# A G E N D A JAMES CITY COUNTY PLANNING COMMISSION BECHLAP MEETING

# REGULAR MEETING

County Government Center Board Room 101 Mounts Bay Road, Williamsburg VA 23185 April 5, 2017 7:00 PM

- A. CALL TO ORDER
- B. ROLL CALL
- C. PUBLIC COMMENT
- D. REPORTS OF THE COMMISSION
- E. CONSENT AGENDA
  - 1. Minutes Adoption March 1, 2017 Regular Meeting
  - 2. SP-0011-2017/S-0004-2017. Stonehouse Tract 3 Parcels A & B
- F. PUBLIC HEARINGS
  - 1. SUP-0028-2016. Solar Electrical Generation Facility at Norge
  - 2. LU-0002-2014. 8491 Richmond Road (Taylor Farm) Land Use Designation Change
  - 3. Z-0001-2017, SUP-0001-2017, MP-0001-2017. Williamsburg Landing, Marclay Road
- G. PLANNING COMMISSION CONSIDERATIONS
- H. PLANNING DIRECTOR'S REPORT
  - 1. Planning Director's Report April 2017
- I. PLANNING COMMISSION DISCUSSION AND REQUESTS
- J. ADJOURNMENT

## **AGENDA ITEM NO. E.1.**

## **ITEM SUMMARY**

DATE: 4/5/2017

TO: The Planning Commission

FROM: Paul D. Holt, III, Secretary

Minutes Adoption - March 1, 2017 Regular Meeting SUBJECT:

## **ATTACHMENTS:**

Description Type

Minutes of the March 1, 2017 Regular Meeting Minutes D

## **REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	3/27/2017 - 4:43 PM
Planning Commission	Holt, Paul	Approved	3/27/2017 - 4:43 PM
Publication Management	Burcham, Nan	Approved	3/27/2017 - 4:46 PM
Planning Commission	Holt, Paul	Approved	3/28/2017 - 2:12 PM

# M I N U T E S JAMES CITY COUNTY PLANNING COMMISSION REGULAR MEETING

## County Government Center Board Room 101 Mounts Bay Road, Williamsburg, VA 23185 March 1, 2017 7:00 PM

#### A. CALL TO ORDER

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

#### B. ROLL CALL

**Planning Commissioners** 

Present:

Tim O'Connor

Rich Krapf

Robin Bledsoe

John Wright

Heath Richardson

Danny Schmidt

Jack Haldeman

Staff Present:

Paul Holt, Director of Community Development and Planning

Maxwell Hlavin, Assistant County Attorney

John Carnifax, Director of Parks and Recreation

Veda McMullen, Senior Communication Specialist

Julie Northcott-Wilson, Parks and Recreation Business Analyst

Alex Baruch, Planner

#### C. PUBLIC COMMENT

Mr. O'Connor opened Public Comment.

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

#### D. CONSENT AGENDA

- 1. Minutes Adoption February 1, 2017 Regular Meeting
- Development Review Committee Action Items: Case No SP-0091-2016, Noland Blvd. AutoZone
- 3. Development Review Committee Action Item: Case No. SP-0043-2016/S-0020-2016, New Town Section 8 Parcel D Subdivision Exception Request
- 4. SP-0043-2016/S-0020-2016, New Town Section 8 Parcel D Preliminary Approval

Mr. O'Connor stated that prior to considering the Consent Agenda, Mr. Richardson would provide an update on the Development Review Committee (DRC) actions.

Mr. Heath Richardson stated that the DRC met on February 22, 2017 to consider two cases.

Mr. Richardson stated that the first case was SP-0091-2016, Noland Blvd. AutoZone. Mr. Richardson stated that in October 2016 the DRC granted preliminary approval contingent on abandonment of previously approved, unbuilt retail square footage; collaboration with Planning staff on the landscape plan and revised architectural elevations for the building. Mr. Richardson stated that the DRC found the revised elevations acceptable and the DRC voted to approve the elevations with the understanding that they would be binding.

Mr. Richardson stated that the second case was SP-0043-2016/S-0020-2016, New Town Section 8 Parcel D Subdivision Exception Request. Mr. Richardson stated that the applicaant had requested an exception to Section 19-50 of the Subdivision Ordinance which requires that all street intersection jogs have centerline offsets of greater than 200 feet. Mr. Richardson stated that due to the unique characteristics of the property and because the Virginia Department of Transportation (VDOT) and the Fire Department had no objections, the DRC voted to recommend approval of the exception request.

Mr. Rich Krapf made a motion to approve the Consent Agenda. On a voice vote, the Commission voted to approve the items on the Consent Agenda (7-0).

#### E. REPORTS OF THE COMMISSION

Mr. Krapf stated the Policy Committee met on February 9 and February 16, 2017 to review applications and score submissions for the FY18-22 Capital Improvements Program (CIP) projects. Mr. Krapf stated that 18 applications were submitted with four being from various County departments and 14 from the Williamsburg-James City County Schools. Mr. Krapf stated that the projects totaled \$44.8 million with \$4.46 million identified for the upcoming fiscal year. Mr. Krapf stated that staff from Parks and Recreation, the Williamsburg James City County Schools and Financial and Management Services were in attendance at the February 16 meeting to answer questions. Mr. Krapf stated that the Policy Committee approved the ranked listing of projects and voted to forward the list to the Planning Commission for consideration at its March 20, 2017 Special Meeting.

#### F. PUBLIC HEARINGS

1. SUP-0028-2016, Solar Electrical Generation Facility at Norge

Mr. Paul Holt, Director of Community Development and Planning, stated that the applicant has requested that the matter be deferred for one month. Mr. Holt stated that staff concurs with the request and recommends that the Planning Commission defer the matter to its April 5, 2017 meeting.

Mr. O'Connor reopened the Public Hearing which was continued from the February 1, 2017 meeting.

Mr. O'Connor stated that anyone wishing to speak could do so and the comments would become part of the record; however, they would not be able to speak again at the April meeting.

Mr. Dennis Cotner, 127 Wilson Circle, Citizen, addressed the Commission in opposition to the application. Mr. Cotner expressed concerns about the impact on the viewshed, fire risks and the effect of solar glare on aircraft. Mr. Cotner requested that the Commission preserve the ambiance and rural character of the area.

No one else wished to speak at this meeting.

Mr. O'Connor inquired if any of the Commissioners opposed deferring the application.

Ms. Robin Bledsoe inquired about the reason for the deferral.

Mr. O'Connor stated that there was a question about access.

Mr. Holt stated that it was a question about how best to provide access for the heavy tractor-trailer equipment.

Ms. Bledsoe inquired if this was a staff driven consideration.

Mr. Holt stated that it was something that the applicant wanted to address.

Mr. Max Hlavin, Assistant County Attorney, noted that a motion to postpone would be necessary. Mr. Richardson made a motion to postpone.

On a voice vote the Commission voted to postpone SUP-0028-2016, Solar Electrical Generation Facility at Norge to its April 5, 2017 meeting (7-0).

#### G. PLANNING COMMISSION CONSIDERATIONS

1. Parks and Recreation Master Plan Update

Mr. John Carnifax, Director of Parks and Recreation, introduced Veda McMullen and Julie Northcott-Wilson and noted that they were instrumental in preparing the Master Plan update. Mr. Carnifax noted that since the earlier discussion on the Warhill Sports Complex Master Plan, the traffic management plan has been developed and is currently under review by VDOT. Mr. Carnifax stated that the strategy to have a police officer assist with traffic control for the larger tournaments has been implemented. Mr. Carnifax noted that this has made a significant improvement.

Mr. O'Connor noted that he had received positive feedback regarding the use of officers to assist with traffic during the recent tournament.

Mr. Carnifax stated that the Master Plan has gone before the DRC twice and that several tweaks have been made based on that feedback. Mr. Carnifax stated that public meetings were held in November 2016 and that approximately 572 surveys had been submitted. Mr. Carnifax stated that the results of the survey and citizen input are consistent with the 2009 Parks and Recreation Master Plan. Mr. Carnifax noted that two new items came forward, one of which is primitive camping for scouts. Mr. Carnifax

stated that staff would be working with the Virginia Department of Health and Planning staff to develop suitable options that comply with regulations. Mr. Carnifax further noted that pickleball and lawn bowling were also mentioned in the survey. Mr. Carnifax stated that the Master Plan has been approved by the Parks and Recreation Advisory Commission and that it is scheduled to go to the Board of Supervisors on April 11. Mr. Carnifax stated that staff would welcome any comments and suggestions from the Commission.

Mr. O'Connor opened the floor for questions.

Mr. Jack Haldeman inquired if the Level of Service(LOS) deficit figures adhered to the standard formula or were adjusted to reflect local preferences.

Mr. Carnifax stated that that it was based purely on the formula. Mr. Carnifax noted that when you benchmark against the formula numbers, you have to account also for the demographics of the community and the specific demands and needs that community has for recreation facilities.

Ms. Bledsoe expressed appreciation for addressing the traffic concerns at the Warhill Sports Complex. Ms. Bledsoe further expressed appreciation for the beauty of Freedom Park and the efforts of staff to develop it in a thoughtful manner. Ms. Bledsoe stated that she likes the incorporation of public-private partnerships in the Master Plan. Ms. Bledsoe noted that the partnership with the local veterans groups who use the park for training and, in turn, provide a service to the park with debris clean up. Ms. Bledsoe further stated that this is the best Parks and Recreation Master Plan she has seen and that it reflects the needs of the community.

Mr. Carnifax stated that the Parks and Recreation Master Plan, the Comprehensive Plan and the new Strategic Plan all work in concert to identify and meet the needs and desires of the community as efficiently as possible.

Mr. Krapf stated that the Master Plan is exceptionally well put together. Mr. Krapf further stated that the demographic portion was eye-opening on how the staff has needed to adapt to growth and population shifts over a relatively short time span. Mr. Krapf expressed appreciation for staff and their efforts to provide a first class park system.

Mr. Richardson expressed appreciation for the level of detail in the Master Plan. Mr. Richardson made a recommendation about the placement of the graphs in the document.

Mr. Carnifax noted that the recommended change had already been made. Mr. Carnifax expressed appreciation for the recommendation and noted that it was a nice enhancement to the document.

Mr. Haldeman stated that he was amazed by the increase in park use from 2.2 million in FY2013 to 2.8 million in FY2016. Mr. Haldeman noted that James City County is expected to have an 86.5% population increase by 2040 which will bring the County to almost 140,000 residents. Mr. Haldeman noted the lack of facilities in the lower end of the County and inquired why this is not showing up in the CIP applications.

Mr. Carnifax stated that the Master Plan will be adjusted several times over the years.

Mr. Carnifax stated that the Master Plan would be used to inform future CIP applications. Mr. Carnifax noted that it is necessary to be able to move and act when opportunities or necessities present themselves.

Ms. Bledsoe noted that one of the issues is that the County has been unable to find a suitable location for a park in the lower end of the County.

Mr. Carnifax stated that acquisition of appropriate lands is always considered when reviewing development proposals for that area of the County.

Mr. Haldeman noted that there is also a noted deficiency in access to the rivers.

Mr. Carnifax stated that consistent with the Virginia Outdoor Plan, trails and water access are the two items most requested by citizens. Mr. Carnifax stated that with the addition of Jamestown Beach Event Park, Chickahominy Riverfront Park and the James City County Marina, the County has made good headway in providing beach and boating access. Mr. Carnifax further stated that even with the addition of another facility, there would continue to be requests for more.

Mr. Haldeman noted that based on the combined cost of CIP requests, this might be an appropriate time to consider a bond issue.

Mr. Carnifax stated that most of the larger improvements do require a bond issue. Mr. Carnifax noted that much of what is in the CIP is to maintain, repair and replace existing facilities. Mr. Carnifax noted that Parks and Recreation along with the Fire Department, the Police Department and the Williamsburg-James City County Schools would be vying for funding as it becomes available.

Mr. Danny Schmidt inquired if any efforts have been made to reach out to the National Park Service to determine if an agreement would be possible to allow access to the river from Park Service property along the Colonial Parkway.

Mr. Carnifax stated that it is on his agenda to meet with state and national park representatives to discuss various matters including the possibility of river access from the Colonial Parkway.

Mr. O'Connor expressed congratulations to the Parks and Recreation staff on the Master Plan and wished them success with the accreditation process. Mr. O'Connor also noted the importance of the Parks and Recreation Advisory Commission and recommended that citizens consider it when looking for volunteer opportunities.

#### H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - March 2017

Mr. Holt stated that he would like to highlight the Joint Land Use Study with Joint Base Langley-Eustis and surrounding localities. Mr. Holt stated that the Department of Defense in conjunction with their Office of Economic Adjustment provided a grant to conduct a Joint Land Use Study (JLUS) to support the long term sustainability and operability of the military installation complex at Ft. Eustis. Mr. Holt stated that the study will examine installation activities and surrounding land use and development plans

to identify and document impacts and opportunities to develop shared goals and long term compatibility with adjacent localities. Mr. Holt stated that the goal of the JLUS is to encourage local governments, together with the Commonwealth of Virginia, to work closely with Ft. Eustis to implement measures that will prevent the introduction of incompatible civilian development that will impair the continued operation of the military installation and to preserve and protect the health, safety and welfare of those living on or near Ft. Eustis. Mr. Holt stated that the JLUS process is intended to increase public awareness of the military missions and their contribution to the regional economy; to protect and preserve military readiness and defense capabilities while supporting the community economic development. Mr. Holt stated that the localities involved in the process are the City of Newport News and James City County. Mr. Holt stated that the JLUS process is officially underway and is expected to be completed in the next 12 to 18 months. Mr. Holt stated that there would be community workshop in Grove on March 7 at James River Elementary School and a second one on March 8 at the Denbigh Community Center.

Mr. Richardson noted that he wanted to discuss the upcoming DRC calendar.

Mr. Holt noted that the Calendar was on the agenda for Planning Commission Discussion and Requests.

## I. PLANNING COMMISSION DISCUSSION AND REQUESTS

#### 1. Draft Calendar for 2017-2018

Mr. Holt stated that a draft calendar for 2017 and tentative dates for 2018 has been distributed to the Commission. Mr. Holt requested that the Commission review the proposed dates and provide feedback prior to the March 20 Special Meeting.

Mr. Schmidt noted that the Williamsburg-James City County tentative calendar has Spring Break falling on the first week of April in 2018. Mr. Schmidt inquired if it would be possible to move the April meeting to the second week.

Ms. Bledsoe stated that it is necessary to consider the Commission as a whole as well as an expectation of consistency for the public.

Mr. Krapf stated that the fall back is the policy for remote participation which would allow a commissioner to participate when out of town. Mr. Krapf stated that with that option as a fall back, it would be better to maintain consistency with the meeting schedule.

Mr. O'Connor stated that maintaining the customary schedule would also allow staff the necessary time to prepare cases that would be moving forward to the Board of Supervisors.

#### J. ADJOURNMENT

Mr. John Wright made a motion to adjourn to the Special Meeting on March 20, 2017 at 6:00 p.m.

The meeting was adjourned at approximately 7:55 p.m.

## **AGENDA ITEM NO. E.2.**

## **ITEM SUMMARY**

DATE: 4/5/2017

TO: The Planning Commission

FROM: Lauren White, Planner

SUBJECT: SP-0011-2017/S-0004-2017. Stonehouse Tract 3 Parcels A & B

Section 19-23 of the subdivision ordinance states that once a subdivider submits a preliminary plat for any major subdivision, the Commission shall consider the plan and either grant preliminary approval or disapprove it.

## **ATTACHMENTS:**

	Description	Type
D	Staff Report	Staff Report
D	Proposed Site Layout	Exhibit
D	Approved Conceptual Plan	Exhibit
ם	Agency Comments	Exhibit
D	Approved Minutes from July 27, 2016, DRC Meeting	Minutes

#### **REVIEWERS:**

Reviewer	Action	Date
Holt, Paul	Approved	3/29/2017 - 10:38 AM
Holt, Paul	Approved	3/29/2017 - 10:38 AM
Burcham, Nan	Approved	3/29/2017 - 10:54 AM
Holt, Paul	Approved	3/29/2017 - 11:45 AM
	Holt, Paul Holt, Paul Burcham, Nan	Holt, Paul Approved Holt, Paul Approved Burcham, Nan Approved

## Staff Report for the April 5, 2017, Planning Commission Meeting

#### **SUMMARY FACTS**

Applicant: Mr. John Zaszewski, Timmons Group

Land Owner: SCP-JTL Stonehouse Owner 2 LLC

Proposal: Proposed residential development of 97

townhomes and 151 single-family units in the Stonehouse Planned Unit Development.

Planning Commission: Section 19-23 of the subdivision ordinance

states that once the subdivider submits a preliminary plat for any major subdivision, the Commission shall consider the plan and either grant preliminary approval or

disapprove it.

Location: 9351 Six Mt. Zion Road

Tax Map/Parcel No.: 0540100015

Project Acreage: +/- 96.77 acres

Zoning: PUD-R, Planned Unit Development

Residential

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

Staff Contact: Lauren White, Planner

#### PROJECT DESCRIPTION

The applicant has submitted a site plan and subdivision construction plan proposing development on Stonehouse Tract 3 that would consist of 97 townhouse units on Parcel A and 151 single-family units on Parcel B. The master plan specifies that all types of residential units (including single-family and townhouses) are permitted on this tract and that the allowed residential unit range is between 150 and 350. In accordance with Proffer 12, a Conceptual Plan showing the entirety of Tract 3 was reviewed by the Development Review Committee at its meeting on July 27, 2016 (see Attachment No. 5). Please note that the Planning Commission preliminary approval action will apply only to the single-family detached units in Parcel B.

This plan has been through one round of agency comments and resubmittal and the applicant has been working diligently to address agency comments on this application. The applicant has also been working to address the larger issue of bringing the Richardson Millpond Dam into compliance with applicable regulations.

#### FACTORS FAVORABLE

- 1. Staff finds the use and density as proposed is in accordance with the master plan and proffers.
- 2. Staff also finds that the staff and agency comments can be addressed in order to achieve compliance with the Zoning Ordinance, proffers and other agency comments using the general layout shown on the Conceptual Plan.

#### FACTORS UNFAVORABLE

None.

## Staff Report for the April 5, 2017, Planning Commission Meeting

#### STAFF RECOMMENDATION

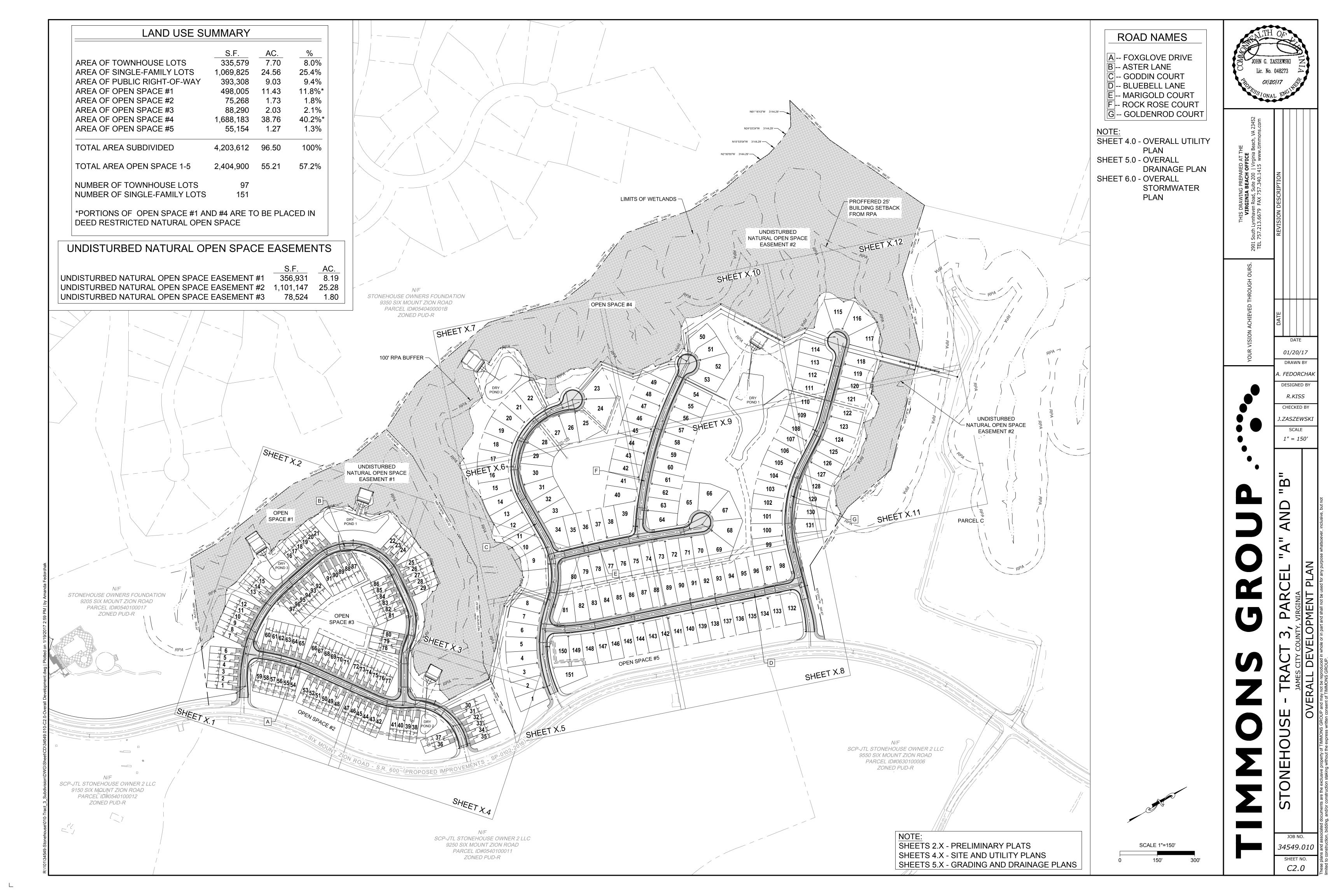
Staff recommends the Planning Commission grant preliminary approval subject to the applicant addressing agency comments, and subject to the following condition: Prior to the issuance of any Certificate of Occupancy, all interim repairs shall be completed to the Richardson Millpond Dam. Interim repairs shall be defined as repairing to the satisfaction of the Virginia Department of Transportation and the Director of Engineering and Resource Protection the primary and secondary spillways and removing the vegetation that is growing.

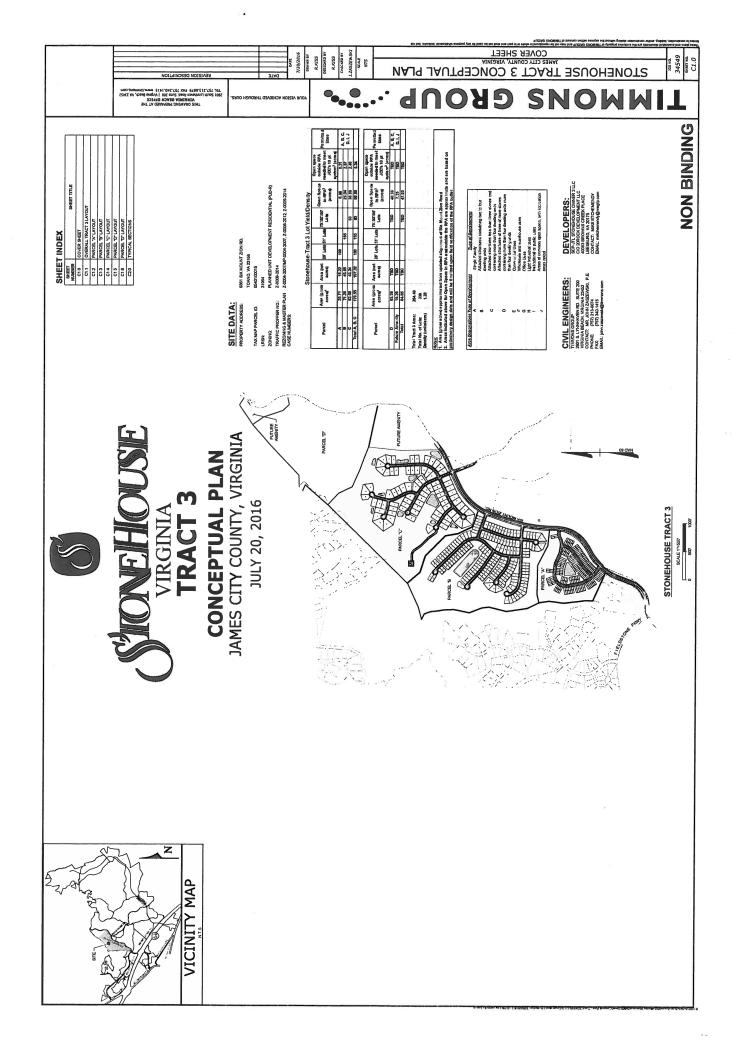
LW/gt SP11-17-S4-17StoneTract3ParA-B

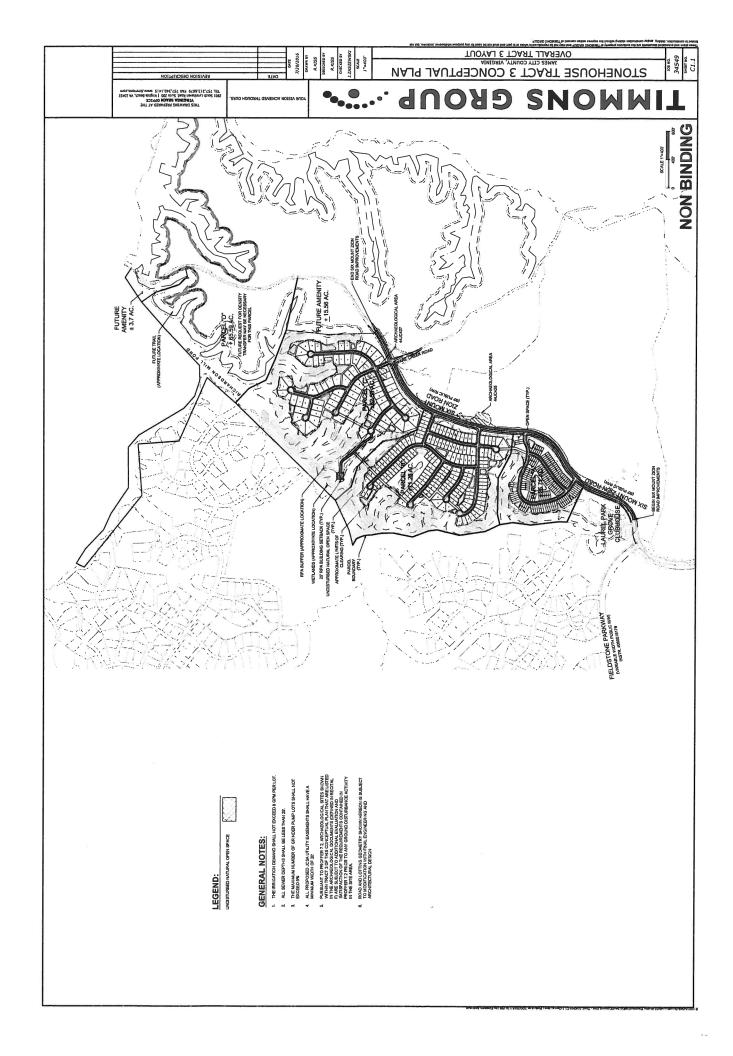
#### Attachments:

- 1. Proposed Site Layout
- 2. Approved Conceptual Plan
- 3. Agency Comments
- 4. Approved Minutes from the July 27, 2016, Development Review Committee Meeting

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.









## **MEMORANDUM**

TO:

Lauren White, Planner

From:

Christy Parrish, CZA, Zoning Administrator (floodplain review)

Date:

1/30/2017

Re:

SP-011-2017/S-0004-2017, Stonehouse Tract 3, Parcel A & B

I have reviewed SP-0011-2017/S-0004-2017. Please show the FEMA 1% annual flood hazard line/ area per Section 24-596, Regulation for subdivision and site plan –

The applicant of any subdivision of land or site plan within the county shall submit with his application a statement by a licensed surveyor or engineer as to whether or not any property shown on the plat or plan is at an elevation lower than the one percent annual chance (100-year) flood level. Where a one percent annual chance (100-year) flood level exists, the extent of this area shall be shown on the plat or plan. Further, the elevation of the finished surface of the ground at each building location shall be shown. Lots created after February 6, 1991, which are within a non-coastal (non-tidal) floodplain district, shall contain a natural, unfilled building site at least one foot above the one percent annual chance (100-year) flood elevation adequate to accommodate all proposed buildings. All buildings shall be constructed solely within such building site and outside of the one percent annual chance (100-year) flood plain. All proposals shall be consistent with the need to minimize flood damage.

#### INTEROFFICE MEMORANDUM

TO: LAUREN WHITE, PLANNER

**FROM:** SCOTT WHYTE, SENIOR LANDSCAPE PLANNER II **SUBJECT:** SP-0011-2017, STONEHOUSE TRACK 3 PARCELS A & B

**DATE:** 1/30/2017

I have reviewed the landscape plan for SP-0011-2017, Stonehouse Track 3 Parcels A & B and have the following comments.

- 1. Please label the proposed plants on sheet L-1.5, so staff can review the plan for Adjacent to Building landscape requirements found in section 24-97 of the zoning ordinance.
- 2. Please note that the grasses and ground covers listed in the plant schedule on sheet 1.5 do not count towards ordinance numbers since they are not considered trees or shrubs by the ordinance definition.
- 3. Please provide a sample landscape plan for each type of unit proposed. It appears that only the 3 and 6 unit buildings have been addressed.
- 4. Please revise the 6 unit landscape plan to allow the proposed trees located to the sides of the units room to be planted next to adjacent buildings. The trees are located over 40' feet from the edge of the building, but many of the 6 unit buildings have as little as 15' between buildings.
- 5. Please revise the landscape plans for the units on sheet L 1.5 to address the fronts of the buildings. The current proposal has all the landscaping located on the sides, which will create problems when located close to adjacent buildings.
- 6. Please have the plan preparer stamp the plan as required by section 24-89© of the zoning ordinance.
- 7. Please address all BMPs with landscaping as required by ordinance section 24-100 (d).



#### **DEPARTMENT OF TRANSPORTATION**

1700 North Main Street SUFFOLK, VIRGINIA 23434

Feb. 7, 2017

Lauren White, Planner James City County Planning 101-A Mounts Bay Road Post Office Box 8784 Williamsburg, Virginia 23187

RE: Stonehouse, Tract 3, Parcels A&B 6 Mt. Zion Road (Route 600)
County Plan SP-0011-2017
James City County

VDOT has completed its review of the plan received by the VDOT Land Development Office on 25 Jan., 2017. The following comments are provided.

- 1. Please show stop and speed limit signs for each road. Note the VDOT metal breakaway post and MUTCD standards. If decorative posts or other changes are to be made, these will need to be approved, and an agreement for private maintenance will be needed before acceptance.
- 2. The roll top curb face is at 2' from the edge of pavement (App. B1 sec. 4.G), which will require pavement lanes to be 12.5' wide to achieve the required 29' fc-fc typical section.
- 3. Remove the "max" from the gutter grade on the roll top curb detail. It needs to match App. B1.
- 4. Provide a typical driveway entrance detail for use with the roll-top curb. See figures 7 and 8, item H section 4, App.B(1) of the VDOT Road Design Manual. Include the sidewalk, with a 2% maximum cross-grade through the sidewalk. This will affect the grades shown in driveways currently. There should be a 7" apron through the sidewalk as in the CG-9D.
- 5. Provide a standard detail for use with the roll-top curb to provide a 10' transition to standard curb (CG-6) at the drop inlet structures. (App.B1.4.G.4) Ensure there is room beyond driveway radii to fit transitions. It appears some of the driveways are too close together to accommodate DI's in this manner. The plan should note that driveway aprons cannot be in the transition area, and the layout should accommodate.
- 6. Please provide cross-drains (CD-1,2) and under-drains (UD-4) on plans and profiles; at cut-fill transitions, low points, and edge drains where 21B aggregate is used. A UD-3 drain should be provided for sidewalks where grades exceed 3%.
- 7. Please replace the VDOT standard notes with the newer 2016 version. I can email this upon request.

- 8. CG-12 ramps need to be located at the intersections within the radii, inline with the direction of travel (see IIM-LD-55), with cross-walks where pedestrian routes cross the road. It is not clear why some are located away from the intersection (example at Goddin and Bluebell). Ramps should be provided where the sidewalks end, even if there is not a ramp on the opposite side of the road.
- 9. Please provide a check storm using an intensity of 6.5in/hr for inlets in sag locations (including upstream carryover) on the public roads. It appears that the stormwater management design is relying on this inlet system to get water to it during the 10yr storm at least. There should be no spill-over onto residential lots. Flow depth should not exceed 4 inches (App.B1 sec. 4.K.3.d).
- 10. The low point at station 10+59 on Foxglove Drive appears to be offset from the inlets. The K value can be reduced here at a stop condition to make this work better. Moving the PVT to about 11+42 (K=21.34) appears to move the low point to the desired location.
- 11. The cul-de-sac radii for Goddin Court, Rock Rose Court, and Goldenrod Court should be a minimum of 45' to allow for school buses.
- 12. Please revise the longitudinal slope in cul-de-sacs to reach 2% at the end turnaround.
- 13. Pond 2 uses the road as a dam. According to SSAR 24VAC30-92-120K the right-of-way will need be a dedication specifically to the governing body, and a formal agreement with the county will need to acknowledge that VDOT has no responsibility or liability due to the presence of the dam, and maintenance will be the responsibility of the owner. If the maximum ponded depth during the 100yr storm were below 4ft, this requirement would not apply.
  - a. There will need to be a geotech report prepared for this dam, as it is proposed in native soils. If the soils are not suitable, there may need to be a clay core, cutoff trench, and special provisions made for the placement of fill material for the roadway.
- 14. Is not clear why right-of-way widths are 10ft beyond the back of curb when there is no sidewalk. This may cause issues if right-of-way permits are needed for yard landscaping and irrigation.
- 15. Please refer to comments on Six Mt. Zion road plans regarding entrances on Six Mt. Zion. Turn lane warrant analysis for buildout conditions are needed.

#### General Comments;

- A) For resubmittals, approvals and with the Land Use Permit, an electronic PDF file of the plan and supporting documents must be provided. Please include a detailed narrative which addresses each specific comment listed above. Any revisions beyond those necessary to address the review comments should be clarified.
- B) Where work will be necessary within existing state maintained right of way, please provide an engineer's cost estimate with final plans. This will be used to set the surety amount for the required Land Use Permit to work within the right-of-way.
- C) Upon final plan approval, a Land Use Permit will be required prior to construction of any work within state maintained right of way limits or easements (including for temporary or permanent driveways and entrances). Additional information about Land Use Permitting as well as the required forms can be found on the VDOT website at: http://www.virginiadot.org/business/bulandUsePermits.asp

If you have any questions, please contact me at Glenn. Brooks@vdot.virginia.gov.

Sincerely,

Glenn Brooks, P.E. Area Land Use Engineer Virginia Department of Transportation Hampton Roads District



#### **MEMORANDUM**

Date: February 7, 2017

To: Lauren White, Planner

From: Michael Youshock, PE.

Subject: SP-0011-2017/S-0004-2017 Stonehouse Tract 3

James City Service Authority has reviewed these plans for general compliance with the JCSA Standards and Specifications, Water Distribution and Sanitary Sewer Systems and has the following comments for the above project you forwarded on January 25, 2017. Quality control and back checking of the plans and calculations for discrepancies, errors, omissions, and conflicts is the sole responsibility of the professional engineer and/or surveyor who has signed, sealed, and dated the plans and calculations. It is the responsibility of the engineer or surveyor to ensure the plans and calculations comply with all governing regulations, standards, and specifications. Before the JCSA can approve these plans for general compliance with the JCSA Standards and Specifications, the following comments must be addressed. We may have additional comments when a revised plan incorporating these comments is submitted.

