

AGENDA
JAMES CITY COUNTY PLANNING COMMISSION
March 5, 2014

6:30 p.m.

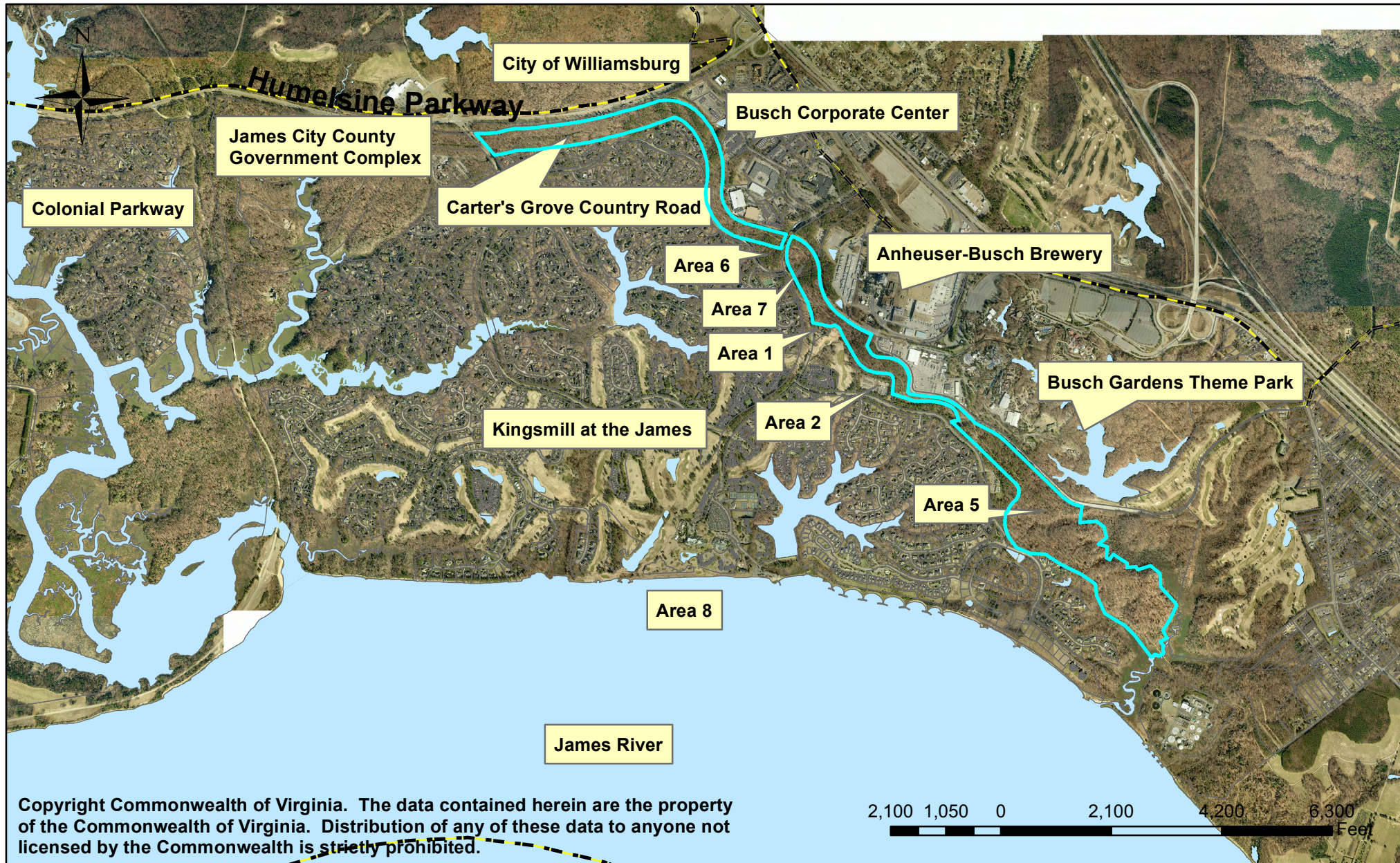
1. ROLL CALL
2. ANNUAL ORGANIZATIONAL MEETING
 - A. Election of Officers
 - B. Committee Appointments
 - C. Adoption of 2014 Calendar
 - D. Consideration of Updates to the Bylaws

7:00 p.m.

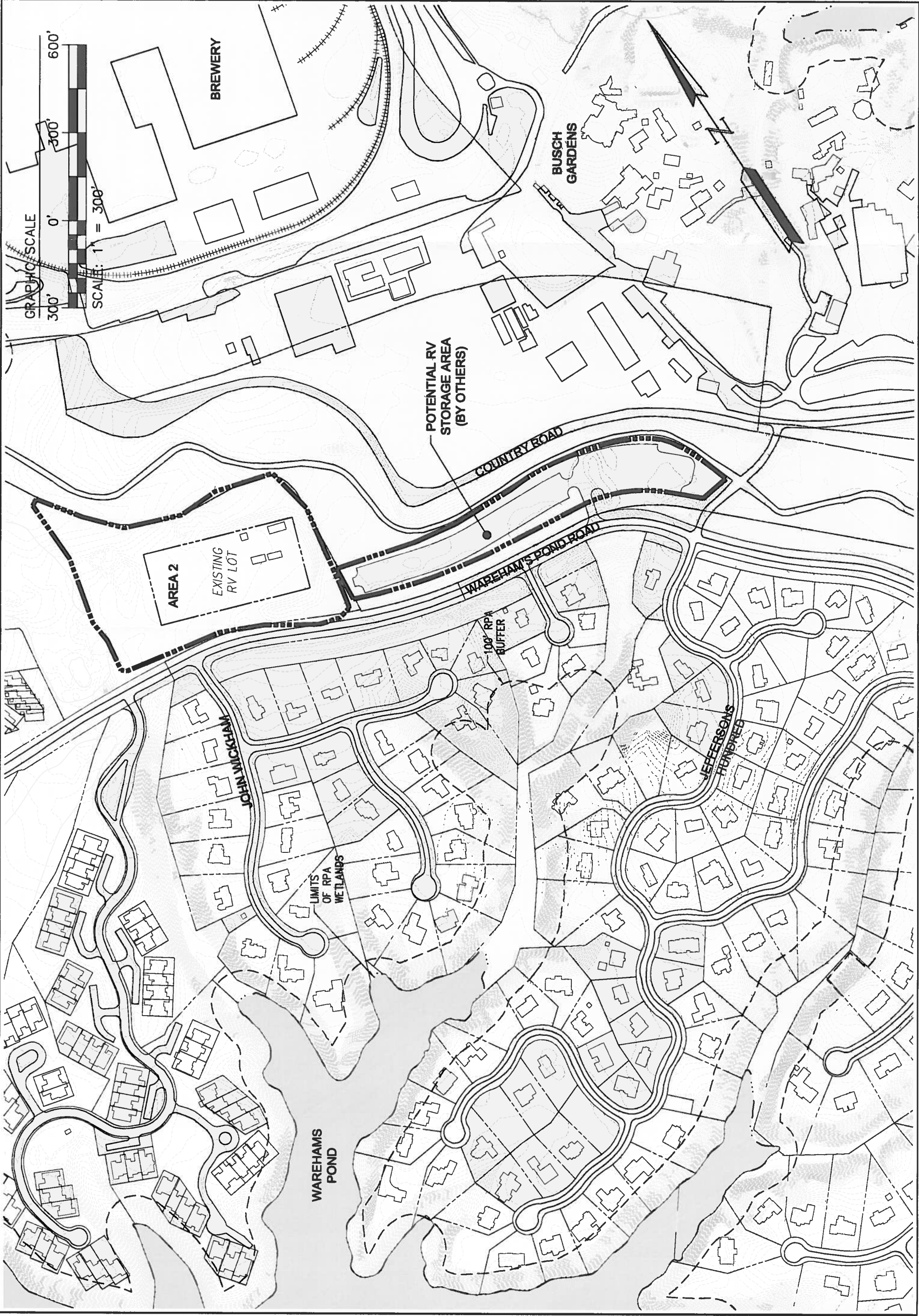
3. SPECIAL PRESENTATION
4. PUBLIC COMMENT
5. CONSENT AGENDA
 - A. Minutes from the February 5, 2014 Regular Meeting
 - B. Development Review Committee
 - i. S-0041-2012. Colonial Heritage Phase 5, Section 1
 - ii. S-0006-2014. Colonial Heritage Phase 6, Section 1
6. REPORTS OF THE COMMISSION
 - A. Policy Committee
 - B. Regional Issues Committee/Other Commission Reports
7. PUBLIC HEARINGS
 - A. Case No. Z-0003-2013/MP-0001-2013. Rezoning and Master Plan amendment for Kingsmill
8. PLANNING COMMISSION CONSIDERATIONS
9. PLANNING DIRECTOR'S REPORT
10. COMMISSION DISCUSSIONS AND REQUESTS
11. ADJOURNMENT


JCC-Z-0003-2013/MP-0001-2013

Kingsmill Rezoning & Master Plan Amendment

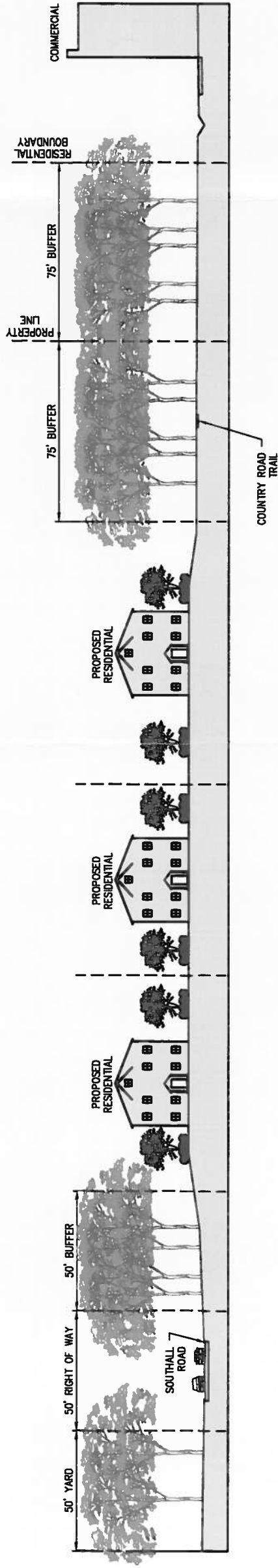


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Hampton Roads Central Virginia Middle Peninsula
CONSULTING ENGINEERS

 www.aesva.com
 Fax: (757) 223-8944
 Phone: (757) 253-0040
 Williamsburg, Virginia 23185
 6248 Oldo Towne Road, Suite 1

Project Contacts:	JAG
Project Number:	7703-58
Scale:	1"=500'
Date:	1/18/13
Sheet Title: CONCEPTUAL LAYOUT PLAN	
Sheet Number 00	



0' 50' 100' 200'

AREA 6 SECTION

KINGSMILL MASTERPLAN

(ROBERTS DISTRICT JAMES CITY COUNTY VIRGINIA)



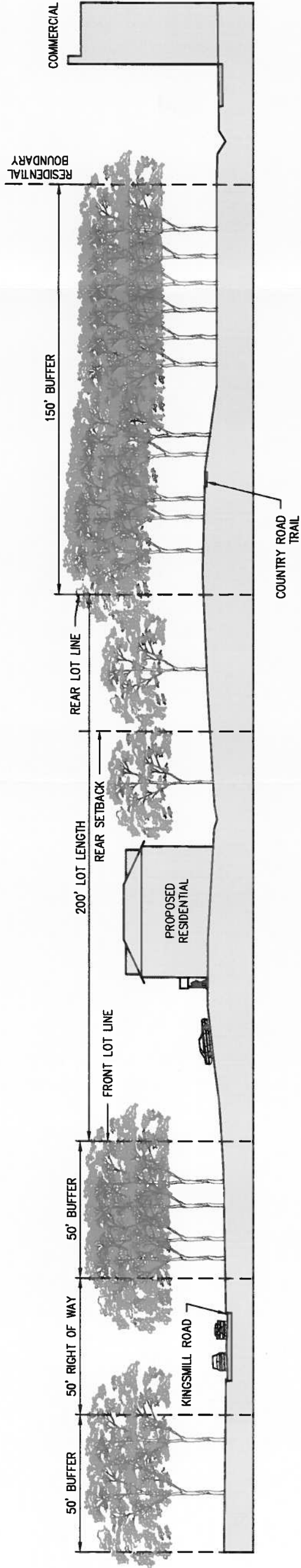
5248 Old Towne Road, Suite 1
Williamsburg, Virginia 23188
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CONSULTING ENGINEERS

Hampton Roads | Central Virginia | Middle Peninsula

(DATE: AUGUST 23, 2013)
SCALE: 1"=50'

SHEET 1 of 1



AREA 7 SECTION

KINGSMILL MASTERPLAN

(DATE: AUGUST 23, 2013)
SCALE: 1"=40'
SHEET 1 of 1

RESOLUTION

CASH PROFFER POLICY FOR SCHOOLS

WHEREAS, the Virginia Commission on Local Government defines "cash proffer" as "any money voluntarily proffered in writing signed by the owner of the property subject to rezoning, submitted as a part of the rezoning application and accepted by the locality" pursuant to the authority granted in Section 15.2-2298 of the Code of Virginia, 1950 as amended; and

WHEREAS, beginning with rezoning applications received after June 12, 2007, staff will use the procedures and calculation described in this resolution to guide its recommendation to the Board of Supervisors in all residential rezoning cases. The Board of Supervisors (the "Board") will use this resolution to guide its decision whether to accept cash proffered by applicants for a rezoning. The value of proffered land or other in-kind contributions, accepted by the County, shall be credited against the cash proffer amount for schools. In the event the value of proffered land or other in-kind contributions exceed the cash proffer amounts for schools, such excess value may be credited against cash proffers for other impacts; and

WHEREAS, any acceptance of cash proffered by an applicant shall meet a "reasonableness" or "rough proportionality" test, which requires the Board to determine in each zoning case whether the amount proffered is related both in nature and extent to the projected impact of the proposed development on public schools. State and County laws permit the Board to accept cash proffers to fund the public school needs generated by any new residential development; and

WHEREAS, a development proposal's impact on public schools will be evaluated based on the gross number of proposed dwelling units, including those marketed as "age-restricted." When calculating the gross number of dwelling units, staff will not give credit for those dwelling units permitted under existing zoning and will not consider the transferring of allowable units from other properties.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the James City County, Virginia, hereby adopts the following methodology and policy to be used to consider impact on public schools and proffered mitigation of proposed rezoning applications:

1. The five components to be used in calculating what a new dwelling unit will cost the County in terms of providing for new or expanded public school facilities are as follows:
 - a. Demand generators - Pupil generation rates determined by identifying the actual number of public school students residing in housing units in the County.
 - b. Service levels - The County's estimated costs of constructing new high, middle, and elementary schools, calculated on a per-student basis, become the service levels in the calculation of the cash proffer.
 - c. Gross Cost of school facilities - The product of the expected number of students calculated as a demand generator multiplied by the per-student cost of school facilities identified as the service level.

- d. Credits - the gross cost of school facilities is reduced by a credit, representing the portion of real property taxes paid by new residents that would be used to retire debt incurred by the County for schools.
- e. Net cost - this represents the net cost per new residential unit or the maximum cash proffer for schools. This is the Gross Cost minus the Credit.

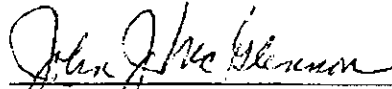
The detailed methodology is attached and made part of this resolution.

- 2. There must be a relationship between the rezoning itself and the need for a public facility. Since public school buildings serve the entire County and new or expanded public school buildings may result in County-wide adjustments to attendance zones, rezoning requests will be analyzed on a County-wide basis to determine the impact on public school buildings.
- 3. The County will continue to consider any unique circumstances about a proposed development that may change the way that staff and the Board view the need for cash proffers for schools. Unique circumstances may include, but not be limited to, a demonstrable effort to meet the objectives of the County's Comprehensive Plan related to affordable housing.
- 4. Timing for the dedication of property or in-kind improvements should be specified in the proffer. Cash proffers, property dedications, and in-kind improvements must be used for projects identified in the County's Capital Improvement Program. Payments shall be expended in accordance with State law.
- 5. Adjustments in the cash proffer amounts may be considered on an ongoing basis.
- 6. The cash proffer amount for school construction that the Board will use to guide its decisions in residential zoning applications received after June 12, 2007, are:

Single-Family Detached	\$17,115
Single-Family Attached	\$ 4,870
Multi-Family	\$15,166

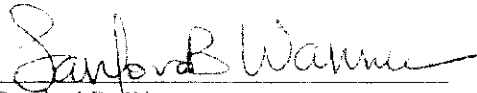
If payment is rendered on or after July 1, 2008, then payments will consist of the adopted cash proffer payment per unit plus any adjustment as included in the Marshall Swift Building Cost Index.

- 7. The amounts identified in this resolution are general guides for rezoning applications. Determination of whether an amount proffered by an applicant for rezoning is sufficient to offset the impacts of the proposed development shall be made on a case-by-case basis. Proffering a set amount is in no way a requirement to obtaining a positive decision on a residential rezoning application. In addition, the acceptability of a proffered school cash proffer under this resolution, by itself, will not result in the approval of a residential rezoning application.



John J. McGlennon
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

SUPERVISOR	VOTE
HARRISON	NAY
BRADSHAW	AYE
GOODSON	NAY
ICENHOUR	AYE
MCGLENNON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of July,
2007.

SchCashProffier.res2

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

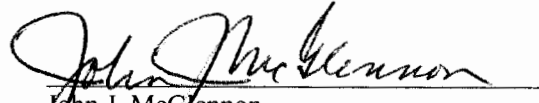
Beginning in February 2013, and continuing in every subsequent February, the Housing and Community Development Director shall establish the average square foot cost to construct an affordable/workforce dwelling unit, which will be added to the median cost of a lot in the proposed subject development. 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

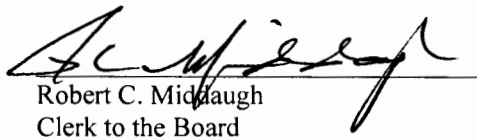
- a. For rental units, the developer shall provide assurances in a form acceptable to the County Attorney that the development will provide a statement of rental prices, demonstrating that they are within the specified affordable and workforce housing income range, for the proffered units for each year 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. Middaugh
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

Douglas W. Domenech
Secretary of Natural Resources



David A. Johnson
Director

COMMONWEALTH of VIRGINIA

DEPARTMENT OF CONSERVATION AND RECREATION

600 East Main Street, 24th Floor
Richmond, Virginia 23219
(804) 786-6124

October 7, 2013

Jose Ribiero
James City County Planning Division
101-A Mounts Bay Road
Williamsburg, VA 23187

Re: Xanterra Development, Grove Creek

Dear Mr. Ribiero:

The Department of Conservation and Recreation's Division of Natural Heritage (DCR) has searched its Biotics Data System for occurrences of natural heritage resources from the area outlined on the submitted map. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

According to the information currently in our files, this site is located within the Grove Creek Conservation Site. Conservation sites are tools for representing key areas of the landscape that warrant further review for possible conservation action because of the natural heritage resources and habitat they support. Conservation sites are polygons built around one or more rare plant, animal, or natural community designed to include the element and, where possible, its associated habitat, and buffer or other adjacent land thought necessary for the element's conservation. Conservation sites are given a biodiversity significance ranking based on the rarity, quality, and number of element occurrences they contain; on a scale of 1-5, 1 being most significant. Grove Creek Conservation Site has been given a biodiversity significance ranking of B1, which represents a site of outstanding significance. The natural heritage resources of concern at this site are:

	Coastal Plain Calcareous Ravine Forest	G2/S2/NL/NL
	Coastal Plain Calcareous Seepage Swamp	G2/S2/NL/NL
	Coastal Plain Dry Calcareous Forest	G1/S1/NL/NL
<i>Stewartia ovata</i>	Mountain camellia	G4/S2/NL/NL
<i>Fleischmannia incarnate</i>	Pink thoroughwort	G5/S2/NL/NL

The Grove Creek ravine is a rare example of a Coastal Plain drainage that has downcut into deep deposits of Tertiary shell deposits. As a result, soils of the sideslopes and bottomland, as well as the groundwater saturating the drainage, are highly calcareous. Since most soils of the Coastal Plain are highly acidic, the vegetation of Grove Creek is rare and unusual, containing numerous species that are disjunct from further west, disjunct from further south, or simply rare on the Coastal Plain. Two globally rare natural

communities occur within the project area. Please see the attached map of the area containing the above referenced natural heritage resources.

The Coastal Plain Calcareous Ravine Forest is the rich mixed hardwood forest of slopes bordering Grove Creek. This is a rich mesophytic to submesophytic forest in calcareous ravines that are found in the southeastern Virginia Coastal Plain and possibly the adjacent Piedmont. Habitats are north- to east-facing slopes and adjacent low interfluvies downcut into Tertiary shell deposits or lime sands, including the Pliocene marine shell deposits of the calcium-rich Yorktown Formation (NatureServe, 2013).

The Coastal Plain Calcareous Seepage Swamp is the swamp forest occupying the bottom of the Grove Creek drainage, above tidal influence. It occurs on the Virginia Coastal Plain on groundwater-saturated stream bottoms in ravines that have cut into Tertiary shell deposits or limesands. Braided streams and hummock-and-hollow microtopography are characteristic of the environmental setting. Soils are highly calcareous with pH values up to 7.4 and calcium levels that range up to 6000 ppm. It is known only from calcareous ravines in the James and York River drainages, in James City, Surry, and York counties (Fleming, et al., 2012).

The Coastal Plain Dry Calcerous Forest is adjacent to the project area. This forest is a dry, open, forest or woodland of the Coastal Plain of Virginia and Maryland, is restricted to subxeric to xeric, fertile habitats over unconsolidated, calcareous deposits. These localized habitats are found on southeast- to southwest-facing, usually convex slopes of deep ravines or stream-fronting bluffs that have downcut into Tertiary shell deposits or limesands (NatureServe, 2013). Compared to Basic Mesic Forests of the Coastal Plain, these dry calcareous forests have a larger component of oaks (particularly chinkapin oak) in the overstory and have a much less lush herb layer (Fleming, et al., 2012.)

Rezoning and development of the land along the Country Road that was originally designated as open space could negatively impact the long-term viability of these resources by greatly reducing their forested buffer, altering microclimatic conditions (decreasing humidity), increasing run-off, and encouraging invasive exotic plants. The Virginia Natural Heritage Program strongly recommends that the land along the Country Road not be rezoned but continue to be maintained as a natural area.

In addition, two state-rare plants, pink thoroughwort and mountain camellia, have been documented in the project area. Pink thoroughwort is a loosely clumping perennial herb with opposite, ovate leaves and pink florets. It occupies mesic to dry, open forests, woodlands and clearings over calcareous and mafic rocks and coastal shell deposits and is rare throughout the state (Weakley, et al).

Mountain camellia is a mountain-coastal plain disjunct. Mountain camellia is uncommon throughout its range and is considered very rare in Virginia. A shrub of the tea family, mountain camellias have simple oval leaves and bear white flowers in mid-summer. They tend to grow on wooded bluffs and slopes with alkaline soils. Threats to populations include direct habitat destruction from clearing or erosion and alteration of the species microclimate through clearing of adjacent lands (Clark, 1993). This species is currently known from only 4 locations and historically known from multiple locations in Virginia.

Due to the potential for this site to support populations of mountain camellia and pink thoroughwort, DCR recommends an inventory for the resources in the study area. With the survey results we can more accurately evaluate potential impacts to natural heritage resources and offer specific protection recommendations for minimizing impacts to the documented resources.

DCR-Division of Natural Heritage biologists are qualified and available to conduct inventories for rare, threatened, and endangered species. Please contact J. Christopher Ludwig, Natural Heritage Inventory Manager, at chris.ludwig@dcr.virginia.gov or 804-371-6206 to discuss arrangements for field work.

Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the DCR, DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species. The current activity will not affect any documented state-listed plants or insects.

There are no State Natural Area Preserves under DCR's jurisdiction in the project vicinity.

New and updated information is continually added to Biotics. Please contact DCR for an update on this natural heritage information if a significant amount of time passes before it is utilized.

The Virginia Department of Game and Inland Fisheries (VDGIF) maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters that may contain information not documented in this letter. Their database may be accessed from <http://vafwis.org/fwis/> or contact Gladys Cason (804-367-0909 or Gladys.Cason@dgif.virginia.gov). This project is located within 2 miles of a documented occurrence of a state listed animal. Therefore, DCR recommends coordination with VDGIF, Virginia's regulatory authority for the management and protection of this species to ensure compliance with the Virginia Endangered Species Act (VA ST §§ 29.1-563 – 570).

Should you have any questions or concerns, feel free to contact me at 804-692-0984. Thank you for the opportunity to comment on this project.

Sincerely,

A handwritten signature in black ink that reads "Alli Baird". The signature is written in a cursive, flowing style.

Alli Baird, LA, ASLA
Coastal Zone Locality Liaison

Cc: Amy Ewing, VDGIF

Literature Cited

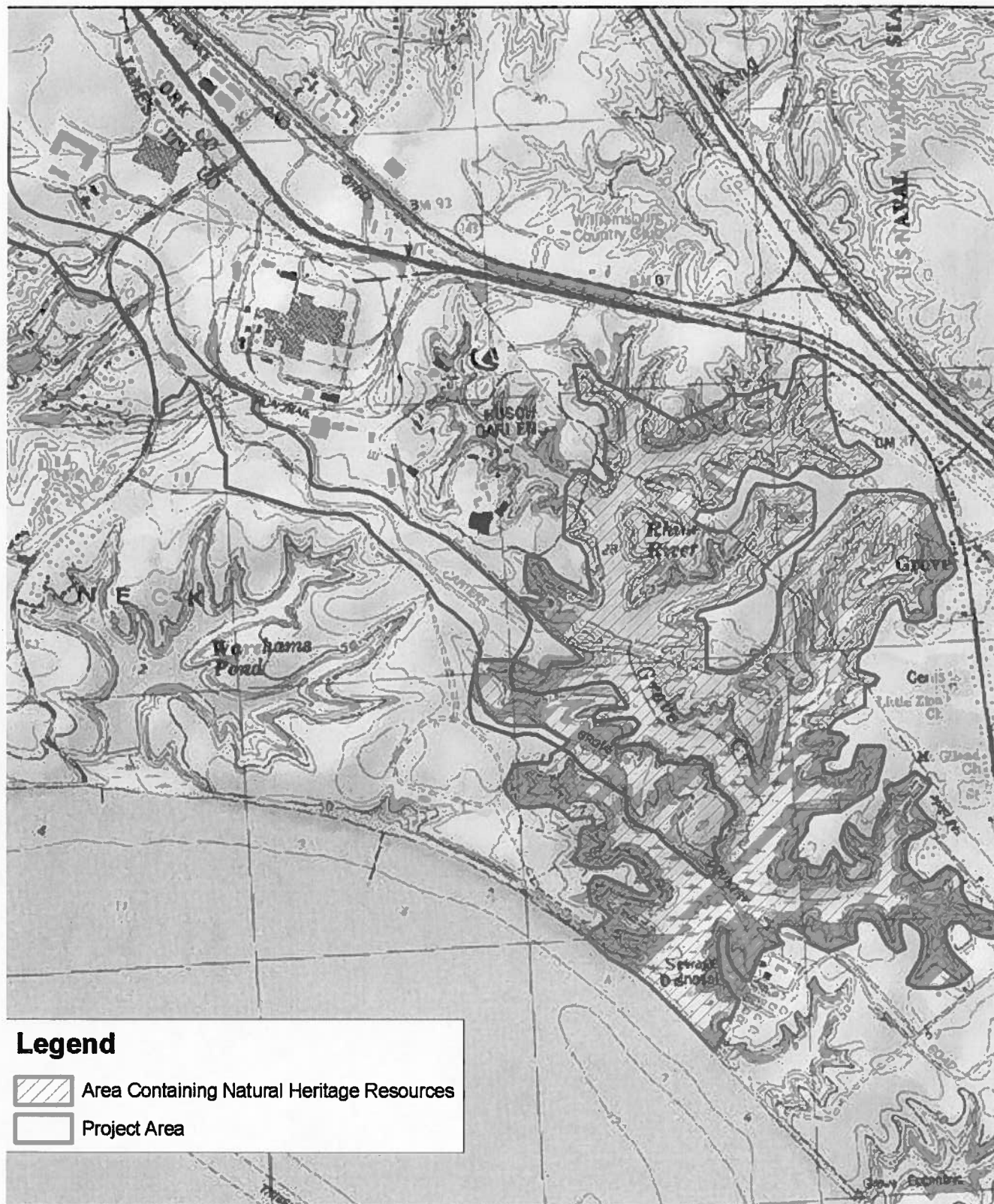
Clark, K.H. 1993. Conservation Planning for the Natural Areas of the Lower Peninsula of Virginia. Natural Heritage Technical Report #93-4. Virginia Department of Conservation and Recreation, Division of Natural Heritage. 8 March 1993. 193pp.

Fleming, G.P., K.D. Patterson, K. Taverna, and P.P. Coulling. 2012. The natural communities of Virginia: classification of ecological community groups. Second approximation. Version 2.5. Virginia Department of Conservation and Recreation, Division of Natural Heritage, Richmond, VA.

NatureServe. 2013. NatureServe Explorer: An online encyclopedia of life [web application]. Version 7.1. NatureServe, Arlington, Virginia. Available <http://www.natureserve.org/explorer>. (Accessed: October 3, 2013)

Weakley, A.S., J.C. Ludwig and J.F. Townsend. 2012. *Flora of Virginia*. Botanical Research Institute of Texas Press, Fort Worth. p. 322.

Xanterra Development Project, Grove Creek



Department of Conservation & Recreation

Preserving Virginia's Natural & Recreational Resources

Virginia Natural Heritage Program

0.25 0 0.25 0.5 Miles



Map created October 2013 by DCR-DNH; Base Imagery: 2002 National Geographic Quads

Kyle Burcham

From: Mr John McCraw <johnmccraw@yahoo.com>
Sent: Thursday, September 12, 2013 11:27 AM
To: Jose Ribeiro
Cc: RubyjeanGould@kingsmillunited.org; george gilfillan

Dear Mr.Ribeiro:

I am writing you as Senior Planner, in regard to the proposed Kingsmill changes.

I have agreement from literally dozens of home owners and golfing members, that the developments on the 16th hole on the River Course, and the 12-15 holes on the Woods Course, would be environmental disasters. Both have beautiful trees, which will take 50 years to replace, if ever. Not a single person agrees with any aspect of these environmentally destructive plans.

1) The 16th hole on the River Course offers special beauty to every person who plays the course, or views it from a home, or views it from the Clubhouse. There is no way to both protect the trees and build 30 or so houses on this hole.

2) The loss of the present 12-15 holes on the Woods Course would be a loss forever to the property. The lake view, from every direction, would become a suburban sprawl. The net overall loss of trees would, environmentally, hurt everyone in the Williamsburg area.

3) The runoff of contaminated water, from 300 new houses and roads, which would drain directly into the James River, is environmentally unjustified and harmful.

4) Many of the members with whom I have spoken would withdraw their membership, if these changes are forced upon us. Many would sell their homes in Kingsmill, before parts of the golf courses are ruined forever and the value of the houses fall.

5) It is not too speculative to wonder, in light of the tepid sales of the present new Kingsmill condominiums on the James River water front, what would happen if no body comes, and the new houses don't sell on the 16th hole or the Woods Course? The trees would be gone, the mud and runoff still there. This is not a bizarre consideration, when no one can be sure that we will not have a new recession from the Middle East, or from the same causes that precipitated the last Great Recession. What if the developments never became a reality? What if Xanterra just leaves for greener pastures, right after the trees were cut. It happens. Why should we trust Xanterra, when their motivation is obviously money, before any other consideration.

6) Money is the force driving these housing developments. Xanterra has access to the whole world for their developments. They should try that first, rather than destroy a beautiful asset of Williamsburg.

Thank you,
John McCraw
109 Roger Smith
Williamsburg
23185

Kyle Burcham

From: Mr John McCraw <johnmccraw@yahoo.com>
Sent: Thursday, September 12, 2013 11:33 AM
To: Jose Ribeiro
Subject: AGAINST KINGSMILLE CHANGES

Dear Mr.Ribeiro:

I am writing you as Senior Planner, in regard to the proposed Kingsmill changes.

I have agreement from literally dozens of home owners and golfing members, that the developments on the 16th hole on the River Course, and the 12-15 holes on the Woods Course, would be environmental disasters. Both have beautiful trees, which will take 50 years to replace, if ever. Not a single person agrees with any aspect of these environmentally destructive plans.

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Thank you,
John McCraw
109 Roger Smith
Williamsburg
23185

Kyle Burcham

From: deloris peace <dpeace@mail.com>
Sent: Thursday, September 12, 2013 1:58 PM
To: Jose Ribeiro
Subject: Xanterra Development

Please do not let Xanterra destroy Kingsmill by rezoning.

We chose this area as our retirement home after serving our country for 41 years in the military and via government work. Sadly, we are watching everything we liked about the area disappear. We watched as the Monticello corridor took away green space, we watched across the street disappear as Harris Teeter and other development took place, and now we are stunned at the thought of greenspace within the gates of Kingsmill disappearing.

Please do not sell out to the supposed BIG GUY! We feel that when Xanterra starts losing their shirts at the resort (and they will) - they will simply put everything back on the market and we, as Kingsmill homeowners will be left with the mess. But alas, James City County will also be left holding the bag.

Jearld & Deloris Peace
Homeowners - Kingsmill

Kyle Burcham

From: Christine Franck <christine@christinefranck.com>
Sent: Thursday, September 12, 2013 2:12 PM
To: Jose Ribeiro
Cc: Paul Holt; Christopher Johnson
Subject: RE: Request for information about Xanterra/Kingsmill Masterplan

Dear Mr. Ribeiro,

Thank you very much. I appreciate the planning staff taking the time to do this. It is very important for residents and the public to know what is being proposed and to understand the planning process so we can be involved in the things which impact the present and future of Kingsmill and our broader community.

A few of us who are organizing Monday evening's meeting are meeting tonight to plan our agenda and I will share that agenda with you tomorrow. If there is anything that I need to coordinate for you, please let me know. For example, if you plan to show images of the master plan via the projection which I think is in the room, I don't know if I will need to coordinate that with someone, or ask permission. Whatever I need to do to facilitate the presentation of the master plan changes, please let me know.

Thank you very much for your time, I look forward to meeting you too,

Christine

Christine G. H. Franck
www.christinefranck.com

From: Jose Ribeiro [mailto:Jose.Ribeiro@jamescitycountyva.gov]
Sent: Wednesday, September 11, 2013 4:27 PM
To: 'christine@christinefranck.com'
Cc: Paul Holt; Christopher Johnson
Subject: RE: Request for information about Xanterra/Kingsmill Masterplan

Ms. Franck,

Thank you for your e-mail. Staff will be happy to attend to the meeting on September 16th to explain the proposed master plan for Kingsmill and answer to any land use questions the group may have.

I am looking forward to meet you.

Best regards,

Jose Ribeiro
(757) 253-6890

From: Christine Franck [mailto:christine@christinefranck.com]
Sent: Wednesday, September 11, 2013 8:32 AM
To: Jose Ribeiro
Cc: Paul Holt
Subject: Request for information about Xanterra/Kingsmill Masterplan

Dear Mr. Ribeiro,

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It is critical that we have our facts straight and understand what is being proposed, thus I wondered if you would be willing to come to the meeting and make a brief informal presentation of exactly what is in Xanterra's plans. Not only would this ensure citizens have accurate and complete information, which Xanterra has been unwilling to share easily and openly with residents, but we would also, perhaps, save you a little bit of time – you can tell 50 people what the plans are at once instead of meeting with 50 people individually.

I've discussed this with Michael McGurk and Rubyjean Gould, who have both met with you, I believe, and who are organizing this meeting with me, and they concur that this would be very useful.

If you are not able to brief our meeting, then I would like to meet with you so that I or one of our group can present the proposed changes as accurately as possible.

Thank you in advance,
Christine

Christine G. H. Franck

Designer • Author • Educator

613 Fairfax Way • Williamsburg VA 23185



Kyle Burcham

From: Christine Franck <christine@christinefranck.com>
Sent: Friday, September 13, 2013 8:45 AM
To: Jose Ribeiro
Subject: RE: Request for information about Xanterra/Kingsmill Masterplan

Good morning Mr. Ribeiro,
I will call you in a little bit, or could drop by today if you would like.

I am checking with the others who are organizing Monday's meeting, but to be perfectly frank, from my perspective only, I am uninterested in Xanterra presenting their proposed master plan amendments. We have been unable to obtain facts about their proposed changes without their spin, and we have found that they have told us certain things in earlier presentations – such as the resort development not impacting residents access to the river – which they have changed later – such as prohibiting residents from using the river or restaurants without paying for a membership in the club.

Lack of information and people feeling they do not know what is being proposed and what the facts really are have made it very difficult for citizens to respond to the proposed changes. The feeling of helplessness and dissatisfaction is profound. Thus I reached out to the planning commission to ask for a presentation of the plan to a group, rather than everyone coming to you individually.

We have had enough non-information from Xanterra and the KCSA. We want to understand what the facts are, what the planning processes are, and what our rights are within that planning process from an unbiased source. While there would certainly be benefit for Xanterra to listen to the community it decided to become a part of, and while I would not prevent anyone from attending Monday's meeting, people are not coming to Monday's meeting to listen to Xanterra's promotion of what they want to do.

When I hear back from my colleagues organizing this meeting, I'll be in touch to discuss Monday's meeting. Thank you very much, we really appreciate being able to understand the facts without corporate interests overlaid.

Best wishes,
Christine

Christine G. H. Franck
www.christinefranck.com

From: Jose Ribeiro [mailto:Jose.Ribeiro@jamecitycountyva.gov]
Sent: Friday, September 13, 2013 8:26 AM
To: 'christine@christinefranck.com'
Subject: RE: Request for information about Xanterra/Kingsmill Masterplan

Hello Ms. Franck,

Mr. Gary Raymond of Xanterra has offered to be in Monday's meeting to discuss/present the proposal. I am forwarding your e-mail contact to Mr. Vernon Geddy, the local attorney working with Xanterra; his e-mail address is vgeddy@ghfhlaw.com. Also, I would like to talk with you about coordinating this meeting. My phone number is 757 253-6890.

Call me at your convenience.

Best,

Jose Ribeiro
Senior Planner

From: Christine Franck [<mailto:christine@christinefranck.com>]
Sent: Thursday, September 12, 2013 2:12 PM
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Thank you in advance,
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Designer • Author • Educator

613 Fairfax Way • Williamsburg VA 23185



Kyle Burcham

From: Christine Franck <christine@christinefranck.com>
Sent: Friday, September 13, 2013 8:52 AM
To: Jose Ribeiro
Subject: RE: Request for information about Xanterra/Kingsmill Masterplan

Hello again,

On a related note, when I mentioned to my mother that Xanterra has inserted itself into our meeting on Monday, and has offered to present the master plan, she pointed out that this is not why we asked JCC planning to present this application to us. She said, with a bit of anger, James City County works for us, its citizens, not Xanterra.

I will be back in touch after I have spoken with those of us who are organizing Monday's meeting,

Thank you very much for helping us to understand this application,
Christine

Christine G. H. Franck
www.christinefranck.com

From: Jose Ribeiro [mailto:Jose.Ribeiro@jamescitycountyva.gov]
Sent: Friday, September 13, 2013 8:26 AM
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Best,

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Thank you in advance,
Christine

613 Fairfax Way • Williamsburg VA 23185



Kyle Burcham

From: Christine Franck <christine@christinefranck.com>
Sent: Friday, September 13, 2013 10:52 AM
To: Jose Ribeiro
Subject: RE: Request for information about Xanterra/Kingsmill Masterplan

Hi Mr. Ribeiro,

I have confirmed with my other organizers that we do not want Xanterra or Kingsmill to present the proposed master plan changes. Rather, we want an unbiased presentation from the planning staff about the master plan changes being proposed and the planning processes involved. Lack of communication from Xanterra and lack of information has hampered the public from being aware of this or responding to it in an informed manner.

This is a public meeting, so anyone is welcome to attend. If Xanterra representatives choose to attend, I am sure it would be a good opportunity to listen to the public's thoughts about their proposed changes. However, we are not having this meeting to debate with Xanterra or Kingsmill, or to hear a presentation from them. If they would like to organize such a meeting, that would probably be a good idea for them to do.

Perhaps they will decide to hold such a meeting to present their proposed master plan changes. I believe the last time they did this was a year or two ago before the Lazy River pool and cottages. I don't recall that they have ever presented to Kingsmill residents their intention to rezone recreational space to residential, to build 320+ new residential units, to impact the natural buffers, or to develop along the Country Road. It would have been useful and fair if they had.

I'm confirming with the organizers that we would like the presentation of the master plan to be the second item on our agenda after a brief introduction. After I have that information I will call you to discuss. It's not our intention to create any work for the already busy planning staff. We just want information that we believe we should be able to see and know.

Thanks again,

Christine

Christine G. H. Franck
www.christinefranck.com

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Christine G. H. Franck

Designer • Author • Educator

613 Fairfax Way • Williamsburg VA 23185



Kyle Burcham

From: Robert Cetola <rcetola@cox.net>
Sent: Friday, September 13, 2013 4:16 PM
To: Jose Ribeiro
Cc: Tim O'Connor
Subject: Proposed amendment of KM Master Plan
Attachments: KM reference Forever.JPG; KM Master Plan map 2003.JPG

Jose – First, I want to thank you and the ladies at the front desk, especially “TC” for your time and attention during my visit on Tuesday, September 10. Very informative.

Following our meeting, I have since talked with representatives of KCSA (Kingsmill Community Services Association) and Kingsmill Reality. My impression is the situation is more alarming than I had imagined. I am concerned from a personal viewpoint and from a community viewpoint, and hope the review/evaluation process is thorough.

My personal concerns are (1) loss of promised amenities (for example, I frequently use a part of the nearby Old Country Road during walks; there are others), (2) increased traffic congestion in my area (close to Woods Course entry), (3) higher community fees due to increased wear and tear and expenses (new gate by Woods Course?), (4) considerably increased noise from Busch Gardens (with loss of buffering trees), (5) decreased security with loss of buffered space, and (6) decreased property value due to these, plus the additional backlog of homes for sale (current backlog may exceed one year).

Community concerns include the fact that KCSA has not been consulted, or been a part of this proposed development; and apparently is discouraged from having an opinion which may be unfavorable. They do not have a copy of the proposed amendment. Unbelievable. The Community's opinion is essential. Additionally, the Woods Course is about two miles from its entry off of Wareham's Pond Road, which is about two miles from the “60” gate and three miles from the “199” gate. The total entry distance of 4 to 5 miles is quite a distance for emergency vehicles, which likely will necessitate another gate entrance. Will the new residences be part of KCSA?

It appears the owner's intent is to maximize the total number of residential lots which can be squeezed out of this community, regardless of current residential impact or implied promises made by the developer, Busch Properties. For one example, see the two attachments. One is a copy of “The Master Plan of Kingsmill on the James, obtained in 2003 as we were researching homes in Kingsmill. The Carter Grove Country Road is clearly identified and was highlighted as a significant benefit, as I recall, during discussions with the KM realtor. The upper right corner of that map has descriptive words, highlighted in the second attachment. Among these words are:

“And where future generations will always be greeted by the same sights that welcomed their forefathers. Because nearly half of Kingsmill's 2900 acres will remain natural and open. Forever.”

“Forever.” Acknowledged by “Busch Properties.”

It has been pointed out to me that Xanterra acquired all the “rights” from Busch properties, such as the limitation on the “Association” not to take a public position in opposition to changes in the Master Plan without written consent of the Developer. Should Xanterra not have acquired all the implied obligations?

Another community consideration should be an input from Busch Gardens. Having new residents right on their fence without a buffer space should lead to noise complaints and demands Busch reduce noise, operating hours, and season length. Have they been consulted? Will they?

Personally, I do not have a problem with houses on the Woods course. Another entry/exit point in that area could be beneficial.

Busch Properties was prudent when they provided the buffered, noise-absorbing, treed area between Busch Gardens and the KM residential area. That area must be maintained. A cooperative effort among Xanterra and KCSA should be explored versus a growing adversarial relationship not likely to benefit either.

Again, thank you for your time and consideration.

Robert Cetola

Kyle Burcham

From: Christine Franck <christine@christinefranck.com>
Sent: Saturday, September 14, 2013 9:29 AM
To: Jose Ribeiro
Subject: Coordination for Monday's Kingsmill Meeting

Dear Jose,

After a brief introduction to the meeting, I will introduce the planning staff presentation of the MP amendments and planning process. I'll facilitate a brief Q&A with the caveat that questions are to be on the contents of your presentation and to clarify information, not to debate or comment.

When we finish the JCC planning presentation, I'll shift us to Bill Voliva who is going to present a bit about the historical background of the BPI development plans. To assist him and the audience, he would like it if you could leave an image of the master plan up on the screen. I'm assuming you'll be projecting an image of the master plan, but it occurs to me you might also display it on an easel, in which case could that be left up during Bill Voliva's presentation?

Thanks in advance for all of your help,
Christine

Christine G. H. Franck
Designer • Author • Educator
613 Fairfax Way • Williamsburg VA 23185



Kyle Burcham

From: Chris Rodgers <erodgers1@cox.net>
Sent: Saturday, September 14, 2013 1:31 PM
To: Jose Ribeiro
Subject: CONFLICT OF INTEREST??

CAN YOU HELP XENTERRA ?? AND ALSO REPRESENT OUR INTERESTS???? Your salary comes from which sources????

CHRIS RODGERS (I recently visited your office) erodgers1@cox.net

Kyle Burcham

From: Christine Franck <christine@christinefranck.com>
Sent: Sunday, September 15, 2013 2:59 PM
To: Jose Ribeiro
Subject: RE: Coordination for Monday's Kingsmill Meeting

Thank you!

Christine G. H. Franck
www.christinefranck.com

From: Jose Ribeiro [<mailto:Jose.Ribeiro@jamescitycountyva.gov>]
Sent: Sunday, September 15, 2013 2:43 PM
To: 'christine@christinefranck.com'
Subject: RE: Coordination for Monday's Kingsmill Meeting

Dear Christine,

Thanks for the update; I will make a power point presentation and leave the last slide as the image of the master plan so that it can be used during Mr. Voliva's presentation.

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13 Fairfax Way • Williamsburg VA 23185



Kyle Burcham

From: Christine Franck <christine@christinefranck.com>
Sent: Sunday, September 15, 2013 3:02 PM
To: Jose Ribeiro
Subject: RE: Coordination for Monday's Kingsmill Meeting

Dear Jose,
See below for the agenda for tomorrow night's meeting.
Thanks,
Christine

Kingsmill: Scope, Strategy and the Way Ahead
September 16, 2013 -- 7:00 PM
James City County Government Offices, Building F

Agenda:

1. Welcome, Overview, Protocol
2. Development issues raised by master plan amendment:
Presentation of Kingsmill master plan amendments and explanation of James City County planning procedures: James City County planning staff
3. Discuss and agree on Kingsmill United position and next steps regarding the Kingsmill Master Plan amendments
4. Privatization and implications for Kingsmill, residents and the public
5. Community Governance -- Need for resident representation
[KCSA limitations vs. Virginia Home Owners Association]
6. Other Issues -- Next Meeting -- Next Steps

Christine G. H. Franck
www.christinefranck.com

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Kyle Burcham

From:

Julia Willis <doverjww@aol.com>

Sent:

Sunday, September 15, 2013 7:11 PM

To:

Jose Ribeiro

I wish to register my protest against the rezoning efforts of Xanterra affecting Kingsmill. Julia Willis

Kyle Burcham

From: Donna M. E. Ware <dmeware@verizon.net>
Sent: Monday, September 16, 2013 2:24 PM
To: Jose Ribeiro
Subject: Last Thurs.
Attachments: Jose Ribiero 14 September 2013.doc

Mr. Ribiero,

Thinking back on the conversation we had last Thursday, I realized that I switched back and forth between two separate issues in a way that may have conflated them in a confusing way. I particularly need to clarify that I was speaking for myself—not on behalf of the Virginia Native Plant Society. The attached letter explains this more fully.

Thank you!
Donna Ware

Kyle Burcham

From: White, II Earl <edwhite2@cox.net>
Sent: Monday, September 16, 2013 2:27 PM
To: Jose Ribeiro
Subject: proposed Xantara plans for Kingsmill

Dear Mr. Rebeiro,

Thank you for taking time today to speak with me and my wife today regarding the zoning changes for Kingsmill proposed by Xantara. Your explanations were very helpful to our understanding.

I would like to express my concerns about the proposed changes that would allow for the construction of a significant number of single family homes, town homes and condominiums to be added to the Kingsmill community.

My concerns fall into several categories. Increased traffic on existing roads will pose problems of safety for all residents as well as the problem of increased congestion at peak hours. Many of the roadways have curved approaches to various intersections posing a risk for both pedestrian and vehicular traffic with the resulting increase in traffic if new homes are constructed. Increased traffic carries with it the pollution of exhaust fumes and environmental hazard as well as associated noise.

The loss of currently wooded areas will have the problem of added runoff of rainwater and the debris of inhabitants. This runoff has the potential to cause damage to existing residents and property. Additionally, the loss of the wooded areas will adversely impact the ambiance and livability of Kingsmill for it's current residents.

Finally, the change of the "Country Road" from its current recreational use to one with vehicular traffic will eliminate its recreational opportunity while adding additional stress and volume to the bike paths and trails by the use of new residents.

Overall, the addition of the 200+ proposed new homes and dwellings will have a negative impact on the current residents which can never be recovered or mitigated, making Kingsmill a less desirable place to reside.

Thank you for making my views a part of the decision making process in the review of the proposed changes by Xantara.

Yours truly,
Earl D. White, II, MD
113 John Wickham
Williamsburg, VA 23185

Kyle Burcham

From: Dorothy G. White <dg.white@cox.net>
Sent: Monday, September 16, 2013 2:38 PM
To: Jose Ribeiro
Subject: Xanterra and plans to build in Kingsmill

Dear Mr. Ribeiro,

Thanks for talking with my husband and me this morning about the expansion plans Xanterra has for Kingsmill.

We live at 113 John Wickham in the Wickham's Grant Section off of Wareham Pond Road.

After looking at the plans on file with your office, it is apparent that we are in an area of significant impact with multiple road entry points in close proximity to our street, John Wickham. I'll list my concerns below:

1. increased traffic on Wareham's Pond Road and Kingsmill Road.
2. Increased road congestion and difficulty turning left out of our section
3. Increased time to enter and egress Kingsmill through the route 60 gate to our street.
4. Increased risk of accidents due to clustered driveways/roads on both sides of Wareham Pond Rd where new condos/homes will be built across from Wareham Pt, Wickham's Grant, and Blair Court.
5. Potential loss of Buffers between the Brewery and Kingsmill and Busch Gardens and Kingsmill.
6. Potential loss of use of Country Road for recreation of residents i.e. walking, running, biking, walking pets, etc.

I wonder if the homes/condos across from John Wickham might connect to the homes/condos planned on Kingsmill Road in some other more direct way (around the golf course way)?

I'm not opposed to Xanterra adding additional homes within Kingsmill, but would like it enhance what is here rather than to adversely affect the homes and roads already built. The existing buffers to the sights and sounds of the Brewery and Busch Gardens are very important to retain.

Sincerely,

Dorothy White
113 John Wickham
757-220-9037

Kyle Burcham

From: Christine Franck <christine@christinefranck.com>
Sent: Monday, September 16, 2013 11:41 PM
To: Jose Ribeiro
Subject: THANK YOU!!

Dear Jose,

Thank you so, so, so much. I cannot tell you how much it helps for everyone to have information they can rely on. Your presentation was so good. As you said it would be, it was brief and comprehensive. You gave such a professional and clear presentation.

Chris Johnson (I think I remember the name correctly) asked that we make sure to put the general/main JCC planning department phone number on our contact sheet, which we will be sure to do. And I will encourage people to submit their comments to you in a formal email or letter, rather than calling too much. If there is anything else that I can do to help communications run smoothly, please let me know. I'll do what I can.

Later this week, or next week, as your schedule permits, I would like to meet with you and understand a few more things in better detail. I'll be writing about this for my blog and want to make sure I understand. I have a few questions myself, but I didn't want to ask them tonight when there were so many questions from the audience.

I did have a chance to meet Gary Raymond, and I encouraged him to be in touch with me. And I suppose, if the community becomes involved and Xanterra becomes more committed to participatory planning – then we might have something good come out of this.

I hope.

My sincerest thanks,
Christine

Christine G. H. Franck
Designer • Author • Educator
613 Fairfax Way • Williamsburg VA 23185



Kyle Burcham

From: KHerr54147@aol.com
Sent: Tuesday, September 17, 2013 9:07 AM
To: Jose Ribeiro
Subject: KingsmillCountryRoad

Dear Mr.Rubeiro,

Thank you for your very clear presentation of the Xanterra plan (to date) to destroy the Country Road that is part of Kingsmill.

My concern is the loss of green space, the historic aspects(hopefully an archeological study will be made of the area), and the proximity to Mc Laws Circle and the Busch amusement park. Surely these are not desirable neighbors for "exclusive" homes. Further the amount of new homes coming to York County and Williamsburg would seem to be putting enough stress on exisiting facilites.

Our home is one the tidal creek in Kingsmill , so of course we are concerned about how any water is handled in KM.

When Govenor's Land was built and their habitats were destroyed, deer were trying to swim the James River to Surry. It was a heart breaking sight. Although we all complain about the deer, the area around the Country Road is a shelter for them, and I am concerned for them.

Having lived in KM for over 20 years, I am disturbed that its character will change. Hopefully, the Planning Board will give Xanterra's plan thoughtful consideration.

Sincerely,
ice Herring

Kyle Burcham

From: Shbarnerinc <shbarnerinc@aol.com>
Sent: Tuesday, September 17, 2013 12:00 PM
To: Jose Ribeiro
Subject: Kingsmill Master Plan /Original

Jose, Thank you for taking time to meet with Kingsmill Residents last night. I came to visit you in your office a few weeks ago and we discussed the Original Master Plan for Kingsmill that I recalled seeing some time ago. I was looking at The Covenants and Restrictions for Kingsmill and noticed that it references the original Master Plan recorded in the courthouse in Book 30 page 16/17 and amended in Book 30 page 67. I am also somewhat confused on what the current master plan is , is it this one (the recorded one) or some other version ? The Covenants and Restrictions for the community are also recorded in Book 147 page 642. In them , dosen't it state that the Master Plan can only be amended by a 75 percent agreement of the " Owners ". If this is the case, how can the amendment go forward without a certification from KCSA that 75 percent of us agree with it ? I was under the impression that these recorded documents were our "deeded " rights as owners in the community. Thanks again for you time. Scott Barner

Kyle Burcham

From: Mary Kay Dineen <dineenmk@gmail.com>
Sent: Tuesday, September 17, 2013 1:19 PM
To: Jose Ribeiro
Subject: Xanterra/KM
Attachments: JCC Planning Department.doc

Please see the attached outlining our concerns. We appreciate your time and consideration.
Mary Kay Dineen

Dear Members of the James City County Planning Department,

As a resident of Kingsmill-on-the-James I am concerned about Xanterra's proposed expansion to our residential community. These concerns center around the following:

- The Country Road will be irreversibly interrupted.
- Trees and greenspace will be destroyed.
- A sound and visual barrier between present residences and Busch Gardens and the brewery will be lost.
- Numerous unsold lots are presently available within Kingsmill.
- The newly offered 18 "Cottages on the James" and 33 lots in "Burwell's Bluff" have yet to sell.

The first item is our deepest concern. We would love to be involved in a community wide effort to convert the Country Road into a biking/walking/fitness trail to be used by all residents of Williamsburg/James City County.

We have lived here since 1985, raised three children and sent them to JCC public schools. We both practice(d) medicine here for all of those 28 years. Our roots are deep and extend beyond the Kingsmill gates. Please give our well-founded concerns your finest consideration.

Appreciatively,

Mary Kay Dineen, M.D.
Stewart Wetchler, M.D.
156 W Landing
Williamsburg, VA 23185
mkdineen@cox.net
757-220-9291

Kyle Burcham

From: Joan Hagan <hagan104b@msn.com>
Sent: Tuesday, September 17, 2013 2:25 PM
To: Jose Ribeiro
Subject: Xanterra Master Plan change request

Mr. Ribeiro;

Thanks for your concise and informative presentation last night at the JC Government Center. As Kingsmill residents since 1977, my wife and I have seen many changes over the years. We have seen the County grow at an exponential rate and in our opinion grow to the point where the standard of living in the County has suffered. Which brings me to the request from Xanterra to remove the Country Road and associated buffer areas, and build housing in it's place. The buffer area and the road are there for a reason. Placing housing that close to the Corporate Center and the Brewery is absurd. The noise level and the smells from the brewery and Busch Gardens would be overwhelming. No potential buyer in their right mind would subject themselves to this when they have other options. If this housing construction goes forward you are looking at a community of renters, not residents in those dwellings. Kingsmill has hundreds of homes for sale. There are thousands of homes for sale in the County. We don't need any more new houses in the County! New housing has been approved within a 5 mile radius of Kingsmill.

Also, consider the environmental impact from clearing all those acres of trees. Water will no longer be absorbed into the ground, it will runoff to an already taxed drainage system.

In summation, please take a step back and see this as what it is...a money making venture.

Richard and Joan Hagan
104 Blassingham
Williamsbur, Va. 23185

Kyle Burcham

From: Al Getts <hag00@cox.net>
Sent: Tuesday, September 17, 2013 8:25 PM
To: Jose Ribeiro
Subject: Kingsmill / Carters Grove Plantation Road - Rezoning Case (Noise Impact)

Jose,

That was an excellent presentation you gave to the Kingsmill United Group yesterday evening. It was both interesting and informative. Thank You!

Due to the number of people fielding questions to you there was no time for me to address my observation and question related to the Impact Study. First, my observation. Let me say that I have attended 99.9% of the Planning Commission and BOS Meetings over the last 15 years as one of your broadcasters in the back room. Over this timeframe Busch Gardens has submitted numerous proposals for new rides in the park. All of which have included what I consider to be a very comprehensive "Noise Study" that was scrutinized by staff. One of the primary areas targeted or used to measure increased noise levels has been the Kingsmill Community.

Xantera proposes to rezone the area along Carters Grove Country Road to Residential. Thus, removing the trees that act as a noise barrier between Busch Gardens, the Brewery, Busch Corporate Park, Route 199, and the Kingsmill Community. **Will Xantera be required to produce a similar Noise Impact Study? Can this be used to substantiate a denial or significant revision to the existing Master Plan submittal?**

Tree Cover and existing buffers only provide adequate control for Noise Pollution "even when trees are in full bloom". Currently, noise levels in Kingsmill are bordering on unacceptable in the fall and through the winter months. Some things to consider:

- **EXISTING NOISE SOURCES**

- **Busch Gardens** – Live Bands, Riders Screaming on Attractions, Train Whistles and Fireworks
 - My home is located at 104 John Paine in Kingsmill. The house is on a wooded ravine lot which is approximately 1 ½ miles from the **Busch Gardens Band Stand** "as the crow flies". On evenings when the bands play and the winds are blowing in our direction (West / North West) we have had to raise our voice in order to have a normal conversation on our back deck. (*Perhaps the Noise Studies were insufficient, incorrect, or distorted*)
 - **Nightly Fireworks** (9:30 p.m.) have awoken and also prevented me from sleeping when our windows are open. They can also be heard in our living room with all windows shut and the Air Conditioner on during warm weather.
 - **Train Whistles** can be heard from the park regardless of the wind direction. But it is more pronounced when blowing in our direction.
 - **Screaming riders** can be heard on the attractions (i.e. roller Coasters and drop rides) at and above the tree line.

NOTE: These comments do not even address the noise levels at homes along the outer edge of Kingsmill next to the existing Plantation Road buffer area. Significant increases in these sounds are expected when the trees are removed.

- **Brewery** – The constant hum of industrial equipment and odors from the plants brewing processes are a constant annoyance on the East end of Kingsmill.
- **Light Industry at Busch Corporate Park** – Air Conditioners (equipment), trucks loading and unloading, forklifts, reverse backup warning sirens can be heard clearly along the Carters Grove Country Road and Southall Road in Kingsmill.
- **Route 60** – As the population grows we clearly hear an ever increasing number of emergency vehicles with sirens blaring.
- **Route 199**– Constant traffic noise and ever increasing number of emergency vehicles with sirens blaring.
- **CSX Railroad (High Speed & Cargo)** – Trains can be heard in the evenings with the windows open in our house.
- **Interstate 64** – Constant hum of traffic can be heard in my house in the evenings with our windows open.
- **Clear Cutting of Trees in Utility Easements around the Parameter of Kingsmill** – Further reducing the tree buffers.

NOTE: *Last week I took a bike ride along the Carters Grove Country Road and was amazed at the high Noise levels in this area even with some tree buffer between the road and adjacent corporate endeavors.*

• **FUTURE ADDITIONAL NOISE SOURCES**

- **Eminent widening of Interstate 64** – Perceived significant increase in traffic noise.
- **Possible widening of Route 60** – Additional traffic noise and increasing number of emergency vehicles with sirens blaring.
- **Dominion Va. Power Transmission Easement Clear Cutting** - Less noise reduction.

Hopefully, we in Kingsmill will not be lulled off to sleep at night by the humming of industry at the brewery, train noise from CSX, fireworks, bands playing, screaming people at the theme park, and the constant sound of cars and trucks rolling along Interstate 64 in the near future. At these first signs my family will be part of the first wave of "Urban Flight" from James City County.

I know you are probably a bit overwhelmed with the amount of communication on this case. However, I would appreciate a response, call, or maybe a conversation on this matter. Perhaps we can talk during the next Planning Commission Meeting.

Best Regards,
 Al Getts
 757-380-3293 (W)
 757-229-9987 (H)

Kyle Burcham

From: JOHN NILAND <j.niland@me.com>
Sent: Tuesday, September 17, 2013 10:26 PM
To: Jose Ribeiro
Cc: HJW HJW; Russo Thomas T.; Michael McGurk; Christine Franck; Lenny Berl & Donna; Gould Rubyjean
Subject: The Elephant In The Room

Jose

First and foremost I want to thank you for your time and excellent presentation Monday night. Your were thorough, to the point and most importantly unbiased.

Unfortunately the most important environmental aspect of the proposed development was not addressed at the meeting nor was it shown on any of the maps presented that evening. **The Colonial Pipeline.** Given the fact that the pipeline runs adjacent to Cater's Grove Road and some of the proposed new residential sites it must be presented to the Planning Committee, The Board of Supervisors and the Residents.

Having been self employed in the oil industry, specifically testing of under ground petroleum tanks and pipe lines, I have had the opportunity to visit Colonial's facilities. The Colonial Pipeline Company is the largest refined petroleum products pipeline company in the United States. The entire system consists of approximately 6,000 miles of pipeline which delivers refined products from Texas to the New York / New Jersey areas. Every day the Colonial Pipeline moves millions of gallons of petroleum product through is main 36" to 40" lines. I believe the stub/branch that passes through Kingsmill is only about a 14' line and I am not sure of the daily or annual volume.

I hope that you and the Planning Commission will give this issue the attention that it deserves.

I am very familiar with the history of the Colonial Pipeline and how the system operates. If you would like I can stop by your office and give you a quick overview of things.

I have walked every inch of Carter's Grove Road(several times in the last three years) starting at the Woods Course, through the marsh lands and up to Mounts Bay Road. There is no doubt in my mind that the dividing line between our community and the commercial entities (Busch Gardens, the Brewery, and McClaws Circle) wasn't Carter's Grove Road but rather the Colonial Pipeline. For some reason people in this area are hesitant to talk about the underground petroleum line that runs directly adjacent to our community.

Thanks again for all your efforts and remaining impartial.

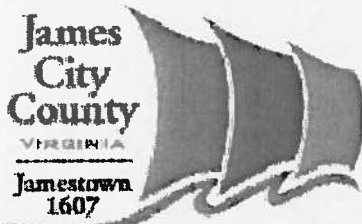
John

John Niland
503 River Bluffs
Williamsburg, Virginia 23185
Home 757-345-5916
Cell: 757-525-1107
jniland@me.com

Kyle Burcham

From: Beth Klapper
Sent: Wednesday, September 18, 2013 9:22 AM
To: Jose Ribeiro
Subject: FW: Lower Peninsula Natural Heritage Inventory
Attachments: Heritage Inventory Grove info..tif; Heritage Inventory Grove MAP.tif

Beth Klapper
Development Management Assistant



101-A Mounts Bay Road
Williamsburg, VA 23185
P: 757-253-6671
jamescitycountyva.gov

*Please note that County e-mail addresses have changed.
Please use: Beth.Klapper@jamescitycountyva.gov for all future correspondence.*

From: Donna M. E. Ware [<mailto:dmeware@verizon.net>]
Sent: Tuesday, September 17, 2013 8:10 PM
To: Beth Klapper
Subject: Lower Peninsula Natural Heritage Inventory

To: Beth Klapper

I found the inventory we discussed: Clappitt, C. A. 1991. Natural Areas Inventory of the Lower Peninsula of Virginia: City of Williamsburg, James City County, York County. Natural Heritage Technical Report #92-1. Department of Conservation and Recreation, Division of Natural Heritage. Richmond, VA. 24 January 1992. 85pp. I'm going to scan the Grove Ck. part (2 pp., one of text and a map). --Donna Ware

Kyle Burcham

From: Matt Murray <murray.mb@gmail.com>
Sent: Wednesday, September 18, 2013 11:17 AM
To: Jose Ribeiro
Cc: Brooke Murray
Subject: Formal Complaint against Kingsmill Rezoning Effort

Good morning Jose,

In follow-up to my voicemail, I would like to make a formal complaint/formal opposition to the current rezoning efforts by Kingsmill Resort (Xanterra). My wife and I live at 18 Bray Wood and we would be directly impacted by the proposed measure to rezone country road from recreational to residential. The country road is the only natural buffer to Busch Gardens and the Brewery. Eliminating this beautiful and natural screening would cause immediate noise pollution to our neighborhood, not to mention the increased traffic and other problems associated with living in a construction zone.

We personally use the country road weekly to walk our dogs, go for runs and for bike riding. This beautiful road/trail is one of the many unique features that brought us to Kingsmill and our current location. While we do not have kids, I had always envisioned long bike rides and walks with our family on the country road and rides to colonial williamsburg. Please advise me as to the best approach to submit this formal complaint/opposition.

Also, is there a way to formally petition against the measure? I would be happy to obtain signatures as I know the majority of Kingsmill residents are strongly against this proposed plan.

Kindly,

Matt Murray
18 Bray Wood Rd
216-406-2155

Kyle Burcham

From: Matt Murray <murray.mb@gmail.com>
Sent: Wednesday, September 18, 2013 11:29 AM
To: Jose Ribeiro
Subject: Re: Formal Complaint against Kingsmill Rezoning Effort

Thank you Jose,

I sincerely appreciate the quick response. Is there a deadline for a decision, or is there a meeting to discuss the proposition? If possible, I would recommend that residents attend as well.

For the petition, when is the deadline to submit? In other words, I assume we would need to submit prior to the meeting.

Thanks,

Matt

--
Matt Murray
216-406-2155

From: Jose Ribeiro <Jose.Ribeiro@jamescitycountyva.gov>
Date: Wed, 18 Sep 2013 15:25:23 +0000
To: Matt Murray <murray.mb@gmail.com>
Subject: RE: Formal Complaint against Kingsmill Rezoning Effort

Mr. Murray,

Thank you for your e-mail. I will forward your e-mail along with all others I have received to the Planning Commission and Board of Supervisors as part of staff's report. There is no formal way of starting a petition that I know of, I think that all that is necessary is for someone in your community to start one; I will be glad to forward it to the Planning Commission and Board of Supervisors as well.

Please let me know if you have any additional questions.

Regards,

Jose Ribeiro

From: Matt Murray [<mailto:murray.mb@gmail.com>]
Sent: Wednesday, September 18, 2013 11:17 AM
To: Jose Ribeiro
Cc: Brooke Murray
Subject: Formal Complaint against Kingsmill Rezoning Effort

Good morning Jose,

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Brewery. Eliminating this beautiful and natural screening would cause immediate noise pollution to our neighborhood, not to mention the increased traffic and other problems associated with living in a construction zone.

We personally use the country road weekly to walk our dogs, go for runs and for bike riding. This beautiful road/trail is one of the many unique features that brought us to Kingsmill and our current location. While we do not have kids, I had always envisioned long bike rides and walks with our family on the country road and rides to colonial williamsburg. Please advise me as to the best approach to submit this formal complaint/opposition.

Also, is there a way to formally petition against the measure? I would be happy to obtain signatures as I know the majority of Kingsmill residents are strongly against this proposed plan.

Kindly,

Matt Murray
18 Bray Wood Rd
216-406-2155

Kyle Burcham

From: Clifford Firstenberg <cefirstenberg@cox.net>
Sent: Thursday, September 19, 2013 7:06 AM
To: Jose Ribeiro
Subject: RE: Follow-up to meeting with Firstenberg

Thanks for your excellent presentation and information earlier this week. I hope you're handling the load of calls/emails/visits.

Have you had a chance to look into my two questions? Based on what we learned on Monday, the question about the Old Country Road may be moot. However, it is still worth understanding if that road is, in any way, protected as an historical "artifact."

Thanks
Cliff

Clifford Firstenberg
cefirstenberg@cox.net
757-206-6281

From: Clifford Firstenberg [<mailto:cefirstenberg@cox.net>]
Sent: Friday, September 13, 2013 5:21 PM
To: 'Jose Ribeiro'
Subject: RE: Follow-up to meeting with Firstenberg

I understand (really). I'll just keep emailing a reminder every few days so you don't need to track me down. Unless you prefer for me to just wait. I don't mind, either way.

Have a good weekend.
Cliff

Clifford Firstenberg
cefirstenberg@cox.net
757-206-6281

From: Jose Ribeiro [<mailto:Jose.Ribeiro@jamescitycountyva.gov>]
Sent: Friday, September 13, 2013 4:18 PM
To: 'Clifford Firstenberg'
Subject: RE: Follow-up to meeting with Firstenberg

Mr. Firstenberg,

I am sorry I have not had the chance to look into your questions. There is a Kingsmill meeting this coming Monday and I have been busy trying to get things prepared. I am doing my best to get you this information to you as soon as possible.

Thank you for your patience.

Best,

Jose Ribeiro
(757) 253-6890

From: Clifford Firstenberg [<mailto:cefirstenberg@cox.net>]
Sent: Friday, September 13, 2013 3:32 PM
To: Jose Ribeiro
Subject: RE: Follow-up to meeting with Firstenberg

Mr. Ribeiro – checking back on these questions.

Clifford Firstenberg
cefirstenberg@cox.net
757-206-6281

From: Jose Ribeiro [<mailto:Jose.Ribeiro@jamescitycountyva.gov>]
Sent: Tuesday, September 10, 2013 4:53 PM
To: 'Clifford Firstenberg'
Subject: RE: Follow-up to meeting with Firstenberg

Mr. Firstenberg,

Thanks for the e-mail. I have not had the chance to research but I expect to be able to have answers to your questions by no later than the end of this week.

Best,

Jose Ribeiro

From: Clifford Firstenberg [<mailto:cefirstenberg@cox.net>]
Sent: Tuesday, September 10, 2013 12:05 PM
To: Jose Ribeiro
Subject: Follow-up to meeting with Firstenberg

Hello Mr. Ribeiro

As you requested, this is my follow-up a couple of days following our meeting last Thursday. Specifically, you were going to look into the following:

- Community Area near the James River on the 1987 plan: if Busch and/or Xanterra built on that area, would that then be a Planning Commission issue; wouldn't they have needed to seek permission to change the designation and, if changing the use of that parcel, have needed to get approval? Can you advise if that area is now developed and with what?
- Old Country Road: were there any stipulations upon transfer of the Old Country Road to BPI regarding changes to the use of the property?

Thanks very much
Cliff



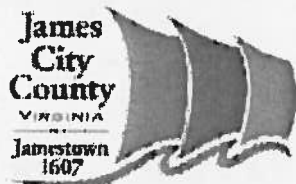
Clifford Firstenberg
cefirstenberg@cox.net
757-206-6281

Kyle Burcham

From: TC Cantwell
Sent: Thursday, September 19, 2013 10:39 AM
To: Jose Ribeiro
Subject: FW: 18 Sep / Wade Swink

FYI

TC Cantwell
Development Management Assistant



P: 757-253-6685
F: 757-253-6822

From: wade swink [<mailto:wadeswink1@yahoo.com>]
Sent: Wednesday, September 18, 2013 10:52 AM
To: Planning
Subject: Re: 18 Sep / Wade Swink

From: wade swink <wadeswink1@yahoo.com>
To: "planning@jamecitycountyva.gov" <planning@jamecitycountyva.gov>
Cc: jack dubbs <C335DUBBS@verizon.NET>
Sent: Wednesday, September 18, 2013 10:42 AM
Subject: 18 Sep / Wade Swink

Jose Ribeiro,

It was nice to see you Monday night(16 Sept '13) at the community meeting for the revision of Kingsmill's master plan. We live at 11 Whittakers mill, in Kingsmill. Our property is about 300 yds to Print Packing and 400 yds to the brewery. Both the these facilities operate 24 hours per day and are adjacent to the proposed new housing. I was told by the Print Packing plant manager that they were one of the largest power consumers in Virginia. The acoustics, thermal, and chemical emissions from the 2 facilities are obvious and hazardous. The plan development of approximately 200 home sites will place people closer to these plants and remove significant vegetation that is currently screen our properties.

This development will possibly generate additional income for Bush Properties/ Xanterra, but will reduce the value of our property. The net effect on tax revenue will probably go down; with existing 2,000+ home site's value decreasing.

Please do not approve this revision to the Kingsmill master plan.

Wade Swink, PE

phone 757-229-7471

Kyle Burcham

From: Jose Ribeiro
Sent: Thursday, September 19, 2013 11:45 AM
To: Kyle Burcham
Subject: FW: 18 Sep / Wade Swink

From: TC Cantwell
Sent: Thursday, September 19, 2013 10:39 AM
To: Jose Ribeiro
Subject: FW: 18 Sep / Wade Swink

FYI

TC Cantwell
Development Management Assistant



P: 757-253-6685
F: 757-253-6822

From: wade swink [<mailto:wadeswink1@yahoo.com>]
Sent: Wednesday, September 18, 2013 10:52 AM
To: Planning
Subject: Re: 18 Sep / Wade Swink

From: wade swink <wadeswink1@yahoo.com>
To: "planning@jamecitycountyva.gov" <planning@jamecitycountyva.gov>
Cc: jack dubbs <C335DUBBS@verizon.NET>
Sent: Wednesday, September 18, 2013 10:42 AM
Subject: 18 Sep / Wade Swink

Jose Riberiro,

It was nice to see you Monday night(16 Sept '13) at the community meeting for the revision of Kingsmill's master plan. We live at 11 Whittakers mill, in Kingsmill. Our property is about 300 yds to Print Packing and 400 yds to the brewery. Both the these facilities operate 24 hours per day and are adjacent to the proposed new housing. I was told by the Print Packing plant manager that they were one of the largest power consumers in Virginia. The acoustics, thermal, and chemical emissions from the 2 facilities are obvious and hazardous. The plan development of approximately 200 home sites will place people closer to these plants and remove significant vegetation that is currently screen our properties.

This development will possibly generate additional income for Bush Properties/ Xanterra, but will reduce the value of our property. The net effect on tax revenue will probably go down; with existing 2,000+ home site's value decreasing.

Please do not approve this revision to the Kingsmill master plan.

Wade Swink, PE
phone 757-229-7471

Kyle Burcham

From: MerklingsM@aol.com
Sent: Thursday, September 19, 2013 4:53 PM
To: Jose Ribeiro
Subject: Xanterra plans

Mr. Jose Ribeiro, senior planner, James City County : First thanks for the one on one offer with your staff. I don't want to take your time in that manner.

Considering the hoops that Busch Properties had to go through to get the Woods Course developed one would think that mother nature was the only thing that could disturb the balance agreement which was made at that time.

Now the new owners want you to forget about the terms of that Agreement and come up with an agreement to let them move a lot of dirt, cut a lot of trees, disturb a lot of wildlife and undergrowth., etc.to satisfy its cash register. The only thing that has changed is corporate greed. There is no public need for the homes Xanterra proposes down a noisy and smelly corridor.

It seems to me that the County, the E>P>A. the E>P>B>, the Audubon Society, the Corps of Engineers, and others involved in reaching the compact which was reached in a stretch should say this far and no further. No valid public reason exists for altering the existent Agreement.

When the Woods Course was built it was with the understanding that it would be what it is and as been. It was not an interim step in any further procedure. It was full and final resolution of the matter.

Xanterra bought what they bought. There is no valid need for a change to the Agreement.

