

AGENDA
JAMES CITY COUNTY PLANNING COMMISSION
August 7, 2013 – 7:00 p.m.

1. ROLL CALL
2. PUBLIC COMMENT
3. MINUTES
 - A. July 3, 2013 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. Case Nos. Z-0002-2013/SUP-0005-2013. Wellington, Windsor Ridge, Section 4
 - B. Case No. SUP-0011-2013, Veritas Preparatory School
 - C. Review of the Draft Update to the Bicycles Facilities Plan
6. PLANNING DIRECTOR'S REPORT
7. COMMISSION DISCUSSIONS AND REQUESTS
8. ADJOURNMENT

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE THIRD DAY OF JULY, TWO-THOUSAND AND THIRTEEN, 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

Robin Bledsoe

Chris Basic

Tim O'Connor

Mike Maddocks

Rich Krapf

Staff Present:

Paul Holt, Planning Director

Adam R. Kinsman, Deputy County Attorney

Luke Vinciguerra, Planner

Jennifer VanDyke, Planner

Russell Seymour, Economic Development Director

Telly Tucker, Assistant Economic Development Director

Mr. Rich Krapf called the meeting to order at 7:00 p.m.

2. PUBLIC COMMENT

Mr. Rich Krapf opened the public comment. There being no speakers, Mr. Krapf closed the public comment.

3. MINUTES

Mr. Mike Maddocks moved to approve the minutes from the June 5, 2013 meeting.

In a unanimous voice vote, the Commission approved the minutes. (6-0)

Mr. Tim O'Connor moved to approve the minutes from the May 28, 2013 Joint Planning Commission/Board of Supervisors Work Session.

In a unanimous voice vote, the Commission approved the minutes. (6-0)

4. COMMITTEE / COMMISSION REPORTS

A. Development Review Committee

Mr. Chris Basic stated that the Development Review Committee met on June 26, 2013 to discuss the following cases:

C-0029-2013 New Dawn Assisted Living Regional Office

Mr. John Patnode submitted a plan on behalf of New Dawn Assisted Living for a proposed 1347 square foot regional office building which would be accessory to the assisted living center buildings. The application was brought before the DRC for a determination of master

plan consistency. A special use permit would generally be required in the R-8, General Residential district; however, as an accessory use the office building would be permitted under the current SUP. The DRC voted 5-0 to recommend that the proposed office building was consistent with the adopted master plan.

C-0028-2013 New Town Shared Parking

Mr. Larry Salzman of New Town Associates, submitted an update on the shared parking at New Town. The last update was made on November 30, 2011. The DRC has chosen to review the update on a bi-annual basis rather than quarterly. Mr. Salzman requested that the DRC accept the latest report which indicates a shortage of 55 spaces at the 2 p.m. hour and a surplus of 284 spaces at the 8 p.m. hour and that the DRC approve the implementation of time limited parking spaces, primarily along Main Street, which was recommended by the New Town Commercial Owner's Association. The time limited parking is intended to be flexible and can change over time based on owner/tenant feedback and would involve a variety of time limits in selected areas ranging between 30 minutes to 4 hours. Enforcement of the time limited parking would be done by New Town Associates. The Williamsburg Area Transit Authority also presented ridership statistics for New Town and other James City County routes. The DRC voted 5-0 to recommended approval of the shared parking update and implementation of time limited parking within selected areas within the Town Center. The next shared parking review will be January 8, 2014.

C-0031-2013 Lightfoot Marketplace

A conceptual plan was submitted by Guernsey Tingle Architects on behalf of VistaCorp Realty to solicit feedback, on the proposed redevelopment of the Williamsburg Outlet Mall property at the corner of Centerville Rd. and Richmond Rd. The proposal is for a retail shopping center with five buildings anchored by a grocery store and a pharmacy and would include dining and smaller retail tenants. The plan included demolition of the 230,000 square foot existing structure and replacing with five buildings totaling 130,000 square feet. The DRC offered feedback regarding a variety of topics including consistent architecture, landscape buffers, traffic improvements and pedestrian flow within the developed area. The applicant was also asked to investigate connectivity to neighboring parcels and include storefront features at the rear of the buildings that face community character corridors.

Mr. George Drummond moved to accept the report.

In a unanimous voice vote, the Commission approved the report. (6-0)

B. Policy Committee

Ms. Robin Bledsoe stated that the Policy Committee met on June 12, 2013 to review Case Nos. ZO-0005-2013/SO-0001-2013, Ordinances to amend JCC Code, Chapter 24, Zoning and Chapter 19, Subdivisions with an emphasis on reviewing in detail the proposed changes for the M-2 General Industrial District. Ms. Bledsoe stated that reports were provided to the

Committee by Planning and Economic Development staff on the value and limited availability of M-2 land. Ms. Bledsoe further stated that details were also provided on the origin of the formatting errors prompting many of the changes.

Ms. Bledsoe stated that following the staff reports, the Committee discussed individual changes to the ordinance and made recommendations to staff.

Ms. Bledsoe stated that at the conclusion of the discussion, public comment was requested. Representatives of Peninsula Pentecostals, Inc. and GreenMount Associates, LLC spoke. Both speakers made the argument that proposed changes to the M-2 district would prevent the Church from pursuing by-right development. In addition, representatives of the Church questioned the timing of the changes. Ms. Bledsoe stated that in response, County staff reiterated that the changes were made to correct formatting errors and that the appropriate public notice had been provided to the community regarding those changes consistently as it had throughout the entire 18-month zoning ordinance review process.

Ms. Bledsoe stated that after a lengthy discussion, it was concluded that the Policy Committee was not the appropriate venue to remedy the issues presented by the Peninsula Pentecostals, Inc.

Ms. Bledsoe further stated that based on the staff presentations and because the Policy Committee is charged with making decisions regarding the best possible use of County land, the Committee voted unanimously to recommend approval of the ordinance amendments.

Mr. Basic moved to accept the report.

In a unanimous voice vote, the Commission approved the report. (6-0)

C. Regional Issues Committee

Mr. Maddocks stated that there was no Regional Issues Committee meeting in June and, therefore, no report.

5. PUBLIC HEARING CASES

A. Case Nos. Z-0002-2013/SUP-0005-2013. Wellington, Windsor Ridge, Section 4.

Mr. Chris Johnson, Principal Planner, stated that on November 27, 2012, the James City County Board of Supervisors adopted an initiating resolution for a rezoning of the 15 acre tract of property located at 225 Meadowcrest Trail to allow the contract purchaser, Ryan Homes, to develop the site as a part of the single-family development known as Windsor Ridge. By agreement between the contract purchaser and the Wellington Homeowners Association, Windsor Ridge, Section 4 will likely become a part of the Wellington HOA.

Mr. Johnson stated that staff recommends that this project be deferred until the August 7, 2013 Planning Commission meeting in order to allow time for additional discussions between staff and the contract purchaser on the proffers for the proposed development.

Mr. Krapf inquired if the applicant is in agreement with the recommendation to defer the case.

Mr. Johnson confirmed.

Mr. Krapf opened the public hearing.

As no one wished to speak, Mr. Krapf continued the public hearing to the August 7 Planning Commission meeting.

B. Case No. SUP-0008-2013. Flea Market, 9299 Richmond Road.

Ms. Jennifer VanDyke, Planner, stated that Mr. John Filichko has applied for a special use permit to allow for the operation of a seasonal flea market at 9299 Richmond Road. Ms. VanDyke noted that seasonal and temporary flea markets are a specially permitted use in the A-1 General Agricultural District. Ms. VanDyke further noted that the property is designated as Rural Lands on the 2009 Comprehensive Plan and is located within a Community Character Corridor.

Ms. VanDyke stated that the proposed flea market would operate May 1 through October 31 and December 15 through December 24, Friday through Sunday, 8 a.m. to 5 p.m. Ms. VanDyke further stated that approximately 0.2 acres of the five acre property would be used for operation of the proposed seasonal flea market. Merchandise display would be restricted to one existing building and an existing patio. Parking would be restricted to the existing parking lot.

Ms. VanDyke noted that the other structures on the property are apartments. The tenants of those apartments have been notified of the proposed flea market and have not expressed any concerns.

Ms. VanDyke stated that prior to August 2011 the building associated with the proposed flea market was operating as Patsy's Diner. While operating as Patsy's Diner, the Virginia Department of Health had issued multiple notices of violation due to septic system failure. The restaurant relocated, the building became dormant and septic system improvements were not addressed until April 2013. The Health Department has since issued a Temporary Pump and Haul permit with an expiration date of May 31, 2014 at which time the applicant must verify that the sewage septic system has been fully repaired or replaced, or vacate the building. Ms. VanDyke noted that due to the seasonal nature of the proposed flea market and restriction to Friday through Sunday operation, the sewage disposal system should not be impacted in a significant manner. Additionally, the applicant will be required to provide verification of a valid operation permit issued by the Health Department on an annual basis.

Ms. VanDyke stated that the proposed use is consistent with the surrounding zoning and development and compatible with the 2009 Comprehensive Plan. Ms. VanDyke stated that staff recommends the Planning Commission recommend approval of this application to the Board of Supervisors with the conditions noted in the Staff Report.

Mr. Krapf opened the floor to questions.

Mr. Drummond inquired whether he would need to abstain from voting on this case. Mr. Drummond noted that he and the applicant have served together on the Community Action Agency Board of Directors for the past 20 years. Mr. Drummond stated that he has not discussed this proposal with the applicant.

Mr. Kinsman stated that there is no conflict of interest.

Mr. Krapf opened the public hearing.

Mr. John Filichko stated his purpose in establishing the flea market, in addition to covering his expenses on the property, is to create employment opportunities and to provide a type of business needed in the community. Mr. Filichko further stated that he understands and will abide by the conditions recommended by staff.

As no one else wished to speak, Mr. Krapf closed the public hearing.

Mr. Krapf opened the floor to discussion by the Commissioners.

Mr. Maddocks moved to approve the application with the conditions listed in the Staff Report.

On a roll call vote the Planning Commission voted to recommend approval of the application with the conditions listed in the staff report. (6-0)

C. Case No. SUP-0010-2013. Jolly Pond Road Convenience Center SUP Amendment.

Mr. Luke Vinciguerra stated that Mr. Shawn Gordon, on behalf of General Services, has applied for an amendment to the existing Special Use Permit (SUP) for the Jolly Pond Road Convenience Center located at 1204 Jolly Pond Road to permit the installation of drainage improvements, landscaping, fencing, a debris pad and retaining walls. Mr. Vinciguerra noted that sanitary landfills are a specially permitted use in the Public Lands district. The SUP conditions for this portion of the Convenience Center require a 100-foot wide undisturbed buffer along the exterior property line where it adjoins property which is not owned by James City County. This amendment would permit the proposed improvements and reduce the minimum buffer requirement to 25 feet. The remainder of the property would still have the 100-foot buffer requirement.

Mr. Vinciguerra stated that staff finds this proposal to be consistent with surrounding development and compatible with the 2009 Comprehensive Plan. Mr. Vinciguerra stated that

staff recommends the Planning Commission recommend approval of the application to the Board of Supervisors with the conditions listed in the Staff Report.

Mr. Krapf opened the floor for questions.

The Commissioners had no questions for staff or the applicant.

Mr. Krapf opened the public hearing.

As no one wished to speak, Mr. Krapf closed the public hearing.

Mr. Krapf opened the floor to discussion by the Commissioners.

Mr. Drummond moved to recommend approval of the application with the conditions listed in the staff report.

On a roll call vote the Planning Commission voted to recommend approval of the application with the conditions listed in the staff report. (6-0)

D. Case Nos. ZO-0005-2013/SO-0001-2013. Ordinances to amend JCC Code, Chapter 24, Zoning and Chapter 19, Subdivisions.

Mr. Paul Holt, Planning Director, stated that the cases were previously brought before the Commission at its June 5, 2013 meeting and had previously been reviewed by the Policy Committee at its May 31, 2013 meeting. Mr. Holt further stated that the Commission requested these items be deferred to the July 3, 2013 meeting and that the Policy Committee review the proposed amendments again.

Mr. Holt noted that the Policy Committee met on June 12, 2013 to review the amendments and provide further recommendations. Mr. Holt stated that the Policy Committee recommended approval of the proposed amendments.

Mr. Holt stated that it is important to note the matter before the Commission is not a specific development application such as a rezoning or special use permit. Mr. Holt noted that while property owner notifications letters are required for rezonings and special use permits, there is no process or provision under state code requiring such for proposed ordinance amendments.

Mr. Holt stated that over the last 18 months there has been a comprehensive set of revisions to the entire Zoning Ordinance and the public advertisement process has remained consistent with the public and transparent advertising process used with the latest set of revisions.

Mr. Holt stated that the amendments being considered are a set of recommended revisions which include fixing typographical errors, updating cross-references and other changes designed to improve the clarity and consistency of the ordinance as a whole.

Mr. Holt further stated that in all the revisions accomplished over the 18-month update process, there was single, larger set of formatting errors and inadvertent omissions made when the entire Use List for the M-2 district was converted to the currently adopted table format. Mr. Holt stated that the changes are not specific to any single use; rather it includes putting back in the ordinance approximately 22 uses that were inadvertently deleted. Several of those uses, including breweries and asphalt plants affect current businesses in the County. Mr. Holt stated that as part of that same formatting issue, approximately 40 non-industrial uses had been inadvertently added to the M-2 district that prior to January 2012 have historically never been part of the M-2 district, including places of public assembly, as either a by-right use or a specially permitted use. Mr. Holt stated that the proposed revisions to the M-2 district would be more consistent with the allowable uses that have historically always been in place.

Mr. Holt stated that after reviewing the statement of intent for the M-2 district, the Policy Committee concurred with the proposed amendments, recognizing that the amendments applied to the entirety of properties in the M-2 district.

Mr. Holt stated that Mr. Chris Johnson would provide the Commission with an overview of the proposed changes and that Mr. Russell Seymour, Director of Economic Development, and Mr. Telly Tucker, Assistant Director of Economic Development would discuss the economic importance of the M-2 district.

Mr. Johnson stated that in June of 2008 staff began the process of updating the LB, Limited Business; B-1, General Business; M-1, Limited Business/Industrial; and M-2, General Industrial districts to increase predictability, consistency and flexibility in the development review process. This series of amendments to the commercial and industrial districts adopted by the Board of Supervisors was an important aspect of implementing the Business Climate Task Force recommendations which had been accepted by the Board in 2008.