#### General Comments:

- 1. The Design Engineer shall provide a response letter indicating actions taken and/or additional changes made with resubmittal of this project. JCSA may have additional comments when plan is resubmitted.
- 2. Water and sanitary sewer inspection fees are required for this project and shall be paid in full to JCSA prior to issuance of a Certificate to Construct Utilities.
- 3. Water and Sewer Master Plans shall be submitted and approved prior to the approval of this plan. The master plan shall include a hydraulic analysis, including a water and sewer model.
- 4. Water and sewer data sheets shall be provided and will be reviewed after the Water and Sewer Master Plan has been approved.
- 5. All water mains crossing under or over a storm sewer shall be ductile iron, a minimum of one 20' pipe length centered over the storm sewer.
- 6. All water meters and sewer clean-outs shall be installed a consistent distance from the property line/easement and in proximity to side lot lines.
- 7. Add note with the requirement that water mains extending through fill areas shall be restrained joint ductile iron, extending a minimum of 40' beyond the fill area.
- 8. All utility easements shall be labeled. Width of easements shall be in accordance with JCSA's Design Acceptance Criteria, Section 2.5.

- 9. Flow acceptances by HRSD and JCSA are required. The engineer will prepare HRSD flow certificate for JCSA signature and make the submission to HRSD.
- 10. Since this site is served by a pump station which discharges more than 25 gpm into a force main, the Applicant shall submit plans to the Department of Environmental Quality (DEQ) for review and approval. The plans will not receive JCSA final approval until DEQ approval has been received. The Applicant shall provide JCSA a copy of the transmittal to DEQ once submitted.
- 11. Numerous water mains are shown on plans as 10". Water main sizes shall be in accordance with JCSA's Design Acceptance Criteria, Section 2.2. Sizing shall be supported by hydraulic analysis. Coordinate tie-in sizes with Six Mt. Zion Rd. project.
- 12. All sewer manholes with a depth of 12' or greater shall be 60" inside diameter.
- 13. Internal drop manholes shall be constructed when the vertical difference between the invert of the inlet pipe and outlet pipe is 24-inch or greater. Drop manholes shall be 60" inside diameter and should be labeled accordingly. Also include detail.
- 14. Sanitary sewer cleanouts located within or in close proximity to driveways, sidewalks or bike paths shall require a frame and cover rated for traffic (H20) loading. Provide appropriate details.
- 15. Sewer manholes labels are inconsistent on plans/profiles, please correct.
- 16. Label all appurtenances, including stationing and offsets in both plan and profile views.
- 17. In various locations, water mains are located to close to the gutter. Use allowable pipe deflection to minimize fittings and provide better alignment in quarter point of the road. The maximum allowable deflection per HRPDC standards is 50% of that recommend by the manufacturer (i.e.: 410 ft. radius for DIP with 18' section of pipe, 460 ft. radius for DIP with 20' section of pipe, and 1.5% deflection per joint for PVC which is approx. 377 ft. radius).
- 18. The developer will be responsible for relocating JCSA services, meters, laterals and cleanouts if Virginia Dominion Power, Cox Cable or the telephone company install their boxes on top of JCSA dual water services and sewer lateral wyes prior to JCSA accepting the water and sewer system. The utility boxes shall be 5' from the JCSA appurtenances. Add note to utility plan sheets near water meter typical setting location.
- 19. Single sewer laterals serving two connections shall be 6", then reduce to 4" for each branch.
- 20. On profile sheets, show 18" minimum vertical clearance for all utility conflicts.
- 21. When will sewer lift station and remaining gravity sewer/force main plans be provided? These plans will be required to complete review.
- 22. Provide water sampling station at the end of Rock Rose Court.

23. To the extent possible, fire hydrants should not be located at the end of cul-de-sacs. Water main size from the last hydrant to the end of the cul-de-sac shall be reduced to 4". All cul-de-sacs that are not looped shall terminate with a blow-off. Fire hydrant placement shall be reviewed/approved by James City County Fire Department.

#### Sheet # c4.0:

- 24. Label road names for all roadways. Remove A-G call-outs.
- 25. Darken the water and sewer facilities. Lighten or remove hatching of the sidewalks/gutters so that water and sewer facilities are more pronounced.

#### Sheet # c4.1:

- 26. Show 20' easement around MH 42.
- 27. Add valve on 2" FM at easement line, label portion of FM outside of easement as "private".

#### Sheet # c4.2:

28. Add 8" in-line water valve at appox. Sta 18+50 (plan and profile).

### Sheet # c4.4:

- 29. Sewer line from MH29 to MH29.4 should be ductile iron (12' or greater depth).
- 30. Why are tee and valves callouts shown at Sta 18+34 (Foxglove)?
- 31. Where does WM reduce from 12" to 8" near Sta 19+95 (Foxglove)? Show and label reducer.

## Sheet # c4.9:

32. No water service shown to lot 64, Rock Rose Ct.

#### Sheet # c4.10:

- 33. Sewer line from MH11 to MH10 should be ductile iron (12' or greater depth).
- 34. Two water meters are shown on lot 53. Revise.

#### Sheet # c4.12:

35. Two water meters are shown on lot 118. Revise

#### Sheet # c4.13:

- 36. New 2" force main from pool house to connection to MH42 to be private facility, not owned by JCSA. Force main shall be labeled as "private".
- 37. Existing 2" force main does not tie into manhole as shown, it ties into a force main. The existing force main running across Fieldstone Pkwy shall be abandoned and shall be filled with flowable fill. Coordinate point of abandonment with new FM connection associated with Six Mt. Zion Rd project.

## Sheet # c7.13:

38. Sewer line between MH16 and MH15 is exposed. Show and label a pipe bridge.

#### Sheet # c9.6:

- 39. Restrained joint table is a duplicate. Remove.
- 40. Include all applicable water and sewer details.

Please call me at 757-259-545 if you have any questions or require any additional information.

SP-0011-2017, S-0004-2017, Stonehouse Tract 3

FM, Kendall L. Driscoll Jr.

February 7, 2017

- 1. Show closest fire hydrant on Six Mt. Zion Road to Aster Lane or place fire hydrant at intersection of Six Mt. Zion Road and Aster Lane.
- 2. Move proposed fire hydrant (Sta 17+8, 28.6'L) approximately 100' south west to intersection of Aster Lane and Foxglove Drive on sheet C4.4.
- 3. Show location of closest fire hydrant on Six Mt. Zion Road to Foxglove Lane or place fire hydrant at intersection of Foxglove Lane and Six Mt. Zion Road.
- 4. JCC standards require dead end roads in excess of 150' in length to be equipped with an approved apparatus turn around. Cul de sacs measuring 96' in diameter are approved turn arounds. Increase the diameter of the cul de sacs to 96' on Rock Rose Court, Goldenrod Court, Goddin Court, and Marigold Court.
- 5. Show location of closest fire hydrant on Six Mt. Zion Road to Goldenrod Court or place fire hydrant at intersection of Six Mt. Zion Road and Goldenrod Court.

kld



## **MEMORANDUM**

**TO:** Lauren White, Planner

**From:** Terry Costello, Zoning Administrator

**Date:** 2/8/2017

**Re:** SP-0011-2017/S-0004-2017, Stonehouse Tract 3, Parcel A & B

I have reviewed SP-0011-2017/S-0004-2017 and offer the following comments:

1. This project is associated with cases Z-0004-2007/MP-0004-2007 and Z-0009-2014. Please add the notation "with proffers" on the cover sheet.

- 2. Proffer 8 As a reminder, cash contribution for Community Impacts will be collected after each final building inspection but before any certificate of occupancy is issued.
- 3. Proffer 9 Water conservation standards shall be developed and approved by JCSA.
- 4. Proffer10.11 Please coordinate with Engineering and Resource Protection and Stormwater Divisions regarding establishing any quality monitoring stations.
- 5. Proffer 13 Please indicate if any of the units will be reserved and offered for sale as Workforce Units as described in the proffer.
- 6. Proffer 17 Design guidelines for each tract shall be submitted and reviewed by the Director of Planning.



#### **Community Development**

101-A Mounts Bay Road P.O. Box 8784 Williamsburg, VA 23187-8784 P: 757-253-6671 F. 757-253-6822

community.development@jamescitycountyva.gov

jamescitycountyva.gov

Building Safety & Permits 757-253-6620

**Engineering & Resource Protection** 757-253-6670

Neighborhood Development 757-253-6640

**Planning** 757-253-6685

Zoning Enforcement 757-253-6671

February 13, 2017

Mr. John Zaszewski Timmons Group 2901 South Lynnhaven Road Suite 200 Virginia Beach, VA 23452

**RE: SP-0011-2017/S-0004-2017, Stonehouse Tract 3** (1st submittal)

Dear Mr. Zaszewski,

Thank you for the opportunity to review your site plan application for the above referenced project. Upon review of your application, staff offers the below comments. Please note that all agency comments can be found on <u>CaseTrak</u>.

#### **Planning:**

#### **General Comments:**

- 1. Please note that because this plan proposes more than 50 lots, it will be required to be reviewed by the Planning Commission. Staff will coordinate the date of the meeting once all agency comments have been received and reviewed.
- 2. Please note that effective July 1, 2007, the James City County Board of Supervisors instituted a \$250.00 fee for every review of a project after the second resubmission and review. This means that this project shall be allowed *TWO* additional submissions before this fee will be assessed.
- 3. Please refer to and title this site plan as James City County project number SP-0011-2017/S-0004-2017 on all future plan revisions and associated correspondence.
- 4. Please correctly number the sheet references on sheet C2.0.
- 5. Please fill in the question marks on sheet C4.1.

#### Proffers based upon proffers associated with Z-0004-2007:

- 1. Proffer 2 states that "there shall be no more than 3,646 residential units and no more 1,200 residential units shall be B-attached structures containing two to four dwelling units, C-attached structures less than three stories and containing more than four dwelling units or D-attached structures of three or more stories and containing more than four dwelling units as those terms are defined in Section 24-484 of the County Zoning Ordinance. Owner shall provide on each site plan or subdivision plan for any development within the Property a then current accounting of the number of residential units, unit type and square footage of non-residential development that have previously been approved by the County and are proposed by the plan." Please provide this accounting in the form of a table on the next plan submission. Staff also suggests providing an overall development plan sheet as the second page of all submittals related to Stonehouse that shows the entire Stonehouse development area and identifies conceptual plan, site plan, or subdivision plan numbers for previously submitted projects.
- 2. Proffer 13 states that a minimum of 125 of the residential units shall be reserved and offered for sale at an average price at or below \$250,000 ("Workforce Units") subjection to adjustments set forth in the

- proffers. Please confirm the number of workforce units already on the property and if any of the proposed units are workforce units.
- 3. Proffer 17 states that the owner shall prepare and submit design review guidelines for each Tract of the Property to the Director of Planning setting forth design and architectural standards consistent with the Section entitled "Architectural Criteria" of the Community Impact Statement prior to the County being obligated to grant final approval to any development plans for the Tract. Please submit the required design review guidelines.
- 4. While no archaeological sites have been identified within Parcel A or Parcel B, please be aware that Proffer 7.3, which relates to procedures to follow if unexpected archaeological materials are found during construction, applies to both parcels.
- 5. Please note Proffer 10.9 which specifies that a Nutrient Management Plan be submitted for review and approval by the Environmental Division Director prior to the issuance of a building permit for more than 25% of the units shown on a subdivision plan.

## **Ordinance Requirements**

- 1. Based on consultation with emergency services personnel, it appears to staff that two of the proposed street names are duplicates or very similar to other street names in the area: Aster Lane and Bluebell Lane. Per Section <u>24-44</u>, please change the names of the above mentioned streets.
- 2. According to Section <u>24-59(a)</u>, townhomes should have a minimum of 2.5 off street parking spaces per unit. Please confirm that each unit will have the required amount of parking by providing an exhibit showing the proposed parking locations.
- 3. According to <u>Section 19-71</u>, "the developer shall submit plans for all residential subdivision identification signs, supporting structures, and entrance features to be reviewed with the preliminary subdivision plans." Please submit plans for all of the above referenced signs.
- 4. In accordance with <u>Section 19-54</u>, please confirm the length of Goldenrod Court. According to this section of the ordinance, cul-de-sac streets shall not exceed 1,000 feet in length.
- 5. Please note, lighting for this project will need to comply with <u>Article I, Division 7</u> of the Zoning Ordinance, and/or <u>Section 19-66</u> of the Subdivision Ordinance. Please include specifications in the next plan submittal.
- 6. Staff notices that no lots show building setbacks. While not a JCC zoning ordinance requirement for PUD-R, other sections of Stonehouse utilize setbacks set and managed by the community association. Please consider adding building setbacks to the lots in Stonehouse Tract 3.
- 7. Please note that prior to final subdivision approval, the following items must be fulfilled:
  - a. Per <u>Section 19-30(4)</u> data for major subdivisions has been submitted in accordance with the "GIS Data Submittal Requirements for Major Subdivisions" policy
  - b. Per <u>Section 19-70</u> homeowner's association documents meeting the requirements laid out in this section shall be submitted to and approved by the County Attorney. Please also note that there are several pertinent requirements to be included in HOA requirements in proffer #1 of Z-0004-2007.
  - c. Deed of natural open space easement shall be submitted to and approved by the Environmental Division.

## **Landscape Planner:**

- 1. Please label the proposed plants on sheet L-1.5, so staff can review the plan for Adjacent to Building landscape requirements found in section 24-97 of the zoning ordinance.
- 2. Please note that the grasses and ground covers listed in the plant schedule on sheet 1.5 do not count towards ordinance numbers since they are not considered trees or shrubs by the ordinance definition.
- 3. Please provide a sample landscape plan for each type of unit proposed. It appears that only the 3 and 6 unit buildings have been addressed.
- 4. Please revise the 6 unit landscape plan to allow the proposed trees located to the sides of the units room to be planted next to adjacent buildings. The trees are located over 40' feet from the edge of the building, but many of the 6 unit buildings have as little as 15' between buildings.
- 5. Please revise the landscape plans for the units on sheet L 1.5 to address the fronts of the buildings. The current proposal has all the landscaping located on the sides, which will create problems when located close to adjacent buildings.
- 6. Please have the plan preparer stamp the plan as required by section 24-89(c) of the zoning ordinance.

7. Please address all BMPs with landscaping as required by ordinance section 24-100 (d).

**Zoning Administrator:** Please show the FEMA 1% annual flood hazard line/ area per Section 24-596, Regulation for subdivision and site plan:

The applicant of any subdivision of land or site plan within the county shall submit with his application a statement by a licensed surveyor or engineer as to whether or not any property shown on the plat or plan is at an elevation lower than the one percent annual chance (100-year) flood level. Where a one percent annual chance (100-year) flood level exists, the extent of this area shall be shown on the plat or plan. Further, the elevation of the finished surface of the ground at each building location shall be shown. Lots created after February 6, 1991, which are within a non-coastal (non-tidal) floodplain district, shall contain a natural, unfilled building site at least one foot above the one percent annual chance (100-year) flood elevation adequate to accommodate all proposed buildings. All buildings shall be constructed solely within such building site and outside of the one percent annual chance (100-year) flood plain. All proposals shall be consistent with the need to minimize flood damage.

<u>Virginia Department of Transportation (VDOT):</u> Please see comments posted to <u>CaseTrak</u> dated February 07, 2017.

**<u>Iames City Service Authority (ICSA):</u>** Please see comments posted to <u>CaseTrak</u> dated February 07, 2017.

**<u>Deputy Zoning Administrator:</u>** Please see comments posted to <u>CaseTrak</u> dated February 08, 2017.

**Fire Department:** Please see comments posted to CaseTrak dated February 08, 2017.

**Engineering and Resource Protection:** Comments are forthcoming and will be forwarded to you upon receipt.

When all agency comments have been incorporated into the plans, please provide 10 copies of the revised plans and a letter detailing how the comments were addressed. Please do not hesitate to contact me at 757-253-6876 or lauren.white@jamescitycountyva.gov. should you have any questions or concerns.

Respectfully,

Lauren White

Lauren Uhite

Planner I



# ENGINEERING AND RESOURCE PROTECTION REVIEW COMMENTS Stonehouse Tract 3, Parcels A and B COUNTY PLAN NO. S-004-17

March 2, 2017

Clearing and Mass Grading Notice: Typically, the County does not approve a mass clearing and grading approach to development, as this approach is not consistent with or in conformance with the performance standards outlined in the County's Chesapeake Bay Preservation ordinance, specifically Sections 23-9(b)(1) and 23-9(b)(2). With certain circumstances, however, this approach can be allowed within reason. Parcel A contains townhome units and achieving the needed grading and drainage patterns often requires a "mass" approach. Parcel B contains single family lots that are very small in size, averaging about 0.16 Acres each. These, too, can often justify the need for the "mass" approach. In both cases, the County is allowing this approach. However, comments have been made requiring the applicant to revisit and reconsider the extent of the clearing and the extreme nature of the grading. Additionally, the applicant is notified at this stage in development that a "mass" approach will NOT be acceptable for the Phase C section. Those single family lots are of a size that mass clearing and grading will not be required. Please refer to the similar plan for Stonehouse Glen as reference.

#### Permitting Information and Regulatory Notices

- A local Land Disturbing/Stormwater Construction Permit (VESCP/VSMP authority permit) and Siltation Agreement, with surety, are required for this project.
- Parcel A, Townhomes. A Public Improvements Agreement, with surety, shall be executed with the County prior to the issuance of a land disturbing permit.
- Parcel B. Single Family. A Subdivision Agreement, with surety, shall be executed with the County prior to recording of lots within this development section.
- Stormwater Inspections. This project includes stormwater conveyance and/or stormwater management facilities. Completion of a Stormwater Facilities Data Sheet and payment of Stormwater Facilities Inspection Fees are applicable prior to issuance of a local land disturbing/stormwater construction (VESCP/VSMP authority) permit. For more information, contact the James City County Engineering and Resource Protection Division at (757) 253-6670.
- A Standard Declaration of Covenants Inspection/Maintenance agreement is required to be executed
  with the County due to the proposed stormwater conveyance systems and/or stormwater
  management/BMP facilities associated with this project. A separate agreement is required for each
  GPIN involved.
- Geotechnical. A Geotechnical Report, prepared by a professional engineer, is required to be submitted for stormwater management/BMP facility designs prior to issuance of a local land disturbing/

- stormwater construction (VESCP/VSMP authority) permit for the project. Requirements for such can be found in the appropriate Specification of the VA DEQ Stormwater Design manual.
- Record Drawing and Construction Certification. The stormwater management/BMP facility and
  associated stormwater conveyance systems as proposed for this project will require submission, review,
  and approval of a record drawing (as-built) and construction certification prior to release of the posted
  bond/surety. Provide notes on the plan accordingly to ensure this activity is adequately coordinated
  and performed before, during and following construction in accordance with current County
  guidelines. Please revise General Note 2 on the Cover Sheet to better state this requirement.
- CCTV. As a reminder, due to local adoption of the VSMP ordinance effective July 1, 2014, an internal closed circuit television (CCTV) post installation inspection performed by the operator, is required for all stormwater conveyance system pipes, access or inlet structures, and culverts of 15-inch nominal diameter size or greater as part of the construction record drawing (asbuilt) and construction certification process. CCTV inspections shall be submitted on cd-rom or equivalent electronic file format for staff review. Refer to Sections 8-25(f) and 8-27(e) of the County's Chapter 8 ordinance. Please include this note as part of the General Notes on the Cover Sheet.
- Interim Certification. Due to the characteristics and dual purpose function of Parcel A Sediment Traps 2, 3, 4, and 6, and Parcel B Sediment Basins 1 and 2, interim construction certifications will be required. Refer to current County guidelines for requirements.
- Wetlands. Prior to initiating grading or other on-site activities on any portion of a lot or parcel, all wetland permits required by federal, state and county laws and regulations shall be obtained and evidence of such submitted to the Engineering & Resource Protection Division. Refer to Section 23-9 (b) (9) and 23-10 (7) (d) of the Chapter 23 Chesapeake Bay Preservation ordinance.
- P2 Plan. A pollution prevention (P2) plan, as a component of an overall stormwater pollution prevention plan (SWPPP) for the project, is required to be submitted for review and approval by the VSMP authority prior to its implementation. This document is typically prepared after plan approval, but prior to issuance of land disturbance permits. Refer to Section 8-26(d) of Chapter 8 of the County Code.
- VDOT. It appears a VDOT Land Use Permit may be required for this project. Contact the Hampton Roads District at 757-925-2500 or 888-723-8400 or the Williamsburg Residency at 800-367-7623 for further information.
- Walls. Retaining walls as shown on the plan may require building permits through the County's Building, Safety and Permits Division.
- Professional seal and signature is required on final and complete approved stormwater management
  plans, drawings, technical reports, and specifications. The provided calculations booklet does not
  contain a professional seal or signature.

#### **Technical Review Comments**

#### General:

- 1. Engineering and Resource Protection Division References. Many notes within the plan set refer to the Environmental Division or the Environmental Inspector. These references must be amended to read Engineering and Resource Protection Division or Inspector. The abbreviation ERP is also acceptable. Find all instances of this issue and remedy.
- 2. Public Right-of-Way. Please annotate all public rights-of-way as such.
- 3. Preliminary Plat Sheets, Drainage Easements.
  - a. Many of the drainage easements are listed as private, while many others are not. A general note states all drainage easements shall be private. Coordinate all calls and notes such that no misinterpretations may be made in the future.
  - b. BMP Easements. Annotate all BMP easements to include the term Maintenance and Access. Note that the 20' drainage easement shown on C2.9 should also be listed as an access easement.
  - c. Lot Line Easements, Parcel B. All shared lot lines that will include drainage swales must also include drainage easements 10' wide. A typical should be shown on each preliminary plat sheet and a typical note should be added noting the existence of drainage easements along lot lines. Examples include Lots 3-8. Most single family lots are affected.

## Chesapeake Bay Preservation:

- 4. Environmental Inventory. Sheet C1.1 contains the project description for a different set of development plans. The Critical Areas information is also incorrect. Update for appropriate set of plans.
- 5. Steep Slope Areas. Section 23-5 of the Chesapeake Bay Preservation Ordinance does not allow land-disturbing activities to be performed on slopes 25 percent or greater. There are 8.47 acres of steep slopes proposed to be impacted from this development proposal. This is not consistent with the intent of the Ordinance. Please revise the plan as necessary.
- 6. Impervious Coverage. Area Data lists on Cover Sheet should include % impervious coverage for each Parcel's average lot size. These values should correspond to impervious area calculations used in stormwater management calculations.
- 7. Clearing. The current plan of development shows excessive clearing and disturbance of areas outside of any subdivision infrastructure requirements and is not consistent with or in conformance with the performance standards outlined in the County's Chesapeake Bay Preservation ordinance, specifically Sections 23-9(b)(1) and 23-9(b)(2). Land-disturbance shall be limited to the area necessary to provide for the proposed use or development and existing vegetation shall be preserved to the maximum extent practicable, consistent with the use or development permitted by an approved plan of development. Please revise the plan as necessary. See above listed note regarding clearing and grading. It appears that the proposed road grades result in extreme cut and fill measures. While mass clearing and grading will be

- allowed on these Parcels, the extent of the work shown does not fit with the intent of the Ordinance. Please revisit as necessary and appropriate.
- 8. RPA Signs. Include provisions on the plan for installation of signs identifying the landward limit of the RPA. Refer to Section 23-7(c) of the Chapter 23 Chesapeake Bay Preservation ordinance. This can be shown on the preliminary and final plats.
- 9. Buildable Area. Section 23-6 of the County's Chesapeake Bay Preservation ordinance requires proposed lots to have sufficient area outside the RPA to accommodate intended use. The townhouse lots as proposed in Parcel A, lots 27, 28 and 29 have RPA located on the lots. It has been County experience that with lots sizes as small as these, the entire rear yards will be disturbed and not consistent with the performance standards as outlined in the Ordinance, thus setting up these three particular future home owners for violations of the Ordinance. To alleviate this issue for these future homeowners, either adjust the property lines to where there are no RPA conflicts with the proposed lots or request an exception to disturb the RPA on these three lots and provide adequate mitigation.
- 10. Buildable Area. Section 23-6 of the County's Chesapeake Bay Preservation ordinance requires proposed lots to have sufficient area outside the RPA to accommodate intended use. Several lots as proposed in Parcel B, lots 9, 10 and 11 have RPA located on the lots. It has been County experience that with lots sizes as small as these, the entire rear yards will be disturbed and not consistent with the performance standards as outlined in the Ordinance, thus setting up these three particular future home owners for violations of the Ordinance. To alleviate this issue for these future homeowners, either adjust the property lines to where there are no RPA conflicts with the proposed lots or request an exception to disturb the RPA on these three lots and provide adequate mitigation.
- 11. Water Quality Impact Assessment. Provide a water quality impact assessment (WQIA) due to the location of resource protection area (RPA) located on lots, stormwater outfalls and sanitary sewer impacts to the RPA. Refer to Sections 23-7(b) and 23-11 of the Chesapeake Bay Preservation ordinance.

#### Conservation Easements/Natural Open Space Easements:

- 12. Show Conservation Easement signs on the development plan to identify the landward limit of the easement. Signs need to be provided where the easement changes alignment and at other points sufficient to generally outline the easement in the field. Coordinate with the RPA signs.
- 13. Complete and submit the James City County standard conservation easement deed for review. This must be reviewed and approved prior to any plat being recorded.
- 14. Conservation easements should not be located on individual lots. Please revise as necessary.
- 15. The conservation easement should be not be located within the future right-of-way. Please revise as necessary.
- 16. The conservation easement should be coincident with the drainage easement lines wherever they occur.

- 17. The conservation easement line can be rationalized in certain areas to be coincident with the rear property lines of the proposed lots.
- 18. There are two separate areas on Natural Open Space easements labeled 'Easement #2' Once should be Easement #3, revise as necessary.
- 19. The final plat will need to contain a note stating "Natural Open Space easements shall remain in a natural, undisturbed state except for those activities referenced in the deed of easement."

#### Erosion & Sediment Control Plan:

- 20. Standard Notes. Include the James City County, Engineering and Resource Protection Division, standard Stormwater Pollution Prevention Plan (SWPPP) Notes dated July 1, 2014. These are available on the Division website.
- 21. Structure Removal. Revise note 9 on sheet C3.3 to state that sediment basins and traps must remain in place and function until 75 percent of affected lots have been sold to a third party (unrelated to the developer) for the construction of homes; or construction has been completed and soil stabilized on 60 percent of the affected lots. A bulk sale of the lots to another builder would not satisfy this provision. Other similar notes for Parcel A should be added.
- 22. Parcel A E&S Phase Plan Sheets.
  - a. Temporary Stockpile Areas. This feature may not be located at the top of a sub-area divide. Relocate feature to lay entirely within one sub-area.
  - b. Drainage Divides. As shown, several of the divides do not follow the existing drainage patterns. Revisit divides and size traps/ basins accordingly.
  - c. Diversion Dikes. These features are needed at Trap 1.
  - d. Traps 3 and 4. Consider combining these areas into one Sediment Basin since the final design is a dry pond encompassing both areas. Additionally, as shown, the divide between the two does not follow the topography; rather the divide is actually the low point for the combined areas of 3 and 4. Drainage flowing through the natural ravine shape will not enter Trap 4 but will flow along the downside of the Dike and into the area slated for the level spreader.
  - e. Temporary Slope Drains. Add the symbol for this feature to every trap/ basin location. Remove the note that all drains will be 12". Provide drainage calculations supporting the size for each location in accordance with the VESCH.
  - f. Trap Conversions. Include a statement/ step that traps will be undercut as directed by the geotechnical engineer monitoring the project. This is to ensure the final facility is constructed on stable and undisturbed soils.
  - g. Outfall for Trap 6. This outfall cannot be constructed without jeopardizing the integrity of the Trap 5 facility. Provide additional information or reorder the work flow.
  - h. Phase 3. Additional Diversion Dikes are needed to direct flow from newly graded areas toward installed inlets. As shown, several areas will bypass inlets.

#### 23. Parcel B E&S Phase Plan Sheets.

- a. Temporary Stockpile Areas. Provide a stockpile location for Phase 1. The size of the Parcel A location will not support both areas. This feature may not be located at the top of a subarea divide. Relocate feature to lay entirely within one sub-area.
- b. Drainage Divides. As shown, several of the divides do not follow the existing drainage patterns. Revisit divides and size traps/ basins accordingly.
- c. Diversion Dikes. Additional Dikes are needed for these Traps. Include as necessary. Several Dikes shown follow one contour and do not allow for positive drainage. Revise as necessary.
- d. Temporary Slope Drains. Add the symbol for this feature to every trap/ basin location. Remove the note that all drains will be 12". Provide drainage calculations supporting the size for each location in accordance with the VESCH.
- e. Phase 3. Additional Diversion Dikes are needed to direct flow from newly graded areas toward installed inlets. As shown, several areas will bypass inlets.
- 24. Temporary Sediment Basin 1, Parcel B, Phase 3. The increased wet storage requirement is not reflected in the riser configuration. Revise as necessary.
- 25. Temporary Sediment Basin 2, Parcel B, Phase 3. The increased wet storage requirement is not reflected in the riser configuration. Revise as necessary.
- 26. Slope Labels. Label all graded cut and fill slopes with slope indicators as intended (i.e. 3H:1V, 2H:1V, etc.). Slopes steeper than 3H:1V require matting.

#### Grading Plan:

- 27. Proposed Grading. Label all proposed contours and consider a darker line weight as proposed contours are currently at same shading as existing topo. Despite line type difference, sheets are hard to decipher in congested areas.
- 28. Proposed Grading, Parcel A, Bldg 66-71. Revise rear lot grading as fill is shown up to and coincident with clearing line. This is not achievable in the field.
- 29. Artificially Created Slopes. Several areas show 3:1 slopes falling toward the rear of proposed lots. The swales shown at the bottom of the slopes are not likely to slow the velocities and the rear of the lots will experience localized flooding during heavy rain events. Revisit grading in these areas as necessary.

- 30. Grading Plan. Please check the site grading plan for discrepancies:
  - a. Parcel A, Bldg 29. Grading of east slope directs flow into building.
  - b. Parcel B, Lots 8-10. Grade such that no retaining wall is erected on a single family lot.
  - c. Retaining Walls along RPA. Walls cannot be constructed against or coincident with the RPA lines. No intrusion into the RPA is allowed at these location.
  - d. Retaining Wall, Parcel B, Lots 49- 50. The purpose of these walls is unclear, given the height. They will become a maintenance nuisance.
  - e. Parcel B. Eliminate the areas of cross lot drainage. An example of such is lots 81-88.
  - f. Parcel B. Complete grading of lot line swales as needed. An example of such is lots 142-148.
  - g. Parcel B, Lots 8-10. Grade such that no retaining wall is erected on a single family lot.

## Stormwater Management / Drainage:

- 31. Level Spreaders.
  - a. Please justify the removal of existing RPA areas which act as filters to install vegetated filter strips as shown. Excessive clearing of the RPA is discouraged when alternative solutions can be achieved upslope. Using the existing RPA, in place, to achieve needed quality is suggested.
  - b. As shown, the turf areas on the level spreaders will not receive sufficient sunlight through the surrounding tree/ woods canopy. The turf areas will not thrive and will become a maintenance nuisance.
- 32. Vegetated Filter Strips. The areas shown downstream of the level spreaders exceed the maximum allowable slopes listed in VA DEQ Specification No. 2. Revise all as necessary.
- 33. Dry Ponds, All. The designs provided and detailed are not fully in accordance with VA DEQ Specification No. 15. If these are not intended to be considered Extended Detention facilities, provide the design criteria used and list the approving agency for such design.
- 34. Additional Outfall. Consider an additional outfall into Parcel A Dry Pond 1 from structure A2.26.
- 35. Structure A2.27. This structure should be relocated to the proposed swale intersection.
- 36. Structure B3.18. Verify that this structure location will allow for a double vehicle driveway to be installed.
- 37. Conveyance Channel, Parcel B, Open Space #4. Placed as such, this channel provides no water quality benefit. The forested area does not require treatment and swale should be relocated.

- 38. Parcel B, Drainage Easement. An easement is needed across the frontage of lots 29-31. Storm pipe maintenance cannot occur without accessing these properties.
- 39. Storm Installation. The run from B1.01 to B1.M2 cannot be achieved as shown. Relocate pipe or adjust clearing limits.
- 40. Outfalls at Top of Slope. Several outfalls are shown well above the base of the slope or pond. This often causes rill erosion and slope failures. Outfalls should extend to the base of the slope or pond and include all necessary outfall protection aprons.
- 41. VRRM Worksheet. Provide a Virginia Runoff Reduction Method (VRRM) compliance worksheet for the project for new development purposes. The provided worksheets were Summary sheets and did not include the full design parameters. Staff backfilled the VRRM worksheets using Summary sheet and plan information and is concerned that several Area error messages were noted. The design, as presented, does not seem to satisfy the intent of the VRRM. Please provide full copies of all worksheets to demonstrate compliance and meet this requirement. Copies must be of a size and scale that are readable and able to be easily reproduced by County staff for record purposes (i.e. 11 x 17, etc.)
- 42. Channel Protection. Include provisions in the design of the BMP to ensure compliance with current quantity control criteria of the VSMP regulations (channel protection-energy balance method). Refer to local VSMP ordinance and state regulations 9VAC25-870-66. The traditional SCS Type II, 24-hour storm duration rainfall depth for the 1-year storm event in James City County is 2.8 inches. {Note: This is for stormwater from a development site being discharged into a natural stormwater conveyance system. This requirement is applied at each point of stormwater discharge from the site}.
- 43. Maintenance Plan. Provide a maintenance plan for the stormwater management/BMP facility. Section 23-10(4)(b) of the Chesapeake Bay Preservation Ordinance requires stormwater management plans to include a long-term schedule for inspection and maintenance of stormwater management/BMP facilities. The plan should be specific for each Virginia BMP clearinghouse or DEQ Stormwater Design Specification specified facility or other agency approved design used.
- 44. HDPE pipe. Provide reference to appropriate VDOT Road and Bridge Standards or provide specifications for use of corrugated polyethylene pipe in storm drainage applications as intended for the site. If VDOT standards are not referenced, provide a typical bedding and installation detail, indicate type of pipe and minimum cover requirements during construction and allowable maximum height of final and temporary cover for the type of pipe selected. RCP Pipe. Provide specifications for all reinforced concrete storm drainage pipe being used on the project (ASTM C76 with C443 gaskets, etc.). Show class required for all proposed onsite reinforced concrete pipe storm drains and culverts. Consider dead and live loads and cover depths during and following construction.
- 45. Full Technical Review. Following the submittal of corrected drainage divides, VRRM spreadsheets and design criteria, a full technical review of the drainage calculations, pond designs, road and utility profiles, and sediment traps/ basins will be conducted. Additional comments will be generated at that time.

#### MINUTES

1

# JAMES CITY COUNTY DEVELOPMENT REVIEW COMMITTEE

#### **REGULAR MEETING**

Building A Large Conference Room 101 Mounts Bay Road, Williamsburg, VA 23185 July 27, 2016 4:00 PM

#### A. CALL TO ORDER

Mr. Tim O'Connor called the meeting to order at approximately 4:00 p.m.

#### B. ROLL CALL

Present:

Mr. Rich Krapf Mt. Tim O'Connor

Mr. Chris Basic

Absent:

Mr. Heath Richardson

Ms. Robin Bledsoe

Staff Present:

Ellen Cook, Principal Planner

Savannah Pietrowski, Planner I

Bryan Hill, County Administrator

Chris Johnson, Business Ombudsman

Alex Baruch, Planner I

Tori Haynes, Community Development Assistant

#### C. MINUTES

1. June 29, 2016 DRC Minutes

Mr. Chris Basic made a motion to approve the minutes. On a voice vote the motion carried 3-0.

#### D. OLD BUSINESS

#### E. NEW BUSINESS

1. The Promenade at John Tyler

Mr. Tim O'Connor stated that the applicant requested a deferral, and the case would be placed on the August Development Review Committee (DRC) meeting agenda.

2. Williamsburg Memorial Park Ossuary

Ms. Savannah Pietrowski presented the staff report stating that Mr. Ryan Stephenson of AES Consulting Engineers submitted a site plan for an ossuary in the existing Williamsburg Memorial Park. Ms. Pietrowski noted that the special use permit conditions associated with the property require all site plans to be reviewed by the DRC. Ms. Pietrowski noted that the staff had reviewed the site plan and determined that

the proposal was consistent with adopted proffers and SUP conditions, and recommended that the DRC recommend preliminary approval of the site plan.