Very truly yours,Ed Merkling, James City

Kyle Burcham

From: George and Jane Green <gfgreen@verizon.net>
Sent: Thursday, September 19, 2013 5:58 PM
To: Jose Ribeiro
Cc: Scott Thomas
Subject: Xanterra Master Plan Changes and the RPA

Dear Mr. Ribeiro,

Thank you very much for attending the residents' meeting last Monday night to give us clear explanations of the changes being proposed to the Kingsmill Master Plan. We have now looked carefully at the maps of the areas proposed for development and would like to express further concerns related to conservation.

The back half of our property on Bray Wood Rd is in an RPA. Several years ago we needed to remove a large diseased tulip poplar which Bartletts told us would fall on our home. In order to get the county environmental board to approve the removal of this dangerous tree, we had to agree to plant a replacement from among four choices. We did not really need another tree in our wooded back yard, but we put in a river birch. The county's application of the RPA rules was quite strict in our case.

We now see that much of the area Xanterra proposes for development is in the same RPA. When the RPA was defined this land was set aside for the country road, as a buffer, and for recreational use. Development was not on the horizon, and we do not think Xanterra should be totally exempted by any "grandfather" clauses. The area is heavily wooded and is the source of the water which flows at the back of several Bray Wood Rd properties. If Xanterra is permitted to go ahead with the development, not only will the woods be largely destroyed but also runoff and erosion will increase significantly. We believe the RPA designation is intended to prevent or restrict such environmental harm and that the county should be serious and consistent in application of the RPA requirements to the Xanterra plans. If the area is ultimately approved for development, we believe that only single family homes with large, wooded lots should be permitted. Runoff issues would be the greatest with construction of townhomes and large parking lots.

Again, thank you for your consideration.

Sincerely,
George and Jane Green
4 Bray Wood Rd

Kyle Burcham

From: bobpacek@msn.com on behalf of Robert Pacek <rdpacek@gmail.com>
Sent: Friday, September 20, 2013 3:56 PM
To: Jose Ribeiro
Subject: Kingsmill Development Plans for "Burwell Bluffs"

Jose,

Thank you for taking the time to speak with me a week or so ago, regarding the Master Plan modifications being requested by Xanterra for Kingsmill. During our discussion you confirmed for me that the current changes being reviewed do not involve their announced plans to build some 30 homes on the 8+ acres across from our home on the River Course 16th Fairway. I understand that the area where these homes are planned does not need rezoning but I am concerned about how the positioning of the homes across from us will interfere with the sight line from our home – that we paid a significant sum to acquire. Additionally, I am concerned about how access to these home will be provided. Originally we were told that it would be from the Moody's Run area near the 1st hole of the Plantation Course. It seems now they may want to extend out street (Sir George Percy) into the area near the Tee Boxes for the River 16th hole. You agreed to look at this project and its approvals -- grated and pending -- when you had a chance; and, share what you could with me about my concerns. I know you have a lot on your plate now with the active request for changes that is in the works; but, I would appreciate any feedback you can provide when you can get to it.

Thanks again,

Bob Pacek
27 Sir George Percy
Williamsburg, VA 23185
757-228-5410

Kyle Burcham

From: Dfgallup@aol.com
Sent: Friday, September 20, 2013 6:27 PM
To: Jose Ribeiro
Subject: Country Road development

Mr. Ribeiro ~

I am taking the time to write to you regarding plans by Xanterra to build a housing development on Colonial Williamsburg Country Road. In this area is a rare and interesting plant community found in few places on the face of the earth: marl ravine/mountain disjunct plant community. It is a registry site recognized by the Virginia Native Plant Society. In order for this "living fossil" to survive it is dependent on the buffering effect of the forest upland above it. Xanterra's proposed development would destroy this rare plant community.

The people of James City County are represented by many different viewpoints. However there are a significant number who live here, shop here and visit here, who enjoy and appreciate and study the natural beauty of this area. We totally oppose the Xanterra development plans on Country Road.

Thank you for listening and for your consideration to vote against such development.

Doris Field Gallup

Kyle Burcham

From:

Sent:

To:

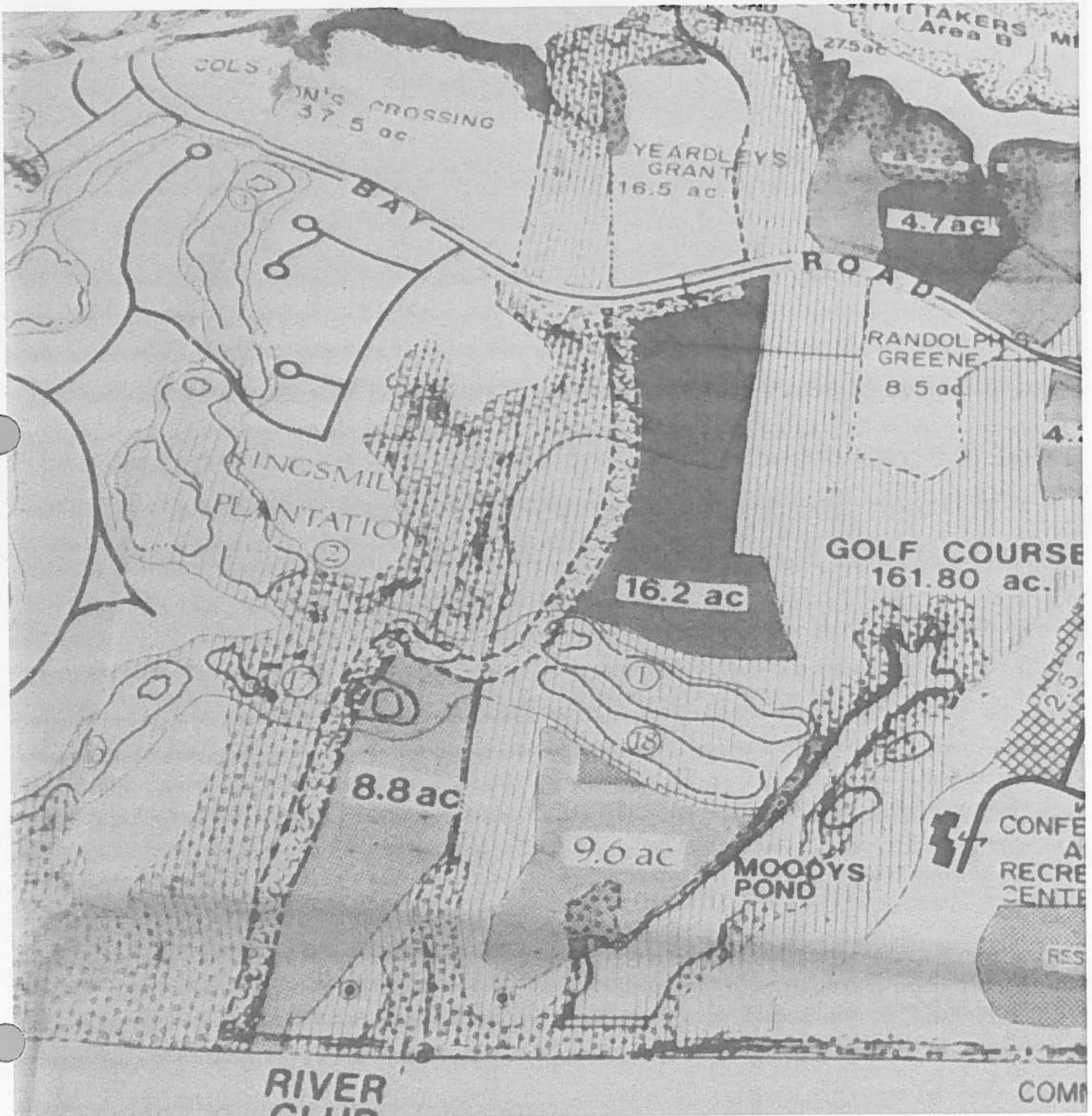
Subject:

lucinda ritter <cindylou18@me.com>

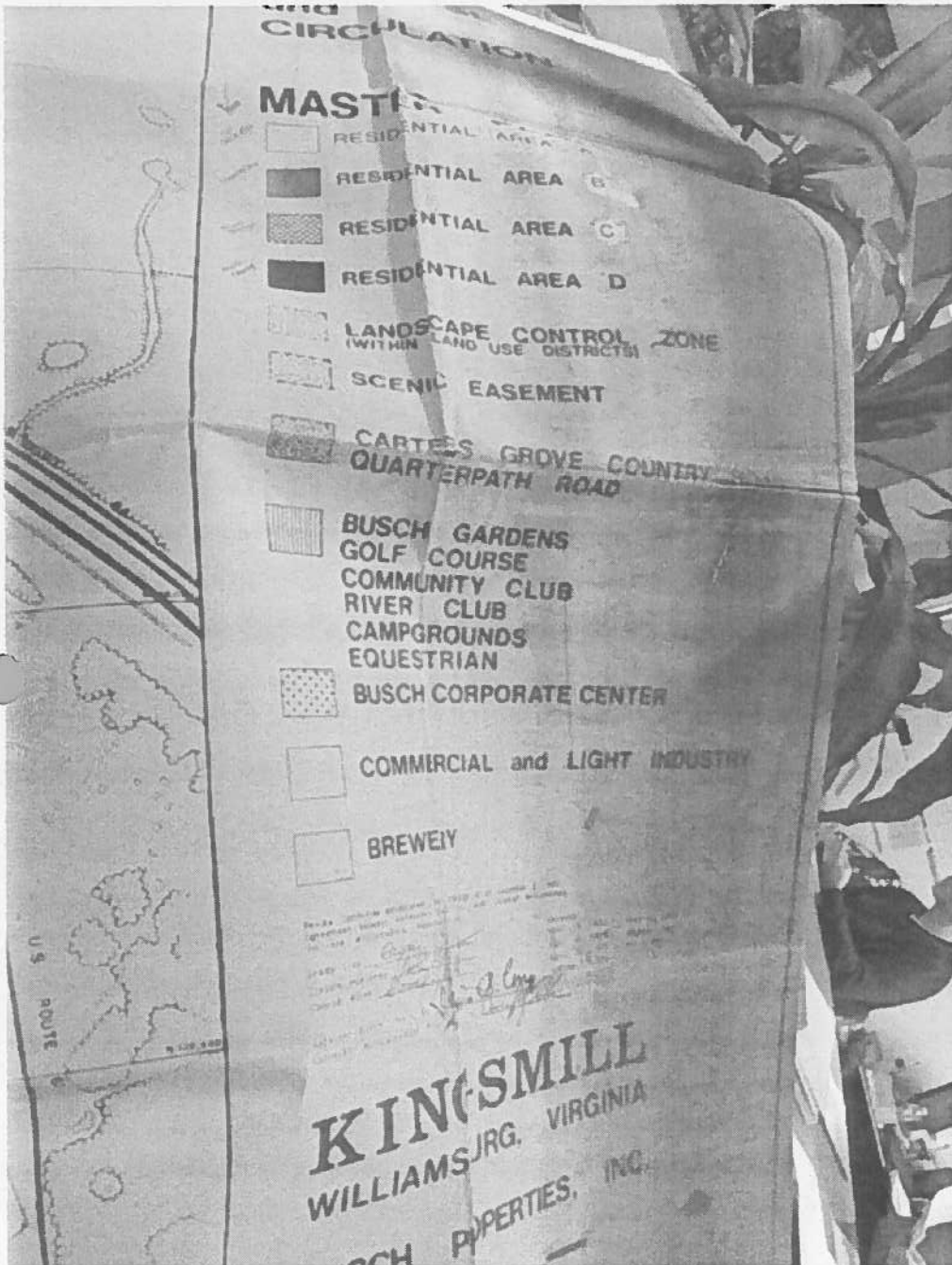
Saturday, September 21, 2013 2:52 PM

Jose Ribeiro

Master Plan 1987. Area at base of photo to left of Moody's Pond is area sited as Approved for single family homes as Burwell's Bluff subdivision in Kingsmill ((case #C00006-2013))



IMG_2127 PHOTO ABOVE SHOWS 8.8 ACRE PARCEL (CURRENTLY ARMISTEAD POINT) TO THE LEFT OF HOLE#16 River course.(not designated as River course on plan- just Golf Course) THE RIGHT SIDE IS BORDERED BY WHAT WAS 9.6 ACRES. Both were designated Townhome according to plan. That scheme partially changed when Armistead Point was built and divided into 14 lots; (13 build-able One bought by Xanterra for supposed access road/buffer into new subdivision of Burwell's Bluffs. Note that ENTIRE area is bordered by Landscape Control Zone and Scenic easement . How does this disappear to now accommodate housing?



IMG_2128

Kyle Burcham

From: lucinda ritter <cindylou18@me.com>
Sent: Saturday, September 21, 2013 4:06 PM
To: Jose Ribeiro
Cc: John McGlennon
Subject: MP00001-2013 Kingsmill

Dear Mr. Ribeiro,

Thank you for meeting my husband and me concerning the Master Plan amendment, and for addressing the meeting last Monday night at the JCC Government offices.

We wish to file a record of opposition to the proposed amendment to the Master Plan for Kingsmill for the following reasons:

1. A loss of sound and visual buffers from Busch Gardens and the Brewery.
2. Loss of use of Carter's Grove Country road as recreation space utilized by many in the community for over 30 years. Personally we have used it for walking, hiking, jogging, biking and bird watching. It is a recreation link for the citizens of Kingsmill to Colonial Williamsburg.
3. Environmental concerns as to the effect of runoff and habitation encroaching on the Chesapeake Bay aquifers, streams and wetlands which run through Kingsmill.
4. An explosion of approximately 2000 housing units proposed within a narrow radius (some 2-2 1/2 miles) of current Kingsmill homes: 600 +/- proposed for Marquis shopping Center in York County; 200 +/- proposed housing units in the Master Plan amendment sought by Xanterra in Kingsmill in addition to the 31 units sought in Burwell's Bluff subdivision of Kingsmill. (the rezone change recently withdrawn could, in the future, seek another 120+/- single family homes) That is a total of some 350 new housing units in Kingsmill alone!; 1300 by-right units for residences adjacent to Riverside doctor's hospital directly across from the Mounts Bay entrance to Kingsmill. This puts extreme pressure on safety routes for emergency evacuation in the event of catastrophe. Two roads only provide access/evacuation for this area: Route 60 and Route 199 which lead to Interstate 64. The burden of traffic of 2000 additional dwellings in addition to the existing homes and commercial occupancy of the area would create traffic congestion at normal use, much less in mass evacuation procedures.
5. Xanterra's proposal to close the Woods course for members only means a loss of the rec space it provided to residents as it will be closed to all non members. It is not adding new open or green space. Xanterra claims its golf courses as Open space, but they are closed for walking, biking, etc so they provide no usable recreation space to the community.
6. Xanterra should not be able to close the public access road in use for 40 years to the James River and now attempt to privatize the shoreline. Xanterra does not own the shoreline/beach or James river. Its new pier/private boardwalk project is another attempt to privatize the shoreline by excluding it from the greater community access.

Sincerely,
Lucinda and Robert Ritter
523 Sir George Percy
Williamsburg, Va 23185

Kyle Burcham

From: Jennifer Treiber <jennifertreiber@gmail.com>
Sent: Saturday, September 21, 2013 4:49 PM
To: Jose Ribeiro
Subject: C000001-2013 regarding drainage issue for the 16 the fairway of river course where burwells condos built by xentara

Joesay,

I spoke with you earlier on the phone regarding the 31 condos to be built by xentara across from my house located on the 16 th fairway of the river course. We already have major drainage issues dumping right into the river with no buffer...imagine putting 31 more houses on the other side and disturbing the earth to let more water shied come off the hill. Please pass this to the necessary people. Thanks, Jennifer Treiber 206-1631







Sent from Jenn's iPad

Kyle Burcham

From: Keith Pattison <wkpattison@yahoo.com>
Sent: Monday, September 23, 2013 9:51 AM
To: Jose Ribeiro
Subject: Xanterra development

Dear Mr. Ribeiro,

As a resident of Whittakers Mill in Kingsmill, I wish to express my strong opposition to the proposed development of the Country Road. Destruction of the woodland buffer will change the delicate balance between housing and woodland which makes Kingsmill such an attractive community.

Given the apparent failure of Xanterra to market their 'cottage' development, the prospects for development of more homes may not even be a wise business decision for Xanterra at this time.

I urge the Commission to disallow the proposed Xanterra amendment to the Kingsmill Plan. If this not feasible, I suggest the Commission moves cautiously, allowing a phased pilot development of one segment of the Xanterra proposal to prove that the possible damage to the Kingsmill community can be minimal, before permission is given to further development.

Thank you for your consideration.

Sincerely,

. Keith Pattison
43 Whittakers Mill

Kyle Burcham

From: Michael McGurk <mcgurkm@hotmail.com>
Sent: Monday, September 23, 2013 10:59 AM
To: Jose Ribeiro
Subject: Question on "Common Area" zoning at Kingsmill and title transfers.
Attachments: Kingsmill Declaration of Covenants and Restrictions - KM Master (1).pdf

Jose:

Something that needs to be checked.

Attached are the Kingsmill Covenants, entered into in September 1973 and filed with JCC. They have been amended but not in the portions discussed below.

A close reading of the covenants show several issues that appear to have been overlooked and not address in zoning, building, title transfer or registration.

Busch Properties Inc (BPI) on the "Master Plan" listed a number of areas as "Common Areas". In the covenants they spell out what "Common Area" means and it is capitalized as a proper noun.

Section 6 (page 3): "Common Area" Shall mean a refer to those areas of land now or hereafter conveyed to the Association or shown on any recorded subdivision plat of the Properties and improvements thereon, which are intended to be devoted to common use and enjoyment of the Members."

"Member" shall mean any Owner and any lease of a Living Unit constructed on any Lot who holds a written lease having an initial term of at least twelve months." (page 5)

-- so from this we can see there are "Common Areas" open to all who live/own in Kingsmill.

The next point is one of legal title transfer. If I read the covenants correctly the title to "Common Area" (defined as above) title was to pass to KCSA.

"The Developer may retain legal title to the Common Area or portion thereof until such time as it has completed improvements thereon, but notwithstanding any provisions herein, the Developer hereby convents that it shall convey the Common Areas to the Association, free and clear of all liens and financial encumbrances not later than 2 years from the date such Common Area or portions thereof is subjected to this Declaration." (page 9-10)

-- So a reading of this is that the title of the "Common Areas" shall pass to KCSA, it would seem in the late 1970's or at latest when the "improvements" were completed. Since there was no substantial work done in the common areas prior to 2007, it would seem legally the title to this area should have long since passed to KCSA.

-- If the title was passed (or should have been) passed to KCSA, how could Xanterra, buy, re-zone and develop these area if the title was "encumbered" by the legal covenants giving KCSA ownership? The property was not BPI's to sell or at least not to transfer without recording the rights and restrication entered into by BPI on this poerty giving KCSA and the Owners certain rights of access and "enjoyment".

-- Additionally if the title was able to pass from BPI to Xanterra the covenants also state that:

Access: (page 10) " Members and Owners shall have all the rights and obligations imposed by the Declaration with respect to portions of the Common Area from and after the time such portions of the Common Area are objected to this Declaration.."

Proceeded by (page 8): "...every owner shall have a right of enjoyment in and to the Common Area which shall appurtenant to and shall pass with the title of every Lot, and every Member shall have a right of enjoyment in the Common Area."

-- My reading of this that says "worse case" if Xanterra does have the legal title to the land, all owners have the legal right of access and enjoyment to the Common Areas. This essentially makes the Common Areas "public" within the Kingsmill Owner Community and "Owners" can use the beach, marina, restaurant, RV lots, soccer field, Plantation Pavilion, etc. as a matter of right not Club Membership, and should be free of charges by or payment to Xanterra.

-- Also the KCSA should be liable for the payment of taxes, insurance and maintenance of the common areas. For many years KCSA "ran" the Boat Ramp so it seems with BPI at least some of this was in practice.

I do not understand how these titles could have passed to Xanterra without the homeowners and residents approval and no recording of the "Access" liens and requirements being made clear.

Would appreciate your read on this and letting me know how this can be corrected. The same situation seems to be present on the RV lots and other sections of the "Master Plan"

thanks

Michael S. McGurk
Owner
Kingsmill on the James

(757) 506-5023

mcgurkm@hotmail.com

Kyle Burcham

From: Michael McGurk <mcgurkm@hotmail.com>
Sent: Monday, September 23, 2013 11:35 AM
To: letters@dailypress.com; kim@wydaily.com; clangley@vagazette.com
Subject: Carter's Grove Country Road, historic 1781-82 map
Attachments: Carter Grove Country Road and Kings Mill crica 1781.JPG; Carters Grove County Road 1982.pdf

Ladies and Gentlemen:

I hope you find this interesting and enlightening.

Attached is a photo of a historic map from circa 1781-1782. It is a map to which I have added some of the modern features. The original map is in the Library of Congress and was done by a French mapmaker during the Revolutionary War period. I traced some of the roads to highlight them and added some labels.

It is not exact, but you can clearly see a few things. While the current Carter's Grove Country Road does not follow an *exact* trace of older roads, it certainly comes close. It likely follows some of the original roadbeds and wagon ruts in certain areas. Many of the older roads were paved over to build HWY 60 and I-64.

What's Carter's Grove Country Road does do is approximate what the roads were like in Colonial Times. Colonial Williamsburg is not *exactly* like it was in 1760 either, but it is preserved as an excellent example of a colonial era town.

Carter's Grove Country Road is the last and best example of a Colonial Era style road here in James City County. A historic road that is a wonderfully community resource and treasure for Williamsburg and James City County. It should be protected, preserved and remain undeveloped.

I have also attached a 1982 guide to the flora and fauna of Carter's Grove Country Road.

Respectfully,

Michael McGurk
117 Jefferson's Hundred
Williamsburg, VA 23185

(757)-345-5819

Preserve the Carter's Grove Country Road - Kingsmill, Williamsburg VA

<https://www.facebook.com/groups/1435567673335181/>

<http://www.loc.gov/item/gm71002174>

Armée de Rochambeau, 1782. Carte des environs de Williamsburg en Virginie où les armées françoise et américaine ont campés en Septembre 1781.

Kyle Burcham

From: lucinda ritter <cindylou18@me.com>
Sent: Monday, September 23, 2013 1:38 PM
To: Jose Ribeiro
Subject: C-0006-2013, Kingsmill Burwell's Bluff Subdivision

Mr Ribeiro:

Thank you for meeting with us a few weeks ago to discuss the proposed Master Plan Amendment for Kingsmill. During that meeting we also mentioned that we had concerns about the Burwell's Bluff Subdivision and you asked us to send them to you (so that you could pass them on to the Planner responsible for this project) so that our concerns might be considered when Xanterra submits it's request for ground clearing.

Our concerns are as follows:

Density:

The density of the proposed subdivision (31 units) is substantial higher than that of the Armistead Point subdivision (14 lots) despite the fact that each subdivision has approximately the same acreage. For your information, we live in one of the homes in Armistead Point which is located directly across the fairway from the proposed subdivision (at a distance of only about 100 yards).

Furthermore, due to the reduced distance between units of the proposed subdivision and the similar appearance of the our types of Burwell's Bluff units, that subdivision will have more of a town-home look and feel as opposed to the single family homes in Armistead Point.

Parking:

We have looked at drawings which Xanterra is using to market the units and do not see any significant areas for off street parking, as is common throughout Kingsmill when driveways are not large enough to accommodate overnight visitors. With the limited space available to build at Burwell's Bluff, the driveways will not be substantial. Although overnight parking on roads in Kingsmill is prohibited, if on street parking is allowed in the proposed subdivision, it will exacerbate the safety related issues on what we expect will be a very narrow street. Previously, we lived in a town-home here in Kingsmill with similarly sized homes and bedroom numbers and can assure you that off street parking nooks are needed.

Drainage:

We know that the county has concerns about run-off to Moody's Pond. The golf course side is problematic as well.

The golf hole (16 River Course) slopes rather dramatically from left to right when facing the James River from the tee. The downward slope begins approximately where the proposed units will skirt the cart path at the rear of the homes. In addition the hole slopes down hill, from shortly after the tees, directly towards the James River.

During heavy rains, water flows down the left to right slope until it reaches the right side of the fairway where it forms a large pool about 50 to 80 yards from the green. When it rains extremely hard, as it does two or three times a year, the water floods from the pool and forms a stream which flows into the James River. Usually this is combined with water flowing downhill from near the tees. (We left photos of this with you at our meeting. Additionally, Jennifer Treiber sent a photo to you, taken near her home at Armistead Point.)

All of this occurs now with a wooded area and grassy understory where the proposed units will go. With the proposed replacement of the wooded area with hardscape and roofs, we are concerned that the drainage issue going directly into the James River will become more frequent and higher in volume. This is particularly so, since we expect the builder will slope the ground away from the proposed units, diverting more water to the golf course.

Roadway:

The access point to the proposed subdivision comes at a blind curve on Sir George Percy. If this is not dealt with correctly, we are concerned that it will endanger the children who live here, golfers coming from the 17th hole on the Plantation Course, pedestrians (we have a number of people who walk around our development which has no sidewalks) and vehicles.

Proposed Gate to the Subdivision:

The initial public announcement of the subdivision included another gate without a specific placement of it. We doubt that the Developer will want to pay for it to be manned. If unmanned, it will add another complication to the jobs of our police, fire and rescue departments. After watching our Fire Department do a great job in containing a fire in our home in June 2011, we do not want their work to be made any more difficult. Further, we would not want the gate to be placed at a point where diverted traffic would flow through our subdivision as drivers search for a place to turn around.

Construction Limits:

We strongly believe that limits need to be placed on Xanterra during any construction in Burwell's Bluff. When Xanterra was building its "Lazy River", resort pool and a demonstration cottage, we witnessed construction on a number of occasions taking place seven days a week and well into the evening. This occurred despite the fact that it had to have been a nuisance to paying customers of the Resort. It would be helpful to remind them that once they move out of the narrow confines of the Resort area that they are in James City County.

Thank you in advance for forwarding this email.

Bob & Cindy Ritter
523 Sir George Percy

Kyle Burcham

From: lucinda ritter <cindylou18@me.com>
Sent: Monday, September 23, 2013 4:43 PM
To: Jose Ribeiro
Subject: Re: C-0006-2013, Kingsmill Burwell's Bluff Subdivision

Mr Ribeiro: thank you.

Cindy Ritter

On Sep 23, 2013, at 1:59 PM, Jose Ribeiro <Jose.Ribeiro@jamescitycountyva.gov> wrote:

> Mrs. Ritter,

>

> Thank you for your e-mail. Currently, Xanterra has submitted a conceptual plan (referenced above) and a plat creating the parcel for Burwell's Bluff (approved). We are now waiting for the construction plans to be submitted and when they are submitted I will pass your concerns along.

>

> Best,

>

> Jose Ribeiro

>

> -----Original Message-----

> From: lucinda ritter [mailto:cindylou18@me.com]

> Sent: Monday, September 23, 2013 1:38 PM

> To: Jose Ribeiro

> Subject: C-0006-2013, Kingsmill Burwell's Bluff Subdivision

>

> Mr Ribeiro:

>

> Thank you for meeting with us a few weeks ago to discuss the proposed Master Plan Amendment for Kingsmill. During that meeting we also mentioned that we had concerns about the Burwell's Bluff Subdivision and you asked us to send them to you (so that you could pass them on to the Planner responsible for this project) so that our concerns might be considered when Xanterra submits it's request for ground clearing.

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>

> Thank you in advance for forwarding this email.

- >
- > Bob & Cindy Ritter
- > 523 Sir George Percy



Kyle Burcham

From: George and Jane Green <gfgreen@verizon.net>
Sent: Wednesday, September 25, 2013 10:37 AM
To: Scott Thomas; John McGlennon
Cc: Jose Ribeiro
Subject: Xanterra Master Plan Changes

Dear Mr. Thomas and Mr. McGlennon

We live at 4 Bray Wood Road, off of Kingsmill Road. Xanterra proposes to develop a large area on the opposite side of Kingsmill Road. Until now this land has been set aside for buffer and recreational purposes. It includes the Country Road and surrounding mature woodlands. Runoff from this area currently drains into a streambed which runs behind our house and which is included in an RPA. Part of this RPA is on the property proposed for development. We do not understand why the entire property is not protected, and we assume that it was not considered because it was to remain untouched. Under the present circumstances it should be studied again.

In addition to noise abatement and erosion control, the heavily-wooded property provides sanctuary for large numbers of deer and other wildlife. We are concerned about loss of this habitat. We hope that James City County will weigh all of these issues when deciding whether to approve Xanterra's proposed changes to the Kingsmill Master Plan. If approval is granted, the environmental consequences will be significant and there will be no way to mitigate the damage.

Sincerely,
George and Jane Green
Bray Wood Road

Kyle Burcham

From: John McGlennon
Sent: Wednesday, September 25, 2013 12:09 PM
To: George and Jane Green; Scott Thomas
Cc: Jose Ribeiro
Subject: RE: Xanterra Master Plan Changes

Dear Mr. and Mrs. Green:

Thank you for sharing your concerns. I will put them on my list of questions which need to be answered as we consider this proposal.

Obviously, these are very serious issues to me, and I welcome any additional concerns or questions you might have.

John

John J. McGlennon
Roberts District Supervisor
Chair
James City County Board of Supervisors
757-221-3034
john.mcglennon@jamescitycountyva.gov

From: George and Jane Green [gfgreen@verizon.net]
Sent: Wednesday, September 25, 2013 10:36 AM
To: Scott Thomas; John McGlennon
Cc: Jose Ribeiro
Subject: Xanterra Master Plan Changes

Dear Mr. Thomas and Mr. McGlennon

We live at 4 Bray Wood Road, off of Kingsmill Road. Xanterra proposes to develop a large area on the opposite side of Kingsmill Road. Until now this land has been set aside for buffer and recreational purposes. It includes the Country Road and surrounding mature woodlands. Runoff from this area currently drains into a streambed which runs behind our house and which is included in an RPA. Part of this RPA is on the property proposed for development. We do not understand why the entire property is not protected, and we assume that it was not considered because it was to remain untouched. Under the present circumstances it should be studied again.

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Sincerely,
George and Jane Green
4 Bray Wood Road

If there are fishing station and the Boardwalk is closed to the public, what will be done with any fish that are caught?

Will the fresh fish caught be taken back to members' homes to be cleaned, to the Xanterra Resort's guest rooms?

Every public fishing area from San Francisco to Seattle to the Outer Banks always has at least one, usually several, cleaning stations with water and a receptacle for the fish offal as an environmental control against pollution.

This may seem like a minor point but pollution into the James needs to be averted and monitored. While Xanterra Resort may belong to Xanterra, they do not own the James River with the right to do anything their hearts desire in their attempts to save Xanterra Resort.

Michael S. McGurk
Resident James City County
Preserve the Carter's Grove Country Road

117 Jefferson Hundred
Williamsburg, VA 23185

(757) 345-5819

mcgurkm@hotmail.com

Kyle Burcham

From: Allen Murphy
Sent: Tuesday, October 01, 2013 11:11 AM
To: Paul Holt; Christopher Johnson; Jose Ribeiro
Subject: FW: Carter's Grove Country Road

FYI

From: Ania Eckhardt **On Behalf Of** County Administration
Sent: Tuesday, October 01, 2013 10:52 AM
To: Allen Murphy
Subject: FW: Carter's Grove Country Road

FYI

Ania Eckhardt
Administrative Service Coordinator
County Administration

From: Cheryl Gale [<mailto:cheryl.gale@gmail.com>]
Sent: Monday, September 30, 2013 4:44 PM
To: County Administration
Subject: Fwd: Carter's Grove Country Road

----- Forwarded message -----

From: Cheryl Gale <cheryl.gale@gmail.com>
Date: Fri, Sep 27, 2013 at 12:58 PM
Subject: Carter's Grove Country Road
To: Robin.carson@kingsmill.com

As a longtime Kingsmill resident, I am frankly shocked at the disregard Xanterra is showing towards the Kingsmill community. I am very opposed to the idea of residents being barred from visiting the resort restaurants or even walking on the James...as we have done since we moved here over twenty years ago. But even more disturbing is the thought of over 100 homes being built on Carter's Grove Country Road.

Carter's Grove Country Road is one of the most beautiful, park like settings we have remaining in all of Williamsburg. It is also one of the last buffers the residents of Kingsmill have from the noise of Busch Gardens and the brewery. Besides losing one of our most peaceful recreational places, loss of this vital green space will very negatively impact the wildlife and already fragile ecosystem in this area. When I bought my lot to build in Kingsmill, I was told that Carter's Grove Country Road would NEVER be developed in any way. My understanding is that the Master Plan does not permit building houses along the Country Road. Why not put the new homes around the Woods Course instead?

Has anyone from the corporate office of Xanterra actually walked along the old country road to see what they are contemplating destroying??

Cheryl Gale
105 Alexander Walker
cheryl.gale@gmail.com

Kyle Burcham

From: Patricia Clark <jcpckcec@gmail.com>
Sent: Wednesday, October 02, 2013 10:50 AM
To: Jose Ribeiro
Subject: Xanterra Development

Dear Mr. Ribeiro,

When my husband and I met with you a few weeks ago, you said you would look into the Xanterra development that was not needing a rezoning. I was wondering if you could tell me who to speak with about this. I am particularly interested in the area called Burwell's Bluff.

Thank you,

Patti Clark 200-0923

Kyle Burcham

From: Scott Eklind <seklind@yahoo.com>
Sent: Wednesday, October 02, 2013 11:37 AM
To: Jose Ribeiro
Subject: Fw: Kingsmill (re-sending)

I just wanted to re-send my original email objecting to Xanterra's proposed development in Kingsmill.

I also wanted to add that when I look at Xanterra's map (published on WYDaily.com), it simply looks like that are attempting to develop previously established buffer areas between Kingsmill and Busch Corporate Center (i.e. McLaws Circle), the Brewery, and Busch Gardens.

Thanks again for your attention to this matter.
Scott Eklind

----- Forwarded Message -----

From: Scott Eklind <seklind@yahoo.com>
To: "Jose.Ribeiro@jamescitycountyva.gov" <Jose.Ribeiro@jamescitycountyva.gov>
Sent: Tuesday, September 3, 2013 8:32 AM
Subject: Kingsmill

As a resident of the Kingsmill neighborhood I would like to express my opposition to Xanterra's proposed zoning changes to some of the Kingsmill areas currently zoned recreational.

These areas also act as green spaces and buffers for the neighborhood.

I do use the old Carter's Grove Road, and I always see other walkers, runners, and bikers using the area as well.

If it is accurate that Xanterra is attempting to claim the golf courses are adequate green spaces for neighborhood, I would like to remind you that the golf courses are a part of Xanterra's business, and that what is convenient for them to call "green spaces" today, will be called "private property" tomorrow when that definition suits the management of Kingsmill Resort.

There is simply no reason that Kingsmill residents want a change to the Master Plan.

Thank you for your time.
Scott Eklind
204 William Claiborne
Williamsburg, VA 23185-6527

Kyle Burcham

From: James D Adams <jadams7831@gmail.com>
Sent: Wednesday, October 02, 2013 6:13 PM
To: Jose Ribeiro
Subject: Kingsmill

Dear Mr Ribeiro,

We thank you for the time you gave us on Monday.

We attended the meeting held by the developers last night and would like to bring one very salient fact to your attention and to the attention of the Planning Board.

The original Master Plan which attracted the 2300+ homeowners in Kingsmill (representing \$1B in investment) was to allow green space and effective tree buffers between the industrial sites and the residential areas. This harmonious blending works well and creates an agreeable environment.

That the new owner, who invested "only" tens of millions of dollars, now wants to use these buffers (the developers talked about creating 75' buffers - nothing - we've all seen the "buffers" around the new Fresh Market site) as a feeder for more development and profit, is at total odds with the original concept and should be rejected by the Planning Board. Such development will deleteriously affect the quality of life here.

The rights of the 5000+ Kingsmill voters and taxpayers should be pre-eminent.

Yours sincerely,
Judith Adams

Kyle Burcham

From: James Grimson <jgrimson100@cox.net>
Sent: Wednesday, October 02, 2013 7:05 PM
To: Jose Ribeiro
Subject: Burwell's Bluff and Xanterra

Hello Mr. Ribeiro,

We are writing to you to express our concerns and deep dissatisfaction at the proposed Burwell's Bluff 31 unit subdivision, carved into an area the size of a parking lot, and the general way that Xanterra is running roughshod over the homeowners in Kingsmill. We are sure you have heard many of these complaints and concerns, but we are compelled to try to do something to preserve what we have in Kingsmill.

Xanterra's motives are pretty clear. They want to make money. We get that. What we don't care for is their manner. To maximize profit, they have continuously proposed multiple projects that are far too dense, ill-planned, ill-suited, and completely devoid of any thought or consideration to the people already living here. From the 31 unit Burwell's Bluff project, to the massive Carter's Grove proposal, to the attempts to limit previously-permitted access to the shoreline, Xanterra is doing whatever they want. The JCC authorities are our only hope, as Xanterra holds a permanently stacked 5 to 4 majority over actual residents when it comes to the KCSA.

Call us cynical, but in the style of Dominion power, the modus operandi of Xanterra appears to involve first proposing a colossally unpalatable project, acting like they are actually interested in the opinions of the residents by holding perfunctory "public comment" sessions, then minimally reducing the density to show "good faith." We're sorry – we just don't buy it. The Burwell's Bluff project originally included building a home directly over a historic ruin site at the cul-de-sac. Xanterra graciously removed a grand total of one proposed home at this site. Meanwhile, the 31 remaining units are packed, sardine-like, next to each other, with no room for parking, immediately adjacent and incongruous to a street with 14 home sites. As property values will drop on our street, people who bought view lots on the 16th fairway and unethically were promised unobstructed views are met with a 25+ year old apparent plan calling for development. While we have little power to completely stop development that we consider suspect, at the very least, the density is far too high. Halving the project to 14-15 units maximum would still allow Xanterra to make money, and would respect the investment of current residents. Public planning needs to include the public. Shouldn't we do what is right, rather than do whatever a corporation can squeeze in?

We don't know for a fact, but we were told that the plan that allows Xanterra to build next to the 16th fairway had the entrance through Moody's Run. Is this correct? If Xanterra justifies building at this location based on an old map, don't they have to follow the access in those plans?

We are certainly not environmental or safety engineers, but we can tell you that the run-off from 31 new homes needs to be closely addressed. The safety of the proposed entrance into the project from Sir George Percy involves a blind corner that will be a virtual highway with 60 new cars using it, and a danger to pedestrians, many of whom walk the neighborhoods due to the peacefulness and the lack of homes crammed together.

Top quality planned developments work when residents and developers jointly work together to mutually improve the land. Xanterra has shown no real interest in working with residents.

Hopefully, folks who work in county government and also work for Xanterra will recuse themselves from decision making and influence, as they are obviously biased. I respectfully ask you, sir, as a public servant, charged with an obligation to preserve and protect the environment and meld the interests of developers to the real concerns of existing residents, to consider these issues and significantly reign in an out of state corporation that seems hell-bent on ruining 35+ years of good will that existed when Busch owned the land.

Thank you.

James and Jeanne Grimson
520 Sir George Percy
Williamsburg, VA 23185

Kyle Burcham

From: Michael McGurk <mcgurkm@hotmail.com>
Sent: Thursday, October 03, 2013 2:54 PM
To: Jose Ribeiro
Cc: Rubyjean Gould; 'william sullivan'; HJW; Lenny Berl; John Niland; 'Graham, David B.'; Christine Franck
Subject: Kingsmill Covenants
Attachments: Kingsmill Declaration of Covenants and Restrictions - KM Master.pdf

Jose:

As always good to see you. Attached are the Kingsmill Covenants and Declarations.

Germaine to this is the amendment that changed it from 75% approval to 66% approval but I cannot find any place than changes the reference from the 1973 Master Plan to another more current one.

For Planning and Zoning it may have changed but the legal requirements for amendment in the Kingsmill Covenants has not been met.

Page one defines the property and page six gives the procedures. As far as I can tell the defined property has not changed and the procedure have *not* been followed.

There are many other issues but this is a key one.

thanks for you time and work

Michael

Kyle Burcham

From: lucinda ritter <cindylou18@me.com>
Sent: Monday, October 07, 2013 3:20 PM
To: Jose Ribeiro
Subject: Case C0006-2013 Burwell's Bluffs subdivision Kingsmill

Mr Ribeiro, Could you forward these photos (3) to the appropriate engineering division and planner who will handle the above subdivision.

Begin forwarded message:

From: Jennifer Treiber <jennifertreiber@gmail.com>
Date: October 5, 2013 12:07:30 PM EDT
To: lucinda ritter <cindylou18@me.com>



Sent from Jenn's iPad

Kyle Burcham

From: lucinda ritter <cindylou18@me.com>
Sent: Monday, October 07, 2013 3:14 PM
To: Jose Ribeiro
Subject: Fwd: Could you send these to the right person? Case #C0006-2013

Re: drainage issues into the James River when it rains. Note that the water has passed the green of hole#16, overtaken the cart path and flows directly into James River. This is carrying fertilizer, etc directly into the James. With the hardscape proposed and the roofs of 31 new homes this will cause even more runoff into the James which is in violation of the Chesapeake Bay act.

Begin forwarded message:

From: Jennifer Treiber <jennifertreiber@gmail.com>
Subject: Could you send these to the right person?
Date: October 5, 2013 12:06:56 PM EDT
To: lucinda ritter <cindylou18@me.com>



Sent from Jenn's iPad

Kyle Burcham

From: lucinda ritter <cindylou18@me.com>
Sent: Monday, October 07, 2013 3:24 PM
To: Jose Ribeiro
Subject: Case number C0006-2013

Mr. Ribeiro,

Thank you for directing the three pictures taken by my neighbor, Jennifer Treiber during the last heavy rain (not today's!- though I suspect it will look worse today) to the appropriate planner and engineering department who will review construction plans for the above referenced subdivision in Kingsmill. Thanking you in advance, Cindy Ritter

Begin forwarded message:

From: Jennifer Treiber <jennifertreiber@gmail.com>
Date: October 5, 2013 12:07:54 PM EDT
To: lucinda ritter <cindylou18@me.com>



Sent from Jenn's iPad

Kyle Burcham

From: Sondra Morton <swm50wf@yahoo.com>
Sent: Monday, October 07, 2013 9:55 PM
To: Jose Ribeiro
Subject: Xanterra's Plans for Kingsmill

As the first resident of Kingsmill, June 27, 1974, a former CW Employee, Government and AP History Teacher, I have taken a very active interest in what Xanterra proposes to do with Kingsmill.

Having been here as long as I have, I have seen the ups and downs of development, and the benevolent attitude of the Busch family with regard to Kingsmill. We have been spoiled for a long time, but Kingsmill is a very unique place for many reasons. It is located in one of the original "shires", which gives it great historical significance. As a planner in James City you are well aware that the property here is of very special significance, not only to the residents of this area, but to all Americans. New evidence of the importance of this area is constantly being found.....i.e., Wolstenholmetowne, Utopia, constant findings at Jamestown. Busch always took a very cautious approach to development. Xanterra said in the meeting yesterday that there were archaeologists on site...are these local or "imports"? Xanterra seems little aware of the historical significance of this area.....sure they want to make a profit, a big one, but their profit will come at the expense of history, enjoying what we have found, what we know, and what we possibly may find in this area. Somehow the idea "of the common good" gets lost. They will make their money, but at whose expense....the common people, me, you, your kids, the county, and citizens as a whole. We will give up so much of our heritage for their financial profit.

Many questions arise for which they have a glib reply. Busch Garden noise from concerts, screams from rides, etc., they have dubbed "happy noise". Yes, when we moved here we were aware of the possibility of noise, and it has increased with the park building and the destruction of trees...many of them through storms. When I first moved we could not cut a tree more than 4" without KCSA approval! A gentleman was fined several years ago for cutting trees near the river. Xanterra will cut down many trees, which is a known fact. However, with James City County being very concerned with the land conservancy, should this not be closely monitored? Many trees will continue to be lost due to weather. Noise pollution! it doesn't go away, it only gets worst. Has Xanterra spoken with the owners of the Gardens concerning their plans for more development? More rides will result in more noise.

Air quality. There is a significant tree buffer between the brewery and the development. With the destruction of many of the trees, which act as a filtering agent, there will be an increased smell. Remember when the residents of Grove complained about the sewage treatment plant? Have you ventured outside when there is an inversion and smelled the brewery?

Encroachment of Kingsmill on the brewery site is also a cause for concern. There was a legal action taken by Ball Metal against an individual who wished to open a barbecue restaurant (now closed). In-Bev is a significant contributor to the tax base of this county. When they acquired the brewery they did talk about closing it down as it was one of the more expensive to run. this would be of great detriment to the county. They are a significant part of our tax base, much more so than lots developed in Kingsmill which necessitate increased services. It must be considered if there will be ANY CHANGE in In-Bev's brewing, storage of chemicals, run-off is affected by the encroachment of Kingsmill so near the brewery property. Keeping them producing is of utmost importance. Will encroachment by residential homes factor into how they deal with the caustic chemicals in the plant, the run-off. etc. At one time we were concerned about them closing down the brewery. This proposed new development may have consequences that would be extremely detrimental to our

tax base economy.

Has the Park been informed of the encroachment, will it have to lessen it's noise due to encroachment?

Water. This area uses Newport News water. We buy water from Newport News Waterworks, and the brewery is their biggest consumer. Have we signed a contract with them for X amount of water for X amount of years? 20 plus years ago the county was very concerned about water. Our request to build a reservoir was denied after much legal action and resulted in the desal. plant.....Will we need more desal plants? New homes require water, more dense housing requires more water, and a new resort complex at the river will drive up the demand for water, along with the increased need for sewers. Will the Grove facility be able to handle all of the new demands?

Where will the money come from for these increased services?

What proffers is Xanterra offering the county to facilitate this development? I understand the proffers are quite significant for builders in this area, what will they be for Xanterra....will they offset the potential need for new services?

It is not only the proposed Xanterra complex, but what is being added at Doctor's Hospital that gives rise to these questions.

Asphalt = run-off....can Kingsmill Pond handle this, the spillway? There have been problems in the county with privately owned dams, draining of lakes, flooding, has this been taken into consideration?

Schools. More houses = more students. James River Elem., Jamestown High School = more teachers? Where will the money come from to support this? Sooner or later the City of Williamsburg is going to balk at having a shared school system.....we grow, they don't. It really would be cheaper for them to send all of their students to private school than continue to participate in the shared school system. We are the ones with the continued growth.....The money comes from taxes.....will they increase because of the demand for

Ecological. The ladyslipper, a close relative of the orchid, grows in the woods across from the entrance to Braywood. It is on the endangered species list. Has anyone walked this area lately for a flora and fauna inventory. At one time Donna Ware. the botanist for the William and mary Herbarium walked the area, and I believe issued a report. Is it still relevant? Shouldn't it be checked? Will Xanterra doe this before development?

Doctrine of Implied Consent. 20 years in Virginia....deny access to the river?

APVA. Destruction of property of historical significance?

"The Common Good". In the quest for profit, Xanterra threatens the "Common Good" of the whole. Local government is local. It was established here. James City County is unique. Kingsmill is a unique part of James City County. James City County Government has the burden of protecting this area, for us, and for history.

Kyle Burcham

From: Ludwig, Chris (DCR) <Chris.Ludwig@dcv.virginia.gov>
Sent: Wednesday, October 09, 2013 9:22 AM
To: Michael McGurk
Cc: Hypes, Rene (DCR); Jose Ribeiro; Case, Martha A
Subject: RE: kingsmill find / Maps of proposed development

Hello Michael – thanks for sending me the maps of the proposed development near Kingsmill. I didn't know until receiving your maps that we had received notice of the same project from another concerned citizen.

As with all project reviews, we compared the project proposal to our data base of Natural Heritage resources (habitat for rare species and significant natural communities). We just finished reviewing the project when your inquiry arrived and our comments about possible impacts to Natural Heritage resources have been sent to Jose Ribeiro of James City County.

If you have further concerns you may want to follow up with the county. Mr. Ribeiro's is copied on the email so you have his address.

Thanks again - Chris

From: Michael McGurk [mailto:mcgurkm@hotmail.com]
Sent: Monday, October 07, 2013 1:22 PM
To: Ludwig, Chris (DCR)
Cc: Hypes, Rene (DCR)
Subject: RE: kingsmill find / Maps of proposed development

Chris / Rene:

Thanks so much for the offer. Feel free to call me with questions or details.

Attached are the plans from the developer, the James City Country Map and an extract from 1780's map.

In general it is the land behind Busch Gardens and the Busch/In-Bev Brewery and buffering from the existing homes in Kingsmill.

There are several access points to the "Carter's Grove County Road" but it is only accessible by foot. The entire trail is about 7 or 8 miles. The threat is to the 3 miles in the center of the trail.

One area pointed out for flowers was the intersection of SouthHall and Kingsmill Road and the area behind Wareham's Pond Recreation Center for animal life.

I can also have someone meet you to walk you across the areas if needed.

thanks,

 Michael

Michael McGurk
117 Jefferson Hundred
Williamsburg VA 23185

(757) 501-7061 office
(757) 345-5819 home

From: Chris.Ludwig@dcr.virginia.gov
To: mcgurkm@hotmail.com
CC: Rene.Hypes@dcr.virginia.gov
Subject: RE: kingsmill find
Date: Mon, 7 Oct 2013 16:47:08 +0000

Hi Michael – I will be glad to have our project review staff look at your site. Please send me a map of the area to be developed. I have copied Rene Hypes, our project review coordinator.

Chris

From: Michael McGurk [mailto:mcgurkm@hotmail.com]
Sent: Monday, October 07, 2013 11:50 AM
To: Case, Martha A
Cc: Ludwig, Chris (DCR)
Subject: RE: kingsmill find

Martha:

Thanks

Chris: Good morning. I am Michael McGurk and I live in Williamsburg in the community of Kingsmill. Currently the developer (Xantrra of Colorado) is trying to build about 200 homes in the local green belt that separates Kingsmill from Busch Gardens and the Busch Brewery.

This area is a road called "Carter's Grove County Road" The area has been untouched since it was paved in 1979. The road is not original but does follow some of the wagon ruts and roadbeds from as far back at the mid-1700's. It connects downtown Colonial Williamsburg with Carter's Grove Plantation.

Several local residents have remarked on the incredible bounty of flora and fauna along this undeveloped area and are hoping to protect it permanently by blocking the construction of homes and destruction of this area. We hope to obtain a conservation easement.

They claim that there are large numbers of Lady Slipper and other fragile plants and animals.

Is there a way to get a review or assessment of the area?

thanks

Michael

117 Jefferson Hundred
Williamsburg VA 23185

(757) 501-7061 office
(757) 345-5819 home

From: macase@wm.edu
To: mcgurkm@hotmail.com
CC: Chris.ludwig@dcv.virginia.gov
Subject: RE: kingsmill find
Date: Mon, 7 Oct 2013 14:02:58 +0000
Hi Michael:

The plant is indeed the pink lady's slipper orchid, *Cypripedium acaule*. This species is NOT actually listed in VA as rare (i.e., it is not on the rare plants list that you sent me). Therefore, it has no legal protection.

With that said, the geographic region of concern may harbor something else that you are not aware of. I have spoken to Chris Ludwig, Chief Biologist for the Natural Heritage Inventory (the state organization that keeps track of our rare flora), and he can look for other species occurrences in that region.

You may contact him at:

Chris Ludwig, Chief Biologist
Chris.ludwig@dcv.virginia.gov (804) 371-6206

Sincerely,

Martha A. Case
Associate Professor of Biology
Director of the William & Mary Herbarium
The College of William & Mary
Williamsburg, VA 23188
757-221-2223

From: Michael McGurk [mcgurkm@hotmail.com]
Sent: Friday, October 04, 2013 2:58 PM
To: Case, Martha A
Cc: Michael McGurk
Subject: kingsmill find

Kyle Burcham

From: Michael McGurk <mcgurkm@hotmail.com>
Sent: Wednesday, October 09, 2013 9:33 AM
To: Ludwig, Chris (DCR)
Cc: Hypes, Rene (DCR); Jose Ribeiro; Case, Martha A; dmeware@verizon.net
Subject: RE: kingsmill find / Maps of proposed development

Thanks, Jose and I have had many talks. Can you send me the comments or will they be on casetrack?

This area has one of the largest and densest population of *C. acaule* in the region. Of course with all the local deer (growing in number) who knows what has survived.

Another issue with the development is the deer have been pushed from the residential area into this last green belt. If we destroy the green belt, where will they go?

A few weeks ago I had 7 in my front yard one morning. In a dense, active residential area.

best,

Michael

From: Chris.Ludwig@dcr.virginia.gov
To: mcgurkm@hotmail.com
CC: Rene.Hypes@dcr.virginia.gov; Jose.Ribeiro@jamescitycountyva.gov; macase@wm.edu
Subject: RE: kingsmill find / Maps of proposed development
Date: Wed, 9 Oct 2013 13:21:50 +0000

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Michael

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From: macase@wm.edu

To: mcgurkm@hotmail.com

CC: Chris.ludwig@dcr.virginia.gov

Subject: RE: kingsmill find

Date: Mon, 7 Oct 2013 14:02:58 +0000

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Chris Ludwig, Chief Biologist

Chris.ludwig@dcr.virginia.gov (804) 371-6206

Sincerely,

Martha A. Case

Associate Professor of Biology

Director of the William & Mary Herbarium

The College of William & Mary

Williamsburg, VA 23188

757-221-2223

From: Michael McGurk [mcgurkm@hotmail.com]

Sent: Friday, October 04, 2013 2:58 PM

To: Case, Martha A

Cc: Michael McGurk

Subject: kingsmill find

Kyle Burcham

From:

Michael McGurk <mcgurkm@hotmail.com>

Sent:

Tuesday, August 27, 2013 1:10 PM

To:

Jose Ribeiro

Subject:

ref: Xanterra Development: Please call/visit JCC Planning Office

Feel free to forward to any and all interested individuals or groups.

Fellow Residents and Friends:

I had a meeting this morning with Mr. Jose Ribeiro, Senior Planner for James City County Planning (and Zoning.)

He is a very nice person and he asked me to encourage people to seek him out as residents of JCC and express their thoughts and opinions on the re-zoning request by Xanterra. He would like you to come talk with him, he can show you the proposal and note your concerns.

His phone number is: 757-253-6890

and his email is: Jose.Ribeiro@jamescitycountyva.gov

I spent 45 minutes with him talking about my concerns on the over-development, destruction of green space and loss of buffer zone between the Brewery, Busch Gardens and Kingsmill should the planning go forward. 300+ houses built in the only buffer between Kingsmill and the industrial brewery and a large amusement park and destruction of the only green space and bike trail is not, in my opinion, a good idea.

Currently all the area is zoned as recreational. Mr. Ribeiro would also like to hear from anyone who has used, or continues to use the County Road for recreation, bike trail, dog walking, jogging etc. We need to fight to *not* change the zoning and have it remain recreational use only.

Xanterra is saying the golf courses provides "green space" but residents are not allowed to walk on the golf course, the golf cart paths, or soon any resort areas.

Once the County Road is gone there will be no undeveloped property between the James River and Hwy 60. There will be no trails that do not cross numerous streets.

It is also worth noting that we cannot expect the KCSA to represent us or to help carry this forward. All owners agreed to the Covenants as a condition of buying property here.

Kingsmill Declaration of Covenants and Restrictions:

(page 21) Article VII: Section 5 Limitations "As long as the Developer is likewise an Owner, the Association may not use its resources nor take a public position in opposition to the Kingsmill Master Plan or to changes thereto proposed by the Developer without the written consent of the Developer."

In other words the Association (KCSA) cannot oppose Xanterra (the "Developer") plans for development

unless Xanterra allows it.

Of a historical note I found this article online and a comment from 2010, I think 3 years ago , whomever this was hit it right on the head. Their prediction rings true.

2010-03-03 13:28

Here's the simple truth. The KM conference center, golf courses marina and other large assets are for sale. The buyer of these assets will dictate what parts of the infrastructure/ common areas/roads/security etc. at KM it will pay to maintain as part of the future sales contract. The seller will use its majority vote in the KCSA to "approve" what the Buyer dictates on behalf of the homeowners. THEN the Developer will most likely assign its seats to the new owner of the resort to allow them to maintain control over the homeowners and to continue to develop new home sites (such as along the country road or to replace the Woods golf course). The potential to cram more lots and increase the density in KM is the single most attractive part of the purchase opportunity at Kingsmill for a new investor. Golf/Marina operations are just a loss leader to help sell real estate and the Conference center has never been an attractive profit center (based on its industry peers). The residents should be doing all they can to wrestle control from the "developer", because the developer will be hitting the road soon enough.

<http://wydailyarchives.com/local-news/3998-kingsmill-resident-challenges-home-owners-association.html>

So please take a few minutes out of your time call, email and then visit JCC Planning. They are at 101-A Mounts Bay Road, just outside the Kingsmill Hwy 199 gate in the JCC center.

<http://www.jamescitycountyva.gov/planning/>

Planning Division
101-A Mounts Bay Rd.
Williamsburg, VA 23187

P: 757-253-6685
F: 757-253-6822

Email: planning@jamescitycountyva.gov

Kyle Burcham

From: W.B.Fichter <wbabf@cox.net>
Sent: Tuesday, August 27, 2013 3:48 PM
To: Jose Ribeiro
Subject: Xanterra's Development Plans

Mr. Ribeiro,

I am greatly concerned about Xanterra's plans for developing some of the only remaining green space around Kingsmill, particularly that land along Carter's Grove Country Road, which I consider to be an important asset to the Kingsmill community because of the Road's use for walking, jogging, biking and photography, and because it serves as a buffer between Kingsmill and such noise and smell producers as Busch Gardens and the Busch brewery.

My home in Jefferson's Hundred is already subject to excessive noise from Busch Gardens, especially very loud concerts and the train whistle because the current owners of Busch Gardens do not honor the informal agreement reached several years ago with Jefferson's Hundred residents to refrain from blowing the whistle near Kingsmill residential property. The lack of a noise ordinance in James City County makes it very difficult for homeowners to enjoy peace and quiet on their own property. Xanterra's development promises to make peace and quiet even more elusive to homeowners.

If you would like for me to come to your office for further discussion, please let me know.

W. B. Fichter
13 Pierce's Court
Williamsburg, VA 23185
757 221 0384
Cell: 757 298 5168

Kyle Burcham

From: joseph lenertz <joseph.l.lenertz@gmail.com>
Sent: Tuesday, August 27, 2013 3:49 PM
To: Jose Ribeiro
Subject: Fwd: ref: Xanterra Development: Please call/visit JCC Planning Office

Jose,

My family and I are in full agreement with the McGurk family on this point. Xanterra's planned over-development, destruction of green space and loss of buffer zone between the Brewery, Busch Gardens and Kingsmill should be stopped. 300+ houses built in the only buffer between Kingsmill and the industrial brewery and a large amusement park, and destruction of the only green space and bike trail is not, in my opinion, a good idea.

I have used the County Road for bike rides, and to walk my dog. It is a wonderful peaceful area...and such an area will not exist if the Xanterra planned rezoning takes place. I'm asking for your help to prevent the rezoning and keep our neighborhood a peaceful and beautiful place to live.

Thanks,

Joe and Linda Lenertz

----- Forwarded message -----

From: Michael McGurk <mcurkm@hotmail.com>
Date: Tue, Aug 27, 2013 at 1:10 PM
Subject: ref: Xanterra Development: Please call/visit JCC Planning Office
To: "Jose.Ribeiro@jamescitycountyva.gov" <jose.ribeiro@jamescitycountyva.gov>

Feel free to forward to any and all interested individuals or groups.

Fellow Residents and Friends:

I had a meeting this morning with Mr. Jose Ribeiro, Senior Planner for James City County Planning (and Zoning.)

He is a very nice person and he asked me to encourage people to seek him out as residents of JCC and express their thoughts and opinions on the re-zoning request by Xanterra. He would like you to come talk with him, he can show you the proposal and note your concerns.

His phone number is: 757-253-6890
and his email is: Jose.Ribeiro@jamescitycountyva.gov

Spent 45 minutes with him talking about my concerns on the over-development, destruction of green space and loss of buffer zone between the Brewery, Busch Gardens and Kingsmill should the planning go forward. 300+ houses built in the only buffer between Kingsmill and the industrial brewery and a large

amusement park and destruction of the only green space and bike trail is not, in my opinion, a good idea.

Currently all the area is zoned as recreational. Mr. Ribeiro would also like to hear from anyone who has used, or continues to use the County Road for recreation, bike trail, dog walking, jogging etc. We need to fight to **not** change the zoning and have it remain recreational use only.

Xanterra is saying the golf courses provides "green space" but residents are not allowed to walk on the golf course, the golf cart paths, or soon any resort areas.

Once the County Road is gone there will be no undeveloped property between the James River and Hwy 60. There will be no trails that do not cross numerous streets.

It is also worth noting that we cannot expect the KCSA to represent us or to help carry this forward. All owners agreed to the Covenants as a condition of buying property here.

Kingsmill Declaration of Covenants and Restrictions:

(page 21) Article VII: Section 5 Limitations "As long as the Developer is likewise an Owner, the Association may not use its resources nor take a public position in opposition to the Kingsmill Master Plan or to changes thereto proposed by the Developer without the written consent of the Developer."

In other words the Association (KCSA) cannot oppose Xanterra (the "Developer") plans for development unless Xanterra allows it.

Of a historical note I found this article online and a comment from 2010, I think 3 years ago , whomever this was hit it right on the head. Their prediction rings true.

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<http://wydailyarchives.com/local-news/3998-kingsmill-resident-challenges-home-owners-association.html>

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Planning Division

101-A Mounts Bay Rd.
Williamsburg, VA 23187

P: 757-253-6685

F: 757-253-6822

Email: planning@jamescitycountyva.gov

Kyle Burcham

From: Leanne Reidenbach
Sent: Wednesday, August 28, 2013 8:55 AM
To: Jose Ribeiro
Subject: FW: Re-Zoning by Xanterra

Think this one was meant for you!

Leanne Reidenbach
Senior Planner II



101-A Mounts Bay Road
Williamsburg, VA 23185
P: 757-253-6876
F: 757-253-6822
Front Desk: 757-253-6685
jamescitycountvva.gov

From: TC Cantwell
Sent: Wednesday, August 28, 2013 8:30 AM
To: Leanne Reidenbach
Subject: FW: Re-Zoning by Xanterra

Leanne –

Another one! Once again, I have responded to this email informing them it has been sent to the appropriate planner.

TC Cantwell
Development Management Assistant



P: 757-253-6685
F: 757-253-6822

From: Marge Malvin [<mailto:mmalvin1@cox.net>]
Sent: Tuesday, August 27, 2013 4:38 PM
To: Planning
Subject: Re-Zoning by Xanterra

Members of the James City County Planning Commission :

I am a resident of Kingsmill and have lived here since 1994 and have lived on the River Golf Course and Plantation Course here in Kingsmill.

I object to the proposed re-zoning by Xanterra to build 300+ new homes along the Plantation Road and on the current Woods Golf Course. If approved, the residents of Kingsmill will be over-run with additional residents, over-use of roads and other property owned by KM residents - such as our walking/hiking trails. Also, other services such as water supply, administered by JCC will require higher water supplies and additional use of roadways.

Our current KCSA Board will not/cannot represent the KM residents in this matter - therefore the JCC Planning Commission's Office needs to take up the cause and concerns of the JCC residents in **OPPOSING THE RE-ZONING OF THE COUNTY ROAD FOR ADDITIONAL HOUSING AND PROPOSED CHANGES TO THE WOODS GOLF COURSE.**

Thank you for your support and concern.

Margaret Malvin
149 Roger Smith

Also Owner of 265 Archer's Mead

Kyle Burcham

From: Sam <leehoss@cox.net>
Sent: Wednesday, August 28, 2013 9:59 AM
To: Jose Ribeiro
Cc: Fred
Subject: .kingsmill

Sir,

The Xantera plan is simply the rape of the countryside for the sake of profit and a total disregard for the residents who have invested time and energy in making the Kingsmill environment a great place to live. It's in total disregard of the historical significance of the area and precludes the use of the country road for biking, running, and walking our dogs.

Some years ago, my wife and I rode our horses from Kingsmill to Carter's Grove and back on the old Country Road. we felt grateful for the privilege to retrace the path our forefathers had established a few hundred years ago between Carter's Grove and Williamsburg. Now, Xantera proposes to plow all of this history under for the sake of profit. We bought into Kingsmill 30 plus years ago as did many others, to enjoy the ambiance of a great community. This is in jeopardy

I understand that he who has the gold makes the rules, but for the sake of preserving the significance and sanctity of this one of a kind location--please leave the area zoned Recreational.

COL Sam Brown USA RET
33 Peyton Road
Williamsburg, VA
23185

Sent from my iPad

Kyle Burcham

From: linda palmer <linda.b.palmer@gmail.com>
Sent: Wednesday, August 28, 2013 11:19 AM
To: Jose Ribeiro
Subject: The Country Road

Dear Mr. Ribeiro,

Thank you for taking the time to read another email from a Kingsmill resident.

My husband and I moved to Kingsmill with our 3 children 22 years ago. We live in the Wickham's Grant neighborhood and are therefore the unintended guests of Busch Garden concerts and nightly fireworks. We also hear the happy screams from roller coasters and smell brewing beer from InBev. When the wind is blowing, our vantage is either heightened or muffled depending on Mother Nature. We weather the sounds and smells with the knowledge that we knew of their existence before we landed here and we view them in a positive light.

What we did not know when we moved here was the existence of the Country Road. We did not realize that it was the buffer between us and Busch Gardens and the avenue to provide our escape from urban life. Upon our discovery we were elated, feeling the beauty and peace it provided essential to our need to 'get away from it all'. I would not be over-exaggerating to say that my husband or I take at least 1, more likely 2, walks on the Country Road every day. We take our dog who enjoys the freedom and listen to inspirational music from our Ipods.

As you know our buffer is in peril. What right do I have to dictate what doesn't belong to me? Really none, except it will very much affect the home we have worked hard to keep pace with property values. When Xanterra builds 300 plus homes on our sanctuary, we will hear those screams and those concerts like they are in our driveway. There will no longer be green space that a non-golfer can stroll through letting their dog run free. A true beauty will be gone. While I have never explored it, there must be some historical significance to our Country Road as a thoroughfare from Carter's Grove to Colonial Williamsburg.

The way I view Xanterra's plans, the homeowner in Kingsmill has everything to lose and nothing to gain and that is not even factoring in the distasteful plans for the Marina and resort. Who will want to buy my house when it is stuffed between houses and the din of recreation and commercial entities while being effectively barricaded from the natural outlets that have so enhanced our community?

Again I thank you for reading my email and hearing my voice. I hope you can help our neighborhood remain a remarkable place to live now and a viable market for the homebuyers to come.

Sincerely,
Linda Palmer
108 John Wickham
229-0006

Kyle Burcham

From: Ken and Mary Kay <onthecove@cox.net>
Sent: Wednesday, August 28, 2013 12:42 PM
To: Jose Ribeiro
Subject: Kingsmill Country Road

We bike the Kingsmill Country Road often both toward Carter Grove and to Colonial Williamsburg. We do mostly Spring and Fall and sometimes in winter. We would miss the green space very much. It was part of the reason we moved here four years ago. Clearing for hundreds of home sites would decrease the recreational green space and increase noise from traffic, trains and the park.

Ken Flegel

Kyle Burcham

From: JCBandJB@aol.com
Sent: Wednesday, August 28, 2013 5:04 PM
To: Jose Ribeiro
Cc: carolinela04@aol.com
Subject: Fwd: (no subject)

From: JCBandJB@aol.com
To: Joseribeiro@jamescitycountyva.gov
Sent: 8/28/2013 5:00:16 P.M. Eastern Daylight Time
Subj: (no subject)

Dear Mr. Rebeiro,

My late husband and I purchased our lot in 1987 when there was only a dirt road leading to it. We built immediately and have loved every minute of living here. We walked the country road until he was no longer able to do it. I still walk it. The beauty, peace and serenity of Kingsmill are what has made it such a desirable place to live.

Building on the country road will remove the buffer of trees and make the noise of Busch Gardens an intrusive sound in our quiet community. I wonder if you are aware that there is a large area along the country road which is home to protected wild flowers, specifically Pink Ladies Slippers.

Overbuilding will tax the road system which we home owners pay for the upkeep through our KCSA assessment.

I protest in the strongest terms, allowing Xanterra to proceed with their proposal.

Jean Canoles Bruce
248 William Barksdale

Kyle Burcham

From: Clifford Firstenberg <cefirstenberg@cox.net>
Sent: Thursday, August 29, 2013 7:48 AM
To: Jose Ribeiro
Subject: Kingsmill and Xanterra

Mr. Ribeiro

I understand that you met with at least one Kingsmill Resident and, I'm sure (hope), have heard from many more. The purpose of this email is not to further burden you, but to weigh-in and be heard.

My wife and I purchased our home in Kingsmill in 1997 based on a number of factors, but, significant among them were security (I travel a good deal for work) and the amenities. We are not "club people" but are avid about using the outdoors so the beach, marina, open space, and access to the Old Country Road were major selling points in our decision. For Xanterra to now seek to modify the zoning to accommodate their plans is troubling – to understate the situation.

If it would help, I would be more than willing to meet with you, but importantly, if there is anything I can do as an individual, or we can do as a community, to block Xanterra's unpopular plan, I would appreciate your advice.

Thank you for your assistance and, I'm sure, your patience as this issue unfolds.

Cliff and Cecilia Firstenberg
16 Ensigne Spence
Williamsburg, VA 23185

Clifford Firstenberg
cefirstenberg@cox.net
757-206-6281

Kyle Burcham

From: Leanne Reidenbach
Sent: Thursday, August 29, 2013 8:12 AM
To: Jose Ribeiro
Subject: FW: Development of the country road

Yours as well.

Leanne Reidenbach
Senior Planner II



101-A Mounts Bay Road
Williamsburg, VA 23185
P: 757-253-6876
F: 757-253-6822
Front Desk: 757-253-6685
jamescitycountyva.gov

From: TC Cantwell
Sent: Thursday, August 29, 2013 8:08 AM
To: Leanne Reidenbach
Subject: FW: Development of the country road

Here is another email to add to the list, I have responded to inform them this email was sent to the appropriate planner.

From: Carolyn Eberdt [<mailto:ceberdt@cox.net>]
Sent: Wednesday, August 28, 2013 8:10 PM
To: Planning
Subject: Development of the country road

I having enjoyed Kingsmill for 40 years and am very sad about some of the changes. The building of the houses on the country road with the number, 300 as proposed, sounds not environmentally sound. We need green space and buffers from the commercial to be an elite community which seems the goal of the new owners. We need a balance in everything, and Kingsmill is over the top with houses now. I love walking and biking on the country road because it is in the woods and a beautiful road. I hope the planning commission is careful in analyzing the density of any more building. It is not all about money, and those of us who realize that will have to help control those who want to run away with development.

Carolyn Eberdt
20 Whittaker's Mill

Kyle Burcham

From: Behncke Robert <dynamo1@cox.net>
Sent: Thursday, August 29, 2013 3:48 PM
To: Jose Ribeiro
Subject: Kingsmill

Dear Mr. Ribiero,

My name is Robert Behncke and I own a house at 108 Blair Court, in Kingsmill. I'd like to add my voice to those who have already apprised you that they are unhappy with many of the plans to change Kingsmill. I use the country road often for running, walking, and viewing nature. It is also a buffer for me between my house and Busch Gardens noise. On many days when there are shows at the Park, I can hear them clearly from my house. On other days, I can clearly hear the screaming from the rides. This is tolerable with the green space and trees which now separate us, but I'm afraid it will be negatively impacted by development. In any scenario, I would hope that there would remain an uninterrupted green space for recreational use.

The other main concern I have is that when I bought my lot in Kingsmill and built my house, it was with certain expectations of what constituted my neighborhood. I had free access to the James River, and to all other areas of my neighborhood. It has a lot to do with why we made our home in James City County and built in Kingsmill. The prospect that I will now be excluded from areas of my neighborhood after all these years seems unfair at best, and somehow wrong. I would either like to continue to have free access to the neighborhood (Kingsmill) in which I reside, reach an accommodation that would grandfather continued access, or perhaps be compensated in some way.

I hope my opinions help you in your deliberations regarding this issue. Thank you for your service.

Sincerely,

Robert H. Behncke

Kyle Burcham

From: Kay Hess <kayrhess@gmail.com>
Sent: Thursday, August 29, 2013 3:51 PM
To: Jose Ribeiro; Planning; Pattie Gaudio; Joan Flaherty
Subject: Fwd: Important Fwd: News about Kingsmill's planned changes

Mr. Ribeiro,

I am sure that you are aware of the Kingsmill area, its beauty, peacefulness and upscale living facilities. My husband, Herman Hess, bought this house 28 years ago with his late wife, Joan. He and I have been married for five years and plan to live here forever. The promises that were made to him and his wife were the same as all other owners have heard; that the recreational and entertainment facilities would always be available to the homeowners. One benefit that we enjoy is the bike trails. We usually ride three to four times per week, weather permitting. Recently, I went on a Segway tour of the Country Road so I am familiar with the area that is to be built up. What a shame if Xanterra's plan is executed.

This plan of Xanterra's will totally change this wonderful place to live. Please help us to end this nightmare by denying Xanterra's request for rezoning.

Sincerely,

Herman and Kathryn Hess

----- Forwarded message -----

From: Joan and Bill Flaherty <wtfjff2@cox.net>
Date: Thu, Aug 29, 2013 at 11:09 AM
Subject: Important Fwd: News about Kingsmill's planned changes
To: Ben & Betty Lyle <benlyle4@aol.com>

Sent from my iPad

Begin forwarded message:

Kingsmill Women's Social Club News

Dear Pattie,

This information is provided if you would like to voice your opinion regarding Xanterra's plans for building houses by the Woods Course.

**Thanks,
Caroline Laur.**

Feel free to forward to any and all interested individuals or groups.

Fellow Residents and Friends:

I (Michael McCurk) had a meeting this morning with Mr. Jose Ribeiro, Senior Planner for James City County Planning (and Zoning.)

He is a very nice person and he asked me to encourage people to seek him out as residents of JCC and express their thoughts and opinions on the re-zoning request by Xanterra. He would like you to come talk with him, he can show you the proposal and note your concerns.

His phone number is: 757-253-6890
and his email is: Jose.Ribeiro@jamescitycountyva.gov

I spent 45 minutes with him talking about my concerns on the over-development, destruction of green space and loss of buffer zone between the Brewery, Busch Gardens and Kingsmill should the planning go forward. 300+ houses built in the only buffer between Kingsmill and the industrial brewery and a large amusement park and destruction of the only green space and bike trail is not, in my opinion, a good idea.

Currently all the area is zoned as recreational. Mr. Ribeiro would also like to hear from anyone who has used, or continues to use the County Road for recreation, bike trail, dog walking, jogging etc. We need to fight to *not* change the zoning and have it remain recreational use only.

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(page 21) Article VII: Section 5 Limitations "As long as the Developer is likewise an Owner, the Association may not use its resources nor take a

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In other words the Association (KCSA) cannot oppose Xanterra (the "Developer") plans for development unless Xanterra allows it.

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2010-03-03 13:28

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<http://wydailyarchives.com/local-news/3998-kingsmill-resident-challenges-home-owners-association.html>

So please take a few minutes out of your time call, email and then visit JCC Planning. They are at 101-A Mounts Bay Road, just outside the Kingsmill Hwy 199 gate in the JCC center.

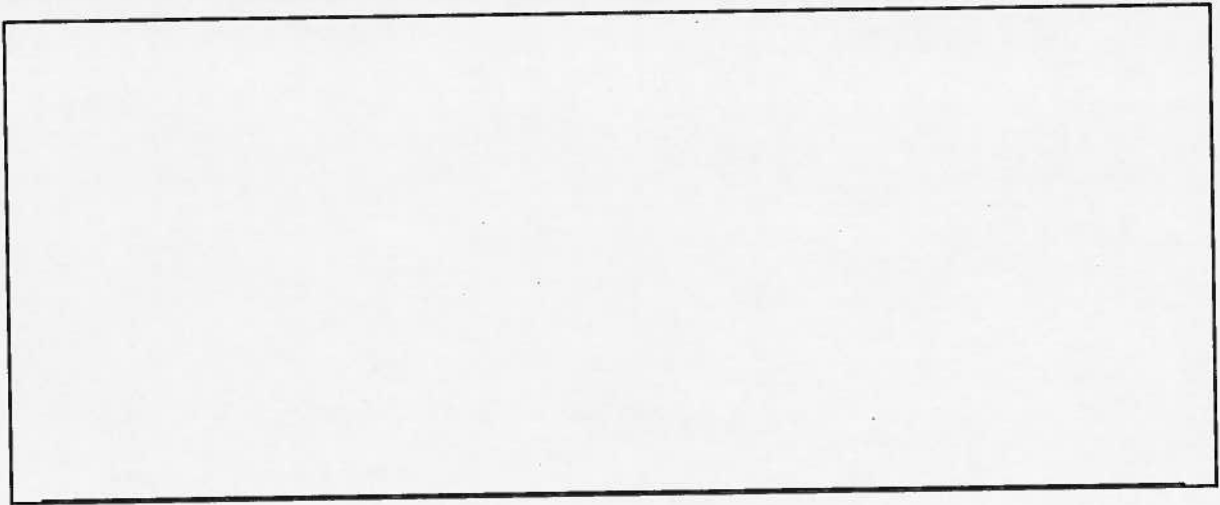
<http://www.jamescitycountyva.gov/planning/>

Planning Division
101-A Mounts Bay Rd.
Williamsburg, VA 23187

P: 757-253-6685

F: 757-253-6822

Email: planning@jamescitycountyva.gov



Forward this email



This email was sent to lgaudio4@cox.net by layerroush@gmail.com |
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Kingsmill Women's Social Club | 140 Roger Smith | Williamsburg | VA | 23185

Kyle Burcham

From: Sara Campbell <gluistean2001@yahoo.com>
Sent: Thursday, August 29, 2013 4:21 PM
To: Jose Ribeiro
Subject: More Development ?