Mr. Johnson stated that following the adoption of the 2009 Comprehensive Plan the Board initiated a significant component of the Comprehensive Plan implementation process in May of 2010 by adopting a methodology for a comprehensive Zoning and Subdivision Ordinance update. Mr. Johnson stated that over 30 districts and policies were updated in groups at staggered times over the 18 month process. Now that the fully revised ordinance has been in daily use for some time, a number of consistency and clarity issues have been identified and amendments have been proposed to remedy these inconsistencies.

Mr. Johnson stated that in the LB, Limited Business, B-1, General Business, and M-1, Limited Business/Industrial district's, a small number of uses are proposed to be renamed, moved or added to correct formatting errors and omissions inadvertently made when the use lists were converted into the currently adopted use tables. The recommended changes to the M-2, General Industrial district propose a broader list of revisions that correct formatting errors and inadvertent omissions of industrial uses and removes many retail oriented uses that do not represent the highest and best use of the most intense industrially zoned land in the County.

Mr. Johnson stated that following deferral of the Zoning and Subdivision Ordinance amendments at the June 5, 2013 Planning Commission meeting, staff reviewed the proposed use lists at the June 12, 2013 Policy Committee meeting, including an intensive review of the proposed use list for the M-2 district. Mr. Johnson stated that in addition to the revisions proposed by staff, the Committee recommended two small additional changes: (1) deleting Libraries as a permitted use and (2) renaming Medical clinics or offices, including emergency care and first aid centers by adding the words “as an accessory use to other permitted uses.”

Mr. Johnson stated that the Policy Committee recommended approval of the amendments proposed by staff with these two changes.

Mr. Johnson stated that staff recommends that the Planning Commission recommend approval of the amendments to the Zoning and Subdivision ordinances to the Board of Supervisors.

Mr. Russell Seymour stated that the Office of Economic Development had been asked to provide input on the impact of the M-1 and M-2 districts on the County as a whole. Mr. Seymour stated that it was important to consider the number and scope of current and recent economic development projects and incentive programs available such as the enterprise zone. Mr. Seymour stated that over the past two years the County has taken acreage out of the enterprise zone that was located within wetlands, waterways or otherwise undevelopable land and reallocated that acreage predominately into the County’s existing industrial and/or business parks.

Mr. Seymour stated that the jobs and tax revenue generated in the M-1 and M-2 districts are extremely important to the County. Mr. Seymour noted that the jobs created in those districts tend to have higher salaries and are the types of jobs that would be supported by the local workforce. Mr. Seymour further noted that the taxes, such as machinery and tool taxes, generated in the M-1 and M-2 districts provide a significant portion of the County’s revenue.

Mr. Seymour stated that of all of the projects dealt with by Economic Development in 2011 roughly 75% would be classified as industrial. In 2012 that percentage increased to 77%. Mr. Seymour further stated that between 2011 and 2012 there was a 40% increase in the number of new projects coming to James City County. For the first six months of 2013 the number of new industrial projects is 64%.

Mr. Seymour noted that between the M-1 and M-2 districts there is not a tremendous amount of acreage available. Mr. Seymour stated that since 2012 five new projects had been announced for the M-2 district; four involved new construction; three were new businesses coming to the County or new site work.

Mr. Seymour stated that there are roughly 1,038 acres that are actively being marketed in the M-2 district. Mr. Seymour further stated that 620 acres of that land belong to BASF. Mr. Seymour stated although several potential businesses have shown interest in the site, the property owners are focused on marketing the site as one parcel. Mr. Seymour explained that it’s difficult in today’s economy to find someone willing to purchase a 620 acre parcel. Mr.

Seymour stated that when you take away BASF's 620 acres and the recent removal of another 14 acres, there are roughly only 400 acres remaining in the County that are zoned M-2.

Mr. Seymour stated that it is important to also consider the diverse businesses currently located in the M-2 district such as the Wal-Mart and Haynes distribution centers, Ball Metal, the Anheuser-Busch/InBev Brewery, Smithfield Specialty Foods, Owens-Illinois Glass, and Creative Cabinet Works. Mr. Seymour noted that several of the businesses had been in the County for over forty years and all are of great importance to the County's economy.

Mr. Telly Tucker stated that between the years of 2000 and 2010, 12 industrial projects on M-2 land participated in the Enterprise Zone program providing capital investments of more than \$131 million to the County. Mr. Tucker stated that each of the businesses has a five year eligibility window for the incentive which generated \$7 million in tax revenue for the County. Mr. Tucker also noted that all 12 of these projects, with the exception of one, remain in business in the County and continue to provide tax revenue.

Mr. Tucker stated that the Office of Economic Development constantly looks at the availability of industrial land and analyses the features prospects request to determine what product would meet their needs.

Mr. Tucker stated that in 2012 the mean acreage prospects were requesting was 150 acres; in 2013 that number has dropped to 44 acres. Mr. Tucker stated that the median acreage for 2012 was 58 acres and 16 acres in 2013. Mr. Tucker explained that both types of calculations were made in order to discount the few outliers that were looking for very large pieces of property to provide a more realistic figure for the amount of land being requested. Mr. Tucker also stated that in 2012 the mean building square footage for existing buildings was 37,000 square feet, and the median was 18,750 square feet; in 2013 the mean was 23,250 square feet, and the median was 9,000 square feet.

Mr. Krapf opened the floor to questions from the Commissioners.

Mr. Maddocks inquired how many land owners were represented with the 1,038 acres remaining in the M-2 district.

Mr. Seymour responded that the BASF site of 620 acres represented one property owner and that there were two additional large sites representing one primary property owner. Mr. Seymour stated that staff would pull data regarding the number of other property owners.

Mr. Basic inquired if it was reasonably certain that the proposed revisions to the M-2 district would not create new non-conforming uses.

Mr. Johnson confirmed that no new non-conforming uses would be created.

Mr. O'Connor noted that the Policy Committee had discussed removing the word "all" from the use "Processing, assembly and manufacture of light industrial products or components,

with all storage, processing, assembly and manufacture conducted indoors or under cover with no dust, noise, odor or other objectionable effect.”

Mr. Johnson confirmed and noted that the change would be made prior to Board consideration in August.

Mr. Krapf inquired if there were any current land use applications for any of the properties in the zoning districts under review.

Mr. Johnson stated that there were no legislative cases pending, nor any administrative cases. Mr. Johnson noted that there was only one conceptual plan that he was aware of under review. Mr. Johnson noted that conceptual plans are submitted to receive preliminary comments from reviewing agencies in anticipation of a formal submission of a site plan, subdivision, or legislative case at a later date.

Mr. Krapf stated that the public hearing from the June 5, 2013 Planning Commission meeting was still open. Mr. Krapf opened the floor to speakers.

Timothy Trant, Kaufman & Canoles, PC. stated that he represented the Peninsula Pentecostals, Inc. which intends to establish a church campus in the County. Mr. Trant noted that the property under consideration is designated mixed use by the 2009 Comprehensive Plan. Mr. Trant stated that in the process of the Church potentially purchasing the property, there had been a meeting with County Planning staff to discuss and receive feedback on the main proposal for the church campus and day care. At the same time ideas were discussed for the remainder of the property which would be compatible with the Comprehensive Plan and what would be beneficial to the other uses in that area. Mr. Trant stated that staff indicated that the church and day care would be able to proceed by-right under the ordinance but that the broader range of uses would require legislative action and would require further consideration. Mr. Trant stated that staff later responded that the legislative action would not be supported. Mr. Trant stated that based on staff response, the Church began to make a material investment to proceed with the by-right development approach to the property. Mr. Trant noted that at no time was the Church notified that the ordinance change was under consideration and that the by-right option would no longer exist. Mr. Trant stated that if the proposed ordinance changes are approved, the Church will be forced to spend large sums of money to pursue legislative action with an uncertain outcome to move forward with their plans for the property. Mr. Trant stated that he encourage the Commissioners to weigh their decision in light of what is morally right over what is technically correct.

Patrick Gill, Senior Vice President with CB Richard Ellis, stated that he represents the owners of GreenMount Industrial Park/ GreenMount Associates. Mr. Gill further stated that GreenMount Associates opposes amending the Zoning Ordinance because it potentially limits the sale of their remaining 322 acres in GreenMount Industrial Park. Mr. Gill stated that the owners are very interested in completing the transaction with the Peninsula Pentecostal Church and believe that it is a good use for the property. Mr. Gill stated that GreenMount Associates is committed to working with the Church and noted that the site under

consideration was only 40 acres which would leave approximately 288 acres in the Industrial Park still available for M-2 development.

Jared R. Arango, Lead Pastor, Peninsula Pentecostal Church, stated that the congregation has outgrown three locations and seeks to find a location to accommodate and expanded campus as well as the service they wish to provide to the community. Mr. Arango stated that they have been considering the particular parcel in question for at least eight years and have been negotiating the purchase for approximately four years. Mr. Arango requested that the Commission consider giving their proposal for the property grandfathered status so that they could make their vision a reality.

John McSharry, Church Administrator, Peninsula Pentecostal Church, stated that the Peninsula Pentecostal Church is a vibrant congregation and will improve the community through service and the programs it offers. Mr. McSharry further stated that there is no higher and better purpose for any property than a church.

David Green, 206 Carters Neck Road, Williamsburg, VA, stated that the Church would have a positive impact on the Grove community and on the County as a whole through service and by drawing people to the County. Mr. Green further stated that he requested that the Commission not deny them the opportunity to construct their church campus and be a benefit to the County.

Shandra Dunn, 4600 Prince Trevor Drive, Williamsburg, VA, stated that as a sixth-grade teacher, she has had the opportunity to work with students from the Grove area. Ms. Dunn stated that the parents want more for their children and that the Church will be able to provide needed services to the Grove community. Ms. Dunn stated that the tract of land they need is small but the impact the Church would have on the community is huge.

Douglas E. Beck, 9941 Swallow Ridge, Williamsburg, VA, stated that the Peninsula Pentecostal Church provides a wide range of family oriented activities and that the Church is what encouraged him to move to and work in the Hampton Roads area.

As no one else wished to speak, Mr. Krapf closed the public hearing.

Mr. Krapf noted that this agenda item encompassed two separate cases and that each should be addressed by a separate motion.

Mr. Krapf opened the floor to discussion by the Commissioners.

Mr. Drummond stated that the value of what the Church would bring to the Grove Community would outweigh the loss of tax revenue. Mr. Drummond suggested that perhaps a compromise could be made in the amount acreage used.

Mr. Krapf stated that it was obvious that the Peninsula Pentecostal Church has concerns about how the matter was handled. Mr. Krapf further stated that the Planning Commission is not a body that should arbitrate or adjudicate a grievance between staff and the citizenry. Mr. Krapf

further stated that although it is apparent that the Church does good works and has provided compelling testimony, they do not have a case before the Commission. The case before the Planning Commission is to consider the ordinance amendments. Mr. Krapf stated that the role of the Planning Commission is to determine whether the M-2 Use List is consistent with the statement of intent for the district.

Mr. Krapf inquired whether the Church would have recourse to address their concerns through other avenues.

Mr. Kinsman stated that the Planning Commission is charged with making land use decisions based upon an application formally submitted. Mr. Kinsman stated that the application before the Commission is to consider certain changes to the Zoning and Subdivision ordinances which include changes to the M-2 district as a whole. Mr. Kinsman further stated that whether or not a particular group, individual or entity would be exempt from would be exempted from application of those changes is not a land use decision but rather a policy decision to be made by the Board of Supervisors. Mr. Kinsman noted that if the Commission chooses to recommend approval of the ordinance changes they would not be violating any state or federal law.

Mr. Basic inquired whether the Commission could request that the Board grant a modification.

Ms. Bledsoe stated that she has full confidence in the Planning Division staff; however, she is surprised that the obvious errors in the ordinance were not caught during the two meetings with the Peninsula Pentecostal Church.

Ms. Bledsoe noted, in interest of disclosure, that she had spoken with Mr. Trant numerous times regarding the matter.

Ms. Bledsoe further stated that she did not believe “grandfathering” the Church’s proposal was the right solution and was concerned that it would set a precedent for other plans that the County that have not yet come forward.

Ms. Bledsoe moved that ZO-0005-2013 and SO-0001-2013 be approved with the addition of “Places of public assembly” as a by-right use in the M-2 district.

Mr. Krapf stated that Ms. Bledsoe’s motion would be called for vote after the remainder of the discussion.

Mr. Maddocks inquired if “Places of Public Assembly” meant church.

Mr. Krapf stated that churches among other facilities are included in the definition of “Places of Public Assembly.”

Mr. Maddocks asked Mr. Trant to confirm the amount of acreage of the parcels the Church wishes to purchase.

Mr. Trant stated that the total is approximately 40 acres for all three parcels. Mr. Trant further stated that the amount of property to be used for actual construction of the church and day care facility is substantially less at approximately 25 acres.

Mr. Maddocks inquired how the remaining 15 acres would be used.

Mr. Trant stated that the remaining acreage would be held and marketed for future development.

Mr. Maddocks inquired if the remaining acreage would be developed in accord with the requirements of M-2 revisions.

Mr. Trant confirmed, but noted that it was always possible that a developer might apply for a rezoning for a use consistent with the Comprehensive Plan designation of Mixed Use.

Mr. O'Connor requested confirmation that the forty acres under consideration by the Church was designated Mixed Use on the Comprehensive Plan.

Mr. Holt confirmed and noted that the remainder of M-2 properties are designated General Industrial by the Comprehensive Plan.

Mr. O'Connor stated that the church would be an appropriate use for the parcel based on the other surrounding uses. Mr. O'Connor further stated, however, that Places of public assembly did not seem consistent with the intent of the M-2 district. Mr. O'Connor stated that he would be more supportive of a rezoning application.

Mr. Drummond stated that in considering the impact on the community, uses such as Places of public assembly would have a more favorable impact than other permitted uses.

Mr. Krapf stated that the statement of intent for the M-2 district states that "The primary purpose of the General Industrial district, M-2, is to establish an area where the principal use of land is for industrial operations which are not compatible with residential or commercial service establishments." Mr. Krapf stated that places of public assembly are not consistent with the statement of intent and the other uses allowed within the district. Mr. Krapf further stated that it would set a bad precedent to insert an incompatible use for the purpose of assuaging a perceived grievance. Mr. Krapf stated that could not support the current motion; however, he would be inclined to support a rezoning application if brought before the Commission.