Mr. Rich Krapf moved to recommend preliminary approval of the site plan. On a voice vote the motion carried 3-0.

### 3. C-0055-2016 Stonehouse Tract 3

Ms. Cook presented the staff report stating that this case was before the DRC due to Proffer 12 which states that prior to submission of a development plan for all or any portion of a tract, the owner shall submit a conceptual development plan for the development of the entire tract for review and comment by the Director of Planning and the Development Review Committee (DRC). Ms. Cook noted that this provides an opportunity for the DRC to review a more detailed layout than what is shown on the adopted master plan prior to the applicant preparing plans for submission.

Mr. Basic asked about Engineering and Resource Protection Division comment #2 regarding Richardson Mill Pond.

Mr. Mark Richardson, of Timmons, explained the status of Richardson Mill Pond, an aging dam which has water currently migrating around it. Mr. Richardson noted that the applicant will be handling water quantity and quality control on site. He stated that the larger issue with the pond is being handled through further coordination with County staff and the other entities involved.

Mr. Basic asked if there was a parallel with another situation in the past elsewhere in the County, with uncertainty as to roles and responsibilities. He expressed concern that actions to approve plans might exacerbate the situation.

Mr. Bryan Hill stated that the dam is in the VDOT right-of-way, is owned by VDOT, and repairs need to be undertaken by VDOT. He stated that this should not affect Stonehouse.

Mr. Krapf asked for clarification regarding the process if the applicant were to propose additional units on the northern portion of the tract.

Ms. Cook stated that this would be handled as a master plan consistency determination by the DRC.

Mr. O'Connor stated that he didn't have any comments on the conceptual plan, noting that he understood that the type and mix of units would be influenced by market conditions.

The other DRC members concurred, and there were no further questions or comments. The DRC thanked the applicant for attending.

### 4. C-0061-2016 4501 News Road Self Storage

Ms. Cook presented the staff report to the DRC to request DRC comments or questions as they prepare to move forward with a potential rezoning application. Ms. Cook stated that the applicant has submitted a conceptual plan for the construction of a 67,000 square foot single entrance interior storage facility with three stories. The subject parcel is currently zoned R-4, Residential Planned Community, is designated for

commercial or office on the Powhatan Secondary Master Plan, and is subject to traffic generation limits and other proffers associated with case Z-0014-2003. Self-storage buildings are not a permitted use in R-4.

Mr. Krapf asked if any concerns had been expressed by the adjacent property owners.

Ms. Cook stated that staff had not heard any concerns, but that there had not been any notifications sent out at this stage due to the submission being a conceptual plan rather than a rezoning or site plan.

Mr. Krapf asked staff to consider notification of adjacent property owners at the conceptual plan stage so that their feedback could also be taken into account at any early stage in the process. Further, Mr. Krapf stated that the proximity of this proposal to the neighborhood could be problematic.

Mr. Steve Romeo and Mr. Myrl Hairfield provided information to the DRC on the commercial uses that could be built on the parcel by-right under the existing master plan. Mr. Hairfield stated that this building is not a typical storage building.

Mr. Romeo, Mr. Hairfield and the DRC members discussed the ability of the applicant to put a landscape buffer next to the neighborhood and the status of the existing unused roadway between this property and the neighborhood.

Mr. Larry Cook stated that he has informally talked with surrounding residents and they have liked the concept.

Mr. Krapf asked about how customers would gain access to the facility.

Mr. Romeo stated that there would be a passcode at the entry door.

Mr. Krapf asked if the facility was accessible twenty-four hours a day and the applicant answered in the affirmative. Mr. Hairfield stated that the proposed use is a low traffic generator.

Mr. Basic asked whether the architecture is planned to look like the elevation that was provided with the packet, with the addition of one story.

Mr. Cook confirmed that it would be the same general architecture, which is similar to other regional examples of this type of self-storage facility.

Mr. Hairfield stated that it is their belief that there will be a good market for this type of facility in this area of the County, and that they will need to have a good quality, attractive building to serve that market.

Mr. Basic asked the applicant to be able to compare the height of this building with the nearby Target and other buildings, should the application move forward. Further, Mr. Basic asked the applicant to very carefully consider the proposed architecture now so that the final design doesn't differ from the version presented to the Planning Commission and Board of Supervisors, thereby avoiding the need for a future appeal due to architectural inconsistencies.

The applicant stated that they understood both of these items.

Mr. O'Connor asked about the site topography and expressed concern about the scale of the proposed building next to a neighborhood.

Mr. Romeo indicated that the applicant will do a model to show how the building will look from adjacent areas. Mr. Hairfield stated that he wants citizens and residents to know what the building would look like.

Mr. Chris Johnson asked about the architecture of the building on the side and rear.

Mr. Cook stated that the building front and sides would have comparable architecture, but he was not sure about the rear.

Mr. Cook and the DRC discussed the likely visibility of the proposed structure from various surrounding roads and neighborhoods. The group also discussed the fact that there would not be any outside storage.

Mr. O'Connor asked if there would be moving trucks or truck rental on site.

Mr. Hairfield stated that there was no plan to include truck rentals.

Mr. Krapf stated he was generally in support of the use.

Mr. Basic agreed, stating that a positive aspect is the low traffic generation. He stated that for him, key considerations will be the scale and architecture of the proposal

The applicant and DRC again discussed the existing unused road between this site and the adjacent neighborhood, with the applicant noting that its status will be depend on the adjacent neighborhood.

There being no further comments or questions, the DRC thanked the applicant for attending the meeting.

## F. ADJOURNMENT

Mr. Basic then motioned to adjourn the meeting, and the meeting was adjourned at approximately 4:40 p.m.

Mr. Tim O'Connor, Acting Chairman

Mr. Paul D. Holt, III. Secretary

## **AGENDA ITEM NO. F.1.**

# **ITEM SUMMARY**

DATE: 4/5/2017

TO: The Planning Commission

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: SUP-0028-2016. Solar Electrical Generation Facility at Norge

## **ATTACHMENTS:**

	Description	Type
ם	Staff report	Staff Report
ם	Master Plan	Exhibit
D	Community Impact Statement-part 1	Exhibit
D	Community Impact Statement-part 2	Exhibit
D	Community Impact Statement-part 3	Exhibit
D	Community Impact Statement-part 4	Exhibit
ם	Location Map	Exhibit
D	Resolution for Consistency with 15.2-2232 of the Code of Virginia	Exhibit
ם	Proposed SUP Conditions	Exhibit
D	Exhibit illustrating elements of a Solar Array	Exhibit
D	Access Route preferred by staff vs. route preferred by applicant	Exhibit
ם	Visual simulation prepared by applicant illustrating typical perimeter buffer	Exhibit
D	Citizen Comments	Exhibit

## **REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	3/29/2017 - 3:17 PM
Planning Commission	Holt, Paul	Approved	3/29/2017 - 3:18 PM
Publication Management	Burcham, Nan	Approved	3/29/2017 - 3:33 PM
Planning Commission	Holt, Paul	Approved	3/29/2017 - 4:32 PM

### SPECIAL USE PERMIT-0028-2016. Solar Electrical Generation Facility at Norge

### Staff Report for the April 5, 2017, Planning Commission Public Hearing

**SUMMARY FACTS** 

Applicant: Mr. Drew Gibbons of SunPower Devco,

LLC

Land Owner: Whisper Ridge, LLC

Proposal: To allow the construction and operation of

a private solar electrical generation facility.

Location: 320, 339, 341 and 345 Farmville Lane and

a parcel of land of  $\pm$  0.21 acres situated

between 140 and 142 Oslo Court

Tax Map/Parcel Nos.: 2320100052A, 2320100052G,

2320100052 and 2320100055

Project Acreage: The five parcels total  $\pm$  224 acres

Zoning: A-1, General Agricultural (± 215.68 acres)

and R-2, General Residential (± 8.34 acres)

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

Staff Contact: Jose Ribeiro, Senior Planner II

**PUBLIC HEARING DATES** 

Planning Commission: February 1, 2017, 7:00 p.m. (deferred by

applicant)

March 1, 2017, 7:00 p.m. (deferred by

applicant)

April 5, 2017, 7:00 p.m.

Board of Supervisors: May 9, 2017, 5:00 p.m. (tentative)

#### **FACTORS FAVORABLE**

1. With the proposed Special Use Permit (SUP) conditions, the proposal is compatible with surrounding zoning and development.

- 2. The proposal is consistent with the Comprehensive Plan adopted in 2015, "Toward 2035: Leading the Way."
- 3. This type of solar power facility is expected to have very limited impacts (noise, odor or visual).

### **FACTORS UNFAVORABLE**

- 1. Citizens have expressed concerns with this proposal.
- 2. There will be some limited impacts to residential neighborhoods during the project's temporary construction period.

#### **SUMMARY STAFF RECOMMENDATION**

Staff recommends the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the attached conditions.

Staff also recommends that the Planning Commission find this application consistent with the Code of Virginia § 15.2-2232.

### PLANNING AND ZONING HISTORY

• The Board of Supervisors denied Case No. Z-0009-1985 on June 10, 1995. The proposal was to rezone property located at 341

Farmville Lane from A-1, General Agricultural, to A-2, Limited Agricultural.

#### PROJECT DESCRIPTION

Mr. Drew Gibbons of SunPower Devco, LLC, has applied for an SUP to allow the construction and operation of a private electrical solar generation facility on properties located in Norge. 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 is a specially permitted use in both A-1 and R-2 Zoning Districts.

The proposed facility will be located primarily on a parcel of approximately 216 acres with four adjacent smaller parcels making up for the entire area subject to this SUP. The property is currently being used for agricultural purposes and is wooded with wetland systems along its eastern and western boundaries. The site has access to Richmond Road via Farmville Lane which runs through Norvalia and Norge Court subdivisions (located north of the site). There is an old farmhouse located at the center of the property. Norge Farm Lane is a private access road located within the largest of the parcels which provides access to the site and to the property located to the south (Hidden Acres Farms).

According to the applicant, once the solar electrical generation facility is operational, it will have capacity up to 20 megawatts; or the equivalent to supply  $\pm$  4,000 households per year. This project is designed as a "utility-scale solar power" which means that the scope and size of its operation and output are relatively small and the electricity that it produces is sold to wholesale utility buyers, not enduse consumers.

The major components of the facility (shown and labeled on the Master Plan) are the ground-mounted arrays of photovoltaic (solar) panels. Each array is made of a number of panels and each panel is composed of a number of smaller "cells," which are the primary units that convert solar energy into electricity (Attachment No. 6). The arrays are approximately 13 feet in height (when positioned at the steepest angle), arranged in rows, spaced  $\pm$  15 feet to 25 feet apart and mounted on single-axis trackers. Trackers are devices that automatically orient the arrays toward the direction of sun. The master plan shows  $\pm$  820 trackers with 82,000 panels in total (100 panels per tracker). However, this number may change should the project move toward a more specific and detailed design stage. In addition to the arrays, the project will include a small enclosed switchgear facility, inverters, transformers, buried electrical conduits, a storage shed and unpaved access roads (shown in orange on the Master Plan). No offsite substations or switching station are proposed as part of this project. Approximately 153 acres of land will be disturbed as part of this proposal.

If this project receives all the required local, state and federal approvals required to operate, it will be the first utility-scale solar power generation facility in James City County. Currently, there are a number of projects similar in size and solar/electric generation capacity in many areas of the Commonwealth, which are either under regulatory review process and/or under construction (e.g., solar facilities in Bedford, Buckingham, King George, King William and New Kent counties) or operational (e.g., solar facilities in Powhatan, Isle of Wight and Accomack counties).

## Summary of Electrical Generation and Distribution

The solar-to-electricity conversion process is made possible by the presence of inverters. Inverters convert direct current (DC) voltage collected in the arrays to alternating current (AC) needed for

electricity. The power is then conveyed underground to a medium voltage metal enclosed switchgear which will connect to Virginia Dominion Power's distribution network through an existing electrical trunk line that runs adjacent to the eastern property line. The facility will only generate energy. The distribution of the electricity produced at the site will be the responsibility of Virginia Dominion Power, as they own the overhead utilities. According to the applicant, SunPower's ownership and maintenance of the facility ends at the switchgear.

## Summary of Regulatory and Approval Process

In addition to an SUP issued by the County, this project will require an agreement with Virginia Dominion Power to interconnect into the electrical power distribution network. According to the applicant, SunPower submitted an interconnection request to Virginia Dominion Power in March 2016 and expects to execute an interconnection agreement in early 2017. This project also requires issuance of a Renewable Energy "Permit by Rule" by the Virginia Department of Environmental Quality (DEQ). As part of this approval process SunPower will provide an analysis of impacts to natural resources which will be reviewed by different state agencies including, the Department of Game and Inland Fisheries, the Department of Conservation and Recreation and the Department of Historic Resources (DHR). According to the applicant, SunPower has initiated the "Permit by Rule" process with an initial notice of intent filing and pre-application meeting with DEQ, but an application has not yet been formally submitted.

## **Decommissioning Plan**

According to the applicant, the land for the project will be leased and the lease term of the land agreement is 35 years (the estimated operational life for this facility). After the project life cycle is over, or should the operation of the facility be terminated prior to its life cycle, SunPower will implement a decommissioning and restoration plan. The purpose of the plan (SUP Condition No. 15) is to ensure proper removal of all associated components of the project and restoration of the site to pre-existing conditions.

#### SURROUNDING ZONING AND DEVELOPMENT

- Surrounding zoning designations include:
  - a. Properties immediately north and east of this site are zoned R 2 (Kristiansand, Walnut Grove, Norvalia, Norge Court and Farmville Estates subdivisions).
  - b. Property to the south is zoned A-1 and undeveloped. Properties to the west are zoned A-1 and PUD, Planned Unit Development (Oakland and Village at Candle Station subdivisions).

#### COMPREHENSIVE PLAN

1. The 2035 Comprehensive Plan Land Use Map designates the properties subject to this SUP as Low Density Residential (LDR). Recommended uses in LDR areas include single-family residences, schools, places of public assembly and very limited commercial uses. The Comprehensive Plan does not specifically identify solar power, or utilities in general, in LDR or the other land use designation areas; therefore, staff has reviewed this application under the "very limited commercial uses" development standards listed in LDR (with staff's comments in *italics* below):

a. Complement the residential character of the area;

It is expected that the majority of the project's impacts to nearby residential neighborhoods will occur during the construction period of the facility (e.g., traffic, dust and noise). Staff drafted a condition (SUP Condition No. 13 Construction Management and Mitigation Plan) to address these impacts by:

- Limiting all piling driving activity on the site between the hours of 8 a.m. to 6 p.m.(Monday to Friday);
- Limiting clearing and grading on the site between the hours of 7 a.m. to 7 p.m. (Monday to Friday);
- Prohibiting delivery traffic to the site during pickup/drop-off times for surrounding schools; and
- Providing dust mitigation features such as water trucks, mulch or similar methods.

Once the construction period is finalized, the facility is expected to generate very limited impacts to the adjacent residential neighborhoods. A 50-foot vegetative buffer is proposed in order to screen the facility from residential areas, limiting visual impacts and not detracting from the residential character of the area.

b. Have traffic, noise, lighting and other impacts similar to surrounding residences;

Although the footprint of the entire facility encompasses an area of  $\pm$  200 acres, its impacts to surrounding properties is expected to be very limited, as the solar arrays are not

expected to generate noise, odor or glare from the sun. According to the applicant, "the noise generated by the solar equipment on site (trackers and inverters/transformers) at peak performance during the day will be no louder than a typical refrigerator, and should be inaudible at the property boundary." The panels do not emit odor or glare from the sun as they are not of a reflective nature (SUP Condition No. 20), and they will not raise temperatures in the surrounding area as they absorb the sun's energy and heat, which is converted to electricity. The applicant is required to submit a pollution prevention plan as part of the overall Stormwater Pollution Prevention Plan. Additionally, SUP Condition No. 13 requires the applicant to provide a mitigation plan to address storage, transportation and disposal of any waste and/or hazardous materials. Traffic to and from the facility will be reduced substantially after the construction period is over.

c. Generally be located on collector or arterial roads at intersections;

The site is accessed via Farmville Lane which is neither a collector nor an arterial road. However, staff finds that once the construction period is over, the facility will generate vehicular trips similar to adjacent residential uses.

 d. Act as a transitional use between residential and commercial areas or, if located within a residential community, serve to complement the residential character of the area rather than altering its nature;

The site for the proposed facility is not located within a single residential community, but rather, next to existing neighborhoods such as Norvalia, Norge Court and Farmville

Estates subdivisions and lands designated Rural Lands to the south and west.

e. Provide adequate screening and buffering to protect the character of nearby residential areas; and

Due to existing forested area along most of its property lines, the site is well buffered from most adjacent properties. In areas closer to residential lots with less existing buffer, SUP Condition No. 8 specifies that supplemental landscaping shall be provided. The applicant has provided drawings showing how the existing and proposed vegetative buffer will screen the facility (Attachment No. 8).

f. Generally intended to support the residential area in which they are located.

The proposed facility will generate electricity that will be distributed by Virginia Dominion Power to its general customer base rather than servicing one specific area.

On balance, staff finds that this proposal meets the criteria for very limited commercial uses, and based on its limited impacts staff finds that this proposal is consistent with the Comprehensive Plan.

In November 2016, staff visited a solar electrical generation facility (Woodland Solar Center) located in Isle of Wight County, Virginia, and found similar conditions on the site (no odor or noise) as described by the applicant.

- 2. Surrounding Comprehensive Plan designations include:
  - a. Properties immediately north and east are designated as Low Density Residential.

b. Properties to the south and west are designated as Rural Lands

#### FINDING OF CONSISTENCY

Section 15.2-2232 of the Code of Virginia requires that unless a utility facility is shown on the adopted Comprehensive Plan or other master plan for the County, the local planning commission and a governing body shall review the facility to determine whether the location, character and extent of the project is substantial in accords with the adopted Comprehensive Plan. The proposed solar electrical generation facility is not currently shown on the County's adopted Comprehensive Plan and, therefore, requires this additional level of review by the Planning Commission and the Board of Supervisors. For the Commission's consideration, a consistency determination resolution is included as Attachment No. 4.

### **PUBLIC IMPACTS**

- 1. Anticipated Impact on Public Facilities and Services:
  - a. *Streets*. Access to this property from Richmond Road is through Farmville Lane located between Norvalia and Norge Court Subdivisions. Farmville Lane is a 50-foot-wide state maintained right-of-way and it terminates at the southernmost section of Norvalia. From that point on, there is an unpaved and unimproved access road (located inside a property owned by Whisper Ridge, LLC) which provides vehicular access to properties in the back of the neighborhood and to the site.

The applicant has indicated that the current configuration and width of the existing access road is not sufficient to accommodate tractor trailer truck deliveries to the site and would likely require the acquisition of additional land for

right-of-way and/or a construction access easement in this location, potentially impacting the lots located at the corner of the access road. The applicant has indicated a preference to access the site through Oslo Court (Attachment No. 7) which comes off Farmville Lane and from there, through a 50-footwide vacant parcel (owned by Whisper Ridge, LLC) flanked by two single-family homes located at 140 and 142 Oslo Court.

Staff finds that the access through the 50-foot vacant parcel off Oslo Lane has a greater impact due to its very close proximity to single-family home yards and also because it brings traffic further into the neighborhood. The Virginia Department of Transportation (VDOT) staff has reviewed this application and has recommended approval. Regarding the access route, VDOT staff has indicated a slight preference for the Farmville Lane access. SUP Condition No. 5 requires vehicular access to and from the site through Farmville Lane.

The applicant has recently proposed that vehicular access to and from the facility during the construction period be made via Oslo Court and the 50-foot-wide parcel (also during the operation of the facility if larger vehicles are needed.) Vehicular access to and from the facility during operations (typically smaller vehicles) will be restricted to Farmville Lane.

Staff continues to support vehicular access to and from the facility via Farmville Lane only, as stated by SUP Condition No. 5.

According to SunPower, it is estimated that during the construction period, which may range between six and nine months, a total of 7 to 10 trucks per day may be used for the

delivery of materials and approximately 60 personal vehicles could also make daily trips to the site related to construction labor and management. However, after the construction is over, during normal operation and maintenance the site will likely receive around four trips per day.

Staff notes that the applicant has indicated a willingness to work with staff to best define appropriate construction delivery times in an effort to avoid conflicts with school buses on the surrounding residential streets during peak pick-up and drop-off times. SUP Condition No. 13 requires the applicant to provide a Construction Management Plan which includes limitations to construction delivery times.

The applicant will be required to apply for a Construction Entrance Permit off Farmville Lane. As part of this process, VDOT will conduct an existing conditions assessment of the roadway and prepare an estimated cost for the removal and restoration of the roadway in the vicinity of the construction entrance area. SunPower will be required to post a Surety Bond to cover the cost of potential repairs to the roadway in and around the construction entrance area. Additionally, SUP Condition No. 4 requires SunPower to submit a Construction Traffic Mitigation Plan for review and approval, identifying all necessary repairs to public roads internal to Norvalia and Norge Court required as a result of any damage from the construction traffic.

Norge Farm Lane is a road located within property at 341 Farmville Lane providing vehicular access to and from the site and to abutting property to the south (Hidden Acres Farm). According to the applicant, SunPower will utilize Norge Farm Lane for vehicular construction access. County records show this road located within an easement; however, upon research,

staff found no evidence of a deed specifying the dimension and the rights of use. The applicant has indicated that Norge

Farm Lane will remain open and will continue to provide access to Hidden Acres Farm's property.

- b. Schools/Fire/Utilities. No impacts anticipated. According to the applicant, the proposed facility will not require water or sewer service during construction or during regular operation. The solar panels will likely require cleaning twice a year and will use a relatively small amount of water which can be transported on the site via truck. As for Fire and other emergency services, SUP Condition No. 12 requires that the applicant prepare and maintain an Emergency Management Plan for the facility.
- c. Environmental/Cultural/Historic. This project is located in the Yarmouth Creek watershed. On October 14, 2003, the James City County Board of Supervisors adopted goals and priorities associated with the Yarmouth Creek Watershed Plan. Specific items of the plan which applies to this application include special stormwater criteria and stream restoration sites on both the east and west portions of the project site. Clearing of vegetation and all proposed structures associated with this project, such as the solar arrays, fencing and sheds, will be located outside resource protection areas (RPAs) and areas of 25% slopes near the RPA buffers. At the site plan stages the applicant shall submit a Stormwater Management Plan addressing both water quality and quantity and a comprehensive erosion control and stormwater analysis report. Engineering and Resource Protection has reviewed this application and recommends approval.

In order to protect the site's prime farmland soils over the life of the facility (± 35 years per lease), the applicant will be required to develop a Nutrient Management Plan (SUP Condition No. 3) addressing the establishment and maintenance of different types of vegetative cover to protect the long-term soil health for potential future farming purposes.

The area subject to this SUP is located within a "moderate sensitivity area" as shown on the Archaeological Sensitive Areas map on the Comprehensive Plan. The applicant will comply with the County's Archaeological Policy and submit a Phase I Cultural Resource Investigation for review and approval. Staff notes that as part of the Renewable Energy "Permit by Rule" the applicant will perform historical and archaeological studies on the property which will be reviewed by DHR.

The Lightfoot and Yarmouth Creek Conservation sites are located within a 2-mile radius of the project area. These are areas of high biodiversity significance; resources of concern at these sites include the small whorled pogonia. SUP Condition No. 7 requires the applicant to comply with the County's adopted Natural Resource Policy.

d. Nearby and Surrounding Properties. The attached SUP Conditions are proposed to mitigate impacts to nearby and surrounding properties, specifically impacts associated with visual screening and construction activity.

### PROPOSED CONDITIONS

• The full text of the proposed conditions is provided in Attachment No. 5.

### SPECIAL USE PERMIT-0028-2016. Solar Electrical Generation Facility at Norge

## Staff Report for the April 5, 2017, Planning Commission Public Hearing

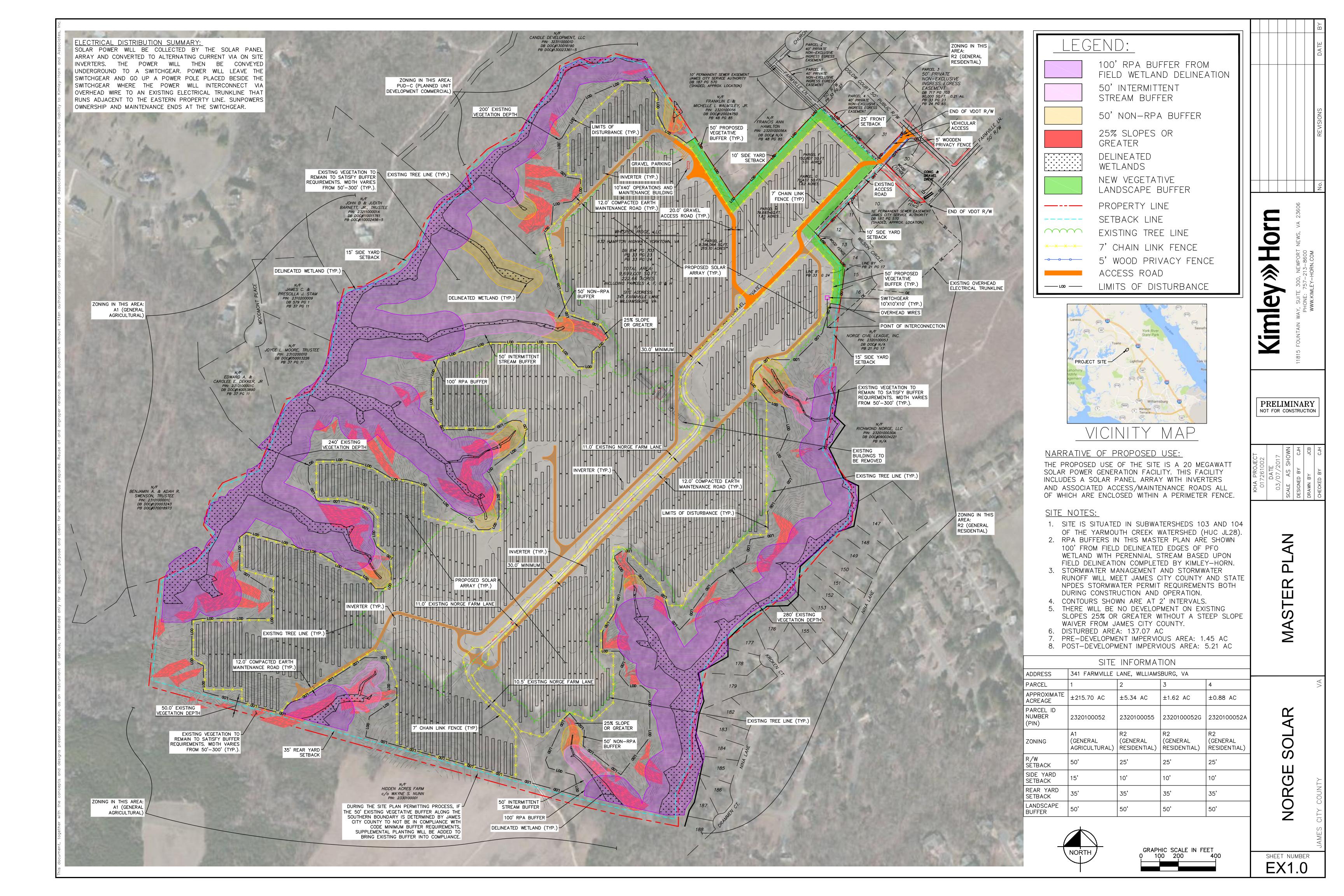
### STAFF RECOMMENDATION

Staff recommends the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the attached conditions. Staff also recommends that the Planning Commission find this application consistent with the Code of Virginia § 15.2-2232.

JR/gt SUP28-16Solar

#### Attachments:

- 1. Master Plan
- 2. Community Impact Statement
- 3. Location Map
- 4. Resolution for Consistency with Section 15.2-2232
- 5. List of Proposed SUP Conditions
- 6. Exhibit Showing the Elements of a Ground-Mounted Array of Solar Panel
- 7. Exhibit Showing Staff and the Applicant's Preferred Access to Facility
- 8. Buffer Visual Simulations Prepared by Kimley-Horn
- 9. Citizen Comments during the March 1, 2017, Planning Commission Meeting







NORGE SOLAR FACILITY

James City County Special Use Permit

December 21, 2016



Special Use Permit

For

Norge Solar Facility 341 Farmville Lane Williamsburg, VA

Prepared By:
Kimley-Horn
11815 Fountain Way, Suite 300
Newport News, VA 23606

December 21, 2016 Kimley-Horn Project Number: 017261002



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## Section I – Project Description

## The Project

SunPower plans to construct and operate a photovoltaic solar electrical generation facility with a capacity up to 20 megawatts (MW) on a site of approximately 223 acres located in James City County, Virginia. When fully constructed the facility will supply approximately 4,000 Virginia households with clean, renewable energy. Upon completion, the project will include the following key components:

- Ground-mounted arrays of photovoltaic panels that are up to approximately 13 feet in height, arranged in rows, spaced approximately 15'-25' apart, and mounted on single-axis trackers;
- An enclosed switchgear facility with interconnection to Dominion's distribution network via generation tie lines and poles;
- Supervisory Control and Data Acquisition Facility Control Systems;
- Inverters, combiners, and transformers;
- Buried electrical conduits;
- Onsite unpaved access roads, consisting of 12-foot-wide interior perimeter access roads and 8to 12-foot-wide interior access paths;
- Wildlife-compatible, chain link security fencing, up to 7 feet in height, located along the site perimeter;
- A 50' minimum existing or planted vegetative buffer to screen project from adjoining properties;
- A prefab container-sized O&M storage shed; and
- A gravel-surfaced access driveway fronting onto Oslo Court

Land for the project will be leased from an existing property owner, which is typical for this type of development and preferred by the landowners. Including extensions, the lease term of the land agreements is 35 years. This structure provides a mutually agreeable set of lease terms and a very stable and steady income for the landowner. A decommissioning plan will be implemented at the end of the project life, and is discussed in more detail below.

The subject property is located at 341 Farmville Lane in Williamsburg, Virginia. Three small parcels are currently zoned General Residential (R2) and one large parcel is currently zoned General Agricultural (A1). According to the James City County Zoning Ordinance, utility uses, to include electrical generation facilities (public or private) may be developed on land zoned R2 and A1 after obtaining a special use permit. On November 11, 2016, the James City County Zoning Administrator found the use proposed based on our conceptual plan (i.e., utility-scale solar farm) consistent with the Zoning Ordinance (i.e. electrical generation facilities).

Based on the proposed layout, approximately 153 acres of land will be disturbed as a part of this project.



## SunPower Background

Founded in 1985, SunPower is a U.S.-based company headquartered in San Jose, CA with regional offices across the country. For over 30 years SunPower has been leading global solar innovation. SunPower solar panels consistently deliver more energy and long-term peace of mind with the highest performing solar power systems available. SunPower is the solar energy choice of more homeowners and businesses around the world.

## A Proven Track Record

- Diversified global portfolio leading residential, commercial and utility solar energy markets
- Over 2,600 MW of solar power plants deployed globally
- Total solar energy deployed > 7 GW, enough to power over 1 million homes
- Developed and constructed one of the world's largest PV plants (579 MW ac) The Solar Star Projects in Los Angeles and Kern Counties, California, USA
- A 14 GW power plant pipeline attracting the world's most sophisticated utilities, investors and commercial organizations at the forefront of renewable energy

# Industry-Leading Technology

- World's highest efficiency solar panels featuring SunPower Maxeon cell technology
- More than 600 patents
- Panel efficiency world record holder (22.4%), with production panels exceeding 20%
- Panel useful life estimated to extend more than 40 years

## **Enduring Viability**

- One of the most vertically integrated companies in the industry, guiding all aspects of the solar value chain from manufacturing to lifetime operations & maintenance
- Cumulative 5-year GAAP revenue of approximately \$12 billion; \$1.5 billion in 2015
- More than 6,000 people employed worldwide
- Publicly traded on the NASDAQ (SPWR) since 2005
- Majority-backed by Total S.A. (approximately 66% ownership), the fourth largest publicly traded, integrated international oil and gas company in the world



## Regulatory/Approval Processes

There are three main approvals required for this project:

1. Special Use Permit – James City County

SunPower is requesting approval for a special use permit from James City County for a site that has been carefully selected as suitable for this purpose.

2. Interconnection Agreement – Dominion Virginia Power

The project requires an agreement with Dominion Virginia Power (DVP) to interconnect into the electrical power distribution network. Independent transmission evaluations were conducted prior to selecting the site to confirm that the location was optimal for supplying power to the grid. SunPower submitted an interconnection request to DVP in March 2016 and expects to execute an interconnection agreement in early 2017.

3. Renewable Energy "Permit By Rule" – Commonwealth of Virginia

The Permit by Rule (PBR) review and approval process is administered by the Virginia Department of Environmental Quality (DEQ). In keeping with this process, the Norge Solar Facility will be meeting with the DEQ and the application will undergo review by numerous state agencies, including the Department of Game and Inland Fisheries (DGIF), the Department of Conservation and Recreation (DCR), the Department of Historic Resources (DCR) and Department of Mines Minerals and Energy (DMME) to ensure the project minimizes impacts to protected resources and complies with all requirements of the PBR. The Project has also performed wetlands studies to ensure compliance with US Army Corps of Engineers requirements. A number of environmental, historical/archaeological, and other studies have been or will be performed in support of these primary approvals and are described in more detail below.

# **Decommissioning Plan**

All landowners expect their land will be returned to the pre-existing conditions after the end of the project life. It is of utmost important to SunPower that these leases have decommissioning requirements with financial assurances to ensure that the land is returned to the owners in a responsible manner. The purpose of the Decommissioning Plan is to estimate the costs associated with decommissioning of the project at the end of operations and to ensure proper removal of all associated components of the project and restoration of the site to pre-existing conditions. A Decommissioning and Restoration Plan is included with this submittal.

# **Benefits to James City County**

The project will produce clean, emissions-free electricity to meet anticipated energy demands as well as state and/or federal renewable energy goals or requirements. The project also will help utilities meet state Renewable Portfolio Standards/Renewable Energy Standards.

Local project benefits include the creation of up to 80 jobs during peak construction, providing an economic benefit to the local economy and increasing sales tax revenues for James City County—all the



while, delivering enough clean electricity to power the equivalent of approximately 4,000 homes. One to two permanent jobs will be required to operate the facility after construction and additional contractor services will also be required periodically over the life of the project. SunPower will hold job fairs and conduct outreach to ensure hiring of locally skilled workers. Project development would also increase local business activity during construction and public tax revenue for James City County over the life of the project.

An independent economic consulting firm is conducting an economic impact analysis to access the economic and fiscal contribution that the project will make to James City County. The final report will be included as an addendum to this application once completed.

## Section II - Traffic Impacts

The proposed solar power electrical generation facility will add only a negligible amount of additional traffic to the existing adjacent roadway infrastructure as the proposed use is a very low trip generator. The *James City County/Williamsburg/York County Comprehensive Transportation Study*, prepared by the Hampton Roads Transportation Planning Organization (HRTPO) in March of 2012, indicates that the segment of Richmond Road (U.S. Route 60) between Croaker Road (State Route 607) to the west and Lightfoot Road (State Route 646) to the east, experienced between LOS A and C in 2010 during the PM peak hour and is anticipated to experience between LOS A and C in 2034 during the PM peak hour. During operations the proposed solar power project will add a negligible amount of new traffic to the adjacent street network as traffic activity is limited to periodic maintenance vehicle activity during the week and throughout the month. LOS is based on the average delay experienced by all traffic using the intersection during the busiest (peak) 15-minute period. Generally, LOS A through LOS D are considered acceptable in urban areas. Therefore, the proposed project will not adversely impact either existing or anticipated future operational conditions along the Richmond Road corridor.

