

AGENDA
JAMES CITY COUNTY PLANNING COMMISSION
May 6, 2015 – 7:00 p.m.

1. ROLL CALL

2. PUBLIC COMMENT

3. CONSENT AGENDA

A. Minutes from the April 1, 2015 Regular Meeting

B. Development Review Committee

1. SP-0083-2014: New Town Sec. 3&6, Block 21 -Assisted Living Facility
(DRC Recommendation: Approval; 1-0-1, Mr. Basic abstaining)
2. S-0002-2015/S-0003-2015: Chickahominy Rd. Subdivision Ordinance Exception
(DRC Recommendation: Approval; 2-0)
3. C-0018-2015: New Town Shared parking Update
(DRC Recommendation: Approval; 2-0)

4. REPORTS OF THE COMMISSION

A. Policy Committee

B. Regional Issues Committee

C. Other Commission Reports

5. PUBLIC HEARINGS

A. Case Nos. Z-0008-2014/MP-0004-2014, The Village at Candle Station Rezoning and Master Plan Amendment

B. ZO-0004-2015, A-1, General Agricultural, and Definition Amendments to Incorporate State Code Changes

C. ZO-0002-2015, B-1, General Business, and M-1, Limited Business/Industrial Amendments to Incorporate Changes Made to Small-Scale Alcohol Production Definition

D. Case No. ZO-0003-2015. Zoning Ordinance Amendments, Article I. In General

6. PLANNING COMMISSION CONSIDERATION

A. Proposed Planning Commission Policy for Remote Electronic Participation

7. PLANNING DIRECTOR'S REPORT

8. COMMISSION DISCUSSION AND REQUESTS

9. ADJOURNMENT

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FIRST DAY OF APRIL, TWO-THOUSAND AND FIFTEEN, 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:

Robin Bledsoe
Rich Krapf
Tim O'Connor
Chris Basic
George Drummond
John Wright, III
Heath Richardson

Staff Present:

Paul Holt, Planning Director
Maxwell Hlavin, Assistant County Attorney
Jason Purse, Zoning Administrator
Tammy Rosario, Principal Planner
Scott Whyte, Senior Landscape Planner II
Ellen Cook, Senior Planner II
Leanne Pollock, Senior Planner II
Roberta Sulouff, Planner I

Ms. Robin Bledsoe called the meeting to order at 7:00 p.m.

2. **PUBLIC COMMENT**

Ms. Bledsoe opened the public comment.

As no one wished to speak, Ms. Bledsoe closed the public comment.

3. **CONSENT AGENDA**

A. Minutes from the March 4, 2015 Regular Meeting and Development Review Committee Meeting: Fords Colony Maintenance Facility Storage Bay Conversion

Ms. Bledsoe stated that the Joint Work Session minutes had been completed earlier that afternoon and noted that they could be considered at a later date if the Commission wished to have more time to review them.

Mr. Rich Krapf moved to approve the consent agenda.

In a unanimous voice vote, the Commission approved the minutes, 7-0.

4. **REPORTS TO THE COMMISSION**

A. Policy Committee

Mr. Tim O'Connor stated that the Policy Committee had not met since the March 4 meeting which was reported on at the last Planning Commission meeting.

B. Regional Issues Committee

Ms. Robin Bledsoe stated that the Regional Issues Committee has not met since the last Planning Commission meeting and will next meet on April 28.

5. PUBLIC HEARING CASES

A. Case No. Z-0009-2014, Stonehouse Planned Unit Development Traffic Proffer Amendment.

Ms. Ellen Cook, Senior Planner II, provided the Commission with a presentation on the proposed rezoning which would amend the transportation improvement proffer and the economic development proffer. Ms. Cook stated that the request is to revise the phasing of the transportation improvements and phasing of improvements to Mt. Laurel Rd. to serve tracks 11A and 11B which are the major commercial and industrial tracks in the development.

Ms. Bledsoe opened the public hearing.

Mr. Vernon Geddy, III, Geddy, Harris, Franck & Hickman, LLP, stated that the applicant is looking to solely amend the proffers so they match the phasing of the development.

Mr. Heath Richardson inquired where Phases 3 and 4 were on the map and where Bridge Road would be built.

Mr. Geddy showed where Bridge Road would be built and stated that the road is intended to provide another egress point to relieve pressure from other existing roads.

As no one wished to speak, Ms. Bledsoe closed the public hearing.

Ms. Bledsoe called for disclosures from the Commissioners.

Mr. Richardson stated that he talked to Mr. Geddy and a citizen in the neighborhood about the application.

Mr. O'Connor stated that he had two phone conversations with Mr. Geddy the previous week.

Mr. John Wright moved to recommend approval.

On a roll call vote, the Planning Commission recommend approval of Z-0009-2014 by a vote of 7-0.

B. Case No. AFD-06-86-2-2014, Cranston's Pond AFD Addition – 3125 Chickahominy Rd.

Mr. Scott Whyte, Senior Landscape Planner, provided the Commission with a presentation on the proposed AFD addition. Mr. Whyte stated that the parcel is zoned R8, Rural Residential, and is designated as Rural Lands in the Comprehensive Plan. Mr. Whyte stated that the size and proximity of the parcel met the requirements to be added into the AFD.

Ms. Bledsoe called for disclosures from the Commissioners.

There were no disclosures.

Ms. Bledsoe opened the public hearing.

As no one wished to speak, Ms. Bledsoe closed the public hearing.

Mr. Chris Basic moved to recommend approval.

On a roll call vote, the Planning Commission recommend approval of AFD-06-86-2-2014 by a vote of 7-0.

C. Case No AFD-01-02-1-2015, Carter's Grove AFD Withdrawal - Colonial Williamsburg Foundation Withdrawal.

Mr. Krapf stated that he would recuse himself from this hearing because he is employed by the applicant.

Ms. Roberta Sulouff, Planner I, provided the Commission with a presentation on the proposed AFD withdrawal. Ms. Sulouff stated that Mr. Keith Johnson has applied to withdraw a 1.56 acre parcel from the Carter's Grove AFD. The parcel in question is zoned B1, Limited Business, and designated Neighborhood Commercial in the Comprehensive Plan. The Williamsburg Foundation owned all three parcels in the Carter's Grove AFD and was in the process of marketing and selling the property in the summer of 2014 while the AFD was being renewed. The applicant did not want to negatively affect the sale by trying to withdraw the property during that timeframe. The Board of Supervisors has specific criteria for withdrawing any property outside of the renewal process. At the March 6 AFD meeting the AFD Committee voted 6-0 to recommend denial of this application.

Mr. George Drummond inquired if the surrounding property was residential.

Ms. Sulouff stated that the majority of the properties surrounding the parcel in question are residential however there is one parcel that is zoned Limited Business.

Mr. Drummond stated that this property, based on its present zoning, does not fit in.

Ms. Sulouff stated that she could not speak to the intention of the surrounding property but it is not unusual for commercial or residential properties to be within the AFD.

Mr. Drummond asked what suitable purpose the land could serve remaining in the AFD.

Ms. Sulouff stated that the State code would say that lands inside an AFD are valued as natural and ecological resources and provide essential open spaces, clean airshed, watershed protection,

wildlife habitat as well as aesthetic purposes. Ms. Sulouff stated that this property was included historically to protect the viewshed of Carter's Grove Plantation.

Mr. Drummond stated that he is unsure of the purpose it could serve other than being put into a commercial or residential district.

Ms. Sulouff stated that staff's review of the withdrawal is very limited in that staff must make their determination based off of the four criteria in the Board of Supervisor's resolution.

Mr. Richardson inquired how much advanced notice is given to the applicant for the renewal date for the AFD.

Ms. Sulouff stated that the notices were issued on June 9, 2014 and the renewals were approved by the Board of Supervisors in early September.

Ms. Bledsoe called for disclosures from the Commissioners and stated that she had a discussion with Mr. Mark Duncan from Colonial Williamsburg.

Mr. Drummond stated that he talked with Mr. Keith Johnson.

Mr. Basic stated that he spoke with Mr. Duncan on Monday.

Ms. Bledsoe opened the public hearing.

Mr. Keith Johnson, Colonial Williamsburg Foundation, stated that he represents the applicant. Mr. Johnson presented his request for withdrawal of the parcel from the AFD. Mr. Johnson stated that there was a change in situation in the sale of the other parcels that make up the AFD, it could serve a public good in fulfilling a service in the area that is not currently available, the parcel would not detrimentally affect the size of the AFD to come below the size limitations, and the property has not received a reduction in property taxes since 2008.

Mr. Richardson stated that Mr. Johnson had answered the majority of his questions. Mr. Richardson asked Mr. Johnson to clarify where in the process Colonial Williamsburg Foundation was when the AFD renewal was taking place.

Mr. Johnson stated that Colonial Williamsburg Foundation was in the middle of the sale process and eight days after the renewal process was completed, the sale was made final.

Mr. Drummond stated that he would be in favor of recommending approval of the withdrawal.

Ms. Bledsoe inquired, if there was no tax relief and there was the option to withdraw the parcel in 2014, what was the motivation to keep the parcel in the AFD when the parcel could have been put up for commercial sale.

Mr. Johnson stated that there was a possibility that the new owner would want all of the land in the AFD for the view-shed protection.

Ms. Bledsoe stated that basically the time periods overlapped each other.

Mr. Chris Henderson, 101 Keystone, stated that he supports the applicant in wanting to remove the parcel from the AFD. Mr. Henderson stated that he thinks it will present a significant opportunity for the community to create an additional community asset.

As no one else wished to speak, Ms. Bledsoe closed the public comment.

Mr. Richardson stated that the AFD Committee was adamant about not setting a precedent for AFD withdrawals outside of the renewal process. Mr. Richardson stated that based on the criteria for withdrawal, the AFD Committee had questions about increased taxes being a public benefit; however, the applicant did a fair job of explaining their case in terms of justification for withdrawal. Mr. Richardson also stated that the Board of Supervisors resolution for the AFD renewal stated that the Board of Supervisors may also use other materials it deems appropriate to evaluate the individual case. Mr. Richardson stated that he would recommend approval of the application so the Board of Supervisors can make their consideration.

Mr. Wright stated that in the staff report it states that there would be no harm to the AFD district if the parcel was removed and the applicant is not requesting a change in the land use designation. Mr. Wright stated that he would recommend approval of the application for withdrawal from the AFD.

Mr. Drummond moved to recommend approval.

On a roll call vote, the Planning Commission recommend approval of AFD-01-02-1-2015 withdrawal by a vote of 6-0-1, Mr. Krapf abstaining.

D. Case Nos. Z-0008-2014/MP-0004-2014, The Village at Candle Station Rezoning and Master Plan Amendment.

Ms. Bledsoe opened the public hearing and stated that the case has been deferred until May 6 and the public hearing will remain open.

Mr. Earl Moore, 160 Old Church Rd., stated that his in-laws live near this development. Mr. Moore requested the Planning Commission limit business hours for this property so the residents of this area do not have to deal with the noise at all hours of the night.

Mr. O'Connor asked Mr. Moore where his in-laws live in relation to the development.

Mr. Moore stated that facing the development there is a ravine that separates their property and the development near the sewer pumping station.

Mr. O'Connor asked if their property was behind the church.

Mr. Moore stated that it was behind the church.

Ms. Bledsoe asked Mr. Moore what other issues his in-laws were dealing with besides the possible noise.

Mr. Moore stated that when they wake up there are lots of construction vehicles making loud noises, there is a sewer pumping station in their backyard, and there is lots of construction going on when you look out the back windows.

Mr. Timothy O. Trant, Kaufman and Canoles, PC, stated that he represents the applicant, Candle Development LLC. Mr. Trant stated that the goal of the proposal is to reduce the overall intensity of the development and to reduce the commercial elements of the project substantially. Mr. Trant stated that these changes will cause an overall net reduction of traffic as well as change the character of the commercial uses to a less intense use. Mr. Trant stated that he would be happy to sit down and talk with Mr. Moore and his in-laws to show them on the proposed plan what would change.

Ms. Bledsoe stated that the public hearing would remain open until May 6.

E. Case No. Z-0001-2015, Toano Trace Proffer Amendment.

Mr. Chris Johnson provided the Commission with a presentation on the Toano Trace Proffer Amendment. Mr. Johnson stated that the adopted proffers restricted the building of detached accessory structures. Mr. Johnson stated that the Toano Trace Home Owners Association and Board of Directors have submitted a request to amend the adopted proffers applicable to this neighborhood to eliminate the restriction on detached accessory structures. Mr. Johnson further stated that over the past two decades some of the residential property owners have constructed small detached storage structures such as sheds. Mr. Johnson noted that structures under 256 sqft in size that do not include electrical or plumbing do not require issuance of a building permit or approval by the Zoning Division. Mr. Johnson stated that staff finds this request does not negatively impact the existing neighborhood and approval of this amendment would bring any accessory structure into conformance with the zoning of the property. Mr. Johnson stated that staff therefore recommends the Commission recommend approval of the proposed amendment to the Board of Supervisors to eliminate the restriction of detached accessory structures and limit the restriction only to detached garages and accessory apartments in consideration with the small lot sizes within the neighborhood.

Mr. Wright inquired if this was just to bring everything into conformance with reality?

Mr. Johnson confirmed.

Ms. Bledsoe called for disclosures from the Commissioners. There were no disclosures made by the Commissioners

Ms. Bledsoe opened the public hearing.

Hearing and seeing no one Ms. Bledsoe closed the public hearing.

Ms. Bledsoe opened the discussion to the Commissioners.

Mr. Richardson moved to recommend approval.

On a roll call vote, the Planning Commission recommend approval of Z-0001-2015 by a vote of 7-0.

F. *Toward 2035: Leading the Way, the 2035 James City County Comprehensive Plan and James City County Land Use Map Changes.*

Ms. Tammy Rosario, Principal Planner, provided a report on the Comprehensive Plan Review work-to-date. Ms. Rosario stated that the 2035 Comprehensive Plan reflects contributions from the citizens of James City County, many community organizations, the business community, the Community Participation Team (CPT), the Planning Commission Working Group (PCWG) and County staff. Ms. Rosario stated that update relied heavily upon the previous plan; however, each section of the plan was revised with current facts and figures, pertinent information to meet State requirements, and updated goals, strategies and actions. The Economic Development, Transportation and Land Use sections received special focus, resulting in new implementation items, updated corridor visions and project lists, and extensive review of 10 land use designation change applications. Ms. Rosario noted that the PCWG unanimously recommended approval of the revisions to the plan on February 19, 2015. Ms. Rosario noted that the PCWG identified several items that needed follow-up discussion or action, including questions on several land use applications, the Virginia Department of Transportation's (VDOT) review of the plan and the inclusion of an Executive Summary. Ms. Rosario stated that pending final decisions on the discussion items, staff recommends adoption of the James City County Comprehensive Plan, *Toward 2035: Leading the Way*, and Land Use Map. Ms. Rosario further noted that land use applications LU-0003-2014, 499 Jolly Pond Road (Colonial Heritage), LU-0007-2014, 8515 Pocahontas Trail (Kingsmill and Woods Course), and LU-0009-2014, 5961 Pocahontas Trail (BASF Property) have been requested for separate votes.

Ms. Bledsoe opened the floor to questions from the Commission.

Mr. Richardson inquired if this would be the formal Planning Commission vote on a recommendation to the Board of Supervisors regarding the adoption of the Comprehensive Plan.

Ms. Rosario confirmed.

Mr. Wright inquired about the VDOT notation that "the delineation of bike lanes within the limits of a required paved shoulder is not permitted."

Ms. Rosario noted that VDOT wanted to ensure that the Comprehensive Plan correctly reflects the requirements for delineation of facilities.

Mr. Holt noted that under the current VDOT guidelines, it is necessary to have a separate paved shoulder in addition to the bike lane.

Mr. Wright noted that this would potentially affect project cost due to the need for a wider roadbed and acquisition of additional right-of-way.

Mr. O'Connor inquired about how the requirement for separate bike lanes would impact the shared facility recommendations in the Longhill Road Corridor Study.

Mr. Holt stated that the exact facilities would be determined as once the plans reached a sufficient level of engineering and would depend on the type of cross section.

Ms. Rosario noted that VDOT has participated in the Longhill Road Corridor Study process and has seen the preliminary designs.

Ms. Bledsoe stated that the public hearing would be opened for all comments including the three land use applications that had been requested for individual consideration. Ms. Bledsoe further stated that the Commissioners would be able to ask questions of the land use case applicants at that time. Ms. Bledsoe stated that once the public hearing was closed each case would be offered individually for discussion and vote. Ms. Bledsoe further stated that once those cases were decided, they would be incorporated in the recommendation on the Comprehensive Plan update.

Ms. Bledsoe opened the public hearing.

Mr. Michael McGirk, 117 Jefferson's Hundred, James City County, addressed the Commission regarding LU-0007-2014, 8515 Pocahontas Trail. Mr. McGirk stated that he was representing Preserve the Carters Grove Country Road and that he is also on the Board of Directors for Kingsmill United. Mr. McGirk stated that, since the property owner has no current plans for further development, it is not necessary to move forward with a rezoning at this time. Mr. McGirk further stated that, based on the substantial public comment on the application, there is little support in the community to move forward.

Gen. Paul Van Riper, Ret., 161 Waterton, James City County, stated that he is speaking on behalf of the Citizens for a Better James City County. Gen. Van Riper addressed the Commission on concerns that the Draft 2035 Comprehensive Plan does not address or describe the subordinate plans required to link the Comprehensive Plan to the County budget. Gen. Van Riper further stated that with each Comprehensive Plan revision, there should be a strategic plan which assigns responsibility for each action in the Plan and sets forth priorities and performance metrics. Gen. Van Riper further recommended that each County department develop a management plan corresponding to the biennial budget detailing how the goals and actions in the Comprehensive Plan will be met in compliance with the strategic plan. Gen. Van Riper further addressed the Commission on concerns about the execution of the 2009 Comprehensive Plan in regard to ensuring an adequate supply of fresh water, mitigating storm water runoff, and maintaining and expanding the infrastructure of roads, schools, and other public facilities that a growing population will require. Gen. Van Riper encouraged the Commission to exercise diligence as it oversees the development and implementation of the 2035 Comprehensive Plan. Gen. Van Riper further encouraged the County to develop a planning process that links the citizens' vision of the future with the use of their tax dollars.

Ms. Susan Gaston, 205 Par Drive, James City County, stated that she represents the Williamsburg Area Association of Realtors. Ms. Gaston stated that the Draft 2035

Comprehensive Plan does a decent job of striking a balance between growth and development and preserving the quality of life in the County. Ms. Gaston addressed the Commission on the importance of economic development as it related to diversifying the types of jobs available in order to retain the Millennials who will be the future home buyers. Ms. Gaston stated it is necessary to consider the types of housing products that will appeal to future first time home buyers as well as they types of products that will appeal to seniors which may not be the prevailing product currently on the market. Ms. Gaston stated that the Association is working with County staff to assess the current housing stock and determine how it will fit with future needs to work toward increased recovery in the housing market. Ms. Gaston stated that the Association appreciated the opportunity to participate in the development of the draft 2035 Comprehensive Plan and that it would be participating in the post adoption implementation as well.

Col. William Galbraith, 1190 Thompson Circle, Fort Eustis, stated he represents the 733rd Mission Support Group at Fort Eustis. Col. Galbraith addressed the Commission regarding LU-0009-2014, 5961 Pocahontas Trail, BASF Property. Col. Galbraith stated that the language in the Draft 2035 Comprehensive Plan language related to the BASF omits reference to Fort Eustis. Col. Galbraith stated that if the land use change moves forward, it should be noted that the property is adjacent to a military facility with an active airfield.

Mr. Robert Cetola, 120 Roffinghams Way, James City County, addressed the Commission regarding the County's process for rezonings and master plan amendments for existing communities such as Kingsmill. Mr. Cetola stated that because of the way that the Kingsmill covenants are written, the homeowners' responses are not always adequately represented to the County. Mr. Cetola recommended that the process should be amended to require that the applicant abide by the covenants and coordinate with the homeowners. Mr. Cetola further stated that the homeowners should be involved in the evaluation and review process. Mr. Cetola recommended amending the application to at minimum include an affirmation by the applicant that there are no restrictive covenants which prohibit establishment of the proposed use and that the applicant has consulted with the homeowners association.

Mr. Howard Ware, 46 Whittakers Mill Road, James City County, addressed the Commission on stormwater concerns related to LU-0007-2014, 8515 Pocahontas Trail. Mr. Ware stated that because of the topography, any development on the parcel would drastically increase the amount of pollution entering the watershed, in this instance, the James River as well as smaller bodies of water such as the Rhine River. Mr. Ware noted the application did not address stormwater and pollution control in any detail to show how it would mitigate the impacts on the Total Maximum Daily Load limitations. Mr. Ware requested that the Commission take this in account when considering the application.

Mr. Vernon Geddy, III, Geddy, Harris Franck & Hickman, LLP, stated that he represents the BASF Corporation. Mr. Geddy stated that BASF has voluntarily initiated a human health risk assessment on the property to determine what mitigation or remediation might be necessary in particular areas or for particular uses. Mr. Geddy further stated that there would be no objection to mentioning Fort Eustis by name in the narrative to ensure that the potential impacts are documented. Mr. Geddy further stated that based on documentation received through a Freedom

of Information Act request, there is nothing that would substantiate the concerns noted in the formal objection letter from Fort Eustis. Mr. Geddy noted that this project is an opportunity to make use of a prime parcel that has been vacant for many years. Mr. Geddy further noted that there is nothing in the mixed used designation that would preclude an industrial component from being part of those uses. Mr. Geddy stated that the potential development would generate substantial additional revenue for the County. Mr. Geddy further stated that this is also an opportunity for water access, recreational activities, and access to goods and services to be available to citizens in the Grove community. Mr. Geddy stated that approving the land use application would open the door for specific plans and proposals to be submitted through the legislative process.

Mr. Will Holt, Kaufman and Canoles, PC, stated that he represents Colonial Heritage. Mr. Holt stated that he would address two of the questions regarding LU-0003-2014, 499 Jolly Pond Road. Mr. Holt stated that the timing for dedication of the 282-acre conservation easement that was proffered with the original development plan in 2004 is governed by a specific development trigger. Mr. Holt noted that Colonial Heritage is agreeable to dedicating the easement at any time the County requests. Mr. Holt further stated that, in regard to concerns about further potential development, there are already limits in place in the Special Use Permit and the Master Plan. Mr. Holt stated that any changes to what is already approved would require further legislative review. Mr. Holt emphasized that the land use application is limited in scope to only 50 existing approved units and only applies to whether those 50 units will be served by public water and sewer or by private well and septic tank.

Mr. Lenny Berl, 105 William Richmond, Williamsburg, addressed the Commission regarding LU-0007-2014, 8515 Pocahontas Trail. Mr. Berl stated that Kingsmill residents rely on the Woods Course continuing as a golf course to ensure that traffic does not increase and to preserve open space. Mr. Berl recommended that if any zoning change is made, it should be to make the zoning compatible with its current use.

Seeing and hearing no one else, Ms. Bledsoe closed the public hearing.

Ms. Bledsoe opened the floor for questions from the Commission.

Mr. Richardson inquired if the concerns expressed by Ft. Eustis were related to the potential impacts of base activities on potential residents in the mixed use development.

Col. Galbraith responded that if the development is intended for leisure and residential uses, there must be a mechanism to ensure that potential developers, residents and users are aware that there is an adjacent active military installation and what the impacts could entail.

Mr. Krapf inquired, regarding LU-0009-2014, what the process would be to amend the language in the narrative to include reference to Fort Eustis.

Mr. Holt clarified that, since the application was pulled out for separate consideration and vote, when the motion on the application is made, it can include instructions that staff finalize the

language in the narrative and incorporate the reference to Fort Eustis prior to the final text going forward to the Board of Supervisors.

Mr. Krapf inquired, in regard to the Colonial Heritage application, about the size of the parcel where the 50-unit rural cluster is located and whether that is separate from the 282-acre parcel that is the subject of the conservation easement.

Mr. Jason Purse, Zoning Administrator, confirmed that the 50-unit development is on a separate 220-acre parcel.

Mr. Krapf inquired whether the approval of the application would mean that the parcel would go from A-1 to low density residential with the corresponding gross density change to one dwelling units unit per acre up to four units per acre and if a rezoning application came in, the entire 220 acre parcel would be subject to that density.

Mr. Purse confirmed that the density could be between one dwelling units per acre up to four dwelling units per acre.

Mr. Will Holt stated that there is a Special Use Permit in place which limits development on the 220-acre parcel to 50 dwelling units. Mr. Holt further stated that if that density were to be changed it would require legislative action to amend the SUP.

Mr. O'Connor inquired if an SUP would be required if the water and sewer were connected through Colonial Heritage, just as an SUP would be required if the water and sewer were connected through existing infrastructure on Jolly Pond Road.

Mr. Purse confirmed that it would still require an SUP.

Mr. Richardson inquired if the intent of the application was to bring the 220-acre parcel in to the PSA.

Mr. Purse stated that approval of the application would change the parcel designation and extend the PSA to the 220-acre parcel.

Mr. Wright inquired if the parcel would still be subject to the limits on development.

Mr. Purse confirmed that it would still be subject to the approved Master Plan.

Ms. Bledsoe stated that she understood that the 50 units were already designated to receive water.

Mr. Purse stated that the original plan was for a central well. Mr. Purse further stated that the developer would build the well which would draw from ground water and the James City Service Authority would take over maintenance of the well.

Ms. Bledsoe inquired if the water consumption was already accounted for.

Mr. Purse confirmed but stated that the water would come from the aquifer rather than the James City Service Authority supply.

Mr. Richardson inquired whether the aquifer in question was the shallow aquifer that most house wells draw from on the Potomac aquifer that the County draws from for its supply.

Mr. Purse stated that he did not have that information.

Mr. Richardson stated that he believed that is a correct scenario and noted that it is necessary to take in to account the DEQ limitations and concerns related to the affordability of the water in relation to connecting to the County's water supply rather than installing the private well.

Mr. Wright noted that for disclosure purposes he had spoken to Mr. Will Holt regarding the Colonial Heritage application as well as Mr. Geddy regarding the BASF application.

Mr. Krapf inquired if the cases would be called separately for discussion once all the questions are answered.

Ms. Bledsoe confirmed.

Mr. O'Connor inquired whether Mr. Waltrip had decided to participate in LU-0009-2014.

Ms. Leanne Pollock, Senior Planner II, stated that staff had not been successful in contacting Mr. Waltrip to determine if he wished to be part of the land use application.

Ms. Bledsoe clarified that this is regarding the BASF application.

Ms. Bledsoe called for discussion on LU-0003-2014, 499 Jolly Pond Road (Colonial Heritage).

Mr. Krapf stated that he voted against this application when it came before the Planning Commission Working Group for consideration. Mr. Krapf noted that approval of this application could set a precedent to allow developments that are within a certain proximity to be included in the PSA. Mr. Krapf noted that this would negate the purpose of the PSA as the County's primary growth management tool. Mr. Krapf noted that the development was approved based on the concept of a rural cluster. Mr. Krapf stated that the applicant had the opportunity to request a waiver from the central well process to allow individual water and sewer. Mr. Krapf further stated that he has concerns that if the application were approved it would open the potential for a rezoning application that could significantly increase the density in that area and consequently increase the amount of water drawn from the aquifer. Mr. Krapf state that other applications requesting inclusion in the PSA were consistently deferred pending the outcome of the County's ground water withdrawal permit. Mr. Krapf stated that for those reasons he would not support the application.

Mr. Richardson stated that he concurs with the concerns expressed by Mr. Krapf and would also not support the application.

Mr. Wright stated that he would support the application because this development is already approved and that allowing the property to be brought in to the PSA would be preferable to the expense and potential problems associated with a central well.

Mr. Drummond stated that he would also be inclined to support the application since the development had already been approved.

Mr. Basic stated that the central well is not a cost-effective solution. Mr. Basic further stated that one benefit of approving the application would be to eliminate the 50 septic drain fields that would impact the Yarmouth Creek watershed. Mr. Basic noted that the change to the PSA was not a large-scale change but rather for a very specific property and for a specific need. Mr. Basic stated that he is aware that there is potential for submission of a rezoning application; however, he believed that there would never be support for such an application to be approved. Mr. Basic stated that he would support the application.

Mr. O'Connor stated that he is an employee of First Service Residential which manages Colonial Heritage. Mr. O'Connor further stated that he does not participate in the management of Colonial Heritage and does not derive any financial benefit from it. Mr. O'Connor stated that he does not believe that he has a conflict of interest. Mr. O'Connor stated that he concurs with Mr. Basic's analysis and would support the application. Mr. Basic stated that he would have concerns about a request that would seek to draw water from the infrastructure that serves the Blayton and Hornsby schools. Mr. O'Connor stated that he would prefer to see the parcels connect through Colonial Heritage.

Ms. Bledsoe stated that she does not see this application as growth since the units are already approved. Ms. Bledsoe stated that she has serious concerns about central wells since they are generally a financial liability for the utility, in this instance the James City Service Authority. Ms. Bledsoe further stated that she has concerns about the impact of 50 septic tanks within the watershed. Ms. Bledsoe stated that she does not believe a request for additional units is an imminent concern and that she has total faith in the processes in place to control growth. Ms. Bledsoe stated that she would support the application.

Mr. Basic moved to approve LU-0003-2014 and include the application as part of the Comprehensive Plan.

On a roll call vote, the Planning Commission recommend approval of LU-0003-2014, by a vote of 5-2.

Ms. Bledsoe called for discussion on LU-0007-2014, 8515 Pocahontas Trail (Kingsmill and Woods Course).

Mr. O'Connor stated that he would abstain from the discussion and the vote.

Mr. Wright inquired whether the Woods Course is owned by Xantera and whether any of the residences would be on the golf course.

Ms. Pollock stated that the golf course is currently owned by Xantera. Ms. Pollock stated that the golf course spans two parcels and that the proposal involves reorganizing the course so that all the holes are on one parcel.

Mr. Wright inquired whether staff has received a stormwater plan from an independent certified evaluator showing whether Xantera would be in compliance for any stormwater runoff related to the modified course.

Ms. Pollock stated that such a study is not required at this stage in the process. Ms. Pollock further stated that it would be looked at more thoroughly when the developer comes in with a legislative application.

Mr. Wright inquired if HOA members are notified of those results.

Ms. Pollock stated that it is public information.

Ms. Bledsoe stated that she wanted to ensure that the public understands that more detailed information on the project is not required at this stage but would be required as part of a rezoning application. Ms. Bledsoe further stated that in the several meeting she attended with Xantera, they did not make efforts to communicate with homeowners.

Mr. Drummond moved to approve LU-0007-2014 and include the application as part of the Comprehensive Plan.

On a roll call vote, the Planning Commission recommend approval of LU-0007-2014, by a vote of 5-1-1, with Mr. O'Connor abstaining.

Ms. Bledsoe called for discussion on LU-0009-2014, 5961 Pocahontas Trail (BASF Property).

Mr. Richardson inquired whether the Barnes Road application would be discussed individually.

Mr. Holt stated that it would be considered with the remaining land use applications and Comprehensive Plan text.

Ms. Bledsoe stated that she requested further discussion on this application in order to be able to ask further questions. Ms. Bledsoe stated that her concern was that if the Dominion Power lines were approved, and the property were changed to Mixed Use, the property might be difficult to develop. Ms. Bledsoe stated that staff had provided additional information and she no longer had that concern. Ms. Bledsoe stated that she would support the application.

Mr. Krapf stated that he still had concerns about removing property from the industrial designation. Mr. Krapf stated that removing the property would not be good for the County's long-term vision. Mr. Krapf further stated that he believes that the property has been on the market for so long because of concerns over the environmental remediation. Mr. Krapf stated that he shares the concerns of Col. Galbraith over the proximity to the active fly zone. Mr. Krapf

stated that rather than a tourism-related industry such as the proposed resort, the property would be better used for industries that will provide the types of jobs that would retain young professionals. Mr. Krapf further stated that the use may be in opposition to potential expansion by neighboring industrial tenants. Mr. Krapf stated that he would not support the application.

Mr. Basic stated that he has many of the same concerns as Mr. Krapf. Mr. Basic further stated that the timing of the completion of the remediation at the beginning of the recession has also factored in to the length of time it has been on the market. Mr. Basic further stated that the Economic Development Authority has stated that the County must diversify its employment opportunities and that another resort or timeshare does nothing to reach that goal. Mr. Basic stated that he remains opposed to the application.

Mr. Drummond stated that this is an opportunity to generate revenue on the property as well as provide improvements in the Grove area. Mr. Drummond stated that he would rather see traffic associated with a mixed use development than an increase in industrial traffic. Mr. Drummond further stated that the Grove area needs the economic boost and the job opportunities that would be provided by the resort and mixed use development. Mr. Drummond also stated that there is still a substantial amount of vacant industrial property in the County, particularly in Greenmount and that most of that property is vacant. Mr. Drummond stated that he would support the application.

Mr. Wright stated that he concurred with Mr. Drummond. Mr. Wright further stated that he would like to see job opportunities in the Grove area so that residents would not have to travel great distances to find adequate employment. Mr. Wright stated that he would support the application.

Mr. O'Connor stated that he still has concerns about the application because there is one parcel in the middle where the owner has not subscribed to the plan. Mr. O'Connor inquired whether it would be possible to address the land use designation outside of the Comprehensive Plan cycle.

Mr. Holt responded that the land use designation should be addressed during a Comprehensive Plan process and any legislative application submitted in the interim would stand against the Comprehensive Plan language in place at the time.

Mr. O'Connor stated that he is not prepared to support the application at this time. Mr. O'Connor further stated that if the application does move forward he would want to see language included identifying Fort Eustis-Langley as an adjacent property with their associated impacts.

Ms. Bledsoe clarified that the language to be included would identify Fort Eustis as an adjacent use.

Mr. Drummond inquired how many acres of industrial land are still available in Greenmount.

Ms. Pollock stated that because there are a number of environmental impacts on the Greenmount Property such as RPA and wetlands, staff would need to research the exact acreage.

Mr. Drummond stated that approving this application would not make a huge impact on the amount of industrial land available.

Mr. Holt stated that staff would provide figures on the amount of industrial land available.

Mr. Richardson stated that the Fort Eustis issue is significant because it will be a long-term presence in the community. Mr. Richardson further stated that he is optimistic that this property could be developed for industrial purposes as the economic recovery continues. Mr. Richardson stated that 23 percent of the lower County is designated for industrial development which represents only four percent of the entire County. Mr. Richardson stated that the County must plan for the future; while the land is not needed yet, it is what the County will need.

Ms. Bledsoe clarified that a motion to approve would include adding Fort Eustis and its mission to the Comprehensive Plan language and that staff would finalize the language.

Mr. Drummond move to approve LU-0009-2014.

On a roll call vote, the motion failed by a vote of 3-4 and the Planning Commission did not approve LU-0009-2014.

Mr. O'Connor inquired if the parcels would remain General Industry and Mixed Use.

Mr. Holt responded that the recommendation to the Board of Supervisors is that those designations stand.

Ms. Bledsoe inquired if anyone wished to discuss any other land use application separately.

Mr. Basic asked Ms. Rosario to remind the Commission of the process moving forward for the two land use cases that were deferred pending DEQ action on the County's permit.

Ms. Rosario stated that pending the Commission action, the applications would go forward to the Board with a recommendation to defer pending the DEQ action. Ms. Rosario stated that if the applications were deferred at the Board level, the land use designations would remain as they are on the 2009 Land Use Map until a time when consideration would be resumed. Ms. Rosario stated that once the Board is satisfied with the DEQ results, the applicant would have an opportunity to bring the application back to the Planning Commission and the Board of Supervisors for consideration and a vote.

Mr. Basic inquired if those cases needed a separate vote.

Ms. Rosario responded that the deferral is embodied in the recommendation.

Mr. Richardson stated that the discussion about deferral had satisfied his concerns about the land use application for the Barnes Road property and noted that based on the information provided in the voting sheet, it was clear what the Commission would be voting on regarding changes for that property.

Mr. Richardson stated that, regarding LU-0006-2014, Barnes Road, he would recommend moving to approve the change to Mixed Use for all the northern parcels; the change of all parcels to Economic Opportunity with deferral of PSA expansion pending DEQ action for the remaining parcels.

Mr. Holt inquired if LU-0006-2014 should be voted on individually.

The Commission concurred that the application should be voted on with the other remaining land use applications and Comprehensive Plan text.

Mr. O'Connor inquired if the Mixed Use language for LU-0006-2014 should include a recommendation that the residential component be on the parcel adjacent to Upper County Park.

Mr. Holt stated that the language in the narrative includes the recommendation for the location of the residential development.

Mr. Krapf moved to recommend approval of the Comprehensive Plan text and the remaining land use application as set forth in the voting sheet.

On a roll call vote, the Planning Commission recommend approval of the Comprehensive Plan text and remaining land use applications by a vote of 7-0.

6. PLANNING COMMISSION CONSIDERATION

Mr. Paul Holt gave an overview of each consideration item and the reason they are being amended, as well as what the process would entail going forward. Mr. Holt stated that staff recommends approval of all four resolutions.

A. Initiation of Consideration of Amendments to the Zoning Ordinance, Division 3. Floodplain Area Regulations.

Mr. Krapf moved to approve the consideration item.

On a roll call vote, the Planning Commission recommend approval of the Initiation of Consideration of Amendments to the Zoning Ordinance, Division 3. Floodplain Area Regulations by a vote of 7-0.

B. Initiation of a Consideration of Amendments to the Zoning Ordinance to Incorporate State Code Changes (Consistency with A-1)- Division 10, General Business, B-1; Division 11, Limited Business/Industrial, M-1.

Mr. Richardson moved to approve the consideration item.

On a roll call vote, the Planning Commission recommend approval of the Initiation of a Consideration of Amendments to the Zoning Ordinance to Incorporate State Code Changes

(Consistency with A-1)- Division 10, General Business, B-1; Division 11, Limited Business/Industrial, M-1 by a vote of 7-0.

C. Initiation of a Consideration of Amendments to the Zoning Ordinance to Incorporate State Code Changes- Division 2. General Agricultural District, A-1.

Mr. Wright moved to approve the consideration item.

On a roll call vote, the Planning Commission recommend approval of the Initiation of a Consideration of Amendments to the Zoning Ordinance to Incorporate State Code Changes- Division 2. General Agricultural District, A-1 by a vote of 7-0.

D. Initiation of a Consideration of Amendments to the Zoning Ordinance, Article 1, In General, Administrative Fees, Certificate of Occupancy, Amendments and Variation of Conditions and Submittal Requirements.

Mr. Wright clarified that this approval process was a formality and the Policy Committee and Planning Commission would discuss the details at a later date.

Mr. Holt stated that was correct.

Mr. Wright moved to approve the consideration item.

On a roll call vote, the Planning Commission recommend approval of the Initiation of a Consideration of Amendments to the Zoning Ordinance, Article 1, In General, Administrative Fees, Certificate of Occupancy, Amendments and Variation of Conditions and Submittal Requirements by a vote of 7-0.

7. PLANNING DIRECTOR'S REPORT

Mr. Holt stated that other than what was included in the packet there was nothing else to add.

Mr. O'Connor stated that he was unable to make the Mooretown Road meeting and would like to know how the proposal was received.

Mr. Purse stated that it was a nice meeting. Mr. Purse stated that it was the third public meeting that we had. Mr. Purse stated that VHB rolled out their proposed alignment along with the criteria for how they chose that alignment. Mr. Purse stated that they received a number of public comments on that alignment and they are reviewing those comments. Mr. Purse stated that they are planning on having a Work Session with the Board of Supervisors to go over all of the comments received about the alignment. Mr. Purse stated that VHB will then put together a final proposal with their alignment and a study document that will have all of the alignments and the design standards for the road. Mr. Purse stated that proposal would be brought forward to the Planning Commission and Board of Supervisors.

8. COMMISSION DISCUSSION AND REQUESTS

Ms. Bledsoe thanked all of the new commission chairs for agreeing to take on that responsibility. Ms. Bledsoe stated that she would send out an email regarding a schedule for the Board of Supervisors coverage. Ms. Bledsoe stated that she would be attending the meetings in April, Mr. Basic would attend in May and Mr. Krapf would attend in July.

Mr. Richardson asked if the assigned Planning Commissioner would also be expected to attend Board of Supervisor Work Session meetings.

Ms. Basic and Mr. Krapf stated that the Planning Commissioner would only have to attend the two Board of Supervisor regularly scheduled meetings.

Ms. Bledsoe stated that the chair for the Policy Committee is Mr. Wright and the other members would be Mr. O'Connor, Mr. Krapf and Mr. Richardson. Ms. Bledsoe stated that Mr. Drummond would be the chair of the DRC meeting and the other members would be Mr. O'Connor, Mr. Basic and Ms. Bledsoe. Ms. Bledsoe stated that she would stay on the Regional Issues Committee.

Mr. O'Connor stated that he wanted to thank staff, Ms. Gaston and Ms. Freil for all of their help with the Comprehensive Plan. Mr. O'Connor stated that he is sorry Mr. Van Riper is not here because Mr. Hill is trying to accomplish a link between the Comprehensive Plan, the budget and other planning tools that he would have liked to see.

Mr. Wright stated that having a County Administrator come in has clarified the vision and focus which has helped many projects move forward.

Ms. Bledsoe stated that she thinks he will see some of those changes and progress but it may not show up immediately in the Comprehensive Plan. Ms. Bledsoe thanked the Commission members for all of their hard work with the Comprehensive Plan.

9. ADJOURNMENT

Ms. Bledsoe and Mr. Wright moved to adjourn to the next Planning Commission meeting on May 6.

The meeting was adjourned at approximately 9:51 p.m.

Robin Bledsoe, Chairwoman

Paul D. Holt, III, Secretary

**Case Nos. Z-0008-2014/MP-0004-2014. The Village at Candle Station Rezoning and Master Plan Amendment
Staff Report for the May 6, 2015, 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

April 1, 2015, 7:00 p.m. (Deferred by the applicant)

May 6, 2015, 7:00 p.m.

June 9, 2015, 7:00 p.m. (Tentative)

SUMMARY FACTS

Applicant:

Mr. Timothy O. Trant, II, of Kaufman & Canoles, P.C.

Land Owners:

Candle Factory, LLC; John and Judith Barnett; and NVR, Inc.

Proposal:

A request to rezone \pm 64.45 acres of land from MU, Mixed Use with proffers to PUD, Planned Unit Development, with amended proffers and to rezone \pm 0.46 acres and \pm 0.11 acres from M-1, Limited Business/Industrial to PUD, Planned Unit Development, with proffers. The request includes an amendment to the adopted master plan to replace the \pm 90,000 s.f. assisted living facility and \pm 30,000 s.f. of commercial/office area with 33 new single-family detached dwelling units and a \pm 60,000 s.f. self-storage area.

Location:

4100, 4102, 4104, 4106, 4108, 4110, 4112, 4114, 4116, 4118, 4120, 4122 Votive Drive; 4000, 4002, 4004, 4006, 4008, 4010, 4012, 4014, 4016, 4018, 4020, 4022 Luminary Drive; 7551, 7567, 7521, 7505 and a portion of 7559 Richmond Road

Tax Map/Parcel Nos.:

2321100034-2321100045; 2321100046-2321100057; 2321100001D, 2321100001E, 2321100001A, 2321100001C, 2321100002D, and 2321100003B, (no Real Estate address available)

Parcel Size:

\pm 65 acres

Existing Zoning:

MU, Mixed Use with proffers, and M-1, Limited Business/Industrial

Comprehensive Plan:

Low Density Residential, Mixed Use, and Conservation Area

Primary Service Area:

Inside

STAFF RECOMMENDATION

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

Staff also recommends approval of the private streets proposed as part of this development (refer to the master plan for location of private streets).

Staff Contact:

Jose-Ricardo L. Ribeiro, Senior Planner II

Phone: 253-6890

PROJECT HISTORY & DESCRIPTION

On December 13, 2011, the Board of Supervisors approved a rezoning and master plan application for The Village at Candle Station (Z-0003-2008/MP-0003-2008) by a 3-2 vote. The approval rezoned ± 64.45 acres from A-1, General Agricultural, M-1, Limited Business/Industrial, and MU, Mixed-Use districts to MU, Mixed use with proffers to allow for the construction of up to 175 residential units, $\pm 30,000$ square feet of commercial and office space, and a $\pm 90,000$ square-foot assisted living facility. Construction plans for the residential component of the adopted master plan were approved in May 2014 and currently 24 single-family attached (townhome) lots are being developed on the property. According to information provided by the applicant, development of the proposed assisted living facility and the commercial/office space are no longer economically feasible. The applicant is seeking to amend the adopted master plan and to rezone the Village at Candle Station properties from MU, Mixed Use with proffers, to PUD, Planned Unit Development with amended proffers to allow for the replacement of the commercial and office spaces and the assisted living facility with 33 new single-family detached residential units and $\pm 60,000$ square-feet of self-storage area.

The change in the zoning classification from MU, Mixed Use, to PUD, Planned Unit Development, is requested by the applicant because PUD is a more appropriate zoning designation, based on the proposed changes to this application, than the current zoning designation of MU. Section 24-519(d) of the Zoning Ordinance states that *“in order to achieve the intent of a mixed use development, no single use or category shall exceed 80 percent of the developable land area within a mixed use area, as delineated on the master plan.”* Staff notes that the proposed master plan shows a residential component which is in excess of the 80 percent single use requirement established by the MU district. Further, in order to ensure that there is enough land to incorporate the proposed self-storage area to the master plan, the applicant has proposed to rezone ± 0.46 acres and ± 0.11 acres from adjacent properties (i.e., Candle Factory Storage and the Poplar Creek Office Park parcels) from M-1, Limited Business/Industrial to PUD, Planned Unit Development, with proffers. As revised, the master plan now shows a total of 208 dwelling units (142 single-family attached and 66 single-family detached units) and $\pm 60,000$ square-feet of self-storage area.

The area subject to the rezoning and master plan amendment application is located on the south side of Richmond Road (Route 60), opposite the intersection of Richmond Road and Croaker Road (Route 607). The area is bounded on the south, east, and west by low-density residential developments zoned A-1, General Agricultural, (i.e., Toano Woods and Oakland Estates) and R-2, General Residential (i.e., Norvalia). Adjacent properties to the north of the site and along Route 60 are zoned MU, Mixed Use (i.e., Cross Walk Community Church, formerly known as the Williamsburg Music Theater) and M-1, Limited Industrial (i.e., The Candle Factory commercial complex, CVS and Food Lion stores, and the Poplar Creek office park). The Village at Candle Station development is located within the Norge Community Character Area and therefore subject to the recommendations set forth by the 2009 Comprehensive Plan.