Mr. Krapf noted that the first motion to be called would be for ZO-0005-2013.

Mr. Holt stated that the motion on the floor is to approve Case No. ZO-0005-2013 as modified with "Places of public assembly" as a permitted use and the word "all" being removed from the use "Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors or under cover with no dust, noise, odor or other objectionable effect."

Mr. Basic recommended that “Places of public assembly” be a specially permitted use so that a determination could be made on a case by case basis whether the proposed project is compatible with the surrounding uses and adjacent zoning districts.

Mr. Krapf stated that the motion could be modified if Ms. Bledsoe concurred.

Ms. Bledsoe concurred with the recommended modification.

Mr. Maddocks asked Mr. Trant for his opinion on the motion.

Mr. Trant stated that requiring a special use permit would be no different than going through the rezoning process.

Mr. Maddocks stated that he would support the first motion.

Ms. Bledsoe stated that she would prefer to keep the original motion.

Mr. Krapf stated that the motion before the Commission is to approve Case No. ZO-0005-2013 as modified with “Places of public assembly” as a permitted use and the word “all” being removed from the use “Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors or under cover with no dust, noise, odor or other objectionable effect.”

On a roll call vote the Planning Commission voted to recommend approval of the ordinance amendments with the modifications as noted. (4-2)

Mr. Maddocks moved to recommend approval of SO-0001-2013.

On a roll call vote the Planning Commission voted to recommend approval of the ordinance amendments with the modifications as noted. (6-0)

7. PLANNING DIRECTOR’S REPORT

Mr. Holt stated that he had nothing to add to the printed report that had been provided.

8. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Maddocks noted that he would be the Planning Commission liaison to the Board of Supervisors for July.

9. ADJOURNMENT

Mr. Basic moved to adjourn the meeting.

The meeting was adjourned at 8:50 p.m.

Richard Krapf, Vice Chairman

Paul D. Holt, III, Secretary

**REZONING-0002-2013/SPECIAL USE PERMIT-0005-2013, Wellington, Windsor Ridge, Section 4
Staff Report for the August 7, 2013 Planning Commission Public Hearing**

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

PUBLIC HEARINGS

Building F Board Room; County Government Complex

Planning Commission: July 3, 2013 (staff deferral) 7:00 p.m.
August 7, 2013 7:00 p.m.
Board of Supervisors: September 10, 2013 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant: James City County
Land Owner: James City County (NVR, Inc., Ryan Homes – contract purchaser)
Proposal: Rezone the property to allow for up to 28 single-family lots at a gross density of 1.87 dwelling units per acre
Location: 225 Meadowcrest Trail
Tax Map/Parcel: 1330100016
Parcel Size: ± 15.00 acres
Existing Zoning: PL, Public Lands
Proposed Zoning: R-1, Limited Residential, with proffers
Comprehensive Plan: Low Density Residential
Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds the proposal to be consistent with surrounding zoning and development and consistent with the Zoning Ordinance and 2009 Comprehensive Plan. Staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors and acceptance of the voluntary proffers.

Staff Contact: Christopher Johnson, Principal Planner Phone: 253-6690

Proffers: Proffers have been submitted in accordance with the James City County Proffer Policy.

The cash proffer summary listed below represents the monetary values typically associated with proffers submitted with rezoning applications and has been included for comparative and illustrative purposes. The all-inclusive sales price for the property has been previously negotiated; therefore, there are no cash proffers associated with this rezoning application. The proffers (Attachment 2) include a condition which requires adherence to the Board adopted Housing Opportunities Policy.

Cash Proffer Summary	
Use	Amount
Water	\$ 1,342.00 per dwelling unit
Recreation	\$ 71.49 per dwelling unit for fields \$ 391.97 per dwelling unit for trails
School Facilities	\$18,929.19 per dwelling unit
Library Facilities	\$61.00 per dwelling unit
Fire/EMS Facilities	\$71.00 per dwelling unit
Total Amount per Unit (in 2013 dollars)	\$20,866.65 per dwelling unit
Total Amount (in 2013 dollars)*	\$546,706.23 total

**Note: the six proffered affordable/workforce dwelling units (two in each of the three targeted Area Median Income ranges) reduce the total calculation of cash proffers in accordance with the adopted Housing Opportunities Policy.*

Project History:

The R-1, Limited Residential zoning for the Wellington subdivision was enacted as part of James City County Case No. Z-20-86 and proffers associated with the application have been fully satisfied. The County was given the property as part of the Wellington development agreement in March 2000 and it has remained undeveloped since that time. On November 27, 2012, the James City County Board of Supervisors adopted an Initializing Resolution calling for the rezoning of the 15-acre property adjacent to the Wellington subdivision (Attachment 8). Representatives from the contract purchaser, NVR, Inc., Ryan Homes, have indicated a desire to purchase the property and to develop it as part of the single-family development known as Windsor Ridge. County staff has held initial discussions with the Board of Directors of the Wellington Homeowners Association (HOA) and the HOA has indicated its support for amending the Wellington covenants, conditions and restrictions to incorporate the proposed development. It is anticipated that the development on the property would be incorporated as part of the HOA following Board approval of the rezoning and subsequent approval of the Wellington residents (Proffer No. 6).

Project Description:

The intent of the rezoning and special use permit applications is to take the currently undeveloped County owned 15-acre property and permit the development of twenty-eight (28) single-family lots compatible with the surrounding development within Windsor Ridge and Wellington subject to the master plan and proffers. The proposed gross density of the development would be 1.87 dwelling units per acre. The property is located at 225 Meadowcrest Trail and abuts additional R-1, Limited Residential, and R-8, Rural Residential, properties. The property is adjacent to the Mirror Lakes subdivision as well. A special use permit is required to achieve a density greater than one unit per acre, but less than two units per acre. To achieve this density, the contract purchaser has agreed to provisions within Section 24-549 of the Residential Cluster Development density standards to provide two bonus points: one for achieving green building certification using EarthCraft, LEED or an equivalent program for all 28 dwelling units and one point for the provision of pedestrian accommodations on both sides of all internal roadways within the property.

PUBLIC IMPACTS

Archaeology:

A Phase I archaeological study was conducted prior to the development of the Wellington subdivision. As no potentially eligible archaeological sites were identified during this study, and the property is not in an area identified as highly sensitive in the *Preserving Our Hidden Heritage* Archaeological Assessment of James City County, the applicant will not be required to conduct any further archaeological studies for the property.

Natural Resources:

In queries submitted to the Virginia Department of Game and Inland Fisheries requesting a list of sensitive species known to occur in the area, two federally listed species were confirmed: the bald eagle and the small whorled pogonia. No evidence of bald eagle activity has been documented on the property, and the generally open characteristics of the site would not usually be considered suitable habitat for the small whorled pogonia. As a result, a natural resources inventory, consistent with the County's adopted Natural Resources Policy, was not determined to be necessary for the project as the property is not located in close proximity to any suitable habitats for natural resources, including rare, threatened, and endangered species or rare and exemplary natural communities.

Engineering and Resource Protection:

Watershed: Ware Creek

Staff Comments: Prior to final approval of the plan of development associated with the proposed development, it must be effectively demonstrated that all surrounding stormwater conveyance systems and management measures are capable of conveying, controlling, and providing the appropriate level of water quality for the proposed impervious areas and additional runoff. An assessment of the downstream BMP's and stormwater conveyance system will be required to ensure that all information is based on existing conditions and not what has been previously approved.

Public Utilities:

The property is served by public water and sewer. The contract purchaser may be required to submit an analysis of existing gravity sewer lines, pump station and force mains impacted by the proposed development that proves that there is sufficient capacity to accept the flow based on Regional Design Guidelines or what upgrades would be required to provide adequate capacity. Any required upgrades shall be made as part of the development plans for the project.

Proffers:

Water Conservation. Standards will be reviewed and approved by the James City Service Authority (JCSA). The standards shall address such water conservation measures as limitations on the installation and use of approved landscaping design and materials to promote water conservation and minimize the use of public water resources. Because the standards refer to landscaping, irrigation and plant materials, the JCSA shall approve the standards prior to final development plan or subdivision plat approval.

Transportation:

DRW Consultants prepared a traffic assessment for this project. Previous traffic studies such as those associated with the 2008 Candle Factory and Stonehouse rezoning applications included traffic forecasts for 2015 which accounted for development of the remaining area within Wellington. Windsor Ridge, Section 4 would have access to Rochambeau Drive to the north via Ashington Way

and to Croaker Road to the southeast via Point O Woods Drive, Rose Lane, and Meadowcrest Trail.

2007 County Traffic Counts: Croaker Road, a two-lane road which is slated to be expended to four-lanes in the future, recorded 9,275 vehicle trips per day and Rochambeau Drive recorded 7,600 vehicle trips per day.

2035 Daily Traffic Volume Projected (from 2009 Comprehensive Plan): On Rochambeau Drive, for the segment between Anderson's Corner and Croaker Road, 29,293 average annual daily vehicle trips (AADT) are projected. On Croaker Road between Rochambeau Drive and Richmond Road, 28,584 AADT are projected. The recommended improvements to upgrade Rochambeau Drive to a four-lane road has been proffered by the Stonehouse development. The Comprehensive Plan specifically addresses Croaker Road and notes that the section extending from Richmond Road to Rose Lane is projected to warrant road widening by 2035 based on future traffic projections. The Croaker Road widening project is partially funded and is listed as the County's second priority on its Secondary Six Year Plan.

Staff Comments: The DRW Consultants report projects 10 a.m. peak hour vehicle trips, 11 p.m. peak hour vehicle trips and 108 vehicle trips per day at full build-out of the Windsor Ridge, Section 4 development. Windsor Ridge produces less than a 1% increase in traffic at the Richmond Road/Croaker Road intersection based on 2008 counts and the 2015 forecast. For the p.m. peak hour, which is the highest capacity demand, the Windsor Ridge, Section 4 development increase is about one half of one percent over 2008 counts and one-third of one percent over the 2015 forecast. Staff finds that this level of increase is unlikely to have any discernible effect on traffic operations.

Proffers:

Sidewalks. There shall be sidewalks installed on both sides of the public streets on the property, with sidewalks installed in phases as residential units are constructed. Sidewalks shall be installed prior to issuance of any certificate of occupancy for adjacent dwelling units.

Street Design. Streets within the property shall be constructed with curb and gutter in accordance with VDOT design standards.

Streetscape Guidelines. The contract purchaser shall prepare and install streetscape improvements in accordance with the applicable provisions of the County's Streetscape Guidelines Policy, or with the permission of VDOT, the plantings may be installed within the adjacent VDOT right-of-way.

VDOT Comments: The proposed development will be subject to the requirements of the Secondary Street Acceptance Requirements (SSAR) of the Virginia Administrative Code as it relates to pedestrian accommodations, utility installation, and the proposed streets must be designed per the VDOT Road Design Manual, Appendix B(1). VDOT concurred that the project would be a minor traffic generator and have little or no impact on the operation of either Croaker Road or Rochambeau Drive. As a result, no improvements are recommended for ether roadway as a result of the proposed development.

Fiscal:

A fiscal impact analysis was prepared and submitted by Ted Figura for the proposed development using the County's standard worksheet and assumptions adopted by the Board of Supervisors in June 2012 (Attachment 4). The worksheet indicates that the project will be fiscally negative with a fiscal

impact of negative \$21,449 at build out.

Staff Comments: The County typically expects purely residential developments to be fiscally negative (with only one or two examples to the contrary). The fiscal impact analysis submitted with the application did not indicate that any of the 28 proposed dwelling units would be offered at either affordable or workforce housing price ranges. With six dwelling units proffered to be offered at different price ranges in accordance with the adopted Housing Opportunities Policy, staff prepared a revised fiscal impact analysis worksheet (Attachment 5) which incorporated the six affordable and workforce dwelling units. The net result was that the overall fiscal impact was slightly more negative (\$29,107 versus \$21,449) than originally estimated.

Housing:

Sample architectural elevations provided to staff for five styles of single-family dwellings typical for this proposed development range in size from 2,265 square feet to 3,959 square feet in size and between three to six bedrooms and two to six baths. Eleven of the dwellings (Lots 1, 12-13, and 21-28) are identified in the proffers as "Transition Lots" bordering existing residential development within Wellington and Windsor Ridge. The eleven lots are proffered to contain a specified set of design criteria (Proffer No. 7) in an effort to establish a measure of consistency between the lots bordering existing lots in Wellington and Windsor Ridge. These same criteria were established by the contract purchaser when developing earlier sections of Windsor Ridge that border lots in Wellington.

Proffers:

Green Building. Written evidence or documentation which establishes that the development of the property has obtained EarthCraft and/or Energy Star Single Family Certification, or an equivalent certification, shall be provided to the Planning Director within one month of a Certificate of Occupancy, or such other time as is agreed upon in writing in advance by the Planning Director.

Housing Opportunities. Development of the property shall be done in a manner consistent with criteria established by the Housing Opportunities Policy adopted by the Board of Supervisors on November 27, 2012 to promote affordable and workforce housing opportunities at different price ranges to achieve the greater housing diversity goal described in the 2009 Comprehensive Plan.

Public Facilities:

The project is located within the Stonehouse Elementary School, Toano Middle School and Warhill High School districts. Per the adequate public school facilities test adopted by the Board of Supervisors, all rezoning or special use permit applications should meet the test for adequate public school facilities. The test adopted by the Board uses design capacity of a school, while the Williamsburg – James City County schools recognize effective capacity as the means of determining student capacities. As shown in the following table, all three schools are projected to have sufficient capacity.

School	Enrollment (2012-2013)	Projected Students Generated by Proposal	Enrollment plus Projected Students	Effective Capacity
Stonehouse E.S.	665	3	668	765
Toano M.S.	693	3	696	790
Warhill H.S.	1,109	5	1,114	1,441

**Note – The W-JCC School System no longer lists or uses design capacity in its documents.*

COMPREHENSIVE PLAN

The property is designated as Low Density Residential on the 2009 Comprehensive Plan Land Use Map. Low Density Residential areas should be in the Primary Service Area where public services and utilities exist or are expected to be expanded to serve the site over the next 20 years. Low Density Residential areas have natural characteristics such as terrain and soils suitable for residential development.