Although the site is relatively remote and well screened, we plan to keep construction work hours from 7AM to 7 PM to minimize disturbances during early morning and/or evening hours. SunPower estimates 7 – 10 trucks per day for material deliveries during peak construction and an additional 2 – 4 concrete trucks depending if there is any overlapping of activities. Heavy trucks for material deliveries do not operate during the entire construction duration of the project, only at peak times. SunPower estimates around 60 personal vehicles could also make daily trips to the site related to construction labor and management. We will work with JCC to best define appropriate construction delivery times in an effort to avoid conflicts with school buses on the surrounding residential streets during peak pickup and drop off times. Current pick up/drop off times for surrounding schools are below:

	Norge ES	Toano MS	Warhill HS
Pick Up	9:01 AM	6:34 AM	6:44 AM
Drop Off	4:21 PM	2:53 PM	2:49 PM



After construction, during normal operation and maintenance, the site will receive around 4 trips max per day. Normally 1 pick-up truck would visit the site per day but the site could see 2 – 4 more if utility workers are needed for major repair such as replacing an inverter.

## Section III – Water and Sewer Impacts

The proposed solar power electrical generation facility will not require water or sewer service during construction or during regular operation.

A relatively small amount of water will be used during construction. Water is typically needed for dust control during construction, but given the wet climate and soils at the site, dust should not be a construction issue. Water will be needed on site for compaction purposes but will be very limited and can be brought on site via truck. SunPower can provide an actual estimate during the site plan permitting phase once we've conducted a geotech study.

Due to the site's location, monthly rainfall is typically expected and cleaning of panels during the operation and maintenance phase will be minimal as the rainfall will naturally remove dust that collects on the panels. SunPower estimates that the panels will require cleaning twice a year at most. Operations and maintenance cleaning systems functioning twice a year will use approximately 13,000 gallons of clean water annually. This relatively small amount of water can be transported on site via truck.

# Section IV – Conceptual Stormwater Management Plan

New construction will require an analysis of stormwater quality and quantity per the 2014 Virginia Department of Environmental Quality Regulations and adherence to any other applicable local and state regulations. The project is required to meet Part IIB of the Commonwealth of Virginia's stormwater management requirements and will be considered a redevelopment project.

The existing condition of the 223 acre project site of which approximately 153 acres will be disturbed during construction. Currently, the site has about 1.6 acres of impervious cover including an access road and a small grouping of farm houses. Much of the site has been used as cultivated farm land and is classified as managed turf. In these predevelopment conditions, the runoff curve number for the site is about 70.93, assuming Type C soils.

In proposed conditions, there is about 3.92 acres of impervious cover which include new access roads and equipment pads. The solar panel array functions as a pervious surface, due to the spacing between rows of panels, the angle of the panels and the underlying vegetative surface. The system is relatively low impact and allows stormwater to infiltrate at the same rate, if not faster than in the existing conditions. The ground below the solar panels will be seeded with a low maintenance meadow seed mix. It is important to note that changing the ground cover conditions from cultivated farm land to a meadow reduces the overall runoff from the site, improves the water quality and prevents erosion. The runoff curve number for the proposed development is 74.61, assuming Type C soils.



DRAINAGE AREA SUMMARY						
		DI	RAINAGE AREA	A SUMIMARY		
	TOTAL	IMPERVIOUS	MANAGED TU	RF FOREST/ OPEN S	PACE	
	AREA (AC.)	AREA (AC.)	AREA (AC.)	AREA (AC.)	С	CN
Pre Development	153.44	1.60	24.44	127.40	70.93	0.11
Post Development	153.44	3.92	149.52	0.00	74.61	0.36

DEQ Virginia Runoff Reduction Method (VRMM) stormwater quality calculations were performed for the site and are presented in Appendix B. The calculations show that converting the farm land to open space provided more than adequate pollutant removal; an extra 34 pound of phosphorous is being removed per year and can be used to help the county meet its TMDL goals. The supporting calculations have been attached to Appendix B.

# Section V - Adequate Public Facilities

It was determined through conversations with staff that an adequate public facilities report is not required for this SUP application. The project is not a residential development, and because the proposed solar power electrical generation facility will not provide for any additional population growth and minimal permanent employment positions, the project will not result in additional traffic being added to and/or impacting the adjacent roadways and intersections.

# Section VI – Historic and Archeological Study

According to the GIS data provided by the Virginia Department of Historic Resources, the site is not within a historically protected district. Therefore, a Phase 1A Historic and Archeological study is not required. See the attached exhibit in Appendix C. However, as a part of the Renewable Energy "Permit By Rule" through the Commonwealth of Virginia, Applicant will perform historical and archaeological studies and the Department of Historic Resources (DCR) will review the site and surrounding areas to ensure historical and archeological significant areas are not affected from this development.

# Section VII – Environmental Inventory

An environmental analysis was performed on site to ensure that the proposed development is feasible and does not provide significant adverse environmental impacts.

## Wetlands and Waters

County GIS data and USGS topographic mapping was used to identify the location of surrounding bodies of water. The site is located in the Yarmouth Creek watershed. Wetlands and Waters of the U.S. (WOUS) were delineated in accordance with the methods outlined in the U.S. Army Corps of Engineers (USACE) 1987 Wetland Delineation Manual and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0). The



project area consists of agricultural fields within the central portion of the site and wooded areas surrounding the agricultural fields. Unnamed tributaries that flow to Cranstons Pond (which flows to Yarmouth Creek) bound the property to the west, south and east. Forested wetlands systems are associated with these tributaries in areas. A field perenniality determination was conducted using the James City County (JCC) Perennial Stream Protocol Guidance Manual and portions of the tributaries were determined to be perennial. Perennial streams and wetlands which are contiguous and connected by surface flow to these perennial streams were identified as Resource Protection Areas and are subject to a 100-ft Resource Protection Area (RPA) buffer. The dominate tree species in the upland areas consist of beech (Fagus grandifolia), tulip poplar (Liriodendron tulipifera), red maple (Acre rubrum), white oak (Quercus alba), red oak (Quercus falcata), and holly (Ilex opaca). The wetlands occur in low lying ravines and are associated with streams. Common vegetation along the boundary and upper limits of the wetlands included holly (*Ilex opaca*), sycamore (*Platanus occidentalis*), ironwood (Carpinus caroliniana), highbush blueberry (Vaccinium corymbosum), Christmas fern (Polystichum acrostichoides), and Japanese stiltgrass (Microstegium vimineum). Lizard's tail (Saururus cernuus) was observed adjacent to streams within the wider wetland areas. No isolated wetlands or vernal pool type systems were identified within the delineation limits. Based on the delineation, the RPA buffers and associated wetlands do not conflict with the proposed limits of disturbance. An exhibit depicting the wetlands delineation, the RPA buffer, and the surrounding WOUS can be found in Appendix D.

# Threatened and Endanger Species

Kimley-Horn conducted a preliminary review readily available database and agency information regarding potential occurrences of federal and state listed threatened and endangered (T&E) species within the proposed project limits or a 2-mile radius of the proposed project area. The review consisted of obtaining an Official Species list from the US Fish and Wildlife Service (USFWS) Official Species List, reviewing the Department of Game and Inland Fisheries (DGIF) Virginia Fish and Wildlife Information Service (VaFWIS) and Wildlife Environmental Review Map Service (WERMS), and submittal of the project area to the Department of Conservation and Recreation (DCR) Division of Natural Heritage (DNH).

*USFWS* - The USFWS Official Species List, dated September 19, 2016, documented Small Whorled pogonia (*Istotria medeoloides*) and Northern long-eared Bat (*Myotis septentrionalis*) as potentially occurring within the vicinity of the proposed project.

DGIF – The DGIF VaFWIS and WERMS databases did not identify any known occurrences of federal or state listed threatened or endangered species within the project limits (accessed September 19, 2016, November 2 and 3, 2016). The databases documented one known occurrence of the tri-colored Bat (*Perimyotis subflavus*) within the 2-mile radius of the project area. This species is state listed as endangered. The documented occurrence is located to the south of the proposed project site in the vicinty of Deer Lake to the north of Kolly Pond Road. DGIF's Little Brown Bat (MYLU) and Tri-colored Bat (PESU) Winter Habitat and Roosts Application did not identify hibernaculum within 0.25 mile of the proposed project nor known roost trees within 150 feet of the proposed project (accessed September 19, 2016 and November 3, 2016). DGIF's Northern Long-Eared Bat (NLEB) Winter Habitat and Roost Trees Application was also reviewed to identify winter habitat within 0.25 mile of the proposed project



or known maternity roost trees within 150 feet of the proposed project (accessed September 19, 2016 and November 3, 2016). No known NLEB winter hibernaculum or maternity roost trees were identified within the proposed project area or referenced ranges.

*DCR* – Based on DCR's comments received on October 18, 2016, natural heritage resources were not depicted within the project area but are located within a 2-mile radius of the proposed project area:

Lightfoot Conservation Site (Site ID 2121) – this site is located ±0.8 mile to the south of the proposed site. This conservation site has been assigned a biodiversity ranking of B3 which represents a site of high significance. The resource of concern at the site is small whorled pogonia (*Isotria medeoloides*, G2/S2/LT/LE). Small whorled pogonia is federally listed as threatened and state listed as endangered. The DCR comments describe small whorled pogonia as a perennial orchid that grows in a variety of woodland habitats but tend to prefer mid-aged woodland habitats on gently north or northeast facing slopes, often within small draws. Threats to this species include direct destruction, habitat loss, and habitat alteration. A habitat assessment for small whorled pogonia (*Isotria medeoloides*) will be performed to identify suitable habitat on the project site. If suitable habitat is identified a survey will be conducted within the survey window.

Yarmouth Creek Conservation Site (G3G4/S3S4/NL/NL) – This site is identified as an Arrow-Arum-Pickerelweed tidal freshwater marsh and has a biodiversity significance ranking of B2, which represents very high significance. These communities occur in low lying marsh with much substrates of varying depths with long periods of tidal flooding. To minimize adverse impacts to this conservation site, the project will have strict adherence to state and local erosion and sediment control/stormwater management laws and regulations.

## Floodplain

The Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map depicts the proposed project site as within Zone "X", outside the 0.2% annual chance floodplain. An exhibit has been provided in Appendix D.

## Topography and Soils

County GIS was also used to examine the existing topography of the site. The area where the proposed solar power electrical generation facility will be located is relatively flat. However, the slopes increase dramatically (over 25%) at the field delineated RPA buffers, leading to the streams to the east and west of the proposed site location. A topographic exhibit has been attached in Appendix D. According to the USDA soil survey, the site soils are predominately a mix of Craven-Uchee complex, Emporia complex, and Kempsville-Emporia fine sandy loams. These soils are well drained with moderate permeability, and the hazard of erosion is slight. The USDA soils report has been provided in Appendix D.

### Section VIII - Perimeter Buffers

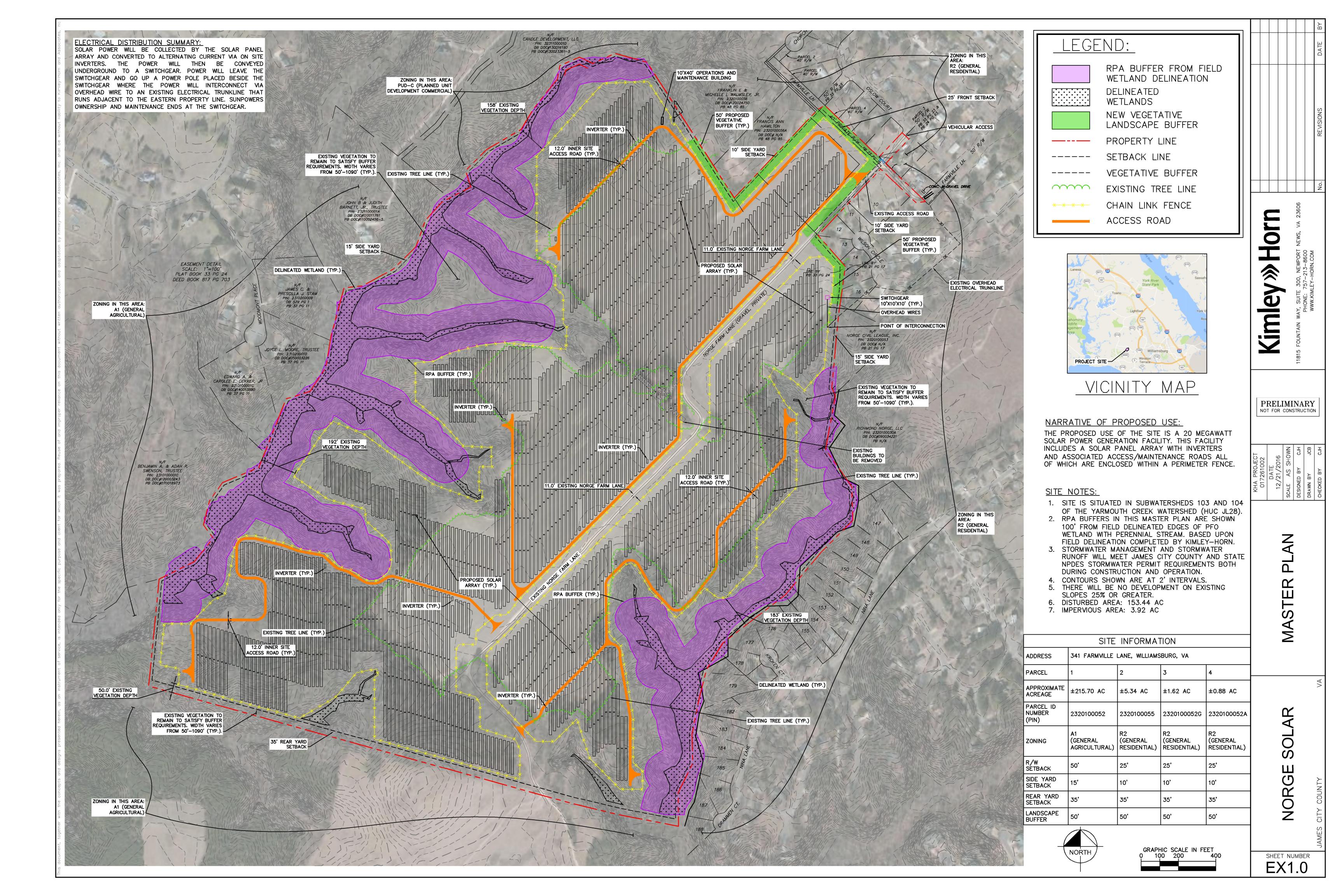
The majority of the site is bounded by existing, vegetated RPA-buffered features as shown on the Master Plan. Based upon James City County, State, and Federal environmental regulations, these RPA buffer and steep slope areas will not be cleared or disturbed as part of construction. Therefore, significant



buffers composed of existing plant material will remain present and will provide from approximately 50-ft to more than 1,000-ft of buffering from the majority of the surrounding properties as shown on the Master Plan. For areas along the north and northeast sides of the project area where agricultural fields border existing residential properties and limited existing buffer vegetation is present, a planted buffer of 50-ft is proposed as shown conceptually on the Master Plan. For this proposed buffer area, plantings composed predominantly of evergreen plant material are planned so that a continuous screen can be provided.

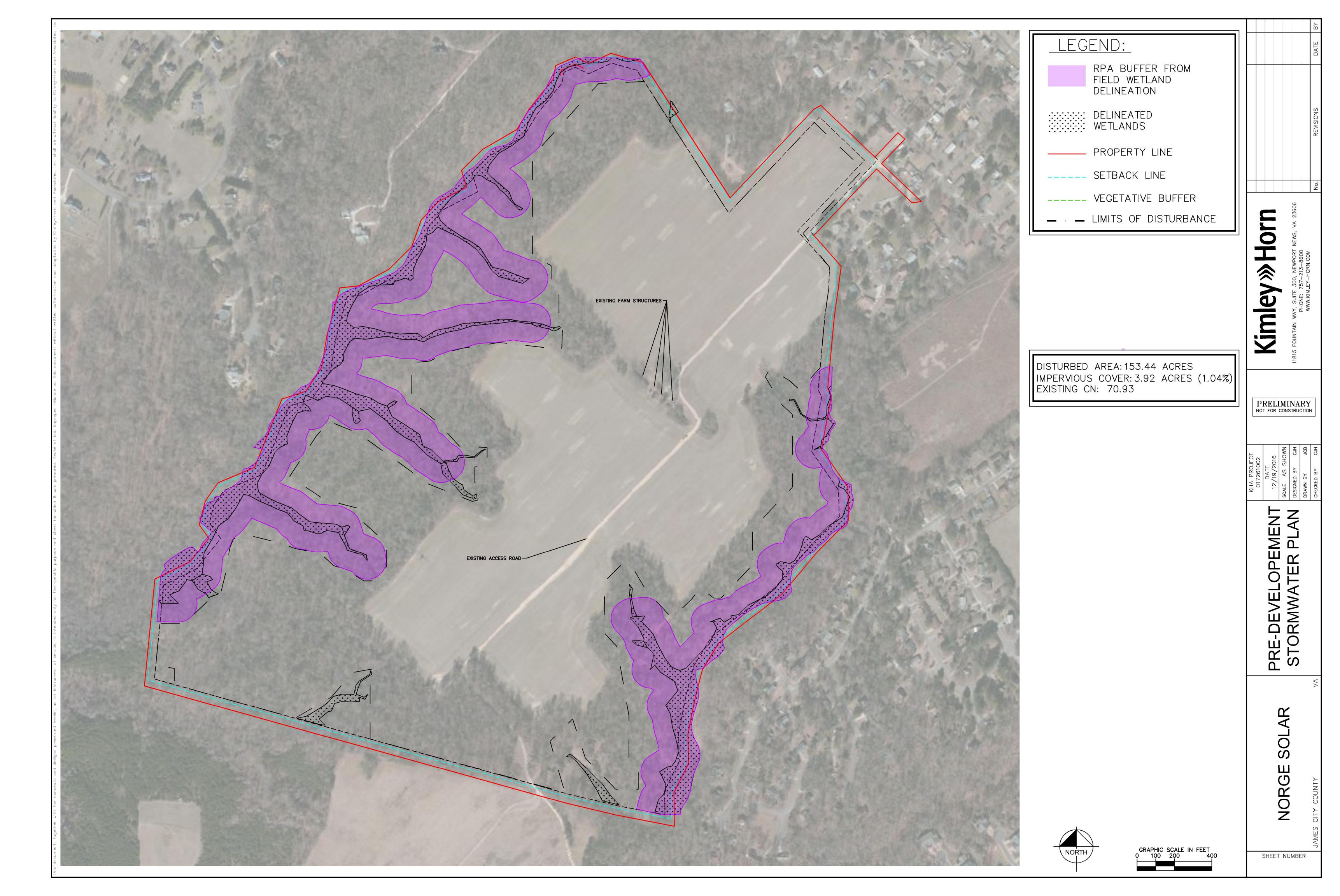


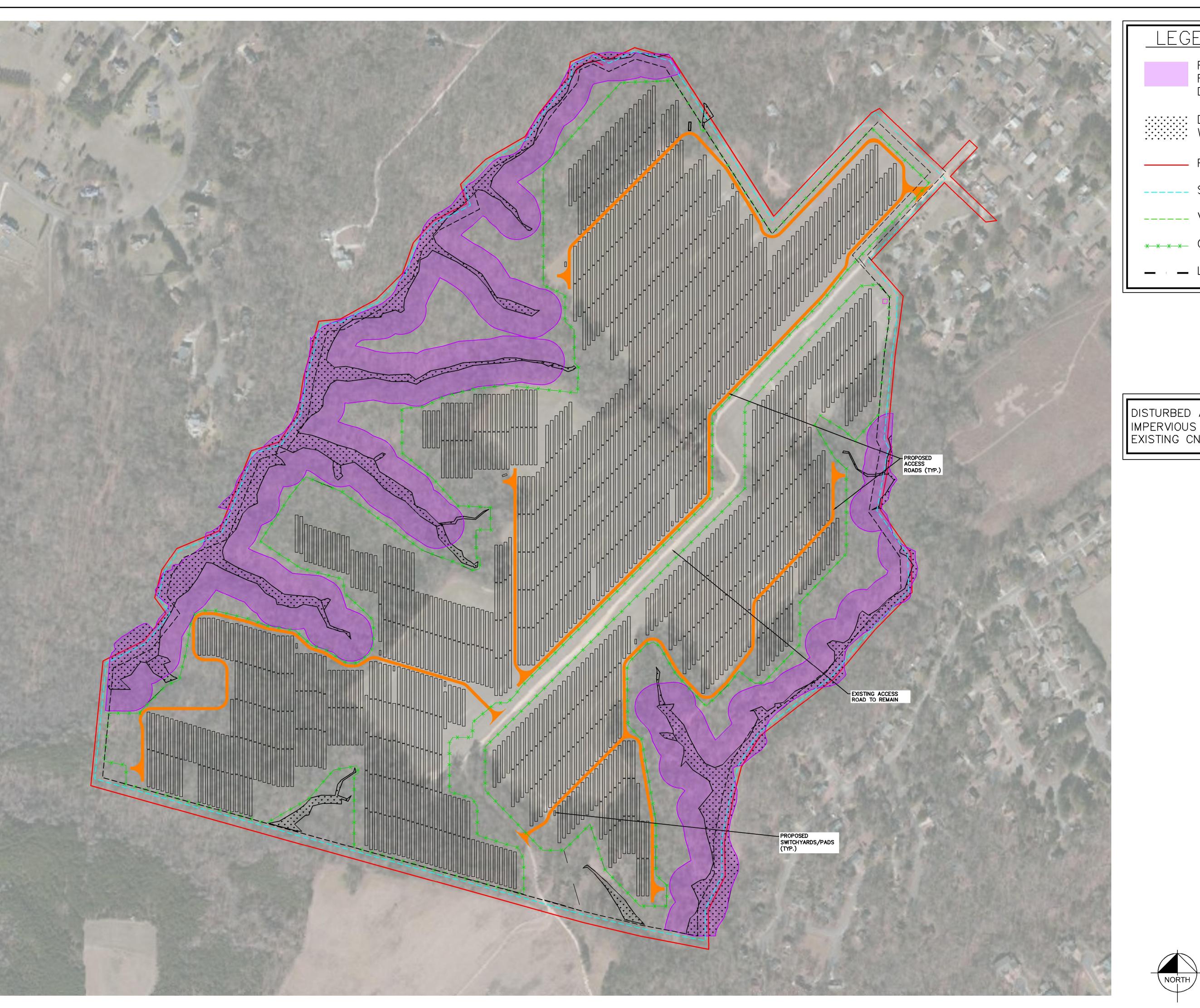
Appendix A – Master Plan and Supplemental Exhibits





Appendix B – Conceptual Stormwater Calculations and Exhibit





LEGEND:

RPA BUFFER FROM FIELD WETLAND DELINEATION

DELINEATED ∷∷∷∷∷: DELINEATED ∷∷∷∷∷: WETLANDS

PROPERTY LINE

SETBACK LINE

---- VEGETATIVE BUFFER

\* \* \* \* CHAIN LINK FENCE

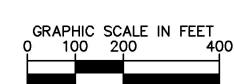
LIMITS OF DISTURBANCE

DISTURBED AREA: 153.44 ACRES
IMPERVIOUS COVER: 3.92 ACRES (2.55%)
EXISTING CN: 74.61

PRELIMINARY NOT FOR CONSTRUCTION

SHEET NUMBER

EX1.0



DEQ Virginia Runoff Reduction Method Re-Development Compliance Spreadsheet - Version 3.0

BMP Design Specifications List: 2013 Draft Stds & Specs

# Site Summary

Total Rainfall (in):	43
Total Disturbed Acreage:	153.44

### Site Land Cover Summary

#### Pre-ReDevelopment Land Cover (acres)

	A soils	B Soils	C Soils	D Soils	Totals	% of Total
Forest/Open (acres)	0.00	0.00	127.40	0.00	127.40	83
Managed Turf (acres)	0.00	0.00	24.44	0.00	24.44	16
Impervious Cover (acres)	0.00	0.00	1.60	0.00	1.60	1
					153.44	100

#### Post-ReDevelopment Land Cover (acres)

	A soils	B Soils	C Soils	D Soils	Totals	% of Total
Forest/Open (acres)	0.00	0.00	0.00	0.00	0.00	0
Managed Turf (acres)	0.00	0.00	149.52	0.00	149.52	97
Impervious Cover (acres)	0.00	0.00	3.92	0.00	3.92	3
					153.44	100

### Site Tv and Land Cover Nutrient Loads

	Final Post-Development (Post-ReDevelopment & New Impervious)	Post- ReDevelopment	Post- Development (New Impervious)	Adjusted Pre- ReDevelopment
Site Rv	0.24	0.23	0.95	0.08
Treatment Volume (ft <sup>3</sup> )	132,925	124,924	8,001	43,197
TP Load (lb/yr)	83.52	78.49	5.03	27.14

Baseline TP Load (lb/yr): 61.9592\* \*Reduction below new development load limitation not required

Total TP Load Reduction Required (lb/yr)	20.61	16.53	4.08
			i

	Final Post-Development Load (Post-ReDevelopment & New Impervious)	Pre- ReDevelopment
TN Load (lb/yr)	597.46	195.67

Pre- ReDevelopment TP Load per acre (lb/acre/yr)	Final Post-Development TP Load per acre (lb/acre/yr)	Post-ReDevelopment TP Load per acre (lb/acre/yr)
0.18	0.54	0.52

DEQ Virginia Runoff Reduction Method Re-Development Compliance Spreadsheet - Version 3.0

BMP Design Specifications List: 2013 Draft Stds & Specs

# Site Summary

Total Rainfall (in):	43
Total Disturbed Acreage:	153.44

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Managed Turf (acres)	0.00	0.00	24.44	0.00	24.44	16
Impervious Cover (acres)	0.00	0.00	1.60	0.00	1.60	1
					153.44	100

#### Post-ReDevelopment Land Cover (acres)

	A soils	B Soils	C Soils	D Soils	Totals	% of Total
Forest/Open (acres)	0.00	0.00	0.00	0.00	0.00	0
Managed Turf (acres)	0.00	0.00	149.52	0.00	149.52	97
Impervious Cover (acres)	0.00	0.00	3.92	0.00	3.92	3
					153.44	100

### Site Tv and Land Cover Nutrient Loads

	Final Post-Development (Post-ReDevelopment & New Impervious)	Post- ReDevelopment	Post- Development (New Impervious)	Adjusted Pre- ReDevelopment
Site Rv	0.24	0.23	0.95	0.08
Treatment Volume (ft <sup>3</sup> )	132,925	124,924	8,001	43,197
TP Load (lb/yr)	83.52	78.49	5.03	27.14

Baseline TP Load (lb/yr): 61.9592\* \*Reduction below new development load limitation not required

Total TP Load Reduction Required (lb/yr)	20.61	16.53	4.08
			i

	Final Post-Development Load (Post-ReDevelopment & New Impervious)	Pre- ReDevelopment
TN Load (lb/yr)	597.46	195.67

Pre- ReDevelopment TP Load per acre (lb/acre/yr)	Final Post-Development TP Load per acre (lb/acre/yr)	Post-ReDevelopment TP Load per acre (lb/acre/yr)
0.18	0.54	0.52

# Site Compliance Summary

Maximum % Reduction Required Below	20%
Pre-ReDevelopment Load	20%

\* Note: % Reduction will reduce post-development TP load to less than or equal to baseline load of 61.96 lb/yr (0.41 lb/ac/yr)
[Required reduction for Post-ReDev. = Post-ReDev TP load - baseline load of 61.9592 lb/yr], baseline load = site area x 0.41 lb/ac/yr

Total Runoff Volume Reduction (ft <sup>3</sup> )	34,921
Total TP Load Reduction Achieved (lb/yr)	21.92
Total TN Load Reduction Achieved (lb/yr)	156.78
Remaining Post Development TP Load (lb/yr)	61.60
Remaining TP Load Reduction (lb/yr) Required	0.00
*Paduation halow now dayalanment load limits	41

\*\* TARGET TP REDUCTION EXCEEDED BY 1.31 LB/YEAR \*\*

<sup>\*</sup>Reduction below new development load limitation not required

# Site Compliance Summary

Maximum % Reduction Required Below	20%
Pre-ReDevelopment Load	20%

\* Note: % Reduction will reduce post-development TP load to less than or equal to baseline load of 61.96 lb/yr (0.41 lb/ac/yr)
[Required reduction for Post-ReDev. = Post-ReDev TP load - baseline load of 61.9592 lb/yr], baseline load = site area x 0.41 lb/ac/yr

Total Runoff Volume Reduction (ft <sup>3</sup> )	34,921
Total TP Load Reduction Achieved (lb/yr)	21.92
Total TN Load Reduction Achieved (lb/yr)	156.78
Remaining Post Development TP Load (lb/yr)	61.60
Remaining TP Load Reduction (lb/yr) Required	0.00
*Paduation halow now dayalanment load limits	41

\*\* TARGET TP REDUCTION EXCEEDED BY 1.31 LB/YEAR \*\*

<sup>\*</sup>Reduction below new development load limitation not required

# Drainage Area Summary

	D.A. A	D.A. B	D.A. C	D.A. D	D.A. E	Total
Forest/Open (acres)	0.00	0.00	0.00	0.00	0.00	0.00
Managed Turf (acres)	149.52	0.00	0.00	0.00	0.00	149.52
Impervious Cover (acres)	3.92	0.00	0.00	0.00	0.00	3.92
Total Area (acres)	153.44	0.00	0.00	0.00	0.00	153.44

# **Drainage Area Compliance Summary**

	D.A. A	D.A. B	D.A. C	D.A. D	D.A. E	Total
TP Load Reduced (lb/yr)	21.92	0.00	0.00	0.00	0.00	21.92
TN Load Reduced (lb/yr)	156.78	0.00	0.00	0.00	0.00	156.78

# Drainage Area A Summary

## **Land Cover Summary**

	A Soils	B Soils	C Soils	D Soils	Total	% of Total
Forest/Open (acres)	0.00	0.00	0.00	0.00	0.00	0
Managed Turf (acres)	0.00	0.00	149.52	0.00	149.52	97
Impervious Cover (acres)	0.00	0.00	3.92	0.00	3.92	3
					153 44	

### **BMP Selections**

Practice	Managed Turf Credit Area (acres)	Impervious Cover Credit Area (acres)	BMP Treatment Volume (ft <sup>3</sup> )	TP Load from Upstream Practices (lbs)	Untreated TP Load to Practice (lbs)	TP Removed (lb/yr)	TP Remaining (lb/yr)	Downstream Treatment to be Employed
9.b. Sheetflow to Conservation Area, C/D Soils (Spec #2)	74.76	2.94	69,841.93	0.00	43.83	21.92	21.92	

Total Impervious Cover Treated (acres)	2.94	
Total Turf Area Treated (acres)	74.76	
Total TP Load Reduction Achieved in D.A. (lb/yr)	21.92	
Total TN Load Reduction Achieved in D.A. (lb/yr)	156.78	

#### Runoff Volume and CN Calculations

	1-year storm	2-year storm	10-year storm
Target Rainfall Event (in)	0.00	0.00	0.00

Drainage Areas	RV & CN	Drainage Area A	Drainage Area B	Drainage Area C	Drainage Area D	Drainage Area E
CN		75	0	0	0	0
RR (ft <sup>3</sup> )		34,921	0	0	0	0
1-year return period	RV wo RR (ws-in)	0.00	0.00	0.00	0.00	0.00
	RV w RR (ws-in)	0.00	0.00	0.00	0.00	0.00
	CN adjusted	100	0	0	0	0
2-year return period	RV wo RR (ws-in)	0.00	0.00	0.00	0.00	0.00
	RV w RR (ws-in)	0.00	0.00	0.00	0.00	0.00
	CN adjusted	100	0	0	0	0
10-year return period	RV wo RR (ws-in)	0.00	0.00	0.00	0.00	0.00
	RV w RR (ws-in)	0.00	0.00	0.00	0.00	0.00
	CN adjusted	100	0	0	0	0



Appendix C – VCRIS Area Map



Virginia Cultural Resource Information System

#### **Legend**

Architecture Resources

Archaeological Resources

Archaeology Phase 1 Survey

DHR Easements





Feet

0 1200240036004800 1:72,224 / 1"=6,019 Feet Title: Norge Solar

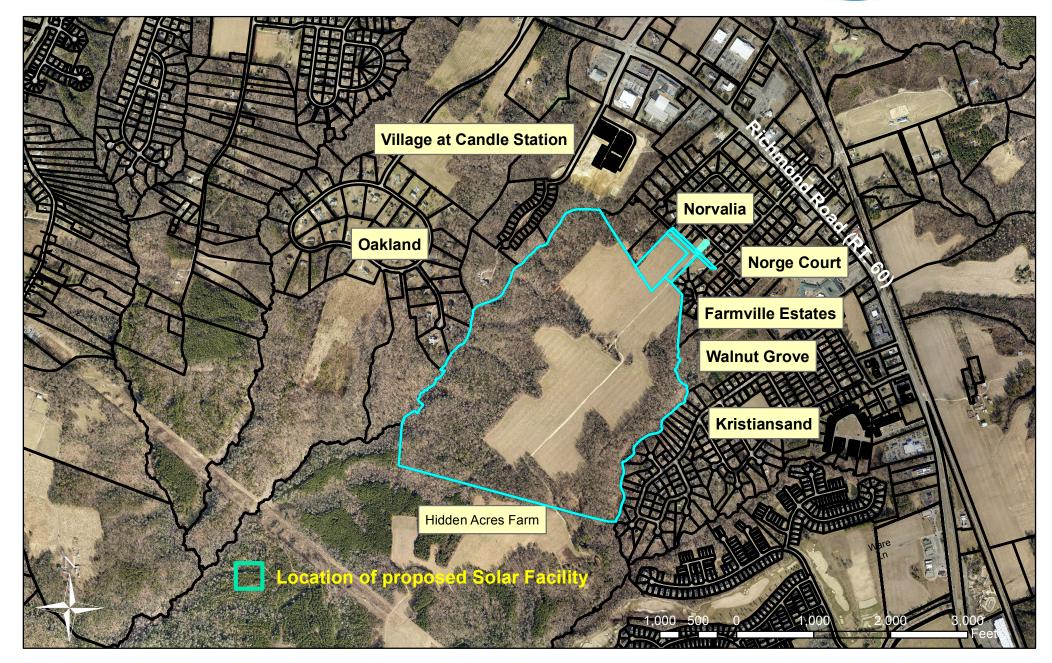
DISCLAIMER: Records of the Virginia Department of Historic Resources (DHR) have been gathered over many years from a variety of sources and the representation depicted is a cumulative view of field observations over time and may not reflect current ground conditions. The map is for general information purposes and is not intended for engineering, legal or other site-specific uses. Map may contain errors and is provided "as-is". More information is available in the DHR Archives located at DHR's Richmond office.

Date: 11/8/2016

Notice if AE sites:Locations of archaeological sites may be sensitive the National Historic Preservation Act (NHPA), and the Archaeological Resources Protection Act (ARPA) and Code of Virginia §2.2-3705.7 (10). Release of precise locations may threaten archaeological sites and historic resources.

# JCC-SUP-0028-2016 Solar Electrical Generation Facility at Norge Industry 1607





#### RESOLUTION

#### VIRGINIA CODE § 15.2-2232 ACTION ON CASE NO. SUP-0028-2016.

#### SOLAR ELECTRICAL GENERATION FACILITY AT NORGE

- WHEREAS, in accordance with Virginia Code § 15.2-2232, a public utility facility, whether publicly or privately owned, shall not be constructed, established or authorized, unless and until the general location or approximate location, character and extent thereof has been submitted to and approved by the Planning Commission as being substantially in accord with the adopted Comprehensive Plan or part thereof; and
- WHEREAS, Whisper Ridge, LLC (the "Owner") owns properties located at 320, 339, 341 and 345 Farmville Lane, further identified as James City County Real Estate Tax Map Parcel Nos. 2320100052A, 2320100052G, 2320100052 and 2320100055, respectively and an area legally described and identified as a "0.21acre parcel, approximately 200-feet-long by 50-foot-wide, located off Oslo Court in Norge, situated between 140 Oslo Court and 142 Oslo Court" (collectively, the "Properties"). The Properties are zoned A-1, General Agricultural and R-2, General Residential; and
- WHEREAS, Mr. Drew Gibbons of SunPower Devco, LLC, on behalf of the Owner, has applied for a Special Use Permit to allow for the construction of a solar electrical generation facility on the Properties as shown on a plan titled "Norge Solar Master Plan" dated March, 7, 2017, and;
- WHEREAS, in accordance with Virginia Code § 15.2-2204 and Section 24-9 of the James City County Zoning Ordinance, a public hearing was advertised, adjacent property owners notified, and a hearing scheduled for Case No. SUP-0028-2016.
- NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, does hereby, by motion, find that the general or approximate location, character, and extent of the public utility facility shown in Case No. SUP-0028-2016 is substantially in accord with the adopted Comprehensive Plan and applicable parts thereof.

