

AGENDA
JAMES CITY COUNTY PLANNING COMMISSION
June 4, 2014 – 7:00 p.m.

1. ROLL CALL
2. PUBLIC COMMENT
3. CONSENT AGENDA
 - A. Minutes from the April 2, 2014 Regular Meeting
 - B. Development Review Committee
 - i. C-0029-2014, 1584 Harbor Road, Ron & Gail Gilden Conservation Easement Encroachment (DRC Recommendation: 5-0)
4. REPORTS OF THE COMMISSION
 - A. Policy Committee
 - B. Regional Issues Committee/Other Commission Reports
5. PUBLIC HEARINGS
 - A. Case No. Z-0002-2014/MP-0002-2014, Kingsmill Rezoning and Master Plan Amendment, Land Bay Areas 1, 2, 6 and 7
 - B. Case No. SUP-0004-2014, WindsorMeade Marketplace Wendy's (New Town Sec. 11)
 - C. Case No. SUP-0005-2014, Creative Kids Child Development Center
 - D. Case No. SUP-0006-2014, John Tyler Highway Sewer Connection
6. PLANNING COMMISSION CONSIDERATIONS
7. PLANNING DIRECTOR'S REPORT
8. COMMISSION DISCUSSIONS AND REQUESTS
9. ADJOURNMENT

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SEVENTH DAY OF MAY, 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
Robin Bledsoe
John Wright, III
Heath Richardson

Staff Present:

Paul Holt, Planning Director
Jose Ribeiro, Planner
Scott Whyte, Planner
Jennifer VanDyke, Planner
Leanne Pollock, Planner
Lola Perkins, Assistant County Attorney

Planning Commissioners

Absent:

George Drummond

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

2. **PUBLIC COMMENT**

Mr. Krapf opened the public comment.

Mr. John Niland, 503 Rivers Bluffs, addressed the Planning Commission to express his concern regarding Xanterra and the Kingsmill Community Service Association (KCSA).

Mr. Howard Ware, 46 Whittakers Mill Rd., addressed the Planning Commission to express his concern regarding Xanterra and KCSA.

Mr. Lenny Berl, 105 William Richmond, addressed the Planning Commission to express his concern regarding Xanterra and KCSA.

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

3. **CONSENT AGENDA**

A. **Minutes from April 2, 2014, Planning Commission meeting.**

B. **Development Review Committee**

i. **Case No. SUP-0014-2013, Lightfoot Marketplace**

Mr. Krapf inquired if the Commissioners had any comments.

Mr. Chris Basic moved to approve the Consent Agenda.

In a unanimous vote, the Commission approved the Consent Agenda 6-0; Mr. George Drummond being absent.

4. REPORTS TO THE COMMISSION

A. Policy Committee

Mr. Tim O'Connor reported that the Policy Committee met on April 14, 2014, with all members attending.

i. Case No. ZO-0007-2013, Chicken Keeping in Residential Districts

Mr. O'Connor stated that the Policy Committee reviewed the draft ordinance to be presented to the Planning Commission for consideration. Issues reviewed and considered in the final draft included language allowing exceptions to the rear yard requirements for unusual shaped lots and prohibition of chicken keeping in resource protection areas and conservation easements. The Policy Committee voted unanimously to move the draft ordinance forward to the Planning Commission for the benefit of a public hearing.

ii. ZO-0008-2013, Accessory Apartments

Mr. O'Connor stated that the Policy Committee also reviewed the draft ordinance for detached and attached apartments. The draft ordinance allows for attached apartments to be permitted uses in all districts, with the exception of R-5 due to its density, and it also allows for detached apartments in the same districts as a specially permitted use in order to have a public hearing to allow neighbors the opportunity to comment. The Policy Committee voted unanimously to move the draft ordinance forward to the Planning Commission for the benefit of a public hearing.

B. Regional Issues Committee

Ms. Robin Bledsoe stated that the Regional Issues Committee met on April 22, 2014. Topics of discussion included an update on Eastern State Hospital's 500 acres of undeveloped property as well as information about upcoming tourism events. In addition, a partnership between the Historic Triangle Collaborative and VDOT will result in VDOT posting signs in common areas of traffic congestion showing alternate routes and the time involved in taking them, much like those seen when driving to Norfolk or Virginia Beach.

5. PUBLIC HEARING CASES

A. Case Nos. Z-0003-2013/MP-0001-2013, Rezoning and Master Plan Amendment for Kingsmill

Mr. Tim O'Conner recused himself from consideration of the case.

Mr. Jose Ribeiro, Planner, addressed the Planning Commission giving a summary of the staff report included in the Agenda Packet.

Ms. Bledsoe disclosed that she and Mr. Vernon Geddy exchanged voicemail messages.

Mr. John Wright, Mr. Basic and Mr. Krapf all disclosed that they also had brief conversations with Mr. Geddy in preparation for the meeting.

Mr. Geddy of Geddy, Harris, Franck and Hickman LLP, addressed the Planning Commission giving a summary of the proposed project.

Mr. Heath Richardson stated that he had a question regarding the Housing Opportunities Policy. Mr. Richardson noted that four units must be provided that fall under the “workforce affordable” housing category and inquired when the building those units will be determined.

Mr. Geddy replied that the timeframe has been built into the proffers. Mr. Geddy noted that two units must be provided after six certificates of occupancy have been issued, and the other two must be provided upon twelve certificates of occupancy being issued.

Mr. Wright asked if those units will be within Kingsmill.

Mr. Geddy confirmed.

Mr. Krapf noted that the public hearing has remained open since the March 5, 2014 meeting and will be closed at the present meeting following all speakers in anticipation of future applications.

Mr. John Niland, 503 Rivers Bluffs, addressed the Planning Commission stating his belief that the residents of Kingsmill should vote on the issue.

Ms. Lenny Berl, 105 William Richmond, addressed the Planning Commission regarding his concern for the Cottage’s setback from the bluff and inconsistencies with James City County’s single-family dwelling regulations. He also stated his concern with the lock-out design of the units, and the requirement for affordable housing to be added to an existing community.

Mr. Michael McGurk, 117 Jefferson’s Hundred and representing Preserve the Carter’s Grove Country Road, addressed the Planning Commission providing a PowerPoint presentation regarding the groups concerns with Xanterra.

Mr. Howard Ware, 46 Whittakers Mill Road, addressed the Planning Commission stating that he believes Xanterra’s proposal should be a part of the resort, not the residential Kingsmill community.

Mr. Scott Barner, 17 Braywood, addressed the Planning Commission stating that he does not believe the proposed units should become a part of the Kingsmill community without a two-thirds vote from the residents, as required by the declarations.

There being no others wishing to speak, Mr. Krapf closed the public hearing.

Mr. Krapf stated that he would like clarification regarding the contractual issues between the owners of Kingsmill and its residents. Mr. Krapf noted that it is his understanding that it is a private matter, and the applicant has the right to continue with the application.

Ms. Lola Perkins confirmed that it is a private legal matter. Ms. Perkins stated that the County is merely evaluating the proposed use for the property.

Mr. Krapf stated that he heard several comments regard the density of Kingsmill, and noted that Kingsmill does not have a density cap. Mr. Krapf asked Mr. Paul Holt to address the concerns brought forward regarding the four units that already exist.

Mr. Holt stated that there are no minimum lot sizes or setback requirements set forth in the County Zoning Ordinance for the R-4 District.

Mr. Wright asked if the intention is for the units to be transferred from the resort to the residential community and will then be governed by the declarations and covenants.

Mr. Geddy stated that a condominium association will be initially created to control the units, which may or may not ever be brought under KCSA control.

Mr. Wright noted that a speaker had stated that renting is not permitted in the residential area.

Mr. Geddy replied that the declaration states that people can only rent with a minimum lease of one year, and noted that this property is not subject to those declarations.

Mr. Richardson stated that he believes it is important for the Housing Opportunities and School Proffer policies to be enacted across the county. Mr. Richardson noted that he would personally prefer to see the entire Kingsmill proposal brought forward at one time, instead of piece by piece. Mr. Richardson also stated that although he understands the separation between the County's considerations and private legal issues, he believes it is important for homeowners to be consulted regarding what is going on in their neighborhood.

Mr. Basic stated that although he dislikes that the County cannot consider this private legal matter, he must respect those boundaries. Mr. Basic noted that although the applicant has provided for the cash proffer policy, he believes he has not yet reached full participation and requested that Board to consider that issue. Mr. Basic made a motion to recommend approval of the application.

Mr. Krapf stated that is the role of the Planning Commission to make decisions based solely on the Comprehensive Plan. Mr. Krapf noted that this application is a straightforward rezoning from an R-4 designation to an R-4 with Proffers designation.

On a roll call vote, the Planning Commission voted to recommend approval of the application with the conditions listed in the staff report by a vote of 5-0-1; Mr. O'Conner abstaining and Mr. George Drummond being absent.

B. Case No. SUP-0003-2014, Amerigas Propane Tank Installation

Mr. Luke Vinciguerra, Planner, addressed the Planning Commission giving a summary of the staff report included in the Agenda Packet.

Ms. Bledsoe asked if proposals for further expansion would still be required to be reviewed by the County.

Mr. Vinciguerra stated that future expansions would only require site plan review.

Mr. Holt stated that any expansion outside of the currently fenced area would be required to come back to the Planning Commission.

Ms. Bledsoe asked how many storage tanks they will be allowed to have.

Mr. Vinciguerra replied that there is no limit on the number, but they must all fit within the currently fenced area, 50 feet away from the property line and 5 feet away from each other.

Mr. Wright asked how the County has ensured that this will not be a safety hazard.

Mr. Vinciguerra stated that each new tank will require a building permit and inspection.

Mr. Krapf opened the public hearing.

There being none, Mr. Krapf closed the public hearing.

Mr. Richardson made a motion to recommend approval of the application.

On a roll call vote, the Planning Commission voted to recommend approval of the application with the conditions listed in the staff report by a vote of 6-0; Mr. Drummond being absent.

C. Case No. ZO-0007-2013, Chicken Keeping in Residential Areas

Mr. Scott Whyte, Planner, addressed the Planning Commission giving a summary of the staff report included in the Agenda Packet.

Mr. Krapf opened the public hearing.

Ms. Carol Bartram, 102 Pageland Drive, Yorktown and representing Peninsula Chicken Keepers, addressed the Planning Commission in support of keeping chickens.

Ms. Barbara Scherer, 114 King William Drive, addressed the Planning Commission in support of keeping chickens, citing them as pets.

Mr. Eric Danuser, 4091 S. Riverside Drive, addressed the Planning Commission in support of keeping chickens.

Ms. Joyce Felix, 115 King William Drive, requested that chickens also be permitted in the R-2 District.

Ms. Kelly Lockeman, 121 Kingspoint Drive, addressed the Planning Commission in support of keeping chickens in all single-family residential areas.

Ms. Susan Hoffman, 107 Edgewood Lane, addressed the Planning Commission in support of keeping chickens as pets.

Mr. Leland Chandler, 3305 Durham Court, addressed the Planning Commission in support of keeping chickens.

There being no one else wishing to speak, Mr. Krapf closed the public hearing.

Ms. Bledsoe thanked Ms. Bartram for her communications with the Commission members. Ms. Bledsoe stated that she is concerned that if the ordinance is expanded to allow chicken keeping, people will not abide by the regulations and homeowners' associations (HOA's) will have to litigate. Ms. Bledsoe noted that she has received several phone calls stating that these neighborhoods will not be able to afford such litigations. Ms. Bledsoe stated that she does not believe chickens are compatible with neighborhood experiences, and she can no longer support the ordinance amendment.

Mr. Richardson stated that he grew up with chickens and supports the sustainability argument. Mr. Richardson also stated that the regulations could be very difficult to enforce and agreed with Ms. Bledsoe that it could cause issues within HOA's. Mr. Richardson stated that he cannot support the ordinance amendment.

Mr. Wright stated that he also grew up on a large farm. Mr. Wright stated that the proposed ordinance provides a good balance of permission and restriction.

Mr. Basic reviewed the Policy Committee's discussions regarding chicken keeping in each district. Mr. Basic stated that the Commission can not simply tally votes for or against chickens and that he did not see chickens as a nuisance upon the site visits that he made. Mr. Basic also noted that Ms. Bledsoe and Mr. Richardson raised valid considerations.

Mr. O'Connor stated that although most of the survey responses against chickens came from one neighborhood, those responses should not be discounted because those citizens could move to other parts of the County in the future. Mr. O'Connor stated that he is also concerned with the impact the ordinance could have on HOA's, as well as the impact on residents who purchased

homes in a particular area with the understanding that chickens would not be allowed, and he cannot support the ordinance amendment.

Mr. Krapf stated that he believes R-1 is a good location to begin allowing chickens because it is low density, and the restrictions should protect any neighbors from impacts. Mr. Krapf stated that he is supportive of the ordinance amendment moving forward.

Mr. Basic noted that covenants are being discussed in this case because the ordinance change will affect everyone across the county, as opposed to a single private issue.

Ms. Bledsoe stated that the phone calls she received were from residents in the R-1 District.

Ms. Perkins noted that HOA's can be discussed in this case because the Commission is factoring in the citizens' positions on actions the HOA's could have to take due to the County's decision, as opposed to stating an opinion on the validity of a covenant or declaration.

Mr. Basic stated that he believes the Commissioners are not concerned with the "good" chicken keepers, but instead are concerned with how difficult it could be to govern the "bad" chicken keepers.

Mr. Richardson stated that it is also impossible to tell which chicks will grow to be roosters or hens until they are several months old.

Mr. Basic stated that he has still not determined his stance, and noted that a rooster would be much easier to identify by the County than other violations, such as odor.

Ms. Bledsoe stated that she believes the proposed ordinance does contain a number of safe guards, but those only apply to those who would adhere to them.

Mr. Krapf moved to approve the ordinance.

On a roll call vote, the motion to approve the ordinance failed by a vote of 2-4; Mr. Richardson, Mr. Basic, Mr. O'Connor and Ms. Bledsoe voting Nay, and Mr. George Drummond being absent.

D. Case No. ZO-0008-2013, Accessory Apartments

Ms. Jennifer VanDyke, Planner, addressed the Planning Commission giving a summary of the staff report included in the Agenda Packet.

Mr. Wright asked if buildings within 10 feet of the main structure will be considered attached.

Ms. VanDyke responded that any building within 10 feet of the house are considered to be part of the primary structure and must follow the more stringent setback requirement, as opposed to accessory structures, which only have a five foot setback requirement.

Mr. Wright asked if a home with a deck and additional structure within ten feet would be considered attached or detached.

Ms. VanDyke responded that because there is no separation of 10 feet or greater, it would be held to the primary structure's requirements, and confirmed that there must be a gap of 10 feet for determination of an accessory structure.

Mr. Krapf opened the public hearing.

There being none, Mr. Krapf closed the public hearing.

Ms. Bledsoe moved to approve the ordinance.

On a roll call vote, the Planning Commission voted to recommend approval of the ordinance by a vote of 6-0; Mr. Drummond being absent.

E. Case No. SUP-0008-2013, HRSD Microwave Tower – 300 Ron Springs Dr.

Ms. Leanne Pollock, Planner, addressed the Planning Commission giving a summary of the staff report included in the Agenda Packet.

Mr. Basic asked the diameter of the two microwave dishes.

Ms. Pollock responded that they are six feet.

Mr. Wright asked if she has received any comment from Kingsmill or Xanterra.

Ms. Pollock stated that applicant hosted a public meeting and no one attended.

Mr. Richardson stated that he a conversation with Mr. Romine regarding possible colocations on the tower. Mr. Richardson asked if revenue generated from a colocation could offset costs to the County for sewage treatment.

Ms. Pollock stated that she will defer to the applicant.

Mr. Krapf and Mr. Richardson disclosed that they had telephone conversations with Mr. Romine.

Mr. Krapf opened the public hearing.

Mr. Stephen Romine, of LeClairRyan, addressed the Planning Commission giving a summary of the proposed project. Mr. Romine stated that any revenue from a collocation would decrease the operating costs for HRSD and thus provide a benefit to all rate payers.

Ms. Bledsoe asked if the colocators will be cell providers.

Mr. Romine confirmed.

Mr. O'Connor asked if there would be any impact to Carter's Gove.

Mr. Romine deferred to Mr. Tim Dennis of Milestone Communications.

Mr. Dennis stated that balloon tests, during leaf-less conditions, have determined that there were no impacts to Carter's Gove.

Mr. Wright asked if the top of the tower could be camouflaged.

Mr. Dennis stated that it could be painted or concealed with a wrap to cut down on reflections.

Mr. Wright noted that there is a tower near New Town that is visible on clear days.

Mr. O'Connor asked at what heights colocations could occur and whether they would be internally or externally mounted.

Mr. Dennis stated that the proposed structure is a monopole, and can carry up to four additional colocations that would be placed inside. Mr. Dennis also noted that there is room for a second monopole.

Mr. O'Connor asked the height at which a colocation could occur.

Mr. Dennis stated that it could occur anywhere from one foot high to the very top.

Mr. O'Connor noted that there are not any companies that would want to located below 100 feet.

Mr. Dennis confirmed and stated that the ideal range falls from the top down to as low as 82 feet, depending on the tree cover

There being no one else wishing to speak, Mr. Krapf closed the public hearing.

Mr. Basic asked the diameter of the balloon used in the tests.

Ms. Pollock responded that it is a four to five feet diameter balloon.

Mr. Basic made a motion to approve.

On a roll call vote, the Planning Commission voted to recommend approval of the application with the conditions listed in the staff report by a vote of 6-0; Mr. Drummond being absent.

6. PLANNING COMMISSION CONSIDERATIONS

Mr. Krapf stated that Mr. Basic would be covering the Board of Supervisors meeting for the month of May.

Mr. Krapf stated that the Rural Economic Development Committee is sponsoring a presentation on May 12, 2014 from 4 – 6 pm.

Ms. Bledsoe stated that the County is currently updating the Comprehensive Plan, and recommended that everyone encourage their friends and neighbors to participate in the process.

Mr. Basic stated that he is concerned that the Commission has been applying the Wireless Communications Facility (WCF) standards to proposals that are not for WCF's. Mr. O'Connor suggested that the Commission examine this in the future.

Ms. Bledsoe agreed and asked how this can be accomplished.

Mr. Holt stated that the Policy Committee could consider this following the Comprehensive Plan update.

Mr. O'Connor stated that tower outside of New Town provides a good example of the WCF policies, as most recently amended. Mr. O'Connor noted that it is not very noticeable from Route 199.

Ms. Bledsoe noted that it depends on the location from which it is viewed.

7. PLANNING DIRECTOR'S REPORT

Mr. Holt stated that he did not have anything to add to the material in the Agenda Packet.

8. COMMISSION DISCUSSION AND REQUESTS

Mr. Basic stated that he did not have any issues with the text of the Accessory Apartments ordinance, but did want to consider whether the Special Use Permit application should be revised.

Mr. Holt stated that there are some parts of the application that would not apply. Mr. Holt stated that he would not want confusion to prevent someone from applying, and noted that staff is always willing to meet with and assist anyone interested in applying.

Mr. Basic agreed that staff is always very helpful, but is mostly concerned with the proactive citizens downloading the application online.

Mr. Holt confirmed that those comments have been noted.

9. ADJOURNMENT

Mr. Wright moved to adjourn the meeting.

The meeting was adjourned at approximately 9:30 p.m.

Richard Krapf, Chairman

Paul D. Holt, III, Secretary

**Development Review Committee Report
May 28, 2014**

C-0029-2014

1548 Harbor Road Patio

DRC Action:

This case was before the DRC for approval of improvements proposed within an open space conservation easement area and a Resource Protection Area (RPA) located on the back yard of a single-family lot at Governor's Land. The DRC voted 5-0 to recommended approval of the improvements.

SUP-0004-2014

WindsorMeade Marketplace Wendy's (New Town Section 11)

DRC Action:

The proposal was presented to the DRC for their consideration to solicit feedback, comments and questions in advance of consideration by the full Planning Commission on June 4th. The proposal is located on an about 1.3 acre outparcel of the WindsorMeade Marketplace shopping center in between Monticello Ave. and the Martin's Fuel Station and includes a 3,100 square foot fast food restaurant. A concept plan and elevations were presented by the applicant. The DRC members offered feedback and comments on internal and external traffic circulation concerns, landscaping and on the WindsorMeade Way side elevation of the building.

REZONING-0002-2014/MASTER PLAN-0002-2014. Kingsmill Rezoning and Master Plan Amendment, Land Bay Area Nos. 1, 2, 6 & 7. Staff Report for the June 4, 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:
Planning Commission
Board of Supervisors:

Building F Board Room; County Government Complex

March 05, 2014, 7:00 p.m. (deferred)
June 04, 2014, 7:00 p.m.
July 08, 2014, 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant:

Mr. Vernon Geddy, III

Land Owners:

Xanterra Kingsmill, LLC

Proposal:

To amend the master plan to allow up to 147 new dwelling units and to rezone the amended areas from R-4, Residential Planned Community, to R-4, with proffers.

Tax Map Parcel No./Location/Acreage:	5130100002, 1000 Carter's Country Road	± 193 acres
	(land bay areas 1, 6, and 7)	
	5040100005, 100 Southall Road	±5.2 acres
	(land bay area 6)	
	5040100009A, No address on record	±1.6 acres
	(land bay area 1)	
	5130100009B, No address on record	±8.9 acres
	(land bay area 2)	
	5130100009C, No address on record	± 15 acres
	(land bay area 2)	
	Total Acreage:	±223 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 adopted Kingsmill master plan and consistent with the 2009 Comprehensive Plan Land Use Map and Zoning Ordinance. Staff notes that this proposal does not meet the Adequate Public School Facilities test adopted by the Board of Supervisors for both Berkely Middle School and Jamestown High School; however, proffers have been submitted to mitigate expected impacts to the public school system and to provide for diverse housing opportunities both of which are consistent with adopted Board policies. Staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors with the conditions listed in the staff report and acceptance of the voluntary proffers.

Staff Contact:

Jose-Ricardo L. Ribeiro, Planner III

Phone: 253-6890

Proffers:

Proffers are signed and submitted in accordance with the James City County Proffer Policy.

Cash Proffer Summary	
Use	Amount
Water	Not applicable*
School Facilities	\$19,528.22 per dwelling unit (single-family detached) \$5,556.67 per dwelling unit (multi-family)
Library Facilities	\$61.00 per dwelling unit (single-family/multi-family)
Fire/EMS Facilities	\$71.00 per dwelling unit (single-family/multi-family)
Total Amount per Unit (in 2014 dollars)	\$19,660.22 per dwelling unit (single-family detached) \$ 5,688.67 per dwelling unit (multi-family)
Total Amount per Unit Type (in 2014 dollars)	\$ 412,864.62 single-family units (21 units) \$ 716,772.42 multi-family units (126 units)
Total Amount (in 2014 dollars)	\$ 1,129,637.07 **

* Not applicable as the public drinking water infrastructure would be owned and operated by Newport News Water Works (NNWW). ** Should the Board of Supervisors approve this application, the total amount proffered is expected to be reduced based on the provisions of the James City County's Housing Opportunities Policy. Please refer to Item No. 3(a) of the policy, Applicability of Cash Proffers for Housing Opportunity Dwelling Units.

Changes made since the March 5, 2014, Planning Commission meeting

Staff notes that during the March 5, 2014, Planning Commission meeting, the applicant requested deferral of the original application which consisted of the rezoning of \pm 213 acres from R-4, Residential Planned Community, to R-4, with proffers, and a master plan amendment to allow up to 207 new dwelling units in land bay areas 1, 2, 5, 6, and 7 on the master plan along with an amendment to designate 18 existing dwelling units (land bay area 8) from "Resort" to "Residential-B". On March 18, 2014, the applicant withdrew the portions of this application dealing with land bay areas 1, 2, 5, 6, and 7.

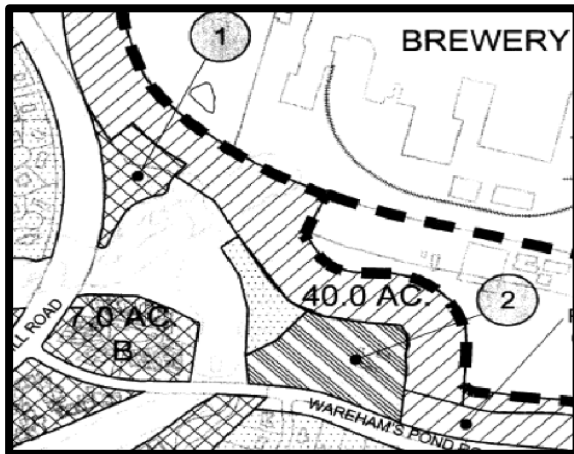
On April 24, 2014, the applicant submitted a new application request. This current rezoning/master plan application request is for the development of up to 147 dwelling units (21 single-family and 126 multi-family units) within land bay areas 1, 2, 6 & 7 as shown on the attached master plan. Part of the development of land bay area 2 will occur partially within a \pm 15 acres parcel.

On May 7, 2014, the Planning Commission recommended approval by a vote of 5-0-1 of the rezoning and master plan designation change for the 18 existing dwelling units (land bay area 8) from "Resort" to "Residential B" (Z-0003/2013-MP-0001/2013). The applicant has stated they will submit land bay area No. 5 for legislative consideration as part of a future request.

PROJECT DESCRIPTION

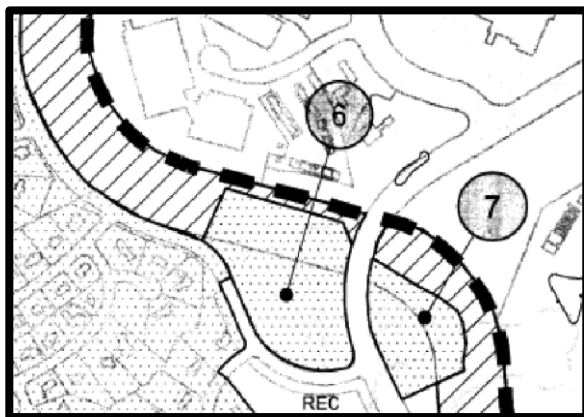
Mr. Vernon Geddy III has applied to amend the adopted master plan for Kingsmill in order to re-designate areas currently identified as "Residential/Recreation/Carter's Grove Country Road" to "Residential" to allow for the construction of up to 147 dwelling units on an area of \pm 223 acres. The applicant also proposes to rezone these areas from R-4, Residential Planned Community, to R-4, with proffers, in order to mitigate certain impacts associated with the proposed development.

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.

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.

PUBLIC IMPACTS

Archaeology

Proffers:

- Proffer No. 1. Archaeological Study

The applicant has proffered an Archaeological Study in accordance with the County’s Archaeological Policy for the portions of the properties not previously studied.

Engineering and Resource Protection

Watershed: College Creek

Proffers:

- Proffer No. 5. Buffers. Provision of natural/vegetative buffers.
- Proffer No. 6. RPA Setback. 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.

- Proffer No. 7. Nutrient Management Plan. A Nutrient Management Plan for each area subjected to the amendment.
- Proffer No. 8. Stormwater Management. To provide for additional environmental protections, development of the property shall be subject to the County's Special Stormwater Criteria.

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

Land bay areas 1, 2, 6 & 7 are not located within a "Conservation Site" as defined by the Department of Conservation and Recreation (DCR) and therefore compliance with the County's Natural Resource Policy is not applicable to these land bay areas.

Buffers

The following buffer areas were proffered by the applicant (Proffer No. 5) 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 6. A 50-foot buffer along Southall Road fronting Area 6. A 75-foot buffer between back of Area 6 and adjacent properties.
- 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.

Staff notes that the applicant submitted information in accordance with the Environmental Constraints Analysis Submittal Policy to the Engineering and Resource Protection Division for review. The analysis provides information regarding hydrologic features (e.g. location of all bodies of water and tidal and non tidal wetlands), physical features (e.g. location of steep slopes greater than 25 percent, type of soils), information regarding areas which are prohibited or restricted for development (there are no conservation site areas in the areas subject to development), and existing and proposed changes to the site.

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 the 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 147 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 a positive fiscal impact of \$148,854.88 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, the average expected market value for each of the single-family detached units is \$600,00 (21 units) and for each of the multi-family units the high market value expected is \$400,00 (126 units).

Staff Comments: The Director of Financial and Management Services reviewed the above fiscal impact analyses and offers no revisions.

Schools and Housing

School Cash Proffer Policy. Staff notes that this application is subject to the Cash Proffer Policy for Schools adopted by the Board of Supervisors in 2007. The Policy is designed to mitigate the potential impacts of 147 new dwelling units (which are expected to generate approximately 30 new students) to the local school system. Below are the adjusted per single-family detached unit school proffer amounts for 2014:

- Single-Family Detached contribution: \$19,528.22
- Multi-Family contribution: \$5,556.67

With 21 single family units proposed, the school cash proffer contribution for these units would total ±\$410,092.62, while the 126 townhomes/condo/apartments would total ±\$700,140.42, for a combined total of ±\$1,110,233.04. The applicant has proffered compliance with the Cash Proffer Policy for Schools and therefore staff finds the proposal meets the Board's adopted policy. Should the Board of Supervisors approve this application, the total amount proffered is expected to be reduced based on the provisions of the James City County's Housing Opportunities Policy (refer to Item No. 3(a). Applicability of Cash Proffers for Housing Opportunity Dwelling Units.)

Housing Opportunities 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	11.7 units (12 units)*
Over 60 percent- 80	\$174,257-\$243,462	7	10.2 units (10 unit)*
Over 80 percent- 120 percent	\$243,463-\$381,991	5	7.3 units (8 unit)*
Total		20	29.2 units (30 units)*

**Rounded up number*

The Housing Opportunities Policy was created to increase the number and availability of affordable housing throughout the County. The applicant has proffered compliance with the Housing Opportunities Policy; therefore, staff finds the proposal meets the Board's adopted policy.

Public Facilities

Proffers:

Proffer No. 9. Cash Contributions (schools, libraries, fire/EMS uses).

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 approximately 30 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	12.6 students (13)**	525
Berkeley	829	902	6.93 students (7)**	909
Jamestown	1,208	1,263	10.31 students (10)**	1,273

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

*** Rounded up number*

Parks and Recreation

Proffers:

- Proffer No. 3. Carter's Grove Country Road Trail. 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 ± 45 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 147 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

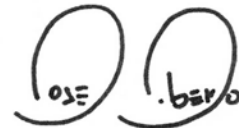
The 2009 Comprehensive Plan Land Use Map designates the areas subject to this master plan amendment/rezoning application as Low Density Residential. In areas designated for Low Density Residential, a gross density of up to 1.0 dwelling unit is recommended, depending on the character and density of surrounding 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 an overall gross density of ± 1 unit per acre (this density calculation includes the entire Kingsmill subdivision/resort area), 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 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 1, 2, 6 & 7) 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.

RECOMMENDATION

Staff finds the proposal to be compatible with the adopted Kingsmill master plan and consistent with the 2009 Comprehensive Plan Land Use Map and Zoning Ordinance. Staff notes that this proposal does not meet the Adequate Public School Facilities test adopted by the Board of Supervisors for both Berkely Middle School and Jamestown High School; however, proffers have been submitted to mitigate expected impacts to the public school system and to provide for diverse housing opportunities both of which are consistent with adopted Board policies. Staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors with the conditions listed in the staff report and acceptance of the voluntary proffers.

A handwritten signature in black ink, appearing to read "Jose-Ricardo L. Ribeiro", written over a horizontal line.

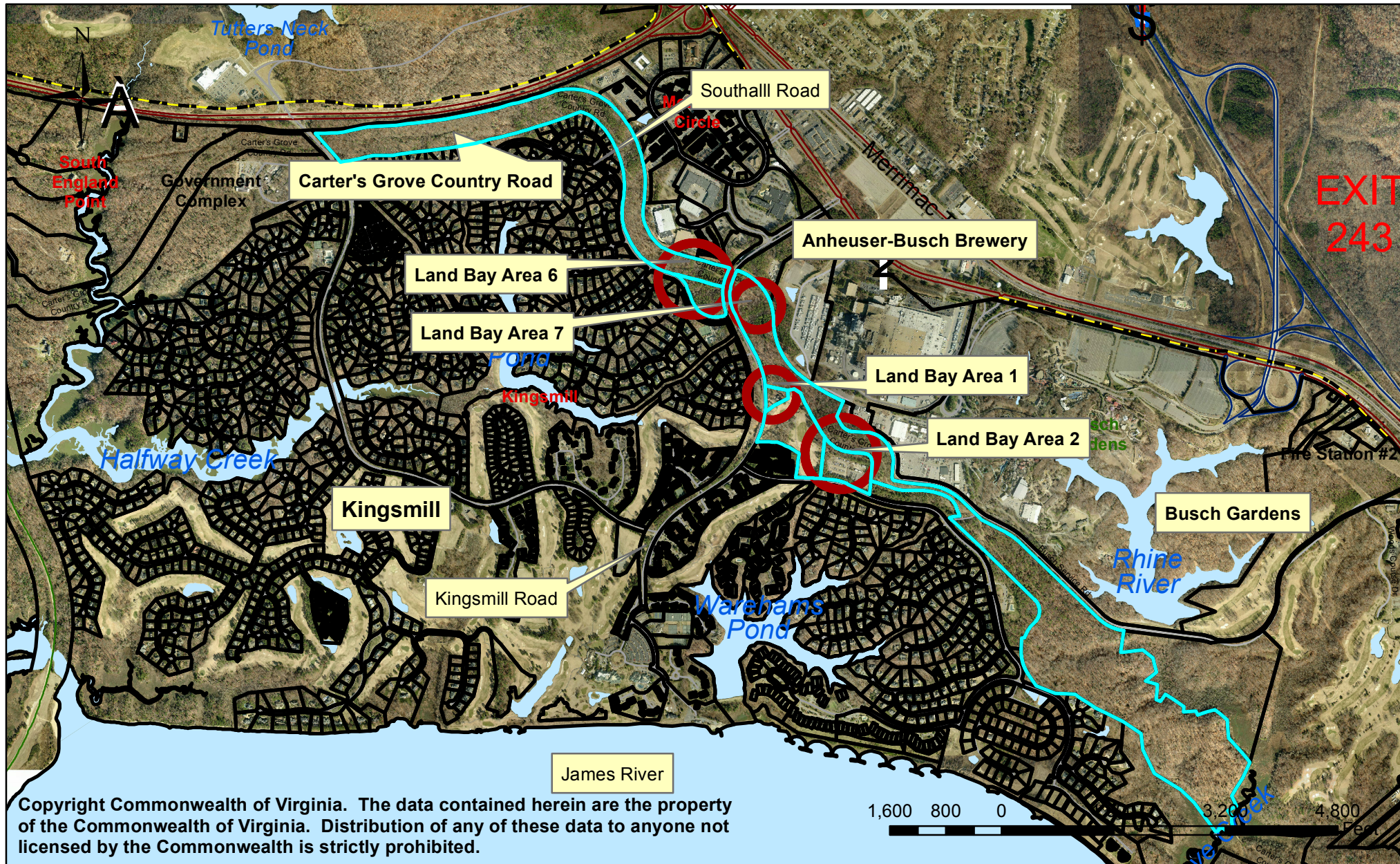
Jose-Ricardo L. Ribeiro

ATTACHMENTS:

1. Location Map
2. Proffers
3. Community Impact Statement (includes Master Plan, Fiscal Impact Analysis, and Traffic Impact Statement)
4. Correspondence received from individuals and groups received to date regarding this application

Z-0002-2014/MP-0002-2014

Kingsmill Land Bay Area No.s 1, 2, 6, and 7



Tax Parcels: Portion of 5130100002, 5040100005, 5040100009A, 5130100009B and a portion of 5130100009C

Prepared By: Vernon M. Geddy, III, Esquire (VSB No: 21902)
Geddy, Harris, Franck & Hickman
1177 Jamestown Road
Williamsburg, VA 23185

PROFFERS

THESE PROFFERS are made this 27th day of May, 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 a portion of Tax Parcel No. 5130100002, and all of Tax Parcel No's 5040100005, 5040100009A, 5130100009B and a portion of Tax Parcel 5130100009C 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 April 2014 (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. **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.

2. **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.

3. **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 Connector Road from Wareham's Pond Road to the Brewery Services Road. 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 Area 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 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 may vary from the location and width shown on the conceptual layout

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.

4. 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.

5. **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 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	75 feet	5O20100093 and 5O20900018A
7	125 feet	5O20100078 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.

6. **RPA Setback.** No structure shall be constructed within 15 feet of a Resource Protection Area buffer. No area within an RPA buffer shall be included in a lot.

7. **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 Virginia Certified Nutrient Management Planner 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 Engineering and Resource Protection Director for his review and approval prior to final subdivision plat approval by the County for 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.

8. **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.

9. **Cash Contributions.** (a) A one-time contribution shall be made to the County of (i) \$19,528.22 for each single family detached residential dwelling unit constructed on the Property (excluding four single family residential dwelling units that currently are permitted by right in Amendment Area 6) and (ii) \$5,556.67 for each single family attached dwelling unit constructed on the Property, subject to paragraph (d) below. Such contributions shall be used by the County for school uses.

(b) A one-time contribution shall be made to the County of \$61.00 for each dwelling unit constructed on the Property, subject to paragraph (d) below. Such contributions shall be used by the County for library uses.

(c) A one-time contribution shall be made to the County of \$71.00 for each dwelling unit constructed on the Property, subject to paragraph (d) below. Such contributions shall be used by the County for fire/EMS uses.

(d) The cash contributions proffered in paragraphs (a) through (c) above are subject to reduction in accordance with Section 3 of the County's Housing Opportunity Policy.

(e) Such per unit contributions shall be paid to the County after completion of the final inspection and prior to the time of the issuance of any certificate of occupancy for the unit in question.

(f) The per unit contribution amounts shall consist of the amounts set forth in paragraphs (a) through (c) plus any adjustments included in the Marshall and Swift Building Costs Index, Section 98, Comparative Cost Multipliers, Regional City Averages (the "Index") from 2014 to the year a payment is made if payments are made after on or after January 1, 2015. The per unit contribution amount shall be adjusted once a year with the January supplement of the Index of the payment year. In no event shall the per unit contribution be adjusted to a sum less than the amounts set forth in the preceding paragraphs of this Section. In the event that the Index is not available, a reliable government or other independent publication evaluating information heretofore used in determining the Index (approved in advance by the County Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the per unit contribution to approximate the rate of annual inflation in the County.

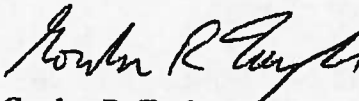
11. **Housing Opportunity.** Development of the Property shall be done in a manner consistent with the criteria established by the Housing Opportunities Policy adopted by the Board of Supervisors on November 27, 2012 and in effect as of the date of approval of the requested rezoning to provide affordable and workforce housing opportunities at different price ranges to achieve the greater housing diversity goal of the 2009 Comprehensive Plan; provided, however, (i) that if the County amends the Housing Opportunities Policy as in effect as of the date of approval of the requested rezoning to reduce the number workforce/affordable units

required under the Policy, to increase the targeted income ranges or otherwise make the Policy less burdensome on the Owner, the Owner shall only be required to comply with the amended Policy and (ii) with the prior approval of the Director of Planning, affordable and workforce housing units provided in accordance with the policy may be released from the price/rental rate restrictions provided the same number of housing units in the same price/rental band are made subject to the price/rental rate restrictions set forth in the Policy such that at all times the requisite number of affordable and workforce housing units are being provided. With respect to affordable/workforce rental units, at the time such units are provided in accordance with this Proffer a notice in form approved by the County Attorney shall be recorded in the County land records providing notice that the units are subject to the County's Housing Opportunities Policy adopted by the Board of Supervisors on November 27, 2012 and in effect as of the date of approval of the requested rezoning. If the Director of Planning approves the release of units from the Policy and the substitution of other units, the notice will be released from the released units and recorded against the substituted units. Affordable and workforce housing units may be provided by Owner or an affiliate of Owner. The County shall not be obligated to issue certificates of occupancy for more than 50 dwelling units on the Property until 15 of the required affordable and workforce units have been provided in compliance with the Housing Opportunity Policy. The County shall not be obligated to issue certificates of occupancy for more than 100 dwelling units on the Property until all 30 of the required affordable and workforce units have been provided in compliance with the Housing Opportunity Policy. With respect to affordable and workforce rental units provided pursuant to this proffer, Owner shall submit an annual report for each year of the required 30 year term to the County identifying the location of the units and the rental rates charged demonstrating such rates are within the specified affordable and

workforce housing income range. With respect to for sale affordable and workforce units provided pursuant to this proffer, a soft second mortgage meeting the requirements of the Housing Opportunity Policy or other instrument approved in advance by the County Attorney shall be executed by the initial purchaser thereof and recorded against the unit to assure the unit continues to meet the requirements of the Housing Opportunity Policy. In addition, each deed to an affordable or workforce for sale unit shall include a right of first refusal in favor of the County in the event a subsequent owner desires to sell the unit. All affordable or workforce units provided pursuant to this Proffer shall be rented or sold to persons whose incomes fall within the qualifying income ranges used to determine the prices/rental rates under the Housing Opportunities Policy.

WITNESS the following signature.

XANTERRA KINGSMILL, LLC



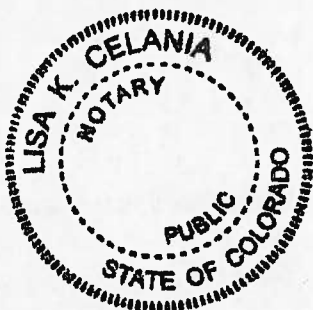
By: Gordon R. Taylor

Title: Vice President, Xanterra Kingsmill

STATE OF COLORADO

COUNTY OF ARAPAHOE, to-wit:

The foregoing instrument was acknowledged before me this 27th day of May, 2014
by Gordon R. Taylor as Vice President of Xanterra Kingsmill, LLC, a
Delaware limited liability company, on behalf of the company.


NOTARY PUBLIC

My commission expires: June 1, 2015
Registration No.: 20034013803

**Schedule A
Property Description**

COUNTRY ROAD EAST PARCEL

A PORTION OF PARCEL NUMBER 5130100002

The portion of 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 located west of the Connector Road from Wareham's Pond Road to the Busch Services Road.

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 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.

PORTION OF PARCEL R-9C

PARCEL 5130100009C

To come

Z-0002-2014 / MP-0002-2014

Community Impact Study

PLANNING DIVISION

APR 24 2014

for

RECEIVED

Xanterra Kingsmill, LLC

Master Plan Amendment

Submitted April 2014

AES Job Number: W07753-38

Prepared By



AES Consulting Engineers

5248 Olde Towne Road, Suite 1
Williamsburg, VA 23188
(757) 253-0040 Fax: (757) 220-8994
www.aesva.com

TABLE OF CONTENTS

- I. Introduction
- II. Project Team
- III. Analysis of Impacts to Public Facilities and Services
 - A. Public Water Facilities
 - B. Public Sewer Facilities
 - C. Public Schools
 - D. Fire Protection and Emergency Services
 - E. Solid Waste
 - F. Utility Service Providers
- IV. Analysis of Comprehensive Plan
- V. Analysis of Fiscal Impacts
- VI. Natural and Cultural Resources
- VI. Analysis of Stormwater Management
- VIII. Conclusion

List of Exhibits & Accompanying Documents

- Tab 1 – Conceptual Plans for Areas 1 & 2 (on the River Course)
- Tab 2 – Conceptual Plans for Area 6 & 7 (Country Road North)
- Tab 3 – KCSA area for consideration for Community (RV) Storage
- Tab 4 - Traffic Impact Study (prepared by Vanasse Hangen Brustlin, Inc.)
- Tab 5 – Fiscal Analysis (prepared by Winding Road Development Company, LLC)
- Tab 6 - Exhibits
 - Exhibit 1 – Current Development and Master Plan Designations
 - Exhibit 2 – Master Plan Amendment

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 6 - 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 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, 6 and 7 (See Tab 6 - Exhibit 2) totaling 26 acres. The Master Plan changes include converting portions of 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. The total number of proposed units within the Area 1, 2, 6 and 7 development areas is anticipated to be 147 dwelling units, made up of a mix of single family, condominium (apartment style) and townhome units (see below "Table of Proposed Changes").

Table of Proposed Changes

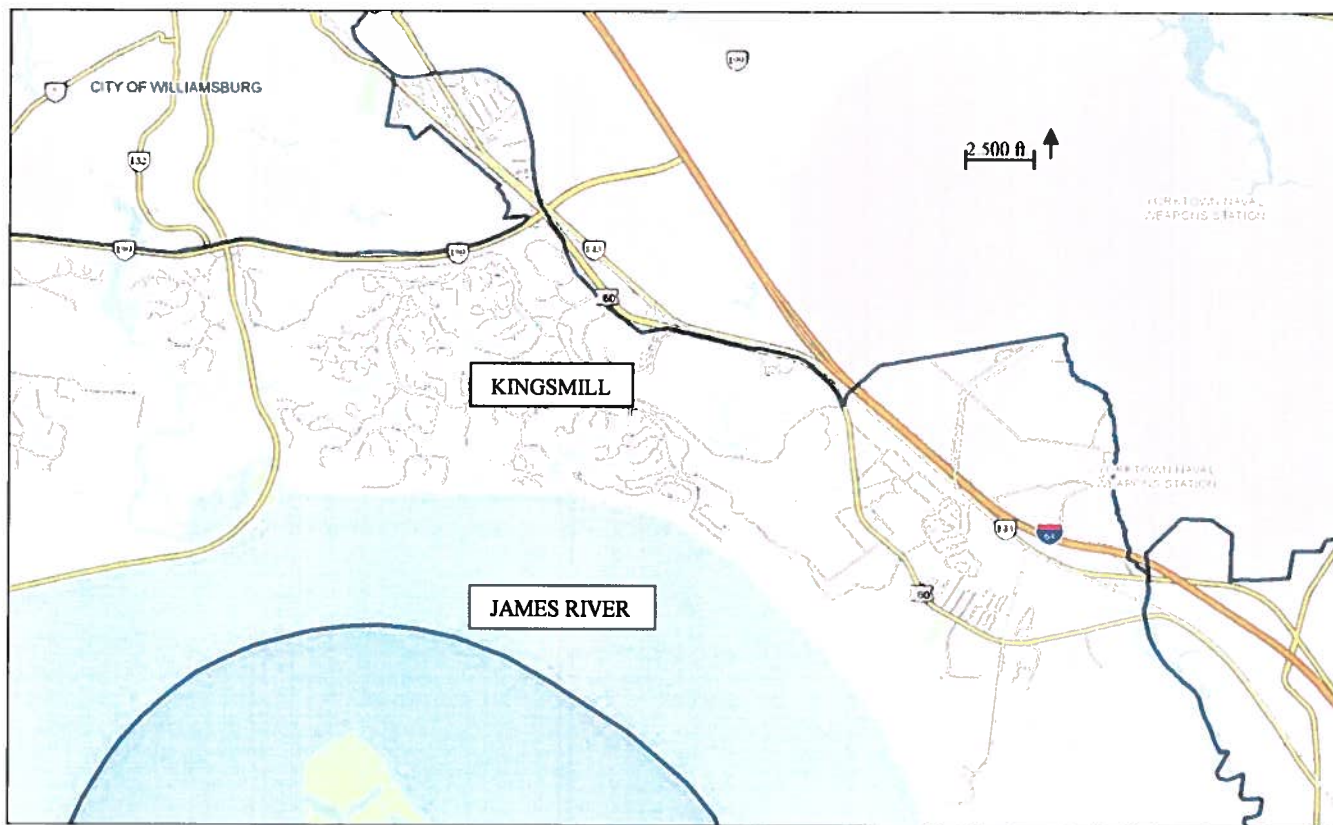
Area of Development	Total Area (acres)	Master Plan Designation Change*	Proposed Units
Area 1	3.5	J/CR to B	30
Area 2 (Total)	10		107
A – "D" Designation	7	J to D	96
B – "A" Designation	3	J to A	11
Area 6 (Total)	8.2		-37**
A – Country Road	3	CR to A	7
B – "B" Designation	5.2	B to A	-44
Area 7	4	J/CR to A	3
Totals	25.7		103***

*Designation A=Residential A, B=Residential B, D=Residential D, E= Commercial, CR=Country Road, J=Resort/Recreation (includes areas noted as Equestrian)

** Allowable density for townhomes is 44 units. This area is being converted from multifamily to single family and reducing the allowable density by 37 total units.

*** Net Number of New Units

The purpose of this Community Impact Statement is to summarize and organize the planning efforts of the project team into a cohesive package for staff review, which addresses the pertinent planning issues, the requirements of the R-4 zoning district, and the Kingsmill master plan.



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 6 and 7 – The proposed residential units will be served by an existing water system along Kingsmill and Southall Roads.

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 (HRSD) 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 HRSD pump station located near the southern property line of the Anheuser-Busch brewery.

Area 6 and 7 – The residential units will be served by existing gravity sewer along Kingsmill and Southall roads. (See Tab 2)

All pump stations and related sewer lines will be dedicated to JCSEA.

Type of Development	No. of Units	Flow (GPD/Unit)	Average Daily Flow (GPD)	Duration (hrs)	Avg. Flow (GPM)	Peak Flow (GPM)
RESIDENTIAL						
Area 1	30	310	9,300	24	6.5	25.8
Area 2	107	310	33,170	24	23.0	92.1
Area 6 and 7	10	310	3,100	24	2.2	8.8
Totals	147		48,670		31.7	126.7

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

D. Fire Protection and Emergency Services

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

E. Solid Waste

The proposed development on the subject property will generate solid wastes that will require collection and disposal to promote a safe and healthy environment. 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.

F. Utility Service Providers

Virginia Natural Gas, Dominion Virginia Power, Cox Communications, and Verizon Communications provide respectively: natural gas, electricity, cable TV, and telephone services to this area.

G. Recreation

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 programed 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 proffers to modify and as necessary make repairs and resurface approximately 2.25 miles of the Country Road from Mounts Bay Road to the Woods Course Connector Road to provide a benefit to the community. Currently the Country Road is not designated for recreational use in the Master Plan. 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 repair and resurfacing of the trail through the property, the developer is proffering 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 archeological 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.

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.

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. Approximately 2.5 miles of the Country Road trail 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.



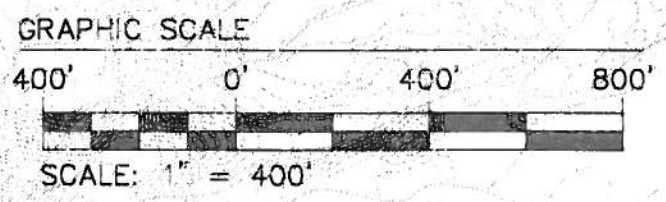
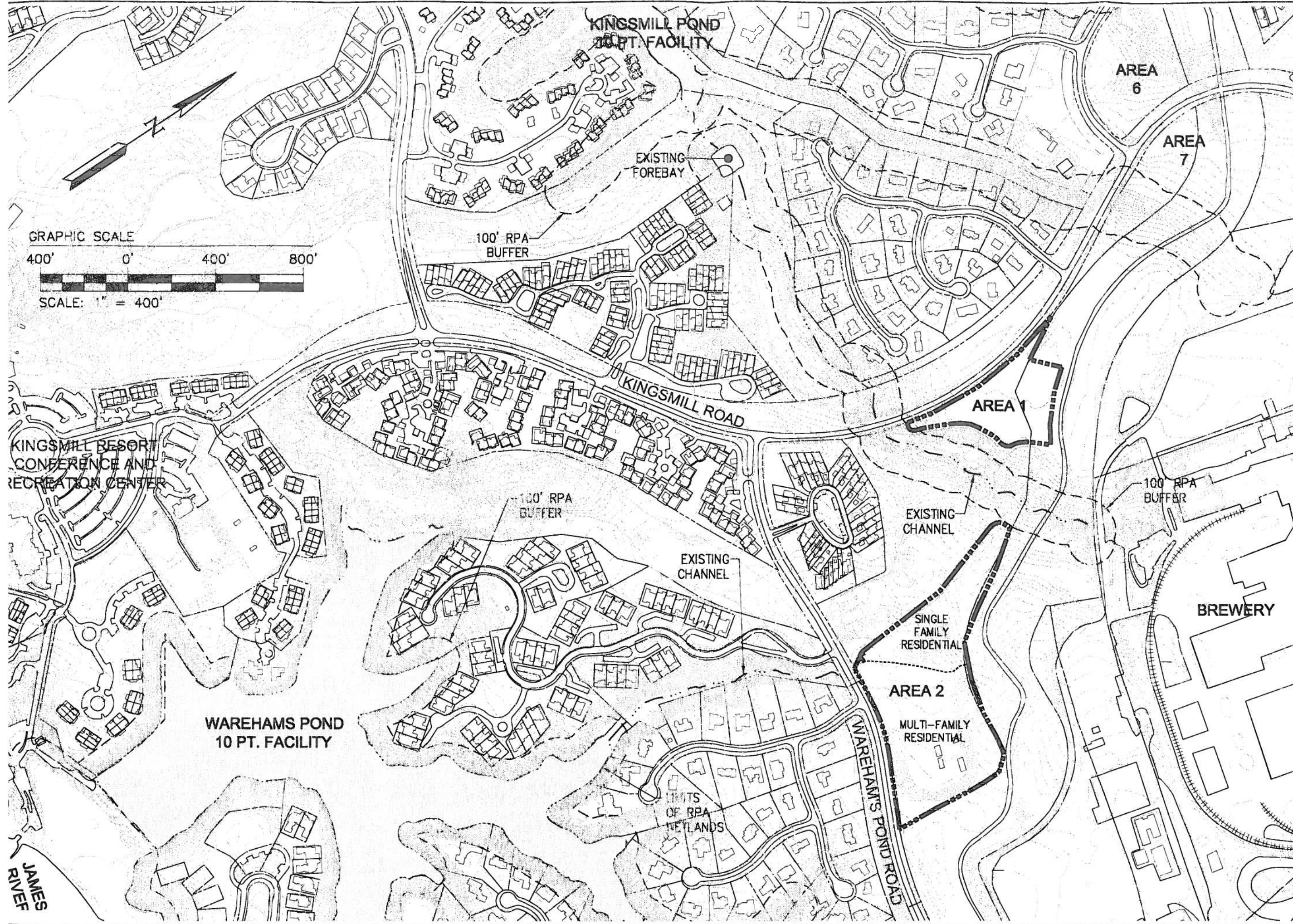
RIVER COURSE 6-B
KINGSMILL
Resort
WILLIAMSBURG, VA



WINDING ROAD DEVELOPMENT



ARCHITECTURE
URBAN DESIGN
INTERIOR DESIGN



Rev.	Description	Date

1000 Old Town Road, Suite 1
 Portsmouth, VA 23706
 Phone: (757) 230-8800
 Fax: (757) 230-8804
 www.aes.com

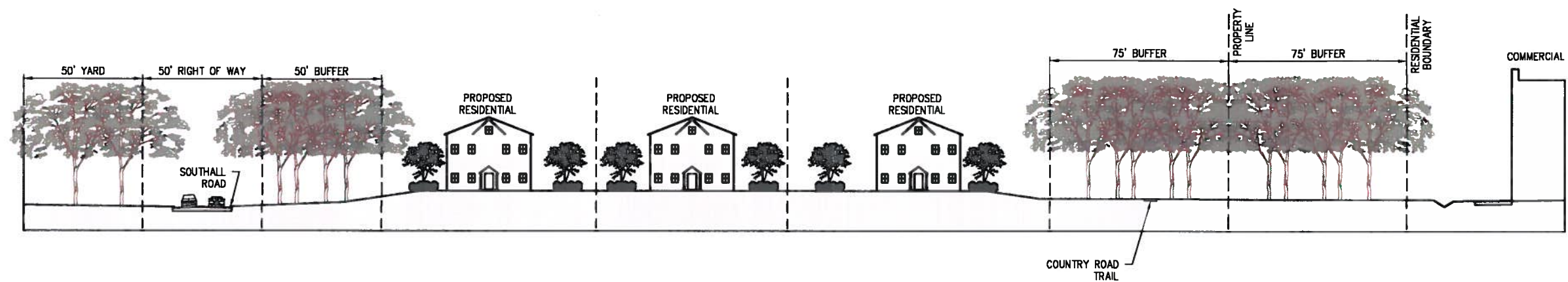
AES
CONSULTING ENGINEERS

Hampton Roads | Coastal Virginia | Middle Peninsula
 Robert D. Smith | David J. Smith | Michael P. Smith

KINGSMILL
 AREA 1 & 2
 STORMWATER
 MASTER PLAN

ROBERTS DISTRICT | JAMES CITY COUNTY | VIRGINIA

Project Contacts	JAG
Project Number	7753-38
Scale	1"=400'
Date	8/17/12
Sheet Title	STORMWATER MANAGEMENT MASTER PLAN
Sheet Number	2



AREA 6 SECTION

KINGSMILL MASTERPLAN

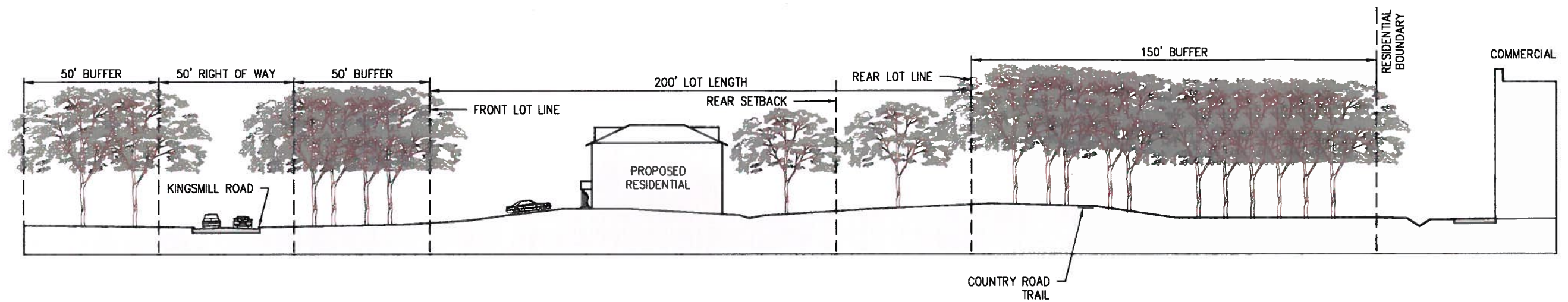
(ROBERTS DISTRICT JAMES CITY COUNTY VIRGINIA)

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



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0' 40' 80' 160'

AREA 7 SECTION

KINGSMILL MASTERPLAN

(ROBERTS DISTRICT JAMES CITY COUNTY VIRGINIA)

(DATE: AUGUST 23, 2013)

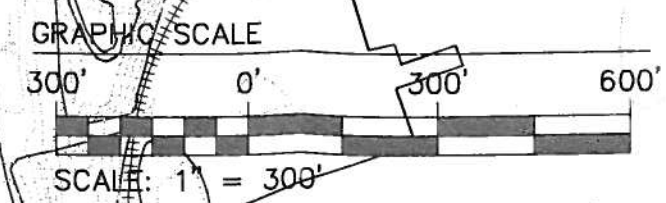
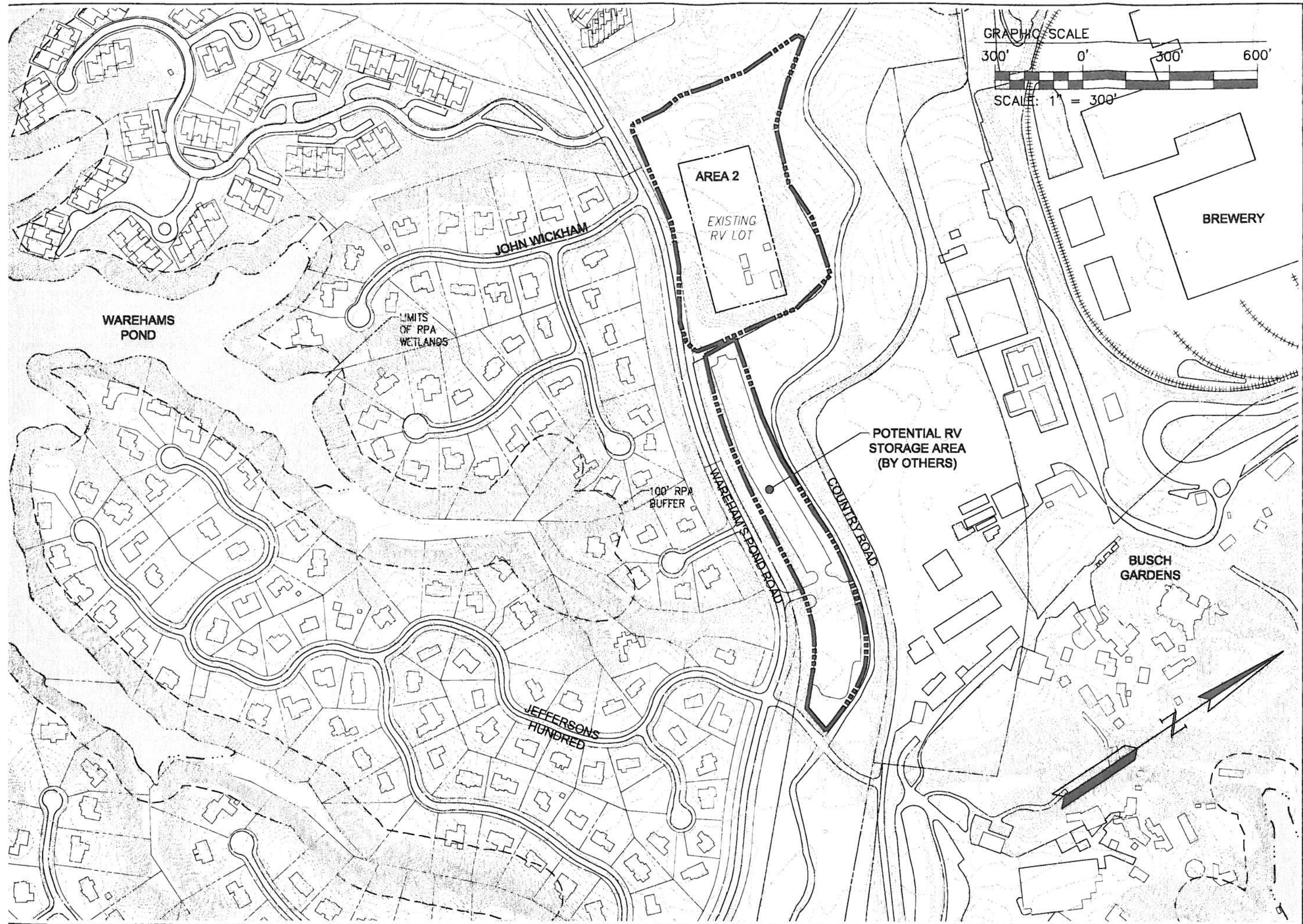
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SHEET 1 of 1



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Rev.	Date	Description	Record No.