Previous Changes made to the adopted master plan

Proposed changes to the adopted master plan for the existing attached and detached single-family units were evaluated by staff and considered by the Development Review Committee (DRC) under separate master plan consistency requests. Below is a summary of these changes with both staff and DRC recommendations. These previous DRC approvals have been incorporated into the revised master plan that is part of the current application. Attachment # 3 provides a visual explanation of the changes made to the layout of the master plan since its adoption by the Board of Supervisors in 2011.

- **January 30, 2013.** A request to find the following changes consistent with the adopted master plan: (1) relocation of garages from rear-loaded to front-loaded positions for all 33 single-family detached units and 29 single-family attached units and; (2) removal of a back alley from 5 rows of single-family attached units. Staff found these changes to be a departure from the master plan, proffers, supplemental materials, and inconsistent with the “20th century Village Community Character”

originally proposed by the applicant and recommended the DRC to find the proposal inconsistent with the approved master plan. The applicant requested deferral of the application.

- **March 5, 2013.** The master plan consistency consideration request was revised and the following changes were proposed: (1) widening of some of the 33 single-family detached lots; (2) relocation of 17 single-family attached dwelling units along the perimeter of the residential development to the denser interior residential cluster; and (3) revisions to the parking area layout for all 142 single-family attached dwelling units eliminating the requirement for rear loaded garages and eliminating the off street parking spaces in the alleys; and (4) revisions to the width and length of alleys to accommodate the relocated single family detached dwelling units. Staff objected to the relocation of all 17 units as these were an important element of transition between different densities (i.e. from multi-family to single-family). However, staff recommended approval of the master plan consistency request contingent on at least five of the units remaining in the location originally shown on the adopted master plan. The DRC recommended approval of this master plan consistency request as presented by the applicant. No changes to the location of the garages was considered at this meeting.
- **August 28, 2013.** A request to find the following changes consistent with the approved master plan: (1) to allow a maximum of 10 single-family detached units with front-loaded garages and; (2) provision of individual vehicular driveways instead of shared driveways for all 33 single-family detached units. Staff found the proposal to be inconsistent with “20th century Village Community Character” as proposed by the applicant and with the supplemental materials (i.e., architectural elevations) submitted as part of the rezoning application for the project. The applicant requested deferral of the application.
- **September 25, 2013.** The DRC recommends approval of the master plan consistency request to allow a maximum of 10 single-family detached units with front-loaded garages and individual vehicular driveways for all 33 single-family detached units.

Proffers: Are signed and submitted in accordance with the James City County Proffer Policy. Table 1.0 below identifies all cash contributions (except for \$32,970 proffered for sidewalks and up to \$10,990 proffered for traffic signal coordination) offered by the applicant as a means to mitigate the physical impact of the proposed development. Proffer reductions for affordable and workforce housing based on the Housing Opportunities Policy (HOP) are included as these impact the total monetary amount being proffered.

Table 1.0-Cash Contributions for community impacts

Housing Category	Housing Type	Total Quantity	Pricing Type	Total Quantity	CIP: Schools	CIP: Others:	Water	Sewer	Stream Restoration	Total per Unit	Totals:
SFD¹	Single Family	66 units	Market Price \$349,000	66 units	\$ 19,505	\$1,099	\$1,375	\$725	\$ 549	\$23,253	\$1,534,698
SFA²	Townhouse	142 units	Market Price \$249,000	100 units	\$5,550	\$1,099	\$1,039	\$725	\$ 549	\$8,962	\$896,200
HOP*	30-60% of AMI	100% reduction	\$116,213-\$188,124	17 units	\$0	\$0	\$0	\$0	\$ 549	\$549	\$9,333
	60-80% of AMI	60% reduction	\$188,124-\$228,647	15 units	\$2,220	\$439	\$415	\$290	\$549	\$3,913	\$58,695
	80-120% of AMI	30% reduction	\$228,647-\$358,605	10 units	\$3,885	\$769	\$727	\$507	\$549	\$6,437	\$64,370
											±\$2,563,296

1. SFD -Single Family Detached/2. SFA -Single Family Attached,

*According to the Housing Opportunities Policy (HOP) a total of 42 units will be offered as affordable and workforce housing. None of the single family detached units will be offered as affordable units. The percent cash proffer reduction is based on the Area Median Income percentage (AMI) as determined by HUD. Numbers are rounded up.

CONTRIBUTIONS-PUBLIC IMPACTS

Archaeology

Proffers:

- The James City County Board of Supervisors' adopted archaeological policy is proffered (Proffer No.10).

Staff Comments: A Phase I Cultural Resources developed for the property by *Archaeological and Cultural Solutions* was submitted to the Virginia Department of Historic Resources (VDHR) in 2013 for review. The study recommended no further work/excavations on the entire property; VDHR concurred with the study's recommendation.

Environmental

Watershed: Subwatershed 103 of the Yarmouth Creek Watershed

Proffers:

- A contribution of \$549.50 for each residential unit shall be made to the County toward stream restoration or other environmental improvements in the Yarmouth Creek watershed [Proffer No. 5 (e)];
- Sustainable building practices are proffered [Proffer No. 11(b)];
- Development of a Master Stormwater Management Plan is proffered with the use of Low Impact Development (LID) techniques to treat 30% of the impervious areas on the property (Proffer No. 14); and;
- A Nutrient Management Plan program has been proffered to be implemented in the proposed development (Proffer No. 15).

Engineering and Resource Protection (ERP) Division Staff Comments: Construction plans for the Village at Candle Station project has been previously reviewed and approved by ERP. The master stormwater management plan will require an amendment to reflect the proposed addition of the 33 new single-family dwelling units and the self-storage unit area. The nutrient management plan proffer applies to the amended areas. ERP staff has recommended approval of the rezoning and associated proffers for this project.

Open Space

Section 24-488 of the Zoning Ordinance requires that 35 percent of the gross area of any planned unit development district shall be retained in open space. This may include common open areas, perimeter open space, buffers between various uses or densities, public open space, recreation areas, easements, areas of steep slopes or slopes exceeding 25 percent gradient, resource protection areas or historic sites. According to the master plan a total of 37.5 percent of the gross area of the site will be dedicated as open space, a slight increase from 37.2 percent provided as part of the previous approved master plan. Staff notes that this proposal offers ± 45.2 percent of the net developable area as open space.

Fiscal Impact:

Proffers:

- Cash contributions of \$1,099 per dwelling unit (other than the 42 affordable/workforce dwelling units subject to proffer reductions according to HOP) on the property (total of $\pm \$196,709$) shall be made to the County in order to mitigate impacts on the County from the physical development and operation of the property. The County may use these funds for any project in the County's capital improvements plan which may include emergency services, off-site road improvements, future water needs, library uses, and public use sites.
- A Fiscal Impact Study (FIS) prepared for this development using the County's Fiscal Impact Worksheet and Assumptions (attachment # 6) was provided as part of the rezoning and master plan

amendment application for this project. According to the study, the residential fiscal impact is negative at **\$166,789.25** while the commercial fiscal impact is positive at **\$30,173**. Therefore, the net final fiscal impact of this proposal is projected to be negative at **\$136,616.25**. By comparison, the net fiscal impact was estimated to be negative \$46,700 at build out in 2015 for the previous proposal which included the assisted living facility and the commercial/office uses.

Staff Comments: The Director of Financial and Management Services (FMS) staff has reviewed the fiscal impact study and generally agrees that there will be a negative fiscal impact associated with this project.

Public Utilities

The site is inside the Primary Service Area (PSA) and served by public water and sewer.

Proffers:

- For cash contribution information please refer to Table No. 1 on this report and/or Proffer No. 5(c), (d) and (f) attached to this report.

Staff Comments: The James City Service Authority (JCSA) has reviewed the rezoning application and finds that proffers being offered will mitigate impacts to the County's public water and sewer system. The JCSA has recommended approval of the rezoning and associated proffers for this project.

Public Facilities

School Proffers:

A cash contribution of \$19,505.34 per each single-family detached dwelling unit and \$5,550.16 for each single-family attached dwelling unit (other than the 42 affordable/workforce dwelling units subject to proffer reductions according to HOP) to mitigate the impacts from physical development and operation of the property [Proffer No. 5(a)]. The County may use these funds for any project in the County's capital improvement plan, the need for which is generated by the physical development and operation of the property, including, without limitation, school uses.

Staff Comments: This project is located within the Norge Elementary, Toano Middle, and Warhill High Schools districts. Under the revised Master Plan a total of 208 residential dwelling units are now proposed. With respect to the student generation and the current school capacities and enrollments for 2014-2015, the following information is provided:

Student Projections:

- Single-Family Detached: 0.4 (generator) x 66 (residential type) generates **26 new students**
- Town homes: 0.17 (generator) x 142 (residential type) generates **24 new students**

A total of 50 new students are projected to be generated under the assumed residential unit mix. This includes an increase in 13 school children over the previous approved plan. These numbers are generated by the Department of Financial and Management Services in consultation with Williamsburg-James City County (WJCC) Public Schools based on historical attendance data gathered from other households in James City County. Table 2.0 illustrates the expected number of students being generated by the Village at Candle Station project and overall student capacity for Norge Elementary, Toano Middle, and Warhill High Schools.

Table 2.0-Student enrollment and school capacity for JCC-Williamsburg schools 2014-2015

School	Effective Capacity ¹	Enrollment (2014-2015)	Projected Students Generated	Enrollment+Projected Students
Norge Elementary School	695	578	±22	600
Toano Middle School	790	756	±11	767

Warhill High School	1,441	1,164	±17	1,181
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Source: Williamsburg-JCC Public School Official Student Enrollment Projections- December 2014

1 Effective Capacity represents the “realistic and practical number of students that the school facility can accommodate.”

Based on the above analysis, the 50 students projected to be produced from this development would not cause the enrollment levels for Norge Elementary, Toano Middle and Warhill High Schools to exceed their effective capacities.

Affordable and Mixed Cost Housing:

This application is subject to the Housing Opportunities Policy (HOP) 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). Table 3.0 below illustrates the Policy’s income ranges and percentages and how it relates to this application. Staff notes that the applicant has proffered compliance with the Housing Opportunities Policy (Proffer No. 4). According to the applicant no single-family detached residential units will be offered as affordable and/or workforce housing.

Table 3.0. Housing Opportunities Policy and AMI

Units targeted to (percent of AMI)	Price range (Minimum- Maximum-2015)	Minimum percent of the development’s proposed dwelling units expected (%)	Number of units subject to policy
30 percent-60 percent	\$116,213-\$188,124	8	17 units
Over 60 percent- 80	\$188,124-\$228,64	7	15 units
Over 80 percent- 120 percent	\$228,64-\$358,605	5	10 units
Total		20	42 units*

*Rounded up number

Parks and Recreation

Proffers:

- Approximately 3.65 acres of parkland, including one centrally located, shared playground of at least 2,500 square feet with at least five activities;
- A minimum eight-foot-wide concrete or asphalt path along one side of the entrance road approximately 0.36 miles in length;
- Approximately .094 miles of soft surface walking trail;
- One paved multi-purpose court approximately 50 feet by 90 feet in size; and
- One graded multi-purpose field which will be least 200 feet by 200 feet in size.

Staff Comments: All of the above recreational features have been proffered (Proffer No.9). Staff notes that the paved multi-purpose court is typically offered as a basketball and/or tennis court. During the review of the construction plans a paved multi-use purpose court with the following activities: chess/checkers, four square, bocce and shuffleboard was proposed by the applicant instead of a basketball/tennis course and accepted by staff. Staff finds the proffered recreational amenities to be generally in accordance with the 2009 County Parks and Recreational Master Plan (CPRM) and to be acceptable.

Transportation

Proffers:

- Reconstruction of the existing private driveway at the Route 60/Croaker Road intersection to a public road with four- or five-lane road section at the Route 60 intersection [Proffer No. 6(a)];
- At the intersection of Route 60 and Croaker Road, a right-turn lane with 200 feet of storage and a 200 foot taper and with shoulder bike lane from east bound Route 60 into the property shall be constructed [Proffer No. 6(b)];
- At the intersection of Route 60 and Croaker Road, the eastbound left-turn lane shall be extended to have 200 feet of storage and a 200 foot taper [Proffer No. 6(c)];
- Related adjustments to the Route 60 traffic signal at Croaker Road were proffered [(Proffer No. 6(d)];
- Payment to VDOT, not to exceed \$10,000 of the equipment at the Norge Lane/Route 60 traffic signal necessary to allow the coordination of the signal at the Croaker Road/Route 60 intersection [Proffer No. 6(e)];
- Installation of crosswalks across Route 60, a median refuge island, signage and pedestrian signal heads at the intersection of Route 60/Croaker Road as warranted [Proffer No. 6(f)];
- Provision of pedestrian and vehicular connections between the Property and the adjacent property - Tax Parcel No. 2321100001F (Proffer No. 7);
- Provision of a crosswalk across Croaker Road from Tax Parcel No. 2321100001B to Tax Parcel No. 2321100001F and crosswalks providing access to the two internal parks on the property (Proffer No. 19).

Traffic Counts:

2007 Traffic Counts: On Richmond Road (Route 60) from Rochambeau Drive to Croaker Road (Route 607), there were 17,201 average daily trips. On Richmond Road from Croaker Road (Route 607) to Norge Elementary there were 21,892 average daily trips. On Croaker Road from Rochambeau Drive to Richmond Road, there were 9,275 average daily trips.

2035 Traffic Counts: On Richmond Road from Rochambeau Drive to Croaker Road 29,293 average daily trips are projected. On Richmond Road from Croaker Road to Norge Elementary 39,110 average daily trips are projected. On Croaker Road from Rochambeau Drive to Richmond Road 28,584 average daily trips are projected. The segment of Richmond Road between Croaker Road and Norge Elementary is listed on the “watch” category and the section of Croaker Road is “recommended for improvements” in the Comprehensive Plan.

VDOT Comments: VDOT concurs with the trip generation and turn lane warrant analysis as presented by the revised Traffic Analysis. The change in land uses (i.e. removal of the assisted living facility and commercial/office area and the addition of 33 new single-family homes and $\pm 60,000$ square feet of self storage area) is projected to reduce the overall trip generation from $\pm 3,580$ daily trips (i.e., 175 dwelling units, commercial and office space and the assisted living facility) to below 1,758 daily trips (208 dwelling units and mini storage area).

Staff Comments: Staff concurs with VDOT’s findings and notes that all proffered road improvements have been installed and that the revised proposal does not warrant any additional road improvements. Staff notes that Proffer 6(b) required a right turn lane with 200 feet of storage and a 200 foot taper at the intersection of Route 60 and Croaker Road. Due to the change in the proposed land use for the property the 200 foot taper is not longer warranted and has been removed from this proffer.

COMPREHENSIVE PLAN

Land Use Map

The 2009 Comprehensive Plan Land Use Map designates the site for the Village at Candle Station project as Low Density Residential and Mixed Use. Table 4.0 below shows the two different land use designations on the site broken down by respective acreage, proposed use, and correspondent densities.

Table No. 4.0-2009 Comprehensive Plan land use designation for The Village at Candle Station property

	Village at Candle Station Site (Total Acreage)	Mixed Use Designated Area	Low Density Residential Designated Area
Area	±64.4 Acres	±3.6 acres	±61.4 acres
Uses Proposed	Residential, non-residential, and recreational uses	Non-residential: ± 60,000 square feet of self-storage	Residential: 66 Single-Family Detached Units, 142 Single-Family Attached Units. Recreational: ±3.65 acre of park land
Density	±3.2 dwelling units per acre (density calculation based on 208 units/64.5 acres-total area)	N/A	±3.4 dwelling units per acre (density calculation based on 208 units/61.4 acres (total parcel area 64.4 acre <i>minus</i> 3.6 acres area designated Mixed Use area)

Source: Rezoning Application Materials Associated with Z-0008-2014/MP-0004-2014

Density

According to Section 24-487(a) of the Zoning Ordinance the base density (dwelling unit per acre or du/ac) for single-family dwellings is 2 du/ac with a maximum gross density of 4 du/ac allowed based on density bonus. For multi-family dwellings containing up to and including 4 dwelling units the base density is 5 du/ac with a maximum gross density of 10 du/ac. Based on information provided in the master plan the base densities for the single-family and the multi-family areas are ±1.81du/ac and ±5.25du/ac, respectively. Section 24-487(c) of the Zoning Ordinance allows for density bonus points provided specific benefits are offered. This application provides benefits such as a stormwater management plan that meets the Chesapeake Bay preservation ordinance through extensive use of better site design/low impact development techniques and a set of binding design guidelines. These items are in compliance with the Zoning Ordinance and therefore earning the bonus points required to support a density of 5.25 du/ac as requested by the applicant. However, staff notes that the overall density of the Village at Candle Station is somewhat higher than other nearby residential developments. Table 5.0 below shows density numbers for Candle Station compared to nearby residential developments:

Table No. 5.0- Densities for The Village at Candle Station and nearby residential developments

	Total Number of Units*	Total Area	Gross Density	Comprehensive Plan Designation
Village at Candle Station	208	64.4 acres	3.2 du/ac	Low Density Residential
Norvalia	57	26.5 acres	2.1 du/ac	Low Density Residential

Toano Woods	76	47 acres	1.6 du/ac	Low Density Residential
Mirror Lakes	242	213 acres	1.1 du/ac	Low Density Residential
Oakland	40	102 acres	0.4 du/ac	Low Density Residential

Source: GIS. Numbers are an approximation. *Total number of existing units only. For total number of parcels: Norvalia (59), Toano Woods (76), Mirror Lakes (250), and Oakland (44).

For Low Density Residential areas a gross density from one unit per acre to four units per acre is allowed, if particular public benefits are provided. Example of such public benefits include mixed-cost housing, affordable and workforce housing, enhanced environmental protection, or development that adheres to the principal of open space design. This application proposes a variety of mixed-cost housing, including affordable and workforce (i.e., a total of 42 dwelling units are proffered in accordance with HOP), enhanced environmental protection (i.e., monetary contribution for off-site stream restoration, master stormwater management plan, EarthCraft House Virginia certification for all single-family detached dwelling units and a nutrient management plan are proffered) and development that adheres to the principal of open space design (i.e., \pm 12 acres of additional forested buffers landward of the 100' RPA buffers, and \pm 40 percent of net developable area will be retained as open space). For Mixed Use areas southwest of the Croaker/Richmond Road intersection, suggested uses include commercial and office as primary uses with limited industry as a secondary use. The Village at Candle Station proposes \pm 60,000 square feet of self-storage. Staff finds this proposal consistent with the James City County 2009 Comprehensive Plan.

Norge Community Character Area

Norge has a unique and identifiable residential component located off Richmond Road, and some pedestrian-oriented store fronts. However, the early 20th century “village” character of its business and residential areas along Richmond Road has been visually impacted by automobile-oriented infill development. The 2009 Comprehensive Plan offers specific design standards intended to guide future development and redevelopment in Norge which includes, but it is not limited to: (1) architecture of new structures complementing the historic character of the Norge area, (2) parking located to the rear of buildings, (3) pedestrian and bicycle access and circulation, and (4) a mix of land uses in close proximity.

The revised design guidelines for the Village at Candle Station shows design elements which are compatible with the expectations set forth by the Comprehensive Plan for the Norge area. However, the revised guidelines propose up to 50 percent of the 66 single-family detached dwelling units as front-loaded garages, an increase from the 10 single-family detached front-loaded garages previously proposed as part of the approved design guidelines. On March 25, 2015, the applicant presented to the DRC the proposal to increase the number of front-loaded garages to up to 33 single-family detached units (50 percent of the 66 single-family detached units). The DRC offered feedback which was generally in alignment with the applicant's request. Staff continues to find that front-loaded garages are not a design element compatible with the 20th century “village” character of the Norge area.

LANDSCAPE BUFFER REDUCTION REQUEST

Section 24-492 (2) of the Zoning Ordinance states that “*for commercial uses a minimum landscape buffer of 75 feet shall be maintained from all property lines adjoining a different zoning district which abut the site and/or existing or planned public roads or properties that are peripheral to the planned unit development district.*” The applicant has requested a reduction of the 75 feet landscape buffer between the location where the self-storage area is proposed and adjacent properties to the north (e.g. Food Lion store, Candle Factory warehouse, and Poplar Creek Offices parcels). The applicant has submitted a letter to the Planning Director (attachment # 8) requesting for the buffer reduction in accordance with criteria established by Section 24-492 (b) of the Zoning Ordinance. The reduction request has been accepted, with conditions, by the Planning Director concurrently with its recommendation of approval for this project.

PRIVATE STREETS

Section 24-528 (b) of the Zoning Ordinance states that: *‘Private streets may be permitted upon approval of the board of supervisors and shall be coordinated with existing or planned streets of both the master plan and the county Comprehensive Plan. Private streets shown on the development plan shall meet the requirements of the Virginia Department of Transportation.’* The master plan identifies private streets in the residential areas of the development and has proffered (Proffer No. 16) maintenance of the private streets through the Homeowners Association.

RECOMMENDATION

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

Staff also recommends approval of the private streets proposed as part of this development (refer to the master plan for location of private streets).

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

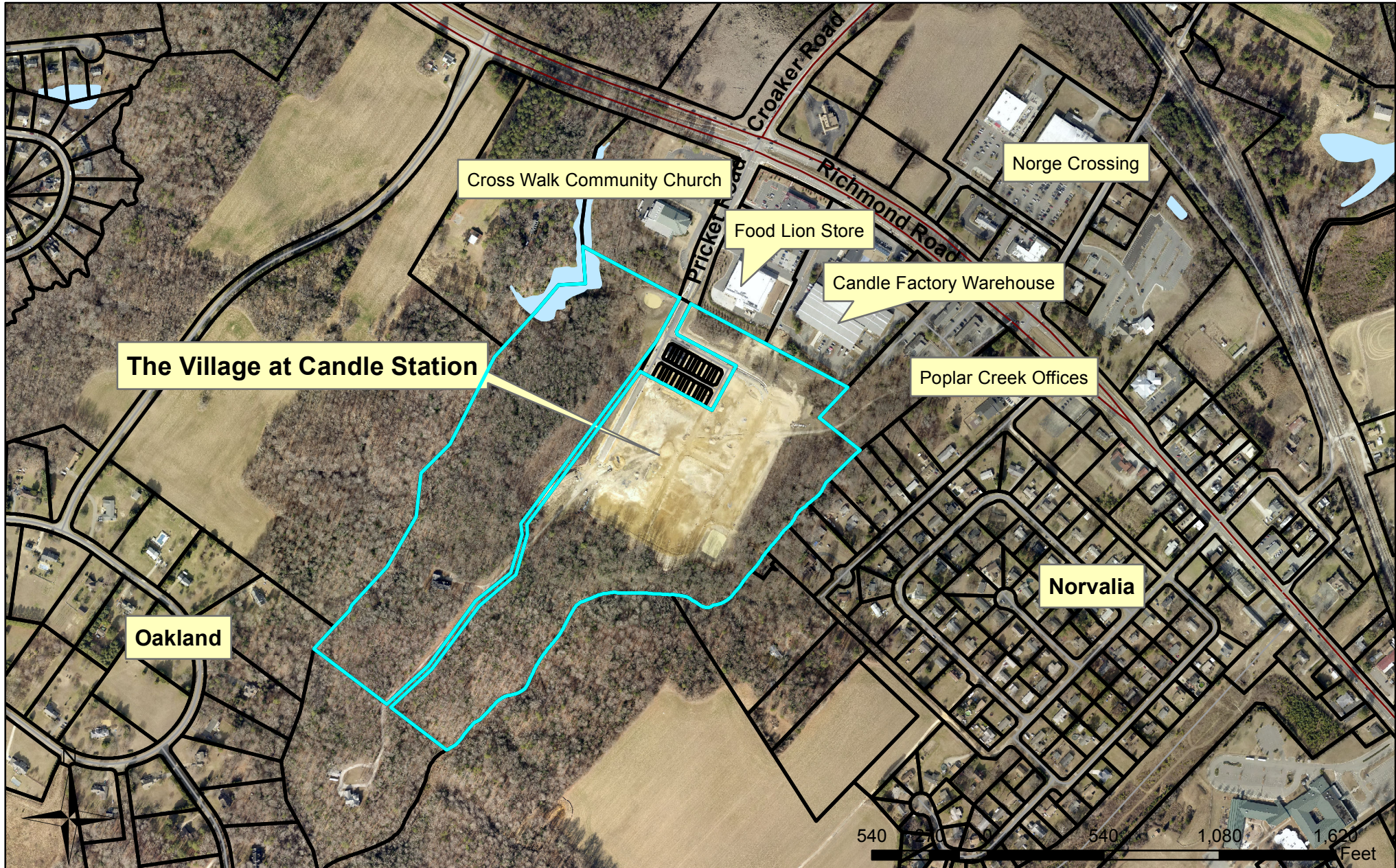
Jose-Ricardo L. Ribeiro

ATTACHMENTS:

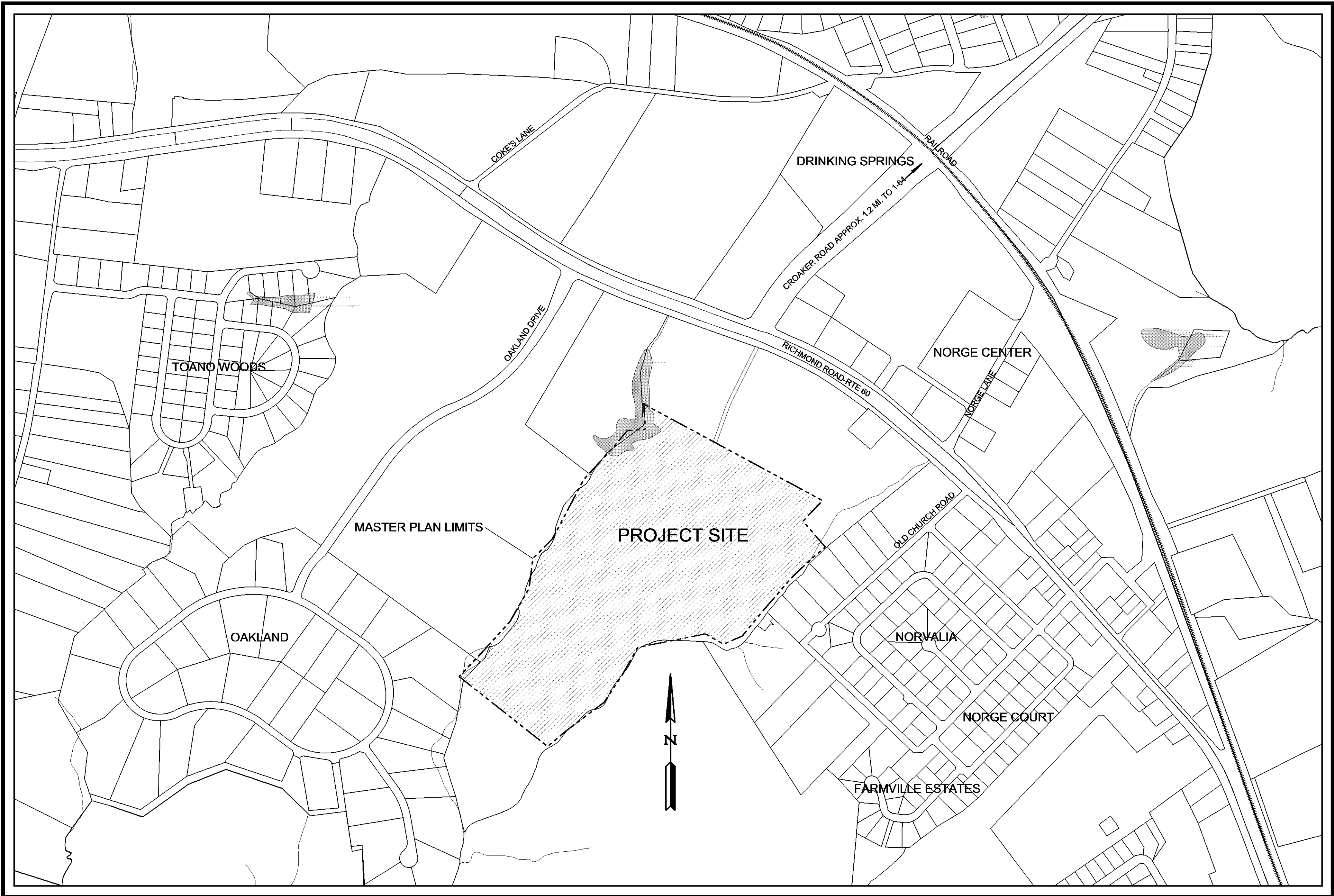
1. Location Map
2. Master Plan (under separate cover)
3. Exhibit showing revisions to the adopted master plan (Z-0003-2008/MP-0003-2008)
4. Approved Architectural Elevations (Z-0003-2008/MP-0003-2008)
5. Revised Architectural Elevations (Z-0008-2014/MP-0004-2014)
6. Community Impact Statement Binder (under separate cover)
7. Proffers
8. Letter from the applicant requesting a modification from landscape buffer
9. Housing Opportunities Policy (HOP) and Policy Guide

JCC-Z-0008-2014/MP-0004-2014

The Village at Candle Station



Rezoning & Master Plan Amendment
for
The Village at Candle Station
for
Candle Development, LLC
James City County, Virginia



VICINITY MAP (APPROXIMATE SCALE: 1"=500')

ORIGINAL SUBMITTAL DATE: NOVEMBER 2014
REVISED SUBMITTAL DATE: APRIL, 20 2015

AES PROJECT: W10059-02

JCC CASE NUMBER:
MP-0004-2014, Z-0008-2014

AES

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Williamsburg, Virginia 23188
Phone: (757) 253-0040
Fax: (757) 220-8994
www.aesva.com

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INDEX OF SHEETS	
SHEET NUMBER	DESCRIPTION
1	COVER SHEET
2	APPROVED MASTER PLAN (2011 REZONING)
3	PROPOSED MASTER PLAN
4	APPROVED PLAN OF DEVELOPMENT (2011 REZONING)
5	ILLUSTRATIVE PLAN / PLAN OF DEVELOPMENT
6	CONCEPTUAL STORMWATER MANAGEMENT PLAN
7	CONCEPTUAL SANITARY SEWER AND WATER DISTRIBUTION PLAN

General Notes for Rezoning

1. Parcel Numbers and Owners:

Parcel #2321100034 - #2321100057
NVR, INC.
5360 Discovery Park Blvd., Suite 201
Williamsburg, VA 23188
Contact: Jeff Ambrose (757) 565-7661

A portion of Parcel #2321100001A
John Barnett
7559 Richmond Road
Williamsburg, VA 23188

Parcel #2321100001D and Parcel #2321100001E
Candle Development, LLC
5800 Mooretown Road
Williamsburg, VA 23188-1712
Contact: Peter Henderson (757) 565-1090

Parcel #2321100001C
Candle Factory Building LLC
5806 Mooretown Road
Williamsburg, VA 23188-1712
Contact: John B. Barnett, Jr., Chickasa

Parcel #2321100002D
Poplar Creek, LLC
P.O. Box 8M
Williamsburg, VA 23187-0341
Contact: John B. Barnett, Jr., Chickasa
2. Parcel Numbers and Property Addresses:

Parcel #2321100001A
7559 Richmond Road
Williamsburg, VA 23188

Part of Parcel #2321100001D
7551 Richmond Road
Williamsburg, VA 23188

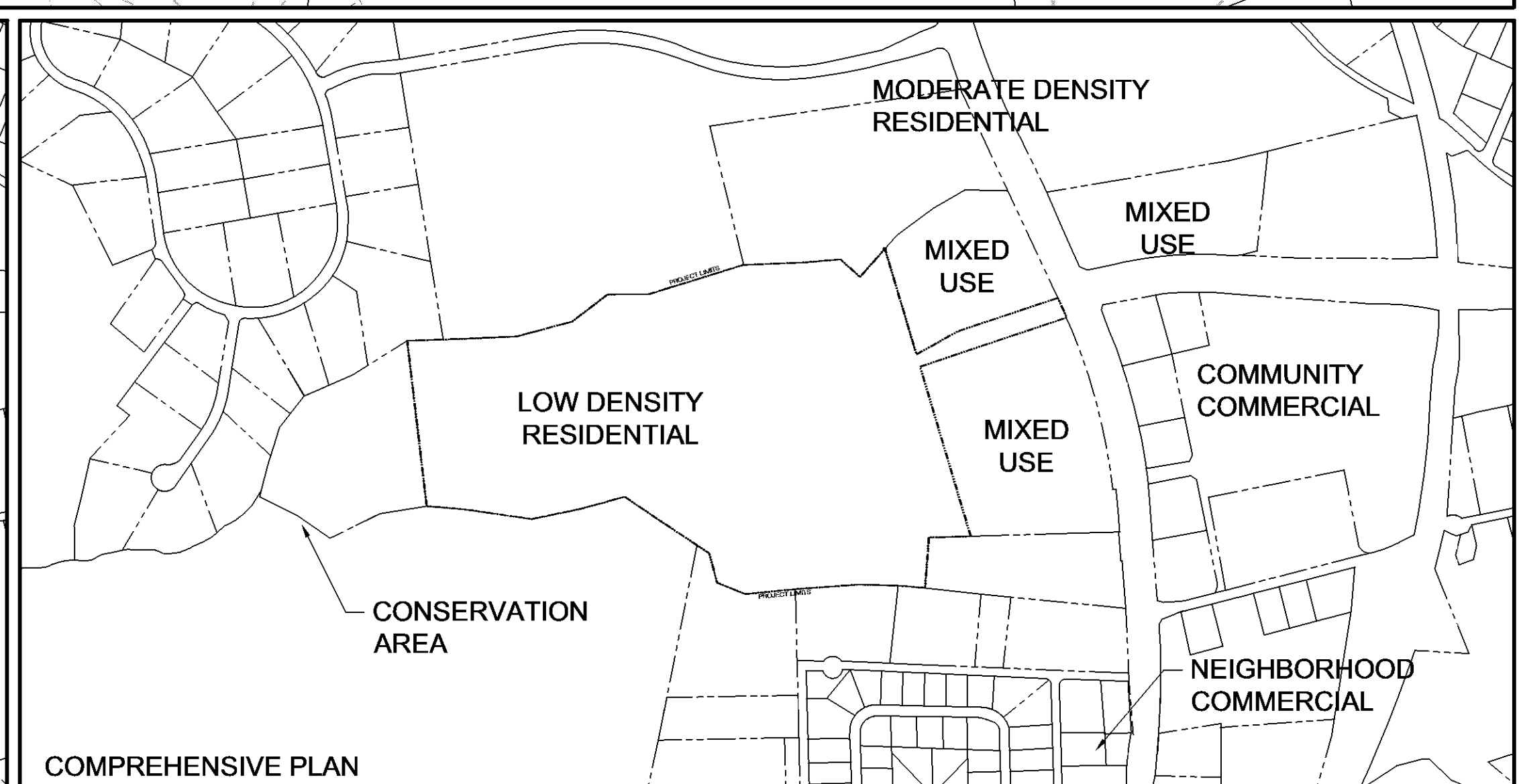
Parcel #2321100001E
7567 Richmond Road
Williamsburg, VA 23188

Parcel #2321100001C
7521 Richmond Road
Williamsburg, VA 23188

Parcel #2321100002D
7505 Richmond Road
Williamsburg, VA 23188
3. Total area: approx. 64.91 acres.
4. Existing zoning: MU with Proffers
5. Proposed zoning: PUD with Proffers
6. Topographic information is based on a survey by AES Consulting Engineers.
7. Sheet 2, Environmental Inventory, indicates 25% slopes, soil inventory, wetlands, the approximate location of Resource Protection Areas (RPA) and associated buffers, and perennial stream determinations. For further information on the Environmental Inventory, refer to the Community Impact Statement.
8. Site lies within the Norge Community Character Area as described on the JCC Comprehensive Plan.
9. This project is located in Subwatershed 103 of the Yarmouth Creek Watershed Management Plan in James City County for which a watershed management plan was developed. To observe recommendations of this plan, a combination of structural best management practices, preservation of natural open space, and the use of special stormwater criteria are employed to: prevent further degradation of Yarmouth Creek, enhance groundwater recharge usually lost from land development, and to help preserve some of the natural hydrology of the site.
10. Curb and gutter streets are proposed.
11. All public streets within the development will be designed per applicable VDOT standards.
12. Private streets, if constructed, shall meet VDOT requirements per Section 24-528 (b) and (c) unless waived or modified as prescribed in paragraph (d), (1)-(5).
13. Private streets will comply with "Administrative Guidelines for Certification of Private Street Construction" program requirements at development plan stage.
14. No structures within the development shall exceed 60' in height.
15. This master plan seeks to amend JCC Case Master Plan MP-0003-2008 adopted by the Board of Supervisors on December 13, 2011.

*DOES NOT INCLUDE ASSISTED LIVING UNITS.
 **DENSITY CALCULATION BASED ON LAND USE AREA.
 ***20,000 S.F. COMMERCIAL, MAX.
DESIGNATED LAND USE KEY:
 A: SINGLE FAMILY DWELLING UNITS
 B: ATTACHED STRUCTURES CONTAINING TWO TO FOUR DWELLING UNITS
 C: ATTACHED STRUCTURES LESS THAN THREE STORIES AND CONTAINING MORE THAN FOUR DWELLING UNITS
 D: COMMERCIAL USES
 E: OFFICE USES
 F: INSTITUTIONAL OR PUBLIC USES
 G: AREAS OF COMMON OPEN SPACE, WITH RECREATION AREAS NOTED
 H: MIXED USE WITH OFFICE AND COMMERCIAL USES
 X: OTHER STRUCTURES, FACILITIES OR AMENITIES

NOTE: FOR APPROXIMATE LOCATIONS OF PUBLIC AND PRIVATE ROADS SEE SHEET 4.





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Central Virginia
Middle Peninsula

APPROVED 2011 MASTER PLAN
THE VILLAGE AT CANDLE STATION
MIXED-USE ZONING
FOR
Candle Development, LLC
STONEHOUSE DISTRICT JAMES CITY COUNTY VIRGINIA

Designed JSP	Drawn MRA
Scale 1"=100'	Date 11/14/14
Project No. W10059-02	
Drawing No. 2 OF 7	

SOIL No.	SOIL NAME	HYDROLOGICAL GROUP	TYPICAL SLOPES	EROSION FACTOR (K)	EROSION FACTOR (T)
11C	GRAVEN-UCHEE COMPLEX	A/C	6-10%	0.32-0.37	3
15D	EMPORIA COMPLEX	C	10-15%	0.20-0.28	4
15F	EMPORIA COMPLEX	C	15-25%	0.20-0.28	4
19F	EMPORIA COMPLEX	C	25-50%	0.20-0.28	4
17	JOHNSTON COMPLEX	A/C	-	0.17-0.20	5
18B	EMPSVILLE FINE SANDY LOAM	B	2-6%	0.24-0.32	3
19B	KEMPSVILLE-EMPORIA FINE SANDY C	C	2-6%	0.24-0.32	3
20B	KEMPSVILLE-EMPORIA FINE SANDY C	C	2-6%	0.10-0.15	5
29A	SLAGLE FINE SANDY LOAM	C	0-2%	0.24	3
31B	SUFFOLK FINE SANDY LOAM	B	2-6%	0.17-0.28	4
34C	UCHEE LOAMY FINE SAND	A	6-10%	0.20-0.28	5

INFORMATION TAKEN FROM "SOIL SURVEY OF JAMES CITY AND YORK COUNTIES AND THE CITY OF WILLIAMSBURG, VIRGINIA" ISSUED IN APRIL, 1985, BY THE UNITED STATES DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE IN COOPERATION WITH VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY.

SOIL SUSCEPTIBILITY TO EROSION CLASSIFICATION (K)
0.23 AND LOWER - LOW ERODIBILITY
0.23 TO 0.36 - MODERATE ERODIBILITY
0.36 AND UP - HIGH ERODIBILITY

THE MAP SHOWN IS A "BEST FIT MODEL" OF THE SCS MAPS WITH EXISTING BASE INFORMATION.

■

 DENOTES 25% OR GREATER SLOPES

▨

 WETLAND IMPACTS

▧

 100 FT' BUFFER IMPACTS

ENVIRONMENTAL INVENTORY IMPACTS.

TIDAL WETLANDS:

NONE ON SITE

TIDAL SHORES:

NONE ON SITE

NON-TIDAL WETLANDS IN RPA:

0.048 AC IMPACTED

100 FT RPA BUFFER:

0.480 AC IMPACTED

NON-TIDAL WETLANDS IN RMA:

NONE ON SITE

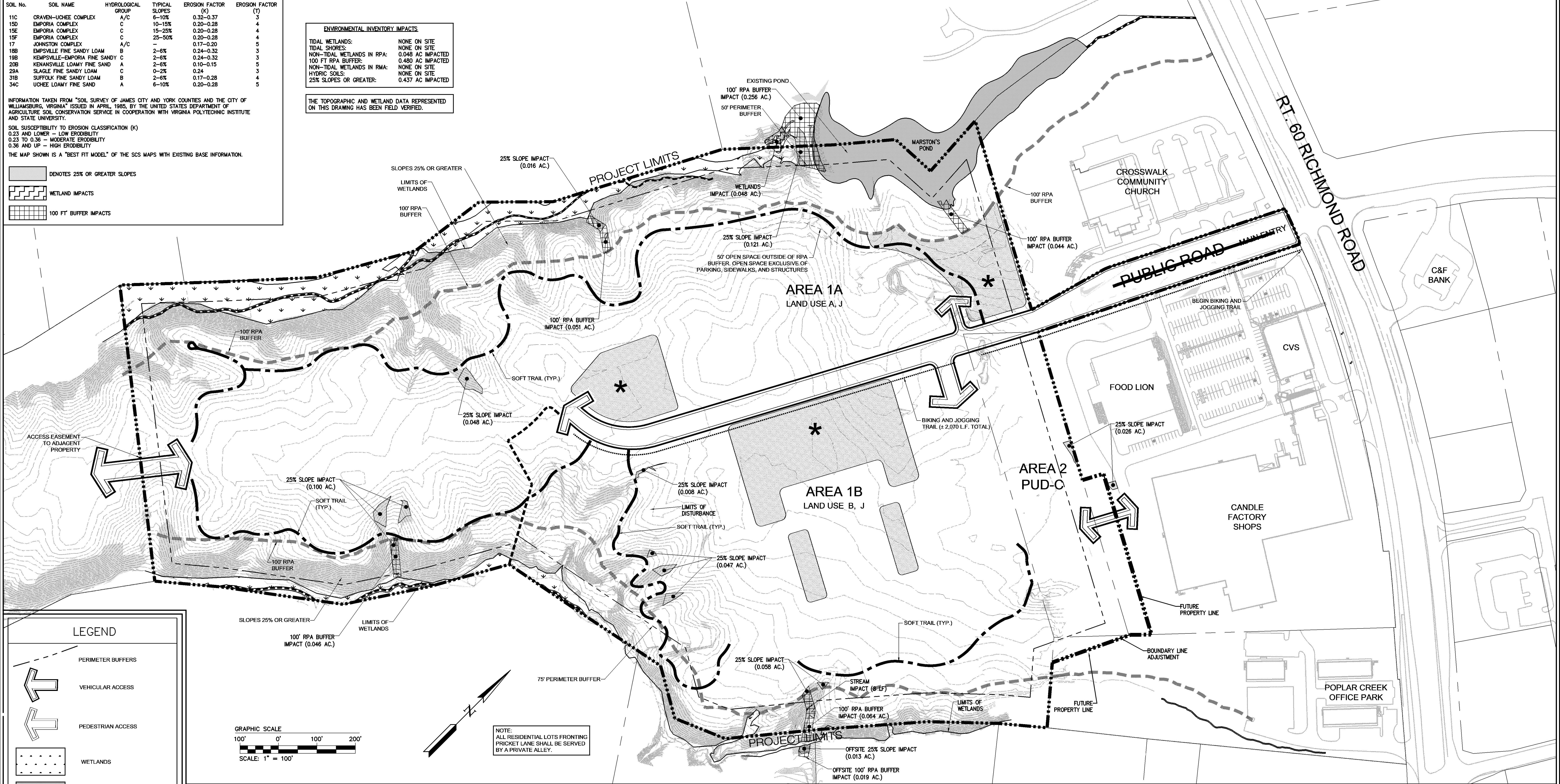
HYDRIC SOILS:

NONE ON SITE

25% SLOPES OR GREATER:

0.437 AC IMPACTED

THE TOPOGRAPHIC AND WETLAND DATA REPRESENTED ON THIS DRAWING HAS BEEN FIELD VERIFIED.