	Dishard Vanaf	_
	Richard Krapf Chair, Planning Commission	
ATTEST:	Chan, I mining Commission	
Paul D. Holt, III	<u> </u>	
Secretary		

Adopted by the Planning Commission of James City County, Virginia, this 5th day of April, 2017.

#### Proposed SUP conditions for SUP-0028-2016, Norge Solar Farm

- 1. Master Plan. This Special Use Permit ("SUP") shall be valid for the construction and operation of a photovoltaic solar electrical generation facility with a capacity of up to 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more (the "Facility"). The Facility shall be located at 320, 339, 341, and 345 Farmville Lane, and are identified as JCC Real Estate Tax Map Nos. 2320100052A, 2320100052G, 2320100052, and 2320100055, respectively (the "Properties"). The Properties also include an area legally described and identified as a "0.21 parcel, approximately 200 feet long by 50 foot wide, located off Oslo Court in Norge situated between 140 Oslo Court and 142 Oslo Court." The Facility shall be in accordance with the "Norge Solar Master Plan" prepared by Kimley-Horn, and dated March 07, 2017, (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.
- 2. **Boundary Line Extinguishment.** Prior to final approval of any site plan, a subdivision plat that extinguishes the lot lines separating properties located at 339, 341 and 345 Farmville Lane shall be recorded.
- 3. Nutrient Management Plan. The Facility operator shall provide a nutrient management plan (NMP) prepared by a certified nutrient management planner for all of the area within the defined limits of work (disturbance) for the Properties. The purpose of the NMP is to provide for long-term establishment and maintenance of turf grass, pasture, rangeland or other similar type vegetative cover which preserve the long-term soil health for potential future farming purposes. The NMP shall have a component which specifically identifies and maintain and protects designated Prime Farmland soil mapping units consistent with the Soil Survey of James City County Counties and the City of Williamsburg Virginia (April 1985) and the County's Comprehensive Plan. The NMP shall be submitted for review and approval by the County's Director of Engineering and Resource Protection prior to approval of any final site plan for the Facility. Upon approval of the NMP, the Facility operator shall

be responsible for ensuring that any nutrient applied in the area within the defined limits of work is in strict accordance with the NMP.

- 4. **Construction Traffic Mitigation Plan.** Prior to the issuance of a land disturbing permit for the Facility, the Facility operator shall submit to the Virginia Department of Transportation (VDOT) and the County Director of Planning, or his designee, a Construction Traffic Mitigation Plan (CTMP) for review and approval. The CTMP shall identify all existing conditions and provide a plan to address all necessary repairs to public roads internal to Norvalia and/or Norge Court subdivision required as a result of damage from construction traffic and provide a timeline for completion of repairs. Within 6 months of the Facility commencing operations, the Facility owner shall be responsible for completing all road repairs as identified by the approved CTMP as determined by VDOT.
- 5. <u>Vehicular Access.</u> Vehicular access to and from the Facility and the Properties shall be only through Farmville Lane which connects with Norge Farm Lane through a private road located within a parcel identified as JCC Real Estate Tax Map 2320100052A and currently owned by Whisper Ridge.
- 6. Archaeology. A Phase I Archaeological Study for the Properties shall be submitted to the Director of Planning for review and approval prior to land disturbance for the Facility. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic

Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II and Phase III studies shall meet the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the Properties and the clearing, grading or construction activities thereon. This condition shall be interpreted in accordance with the County's Archaeological Policy adopted by the County on September 22, 1998.

7. Natural Heritage Resource. A natural resource inventory of suitable habitats for S1, S2, S3, G1, G2, or G3 resources on the Properties in the area of the Facility shall be submitted to the Director of Planning for review and approval prior to land disturbance. If the inventory confirms that a natural heritage resource either exists or could be supported by a portion of the Properties where the Facility is located, a conservation management plan shall be submitted to and approved by the Director of Planning for the affected area. All inventories and conservation management plans shall meet the standards of the Virginia Department of Conservation and Recreation's Division of Natural Heritage ("DCR/DNH") for preparing such plans, and shall be conducted under the supervision of a qualified biologist as determined by the DCR/DNH or the United States Fish and Wildlife Service. All approved conservation management plans shall be incorporated into the plan of development for the Properties, and the clearing, grading or construction activated thereon, to the maximum extent possible. Upon approval by the Director of Planning, a mitigation plan may be submitted for the incorporation of the conservation management plan into the plan of development for the Properties.

- 8. **Vegetated Buffer.** Prior to final approval of any site plan, the Director of Planning or his designee shall review and approve a landscape plan for the Facility. The landscape plan shall provide a 50-foot vegetated buffer along the perimeter of the Properties. The perimeter buffer shall be provided by one of the three treatment options listed below:
  - In areas of the 50' perimeter buffer that are currently comprised of mature forest, as determined by the Planning Director or his designee, the buffer shall be left undisturbed in its natural state.
  - In areas of the 50' perimeter buffer that are not completely comprised of mature forest, as determined by the Planning Director or his designee, supplementation with evergreen shrubs and trees shall be required.
  - In areas of the 50' perimeter buffer where little or no vegetation exists, the buffer shall be landscaped to the provisions of section 24-96 of the zoning ordinance for General Landscape Areas except that the required evergreen tree and shrub mixture shall be increased from 35% to at least 50%.
- 9. **Lighting.** Prior to final approval of any site plan, the Director of Planning or his designee shall review and approve a lighting plan for the Facility. Any exterior site or building lighting shall be shielded and directed downward. No glare defined as 0.1 foot-candle or higher shall extend outside the boundaries of the Properties. Lights shall be operated by a motion detector or be able to be turned on as needed by the Facility operator and shall not be routinely illuminated at night. All light poles shall not exceed 16 feet in height unless otherwise approved by the Director of Planning prior to final site plan approval.
- 10. **Signage.** Unless otherwise exempt by Section 24-74 of the Zoning Ordinance, no outdoor signage shall be permitted on the Properties.

- 11. **Fencing.** Prior to final approval of any site plan, the Director of Planning or his designee shall review and approve a detail of any proposed fencing for the Facility. The fence shall be black, or other neutral color, shall not contain barbed wire and shall not exceed a height of 8 feet above finished grade.
- 12. **Emergency Management Plan.** The Facility operator shall prepare and maintain an Emergency Management Plan (EMP) to address situations that may require response from James City County public safety personnel, including, without limitation, fire safety and emergency response personnel. The EMP shall:
  - Be developed in conjunction with and approved by the County Fire Chief and County Police Chief or their designees prior to final approval of any site plan.
  - Provide a mutually agreed upon schedule for the Facility operator to provide information sessions and training for James City County public safety personnel relative to possible emergency response situations at the Facility.
  - Provide pertinent contact numbers for the Facility operator emergency personnel.
  - Provide that all emergency contact information will be posted on access gates.
- 13. **Construction Management and Mitigation Plan.** Prior to final approval of any site plan, the Facility operator shall provide a Construction Management and Mitigation Plan (CMMP) for review and approval of the Director of Planning or his designee. The CMMP shall include those items listed below:
  - a. Construction Management:
    - Designated parking areas.
    - All piling driving activity on the Properties be limited to the hours of 8 a.m. to 6 p.m., Monday through Friday.

- Other construction activities, including clearing and grading of the Properties shall be limited to the hours of 7 a.m. to 7 p.m., Monday through Friday.
- Construction delivery traffic to the Properties shall not be allowed during pick up/drop off times for surrounding schools.
- Storage, transportation and disposal of any waste and/or hazardous materials.

#### b. Construction Mitigation:

- Dust mitigation, such as water trucks, mulch, or similar methods.
- Smoke and burn mitigation, such as containments or similar methods.
- 14. Spill Prevention Control and Countermeasure Plan. Prior to approval of any site plan, the Facility Operator shall submit a Spill Prevention Control and Countermeasure (SPCC) Plan for the Facility to the County Director of Engineering and Resource Protection or his designee for review and approval. The SPCCP shall outline measures and procedures necessary for the operation of the Facility until decommission.
- 15. Decommissioning and Restoration Plan. Prior to final approval of any site plan a Decommissioning and Restoration Plan (DRP) shall be submitted to the County Director of Planning or his designee for review and approval. The DRP shall outline the required steps for removal of above-and below ground Facility components, disposal of and/or recycle of wastes and materials, and the restoration of native habitat of the Properties. The DRP shall address abandonment of operations and the possible failure of the Facility operator to comply with the decommissioning process and provide an estimate cost associated with the decommissioning and restoration activities. To ensure sufficient funds are available to the County to conduct the DRP should the owner fail to perform its obligation under this condition, a surety shall be posted with James City County, in a form acceptable to the County Attorney in the amount sufficient for the removal and disposal of all the power generating equipment,

inverters, fencing, wiring, and any other ancilary materials and equipment associated with the Facility.

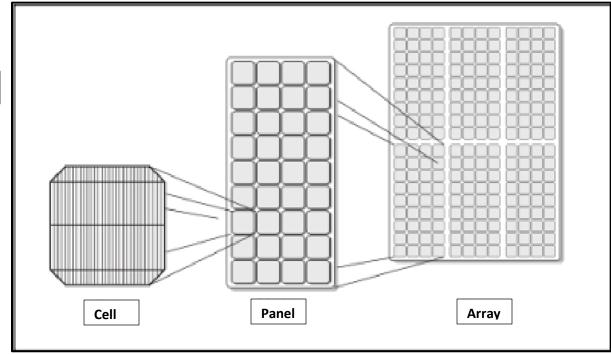
- **16.** Commencement. The Facility shall be operational within 48 months from the issuance of this SUP, or this SUP shall become void. The Facility operator shall submit a certified letter to the County Director of Planning prior to 48 months from the issuance of this SUP to confirm the operational status of the Facility.
- 17. <u>Height Limitation.</u> The maximum height of all structures in the Facility, including the photovoltaic solar panel mounts shall not exceed 16 feet above finished grade.
- 18. <u>Underground Wires.</u> All electrical wiring used in the Facility shall be located underground except where wiring is necessary to connect the Facility to the exiting overhead utility lines.
- 19. **Glare.** All photovoltaic solar panels shall be of made of /or be coated with anti-reflective materials to prevent glare.
- 20. **Severance Clause.** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Attachment 6. Elements of a ground-mounted array of photovoltaic (solar) panels



Typical ground-mounted arrays of solar panels

Typical elements of an array



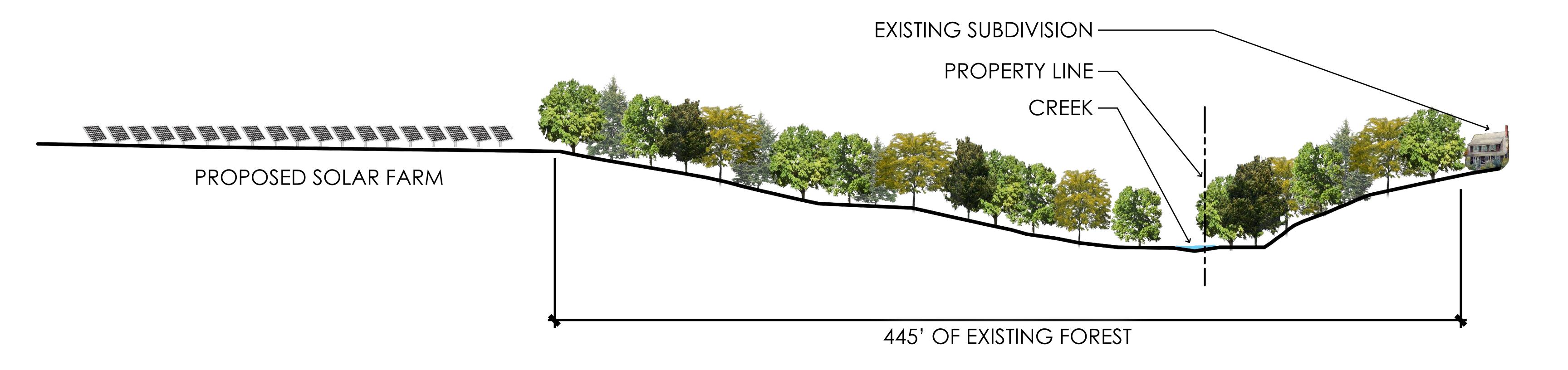
## SUP-0028-2016 Access Route







KEY MAP









FEBRUARY 28, 2017 Kimley >>> Horn





James City County, Virginia

FEBRUARY 28, 2017







James City County, Virginia

BRUARY 28, 2017 Kimley » Horn





James City County, Virginia

Kimley» Horn

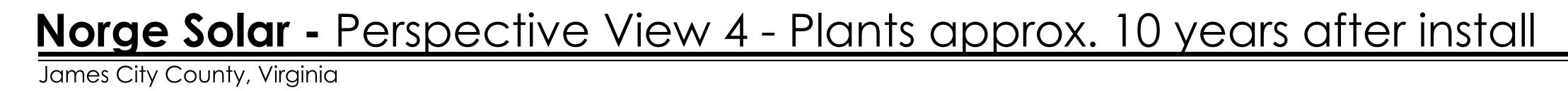




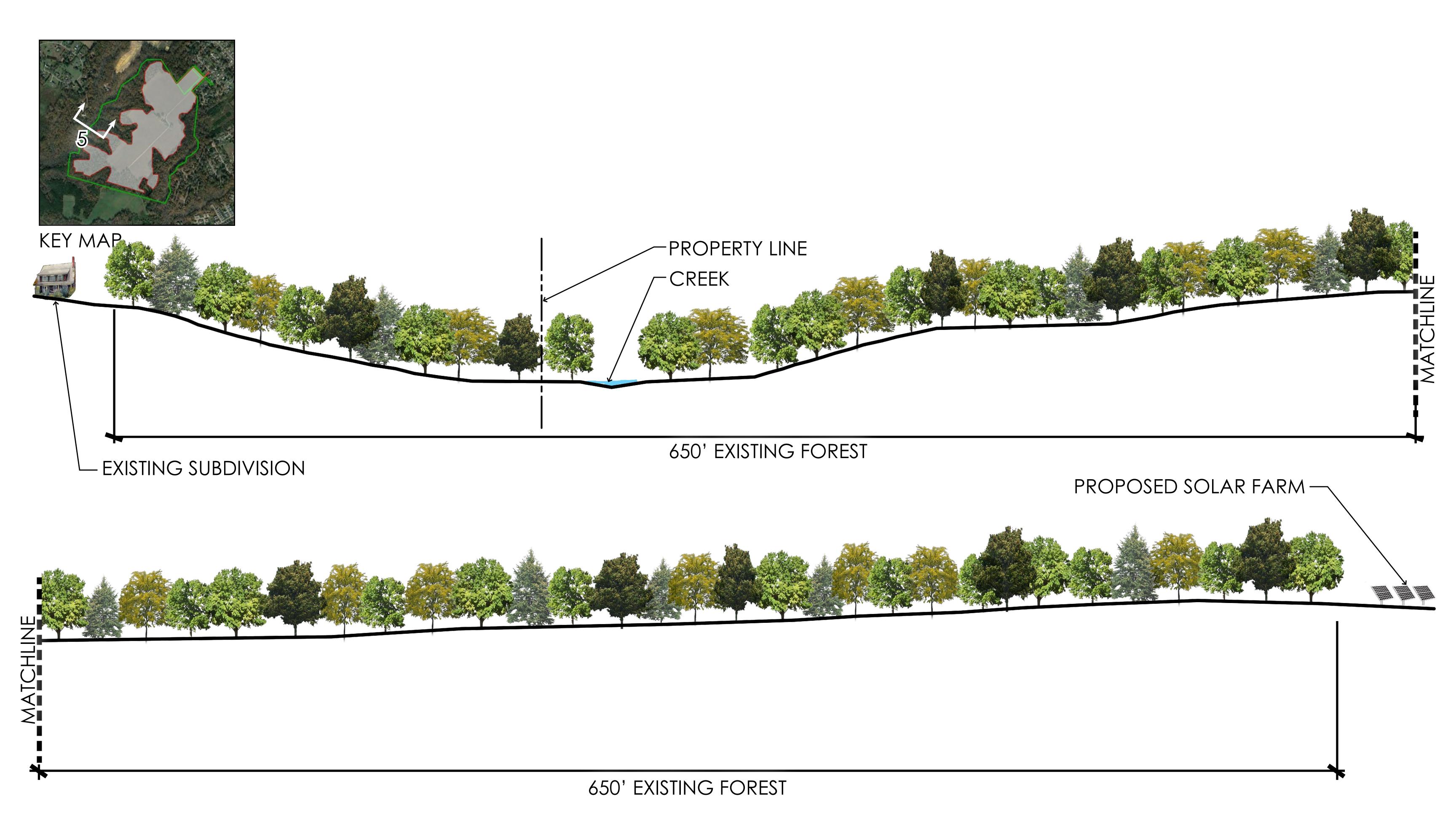
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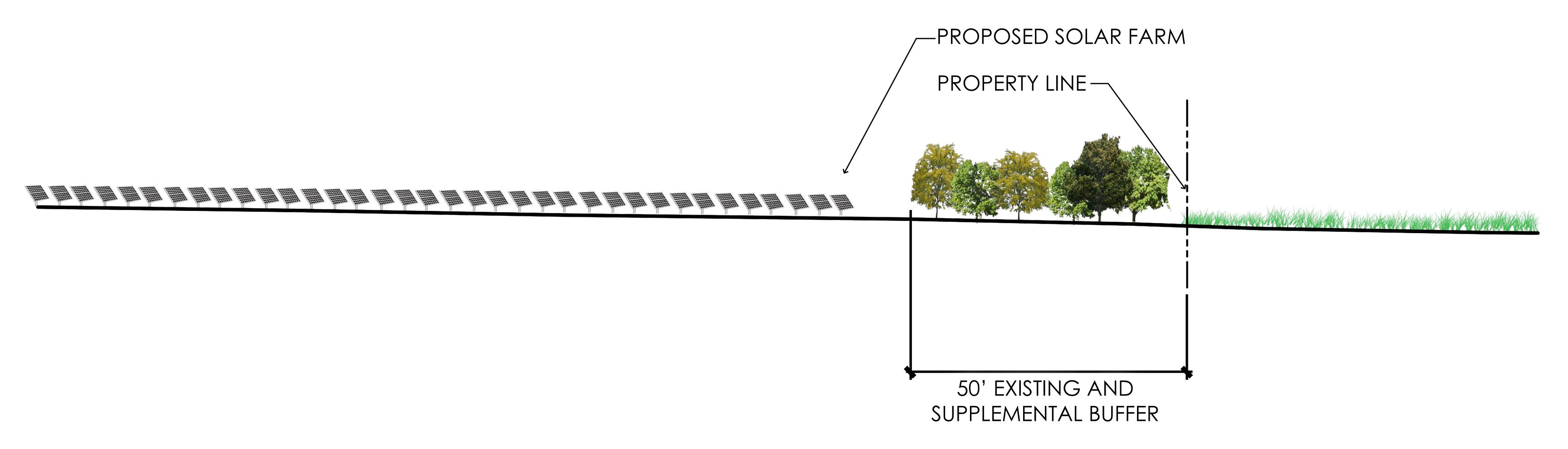


FEBRUARY 28, 2017 Kimley » Horn





KEY MAP





### Address to James City Planning Commission - Public Hearing Concerning Proposed Solar Facility in Norge – March 1, 2017

After living in upper York County for a number of years, my wife and I decided in 1988 to buy our present home in Norge. Two major factors led us to buy this home, one was the nice small neighborhood we encountered and the other being the visual appeal of the farm that our property adjoined. I knew it was historically rich as is most of the area and Norge had that small town feel but we were 8 miles and 5 traffic lights from our work in Williamsburg. There was quite a bit of farm land in the County then, but unfortunately that has changed. Although I still sense some of that small town feel, our area has seen a drastic upturn in expansion resulting in a great loss of this area's charm and rural identification. We are still 8 miles from town however instead of being separated it has become blended together and to get there we must join a road jammed with vehicles and negotiate 22 traffic lights. I still find a lot of that rural feel when I look at the farm from my backyard. Not only has it been planted in crops for better than 350 years it is a pleasant environment for the few deer that have come around, as well as wild turkey, geese and the occasional bald eagle which I've seen in the area of late.

Like most people who have paid off their mortgage I looked forward to enjoying our home and now that I've been retired over 3 years, even more so. Working all those years and paying it off was finally coming to fruition. Then we heard what was being proposed last fall. We never expected anything like the proposed Solar Farm.

As you might have guessed I and all of the neighbors I've talked with are opposed to this project. We are opposed not because it is a solar farm necessarily, but because of what it would do to this particular piece of land and the surrounding community. Solar power is in fact a good way to help offset the uses of fossil fuels in generating power, however something of this magnitude shouldn't even be considered for a farm such as this.

A number of us in the neighborhood attended the meet and greet that Sun Power held at Norge School last fall. I understood already what solar farms did and how they operated in general. At this gathering we were told what would have to be done to make this facility operational. I told one of their representatives that at minimum this facility would be unsightly. I was told a buffer fence with foliage (unsightly in its own right) would be a buffer between the fields and the back of our properties. The fence would block very little as I would be able to see over the fence from my deck onto hundreds of solar panels. I looked on the internet at other solar farms around the country and hardly any were set up this close to residential areas.

The problems getting through this neighborhood with vehicles and equipment to build and maintain this kind of operation would be undesirable. Before a facility like this would go into operation there would be a number of other issues that should be addressed, none of them in my opinion would be pluses.

Some facilities have been known to be fire risks, what would that do in trying to get firefighting equipment back into this area? There are risks of solar glare, not only to homes but to aircraft. We live in a flyover zone for civilian and military aircraft and some pilots have complained vigorously about solar panel glare from large facilities around the country. Some who live in close proximity to these complexes might have electromagnetic hypersensitivity issues and would be detrimental to their health. No one can guarantee that our property values will stay the same or go up by having our properties backed up to this kind of intrusion. And how many trees would have to be cut to accommodate this project? These concerns should be enough by themselves to deny this type of operation from being located on this farm.

What's wrong with this farm staying a farm anyway? It provides the land owner with revenue by leasing it to be put into crops the results of which will feed many and benefits our economy. This farm has artifact evidence of 17<sup>th</sup> and 18<sup>th</sup> century occupation on it and the road running through it was once an old connector road from here over to the Chickahominy river area. The existing farm house is one of the last surviving examples of Norwegian house construction in Norge. I remind you Norge was made a community by Scandinavian (mainly Norwegian) settlers at the beginning of the 20<sup>th</sup> century. Both Union and Confederate armies camped around this area after the battle of Williamsburg in

1862. It is still the beauty of this farmland that is appealing. Are we to diminish our farm lands in James City County again for this kind of construction?

SunPower touts that the construction of this facility will bring jobs and revenue to the area. The jobs will be temporary for the most part and furthermore those who would work at building it won't live here or have their houses setting next to it, even the person who owns the land doesn't live here either so none of them would feel the adverse effects. The revenues, I dare say, will not be as significant as they would make us believe. SunPower as a company has had some difficulties lately, even its stock having going down in the last two years. In various parts of the country power company fees are used to subsidize and/or buy power from Solar Facilities such as the one being proposed. This facility would be forced on us and in a roundabout way could partially be paid for through power company fees could it not? No one can guarantee that any of this will not happen.

I ask you, would you want a home or purchase one that backed up to one of these huge obtrusive facilities? No of you would. Put yourselves in our place and realize what this would do to this area. If there is a desire to build a solar complex then help them find a place that won't intrude on a community located as close to it as ours is proposed to be. Help us keep as much of James City County from being pushed out and paved over as has already been done. I certainly would have misgivings about living in a region that would allow this kind of project to go through. Please help us keep our history, our ambiance and what rural character we have left it has been our identification for centuries. Please, let it stay a farm for all of us.

Thank you very much for the opportunity to speak to you tonight.

#### **AGENDA ITEM NO. F.2.**

#### **ITEM SUMMARY**

DATE: 4/5/2017

TO: The Planning Commission

FROM: Ellen Cook, Principal Planner and Tammy Rosario, Principal Planner

SUBJECT: LU-0002-2014. 8491 Richmond Road (Taylor Farm) Land Use Designation

Change

#### **ATTACHMENTS:**

	Description	Type
D	Staff Report	Backup Material
۵	Existing Comprehensive Plan and Zoning Designations	Backup Material
D	Applicant Mixed Use Justification	Backup Material
ם	Staff Report to Planning Commission Working Group November 20 2014	Backup Material
۵	Applicant Economic Opportunity Justification	Backup Material
ם	Staff Memo to the Planning Commission Working Group December 12, 2014	Backup Material
ם	Land Use Designation Evaluation Table	Backup Material
۵	Draft Economic Opportunity Language	Backup Material
ם	Staff Report to the Board of Supervisors March 14 2017	Backup Material
۵	Unapproved Minutes of the March 14, 2017, Board of Supervisors meeting	Minutes
ם	Public Comments	Backup Material

#### **REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	3/29/2017 - 11:44 AM
Planning Commission	Holt, Paul	Approved	3/29/2017 - 11:44 AM
Publication Management	Burcham, Nan	Approved	3/29/2017 - 11:46 AM
Planning Commission	Holt, Paul	Approved	3/29/2017 - 11:46 AM

#### MEMORANDUM

DATE: April 5, 2017

TO: The Planning Commission

FROM: Ellen Cook, Principal Planner

Tammy Mayer Rosario, Principal Planner

SUBJECT: Case No. LU-0002-2014. 8491 Richmond Road (Taylor Farm) Land Use Designation Change

At the Board meeting on March 14, 2017, the Board voted to remand LU-0002-2014, 8491 Richmond Road (Taylor Farm) Land Use Designation Change to the Planning Commission. This application had initially been submitted during review of the County's Comprehensive Plan "Toward 2035: Leading the Way," as further detailed below.

#### **Timeline of Actions on the Application**

- 2014, April.
  - As part of the larger Comprehensive Plan update process, Land Use designation change applications were accepted from property owners.
  - O The current Comprehensive Plan land use designations for this property are Rural Lands, Low Density Residential and Mixed Use. The Primary Service Area (PSA) corresponds to the divide between the Rural Lands and Low Density Residential Designations; approximately 141 acres are outside the PSA and approximately 45.5 acres are inside the PSA. More information and maps showing the current Comprehensive Plan designations and Zoning districts for this property are included in Attachment No. 1.
  - o The applicant's initial request was to bring the entire property within the PSA and have a Mixed Use Designation. The applicant's Mixed Use justification is included as Attachment No. 2.
- 2014, November and December.
  - o Land Use designation change applications were reviewed by the Planning Commission Working Group (PCWG).
  - The staff report to the PCWG recommended denial of a change to the Mixed Use Designation, but approval for a change to a possible new "Rural Economy Support" land use designation category and inclusion in the PSA. The staff report detailing the rationale for these recommendations is included as Attachment No. 3.
  - O During the course of the PCWG's review, the applicant submitted supplemental documentation asking to revise their request from a change to Mixed Use to a change to Economic Opportunity. The applicant's justification for a change to Economic Opportunity is included as Attachment No. 4. Staff's evaluation of the request for a change to Economic Opportunity was provided in a memorandum to the PCWG dated December 12, 2014 (Attachment No. 5).
  - Ouring the course of the PCWG's review of the Land Use designation change applications, the PCWG was informed of the possibility of changes to the County's groundwater withdrawal permit by the Department of Environmental Quality (DEQ) that could result in a significant reduction in the County's permitted withdrawals.
  - o By a vote of 7-1, the PCWG recommended deferral of this application pending resolution of the groundwater withdrawal permit.

#### - 2015, April.

 The Planning Commission voted to recommend adoption of the Comprehensive Plan. The Planning Commission did not vote on this application separately, but rather forwarded the deferral vote of the PCWG.

#### - 2015, June.

- o The Board of Supervisors voted to adopt the Comprehensive Plan.
- However, the Board voted to defer this application to its December 8, 2015 meeting, noting the
  outstanding issue of the DEQ groundwater withdrawal permit, a possible future discussion of the PSA
  generally and the opportunity to further examine the possible land use designations for this parcel.
- At this meeting, the Board provided guidance that going forward it did not wish to consider the possible new Rural Economic Support Designation due to the property owner's discomfort with this designation.

#### - 2015, December.

- o The staff report to the Board provided an update on the groundwater withdrawal permit, which had not been issued.
- The staff report also provided the Board with several documents to follow-up on the Board's discussion at its June 2015 meeting. One document was a Land Use Designation Evaluation Table providing information about the property's existing designations, a change to Mixed Use and a change to Economic Opportunity. The information in the Evaluation Table provided an analysis of the pros and cons of each of these designations. The second document was draft Economic Opportunity designation description language for this property. The Land Use Designation Evaluation Table and the draft Economic Opportunity description language are included as Attachment Nos. 6 and 7, respectively.
- The Board voted to postpone this case per the applicant's request, pending resolution of the groundwater withdrawal permit.

#### - 2016, March.

The staff report to the Board provided an update on the groundwater withdrawal permit, which had not been issued. The Board voted to postpone this case per the applicant's request, pending resolution of the groundwater withdrawal permit.

#### - 2017, March.

- o The staff report to the Board of Supervisors provided an update on the groundwater withdrawal permit, noted that the DEQ had issued the withdrawal permit to the County in February 2017 and provided details on the groundwater withdrawal amount approved under the permit. The staff report noted that over the near term (10 years) the approved permit amount is limited and constrained as compared with the County's past withdrawal permit. The staff report to the Board recommended denial of re-designation of this property and expansion of the PSA. The staff report detailing the rationale for these recommendations is included as Attachment No. 8.
- The Board voted 4-1 to remand this case to the Planning Commission for consideration of a change of the property to the Economic Opportunity land use designation and review of specific Economic Opportunity designation description language. The unapproved minutes from this meeting are included as Attachment No. 9.

Case No. LU-0002-2014. 8491 Richmond Road (Taylor Farm) Land Use Designation Change April 5, 2017
Page 3

#### Recommendation

Staff recommends that the Planning Commission review and evaluate this case as remanded by the Board of Supervisors, including making recommendations on the following:

- A change in the Land Use Designation to Economic Opportunity.
- A change to the PSA to expand the area by approximately 141 acres.
- Specific designation description language for Economic Opportunity. As noted above, the draft language previously provided to the Board is included as Attachment No. 7. The applicant has had an opportunity to review the draft language and has not had any comments to date.

EC/TMR/nb LU02-14TaylorFarm-mem

#### Attachments:

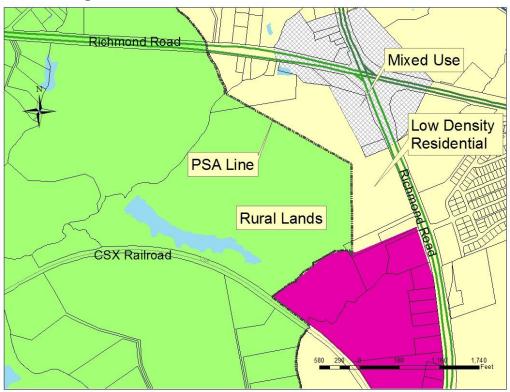
- 1. Existing Comprehensive Plan and Zoning Descriptions
- 2. Applicant's Mixed Use justification
- 3. Staff Report for the Planning Commission Working Group, November 20, 2014, including the Transportation Evaluation Sheet Attachment
- 4. Applicant's Economic Opportunity justification
- 5. Staff memorandum to the Planning Commission Working Group, December 12, 2014
- 6. Land Use Designation Evaluation Table
- 7. Draft Economic Opportunity language
- 8. Staff Report to the Board of Supervisors, March 14, 2017
- 9. Unapproved Minutes of the March 14, 2017, Board of Supervisors meeting
- 10. Case-related public comments received during the Comprehensive Plan update

#### **Attachment 1: Existing Comprehensive Plan Designations and Zoning Districts**

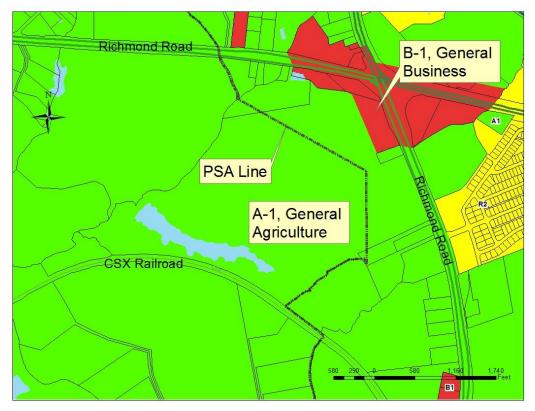
As noted on the first map below, the current Comprehensive Plan land use designations for this property are Rural Lands (approximately 141 acres), Low Density Residential (approximately 38 acres) and Mixed Use (approximately 7.5 acres). The Mixed Use designated portion is a component of the Anderson's Corner Mixed Use area, which has specific designation description language. This specific language can be found on page 187 of the <a href="Land Use Map Descriptions">Land Use Map Descriptions</a> and Development <a href="Standards chapter of the Comprehensive Plan">Standards chapter of the Comprehensive Plan</a>. The PSA corresponds to the divide between the Rural Lands and Low Density Residential Designations; thus, approximately 141 acres are outside the PSA and approximately 45.5 acres are inside the PSA.

In terms of the current zoning (which governs *current* permitted/specially permitted uses, lot sizes, setbacks, etc.), approximately 180 acres are zoned A-1, General Agricultural and approximately 6.2 acres are zoned B-1, General Business - see second map that follows.

#### **Comprehensive Plan Designations**



### **Zoning Districts**



, Applicant's Mixed Use Justification

The current land use designation is Milard Use along a small portion of the frontage along Richmond floud; Low Density Residential for the remainder of the property inside the PSA and the rear two thirds of the property is Rural Land.

)

A small portion (6 acres) of the frontage is zoned B-1, General Business; the remaining 210 acres of the parcel is zoned A-1, General Agricultural. Public water and sawer are available, not served at this time. If you look at the current PSA map from Williamsburg to Toano the PSA is in a straight line until you get to this property.

if you take a look at the property you will see it is INCONSISTENT with all the surrounding properties! All the properties on each side Anderson's Corner Vet, Judy Taylor, Alan Owens, James Hall, Toano Contractors, Whitehall, and Ware's all are in the PSA and zoned business or mixed used. . I would call this spot zoning and INCONSISTENT.

The rationals in the past of Planning Commission used is that Anderson's Corner is one of the few remaining areas in the PSA with significant rural agricultural vistas. To accomplish this, significant amounts of open land and farm fields should be preserved along with agricultural and rural structures in a manner that creates a traditional rural village surrounded by PERMANENTLY protected farm fields, I believe it too latel!!! Just look around you have from Toano west Greystone, Hankins industrial Park, Toano Business Center, Nick's Lawn & Garden, Anderson's Corner Vet, Whitehall, Toano BP, Stonehouse Commerce Park and Michelle Pointe. The word PERMANENTLY means forever, to remain the same, without change, always, endures throughout so that means all my family can do is pay taxes. I have asked this many times, but who is going to farm this property in the next ten years? They are no large farms in JCCi. At the present time we are leasing the farming rights to a farmer in New Kent who is in his staties.

Please make this property at 8491 Richmond Road, Toano, CONSISTENT with the surround properties[[]]

On behalf of the Taylor family we would greatly appreciate you putting all of this property into the PSA.

Thanks and if you need any other info or would like to discuss please give me a call

**Beverly Taylor Hall** 

757-566-0829

#### LU-0002-2014 8491 Richmond Road

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission Working Group, 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.