2548 Old Town Road, Suite 1
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AES
CONSULTING ENGINEERS

Hampton Roads | Central Virginia | Mid-Atlantic Peninsula

**KINGSMILL
RV STORAGE EXHIBIT**

ROBERTS DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts	JAG
Project Number	7753-38
Scale	Date
1"=300'	8/17/12
Sheet Title	RV STORAGE LOT
Sheet Number	-

Version 12.6.12



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

FISCAL IMPACT WORKSHEET AND ASSUMPTIONS

Please complete 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@jamescitycountyva.gov

- 1a) PROPOSAL NAME Xanterra Kingsmill, LLC Zoning and Master Plan
- 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 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	21	Apartment	
Townhome/Condominium/Single Family Attached	126	Manufactured Home	
Total Dwelling Units	147		

Are any units affordable? Yes ☒ No ☐ (If yes, how many?) up to 29

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	21	0.40	8.4
Townhome/Condo/Attached	126	0.17	21.42
Apartment		0.31	
Manufactured Home		0.46	
Total	147		29.82

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
29.82	\$5920.16	\$2176.06	\$8096.22	\$ 241,429.28

Residential Expenses - Non-School Expenses

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

Total Units Proposed	Average Household Size	Total Population Generated
147	2.19	321.93

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

Total Population Generated	Per-Capita Non-School Expenses	Total Non-School Expenses
321.93	\$640.98	\$ 206,350.69

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

Total School Expenses	Non-School Expenses	Total Residential Expenses
\$ 241,429.28	\$ 206,350.69	\$ 447,779.97

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	21	\$ 600,000	\$ 12,600,000
Townhome/Condo/Multifamily	126	\$ 400,000	\$ 50,400,000
Total:		N/A	\$ 63,000,000

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

Total Market Value	Real Estate Tax Rate	Total Real Estate Taxes Paid
\$ 63,000,000	0.0077	\$ 485,100

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

Real Estate Tax Paid	Personal Property Tax Average	Personal Property Taxes Paid
\$ 485,100	0.15	\$ 72,765.00

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

Real Estate Tax Paid	Sales and Meals Tax Average	Total Sales & Meals Taxes Paid
\$ 485,100	.09	\$ 43,659.00

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

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

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

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

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

Total Residential Revenues	\$ 601,524.00
-----------------------------------	---------------

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

Total Residential Expenses	Total Residential Revenues	Total Residential Fiscal Impact
\$447,779.97	\$601,524.00	\$ 153,744.03

Fiscal Impact Analysis Worksheet Section 3: Commercial and Industrial Developments

Commercial and Industrial Expenses

3a) TOTAL NEW BUSINESSES. How many new businesses are proposed? _____
(include all businesses that will rent or lease space at the location as part of the proposal, including probable tenants of an office park or strip mall).

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

Total Expected Assessment Value	Commercial Expense Rate	Total Commercial Expenses
\$1	0.0045	\$

Commercial & Industrial Revenues

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Residential Fiscal Impact	Commercial Fiscal Impact	Total Proposed Fiscal Impact
\$153,744.03		\$ 153,744.03

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

Residential Expenses - School Expenses

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

Unit Type	Number of Existing Units	Student Generation Rate	Existing Students
Single Family Detached		0.40	
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
	2.19	\$

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
	\$640.98	\$

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

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.iccegov.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 Approx. 12.4 Acres	\$ 502,116.00
Parcel ID 5130100002 \$388,500 for 193.58 acres subject Approx. 5 Acres	\$ 10,035.00
Total:	\$ 512,151.00

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
\$512,151.00	.0077	\$ 3,943.56

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

Real Estate Tax Paid	Personal Property Tax Average	Personal Property Paid
\$3,943.56	0.15	\$ 591.53

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
\$3,943.56	.09	\$ 354.92

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

Total Current Residential Revenues	\$ 4,890.02
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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
	\$4,890.02	\$ 4,890.02

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

Proposed Residential Impact	Current Residential Impact	Final Residential Fiscal Impact
\$153,744.03	\$4,890.02	\$ 148,854.01

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.iccegov.com/parcelviewer/Search.aspx>. *Indicate* each property's total assessment value below. Then, *add* total assessment values.

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

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

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

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

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

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	\$
--	----

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
\$148,854.01		\$ 148,854.01

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.

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.

Total Units Proposed

147

	Year 1	Year 2	Year 3	Year 4	Year 5	Buildout
Homes Built	10	11	30	30	66	147
	\$	\$	\$	\$	\$	
Total Res Exp	447,779.97	447,779.97	447,779.97	447,779.97	447,779.97	
	\$	\$	\$	\$	\$	
Per Unit Exp	3,046.12	3,046.12	3,046.12	3,046.12	3,046.12	\$ 3,046.12
	\$	\$	\$	\$	\$	
Total Res Exp	30,461.22	33,507.34	91,383.67	91,383.67	201,044.07	\$ 447,779.97
	\$	\$	\$	\$	\$	
Total Res Rev	601,524.00	601,524.00	601,524.00	601,524.00	601,524.00	
	\$	\$	\$	\$	\$	
Per Unit Rev	4,092.00	4,092.00	4,092.00	4,092.00	4,092.00	\$ 4,092.00
	\$	\$	\$	\$	\$	
Total Res Rev	40,920.00	40,920.00	40,920.00	40,920.00	40,920.00	\$ 204,600.00
Per Unit Impact	\$	\$	\$	\$	\$	
	(1,045.88)	(1,045.88)	(1,045.88)	(1,045.88)	(1,045.88)	\$ (1,045.88)
	\$	\$	\$	\$	\$	
Res Impact	(10,126.12)	(21,264.86)	(51,643.23)	(82,021.60)	(148,854.01)	\$ 148,854.01

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. 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 business's 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.

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.

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 uncoun ted.

Dwelling – Any structure which is designed for use for residential purposes, except hotels, motels, boardinghouses, lodging houses, and tourist cabins.

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 myriad sources, often within the County, which were difficult to verify. The fiscal impact worksheet allows consistency across multiple fiscal impact studies.

Fiscal Impact 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 include 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 or a manufactured home, designed for transportation, after fabrication. 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.

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.

James City's proportional valuation is calculated using the County's Real Estate Mapping GIS program. The program calculated a 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
66048*	30221**

*US Census 2010 Population Count

**JCC Codes Compliance Division Housing Unit Count + Apartment Count

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.

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.

Total Number of JCC Businesses	5400*
Percentage of Property Tax Assessments	15%**

*James City County Commissioner of the Revenue

**Commercial impacts are calculated on a proportional variation process

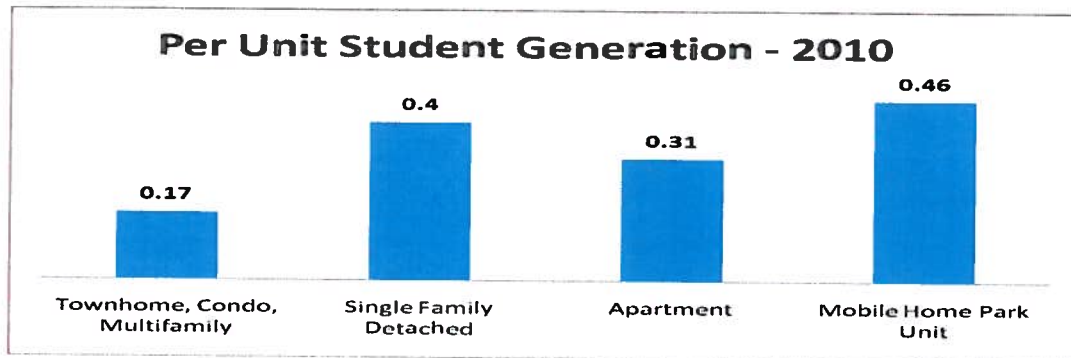
Proffer – pProffers paid for schools can only be applied toward the capital expense portion of per-student school expenses. (See Board of Supervisors' Proffer Policy.)

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.

Single Family Detached Dwelling – A detached structure arranged or designed to be occupied by one family, the structure only having one dwelling unit.

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.

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 were determined this way, 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.

Kyle Burcham

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
gouldrl@cox.net
info@kingsmill-united.org

Kingsmill Residents Past and Present
c/o Christine G. H. Franck
613 Fairfax Way
Williamsburg, VA 23185

christine@christinefranck.com
Preserve Carter's Grove County Road
c/o Michael McGURK

117 Jefferson Hundred
Williamsburg, VA 23185
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

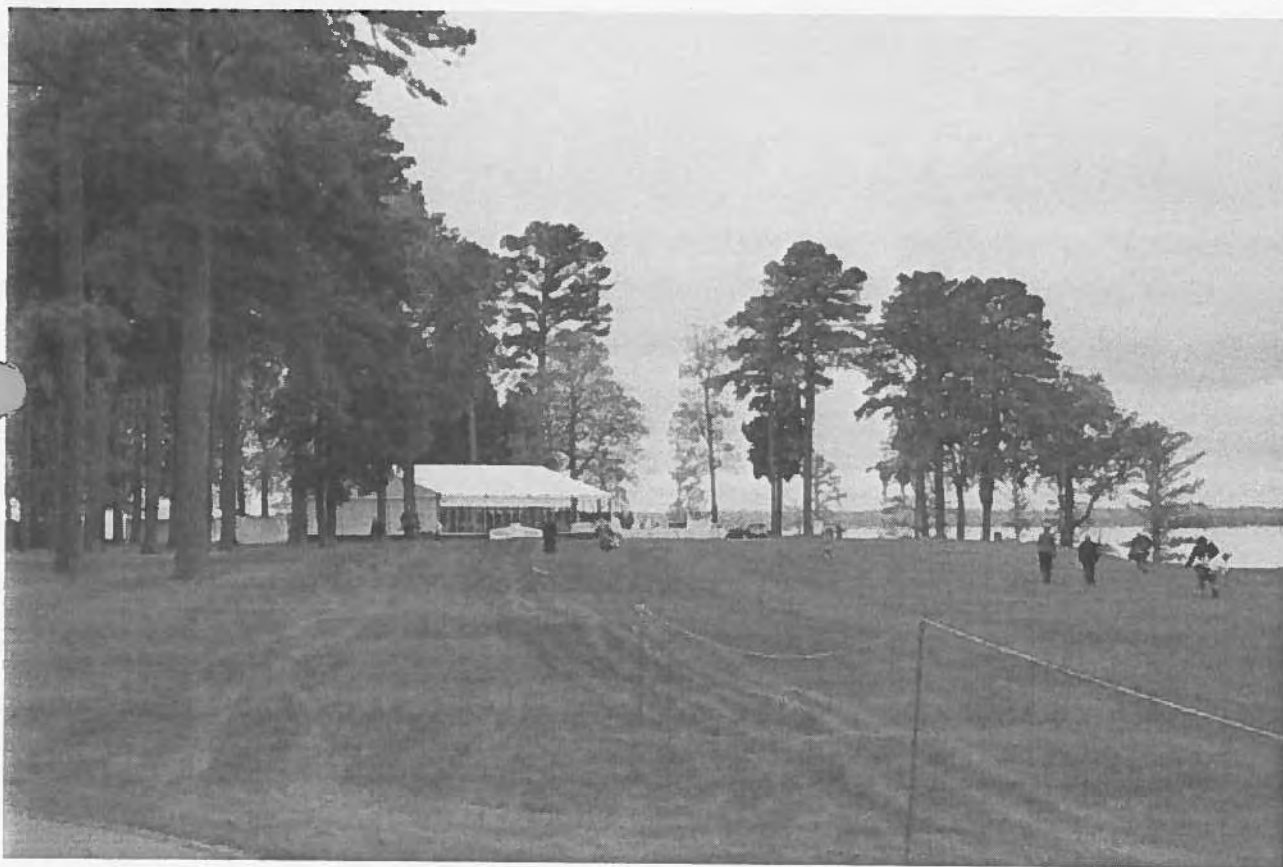
Begin forwarded message:

From: lucinda ritter <cindylou18@me.com>

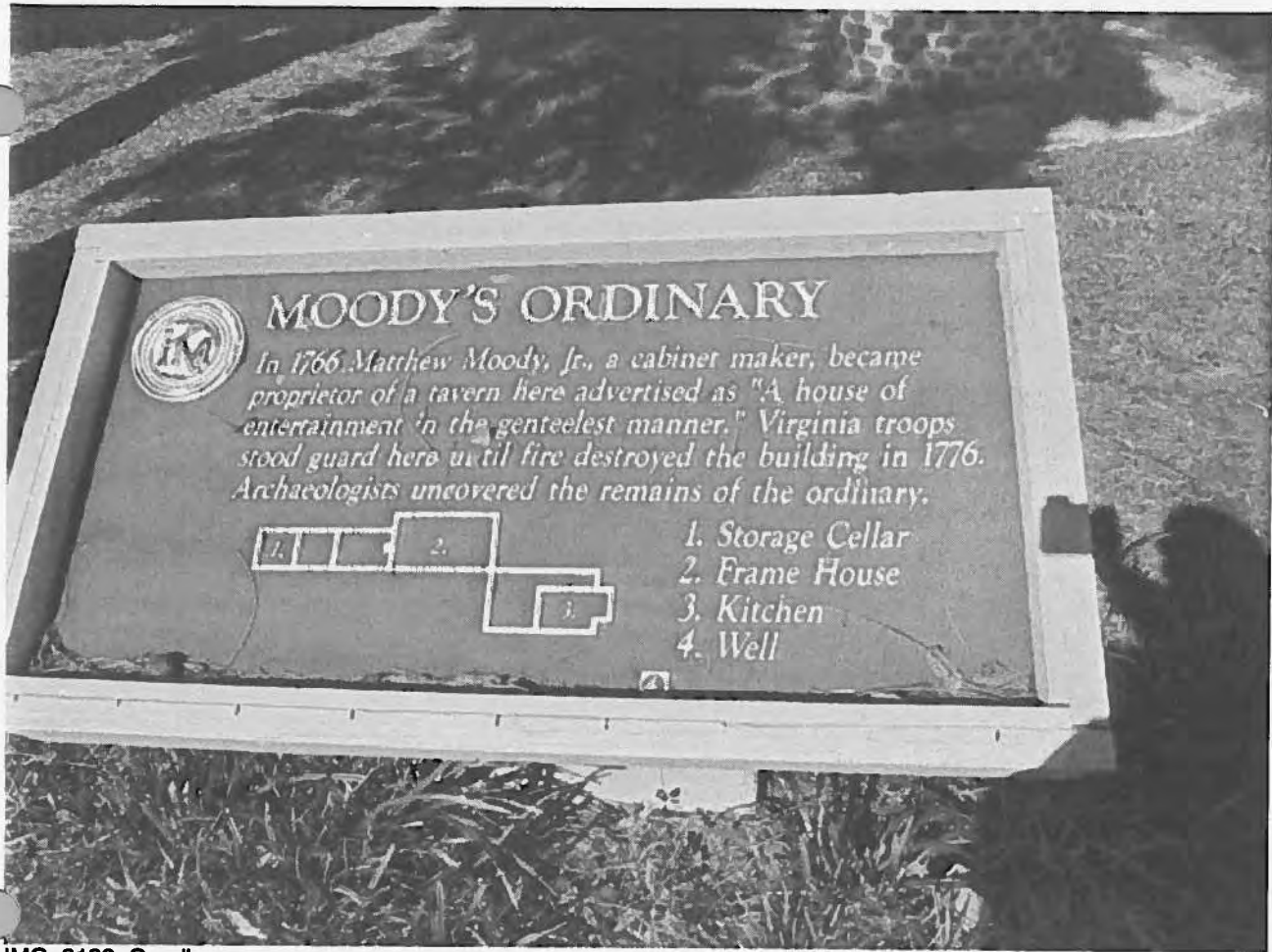
Subject: Tried my best but I couldn't get these to upload. Could you do it for me> I think these photos taken yesterday speak volumes..about Xanterra's lack of respect for history and our community.

Date: October 11, 2013 2:32:41 PM EDT

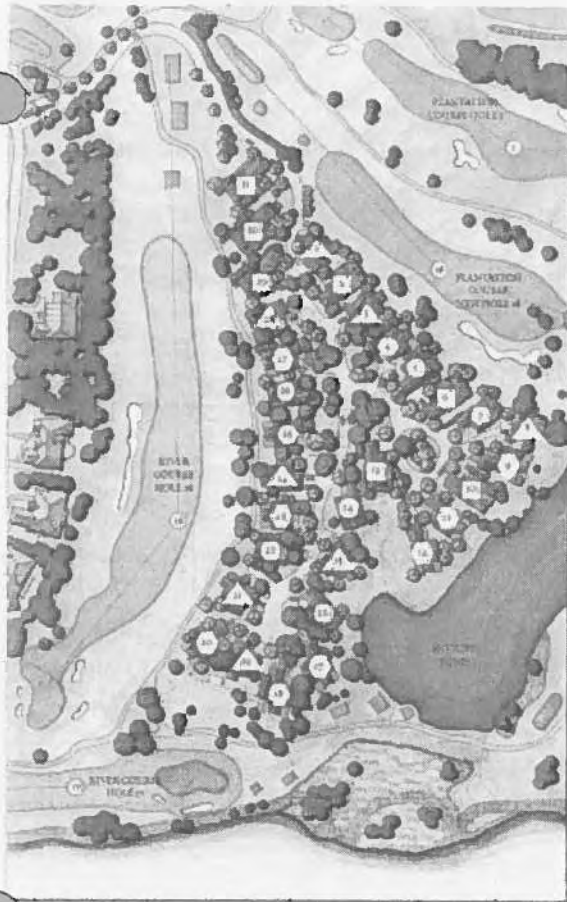
To: "christine@christinefranck.com" <christine@christinefranck.com>



DSC04335 Goodbye



IMG_2192 Goodbye

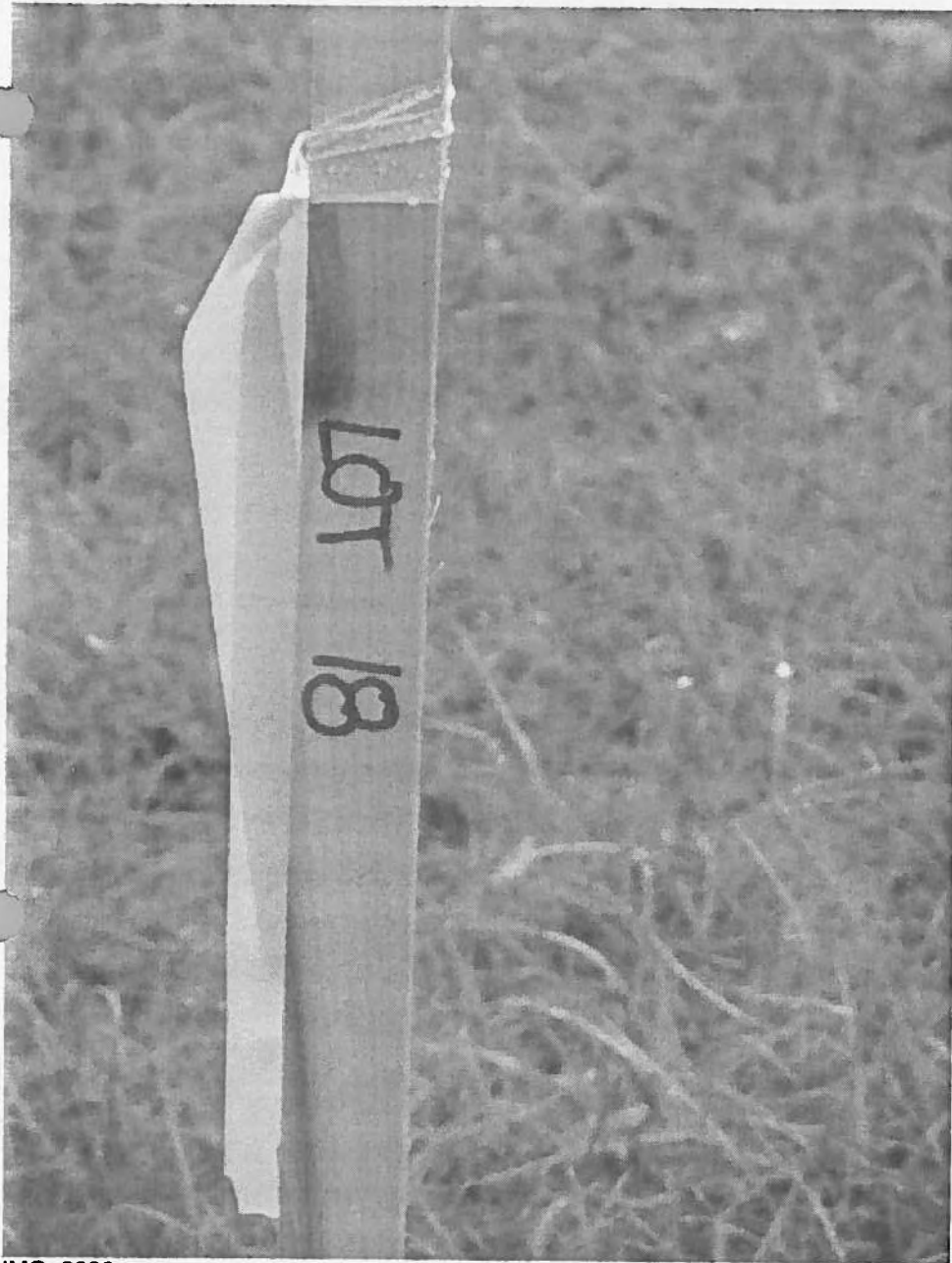


- A CARDINAL — 2,262 SF
- B EAGLE — 2,582 SF
- △ C HERON — 2,782 SF
- ⬡ D OSPREY — 3,290 SF


KINGSMILL
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 WILLIAMSBURG, VIRGINIA

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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.



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IMG_8892 Goodbye



IMG_8893 Goodbye



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IMG_8889



IMG_8895



IMG_8896 Note that lots 18, 19, 20 all touch the foundations, and in the case of #18 lot, will extend partially into the area designated #3 on the historic marker. the lightning shelter and tree will be gone.



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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
Cc: 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> 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> 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

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>
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"
<christine@christinefranck.com>

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DSC04335 Goodbye

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IMG_2192 Goodbye

<Scan 13.jpeg>
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<IMG_5983.jpeg>
IMG_5983 This view is gone. All housing planned.

Kyle Burcham

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

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

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>

Date: Wed, 16 Oct 2013 19:50:52 +0000

To: 'Michael McGurk' <mcgurkm@hotmail.com>;

christine@christinefranck.com<christine@christinefranck.com>

Cc: Christopher Johnson<Christopher.Johnson@jamescitycountyva.gov>

Subject: Information regarding e-Subscribe and Casetrak

Good afternoon

I hope all is well. Following Xanterra's presentation on October 1st, 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

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

Please note that County e-mail addresses have changed.

Please use 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).

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 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) (757) 506-5023

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

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 4th 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

From: Philip W. May [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]
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> wrote:

As a concerned local resident I thought 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

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
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
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

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

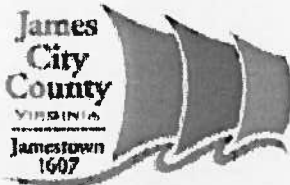
Clifford Firstenberg
cefirstenberg@cox.net
757-206-6281

Kyle Burcham

From: 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

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, 24th Floor
Richmond, Virginia 23219
804-371-2708 (phone)
804-371-2674 (fax)
rene.hypes@dcr.virginia.gov



Conserving VA's Biodiversity through
Inventory, Protection and Stewardship
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, Renel

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, 24th Floor
Richmond, Virginia 23219
804-371-2708 (phone)
804-371-2674 (fax)
rene.hypes@dcr.virginia.gov



**Conserving VA's Biodiversity through
Inventory, Protection and Stewardship**
www.dcr.virginia.gov/natural_heritage
[Virginia Natural Heritage Program on Facebook](#)

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; 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

gouldrl@cox.net

info@kingsmill-united.org

Kingsmill Residents Past and Present

c/o Christine G. H. Franck

613 Fairfax Way

Williamsburg, VA 23185

christine@christinefranck.com

Preserve Carter's Grove County Road

c/o Michael McGURK

117 Jefferson Hundred

Williamsburg, VA 23185

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

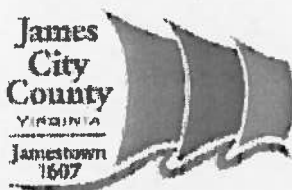
Lots of rumors, here is one from the VA Gazette.

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
Cell 757-525-1107
Home 757-345-5916

On Nov 18, 2013, at 2:04 PM, Jose Ribeiro <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
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>

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

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

Jose Ribeiro

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>

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, 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>

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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

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

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
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

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.)

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.

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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>

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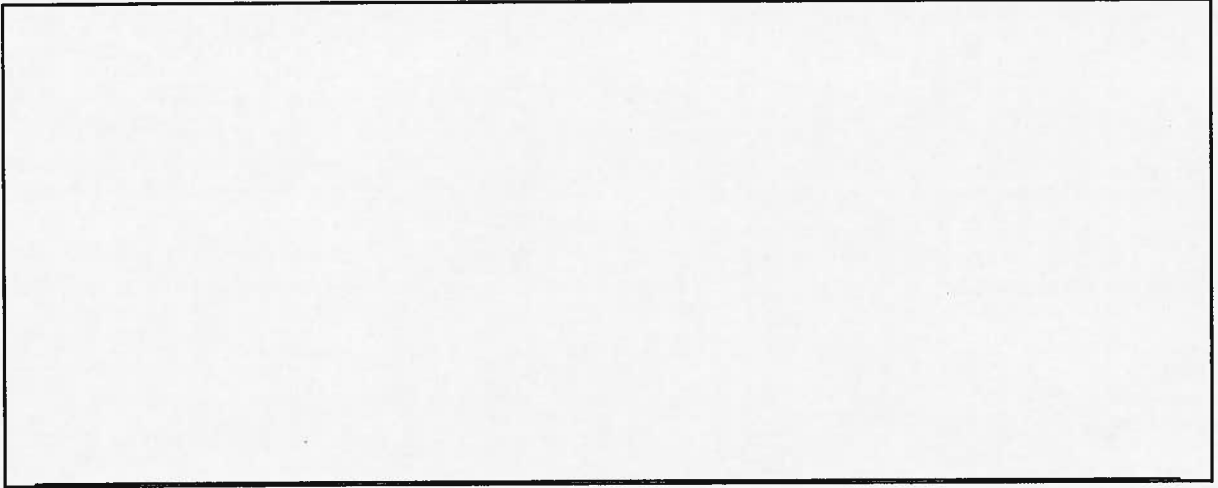
<http://www.jamescitycountyva.gov/planning/>

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

P: 757-253-6685

F: 757-253-6822

Email: planning@jamescitycountyva.gov



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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

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

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

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

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

Jose Ribeiro

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

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

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**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

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**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

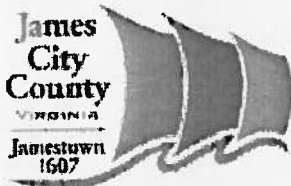
**Jose Ribeiro**

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**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) [<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**

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**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

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**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](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>

## Jose Ribeiro

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**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

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**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

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**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**

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**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

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**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**

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**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

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**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

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**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 underneath.

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.

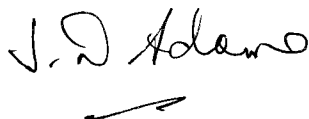
We are just one family out of about 2500 who live here and who, cumulatively, have invested (at a guesstimate) about 1 billion dollars.

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 18<sup>th</sup> hole of the Plantation golf course out towards the 16<sup>th</sup> 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,

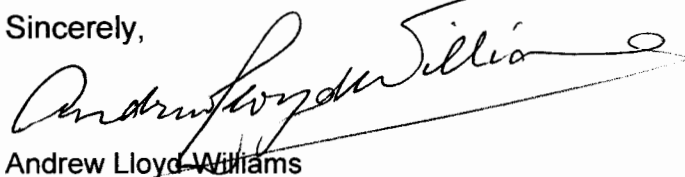
I wrote to you on December 19, 2013 requesting that JCPC decline to proceed further with the above referenced application until such time as a report by a properly credentialed noise expert has been completed and made available for consideration by the public. I had sent an email to Mr. Gary Raymond 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.

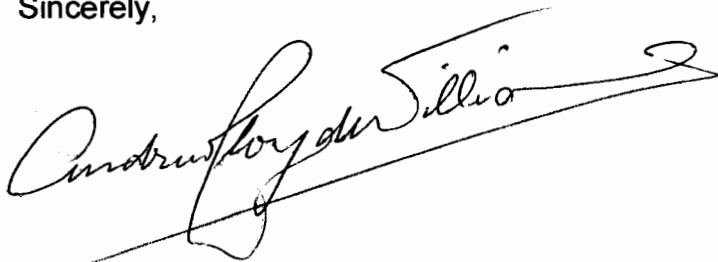
I would also like to address the subject of the Fiscal Impact of the proposed development on James City County, which is of concern to us all. In the Assumptions on Tab 7, Section 2(g) of Xanterra's submission, it is stated that the Average Expected Market Value of the 81 Single Family Detached homes 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 line extending from the end of the name.

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 Kingmill 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

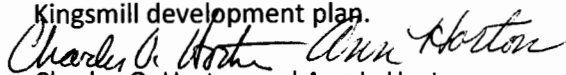
Comments on Xanterra's application for rezoning portions of land abutting the Kingsmill development

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

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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, 16<sup>th</sup> fairway homes, Wood Course and Country Road homes etc.

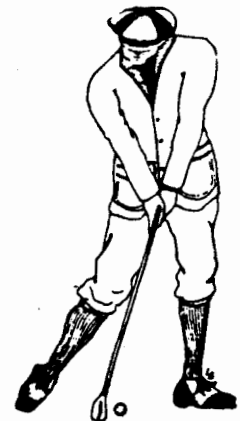
For so many reasons these plans would completely change (to my mind destroy) the wonderful feel of this beautiful historic tract of land, and negatively impact the environment.\*

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](mailto: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](http://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*

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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" and last name "Venrs" clearly distinguishable.

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

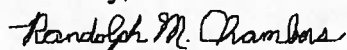
Dear Mr. Geddy,

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**

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**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](mailto:jcc.citizens.coalition@gmail.com)  
[www.jcc-j4c.org](http://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](mailto:jcc.citizens.coalition@gmail.com)> wrote:



## James City County Citizens' Coalition (J4C)

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*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

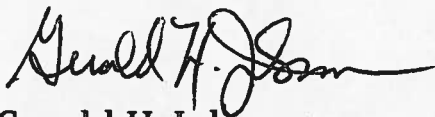


erosive power, and to reduce the impact on the fragile plant communities protecting these slopes.

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

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**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**

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**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

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**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

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**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

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**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](mailto:shereen.hughes@wetlandswatch.org)*

*[www.wetlandswatch.org](http://www.wetlandswatch.org)*

## Jose Ribeiro

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**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

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**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

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**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.

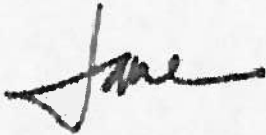
The narrow stand of trees along the Carter's Grove Country Road protects us from even worse invasions of our privacy. Xanterra proposes to removed large swathes of our precious buffer. That thought absolutely sickens me, not only because of the inevitable increase in the horrible noise level, but because 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 extending to the right.

Jane Sherman Chambers  
108 Jefferson's Hundred  
Williamsburg, Virginia 23185  
757-469-7765  
[jscham@wm.edu](mailto:jscham@wm.edu)

## Jose Ribeiro

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**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](mailto: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](mailto: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



**Kyle Burcham**

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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:

(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](mailto: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**

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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 <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.

\*\*\*\*\*

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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>

o 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)

## 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](http://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](mailto: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](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

**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**

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**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.

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.

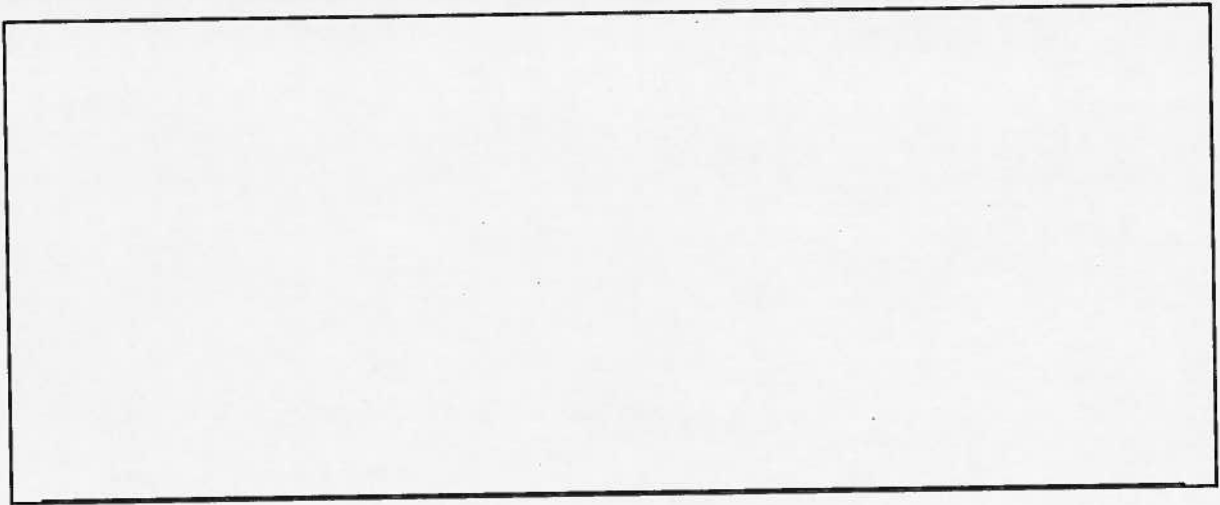
<http://www.jamescitycountyva.gov/planning/>

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

P: 757-253-6685

F: 757-253-6822

Email: [planning@jamescitycountyva.gov](mailto:planning@jamescitycountyva.gov)



**Forward this email**



This email was sent to [lgaudio4@cox.net](mailto:lgaudio4@cox.net) by [layerroush@gmail.com](mailto: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**

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**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**

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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

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**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)



**Kyle Burcham**

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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

## 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

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**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  
[jamestowncitycountyva.gov](http://jamestowncitycountyva.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) [<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**

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**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**

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**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

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**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](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**

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**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](mailto:patriciadegenlilley@verizon.net)  
(757) 564-1858  
(757) 870-0783 (c)

**Kyle Burcham**

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**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

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**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](mailto:patriciadegenlilley@verizon.net)  
> (757) 564-1858  
> (757) 870-0783 (c)

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Patricia Degen-Lilley  
[patriciadegenlilley@verizon.net](mailto: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](mailto: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](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](mailto: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,

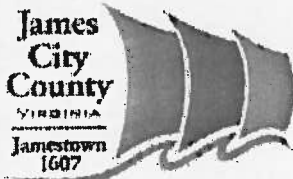
My name is Jose Ribeiro and I am a planner in James City County managing the Kingsmill rezoning application. I understand that you have met with Mr. Woolson to discuss some of your concerns regarding preservation of rare plants and species in Kingsmill. I am looking for information such as what type 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](mailto: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](mailto: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](mailto:cefirstenberg@cox.net)  
757-206-6281

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**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

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**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

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**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**

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**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**

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**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**

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**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**

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**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](mailto: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**

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**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

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**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**

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**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**

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**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

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

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

Kyle Burcham

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>]
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: Calcgrav4plnnrs.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

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

From: Graham, David B. <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

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

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

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> 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]
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
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: 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

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

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

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

The information contained in this electronic message is legally privileged and confidential under applicable law, and is intended only for the use of the individual or entity named above. If you are not the intended recipient of this message, you are hereby notified that any use, distribution, copying or disclosure of this communication is strictly prohibited. If you have received this communication in error, please notify Kaufman & Canoles at (757) 624-3000 or by return e-mail to helpdesk@kaufcan.com, and purge the communication immediately without making any copy or distribution.

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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 it's 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 it's 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

Jose Ribeiro

From: TC Cantwell
Sent: Tuesday, May 06, 2014 8:00 AM
To: Jose Ribeiro
Subject: FW: Errors - May 7 Planning Commission Agenda Posted
Attachments: Kingsmill South of the County Road 6 MARCH 2014.pdf

Kingsmill

TC Cantwell
Development Management Assistant



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

From: Michael McGurk [<mailto:mcgurkm@hotmail.com>]
Sent: Tuesday, May 06, 2014 5:55 AM
To: Planning
Subject: Errors - May 7 Planning Commission Agenda Posted

> From: mcgurkm@hotmail.com
> To: jcc-planning-and-development@esubscribe.jamescitycountyva.gov; jose.ribeiro@jamescitycountyva.gov
> Subject: RE: May 7 Planning Commission Agenda Posted
> Date: Mon, 5 May 2014 16:12:06 -0400
>
> Planning Commission:
>
>
> I noticed your agenda includes as an attachment, a mislabeled letter from "KCSA."
>
>
> The Board of Directors of KCSA did not send that letter and Ms. White made it clear she was working on behalf of the "Planning and Development Committee" an unelected body.
>
> Unless all letters from all parties and all emails are posted, I strongly object to the partisan letter by KCSA attorney, Liz White, speaking on behalf of an ad hoc committee of KCSA being posted to the website and provided as part of the agenda to all individuals.
>
> Liz White is a "third party" and I do not understand why her undocumented letter is included in a meeting on rezoning of a by-right development area by Xanterra.
>

> KCSA (and the PDC Committee of KCSA) are not parties to the rezoning application.

>

> Is James City COunty going to give equal weight to all other interested third parties? Will you publish all the other comments to the web and send notice of the correction?

>

> Kings~Mill United also sent a letter which was not included or published. I have attached another copy. If Liz Whites letter was attached and sent to all, why was this one not sent to the public and posted to the web as well?

>

>

> Michael McGURK

>

> Kings~Mill United

>

> James City County Resident

>

>

>

>

>

>> Date: Fri, 2 May 2014 13:23:06 -0400

>> From: planning@JAMESCITYCOUNTYVA.GOV

>> Subject: May 7 Planning Commission Agenda Posted

>> To: JCC-PLANNING-AND-DEVELOPMENT@ESUBSCRIBE.JAMESCITYCOUNTYVA.GOV

>>

>>

>> The agenda has been posted for the May 7th James City County Planning

>> Commission meeting, and can be found here:

>> <http://www.jamescitycountyva.gov/agendas/pcagendas/050714pc.html>

>>

>> The meeting will take place at 7 p.m. in the Building F Board Room at

>> the Government Complex. If you have any questions, please contact the

>> Planning Division at 757-253-6685.

>>

>>

>>

>>

>>

>> To unsubscribe from the JCC-PLANNING-AND-DEVELOPMENT list, click the

>> following link:

>>

<http://esubscribe.jamescitycountyva.gov/scripts/wa.exe?TICKET=NzM1Mzg1IE1DR1VSS01ASE9UTUFJTC5DT00gSkNDLVBMQU5OSU5HLUFORC1ERVZFTE9QTUVOVAWjGXST%2F6b1&c=SIGNOFF><<http://esubscribe.jamescitycountyva.gov/scripts/wa.exe?TICKET=NzM1Mzg1IE1DR1VSS01ASE9UTUFJTC5DT00gSkNDLVBMQU5OSU5HLUFORC1ERVZFTE9QTUVOVAWjGXST/6b1&c=SIGNOFF>>



KINGS-MILL UNITED



Williamsburg

6 MAR 2014

TO: Planning Commission James City County

SUBJECT: Boundary of Kingsmill Master Plan

The master Plan Summary Narrative Description "Kingsmill" of April 11th, 1972 from the JCC Office of Records Management states on page 4: *"Development concept: The Kingsmill site tends to naturally divide itself into two sections. The "exterior" section zoned for commercial and light industrial use north of the Carters Grove Country Road right-of-way fronts on and is related to State Route 60 and the C.&O. Railroad. The "interior" section south of the Carter's Grove right-of-way is related to the James River and the principle natural amenities of the site."* (emphasis added)


Additionally from the Declaration of Covenants and Restrictions dated September 18, 1973 as recorded in Deed Book 147, page 642 in the Office of the Clerk of the Circuit Court of Williamsburg and the County of James, **Busch Properties, Inc.**, a Delaware Corporation, **subjected certain real property** in James city County, Virginia, as described in Exhibit A of the Declaration, **to the covenants, restrictions, easements, charges and liens set forth therein:** *"WHEREAS, Developer is presently or will be the owner of the real property in James City County, Virginia south of the Carter's Grove Country Road shown on the hereinafter referred to Land Use and Circulation Master Plan including "Residential Area A," "Residential Area B," and "Residential Area D" as described on "Land Use and circulation Master Plan" dated 11, 1972, by Sasaki, Dawson, DeMay Associates, Inc., recorded in the Clerk's Office of the Circuit Court of the city of Williamsburg and the County of James City, Virginia in Plat Book 30, pages 16 and 17, as revised by drawing dated April 14, 1973, recorded in the aforesaid Clerk's Office in Plat Book 30, page 6, and desires to create thereon a planned community to be known as Kingsmill on the James..."* (emphasis added)

Finally in the James City County Engineering Planning staff review August 2013 by senior planner Leanne Reidenbach : *"Under subheading VII of the Community Impact Study, it is indicated that stormwater management will be provided via the existing Rhine River and Kingsmill Pond. As the areas proposed for development are not known to have been part of any master plan previously, and due to the age of the facility, a current bathymetric survey of the Kingsmill Pond may be necessary to analyze the adequacy of that facility to meet the stormwater quality requirements and for the inclusion of these areas in the basins watershed."* (emphasis added)

It is clear from 3 different, but each authoritative, sources the "Kingsmill" Master Plan is **south of the Carter's Grove Country Road right of way**. Xanterra is seeking to add new property to a Master Plan in an area never previously developed, considered for homes or platted. The Declaration of Covenants and Restrictions also subject the developer to a mandatory voting requirement with 66% of the Residents agreeing to any property added to the Master Plan. Additionally all proffers for schools and other community service should apply as well.

For your convenience a copy of the relevant pages is attached. If Kings~Mill United can provide any other information we would be happy to do so.

Respectfully,



Mr. Michael S. McGurk
Board of Directors
Kings~Mill United

(757) 506-5023

Attached:

1972 KM narrative Master Plan to JCC

DECLARATION OF COVENANTS & RESTRICTIONS - KINGSMILL 1973

ENGINEERING AND RESOURCE PROTECTION REVIEW COMMENTS - Xanterra

Rezoning 2013

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.

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.

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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: 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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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,

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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
To: Jose Ribeiro
Cc: Paul Holt; Christopher Johnson
Subject: RE: Request for information about Xanterra/Kingsmill Masterplan

Dear Mr. Ribeiro,

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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,

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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 8:52 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
To: 'christine@christinefranck.com'
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Call me at your convenience.

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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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Sent: Friday, September 13, 2013 8:26 AM
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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,

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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.

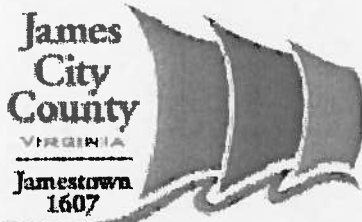
John

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,

As a 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: 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



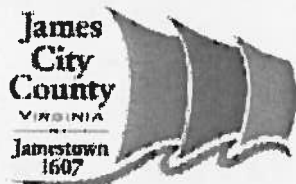
Clifford Firstenberg
cefirstenberg@cox.net
757-206-6281

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 Merklings, 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:

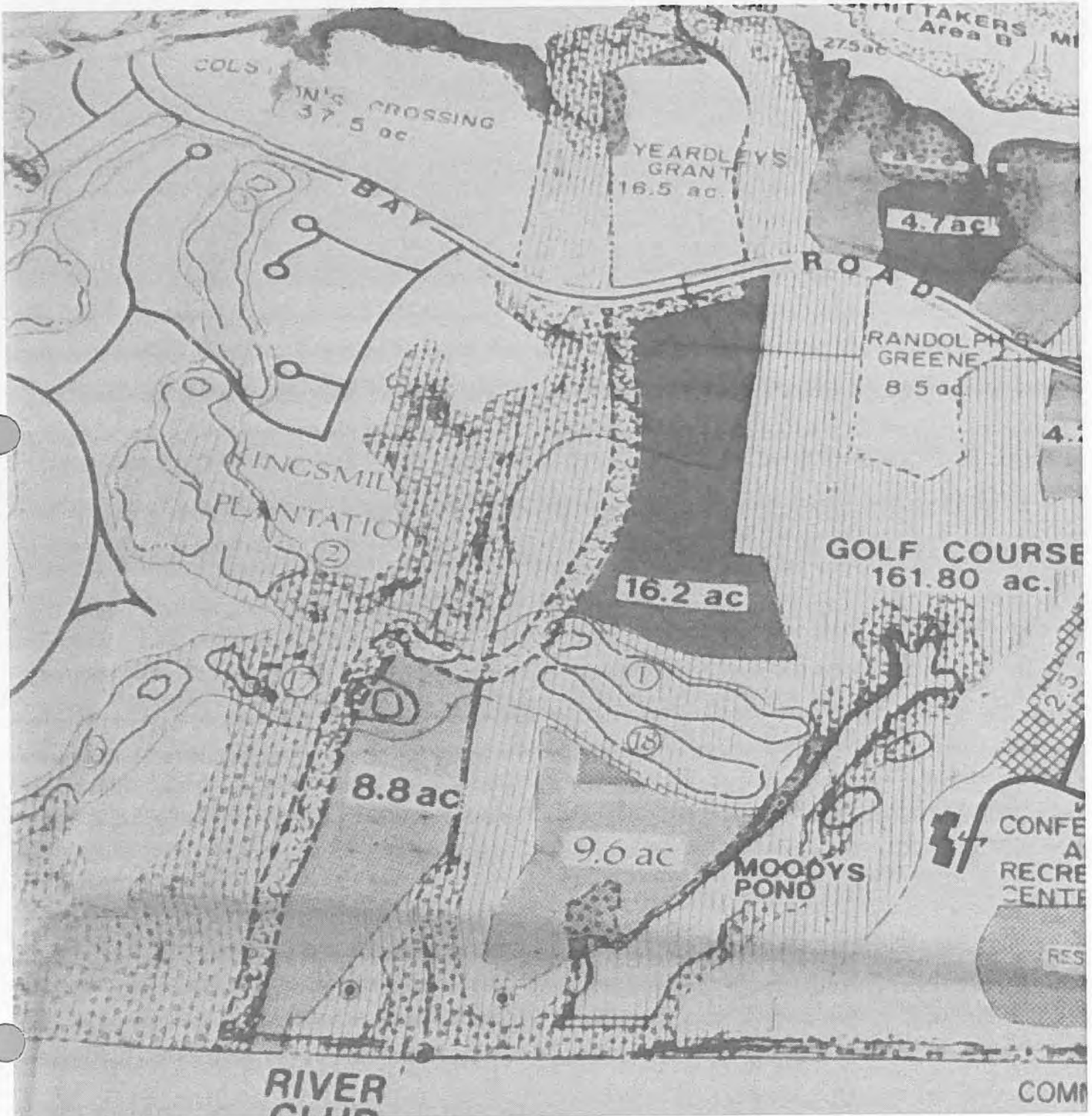
Subject:

lucinda ritter <cindylou18@me.com>

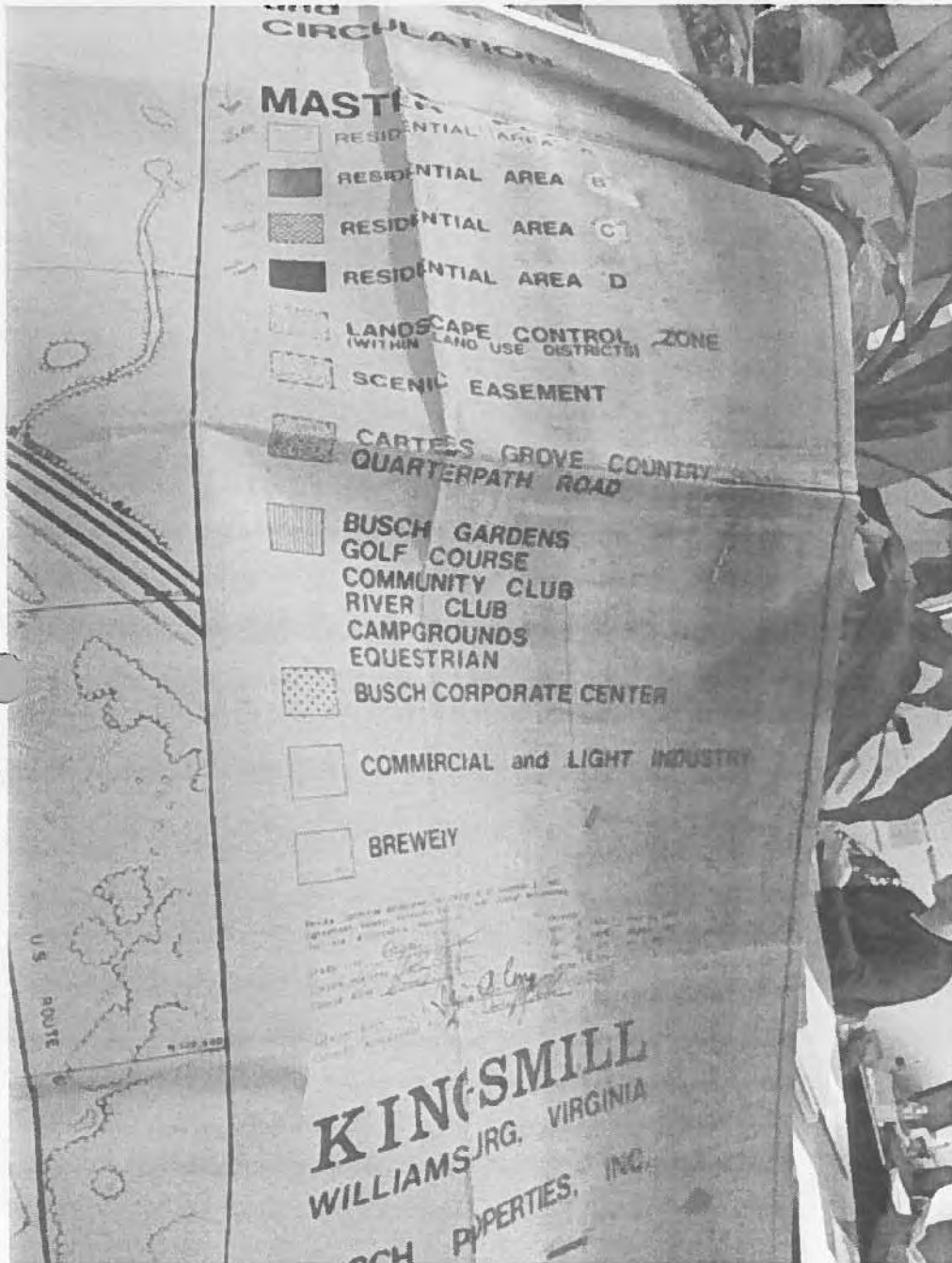
Saturday, September 21, 2013 2:52 PM

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)
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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@dcr.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@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: 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
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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



KINGS-MILL UNITED



Williamsburg

6 MAR 2014

TO: Planning Commission James City County

SUBJECT: Boundary of Kingsmill Master Plan

The master Plan Summary Narrative Description “Kingsmill” of April 11th, 1972 from the JCC Office of Records Management states on page 4: “*Development concept: The Kingsmill site tends to naturally divide itself into two sections. The “exterior” section zoned for commercial and light industrial use north of the Carters Grove Country Road right-of-way fronts on and is related to State Route 60 and the C.&O. Railroad. **The “interior” section south of the Carter’s Grove right-of-way** is related to the James River and the principle natural amenities of the site.” (emphasis added)*

Additionally from the Declaration of Covenants and Restrictions dated September 18, 1973 as recorded in Deed Book 147, page 642 in the Office of the Clerk of the Circuit Court of Williamsburg and the County of James, **Busch Properties, Inc.**, a Delaware Corporation, **subjected certain real property** in James city County, Virginia, as described in Exhibit A of the Declaration, **to the covenants, restrictions, easements, charges and liens set forth therein:** “*WHEREAS, Developer is presently or will be the owner of the real property in James City County, Virginia **south of the Carter’s Grove Country Road** shown on the hereinafter referred to Land Use and Circulation Master Plan including “Residential Area A,” “Residential Area B,” and “Residential Area D” as described on “Land Use and circulation Master Plan” dated 11, 1972, by Sasaki, Dawson, DeMay Associates, Inc., recorded in the Clerk’s Office of the Circuit Court of the city of Williamsburg and the County of James City, Virginia in Plat Book 30, pages 16 and 17, as revised by drawing dated April 14, 1973, recorded in the aforesaid Clerk’s Office in Plat Book 30, page 6, and desires to create thereon a planned community to be known as Kingsmill on the James...” (emphasis added)*

Finally in the James City County Engineering Planning staff review August 2013 by senior planner Leanne Reidenbach : “*Under subheading VII of the Community Impact Study, it is indicated that stormwater management will be provided via the existing Rhine River and Kingsmill Pond. **As the areas proposed for development are not known to have been part of any master plan previously,** and due to the age of the facility, a current bathymetric survey of the Kingsmill Pond may be necessary to analyze the adequacy of that facility to meet the stormwater quality requirements and for the inclusion of these areas in the basins watershed.” (emphasis added)*

It is clear from 3 different, but each authoritative, sources the “Kingsmill” Master Plan is **south of the Carter’s Grove Country Road right of way.** Xanterra is seeking to add new property to a Master Plan in an area never previously developed, considered for homes or platted. The Declaration of Covenants and Restrictions also subject the developer to a mandatory voting requirement with 66% of the Residents agreeing to any property added to the Master Plan. Additionally all proffers for schools and other community service should apply as well.