LEGEND

→

 PERIMETER BUFFERS

→

 VEHICULAR ACCESS

→

 PEDESTRIAN ACCESS

▨

 WETLANDS

■

 EXISTING POND

—

 PERENNIAL STREAM

—

 INTERMITTENT STREAM

—

 100' RPA BUFFER

▨

 SLOPES 25% OR GREATER

*

 OPEN SPACE WITH RECREATION AREAS NOTED

—

 SOFT TRAILS (± 4,940 L.F. TOTAL)

—

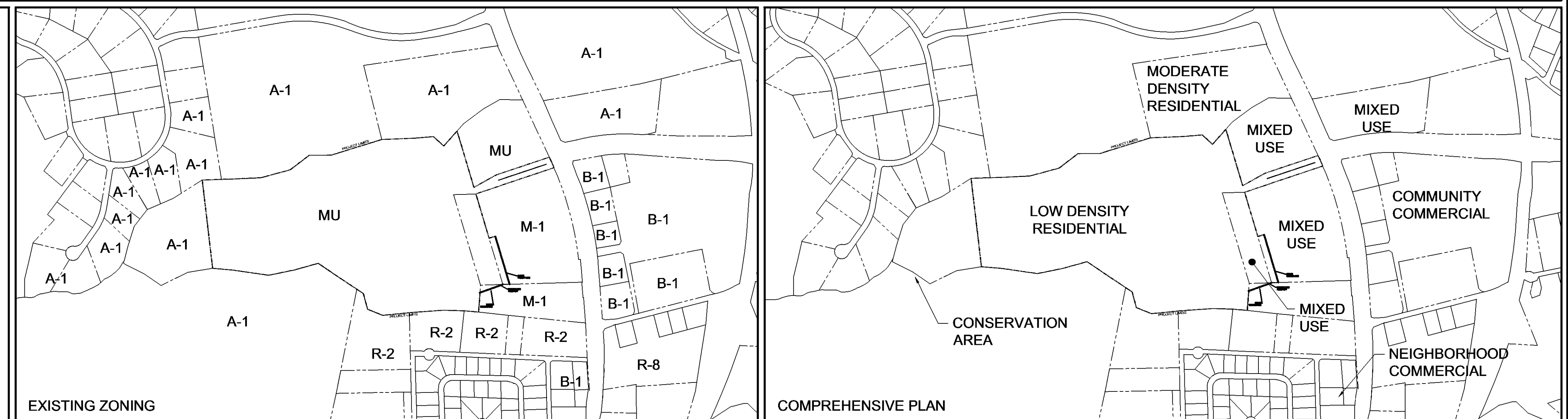
 BIKING AND JOGGING TRAIL (± 2,070 L.F. TOTAL)

AREA TO BE REZONED TO PUD-R WITH PROFFERS								
LAND USE AREA	USE DESIGNATION (SEE BELOW)	PROPOSED USE	AREA IN ACRES (±)	PERCENT OF TOTAL SITE	TOTAL UNITS	DENSITY PER TOTAL ACRE	DENSITY PER NET ACRE	GFA SQ. FEET
PUD-R		PUD-R	61.19	95.3%	208	3.40 DU/AC	4.0***	N/A
*1A	A, J	RESIDENTIAL/RECREATION	36.43	56.5%	66	1.81 DU/AC**	N/A	N/A
1B	B, J	RESIDENTIAL/RECREATION	24.76	38.8%	142	5.25 DU/AC**	N/A	N/A
AREA 2 PUD-C	E,F,G	COMMERCIAL/WAREHOUSE	3.72	4.7%	N/A	N/A	N/A	±60,000

* PROPOSED CHANGE WITH AMENDMENT.
** DENSITY CALCULATION BASED ON TOTAL LAND USE AREA.
*** TOTAL PUD-R AREA DENSITY BASED ON GROSS ACRE PER SECTION 24-487

DESIGNATED LAND USE KEY:
A: SINGLE FAMILY DWELLING UNITS
B: ATTACHED STRUCTURES CONTAINING TWO TO FOUR DWELLING UNITS
C: COMMERCIAL WAREHOUSE
D: OFFICE
E: AREAS OF COMMON OPEN SPACE, WITH RECREATION AREAS NOTED
F: OTHER STRUCTURES, FACILITIES OR AMENITIES
X: OTHER STRUCTURES, FACILITIES OR AMENITIES

NOTE: FOR APPROXIMATE LOCATIONS OF PUBLIC AND PRIVATE ROADS SEE SHEET 4.



No.	DATE	REVISION / COMMENT / NOTE	REVIEWED BY	DESIGNED BY
1	3/11/15	REVISED PER JCC COMMENTS DATED FEBRUARY 2015	AMR	JAG

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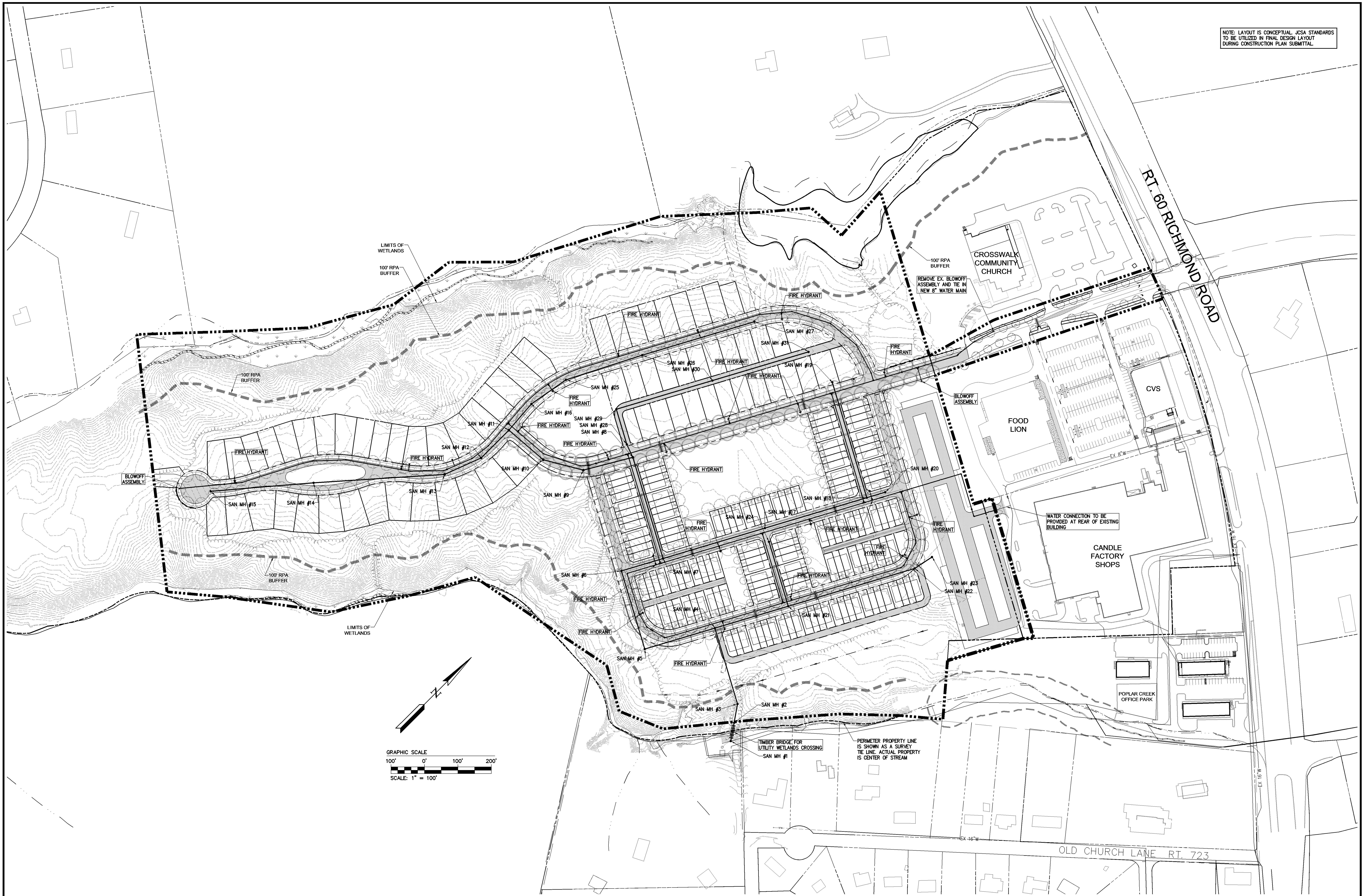
Hampton Roads | Central Virginia | Middle Peninsula

PROPOSED MASTER PLAN
THE VILLAGE AT CANDLE STATION
PUD-R ZONING FOR
Candle Development, LLC

STONEHOUSE DISTRICT | JAMES CITY COUNTY | VIRGINIA

Designed: JAG
Scale: 1"=100'
Project No: W10059-02
Drawing No: 3 OF 7

NOTE: LAYOUT IS CONCEPTUAL. JCSA STANDARDS
TO BE UTILIZED IN FINAL DESIGN LAYOUT
DURING CONSTRUCTION PLAN SUBMITTAL.



1	3/11/15	REVISED PER JCC COMMENTS DATED FEBRUARY 2015			JAG
No.	DATE	REVISION / COMMENT / NOTE			REVIEWED BY



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Hampton Roads | Central Virginia | Middle Peninsula

CONCEPTUAL SANITARY SEWER
AND WATER DISTRIBUTION PLAN
THE VILLAGE AT CANDLE STATION

PUD-R ZONING
FOR
Candle Development, LLC

STONEHOUSE DISTRICT JAMES CITY COUNTY VIRGINIA

Designed JAG	Drawn AMR
Scale 1"=100'	Date 11/14/14
Project No. W10059-02	
Drawing No. 7 OF 7	

S:\JOBS\W10059102-Candle Residential Rezoning\Planning\Master Planning\W1005902.mp07_MASTER SANITARY & WATER PLAN.dwg, 4/20/2015 3:00:04 PM

Community Impact Statement

Rezoning and Master Plan Amendment

for

THE VILLAGE AT CANDLE STATION

Prepared For
Candle Development, LLC



November 2014
AES Project Number: W10059-02

Revised April 2015

Prepared by:



CONSULTING ENGINEERS

5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
Phone (757) 253-0040 Fax (757) 220-8994

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I. INTRODUCTION AND PROJECT DESCRIPTION

Candle Development, LLC proposes to rezone the existing Mixed Use Master Plan for The Village at Candle Station in the Norge area of James City County, Virginia from MU (Mixed Use) to PUD (Planned Unit Development). The community is located on the south side of Richmond Road (Route 60), opposite the intersection of Richmond Road and Croaker Road (Route 607). The property is bounded on the south, east and west by private residences located in the General Agricultural (A-1) and General Residential (R-2) zoning districts. Along the Richmond Road frontage from the west to the east are the Crosswalk Community Church (CCC) formerly The Music Theater of Williamsburg zoned Mixed Use, the recently renovated Candle Factory shopping center (CFSC) and the Poplar Creek Office Park, both zoned Limited Business/ Industrial District (M-1).

Candle Development, LLC proposes this rezoning to revise the plan and remove the assisted living and commercial components, replacing them with 33 single family homes and up to 60,000 square feet of mini-storage. The original proposed owner/developer of the assisted living facility elected not to proceed with the project and after significant efforts to secure a replacement (including 2 different real estate firms, numerous showings, and chasing many leads over the past 2 years) we have reached the conclusion that an assisted living facility is not likely an economically viable use on the property. Industry insiders tell us that the model for elder care is evolving towards in-home care or full-service continuing care facilities (which include independent living, assisted living, and skilled nursing all in the same facility) and away from assisted living facilities like the one shown in our approved plan. Additionally, there has been a persistent decline in the retail/office market in the Norge/Toano corridor over the last few years. Accordingly, we do not think that the originally proposed commercial space, which is hidden from the primary Rt. 60 corridor, will be viable. The proposed new residential units will add support to the property owners association budget, home values in the neighborhood, and existing business directly adjacent to the property such as the Candle Factory Shops, the Food Lion, CVS, Poplar Creek Office Park, C&F Bank, Farm Fresh, and Tractor Supply to name a few. The proposed mini-storage will not (as was previously planned with the commercial use) shared access with the residential area reducing potential conflicts of uses and traffic. The mini-storage is planned to expand the existing Candle Factory storage facility adjacent to the site. Ultimately the design intends to accommodate the proposed uses while maintaining the better site design elements from the original master plan.

Exhibit 1 – Location Map (Not to Scale)



II. THE PROJECT TEAM

The organizations that participated in the preparation of the information provided in this impact study are as follows:

- | | |
|---------------------|----------------------------|
| • Developers | - Candle Development, LLC |
| • Land Planning | - AES Consulting Engineers |
| • Civil Engineering | - AES Consulting Engineers |
| • Legal | - Kaufman and Canoles |
| • Traffic | - DRW Consultants, Inc. |

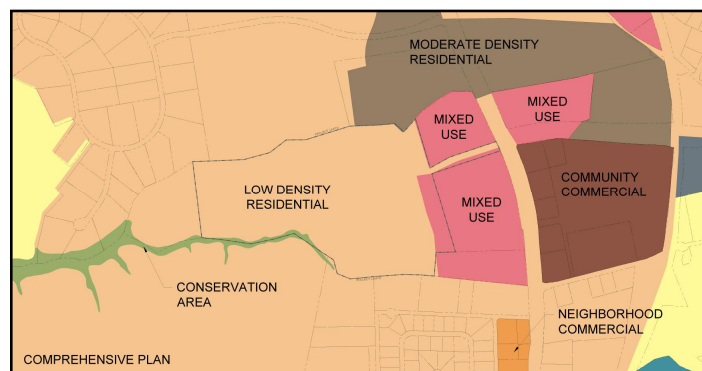
III. PLANNING CONSIDERATIONS

A. Comprehensive Plan, Zoning and Density Discussion

The Comprehensive Plan discussion of the Norge Community Character Area includes recommendations for residential, commercial, and office uses in close proximity as a mechanism to enhance community character. The area between the Village at Candle Station and Route 60 is designated Mixed Use on the Comprehensive Plan. Mixed Use areas are centers within the PSA where higher density development, redevelopment, and/or a broader spectrum of land uses

are encouraged. The majority of the master plan area is designated Low Density Residential on the Comprehensive Plan. A narrow strip of land (approximately 3 acres) that was previously planned as office/commercial lies along the northeast boundary is designated as Mixed Use on the Comprehensive Plan and is now proposed for residential uses. Low Density Residential areas generally contain a gross density of one unit per acre but may also contain up to four units per acre if particular public benefits are provided. Examples of such benefits include mixed cost housing, affordable & workforce housing, unusual environmental protection, or development that adheres to the principles of open space design. All of the above benefits are being provided in the proposed Planned Unit Development of the Village at Candle Station. A summary of specific benefits to the community and density discussion is provided later in this report.

The Village at Candle Station site has been master planned. The residential development shares a vehicular roadway access with Crosswalk Community Church, the newly constructed Food Lion and CVS shops and the existing Candle Factory shopping center. These links are further enhanced with pedestrian/ multiuse trails along the entrance road. The Village at Candle Station Master Plan describes land use designations including recreation and open space, single family dwelling units, attached structures containing two to four dwelling units and attached structures containing more than four dwelling units. Finally, the neighborhoods at The Village at Candle Station are subject to Design Guidelines which shall incorporate appropriate, sustainable building practices and green building practices.



The existing Candle Factory commercial area is zoned M-1. The primary purpose of the M-1 district is to establish areas where the principal land uses are limited business, industrial operations, commercial and office uses compatible with limited business and industrial uses. Since the historical use of this property has been much less intensive than the uses anticipated for M-1 zoning, one could infer that designating this area as Mixed Use on the Comprehensive Plan was, at least in part, in recognition of this site's ability to be compatible with a wider array of

uses including carefully designed and sited residential uses. The remaining 64 acres of the Village at Candle Station property is zoned MU. As discussed above, this area contains two different Comprehensive Plan Land Use designations, the largest area being Low Density Residential.

B. Planning Criteria:

The following paragraphs address five planning criteria that may be considered with any new residential development. These criteria are stated below in italics, along with our assessment of how the Village at Candle Station Master Plan complies.

1. Compatibility with adjacent neighborhoods: Compatibility with adjacent neighborhoods in terms of lot area, width and overall density.

Except for the Candle Factory shopping center fronting Richmond Road, The Village at Candle Station is surrounded primarily by low density residential uses. In keeping with Comprehensive Plan design guidelines for the Norge Community Character Area, the Village at Candle Station Master Plan proposes a Planned Unit Development which could allow earned moderate residential densities. The Village at Candle Station earns density credits to provide densities above the 4 unit per acre moderate density minimums associated with a PUD development. However, while providing a mix of residential types, including single family, and in recognition of the low density of adjacent residential development, and to ensure compatibility with the surrounding area, the Village at Candle Station proposes a density of 3.4 units per acre - within the range established by the Comprehensive Plan for low density residential development.

2. Buffers and Community Character: Buffers adjacent to existing neighborhoods should exceed ordinance requirements and 150' width Community Character Corridor (CCC) buffers should be honored. Densities at the higher end are expected to exceed minimum standards.

In addition to the required RPA buffers, The Village at Candle Station provides more than 15 acres of additional open space outside of the 100' RPA buffer at the perimeter of the development which serves not only to further buffer development from adjacent properties, but also to enhance environmental protection for the Yarmouth Creek watershed and satisfy a key provision of open space design principles by moving open space to the perimeter. Along the northeast property line a 50' landscaped buffer is provided as a transition to the developed Candle Factory site.

3. Environmental Protection: *Environmental protection-- better site design, low impact development techniques, turf management, HERS certification, LEED green building techniques, at least 25' construction setbacks from the RPA and water quality measures exceeding minimums.*

a. The principles of Better Site Design (BSD) are derived from Model Development (MD) principles created to help protect the Chesapeake Bay by minimizing land disturbance, preserving indigenous vegetation, and minimizing impervious surface. The Village at Candle Station team addresses BSD/MD principles as they apply to The Village at Candle Station as follows:

BSD/MD Principle #1 - *"Conserve trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native plants. Wherever practical, manage community open space, street rights-of-way, parking lot islands, and other landscaped areas to promote natural vegetation."*

James City County incorporates requirements for conservation and protection of trees and preservation of open space as a normal part of its development and site planning process and requires the permanent protection and maintenance of open space through conservation easements and/or the establishment of homeowner organizations to manage community open space. The Village at Candle Station honors those requirements.

BSD/MD Principle #2 - *"Clearing and grading of forests and native vegetation at a site should be limited to the minimum amount needed to build lots, allow access, and provide fire protection. A fixed portion of any community open space should be managed as protected green space in a consolidated manner."*

With extensive (12 acres) additional forested buffers landward of the 100' RPA buffers, green space on developable lands at or approaching forty percent, and roughly 10 acres of the property presently sparsely wooded or open upland meadows on former agricultural land, The Village at Candle Station maximizes density and land use on the less wooded areas creating more opportunities to retain existing vegetation and contribute additional canopy cover to the Village at Candle Station site. Nearly 1.5 miles of subdivision roads and their associated street trees will contribute the equivalent of 2.5 acres of canopy to the project, in addition to other landscaping requirements. The Master Plan design not only retains existing forested areas within RPA buffers, but also provides permanent lot line setbacks from buffers which meet, and in most cases exceed, the suggested construction buffer - effectively adding an additional 12 acres of up-slope forested canopy protection for the perennial

streams feeding Yarmouth Creek. All open space will be managed and protected either by a homeowners' association or natural open space easement.

BSD/MD Principles #3-6 – “#3- Promote open space development that incorporates smaller lot sizes to minimize total impervious area, reduce total construction costs, conserve natural areas, provide community recreation space, and promote watershed protection. #4- Reduce side yard setbacks and allow narrower frontages to reduce total road length and overall site imperviousness. Relax front setback requirements to minimize driveway lengths and reduce overall lot imperviousness. #5- Promote more flexible sidewalk design standards for residential subdivision sidewalks. Where practical, consider locating sidewalks on only one side of the street and providing common walkways linking pedestrian areas. #6- Reduce overall lot imperviousness by promoting alternative driveway surfaces and shared driveways that connect two or more homes together.”

The Village at Candle Station Master Plan effectively demonstrates many of these principles. Lot sizes and side setbacks are reduced in order to provide additional open space; and alley service to many units provides the opportunity for reduced front setbacks that minimize driveway and entry walk length. A minimum of 40% of the developable area of the site (19.11 acres) will be dedicated and protected as contiguous (in many cases), natural open space. It should be noted that the open space provided with this plan, far exceeds the open space requirements for the PUD-R designation the applicant is seeking. Common walkways incorporate both paved and soft surface walking trails and, where practical, sidewalks are limited to only one side of the street, porous pavement will be used extensively in the service areas of the attached patio home areas.

BSD/MD Principles #7-16 – “#7- Design residential streets for the minimum required pavement width needed to support travel lanes, on-street parking, and emergency, maintenance, and service vehicle access. These widths should be based on traffic volume.” #’s 8-11 are paraphrased as follows: Reduce the length and right-of-way widths of residential streets where possible. Use the smallest possible radius for cul-de-sacs or consider alternative turnarounds. Where possible use vegetated open channels within the right-of-way to convey and treat stormwater. #’s 12-16 address minimizing the impact of large parking lots.

To reduce pavement footprints we have utilized the smallest acceptable radius for cul-de-sacs. To help minimize the impact of expanded parking some of the residential area stormwater runoff will be treated through bioretention filters and the use of pervious pavement rather than being piped directly to BMPs. A bio-retention strip is proposed within the roadway and along the ridgeline occupied by the single family attached patio homes.

b. Green building, home energy conservation and nutrient management practices will be considered in the development of The Village at Candle Station proffers. With regard to the suggested 25' construction zone setback from the RPA, the Master Plan shows that The Village at Candle Station lots have been pulled back from the RPA by as much as 150' to create the additional buffering discussed in BSD principle 2 above.

c. Other important planning considerations involve environmental concerns associated with the site's location within subwatershed 103 of the Yarmouth Creek Watershed. This subwatershed contains nearly five miles of headwater streams that drain to the main portion of Yarmouth Creek and are critical to the overall health of the watershed. Subwatershed 103's classification as "sensitive" means it is among the healthiest in the county in terms of stream and habitat quality. The applicants recognize that their efforts to preserve the present "sensitive" status of the unnamed headwater streams which bound the property provide a significant public benefit. The Village at Candle Station Master Plan incorporates unusual environmental protection through a variety of measures. It meets the County's expectations for stormwater management, Special Stormwater Criteria (SSC) and ground water recharge, and provides nearly 12 acres of additional protection to Resource Protection Areas and associated buffers. A nutrient management plan to regulate the application of chemical fertilizers will be proffered. Additional environmental benefits are outlined in the Summary of Public Benefits that follows this discussion.

4. Recreation: To be provided in accordance with County Parks and Recreation Master Plan (CPRM) with active and passive on-site recreation facilities exceeding minimums.

Because this is a Planned Unit Development containing a variety of residential dwelling types, The Village at Candle Station provides centralized shared recreational facilities based upon total unit counts and unit types. As shown in the following analysis, the proposed on-site, community recreation features meet and exceed requirements contained in the CPRM.

Analysis per the 2009 Comprehensive Parks and Recreation Master Plan for James City County.

- Calculation basis for 208 units: Single Family Detached (SFD): 2.58 persons per unit and Townhouse and Multi-family (TMF): 1.52 persons per unit.
- Proffer amounts and facilities reflect either the combination of SFD and TMF requirements based upon combined total unit counts, or the higher or more restrictive

number of the two requirements.

Park Land:

SFD - 66 units @ 0.0039 acres/unit = 0.26 acres (No Monetary Proffer Alternative)

TMF - 142 units @ 0.0023 acres/unit = 0.33 acres (No Monetary Proffer Alternative)

Required: 0.59 acres

Provided: +/- 3 acres

Playgrounds:

SFD - 66 units @ .001 playgrounds/ unit = 0.07 playground

TMF - 142 units @ .00061 playgrounds/ unit = 0.09 playground

Required: 0.16 playground

Provided: 1 centrally located, shared playground (2500 sf minimum, 5 activities) satisfies the service level for both unit types.

Biking/Jogging Trails:

SFD - 66 units @ 5.28 LF/ unit = 349 LF

TMF - 142 units @ 3.21 LF/ unit = 456 LF

Required: 805 LF of 8' wide, gravel or paved shared use path along one side of collector roads

Provided: A +/- 1,800 LF 8' wide, asphalt shared use path along one side of the entrance road is provided.

Courts or pool:

SFD - 66 units @ 0.001 basketball courts/unit = 0.07 basketball courts

TMF - 142 units @ 0.00061 basketball courts/unit = 0.087 basketball courts

Required: 0.16 basketball courts

Provided: 1 Paved multi-purpose court

Fields, Multiuse/ rectangular:

SFD - 66 units @ 0.00065 fields/unit = .043 fields

TMF - 142 units @ 0.00038 fields/unit = .054 fields

Required: 0.097 fields

Provided: Multi-purpose fields

C. Summary of Public Benefits

The Village at Candle Station Master Plan provides several important public benefits to the community. The site is located adjacent to the existing Candle Factory shopping center which has been the subject of a recent renovation. The existing and recently redeveloped Candle Factory shopping center represents a significant effort toward the revitalization of local business opportunities in this part of the County. Any effort toward redevelopment of this type should be recognized as a public benefit and any residential development such as that proposed with this Master Plan that supports and feeds the growing commercial redevelopment should also be considered a benefit.

Two additional benefits to the community planned for this project are the provision of

mixed-cost housing, affordable, and workforce housing. Plans for the residential component include a variety of housing types at a variety of prices ranging from at or below \$160,000 for affordable units, up to \$350,000 for market rate homes. 42 affordable and workforce housing units will be provided at the Village at Candle Station in accordance with the James City County affordable and workforce housing policy. See proffers for a breakdown of affordable and tiered workforce housing prices.

This plan provides unusual environmental protection. The current plan shows the limits of residential development outside and removed from the protective 100' buffer adjacent to two perennial streams bounding the site. Open space provided within the 100' buffer and the residential development totals approximately 24 acres or nearly 37% of the master planned area. The minimum distance from the back of a lot to the 100' buffer is 25' but this distance varies and some areas the buffer to the wetlands are as deep as 150' to 200'. Holding 25' back from an RPA buffer represents an extraordinary protection to seen in other developments and represents a total of 2.93 acres at the Village at Candle Station.

This plan provides an important public benefit through its adherence to the principles of open space design. The zoning ordinance and the Comprehensive Plan recognize the principles outlined in the Residential Cluster Overlay District as open space design. The cluster overlay requires up to 35% of the net developable acres of a residential cluster be preserved as open space. The Village at Candle Station Master Plan contains 64.9 total acres. 12.3 acres of this total are non-developable and include wetlands, streams, steep slopes, and areas subject to flooding. The remaining 52.8 acres are developable lands. The Village at Candle Station plan illustrates up to 40% of the net developable acres as open/green space. As described above, much of the approximately 12 acres of developable open space provided is "meaningful" open space with added buffer protection and internal park areas.

Because the Village at Candle Station is seeking a rezoning to PUD-R and PUD-C, it is appropriate to address density per Section 24-487 of the Zoning Ordinance. Section 24-487 states that the base density for single family residential areas is 2 dwelling units per acre.

Densities may increase to up to 4 units per acre with specific and prescribed density bonuses. Multi-Family areas can have base densities of 5 units per acre for dwellings containing up to and including 4 units with maximum gross densities of up to 10 units per acre with prescribed density bonuses. The base density in area 1A (Single Family) is 1.81 dwelling units per acre. The base density for area 1B (the multi-family area) is 5.25 units per acre. Per the table in Section 24-487 paragraph (c), The Village at Candle Station provides bonus items B, (a stormwater management plan that meets the Chesapeake Bay preservation ordinance through extensive use of better site design/low impact development techniques, 1.5 points) D, and K, (A set of Design Guidelines, .5 points), thus earning a total of 2 bonus points, above and beyond the bonus requirements needed to support a density of 5.25 units per acre in area 1B.

All of the above shall be implemented on this 64.45 acre portion of the Village at Candle Station property and is confirmed either on the Master Plan or through proffers or both. Additionally, Right of Ways will be lined with trees placed at 1 tree per 40 linear feet of frontage, and sidewalks will be provided on at least one side of all streets. As illustrated on the Master Plan, the requirements for recreation based on the County's Master Recreation Plan will be met and exceeded on this property. Plans for the Village at Candle Station have already provided for the Implementation of the County's Natural Resources Policy by providing a detailed environmental inventory. The Village at Candle Station neighborhood has been planned utilizing open space design techniques. Much of this open space is adjacent to the perennial and non-perennial streams identified in the Williamsburg Environmental Group's studies. Both perennial streams ringing the site are protected by 100' RPA buffers and the additional 12 acres as described above. These well buffered stream valleys provide natural corridors for wildlife.

IV. ANALYSIS OF IMPACTS TO PUBLIC FACILITIES AND SERVICES

The subject property of this rezoning application is located within the Primary Service Area of James City County. Identified on the zoning maps, the Primary Service Area is an area where urban development is encouraged to occur. Public water and public sanitary sewer services (and other public services such as police, fire and life rescue, and transportation) are presently provided to parcels within the Primary Service Area.

A. Public Water Facilities

The Village at Candle Station Property, located within the Primary Service Area of James City County, is currently provided public drinking water via an existing water main along the Richmond Road frontage of the property and looped around to the rear of the old candle factory building; although, generally, distribution lines are not located within the subject property. The James City Service Authority (JCSA) currently maintains this 16-inch water main, being part of the central system, along the south side of Richmond Road.

The project's internal water distribution system will consist of 4-inch, 8-inch, and 12-inch water mains, sized accordingly to provide the project adequate water volumes and pressures for domestic use, as well as fire protection. Verification of the adequacy of the JCSA existing water system and design of the on-site water main extensions will be further analyzed with modeling techniques once field-testing has been arranged and completed.

No central water system upgrades are expected and the anticipated water demand has been reduced from approved Community Impact Statement last dated on March 5, 2010.

B. Public Sewer Facilities

Wastewater produced by this proposed project is conveyed to treatment facilities through the public sewer system of JCSA. Public sanitary sewer for this property is available via a sewer bridge connection to existing Lift Station 6-6 (located within the "Norvalia" subdivision, southeast of the project area). The estimated wastewater flows are reduced with the proposed master plan amendment.

C. Public Schools

The Village at Candle Station is located within the Norge Elementary, Toano Middle, and Warhill High School districts. The Village at Candle Station Master Plan proposes a total of 208 residential units, which is envisioned to generate a total of 50 school kids (see table below for projected students). The master plan amendment generates a net increase of 13 school children from the currently approved master plan from grades K-12, the generated school children has been compared to the published effective school capacities and the schools are shown to have the necessary capacity to accommodate the increase. This proposal additionally

offers to offset the increase costs to the schools by providing school proffers for the proposed housing units.

Student Projections

Residences	Generator	Total Students
66 S.F.	0.40	26 ***
<u>142</u> T.H.	0.17	<u>24</u>
208		50

School	Projected Candle Enrollment	2014 Effective Capacity*	2014 Projected Capacity (w/ Candle)**
Norge Elementary	22	695	619
Toano Middle	11	790	704
Warhill	17	1,441	1,177

* Effective Capacity from Moseley Architects study from 2004, most recently revised 2010.

** Enrollment Projections from DeJong/Healy study, November 2012

*** This includes an increase in 13 school children over the approved plan.

D. Fire Protection and Emergency Services

There are currently five fire stations providing fire protection and Emergency Medical Service (EMS) to James City County. Each station is placed within the County in such a way as to help achieve the response goal of six minutes or less. Every station is staffed by three shifts of career and volunteer Firefighters. Station crews are responsible for the pre-planning of target hazards in their area as well as safety inspections of private businesses within the response district. In addition, there exists a mutual aid agreement with the City of Williamsburg and York County for backup assistance.

The location of the Village at Candle Station project receives primary coverage from nearby James City County Fire Station 1, located in Toano, with Station 4, located on Olde Towne Road, available as a backup, with York County Station 5 in reserve.

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. Reputable, private contractors will 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 service, and telephone service to this area. The current policy of these utility service providers is to extend service to the development at no cost to the developer when positive revenue is identified; plus, with new land development, these utility service providers are required to place all new utility service underground.

V. ANALYSIS OF ENVIRONMENTAL IMPACTS

AES Consulting Engineers field located the wetlands as delineated by Kerr Environmental and also field determined the location of the steep slopes since the last rezoning/master plan application. The master plan changes fully preserve the RPA buffers, wetlands and the natural steep slope areas with the current master plan design. The impacts for utilities and stormwater features associated with the entire development are outlined on the proposed master plan for reference. No additional environmental impacts are anticipated with the proposed development changes.

VI. ANALYSIS OF STORMWATER MANAGEMENT (SWM) / BEST MANAGEMENT PRACTICES (BMP)

As a part of this Community Impact Statement and the planning for the Village at Candle Station project, a conceptual stormwater management program, exceeding the general criteria of the Commonwealth of Virginia and James City County's stormwater requirements, was completed. The goal of the stormwater management program is to meet and exceed local and state stormwater requirements.

In evaluating preliminary stormwater management solutions of the proposed development on the subject site, the site characteristics are considered. Research, site observations and mapping identify the following unique site characteristics to be considered in stormwater management planning:

- The property drains to unnamed tributaries of Yarmouth Creek, and lies within the upland Subwatershed 103 of the Yarmouth Creek Watershed.
- The project area resides on upland areas between two un-named tributaries of Yarmouth Creek
- The area currently contains a small, previously cultivated farm field; some forested areas; and commercial/retail establishments along Richmond Road.
- The project site largely consists of moderately well drained and poorly drained soils. Moderately well drained soils are largely positioned at the center of the property.

Stormwater management, conceptually, consists of two primary components:

1) Best Management Practices (BMP's) (one existing wet pond, an infiltration pond, a dry pond, and multiple bioretention facilities generally located in common green space areas) with the ability of providing stormwater management for approximately 70% of the development site; and

2) Natural open spaces, enhanced with increased widths to the 100-foot Resource Protection Area Buffer (RPA Buffer) on some portions of the site. Approximately 24% of the site is natural open space directly associated with Resource Protection Area (RPA) components and 100-foot wide RPA buffers. Additional buffer widths, located immediately adjacent to the 100-foot wide RPA buffer account for approximately 16% of the property. (Note: Stormwater management natural open space calculations use different baseline acreages and measurement criteria than those utilized to calculate open space detailed in the planning discussion and the two should not be compared)

Implementation of these two components conceptually realizes the reduction of stormwater runoff to pre-development runoff rates, a measure of stream channel protection for receiving stream and waterways, and water quality improvements mitigating the impacts of proposed development on the property.

As the Village at Candle Station property resides in the Yarmouth Creek Watershed, additional measures of watershed management are beneficial to protect the natural resource of the watershed, and prevent further degradation of the watershed's water quality. These measures, in the form of Special Stormwater Criteria (SSC), further enhance the quality of stormwater runoff from the development site and assist in the preservation of pre-development hydrology. Current investigations of the site and the proposed development of the site suggests the incorporation of bioretention designs, rain barrels for detached single family units, enhanced outfall designs, a retrofit of the existing stormwater management facility located at the site, and enhanced cut-fill slope protection/stabilization practices, and the possible inclusion of other water quality measures insure the goals of the Yarmouth Creek Watershed Plan are exceeded.

An analysis of the Stormwater management and BMP goals using the James City County BMP point system is included on the Master Stormwater Management Plan. The BMP Point System worksheet indicates a minimum total point value of 10.0 is achieved by the structural BMP's and the dedication of natural open space in wetlands and buffers.

In addition to the main structural BMP, five (5) SSC measures are required to meet minimum Special Stormwater Criteria (SSC) and an additional 30% of the developed site is to drain to a bioretention or dry swale not counting towards the required 10.0 points or SSC compliance per proffers. These items meet the intents of the Yarmouth Creek Watershed Management Plan.

Furthermore, additional measures will be installed to improve the water quality of the Yarmouth Creek Watershed "over and above" the recommendations of the Yarmouth Creek Watershed Plan. Water quality measures to be implemented include: bioretention facilities and dry swales at the rear of half of the single family detached lots not draining to a BMP; enhanced outlet protection at all pipe, channel, and BMP outfalls; enhanced cut/fill slope stabilization measure applied site-wide; stormwater management/storm sewer record drawing preparations. Please refer to the conceptual storm water management plan for the water quality calculation work sheet as well as the list of measures to be implemented.

In summary, with the preliminary analysis of The Village at Candle Station project, the stormwater management plan proposed will protect overall downstream water quality, help preserve the natural hydrology of the watershed, and reduce the tendency of development to cause downstream erosion of receiving channels.

VII. ANALYSIS OF IMPACTS TO TRAFFIC

The proposed amendment results in a net reduction in anticipated traffic to and from the project site by a factor of approximately 50%. A memo update has been provided discussing how the changes to the master plan amendment will impact traffic. The original Traffic Impact Analysis was prepared by DRW Consultants, Inc. but was not included with this submittal; copies can be provided as requested.

VIII. ANALYSIS OF FISCAL IMPACTS

While the County's fiscal impact worksheet (attached) projects a modest net decrease in the anticipated James City County revenues, we believe that the project should be considered as part of the larger The Village at Candle Station project area. The area immediately adjacent to Richmond Road fosters retail, office and other commercial business that should benefit from the addition of residential development immediately adjacent. Accordingly, we believe that the overall fiscal impact of this project is positive while providing a substantial affordable/workforce housing component.

IX. CONCLUSION

In summary, The Village at Candle Station's Master Plan amendment is proposing the addition of 33 total residential units (33 single family units) to the existing master plan of development and up to 60,000 square feet of mini-storage. The proposed project abuts the recently renovated Candle Factory shopping center, combines new Planned Unit Development residential component containing innovative design features that satisfy Comprehensive Plan public benefit criteria for a moderate increase in residential density - while remaining under the low density residential development umbrella. Planning and redeveloping the site incorporates open space design principles, respects the environmental sensitivity of the Yarmouth Creek watershed, meets the intent of the Comprehensive Plan for low density residential development, compliments the Norge Community Character Area, and satisfies Planning Commission expectations for higher standards in new residential development design. Additional positive aspects of the proposed development include:

- Adequate public facilities (water, sewer and fire), and utility services (gas, electric cable TV, telephone), are available for development.

- The proposed use is consistent with the intended land use designated on the current Comprehensive Plan for this area.
- Proposed reduction in traffic from the original master plan development.
- The Planned Unit Development provides a total of over 24 acres in net developable open space per current James City County criteria.
- In recognition of environmental concerns, the Village at Candle Station master plan provides for an exceptional stormwater master plan; which includes additional natural/reforested open space between the developed area of the site and adjacent perennial streams and their associated 100' RPA buffers, additional Special Stormwater Criteria measures which increase water infiltration. All this serves to reduce uncontrolled runoff, improve downstream water quality and protect downstream channels from erosion meeting the goals of the Yarmouth Creek Watershed Study
- Proffers in accordance with the affordable and workforce housing policy
- Proffers in accordance with the school policy

This Community Impact Statement concludes that The Village at Candle Station, as planned and proffered will compliment the area and will positively impact neighboring residential communities and other adjoining properties as yet undeveloped and that James City County and the Norge Community will realize significant tangible public benefits with the approval of the Village at Candle Station Planned Unit Development.



Candle Factory Development

Patio Homes Attached



Candle Factory Development
Patio Homes Detached





MEMORANDUM

TO: Jason Grimes, P. E.
FROM: Dexter R. Williams, P. E.
SUBJECT: Candle Factory Traffic Forecast Update
DATE: October 21, 2014

2008 VS. 2014 PROPOSED TRIP GENERATION

The original version of the Candle Factory Ch. 527 traffic study was dated Nov. 10, 2008 and a supplement was dated December 11, 2008. Table 1 on enclosed Exhibit A shows trip generation for the Candle Factory in the 2008 original and supplement traffic studies. This included five land uses: single family residential, condo/townhouse, office, retail and assisted living. Trip Generation, 7th Edition, (TG7) published by the Institute of Transportation Engineers (ITE) was the trip generation source at that time.

Table 2 on Exhibit A shows trip generation for the proposed development in Candle Factory. Office, retail and assisted living are no longer included. The proposed development has 68 single family residential units and 172 condo/townhouse units. Trip Generation Manual, 9th Edition, (TGM9) published by ITE is the current trip generation source used in Table 2

The proposed change in land use is a reduction in trip generation for almost all components. Only AM exiting traffic is increased, and then by only 9%. AM total traffic is down 35%, PM total traffic is down 58% and daily traffic is down 51%.

RIGHT TURN LANE WARRANT: RT. 60 EASTBOUND AT CROAKER ROAD

Enclosed Exhibit B shows the right turn lane warrants from the 2008 traffic studies. The 2015 peak hour traffic in the 2008 traffic studies warranted a full width right turn lane with taper but not by a great margin.

Enclosed Exhibit C shows the right turn lane warrants for 2015 with the proposed Candle Factory development trip assignments. Only a right turn taper is required with the reduction in traffic as proposed. The results are also affected by the elimination of commercial traffic which had a higher distribution assignment to the eastbound right turn on Rt. 60 at Croaker Road.

POPLAR CREEK INTERCONNECTION

The 2008 traffic studies did not include any interconnection between Candle Factory and Poplar Creek. The elimination of that connection has no effect on traffic study results to date.

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

TABLE 1 - 2008 TRIP GENERATION - TRIP GENERATION, 7TH EDITION

avg. rate-adj. st.	Single-Family	210	33 units	6	19	25	21	12	33	316
avg. rate-adj. st.	Condo/Townhouse	230	142 units	11	51	62	50	24	74	832
eq.-adj. st.	Gen. Office Building	710	20,000 sq. ft.	46	6	52	17	84	101	386
pk.gen.-avg.	S.C./Spec. Ret.	820	10,000 sq. ft.	24	15	39	66	71	137	1520
avg. rate-adj. st.	Assisted Living	254	192 occ.bed	23	9	32	29	27	56	526
TOTAL:				110	100	210	183	218	401	3580

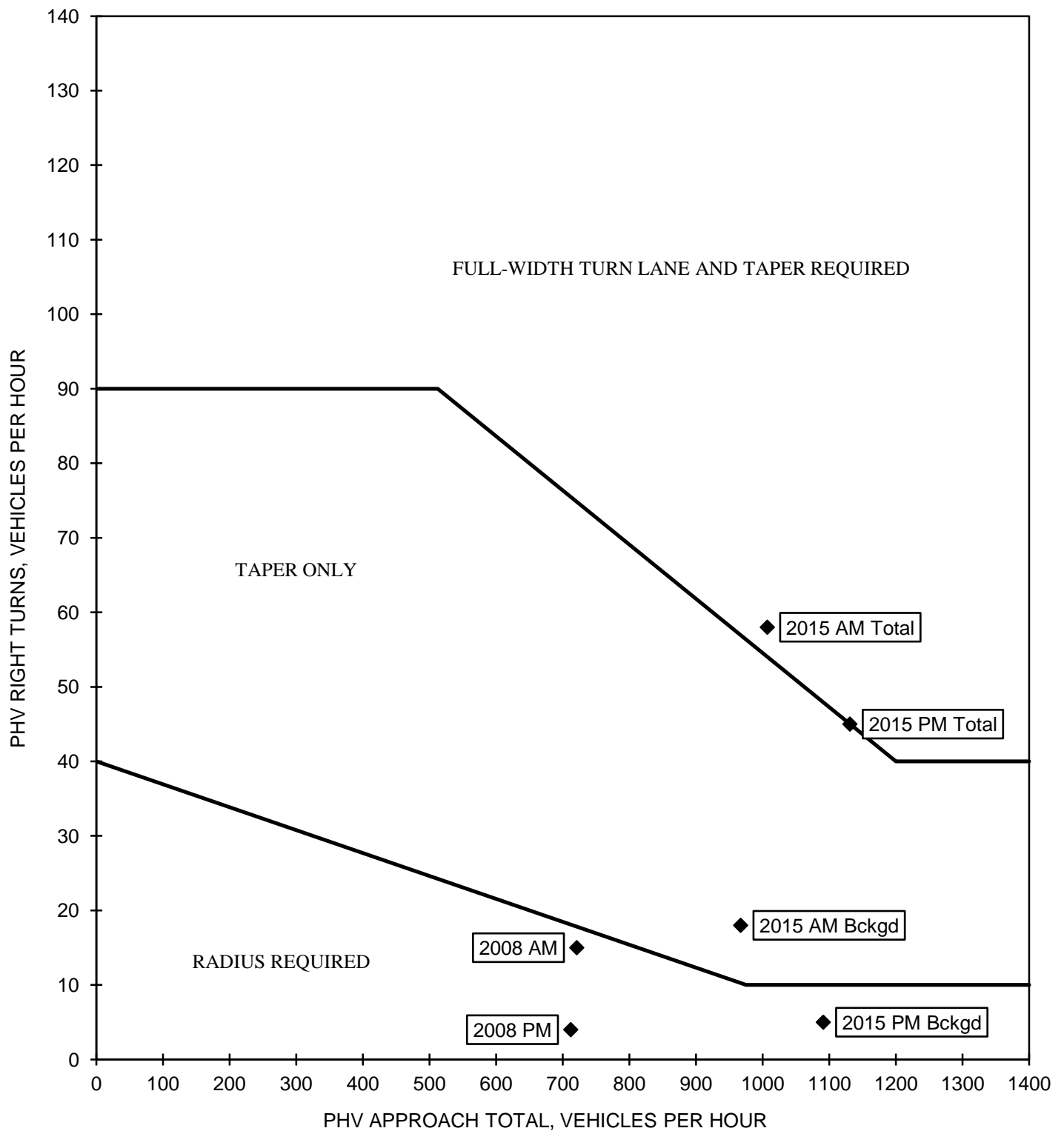
TABLE 2 - 2014 PROPOSED TRIP GENERATION - TRIP GENERATION MANUAL, 9TH EDITION

eq.-adj. st.	Single-Family	210	68 units	14	43	57	47	27	74	737
eq.-adj. st.	Condo/Townhouse	230	172 units	14	66	80	63	31	94	1031
TOTAL:				28	109	137	110	58	168	1768

Note:

Additional plan changes made since the study by DRW Consultants have been made. The changes reduce the total number of residential units to 208 and have added approximately 60,000 sf of self-storage to the plan. The changes result in a further reduction in traffic than what is presented in the October memo, resulting in a Total Daily Volume of less than 1720 trips -- still less than half of the original projected traffic volume.