**MEETING INFORMATION** 

Group: Planning Commission Working Group Date: November 20, 2014

**SUMMARY FACTS** 

Applicant: Beverly T. Hall

Property Owner: Barbara T. McKown et als. (Taylor Estate)

Property Address(es): 8491 Richmond Road

Tax Map #: 1210100032

Size: 217.9 acres

Current Land Use Designation(s): Mixed Use along a portion of the frontage along Richmond

Road, Low Density Residential for the remainder of the property inside the Primary Service Area, and the rear two-thirds of the

property is Rural Lands

Current Property Use (per applicant): Agricultural production, private recreation

Owner Proposed Land Use Designation: Mixed Use

Owner Proposed Property Use: No specific proposal by the applicant at this time.

Owner Justification: See attached

Zoning: A small portion of the frontage is zoned B-1, General Business; a

larger majority of the parcel is zoned A-1, General Agricultural

Inside PSA: Partially inside (one-third of the property, along Richmond

Road); Remaining two-thirds at rear of property is outside

Requesting Extension of PSA: Yes – bring entire property into the PSA

Water or Sewer Availability: Yes, but do not serve the property at this time

Watershed: Diascund Creek

Staff Contact: Ellen Cook Phone: (757) 253-6685

#### BACKGROUND:

The Taylor family has owned this property since 1951, and the property has been in continuous farm use during this time. Over the years, some lots were subdivided from this property for family members. The property includes wooded area, as well as area that is farmland under active cultivation (corn, soybeans, etc.).

The property is bordered on the west by rural land in agricultural and forestal use that is zoned A-1 and designated Rural Lands. To the south, a portion of the property borders the railroad line and agricultural and rural residential uses on properties that front Forge Road, while the other portion of the property borders on property inside the Primary Service Area that is designated Low Density Residential and General Industry. To the east is property that is designated Low Density Residential (Villages at Whitehall and an adjacent undeveloped property). To the north-east is the Anderson's Corner intersection which is zoned B-1 and designated Mixed Use (see designation language below). One quadrant of this intersection has an existing commercial use (gas station), a second has undeveloped land adjacent to the historic Whitehall Tavern property, and the third is currently undeveloped.

Considerable vacant properties designated mixed use are located nearby in the Stonehouse Mixed Use Area, and considerable amounts of land are currently zoned for commercial uses along Barhamsville Road and in Toano. With regard to the Stonehouse Mixed Use Designation area, the Stonehouse development has a Master Plan approved for about 4,000 dwelling units and 3.8 million square feet of non-residential overall, of which about 600,000 square feet has been constructed in Stonehouse Commerce Park. There are also a substantial number of acres in the Stonehouse Mixed Use area (aside from the Stonehouse itself) that are vacant. Also in the Upper County is the village of Toano, where the County has been encouraging redevelopment, as referenced in the Toano Community Character Area Design Guidelines. The Upper County has a significantly higher proportion of Mixed Use designation than the County overall (8.3% versus 4.8%), as well as the only area of the County currently designated Economic Opportunity.

In terms of past Comprehensive Plan activity, the Taylor farm parcel was submitted as an application in 2009 for the same Mixed Use designation/Inside the proposal as is described above. During this time, consideration was also given to changing this property to the new Economic Opportunity (EO) designation. The change in designation and PSA expansion were not approved in 2009.

#### **AGENCY COMMENTS:**

JCSA

There is an existing 20" HRSD force main at the intersection of Rochambeau Drive and Richmond Road which could provide sewer service. There is an existing 16" JCSA water main on the east side of Richmond Road (south of Rochambeau Road).

#### **ERP**

The County's general Chesapeake Bay Plan Act map shows that RPA exists along the water bodies at the northwest and southwest portions of the property. The majority of the PSA property is Prime Farmland and hydrologic unit code A/B soils. Prime farmland soils, as defined by the USDA, are those best suited for farming – to provide food, feed, forage, fiber and oilseed crops. These soils produce the highest yields with minimal input of effort and farming of these soils results in the least amount of damage to the environment.

#### TRANSPORTATION IMPACTS:

While other portions of Richmond Road experience or are expected to experience capacity constraints in the future, the portions closest to the Taylor property currently operate with acceptable levels of service. Staff and Kimely Horn completed trip generation scenarios for the following four scenarios: existing designations, a change to Mixed Use for the area currently inside the PSA, a change to Mixed Use for the entire property, and a change to Economic Opportunity for the entire property. The trip generation was projected to be highest for a change to Mixed Use for the entire property (25,273 daily trips). (A trip generation scenario was not created for the new proposed Rural Economy Support ("RES") designation, but staff believes the trip generation would be less than the Mixed Use scenario.) As the highest generator, the trip generation for the change to Mixed Use was translated into the modeling software and used to calculate projected conditions for surrounding roadways. The modeling effort projects that future levels of service for the nearby portions of Richmond Road and Rochambeau Drive would operate at adequate levels of service. Kimley Horn has offered a list of

other transportation considerations, including considerations of future signalization and access management (driveway location and full versus partial movement).

#### **STAFF RECOMMENDATION:**

Staff recommends denial of a change in land use designation to Mixed Use. However, staff would recommend approval of a designation change to a newly created "Rural Economy Support" (RES) designation. As part of a change in designation to RES, staff recommends expanding the PSA to include the entire parcel.

Staff recommends the following language as a new designation description for RES:

Lands designated as Rural Economy Support are intended to provide a connection between the Rural Lands areas and centers of development in the PSA, serving as an approximate mid-point in the expected intensity of development between the two. Areas with this designation should be at an appropriate location to serve rural economic development or traditional agricultural/forestry uses, and should have access to appropriate infrastructure (collector or arterial road access, water/sewer). The primary recommended uses for this designation include agricultural and forestry uses (innovative or traditional), and commercial or light industrial uses that relate to the agricultural/forestry/rural use that is on the site (or in adjacent rural lands). Examples in this latter category could include wineries, restaurants, limited-scale food and beverage processing, limited scale agricultural product storage/distribution, outdoor or nature-based activities, and equestrian uses. Such uses should be more limited in scale or impact than uses that should more appropriately be located in an industrial/light industrial park. Residential uses are only recommended as clearly secondary uses, where they serve to support the larger goals of the designation, such as family subdivisions and caretaker residences. For all commercial, light industrial, or limited residential uses, any structures should be located on the property in a manner that complements, but limits the impacts on, the primary agricultural, forestry, or other rural use. Examples include avoiding or limiting impacts on prime soils, timber stands, or wildlife management areas. Structures should also be located in a manner that minimizes impacts to adjacent rural and residential uses.

#### RATIONALE:

Staff does not recommend a change to the Mixed Use Designation for the entire property for the following reasons:

- 1. As described in detail above, considerable vacant properties designated mixed use are located nearby, and redevelopment of the Toano area is encouraged as referenced in the Toano Community Character Area Design Guidelines. Staff recommends holding off on designating substantial new mixed use areas until development and redevelopment occurs, thereby prioritizing the County's infrastructure and service capacity for these areas.
- 2. Analysis done as part of the 2035 Comprehensive Plan estimated that the County had enough room within the PSA to accommodate future residential growth needs until at least 2033.

Staff recommends approval of a change to a new RES Designation and inclusion of the property in the PSA for the following reasons:

- 1. Based on a recently-completed analysis of the County's agricultural and forestry assets, much of the area previously identified as prime soil has been developed. About 30 parcels are still identified as viable for large-scale agriculture (greater than 50 acres of prime soil) with another 270 parcels viable for smaller-scale agriculture (between 10 and 49 acres of prime soil). The Taylor farm is one of the thirty parcels identified for viable for large-scale agriculture.
- 2. The new RES designation and a change of this property to the new designation support the Strategy for Rural Economic Development recently completed in conjunction with the Rural Economic Development Committee (REDC) of the Economic Development Authority (EDA).
- 3. For this particular parcel, the prime farmland soils are located closer to Richmond Road (including the area currently designated Low Density Residential), while areas further back on the site could be suitable for the commercial or light industrial uses discussed in the RES designation description.

#### **ATTACHMENTS:**

- 1. Location Map
- 2. Applicant Justification Letter
- 3. Public comment
- 4. Transportation Evaluation Sheet

# Transportation Impacts Evaluation LU-0002-2014

The following transportation impacts summary was developed in conjunction with Kimley-Horn and Associates for a selected number of proposed land use designation applications that could generate more than 5,000 new daily trips. The summary is designed to help show current and projected roadway conditions, potential impacts to the transportation system with the change in land use designation, and improvements that may be needed to support future traffic volumes and sustain acceptable level of service (LOS) conditions if the property in question is developed.

### I. <u>Basic Description of Existing Transportation Conditions:</u>

The subject parcel of Taylor Farm fronts Richmond Road, which is a four-lane divided roadway within the area. There is one existing cross-over location along the parcel's frontage approximately 1,500 feet from the signalized intersection of Richmond Road and Rochambeau Drive (Anderson's Corner) to the north and approximately 900 feet from the unsignalized intersection of Richmond Road and Hickory Neck Boulevard to the south. The northern property line of the parcel is within 300 feet of Anderson's Corner. Currently, there are two partial access right-in/right-out driveways to a residence located approximately 1,000 feet and 1,100 feet, respectively from Anderson's Corner. The parcels on the northeast and southeast corners of the Anderson's Corner intersection will potentially be Mixed Use developments.



# II. Existing (2010) Conditions for Surrounding Roadways:

Roadway Segment	Average Weekday Daily Traffic (AWDT) <sup>(1)</sup>	Level of Service (LOS) <sup>(1)</sup>
Richmond Road (New Kent CL to Route 30)	5,861	A-C
Richmond Road (Route 30 to Croaker Road)	13,792	A-C
Rochambeau Drive (Richmond Road to Ashington Way)	7,164	A-C
Rochambeau Drive (Ashington Way to Croaker Road)	7,164	D

# III. Projected (2034) Conditions for Surrounding Roadways:

Roadway Segment	Average Weekday Daily Traffic (AWDT) <sup>(1)</sup>	Level of Service (LOS) <sup>(1)</sup>
Richmond Road (New Kent CL to Route 30)	11,000	A-C
Richmond Road (Route 30 to Croaker Road)	32,000	A-C
Rochambeau Drive (Richmond Road to Ashington Way)	11,000	A-C
Rochambeau Drive (Ashington Way to Croaker Road)	11,000	E

# IV. Programmed Improvements:

• No items in this location.

# V. Projected Trip Generation Scenarios:

Scenario	Description	ITE Code	Percentage	Acreage	Density	Unit		Trips	
							Daily	AM	PM
12 Em 1	Single Family Housing (2 DU per acre)	210	25%	41	81	DU	866	66	87
1	Single Family Housing (0.33 DU per acre)	210	75%	122	40	DU	454	38	47
					Scena	rio 1 Total	1,320	104	134
	Single Family Housing (10 DU per acre)	210	23%	37	373	DU	3,523	271	344
	Townhouse (10 DU per acre)	230	23%	37	373	DU	2,020	148	177
2	Low Rise Apartment (10 DU per acre)	221	24%	39	389	DU	2,378	168	224
	Shopping Center	820	30%	49	423,403	SF	17,352	376	1,576
					Scena	ario 2 Total	25,273	963	2,321
- 11-34	Industrial Park (FAR = 0.15)	130	42%	69	450,846	SF	2,928	311	383
	Industrial Park (FAR = 0.15)	130	43%	69	450,846	SF	2,928	311	383
3	Specialty Retail	826	5%	8	70,567	SF	3,057	463	355
3	Townhouse (7 DU per acre)	230	10%	16	113	DU	718	58	67
					Scena	ario 3 Total	9,631	1,143	1,188
	Specialty Retail	826	8%	12	105,851	SF	4,566	636	532
	Single Family Housing (0.33 DU per acre)	210	75%	122	40	DU	454	38	47
	Single Family Housing (10 DU per acre)	210	6%	9	94	DU	993	76	100
4	Townhouse (10 DU per acre)	230	6%	9	94	DU	610	50	58
	Low Rise Apartment (10 DU per acre)	221	6%	10	97	DU	885	54	66
					Scen	ario 4 Total	7,508	854	803

Scenario 1 approximates existing designations, Scenario 2 approximates a change to a Mixed Use for the entire property, Scenario 3 approximates a change to Economic Opportunity for the entire property, and Scenario 4 approximates a change to Mixed Use for the area currently inside the Primary Service Area (PSA).

# VI. Projected (2040) Conditions for Surrounding Roadways with Land Use Designation Change:

	Roadway Segment		203 Baseli		204 Basel		2040 Future -	The same	204 Future	
Name	From	То	ADT	LOS	ADT	LOS	ADT	LOS	ADT	LOS
Richmond Road	New Kent CL	Barhamsville Road	11,900	В	12,100	В	19,200	С	19,300	С
Richmond Road	Barhamsville Road	Croaker Road	17,500	С	16,800	С	17,500	С	17,600	С
Rochambeau Drive	Richmond Road	Ashington Way	8,600	Α	8,500	Α	10,700	В	11,000	В
Rochambeau Drive	Ashington Way	Croaker Road	10,900	В	10,600	В	11,000	В	10,700	В

- The 2034 Hampton Roads travel demand model was used to determine the effects of the changes to the land use developments on the transportation network.
- The 2034 Baseline scenario incorporated the 2034 socioeconomic data published by the Hampton Roads Transportation Planning Organization (HRTPO). While the 2040 Baseline scenario incorporated the 2040 socioeconomic data published by the HRTPO for the specific study area traffic analysis zone. The 2040 Future LU 2 scenario incorporates changes only to the study area traffic analysis zone's socioeconomic data to reflect the presence of the development. Lastly, the 2040 Future All scenario incorporates all of the proposed land use developments.
- The Average Daily Traffic (ADT) volumes were obtained from the travel demand model after each land use scenario model run. The LOS was determined by the Kimley-Horn LOS Tool which uses the roadway classification, type of facility and ADT to determine LOS.

# VII. Potential Improvement Information with Land Use Designation Change:

This item was not completed for this application.

### VIII. Other Transportation Considerations:

- Perform a signal warrant analysis for the intersection of Richmond Road at the median crossover that aligns with the potential site access driveway.
- If a traffic signal is not warranted at the intersection of Richmond Road at the median crossover, it is recommended to improve this intersection to a full movement unsignalized intersection with exclusive left and right-turn lanes on Richmond Road.
- Based on the VDOT access management guidelines, a rural minor arterial with a speed limit of 55 mph can accommodate partial access (right-in/right-out) driveways at 425 foot spacing. For Richmond Road, three right-in/right-out driveways with left-turn crossover can be accommodated between Anderson's Corner and the median crossover and one right-in/right-out driveway can be placed between the median crossover and Hickory Neck Boulevard. However, these are minimum standards and all of the referenced site access driveways may not be needed.
- Exclusive turn lanes should be provided at the partial and full access driveways and intersections.

• Consider driveway spacing and alignment with the potential build out of the parcel directly across Richmond Road.

# IX. References:

1. James City County/Williamsburg/York County Comprehensive Transportation Study

Applicant's Economic Opportunity Justification

**Property Address: 8491 Richmond Road** 

The property owners of 8491 Richmond Road request that the current PSA line he moved to encompass the entire property. We also request the current land use designation be changed to Economic Opportunity (EO). The EO designation fits this property for the following reasons:

- It would remove the Low Density Residential land use currently on a portion of the property. We believe there is enough housing in the area and more would be a drain on the school system and county utilities.
- 2. It would have the potential to increase the non-residential tax base and create jobs.
- 3. The property is at a strategic location. It is located at the major intersection of Rte. 60 and Rte. 30, both four lane highways and approximately a mile from 164 interchange 227.
- 4. A designation of EO would allow the landowner and JCC to work together to create a master plan for the property.
- 5. The property provides natural buffers by the way of swamp land and RPA between the bordering rural lands.
- 6. Allow a transition from General Industry to the south and Low Density Residential to the north.
- 7. Provide services and jobs needed by current and proposed surrounding residential areas.

Respectfully.

Randolph W. Taylor



#### MEMORANDUM

DATE: December 12, 2014

TO: Members of Planning Commission Working Group

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

FROM: Tammy Mayer Rosario, Principal Planner

SUBJECT: 2035 Comprehensive Plan Planning Commission Working Group

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The next meeting will be *Thursday*, *December 18*, *2014 at 4:00 p.m.* in the Building F Board Room at the James City County Government Complex. This meeting will continue the focus on reviewing the Land Use Designation change applications.

### **Land Use Designation Change Applications**

### A. General Information

At the meeting on the 8th, a question was asked regarding the capacity analysis information in the Land Use Section. The capacity analysis attempts to look at the question of whether the existing PSA area is likely to have capacity (strictly from a density perspective) to absorb the amount of residential and non-residential growth that is estimated to occur over the next twenty years (the horizon year of the Comprehensive Plan). To recap the residential calculations, staff estimates that an additional 15,270 units could be built inside the current PSA limits, and that using the 5 and 15 year averages of the number of units that have been certified for occupancy annually, these 15,270 units could be built out somewhere in the range of 19-38 years. This calculation is meant to give a general sense of whether the PSA is approximately of the right dimensions from a pure residential construction historical trend standpoint. (More information about the residential and non-residential capacity analysis is available at the link here on pages LU-3 through LU-5.)

Historically, the County has tried to plan and put in place the services and resources needed to support the amount of growth that is shown on the adopted Plan's Land Use Map, such as when submitting permitting requests to DEQ for water resources. In addition, the County has used the Land Use Application process during Comprehensive Plan updates as the time period to holistically examine service and resource implications before changes are made to the amount or location of growth that is shown on the Map. In relation to the water issues discussed by Mr. Powell, please note that the potential changes in resource availability are in the early stages of discussions and negotiations with DEQ.

### B. Cases – Follow-up Information

**B.1.** LU-0001-2014, 7809 Croaker Road. Mr. Massie's parcel (Parcel ID 1340100016D at 7809 Croaker Road) is 2.54 acres and the two additional properties under consideration (Parcel ID 1340100015 at 7819 Croaker Road and Parcel ID 1340100013 at 7901 Croaker Road) total approximately 12.12 acres. In total, the area being considered for redesignation would be 14.66 acres. Please note that Parcel ID

1340100013 adjacent to Point O Woods Road is part of a larger 67-acre property that is bisected by the road. The 9.5 acre piece under consideration is Low Density Residential, whereas the rest of the property (on the opposite side of Point O Woods) is currently designated Mixed Use.

**B.2. LU-0002-2014, 8491 Richmond Road**. The applicant for this case has submitted a letter requesting that their request be formally changed from Mixed Use to Economic Opportunity (see attachment 2). Staff has met with the Taylor family, and understands that they wish to have a designation that would allow a greater degree of flexibility and range of commercial uses than the proposed RES district, while noting that they do not have an immediate plan for developing the property.

Staff has previously recommended against a change of the entire property to Mixed Use, which would be a much more expansive designation than those in place currently. Staff notes that considerable vacant mixed use and commercial properties are located nearby, and redevelopment of Toano is a priority, rather than a continuous strip of commercial uses along Route 60. In the staff report, staff recommended holding off on designating substantial new mixed use areas until development and redevelopment occurs, thereby prioritizing the County's infrastructure and service capacity for these areas. Staff has similar concerns about a change to Economic Opportunity, also noting that this parcel, while it has good road access, does not have the element of a strategic location adjacent to an interstate interchange. Staff recommended the new RES designation as a more appropriate fit for this parcel as it maintains the ability to realize commercial uses at a level consistent with or perhaps greater amount than what could be associated with the 7.5 acres of Mixed Use designation currently existing on the parcel. The new designation also adds light industrial uses as a possible use, which would not have been a recommended use for the Mixed Use area (see the Anderson's Corner Mixed Use Area description for more information). The expansion of the Primary Service Area adds the ability for the commercial and light industrial uses to connect to public water and sewer, and adds 141 acres where those uses could be located on the site, which gives greater locational flexibility. In summary, the proposed RES district was intended to give the owner economic development options while at the same time acknowledging and building upon the other resources of the site.

**B3.** LU-0009-2014, 8961 Pocahontas Trail. In response to questions from the Planning Commission Working Group, staff consulted with the Office of Economic Development regarding the timeline for the renewal of the Enterprise Zone. OED noted that application results were scheduled to be released in October, but that no information has been announced for James City County or for any of the other localities seeking renewals. The County's Enterprise Zone expires at the end of 2015 so there is another application period beginning next year that the County will participate in if the pending application is not successful.

Please call me at 757-253-6688 if you have any questions or concerns. I look forward to seeing you on Thursday.

### Attachments:

- 1. Draft December 8, 2014 minutes
- 2. Letter regarding 8491 Richmond Road Designation Request

# **Land Use Designation Evaluation Table**

	Possible Development Scenario	Pro	Con
Current Designations: Rural Lands, LDR, MU (See acreages for each on page 1.)	Rural Lands: Continue with agricultural/forestal uses, part of the rural economy. Alternatively, could potentially be developed into approx. 40 lots.  LDR: Could potentially be rezoned to allow max. of approx. 164 lots (80-120 lot range also possible)  MU: Potentially office or commercial building(s)	Activities on the rural lands portion and development on the mixed use portion have the potential to increase the non-residential tax base and to create jobs.	From a fiscal standpoint, an increase in the non-residential tax base might be off-set by costs associated with serving the residential development, depending on the ultimate balance of uses and a variety of other factors.
Proposed: Mixed Use for whole property	One possible scenario that would be permitted by the general Mixed Use development standards could be a shopping center (423,000+/- square feet) and approximately 1,100 dwelling units (mix of single family, townhouses and low-rise apartments).  Note that the specific designation description for each Mixed Use area can influence the ultimate balance of uses reflected on a master plan through the rezoning process.	A commercial use has the potential to increase the non-residential tax base.  A commercial use has the potential to create jobs.	Holding off on designating substantial new mixed use areas until already-planned development and redevelopment occurs would prioritize the County's infrastructure and service capacity for these existing areas.  - Considerable vacant properties designated mixed use are located nearby in the Stonehouse Mixed Use Area, and considerable amounts of land are currently zoned for commercial uses along Barhamsville Road and in Toano. With regard to the Stonehouse Mixed Use Designation area, the Stonehouse development has a Master Plan approved for about 4,000 dwelling units and 3.8 million square feet of non-residential overall, of which about 600,000 square feet has been constructed in Stonehouse Commerce Park. There are also a substantial number of acres in the Stonehouse Mixed Use area (aside from the Stonehouse itself) that are vacant.  - Also in the Upper County is the village of Toano, where the County has been encouraging redevelopment, as referenced in the Toano Community Character Area Design Guidelines.  - The Upper County already has a significantly higher proportion of Mixed Use designation than the County overall (8.3% versus 4.8%), as well as the only areas of the County currently designated Economic Opportunity.  Analysis done as part of the 2035 Comprehensive Plan estimated that the County had enough room within the PSA to accommodate future residential growth needs until at least 2033. Specifically, the analysis estimates that there are approximately 11,200 master planned or other vacant platted lots inside the PSA, with another approximately 4,000 undeveloped parcels inside the PSA which have residential Comprehensive Plan designations.  From a fiscal standpoint, an increase in the non-residential tax base might be off-set by costs associated with serving the residential development, depending on the ultimate balance of uses and a variety of other factors.  In terms of water use, a mixed use development would almost certainly have a substantially larger water demand than the existing designations.

Propos	sed:		
Economic			
Opportunity			
for	whole		
proper	ty		

One possible scenario that would be permitted by the general Economic Opportunity development standards could be industrial park (900,000+/- square feet), specialty retail (70,000 +/- square feet) and approximately 113 dwelling units (townhouses).

As noted above, the specific designation description for each EO area can influence the ultimate balance of uses reflected on a master plan through the rezoning process. Please also see the separate draft EO designation description language, which as written would not include retail or residential as recommended uses.

A commercial use has the potential to increase the non-residential tax base. A commercial use has the potential to create jobs.

As compared with Mixed Use, an Economic Opportunity designation would be more likely to complement and support redevelopment efforts in Toano.

See points made in the Mixed Use box above regarding the amount of already-planned development and redevelopment in the Upper County and prioritization of the County's infrastructure and service capacity for this existing planned development; much of this would apply in the case of an Economic Opportunity designation as well. In addition, while this parcel has good road access, it does not have the element of a strategic location adjacent to an interstate interchange.

From a fiscal standpoint, an increase in the non-residential tax base might be off-set by costs associated with serving any residential development, depending on the ultimate balance of uses and a variety of other factors.

In terms of water use, an economic opportunity development would likely have a substantially larger water demand than the existing designations.

# **Draft Economic Opportunity Designation Description Language**

# **Economic Opportunity (This is the Existing General EO Language)**

Lands designated as Economic Opportunity are intended primarily for economic development, increased non-residential tax base, and the creation of jobs. The lands should be at strategic locations in the County relative to transportation, utilities infrastructure, and adjacent uses, and the lands should only be developed consistent with comprehensive area/corridor master plans.

The principal uses and development form should maximize the economic development potential of the area and encourage development types that have certain attributes, principally that they have a positive fiscal contribution, provide quality jobs, enhance community values, are environmentally friendly and support local economic stability. Master planning is at the core of this designation, and no development should occur unless incorporated into area/corridor master planning efforts which should address environmentally sensitive areas, available infrastructure (roads, water, sewer, transit, etc.), community character and context, public facilities and adjacent land uses to include lands in adjacent jurisdictions. The intent of this designation is to include parcels with this designation in the PSA (where not already included) pending the outcome of the master planning efforts.

The master planning efforts may take the form of public-private or private-private partnerships; if public-private, the landowner(s) would need to make the majority of the investment. These area/corridor master planning efforts should phase development to be in step with, and provide for, adequate amounts or capacities of roads, water, sewer, transit, bicycle and pedestrian facilities, fire stations, police and general government services, parks and recreation facilities, schools, and other facilities and service needs generated by the development. The master plan for the area should also demonstrate appropriate variation in uses, densities/intensities, pattern, and design such that new development is compatible with the existing character of surrounding areas. If an individual landowner in lands designated Economic Opportunity does not wish to participate in the master planning effort, such land shall be recognized and adequate buffers provided in the master plan to protect the current use of that land.

Development should be designed to encourage trips by alternative transportation modes and should be concentrated on portions of the site to avoid sensitive environmental features and respect viewsheds from historic and Community Character areas and corridors.

### Economic Opportunity – Toano/Anderson's Corner Area (This is the Possible Area Specific Description)

For the Toano/Anderson's Corner Area, the recommended uses are industrial, light industrial and office uses. Businesses that take advantage of the unique assets of the property or use agricultural or timber industry inputs are highly encouraged. In order to support Toano as the commercial center of this part of the County, retail commercial is not a recommended use unless accessory to the recommended uses. As expressed in the general Economic Opportunity language, the master plan for this area should demonstrate appropriate variation in uses, densities/intensities, pattern and design such that new development is compatible with the character of surrounding areas. In particular for this site, buffers, open space, or other similar mechanisms should be used along the south-west and western property lines in order to provide a transition to areas designated Rural Lands, and the site design and architecture should respect the local rural character and nearby historic structures. Maintaining mobility on Route 60 is also a significant consideration, so development should utilize best practices for access management.

#### MEMORANDUM

DATE: March 14, 2017

TO: The Board of Supervisors

FROM: Ellen Cook, Principal Planner and Tammy Mayer Rosario, Principal Planner

SUBJECT: Case No. LU-0002-2014. 8491 Richmond Road (Taylor Farm) Land Use Designation Change

At the Board meeting on June 23, 2015, the Board adopted the Comprehensive Plan "Toward 2035: Leading the Way". As part of its consideration of the Plan, the Board reviewed Case No. LU-0002-2014, 8491 Richmond Road (Taylor Farm) Land Use Designation Change. During the discussion of this application, the Board members noted the outstanding Department of Environmental Quality (DEQ) groundwater withdrawal permit, a possible future discussion of the Primary Service Area (PSA) generally and the opportunity to further examine the possible land use designations for this parcel. Following this discussion, the Board postponed the Taylor Farm application to its December 8, 2015 meeting. At its December 8, 2015 meeting, the Board postponed the application to the March 8, 2016 meeting, at the request of the applicant. At its March 8, 2016 meeting, the Board postponed the application to the March 14, 2017 meeting at the request of the applicant.

Updates on the DEQ permit status and the land use designation possibilities are noted below.

### **DEQ Permit Status**

As the Board is aware, over the past several years the DEQ had indicated that it might restrict the County's permitted groundwater withdrawal to amounts below what the County currently uses, citing concerns about aquifer water levels, land subsidence and saltwater intrusion. During the 2015 Virginia General Assembly session, legislation established an Eastern Virginia Groundwater Management Advisory Committee (EVGMAC) to assist the DEQ in developing, revising and implementing a management strategy for groundwater in the Eastern Virginia Groundwater Management Area. The EVGMAC, including representation from James City County, has met multiple times and is required by the state legislation to report the results of its examination and related recommendations to the Director of DEQ and the State Water Commission no later than August 1, 2017. The regional EVGMAC group and James City County have both been examining options for a sustainable long-term water supply, and several longer term possibilities are under consideration, including a Chickahominy Riverfront Park Raw Water Intake and Treatment Facility.

With regard to the DEQ water withdrawal permit, as discussed at the February 14, 2017 Board meeting, a significant update to the permit situation is that the DEQ has issued the County a water withdrawal permit, as further summarized below.

	Water Withdrawal: Million Gallons Per Day (mgd)
Actual 2016 Water Withdrawals	5.33 mgd
DEQ Permit that was Valid January 1, 2003 - December	8.83 mgd
31, 2012 (issued August 17, 2009 and administratively	
continued)	
DEQ Initial Permit Proposal Under Consideration	3.8 - 4.0 mgd
DEQ Permit that was just Issued	Groundwater withdrawals in accordance with the following
	Tiers:
	- Tier 1 is authorized for use as of the effective date of
	the permit: 6 mgd
	- Tiers 2 - 4 are dependent on system growth and certain
	DEQ approvals as specified in the permit. Tier 2 is for
	6.4 mgd, Tier 3 is for 7.4 mgd and Tier 4 is for 8.4
	mød.

The James City Service Authority Water Supply Study prepared by CDM Smith in 2015 examined projected growth in the County and the resulting future water supply needs. It looked at several scenarios including possible DEQ permitted withdrawal amounts of 7.8 mgd and 8.8 mgd, and projected that water system capacity deficits would begin to occur in the years between 2022 and 2030.

The DEQ permit does not cut withdrawals to levels below what the County currently needs to serve its customers, as had initially been under consideration. The amount also appears to adequately cover planned-for growth in the County over roughly the next ten years. While longer term possibilities appear to have a good potential to address the County's water supply needs more fully, it should be noted that over the near term (ten years) the approved permit amount is limited and constrained as compared with the past withdrawal permit.

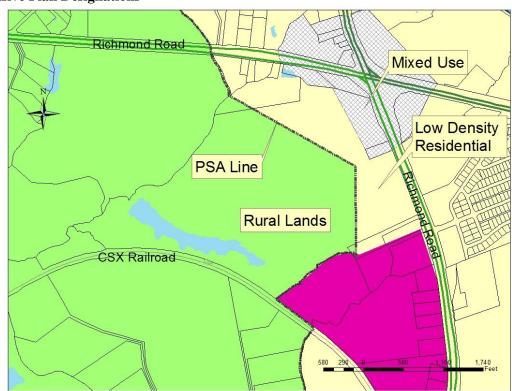
### **Land Use Designation Possibilities:**

### A. Current Land Use Designations

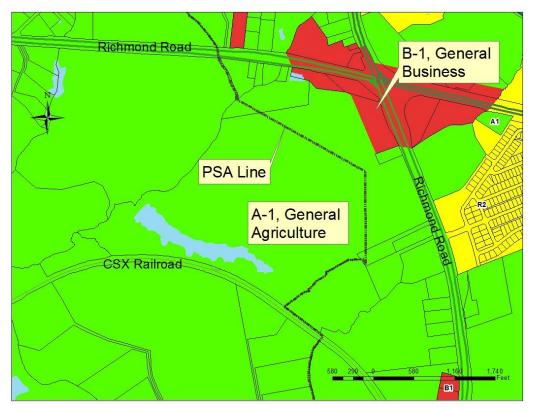
As noted on the first map below, the current Comprehensive Plan land use designations for this property are Rural Lands (approximately 141 acres), Low Density Residential (approximately 38 acres) and Mixed Use (approximately 7.5 acres). The Mixed Use designated portion is a component of the Anderson's Corner Mixed Use area, which has specific designation description language as noted in Attachment No. 7. The PSA corresponds to the divide between the Rural Lands and Low Density Residential Designations; thus, approximately 141 acres are outside the PSA and approximately 45.5 acres are inside the PSA.

In terms of the current zoning (which governs *current* permitted/specially permitted uses, lot sizes, setbacks, etc.), approximately 180 acres are zoned A-1, General Agricultural and approximately 6.2 acres are zoned B-1, General Business - see second map that follows.

### **Comprehensive Plan Designations**



### **Zoning Districts**



### B. Property Owner's Initial and Subsequent Proposed Land Use Designations

The property owner initially submitted an application to change the entire property from the existing designations to Mixed Use. In addition, the application sought to bring the approximately 141-acre portion of the property inside the PSA. The information submitted by the applicant in support of the Mixed Use/PSA change request is included as Attachment No. 3. Staff had not recommended approval of this proposed change for the reasons previously discussed in the staff report for the case (Attachment No. 4) and noted in the Land Use Evaluation Table (Attachment No. 1). The most significant of the reasons continue to be the potential loss of prime agricultural land and the significant uncertainty with which an adequate source of water would be available to James City County to serve this property considering the amount of developable land already inside the PSA as it exists today.

The applicant subsequently submitted a letter requesting that the property be re-designated to Economic Opportunity (EO), also fully within the PSA, and listing seven reasons in support of this approach as noted in Attachment No. 5. Staff's evaluation of the request for a change to EO was provided in a memorandum to the Planning Commission Working Group dated December 12, 2014 (Attachment No. 6) and is summarized in the Land Use Evaluation Table (Attachment No. 1).

In November 2015, staff and the applicant met to further discuss this application. At the meeting the applicant shared their continued desire to change to EO and to have all of the property included in the PSA. The applicant did not have any additional information to be included with the application.

### C. Previously Considered Designation – Rural Economy Support (RES)

After evaluating the property's physical attributes such as the prime farmland soil toward the front of the property, its location along an improved roadway but still in close proximity to the County's rural lands, and after considering the County's recently completed Strategy for Rural Economic Development, staff had recommended consideration of a new Comprehensive Plan Land Use Designation for this property, Rural Economy Support (RES). RES would allow for commercial or light industrial uses in addition to uses associated with traditional or innovative agriculture and forestry. Staff had prepared a description for this possible new designation as noted in the staff report, Attachment No. 4. From discussion at its June 23, 2015 meeting, staff understands that the Board may not wish to consider this designation due to the property owner's discomfort, so it is not included in the Land Use Designation Evaluation Table (Attachment No. 1).

### **Recommendation:**

Staff recommends denial of this application. Given the information outlined under the DEQ Permit Status heading above, at this time staff does not recommend expansions to the PSA or re-designation of land for more intense development with potentially higher water demand. There is significant existing growth potential inside the PSA, and serving this planned-for growth with the available permitted water would be consistent with the overall Comprehensive Plan. Inherent to the DEQ's decision to limit withdrawal of groundwater is a recognition of the fact that the aquifers which provide water to James City County are still stressed. Further, the withdrawal amounts set forth in the DEQ permit are not sufficient to accommodate all growth permitted inside the PSA as it exists today; rather, withdrawal of groundwater will be on a first come, first served basis. Expanding the PSA will contribute to the total water demand expected of the JCSA.

While water is a primary factor in this analysis and recommendation, staff also recommends that the Board carefully consider the implications more generally of PSA expansion and/or adding additional growth potential within the PSA, such as greater needs for other County services and facilities (schools, emergency services, etc.). As noted in the recently adopted Strategic Plan, the expansion of the PSA may have fiscal implications and could impact Community Character, the environment and infrastructure.