For your convenience a copy of the relevant pages is attached. If Kings~Mill United can provide any other information we would be happy to do so.

Respectfully,

A handwritten signature in black ink, appearing to read 'Michael S. McGurk', written in a cursive style.

Mr. Michael S. McGurk
Board of Directors
Kings~Mill United

(757) 506-5023

Attached:

1972 KM narrative Master Plan to JCC

DECLARATION OF COVENANTS & RESTRICTIONS - KINGSMILL 1973

ENGINEERING AND RESOURCE PROTECTION REVIEW COMMENTS - Xanterra

Rezoning 2013

who prepared
the document?

MASTER PLAN - SUMMARY
NARRATIVE DESCRIPTION

"KINGSMILL"

WILLIAMSBURG, VIRGINIA

APRIL 11, 1972

COPY FROM JCC

OCT 01 2013

OFFICE OF RECORDS MGMT

CONTENTS	PAGE
A. INTRODUCTION	1
B. THE SITE	2
Landscape Character	2
Historical Elements	2
Ecological Considerations	2
C. MARKET PROGRAM AND LOCATION CRITERIA	3
Permanent Homes Community	3
Second Homes and Retirement Community	3
Busch Gardens	4
Brewery plus other Industrial and Commercial Uses	4
D. DEVELOPMENT CONCEPT	4
E. MASTER PLAN	6
Land Use and Circulation	6
Open Space System and Recreational Facilities	8

COPY FROM JCC

OCT 01 2013

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OCT 01 2013

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A. INTRODUCTION

Kingsmill is a unique new community being planned by Busch Properties, Inc., a wholly-owned subsidiary of Anheuser-Busch, Inc. The 3600 acre site is on the James River near historic Williamsburg.

The Master Plan for Kingsmill illustrates the marketing concept of a residential community accommodated to the Kingsmill site. The landscape and engineering opportunities as well as the constraints presented by the site, ecological considerations, and the relationship to James City County and the Williamsburg environment are integrated with the marketing strategy.

The development objective for Kingsmill is to create a distinctive residential community of permanent and second homes along with an adjoining high quality commercial and light industrial district serving the entire James City County and Williamsburg region. Four principal design criteria will be employed to achieve this goal:

1. The existing natural beauty and landscape resources including historic elements such as the Kingsmill Plantation and Quarterpath Road will be preserved and enhanced.
2. High quality recreational amenities will be introduced including facilities for boating, golf, horseback riding, hiking, bicycling, tennis, and swimming.
3. Planning and design controls will be created to insure that development complements the existing distinctive Williamsburg environment over the life of the project.
4. Contemporary planning techniques will be used, such as cluster housing and continuous grade separated pedestrian greenways.

As presently envisioned, the entire project will be phased over a period of 18 to 21 years. Consequently, change can be anticipated as the Plan is adjusted to meet unanticipated conditions and changing market considerations. Phase I within the residential sector encompasses approximately 700 acres and is planned for permanent and second homes, a Conference Center with a resort hotel, marina, golf course, beach club, and equestrian center. The proposed development in Phase I within the commercial sector includes Busch Gardens, the Tourist Village, some commercial and light industrial property, and campgrounds. The Brewery is within the commercial sector.

B. THE SITE

1. Landscape Character

The 3600 acre site has a series of open fields centrally located and fronting on the James River. Wooded areas surround these open fields. Within the wooded areas are steep scarps along ravines defining the natural drainage pattern of the site. The configuration of these ravines leaves developable land forms of various sizes. Large scale land forms exist west of the open fields while medium scale land forms are present to the north and east. Small scale land forms are present southeast of the Brewery along Route 60, while a relatively large flat tract of land is northwest of the Brewery along Route 60.

Throughout the site aged deciduous trees are found on the steep slopes of the ravines. The wooded land north and west of the open fields was cut over, except for the ravine slopes, about 20 years ago and is now heavily wooded with young pine. Small pockets of mature Loblolly Pine are found throughout the site with a single large concentration on the Camp Wallace property purchased from the U.S. Government.

The general character of the several ravine systems terminating at the James River is similar. At the river's edge there is a marsh area extending some distance into the property. As the elevation rises a swamp area of small Gum and Maple trees is present. Further up the ravine a dry drainage way with larger trees forms the upper reaches of the ravine system.

2. Historical Elements

Specific points of interest are Kingsmill Plantation, Burwell's Landing, gun emplacements overlooking the James River, a mill and gun emplacement at Kingsmill Pond, and earthen breastworks along Quarterpath Road. These and other historical elements are associated with both the Civil War and Revolutionary War periods. These elements will be beneficially developed in a positive manner through preservation or restoration. Historical enrichment provides one means of enhancing the value of the site by creating a unique identity.

3. Ecological Considerations

To control the effects of general erosion, silting dams will be built across the various ravine bottoms during construction phases, and where necessary berms will be built around construction sites on higher

*how related
to total
project
① preserve
green areas
② -? park -?*

*Conformance with State
wetlands legislation*

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ground. The dams or berms will provide stilling basins where silt carried in runoff waters will settle out.

Care will be taken to preserve the easily eroded side slopes of the ravines, since removal of trees and ground cover would result in silty material being transported into the ravine system, Kingsmill Pond, and other future impoundments. The slopes of the ravines will be maintained as open space.

grass, trees?
planted?

C. MARKET PROGRAM AND LOCATION CRITERIA

The program for Kingsmill contains four major elements:

- Permanent Homes Community
- Second Homes and Retirement Community
- Busch Gardens
- Brewery plus other Industrial and Commercial Uses

1. Permanent Homes Community (Local Market)

The local market program element will require a full range of community facilities and services as well as the amenities and recreation facilities of contemporary planned community developments. Convenient access to Williamsburg will be provided, since Williamsburg can be expected to supply some of the facilities and services required by the permanent community. The permanent community is placed to the northwest, nearest to Williamsburg and is oriented to Kingsmill Creek and golf with its own gateway and sense of community. Insulation from the nuisances of traffic associated with the activity along Route 60 and particularly the large crowds arriving and departing the Gardens will be provided.

2. Second Homes and Retirement Community (Recreation Market)

The recreation market program element at Kingsmill will provide frontage on and access to the James River with special focus on the Conference Center, marina and golf facilities. Good access to State Route 60 and the Interstate system will be available. A part of the recreation market is short-term rental housing for use by people attending conventions or on vacation. This market will be very closely tied to recreational facilities and the available tourist attractions in the area.

Type

2/

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OFFICE OF RECORDS MGMT.Show area
& relationships

A close linkage will be provided between the Conference Center and the Tourist Village-Busch Gardens area since both will have facilities that complement and support each other. While the second home community has land use characteristics similar to those of the permanent home community, both require their own identity and both have been planned so that the traffic generated by each is not drawn through, or into the other district. Each community has its own gateway and sense of community. However, the two communities will meet and be tied together through the use of common recreational facilities and the main entrance road ("Conference Center Road").

3. Busch Gardens

Busch Gardens will be an intensive activity center with many visitors. A primary location criterion for the Gardens, therefore, is an "edge" location adjacent to State Route 60 providing eventual easy connection to the interstate system. Another linkage, important to the Gardens, is a tie to the brewery in order to permit easy access for the planned brewery tour. To uphold the integrity and desirability of the community, Gardens visitors will be discouraged from using the Conference Center Road in order to minimize congestion at the Major Kingsmill Entry.

See on
map how
this will
work -

4. Brewery Plus Other Industrial and Commercial Uses

The Brewery and planned commercial facilities including shopping, restaurants, and motels share a common primary requirement of good highway access. Visibility is another important criteria for the location of these facilities. Much of the commercial development will be transient housing related to the Gardens and Williamsburg. Some light industrial uses may require rail access. The light industrial and commercial uses naturally fall into the existing district zoned for these uses between Carter's Grove Country Road and Route 60.

Types?
Types of light
industry industrial
for this site?

D. DEVELOPMENT CONCEPT

The Kingsmill site tends to naturally divide itself into two sections. The "exterior" section zoned for commercial and light industrial use north of the Carter's Grove Country Road right-of-way fronts on and is related to State Route 60 and the C. & O. Railroad. The "interior" section south of the Carter's Grove right-of-way is related to the James River and the principal natural amenities of the site.

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LAND USE AND DENSITY SUMMARY

	Acres	Total Acres
Kingsmill Residential Sector		
*Residential		
Category "A"	973.0	
Category "B"	282.5	
Category "D"	70.9	
Subtotal		1,326.4
**Open Space System		1,097.9
Commercial		
Conference Center	34.0	
Marina	18.3	
Subtotal		52.3
	Sub-Total	2476.6
Kingsmill Commercial Sector		
Tourist Village		57.4
Commercial		83.5
Commercial and Light Industry		280.4
Brewery		82.3
**Open Space System		560.0
	Sub-total	1063.8
Total Kingsmill Development		3540.4

*Maximum permitted density per James City County Zoning Ordinance is as follows: The average population density of the aggregate gross area shall not exceed ten (10) persons per acre. "A" areas are for detached single family dwelling units and the population density within these areas shall not exceed fifteen (15) persons per acre. "B" areas are for townhouse units and the population density within these areas shall not exceed fifty-five (55) persons per acre. "D" areas are for multi-family residential structure of more than three stories above ground and population densities within these areas are approved on a project basis by the Planning Commission.

In computing population density, a factor of three and seven-tenths (3.7) persons shall be used per detached single family dwelling or permanent mobile home, three (3) persons per townhouse, two (2) persons per unit in multi-family structures of three stories or less, and one and five-tenths (1.5) persons per unit in residential club house, hotel, motel or high rise (elevator) apartment or other structure of more than three stories above ground.

Therefore, by mathematical calculation, approximately 4.05 dwelling units per acre are permitted in "A" areas and 18.33 dwelling units per acre in "D" areas. The maximum permitted in "B" areas is dependent upon Planning Commission approval.

See John
if this is
changed 2/

Compare to
Civil A/D
look at
FMSNO
also

? | The Carter's Grove Country Road easement has significance in that it is a connecting link to Williamsburg. If ?
a major regional equestrian and bicycle trail system can be established within this right-of-way, horseback and bicycle riding to destinations outside the Kingsmill trail system would enhance this amenity. The Kingsmill Equestrian Center is planned for a site adjacent to the Country Road, and a network of bridle trails would pass through the open space areas.

what is really envisioned here?
how?
Dunhill
Md. etc?
KANSBURN
how provided to be dedicated in plan -?
w/ state willand bill -
★ Site development of the road rights-of-way is an important element of the open space system because controlled landscaping and bikeways parallel the major roads. These bikeways form the backbone of that system. Some special bikeways are proposed through wooded areas. An underpass system would allow grade separation at major crossings of roads. When the bicyclist enters a housing cluster he uses the minor community roads.

Scenic easements maintain rural views from the Colonial Parkway and Carter's Grove Country Road, as well as preserving water and marsh areas along the James River, Kingsmill Creek, and Grove Creek. These passive open spaces allow equestrian trails and bikeways.

The remaining amenity of the official open space system is water bodies. These include Kingsmill Creek, Kingsmill Pond, and the new water impoundments created by dams.

A continuous system of privately held common lands for recreation and amenity purposes is superimposed upon the above major open space elements. These lands are within project areas and upon completion of the project area become the responsibility of an authority, such as a homeowners' association. This network provides connecting links for equestrian trails and bikeways and is a means of preserving the ecologically sensitive areas such as the ravines and their easily eroded side slopes.

Some areas within project land use boundaries are designated landscape control zones. These areas are restricted to open space uses and cannot be built upon. They will remain in the control of the final landowners and will be their responsibility for maintenance. The type of land included in this category may be ecologically sensitive areas requiring preservation or land needing special landscape treatment to establish an image such as that along Route 60.

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**See the Open Space Summary table for acreages of the various types of open spaces. The James City County Zoning Ordinance requires 40% open space in the planned residential district. The 1,097.9 acres provides 44.3% of the land as open space in the residential sector.

2. Open Space System And Recreational Facilities

The Kingsmill community centers upon a large open space system. The two most prominent elements are: 1) the historic Quarterpath Road open space corridor to the James River, and 2) the golf courses. Refer to the "Open Space Systems Master Plan".

Quarterpath Road provides access to the James River for the entire community along the roadway that was used in Colonial and Civil War days. Points of historical interest include the Kingsmill Plantation, Burwell's Landing, gun emplacements overlooking the James River, a mill and gun emplacement at Kingsmill Pond, and earthen breastworks along the Road. Community recreation facilities are related to Quarterpath Road. On the James River, a Beach Club is planned at the termination of Quarterpath Road where a particularly beautiful beach area exists. Adjacent to Kingsmill Pond, a natural area allows picnics, hiking, nature study, and horseback riding. A proposed ramp and dock on Kingsmill Pond will allow boating and fishing.

Two golf courses are planned adjacent to Quarterpath Road. The course to the east is to be associated with the Conference Center. This course, constructed in the first phase, will serve in the early years as both the community club and conference center course. In a later phase, the golf course to the west of Quarterpath Road is planned as a major community club at Kingsmill. Other club facilities at the old Kingsmill Plantation site will likely include tennis courts, swimming pools, fully-equipped exercise rooms, sauna, game and party rooms, and fine dining facilities.

Swimming and tennis will be closely integrated with residential development. Proposed community clubs would have outdoor swimming pools and tennis courts. Various smaller pools are anticipated within townhouse, garden apartment, and condominium clusters.

A proposed marina development will provide access and boating on the James River. Its location adjacent to the Conference Center will allow easy access and serve a supporting role for the resort hotel and conference facilities. Normal services for recreational boating will be available.

DECLARATION OF COVENANTS AND RESTRICTIONS

OF

KINGSMILL COMMUNITY SERVICES ASSOCIATION

THIS DECLARATION, made this 18th day of September, 1973, by Busch Properties, Inc., a Delaware Corporation, hereinafter called Developer.

WITNESSETH:

WHEREAS, Developer is presently or will be the owner of the real property in James City County, Virginia south of the Carter's Grove Country Road shown on the hereinafter referred to Land Use and Circulation Master Plan including "Residential Area A," "Residential Area B," and "Residential Area D" as described on "Land Use and Circulation Master Plan" dated April 11, 1972, by Sasaki, Dawson, DeMay Associates, Inc., recorded in the Clerk's Office of the Circuit Court of the City of Williamsburg and the County of James City, Virginia in Plat Book 30, pages 16 and 17, as revised by drawing dated April 14, 1973, recorded in the aforesaid Clerk's Office in Plat Book 30, page 67, and desires to create thereon a planned community to be known as Kingsmill on the James, (referred to herein as "Kingsmill") of high environmental quality, respecting existing natural amenities, ecologically sensitive areas and important elements and intends to develop the community in accordance with the Kingsmill Master Plan hereinafter defined; and

WHEREAS, Developer desires to provide for the preservation and enhancement of the property values, amenities and opportunities thereon; and to this end, desires to subject a portion of the real property presently owned by it described on Exhibit A together with such additions as may hereafter be made thereto (as provided in Article II) to the covenants, restrictions, easements, charges and liens, hereinafter set forth, each and all of which is and are for the benefit of said property and the owners thereof; and

WHEREAS, Developer has deemed it desirable, for the efficient preservation of the values and amenities in said community, to create an agency to which should be delegated and assigned the powers of owning, maintaining and administering the community properties and facilities and administering and enforcing the covenants and restrictions and collecting and disbursing the assessments and charges hereinafter created and promoting the recreation, health, safety and welfare of the residents; and

WHEREAS, Developer has incorporated under the laws of the State of Virginia the Kingsmill Community Services Association as a non-profit corporation for the purpose of exercising the functions aforesaid;

NOW, THEREFORE, the Developer declares that the real property described in Exhibit A attached hereto, and such additions thereto as may hereafter be made pursuant to Article II hereof, is and shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements, charges and liens (sometimes referred to as "covenants and restrictions") hereinafter set forth.

ARTICLE I

DEFINITIONS

Section 1. "Declaration" shall mean the covenants, conditions and restrictions and all other provisions herein set forth in this entire Document, as same may from time to time be amended.

Section 2. "Association" shall mean and refer to Kingsmill Community Services Association, its successors and assigns.

Section 3. "Developer" shall mean and refer to Busch Properties, Inc., and its assigns, together with any successor to all or substantially all of its business of developing the Properties.

Section 4. "Kingsmill Master Plan" shall mean and refer to the graphic and written statement of concepts and principles pursuant to which the community will be developed, said statement being comprised of the following (which are of record in the aforesaid Clerk's Office in Plat Book 30, pages 16 and 17, amended thereto recorded in Plat Book 30, page 67:

- (i) a land use and circulation drawing
- (ii) an open space system drawing
- (iii) a summary narrative description of the drawing referenced (i) and (ii)
- (iv) the General Statement of Provision to be included in disposition agreements, (dated June 13, 1972),

as may be revised from time to time in accordance with the Supplemental Agreement between Anheuser-Busch, Inc. and The Colonial Williamsburg Foundation dated December 20, 1972.

Section 5. "The Properties" shall mean and refer to all real property described on Exhibit A attached hereto, together with such other real property as may from time to time be annexed thereto under the provisions of Article II hereof.

Section 6. "Common Area" shall mean and 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 the common use and enjoyment of the Members.

Section 7. "Living Unit" shall mean and refer to any portion of a structure situated upon the Properties designed and intended for use and occupancy as a residence by a single family.

Section 8. "Lot" shall mean and refer to any plot of land shown upon any recorded subdivision map of the Properties with the exception of Common Area as heretofore defined. The term shall include a condominium Living Unit where such may occur.

Section 9. "Multifamily Structure" shall mean and refer to a structure with two or more Living Units under one roof, except when such Living Unit is situated upon its own individual Lot as defined herein.

Section 10. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any Lot including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

Section 11. "Occupant" shall mean and refer to the occupant of a Living Unit who shall be either the Owner or a lessee who holds a written lease having an initial term of at least twelve (12) months.

Section 12. "Parcel" shall mean and refer to all platted subdivisions of one or more Lots which are subject to the same Supplementary Declaration.

Section 13. "Supplementary Declaration" shall mean any declaration of covenants, conditions and restrictions which may be recorded by the Developer, which extends the provisions of this Declaration to a Parcel and contains such complementary provisions for such Parcel as are herein required by this Declaration.

Section 14. "Book of Resolutions" shall mean and refer to the document containing rules and regulations and policies adopted by the Board of Directors as same may be from time to time amended.

Section 15. "Board of Directors" shall mean the then duly constituted board of directors of the Association.

Section 16. "Member" shall mean any Owner and any lessee of a Living Unit constructed on any Lot who holds a written lease having an initial term of at least twelve months.

ARTICLE II

PROPERTY SUBJECT TO THIS DECLARATION

ADDITIONS THERETO

Section 1. Existing Property. The real property which is and shall be held, transferred, sold, conveyed, and occupied subject to this Declaration is located in James City County, Virginia, and is more particularly described in Exhibit A.

Section 2. Additions to Existing Property. Added properties may become subject to this Declaration in the following manner:

(a) Additions by the Developer. The real property described in Exhibit A attached hereto is the first phase of the planned community known as Kingsmill on the James, as contemplated by the Kingsmill Master Plan. The Developer, its successors and assigns shall have the right to bring within the scheme of this Declaration additional properties in future stages of development which are a portion of Kingsmill as illustrated in the Kingsmill Master Plan, as further set forth in the Agreement between Anheuser-Busch, Inc. and Colonial Williamsburg Foundation, Incorporated and Williamsburg Restoration, Incorporated dated December 5, 1969, as supplemented by Supplemental Agreement of December 20, 1972, between Anheuser-Busch, Inc. and Colonial Williamsburg Foundation. The properties thus added shall include but not be limited to areas and facilities (including streets, roads, trails, community and recreation areas and facilities and the like) which are devoted to the common use and enjoyment of all Members.

(b) Other Additions. Additional lands may be annexed to the Existing Property upon approval in writing of the Developer and of the Association, pursuant to the majority of votes of the Owners who are voting in person or by proxy at a regular meeting of the Association or at a meeting duly called for this purpose.

The additions authorized under subsections (a) and (b) shall be made by the recording of one or more duly executed and acknowledged Supplementary Declarations of covenants and restrictions with respect to the additional property or, with respect to areas or facilities devoted to the common use and enjoyment of all Members, by deed of conveyance to the Association. The covenants for assessments set forth in Article IV of this Declaration shall be deemed to include the maintenance, operation and improvement of that portion of such additional properties devoted to common use and enjoyment of all Members from and after the time such properties are thus added.

(c) Mergers. No merger or consolidation shall affect any revocation, change or addition to the covenants established by this Declaration within the existing property and in such event, the surviving or consolidated association may administer the covenants and restrictions established by this Declaration within the Existing Property together with the covenants and restrictions established upon any other properties as one scheme.

ARTICLE III

COMMON AREA

Section 1. Obligations of the Association. The Association, subject to the rights of the Owners set forth in this Declaration, shall be responsible for the exclusive management and control of the Common Area and all improvements thereon (including furnishings and equipment related thereto), and shall keep the same in good, clean, attractive and sanitary condition, order and repair.

Section 2. Owners' and Members' Rights of Enjoyment. Subject to the provisions hereof, every Owner shall have a right of enjoyment in and to the Common Area which shall be appurtenant to and shall pass with the title to every Lot, and every Member shall have a right of enjoyment in the Common Area.

Section 3. Extent of Owners' and Members' Easements. The Owners' and Members' easements of enjoyment created hereby shall be subject to the following:

(a) the right of the Association to establish reasonable rules and to charge reasonable admission and other fees for the use of the Common Area by guests of Owners and Members.

(b) the right of the Association to suspend the right of an Owner to use any portion of its facilities for any period during which any assessment against his Lot remains unpaid for more than thirty (30) days after notice; the right of the Association to suspend the right of a Member or Owner to use any portions of its facilities for a period not to exceed sixty (60) days for any other infraction of this Declaration or the Books of Resolutions which remains uncorrected after the last day of a period established for correction by the Association, such period to be stated in a notice to the Member or Owner together with a statement of the infraction complained of and the manner of its correction.

(c) the right of the Association to mortgage any or all of the facilities constructed on the Common Area for the purposes of improvements or repair to Association land or facilities.

(d) the right of the Association to dedicate or transfer all or any part of the Common Area to any public agency, authority or utility for such purposes and subject to such conditions as may be desired by the Association.

Section 4. Delegation of Use. Any Member may delegate his right of enjoyment to the Common Area and facilities to the members of his family and to his guests subject to such general regulations as may be established from time to time by the Association, and included within the Books of Resolutions.

Section 5. Damage or Destruction of Common Area by Owner. In the event any Common Area is damaged or destroyed by an Owner or his tenants or any of their guests, licensees, agents or members of their families, the Owner does hereby authorize the Association to repair such damaged area. The Association shall repair said damaged area in a good workmanlike manner in conformance with the original plans and specifications of the area involved, or as the area may have been modified or altered subsequently by the Association in the discretion of the Association. The costs of such repairs shall become a Special Assessment upon the Lot of such Owner.

Section 6. Title to Common Area. The Developer may retain the legal title to the Common Area or portion thereof until such time as it has completed improvements thereon, but notwithstanding any provision herein, the Developer hereby covenants that it shall convey the Common Area to the Association, free and clear of all liens and financial encumbrances, not later than two years from the date such Common Area or portion thereof is subjected to this Declaration. 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 subjected to this Declaration, except that prior to such conveyance the Association shall be liable for payment of taxes, insurance and maintenance costs with respect thereto.

2 YEAR RULE
- 5 -

ARTICLE IV

COVENANT FOR MAINTENANCE ASSESSMENTS

Section 1. Creation of the Lien and Personal Obligation of Assessments. The Developer hereby covenants, and each Owner of any Lot by acceptance of a deed thereto, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the Association the following: (1) annual general assessments or charges, (2) special assessments for capital improvements, (3) annual or special assessments or charges, such assessments to be established and collected as hereinafter provided, and (4) special assessments provided for in Article IV Section 5 and Article VII Section 2 hereof.

All such assessments, together with interest thereon and costs of collection thereof as hereinafter provided, shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made. Each such assessment, together with interest thereon and costs of collection thereof, shall also be the personal obligation of the person who was the Owner of such property at the time when the assessment fell due. No Owner may waive or otherwise avoid liability for the assessments provided herein by nonuse of the Common Area or abandonment of his Lot.

Section 2. General Assessment.

(a) Purpose of Assessment. The general assessment levied by the Association shall be used exclusively to promote the recreation, health, safety, and welfare of the residents of the Properties, to enhance the environment, and, in particular for the improvement, maintenance and operation of the Common Area and facilities together with such Areas and facilities as may from time to time be designated as future Common Areas.

(b) Basis for Assessment.

(1) Lots. Each lot upon which there has been erected a living unit which is certified for occupancy by James City County shall be assessed at a uniform rate. All other lots which have been conveyed to an Owner other than the Developer shall be assessed at a uniform rate not to exceed one hundred (100) percent of the rate for lots upon which there are living units certified for occupancy.

(2) Developer-owned Property. The Developer shall not be obligated to pay an annual assessment on lots it owns upon which no living unit certified for occupancy has been erected.

(c) Maximum Annual Assessment.

(1) Until January 1, 1976 the maximum annual general assessment shall not exceed \$300.00 per lot on which there has been erected a living unit certified for occupancy.

(2) From and after January 1st of the third year immediately following the commencement of assessments, the Board of Directors may each year increase the maximum annual assessment rate, to become effective the first day of the next fiscal year.

(3) From and after January 1st of the third year immediately following the commencement of assessments, the assessment basis and/or the maximum annual general assessment may be changed by a vote of the Developer and two-thirds majority of the votes of the Owners who are voting in person or by proxy at a meeting duly called for this purpose.

(d) Method of Assessment. By a vote of a majority of the members of the Board of Directors, the amount of the annual assessments shall be fixed in the manner set forth above, which amount shall be sufficient to meet the obligations imposed by this Declaration and all other obligations created or assumed by the Association with respect to the Properties; provided, however, that such amount shall not exceed the maximum permissible assessment provided above. The Board of Directors shall set the date(s) such amounts shall become due.

Section 3. Parcel Assessments.

(a) Purpose of Assessment. Parcel assessments shall be used for such purposes as are authorized by the Supplementary Declaration for the given Parcel.

(b) Method of Assessment. The assessment shall be levied by the Association against Lots in a Parcel, using the basis set forth in the Supplementary Declaration for the given Parcel, and collected and disbursed by the Association. By a vote of two-thirds of the directors, the Board shall fix the annual parcel assessment for each Parcel, and date(s) such assessments become due.

Section 4. Special Assessment for Capital Improvement. In addition to the annual assessments authorized above, the Association may levy in any assessment year a special assessment applicable to that year and not more than the next five years for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair, or replacement of a capital improvement upon the Common Area, including equipment, fixtures and personal property related thereto, provided that any such assessment shall have the assent of the Developer and of a majority of the votes of the Owners who are voting in person or by proxy at a special meeting duly called for that purpose.

Section 5. Special Parcel Assessment for Capital Improvement. In addition to the annual assessments authorized above, the Association may levy in any assessment year, for that year and not more than the next five succeeding years, a special assessment against the Lots of the Parcels for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair or replacement of a capital improvement upon the Parcel for the use and benefit of the Owners of Lots in such Parcel, including fixtures and personal property related thereto, provided that any such assessment shall have the assent of the Developer and a majority of the votes of the Owners of Lots in the Parcel who are voting in person or by proxy at a meeting duly called for this purpose.

Section 6. Date of Commencement of Annual Assessments. The annual assessments provided for herein shall commence with respect to any lot or living unit within a Parcel on the first day of the month following conveyance

of the first Lot in the Parcel to an Owner who is not the Developer. The initial annual assessment on any Lot or Living Unit shall be adjusted according to the number of whole months remaining in the fiscal year.

Section 7. Effect of Nonpayment of Assessments; Remedies of Association. Any assessment not paid within thirty (30) days after the due date may upon resolution of the Board of Directors, bear interest from the due date at the maximum contract interest rate provided by law. The lien of the assessments provided for herein, whether or not notice has been placed of record as hereinafter provided, may be foreclosed by a bill in equity in the same manner as provided for the foreclosure of mortgages, vendor's liens, and liens of similar nature. A statement from the Association showing the balance due on any assessment shall be prima facie proof of the current assessment balance and delinquency, if any, due on a particular Lot. The Association may bring an action at law against any Owner personally obligated to pay the same, either in the first instance or for deficiency following foreclosure, and interest and costs of any such action (including reasonable attorney's fees) shall be added to the amount of such assessment.

Section 8. Lien for Payment of Assessments and Subordination of Lien to First and Second Mortgages. There shall be a continuing lien upon each of the individual Lots herein, in order to secure the payment of any of the assessments provided under this Declaration, but such lien shall be at all times subject and subordinate to any first or second mortgages or deeds of trust placed on the property at any time; except that, at such time as the Association places to record a notice of delinquency as to any particular Lot at such place as instruments of conveyance and liens are recorded for such Lot on a form prescribed by the Board of Directors, then, from time of recordation of said notice the lien of such delinquent assessments in the amount stated in such notice shall from that time become a lien prior to any first or second mortgages or deeds of trust placed of record subsequent to the date of said notice in the same manner as the lien of a docketed judgment in the State of Virginia. Sale or transfer of any Lot shall not affect any lien provided for hereunder.

Section 9. Exempt Property. The following property subject to this Declaration shall be exempted from the assessments, charge and lien created herein: (1) all properties dedicated and accepted by a public authority and devoted to public use; (2) all Common Areas; (3) all properties exempted from taxation by state or local governments upon the terms and to the extent of such legal exemption.

Section 10. Annual Budget. The Board shall adopt an annual budget for the subsequent fiscal year, which shall provide for allocation of expenses in such a manner that the obligations imposed by the Declaration and all Supplementary Declarations will be met.

ARTICLE V

ARCHITECTURAL CONTROL

Section 1. The Environmental Preservation Board. An Environmental Preservation Board (hereinafter called "EPB") consisting of three or more persons shall be appointed by the Developer. At such time as the Developer's membership expires, the EPB shall be appointed by the Board of Directors.

Section 2. Purpose. In accordance with the provisions of the Kingsmill Master Plan, the EPB shall regulate the external design, appearance, use, location, and maintenance of the Properties and of improvements thereon in such a manner so as to preserve and enhance values, to maintain a harmonious relationship among structures and the natural vegetation and topography, and to conserve existing natural amenities, ecologically sensitive areas and important historic elements.

Section 3. Conditions. No improvements, alterations, repairs, change of paint colors, excavations, changes in grade or other work which in any way alters the exterior of any property or the improvements located thereon from its natural or improved state existing on the date such property was first conveyed in fee by the Developer to an Owner shall be made or done without the prior approval of the EPB, except as otherwise expressly provided in this Declaration. No building, fence, wall, residence, or other structure shall be commenced, erected, improved, altered, made, or done without the prior written approval of the EPB.

Section 4. Procedures. In the event the EPB fails to approve, modify or disapprove in writing an application within thirty (30) days after plans and specifications have been submitted in writing to it, in accordance with adopted procedures, approval will be deemed granted. The applicant may appeal an adverse EPB decision to the Board of Directors, who may reverse or modify such decision by a two-thirds (2/3) vote of the directors.

ARTICLE VI

USE OF PROPERTY

Section 1. Protective Covenants.

(a) General Restrictions. All lots within the Properties shall be developed and maintained in accordance with the Kingsmill Master Plan, which sets forth policies restricting construction on slopes greater than twenty (20) percent, cutting of trees and vegetation, construction within seventy-five (75) feet of the James River Bluffs, river, stream and marsh crossings, height of structures, siltation and erosion, and provides for regulation of same by the EPB.

(b) Other Restrictions. All Lots within the Properties shall be subject to the standards established by the EPB.

(1) regarding design, minimum side yard and set back, streets, parking and service areas, lighting, signs, special landscape treatment;

(2) to implement the purposes of the Kingsmill Master Plan and of Article V, Section 2 and Section 4 of this Article;

(3) to interpret the covenants in this section, including but not limited to rules to regulate animals, antennas, storage and use of recreational vehicles, storage and use of machinery, use of outdoor drying lines, trash containers, planting, maintenance and removal of vegetation.

Upon or before conveyance of the first Lot in any Parcel, the EPB shall adopt the general rules and standards appropriate to that Parcel. Such general rules may be amended by a two-thirds (2/3) vote of the EPB, following a public hearing, for which due notice has been provided, and pursuant to an affirmative vote of two-thirds (2/3) of the Board of Directors. All such general rules and any subsequent amendments thereto shall be placed in the Book of Resolutions.

(c) Residential Use. All property designated for residential use shall be used, improved and devoted exclusively to residential use. Nothing herein shall be deemed to prevent the owner from leasing a Living Unit to a single family, subject to all of the provisions of the Declaration. As used herein the term "single family" is defined to include only persons related by blood or lawful marriage.

(d) Restriction on Further Subdivision. No Lot shall be further subdivided or separated into smaller lots by any Owner other than the Developer without the written consent of Developer, and no portion less than all of any such Lot, shall be conveyed or transferred by an Owner other than the Developer provided, however, that this shall not prohibit deeds of correction, deeds to resolve boundary line disputes, and similar corrective instruments.

(e) Nuisances. No nuisance shall be permitted to exist or operate upon any property so as to be detrimental to any other property in the vicinity thereof or to its occupants.

(f) Exceptions. The EPB may issue temporary permits to except any prohibitions expressed or implied by this section, provided the Board acts in accordance with adopted guidelines and procedures and can show good cause.

Section 2. Maintenance of Property. Each Owner shall keep all Lots owned by him, and all improvements therein or thereon free of debris and in good order and repair, including, but not limited to the seeding, watering and mowing of all lawns, the pruning and cutting of all trees and shrubbery and the painting (or other appropriate external care) of all buildings and other improvements, all in a manner and with such frequency as is consistent with good property management and so as not to detract from the overall beauty, of the Properties and health and safety of Kingsmill residents. In the event an Owner of any Lot shall fail to maintain the premises and the improvements situated thereon as provided herein, the Association, after notice to the Owner as provided in the Bylaws shall have the right to enter upon said Lot to correct any violation of this section stated in such notice. All costs related to such correction, repair or restoration may become a Special Assessment upon such Lot in the discretion of the Board of Directors, which shall notify the Owner of such Lot in writing in the event of the imposition of any such special assessment by the Board.

Section 3. Utility and Drainage Easements. The Developer reserves unto itself, its successors and assigns, a perpetual, alienable easement and right of way

(i) to construct, maintain, inspect, replace and repair electric and telephone poles, wires, cables, conduits, sewers, pipes, water mains, other suitable equipment and facilities for the conveyance of water, sewer, gas, telephone, electricity, television, cable, communications or other

utilities or public conveniences on, over and under the rear ten (10) feet of each Lot and such other areas as may be designated for such purposes on appropriate recorded plats of subdivision, and

(ii) for storm and surface water drainage, including the right to construct, maintain, inspect, replace and repair pipes, ditches, culverts and other suitable facilities for the disposition of storm and surface water drainage, on, over and under the rear ten (10) feet of each Lot and five (5) feet along both sides of each Lot, and such other areas as may be designated for such purposes on appropriate recorded plats of subdivision. The easements provided in this Section 3(i) and (ii) shall include the right of ingress and egress thereto, and the right to cut any trees, brush and shrubbery, make any grading of soil, and take other similar action reasonably necessary to provide economical and safe utility installation and drainage facilities. The rights herein reserved may be exercised by any licensee of the Developer, but shall not be deemed to impose any obligation upon the Developer to provide or maintain any utility or drainage services.

Section 4. Landscape Protection Zones and Scenic Easements. It is the intent of the Developer to establish Landscape Protection Zones to be designated on plats hereafter filed for record in the office of the Clerk of James City County. The EPB shall establish restrictions for use of areas so designated, and scenic easements in order to protect natural streams and water supplies, to maintain and enhance the conservation of natural and scenic resources, to promote the conservation of soils, wetlands, beaches, tidal marshlands, wildlife, game and migratory birds, enhance the value of abutting and neighboring forests, wildlife preserves, natural reservations or sanctuaries or other open areas and open spaces, and to afford and enhance recreation opportunities, preserve historical sites, and implement generally the Kingsmill Master Plan for development. The Developer hereby reserves the right of access upon such designated areas for the establishment and maintenance of improvements thereto.

Section 5. Historic Artifacts. The Developer hereby retains ownership rights to any historical artifacts discovered on or in any portion of the Properties. In the event such artifacts are discovered, before such artifacts shall be disturbed or removed notice shall be given to the Developer, and the Owner shall cooperate fully with the Developer to allow such artifacts to be removed.

ARTICLE VII

GENERAL PROVISIONS

Section 1. Duration. The covenants and restrictions of this Declaration shall run with and bind the land for a term of thirty-five (35) years from the date this Declaration is recorded.

Section 2. This Declaration may be amended at any time by an instrument of record after the written consent thereto by not less than seventy-five percent (75%) of the Owners and the Developer shall have been obtained.

Section 3. Enforcement. The Association, any Owner or the Developer shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or

hereafter imposed by the provisions of this Declaration and of Supplementary Declarations. Failure to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 4. Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.

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.

Section 6. Release of Negative Reciprocal Easements. All Owners acknowledge that the Developer owns real estate in James City County and York County, Virginia, which may in some areas be contiguous to the Properties and may be shown on the Master Plan. No real estate shall be included within the scheme of this Declaration, however, except the Properties and any additional properties added pursuant to Article II, Section 2 hereof as and when such properties are added. Each Owner, by his acceptance of this Declaration or the deed to his Lot, waives any right and interest he may have (i) in and to real estate not covered by this Declaration and (ii) to the enforcement of all or any portion of this Declaration, any Supplemental Declaration, and the Book of Resolutions against any such real estate.

IN WITNESS WHEREOF, Busch Properties, Inc. has caused its name to be signed and its corporate seal to be affixed and attested by its duly authorized officers, all as of the day and year first above written.

BUSCH PROPERTIES, INC.

AMENDMENT TO
DECLARATION OF COVENANTS AND RESTRICTIONS

THIS AMENDMENT dated the 20th day of November, 1973, by the undersigned.

WITNESSETH:

WHEREAS, by Declaration dated September 18, 1973 (the "Declaration"), as recorded in Deed Book 147, Page 642 in the Office of the Clerk of the Circuit Court of Williamsburg and the County of James City, Busch Properties, Inc., a Delaware Corporation, subjected certain real property in James City County, Virginia, as described in Exhibit A of the Declaration, to the covenants, restrictions, easements, charges and liens set forth therein;

WHEREAS, under Section 2 of Article VII of the Declaration, the Declaration may be amended at any time by an instrument of record after written consent thereto by not less than seventy-five percent (75%) of the Owners and the Developer shall have been obtained;

WHEREAS, there are no "Owners" as defined in Section 10 of Article I of the Declaration as of the date of this Amendment;

WHEREAS, the undersigned is the "Developer" according to Section 3 of Article I of the Declaration; and

WHEREAS, the undersigned desires to amend the Declaration.

NOW, THEREFORE, the Declaration is hereby amended as hereinafter provided:

1. There shall be added to Article I (Definitions) a Section 17 which shall provide:

"Limited Common Area" shall mean and 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 the common use and enjoyment of those Members with respect to Living Units located within the Parcel to which the use of said Limited Common Area is restricted, in accordance with the terms of the Supplementary Declaration applicable to that Parcel.

The term Limited Common Area shall refer both to areas which are restricted to all Members located within a single Parcel, and to areas restricted to the use of less than all of the Members located within a single Parcel.

2. There shall be added to Article III (Common Area) Sections 7 through 13, which shall provide:

Section 7. Obligations of the Association.

The Association, subject to the rights of the Owners set forth in the Declaration as it may be amended from time to time, any Supplementary Declaration which may be applicable, or any deed, shall be responsible for the exclusive management and control of the Limited Common Areas and all improvements thereon (including furnishings and equipment related thereto), and shall keep the same in good, clean, attractive and sanitary condition, order and repair.

Section 8. Owners' and Members' Rights of Enjoyment.

Subject to the provisions hereof, every Owner who is entitled to the use of a Limited Common Area shall have a right of enjoyment in and to the Limited Common Area which shall be appurtenant to and shall pass with the title to every Lot, and every Member who is entitled to the use of a Limited Common Area shall have a right to enjoyment in the Limited Common Area.

Section 9. Extent of Owners' and Members' Easements.

The Owners' and Members' easements of enjoyment created hereby shall be subject to the following:

(a) The right of the Association to establish reasonable rules and to charge reasonable admission and other fees for the use of the Limited Common Area by guests of Owners and Members.

(b) The right of the Association to suspend the right of an owner to use any portion of its facilities for any period during which any assessment against his Lot remains unpaid for more than thirty (30) days after notice; the right of the Association to suspend the right of a Member or Owner to use any portions of its facilities for a period not to exceed sixty (60) days for any other infraction of this Declaration or the Books of Resolutions which remains uncorrected after the last day of a period established for correction by the Association, such period to be stated in a notice to the Member or Owner together with a statement of the infraction complained of and the manner of its correction.

(c) The right of the Association to mortgage any or all of the facilities constructed on the Limited Common Area for the purposes of improvements or repair to Association land or facilities.

(d) The right of the Association to dedicate or transfer all or any part of the Limited Common Area to any public agency, authority or utility for such purposes and subject to such conditions as may be desired by the Association.

Section 10. Delegation of Use.

Any Member may delegate his right of enjoyment to the Limited Common Area and facilities to the members of his family and to his guests subject to such general regulations as may be established from time to time by the Association, and included within the Books of Resolutions.

Section 11. Damage or Destruction of Limited Common Area by Owner.

In the event any Limited Common Area is damaged or destroyed by an Owner or his tenants or any of their guests, licensees, agents or members of their families, the Owner does hereby authorize the Association to repair such damaged area. The Association shall repair said damaged area in a good workmanlike manner in conformance with the original plans and specifications of the area involved, or as the area may have been modified or altered subsequently by the Association in the discretion of the Association. The costs of such repairs shall become a Special Assessment upon the Lot of such Owner.

Section 12. Title to Limited Common Area.

The Developer may retain the legal title to the Limited Common Area or portion thereof until such time as it has completed improvements thereon, but notwithstanding any provision herein, the Developer hereby covenants that it shall convey the Limited Common Area to the Association, free and clear of all liens and financial encumbrances, but subject to any licenses for use which may have been reserved, not later than two years from the date such Limited Common Area or portion thereof is subjected to this Declaration. Members and Owners shall have all the rights and obligations imposed by the Declaration with respect to portions of the Limited Common Area from and after the time such portions of the Limited Common Area are subjected to this Declaration, except that prior to such conveyance the Association shall be liable for payment of taxes, insurance and maintenance costs with respect thereto.

Section 13. Assessments with respect to Limited Common Areas.

Each Owner of any Lot, by acceptance of a deed thereto, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the Association such assessments as shall be levied with respect to Limited Common Areas applicable to the Parcel wherein such Owner's Lot is located.

Such assessments shall be those established in accordance with Sections 3 and 5 of Article IV thereof, and Section 2 of Article VII hereof.

Assessments with respect to Limited Common Areas shall be limited to those Owners located within the Parcel to which such Limited Common Areas are applicable, in accordance with the terms of the Supplementary Declaration applicable to that Parcel.

3. The last sentence of Section 1 of Article IV is hereby amended to read:

No Owner may waive or otherwise avoid liability for the assessments provided herein by nonuse of the Limited Common Area or Common Area, or abandonment of his Lot.

4. Section 9 of Article IV is hereby amended to read:

Exempt Property.

The following property subject to this Declaration shall be exempted from the assessments, charge and lien created herein:

(1) all properties dedicated and accepted by a public authority and devoted to public use; (2) all Common Areas; (3) all Limited Common Areas; (4) all properties exempted from taxation by state or local governments upon the terms and to the extent of such legal exemption.

IN WITNESS WHEREOF, Busch Properties, Inc. has caused its name to be signed and its corporate seal to be affixed and attested by its duly authorized officers, all as of the day and year first above written.

BUSCH PROPERTIES, INC.

AMENDMENT TO DECLARATION OF
COVENANTS AND RESTRICTIONS

THIS AMENDMENT, dated the 1st day of April, 1976,
by the undersigned.

W I T N E S S E T H :

WHEREAS, by Declaration dated September 18, 1973 (the
"Declaration"), as recorded in Deed Book 147, page 642 in the
Office of the Clerk of the Circuit Court of Williamsburg and the
County of James City, Busch Properties, Inc., a Delaware corpora-
tion, subjected certain real property in James City County, Vir-
ginia, as described in Exhibit A of the Declaration, to the
covenants, restrictions, easements, changes and liens set forth
therein;

WHEREAS, pursuant to the Declarations, the Developer was
empowered to establish parcels (as therein defined) by supple-
mental Declaration and to subject such parcels to complementary
covenants, restrictions, easements, changes, and liens;

WHEREAS, under Section 2 of Article VII of the Declaration,
the Declaration may be amended at any time by an instrument of
record after the written consent thereto by not less than
seventy-five percent (75%) of the Owners and the Developer shall
have been obtained;

WHEREAS, seventy-five percent (75%) of the Owners have
given their consent to the hereinafter amendment;

WHEREAS, the undersigned is the "Developer" according
to Section 3 of Article I of the Declaration; and

WHEREAS, the undersigned desires to amend the Declaration.

NOW, THEREFORE, the Declaration is hereby amended as
hereinafter provided:

1. Article IV is hereby amended by adding a new Section
3 and renumbering present Sections 3 through 10 to reflect the
addition of a new Section 3.

2. New Section 3 shall read as follows:

Section 3. Special Pre-closing Assessment.

- A) The Board of Directors may by a majority vote establish a Special Pre-closing Assessment to be collected at settlement from each purchaser of a Lot from the developer. *or an owner.*
- B) This Special Pre-closing Assessment established pursuant to this Section 3 shall be in addition to, and not in lieu of, any other assessment established pursuant to the other sections of Article IV.

IN WITNESS WHEREOF, Busch Properties, Inc., has caused its name to be signed and its corporate seal to be affixed and attested by its duly authorized officers, all as of the day and year first above written.

BUSCH PROPERTIES, INC.

By *[Signature]*
Walter E. Diggs, Jr., President

ATTEST:

[Signature]
Secretary

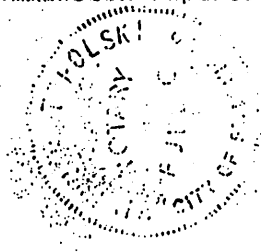
STATE OF MISSOURI

CITY OF ST. LOUIS, to-wit:

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that Walter E. Diggs, Jr. and John L. Hayward whose names as President and Secretary, respectively, of Busch Properties, Incorporated, are signed to the foregoing Amendment to Declaration of Covenants and Restrictions dated as of April 24, 1976 and each have acknowledged the same before me in my jurisdiction aforesaid.

Given under my hand and seal this 24 day of April, 1976

My commission expires: February 28, 1977



[Signature]
Notary Public

AMENDMENT TO DECLARATION OF
COVENANTS AND RESTRICTIONS

THIS AMENDMENT, dated the 1st day of May, 1981, by the undersigned.

W I T N E S S E T H :

WHEREAS, by Declaration dated September 18, 1973 (the "Declaration"), as recorded in Deed Book 147, page 642, in the Office of the Clerk of the Circuit Court of Williamsburg and the County of James City, Busch Properties, Inc., a Delaware corporation, subjected certain real property in James City County, Virginia, as described in Exhibit A of the Declaration, to the covenants, restrictions, easements, changes and liens set forth therein;

WHEREAS, Article IV of the Declaration of Covenants and Restrictions was amended by instrument dated April 1, 1976, and recorded in Deed Book 168, page 91, in the Office of the Clerk of the Circuit Court of Williamsburg and the County of James City;

WHEREAS, pursuant to the Declarations, the Developer was empowered to establish parcels (as therein defined) by supplemental Declaration and to subject such parcels to complementary covenants, restrictions, easements, changes, and liens;

WHEREAS, under Section 2 of Article VII of the Declaration, the Declaration may be amended at any time by an instrument of record after the written consent thereto by not less than seventy-five percent (75%) of the Owners and the Developer shall have been obtained;

WHEREAS, seventy-five percent (75%) of the Owners have given their written consent to the hereinafter amendment;

WHEREAS, the undersigned is the "Developer" according to Section 3 of Article I of the Declaration; and

WHEREAS, the undersigned desires to amend the Declaration.

NOW, THEREFORE, the Declaration is hereby amended as hereinafter provided:

1. Article IV, Section 3, is amended to read as follows:

Section 3. Special Pre-closing Assessment.

- A) The Board of Directors may by a majority vote establish a Special Pre-closing Assessment to be collected at settlement from each purchaser of a Lot from the developer or an owner.
- B) This Special Pre-closing Assessment established pursuant to this Section 3 shall be in addition to, and not in lieu of, any other assessment established pursuant to the other sections of Article IV.

IN WITNESS WHEREOF, Busch Properties, Inc., has caused its name to be signed and its corporate seal to be affixed and attested by its duly authorized officers, all as of the day and year first above written.

BUSCH PROPERTIES, INC.

By Harry D. Knight
Harry D. Knight, Vice President

Attest:

James R. Geiger
Assistant Secretary

STATE OF VIRGINIA

COUNTY OF JAMES CITY, to-wit:

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that Harry D. Knight and James R. Geiger whose names as Vice President and Assistant Secretary, respectively, of Busch Properties, Inc., are signed to the foregoing Amendment to Declaration of Covenants and Restrictions dated as of May 1, 1981, and each have acknowledged the same before me in my jurisdiction aforesaid.

Given under my hand and seal this 7 day of MAY, 1981.

My Commission expires: 7/26/83

David H. O'Leary
Notary Public

VIRGINIA: City of Williamsburg and County of James City
to-wit:

In the Clerk's Office of the Court of the City
of Williamsburg and County of James City this 1st
day of May, 1981, Amend
presented with the certificate attached and related to Restrict. Covenants
record at 1:36 o'clock P.M.

Teste: Fred M. Flannery, Clerk

By: Fred M. Flannery
Deputy Clerk

AMENDMENT TO

DECLARATION OF COVENANTS AND RESTRICTIONS

THIS AMENDMENT dated the 1st day of May, 1981, by the undersigned.

WITNESSETH:

WHEREAS, by Declaration dated September 18, 1973 (The "Declaration"), as recorded in Deed Book 147, page 642, in the Office of the Clerk of the Circuit Court of Williamsburg and the County of James City, Busch Properties, Inc., a Delaware corporation, subjected certain real property in James City County, Virginia, as described in Exhibit A of the Declaration, to the covenants, restrictions, easements, changes and liens set forth therein;

WHEREAS, Article IV of the Declaration of Covenants and Restrictions was amended by instrument dated April 1, 1976, and recorded in Deed Book 168, page 91, in the Office of the Clerk of the Circuit Court of Williamsburg and the County of James City;

WHEREAS, pursuant to the Declarations, the Developer was empowered to establish parcels (as therein defined) by supplemental Declaration and to subject such parcels to complementary covenants, restrictions, easements, changes, and liens;

WHEREAS, under Section 2 of Article VII of the Declaration, the Declaration may be amended at any time by an instrument of record after the written consent thereto by not less than seventy-five percent (75%) of the Owners and the Developer shall have been obtained;

WHEREAS, seventy-five percent (75%) of the Owners have given their written consent to the hereinafter amendment;

WHEREAS, the undersigned is the "Developer" according to Section 3 of Article I of the Declaration; and

WHEREAS, the undersigned desires to amend the Declaration.

NOW, THEREFORE, the Declaration is hereby amended as hereinafter provided:

1. Article IV, Section 3, is amended to read as follows:

Section 3. Special Pre-closing Assessment.

- A) The Board of Directors may by a majority vote establish a Special Pre-closing Assessment to be collected at settlement from each purchaser of a Lot from the developer or an owner.
- B) This Special Pre-closing Assessment established pursuant to this Section 3 shall be in addition to, and not in lieu of, any other assessment established pursuant to the other sections of Article IV.

IN WITNESS WHEREOF, Busch Properties, Inc., has caused its name to be signed and its corporate seal to be affixed and attested by its duly authorized officers, all as of the day and year first above written.

BUSCH PROPERTIES, INC.

**AMENDMENT TO
DECLARATION OF COVENANTS AND RESTRICTIONS**

THIS AMENDMENT to DECLARATION OF COVENANTS AND RESTRICTIONS (this "Amendment") is made this 28th day of October, 2004 by KINGSMILL COMMUNITY SERVICES ASSOCIATION, a Virginia nonstock corporation (the "Association"), and BUSCH PROPERTIES, INC., a Delaware corporation (the "Developer"), both Association and Developer to be indexed as "Grantor" and "Grantee."

WITNESSETH:

WHEREAS, by Declaration of Covenants and Restrictions (the "Declaration") dated September 18, 1973, recorded in Deed Book 147, Page 642 in the Clerk's Office of the Circuit Court of the City of Williamsburg and the County of James City, Virginia (the "Clerk's Office"), Developer declared certain real property in James City County, Virginia, as described in Exhibit A to the Declaration subject to the covenants, restrictions, easements, charges and liens set forth therein; and

WHEREAS, the Declaration, as amended by amendments of record in the Clerk's Office, shall hereinafter be collectively referred to as the "Declaration"; and

WHEREAS, under Section 2 of Article VII of the Declaration, the Declaration may be amended at any time by an instrument of record after the written consent thereto by not less than seventy-five percent (75%) of the Owners and the consent of the Developer shall have been obtained; and

WHEREAS, the Association and the Developer have determined it is in the best interests of the Association to adopt the hereinafter set forth amendments, and seventy-five percent (75%) or more of the Owners have given their consent to the hereinafter set forth amendments; and

WHEREAS, pursuant to Section 55-515.1.F of the Code of Virginia, 1950, as amended, this Amendment shall become effective when the Amendment is duly recorded in the Clerk's Office.

NOW, THEREFORE, the Declaration is hereby amended as follows:

1. Section 1 of Article VII of the Declaration is hereby amended by adding the following as the last sentence thereto:

Prepared By and
Upon Recording Return to:
Kaufman & Canoles
4801 Courthouse Street, Suite 300
Williamsburg, Virginia 23188

After the initial term of thirty-five (35) years, the covenants and restrictions of this Declaration shall thereafter be automatically extended for successive periods of twenty-five (25) years each unless this Declaration is sooner terminated by a recorded amendment to this Declaration adopted pursuant to the amendment provisions of this Declaration.

2. Section 2 of Article VII of the Declaration is hereby amended by deleting such Section and substituting the following in lieu thereof:

This Declaration may be amended at any time by an instrument of record after the written consent thereto by not less than two-thirds (2/3) of the Owners and the Developer shall have been obtained.

IN WITNESS WHEREOF, the Developer and the Association have caused this Amendment to be signed by their respective authorized representatives as of the date first written above.

BUSCH PROPERTIES, INC., a Delaware corporation

By: William B. Voliva, Jr. (SEAL)
William B. Voliva, Jr., Executive Vice President

COMMONWEALTH OF VIRGINIA
COUNTY OF JAMES CITY, to wit:

The foregoing instrument was acknowledged before me this 28th day of Oct., 2004 by William B. Voliva, Jr., Executive Vice President of Busch Properties, Inc., a Delaware corporation, on behalf of the corporation.

Nancy A. May
Notary Public

My Commission Expires: 1-31-08

[ADDITIONAL SIGNATURES APPEAR ON FOLLOWING PAGE.]

KINGSMILL COMMUNITY
SERVICES ASSOCIATION, a Virginia
nonstock corporation

By: William B. Voliva, Jr. (SEAL)
William B. Voliva, Jr., President

CERTIFICATION PURSUANT TO VIRGINIA CODE SECTION 55-515.1.F

COMMONWEALTH OF VIRGINIA
COUNTY OF JAMES CITY, to wit:

The foregoing instrument was acknowledged before me this 28th day of Oct., 2004 by William B. Voliva, Jr., President of Kingsmill Community Services Association, a Virginia nonstock corporation, on behalf of the corporation, who did state and certify that the requisite percentage of Owners of Lots have given their consent to and ratified such Amendment by signing a document evidencing their consent to such Amendment.

Nancy A. Ehly
Notary Public

My Commission Expires: 1-31-08

#50041362 v3 - kingsmill/declaration amendment/term extension

A COPY TESTE:
BETSY B. WOOLRIDGE, CLERK
City of Williamsburg and County
of James City, VA

BY: Claudia St. Aubert
Deputy Clerk

VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY
This document was admitted to record on 1 Nov 04
at 3:55 AM/PM. The taxes imposed by Virginia Code
Section 58.1-801, 58.1-802 & 58.1-814 have been paid.

STATE TAX	LOCAL TAX	ADDITIONAL TAX
\$ <u> </u>	\$ <u> </u>	\$ <u> </u>

TESTE: BETSY B. WOOLRIDGE, CLERK

BY: Betsy B. Woolridge Clerk

**AMENDMENT TO
DECLARATION OF COVENANTS AND RESTRICTIONS**

THIS AMENDMENT to DECLARATION OF COVENANTS AND RESTRICTIONS (this "Amendment") is made this 15th day of MAY, 2009 by **KINGSMILL COMMUNITY SERVICES ASSOCIATION**, a Virginia nonstock corporation (the "Association"), and **BUSCH PROPERTIES, INC.**, a Delaware corporation (the "Developer"), both Association and Developer to be indexed as "Grantor" and "Grantee."

WITNESSETH:

WHEREAS, by Declaration of Covenants and Restrictions dated September 18, 1973, recorded in Deed Book 147, Page 642 in the Clerk's Office of the Circuit Court of the City of Williamsburg and the County of James City, Virginia (the "Clerk's Office"), as amended and/or supplemented by instruments of record in the Clerk's Office (collectively, the "Declaration"), Developer declared certain real property in James City County, Virginia, as described in the Declaration subject to the covenants, restrictions, easements, charges, and liens set forth therein; and

WHEREAS, under Section 2 of Article VII of the Declaration, the Declaration may be amended at any time by an instrument of record after the written consent thereto by not less than two-thirds (2/3) of the Owners and the Developer shall have been obtained; and

WHEREAS, the Association and the Developer have determined it is in the best interests of the Association to adopt the hereinafter set forth amendment, and two-thirds (2/3) or more of the Owners and the Developer have given their written consent to the hereinafter set forth amendment; and

WHEREAS, pursuant to Section 55-515.1.F of the Code of Virginia, 1950, as amended, this Amendment shall become effective when the Amendment is duly recorded in the Clerk's Office.