Guidelines for Right Turn Treatments 4 - Lane Highway



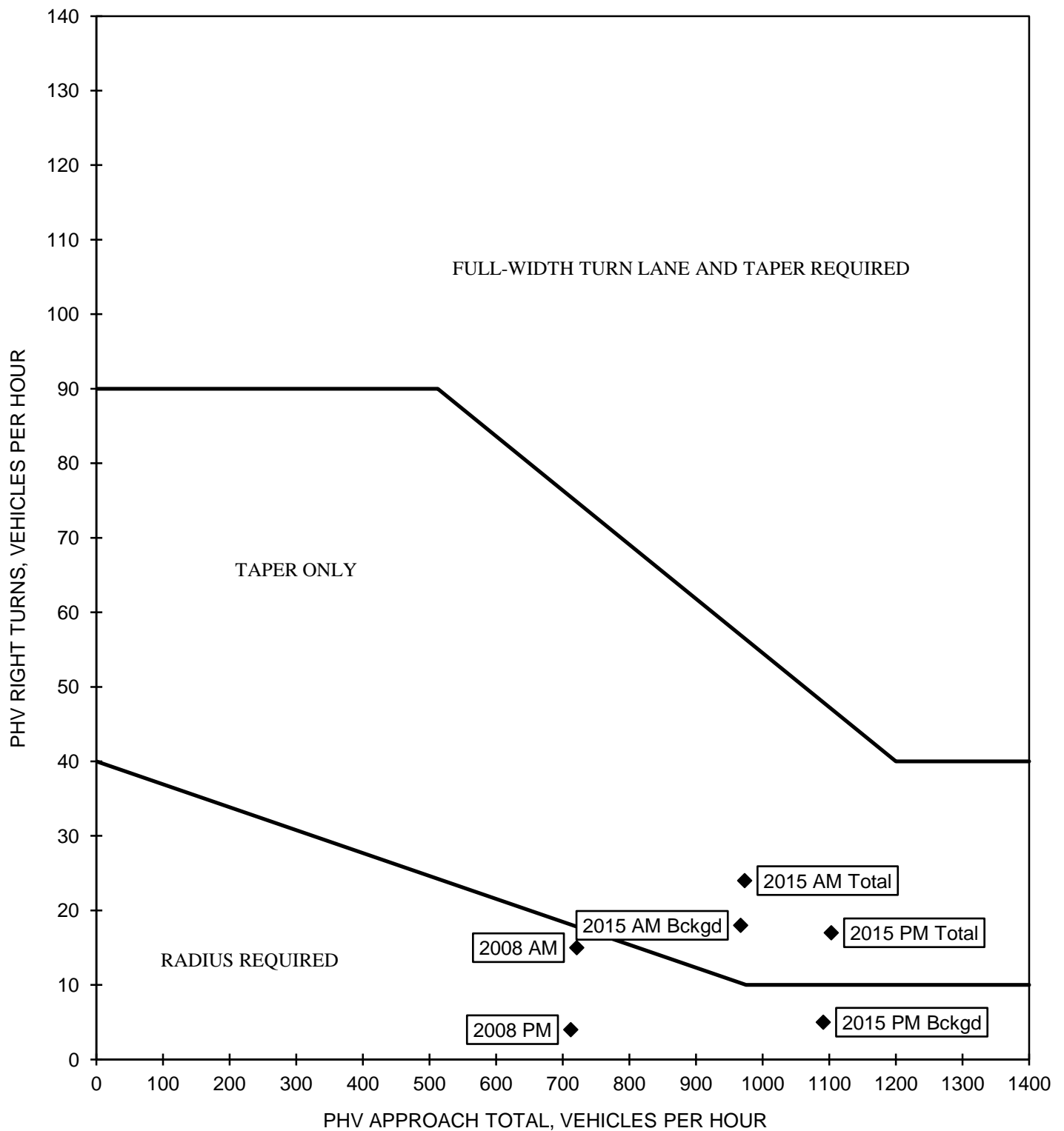
Source: VDOT Road Design Manual, Vol. 1, Page C-16, Figure C-1-9

VDOT RIGHT TURN LANE WARRANT
FOUR LANE ROAD
EASTBOUND RT. 60 RICHMOND ROAD AT CROAKER ROAD
2008 TRAFFIC STUDIES

DRW Consultants, LLC
804-794-7312

Exhibit B

Guidelines for Right Turn Treatments 4 - Lane Highway



Source: VDOT Road Design Manual, Vol. 1, Page C-16, Figure C-1-9

VDOT RIGHT TURN LANE WARRANT
FOUR LANE ROAD
EASTBOUND RT. 60 RICHMOND ROAD AT CROAKER ROAD
2014 PROPOSED CANDLE FACTORY DEVELOPMENT

DRW Consultants, LLC
804-794-7312

Exhibit C

		LAND USE CODE	SQ. FT. OTHER UNITS	WEEKDAY TRIP GENERATION						
LAND USE	AM PEAK HOUR			PM PEAK HOUR						
	Enter			Exit	Total	Enter	Exit	Total		
									DAILY	
TABLE 3 AES CONSULTING ENGINEERS..... MODIFICATIONS FOR CURRENT PLAN										
	Single Family									
		210	66 Units	12	38	50	42	24	66	632
	Condo/Town	230	142 Units	11	51	62	50	24	74	832
	Self Storage	151	60,000	5	4	9	8	8	16	150
				28	93	121	100	56	156	1614

** Note: Self Storage will have access from multiple points along the commercial frontage of Route 60 and will not have access from internal to the residential phase

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 Village at Candle Station
- 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	66	Apartment	
Townhome/Condominium/Single Family Attached	142	Manufactured Home	
Total Dwelling Units	208		

Are any units affordable? Yes ☒ No ☐ (If yes, how many?) 42

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	66	0.40	26.4
Townhome/Condo/Attached	142	0.17	24.14
Apartment		0.31	
Manufactured Home		0.46	
Total	208		50.54

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
50.54	\$5920.16	\$2176.06	\$8096.22	\$ 409,182.96

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
208	2.19	455.5

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
455.5	\$640.98	\$ 291,979.21

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
\$ 409,182.96	\$ 291,979.21	\$ 701,162.17

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	66	\$ 349,000.00	\$ 23,034,000.00
Townhome/Condo/Multifamily	142	\$ 249,000.00	\$ 35,358,000.00
Total:		N/A	\$ 58,392,000.00

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

Total Market Value	Real Estate Tax Rate	Total Real Estate Taxes Paid
\$ 58,392,000.00	0.0077	\$ 449,618.40

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
\$ 449,618.40	0.15	\$ 67,442.76

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
\$ 449,618.40	.09	\$ 40,465.66

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

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

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	\$ 557,526.82
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2n) RESIDENTIAL FISCAL IMPACT. Subtract total residential revenues (2m) from total residential expenses (2f).

Total Residential Expenses	Total Residential Revenues	Total Residential Fiscal Impact
701,162.17	557,526.82	\$ (143,635.35)

Fiscal Impact Analysis Worksheet Section 3: Commercial and Industrial Developments

Commercial and Industrial Expenses

3a) TOTAL NEW BUSINESSES. How many new businesses are proposed? 1
(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
\$ 2,100,000	0.0045	\$ 9,345.00

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
+/- 60,000 SF of Mini-Storage	2,100,000.00
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
2,100,000	0.0077	\$ 16,170.00

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
Mini Storage	\$1,850,000	0.01	\$18,500
		0.01	
		0.01	
Total:	\$1,850,000	N/A	\$ 18,500

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	\$ 0

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	\$404,000	0.01 of Gross Retail Sales	\$4,040
Prepared Meals		0.04 of Prepared Sales	
Hotel, Motel		0.02 of Gross Sales*	
Total:	N/A	N/A	\$ \$4,040

* 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	\$404,000	0.0020	\$808
	Contractors		0.0016	
	Wholesalers		0.0005	
	Exempt*		No fee due	
	Other Services		0.0036	
	Total	N/A	N/A	\$ 808

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	\$ 39,518
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3j) **COMMERCIAL FISCAL IMPACT.** *Subtract* total commercial and industrial revenues (3i) from total commercial and industrial expenses (3b).

Total Commercial Expenses	Total Commercial Revenues	Total Commercial Fiscal Impact
\$9,345.00	\$39,518	\$ 30,173

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
\$(155,714.90)	\$30,173	\$(125,541.90)

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	0		

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	0	N/A	

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

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

Residential Expenses - Non-School Expenses

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

Total Existing Units	Average Household Size	Total Current Population
0	2.19	\$

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
0	\$640.98	\$

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

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

Residential Revenues

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

Property Address and Description	Assessment Value
7551 Richmond Road - Parcel ID 2321100001D (36.82 AC.)	\$ 1,220,600.00
7567 Richmond Road - Parcel ID 2321100001E (26.28 AC.)	\$ 1,204,400.00
	\$
Total:	\$ 2,425,000.00

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
\$2,425,000.00	.0077	\$ 18,672.50

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
\$18,672.50	0.15	\$ 2,800.88

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
\$18,672.50	.09	\$ 1,680.53

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

Total Current Residential Revenues	\$ 23,153.90
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4l) CURRENT RESIDENTIAL FISCAL IMPACT. *Subtract* total residential revenues (4k) from total residential expenses (4f).

Total Residential Expenses	Total Residential Revenues	Total Residential Fiscal Impact
0	\$23,153.90	\$ 23,153.90

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
\$(143,635.35)	\$23,153.90	\$ (166,789.25)

Current Commercial Use

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

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

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

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

Current Commercial Revenues

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

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

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

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

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

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

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

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

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

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

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

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

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

Total Commercial Expenses	Total Commercial Revenues	Total Commercial Fiscal Impact
		\$ \$30,173

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
\$(166,789.25)	\$30,173	\$(136,616.25)

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.

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 uncouncted.

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

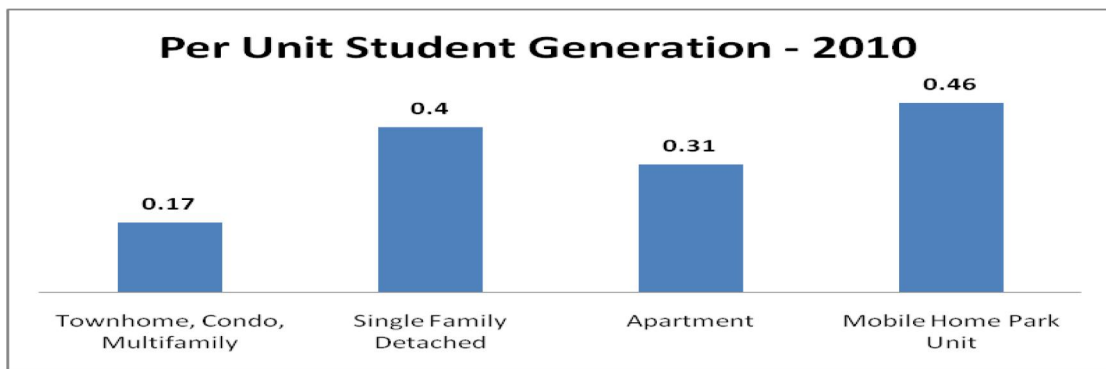
Proffer – pProffers paid for schools can only be applied toward the capital expense portion of per-student school expenses. (See Board of Supervisors' Proffer Policy.)

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.

Phasing - Residential Phasing

6a) When will proposed residential units be built?

	Total Units Proposed		208								
	Year 1		Year 2		Year 3		Year 4		Year 5		Buildout
Homes Built	50		45		45		35		33		208
Total Res Exp	\$ 701,162.17	\$ 701,162.17	\$ 701,162.17	\$ 701,162.17	\$ 701,162.17	\$ 701,162.17	\$ 701,162.17	\$ 701,162.17	\$ 701,162.17	\$ 701,162.17	
Per Unit Exp	\$ 3,370.97	\$ 3,370.97	\$ 3,370.97	\$ 3,370.97	\$ 3,370.97	\$ 3,370.97	\$ 3,370.97	\$ 3,370.97	\$ 3,370.97	\$ 3,370.97	
Total Res Exp	\$ 168,548.60	\$ 151,693.74	\$ 151,693.74	\$ 117,984.02	\$ 111,242.07	\$ 701,162.17	\$ 701,162.17	\$ 701,162.17	\$ 701,162.17	\$ 701,162.17	
Total Res Rev	\$ 557,526.82	\$ 557,526.82	\$ 557,526.82	\$ 557,526.82	\$ 557,526.82	\$ 557,526.82	\$ 557,526.82	\$ 557,526.82	\$ 557,526.82	\$ 557,526.82	
Per Unit Rev	\$ 2,680.42	\$ 2,680.42	\$ 2,680.42	\$ 2,680.42	\$ 2,680.42	\$ 2,680.42	\$ 2,680.42	\$ 2,680.42	\$ 2,680.42	\$ 2,680.42	
Total Res Rev	\$ 134,020.87	\$ 134,020.87	\$ 134,020.87	\$ 134,020.87	\$ 134,020.87	\$ 134,020.87	\$ 134,020.87	\$ 134,020.87	\$ 134,020.87	\$ 670,104.35	
Per Unit Impact	\$ 690.55	\$ 690.55	\$ 690.55	\$ 690.55	\$ 690.55	\$ 690.55	\$ 690.55	\$ 690.55	\$ 690.55	\$ 690.55	
Res Impact	\$ 40,093.57	\$ 76,177.78	\$ 112,262.00	\$ 140,327.50	\$ 166,789.25	\$ (166,789.25)	\$ (166,789.25)	\$ (166,789.25)	\$ (166,789.25)	\$ (166,789.25)	

Phasing - Commercial Phasing

6b) When will proposed commercial units be built?

	Total New Businesses		1							
	Year 1		Year 2		Buildout					
Bus Built	0.5		0.5		1					
Bus Exp	\$	9,345.00	\$	9,345.00						
Per Bus Exp	\$	9,345.00	\$	9,345.00						
Year Bus Exp	\$	4,672.50	\$	4,672.50						
Bus Rev	\$	16,170.00	\$	16,170.00						
Per Bus Rev	\$	16,170.00	\$	16,170.00						
Year Bus Rev	\$	8,085.00	\$	8,085.00						
Bus Impact	\$	3,412.50	\$	6,825.00						

6c) What is the final phasing projection?

	Year 1		Year 2		Year 3		Year 4		Year 5		Buildout
Res Impact	\$	40,093.57	\$	76,177.78	\$	112,262.00	\$	140,327.50	\$	166,789.25	\$ 166,789.25
Bus Impact	\$	3,412.50	\$	6,825.00	\$	6,825.00	\$	6,825.00	\$	6,825.00	
Final Impact	\$	43,506.07	\$	83,002.78	\$	119,087.00	\$	147,152.50	\$	173,614.25	

Employment

7a) How many full-time equivalent jobs (FTE) will be generated from the proposal? What will be the average payroll?

	Business	FTE Jobs Generated	Average Payroll
1	mini-storage	2	\$ 40,000.00
2			\$ -
3			\$ -
4			\$ -
5			\$ -
6			\$ -

THE VILLAGE AT CANDLE STATION

PROFFERS

THESE PROFFERS are made this ____ day of March, 2015 by CANDLE DEVELOPMENT, LLC, a Virginia limited liability company (together with its successors in title and assigns, the "Candle"), CANDLE FACTORY BUILDING, LLC, a Virginia limited liability company ("CFB"), POPLAR CREEK, LLC, a Virginia limited liability company ("PC"), NVR, INC., a Virginia corporation, doing business as Ryan Homes ("NVR"), KLR PROPERTIES, LLC, a Virginia limited liability company ("KLR"), and JOHN B. BARNETT, JR. and JUDITH BARNETT, individually and as Trustees of the John B. Barnett Jr. and Judith L. Barnett Living Trust dated June 2, 2011 (the "Barnetts").

RECITALS

A. Candle, CFB, PC, NVR, KLR, and Barnetts (collectively, "Owner") are the owners of that certain property (the "Property") located in James City County and more particularly described on Exhibit A attached hereto.

B. The Property is now zoned Mixed Use with proffers and M-1. The Property is designated Low Density Residential, Mixed Use, and Conservation Area on the County's Comprehensive Plan Land Use Map.

C. The Owner has submitted to the County an application (the "Application") to rezone the Property from Mixed Use with proffers and M-1 to Planned Unit Development with proffers.

D. Owner has submitted to the County a master plan entitled "PROPOSED MASTER PLAN THE VILLAGE AT CANDLE STATION", Drawing No. 3 of 7, prepared by AES Consulting Engineers, dated _____, 20____ (the "Master Plan") for the Property in accordance with the County's Zoning Ordinance. The Master Plan is on file with the County in the Office of the Director of Planning.

E. Owner has submitted to the County design guidelines entitled "THE VILLAGE AT CANDLE STATION DESIGN GUIDELINES", prepared by AES Consulting Engineers, dated June 17, 2013, last revised _____ (the "Design Guidelines"). The Design Guidelines are on file with the County in the Office of the Director of Planning.

F. Owner desires to offer to the County certain conditions on the development of the Property not generally applicable to land zoned Planned Unit Development.

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 (the "Virginia Code"), and the County's Zoning Ordinance, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property.

CONDITIONS

1. **Density.** The number of residential dwelling units ("Dwelling Units") located on the Property shall not exceed 208 Dwelling Units.

2. **Owners Association.** There shall be organized a property owner's association (the "Association") for the residential development of the Property in accordance with Virginia law in which all residential property owners in the development, by virtue of their property ownership, shall be members. In addition, there may be organized separate owner's associations

for individual neighborhoods within the Property in which all owners in the neighborhood, by virtue of their property ownership, also shall be members. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing each Association shall be submitted to the County Attorney for review and approval for consistency with this Proffer prior to final approval by the County of the first site plan for residential development of any portion of the Property. The Governing Documents shall require that each Association adopt an annual maintenance budget, which shall include a reserve for maintenance of stormwater management BMPs, recreation areas, private roads and parking areas, if any, sidewalks, and all other common areas (including open spaces) under the jurisdiction of the Association and shall provide the Association with authority to (i) assess all members for the maintenance of all properties owned or maintained by the Association and (ii) file liens on members' properties for non-payment of such assessments. The Governing Documents shall grant each Association the power to file liens on members' properties for the cost of remedying violations of, or otherwise enforcing, the Governing Documents. The Governing Documents shall authorize the Association to develop, implement and enforce a water conservation standards and nutrient management plan as provided herein.

3. Water Conservation.

(a) The Owner shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority ("JCSA") and for, subsequently, enforcing such standards. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of drought resistant native and other adopted low water use landscaping materials and warm

season turf on lots and common areas in areas with appropriate growing conditions for such turf and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The standards shall be submitted to JCSA for review and approval for consistency with this Proffer prior to final approval by the County of the first site plan for development of any portion of the Property.

(b) In the design phase, Owner shall take into consideration the design of stormwater systems that can be used to collect stormwater for outdoor water use for the entire development. If the Owner desires to have outdoor watering of common areas on the Property it shall provide water for irrigation utilizing surface water collection from the surface water ponds or other rainwater collection devices and shall not use JCSA water or well water for irrigation purposes, except as provided below. This requirement prohibiting the use of well water may be waived or modified by the General Manager of JCSA if the Owner demonstrates to the JCSA General Manager that there is insufficient water for irrigation in the surface water impoundments, and the Owner may apply for a waiver for a shallow (less than 100 feet) well to supplement the surface water impoundments.

4. Housing Opportunities. 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, that affordable and workforce housing units provided may be located anywhere within the Property in areas designated for residential development. With respect to 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 sold to persons whose incomes fall within the qualifying income ranges used to determine the prices under the Housing Opportunities Policy.

5. Cash Contributions for Community Impacts.

(a) A contribution of \$19,505.34 for each single-family detached Dwelling Unit and of \$5,550.16 for each single-family attached Dwelling Unit, excluding the Affordable Units, constructed on the Property shall be made to the County for the mitigation of impacts on County schools.

(b) A contribution of \$1,099 for each Dwelling Unit, excluding the Affordable Units, constructed on the Property shall be made to the County for the mitigation of impacts on emergency services, off-site road improvements, future water needs, library uses, and public use sites.

(c) A contribution of \$1,382.54 for each single-family detached Dwelling Unit and of \$1,042.95 for each single-family attached Dwelling Unit, excluding the Affordable Units, constructed on the Property shall be made to JCSA for the mitigation of impacts on JCSA's potable water system.

(d) A contribution of \$739.63 for each Dwelling Unit, excluding the Affordable Units, constructed on the Property shall be made to JCSA for the mitigation of impacts on JCSA's sanitary sewer system.

(e) A contribution of \$549.50 for each Dwelling Unit constructed on the Property shall be made to the County for off-site stream restoration or other environmental improvements in the Yarmouth Creek watershed.

(f) A one-time contribution of an amount equal to \$2.10 multiplied by the total estimated daily sanitary sewage discharge from each non-residential building constructed on the portion of the Property shown on the Master Plan as "MASTER PLAN AREA 2" (the "PUD-C Area") shall be made to JCSA for the mitigation of impacts on JCSA's sanitary sewer system. The County shall not be obligated to issue a certificate of occupancy for a non-residential building constructed on the PUD-C Area until the contribution prescribed in this subsection (f) has been paid.

(g) A one-time contribution of \$32,970 shall be made to the County for off-site sidewalks. The County shall not be obligated to issue certificates of occupancy for more than 87 Dwelling Units on the Property until the contribution prescribed in this subsection (g) has been paid.

(h) The contributions described in subsections (a) through (e) above shall be payable for each Dwelling Unit on the Property prior to issuance of a certificate of occupancy for such Dwelling Unit.

(i) The contribution(s) paid in each year pursuant to this Section and Section 6(e) shall be adjusted annually beginning January 1, 2016 to reflect any increase or decrease for

the preceding year in the Index. In no event shall the per unit contribution be adjusted to a sum less than the amounts set forth in subsections (a) through (e) of this Section and Section 6(e). The adjustment shall be made using Section 98, Comparative Costs Multipliers, Regional City Averages of the Index. 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) 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.

6. Entrances; Traffic Improvements.

(a) The existing private driveway at the Route 60/Croaker Road intersection shall be reconstructed to a public road with a four lane road section (provided, however, that the County may require a fifth lane, if the level of development that has occurred on Tax Map Parcel Nos. 2331100001F and 2331100001G warrants such additional lane) at the Route 60 intersection and tapering to a two lane section. The northbound Croaker Road approach to the Croaker Road/Route 60 intersection shall include a left turn lane with 200 feet of storage, a through lane (provided, however, that the County may require a through/left turn lane, if the level of development that has occurred on Tax Map Parcel Nos. 2331100001F and 2331100001G warrants such through/left turn lane) and a right turn lane.

(b) At the intersection of Route 60 and Croaker Road, a 200 foot right turn taper with shoulder bike lane from east bound Route 60 into the Property shall be constructed.

(c) At the intersection of Route 60 and Croaker Road, the eastbound Route 60 left turn lane shall be extended to have 200 feet of storage and a 200 foot taper.

(d) The improvements proffered hereby shall be constructed in accordance with Virginia Department of Transportation (“VDOT”) standards and shall include any related traffic signal improvements or replacement, including signal coordination equipment, at that intersection. The improvements listed in subsections (a) through (c) shall be completed or guaranteed (“Guaranteed”) in accordance with Section 15.2-2299 of the Virginia Code prior to final approval by the County of the first site plan for development of any portion of the Property.

(e) Within 180 days after issuance by the County of the 135th building permit for construction of Dwelling Units on the Property, Owner shall pay to VDOT the costs, not to exceed \$10,990, of the equipment at the Norge Lane/Route 60 traffic signal necessary to allow the coordination of that signal and the signal at the Croaker Road/Route 60 intersection.

(f) Subject to the prior approval of VDOT and when the sidewalk has been constructed on the north side of Route 60 at the Croaker Road/Route 60 intersection to receive pedestrians, Owner shall install or pay the costs of installation of crosswalks across Route 60, a median refuge island, signage and pedestrian signal heads at the intersection (“Pedestrian Improvements”). The County shall not be obligated to issue building permits for more than 100 Dwelling Units on the Property until either (i) the Pedestrian Improvements have been installed, or (ii) Owner shall have paid the costs of the Pedestrian Improvements to the County or Guaranteed the installation of such Pedestrian Improvements.

7. Connections to Adjacent Properties. Owner shall provide pedestrian and vehicular connections between the Property and the adjacent property (Tax Parcel 2321100001F) generally as shown on the Master Plan. The plans, location and materials for such connections shall be submitted to the County Director of Planning for review and approval for consistency

with this Proffer prior to final approval by the County of the first site plan for development of any portion of the Property. The connections shall be either (i) installed or (ii) Guaranteed prior to final approval by the County of the first site plan for development of any portion of the Property.

8. Streetscape Guidelines. The Owner shall provide and install streetscape improvements in accordance with the applicable provisions of the County's Streetscape Guidelines policy or, with the permission of VDOT, the plantings (meeting County standards for plant size and spacing) may be installed in the adjacent VDOT right-of-way. The streetscape improvements shall be shown on development plans for the portions of the Property proposed for development and shall be submitted to the County Planning Director for approval in connection with the County's review and approval of the site plan or subdivision plan for development of such portion of the Property. Street trees shall be located no farther than 10 feet from the edge of pavement, subject to VDOT approval. Streetscape improvements shall be either (i) installed within 6 months after the issuance of a certificate of occupancy for any adjacent Dwelling Unit constructed on the Property, or (ii) Guaranteed prior to the issuance of a certificate of occupancy for any adjacent Dwelling Unit constructed on the Property.

9. Recreation. The following recreational facilities shall be provided on the Property:

- (a) Approximately 3.65 acres of parkland;
- (b) 1 centrally located, shared playground at least 2,500 square feet in area with at least five activities either in composite structures or separate apparatus;
- (c) 1 picnic shelter of at least 625 square feet;

(d) A minimum 8 foot wide, concrete or asphalt shared use path along one side of the entrance road approximately 0.36 of a mile in length and an additional approximately 0.94 of a mile of soft surface walking trails generally as shown on the Master Plan;

(e) 1 multi-purpose grass court approximately 50' x 90' in size; and

(f) 2 multi-purpose fields, one of which will be at least 200' x 200' in size.

The exact locations and design of the facilities proffered in this Section and the equipment to be provided at such facilities shall be shown on development plans for the portions of the Property in which such facilities are located, which development plans shall be submitted to the County Director of Planning for approval for consistency with this proffer prior to the County's approval of a site plan for development of such portions of the Property. Such facilities shall be constructed at the time of the construction of the phase of the development in which such facilities are located as shown on the development plans for the Property.

10. Archaeology. If required by the County Director of Planning, a Phase I Archaeological Study for the entire Property shall be submitted to the County Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the County 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 County Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the County 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 County 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.

11. Design Guidelines and Review; Sustainable Building.

(a) The Property shall be developed substantially in accordance with the Design Guidelines. Owner shall submit a supplement to the Design Guidelines for each of Area 1A and Area 2, as shown on the Master Plan, to the County Planning Director for review and approval for consistency with these Proffers, the Design Guidelines, and the Master Plan in connection with the County's review and approval of the site plan or subdivision plan for development of such portion of the Property. Owner shall establish a Design Review Board to review all residential building plans and residential building elevations for conformity with the Design Guidelines. The Design Guidelines may be amended from time to time provided that such amendments do not alter the basic character and intent of the Design Guidelines and

provided that such amendments are approved by the County Director of Planning for consistency with this proffer upon the recommendation of the Design Review Board.

(b) All single-family detached Dwelling Units shall achieve EarthCraft House Virginia certification at the EarthCraft House Certified (Level I) level. Owner shall provide a copy of each certification to the County Director of Planning within one year of the issuance of a certificate of occupancy for such Dwelling Unit.

12. Sidewalks. There shall be sidewalks installed on at least one side of each of the public streets on the Property, which sidewalks may be installed in phases as adjacent Dwelling Units are constructed. Sidewalks shall be installed prior to issuance of any certificates of occupancy for adjacent Dwelling Units. The sidewalk design shall be submitted to the County Director of Planning for review and approval for consistency with this Proffer prior to final approval by the County Director of Planning of the any site plan for development of the Property where sidewalks are required.

13. Curb and Gutter. Streets (but not the private alleys) within the Property shall be constructed with curb and gutter provided, however, that this requirement may be waived or modified by the County Director of Planning along those segments of street, including entrance roads, where structures are not planned.

14. Master Stormwater Management Plan. Owner has submitted to the County a master stormwater management plan for the Property (“Stormwater Plan”) which is on file with the County in the Office of Engineering and Resource Protection and includes facilities and measures necessary to meet the County’s 10 point stormwater management system requirements and the special stormwater criteria applicable in the Yarmouth Creek watershed (“SSC”) and, in

addition, including additional low impact development (“LID”) measures to treat stormwater from 30% of the impervious areas on the Property, which additional LID measures are over and above those necessary to meet the 10 point and SSC requirements. The Property shall be developed in general conformity with the Stormwater Plan. The Stormwater Plan may be revised and/or updated during the development of the Property based upon site conditions discovered in the field which revisions and/or updates shall be submitted to the County Director of Planning for review and approval for consistency with this Proffer.

15. Nutrient Management Plan. The Association shall be responsible for contacting an agent of the Virginia Cooperative Extension Office (“VCEO”) or, if a VCEO agent is unavailable, a soil scientist licensed in the Commonwealth of Virginia, or other qualified professional to conduct soil tests and to develop, based upon the results of the soil tests, customized nutrient management plans (the “Nutrient Plans”) for all common areas within the Property and each individual single-family lot shown on each subdivision plat of the Property. The Nutrient Plans shall be submitted to the County Director of Planning for review and approval for consistency with this Proffer prior to the issuance of the building permits for more than 25% of the Dwelling Units shown on the subdivision plat. Upon approval of the Nutrient Plans by the County Director of Planning, the Association shall be responsible for ensuring that any nutrients applied to common areas which are controlled by the Association be applied in strict accordance with the Nutrient Plans. The Owner shall provide a copy of the individual Nutrient Plan for each lot to the initial purchaser thereof. Within 12 months after issuance of the Certificate of Occupancy for the final Dwelling Unit on the Property and every 3 years thereafter, a turf management information seminar shall be conducted for the Association. The

seminar shall be designed to acquaint residents with the tools, methods, and procedures necessary to maintain healthy turf and landscape plants. The County Director of Planning shall be provided evidence of the seminars taking place by submitting to the County Director of Planning a seminar agenda and or minutes thereof no later than 10 days after each seminar.

16. Private Streets. All private streets, if any, and alleys on the Property shall be maintained by the Association. The party responsible for construction of a private street shall deposit into a maintenance reserve fund to be managed by the association responsible for maintenance of that private street an amount equal to one hundred and fifty percent (150%) of the amount of the maintenance fee that would be required for a similar public street as established by VDOT - Subdivision Street Requirements. The County Director of Planning shall be provided evidence of the deposit of such maintenance fee prior to issuance of certificates of occupancy for Dwelling Units served by the relevant private street.

17. Water and Sanitary Sewer Master Plan. Owner has submitted to JCSA a water and sanitary sewer master plan for the Property (“Water/Sewer Plan”) which is on file with the County in the Office of the General Manager of JCSA. The Property shall be developed in general conformity with the Water/Sewer Plan. The Water/Sewer Plan may be revised and/or updated during the development of the Property based upon site conditions discovered in the field which revisions and/or updates shall be submitted to JCSA for review and approval for consistency with this Proffer.

18. Route 60 Median Landscaping. Subject to VDOT approval, Owner shall install landscaping as provided herein in the portion of the Route 60 median beginning at the Route 60/Croaker Road intersection and extending eastward 800 feet. The landscaping shall consist of

20 street trees at least 125% of the caliper size requirements prescribed in the County's Zoning Ordinance. A landscape plan for the median shall be submitted to the County Director of Planning with the initial site plan for development on the Property for review and approval for consistency with this proffer and the County's Streetscape policy. The median shall be planted or the planting Guaranteed prior to the County being obligated to issue building permits for buildings located on the Property.

19. Crosswalks. Subject to VDOT approval, Owner shall provide a crosswalk across Croaker Road from Tax Parcel 2321100001B to Tax Parcel 2321100001F and crosswalks providing access to the two internal parks on the Property both in the locations generally as shown on the Master Plan at the time the final layer of pavement is placed on the segment of Croaker Road where the crosswalks are located.

20. Boundary Line Adjustment. Prior to final site plan or subdivision plan approval for development of Area 2 shown on the Master Plan, Owner shall submit to the County Planning Director for review and approval a boundary line adjustment plat consistent with the Master Plan for Area 2.

21. Master Plan. The Property shall be developed generally as shown on the Master Plan. Development plans may deviate from the Master Plan as provided in Section 24-23 of the Zoning Ordinance.

22. Headings. All section and subheadings of these Proffers are for convenience only and shall not be read as a part of these Proffers or utilized in interpretation thereof.

23. Delegation of Subsequent Approvals. The County Board of Supervisors by accepting these Proffers is exercising its legislative function. While these Proffers provide for

subsequent approvals by the County or by its duly authorized designees appointed by the County, such subsequent approvals by any duly authorized designee of the County shall not include the exercise of any legislative function.

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

25. Conflicts. In the event that there is any conflict between these Proffers and the Zoning Ordinance, the conflict shall be resolved by the County's Zoning Administrator subject to the appeal process to the Board of Supervisors and the Courts as otherwise provided by law.

26. Successors and Assigns. This Proffer Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns.

27. Void if Application not Approved. In the event that the Application is not approved by the County, these Proffers shall be null and void.

28. Amended and Restated. These Proffers amend, restate, and supersede all prior proffers accepted by the County regarding the Property.

[SIGNATURES LOCATED ON SUCCEEDING PAGES]

[SIGNATURE PAGE TO PROFFERS]

WITNESS the following signatures.

CANDLE DEVELOPMENT, LLC

By: _____
Pete Henderson, Manager

STATE OF VIRGINIA AT LARGE
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged this ____ day of _____,
by Pete Henderson as manager of Candle Development, LLC.

NOTARY PUBLIC

My commission expires: _____.
Registration No.: _____.

[SIGNATURE PAGE TO PROFFERS]

WITNESS the following signatures.

CANDLE FACTORY BUILDING, LLC

By: _____
Pete Henderson, Manager

STATE OF VIRGINIA AT LARGE
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged this ____ day of _____,
by Pete Henderson as manager of Candle Factory Building, LLC.

NOTARY PUBLIC

My commission expires: _____.
Registration No.: _____.

[SIGNATURE PAGE TO PROFFERS]

WITNESS the following signatures.

POPLAR CREEK, LLC

By: _____
Pete Henderson, Manager

STATE OF VIRGINIA AT LARGE
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged this ____ day of _____,
by Pete Henderson as manager of Poplar Creek, LLC.

NOTARY PUBLIC

My commission expires: _____.
Registration No.: _____.

[SIGNATURE PAGE TO PROFFERS]

NVR, INC.

By:_____

Name:_____

Title:_____

STATE OF VIRGINIA AT LARGE
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged this ____ day of _____,
by _____ as _____ of NVR, Inc.

NOTARY PUBLIC

My commission expires: _____.
Registration No.: _____.

[SIGNATURE PAGE TO PROFFERS]

KLR PROPERTIES, LLC

By:_____

Name:_____

Title:_____

STATE OF VIRGINIA AT LARGE
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged this ____ day of _____,
by _____ as _____ of KLR Properties, LLC.

NOTARY PUBLIC

My commission expires: _____.
Registration No.: _____.

[SIGNATURE PAGE TO PROFFERS]

John B. Barnett, Jr.

John B. Barnett, Jr., Trustee

Judith Barnett

Judith Barnett, Trustee

STATE OF VIRGINIA AT LARGE
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged this ____ day of _____,
John B. Barnett, Jr. and Judith Barnett, individually and as trustees of the John B. Barnett, Jr. and
Judith L. Barnett Living Trust dated June 2, 2011.

NOTARY PUBLIC

My commission expires: _____.
Registration No.: _____.

EXHIBIT A
Property Description

Parcel D1

All that certain piece, parcel or lot of land situate in James City County, Virginia, set out and described as Parcel D1 as shown on a certain plat entitled "PLAT OF SUBDIVISION ON THE PROPERTY OWNED BY JOHN B. BARNETT JR., POWHATAN DISTRICT, JAMES CITY COUNTY, VIRGINIA" dated April 6, 2006 and made by AES Consulting Engineers of Williamsburg, Virginia, recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia as Instrument No. .

and

Parcel E

All that certain piece, parcel or lot of land situate in James City County, Virginia, set out and described as Parcel E as shown on a certain plat entitled "PLAT OF SUBDIVISION & PROPERTY LINE EXTINGUISHMENT BETWEEN THE PROPERTIES OWNED BY JOHN B. BARNETT JR., CHICKASAW, L.L.C. AND BARNETT DEVELOPMENT COMPANY, INC., POWHATAN DISTRICT, JAMES CITY COUNTY, VIRGINIA" dated April 4, 2006 and made by AES Consulting Engineers of Williamsburg, Virginia, recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia as Instrument No. 060013607.

Including, all those certain lots, pieces, or parcels of land lying and being in the County of James City, Virginia, and known and designated as Lot Numbers 34 - 57 and the private right-of-ways of Luminary Drive, Tealight Drive, and Votive Drive as shown on that certain plat entitled "PLAT OF SUBDIVISION, VILLAGE AT CANDLE STATION, PHASE 1, LOTS 34 - 57", a subdivision of the property of Candle Development, LLC, James City County, Virginia, made by AES Consulting Engineers, Williamsburg, Virginia August 8, 2014, and recorded in the Clerk's Office of the Circuit Court of the City of Williamsburg and County of James City, Virginia, on September 10, 2014 as Instrument Number 140014744.

County Tax Parcel Numbers: #2321100001D, #2321100001E #2321100034, #2321100035, #2321100036, #2321100037, #2321100038, #2321100039, #2321100040, #2321100041, #2321100042, #2321100043, #2321100044, #2321100045, #2321100046, #2321100047, #2321100048, #2321100049, #2321100050, #2321100051, #2321100052, #2321100053, #2321100054, #2321100055, #2321100056, #2321100057, and #2321100003B

And

A portion of Parcel A, County Tax Parcel #2321100001A, containing a total of approximately 1.764 acres:

ALL THAT CERTAIN PORTION OF PARCEL "A", TAX MAP PARCEL #(23-2)(11-1A), SITUATE, LYING AND BEING IN THE POWHATAN DISTRICT OF THE COUNTY OF JAMES CITY, VIRGINIA, CONTAINING A TOTAL OF 76,820 SQUARE FEET± OR 1.764± ACRES MORE OR LESS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF RICHMOND ROAD, U. S. ROUTE #60; A CORNER OF PARCEL "B", NOW OR FORMERLY OWNED BY CROSSWALK COMMUNITY CHURCH, INC., TAX MAP PARCEL #(23-2)(11-1B); THENCE IN A EASTERLY DIRECTION AND ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF RICHMOND ROAD, U. S. ROUTE #60, S70°01'07"E, 573.20' TO A POINT; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 2824.79' AND AN ARC LENGTH OF 14.83' TO A POINT; THIS BEING THE TRUE POINT OF BEGINNING (P.O.B.) AND THE NORTHWESTERN CORNER OF PARCEL "A" OF THE PROPERTY DESCRIBED HEREON.

THENCE FROM SAID TRUE POINT OF BEGINNING, SAID POINT BEING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF RICHMOND ROAD, U. S. ROUTE #60, A CORNER TO PARCEL "A" OF THE PROPERTY DESCRIBED HEREON AND PARCEL "E" OF THE LANDS NOW OR FORMERLY OWNED BY CANDLE DEVELOPMENT, LLC; THENCE CONTINUING ALONG THE RIGHT-OF-WAY LINE OF RICHMOND ROAD, U. S. ROUTE #60, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 2824.79' AND AN ARC LENGTH OF 25.14' TO A POINT; A CORNER TO PARCEL "A" OF THE PROPERTY DESCRIBED HEREON AND PARCEL "D" OF THE LANDS NOW OR FORMERLY OWNED BY CANDLE DEVELOPMENT, LLC; THENCE LEAVING SAID CORNER AND RIGHT-OF-WAY LINE OF RICHMOND ROAD, U. S. ROUTE #60, S26° 33'06"W, 399.43' TO A POINT; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 583.96' AND AN ARC LENGTH OF 71.64' TO A POINT; THENCE S19° 31'22"W, 247.60' TO A POINT, THENCE S36° 52'20"W, 2358.01' TO A POINT; THENCE N51° 43'03"E, 25.01' TO A POINT; THENCE N36° 52'20"E, 2353.58' TO A POINT; THENCE N19° 31'22"E, 243.78' TO A POINT; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 608.96' AND AN ARC LENGTH OF 74.71' TO A POINT; THENCE N26° 33'06"E, 396.79' TO THE AFORESAID TRUE POINT OF BEGINNING;

THAT PORTION OF PARCEL "A" AND THE PROPERTY DESCRIBED HEREON IS MORE PARTICULARLY SHOWN ON THAT CERTAIN PLAT ENTITLED, "PLAT OF SUBDIVISION & PROPERTY LINE EXTINGUISHMENT BETWEEN THE PROPERTIES OF JOHN B. BARNETT, JR., CHICKASAW, L.L.C. AND BARNETT DEVELOPMENT COMPANY, INC.", DATED APRIL 4, 2006, REVISED MAY 5, 2006 AND DULY RECORDED AT THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF JAMES CITY, VIRGINIA AS INSTRUMENT #060013607.

And

That certain portion of James City County Tax Parcel 2321100001C to be made a part of Tax Parcel 2321100001D via boundary line adjustment as more particularly shown on the Master Plan.

And

That certain portion of James City County Tax Parcel 2321100002D to be made a part of Tax Parcel 2321100001D via boundary line adjustment as more particularly shown on the Master Plan.

The Village at Candle Station

Design Guidelines

June 17, 2013
Revised April 2015

Candle Development, LLC
Williamsburg, Virginia 23188
757-565-1090



prepared by:

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in association with

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Williamsburg, Virginia 23187
757-565-1090

Design Review Board

1.1 Goal

The Design Review Board for the Village at Candle Station is established to insure the quality and orderly development of the property. Each stage of development activity will be carefully monitored to assure compatibility with the Master Plan, proffers, and general consistency with the supplemental drawings submitted with the rezoning.

1.2 Basis for Approvals

To accomplish our objectives, the DRB reviews applications and design documents for any and all construction, called Improvements, including landscaping. Each application is evaluated on its own merits; however, the lot preparation, design elements, construction, and landscaping of each land use must be compatible with the community as a whole. The DRB does not seek to restrict individual creativity or preference, but rather to maintain standards for the overall community. The DRB will always keep in mind the aesthetic relationship between individual land uses, the impact to the natural environment, and the relationship to surrounding neighborhoods.

1.3 Authority

The authority of the DRB is set forth in the proffers. The DRB shall be appointed by the Developer until he no longer owns any additional land for development in the Village at Candle Station, or until such time as he may turn the responsibility over to The Association.

1.4 Members

The DRB shall consist of three or more members appointed by the Developer. Members may be added and removed at any time at the Developer's sole discretion. From time to time, the DRB may engage or consult with design professionals to render opinions on the merits of an application. The design consultants need not be members of the DRB. Consideration shall be given to include members with design/architectural qualifications and/or experience.

1.5 Responsibilities

- DRB approval is required for any and all Improvements prior to construction within the Village at Candle Station.
- The DRB shall meet regularly to review applications.
- The DRB shall determine if architectural styles and exterior architectural and landscaping designs are complimentary to the Norge Community Character Area.
- The DRB shall establish Criteria that seek harmonious relationships between neighboring structures and land uses and the natural features for the site.
- The DRB shall encourage the use of high quality modern construction materials that emulate materials used in historic applications.
- The DRB shall encourage the highest standards for quality construction.
- The DRB may establish fees and bonds in accordance with their objectives.
- The DRB may inspect dwellings and lots while under construction to assure compliance with the approved application and compliance with job site conditions and maintenance standards.
- The DRB shall notify any person who is in violation of the established design criteria for Candle Station and take whatever action is necessary to assure compliance.
- The DRB shall maintain copies of applications, design documents, and related records.
- The DRB may amend the criteria from time to time with the prior approval of the James City County Director of Planning and shall inform builders and owners of changes.
- The DRB shall assist the owner in determining that Level I Earthcraft Certification is achieved for all single family detached homes.

2. Design Guidelines - Introduction

In accordance with the proffers for Candle Factory these specific design guidelines for the Village at Candle Station have been prepared for use by the Design Review Board, to be established by Candle Development LLC. Design review and approval by the Board shall be for the purposes of insuring that this mixed use community will have an integrated character with strong unifying design elements including building and streetscape design, open space, and landscaping.

It is the purpose of the architectural standards set forth by these guidelines to ensure general consistency with the approved Master Plan (as amended by the James City County Development Review Committee), the supplemental materials submitted as part of the rezoning application for the Village at Candle Station mixed use development, and the design standards outlined in the James City County 2009 Comprehensive Plan for the Norge Community Character Area. With this in mind, the design of the Village at Candle Station shall encourage and promote the following:

- The architecture, scale, materials, spacing, and color of buildings shall complement the character of the Norge/Toano area.
- Off street parking and garages for attached town homes shall be located to the rear of buildings and accessed from alleys.
- Front entries shall be encouraged and shall include the use of front porches or covered stoops to enhance the village character and complement the streetscape. New landscaping should be of a type, size, and scale to complement the buildings and the site. The use of native plants, while not required, is preferred and encouraged.
- Signage should be of a scale, size, color, and materials to complement the area. Signage shall comply with Article II, Division 3 of the James City County Zoning Ordinance.
- Pedestrian and bicycle circulation should be encouraged.
- Within the community, tree-lined streets with sidewalks and pedestrian scale lighting, green spaces, and parks will link together, edged by a regulated arrangement of buildings forming the boundaries of a variety of pedestrian experiences.
- Town homes and other future land uses are to be good neighbors, relating to each other in making places within the neighborhood. The design of buildings should respond to the nature of the public open spaces and street types upon which they front. Building entrances, front yards, and porches shall orient toward the street or on to public open space in recognition of the greater community.

These guidelines, along with the oversight of a Design Review Board established by Candle Factory, LLC, will ensure a level of quality and consistency in the design of streets, open spaces, and buildings throughout the development.

A copy of the Design Review Board's approval shall accompany each building permit.

2.1 Street Design

The Village at Candle Station is organized by an interconnected system of streets, pedestrian ways, and open spaces. The streets, pedestrian ways, and open spaces are collectively known as the public realm and vary in character from large and small, natural to formal, and regular to irregular.

The entrance to the Village is from a partial boulevard street entering the site from Route 60/Richmond Road. Route 60 is a major thoroughfare through James City County and this roadway abuts commercial property and Crosswalk Community Church along the site's northern boundary. The community is buffered from this busy roadway by these non-residential areas. This main entry drive provides access to the residential areas.

All streets within Candle Station should be designed to encourage community interaction among neighbors. Street tree planting, in accordance with the James City County Streetscape Guidelines Policy, and pedestrian lighting shall be provided on both sides of the street allowing comfortable places to stroll day and evening. In instances where sidewalks are not provided on both sides of a street they shall be located along all building fronts.