Dear Jose : My husband ,Raymond, and I live in Kingsmill on Harrops Glenn. We are 100% opposed to development on Country Road, which we call "The Hidden Road" . And we are very much against the internal gate they want to build on Kingsmill Road. Our Phone # is 253-1666 if you need to call us. Both of us are very angry about the way X is trying to ruin Kingsmill.

Sara A Nugent

Kyle Burcham

From: Angelo Guastaferro <gusg@cox.net>
Sent: Friday, August 30, 2013 10:12 AM
To: Jose Ribeiro; Marge Malvin
Subject: Kingsmill Rezoning request

I have been a home owner in Kingsmill since 1996. During that time, I have had two home sites. For the first 15 and 1/2 years, I lived at 124 Peter Lyall in the Wickham Grant Section. My house was about 1/2 mile from the Brewery and Busch Gardens. My current home is in the Plantation area on Roger Smith. I recall my years close to both the brewery and amusement park and realize how fortunate I was to have the undeveloped area protected by zoning to insure both odor and noise control. I have become concerned with the latest request for destroying the buffer zone so that Xanterra can develop additional housing . I strongly recommend that you consider the James City County residents that invested significantly in the Kingsmill gated community. Please reject the Xanterra Rezoning proposal for the tax payers of the county.

Angelo Guastaferro

Kyle Burcham

From: GBHAN@aol.com
Sent: Friday, August 30, 2013 11:22 AM
To: Jose Ribeiro
Cc: Planning
Subject: OPPOSITION TO PROPOSED ZONING CHANGE BY XANTERRA

Daer Mr. Riberio,

My name is Gerald S. Hanley. My wife and I reside at 108 Captaine Graves in the Kingsmill community. I am writing to request that the planning commission not grant a change in zoning along the Country Road as proposed by the Xanterra organization.

My home is quite close (about 500 yards) to the green space enclosing the Country Road. This green space is an important part of the buffer between our community and the industrial/commercial zone which includes the Busch brewery and Busch Gardens. We already live with truck noise from the brewery and with crowd, ride, and event noise from Busch Gardens. Further development within the existing buffer will only add to this environmental impact.

Development along the Country Road will remove an important recreational feature for the community. I frequently walk this trail which in its current state provides an opportunity to enjoy the relative peace of a woodland. It also gives one a sense of the historic nature of our area. Once this is gone it cannot be replaced.

As you may be aware much of the alternative "green space" in Kingsmill is Kingsmill Resort property (e.g. the golf courses and waterfront areas). Kingsmill Resort has recently announced plans to block access to all resort property by non-members of the resort. This will exclude a high proportion of Kingsmill residents. It argues to retain whatever alternative recreational green space currently in the community.

We purchased our home in Kingsmill twelve years ago. An important part of our decision was the existence of the green spaces in the original master plan. It was represented to us that part of the original decision by the county to permit the construction of the Kingsmill community, the brewery and Busch Gardens was a commitment by the developer to the county to preserve the green spaces in the plan. I trust the planning commission will carefully consider and support this original intent in its decision.

I also ask the commission to consider the Xanterra application in the broader context of development in area of Williamsburg/James City County surrounding the Kingsmill community. We have seen the area on Route 199 developed for a shopping center (e.g. Harris Teeter) and Riverside Doctors Hospital; and have the expectation that the Quarterpath Road project in Williamsburg will move ahead. Once completed there will be little accessible green space left in this part of the county.

I urge you to consider the wishes and recreational needs of residents of the county versus the commercial interests of this developer.

Very truly yours,

G.S. Hanley
757-564-7824

Kyle Burcham

From: Beth Morgan <bethorich@cox.net>
Sent: Friday, August 30, 2013 12:37 PM
To: Jose Ribeiro
Subject: Kingsmill vs. Xanterra

Hello:

I am writing to express my extreme unhappiness with the proposed changes to the Kingsmill community. I have lived here for almost 10 years, and have enjoyed the restaurants (Bray Room, Eagles, Regatta's, The Mill), walking to the Marina, views of the sunset over the water, views of the eagle's nest in the trees, eating at the marina restaurant, playing with our grandchildren on the sandy beach, and using the meeting rooms at the resort for community meetings and social gatherings.

To learn that Xanterra plans to restrict all of these from Kingsmill residents is shocking and absurd. All of the resort traffic will continue to come past our quiet neighborhoods, resort guests will have access to the walking paths past our quiet neighborhoods, and yet we will be banned from the resort like outcasts, despite our financial and moral support of this community through the years.

I also object to the building of 300+ homes along the Woods golf course area, and the destruction of the natural areas that are home to deer, raccoons, groundhogs, birds, possum, and other creatures who have lived in these woods for hundreds of years.

As far as the value of our homes, I fear the value will drop drastically as all of our homes will now just be "a house on a lot"

instead of a neighborhood with restaurants, a beach, and riverfront views. We will be paying our monthly fees for a gated manicured community, while other communities such as Kingspoint and Queen's Lake allow all residents access to the waterfront and other features of their neighborhood.

If Xanterra wants to live in their ivory castle that is restricted to the rest of us, then let them have their own entry road off of Route

60 or 199, and leave our neighborhood out of it completely.

Please forward these comments to anyone that might listen.

Thank you very much.

Beth Morgan and Rich Scherer
234 Archer's Mead
Williamsburg, VA 23185
565-2701

Kyle Burcham

From: Beth Morgan <bethorich@cox.net>
Sent: Friday, August 30, 2013 12:41 PM
To: Jose Ribeiro
Subject: Kingsmill p.s.

I neglected to mention one more item that concerns us:

My husband and I, and numerous members of our family who visit from time to time, have enjoyed immensely our strolls down the Country Road, for the peacefulness, natural surroundings, and history. We oppose any destruction or alteration to the Country Road by Xanterra.

We are very much convinced that Xanterra is out to make as much money as they can, and don't care one iota about Kingsmill or its residents or its wooded ambience.

Thank you.

Beth Morgan
234 Archer's Mead
Williamsburg, VA 23185

Kyle Burcham

From: valandjimsmith@cox.net
Sent: Friday, August 30, 2013 2:15 PM
To: Jose Ribeiro
Subject: Kingsmill Green Space.

Mr. Ribeiro,

Would it be possible for my husband and I to make an appointment to talk with you about the development plans for Kingsmill?

We are very concerned about the planned use of the only green space in the development. The only space in the neighborhood where my husband can ride a bike in safety and where I can walk and enjoy the recreational space away from roads and traffic. The developers managed to drive the eagles out of the eagle preserve and they are now going to drive them out of the only green space left.

We look forward to your response.

James and Valerie Smith

Kyle Burcham

From: Keith E. <radiobug@verizon.net>
Sent: Friday, August 30, 2013 4:16 PM
To: Jose Ribeiro
Subject: Kingsmill Xanterra Proposal
Attachments: Kingsmill Planning Letter.docx

Dear Mr. Ribeiro !!

Please see the attached Word document with our comments on the Xanterra development proposal for Kingsmill. As noted in our letter, we are **strongly opposed** to this Xanterra project.

It was very nice speaking with you on the phone yesterday. I hope we have a chance to meet you in person in the near future !!

Best wishes to you and your family for a Happy Labor Day weekend !!

Keith and Linda Engelmeier

Kyle Burcham

From: Bob and Debbie Hipple <hipple@cox.net>
Sent: Friday, August 30, 2013 4:26 PM
To: Jose Ribeiro
Subject: Xanterra rezoning request in Kingsmill

I'll keep this short and simple. Please do not allow the property along the old country road to be rezoned. The green space is a vital buffer between Busch Gardens, the brewery and homes in Kingsmill.

Thank you,

M/M Robert F. Hipple
105 Roffingham's Way
Williamsburg, VA 23185

Sent from my iPad

Kyle Burcham

From: valandjimsmith@cox.net
Sent: Saturday, August 31, 2013 9:27 AM
To: Jose Ribeiro
Subject: Re: Kingsmill Green Space.

Mr. Robeiro,

Thank you for your prompt response. Would it be possible to meet on Tuesday at 4:00 p.m.

James and Valerie Smith

From: Jose Ribeiro
Sent: Friday, August 30, 2013 3:57 PM
To: mailto:valandjimsmith@cox.net
Subject: RE: Kingsmill Green Space.

Mr. and Mrs. Smith,

Thank you for your e-mail. I will be a pleasure to meet with you and talk about the proposal. How about Tuesday in the afternoon? I am free at any time after 1:00 pm. If that does not work for you just give me a couple of other options and I'll check my availability.

Very Best,

Jose-Ricardo Linhares Ribeiro

From: valandjimsmith@cox.net [mailto:valandjimsmith@cox.net]
Sent: Friday, August 30, 2013 2:15 PM
To: Jose Ribeiro
Subject: Kingsmill Green Space.

Mr. Ribeiro,

Would it be possible for my husband and I to make an appointment to talk with you about the development plans for Kingsmill?

We are very concerned about the planned use of the only green space in the development. The only space in the neighborhood where my husband can ride a bike in safety and where I can walk and enjoy the recreational space away from roads and traffic. The developers managed to drive the eagles out of the eagle preserve and they are now going to drive them out of the only green space left.

We look forward to your response.

James and Valerie Smith

Kyle Burcham

From: JO Shaw <JOShaw@olivetministries.org>
Sent: Saturday, August 31, 2013 11:57 AM
To: Jose Ribeiro
Subject: We are opposed to Xanterra developing Kingsmill green space

Dear Mr. Ribeiro,

We have been residents of Kingsmill and JCC since 1990, and have loved living in a community that values green space to such a high degree. We ride bikes on the Kingsmill paths and also on the County Road on a regular basis for exercise and for enjoying the wooded environment void of development.

It would be a great tragedy to allow re-zoning of those green areas for housing and other resort development. It will surely devalue our community and take away the enjoyment that so many Kingsmill residents receive from using these wooded, undeveloped areas.

We strongly oppose any Xanterra proposed changes in the zoning of these areas from recreational to one that allows development of more homes and subdivisions.

Thank you for your consideration of this matter!

James and Patricia Shaw
113 Abigail lane
Williamsburg VA 23185
757 2537751

Kyle Burcham

From: Sharon Shires <sharonshires@yahoo.com>
Sent: Monday, September 02, 2013 4:44 AM
To: Jose Ribeiro
Subject: Appt to discuss Kingsmill as a resident

Dear Sir:

We have fear that the value and decline of our community is in danger of decline.

If you have time, would you consider meeting us in our small neighborhood in Kingmill instead of individual appointments? We are in Wickhams Grant area off Warehams Pond road. We would meet in our home. Thank you. 108
Thomas Cartwright

Col.Charles (Doug) & Sharon Shires
757-229-3210. Cell. (Sharon)652-1625

Kyle Burcham

From: Paul Holt
Sent: Tuesday, September 03, 2013 8:14 AM
To: Jose Ribeiro
Cc: Christopher Johnson
Subject: FW: Xanterra Development Proposal for Kingsmill !!
Attachments: JCC Kingsmill Development Letter.docx; ATT00001.htm

From: Robert Middaugh
Sent: Friday, August 30, 2013 5:28 PM
To: Paul Holt
Subject: Fwd: Xanterra Development Proposal for Kingsmill !!

Robert Middaugh
County Administrator
James City County
Sent from my iPad

Begin forwarded message:

From: "Keith E. " <radiobug@verizon.net>
Date: August 30, 2013, 5:27:58 PM EDT
To: <jccboard@jamescitycountyva.gov>
Subject: Xanterra Development Proposal for Kingsmill !!

Dear Board of Supervisors !!

Please see the attached letter with our comments regarding the proposed Xanterra project to further develop Kingsmill. Thank you for your consideration !!

Keith and Linda Engelmeier
117 Captaine Graves
Williamsburg
757 253-6920
radiobug@verizon.net

Kyle Burcham

From: Scott Eklind <seklind@yahoo.com>
Sent: Tuesday, September 03, 2013 8:33 AM
To: Jose Ribeiro
Subject: Kingsmill

As a resident of the Kingsmill neighborhood I would like to express my opposition to Xanterra's proposed zoning changes to some of the Kingsmill areas currently zoned recreational.

These areas also act as green spaces and buffers for the neighborhood.

I do use the old Carter's Grove Road, and I always see other walkers, runners, and bikers using the area as well.

If it is accurate that Xanterra is attempting to claim the golf courses are adequate green spaces for neighborhood, I would like to remind you that the golf courses are a part of Xanterra's business, and that what is convenient for them to call "green spaces" today, will be called "private property" tomorrow when that definition suits the management of Kingsmill Resort.

There is simply no reason that Kingsmill residents want a change to the Master Plan.

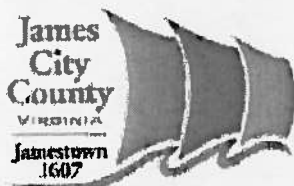
Thank you for your time.
Scott Eklind
204 William Claiborne
Williamsburg, VA 23185-6527

Kyle Burcham

From: TC Cantwell
Sent: Tuesday, September 03, 2013 8:49 AM
To: Jose Ribeiro
Subject: FW: OPPOSITION TO PROPOSED ZONING CHANGE BY XANTERRA

Forwarding from the planning inbox.

TC Cantwell
Development Management Assistant



P: 757-253-6685
F: 757-253-6822

From: GBHAN@aol.com [mailto:GBHAN@aol.com]
Sent: Friday, August 30, 2013 11:22 AM
To: Jose Ribeiro
Cc: Planning
Subject: OPPOSITION TO PROPOSED ZONING CHANGE BY XANTERRA

Daer Mr. Riberio,

My name is Gerald S. Hanley. My wife and I reside at 108 Captaine Graves in the Kingsmill community. I am writing to request that the planning commission not grant a change in zoning along the Country Road as proposed by the Xanterra organization.

My home is quite close (about 500 yards) to the green space enclosing the Country Road. This green space is an important part of the buffer between our community and the industrial/commercial zone which includes the Busch brewery and Busch Gardens. We already live with truck noise from the brewery and with crowd, ride, and event noise from Busch Gardens. Further development within the existing buffer will only add to this environmental impact.

Development along the Country Road will remove an important recreational feature for the community. I frequently walk this trail which in its current state provides an opportunity to enjoy the relative peace of a woodland. It also gives one a sense of the historic nature of our area. Once this is gone it cannot be replaced.

As you may be aware much of the alternative "green space" in Kingsmill is Kingsmill Resort property (e.g. the golf courses and waterfront areas). Kingsmill Resort has recently announced plans to block access to all resort property by non-members of the resort. This will exclude a high proportion of Kingsmill residents. It argues to retain whatever alternative recreational green space currently in the community.

We purchased our home in Kingsmill twelve years ago. An important part of our decision was the existence of the green spaces in the original master plan. It was represented to us that part of the original decision by the county to permit the construction of the Kingsmill community, the brewery and Busch Gardens was a commitment by the developer to the county to preserve the green spaces in the plan. I trust the planning commission will carefully consider and support this original intent in its decision.

I also ask the commission to consider the Xanterra application in the broader context of development in area of Williamsburg/James City County surrounding the Kingsmill community. We have seen the area on Route 199 developed for a shopping center (e.g. Harris Teeter) and Riverside Doctors Hospital; and have the expectation that the Quarterpath

Road project in Williamsburg will move ahead. Once completed there will be little accessible green space left in this part of the county.

I urge you to consider the wishes and recreational needs of residents of the county versus the commercial interests of this developer.

Very truly yours,

G.S. Hanley
757-564-7824

Kyle Burcham

From: Leanne Reidenbach
Sent: Tuesday, September 03, 2013 9:15 AM
To: TC Cantwell
Cc: Jose Ribeiro
Subject: RE: addition of homes

Nope... this is Jose's Kingsmill case again.

Leanne Reidenbach
Senior Planner II

101-A Mounts Bay Road
Williamsburg, VA 23185
P: 757-253-6876
F: 757-253-6822
Front Desk: 757-253-6685
jamescitycountyva.gov

-----Original Message-----

From: TC Cantwell
Sent: Tuesday, September 03, 2013 8:49 AM
To: Leanne Reidenbach
Subject: FW: addition of homes

Leanne -

Is this yours? I'm assuming this is in reference to Stonehaven.

TC Cantwell
Development Management Assistant

P: 757-253-6685
F: 757-253-6822

-----Original Message-----

From: margarite1937@gmail.com [<mailto:margarite1937@gmail.com>]
Sent: Friday, August 30, 2013 12:03 PM
To: Planning
Subject: addition of homes

I have lived in kingsmill 27 years and am really upset over this new plan. WE moved here because of the beauty and spaciousness. Please don't turn it into a mishmash of homes jumbled together.
Margarite Burns

Sent from my iPad



Kyle Burcham

From: Shbarnerinc <shbarnerinc@aol.com>
Sent: Tuesday, September 03, 2013 11:11 AM
To: Jose Ribeiro
Subject: Kingsmill MP Revision

Mr. Ribeiro, Thank you for taking time to meet me last week and discuss the Revisions to the Kingsmill master plan. As we discussed I am in opposed to the plan to remove the green space Between the Brewery and Kingsmill. This is the largest Industrial complex in JCC and as such requires special consideration with any future development. I understand you made a site visit on Friday, and wanted to point out that the plant was shutdown for the holiday weekend, and was not very Noisy on this particular day. In general there is Noise from the Plant that comes from both the Machinery and the Truck Traffic, as the back side of the plant adjacent to the country road is now a truck storage area, and during the night we can hear the truck traffic along with the Plant noise. There are also Lights at night that are visible .

There is also noise from the Busch Gardens, Concert noise, Train noise, Ride noise, and Fireworks, all able to be heard at night. This is even worse when the leaves come off the trees. Additionally there is noise from Ramparts Packing in The McLaws circle area.

I walk on the country road, and am concerned that development of this area will ruin this one of a kind community asset.

I also question if this is in fact a revision to a Master Plan or in fact a New Plan ? When Busch did the original development, all of the moving parts were owned by Busch and the community was layed out to make sense, Green space was provided as need to isolate all of the areas and make a unified community in light of the proximity of the Plant, the Park and the Industrial Space with the Residential Community, How can we now at this time make Changes that affect so many Homes ? What if the Plant decides to enlarge and ther is more Noise and Light ?

closing could you provide me with the name and address of the applicant so That I can contact them and share my concerns. Thank you again for your time.

Scott Barner 17 Bray Wood , Williamsburg. 757 253 1500

Kyle Burcham

From: Sue Morgan <sue4va@verizon.net>
Sent: Tuesday, September 03, 2013 5:12 PM
To: Jose Ribeiro
Subject: Destruction

Why would Xanterra want to destroy and take away the Buffer zone and ruin MY FAVORITE golf course for houses!! I hope they are denied any rezoning request! Suzanne Morgan (concerned Kingsmill resident)

Sent from my iPad

Kyle Burcham

From: Donna M. E. Ware <dmeware@verizon.net>
Sent: Wednesday, September 04, 2013 1:04 PM
To: Jose Ribeiro
Cc: Michael Woolson
Subject: Re: Kingsmill proposal and rare plants

Hello, Mr. Ribeiro,

I am eager to discuss the matter of the Basic Ravine Forest Plant Community and its component species that inhabit the ravines and adjacent upland margins of the Grove Creek Watershed, with particular emphasis on Area 4 and Area 5 the Zanterra development plan map. When I met with Mike Woolson, I gave him a folder containing much of the information that you need. I will ask him to forward that folder to you.

Please let me know the earliest date convenient for you to meet with me about this matter, or the time of day best to call you if you prefer to discuss this by telephone. Also, I would welcome the opportunity to visit the site with you.

Sincerely,
Donna M. E. Ware

----- Original Message -----

From: Jose Ribeiro
To: 'dmeware@verizon.net'
Sent: Wednesday, September 04, 2013 12:15 PM
Subject: Kingsmill proposal and rare plants

Good afternoon Ms. Ware,

My name is Jose Ribeiro and I am a planner in James City County managing the Kingsmill rezoning application. I understand that you have met with Mr. Woolson to discuss some of your concerns regarding preservation of rare plants and species in Kingsmill. I am looking for information such as what type of vegetation are you concerned with and suggestions to mitigate any proposed development in this area.

My phone number is (757) 253-6890 should you wish call me. Thank you very much for any information you may be able to provide me.

Regards,

Jose Ribeiro
(757) 253-6890

Jose Ribeiro
Senior Planner



Planning
101-A Mounts Bay Road
Williamsburg, VA 23185
P: 757-253-6890

F: 757-253-6822
Front Desk: 757-253-6671
jamescitycountyva.gov

Please note that County e-mail addresses have changed.
Please use jose.ribeiro@jamescitycountyva.gov for all future correspondence.

Kyle Burcham

From: Patricia Degen-Lilley <PatriciaDegenLilley@verizon.net>
Sent: Wednesday, September 04, 2013 3:51 PM
To: Jose Ribeiro
Subject: Kingsmill Rezoning

Dear Mr. Ribeiro,

I am a current resident of Kingsmill and would like to come over and meet with you regarding the proposed zoning changes. Do I need to make an appointment? Thank you.

Patricia Degen-Lilley
patriciadegenlilley@verizon.net
(757) 564-1858
(757) 870-0783 (c)

Kyle Burcham

From: George and Jane Green <gfgreen@verizon.net>
Sent: Wednesday, September 04, 2013 5:07 PM
To: Jose Ribeiro
Subject: Proposed Xanterra Development

Dear Mr. Ribeiro,

As residents of Kingsmill we oppose Xanterra's plans to develop areas along the Country Road and near the brewery or Busch Gardens.

First, we and numerous other residents enjoy walking on the Country Road, which is a park-like setting and which provides space for getting away from the streets and traffic within the community. It is essentially a nature trail, and no other area in the development is comparable. It is not part of the resort and no membership card is required for access, which will not be the case for other "resort property" where all residents have previously been welcome.

Second, we believe it is important to maintain the undeveloped "buffer" area between Kingsmill homes and the park and brewery. Even on Bray Wood Road we often hear noise from the brewery and from Busch Gardens. The park has been expanding its operation to cover more days of the year, and we hear loud concerts, frequent fireworks, train whistles, and screaming coaster riders. Additional homes should not be built in the buffer zones, which really should be preserved to help block commercial noise.

Finally, we know that an archaeological study was required in the 1970's before any development began in Kingsmill. Since the Country Road property was to remain recreational, we wonder whether it was included in the initial study. We know that there have been recent excavations of slave quarters in the woods along Quarterpath Road, and we would be surprised if there were not similar remains along the Country Road.

We believe these are valid objections to the proposed development, which would diminish the quality of life in Kingsmill. Thank you for your consideration.

Sincerely,
George and Jane Green
4 Bray Wood Road

Kyle Burcham

From: Patricia Degen-Lilley <PatriciaDegenLilley@verizon.net>
Sent: Wednesday, September 04, 2013 9:01 PM
To: Jose Ribeiro
Subject: Re: Kingsmill Rezoning

Monday afternoon would work best. What times would be convenient? I will be coming with another Kingsmill resident. Thank you.

On Sep 4, 2013, at 4:07 PM, Jose Ribeiro wrote:

> Ms. Degen-Lilley,
>
> Thank you for your e-mail. It is best if we schedule a meeting; I have availability tomorrow between 10:30-11:00 and then from 4:00 to 4:30. I will be out of the office this Friday but back on Monday. If none of these times work for you please let me know what is your availability.

>
> Best regards,

>
> Jose Ribeiro
> (757) 253-6890

>
> -----Original Message-----
> From: Patricia Degen-Lilley [mailto:PatriciaDegenLilley@verizon.net]

> Sent: Wednesday, September 04, 2013 3:51 PM

> To: Jose Ribeiro
> Subject: Kingsmill Rezoning

>
> Dear Mr. Ribeiro,

>
> I am a current resident of Kingsmill and would like to come over and meet with you regarding the proposed zoning changes. Do I need to make an appointment? Thank you.

>
>
> Patricia Degen-Lilley
> patriciadegenlilley@verizon.net
> (757) 564-1858
> (757) 870-0783 (c)

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>

Patricia Degen-Lilley
patriciadegenlilley@verizon.net
(757) 564-1858
(757) 870-0783 (c)

Kyle Burcham

From: joan devlin <jlvdevlin@gmail.com>
Sent: Thursday, September 05, 2013 8:03 AM
To: Jose Ribeiro
Subject: Re: Kingsmill

Thank you for your prompt reply. I work on Thursdays and Mondays so my next best day is next Tuesday, the 10th. Is it possible to give me some time then? Best regards:-)

On Wed, Sep 4, 2013 at 3:06 PM, Jose Ribeiro <Jose.Ribeiro@jamescitycountyva.gov> wrote:

Ms. Devlin,

Thank you for your e-mail. I won't be in the office this Friday but I will be in tomorrow and next Monday on. Tomorrow I have a meeting with a kingsmill resident at 11:30 a.m. to discuss the Kingsmill proposal. If you would like to come at this time that would be great, if not let me know when is the most convenient time for you and I will check my calendar.

Best,

Jose Ribeiro

From: joan devlin [mailto:jlvdevlin@gmail.com]
Sent: Wednesday, September 04, 2013 3:03 PM
To: Jose Ribeiro
Subject:

Dear Mr. Ribeiro: Is it possible to meet with you for a few minutes on Friday, September 6th, regarding Kingsmill's proposal before the planning commission? Please let me know by telephone (220-9185) or by email jlvdevlin@gmail.com. Thank you.

Kyle Burcham

From: Patricia Degen-Lilley <PatriciaDegenLilley@verizon.net>
Sent: Thursday, September 05, 2013 8:30 AM
To: Jose Ribeiro
Subject: Re: Kingsmill Rezoning

Perfect. Thank you and see you then.

On Sep 5, 2013, at 8:19 AM, Jose Ribeiro wrote:

> Ms. Degen-Lilley,
>
> How about 3:00 p.m. Monday? Please let me know if this works for you.
>
> Best,
>
> Jose Ribeiro
>

> -----Original Message-----

> From: Patricia Degen-Lilley [<mailto:PatriciaDegenLilley@verizon.net>]

> Sent: Wednesday, September 04, 2013 9:01 PM

> To: Jose Ribeiro

> Subject: Re: Kingsmill Rezoning

> Monday afternoon would work best. What times would be convenient? I will be coming with another Kingsmill resident. Thank you.

>
> On Sep 4, 2013, at 4:07 PM, Jose Ribeiro wrote:

>> Ms. Degen-Lilley,

>>
>> Thank you for your e-mail. It is best if we schedule a meeting; I have availability tomorrow between 10:30-11:00 and then from 4:00 to 4:30. I will be out of the office this Friday but back on Monday. If none of these times work for you please let me know what is your availability.

>>
>> Best regards,

>>
>> Jose Ribeiro
>> (757) 253-6890

>> -----Original Message-----

>> From: Patricia Degen-Lilley [<mailto:PatriciaDegenLilley@verizon.net>]

>> Sent: Wednesday, September 04, 2013 3:51 PM

>> To: Jose Ribeiro

>> Subject: Kingsmill Rezoning

>> Dear Mr. Ribeiro,

>>

>> I am a current resident of Kingsmill and would like to come over and meet with your regarding the proposed zoning changes. Do I need to make an appointment? Thank you.

>>

> Patricia Degen-Lilley

>> patriciadegenlilley@verizon.net

>> (757) 564-1858

>> (757) 870-0783 (c)

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> Patricia Degen-Lilley

> patriciadegenlilley@verizon.net

> (757) 564-1858

> (757) 870-0783 (c)

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Patricia Degen-Lilley

patriciadegenlilley@verizon.net

(757) 564-1858

(757) 870-0783 (c)

Kyle Burcham

From: Donna M. E. Ware <dmeware@verizon.net>
Sent: Thursday, September 05, 2013 10:17 AM
To: Jose Ribeiro
Subject: Re: Kingsmill proposal and rare plants

Hello, again, Mr. Ribiero,

I could come at 11:00 on Tuesday if that works well enough for you in relation to the end of your 10:00 a.m. appointment. Would there be time for me to present to you a 13 minute PowerPoint presentation about the species and plant community type in question? It is a talk that I gave at a meeting of the Association of Southeastern Biologists. I think it would be helpful to you in regard to the overall importance of protecting the remarkable example of Basic Ravine Forest that occurs in the Grove Creek watershed.

When I prepared the folder of information for Mike Woolson, I couldn't find my copy of the report that Virginia Natural Heritage did on the most important plant communities on the lower portion of the Peninsula. There is a section in it that highlights the Grove Creek watershed.

I'm glad that you can meet with me sometime next week.

Thank you!
Donna Ware
Donna Ware

----- Original Message -----

From: Jose Ribeiro
To: 'Donna M. E. Ware'
Cc: Michael Woolson
Sent: Wednesday, September 04, 2013 1:18 PM
Subject: RE: Kingsmill proposal and rare plants

Hi Ms. Ware,

Thanks for your e-mail; I am available next week except for the following dates/times:

Tuesday between 9-10 a.m.

Thursday between 1:30-2:30 p.m.

Please let me know what works best for you.

Best,

Jose Ribeiro

From: Donna M. E. Ware [<mailto:dmeware@verizon.net>]
Sent: Wednesday, September 04, 2013 1:04 PM
To: Jose Ribeiro
Cc: Michael Woolson
Subject: Re: Kingsmill proposal and rare plants

Hello, Mr. Ribeiro,

I am eager to discuss the matter of the Basic Ravine Forest Plant Community and its component species that inhabit the ravines and adjacent upland margins of the Grove Creek Watershed, with particular emphasis on Area 4 and Area 5 the Zanterra development plan map. When I met with Mike Woolson, I gave him a folder containing much of the information that you need. I will ask him to forward that folder to you.

Please let me know the earliest date convenient for you to meet with me about this matter, or the time of day best to call you if you prefer to discuss this by telephone. Also, I would welcome the opportunity to visit the site with you.

Sincerely,
Donna M. E. Ware

----- Original Message -----

From: Jose Ribeiro

To: 'dmeware@verizon.net'

Sent: Wednesday, September 04, 2013 12:15 PM

Subject: Kingsmill proposal and rare plants

Good afternoon Ms. Ware,

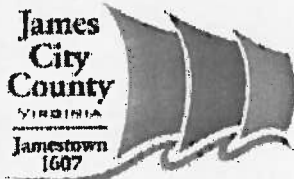
My name is Jose Ribeiro and I am a planner in James City County managing the Kingsmill rezoning application. I understand that you have met with Mr. Woolson to discuss some of your concerns regarding preservation of rare plants and species in Kingsmill. I am looking for information such as what type of vegetation are you concerned with and suggestions to mitigate any proposed development in this area.

My phone number is (757) 253-6890 should you wish call me. Thank you very much for any information you may be able to provide me.

Regards,

Jose Ribeiro
(757) 253-6890

Jose Ribeiro
Senior Planner



Planning
101-A Mounts Bay Road
Williamsburg, VA 23185
P: 757-253-6890
F: 757-253-6822
Front Desk: 757-253-6671
jamescitycountyva.gov

Please note that County e-mail addresses have changed.
Please use jose.ribeiro@jamescitycountyva.gov for all future correspondence.

Kyle Burcham

From: Paul Holt
Sent: Thursday, September 05, 2013 11:17 AM
To: Jose Ribeiro; Christopher Johnson
Subject: FW: Public Comment regarding Kingsmill at Planning Commission Meeting 09/04/2013
Attachments: JCCPC_PublicComment_Kingsmill_130904.pdf

From: Christine Franck [<mailto:christine@christinefranck.com>]
Sent: Thursday, September 05, 2013 11:14 AM
To: Richard Krapf; Paul Holt
Subject: Public Comment regarding Kingsmill at Planning Commission Meeting 09/04/2013

Dear Mr. Krapf and Mr. Holt,

Thank you both for taking the time to speak with me after last night's planning commission meeting. Given that Xanterra/Kingsmill's rezoning and master plan amendment requests could come before the commission as early as your next meeting I greatly appreciate you accepting my written public comment. I will also be meeting with your planning staff over the coming weeks and submitting further feedback.

You probably know that a number of residents have spoken with or met with Jose Ribeiro because Xanterra has not been willing to involve Kingsmill's residents in its plans. In the absence of Xanterra having consulted Kingsmill's residents while they were developing the plans they submitted in August, and because Kingsmill's residents' interests are not represented by the Kingsmill Community Services Association (the default HOA which residents have come to discover has a majority of members appointed by Xanterra), we recognize that you are our only hope of maintaining the quality and value of Kingsmill for current and future residents, and for our community as a whole.

Again, I just wanted to thank you for listening to me at the end of your meeting, I really thought it would have been impolite and out of order to have tried to speak just as you were closing the period of public comment.

For your use, a PDF version of my comments submitted last night are attached. I appreciate you making sure all appropriate people see them.

Thank you,
Christine

Christine G. H. Franck
Designer • Author • Educator
613 Fairfax Way • Williamsburg VA 23185



Kyle Burcham

From: Clifford Firstenberg <cefirstenberg@cox.net>
Sent: Thursday, September 05, 2013 12:09 PM
To: Jose Ribeiro
Subject: RE: Kingsmill and Xanterra

Mr. Ribeiro

Thanks again for meeting with me this morning. Regarding the "Community Area" near the James River on the 1987 plan, if Busch and/or Xanterra built on that area, would that then be a Planning Commission issue; wouldn't they have needed to seek permission and, if changing the use of that parcel, have needed to get approval? Can you advise if that area is now developed and with what? If you prefer for me to come to the office and look at that myself, I would certainly do-so. Just let me know.

Thanks again for your help and information. I'll email you in a couple of days to see what you learn about the Community Area and any stipulations from Colonial Williamsburg Foundation regarding the transfer of the Old Country Road to Busch Properties.

Clifford Firstenberg
cefirstenberg@cox.net
57-206-6281

From: Jose Ribeiro [<mailto:Jose.Ribeiro@jamescitycountyva.gov>]
Sent: Wednesday, September 04, 2013 1:15 PM
To: 'Clifford Firstenberg'
Subject: RE: Kingsmill and Xanterra

Mr. Firstenberg,

I will see you at 11:30 tomorrow. Please let me know if you need any assistance with directions; we are located at Building A t 101 Mounts Bay Road.

Best,

Jose Ribeiro

From: Clifford Firstenberg [<mailto:cefirstenberg@cox.net>]
Sent: Wednesday, September 04, 2013 1:13 PM
To: Jose Ribeiro
Subject: RE: Kingsmill and Xanterra

Mr. Ribeiro

Would tomorrow at 11:30 work for you? I wouldn't expect our meeting to last beyond 12, so should not affect your lunch.

Thanks
Cliff Firstenberg

Clifford Firstenberg
cefirstenberg@cox.net
757-206-6281

From: Jose Ribeiro [<mailto:Jose.Ribeiro@jamescitycountyva.gov>]
Sent: Wednesday, September 04, 2013 12:00 PM
To: 'Clifford Firstenberg'
Subject: RE: Kingsmill and Xanterra

Mr. and Mrs. Firstenberg,

Thank you for your e-mail. I will be more than happy to sit down with you to show the plans and answer any questions you may have. I am available this afternoon and tomorrow all day (except between 1:30 to 2:30). If none of these dates/times work for you just let me know what your preference would be.

Sincerely,

Jose Ribeiro
(757) 253-6890

From: Clifford Firstenberg [<mailto:cefirstenberg@cox.net>]
Sent: Thursday, August 29, 2013 7:48 AM
To: Jose Ribeiro
Subject: Kingsmill and Xanterra

Mr. Ribeiro

I understand that you met with at least one Kingsmill Resident and, I'm sure (hope), have heard from many more. The purpose of this email is not to further burden you, but to weigh-in and be heard.

My wife and I purchased our home in Kingsmill in 1997 based on a number of factors, but, significant among them were security (I travel a good deal for work) and the amenities. We are not "club people" but are avid about using the outdoors so the beach, marina, open space, and access to the Old Country Road were major selling points in our decision. For Xanterra to now seek to modify the zoning to accommodate their plans is troubling – to understate the situation.

If it would help, I would be more than willing to meet with you, but importantly, if there is anything I can do as an individual, or we can do as a community, to block Xanterra's unpopular plan, I would appreciate your advice.

Thank you for your assistance and, I'm sure, your patience as this issue unfolds.

Cliff and Cecilia Firstenberg
16 Ensigne Spence
Williamsburg, VA 23185

Clifford Firstenberg

cefirstenberg@cox.net
757-206-6281

Kyle Burcham

From: reb-1957@cox.net
Sent: Friday, September 06, 2013 8:19 PM
To: Jose Ribeiro
Subject: Xantarra

Dear Mr. Ribeiro: I went over to put my name on the list to have my refund paid when I sell my house. At that time I was informed that I would be #68 on the list. When I asked how long the first person to be paid back had been on the list, I was told 7 years. That would equate to my not getting my money back for 476 years. I was given two options to join the club....\$10,000 with no return or \$30,000 and total return. I opted for the \$30,000. I did not receive a copy of the by laws until a while after I joined and it was never explained to me about how they are repaying the membership fee. I fully expected to get my money back when I sold my home or resigned from the club.

I think that since they accepted this debt when they assumed control that they should pay off those who are selling their homes or leaving the club, ASAP. They seem to be willing to invest millions in enhancing their investment so why not refund our money????

Thank you for your consideration,

Ronald E. Baker

Kyle Burcham

From: Michael McGurk <mcgurkm@hotmail.com>
Sent: Friday, September 06, 2013 11:58 PM
To: Jose Ribeiro; Tim Oconnor; Robin.carson@kingsmill.com; John McGlennon; George Drummond
Cc: letters@vagazette.com; cstele@vagazette.com; Rubyjean Gould; christine@christinefranck.com
Subject: Green Space Easement on Country Road
Attachments: GreenspaceEasementGilley.pdf

Ladies and Gentlemen:

Given the significant angst in the community over the Xanterra planned development of the Country Road area, has anyone proposed to Xanterra that they sell/offer a green space easement to James City County?

An easement would preserve the green space, satisfy the homeowners, and generate profit for Xanterra.

Everyone wins?

Attached is a copy of another recent similar case in James City where an easement was sold to the city and the developer walked away a million dollars richer, and still owns the property.

The tax savings, community good will and benefits to Xanterra and the citizens of James City/Williamsburg could be considerable.

Is Xanterra willing to entertain the suggestion? Has anyone asked?

Thanks,

Michael McGurk

117 Jefferson Hundred
Williamsburg, VA 23185

(757) 345-5819

Kyle Burcham

From: Graham, David B. <dbgraham@kaufcan.com>
Sent: Saturday, September 07, 2013 2:12 PM
To: Jose Ribeiro
Subject: Mr. Ribeiro, May I ask at what time you begin work as I would like to stop in before I travel to my office regarding Xenterra. Thank you, David Graham

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Kyle Burcham

From: Ronald D Brown <rdbrown53@verizon.net>
Sent: Saturday, September 07, 2013 3:28 PM
To: Jose Ribeiro
Subject: Kingsmill Community Problem

Mr. Jose Ribeiro,
Senior Planner
James City County Planning and Zoning
101-A Mounts Bay Road
Williamsburg, VA 23185

Attention: Mr. Jose Ribeiro

On December 19, 2013, I will be a resident of Kingsmill for 24 years. I joined as a Gold Member for golf; I did not join to play tennis because of the wear and tear on my left knee. We walked our dogs on the Country Road and also rode a bicycle for exercise to improve my knee to Carters Groove and into Williamsburg. It appeared to me that it was safer on the country road because the traffic was just cars, no trucks or buses, was one way, at a slow speed, and I had plenty of time to get out of the way of cars because there were never very many cars, there were more bicycles than cars. Most of the times there were no cars at all. I also rode the bike there after my knee replacement. We sponsored several Bicycle Rides for the Peninsula Ski Club, one that used the country road to see Carters Groove before it was sold by Colonial Williamsburg, about 38 bikers. After Carters Groove was sold, I only used the road from the James City County Government Center for my entry on paths that had been there for many years to get to the country road and only went across the overpass bridge to the Woods Course and a path that when out to the Warehams Pond Road. I took the walking paths back home.

After Xanterra bought Kingsmill, I was taking a bike ride and came to a large tree lying across the County Road. Apparently, it had come down in a storm because the leaves were still green. I picked up my bike and carried over the big tree trunk. A month or so later I came to the same tree, the leaves were gone and a path was visible going around the tree, I used it. There seemed to be more signs on trees that said No Trespassing! I have not been back!

Now, it appears that Xanterra wants to change the zoning of property that was zoned for recreation and buffers to build houses. They have already turned the Par 3 Course into a Lazy River Pool and rental housing. If James City County does not look down the road and see that the zoning changes that Xanterra wants, houses in buffer zone and on Golf courses, Plantation, River and Woods, will cause a decrease in value for current homes in Kingsmill because a lot of residents will vote with their feet and a large number homes will be on the market at the same time, causing the values to drop and the realty taxes for James City County will also decrease. Xanterra appears only to want to make as much money they can, but the result of this money making plan appears to me to be a loser for Xanterra, the current Kingsmill Community, and James City County.

Twenty four years ago I knew what the rules were, with todays planned rules, I would not have signed on.

Ronald D. Brown
117 Colonel's Way
Williamsburg, VA 23185
757 253-8871
September 7, 2013

Kyle Burcham

From: ssbb43@verizon.net
Sent: Saturday, September 07, 2013 7:47 PM
To: Jose Ribeiro
Subject: Kingsmill in 1985

Mr. Jose Ribeiro
Senior Planner
James City County Planning and Zoning
101-A Mounts Bay Road
Williamsburg, VA 23185
Attention: Mr. Jose Ribeiro

When we bought our first home in Kingsmill in 1985, all the green buffers in the master plan was of great importance to our choice. We liked the limited number of homes, the sports and the great Resort. Lots of changes have happen, some without the thoughts of our great pride of our special family community.

Over the last few years, lots of discussions about changes good and bad have taken place with little concern for the established homeowners. I would like to see the changes bring the community together, not to separate the community into groups.

Thank you for your cooperation in my concerns.

Suzanne S. Brown

Kyle Burcham

From: Rubyjean Gould <gouldrl@cox.net>
Sent: Sunday, September 08, 2013 9:01 AM
To: Jose Ribeiro
Subject: Heads Up

Thought that you should know that this message went to 200+ Kingsmill residents.

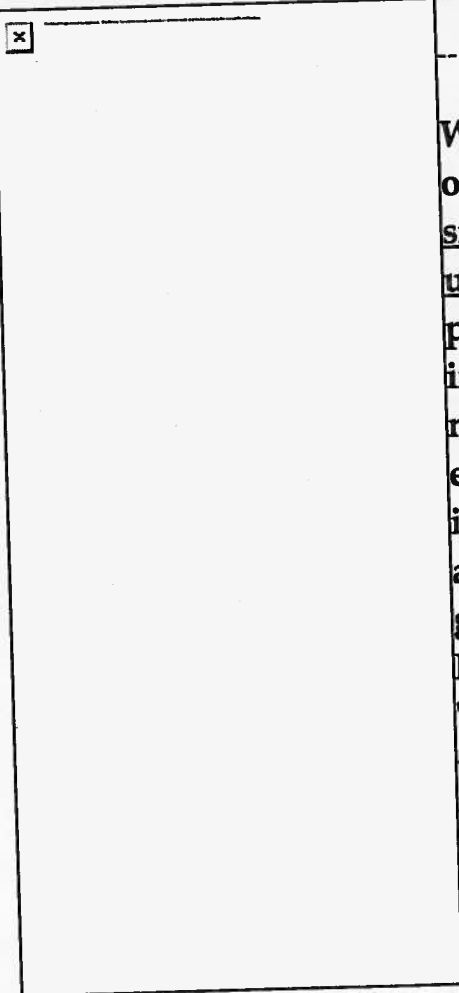
We hope that they share their concerns about buffers and green space.

Thank you
Dick and Rubyjean Gould

Sent from my iPhone

Begin forwarded message:

From: Kingsmill United to Preserve Our Environment <gouldrl@cox.net>
Date: September 8, 2013, 8:17:05 AM EDT
To: undisclosed-recipients;;
Subject: Web Site Launch: Kingsmill-United
Reply-To: info@kingsmill-united.org



We are pleased to welcome you to our Kingsmill-United web site [<http://www.kingsmill-united.org>]. I have tried to collect and present your many contributions of ideas, information, and thoughts about our neighborhood. This is a collaborative effort with every intent to coordinate and keep all of those interested in the loop, especially about the way ahead. Your feedback is critical whether spelling, grammar, broken links, or of most importance - FACTS. Keep posted because we will go beyond "virtual" and meet the week after next following the Club at Kingsmill briefings. Please feel free to forward this email and share this information with neighbors.

The purpose of web site is to offer Kingsmill residents an open forum to exchange ideas and perspectives on issues of common interest. This site hosts communications - whether commentary or formal documents about our neighborhood and its governance to provide an uncensored opportunity to share thoughts and concerns. The key word for this site is "transparency".

It offers a "one stop shop" for neighborhood and area contacts by providing easy access hyperlinks as well as displaying letters and ideas about preserving our environment and its amenities. This consolidation of content from neighborhood sites and sources will make every effort to be accurate and factual while keeping us current with events. This is a volunteer effort to support and assist.

We are an independent group of Kingsmill neighbors not affiliated with KCSA, Xanterra or any parcel in any manner. This effort is in conjunction with and a result of the outstanding contribution of documents, communications, and energy by your concerned neighbors. We collaborate with and highly recommend the independent Facebook group "Kingsmill Residents Past and Present": <https://www.facebook.com/groups/293650017373740/>.

Thank you for your words of encouragement and please keep contributing your thoughts and words to local media and as the opening paragraph on the site requests ...

Contact Jose Ribeiro at the James City County Planning Department by email or phone: 253-6890 to provide your input as he prepares his recommendations for the October 2 Planning Commission meeting.

Stay posted about James City County Planning Commission Meetings by using this LINK. You will need to attend it in person. Public speakers are allowed 5 minutes to present their views to the commission. After hearing the speakers, the Planning Commission will vote on its recommendation to the Board of Supervisors, not a binding vote on the project's approval. Planning Commission Speakers Policy link



Sent from my iPhone

Kyle Burcham

From: Richard Theis <rbtheis@hotmail.com>
Sent: Sunday, September 08, 2013 12:39 PM
To: Jose Ribeiro
Subject: Kingsmill Zoning Proposed Change
Attachments: Jcc Zoning Commission letter September 10.docx

Please see attached response to the proposed change to Kingsmill's zoning.

Thank you for your consideration!

Richard and Deirdre Theis

Kyle Burcham

From: mccinci@aol.com
Sent: Sunday, September 08, 2013 11:57 PM
To: Jose Ribeiro
Subject: Xanterra Proposed Changes

Dear Mr. Ribeiro,

We moved to Kingsmill in 1996, we were so pleased with the area, that we decided right then to retire here. In fact, when my job moved in 1998, we decided to keep our home in Kingsmill and our full membership in the Club while we rented in Cincinnati.

We retired in 2010 and were finally able to enjoy our home full time and the area. However, once Xanterra took control, we were concerned with all of the "improvements/changes" they were proposing. And, it now is apparent that our concerns were not unfounded.

The nature and culture that was once what we found so attractive, will be irrevocably changed if many of the proposed changes are approved. This bucolic area will lose much of its appeal if Xanterra is allowed to fill every conceivable space with unneeded housing and destroy the open spaces. The land now zoned recreational which provides a buffer and wonderful natural area for our grandchildren to play and explore.

Our grandchildren and guests have enjoyed many bike rides on the Carter's Grove road. Our many visitors over the years have also enjoyed the river front and the "wilderness" areas so close that we could easily walk or bike.

While many of the other changes Xanterra is making that will result in less access to "their" property, we realize that is their right but we are concerned with the longer term ramifications to the whole Kingsmill community. However, we also realize that there is little we or you can do to change that direction.

But, we do hope, that in your position, you do not recommend the zoning changes that will forever change the area which we fell in love with so many years ago.

Thank you for your consideration,

Mike & Mary Carlson
411 Moody's Run

Kyle Burcham

From: ebaronwmbg@verizon.net
Sent: Monday, September 09, 2013 8:31 AM
To: Jose Ribeiro
Subject: Country Road

Dear Mr. Ribeiro,
I live in Jefferson's Hundred in Kingsmill. I am very concerned that overdevelopment of the Country Road land and removing the trees and natural sound barriers between the Brewery and Bush Gardens will affect the quality of life and property values in Kingsmill.

I currently use the Country Road for recreational purposes.
Respectfully,
Edward Baron
757-220-0172

Kyle Burcham

From: Michael McGurk <mcgurkm@hotmail.com>
Sent: Monday, September 09, 2013 10:08 AM
To: Rubyjean Gould; Christine Franck; Jose Ribeiro
Subject: Not Kingsmill, but on our doorstep

Not Kingsmill, but on our doorstep

In *addition* to the 322 homes proposed by Xanterra, across the HWY 199 (between Harris Teeter and the new Hospital), they are proposing 227 apartments and to "build, by right, more than 1,300 homes on the development"