NOW, THEREFORE, the Declaration is hereby amended as follows:

1. Section 1 of Article VI of the Declaration is hereby amended by adding a new subsection (g) thereto:
 - (g) No Lot or Living Unit, or any portion thereof, shall be used or occupied by non-Owners for transient or hotel purposes or in any event leased for an initial term of less than twelve (12) months. All leases must be for the entire Lot and Living Unit. No more than one lease may be entered into for the same Lot/Living Unit for the same term. Subleasing and/or assignment of leases is/are not permitted. No Lot or Living Unit, or portion thereof, shall be

Prepared By and Upon Recording Return to:
LeClairRyan
5388 Discovery Park Blvd., Third Floor
Williamsburg, Virginia 23188

subjected to or used for any timesharing, cooperative, licensing or similar arrangement that would entail daily, weekly, monthly or any other type of revolving or periodic occupancy by multiple Owners, occupants, cooperators, licensees, or timesharing participants. Every Owner shall cause the occupants of his or her Lot and Living Unit to comply with this Declaration, the Bylaws, the EPB Policies and Procedures and any rules and regulations of the Association. No Owner shall lease a Lot/Living Unit other than on a written form of Lease: (1) requiring the lessee to comply with the Declaration and the other rules and governing documents of the Association; (2) providing that the failure to comply with such documents shall constitute a material default under the lease; (3) providing for an initial, good faith, obligatory term of twelve (12) months or more; and (4) providing that subleases and/or assignments shall be prohibited.

The Association's Board of Directors shall have the right to adopt reasonable rules and regulations to facilitate the administration and enforcement of the provisions of this sub-paragraph, including but not limited to, requiring Owners who lease their Lots/Living Units to provide to the Association a completed tenant information form containing, without limitation, tenant name(s), tenant contact information and the term of lease, within five (5) days of entering into a lease of their Lot/Living Unit.

The foregoing restrictions shall not apply to those Living Units comprising condominium units located within the condominium regimes of Padgett's Ordinary Condominium, Pelham's Ordinary Condominium, and Conference Center Condominium; provided, however, that such Living Units shall continue to be subject to any use restrictions set forth in the respective condominium declarations and/or Supplemental Declarations applicable to such Living Units.

2. Except as modified by this Amendment, the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, the Developer and the Association have caused this Amendment to be signed by their respective authorized representatives as of the date first written above.

[SIGNATURES APPEAR ON THE FOLLOWING PAGES]

KINGSMILL COMMUNITY
SERVICES ASSOCIATION,
a Virginia nonstock corporation

By: Robin D. Carson (SEAL)
Name: Robin D. Carson
Title: President

CERTIFICATION PURSUANT TO VIRGINIA CODE SECTION 55-515.1.F

In my capacity as President of Kingsmill Community Services Association, I hereby certify that the requisite majority of Owners of Lots have approved this Amendment as evidenced by their signed written consents to, and ratifications of, this Amendment, which consents are on file with the Association.

By: Robin D. Carson (SEAL)
Name: Robin D. Carson
Title: President

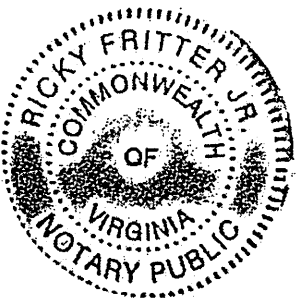
COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF James City, to-wit:

The foregoing instrument was acknowledged before me in Williamsburg, Virginia, this 15 day of May, 2009 by Robin D. Carson who is either ☒ personally known to me or ☐ who produced _____ as identification, as President of Kingsmill Community Services Association, a Virginia nonstock corporation, on its behalf.

[Signature]
Notary Public

My Commission Expires: 12-31-2012
Registration No.: 348603

#4542700v6



VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY
This document was admitted to record on 5-15-2009
at 2:20 PM/PM. The taxes imposed by Virginia Code
Section 58.1-801, 58.1-802 & 58.1-814 have been paid.
STATE TAX LOCAL TAX ADDITIONAL TAX

\$ _____ \$ _____ \$ _____

TESTE: BETSY B. WOOLRIDGE, CLERK

By: Betsy B. Woolridge Clerk

BUSCH PROPERTIES, INC.,
a Delaware corporation

By: Robin D. Carson (SEAL)
Name: Robin D. Carson
Title: Executive Vice President

COMMONWEALTH OF VIRGINIA
AT LARGE, to-wit:

The foregoing instrument was acknowledged before me in
Williamsburg, Virginia, this 15 day of May,
2009 by Robin D. Carson who is either ☒ personally known to me or ☐ who produced
as identification, as Executive Vice President of Busch
Properties, Inc., a Delaware corporation, on its behalf.

Dickie F. Furr
Notary Public

My Commission Expires: 12.31.2012
Registration No.: 348603





ENGINEERING AND RESOURCE PROTECTION REVIEW COMMENTS

Xanterra Kingsmill Rezoning Master Plan Amendment

COUNTY PLAN Z-003-13 / MP-001-13

August 5, 2013

General:

1. It is stated in the Community Impact Statement (CIS) that the natural and manmade components of the stormwater conveyance network will be evaluated for the various project areas during the development of the associated construction drawings. Be advised that the potential inability to honor the existing watersheds will necessitate an evaluation into the adequacy of the downstream network, including any existing BMP's. This will be necessary as these areas have never been considered previously for development, and runoff from many of these areas does not currently convey to the various components mentioned in the CIS. This will necessitate an overall evaluation into the integrity of the downstream network of conveyance channels and culverts. Current day conditions of these various components may require off-site improvements to the stormwater conveyance network that will be required to be included in the associated plan of development's construction documents.
2. Under subheading VII of the Community Impact Study, it is indicated that stormwater management will be provided via the existing Rhine River and Kingsmill Pond. **As the areas proposed for development are not known to have been part of any master plan previously**, and due to the age of the facility, a current bathymetric survey of the Kingsmill Pond may be necessary to analyze the adequacy of that facility to meet the stormwater quality requirements and for the inclusion of these areas in the basins watershed. Furthermore, as the Rhine River is not a Kingsmill facility, a shared Inspection and Maintenance agreement between Seaworld Parks and Entertainment and Kingsmill, as well as all necessary recorded drainage easements must be provided to the Engineering and Resource Protection Division prior to the issuance of any land disturbing permits for the proposed areas of development.
3. While the CIS speaks to the anticipated use of the various existing stormwater components for attenuation and water quality credit, there is little information pertaining to the areas of development that do not convey to these facilities. Be advised that all areas will be required to satisfy the provisions for stormwater quality and quantity at the time the development plans are provided for review.
4. While various limits of the Resource Protection Area (RPA) are presented in this application, the origin of these limits is unknown. Be advised that the existing delineation of these areas is considered illustrative and final delineations will be subject to current regulatory requirements. As such, the proposed masterplan layout may not be feasible in some areas without Chesapeake Bay Board (CBB) approval because this masterplan does not fall under the guidelines established in the *Chesapeake Bay Preservation Ordinance Transition – Amendments and Grandfathering/ Vesting Rules*, approved by the Board of Supervisors on November 25, 2003. In these instances, staff would not recommend approval to the CBB because other alternatives clearly exist. It is for this reason that staff recommends that the RPA be completely and accurately delineated at this time.

PLANNING DIVISION

MAY 05 2014

RECEIVED

159 Jefferson's Hundred
Williamsburg
VA 23185

May 5, 2014

To: Members of the Planning Board

I feel the need to write to you again, as it is evermore evident to me that Xanterra is now trying to accomplish it's goals by stealth by breaking it's proposals into small pieces so that each small piece does not appear to have much overall negative impact and thus might be approved.

The original Masterplan of Kingsmill envisaged a limited community of dwellings in a "Parklike" setting. This was accomplished and attracted many like myself to fill the approximately 2400 dwellings. Any proposed change should be supported, if and only if, it improves the lot of those residents. The proposals so far do nothing for the current residents but are designed solely to benefit Xanterra financially. As another example of their lack of concern for the residents was the construction of 4 "Cottages" on the river front, blocking out the view of both residents and hotel guests and with plans for 14 more. Apparently they didn't need Planning Board approval for this, so long as it was an expansion of the hotel facilities. The "investor" would share in rental income. Now that they cannot find any investor willing to put up \$850,000 or more, they want to sell them as homes but this needs Planning approval. They made the bad decision to build them. They should abide by the existing rules and rent them out as hotel space.

I understand the system of proffers to balance off any perceived extra cost of supporting more people in the community but if you allow more crowding in Kingsmill, it becomes less desirable to live here and prices go down for home sales. I have heard that there are 160 homes on the market at prices that are 20-30% below their peak. To be sure some of this was the housing bubble that collapsed in 2008 but current publicity of Xanterra's plans is keeping prices down. We do not get any proffers to offset possible losses.

Xanterra has already upset many residents by their changes to Club rules(one example: if you are not a Golf or Sports member, you can only use the resort restaurants if you pay \$70 a month for "Social" membership!). They even want us to sign away our rights to sue them, even in the event of negligence by their staff!

Your focus has been to evaluate their proposals which benefit them. Please consider the negative impact on the residents of all their current and future requests for approvals of new buildings and/or changed permissions for extant structures.

Yours Sincerely,



James D Adams

Jose Ribeiro

From: Kings-Mill United to Preserve Our Community Environment <gouldr@kingsmill-united.org>
Sent: Monday, May 05, 2014 5:01 PM
To: jcc-planning-and-development@esubscribe.jamescitycountyva.gov; Jose Ribeiro; JCC Board
Subject: Response to April 11, 2014 Letter of Attorney Ms. Elizabeth White
Attachments: 20140505_KMU Letter.pdf

TO: Board of Supervisors and Planning Commission James City County

SUBJECT: Response to April 11, 2014 Letter of Attorney Ms. Elizabeth White

Ladies and Gentlemen:

As President of Kings~Mill United, Kingsmill, community residents often reach out to our group with their concerns based on our objective of sharing information. Recently KCSA Attorney Liz White addressed a letter to the Board, which made many questionable statements. In addition, this letter was distributed Kingsmill community wide, which many interpreted as an intimidation tactic. We remain at a loss to understand why an attorney for KCSA would strongly and publicly support Xanterra without homeowner approval, consent or open formal action by the KCSA board

I have included a letter from one of the residents who researched the issues in great depth and has raised concerns about the full context and content of citations and references, KMU shares the basic concern about the disregard of the "south of the Country Road" stipulation and statements that the developer could include any land within the "Master Plan."

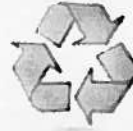
I trust you will give it the due attention and consider the points addressed with the understanding that these issues have produced community concern.

Sincerely,
Rubyjean Gould

--
Rubyjean Gould
President
Kings~Mill United, Inc.
Informed Citizenry, The Foundation of Democracy



KINGS~MILL UNITED



May 5, 2014

TO: Board of Supervisors and Planning Commission James City County

SUBJECT: Response to April 11, 2014 Letter of Attorney Ms. Elizabeth White

Ladies and Gentlemen:

As President of Kings~Mill United, Kingsmill community residents often reach out to me with their concerns. Recently KCSA Attorney Liz White addressed a letter to the Board, which made many questionable statements. In addition, this letter was distributed Kingsmill community wide, which many interpreted as an intimidation tactic. We remain at a loss to understand why an attorney for KCSA would strongly and publically support Xanterra without homeowner approval, consent or open formal action by the KCSA board.

We remain concerned with the lack of due diligence and frankly arrogance displayed by Xanterra.

I have included a letter from one of the residents here. I trust you will give it the due attention and consider many of the points addressed. Of particular concern is the disregard of the "south of the Country Road" stipulation and statements that the developer could include any land within the "Master Plan."

**Rubyjean Gould
President
Kings~Mill United**

Encl: as stated

RE: Response to April 11, 2014 Letter of Attorney Ms. Elizabeth White

Dear Mr. Johnson and Mr. Riberio:

This letter is in response to the April 11, 2014 letter submitted to members of the James City County (JCC) Planning Division by Attorney Ms. Elizabeth White. We believe there are a number of mischaracterizations and incorrect interpretations of the Kingsmill Master Declaration contained in the White letter that need to be corrected.

Furthermore, we believe the comments made by approximately two dozen residents in opposition to Xanterra's development plans are supported by the Kingsmill Master Declaration that was submitted that evening. The Master Declaration Document speaks for itself and is further supported by the attached narrative, which refutes a number of the interpretations contained in the White letter.

Initially, we must note that it is improper for the Kingsmill Community Service's Association (KCSA) Planned Development Committee to be using the homeowner's money to solicit legal opinions for which the developer, Xanterra, should be funding and providing to JCC staff. If any opinion is to be drafted by a KCSA attorney, it should be for the private use of the homeowners as they move forward in their decision making process, not for presentation to the JCC Planning Division. Ms. White states that she represents KCSA yet her letter clearly conveys the impression that she represents Xanterra since she attempts to undermine representations made by the nearly two dozen residents at the Planning Commission meeting. Ms. White chooses to selectively quote excerpts and omit others in a misleading manner that demands a response to correct the misimpressions set forth of the Kingsmill Master Declaration.

We encourage the reading of the entire Kingsmill Master Plan document. According to the Kingsmill Master Declaration of Covenants & Restrictions, Kingsmill on the James was planned to be a limited development with massive open spaces and massive recreational parcels for the homeowners to enjoy.

The purpose of this writing is to clarify the issues and illustrate Ms. White's points that are factual, correct and misrepresentations contained in the opinion letter.

First, Ms. White states, "The Declaration is contractual in nature and binds all owners of property subject to the Declaration as well as KCSA and the Developer." True, this is a binding contract between the owners, the Developer, and the KCSA and should be properly construed as such. .

Second, Ms. White alleges, "reliance on the introductory recital is misplaced." However, Ms. White's reasoning is wrong. The recital denotes the clear facts, statements, and intent of the drafter. More specifically, in the Kingsmill Master Declaration, the first recital sets forth who the owner of the real property is and designates the property as that "south of the Carter's Grove Country Road..." To discard or set aside these statements

would eliminate the meaning of the document and take away the identity of the parties and the property involved. It is well known and understood that agreements involving real property must identify the property and the parties involved.

Third, Ms. White relies on the "substantive contractual provisions of the Declaration as set forth in Article II of the Declaration that expressly authorizes the Developer (now Xanterra) to expand the Declaration and "annex" any of the land located and shown on a document referred to in the Declaration as the "Kingsmill Master Plan", including, without limitation the Country Road." Ms. White cites Article II, Section 2 (a) which addresses additional annexed property. However, there are stated limitations "...the properties, thus added shall include but not be limited to areas and facilities (including streets, roads, trails, community and recreation areas and facilities and the like) which are *devoted to the common use and enjoyment of all members*" [emphasis added]. The Kingsmill Master Declaration is clear.— **NO HOMES**. Unless all these homes that Xanterra wants to build on the Country road are for the recreational use *for the entire community* to enjoy as common areas. Ms. White also cites this section, however, she fails to give weight to the second half of the sentence, which emphasizes common use, and enjoyment of all members." Clearly, it is not Xanterra's intention to build homes in common areas for the free use and enjoyment by the community. If it is, please let us know and resubmit for the correct common area permit.

Fourth, Ms. White correctly cites Article II, Section 2(a), which allows for the conveyance of property intended to be devoted to the common use and enjoyment of KCSA Members, to support the right of the Developer to create additional Common Area land north of the interior boundary of the Country Road. The RV/Boat storage area is recreation/common storage area per section 2(a). That is why it is deeded specifically for common use on the country road property.

Fifth, Ms. White relies on the "prior consent of a majority or more of the elected KCSA directors" as justification for not needing a 66% member voter approval. Clearly, this is wrong. Article II, Section 2(b) explicitly states that annexed homes need 66% member voter approval, "Additional lands may be annexed...upon approval...of the developer and of the Association, pursuant to a majority [originally 75% then amended to 66% as found in the supplemental declaration] of votes of the owners..."

Clearly, the entire Kingsmill Master Declaration is designed to protect the property and the owners. The Master Declaration states in the second recital, "to establish covenants, restrictions, easements...for the benefit of said property and the owners thereof". Each Article thereafter focuses on the importance of maintaining property values, Owners' and Members' quality of life, and protecting the environment.

For example:

Article III, Section 1 addresses the Obligations of the Association with respect to management and control of the Common Area "...shall keep the same in good, clean, attractive,..."

Article III, Section 2 addresses "Owners' and Members' rights of enjoyment..."

Article V, Section 3 "Conditions" speaks to the requirement that property conveyed in fee by the Developer to an Owner must get approval from the EPB (Environmental Protection Board of Kingsmill) before building, fencing, etc. "No improvements, alterations,...in any way alters the exterior of any property or the improvements located thereon...shall be made without the prior approval of the EPB,..."

Article VI, Section 1. "Protective Covenants" applies to "All Lots within the Properties" and places restrictions on construction with respect to the environment, residential use, further subdivision, nuisances, and exceptions,

(a) General Restrictions. "All lots...policies restricting construction on slopes greater than twenty (20) percent, cutting of trees and vegetation, construction within seventy-five (75) feet of the James River Bluffs, river, stream and marsh crossings..." This covenant addresses environmental concerns. The present location of the Xanterra cottages is significantly less than within seventy-five (75) feet of the James River Bluffs.

(b) Other Restrictions "All Lots within the Properties *shall be subject to the standards established by the EPB.*"

(1) "regarding *design*, minimum side yard and *set back*, streets, parking and service areas, lighting, signs, special landscape treatment..."

(c) Residential Use limits property designated for residential use and allows leasing to a "single family". "Single family" is defined to include "only persons related by blood or lawful marriage." This is a major concern to the Kingsmill homeowners since the Xanterra cottages have the capability to house up to 4 unrelated families in a single dwelling under one roof. The capability to have these "lock-out units" in order to house unrelated families violates "Single Family" dwelling covenants and could violate JCC zoning laws. In addition, this capability makes these dwellings "commercial" and not residential.

(e) Nuisances protects the property and its occupants. In the present instance, homeowners near proposed development sites were of the understanding that all Kingsmill development construction was completed. Further development, presents issues of construction nuisances and violates this section. "No nuisance shall be permitted to exist or operate upon any property so as *to be detrimental to any other property* in the vicinity thereof or to its occupants."

Article VI, Section 4. Landscape Protection Zones and Scenic Easements, This section permits the EPB to **establish restrictions for use of landscape protection zones**. "...in order to protect natural streams and water supplies, to maintain and enhance the

conservation of natural and scenic resources, to promote the conservation of soils, wet lands, beaches, tidal marshlands, wildlife, game and migratory birds, enhance the value of abutting and neighboring forests, wildlife preserves, ...or other open areas and open spaces, and to afford and enhance recreation opportunities, preserve historical sites, and implement generally the Kingsmill Master Plan for development."

We have a 40-year-old mature community. Homeowners have paid top dollar for their homes with the expectation that their scenic surroundings, habitat, and values would be preserved. These homeowners would not have purchased if they had been informed that their surrounding trees would be mowed down and left with no buffers, between themselves, other homes and commercial entities. The beach is of particular principle importance because buyers purchased with the understanding that they would have full access to the beach and unencumbered access, including the ability to park their cars while at the beach. Xanterra's actions and development threats put the homeowners at risk for losing their assets and losing the quiet enjoyment of their property.

Article VII, Section 3. Enforcement This section clearly sets forth who has the right to enforce the Master Declaration Document by stating, "The Association, any Owner or the Developer shall have the right to enforce...all restrictions, conditions." Most importantly, this section preserves the right of any homeowner to enforce the Master Declaration. "Failure to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter." This is very important because if Xanterra chooses to breach covenants and build homes, this covenant is never waived and can be enforced even after the homes are built.

Supplemental Declaration Article I. Protective Covenants and Restrictions

Section 1, Single-Family Residences places restrictions on what can be built on any one lot. "No more than one detached private dwelling unit...on any one lot." and restricts the use to "a single family...only persons related by blood or lawful marriage." Up to four (4) units exist in any one cottage. This allows for multiple buyers or a single buyer and multiple renters. This is not allowable.

Section 2. Minimum Dwelling Size Places restrictions on the floor area of the main structure. "...1800 square feet for a one-story structure, or 2200 square feet for any structure of more than one story,..." Since the cottages were not built for single-family dwelling, but as multiple family rentals, per the covenant, the amount of square footage per cottage should be comparable to the square footage allotment per family. For example – If each of 4 units per dwelling is sold and rented separately to 4 families, the square footage must be 4 x 1800sq ft for one-story and 4 x 2200sq ft for 2 or more stories. Clearly, under this scenario, there are many questions raised as to whether the minimum dwelling size requirement is met.

Conclusion

By properly reading, understanding, and comprehending the Kingsmill Master Declaration and realizing the intent for which the Master Declaration was drafted, "for the benefit of said property and the owners thereof", it can be concluded that the document must be construed in favor of the homeowners. The homeowners of Kingsmill relied on this document and its enforceability when purchasing their homes. They bought their homes to enjoy "preserved and enhanced property values, amenities and opportunities, and for the maintenance of the Properties and improvements thereon..." They did not purchase to have their environment bulldozed, multi-family cottages built, and ecologically sensitive areas disturbed. It is for these reasons, we ask JCC and all those involved to place the proper weight and reliance on the Master Declaration Document and to not tortiously interfere with the Kingsmill homeowner contractual relationships. JCC elected and appointed officials serve to protect its residents. Therefore, we, as residents of JCC, are seeking your protection.

For all the aforementioned reasons, no permitting or construction should take place at Kingsmill on the James until such time that the 66% majority of the KCSA members approve by vote for such homes to be built.

Response to April 11, 2014 Letter of Attorney Ms. Elizabeth White

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Supplemental Declaration Article I. Protective Covenants and Restrictions

Section 1, Single-Family Residences places restrictions on what can be built on any one lot. "No more than one detached private dwelling unit...on any one lot." and restricts the use to "a single family...only persons related by blood or lawful marriage." Up to four (4) units exist in any one cottage. This allows for multiple buyers or a single buyer and multiple renters. This is not allowable.

Section 2. Minimum Dwelling Size Places restrictions on the floor area of the main structure. "...1800 square feet for a one-story structure, or 2200 square feet for any structure of more than one story,..." Since the cottages were not built for single-family dwelling, but as multiple family rentals, per the covenant, the amount of square footage per cottage should be comparable to the square footage allotment per family. For example – If each of 4 units per dwelling is sold and rented separately to 4 families, the square footage must be 4 x 1800sq ft for one-story and 4 x 2200sq ft for 2 or more stories. Clearly, under this scenario, there are many questions raised as to whether the minimum dwelling size requirement is met.

Conclusion

By properly reading, understanding, and comprehending the Kingsmill Master Declaration and realizing the intent for which the Master Declaration was drafted, "for the benefit of said property and the owners thereof", it can be concluded that the document must be construed in favor of the homeowners. The homeowners of Kingsmill relied on this document and its enforceability when purchasing their homes. They bought their homes to enjoy "preserved and enhanced property values, amenities and opportunities, and for the maintenance of the Properties and improvements thereon..." They did not purchase to have their environment bulldozed, multi-family cottages built, and ecologically sensitive areas disturbed. It is for these reasons, we ask JCC and all those involved to place the proper weight and reliance on the Master Declaration Document and to not tortiously interfere with the Kingsmill homeowner contractual relationships. JCC elected and appointed officials serve to protect its residents. Therefore, we, as residents of JCC, are seeking your protection.

For all the aforementioned reasons, no permitting or construction should take place at Kingsmill on the James until such time that the 66% majority of the KCSA members approve by vote for such homes to be built.

Respectfully submitted,

A Concerned James City County and Kingsmill Resident



April 11, 2014

PLANNING DIVISION

APR 11 2014

RECEIVED

Chris Johnson
Principal Planner
James City County Planning Division
101-A Mounts Bay Road
Williamsburg, VA 23185

Jose-Ricardo Linhares Ribeiro
Senior Planner II
James City County Planning Division
101-A Mounts Bay Road
Williamsburg, VA 23185

Re: Kingsmill Rezoning Application of Xanterra – Planning Commission Hearing March 5, 2014; Rezoning Case No. 0003-2013/Master Plan 0001-2013

Dear Gentlemen:

As you are aware, I represent the Kingsmill Community Services Association (“KCSA”) which is the “master” residential homeowners association for Kingsmill. I am writing to you at the request of KCSA’s Planned Development Committee (“PDC”), which is a committee comprised of two homeowner-elected members of KCSA’s Board of Directors and a member of the KCSA staff. The sole purpose of this letter is to correct certain incorrect statements concerning the provisions of KCSA’s Declaration made to the County’s Planning Commission during the public comment portion of the public hearing conducted on the captioned Application on March 5, 2014 and expanded on in a March 6, 2014 follow-up letter sent to the Planning Commission by the same representatives who appeared and spoke during the public hearing.

Introduction.

KCSA was formed in 1973 with the recordation of the Declaration of Covenants and Restrictions in the Clerk’s Office of the Circuit Court of James City County, Virginia (the “Clerk’s Office”) in Deed Book 147 at Page 642. Although there have been various amendments to the Declaration, the provisions pertinent to this analysis have not been amended since the

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Williamsburg, Virginia 23188
Phone 757.941.2800 \ F;

CALIFORNIA \ CONNECTICUT \ MASSACHUSETTS \ MICHIGAN \ NEW JERSEY \ NEW YORK \ PENNSYLVANIA \ VIRGINIA \ WASHINGTON, D.C.

Declaration was originally recorded in 1973. (Such Declaration, as supplemented and amended is collectively referred to as the "Declaration." The Declaration is contractual in nature and binds all owners of property subject to the Declaration as well as KCSA and the Developer.

One of the citizens who spoke during the hearing represented to the Planning Commission that the Declaration expressly limits the Developer's right to add land to the Declaration to land that is *to the south of the Country Road*, and therefore that the successor Developer, Xanterra, may not add land which lies to the north or beyond the interior boundary line of, the Country Road. In support of this incorrect representation, he relied on a recital on page 1 of the Declaration which recital referenced the land that Anheuser Busch then owned in 1973 (which did not include title to the Country Road because Colonial Williamsburg had reserved title to the Country Road to itself when it conveyed the acreage to Anheuser Busch.) For the reasons I will explain in more detail, his reliance on this introductory recital is misplaced. Contrary to his representations to the Planning Commission, the substantive contractual provisions of the Declaration as set forth in Article II of the Declaration expressly authorize the Developer (now Xanterra) to expand the Declaration and "annex" any of the land located and shown on a document referred to in the Declaration as the "Kingsmill Master Plan", including, without limitation the Country Road.

In a similar vein, this same citizen and another incorrectly argued that KCSA lacks the contractual authority to treat a site conveyed to it in 2012 as Common Area of KCSA, arguing instead that any such treatment requires the prior affirmative vote of the membership to accept such land and add it to the Declaration. This subject site was conveyed to KCSA for an alternate RV and boat storage site in 2012 by deed from the prior Developer dated September 7, 2012, and recorded in the Clerk's Office. Regarding the incorrect representation that KCSA can't own Common Area beyond the initial interior boundary of the Country Road without a vote of its Members, Article II of the Declaration provides clear authority to the contrary and specifically authorizes the Developer to create Common Area within any of the areas shown on the Kingsmill Master Plan (as defined in the Declaration). Further, the KCSA Declaration has never required a Member vote prior to KCSA accepting title to any Common Area or Limited Common Area regardless of its location.

The following summarizes the relevant provisions of the Declaration in more detail with regard to each of the two incorrect arguments made by these two individuals.

1. Addition of New Lots Created on the Country Road

The introductory "Whereas" clause erroneously relied upon as the basis for the assertion that Xanterra may not expand the Declaration by adding land located north of the interior boundary of the Country Road appears at the beginning of the Declaration and merely recites the state of facts as they existed in 1973. At that time, Colonial Williamsburg still owned Carter's Grove and Colonial Williamsburg had reserved title to the Country Road unto itself when it conveyed the undeveloped land to Anheuser Busch. The title to the Country Road reverted back to Busch in the last decade when Colonial Williamsburg sold Carter's Grove. This introductory recital provides:

WHEREAS, Developer is presently or will be the owner of the real property in James City County, Virginia, south of the Country Road shown on the hereinafter referred to Land Use and Circulation Master Plan.....and desires to create thereon a planned community to be known as Kingsmill on the James....and intends to develop the community in accordance with the Kingsmill Master Plan hereinafter defined.

The reliance upon this recital as authority for the proposition that the Developer cannot add land within or beyond the Country Road is misplaced and ignores the second half of the same recital as well as the remaining recitals and the substantive contractual provisions of the Declaration. For example, the very next recital states that the Developer "desires to subject a portion of the real property presently owned by it and described on Exhibit A *together with such additions as may hereafter be made thereto (as provided in Article II)* to the covenants, restrictions, easements, charges and liens, hereinafter set forth ..." [emphasis added]. Immediately following the recitals, in the sentence beginning "NOW THEREFORE," the Developer:

... declares that the real property described in Exhibit A attached hereto, *and such additions thereto as may hereafter be made pursuant to Article II hereof*, is and shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements, charges and liens ... hereinafter set forth. [Emphasis added].

Thus it is clear that the contractual provisions governing what property may be added to the Declaration by the Developer are set out in Article II of the Declaration (and not limited by the first sentence of the first introductory recital). Article II provides in relevant part:

Section 2. Additions to Existing Property. Added properties may become subject to this Declaration in the following manner:

(a) Additions by the Developer. The real property described in Exhibit A attached hereto is the first phase of the planned community known as Kingsmill on the James, as contemplated by the Kingsmill Master Plan. *The Developer, its successors and assigns shall have the right to bring within the scheme of this Declaration additional properties in future stages of development which are a portion of Kingsmill as illustrated in the Kingsmill Master Plan,* as further set forth in the Agreement between Anheuser-Busch, Inc. and Colonial Williamsburg, Incorporated and Williamsburg Restoration, Incorporated dated December 5, 1969, as supplemented by Supplemental Agreement of December 20, 1972, between Anheuser-Busch, Inc. and Colonial Williamsburg Foundation. *The properties thus added shall include but not be limited to areas and facilities (including streets, roads, trails, community and recreation areas and facilities and the like) which are devoted to the common use and enjoyment of all Members.* [Emphasis added.]

“Kingsmill Master Plan,” as used in the Declaration, is defined as:

Section 4. “Kingsmill Master Plan” shall mean and refer to the graphic and written statement of concepts and principles pursuant to which the community will be developed, said statement being comprised of the following (which are of record in the aforesaid Clerk’s Office in Plat Book 30, pages 16 and 17, amendment thereto recorded in Plat Book 30, page 67:

- (i) a land use and circulation drawing
- (ii) an open space system drawing
- (iii) a summary narrative description of the drawings referenced (i) and (ii)
- (iv) The General Statement of Provisions to be included in disposition agreements (dated June 13, 1972),

as may be revised from time to time in accordance with the Supplemental Agreement between Anheuser-Busch, Inc. and

The Colonial Williamsburg Foundation dated December 20, 1972. [Emphasis added.]

Further, the Declaration's definition of "Properties" subject to the Declaration likewise supports a reliance on Article II of the Declaration as the contractual basis for adding land to KCSA's Declaration:

Section 5. "The Properties" shall mean and refer to all real property described on Exhibit A attached hereto, *together with such other real property as may from time to time be annexed thereto under the provisions of Article II hereof.*

Thus, it is abundantly clear from the contractual provisions of the Declaration that Xanterra has the right to add additional residential property to the Declaration so long as such property is located within the boundaries of the land shown on the Kingsmill Master Plan. The boundaries of the land that may be added do not end at the interior boundary of the Country Road but, rather, extend well beyond the Country Road and include what is now commercial land and other land.

2. The RV and Boat Storage Site is KCSA Common Area

In addition to the express right of the Developer to create additional Common Area within land north of the interior boundary of the Country Road as set out in Article II of the Declaration, *by definition*, land conveyed to KCSA and intended to be devoted to the common use and enjoyment of KCSA Members constitutes Common Area of KCSA. "Common Area" is defined in the Declaration as:

... those areas of land now or hereafter conveyed to the Association or shown on any recorded subdivision plan of the Properties and improvements thereon, which are intended to be devoted to the common use and enjoyment of the Members.

Throughout the 40+ year history of KCSA, many parcels have been conveyed by deed from the Developer to KCSA, and none of such deeds have involved any vote or allegation of the need for a vote by the KCSA membership. KCSA's Declaration does not contain any limitations on the ability of the Developer to create and/or convey Common Area to KCSA, nor does it contain any limitations with regard to the location of such Common Area, or that such Common Area be located contiguous to any other area within the greater Kingsmill master planned community. The 2012 deed to the subject site was signed by the then KCSA president, an elected director, with the prior consent of a majority or more of the elected KCSA directors.

PLANNING DIVISION

MAY 6 7 2014

RECEIVED

Chairman, James City County Planning Commission
101-A Mounts Bay Road
Williamsburg, VA 23187
RE: Kingsmill Rezoning and Master Plan Amendment

As residents of Kingsmill and taxpayers in James City County, we want to register our strong objection and opposition to the rezoning and development plans proposed by Xanterra.

Our home is in Harrop's Glen (113), off of Wareham's Pond Road, a small parcel of 31 homes buffered from the Busch brewery and Busch Gardens by an existing, but shallow, row of trees across the River Course sixth hole narrow fairway. These trees are our only protection from the lights and noises of that industrial complex and serve as a marginal buffer. The array of lights and smoke emissions are visible at all times when the trees are not in full leaf. The trees are not just our only protection from the brewery, but also from the commercial theme park, where noise from trains and loud-speakers are a constant annoyance. This has been aggravated in the past few years by nightly fireworks which fill the air with smoke and sound pollution.

Xanterra should not be permitted to destroy that buffer, or any buffer of trees protecting existing homes and residents. It is obvious that the original developer respected the need for such a buffer or he would have seen fit to develop it. Destroying it will change the character of Kingsmill as a community. We purchased our home over ten years ago under the assumption that the quality of life here would be a priority for the residents. Profit does not trump planning for the benefit of the community or preservation of the county's unique areas of beauty and natural resources.

It is our understanding of James City County's policy of Low Impact Development (LID) would not permit or promote the kind of intensive development proposed by Xanterra. The development effort proposed by Xanterra would have a definite adverse effect on the entire community, especially Harrop's Glen where we live.. The principles of planning and low impact development include preserving areas of open space (particularly as buffers from commercial or industrial areas) with

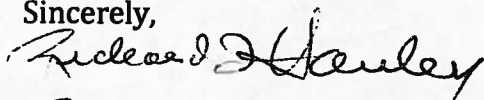
We can already see our roads deteriorating from the heavy truck and equipment traffic from development in progress further down Wareham's Pond Road. Residents in Kingsmill will have to pay for that destruction and for new roads at increased costs; the developer "will be out of here". We ask that you consider these future unidentifiable unwarranted costs, as well as the costs to residents whose lives will be disrupted during the course of development by the noise and traffic if Xanterra's plans to overdevelop were to proceed.

Planning principles also include whether a development project supplies a need. We do not perceive the need to build out every available open space in Kingsmill. If plan proposed by Xanterra proceeds, it is our judgment that it will further suppress and undermine an already depressed real estate market. Our community has mostly older residents who are retirees and who invested their savings and lives here. Residents of Kingsmill volunteer much of their own time and money to maintain the community and its natural, relatively quiet, residential character. The requirements on the county for services are relatively few. There is not only no need for more intensive development, but also such unnecessary rezoning and development would be detrimental to residents, to other taxpayers, to natural resources such as the James River, and to the county. The only benefit is to a developer who may simply leave after maximizing it's profit.

Xanterra, to be a good neighbor, should be respectful of the rights of others who live in that area or are directly or indirectly affected. The planning commission members and board of supervisors do have the right and responsibility to ensure that any development is beneficial to the community and that it will not place a burden on residents or the county, and that it help preserve the natural beauty and resources that are irreplaceable.

We respectfully request that you take our concerns and these principles into consideration, deny the rezoning and limit Xanterra's plans to selective, slowly phased, and low-impact development. If you have any questions, you may reach us at 757-253-8099.

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard D. Hawley". The signature is fluid and cursive, with the first name "Richard" and last name "Hawley" clearly legible.

Richard D. Hawley

James City County Planning Commission

23 May 2014

101-A Mounts Bay Road

Williamsburg, VA 23185

Please don't cater to special interests, activists, and the vocal minority...

My wife and I have lived in Kingsmill for over 16 years, 13 of those years with kids, and we feel very fortunate to have settled here. Ironically, we moved here in 1997 because we found a house we loved, despite thinking that we did not desire a 'gated community.' We have since come to love the neighborhood. We truly value the amenities - - the pools, the walking path, the river access, the golf, the fitness center, etc., not to mention all our great friends and neighbors.

We would like to keep living in Kingsmill and fully hope that it continues to be a great place to live. Although, I have some concerns over what the future holds.

My concerns, however, do not arise from Xanterra's ownership or proposed changes. On the contrary, I am encouraged by their plans and willingness to invest further resources into the resort and the neighborhood.

Of course, we have all read and heard much about Xanterra's planned changes - - changes to the resort and the membership, as well as the planned real estate development. I am hopeful that Xanterra's efforts here, their investment here, and their continued investments here are successful, both for Xanterra and for the residents of Kingsmill.

What worries me is the constant, vocal, at times seemingly misinformed and unyielding, opposition to practically every single element of every plan that Xanterra puts forward. It seems to me that a number of vociferous Kingsmill residents, whom I am confident are in the minority, will oppose practically *everything* Xanterra proposes, without much thoughtful analysis about the possible repercussions of their actions. It would seem that to these individuals, their special interests are the only worthwhile concern, and zero change is the only acceptable change.

Now please understand, I cannot say if Xanterra's plans are sound and will be successful. I cannot say if their plans will ultimately help Kingsmill or not. I'm not an expert in residential real estate development, nor am I an expert in resort management or club management. I cannot say if the changes that Xanterra proposes will ultimately make Kingsmill and James City County better places to live or not. I am, however, hopeful that their initiatives will be successful.

What I am relatively sure of though, is that if Xanterra hits roadblocks at every turn, if they get major push-back to everything they try to do, there may very well come a day where they

throw in the towel. And by throw in the towel, I mean they tire of trying to make their Kingsmill investment profitable in a hostile environment. They may either give up hope of making it profitable or simply choose to not deal with the headaches induced by individuals and groups of our fellow residents.

After all, Xanterra is a *for-profit* company. They expect to make money on their investment and we shouldn't begrudge them the desire to do so. On the contrary, *we should want them to make money on their investment in Kingsmill*. Kingsmill and James City County should want them to be happy with their ownership of the resort. If they cannot find a way to make Kingsmill a profitable venture, we can be sure they will at least consider the option of selling Kingsmill to another buyer. For the vocal minority who have clearly positioned Xanterra as the 'enemy', and attacked them as such, I would caution them about the next potential buyer - - the 'enemy' you don't know.

The next buyer may not have ambitious plans to boost the resort with capital expenditures as has Xanterra. The next buyer may not provide the courtesy of 'town hall' meetings. The next buyer may not be so kind as to modify their plans based on resident input, concerns, and feedback, as Xanterra has, and continues to do so. The next buyer may not do things like hosting an LPGA event. The next buyer may not build things like a new restaurants, new pools, and lazy rivers. The next buyer will most likely be a worse partner for the Kingsmill community and James City County.

Xanterra has clearly shown a plan, and a desire, to make improvements, develop further, and with sensitivity to the environment. They had committed to performing all necessary environmental studies relating to the residential development, and in my opinion, even agreed to some that go above and beyond what is necessary. Their plans would have new homes in the \$900,000 range - - good for Kingsmill and good for county revenue. They are a good presence here and I think we need to be cooperative in helping them find success.

When Xanterra was initially announced as the buyer for Kingsmill, a company with deep pockets, and a history of operating resorts and valuing the environment, most were generally pleased. I was pleased and continue to be so.

Shortly after 'moving in', Xanterra invited the residents to hear about their 7- year strategic plan for the resort and the neighborhood. I could not have been more encouraged - - our new corporate partner was already targeting significant money for capital expenditures, effectively showing further commitment to their investment here. I think Xanterra continues to show a desire to make things better and more appealing. They have a plan in place to make the resort more exclusive and hopefully more attractive to new members and potential new home buyers. They have already successfully attracted more than 500 new club members.

Some may think the plan is flawed, and maybe it is. I don't know. I have to believe, however, that Xanterra's history of operating resorts makes them more likely to be right than would I, or fellow residents with no resort management experience. I think they understand the numbers

and they clearly believe the plans are sound and likely to result in an enjoyable and profitable resort. Logically, there is no other reason for them to pursue such plans.

I do appreciate the fact that many residents have taken it upon themselves to offer some constructive feedback and suggestions on the various plans. I'm happy that Xanterra has been listening and making changes. I would hope that a cooperative atmosphere can exist moving forward. I hope the Planning Commission seeks to be cooperative with this welcome new corporate resident.

We all have our personal preferences, but I think the bottom line is that compromise is necessary. I may not prefer additional homes in Kingsmill. I may not want the Country Road made a little 'less natural'. However, if the profits from those home sales, or lot sales, can help Xanterra make a reasonable return on investment here, and consequently continue their improvement plans, I think that's a compromise I would be wise to accept.

If, however, the activist minded, vocal minority insists zero compromise is the only acceptable answer, and if the planning commission mistakes their views for those of the majority, I think we are all in jeopardy of potentially ending up with less desirable corporate partner.

In summary, I would ask you to not cater to the vocal minority, but act with the more rationale, greater good in mind. Let's foster cooperation with our new corporate partner. For I believe our success is tied to their success. I would hope that our Planning Commission and our residents can look at the big picture and consider that some compromise might ultimately be in Kingsmill's, and James City County's, best interest.

We truly have a great community here. Here's to hoping that James City County, the residents of Kingsmill, and Xanterra can all work cooperatively towards keeping it great.

Sean Allburn

From: Cheryl Gale [mailto:cheryl.gale@gmail.com]
Sent: Tuesday, May 27, 2014 1:09 PM
To: Jose Ribeiro
Subject: Kingsmill Rezoning & Master Plan Amendment

Dear Mr. Ribeiro,

I will be out-of-town and unable to attend the June 4th meeting, but as an adjacent property owner to the proposed rezoning and development on Carter's Grove Old Country Road running through Kingsmill, I strongly OPPOSE the most recent request by Vernon Geddy..... for all the numerous reasons already presented to the Planning Commission.

Sincerely,
Cheryl Gale (Kingsmill resident since 1991)
105 Alexander Walker

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

ATTORNEYS AT LAW

1177 JAMESTOWN ROAD

WILLIAMSBURG, VIRGINIA 23185

TELEPHONE: (757) 220-6500

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WILLIAMSBURG, VIRGINIA 23187-0379

VERNON M. GEDDY, JR. (1926-2005)

STEPHEN D. HARRIS

SHELDON M. FRANCK

VERNON M. GEDDY, III

SUSANNA B. HICKMAN

RICHARD H. RIZK

ANDREW M. FRANCK

CHRISTINE R. DEMODNA

May 30, 2014

PLANNING DIVISION

MAY 30 2014

RECEIVED

Mr. Jose-Ricardo Linhares Ribeiro
Senior Planner II
101 - A Mounts Bay Road
Williamsburg, Virginia 23187

**Re: Kingsmill Rezoning and Master Plan Amendment Application
MP-0002-2014 and Z-0002-2014**

Dear Jose:

Xanterra Kingsmill, LLC ("Xanterra") wishes to share the following information with you and the Planning Commission. In our opinion, the public comments related to Xanterra's development plans can be broken into five general themes. Each are set out below, together with comments that we feel strongly are germane to each of the issues. We would like to share this information with you in order to ensure that everyone involved with Xanterra's pending rezoning application has the information they need to judge the application fairly.

1) Buffers and Noise

Based on public input received, Xanterra's development plans were substantially modified prior to submittal of the application to address concerns related to noise buffering. As a result of such modifications, proposed development in areas where removal of trees could have had adverse noise impacts on existing homes within the community was eliminated.

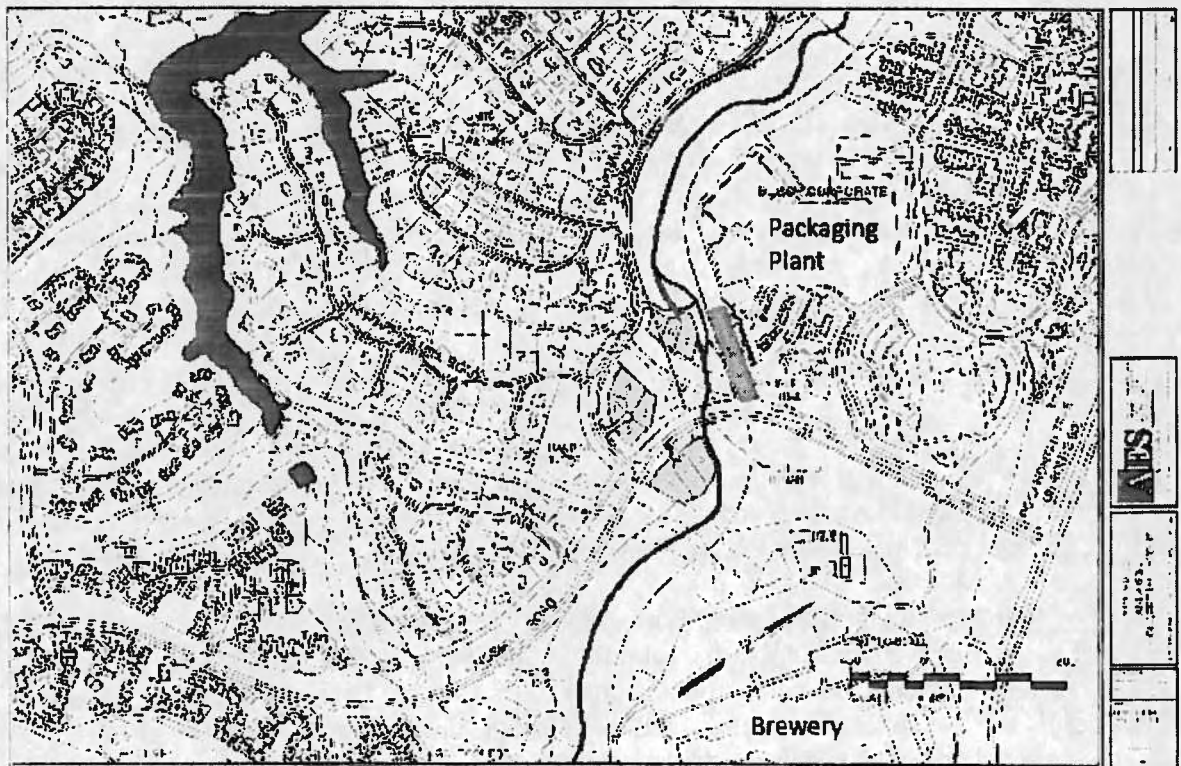
Furthermore, at the request of a number of Kingsmill residents, we have engaged Navcon Engineering Network, noise and vibration consultants, to study the development plans and compare the current level of sound from the trucks at the Brewery backing into loading bays and from the Busch Gardens train whistle without the development and the level of sound to be expected once the proposed new homes are built. At the community meetings that Xanterra previously held, it was this noise that residents seemed most concerned about. Navcon is very knowledgeable about the Resort and the general environs as it has conducted noise and vibration studies for Busch Gardens for many years.

We just received and have attached a copy of the Navcon noise assessment. As you can see, the proposed development will result in no negative impacts on existing homes within the community as a result of ground level noise transmissions. In fact, the report actually indicates that noise buffering will be increased in certain areas as a result of the development as buildings constitute a better sound buffer than trees.

2) Development Areas 6 and 7

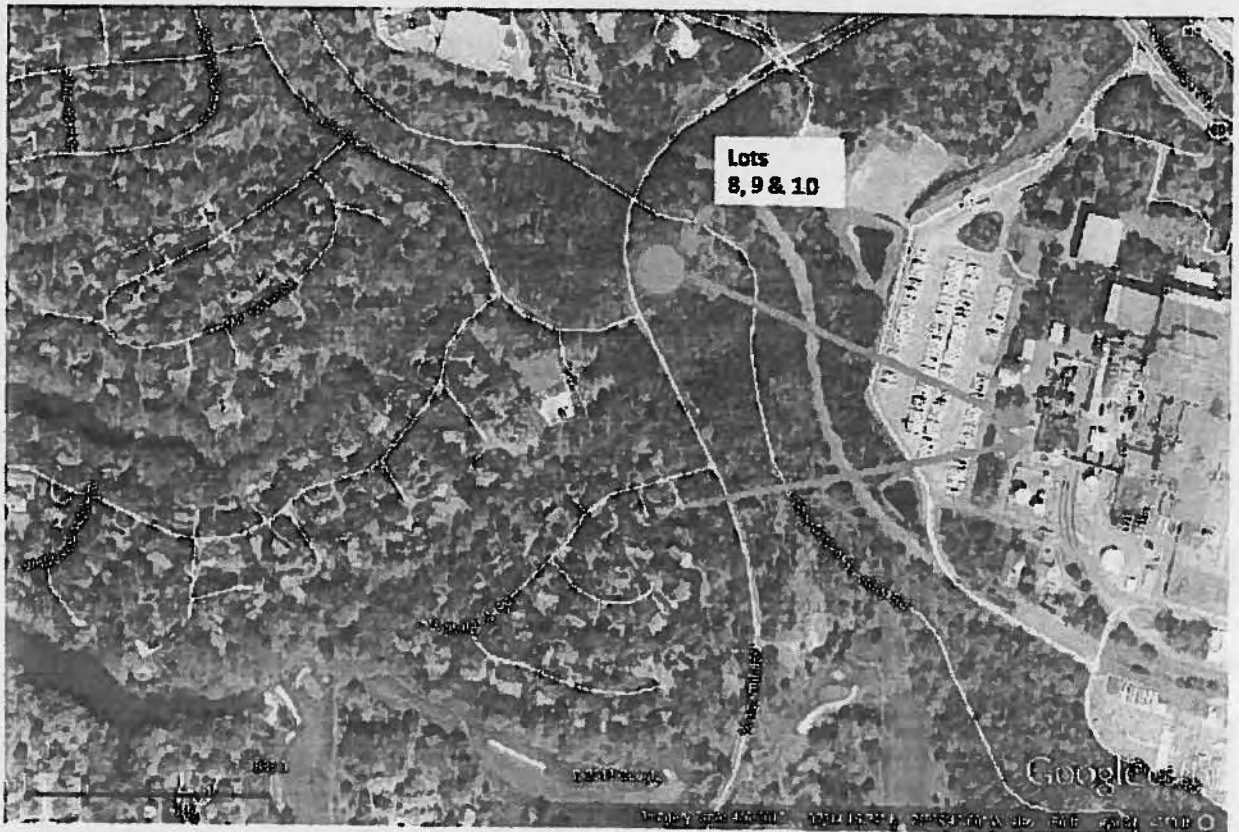
We do not believe that Lots 8, 9 and 10 within Area 7 are too close to the Brewery or that they will have any adverse impact on neighboring lots. This is also the case with Lots 5, 6 and 7 within Area 6, where land owned by Xanterra is specifically being set aside to ensure adequate buffers from the existing Corporate Center. In both areas, based on public comments, lots were removed in areas where legitimate noise concerns were raised. Please refer to the maps and related comments set forth below that speak more to these issues.

Exhibit 3



The map above shows the location of the proposed lots in Areas 6 and 7 and their proximity to the existing Brewery and Packaging Plant. The area shown in blue is land owned by Xanterra Kingsmill and represents additional buffer for the homes proposed in this area. We fully expect that owners of Lots 5, 6 and 7 in Area 6 will orientate the living spaces of their homes to the back of the lots overlooking the open space in the center of the proposed development, thus moving the homes further away from other uses in the area. In developing the proposed plan, the lots were configured so that they would end at the property line of the Xanterra Kingsmill controlled land, thereby providing these homes additional buffer from other uses. Please refer to the map below to see the relative distances from the proposed lots to the service yard at the Brewery.

Exhibit 4



The bottom blue line on the map above shows the distance from existing homes within the Kingsmill community to the service yard at the Brewery, while the top blue line shows the distance from Xanterra's proposed new homes in Area 7 to the service yard at the Brewery. Although not exact, the lines show that the distances are very similar. Accordingly, Xanterra does not believe that the proposed lots are too close to the Brewery. Furthermore, other existing homes within the community will be buffered by the Southall Recreation Center which is located directly across Kingsmill Road from the Area 7 lots.

3) Declarant Rights Relating to the Proposed Development

A question has been raised concerning Xanterra's right to bring land into KCSA as the Declarant under the Kingsmill Master Declaration. As the County Attorney has advised this is not a County zoning issue but a private contractual matter. Nevertheless, Xanterra would like to correct the inaccurate information presented by opponents in prior meetings.

Section 4 of the Kingsmill Declaration of Covenants and Restrictions (the "Master Declaration") defines the Kingsmill Master Plan as:

"the graphic and written statement of concepts and principals pursuant to which the community will be developed, said statement being comprised of the following (which are of record in the aforesaid Clerk's Office in Plat Book 30, Pages 16 and 17, amendment thereto recorded in Plat Book 30, page 67),

- (i) a land use and circulation drawing*
- (ii) an open space system drawing*
- (iii) a summary narrative description of the drawings referenced (i) and (ii)*
- (iv) the General Statement of Provisions to be included in deposition agreements*
(Dated June 13, 1972),

as may be revised from time to time in accordance with the Supplemental Agreement between Anheuser-Busch Inc. and The Colonial Williamsburg Foundation dated December 20, 1972. "

Section 5 of the Master Declaration defines the property that is subject to the Master Declaration and the Master Plan as:

"all real property described on Exhibit A attached hereto, together with such other real property as may from time to time be annexed thereto under the provisions of Article II hereof."

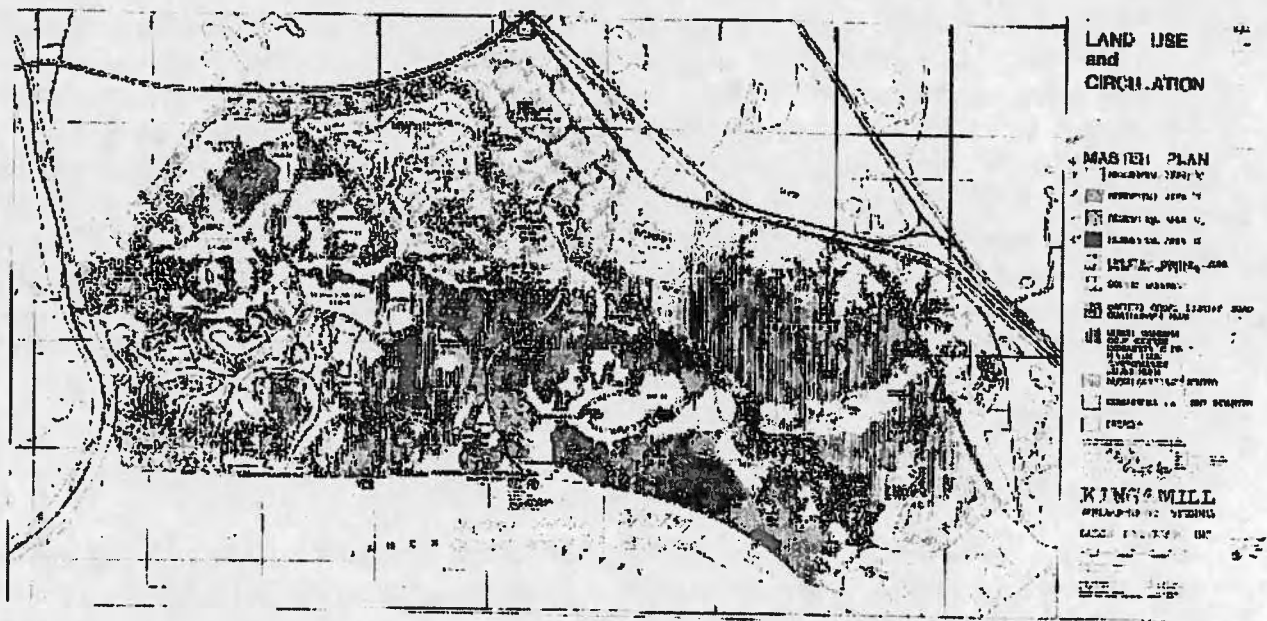
Article II of the Master Declaration goes on to describe how additional property can be added by the developer to the property that is subject to the Master Declaration and Master Plan, as follows:

Section 2. Additions to Existing Property. Added properties may become subject to this Declaration in the following manner:

- (a) Additions by the Developer. Added property described in Exhibit A attached hereto is the first phase of the planned community known as Kingsmill on the James, as contemplated by the Kingsmill Master Plan. The Developer, its successors and assigns shall have the right to bring within the scheme of this Declaration additional properties in future stages of development which are a portion of Kingsmill as illustrated in the Kingsmill Master Plan, as further set forth in the Agreement between Anheuser-Busch, Inc. and Colonial Williamsburg, Incorporated and Williamsburg Restoration, Incorporated dated December 5, 1969, as supplemented by Supplemental Agreement of December 20, 1972, between Anheuser-Busch, Inc. and Colonial Williamsburg Foundation. The properties thus added shall include but not be limited to areas and facilities and the like which are devoted to the common use and enjoyment of all Members.*

Exhibit 5

Kingsmill Master Plan



The map shown above is the Kingsmill Master Plan referenced in the Master Declaration. On the right hand side of the Master Plan, the following components are listed as being included in such plan:

- Residential Area "A"
- Residential Area "B"
- Residential Area "C"
- Residential Area "D"
- Landscape Control Zone (within land use districts)
- Scenic Easement
- Carter Grove Country Road and Quarterpath Road
- Busch Gardens, Golf Course, Community Club, River Club, Campgrounds, Equestrian
- Busch Corporate Center
- Commercial and Light industrial
- Brewery

Based on the various rights as set forth in the Master Declaration and the allowed uses as set forth in the Master Plan, Xanterra, as the Declarant under the Master Declaration, clearly has the ability to bring all property contemplated in the application into KCSA. Also, although only a very small portion of the Country Road is included in Areas 1, 2, 6 and 7, clearly the Master Plan specifically contemplates that the Country Road is within the lands controlled and governed by the Master Plan. Counsel to KCSA has previously provided you with a letter reaching the same conclusions.