However, should the Board wish to redesignate the property, staff has prepared a Land Use Designation Evaluation Table providing information about the current designations, a change to Mixed Use and a change to EO (see Attachment No. 1). In the event that the Board wishes to consider the application at this time, staff recommends the Board consider a change to EO over a change to Mixed Use. Should the Board wish to pursue this designation, staff has prepared draft EO designation description language (see Attachment No. 2). This language description is written to cover the entire the property changing to EO; however, should the Board wish to consider an EO redesignation for just the area that is within the existing PSA boundary, the language could be revised accordingly. The applicant has had an opportunity to review the draft language and has not had any comments to date.

Finally, should the Board wish to consider redesignating this property, it may also wish to consider remanding this case to the Planning Commission for review of the application and the draft designation description language.

EC/nb LU02-14TaylorFarm-mem Case No. LU-0002-2014. 8491 Richmond Road (Taylor Farm) Land Use Designation Change March 14, 2017
Page 5

### Attachments:

- 1. Land Use Designation Evaluation Table
- 2. Draft Economic Opportunity language
- 3. Applicant's Mixed Use justification
- 4. Staff Report (November 20, 2014)
- 5. Applicant's Economic Opportunity justification
- 6. Staff memorandum to the Planning Commission Working Group, December 12, 2014
- 7. Anderson's Corner Mixed Use area designation description language
- 8. Case-related public comments received during the Comprehensive Plan update (Public Comment Sheet, James City County Citizens Coalition and Friends of Forge Road and Toano statements)
- 9. Resolutions

# Un-approved Minutes, Board of Supervisors Meeting, March 14, 2017

### H. PUBLIC HEARING(S)

1. <u>LU-0002-2014, 8491 Richmond Road (Taylor Farm) Land Use Designation Change</u>

A motion to remand to the Planning Commission was made by Ruth Larson and the motion result was passed.

AYES: 4, NAYS: 1, ABSTAIN: 0, ABSENT: 0

Ayes: Larson, Hipple, Sadler, Onizuk

Nays: McGlennon

Ms. Ellen Cook, Principal Planner, addressed the Board giving an overview of the staff report included in the Agenda Packet.

Ms. Robin Bledsoe, Planning Commission Representative, addressed the Board stating that, when this case was before the Commission, it was deferred because of the question surrounding water withdrawals. Now that we know more about Department of Environmental Quality (DEQ), she would not want to speculate on what recommendations the Commission would make.

As there were no questions for staff at this time, Mr. Onizuk opened the Public Hearing.

- 1. Mr. Randy Taylor, Applicant, 7112 Church Lane, addressed the Board asking that the Board change the land known as the Taylor Farm to Economic Opportunity (EO). He stated that he makes this request for the following reasons: (1) this change would correct the Primary Service Area (PSA) line, which currently runs through the middle of the property instead of going around the property line; (2) would remove the low density residential designation that is in effect on a portion of the property; (3) the property satisfies the EO Designation by being in a strategic location with access to existing utilities; (4) designating the property EO would give the County more control in any future development since a master plan would be required; and (5) there are two other EO designated parcels in the County, the Hunts Farm and the Hazelwood Property. The family is vested in the County and has no desire to sell the property and make a quick profit and any future development would have to come back before the Board for approval.
- 2. Mr. Chris Henderson, 101 Keystone, addressed the Board in support of the land use designation change to EO. He stated that the highest and best use of this property is not consistent with its current designation. This site is in a prime location for economic development.
- 3. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in support of the applicant and the designation change to EO. He discussed some of the history of this property and the way in which the PSA line was drawn. This is an opportunity to right that wrong.
- 4. Mr. Jay Everson, 103 Branscome Blvd., addressed the Board in support of the applicant and the designation change to EO. He stated that commercial development makes sense. The water issue has been solved, and is no longer a valid point against the designation change.

As there were no other registered speakers, Mr. Onizuk closed the Public Hearing.

Mr. Hipple stated that he is not sure of the how or why the PSA line was drawn the way that it was, but the practice of the Board has been to follow the property lines. He believes that should be corrected. He also would not like to see the property turned into a residential development. He believes it is a perfect spot for economic development as it has two ways in and out to the highway and Route 60. He believes this application should be sent back to the Planning Commission for recommendations on the EO use.

Ms. Larson stated that she concurs with the recommendation made by Mr. Hipple.

Ms. Sadler stated that she concurs with everything that the various speakers have said tonight. She is in support of the EO designation, and would like to have the application sent back to the Planning Commission. She stated that the EO use would have less impact on schools and services.

Mr. McGlennon asked staff if the EO designation allows for any residential development.

Ms. Cook stated that the Zoning Ordinance would allow it; however, the EO designation would have a tailored description and language written for it and some uses could be recommended and some uses not recommended. That language and description would become part of the Comprehensive Plan.

Mr. Holt, Planning Director, stated that the EO designation has the ability to have up to 15% residential development but it is by SUP. Each area that has an EO designation has very specific language in the description that provides guidance.

Mr. McGlennon stated that he is not supportive of changing the designation. He is not supportive of the EO Designation, he was not when it was created, and he does not see the value or benefit of the EO zone. Also, he still has concerns about the water supply since this would add to the current projected demands.

Mr. Onizuk stated that he is generally in favor of the change in designation. He is supportive of remanding this back to the Planning Commission for discussion and a recommendation on the language of the EO designation change.

# Public Comment Summary LU-0002-2014 8491 Richmond Road

This attachment provides verbatim public comments for the specified land use designation change application collected through Community Workshops, postcards, emails, the Comprehensive Plan hotline and online input surveys.

- 1. Increase PSA on all 3 L.U. applications. (Community Workshop)
- 2. To James City County Planning Dept. :

We are responding to a notice we received from you dated May 16, 2014. It has come to our attention that an adjacent parcel of land located at 8491 Richmond Road is being considered for a zoning change and also for a realignment of the PSA area. This, no doubt will help James City County to reach its goals for the 2035 James City County Comprehensive Plan. In light of these developments we would like to have the same consideration given to our property which is located at 8399 Richmond Road, Williamsburg, Va. We own approximately 16 acres of wooded land and we share a common property boundary line. The shared boundary line is located on the south west corner of the property located at 8491 Richmond Road. We have owned this parcel of land for over 4 months and are at a lost as to why we are just receiving any notification of possible zoning and PSA changes. As we both know this would have an obvious impact on our property. I would hope that you will strongly consider changing our property's zoning and making PSA changes to reflect the changes made at 8491 Richmond Road. We would also like to express our support for the changes that the county, the property owners who are requesting the change, and those who want to see the Williamsburg area move forward into the future. If we can be of further support please don't hesitate to contact us. Your truly, Anthony Jones - President of AAA Plumbing Co., Inc. P. O. Box 438 Lightfoot, Va., 23090 757-244-7664 (Staff note: this property is currently inside the PSA and designated General Industry.)

3. These are my thoughts on the GSAs for the 2014 comprehensive plan update. My comments will be on the area from Toano west to the Anderson corner area. This area is currently developing and most likely will continue to do so. My vision would be to tie the subdivisions into Toano via sidewalks and bike paths. On the East side of Toano this has already been done to great effect. This could help Toano become more economically robust. There are two historic properties in this area, Hickory Neck Church 1743 and White Hall Tavern 1805. There are two large tracks of land Hankins Farm and the Taylor Farm. Both most likely will develop over the next decade. Two smaller tracks the Ware and Branscome properties will do the same. I am not opposed to the rezoning request of the Taylor Farm to mixed use. I do think as this area continues to develop sensitivity to the historic sites and the rural heritage of this area should be reflected in the development standards. I think the Anderson corner area should also include Fenwick hills, and Michael point in the concepts of tying together the area via walking and biking. The speed limit should be reduced to 45 mph from the current 55 mph. Bert Geddy, Toano. (Email)

**From:** Randy Taylor [randy@toanocontractors.com]

Sent: Monday, December 08, 2014 12:54 PM

To: George Drummond; Richard Krapf; Robin Bledsoe; Chris Basic; Tim OConnor; John Wright;

**Heath Richardson** 

Cc: <a href="mailto:chris@toanocontractors.com">chris@toanocontractors.com</a>

Subject: 8491 Richmond Rd - Land Use Designation

Planning Commission Members,

My name is Randy Taylor. I reside at 3920 Bournemouth Bend, in the Wellington subdivision, Stonehouse District. I am one of the family members that own the property at 8491 Richmond Rd. Toano.

First I would like to give you a brief history of the property and my family. The land was purchased by my grandparents, Stewart and Lonell Taylor in 1951. Stewart and Lonell had 5 children, Cliff, Barbara, Ray, Bill, and Beverly. All of the children made their homes in James City County. Barbara and Cliff lived within a couple miles of the property while, Ray, Bill, and Beverly built houses on the edges of the property. My grandfather, Stewart, raised livestock and crops on the property along with his son Ray until he passed away in 1997. Stewart also served on the Board of Supervisors in James City County for 26 years. Ray continued to raise crops on the property until his passing in 2001. After Ray's passing, Cliff who had since retired from BASF, continued the farming of the property. Cliff passed away in March of 2007, followed by my father, Bill, in November of 2007. Cliff was the last of the family members to pursue farming as a career. Since the passing of Cliff the farmland has been leased to other farmers from New Kent County.

While my brother, Chris Taylor, and I own an operate Toano Contractors, we have also decided in the last 6 months to try our hand at raising a few head of cattle. At this time we have 8 head of cattle on a small portion of the property. The bulk of the farmland is still leased to another farmer. While one day the cattle operation could grow into something more, right now it is just a hobby. It should also be known that while the entire property is 217 acres only 130 acres of the property is farmland. The rest of the property is either wooded, pond, or swamp. The land covered in trees is that way because it is either steep sloped or swamp/RPA. That being the case this property is not large enough to sustain a farmer on its own. A farmer must lease upwards of a 1000 acres to make a living solely on farming.

We have asked JCC to expand the PSA line to encompass the entire property. As you know the current PSA line cuts through the property including 45 acres of the road frontage of the property in the PSA while leaving the remainder in Rural Lands. We feel that the property should never have been cut by the PSA line. The PSA line should follow the property line as it does for the properties surrounding 8491 Richmond Rd. JCC Staff has recommended approval of the PSA expansion, yet recommended the entire property be designated as Rural Economic Support(RES). While we agree with the PSA expansion to encompass the entire property, we do not feel that the Rural Economic Support designation is the right choice for this property. We feel that the entire property should be designated Economic Opportunity(EO) or retain the current Mixed Use(MU) portion as is and designate the rest of the property Community Commercial(CC).

The EO designation fits this property for the following reasons:

- It would remove the Low Density Residential land use currently on a portion of the property.
   We believe there is enough housing in the area and more would could be a drain on the school system and county utilities.
- 2. It would have the potential to increase the non-residential tax base and create jobs.
- 3. The property is at a strategic location. It is located at the major intersection of Rte. 60 and Rte. 30, both four lane highways and approximately a mile from I64 interchange 227.

4. A designation of EO would allow the landowner and JCC to work together to create a master plan for the property.

Another choice we would like the commission and staff to consider is leaving the portion of the property currently designated MU and changing the remainder of the property to Community Commercial(CC). The following is the rational behind this request:

# Leave the current portion MU

- 1. The property currently designated MU corresponds to the surrounding property. If you look at the current land use map in coincides with the properties across Rte. 60 and the property to the North.
- 2. The property is at a strategic location. It is located at the major intersection of Rte. 60 and Rte. 30, both four lane highways and approximately a mile from I64 interchange 227.
- 3. Staff has stated that there is an abundance of vacant MU property nearby and that this property is not needed as MU. However I did not see where staff recommended changing the land use designation on the two parcels adjacent to this property which are owned by JCC and currently designated MU.

### Change the remainder of the property to CC

- 1. Allow general business but have a low impact on the nearby developments.
- 2. Potential for increased non-residential tax base.
- 3. Allow a transition from General Industry(GI) to the south to low density residential to the north.
- 4. Provide services and jobs needed by current and proposed surrounding residential areas.
- 5. The north and west boundaries of the property have natural buffer to protect the adjacent Rural Lands(RL). There is a swamp that runs along the entire property line between the property and all adjacent RL as well as the railroad to the southwest which creates an added buffer for the property along Forge Road.

We appreciate your consideration on this matter. Please let it be known that we do not have any plans for development of this property at this time. However, we would like to have a land use designation in place that would best serve our family and James City County in the years to come.

If any Commission or Staff members would like to further discuss this matter, I would be glad to. Please contact me at 757-342-7602.

### Respectfully,

Randolph W. Taylor, V.P.
Toano Contractors, Inc.
8589 Richmond Rd.
Toano, Va. 23168
randy@toanocontractors.com
(O) 757-566-0097
(F) 757-566-8874

# STATEMENT BY LINDA RICE FEBRUARY 19, 2015 PLANNING COMMISSION WORKING GROUP LAND USE APPLICATION – LU-0002-2014, 8491 RICHMOND ROAD and LU-00062014

Members of the Planning Commission Working Group:

As a follow up to my comments on November 15, 2015, I am submitting the following comments as an individual homeowner. I understand that you have deferred action on the Land Use applications of Taylor and Hazelwood which involve an expansion of the PSA. I understand that you are awaiting a report from the DEQ with regard to the groundwater (GW) permit which they will issue specifying the amount of GW which will be allowed for withdrawal.

Here are several reasons for requesting that you **oppose** further PSA expansion until the county and its citizens determine if we can make the long term financial and environmental commitment required for access, purchase, and infrastructure costs related to expanding water needs. Aquifers are finite and the county cannot ignore the demands that other localities and industrial users will place on these same GW sources.

- **DEQ Permit Restrictions**: Virginia's Department of Environmental Quality issued James City a permit to withdraw up to 8.8 million gallons a day from one of two underground aquifers. The county uses an average of 5.4 million gallons daily. James City's next permit is likely to permit no more than 4 million gallons a day. That estimate of water usage of course does not account for the water needs required by expanding the PSA in the upper county by over 340 acres or the construction of at least 15,000 homes already approved throughout the county.
- Reliance on City of Newport News: James City must rely on other sources of water, since all of the surface freshwater sources in the county Little Creek and Diascund reservoir are owned by Newport News Waterworks. The Board of Supervisors signed an agreement in 2008 that would allow the county to buy water from Newport News. With it came a second payment of \$25 million, but with inflation, the cost will now be about \$33 million. James City County relies on GW for its water more than any other Virginia county.
- Cost of Access and Purchase: With the additional payment, the county would access up to 5 million gallons per day. James City would still buy the water at a daily rate of \$1.22 per 1,000 gallons. Accessing the entire 5 million gallons would cost \$6,100 a day, or more than \$2.2 million a year.
- Cost of Infrastructure Construction and Maintenance: Buying additional water requires millions of dollars worth of infrastructure improvements. It will require \$4.5

million if James City buys just 2 million gallons a day, and between \$16 million and \$18 million if the county buys the full 5 million gallons.

LU-0002-2014 and LU-0006-2014 will have major implications if it they are approved. I ask that you, as members of the Planning Commission Working Group join me and other members of the Community in recommending denial to the full Planning Commission and Board of Supervisors of these land use applications.

Respectfully Submitted:

Linda Rice

2394 Forge Road

Toano

NOTE: Some of my comments are extracted from the VA Gazette Editorial on Feb 3, 2015.

# **AGENDA ITEM NO. F.3.**

# **ITEM SUMMARY**

DATE: 4/5/2017

TO: The Planning Commission

FROM: Alex Baruch, Planner

SUBJECT: Z-0001-2017, SUP-0001-2017, MP-0001-2017. Williamsburg Landing, Marclay

Road

# **ATTACHMENTS:**

	Description	Type
D	Staff Report	Staff Report
D	Draft SUP Conditions	Exhibit
D	Draft Height Waiver Conditions	Exhibit
D	Location Map	Exhibit
D	Master Plan	Exhibit
D	Community Impact Statement	Exhibit
D	Fiscal Impact Study w/School Impacts	Exhibit
D	Fiscal Impact Study w/out School Impacts	Exhibit
D	Airport Master Plan	Exhibit
D	Williamsburg Landing Master Plan	Exhibit
D	Proposed Design Guidelines	Exhibit
D	Height Waiver Application Discussion	Exhibit
ם	Virginia Department of Aviation Comment Letter	Exhibit

# **REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	3/30/2017 - 4:18 PM
Planning Commission	Holt, Paul	Approved	3/30/2017 - 4:18 PM
Publication Management	Burcham, Nan	Approved	3/30/2017 - 4:20 PM
Planning Commission	Holt, Paul	Approved	3/30/2017 - 4:20 PM

### Staff Report for the April 5, 2017, Planning Commission Public Hearing

### **SUMMARY FACTS**

Applicants: Paul W. Gerhardt and William L. Holt,

Kaufman and Canoles, P.C.

Land Owner: Short Neck LLC

Proposal: To rezone a portion of the property to R-5,

and for a Special Use Permit (SUP) to allow up to 135 independent living facility units, along with a Height Waiver for the proposed apartment buildings to be constructed up to

60 feet from grade.

Location: 20 Marclay Road

Tax Map/Parcel No.: 4820100012

Project Acreage: +/- 15.5 acres total

Current Zoning: R-8, Limited Residential

Proposed Zoning: R-5, Multifamily Residential

Comprehensive Plan: Airport

Primary Service Area: Inside

Staff Contact: Alex Baruch, Planner

### **PUBLIC HEARING DATES**

Planning Commission: April 5, 2017, 7:00 p.m.

Board of Supervisors: May 9, 2017, 5:00 p.m. (tentative)

### **FACTORS FAVORABLE**

1. The proposal is compatible with the adjacent Williamsburg Landing development.

2. Public access to the proposed development will only come through Williamsburg Landing Drive thereby minimizing any potential impacts to Marclay Road.

- 3. The SUP conditions include adherence to a number of adopted policies including Archaeology and Streetscape.
- 4. Increases housing opportunities for the County's aging population identified in the 2035 Comprehensive Plan, although this is not binding.
- 5. The proposal meets the adequate public schools facilities test, adopted by the Board of Supervisors on June 23, 1998 due to a new middle school being in the adopted CIP.

#### FACTORS UNFAVORABLE

- 1. The proposal is inconsistent with the recommended uses for the airport designation in the James City County Comprehensive Plan adopted in 2015, "Toward 2035: Leading the Way."
- 2. Overall, the project is more fiscally negative to the County without the guarantee of age restriction.

# Staff Report for the April 5, 2017, Planning Commission Public Hearing

- 3. The Virginia Department of Aviation (DOAV) has noted several concerns about the proposed residential development adjacent to the airport, including safe ingress/egress of all traffic and potential for generation of noise complaints.
- 4. Many of the typical impacts associated with residential development are not mitigated.
- 5. The proposal does not meet guidelines for Parks & Recreation facilities for residential development.
- 6. The proposal is inconsistent with surrounding Low Density Residential James City County Comprehensive Plan designation when considered as a stand along project (8.71 dwelling units per acre). If considered within the context of the existing Williamsburg Landing Master Plan and development, the density for both projects together would be 3.78 dwelling units per acre.

#### SUMMARY STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend denial of the proposed rezoning and SUP. Should the Commission wish to recommend approval of this application to the Board of Supervisors, staff recommends that the conditions listed in Attachment No. 1 be applied. The Board of Supervisors will consider the Height Limitation Waiver portion of this application. Proposed conditions have been included for this application as Attachment No. 2 for informational purposes as the Commission does not review Height Limitation Waiver requests.

### PROJECT DESCRIPTION

- The proposal is a stand-alone rezoning and SUP request as the application does not amend the existing Williamsburg Landing Master Plan.
- If adopted, the proposed Master Plan would permit:
  - One hundred thirty-five independent living facility units:
    - Sixty-five duplex/townhome units permitted in Area I and II on the Master Plan (Type B).
    - Seventy apartments permitted in Area II on the Master Plan (Type D).
- Access to the development would be through Williamsburg Landing Drive with only service and emergency access coming from Marclay Road.
- The project proposes a buffer area between the residential units and the airport.
- On the eastern portion of the project closest to College Creek, the project proposes stormwater management and open space to preserve the Resource Protection Area (RPA) buffer.
- As specified in Note 1 on the Master Plan, R-5 open space requirements would be met within Areas I and II through the implementation of trails and a passive recreation area. There is also a non-binding commitment to share and use recreation facilities at Williamsburg Landing.

# Staff Report for the April 5, 2017, Planning Commission Public Hearing

- The applicant has indicated that construction of the project would likely not be on the Landing's immediate horizon for construction and therefore has asked for consideration of an extended time period for commencement of construction as written in the SUP condition. Should the Planning Commission and Board of Supervisors concur with the request, the extended timeline would mean a longer time period of SUP validity than what is typically recommended by staff.
- The Statement of Intent in the R-5, Multifamily Residential District states: "The Multifamily Residential District, R-5, is composed of moderate- to high-density residential areas and other such areas where similar development is likely to occur. It is the purpose of this district to provide for a harmonious and orderly relationship between multifamily residential uses and lower-density residential uses or nonresidential uses. A further purpose is to require that development within this district be adequately served by public facilities, that adequate open space and recreational areas be provided for the use of residents and for buffering of adjoining property and to implement the policies and designations of the Comprehensive Plan."
- The application demonstrates commitment to development of the independent living facility use through the use of notes on the binding Master Plan; through the proposal to access the site through Williamsburg Landing as shown on the Master Plan; and, through stated intention in the Community Impact Statement.

# ABILITY TO GUARANTEE THE DEVELOPMENT AS PROPOSED

• On June 28, 2016, the Board of Supervisors adopted Ordinance No. 31A-304, specifying that the County will only accept proffers

associated with non-residential rezonings.

- This application proposes independent living facility units. The Zoning Ordinance definition states that independent living facilities contain independent dwelling units and provide housing and supportive services such as meals, housekeeping, social activities and transportation for residents.
- The definition of independent living facilities does not limit the age of the individuals living in the units and does not specify that the support services must be through any specific agency (i.e., support services would not have to be provided through Williamsburg Landing). Further, the independent living facilities definition states "support services such as" and does not specify that all the support services listed would need to be provided or in what manner they would need to be provided.
- While the Master Plan for this proposal is binding, rezoning the property from R-8 to R-5 does increase the residential unit potential and without proffers there is no way to absolutely guarantee the unit type as shown.
- The County, therefore, is faced with assessing the development potential and associated land use impacts of this proposal. Because age restriction, in the absence of proffers, cannot be binding, the staff report describes impacts for a non-age-restricted proposal (traffic generation, fiscal impact, schools). Information on the use as an age-restricted independent living facility has been provided by the applicant and included in the staff report as well.
- Please note that many of the impacts can be mitigated through SUP conditions, which are attached to and discussed throughout this staff report (Attachment No. 1).

# Staff Report for the April 5, 2017, Planning Commission Public Hearing

• Should the Independent Living Unit Use SUP expire, these conditions would no longer apply to the property unless and until a new SUP is sought and approved. The R-5 zoning however, would remain.

#### PLANNING AND ZONING HISTORY

### Williamsburg-Jamestown Airport:

- A small portion of this project's area along the southern edge had previously been included in the Airport Master Plan.
- The airport officially opened in 1970 as a privately owned airport operated for use by the general public.
- In 1986, SUP-26-85 was approved by the Board of Supervisors, which made the airport use a legal conforming use in the R-8 Zoning District. In 1997, the Board of Supervisors approved SUP-23-97, which permitted phased development of the airport over a 20-year period. The tax maps used for that case are identified as Parcel Nos. (1-5A) and (1-6) on Tax Map No. (48-2).
- In 2004, the Board of Supervisors approved SUP-16-04 to allow airport facilities, including T-Hangars as shown on the previously approved Master Plan to be built on Tax Map Parcel No. (48-2)(1-12).
- The Master Plan shows proposed expansions throughout the property as demand dictates. The Master Plan does not show any
  - structures or proposed expansion on the land included as part of the current application.

• The rest of the project area property is shown as Waltrip's property (Attachment No. 9 Airport Master Plan and Attachment No. 1 Draft SUP Conditions).

### Williamsburg Landing:

- The land included as part of the current application is not a part of the Williamsburg Landing Master Plan. The application seeks to integrate the proposed project through complementary zoning use and access.
- 5550, 5660 and 5700 Williamsburg Landing Road comprise the Williamsburg Landing Continuing Care Retirement Community (CCRC). In 1982, a portion of the Williamsburg Landing site was rezoned from A-2, Limited Agriculture to R-5, Multifamily Residential. No proffers were part of this case, which approved nursing home facilities, facilities for residence and/or care of the aged and offices.
- In 1984 four acres were incorporated into the R-5 Zoning District.
- In 1991, a portion of the site was rezoned from R-8 to PUD-R to allow a 60-unit single-family development.
- Rezoning cases in 1993, 1995, 2001 and 2008 added property to
  the site, introduced proffers and approved single-family, nursing,
  facilities for residence and/or care of the aged, assisted living units
  and independent living units in the overall development with caps
  being established and amended.
- Case No. Z-02-08/SUP-18-08 allowed a total of 100 nursing units, 100 assisted living units and 87 independent living facility units on the property.

# Staff Report for the April 5, 2017, Planning Commission Public Hearing

- The applicant received SUP extensions for the commencement of construction in 2011 under SUP-05-11 and again in 2014 under SUP-10-14.
- In 2015 Case No. SUP-06-15/Z-4-15 (Proffer and SUP Amendment) was requested to allow for an increase in assisted living units from 100 to 131 and a decrease in nursing units from 100 to 73. The request resulted in a net increase of four units over the total number of units currently permitted on-site. The application also allowed the modification of the design of previously approved facilities by combining three previously approved facilities into two buildings.

Unit Typ	Unit Type for All Current and Proposed Williamsburg Landing Properties						
Unit Type	5550 Williamsburg Landing Dr	5560 Williamsburg Landing Dr	5700 Williamsburg Landing Dr	20 Marclay Dr (Proposed)	Total		
Independent Living	28	87	213	135	463		
Assisted Living	0	131	0	0	131		
Nursing	0	73	0	0	73		
Total	28	291	213	135	667		
Acreage	15.79	50.01	72.7	15.5	154		
Gross Density	1.77	1.74 *without assisted living or nursing units	2.93	8.71	3.78		

• If considered within the context of the existing Williamsburg Landing Master Plan and development, the density for both projects together would be 3.78 dwelling units per acre. However, as a standalone project, this development has a density of 8.71 dwelling units per acre.

### SURROUNDING ZONING AND DEVELOPMENT

- North: Williamsburg Landing
- South: Williamsburg-Jamestown Airport, R-8/Airport Approach Overlay District
- West: Marclay Road, Williamsburg Landing and the airport
- East: College Creek and Kingspoint

### **PUBLIC IMPACTS**

Anticipated Impact on Public Facilities and Services:

Streets

• A traffic impact study was not required for this development since the PM peak trip generation fell below the 100 trip trigger in the Ordinance. The table on the next page shows the projected P.M. peak trip generation for 135 dwelling units. Per the Institute of Transportation Engineers (ITE), a Senior Adult Housing Attached Use would be projected to have a lower trip generation than nonage-restricted housing. The project would take access through Williamsburg Landing Drive. The main access road, Williamsburg Landing Drive, intersects with Lake Powell Road. This intersection currently includes a southbound left-turn lane. The Virginia Department of Transportation (VDOT) has requested a Right-Turn Lane Warrant Analysis for the northbound movement on Lake Powell Road at the Plan of Development stage (Condition No. 13).

# Staff Report for the April 5, 2017, Planning Commission Public Hearing

• If the development proceeds as an age-restricted community:

Use (ITE Code)	Peak P.M. Trip Generation (trips)
Senior Adult Housing, Attached (252)	47.25

• If the development proceeds as a non-age-restricted community:

Use (ITE Code)	Peak P.M. Trip Generation (trips)
70 Apartments (220) + 65 Townhomes (230)	80.33

- The James City County, Williamsburg, York County Comprehensive Transportation Study prepared in 2012 projected a Level of Service F for the Route 199 segment between the Williamsburg city line and Henry Street/Colonial Parkway.
- A VDOT project for a right-turn lane from Brookwood to 199 is underway and construction should commence in the summer of 2017.

### Schools/Fire/Utilities:

#### Schools

 As discussed previously in this staff report, proffers are not accepted for residential rezoning applications. In previously approved CCRC/Independent Living Communities, proffers have been able to provide assurance that no permanent resident of the development would be under a certain age. With no way to guarantee the mitigation of that impact, an analysis of school-age children is provided.

• The table below lists two calculations from the Fiscal Impact Analysis, one is the total residential fiscal impact with school children and one without. Both supporting materials are included as Attachment Nos. 6 and 7.

Total Residential	Total Residential	Total Residential			
Expenses	Revenues	Fiscal Impact			
School Impacts Included					
\$731,607.27	\$380,813.75	(\$350,793.52)			
School Impacts Not Included					
\$391,498.85	\$380,813.75	(\$10,685.10)			

- The Financial and Management Services staff has reviewed and concurs with the calculations.
- The fiscal impact information shows the project to be more fiscally negative for the County when school impacts are included.

Student Enrollment and School Capacity, WJCC Schools 2016

School	Effective Capacity	Enrollment	Projected Students Generated	Enrollment + Projected Students
Rawls Byrd Elementary	550	487	± 14	501
Berkeley Middle	829	860	± 8	868
Lafayette High	1,314	1,152	± 11	1,163

Source: WJCC Public School Official Student Enrollment Report, November 2016

# Staff Report for the April 5, 2017, Planning Commission Public Hearing

- With 135 proposed residential units (65 duplexes and 70 apartments), the 33 students projected from the new development would not cause the enrollment levels for Rawls Byrd Elementary School or Lafayette High School to exceed effective capacity. However, Berkeley Middle School is already over capacity and this development, if it is occupied with school-age children, would contribute to higher enrollment levels.
- However, if improvements have been programmed through the County Capital Improvements Project (CIP) then the application will meet the adequate public facilities policy. Staff notes that a new middle school is in the Capital Improvements Program for the next five years.

#### Fire

• The closest fire station in James City County to the property is Fire Station 3, located at 5077 John Tyler Highway, just over 2.2 miles northwest of this project site. According to James City County Fire Department, response time to the site is well within the six minute response time average.

### Utilities

- Project receives public water and sewer.
- SUP conditions include development of water conservation standards.
- James City County Service Authority (JCSA) has reviewed the Master Plan and SUP Conditions and concurs with the proposal with the condition that the pumping capacity available is limited and upgrades shall be performed to the system to meet JCSA

approval when triggered.

### Environmental/Cultural/Historic:

#### Environmental

- Watershed: College Creek.
- The application identifies and avoids RPAs.
- The applicant submitted studies analyzing the natural resources in the project area and possible impacts to bald eagles, long-eared bats, small whorled pogonia, etc. No impacts were found for this portion of the property.
- The Engineering and Resource Protection Division (ERP) has reviewed the proposal and concurs with the conditions as proposed. These conditions include provision for a Nutrient Management Plan to be developed and submitted for approval by the Director of ERP.

#### Cultural/Historic

 A Phase I Archaeological Study has been included as an SUP Condition and will be reviewed before preliminary approval of a site plan is granted.

# Nearby and Surrounding Properties:

#### Noise

With a new development proposed to be constructed so close to an airport, there are potential issues of noise complaints by the residents. Currently, the closest buildings in Williamsburg

# Staff Report for the April 5, 2017, Planning Commission Public Hearing

Landing are approximately 1,500 feet from the runway. Buildings in this proposal could be approximately 950 feet from the runway. The closer buildings are to the airport, the greater the potential for noise.

- Williamsburg Landing has stated that there are options for residents to move within the community if they have issues with noise.
- Building Safety and Permits made a comment in its review that the construction may need to comply with Airport Noise Attenuation Requirements (R327.2).
- The DOAV recommended an SUP Condition regarding the notification of new residents of the potential for noise due to the proximity to the airport.

### Height

• Please see Height Limitation Waiver application discussion in Attachment No. 12.

# Visual Impact

- The portion of the property closest to College Creek contains RPAs and steep slopes that make the area generally undevelopable.
- The impacts on the viewshed from Kingspoint to Williamsburg Landing are unknown at this time. The Kingspoint recreation property is approximately 700 feet from the Williamsburg Landing property line and about 1,000 feet to the closest project

area outside the RPA (approximate location of Best Management Practice).

 The closest Williamsburg Landing building to the project area is the Landing Building, which is approximately 190 feet to the property line and approximately 240 feet to the closest project area outside the 50-foot perimeter buffer.

#### Parks & Recreation

 As noted above in the Project Description section, this project would meet R-5 requirements. However, R-5 requirements do not encompass all aspects of the Parks & Recreation Master Plan Guidelines expected of all new residential requests, which include a certain length of trail, courts/pools and field.

### **COMPREHENSIVE PLAN**

Surrounding Comprehensive Plan designations include:

- Low Density Residential (LDR) to the north and east.
- Airport to the south and west.

# Airport (20 Marlcay Road)

 The portion of 20 Marclay Road is designated as airport on the 2035 Comprehensive Plan Land Use Map and is currently located inside the Primary Service Area (PSA). The principal suggested uses for the developable land associated with the Airport include aviation with airport-related commercial and office development as clearly secondary uses.

# Staff Report for the April 5, 2017, Planning Commission Public Hearing

- The airport was supported during the most recent Comprehensive Plan update process with recognition of its role as a supporting transportation element for tourism and local businesses and potential to have some associated commercial secondary uses.
- DOAV provided comments to staff and they have concerns and proposed SUP Conditions, which are attached. The SUP Conditions/Height Waiver conditions can be found in Attachment Nos. 1 and 2.
- The residential component of this proposal does not meet the above language from the Comprehensive Plan, as residential uses are not an acceptable use in Airport Designated Land. Staff finds that the proposed use is not consistent with the Comprehensive Plan designation of airport.

### Low Density Residential (Williamsburg Landing)

- This project is adjacent to Williamsburg Landing, which is designated as LDR on the 2035 Comprehensive Plan Land Use Map and is located inside the PSA. Single-family homes, multifamily units and retirement and care facilities/communities are all recommended uses in LDR areas, provided that development:
  - o Complements the residential character of the surrounding area;
  - Has traffic, noise and lighting impacts similar to surrounding uses;
  - Is generally located on collector or arterial roads at intersections; and

- o Provides adequate screening and buffering to protect the character of nearby residential areas.
- Additionally, the Comprehensive Plan recommends a gross density of one to four units per acre in LDR areas. This application proposes a density of 8.71 dwelling units per acre. When considering the entire development of Williamsburg Landing the density overall would be 3.78 dwelling units per acre. To achieve a higher gross density, certain public benefits must be provided. Some examples of those public benefits include:
  - Mixed-cost housing, affordable and workforce housing, enhanced environmental protection or development that adheres to the principles of open space design.
  - Because proffers are not accepted for residential rezonings there is a limited ability for this application to provide enhanced public benefits in consideration of the additional density, as requested.

# Public Service, Utilities and Adequacy of Infrastructure:

- The Low Density Residential Development Standards 5 (a)(b) state the need for public services and facilities to be mitigated by proposed development.
- Because proffers are not accepted for residential rezonings, means to mitigate impacts to infrastructure and provide project assurances, such as project phasing, uses, density, intensity, dedication of land, facility construction etc. are limited.

# Population Needs/Housing Section:

• The 2035 Comprehensive Plan discusses the need for adequate housing opportunities for the growing senior population,

# Staff Report for the April 5, 2017, Planning Commission Public Hearing

particularly affordable opportunities and the different ways those needs can be met

- Strategy H4 states, "Provide adequate housing opportunities for special needs populations, including persons with all forms of disabilities and senior citizens."
- Action PN 3.4 in the Population Needs section of the Comprehensive Plan states, "Promote affordable senior housing options, from independent living to Continuing Care Retirement Communities (CCRCs) and skilled care for all."
- Affordable senior housing options are of particular need in the County and, as noted previously, because proffers are not accepted for residential rezonings, this important component of the Comprehensive Plan cannot be assured.

### **Economic Development/Transportation:**

# Economic Development

• In the Economic Development section of the Plan, ED 7.5 states "Support continued local access to general aviation facilities."