This is another point against the Xanterra project, the market for new homes is already going to be over-saturated in our local area.

~~~~~

"The Planning Commission will get its first look at a site plan for the beginning of residential development at Riverside's Quarterpath at Williamsburg mixed use development, a 227-unit apartment complex housed in three four-story buildings.

The Aura at Quarterpath Apartments will sit on the north side of the "village green" of the development. South of the green will be developed as a commercial area.

Although Riverside can build, by right, more than 1,300 homes on the development, the soft real estate market following the 2008 recession has led them to move cautiously. built first because their was a time limit on the certificate of need that allowed for the hospital's construction.

So far, no single family homes have been planned for the 272-acre development. Residential Streets will eventually branch off Battery Boulevard to the north. "

<http://williamsburgsrealestate.com/2013/08/18/227-apartments-proposed-for-williamsburgs-quarterpath-development/>

**Kyle Burcham**

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**From:** annchuck@cox.net  
**Sent:** Monday, September 09, 2013 10:29 AM  
**To:** Jose Ribeiro  
**Subject:** Xanterra application for rezoning portions of Kingsmill  
**Attachments:** Ribeiro forwarding letter.pdf; Comments on Xanterra development plan.pdf

Attached please find our comments on the subject application, along with a forwarding letter. Copies of the same will be mailed to your office.

--

Ann and Chuck Horton



**Kyle Burcham**

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**From:** callasb@cox.net  
**Sent:** Monday, September 09, 2013 3:16 PM  
**To:** Jose Ribeiro  
**Subject:** Kingsmill future development

Mr. Ribeiro

My home in Kingsmill is at the intersection of John Browning and Warehams Pond Road. Thanks to the natural buffer of very tall trees we get very little disturbance from Busch Gardens. I understand that there is a request to change the community plan to remove this buffer. This would be a disaster for us and our neighbors. The concerts at Busch Gardens can be very loud and the rides very noisy with riders screaming. I can't imagine sitting on my porch or working in my kitchen and listening to that on a constant basis.

We need the help of the James City County Planning Commission to protect us, our homes and our community. It just would not be right to let the commercial and industrial noises of Busch Gardens and the Brewery invade Kingsmill, a residential community, with such force.

Thank you in advance for what you can do for us.

Betty Callas  
101 John Browning  
[callasb@cox.net](mailto:callasb@cox.net)

## Kyle Burcham

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**From:** TC Cantwell  
**Sent:** Monday, September 09, 2013 3:37 PM  
**To:** Jose Ribeiro  
**Subject:** FW: Kingsmill

Here is another email referencing Kingsmill.

TC Cantwell  
Development Management Assistant



P: 757-253-6685  
F: 757-253-6822

**From:** [RAFALT@aol.com](mailto:RAFALT@aol.com) [mailto:RAFALT@aol.com]  
**Sent:** Monday, September 09, 2013 11:13 AM  
**To:** Planning  
**Subject:** Kingsmill

Dear County Planners,

I don't know how much of a chance we have to stop Xanterra's plans. It feels like they are trying to destroy Kingsmill as we know it. We are here because of its peacefulness and the James. But isn't there a "Kingsmill Master Plan" that would stop these extreme plans? Also, I use the County Road for walking, and the County Road must have some historic laws that would restrict/protect it. It would be wonderful if you could help us. Please call me if you need anything. My husband and I will be at your planning meetings.

Ray & Anne-Liss Flanders  
228-0640

**Kyle Burcham**

---

**From:** Donna M. E. Ware <dmeware@verizon.net>  
**Sent:** Monday, September 09, 2013 9:15 PM  
**To:** Jose Ribeiro  
**Subject:** Mtn. disjunct talk  
**Attachments:** CalcraV4plnnrs.ppt

Mr. Ribeiro,

I'm attaching the Powerpoint presentation that I mentioned to you so it can be installed on the computer for our meeting tomorrow. See you at 11:00 a.m.

Regards,  
Donna Ware

**Kyle Burcham**

---

**From:** kktbooks@aol.com  
**Sent:** Monday, September 09, 2013 10:58 PM  
**To:** Jose Ribeiro  
**Subject:** Xanterra's Development Plans

Dear Mr. Ribeiro,  
My husband and I are writing as residents of Kingsmill to voice our deep concern over the proposed plans by Xanterra to build 322 new homes at the expense of the buffer currently existing along the country road. We have been residents of Kingsmill since 1979 and have certainly seen many changes over the years. We appreciate the inevitability of growth, and also recognize the necessity for Xanterra to be profitable. A successful resort benefits all concerned. However, our green spaces are treasured, and certainly a most important part of the special character that Kingsmill has, that sets it apart from so many other developments. And the country road is a most important and appreciated community asset, for not only the role of buffer between existing Kingmill homes and the industry along Rt. 60, but as a well enjoyed community recreational asset as well. We have walked it and biked it year around. Growth and the need for profit are necessary parts of our economy, but the wholesale loss of treasured green space to accomplish those ends is not good business. We are therefore against this development, until such a time as the plans Xanterra has can be modified to be more in keeping with a sustainable environmentally sound objective.

Sincerely yours,

Karen Kellog Laughlin and C. Patrick Laughlin, MD

342 Littleton Quarter

Formely 129 Thomas Dale

757-229-6578

**Kyle Burcham**

---

**From:** Paul Holt  
**Sent:** Tuesday, September 10, 2013 9:19 AM  
**To:** Jose Ribeiro  
**Cc:** Christopher Johnson  
**Subject:** FW: Country Road

---

**From:** Luke Vinciguerra  
**Sent:** Tuesday, September 10, 2013 9:18 AM  
**To:** Paul Holt  
**Subject:** FW: Country Road

---

**From:** Dr. Donald W Cherry [<mailto:cherries@widomaker.com>]  
**Sent:** Tuesday, September 10, 2013 9:18 AM  
**To:** Luke Vinciguerra  
**Subject:** Country Road

Luke, Please forward To Planning Commission and Planning Director

Dear Sirs:

As a resident of Kingsmill and a 20 year member of the James City County Historic Area Bicycle Advisory Committee (HITBAC) I am writing to you concerning the country road which is zoned recreational and also serves as a buffer for the Kingsmill residents to 199 highway, Busch Corporate Center ,the Anheusr Busch Brewery and Busch Gardens. First of all Xanterra should not be allowed to develop the road without the preservation of the road for recreational purposes (maintain it for walking and biking purposes as it has been) , developed if necessary in a density consistent with Kingsmill proper and offering several proffers to the residents of Kingsmill such as complete access to all the amenities held jointly with Xanterra unconditionally as exist now.

The residents of Kingsmill purchased their properties with the present existing amenities and they should remain as such without input from all the residents as any other request for rezoning.

Respectfully, Dr. Don Cherry

**Kyle Burcham**

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**From:** Ethel Krinick <ethelkrinick@live.com>  
**Sent:** Tuesday, September 10, 2013 9:45 AM  
**To:** Jose Ribeiro  
**Subject:** Xanterra rezoning

To whom it may concern:

As a 17-year resident of Kingsmill, I strongly oppose Xanterra's planned destruction of the treed buffer zone between the residential area and the Busch Gardens/brewery complex. The trees minimize intrusion from the noise and traffic of the amusement park and brewery, and loss of that buffer will surely have a negative impact on our community, and on our property values. I urge you to take the opinions of Kingsmill residents into consideration before making any changes in the current zoning.

Thank you,  
Ethel Krinick

**Kyle Burcham**

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**From:** Graham, David B. <[dbgraham@kaufcan.com](mailto:dbgraham@kaufcan.com)>  
**Sent:** Tuesday, September 10, 2013 11:10 AM  
**To:** Jose Ribeiro  
**Subject:** RE: Mr. Ribeiro, May I ask at what time you begin work as I would like to stop in before I travel to my office regarding Xenterra. Thank you, David Graham

Thank you; would tomorrow around 8:30 AM work for me paying you a visit? Also, in which building are you located?

---

**From:** Jose Ribeiro [<mailto:Jose.Ribeiro@jamescitycountyva.gov>]  
**Sent:** Tuesday, September 10, 2013 11:06 AM  
**To:** Graham, David B.  
**Subject:** RE: Mr. Ribeiro, May I ask at what time you begin work as I would like to stop in before I travel to my office regarding Xenterra. Thank you, David Graham

Mr. Graham,

Thank you for your e-mail. I am at work from 8:00 a.m. to 5:00 p.m. Please let me know what time and which day you would like to come over.

Best Regards,

Jose Ribeiro

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**From:** Graham, David B. [<mailto:dbgraham@kaufcan.com>]  
**Sent:** Saturday, September 07, 2013 2:12 PM  
**To:** Jose Ribeiro  
**Subject:** Mr. Ribeiro, May I ask at what time you begin work as I would like to stop in before I travel to my office regarding Xenterra. Thank you, David Graham

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**Kyle Burcham**

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**From:** Clifford Firstenberg <cefirstenberg@cox.net>  
**Sent:** Tuesday, September 10, 2013 12:05 PM  
**To:** Jose Ribeiro  
**Subject:** Follow-up to meeting with Firstenberg

Hello Mr. Ribeiro

As you requested, this is my follow-up a couple of days following our meeting last Thursday. Specifically, you were going to look into the following:

- Community Area near the James River on the 1987 plan: if Busch and/or Xanterra built on that area, would that then be a Planning Commission issue; wouldn't they have needed to seek permission to change the designation and, if changing the use of that parcel, have needed to get approval? Can you advise if that area is now developed and with what?
- Old Country Road: were there any stipulations upon transfer of the Old Country Road to BPI regarding changes to the use of the property?

Thanks very much  
Cliff

---

Clifford Firstenberg  
cefirstenberg@cox.net  
757-206-6281

**Kyle Burcham**

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**From:** Patricia Clark <jcpckcec@gmail.com>  
**Sent:** Tuesday, September 10, 2013 12:51 PM  
**To:** Jose Ribeiro  
**Subject:** Kingsmill

Good afternoon Mr. Ribeiro,

I am Patti Clark and live in Moody's Run in Kingsmill. I am also the Parcel Chairman for the Moody's Run community. It is my understanding that you are the person to speak with about Xanterra development. I know that Xanterra is proposing to develop an area on the River Golf Course on the James River. This is behind our homes and affects our views and property values. I would like to visit with you to see what they have proposed in this area and to discuss it.

May I make an appointment? I am available this week on Thursday and Friday afternoon. Also, the week of Sept. 23rd I am available Tues, Thurs. and Friday.

I look forward to hearing from you.

Patti Clark  
410 Moody's Run  
220-0923

**Kyle Burcham**

---

**From:** Jane Bergstralh <jsbergstralh@gmail.com>  
**Sent:** Tuesday, September 10, 2013 2:11 PM  
**To:** Jose Ribeiro  
**Subject:** Xanterra plans for Kingsmill

Dear Mr. Ribeiro:

Please allow me to add my voice to the chorus of Kingsmill Residents who oppose Xanterra's plans for building more houses and destroying the greenspace which separates Kingsmill from Busch Brewery and Busch Gardens. Xanterra owns the majority of the Kingsmill Board, with 5 of 9 seats held by Xanterra employees. We residents have no recourse except to appeal to you.

My husband and I bought our home with gratitude for the green woods around us, the quiet, and the singing of the birds. (You will understand how grateful we were after moving from the noise of the metropolitan D.C. area.) I believe that this planned expansion will negatively affect both our experience of our home and community and also the sales value of our property. Please speak for the preservation of this beautiful area we call home.

Thank you for your time.

Sincerely,

Jane S. Bergstralh  
108 John Browning  
Kingsmill

s. This doesn't address how I feel about Xanterra's removal of our 40 year old rights to beach access. Can they really do this? Is there anything we can do?

**Kyle Burcham**

---

**From:** Richard and Rubyjean Gould <gouldrl@cox.net>  
**Sent:** Tuesday, September 10, 2013 4:58 PM  
**To:** Jose Ribeiro  
**Subject:** Xanterra Master Plan Amendment

Dear Mr Ribeiro,

I know that you have been hearing from my Kingsmill neighbors. We would like to add our voices to express concern about the green and buffer areas so carefully planned by Busch as part of our development. Other issues that have been raised include archaeological impact considering the historic nature of our area.

Thank you for listening to our concerns

Richard and Rubyjean Gould  
309 Archers Mead

**Kyle Burcham**

---

**From:** Patricia Clark <jcpckcec@gmail.com>  
**Sent:** Tuesday, September 10, 2013 5:17 PM  
**To:** Jose Ribeiro  
**Subject:** Re: Kingsmill

That sounds perfect. My husband may be with me. See you then.

On Tue, Sep 10, 2013 at 4:56 PM, Jose Ribeiro <[Jose.Ribeiro@jamescitycountyva.gov](mailto:Jose.Ribeiro@jamescitycountyva.gov)> wrote:

Ms. Clark,

Thank you for your e-mail. How about this Thursday at 4:15 p.m.? We are located at Building A (the first building you will see to your left once you enter the Government Complex.) Please let me know if this works for you.

I am looking forward to meet you.

Best,

Jose Ribeiro

(757) 253-6890

**From:** Patricia Clark [mailto:[jcpckcec@gmail.com](mailto:jcpckcec@gmail.com)]  
**Sent:** Tuesday, September 10, 2013 12:51 PM  
**To:** Jose Ribeiro  
**Subject:** Kingsmill

Good afternoon Mr. Ribeiro,

I am Patti Clark and live in Moody's Run in Kingsmill. I am also the Parcel Chairman for the Moody's Run community. It is my understanding that you are the person to speak with about Xanterra development. I know that Xanterra is proposing to develop an area on the River Golf Course on the James River. This is behind our

homes and affects our views and property values. I would like to visit with you to see what they have proposed in this area and to discuss it.

May I make an appointment? I am available this week on Thursday and Friday afternoon. Also, the week of Sept. 23rd I am available Tues, Thurs. and Friday.

I look forward to hearing from you.

Patti Clark

410 Moody's Run

220-0923

**Kyle Burcham**

---

**From:** Clifford Firstenberg <cefirstenberg@cox.net>  
**Sent:** Tuesday, September 10, 2013 5:22 PM  
**To:** Jose Ribeiro  
**Subject:** RE: Follow-up to meeting with Firstenberg

Thanks for letting me know.

---

Clifford Firstenberg  
[cefirstenberg@cox.net](mailto:cefirstenberg@cox.net)  
757-206-6281

**From:** Jose Ribeiro [mailto:Jose.Ribeiro@jamescitycountyva.gov]  
**Sent:** Tuesday, September 10, 2013 4:53 PM  
**To:** 'Clifford Firstenberg'  
**Subject:** RE: Follow-up to meeting with Firstenberg

Mr. Firstenberg,

Thanks for the e-mail. I have not had the chance to research but I expect to be able to have answers to your questions by no later than the end of this week.

Best,

Jose Ribeiro

**From:** Clifford Firstenberg [mailto:cefirstenberg@cox.net]  
**Sent:** Tuesday, September 10, 2013 12:05 PM  
**To:** Jose Ribeiro  
**Subject:** Follow-up to meeting with Firstenberg

Hello Mr. Ribeiro

As you requested, this is my follow-up a couple of days following our meeting last Thursday. Specifically, you were going to look into the following:

- Community Area near the James River on the 1987 plan: if Busch and/or Xanterra built on that area, would that then be a Planning Commission issue; wouldn't they have needed to seek permission to change the designation and, if changing the use of that parcel, have needed to get approval? Can you advise if that area is now developed and with what?
- Old Country Road: were there any stipulations upon transfer of the Old Country Road to BPI regarding changes to the use of the property?

Thanks very much

Cliff

---

Clifford Firstenberg  
[cefirstenberg@cox.net](mailto:cefirstenberg@cox.net)  
757-206-6281



**Kyle Burcham**

---

**From:** margarite1937@gmail.com  
**Sent:** Tuesday, September 10, 2013 6:24 PM  
**To:** Jose Ribeiro  
**Subject:** New plan

Please stop this awful plan ,it will ruin what my husband and I built 27years ago.He was a POW for ,6 years in Hanoi and loved Kingsmill. He. Is. Deceased now so I am speaking on his behalf?  
Thank you in advance, Margarite Burns

Sent from my iPad

## Kyle Burcham

---

**From:** Christine Franck <christine@christinefranck.com>  
**Sent:** Wednesday, September 11, 2013 8:32 AM  
**To:** Jose Ribeiro  
**Cc:** Paul Holt  
**Subject:** Request for information about Xanterra/Kingsmill Masterplan

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Mr. Ribeiro,

On Monday evening, September 16 at 7pm in Building F at the county government complex off of Mount's Bay road, Kingsmill United is holding a meeting of Kingsmill Residents and concerned members of our community to discuss the issues confronting Kingsmill. Our chief concern is the impact of their proposed master plan amendments, loss of recreational space and natural buffers, and overdevelopment.

It is critical that we have our facts straight and understand what is being proposed, thus I wondered if you would be willing to come to the meeting and make a brief informal presentation of exactly what is in Xanterra's plans. Not only would this ensure citizens have accurate and complete information, which Xanterra has been unwilling to share easily and openly with residents, but we would also, perhaps, save you a little bit of time – you can tell 50 people what the plans are at once instead of meeting with 50 people individually.

I've discussed this with Michael McGurk and Rubyjean Gould, who have both met with you, I believe, and who are organizing this meeting with me, and they concur that this would be very useful.

If you are not able to brief our meeting, then I would like to meet with you so that I or one of our group can present the proposed changes as accurately as possible.

Thank you in advance,  
Christine

Christine G. H. Franck  
Designer • Author • Educator  
613 Fairfax Way • Williamsburg VA 23185



**Kyle Burcham**

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**From:** Michael McGurk <mcgurkm@hotmail.com>  
**Sent:** Wednesday, September 11, 2013 9:29 AM  
**To:** Langley, Cortney; Christine Franck; Jose Ribeiro; Rubyjean Gould  
**Subject:** Carter's Grove Country Road 1982  
**Attachments:** Carters Grove County Road 1982.pdf

A wonderful booklet that talks about the beauty , flora, fauna and sights along the County Road.

**Kyle Burcham**

---

**From:** Graham, David B. <dbgraham@kaufcan.com>  
**Sent:** Wednesday, September 11, 2013 9:56 AM  
**To:** Jose Ribeiro  
**Subject:** Thank you

Mr. Ribeiro,

I appreciated you taking time to meet with me and discuss several questions that I had regarding the Xanterra development plans. The proposed changes to Kingsmill have created angst among the residents and, unfortunately, divided the community that once enjoyed a high degree of unity.

I look forward to further communications on the matters we discussed at a time that is convenient for you.

David

David B. Graham  
**Kaufman & Canoles, P.C.**  
4801 Courthouse Street, Suite 300  
Williamsburg, VA 23188

T (757) 259.3855  
F (757) 259.3838  
dbgraham@kaufcan.com  
[www.kaufCAN.com](http://www.kaufCAN.com)

**From:** Graham, David B.  
**Sent:** Tuesday, September 10, 2013 11:23 AM  
**To:** 'Jose Ribeiro'  
**Subject:** RE: Mr. Ribeiro, May I ask at what time you begin work as I would like to stop in before I travel to my office regarding Xenterra. Thank you, David Graham

Thank you, Mr. Ribeiro. I shouldn't have any difficulty locating the building. See you tomorrow. David

**From:** Jose Ribeiro [<mailto:Jose.Ribeiro@jamescitycountyva.gov>]  
**Sent:** Tuesday, September 10, 2013 11:20 AM  
**To:** Graham, David B.  
**Subject:** RE: Mr. Ribeiro, May I ask at what time you begin work as I would like to stop in before I travel to my office regarding Xenterra. Thank you, David Graham

Mr. Graham,

8:30 in the morning works fine for me, thanks. We are located at Building A (first building you will see on the Government Complex).

Please let me know if you require assistance with directions.

Best,

Jose Ribeiro

**From:** Graham, David B. [<mailto:dbgraham@kaufcan.com>]

**Sent:** Tuesday, September 10, 2013 11:10 AM

**To:** Jose Ribeiro

**Subject:** RE: Mr. Ribeiro, May I ask at what time you begin work as I would like to stop in before I travel to my office regarding Xenterra. Thank you, David Graham

Thank you; would tomorrow around 8:30 AM work for me paying you a visit? Also, in which building are you located?

---

**From:** Jose Ribelro [<mailto:Jose.Ribeiro@jamescitycountyva.gov>]

**Sent:** Tuesday, September 10, 2013 11:06 AM

**To:** Graham, David B.

**Subject:** RE: Mr. Ribeiro, May I ask at what time you begin work as I would like to stop in before I travel to my office regarding Xenterra. Thank you, David Graham

Mr. Graham,

Thank you for your e-mail. I am at work from 8:00 a.m. to 5:00 p.m. Please let me know what time and which day you would like to come over.

Best Regards,

Jose Ribeiro

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**From:** Graham, David B. [<mailto:dbgraham@kaufcan.com>]

**Sent:** Saturday, September 07, 2013 2:12 PM

**To:** Jose Ribeiro

**Subject:** Mr. Ribeiro, May I ask at what time you begin work as I would like to stop in before I travel to my office regarding Xenterra. Thank you, David Graham

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Disclosure Required by Internal Revenue Service Circular 230: This communication is not a tax opinion. To the extent it contains tax advice, it is not intended or written by the practitioner to be used, and it cannot be used by the taxpayer, for the purpose of avoiding tax penalties that may be imposed on the taxpayer by the Internal Revenue Service.

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**Kyle Burcham**

**From:** Michael Whittaker <mjwhitt@cox.net>  
**Sent:** Wednesday, September 11, 2013 6:29 PM  
**To:** Jose Ribeiro; 'Frank Dooley'; 'Bonnie Sheppard'  
**Subject:** Kingsmill

Gentlemen:

What is understood by all parties in receipt of this memo is the very clear concern by both residents and club members of Kingsmill that our lives and rights appear to have taken a bad turn in our association with the new resort owner.

Xanterra is a corporation that wants to earn a profit. I don't have a problem with that. But everyone in Kingsmill is also a property owner and we too have rights. Collectively our investment in our lots and homes dwarfs Xanterra's investment. Actions Xanterra takes that diminish the beauty and desirability of the development jeopardizes our values as home owners and the tax base for the county. Residents who are club members have contributed significantly to the cost of development through our initiation fee and to the cost of operation through annual dues. This represents a shared interest between Xanterra and the membership.

With respect to membership of the Sports Club and Golf Course we recognize that we are not truly members of a club in that we lack a voting interest. However, like customers, we can vote with our feet. In a sense, we are more like equity partners, not exactly a customer nor exactly a member.

Regrettably, the residents and members feel they are being treated by Xanterra as an entity whose wishes and interests can be completely ignored. Not exactly the behavior of a good neighbor or good partner. Unlike Anheuser Busch, Xanterra has evidenced no interest in the state, the Williamsburg community, James City County and certainly not the residents of the property for which it maintains a management and ownership interest.

As I see it, as residents and club members, we haven't paid a dime for the development of the restaurants and lodging facilities. Xanterra can do what they want with them. But we do have an equity interest in the health club and golf club that should be respected. As members we have contributed to both the development cost and subsequent operations for over 30 years.

From a property valuation standpoint, who among us wasn't driven down to the river by our agent? Who didn't get an eyeful of the golf course, neighborhood swimming pools, health club, etc.? Were these not amenities that drew us to Kingsmill? It was an environment that spoke of inclusion, not exclusion. That is who we have been for 40 years. Is it right for someone with a tiny minority interest to impose its view that runs so contrary to the desires and culture of the community at large?

It strikes me that Xanterra or its consultants are basically setting forth this edict:

1. Henceforth, our intent is to develop all land representing green space and replace it with homes no matter whether residents like it or not. Why?...because we can!
2. Henceforth, we will install gates within gates in order to deny all non-member residents access to the amenities people have enjoyed for the last 40 years. Why?...because we can!
3. Henceforth, we will further control the ability of members to sell their equity interests by requiring members to use Kingsmill Realty instead of any other realtor. Why?...because we can!
4. Henceforth, we will make changes to the membership fees deemed desirable for Xanterra's maximum benefit without regard to the agreement signed with residents when they became members. Why?...because we can!

My wife and I and our 2 little daughters moved here in 1985, 28 years ago. Probably, like others, we bought first into a community before building a house. Among those community considerations were a commitment to green space, a river, quality amenities, and security. We paid a premium for our land because of the amenities. When we impinge upon the free exercise of any of those rights and amenities we reduce the value of what we offer to those who follow. I pray that James City County and its elected officials together with the good people at Xanterra honor the commitment that was

made to us by representatives of Busch. That's what we bought into. I also pray that Xanterra comes to accept the people that own over 95% of the property surrounding the resort. I think the residents that I have spoken with want to be good partners, neighbors and advocates of a vibrant residential area and resort. We all profit when we work together and respect each other's needs.

One last thing. As with most important decisions there are winners and losers. Certainly, the neighboring restaurants and golf clubs are ecstatic with the decisions being made and the added business coming their way. Who isn't happy are the independent real estate agents. With most of the properties listed by and being purchased or sold through outside agents they are not happy to see Kingsmill Realty receiving what they view to be an unfair advantage in KM property listings. Comments that I have received indicate less desire to show a Kingsmill property. Do the consultants really want to see less traffic and interest in KM properties?

These are our principle thoughts and concerns as long time residents of this wonderful community.

Mike and Linda Whittaker  
24 Whittaker's Mill  
Kingsmill



**Kyle Burcham**

---

**From:** deborah Hood <debrhr@gmail.com>  
**Sent:** Thursday, September 12, 2013 10:32 AM  
**To:** Jose Ribeiro  
**Subject:** Proposed development at Kingsmill

Dear Mr. Riberio,

My husband and myself reside in Kingsmill, Williamsburg, and it has been brought to our attention that the new owners of kingsmill are now planning to develop on the, almost, last part of undeveloped land here at Kingsmill.

We were shocked and appalled to learn that they are proposing to develop 500 acres with housing for 322 units. We cannot believe this is true.

This is a beautiful, quality community, and many things attracted us here, one being the green spaces and wooded areas, abundant with nature and a sanctuary for wildlife, which now appears to be under threat. We are constantly amazed at the bird song while walking in Kingsmill. We both enjoy walking the trails here, including the Country Road, and would be dismayed should this disappear.

In essence, the development would destroy most, if not all, the beauty of the walking/biking/hiking trails around Kingsmill, as well as completely destroying many of the trails totally. As we see it now, practically the only green space left will be the golf courses, with its associated chemical treatments, and of course, we do not have the freedom to walk on these as we wish!

Neither can we understand the proposed development alongside the brewery and Busch Gardens Theme Park. The noise from Busch Gardens is quite audible already, our house actually shook during the 9.30 pm firework displays during the summer, and when the wind is blowing in the wrong direction, the smell from the brewery is quite pungent. Furthermore, living in Littleton Quarter we don't live as close to these properties as the proposed development would! Again, this is a recreational and wooded areas, and would be a major tragedy should the planning be allowed to go ahead. Logically, it must be regarded as a cushion, which lessens the impact from the brewery and Busch Gardens to the already nearby properties within Kingsmill, and ultimately would take away their entitlement and enjoyment of such.

Added to this, 322 units would obviously increase traffic and noise, with most families having more than one car compounding the issue. Although, I cannot imagine who would want to purchase a property wedged up against a brewery and Theme Park!

Letting this development go through would take away the beauty and uniqueness of Kingsmill, which brings many visitors to stay at the resort and enjoy not only the James River and the facilities at the resort but also the wonderful walking trails and recreational areas within the community. We have witnessed ourselves, visitors, including families, riding bikes, walking and even riding segway

bikes, through the wooded areas and on the walking paths. Which, in turn, brings visitors from the resort into Colonial Williamsburg and the surrounding areas.

We appeal, that the areas should not be re-zoned to allow the proposed development, and should be kept as they should be, for recreational and wildlife habitat. This development is bad news for the Hoods and the other hundreds of families that live in Kingsmill but it is even worse news for the birds, deer, snakes butterflies and other living organisms that today, call this home.

Thank you for your time. We hope that our concerns and voices will be taken into account.

With kind regards

Christopher and Deborah Hood

270 Littleton Quarter  
Kingsmill

**Kyle Burcham**

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**From:** TC Cantwell  
**Sent:** Wednesday, October 09, 2013 11:08 AM  
**To:** Jose Ribeiro  
**Cc:** Paul Holt; Christopher Johnson; Tammy Rosario  
**Subject:** FW: Notice of Interested Parties - Kingsmill

FYI

TC Cantwell  
Development Management Assistant



P: 757-253-6685  
F: 757-253-6822

**From:** Michael McGurk [mailto:mcgurkm@hotmail.com]  
**Sent:** Wednesday, October 09, 2013 9:46 AM  
**To:** Michael McGurk; Christine Franck; Rubyjean Gould; info@kingsmill-united.org  
**Subject:** Notice of Interested Parties - Kingsmill

### **NOTICE OF INTERESTED PARTIES:**

This serves as official notice that the following groups wish to be informed of all decisions, actions, proposed development, applications, and other actions concerning the area reference on the Kingsmill Master Plan, included but not limited to, James River Watershed, The James River Riverbed, and Water Bottom use in the greater Kingsmill Community, changes to the Kingsmill Master Plan, and development at properties adjacent to Kingsmill or impacting their community, Environmental, Resource, Planning, Zoning or any other actions. We wish to receive copies of all relevant documents to include (but not limited to) opinions rendered, reports, casefiles and other public notices or distribution as well as notice of all hearings or public comment periods. Electronic copies are preferred. The full contact information is at the end.

-- Please acknowledge Receipt of this request --

- Kingsmill United
- Kingsmill Resident Past and Present

## • Preserve the Carter's Grove Country Road

Kingsmill Community Services Association (KCSA) is listed with James City County as a "Virginia nonstock corporation" with a Board of Directors currently majority appointed by Xanterra, the applicant for much of the Kingsmill development and owner of the Resort. As such they cannot be considered a "Home Owner Association" as they are not controlled by homeowners but rather a development corporation. Without homeowner control they are not a viable source of unbiased information for the homeowners. Notice given to KCSA is insufficient to inform homeowners.

IAW the articles filed with JCC on 18 September, 1973.

*Section 5. Limitations. As long as the Developer is likewise an Owner, the Association may not use its resources nor take a public position in opposition to the Kingsmill Master Plan or to changes thereto proposed by the Developer without the written consent of Developer. Nothing in this section shall be construed to limit the rights of the members acting as individuals or in affiliation with other members or groups. (emphasis added)*

This clause effective prevents the KCSA from communication with homeowners, such as sending emails, flyers or posting information in opposition to changes proposed by the developer such as the currently proposed Riverwalk.

In accordance with common law, Interested Parties is generally defined as:

- a) those persons designated by statute or ordinance who receive a notice of the public hearing via the postal service;
- b) persons having a direct property or economic interest
- c) representatives of a duly organized group with a specific interest in a subject issue such as a neighborhood association, environmental organization, trade organization or those with a specific public policy issue as it relates to the subject of the public hearing.

The groups listed above qualify as "Interested Parties" under the c) portion as groups with a specific interest.  
Kingsmill United

c/o Rubyjean Gould  
Preliminary Coordinator  
[www.kingsmill-united.org](http://www.kingsmill-united.org)  
[gouldrl@cox.net](mailto:gouldrl@cox.net)  
[info@kingsmill-united.org](mailto:info@kingsmill-united.org)

Kingsmill Residents Past and Present  
c/o Christine G. H. Franck  
613 Fairfax Way  
Williamsburg, VA 23185

[christine@christinefranck.com](mailto:christine@christinefranck.com)  
Preserve Carter's Grove County Road  
c/o Michael McGURK

117 Jefferson Hundred  
Williamsburg, VA 23185  
[mcgurkm@hotmail.com](mailto:mcgurkm@hotmail.com)

## Kyle Burcham

---

**From:** Donna Malvin <donnaomalvin@cox.net>  
**Sent:** Wednesday, October 09, 2013 11:57 AM  
**To:** Jose Ribeiro  
**Subject:** Kingsmill development  
**Attachments:** JamesCity.docx

Dear Mr. Ribeiro,

Please see attached.  
thank you.

## Kyle Burcham

---

**From:** lucinda ritter <cindylou18@me.com>  
**Sent:** Sunday, October 13, 2013 2:23 PM  
**To:** Jose Ribeiro  
**Subject:** Fwd: I think these photos ( with pink flag markers) taken yesterday speak volumes..about Xanterra's lack of respect for history and our community.

Dear Mr. Ribeiro

My husband and I have also been trying to understand how the plans by Xanterra announced 2 1/2 years ago, to build 34 (now 31) single family homes in a 7.9 acre parcel on hole #16 of the River course should be allowed "by right". These homes are directly opposite an existing parcel which contains a total of 14 lots. The parcel of Armistead Point was larger, and although originally designated multi family was amended to build single family homes. We have been turned aside at every step, being told that the "Master Plan" had approved development of this site back in 1984. We have looked at the plans, and found them to be a vague reference to "multi family". Since we lived in Moody's Run for 25 years, we were aware there was an easement at the end of Moody's Run for a possible access to that land locked parcel but that Busch did not develop it for various reasons- like it did not develop an equestrian center, River Club etc; over the years which were on the Master Plan. We now live in Armistead Point which was developed after planning board meetings and proffers were set to cross the wetlands and develop 14 homesites somewhere in the early part of 2000-2004. The first homes on this street were built and occupied sometime in 2005.

Can you advise what reference documents we would need to scrutinize to determine what Planning Commission votes were held and on what dates in reference to the 7.9 acre parcel which Xanterra now seeks to develop known to them as Burwell's Bluffs? ( J CC case # 63191) . It is inconceivable to me that a Master Plan which was dormant for 25 years and was totally vague as to density, access, etc could be resurrected w/o public comment- especially since NONE of the homes abutting the area even existed at the time the Master Plan was last amended. Can an owner simply change the designation from multi family to single family and change the access route w/o any public comment?

I sent these pictures to Mr. McGlennon as well.

Thanking you in advance,

Cindy Ritter

Begin forwarded message:

**From:** lucinda ritter <cindylou18@me.com>  
**Subject:** I think these photos ( with pink flag markers) taken yesterday speak volumes..about Xanterra's lack of respect for history and our community.  
**Date:** October 11, 2013 5:34:29 PM EDT  
**To:** "john.mcglennon@jamescitycountyva.gov McGlennon"  
<john.mcglennon@jamescitycountyva.gov>

Mr. McGlennon,

Please share these with your fellow supervisors as a call for better planning ordinances. It's obscene that a developer can "change" a Master Plan development scheme which was never implemented, never specific and

then ignored for 25 years w/o undergoing public comment. It appears that the entire division should have serious concerns for their actions.

Sincerely,

Lucinda Ritter

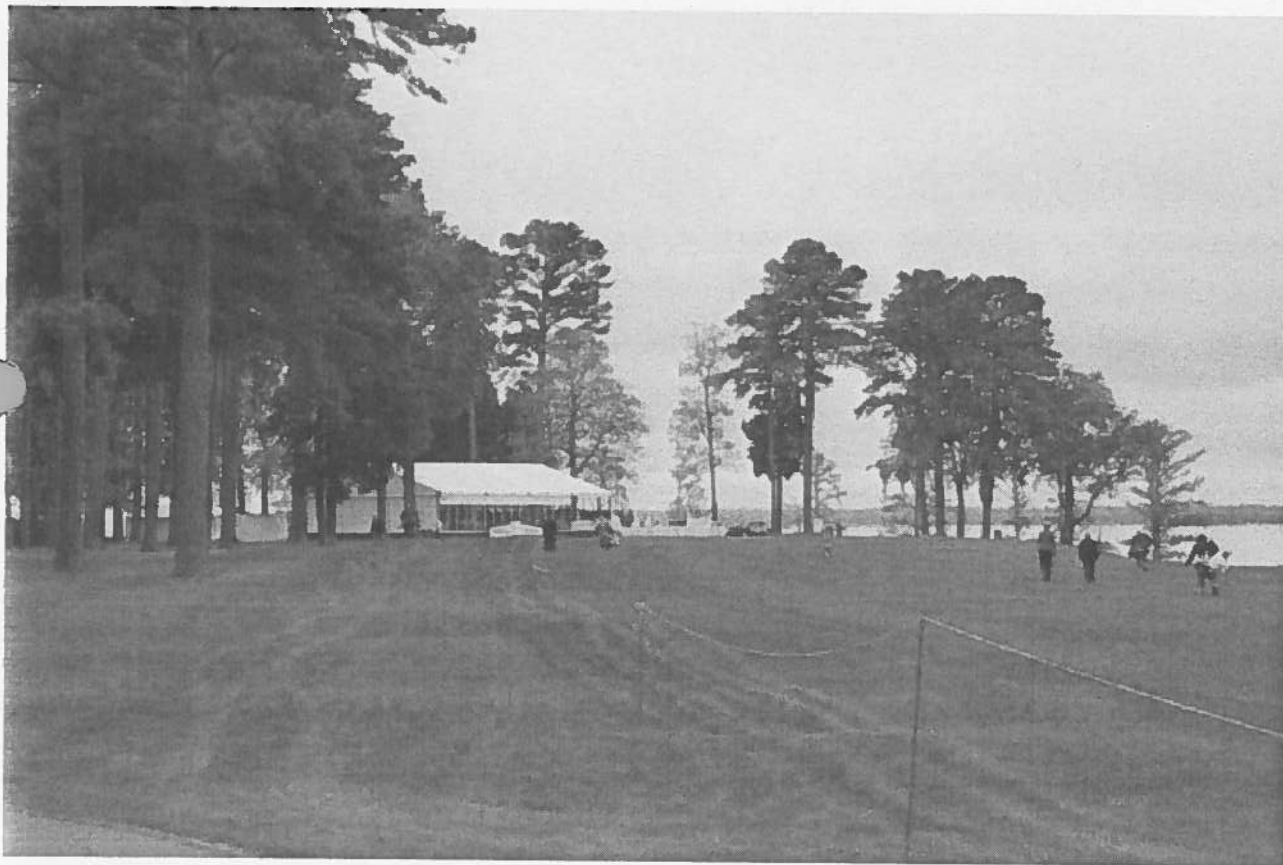
Begin forwarded message:

**From:** lucinda ritter <cindylou18@me.com>

**Subject:** Tried my best but I couldn't get these to upload. Could you do it for me> I think these photos taken yesterday speak volumes..about Xanterra's lack of respect for history and our community.

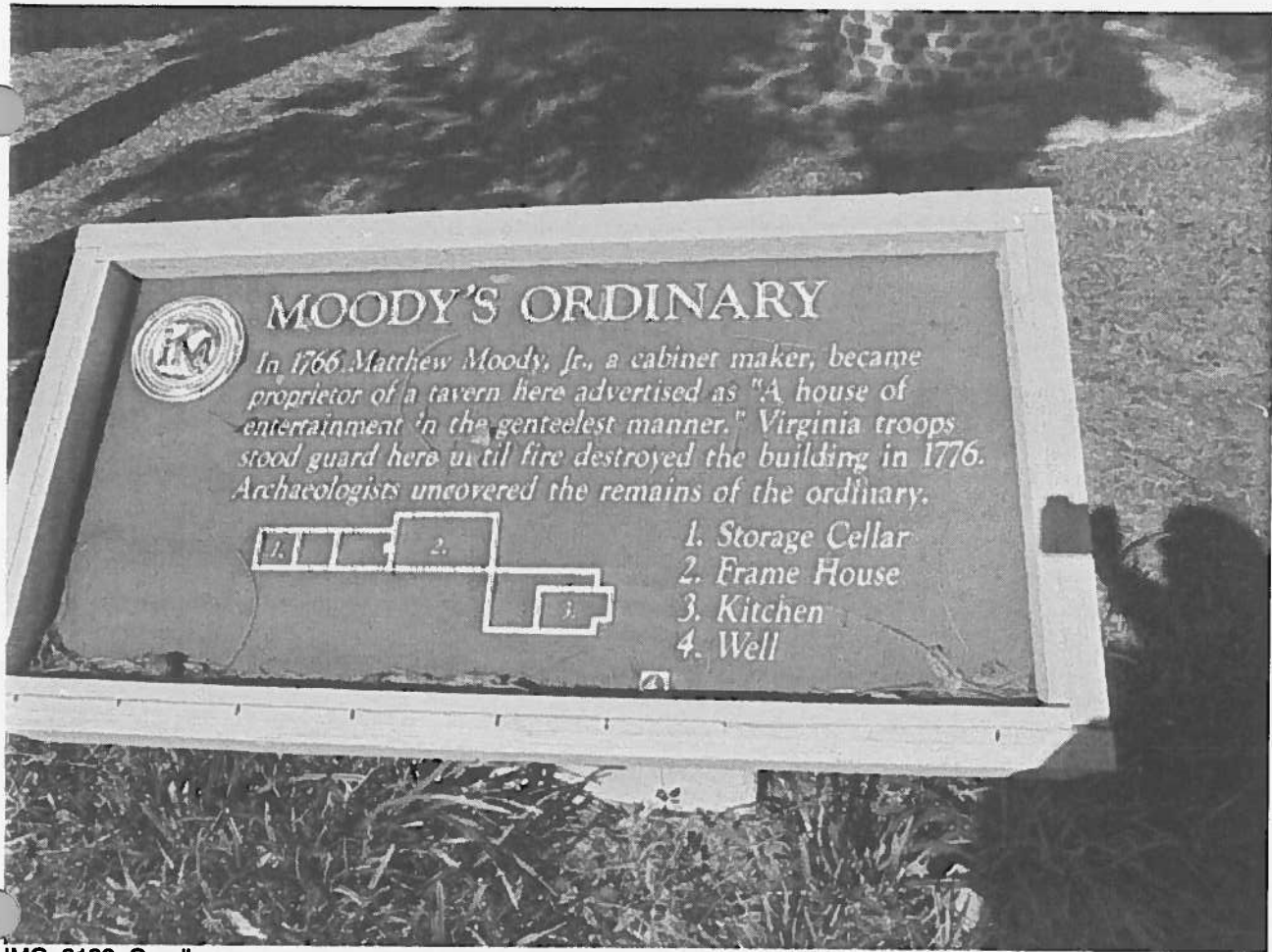
**Date:** October 11, 2013 2:32:41 PM EDT

**To:** "[christine@christinefranck.com](mailto:christine@christinefranck.com)" <[christine@christinefranck.com](mailto:christine@christinefranck.com)>

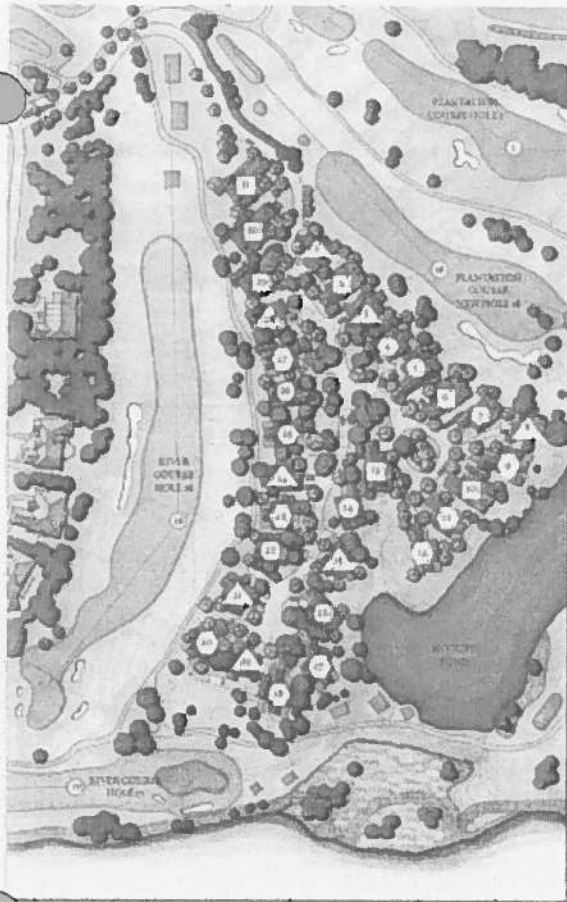


DSC04335 Goodbye





IMG\_2192 Goodbye



□ A CARDINAL — 2,262 SF

○ B EAGLE — 2,582 SF

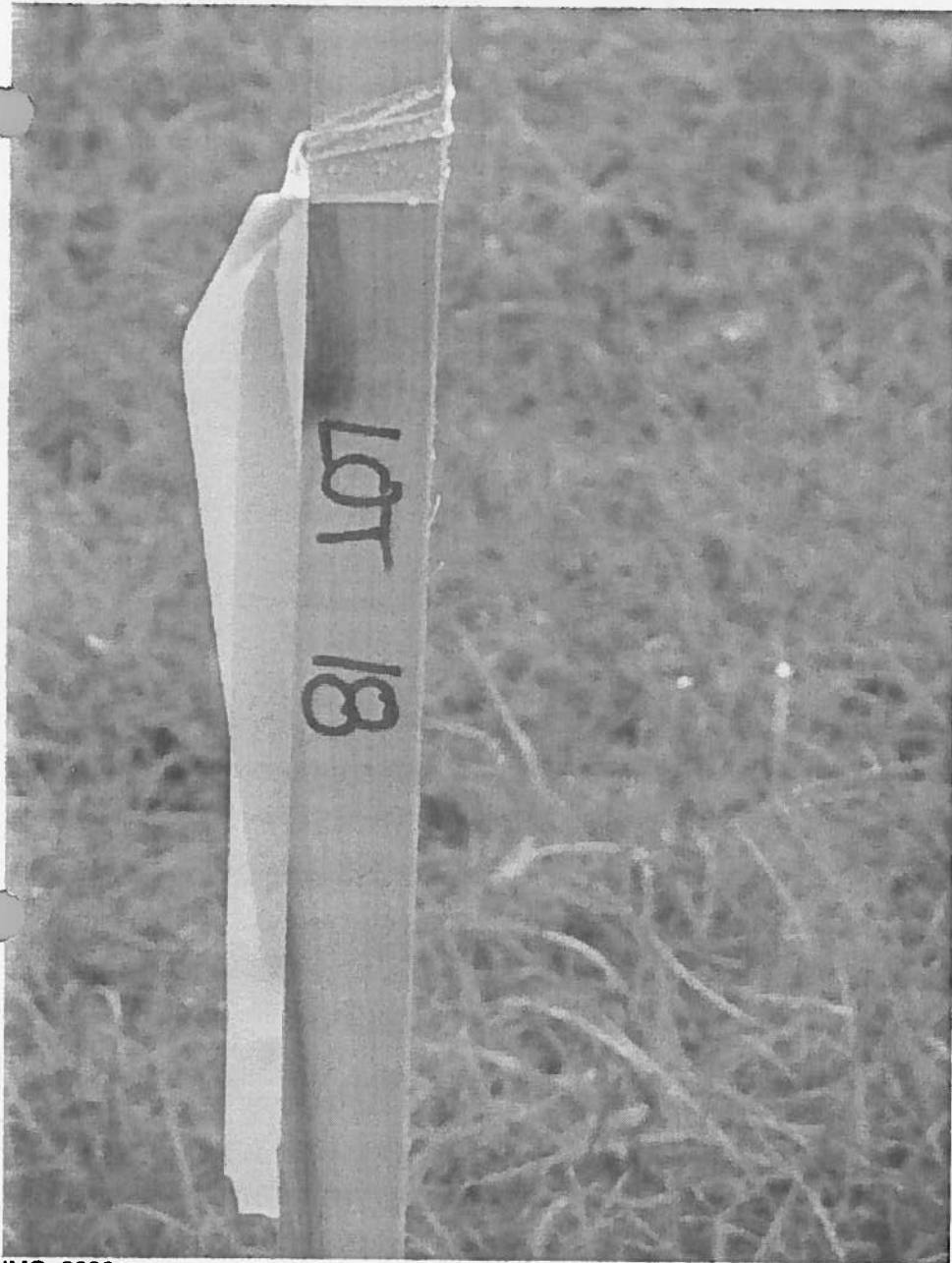
△ C HERON — 2,782 SF

⬡ D OSPREY — 3,290 SF

  
**KINGSMILL**  
*Resort*  
 WILLIAMSBURG, VIRGINIA

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 Click here: [www.kingsmill.com/realestate](http://www.kingsmill.com/realestate)

Scan 13 Notice that in fact the lots 18, 19, 20 are all touching the architectural remains. Xanterra hired engineers to deem them historically insignificant. Neighbor outrage and meetings with Xanterra/Winding Road found Xanterra silent, Winding road agreeing to keep us better informed and they agreed verbally not to build OVER the remains. This is Xanterra's response. Now the remains will literally have 2 story housing overshadowing it.



IMG\_8890



IMG\_8892 Goodbye



IMG\_8893 Goodbye





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What setbacks is Xanterra keeping? The houses opposite must also have minimum side to side setbacks. These houses don't maintain any integrity of the same sort.



IMG\_8889



IMG\_8895





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IMG\_5983 This view is gone. All housing planned.

## Kyle Burcham

---

**From:** Al Getts <hag00@cox.net>  
**Sent:** Sunday, October 13, 2013 5:31 PM  
**To:** Jose Ribeiro  
**Subject:** RE: Kingsmill / Carters Grove Plantation Road - Rezoning Case (Noise Impact)

Jose,  
This is just a follow-up to see if you have had an opportunity to look into the Noise aspect of this case since our first communication (below). I was hoping to talk with you during one of the last few Planning Commission or BOS Meetings. However, it appears as if you have had a "get out of jail free" card for the last few meetings and haven't had to present any cases. Is there anything you can share with me at this point?

Please don't hesitate to call me at work if you would like to talk and leave a number if I'm out of the office.

Thanks,  
Al Getts

---

**From:** Jose Ribeiro [mailto:Jose.Ribeiro@jamecitycountyva.gov]  
**Sent:** Wednesday, September 18, 2013 8:27 AM  
**To:** 'Al Getts'  
**Subject:** RE: Kingsmill / Carters Grove Plantation Road - Rezoning Case (Noise Impact)

Mr. Getts,

Thank you for your e-mail. I will get back with you as soon as possible and I would very much appreciate the opportunity to discuss these matters with you.

Best,

José Ribeiro

---

**From:** Al Getts [mailto:hag00@cox.net]  
**Sent:** Tuesday, September 17, 2013 8:25 PM  
**To:** Jose Ribeiro  
**Subject:** Kingsmill / Carters Grove Plantation Road - Rezoning Case (Noise Impact)

Jose,

That was an excellent presentation you gave to the Kingsmill United Group yesterday evening. It was both interesting and informative. Thank You!

Due to the number of people fielding questions to you there was no time for me to address my observation and question related to the Impact Study. First, my observation. Let me say that I have attended 99.9% of the Planning Commission and BOS Meetings over the last 15 years as one of your broadcasters in the back room. Over this timeframe Busch Gardens has submitted numerous proposals for new rides in the park. All of which have included what I consider to be a very comprehensive "Noise Study" that was scrutinized by staff. One of the primary areas targeted or used to measure increased noise levels has been the Kingsmill Community.

Xantera proposes to rezone the area along Carters Grove Country Road to Residential. Thus, removing the trees that act as a noise barrier between Busch Gardens, the Brewery, Busch Corporate Park, Route 199, and the Kingsmill Community. **Will Xantera be required to produce a similar Noise Impact Study? Can this be used to substantiate a denial or significant revision to the existing Master Plan submittal?**

Tree Cover and existing buffers only provide adequate control for Noise Pollution "even when trees are in full bloom". Currently, noise levels in Kingsmill are bordering on unacceptable in the fall and through the winter months. Some things to consider:

- **EXISTING NOISE SOURCES**

- **Busch Gardens – Live Bands, Riders Screaming on Attractions, Train Whistles and Fireworks**
  - My home is located at 104 John Paine in Kingsmill. The house is on a wooded ravine lot which is approximately 1 ½ miles from the **Busch Gardens Band Stand** "as the crow flies". On evenings when the bands play and the winds are blowing in our direction (West / North West) we have had to raise our voice in order to have a normal conversation on our back deck. (*Perhaps the Noise Studies were insufficient, incorrect, or distorted*)
  - **Nightly Fireworks** (9:30 p.m.) have awoken and also prevented me from sleeping when our windows are open. They can also be heard in our living room with all windows shut and the Air Conditioner on during warm weather.
  - **Train Whistles** can be heard from the park regardless of the wind direction. But it is more pronounced when blowing in our direction.
  - **Screaming riders** can be heard on the attractions (i.e. roller Coasters and drop rides) at and above the tree line.

***NOTE: These comments do not even address the noise levels at homes along the outer edge of Kingsmill next to the existing Plantation Road buffer area. Significant increases in these sounds are expected when the trees are removed.***

- **Brewery** – The constant hum of industrial equipment and odors from the plants brewing processes are a constant annoyance on the East end of Kingsmill.
- **Light Industry at Busch Corporate Park** – Air Conditioners (equipment), trucks loading and unloading, forklifts, reverse backup warning sirens can be heard clearly along the Carters Grove Country Road and Southall Road in Kingsmill.
- **Route 60** – As the population grows we clearly hear an ever increasing number of emergency vehicles with sirens blaring.
- **Route 199** – Constant traffic noise and ever increasing number of emergency vehicles with sirens blaring.
- **CSX Railroad (High Speed & Cargo)** – Trains can be heard in the evenings with the windows open in our house.
- **Interstate 64** – Constant hum of traffic can be heard in my house in the evenings with our windows open.
- **Clear Cutting of Trees in Utility Easements around the Parameter of Kingsmill** – Further reducing the tree buffers.



**NOTE: Last week I took a bike ride along the Carters Grove Country Road and was amazed at the high Noise levels in this area even with some tree buffer between the road and adjacent corporate endeavors.**

• **FUTURE ADDITIONAL NOISE SOURCES**

- **Eminent widening of Interstate 64** – Perceived significant increase in traffic noise.
- **Possible widening of Route 60** – Additional traffic noise and increasing number of emergency vehicles with sirens blaring.
- **Dominion Va. Power Transmission Easement Clear Cutting** - Less noise reduction.

Hopefully, we in Kingsmill will not be lulled off to sleep at night by the humming of industry at the brewery, train noise from CSX, fireworks, bands playing, screaming people at the theme park, and the constant sound of cars and trucks rolling along Interstate 64 in the near future. At these first signs my family will be part of the first wave of "Urban Flight" from James City County.

I know you are probably a bit overwhelmed with the amount of communication on this case. However, I would appreciate a response, call, or maybe a conversation on this matter. Perhaps we can talk during the next Planning Commission Meeting.

Best Regards,  
Al Getts  
757-380-3293 (W)  
757-229-9987 (H)

**Kyle Burcham**

---

**From:** Allen Murphy  
**Sent:** Monday, October 14, 2013 8:53 AM  
**To:** Paul Holt; Christopher Johnson; Jose Ribeiro  
**Subject:** FW: I think these photos ( with pink flag markers) taken yesterday speak volumes..about Xanterra's lack of respect for history and our community.

FYI

**From:** Doug Powell  
**Sent:** Monday, October 14, 2013 8:48 AM  
**To:** Allen Murphy  
**Subject:** FW: I think these photos ( with pink flag markers) taken yesterday speak volumes..about Xanterra's lack of respect for history and our community.

**From:** John McGlennon  
**Sent:** Sunday, October 13, 2013 10:54 PM  
**To:** Jim Kennedy - Home  
**C:** Board Only  
**Subject:** Re: I think these photos ( with pink flag markers) taken yesterday speak volumes..about Xanterra's lack of respect for history and our community.

I have attended Xanterra's briefing to Kingsmill residents. I don't believe staff has released a report yet. I haven't seen one.

John

Sent from my iPhone

On Oct 13, 2013, at 10:21 PM, "James Kennedy" <[jimkennedy1@mac.com](mailto:jimkennedy1@mac.com)> wrote:

John

Has you attended any meetings with the HOA? If so, has there been a response from Xanterra?

What has been staffs opinion on this if they have weighed in? Im just curious about the changes.

Jim Kennedy

Stonehouse Supervisor

Sent from my iPad

On Oct 13, 2013, at 8:49 PM, John McGlennon <[John.McGlennon@jamescitycountyva.gov](mailto:John.McGlennon@jamescitycountyva.gov)> wrote:

At Ms. Ritter's request, I am passing these photos on to you all.

John J. McGlennon  
Roberts District Supervisor/Chairman  
James City County Board of Supervisors  
757-221-3034/work  
757-220-0568/home  
[john.mcglennon@jamescitycountyva.gov](mailto:john.mcglennon@jamescitycountyva.gov)

**From:** lucinda ritter [<mailto:cindylou18@me.com>]  
**Sent:** Friday, October 11, 2013 2:48 PM  
**To:** John McGlennon  
**Subject:** I think these photos ( with pink flag markers) taken yesterday speak volumes..about Xanterra's lack of respect for history and our community.

Mr. McGlennon,

Please share these with your fellow supervisors as a call for better planning ordinances. It's obscene that a developer can "change" a Master Plan development scheme which was never implemented, never specific and then ignored for 25 years w/o undergoing public comment. It appears that the entire division should have serious concerns for their actions.

Sincerely,  
Lucinda Ritter

Begin forwarded message:

**From:** lucinda ritter <[cindylou18@me.com](mailto:cindylou18@me.com)>  
**Subject:** Tried my best but I couldn't get these to upload. Could you do it for me> I think these photos taken yesterday speak volumes..about Xanterra's lack of respect for history and our community.  
**Date:** October 11, 2013 2:32:41 PM EDT  
**To:** "[christine@christinefranck.com](mailto:christine@christinefranck.com)"  
<[christine@christinefranck.com](mailto:christine@christinefranck.com)>

<DSC04335.jpeg>

DSC04335 Goodbye

<IMG\_2192\_2.jpeg>  
IMG\_2192 Goodbye

<Scan 13.jpeg>  
Scan 13 Notice that in fact the lots 18, 19, 20 are all touching the architectural remains. Xanterra hired engineers to deem them historically insignificant. Neighbor outrage and meetings with

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IMG\_7048 Goodbye

<IMG\_2188.jpeg>  
IMG\_2188 adios; this is already gone and there will be a house sitting right there. Not to mention the trees lining the James are now all "Cottages"

<IMG\_5983.jpeg>  
IMG\_5983 This view is gone. All housing planned.

## Kyle Burcham

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**From:** christine@christinefranck.com  
**Sent:** Thursday, October 17, 2013 9:07 AM  
**To:** Jose Ribeiro  
**Subject:** Thanks for your email

Thank you for your email. From October 7, 2013 through October 18, 2013, I will be relocating and unable to check or respond to emails regularly. Thank you for your patience during this busy time and I will respond to your email as soon as possible.

## Kyle Burcham

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**From:** Christine G. H. Franck <christine@christinefranck.com>  
**Sent:** Thursday, October 17, 2013 9:44 AM  
**To:** Jose Ribeiro  
**Cc:** Michael McGurk; Christopher Johnson  
**Subject:** Re: Information regarding e-Subscribe and Casetrak

Thank you, Jose. This is good news. We have more time to help them do a better job with planning.  
Best wishes,  
Christine

CHRISTINE G. H. FRANCK  
Designer • Author • Educator  
613 Fairfax Way • Williamsburg VA 23185

---

**From:** Jose Ribeiro <Jose.Ribeiro@jamescitycountyva.gov>  
**Date:** Thu, 17 Oct 2013 13:07:06 +0000  
**To:** christine@christinefranck.com<christine@christinefranck.com>  
**Cc:** Michael McGurk (mcgurkm@hotmail.com)<mcgurkm@hotmail.com>; Christopher Johnson<Christopher.Johnson@jamescitycountyva.gov>  
**Subject:** RE: Information regarding e-Subscribe and Casetrak

Good morning Christine,

The applicant has requested that staff not advertise this case for the November Planning Commission. E-Subscribers will be notified of the upcoming November Planning Commission agenda when it is available. The earliest that this application will be considered by the Planning Commission is December 4, 2013.

Please let me know if you have any further questions.

Best,

Jose Ribeiro  
(757) 253-6890

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**From:** Christine G. H. Franck [mailto:christine@christinefranck.com]  
**Sent:** Wednesday, October 16, 2013 6:22 PM  
**To:** Jose Ribeiro; Michael McGurk  
**Cc:** Christopher Johnson  
**Subject:** Re: Information regarding e-Subscribe and Casetrak

Thank you Jose,  
I appreciate the time you gave me and Michael for reviewing the plans in greater detail.

Immediately after our meeting I shared with the Facebook group the e-subscribe information. And in the past we have shared the case track information with both the Facebook and the Kingsmill United groups. I will share both resources again. Thank you!

And thank you too for the update regarding planning not having received any further updates to the application.

Does this mean they will not be on the November agenda to move the application forward?

Thank you,

Christine

CHRISTINE G. H. FRANCK

Designer • Author • Educator

613 Fairfax Way • Williamsburg VA 23185

---

**From:** Jose Ribeiro <[Jose.Ribeiro@jamescitycountyva.gov](mailto:Jose.Ribeiro@jamescitycountyva.gov)>

**Date:** Wed, 16 Oct 2013 19:50:52 +0000

**To:** 'Michael McGurk' <[mcgurkm@hotmail.com](mailto:mcgurkm@hotmail.com)>;

[christine@christinefranck.com](mailto:christine@christinefranck.com) <[christine@christinefranck.com](mailto:christine@christinefranck.com)>

**Cc:** Christopher Johnson <[Christopher.Johnson@jamescitycountyva.gov](mailto:Christopher.Johnson@jamescitycountyva.gov)>

**Subject:** Information regarding e-Subscribe and Casetrak

Good afternoon

I hope all is well. Following Xanterra's presentation on October 1<sup>st</sup>, staff met with you and Ms. Franck the next day to further discuss Xanterra's proposal. At the meeting staff mentioned two resources citizens and interested parties have available in order to stay informed of projects that are filed with the Development Management Division for James City County. I am writing to remind you of these resources and to clarify what they do.

The first service is e-Subscribe. This is an e-mail list that allows citizens to sign up to receive notification of public notices, meeting agendas and staff's reports to the Planning Commission, Development Review Committee (DRC), Chesapeake Bay Board, Wetlands Board, and the Board of Supervisors. Subscribers also receive updated meeting calendars for all Commission and Boards on a yearly basis, general planning and development and notices of upcoming events. It is easy sign-up and you can subscribe and unsubscribe at any time. To sign up please click the link below, click on "JCC Planning and Development" and follow the easy step-by-step instructions.

<http://www.jamescitycountyva.gov/news/e-subscribe.html>

The second service is Casetrak. This is an on-line system that allows agency reviewers (i.e. Planning, VDOT, JCSA, etc.) to post comments associated with land use proposals and these comments are available for public review. Casetrak is an easy system to navigate but I have attached instructions in case you may have any issues with the system. The ID number (Case Number) for the Kingsmill master plan amendment application is MP-0001-2013.

[http://first.jamescitycountyva.gov/CaseTrak/search\\_advance.aspx](http://first.jamescitycountyva.gov/CaseTrak/search_advance.aspx)

These are two of the best ways to keep informed of what is going on with a project. They complement public hearing notification requirements set forth by the Code of Virginia and the Zoning Ordinance.

I encourage you to share/post the above links in your website/Facebook page so that other people have access to these resources and be kept up-to-date. Please note that at this point staff has not received updated plans for further review and comments.

Please feel free to call me at any time should you have any questions. If you have any difficulties opening these web links please let me know.

Best regards,

Jose Ribeiro

(757) 253-6890

Jose Ribeiro  
Senior Planner



Planning  
101-A Mounts Bay Road  
Williamsburg, VA 23185  
P: 757-253-6890  
F: 757-253-6822  
Front Desk: 757-253-6671  
[jamescitycountyva.gov](http://jamescitycountyva.gov)

Please note that County e-mail addresses have changed.

Please use [jose.ribeiro@jamescitycountyva.gov](mailto:jose.ribeiro@jamescitycountyva.gov) for all future correspondence.



## Kyle Burcham

---

**From:** Michael McGurk <mcgurkm@hotmail.com>  
**Sent:** Friday, October 18, 2013 2:12 PM  
**To:** info@kingsmill-united.org  
**Subject:** \*\*\* PRESS RELEASE \*\*\* Kingsmill-United  
**Attachments:** PRESS RELEASE 19 OCT 2013 - Kingsmill United Coalition.doc; MAP Case 65401, JAMES CITY, XANTERRA DEVELOPMENT, GROVE CREEK AREA.jpg; Case 65401, JAMES CITY, Xanterra Development Grove Creek DCR Comments.pdf

**On behalf of Ms. Rubyjean Gould, President, Kingsmill-United**

**\*\*\* PRESS RELEASE \*\*\*\***  
**News from Kingsmill-United Coalition**  
**For release Saturday, October 19, 2013**

A core group of Kingsmill residents is moving quickly under the "Kingsmill United" banner to form a new community coalition. Following a planning meeting last week the group has prepared Articles of Incorporation and established an interim steering committee. On Friday the steering committee authorized filing of the incorporation papers and issued a call to Charter Members for an organization meeting to be held on Tuesday.

The group describes its purpose as, *"Providing accurate and timely information and commentary on policies and actions that may impact the quality of life and property values in Kingsmill"*.

The organization is intended to be a permanent organization with membership open to all Kingsmill residents and owners. The establishment of an "associate membership" class open to commercial and industrial entities within the boundaries of the original Anheuser Busch development is being explored. "We have requested meetings with our business neighbors. The organization is intended to be a permanent organization with membership open to all Kingsmill residents and owners. The establishment of an "associate membership" class open to commercial and industrial entities within the boundaries of the original Anheuser Busch development is being explored. "We have requested meetings with our business neighbors including Busch Gardens, AB InBev Brewery and AB Busch Office Park to be sure they understand the potential impact on them of the proposed plan changes and to explore their interest in participating" a spokesman said.

The organizers emphasized that the intention is not to duplicate the Kingsmill Community Service Association (KCSA) whose board is composed of 4 elected Kingsmill members and 5 Xanterra appointees, but to provide an independent voice on policy issues.

*"Kingsmill United is neither anti-development nor anti-Xanterra, it is simply pro-Kingsmill,"* a spokesman said adding that "KU" looks forward to establishing a cordial and positive long term relationship with both KCSA and Xanterra with the objective of promoting the best interests of the united community and to that end we have requested introductory meetings with each of them.

There are serious concerns regarding the proposed master plan revisions and we hope to be able to resolve those concerns with Winding Road Development and Xanterra. However, following the precedent set by Xanterra, we have requested meetings with individual James City supervisors and Planning Commission members. We are confident that those officials will extend the same courtesy to Kingsmill United as they extended to Xanterra. In the spirit of transparency we will share the meeting schedule as it comes together."

Given the concerns expressed by the Commonwealth of Virginia *Department of Conservation and Recreation*, Kingsmill United will also be consulting with local environmental groups to get their input on those comments which suggest that the impact of a portion of the proposed development will extend beyond the Kingsmill residential community. Those comments and the presentation of *Winding Roads Development* on proposed changes to the Kingsmill Master Plan have been posted to the Kingsmill United web site ( [kingsmill-united.org](http://kingsmill-united.org) ).

Those interested in learning more about the group or becoming a Charter Member are invited to e-mail their interest and contact information to [Info@Kingsmill-United.org](mailto:Info@Kingsmill-United.org) or visit the web site.

The date for an initial general membership meeting will be announced at next Tuesday's organizational meeting.

Attachment: Formal comments and maps provided by The Commonwealth of Virginia *Department of Conservation and Recreation*

**FOR FURTHER INFORMATION CONTACT:**

Michael McGurk

Director, Media Relations

Kingsmill-United

([www.kingsmill-united.org](http://www.kingsmill-united.org)) (757) 506-5023

[info@kingsmill-united.com](mailto:info@kingsmill-united.com)

**TAGS:** Kingsmill Resort, Denver, Philip Anschutz, Xanterra, Kingsmill, Busch Gardens, Seaworld Entertainment, Busch Properties Inc, Anheuser Busch, Anheuser Busch InBev, Blackstone, Kingsmill on the James, Kingsmill United, James City County, KCSA, Winding Road Development, Williamsburg, Virginia

## Kyle Burcham

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**From:** Paul Holt  
**Sent:** Friday, October 25, 2013 4:09 PM  
**To:** Christopher Johnson; Jose Ribeiro  
**Cc:** Allen Murphy  
**Subject:** FW: Kingsmill United Coalition

---

**From:** Al Woods  
**Sent:** Friday, October 25, 2013 12:16 PM  
**To:** info@kingsmill-united.org  
**Cc:** Paul Holt; Richard Krapf; Tim OConnor; Robin Bledsoe; Chris Basic; George Drummond; Michael Maddocks; Al Woods  
**Subject:** RE: Kingsmill United Coalition

Ms. Gould:

Thank you for your recent communique regarding Kingsmill United's concerns in connection with Xanterra's proposed development plans for Kingsmill. I applaud your desire to address these concerns on behalf of your constituency.

As a member and current chair of the James City County (JCC) Planning Commission I (we) are best positioned to represent the interests of our community in land use cases when residents make their interests and preferences known. We are committed to responsible and responsive service to James City County and are eager to listen to constructive and responsible dialogue regarding land use within the County.

If I may clarify one or two points from your e-mail: I have not met with or had conversation with Michael McGurk of Kingsmill United, and I have not met privately with Xanterra and their developer to discuss development plans.

It is my understanding that Kingsmill United has contacted each member of the JCC Planning Commission requesting an opportunity to meet and discuss its concerns regarding Xanterra's proposed Master Plan Amendments. While I do not speak for individual members of the Planning Commission, in the spirit of facilitating your request, please allow me to offer the following suggestions and observations:

- If Xanterra elects to move forward with its request for Master Plan Amendments there will be a public hearing before the Planning Commission. Individual planning commissioners exercise their discretion as to whether they choose to meet before said public hearings with applicants and/or residents.
- Regarding your desire to meet, I suggest that you contact the planning commissioner you would like to meet with to check their availability. Following the identical practices commonly used with applicant requests for meetings with planning commission members, please schedule two commissioners at a time.
- Regarding a suitable, convenient and productive meeting location, I suggest that these meetings be held in the JCC Planning Department conference room, Building A of the JCC Government Office Complex. You can check availability and reserve a conference room by calling 253-6685.

Also, please be aware of the following: As is our practice with meetings of this nature I will ask that a brief report be written and shared with all planning commission members and the planning director by one of the commissioners in attendance at each meeting; and you should know that from a strategic standpoint deliberations of the Planning Commission are heavily influenced by JCC Comprehensive Plan. If you have not had an opportunity to review the JCC Comprehensive Plan a copy can be obtained at the JCC website.

Thank you for the opportunity to respond to your communique. Should Xanterra move forward with its request for amendments to its master plan, I look forward to your participation at the public hearing.

Respectfully,

Al Woods

---

**From:** Kingsmill United to Preserve Our Environment [gouldrl@cox.net]  
**Sent:** Friday, October 18, 2013 8:49 PM  
**To:** Al Woods  
**Subject:** Kingsmill United Coalition

Dear Mr Woods:

As you know, there are serious concerns within the Kingsmill community about Xanterra's development plans. I am aware that you have been in contact with Michael McGurk of our group.

Recognizing that Kingsmill Community Services Association has divided loyalty on these issues, a group of community leaders have come together to form a new coalition under the Kingsmill United banner to address these community concerns. I have been asked to serve as interim President of the group until elections are held.

I am attaching a copy of the press release announcing formation of the group. I want to assure you that this is about issues, not motives or personalities. We recognize the right of Xanterra to complete development of the Kingsmill Property – however these rights are neither absolute nor exclusive and their exercise carries consequences. The residents of Kingsmill also have rights. Kingsmill United was organized to give voice to those rights.

We understand from press reports that you have met privately with Xanterra and their developer to discuss their plans. We are sure that you will want to extend the same courtesy to Kingsmill United so you may hear firsthand the concerns of the community in regard to proposed master plan amendments. We request an opportunity to meet with you at your convenience during the week of November 4<sup>th</sup> or the following week.

Best regards

Rubyjean Gould

Interim President

Kingsmill-United Coalition:

Concerned and Involved Community Members

## Kyle Burcham

---

**From:** Paul Holt  
**Sent:** Monday, October 28, 2013 8:13 AM  
**To:** Jose Ribeiro  
**Cc:** Christopher Johnson  
**Subject:** FW: Xanterra

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**From:** Philip W. May [[pwmay1001@cox.net](mailto:pwmay1001@cox.net)]  
**Sent:** Saturday, September 14, 2013 11:12 AM  
**To:** Al Woods; George Drummond; Robin Bledsoe; Richard Krapf; Tim OConnor; Chris Basic; Michael Maddocks  
**Subject:** Xanterra

Dear Planning Commission members: As a resident of Kingsmill we wish to go on record asking the Planning Commission to deny the change in zoning that appears to be what Xanterra wishes to do to land bordering the Country Road and the Woods Golf course.

We use the County Road now as a peaceful place to walk and ride bicycles. The plans Xanterra has to make what used to be a wide open residential/resort community into an exclusive club/resort is not in keeping with why so many of us purchased homes here. We have heard that Xanterra plans over 300 new houses in those areas. The land presently acts as not only a recreational area for residents, but an essential, wooded, sound and view barrier to both the Busch Brewery and the Busch Gardens Amusementd Park. (Although why someone would buy a home within sound and view range of a brewery and amusement park is beyond our understanding.)

Although your James City County offices border Kingsmill, it does not appear that any members of the Planning Commission live in Kingsmill. I therefor ask you to put yourselves in the shoes of Kingsmill residents and think of how you would react as homeowners if this kind of thing were to happen in your neighborhoods.

Please deny this attempt at a land grab by Xanterra for their financial benefit. They are already attempting to strong-arm the residential community into joining their club. Please don't give in to dollar signs. They are not acting as good neighbors to residents of Kingsmill.

Sincerely, Philip and Cindy May, 12 Hampton Key, Williamsburg, VA 23185

## Kyle Burcham

---

**From:** Paul Holt  
**Sent:** Monday, October 28, 2013 8:15 AM  
**To:** Jose Ribeiro  
**Cc:** Christopher Johnson  
**Subject:** FW: Xanterra

---

**From:** Philip W. May [[pwmay1001@cox.net](mailto:pwmay1001@cox.net)]  
**Sent:** Wednesday, October 23, 2013 11:29 AM  
**To:** Robin Bledsoe  
**Subject:** RE: Xanterra

Hello Ms. Bledsoe: I greatly appreciated you attending the Xanterra meeting on Oct. 1. We were away for my 75th birthday on that day so we did not go.

I have to say that I am not an activist in this whole issue except to say that I don't like the prospect of the several things Xanterra has in mind. I was urged by other disgruntled community residents-- including a member of the KCSA Board-- to contact the Planning Commission, which I dutifully did. Incidentally, you were the only member of the Commission to contact me although I did see Mike at a social event and spoke with him about it.

In addition to the anywhere from 200 to 300 houses they plan, where there are wonderful, wooded, buffer areas now, they want to add either another gate or barrier of some kind at the resort entrance to separate it from the residential community. This is to keep residents-- and others from the outside-- from accessing the restaurants, marina and golf courses unless they are members of the resort club. Becoming even "Social Members" costs over \$1000 for the first year.

It's a form of extortion, as far as I can see.

None of this stuff is why many of us bought homes here. Relations with Busch Properties were always cordial and many areas of the resort property were open to us all. Now Xanterra wants a private enclave.

We even heard from a local real estate person, who appeared to be in the "know", that Xanterra has plans afoot in the future to sell the resort to a major hotel chain and to build a hotel in the resort. Crazy as far as I can see when hotel room occupancy is way down in this area.

I suggest you read the article in today's WYDAILY about the group of

residents-- Kingsmill United-- who have banded together to oppose Xanterra and keep the residents notified as to what is going on.

<http://wydaily.com/2013/10/23/kingsmill-united-moves-forward-in-attempt-become-voice-for-residents/>

Once again, I do appreciate your interest in this matter. You are a good public servant. Best wishes, Phil



## Kyle Burcham

---

**From:** TC Cantwell  
**Sent:** Monday, October 28, 2013 8:17 AM  
**To:** Jose Ribeiro  
**Cc:** Christopher Johnson  
**Subject:** FW: Xanterra closing of James River Access: Recommendation by DCR Commonwealth of Virginia

FYI

TC Cantwell  
Development Management Assistant



P: 757-253-6685  
F: 757-253-6822

**From:** HJW [mailto:hjw046@yahoo.com]  
**Sent:** Friday, October 25, 2013 3:55 PM  
**To:** Michael McGurk; JCC Board; Planning; ask.kcsa@kingsmillcommunity.org; Tim Oconnor; beth.reed@dcr.virginia.gov  
**Cc:** Rubyjean Gould; John Niland; Lenny Berl; cefirstenberg@cox.net; william sullivan; David Graham  
**Subject:** Re: Xanterra closing of James River Access: Recommendation by DCR Commonwealth of Virginia

I totally concur with Mr. McGurk's position and the documentation he provided.

It's more than ironic that Xanterra is a part of the "Save The James" coalition while also trying to impose upon the James River with a problematic "board walk" on and over the James River as well as closing access to the James for their own profit

Their proposed plans would deny access to Kingsmill residents and homeowners who are unwilling or unable to purchase expensive "memberships" to the Kingsmill resort.

Kingsmill residents and homeowners have had unrestricted access to the James for over 40 years with that access being an amenity shown and promoted to buyers by even their own real estate company, Kingsmill Realty.

On Friday, October 25, 2013 2:49 PM, Michael McGurk <[mcgurkm@hotmail.com](mailto:mcgurkm@hotmail.com)> wrote:  
As a concerned local resident I though you might find this short extract from the 2007 Virginia Outdoor Plan by Department of Conservation and Recreation.

See the note at the bottom, the full report is attached.

Note DCR calls for water access as "critical" and ask for cooperative agreements to increase access, provide facilities and maintain "access to existing public beaches and water access sites that may be jeopardized by changes in land use or development activities."

Xanterra wants to eliminate all public access to the James River Marina and then wants to build a large boardwalk but make it exclusive, private and unavailable to the public or local residents of Kingsmill.

Effective 1 January 2014 Xanterra has publically stated it will close access to the boat ramp, rest rooms, beach, restaurant, dock, fishing etc.

It is difficult to see how the approval of this request for a boardwalk would be in the best interest of the Commonwealth of Virginia or the Hampton Roads area.

As proposed it will impact many but benefit only a few "paying" members.

Xanterra actions to close access to the beach, dock, launch and James River run contrary to every goal of the the DRC and the Virginia Outdoor Plan

Michael McGurk  
Resident  
Kingsmill (on the James?)  
117 Jeffersons Hundred  
Williamsburg VA 23185

[http://www.dcr.virginia.gov/recreational\\_planning/documents/voppd23.pdf](http://www.dcr.virginia.gov/recreational_planning/documents/voppd23.pdf)

## Water Access

Blueways and water access are critical in a water rich state like Virginia. A discussion of the water access in the Commonwealth can be found in Chapter VII: Outdoor Programs and Initiatives, Water Access and Blueways.

Water access recommendations include:

- Regional and local agencies should establish cooperative agreements among localities, other agencies and private landowners to meet the increasing need for public access to recreational waters.
- Regional and local agencies should identify strategies

to make additional waterfront resources available for public use.

- Regional and local agencies should provide adequate support facilities and services, such as restrooms, concessions, parking and maintenance for existing and proposed public water and beach access areas and blueways ....
- Regional and local agencies should acquire or maintain access to existing public beaches and water access sites that may be jeopardized by changes in land use or development activities.
- The Virginia Department of Transportation (VDOT) and local government should expand public access to water by developing parking and launch facilities at bridge crossings and old ferry landing sites.
- Identify and increase public access to provide more water access sites within the Chesapeake Bay watershed in Virginia to meet the commitments of the Chesapeake Bay Agreement.
- Identify and increase water access opportunities to Virginia's southern rivers.

## Kyle Burcham

---

**From:** Clifford Firstenberg <cefirstenberg@cox.net>  
**Sent:** Wednesday, October 30, 2013 7:26 PM  
**To:** Jose Ribeiro  
**Subject:** RE: Kingsmill and Xanterra

Thank you. I think that will suffice for now. I'll get back in touch if I have any further questions.

---

Clifford Firstenberg  
[cefirstenberg@cox.net](mailto:cefirstenberg@cox.net)  
757-206-6281

**From:** Jose Ribeiro [mailto:Jose.Ribeiro@jamecitycountyva.gov]  
**Sent:** Wednesday, October 30, 2013 8:43 AM  
**To:** 'Clifford Firstenberg'  
**Subject:** RE: Kingsmill and Xanterra

Mr. Firstenberg,

Sorry for the long delay but let me try to address your questions as best as I can. The 3.7 acre-area labeled as "Community Area" on the 1987 Kingsmill master plan shows the following uses as part of the plan: restaurant; hotel units; tennis center; marina; golf club within conference and recreation center area. The existing marina is located approximately in the same area as shown on the master plan (see attachment). I am not sure what is the current use of what appears to be a big residential unit (I believe this is the house built by one of the members of the Busch family) but I can find out. Changes to the master plan would require an amendment to the master plan to be approved by the Board of Supervisors.

Regarding the Old Country Road, I am not aware of any stipulations made upon the transfer of ownership. If you would like to meet again and look into the plans and documents I have I will be happy to do so.

Best regards,

Jose Ribeiro  
(757) 253-6890

**From:** Clifford Firstenberg [mailto:cefirstenberg@cox.net]  
**Sent:** Thursday, September 05, 2013 12:09 PM  
**To:** Jose Ribeiro  
**Subject:** RE: Kingsmill and Xanterra

Mr. Ribeiro

Thanks again for meeting with me this morning. Regarding the "Community Area" near the James River on the 1987 plan, if Busch and/or Xanterra built on that area, would that then be a Planning Commission issue; wouldn't they have needed to seek permission and, if changing the use of that parcel, have needed to get approval? Can you advise if that

area is now developed and with what? If you prefer for me to come to the office and look at that myself, I would certainly do-so. Just let me know.

Thanks again for your help and information. I'll email you in a couple of days to see what you learn about the Community Area and any stipulations from Colonial Williamsburg Foundation regarding the transfer of the Old Country Road to Busch Properties.

---

Clifford Firstenberg  
[cefirstenberg@cox.net](mailto:cefirstenberg@cox.net)  
757-206-6281

---

**From:** Jose Ribeiro [<mailto:Jose.Ribeiro@jamescitycountyva.gov>]  
**Sent:** Wednesday, September 04, 2013 1:15 PM  
**To:** 'Clifford Firstenberg'  
**Subject:** RE: Kingsmill and Xanterra

Mr. Firstenberg,

I will see you at 11:30 tomorrow. Please let me know if you need any assistance with directions; we are located at Building A t 101 Mounts Bay Road.

Best,

Jose Ribeiro

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**From:** Clifford Firstenberg [<mailto:cefirstenberg@cox.net>]  
**Sent:** Wednesday, September 04, 2013 1:13 PM  
**To:** Jose Ribeiro  
**Subject:** RE: Kingsmill and Xanterra

Mr. Ribeiro

Would tomorrow at 11:30 work for you? I wouldn't expect our meeting to last beyond 12, so should not affect your lunch.

Thanks  
Cliff Firstenberg

---

Clifford Firstenberg  
[cefirstenberg@cox.net](mailto:cefirstenberg@cox.net)  
757-206-6281

---

**From:** Jose Ribeiro [<mailto:Jose.Ribeiro@jamescitycountyva.gov>]  
**Sent:** Wednesday, September 04, 2013 12:00 PM  
**To:** 'Clifford Firstenberg'  
**Subject:** RE: Kingsmill and Xanterra

Mr. and Mrs. Firstenberg,

Thank you for your e-mail. I will be more than happy to sit down with you to show the plans and answer any questions you may have. I am available this afternoon and tomorrow all day (except between 1:30 to 2:30). If none of these dates/times work for you just let me know what your preference would be.

Sincerely,

Jose Ribeiro  
(757) 253-6890

---

**From:** Clifford Firstenberg [<mailto:cefirstenberg@cox.net>]  
**Sent:** Thursday, August 29, 2013 7:48 AM  
**To:** Jose Ribeiro  
**Subject:** Kingsmill and Xanterra

Mr. Ribeiro

I understand that you met with at least one Kingsmill Resident and, I'm sure (hope), have heard from many more. The purpose of this email is not to further burden you, but to weigh-in and be heard.

My wife and I purchased our home in Kingsmill in 1997 based on a number of factors, but, significant among them were security (I travel a good deal for work) and the amenities. We are not "club people" but are avid about using the outdoors so the beach, marina, open space, and access to the Old Country Road were major selling points in our decision. For Xanterra to now seek to modify the zoning to accommodate their plans is troubling – to understate the situation.

If it would help, I would be more than willing to meet with you, but importantly, if there is anything I can do as an individual, or we can do as a community, to block Xanterra's unpopular plan, I would appreciate your advice.

Thank you for your assistance and, I'm sure, your patience as this issue unfolds.

Cliff and Cecilia Firstenberg  
16 Ensigne Spence  
Williamsburg, VA 23185

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Clifford Firstenberg  
[cefirstenberg@cox.net](mailto:cefirstenberg@cox.net)  
757-206-6281

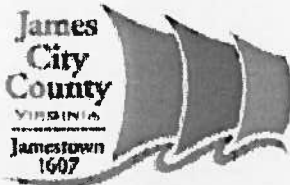
## Kyle Burcham

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**From:** TC Cantwell  
**Sent:** Monday, November 04, 2013 3:08 PM  
**To:** Jose Ribeiro; Christopher Johnson  
**Cc:** Paul Holt  
**Subject:** FW: Kings-Mill United (KMU) meeting with Busch Gardens, Williamsburg

FYI

TC Cantwell  
Development Management Assistant



P: 757-253-6685  
F: 757-253-6822

---

**From:** Michael McGurk [mailto:mcgurkm@hotmail.com]  
**Sent:** Monday, November 04, 2013 1:47 PM  
**To:** JCC Board; Planning  
**Cc:** Rubyjean Gould  
**Subject:** Kings-Mill United (KMU) meeting with Busch Gardens, Williamsburg

To continue our policy of open/transparent meetings. As the Director of Media Relations for Kings-Mill United (KMU) I had an initial, introductory meeting with Mr. Larry Giles, the Vice President of Engineering and Maintenance, for Busch Gardens. This was not a formal meeting to discuss strategy or partnering but just to meet and exchange business cards.

We discussed the formation of KMU and our desire for Busch Gardens to meet formally with our Board of directors and/or President in the near future.

We also discussed some of the basic concerns over encroachment into buffer zones as well as the impact/danger of building downstream from existing dams and reservoirs.

Noise control and visual minimization have been key planning concepts in Busch Gardens, as well as a strong policy of public disclosure and meetings. The Busch Gardens Community Meeting on 7 November is a good example of this open communication. They are aware of the potential loss of the buffer between the amusement park and the residential community of Kingsmill.

I came away with the impression that Busch Gardens is strongly concerned with development along the Carter's Grove Road adjacent to Kingsmill. The Busch Gardens Train is the single loudest frequent noise from the Park and homes in the current Xanterra proposal are approximately 250 feet from the Busch Garden train tracks and the "whistle stop" for crossing the "Camp Wallace" road inside of Busch Gardens.

Since Busch Gardens now operates for close to 10 out of 12 months of the year, one can expect houses built on the border to have frequent and loud noise from the adjacent amusement park. Additionally the start of the Xanterra development is ~800 feet from the Busch Gardens concert arena and the bottom section of the proposed Xanterra development is adjacent to the Rhine River/Grove Creek Dam. This development is also near the area when the nightly fireworks shows are launched.

best

Michael McGurk  
Director, Media Relations  
Kings-Mill United

[www.kingsmill-united.org](http://www.kingsmill-united.org)



## Kyle Burcham

---

**From:** Jose Ribeiro  
**Sent:** Monday, November 04, 2013 4:43 PM  
**To:** 'Gary Raymond (graymond@windingroadllc.com)'  
**Cc:** Paul Holt; Christopher Johnson; Christy Parrish  
**Subject:** KingsmillValues  
**Attachments:** KingsmillValues.xlsx

Mr. Raymond,

Per our meeting last Friday please find the requested information attached. Let me know if you have any questions.

Best regards,

Jose Ribeiro  
(757) 253-6890

## Kyle Burcham

---

**From:** Hypes, Rene (DCR) <Rene.Hypes@dcr.virginia.gov>  
**Sent:** Wednesday, November 06, 2013 12:09 PM  
**To:** 'Donna M. E. Ware'  
**Cc:** Jose Ribeiro; Fleming, Gary (DCR)  
**Subject:** RE: Notice of Interested Parties - Kingsmill  
**Attachments:** 65401, JAME, XANTERRA DEVELOPMENT, GROVE CREEK\_Project Area of Concern.jpg

Hi Donna,

To clarify DCR's October 7, 2013 comments for the Xanterra Development Project, DCR recommends the project area of concern identified on the attached map not be rezoned for development but maintained as a natural area to protect the resources documented within the blue polygon. Let us know if you have any additional questions.

Rene'

S. Rene' Hypes  
Project Review Coordinator  
Department of Conservation and Recreation  
Division of Natural Heritage  
600 East Main Street, 24<sup>th</sup> Floor  
Richmond, Virginia 23219  
804-371-2708 (phone)  
804-371-2674 (fax)  
[rene.hypes@dcr.virginia.gov](mailto:rene.hypes@dcr.virginia.gov)



**Conserving VA's Biodiversity through  
Inventory, Protection and Stewardship**  
[www.dcr.virginia.gov/natural\\_heritage](http://www.dcr.virginia.gov/natural_heritage)  
[Virginia Natural Heritage Program on Facebook](#)

**From:** Donna M. E. Ware [<mailto:dmeware@verizon.net>]  
**Sent:** Monday, November 04, 2013 9:58 PM  
**To:** Hypes, Rene (DCR)  
**Subject:** Re: Notice of Interested Parties - Kingsmill

Hello Rene,

I appreciated very much receiving a copy of the letter from the Division of Natural Heritage in regard to the development Xanterra Corp. has proposed for portions of the Grove Creek watershed and the Country Road. There is one thing that I want to check with you about, though. The following paragraph appears on the second page,

" Rezoning and development of the land along the Country Road.....could negatively impact the long-term viability of these resources by greatly reducing their forested buffer, altering microclimatic conditions..... The Virginia Natural Heritage Program strongly recommends that the land along the Country Road not be rezoned but continue to be maintained a natural area."

I just want to double-check whether this statement pertains only to those portions of the Country Road that are contiguous with the Grove Creek watershed or to the entire portion of the Country Road involved in the project.

Thanks, Rene!

Donna

----- Original Message -----

**From:** Hypes, Rene (DCR)

**To:** 'Michael McGurk'

**Cc:** Ludwig, Chris (DCR) ; Smith, Thomas (DCR) ; 'christine@christinefranck.com' ; 'Donna M. E. Ware'

**Sent:** Thursday, October 10, 2013 11:44 AM

**Subject:** RE: Notice of Interested Parties - Kingsmill

Mr. McGurk,

Per your request, please find attached the Department of Conservation and Recreation-Division of Natural Heritage comments and map provided to James City County on October 7, 2013 in reference to the proposed Xanterra Development-Grove Creek.

Sincerely,

S. Rene' Hypes  
Project Review Coordinator  
Department of Conservation and Recreation  
Division of Natural Heritage  
600 East Main Street, 24<sup>th</sup> Floor  
Richmond, Virginia 23219  
804-371-2708 (phone)  
804-371-2674 (fax)  
[rene.hypes@dcr.virginia.gov](mailto:rene.hypes@dcr.virginia.gov)



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[www.dcr.virginia.gov/natural\\_heritage](http://www.dcr.virginia.gov/natural_heritage)  
[Virginia Natural Heritage Program on Facebook](#)

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**From:** Michael McGurk [<mailto:mccgurkm@hotmail.com>]

**Sent:** Wednesday, October 09, 2013 9:50 AM

**To:** Ludwig, Chris (DCR); Hypes, Rene (DCR)

**Cc:** [macase@wm.edu](mailto:macase@wm.edu); [dmeware@verizon.net](mailto:dmeware@verizon.net)

**Subject:** FW: Notice of Interested Parties - Kingsmill

## NOTICE OF INTERESTED PARTIES:

This serves at official notice that the following groups wish to be informed of all decisions, actions, proposed development, applications, and other actions concerning the area reference on the Kingsmill Master Plan, included but not limited to, James River Watershed, The James River Riverbed, and Water Bottom use in the greater Kingsmill Community, changes to the Kingsmill Master Plan, and development at properties adjacent to Kingsmill or impacting their community, Environmental, Resource, Planning, Zoning or any other actions. We wish to receive copies of all relevant documents to include (but not limited to) opinions rendered, reports, casefiles and other public notices or distribution as well as notice of all hearings or public comment periods. Electronic copies are preferred. The full contact information is at the end.

-- Please acknowledge Receipt of this request --

Kingsmill United

- Kingsmill Resident Past and Present
- Preserve the Carter's Grove Country Road

Kingsmill Community Services Association (KCSA) is listed with James City County as a "Virginia nonstock corporation" with a Board of Directors currently majority appointed by Xanterra, the applicant for much of the Kingsmill development and owner of the Resort. As such they cannot be considered a "Home Owner Association" as they are not controlled by homeowners but rather a development corporation. Without homeowner control they are not a viable source of unbiased information for the homeowners. Notice given to KCSA is insufficient to inform homeowners.

IAW the articles filed with JCC on 18 September, 1973.

*Section 5. Limitations. As long as the Developer is likewise an Owner, the Association may not use its resources nor take a public position in opposition to the Kingsmill Master Plan or to changes thereto proposed by the Developer without the written consent of Developer. Nothing in this section shall be construed to limit the rights of the members acting as individuals or in affiliation with other members or groups. (emphasis added)*

This clause effective prevents the KCSA from communication with homeowners, such as sending emails, flyers or posting information in opposition to changes proposed by the developer such as the currently proposed Riverwalk.

In accordance with common law, Interested Parties is generally defined as:

*a) those persons designated by statute or ordinance who receive a notice of the public hearing via the postal service;*

*b) persons having a direct property or economic interest*

*c) representatives of a duly organized group with a specific interest in a subject issue such as a neighborhood association, environmental organization, trade organization or those with a specific public policy issue as it relates to the subject of the public hearing.*

The groups listed above qualify as "Interested Parties" under the c) portion as groups with a specific interest.

Kingsmill United

c/o Rubyjean Gould

Preliminary Coordinator

[www.kingsmill-united.org](http://www.kingsmill-united.org)

[gouldrl@cox.net](mailto:gouldrl@cox.net)

[info@kingsmill-united.org](mailto:info@kingsmill-united.org)

Kingsmill Residents Past and Present

c/o Christine G. H. Franck

613 Fairfax Way

Williamsburg, VA 23185

[christine@christinefranck.com](mailto:christine@christinefranck.com)

Preserve Carter's Grove County Road

c/o Michael McGURK

117 Jefferson Hundred

Williamsburg, VA 23185

[mcgurkm@hotmail.com](mailto:mcgurkm@hotmail.com)

**Kyle Burcham**

---

**From:** Michael McGurk <mcgurkm@hotmail.com>  
**Sent:** Monday, November 11, 2013 6:13 PM  
**To:** Jose Ribeiro; Planning; Juliette.Giordano@mrc.virginia.gov  
**Subject:** Xanterra Projects at Kingsmill and Camp Wallace Former used defense site  
**Attachments:** Camp Wallace FUDS.pdf; CW\_RIWP\_A&E33-009\_Appx K\_final\_003.jpg

Ladies and Gentlemen:

Please see the attached and forward it for comment to your staff as needed.

This is part of a 2009 report on the same area much of the proposed Xanterra project is in.

Note the issues:

The federal species of concern/state threatened bald eagle (*Haliaeetus leucocephalus*) has been documented within the central portion of this project area and within 0.5 mile of the easternmost portion of this project area. As well, the state threatened Mabee's salamander (*Ambystoma mabeei*) has been documented approximately 1.5 to 1.75 miles from this project area. Additionally, the southern portion of this project area is within, and/or adjacent to, a portion of the James River that is designated a Confirmed Anadromous Fish Use Area. This designation, known as James River 1, is due to documented occurrences of the following anadromous and semi-anadromous species: alewife, striped bass, blueback herring, yellow perch, American shad, and hickory shad. As well, the northwestern most portion of this project area is within 0.5 mile of a tributary to a portion of Halfway Creek that is also designated a Confirmed Anadromous Fish Use Area. This designation is due to documented occurrences of the semi-anadromous yellow perch.

It would seem that the same wildlife (or more) would be impacted/threatened by the Xanterra building project, both the homes along Carter's Grove Country Road and the Boardwalk on the James River.

thanks

Michael McGurk

Kings-Mill United

**Kyle Burcham**

---

**From:** Sara Campbell <gluistean2001@yahoo.com>  
**Sent:** Thursday, November 14, 2013 7:53 PM  
**To:** Jose Ribeiro

Dear Mr. Ribeiro : My husband and I live in Kingsmill, and have been happy here for almost 12 years. The development plans Xanterra has in the works may be good for them, but they are disasterous for Kingsmill and her residents. Many of whom have lived there much longer than us. The overwhelming majority do not want a gate on Kingsmill Road, or development of houses on the Woods Course, or membership cards to use the shuttle busses or resturants ! And worst of all, a scheme to put houses on the Country Road.

Xanterra is trying to ruin the place we call home, strictly to line their pockets. They care nothing for the people of Kingsmill or the history there.

Sara A Nugent

## Kyle Burcham

---

**From:** Michael McGurk <mcgurkm@hotmail.com>  
**Sent:** Wednesday, November 20, 2013 11:19 AM  
**Subject:** KINGSMILL FOR SALE ? 7 years Credit!  
**Attachments:** Kingsmill for Sale.jpg

Lots of rumors, here is one from the VA Gazette.



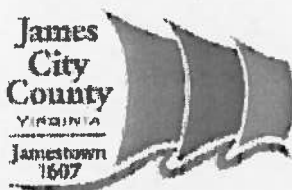
## Kyle Burcham

---

**From:** TC Cantwell  
**Sent:** Wednesday, November 20, 2013 1:31 PM  
**To:** Jose Ribeiro  
**Cc:** Paul Holt; Christopher Johnson  
**Subject:** FW: Copy 1972 Kingsmill Narrative of Development  
**Attachments:** 1972 Kingsmill Narrative Presentation with Comments.pdf; 1972 KM narrative Master Plan to JCC.pdf

FYI

TC Cantwell  
Development Management Assistant



P: 757-253-6685  
F: 757-253-6822

---

**From:** Michael McGurk [<mailto:mcgurkm@hotmail.com>]  
**Sent:** Wednesday, November 20, 2013 12:56 PM  
**To:** Planning; JCC Board; John McGlennon  
**Subject:** Copy 1972 Kingsmill Narrative of Development

In 1972 a Master Plan Narrative was written and presented to James City County. This is perhaps the best description of what "Kingsmill" was to be.

I have attached an extract of that document with my personal comments speaking only as a resident and not representing anyone other than myself.

The handwritten notes are from the original and are comments/questions by the Board in 1972.

It is worth a read to see what the "Developer" at the time promised, and how well the promises are being kept today.

Keep that in mind when the "developer" makes promises this Thursday.

My best copy of the original is also attached, without comments, you may find the missing pages or a better copy in the JCC records.

It is worth noting that residents were promised scenic easements on the Carters Grove Country Road, a buffer from noise, and access to the River and Marina for boating. Plus many other items.

"Beware of Greeks bearing gifts"

Michael McGURK  
Kingsmill Residnet

## Kyle Burcham

---

**From:** JOHN NILAND <j.niland@me.com>  
**Sent:** Wednesday, November 20, 2013 3:19 PM  
**To:** Jose Ribeiro  
**Subject:** Re: Kingsmill - Mr. Niland

Jose

Thanks again for everything. Meeting went well. We had almost a full house

John

John Niland  
[J.Niland@me.com](mailto:J.Niland@me.com)  
Cell 757-525-1107  
Home 757-345-5916

On Nov 18, 2013, at 2:04 PM, Jose Ribeiro <[Jose.Ribeiro@jamescitycountyva.gov](mailto:Jose.Ribeiro@jamescitycountyva.gov)> wrote:

Good afternoon Mr. Niland,

I have a copy of the 1986 master plan for Kingsmill ready for you to pick it up. There is no charge since this a copy that I had made for myself some time ago. Should you have any questions please let me know.

Thanks-Jose

**From:** JOHN NILAND [<mailto:j.niland@me.com>]  
**Sent:** Friday, November 15, 2013 6:48 PM  
**To:** Jose Ribeiro  
**Subject:** Re: Kingsmill - Mr. Niland

Jose

Thanks. You guys are super!

John

John Niland  
[J.Niland@me.com](mailto:J.Niland@me.com)  
Cell 757-525-1107  
Home 757-345-5916

On Nov 14, 2013, at 10:34 AM, Jose Ribeiro <[Jose.Ribeiro@jamescitycountyva.gov](mailto:Jose.Ribeiro@jamescitycountyva.gov)> wrote:

Mr. Niland,

Please find attached the PDF copies of the plans you requested. If there are any others you require please let me know.

Best,

Jose Ribeiro

TC Cantwell  
Development Management Assistant

<image001.gif>

Development Management  
101-A Mounts Bay Road  
Williamsburg, VA 23185  
P: 757-253-6685  
F: 757-253-6822  
[jamescitycountyva.gov](http://jamescitycountyva.gov)

<JOSE\_Plan\_01.PDF>

<JOSE\_Plan\_02.PDF>

<JOSE\_Plan\_03.PDF>

**Kyle Burcham**

---

**From:** Michael McGurk <mcgurkm@hotmail.com>  
**Sent:** Thursday, December 05, 2013 10:17 PM  
**To:** Jose Ribeiro  
**Subject:** Country Road Purchase  
**Attachments:** PURCHASE OF COUNTRY ROAD BY XANTERRA.pdf

Jose:

Can you explain what the 100 foot scenic easement is and means?

thx

Michael

## Jose Ribeiro

---

**From:** Michael McGurk <mcgurkm@hotmail.com>  
**Sent:** Tuesday, August 27, 2013 1:10 PM  
**To:** Jose Ribeiro  
**Subject:** ref: Xanterra Development: Please call/visit JCC Planning Office

Feel free to forward to any and all interested individuals or groups.

Fellow Residents and Friends:

I had a meeting this morning with Mr. Jose Ribeiro, Senior Planner for James City County Planning (and Zoning.)

He is a very nice person and he asked me to encourage people to seek him out as residents of JCC and express their thoughts and opinions on the re-zoning request by Xanterra. He would like you to come talk with him, he can show you the proposal and note your concerns.

His phone number is: 757-253-6890  
and his email is: [Jose.Ribeiro@jamescitycountyva.gov](mailto:Jose.Ribeiro@jamescitycountyva.gov)

I spent 45 minutes with him talking about my concerns on the over-development, destruction of green space and loss of buffer zone between the Brewery, Busch Gardens and Kingsmill should the planning go forward. 300+ houses built in the only buffer between Kingsmill and the industrial brewery and a large amusement park and destruction of the only green space and bike trail is not, in my opinion, a good idea.

Currently all the area is zoned as recreational. Mr. Ribeiro would also like to hear from anyone who has used, or continues to use the County Road for recreation, bike trail, dog walking, jogging etc. We need to fight to \*not\* change the zoning and have it remain recreational use only.

Xanterra is saying the golf courses provides "green space" but residents are not allowed to walk on the golf course, the golf cart paths, or soon any resort areas.

Once the County Road is gone there will be no undeveloped property between the James River and Hwy 60. There will be no trails that do not cross numerous streets.

It is also worth noting that we cannot expect the KCSA to represent us or to help carry this forward. All owners agreed to the Covenants as a condition of buying property here.

\*\*\*\*\*

Kingsmill Declaration of Covenants and Restrictions:

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unless Xanterra allows it.

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2010-03-03 13:28

Here's the simple truth. The KM conference center, golf courses marina and other large assets are for sale. The buyer of these assets will dictate what parts of the infrastructure/ common areas/roads/security etc. at KM it will pay to maintain as part of the future sales contract. The seller will use its majority vote in the KCSA to "approve" what the Buyer dictates on behalf of the homeowners. THEN the Developer will most likely assign its seats to the new owner of the resort to allow them to maintain control over the homeowners and to continue to develop new home sites (such as along the country road or to replace the Woods golf course). The potential to cram more lots and increase the density in KM is the single most attractive part of the purchase opportunity at Kingsmill for a new investor. Golf/Marina operations are just a loss leader to help sell real estate and the Conference center has never been an attractive profit center (based on its industry peers). The residents should be doing all they can to wrestle control from the "developer", because the developer will be hitting the road soon enough.

<http://wydailyarchives.com/local-news/3998-kingsmill-resident-challenges-home-owners-association.html>

So please take a few minutes out of your time call, email and then visit JCC Planning. They are at 101-A Mounts Bay Road, just outside the Kingsmill Hwy 199 gate in the JCC center.

<http://www.jamescitycountyva.gov/planning/>

Planning Division  
101-A Mounts Bay Rd.  
Williamsburg, VA 23187

P: 757-253-6685  
F: 757-253-6822

Email: [planning@jamescitycountyva.gov](mailto:planning@jamescitycountyva.gov)

## Jose Ribeiro

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**From:** joseph lenertz <joseph.l.lenertz@gmail.com>  
**Sent:** Tuesday, August 27, 2013 3:49 PM  
**To:** Jose Ribeiro  
**Subject:** Fwd: ref: Xanterra Development: Please call/visit JCC Planning Office

Jose,

My family and I are in full agreement with the McGurk family on this point. Xanterra's planned over-development, destruction of green space and loss of buffer zone between the Brewery, Busch Gardens and Kingsmill should be stopped. 300+ houses built in the only buffer between Kingsmill and the industrial brewery and a large amusement park, and destruction of the only green space and bike trail is not, in my opinion, a good idea.

I have used the County Road for bike rides, and to walk my dog. It is a wonderful peaceful area...and such an area will not exist if the Xanterra planned rezoning takes place. I'm asking for your help to prevent the rezoning and keep our neighborhood a peaceful and beautiful place to live.

Thanks,

Joe and Linda Lenertz

----- Forwarded message -----  
**From:** Michael McGurk <mcgurkm@hotmail.com>  
**Date:** Tue, Aug 27, 2013 at 1:10 PM  
**Subject:** ref: Xanterra Development: Please call/visit JCC Planning Office  
**To:** "Jose.Ribeiro@jamescitycountyva.gov" <jose.ribeiro@jamescitycountyva.gov>

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2010-03-03 13:28

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**Planning Division**

101-A Mounts Bay Rd.  
Williamsburg, VA 23187

P: 757-253-6685

F: 757-253-6822

Email: [planning@jamescitycountyva.gov](mailto:planning@jamescitycountyva.gov)

## Jose Ribeiro

---

**From:** Leanne Reidenbach  
**Sent:** Wednesday, August 28, 2013 8:55 AM  
**To:** Jose Ribeiro  
**Subject:** FW: Re-Zoning by Xanterra

Think this one was meant for you!

Leanne Reidenbach  
Senior Planner II



101-A Mounts Bay Road  
Williamsburg, VA 23185  
P: 757-253-6876  
F: 757-253-6822  
Front Desk: 757-253-6685  
[jamescitycountyva.gov](http://jamescitycountyva.gov)

---

**From:** TC Cantwell  
**Sent:** Wednesday, August 28, 2013 8:30 AM  
**To:** Leanne Reidenbach  
**Subject:** FW: Re-Zoning by Xanterra

Leanne –

Another one! Once again, I have responded to this email informing them it has been sent to the appropriate planner.

TC Cantwell  
Development Management Assistant



P: 757-253-6685  
F: 757-253-6822

---

**From:** Marge Malvin [<mailto:mmalvin1@cox.net>]  
**Sent:** Tuesday, August 27, 2013 4:38 PM  
**To:** Planning  
**Subject:** Re-Zoning by Xanterra

Members of the James City County Planning Commission :

I am a resident of Kingsmill and have lived here since 1994 and have lived on the River Golf Course and Plantation Course here in Kingsmill.

I object to the proposed re-zoning by Xanterra to build 300+ new homes along the Plantation Road and on the current Woods Golf Course. If approved, the residents of Kingsmill will be over-run with additional residents, over-use of roads and other property owned by KM residents - such as our walking/hiking trails. Also, other services such as water supply, administered by JCC will require higher water supplies and additional use of roadways.

Our current KCSA Board will not/cannot represent the KM residents in this matter - therefore the JCC Planning Commission's Office needs to take up the cause and concerns of the JCC residents in **OPPOSING THE RE-ZONING OF THE COUNTY ROAD FOR ADDITIONAL HOUSING AND PROPOSED CHANGES TO THE WOODS GOLF COURSE.**

Thank you for your support and concern.

Margaret Malvin  
149 Roger Smith

Also Owner of 265 Archer's Mead

## Jose Ribeiro

---

**From:** Sam <leehoss@cox.net>  
**Sent:** Wednesday, August 28, 2013 9:59 AM  
**To:** Jose Ribeiro  
**Cc:** Fred  
**Subject:** .kingsmill

Sir,

The Xantera plan is simply the rape of the countryside for the sake of profit and a total disregard for the residents who have invested time and energy in making the Kingsmill environment a great place to live. It's in total disregard of the historical significance of the area and precludes the use of the country road for biking, running, and walking our dogs.

Some years ago, my wife and I rode our horses from Kingsmill to Carter's Grove and back on the old Country Road. we felt grateful for the privilege to retrace the path our forefathers had established a few hundred years ago between Carter's Grove and Williamsburg. Now, Xantera proposes to plow all of this history under for the sake of profit. We bought into Kingsmill 30 plus years ago as did many others, to enjoy the ambiance of a great community. This is in jeopardy

I understand that he who has the gold makes the rules, but for the sake of preserving the significance and sanctity of this one of a kind location--please leave the area zoned Recreational.

COL Sam Brown USA RET  
33 Peyton Road  
Williamsburg, VA  
23185

Sent from my iPad

## Jose Ribeiro

---

**From:** linda palmer <linda.b.palmer@gmail.com>  
**Sent:** Wednesday, August 28, 2013 11:19 AM  
**To:** Jose Ribeiro  
**Subject:** The Country Road

Dear Mr. Ribeiro,

Thank you for taking the time to read another email from a Kingsmill resident.

My husband and I moved to Kingsmill with our 3 children 22 years ago. We live in the Wickham's Grant neighborhood and are therefore the unintended guests of Busch Garden concerts and nightly fireworks. We also hear the happy screams from roller coasters and smell brewing beer from InBev. When the wind is blowing, our vantage is either heightened or muffled depending on Mother Nature. We weather the sounds and smells with the knowledge that we knew of their existence before we landed here and we view them in a positive light.

What we did not know when we moved here was the existence of the Country Road. We did not realize that it was the buffer between us and Busch Gardens and the avenue to provide our escape from urban life. Upon our discovery we were elated, feeling the beauty and peace it provided essential to our need to 'get away from it all'. I would not be over-exaggerating to say that my husband or I take at least 1, more likely 2, walks on the Country Road every day. We take our dog who enjoys the freedom and listen to inspirational music from our Ipods.

As you know our buffer is in peril. What right do I have to dictate what doesn't belong to me? Really none, except it will very much affect the home we have worked hard to keep pace with property values. When Xanterra builds 300 plus homes on our sanctuary, we will hear those screams and those concerts like they are in our driveway. There will no longer be green space that a non-golfer can stroll through letting their dog run free. A true beauty will be gone. While I have never explored it, there must be some historical significance to our Country Road as a thoroughfare from Carter's Grove to Colonial Williamsburg.

The way I view Xanterra's plans, the homeowner in Kingsmill has everything to lose and nothing to gain and that is not even factoring in the distasteful plans for the Marina and resort. Who will want to buy my house when it is stuffed between houses and the din of recreation and commercial entities while being effectively barricaded from the natural outlets that have so enhanced our community?

Again I thank you for reading my email and hearing my voice. I hope you can help our neighborhood remain a remarkable place to live now and a viable market for the homebuyers to come.

Sincerely,  
Linda Palmer  
108 John Wickham  
229-0006

## Jose Ribeiro

---

**From:** Ken and Mary Kay <onthecove@cox.net>  
**Sent:** Wednesday, August 28, 2013 12:42 PM  
**To:** Jose Ribeiro  
**Subject:** Kingsmill Country Road

We bike the Kingsmill Country Road often both toward Carter Grove and to Colonial Williamsburg. We do mostly Spring and Fall and sometimes in winter. We would miss the green space very much. It was part of the reason we moved here four years ago. Clearing for hundreds of home sites would decrease the recreational green space and increase noise from traffic, trains and the park.

Ken Flegel

## Jose Ribeiro

---

From: JCBandJB@aol.com  
Sent: Wednesday, August 28, 2013 5:04 PM  
To: Jose Ribeiro  
Cc: carolinela04@aol.com  
Subject: Fwd: (no subject)

---

From: JCBandJB@aol.com  
To: Joseribeiro@jamescitycountyva.gov  
Sent: 8/28/2013 5:00:16 P.M. Eastern Daylight Time  
Subj: (no subject)

Dear Mr. Rebeiro,

My late husband and I purchased our lot in 1987 when there was only a dirt road leading to it. We built immediately and have loved every minute of living here. We walked the country road until he was no longer able to do it. I still walk it. The beauty, peace and serenity of Kingsmill are what has made it such a desirable place to live.

Building on the country road will remove the buffer of trees and make the noise of Busch Gardens an intrusive sound in our quiet community. I wonder if you are aware that there is a large area along the country road which is home to protected wild flowers, specifically Pink Ladies Slippers.

Overbuilding will tax the road system which we home owners pay for the upkeep through our KCSA assessment.

I protest in the strongest terms, allowing Xanterra to proceed with their proposal.

Jean Canoles Bruce  
248 William Barksdale



## Jose Ribeiro

---

**From:** Clifford Firstenberg <cefirstenberg@cox.net>  
**Sent:** Thursday, August 29, 2013 7:48 AM  
**To:** Jose Ribeiro  
**Subject:** Kingsmill and Xanterra

Mr. Ribeiro

I understand that you met with at least one Kingsmill Resident and, I'm sure (hope), have heard from many more. The purpose of this email is not to further burden you, but to weigh-in and be heard.

My wife and I purchased our home in Kingsmill in 1997 based on a number of factors, but, significant among them were security (I travel a good deal for work) and the amenities. We are not "club people" but are avid about using the outdoors so the beach, marina, open space, and access to the Old Country Road were major selling points in our decision. For Xanterra to now seek to modify the zoning to accommodate their plans is troubling – to understate the situation.

If it would help, I would be more than willing to meet with you, but importantly, if there is anything I can do as an individual, or we can do as a community, to block Xanterra's unpopular plan, I would appreciate your advice.

Thank you for your assistance and, I'm sure, your patience as this issue unfolds.

Cliff and Cecilia Firstenberg  
6 Ensigne Spence  
Williamsburg, VA 23185

---

Clifford Firstenberg  
[cefirstenberg@cox.net](mailto:cefirstenberg@cox.net)  
757-206-6281

## Jose Ribeiro

---

**From:** Leanne Reidenbach  
**Sent:** Thursday, August 29, 2013 8:12 AM  
**To:** Jose Ribeiro  
**Subject:** FW: Development of the country road

Yours as well.

Leanne Reidenbach  
Senior Planner II



101-A Mounts Bay Road  
Williamsburg, VA 23185  
P: 757-253-6876  
F: 757-253-6822  
Front Desk: 757-253-6685  
[jamescitycountyva.gov](http://jamescitycountyva.gov)

**From:** TC Cantwell  
**Sent:** Thursday, August 29, 2013 8:08 AM  
**To:** Leanne Reidenbach  
**Subject:** FW: Development of the country road

Here is another email to add to the list, I have responded to inform them this email was sent to the appropriate planner.

**From:** Carolyn Eberdt [<mailto:ceberdt@cox.net>]  
**Sent:** Wednesday, August 28, 2013 8:10 PM  
**To:** Planning  
**Subject:** Development of the country road

I having enjoyed Kingsmill for 40 years and am very sad about some of the changes. The building of the houses on the country road with the number, 300 as proposed, sounds not environmentally sound. We need green space and buffers from the commercial to be an elite community which seems the goal of the new owners. We need a balance in everything, and Kingsmill is over the top with houses now. I love walking and biking on the country road because it is in the woods and a beautiful road. I hope the planning commission is careful in analyzing the density of any more building. It is not all about money, and those of us who realize that will have to help control those who want to run away with development.

Carolyn Eberdt  
20 Whittaker's Mill

**Jose Ribeiro**

---

**From:** Behncke Robert <dynamo1@cox.net>  
**Sent:** Thursday, August 29, 2013 3:48 PM  
**To:** Jose Ribeiro  
**Subject:** Kingsmill

Dear Mr. Ribiero,

My name is Robert Behncke and I own a house at 108 Blair Court, in Kingsmill. I'd like to add my voice to those who have already apprised you that they are unhappy with many of the plans to change Kingsmill. I use the country road often for running, walking, and viewing nature. It is also a buffer for me between my house and Busch Gardens noise. On many days when there are shows at the Park, I can hear them clearly from my house. On other days, I can clearly hear the screaming from the rides. This is tolerable with the green space and trees which now separate us, but I'm afraid it will be negatively impacted by development. In any scenario, I would hope that there would remain an uninterrupted green space for recreational use.

The other main concern I have is that when I bought my lot in Kingsmill and built my house, it was with certain expectations of what constituted my neighborhood. I had free access to the James River, and to all other areas of my neighborhood. It has a lot to do with why we made our home in James City County and built in Kingsmill. The prospect that I will now be excluded from areas of my neighborhood after all these years seems unfair at best, and somehow wrong. I would either like to continue to have free access to the neighborhood (Kingsmill) in which I reside, reach an accommodation that would grandfather continued access, or perhaps be compensated in some way.

I hope my opinions help you in your deliberations regarding this issue. Thank you for your service.

Sincerely,

Robert H. Behncke

**Jose Ribeiro**

---

**From:** Kay Hess <kayrhess@gmail.com>  
**Sent:** Thursday, August 29, 2013 3:51 PM  
**To:** Jose Ribeiro; Planning; Pattie Gaudio; Joan Flaherty  
**Subject:** Fwd: Important Fwd: News about Kingsmill's planned changes

Mr. Ribeiro,

I am sure that you are aware of the Kingsmill area, its beauty, peacefulness and upscale living facilities. My husband, Herman Hess, bought this house 28 years ago with his late wife, Joan. He and I have been married for five years and plan to live here forever. The promises that were made to him and his wife were the same as all other owners have heard; that the recreational and entertainment facilities would always be available to the homeowners. One benefit that we enjoy is the bike trails. We usually ride three to four times per week, weather permitting. Recently, I went on a Segway tour of the Country Road so I am familiar with the area that is to be built up. What a shame if Xanterra's plan is executed.

This plan of Xanterra's will totally change this wonderful place to live. Please help us to end this nightmare by denying Xanterra's request for rezoning.

Sincerely,

Herman and Kathryn Hess

----- Forwarded message -----

**From:** Joan and Bill Flaherty <wtjfff2@cox.net>  
**Date:** Thu, Aug 29, 2013 at 11:09 AM  
**Subject:** Important Fwd: News about Kingsmill's planned changes  
**To:** Ben & Betty Lyle <benlyle4@aol.com>

Sent from my iPad

Begin forwarded message:

## Kingsmill Women's Social Club News

---

**Dear Pattie,**

*This information is provided if you would like to voice your opinion regarding Xanterra's plans for building houses by the Woods Course.*

**Thanks,  
Caroline Laur.**

Feel free to forward to any and all interested individuals or groups.

Fellow Residents and Friends:

I (Michael McCurk) had a meeting this morning with Mr. Jose Ribeiro, Senior Planner for James City County Planning (and Zoning.)

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2010-03-03 13:28

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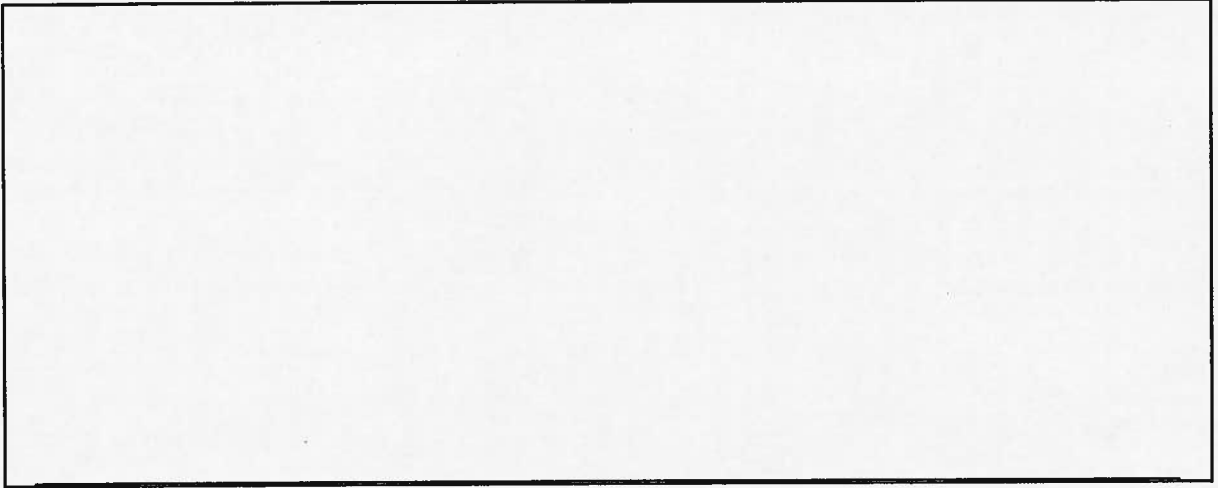
<http://www.jamescitycountyva.gov/planning/>

Planning Division  
101-A Mounts Bay Rd.  
Williamsburg, VA 23187

P: 757-253-6685

F: 757-253-6822

Email: [planning@jamescitycountyva.gov](mailto:planning@jamescitycountyva.gov)



**[Forward this email](#)**



This email was sent to [lgaudio4@cox.net](mailto:lgaudio4@cox.net) by [laverroush@gmail.com](mailto:laverroush@gmail.com) |  
[Update Profile/Email Address](#) | Instant removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).  
Kingsmill Women's Social Club | 140 Roger Smith | Williamsburg | VA | 23185

## Jose Ribeiro

---

**From:** Sara Campbell <gluistean2001@yahoo.com>  
**Sent:** Thursday, August 29, 2013 4:21 PM  
**To:** Jose Ribeiro  
**Subject:** More Development ?

Dear Jose : My husband ,Raymond, and I live in Kingsmill on Harrops Glenn. We are 100% opposed to development on Country Road, which we call "The Hidden Road" . And we are very much against the internal gate they want to build on Kingsmill Road. Our Phone # is 253-1666 if you need to call us. Both of us are very angry about the way X is trying to ruin Kingsmill.

Sara A Nugent



**Jose Ribeiro**

---

**From:** Angelo Guastaferro <gusg@cox.net>  
**Sent:** Friday, August 30, 2013 10:12 AM  
**To:** Jose Ribeiro; Marge Malvin  
**Subject:** Kingsmill Rezoning request

I have been a home owner in Kingsmill since 1996. During that time, I have had two home sites. For the first 15 and 1/2 years, I lived at 124 Peter Lyall in the Wickham Grant Section. My house was about 1/2 mile from the Brewery and Busch Gardens. My current home is in the Plantation area on Roger Smith. I recall my years close to both the brewery and amusement park and realize how fortunate I was to have the undeveloped area protected by zoning to insure both odor and noise control. I have become concerned with the latest request for destroying the buffer zone so that Xanterra can develop additional housing . I strongly recommend that you consider the James City County residents that invested significantly in the Kingsmill gated community. Please reject the Xanterra Rezoning proposal for the tax payers of the county.

Angelo Guastaferro

## Jose Ribeiro

---

**From:** GBHAN@aol.com  
**Sent:** Friday, August 30, 2013 11:22 AM  
**To:** Jose Ribeiro  
**Cc:** Planning  
**Subject:** OPPOSITION TO PROPOSED ZONING CHANGE BY XANTERRA

Daer Mr. Riberio,

My name is Gerald S. Hanley. My wife and I reside at 108 Captaine Graves in the Kingsmill community. I am writing to request that the planning commission not grant a change in zoning along the Country Road as proposed by the Xanterra organization.

My home is quite close (about 500 yards) to the green space enclosing the Country Road. This green space is an important part of the buffer between our community and the industrial/commercial zone which includes the Busch brewery and Busch Gardens. We already live with truck noise from the brewery and with crowd, ride, and event noise from Busch Gardens. Further development within the existing buffer will only add to this environmental impact.

Development along the Country Road will remove an important recreational feature for the community. I frequently walk this trail which in its current state provides an opportunity to enjoy the relative peace of a woodland. It also gives one a sense of the historic nature of our area. Once this is gone it cannot be replaced.

As you may be aware much of the alternative "green space" in Kingsmill is Kingsmill Resort property (e.g. the golf courses and waterfront areas). Kingsmill Resort has recently announced plans to block access to all resort property by non-members of the resort. This will exclude a high proportion of Kingsmill residents. It argues to retain whatever alternative recreational green space currently in the community.

We purchased our home in Kingsmill twelve years ago. An important part of our decision was the existence of the green spaces in the original master plan. It was represented to us that part of the original decision by the county to permit the construction of the Kingsmill community, the brewery and Busch Gardens was a commitment by the developer to the county to preserve the green spaces in the plan. I trust the planning commission will carefully consider and support this original intent in its decision.

I also ask the commission to consider the Xanterra application in the broader context of development in area of Williamsburg/James City County surrounding the Kingsmill community. We have seen the area on Route 199 developed for a shopping center (e.g. Harris Teeter) and Riverside Doctors Hospital; and have the expectation that the Quarterpath Road project in Williamsburg will move ahead. Once completed there will be little accessible green space left in this part of the county.

I urge you to consider the wishes and recreational needs of residents of the county versus the commercial interests of this developer.

Very truly yours,

G.S. Hanley  
757-564-7824

## Jose Ribeiro

---

**From:** Beth Morgan <bethorich@cox.net>  
**Sent:** Friday, August 30, 2013 12:37 PM  
**To:** Jose Ribeiro  
**Subject:** Kingsmill vs. Xanterra

Hello:

I am writing to express my extreme unhappiness with the proposed changes to the Kingsmill community.

I have lived here for almost 10 years, and have enjoyed the restaurants (Bray Room, Eagles, Regatta's, The Mill), walking to the Marina, views of the sunset over the water, views of the eagle's nest in the trees, eating at the marina restaurant, playing with our grandchildren on the sandy beach, and using the meeting rooms at the resort for community meetings and social gatherings.

To learn that Xanterra plans to restrict all of these from Kingsmill residents is shocking and absurd. All of the resort traffic will continue to come past our quiet neighborhoods, resort guests will have access to the walking paths past our quiet neighborhoods, and yet we will be banned from the resort like outcasts, despite our financial and moral support of this community through the years.

I also object to the building of 300+ homes along the Woods golf course area, and the destruction of the natural areas that are home to deer, raccoons, groundhogs, birds, possum, and other creatures who have lived in these woods for hundreds of years.

As far as the value of our homes, I fear the value will drop drastically as all of our homes will now just be "a house on a lot"

instead of a neighborhood with restaurants, a beach, and riverfront views. We will be paying our monthly fees for a gated manicured community, while other communities such as Kingspoint and Queen's Lake allow all residents access to the waterfront and other features of their neighborhood.

If Xanterra wants to live in their ivory castle that is restricted to the rest of us, then let them have their own entry road off of Route

60 or 199, and leave our neighborhood out of it completely.

Please forward these comments to anyone that might listen.

Thank you very much.

Beth Morgan and Rich Scherer  
234 Archer's Mead  
Williamsburg, VA 23185  
565-2701

## Jose Ribeiro

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**From:** Beth Morgan <bethorich@cox.net>  
**Sent:** Friday, August 30, 2013 12:41 PM  
**To:** Jose Ribeiro  
**Subject:** Kingsmill p.s.

I neglected to mention one more item that concerns us:

My husband and I, and numerous members of our family who visit from time to time, have enjoyed immensely our strolls down the Country Road, for the peacefulness, natural surroundings, and history. We oppose any destruction or alteration to the Country Road by Xanterra.

We are very much convinced that Xanterra is out to make as much money as they can, and don't care one iota about Kingsmill or its residents or its wooded ambience.

Thank you.

Beth Morgan  
234 Archer's Mead  
Williamsburg, VA 23185

**Jose Ribeiro**

---

**From:** valandjimsmith@cox.net  
**Sent:** Friday, August 30, 2013 2:15 PM  
**To:** Jose Ribeiro  
**Subject:** Kingsmill Green Space.

Mr. Ribeiro,

Would it be possible for my husband and I to make an appointment to talk with you about the development plans for Kingsmill?

We are very concerned about the planned use of the only green space in the development. The only space in the neighborhood where my husband can ride a bike in safety and where I can walk and enjoy the recreational space away from roads and traffic. The developers managed to drive the eagles out of the eagle preserve and they are now going to drive them out of the only green space left.

We look forward to your response.

James and Valerie Smith

## Jose Ribeiro

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**From:** Keith E. <radiobug@verizon.net>  
**Sent:** Friday, August 30, 2013 4:16 PM  
**To:** Jose Ribeiro  
**Subject:** Kingsmill Xanterra Proposal  
**Attachments:** Kingsmill Planning Letter.docx

Dear Mr. Ribeiro !!

Please see the attached Word document with our comments on the Xanterra development proposal for Kingsmill. As noted in our letter, we are **strongly opposed** to this Xanterra project.

It was very nice speaking with you on the phone yesterday. I hope we have a chance to meet you in person in the near future !!

Best wishes to you and your family for a Happy Labor Day weekend !!

Keith and Linda Engelmeier

## Jose Ribeiro

---

**From:** Bob and Debbie Hipple <hipple@cox.net>  
**Sent:** Friday, August 30, 2013 4:26 PM  
**To:** Jose Ribeiro  
**Subject:** Xanterra rezoning request in Kingsmill

I'll keep this short and simple. Please do not allow the property along the old country road to be rezoned. The green space is a vital buffer between Busch Gardens, the brewery and homes in Kingsmill.

Thank you,

M/M Robert F. Hipple  
105 Roffingham's Way  
Williamsburg, VA 23185

Sent from my iPad

**Jose Ribeiro**

---

**From:** valandjimsmith@cox.net  
**Sent:** Saturday, August 31, 2013 9:27 AM  
**To:** Jose Ribeiro  
**Subject:** Re: Kingsmill Green Space.

Mr. Robeiro,

Thank you for your prompt response. Would it be possible to meet on Tuesday at 4:00 p.m.

James and Valerie Smith

**From:** Jose Ribeiro  
**Sent:** Friday, August 30, 2013 3:57 PM  
**To:** mailto:valandjimsmith@cox.net  
**Subject:** RE: Kingsmill Green Space.

Mr. and Mrs. Smith,

Thank you for your e-mail. I will be a pleasure to meet with you and talk about the proposal. How about Tuesday in the afternoon? I am free at any time after 1:00 pm. If that does not work for you just give me a couple of other options and I'll check my availability.

Very Best,

Jose-Ricardo Linhares Ribeiro

**From:** valandjimsmith@cox.net [mailto:valandjimsmith@cox.net]  
**Sent:** Friday, August 30, 2013 2:15 PM  
**To:** Jose Ribeiro  
**Subject:** Kingsmill Green Space.

Mr. Ribeiro,

Would it be possible for my husband and I to make an appointment to talk with you about the development plans for Kingsmill?

We are very concerned about the planned use of the only green space in the development. The only space in the neighborhood where my husband can ride a bike in safety and where I can walk and enjoy the recreational space away from roads and traffic. The developers managed to drive the eagles out of the eagle preserve and they are now going to drive them out of the only green space left.

We look forward to your response.

James and Valerie Smith



## Jose Ribeiro

---

**From:** JO Shaw <JOShaw@olivetministries.org>  
**Sent:** Saturday, August 31, 2013 11:57 AM  
**To:** Jose Ribeiro  
**Subject:** We are opposed to Xanterra developing Kingsmill green space

Dear Mr. Ribeiro,

We have been residents of Kingsmill and JCC since 1990, and have loved living in a community that values green space to such a high degree. We ride bikes on the Kingsmill paths and also on the County Road on a regular basis for exercise and for enjoying the wooded environment void of development.

It would be a great tragedy to allow re-zoning of those green areas for housing and other resort development. It will surely devalue our community and take away the enjoyment that so many Kingsmill residents receive from using these wooded, undeveloped areas.

We strongly oppose any Xanterra proposed changes in the zoning of these areas from recreational to one that allows development of more homes and subdivisions.

Thank you for your consideration of this matter!

James and Patricia Shaw

113 Abigail lane

Williamsburg VA 23185

757 2537751

## Jose Ribeiro

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**From:** Sharon Shires <sharonshires@yahoo.com>  
**Sent:** Monday, September 02, 2013 4:44 AM  
**To:** Jose Ribeiro  
**Subject:** Appt to discuss Kingsmill as a resident

Dear Sir:

We have fear that the value and decline of our community is in danger of decline.

If you have time, would you consider meeting us in our small neighborhood in Kingmill instead of individual appointments? We are in Wickhams Grant area off Warehams Pond road. We would meet in our home. Thank you. 108 Thomas Cartwright

Col.Charles (Doug) & Sharon Shires  
757-229-3210. Cell. (Sharon)652-1625

## Jose Ribeiro

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**From:** Paul Holt  
**Sent:** Tuesday, September 03, 2013 8:14 AM  
**To:** Jose Ribeiro  
**Cc:** Christopher Johnson  
**Subject:** FW: Xanterra Development Proposal for Kingsmill !!  
**Attachments:** JCC Kingsmill Development Letter.docx; ATT00001.htm

**From:** Robert Middaugh  
**Sent:** Friday, August 30, 2013 5:28 PM  
**To:** Paul Holt  
**Subject:** Fwd: Xanterra Development Proposal for Kingsmill !!

Robert Middaugh  
County Administrator  
James City County  
Sent from my iPad

Begin forwarded message:

**From:** "Keith E. " <[radiobug@verizon.net](mailto:radiobug@verizon.net)>  
**Date:** August 30, 2013, 5:27:58 PM EDT  
**To:** <[jccboard@jamescitycountyva.gov](mailto:jccboard@jamescitycountyva.gov)>  
**Subject:** Xanterra Development Proposal for Kingsmill !!

Dear Board of Supervisors !!

Please see the attached letter with our comments regarding the proposed Xanterra project to further develop Kingsmill. Thank you for your consideration !!

Keith and Linda Engelmeier  
117 Captaine Graves  
Williamsburg  
757 253-6920  
[radiobug@verizon.net](mailto:radiobug@verizon.net)

## Jose Ribeiro

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**From:** Scott Eklind <seklind@yahoo.com>  
**Sent:** Tuesday, September 03, 2013 8:33 AM  
**To:** Jose Ribeiro  
**Subject:** Kingsmill

As a resident of the Kingsmill neighborhood I would like to express my opposition to Xanterra's proposed zoning changes to some of the Kingsmill areas currently zoned recreational.

These areas also act as green spaces and buffers for the neighborhood.

I do use the old Carter's Grove Road, and I always see other walkers, runners, and bikers using the area as well.

If it is accurate that Xanterra is attempting to claim the golf courses are adequate green spaces for neighborhood, I would like to remind you that the golf courses are a part of Xanterra's business, and that what is convenient for them to call "green spaces" today, will be called "private property" tomorrow when that definition suits the management of Kingsmill Resort.

There is simply no reason that Kingsmill residents want a change to the Master Plan.

Thank you for your time.  
Scott Eklind  
204 William Claiborne  
Williamsburg, VA 23185-6527

**Jose Ribeiro**

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**From:** Michael McGurk <mcgurkm@hotmail.com>  
**Sent:** Tuesday, January 14, 2014 3:12 PM  
**Subject:** Xanterra Town Hall Meeting - 21 JAN at 7 PM

Information put out by KCSA and Xanterra

**Xanterra Town Hall Meeting**

Xanterra will host a town hall meeting in the Burwell Plantation Room at the Kingsmill Resort at 7 p.m. on Tuesday, Jan. 21. At this session, the community will receive an update on the status of club membership and the proposed additional development of the Kingsmill residential area. This meeting is open to all Kingsmill residents.