Low Density Residential areas contain gross densities of up to one unit per acre, depending on the character and density of surrounding development, the physical attributes of the property, buffers, the number of dwelling units proposed, and the degree to which the development is consistent with the Comprehensive Plan. Proposed developments which contain a gross density from one unit per acre up to four units per acre may be permitted if particular public benefits are provided. Examples of such public benefits include mixed cost housing, affordable and workforce housing, enhanced environmental protection, or development that adheres to the principles of open space design.

RECOMMENDATION

Staff finds the proposal to be consistent with surrounding zoning and development and consistent with the Zoning Ordinance and 2009 Comprehensive Plan. Staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors with the following conditions and acceptance of the voluntary proffers.

1. **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 a land disturbing permit for the project.
2. **Landscape Buffer.** The applicant shall submit a landscape plan along with the plan of development which demonstrates that the proposed 20-foot landscape buffer adjacent to residential properties within the Mirror Lakes subdivision will screen the development to the same degree as a 35-foot buffer as determined by the Planning Director.
3. **Severance Clause.** This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Christopher Johnson

ATTACHMENTS:

1. Location Map
2. Proffers
3. DRW Consultants, LLC Traffic Assessment dated April 13, 2013
4. Fiscal Impact Analysis Worksheet and Assumptions, prepared by Ted Figura
5. Fiscal Impact Analysis Worksheet and Assumptions, prepared by Planning Staff
6. Housing Opportunities Policy adopted November 27, 2012
7. Master Plan – Under separate cover
8. Initiating resolution adopted by the Board of Supervisors dated November 27, 2012

Case Nos. Z-0002-2013/SUP-0005-2013

Wellington, Windsor Ridge, Section 4



PROFFERS

THESE PROFFERS are made this ____ day of _____ 2013 by the COUNTY OF JAMES CITY (the "County"), a political subdivision of the Commonwealth of Virginia (together with its successors in title and assigns, the "Owner").

RECITALS

- A. The County is the owner of certain real property located in James City County, Virginia, with an address of 225 Meadowcrest Trail and further identified as Parcel No. 1330100016 on the James City County Real Estate Tax Map (the "Property") containing approximately 15.00 acres being more specifically described on Exhibit A, attached hereto.
- B. The Property is now zoned PL, Public Lands and is designated Low Density Residential on the County's 2009 Comprehensive Plan Land Use Map.
- C. The County has applied to rezone the Property from PL, Public Lands, to R-1, Limited Residential, with proffers.
- C. By resolution dated November 27, 2012, the County's Board of Supervisors initiated rezoning of the Property with any other zoning changes (including, but not limited to a special use permit) necessary to achieve a density on the Property similar to that in the adjacent Windsor Ridge neighborhood.
- D. The County has submitted a master plan entitled "Windsor Ridge, Master Plan for Rezoning and Special Use Permit," prepared by AES Consulting Engineers dated 12/21/12 (the "Master Plan") in accordance with the County Zoning Ordinance.
- E. The Owner desires to offer certain conditions on the development of the Property not generally applicable to land zoned R-1, General Residential.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2303 of the *Code of Virginia*, 1950, as amended, and the County Zoning Ordinance, the Owner together with its successors in title and assigns agrees that it shall meet and comply with the applicable following conditions in developing the Property. If the requested rezoning is not granted by the Board of Supervisors, these proffers shall be null and void.

CONDITIONS

- 1. Density. There shall be no more than twenty-eight (28) dwelling units ("dwelling units") as shown on the Master Plan.
- 2. Master Plan. The Property shall be developed generally as shown on the Master Plan. Development plans may deviate from the Master Plan as provided in Section 24-556 of the Zoning Ordinance.

3. **Water Conservation.** For all residential lots and/or developed parcels on the Property, the County or its successor in title shall be responsible for developing and implementing water conservation standards which shall be submitted to and approved by the James City Service Authority (the "JCSA") and subsequently for enforcing these standards. The standards shall address such water conservation measures as prohibitions on the installation of irrigation systems and irrigation wells, the use of drought resistant native and other adopted low water use landscape materials, the use of warm season turf on lots and common areas in areas with appropriate growing conditions for such turf and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. These standards shall be approved by the JCSA prior to final subdivision or site plan approval.
4. **Green Building.** Written evidence or documentation which establishes that the development of the Property has obtained EarthCraft and/or Energy Star Single Family Certification, or an equivalent certification, shall be provided to the Planning Director within one month of issuance of a Certificate of Occupancy, or such other time as is agreed to in writing in advance by the Planning Director.
5. **Housing Opportunities.** Development of the Property shall be done in a manner consistent with criteria established by the Housing Opportunities Policy adopted by the Board of Supervisors on November 27, 2012 to provide affordable and workforce housing opportunities at different price ranges to achieve the greater housing diversity goal described in the 2009 Comprehensive Plan.
6. **Owners Association.** The County or its successor in title shall join an existing neighborhood association (the "Association") in accordance with Virginia law or organize a separate Association for development within the Property, which all property owners by virtue of their property ownership within the Property shall be members and required to join. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing the Association shall be submitted to and reviewed by the County Attorney for consistency with this Proffer prior to the final subdivision or site plan approval. The Governing Documents shall require that the Association adopt an annual maintenance budget, which shall include a reserve for maintenance of stormwater management BMPs, recreation areas, sidewalks and all other common areas including dedicated open space within the Property under the jurisdiction of the Association and shall require that the Association (i) assess all members for the maintenance of all properties owned or maintained by the Association and (ii) file liens on members' properties for non-payment of such assessments. The Governing Documents shall grant each Association the power to file liens on members' properties for the cost of remedying violations of, or otherwise enforcing, the Governing Documents. The Governing Documents shall authorize the Association to develop, implement, and enforce a water conservation plan as provided herein.
7. **Design Criteria.** The County or its successor in title shall prepare and submit architectural elevations to the Planning Director for review and approval setting forth design criteria and architectural standards for the development of the Property generally consistent with the Supplemental Submittal materials submitted as a part of the rezoning application and on file with the Planning Division and the general intent to establish a measure of consistency between certain

residential lots on the Property (the "Transition Area") with development on adjacent residential properties within the Windsor Ridge and Wellington neighborhoods. Design criteria and architectural elevations shall be approved by the Planning Director prior to final subdivision or site plan approval for any development of the Property. Once approved, the architectural elevations may not be amended without the prior approval of the Planning Director. For the Transition Area, Lots 1, 12-13, and 21-28, as shown on the Master Plan, shall meet the following design criteria:

- a. 1,800 sq. ft. minimum for a ranch (1 or 1.5 story) dwelling;
 - b. 2,300 sq. ft. minimum for a 2-story dwelling;
 - c. Foundations shall be a crawl space or basement and the veneer of the foundation shall be brick or stone on the front elevation, and shall be brick, stone or stamped/colored concrete to match the dwelling color on side and rear elevations;
 - d. Stoops and steps on the front of the home shall be brick or decorative (not cinder block) stone;
 - e. Exterior facades shall be beaded vinyl, brick, stone, cementitious siding, or a combination thereof;
 - f. Driveways, patios, and sidewalks shall be concrete or exposed aggregate concrete;
 - g. Roofing shall be architectural grade shingles;
 - h. Fences installed during new construction shall be no taller than 4.5 feet, not extend beyond the front corner of the dwelling, and of a style currently approved by the Wellington HOA. Fences after new construction shall be approved by the governing ARB;
 - i. Detached structures installed during new construction shall match the main dwelling. After new construction, any additions shall be reviewed by the governing ARB;
 - j. Mailboxes shall be of a style currently approved by the Wellington Estates HOA;
 - k. Water conservation measures shall be adhered to as required by the municipality; and;
 - l. Builder shall install street trees as shown on approved plans. Trees shall be native deciduous and have a minimum caliper of 1-inch at four feet above ground level.
8. **Sidewalks.** There shall be sidewalks installed on both sides of each of the public streets on the Property, which sidewalks may be installed in phases as residential units are constructed. Sidewalks shall be installed prior to issuance of any certificates of occupancy for adjacent dwelling units. The Planning Director shall review and approve sidewalk design prior to final subdivision or site plan approval for any development of the Property.
9. **Street Design.** Streets within the Property shall be constructed with curb and gutter in accordance with Virginia Department of Transportation design standards.
10. **Streetscape Guidelines.** The Owner shall prepare and install streetscape improvements in accordance with the applicable provisions of the County's Streetscape Guidelines Policy or, with

the permission of VDOT, the plantings (meeting County standards for tree size and spacing) may be installed in the adjacent VDOT right-of-way. The streetscape improvements shall be shown on development plans for that portion of the Property and shall be approved by the Planning Director prior to final subdivision or site plan approval for any development of the Property.

- 11. Severability. In the event that any clause, sentence, paragraph, section or subsection of these proffers shall be adjudged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Property or to any governmental agency is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity or any clause, sentence, paragraph, section or subsection or provision herein.

WITNESS the following signatures:

THE COUNTY OF JAMES CITY, VIRGINIA

BY: _____
Robert C. Middaugh, Jr. County Administrator

COMMONWEALTH OF VIRGINIA

County of James City, to-wit:

The foregoing Proffers were acknowledged before me this _____ day of _____, 2013
by Robert C. Middaugh, Jr.

Notary Public

My Commission expires on: _____

Registration No. _____

EXHIBIT A

ALL that certain lot, piece or parcel of land situate, lying and being in James City County, Virginia, more particularly described as "Area of Parcel, 653,400 S.F. \pm or 15.00 Acres \pm on a plat attached hereto and made a part hereof entitled "Plat of Subdivision, Being A Portion Of Parcel "A", Containing 15.00 \pm Acres, Owned By Wellington, LLC, Stonehouse District, James City County, Virginia" dated 1/7/2000 made by G.T. Wilson, Jr. of AES Consulting Engineers, a copy of which is attached hereto, made apart hereof to be recorded herewith.

BEING a portion of the same property conveyed to the Declarant by deed July 15, 1999 from Nice Properties Co. of record in the Clerk's Office of the Circuit Court of the City of Williamsburg and County of James City as document no. 990015562.



MEMORANDUM

TO: James Peters, AES
FROM: Dexter R. Williams
SUBJECT: Traffic Assessment For Wellington/Windsor Ridge 4
DATE: April 19, 2013

Table 1 on enclosed Exhibit 1 shows trip generation for the proposed 28 lots in Wellington/Windsor Ridge 4. VDOT procedures specify trip generation equations (first row in Table 1) and not rates be used for trip generation. Equation values are probably a little high given that the small number of lots in this section produces relatively high trip generation values, but this section is part of a larger overall development which produces lower trip generation values. The higher equation values are used in this study per VDOT procedures.

Windsor Ridge 4 has access to adjacent roads via Ashington Way (through Wellington) to Rochambeau Drive and via Point of Woods Road, Mirror Lake Drive and Meadow Crest Trail (through Mirror Lakes) to Croaker Road. Table 2 on Exhibit 1 shows these four routes to adjacent roads with 2011 VDOT average daily traffic (ADT) and resulting percentage splits between the four routes.

The Table 2 distribution percentages are applied to Windsor Ridge 4 peak and daily trips in Table 3 to produce site trip distribution to the four routes.

Turning movement peak hour counts were conducted in 2006 on Croaker Road at Point of Woods Road and Rose Lane (access to Mirror Lake Drive and Meadow Crest Trail). The north/south splits from the 2006 Croaker Road counts are applied to Table 3 trips to Croaker Road in Table 4 to produce north and south trip distribution on Croaker.

Regarding traffic impact on roads in the area, the Rt. 60 Richmond Road/Croaker Road intersection is the major intersection in the area. A 2008 DRW study for the Candle Factory Traffic provided for 2008 counts and a forecast for 2015 that included the Candle Factory rezoning and the Stone house development. The following table shows Windsor Ridge traffic at the Rt. 60 Richmond Road/Croaker Road as a percentage increase over the 2008 counts and the 2015 forecast:

TABLE 1
WINDSOR RIDGE TRAFFIC PERCENTAGE OF
RICHMOND ROAD/CROAKER ROAD INTERSECTION

	AM Peak Hour	PM Peak Hour	Daily
Windsor Ridge 4	10	11	108
2008 Intersection Total	1555	2141	20270
Windsor Ridge 4 Per Cent Over 2008	0.64%	0.51%	0.53%
2015 Intersection Total	2347	3431	34994
Windsor Ridge 4 Per Cent Over 2015	0.43%	0.32%	0.31%

Windsor Ridge 4 produces less than a 1% increase in traffic at the Richmond Road/Croaker Road intersection for 2008 counts or the 2015 forecast. For the PM peak hour which is the highest capacity demand, the Windsor Ridge 4 increase is only about one half of one percent over 2008 counts and one third of one percent over the 2015 forecast. This level of increase will have no discernible effect on traffic operations.

VALUE	LAND USE	LAND USE CODE	SQ.FT., OTHER UNITS	WEEKDAY TRIP GENERATION						DAILY
				AM PEAK HOUR			PM PEAK HOUR			
				Enter	Exit	Total	Enter	Exit	Total	

TABLE 1 - WINDSOR RIDGE 4 TRIP GENERATION

eq.-adj. st.	Single-Family	210	28 units	7	22	29	21	12	33	326
rate-adj. st.	Single-Family	210	28 units	5	16	21	18	10	28	267

TABLE 2 - MIRROR LAKES/WELLINGTON/WINDSOR RIDGE TRIP DISTRIBUTION - 2011 VDOT ADT

	ADT	% Dist.
Rt. 1070 Ashington Way To Rochambeau	520	23%
Rt. 1647 Point of Woods Road To Croaker Road	850	38%
Rt. 1640 Mirror Lake Drive to Rose Lane/Croaker Road	270	12%
Rt. 1642 Meadow Crest Trail to Rose Lane/Croaker Road	620	27%
	2260	

TABLE 3 - TRIP DISTRIBUTION TO ROCHAMBEAU DRIVE AND CROAKER ROAD - VDOT ADT BASIS

Rt. 1070 Ashington Way To Rochambeau	2	5	7	5	3	8	75
Rt. 1647 Point of Woods Road To Croaker Road	3	8	11	8	5	12	123
Rt. 1640 Mirror Lake Drive to Rose Lane/Croaker Road	1	3	3	3	1	4	39
Rt. 1642 Meadow Crest Trail to Rose Lane/Croaker Road	2	6	8	6	3	9	89
TOTAL	8	22	29	22	12	33	326
Croaker Road Subtotal	6	17	22	17	9	25	251

TABLE 4 - NORTH/SOUTH TRIP DISTRIBUTION ON CROAKER ROAD - 2006 PEAK HOUR COUNTS

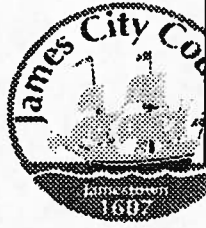
Direction	% Dist.	Trips	AM Peak Hour		PM Peak Hour		Daily Traffic			
			Entering Traffic		Exiting Traffic		Exiting Traffic			
			% Dist.	Trips	% Dist.	Trips	% Dist.	Trips	% Dist.	Trips
North	57%	3	61%	10	57%	10	57%	5	57%	143
South	43%	3	39%	7	43%	7	43%	4	43%	108
	100%	6	100%	17	100%	17	100%	9	100%	251

Trip generation rates from Trip Generation, 9th Edition (TG9) by the Institute of Transportation Engineers (ITE)

WELLINGTON/WINDSOR RIDGE SECTION 4
TRIP GENERATION AND DISTRIBUTION

DRW Consultants, LLC
804-794-7312

Exhibit 1



Please make sure to use the accompanying Excel Spreadsheet to calculate the numbers below.