The dimensions, general landscape requirements, traffic, and parking criteria of street rights-of-way are delineated

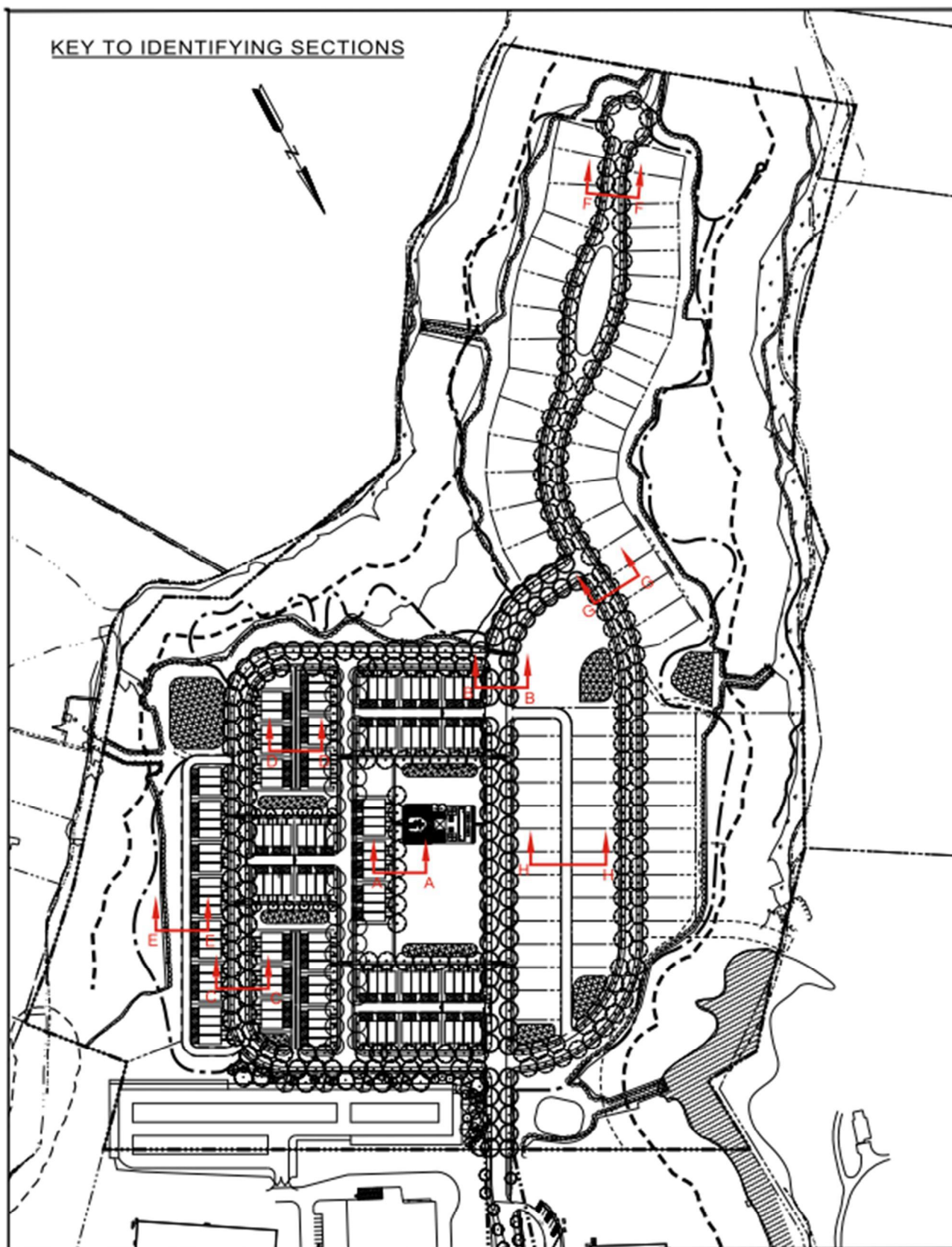
below. While all proposed street sections are intended to be public, private streets, when utilized shall be generally consistent with the adopted, amended, and binding Master Plan and will meet Virginia Department of Transportation (VDOT) Construction Standards (except geometric standards), and will be maintained by the Homeowners' Association. Build-to lines are established along all streets and open spaces and are noted in the sections.

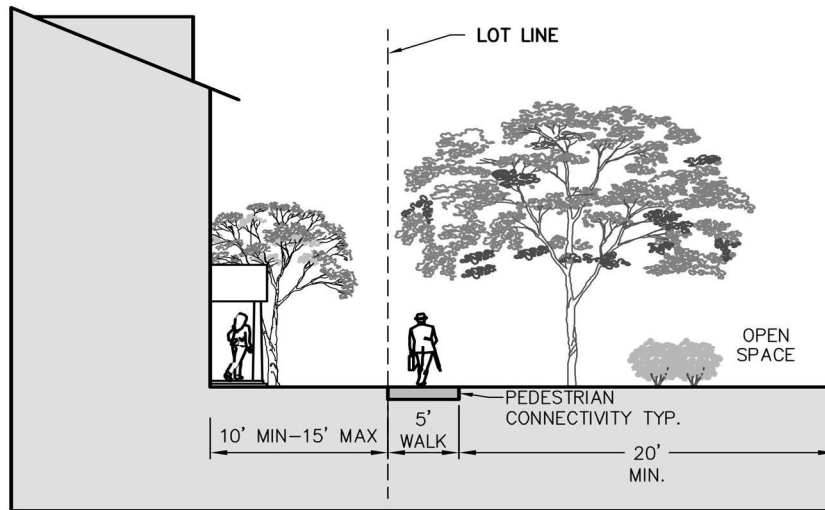
The following street and open space sections are proposed for the Village at Candle Station.

Key to Identifying Sections:

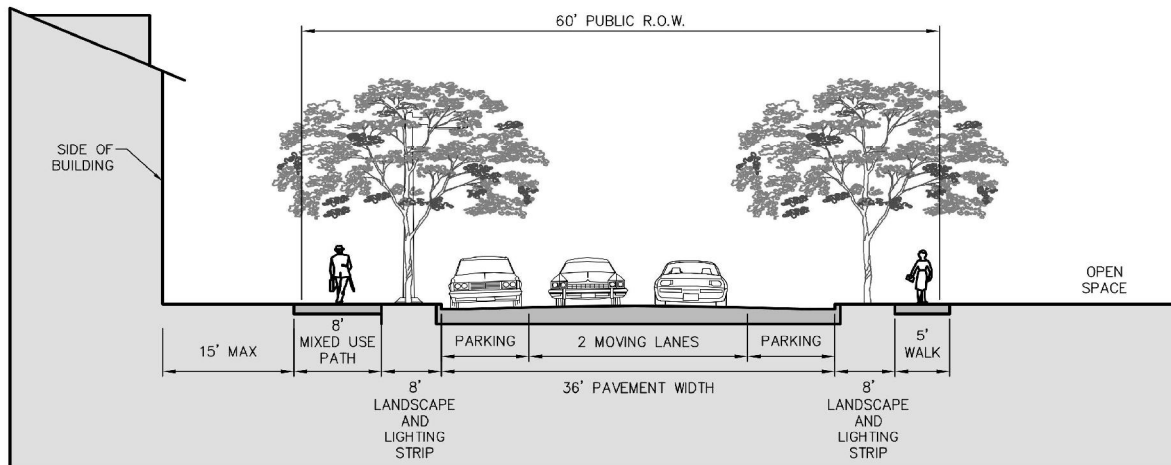
Section	AA	Town homes fronting on open space
Section	BB	Side of town homes fronting on public street with on street parking on both sides
Section	CC	Town homes fronting on private street
Section	DD	Town homes backing on alley on both sides
Section	EE	Town homes backing on alley and open space
Section	FF	Single family housing
Section	GG	Single family housing with front-loaded garages and 30' frontage zone
Section	HH	Single family alley loaded

KEY TO IDENTIFYING SECTIONS

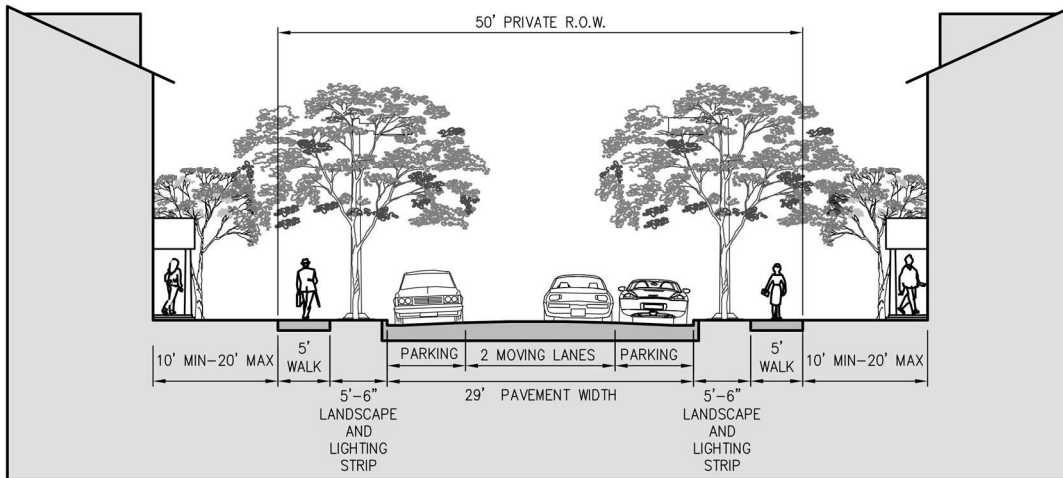




SECTION 'A-A'
TOWN HOMES FRONTING ON OPEN SPACE
NOT TO SCALE



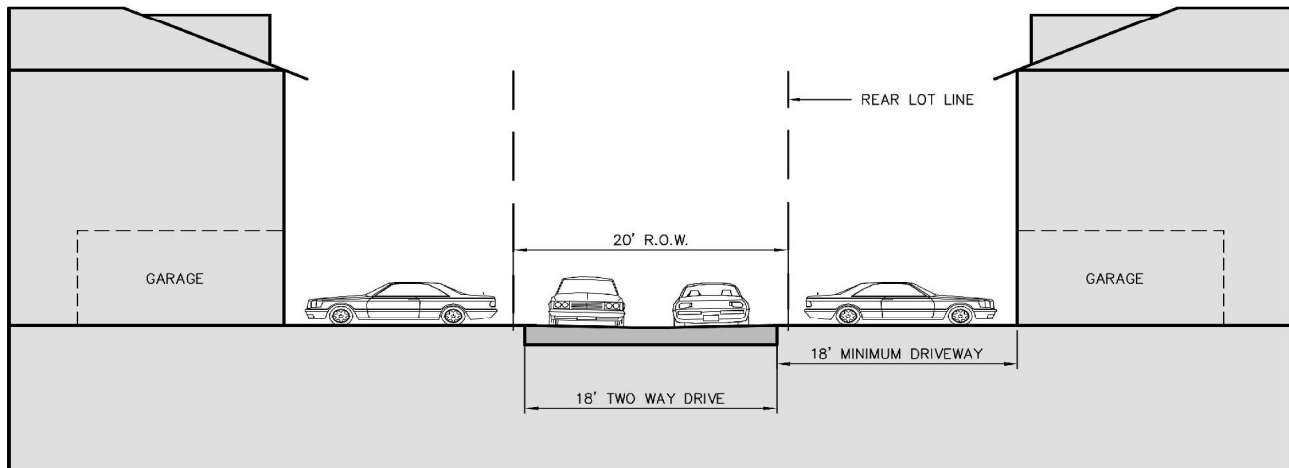
SECTION 'B-B'
SIDE OF TOWN HOMES FRONTING ON PUBLIC STREET WITH ON STREET PARKING ON BOTH SIDES
STREET TREE AND STREET LIGHT LOCATION SUBJECT TO VDOT APPROVAL
SUBJECT TO VDOT STANDARDS FOR PAVEMENT WIDTH FACE/CURB TO FACE/CURB DEPENDING ON ADT (AVERAGE DAILY TRIPS)
NOT TO SCALE



SECTION 'C-C'

TOWN HOMES FRONTING ON PRIVATE STREET

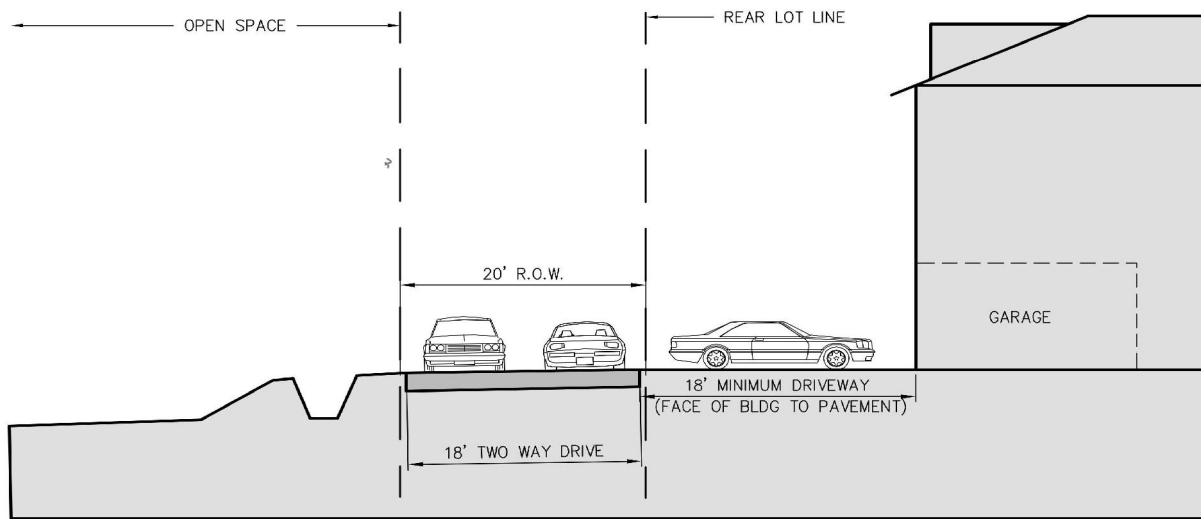
SUBJECT TO VDOT STANDARDS FOR PAVEMENT WIDTH AS 29'-36' FACE/CURB TO FACE/CURB DEPENDING ON ADT (AVERAGE DAILY TRIPS)
NOT TO SCALE



SECTION 'D-D'

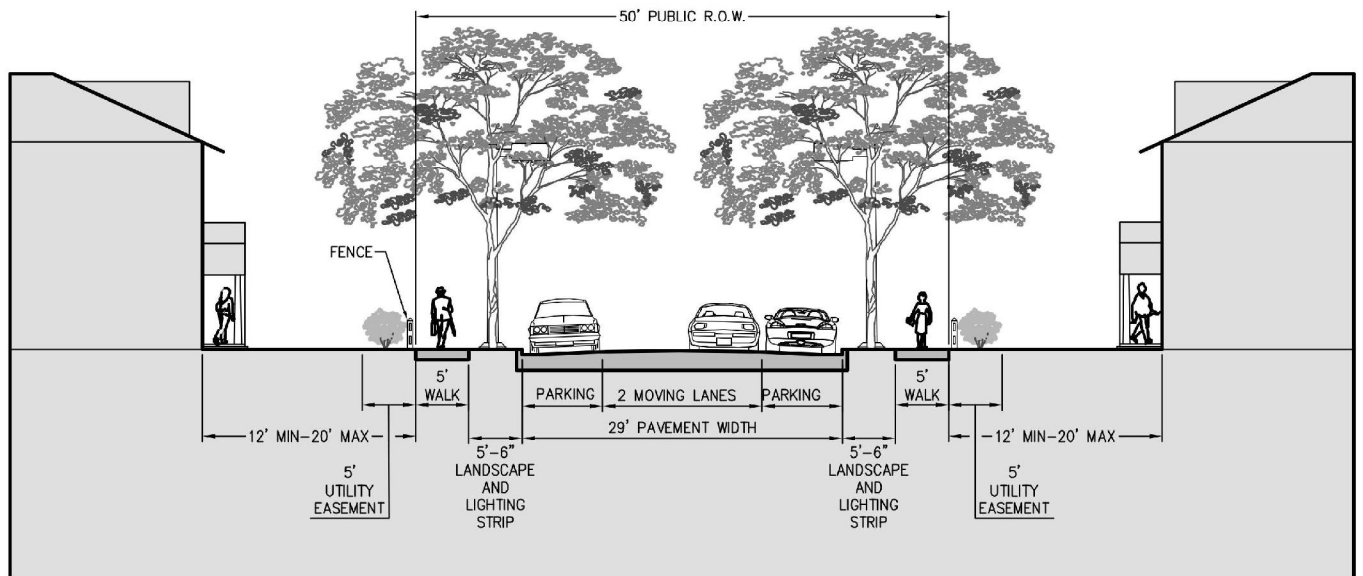
TOWN HOMES BACKING ON ALLEY ON BOTH SIDES

NOT TO SCALE



SECTION 'E-E'

TOWN HOME BACKING ON ALLEY AND OPEN SPACE
NOT TO SCALE



SECTION 'F-F'

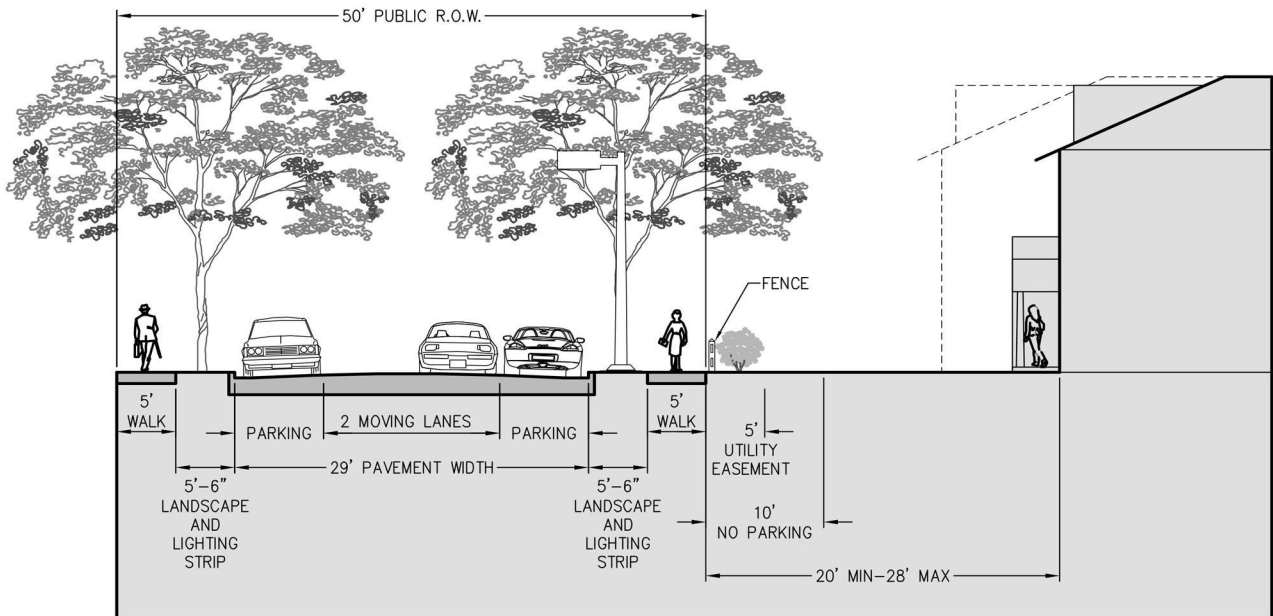
SINGLE FAMILY HOUSING

STREET TREE AND STREET LIGHT LOCATIONS SUBJECT TO VDOT APPROVAL

SUBJECT TO VDOT STANDARDS FOR PAVEMENT WIDTH AS 29'-36' FACE/CURB TO FACE/CURB DEPENDING ON ADT (AVERAGE DAILY TRIP)

FENCE SHOWN IS REQUIRED PER SECTION 4.2 AND 5.1 OF THE DESIGN GUIDELINES

NOT TO SCALE



SECTION 'G-G'

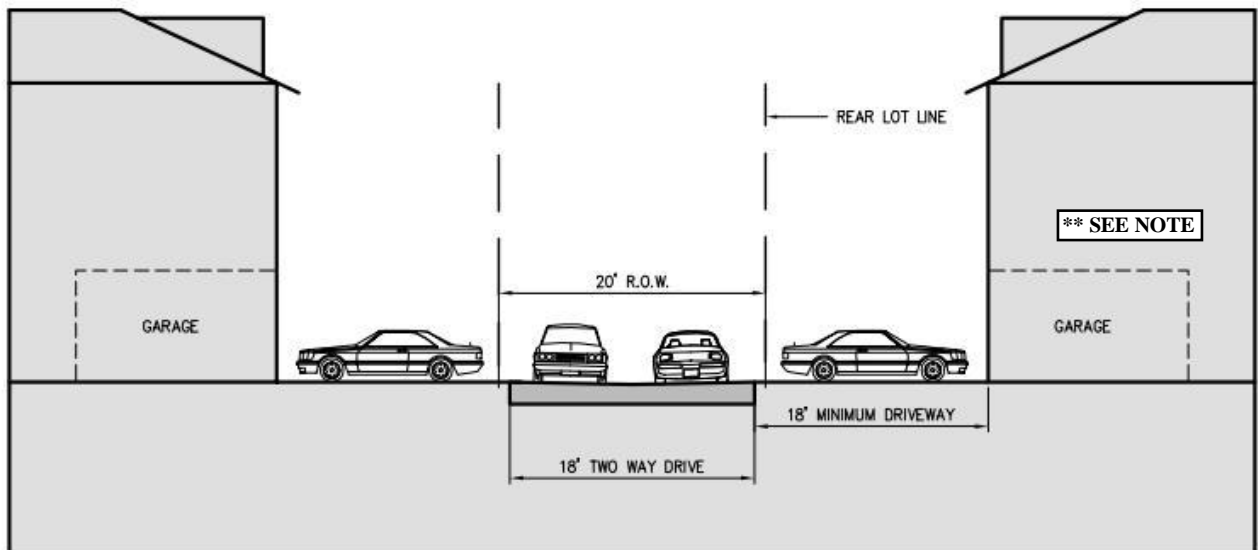
SINGLE FAMILY HOUSING WITH UP TO 10 FRONT LOADED GARAGES AND 10' NO PARKING ZONE

STREET TREE AND STREET LIGHT LOCATIONS SUBJECT TO VDOT APPROVAL

SUBJECT TO VDOT STANDARDS FOR PAVEMENT WIDTH FACE/CURB TO FACE/CURB DEPENDING ON AVERAGE DAILY TRIPS

FENCE SHOWN IS REQUIRED PER SECTION 4.2 AND 5.1 OF THE DESIGN GUIDELINES

NOT TO SCALE



SECTION 'H-H'

SINGLE FAMILY BACKING ON ALLEY ON BOTH SIDES

****NOTE:** HOUSES FRONTING ON WICKS ROAD CAN ACCESS THE ALLEY OR WICKS WITH FRONT OR SIDE LOADED GARAGES.

3. Block Pattern

While the single family detached homes at the Village occupy a single street, the layout and blocks formed by the ring road now referred to as Luminary Drive are dictated by the entrance road, common open space and the wetlands and self-storage area bordering the site. The blocks within this area of the Village respond in depth and width to the unit types they accommodate. Where block faces within Luminary Drive exceed 300 feet they shall be further subdivided by distinct pedestrian ways, in areas exclusive of any lot, to provide additional neighborhood connectivity. No Blocks within the town home area should exceed 300-ft maximum without an alley or pedestrian pathway providing through-access to another street, pedestrian pathway or common open space. The intent of this block pattern design is to be consistent with the binding master plan as adopted by the Board of Supervisors and generally consistent with the supplemental materials and conceptual layouts which were included with the submittal.

3.1 Block Orientation

a. To Streets

All streets are to have lots which orient townhouse fronts toward them. Mid-block lots will orient toward the street which passes in front of them. Corner lots should orient toward a minor residential street while presenting consistent architectural treatment to both street frontages.

b. To Open Spaces

Purposefully designed public open spaces, whether bordered by neighborhood streets or public sidewalks, should have blocks which orient houses toward them. Where open spaces intersect main residential streets, corner units may orient toward the main residential street or the open space. Where open spaces intersect side residential streets or lanes, lots, where possible, should orient toward the open spaces.

4. Building Type Standards

The architectural styles and building types employed at Candle Station shall be generally consistent with the approved and amended Master Plan and the supplemental materials submitted as part of the rezoning application for the Village at Candle Station. While no one architectural style is responsible for establishing the Norge community character, several examples of the Craftsman style, which was popularized from the turn of the Century until the 1930's, can be found in residences from Norge to Toano. Craftsman-revival styles have been used on contemporary commercial facilities in Norge. This architectural style is generally reflected in the supplementary drawings that accompanied the rezoning. The supplementary drawings were prepared to illustrate a cohesive design for the community through the use of similar architectural treatments throughout the development. These drawings were also intended to illustrate how to reduce the visual scale of larger multi-family and non-residential buildings by breaking the massing into a smaller scale with varied rooflines, entry elements, side wings, porches, and other techniques. The Craftsman style of architecture often includes such elements as the following:

- Generally lower pitched and gabled roofs *with a wide, unenclosed eave overhang*
- Porches *either full or partial width with roof supported by tapered or square columns with stone or brick bases that extended down to grade.*
- Partially paned doors (including garage doors)
- Multi-paned windows (e.g. 2 over 2; 3 over 1; 6 over 1, etc.)
- Earthy color palettes
- Single and often wider dormers
- Exposed rafter tails
- Knee braces *or decorative (false) beams* or brackets under wider eaves
- *Blank walls exceeding 15 linear feet are prohibited on sides of end units.*
- *Fenestration minimum/maximum (20/70) for each unit façade and each end unit.*
- *8ft/9ft (Minimum/maximum) floor heights.*

- 20ft Minimum lot/unit width on SFA's; 50ft Minimum lot width on SFD's

4.1 Townhomes –

- A. Height:
 - a. Townhomes will generally be elevated to a minimum of 16" above grade at the front of the home.
 - b. Minimum: 1-1/2 Story
 - c. Maximum: 3 stories above grade
- B. Frontage and Setbacks:
 - a. Frontage Zone:
 - i. Minimum Setback: 10'
 - ii. Maximum Setback: 20'
 - b. Side Setback:
 - i. Corner lot to street
 - 1. 5' minimum (with no encroachments) from exterior property line.
 - ii. Building to Building Spacing
 - 1. Minimum: 10'
 - 2. Maximum: 20'
 - c. Rear Setback:
 - i. Minimum Setback: 0' with no encroachment into buffers and 18' from an alley right-of-way for garages integral to the main body of the townhome structure.
- C. Permitted Encroachments:
 - a. The following items may encroach beyond the frontage zone (4.1Ba) a maximum of 10':
 - i. Porches
 - ii. Stoops
 - iii. Raised Front Entries
 - iv. Terraces with Garden Walls
 - b. The following items may encroach beyond all setbacks a maximum of 5' (as long as minimum building code separations are maintained):
 - i. Awnings
 - ii. Roof overhangs
 - iii. Bay windows
 - iv. Balconies
 - v. Chimneys
 - vi. Foundations
 - vii. Mechanical equipment*
 - *Note: Mechanical Equipment shall be screened from view utilizing fencing and/or landscaping.
- D. Parking:
 - a. A minimum of 2.5 spaces per townhome shall be provided. This can be achieved by both off-street (on lot) and on-street parking.
 - b. No driveway is required if there is no garage.

NOTE: There shall be no more than 4 contiguous units in a single grouping of townhomes. End units, where facing a street, public green, or public right of way shall be so designed and landscaped so as to create a pleasing façade and logical relationship to those public areas.

4.2 Single Family Detached Buildings

A. Height

- a. All homes must be elevated a minimum of 16" above grade at the front of the home.
- b. Minimum: 1 story at front elevation
- c. Maximum: 2 story at front elevation

B. Frontage and Setbacks:

a. Frontage Zone:

i. Side Load Units

1. Minimum Setback: 12'
2. Maximum Setback: 20'

ii. Front Load Units

1. Minimum Setback: 20' (No vehicles permitted in first 10' of setback)
2. Maximum Setback: 28' (No vehicles permitted in first 10' of setback)

b. Side Setback:

i. Corner lot to street

1. 15' minimum

ii. Building to Building

1. As governed by Virginia Building Code (USBC)

c. Rear Setback:

i. Minimum Setback

1. Main Structure: 10'
2. Accessory Structures: 5'

C. Permitted Encroachments:

a. The following items may encroach beyond the frontage zone (4.1,B,a) a maximum of 10':

- i. Porches
- ii. Stoops
- iii. Raised Front Entries
- iv. Terraces with Garden Walls

b. The following items may encroach beyond all setbacks a maximum of 5' (as long as minimum building code separations are maintained):

- i. Awnings
- ii. Roof overhangs
- iii. Bay windows
- iv. Balconies
- v. Chimneys
- vi. Foundations
- vii. Mechanical equipment*

D. Parking

- a. A minimum of 2 spaces shall be provided. This can be achieved by both off-street (on lot) and on-street parking.
- b. No parking will be allowed in the frontage zone with the exception of front load units as described above (4.2, B, a, ii).
- c. NO MORE THAN 50% OF THE SINGLE FAMILY UNITS IN CANDLE STATION SHALL HAVE FRONT LOADED GARAGES.
- d. No Driveway is required if there is no garage.

E. Frontage Treatment

- a. All Single Family Homes shall have a picket fence 36-42" tall made of white vinyl or PVC.
- b. The picket fence shall be located within 4' of the sidewalk along the frontage of the lot (Per sections 4.2 and 5.1)

4.3 Self Storage

SECTION RESERVED

5. Visual Character

5.1 Edge Definition and Screening

Fences, buildings, walls, and hedges have been a traditional means to physically and visually separate properties while serving to define street edges and parking areas or to conceal undesirable views into service areas, thus enhancing the pedestrian experience. Because neighbors, in essence, share these means, consideration should be taken in their placement and design.

a. General Provisions

Fences and walls, when utilized, shall be architecturally consistent with the residential neighborhood design. Walls are to be made of stuccoed concrete block or brick. Residential fences and privacy screens are to be made of wood pickets or PVC lumber/ Non-residential fences should be wrought iron, painted steel or pre-fabricated vinyl board. Chain link fences are not permitted. Landscaping may be used in conjunction with fences and walls to better define edges or screen views and activities. A uniform fence style or styles, approved by the DRB, shall be required along the right of way within the single family detached area. A uniform fencing and/or landscaping treatment, approved by the DRB, shall be required along rights of way within the townhome area.

Fences, walls, and hedges are often used to help define property boundaries or screen private activities. Fences and walls, when employed, are to be a maximum height of 6' except those located along public rights-of-way or forward of the main body of a structure, which are to be a maximum of 3-½' in height.

5.2 Architectural Expression

The following descriptions and recommendations shall apply to all buildings in the Village at Candle Station.

Articulation is expressed through two devices: building massing and architectural elements. Buildings with large profiles should be designed to appear smaller through the articulation of the overall massing as a collection of component masses. The use of architectural elements such as bays, balconies, porches, loggias, and arcades add interest to building facades and aid in relating the scale of any building to human dimensions. Roofs may be articulated through the use of projecting gable ends, cross gables, hipped sections, and a variety of dormer conventions. Each of these devices adds character and interest to the buildings which, in turn, reinforces the village character intended by these guidelines.

There shall be an adequate variety of architectural elements along street facades to distinguish individual dwellings and land uses while remaining stylistically consistent within the entire Community.

Below is a list of standard architectural requirements applicable to all houses in the Village at Candle Station.

A. Exterior Walls:

- a. Exposed concrete foundation walls higher than 1.5' and facing a street shall be screened with landscaping.
- b. Exterior walls (excluding foundation) shall be covered with one of the following approved materials:
 - i. Brick
 - ii. Stone (Natural or Manufactured Synthetic Stone)
 - iii. Horizontal Lap Siding
 - iv. Vertical Siding:
 1. Board and Baton
 2. Shingle or "Shake" Style
- c. Horizontal lap siding, vertical siding and shingles shall be manufactured with vinyl or cementitious materials.
- d. Front facades shall require brick, stone or a mixture of siding materials with vertical/horizontal siding elements.

- e. No more than three wall materials listed in (A,b) may appear on any individual townhome unit or single family detached dwelling.
- f. No Full brick or full stone veneers are allowed, to help reinforce the Craftsman revival style.

B. Roofs, Flashing, Gutters and Downspouts:

- a. Materials:
 - i. The following materials are approved for roofing in the Village at Candle Factory:
 - 1. Painted Standing Seam Metal
 - 2. Copper
 - 3. Architectural (Dimensional 25 year or greater) Asphalt Shingles
 - 4. Architectural (Dimensional 25 year or greater) Fiberglass Shingles
 - ii. The following flashing materials are approved in the Village at Candle Factory:
 - 1. Copper
 - 2. Lead Coated Copper
 - 3. Pre-finished Metal
 - 4. Synthetic Poly Material (kick out flashing)
 - iii. Gutters and Downspouts will be prefinished Galvanized Aluminum and must match the trim color of the house.
- b. Roof Pitch
 - i. Principle Roofs:
 - 1. Front Gabled, hipped, Cross Gabled and Side Gabled with a slope of 4:12 to 12:12.
 - ii. Secondary Roofs:
 - 1. Shed with minimum slope of 2:12
 - iii. Flat Roofs:
 - 1. Permitted when accessible from and interior space or in the form of a special rooftop element. Must have parapets, balustrades, or railings.
 - 2. Parapets must be horizontal
 - iv. Dormers:
 - 1. May be Gabled or Shed in fashion

C. Porches and Stoops:

- a. Porches and/or covered stoops shall be provided on all townhomes and single family detached units.
- b. Minimum Sizes:
 - i. Townhomes: All stoops to be- 5' wide x 4' deep
 - ii. Single Family Detached: 5' wide x 4' deep

D. Openings:

- a. The following provisions apply to non-residential buildings only:
 - i. Horizontal dimensions of opening may not exceed the vertical dimension
 - ii. Paned windows
 - iii. All masonry shall be appropriately detailed in a load-bearing configuration
 - iv. Windows shall be no closer than 30" from the building corners.
- b. Windows
 - i. Windows for the Single Family Detached and Townhome units will be Single-Hung Low-E Windows with a 2/2 grill pattern

- ii. Bay Windows are incorporated into some of the Townhome elevations. These will be box-style bays wrapped with PVC or Synthetic Material (No Wood). The bay windows will have standing seam metal roofs of the type mentioned in (5.2,b).
 - c. Shutters and Exterior Window Treatment
 - i. Shutters may be constructed of Wood or Vinyl
 - ii. Where shutters are used on Townhomes, Synthetic "Shutter Dogs" will be required in accordance with the approved building elevations.
 - iii. Windows on the front elevation of siding veneers that do not have shutters must have a vinyl or PVC 1x4 trim, in accordance with the approved architectural elevations.
 - d. Doors
 - i. Doors may be constructed of the following approved materials:
 - 1. Wood
 - 2. Fiberglass
 - 3. Metal Clad Wood
 - 4. Painted Metal
 - 5. Glass Panes
 - ii. Townhome and Single Family Dwellings will have Partially Paned Fiberglass Front Entry doors.
 - iii. Sliding Glass doors are allowed on the rear of homes.
 - e. Garage Doors
 - i. Garage doors will be constructed of Steel.
 - ii. The garage doors will be painted to match one of the approved exterior trim colors:
 - 1. White
 - 2. Beige
 - iii. All Single Family Detached Garage Doors will have glass in the top panels with simulated divided light.
 - iv. Single Family detached homes will have garage door hardware consisting of the following:
 - 1. Decorative Hinges
 - 2. Decorate Pulls
 - v. Townhomes will have garages that face the alley way, and thus will be permitted to be full steel doors without lights (glass panels).
- E. All exterior trim must be wrapped in aluminum or PVC Composite (Fypon, Synboard). Wood is not acceptable.
- F. Repetition:
- a. House models with the same elevations shall not be located adjacent to or directly across from each other on the same street. The same color schemes may not be used adjacent to, directly across from or diagonally across from each other.
- G. Driveways:
- a. Driveways shall be constructed of one of the following approved materials:
 - i. Brushed Concrete
 - ii. Exposed Aggregate
 - iii. Stamped Concrete
 - iv. Brick or Stone Pavers

H. Exterior Lighting & Fixtures:

- a. Exterior light fixtures shall be limited to incandescent lights at entrance, at garage doors, one exterior front post lamp, low intensity landscape or driveway lights and eave mounted floodlights directed completely within the owner's lot area.
- b. Post lamps of traditional design, appropriate to the style of the house, are required in each front yard. Post lamps shall be hot-wired "photo-cell"; control switches are not permitted in the home.

All single family detached homes in Candle Station shall achieve Earth Craft House Virginia certification at Earth Craft House Certified Level I.

6. Landscape and Open Space Standards

6.1 General requirements

The general requirements for street landscape standards are established by the street sections provided in these guidelines. Landscaped open spaces should have emphasis placed on their edges either with buildings or plantings to create outdoor rooms. Public open spaces (parks, squares, and greens) are required to be bordered by streets or building walls along at least 50% of their perimeter.

a. Streets

Streets within the residential portions of Candle Station are to be planted per the street with trees spaced a maximum of 40' o.c. Shade/Canopy type trees are the preferred tree type for all streets; however, minor trees reaching a mature height of 30' and ornamental trees may be used on all streets adjacent to buildings, along the edges of parking areas, on one way streets, within greenways, and in public open spaces. At a minimum the streetscape shall conform to the James City County Streetscape Policy.

b. Parking Areas

Any parking areas within the self storage portions of the project shall be landscaped to minimize visual intrusion to the adjacent lots and common areas. These areas shall be designed to incorporate pedestrian scale lighting fixtures and drive aisles shall be planted in a similar manor as streets (noted above). The small, discretely placed parking areas located within the residential area should be landscaped with an appropriate mix of trees, shrubs, and groundcovers to enhance their serviceability and to minimize visual intrusion to adjacent lots and common areas. Landscaping shall be in conformance with standards set forth in the James City County Zoning Ordinance, modifications to the Ordinance requirements shall be handled as outlined in the Ordinance by the James City County Planning Director. Sidewalks are encouraged to provide connectivity to open spaces, adjacent streets, and to residential units.

- c. Landscaping of attached structures shall contain landscaping per James City County Ordinance standards; but, may be considered for modifications to these standards on a case by case basis, according to the special needs of each building or block subject to review and approval by the James City County Planning Director. The Director may, at its discretion, grant modifications to minimum landscaped perimeters when provisions are made for the addition of street furnishings such as benches, tables, and chairs, or additional planters, when larger individual landscaped areas are provided, or where neighborhood architectural and paving details and finishes are determined to be of such a quality that offset the need for additional landscaping.

6.2 Neighborhood Parks / Open Spaces

Park spaces will be primarily defined by the residential architecture and the street trees and landscaping defining its edges. The parks shall be designed to serve both the residential area and visitors driving, walking, or bicycling on the mixed use path. The detailed design of open spaces shall include existing and proposed landscape areas and hardscape development that encourages pedestrian circulation around the perimeter of the main open spaces and connectivity to the adjacent streets. These public spaces will provide opportunities for neighborhood gatherings and activities. Park areas in total shall be designed to meet or exceed the James City County Parks and Recreation design standards and the proffers approved with the rezoning.

ATTACHMENTS:

- (1) Proposed examples of town home and single family detached units
- (2) Typical Building Sketches (supplementary drawings to the rezoning)



**Candle Factory Development
Patio Homes Attached**



**Candle Factory Development
Patio Homes Detached**



Candle Factory Development Patio Homes Attached



Candle Factory Development Patio Homes Attached - Alley View

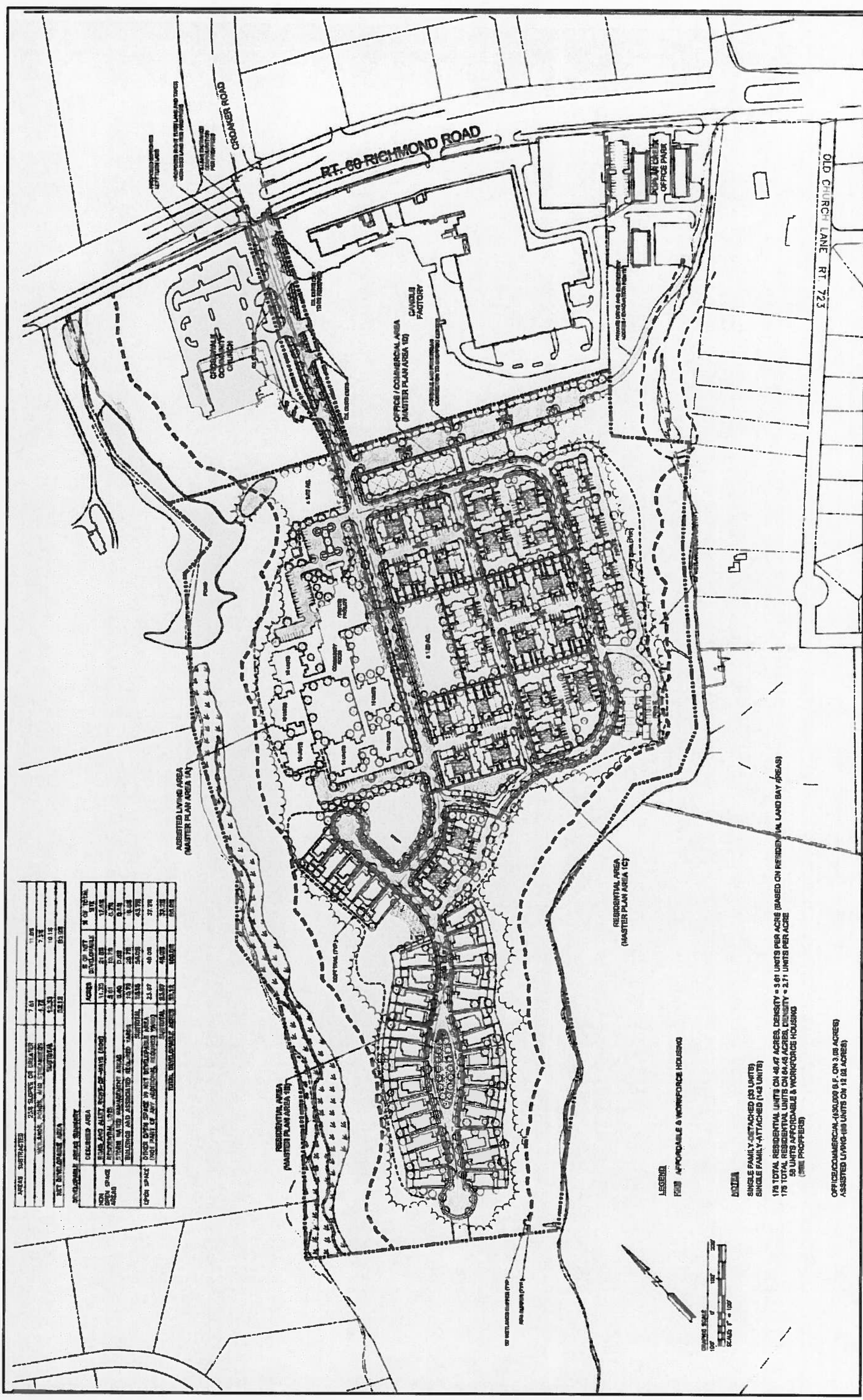


Candle Factory Development Patio Homes Attached



Candle Factory Development Patio Homes Detached

Master Plan for Village at Candle Station adopted by the Board of Supervisors on December 13, 2011.



Widening of some of the 33 single-family lots;

Shared driveways for all 33 single-family detached units revised to individual driveways;

Front-loaded garages for up to 10 single-family detached units

Relocation of 10 townhome units toward the interior multifamily cluster.

Relocation of 7 townhome units toward the interior multifamily cluster.

Revisions to the parking area layout for all 142 townhome units by eliminating rear loaded garages and off street parking spaces in the alleys;

Revisions to the width and length of alleys to accommodate the relocated 17 townhome units.