A second question has been raised regarding approvals required to amend the Kingsmill Master Plan. An assertion has been made that any Master Plan amendment requires a two-thirds vote of the members of KCSA. This assertion is incorrect. The provisions being quoted to support this assertion are from the Master Declaration and relate to the procedure to amend the Master Declaration. There is no requirement for member approval of Master Plan amendments. The Kingsmill Master Plan has been amended several times over the years and no member vote has ever been taken. At one time, Master Plan amendments required the approval of Colonial Williamsburg and the review board jointly established by Colonial Williamsburg and Busch Properties pursuant to the agreements referenced above. Colonial Williamsburg has relinquished all approval rights related to Kingsmill and the review board has been abolished. The only approval required to amend the Kingsmill Master Plan today is from the County Board of Supervisors.

4) Cash Proffers for Schools and Housing

Xanterra has agreed to proffer per unit contributions for school costs and the provision of affordable housing in connection with the proposed development and has submitted a proffer agreement that now includes both such proffers.

5) Country Road, Grove Creek Area 5

As you are aware, Xanterra has made the decision to delay the submission for the 60 proposed lots on the Country Road parcel in the area of Grove Creek.

As part of Xanterra's original application, Xanterra agreed to undertake all studies as set forth in the County's Natural Resource Policy as they may relate to the proposed development area. All such studies would have been completed before any land disturbance permit was requested and Xanterra had agreed to make changes to the development plans to reflect what was learned in the studies.

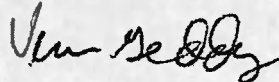
Notwithstanding these safeguards, environmental groups and individuals raised concerns regarding certain plant species in this area and expressed a desire to see these studies and any related development plan amendments made *before* the area could even be submitted for approval. Accordingly, Xanterra has made the decision to proceed on this basis in order to alleviate any community concern.

Based on public comments expressed at the May 7, 2014 Planning Commission Meeting, we expect the vocal minority who have come out opposed to anything presented by Xanterra to

continue to oppose any development within this area regardless of the concessions made by Xanterra and continue to cast any and all Xanterra applications in a negative light.

As always, we are available to answer any questions you might have as they relate to any of the issues discussed above or on any other matter set forth in the rezoning application at any time.

Yours truly,

A handwritten signature in black ink, appearing to read "Vern Geddy". The signature is fluid and cursive, with a large initial "V" and a stylized "G".

Vernon M. Geddy, III

29-May-2014

PLANNING DIVISION

MAY 30 2014

RECEIVED

Gary Raymond
Managing Director
Winding Road Development
14421 N. 73rd Street
Scottsdale, AZ 85260

Office: (480) 656-8501 Email: graymond@windingroadllc.com

Subject: Navcon Project No. 143021, Winding Road Development Kingsmill Resort Noise Assessment

Dear Gary,

This letter summarizes the results of the Kingsmill Resort noise assessment. The project objective was to evaluate how the proposed Kingsmill Resort development will affect the propagation of noise from the Anheuser-Busch Brewery and the Busch Gardens Amusement Park into the residential community. The noise sources considered in this study included backup alarms on vehicles operating within the Brewery and train horns sounding at a road crossing within the Amusement Park.

A three dimensional (3D) noise model was created using the acoustical software, SoundPLAN. The ground topography data and project layout drawings were provided by Winding Road Developments. The backup alarm noise level was based upon a sound pressure level of 117 dBA @ 3 ft. The train horn noise level was based upon a sound pressure level of 90 dBA @ 100 ft.

The 3D noise model geometry is presented in **Figures 1 & 2**. The red spheres represent the noise sources (i.e., the train horn and the backup alarm). The geometry shows the situation with the new Kingsmill Resort housing (brown cubes) and the existing housing (blue cubes).

The noise level predictions are based upon the algorithms and procedures described in ISO 9613 -2 "Acoustics -- Attenuation of sound during propagation outdoors -- Part 2: General method of calculation", 1996. The noise model parameters were as follows:

1. Air pressure 1013 mbar
2. rel. Humidity 70%
3. Air Temperature 60 °F
4. Ground Absorption $g = 0.5$ (default), $g = 0$ (lakes, water), $g = 1$ (forested areas)

The predicted noise contours are presented in **Noise Maps 1 - 4**.

- Map 1. Backup Alarm Noise Contours without the Kingsmill Resort Development
- Map 2. Backup Alarm Noise Contours with the Kingsmill Resort Development
- Map 3. Train Horn Noise Contours without the Kingsmill Resort Development
- Map 4. Train Horn Noise Contours with the Kingsmill Resort Development

The noise level predictions can be summarized as follows:

Anheuser-Busch Brewery Backup Alarm

The noise levels at the proposed Kingsmill Resort Development are predicted to be higher than at the existing residential communities due to the closer proximity to the Brewery. The proposed Development will provide some noise shielding for those homes located to the West and South.

Train Horn

The proposed Development will not affect the propagation of the train horn noise relative to the existing homes.

Please feel free to give us a call if you have any questions.

Regards,



Hans Forschner, Sr. Acoustical Specialist
Navcon Engineering Network

Figure 1. 3D Model Geometry - Isometric View South-East

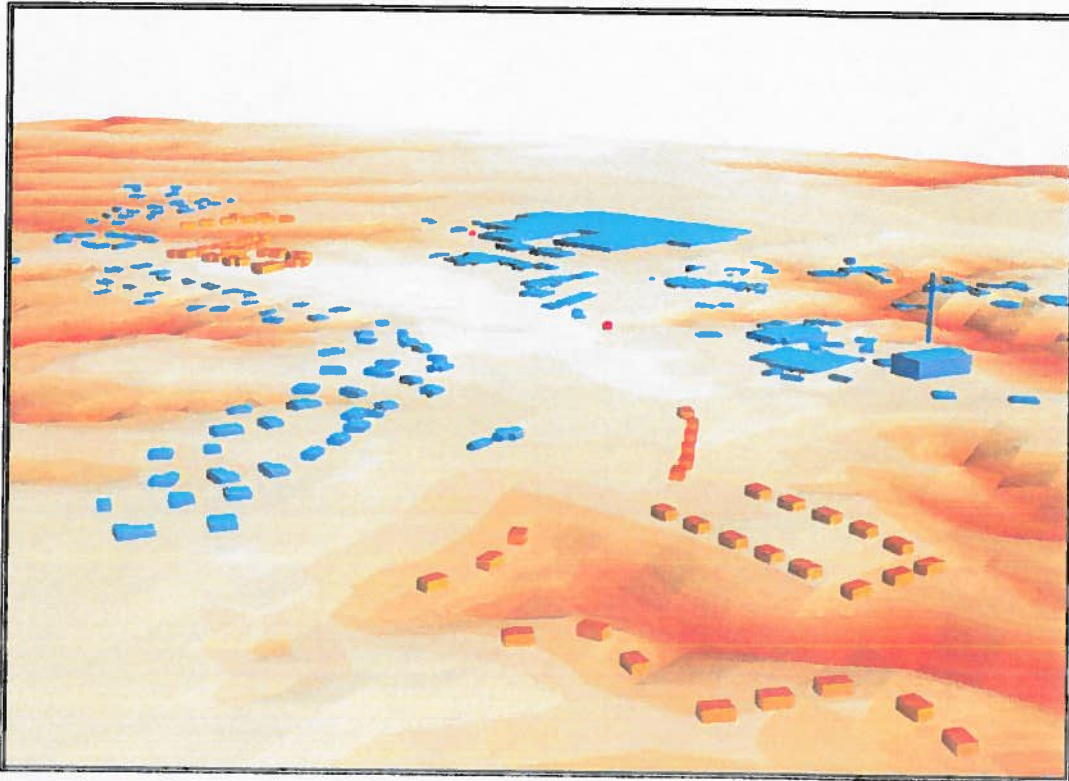
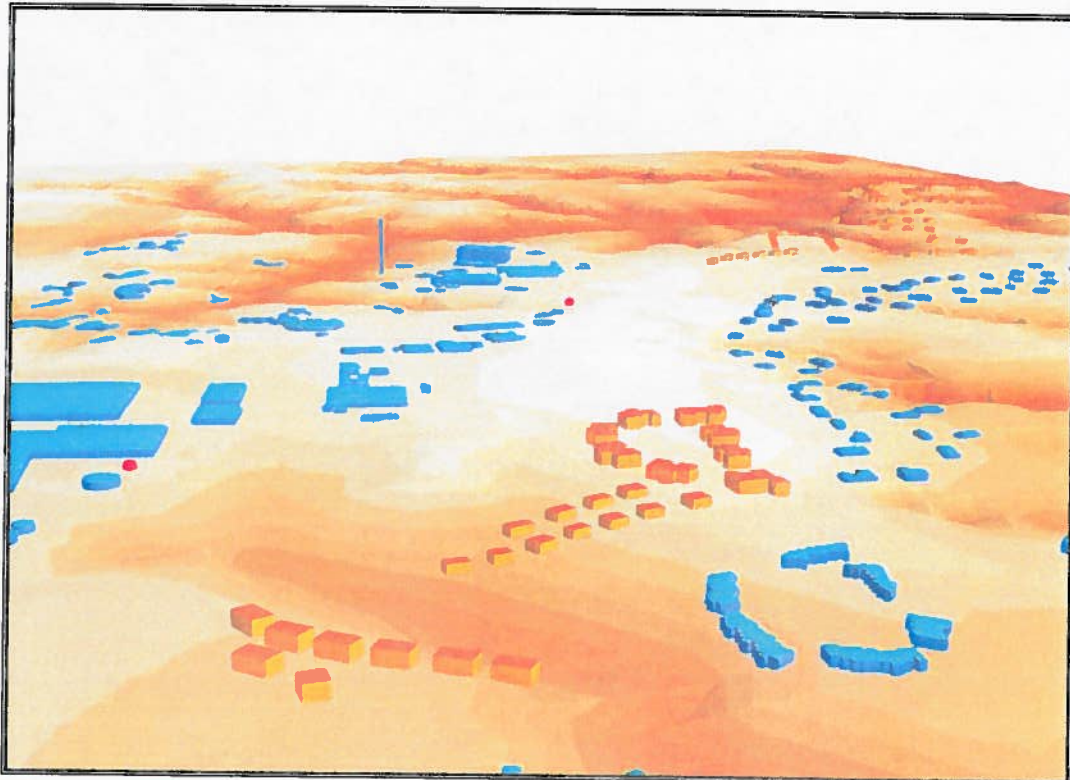
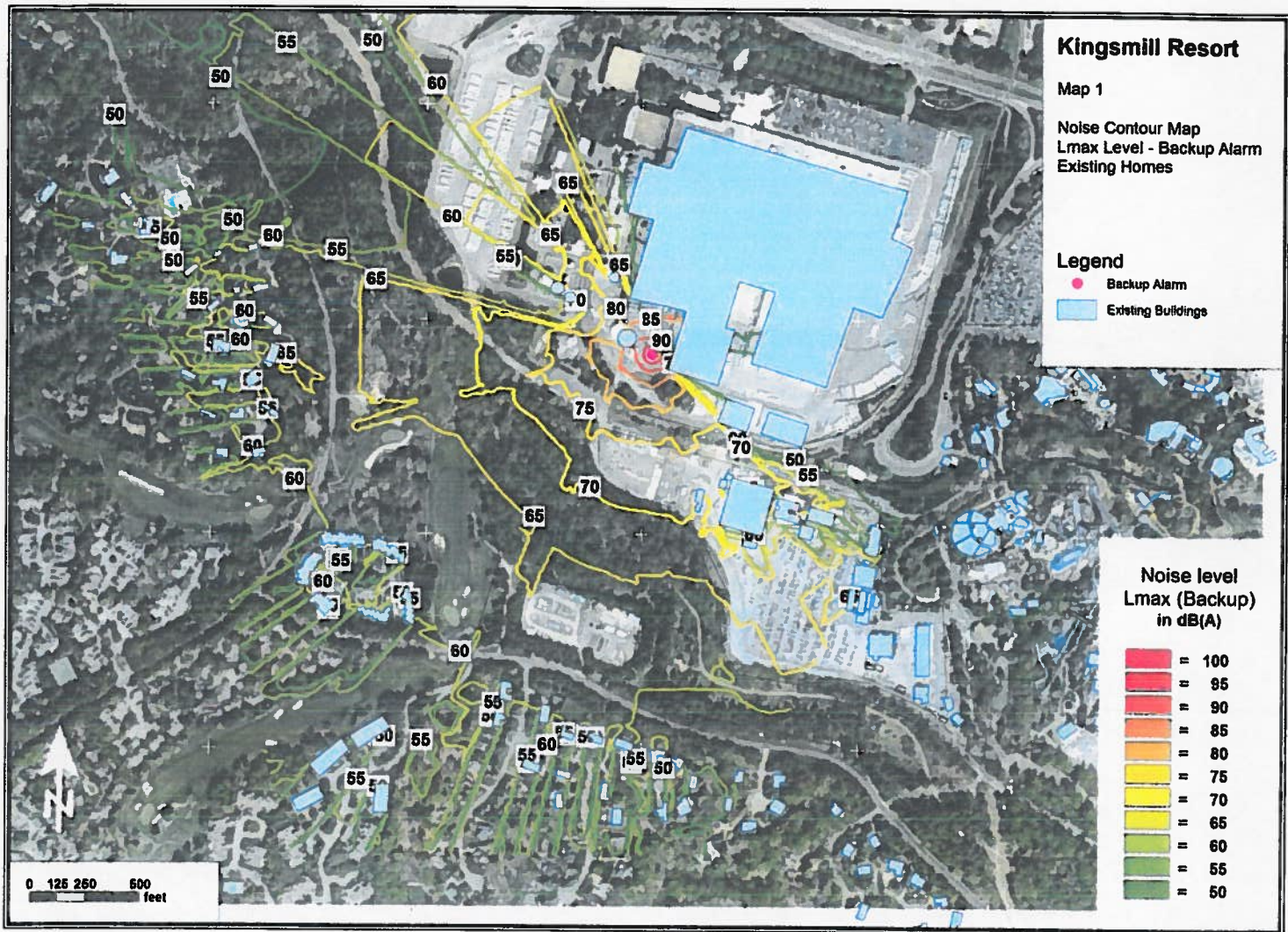


Figure 2. 3D Model Geometry - Isometric View from North West



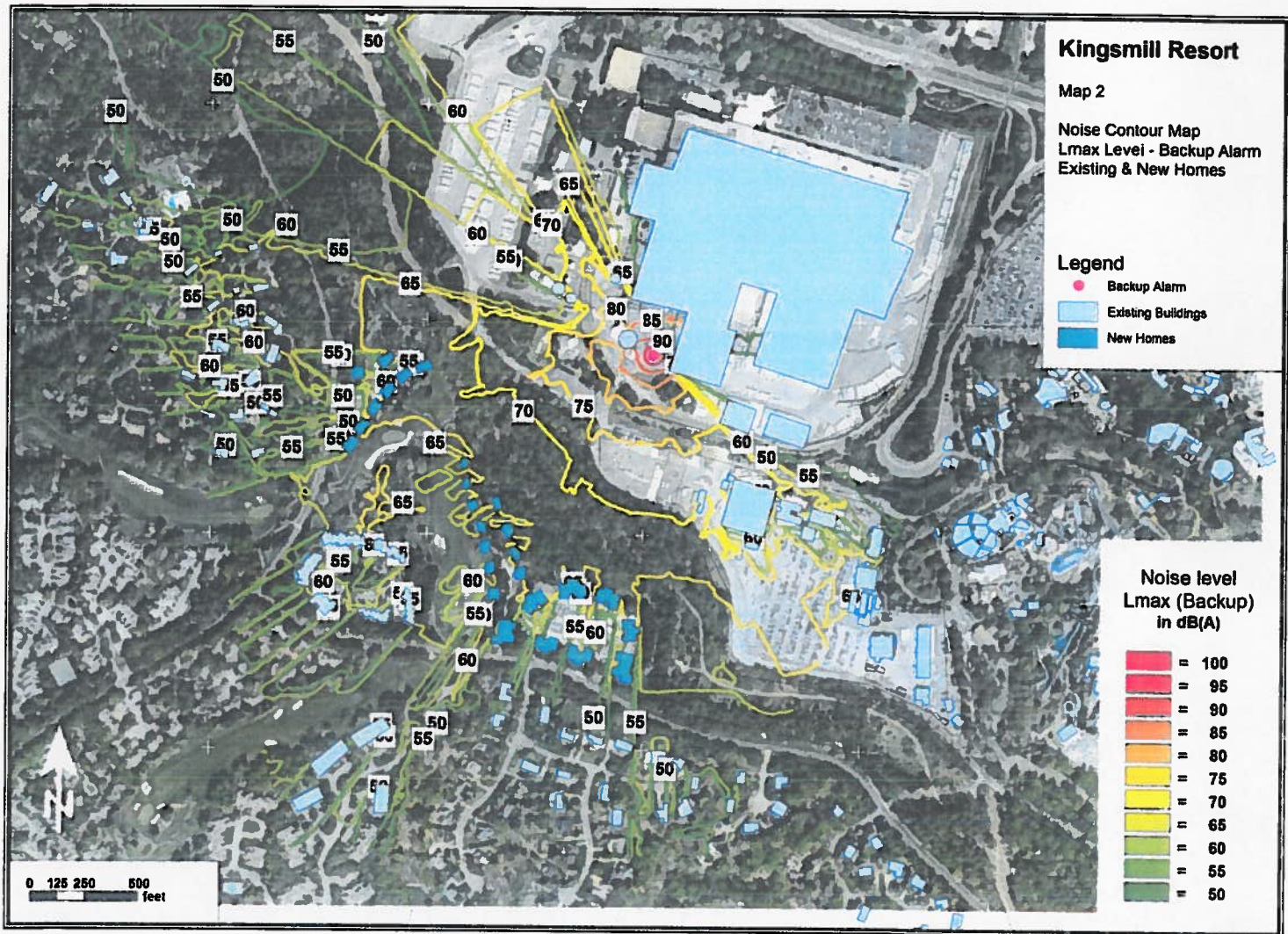
Noise Map 1. Backup Alarm Noise Contours without the Kingsmill Resort Development



Notes:

1. The color scale ranges from 50 dBA to 100 dBA in 5 dB steps.
2. The contour lines are color scaled and labeled.
3. Blue squares represent existing buildings and homes
4. Red Dot – Backup Alarm

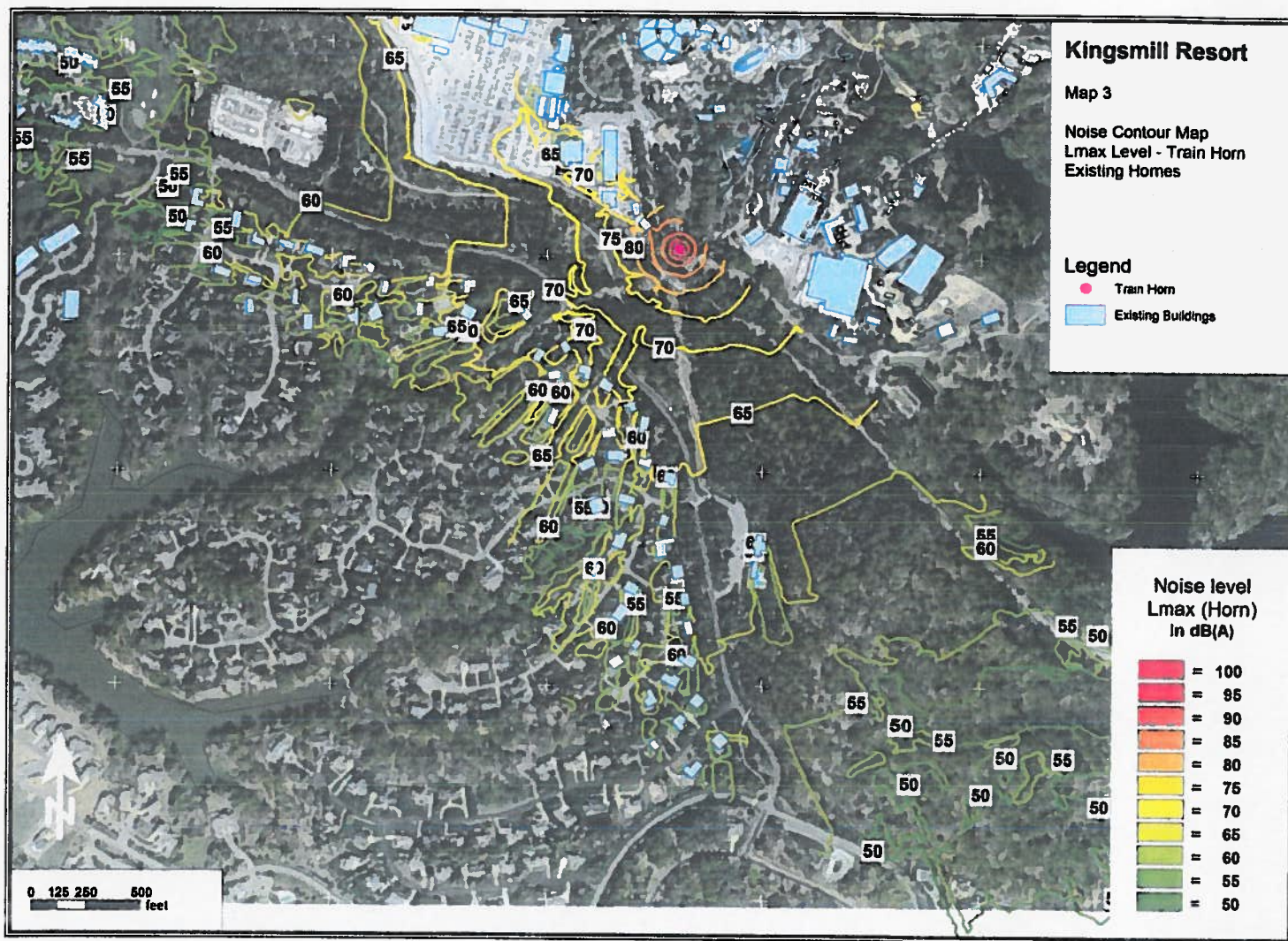
Noise Map 2. Backup Alarm Noise Contours with the Kingsmill Resort Development



Notes:

1. The color scale ranges from 50 dBA to 100 dBA in 5 dB steps.
2. The contour lines are color scaled and labeled.
3. Blue squares represent existing buildings and homes
4. Dark blue squares represent Kingsmill Resort buildings
5. Red Dot – Backup Alarm

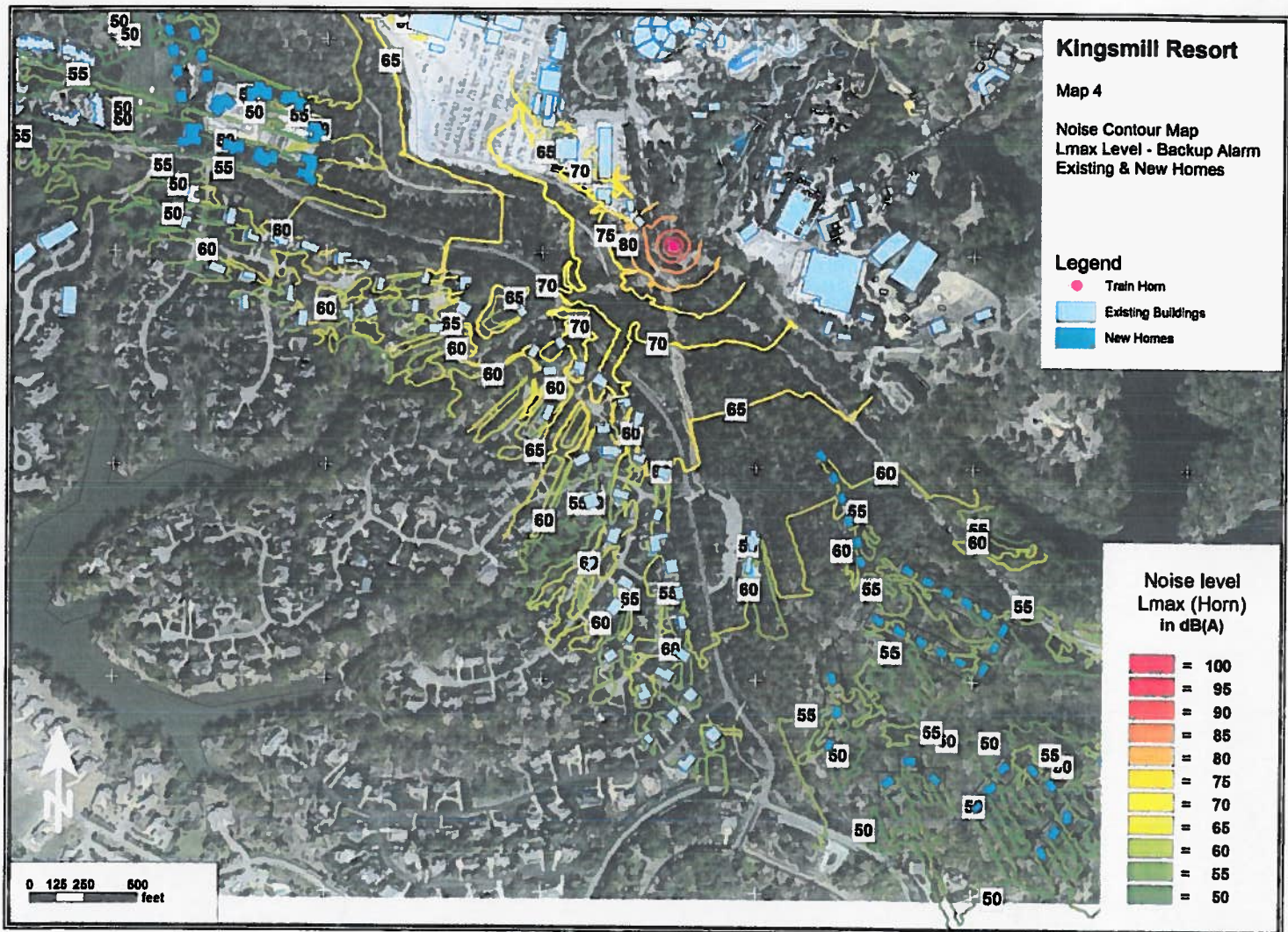
Noise Map 3. Train Horn Noise Contours without the Kingsmill Resort Development



Notes:

1. The color scale ranges from 50 dBA to 100 dBA in 5 dB steps.
2. The contour lines are color scaled and labeled.
3. Blue squares represent existing buildings and homes
4. Red Dot – Train Horn at Road Crossing

Noise Map 4. Train Horn Noise Contours with the Kingsmill Resort Development



Notes:

1. The color scale ranges from 50 dBA to 100 dBA in 5 dB steps.
2. The contour lines are color scaled and labeled.
3. Blue squares represent existing buildings and homes
4. Dark blue squares represent Kingsmill Resort buildings
5. Red Dot – Train Horn at Road Crossing

SPECIAL USE PERMIT-0004-2014. WindsorMeade Marketplace Wendy's (New Town Sec. 11) Staff Report for the June 4, 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

June 4, 2014

7:00 p.m.

July 8, 2014 (tentative)

7:00 p.m.

SUMMARY FACTS

Applicant:

Mr. Paul Gerhardt, Kaufman and Canoles

Land Owners:

SLN Casey Associates, LLC

Proposal:

Fast food restaurant

Location:

4800 Monticello Avenue (WindsorMeade Marketplace out-parcel in front of the Martin's fuel station).

Tax Map/Parcel Nos.:

3831800003A

Project Acreage:

+/- 1.322 acres

Zoning:

MU, Mixed Use with proffers

Comprehensive Plan:

Mixed Use

Primary Service Area:

Inside

STAFF RECOMMENDATION

Staff finds the proposal to be in accordance with the New Town Section 11 master plan and design guidelines. Staff also finds the proposal to be consistent with the 2009 Comprehensive Plan and zoning ordinances. Staff recommends the James City County Planning Commission recommend approval of this application to the Board of Supervisors, subject to the listed conditions.

Staff Contact: Leanne Pollock

Phone: 253-6876

BRIEF HISTORY AND DESCRIPTION OF NEW TOWN WEST

On what is commonly referred to as the west side of New Town, due to its location west of Route 199, the WindsorMeade Retirement Community/Section 13 rezoning application (Case Z-02-01/MP-02-01) was approved by the Board of Supervisors on October 23, 2001. The WindsorMeade Retirement Community master plan permits 343 dwelling units and 34,100 square feet of commercial and health care space (includes skilled nursing areas). WindsorMeade Marketplace/Section 11 (Case Z-05-03/MP-06-03) was approved on October 14, 2003 and permits 200,000 square feet of commercial and retail space fronting Monticello Avenue. New Town Section 12, now referred to as Founders Village, includes 247 for-rent townhomes. The rezoning application for Founders Village (Z-0003-2012/MP-0001-2012) was approved by the Board of Supervisors on October 9, 2012 and the construction process is ongoing. The developer anticipates that the first buildings will be ready for occupancy starting this fall.

PROJECT DESCRIPTION

Mr. Paul Gerhardt of Kaufman and Canoles has applied for a special use permit to allow the construction of an approximately 3,137 square foot Wendy's fast food restaurant in New Town Section 11 (WindsorMeade Marketplace). A fast food restaurant is a specially permitted use in the MU, Mixed Use zoning district. As mentioned, while WindsorMeade Marketplace was previously approved for commercial and retail space, the adopted master plan did not provide for a fast food restaurant. The proposal is also anticipated to generate a total of 100 additional peak hour trips to and from the site, which also requires an SUP under Section 24-11 of the Zoning Ordinance (i.e. commercial SUP requirements). Currently, there are 189,609 square feet of commercial uses built in Section 11. With the addition of the proposed Wendy's, Section 11 would have approximately 7,200 square feet of commercial development remaining under the adopted master plan cap.

The project is surrounded by property zoned MU, Mixed Use and developed as part of New Town on two sides (the Martin's fuel station and Sleepy's mattress store) and is bordered by WindsorMeade Way, Old News Road, and Monticello Avenue. Surrounding properties in New Town are zoned Mixed Use and designated Mixed Use on the 2009 Comprehensive Plan Land Use Map. The adjacent Monticello Marketplace shopping center (Martin's and Target) is zoned R-4, Residential Planned Community and designated Community Commercial on the Comprehensive Plan Land Use Map.

Given the small parcel size and existing public road constraints to creating a larger parcel, the applicant requested a waiver to the buffer requirement along Old News Road. The Planning Director has supported this buffer reduction since it will make the Wendy's more consistent with the area's urban development pattern, allow integration with the adjacent Monticello Marketplace, and create room for further separation and pedestrian accommodation between parking and the drive-thru. Furthermore, the full buffer requirement would have significantly impacted the development potential of the parcel. Similar reductions were granted for the Martin's fuel station and Goodyear.

NEW TOWN DESIGN REVIEW BOARD

Design guidelines were adopted with the original rezoning to ensure the vision of the winning town plan and to establish the New Town Design Review Board (DRB) and a process from which to review and approve proposed developments. When WindsorMeade Marketplace was rezoned in 2003, the Board of Supervisors also adopted a set of design guidelines for this specific section which address parking, architecture, pedestrian connections, building elevations/materials, landscaping and open space. The DRB reviewed the proposed Wendy's master plan and building elevations in February 2014 and found them consistent with the adopted design guidelines. Staff notes that some modifications to the building face signage shown on the elevations will be necessary in order to meet Zoning Ordinance requirements. The DRB and staff will also review the final site plan, building elevations and signage.

COMMUNITY MEETING

The applicant held a meeting with the residents of the WindsorMeade Retirement Community on May 7 to provide information about the project, answer questions and receive comments. The primary concerns expressed by residents were the increase in vehicle traffic on both WindsorMeade Way and Old News Road and bike/pedestrian accessibility and safety. Residents noted that the traffic pattern in the area is often confusing and congested and that accidents occur on a regular basis.

As a result, staff consulted with the JCC Police Department for accident statistics to try to determine if there was a particular area/pattern that was the site of most accidents. Based on Police reporting, there have been 12 reportable accidents between September 2010 and May 2014 on WindsorMeade Way (only two of those were reported within the last year). There have not been any reportable accidents on Old News Road during this same time period. Per the Police, the majority of these crashes were the fault of motorists who failed to yield the right-of-way. A high percentage of these listed crashes could be reduced if motorists would take more time to make sure the lane(s) are clear to merge into from the shopping center or gas station access road.

The applicant and staff also walked the area of concern with representatives from VDOT, the shopping center property management company (S.L. Nusbaum Realty) and the JCC Police Department to discuss possible solutions to help address resident concerns. Many of the resident concerns are pre-existing and are not directly related to or caused by the potential Wendy's. Despite this, all parties have recognized the need to address the concerns. Transportation and proposed improvements and conditions are discussed in more detail below.

PUBLIC IMPACTS

Archaeology

A widespread Phase I archaeological study was conducted prior to the development of New Town West. As no potentially eligible archaeological sites were identified during this study, staff has not included a condition for any further work.

Engineering and Resource Protection

Watershed: Powhatan Creek

Staff Comments: The property was previously cleared and there is no existing vegetation, Resource Protection Areas or wetlands on the property. Stormwater management can be addressed at the development plan stage.

Public Utilities

The property is served by public water and sewer and will connect into existing water transmission main and gravity sewer main.

Staff Comments: 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. The James City Service Authority (JCSA) has requested that the applicant develop water conservation standards prior to development plan approval.

Transportation

DRW Consultants prepared a traffic study for this project which focused on the un-signalized intersections at WindsorMeade Way and Old News Road and the internal access driveways and the signalized intersections along Monticello Avenue. Previous traffic impact studies, such as those for New Town Section 9, Courthouse Commons and Founders Village, have accounted for the full development of 200,000 square feet of retail development in WindsorMeade Marketplace.

Wendy's, on its own, is anticipated to generate 100 total PM peak hour trips. Updating the background traffic counts and factoring in this projection for the Wendy's and all approved but un-built development in New Town West did not result in changes to the LOS projected by the Founders Village traffic impact analysis for all of the signalized intersections on Monticello Ave. that were analyzed. Updated traffic counts for Monticello Ave. are also still well within volumes forecasted by previous traffic analyses. The 2016 projected overall levels of service for signalized intersections along Monticello Ave. are shown in Table 1 below:

Table 1:

	News Rd.	Mont. Market-place	Windsor Meade	Rt. 199	Casey Blvd.	Settlers Market Blvd.	New Town Ave.	Court-house St.	Ironbound
Overall LOS	D	D	B	D	D	C	C	C	C

The study also looked at the four un-signalized intersections on Old News Rd. and WindsorMeade Way. Since these are un-signalized, there is a LOS for each turning movement rather than for the overall intersection.

There were some decreases in LOS for some turning movements at these intersections. The 2016 projected levels of service for un-signalized intersections are shown in Table 2 below. Shaded cells indicate where LOS is projected to decrease by one level. The LOS for all of the un-shaded cells remained the same.

Table 2:

Intersection	East-Bound Approach	West-Bound Approach	North-Bound Approach	South-Bound Approach
Old News Rd. with North Access Road	C	C	A	A
Old News Rd. with South Access Road	B	B	A	A
WindsorMeade Way with North Access Road	C	E	A	A
WindsorMeade Way with South Access Road	A	D		A

Traffic Counts: The James City County/Williamsburg/York County Comprehensive Transportation Study (Regional Study) that was completed in March 2012 indicated that the most recent weekday volume for Monticello Ave. from Route 199 to News Road was 41,398 trips. This represents a PM peak hour LOS of F for the corridor. VDOT completed counts for WindsorMeade Way in 2010 indicating 1,300 average annual daily trips (AADT) between Monticello Ave. and the gate of the retirement community. As a point of comparison this two-lane road was generally designed to handle a maximum capacity of 15,000 vehicles per day, which is similar to the vehicle load on Jamestown Road between Boundary St. and Ukrop Way in the City of Williamsburg. VDOT completed counts on Old News Road in 2012 as part of a recent construction project. Counts indicated an AADT of 2,800 trips for the entire road (from Monticello Ave. to News Rd.).

Projected Traffic Volume: The County does not maintain projected volumes for WindsorMeade Way, but the traffic study prepared by DRW Consultants projects about 3,000 vehicles per day at full build-out of WindsorMeade Retirement Community, Founders Village and WindsorMeade Marketplace. On Monticello Ave. between Route 199 and News Road, 45,000 to 47,569 AADT are projected for 2035 – this is in the category of warranting improvement (from 4 to 6 lanes). The Regional Study notes that the PM peak hour LOS for the corridor is projected to still be at a LOS of F in 2034, but staff notes that this projection does not take the following proposed Monticello Ave. corridor improvements into account. The Comprehensive Plan specifically addresses Monticello Avenue and notes that efforts should be made to maximize capacity of the segment from Route 199 to News Road through geometric improvements and signal coordination, which VDOT is in the process of doing. The scope of work begins at the Monticello Ave. – Old News Road intersection and includes demolishing the existing right-in/right-out “porkchop” to create an additional thru/right-turn lane for traffic. The improvements are estimated to be completed by Spring 2015.

VDOT Comments: VDOT concurred that the Wendy’s would provide a minor increase in traffic generation over an alternative commercial use on this parcel, but would have little impact on the operation of Monticello Ave. As a result, no improvements are recommended for Monticello Ave. VDOT’s additional comments regarding drainage, entrance design and sidewalk access will be addressed at the development plan stage.

Staff Comments: Staff has been working closely with the applicant, VDOT and S.L. Nusbaum to discuss concerns related to Old News Road and WindsorMeade Way (both public roads) and the two private access roads and shopping center entrances. As indicated earlier, many of the traffic safety concerns in this area are pre-existing conditions that are not a result of the Wendy’s proposal. As a result, staff will continue to work with VDOT and shopping center management to address concerns.

Staff has proposed two conditions related to transportation for this application:

- Striping of a crosswalk across Old News Road near the Southern Access Road unless otherwise not permitted by VDOT. Please note that staff is currently in the process of talking with VDOT to determine whether this crosswalk would be advisable so this condition may be subject to change as a result of those discussions.
- Limitations on the location of the Wendy's entrance so that only one entrance is permitted and the entrance has to be located on the Southern Access Drive.

The original rezoning for WindsorMeade Marketplace includes a proffer that requires a signal warrant analysis and installation of any recommended improvements for the intersection WindsorMeade Way with the Northern Access Road (in between Martin's fuel and Goodyear) when requested by the County. Staff has continued to discuss this intersection through each development proposal and, to date, built and projected traffic volumes do not indicate that a signal is warranted at this location. In looking at alternatives for addressing concerns, S.L. Nusbaum has indicated a willingness to install various striping treatments, signage and sidewalk improvements:

- Removal of the "thru" arrow at the first drive aisle onto WindsorMeade Way at the shopping center.
- Re-striping the pedestrian crossing at the "porkchop" at the intersection of the South Access Drive and WindsorMeade Way.
- Painting the "porkchop" curb yellow and adding painted striping to extend the "porkchop" as a further visual indication that it is a right-in/right-out only access.
- Extending sidewalk from WindsorMeade Way to the bus stop located next to the PetSmart.
- Contributing toward expenses in public right-of-way (unless otherwise not permitted by VDOT) for:
 - o striping an extension of the median in WindsorMeade Way;
 - o striping "thru" and "thru/right turn" arrows in the WindsorMeade Way travel lanes; and
 - o striping a crosswalk on Old News Road.

VDOT is also already in the process of installing a "no left turn" sign in the median facing vehicle approaching the shopping center from Monticello Avenue and is also planning to conduct a speed study for the WindsorMeade Way corridor to see if the speed limit should be reduced from the current 40 mph speed limit.

COMPREHENSIVE PLAN

The project is designated Mixed Use on the 2009 Comprehensive Plan Land Use Map and is in the New Town Community Character Area. Mixed Use areas should be in the Primary Service Area and should be centers for higher density development with a mix of uses served by adequate infrastructure and public services. The consideration of development proposals should focus on the development potential of a given area compared to the area's infrastructure and the relation of the proposal to the existing and proposed mix of uses and their impacts. Specifically, the New Town area calls for principal suggested uses as a mix of commercial, office, and limited industrial with residential as a secondary use and should be governed by design guidelines.

Again, this project should be considered in the context of the overall New Town development. Per the original master plan, this section was anticipated for commercial development. This outparcel is one of the last remaining undeveloped areas of Section 11 before reaching the 200,000 square foot cap.

The application includes several enhancements for the Monticello Avenue Community Character Corridor (CCC) along the property's frontage, including a sidewalk connection to existing sidewalks on either side of the property, continuation of the town fence and enhanced landscaping in the CCC buffer. The development is served by adequate water, sewer and road infrastructure; is in close proximity to other commercial development, adjacent residential development, and the wider New Town area; and provides pedestrian connectivity to these areas in an effort to reduce vehicle trips. Limiting vehicular access to the private access road also reduces potential conflict points on the adjacent public roads in close proximity to Monticello Ave. Finally, oversight by the New Town Design Review Board will ensure the architectural design, building scale, signage and streetscapes are in line with expectations for the rest of New Town and are compatible with development on adjacent properties. Staff finds the proposed development to be consistent with the 2009 Comprehensive Plan.

RECOMMENDATION

Staff finds the proposal to be in accordance with the WindsorMeade Marketplace master plan and design guidelines. Staff also finds the proposal to be consistent with the 2009 Comprehensive Plan and zoning ordinances. Staff recommends the James City County Planning Commission recommend approval of this application subject to the listed conditions by the Board of Supervisors. Proposed SUP conditions are as follows:

1. *Use:* This Special Use Permit shall be valid for an approximately 3,200 square foot fast food restaurant (the “Development”).
2. *Master Plan:* The site plan for the Development shall be generally consistent with the “Conceptual Site Layout – Wendy’s” (the “Master Plan”) prepared by AES Consulting Engineers, dated November 14, 2013 as determined by the Director of Planning.
3. *Applicability of New Town Section 11 Proffers and Design Guidelines:* Development shall continue to be subject to the proffers and design guidelines as adopted by the Board of Supervisors as JCC Case Number Z-0005-2003 and MP-0006-2003 on October 14, 2003.
4. *Elevations:* Final building elevations shall be generally consistent with the Entry Side, Drive-Thru, Rear and Front Conceptual Renderings prepared by Ionic Design Studios and dated February 4, 2014 as determined by the New Town Design Review Board and the Director of Planning.
5. *Access:* Access to the Development shall be limited to the one vehicular entrance (the “Entrance”). The Entrance shall be located on the South Access Road as shown on Exhibit 2 of the report prepared by DRW Consultants on March 26, 2014 and titled “Traffic Analysis for Proposed Wendy’s New Town West” (the “Analysis”) and shall be developed generally as depicted on the Master Plan.
6. *Signage:* In addition to building face signage as permitted by the James City County Zoning Ordinance (the “Ordinance”), the Development shall be limited to one freestanding brick monument-style sign on JCC RE Tax Map 3831800003A (the “Property”). All signage, content and materials shall be in accordance with the New Town Section 11 Design Guidelines and the Ordinance and approved by the New Town Design Review Board.
7. *External Pedestrian Accommodations:* Unless otherwise not permitted by the Virginia Department of Transportation, a non-signalized crosswalk across Old News Road and connecting the proposed sidewalk parallel to the South Access Road with existing sidewalk on the adjacent property located at JCC RE Tax Map 3831200002B shall be installed prior to issuance of a final certificate of occupancy for the Development.
8. *Internal Pedestrian Accommodations:* Development shall provide internal pedestrian connections wherever sidewalk enters the parking area or crosses the Entrance or drive-thru lane. The connections shall be clearly delineated by use of a different color of pavement, brick pavers or some other method determined to be acceptable by the Director of Planning.
9. *Monticello Avenue Buffer:* A landscaping plan shall be approved by the Director of Planning, or his designee, prior to final site plan approval for this Development. The landscaping plan shall include enhanced landscaping within the fifty-foot Community Character Corridor buffer along Monticello Avenue so that the required sizes of plants and trees equals, at a minimum, 133 percent of the size requirements of the James City County Landscape Ordinance. A minimum of fifty percent of the plantings within the Community Character Corridor buffer shall be evergreen and plant material shall match those contained within the existing Monticello Avenue buffer in front of WindsorMeade Marketplace. The typical town fence shall be installed along the Monticello Avenue frontage of the Development.
10. *Water Conservation Standards:* The Applicant shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority (JCSA) and subsequently for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of approved landscaping design and materials to promote water conservation and minimize the use of public water resources. Standards shall be reviewed and approved by the JCSA prior to final site plan approval of the Development.

11. *Commencement.* Construction on the Development shall commence within twenty-four (24) months from the date of approval of this special use permit or this permit shall be void. Construction shall be defined as obtaining building permits and an approved footing inspection and/or foundation inspection.
12. *Severance Clause.* This special use permit is not severable. Invalidity of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

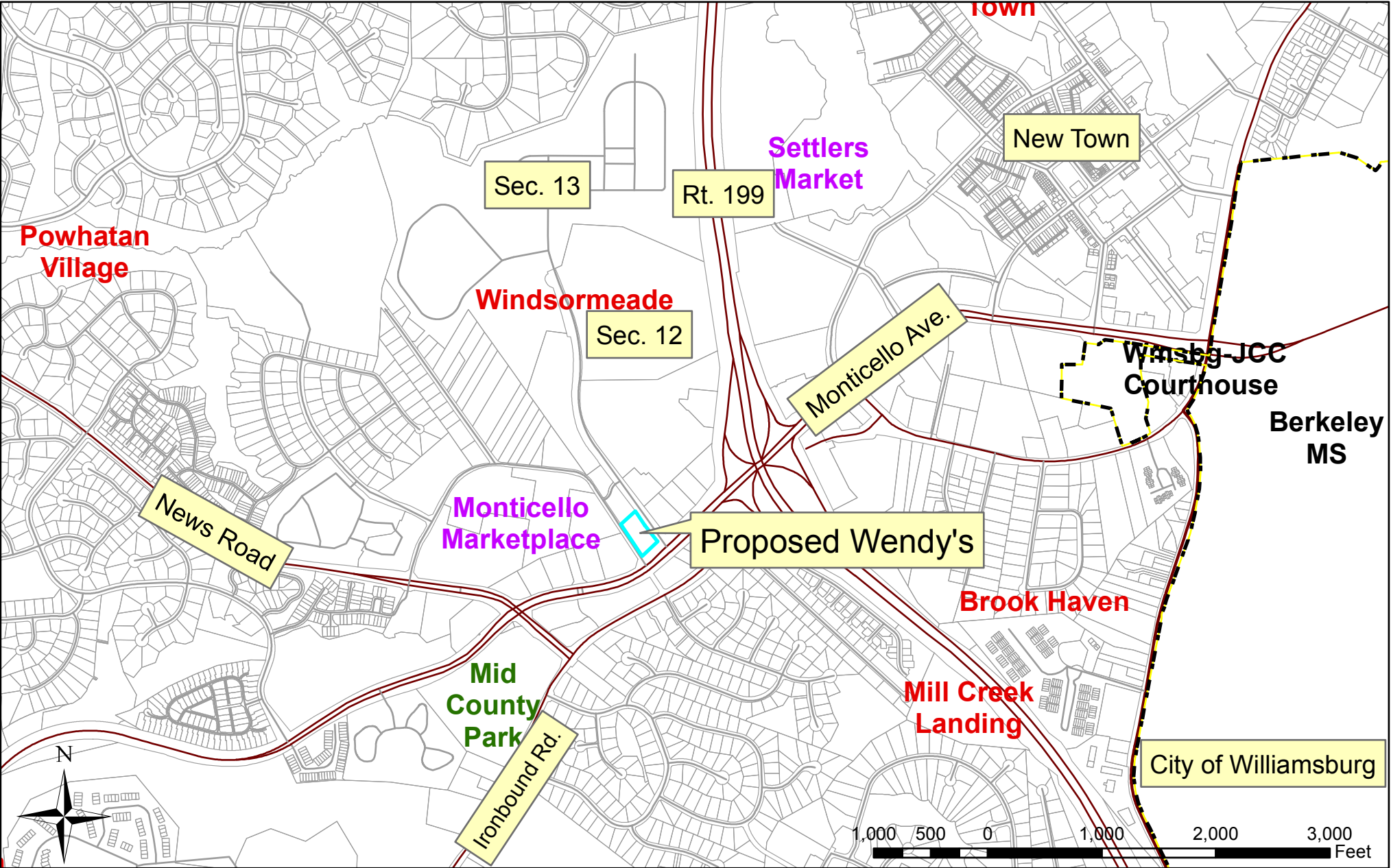


Leanne Pollock

ATTACHMENTS:

1. Location map
2. Supplemental materials binder (includes master plan, community impact statement, elevations and the traffic study) – under separate cover

JCC-SUP-0004-2014, WindsorMeade Marketplace Wendy's (New Town Sec. 11)



Community Impact Study

For

*Wendy's
@
WindsorMeade
Marketplace*

**Section 11
New Town West**

March 2014

Prepared By



5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
(757) 253-0040
Fax (757) 220-8894

TABLE OF CONTENTS

I.	Introduction	2
II.	Project Team.....	2
III.	Analysis of Existing Public Facilities and Services	3
IV.	Environmental/Historic Resources	4
	Traffic Study	<i>Provided as a Separate Report by DRW Consultants, LLC</i>

I. INTRODUCTION

The applicant SLN Casey Associates, LLC is proposing to place a fast food restaurant on the subject parcel which is zoned Mixed Use and located on a 1.3 acre site along Monticello Avenue, bounded on the east by WindsorMeade Way, and on the west by Old News Road. The parcel is part of the Marketplace at WindsorMeade which is a 34 acre development on land referred to as New Town Section 11. This parcel was identified as a restaurant site on the Section 11 Master Plan and is subject to the proffers established as part of the rezoning under the original development, which include specific design guidelines that are to be enforced by the New Town Design Review Board (DRB). Under the requirements of the design guidelines, the Wendy's site design and building elevations has been submitted to the DRB and has received preliminary approval, and final building and site approvals will be sought following approval of this Special Use Permit application.

In addition to the architectural review, the proposed site layout will provide a vegetated 50-ft buffer along Monticello Avenue and a 10-ft vegetated buffer along Old News Road to buffer the adjacent commercial land from the proposed development. The planned landscaping, including the extension of town fence and street tree plantings will further serve to link the parcel with the existing development in accordance with the design guidelines.

The applicant has brought together the project team to ensure the property adheres to the design guidelines; as well as to review and mitigate the potential impacts to the surrounding community in accordance with the James City County Zoning Ordinance.

II. THE PROJECT TEAM

The following organizations are, or have been involved in the planning and development of the property.

- Applicant SLN Casey Associates, LLC
- Legal Counsel Kaufman & Canoles - Williamsburg, Virginia
- Civil Engineer/
Landscape Architecture AES Consulting Engineers - Williamsburg, Virginia
- Traffic Planning DRW Consultants, LLC - Richmond, Virginia

III. ANALYSIS OF EXISTING PUBLIC FACILITIES AND SERVICES

A. WATER

The property will be served with potable water by the existing James City Service Authority (JCSA) water distribution system. The existing JCSA water distribution infrastructure is presently adequate to serve the project. The project's internal water distribution system will connect to existing JCSA infrastructure at the existing 12" water transmission main along WindsorMeade Way.

B. SANITARY SEWER

Wastewater generated by the project will be collected in a private on-site sanitary sewer gravity main and extended to the existing gravity mains which are owned and operated by the James City Service Authority (JCSA).

C. FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES (EMS)

There are currently five (5) fire stations providing fire protection and EMS services to James City County. In addition, there exists a mutual aid agreement with the City of Williamsburg and York County for backup assistance. The location of the project allows for coverage by three of the county's five stations; Station 3, located on John Tyler Highway, Station 4, located on Olde Towne Road, and the Station 5, located on Monticello Avenue.

D. SOLID WASTE

The property will generate solid waste that will require collection and disposal to ensure a safe and healthful environment. Collection of solid waste will be by private contract with reputable haulers acting in accordance with local health standards. This waste will be transported to the James City County Solid Waste transfer station. A masonry dumpster enclosure will be provided onsite.

E. GAS AND ELECTRICITY

Virginia Natural Gas (VNG) supplies gas and Dominion Virginia Power supplies power to the WindsorMeade Marketplace development.

IV. ENVIRONMENTAL/HISTORIC RESOURCES

A. SUMMARY

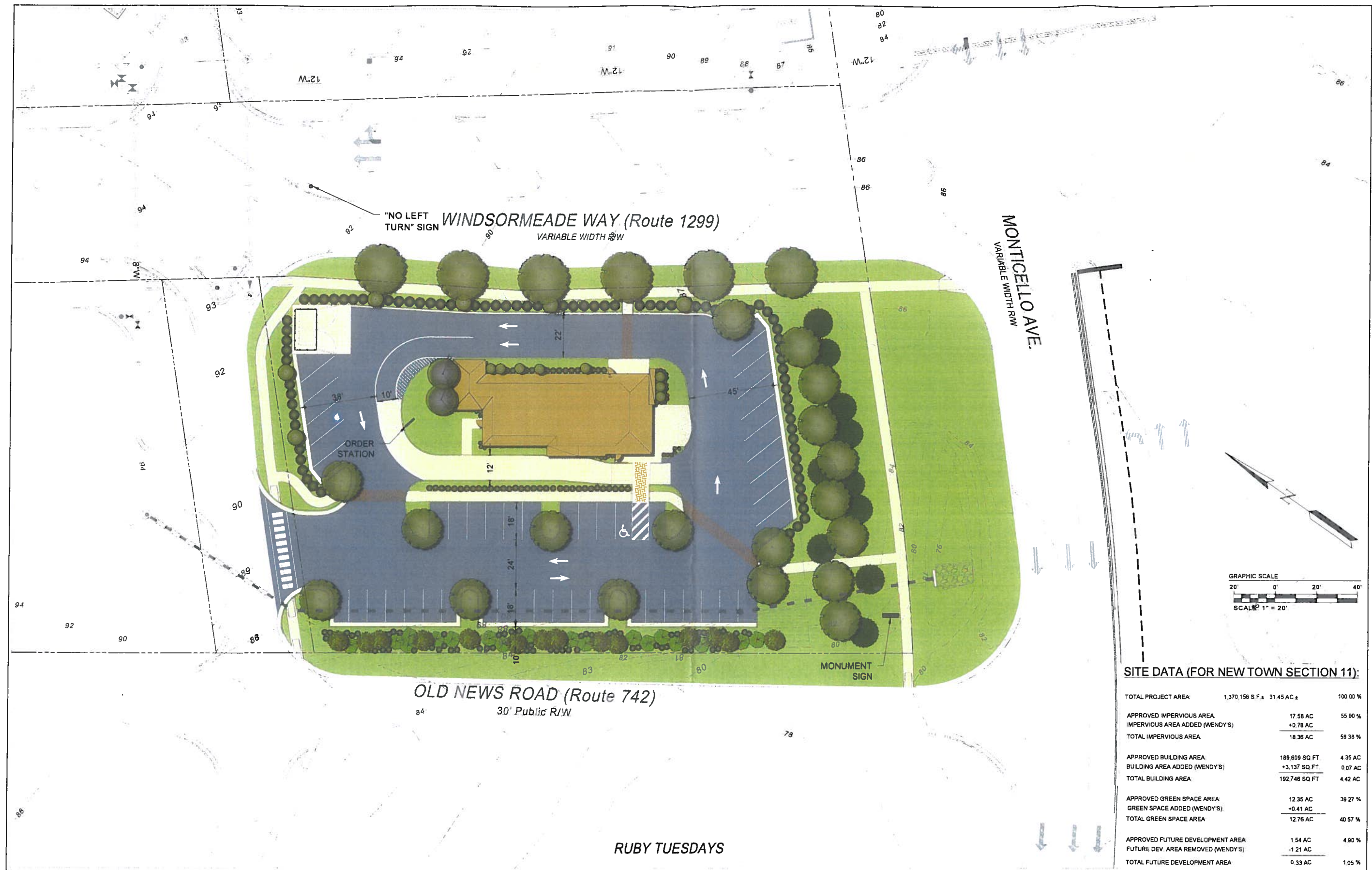
This parcel was cleared and graded as part of the original construction of WindsorMeade Way. The site was evaluated in terms of topography, archeology, wetlands, flood plains and endangered species as part of the original rezoning/Master plan and found to be clear of all applicable items. Currently the site is sparsely vegetated with grasses and there are no trees on the property.

B. STORMWATER MANAGEMENT

The subject parcel is part of the overall WindsorMeade Master plan which included a plan to handle the overall project stormwater through a series of stormwater management facilities and natural open spaces using the James City County 10-point system. This project will be designed and completed in accordance with the approved Master plan and any previously approved revisions, in general conformance with the approved stormwater master plan of development. Additionally, State and County stormwater regulations require that the development cannot contribute to downstream flooding or erosion.

V. TRAFFIC IMPACTS

Please see included report by DRW Consulting, LLC for details on the traffic impacts associated with the proposed Wendy's.



SITE DATA (FOR NEW TOWN SECTION 11):

TOTAL PROJECT AREA	1,370,156 S.F. ± 31.45 AC ±	100.00 %
APPROVED IMPERVIOUS AREA	17.58 AC	55.90 %
IMPERVIOUS AREA ADDED (WENDY'S)	+0.78 AC	
TOTAL IMPERVIOUS AREA	18.36 AC	58.38 %
APPROVED BUILDING AREA	189,609 SQ. FT.	4.35 AC
BUILDING AREA ADDED (WENDY'S)	+3,137 SQ. FT.	0.07 AC
TOTAL BUILDING AREA	192,746 SQ. FT.	4.42 AC
APPROVED GREEN SPACE AREA	12.35 AC	39.27 %
GREEN SPACE ADDED (WENDY'S)	+0.41 AC	
TOTAL GREEN SPACE AREA	12.76 AC	40.57 %
APPROVED FUTURE DEVELOPMENT AREA	1.54 AC	4.90 %
FUTURE DEV. AREA REMOVED (WENDY'S)	-1.21 AC	
TOTAL FUTURE DEVELOPMENT AREA	0.33 AC	1.05 %

Rev	Date	Description	Revised By

AES
CONSULTING ENGINEERS

5248 Old Towne Road, Suite 1
Williamsburg, Virginia 23188
Phone: (757) 253-0040
Fax: (757) 220-8994
www.aesva.com

Hampton Roads | Central Virginia | Middle Peninsula

CONCEPTUAL SITE LAYOUT

WENDY'S

JAMESTOWN DISTRICT | JAMES CITY COUNTY | VIRGINIA

Project Contacts: GAW/JAG
Project Number: 9C88-15
Scale: 1"=20' Date: 11/4/13
Sheet Number:
1 OF 1

EXCERPT FROM UNAPPROVED MINUTES OF NEW TOWN DESIGN REVIEW BOARD
FEBRUARY 2014 MEETING

IV. Proposed Wendy's Restaurant, 4800 Monticello Avenue, to be located in the island between WindsorMeade Way and Old News Road adjacent to WindsorMeade Shopping Center, Williamsburg, Virginia 23188

Eugene Thompson, Ionic Design and Bob Skinner, Wendy's Corporation reviewed the redesigned proposed restaurant and Jason Grimes, PE, AES Consulting Engineers discussed the landscaping for this new restaurant. Suggestions included checking with JCC Code Compliance on locations of signage over the entrance doors; narrowing the green area of the back of the parking lot along Old News Road so the parking spaces can be moved away from the drive-through pick-up lane to add a sidewalk and fence along it in front of the parked cars; create height differences in the plants along the WindsorMeade Way side of the parking lot and the building and at the Monticello Avenue face of the building; and provide a different texture to the pavement at the end of the pick-up drive ramp for safety reasons where it ends at the building entrance. The conceptual plans were approved, with the request the final plans be submitted electronically for approval.