Version 10.21.11

FISCAL IMPACT ANALYSIS WORKSHEET AND ASSUMPTIONS

Please fill out all *applicable* sections. Please use the provided spreadsheet to perform calculations. If space provided is insufficient, please feel free to include additional pages. If you have any questions, please contact the Planning Office at (757) 253-6685 or planning@james-city.va.us

- 1a) PROPOSAL NAME Windsor Ridge at Wellington
- 1b) Does this project propose residential units? Yes X No (if no, skip Sec. 2)
- 1c) Does this project include commercial or industrial uses? Yes No X (If no, skip Sec. 3)

Fiscal Impact Analysis Worksheet Section 2: Residential Developments

2a) TOTAL NEW DWELLING UNITS. Please indicate the total number of each type of proposed dwelling unit. Then, *add* the total number of new dwelling units.

Single Family Detached	28	Apartment	
Townhome/Condominium/Single Family Attached		Manufactured Home	
Total Dwelling Units			

Are any units affordable? Yes No X (If yes, how many?)

Residential Expenses – School Expenses

2b) TOTAL NEW STUDENTS GENERATED. *Multiply* the number of each type of proposed unit from (2a) its corresponding Student Generation Rate below. Then, *add* the total number of students generated by the proposal.

Unit Type	Number of Proposed Units (from 2a)	Student Generation Rate	Students Generated
Single Family Detached	28	0.40	11.2
Townhome/Condo/Attached		0.17	
Apartment		0.31	
Manufactured Home		0.46	
Total			

2c) TOTAL SCHOOL EXPENSES. *Multiply* the total number of students generated from (2b) by the Per-Student Total Expenses below.

Total Students Generated	Per-Student Operating Expenses	Per-Student Capital Expenses	Per-Student Total Expenses	Total School Expenses
11.2	\$5920.16	\$2176.06	\$8096.22	\$90,677.66

Residential Expenses - Non-School Expenses

2d) TOTAL POPULATION GENERATED. *Multiply* the number of proposed units from (2a) and multiply by the Average Household Size number below.

Total Units Proposed	Average Household Size	Total Population Generated
28	2.19	61.32

2e) TOTAL NON-SCHOOL EXPENSES. *Multiply* the population generated from (2d) by the Per-Capita Non-School Expenses below.

Total Population Generated	Per-Capita Non-School Expenses	Total Non-School Expenses
61.32	\$640.98	\$39,304.89

2f) TOTAL RESIDENTIAL EXPENSES. *Add* school expenses from (2c) and non-school expenses (2e) to determine total residential expenses.

Total School Expenses	Non-School Expenses	Total Residential Expenses
\$90,677.66	\$39,304.89	\$129,982.56

Residential Revenues

2g) TOTAL REAL ESTATE EXPECTED MARKET VALUE. Write the number of each type of units proposed from (2a). Then *determine the average* expected market value for each type of unit. Then, *multiply* the number of unit proposed by their average expected market value. Finally, *add* the total expected market value of the proposed units.

Unit Type:	Number of Units:	Average Expected Market Value:	Total Expected Market Value:
Single Family Detached	20	\$400,253	\$8,005,060
	8	\$420,265	\$3,362,120
Townhome/Condo/Multifamily		\$	\$
Total:		N/A	\$11,367,180

2h) TOTAL REAL ESTATE TAXES PAID. *Multiply* the total market value from (2g) by the real estate tax rate below.

Total Market Value	Real Estate Tax Rate	Total Real Estate Taxes Paid
\$11,367,180	0.0077	\$87,527.29

2i) TOTAL PERSONAL PROPERTY TAXES PAID. *Multiply* the total real estate taxes paid (2h) by the property tax average below.

Real Estate Tax Paid	Personal Property Tax Average	Personal Property Taxes Paid
\$87,527.29	0.15	\$13,129.09

2j) TOTAL SALES & MEALS TAXES PAID. *Multiply* the total real estate taxes paid (2h) by the sales and meals tax average below:

Real Estate Tax Paid	Sales and Meals Tax Average	Total Sales & Meals Taxes Paid
\$87,527.29	.09	\$7,877.46

2k) TOTAL CONSERVATION EASEMENT TAXES PAID. If the proposal contains a conservation easement, *multiply* the size of the proposed conservation easement by the conservation easement assessment rate.

Proposed Conservation Easement Size	Assessment Rate	Conservation Easement Taxes Paid
0	\$2000/acre (prorated)	\$0

2l) TOTAL HOA TAXES PAID. If the HOA will own any property that will be rented to non-HOA members, *multiply* the expected assessed value of those rentable facilities by the real estate tax rate below.

HOA Property Type	Total Assessed Value	Real Estate Tax Rate	Total HOA Taxes Paid
0		.0077	\$0

2m) TOTAL RESIDENTIAL REVENUES. *Add* all residential taxes paid to the County from (2h) through (2l).

Total Residential Revenues	\$
----------------------------	----

2n) RESIDENTIAL FISCAL IMPACT. Subtract total residential revenues (2m) from total residential expenses (2f).

Total Residential Expenses	Total Residential Revenues	Total Residential Fiscal Impact
		\$108,533.33

Fiscal Impact Analysis Worksheet Section 3: Commercial and Industrial Developments

Commercial and Industrial Expenses

3a) TOTAL NEW BUSINESSES. How many new businesses are proposed? _____

(include all businesses that will rent or lease space at the location as part of the proposal, including probable tenants of an office park or strip mall).

3b) TOTAL COMMERCIAL EXPENSES. *Multiply* the total business real estate expected assessment value from (3c) below by the Commercial Expenses Rate below.

Total Expected Assessment Value	Commercial Expense Rate	Total Commercial Expenses
	0.0045	\$

Commercial & Industrial Revenues

3c) TOTAL REAL ESTATE EXPECTED ASSESSMENT VALUE. *Estimate* the expected real estate assessment value, at buildout, of all proposed commercial element properties below.

Proposed Business Properties (by use and location)	Expected Assessment Value
Total:	\$

3d) TOTAL REAL ESTATE TAXES PAID. *Multiply* the total expected market property value from (3c) by the real estate tax rate below.

Expected Market Value	Real Estate Tax Rate	Real Estate Taxes Paid
	0.0077	\$

3e) TOTAL BUSINESS PERSONAL PROPERTY TAXES PAID. *Multiply* the total business capitalization for each proposed commercial element by the business personal property tax rate below. Then *add* the total personal property taxes paid.

Proposed Business Name	Total Business Capitalization	Personal Property Tax Rate	Total Business Property Taxes Paid
		0.01	
		0.01	
		0.01	
Total:		N/A	\$

3f) TOTAL BUSINESS MACHINERY AND TOOLS TAXES PAID. If any manufacturing is proposed, *multiply* the total business capitalization for each proposed manufacturing element by the business machinery and tools tax rate below. Then, *add* the machinery and tools tax paid.

Proposed Business Name	Total Business Capitalization	Machinery and Tools Tax Rate	Total Business Property Taxes Paid
		0.01	
		0.01	
		0.01	
Total:		N/A	\$

3g) **TOTAL SALES TAXES PAID.** *Estimate* the applicable total gross retail sales, prepared meals sales, and hotel/motel room sales for proposal's commercial elements below. Then, *multiply* the projected commercial gross sales by the applicable sales tax rates. Then, *add* the total sales taxes paid.

Tax Type	Projected Gross Sales	Sales Tax Rates	Sales Taxes Paid
Retail Sales		0.01 of Gross Retail Sales	
Prepared Meals		0.04 of Prepared Sales	
Hotel, Motel		0.02 of Gross Sales*	
Total:	N/A	N/A	\$

*Actual Occupancy Tax is 5% of Gross Sales, however, 60% of those funds are targeted to tourism.

3h) **TOTAL BUSINESS LICENSES FEES PAID.** Estimate each business element's total gross sales. *Multiply* each business element's projected gross sales by the Annual Business License rate to determine annual business licenses fee paid.

Proposed Business Name(s)	Business Type* (see exhibit sheet)	Projected Total Gross Sales	Business License Rate	Annual Business License Fees Paid
	Professional Services		0.0058	
	Retail Services		0.0020	
	Contractors		0.0016	
	Wholesalers		0.0005	
	Exempt*		No fee due	
	Other Services		0.0036	
	Total	N/A	N/A	\$

3i) **TOTAL COMMERCIAL AND INDUSTRIAL REVENUES.** *Add* the total taxes and fees paid by all of the business elements from (3d) through (3h).

Total Commercial and Industrial Revenues	\$
---	----

3j) **COMMERCIAL FISCAL IMPACT.** *Subtract* total commercial and industrial revenues (3i) from total commercial and industrial expenses (3b).

Total Commercial Expenses	Total Commercial Revenues	Total Commercial Fiscal Impact
		\$

3k) **TOTAL PROPOSED FISCAL IMPACT.** *Add* residential fiscal impacts (2n) and commercial fiscal impacts (3j).

Residential Fiscal Impact	Commercial Fiscal Impact	Total Proposed Fiscal Impact
		\$

Fiscal Impact Analysis Worksheet Section 4: Current Land Use

Current Residential Use (If there are no existing residential units, skip to (4g)).

4a) TOTAL CURRENT DWELLING UNITS. Please indicate the total number of each type of existing dwelling unit. Then, *add* the total number of existing dwelling units.

Single Family Detached	0	Apartment	
Townhome/Condominium/Single Family Attached		Manufactured Home	
Total Dwelling Units			

Residential Expenses - School Expenses

4b) TOTAL CURRENT STUDENTS. *Multiply* the number of existing units from (4a) by its corresponding Student Generation Rate below. Then, *add* the total number of existing students.

Unit Type	Number of Existing Units	Student Generation Rate	Existing Students
Single Family Detached	0	0.40	0
Townhome/Condo/Attached		0.17	
Apartment		0.31	
Manufactured Home		0.46	
Total		N/A	

4c) TOTAL CURRENT SCHOOL EXPENSES. *Multiply* the total number of current students from (4b) by the per-student school cost below.

Number of Existing Students	Per-Student School Cost	Current School Expenses
0	\$8096.22	\$0

Residential Expenses - Non-School Expenses

4d) TOTAL CURRENT POPULATION. *Multiply* the total number of existing units from (4a) by average household size below.

Total Existing Units	Average Household Size	Total Current Population
0	2.08	\$0

4e) TOTAL CURRENT NON-SCHOOL EXPENSES. *Multiply* the current population from (4d) by per-capita non-school expenses below.

Total Current Population	Per-Capita Non-School Expenses	Current Non-School Expenses
0	\$762.14	\$0

4f) TOTAL RESIDENTIAL EXPENSES. *Add* school expenses from (4c) and non-school expenses from (4e).

School Expenses	Non-School Expenses	Residential Expenses
\$0	\$0	\$0

Residential Revenues

4g) TOTAL CURRENT ASSESSMENT VALUE. *Search* for each residential property included in the proposal on the Parcel Viewer at <http://property.iccegov.com/parcelviewer/Search.aspx>. *Indicate* each property's total assessment value below. Then, *add* total assessment values.

Property Address and Description	Assessment Value
225 Meadowcrest Trail	\$453,800
	\$
	\$
Total:	\$453,800

4h) TOTAL CURRENT REAL ESTATE TAXES PAID. *Multiply* the total assessment value from (4g) by the real estate tax rate below.

Total Assessment Value	Real Estate Tax Rate	Real Estate Taxes Paid
\$453,800	.0077	\$0

Property is owned by the County and is not taxable

4i) TOTAL CURRENT PERSONAL PROPERTY TAXES PAID. *Multiply* total real estate taxes paid from (4h) by the personal property tax average below.

Real Estate Tax Paid	Personal Property Tax Average	Personal Property Paid
\$0	0.15	\$0

4j) TOTAL CURRENT SALES AND MEALS TAXES PAID. *Multiply* the total real estate taxes paid from (4h) by the sales and meals tax average below.

Real Estate Tax Paid	Sales and Meals Tax Average	Average Excise Tax Paid
\$0	.09	\$0

4k) TOTAL CURRENT RESIDENTIAL REVENUES. *Add* all current residential taxes paid to the County from (4h) through (4j).

Total Current Residential Revenues	\$0
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4l) CURRENT RESIDENTIAL FISCAL IMPACT. *Subtract* total residential revenues (4k) from total residential expenses (4f).

Total Residential Expenses	Total Residential Revenues	Total Residential Fiscal Impact
\$0	\$0	\$0

4m) FINAL RESIDENTIAL FISCAL IMPACT. Subtract current residential fiscal impact from (4l) from proposed residential fiscal impact from (2n).

Proposed Residential Impact	Current Residential Impact	Final Residential Fiscal Impact
\$(21,448.72)	\$0	\$(21,448.72)

Current Commercial Use

Current Commercial Expenses (if there are no current businesses or commercial properties, skip to (5k).

5a) TOTAL CURRENT BUSINESSES. How many businesses exist on the proposal properties?
 _____ 0 _____ (include all businesses that rent or lease space at the location).

5b) TOTAL CURRENT COMMERCIAL EXPENSES. Multiply the current number of businesses operating on the proposal properties by the per-business expense rate below.

Total Expected Assessment Value	Commercial Expense Rate	Total Commercial Expenses
	0.0045	\$

Current Commercial Revenues

5c) TOTAL CURRENT ASSESSMENT VALUE. Search for each commercial property included in the proposal on the Parcel Viewer at <http://property.iccegov.com/parcelviewer/Search.aspx>. Indicate each property's total assessment value below. Then, add total assessment values.