SECTION	SECTION AREA	ADJACENT	# OF NET UNDEVELOPABLE	% OF TOTAL SITE
FROM OPEN SPACE AREA	ROAD AND ALLY WEST OF MAIN ROAD NORTHWEST CORNER OF STREET LIGHT MANAGEMENT AREA	1.21 0.40 0.40	21.68 10.74 8.59	17.48 8.78 6.93
	BUILDINGS AND ASSIGNED TO REQUIRED TARIFF	73.79	20.79	16.98
	AUTOMOBILE	33.19	54.08	43.79
OPEN SPACE	OPEN SPACE IN NET UNDEVELOPABLE AREA (NOT PART OF ANY ADJACENT REQUIRED YARD)	24.97	48.08	37.79
	NATIONAL	124.07	48.08	37.79
	TOTAL UNDEVELOPABLE AREA	151.13	102.16	80.69

RESIDENTIAL AREA
ENTER PLAIN AREA 181

60 RICHMOND ROAD

OFFICE / COMMERCIAL AREA
(MASTER PLAN AREA 1D)

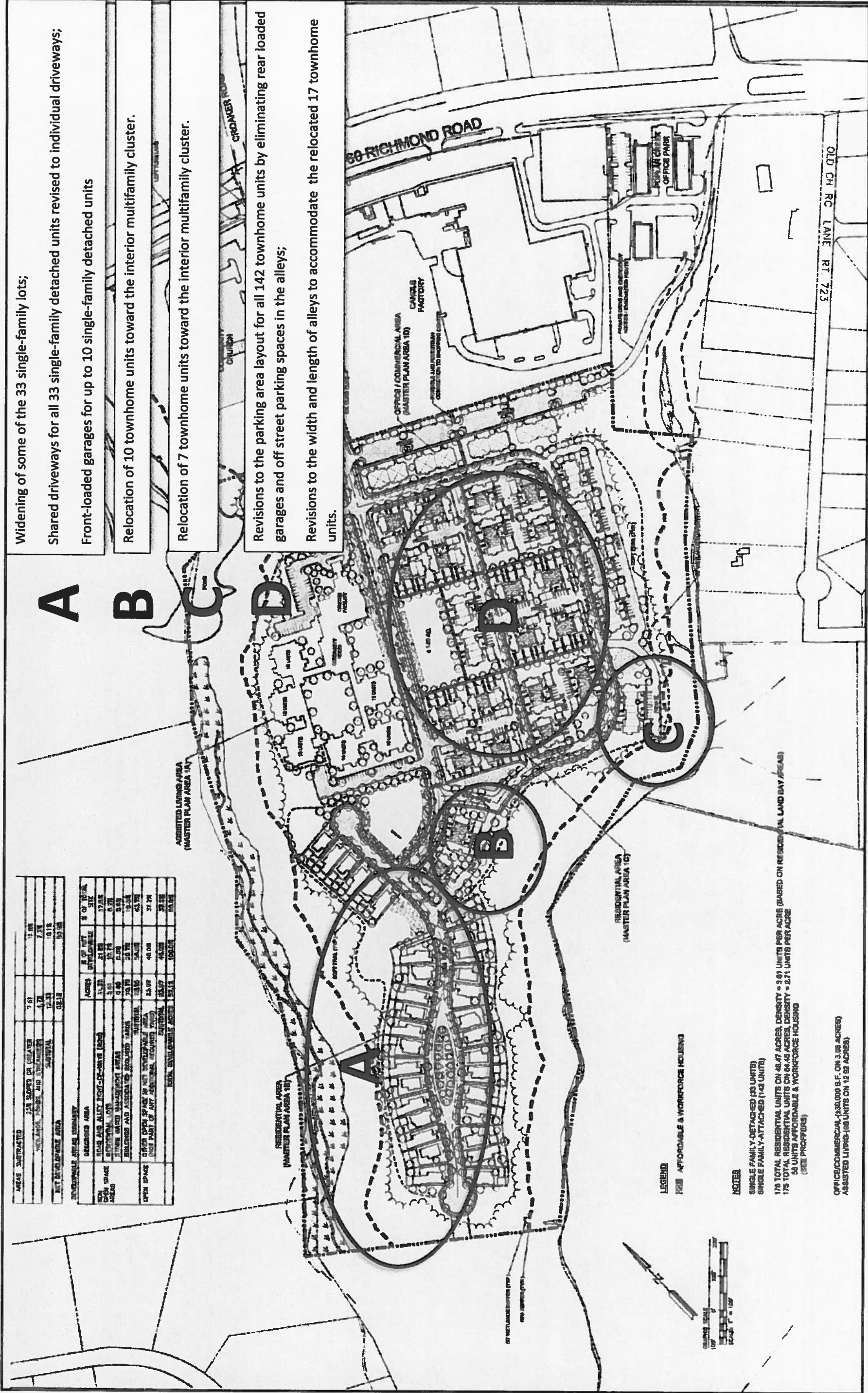
RESIDENTIAL AREA
(MASTER PLAN AREA 107)

FIGURE 1 AFFORDABLE & WORKFORCE HOUSING

SINGLE FAMILY DETACHED (33 UNITS)
SINGLE FAMILY ATTACHED (142 UNITS)

178 TOTAL RESIDENTIAL UNITS ON 48.47 ACRES. DENSITY = 3.61 UNITS PER ACRE (BASED ON RESIDENTIAL LAND ONLY AREAS)
179 TOTAL RESIDENTIAL UNITS ON 64.48 ACRES. DENSITY = 2.71 UNITS PER ACRE
50 UNITS AFFORDABLE & WORKFORCE HOUSING
(SEE PROPERTIES)

OFFICE/COMMERCIAL-(\$30,000 B.F. ON 3.08 ACRES)
ASSISTED LIVING-100 UNITS ON 12.62 ACRES)



Attachment 4



Guernsey
Tingle
Architects

Candle Factory Development Patio Homes Detached



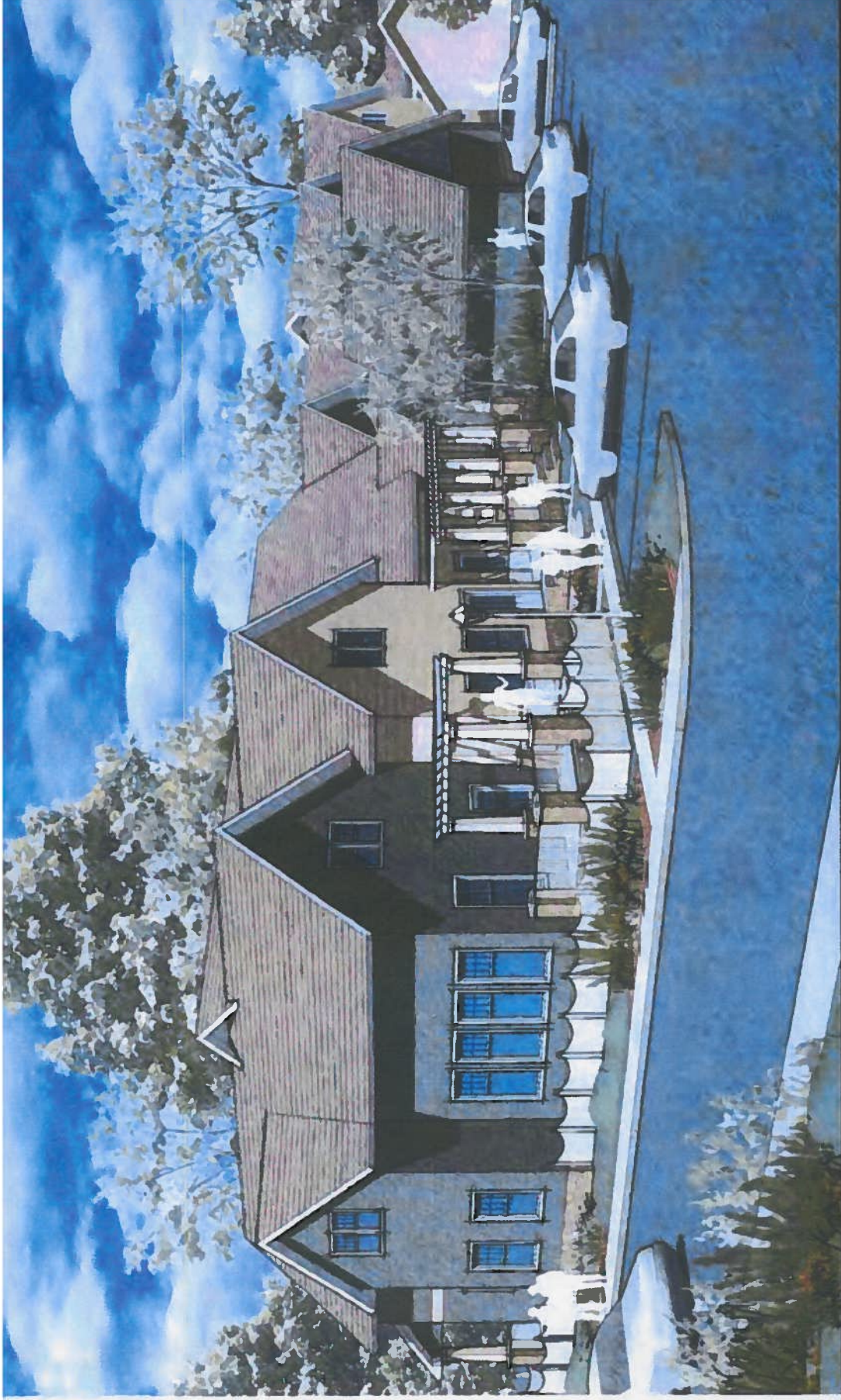
Candle Factory Development

Patio Homes Detached



Guernsey
Tingle
Architects

Candle Factory Development Patio Homes Attached



Guernsey
Tingle
Architects

Candle Factory Development

Patio Homes Attached - Alley View



Candle Factory Development

Patio Homes Attached



Candle Factory Development

Patio Homes Detached

THE VILLAGE AT CANDLE STATION

PROFFERS

THESE PROFFERS are made this 2th day of April, 2015 by CANDLE DEVELOPMENT, LLC, a Virginia limited liability company (together with its successors in title and assigns, the "Candle"), CANDLE FACTORY BUILDING, LLC, a Virginia limited liability company ("CFB"), POPLAR CREEK, LLC, a Virginia limited liability company ("PC"), NVR, INC., a Virginia corporation, doing business as Ryan Homes ("NVR"), KLR PROPERTIES, LLC, a Virginia limited liability company ("KLR"), KEITH A. MCCARTHY and ADRIENNE D. MCCARTHY (collectively, "McCarthy"), BRYAN C. SZOSTAK ("Szostak"), RONICA LEFTWICH ("Leftwich"), and JOHN B. BARNETT, JR. and JUDITH BARNETT, individually and as Trustees of the John B. Barnett Jr. and Judith L. Barnett Living Trust dated June 2, 2011 (the "Barnetts").

RECITALS

A. Candle, CFB, PC, NVR, KLR, McCarthy, Szostak, Leftwich, and Barnetts (collectively, "Owner") are the owners of that certain property (the "Property") located in James City County and more particularly described on Exhibit A attached hereto.

B. The Property is now zoned Mixed Use with proffers and M-1. The Property is designated Low Density Residential, Mixed Use, and Conservation Area on the County's Comprehensive Plan Land Use Map.

C. The Owner has submitted to the County an application (the “Application”) to rezone the Property from Mixed Use with proffers and M-1 to Planned Unit Development with proffers.

D. Owner has submitted to the County a master plan entitled “PROPOSED MASTER PLAN THE VILLAGE AT CANDLE STATION”, Drawing No. 3 of 7, prepared by AES Consulting Engineers, dated November 14, 2014, last revised March 11, 2015 (the “Master Plan”) for the Property in accordance with the County’s Zoning Ordinance. The Master Plan is on file with the County in the Office of the Director of Planning.

E. Owner has submitted to the County design guidelines entitled “THE VILLAGE AT CANDLE STATION DESIGN GUIDELINES”, prepared by AES Consulting Engineers, dated June 17, 2013, last revised April 2015 (the “Design Guidelines”). The Design Guidelines are on file with the County in the Office of the Director of Planning.

F. Owner desires to offer to the County certain conditions on the development of the Property not generally applicable to land zoned Planned Unit Development.

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 (the “Virginia Code”), and the County’s Zoning Ordinance, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property.

CONDITIONS

1. **Density.** The number of residential dwelling units (“Dwelling Units”) located on the Property shall not exceed 208 Dwelling Units.

2. **Owners Association.** There shall be organized a property owner's association (the "Association") for the residential development of the Property in accordance with Virginia law in which all residential property owners in the development, by virtue of their property ownership, shall be members. In addition, there may be organized separate owner's associations for individual neighborhoods within the Property in which all owners in the neighborhood, by virtue of their property ownership, also shall be members. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing each Association shall be submitted to the County Attorney for review and approval for consistency with this Proffer prior to final approval by the County of the first site plan for residential development of any portion of the Property. The Governing Documents shall require that each Association adopt an annual maintenance budget, which shall include a reserve for maintenance of stormwater management BMPs, recreation areas, private roads and parking areas, if any, sidewalks, and all other common areas (including open spaces) under the jurisdiction of the Association and shall provide the Association with authority to (i) assess all members for the maintenance of all properties owned or maintained by the Association and (ii) file liens on members' properties for non-payment of such assessments. The Governing Documents shall grant each Association the power to file liens on members' properties for the cost of remedying violations of, or otherwise enforcing, the Governing Documents. The Governing Documents shall authorize the Association to develop, implement and enforce a water conservation standards and nutrient management plan as provided herein.

3. **Water Conservation.**

(a) The Owner shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority (“JCSA”) and for, subsequently, enforcing such standards. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of drought resistant native and other adopted low water use landscaping materials and warm season turf on lots and common areas in areas with appropriate growing conditions for such turf and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The standards shall be submitted to JCSA for review and approval for consistency with this Proffer prior to final approval by the County of the first site plan for development of any portion of the Property.

(b) In the design phase, Owner shall take into consideration the design of stormwater systems that can be used to collect stormwater for outdoor water use for the entire development. If the Owner desires to have outdoor watering of common areas on the Property it shall provide water for irrigation utilizing surface water collection from the surface water ponds or other rainwater collection devices and shall not use JCSA water or well water for irrigation purposes, except as provided below. This requirement prohibiting the use of well water may be waived or modified by the General Manager of JCSA if the Owner demonstrates to the JCSA General Manager that there is insufficient water for irrigation in the surface water impoundments, and the Owner may apply for a waiver for a shallow (less than 100 feet) well to supplement the surface water impoundments.

4. **Housing Opportunities.** 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 (the "HOP") 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, that affordable and workforce Dwelling Units provided may be located anywhere within the Property in areas designated for residential development. With respect to affordable and workforce Dwelling Units provided pursuant to this proffer, a soft second mortgage meeting the requirements of the HOP or other instrument approved in advance by the County Attorney shall be executed by the initial purchaser thereof and recorded against the Dwelling Unit to assure the Dwelling Unit continues to meet the requirements of the HOP. In addition, each deed to an affordable or workforce for sale Dwelling Unit shall include a right of first refusal in favor of the County in the event a subsequent owner desires to sell the Dwelling Unit. All affordable or workforce Dwelling Units provided pursuant to this Proffer shall be sold to persons whose incomes fall within the qualifying income ranges used to determine the prices under the HOP.

5. Cash Contributions for Community Impacts.

(a) A contribution of \$19,505.34 for each single-family detached Dwelling Unit and of \$5,550.16 for each single-family attached Dwelling Unit constructed on the Property shall be made to the County for the mitigation of impacts on County schools.

(b) A contribution of \$1,099 for each Dwelling Unit constructed on the Property shall be made to the County for the mitigation of impacts on emergency services, off-site road improvements, future water needs, library uses, and public use sites.

(c) A contribution of \$1,375.00 for each single-family detached Dwelling Unit and of \$1,039.00 for each single-family attached Dwelling Unit constructed on the Property shall be made to JCSA for the mitigation of impacts on JCSA's potable water system.

(d) A contribution of \$725.00 for each Dwelling Unit constructed on the Property shall be made to JCSA for the mitigation of impacts on JCSA's sanitary sewer system.

(e) A contribution of \$549.50 for each Dwelling Unit constructed on the Property shall be made to the County for off-site stream restoration or other environmental improvements in the Yarmouth Creek watershed.

(f) A one-time contribution of an amount equal to \$2.10 multiplied by the total estimated daily sanitary sewage discharge from each non-residential building constructed on the portion of the Property shown on the Master Plan as "MASTER PLAN AREA 2" (the "PUD-C Area") shall be made to JCSA for the mitigation of impacts on JCSA's sanitary sewer system. The County shall not be obligated to issue a certificate of occupancy for a non-residential building constructed on the PUD-C Area until the contribution prescribed in this subsection (f) has been paid.

(g) A one-time contribution of \$32,970 shall be made to the County for off-site sidewalks. The County shall not be obligated to issue certificates of occupancy for more than 87 Dwelling Units on the Property until the contribution prescribed in this subsection (g) has been paid.

(h) Notwithstanding any other provision of these Proffers, the contributions described in subsections (a) through (e) above shall be reduced by the applicable percentage set

forth in the HOP for affordable and workforce Dwelling Units provided on the Property in accordance with the HOP.

(i) The contributions described in subsections (a) through (e) above shall be payable for each Dwelling Unit on the Property prior to issuance of a certificate of occupancy for such Dwelling Unit.

(j) The contribution(s) paid in each year pursuant to this Section and Section 6(e) shall be adjusted annually beginning January 1, 2016 to reflect any increase or decrease for the preceding year in the Index. In no event shall the per unit contribution be adjusted to a sum less than the amounts set forth in subsections (a) through (e) of this Section and Section 6(e). The adjustment shall be made using Section 98, Comparative Costs Multipliers, Regional City Averages of the Index. 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) 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.

6. Entrances; Traffic Improvements.

(a) The existing private driveway at the Route 60/Croaker Road intersection shall be reconstructed to a public road with a four lane road section (provided, however, that the County may require a fifth lane, if the level of development that has occurred on Tax Map Parcel Nos. 2331100001F and 2331100001G warrants such additional lane) at the Route 60 intersection and tapering to a two lane section. The northbound Croaker Road approach to the Croaker Road/Route 60 intersection shall include a left turn lane with 200 feet of storage, a through lane

(provided, however, that the County may require a through/left turn lane, if the level of development that has occurred on Tax Map Parcel Nos. 2331100001F and 2331100001G warrants such through/left turn lane) and a right turn lane.

(b) At the intersection of Route 60 and Croaker Road, a 200 foot right turn taper with shoulder bike lane from east bound Route 60 into the Property shall be constructed.

(c) At the intersection of Route 60 and Croaker Road, the eastbound Route 60 left turn lane shall be extended to have 200 feet of storage and a 200 foot taper.

(d) The improvements proffered hereby shall be constructed in accordance with Virginia Department of Transportation (“VDOT”) standards and shall include any related traffic signal improvements or replacement, including signal coordination equipment, at that intersection. The improvements listed in subsections (a) through (c) shall be completed or guaranteed (“Guaranteed”) in accordance with Section 15.2-2299 of the Virginia Code prior to final approval by the County of the first site plan for development of any portion of the Property.

(e) Within 180 days after issuance by the County of the 135th building permit for construction of Dwelling Units on the Property, Owner shall pay to VDOT the costs, not to exceed \$10,990, of the equipment at the Norge Lane/Route 60 traffic signal necessary to allow the coordination of that signal and the signal at the Croaker Road/Route 60 intersection.

(f) Subject to the prior approval of VDOT and when the sidewalk has been constructed on the north side of Route 60 at the Croaker Road/Route 60 intersection to receive pedestrians, Owner shall install or pay the costs of installation of crosswalks across Route 60, a median refuge island, signage and pedestrian signal heads at the intersection (“Pedestrian Improvements”). The County shall not be obligated to issue building permits for more than 100

Dwelling Units on the Property until either (i) the Pedestrian Improvements have been installed, or (ii) Owner has guaranteed the installation of such Pedestrian Improvements.

7. **Connections to Adjacent Properties.** Owner shall provide pedestrian and vehicular connections between the Property and the adjacent property (Tax Parcel 2321100001F) generally as shown on the Master Plan. The plans, location and materials for such connections shall be submitted to the County Director of Planning for review and approval for consistency with this Proffer prior to final approval by the County of the first site plan for development of any portion of the Property. The connections shall be either (i) installed or (ii) Guaranteed prior to final approval by the County of the first site plan for development of any portion of the Property.

8. **Streetscape Guidelines.** The Owner shall provide and install streetscape improvements in accordance with the applicable provisions of the County's Streetscape Guidelines policy or, with the permission of VDOT, the plantings (meeting County standards for plant size and spacing) may be installed in the adjacent VDOT right-of-way. The streetscape improvements shall be shown on development plans for the portions of the Property proposed for development and shall be submitted to the County Director of Planning for approval in connection with the County's review and approval of the site plan or subdivision plan for development of such portion of the Property. Street trees shall be located no farther than 10 feet from the edge of pavement, subject to VDOT approval. Streetscape improvements shall be either (i) installed within 6 months after the issuance of a certificate of occupancy for any adjacent Dwelling Unit constructed on the Property, or (ii) Guaranteed prior to the issuance of a certificate of occupancy for any adjacent Dwelling Unit constructed on the Property.

9. **Recreation.** The following recreational facilities shall be provided on the Property:

- (a) Approximately 3.65 acres of parkland;
- (b) 1 centrally located, shared playground at least 2,500 square feet in area with at least five activities either in composite structures or separate apparatus;
- (c) 1 picnic shelter of at least 625 square feet;
- (d) A minimum 8 foot wide, concrete or asphalt shared use path along one side of the entrance road approximately 0.36 of a mile in length and an additional approximately 0.94 of a mile of soft surface walking trails generally as shown on the Master Plan;
- (e) 1 paved multi-purpose court approximately 50' x 90' in size; and
- (f) 1 graded multi-purpose field which will be at least 200' x 200' in size.

The exact locations and design of the facilities proffered in this Section and the equipment to be provided at such facilities shall be shown on development plans for the portions of the Property in which such facilities are located, which development plans shall be submitted to the County Director of Planning for approval for consistency with this proffer prior to the County's approval of a site plan for development of such portions of the Property. Such facilities shall be constructed at the time of the construction of the phase of the development in which such facilities are located as shown on the development plans for the Property.

10. **Archaeology.** If required by the County Director of Planning, a Phase I Archaeological Study for the entire Property shall be submitted to the County Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the County 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 County Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the County 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 County 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.

11. Design Guidelines and Review; Sustainable Building.

(a) The Property shall be developed substantially in accordance with the Design Guidelines. Owner shall submit a supplement to the Design Guidelines for Area 2, as shown on the Master Plan, to the County Director of Planning for review and approval for consistency with these Proffers, the Design Guidelines, and the Master Plan in connection with

the County's review and approval of the site plan or subdivision plan for development of such portion of the Property. Owner shall establish a Design Review Board to review all residential building plans and residential building elevations for conformity with the Design Guidelines. The Design Guidelines may be amended from time to time provided that such amendments do not alter the basic character and intent of the Design Guidelines and provided that such amendments are approved by the County Director of Planning for consistency with this proffer upon the recommendation of the Design Review Board.

(b) All single-family detached Dwelling Units shall achieve EarthCraft House Virginia certification at the EarthCraft House Certified (Level I) level. Owner shall provide a copy of each certification to the County Director of Planning within one year of the issuance of a certificate of occupancy for such Dwelling Unit.

12. Sidewalks. There shall be sidewalks installed on at least one side of each of the public streets on the Property, which sidewalks may be installed in phases as adjacent Dwelling Units are constructed. Sidewalks shall be installed prior to issuance of any certificates of occupancy for adjacent Dwelling Units. The sidewalk design shall be submitted to the County Director of Planning for review and approval for consistency with this Proffer prior to final approval by the County Director of Planning of the any site plan for development of the Property where sidewalks are required.

13. Curb and Gutter. Streets (but not the private alleys) within the Property shall be constructed with curb and gutter provided, however, that this requirement may be waived or modified by the County Director of Planning along those segments of street, including entrance roads, where structures are not planned.

14. **Master Stormwater Management Plan.** Owner has submitted to the County a master stormwater management plan for the Property (“Stormwater Plan”) which is on file with the County in the Office of Engineering and Resource Protection and includes facilities and measures necessary to meet the County’s 10 point stormwater management system requirements and the special stormwater criteria applicable in the Yarmouth Creek watershed (“SSC”) and, in addition, including additional low impact development (“LID”) measures to treat stormwater from 30% of the impervious areas on the Property, which additional LID measures are over and above those necessary to meet the 10 point and SSC requirements. The Property shall be developed in general conformity with the Stormwater Plan. The Stormwater Plan may be revised and/or updated during the development of the Property based upon site conditions discovered in the field which revisions and/or updates shall be submitted to the County Director of Planning for review and approval for consistency with this Proffer.

15. **Nutrient Management Plan.** The Association shall be responsible for contacting an agent of the Virginia Cooperative Extension Office (“VCEO”) or, if a VCEO agent is unavailable, a soil scientist licensed in the Commonwealth of Virginia, or other qualified professional to conduct soil tests and to develop, based upon the results of the soil tests, customized nutrient management plans (the “Nutrient Plans”) for all common areas within the Property and each individual single-family lot shown on each subdivision plat of the Property. The Nutrient Plans shall be submitted to the County Director of Engineering and Resource Protection for review and approval for consistency with this Proffer prior to the issuance of the building permits for more than 25% of the Dwelling Units shown on the subdivision plat. Upon approval of the Nutrient Plans by the County Director of Engineering and Resource Protection,

the Association shall be responsible for ensuring that any nutrients applied to common areas which are controlled by the Association be applied in strict accordance with the Nutrient Plans. The Owner shall provide a copy of the individual Nutrient Plan for each lot to the initial purchaser thereof. Within 12 months after issuance of the Certificate of Occupancy for the final Dwelling Unit on the Property and every 3 years thereafter, a turf management information seminar shall be conducted for the Association. The seminar shall be designed to acquaint residents with the tools, methods, and procedures necessary to maintain healthy turf and landscape plants. The County Director of Engineering and Resource Protection shall be provided evidence of the seminars taking place by submitting to the County Director of Engineering and Resource Protection a seminar agenda and or minutes thereof no later than 10 days after each seminar.

16. **Private Streets.** All private streets, if any, and alleys on the Property shall be maintained by the Association. The owner responsible for construction of a private street shall deposit into a maintenance reserve fund to be managed by the association responsible for maintenance of that private street an amount equal to one hundred and fifty percent (150%) of the amount of the maintenance fee that would be required for a similar public street as established by VDOT - Subdivision Street Requirements. The County Director of Planning shall be provided evidence of the deposit of such maintenance fee prior to issuance of certificates of occupancy for Dwelling Units served by the relevant private street.

17. **Water and Sanitary Sewer Master Plan.** Owner has submitted to JCSA a water and sanitary sewer master plan for the Property ("Water/Sewer Plan") which is on file with the County in the Office of the General Manager of JCSA. The Property shall be developed in

general conformity with the Water/Sewer Plan. The Water/Sewer Plan may be revised and/or updated during the development of the Property based upon site conditions discovered in the field which revisions and/or updates shall be submitted to JCSA for review and approval for consistency with this Proffer.

18. Route 60 Median Landscaping. Subject to VDOT approval, Owner shall install landscaping as provided herein in the portion of the Route 60 median beginning at the Route 60/Croaker Road intersection and extending eastward 800 feet. The landscaping shall consist of 20 street trees at least 125% of the caliper size requirements prescribed in the County's Zoning Ordinance. A landscape plan for the median shall be submitted to the County Director of Planning with the initial site plan for development on the Property for review and approval for consistency with this proffer and the County's Streetscape policy. The median shall be planted or the planting Guaranteed prior to the County being obligated to issue building permits for buildings located on the Property.

19. Crosswalks. Subject to VDOT approval, Owner shall provide a crosswalk across Croaker Road from Tax Parcel 2321100001B to Tax Parcel 2321100001F and crosswalks providing access to the two internal parks on the Property both in the locations generally as shown on the Master Plan at the time the final layer of pavement is placed on the segment of Croaker Road where the crosswalks are located.

20. Boundary Line Adjustment. Prior to final site plan or subdivision plan approval for development of Area 2 shown on the Master Plan, Owner shall submit to the County Director of Planning for review and approval a boundary line adjustment plat consistent with the Master Plan for Area 2.

21. **Master Plan.** The Property shall be developed generally as shown on the Master Plan. Development plans may deviate from the Master Plan as provided in Section 24-23 of the Zoning Ordinance.

22. **Headings.** All section and subheadings of these Proffers are for convenience only and shall not be read as a part of these Proffers or utilized in interpretation thereof.

23. **Delegation of Subsequent Approvals.** The County Board of Supervisors by accepting these Proffers is exercising its legislative function. While these Proffers provide for subsequent approvals by the County or by its duly authorized designees appointed by the County, such subsequent approvals by any duly authorized designee of the County shall not include the exercise of any legislative function.

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

25. **Conflicts.** In the event that there is any conflict between these Proffers and the Zoning Ordinance, the conflict shall be resolved by the County's Zoning Administrator subject to the appeal process to the Board of Supervisors and the Courts as otherwise provided by law.

26. **Successors and Assigns.** This Proffer Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns.

27. **Void if Application not Approved.** In the event that the Application is not approved by the County, these Proffers shall be null and void.

28. **Amended and Restated.** These Proffers amend, restate, and supersede all prior proffers accepted by the County regarding the Property.

[SIGNATURES LOCATED ON SUCCEEDING PAGES]

[SIGNATURE PAGE TO PROFFERS]

WITNESS the following signatures.

CANDLE DEVELOPMENT, LLC

By: [Signature]
Pete Henderson, Manager

STATE OF VIRGINIA AT LARGE

CITY/COUNTY OF York, to-wit:

The foregoing instrument was acknowledged this 24th day of April 2015,
by Pete Henderson as manager of Candle Development, LLC.

[Signature]
NOTARY PUBLIC

My commission expires: 11/30/18
Registration No.: 7600737



[SIGNATURE PAGE TO PROFFERS]

WITNESS the following signatures.

CANDLE FACTORY BUILDING, LLC

By: [Signature]
Pete Henderson, Manager

STATE OF VIRGINIA AT LARGE
CITY/COUNTY OF York, to-wit:

The foregoing instrument was acknowledged this 24th day of April, 2015,
by Pete Henderson as manager of Candle Factory Building, LLC.

[Signature]
NOTARY PUBLIC

My commission expires: 11/30/18
Registration No.: 7600737



[SIGNATURE PAGE TO PROFFERS]

WITNESS the following signatures.

POPLAR CREEK, LLC

By: [Signature]
Pete Henderson, Manager

STATE OF VIRGINIA AT LARGE
CITY/COUNTY OF York, to-wit:

The foregoing instrument was acknowledged this 24th day of April, 2015,
by Pete Henderson as manager of Poplar Creek, LLC.

[Signature]
NOTARY PUBLIC

My commission expires: 11/30/18
Registration No.: 7600737



[SIGNATURE PAGE TO PROFFERS]

NVR, INC.

By: [Signature]

Name: Jeff Ambrose

Title: Vice President

STATE OF VIRGINIA AT LARGE

CITY/COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged this 2nd day of April,
by JEFF AMBROSE as VICE PRESIDENT of NVR, Inc.

[Signature]
NOTARY PUBLIC

My commission expires: 6-30-2015.

Registration No.: 7146383.



[SIGNATURE PAGE TO PROFFERS]

KLR PROPERTIES, LLC

By: Kimberly L. Roller
Kimberly L. Roller, Managing Member

By: NVR, Inc., Attorney-In-Fact

By: [Signature]
Name: Jeff Ambrose

Title: Vice President

STATE OF VIRGINIA AT LARGE
CITY/COUNTY OF Danvers City, to-wit:

The foregoing instrument was acknowledged this 24 day of April 2015,
by Jeff Ambrose as Vice President of NVR, Inc. as attorney-
in-fact for Kimberly L. Roller, as Managing Member of KLR Properties, LLC.

[Signature]
NOTARY PUBLIC

My commission expires: 5/31/19
Registration No.: 7149229

Kelly Lynn Wroten
NOTARY PUBLIC 7149229
Commonwealth of Virginia
My Commission Expires May 31, 2019

[SIGNATURE PAGE TO PROFFERS]

Keith A. McCarthy
Keith A. McCarthy

By: NVR, Inc., Attorney-In-Fact

By: [Signature]

Name: Jeff Ambrose

Title: Vice President

Adrienne D. McCarthy
Adrienne D. McCarthy

By: NVR, Inc., Attorney-In-Fact

By: [Signature]

Name: Jeff Ambrose

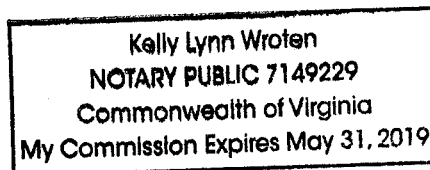
Title: Vice President

STATE OF VIRGINIA AT LARGE.
CITY/COUNTY OF James City, to-wit:

The foregoing instrument was acknowledged this 24 day of April 2015,
by Jeff Ambrose as Vice President of NVR, Inc. as attorney-
in-fact for Keith A. McCarthy and Adrienne D. McCarthy.

[Signature]
NOTARY PUBLIC

My commission expires: 5/31/19
Registration No.: 7149229



[SIGNATURE PAGE TO PROFFERS]

Bryan C. Szostak
Bryan C. Szostak

By: NVR, Inc., Attorney-In-Fact

By: [Signature]

Name: Jeff Ambrose

Title: Vice President

STATE OF VIRGINIA AT LARGE .

CITY/COUNTY OF James City, to-wit:

The foregoing instrument was acknowledged this 24 day of April 2015,
by Jeff Ambrose as Vice President of NVR, Inc. as attorney-
in-fact for Bryan C. Szostak.

Kelly Lynn Wroten
NOTARY PUBLIC

My commission expires: 5/31/19
Registration No.: 7149229

Kelly Lynn Wroten
NOTARY PUBLIC 7149229
Commonwealth of Virginia
My Commission Expires May 31, 2019

[SIGNATURE PAGE TO PROFFERS]

Ronica Leftwich
Ronica Leftwich

By: NVR, Inc., Attorney-In-Fact

By: [Signature]

Name: Jeff Ambrose

Title: Vice President

STATE OF VIRGINIA AT LARGE
CITY/COUNTY OF James City, to-wit:

The foregoing instrument was acknowledged this 24 day of April 2015,
by Jeff Ambrose as Vice President of NVR, Inc. as attorney-
in-fact for Ronica Leftwich.

Kelly Lynn Wroten
NOTARY PUBLIC

My commission expires: 5/31/19
Registration No.: 7149229

Kelly Lynn Wroten
NOTARY PUBLIC 7149229
Commonwealth of Virginia
My Commission Expires May 31, 2019

[SIGNATURE PAGE TO PROFFERS]

John B. Barnett, Jr.
John B. Barnett, Jr.

John B. Barnett, Jr.
John B. Barnett, Jr., Trustee

Judith Barnett
Judith Barnett

Judith Barnett, Trustee
Judith Barnett, Trustee

STATE OF VIRGINIA AT LARGE
CITY/COUNTY OF York, to-wit:

The foregoing instrument was acknowledged this 24th day of April, 2015,
John B. Barnett, Jr. and Judith Barnett, individually and as trustees of the John B. Barnett, Jr. and
Judith L. Barnett Living Trust dated June 2, 2011.

Josie Taylor-Soltys
NOTARY PUBLIC

My commission expires: 11/30/2018
Registration No.: 7600737.



EXHIBIT A
Property Description

Parcel D1

All that certain piece, parcel or lot of land situate in James City County, Virginia, set out and described as Parcel D1 as shown on a certain plat entitled "PLAT OF SUBDIVISION ON THE PROPERTY OWNED BY JOHN B. BARNETT JR., POWHATAN DISTRICT, JAMES CITY COUNTY, VIRGINIA" dated April 6, 2006 and made by AES Consulting Engineers of Williamsburg, Virginia, recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia as Instrument No.

and

Parcel E

All that certain piece, parcel or lot of land situate in James City County, Virginia, set out and described as Parcel E as shown on a certain plat entitled "PLAT OF SUBDIVISION & PROPERTY LINE EXTINGUISHMENT BETWEEN THE PROPERTIES OWNED BY JOHN B. BARNETT JR., CHICKASAW, L.L.C. AND BARNETT DEVELOPMENT COMPANY, INC., POWHATAN DISTRICT, JAMES CITY COUNTY, VIRGINIA" dated April 4, 2006 and made by AES Consulting Engineers of Williamsburg, Virginia, recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia as Instrument No. 060013607.

Including, all those certain lots, pieces, or parcels of land lying and being in the County of James City, Virginia, and known and designated as Lot Numbers 34 - 57 and the private right-of-ways of Luminary Drive, Tealight Drive, and Votive Drive as shown on that certain plat entitled "PLAT OF SUBDIVISION, VILLAGE AT CANDLE STATION, PHASE 1, LOTS 34 - 57", a subdivision of the property of Candle Development, LLC, James City County, Virginia, made by AES Consulting Engineers, Williamsburg, Virginia August 8, 2014, and recorded in the Clerk's Office of the Circuit Court of the City of Williamsburg and County of James City, Virginia, on September 10, 2014 as Instrument Number 140014744.

County Tax Parcel Numbers: #2321100001D, #2321100001E #2321100034, #2321100035, #2321100036, #2321100037, #2321100038, #2321100039, #2321100040, #2321100041, #2321100042, #2321100043, #2321100044, #2321100045, #2321100046, #2321100047, #2321100048, #2321100049, #2321100050, #2321100051, #2321100052, #2321100053, #2321100054, #2321100055, #2321100056, #2321100057, and #2321100003B

And

A portion of Parcel A, County Tax Parcel #2321100001A, containing a total of approximately 1.764 acres:

ALL THAT CERTAIN PORTION OF PARCEL "A", TAX MAP PARCEL #(23-2)(11-1A), SITUATE, LYING AND BEING IN THE POWHATAN DISTRICT OF THE COUNTY OF JAMES CITY, VIRGINIA, CONTAINING A TOTAL OF 76,820 SQUARE FEET± OR 1.764± ACRES MORE OR LESS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF RICHMOND ROAD, U. S. ROUTE #60; A CORNER OF PARCEL "B", NOW OR FORMERLY OWNED BY CROSSWALK COMMUNITY CHURCH, INC., TAX MAP PARCEL #(23-2)(11-1B); THENCE IN A EASTERLY DIRECTION AND ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF RICHMOND ROAD, U. S. ROUTE #60, S70°01'07"E, 573.20' TO A POINT; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 2824.79' AND AN ARC LENGTH OF 14.83' TO A POINT; THIS BEING THE TRUE POINT OF BEGINNING (P.O.B.) AND THE NORTHWESTERN CORNER OF PARCEL "A" OF THE PROPERTY DESCRIBED HEREON.

THENCE FROM SAID TRUE POINT OF BEGINNING, SAID POINT BEING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF RICHMOND ROAD, U. S. ROUTE #60, A CORNER TO PARCEL "A" OF THE PROPERTY DESCRIBED HEREON AND PARCEL "E" OF THE LANDS NOW OR FORMERLY OWNED BY CANDLE DEVELOPMENT, LLC; THENCE CONTINUING ALONG THE RIGHT-OF-WAY LINE OF RICHMOND ROAD, U. S. ROUTE #60, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 2824.79' AND AN ARC LENGTH OF 25.14' TO A POINT; A CORNER TO PARCEL "A" OF THE PROPERTY DESCRIBED HEREON AND PARCEL "D" OF THE LANDS NOW OR FORMERLY OWNED BY CANDLE DEVELOPMENT, LLC; THENCE LEAVING SAID CORNER AND RIGHT-OF-WAY LINE OF RICHMOND ROAD, U. S. ROUTE #60, S26° 33'06"W, 399.43' TO A POINT; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 583.96' AND AN ARC LENGTH OF 71.64' TO A POINT; THENCE S19° 31'22"W, 247.60' TO A POINT, THENCE S36° 52'20"W, 2358.01' TO A POINT; THENCE N51° 43'03"E, 25.01' TO A POINT; THENCE N36° 52'20"E, 2353.58' TO A POINT; THENCE N19° 31'22"E, 243.78' TO A POINT; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 608.96' AND AN ARC LENGTH OF 74.71' TO A POINT; THENCE N26° 33'06"E, 396.79' TO THE AFORESAID TRUE POINT OF BEGINNING;

THAT PORTION OF PARCEL "A" AND THE PROPERTY DESCRIBED HEREON IS MORE PARTICULARLY SHOWN ON THAT CERTAIN PLAT ENTITLED, "PLAT OF SUBDIVISION & PROPERTY LINE EXTINGUISHMENT BETWEEN THE PROPERTIES OF JOHN B. BARNETT, JR., CHICKASAW, L.L.C. AND BARNETT DEVELOPMENT COMPANY, INC.", DATED APRIL 4, 2006, REVISED MAY 5, 2006 AND DULY RECORDED AT THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF JAMES CITY, VIRGINIA AS INSTRUMENT #060013607.

And

That certain portion of James City County Tax Parcel 2321100001C to be made a part of Tax Parcel 2321100001D via boundary line adjustment as more particularly shown on the Master Plan.

And

That certain portion of James City County Tax Parcel 2321100002D to be made a part of Tax Parcel 2321100001D via boundary line adjustment as more particularly shown on the Master Plan.

April 24, 2015

Transmitted Electronically

Mr. Paul Holt
Planning Director
James City County Planning Department
101-A Mounts Bay Road
Williamsburg, Virginia 23187

RE: Village at Candle Station
James City County Case # - MP-0004-2014, Z-0008-2014

Dear Paul:

Division 14 of the Zoning Ordinance, Planned Unit Development Districts, states that a 75' perimeter buffer shall be maintained from property lines adjoining a different zoning district to a PUD. Paragraph (b), Waiver Provisions, provides a mechanism for waivers to this buffer requirement when adjoining properties are zoned for commercial or industrial uses and are designated general business, limited industrial, or general industrial on the Comprehensive Plan.

These conditions exist on the Candle Station property and the adjacent properties abutting the property and fronting on Route 60, Richmond Road. AES, on behalf of Candle Development, LLC respectfully requests a waiver to section 24-492, paragraph (a), peripheral buffers, (2) commercial. The accompanying exhibit shows a 10' buffer between the proposed self-storage facility and the loading and service area behind the adjacent Food Lion parcel. A property line adjustment is proposed between the self-storage facility and the Candle Factory Storage facility where the buffer is reduced to zero. In this case, the two properties are under the same ownership and access to the self-storage facility is provided from the Candle Factory Storage side. To the east, a narrow strip of the site is adjacent to more land connected to the Poplar Creek Office Park land zoned M-1. The 260 feet of buffer here is proposed at a 20' width. While this waiver request proposes the removal of approximately 72,000 sq. ft. of landscaped area, Candle Development LLC has agreed to provide landscaping (trees and shrubs) in amounts comparable to those required in buffers, between the residential portion of Candle Station and the proposed self-storage facility and in other public open space throughout the village.

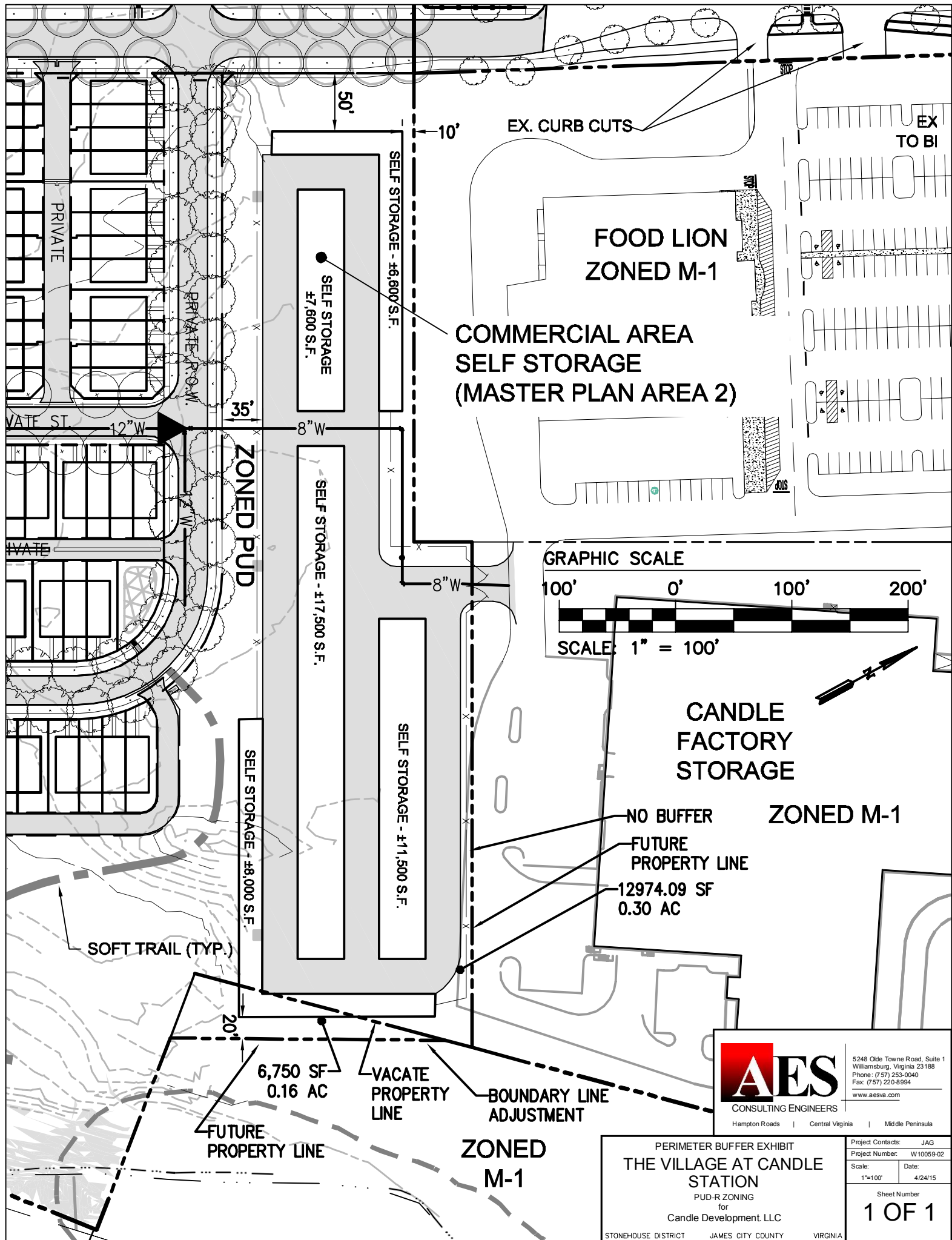
In conclusion and per paragraph (b), Waiver Provisions 1., The zoning and comprehensive plan designation of these adjoining properties are compatible with the proposed self-storage facility. 2., The compatibility of the adjoining land uses reduces the need for buffering, and 3., The reduced buffers will be replaced with significantly enhanced landscaping between the residential portion of the Village at Candle Station and the self-storage facility. Additional landscaping is also proposed between the Village at Candle Station and the properties along Old Church Lane to the east of the site, and in other public spaces within the community.

Sincerely,

AES Consulting Engineers

James S. Peters
Senior Landscape Architect
James.peters@aesva.com

JSP:jar





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

Hampton Roads | Central Virginia | Middle Peninsula

PERIMETER BUFFER EXHIBIT
THE VILLAGE AT CANDLE STATION
PUD-R ZONING
for
Candle Development LLC

STONEHOUSE DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts: JAG	
Project Number: W10059-02	
Scale: 1"=100'	Date: 4/24/15
Sheet Number 1 OF 1	

Housing Opportunities Policy Guide

In November 2012, the James City County Board of Supervisors adopted a Housing Opportunity Policy to recognize the importance of providing housing opportunities which are affordable for homeowners and renters with particular emphasis on households earning 30 to 120 percent of the County's Area Median Income (AMI). Staff recommends reviewing the Policy in full, but has also developed the guidance below to assist in its application. It is important to first understand that the Policy is geared toward two types of housing, affordable and workforce - these terms are defined in the Policy.

The Policy is applicable in all rezoning applications that include a residential component. The Guide is intended to be a helpful resource in understanding how the policy is implemented and it includes all applicable annual cost basis updates.