Note: Minutes are not formally approved until next scheduled meeting, tentatively set for May 2014



Wendy's #10538
MONTICELLO AVENUE
WILLIAMSBURG, VIRGINIA

Project No: 131104 Date: 02/04/14

FRONT VIEW CONCEPTUAL RENDERING



Wendy's #10538
MONTICELLO AVENUE
WILLIAMSBURG, VIRGINIA

Project No: 131104 Date: 02/04/14

FRONT VIEW CONCEPTUAL RENDERING



Wendy's #10538
MONTICELLO AVENUE
WILLIAMSBURG, VIRGINIA

Project No: 131104 Date: 02/04/14

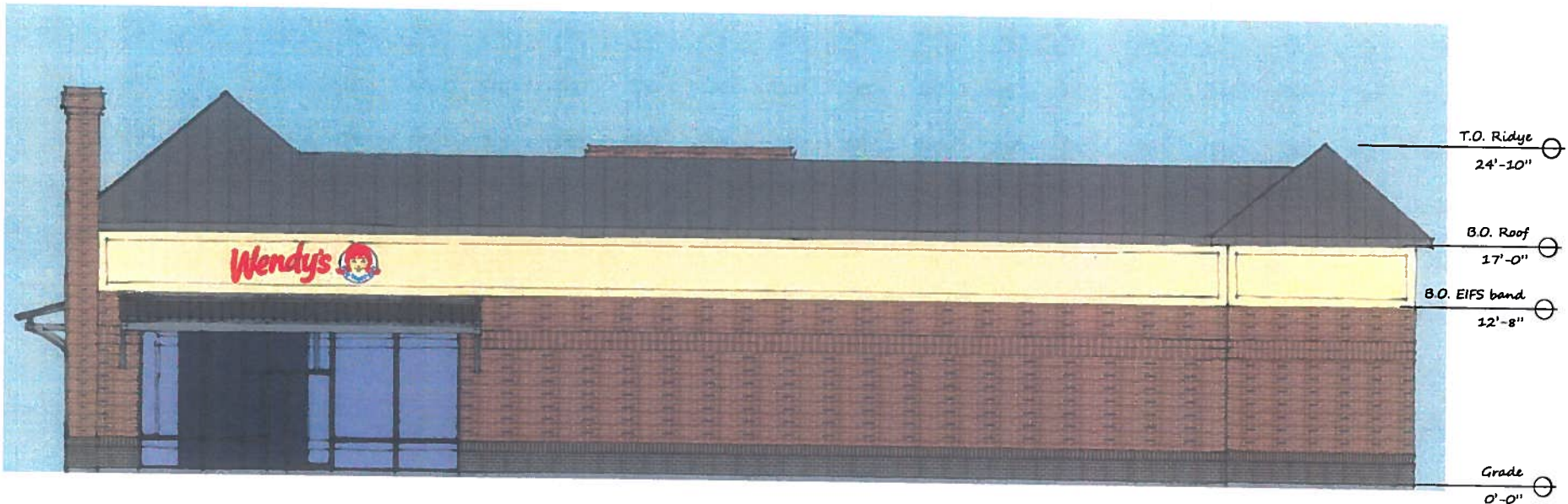
DRIVE-THRU SIDE CONCEPTUAL RENDERING



Wendy's #10538
MONTICELLO AVENUE
WILLIAMSBURG, VIRGINIA

Project No: 131104 Date: 02/04/14

ENTRY SIDE CONCEPTUAL RENDERING



Wendy's #10538
MONTICELLO AVENUE
WILLIAMSBURG, VIRGINIA

Project No: 131104 Date: 02/04/14

ENTRY SIDE CONCEPTUAL RENDERING

211 INDEPENDENCE AVENUE
CLUSTON, VA 23041
703.661.1111
WWW.TONICDESIGNSTUDIOS.COM



Wendy's #10538
MONTICELLO AVENUE
WILLIAMSBURG, VIRGINIA

Project No: 131104 Date: 02/04/14

DRIVE-THRU CONCEPTUAL RENDERING

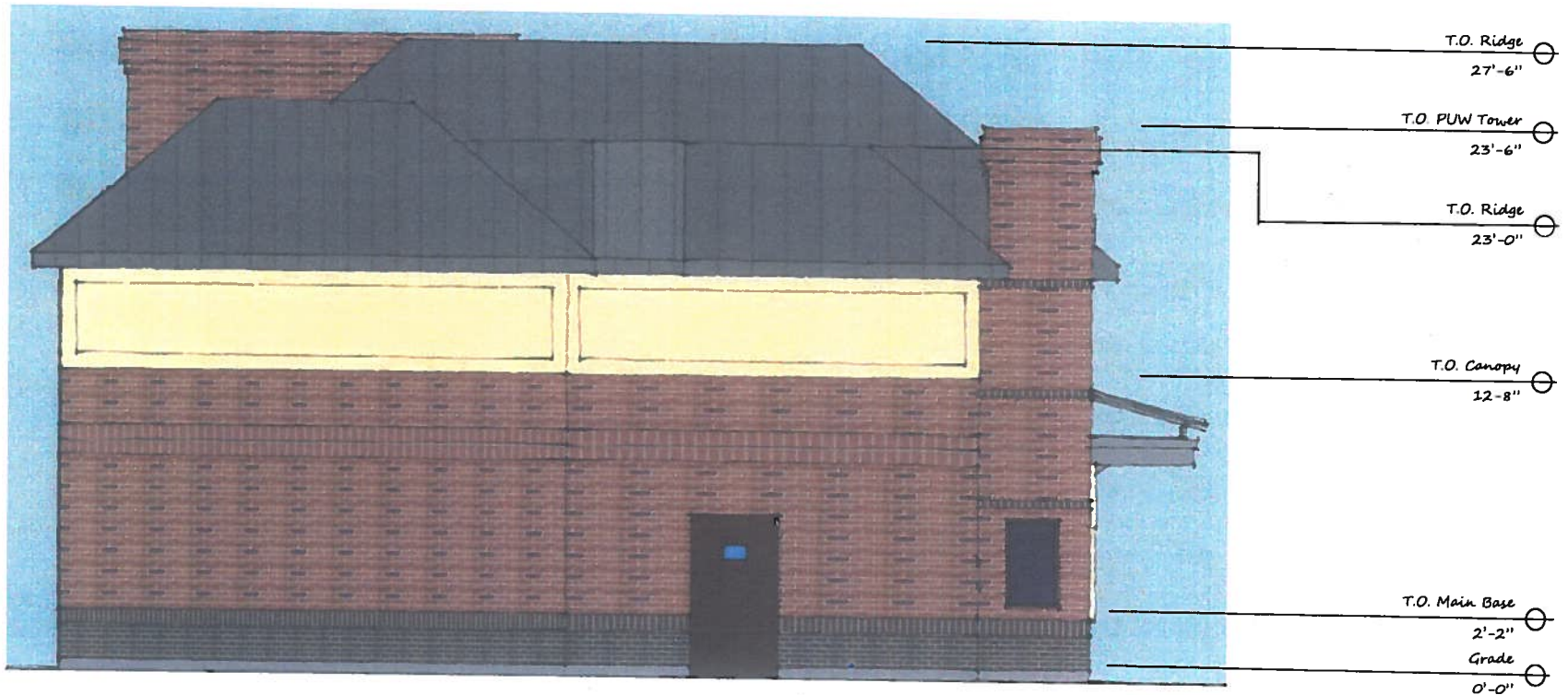
100 INDEPENDENCE AVENUE
WILLIAMSBURG, VA 23188
PHONE: 757-833-1111
WWW.TONICDESIGNSTUDIOS.COM



Wendy's #10538
 MONTICELLO AVENUE
 WILLIAMSBURG, VIRGINIA

Project No: 131104 Date: 02/04/14

FRONT CONCEPTUAL RENDERING



Wendy's #10538
 MONTICELLO AVENUE
 WILLIAMSBURG, VIRGINIA

Project No: 131104 Date: 02/04/14

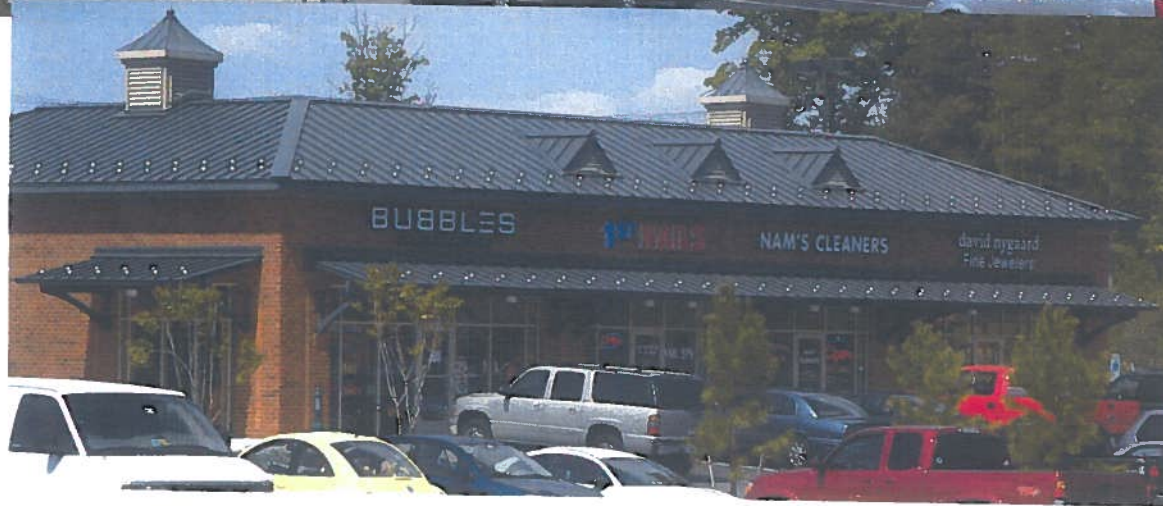
REAR CONCEPTUAL RENDERING



Wendy's #10538
MONTICELLO AVENUE
WILLIAMSBURG, VIRGINIA

Project No: 131104 Date: 02/04/14

AERIAL CONCEPTUAL RENDERING



Wendy's #10538
MONTICELLO AVENUE
WILLIAMSBURG, VIRGINIA

Project No: 131104 Date: 02/04/14

SURROUNDING AREA PRECEDENTS



Wendy's #10538
MONTICELLO AVENUE
WILLIAMSBURG, VIRGINIA

Project No: 131104 Date: 02/04/14

SURROUNDING AREA PRECEDENTS



Wendy's #10538
MONTICELLO AVENUE
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SURROUNDING AREA PRECEDENTS



Wendy's #10538
MONTICELLO AVENUE
WILLIAMSBURG, VIRGINIA

Project No: 131104 Date: 02/04/14

SURROUNDING AREA PRECEDENTS

Traffic Analysis For Proposed Wendy's New Town West

JAMES CITY COUNTY, VIRGINIA

For:
AES Consulting Engineer

By:
DRW Consultants, LLC
Midlothian, VA

March 26, 2014

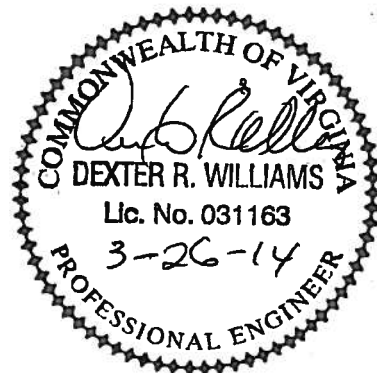


TABLE OF CONTENTS

REPORT TEXT	Page
Background.....	1
New Town And Monticello Avenue Development	1
Previous Traffic Studies.....	2
2014, 2012 And 2010 Traffic Counts	3
Monticello Avenue & WindsorMeade Way Intersection Traffic Counts And Previous Forecasts	4
Comparison Of WindsorMeade Way And Old News Road Traffic Counts	5
New Town Build Out.....	5
2016 Traffic Forecasts And Analysis.....	7
Conclusions.....	8

REPORT EXHIBITS	Number
New Town Sections And Related Development.....	1
Proposed Wendy's Area	2
2014 Traffic Counts	3
Monticello Avenue/WindsorMeade Way Traffic Count And Forecast Comparison	4
WindsorMeade Way/Old News Road Corridors 2010 and 2014 PM Counts.....	5a
Change In PM Peak Hour Traffic 2010 To 2014.....	5b
Section 11, 12, And 13 Trip Generation	6
2016 PM Peak Hour Signalized Intersection LOS.....	7
2016 PM Peak Hour Unsignalized Intersection LOS	8



REPORT TEXT

BACKGROUND

The scope of this traffic study was reviewed with James City County staff on Thursday, February 6, 2014. This study is an update of previous traffic study work on the Monticello Avenue corridor for New Town and Courthouse Commons. The most recent version was the May 11, 2012 traffic study for New Town Section 12 apartments (Oxford At New Town West). There are three basic elements of this update:

1. Documentation of current traffic counts in the New Town West area relative to previous counts and forecasts.
2. Comparison of previous forecast traffic levels of service (LOS) and with the updated LOS in this update on the Monticello Avenue corridor
3. Analysis of traffic operations on the WindsorMeade Way corridor.

NEW TOWN AND MONTICELLO AVENUE CORRIDOR DEVELOPMENT

For the benefit of readers not familiar with New Town, enclosed Exhibit 1 shows the Monticello Avenue corridor through the New Town area on a 2010 aerial photograph. New Town sections are numbered 1 through 13 have all been addressed in previous traffic studies and are described as follows:

1. Section 1: Wmsbg/JCC courthouse and various non-residential uses mostly developed.
2. Sections 2 & 4: Office, retail and residential, mostly developed. Part of integrated New Town East area.
3. Sections 3 & 6: Office, retail and residential, mostly developed. Part of integrated New Town East area.
4. Section 5: Light industrial without access to New Town east area. Access via Tewning to Ironbound Road.
5. Section 7 & 8: Mostly residential with small commercial, largely undeveloped. Part of integrated New Town East area.
6. Section 9, Settler's Market: Mostly retail with some residential, largely developed. Part of integrated New Town East area.
7. Section 11, WindsorMeade Way: Retail mostly developed New Town West area.
8. Section 12: Apartments under construction (Oxford At New Town West).
9. Section 13: Windsormeade (retirement village), mostly developed in New Town West area.

The following areas marked A and B on Exhibit 1 are outside of New Town:

1. A: Post Office and medical office fully developed.
2. B: Courthouse Commons (New Town 6), developed with Fresh Market and contiguous storefront shops in 2012 with outparcel development nearing completion.

Much of the area shown as New Town was part of a master plan overlay approval which

required further rezoning to allow currently permitted uses. The printed conceptual Master Plan document in 1997 did not include some parts of what is now known as New Town and included some properties that have never been designated as part of New Town and were not part of the master plan overlay approval. In other words, the area has developed in accordance with the 1997 master plan but the exact boundaries of New Town have evolved over time with Exhibit 1 showing the current boundary. All New Town sections have been rezoned for permitted uses in separate actions (as grouped in the above list) beginning in 1997 and continuing through the 2011 rezoning (down zoning) of Section 9, Settler's Market and the 2012 study for Section 12 apartments.

The proposed Wendy's site is part of Section 11. It is located at the corner of Monticello Avenue and Windsormeade Way (marked C on Exhibit 1). Two other recent developments in Section 11 are the Martin Fuel Center opened in August 2011 (marked D on Exhibit 1) and the Goodyear site opened in January 2013 (marked E on Exhibit 1).

Exhibit 2 is a 2013 JCC aerial for the New Town West area with the preliminary plan for Wendy's added to the aerial. The North and South Access Roads are private-maintained roads that cross public roads Old News Road and WindsorMeade Way between Monticello Marketplace and WindsorMeade Marketplace. The Wendy's site is bounded by Monticello Avenue on the south, Old News Road on the west, South Access Road on the north, and WindsorMeade Way on the east. All access to the Wendy's is a single entrance on the South Access Road with no new access to any public road.

PREVIOUS TRAFFIC STUDIES

The April 15, 1997 traffic study incorporated in the 1997 master plan was updated in rezonings through 2005 for ITE trip generation updates and updates in HCS (Highway Capacity Software). From 1997 through 2005, the traffic study updates did not include any modifications based on traffic counts or different analysis procedures.

In 2005, a traffic study was submitted for Section 9 using the 1997-basis procedures. The previous background traffic forecast system was scrapped and a new forecast based on new counts was developed. The previous analysis methodology using HCS (largely a single location analysis tool) was scrapped and replaced by Synchro (capable of analyzing a network of multiple locations and specifically designed for signal coordination). The locations required for analysis were also adjusted with some locations added and some locations deleted.

In 2006, a traffic study for Sections 7, 8, and 9 received VDOT's concurrence and was included with the rezoning for Sections 7, 8, and 9. At that time, all New Town sections shown on Exhibit 1 were rezoned for specific uses except Section 12. In addition, a West

Monticello Plan designed to correct over-capacity conditions on Monticello Avenue west of the New Town West area was provided to the County and VDOT.

In 2010, a traffic study was prepared under VDOT Ch. 527 criteria for the proposed rezoning of Courthouse Commons (New Town 6), site B on Exhibit 1. The completed study was dated May 15, 2010 and was titled: Traffic Analysis For Courthouse Commons (New Town Six). (Note: The New Town Six reference is to the ownership group and is not affiliated with the New Town trademark for Sections 1 through 13). VDOT provided comments dated May 26, 2010 on the May 15, 2010 Ch. 527 study which included the following:

- 2) We concur with the proposed site traffic distribution, assignment, and background traffic growth methodology as provided in the submitted study.

The 2010 Courthouse Commons traffic study was further updated in 2011 for a second rezoning of Section 9. The rezoning of Section 9 involved a reduction in development from the previous 2006 rezoning. The 2012 study for New Town Section 12 apartments (Oxford At New Town West) included further refinements for the WindsorMeade Way area and traffic counts to corroborate previous counts.

2014, 2012 AND 2010 TRAFFIC COUNTS

Turning movement traffic counts were conducted by DRW Consultants, LLC from 7 to 9 AM on Thursday, February 20, 2014 and 4 PM to 6 PM on Wednesday, February 19, 2014 at the following study area intersections:

1. Monticello Marketplace/Windsormeade Way (see Appendix Exhibit A series for tabulated traffic counts)
2. WindsorMeade Way/South Access Road (see Appendix Exhibit B series for tabulated traffic counts)
3. WindsorMeade Way/North Access Road (see Appendix Exhibit C series for tabulated traffic counts)
4. Old News Road/North Access Road (see Appendix Exhibit D series for tabulated traffic counts)
5. Old News Road/South Access Road (see Appendix Exhibit E series for tabulated traffic counts)

These counts without balance are tabulated on Appendix Exhibit F. 2014 peak hour counts with balance are tabulated on Exhibit 3.

The counts on Exhibit 3 show that two way link volumes for the PM peak hour traffic are about double that for the AM peak hour on Old News Road and on WindsorMeade Way. PM peak hour two way link traffic on Monticello Avenue is about 50% higher than AM peak hour traffic. This bears out previous counts and forecasts in this area. The much higher PM

peak hour traffic is the controlling period for highest traffic demand and consequently is the focus of traffic count comparisons and analysis in this study.

MONTICELLO AVENUE & WINDSORMEADE WAY INTERSECTION TRAFFIC COUNTS AND PREVIOUS FORECASTS

Exhibit 4 shows a comparison of the 2014 PM peak hour counts to previous counts and forecasts to see to what extent previous forecasts have been underestimated. The comparisons are presented from top to bottom as follows (all comparisons cited are in link volumes):

1. 2010 Counts. 2014 on left, 2010 in middle, change from 2010 to 2014 on right in vehicles per hour (vph) and percent. There has been an increase in traffic on WindsorMeade Way (+113 vph) but an overall decrease on Monticello Avenue (-293 vph east of WindsorMeade Way and -406 vph west of WindsorMeade Way).
2. 2012 Counts. 2014 on left, 2012 in middle, change from 2012 to 2014 on right in vph and percent. There has been an increase in traffic on WindsorMeade Way (+109 vph) and a modest decrease on Monticello Avenue (-47 vph east of WindsorMeade Way and -127 vph west of WindsorMeade Way).
3. 2015 Forecast From 2003 Traffic Study For WindsorMeade Marketplace. 2014 on left, 2015 forecast in middle, change from 2015 forecast to 2014 counts on right in vph and percent. The 2014 counts are appreciably below forecast traffic on WindsorMeade Way (-363 vph) and on Monticello Avenue (-1325 vph east of WindsorMeade Way and -1341 vph west of WindsorMeade Way).
4. 2016 Forecast From 2012 Traffic Study For Section 12 Apartments. 2014 on left, 2016 forecast in middle, change from 2016 forecast to 2014 counts on right in vph and percent. The 2014 counts are below 2016 forecast traffic on WindsorMeade Way (-155 vph) and appreciably less on Monticello Avenue (-1286 vph east of WindsorMeade Way and -1273 vph west of WindsorMeade Way).

The 2010 counts were as the basis for background traffic in the 2012 study forecast to 2016. Traffic on Monticello Avenue at Windsormeade Way has declined since 2010 and there is no unforeseen traffic growth that would warrant adjustments to previous background traffic forecasts.

On WindsorMeade Way, there is traffic growth since 2010 for traffic primarily to and from the east on Monticello Avenue that justifies an adjustment to previous background traffic on the WindsorMeade Way corridor.

COMPARISON OF WINDSORMEADE WAY AND OLD NEWS ROAD TRAFFIC COUNTS

Exhibit 5a shows 2010 (upper section) and 2014 (lower section) PM peak hour counts at the following intersections:

1. WindsorMeade Way/South Access Road. The South Access Road was not in place in 2010 between Old News Road and WindsorMeade Way. It was in place in 2014 along with the Martin's Fuel Center and the Goodyear store. There is stop sign control on the westbound and eastbound approaches. The following turning movements are prohibited at the intersection today:
 - a. northbound left turn
 - b. eastbound left turn and through
 - c. westbound through
2. WindsorMeade Way/North Access Road: This four way intersection was in place in 2010. There is stop sign control on the westbound and eastbound approaches.
3. Old News Road/North Access Road: This four way intersection was in place in 2010. There is stop sign control on the westbound and eastbound approaches.
4. Old News Road/South Access Road: There was access only to Monticello Marketplace in 2010. There is stop sign control on the westbound and eastbound approaches.

Exhibit 5b shows the change in traffic from 2010 to 2014 in vph (upper section) and percent (lower section). Traffic growth may be attributed to Martin's Fuel Center and the Goodyear store openings since 2010. In addition to increased traffic on WindsorMeade Way at Monticello Avenue, the other locations for increases are: 1) eastbound right turns on North and South Access Roads at WindsorMeade Way (95 vph), and 2) traffic from Monticello Marketplace exiting to the east on the North and South Access Roads (68 vph). Some adjustment to the background traffic forecasts at these intersections is warranted as well based on the change from 2010 counts to 2014 counts.

NEW TOWN BUILD OUT

New East Of Rt. 199

New Town East Sections 2, 3, 4, 6, 7, 8 and 9 comprise the block of development west of Ironbound Road and north of Monticello Road as shown in Exhibit 1. In fall 2013, a full inventory of development for New Town East of Rt. 199 was included in an analysis of a traffic signal warrant at Watford Lane and Ironbound Road.

The following table shows off site trip generation for build out of these six sections of New Town from the fall 2013 study:

Table One: New Town East Sections 2, 3, 4, 6, 7, 8, 9 Build Out Trip Generation										
LAND USE	LAND USE CODE	SQ.FT., OTHER UNITS		WEEKDAY TRIP GENERATION						
				AM PEAK HOUR			PM PEAK HOUR			DAILY
				Enter	Exit	Total	Enter	Exit	Total	
Gen. Office Building	710	640,356	sq. ft.	730	99	829	135	661	796	5573
Shopping Center	820	703,687	sq. ft.	237	175	412	1120	1138	2258	23120
Hotel	310	100	room	25	16	41	31	28	59	522
Residential		1,062	units	87	340	427	345	184	529	5753
TOTAL				1079	630	1709	1631	2011	3642	34968

As of fall 2013, most of New Town East of Rt. 199 was developed. The following table shows off site trip generation for 2013 development in these six sections of New Town:

Table Two: New Town East Sections 2, 3, 4, 6, 7, 8, 9 Existing Trip Generation										
LAND USE	LAND USE CODE	SQ.FT., OTHER UNITS		WEEKDAY TRIP GENERATION						
				AM PEAK HOUR			PM PEAK HOUR			DAILY
				Enter	Exit	Total	Enter	Exit	Total	
Gen. Office Building	710	516,356	sq. ft.	613	84	697	112	545	657	4722
Shopping Center	820	566,011	sq. ft.	219	157	376	974	994	1968	20267
Residential		708	units	58	236	294	235	125	360	3880
TOTAL				890	477	1367	1321	1664	2985	28869

Following are the ratios of build out trip generation to existing development trip generation:

- Daily Traffic: 1.21
- AM Peak Hour Total: 1.25
- PM Peak Hour Total: 1.22

The ratio of the 2016 forecast (from 2012 study) to the 2014 PM peak hour traffic counts is 1.37 on Monticello Avenue west of Rt. 199. The contribution of New Town East traffic to Monticello Avenue west of Rt. 199 is only part of future traffic, and the New Town East contribution growth factor is about two-thirds that of the previous 2016 forecast to existing traffic ratio for all traffic. Increased traffic potential for build out of New Town East shows trip generation well within previous forecasts.

It should also be noted that Courthouse Commons east of Rt. 199 was also mostly built out in 2014.

New Town West Of Rt. 199

The three sections of New Town West (of Rt. 199) are also nearing build out. WindsorMeade retirement community and WindsorMeade Marketplace are mostly built out. Exhibit 6 shows trip generation for the three sections of New Town West as follows:

1. Section 11 WindsorMeade Marketplace. Table One shows trip generation for the 19,771 sq. ft. remaining out of 200,000 sq. ft. approved for WindsorMeade

Marketplace and used in the 2012 study. Table Two shows trip generation for the proposed Wendy's and the remaining 7,341 sq. ft. of undeveloped space used in this study.

2. Section 12 Oxford At New Town West. Table Three shows trip generation for 274 apartments used in the 2012 study. Table Four shows trip generation for the 247 apartments approved for Section 12 and used in this study.
3. Section 13 WindsorMeade Retirement Community. Table Five shows full development trip generation for WindsorMeade retirement community that was used in the 2012 traffic study and previous studies. WindsorMeade is now mostly built (two thirds or more according to site engineer), and trip generation in Table Six and used in this study is about one third of previous build out total site trip generation.

2016 TRAFFIC FORECASTS AND ANALYSIS

As a point of comparison, the traffic forecast from the 2012 traffic study (see Appendix Exhibit G) and the signalized intersection LOS (See Table One on Exhibit 7) are presented in this report.

Appendix Exhibit H shows the 2016 forecast with the current unbuilt development inventory for New Town West (Tables Two, Four and Six on Exhibit 6). All other factors are the same as the 2012 traffic study. Resulting signalized intersection LOS is shown in Table Two on Exhibit 7.

Appendix Exhibit I shows the 2016 forecast with the new development inventory for New Town West (Tables Two, Four and Six on Exhibit 6) and with background traffic adjusted from previous studies to account for changes in traffic counts on WindsorMeade Way and Old News Road. All other factors are the same as the 2012 traffic study. Resulting signalized intersection LOS is shown in Table Three on Exhibit 7.

None of these adjustments for new development inventory or background traffic in the New Town West area produces much change in signalized LOS. All overall intersection LOS are the same for the three forecasts.

Exhibit 8 shows unsignalized intersection LOS for the four intersections on Old News Road and WindsorMeade Way. Table One shows the 2016 forecast with the current unbuilt development inventory for New Town West (Tables Two, Four and Six on Exhibit 6) with all other factors the same as the 2012 traffic study. Table Two shows the current unbuilt development inventory for New Town West (Tables Two, Four and Six on Exhibit 6) and with background traffic adjustments to account for changes in traffic counts on WindsorMeade Way and Old News Road. The effect of changes in background traffic in Table Two produces increased delay and change in LOS.

The greatest delay with unadjusted or adjusted background traffic if the westbound approach on the North Access Road at WindsorMeade Way. For unadjusted background traffic this approach is LOS D (31.9 seconds delay) and for adjusted background traffic this approach is LOS E (35.3 seconds delay). This change is less than 4 seconds increase in delay.

This degree of delay at an unsignalized intersection is not uncommon and does not translate to a need for a traffic signal. There are three traffic volume-based signal warrants: eight hour, four hour and peak hour. Quite often, even if the peak hour warrant is met the eight hour warrant is not met, and VDOT typically does not allow signal installation without meeting the eight hour warrant. In this instance, the peak hour warrant is not met by an appreciable margin for either forecast. These are future build out conditions which do not meet warrants with associated traffic volumes in excess of existing conditions.

CONCLUSIONS

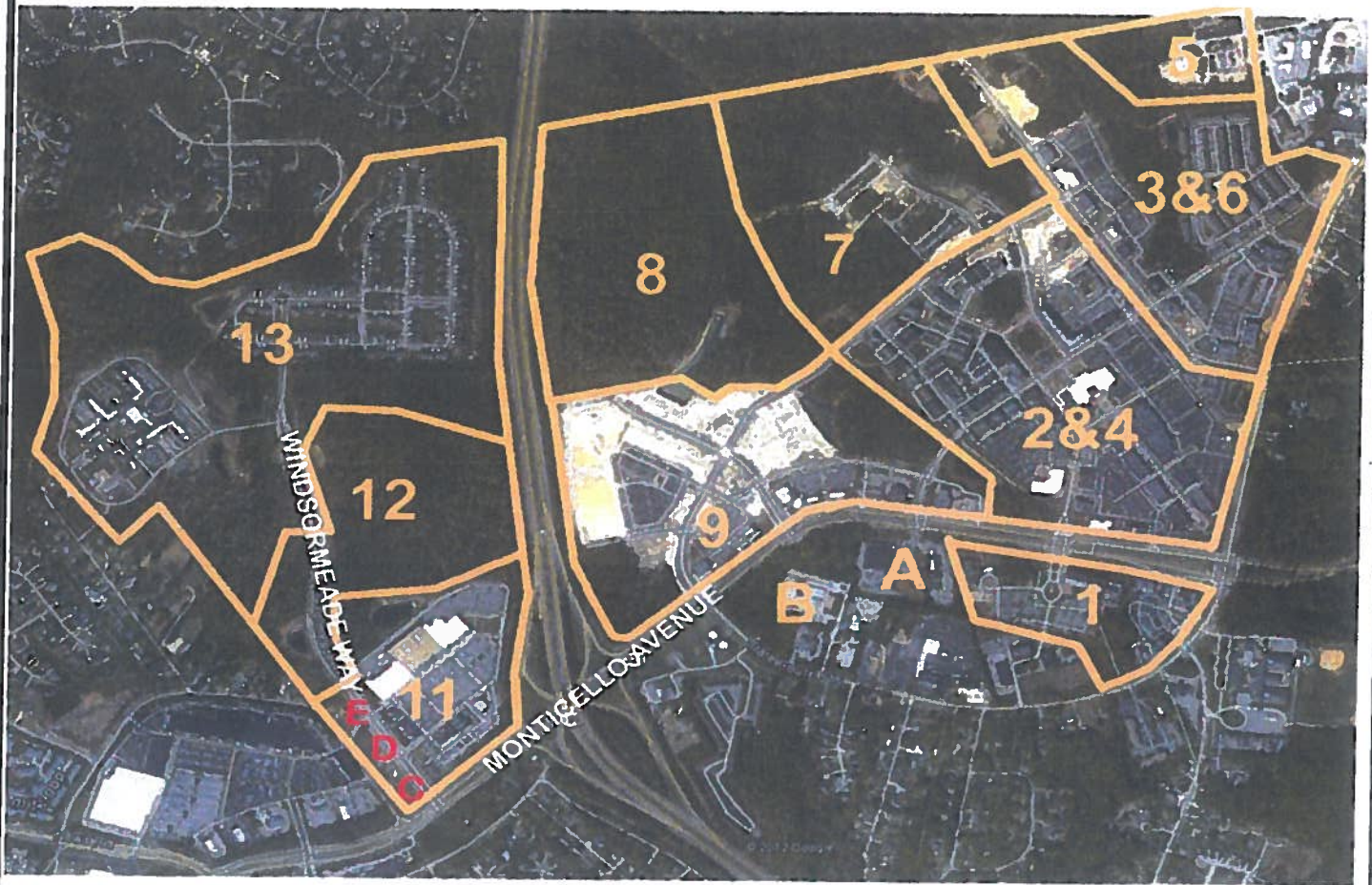
Traffic counts in the New Town West area have changed from 2010 to 2014 beyond that incorporated in previous forecasts on WindsorMeade Way and Old News Road. These changes are mostly increases with some decreases. These changes are attributable primarily to the Martin's Fuel Center and the Goodyear store openings and the connection of the South Access Road between Old News Road and WindsorMeade Way. Adjustments in background traffic have been included in this study to address this change.

There has been a decrease in traffic on Monticello Avenue from 2010 to 2014 and from 2012 to 2014. Traffic counts on Monticello Avenue are well within previous forecasts on Monticello Avenue.

The addition of the Wendy's does not produce much change in unbuilt trip generation in New Town West from that used in previous studies. Overall signalized intersection LOS remains the same as in previous studies with increased background traffic and the updated development inventory for New Town West. Changes in background traffic do produce some change in unsignalized intersection LOS but this is not a result of the proposed Wendy's.

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REPORT EXHIBITS



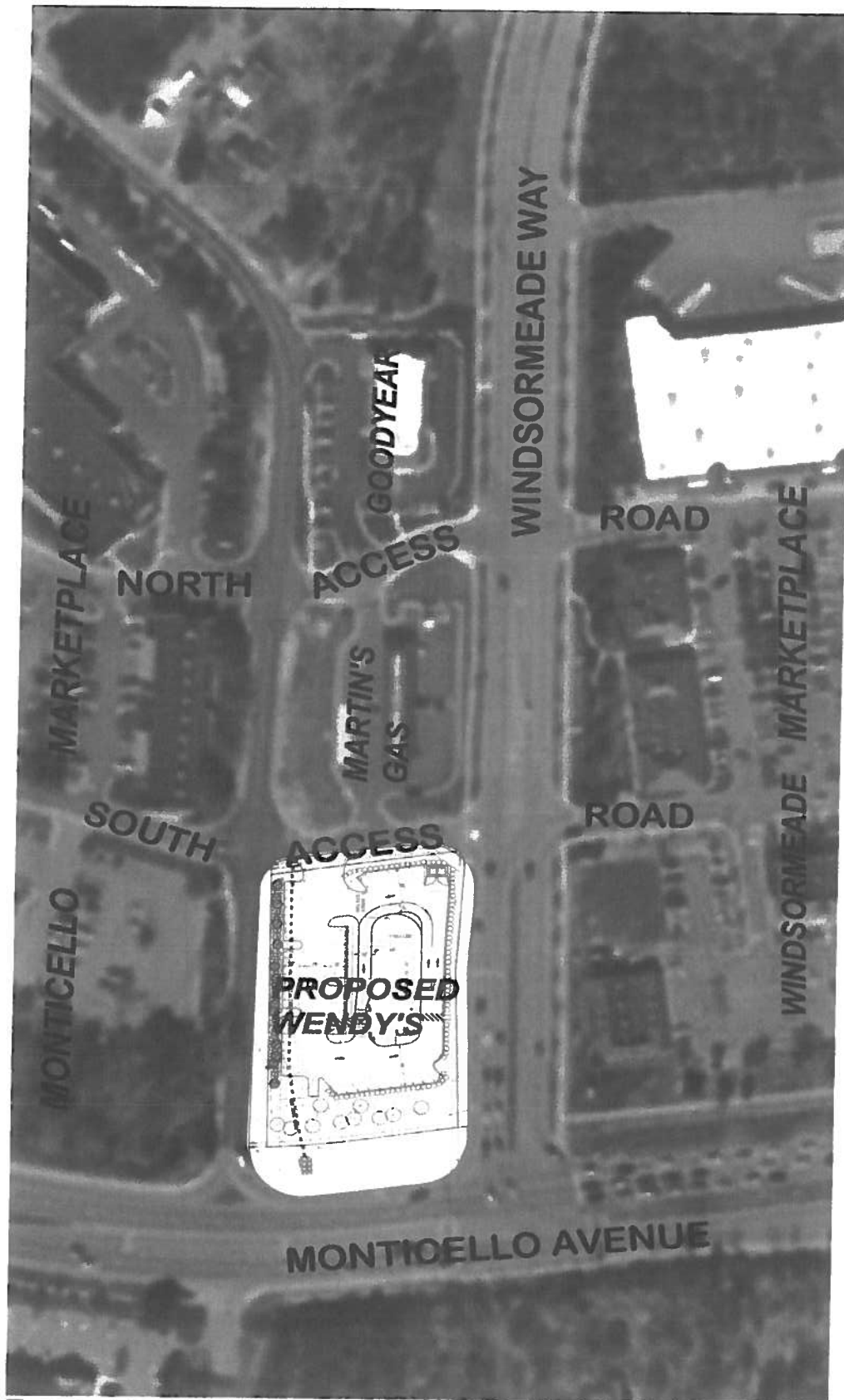
earth  miles  1

C - Proposed Wendy's
D - Martin's Gas
E - Goodyear

NEW TOWN SECTIONS AND RELATED DEVELOPMENT

DRW Consultants, LLC
804-794-7312

Exhibit 1



PROPOSED WENDY'S AREA

DRW Consultants, LLC
804-794-7312

Exhibit 2

**AM
PEAK
HOUR**

LEGEND

Intersection Approach Lanes

One Way Link Volume

Two Way Link Volume

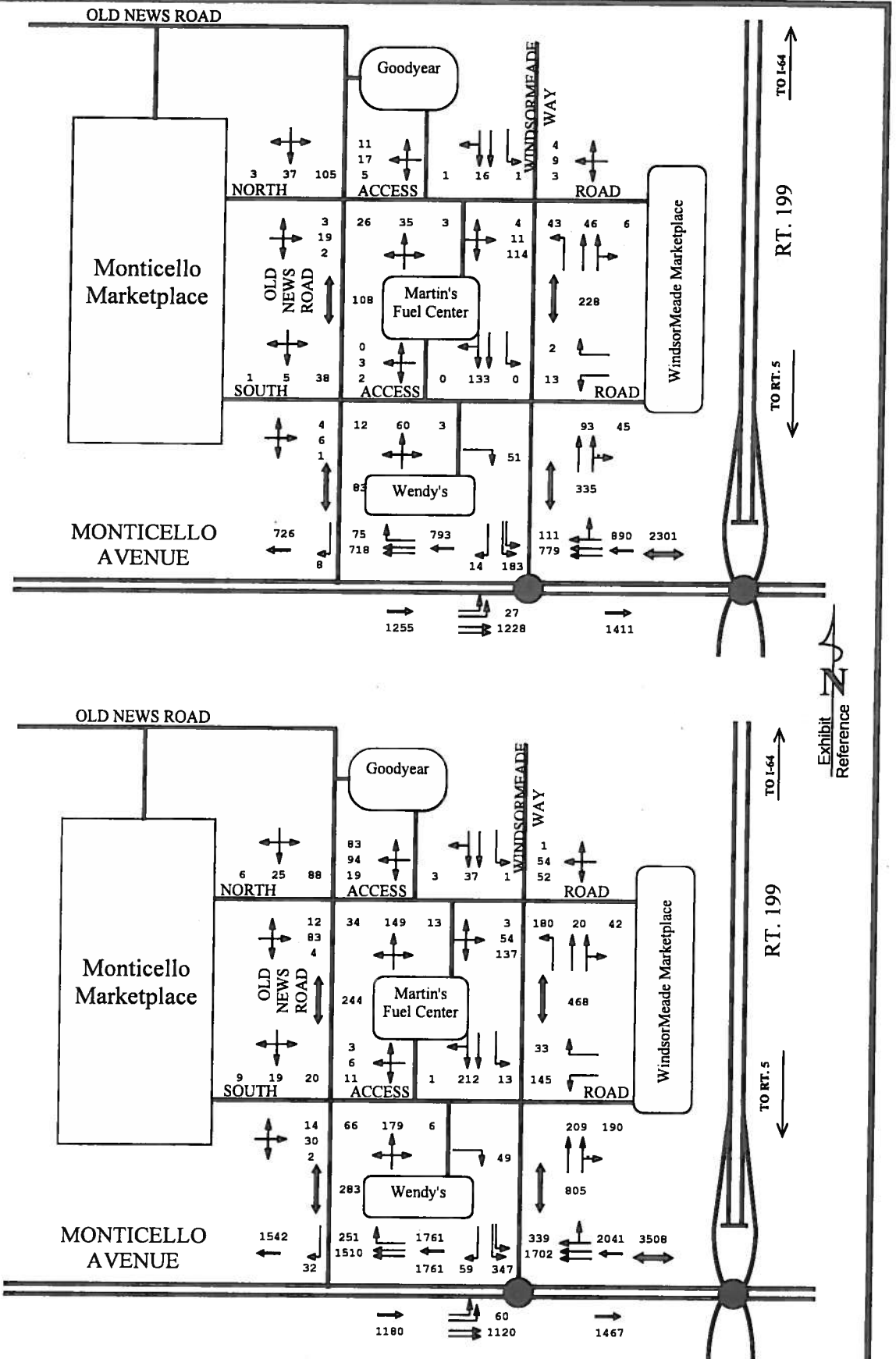
Traffic Signal

Free Flow Right Turn Lane

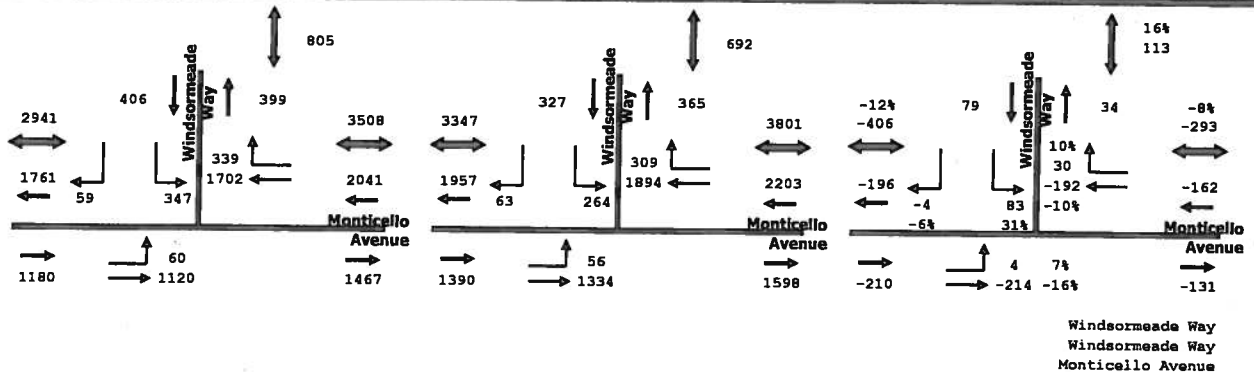
Development Section

Sec. 2

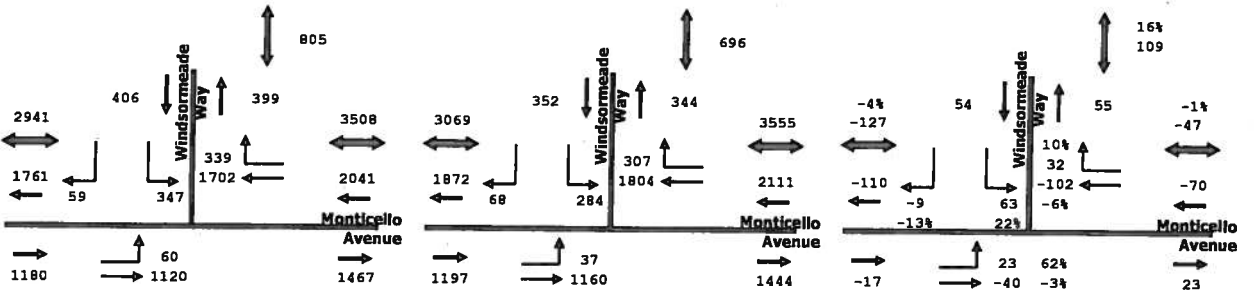
**PM
PEAK
HOUR**



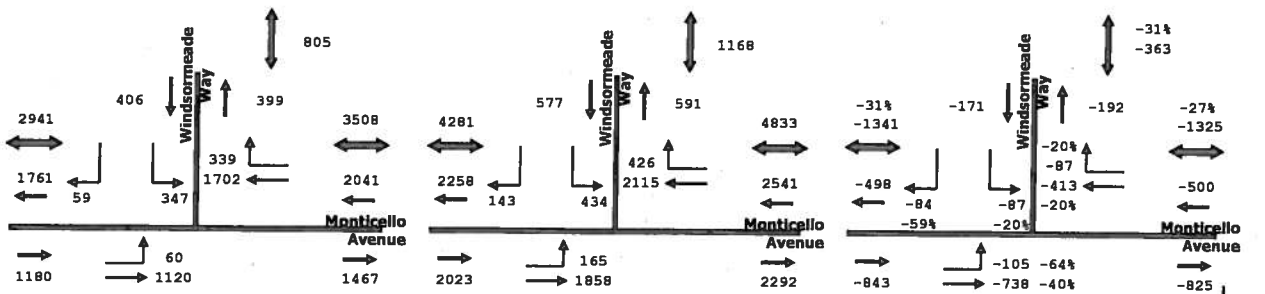
2010 COUNTS



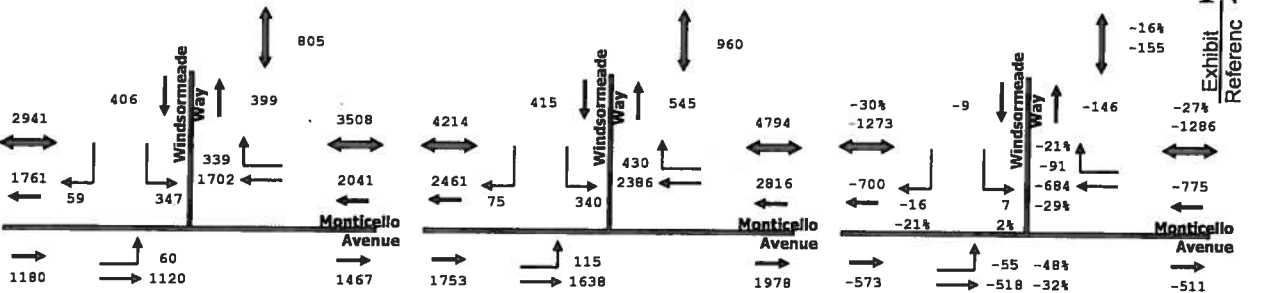
2012 COUNTS



2015 FORECAST (2003 Section 11)



2016 FORECAST (2012 Sec. 12)



2014 COUNT

OTHER COUNT/FORECAST

2014 COUNTS RELATIVE TO OTHER SOURCES

MONTICELLO AVENUE/WINDSORMEADE WAY
COMPARISON OF 2014 PM PEAK HOUR COUNTS TO
1) 2010 COUNTS, 2) 2012 COUNTS, 3) 2015 FORECAST FROM 2003
AND 4) 2016 FORECAST FROM 2012

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Exhibit 4

**2010 PM
PEAK
HOUR**

LEGEND

Intersection Approach Lanes

One Way Link Volume

Two Way Link Volume

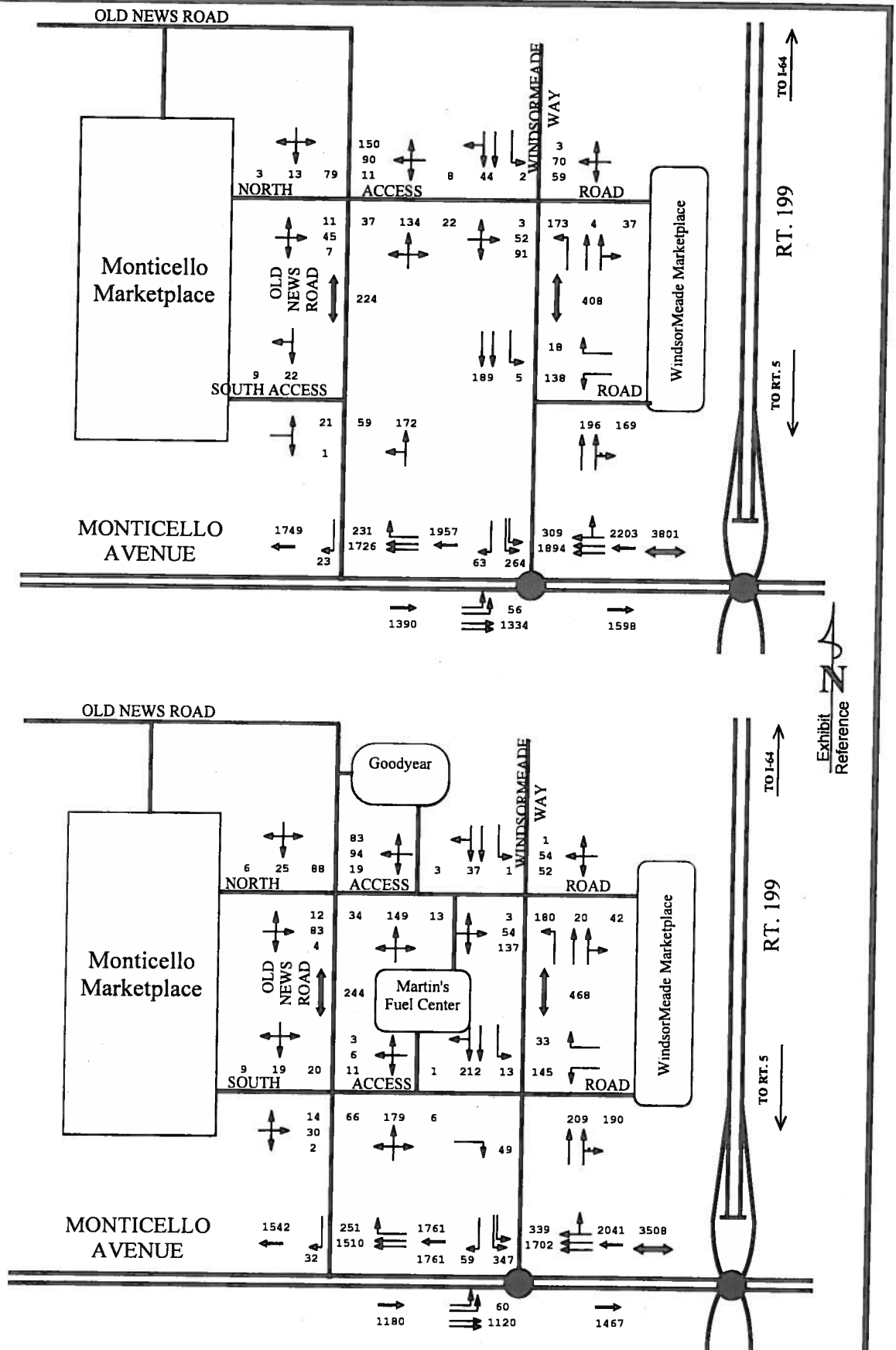
Traffic Signal

Free Flow Right Turn Lane

Development Section

Sec. 2

**2014 PM
PEAK
HOUR**



WINDSORMEADE WAY/OLD NEWS ROAD CORRIDORS
2010 AND 2014 PM PEAK HOUR COUNTS

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Exhibit 5a

2010 TO 2014 CHANGE (VPH)

LEGEND

Intersection Approach Lanes

One Way Link Volume

Two Way Link Volume

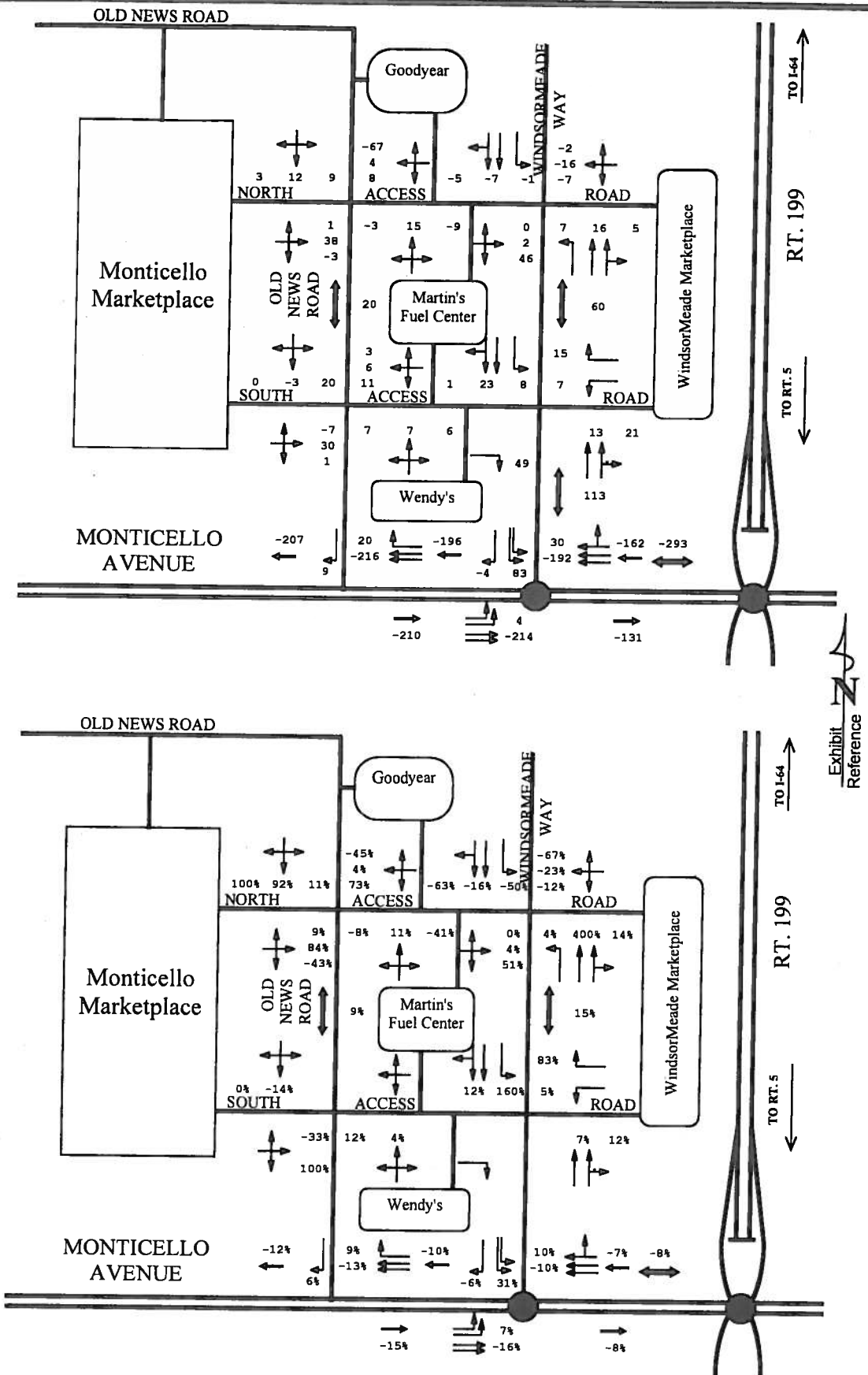
Traffic Signal

Free Flow Right Turn Lane

Development Section

Sec. 2

2010 TO 2014 CHANGE (%)



CHANGE IN PM PEAK HOUR TRAFFIC 2010 TO 2014

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Exhibit 5b

WEEKDAY TRIP GENERATION						
AM PEAK HOUR			PM PEAK HOUR			DAILY
Enter	Exit	Total	Enter	Exit	Total	

TABLE ONE - SECTION 11 NEW DEVELOPMENT TRIP GENERATION 2012

200000	180,229	19,771	0.1097	29	32	61
Approved SF	2007 SF	New SF	Ratio New/Existing			

TABLE TWO - TRIP GENERATION FOR REMAINING APPROVED DEVELOPMENT

Windsormeade Marketplace						
200000	192,659	7,341	0.0381	10	11	21
Approved SF	2007 SF	New SF	Ratio New/Existing			
Wendy's						
rate-adj. st.	FF w/Dr. Thru	934	3,050 sq. ft.	52	48	100
PASS BY TRIPS			50%	24	24	50
PRIMARY TRIPS				28	24	50
Table Two Total				62	59	121

TABLE THREE - SECTION 12 TRIP GENERATION 2012

rate-adj. st.	Apartment	220	274 units	28	112	140	110	60	170	1822
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TABLE FOUR - SECTION 12 TRIP GENERATION 2014

rate-adj. st.	Apartment	220	247 units	25	101	126	99	54	153	1643
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TABLE FIVE - SECTION 13 (WindsorMeade Retirement) - 2012