Addresses	Assessment Value	Real Estate Tax Rate	Real Estate Tax Paid
		.0077	
		.0077	
Total:			\$

5d) TOTAL CURRENT BUSINESS PERSONAL PROPERTY TAXES PAID. Multiply the total business capitalization for each current commercial element by the business personal property tax rate below. Then add the total personal property taxes paid.

Current Business	Total Business Capitalization	Personal Property Tax Rate	Business Property Taxes Paid
		0.01	
		0.01	
		0.01	
Total:		N/A	\$

5e) TOTAL CURRENT MACHINERY AND TOOLS TAX PAID. If any manufacturing exists, multiply the total capitalization for manufacturing equipment by the business machinery and tools tax rate below.

Current Business	Total Business Capitalization	Personal Property Tax Rate	Machinery and Tools Tax Paid
		0.01	\$

- Businesses will paying tools tax will pay it instead business personal property.

5f) TOTAL CURRENT SALES TAXES PAID. *Estimate* the applicable total gross retail sales, prepared meals sales, and hotel/motel sales for existing commercial elements below. Then, *multiply* the projected commercial gross sales by the applicable sales tax rates. Then, *add* the total sales taxes paid.

Activity	Projected Gross Sales	Tax Rate	Sales Taxes Paid
Retail Sales		0.01 of Gross Retail Sales	
Prepared Meals		0.04 of Prepared Sales	
Hotel, Motel		0.02 of Gross Sales*	
Total:	N/A	N/A	\$

*Actual Occupancy Tax is 5% of Gross Sales, however, 60% of those funds are targeted to tourism.

5g) TOTAL CURRENT BUSINESS LICENSES FEES PAID. *Estimate* each current business element's total gross sales. Then, *multiply* each business element's projected gross sales by the Annual Business License rate to determine annual business licenses fee paid. Then, *add* the total business license fees paid.

Business Type	Gross Sales	Business License Rate	Annual Business License Fees Paid
Professional Services		\$0.0058	
Retail Sales		\$0.0020	
Contractors		\$0.0016	
Wholesalers		\$0.0005	
Manufacturers		No tax	
Other Services		\$0.0036	
Total:	N/A	N/A	\$

5h) TOTAL CURRENT COMMERCIAL REVENUES. *Add* all current commercial revenues paid by existing businesses from (5c) through (5g).

Total Current Commercial Revenues	\$
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5i) CURRENT COMMERCIAL FISCAL IMPACT. *Subtract* total commercial revenues (5h) from total residential expenses (5b).

Total Commercial Expenses	Total Commercial Revenues	Total Commercial Fiscal Impact
		\$

5j) FINAL COMMERCIAL FISCAL IMPACT. Subtract current commercial fiscal impact from (5i) from proposed commercial fiscal impact from (3j).

Proposed Commercial Impact	Current Commercial Impact	Final Commercial Fiscal Impact
\$0	\$0	\$0

5k) FINAL FISCAL IMPACT. Subtract the final commercial fiscal impact from (5i) from final residential fiscal impact from (4m).

Final Residential Impact	Final Commercial Impact	Final Fiscal Impact
\$(21,448.72)	\$0	\$(21,448.72)

Fiscal Impact Worksheet Section 6: Phasing

Residential Phasing

6a) Copy and paste the residential phasing template from the accompanying Excel sheet to the page below.

	Total Units Proposed					28
	Year 1	Year 2	Year 3	Year 4	Year 5	Buildout
Homes Built	20	8				28
	\$	\$	\$	\$	\$	
Total Res Exp	129,982.56	129,982.56	129,982.56	129,982.56	129,982.56	
	\$	\$	\$	\$	\$	\$
Per Unit Exp	4,642.23	4,642.23	4,642.23	4,642.23	4,642.23	4,642.23
	\$	\$	\$	\$	\$	\$
Total Res Exp	92,844.68	37,137.87	-	-	-	129,982.56
	\$	\$	\$	\$	\$	
Total Res Rev	108,533.83	108,533.83	108,533.83	108,533.83	108,533.83	
	\$	\$	\$	\$	\$	\$
Per Unit Rev	3,876.21	3,876.21	3,876.21	3,876.21	3,876.21	3,876.21
	\$	\$	\$	\$	\$	\$
Total Res Rev	77,524.17	77,524.17	77,524.17	77,524.17	77,524.17	387,620.84
	\$	\$	\$	\$	\$	\$
Per Unit Impact	766.03	766.03	766.03	766.03	766.03	766.03
	\$	\$	\$	\$	\$	\$
Res Impact	15,320.52	21,448.72	21,448.72	21,448.72	21,448.72	

Commercial Phasing

6b) Copy and paste the commercial phasing template from the accompanying Excel sheet to the page below.

Final Phasing Projections

6c) *Copy and paste* the final phasing projection from the accompanying Excel sheet to the page below.

	Year 1	Year 2	Year 3	Year 4	Year 5	Buildout
	\$	\$	\$	\$	\$	\$
Res Impact	15,320.52	21,448.72	21,448.72	21,448.72	21,448.72	21,448.72
Bus Impact	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	
Final Impact	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	

Fiscal Impact Worksheet Section 7: Employment

7a) *Copy and paste* the employment projections from the accompanying Excel sheet to the page below.

	Business	FTE Jobs Generated	Average Payroll
1			\$
2			-
3			\$
4			-
5			\$
6			-

Fiscal Impact Analysis Worksheet - Version 12.6.12 - Proposed Land Use

This Excel file will assist you with most of the Fiscal Impact Worksheet's calculations. Please skip inapplicable questions.

Use the numbers in this program to fill in the identical section on the worksheet.

Please enter the information requested in the relevant yellow highlighted cells.

2a) How many residential units are proposed? What types?

Single Family Detached	28
Townhome/Condominium/Multifamily	0
Apartment	0
Manufactured Home Park Unit	0
Total	28
Are any units affordable? If yes, how many?	6

Residential Expenses - School Expenses

2b) How many students are generated?

	Student Generation Rate	Students Generated
Single Family Detached	0.4	11.2
Townhome/Condominium/Multifamily	0.17	0
Apartment	0.31	0
Manufactured Home Park Unit	0.46	0
Total		11.2

2c) What is the schools expenses?

Total Students	11.2
Per Student Operating Costs	\$5,920.16
Per Student Capital Costs	\$2,176.06
Per Student School Costs	\$8,096.22
Total School Fiscal Impact	\$ 90,677.66

Residential Expenses - Non-School Expenses

2d) What is the total population generated?

Total Units	28
Average Household Size	2.19
Total Population Generated	61.32

2e) What are the total non-school expenses?

Total Population Generated	61.32
Per-Capita Non School Costs	\$ 640.98
Total Non-School Costs	\$ 39,304.89

2f) What is the total residential expenses?

Total School Expenses	\$ 90,677.66
Total Non-School Expenses	\$ 39,304.89
Total Residential Expenses	\$ 129,982.56

Residential Revenues

2g) What is the average expected market value for each type of unit sold?

	Unit Type	Number of Type	Price for Each Unit T
Single Family Detached	14	14	\$ 400,253.00
	8	8	\$ 420,265.00
	2	2	\$ 381,991.00
	2	2	\$ 243,462.00
	2	2	\$ 174,256.00
Townhome/Condominium/Multifamily	0	0	\$ -
	0	0	\$ -
	0	0	\$ -
Apartment (Value of Apartment Complex (Total))			
Manufactured Home Park Unit (Value of Park Property (Total))		0	
Total Expected Real Estate Sales Amount			\$ 10,565,080.00

2h) What are the total real estate taxes paid?

Total Expected Real Estate Sales Amount	10565080
Real Estate Tax Rate	0.0077
Total Real Estate Tax Revenue	\$ 81,351.12

2i) What is are total personal property taxes paid?

Total Real Estate Tax Revenue	81351.116
Personal property Tax Revenue (as % of Real Estate Taxes Paid)	0.15
Total Personal Property Tax Revenue	\$ 12,202.67

2j) What are the total sales and meals taxes paid?

Total Real Estate Tax Revenue	81351.116
Sales and Meals Tax Revenue (as % of real estate taxes paid)	0.09
Total Personal Property Tax Revenue	\$ 7,321.60

2k) What are total conservation easement taxes paid? (If any)

Total Acreage in Conservation Easement	0
Conservation Easement Real Estate Tax Rate	2000
Total Conservation Easement Tax Revenue	\$ -

2l) What are the total HOA taxes paid (for property rentable to non-HOA members, if any)?

Total Market Value of any HOA Property Rentable to non-HOA Members	0
Real Estate Tax Rate	0.0077
Total Rentable HOA Property Tax Revenue	\$ -

2m) What is the total residential tax revenue? \$ 100,875.38

Residential Fiscal Impact

2n) What is the residential fiscal impact? \$ (29,107.17)

RESOLUTION

HOUSING OPPORTUNITIES POLICY

WHEREAS, the 2009 Comprehensive Plan recognizes the importance of providing housing opportunities which are affordable for homeowners and renters with particular emphasis on households earning 30 to 120 percent of James City County's Area Median Income (AMI); and

WHEREAS, consideration of measures to promote affordable and workforce housing was included as part of the Zoning Ordinance update methodology adopted by the Board of Supervisors in May 2010; and

WHEREAS, the Policy Committee recommended approval of the Housing Opportunities Policy to the Planning Commission on October 11, 2011; and

WHEREAS, the James City County Planning Commission, after a public hearing, recommended approval of the Housing Opportunities Policy on November 7, 2012, by a vote of 6-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes the following Housing Opportunities Policy in order to identify criteria whereby the provision of workforce housing in residential and multiple-use rezoning cases is done in a consistent manner:

The Housing Section of the 2009 Comprehensive Plan sets the following goal for housing opportunities in the County: *"Achieve high quality in design and construction of all residential development and neighborhood design, and provide a wide range of choices in housing type, density, price range, and accessibility."* In order to address the objectives of this goal, this policy is designed to increase the range of housing choices in the County through the provision of affordable and workforce housing in all rezoning applications that include a residential component.

This policy identifies criteria whereby the provision of affordable and workforce housing (rental and ownership) in residential rezoning cases is consistent yet flexible. Provision of housing at different price ranges is a strategy to achieve the greater housing diversity goal described in the 2009 Comprehensive Plan.

1. Definitions

- a. **Affordable Housing.** Housing available at a sales price or rental amount that does not exceed 30 percent of the total monthly income of households earning between 30 percent and 80 percent of the area median income as determined by the U.S. Department of Housing and Urban Development (HUD).
- b. **Workforce Housing.** Housing available at a sales price or rental amount that does not exceed 30 percent of the total monthly income of households earning between greater than 80 percent and 120 percent of the area median income as determined by the U.S. Department of Housing and Urban Development (HUD).

2. Provision and Integration of Housing Opportunity Dwelling Units

- a. At least 20 percent of a development's proposed dwelling units should be offered for sale or made available for rent at prices that are targeted at households earning 30 to 120 percent of Area Median Income (AMI). Of that 20 percent, the units should be targeted at the AMI ranges specified below:

Units targeted to (percent of AMI):	Percent of the development's proposed dwelling units expected
30 percent – 60 percent	8 percent
Over 60 percent – 80 percent	7 percent
Over 80 percent – 120 percent	5 percent

- b. These units should be fully integrated in the development with regard to location, architectural detailing, quality of exterior materials, and general appearance.

3. Applicability of Cash Proffers for Housing Opportunity Dwelling Units

- a. Units targeted at household meeting 30 to 120 percent of AMI will have reduced expectations for cash proffers in accordance with the amounts set forth in the Cash Proffer Policy for Schools adopted by the Board of Supervisors on July of 2007, as amended, other cash proffers related for water and sewer improvements (typically proffered to the James City Service Authority), and other public facility and infrastructure capital improvement program items. The reductions in the expected proffer amounts would be as follows:

Units targeted to (percent of AMI):	Percent cash proffer reduction:
30 percent – 60 percent	100 percent
Over 60 percent – 80 percent	60 percent
Over 80 percent – 120 percent	30 percent

4. Retention of Housing Opportunity Units Over Time

- a. Rental units must be made available at the targeted rents for a period of at least 30 years.
- b. Sales of all targeted for-sale units as specified in paragraph one shall include a soft second mortgage payable to the benefit of James City County or third party approved by the Office of Housing and Community Development and the County Attorney's Office. The term of the soft second mortgage shall be at least 50 years. In addition, a provision shall be included in the deed that establishes a County right of first refusal in the event that the owner desires to sell the unit.

5. In-lieu Contribution to the Housing Fund

Applicants may choose to offer cash contributions in-lieu of the provision of the percentages of affordable and workforce housing units specified above. Such cash contributions shall be payable to the James City County Housing Fund. The Housing Fund will be used to increase the supply and availability of units targeted at households earning 30 to 120 percent of AMI in the County. If applicants choose to offer a cash contribution in-lieu of construction of the units, the guideline minimum amount per unit shall be:

Units targeted to (percent of AMI):	Cash in-lieu amount
30 percent – 60 percent	The cost to construct a 1,200 square-foot dwelling as determined below
Over 60 percent – 80 percent	The cost to construct a 1,200 square-foot dwelling as determined below
Over 80 percent – 120 percent	The cost to construct a 1,400 square-foot dwelling as determined below


Beginning in February 2013, and continuing in every subsequent February, the Housing and Community Development Director shall establish the average square foot cost to construct an affordable/workforce dwelling unit, which will be added to the median cost of a lot in the proposed subject development. The dwelling unit construction cost shall be determined based on the cost information provided by at least three builders of affordable/workforce dwellings in James City County. If no costs are available from James City County builders, the Director may consult builders from nearby localities. The anticipated median cost of a lot in the proposed development shall be documented and submitted by the developer; in the case of a proposed all-apartment development, the developer shall work with the Housing and Community Development Director to reach an acceptable estimate based on land and infrastructure costs.