Step 1

Determine the number of units that would be expected to be affordable and workforce in your proposed development. The Policy states that at least 20 percent of a development's proposed units should be offered for sale/rent at prices targeted at households earning 30 to 120% of AMI, and further specifies percentages targeted at the AMI in certain components of that overall range, as follows:

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

This means that if a 60 unit development were proposed, 12 units should be targeted to the overall AMI range, and that within this, 5 units would be targeted to 30 – 60% of AMI, 4 units targeted to 60 – 80% of AMI, and 3 units targeted to 80 – 120 % of AMI. (Should standard rounding conventions yield numbers that do not add up to the 20%, or would result in more than the 20%, the number of units in each category shall be determined by the Planning Director.)

Step 2

The "targeted to" prices will be provided by the County's Office of Housing and Community Development based on the definitions in the Policy. Each year, these numbers will be updated. These prices can be used to guide for any proffers that are offered. In **2014**, these numbers are as follows:

Units targeted to (percent of AMI):	Price range (Minimum – Maximum)
30 percent – 60 percent	\$99,436 – \$173,376
Over 60 percent – 80 percent	\$173,377 – \$242,386
Over 80 percent – 120 percent	\$242,387 - \$380,407

The step 2 conclusion shows that for a developer wishing to pursue a 60 lot development, the Policy would look for 5 of the units to be offered at prices between \$99,436 and \$173,376, for 4 of the units to be offered at prices between \$173,377 and \$242,386, and for 3 of the units to be offered at prices between \$242,387 and \$380,407. In terms of any proffers that are offered, the text could be written to reference the price that will be posted by OHCD via the annual updates provided in this guide.

Other Considerations

Cash Proffers in Relation to the Affordable and Workforce Units

For the targeted affordable and workforce units, the Board of Supervisors included a reduced expectation of cash proffers in the Housing Opportunities Policy. Examples of typical cash proffers offered in association with development proposals are amounts for schools, water and sewer improvements, and other public facility and infrastructure capital improvement program items. The Policy includes a specific reduction for each of the component AMI ranges, as follows:

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

Based on the reduction amounts specified above, for a 60 unit development that is offering 12 affordable and workforce units as described above, 5 of the units would not be expected to be associated with any cash proffers, 4 could be associated with 40% of the amount otherwise being offered, and 3 could be associated with 70% of the amount otherwise being offered.

Affordable and Workforce Unit Retention Period

The Policy specifies certain provisions intended to retain the benefit of affordable and workforce units over time – please see the Policy for further information.

In-lieu Contribution to the Housing Fund

The Policy also includes provisions for the payment of contributions in-lieu of a commitment to build and offer units for sale as described above. The amount consists of two components added together – the unit price and the median lot cost price.

Unit Price

The unit price is a set amount that will be recalculated each year by OHCD using the structure set forth in the Policy. For **2014**, the unit prices calculated by OHCD are as follows:

Units targeted to (percent of AMI):	Unit Cash-in-lieu amount
30 percent – 60 percent	\$118,800
Over 60 percent – 80 percent	\$118,800
Over 80 percent – 120 percent	\$138,600

For a developer wishing to pursue a 60 lot development, the Policy would look for cash in-lieu amounts for the 5 units of \$594,000 (\$118,800 each), for the 4 units of \$475,200 (\$118,800 each), and for 3 units of \$415,800 (\$138,600 each), for a total of \$1,477,800. Please note that a developer can choose pursue a combination of built units and cash-in-lieu, so long as the overall and AMI component percentages are met.

Median Lot Cost Price

The unit price figure described above would be added to the development's anticipated median lot cost price for each of in-lieu units. (The median lot cost is intended to reflect the land and infrastructure costs to create a buildable lot, not the price at which the lot will be offered for sale.) Using the example 60 lot development described above, if the anticipated median lot cost was \$80,000, the total for this component of the in-lieu calculation would be \$960,000 (\$80,000 times 12). As noted above, the developer can choose to pursue a combination of built units and cash-in-lieu, so long as the overall and AMI component percentages are met.

Again using the example 60 lot development described above, the total cash-in-lieu amount (assuming all 12 units would be in-lieu) would be \$2,437,800 (unit price cost of \$1,477,800 plus lot cost price of \$960,000).

Other Procedural Notes

The last section of the Policy provides important procedural information including details on required assurances, which should be carefully reviewed and reflected in any proffered language, as appropriate.

This guide last updated on: February 6, 2014

MEMORANDUM

DATE: May 6, 2015

TO: The Planning Commission

FROM: Jason Purse, Zoning Administrator

SUBJECT: ZO-0004-2015, A-1, General Agricultural, and Definition Amendments to Incorporate State Code Changes

During the 2014 and 2015 Legislative sessions, amendments to the State Code were passed that need to be incorporated into the Zoning Ordinance. The proposed changes deal with the definition of agriculture and agri-tourism, changes to other definitions of uses in A-1, as well as identifying which uses are permitted by-right or require a special use permit.

More specifically, HB 1089, SB 51, and SB 430 were all approved in 2014; and SB 1272 was approved in 2015. State code language associated with the new legislation is attached, and summaries of the new legislation are as follows:

HB 1089- Clarifies the definition of agricultural products.

SB 430-The bill limits local regulation of limited brewery licensees and specifically prohibits the imposition of minimum parking, road access, or road upgrade requirements on any licensed limited brewery. Limited breweries may be located on a farm, and use agricultural products that are grown on the farm in the manufacture of their beer.

SB 51- Protects certain activities as part of agricultural operations from local regulation in the absence of substantial impacts on the public welfare and requires localities to take certain factors into account when regulating any of several activities, including: the conduct of agritourism activities, the sale of agricultural or silvicultural products or related items, the preparation or sale of foods that otherwise comply with state law, and other customary activities. Localities are prohibited from subjecting these listed activities to a special use permit requirement in the absence of a substantial impact on health, safety, or public welfare and in most situations are prevented from stringently regulating any sound produced by these listed activities. This bill is identical to HB 268.

SB 1272- Similar to the limited brewery legislation referenced above (SB 430) but this bill contains specific language for distilleries that (i) manufacture no more than 36,000 gallons of spirits per calendar year, (ii) are located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such distillery or its owner, and (iii) use agricultural products grown on the farm in the manufacture of its alcoholic beverages.

In acknowledgement of these changes in state code, the A-1 ordinance (attachment 2) has been updated to include the following:

- Inclusion of “agritourism activities” as an accessory use in the agricultural section
- Change of “fish farming and aquaculture” to a permitted use (with processing of these products remaining a SUP)

- Inclusion of “agricultural operation,” “production agriculture” and “silviculture activity” to the use list
- Addition of “Sale of agricultural or silvicultural products, or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation, including wayside stands” as a permitted use
- Deletion of “Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet” from permitted uses
- Deletion of “Wayside stands for sale of agricultural products over 500 square feet in area” from SUP uses
- Addition of “Limited farm brewery” as a permitted use
- Addition of “Limited farm distillery” as a permitted use
- Addition of “Small-scale alcohol production” as a SUP use

The Definitions section of the Zoning Ordinance has been amended to include the associated definitions (attachment 3).

Small-scale alcohol production includes micro-brewery, micro-distillery, and micro-winery type uses. Often times micro-breweries are accompanied by restaurants and tap rooms. Staff included small-scale alcohol production as a SUP in A-1 in order to allow potential micro-brewery style uses that would like to expand beyond an accessory farming operation if the impacts can be mitigated through the legislative process. Restaurants and taverns are currently SUP uses in A-1 as well.

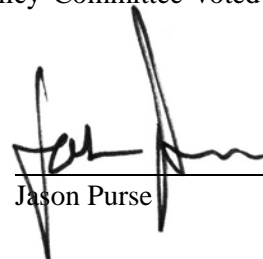
Other miscellaneous proposed changes

During the last update to the residential districts (2012), staff amended the definition and use list name for group homes based on a change in the State Code definition. A similar change is proposed in the A-1 ordinance during this update. Similarly, there has historically been some overlap between what constitutes a group home and what constitutes a “retreat,” as listed in the A-1 ordinance. Staff has included a new definition that clarifies the retreat use, and given the extent of potential impacts, staff recommends making retreat a use that requires a special use permit.

Finally, the use list was amended in general to represent the “Use category” chart format that appears in the residential and commercial zoning districts, as amended during the last comprehensive ordinance update in 2012.

Recommendation

Staff recommends the Planning Commission recommend approval of these ordinance amendments to the Board of Supervisors. At its April 16, 2015 meeting, the Policy Committee voted 2-0 to recommend approval of these amendments.



Jason Purse

Attachments:

1. Ordinance
2. Unapproved minutes from the April 16, 2015 Policy Committee meeting
(Attachment found following Public Hearing items)

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS; BY AMENDING AND RENAMING ARTICLE V, DISTRICTS, DIVISION 2, GENERAL AGRICULTURAL DISTRICT, A-1, SECTION 24-212, PERMITTED USES; AND BY DELETING SECTION 24-213, USES PERMITTED BY SPECIAL USE PERMIT ONLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-2, Definitions; by amending and renaming Article V, Districts, Division 2, General Agricultural District, A-1, Section 24-212, Permitted uses; and by deleting Section 24-213, Uses permitted by special use permit only.

Chapter 24

ARTICLE I. IN GENERAL

Sec. 24-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

A

Agritourism Activity- Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an Agritourism activity whether or not the participant paid to participate in the activity.

Agricultural Operation- Any operation devoted to the bona fide production of crops, or animals, or fowl including the production of fruits or vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity.

L

Limited Farm Brewery-Breweries that manufacture no more than 15,000 barrels of beer per calendar year, provided the brewery is located on a farm where agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on the farm. Limited Farm Brewery does not include a restaurant or tap room operations, but may include the sale or tasting of beer during regular business hours within the normal course of business. The sale of beer-related items that are incidental to the sale of beer is also permitted.

Limited Farm Distillery-Distilleries that manufacture no more than 36,000 gallons of alcohol per calendar year, provided the distillery is located on a farm where agricultural products used by such distillery in the manufacture of its alcohol are grown on the farm. Limited Farm Distillery does not include a restaurant or

tap room operations, but may include the sale or tasting of alcohol during regular business hours within the normal course of business. The sale of distillery-related items that are incidental to the sale of alcohol is also permitted.

P

Production Agriculture or Silviculture Activity- The bona fide production or harvesting of agricultural products as defined in section 3.2-6400 of the Code of Virginia, including silvicultural products, but shall not include the processing of agricultural or silviculture products, the above ground application or storage of sewage sludge, or the storage or disposal of non-agricultural excavation material, waste and debris if the excavation material, waste and debris are not generated on the farm, subject to the provisions of the Virginia Waste Management Act.

R

Retreat- A private or secure place of refuge and education. A retreat can include temporary, short-term residential facilities, recreational amenities, and educational activities (e.g. for job training and life skills). Retreat facilities must be voluntary in nature, and are different from group homes, which must be licensed by the Department of Behavioral Health and Development Services. A caretaker must be present when guests/lodgers are on-site.

S

Small-scale Alcohol Production-Includes operations such as micro-breweries, micro-distilleries, and micro-wineries. Micro-breweries produce no more than 15,000 barrels a year. Micro-distilleries produce no more than 36,000 gallons of alcohol per year. Micro-wineries produce no more than 15,000 barrels a year. These uses are often accompanied by tap rooms, brew pubs, and retail sales.

Chapter 24

ARTICLE V. DISTRICTS

DIVISION 2. GENERAL AGRICULTURAL DISTRICT, A-1

Sec. 24-212. ~~Permitted uses~~ *Use list*.

~~In the General Agricultural District, A-1, structures to be erected or land to be used shall be for the following uses:~~

~~Accessory apartments, attached, in accordance with section 24-32.~~

~~Accessory buildings and structures.~~

~~Accessory uses, as defined herein.~~

~~Communication towers and tower mounted wireless communications facilities, up to a height of 35 feet.~~

~~Farmers' markets, limited in area to 2,500 square feet.~~

~~General agriculture, dairying, forestry, general farming, and specialized farming, including the keeping of horses, ponies and livestock, but not intensive agriculture as herein defined and not commercial slaughtering or processing of animals or poultry.~~

~~Greenhouses, commercial.~~

~~Home occupations, as defined herein.~~

~~Horse and pony farms (including the raising and keeping of horses), riding stables.~~

~~House museums.~~

~~Houses of worship and cemeteries accessory hereto.~~

~~Intensive agriculture as herein defined.~~

~~Manufactured homes that are on a permanent foundation.~~

~~Nurseries.~~

~~Off street parking as required by section 24-54.~~

~~Petroleum storage on a farm as an accessory use and not for resale.~~

~~Preserves and conservation areas for protection of natural features and wildlife.~~

~~Rest homes for fewer than 15 adults.~~

~~Retreat facilities.~~

~~Single family detached dwellings.~~

~~Slaughter of animals for personal use but not for commercial purposes.~~

~~Storage and repair of heavy equipment as an accessory use to a farm.~~

~~Timbering in accordance with section 24-43.~~

~~Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.~~

~~Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.~~

~~Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.~~

~~Wireless communication facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities.~~

~~(Ord. No. 31A-88, § 20-29, 4-8-85; Ord. No. 31A-114, 5-1-89; Ord. No. 31A-122, 6-18-90; Ord. No. 31A-131, 6-3-91; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-162, 6-19-95; Ord. No. 31A-165, 9-18-95; 31A-169, 5-~~

28-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-257, 11-22-11; Ord. No. 31A-259, 1-10-12; Ord. No. 31A-293, 8-12-14)

~~Sec. 24-213. Uses permitted by special use permit only.~~

~~In the General Agricultural District, A-1, buildings to be erected or land to be used for the following uses shall be permitted only after the issuance of a special use permit approved by the board of supervisors in accordance with the procedures, guides and standards of sections 24-9 and 24-10 and such other guides and standards as may be contained in this chapter.~~

~~Accessory apartment, detached, in accordance with section 24-32.~~

~~Adult day care centers.~~

~~Airports and landing fields, heliports or helistops and accessory uses.~~

~~Animal hospitals, veterinary offices and kennels.~~

~~Automobile graveyards.~~

~~Automobile repair and service.~~

~~Automobile service stations; if fuel is sold, then in accordance with section 24-38.~~

~~Beauty and barber shops.~~

~~Campgrounds.~~

~~Cemeteries and memorial gardens, not accessory to a church or other place of worship.~~

~~Commercial equipment repair accessory to a dwelling with no outdoor storage or operations and the use occupies a building not larger than 2,000 square feet.~~

~~Communication towers over 35 feet in height.~~

~~Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities except for facilities approved as part of a subdivision created pursuant to section 24-214(c).~~

~~Contractors' warehouses, sheds and offices.~~

~~Convenience stores; if fuel is sold, then in accordance with section 24-38.~~

~~Day care and child care centers.~~

~~Dinner theaters and dance halls as an accessory use to a restaurant or tavern.~~

~~Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.~~

~~Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of top soil (but not farm pond construction, field leveling or stripping of sod for agricultural purposes and~~

~~excavations in connection with development which has received subdivision or site plan approval, which do not require a special use permit.)~~

~~Family care homes, foster homes or group homes serving physically handicapped, mentally ill, intellectually disabled or other developmentally disabled persons, for more than five such persons.~~

~~Farm equipment sales and service.~~

~~Farmers' markets over 2,500 square feet in area.~~

~~Feed, seed and farm supplies.~~

~~Fire stations, rescue squad stations, volunteer or otherwise.~~

~~Fish farming and aquaculture.~~

~~Flea markets, temporary or seasonal.~~

~~Food processing and storage.~~

~~Gift shops and antique shops.~~

~~Golf courses and country clubs.~~

~~Group quarters for agricultural workers.~~

~~Home care facilities.~~

~~Horse racing tracks.~~

~~Horse show areas, polo fields.~~

~~Hospitals and nursing homes.~~

~~Hunting preserve or club, rifle or pistol range, trap or skeet shooting.~~

~~Lodges, civic clubs, fraternal organizations or service clubs.~~

~~Lumber and building supply stores.~~

~~Manufacture and sale of wood products.~~

~~Manufactured home parks in accordance with the special provisions of article IV.~~

~~Medical clinics.~~

~~Petroleum storage, other than on a farm for farm use or accessory for a residence.~~

~~Post offices and public buildings generally.~~

~~Professional offices of not more than 2,000 square feet with no more than one office per lot.~~

~~Race tracks for animals or vehicles, including racing courses for power boats.~~

~~Railroad facilities, including tracks, bridges, switching yards and stations. However, spur lines, which are to serve and are accessory to existing or proposed development adjacent to existing railroad right of ways, and track and safety improvements in existing railroad right of ways, are permitted generally and shall not require a special use permit.~~

~~Rental of rooms to a maximum of three rooms.~~

~~Rest homes for 15 or more adults.~~

~~Restaurants, taverns.~~

~~Retail sale and repair of lawn equipment with outdoor display area up to 2,500 square feet and repair limited to a fully enclosed building.~~

~~Retail sales of plant and garden supplies.~~

~~Retail shops associated with community recreation facilities.~~

~~Sanitary landfills, in accordance with section 24-40, construction debris landfills, waste disposal or publicly owned solid waste container sites.~~

~~Schools, libraries, museums and similar institutions, public or private.~~

~~Seminaries.~~

~~Slaughterhouses.~~

~~Solid waste transfer stations.~~

~~Storage and repair of heavy equipment.~~

~~Storage, stockpiling and distribution of sand, gravel and crushed stone.~~

~~Telephone exchanges and telephone switching stations.~~

~~Tourist homes.~~

~~Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 feet in height.~~

~~Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.~~

~~Two family dwellings.~~

~~Upholstery shops.~~

~~Utility substations.~~

~~Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment~~

~~such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains, with no additional connections to be made to the line, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a subdivision or development, including pump stations,, are permitted generally and shall not require a special use permit.~~

~~Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.~~

~~Waterfront business activities: marine interests, such as boat docks, piers, yacht clubs, marinas and commercial and service facilities accessory thereto, docks and areas for the receipt, storage, and transshipment of waterborne commerce; seafood and shellfish receiving, packing and shipping plants; and recreational activities primarily conducted on or about a waterfront. All such uses shall be contiguous to a waterfront.~~

~~Wayside stands for sale of agricultural products over 500 square feet in area.~~

~~Wineries, with accessory commercial facilities.~~

<i>Use Category</i>	<i>Use List</i>	<i>Permitted Uses</i>	<i>Specially Permitted Uses</i>
<i>Residential Uses</i>	<i>Accessory apartments, attached, in accordance with section 24-32.</i>	<i>P</i>	
	<i>Accessory apartment, detached, in accordance with section 24-32.</i>		<i>SUP</i>
	<i>Accessory buildings and structures.</i>	<i>P</i>	
	<i>Accessory uses, as defined herein.</i>	<i>P</i>	
	<i>Family care homes, foster homes or group homes serving physically handicapped, mentally ill, intellectually disabled or other developmentally disabled persons, for more than five such persons.</i>		<i>SUP</i>
	<i>Group home or residential facility, for eight or fewer adults</i>	<i>P</i>	
	<i>Group homes or residential facilities for nine or more adults</i>		<i>SUP</i>
	<i>Group quarters for agricultural workers.</i>		<i>SUP</i>
	<i>Home care facilities.</i>		<i>SUP</i>
	<i>Manufactured homes that are on a permanent foundation.</i>	<i>P</i>	
	<i>Manufactured home parks in accordance with the special provisions of article IV.</i>		<i>SUP</i>
	<i>Single-family detached dwellings.</i>	<i>P</i>	
	<i>Two-family dwellings.</i>		<i>SUP</i>
<i>Commercial Uses</i>	<i>Accessory buildings and structures.</i>	<i>P</i>	
	<i>Accessory uses, as defined herein.</i>	<i>P</i>	
	<i>Adult day care centers.</i>		<i>SUP</i>

Airports and landing fields, heliports or helistops and accessory uses.		SUP
Animal hospitals, veterinary offices and kennels.		SUP
Automobile graveyards.		SUP
Automobile repair and service.		SUP
Automobile service stations; if fuel is sold, then in accordance with section 24-38.		SUP
Beauty and barber shops.		SUP
Campgrounds.		SUP
Cemeteries and memorial gardens, not accessory to a church or other place of worship.		SUP
Commercial equipment repair accessory to a dwelling with no outdoor storage or operations and the use occupies a building not larger than 2,000 square feet.		SUP
Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities except for facilities approved as part of a subdivision created pursuant to section 24-214(c).		SUP
Contractors' warehouses, sheds and offices.		SUP
Convenience stores; if fuel is sold, then in accordance with section 24-38.		SUP
Day care and child care centers.		SUP
Dinner theaters and dance halls as an accessory use to a restaurant or tavern.		SUP
Farm equipment sales and service.		SUP
Farmers' markets, limited in area to 2,500 square feet.	P	
Farmers' markets over 2,500 square feet in area.		SUP
Feed, seed and farm supplies.		SUP
Flea markets, temporary or seasonal.		SUP
Food processing and storage		SUP
Gift shops and antique shops.		SUP
Golf courses and country clubs.		SUP
Greenhouses, commercial.	P	
Home occupations, as defined herein.	P	
Horse and pony farms (including the raising and keeping of horses), riding stables.	P	
Horse racing tracks.		SUP
Horse show areas, polo fields.		SUP
Hospitals and nursing homes.		SUP
House museums.	P	
Hunting preserve or club, rifle or pistol range, trap or skeet shooting.		SUP
Lumber and building supply stores.		SUP
Medical clinics.		SUP
Nurseries.	P	
Off-street parking as required by section 24-54.	P	

	Petroleum storage, other than on a farm for farm use or accessory for a residence.		SUP
	Professional offices of not more than 2,000 square feet with no more than one office per lot.		SUP
	Race tracks for animals or vehicles, including racing courses for power boats.		SUP
	Railroad facilities, including tracks, bridges, switching yards and stations. However, spur lines, which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways, and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a special use permit.		SUP
	Rental of rooms to a maximum of three rooms.		SUP
	Rest homes for fewer than 15 adults.	P	
	Rest homes for 15 or more adults.		SUP
	Restaurants, taverns.		SUP
	Retreat facilities.	P	SUP
	Retail sale and repair of lawn equipment with outdoor display area up to 2,500 square feet and repair limited to a fully enclosed building.		SUP
	Retail sales of plant and garden supplies.		SUP
	Retail shops associated with community recreation facilities.		SUP
	Sanitary landfills, in accordance with section 24-40, construction debris landfills, waste disposal or publicly owned solid waste container sites.		SUP
	Slaughter of animals for personal use but not for commercial purposes.	P	
	Slaughterhouses.		SUP
	Small-scale alcohol production		SUP
	Tourist homes.		SUP
	Upholstery shops.		SUP
	Waterfront business activities: marine interests, such as boat docks, piers, yacht clubs, marinas and commercial and service facilities accessory thereto, docks and areas for the receipt, storage, and transshipment of waterborne commerce; seafood and shellfish receiving, packing and shipping plants; and recreational activities primarily conducted on or about a waterfront. All such uses shall be contiguous to a waterfront.		SUP
	Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.	P	
	Wayside stands for sale of agricultural products over 500 square feet in area.		SUP
Agricultural Uses	Accessory buildings and structures.	P	
	Accessory uses, including agritourism activities , as defined herein in section 24-2.	P	

	<i>Fish farming and aquaculture, but shall not include the processing of such products.</i>	P	SUP
	<i>Food processing and storage, when it occurs in private homes per Code of Virginia §3.2-5130 subdivisions A 3, 4, and 5.</i>	P	
	<i>General agriculture operation, production agriculture or silviculture activity, dairying, forestry, general farming, and specialized farming, including the keeping of horses, ponies and livestock, but not intensive agriculture as herein defined and not commercial slaughtering or processing of animals or poultry.</i>	P	
	<i>Limited farm brewery</i>	P	
	<i>Limited farm distillery</i>	P	
	<i>Intensive agriculture as herein defined.</i>	P	
	<i>Petroleum storage on a farm as an accessory use and not for resale.</i>	P	
	<i>Sale of agricultural or silvicultural products, or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation, including wayside stands</i>	P	
	<i>Storage and repair of heavy equipment as an accessory use to a farm.</i>	P	
	<i>Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.</i>	P	
	<i>Wineries, with accessory commercial facilities.</i>		SUP
Civic Uses	<i>Accessory buildings and structures.</i>	P	
	<i>Accessory uses, as defined herein.</i>	P	
	<i>Fire stations, rescue squad stations, volunteer or otherwise.</i>		SUP
	<i>Houses of worship and cemeteries accessory hereto.</i>	P	
	<i>Lodges, civic clubs, fraternal organizations or service clubs.</i>		SUP
	<i>Post offices and public buildings generally.</i>		SUP
	<i>Schools, libraries, museums and similar institutions, public or private.</i>		SUP
	<i>Seminaries.</i>		SUP
Utility Uses	<i>Communication towers and tower mounted wireless communications facilities, up to a height of 35 feet.</i>	P	
	<i>Communication towers over 35 feet in height.</i>		SUP
	<i>Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.</i>		SUP
	<i>Telephone exchanges and telephone switching stations.</i>		SUP
	<i>Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 feet in height.</i>		SUP
	<i>Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal</i>		SUP

	and any other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.		
	Utility substations.		SUP
	Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains, with no additional connections to be made to the line, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a subdivision or development, including pump stations,, are permitted generally and shall not require a special use permit.		SUP
	Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.	P	
	Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.		SUP
	Wireless communication facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities.	P	
Open Uses	Preserves and conservation areas for protection of natural features and wildlife.	P	
	Timbering in accordance with section 24-43.	P	
Industrial Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of top soil (but not farm pond construction, field leveling or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval, which do not require a special use permit.)		SUP
	Manufacture and sale of wood products.		SUP
	Solid waste transfer stations.		SUP
	Storage and repair of heavy equipment.		SUP
	Storage, stockpiling and distribution of sand, gravel and crushed stone.		SUP

POLICY COMMITTEE MEETING

April 16, 2015

4:00 p.m.

County Government Center, Building A

1.) Roll Call

Present

Mr. John Wright
Mr. Tim O'Connor

Staff Present

Mr. Paul Holt
Mr. Chris Johnson
Mr. Jason Purse
Ms. Tammy Rosario
Mr. Maxwell Hlavin
Mr. Alex Baruch

Others Present

Absent

Mr. Krapf
Mr. Richardson

Mr. John Wright called the meeting to order at 4:00 p.m.

2.) Minutes

a. March 4, 2015

Ms. Tim O'Connor moved to approve the March 4, 2015 minutes.

In a unanimous voice vote, the minutes were approved as submitted (2-0).

3.) Old Business

There was no old business to discuss.

4.) New Business

a. ZO-0004-2015, A-1, General Agricultural, and Definition Amendments to Incorporate State Code Changes

Mr. Jason Purse stated that there were a number of State Code changes made in the legislative sessions in 2014 and 2015. Mr. Purse stated that the County is taking care of all of the changes in one group including the ones in 2015 that are going to be enacted in July. Mr. Purse gave an overview of the changes being made to the ordinance. Mr. Purse stated that housekeeping changes were made to the aquaculture/fish farming and wayside stands sections. Mr. Purse stated that limited farm brewery and limited farm distillery are the main additions to the ordinance. Mr. Purse stated that this adds a production component to the on-site farming, meaning that if you have an active farm and are growing the materials that you can use to make beer or distill a product as a permitted use. Mr. Purse stated that the ordinance limits it to only allowing a tasting room associated with the limited brewery. Restaurants or tap rooms would still require a special use permit. Mr. Purse stated that staff also proposed adding small scale

alcohol production as a special use permit, which would allow a brewery type use where material was not grown onsite.

Mr. Wright inquired whether the required permits were still required for serving alcohol in these situations.

Mr. Purse stated that it would still be required.

Mr. Wright asked if the group home provision would be allowed in New Town.

Mr. Purse stated that it would be allowed in New Town per the State Code. Mr. Purse stated that the State Code says that the County cannot prevent this type of group home. Mr. Purse stated that there were some examples of group homes in Kingsmill, for example.

Mr. O'Connor stated that an HOA is violating state law if they have it written into their by-laws that this type of group home is not permitted. Mr. O'Connor asked if it was eight unrelated people plus caretakers.

Mr. Paul Holt stated that it is eight people plus a resident caretaker.

Mr. Purse read the State Code.

Mr. Purse stated that you have to be licensed for a very specific type of group home and not all group homes qualify for this.

Mr. Holt stated that HOAs are allowed to limit other types of group homes but not this one.

Mr. O'Connor stated that it is defined in the State Code and is an exception. Mr. O'Connor asked if the language needed to be defined specifically as eight or fewer adults plus caretakers.

Mr. Purse stated that staff did not want to get too wordy in the use list but the definition in the ordinance clarifies the specifics.

Mr. O'Connor stated that he would like to avoid any confusion by making it as clear as possible.

Mr. Purse stated that staff had not run into any problems given the definition.

Mr. Maxwell Hlavin stated that the State Code definition would trump the ordinance if it came to any questions.

Mr. O'Connor asked about fish farming and aquaculture and if harvesting is considered a part of the farming activity.

Mr. Purse stated that if a farmer were to harvest the fish it would be a part of the farming activity, bringing it to shore would be part of the farming activity, but you cannot process it or package it.

Mr. Holt stated that a farmer could harvest the fish and take it to the front of their property and sell it as a whole fish through a wayside stand but they could not can, package or process the fish.

Mr. O'Connor stated that there would not be a problem with having a truck come and pick up the fish to haul them away.

Mr. Holt stated that was correct.

In a unanimous voice vote, the draft Ordinance was forwarded to Planning Commission for consideration (2-0).

- b. ZO-0002-2015, Article V, Division 10, General Business, B-1 and Division 11, Limited Business/Industrial, M-1

Mr. Purse gave an overview of the changes being made to the ordinance. Mr. Purse stated that microbreweries were taken out of the ordinance and replaced with the small scale alcohol production as a permitted use to remain consistent.

In a unanimous voice vote, the draft Ordinance was forwarded to Planning Commission for consideration (2-0).

- c. ZO-0003-2015, Article I, In General –Administrative fees, Amendment and variations of conditions and Submittal requirements

Mr. Chris Johnson gave an overview of the changes proposed to the ordinance. Mr. Johnson stated that due to changes in the State Code and the way the County processes legislative applications, in 2009 the State Code was amended to allow proffers amendments that do not affect conditions of use or density to bypass the public hearing process otherwise required by County Code prior to consideration for adoption by the Board of Supervisors. Mr. Johnson stated that staff has processed proffer amendment requests that do not affect use or density by relying on County Administration and the County Attorney to informally poll the Board of Supervisors prior to processing the request as a rezoning application. Mr. Johnson stated that in order to provide a measure of clarity to the process for future requests, staff is proposing amendments to the County Code to add an administrative fee and outlining the submittal requirements and administrative procedures for the processing of written proffer amendment requests that do not require a public hearing as determined by the Board of Supervisors.

Mr. Johnson stated that the other change proposed in this amendment is to the submittal requirements portion of the ordinance. Mr. Johnson stated that since December 2014, all document materials included in the Board of Supervisors agenda have been required to be submitted in an electronic format. Mr. Johnson stated in order to provide clarity to the process for the public, development community and applicants, staff is proposing this amendment to clarify formatting expectations for all materials which are intended to be included on a Planning Commission or Board of Supervisors meeting agenda. Mr. Johnson stated that staff recommends the Policy Committee recommend approval of the draft amendment to the Zoning Ordinance to the Planning Commission.

Mr. Holt stated that the most recent example of a proffer amendment that did not require a public hearing would have been the Gatehouse Farms case.

Mr. Johnson stated that the Gatehouse Farms case was to eliminate proffer conditions that no longer applied to the property because there was going to be no recreation facility on that property. Mr. Johnson stated before the Gatehouse Farms case the Stonehouse case was the other application processed in this manner. Mr. Johnson stated that the Toano Trace proffer amendment case came in under a similar request but was determined by the Attorney's Office to affect the condition of use of the property and therefore had to be processed a public hearing case.

Mr. Johnson stated that with this amendment staff would be able to point to a place in the ordinance that describes the process and lays out the guidelines and two directions the Board of Supervisors could take and would point to a fee structure if the case dictates that a public hearing is required.

Mr. Wright stated that this would also be beneficial to the Planning Commission.

Mr. Johnson stated that anything that clarifies a process would be beneficial to the public and everyone else involved in handling such a request in the future.

Mr. Wright asked if the amendment would decrease the Planning Division's workload.

Mr. Johnson stated that it would not decrease staff's workload but would clarify expectations and eliminate undocumented requirements and procedures.

Mr. Holt stated that there is a process in State Code that says this process can be done; however, the County Code does not describe the process.

Mr. Wright asked if for the submittal requirements, would a standard software be used.

Mr. Holt stated that it would be in PDF format. Mr. Holt stated that all of the different software products export to PDF. Mr. Holt stated that staff would provide the companies with the website that they can submit the documents to so it will not be any additional legwork or custom software for the applicant.

Mr. Wright stated that it would be a benefit to the applicant and staff.

Mr. Johnson stated that for the small applicant who does not have that range of experience staff would continue to help scan materials in for submittal.

Mr. O'Connor asked if paper copies would still be required.

Mr. Johnson stated that paper copies would still be required because staff still has to send out copies to agencies for review and paper copies make it easier to review/discuss a plan around a table.

Mr. Holt stated that for example at DRC staff may still need to have a big plan to review out in front of everyone but in the future we may be able to reduce the amount of paper copies if we have the technology to support review of plans that way.

Mr. O'Connor stated that he prefers having paper copies when reviewing documents.

Ms. Tammy Rosario stated that having a paper plan allows for easier notations.

Mr. O'Connor stated that it is easier to see the whole picture when the big plan is spread out in front of you.

In a unanimous voice vote, the draft Ordinance was forwarded to Planning Commission for consideration (2-0).

d. PC Remote attendance policy

Mr. Holt gave an overview of the proposed policy. Mr. Holt stated that the examples from other localities are similar because the State Code is prescriptive about what the allowable conditions are for being allowed to attend a meeting remotely. Mr. Holt stated that the model ordinance from the Virginia Municipal League (VML) was the best formatted example. Mr. Holt stated that staff's recommendation would be to use the VML example as a starting point to put together a version applicable to James City County.

Mr. Wright asked how this would be implemented in a meeting.

Mr. Holt stated that under the model policy item # 1A or 2A, the day before the meeting the member would notify the chair and the Planning Director. Mr. Holt stated that the meeting would be set up where the motion would be taken at the beginning of the meeting to allow or not allow the member to attend remotely. Mr. Holt stated that mechanically the person would be on speakerphone throughout the meeting.

Mr. Wright stated that that the policy says only two meetings or 25% of the meetings whichever is fewer.

Mr. Holt stated that since the Planning Commission meets monthly it would be a maximum of two meetings.

Mr. O'Connor asked if travel for work would be considered a personal matter.

Mr. Hlavin stated the policy can be left open for interpretation or can be limited but traveling for work would be considered a personal matter in my interpretation.

Mr. Wright asked if he had a personal matter that took him away from the area and wanted to listen to the meeting and be marked absent would that be allowed?

Mr. Hlavin stated that Mr. Wright in that circumstance would be allowed to listen to the meeting but not participate. Mr. Hlavin stated that the policy has a provision if there is personal

disability which does not allow you to attend there is no limit to the amount of times a person would be allowed to phone in under those circumstances.

Mr. Holt asked for any direction from the Policy Committee on what staff should include in the policy.

Mr. Wright stated that he thinks the policy should cover both sections.

Mr. O'Connor stated that a possible wording could be personal matter including but not limited to. Mr. O'Connor stated that it is possible to amend this policy if we see issues with it in the future.

Mr. Holt stated that changing the policy could not be done on the fly but could be done.

Mr. O'Connor asked if there is an issue with the number of times a person could be allowed to call in could that be amended.

Mr. Holt stated that the amount could not be increased but could be limited to one or two.

Mr. O'Connor asked about the last time this policy came under consideration under the Freedom of Information Act (FOIA) the person would need to be in a public place when participating in the meeting.

Mr. Hlavin stated that there are different rules for members of State Assembly that if they want to participate they would have to be in a public space and have separate rules.

In a unanimous voice vote, the Policy Committee voted 2-0 to send a policy to the Planning Commission based on the VML model.

4.) Adjournment

Mr. O'Connor moved to adjourn.

The meeting was adjourned at approximately 4:36 p.m.

John Wright III

MEMORANDUM

DATE: May 6, 2015

TO: The Planning Commission

FROM: Jason Purse, Zoning Administrator

SUBJECT: ZO-0002-2015, B-1, General Business, and M-1, Limited Business/Industrial, Amendments to Incorporate Changes Made to Small-Scale Alcohol Production Definition

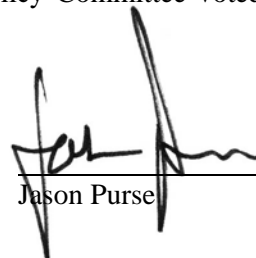
Micro-breweries are currently a permitted use in the B-1 and M-1 zoning districts. During the past year, staff has received a number of applications for additional types of craft producers, such as distilleries and producers of mead. While some applicants are able to tailor their proposals to be considered under the micro-brewery use, staff is proposing a new use, "small-scale alcohol production" which will allow increased flexibility in allowing these uses. Micro-brewery is a specific production process, and this new term will encompass additional techniques for producing alcohol. As proposed "small-scale alcohol production" would include micro-brewery, micro-distillery, and micro-winery type uses. A new definition has also been created, as referenced under ZO-0004-2015. For reference, the language is proposed as follows:

Small-scale Alcohol Production-Includes operations such as micro-breweries, micro-distilleries, and micro-wineries. Micro-breweries produce no more than 15,000 barrels a year. Micro-distilleries produce no more than 36,000 gallons of alcohol per year. Micro-wineries produce no more than 15,000 barrels a year. These uses are often accompanied by tap rooms, brew pubs, and retail sales.

While this proposed new use would allow for additional flexibility for multiple types of alcohol production, it is not anticipated to have any additional impacts over the use as it currently exists; therefore, small-scale alcohol production is added as a permitted use in the attached ordinance amendments.

Recommendation

Staff recommends the Planning Commission recommend approval of these ordinance amendments to the Board of Supervisors. At its April 16, 2015 meeting, the Policy Committee voted 2-0 to recommend approval of these amendments.



Jason Purse

Attachments:

1. Ordinance
2. Unapproved minutes from the April 16, 2015 Policy Committee meeting
(Attachment found following Public Hearing items)

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 10, GENERAL BUSINESS DISTRICT, B-1, SECTION 24-390, USE LIST; AND DIVISION 11, LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1, SECTION 24-411, USE LIST.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts; Division 10, General Business District, B-1, Section 24-390, Use list; and Division 11, Limited Business/Industrial District, M-1, Section 24-411, Uses list.

Chapter 24
ARTICLE V. DISTRICTS
DIVISION 10. GENERAL BUSINESS DISTRICT, B-1

Sec. 24-390. Use list.

Reference section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the General Business District, B-1, structures to be erected or land to be used, shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial	Research, development and design facilities or laboratories	P	
	Restaurants, including fast food restaurants, tea rooms, coffee shops, and taverns and micro-breweries	P	
	Retail and service stores, including the following stores: alcohol, appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gift, gourmet foods, greeting cards, handicrafts, hardware, home appliance, health and beauty aids, ice cream, jewelry, locksmith, music, office supply, optical goods, paint, pet, photography, picture framing, plant supply, secretarial services, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel agencies, upholstery, variety, wearing apparel, and yard goods	P	
	Retail food stores	P	
	Security service offices	P	
	<i>Small-scale alcohol production</i>	<i>P</i>	
	Taxi service	P	
	Theme parks greater than 10 acres in size		SUP

ARTICLE V. DISTRICTS

DIVISION 11. LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1

Sec. 24-411. Use list.

Reference section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the Limited Business/Industrial District, M-1, buildings to be erected or land to be used shall be for one or more of the following or similar uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial	Restaurants, tea rooms, coffee shops, and taverns and micro breweries , not to include fast food restaurants	P	
	Retail and service stores, including the following stores: alcohol, appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gourmet foods, greeting card, hardware, home appliance, health and beauty aids, ice cream, jewelry, locksmith, music, optical goods, paint, pet, picture framing, plant supply, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel agencies, upholstery, variety, wearing apparel, and yard goods	P	
	Retail food stores	P	
	Security service offices	P	
	<i>Small-scale alcohol production</i>	<i>P</i>	
	Tattoo parlors		SUP
	Taxi service	P	

POLICY COMMITTEE MEETING

April 16, 2015

4:00 p.m.

County Government Center, Building A

1.) Roll Call

Present

Mr. John Wright
Mr. Tim O'Connor

Staff Present

Mr. Paul Holt
Mr. Chris Johnson
Mr. Jason Purse
Ms. Tammy Rosario
Mr. Maxwell Hlavin
Mr. Alex Baruch

Others Present

Absent

Mr. Krapf
Mr. Richardson

Mr. John Wright called the meeting to order at 4:00 p.m.

2.) Minutes

a. March 4, 2015

Ms. Tim O'Connor moved to approve the March 4, 2015 minutes.

In a unanimous voice vote, the minutes were approved as submitted (2-0).

3.) Old Business

There was no old business to discuss.

4.) New Business

a. ZO-0004-2015, A-1, General Agricultural, and Definition Amendments to Incorporate State Code Changes

Mr. Jason Purse stated that there were a number of State Code changes made in the legislative sessions in 2014 and 2015. Mr. Purse stated that the County is taking care of all of the changes in one group including the ones in 2015 that are going to be enacted in July. Mr. Purse gave an overview of the changes being made to the ordinance. Mr. Purse stated that housekeeping changes were made to the aquaculture/fish farming and wayside stands sections. Mr. Purse stated that limited farm brewery and limited farm distillery are the main additions to the ordinance. Mr. Purse stated that this adds a production component to the on-site farming, meaning that if you have an active farm and are growing the materials that you can use to make beer or distill a product as a permitted use. Mr. Purse stated that the ordinance limits it to only allowing a tasting room associated with the limited brewery. Restaurants or tap rooms would still require a special use permit. Mr. Purse stated that staff also proposed adding small scale

alcohol production as a special use permit, which would allow a brewery type use where material was not grown onsite.

Mr. Wright inquired whether the required permits were still required for serving alcohol in these situations.

Mr. Purse stated that it would still be required.

Mr. Wright asked if the group home provision would be allowed in New Town.

Mr. Purse stated that it would be allowed in New Town per the State Code. Mr. Purse stated that the State Code says that the County cannot prevent this type of group home. Mr. Purse stated that there were some examples of group homes in Kingsmill, for example.

Mr. O'Connor stated that an HOA is violating state law if they have it written into their by-laws that this type of group home is not permitted. Mr. O'Connor asked if it was eight unrelated people plus caretakers.

Mr. Paul Holt stated that it is eight people plus a resident caretaker.

Mr. Purse read the State Code.

Mr. Purse stated that you have to be licensed for a very specific type of group home and not all group homes qualify for this.

Mr. Holt stated that HOAs are allowed to limit other types of group homes but not this one.

Mr. O'Connor stated that it is defined in the State Code and is an exception. Mr. O'Connor asked if the language needed to be defined specifically as eight or fewer adults plus caretakers.

Mr. Purse stated that staff did not want to get too wordy in the use list but the definition in the ordinance clarifies the specifics.

Mr. O'Connor stated that he would like to avoid any confusion by making it as clear as possible.

Mr. Purse stated that staff had not run into any problems given the definition.

Mr. Maxwell Hlavin stated that the State Code definition would trump the ordinance if it came to any questions.

Mr. O'Connor asked about fish farming and aquaculture and if harvesting is considered a part of the farming activity.

Mr. Purse stated that if a farmer were to harvest the fish it would be a part of the farming activity, bringing it to shore would be part of the farming activity, but you cannot process it or package it.

Mr. Holt stated that a farmer could harvest the fish and take it to the front of their property and sell it as a whole fish through a wayside stand but they could not can, package or process the fish.

Mr. O'Connor stated that there would not be a problem with having a truck come and pick up the fish to haul them away.

Mr. Holt stated that was correct.

In a unanimous voice vote, the draft Ordinance was forwarded to Planning Commission for consideration (2-0).

- b. ZO-0002-2015, Article V, Division 10, General Business, B-1 and Division 11, Limited Business/Industrial, M-1

Mr. Purse gave an overview of the changes being made to the ordinance. Mr. Purse stated that microbreweries were taken out of the ordinance and replaced with the small scale alcohol production as a permitted use to remain consistent.

In a unanimous voice vote, the draft Ordinance was forwarded to Planning Commission for consideration (2-0).

- c. ZO-0003-2015, Article I, In General –Administrative fees, Amendment and variations of conditions and Submittal requirements

Mr. Chris Johnson gave an overview of the changes proposed to the ordinance. Mr. Johnson stated that due to changes in the State Code and the way the County processes legislative applications, in 2009 the State Code was amended to allow proffers amendments that do not affect conditions of use or density to bypass the public hearing process otherwise required by County Code prior to consideration for adoption by the Board of Supervisors. Mr. Johnson stated that staff has processed proffer amendment requests that do not affect use or density by relying on County Administration and the County Attorney to informally poll the Board of Supervisors prior to processing the request as a rezoning application. Mr. Johnson stated that in order to provide a measure of clarity to the process for future requests, staff is proposing amendments to the County Code to add an administrative fee and outlining the submittal requirements and administrative procedures for the processing of written proffer amendment requests that do not require a public hearing as determined by the Board of Supervisors.

Mr. Johnson stated that the other change proposed in this amendment is to the submittal requirements portion of the ordinance. Mr. Johnson stated that since December 2014, all document materials included in the Board of Supervisors agenda have been required to be submitted in an electronic format. Mr. Johnson stated in order to provide clarity to the process for the public, development community and applicants, staff is proposing this amendment to clarify formatting expectations for all materials which are intended to be included on a Planning Commission or Board of Supervisors meeting agenda. Mr. Johnson stated that staff recommends the Policy Committee recommend approval of the draft amendment to the Zoning Ordinance to the Planning Commission.

Mr. Holt stated that the most recent example of a proffer amendment that did not require a public hearing would have been the Gatehouse Farms case.

Mr. Johnson stated that the Gatehouse Farms case was to eliminate proffer conditions that no longer applied to the property because there was going to be no recreation facility on that property. Mr. Johnson stated before the Gatehouse Farms case the Stonehouse case was the other application processed in this manner. Mr. Johnson stated that the Toano Trace proffer amendment case came in under a similar request but was determined by the Attorney's Office to affect the condition of use of the property and therefore had to be processed a public hearing case.