13	Sr. Adult Detached	251	63 units	14	27	41	20	12	32	366
13	Sr. Adult Attached	252	22 units	1	2	3	2	2	4	77
13	CCRC	255	200 units	23	13	36	28	30	58	562
13	Congregate Care	253	43 units	2	1	3	4	3	7	87
13	Nursing Home	620	35 beds	4	2	6	3	5	8	83
13	TOTAL		363 units	44	45	89	57	52	109	1175

TABLE SIX - SECTION 13 (WindsorMeade Retirement) 2014

13	Sr. Adult Detached	251	0 units	0	0	0	0	0	0	0
13	Sr. Adult Attached	252	0 units	0	0	0	0	0	0	0
13	CCRC	255	100 units	12	6	18	14	15	29	281
13	Congregate Care	253	20 units	1	0	1	2	1	3	40
13	Nursing Home	620	20 beds	2	1	3	1	3	4	47
13	TOTAL		140 units	15	7	22	17	19	36	368

NET CHANGE IN WINDSORMEADE CORRIDOR TRIP GENERATION 2012 TO 2014: 1 9 10

SECTION 11, 12 AND 13 TRIP GENERATION
2012 AND 2014

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Exhibit 6

TABLE ONE: 2012 SECTION 12 REPORT

	News Road	Mont. Mktpl.	Windsor Meade	Route 199	CaseyBlvd Old Ironb.	Settler's Mkt	New Town	Court house	Iron bound	Ironbd Strawb
Overall	D 47.9	D 51.1	B 14.2	D 53.0	D 41.2	C 30.1	C 34.4	C 24.7	C 34.2	C 31.5
EBL	E 71.2	E 69.6	D 48.4	E 75.4	E 55.2	E 77.0	D 52.9	C 30.8	C 29.6	D 49.3
EBT	D 39.5	D 38.9	A 2.5	C 32.4	C 30.9	C 28.7	C 29.4	A 2.0	B 17.9	C 29.7
EBR	C 29.4	C 34.3			D 41.6	D 37.5	D 49.5	A 0.3	B 11.3	
WBL	D 53.1	F 80.6		D 49.9	D 45.4	D 45.7	C 30.1	D 42.7	D 47.8	D 44.9
WBT	C 27.6	E 60.1	B 13.4	E 55.4	D 45.3	B 14.7	C 30.0	C 27.7	C 31.9	A 8.2
WBR	F 90.1	B 17.6				A 1.5	A 5.2	B 18.5	C 22.7	A 7.8
NBL	D 38.5			E 66.4	D 50.4	D 46.8			D 46.9	
NBT	D 46.7	D 46.2			D 49.0	D 46.8	D 41.6	D 47.8	D 43.3	E 55.4
NBR	D 54.6	D 47.8				D 41.8	D 38.0	D 44.3	D 39.5	B 14.2
SBL	D 42.2	E 60.5	E 56.7	D 38.0					D 48.7	
SBT	E 60.5	E 58.5			D 54.1	D 53.0	D 48.3	D 49.6	D 41.5	D 45.3
SBR			D 41.7		D 35.6	D 42.4	D 47.8	D 44.1	D 38.2	

TABLE TWO: 2014 WENDY'S - UNADJUSTED BACKGROUND TRAFFIC

	News Road	Mont. Mktpl.	Windsor Meade	Route 199	CaseyBlvd Old Ironb.	Settler's Mkt	New Town	Court house	Iron bound	Ironbd Strawb
Overall	D 47.7	D 50.2	B 13.7	D 52.2	D 41.1	C 30.0	C 34.4	C 24.7	C 34.1	C 31.5
EBL	E 71.2	E 69.8	E 64.9	E 73.4	E 55.2	E 75.5	D 53.0	C 30.8	C 29.5	D 49.3
EBT	D 39.4	D 38.5	A 2.6	C 32.7	C 30.8	C 28.7	C 29.4	A 2.0	B 17.8	C 29.7
EBR	C 29.4	C 34.9			D 41.8	D 38.0	D 49.8	A 0.3	B 11.3	
WBL	D 52.7	F 80.8		D 49.8	D 45.4	D 45.7	C 30.0	D 42.7	D 47.8	D 44.9
WBT	C 27.5	E 58.2	B 13.1	E 55.2	D 45.2	B 14.8	C 30.0	C 27.7	C 31.7	A 8.2
WBR	F 90.1	B 17.5				A 1.5	A 5.2	B 18.4	C 22.5	A 7.8
NBL	D 38.5					D 46.8			D 46.9	
NBT	D 46.7	D 46.2		E 63.1	D 50.4	D 46.8	D 41.6	D 47.8	D 43.3	E 55.4
NBR	D 53.2	D 47.8			D 49.0	D 41.8	D 38.0	D 44.3	D 39.5	B 14.2
SBL	D 42.2	E 60.5	D 52.4	D 38.0					D 48.7	
SBT	E 60.5	E 58.5	D 42.0		D 54.1	D 53.0	D 48.3	D 49.6	D 41.5	D 45.3
SBR					D 35.6	D 42.2	D 47.8	D 44.1	D 38.2	

TABLE THREE: 2014 WENDY'S - BACKGROUND TRAFFIC ADJUSTED FOR 2014 COUNTS

	News Road	Mont. Mktpl.	Windsor Meade	Route 199	CaseyBlvd Old Ironb.	Settler's Mkt	New Town	Court house	Iron bound	Ironbd Strawb
Overall	D 47.0	D 44.8	B 17.0	D 51.9	D 41.1	C 30.0	C 34.4	C 24.7	C 34.1	C 31.5
EBL	E 67.7	E 70.7	E 73.3	E 73.3	E 55.2	E 75.5	D 53.0	C 30.8	C 29.5	D 49.3
EBT	D 38.5	D 35.6	A 3.5	C 31.0	C 30.8	C 28.7	C 29.4	A 2.0	B 17.8	C 29.7
EBR	C 28.7	D 38.9			D 41.8	D 38.0	D 49.8	A 0.3	B 11.3	
WBL	D 53.2	E 78.2		D 50.1	D 45.4	D 45.7	C 30.0	D 42.7	D 47.8	D 44.9
WBT	C 27.4	D 46.6	B 16.1	E 55.2	D 45.2	B 14.8	C 30.0	C 27.7	C 31.7	A 8.2
WBR	F 87.6	B 19.3				A 1.5	A 5.2	B 18.4	C 22.5	A 7.8
NBL	D 38.5			E 63.1		D 46.8			D 46.9	
NBT	D 46.7	D 46.2			D 50.4	D 46.8	D 41.6	D 47.8	D 43.3	E 55.4
NBR	D 50.3	D 47.5			D 49.0	D 41.8	D 38.0	D 44.3	D 39.5	B 14.2
SBL	D 40.6	E 59.2	D 53.9	D 38.0					D 48.7	
SBT	E 60.5	E 58.2			D 54.1	D 53.0	D 48.3	D 49.6	D 41.5	D 45.3
SBR			D 39.3		D 35.6	D 42.2	D 47.8	D 44.1	D 38.2	

2016 PM PEAK HOUR SIGNALIZED INTERSECTION LOS

1) 2012 SECTION 12: 274 UNITS

2) 2014 WENDY'S & UNADJUSTED BACKGROUND TRAFFIC

3) 2014 WENDY'S & ADJUSTED BACKGROUND TRAFFIC

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Exhibit 7

TABLE ONE: 2016 With Wendy's & Unadjusted Background Traffic

Old News Road North Access Road				WindsorMeade Way North Access Road			
PM				PM			
EB App.		B	14.2	EB App.		C	16.3
WB App.		B	14.2	WB App.		D	31.9
NB App.		A	1.4	NB Left		A	7.8
SB App.		A	4.9	SB Left		A	7.5
Old News Road South Access Road				WindsorMeade Way South Access Road			
PM				PM			
EB App.		B	12.0	EB App.		A	9.1
WB App.		B	11.7	WB App.		C	19.3
NB App.		A	1.7				
SB App.		A	0.5	SB Left		A	8.5

TABLE TWO 2016 With Wendy's & Adjusted Background Traffic

Old News Road North Access Road				WindsorMeade Way North Access Road			
PM				PM			
EB App.		C	20.2	EB App.		C	16.2
WB App.		C	19.9	WB App.		E	35.3
NB App.		A	1.3	NB Left		A	7.7
SB App.		A	6.0	SB Left		A	7.6
Old News Road South Access Road				WindsorMeade Way South Access Road			
PM				PM			
EB App.		B	14.2	EB App.		A	9.5
WB App.		B	13.8	WB App.		D	28.2
NB App.		A	1.9				
SB App.		A	3.9	SB Left		A	8.6

Notes: Numeric values in seconds delay, with increasing value for decreasing LOS. HCM LOS results shown are only for lanes and approaches with delay > 0.0. *** volume capacity ratio > 3.0

2016 PM PEAK HOUR UNSIGNALIZED INTERSECTION LOS
 1) 2014 WENDY'S & UNADJUSTED BACKGROUND TRAFFIC
 2) 2014 WENDY'S & ADJUSTED BACKGROUND TRAFFIC

DRW Consultants, LLC
 804-794-7312

Exhibit 8

A decorative border in a Greek key (meander) pattern surrounds the central text. The border is composed of a repeating geometric design. On the left side of the border, there are three circular punch holes.

APPENDIX EXHIBITS

APPENDIX

TABLE OF CONTENTS

<u>APPENDIX EXHIBITS</u>	<u>Number</u>
2014 Peak Hour Traffic Count/s.....	AM PM
Monticello Avenue/WindsorMeade Way	A1..... A2
WindsorMeade Way/South Access Road	B1..... B2
WindsorMeade Way/North Access Road	C1..... C2
Old News Road/North Access Road.....	D1..... D2
Old News Road/South Access Road.....	E1..... E2
2014 Counts Without Balance	F.....F
Traffic Forecasts	
2016 PM Peak Hour Forecast From 2012 Report With Section 12 274 Units	G
2016 PM Peak Hour Forecast With Wendy's, No Adjustment To Background Traffic	H
2016 PM Peak Hour Forecast With Wendy's, With Adjustment To Background Traffic	I

AM PEAK HOUR

Date: Thu, 2/20/14

COUNTS CONDUCTED BY DRW CONSULTANTS, LLC

LOCATION: MONTICELLO AVENUE/WINDSORMEADE WAY

CUMULATIVE 15 MINUTE COUNTS

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
7:00 to 7:15	4	214			111	18				41		1	389
7:15 to 7:30	8	483			222	40				80		4	837
7:30 to 7:45	13	813			351	54				117		4	1352
7:45 to 8:00	18	1181			533	74				163		11	1980
8:00 to 8:15	25	1497			763	107				213		13	2618
8:15 to 8:30	34	1770			951	139				256		14	3164
8:30 to 8:45	40	2041			1130	165				300		18	3694
8:45 to 9:00	47	2333			1322	199				347		20	4268
Count Sheet	E	F			A	B				C		D	

15 MINUTE INTERVAL COUNTS

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
7:00 to 7:15	4	214	0	0	111	18	0	0	0	41	0	1	389
7:15 to 7:30	4	269	0	0	111	22	0	0	0	39	0	3	448
7:30 to 7:45	5	330	0	0	129	14	0	0	0	37	0	0	515
7:45 to 8:00	5	368	0	0	182	20	0	0	0	46	0	7	628
8:00 to 8:15	7	316	0	0	230	33	0	0	0	50	0	2	638
8:15 to 8:30	9	273	0	0	188	32	0	0	0	43	0	1	546
8:30 to 8:45	6	271	0	0	179	26	0	0	0	44	0	4	530
8:45 to 9:00	7	292	0	0	192	34	0	0	0	47	0	2	574

HOURLY INTERVAL

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
7:00 to 8:00	18	1181	0	0	533	74	0	0	0	163	0	11	1980
7:15 to 8:15	21	1283	0	0	652	89	0	0	0	172	0	12	2229
7:30 to 8:30	26	1287	0	0	729	99	0	0	0	176	0	10	2327
7:45 to 8:45	27	1228	0	0	779	111	0	0	0	183	0	14	2342
8:00 to 9:00	29	1152	0	0	789	125	0	0	0	184	0	9	2288

PEAK HOUR TURNING MOVEMENT VOLUMES

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
7:45 to 8:45	27	1228	0	0	779	111	0	0	0	183	0	14	2342

PEAK HOUR FACTOR BY APPROACH

	EB	WB	NB	SB
7:00 to 7:15	218	129	0	42
7:15 to 7:30	273	133	0	42
7:30 to 7:45	335	143	0	37
7:45 to 8:00	373	202	0	53
8:00 to 8:15	323	263	0	52
8:15 to 8:30	282	220	0	44
8:30 to 8:45	277	205	0	48
8:45 to 9:00	299	226	0	49
PHF	0.84	0.85	#####	0.93

Exhibit A1

PM PEAK HOUR

Date: Wed, 2/19/14

COUNTS CONDUCTED BY DRW CONSULTANTS, LLC

LOCATION: MONTICELLO AVENUE/WINDSORMEADE WAY

CUMULATIVE 15 MINUTE COUNTS

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
3:45 to 4:00													
4:00 to 4:15	9	293			413	89				80		11	895
4:15 to 4:30	20	549			798	168				158		28	1721
4:30 to 4:45	27	825			1157	258				237		37	2541
4:45 to 5:00	48	1099			1502	353				333		49	3384
5:00 to 5:15	67	1367			1931	427				412		66	4270
5:15 to 5:30	76	1624			2390	513				489		84	5176
5:30 to 5:45	87	1945			2859	597				584		96	6168
5:45 to 6:00	99	2214			3249	666				671		104	7003
Count Sheet	E	F			A	B				C		D	

15 MINUTE INTERVAL COUNTS

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
4:00 to 4:15	9	293	0	0	413	89	0	0	0	80	0	11	895
4:15 to 4:30	11	256	0	0	385	79	0	0	0	78	0	17	826
4:30 to 4:45	7	276	0	0	359	90	0	0	0	79	0	9	820
4:45 to 5:00	21	274	0	0	345	95	0	0	0	96	0	12	843
5:00 to 5:15	19	268	0	0	429	74	0	0	0	79	0	17	886
5:15 to 5:30	9	257	0	0	459	86	0	0	0	77	0	18	906
5:30 to 5:45	11	321	0	0	469	84	0	0	0	95	0	12	992
5:45 to 6:00	12	269	0	0	390	69	0	0	0	87	0	8	835

HOURLY INTERVAL

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
4:00 to 5:00	48	1099	0	0	1502	353	0	0	0	333	0	49	3384
4:15 to 5:15	58	1074	0	0	1518	338	0	0	0	332	0	55	3375
4:30 to 5:30	56	1075	0	0	1592	345	0	0	0	331	0	56	3455
4:45 to 5:45	60	1120	0	0	1702	339	0	0	0	347	0	59	3627
5:00 to 6:00	51	1115	0	0	1747	313	0	0	0	338	0	55	3619

PEAK HOUR TURNING MOVEMENT VOLUMES

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
4:45 to 5:45	60	1120	0	0	1702	339	0	0	0	347	0	59	3627

PEAK HOUR FACTOR BY APPROACH

	EB	WB	NB	SB
4:00 to 4:15	302	502	0	91
4:15 to 4:30	267	464	0	95
4:30 to 4:45	283	449	0	88
4:45 to 5:00	295	440	0	108
5:00 to 5:15	287	503	0	96
5:15 to 5:30	266	545	0	95
5:30 to 5:45	332	553	0	107
5:45 to 6:00	281	459	0	95
PHF	0.89	0.92	#####	0.94

Exhibit A2

AM PEAK HOUR

Date: Thu, 2/20/14

COUNTS CONDUCTED BY DRW CONSULTANTS, LLC

LOCATION: WINDSORMEADE WAY/SOUTH ACCESS ROAD

CUMULATIVE 15 MINUTE COUNTS

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
7:00 to 7:15			13	1		0			6	1		0	21
7:15 to 7:30			20	4		0			14	1		0	39
7:30 to 7:45			31	10		0			22	1		0	64
7:45 to 8:00			47	13		0			32	1		0	93
8:00 to 8:15			58	18		0			43	1		0	120
8:15 to 8:30			71	21		1			55	1		0	149
8:30 to 8:45			82	23		2			67	1		0	175
8:45 to 9:00			89	26		2			83	3		0	203
Count Sheet			F	D		C			E	B		A	

15 MINUTE INTERVAL COUNTS

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
7:00 to 7:15	0	0	13	1	0	0	0	0	6	1	0	0	21
7:15 to 7:30	0	0	7	3	0	0	0	0	8	0	0	0	18
7:30 to 7:45	0	0	11	6	0	0	0	0	8	0	0	0	25
7:45 to 8:00	0	0	16	3	0	0	0	0	10	0	0	0	29
8:00 to 8:15	0	0	11	5	0	0	0	0	11	0	0	0	27
8:15 to 8:30	0	0	13	3	0	1	0	0	12	0	0	0	29
8:30 to 8:45	0	0	11	2	0	1	0	0	12	0	0	0	26
8:45 to 9:00	0	0	7	3	0	0	0	0	16	2	0	0	28

HOURLY INTERVAL

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
7:00 to 8:00	0	0	47	13	0	0	0	0	32	1	0	0	93
7:15 to 8:15	0	0	45	17	0	0	0	0	37	0	0	0	99
7:30 to 8:30	0	0	51	17	0	1	0	0	41	0	0	0	110
7:45 to 8:45	0	0	51	13	0	2	0	0	45	0	0	0	111
8:00 to 9:00	0	0	42	13	0	2	0	0	51	2	0	0	110

PEAK HOUR TURNING MOVEMENT VOLUMES

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
7:45 to 8:45	0	0	51	13	0	2	0	0	45	0	0	0	111

PEAK HOUR FACTOR BY APPROACH

	EB	WB	NB	SB
7:00 to 7:15	13	1	6	1
7:15 to 7:30	7	3	8	0
7:30 to 7:45	11	6	8	0
7:45 to 8:00	16	3	10	0
8:00 to 8:15	11	5	11	0
8:15 to 8:30	13	4	12	0
8:30 to 8:45	11	3	12	0
8:45 to 9:00	7	3	16	2
PHF	0.80	0.75	0.94	#####

Exhibit B1

PM PEAK HOUR

Date: Wed, 2/19/14

COUNTS CONDUCTED BY DRW CONSULTANTS, LLC

LOCATION: WINDSORMEADE WAY/SOUTH ACCESS ROAD

CUMULATIVE 15 MINUTE COUNTS

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
3:45 to 4:00													
4:00 to 4:15			7	28		7			38	2		0	82
4:15 to 4:30			16	59		12			79	3		0	169
4:30 to 4:45			29	88		22			131	5		0	275
4:45 to 5:00			39	125		27			185	8		1	385
5:00 to 5:15			48	166		33			210	13		1	471
5:15 to 5:30			66	207		51			269	15		1	609
5:30 to 5:45			78	233		55			300	18		1	685
5:45 to 6:00			103	257		62			341	19		3	785
Count Sheet			F	D		C			E	B		A	

15 MINUTE INTERVAL COUNTS

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
4:00 to 4:15	0	0	7	28	0	7	0	0	38	2	0	0	82
4:15 to 4:30	0	0	9	31	0	5	0	0	41	1	0	0	87
4:30 to 4:45	0	0	13	29	0	10	0	0	52	2	0	0	106
4:45 to 5:00	0	0	10	37	0	5	0	0	54	3	0	1	110
5:00 to 5:15	0	0	9	41	0	6	0	0	25	5	0	0	86
5:15 to 5:30	0	0	18	41	0	18	0	0	59	2	0	0	138
5:30 to 5:45	0	0	12	26	0	4	0	0	31	3	0	0	76
5:45 to 6:00	0	0	25	24	0	7	0	0	41	1	0	2	100

HOURLY INTERVAL

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
4:00 to 5:00	0	0	39	125	0	27	0	0	185	8	0	1	385
4:15 to 5:15	0	0	41	138	0	26	0	0	172	11	0	1	389
4:30 to 5:30	0	0	50	148	0	39	0	0	190	12	0	1	440
4:45 to 5:45	0	0	49	145	0	33	0	0	169	13	0	1	410
5:00 to 6:00	0	0	64	132	0	35	0	0	156	11	0	2	400

PEAK HOUR TURNING MOVEMENT VOLUMES

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
4:45 to 5:45	0	0	49	145	0	33	0	0	169	13	0	1	410

PEAK HOUR FACTOR BY APPROACH

	EB	WB	NB	SB
4:00 to 4:15	7	35	38	2
4:15 to 4:30	9	36	41	1
4:30 to 4:45	13	39	52	2
4:45 to 5:00	10	42	54	4
5:00 to 5:15	9	47	25	5
5:15 to 5:30	18	59	59	2
5:30 to 5:45	12	30	31	3
5:45 to 6:00	25	31	41	3
PHF	0.68	0.75	0.72	0.70

Exhibit B2

AM PEAK HOUR

Date: Thu, 2/20/14

COUNTS CONDUCTED BY DRW CONSULTANTS, LLC

LOCATION: WINDSORMEADE WAY/NORTH ACCESS ROAD

CUMULATIVE 15 MINUTE COUNTS

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
7:00 to 7:15													0
7:15 to 7:30													0
7:30 to 7:45													0
7:45 to 8:00													0
8:00 to 8:15													0
8:15 to 8:30													0
8:30 to 8:45													0
8:45 to 9:00													0

Count Sheet J K L I H G D E F A B C

15 MINUTE INTERVAL COUNTS

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
7:00 to 7:15	1	0	24	1	1	0	13	4	1	0	3	2	50
7:15 to 7:30	1	2	25	1	3	1	10	6	2	0	4	1	56
7:30 to 7:45	2	3	21	2	3	1	5	3	2	0	1	0	43
7:45 to 8:00	1	3	31	2	0	1	4	10	2	0	2	0	56
8:00 to 8:15	0	1	24	1	2	1	12	12	2	0	5	0	60
8:15 to 8:30	3	5	30	0	4	0	15	13	2	0	2	0	74
8:30 to 8:45	0	2	24	0	3	2	10	10	0	1	5	1	58
8:45 to 9:00	0	2	37	2	1	0	16	6	2	0	5	0	71

HOURLY INTERVAL

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
7:00 to 8:00	5	8	101	6	7	3	32	23	7	0	10	3	205
7:15 to 8:15	4	9	101	6	8	4	31	31	8	0	12	1	215
7:30 to 8:30	6	12	106	5	9	3	36	38	8	0	10	0	233
7:45 to 8:45	4	11	109	3	9	4	41	45	6	1	14	1	248
8:00 to 9:00	3	10	115	3	10	3	53	41	6	1	17	1	263

PEAK HOUR TURNING MOVEMENT VOLUMES

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
7:45 to 8:45	4	11	109	3	9	4	41	45	6	1	14	1	248

PEAK HOUR FACTOR BY APPROACH

	EB	WB	NB	SB
7:00 to 7:15	25	2	18	5
7:15 to 7:30	28	5	18	5
7:30 to 7:45	26	6	10	1
7:45 to 8:00	35	3	16	2
8:00 to 8:15	25	4	26	5
8:15 to 8:30	38	4	30	2
8:30 to 8:45	26	5	20	7
8:45 to 9:00	39	3	24	5
PHF	0.82	0.80	0.77	0.57

Exhibit C1

PM PEAK HOUR

Date: Wed, 2/19/14

COUNTS CONDUCTED BY DRW CONSULTANTS, LLC

LOCATION: WINDSORMEADE WAY/NORTH ACCESS ROAD

CUMULATIVE 15 MINUTE COUNTS

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
3:45 to 4:00													
4:00 to 4:15													0
4:15 to 4:30													0
4:30 to 4:45													0
4:45 to 5:00													0
5:00 to 5:15													0
5:15 to 5:30													0
5:30 to 5:45													0
5:45 to 6:00													0

Count Sheet J K L I H G D E F A B C

15 MINUTE INTERVAL COUNTS

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
4:00 to 4:15	1	7	33	11	10	0	39	5	8	1	11	1	127
4:15 to 4:30	2	12	29	11	15	0	37	2	12	0	12	2	134
4:30 to 4:45	3	4	34	14	18	0	42	6	7	0	5	1	134
4:45 to 5:00	1	14	24	13	13	0	40	5	10	0	13	0	133
5:00 to 5:15	1	13	33	12	19	0	49	5	15	0	8	1	156
5:15 to 5:30	0	8	31	9	11	1	47	3	9	1	6	2	128
5:30 to 5:45	1	19	37	14	11	0	38	3	4	0	7	0	134
5:45 to 6:00	1	10	27	13	16	0	36	2	11	1	5	3	125

HOURLY INTERVAL

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
4:00 to 5:00	7	37	120	49	56	0	158	18	37	1	41	4	528
4:15 to 5:15	7	43	120	50	65	0	168	18	44	0	38	4	557
4:30 to 5:30	5	39	122	48	61	1	178	19	41	1	32	4	551
4:45 to 5:45	3	54	125	48	54	1	174	16	38	1	34	3	551
5:00 to 6:00	3	50	128	48	57	1	170	13	39	2	26	6	543

PEAK HOUR TURNING MOVEMENT VOLUMES

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
4:45 to 5:45	3	54	125	48	54	1	174	16	38	1	34	3	551

PEAK HOUR FACTOR BY APPROACH

	EB	WB	NB	SB
4:00 to 4:15	41	21	52	13
4:15 to 4:30	43	26	51	14
4:30 to 4:45	41	32	55	6
4:45 to 5:00	39	26	55	13
5:00 to 5:15	47	31	69	9
5:15 to 5:30	39	21	59	9
5:30 to 5:45	57	25	45	7
5:45 to 6:00	38	29	49	9
PHF	0.80	0.83	0.83	0.73

Exhibit C2

AM PEAK HOUR

Date: Thu, 2/20/14

COUNTS CONDUCTED BY DRW CONSULTANTS, LLC

LOCATION: OLD NEWS ROAD/NORTH ACCESS ROAD

CUMULATIVE 15 MINUTE COUNTS

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
7:00 to 7:15													0
7:15 to 7:30													0
7:30 to 7:45													0
7:45 to 8:00													0
8:00 to 8:15													0
8:15 to 8:30													0
8:30 to 8:45													0
8:45 to 9:00													0

Count Sheet

	I	H	G	J	K	L	A	B	C	D	E	F
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15 MINUTE INTERVAL COUNTS

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
7:00 to 7:15	0	3	1	1	5	3	2	1	0	19	6	0	41
7:15 to 7:30	1	6	0	0	4	3	3	5	0	21	5	1	49
7:30 to 7:45	0	4	1	0	3	2	4	6	1	19	9	0	49
7:45 to 8:00	0	1	1	1	2	2	6	8	1	38	12	1	73
8:00 to 8:15	1	3	1	1	3	3	9	9	1	17	9	0	57
8:15 to 8:30	2	8	0	1	7	1	7	13	1	26	13	1	80
8:30 to 8:45	0	7	0	2	5	5	4	5	0	24	3	1	56
8:45 to 9:00	1	3	1	1	7	1	3	7	0	30	8	0	62

HOURLY INTERVAL

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
7:00 to 8:00	1	14	3	2	14	10	15	20	2	97	32	2	212
7:15 to 8:15	2	14	3	2	12	10	22	28	3	95	35	2	228
7:30 to 8:30	3	16	3	3	15	8	26	36	4	100	43	2	259
7:45 to 8:45	3	19	2	5	17	11	26	35	3	105	37	3	266
8:00 to 9:00	4	21	2	5	22	10	23	34	2	97	33	2	255

PEAK HOUR TURNING MOVEMENT VOLUMES

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
7:45 to 8:45	3	19	2	5	17	11	26	35	3	105	37	3	266

PEAK HOUR FACTOR BY APPROACH

	EB	WB	NB	SB
7:00 to 7:15	4	9	3	25
7:15 to 7:30	7	7	8	27
7:30 to 7:45	5	5	11	28
7:45 to 8:00	2	5	15	51
8:00 to 8:15	5	7	19	26
8:15 to 8:30	10	9	21	40
8:30 to 8:45	7	12	9	28
8:45 to 9:00	5	9	10	38
PHF	0.60	0.69	0.76	0.71

Exhibit D1

PM PEAK HOUR

Date: Wed, 2/19/14

COUNTS CONDUCTED BY DRW CONSULTANTS, LLC

LOCATION: OLD NEWS ROAD/NORTH ACCESS ROAD

CUMULATIVE 15 MINUTE COUNTS

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
3:45 to 4:00													
4:00 to 4:15													0
4:15 to 4:30													0
4:30 to 4:45													0
4:45 to 5:00													0
5:00 to 5:15													0
5:15 to 5:30													0
5:30 to 5:45													0
5:45 to 6:00													0

Count Sheet I H G J K L A B C D E F

15 MINUTE INTERVAL COUNTS

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
4:00 to 4:15	4	17	1	2	15	16	7	26	2	18	6	4	118
4:15 to 4:30	2	9	0	1	20	17	8	29	4	16	6	3	115
4:30 to 4:45	2	15	3	2	26	19	7	36	1	20	4	0	135
4:45 to 5:00	2	18	1	7	21	18	8	26	2	21	6	1	131
5:00 to 5:15	4	25	0	2	33	23	4	28	3	22	4	1	149
5:15 to 5:30	5	10	1	7	20	18	7	41	3	19	5	3	139
5:30 to 5:45	1	30	2	2	20	24	12	45	3	26	8	1	174
5:45 to 6:00	1	13	4	0	23	11	4	35	2	22	8	2	125

HOURLY INTERVAL

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
4:00 to 5:00	10	59	5	12	82	70	30	117	9	75	22	8	499
4:15 to 5:15	10	67	4	12	100	77	27	119	10	79	20	5	530
4:30 to 5:30	13	68	5	18	100	78	26	131	9	82	19	5	554
4:45 to 5:45	12	83	4	18	94	83	31	140	11	88	23	6	593
5:00 to 6:00	11	78	7	11	96	76	27	149	11	89	25	7	587

PEAK HOUR TURNING MOVEMENT VOLUMES

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
4:45 to 5:45	12	83	4	18	94	83	31	140	11	88	23	6	593

PEAK HOUR FACTOR BY APPROACH

	EB	WB	NB	SB
4:00 to 4:15	22	33	35	28
4:15 to 4:30	11	38	41	25
4:30 to 4:45	20	47	44	24
4:45 to 5:00	21	46	36	28
5:00 to 5:15	29	58	35	27
5:15 to 5:30	16	45	51	27
5:30 to 5:45	33	46	60	35
5:45 to 6:00	18	34	41	32
PHF	0.75	0.84	0.76	0.84

Exhibit D2

AM PEAK HOUR

Date: Thu, 2/20/14

COUNTS CONDUCTED BY DRW CONSULTANTS, LLC

LOCATION: OLD NEWS ROAD/SOUTH ACCESS ROAD

CUMULATIVE 15 MINUTE COUNTS

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
7:00 to 7:15													0
7:15 to 7:30													0
7:30 to 7:45													0
7:45 to 8:00													0
8:00 to 8:15													0
8:15 to 8:30													0
8:30 to 8:45													0
8:45 to 9:00													0

Count Sheet I H G J K L A B C D E F

15 MINUTE INTERVAL COUNTS

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
7:00 to 7:15	0	2	0	0	0	0	1	4	1	6	1	1	16
7:15 to 7:30	0	1	0	0	0	0	2	9	2	5	0	0	19
7:30 to 7:45	1	1	0	0	1	0	5	10	1	9	1	0	29
7:45 to 8:00	1	0	0	1	1	0	2	16	0	13	2	0	36
8:00 to 8:15	1	0	0	1	0	0	3	16	2	9	1	0	33
8:15 to 8:30	2	3	0	0	0	0	5	19	0	12	1	0	42
8:30 to 8:45	0	3	1	0	2	0	2	9	1	3	1	1	23
8:45 to 9:00	1	1	0	1	0	0	3	11	0	4	1	5	27

HOURLY INTERVAL

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
7:00 to 8:00	2	4	0	1	2	0	10	39	4	33	4	1	100
7:15 to 8:15	3	2	0	2	2	0	12	51	5	36	4	0	117
7:30 to 8:30	5	4	0	2	2	0	15	61	3	43	5	0	140
7:45 to 8:45	4	6	1	2	3	0	12	60	3	37	5	1	134
8:00 to 9:00	4	7	1	2	2	0	13	55	3	28	4	6	125

PEAK HOUR TURNING MOVEMENT VOLUMES

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
7:45 to 8:45	4	6	1	2	3	0	12	60	3	37	5	1	134

PEAK HOUR FACTOR BY APPROACH

	EB	WB	NB	SB
7:00 to 7:15	2	0	6	8
7:15 to 7:30	1	0	13	5
7:30 to 7:45	2	1	16	10
7:45 to 8:00	1	2	18	15
8:00 to 8:15	1	1	21	10
8:15 to 8:30	5	0	24	13
8:30 to 8:45	4	2	12	5
8:45 to 9:00	2	1	14	10
PHF	0.55	0.63	0.78	0.72

Exhibit E1

PM PEAK HOUR

Date: Wed, 2/19/14

COUNTS CONDUCTED BY DRW CONSULTANTS, LLC

LOCATION: OLD NEWS ROAD/SOUTH ACCESS ROAD

CUMULATIVE 15 MINUTE COUNTS

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
3:45 to 4:00													
4:00 to 4:15													0
4:15 to 4:30													0
4:30 to 4:45													0
4:45 to 5:00													0
5:00 to 5:15													0
5:15 to 5:30													0
5:30 to 5:45													0
5:45 to 6:00													0

Count Sheet	I	H	G	J	K	L	A	B	C	D	E	F
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15 MINUTE INTERVAL COUNTS

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
4:00 to 4:15	1	8	1	2	4	0	13	40	3	3	4	2	81
4:15 to 4:30	3	4	2	1	1	0	12	41	0	5	1	1	71
4:30 to 4:45	4	9	0	4	2	0	18	39	2	4	3	1	86
4:45 to 5:00	3	5	0	2	1	2	9	35	1	7	6	2	73
5:00 to 5:15	4	5	1	1	0	0	28	33	3	3	2	4	84
5:15 to 5:30	4	7	1	4	2	0	13	50	1	3	9	1	95
5:30 to 5:45	3	13	0	4	3	1	16	61	1	7	2	2	113
5:45 to 6:00	2	10	0	1	4	1	14	40	2	10	1	0	85

HOURLY INTERVAL

TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
4:00 to 5:00	11	26	3	9	8	2	52	155	6	19	14	6	311
4:15 to 5:15	14	23	3	8	4	2	67	148	6	19	12	8	314
4:30 to 5:30	15	26	2	11	5	2	68	157	7	17	20	8	338
4:45 to 5:45	14	30	2	11	6	3	66	179	6	20	19	9	365
5:00 to 6:00	13	35	2	10	9	2	71	184	7	23	14	7	377

PEAK HOUR TURNING MOVEMENT VOLUMES

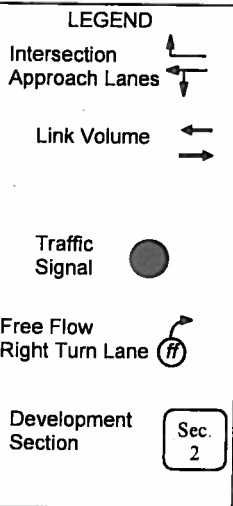
TIME	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	Total
4:45 to 5:45	14	30	2	11	6	3	66	179	6	20	19	9	365

PEAK HOUR FACTOR BY APPROACH

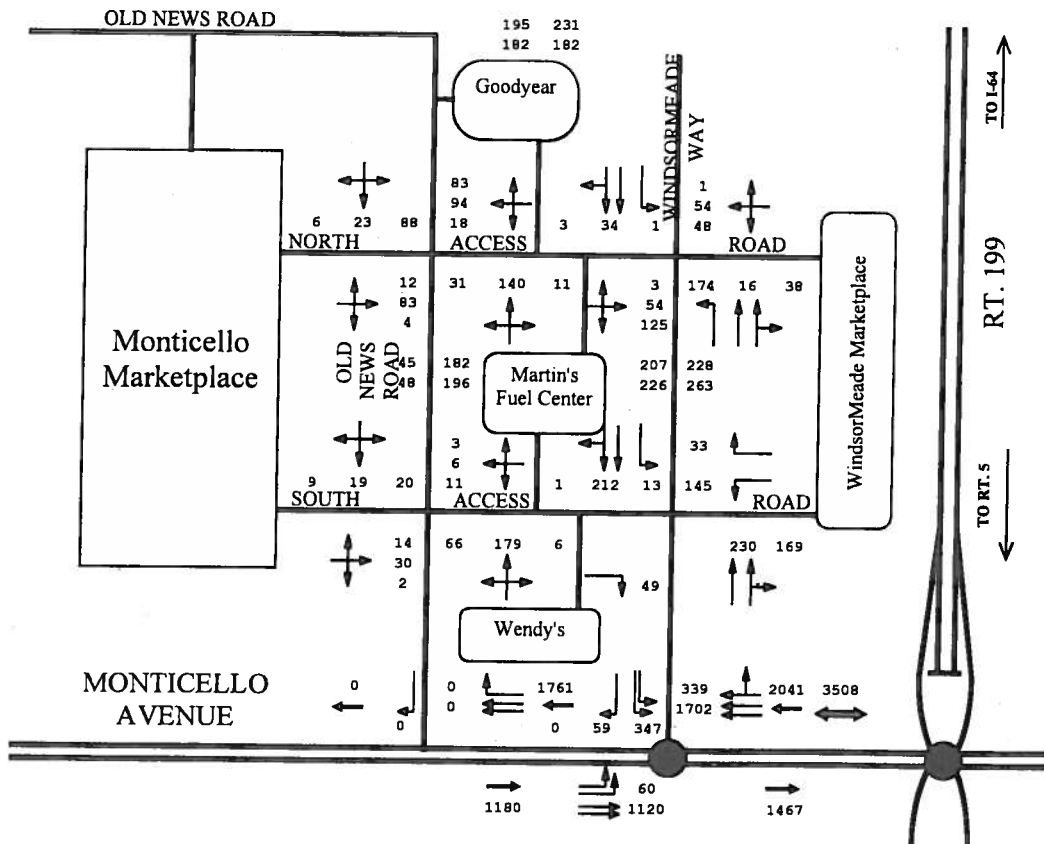
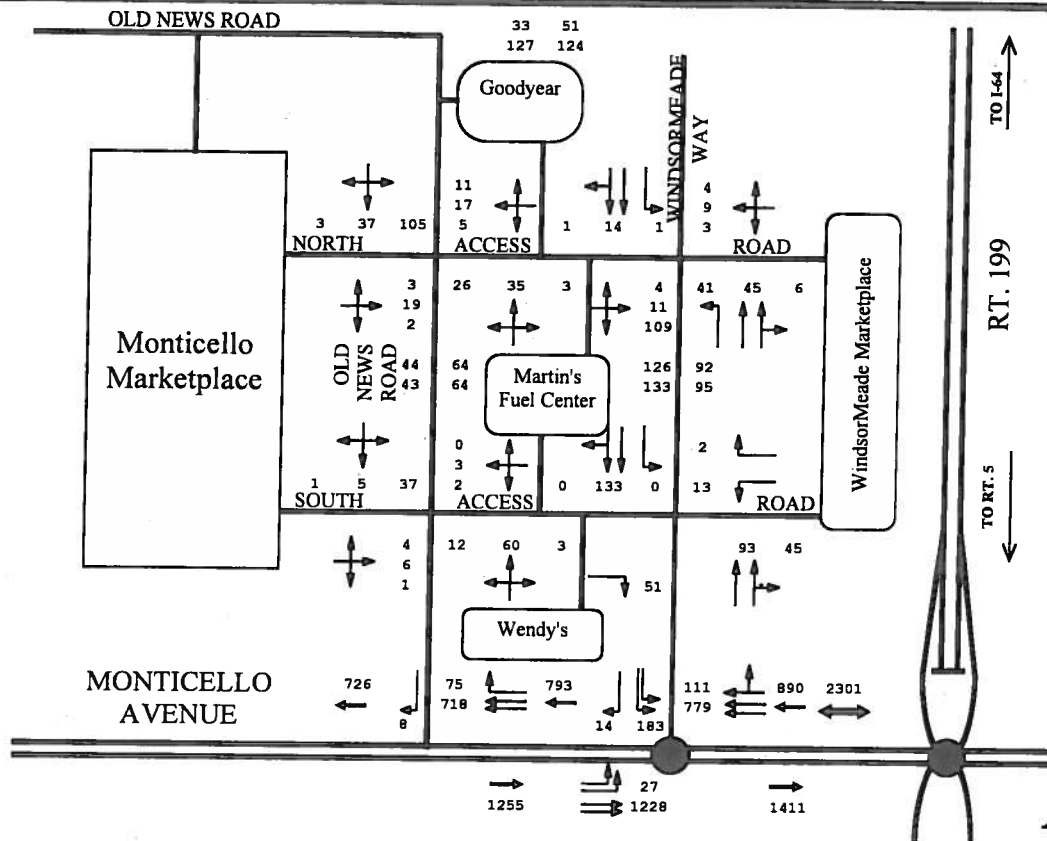
	EB	WB	NB	SB
4:00 to 4:15	10	6	56	9
4:15 to 4:30	9	2	53	7
4:30 to 4:45	13	6	59	8
4:45 to 5:00	8	5	45	15
5:00 to 5:15	10	1	64	9
5:15 to 5:30	12	6	64	13
5:30 to 5:45	16	8	78	11
5:45 to 6:00	12	6	56	11
PHF	0.72	0.63	0.80	0.80

Exhibit E2

**AM
PEAK
HOUR**



**PM
PEAK
HOUR**



2014 PM PEAK HOUR COUNTS
WITHOUT BALANCE FOR WINDSORMEADE WAY AREA

DRW Consultants, LLC
804-794-7312

Exhibit F

LEGEND

Intersection
Approach Lanes



Traffic
Signal



Development
Section

Sec.
2

Link Volume

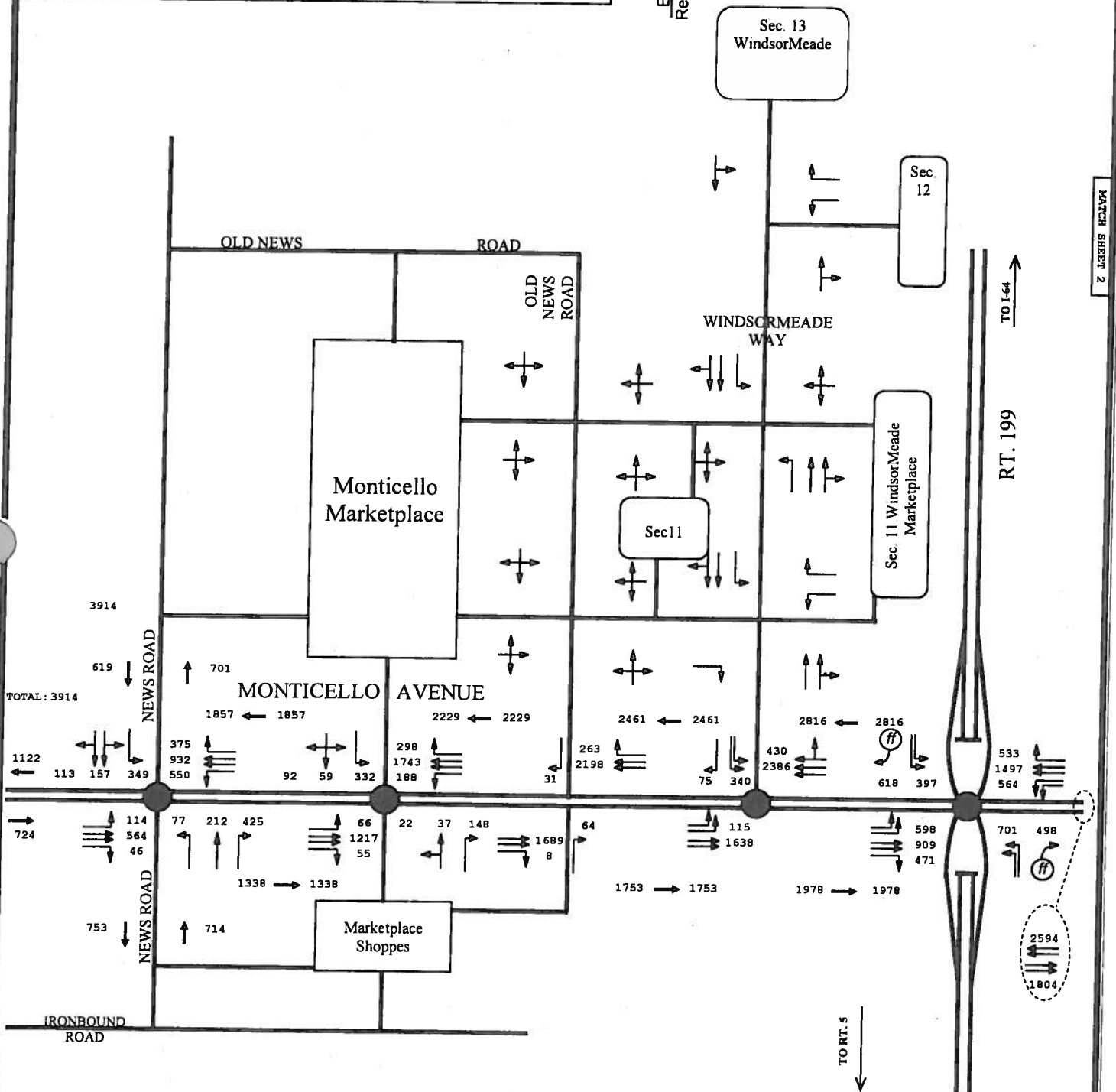


Free Flow
Right Turn Lane



Exhibit
Reference

Mont. Corr.
IN: 10506
OUT: 10506



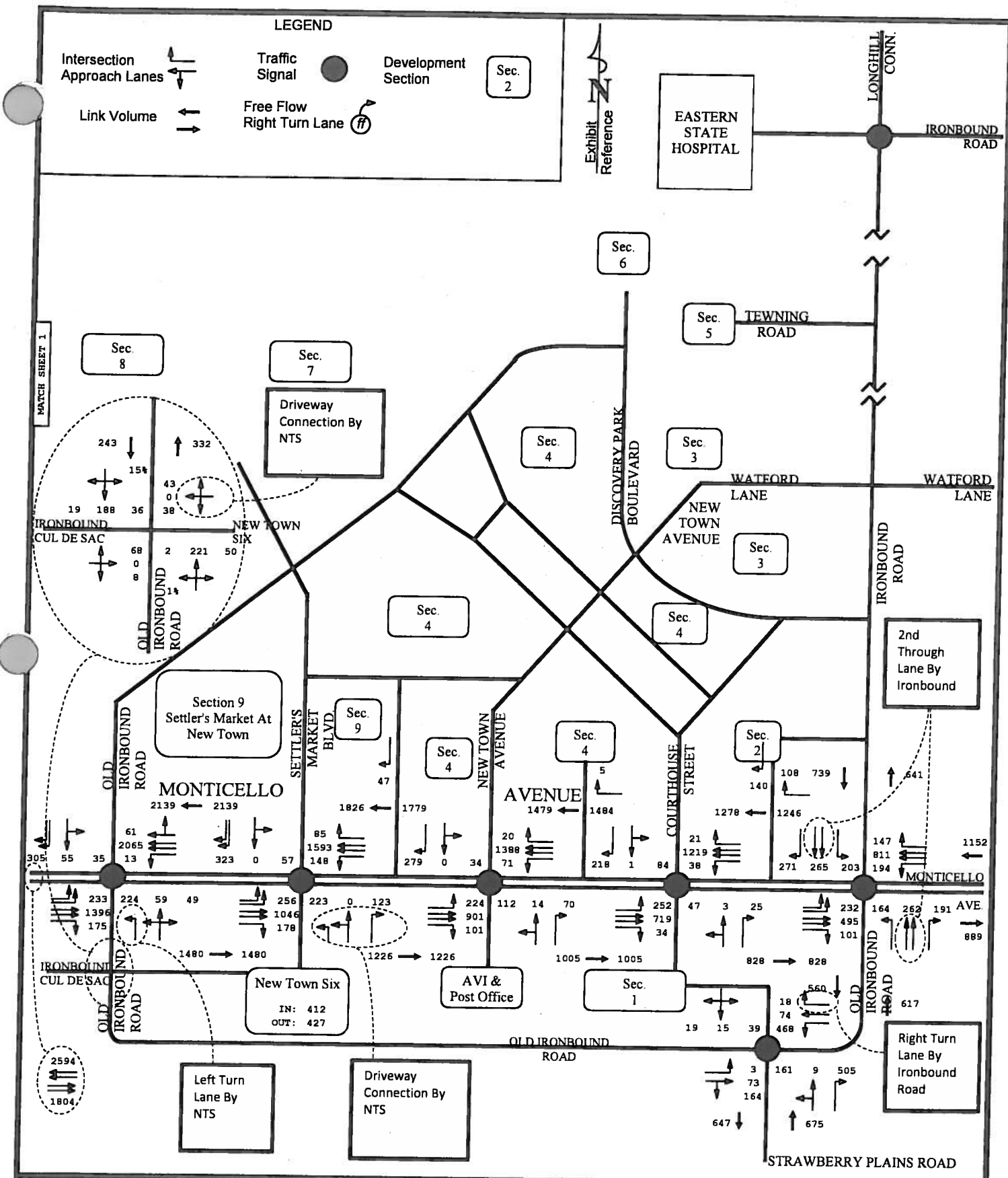
MATCH SHEET 2

2016 PM PEAK HOUR FORECAST WITH SECTION 12: 274 APARTMENTS
FROM 2012 REPORT FOR SECTION 12

DRW Consultants, LLC
804-794-7312

Exhibit G

Sheet 1 of 2



2016 PM PEAK HOUR FORECAST WITH SECTION 12: 274 APARTMENTS
FROM 2012 REPORT FOR SECTION 12

DRW Consultants, LLC
804-794-7312

Exhibit G

Sheet 2 of 2

LEGEND

Intersection
Approach Lanes



Traffic
Signal



Development
Section

Sec.
2

Link Volume

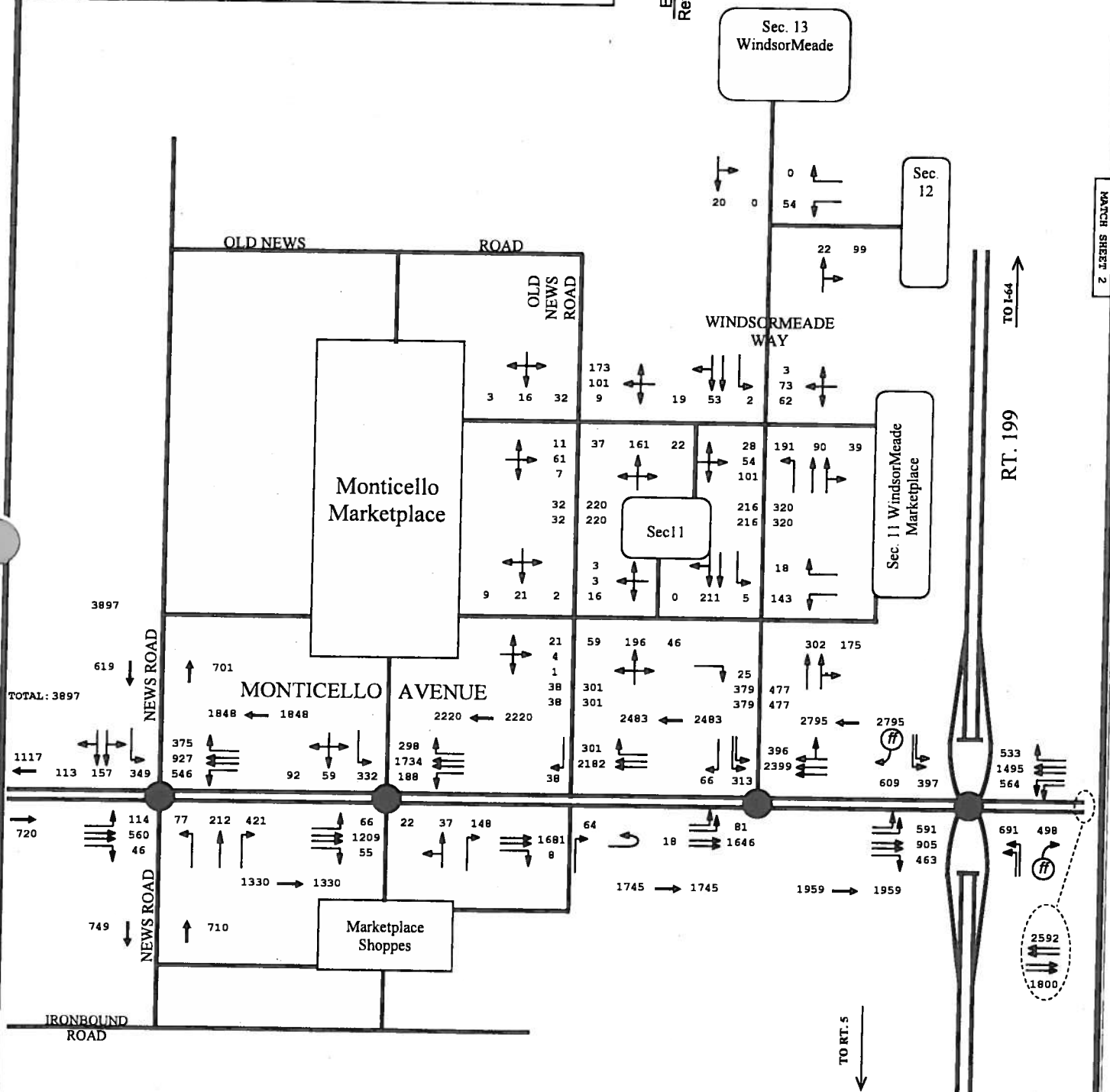


Free Flow
Right Turn Lane



Exhibit
Reference

Mont. Corr.
IN: 10448
OUT: 10448

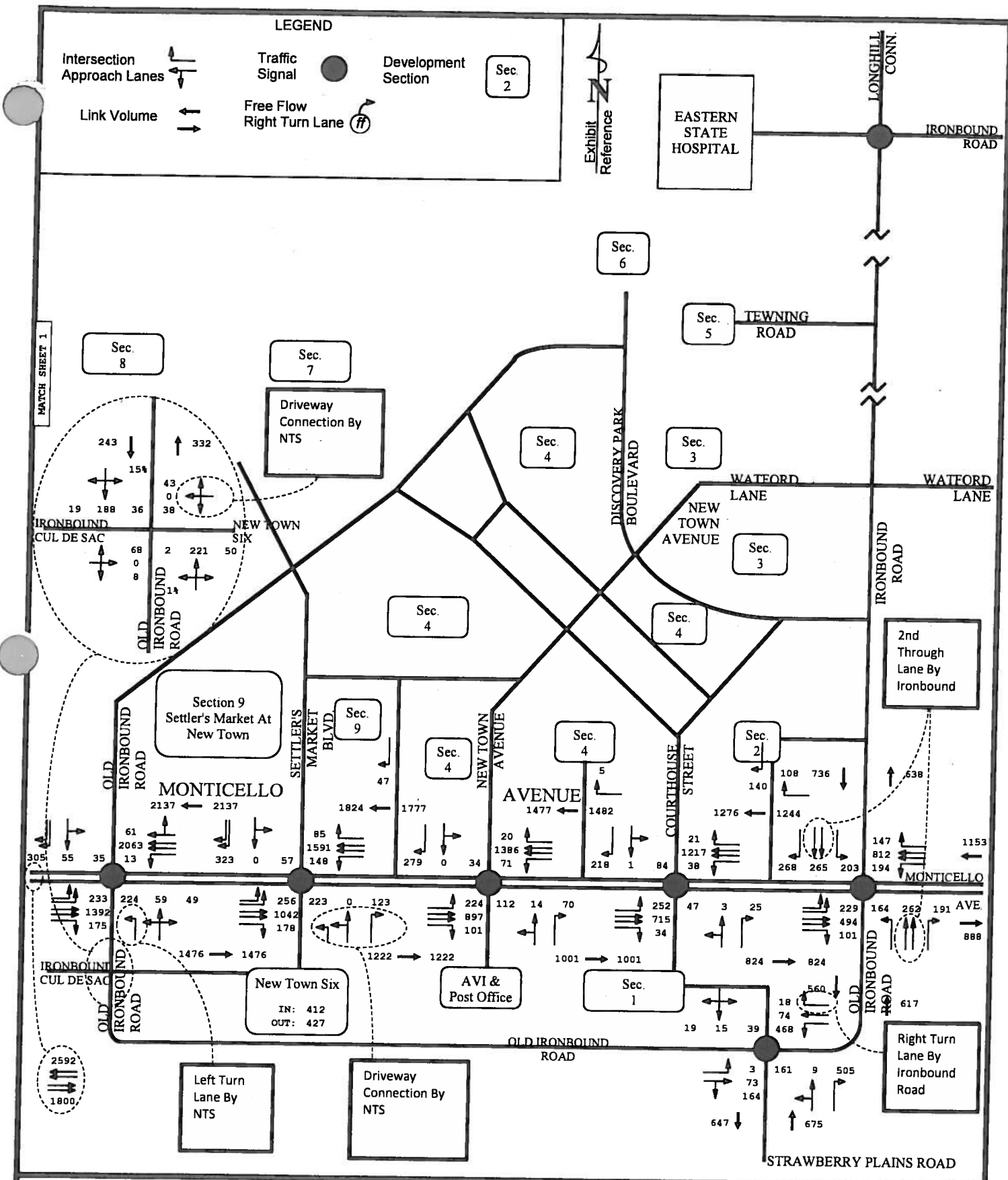


2016 PM PEAK HOUR TRAFFIC WITH WENDY'S, SECTION 12: 247
APARTMENTS, REMAINING WINDSORMEADE MKTPL AND WINDSORMEADE
RETIREMENT

DRW Consultants, LLC
804-794-7312

Exhibit H

Sheet 1 of 2



2016 PM PEAK HOUR TRAFFIC WITH WENDY'S, SECTION 12: 247 APARTMENTS, REMAINING WINDSORMEADE MKTPL AND WINDSORMEADE RETIREMENT

DRW Consultants, LLC
804-794-7312

Exhibit H

Sheet 2 of 2

Case No. SUP-0005-2014, Creative Kids Child Day Care Center
Staff Report for the June 4, 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

June 4, 2014, 7:00 p.m.

July 8, 2014, 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant:

Ms. Tracey Williams

Land Owner:

Ms. Tracey Williams

Proposal:

Renewal of a special use permit to continue the operation of a child day care center in a residential neighborhood and to increase the number of children from 12 to 20.