6. Procedures

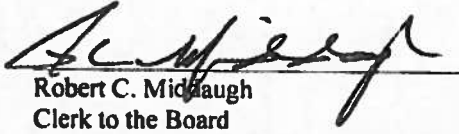
- a. For rental units, the developer shall provide assurances in a form acceptable to the County Attorney that the development will provide a statement of rental prices, demonstrating that they are within the specified affordable and workforce housing income range, for the proffered units for each year of the 30-year term.
- b. For for-sale units, the developer shall offer units at prices that fit within the affordable and workforce housing price range as stated in the definitions¹, which shall be calculated and made available on an annual basis by the County.
 - i. With regard to the soft-second mortgages, the James City County Office of Housing and Community Development (“OHCD”) shall be named beneficiary of a second deed of trust for an amount equal to the sales price of the market rate unit and the sales price of the proffered unit. The soft second shall be a forgivable loan, upon the terms specified in Section 5 above, in a form approved by OHCD and the County Attorney. The soft second deed of trust, the deed of trust note, and the settlement statement shall be subject to the approval of the County Attorney and Housing and Community Development Director prior to closing. The original note and deed of trust and a copy of the settlement statement identifying the net sales price shall be delivered by the closing agent of the OHCD after the deed of trust is recorded and no later than 45 days after closing. If down-payment assistance loans are authorized by OHCD, the lien on the deed of trust for the soft second may be recorded in third priority.
 - ii. Owner shall consult with and accept referrals of, and sell to qualified buyers from the OHCD on a noncommission basis.

¹ The prices shall be established based on payment of 30 percent of household income toward housing cost.

- iii. Prior to closing, OHCD shall be provided with copies of the HUD deed and the original deed of trust and note for the soft second.


John J. McGlennon
Chairman, Board of Supervisors

ATTEST:


Robert C. Middleaugh
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<u>X</u>	---	---
JONES	<u>X</u>	---	---
KENNEDY	<u>X</u>	---	---
ICENHOUR	<u>X</u>	---	---
KALE	<u>X</u>	---	---

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of November, 2012.

ZO-07-09-10_res2

RESOLUTION

INITIATION OF ZONING CHANGES TO 225 MEADOWCREST TRAIL

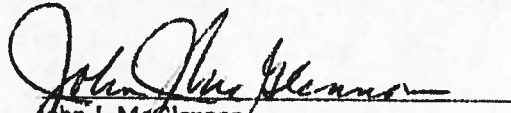
WHEREAS, the County is the owner of certain real property located at 225 Meadowcrest Trail and further identified as Parcel No. 1330100016 on the James City County Real Estate Tax Map (the "Property"); and

WHEREAS, NVR, Inc. (Ryan Homes) desires to purchase the Property so that it may be incorporated into the Windsor Ridge neighborhood; and

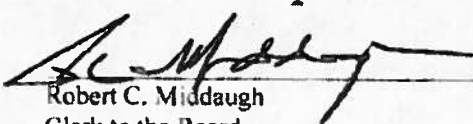
WHEREAS, the Property may not be used for residential development unless and until the current PL, Public Lands, zoning designation is changed; and

WHEREAS, the Board of Supervisors of James City County is of the opinion that it is in the public interest to rezone the Property for use as a residential development.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia does hereby initiate the rezoning of the Property from PL, Public Lands to R-1, Limited Residential with any other zoning changes (including, but not limited to a special use permit) necessary to achieve a density on the Property similar to that in the adjacent Windsor Ridge neighborhood. The Planning Commission shall hold at least one public hearing on the proposed rezoning and Special Use Permit and shall forward its recommendation thereon to the Board of Supervisors in accordance with the law.


John J. McGlennon
Chairman, Board of Supervisors

ATTEST:


Robert C. Middaugh
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	X	---	---
JONES	X	---	---
KENNEDY	---	X	---
ICENHOUR	X	---	---
KALE	X	---	---

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of November, 2012.

225Meadowcrest_res

**Case No. SUP-0011-2013, Veritas Preparatory School
Staff Report for the August 7, 2013 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

August 7, 2013 7:00 p.m.
September 10, 2013 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant: Ms. Diane Cavazos

Land Owner: Parcel 54, LLC

Proposal: To allow a private school in an existing building

Location: 275 McLaws Circle

Tax Map/Parcel: 5020100083

Parcel Size: ±1.52 acres

Existing Zoning: M-1, Limited Business/Industrial

Comprehensive Plan: Mixed Use

Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds the proposed use to be consistent with the surrounding zoning and development and compatible with the 2009 Comprehensive Plan. Staff recommends the Planning Commission recommend approval of this application to the Board of Supervisors with the conditions listed at the end of the report.

Staff Contact: Jennifer VanDyke, Planner Phone: 253-6882

PROJECT DESCRIPTION

Ms. Diane Cavazos has applied for a special use permit (SUP) to allow for the operation of a private school in an existing building at 275 McLaws Circle in Busch Corporate Center. Schools are a specially permitted use in the M-1, Limited Business/Industrial District. The proposed school would have as many as fifty (50) students (Condition No. 1) and up to ten (10) staff members. The school would offer instruction in the tradition of a classical education, initially to students in grades six (6) through ten (10) and to later expand through grade twelve (12). Should this SUP be approved, the first school year would start in late August 2014. There would be no bus service provided; students would be dropped off and picked up by parents and guardians. School hours would be from 8 a.m. to 3 p.m. There would be no food preparations on site; students would be required to bring a bag lunch.

History of the Site

The existing 6,215 square-foot structure and parking lot were built in 1997. The two adjoining properties, 273 and 277 McLaws Circle, were previously a single property; however, in 2000, the parcels were subdivided off. The parking lot contains 59 parking spaces and is shared with 277 McLaws Circle (Dr. James Burden, DDS and Associates). Condition No. 2 requires an approved shared parking agreement prior to the issuance of permanent Certificate of Occupancy. The existing building was previously used as office space for a financial institution.

Surrounding Zoning and Land Use

The property is located within Busch Corporate Center; the properties within the center are largely zoned M-1, Limited Business/Industrial. All properties in Busch Corporate Center are designated Mixed Use on the 2009 Comprehensive Plan Land Use Map and are governed by established covenants. Attached is a letter signed by the Williamsburg Corporate Center Association (Busch Corporate Center governing body) Manager, Ed Robbins, confirming approval of the use. Mr. Larry Henson, representative of the school, spoke with six (6) business owners/operators that immediately surround the proposed school site and documented summaries of feedback received. Overall the feedback received was positive (refer to attachment 3 and 4). The property is also in close proximity to the York County line to the north-east.

Development Review Committee Recommendations and Feedback

This proposal was reviewed by the Development Review Committee (DRC) on May 29th as a consideration item. The Committee offered the following comments/questions (responses in *italics*):

1. What physical education activities will be offered?

The applicant responded that the school will offer calisthenics. The school has also spoken with Williamsburg Conference Center regarding the possible use of their tennis courts; however Williamsburg Conference Center management did not want to broker an agreement so far in advance of the school's opening.

2. Has there been a show of commitment from parents?

The applicant responded that a feasibility study was conducted. Findings indicate a need for classical education within the community.

3. How many course offerings would the school have?

The applicant responded that the classical education platform is more focused on core curriculum offerings. The school would be faith based, in Catholicism and require all students to take Theology as part of the core curriculum. Beyond the core subjects, roughly six (6) electives would be offered.

4. Would there be any clergy on staff?

The applicant responded that there would be no clergy on staff.

5. Concern was raised regarding parents dropping students off on McLaws Circle to avoid pulling into the parking lot and the capacity of the parking lot to accommodate the queue of cars.

Please see Condition No. 5 concerning the Traffic Mitigation Plan. By reviewing the school's plan on an annual basis staff will ensure proper measures are being taken to mitigate traffic impacts prior to the start of each school year. One such measure includes circulating pick-up and drop-off procedures to all parents and staff.

6. What would be the size of the classroom?

The applicant responded that there would be fifteen (15) students per classroom.

7. How would Veritas Preparatory School differentiate themselves from Providence Classical School?

The applicant responded that Veritas Preparatory School would be more rigorous and focused in their approach and more selective with student admissions.

8. Has the applicant reviewed the covenants and restrictions for Williamsburg Corporate Center Association to ensure compliance?

The applicant has verified compliance and has received a letter from the Association Manager, Ed Robbins, confirming approval of the use (see attached letter).

9. Concern was raised regarding the site becoming overly congested if the parcel directly in front of the proposed, 273 McLaws Circle, were to be developed.

Should an application be submitted for development on 273 McLaws Circle parking would need to be provided for any proposed use in accordance with the Zoning Ordinance. Parking availability and acceptability would be determined through the site plan process.

Archaeological Impacts

Because the use is proposed to operate within an existing building on an already improved lot, no land disturbance will be required for the proposed school. The property is also not located in an area identified as highly sensitive by the Virginia Department of Historic Resources therefore, an archaeological study is not required.

Environmental

Watershed: College Creek

Engineering and Resource Protection has reviewed this application and has recommended approval.

Public Utilities

The site is located within the Primary Service Area (PSA) and it is served by public water and sewer. The James City Service Authority (JCSA) has reviewed this application and has recommended approval. Due to the negligible increase in the amount of water usage JCSA staff has not requested a Water Conservation Agreement.

Transportation:

Access to the site is from McLaws Circle which is a private street maintained by Williamsburg Corporate Center Association. Given the unique site constraints of the property and the sensitivity required due to the shared parking with the adjacent property, the proposed SUP conditions include a requirement for the annual submission and approval of a Traffic Mitigation Plan (Condition No. 5). The operation of the school will create two peak traffic occurrences, at approximately 7:45 a.m. for drop-off and around 2:45 p.m. for pick-up. The Institute of Transportation Engineers created trip generation rates for private schools (K-12); the estimate is approximately 40 in the a.m. and 28 in the p.m. peak hour, weekday daily trips for this project. This estimate is based on the maximum student enrollment 50 (Condition No. 1).

As proposed in the SUP conditions, the Planning Director will have the ability to ensure the annually submitted Traffic Mitigation Plan fully meets the intent of the condition. The intent is as follows: traffic going to the school shall not be allowed to back up onto McLaws Circle and vehicles shall not

stop on McLaws Circle to drop-off or pick-up students nor be allowed to impede on-site traffic going to the adjacent property, 277 McLaws Circle.

Beyond safeguarding the vehicular and pedestrian traffic on and directly off-site, the implementation of the annual Traffic Mitigation Plan will give the school certain discretionary allowances and flexibility to address the changing needs of the school. The school will initially offer grades six (6) through ten (10) though anticipates expanding through grade twelve (12) in subsequent years. This expansion will introduce student drivers that would park and remain at the school creating a shift in parking needs.

2009 Traffic Counts: On Pocahontas Trail between Route 199 and York County line approximately 21,000 average annual daily trips (AADT).

2035 Volume Projected: On Pocahontas Trail between Route 199 and the Kingsmill Gate 36,420 AADT are projected. This is in the watch category; forecasted volumes indicate improvement needed.

COMPREHENSIVE PLAN

Busch Corporate Center is designated Mixed Use on the 2009 Comprehensive Plan Land Use Map. Mixed Use areas are centers within the PSA where higher density development, redevelopment, and/or a broader spectrum of land uses are encouraged. Mixed Use areas located at or near interstate interchanges and the intersections of major thoroughfares are intended to maximize the economic development potential of these areas by providing areas primarily for more intensive commercial, office, and limited industrial purposes.

The principal suggested uses for this corridor from Routes 60/199 interchange to the City of Williamsburg line are commercial and office development, with moderate density residential development as a secondary use.

Strategies and actions taken from the 2009 Comprehensive Plan, Economic Development section includes encouraging the adaptive reuse of existing buildings to efficiently use infrastructure and natural resources.

RECOMMENDATION

Staff finds the proposed use to be consistent with the surrounding zoning and development and compatible with the 2009 Comprehensive Plan. Staff recommends the Planning Commission recommend approval of this application to the Board of Supervisors with the following conditions:


1. **Master Plan:** This Special Use Permit shall be valid for the operation of a school and related activities within the existing building, limited to hours of operation from 7 a.m. to 9 p.m., Monday-Friday, and limited to an enrollment capacity of fifty (50) students maximum.
2. **Shared Parking Agreement:** Prior to the issuance of any Certificate of Occupancy, a shared parking agreement between the school and the owner of the adjacent parcel identified as James City County Real Estate Tax Map Parcel No. 5020100083B shall be submitted for review and approval by the Planning Director or his designee.
3. **Certificate of Occupancy:** A Certificate of Occupancy shall be required prior to operating the school or related activities. A permanent Certificate of Occupancy shall be obtained within

twenty-four (24) months of approval of this special use permit, or the permit shall become void.

4. Enrollment: On or before July 1 of each year, the school shall provide the Zoning Administrator, or his designee, school enrollment data for the previous school year and projected school enrollment data for the upcoming school year. The school enrollment data shall include, at a minimum, the total number of children enrolled, the total number of children in each grade level, and the number of staff employed by the school. Enrollment shall be limited to grades six (6) through twelve (12) with the anticipation that the school will initially offer grades six (6) through ten (10) and expand in subsequent years of operation.
5. Traffic Mitigation Plan: On or before July 1 of each year, the school shall provide an annual Traffic Mitigation Plan for the Planning Director, or his designee, for review and approval. The annually submitted materials shall include the following provisions:
 - i. Site data to include academic hours of operation, the number of on-site parking spaces available and the number of staff available to monitor and direct traffic during established a.m. drop-off times and p.m. pick-up times.
 - ii. A site layout graphic which shall illustrate shared parking allocated to uses on the adjacent parcel, school staff and students, and the manner in which traffic will be directed during a.m. drop-off and p.m. pick-up times.
 - iii. A copy of a letter or other notice that shall be provided to parents, students and staff regarding pick-up and drop-off procedures.

Other elements that may be necessary components of the Traffic Mitigation Plan shall include but not be limited to a narrative describing operational plans for drop-off and pick-up and any proposed directional and reserved parking signage. In the event the Planning Director finds that the proposed Traffic Mitigation Plan does not adequately address traffic impacts generated by the school, the applicant may appeal the Planning Director's determination to the Development Review Committee. The approved Traffic Mitigation Plan shall be implemented prior to the start of each school year. The Planning Director will review the Traffic Mitigation Plan to ensure the following standards are met: traffic does not back up onto McLaws Circle or impede access to the adjoining property located at 277 McLaws Circle and that vehicles do not stop on McLaws Circle to drop-off or pick-up students.