Mr. Johnson stated that with this amendment staff would be able to point to a place in the ordinance that describes the process and lays out the guidelines and two directions the Board of Supervisors could take and would point to a fee structure if the case dictates that a public hearing is required.

Mr. Wright stated that this would also be beneficial to the Planning Commission.

Mr. Johnson stated that anything that clarifies a process would be beneficial to the public and everyone else involved in handling such a request in the future.

Mr. Wright asked if the amendment would decrease the Planning Division's workload.

Mr. Johnson stated that it would not decrease staff's workload but would clarify expectations and eliminate undocumented requirements and procedures.

Mr. Holt stated that there is a process in State Code that says this process can be done; however, the County Code does not describe the process.

Mr. Wright asked if for the submittal requirements, would a standard software be used.

Mr. Holt stated that it would be in PDF format. Mr. Holt stated that all of the different software products export to PDF. Mr. Holt stated that staff would provide the companies with the website that they can submit the documents to so it will not be any additional legwork or custom software for the applicant.

Mr. Wright stated that it would be a benefit to the applicant and staff.

Mr. Johnson stated that for the small applicant who does not have that range of experience staff would continue to help scan materials in for submittal.

Mr. O'Connor asked if paper copies would still be required.

Mr. Johnson stated that paper copies would still be required because staff still has to send out copies to agencies for review and paper copies make it easier to review/discuss a plan around a table.

Mr. Holt stated that for example at DRC staff may still need to have a big plan to review out in front of everyone but in the future we may be able to reduce the amount of paper copies if we have the technology to support review of plans that way.

Mr. O'Connor stated that he prefers having paper copies when reviewing documents.

Ms. Tammy Rosario stated that having a paper plan allows for easier notations.

Mr. O'Connor stated that it is easier to see the whole picture when the big plan is spread out in front of you.

In a unanimous voice vote, the draft Ordinance was forwarded to Planning Commission for consideration (2-0).

d. PC Remote attendance policy

Mr. Holt gave an overview of the proposed policy. Mr. Holt stated that the examples from other localities are similar because the State Code is prescriptive about what the allowable conditions are for being allowed to attend a meeting remotely. Mr. Holt stated that the model ordinance from the Virginia Municipal League (VML) was the best formatted example. Mr. Holt stated that staff's recommendation would be to use the VML example as a starting point to put together a version applicable to James City County.

Mr. Wright asked how this would be implemented in a meeting.

Mr. Holt stated that under the model policy item # 1A or 2A, the day before the meeting the member would notify the chair and the Planning Director. Mr. Holt stated that the meeting would be set up where the motion would be taken at the beginning of the meeting to allow or not allow the member to attend remotely. Mr. Holt stated that mechanically the person would be on speakerphone throughout the meeting.

Mr. Wright stated that that the policy says only two meetings or 25% of the meetings whichever is fewer.

Mr. Holt stated that since the Planning Commission meets monthly it would be a maximum of two meetings.

Mr. O'Connor asked if travel for work would be considered a personal matter.

Mr. Hlavin stated the policy can be left open for interpretation or can be limited but traveling for work would be considered a personal matter in my interpretation.

Mr. Wright asked if he had a personal matter that took him away from the area and wanted to listen to the meeting and be marked absent would that be allowed?

Mr. Hlavin stated that Mr. Wright in that circumstance would be allowed to listen to the meeting but not participate. Mr. Hlavin stated that the policy has a provision if there is personal

disability which does not allow you to attend there is no limit to the amount of times a person would be allowed to phone in under those circumstances.

Mr. Holt asked for any direction from the Policy Committee on what staff should include in the policy.

Mr. Wright stated that he thinks the policy should cover both sections.

Mr. O'Connor stated that a possible wording could be personal matter including but not limited to. Mr. O'Connor stated that it is possible to amend this policy if we see issues with it in the future.

Mr. Holt stated that changing the policy could not be done on the fly but could be done.

Mr. O'Connor asked if there is an issue with the number of times a person could be allowed to call in could that be amended.

Mr. Holt stated that the amount could not be increased but could be limited to one or two.

Mr. O'Connor asked about the last time this policy came under consideration under the Freedom of Information Act (FOIA) the person would need to be in a public place when participating in the meeting.

Mr. Hlavin stated that there are different rules for members of State Assembly that if they want to participate they would have to be in a public space and have separate rules.

In a unanimous voice vote, the Policy Committee voted 2-0 to send a policy to the Planning Commission based on the VML model.

4.) Adjournment

Mr. O'Connor moved to adjourn.

The meeting was adjourned at approximately 4:36 p.m.

John Wright III

MEMORANDUM

DATE: May 6, 2015

TO: The Planning Commission

FROM: Christopher Johnson, Principal Planner

SUBJECT: Case No. ZO-0003-2015. Consideration of Amendments to the Zoning Ordinance – Article I. In General. Administrative fees, Amendments and variation of conditions and Submittal requirements

Due to changes in the Code of Virginia and in how the County processes legislative applications, staff is proposing two minor changes to the Zoning Ordinance.

First, the Code of Virginia was changed in 2009 to allow proffer amendments that do not affect conditions of use or density to bypass a public hearing process otherwise required by Section 24-13 of the County Code before consideration of adoption by the Board of Supervisors. Since that time, staff has processed proffer amendment requests that do not affect use or density by relying on County Administration and the County Attorney to poll the Board of Supervisors informally prior to processing the request as a rezoning application. In order to provide a measure of clarity to the process for such requests, staff is proposing amendments to the County Code to add an administrative fee and outlining the submittal requirements and administrative procedures for the processing of a written proffer amendment request that does not need a public hearing as determined by the Board of Supervisors.

Second, beginning in December 2014, all documents and materials included on a Board of Supervisors agenda have been required to be submitted in an electronic format. In order to provide a measure of clarity to the process for the public, staff is proposing amendments to the submittal requirements section of the County Code to clarify formatting expectations for all materials which are intended to be included on a Planning Commission or Board of Supervisors meeting agenda.

RECOMMENDATION

Staff recommends the Planning Commission recommend approval of the attached ordinance amendments to the Board of Supervisors. At its April 16, 2015 meeting, the Policy Committee voted 2-0 to recommend approval of the proposed amendments.


Christopher Johnson

Attachments:

1. Ordinance
2. Unapproved minutes from the April 16, 2015 Policy Committee meeting (Attachment found following Public Hearing items)

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-7, ADMINISTRATIVE FEES; BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-20, AMENDMENTS AND VARIATIONS OF CONDITIONS; AND BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-23, SUBMITTAL REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-7, Administrative fees; by amending Article I, In General, Section 24-20, Amendments and variations of conditions; and by amending Article I, Section 24-23, Submittal Requirements.

Chapter 24

ARTICLE I. IN GENERAL

Sec. 24-7. Administrative fees.

(a) Fees shall be charged at the time of application to offset the cost of making inspections, issuing permits, advertising notices and other expenses incident to the administration of this chapter or to the filing or processing of any appeal or amendment thereto. The following fees shall be charged and collected at the time of application:

<u>Procedure</u>	<u>Fee</u>
(1) Rezoning	\$1,200.00 plus \$75.00 per acre, not to exceed \$15,000.00

- a. Rezoning or proffer amendments which require a public hearing...\$1,200 plus \$75.00 per acre, not to exceed \$15,000.00
- b. Written request to the board of supervisors to amend proffered conditions where such amendment does not affect conditions of use or density.....200.00

(If the board of supervisors determines that an amendment or variation of proffered conditions warrants a public hearing in accordance with section 24-13 of this chapter, such requests shall pay a rezoning fee in accordance with (1)a., above.)

(2) ~~Applications for s~~Special use permits:

- a. Generally (General special use permits processed with\$1,000.00 plus \$30.00 a rezoning shall pay a rezoning fee only).....per acre, not to exceed \$5,000.00
- b. Manufactured home on an individual lot. 100.00
- c. Family subdivision under section 24-214. 100.00
- d. Amendment to a special use permit 400.00
- e. Wireless communications facilities under division 6 1,500.00

(3) Master plan review:

- a. Initial review of any Residential Cluster, Mixed Use or a PUD with less than 400 acres (PUD's with 400 acres or more shall pay a rezoning fee only)..... 200.00
- b. Revision of approved plan:
 - 1. Residential Cluster 75.00
 - 2. R-4, PUD, Mixed Use 150.00

(4) Site Plan Review:

a. Administrative review:

- 1. Residential structures or improvements, \$600.00, plus \$60.00 per residential unit.
- 2. Nonresidential structures or improvements, \$600.00, plus \$0.024 per sq. ft. of building area.
- 3. Mixed Use structures or improvements, \$600.00, plus \$60.00 per residential unit plus \$0.024 per sq. ft. of nonresidential building area.

b. Planning commission review:

- 1. Residential structures or improvements, \$1,800.00, plus \$60.00 per residential unit.
- 2. Nonresidential structures or improvements, \$1,800.00, plus \$0.024 per sq. ft. of building area.
- 3. Mixed Use structures or improvements, \$1,800.00, plus \$60.00 per residential unit plus \$0.024 per sq. ft. of nonresidential building area.

c. Amendment to an approved plan:

- 1. Residential structures or improvements, \$100.00, plus \$10.00 per residential unit.
- 2. Nonresidential structures or improvements, \$100.00, plus \$0.004 per sq. ft. of building area.
- 3. Mixed Use structures or improvements, \$100.00, plus \$10.00 per residential unit plus \$0.004 per sq. ft. of nonresidential building area.
- 4. Residential or nonresidential structures or improvements where the number of dwelling units or area of building area, pavement, or open space is not changed more than 15 percent, \$100.00.

d. Zoning administrator and fire department review only, \$20.00.

e. Each additional review after second resubmission, \$250.00 not to include resubmissions that are the result of substantial redesign due to other agency comments.

(5) Sign permits, \$5.00 per square foot of gross sign area.

(6) Appeals to the board of zoning appeals, \$500.00.

(7) Application for a height limitation waiver to the board of supervisors, \$200.00.

(8) Application for administrative variance, \$250.00.

(9) Public hearing applicant deferral request when the applicant fails to meet a staff imposed deadline for additional information relevant to the application except where deferral is the result of a commission or board action, \$350.00 per request.

(10) Conceptual plan review, \$25.00.

(11) Zoning verification request, \$100.00.

(12) Stormwater inspection fees: There shall be a fee for the inspection of public stormwater installations and private stormwater installations required in accordance with section 23-10(4). Such fee shall be \$900 per practice for each best management practice constructed and \$.90 per foot for every foot of stormwater drain or channel constructed and shall be submitted at the time of filing an application for a land disturbance permit.

(b) Payment of any permit fees established in section 24-7 shall be waived for the county, any entity created solely by the county and those regional entities to which the county is a party provided that: (1) The other parties to the regional entity similarly waive fees; and (2) The regional entity has locations in more than one locality.

Sec. 24-20. Amendments and variations of conditions.

(a) Conditions proffered and accepted as part of an amendment of the zoning ordinance shall continue in full force and effect until a subsequent amendment changes the zoning on the property covered by such conditions; provided, however, that such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

(b) *Except as provided in subsection (c),* ~~There~~ *there* shall be no amendment or variation of *proffered* conditions created pursuant to the provisions of this article until after a public hearing before the board of supervisors which shall be advertised pursuant to section 24-13 of this chapter.

(c) Where an amendment or variation of proffered conditions is requested pursuant to Virginia Code § 15.2-2302(A), and where such amendment does not affect conditions of use or density, the board of supervisors may waive the requirement for a public hearing under any statute, ordinance, or proffer requiring a public hearing prior to amendment of such proffered conditions. Written notice of such application shall be provided by the applicant to any landowner subject to such existing proffered conditions in the manner prescribed by Virginia Code § 15.2-2302(H).

Sec. 24-23. Submittal requirements.

(a) The following information shall be submitted with any request for an amendment of this chapter, as provided for in section 24-13, or for any building or use and addition or expansion thereto which requires a special use permit under this chapter, provided however, applications for family subdivisions, manufactured homes and temporary classroom trailers shall be exempt from the requirements of this section.

(1) The community impact statement shall describe the probable effects of the proposed development upon the community and at a minimum shall address the following topics regarding infrastructure and quality of life:

- a. A traffic impact analysis for all projects that expect to generate 100 or more weekday peak hour trips to and from the site during the hours of operation and/or those projects with an entrance or exit onto a roadway with a level of service “D” or lower shall be required pursuant to the Traffic Impact Analysis Submittal Requirement Policy. Vehicular access points and drives shall be designed to encourage smooth traffic flow, with controlled turning movements and minimum hazards to vehicular and pedestrian traffic. Buildings, parking areas and drives shall be arranged in a manner that encourages pedestrian access and minimizes traffic movement. No more than

one access point on each abutting public street shall be permitted unless specifically approved by the board of supervisors after reviewing the applicant's traffic impact analysis; and

- b. A water and sewer impact study for all projects with an anticipated average daily flow greater than 15,500 gallons, and/or for proposed residential projects containing 50 lots or more. Water conservation information shall be submitted in accordance with water conservation guidelines policy; and
 - c. Environmental information shall be submitted in accordance with the environmental constraints analysis for legislative cases; and
 - d. An adequate public facilities report in accordance with board of supervisors policy to include sewer, water, schools, fire stations, libraries, and other major locally-financed facilities. School information shall be prepared according to the adequate public school facilities test policy; and
 - e. Additional on-site and off-site public facilities or services which would be required as a result of the development; and
 - f. A Phase IA historic and archaeological study if the property is identified as being a highly-sensitive area on the James City County archaeological assessment. If the property is identified as a moderately-sensitive area on the assessment, studies shall be provided in accordance with the currently adopted archaeological policy; and
 - g. An environmental inventory in accordance with the James City County natural resource policy; and
 - h. A fiscal impact analysis, using the worksheet and assumptions provided by the planning division, when the proposal includes residential dwelling units. The analysis must estimate revenues to be generated versus the cost of public improvements to be financed by the county or the state using the fiscal impact model prepared by the county. If desired by the applicant supplemental studies may be prepared by an individual or firm qualified to conduct a fiscal impact study in a manner and form acceptable to the planning director; and
 - i. Parks and recreation information based on parks and recreation master plan proffer guidelines.
- (2) The master plan shall depict and bind the approximate boundaries and general location of all principal land uses and their building square footage and height, roads, rights-of-way (with an indication of whether public or private), accesses, open spaces, public uses and other features to be located on the site for which approval is sought. The planning director may require other features, including general location and approximate boundaries of buildings, structures or parking areas, to be incorporated into the master plan where deemed necessary due to the size of the development, access to or location of public roads, distance from residential areas, presence of environmentally sensitive areas or availability of public utilities. The master plan shall be prepared by a licensed surveyor, engineer, architect, landscape architect or planner. A scale may be used so that the entire parcel can be shown on one piece of paper no larger than 30 inches by 48 inches. The master plan shall also include:
- a. An inset map at a scale of not less than one inch to one mile showing the property in relation to surrounding roads, subdivision or major landmarks;
 - b. A north arrow, scale, the proposed use, approximate development phasing (if applicable);
 - c. The location of existing property lines, watercourse or lakes, wooded areas and existing roads

which are within or adjoining the property;

- d. If applicable, a table which shows for each section or area of different uses: the use; approximate development phasing, maximum number of dwelling units and density for residential areas, maximum square feet of floor space for commercial or industrial areas; and maximum acreage of each use;
- e. If applicable, schematic plans which shall indicate the phasing of development and master water, sewer and drainage plans; and
- f. If more than one type of land uses is proposed, each use shall be designated on the master plan as follows:

Type of Development	Area Designation
Single family	A
Multi-family dwellings containing up to and including four dwelling units	B
Multi-family dwellings containing more than four dwelling units	C
Apartments	D
Commercial uses	E
Wholesale and warehouse uses	F
Office uses	G
Light industrial uses	H
Institutional or public uses	I
Areas of common open space, with recreation areas noted	J
Structures containing a mixture of uses	M*
Other structures, facilities or amenities	X

*Areas of a master plan designated M (structures containing a mixture of uses) shall indicate in parentheses, following the M designation, the appropriate letter designations of the types of uses contained within the structure (e.g., M (CG)) in the order of their proportion in the mixed use structure.

A total of 12 copies of the master plan should be submitted along with an application for rezoning or a special use permit; if necessary, additional copies of the master plan may be required for submittal. The master plan shall be reviewed and approved and thereafter become binding upon approval of a rezoning or a special use permit by the board of supervisors. Thereafter, all amendments to the master plan shall be in accordance with section 24-13 of this chapter. Final development plans may be approved after approval of a master plan by the board of supervisors. All final development plans shall be consistent with the master plan, but may deviate from the master plan if the planning director concludes that the development plan does not:

- 1. Significantly affect the general location or classification of housing units or buildings as shown on the master plan;
- 2. Significantly alter the distribution of recreation or open space areas on the master plan;
- 3. Significantly affect the road layout as shown on the master plan;
- 4. Significantly alter the character of land uses or other features or conflict with any building conditions placed on the corresponding legislatively-approved case associated with the master

plan.

If the planning director determines that a proposed change would deviate from the approved master plan, the amendment shall be submitted and approved in accordance with section 24-13. In the event the planning director disapproves the amendment, the applicant may appeal the decision of the planning director to the development review committee which shall forward a recommendation to the planning commission. For additional information regarding master plan submittal requirements refer to the submittal sections for the following zoning districts: R-4, Residential Planned Community; RT, Research and Technology; PUD, Planned Unit Development; MU, Mixed Use; EO, Economic Opportunity; and Residential Cluster Development Overlay District.

(3) Any other submittal requirement which may be required by this chapter.

(4) An application and fee in accordance with section 24-7 of this chapter.

(b) Supplemental information should be submitted in accordance with the “Supplemental Submittal Requirements for Special Use Permits and Rezonings” policy as adopted by the board of supervisors and any additional policies as deemed necessary by the planning director.

(c) In addition to the paper copies of all documents required by this chapter, all information and plans required under (a)(1), (a)(2) or (a)(3) shall be submitted in an electronic format in accordance with the “Electronic Submittal Requirements for Legislative Applications” policy, as approved by the planning commission.

~~(e)~~(d) Unless otherwise required by this chapter, upon written request by the applicant, the planning director may waive any requirement under (a)(1) or (a)(2) above after finding that such information would not be germane to the application.

POLICY COMMITTEE MEETING

April 16, 2015

4:00 p.m.

County Government Center, Building A

1.) Roll Call

Present

Mr. John Wright
Mr. Tim O'Connor

Staff Present

Mr. Paul Holt
Mr. Chris Johnson
Mr. Jason Purse
Ms. Tammy Rosario
Mr. Maxwell Hlavin
Mr. Alex Baruch

Others Present

Absent

Mr. Krapf
Mr. Richardson

Mr. John Wright called the meeting to order at 4:00 p.m.

2.) Minutes

a. March 4, 2015

Ms. Tim O'Connor moved to approve the March 4, 2015 minutes.

In a unanimous voice vote, the minutes were approved as submitted (2-0).

3.) Old Business

There was no old business to discuss.

4.) New Business

a. ZO-0004-2015, A-1, General Agricultural, and Definition Amendments to Incorporate State Code Changes

Mr. Jason Purse stated that there were a number of State Code changes made in the legislative sessions in 2014 and 2015. Mr. Purse stated that the County is taking care of all of the changes in one group including the ones in 2015 that are going to be enacted in July. Mr. Purse gave an overview of the changes being made to the ordinance. Mr. Purse stated that housekeeping changes were made to the aquaculture/fish farming and wayside stands sections. Mr. Purse stated that limited farm brewery and limited farm distillery are the main additions to the ordinance. Mr. Purse stated that this adds a production component to the on-site farming, meaning that if you have an active farm and are growing the materials that you can use to make beer or distill a product as a permitted use. Mr. Purse stated that the ordinance limits it to only allowing a tasting room associated with the limited brewery. Restaurants or tap rooms would still require a special use permit. Mr. Purse stated that staff also proposed adding small scale

alcohol production as a special use permit, which would allow a brewery type use where material was not grown onsite.

Mr. Wright inquired whether the required permits were still required for serving alcohol in these situations.

Mr. Purse stated that it would still be required.

Mr. Wright asked if the group home provision would be allowed in New Town.

Mr. Purse stated that it would be allowed in New Town per the State Code. Mr. Purse stated that the State Code says that the County cannot prevent this type of group home. Mr. Purse stated that there were some examples of group homes in Kingsmill, for example.

Mr. O'Connor stated that an HOA is violating state law if they have it written into their by-laws that this type of group home is not permitted. Mr. O'Connor asked if it was eight unrelated people plus caretakers.

Mr. Paul Holt stated that it is eight people plus a resident caretaker.

Mr. Purse read the State Code.

Mr. Purse stated that you have to be licensed for a very specific type of group home and not all group homes qualify for this.

Mr. Holt stated that HOAs are allowed to limit other types of group homes but not this one.

Mr. O'Connor stated that it is defined in the State Code and is an exception. Mr. O'Connor asked if the language needed to be defined specifically as eight or fewer adults plus caretakers.

Mr. Purse stated that staff did not want to get too wordy in the use list but the definition in the ordinance clarifies the specifics.

Mr. O'Connor stated that he would like to avoid any confusion by making it as clear as possible.

Mr. Purse stated that staff had not run into any problems given the definition.

Mr. Maxwell Hlavin stated that the State Code definition would trump the ordinance if it came to any questions.

Mr. O'Connor asked about fish farming and aquaculture and if harvesting is considered a part of the farming activity.

Mr. Purse stated that if a farmer were to harvest the fish it would be a part of the farming activity, bringing it to shore would be part of the farming activity, but you cannot process it or package it.

Mr. Holt stated that a farmer could harvest the fish and take it to the front of their property and sell it as a whole fish through a wayside stand but they could not can, package or process the fish.

Mr. O'Connor stated that there would not be a problem with having a truck come and pick up the fish to haul them away.

Mr. Holt stated that was correct.

In a unanimous voice vote, the draft Ordinance was forwarded to Planning Commission for consideration (2-0).

- b. ZO-0002-2015, Article V, Division 10, General Business, B-1 and Division 11, Limited Business/Industrial, M-1

Mr. Purse gave an overview of the changes being made to the ordinance. Mr. Purse stated that microbreweries were taken out of the ordinance and replaced with the small scale alcohol production as a permitted use to remain consistent.

In a unanimous voice vote, the draft Ordinance was forwarded to Planning Commission for consideration (2-0).

- c. ZO-0003-2015, Article I, In General –Administrative fees, Amendment and variations of conditions and Submittal requirements

Mr. Chris Johnson gave an overview of the changes proposed to the ordinance. Mr. Johnson stated that due to changes in the State Code and the way the County processes legislative applications, in 2009 the State Code was amended to allow proffers amendments that do not affect conditions of use or density to bypass the public hearing process otherwise required by County Code prior to consideration for adoption by the Board of Supervisors. Mr. Johnson stated that staff has processed proffer amendment requests that do not affect use or density by relying on County Administration and the County Attorney to informally poll the Board of Supervisors prior to processing the request as a rezoning application. Mr. Johnson stated that in order to provide a measure of clarity to the process for future requests, staff is proposing amendments to the County Code to add an administrative fee and outlining the submittal requirements and administrative procedures for the processing of written proffer amendment requests that do not require a public hearing as determined by the Board of Supervisors.

Mr. Johnson stated that the other change proposed in this amendment is to the submittal requirements portion of the ordinance. Mr. Johnson stated that since December 2014, all document materials included in the Board of Supervisors agenda have been required to be submitted in an electronic format. Mr. Johnson stated in order to provide clarity to the process for the public, development community and applicants, staff is proposing this amendment to clarify formatting expectations for all materials which are intended to be included on a Planning Commission or Board of Supervisors meeting agenda. Mr. Johnson stated that staff recommends the Policy Committee recommend approval of the draft amendment to the Zoning Ordinance to the Planning Commission.

Mr. Holt stated that the most recent example of a proffer amendment that did not require a public hearing would have been the Gatehouse Farms case.

Mr. Johnson stated that the Gatehouse Farms case was to eliminate proffer conditions that no longer applied to the property because there was going to be no recreation facility on that property. Mr. Johnson stated before the Gatehouse Farms case the Stonehouse case was the other application processed in this manner. Mr. Johnson stated that the Toano Trace proffer amendment case came in under a similar request but was determined by the Attorney's Office to affect the condition of use of the property and therefore had to be processed a public hearing case.

Mr. Johnson stated that with this amendment staff would be able to point to a place in the ordinance that describes the process and lays out the guidelines and two directions the Board of Supervisors could take and would point to a fee structure if the case dictates that a public hearing is required.

Mr. Wright stated that this would also be beneficial to the Planning Commission.

Mr. Johnson stated that anything that clarifies a process would be beneficial to the public and everyone else involved in handling such a request in the future.

Mr. Wright asked if the amendment would decrease the Planning Division's workload.

Mr. Johnson stated that it would not decrease staff's workload but would clarify expectations and eliminate undocumented requirements and procedures.

Mr. Holt stated that there is a process in State Code that says this process can be done; however, the County Code does not describe the process.

Mr. Wright asked if for the submittal requirements, would a standard software be used.

Mr. Holt stated that it would be in PDF format. Mr. Holt stated that all of the different software products export to PDF. Mr. Holt stated that staff would provide the companies with the website that they can submit the documents to so it will not be any additional legwork or custom software for the applicant.

Mr. Wright stated that it would be a benefit to the applicant and staff.

Mr. Johnson stated that for the small applicant who does not have that range of experience staff would continue to help scan materials in for submittal.

Mr. O'Connor asked if paper copies would still be required.

Mr. Johnson stated that paper copies would still be required because staff still has to send out copies to agencies for review and paper copies make it easier to review/discuss a plan around a table.

Mr. Holt stated that for example at DRC staff may still need to have a big plan to review out in front of everyone but in the future we may be able to reduce the amount of paper copies if we have the technology to support review of plans that way.

Mr. O'Connor stated that he prefers having paper copies when reviewing documents.

Ms. Tammy Rosario stated that having a paper plan allows for easier notations.

Mr. O'Connor stated that it is easier to see the whole picture when the big plan is spread out in front of you.

In a unanimous voice vote, the draft Ordinance was forwarded to Planning Commission for consideration (2-0).

d. PC Remote attendance policy

Mr. Holt gave an overview of the proposed policy. Mr. Holt stated that the examples from other localities are similar because the State Code is prescriptive about what the allowable conditions are for being allowed to attend a meeting remotely. Mr. Holt stated that the model ordinance from the Virginia Municipal League (VML) was the best formatted example. Mr. Holt stated that staff's recommendation would be to use the VML example as a starting point to put together a version applicable to James City County.

Mr. Wright asked how this would be implemented in a meeting.

Mr. Holt stated that under the model policy item # 1A or 2A, the day before the meeting the member would notify the chair and the Planning Director. Mr. Holt stated that the meeting would be set up where the motion would be taken at the beginning of the meeting to allow or not allow the member to attend remotely. Mr. Holt stated that mechanically the person would be on speakerphone throughout the meeting.

Mr. Wright stated that that the policy says only two meetings or 25% of the meetings whichever is fewer.

Mr. Holt stated that since the Planning Commission meets monthly it would be a maximum of two meetings.

Mr. O'Connor asked if travel for work would be considered a personal matter.

Mr. Hlavin stated the policy can be left open for interpretation or can be limited but traveling for work would be considered a personal matter in my interpretation.

Mr. Wright asked if he had a personal matter that took him away from the area and wanted to listen to the meeting and be marked absent would that be allowed?

Mr. Hlavin stated that Mr. Wright in that circumstance would be allowed to listen to the meeting but not participate. Mr. Hlavin stated that the policy has a provision if there is personal

disability which does not allow you to attend there is no limit to the amount of times a person would be allowed to phone in under those circumstances.

Mr. Holt asked for any direction from the Policy Committee on what staff should include in the policy.

Mr. Wright stated that he thinks the policy should cover both sections.

Mr. O'Connor stated that a possible wording could be personal matter including but not limited to. Mr. O'Connor stated that it is possible to amend this policy if we see issues with it in the future.

Mr. Holt stated that changing the policy could not be done on the fly but could be done.

Mr. O'Connor asked if there is an issue with the number of times a person could be allowed to call in could that be amended.

Mr. Holt stated that the amount could not be increased but could be limited to one or two.

Mr. O'Connor asked about the last time this policy came under consideration under the Freedom of Information Act (FOIA) the person would need to be in a public place when participating in the meeting.

Mr. Hlavin stated that there are different rules for members of State Assembly that if they want to participate they would have to be in a public space and have separate rules.

In a unanimous voice vote, the Policy Committee voted 2-0 to send a policy to the Planning Commission based on the VML model.

4.) Adjournment

Mr. O'Connor moved to adjourn.

The meeting was adjourned at approximately 4:36 p.m.

John Wright III

MEMORANDUM

DATE: May 6, 2015

TO: The Planning Commission

FROM: Paul D. Holt, III, Director of Planning

SUBJECT: Proposed Planning Commission Policy for Remote Electronic Participation

On March 16, 2015, the Planning Commission Bylaws were amended to include a reference to the applicable portion of the Code of Virginia that provides for the ability of a commissioner to attend meetings remotely (§2.2-3708.1). Interested public bodies must develop a remote participation policy prior to allowing remote electronic participation.

On April 16, 2015, the Policy Committee reviewed and discussed procedures and policies in use from other Virginia localities. The Policy Committee also reviewed and discussed the attached Model Policy from the Virginia Municipal League (VML).

As noted, the Code requires an approval process. However, it allows the public body to decide what type of approval process it wishes to use (a simple majority vote is suggested by VML). Further, the public body can choose which of the applicable situations warrant remote participation by its members (e.g., either #1 or #2 or both), but additional circumstances that would allow for remote participation are not possible.

Recommendation

Following discussion, the Policy Committee at its meeting on April 16th, voted 2-0 to support the creation of a policy for use by the James City County Planning Commission which is based on the VML Model Policy.

Staff recommends the Planning Commission adopt the attached policy.



Paul D. Holt, III

Attachments

- 1.) §2.2-3708.1 from the Code of Virginia
- 2.) VML Model Policy
- 3.) Draft Policy for use by the James City County Planning Commission
- 4.) Unapproved Minutes from the April 16, 2015 Policy Committee meeting
(Attachment found following Public Hearing items)

§ 2.2-3708.1. Participation in meetings in event of emergency or personal matter; certain disabilities; distance from meeting location for certain public bodies.

A. A member of a public body may participate in a meeting governed by this chapter through electronic communication means from a remote location that is not open to the public only as follows and subject to the requirements of subsection B:

1. If, on or before the day of a meeting, a member of the public body holding the meeting notifies the chair of the public body that such member is unable to attend the meeting due to an emergency or personal matter and identifies with specificity the nature of the emergency or personal matter, and the public body holding the meeting records in its minutes the specific nature of the emergency or personal matter and the remote location from which the member participated. If a member's participation from a remote location is disapproved because such participation would violate the policy adopted pursuant to subsection B, such disapproval shall be recorded in the minutes with specificity.

Such participation by the member shall be limited each calendar year to two meetings or 25 percent of the meetings of the public body, whichever is fewer;

2. If a member of a public body notifies the chair of the public body that such member is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance and the public body records this fact and the remote location from which the member participated in its minutes; or

3. If, on the day of a meeting, a member of a regional public body notifies the chair of the public body that such member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting and the public body holding the meeting records in its minutes the remote location from which the member participated. If a member's participation from a remote location is disapproved because such participation would violate the policy adopted pursuant to subsection B, such disapproval shall be recorded in the minutes with specificity.

B. Participation by a member of a public body as authorized under subsection A shall be only under the following conditions:

1. The public body has adopted a written policy allowing for and governing participation of its members by electronic communication means, including an approval process for such participation, subject to the express limitations imposed by this section. Once adopted, the policy shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting;

2. A quorum of the public body is physically assembled at the primary or central meeting location; and

3. The public body makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.



Remote electronic participation in a public body meeting - Model Policy

Introduction

Localities are permitted, but not required, to allow individual council members to participate in a public meeting remotely. Interested public bodies must develop a remote participation policy prior to allowing remote electronic participation. This policy will be applied uniformly to all members and all requests. Below is a model policy. Public bodies that wish to implement a policy do not need to adopt all of the subsections in the model policy. The body can choose which of these situations warrant remote participation by its members. However, the body may not add additional circumstances that would allow for remote participation. This topic is governed by Code of Virginia § 2.2-3708.1.

Model policy

The following policy is established for members' remote electronic participation in Town Council¹ meetings due to²:

1. An emergency or personal matter
 - a. On or before the day of a meeting, the member shall notify the chair of the public body that the member is unable to attend the meeting due to an emergency or a personal matter. The member must identify with specificity the nature of the emergency or personal matter. A member may also notify the Mayor that the member is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance.
 - b. A quorum of the Council must be physically assembled at the primary or central meeting

¹ Town Council or whatever type of public body that will be governed by the policy.

² Remember, a public body does not need to allow remote participation at all. The body may choose to allow participation for some or all of these reasons. A state or local public body may allow remote participation for the reasons described in subsection 1 or subsection 2. Regional public bodies may adopt all three subsections, if they wish.

location. The Council members present must approve the participation by a majority vote.³ The decision shall be based solely on the criteria in this resolution, without regard to the identity of the member or matters that will be considered or voted on during the meeting. The Clerk shall record in the Council's minutes the specific nature of the emergency or personal matter and the remote location from which the absent member participated. If the absent member's remote participation is disapproved because such participation would violate this policy, such disapproval shall be recorded in the Council's minutes.

- c. Participation by the absent member due to an emergency or a personal matter shall be limited in each calendar year to two (2) meetings or 25 percent (25%) of the meetings of the Council, whichever is fewer.
2. A temporary or permanent disability
 - a. On or before the day of a meeting, the member shall notify the chair of the public body that the member is unable to attend the meeting due to a temporary or permanent disability or medical condition that prevents his or her physical presence.
 - b. A quorum of the Council must be physically assembled at the primary or central meeting location. The Clerk shall record in the Council's minutes the fact of the disability or other condition and the remote location from which the absent member participated.
3. For any remote participation, the Town Council shall make arrangements for the voice of the absent member or members to be heard by all persons in attendance at the meeting location.⁴

³ The Code requires an approval process. However, it allows the public body to decide what type of approval process it wishes to use. A majority vote is suggested above; however, the body has flexibility in what this process it chooses to adopt.

⁴ If any of the other subsections are adopted, this language must also be included.

Regional public bodies

The following subsection may only be implemented by regional public bodies. A "regional public body" is a "unit of government...whose members are appointed by the participating local governing bodies, and such unit includes two or more counties or cities." § 2.2-3708. Regional public bodies may enact either of the previous subsections in addition to the following one relating to distance. However, individual localities may not allow remote participation due to distance.

4. A distance of 60 miles or more
 - a. On or before the day of a meeting, the member shall notify the chair of the public body that the member's principle residence is more than 60 miles from the meeting location.
 - b. A quorum of the Council must be physically assembled at the primary or central meeting location. The Council members present must approve the participation by a majority vote.⁵ The decision shall be based solely on the criteria in this resolution, without regard to the identity of the member or matters that will be considered or voted on during the meeting. The Clerk shall record in the Council's minutes the remote location from which the absent member participated. If the absent member's remote participation is disapproved because such participation would violate this policy, such disapproval shall be recorded in the Council's minutes.
 - c. The regional public body shall make arrangements for the voice of the absent member or members to be heard by all persons in attendance at the meeting location.

⁵ See Note 3.

PLANNING COMMISSION POLICY FOR REMOTE PARTICIPATION

In accordance with the Planning Commission Bylaws and pursuant to § 2.2-3708.1 of the Code of Virginia, the following policy is established for members' remote electronic participation in Planning Commission meetings due to:

1. An emergency or personal matter

a. On or before the day of a meeting, the member shall notify the chair of the Commission that the member is unable to attend the meeting due to an emergency or a personal matter. The member must identify with specificity the nature of the emergency or personal matter. The member should also notify the Commission's Secretary (i.e., the Director of Planning) if the member is unable to attend a meeting due to an emergency or personal matter that prevents the member's physical attendance.

b. A quorum of the Commission must be physically assembled at the primary or central meeting location. The Commission members present must approve the remote participation by a majority vote, which shall be recorded in the Commission's minutes. The decision shall be based solely on the criteria in this resolution, without regard to the identity of the member or matters that will be considered or voted on during the meeting. The Secretary shall record in the Commission's minutes the specific nature of the emergency or personal matter and the remote location from which the absent member participated. If the absent member's remote participation is disapproved because such participation would violate this policy, such disapproval shall be recorded in the Commission's minutes.

c. Remote participation by the absent member due to an emergency or a personal matter shall be limited in each calendar year to two (2) meetings or 25 percent (25%) of the meetings of the Commission, whichever is fewer.

2. A temporary or permanent disability

a. On or before the day of a meeting, the member shall notify the chair of the Commission that the member is unable to attend the meeting due to a temporary or permanent disability or medical condition that prevents his or her physical presence. The member should also notify the Commission's Secretary (i.e., the Director of Planning) if the member is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance.

b. A quorum of the Commission must be physically assembled at the primary or central meeting location. The Secretary shall record in the Commission's minutes the fact of the disability or other condition and the remote location from which the absent member participated.

3. For any remote participation, the Secretary shall make arrangements for the voice of the absent member or members to be heard by all persons in attendance at the meeting location.

4. The above provisions shall also be applicable to committee meetings of the Commission, to include the Development Review Committee and the Policy Committee.

Robin Bledsoe
Chair

Adopted by the Planning Commission of James City County, Virginia, this 6th day of May, 2015.

New Cases for May

Case Type	Case Number	Case Title	Address	Description	Planner	District
Conceptual Plan	C-0016-2015	2638 John Tyler Hwy, County Utilities Inquiry	2638 JOHN TYLER HGWY	Conceptual plan was withdrawn	Ellen Cook	03-Berkeley
	C-0017-2015	Patriot's Colony Trip Generation	3400 JOHN TYLER HGWY	Trip generation memo for new development of 60 hybrid homes, 60 small house long-term care beds, 60 small house memory care beds and a 4500 gsf maintenance building.	Leanne Pollock	03-Berkeley
	C-0018-2015	New Town Shared Parking Update	NEW TOWN	Semi-annual update to New Town's shared parking plan, including a request to expand time limited parking.	Leanne Pollock	03-Berkeley
	C-0019-2015	Stonehouse Glen Lots 44 and 45 Boundary Line Adjustment	9344 STONEHOUSE GLEN	Proposal to adjust the property line between two parcels to reflect the location of site improvements such as driveways	Ellen Cook	01-Stonehouse
	C-0020-2015	Rite Aid Traffic Volumes, Powhatan Secondary	4501 NEWS ROAD	Traffic counts submitted with a request to recalculate traffic volumes of existing pharmacy, and subsequently, available remaining trips allowed for potential development uses on the remaining portion of the parcel.	Roberta Sulouff	04-Jamestown
	C-0021-2015	108 Eaglescliffe BLE	108 EAGLESCLIFFE	Proposal to extinguish boundary line between lots 42 and 41 of Ford's Colony Section 33.	Savannah Pietrowski	02-Powhatan
	C-0022-2015	1827 Forge Rd., Toano Well and Pump Office	1827 FORGE ROAD	Proposal for a special use permit for a contractor's office.	Savannah Pietrowski	02-Powhatan
	C-0023-2015	135 Indigo Dam Rd., Subdivision	135 INDIGO DAM ROAD	Proposal to subdivide the property into two parcels.	Roberta Sulouff	04-Jamestown
	C-0024-2015	Hadassah House of Worship and Retreat Center, John Tyler Highway	4665 JOHN TYLER HGWY	Proposal to build a retreat center consisting of a 100-seat sanctuary, 8 meeting rooms, 12 residential hotel-style rooms, and a small museum. Would require a boundary line extinguishment to create one parcel out of three.	Roberta Sulouff	03-Berkeley
	C-0025-2015	2637 Meadowlake Subdivision	2637 MEADOW LAKE DRIVE	Proposal to subdivide a ± 9 acres parcel into 3 new parcels	Jose Ribeiro	01-Stonehouse
	C-0026-2015	Daddyo's Tavern Deck	7500 RICHMOND ROAD	Proposal to remove three parking spots and add a deck to Daddyo's Tavern, located in the Shops at Norge Crossing shopping center.	Roberta Sulouff	01-Stonehouse
	C-0027-2015	Hicks Island - Hazelwood Family Subdivision	8811 HICKS ISLAND RD	Proposed three lot family subdivision.	Savannah Pietrowski	02-Powhatan
Subdivision	S-0012-2015	109 Rich Neck Road Subdivision	109 RICH NECK ROAD	Subdivision to create one additional lot.	Savannah Pietrowski	03-Berkeley
	S-0013-2015	Neighbors Drive Improvement Project	115 NEIGHBORS DRIVE	Construction plans for improvements to Neighbors Drive including roadway and stormwater, and creation of several new lots	Ellen Cook	02-Powhatan
	S-0014-2015	Williamsburg Unitarian Universalists Property Line Extinguishment	3051 IRONBOUND ROAD	Extinguishing boundary line between two parcels owned by the Unitarian Universalists to create a single parcel.	Leanne Pollock	03-Berkeley
Site Plan	SP-0028-2015	Ford's Colony, Sec. 1, Kempe Drive Drainage Improvements	131 JOHN POTT DRIVE	Drainage improvements to re-align and pave portions of existing roadside ditch system along Kempe Drive and Stocker Court.	Savannah Pietrowski	02-Powhatan
	SP-0029-2015	Skiffes Creek Industrial Park, Prism Contractors & Engineers Fuel Tanks	1568 MANUFACTURE DRIVE	Installation of 2-500 gallon diesel fuel above ground storage tanks	Jose Ribeiro	05-Roberts
	SP-0030-2015	Verizon Wireless, Ironbound Road, Tower SP Amend. 2	4039 IRONBOUND ROAD	Removal of 12 antennas to be replaced with 9 new antennas and 6 remote radio head units.	Savannah Pietrowski	04-Jamestown
	SP-0031-2015	Lightfoot Marketplace SP Amend.	6401 RICHMOND ROAD	Amendments to the cistern details and to the lighting plan	Ellen Cook	01-Stonehouse
	SP-0032-2015	Fords Colony Maintenance Facility, Storage Bay Conversion	4624 CENTERVILLE RD	A storage Bay in the maintenance areas was approved for conversion into an exercise room	Scott Whyte	02-Powhatan
	SP-0033-2015	Bryant Contracting Complex SP Amend.	7754 RICHMOND ROAD	Changing originally approved 80'x130' warehouse to enlarge by 910 square feet. New proposed size is 87'x130'.	Leanne Pollock	01-Stonehouse
	SP-0034-2015	Olive Branch Christian Church, Sidewalk Improvements SP Amend.	7643 RICHMOND ROAD	Installation of approx. 155 linear feet of four' wide sidewalk	Chris Johnson	01-Stonehouse
	SP-0035-2015	Historic Jamestowne Education Shed SP Amend. 2	1365 COLONIAL PARKWAY	Moving prefabricated educational shed outside of the floodplain.	Leanne Pollock	03-Berkeley
	SP-0036-2015	Historic Powhatan Resort Sidewalk Accessibility Renovations SP Amend.	4300 FITHIAN LANE	Modifying and expanding the sidewalk to provide accessibility, add handicap parking spaces and ramps and aisles at buildings #48 and #64.	Leanne Pollock	03-Berkeley
	SP-0037-2015	Smith Farmer's Market SP Amend. 2	5813 CENTERVILLE RD	Install a 21' x 32' shed for tables for existing farmer's market to replace tents.	Leanne Pollock	02-Powhatan
	SP-0038-2015	Williamsburg Unitarian Universalists Church Expansion	3051 IRONBOUND ROAD	7,233 square foot expansion to Unitarian Universalist church for fellowship space under SUP.	Leanne Pollock	03-Berkeley

New Cases for May

Case Type	Case Number	Case Title	Address	Description	Planner	District
Zoning Ordinance Amendment	ZO-0001-2015	Article VI, Division 3 - Floodplain Area Regulations		Proposed amendments to Article 1. In General, Section 24-2 Definitions, and Article VI. Overlay Districts, Division 3, Floodplain Area Regulations to incorporate the new Federal Emergency Management Agency Flood Insurance Rate Maps and Study and to ensure compliance with the National Flood Insurance Program.	Christy Parrish	
	ZO-0002-2015	Article V, Division 10, General Business, B-1 and Division 11, Limited Business/Industrial, M-1		Proposed changes to the B-1/M-1 Ordinance to amend the terms used to classify micro-brewery type operations. This amendment will be consistent with the language from ZO-0004-2015	Jason Purse	
	ZO-0003-2015	Article I, In General - Administrative fees, Certificate of occupancy, Amendment of conditions and Submittal Requirements		Proposed amendments to Article I, In General, to add administrative fees and submittal requirements for proffer amendment applications that do not affect use or density and clarify that all support materials for legislative applications be submitted in an electronic format	Chris Johnson	
	ZO-0004-2015	A-1, General Agricultural, and Definition Amendments to Incorporate State Code Changes		During the 2014 and 2015 Legislative sessions, amendments to the State Code were passed that need to be incorporated into the Zoning Ordinance. The proposed changes deal with the definition of agriculture and agri-tourism, changes to other definitions of uses in A-1, as well as identifying which uses are permitted by-right or require a special use permit.	Jason Purse	

PLANNING DIRECTOR'S REPORT
May 2015

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

- **New Town.** The Design Review Board did not meet in April but has reviewed several plans electronically since the last meeting. The DRB approved planting plans for single-family dwellings in Section 7, revised planting plans for portions of Zoe's Kitchen and Pier One and a revised layout for the assisted living building on Discovery Park Blvd.
- **Mooretown Road Corridor Study.** The County's consultant, VHB, held a public meeting on March 12th at Toano Middle School to present a potential alignment for the Mooretown Road Extension. Attendees had an opportunity to comment on the alignment and the overall project following the presentation, prior to VHB's preparation of the final study recommendations document. VHB will make a brief presentation on the alignment at the May 26th BOS work session.
- **Monthly Case Report.** For a list of all cases received in the last month, please see the attached documents.
- **Board Action Results:**
 - No cases heard by the Board of Supervisors on March 24 or April 14. Results of the April 28 meeting will be provided with the June report.