~~~~~

I do not know if they have any updates sine the NOV 21 meeting other than to say they formally filed with JCC o/a 13 DEC.

Jose Ribeiro

From: Paul Holt
Sent: Wednesday, November 27, 2013 8:45 AM
To: Jose Ribeiro
Cc: Christopher Johnson
Subject: FW: K-MU meeting with Planning Tim/Robin

From: Michael McGurk [<mailto:mcgurkm@hotmail.com>]
Sent: Tuesday, November 26, 2013 6:18 PM
To: Robin Bledsoe; Tim OConnor
Cc: Paul Holt; Clifford Firstenberg
Subject: K-MU meeting with Planning Tim/Robin

Robin/Tim:

How does Tuesday, 3 DEC at 1700 hours sound? JCC Buildings?

K-MU will have myself and Cliff Firstenberg present.

Let me know if that works or what your proposed alternative would be.

mx

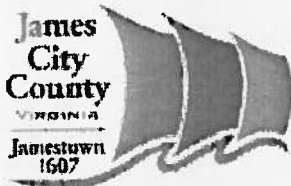
Michael McGURK
Kings-Mill United
Board of Directors

Jose Ribeiro

From: TC Cantwell
Sent: Tuesday, September 03, 2013 8:49 AM
To: Jose Ribeiro
Subject: FW: OPPOSITION TO PROPOSED ZONING CHANGE BY XANTERRA

Forwarding from the planning inbox.

TC Cantwell
Development Management Assistant



P: 757-253-6685
F: 757-253-6822

From: GBHAN@aol.com [<mailto:GBHAN@aol.com>]
Sent: Friday, August 30, 2013 11:22 AM
To: Jose Ribeiro
Cc: Planning
Subject: OPPOSITION TO PROPOSED ZONING CHANGE BY XANTERRA

Daer Mr. Riberio,

My name is Gerald S. Hanley. My wife and I reside at 108 Captaine Graves in the Kingsmill community. I am writing to request that the planning commission not grant a change in zoning along the Country Road as proposed by the Xanterra organization.

My home is quite close (about 500 yards) to the green space enclosing the Country Road. This green space is an important part of the buffer between our community and the industrial/commercial zone which includes the Busch brewery and Busch Gardens. We already live with truck noise from the brewery and with crowd, ride, and event noise from Busch Gardens. Further development within the existing buffer will only add to this environmental impact.

Development along the Country Road will remove an important recreational feature for the community. I frequently walk this trail which in its current state provides an opportunity to enjoy the relative peace of a woodland. It also gives one a sense of the historic nature of our area. Once this is gone it cannot be replaced.

As you may be aware much of the alternative "green space" in Kingsmill is Kingsmill Resort property (e.g. the golf courses and waterfront areas). Kingsmill Resort has recently announced plans to block access to all resort property by non-members of the resort. This will exclude a high proportion of Kingsmill residents. It argues to retain whatever alternative recreational green space currently in the community.

We purchased our home in Kingsmill twelve years ago. An important part of our decision was the existence of the green spaces in the original master plan. It was represented to us that part of the original decision by the county to permit the construction of the Kingsmill community, the brewery and Busch Gardens was a commitment by the developer to the county to preserve the green spaces in the plan. I trust the planning commission will carefully consider and support this original intent in its decision.

I also ask the commission to consider the Xanterra application in the broader context of development in area of Williamsburg/James City County surrounding the Kingsmill community. We have seen the area on Route 199 developed for a shopping center (e.g. Harris Teeter) and Riverside Doctors Hospital; and have the expectation that the Quarterpath

Road project in Williamsburg will move ahead. Once completed there will be little accessible green space left in this part of the county.

I urge you to consider the wishes and recreational needs of residents of the county versus the commercial interests of this developer.

Very truly yours,

G.S. Hanley
757-564-7824

Jose Ribeiro

From: Shbarnerinc <shbarnerinc@aol.com>
Sent: Tuesday, September 03, 2013 11:11 AM
To: Jose Ribeiro
Subject: Kingsmill MP Revision

Mr. Ribeiro, Thank you for taking time to meet me last week and discuss the Revisions to the Kingsmill master plan. As we discussed I am in opposed to the plan to remove the green space Between the Brewery and Kingsmill. This is the largest Industrial complex in JCC and as such requires special consideration with any future development. I understand you made a site visit on Friday, and wanted to point out that the plant was shutdown for the holiday weekend, and was not very Noisy on this particular day. In general there is Noise from the Plant that comes from both the Machinery and the Truck Traffic, as the back side of the plant adjacent to the country road is now a truck storage area, and during the night we can hear the truck traffic along with the Plant noise. There are also Lights at night that are visible .

There is also noise from the Busch Gardens, Concert noise, Train noise, Ride noise, and Fireworks, all able to be heard at night. This is even worse when the leaves come off the trees. Additionally there is noise from Ramparts Packing in The McLaws circle area.

I walk on the country road, and am concerned that development of this area will ruin this one of a kind community asset.

I also question if this is in fact a revision to a Master Plan or in fact a New Plan ? When Busch did the original development, all of the moving parts were owned by Busch and the community was layed out to make sense, Green space was provided as need to isolate all of the areas and make a unified community in light of the proximity of the Plant, the Park and the Industrial Space with the Residential Community, How can we now at this time make Changes that affect so many Homes ? What if the Plant decides to enlarge and ther is more Noise and Light ?

closing could you provide me with the name and address of the applicant so That I can contact them and share my concerns. Thank you again for your time.

Scott Barner 17 Bray Wood , Williamsburg. 757 253 1500

Jose Ribeiro

From: JOHN NILAND <j.niland@me.com>
Sent: Friday, November 15, 2013 6:48 PM
To: Jose Ribeiro
Subject: Re: Kingsmill - Mr. Niland

Jose

Thanks. You guys are super!

John

John Niland
J.Niland@me.com
Cell 757-525-1107
Home 757-345-5916

On Nov 14, 2013, at 10:34 AM, Jose Ribeiro <Jose.Ribeiro@jamescitycountyva.gov> wrote:

Mr. Niland,

Please find attached the PDF copies of the plans you requested. If there are any others you require please let me know.

Best,

Jose Ribeiro

TC Cantwell
Development Management Assistant

<image001.gif>

Development Management
101-A Mounts Bay Road
Williamsburg, VA 23185
P: 757-253-6685
F: 757-253-6822
jamescitycountyva.gov

<JOSE_Plan_01.PDF>

<JOSE_Plan_02.PDF>

<JOSE_Plan_03.PDF>

Jose Ribeiro

From: Andrew Lloyd-Williams <alw@homescope.com>
Sent: Thursday, November 21, 2013 10:06 PM
To: Gary Raymond
Cc: Jose Ribeiro
Subject: Effect of Proposed Kingsmill Master Plan Amendments on Noise Levels in Kingsmill

Gary,

At this evening's presentation, I referred to the sound of screams, train whistles, concerts and fireworks emanating from Busch Gardens and asked you whether you have considered hiring a noise expert:

1. to measure current levels of this noise at Kingsmill residences close to Busch Gardens;
2. to estimate the increase in this noise at those residences if a large part of the buffer zone behind the Warehams Pond Rec Center were to be cleared for proposed new roads and lots, bearing in mind that Captaine Graves neighbors reported that noise levels increased considerably when the Rec Center land was cleared;
3. to estimate the likely noise levels that would have to be endured by residents at the proposed new lots close to Busch Gardens;

You answered in the affirmative -- that you are talking with an expert on these issues. Moreover, in your answer to another question, you said that this expert had already done other similar studies for Busch Gardens.

In the interests of openness and transparency, I would appreciate if you could let me have the name of the expert you are talking to, what his credentials are, and when we might expect to see his report on the above issues.

I am also copying this email to Jose Ribeiro at the James City Planning Commission as I believe that these are issues that should also be considered by JCPC in reviewing the application.

Andrew Lloyd-Williams
120 Captaine Graves

Jose Ribeiro

From: lucinda ritter <cindylou18@me.com>
Sent: Friday, November 22, 2013 10:15 AM
To: Jose Ribeiro
Cc: John McGlennon
Subject: Kingsmill Master Plan amendment

Dear Mr. Ribeiro,

Yesterday, I attended the developer, Winding Roads' presentation of their latest proposed changes to the development along Carter's Grove Country Road.

I am confused by their assertion that the Country Road was "never zoned as open space" or special use or as a buffer corridor to be maintained as set forth in the Master Plan. I have looked at the Master Plan and see that the Country Road was clearly marked either as a Scenic easement or landscape protection zone in the drawings. It was never shown to include potential residential development in the plans I was shown at the JCC offices.

How can a subsequent owner now say that he can build on what was meant to be at least scenic buffers? At the meeting, Mr. John Nyland, resident, asked this question as to the intent of the original developer and the Master Plan and the response was that it was never "protected". Seems as if the Master Plan is subject to manipulation at the whim of development regardless of what was proposed, and agreed to before. Why bother having zoning ordinances and county plans if there is no enforcement of their intent?

Thanks for your explanation.

Sincerely,

Lucinda Ritter

Jose Ribeiro

From: Michael McGurk <mcgurkm@hotmail.com>
Sent: Thursday, December 05, 2013 8:04 AM
To: Jose Ribeiro
Subject: New Xanterra Plans

Jose:

Please send the files to me at this address and also to michael.McGurk@gmail.com I will make sure they get some distribution. People are already asking.

Thanks for your efforts.

Can I pick-up the notebook hard copy on Friday afternoon? I would also like a hardcopy of the large map. Happy to pay fees if required but request they be waived.

thx

Michael

Kings-Mill United

Jose Ribeiro

From: Michael McGurk <mcgurkm@hotmail.com>
Sent: Tuesday, December 10, 2013 4:01 PM
To: Jose Ribeiro; Michael Woolson
Subject: VA Gazette: VMRC denies Kingsmill boardwalk proposal

From: clangley@vagazette.com

<http://www.vagazette.com/news/va-vg-virginia-marine-resources-commission-denies-kingsmills-boardwalk-proposal-20131210/0,2046259.story>

Jose Ribeiro

From: Michael McGurk <mcgurkm@hotmail.com>
Sent: Friday, December 13, 2013 1:44 PM
To: Jose Ribeiro
Subject: Kingsmill Proposed Master Plan posted on Kingsmill real estate website

<http://www.kingsmill.com/real-estate/proposed-master-plan-amendment/>

with all tabs and attachments

Jose Ribeiro

From: Michael McGurk <mcgurkm@hotmail.com>
Sent: Wednesday, January 22, 2014 9:08 AM
To: Clifford Firstenberg; David Graham; JOHN NILAND; Rubyjean Gould; Jose Ribeiro
Subject: Xanterra - Riddle me this Batman!
Attachments: Open Space In Kingsmill - 1984 modified.JPG; Open Space In Kingsmill - Xanterra Plan.JPG; Xanterra 2013 Tab 8 - Exhibits -Exhibit 1 – Current Development and Master Plan Designations Exhibit 2 – Master Plan Amendment.pdf

OK if you remove the Bray golf course, develop a new "Lazy River" pool, plan 18 cottages, develop another community on the golf course, expand the James River Grill, make all the "community areas" such as the plantation, soccer field, RV lot Xanterra private property, close the resort and all the golf courses to the public, how can the "OPEN SPACE" for the community go up?

From the 1984 Plan (provide on the Xanterra website)

3,470 acres, R4 2300 acres, 993 open space Resort 37 acres, Golf course 315 acres

Now in 2013:

Resort drops from 37 to 35 acres?

Now the Country Road Area 1,3,5-8 have 47 acres added? Isn't that double counting the R4 area?

Golf courses now goes to 347 from 315? 28 more acres after closing the Bray Par 3?

Were are the 13.2 acres of neighborhood recreation space? The 3 community centers?

The math is not quite right.

I think the Xanterra plan gives them too much credit for changes and open space that is not there.

Am I missing something?

Jose Ribeiro

From: TC Cantwell
Sent: Tuesday, February 25, 2014 8:35 AM
To: Jose Ribeiro; Christopher Johnson
Cc: Paul Holt; Allen Murphy
Subject: FW: Xanterra plans

Sent to Planning inbox

TC Cantwell
Development Management Assistant

P: 757-253-6685

F: 757-253-6822

-----Original Message-----

From: Anne [<mailto:asullivan@widomaker.com>]

Sent: Monday, February 24, 2014 10:04 PM

To: JCC Board

Cc: Planning

Subject: Xanterra plans

To the supervisors and planning commission:

I want to add my voice to those who oppose the plans of Xanterra to build in Kingsmill on land that will infringe on the Country Road. I am sure that many residents more eloquent than I have told you about the country road, the acre of endangered wildflowers, the other reasons for not encroaching on that area.

I think it would be more than sad to see this area of natural beauty and wildlife compromised by Xanterra's plans for houses and condos. Apart from that, the fact that Xanterra is planning to build up against the Brewery property, and the likelihood that the potential residents of those properties will be pretty upset when they discover what it is like to live in the shadow of a brewery or a theme park concerns me. I live in Warehams Point in Kingsmill, close to the Brewery and Busch Gardens, but there is certainly noise, especially in the summer. My property is buffered by trees that are likely to be taken down when Xanterra develops according to their plan. I would not want to be any closer to the Brewery or Busch Gardens than I am.

My sense of Xanterra's plans (and I have voiced this to some of the people concerned) is that they own the property and they think that they have the right to develop it regardless of the impact on the environment, and on the potential satisfaction of the people to whom they sell the newly developed properties, not to mention the satisfaction of current residents. I would like to think that you as representatives of the people who live in JCC would prefer to represent their interests over the interests of large developers who want to make money at the expense of citizens of JCC (many of whom are probably expressing their feelings to you about this issue).

Thank you so much for your attention!

Dr. Anne K. Sullivan

113 Warehams Pt, Williamsburg, 23185

159 Jefferson's Hundred
Williamsburg
Virginia 23185

6 Dec 2013

To: Mr Jose Ribeiro, Senior Planner, JCC

Dear Mr Ribeiro,

Would you please give copies of the attached letter to the members of the JCC Planning Board, urging them to deny changes to the Kingsmill Masterplan.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "J.D. Adams", with a horizontal line drawn underneath the name.

James D Adams

159 Jefferson's Hundred
Williamsburg
Virginia 23185

6 Dec 2013

To: The James City County Planning Board members

Dear Ladies and Gentlemen,

I am writing this letter to you on a premise that your writ in the James City Council administration is to protect the citizenry from rapacious developers and to ensure an harmonious development of the community for the "greater good".

When my wife and I came to Williamsburg in 1998 and were shown the Masterplan at Kingsmill, the realtor proudly displayed a depiction of the plan hanging on the wall of the resort. The extensive areas of greenery and conscious decision to avoid crowding of living space; the "what you see is what you get" philosophy is what decided us to buy, at a premium over otherwise equivalent housing outside of Kingsmill, our home here.

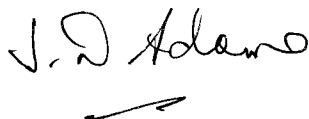
We are just one family out of about 2500 who live here and who, cumulatively, have invested (at a guesstimate) about 1 billion dollars.

Now we see that the current owners of the resort are not interested in our investment but only maximizing their own, reportedly, less than 50 million dollars investment in buying the resort. They have started construction of luxury "cottages" along the waterfront, blocking out the view from their own dining room at the resort and are starting to develop 30+ homes on the 18th hole of the Plantation golf course out towards the 16th hole of the River course, thus changing forever the existing magnificent view we were all shown when we were contemplating our purchase.

Now Xanterra wants to change the Masterplan to allow for even more destruction of our "habitat". They keep adjusting the numbers to try to get something you will support. It is the old Trojan Horse trick of getting their foot in the door for future changes (such as homes on 4 holes of the Woods course). Current plans envisage visual buffers of only 75ft—less than the distance from pitcher's mound to home plate!

Where is all this going to stop? Well, my request is that it should stop with you by denying their request. The "private good" for Xanterra should not trump the "greater good" of the resident community. The Masterplan was approved for a purpose. I have seen nothing in their proposals that would improve on that purpose.

Yours sincerely, James D Adams

A handwritten signature in dark ink, appearing to read "J. D. Adams", with a horizontal flourish underneath.

120 Captaine Graves
Williamsburg, VA 23185

Mr. Jose-Ricardo Linhares Ribeiro
Senior Planner II
James City County Planning
101-A Mounts Bay Road
Williamsburg, VA 23187

PLANNING DIVISION

January 24, 2014

JAN 30 2014

Re: Kingsmill Rezoning and Master Plan Amendment
James City County No. Z-0003-2013/MP-0001-2013

RECEIVED

Dear Mr. Ribeiro,

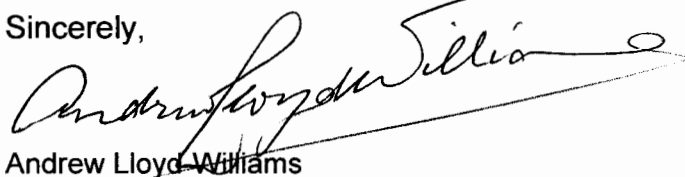
I wrote to you on December 19, 2013 requesting that JCPC decline to proceed further with the above referenced application until such time as a report by a properly credentialed noise expert has been completed and made available for consideration by the public. I had sent an email to Mr. Gary Raymond immediately after a public meeting held on November 21, and copied to you, at which Mr. Raymond had assured the audience that he had already hired a sound expert, and that a report was already in preparation. At that time the Busch Gardens park was open.

In the latest open meeting held on January 22, Mr. Raymond stated: *"I believe I was misquoted and I may have said something that I didn't mean to say the last time we spoke"*. He added that his view is now that *"we like to look at it on the basis of logic rather than doing a stupid sound study when the park is closed"*. If Mr. Raymond really felt that I had misquoted him, he had ample time to set the record straight, especially since my email to him and to you was sent only a few hours after the meeting at which he had given the assurance that a noise study was being conducted.

According to his remarks at this latest meeting, Mr. Raymond's "logic" is that almost all sound from Busch Gardens emanates from a single point source, that being the railway crossing just west of the Beer Hall. From this "logic" he asserts that, since the proposed new homes are all more that 1000 feet from this point, there will be no impact from the proposed development on existing homes.

I sincerely hope that JCPC will not be taken in by this "logic". One of the major noise components is screams from the roller coasters. The proposed development lies directly in the path of the noise from the roller coasters to many existing homes. Moreover, since many of the screams emanate from some height, there is little to attenuate the sound other than the tall trees in the area of the proposed development. Cutting down these trees could result in a catastrophic increase in the noise, not only to existing homes but also to the proposed new homes. I believe that, if JCPC were to give its support to the proposed Master Plan amendments in this area without further expert analysis, that would be a gross dereliction of the Commission's responsibility to both current and future residents of James City County.

Sincerely,



Andrew Lloyd Williams

**120 Captaine Graves
Williamsburg, VA 23185**

Mr. Jose-Ricardo Linhares Ribeiro
Senior Planner II
James City County Planning
101-A Mounts Bay Road
Williamsburg, VA 23187

PLANNING DIVISION

DEC 31 2013

RECEIVED

December 19, 2013

Re: Kingsmill Rezoning and Master Plan Amendment
James City County No. Z-0003-2013/MP-0001-2013

Dear Mr. Ribeiro,

I have read the above mentioned submission to you, dated December 2, 2013, on behalf of Xanterra Kingsmill, LLC. This submission states that the plans have been changed in response to feedback received at public meetings, but nowhere in the submission is there any explicit reference to the many concerns expressed by Kingsmill residents about removal of the trees between Warehams Pond Road and Busch Gardens, that currently provide a limited buffer against noise from the theme park.

At both of the latest public meetings held on November 21, 2013, there were multiple concerns expressed about screams (from roller coasters), train whistles, concerts, public announcements and fireworks emanating from Busch Gardens, and that removal of many of these trees could change the noise from a mild annoyance to an unacceptable nuisance for some residents.

At the second of those two meetings on November 21, I asked Mr. Gary Raymond whether he had considered hiring a noise expert:

- to measure current levels of this noise at Kingsmill residences close to Busch Gardens;
- to estimate the likely increase in this noise at those residences if a large part of the buffer zone behind the Warehams Pond Rec Center were to be cleared for proposed new roads and lots, bearing in mind that Captaine Graves neighbors reported that noise levels increased considerably when trees were removed to build the Rec Center;
- to estimate the likely noise levels that would have to be endured by residents at the proposed new lots close to Busch Gardens.

Mr. Raymond answered that he had already hired such an expert and, in response to another question, he added that the expert he had hired had already undertaken similar studies in the past.

I followed up with an email to Mr. Raymond that same day asking for details of this expert, and also copied that email to you. To date, I have not received any reply.

Given Xanterra's expressed policy of openness and transparency, I am concerned that the report on noise issues, which Mr. Raymond affirmed was in preparation on November 21, has not been produced, and that it may have negative implications for the proposed Master Plan amendments. I would ask that JCPC decline to proceed further with this application until such time as the promised report by a properly credentialed noise expert, and addressing at least the issues that I have raised above, has been completed and made available for consideration by the public.

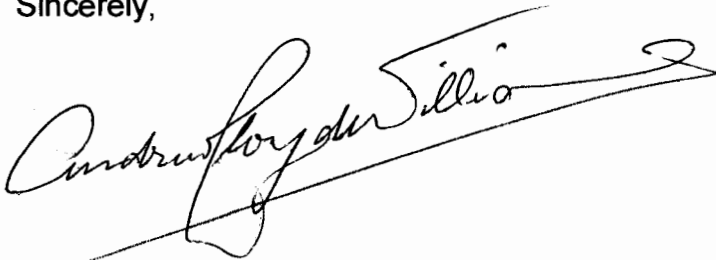
I would also like to address the subject of the Fiscal Impact of the proposed development on James City County, which is of concern to us all. In the Assumptions on Tab 7, Section 2(g) of Xanterra's submission, it is stated that the Average Expected Market Value of the 81 Single Family Detached homes is \$639,135. The plans show that all but 11 of these 81 homes would be built on small lots in close proximity to Busch Gardens.

The conditional proffers offered with the submission include "Theme Park and Brewery Acknowledgements". While these declarations, attached to the sale of new homes, may be deemed legally sufficient, any realtors showing such new homes would surely be ethically obliged to refer to the many complaints about the noise from current residents, especially if the showing takes place when the park is not fully operational. In the circumstances, it seems that this rather precise number of \$639,135 might be unreasonably high.

If actual values proved to be some 25% lower, the net Fiscal Impact to James City County would become negative. Moreover, if both the additional development and the increased noise has the effect of depressing values of existing homes, as seems very likely, any future reappraisals of existing homes may have to be reduced accordingly.

I would therefore suggest that JCPC seek a realistic assessment of the likely market values of the proposed new homes from several prominent local realtors who are willing to publicly attach their own good names to their forecasts. As you know, Kingsmill Realty is owned by Xanterra and could be perceived to be subject to undue influence in this matter.

Sincerely,

A handwritten signature in black ink, reading "Andrew Lloyd-Williams". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Andrew Lloyd-Williams

Cc: Mr. Vernon M. Geddy, III

10/9/13

To: James City Co. Planning Commission

I am writing not just as a Kingsmill resident but also as a citizen of James City Co. and the Williamsburg area. The James City Co.-Williamsburg area has been working so hard to retain a sense of community and retaining as much as possible the natural beauty and environment which enhances the quality of life here. Busch was aware of their responsibility to this end by preserving the integrity of the residents of Kingsmill and supporting the Williamsburg community in many ways.

The new owners, Xanterra, bought the land and should have certain rights to do what they please. But don't the residents deserve to have the quality of life and the natural environment that they paid dearly to obtain in Kingsmill and to preserve for future residents? I respectfully request that you deny this over development of sensitive areas. Without natural environmental areas, those who already live in the area will be subjected to additional noise and pollution and destruction of wildlife. Also possibly it will affect other areas as well.

I can't imagine that Xanterra needs the money so badly that they ignore their responsibility to the community, residents and the environment. Sadly, it seems that greed and the quest for more money has priority over anyone or anything else.

Thank you for your time.

Donna Malvin

Kingsmill

• Is there a petition which is being distributed
to the Kingwill owners to say
yes or no
to the proposed plans?

• Are there any wetlands through x/over
around the old county road?

• Are there any Indian sacred grounds
around / through any of the proposed
land to be further developed?

PLANNING DIVISION

SEP 06 2013

RECEIVED

Thank you,

Cherie Moravati, M.D.

302 Arden Road

cell 757 910-5001

Mr. Jose Ribeiro:

sorry to miss you — home 757 253-7745

September 9, 2013

Mr. Jose Ribeiro
Senior Planner
JCC Planning Commission
101 Mounts Bay Road
Williamsburg, VA 23185

PLANNING DIVISION

SEP 13 2013

RECEIVED

Dear Mr. Ribeiro:

Thank you for meeting with me on Monday morning, August 26. I have reviewed the plat for the Xanterra application for rezoning land abutting the current Kingsmill development with my wife and several neighbors.

Please consider the attached comments when preparing the Planning Commission recommendations for action by the James City County Board of Supervisors.

As I am sure you are aware, a number of current Kingsmill residents are extremely concerned about the prospect of new and extensive development within Kingmill.

Sincerely,



Charles O. Horton
2 Bray Wood Road
Williamsburg, VA 23185

Enclosure: Comments on Xanterra's application for rezoning portions of land abutting the Kingsmill development

September 9, 2013

General

1. We have lived at 2 Bray Wood Road since March of 1988, over 25 years. We have seen dry periods, hurricanes, rainstorms and heat waves. If modification to the original development plan for Kingsmill is approved, the loss of natural habitat to absorb rainfall is a serious concern. The ravine behind our house, abutting our property, has seen the streambed level drop at least 10' of elevation in the 25 years we have lived here. Development upstream, with an increase in runoff and likely added pollution from parking areas and lawn fertilization are counter to efforts to restore the health of the bay and river waters.
2. Additional development in communities like Williamsburg and James City County is necessary to accommodate growth and generally speaking, construction of high end residences should increase the county tax base. However, if much of the development proposed by Xanterra is seen as cheapening Kingsmill and reducing the desirability of living there, existing property values will fall and the property tax base will be eroded rather than increased. As originally conceived and approved, Kingsmill is a quiet, wooded community that is a pleasure to come home to, whether from work or a vacation elsewhere. Increased traffic on the roads, which will result from denser housing, and denuding of the landscape for construction of houses and condominiums will substantially alter the character of Kingsmill. We like the current character of Kingsmill as a development that co-exists with resort guests, deer, eagles and other wildlife.
3. Nothing disclosed to date indicates what quality of housing is intended for the requested amendments. Approval of any portion of the requested amendment should be contingent upon requiring any housing to be built consistent with current Kingsmill properties and covenants. Proposing to build housing adjacent to a brewery, amusement park and an industrial park is inconsistent with current Kingsmill standards and living conditions.

Specific

1. The following comments refer to the plot plan for the Kingsmill proposed master plan amendment, project number 7753-28:
 - a. Amendment areas 6 and 7 (20 single family homes): These areas are unsuited to development consistent with the rest of Kingsmill because they are too close to the Busch Corporate Center, the brewery, the CSX railroad tracks and Busch Gardens. Where we live at 2 Bray Wood, we can hear noise from all of them. Loss of foliage would no doubt increase the noise level at our home. The current noise levels experienced are not constant and are not particularly objectionable, but we would not like to see them get worse.
 - b. Amendment area 1 (30 townhomes): This area is quite close to the brewery. Comments for "a" apply. In addition, the brewery is brightly lighted at night and any

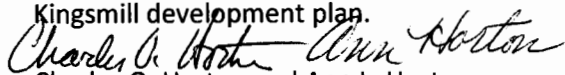
Comments on Xanterra's application for rezoning portions of land abutting the Kingsmill development

residences would be illuminated by brewery lights all year long. We can see bright brewery lights from our street in fall and winter months.

- c. Amendment area 2 (11 single family and 96 condo units): This area is also quite close to the brewery. I would not purchase a home or condo there for the reasons noted in "a" and "b" above.
 - d. Amendment area 5: The narrow strip abutting Busch Gardens would be subject to the same noise concerns noted above.
 - e. With respect to other areas not commented on, we are not directly affected or are not sufficiently familiar with the topography of the land to make a specific comment. We do however recommend against any development which increases runoff and pollution of waterways. Loss of habitat for endangered species (specifically bald eagles) and loss of the natural buffer with nearby industries is a serious concern.
2. A walk along Southall Road, Warehams Point Road, and Kingsmill Road will readily show that there is noise from the Brewery and the CSX railroad. An internet search will lead one to study reports about the effect of forests in reducing sound transmission. The most effective attenuation is from a dense forest with ground level bushes. To have much effect, 100 meters or so of forest is needed. Building housing in the areas cited above will substantially destroy any noise attenuating properties of the existing woodlands.
 3. Most of the areas proposed for development are heavily wooded and have ravines and gullies. To be buildable, extensive grading and filling will be required to put in roadways and parking, as well as water and sewer lines. Whether 45% is "open space" as assumed by the plan note is open to question.

Summary:

We recommend disapproval of Amendment areas 1, 2, 6, and 7 as well as the portion of area 5 abutting the brewery and Busch Gardens. We do strongly object to the loss of animal habitat and increase in runoff if additional housing construction is permitted in any areas not included in the currently approved Kingsmill development plan.


Charles O. Horton and Ann L. Horton

2 Bray Wood Road



PLANNING DIVISION

SEP 05 2013

RECEIVED

September 4, 2013

Dear Don Ribeiro

As a 35 year resident of Kingsmill, I would like to add my voice to those opposing the proposal of Xanterra to build single family town homes, condos, 16th fairway homes, Wood Course and Country Road homes etc.

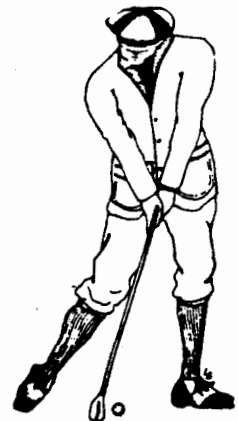
For so many reasons these plans would completely change (to my mind destroy) the wonderful feel of this beautiful historic tract of land, and negatively impact the environment.*

I would appreciate if you would please do everything in your power to stop Xanterra in this destructive expansion. Thank you.

Sincerely

Harvey W. Sherman

* Natural buffers (which would be removed) preserve nature, open space and wildlife corridors and buffer noise.



and Busch Gardens - construction of
a new school - connecting roads to
existing ones. More water & sewer
lines for which the county will end
up paying.

I hope the planning commission
makes a wise decision to vote no -
Sincerely, Joan V. Sartin

9-10-13

Dear Mr. Ribeiro -

Thank you for explaining
the Xanterra proposal to
me today. You made

PLANNING DIVISION

SEP 13 2013

RECEIVED

it possible for me to understand
the scope of the zoning change
proposal.

I am totally opposed to any
change in the zoning. What the
county might gain in taxes
would be more than offset by
the loss of a buffer to the brewery.



The Center for Conservation Biology

The College of William & Mary
and Virginia Commonwealth University

24 February 2014

P.O. Box 8795
Williamsburg, VA
23187-8795

Phone
(757) 221-1645

Fax
(757) 221-1650

E-mail
conbio@wm.edu

Dr. Bryan D. Watts
Director
(757) 221-2247

Dr. Mitchell A. Byrd
Director Emeritus
(757) 221-2236

Web address
www.ccb-wm.org

Mr. Vernon Geddy III
Geddy, Harris, Franck & Hickman
1177 Jamestown Road
Williamsburg, Virginia 23185

Dear Mr. Geddy,

I am writing on behalf of The Center for Conservation Biology to express our concern about maintaining the ecological integrity of Grove Creek. We are concerned that long-held commitments by the previous owners of this property are being undermined by current plans for rezoning. As you are aware, the watershed supports a sensitive plant community that is uncommon within the region. In addition, the drainage has been the focus of a bald eagle breeding territory since the early 1990s. The creek mouth supports a communal roost of bald eagles including up to 50 individuals during the summer period. We would like to see the integrity of the site remain intact if at all possible.

We believe that Xanterra could set an example of environmental stewardship for the region by protecting the watershed.

Thank you for your consideration. If I may provide additional information, please let me know.

Sincerely,

Bryan D. Watts, Ph.D.
Mitchell A. Byrd Professor of Conservation Biology
Director, Center for Conservation Biology

Jose Ribeiro

From: Tylerandal2@aol.com
Sent: Wednesday, February 26, 2014 10:52 PM
To: vgeddy@ghfhlaw.com
Cc: Jose Ribeiro; dmeware@verizon.net
Subject: Kingsmill environmental concerns

Dear Mr Geddy,

26 February 2014

I am writing to express my concern for the environmental issues raised by botanist Donna Ware with regards to your client Xanterra's proposed amendment to the Kingsmill Rezoning and Master Plan. As a certified Virginia Master Naturalist, and active member of that large regional and statewide organization, and as President of the Williamsburg Bird Club, I wish to speak for my concerns and those of many of my concerned associates.

First of all, I would commend Xanterra and Winding Road Development for entering into a dialog with Mrs. Ware on possible measures to minimize impact and damage to areas supporting unique and biologically important botanical resources. As well as the loss of irreplaceable species and the unique habitat which supports them, with such a loss there is often an accompanying ripple effect which degrades other critical aspects of our environment. Without adequate buffers, the problems of erosion and contaminant runoff into wetlands are likely to badly degrade or destroy this unique ecosystem. I truly hope that Mrs. Ware's concerns can be adequately addressed. It is commendable that your client and the developer are willing to consider being pro-active in preventing irreversible losses.

The 26 February 2014 issue of the Virginia Gazette notes that "Xanterra has offered to replace the part of the Country Road trail affected by the development with sections of new, 8-foot wide, paved multi-use trail". An additional consideration is that impermeable surfaces significantly increase runoff into the wetlands and associated estuaries, and that permeable surface trail might be an economically comparable substitute for the paved surface, and help to reduce disturbance to the protected areas. If the additional disturbance of clearing land for the trail is necessary, I would ask if the alternative of a semi-permeable trail surface could be considered.

I fully endorse Ms. Ware's concerns and am following, as are many of my associates, further progress of the development plans and their potential impact, or mitigation of that impact, on our environment. My thanks to you and your client for your consideration of the above concerns.

Sincerely,

Geoffrey N. Giles

Virginia Master Naturalist

President, Williamsburg Bird Club

Jose Ribeiro

From: Nancy Vehrs <nvehrs1@yahoo.com>
Sent: Wednesday, February 26, 2014 3:40 PM
To: vgeddy@ghfhlaw.com
Cc: Jose Ribeiro
Subject: Xanterra Kingsmill Rezoning and Master Plan Amendment
Attachments: VNPS Xanterra - Grove Creek Letter.pdf

Dear Mr. Geddy,

Please see the attached letter from the Virginia Native Plant Society (<http://www.vnps.org/>) in support of Dr. Donna Ware's February 23 letter to you regarding the Xanterra project request for the Kingsmill rezoning and Master Plan amendment. We would appreciate your serious consideration.

Sincerely yours,

Nancy Vehrs
President, Virginia Native Plant Society
<http://www.vnps.org/>



VIRGINIA NATIVE PLANT SOCIETY

Conserving Wild Flowers and Wild Places

February 26, 2014

Mr. Vernon Geddy III
Geddy, Harris, Franck & Hickman
1177 Jamestown Road
Williamsburg, Virginia 23185

RE: Xanterra Kingsmill Rezoning and Master Plan Amendment

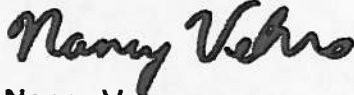
Dear Mr. Geddy,

The Virginia Native Plant Society (VNPS) is writing in support of Dr. Donna Ware's letter to you, dated February 23, 2014, regarding the Xanterra project request for Kingsmill rezoning and Master Plan amendment. The project borders the Grove Creek natural area which is a Registry Site identified by the VNPS as containing rare habitat supporting a number of rare species and pristine ecological communities: <http://vnps.org/wp/conservation/know-your-vnps-registry-sites/>. It is critical that any development provide adequate buffers on all sides and slopes of the ravine as specifically described by Dr. Ware. Further, the VNPS hopes that Xanterra will consider Dr. Ware's suggestion that it proffer a conservation easement for the slopes and swamps of the Grove Creek watershed to ensure continued access by scientists to study important plant communities in this unique site. Taking this protective action by Xanterra would be extremely well-received by the entire conservation community.

The Virginia Native Plant Society is a non-profit organization with more than 2,000 members throughout Virginia. VNPS is dedicated to the conservation of Virginia's native plants and habitats so that future generations will be able to appreciate the Commonwealth's rich natural heritage of ecosystems and biodiversity. Grove Creek natural area is a prime example of Virginia's beautiful, but sensitive natural heritage. An extensive development project so close to its borders requires adequate buffers.

VNPS hopes you will give the above points your most serious consideration.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Nancy Venrs". The script is fluid and cursive, with the first name "Nancy" written in a larger, more prominent style than the last name "Venrs".

Nancy Venrs
President

cc: José Ribeiro, Senior Planner, James City County

Keck Environmental Field Laboratory

**Room 101, Wake Drive
Williamsburg, Virginia 23187
757/221-5075, Fax 757/221-5076**

Mr. Vernon Geddy III
Geddy, Harris, Franck & Hickman
1177 Jamestown Road
Williamsburg, Virginia 23185

26 February 2014

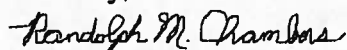
Dear Mr. Geddy,

I am writing to express my concerns regarding the proposed request for Kingsmill Rezoning and Master Plan Amendment to accommodate Xanterra's planned development. For background, I am the director of the W.M. Keck Environmental Field Laboratory at the College of William and Mary, with a Ph.D. in environmental sciences. I teach undergraduate courses in "Watershed Dynamics" and "Wetland Ecosystems". For five years I was lead investigator on a National Science Foundation-funded project entitled "Interdisciplinary Watershed Studies at the College of William and Mary".

I am fearful the Grove Creek watershed will not receive adequate protection from the proposed development. The unique watershed characteristics of the development are under-appreciated, and the environmental impacts of the development thus are grossly underestimated. Climate and geology combine to create soils to which only certain assemblages of plants are able to live. Disturb those soils by altering infiltration and runoff in and around the area and the intimate association between non-living and living components of the ecosystem is broken, and the environment becomes degraded. Species adapted to the unique local conditions are lost. Buffers are needed to protect these unique watershed environments and associated plant communities that are described in a recent DCR letter to the JCC Planning Division.

A good solution to this problem would be to create a broader buffer of at least 150' around sensitive plant environments. Additionally, Xanterra might also propose in good faith the establishment of a conservation easement for those sections of the Grove Creek watershed that cannot be developed. The calcareous Grove Creek watershed is home to an ecologically significant assemblage of plant communities and animal species that—through a few simple actions—could be spared the cruel, indirect impacts of development. Please work to take those actions.

Cordially,



Randy Chambers
Professor of Biology and Director, Keck Environmental Field Laboratory

Jose Ribeiro

From: Tom <tommarybeth@verizon.net>
Sent: Thursday, February 27, 2014 9:50 AM
To: vgeddy@ghfhlaw.com
Cc: Jose Ribeiro
Subject: Dr. Donna Ware: Grove Creek

February 27, 2014

Mr. Vernon Geddy III
Geddy, Harris, Franck & Hickman
1177 Jamestown Road
Williamsburg, Virginia 23185

Dear Mr. Geddy,

As the President of the Ford's Colony Trailblazers' Club, an organization of 200+ members, I wish to let you know that we share the concerns expressed by Dr. Donna Ware in her recent letter to you regarding Xanterra's plans for the Grove Creek watershed and fully support her position. Our club is very much involved in outdoor activities in our area as well as in supporting any and all efforts to protect our eco structure. For this reason, we are joining with Dr. Ware in her attempts to secure protection for this valuable natural resource.

Sincerely yours,
Tom Thompson,
President, Ford's Colony Trailblazers' Club

Jose Ribeiro

From: JCC Citizens' Coalition <jcc.citizens.coalition@gmail.com>
Sent: Thursday, February 27, 2014 10:19 AM
To: Jose Ribeiro
Subject: Re: Development Along the Kingsmill Country Road

Good Morning, Jose -

J4C is working to support Donna Ware in her efforts to secure protections for environmental sensitive areas within the area planned for development in Kingsmill by Xanterra. We sent the letter below to Vernon Geddy on Tuesday in support of Donna's requests. I neglected to include a copy to you. I apologize. Here is the letter we sent to Mr. Geddy for your information.

- Judy Fuss, Secretary

--

James City County Citizens Coalition (J4C)
PO Box 5322
Williamsburg, VA 23188
jcc.citizens.coalition@gmail.com
www.jcc-j4c.org

J4C is a non-profit, non-partisan organization



On Tue, Feb 25, 2014 at 8:55 AM, JCC Citizens' Coalition <jcc.citizens.coalition@gmail.com> wrote:



James City County Citizens' Coalition (J4C)

Working together to protect and preserve our environmental resources and quality of life

Mr. Vernon Geddy III
Geddy, Harris, Franck & Hickman
1177 Jamestown Road
Williamsburg, Va 23185

Dear Mr. Geddy :

The James City County Citizens' Coalition (J4C) has for some time monitored Xanterra's plans for development along the Kingsmill Country Road. Unique botanical resources exist in the areas of proposed development that will be threatened by residential building. J4C shares concerns expressed by Dr. Donna Ware, Retired Curator, College of William & Mary, that the Natural Resources Study proffered by Xanterra does not adequately protect the biologically important botanical resources in the Grove Creek Watershed. Dr. Ware has studied this area since the 1980's and is closely familiar with its unique characteristics. We support her request that Xanterra expand their offer by including a buffer at least 150' wide for any G1, G2, S1, S2 plant communities (as listed by the Department of Conservation and Recreation (DCR) in its letter of 10/7/2013 to Mr. Jose Ribeiro, James City County Planning Division) documented in Xanterra's planned Natural Resources Study. This buffer must be left undisturbed (except for invasive species eradication) between any cleared area and the ravine precipice to protect the slopes and swamps from runoff, invasive species, and hydrological changes that will endanger their survival. For these plant communities to continue, the environments that support them must also remain.

We further request that the same resource protections be provided in the area planned for future development near the Woods Golf Course. DCR has documented that sites for the rare coastal plain dry calcareous forest exist in this area on the south-facing slopes of Grove Creek below the Rhine River dam. Disturbances to either side of this ravine will impact the entire ravine. Therefore, any environmental study should also include the south-facing slopes below the Woods Golf Course. This holistic approach will result in an effective protection plan for the area.

Both of these requests are supported by Environmental Section 3 of the county's 2009 Comprehensive Plan that focuses on protection and conservation of environmentally sensitive areas, especially section 3.5 that states in part "... ensure the preservation to the maximum extent possible of rare ... species, ... and other environmentally sensitive areas."

Sincerely,

Board of Directors

John Haldeman, Co-Chair

Sarah Kadec, Co-Chair

27 February 2014

Mr. Vernon Geddy III
Geddy, Harris, Franck & Hickman
1177 Jamestown Road
Williamsburg, Virginia 23185

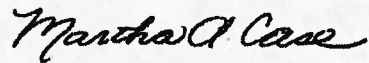
Dear Mr. Geddy,

I am writing in strong support of the letter to you by Dr. Donna Ware, expressing the need for additional protection of the fragile plant community that is located in harm's way of the Grove Creek watershed planned development. I am botanist at College of William & Mary and also the Conservator of Botanical Collections which is a position dedicated to the conservation of habitats and plant resources at the College. We too have an example of the calcareous ravine plant community that is the subject of concern, and I have spent over 20 years of research on plants that occur there. These plant communities, driven by a unique geology, not only harbor rare plant species, but all other organisms that depend on the plants such as native insects that pollinate our crops and many of the birds that visit our feeders. Sadly, there is more to know than we will ever know about these ravines, and all we can do is spot the *potential* that is there by documenting listed species.

It is well established and accepted in the scientific community that existing laws to protect watersheds and listed species, or laws that stimulate mitigation efforts to re-create habitats, most often greatly underestimate the actual biological requirements to ensure long-term protection of the resources they are designed to protect. As such, the laws themselves represent seriously biased compromises but are better than doing nothing at all. Unfortunately, the laws have pushed the focus of conservation to individual representatives of listed species instead of focusing on the importance of habitat. Plant species are not static. They disperse into new habitats and become temporarily extinct in others in dynamic processes on the landscape. A "snapshot" in time cannot capture this process. In the simplest of terms, if habitat does not exist, the species' requiring it will not either. Similarly, it is important to know that the application of uniform distances of buffer zones surrounding resource protection areas does not take into account the reality of the diverse ecological conditions that exist on the planet, and it may not capture the unique needs of particular communities.

It is with this understanding that I am urging you to support an ethical decision on this property by realizing the rarity of the *habitat* and the potential for biological complexity living within it. Take a holistic look at the idiosyncrasies of this entire watershed and seriously consider the proposal of an expanded buffer zone outlined by Dr. Ware and other knowledgeable biologists. I would hope that this is not viewed as a compromise to the "conservationists," but as an investment in the future of human sustainability on the planet. At the very least, I should think that the homeowners would take great pride in having increased biological diversity around them. After all, maintaining a connection with nature greatly increases the quality of life for many people, and it is what drives the wish to live in these beautiful areas in the first place.