Location:

701 Mosby Drive

Tax Map/Parcel:

4140300103

Parcel Size:

± 0.39 acres

Existing Zoning:

R-2, General Residential

Comprehensive Plan:

Low Density Residential

Primary Service Area:

Inside

STAFF RECOMMENDATION

Staff finds that the proposed increase from 12 to 20 children incompatible with the location. An increase in the number of children served from 12 to 20 is out of scale for an interior lot to an existing established neighborhood. Staff finds a limited-scale commercial day care center for no more than 12 children more appropriate and consistent with the surrounding zoning and development and compatible with the 2009 Comprehensive Plan. Additionally, staff finds a day care center for no more than 12 children more consistent with the Policy Committee's recommendations for child day care centers located in the interior of residential neighborhoods (attachment no. 4). Staff recommends the Planning Commission recommend approval of the day care center serving no more than 12 children to the Board of Supervisors with the attached conditions.

Staff Contact:

Jennifer VanDyke, Planner

Phone: 253-6685

PROJECT HISTORY

This proposal seeks to renew an existing special use permit (SUP) and increase the number of children in a child day care center located at the proprietor's personal residence. Ms. Williams has been operating with licensure from the Virginia Department of Social Services (DSS). On July 9, 2013, the Board of Supervisors approved a SUP for the child day care center for up to 12 children for a period of 12 months.

Upon submission of the SUP application last year, staff became aware of restrictive covenants associated with Ms. William's neighborhood. The restrictive covenants for James Terrace included the following language: "no lot in the tract shall be used except for residential purposes." Due to this conflict, staff did not support the application; however, staff did forward conditions to the Planning Commission and Board in the event the Board chose to approve the child day care center for up to 12 children. On July 9, 2013, the Board approved the child day care for up to 12 children with an added condition stating: "this SUP shall be valid for a period of 12 months from the date of approval during which the child day care center owner shall maintain (and renew or obtain as necessary) all needed County and State permits to operate the child day care center." Ms. Williams was also advised to have the restrictive covenants revised prior to a reconsideration of the SUP. The applicant has submitted documentation to the satisfaction of the County Attorney which demonstrates compliance with the condition requiring a revision to the covenants to allow a commercial operation within the neighborhood.

PROJECT DESCRIPTION

Ms. Tracey Williams has applied for a SUP to continue the operation of a child day care center in an existing single-family detached home located at 701 Mosby Drive. This property is zoned R-2, General Residential, which requires a SUP for the operation of a child day care center.

In 2006, Ms. Williams submitted an application for a child day care center which was approved by the County as a home occupation. Child day care facilities of five children or less are permitted by-right as a home occupation. In 2013, Ms. Williams applied and was approved for an SUP to bring her business into compliance with the Zoning Ordinance as required by DSS. A child day care center is defined by the ordinance as "an establishment offering group care to six or more children away from their home for any part of the day." Per the previously approved SUP, a day care service is currently operating from her residence with a maximum of 12 children.

Per DSS requirements, Ms. Williams submitted a functional design plan to their agency for review in 2013. The functional design plan is used to determine the maximum number of children a day care center can serve based on an evaluation of square footage. DSS requires 35 net square feet dedicated to the use of the day care per child. Ms. Williams' SUP application submitted last year, proposed she and her family move out of the home. Consistent with the proposal, Ms. Williams' functional design plan allocated the total square footage of the house, approximately 1,248 square feet, to the child day care use. On May 3, 2013, DSS submitted a letter (attachment no. 3) to Ms. Williams indicating that the reported square footage would provide for a projected capacity of 24 children. Ms. Williams recently received building permit approval for an addition to the residence. A building permit was issued on May 5, 2014, for an addition approximately 384 square feet in size. Since the initial determination by DSS was based upon the total area being used for commercial purposes and did not

include the addition, a new evaluation must be made to determine the appropriate capacity per DSS standards. Staff notes, the building permit was reviewed and approved based on an evaluation to the standards established for a single family home. No evaluation was made regarding the commercial use of the site.

Under DSS regulation, facilities offering day care services to *more than* 12 children are identified as “child day centers” and are held to stricter standards than those serving 12 or fewer. Ms. Williams is currently licensed for up to 12 children and is reviewed against the minimum standards for “child day homes.” DSS, in conjunction with Virginia Uniform Statewide Building Code places additional requirements on child day centers relevant to structure stability, fire safety, handicap accessibility and designated parking. DSS has another distinction made for those child day centers offering services for children less than 2.5 years of age; however, Ms. Williams has indicated that her program would shift to serving children ages 2.5 years of age through 12 years old should she be approved for up to 20 children. Ms. Williams is currently serving children between the ages of one through 12-years old. Minimum standards outlined for child day centers offering services for those children less than 2.5 years of age have additional fire safety standards that must be met.

The building permit was reviewed and approved based on an evaluation to the standards established for a single family home. To ensure compliance with all additional requirements placed on “child day centers” DSS requires a Certificate of Occupancy. DSS also performs periodic inspections to ensure the children under supervision do not exceed the approved number, age requirements along with many other child safety requirements.

While staff defers to DSS and the established approval process to ensure all building code and safety measures are met staff notes that DSS does not make a distinction between day care centers in a home versus a commercial setting. Staff finds DSS requirements and the impacts of the proposed day care center serving 20 children, predicate the demand for another, more compatible location. The traffic generated by a day care center serving 20 children is not accordant with an interior lot to an existing established neighborhood. DSS and Virginia Uniform Statewide Building Code requires a minimum of one dedicated handicap parking space and sign, these features are not typically found in residential areas of this nature and would contribute to unmet parking demand.

In addition to the other cited impacts, a catering food service vehicle would arrive to the house on a daily basis. The Health Department typically places food service requirements on facilities serving greater than 12 children, requiring a separate kitchen. Any additional kitchen used for the purposes of serving food to the children would be held to the same standards as any other food establishment, such as a restaurant. However, in this case the Health Department has approved the use of a catering service. Staff would note that having a catering food service vehicle arrive to the house daily will add to traffic and parking concerns. Proposed SUP condition no. 8 outlines restrictions to commercial food preparation and laundry services. The condition as written restricts any commercial food distribution and laundering services to the children being cared for and/or the day care center staff.

Ms. Williams proposes a continuation of the established hours of operation. The hours are 5:30 a.m. to midnight, Monday through Friday, and from 7:00 a.m. to midnight, Saturday and Sunday. Except for transportation provided directly by the owner/operator of the day care all pick-ups and drop-off's

to the day care shall be limited to the hours between 6:00 a.m. and 8:00 p.m. The expanded hours offered for those children being picked up and/or dropped off during the early morning and late evening hours (by the owner/operator) was a concession made by the Ms. Williams last year in an attempt to abate staff's concerns. This application proposes a continuation of this practice.

The Planning Commission previously approved a policy for child day care centers located in the interior of residential neighborhoods. The policy recommends that three conditions be placed on any such application: 1) a three-year limit in order to monitor the impacts of the day care center; 2) no signage shall be permitted; and 3) no additional exterior lighting shall be permitted. Staff has included these conditions as part of this application, and a copy of the policy has also been provided for your reference (attachment no. 4).

Engineering and Resource Protection (ERP):

Staff Comments: Staff has reviewed this application and has recommended approval. Staff notes that James Terrace is situated in the College Creek watershed and historically has been an area with problem drainage.

James City Service Authority (JCSA):

Staff Comments: The site is located within the Primary Service Area (PSA) and it is served by public water and sewer. JCSA has reviewed this application and has recommended approval. A Water Conservation Agreement was approved and signed on August 1, 2013. The outlined conditions include a provision to enforce the water conservations standards signed and approved on August 1, 2013.

Virginia Department of Transportation (VDOT):

VDOT Comments: VDOT had no concerns with the proposed SUP. No traffic improvements were recommended or proposed by VDOT.

Staff Comments: Staff acknowledges that, due to the varying parental schedules, children will be picked up and dropped off at varying times, thus helping to ease potential traffic congestion at peak hours. However, staff has concerns that an increase in the number of children from 12 to 20 and a catering truck arriving to the site on a daily basis will increase the volume of traffic to levels in excess of residential neighborhoods of this nature.

In addition to traffic concerns, staff finds the amount of available parking does not support an increase in the number of children or meet the minimum requirements for a child day center. The Zoning Ordinance requires single-family homes have a minimum of two off-street, parking spaces. While the ordinance does not specify a minimum parking calculation for day cares in general, staff has typically used a formula of one space per employee, plus one space per four children. Accordingly, a minimum of five parking spaces will be required plus two spaces for employees as well as one dedicated, handicap accessible parking space with required signage. Staff has determined the property would adequately accommodate up to six smaller vehicles, double-stacked in the driveway. While additional parking would not be allocated to the occupants of the single-family home it is reasonable to expect there may be additional vehicles on-site personally owned by the Williams family.

Staff notes that Mr. Williams has an approved home occupation permit for a moving company. All home occupation applications must be determined to not generate traffic in volumes greater than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street. Beyond the requirements for dwelling unit type, the ordinance does not require additional parking for home occupations. The Zoning Ordinance requires that there be no outdoor storage of machinery or equipment in relation to the home occupation. Mr. Williams' home occupation application indicated that moving trucks used for the business operation would be rented and would remain off-site. While it was determined that Mr. Williams' business met the criteria for a home occupation it is reasonable to expect that additional business activity on the premises will contribute to traffic on Mosby Drive and place a greater strain on parking demand at the residence.

Virginia Department of Health (VDH):

Staff Comments: The applicant has agreed to cater lunch and serve prepackaged food for snacks. A Department of Health food permit will not be required as long as Creative Kids Child Development Center follow the following requirements:

- Food is procured from a permitted food establishment responsible for all food preparation on their permitted kitchen.
- All food service will be handled by the permitted food establishment employees.
- All leftovers will be discarded at the end of each meal.
- There will be no food stored or food preparation at the child care site.
- All food service equipment and utensils will return to the permitted establishment for cleaning.
- Any changes to the food service plan or change in cater shall be coordinated through this office prior to making any changes.

Virginia Department of Social Services (DSS):

Staff Comments: The DSS is the agency responsible for monitoring and licensing the day care facility. The DSS granted a license for the child day care serving 12 children ranging from one through 12-years old which is due to expire August 20, 2014. Ms. Williams has indicated her desire to serve children between 2.5 and 12 years of age.

Building Safety and Permits (BSP):

Staff Comments: Staff notes that should the child day care center maintain its current occupancy at 12 children no structural alterations to the house are required. However, once the occupancy number rises above 12 children several new requirements must be met in accordance with Virginia Uniform Statewide Building Code relevant to structure stability, fire safety, handicap accessibility and designated parking.

COMPREHENSIVE PLAN

The 2009 Comprehensive Plan Land Use Map designates this parcel as Low Density Residential. Recommended uses are primarily residential but schools, churches, and very limited commercial uses are also allowed upon meeting the following standards (2009 Comprehensive plan, article 4-d, page 141) with staff analysis in *italics*:

- a. Complements the residential character of the area;
Staff finds that a day care center for 20 children is more appropriately located in a commercial or mixed-use zoned area. Staff is concerned that an increase in children in conjunction with the late evening and early morning hours may be disruptive and impact the quieter character associated with a residential neighborhood.
- b. Have traffic, noise, lighting and other impacts similar to surrounding residential uses;
Staff finds that a day care center for 20 children that includes a required catering service has the potential to create additional vehicular traffic and noise in the neighborhood. Staff is particularly concerned with meeting the demand for parking and finds the available parking inadequate.
- c. Generally be located on collector or arterial roads at intersections;
The property is not located on a major road, though it is situated near Penniman, an arterial road. The fact that the property is not located deep into the neighborhood may alleviate some traffic impacts on Mosby Drive; however, staff notes the proximity to an intersection with periodic heavy traffic. The intersection of Penniman Road and Hubbard Lane marks the location of Magruder Elementary School. This intersection has heavy traffic during morning drop-off times and afternoon dismissals.
- d. Provide adequate screening and buffering to protect the character of nearby residential areas; and
Adjacent property to the east appears to have some vegetation that creates a natural buffer. Staff is not aware of any fences or other screening materials located at the child day care center.
- e. Generally intended to support the residential community in which they are located.
According to Mrs. Williams, the child day care center supports the needs of parents not only in her neighborhood but also in other areas in the County and nearby localities.

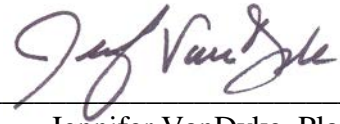
STAFF RECOMMENDATION

Staff finds that the proposed increase from 12 to 20 children incompatible with the location. An increase in the number of children served from 12 to 20 is out of scale for an interior lot to an existing established neighborhood. Staff finds a limited-scale commercial day care center for no more than 12 children more appropriate and consistent with the surrounding zoning and development and compatible with the 2009 Comprehensive Plan. Additionally, staff finds a day care center for no more than 12 children more consistent with the Policy Committee's recommendations for child day care centers located in the interior of residential neighborhoods (attachment no. 4). Staff recommends the Planning Commission recommend approval of the day care center serving no more than 12 children to the Board of Supervisors with the attached conditions.

Staff notes, the following changes were made to the conditions approved in 2013: an extension of the validity clause from 12 to 36 months, the addition of licensure requirements, continued enforcement of the Water Conservation Agreement signed and approved August 1, 2013, and a minor change to

the food preparation condition, clarifying expectations.

1. **Occupancy:** No more than twelve (12) children shall be cared for at the child day care center at any one time.
2. **Hours of Operation:** Hours of operation shall be limited from 5:30 a.m. to midnight, Monday through Friday, and from 7:00 a.m. to midnight, Saturday through Sunday. Except for transportation provided directly by the owner/operator of the day care all pick-ups and drop-off's to the day care shall be limited to between 6:00 a.m. to 8:00 p.m.
3. **Residency.** The owner/operator of the child day care center shall reside on the property for the duration of the validity of the special use permit.
4. **Validity of Special Use Permit:** This special use permit shall be valid for a period of 36 months from the date of approval during which the child day care owner shall maintain (and renew or obtain as necessary) all required County and State permits and licensure to operate the child day care center.
5. **Signage:** No signage shall be permitted which relates to the use of the property as a child day care center.
6. **Lighting.** No additional exterior lighting shall be permitted on the property, other than lighting typically used at a single family residence.
7. **Water Conservation Agreement.** The applicant shall be responsible for enforcing the water conservation standards established in the signed and approved Water Conservation Agreement dated August 1, 2013. The standards address water conservation measures as limitations on the installation and use of approved landscaping design and materials to promote water conservation and minimize the use of public water resources.
8. **Food preparation:** No commercial food preparation or laundry services shall be provided aside from the operation of the child day care center. For purposes of this condition, "commercial food preparation or laundry services" shall be defined as meaning any food preparation or laundry services provided at the center that are not directly related to, and intended to serve the needs of, the children being cared for and/or the day care center staff.
9. **Severance Clause:** This SUP is not severable. Invalidation of any word, phrase, clause, sentences, or paragraph shall invalidate the reminder.

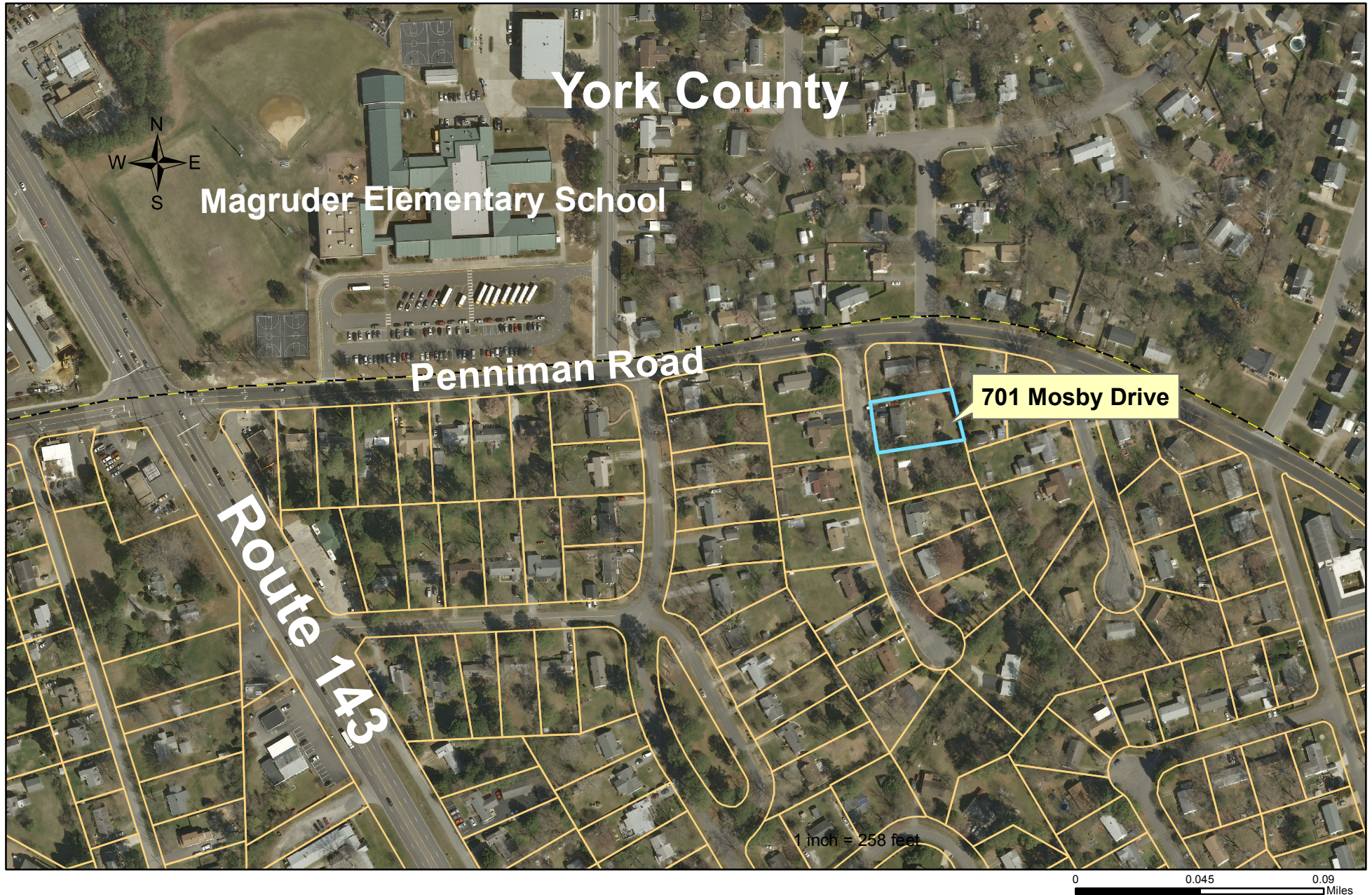


Jennifer VanDyke, Planner

ATTACHMENTS:

1. Location map, general area
2. Location map, 701 Mosby Drive
3. Letter from the Department of Social Services dated May 3, 2013
4. Child Day Care Centers Located in the interior of Residential Neighborhoods Policy
5. Letters of recommendation from clients submitted 2013

SUP-0005-2014, Creative Kids Child Development Center



SUP-0005-2014, Creative Kids

701 Mosby Drive



0 0.0045 0.009 Miles



COMMONWEALTH of VIRGINIA

DEPARTMENT OF SOCIAL SERVICES

May 3, 2013

Ms. Tracey Butler
Creative Kids CDC, LLC
701 Mosby Drive
Williamsburg, Virginia 23185

Dear Ms. Butler,

This letter will confirm receipt and review of the functional design features and floor/site plans for a child day center to be located at 701 Mosby Drive, Williamsburg, Virginia. The site plan details a one-story building with four rooms of the building being used by the children in care. The number of toilets and sinks will allow for a capacity of 40 children based on the applicable ratio for preschoolers; however, the reported square footage will provide for a projected capacity of 24 children. Please note the reported square footage did not include measurements for obstructions noted on the diagram and the square footage may be altered when actual measurements of all areas are taken.

This drawing has been reviewed for the required square footage standards as well as toilets and sinks relevant to the Standards for Licensing Child Day Centers and they appear to meet all of the requirements. Your request indicates you will serve children 16 months through five years. Please note your Certificate of Occupancy obtained from the city/county in which you reside must specify the population you are permitted to serve. Changing tables must be located in a manner that allows for sight and sound supervision during diapering.

The playground will provide for a projected capacity of 290 children based on your reported acreage. This projected capacity is based on the playground square footage provided. Please be advised that equipment with climbing or moving parts will require resilient surfacing of some type and the appropriate fall zones as required by the American Society for Testing and Materials standards and National Program for Playground Safety.

Please note that the final determination for licensure is based upon an on-site investigation by the assigned licensing inspector and a review of the filed application. Actual inspection of this area may alter the projected capacity for the center.

James City County Planning Commission's Policy Committee
Child Day Care Centers Located in the Interior of Residential Neighborhoods
June 22, 2001

Policy Committee Recommendation for Child Day Care Centers Located in the Interior of Residential Neighborhoods:

1. If planning staff determines there are significant impacts on a neighborhood as a result of a child day care center, staff shall recommend denial of any child day care center located on a residential lot in the interior of a subdivision.
2. The Policy Committee recommends that the current threshold for requiring a special use permit for a child day care center shall remain as is (more than 5 children requires a special use permit), and each application will continue to be reviewed on a case by case basis. This threshold is based upon state licensing requirements, building permit requirements, land use impacts and home occupations limitations, and the Policy Committee finds that this threshold is appropriate for Commission and Board review.
3. ~~Should the Planning Commission and Board of Supervisors choose to recommend~~ approval of a special use permit application for a child day care center located on a residential lot in the interior of a subdivision, the Policy Committee recommends adding the following conditions:
 - there shall be a three-year time limit in order to monitor the impacts of the day care center;
 - no signage shall be permitted on the property;
 - no additional exterior lighting shall be permitted on the property, other than lighting typically used at a single-family residence.

Darnica R. Faison
246 New Hope Road
Williamsburg VA 23185

757 603 7561

3/26/13

To Whom it may concern:

Tracey Butler is favored by both of my young girls for her high energy and nurturing attitude. Since my almost 3 year old has been attending, her speech and social development has progressed greatly. Also the playground in her backyard has helped her develop physically.

My now 5 year old had a harder time getting to know Tracey as she had no previous experience in a daycare setting before attending her elementary school.

The convenience of having Tracey so close to my home is wonderful. I would greatly benefit if she were able to have more children in her

care because often she does not have the room to keep ~~her~~^{them} in the evening and I work mostly evenings. So it would cut down on my cost for daycare to not have to send them to someone else.

I fully believe that Tracey is a great, role model for my girls. and I fully intend to keep her as a sitter/daycare provider as long as possible.

Damecia Faison

To whom this may concern:

I have known Tracy Butler a Child Care Provider for a number of years.

Tracy is very good with children and gives her Child Care children, much love and attention.

There aren't many 24 hour childcare providers around in Williamsburg, VA.

I know I have worked with children 46 years and Tracey puts her all into her Child Care as well as her love for her own family.

Sincerely,

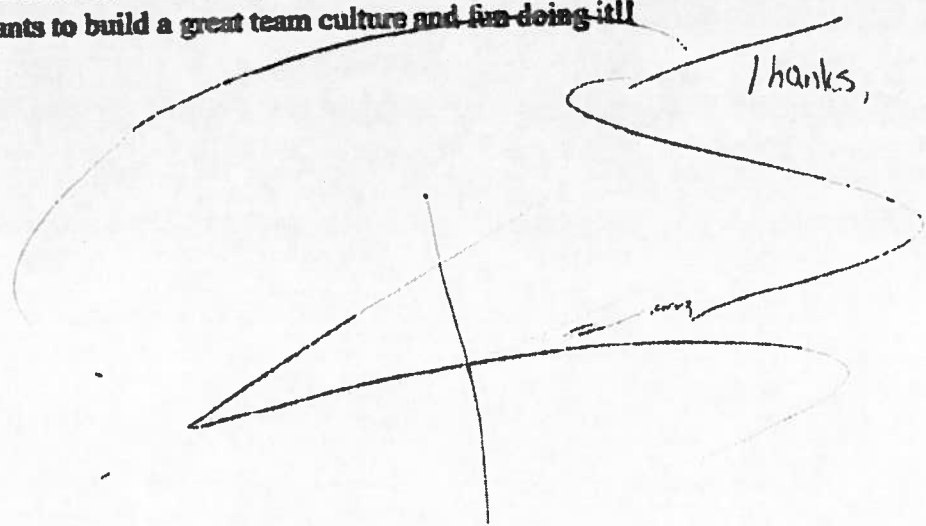
Evette Jemerson

Recommendation for Tracey Butler:

Tracey Butler is a dynamic, self-directed consummate Leader. Tracey is a very talented leader who brought a great deal to children at her day care center and the community. Inspiring and motivating is certainly one of her signature strengths and she leveraged this to help build excitement and momentum around key priorities with children in the community and in the center she led. Tracey is a passionate leader that delivers great results while making development and recognition a key part of her talent strategy. During the 15 years knowing Tracey, she helped me be a more effective leader with communication and strategy.

Tracey is a creative leader who thinks about a total solution. She is proactive and progressive in her thinking. She focuses on training and development which in turn creates long-term solutions. Tracy possesses a high emotional IQ and a senior level understanding of operating a business. She gives honest and valued feedback to her subordinates and peers. She can manage both across and up the chain of command. Her insight allows her to get to the root cause and diminish or eliminate problems. Tracey has strong qualities around teaching and coaching and she is a fabulous trainer. Tracey brings a very sound and well-rounded skill set as well as innate enthusiasm and is a key contributor to children. I would recommend Tracey to any business that wants to build a great team culture and ~~fun doing it!!~~

Thanks,



To Whom It May Concern:

I have known Tracey Butler in a variety of capacities for many years. She has been my daughter's child care provider for the past 8years and my son's for 8months. In addition, she is the god mother to my children and takes full responsibility for my shortcoming with them. She is a true definition of Acts of Kindness! Her heart is huge and she does not mind assisting others who may be in need, no individual in her eyes is a stranger.

Tracey is organized, efficient, extremely competent, a great caregiver and has an excellent rapport with people of all ages and ethnicities. Her communication skills, both written and verbal are marvelous. I would not trade the level of care Tracey provides to my children to anyone else unless it was an immediate family member.

In summary, I highly recommend approving the expansion of TYI Home Care request or endeavor she may pursue. Other parents should be granted the high level of comfort, professionalism and love for their children that Tracey provides. Every child in she cares for has advanced in academics and achieve on a higher level than their peers. She will be a valuable asset and great instructor to any child and or parent that comes into her presence.

If you have any questions, please do not hesitate to contact me. I can be reached via email; holland81@live.com or by phone; 804-501-0053.

Regards,

Tasha Holland

3-25-13

To whom it may concern

Mrs Tracy Butler was highly recommended to me by my single father coach from CDR. She has been exceptional in caring for my daughter while I have to work. Penelope loves going in the morning ^{business} she enjoys her time there ^{everyday} ^{Especially} Mrs Butler has been great w/ working with my long haul's & transporting her to + from her pre-school during the week. I would advise anyone looking for childcare her direction

Thank you,
Walter Garner
~~like~~

494 Penniman rd
Williamsburg VA
23185

**Annette Robinson
321 Peachtree Lane
Yorktown, VA. 23693
March 25, 2013**

To: Whom It May Concern

It is with great pleasure that I submit a letter of reference on behalf of Tracey Butler.

I had the pleasure of working with Tracey Butler for several years while I was employed as the Child Care Coordinator with the City of Williamsburg Human Services. As a child care worker Tracey proved to be a hard worker, and committed to providing quality child care services to the children she cared for. She always went that extra mile to assist parents who were looking for jobs, in school or attending mandated court appearances. She would work extra hours to accommodate their schedules; during the hours other child care centers was closed or refuse to service customers.

Tracey is a person who parents can depend to care for their children. She provides a safe and loving environment.

Respectfully submitted,

**Annette Robinson
757-508-1607**

3/26/2013

TO: It whom may concern.

Mrs. Tracey Butler has been such a great help to me after struggling trying to find a provider .

She is reliable, dependable, professional and most of everything she is flexible with my schedule and hours that changes every week. She has a great personality and positive attitude.

My son enjoys her great activities and being under her care.

Norma Tannehil 757 5615981

108 Cooley Rd Apt E Williamsburg VA 23188

Norma Tannehil

**SPECIAL USE PERMIT-0006-2014. 2604 John Tyler Hwy Public Sewer Connection
Staff Report for the June 4, 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

June 4, 2014, 7:00 p.m.

July 8, 2014, 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant: Mr. Vernon Geddy, III

Land Owner: Bayshore Development

Proposal: Permit a public sewer connection to the Governor's Land Force Main

Location: 2604 John Tyler Hwy

Tax Map/Parcel No.: 4420100010

Parcel Size: ± 3.18 acres

Existing Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

STAFF RECOMMENDATION

Staff finds that the extension of a public utility outside the Primary Service Area (PSA) is inconsistent with the land use goals, strategies and actions of Comprehensive Plan and the Public Utilities Policy adopted as part of the 1997 Comprehensive Plan. Approval of this application would set a precedent for similarly situated properties outside the PSA where property owners seek connections to nearby public utilities regardless of cost or need. Staff recommends that the Planning Commission recommend denial of this special use permit to the Board of Supervisors and that the property owner continue to rely upon a private septic system. Should the Commission wish to recommend approval of the application, staff recommends that the approval be subject to the conditions listed at the end of the report.

Staff Contact: Luke Vinciguerra & Ellen Cook

Phone: 253-6783/6693

PROJECT DESCRIPTION

Mr. Vernon Geddy, III has applied on behalf of the property owner of 2604 John Tyler Highway for a Special Use Permit (SUP) to allow for a connection to an existing public sanitary sewer force main. As the property is not adjacent to the force main, a private extension of approximately 220' would be required to serve the lot. The lot is currently vacant; however, the applicant has stated the owner intends to construct a single-family house.

History

Utility extensions to this area outside the PSA stemmed from the approval of the Governor's Land project in 1989 where approximately 1,500 acres of agricultural land was rezoned to R-4 Residential Planned Community. Staff had recommended denial of the project due to its location outside the PSA at densities higher than the Rural Lands designation supported, as well its potential to open other vacant land along Route 5 to growth and related impacts. To preserve the integrity of the Rural Lands and the PSA, the conditions for the related Governor's Land utility lines limited connections to the Governor's Land development and existing structures adjacent to the lines. To address concerns from property owners with vacant lots adjacent to the lines and to prevent more widespread extension of the PSA, the Board revised the utility policy in 1997 and authorized adjacent vacant lots platted before January 28, 1997 outside the PSA to connect for a single residential structure. Staff prepared detailed maps as part of the utility policy and special use permit amendments showing which lots would be permitted to connect to the Route 5 water and sewer lines.

Staff comment: In 1989, adjacent property owners were notified of the sewer line project and in 1997 adjacent property owners were notified of the revised policy. Attachment 2 is the map shown to property owners illustrating which lots are permitted to connect to public water, sewer or not permitted to connect. Staff has confirmed that in 1989 the property owner of the subject parcel was notified of the sewer expansion; however, there is no indication that the property owner was notified during the 1997 policy revision. The applicant has not stated it was assumed on purchase that the property would have access to sewer.

PUBLIC IMPACTS

Engineering and Resource Protection:

Watershed: Gordon Creek

Engineering and Resource Protection Staff Comments: The Engineering and Resource Protection Division has no comments on the proposed SUP application.

JCSA:

As shown on Attachment 1, the subject property is not adjacent to the public sewer line. Any connection would likely require an extension in the right-of-way in front of the neighboring parcel. The applicant has notified the neighboring property owner of the proposal recommending the owner co-sign the SUP application and attempt sewer access as well. This attempt was unsuccessful.

Connection to the water line is currently permitted. As the existing water line extends approximately 120' further west along Route 5 than the sewer line, staff considers the lot adjacent and would permit a connection. Should the application be approved, Planning staff recommends the following SUP condition to limit future connections to the sewer force main.

Proposed Condition recommended by Planning:

- No connections shall be made to the force main which would serve any property located outside the Primary Service Area (PSA) except for connections to the Governor's Land project, and existing structures located on property outside the PSA adjacent to the force main. In addition, for

each platted lot recorded in the James City County Circuit Court Clerk's office as of January 28, 1997, that is vacant, outside the PSA and adjacent to the main and the property located at 2604 John Tyler Hwy which can be further identified as Tax Map Parcel No: 4420100010, one connection shall be permitted with no larger than a 1-1/4" service line.

JSCA Staff Comments: The JSCA has reviewed the proposal and has confirmed there is capacity in the existing force main to accommodate two additional lots. The JSCA mentions this as a factual statement, not a recommendation to permit the proposed connections.

Health Department

The Health Department has issued a permit for the installation of an alternative on-site sewage disposal system capable of accommodating a four bedroom house. The system has not yet been installed.

Staff comment: As the applicant has not demonstrated a valid need for public sewer connection (such as failing septic system), staff finds the request for a public sewer connection as a convenience rather than a public health, safety or welfare issue.

COMPREHENSIVE PLAN

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

The PSA policy is James City County's long-standing principal tool for managing growth. As a growth management tool it attempts to direct growth in one area (where public facilities and services are planned) and away from another (where the majority of agricultural and forestal activities occur). The PSA, first established in 1975, utilizes many of the same principles as Urban Growth Boundaries or Urban Service Areas found in other localities. They are all concepts for promoting growth in a defined geographical area in order to accomplish the following goals:

- to encourage efficient utilization of public facilities and services (water and sewer, roadways, schools, fire and police stations, libraries, etc.);
- to help ensure such facilities and services are available where and when needed;
- to increase public benefit per dollar spent;
- to promote public health and safety through improved emergency response time;
- to minimize well and septic failures; and
- to preserve rural lands.

The PSA is most effective when it is tied to the provision of public utilities. Connecting developments to public utilities facilitates development and increases the need for associated peripheral uses. Extending utilities to the rural lands encourages previously farmed or forested lands to convert to development. Development pressures could entice more rural landowners into selling their lands, which could increase the pace of development and increase the amount of forest and farmland developed.

The effectiveness of the PSA as a policy tool is affected as more housing and amenities are allowed. More intensive expansion outside of the PSA boundary creates a need for additional core services, such as health facilities, supermarkets, post offices, and so forth. While the County does not necessarily directly bear the cost of providing these types of services, there are indirect effects: the new services require

staffing, which brings traffic to the Rural Lands; the creation of new businesses and services in the Rural Lands increases the demands for new housing. As more new houses are built, the demand for businesses, services, and amenities increases, creating a cycle of “providing amenities leading to demanding additional amenities.” The net effect of this cycle is that the PSA boundary could quickly become an ineffectual way of controlling or limiting growth.

Any extension of utilities beyond the PSA boundary is essentially an artificial expansion of the PSA. The incremental expansion of public utilities outside the PSA undermines the County’s growth management efforts. Should this application be approved, a precedent will be set and other properties further west on Route 5 will likely attempt to gain access to public utilities as well. Should this occur, the County would lack a credible basis to deny any future applications. This undermines the County’s ability to ensure growth proceeds in a logical and orderly fashion.

Public water and sewer are catalyst to dense residential and commercial development. A water and sewer extension could put tremendous pressure on the County to approve zoning changes that permit higher densities and commercial development along Route 5.

Examples of previously approved water and sewer extensions outside the PSA:

One of the basic legal tenets of land use planning is that similarly situated parcels must be treated similarly. For this reason, allowing any extension of public utilities outside the PSA must be carefully considered to avoid setting a precedent for other landowners to make a similar request. During the 2009 update, the County’s land use consultant recommended if the Board elects to expand the PSA or allow for a utility extension outside the PSA, it should *outline the unique reasons why such an extension is appropriate for a particular site and what public purpose is met by the extension*. Furthermore, the consultant stated utility extensions for environmental or health reasons or to serve public facilities will generally have the least potential to weaken the PSA concept, while *extensions for economic development or to encourage a specific private development have greater potential to weaken the PSA concept* more because they can be extended more generally to adjacent, similarly situated properties.

The Board has often followed this guidance. The following are specific examples where utility lines were extended outside the PSA for a public purpose or for a health issue:

Jolly Pond Road Water and Sewer extension– This extension was to serve Hornsby Middle School and Blayton Elementary school. This is an example of an extension to serve a public benefit.

Brick Bat Road Water and Sewer extension– This extension was to serve Matoaka Elementary School. This is an example of an extension to serve a public benefit.

Greensprings Mobile Home Park– In this instance, the mobile home park’s aging septic system was failing. This is an example of extending service to address a public health, safety and welfare issue.

Riverview Plantation– This extension was approved to address a failing water system within the development that was maintained by the JCSEA. This is an example of extending service for a public health issue.

Chickahominy Road– The intent of constructing the lines was to improve the quality of housing and living conditions for the existing residents of that area, many of whom did not have indoor plumbing. This extension was also to help protect the reservoir from aging septic systems.

Cranston's Mill Pond Road – This transmission line was constructed to connect to the Jolly Pond Road line. This loop provided the Centerville Road area with a more reliable water source.

In the instances mentioned above, the Board made the judgment that sufficient and significant public benefit existed to permit extensions of public utilities to occur outside the PSA, with minimal impact due to limitations placed on additional connections to the utilities. This rationale is consistent with the consultant's recommendations.


RECOMMENDATION

Staff finds that the extension of a public utility outside the Primary Service Area (PSA) is inconsistent with the land use goals, strategies and actions of Comprehensive Plan and the Public Utilities Policy adopted as part of the 1997 Comprehensive Plan. Approval of this application would set a precedent for similarly situated properties outside the PSA where property owners seek connections to nearby public utilities regardless of cost or need. Staff recommends that the Planning Commission recommend denial of this special use permit to the Board of Supervisors and that the property owner continue to rely upon a private septic system. Should the Commission wish to recommend approval of the application, staff recommends that the approval be subject to the conditions listed below.

1. Sewer Connections. Except for Tax Map Parcel No. 4420100010, no connections shall be made to the force main which would serve any property located outside the Primary Service Area (PSA) except for connections to the Governor's Land project, and existing structures located on property outside the PSA adjacent to the force main. In addition, for each platted lot recorded in the James City County Circuit Court Clerk's office as of January 28, 1997, that is vacant, outside the PSA and adjacent to the main and the property located at 2604 John Tyler Hwy which can be further identified as Tax Map Parcel No: 4420100010, one connection shall be permitted with no larger than a 1-1/4" service line.

2. Site Plan. A site plan shall be approved in advance of a Certificate to Construct. The site plan shall meet the minimum design and connection criteria of the JCSA to the satisfaction of the JCSA General Manager or his designee. Final approval of the site plan and a Certificate to Construct shall be obtained within 24 months of issuance of this SUP or the SUP shall become void.

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



Luke Vinciguerra

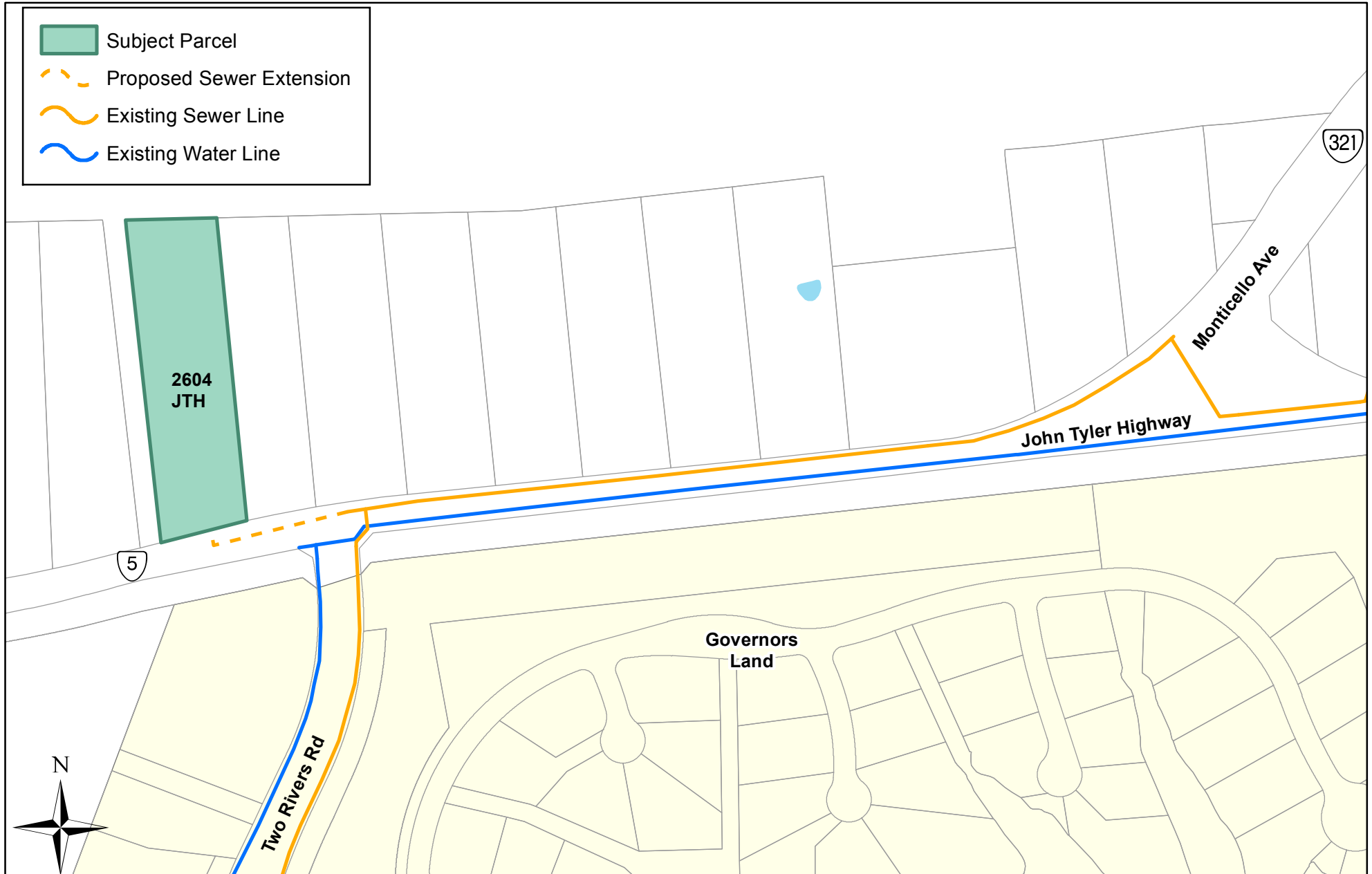
ATTACHMENTS:

1. Location map
2. Map showing lots permitted to connect to public water and sewer from previously approved SUP



SUP-0006-2014

Route 5 Sewer Line Extension



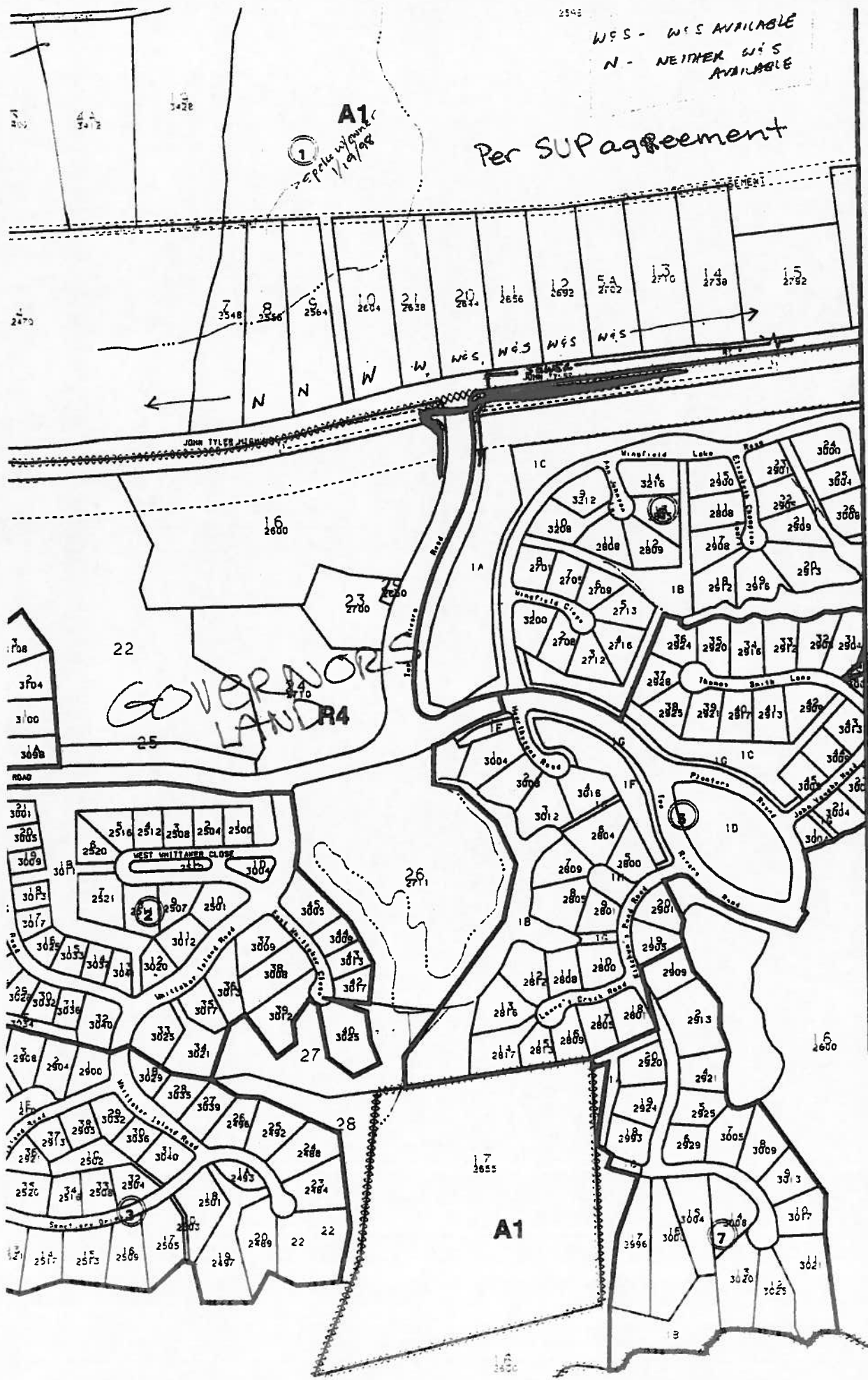
2545

WFS - WFS AVAILABLE
N - NEITHER WFS
AVAILABLE

Per SUP agreement

A1

1
2545
1/19/98



45-1

A1

PLANNING DIRECTOR'S REPORT

June 2014

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

- **New Town.** The Design Review Board did not meet in May and did not consider any changes via email. The DRB is scheduling a special meeting in June to discuss applications received after the May meeting deadline. The next regular DRB meeting is scheduled for August 14.
- **Longhill Road Corridor Study.** The final public meeting was held on May 8th from 7-9 p.m. at the New Zion Baptist Church. The report and recommendations are tentatively scheduled to be presented to the Planning Commission in July and to the Board of Supervisors in August.
- **Mooretown Road Corridor Study.** The first public meeting for the Mooretown Road Corridor Study took place on April 29th at the Croaker Library. A brief update of the project was presented at the joint PC/BOS work session on May 27th. The next public meeting is anticipated to take place in September.
- **Rural Lands.** The Rural Economic Development Committee (REDC) hosted a presentation by Edward T. McMahon titled "Nature, Agriculture, Economy, and Community Character." Due to the size of the presentation, it has been split into 2 parts and is available to view on YouTube at the following links:
 - Part 1: <http://youtu.be/5D6oAV7KloQ>
 - Part 2: <http://youtu.be/gPnfWw7bypI>There is also a short public input survey related to the REDC's project listing available here: <http://www.yesjamecitycountyva.com/redc/>. It will be open until Friday, May 30th.
- **Comprehensive Plan.** The Community Participation Team continues to meet to plan for public outreach and input. The CPT held two forums receive input from organizations in May and heard from a total of 14 organizations.

The CPT has also scheduled three Community Workshops. Please help us get the word out. Contact Leanne Pollock if you would like advertising flyers or posters to distribute. Each workshop will focus on the topics of economic development, transportation and land use in the County as a whole but will spotlight one of three geographic regions.

- *Upper JCC Spotlight:*

Monday, June 9	7 – 9 p.m.	Toano Middle School 7817 Richmond Rd.
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- *Central JCC Spotlight:*

Tuesday, June 10	11 a.m. – 1 p.m.	King of Glory Lutheran Church 4897 Longhill Rd (<i>Bring your own lunch</i>)
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- *Lower JCC Spotlight:*

Wednesday, June 11	6:30 – 8:30 p.m.	Little Zion Baptist Church 8625 Pocahontas Trl.
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There will also be opportunities to participate online at jamecitycountyva.gov/comprehensiveplan for those who are unable to attend one of the workshops.

- **Monthly Case Report.** For a list of all cases received in the last month, please see the attached documents.

- **Board Action Results:**
 - April 22, 2014
 - No planning related public hearing cases
 - May 13, 2014
 - No planning related public hearing cases

New Cases for June						
Case Type	Case Number	Case Title	Address	Description	Planner	District
Conceptual	C-0025-2014	The Main Artery, 8910 Pocahontas Tr., Café, Art Gallery & Antique Sales	8910 Pocahontas Tr.	Proposal for a small restaurant, art gallery, and an antique shop.	Luke Vinciguerra	05-Roberts
	C-0026-2014	EEE Resources / Wine and Design	4548 John Tyler Hwy.	Build out of existing structure to accomodate two new tenants.	Scott Whyte	04-Jamestown
	C-0027-2014	Findlay Riverside Drive Family Subdivision	3408 N Riverside Dr.	Subdivision into 4 lots for children.	Leanne Pollock	02-Powhatan
	C-0028-2014	114 Rich Neck Rd, Powell Lake, Lot 2	114 Rich Neck Rd.	Create one new parcel	Jose Ribeiro	03-Berkeley
	C-0029-2014	1584 Harbor Rd, Ron & Gail Gilden	1584 Harbor Rd.	Build a deck within a RPA/Open Space Conservation Area	Jose Ribeiro	03-Berkeley
	C-0030-2014	1916 Jamestown Road (Mason Park)	1916 Jamestown Rd.	Request for a master plan consistency (Mason Park)	Jose Ribeiro	03-Berkeley
	C-0031-2014	1100 South England Cir, Addition	1100 South England St.	Addition to existing guest cottage. Staff is verifying compliance with Sec. 24-199.	Jennifer VanDyke	05-Roberts
Master Plan	MP-0002-2014	Kingsmill, Rezoning & Master Plan Amend., Areas 1, 2, 6, & 7	1000 Carter's Grove Country Rd; 100 Southall Rd; Kingsmill Rd; Wareham's Pond Rd.	Rezoning from R-4 to R-4 with proffers, and master plan amendment to allow the development of up to 147 dwelling units in areas previously designated as Country Road, Recreation, and Residential.	Jose Ribeiro	05-Roberts
Subdivision	S-0026-2014	Liberty Ridge Constr' Plan Amend.	5365 Centerville Rd.	Improvements of a BMP	Jose Ribeiro	02-Powhatan
	S-0027-2014	Windmill Meadows Section 9	6001 Centerville Rd.	Final plat of 13 lots.	Jose Ribeiro	02-Powhatan
	S-0028-2014	Windmill Meadows Section 5	6001 Centerville Rd.	Final plat of 8 lots.	Jose Ribeiro	02-Powhatan
	S-0029-2014	Windsor Ridge, Sec. 3, Lots 1-8		8 lot subdivision	Luke Vinciguerra	01-Stonehouse
	S-0030-2014	Jacobs Industrial Parcel 10	190 Industrial Blvd.	Final plat of 1 lot.	Jennifer VanDyke	01-Stonehouse
	S-0031-2014	Colonial Heritage, Ph. 5 Sec. 1C Lots 107-162	499 Jolly Pond Rd.	Final plat of 58 lots. Phase 5 Section 1C, lots 107-162 (including 139A and 139B) and Common open spaces 3, 4A, 5 and 6.	Jennifer VanDyke	01-Stonehouse
	S-0032-2014	112 Peninsula Street BLA	112 Peninsula St.	Boundary line adjustment for 112 Peninsula St.	Scott Whyte	01-Stonehouse
	S-0033-2014	Liberty Crossing Townhouses, Ph 3 Lots 191-233 BLA	6601 Richmond Rd.	Subdivision for 43 townhouses.	Luke Vinciguerra	01-Stonehouse
	S-0034-2014	Wellington, Windsor Ridge, Section 4	225 Meadowcrest Tr.	Construction plans for 28 single-family lots	Chris Johnson	01-Stonehouse

New Cases for June						
Case Type	Case Number	Case Title	Address	Description	Planner	District
Site Plan	SP-0033-2014	Rawls Byrd Elementary School Security Wall	112 Laurel Ln.	Construction of security walls between buildings.	Scott Whyte	05-Roberts
	SP-0034-2014	Season's Trace, 531 Spring Trace Addition	531 Spring Trace	Rear addition to house with 1st story den and 2nd story bedroom bumpout of 5 ft.	Jose Ribeiro	02-Powhatan
	SP-0035-2014	James Terrace Subdivision Drainage Improvements		Drainage improvements within the existing James Terrace subdivision. Planned improvements include a bioretention planting area, two regenerative stormwater conveyance channels, and a series of culvert improvements.	Jose Ribeiro	05-Roberts
	SP-0036-2014	John Tyler Highway Tower Antenna Swap SP Amend.	4311 John Tyler Hwy.	Swapping antenna on existing tower; 6 antennas (and associated equipment) removed and 6 antennas (and associated equipment) added.	Jennifer VanDyke	03-Berkeley
	SP-0037-2014	Historic Powhatan Plantation Storage Building	4300 Fithian Ln.	Construction of 1800 SF storage building and removal of existing storage containers; Landscape Modification Request to transfer required landscaping adjacent to the building to the perimeter of the fened area.	Scott Whyte	03-Berkeley
Special Use Permit	SUP-0004-2014	WindsorMeade Marketplace Wendy's (New Town Sec. 11)	4800 Monticello	Allow for development of an approximately 3,050 SF fast food restaurant (Wendy's) with drive-thru on the outparcel bounded by Monticello Ave, WindsorMeade Way, and News Road.	Leanne Pollock	04-Jamestown
	SUP-0005-2014	Creative Kids Child Development Center SUP Amend.	701 Mosby Dr.	Application proposes a renewal to SUP-0006-2013 and an increase in children from 12 to 20.	Jennifer VanDyke	05-Roberts
	SUP-0006-2014	2604 John Tyler Highway, Public Sewer Connection	2604 John Tyler Hwy.	Permit one sewer connection to Governor's Land Force Main.	Luke Vinciguerra	03-Berkeley
	SUP-000702014	131 Winston Dr., Tourist rental	131 Winston Dr.	Use single family detached dwelling as an occassional tourist rental for families-only.	Scott Whyte	03-Berkeley
Rezoning	Z-0002-2014	Kingsmill, Rezoning & Master Plan Amend., Areas 1, 2, 6, & 7	1000 Carter's Grove Country Rd; 100 Southall Rd; Kingsmill Rd; Wareham's Pond Rd.	Rezoning from R-4 to R-4 with proffers, and master plan amendment to allow the development of up to 147 dwelling units in areas previously designated as Country Road, Recreation, and Residential.	Jose Ribeiro	05-Roberts

New Cases for June						
Case Type	Case Number	Case Title	Address	Description	Planner	District
Land Use	LU-0001-2014	7809 Croaker Road	7809 Croaker Rd.	Currently designated as Low Density Residential and proposing Neighborhood Commercial.	Jason Purse	01-Stonehouse
	LU-0002-2014	8491 Richmond Road	8491 Richmond Rd.	Currently designated as Low Density Residential, Mixed Use and Rural Lands, with some area outside of the Primary Service Area (PSA). Proposing the entire parcel be placed in the PSA and designated Mixed Use..	Ellen Cook	02-Powhatan
	LU-0003-2014	499 Jolly Pond Road	499 Jolly Pond Rd.	Application to move the PSA line to include the 50-lot cluster that is currently outside the PSA and designated rural lands.	Jason Purse	01-Stonehouse
	LU-0004-2014	4450 Powhatan Parkway	4450 Powhatan Pkwy.	Currently designated as Low Density Residential and proposing Moderate Density Residential. Located at the end of Powhatan Parkway adjacent to the Hospice House of Williamsburg.	Leanne Pollock	04-Jamestown
	LU-0005-2014	133 Powhatan Springs Road	133 Powhatan Springs Rd.	Currently designated as Low Density Residential and proposing Limited Industrial.	Jason Purse	
	LU-0006-2014	9400 Barnes Road	9400 Barnes Rd.	Currently designated as Rural Lands and Mixed Use proposing all of the parcel be designated as Mixed Use and inside the Primary Service Area.	Ellen Cook	01-Stonehouse
	LU-0007-2014	8515 Pocahontas Trail	8515 Pocahontas Tr.	Currently designated as Limited Industry and proposing Low Density Residential. Includes the area surrounding the Woods golf course in Kingsmill.	Leanne Pollock	05-Roberts
	LU-0008-2014	1700 Treasure Island Road	1700 Treasure Island Rd.	Currently designated as Rural Lands and proposing to be designated as Rural Lands and Low Density Residential.	Ellen Cook	05-Roberts
	LU-0009-2014	8961 Pocahontas Trail	8961 Pocahontas Tr.	Currently designated as General Industrial, Mixed Use and Conservation Area. Proposing to be designated as Mixed Use. Location of former BASF headquarters near GreenMount Industrial Park.	Leanne Pollock	05-Roberts
	LU-0010-2014	Group 1 Housekeeping Items - Federal Stated & County Land	5316 Olde Towne Rd.	Properties currently in public use for school facilities or fire stations. New properties acquired since 2009 Comp Plan update.	Ellen Cook	04-Jamestown
	LU-0011-2014	Group 2 Housekeeping Items - New Town Area	4830 Monticello Ave.	Properties currently in Ford's Colony but are designated Mixed Use. Proposed to change those to Low Density Residential to be consistent with the rest of Ford's Colony. Also includes portions of properties developed as New Town but currently designated as Low Density Residential. These proposed to change to Mixed Use to match existing master plan boundaries.	Leanne Pollock	04-Jamestown