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


Jennifer VanDyke

ATTACHMENTS:

1. Location map
2. Letter from Busch Corporate Center Association Manager, Ed Robbins
3. Summary of feedback received
4. Letter from Dr. James Burden

JCC-SUP-0011-2013

Veritas Preparatory School



Williamsburg Corporate Center Association, Inc.
150 Strawberry Plains Road, Suite A-1
Williamsburg, VA 23188

Phone: 757-229-6810

Fax: 757-229-8208

July 12, 2013

Mike Mausteller Jr. CCIM
Harvey Lindsay Commercial Real Estate
701 Town Center Drive Suite 100
Newport News, VA 23606

Re: 275 McLaws Circle
Williamsburg, VA

Dear Mr. Mausteller:

This letter will confirm that the Williamsburg Corporate Center Association will permit the use of 275 McLaws Circle as a school facility. The Board of Directors for the Association has determined that this request is an appropriate use for this facility and is in keeping with similar prior requests.

Please advise the Association in care of this office of the final plans. If you have any questions or if I can be of further assistance please contact me at 757-229-6810 ext. 210.

Sincerely,



Ed Robbins

Association Manager

Veritas SUP for 275 McLaws Circle - visits to nearby businesses

Most of these visits were conducted on 7/10/2013 by Larry Henson – Headmaster. These are the businesses immediately surrounding the school site.

- Reagan & James, 263 McLaws Circle, spoke to Calyton W. James – Managing Partner. Clayton thought it would be great to have a school “in the neighborhood”. He did not see how a school with under 100 students and faculty would make much of an impact on the traffic of McLaws Circle. Good conversation.
- Virginia Gourmet, 264 McLaws Circle, spoke to Lenny Beri, co-owner, who got excited about the possibility of offering healthy snacks and possibly lunches for the students.
- DoubleTree, 50 Kingsmill Road, Simone Piette Waltrip, Offered services in support of the school and thought it would be nice to have bright teens in the area. Supportive of the idea of having a school in the neighborhood.
- James A. Burden, Smiles of Williamsburg, Dentist. Thought it would be nice to have a school as a neighbor. Talked to about a half dozen staff and a couple are interested in looking into the school for their children.
- Kingsmill Police, 106 McLaws Circle, Met with Hollie Olson who said that there is a lot of empty space in the park and that it would be nice to have a school here.
- Prosoft, 283 McLaws Circle, Ian Kersey – they provide training to the government, primarily on the use of video conferencing. Interested in what we were doing and welcomed us to the neighborhood and wished us luck.



James A. Burden, D.D.S. & Associates
Family & Cosmetic Dentistry

July 29, 2013

To whom it may concern,

Larry Henson has visited my office and made us aware of Veritas Preparatory's plans to locate a small grade 6 to 12 school in the 275 McLaws Circle building. He has also shared that the school will be using the parking spaces on the east side of the parking lot and will not be using the spaces surrounding our building.

We look forward to having Veritas Prep as a neighbor.

Sincerely,

James A. Burden, D.D.S.

Providing BEAUTIFUL SMILES for our community!

277 McLaws Circle, Williamsburg, VA 23185
(757) 229-1224 • fax (757) 220-1485
www.SmilesOfWilliamsburg.com

MEMORANDUM

DATE: August 7, 2013

TO: Planning Commission

FROM: Luke Vinciguerra, Planner

SUBJECT: Proposed Updates to the Williamsburg, James City and York County Regional Bicycle Facility Plan

James City County, the City of Williamsburg and York County are currently in the process of updating the Williamsburg, James City County and York County Regional Bicycle Facilities Plan as part of the regional coordinated Comprehensive Plan review process. The purpose of the coordinated timing is to promote closer collaboration and communication concerning land use, transportation, and other comprehensive plan issues that cross jurisdictional boundaries.

Since its creation in 1993, the Regional Bicycle Facilities Plan has served as an example of inter-jurisdictional collaboration and coordination. It is used to identify and develop a viable bikeway system within the three localities. The map is a long-range plan that shows the desired type of bicycle facility (if any) at a particular location. This map is then used during road (re)construction or in the review of new development proposals with the ultimate goal of creating a comprehensive bicycle network.

Over the years, roads and land uses have changed substantially enough to warrant a wholesale review of the original plan (there have been some minor revisions from York and Williamsburg in the past decade). In a series of meetings over the past ten months, staff from the three jurisdictions developed a revised map that strived to:

- provide bicycle access to major destinations (such as a park or school);
- eliminate routes with dead ends;
- be realistic regarding the necessity of the proposed facility type (e.g. a very low volume road would not need a 10' wide multi-use path); and
- incorporate the multi-use paths, which cyclists would be permitted to use, as shown on the County's newly adopted Pedestrian Accommodation Plan.

To address the above mentioned concerns notable changes to the draft map include:

- removal of power line easements as these corridors are inappropriate for cycling;
- removal of a conceptual corridor connecting Hickory Sign Post Road to Ironbound Road on John Tyler Highway;
- removal of a conceptual corridor connecting John Tyler Highway to Forge Road;
- removal of a conceptual corridor connecting News Road to Jamestown Road;
- removal of the share the road designation from Bush Neck Road, Menzels Road, Lakeview Drive and Racefield Drive as they are not recommended cycling routes;
- addition of proffered trails in Stonehouse; and

- recommendations for bicycle accommodations on the proposed Mooretown Road extension.

At the recommendation of staff, the Board of Supervisors canceled several active projects identified on the Bicycle Facilities Plan--a proposed multi-use trail on Longhill Road, shoulder bike lanes on Airport and Mooretown Roads, and bicycle facilities on Ironbound Road from Mid County Park to Jamestown Road. Because these projects were cancelled due to insufficient funding and challenges as stand-alone bicycle projects rather than a re-evaluation of their necessity, staff has not removed these proposed facilities from the draft Plan. A corridor study for Longhill Road is currently underway where the need for bicycle and pedestrian facilities will be examined in detail. Additionally, York County has expressed interest in combining efforts for bicycle facilities on Mooretown Road. Updates to the Zoning Ordinance, such as required multi-use paths for major subdivisions and commercial development, may help expedite completion of these facilities.

At its October 15, 2012 meeting, the Historic Triangle Bicycle Advisory Committee (HTBAC) reviewed and provided comments on the draft map. HTBAC's recommendation was to identify only ideal routes for cyclists. This recommendation was incorporated by removing the aforementioned share-the-roadway segments that are not conducive to cycling. HTBAC subsequently endorsed the revised draft map at its January 28, 2013 meeting.

As part of a larger discussion on work products from the coordinated Comprehensive Plan review process, the Planning Commission's Policy Committee reviewed the draft map at its March 14 meeting, as did the Planning Commission at its May 1 meeting and the Board of Supervisors at its May 28 joint work session with the Planning Commission. None of three bodies had specific comments related to the draft plan, but all indicated that it should move forward for formal consideration of adoption.

At its July 17 meeting, the Parks & Recreation Advisory Commission endorsed the draft Bicycle Facility Plan with the following comments: consider providing more pedestrian and bicycle facilities in Grove; consider using some utility easements for future multi-use paths; and consider removing the "shared roadway" designation on Cranston's Mill Pond Road, Jolly Pond Road, and Chickahominy Road due to the roads' limited width and poor pavement quality.

Staff has considered these comments and offers the following in response. Regarding pedestrian and bicycle facilities in Grove, Relocated Route 60 was previously not included on the map and has been added to more accurately reflect the multi-use path being planned for this project, which is in the preliminary engineering phase. With this addition, all major routes in Grove will have pedestrian and/or bicycle facilities, and no further additions are recommended. With respect to using utility easements for future bike lanes, the plan includes routes near Olde Towne Road and Freedom Park as the most viable utility easement routes; however, staff will continue to seek other opportunities in the interim. Lastly, Cranston's Mill Pond Road, Jolly Pond Road and Chickahominy Road are popular bike routes in James City County. Given their high usage, staff does not recommend taking them off the map.

Staff recommends that the Planning Commission recommend approval of the attached plan to the Board of Supervisors. The Williamsburg City Council has adopted its portion of the plan; the York County Board of Supervisors will be considering the map this summer.



Luke Vinciguerra

Attachment:

1. Draft Williamsburg, James City and York County Regional Bicycle Facility Plan (larger copies available on request)

PLANNING DIRECTOR'S REPORT

August 2013

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 July. They electronically considered a number of applications including signs for Walmart, arbors in front of Harbor Coffee, amendments to Section 7 Phase 10 and minor plan amendments for Section 9 – Settlers Market. Their next meeting is scheduled for August 15.
- **Rural Lands.** The Planning Division and Virginia Cooperative Extension co-sponsored two *Thinking Rural – Discussion Sessions* on July 17th and 18th. The questionnaire is available to download or complete online at www.jamescitycountyva.gov/planning/rural and can be submitted until August 14.
- **Longhill Road Corridor Study.** Kimley Horn and Associates has been busy compiling an existing conditions report for the corridor. Stakeholder interviews will be conducted on July 30th and 31st, and a public meeting is anticipated in early fall.
- **Training.** Several staff members attended the annual APA-VA conference in Leesburg at the end of July and participated in sessions related to the conference's theme "The Changing Face and Aging of America."
- **Monthly Case Report.** For a list of all cases received in the last month, please see the attached document.
- **Board Action Results:**
 - July 09, 2013
 - Case No. AFD-09-86-1-2013. Gordon Creek AFD, Pickett Holdings Addition (Approved 5-0)
 - Case No. SUP-0006-2013. Creative Kids Child Development Center (Approved 5-0)
 - July 23, 2013
 - Case No. SUP-2010-2013. Jolly Pond road Convenience Center Special Use Permit (SUP) Amendment (Approved 5-0)

New Cases for July

Case Type	Case Number	Case Title	Address	Description	Planner	District
Conceptual Plans	C-0031-2013	Lightfoot Marketplace	6401 RICHMOND ROAD	Redevelopment of existing Williamsburg Outlet Mall	Scott Whyte	01-Jamestown
	C-0032-2013	Peninsula Pentecostals Church	9230 POCAHONTAS TR	Creation of a church and child day care center.	Ellen Cook	05-Roberts
	C-0033-2013	Riverside Medical Center at Norge	7364 RICHMOND	Adding pavement to the existing site plan for 18 additional parking spaces; A 3130 sq. ft. building is shown based on a future buildout plan	Jose Ribeiro	01-Stonehouse
	C-0034-2013	Atlantic Septic Systems, Croaker Road	8770 CROAKER ROAD	Proposal for septic business to include placement of permanent metal warehouse building, office building and garaging of company vehicles, including tanker trucks and supplies. Owner would potentially occupy the existing house on property.	Jennifer VanDyke	01-Stonehouse
Master Plan	MP-0001-2013	Kingsmill MP Amend.	8515 POCAHONTAS TR	To redesignate various areas to permit more residential development.	Jose Ribeiro	05-Roberts
Subdivision	S-0030-2013	Liberty Ridge, Ph 1B, Lot 90	5365 CENTERVILLE RD	Final plat of one lot on 4.3 acres	Jose Ribeiro	02-Powhatan
	S-0031-2013	Cottages at Stone Haven (formerly McFarlin Park) Subdivision Amend. #2	205 NECK-O-LAND RD	Amendment to change outfall structure and grading of stormwater management facility.	Leanne Reidenbach	03-Berkeley
	SP-0054-2013	Busch Gardens Floating Bridge Replacement SP Amend.	7851 POCAHONTAS TR	Removal and replacement of existing floating bridge between Scotland and Germany within Busch Gardens.	Jennifer VanDyke	05-Roberts

New Cases for July

Site Plan	SP-0055-2013	HRSD Interim Pressure Reducing Station	6735 ROUTE 199	HRSD Pressure Reducing Station that will consist of piping, pumps, and diesel fuel tanks. Located on JCSA water tank parcel on Route 199.	Leanne Reidenbach	05-Roberts
	SP-0056-2013	T-Mobile Ironbound Road Tower	4039 IRONBOUND RD	Replacing existing panel antennas with six new panel antennas at this existing installation. Ground information will be consolidated and one cabinet decommissioned.	Jose Ribeiro	04-Jamestown

New Cases for July

Site Plan	SP-0057-2013	AT&T Centerville Road Tower SP Amend.	4400 CENTERVILLE RD	Antenna replacement on an existing tower	Luke Vinciguerra	2-Powhatan
	SP-0058-2013	Busch Gardens Trapper Restroom SP Amend.	7851 POCAHONTAS TR	Demolition of existing trapper restroom and construction of new 1,455 sq. ft. restroom	Scott Whyte	05-Roberts
	SP-0059-2013	New Town Sec. 7, Ph. 10 SP Amend.	4375 ELIZABETH DAVIS BLVD	Amendment #2 to Phase 10 plan to adjust Christine Court to eliminate the 10 interior angled parking spaces.	Leanne Reidenbach	04-Jamestown
	SP-0060-2013	Ford's Colony, Sec. 7, Lots 98 & 99, Drainage Improvements	112 SEMINOLE & 117 SEMINOLE	Proposed storm pipe network and ditch realignment along Seminole	Jennifer VanDyke	04-Jamestown
	SP-0061-2013	Wendy's Dry Storage SP Amend.	6666 RICHMOND RD	Adding concrete pad and dry storage box to back of building; concrete ramp to be included.	Leanne Reidenbach	01-Stonehouse
	SP-0062-2013	Jamestown Beach Site Improvements SP Amend.	2205 JAMESTOWN ROAD	Installation of various site improvements to support the beach restoration efforts at the Jamestown Beach property; improvements include a restroom/concession facility, parking areas, a handicap access trail, utilities, and extension of a storm drain with a boardwalk.	Jose Ribeiro	03-Berkeley
	SP-0063-2013	Station at Norge SP Amendment	7721 CROAKER RD	Addition of two picnic shelters.	Luke Vinciguerra	01-Stonehouse

New Cases for July

	SP-0064-2013	Verizon Wireless Tower - Toano Antenna Replacement	185 INDUSTRIAL BLVD	Replace six existing antennas at a centerline height of 396' on the existing guyed tower and remove microwave dish at 195' centerline.	Scott Whyte	01-Stonehouse
Special Use Permit	SUP-0013-2013	Reconstruction of Fire Station 1	3135 Forge Road	Reconstruction of existing Fire Station on site.	Scott Whyte	01-Stonehouse
Rezoning	Z-0003-2013	Kingsmill	8515 POCAHONTAS TR	Rezoning the Woods Course and a portion of the Country Road Corridor from M-1 to R-4 to be consistent with the	Jose Ribeiro	05-Roberts
	Z-0004-2013	Fire Station 1	3135 Forge Road	Reconstruction of existing Fire Station on site.	Scott Whyte	01-Stonehouse

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