Respectfully submitted,

A handwritten signature in cursive script that reads "Martha A. Case".

Martha A. Case

Copies: Jose Ribeiro (Jose.Ribeiro@jamescitycountyva.gov)
Donna Ware (dmeware@verizon.net)

27 February 2014

Mr. Vernon Geddy III
Geddy, Harris, Franck & Hickman
1177 Jamestown Road
Williamsburg, VA 23185

Dear Mr. Geddy:

This letter concerns the request by Xanterra for Kingsmill Rezoning and Master Plan Amendment. For almost 50 years I have worked in this area studying the landscape, stratigraphy and fossils in the present Kingsmill properties. When Kingsmill destroyed the world famous James River bluffs at Kingsmill, we lost almost all of the important fossil localities there and there are no comparable sequences elsewhere. At the time, the owners agreed us access to the bluffs on the James River near Grove Creek and along Grove Creek. When I try to take field trip groups to the Kingsmill sites today, I am informed that I am no longer permitted to visit these areas. With the development of the proposed Xanterra properties, the promise made years ago for access to the bluffs at the mouth and along Grove Creek will be completely restricted—a very sad commentary on a major company.

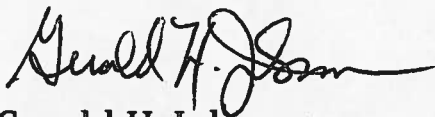
The terrain on the peninsula under consideration possesses significant topographic restraints for development. Slopes on the north side of the peninsula are very steep and are less so on the south side. There are scattered outcrops of fossil-bearing beds of the Yorktown Formation along the steeper slopes and in road cuts. In addition, the upland on the peninsula has considerable local variations in elevation; these are not taken in to account in placing dwellings and facilities. Development with a horizontal 75-foot buffer will create runoff-generated erosion on the slopes and sedimentation onto down slope environments. A wider buffer zone of 150 feet is needed to cut down on the amount of runoff and its

erosive power, and to reduce the impact on the fragile plant communities protecting these slopes.

Side valleys impinge on the uplands of the peninsula in several places, making very narrow pinch points. If trees are knocked down across the proposed roadway at these points, emergency and resident access to and egress from the peninsula will be severely limited. Furthermore, if access across Grove Creek marsh is anticipated, it may well be impaired by flooding and possible erosion of storm generated erosion.

I support the request made by Dr. Donna Ware. I strongly recommend revision of the proposed Xanterra development in order to prevent the loss of and to provide access to scientifically important geologic sites, to preserve the unique plant communities, to reduce the impact on the adjacent marsh environments and to eliminate the inherent dangers to future residents of the peninsula.

Thank you for consideration of these requests.



Gerald H. Johnson
Emeritus Professor of Geology
College of William and Mary
4513 Wimbledon Way
Williamsburg, VA 23188
757-229-8964

28 February 2014

Mr. Vernon Geddy
Geddy, Harris, Franck and Hickman
1127 Jamestown Road
Williamsburg, Virginia 23185

Dear Mr. Geddy:

I want to express my appreciation for the opportunity to meet with you and Mr. Raymond this past Wednesday to discuss ways to protect natural resources in Area 5 of Xanterra's development map. I am encouraged by our talks. However, in reflecting on our conversation, I have realized that there are two matters that I wish to clarify and two new requests that I need to make (nos. 3 & 4 below).

1.) The 150 ft. upland buffer that we are seeking is an uninterrupted buffer would protect not only the slopes but also the coastal plain calcareous seepage swamp below them. This protection would be in terms of vertical drainage, maintaining the ambient temperatures within the ravine, slowing of stormwater runoff (because there is less opportunity for filtering of water as it runs down steep, sparsely vegetated slopes), and mitigation of direct discharge of environmental contaminants routinely used by homeowners.

I mentioned Wednesday that *Phragmites* has invaded the small swamp on the south-facing side of the peninsula where the forest canopy was destroyed by the Grove tornado. The 150 ft. wide uninterrupted upland buffer also would help protect the seepage swamp on the north side of the peninsula from added light penetration that could allow *Phragmites* or other invasive species like marsh dewflower to get a foothold in it.

2.) In further reference to the damage caused by the Grove tornado, it is vital that regenerating forest stands (sapling stands) be treated as fledgling forests by those carrying out the botanical study. A natural process is underway that is important to the regeneration of not only the canopy trees but also the understory and herbaceous layer. It takes a while before the seed bank can respond or seeds can colonize these areas. For instance, there may not yet be any appreciable number of American beech saplings among the southern sugar maple saplings now colonizing an extensive tornado damaged area on the south-facing slope of the eastern portion of the peninsula in question. Good mast years for the beech will be required before seed dispersal by birds will permit that species to appear in significant numbers.

3.) "Mitigation" for habitat loss did not come up in our meeting, but I realize that Xanterra has listed it as an option. I want to stress that mitigation would be feasible only if no other option exists (which isn't the case at Grove Creek) or if an equivalent resource that is unprotected can be protected. What other comparable ravine system is there? Therefore, I urge that Xanterra abandon the idea of mitigation as an option in this case.

4.) These high-calcium coastal plain plant communities are rare and most consultants have not had an opportunity to gain familiarity with them. Therefore, to help familiarize them with the resources, I am requesting that an ecologist from the Department of Conservation and Recreation be permitted to conduct on-site training with whoever is going to conduct the survey.

Thank you very much for considering these clarifications and new requests.

Sincerely yours,

Donna M. E. Ware

Jose Ribeiro

From: Angela Cingale <arcingale@cox.net>
Sent: Friday, February 28, 2014 12:22 PM
To: vgeddy@ghflaw.com
Cc: Jose Ribeiro; Donna Ware
Subject: Conservation of Grove Creek

Dear Mr. Geddy,

I am in support of protecting the unique ecosystem at Grove's Creek. Please do not allow anyone to disturb that area. We need to conserve this unique ecosystem with existing botanical plantings that have been established at Grove Creek.

Let's protect the Grove Creek Watershed as been recommended by Dr. Donna Ware, Botanist Emeritus from the College of William and Mary. She has sent specific recommendations to you, to work with the developer, and offered specific alternatives and buffer zones. As a concerned citizen and taxpayer, I would ask that you please listen to her and other local experts who have voiced their opinion in support of this very unique ecosystem in our county.

It would not help our conservation efforts if Xanterra were allowed to disturb that area; please offer them what is viable with the buffer zone and conservation easement for Grove Creek. One thing to remember is that once you destroy such an area, it's gone forever.

I am homeowner in James City County and have lived here for 14 years but have been coming to Williamsburg for over 30 years. The character and uniqueness of Williamsburg is dissolving. It is sad that so much building has been allowed without considerations or regard to Williamsburg's distinctive history and beautiful landscape which was provided by our ancestors for all generations. Our wonderful area has been diluted with shopping malls, time shares, etc. which in the process has destroyed wonderful habitats and eco-systems such as Grove Creek. As a concerned citizen and taxpayer, I would ask that you please not let this happen. Let's be protective of our beloved and precious area.

Thank you for your consideration. Respectfully submitted,

Angela Cingale,
6111 S. Mayfair Circle, Williamsburg, 23188

Jose Ribeiro

From: TC Cantwell
Sent: Friday, February 28, 2014 8:47 AM
To: Jose Ribeiro; Christopher Johnson
Cc: Paul Holt; Allen Murphy
Subject: FW: carter's grove road

Email referencing the Master Plan Amendment for Kingsmill.

TC Cantwell
Development Management Assistant

P: 757-253-6685
F: 757-253-6822

-----Original Message-----

From: Lorenzo Amory [<mailto:lamory6@cox.net>]
Sent: Friday, February 28, 2014 7:24 AM
To: Planning
Subject: carter's grove road

please, please, please don't allow the rezoning for carter's grove road...in this historical and biodiverse area we have to protect what little is left that makes williamsburg as special as it is...marsha amory, resident of kingsmill

Jose Ribeiro

From: TC Cantwell
Sent: Tuesday, March 04, 2014 1:48 PM
To: Jose Ribeiro; Christopher Johnson
Cc: Paul Holt; Allen Murphy
Subject: FW: Development of Kingsmill property

Regarding Kingsmill project

TC Cantwell
Development Management Assistant



P: 757-253-6685
F: 757-253-6822

From: Roz Marcus [<mailto:remeds@cox.net>]
Sent: Tuesday, March 04, 2014 9:15 AM
To: Planning
Subject: Development of Kingsmill property

As a resident in Kingsmill and James City County, I would like for you to be very careful when making the decisions in front of you concerning future development in Kingsmill.

The many issues involved and the decisions concerning them will have an infinite effect on the ecology as well as the life style of the residents of this community.

Please listen to the concerns of the residents and the ecological experts with an open mind to these long term effects for the county and water ways. Think hard before you vote.

Roz Marcus
Kingsmill Resident
216 Roger Webster

Jose Ribeiro

From: TC Cantwell
Sent: Tuesday, March 04, 2014 1:50 PM
To: Jose Ribeiro; Christopher Johnson
Cc: Paul Holt; Allen Murphy
Subject: FW: comments re: proposed rezoning and master plan No. Z-0003-2013/MP-0001-2013

rezoning and master plan No. Z-0003-2013/MP-0001-2013

TC Cantwell
Development Management Assistant



P: 757-253-6685
F: 757-253-6822

From: Shereen Hughes [mailto:shereen.hughes@wetlandswatch.org]
Sent: Monday, March 03, 2014 2:24 PM
To: Jose Ribeiro; Planning
Subject: comments re: proposed rezoning and master plan No. Z-0003-2013/MP-0001-2013

Good afternoon Jose and JCC Development Management Department:

Please provide this email to the Planning Commission members and the Board of Supervisors as a matter of public record and citizen concern regarding the Kingsmill/Xanterra proposed rezoning and master plan No. Z-0003-2013/MP-0001-2013. This email voices the concerns of Wetlands Watch as well as myself as a concerned citizen in James City County. I was recently asked to review the proposed re-zoning by Donna Ware and the J4Cs as well as attend a meeting last week with Donna Ware, Gary Raymond and Vernon Geddy to discuss Ms. Ware's concerns regarding the proposed development of AREA 5 within the Carters Grove Country Road parcel.

First, let me say that Wetlands Watch and I, as a citizen of James City County, are very concerned about a plan to develop such an obviously environmentally sensitive conservation area. The environmental sensitivity of this recommended conservation site is readily apparent and easily discerned by a quick internet search on the state DCR/DNR website. This quick search further leads to the fact that the Nature Conservancy has listed the Grove Creek Conservation Site as a Priority Conservation Site in the Lower Chesapeake Region of Virginia. Yet, the existence of this critical conservation area is not even mentioned in the Cultural and Natural Resources section of the Feb. 2014 Community Impact Statement prepared by AES for the project – even after your receipt of the DCR letter on October 7, 2013 in which “DCR recommends an inventory for the resources in the study area. With the survey results we can more accurately evaluate potential impacts to natural heritage resources and offer specific protection recommendations for minimizing impacts to the documented resources.”

Wetlands Watch and I strongly agree with JCC's comment number 2 under the proffers section in your January 14, 2014 letter and agree with the following recommendation that you made to the applicant regarding the Country Road parcel and Area 5 :

"staff recommends that a natural resource inventory be submitted before the rezoning/master plan application is considered through the legislative process. Understanding where this biodiversity is located now may be helpful to

determine the most appropriate number and location of the proposed dwelling units. This information may also be useful in determining which areas to avoid when re-aligning parts of the trail."

This request seems to be in keeping with the June 12, 2013 JCC Board Adopted Policy "Environmental Constraints Analysis for Legislative Cases" and should be considered regardless of and prior to enacting conditions associated with the County's Natural Resources Policy. In addition, this request is in keeping with the strongly worded recommendations of the DCR. It is my opinion that Xanterra and JCC should request an inventory of rare, threatened, and endangered species be conducted by the DCR-Division of Natural Heritage biologists as was offered by DCR in their October 7, 2013 meeting to the County.

I humbly request that JCC make this request as well as require a thorough Environmental Constraints analysis, if you have not already done so, to be completed and provided to the Planning Commission and BOS for consideration such that they can make an informed decision as to whether to approve or recommend approval of the proposed master plan/rezoning.

I also would like to suggest that the Planning Department, the Planning Commission, and the Board of Supervisors all consider the following Comprehensive Plan and Ordinance related issues when reviewing this application.

- This application should consider two Environmental Action items in the Comprehensive Plan that specifically relate to this application:
 - ENV 3.1 – Maintain biological and habitat diversity and promote habitat connectivity by protecting wildlife and riparian corridors between watersheds, subwatersheds, catchments, and tidal and nontidal wetlands and
 - ENV 3.5 – Continue to develop and enforce zoning regulations and other County ordinances that ensure the preservation to the maximum extent possible of rare, threatened, and endangered species; wetlands; flood plains; shorelines; wildlife habitats; natural areas; perennial streams; groundwater resources; and other environmentally
- The applicant and the proposed design needs to demonstrate compliance with the Intent of the R-4 zone (which relates back to the Comprehensive Plan) and the Limitations set forth in Sec. 24-282 (c) – "Uses in a residential planned community shall be permissible only in the general location shown on the approved master plan as previously set forth" - *note – a map of the original Master Plan for Kingsmill prepared by AES does not show the Carters Grove Country Road as a Residential Area – this area in fact had a 100' scenic easement attached to it and appeared to buffer the residential areas from adjacent conflicting land-uses.*
- **Sec. 24-274. Statement of intent.**

This district is intended to permit development, in accordance with a master plan, of large, cluster-type communities in a manner that will protect and preserve the natural resources, trees, watersheds, contours and topographic features of the land, protect and enhance the natural scenic beauty and permit the greatest amount of recreational facilities by leaving large areas permanently open. Within such communities, the location of all improvements shall permit a variety of housing accommodations in an orderly relationship to one another with the greatest amount of open area, the least disturbance to natural features and to implement the policies and designations of the Comprehensive Plan. A planned residential district may include a variety of residential accommodations and light commercial activity, but no industrial development is permitted.

I will conclude by saying, that Wetlands Watch agrees with the recommendations of VA DCR - Virginia Natural Heritage Program which strongly recommends that the land along the Country Road not be rezoned but continue to be maintained as a natural area - this recommendation seems to be in compliance with several environmental actions in the Comprehensive Plan and with the intent of the R-4 zoning ordinance. However, if the Planning Commission does recommend approval of this re-zoning, it should be with several conditions attached:

1. The applicant must comply with the "Environmental Constraints Analysis for Legislative Cases" policy, which should include an inventory of rare, threatened, and endangered species be conducted by the DCR-Division of Natural Heritage biologists and the application resubmitted to the Planning Commission before the Planning Commission will make a decision to recommend or not recommend approval of the rezoning.
2. The applicant should include at least a 150 foot buffer adjacent to the RPA and steep slopes that protects the critical habitat (once determined by the DCR-DNH and any other recommendations for protection of these critical natural resource areas by the Virginia Natural Heritage staff.
3. The applicant should apply Better Site Design measures and use Low Impact Design stormwater management along the roadway and throughout the development to ensure that the groundwater system that feeds the seeps area be maintain and mimic the natural groundwater recharge/discharge system.
4. The applicant should establish all lots as conservation lots which minimize site disturbance to within a small area of the building footprint and ensure that all surface drainage from those lots is collected and treated using LID stormwater management with surrounding property placed in conservation easements.

I would also like you to know that Donna Ware and I recently met to discuss our concerns with the developer, Gary Raymond and their attorney, Vernon Geddy. Mr. Raymond and Mr. Geddy were willing to consider conditions 2 through 4 and proposed to look at ways to adjust they're design accordingly. Ms. Ware and I were appreciative of the opportunity to speak with them and voice our concerns and are awaiting their proposed changes. I just recently found the Environmental Constraints policy and therefore did not pose that particular condition to them.

Thank you for your time and consideration,

Sincerely,

*Shereen Hughes - Assistant Director of Wetlands Watch, Inc
And Resident of James City County
103 Holly Road
Williamsburg, VA 23185*

757-880-6802 (cell)

shereen.hughes@wetlandswatch.org

www.wetlandswatch.org

Jose Ribeiro

From: TC Cantwell
Sent: Tuesday, March 04, 2014 1:52 PM
To: Jose Ribeiro; Christopher Johnson
Cc: Paul Holt; Allen Murphy
Subject: FW: Kingsmill

Regarding rezoning and master plan amendment for Kingsmill

TC Cantwell
Development Management Assistant

P: 757-253-6685
F: 757-253-6822

-----Original Message-----

From: bader [<mailto:belsaf@yahoo.com>]
Sent: Sunday, March 02, 2014 12:16 PM
To: Planning
Subject:

Hi my name Bader EL-Safadi

I am a Resident of Williamsburg and Kingsmill. I am writing to you regarding the plan of Kingsmill administration to expand in residential plan toward the area of the old country road. I am opposing to such a plan. This beautiful place is like a paradise and a sanctuary that should not be harmed or altered. I use that road personally many times during the week around the year. I know of many that use it too and share the same passion. I Personally love it always feel blessed and privileged to be able to enjoy it and truly I never get board by walking, running or biking on it even every day. For a Park or natural public place it is very safe and very accessible. To me it is a natural treasure that we have to protect at all cost almost like a National park for generations down the road to enjoy. So please don't waste it.

Thank you for your kind attention.

Respectfully

Bader El-Safadi
757 812 0035
Sent from my Verizon Wireless BlackBerry

Jose Ribeiro

From: TC Cantwell
Sent: Tuesday, March 04, 2014 1:51 PM
To: Jose Ribeiro; Christopher Johnson
Cc: Paul Holt; Allen Murphy
Subject: FW: Opposed to development on the Carter's Grove Country Road

Opposed to development on the Carter's Grove Country Road

TC Cantwell
Development Management Assistant



P: 757-253-6685
F: 757-253-6822

From: Jane Sherman Chambers [<mailto:jscham@wm.edu>]
Sent: Monday, March 03, 2014 10:04 AM
To: Planning
Cc: Jane Sherman Chambers
Subject: Opposed to development on the Carter's Grove Country Road

Williamsburg has been my home since 1974 when I moved here as a teenager. I left for school and jobs, but it was always my home. I came back for law school and again in 2003, this time permanently. As we all know, Williamsburg is a wonderful community in which to live because there is a special place here for beauty, serenity and a dedication to our history and the wonders of our environment.

I live in the first part of the Jefferson's Hundred section of Kingsmill. We bought into our home in January of 2009. It was lovely and quiet. In March of 2009 we were introduced to the cacophony of noises coming from our shockingly close neighbor, Busch Gardens. The train wakes me up every morning on the weekend. We hear the clink-clink-clink of the roller coasters going up the tracks. We hear the constant screaming. We hear the announcements and we smell the barbeque cooking in New France. We can lie in bed at 10:00 at night and listen to the concerts. Now with Christmas Town, Busch Gardens only is quiet in January and February. The train started tooting again, bright and early, this past Saturday, March 1, and I wanted to cry.

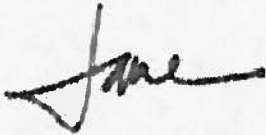
The narrow stand of trees along the Carter's Grove Country Road protects us from even worse invasions of our privacy. Xanterra proposes to removed large swathes of our precious buffer. That thought absolutely sickens me, not only because of the inevitable increase in the horrible noise level, but because of the destruction of our natural beauty and habitat for wildlife. It sickens my husband because of what a negative impact it will have on our property values. NO ONE WILL WANT TO LIVE THERE.

The Carter's Grove Country Road is an integral part of my life and the reason I love living in Kingsmill. I have a very busy career and family life – and the Country Road is where I restore my

sanity. To walk down to the creek and watch the wildlife and breath fresh air is a treasure that should be preserved, not destroyed so that wealthy people can become wealthier.

Please listen to the pleas of the residents of Kingsmill and beyond who oppose this plan. Please do not let out-of-state bullies destroy what makes Williamsburg and Kingsmill a special, treasured place to live. Do not let them destroy our property values.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jane", with a stylized flourish at the end.

Jane Sherman Chambers
108 Jefferson's Hundred
Williamsburg, Virginia 23185
757-469-7765
jscham@wm.edu

Jose Ribeiro

From: TC Cantwell
Sent: Tuesday, March 04, 2014 1:48 PM
To: Jose Ribeiro; Christopher Johnson
Cc: Paul Holt; Allen Murphy
Subject: FW: Kingsmill Resident Strongly Opposing Xanterra's Request to Rezone & Amend Master Plan regarding Carter's Grove Country Road

Regarding Kingsmill project

TC Cantwell
Development Management Assistant



P: 757-253-6685
F: 757-253-6822

From: Cheryl Gale [<mailto:cheryl.gale@gmail.com>]
Sent: Tuesday, March 04, 2014 10:59 AM
To: Planning
Cc: JCC Board
Subject: Kingsmill Resident Strongly Opposing Xanterra's Request to Rezone & Amend Master Plan regarding Carter's Grove Country Road

Sirs:

As a resident of Kingsmill for over twenty years, I **STRONGLY OPPOSE** the request by Xanterra to rezone ± 209 acres to allow the development of up to 207 dwelling units and a request by Xanterra to amend the master plan land use designation of areas from recreation/ residential/ country road to residential development.

In an email I wrote to Robin Carson (General Manager at Kingsmill Resort) on Sept. 27, 2013 ~ I said:

"As a longtime Kingsmill resident, I am frankly shocked at the disregard Xanterra is showing towards the Kingsmill community. I am very opposed to the idea of residents being barred from visiting the resort restaurants or even walking on the James...as we have done since we moved here over twenty years ago. But even more disturbing is the thought of over 100 homes being built on Carter's Grove Country Road. Carter's Grove Country Road is one of the most beautiful, park like settings we have remaining in all of Williamsburg. It is also one of the last buffers the residents of Kingsmill have from the noise of Busch Gardens and the brewery. Besides losing one of our most peaceful recreational places, loss of this vital green space will very negatively impact the wildlife and already fragile ecosystem in this area. When I bought my lot to build in Kingsmill, I was told that Carter's Grove Country Road would NEVER be developed in any way. My understanding is that the Master Plan does not permit building houses along the Country Road. Why not put the new homes around the Woods Course instead? Has anyone from the corporate office of Xanterra actually walked along the old country road to see what they are contemplating destroying??"

I didn't receive a response from her until Feb. 25, 2014 and it certainly doesn't address the original questions regarding environmental impact, destroying an already fragile ecosystem, the loss of vital green space and a much needed buffer zone for Kingsmill residents from the noise of Busch Gardens and the brewery....and the logical question of *"Why not put the new homes around the Woods Course instead?"* instead of destroying one of the last untouched treasures in the Williamsburg area????

Sincerely,

Cheryl Gale

105 Alexander Walker, Williamsburg, VA

----- Forwarded message -----

From: **Robin Carson** <Robin.Carson@kingsmill.com>

Date: Tue, Feb 25, 2014 at 8:56 AM

Subject: RE: Carter's Grove Country Road

To: Cheryl Gale <cheryl.gale@gmail.com>

Dear Ms. Gale,

As I was cleaning up my emails, I came across your note which I must have missed when you sent it to me in September. I do apologize for having not responded earlier, but I wanted you to know that there is a tour today of the proposed homes planned for future development along the Country Road. Gray Raymond of Winding Road Development will show anyone who wants to walk with him exactly where the future houses are planned. Several changes have been made to the Amended Master Plan since September, so you might be interested to see what is currently being proposed.

There will be a brief meeting starting at 2PM at the Wareham's Pond Rec Center followed by a walking tour. Wear comfortable shoes and dress appropriately.

Again, I apologize for having missed your email.

Sincerely,

Robin D. Carson

General Manager

Tax Parcels: 5130100002, 5040100005, 5130100008, 5040100009A and 5130100009B

Prepared By: Vernon M. Geddy, III, Esquire (VSB No: 21902)
Geddy, Harris, Franck & Hickman
1177 Jamestown Road
Williamsburg, VA 2318

PROFFERS

THESE PROFFERS are made this _ day of _____, 2014 by XANTERRA KINGSMILL, LLC, a Delaware limited liability company (together with its successors in title and assigns, the "Owner").

RECITALS

A. Owner is the owner of the real property located in James City County, Virginia (the "County"), being Tax Parcel No's 5130100002, 5040100005, 5130100008, 5040100009A and 5130100009B, containing approximately 209.4 acres, more or less, and being more particularly described on Schedule A attached hereto (the "Property").

B. The Property is designated Low Density Residential on the County's Comprehensive Plan Land Use Map and is now zoned R-4 and is subject to the approved Master Plan for Kingsmill. Owner has applied to change the Master Plan area designations applicable to the Property. Owner has applied to rezone the Property from R-4 to R-4, Residential Planned Community District, with proffers, for the sole purpose of offering the proffered conditions on the development of the Property set forth below.

C. Owner has submitted to the County a revised master plan entitled "Kingsmill Proposed Master Plan Amendment" prepared by AES Consulting Engineers dated September 3,

2009, last revised November 27, 2013 (the “Master Plan”) for the Property in accordance with the County Zoning Ordinance.

D. Owner desires to offer to the County certain conditions on the development of the Property not generally applicable to land zoned R-4 in the form of the following Proffers.

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

CONDITIONS

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

incorporation of the conservation management plan into the plan of development for the site. This proffer shall be interpreted in accordance with the County's Natural Resources Policy adopted by the County on July 27, 1999. This proffer shall not prohibit or apply to land disturbance by the Hampton Roads Sanitation District in existing easements for sewer facilities.

2. Archaeology. At the request of the Director of Planning, a Phase I Archaeological Study for the portions of the Property not previously studied shall be submitted to the Director of Planning for review and approval prior to land disturbance by Owner. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into

the plan of development for the Property and the clearing, grading or construction activities thereon. This proffer shall be interpreted in accordance with the County's Archaeological Policy adopted by the County on September 22, 1998. This proffer shall not prohibit or apply to land disturbance by the Hampton Roads Sanitation District in existing easements for sewer facilities.

3. Streetscape Guidelines Policy. Owner shall comply with the County's Streetscape Guidelines Policy adopted by the Board of Supervisors on November 22, 2011 in the development of new residential subdivisions on the Property.

4. Carter's Grove Country Road Trail. Owner shall provide a multi-use trail within the Carter's Grove Country Road corridor from the eastern right of way line of Mounts Bay Road to the eastern boundary of the Property adjacent to Grove Creek. In areas of the Country Road corridor designated on the Master Plan as "Open Space," the trail shall consist of the existing Country Road pavement, repaired or replaced as necessary. In Amendment Areas 5 and 6, the trail shall consist of paved asphalt at least eight feet in width and shall be located generally as shown on the conceptual layouts entitled Kingsmill Area 5 and Kingsmill Areas 6 and 7 Conceptual Layout dated 1/15/13 included in the Master Plan submission, with the exact location to be approved by the Director of Planning. With the prior approval of the Director of Planning, the location of the trail, and in Amendment Area 5, the width of the trail, may vary from the location and width shown on the conceptual layouts based on actual field conditions, including, without limitation, topography, presence of cultural or natural resources or large trees.

The portion of the trail from Mounts Bay Road to Kingsmill Road shall be completed, designated as "Common Area" pursuant to the Declaration of Covenants and Restrictions dated September 18, 1973 and recorded in the Clerk's Office of the Circuit Court for the City of

Williamsburg and County of James City in Deed Book 147 at page 642, as amended and/or supplemented (the “Declaration”), and be conveyed to the Kingsmill Community Services Association (“KCSA”) for use as a recreational amenity as a condition of the County issuing final approval of the final subdivision plat of Amendment Area 6. The portion of the trail from Kingsmill Road to Amendment Area 1 shall be completed, designated as “Common Area” pursuant to the Declaration, and be conveyed to KCSA for use as a recreational amenity as a condition of the County issuing final approval of the final subdivision plat of Amendment Area 1. The portion of the trail from Amendment Area 1 to the Connector Road from Wareham’s Pond Road to the Brewery Services Road shall be completed, designated as “Common Area” pursuant to the Declaration, and be conveyed to KCSA for use as a recreational amenity as a condition of the County issuing building permits for more than 50 residential units in Amendment Area 2. The portion of the trail from the Connector Road to the end of the trail at Grove Creek shall be completed, designated as “Common Area” pursuant to the Declaration, and be conveyed to KCSA for use as a recreational amenity as a condition of the County issuing final approval of the final subdivision plat of Amendment Area 5.

5. Theme Park and Brewery Disclosure and Acknowledgments. (a) Prior to the sale of any lot or residential unit on the Property, Owner shall record a supplementary declaration against the portion of the Property upon which the lot or unit is located containing the following provisions, as the same may be amended with the prior approval of SeaWorld Parks & Entertainment LLC or its successor in title to the Busch Gardens Williamsburg theme park and the County Attorney:

ARTICLE __

THEME PARK ACKNOWLEDGEMENT

Section _.1 Theme Park Operational Conditions. Each Owner and each occupant or any tenant or other party claiming by, through or under such owner of any portion of the land described on Exhibit hereto (the "Restricted Parcels") acknowledges and agrees that Busch Gardens Williamsburg (the "Theme Park"), currently owned by SeaWorld Parks & Entertainment LLC ("Sea World"), is located on the nearby land described on Exhibit hereto (the "Sea World Parcels"), and that the Theme Park (as the same may be operated now or in the future) may have a significant impact upon the Restricted Parcels due to theme park activities, including, without limitation, the transmission, discharge, or emission near, over, or across the Restricted Parcels of noise, smells, artificial lighting, laser beams, lights, and disturbances arising from or related to the existence of crowds, the existence, visibility or operation of rides, animal shows, concerts, events, games, fireworks, laser shows, or related to such other existing and future activities as shall be conducted in connection with theme park use, including any future changes, new rides, expansions and improvements to the Theme Park, or otherwise developed upon the Sea World Parcels (all of the foregoing are referred to herein as the "Theme Park Operational Conditions").

Section _.2 Easement Rights. In recognition of the foregoing, Declarant as the owner of the Restricted Parcels, does hereby grant an irrevocable and perpetual easement over the entirety of the Restricted Parcels in favor of, and for the benefit of, the Sea World Parcels and the owner thereof, for the purpose of permitting such Theme Park Operational Conditions. The foregoing easement may not be amended except in accordance with the terms of this Declaration plus the consent of all of the then existing owner(s) of the Sea World Parcels. The foregoing easement shall burden the Restricted Parcels, run in favor of the Sea World Parcels, and shall be binding upon and inure to the benefit of the respective successors and assigns of the current owners of the Sea World Parcels and the Restricted Parcels. Declarant hereby agrees to provide Sea World a subordination agreement reasonably acceptable to Sea World from all mortgagees, if any, of the Restricted Parcels as of the date hereof confirming the superiority of this easement to the lien of any mortgage or deed of trust encumbering any portion of the Restricted Parcels.

Section _.3 Release and Acknowledgments. Each Owner, by its acceptance of its deed for any real property within the Restricted Parcels, hereby expressly acknowledges and agrees that: (i) Owner has reviewed such maps and plats and conducted such independent investigations as Owner deems necessary to fully understand the location of the Owner's property in relation to the Theme Park; (ii) Owner is fully aware of and accepts such Theme Park Operational Conditions and the easement set forth in Section _.2 above; and (iii) the Theme Park Operational Conditions do not constitute and shall not be deemed a nuisance. Further, each such Owner agrees that neither Declarant, Sea World, nor any owner(s), lessee(s), manager(s), or operator(s) of Sea World, nor any of their respective partners, directors, managers, members, officers, shareholders, employees, agents, successors or assigns (collectively, the "Released Parties") shall be liable to any Owner within the Restricted Parcels, or to any tenant, occupant, or other party claiming by, through or under such Owner within the Restricted Parcels (collectively, the "Restricted Parcel Occupants"), due to or arising, directly or indirectly, from the Theme Park Operational Conditions, and such parties hereby release each of the Released Parties therefrom and Restricted Parcel Occupants shall not be entitled to injunctive relief from the Theme Park Operational Conditions.

(b) Prior to the sale of any lot or residential unit on the Property, Owner shall record a supplementary declaration against the portion of the Property upon which the lot or unit is located containing the following provisions, as the same may be amended with the prior approval of Anheuser Busch, LLC or its successor in title to the Anheuser Busch Williamsburg brewery and the County Attorney:

ARTICLE __

BREWERY ACKNOWLEDGEMENT

Section __.1 Brewery Operational Conditions. Each Owner and each occupant or any tenant or other party claiming by, through or under such owner of any portion of the land described on Exhibit __ hereto (the “Restricted Parcels”) acknowledges and agrees that Anheuser Busch Brewery (the “Brewery”), currently owned by Anheuser Busch, LLC (“Busch”), is located on the nearby land described on Exhibit __ hereto (the “Busch Parcels”), and that the Brewery (as the same may be operated now or in the future) may have a significant impact upon the Restricted Parcels due to Brewery activities, including, without limitation, the transmission, discharge, or emission near, over, or across the Restricted Parcels of noise, smells, lights, and disturbances arising from or related to Brewery operations, including, without limitation, smells emitted in the brewing process and traffic noise, or related to such other existing and future activities as shall be conducted in connection with the Brewery use, including any future changes, expansions and improvements to such Brewery (all of the foregoing are referred to herein as the “Brewery Operational Conditions”).

Section __.2 Easement Rights. In recognition of the foregoing, Declarant as the owner of the Restricted Parcels, does hereby grant an irrevocable and perpetual easement over the entirety of the Restricted Parcels in favor of, and for the benefit of, the Busch Parcel and the owner thereof, for the purpose of permitting such Brewery Operational Conditions. The foregoing easement may not be amended except in accordance with the terms of this Declaration plus the consent of all of the then existing owner(s) of the Busch Parcel. The foregoing easement shall burden the Restricted Parcels, run in favor of the Busch Parcel, and shall be binding upon and inure to the benefit of the respective successors and assigns of the current owners of the Busch Parcel and the Restricted Parcels. Declarant hereby agrees to provide Busch a subordination agreement reasonably acceptable to Busch from all mortgagees, if any, of the Restricted Parcels as of the date hereof confirming the superiority of this easement to the lien of any mortgage or deed of trust encumbering any portion of the Restricted Parcels.

Section __.3 Release and Acknowledgments. Each Owner, by its acceptance of its deed for any real property within the Restricted Parcels, hereby expressly acknowledges and agrees that: (i) Owner has reviewed such maps and plats and conducted such independent investigations as Owner deems necessary to fully understand the location of the Owner’s property in relation to the Brewery; (ii) Owner is fully aware of and accepts such Brewery Operational Conditions and the easement set forth in Section __.2 above; and (iii) the Brewery

Operational Conditions do not constitute and shall not be deemed a nuisance. Further, each such Owner agrees that neither Declarant, Busch, nor any owner(s), lessee(s), manager(s), or operator(s) of Busch, nor any of their respective partners, directors, managers, members, officers, shareholders, employees, agents, successors or assigns (collectively, the “Released Parties”) shall be liable to any Owner within the Restricted Parcels, or to any tenant, occupant, or other party claiming by, through or under such Owner within the Restricted Parcels (collectively, the Restricted Parcel Occupants”), due to or arising, directly or indirectly, from the Brewery Operational Conditions, and such parties hereby release each of the Released Parties therefrom and Restricted Parcel Occupants shall not be entitled to injunctive relief from the Brewery Operational Conditions.

(c) Prior to recordation of each supplementary declaration against the Property, Owner shall provide the County Attorney with a copy of such supplementary declaration containing the provisions required by Paragraphs (a) and (b) above for the County Attorney to review and confirm compliance with this Proffer.

6. Buffers. (a) There shall be a minimum 50 foot buffer along Kingsmill Road and Southall Road as the same front onto Master Plan Amendment Areas 6 and 7 of the Property, which buffer area is generally shown on the Kingsmill Areas 6 and 7 Conceptual Layout included in the Master Plan. The buffers shall be exclusive of any lot. Notwithstanding the establishment of such buffer area, the following improvements will be allowed to exist within the buffer area: the entrance road into Amendment Area 6 and the shared driveway into Amendment Area 7 as generally shown on the Kingsmill Areas 6 and 7 Conceptual Layout included in the Master Plan, landscaping, a trail connection from Southall Road to the Carter’s Grove Country Road trail, utilities, stormwater management facilities, lighting, entrance features and signs.

(b) The existing landscaped berm located adjacent to Wareham’s Pond Road and Amendment Area 2 shall be maintained in any development plan for Amendment Area 2, except where breaks are necessary for entrances to the Area and for utility crossings as approved as part of the development plan review process.

(c) There shall be a vegetated buffer with a minimum width of 75 feet located in Amendment Area 5 in the general location shown on the Master Plan as “3.0 AC. Buffer.”

(d) There will be a buffer between each of the Amendment Areas listed below, with the minimum width specified beside each Amendment Area, and the adjacent tax parcel listed below (each of which is in a different zoning district than the Property) measured from the Property’s boundary line with the listed parcels, such buffers to be designated as “Open Space” on the Master Plan:

<u>Amendment Area</u>	<u>Buffer Width</u>	<u>Adjacent Tax Parcels</u>
1	150 feet	5130100003
2	150 feet	5130100001 and 5140100009
6	50 feet	5020100093 and 5020900018A
7	125 feet	5020100078 and 5130100003

These buffers shall be exclusive of any lot. Notwithstanding the establishment of such buffer areas, the Carter’s Grove Country Road trail will be allowed to exist within the buffer area.

7. RPA Setback. No structure shall be constructed with 15 feet of a Resource Protection Area buffer. No area within an RPA buffer shall be included in a lot of a size of less than one acre.

8. Nutrient Management Plan. The Owner shall be responsible for contacting an agent of the Virginia Cooperative Extension Office (“VCEO”) or, if a VCEO agent is unavailable, a soil scientist licensed in the Commonwealth of Virginia, an agent of the Soil and Water Conservation District or other qualified professional to conduct soil tests and to develop, based upon the results of the soil tests, customized nutrient management plans (the “Plans”) for each of the Amendment Areas The Plans for each Amendment Area shall be submitted to the County’s Environmental Director for his review and

approval prior to the issuance of the building permits for more than 50% of the dwelling units permitted in such Amendment Area. KCSA shall be responsible for ensuring that any nutrients applied to common areas within the Amendment Areas which are controlled by KCSA be applied in accordance with the Plan. The Owner shall provide a copy of the Plan for each Amendment Area to the initial purchaser of each lot located therein.

9. **Stormwater Management.** Owner has been advised by the County that because Kingsmill has an approved Stormwater Management Master Plan, Division Plan No. SWM-01-12 dated June 29, 2012 (the “Stormwater Master Plan”), that stormwater management for the development of the Property will continue to be governed by the Stormwater Master Plan and the ordinances and regulations in effect as of the date of the Stormwater Master Plan. To provide additional environmental protections, the Owner agrees that development of the Property shall be subject to the County’s Special Stormwater Criteria. If the County determines in the future that development of the Property or any part thereof is no longer governed by the Stormwater Master Plan and the ordinances and regulations in effect as of the date of the Stormwater Master Plan and is subject to newly adopted ordinances and regulations then this Proffer shall terminate as of the date of that determination.

WITNESS the following signature.

XANTERRA KINGSMILL, LLC

By:_____

Title:

STATE OF COLORADO

COUNTY OF ARAPAHOE, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 201_,
by _____ as _____ of Xanterra Kingsmill, LLC, a
Delaware limited liability company, on behalf of the company.

NOTARY PUBLIC

My commission expires:_____

Registration No.: _____

Schedule A
Property Description

COUNTRY ROAD EAST PARCEL

A PORTION OF PARCEL NUMBER 5130100002

All that certain parcel or tract of land, with the improvements shown thereon, situate, lying and being in the County of James City, identified as the "Country Road East Parcel" on that certain plat titled "BOUNDARY SURVEY COUNTRY ROAD EAST PARCEL PROPERTY OF BUSCH PROPERTIES, INC. ROBERTS DISTRICT JAMES CITY COUNTY, VIRGINIA" dated June 6, 2013 made by AES Consulting Engineers recorded as Instrument Number 130014475 containing 6,214,614 square feet (142.668 acres), more or less.

COUNTRY ROAD WEST PARCEL

A PORTION OF PARCEL NUMBER 5130100002

All that certain parcel or tract of land, with the improvements shown thereon, situate, lying and being in the County of James City, identified as the "Country Road West Parcel" on that certain plat titled "BOUNDARY SURVEY COUNTRY ROAD WEST PARCEL PROPERTY OF BUSCH PROPERTIES, INC. ROBERTS DISTRICT JAMES CITY COUNTY, VIRGINIA" dated June 6, 2013 made by AES Consulting Engineers recorded as Instrument Number 130014474 containing 2,217,901 square feet (50.916 acres), more or less.

SOUTHALL ROAD PARCEL

PARCEL NUMBER 5040100005

All that certain parcel or tract of land, with the improvements shown thereon, situate, lying and being in the County of James City, identified as the "Southall Road Parcel" on that certain plat titled "BOUNDARY SURVEY SOUTHALL ROAD PARCEL PROPERTY OF BUSCH PROPERTIES, INC. ROBERTS DISTRICT JAMES CITY COUNTY, VIRGINIA" dated June 6, 2013 made by AES Consulting Engineers recorded as Instrument Number 130014476 containing 226,941 square feet (5.210 acres), more or less.

PARCEL ADJACENT TO WAREHAM'S POND ROAD

PARCEL NUMBER 5130100008

All that certain lot, piece or parcel of land, with the improvements shown thereon and thereto belonging, lying and being in the Roberts District, James City County, Virginia, containing 1.1068 acres, more or less, as shown on a plat titled "PLAT OF BOUNDARY LINE EXTINGUISHMENT AND SUBDIVISION BEING PARCEL 5-B1, CARTER'S GROVE COUNTRY ROAD, KINGSMILL ON THE JAMES, PREPARED FOR BUSCH PROPERTIES, INC." prepared by AES Consulting Engineers dated November 4, 2011, and recorded in the Clerk's Office of the Circuit Court of James City County, Virginia, as Instrument No. 120010877.

PARCEL R-9A

PARCEL 5040100009A

That certain parcel of land located in James City County, Virginia, shown and set out as "Parcel R-9A, 72,533 S. F., 1.665 Acres", on the plat entitled "COMPOSITE PLAT OF SUBDIVISION, PARCEL R-9, KINGSMILL ON THE JAMES, PROPERTY OF XANTERRA KINGSMILL, LLC" made by AES Consulting Engineers dated September 3, 2013 and recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City as Instrument No. 130023433.

PARCEL R-9B

PARCEL 5130100009B

That certain parcel of land located in James City County, Virginia shown and set out as "Parcel R-9B, 352,742 S. F., 8.098 Acres" on the plat entitled "COMPOSITE PLAT OF SUBDIVISION, PARCEL R-9, KINGSMILL ON THE JAMES, PROPERTY OF XANTERRA KINGSMILL, LLC" made by AES Consulting Engineers dated September 3, 2013 and recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City as Instrument No. 130023433.

Prepared By

AES Job Number: W07753-38

Submitted February 2014

RECEIVED
FEB 13 2014
PLANNING DIVISION

Community Impact Study
for
Xanterra Kingsmill, LLC
Master Plan Amendment

2-0003-2013/
MP-0001-2013

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I. INTRODUCTION

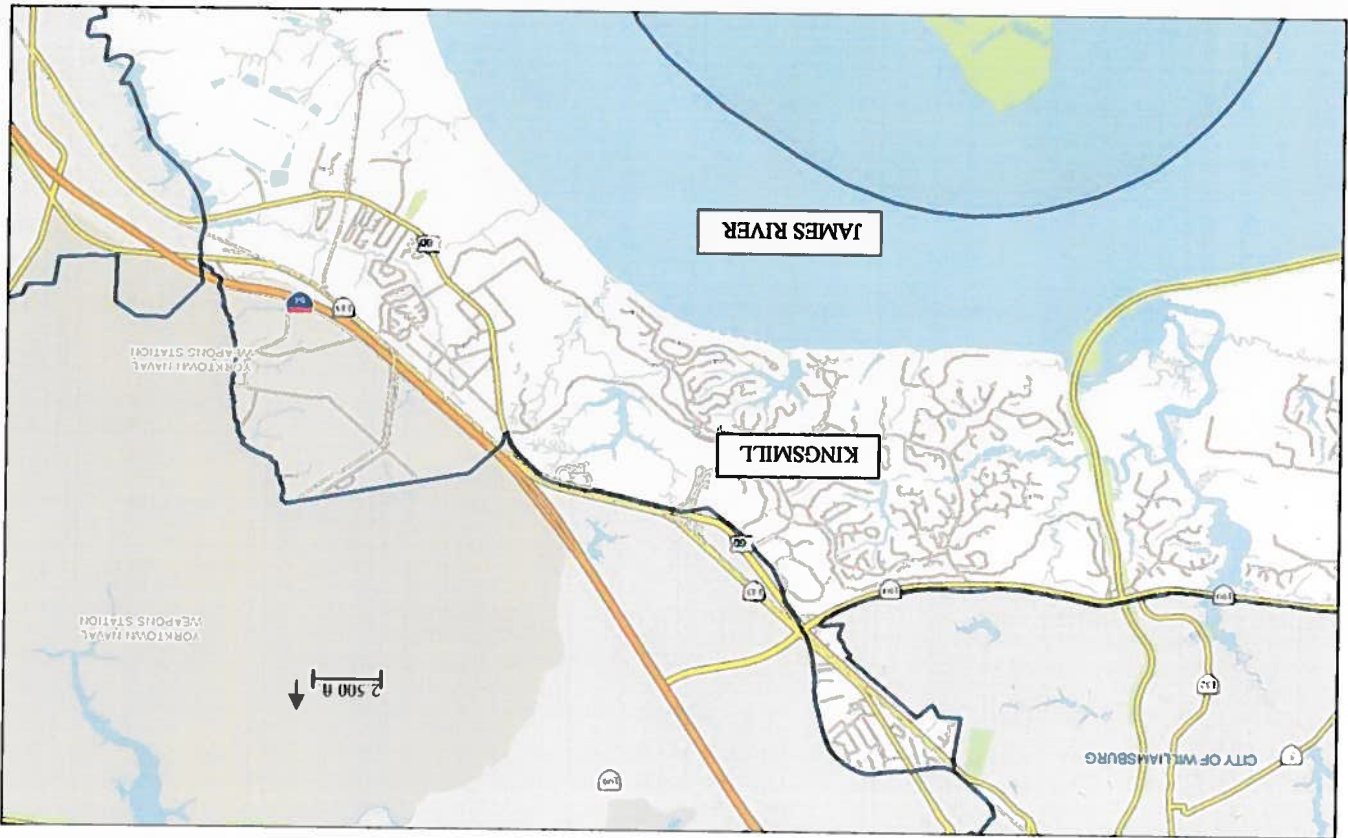
Kingsmill on the James is located within the southern part of James City County, Virginia, between State Route 199 to the north, U.S. Route 60 to the east, the Colonial Parkway to the west, and the James River to the south. Kingsmill is a master planned community including residential, resort/recreational, office, and commercial land use areas. The development was started in the 1970's by Busch Properties, Inc., in conjunction with the creation of the Busch Gardens theme park and the Anheuser-Busch Brewery. Kingsmill currently contains approximately 2,354 homes (and lots) of the original zoning approval permitted which permitted a much higher density of development. The Kingsmill Master Plan was last amended in 1984 (See Tab 8 - Exhibit 1). In 2010 Xanterra Kingsmill, LLC (Xanterra) purchased the Kingsmill Resort, including the golf courses and surrounding undeveloped parcels. In early June 2013, Xanterra Kingsmill, LLC purchased the remaining undeveloped property in Kingsmill owned by Busch Properties, Inc. and in connection therewith was assigned and assumed Busch Properties' role as developer/declarant under the master declaration for Kingsmill. The land purchased from Busch Properties consists of several parcels, including land that constituted a portion of the corridor for the Carter's Grove Country Road.

The Carter's Grove Country Road was created pursuant to the original agreements between the Colonial Williamsburg Foundation and Anheuser Busch/Busch Properties that lead to the development of Kingsmill. The Country Road was constructed in 1979 in part on land conveyed by Anheuser Busch/Busch Properties to Colonial Williamsburg and was owned by the Colonial Williamsburg Foundation. Anheuser Busch/Busch Properties held a reversionary interest in the Country Road providing that if the Country Road was ever abandoned by Colonial Williamsburg, title would revert to Anheuser Busch/Busch Properties. The Country Road extended from South England Street in the City of Williamsburg through Kingsmill to Carter's Grove plantation and was intended to provide an access way from Carter's Grove to the restored area of Colonial Williamsburg to without having to use Route 60 west.

In November 2006, Colonial Williamsburg conveyed the Country Road Corridor located east of Mounts Bay Road to Busch Properties and released all access rights, easements and restrictions, including scenic easements, encumbering that portion of the Country Road Corridor and all rights of review and approval intended to protect the Country Road Corridor. Colonial Williamsburg retained title to the Country Road Corridor located to the west of Mounts Bay Road. In December 2007, Colonial Williamsburg sold Carter's Grove.

The Country Road has been closed and has not been maintained since 2003. It is presently in a state of disrepair. The portion of the Country Road Corridor now owned by Xanterra Kingsmill, LLC is designated as "Country Road" on the current Kingsmill Master Plan. As part of this application, Xanterra Kingsmill, LLC is proposing to amend the Kingsmill Master Plan to change the existing Master Plan designations of Areas 1, 2, and 5-8 (See Tab 8 - Exhibit 2) totaling 111 acres. The Master Plan changes include converting the land formerly designated as Country Road as well as an area originally designated as equestrian but most recently utilized as RV storage and grounds maintenance. Also Area 8 is a small 3 acre parcel is sought to be converted from Resort to Master Plan designation "B", multi-family (See Tab 2). This area is currently approved for 18 single family condominium units and is being developed under the County's definition and performance standards for Resort Hotels. The applicant is requesting a residential designation for these resort unit, as potential purchasers have not been prepared to accept designations different than those on the other condominium units within the resort. This designation would be consistent with the designation of all the other condominium developments in the Resort area. No physical changes are proposed for development of this area. The residential designation would allow owners of the units to occupy them as their permanent residence, to rent them through the Resort or to rent them through an independent rental agent, again exactly as the owners of other condominium units in the Resort now do. In the existing condominium projects surrounding the Resort, approximately 91% of the units are in a rental program. The total number of proposed units within the Area 1, 2, and 5-8 development areas is anticipated to be 225 dwelling units, made up of a mix of single family, condominium (apartment style) and townhome units (see exhibits 1-4).

Location Map



II. THE PROJECT TEAM

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

- Owner/Developer - Xanterra Kingsmill, LLC
- Land Planning - OZ Architecture
- Civil Engineering - AES Consulting Engineers
- Legal Counsel - Geddy, Harris, Franck & Hickman, LLP
- Traffic - Vanasse Hangen Brustlin, Inc.
- Fiscal - Winding Road Development Company, LLC

III. ANALYSIS OF IMPACTS TO PUBLIC FACILITIES AND SERVICES

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

A. Public Water Facilities

All subject properties will be served with public drinking water by the nearest existing water distribution system. The water infrastructure in these areas are owned and operated by Newport News Waterworks. During the preliminary design phase, Newport News Waterworks will add the proposed subdivisions to their detailed water distribution model to ensure that the proposed domestic usage and fire flow demands are met.

Area 1 – The proposed residential units will be served by a new water distribution network that will connect to an existing water main located along Kingsmill Road.

Area 2 – The proposed residential units will be served by a new water distribution network that will connect to an existing water main located along Wareham's Pond Road.

Area 5 – The proposed residential units will be served by a new water distribution network that will connect to an existing water main located along Wareham's Pond Road.

Area 6 and 7 – The proposed residential units will be served by an existing water system along Kingsmill and Southall Roads.

Area 8 – The proposed residential units are served by a newly installed water distribution network that will connect to an existing water main located at the Resort and Conference Center.

B. Public Sewer Facilities

Area 1 – The residential units in Area 1 will be served by pump stations that will connect to an existing James City Service Authority (JCSA) 8-inch force main located on the west side of Kingsmill Road. This force main connects to a 14-inch force main that conveys the wastewater to the Hampton Roads Sanitation District (HRSDD) pump station located near the southern property line of the Anheuser-Busch brewery.

Area 2 – The residential units in Area 2 will be served by pump stations that will connect to an existing JCSA 20-inch force main at the northern end of the development. This force main

conveys the wastewater to the HRS pump station located near the southern property line of the Anheuser-Busch brewery.

Area 5 – The residential units in will be served by a pump station that will connect to the existing HRS force main located along the proposed right-of-way of the subdivision. (See Tab 4)

Area 6 and 7 – The residential units will be served by existing gravity sewer along Kingsmill and Southall roads. (See Tab 3)

Area 8 – The residential units are served by recently constructed sewer at the Resort and Conference Center.

All pump stations and related sewer lines will be dedicated to JCSA.

RESIDENTIAL						
Type of Development	No. of Units	Flow (GPD/Unit)	Average Daily Flow (GPD)	Duration (hrs)	Avg. Flow (GPM)	Peak Flow (GPM)
Area 1	30	310	9,300	24	6.5	25.8
Area 2	107	310	33,170	24	23.0	92.1
Area 5	60	310	18,600	24	12.9	51.7
Area 6 and 7	10	310	3,100	24	2.2	8.8
Area 8	18	310	5,580	24	3.9	15.5
Totals	225		72,850		48.5	193.9

Public Schools

Kingsmill is located in the Roberts Magisterial District. Williamsburg / James City County Schools serving this district are James River Elementary School, Berkeley Middle School, and Jamestown High School. The anticipated number of school aged children generated by this amendment and rezoning and the impacts on these schools is outlined in the Fiscal Analysis section of this report

The R-4 zoning requires 1 acre of parks for every 350 homes. The current Master Plan has identified 3 recreation areas that are in excess of 13 acres in size which was programmed to meet the requirements of a fully built-out master plan of development. Those recreation areas include pools, community buildings, playgrounds and picnic facilities. In addition, there are several community pools and tennis courts throughout the development. Based on the current plan of development the recreation in place far exceeds the requirements of the County Parks and Recreation Master Plan requirements. In addition to the existing community recreation areas, the developer plans to modify and as necessary make repairs and resurface approximately 3 miles of the Country Road (within the limits of the proposed Master Plan changes) to provide a benefit to the community. Currently The Country Road is not designated for recreational use in the Master Plan. Currently despite the fact that large portions are impassable due to storm damage or otherwise in disrepair, bikers and walkers have been seen using the trail without the legal right to do so. Upon completion of the

G. Recreation

Virginia Natural Gas, Dominion Virginia Power, Cox Communications, and Verizon Communications provide respectively: natural gas, electricity, cable TV, and telephone services to this area.

F. Utility Service Providers

The proposed development on the subject property will generate solid wastes that will require collection and disposal to promote a safe and healthy environment. Private firms manage a system wide contract to handle the collection of solid waste. Both household trash and recyclable material will be removed from this site to a solid waste transfer station.

E. Solid Waste

There are currently five fire stations providing fire protection and Emergency Medical Services (EMS) to James City County. The closest fire station to the subject site is Station #2 located at 8427 Pocahontas Trail, which abuts Busch Gardens. From this station, an estimated response time will be less than eight minutes

D. Fire Protection and Emergency Services

repair and resurfacing of the trail through the property, the developer is proposing to transfer the trail to the Kingsmill Community Services Association as a permanent recreational amenity for the Kingsmill community.

IV. ANALYSIS OF COMPREHENSIVE PLAN

The area of the proposed master plan amendment all falls within an area designated as low density residential on the current James City County Comprehensive Plan which is consistent with the R-4 zoning and allows for all the proposed uses in the current application.

V. ANALYSIS OF FISCAL IMPACTS

Winding Road Development, LLC has completed fiscal impact analyses for the proposed residential development using the James City County worksheets and assumptions. These are included in this report. In summary, the completed analysis shows total residential revenues exceeding total residential expenses, a net positive fiscal impact.

VII. NATURAL AND CULTURAL RESOURCES

There have been multiple archaeological studies of the Kingsmill Master Plan area that cover all areas of the proposed master plan amendment. Residential Areas 1 and 2 identified on the master plan are currently developed and disturbed sites. Area 1 is a construction stockpile site and Area 2 is currently used for RV/boat parking and storage and a maintenance facility (a proposed alternative site for RV storage is illustrated on Exhibit 7). Neither of these sites has ever been identified as a probable location for any protected or endangered species and neither has shown up on any previous archaeological studies conducted at Kingsmill. Master Plan Areas 6 and 7 have been studied and have no recommendation for further study. As part of the James River Institute Study entitled "Phase 1 cultural resource survey in support of a proposed Hampton Roads Sanitation District Williamsburg Interceptor Force Main, May 2010", portions of land within the master plan area 5 were identified for further study. HRSD, as part of the relocation of their large diameter sewer force main provided Phase 3 studies on large portions of the identified areas. Other areas of significance outside of those studied by HRSD will either be avoided or have Phase 3 studies completed as suggested by the previous archaeological study. The applicant is offering to comply with the County's Natural Resources Policy and its Archaeological policy.

VII. ANALYSIS OF STORMWATER MANAGEMENT/BMP

Areas 1, 2, 6 and 7 lie in the College Creek Subwatershed and drain through Kingsmill Pond and eventually to Halfway Creek and College Creek before flowing to the James River. Kingsmill is a stormwater management (SWM) facility that was constructed in the 1970's and has a water surface areas in excess of 25 acres. This best management practices (BMP) is a "wet pond" created by the construction of a dam with spillway structures to impound the water. The BMP controls the rate of runoff and help reduce the pollutant load. (Locations for all SWM features proposed are shown in attached exhibits) All the proposed residential developments will be designed and developed to meet the criteria of the Commonwealth of Virginia and James City County stormwater requirements. Where required additional stormwater attenuation measures will be added to meet State Minimum Standard #19 and JCC Stream Channel Protection volume requirements.

Areas 1 and 2 - Runoff from these Areas will be directed to an existing channel that flows westward to Kingsmill Pond, adjacent to Holes #4 and #5 of the Kingsmill River Golf Course. Detailed channel adequacy calculations will be performed during the design phase to determine if there is sufficient capacity to carry the potential increased rate of runoff from the subject properties. If there is not sufficient capacity in the existing channel, appropriate detention measures will be designed within the proposed developments to attenuate the runoff rate to a level equal to or less than existing rates. Water quality standards will be met by virtue of the fact that 100% of the runoff from these two Areas will flow through Kingsmill Pond.

Areas 6 and 7 - Runoff from these Areas will be directed to an existing channel that flows to Kingsmill Pond. Detailed channel adequacy calculations will be performed during the design phase to determine if there is sufficient capacity to carry the potential increased rate of runoff from the subject properties. If there is not sufficient capacity in the existing channel, appropriate detention measures will be designed within the proposed developments to attenuate the runoff rate to a level equal to or less than existing rates. Water quality standards will be met by virtue of the fact that 100% of the runoff from these two areas will flow through Kingsmill Pond.

Area 5 - Runoff from these Areas will be directed to upland water quality measures (LID swales, bio-retention, etc.) and as necessary timber wall dry ponds will be installed as required to attenuate flows within the natural ravines to attenuate flows and prevent erosive velocities within the downstream reaches before entering Grove Creek.

Area 8-Area 8 is part of an approved and under construction development. The runoff from this area has already been handled as part of the approved development plan.

VIII. CONCLUSION

In summary, the Community Impact Statement for the Xanterra master plan amendment for Kingsmill highlights the following conclusions and public benefits:

- Adequate public services (water, sewer, and fire) and utility services (gas, electricity, cable television, and telephone) are available for development.
- The current amenities exceed the requirements for recreation areas. The County Road will be repaired, improved and where necessary relocated and will be made a permanent recreational amenity for the Kingsmill community.
- There is adequate capacity in the system of roads serving this project (Traffic Study)
- Fiscal impacts to James City County will be a net positive.
- James City County's stormwater requirements will be met and/or exceeded with this amendment.

PC 2014

- January 8th
- February 5th
- March 5th
- April 2nd
- May 7th
- May 27th Joint WS
- June 4th
- WS June 12th & 26th
- July 2nd
- WS July 24th
- August 6th
- WS August 7th & 21st
- September 3rd
- September 23rd Joint WS
- October 1st
- October 9th, 23rd
- November 5th
- November 6th, 20th
- December 3rd
- December 9th Joint WS

Policy Committee 2014 (3:00 pm)

- January 16th
- February 13th
- March 13th
- April 14th (Mon)
- May 15th
- June 12th
- July 10th
- August 14th
- September 11th
- October 9th
- November 13th
- December 1st

CPT 2014 (4:00 pm)

- March 13th and 27th
- Apr 14th (Mon) and 24th
- May 8th and 22nd
- June 5th and 19th
- July 10th

DRC 2014 (4:00 pm)

- January 8th
- January 29th
- February 26th
- March 26th
- April 30th
- May 28th
- June 25th
- July 30th
- August 27th
- September 24th
- October 29th
- November 19th

PC 2015

- January 7th
- WS Jan 15th and 29th
- February 4th
- February 24th Joint WS
- March 4th
- April 1st
- May 6th
- May 27th Joint WS
- June 3rd
- July 1st
- August 5th
- September 2nd
- October 7th
- November 4th
- December 2nd

Policy Committee 2015 (3:00 pm)

- January 8th, 12th, 15th
- February 12th
- March 12th
- April 16th
- May 14th
- June 11th
- July 16th
- August 13th
- September 10th
- October 15th
- November 12th
- December 10th

DRC 2015 (4:00 pm)

- January 7th
- January 28th
- February 25th
- March 25th
- April 29th
- May 27th
- June 24th
- July 29th
- August 26th
- September 30th
- October 28th
- November 25th

Traffic Impact Study

Kingsmill Resort
Master Plan Amendment

James City County,
Virginia

Prepared for Xanterra Kingsmill, LLC

Prepared by

VHB Vanasse Hangen Brustlin, Inc.

Williamsburg, Virginia
April 2013

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1

Introduction and Summary

Vanasse Hangen Brustlin, Inc. (VHB) performed a traffic impact analysis for the proposed master plan amendment, affecting four areas within Kingsmill, a master planned community on the James River in James City County, Virginia. The purpose of the study is to assess the traffic impacts of the proposed master plan amendment and recommend access management for the site. This Traffic Impact Study was prepared in accordance with the Virginia Department of Transportation (VDOT) requirements, as amended by Chapter 870, and coordinated with James City County representatives.

Executive Summary

Kingsmill is a master planned mixed-used development which includes residential, resort, retail, and office units. Xanterra is proposing to add 196 single family residential units and 126 multi-family residential units to the master plan. Build-out is expected by 2017.

The analysis incorporated the evaluation of traffic at the intersections of Humelsine Parkway (Route 199) with Mounts Bay and Quarterpath Roads and the intersection of Pocahontas Trail (Route 60) and Kingsmill Road, as well as evaluation of the major intersections and proposed access points within Kingsmill. The study area was evaluated under existing 2012 conditions and under the No-build and Build conditions for 2017.

VHB conducted turning movement counts during the AM, PM, and mid-day peak periods during the weeks of December 29, 2011 and January 19, 2012. These counts were compared to turning movement counts conducted by VDOT in July 2011 at the intersection of Humelsine Parkway and Mounts Bay Road. The busiest of the winter counts was selected to develop the base volumes. The mid-day counts were found to be between 80 and 75% of the AM and PM peak hour volumes and were not used for further analysis. A 5 percent seasonal adjustment was applied to the PM counts for 2012 base traffic volumes for the existing conditions analysis. The January AM counts were greater than the July counts, so no seasonal adjustment was applied.

The future No-build and Build volumes at the intersection of Humelsine Parkway with Mounts Bay and Quarterpath Roads include traffic from the proposed Quarterpath at Williamsburg multi-use development under construction on the north side of Humelsine

Parkway. Traffic from Quarterpath at Williamsburg will consume most of the remaining capacity of this intersection. An overall level of service C can be maintained by increasing the side street delays.

The remaining intersections in the study area operate at generally high levels of service and will require minimal improvements.

The recommendations for intersection improvements are as follows:

1. Humelsine Parkway and Mounts Bay and Quarterpath Roads – Recommendations are to re-stripe Mounts Bay Road to show an exclusive through lane allowing for flexibility in signal phasing.

2. Mounts Bay Road and Southall Road – No modifications.
3. Pocahontas Trail and Kingsmill Road – No modifications.
4. Kingsmill Road and Southall Road – No modifications.
5. Kingsmill Road and Wareham's Pond Road – No modifications.

6. Woods Course Single Family Residential (Exhibit 9D) - If the 90 lots do not have access to the Busch Service Road, a right turn lane will be required on eastbound Route 60 at the site entrance. The 90 lots will not generate enough traffic to warrant a signal on either roadway; stop sign control will be sufficient.

7. River Course Condominiums (Exhibits 9B) and Single Family Residential "Cottages" (Exhibit 9C) – The conceptual layouts show multiple access points to these sites. The access points will be constructed at least 200 feet apart and a stop sign should be installed for exiting traffic at each access point.

8. Site 9 – River Course Townhouses - A stop sign should be installed for exiting traffic at each access point.
9. Wareham's Pond Road and Jeffersons 100 - No modifications.
10. Wareham's Pond Road and John Browning - No modifications.

2

Background Information

Kingsmill is located in the southern part of James City County Virginia (see Figure 1) between Humelsine Parkway (State Route 199) to the north, Pocahontas Trail (US Route 60) to the east, the Colonial National Historic Parkway to the west, and the James River to the south. This master planned, multi-use community includes residential, resort, recreational, office, and commercial properties. Development of the Kingsmill Master Planned community was initiated in the 1970's by Anheuser-Busch Properties, to complement development of the Anheuser-Busch Brewery and Busch Gardens Amusement Park. Xanterra Kingsmill, LLC purchased the Kingsmill Resort, including the golf courses and surrounding undeveloped parcels in 2010.

Study Area Roadways

Humelsine Parkway (State Route 199)

Humelsine Parkway is a four-lane divided limited access east-west principal arterial with a posted speed of 55 mph. Access to Kingsmill from Humelsine Parkway is provided at a traffic signal at the intersection of Humelsine Parkway and Mounts Bay Road. Quarterpath Road constitutes the north leg of this intersection.

VDOT reports 2010 traffic volumes on Humelsine Parkway of 33,000 vehicles per day (vpd) west of Mounts Bay Road, and 31,000 vpd east of Mounts Bay Road.

Pocahontas Trail (US Route 60)

Route 60 runs northwest from the Cities of Hampton and Newport News, through the City of Williamsburg, and onto Richmond and points west. Although it has ordinal directions of East and West, it has a north-south orientation in the study area. At its intersection with Kingsmill Road, Pocahontas Trail (US Route 60) is a four-lane divided road with a posted speed limit of 45 mph. There are several signalized intersections on the section of Pocahontas Trail near Kingsmill, including its intersection with Kingsmill Road. This section

of Pocahontas Trail is in York County. The jurisdictional boundary between James City and York Counties meanders along the south right-of-way of Pocahontas Trail, and is just inside the Kingsmill property. VDOT reports 2010 traffic volumes on Pocahontas Trail of 21,000 vpd near Kingsmill Road. The Kingsmill Road intersection has only three approaches. The four lane section continues east through the Grove interchange. Approximately 500 feet east of the Grove interchange, Route 60 transitions to a two-lane rural section with a posted speed limit of 45 mph. VDOT reports 2010 traffic volumes on Pocahontas Trail of 8,600 vpd near the Busch Service Road.

Mounts Bay Road

Mounts Bay Road is one of two entrances to Kingsmill. It is a privately maintained, four lane divided roadway with a posted speed limit of 25 mph. Kingsmill operates a guard station, located approximately one-quarter mile south of the intersection of Mounts Bay Road and Route 199, to regulate access to the development. The James City County Government Complex is located off of Mounts Bay Road between Humelsine Parkway and the guard station.

Between the guard station and Southall Road, Mounts Bay Road transitions a two-lane road with grass swales and paved multi-use trails. It runs through the Kingsmill residential areas to Kingsmill Road.

The signalized intersection of Humelsine Parkway and Mounts Bay Road has dual left turn on the eastbound and south bound approaches, a single left turn lane westbound, and an exclusive left with a combined left-through lane northbound. The northbound left turn lane is channelized and controlled by a stop sign. There are two, channelized southbound left turn lanes controlled by the signal. The north and southbound movements operate under split phases. This intersection sits at the crest of a hill. Slight distance concerns prevent free operation of the southbound right turn movement.

Quarterpath Road

Quarterpath Road forms the northern leg of the intersection of Humelsine Parkway, Mounts Bay Road, and Quarterpath Road. Most of Quarterpath Road is a winding, two-lane rural section with minimal shoulders. Part of the road is unpaved. The road extends to Route 60 (called York Street) in the central part of the City of Williamsburg.

Kingsmill Road

Kingsmill Road provides the second public entrance to Kingsmill. Like Mounts Bay Road, it is a privately maintained, four-lane divided road. The Kingsmill Road guard station is approximately one half mile south of Pocahontas Trail. This location allows free public access to the Busch Corporate Center, but controls access to the residential and resort areas of Kingsmill.

West of the guard station, Kingsmill Road becomes a two-lane road with grass swales and a paved multi-use trail. Kingsmill Road runs through the Kingsmill residential areas to the Kingsmill Resort.

Southall Road

Southall Road runs between Kingsmill Road and Mounts Bay Road. It is a privately maintained, two-lane road with open ditches and a posted speed limit of 25 mph.

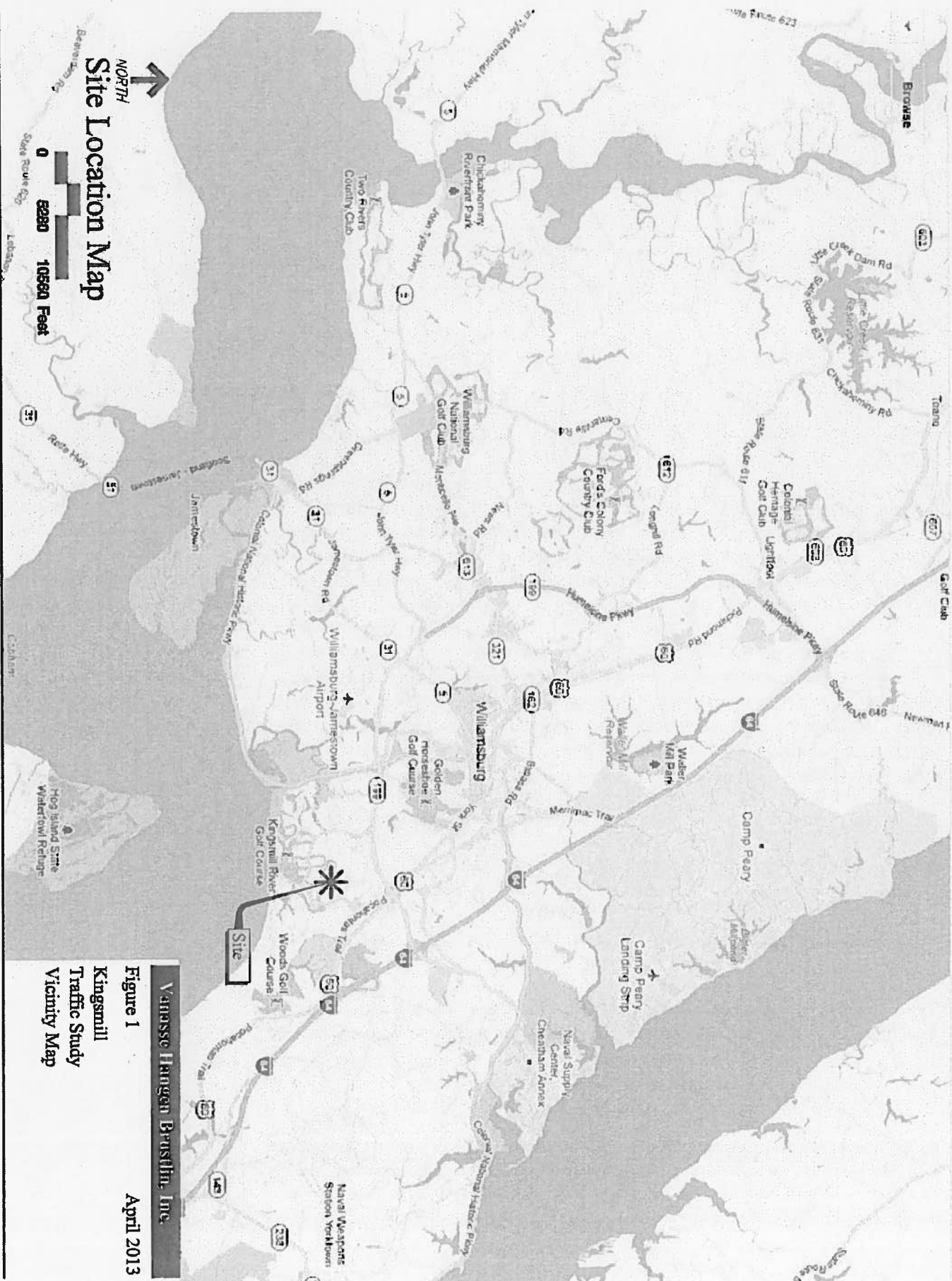
Wareham's Pond Road

Wareham's Pond Road runs east from Kingsmill Road. It is a privately maintained, two-lane road with open ditches and a posted speed limit of 25 mph.

Brewery Service Road

The Brewery Service Road was built as a backdoor service road to the Brewery and Busch Gardens from Route 60. The Brewery operates a guard house and gates near Route 60. This road also provides access from Kingsmill to The Woods Golf Course and to their laundry facility. There is a connector road from Wareham's Pond Road to the Brewery Service Road to serve this traffic. These two lane roads are privately maintained through joint maintenance and access easement agreements between the Brewery, Busch Gardens, and Xanterra.

Traffic on these roads varies seasonally. The golf course was closed this winter and, on many days, no construction traffic was using the service road during the data collection phase of this study. Tube counts showed traffic ranging from 36 to 300 vpd. Traffic peaks in the summer and fall when golf course use is high and Busch Gardens uses the road shoulder for overflow employee parking.



Vanhise Hengen Brustlin, Inc.
 Figure 1
 Kingsmill
 Traffic Study
 Vicinity Map
 April 2013

Surrounding Development

Kingsmill is located in southern James City County Virginia (see Figure 1) between Humelsine Parkway (State Route 199) to the north, Pocahontas Trail (US Route 60) to the east, the Colonial Parkway to the west, and the James River to the south. This master planned, multi-use community includes residential, resort, recreational, office, and commercial properties. Development of the Kingsmill Master Planned community was initiated in the 1970's by Anheuser-Busch Properties, to complement development of the Anheuser-Busch Brewery and Busch Gardens Amusement Park. Figure 2 presents the overall Master Plan for these properties. Xanterra Kingsmill, LLC purchased the Kingsmill Resort, including the golf courses and surrounding undeveloped parcels in 2010.

The property east of Kingsmill is commercial, with retail, hotel, offices and restaurants located in Busch Corporate Center and on the properties along the east side of Route 60. The Anheuser-Busch Brewery and Busch Gardens amusement park are located southeast of Kingsmill Road and adjacent to Kingsmill.

The property to the north is currently under development. A retail center has been constructed in the northwest quadrant of the Humelsine Parkway-Quarterpath Road intersection. A hospital and supporting infrastructure are under construction, and nearing completion, on property to the east of Quarterpath Road. Residential developments, additional retail, a retirement community, and medical offices have also been approved for this area as part of the "Quarterpath at Williamsburg" Master Plan.



Study Area

The study area was identified as the main entrances to Kingsmill. The existing intersections included are listed below:

1. Humelsine Parkway (State Route 199) and Mounts Bay Road/Quarterpath - signalized
2. Mounts Bay Road and Southall Road - stop sign controlled
3. Pocahontas Trail (US Route 60) and Kingsmill Road - signalized
4. Kingsmill Road and Southall Road - stop sign controlled
5. Kingsmill Road and Wareham's Pond Road - stop sign controlled

3 Existing Conditions

Existing Conditions Capacity Analysis

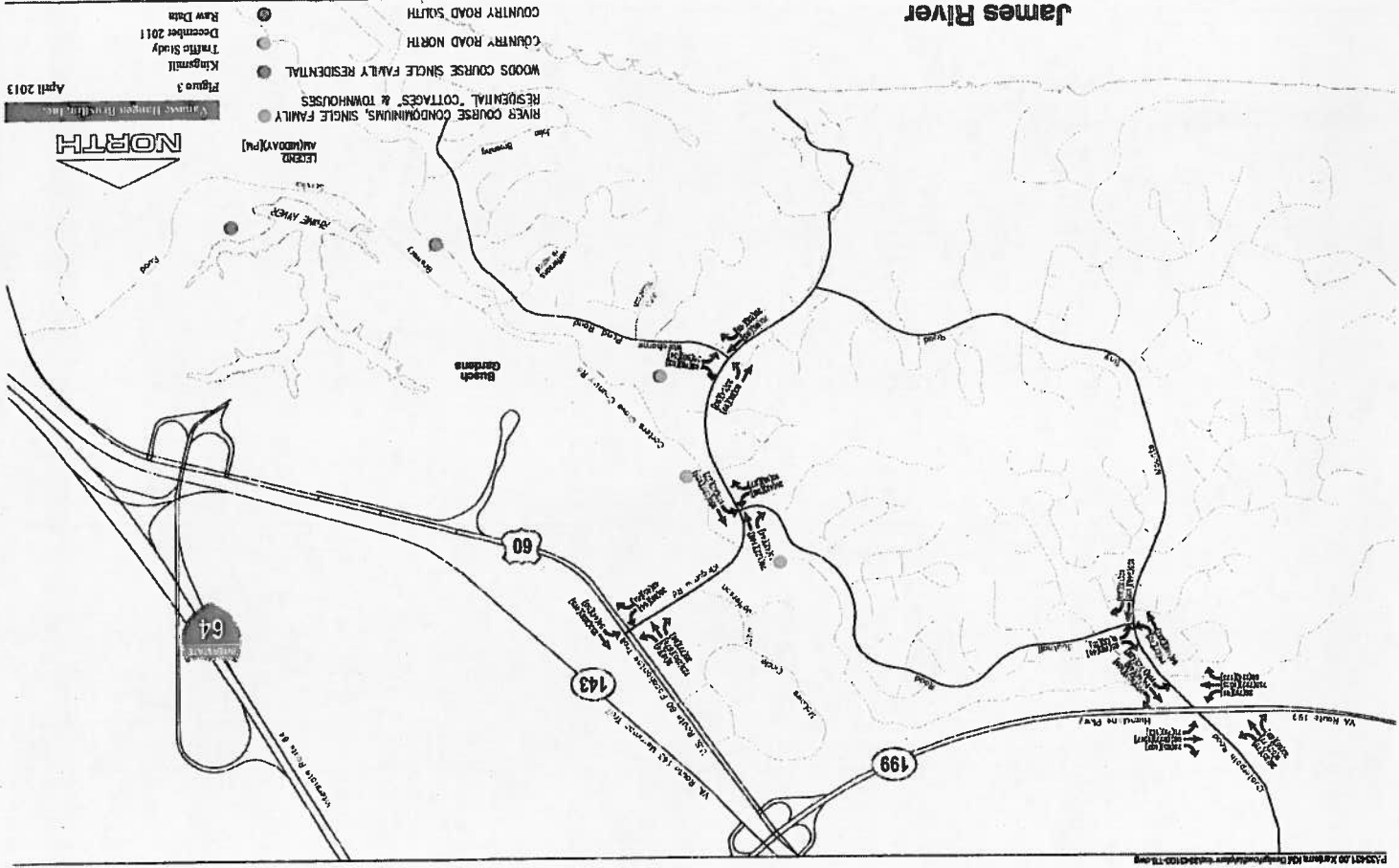
VHB conducted turning movement counts during the AM, PM, and mid-day peak periods during the weeks of December 29, 2011 and January 19, 2012. These counts were compared to turning movement counts conducted by VDOT in July 2011 at the intersection of Humelsine Parkway and Mounts Bay Road.

The data was compiled and is presented as the Raw Traffic Volumes in Figures 3 and 4. The volumes were then evaluated and compared to the VDOT counts. The busiest of the winter counts was selected to develop the base volumes. The mid-day counts were found to be between 80 and 75% of the AM and PM peak hour volumes and were not used for further analysis. A 5 percent seasonal adjustment was applied to the PM counts for 2012 base traffic volumes for the existing conditions analysis. The January AM counts were greater than the July counts, so no seasonal adjustment was applied. The final adjusted existing condition volumes are presented in Figures 5 and 6.

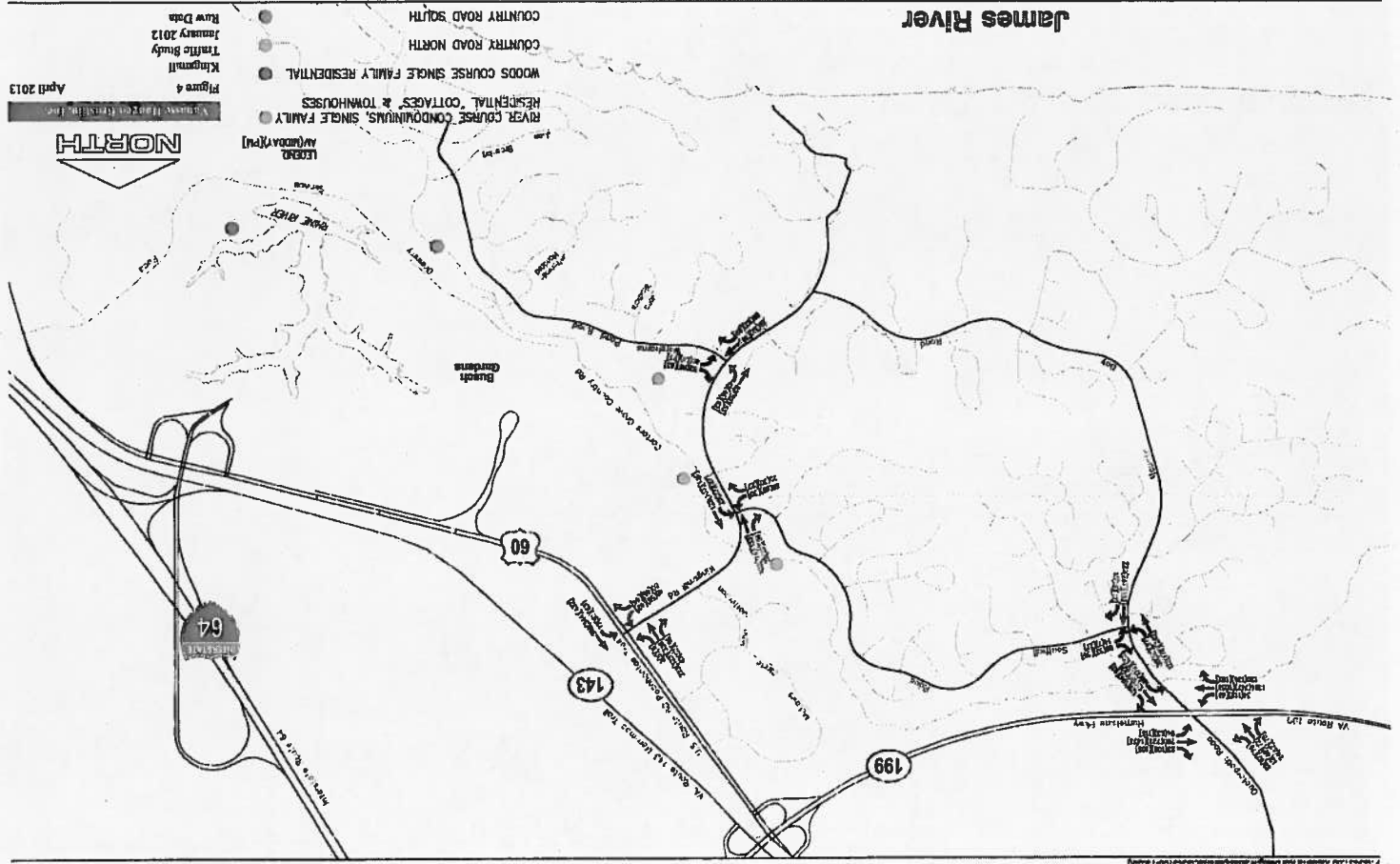
The existing signal timing information obtained from the field observations, and peak hour traffic volumes at the study area intersections were input into Synchro 7 software to conduct an existing operational level of service (LOS) analysis. LOS is a qualitative measure that describes the operating conditions within an intersection. There are six LOS defined; each level has a letter identification ranging from A to F, with LOS A representing the best operating conditions and LOS F representing the worst.

The delay and LOS information generated by the Synchro 7 capacity analysis is presented in Table 1 for both the signalized and unsignalized intersections. The LOS of each movement is listed with the traffic volume on the corresponding baseline volume figure. Typically, a LOS D is considered the threshold of acceptable operations for an overall intersection, with LOS E for a single movement being acceptable. The Synchro capacity analysis worksheets are attached in the Appendix.

James River



James River



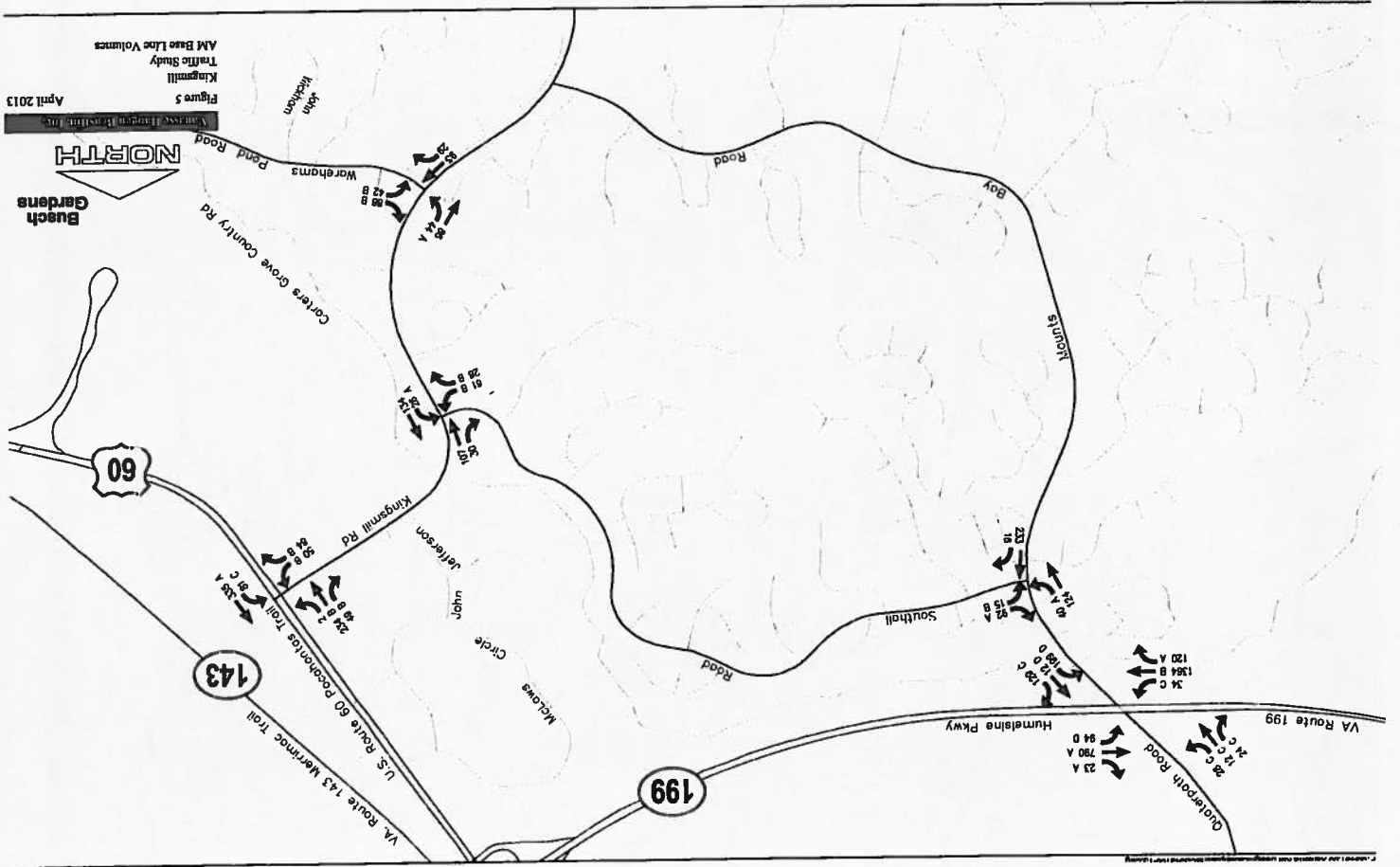


Figure 5
Traffic Study
April 2013
AM Peak Hour Volumes

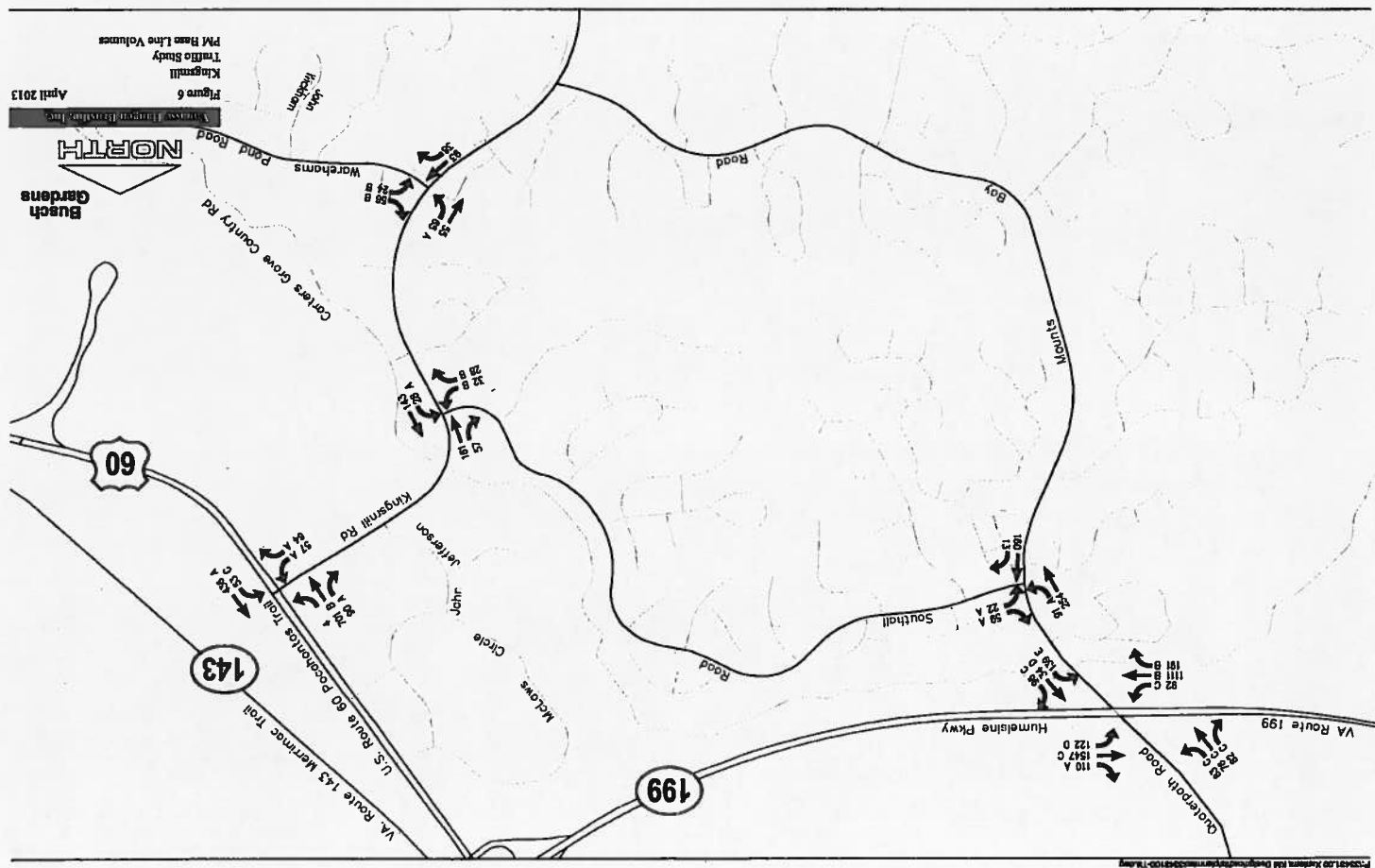


Table 1
2012 PEAK HOUR CAPACITY ANALYSIS

		AM Peak Hour		PM Peak Hour			
		LOS	Delay	V/C	LOS	Delay	V/C
Humelsine Pkwy (Rt 199) & Mounts Bay Rd.							
EBL	C	31.1	0.44	0.44	C	32.2	0.41
EBT	B	18.4	0.87	0.87	B	16.0	0.72
EBR	A	8.0	0.08	0.08	B	10.3	0.13
WBL	D	46.3	0.75	0.75	D	47.0	0.75
WBT	A	8.4	0.45	0.45	C	26.4	0.94
WBR	A	6.4	0.06	0.06	A	9.0	0.09
NBL	C	26.2	0.16	0.16	E	57.2	0.77
NBT	C	26.3	0.13	0.13	D	54.0	0.75
NBR	C	25.6	0.01	0.01	C	30.5	0.07
SBL	D	45.4	0.76	0.76	C	30.1	0.28
SBT	D	45.4	0.76	0.76	C	32.2	0.48
SBR	C	24.1	0.09	0.09	C	30.5	0.34
Overall	B	18.3	0.87	0.87	C	24.5	0.80
Mounts Bay Rd. & Southall							
WBL	B	11.7	0.03	0.03	C	21.0	0.10
WBR	A	9.5	0.11	0.11	A	9.1	0.07
NBT	-	-	0.07	0.07	-	-	0.06
NBR	-	-	0.01	0.01	-	-	0.01
SBL	A	7.9	0.03	0.03	A	8.4	0.22
SBT	-	-	0.04	0.04	-	-	0.00
Overall	A	2.6	0.11	0.11	A	6.2	0.22
Pocahontas Trail (US Rt 60) & Kingsmill Rd							
EBT	B	15.6	0.23	0.23	B	16.3	0.65
EBR	B	14.3	0.03	0.03	B	11.1	0.06
WBL	C	20.8	0.23	0.23	C	28.5	0.39
WBT	A	5.1	0.17	0.17	A	7.3	0.27
NBL	B	18.8	0.13	0.13	B	11.4	0.11
NBR	B	18.2	0.06	0.06	B	11.0	0.04
Overall	B	12.2	0.20	0.20	B	13.2	0.38
Kingsmill Rd & Southall							
EBLR	B	10.9	0.13	0.13	B	10.9	0.10
NBLT	A	1.4	0.02	0.02	A	1.4	0.02
SBTR	-	-	0.09	0.09	-	-	0.14
Overall	A	3.0	0.13	0.13	A	2.0	0.14
Kingsmill Rd & Wareham's Pond							
WBLR	B	10.3	0.17	0.17	B	10.8	0.12
NBTR	-	-	0.08	0.08	-	-	0.08
SBLT	A	2.7	0.03	0.03	A	4.3	0.05
Overall	A	4.4	0.17	0.17	A	4.2	0.12

Existing Conditions Capacity Analysis Results

The analysis shows that the intersections within Kingsmill are operating at a high level of service with ample capacity for growth. The signalized intersection of Kingsmill Road and Route 60 also operates at a high level of service. The intersection of Humelsine Parkway with Mounts Bay and Quarterpath Roads was found to operate at acceptable overall levels of service, but with lower levels of service for the westbound left turn movement into Kingsmill and the northbound left turn movement leaving Kingsmill.

4

Future Conditions Without Development

Traffic volumes were projected for the 2017 build year. These projected traffic volumes are comprised of existing traffic volumes with the background traffic growth and off-site development approved but not yet built and open.

Background Traffic Volumes

2017 Future Background Conditions were obtained by applying an annual growth rate of 2% compounded for five years to the 2012 Base Volumes. This growth factor accounts for an overall increase in traffic in the area associated with regional land development. There has been a general reduction in vehicle miles traveled (VMT) in Hampton Roads in alignment with economic conditions; however, a conservative approach to forecasting was taken due to the uncertainty of the changing travel patterns in this area and continued growth in James City County.

The most significant project under development in the area is the Riverside Doctors' Hospital, located on the property north of Kingsmill. The master plan for this property includes the hospital, additional office and retail space, single and multi-family residential areas, and retirement housing. The development will have a major entrance on Quarterpath Road, and will utilize the intersection of Humelaine Parkway and Quarterpath and Mounts Bay Roads. A series of traffic studies were prepared by Sasaki Associates, Inc. and DRW Consultants during the rezoning and plan approval process for this development. Traffic projections from the AM and PM peak hour trip assignments included in the December 20, 2007 "Traffic Analysis for Quarterpath at Williamsburg: Phase 2 Quarterpath Road" by DRW Consultants, Inc., were added to the grown 2017 background volumes for the intersection of Humelaine Parkway and Mounts Bay and Quarterpath Roads. Copies of the DRW assignment figures are included in the appendix.

The 2017 Future Background Conditions volumes also include estimates of turning movements at three intersections along Wareham's Pond Road:

1. Wareham's Pond Road and John Wickham – stop sign controlled

2. Wareham's Pond Road and Jefferson's Hundred (the Brewery Service Road connection) – stop sign controlled
 3. Wareham's Pond Road and John Browning – stop sign controlled
- These traffic volumes were estimated based by prorating the 2017 volumes at the intersection of Kingsmill Road and Wareham's Pond Road by the number of platted lots served by these interior intersections.
- Figures 7 and 8 present the AM and PM traffic volumes analyzed for the 2017 Scenarios.

James River

THE DISTRIBUTION RATES FOR THE COUNTRY ROAD NORTH LOTS ARE SHOWN IN AGGREGATE.

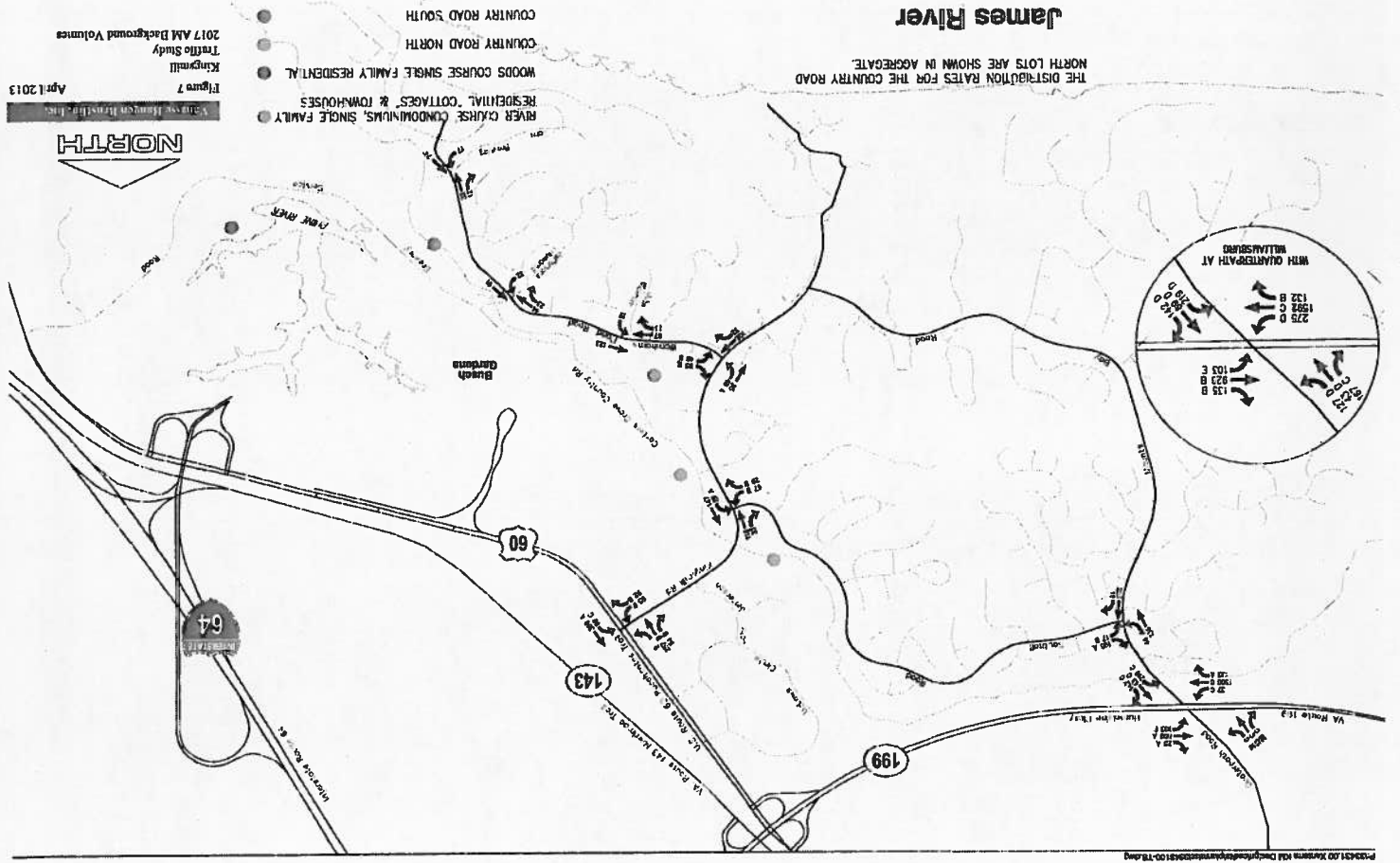
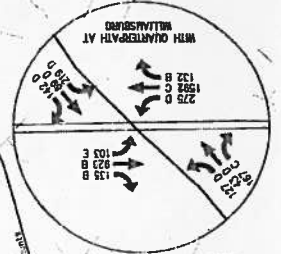


Figure 7
 2017 AM Background Volumes
 Traffic Study
 Kingmill
 April 2013

NORTH

James River

THE DISTRIBUTION RATES FOR THE COUNTRY ROAD NORTH LOTS ARE SHOWN IN AGGREGATE.

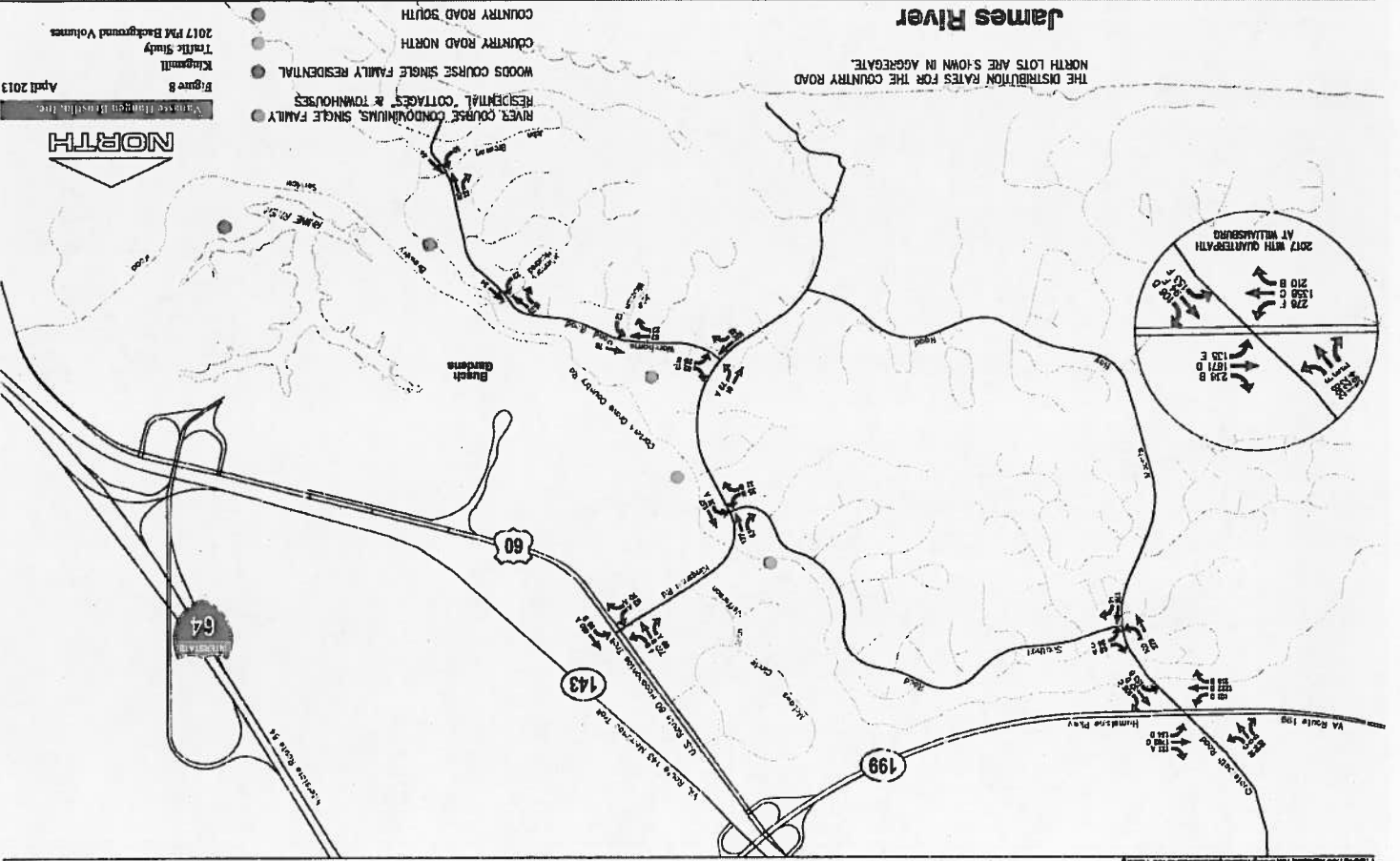
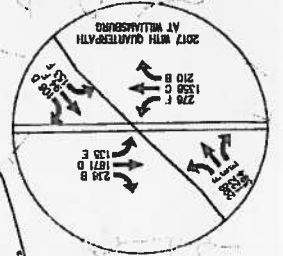


Figure 8
Kiewit
2017 PM Background Volumes
Traffic Study
April 2013

NORTH

Future Conditions Without Development Analysis Results

The 2017 AM and PM peak hour background volumes were entered into Synchro to determine the future levels of service and delay without the proposed development. The delay and LOS information generated by the Synchro 7 capacity analysis is presented in Table 2 for both the signalized and unsignalized intersections. The LOS of each movement is listed with the traffic volume on the corresponding background volume figure.

A separate analysis was conducted for the intersection of Humelsine Parkway and Quarterpath and Mounts Bay Roads with the additional traffic from Quarterpath at Williamsburg. The traffic volume projections for the intersection of Humelsine Parkway and Quarterpath and Mounts Bay Roads show the forecasted numbers over burdening the capacity of the intersection. An overall level of service C can be maintained by increasing the side street delays. Levels of service on Quarterpath Road will drop from C's and D's to E's and F's. Levels of service on Mounts Bay Road will drop from C's and D's to D's and F's. These results are tabulated in Table 3.

The signal timing was optimized for the intersection and adjusted to a 120 second cycle length for the AM and PM peak hours in 2017.

The results indicate that the remainder of the intersections in the study area will operate at high levels of service, with minimal delays and adequate capacity for additional growth.

Table 2
2017 No-Build Peak Hour Capacity Analysis

		AM Peak Hour		PM Peak Hour			
		LOS	Delay	V/C	LOS	Delay	V/C
Humesline Pkwy (Rt 199) & Mounts Bay Rd.	EBL	C	32.3	0.48	D	54.2	0.75
	EBT	C	33.4	0.98	B	18.9	0.79
	EBR	A	8.6	0.09	B	11.0	0.14
	WBL	F	99.1	0.97	D	41.2	0.70
	WBT	A	9.8	0.52	C	26.9	0.95
	WBR	A	7.1	0.02	A	7.9	0.08
	NBL	C	26.7	0.18	D	39.9	0.64
	NBT	C	26.7	0.14	D	40.5	0.65
	NBR	C	26.0	0.01	C	30.4	0.07
	SBL	C	30.7	0.63	C	33.9	0.42
Mounts Bay Rd. & Southall	SBR	C	23.1	0.10	D	35.2	0.51
	Overall	C	26.9	0.84	C	25.8	0.91
	WBL	B	11.1	0.03	C	21.0	0.10
	WBR	A	9.2	0.11	A	9.1	0.07
	NBT	-	-	0.05	-	-	0.06
	NBR	-	-	0.01	-	-	0.01
	SBL	A	7.7	0.03	A	8.4	0.22
	SBT	-	-	0.04	-	-	0.00
	Overall	A	3.1	0.11	A	6.2	0.22
	EBT	B	15.7	0.25	B	11.2	0.59
& Kingsmill Rd Pocahontas Trail (US Rt 60)	EBR	B	14.3	0.04	A	7.6	0.07
	WBL	C	21.1	0.25	B	12.8	0.33
	WBT	A	5.2	0.18	A	9.2	0.37
	NBL	B	19.0	0.15	A	7.8	0.10
	NBR	B	18.2	0.06	A	7.5	0.06
	Overall	B	12.4	0.22	B	10.1	0.34
	EBLR	B	11.2	0.15	B	11.3	0.11
	NBLT	A	1.4	0.02	A	1.5	0.03
	SBTR	-	-	0.10	-	-	0.15
	Overall	A	3.1	0.15	A	2.1	0.15
Kingsmill Rd & Southall Rd	EBLR	B	11.2	0.15	B	11.3	0.11
	NBLT	A	1.4	0.02	A	1.5	0.03
	SBTR	-	-	0.10	-	-	0.15
	Overall	A	3.1	0.15	A	2.1	0.15
Kingsmill Rd & Wareham's Pond	WBLR	B	10.5	0.19	B	10.1	0.12
	NBTR	-	-	0.09	-	-	0.09
	SBLT	A	2.7	0.04	A	4.4	0.05
	Overall	A	4.5	0.19	A	4.0	0.12

	Mountains Bay Rd.					
	Hume's Pkwy (Rt 199) &					
Movement	LOS	Delay V/C	V/C	LOS	Delay V/C	P.M. Peak Hour
EBL	D	39.4	0.64	F	92.1	0.95
EBT	C	26.1	0.91	C	23.1	0.76
EBR	B	10.2	0.10	B	13.8	0.18
WBL	E	67.1	0.80	E	58.9	0.68
WBT	B	17.4	0.59	D	44.8	1.00
WBR	B	12.7	0.09	B	12.4	0.21
NBL	D	48.7	0.72	F	88.4	0.86
NBT	D	48.3	0.72	F	88.8	0.86
NBR	D	35.0	0.18	D	50.1	0.07
SBL	D	44.3	0.59	F	112.7	1.03
SBT	D	41.5	0.37	E	72.9	0.78
SBR	C	26.0	0.13	E	58.7	0.84
Overall	C	27.8	0.85	D	47.1	0.98

5

Future Build Conditions

Proposed Development

Xanterra Kingmill, LLC is proposing to amend the Kingmill master plan to include additional 322 townhouses, condominiums, detached cottages, and single family homes. 90 of the proposed single family residential homes will be located near the Woods Golf Course on land currently designated on the Master Plan as "Commercial and Light Industrial" uses. 30 townhomes will be located north of the intersection of Kingmill Road and Wareham's Pond Road, near Hole 5 of the River Course. 96 condominiums and 11 cottages will be located south of Hole 6 on land currently designated as "Equestrian." The remaining residential units will be located along Southall Road and east of Wareham's Pond Road along property known as "The Country Road." Concept plans for each of these areas are attached.

Traffic Study
County Road North

30 TOTAL UNITS:
 - 6 - THREE UNIT BUILDINGS
 - 3 - FOUR UNIT BUILDINGS

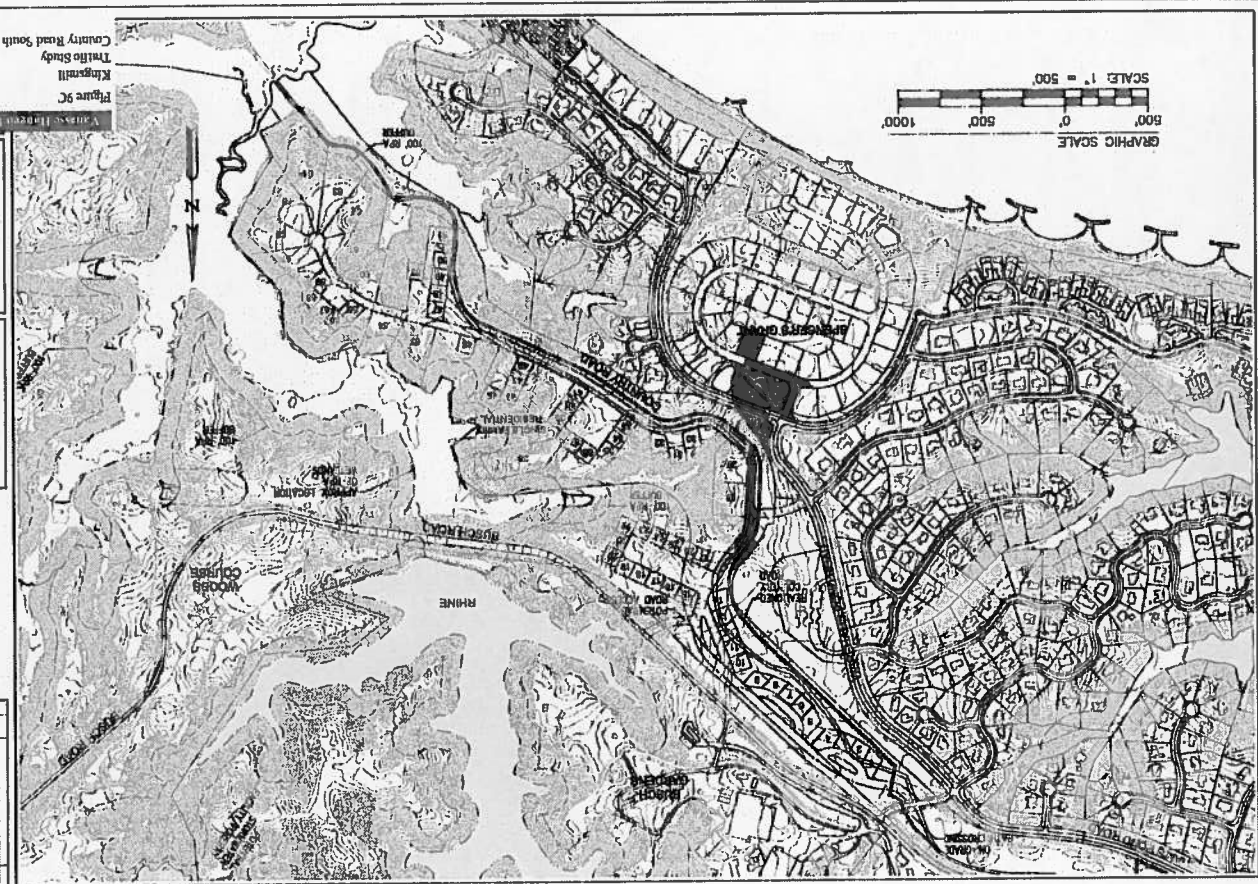


KINGSMILL RESORT MASTER PLAN

MARCH 30, 2013 - Revision 'A'

Figure 9B
 Kingsmill
 Resort Study
 Review Current Condominiums, Single Family
 Residential "Cottages" & Townhouses
 April 2013





GRAPHIC SCALE
SCALE: 1" = 500'
0' 500' 1000'

Figure 9C
Kingsmill Country Road South
Twilio Study
April 2013

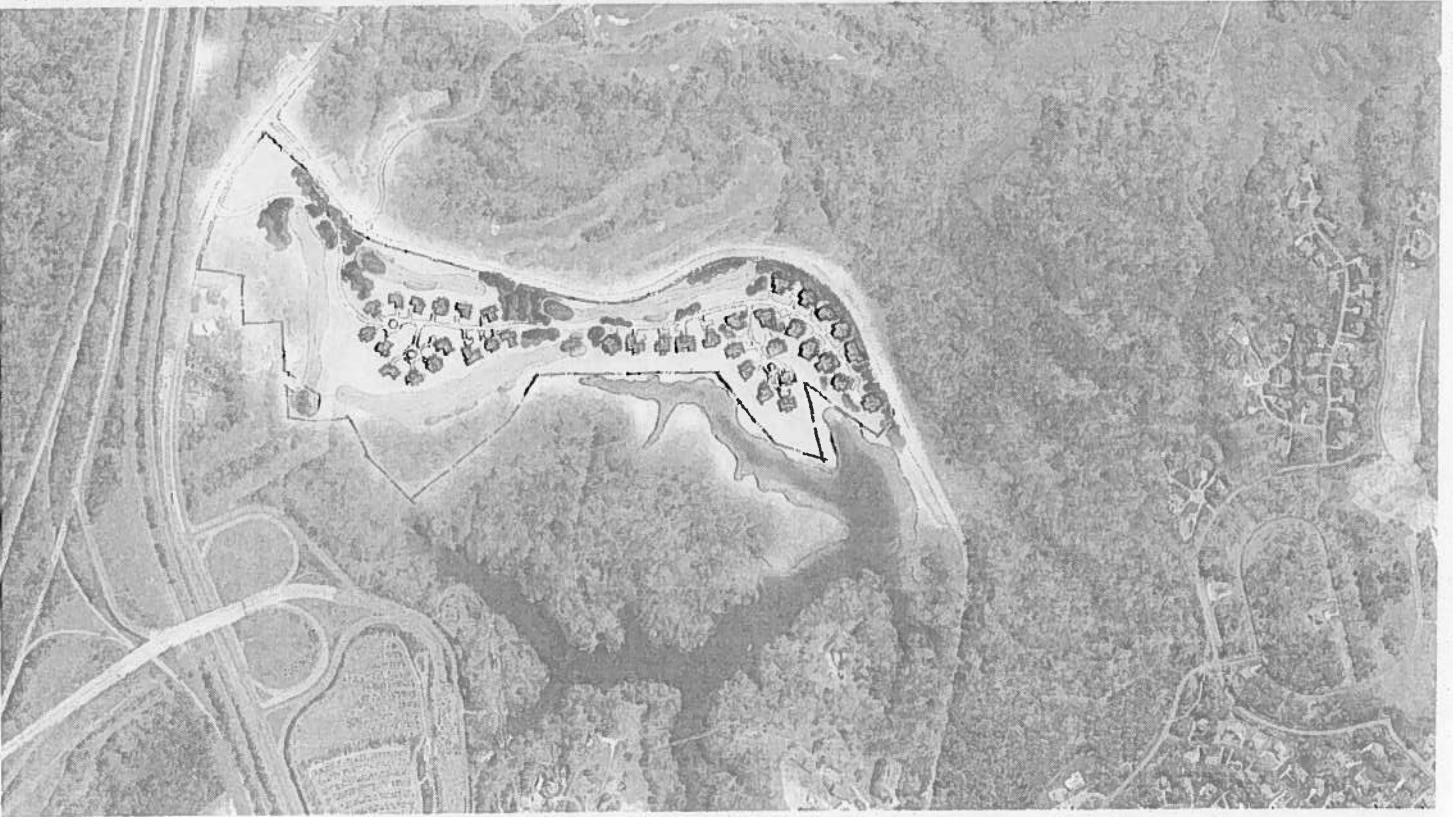
KINGSMILL COUNTRY ROAD

MTS

Map of the Kingsmill Country Road area, showing the Kingsmill Country Club, Kingsmill Country House, and Kingsmill Golf Course. The map is oriented with North at the top.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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WOOD'S GOLF COURSE OPTION A



Trip Generation

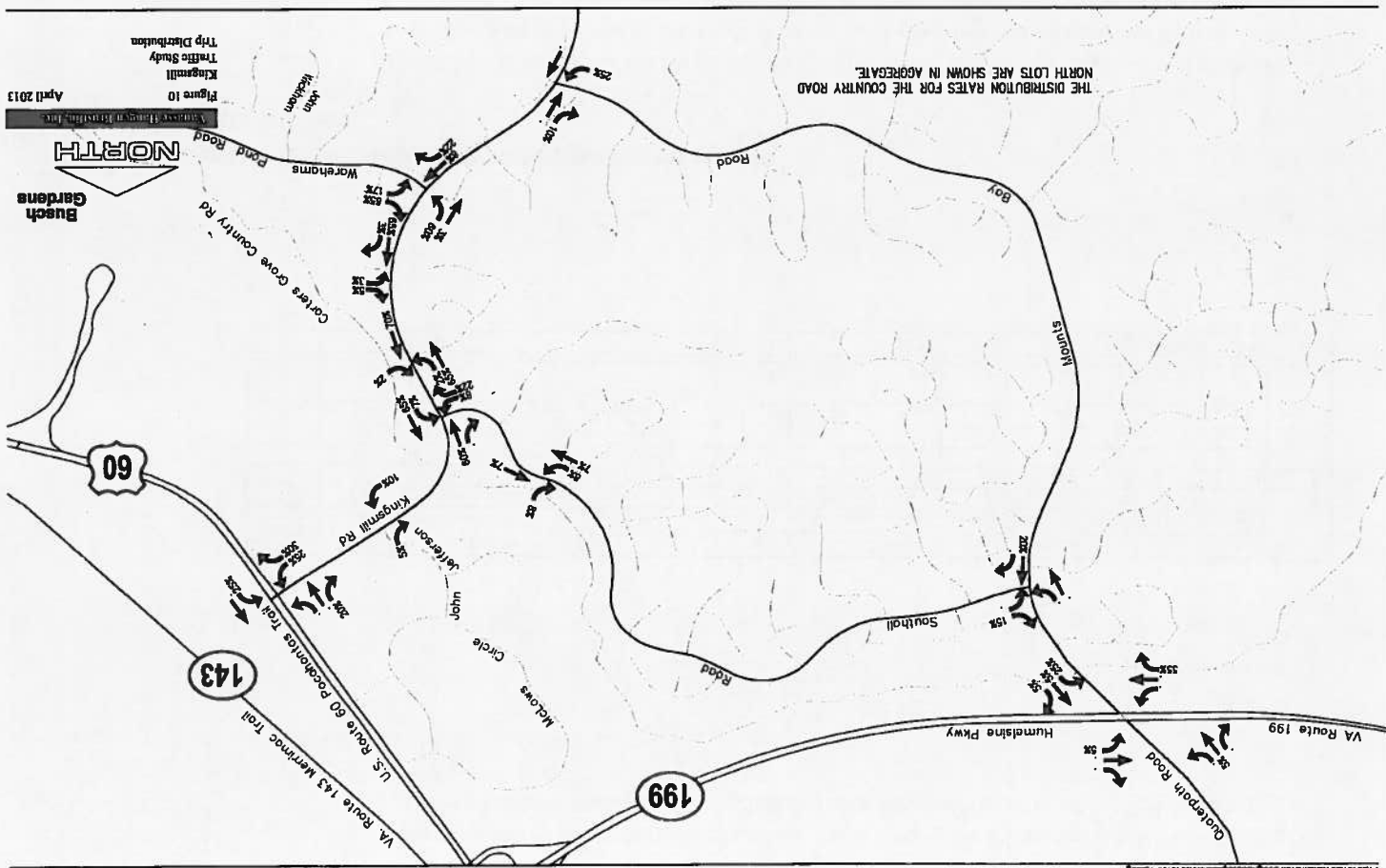
Xanterra Kingsmill, LLC is proposing to amend the Kingsmill master plan to include townhouses, condominiums, detached cottages, and single family residential homes. Forecasted traffic potentially generated by the proposed land uses were established using equations available through the Institute of Transportation Engineers' (ITE) *Trip Generation*, 8th Edition.

Table 4
Trip Generation

Site #	ITE Code	Land Use	Daily		AM Peak Hour		PM Peak Hour	
			Size	Units	ADT	VPH	Enter	Exit
5	210	Woods Course / Single Family	90	DU	944	73	18	55
	210	Country Road South/Single Family	75	DU	798	62	16	47
	210	Country Road North/Single Family	20	DU	237	24	6	18
7	230	River Course 5&6/Condominiums	96	DU	621	50	8	41
9	230	River Course 5&6/Townhouses	30	DU	226	20	3	16
	210	River Course 5&6/"Cottages" = Single	11	DU	136	17	4	13
10	210	Family						
Totals			322		2961	246	56	190
							296	190
							14	9
								106

Trip Distribution

Trip distribution was based on the existing traffic patterns in conjunction with engineering judgment guided by the understanding of the land uses and the relationship with the land uses in the surrounding area. The trip distribution percentages are presented in Figure 10. Figures 11 and 12 present the resulting trip assignments. The distribution rates and volumes for the Country Road North lots are shown in aggregate, with the values for the Southall Road driveways and the Kingsmill Road driveways grouped together.

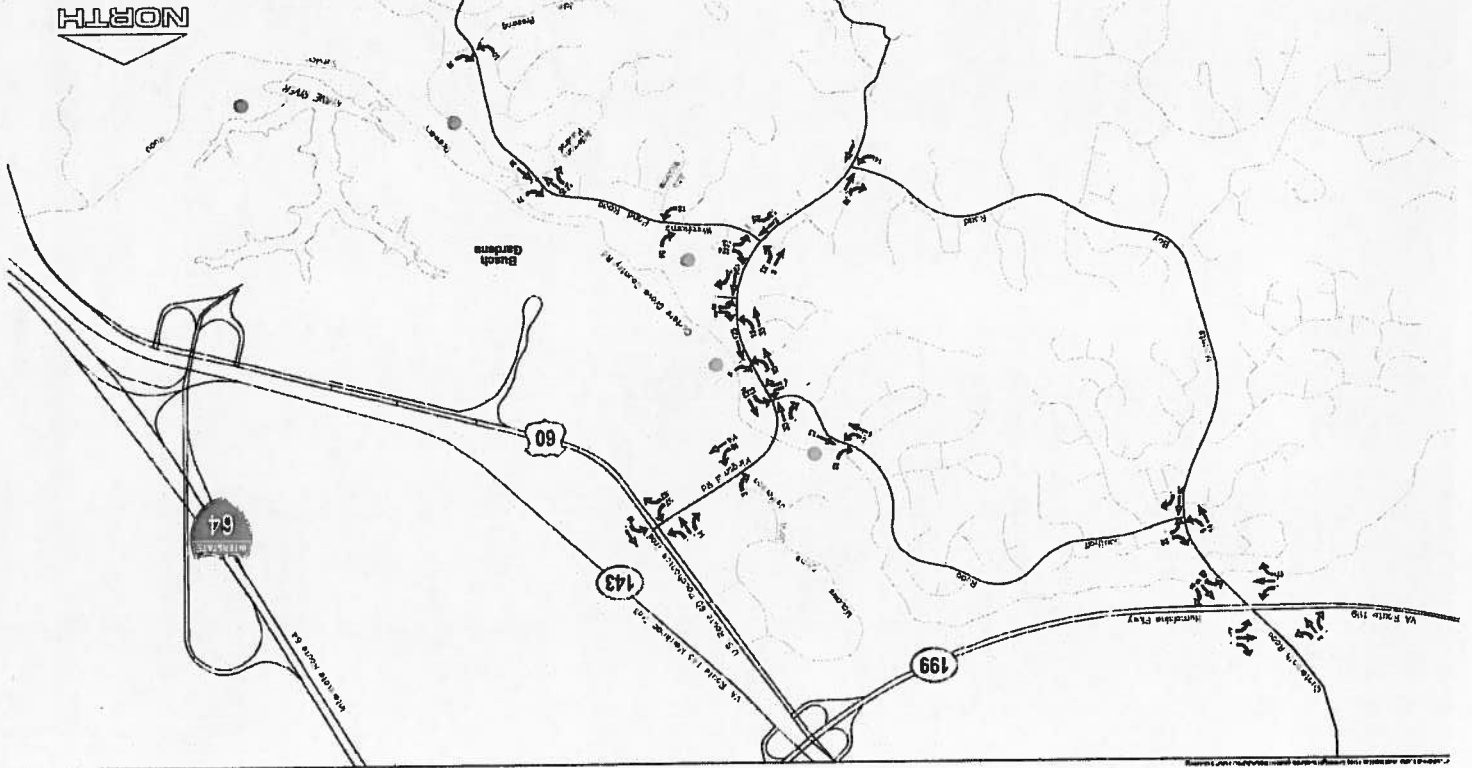


James River

THE DISTRIBUTION VOLUMES FOR THE COUNTRY ROAD NORTH LOTS ARE SHOWN IN AGGREGATE.

- RIVER COURSE CONDOMINIUMS, SINGLE FAMILY RESIDENTIAL, COTTAGES & TOWNHOUSES
- WOODS COURSE SINGLE FAMILY RESIDENTIAL
- COUNTRY ROAD NORTH
- COUNTRY ROAD SOUTH

Figure 11
April 2013
Veritas Engineering, Inc.
Traffic Study
Add Development Traffic Volumes

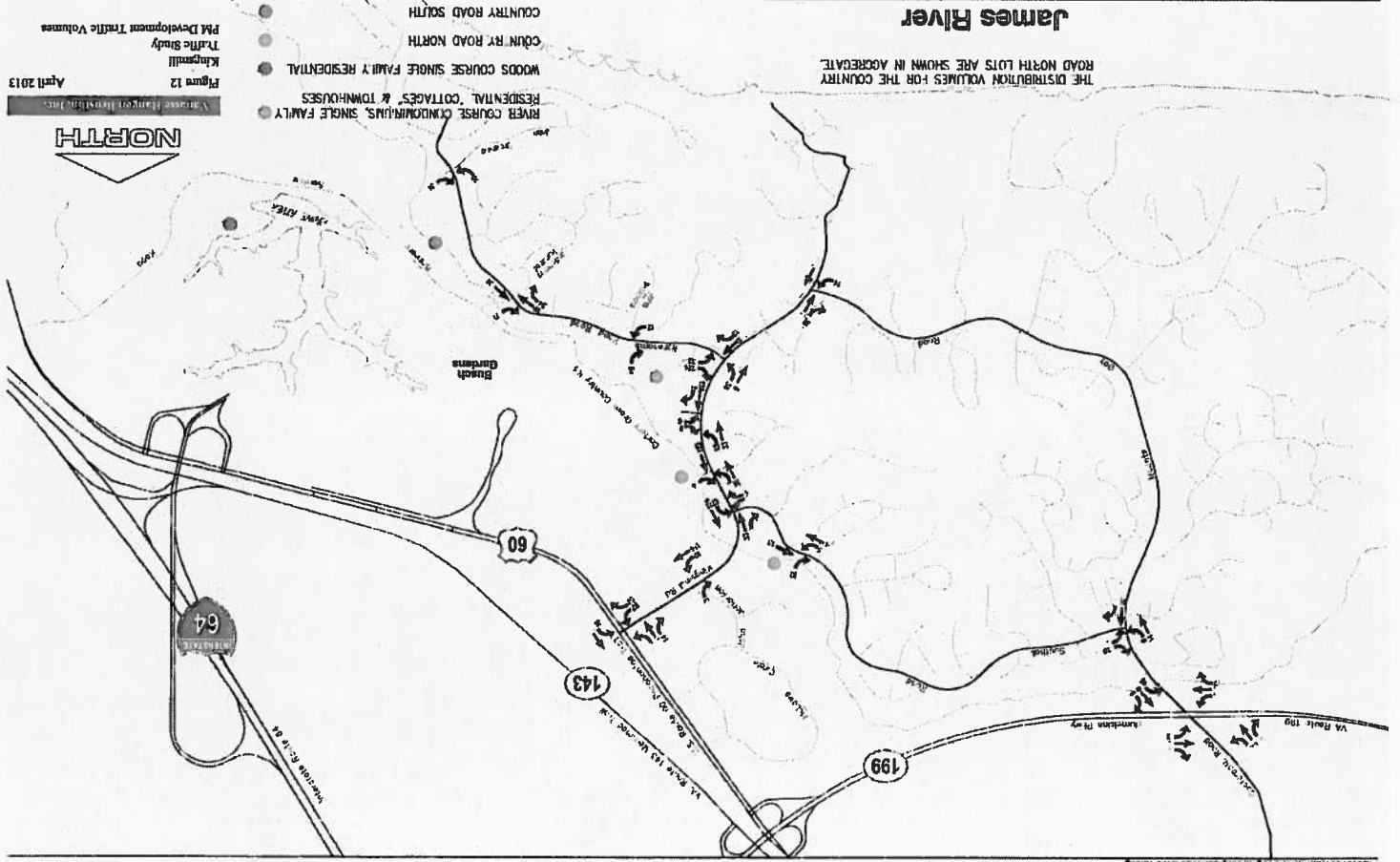


James River

THE DISTRIBUTION VOLUMES FOR THE COUNTRY ROAD NORTH LOTS ARE SHOWN IN AGGREGATE.

- RIVER COURSE CONDOMINIUMS, SINGLE FAMILY RESIDENTIAL, COTTAGES & TOWNHOUSES
- WOODS COURSE SINGLE FAMILY RESIDENTIAL
- COUNTRY ROAD NORTH
- COUNTRY ROAD SOUTH

Figure 12
April 2013
PM Development Traffic Volumes
Kingmill
Traffic Study



Analysis of Future Conditions with Development

We added the proposed development traffic volumes mapped on Figures 11 and 12 to the 2017 Future Background Conditions to obtain the 2017 AM and PM peak hour build-out volumes. These are illustrated on Figures 13 and 14.

The 2017 AM and PM peak hour build-out volumes were entered into Synchro to determine the future levels of service and delay with the proposed development. The delay and LOS information generated by the Synchro 7 capacity analysis is presented in Table 5 for both the signalized and unsignalized intersections. The LOS of each movement is listed with the traffic volume on the corresponding volume figure.

As was noted for the No-build scenarios, the traffic volume projections for the intersection of Humelsine Parkway and Quarterpath and Mounts Bay Roads show that the forecasted through movements exceeds the capacity of a four-lane facility. The left turn lane movements are awkwardly phased and consequently operate at low levels of service. The proposed Master Plan changes will add a small amount of traffic to this intersection, resulting in the same overall levels of service. Recommendations are to re-stripe Mounts Bay Road to show an exclusive through lane and thereby allow more flexibility in the minor street signal phases. Background growth on the westbound left turn movement may be offset by drivers choosing to use relatively underutilized Kingsmill Road entrance.

Traffic at the other intersections in the study area will experience minimal delays and acceptable levels of service after build-out of the proposed residential areas.

Recommended Site Access

The following recommendations are based on the projected trip generation and distribution at each site entrance as illustrated on Figures 11 and 12.

Woods Course Single Family Residential

The concept plan shows access to Route 60 and to the Brewery Service Road. The site has limited frontage on Route 60 located between the Brewery Service Road and a fire station.

The resulting 600 foot intersection spacing is within VDOT's recently revised entrance spacing standards. However, the proposed home sites may be better identified with the Kingsmill Community if the site's entrance were focused to the Service road and back through Wareham's Pond Road. There is adequate capacity on Wareham's Pond Road and Kingsmill Road to support this route without turn lane improvements. If the 90 lots do not have access to the Busch Service Road, a right turn lane will be required on eastbound Route 60 at the site entrance. The 90 lots will not generate enough traffic to warrant a signal on either roadway; stop sign control will be sufficient.

Country Road South—Single Family Residential

The concept plan shows two points of access to these lots: one on the connector road between the Brewery Service Road and Wareham's Pond Road, and one near the intersection of John Browning and Wareham's Pond Road. Traffic from this develop are will not be sufficient to warrant turn lanes at either entrance. A stop sign should be installed for the exiting traffic at each entrance access point.

River Course Condominiums and Single Family Residential "Cottages"

The concept plans show several access points onto Wareham's Pond Road. These access points would lie near the existing intersections of Wareham's Pond with John Wickham and Wareham's Point. To simplify the analysis, the access points to these sites have been combined at one point between the existing intersections. The single combined intersection would operate at LOS A without any turn lane improvements. If the traffic were distributed between several access points, similar high levels of service would result. However, since Wareham's Pond operates as a collector road, if several access points are employed, they will be constructed at least 200 feet apart. A stop sign will be installed for the exiting traffic at each entrance access point.

River Course Townhouses

The concept plan shows access to Kingsmill Road. This intersection will operate at LOS A without any turn lane improvements. A stop sign should be installed for exiting traffic at the access point.

Country Road North—Single Family Residential

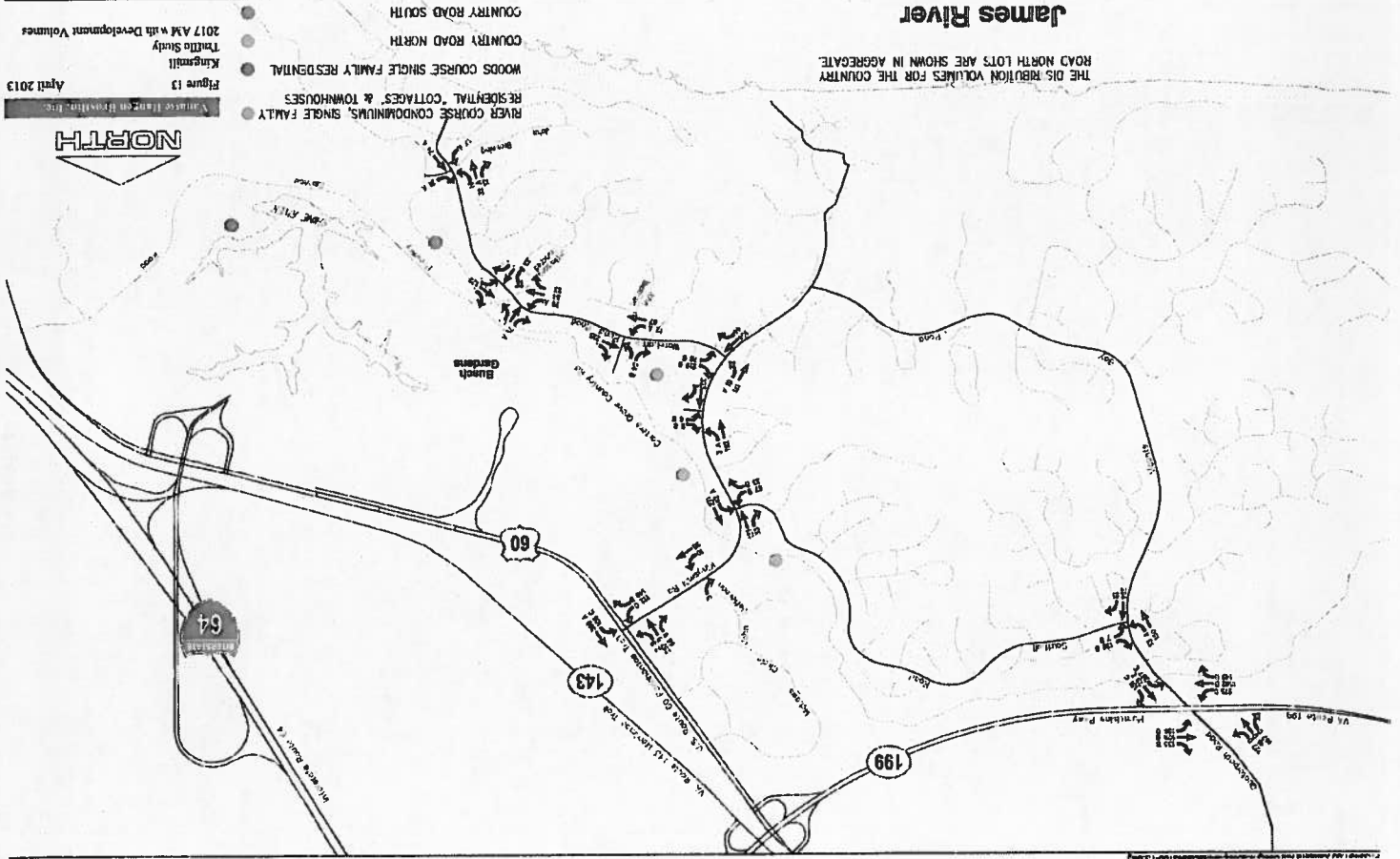
The concept plan shows several clusters of three to seven lots along Southall and Kingsmill Roads. Each should be accessed through a shared private driveway or narrow cul-de-sac meeting the James City County private road standards. None of these clusters will generate enough traffic to warrant right or left turn lanes. Traffic exiting each cluster should be controlled with a stop sign.

James River

THE DISTRIBUTION VOLUMES FOR THE COUNTRY ROAD NORTH LOTS ARE SHOWN IN AGGREGATE.

- COUNTRY ROAD SOUTH
- COUNTRY ROAD NORTH
- WOODS COURSE SINGLE FAMILY RESIDENTIAL
- RIVER COURSE CONDOMINIUMS, SINGLE FAMILY RESIDENTIAL "COTTAGES" & TOWNHOUSES
- KINGSMILL
- TURTLE STUDY
- 2017 A.M. WITH DEVELOPMENT VOLUMES

Figure 13
April 2013
James River
2017 A.M. WITH DEVELOPMENT VOLUMES



James River

THE D STATION VOLUMES FOR THE COUNTRY ROAD NORTH LOTS ARE SHOWN IN AGGREGATE.

- RIVER COURSE CONDOMINIUMS, SINGLE FAMILY
- NE SIDEWALL "COTTAGES" & TOWNHOUSES
- WOODS COURSE SINGLE FAMILY RESIDENTIAL
- COUNTRY ROAD NORTH
- COUNTRY ROAD SOUTH

Figure 14
Knapmill
Traffic Study
2017 PM with Development Volumes
April 2013
Vannoy Engineering, Inc.

NORTH

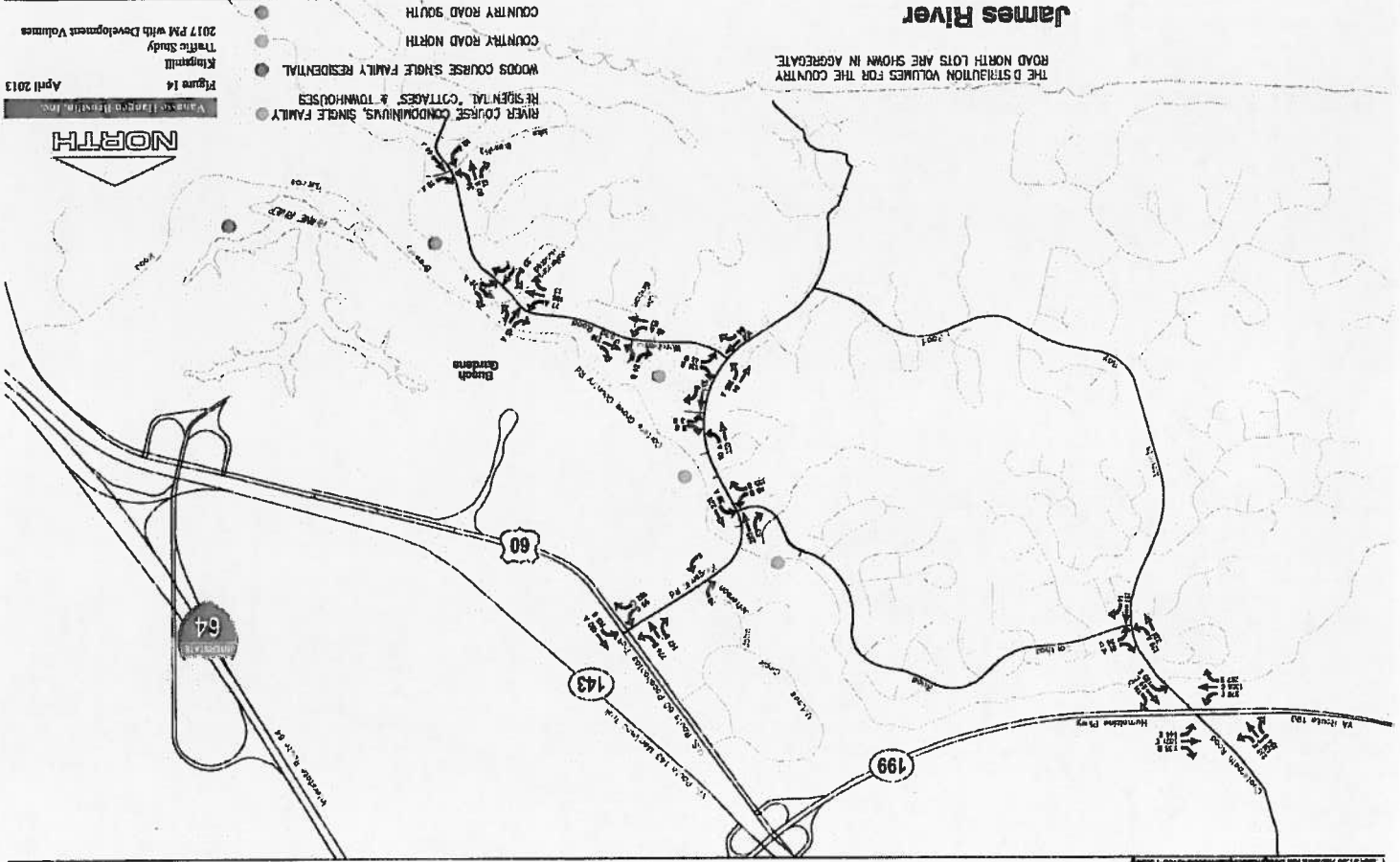


Table 5
2017 Build Peak Hour Capacity Analysis

2017 Build		AM Peak Hour		PM Peak Hour	
Movement		LOS	Delay	V/C	LOS
Humelsine Pkwy (Rt 199) &		D	38.3	0.64	F
EBL					
Mounts Bay Rd.		D	42.4	1.00	C
EBT					
Mounts Bay Rd.		B	12.0	0.13	B
EBR					
WBL		D	43.7	0.63	E
WBT		B	18.4	0.62	E
WBR		B	13.3	0.09	B
NBL		E	64.6	0.86	E
NBT		E	62.3	0.85	E
NBR		C	34.8	0.30	D
SBL		D	39.4	0.50	E
SBR		C	24.5	0.15	D
Overall		D	35.1	0.89	D
Mounts Bay Rd. &		B	12.9	0.02	C
WBL					
Southall Rd.		B	10.0	0.16	A
WBR					
NBT		-	-	0.09	-
NBR		-	-	0.01	-
SBL		A	8.0	0.04	A
SBR		-	-	0.05	-
Overall		A	2.8	0.16	A
Pocahontas Trail (US Rt 60)		B	15.8	0.25	B
EBT					
& Kingsmill Rd		B	14.4	0.05	B
EBR					
WBL		C	21.6	0.30	C
WBT		A	5.2	0.18	A
NBL		C	20.8	0.30	C
NBR		B	18.6	0.10	C
Overall		B	13.5	0.28	B
Kingsmill Rd &		B	12.3	0.18	B
EBLR					
Southall Rd.		A	1.5	0.03	A
NBLT					
SBR		-	0.0	0.11	-
Overall		A	3.1	0.18	A
Kingsmill Rd &		B	13.1	0.02	B
WBLR					
Entrance Road		-	0.0	0.17	-
NBTR					
SBLT		A	0.1	0.00	A
Overall		A	0.4	0.17	A
SITE 9					
Entrance Road		-	0.0	0.0	-
NBTR					
SBLT		A	0.1	0.00	A
Overall		A	0.4	0.17	A

Table 5 Continued
2017 Build Peak Hour Capacity Analysis

Kingsmill Rd & Wareham's Pond	WBLR	B	12.9	0.42	B	12.7	0.29
	NBTR	-	0.0	0.09	-	0.0	0.12
	SBLT	A	3.5	0.06	A	6.3	0.15
	Overall	A	7.1	0.42	A	6.2	0.29
	EBLT	A	1.2	0.01	A	2.9	0.04
Entrance & Wareham's Pond	WBTR	-	0.0	0.14	-	0.0	0.09
	SBLR	B	11.1	0.09	B	10.8	0.03
	Overall	A	1.9	0.14	A	2.1	0.09
	EBLTR	B	11.7	0.06	B	12.0	0.04
	WBLTR	A	9.3	0.08	A	9.0	0.05
Jeffersons 100 & Wareham's Pond	SBLTR	A	1.9	0.02	A	3.2	0.06
	NBLTR	A	0.1	0.00	A	0.1	0.00
	Overall	A	3.8	0.08	A	3.9	0.06
	EBLTR	-	2.5	0.02	-	1.4	0.01
	WBLTR	-	0.2	0.00	-	0.1	0.00
John Browning & Wareham's Pond	SBTR	A	9.9	0.01	A	9.8	0.02
	NBLTR	A	8.6	0.02	A	8.9	0.03
	Overall	A	2.9	0.02	A	3.0	0.03
	EBLTR	-	2.5	0.02	-	1.4	0.01
	WBLTR	-	0.2	0.00	-	0.1	0.00

Recommended Improvements

The intersections in the study area operate at generally high levels of service and will require minimal improvements.

The recommendations for intersection improvements are as follows:

1. Humelsine Parkway and Mounts Bay and Quarterpath Roads – Recommendations are to re-stripe Mounts Bay Road to show an exclusive through lane allowing for flexibility in signal phasing.
2. Mounts Bay Road and Southall Road – No modifications.
3. Pocahontas Trail and Kingsmill Road – No modifications.
4. Kingsmill Road and Southall Road – No modifications.
5. Kingsmill Road and Wareham's Pond Road – No modifications.
6. Woods Course Single Family Residential (Exhibit 9D) - If the 90 lots do not have access to the Busch Service Road, a right turn lane will be required on eastbound Route 60 at the site entrance. The 90 lots will not generate enough traffic to warrant a signal on either roadway; stop sign control will be sufficient.
7. River Course Condominiums (Exhibits 9B) and Single Family Residential "Cottages" (Exhibit 9C) – The conceptual layouts show multiple access points to these sites. The access points will be constructed at least 200 feet apart and a stop sign should be installed for exiting traffic at each access point.
8. Site 9 – River Course Townhouses - A stop sign should be installed for exiting traffic at each access point.
9. Wareham's Pond Road and Jeffersons 100 - No modifications.
10. Wareham's Pond Road and John Browning - No modifications.

6

Conclusions

In conclusion, the Kingsmill roadways are expected to support the development of the proposed Master Plan Amendment without significant improvements. All of the intersections in the study area, except the intersection of Humelsine Parkway and Quarterpath and Mounts Bay Roads, will continue to provide high levels of service and minimal traffic delays. The intersection of Humelsine Parkway and Quarterpath and Mounts Bay Roads will operate without a change in level of service when compared to the Future No-build scenarios.

The driveways to each of the proposed development sites will generate low levels of traffic. The Woods Course site would best be served through the Busch Service Road. If access is provided to Pocahontas Trail, an eastbound right turn lane should be constructed at this entrance.

The River Course sites and the Country Road sites will not warrant turn lanes or traffic control configurations other than stop signs at the access points.

B Y L A W S

PLANNING COMMISSION

COUNTY OF JAMES CITY, VIRGINIA

ARTICLE I. OBJECTIVES

This Planning Commission (the “Commission”) was established by the Board of Supervisors of James City County (the “Board”) on April 13, 1953, to direct the development of James City County (the “County”) and ensure its prosperity, health, safety, and general welfare, in accordance with Chapter 22, Title 15.2, Article 2, *Code of Virginia*, 1950, as amended (the “Virginia Code”).

The Commission shall be responsible for making recommendations to the board of supervisors on all phases of county planning, including a comprehensive plan, long-range planning, zoning, and subdivision regulations. The Commission shall also be responsible for preparing and submitting annual capital improvement programs to the governing body, in accordance with applicable state code. It shall also have the powers and duties provided by general law and such other powers and duties as may be assigned by the board of supervisors.

ARTICLE II. MEMBERSHIP

The Commission shall consist of 7 or 9 residents of the county, each appointed by the Board for a term of four years.

ARTICLE III. MEETINGS

1. All meetings of the Commission shall be open to the public.
2. Special meetings of the Commission may be called by the Chair or by two members upon written request to the Secretary. The Secretary shall deliver (via hand delivery, U.S. Mail, or electronic mail, return receipt requested) to all members, at least five days in advance of a special meeting, a written notice fixing the time, place and the purpose of the meeting.
3. Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or at a previous special meeting at which all members were present.
4. A quorum of the Commission shall consist of a majority of the members of the Commission.
5. No action of the Commission shall be valid unless approved by a majority vote of those present and voting.
6. The annual meeting for the election of officers (Chair and Vice Chair) shall be held as the first order of business at the regular meeting in February of each year and thereafter the newly elected officers shall preside at the regular meeting in February. When a vacancy occurs for the Chair or Vice Chair, an election shall be held on the next regular meeting date.

7. All minutes and records of the Commission of its meetings, resolutions, transactions and votes, shall be kept by the Secretary.
8. The commission, by resolution adopted at a regular meeting, may fix the day or days to which any meeting shall be continued if the chairman, or vice-chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and press as promptly as possible. All hearings and other matters previously advertised for such meeting shall be conducted and the continued meeting and no further advertisement is required. The commission shall cause a copy of such resolution to be inserted in a newspaper having general circulation in the locality at least seven days prior to the first meeting held pursuant to the adopted schedule.

ARTICLE IV. OUTSIDE MEETING WITH APPLICANTS

1. Planning Commissioners are permitted to meet with applicants outside of a Planning Commission meeting or public hearing pursuant to the following:
 - a. Commissioners shall publicly disclose all meetings by reporting them verbally at the Planning Commission meeting where the case is scheduled for public hearing.
 - b. Commissioners may find it helpful to contact Planning Division staff prior to such meetings to gather facts about the application; the staff may attend such meetings if requested by the Commission and approved by the Planning Director or designee.
 - c. The purpose of such meetings is limited to fact finding and clarification for all parties.
 - d. Commissioners should endeavor to include one other Commissioner, when possible, in the meeting.
 - e. Following such meeting, a summary of the discussion shall be provided to all Commission members.
 - f. Commissioners shall not make a commitment of their voting intent.

ARTICLE V. MATTERS PENDING BEFORE THE COMMISSION

1. All matters which require an advertised public hearing in accordance with Section 15.2-2204 of the Virginia Code and which meet submittal requirements filed with the Planning Division at least six weeks before the regular meeting are to be placed on the agenda for the advertised public hearing. All other matters filed at least 15 days before the regular meeting in the Planning Division are to be placed on the agenda. Any matter not placed on the agenda in advance of the meeting can be considered at the meeting by a majority vote of the Commission.
2. For each public hearing, notices shall be forwarded to the Commission members no less than 7 days prior to the public hearing.

ARTICLE VI. HEARINGS

1. Advertised public hearings shall be scheduled during a regular meeting, except in the event of a joint public hearing between the Commission and the Board.
2. For each public hearing item, presentations by staff, applicants, individuals or groups shall be limited as follows:
 - a. Presentations by staff, applicants and groups are limited to 15 minutes each;
 - b. Comments by individuals are limited to 5 minutes each.
 - c. At a meeting, the time limits set forth in a, b, and/or c above may be extended at the discretion of the Chair.

ARTICLE VII. VOTING

1. No member present shall abstain from voting on a roll call vote unless a member has a conflict of interest in the matter being voted upon. For the purposes of this paragraph, a “conflict of interest” shall exist when there is an actual conflict: (1) pursuant to the Virginia State and Local Government Conflict of Interests Act, Section 2.2-3100 et seq. of the Virginia Code; or (2) pursuant to any applicable policy adopted by the Board of Supervisors; or (3) as stated by the Commission member unless objected to by a majority vote of the members of the Commission.
2. In reporting a vote to the Board, the Secretary shall indicate (in writing) the recorded roll call vote, including any abstentions.

ARTICLE VIII. DUTIES

A. CHAIR

The Chair shall have the following duties:

1. Preside at meetings and hearings of the Commission;
2. When authorized by the Commission, the Chair shall affix to any documents its signature on the Commission’s behalf;
3. The Chair or the Chair’s designee shall represent the Commission and keep it informed when not in session;
4. The Chair shall appoint all members and Chairs of committees and subcommittees; and

5. The Chair or the Chair's appointee shall act as a liaison to the Williamsburg and York County Planning Commissions.

B. VICE CHAIR

The Vice Chair shall perform the duties of the Chair during the absence or disability of the Chair.

C. SECRETARY

The Secretary of the Commission shall be the Director of Planning and shall have the following duties:

1. Keep a record of all regular, adjourned regular, special, and adjourned special meetings and public hearings and transcribe in a minute book of the Commission;
2. Prepare and cause to be delivered all notices of all meetings required to be sent under these Bylaws to Commission members;
3. Have charge of all official books, papers, maps, and records of the Commission and conduct all official correspondence relative to hearings, meetings, resolutions, decisions, and other business of the Commission as directed by the Chair or reflected by valid actions of the Commission;
4. Receive minutes of all committee meetings and preserve these as official records of the Commission; and
5. Notify the Vice Chair, by telephone or in person, on the day the Chair informs him that he will not be present at a scheduled meeting. It is the duty of the Secretary to brief the Vice Chair on items to come before the Commission when the Vice Chair presides.

D. MEMBER DUTIES

Members of the Commission shall have the duties assigned to it by the Virginia Code, the County Charter, and as assigned by the Board. With respect to attendance at meetings, the Commission shall have the following specific duties:

1. Attend regular, adjourned regular, special and adjourned special meetings and public hearings;
2. Attend regular, adjourned regular, special, and adjourned special committee meetings to which the member is appointed;
3. Represent the Commission at Board meetings in rotation; and

4. Attend ad-hoc committee meetings as agreed to by the Commission.

ARTICLE IX. COMMITTEES

1. The Director of Planning or the Director's designee shall serve as a non-voting, ex officio member of all standing and special committees.
2. All committee reports written or oral shall be an official record of the Commission.
3. The following committees and their Chair shall be appointed by the Commission Chair within thirty days after the Chair takes office:
 - a. Development Review Committee. This Committee shall be composed of at least four members and have the following responsibilities:
 1. Review those applications for subdivisions which are required by law to be submitted to the Commission for approval, receive and review staff reports on them, and make recommendations to the Commission;
 2. Review those site plan applications that are required by law to be submitted to the Commission for approval, receive and review staff reports on them, and make recommendations to the Commission.
 3. Review those applications, where provided by law and as more specifically provided therein, that serve as an appeal of a decision by the planning director or his designee.
 4. Unless otherwise provided for by law, such decisions of the DRC shall be recommendations which are then forwarded to the full Commission for action.
 - b. Policy Committee. This Committee shall be composed of at least four members and shall have the following responsibilities:
 1. Address long-range planning goals of the Commission and explore strategies for achieving them; and
 2. Address ways to maintain and improve working relationships between the Commission, other County organizations, as well as with surrounding jurisdictions and organizations involved in planning initiatives.
 3. Conduct the Commission's initial review of the Capital Improvement Plan.
 4. Recommend and prepare new and revised policies for the Commission.

5. Conduct the Commission's initial review of ordinance amendments, as directed by the Chair of the Commission.
- c. Leadership Committee. This committee shall be composed of three members; the Chair and Vice Chair of the Commission and the Chair of the Policy Committee. The Leadership Committee shall review concerns raised regarding the conduct of the Commission or any one of its members acting in his or her official capacity. The Leadership Committee shall, if deemed necessary by the Leadership Committee, recommend appropriate remedial measures to the Commission.

ARTICLE X. PARLIAMENTARY AUTHORITY AND ORGANIZATIONAL PROCEDURE

The Commission shall follow the Robert's Rules of Order, Newly Revised 10th edition, October 2000, and more specifically, the provisions which pertain to the "conduct of business in boards" at page 469 et seq., in particular, the "Procedure in Small Boards."

ARTICLE XI. AMENDMENT

Amendments may be made to these Bylaws by a two-thirds (2/3) vote of the Commission voting members only after a minimum 30 days' prior notice is given and only at a regular scheduled meeting.

ARTICLE XII. MISCELLANEOUS

The Commission may suspend any of these rules by not less than a two-thirds (2/3) vote of those Commission members present and voting at the meeting.

Adopted November 28, 1978
Amended July 10, 1990
Amended May 12, 1992
Amended March 8, 1994
Amended May 4, 1998
Amended June 1, 1998
Amended June 3, 2002
Amended August 5, 2002
Amended January 12, 2004
Amended January 6, 2010
Amended April 7, 2010
Amended March 5, 2014

Chair
Planning Commission

FISCAL IMPACT ANALYSIS WORKSHEET AND ASSUMPTIONS

Version 10.21.11



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 – Kingsmill Resort Development, LLC Zoning & Master Plan Amendment
- 1b) Does this project propose residential units? Yes ☒ No ☐ (if no, skip Sec. 2)
- 1c) Does this project include commercial or industrial uses? Yes ☐ No ☒ (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	81	Apartment	
Townhome/Condominium/Single Family Attached	126	Manufactured Home	
Total Dwelling Units	207		

Are any units affordable? Yes ☐ No ☒ (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	81	0.40	32.4
Townhome/Condo/Attached	126	0.17	21.42
Apartment		0.31	
Manufactured Home		0.46	
Total	207		53.82

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
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53.82	\$5920.16	\$2176.06	\$8096.22	\$435,738.56
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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.

207	Average Household Size	453.33
Total Units Proposed		

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

453.33	Per-Capita Non-School Expenses	\$640.98	\$290,575.46
Total Population Generated			Total Non-School Expenses

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

\$435,738.56	Total School Expenses	\$290,575.46	\$726,314.02
	Non-School Expenses		Total Residential Expenses

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	81	\$639,135	\$51,770,000
Townhome/Condo/Multifamily	126	\$450,000	\$56,700,000
Total:		N/A	\$108,470,000

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

\$108,470,000	Real Estate Tax Rate	\$835,219.00
Total Market Value		Total Real Estate Taxes Paid

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

\$835,219.00	Personal Property Tax Average	\$125,282.85
Real Estate Tax Paid		Personal Property Taxes Paid

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

assessment value from (3c) below by the Commercial Expenses Rate below.

3b) TOTAL COMMERCIAL EXPENSES. *Multiply* the total business real estate expected proposal, including probable tenants of an office park or strip mall).

3a) TOTAL NEW BUSINESSES. How many new businesses are proposed? None X (include all businesses that will rent or lease space at the location as part of the

Commercial and Industrial Expenses

Fiscal Impact Analysis Worksheet Section 3: Commercial and Industrial Developments

Total Residential Expenses	Total Residential Revenues	Total Residential Fiscal Impact
\$726,314.02	\$1,035,671.56	\$309,357.54

residential expenses (2f).

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

Total Residential Revenues	\$1,035,671.56
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through (2i).

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

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

rate below.

2i) 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

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

assessment rate.

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

Real Estate Tax Paid	Sales and Meals Tax Average	Total Sales & Meals Taxes Paid
\$835,219.00	.09	\$75,169.71

sales and meals tax average below:

2j) TOTAL SALES & MEALS TAXES PAID. *Multiply* the total real estate taxes paid (2h) by the

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	
		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	
		0.01	
Total:		N/A	\$

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.

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.

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	\$

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.

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	\$
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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
\$309,357.54		\$309,357.54

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

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		0.40	
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
	\$8096.22	\$

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
	2.08	\$

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
	\$762.14	\$

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

Residential Revenues

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

Property Address and Description	Assessment Value
Part of Parcel ID 504010001 Corner of Kingsmill Road and Warehams Pond Rd Land \$9,326,200 for 428.6 acres subject	\$502,116
Approx. 12.4 Acres	
Parcel ID 5130100002	\$388,500
Parcel ID 5040100010	\$0
Total:	\$890,615

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
\$6,58,324	.0077	\$6,857.74

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 Taxes Paid
\$6,857.74	0.15	\$1,028.66

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
\$6,857.74	.09	\$617.20

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

Total Current Residential Revenues	\$8,503.60
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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	\$8,503.60	\$8,503.60

Proposed Residential Impact	\$309,357.54	
Current Residential Impact	\$8,503.60	
Final Residential Fiscal Impact	\$300,853.93	

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

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? _____ (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.iccgov.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	
		.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	
		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 pay 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
		\$

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
		\$

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

207

Homes Built	Year 1	Year 2	Year 3	Year 4	Year 5	Buildout
48	30	30	30	30	69	207
Total Res	\$	\$	\$	\$	\$	
Exp	726,314.02	726,314.02	726,314.02	726,314.02	726,314.02	
Per Unit Exp	3,508.76	3,508.76	3,508.76	3,508.76	3,508.76	\$ 3,508.76
Total Res	\$	\$	\$	\$	\$	
Exp	168,420.64	105,262.90	105,262.90	105,262.90	242,104.67	\$ 726,314.02
Total Res	\$	\$	\$	\$	\$	
Total Res	1,035,671.56	1,035,671.56	1,035,671.56	1,035,671.56	1,035,671.56	
Per Unit Rev	5,003.24	5,003.24	5,003.24	5,003.24	5,003.24	\$ 5,003.24
Total Res	\$	\$	\$	\$	\$	
Rev	240,155.72	150,097.33	150,097.33	150,097.33	345,223.85	\$ 1,035,671.56
Per Unit Impact	(1,494.48)	(1,494.48)	(1,494.48)	(1,494.48)	(1,494.48)	\$ (1,494.48)
Res Impact	(69,763.23)	(113,365.25)	(156,967.27)	(200,569.29)	(300,853.93)	\$ 300,853.93

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.*

Fiscal Impact Worksheet Section 7: Employment

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

DEFINITIONS AND ASSUMPTIONS

Apartment – a building used, or intended to be used as the residence of three or more families living independently of each other. (JCC Code 24-1-2). Tenants have no equity in the dwelling.

Assessment Value – assessment value is assumed to be within 1% of market value. Market value drives assessment value.

Buildout – all data and assumptions reflect the fiscal impact of the proposal at buildout.

Commercial Expense Rate – The commercial expense rate uses the proportional valuation method (see below) to determine individual business expenses. Under that method, businesses are collectively responsible for contributing 15% of the non-school budget (\$ 10,391,694). Dividing this portion of the budget by the total commercial real estate in the County (\$2,060,690,000) gives a commercial expense rate of 0.0045. This rate assumes that the costs of providing County services to a business are directly correlated with that businesses' property assessment. This assumes more valuable properties have generally more intense uses, incurring greater County expenses.

Condominium – a building, or group of buildings, in which units are owned individually and the structure, common areas and common facilities are owned by all the owners on a proportional, undivided basis. (JCC Code 24-1-4)

Contractor - any person, firm or corporation accepting or offering to accept orders or contracts for doing any work on or in any building or structure, any paving, curbing or other work on sidewalks, streets, alleys, or highways, any excavation of earth, rock, or other materials, any construction of sewers, and any installation of interior building components. (Code of Virginia § 58.1-3714)

Direct Impact – The worksheet only calculates direct financial impacts on the County budget. The worksheet is only one of many development management tools, and, as such, does not make a determination whether any type of development 'should' happen based solely on that proposal's fiscal impact. The tool is not designed to measure non-budget impacts, such as increased traffic, or non-budget benefits, such as forwarding the goals of the Comprehensive Plan. Costs incurred by other entities, such as other localities or the State, remain uncouncted.

Dwelling – any structure which is designed for use for residential purposes, except hotels, motels, boardinghouses, lodging houses, and tourist cabins. (JCC Code 24-1-4.1)

Exempt – certain types of business activities or products are exempted from annual County business licenses. These include manufacturers, insurance agencies, apartment complexes, and gasoline sales.

Fees & Licenses – all fees collected by the County, including business & professional licenses, planning fees, building permit fees, stormwater fees, environmental inspection fees, septic tank fees, dog licenses, and motor vehicle licenses, are deducted from the per-capita and per-business budgetary costs of each department that collects them.

Fiscal Impact Analysis – the County has created a set of standardized data and assumptions to streamline both the creation and review of fiscal impact studies. The County had no itemized list of questions for fiscal impact study creators to answer, resulting in portions of fiscal impact studies with no bearing on the County's budgetary bottom line. The guesswork is removed from the creation of these documents. The data used by fiscal impact study authors also came from a myriad of sources, often within the County, which were difficult to verify. The fiscal impact analysis worksheet allows consistency across multiple fiscal impact studies, as well.

Fiscal Impact Analysis Worksheet – The worksheet helps the applicant present relevant data to the County, using data verified by the County. The worksheet provides consistency across all fiscal impact analyses.

Non-School Expenses – Non-school expenses includes all FY10 non-school budget spending. Non-School expenses are calculated using the Proportional Variation method. Using the Proportional Variation method, residents and businesses are assumed to be responsible for differing percentages of the County's non-school spending.

Manufacturing – assembly of components, pieces, or subassemblies, or the process of converting raw, unfinished materials into different products, substances, or purposes.

Market Value – market value is assumed to be within 1% of assessment value. Market value drives assessment value.

Manufactured Home – A Manufactured Home is a structure not meeting the specifications or requirements of a manufactured home, designed for transportation, after fabrication. (JCC Code 24-1-8.1) The only Manufactured Homes counted in the Student Generation figure are those in designated Manufactured Home parks. Manufactured Homes on individual lots are indistinguishable from single-family detached dwellings for the purposes of the worksheet.

Phasing – all residential developments are assumed to have an absorption rate of 20% per annum. All commercial development are assumed to have an absorption rate of 20% per annum.

The date stamp Year 1 in the phasing template represents 365 days after Board of Supervisors approval.

Professional Services - work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, dentistry, medicine, optometry, pharmacy or professional engineering. Professional services shall also include the services of an economist procured by the State Corporation Commission. (Code of Virginia § 2.2-4301)

Proportional Valuation Impact - proportional valuation impact assumes that a proposed residential or commercial project's fiscal impact is proportional to the percentage of the total tax base that is either residential or commercial.

The program calculated an aggregate property assessment value of \$13,763,228,800 for the entire County. The program calculated an aggregate commercial and industrial assessment value of \$2,060,690,000. Dividing the commercial value by the total value shows that commercial and industrial properties compose 15% of the total property tax base, and are responsible for 15% of County non-school expenses. This results in residential development being responsible for Schools impacts and 85% of non-school County operations. The proportional valuation method does not factor other assorted residential and commercial taxes, fees, and licenses into account. As 15% of the tax base, businesses contribute 15% for all County non-school expenses. As 85% of the tax base, residents contribute 85% for all County non-school expenses. Furthermore, individual business expenses to the County are calculated using the proportional valuation impact method. (See Commercial Expense Rate)

Per-Business Expense Rate - the per-business expense rate assumes that the County incurs non-school expenses equal to 0.04% of the commercial real estate assessment of any given business.

Per Capita Evaluation Method - this worksheet uses the Per Capita Evaluation method to assign per-capita and per-business costs to non-school expenses. This method assumes that current per-capita and per-business expenditures and service levels are consistent with future per-capita and per-business expenditures and service levels.

Per Capita - per capita calculations divide each department's spending, minus fees and State contributions, by the current County population. This number excludes institutional residents in detention at correctional facilities and mental institutions. Total population is determined from James City County Planning Division figures.

JCC Population 2010

Dwelling Units 2010

62879*

30221**

Student Generation Rate - The student generation rate the number of students produced by a individual dwelling unit per year. Different domestic units produce students at different rates. Using WJCC enrollment figures, an address was found for WJCC student residing in James City County. Using the James City County Real Estate Division's Property Information map on the James City County website, the number of students from each subdivision was determined. Using the Real Estate Division's Real Estate Parcel Count, the number of improved lots in each neighborhood was determined. Total students from each neighborhood were divided by the total number of units from that neighborhood to determine the average number of students per housing unit. The student generation numbers for 256 subdivisions was determined this way.

State Contributions - The State contributes both targeted and unspecified funds to the James City County budget. Funds for specific departments were subtracted from the budget totals of those departments. Unspecified state fund amounts were compiled, then evenly subtracted (7.75% of each department total) across all non-school departments.

Single Family Detached Dwelling - A detached structure arranged or designed to be occupied by one family, the structure only having one dwelling unit. (JCC Code 24-1-4.1)

Retail Services - display and sale of merchandise at retail or the rendering of personal services, such as food, drugs, clothing, furniture, hardware, appliances, barber and beauty, antiques, and household uses, and other uses. (JCC Code 24-1-10)

Proffer - proffers paid for schools can only be applied toward the capital expense portion of per-student school expenses. (See Board of Supervisors' Proffer Policy).

*James City County Commissioner of the Revenue
**Commercial impacts are calculated on a proportional variation process

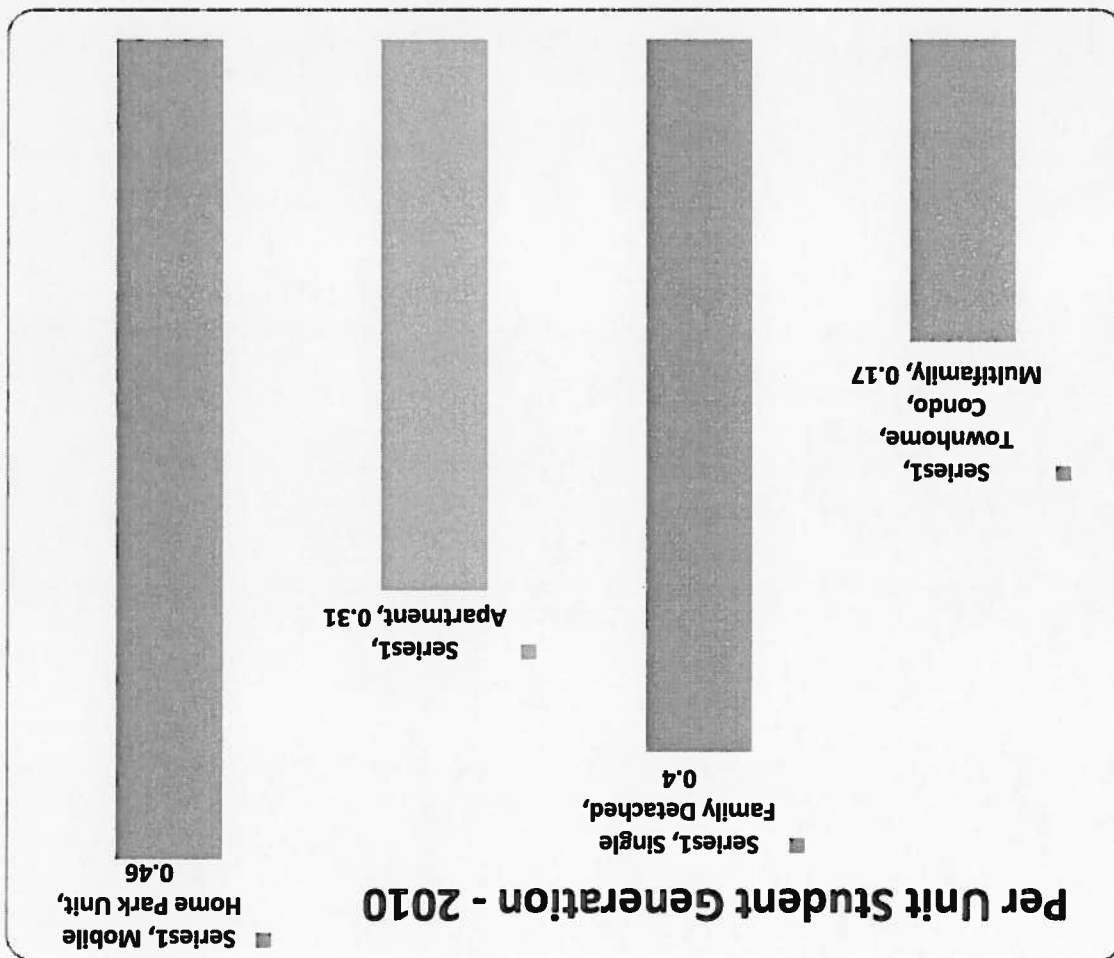
Total Number of JCC Businesses	5400*
Percentage of Property Tax Assessments	15%**

Per Business - per business calculations divide each departments spending, minus fees and State contributions, by the total number of County businesses. Total businesses are determined by the number of business licenses issued.

Per Student - per student calculations divide County contributions to WJCC Schools, minus State educational contributions, by the total number of K-12 students living in James City and also attending WJCC Schools. Total students are determined from Williamsburg James City County Schools 2009-2010 School Year enrollment reports.

*JCC Planning Division Population Count Minus Institutional Population
**JCC Codes Compliance Division Housing Unit Count + Apartment Count

along with the same method for counting students from apartments and Manufactured Home parks.



Townhome – in a structure containing three or more dwelling units, a dwelling unit for single family occupancy, not more than three stories in height, attached by one or more vertical party walls extending to the roof sheathing without passageway openings to one or more additional such dwelling units, each of which is served by an individual exterior entrance or entrances. (Sec. 24-1-12.1)

Annual Update Methodology – The Williamsburg-James City County school enrollment spreadsheet is the trigger for the Fiscal Impact Worksheet's annual update. All other data will be available when the enrollment Excel file becomes available in September. To ensure the validity of County data and assumptions, the Fiscal Impact Worksheet should be updated annually. Some data will merely be updated, while other data, such as the school Student Generation Rate, will be used to create long-term averages.

Data Required for Update

1. Real Estate Assessment (REA)'s Parcel Count sheet. The Parcel Count sheet is a constantly updated file showing developed parcels and assessment values by subdivision.
2. The Property Information Network (PIN) is always available from at <http://property.jccgov.com/parcelviewer/Search.aspx>. The PIN will be used to reconcile WJCC subdivision classifications with those approved by Planning.
3. Acquire the most recent population estimate from the Planning office. Estimates are updated quarterly.
4. Acquire the most current number of building permits from Codes Compliance. Their records will show the net change in living units (residential C.O.'s minus demolitions) in the County for the year.
5. Call local apartment complexes and determine how many units each has for rental. This information will be used to update apartment student enrollment data.
6. The GIS program is constantly updated by REA Mapping staff. The GIS program will be used to sum total residential and commercial property value in the County.
7. Financial and Management Services (FMS) will have a copy of the most recent fiscal year budget. The budget will be used to determine the per-student, per-capita, and per-business costs of County services.

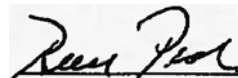
Reference

Burchell, Robert and David Listokin. (1978). *The Fiscal Impact Handbook*.
New Jersey: Rutgers Center for Urban Policy Research.

Planning Commission Guidelines for
Outside Communications with Applicants

Planning Commissioners are permitted to meet with applicants outside of a public hearing pursuant to the below. Applicants are defined as all individuals directly participating in the preparation of or having a material financial stake in the application that is the subject of the meeting.

1. Commissioners may find it helpful to contact Planning Division staff prior to such meetings to gather facts about the application; the staff may attend such meetings if requested by the Commissioner and approved by the Planning Director or designee.
2. The purpose of such meetings is limited to fact finding and clarification for all parties.
3. Commissioners shall not make a commitment of their voting intent.
4. Commissioners shall disclose all meetings by reporting them verbally at the Planning Commission meeting where the case is scheduled for public hearing.



Reese Peck
Chair

Adopted by the Planning Commission of James City County, Virginia, this 7th day of April, 2010 by a vote of 7-0.

RESOLUTION

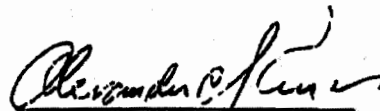
LIMITATIONS ON PUBLIC HEARING PRESENTATIONS

WHEREAS, Chapter 15.1 of the Code of Virginia requires the Planning Commission of James City County to conduct a public hearing on certain plans, ordinances or amendments before making a recommendation to the Board of Supervisors; and

WHEREAS, the Planning Commission encourages all interested persons to speak at such public hearings; and

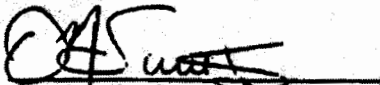
WHEREAS, there is a need to ensure that all speakers have an equal opportunity to address the Planning Commission at these hearings, and that such hearings are conducted in an efficient and timely manner.

NOW, THEREFORE, BE IT RESOLVED by the James City County Planning Commission, James City County, Virginia, that it be the general policy of the Commission that presentations by staff, applicants and groups be limited to 15 minutes each, and that comments by individuals be limited to 5 minutes per person.



Alexander C. Kuras
Chairman

ATTEST:



O. Marvin Sowers, Jr.
Secretary to the Commission

Adopted by the Planning Commission of James City County, Virginia,
this 10th day of July, 1990.

1431w

Item No. 20

B Y L A W S

PLANNING COMMISSION

COUNTY OF JAMES CITY, VIRGINIA

ARTICLE I. OBJECTIVES

This Planning Commission (the "Commission") was established by the Board of Supervisors of James City County (the "Board") on April 13, 1953, to direct the development of James City County (the "County") and ensure its prosperity, health, safety, and general welfare, in accordance with Chapter 22, Title 15.2, Article 2, *Code of Virginia*, 1950, as amended (the "Virginia Code").

The Commission shall be responsible for making recommendations to the board of supervisors on all phases of county planning, including a comprehensive plan, long-range planning, zoning, and subdivision regulations. The Commission shall also be responsible for preparing and submitting annual capital improvement programs to the governing body, in accordance with applicable state code. It shall also have the powers and duties provided by general law and such other powers and duties as may be assigned by the board of supervisors.

ARTICLE II. MEMBERSHIP

The Commission shall consist of 7 or 9 ~~members~~ residents of the county, each appointed by the Board for a term of four years.

ARTICLE III. MEETINGS

1. All meetings of the Commission shall be open to the public.
2. Regular Special meetings of the Commission may be called by the Chair or by two members upon written request to the Secretary. The Secretary shall deliver (via hand delivery, U.S. Mail, or electronic mail, return receipt requested) to all members, at least five days in advance of a special meeting, a written notice fixing the time, place and the purpose of the meeting.
3. Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or at a previous special meeting at which all members were present.
4. ~~The Commission may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the Order of Adjournment. When a regular or adjourned regular meeting is adjourned as stated in this paragraph, the resulting adjourned meeting is a regular meeting for all purposes. When an Order of Adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings. Adjourned special meetings will be considered~~

~~special meetings for all purposes and all regulations concerning special meetings must apply.~~

5. A quorum of the Commission shall consist of a majority of the members of the Commission.

~~6.~~ -No action of the Commission shall be valid unless ~~authorized~~ approved by a majority vote of those present and voting.

~~67.~~ The annual meeting for the election of officers (Chair and Vice Chair) shall be held as the first order of business at the regular meeting in February of each year and thereafter the newly elected officers shall preside at the regular meeting in February. When a vacancy occurs for the Chair or Vice Chair, an election shall be held on the next regular meeting date.

~~78.~~ All minutes and records of the Commission of its meetings, resolutions, transactions and votes, shall be kept by the Secretary.

~~9.~~ The commission, by resolution adopted at a regular meeting, may fix the day or days to which any meeting shall be continued if the chairman, or vice-chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and press as promptly as possible. All hearings and other matters previously advertised for such meeting shall be conducted and the continued meeting and no further advertisement is required. The commission shall cause a copy of such resolution to be inserted in a newspaper having general circulation in the locality at least seven days prior to the first meeting held pursuant to the adopted schedule.

ARTICLE IV. OUTSIDE MEETING WITH APPLICANTS

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1. Planning Commissioners are permitted to meet with applicants outside of a Planning Commission meeting or public hearing pursuant to the following:

a. Commissioners shall publicly disclose all meetings by reporting them verbally at the Planning Commission meeting where the case is scheduled for public hearing.

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b. Commissioners may find it helpful to contact Planning Division staff prior to such meetings to gather facts about the application; the staff may attend such meetings if requested by the Commission and approved by the Planning Director or designee.

c. The purpose of such meetings is limited to fact finding and clarification for all parties.

d. Commissioners should endeavor to include one other Commissioner, when possible, in the meeting.

e. Following such meeting, a summary of the discussion shall be provided to all Commission members.

~~2-f.~~ Commissioners shall not make a commitment of their voting intent.

ARTICLE V. MATTERS PENDING BEFORE THE COMMISSION

1. All matters which require an advertised public hearing in accordance with Section 15.2-2204 of the Virginia Code and which meet submittal requirements filed with the Planning Division at least six weeks before the regular meeting are to be placed on the agenda for the advertised public hearing. All other matters filed at least 15 days before the regular meeting in the Planning Division are to be placed on the agenda. Any matter not placed on the agenda in advance of the meeting can be considered at the meeting by a majority vote of the Commission.
2. For each public hearing, notices shall be forwarded to the Commission members no less than ~~15~~ 7 days prior to the public hearing.

ARTICLE VI. HEARINGS

1. Advertised public hearings shall be scheduled during a regular meeting, except in the event of a joint public hearing between the Commission and the Board.
2. For each public hearing item, presentations by staff, applicants, individuals or groups shall be limited as follows:
 - a. Presentations by staff ~~and~~ applicants and groups are limited to 15 minutes each;
 - b. Comments by individuals are limited to 5 minutes each;
 - ~~c. Comments by citizen groups are limited to 10 minutes each; and~~
 - d. At a meeting, the time limits set forth in a, b, and/or c above may be extended at the discretion of the Chair.

ARTICLE VII. VOTING

1. No member present shall abstain from voting on a roll call vote unless a member has a conflict of interest in the matter being voted upon. For the purposes of this paragraph, a "conflict of interest" shall exist when there is an actual conflict: (1) pursuant to the Virginia State and Local Government Conflict of Interests Act, Section 2.2-3100 et seq. of the Virginia Code; or (2) pursuant to any applicable policy adopted by the Board of Supervisors; or (3) as stated by the Commission member unless objected to by a majority vote of the members of the Commission.
2. In reporting a vote to the Board, the Secretary shall indicate (in writing) the recorded roll call

vote, including any abstentions.

ARTICLE VIII. DUTIES

A. CHAIR

The Chair shall have the following duties:

1. Preside at meetings and hearings of the Commission;
2. When authorized by the Commission, the Chair shall affix to any documents its signature on the Commission's behalf;
3. The Chair or the Chair's designee shall represent the Commission and keep it informed when not in session;
4. The Chair shall appoint all members and Chairs of committees and subcommittees; and
5. The Chair or the Chair's appointee shall act as a liaison to the Williamsburg and York County Planning Commissions.

B. VICE CHAIR

The Vice Chair shall perform the duties of the Chair during the absence or disability of the Chair.

C. SECRETARY

The Secretary of the Commission shall be the Director of Planning and shall have the following duties:

1. Keep a record of all regular, adjourned regular, special, and adjourned special meetings and public hearings and transcribe in a minute book of the Commission;
2. Prepare and cause to be delivered all notices of all meetings required to be sent under these Bylaws to Commission members;
3. Have charge of all official books, papers, maps, and records of the Commission and conduct all official correspondence relative to hearings, meetings, resolutions, decisions, and other business of the Commission as directed by the Chair or reflected by valid actions of the Commission;
4. Receive minutes of all committee meetings and preserve these as official records of the Commission; and

5. Notify the Vice Chair, by telephone or in person, on the day the Chair informs him that he will not be present at a scheduled meeting. It is the duty of the Secretary to brief the Vice Chair on items to come before the Commission when the Vice Chair presides.

D. MEMBER DUTIES

Members of the Commission shall have the duties assigned to it by the Virginia Code, the County Charter, and as assigned by the Board. With respect to attendance at meetings, the Commission shall have the following specific duties:

1. Attend regular, adjourned regular, special and adjourned special meetings and public hearings;
2. Attend regular, adjourned regular, special, and adjourned special committee meetings to which the member is appointed;
3. Represent the Commission at Board meetings in rotation; and
4. Attend ad-hoc committee meetings as agreed to by the Commission.

ARTICLE IX. COMMITTEES

1. The Director of Planning or the Director's designee shall serve as a non-voting, ex officio member of all standing and special committees.
2. All committee reports written or oral shall be an official record of the Commission.
3. The following committees and their Chair shall be appointed by the Commission Chair within thirty days after the Chair takes office:
 - a. Development Review Committee. This Committee shall be composed of at least four members and have the following responsibilities:
 1. Review those applications for subdivisions which are required by law to be submitted to the Commission for approval, receive and review staff reports on them, and make recommendations to the Commission;
 2. Review those site plan applications that are required by law to be submitted to the Commission for approval, receive and review staff reports on them, and make recommendations to the Commission.
 3. Review those applications, where provided by law and as more specifically provided therein, that serve as an appeal of a decision by the planning director

or his designee.

4. Unless otherwise provided for by law, such decisions of the DRC shall be recommendations which are then forwarded to the full Commission for action.

- b. Policy Committee. This Committee shall be composed of at least four members and shall have the following responsibilities:
 - 1. Address long-range planning goals of the Commission and explore strategies for achieving them; and
 - 2. Address ways to maintain and improve working relationships between the Commission, other County organizations, as well as with surrounding jurisdictions and organizations involved in planning initiatives.
 - 3. Conduct the Commission's initial review of the Capital Improvement Plan.
 - 4. Recommend and prepare new and revised policies for the Commission.
 - 5. Conduct the Commission's initial review of ordinance amendments, as directed by the Chair of the Commission.
- c. Leadership Committee. This committee shall be composed of three members; the Chair and Vice Chair of the Commission and the Chair of the Policy Committee. The Leadership Committee shall review concerns raised regarding the conduct of the Commission or any one of its members acting in his or her official capacity. The Leadership Committee shall, if deemed necessary by the Leadership Committee, recommend appropriate remedial measures to the Commission.

ARTICLE X. PARLIAMENTARY AUTHORITY AND ORGANIZATIONAL PROCEDURE

The Commission shall follow the Robert's Rules of Order, Newly Revised 10th edition, October 2000, and more specifically, the provisions which pertain to the "conduct of business in boards" at page 469 et seq., in particular, the "Procedure in Small Boards."

ARTICLE XI. AMENDMENT

Amendments may be made to these Bylaws by a two-thirds (2/3) vote of the Commission voting members only after a minimum 30 days' prior notice is given and only at a regular scheduled meeting.

ARTICLE XII. MISCELLANEOUS

The Commission may suspend any of these rules by not less than a two-thirds (2/3) vote of the those Commission members present and voting ~~voting members at any~~ at the -meeting.

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Adopted November 28, 1978

Amended July 10, 1990

Amended May 12, 1992

Amended March 8, 1994

Amended May 4, 1998

Amended June 1, 1998

Amended June 3, 2002

Amended August 5, 2002

Amended January 12, 2004

Amended January 6, 2010

Amended April 7, 2010

Amended March 5, 2014

Reese Peck, Chair
Planning Commission

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FIFTH DAY OF FEBRUARY, TWO-THOUSAND AND FOURTEEN, 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:

Rich Krapf

Tim O'Connor

Chris Basic

George Drummond

Staff Present:

Paul Holt, Planning Director

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

2. PUBLIC COMMENT

Mr. Krapf opened the public comment.

There being none, Mr. Krapf closed the public comment.

3. MINUTES

Mr. Rich Krapf moved to approve the minutes from the January 8, 2013 meeting.

Mr. Chris Basic stated that the last line on page six in the Planning Commission packet needs to be added and/or corrected. Mr. Basic noted that utilities that are building mounted rather than the site were the intent of his comments.

Mr. Basic stated that as the DRC, the Planning Commission, the Board, and the Planning staff all work hard for four sided or two sided front architecture, he wanted the building mounting utilities to work great with the building architecture.

Mr. Tim O'Connor requested that the word "only" be stricken from his comments located on Page 11 in the Planning Commission packet.

Mr. Krapf moved to approve the minutes, as amended.

In a unanimous voice vote, the Commission approved the amended minutes 4-0.

4. COMMITTEE / COMMISSION REPORTS

A. Development Review Committee

Mr. Tim O'Connor stated that the Development Review Committee did not meet in December or January due to inclement weather.

The DRC did meet on Wednesday, February 5, 2014 at 6:30 p.m. with members attending to review the following three cases.

A. C-0070-2013, 1592 Harbor Road Patio

Mr. Donald Newsom applied on behalf of Mr. Dave Trickey for an expansion of an existing deck, placement of a stone walking path and partial re-vegetation of existing turf grass. All of these improvements are planned in an existing conversation area as shown on the deed of open space easement and are within the 100 foot RPA buffer. These improvements were approved at the December 2013 Chesapeake Bay Board meeting and staff finds that the vegetative improvements will improve stormwater run-off quality.

The DRC voted 4-0 in favor of the submitted plan with the noted encroachments into the conversation area.

B. SP-0090-2013, New Town, Section 7, Parcel C, Townhomes

Mr. Bob Cosby of AES has applied on behalf of Atlantic Homes for an exception to Section 19-50 of the Subdivision Ordinance to allow an intersection jog along Casey Boulevard with a centerline offset of less than 200 feet. VDOT allows for 125 foot minimums in certain instances when private roads are involved.

The DRC voted 3-0-1 (Mr. Basic abstaining), to grant an exception to Section 19-50 of the Subdivision Ordinance, subject to VDOT approval.

C. SP-0097-2013, New Town, Section 9, (Settler's Market) Townhomes

Mr. Jason Grimes of AES has applied on behalf of Eagle Construction for an exception to Section 19-50 of the Subdivision Ordinance to allow three intersection jogs with centerline offsets of less than 200 feet. VDOT allows for 125 foot minimums in certain instances when private roads are involved.

The DRC voted 4-0 to grant an exception to Section 19-50 of the Subdivision Ordinance subject to VDOT approval.

For DRC Consideration: C-0028-2013, New Town Shared Parking

On June 26, 2013, Mr. Larry Salzman of New Town Associates provided an update on the proposed timed parking trial. Ms. Pollock updated the DRC noting that the timed parking implementation was delayed due to a number of factors, most importantly to avoid disruptions to holiday shopping. Therefore, it has been recommended that a new trial be approved with

four hour maximums along Main Street to be implemented in the spring of 2014 and an update be provided to the DRC in September of 2014.

The DRC accepted staff recommendations to defer the update until the September DRC meeting.

Mr. Krapf moved to accept the report.

In a unanimous voice vote, the Commission approved the DRC report 4-0, with the exception of item B where the vote was 3-0-1 (Mr. Basic abstaining).

B. Policy Committee

Mr. Krapf reported that the Policy Committee met on January 16, 2014.

Mr. Krapf further reported that the Policy Committee approved the Policy Committee minutes for meetings conducted on 2nd, 3rd, and 5th of 2013. In addition, the members of the Policy Committee conducted a fact gathering session on Case No. Z-0007-2013, Zoning Ordinance Amendment to consider the keeping of chickens in residential zoned areas in the County. Planning staff gave a brief presentation highlighting the success of the community survey on the topic as well as reviewing the current ordinance. The discussion was then opened to public comment with 20-25 citizens commenting on various chicken keeping issues, successful chicken keeping practices, and foreseeable obstacles. After each speaker had an opportunity to speak, the Policy Committee members asked questions and the public comment period was closed. The Policy Committee members also discussed Planning Commission organizational items to include reviewing and updating signatures on the Planning Commission Bylaws, Planning Commission Guidelines for outside Communications with Applicants, and Planning Commission Resolution regarding Limitations on Public Hearing Presentations.

C. Regional Issues Committee

Mr. Krapf reported that the Regional Issues Committee met on January 28, 2014 in the Williamsburg Municipal Building located in Williamsburg, VA.

Mr. Krapf further reported that after the introduction of new members and the approval of minutes, the following updates were presented. The Greater Williamsburg Chamber and Tourism Alliance provided a recap of 2013 events and expectations for 2014 including serving as a venue for sporting events that could draw additional attention and boost visitation to other attractions. The Historic Triangle Collaborative presentation discussed the Virginia Chamber of Commerce's blueprint *Virginia* which was delivered to then Governor elect McAuliffe in November during the Virginia Chamber Economic Summit held in Williamsburg and that document is available online. Mr. Wanner also mentioned that they are looking for businesses willing to fund Route 199 median mowing on those sections currently being mowed by VDOT. If successful, this would allow VDOT to concentrate more on the I-64 medians in the Historic Triangle.

5. PLANNING COMMISSION CONSIDERATIONS

A. 2013 Planning Commission Annual Report

Mr. Al Woods presented the 2013 Planning Commission Annual Report.

Mr. George Drummond moved to accept the report.

In a unanimous voice vote, the Commission accepted the report (4-0).

6. PLANNING DIRECTOR'S REPORT

Mr. Holt stated that aside from the information included in the agenda packet, there is a Longhill Road Corridor Study workshop tentatively scheduled for February 19 and 20, 2014 located at Lafayette High School.

7. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Krapf stated that this discussion is a precursor to the March 5, 2014 organizational meeting and provides the Commissioners a chance to discuss any concerns pertaining to Planning Commission Bylaws, Planning Commission Guidelines for outside Communications with Applicants, and Planning Commission Resolution regarding Limitations on Public Hearing Presentations.

Mr. Krapf addressed the Commissioners regarding the Planning Commission Bylaws.

Mr. O'Connor requested that the Planning Commission Bylaws reflect the current date as being reviewed or adopted.

Mr. O'Connor requested that the roles of the Development Review Committee and Policy Committee be updated in the Planning Commission Bylaws.

Mr. Krapf addressed the Commissioners regarding the Planning Commission Guidelines for outside Communications with Applicants.

Mr. Krapf requested that the "applicants should contact two Commissioners at a time for any scheduled meetings" be included in the Planning Commission Guidelines for outside Communications with Applicants document.

Mr. O'Connor requested that "Commissioners' standard practice is to communicate with staff and colleagues shortly after meeting with applicant" be included in the Planning Commission Guidelines for outside Communications with Applicants document.

Mr. Krapf addressed the Commissioners regarding the Planning Commission Resolution regarding Limitations on Public Hearing Presentations.

Mr. Basic stated that the Resolution needs to be updated to reflect the time allotted for citizen's group.

8. ADJOURNMENT

Mr. Krapf moved to adjourn the meeting.

The meeting was adjourned at approximately 7:32 p.m.

Richard Krapf, Chairman

Paul D. Holt, III, Secretary

REZONING–0003-2013/MASTER PLAN-0001-2013. Kingsmill Rezoning and Master Plan Amendment. Staff Report for the March 5, 2014, 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

March 05, 2014, 7:00 p.m.
April 08, 2014, 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant: Mr. Vernon Geddy, III, of Geddy, Harris, Franck & Hickman, L.L.P.

Land Owners: Xanterra Kingsmill, LLC

Proposal: To amend the master plan to allow up to 207 new dwelling units and to rezone the amended areas from R-4, Residential Planned Community, to R-4, with proffers. This proposal also seeks to amend the designation of 18 existing dwelling units from “resort” to “single-family.”

Tax Map Parcel No./Location/Acreage:	5130100002,	1000 Carter’s Country Road	± 193 acres
	5040100005,	100 Southall Road	± 5.2 acres
	5040100009A,	Land Bay Area 1	± 1.6 acres
	5130100009B,	Land Bay Area 2	± 8.9 acres
	5130100008,	181 Wareham’s Pond Road	± 1.1 acres
	5040100010,	1010 Kingsmill Road	<u>± 3.0 acres</u>
Total Acreage:			± 213 acres

Existing Zoning: R-4, Residential Planned Community

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

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds the proposal to be compatible with the Kingsmill master plan and consistent with the 2009 Comprehensive Plan Land Use Map and Zoning Ordinance; however, given the absence of proffers to mitigate expected impacts to the school system and to provide for diverse housing opportunities, both in accordance with policies previously adopted by the Board of Supervisors, staff is unable to recommend approval of this application in its current form. Staff also notes that this proposal does not meet the Adequate Public School Facilities test adopted by the Board of Supervisors for both Berkely M.S. and Jamestown H.S. Staff therefore recommends that the Planning Commission not support this rezoning/master plan amendment.

Staff Contact: Jose-Ricardo L. Ribeiro, Planner III Phone: 253-6890

Proffers:

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. Staff notes that the applicant has not proposed any cash proffers to mitigate the impacts of the proposed development.

Cash Proffer Summary	
Use	Amount
Water	\$1,342.00 per dwelling unit*
Recreation	\$29.00 per dwelling unit for playgrounds (single-family detached) ** \$17.63 per dwelling unit for playgrounds (single-family attached) \$64.52 per dwelling unit for fields (single-family detached) \$33.00 per dwelling unit for fields (single-family attached)
School Facilities	\$18,929.19 per dwelling unit (single-family detached) \$5,386.22 per dwelling unit (single-family attached)
Library Facilities	\$61.00 per dwelling unit
Fire/EMS Facilities	\$71.00 per dwelling unit
Total Amount per Unit (in 2013 dollars)	\$20,496.71 per dwelling unit (single-family detached) \$6,910.85 per dwelling unit (single-family attached)
Total Amount (in 2013 dollars)	\$2,531,000.60 total

* Not applicable as the public drinking water infrastructure would be owned and operated by Newport News Water Works (NNWW). **According to the James City County Comprehensive Parks and Recreation Master Plan Proffer Guidelines either cash proffers or provision of recreational facilities is acceptable.

Project History

Kingsmill is a unique planned community combining residential and commercial/light industrial land uses on a 3,600-acre site. During the early 1950s, Kingsmill was purchased by Williamsburg Restoration, a subsidiary of Colonial Williamsburg. In 1970, the property was sold to Anheuser-Busch/ Busch Properties and in 1972, the Board of Supervisors approved the initial master plan for residential development. In 2010, Xanterra Kingsmill, LLC, purchased the Kingsmill Resort (including the golf courses and surrounding undeveloped parcels) and in 2013, purchased the remaining undeveloped property in Kingsmill owned by Busch Properties, which also included the Country Road area. Kingsmill on the James, the residential development, currently contains $\pm 2,354$ homes, a mixture of single-family dwelling units, multi-family and condominiums. The entire area is served by three recreational centers and an open space system, which includes golf courses, ponds, bike trails, greenways and scenic easements. The subdivision is zoned R-4, Residential Planned Community and is designated on the 2009 Comprehensive Plan Land Use Map as Low Density Residential.

PROJECT DESCRIPTION

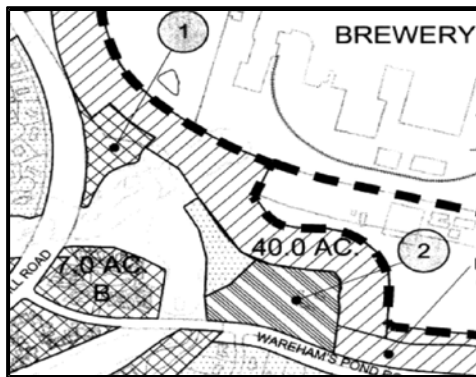
Mr. Vernon Geddy III has applied to amend the adopted master plan for Kingsmill in order to re-designate areas currently identified as “residential/recreation/Country Road” to “residential” to allow for the construction of up to 207 dwelling units on an area of ± 213 acres. The applicant also proposes to rezone this area from R-4, Residential Planned Community, to R-4, with proffers, in order to mitigate certain impacts associated with the proposed development. This request also seeks to change the master plan designation of a 3-acre parcel from “resort” to “single-family” (i.e., 18 existing units known as the “Cottages on the James”).

Carter's Grove Country Road (the "Country Road")

The road initially existed as a rough wagon track and may have served several farmhouses between Williamsburg and Martin's Hundred. Based on location, the road may also have served as a link between Carter's Grove and the Kingsmill Plantation. It also appears to have served as a link to Trebell's landing on the James River where supplies were delivered by ship. More recently, the road provided an access way from Carter's Road to the restored area of Colonial Williamsburg. The Country Road is currently closed and has not been maintained since 2003. The portion of the Country Road now owned by Xanterra and subject to this application is ± 193 acres and situated east of Mounts Bay Road (the Colonial Williamsburg Foundation retains title to 28-acres of the Country Road located to the west of Mounts Bay Road). This application proposes to develop ± 88 acres of the Country Road and in areas previously designated on the original master plan as "recreation" and "residential."

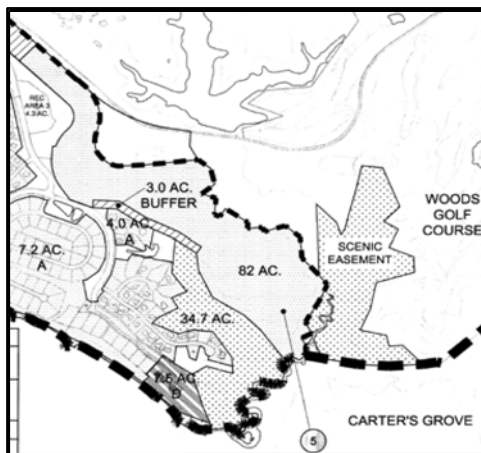
Proposed development within various Land Bay Areas as identified on the enclosed Master Plan

Areas 1 & 2



Within Areas 1 & 2 as shown on the master plan, the application proposes 30 townhomes (Area 1); 11 single-family units and 96 condominium/apartments (Area 2) within a 13 acre-area. Approximately 1.0 acre of the Country Road is proposed to be re-designated as "multi-family" as part of the development of Area 1. The development of Area 2 will occur completely outside of the Country Road but requires a change in master plan land use designation from "recreation" to "single-family" and "multi-family." This area was originally designated on the original master plan as "equestrian" but a portion is currently utilized for RV storage and grounds maintenance.

Area 5



This area, as shown on the master plan, proposes up to 60 single-family units within an 82 acre-area. The current request is to change the designation of this area from "country road" to "single-family."

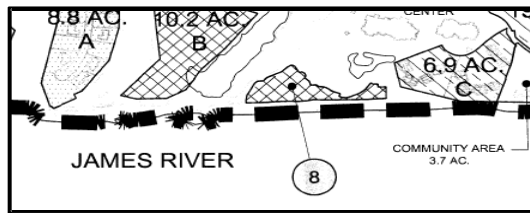
Areas 6 & 7



Within Areas 6 & 7 as shown on the master plan, the application proposes a total of 10 single-family units. Five acres of the Country Road are proposed to be re-designated as "single-family." Staff notes that approximately 5.2 acres of land (outside the Country Road on Area 6) is currently identified in the 1986's Kingsmill master plan as "residential-

multifamily” and can be developed without legislative approval. Staff acknowledges that by re-designating this area from multifamily to single-family, potential impacts to adjacent areas and to the environment will likely be lessened.

Area 8



This area is a small 3-acre parcel and the applicant proposes to change the designation of this area from “resort” (e.g. part of Kingsmill resort area) to “single-family.” This area is currently approved for 18 single-family condominium units. According to information provided by the applicant, the request to change to a residential designation for these resort units is largely due to the fact that “potential purchasers

have not been prepared to accept designations different than those on the other condominium units within the resort.” Currently, Xanterra has control over these units which can be leased but not individually owned. The proposed designation would allow these units to be sold at fee-simple. This designation would be consistent with the designation of all other condominium developments within the Resort area. Staff notes that there are no physical changes proposed as part of the development of this area and that Area 8 is not subject to the proposed voluntary proffers.

PUBLIC IMPACTS

Archaeology

Proffers:

- Archaeological Study

On September 09, 2013, staff met with Mr. Nicholas Luccetti, principal archaeologist for the James River Institute for Archaeology to discuss the history of archaeological excavation within Kingsmill, specifically on and around the Carter’s Grove Country Road. Mr. Luccetti indicated that the area within the Kingsmill residential community has been heavily surveyed, with the major sites (i.e. Kingsmill Plantation) already discovered and documented in the early 1970’s. Mr. Luccetti indicated that a Phase I Archaeological Study has been conducted approximately from the Captain Graves Road to Wareham’s Pond intersection down to the southern end of the Country Road and that some sites, including in the Country Road, have been identified. Mr. Luccetti indicated that a formal Phase I Study would be necessary for the portion of the Country Road between Captain Graves Road and Mounts Bay Road as the area have never been studied significantly. The applicant has proffered an Archaeological Study in accordance with the County’s Archaeological Policy for the portions of the property not previously studied.

Engineering and Resource Protection

Watershed: College Creek

Proffers:

- No structure shall be constructed with 15 feet of a Resource Protection Area (RPA) buffer. No area within an RPA buffer shall be included in a lot size of less than one acre.
- A Nutrient Management Plan for each area subjected to the amendment.
- To provide for additional environmental protections, development of the property shall be subject to the County’s Special Stormwater Criteria.
- Natural/vegetative buffers.
- Compliance with the County’s Natural Resources Policy.

Staff Comments: Kingsmill has an approved Stormwater Management Master Plan and development of the property will continue to be governed by the Stormwater Master Plan. Upon review of this application, the Engineering and Resource Protection (ERP) staff identified issues associated with RPAs, channel adequacy, downstream BMPs, and dam break inundation. Should this application be approved, additional information will be submitted to the ERP staff during the time of plan review to ensure that

issues identified during the conceptual review of this application are fully addressed and mitigated.

Natural Resources

Staff notes that a substantial segment of amended Area 5 (attached) is located within the Grove Creek Conservation Site. According to the Department of Conservation and Recreation (DCR), “*conservation sites are tools for representing key areas of the landscape that warrant further review for possible conservation action because of the natural heritage resources and habitat they support.*” According to DCR this conservation site is of outstanding significance. DCR has reviewed this application and has issued comments (attached) pertaining the proposed development and its impact to this sensitive environmental area. The James City County Natural Resource Policy adopted by the Board in 1999 states that:

“A natural resource inventory of suitable habitats for S1, S2, S3, G1, G2, or G3 resources in the project area shall be submitted to the Director of Planning for his review and approval prior to land disturbance. If the inventory confirms that a natural heritage resource exists or could be supported by a portion of the site, a conservation management plan shall be submitted to and approved by the Director of Planning for the affected area. All inventories and conservation management plans shall meet the Virginia Department of Conservation and Recreation’s Division of Natural Resources (DCR/DNH) standards for preparing such plans, and shall be conducted under the supervision of a qualified biologist as determined by the DCR/DNH or the United States Fish and Wildlife Service.”

The table below shows the names of the species of concern at the site and the ranking used by DCR to set protection priorities for natural heritage resources.

Species/Area Name	Conservation Sites Ranking (scale of 1-5, 1 being most significant)*
Coastal Plain Calcareous Ravine Forest	G2/S2/NL/NL
Coastal Plain Calcareous Seepage Swamp	G2/S2/NL/NL
Coastal Plain Dry Calcareous Forest	G1/S1/NL/NL
Mount Camellia	G4/S2/NL/NL
Pink Thoroughwort	G5/S2/NL/NL

**G- Global ranking (G-1, critically imperiled in the world, G2, imperiled in the world, G4, apparently secure; uncommon but not rare, G5, secure; common, widespread and abundant in the world.) S-State ranking (S-1, critically imperiled in the state, and S-2, imperiled in the state. NL ranking (no federally or state listed species present).*

Staff notes that the applicant has proffered to comply with the Board of Supervisors adopted Natural Resource Policy. For additional information on natural resource areas please refer to the binder attached to this application.

Buffers

The following buffer areas were proffered by the applicant for the proposed development within the various Land Bay Areas.

- Land Bay Area 1. A 150-foot buffer between back of Area 1 and Anheuser-Busch properties.
- Land Bay Area 2. A 150-foot buffer between back of Area 2 and Anheuser-Busch properties. The existing landscape berm located adjacent to Wareham’s Pond Road shall be maintained.
- Land Bay Area 5. A vegetated buffer with a minimum width of 75 feet and of approximately 3.0 acres.

- Land Bay Area 6. A 50-foot buffer between back of Area 6 and adjacent properties. A 50-foot buffer along Southall Road fronting Area 6.
- Land Bay Area 7. A 50-foot buffer along Kingsmill Road fronting Area 7. A 125-foot buffer between back of Area 7 and adjacent properties.

Staff believes that maintaining a physical separation, particularly between different uses is an important tool to promote harmonious land use development. While the Country Road trail improvements will be located in these areas, staff finds that the above referenced buffers are a positive addition to this proposal; and meet or exceed minimum ordinance requirements for buffers in these types of uses. For additional information on buffers please refer to the binder attached to this application.

Public Utilities

The property is served by public water and sewer.

Staff Comments: The public drinking water infrastructure in this portion of the County is owned and operated by Newport News Water Works (NNWW); therefore, typical proffers such as the James City Service Authority (JCSA) Water Conservation Agreement are not applicable for this project. Residential units in the proposed amended areas will be connected to existing JCSA and Hampton Road Sanitary District (HRSD) pump stations and existing gravity sewer. Staff has reviewed the Community Impact Statement and Master Plan and concurs with the information, while noting that additional information will need to be considered at the development plan design stage.

Transportation

Vanasse Hangen Brustlin (VHB) prepared a Traffic Impact Analysis (TIA) for this project. The two main vehicular access points to and from the subdivision are through Mounts Bay Road intersecting Route 199 and Kingsmill Road intersecting Pocahontas Trail (Route 60). The analysis incorporated the evaluation of traffic at the intersections of Route 199 with Mounts Bay and Quarterpath Roads and the intersections of Route 60 and Kingsmill Road, as well as evaluation of the major intersections and proposed access points within Kingsmill. No road/intersection improvements are recommended as part of this traffic analysis for the development of 207 dwelling units.

2007 Traffic Counts: On Route 199 from Quarterpath/ Mounts Bay Road to the Colonial Parkway there were 33,000 average daily trips. On Route 199 from the York County line to Quarterpath Road/Mounts Bay Road there were 31,000 average daily trips.

2035 Traffic Counts: On Humelsine Parkway Route 199 from Quarterpath/ Mounts Bay Road to the Colonial Parkway 36,686 average daily trips is forecasted. On Route 199 from the York County line to Quarterpath Road/Mounts Bay Road 29,306 average daily trips is forecasted.

VDOT Comments: Staff has reviewed the traffic impact study and concurs with the recommendation set forth by VHB.

Fiscal

The applicant submitted a fiscal impact analysis for this project using the County's fiscal impact worksheet. The analysis indicates that the project will be fiscally positive with a positive fiscal impact of \$300,853 at build out. This positive fiscal impact conclusion is likely due to the high market value expected for the proposed dwelling units. According to the analysis, each of the 81 single-family detached units is expected to be sold at an average price of ±\$639,135, while each of the 126 townhomes, condos, and multifamily units is expected to be sold at an average price of ±\$450,000.

Staff Comments: The Director of Financial and Management Services reviewed the above fiscal impact analyses and generally concurs with its conclusions.

Schools and Housing

School Cash Proffer Policy. Staff notes that this application is subject to the School Cash Proffer Policy (attached) adopted by the Board of Supervisors on November 27, 2012. The Policy is designed to mitigate the potential impacts of 207 new dwelling units (which are expected to generate \pm 54 new students) to the local school system. Below are the adjusted per unit school proffer amounts for 2013:

- Single-Family Detached contribution \$ 18,929.19
- Single-Family Attached contribution \$ 5,386.22

With 81 single family units proposed, the school cash proffer contribution for these units would total \pm \$ 1,533,264 while the 126 townhomes/condo/apartments would total \pm \$678,663, for a combined total of \pm \$ 2,211,927. As no proffers are proposed to mitigate impacts to the school system, staff finds the proposal does not meet the Board's adopted policy on this item.

Housing Opportunity Policy. Staff also notes this application is subject to the Housing Opportunities Policy, adopted by the Board of Supervisors on November 27, 2012. According to the policy at least 20 percent of a development's proposed new 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). The table below illustrates the Policy's income ranges and percentages and how it relates to this application.

Units targeted to (percent of AMI)	Price range (Minimum- Maximum-2013)	Minimum percent of the development's proposed dwelling units expected (%)	Number of units subject to policy
30 percent-60 percent	\$99,876-\$174,256	8	16.5 units
Over 60 percent- 80	\$174,257-\$243,462	7	14.4 units
Over 80 percent- 120 percent	\$243,463-\$381,991	5	10.3 units
Total		20	41 units*

**Rounded up number*

As no proffers are proposed to provide housing choices in the price ranges listed above, staff finds the proposal does not meet the Board's adopted policy on this item.

Public Facilities

This project is located within the James River Elementary School, Berkeley Middle School and Jamestown High School districts. Per the adequate public school facilities test adopted by the Board of Supervisors on June 23, 1998, all special use permit or rezoning applications should meet the test for adequate public school facilities. The test adopted by the Board uses the design capacity of a school, while the Williamsburg - James City County schools recognize the effective capacity as the means of determining student capacities. A total of \pm 54 students are expected to be generated by this proposal. As shown in the table below, Berkeley M.S. and Jamestown H.S. are currently over capacity.

School	Effective Capacity (Sept.2010)	Enrollment (2013)	Projected Students Generated by Proposal	Enrollment + Projected Students
James River	580	512	23.3	535
Berkeley	829	902	12.2	914
Jamestown	1,208	1,263	18	1,281

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

Parks and Recreation

Proffers:

- Provision/repair/maintenance of a multi-use trail within the Carter's Grove Country Road corridors from the eastern right of way line of Mounts Bay Road to the eastern boundary of the property adjacent to Grove Creek.

The total amount of open space remaining in Kingsmill at the James with the proposed improvements amounts to ± 47 percent of its entire area. This includes scenic easements, golf courses, ponds and greenways. Section 24-280 of the Zoning Ordinance states that *"at least 40 percent of the total acreage of the residential planned community shall be designated as open space. Golf courses may also be counted as open space for the purpose of meeting the requirement to a maximum of 60 percent of the required open space."* Staff notes that the Zoning Ordinance does not make a distinction between private/public uses of open spaces but requires a certain percentage of the development to be retained as open space.

Staff Comments: The Zoning Ordinance also requires that the required open space contain recreation open space in the amount of one acre or more per 350 dwelling units (recreational open space includes parks, playgrounds, swimming pools, tennis courts, etc.). Staff finds that this application is in compliance with the open space/recreational areas requirements of the Zoning Ordinance. Because development of Kingsmill happened at a time prior to adoption of the Parks and Recreation Proffer Policy Requirements, it is likely that this proposal does not meet all the requirements per the policy. However, given the existence of three recreation facilities (containing swimming pools, playgrounds, meeting rooms, tennis courts, bath houses, etc.) located throughout the development, and other facilities such as bikeways, trails, the soccer field (including a softball field) at the plantation and pavilion site, staff finds that the current facilities will be able to accommodate the additional demand created by the new 207 dwelling units.

Staff notes that portions of the "Country Road" are designated on the 2002 James City County Greenway Master Plan as part of a public multi trail system. However, When the Colonial Williamsburg Foundation acquired the Country Road; it was for the express purpose of providing a vehicular parkway from the City of Williamsburg to Carter's Grove. While vehicles were conditionally permitted, the Country Road was not intended for pedestrians and bicyclists. Lastly, for the portion of the Country Road right-of-way within Kingsmill, there was a clause in the deed that stated when Carter's Grove was sold, ownership of the Country Road right-of-way would revert back to the owner reinforcing the notion that this area was meant to remain under private ownership. The Country Road is also designated as a "proposed multi-use path" in the 2013 Regional Bikeways Master Plan.

COMPREHENSIVE PLAN

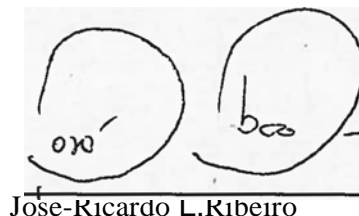
The 2009 Comprehensive Plan Land Use Map designates the areas subject to this master plan amendment/rezoning application as Low Density Residential. In areas designated for Low Density Residential, a gross density of up to 1.0 dwelling unit is recommended, depending on the character and density of surrounding development, 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. With a gross density of ± 1 unit per acre, the proposed development falls within the allowable density

established by the Comprehensive Plan. The plan also notes that particular attention should be given to addressing such impacts as incompatible development intensity and design, building height and scale, land uses, smoke, noise, dust, odor, vibration, light, and traffic.

The residential development is proposed to occur in areas either entirely within or along the Country Road. Although not designated as a buffer or a recreation area by the original master plan, the Country Road has functioned, from a land use perspective, as a buffer between existing residential units adjacent to industrial/commercial uses (i.e., Busch Gardens, the Brewery). Kingsmill residents have expressed concerns regarding the development of the Country Road including the depletion of the natural area, the increase of noise coming from adjacent properties and other impacts associated with new development adjacent to established ones. To address these concerns, the applicant has made several revisions to this application (i.e., addition of buffer zones, removing development from within the Country Road, enhanced environmental protections, etc.). Other concerns such as noise and the perception that sound will increase as parts of the Country Road are developed are not addressed in the current application. While sound/noise can be of a subjective nature, staff has no means to accurately measure its impacts in this scenario. Currently, there is no County policy which addresses the impacts of sound/noise. Staff has requested the applicant to consider a study/simulation to better measure the potential impacts of noise. However, the applicant has indicated that such a simulation may not provide any meaningful information and has offered instead buffers on proposed development key areas (i.e. Areas 7, 1, 2, and 5) in order to provide for a more natural sound/noise barrier. The applicant has also proffered a disclosure and acknowledgement agreement (attached) whereby prior to the sale of any lot or residential unit in the proposed areas the owner will record a supplementary declaration acknowledging the proximity to Busch Gardens and the Brewery and its potential impacts such as noise and lighting. With the proposed proffers, staff finds the proposed development to be consistent with the 2009 Comprehensive Plan.

RECOMMENQA TION

Staff finds the proposal to be compatible with the Kingsmill master plan and consistent with the 2009 Comprehensive Plan Land Use Map and Zoning Ordinance; however, given the absence of proffers to mitigate expected impacts to the school system and to provide for diverse housing opportunities, both in accordance with policies previously adopted by the Board of Supervisors, staff is unable to recommend approval of this application in its current form. Staff also notes that this proposal does not meet the Adequate Public School Facilities test adopted by the Board of Supervisors for both Berkely M.S. and Jamestown H.S. Staff therefore recommends that the Planning Commission not support this rezoning/master plan amendment.

A handwritten signature in black ink, appearing to read "José-Ricardo L. Ribeiro". The signature is written in a cursive, somewhat stylized font. The first part of the signature is enclosed in a circle, and the last part is also enclosed in a circle. There are some additional marks and flourishes around the circles.

ATTACHMENTS:

1. Staff Binder includes:
 - a. Location Map
 - b. Buffer Exhibit(s)
 - c. Cash Proffer Policy for Schools
 - d. Housing Opportunities Policy
 - e. Letter from the Department of Conservation and recreation (DCR) dated October 7,2013
 - f. DCR Exhibit Showing Location of Area Containing Natural Heritage Resources
 - g. Letters/E-mails from Groups and Organizations
 - h. Letters/E-mails from Citizens
2. Supplemental Materials Binder:
 - a. Proffers
 - b. Community Impact Statement (CIS)
 - c. Traffic Impact Analysis
 - d. Fiscal Impact Analysis
 - e. Current and Proposed Master Plan

New Cases for February

Case Type	Case Number	Case Title	Address	Description	Planner	District
Conceptual Plans	C-0005-2014	Williamsburg Crossing Parcels 20 and 29	5304 and 5294 John Tyler Highway	Proposal for 197 single family attached dwelling units located on Parcels 20 and 29 of Williamsburg Crossing. The proposal contains a mix of unit types ranging from duplex and ten-plex buildings.	Leanne Pollock	03-Berkeley
	C-0006-2014	Historic Powhatan Resort Storage Building SP Amend.	4300 Fithian Lane	Project will consist of removing existing storage trailers from the site and intalling a new 1,200 sf (30x40) steel frame shed on a concrete pad.	Jose Ribeiro	03-Berkeley
	C-0007-2014	Meadows Forge Road Subdivision and BLA	3103 and 3123 Forge Road	Boundary line adjustment would move the 50 foot stem of Parcel 28 from the west side of Parcel 26B to the east (shifting Parcel 26B to the west); Subdivision would divide Parcel 28 into two parcels split parcel 28 into two, each with a 25 foot stem.	Scott Whyte	01-Stonehouse
	C-0009-2014	Jamestown Pie Company Outdoor Smoker	1804 Jamestown Road	Proposal to relocate mobile outdoor smoker on property	Luke Vinciguerra	03-Berkeley
	C-0010-2014	Heritage Christian Church Temp. Modular Building	8824 Richmond Road	Placement of a modular Sunday school classroom for 5 years until main expansion can be constructed.	Leanne Pollock	04-Jamestown
Subdivision	S-0005-2014	New Town Sec. 3&6 Block 21 Subdivision and BLA	4201 Ironbound Road	Subdivision and BLA to create 6 lots at the end of Discovery Park Blvd. to separate developable areas from open space and remainder areas. Divides Block 21 into 2 parcels.	Leanne Pollock	04-Jamestown
	S-0006-2014	Colonial Heritage Ph. 6 Sec. 1	499 Jolly Pond Road	Ref. Z-0003-2002 & Z-0004-2002; Fee to arrive separately.	Jose Ribeiro	01-Stonehouse
	S-0007-2014	Durant Croaker Road BLA	8950 Croaker Road	Boundary Line adjustment between 8970 & 8950 Croaker Road.	Luke Vinciguerra	01-Stonehouse
	S-0008-2014	Gilley Neck-O-Land Subdivision and BLA	227 Gate House Blvd.	Lot line extinguishments to create 3 lots.	Scott Whyte	05-Roberts
	S-0009-2014	Liberty Crossing Townhouses Phase 2E	6601 Richmond Road	Final plat for lots 79-84, 91-96, 118-122 and Common Area #3	Jennifer VanDyke	01-Stonehouse
	S-0010-2014	Jacobs Industrial Center Parcel 9	190 Industrial Blvd.	Final plat of 1 lot.	Jose Ribeiro	01-Stonehouse
	S-0011-2014	Chestnut Grove Phase 1	104 Wisteria Garden Drive	Final plat of 16 lots.	Jose Ribeiro	05-Roberts
	S-0012-2014	JCC Fire Station #1 BLA	3135 Forge Road; 7869 and 7849 Church Lane	Boundary line adjustment and extinguishment between properties owned by the JCSA and the JCC EOC Building and Fire Station #1.	Scott Whyte	01-Stonehouse

New Cases for February

Case Type	Case Number	Case Title	Address	Description	Planner	District
Site Plan	SP-0006-2014	T-Mobile Longhill Road Tower SP Amend.	4451 Longhill Road	Antenna and equipment upgrades for T-Mobile on existing monopine tower.	Jennifer VanDyke	02-Powhatan
	SP-0007-2014	Busch Gardens, Rhine River Dock & Bulkhead Plan	7851 Pocahontas Trail	Construct a new boat dock over existing piles at the location of the Rhine River Cruise attraction.	Jose Ribeiro	05-Roberts
	SP-0008-2014	Busch Gardens, Bus Stop Shelter & Access Route	7851 Pocahontas Trail	Construct new ADA compliant sidewalks connecting the WATA bus stop on Rt. 60 to the main entrance of the Busch Gardens Theme Park.	Jose Ribeiro	05-Roberts
	SP-0009-2014	New Town Sec. 3&6 Block 20 (TPMG & Discovery Park Place) SP Amend.	5416 Discovery Park Blvd.	Amendment to add a drop-off canopy over proposed and existing sidewalks and a pull-off for vehicular drop-off at the side entrance of Discovery Park Place.	Leanne Pollock	04-Jamestown
	SP-0010-2014	Creative Cabinets Propane Tank SP Amend.	201 Industrial Drive	Addition of 1,000 gal. propane tank.	Jose Ribeiro	01-Stonehouse
	SP-0011-2014	New Town Sec. 3&6 Block 21 Parcel B, Office Building	4201 Ironbound Road	Construction of 21,200 SF office building and associated 87 parking spaces at the end of Discovery Park Blvd.	Leanne Pollock	04-Jamestown
	SP-0012-2014	Olde Towne Pizza Outdoor Cooler SP Amend.	5540 Olde Towne Road	Plan proposes the installation of a refrigeration unit and new decking to the rear of the building	Jennifer VanDyke	04-Jamestown
	SP-0013-2014	New Town Sec. 9 (Settlers Market) Pier 1	4540 Casey Blvd.	Proposed building and utility service connections; parking and a proposed entrance will serve the site along with storm pipe networks for drainage.	Leanne Pollock	04-Jamestown
Special Use Permit	SUP-0001-2014	Terra di Siena	300 McLaws Circle	proposed processing and curing of pork products within an existing building	Luke Vinciguerra	05-Roberts
	SUP-0002-2014	HRSD 300 Ron Springs Drive Tower	300 Ron Springs Road	HRSD proposal to create a microwave-based WAN between their treatment plants and operations center for improved communications, requiring a microwave tower at the Williamsburg Treatment Plant; Tower would be 134' in height and have 2 microwave antennas, a UHF omni-directional antenna, and lightning protection.	Leanne Pollock	02-Powhatan

PLANNING DIRECTOR'S REPORT

March 2014

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

- **New Town.** At the February meeting, the Design Review Board approved changes in elevations for the Oxford (Section 12) apartments, including the addition of 2 garage buildings; reviewed and commented on revisions to the conceptual layout and elevations for a Wendy's in WindsorMeade Marketplace; approved a site plan, subdivision plat, and elevations for a new office building on Discovery Park Blvd.; and approved the final landscape and grading plans for a townhouse development at the corner of Center Street and Casey Blvd. in Section 7. The DRB also discussed the implementation of time limited parking, specifically signage types and locations. The next DRB meeting is scheduled for May 15.
- **Longhill Road Corridor Study.** A public meeting for the Study was held on February 19th and 20th at Lafayette High School. On the 19th, information was presented on the milestones of the process to date and the focus topics of the public input. The meeting attendees were then provided conceptual access management, intersection design, cross section and landscaping information and encouraged to discuss, ask questions, and write their comments on the sheets of paper. On the 20th, the consultants presented a conceptual design for the corridor, with renderings of the road along the whole length of the study area. Meeting attendees were again given the opportunity to discuss and provide comments on the renderings. A final public meeting is tentatively planned for May, and this topic will be brought to another Policy Committee meeting for an update as well.
- **Rural Lands.** The Rural Economic Development Committee (REDC) met on February 25 to review the status of the AFID project that Planning is working on with the Office of Economic Development. The REDC reviewed and evaluated a preliminary list of recommended projects generated as a result of stakeholder input and research. Preliminary results will be shared with the Economic Development Authority and Policy Committee in the near future. Staff is also planning to host a related public presentation regarding the importance of the rural economy by Ed McMahon in April. Mr. McMahon is a nationally known speaker and researcher with the Urban Land Institute.
- **Comprehensive Plan.** The methodology, timeline and survey document were presented to the Board of Supervisors during a work session on February 4 (rescheduled from January 28 due to snow). The Board provided staff with feedback and desired changes to the citizen survey and expressed support for the overall methodology and timeline. Staff is working on revisions to the survey to bring back to the Board and is proceeding with other implementation items to kick off the review process. Meanwhile, staff is proceeding with other implementation items, including an introduction video, website, and background remarks to kick off the review process.
- **Monthly Case Report.** For a list of all cases received in the last month, please see the attached documents.
- **Board Action Results:**
 - January 28, 2014
 - No meeting

- February 11, 2014
 - Case No. AFD-02-86-1-2013. Croaker Agricultural and Forestal District (AFD)
Addition – 420 Stonehouse Road (Approved 5-0)
 - Case No. SUP-0014-2013. Lightfoot Marketplace (Approved 5-0)