# Transportation

- The transportation section of the Comprehensive Plan states that having a viable multimodal transportation network is fundamental to maintaining a strong economy and a high quality of life for the community.
- The Williamsburg-Jamestown Airport is a small general aviation facility, which is a base for a flight school and small private

- planes. There are no scheduled commercial passenger service at the airport and the population served is confined to tourists and business clientele who travel by private plane.
- Through a Board of Supervisors Resolution of Approval in 2011, County staff, in coordination with the property owner, submitted a grant application to the Commonwealth Transportation Board to upgrade Marclay Road to VDOT standards. The improvements have been completed and VDOT is finalizing acceptance into the state system.

### STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend denial of the proposed rezoning and SUP. Should the Commission wish to recommend approval of this application to the Board of Supervisors, staff recommends that the conditions listed in Attachment No. 1 be applied. The Board of Supervisors will consider the Height Limitation Waiver portion of this application. Proposed conditions have been included for this application as Attachment No. 2 for informational purposes as the Commission does not review Height Limitation Waiver requests.

# Staff Report for the April 5, 2017, Planning Commission Public Hearing

### AB/gt

RZ01-17WilliamsburgLanding

### Attachments:

- 1. Draft SUP Conditions
- 2. Draft Height Waiver Conditions
- 3. Location Map
- 4. Master Plan
- 5. Community Impact Statement
- 6. Fiscal Impact Study including School Impacts
- 7. Fiscal Impact Study Not Including School Impacts
- 8. Airport Master Plan
- 9. Williamsburg Landing Master Plan
- 10. Proposed Design Guidelines
- 11. Height Waiver Application Discussion
- 12. DOAV Comment Letter

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.

### **Draft SUP Conditions**

- 1. Master Plan. This SUP shall be valid for the proposed development (the "Project"), on a portion of property located at 20 Marclay Road and further identified as a portion of James City County Real Estate Tax Map Parcel No. 4820100012 (the "Property"). Development of the Property shall be generally in accordance with the plan entitled "Master Plan for Williamsburg Landing Marclay Road Property" made by Gurnsey Tingle and dated February 27, 2017 (the "Master Plan"), with any deviations considered pursuant to Section 24-23(a)(2) of the James City County Code, as amended (the "County Code"). Prior to or concurrent with submission of development plans, a conceptual plan shall be turned in for each area or combination of areas shown on the Master Plan within the Property ("Area"), the Owners shall receive approval from the Director of Planning of more detailed plan(s) for each Area which more detailed plans shall describe the dwelling unit land types and layout road locations, recreation areas and improvements, trails, or pedestrian paths, common and natural open space, buffers and proposed clearing limits for each Area.
- 2. Evidence of a determination of NO hazard from the Federal Aviation Administration (FAA) shall be submitted to the Director of Planning prior to any final site plan approval for any structure on the Property.
- 3. No structure or vegetation growth shall penetrate any surface regulated by 14 CFR Part 77, as amended, or violate any other Federal Aviation Regulation. Documentation verifying compliance with this condition shall be submitted to the Director of Planning prior to any final site plan approval for any structure on the Property. Owner shall be responsible for monitoring and maintaining all vegetation on the Property in compliance with this standard.
- 4. Owner shall be responsible for developing a disclosure statement for all future residents on the Property. Such disclosure shall state that residents acknowledge the presence of the airport and associated noise levels. Owner shall submit a copy of the disclosure to the Director of Planning for review and approval prior to final site plan approval for any structure on the Property. Thereafter, all potential residents of the residential structures shall be formally notified by the developer and/or seller of the Project's proximity to the Airport Approach (AA) Overlay District and signed disclosure forms for each resident shall be kept on file by the Owner.
- 5. **Architectural Elevations/Design.** The Property shall be developed substantially in accordance with the Williamsburg Landing Marclay Road Property Architectural Guidelines" dated February 27, 2017 (the "Architectural Guidelines"). The colors, design, building materials, and architecture ("Elevations") for any structure constructed on the Property shall be consistent, as determined by the Director of Planning, with the Architectural Guidelines and with the building materials, scale, and colors of the existing Williamsburg Landing development. If the Director of Planning finds the Elevations inconsistent the applicant may appeal the decision of the Director of Planning to the

Development Review Committee which shall forward a recommendation to the Planning Commission.

- 6. Archeological. A Phase I Archaeological Study for the Property shall be submitted to the Director of Planning for his review and approval prior to site plan preliminary approval. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as being eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to preliminary approval 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 site and the clearing, grading or construction activities thereon.
- 7. **Signage.** With the exception of one (1) 24 square foot sign at the service entrance location and one (1) 24 square foot sign at the location of the emergency vehicle entrance, no signage for the Project shall be permitted along the Property's frontage on Marclay Road.
- 8. **Ingress and Egress.** No public entrances to the Property shall be permitted along Marclay Road, other than one service and one emergency vehicle entrance.
- 9. Water Conservation Standards. Owner shall be responsible for developing and enforcing water conservation standards applicable to the Property, which standards shall be submitted to and approved by the James City Service Authority (the "JCSA") in accordance with the Water Conservation Guidelines adopted by the Board on November 27, 2007. The standards shall address but not be limited to, such water conservation measures as limitations on the use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought resistant native and other low water use landscaping materials and warm season turf where appropriate, and the use of water conserving fixtures and appliances all to promote water conservation and to eliminate the use of public water resources. The standards shall be submitted to and reviewed by the JCSA General Manager for general consistency with this condition and shall be approved by the JCSA prior to final development plan approval.

- 10. **Streetscapes.** Streetscape improvements shall be installed along all streets in accordance with the Streetscape Guidelines Policy. The streetscape improvements shall be shown on the plan of development and approved by the Director of Planning or his designee prior to final site plan approval.
- 11. Landscaping. A landscaping plan shall be approved by the Director of Planning or his designee prior to final site plan approval and with such approved landscaping installed or guaranteed with a surety to the County in an amount acceptable to the Director of Planning prior to the issuance of a Certificate of Occupancy. The buffer along the portions of the Property adjacent to the airport in Area III on the Master Plan and within the 50 foot buffer in Area I shall be landscaped to the provisions of Section 24-96 of the County Code for General Landscape Areas.
- 12. **Nutrient Management Plan.** A nutrient management plan (the "NMP") shall be prepared by a certified nutrient management planner for all of the area within the defined limits of work (disturbance) for the Project. The purpose of the NMP is to provide for long-term establishment and maintenance of turf grass, pasture, rangeland, or other similar type vegetative cover which preserve the long-term soil health. The NMP shall be submitted for review and approval by the County's Director of Engineering and Resource Protection prior to approval of a final site plan for the Project.
- 13. **Traffic**. A right turn lane warrant analysis for the Lake Powell Road and Williamsburg Landing Drive intersection shall be submitted to and approved by the Director of Planning and the Virginia Department of Transportation prior to final site plan approval. Should the approved analysis demonstrate that improvements are warranted, such improvements shall be installed or guaranteed with a surety to the County in an amount acceptable to the Virginia Department of Transportation and the Director of Planning prior to the issuance of any Certificate of Occupancy.
- 14. **Commencement of Construction.** If construction has not commenced on the Project within thirty-six (36) months from the issuance of this SUP, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
- 15. **Severability**. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

#### **Draft Height Limitation Waiver Conditions**

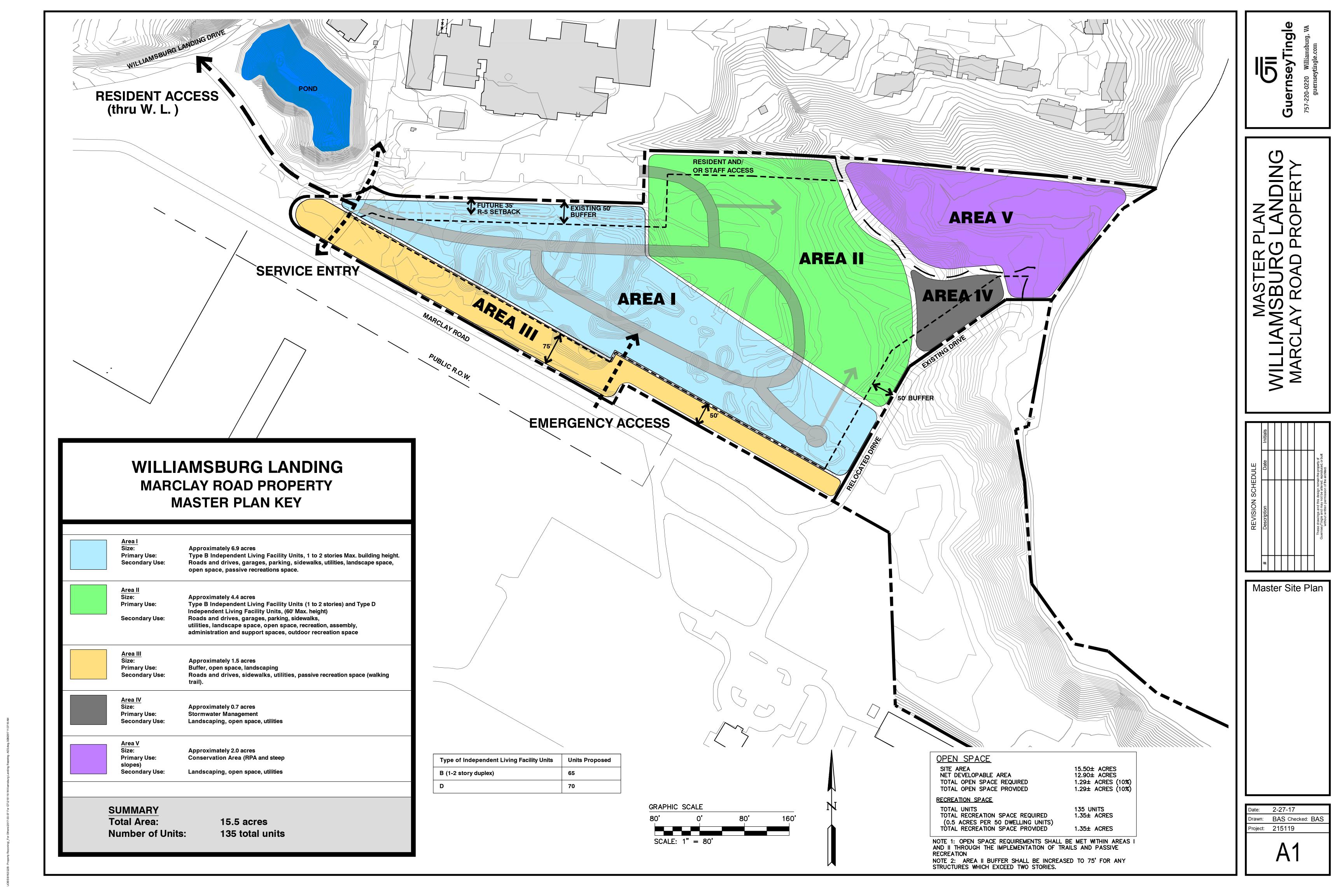
- 1. Height Limitations: This Height Limitation Waiver (the "Waiver) shall be valid for a twenty-five foot waiver to the height limitation requirements set forth in the James City County Code to allow for the erection of buildings (the "Buildings") up to 60 feet above finished grade on property zoned R-5, Multifamily Residential, further identified as James City County Real Estate Tax Map Parcel No. 4820100012, as generally shown on the plan prepared by Guernsey Tingle, dated XXX XX, XXXX and entitled "Master Plan for Williamsburg Landing Marclay Road Property" ("the Master Plan"). For the purposes of the Waiver, the maximum "finished grade" for the Buildings shall be \_\_\_\_\_\_ feet above the mean sea level. The height of the Buildings shall be calculated in accordance with the Zoning Ordinance definition for "Building, height of" in effect as of the adoption date of the Waiver.
- 2. As Built Survey: An as-built survey will be required to be submitted to and approved by the Director of Planning for any building exceeding the permitted building height in the zoning district. The intent of this condition is to ensure compliance with the Height Waiver but also with any permits or conditions set forth by the Federal Aviation Administration (FAA) and or the State Department of Aviation (DOAV).
- **3.** This height waiver shall only apply to Area II on the Master Plan.
- **4. Severability**: This Waiver is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

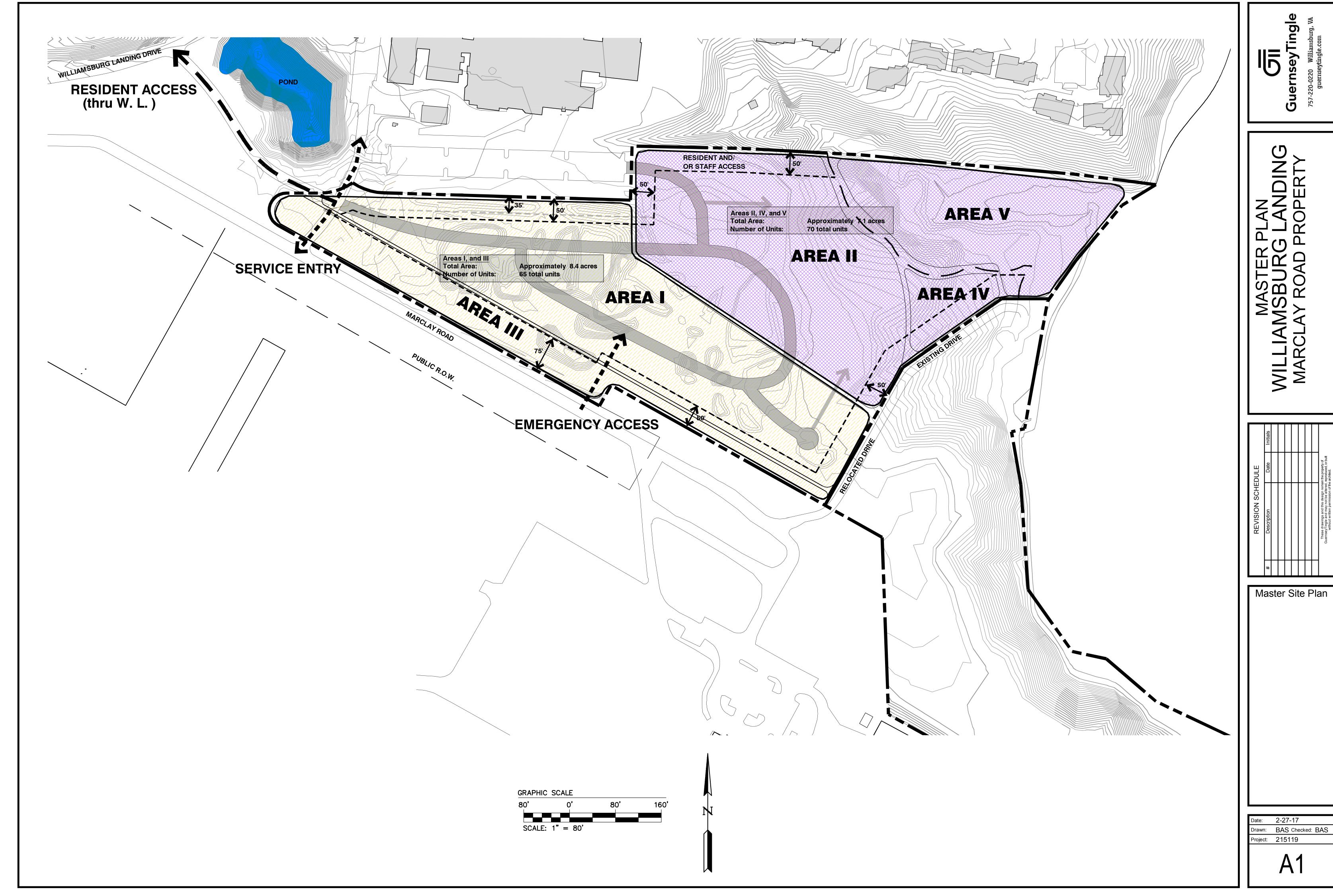
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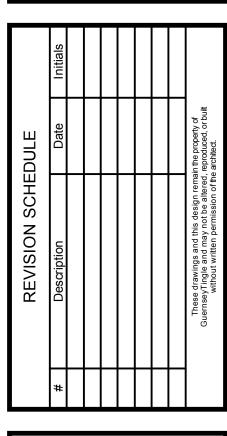
licensed by the Commonwealth is strictly prohibited.

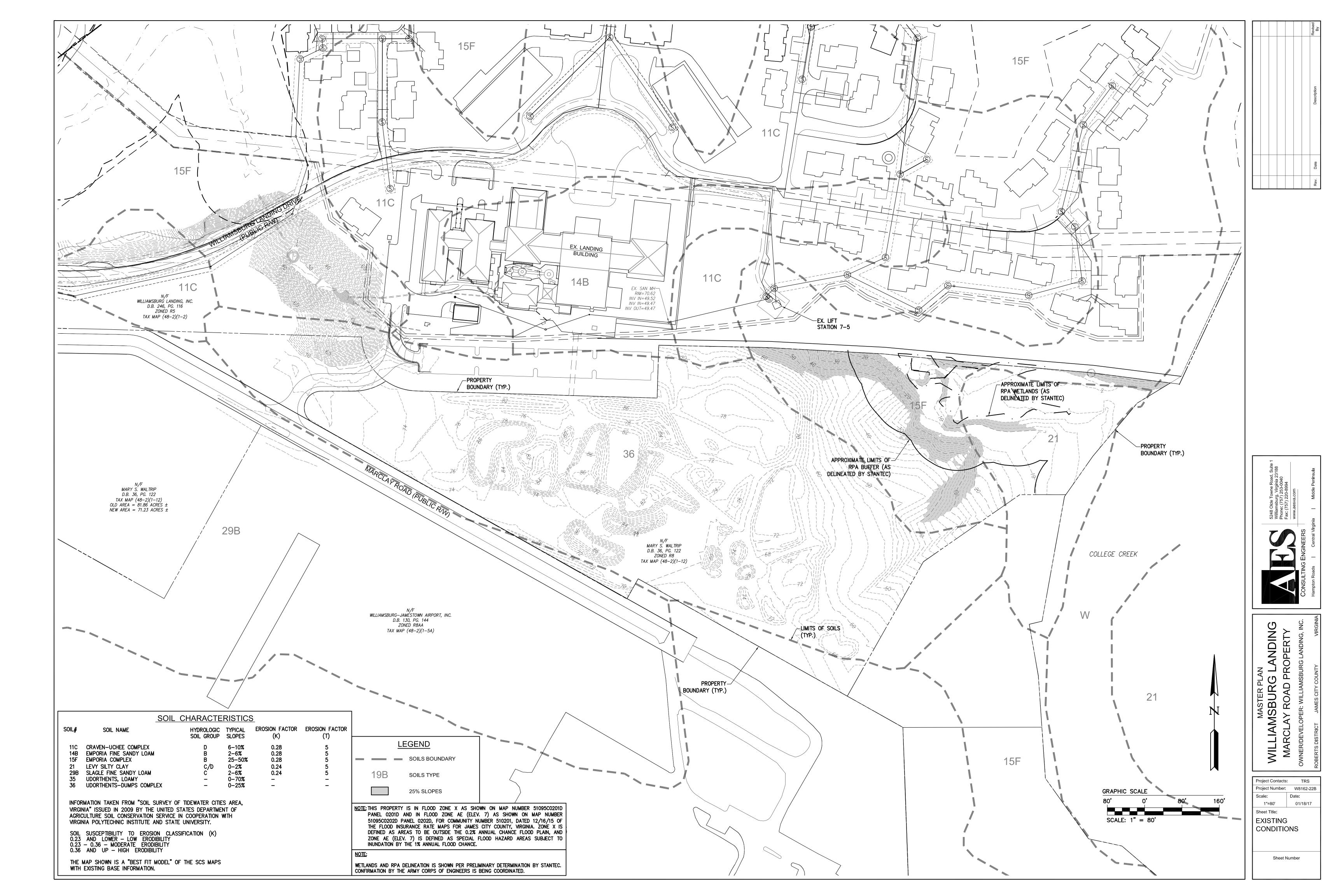


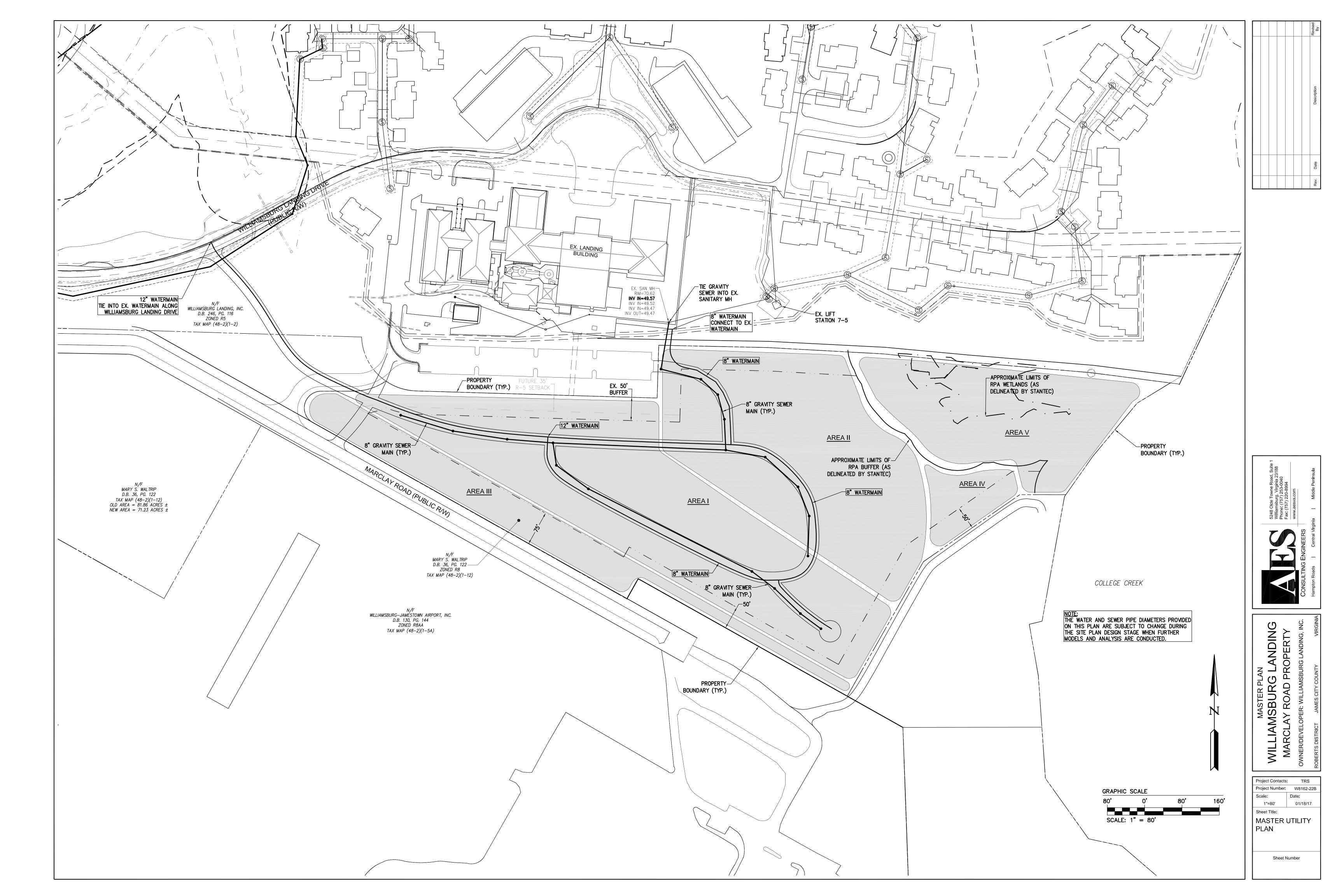


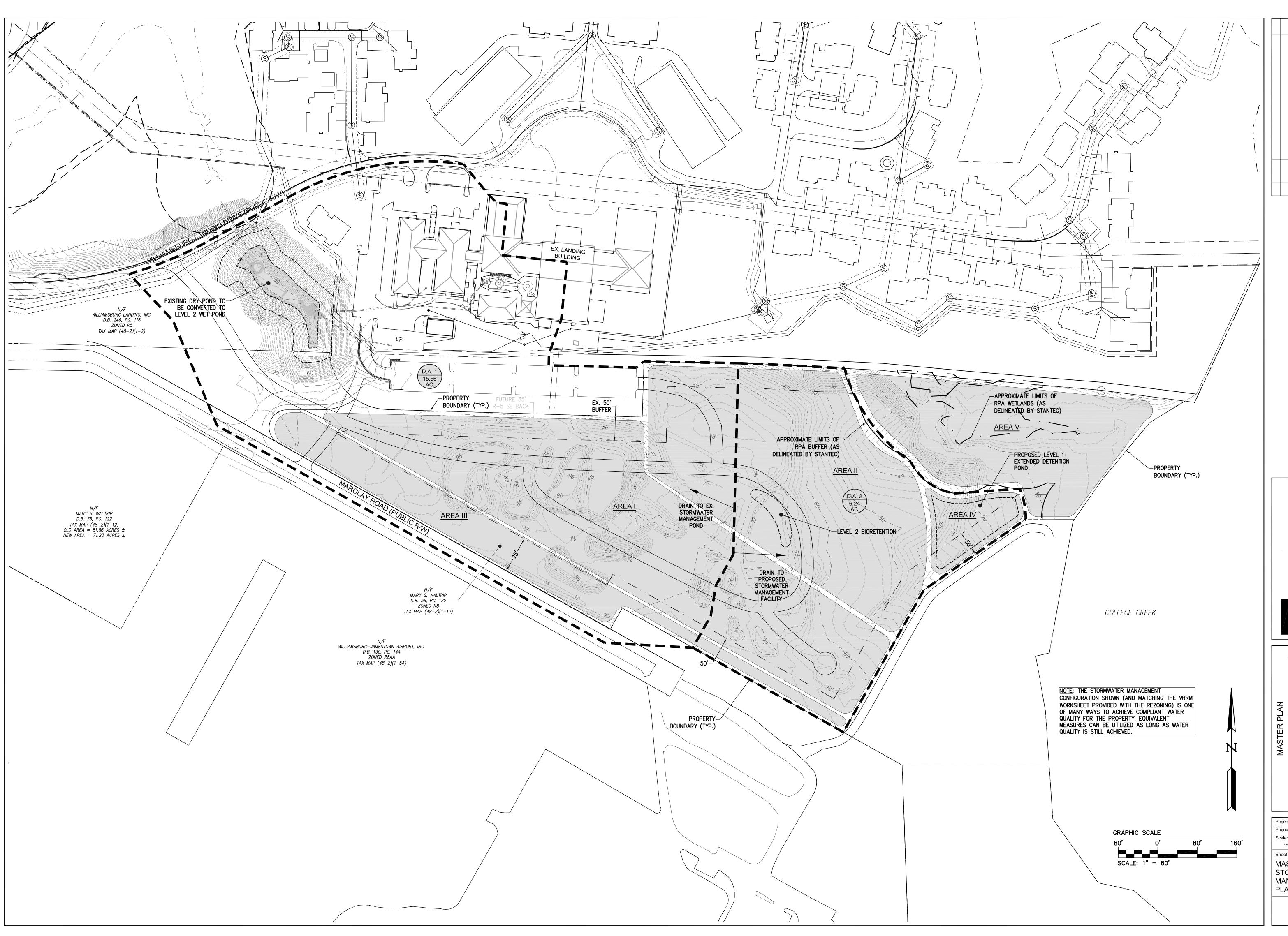


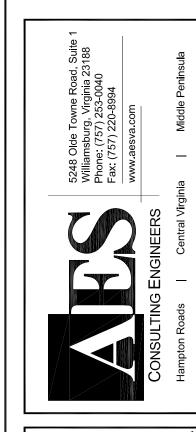












MASTER PLAN
WILLIAMSBURG LANDING
MARCLAY ROAD PROPERTY
OWNER/DEVELOPER: WILLIAMSBURG LANDING, INC

Project Contacts: TRS
Project Number: W8162-22B
Scale: Date:
1"=80' 01/18/17
Sheet Title:
MASTER
STORMWATER
MANAGEMENT
PLAN
Sheet Number

# Community Impact Statement

For

# Williamsburg Landing Marclay Road Property

Expansion of an Existing Continuing Care Retirement Community

Prepared For

Williamsburg Landing, Inc. 5700 Williamsburg Landing Drive Williamsburg, Virginia 23185 757-565-6500

> Original: January 18, 2017 Revised: March 8, 2017

AES Project Number W08162-22B

Prepared by:



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

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# I. INTRODUCTION

Williamsburg Landing, Inc. proposes to amend the Zoning Map of James City County, Virginia to create a Multifamily Residential District (R-5) on approximately 15.5± acres presently zoned Rural Residential District (R-8). The proposed R-5 would consist of a combination of senior living duplex and apartment units (with supportive services) which will tie into the existing Williamsburg Landing community and utilize existing Williamsburg Landing Drive as the primary access. Marclay Road will still be used as a service entry to the existing Landing Building only.

The property is located in the Roberts District adjacent to the existing airport and bordering Williamsburg Landing to the south. A vicinity map is included on page 6. The purpose of this Community Impact Statement is to summarize and organize the planning efforts of the project team into a cohesive package for Staff review, addressing the pertinent planning issues, the requirements of the Multifamily zoning district, cultural, fiscal, and physical impacts of the proposed development to the County.

# Williamsburg Landing Bio

Williamsburg Landing, Inc. is a not-for-profit Continuing Care Retirement Community (CCRC) located at 5700 Williamsburg Landing Drive, Williamsburg, James City County, Virginia. Williamsburg Landing, Inc. has been serving Williamsburg and the surrounding areas since 1985. The 137.92-acre property was developed in phases between 1985 and 2014. The property currently contains a unit mix of 312 independent living, 46 assisted living, 15 memory care, and 48 (58 beds) nursing care within a total gross building area of 731,833 square feet. Growth of the property continued in 2016 when construction of a new 24-unit memory care building with an adult daycare center and 37 new assisted living units began. Construction is anticipated to be completed in 2018. The total expansion will consist of 96,795 square feet of gross building area (GBA), for a total GBA of 828,628 square feet when complete. As the property currently stands, there are 312 independent, 83 assisted, 24 memory care, and 63 nursing care (73 Beds), for a total of 482 units (492 revenue units). If this proposed rezoning receives approval by the Board of Supervisors, a maximum of 135 additional independent living facility units will become a part of the Williamsburg Landing community.

# THE PROJECT TEAM

The organizations that participated in the preparation of the information provided with this rezoning submission are as follows:

Developer
 Civil Engineering
 Environmental
 Environmental
 Land Planning
 Architect
 Attorney
 Williamsburg Landing, Inc.
 AES Consulting Engineers
 Civil Engineers
 Stantec (Wetlands and RPA)
 ECS (Environmental Site Assessment)
 AES Consulting Engineers
 Guernsey Tingle Architects
 Kaufman & Canoles

Attorney
 Fiscal
 Kaufman & Canoles
 Ted Figura Consulting

Key components of this Community Impact Assessment are:

- Existing Conditions
- Project Description
- Planning Considerations
- Analysis of Impacts to Public Facilities and Services
- Analysis of Environmental Impacts
- Analysis of Storm Water Management
- Traffic Impact Analysis
- Fiscal Impact Study
- Conclusions

# III. EXISTING CONDITIONS

Site Location - See Figure 1, Vicinity Map, page 6

The Existing Conditions Map (included in the Appendix) details the location of buffers, wetlands, soils and slopes. A pre-development site analysis revealed the following results:

RPA Wetland areas:

Non-RPA Wetland areas:
Areas of 25% or greater slopes:

Total Non-Developable Area:
Net Developable Area:

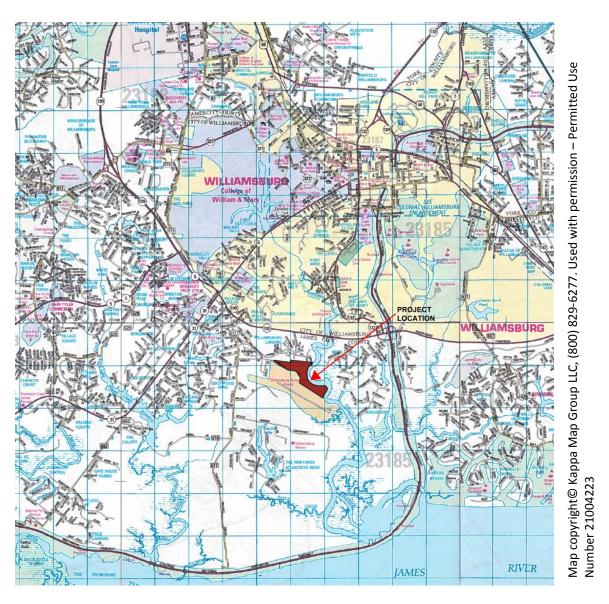
1.2 acres
1.4 acres
2.6 acres
12.9 acres

# IV. PROJECT DESCRIPTION

Williamsburg Landing, Inc. proposes to establish a Multifamily Residential District on the 15.5± acres property to expand on the existing Williamsburg Landing community. The proposed property will consist of a maximum of 135 units (duplex and apartment units). The concept, as depicted on the Master Plan (included in the Appendix), shows the proposed layout of the site with the taller apartment units being set further from the existing airport. The roads and drive aisles serving the community will be private and the primary access will be through existing Williamsburg Landing Drive (Marclay Road will still be used as a service entry for the existing Landing Building). The design intent of the structures is to promote architecture that matches the existing look of Williamsburg Landing while providing interest through a lively landscaped streetscape and generous open space. Williamsburg Landing, Inc. estimates a breakdown of 65 duplex units and 70 apartment units which results in the maximum unit total noted above.

The unit totals are based on the R-5 density calculation provided in Section 24-307 of the James City County Zoning Ordinance. Areas I and III (per the attached Unit Calculation map) total approximately 8.4 acres and based on the unit type, we are proposing 65 units, 2 units less than the maximum of 67 units allowed in the R-5 zoning district (8.4 acres x 8 units/acre max). Areas II, IV and V (also per the attached Unit Calculation map) total approximately 7.1 acres and based on the unit type, we are proposing 70 units, 1 unit less than the maximum of 71 units allowed in the R-5 zoning district (7.1 acres x 10 units/acre max). This would bring the total amount of units to 135 units, 3 units less than the maximum allowed in the R-5 zoning district.

Figure 1



APPROXIMATE SCALE 1"=2000'

# **VICINITY MAP**

for

# Williamsburg Landing Marclay Road Property

Expansion of an Existing Continuing Care
Retirement Community within Williamsburg, Virginia

# V. PLANNING CONSIDERATIONS

# A. Land Use

The entire 15.5± acre parcel is currently zoned as R-8, Rural Residential District. The Comprehensive Plan designates this parcel as Airport. The site is currently bounded by the existing airport and Williamsburg Landing. Initial discussions with James City County Planning Staff have indicated that the proposed expansion of Williamsburg Landing would be an appropriate fit for the existing property.

# B. Environmental

Watershed protection surrounding College Creek played an important role when making recent decisions regarding this property. The proposed development was laid out to provide as much undisturbed open space as possible and limit disturbance to the existing RPA buffer while avoiding impacts to the existing wetlands.

# C. Historic & Archeological

Based on the JCC publication titled "Preserving Our Hidden Heritage: An Archaeological Assessment of James City County, Virginia", this property does not exist in a "highly sensitive" area nor do any referenced archaeological sites exist on or near the property. Although not required for this site based on the above information, a Phase I archaeological investigation will be conducted for the subject property prior to site plan approval.

# D. Zoning Strategy

Since Continuing Care Retirement Communities (CCRC) are not an allowed use within the R-8 District, a rezoning is being sought to create a Multifamily Residential designation for the property. Along with the rezoning, a Special Use Permit (SUP) is also required per the R-5 designation. The Multifamily Residential District is an appropriate vehicle for this proposal as it falls directly in line with the existing Williamsburg Landing community, which is also zoned R-5. Further, this district provides opportunities for development which reduces land consumption, reduces the amount of land devoted to streets and other impervious surfaces by requiring increased amounts of open space, buffers and recreational amenities. The district also encourages creativity and innovation in design, all of which could serve to enhance the quality of life and to reduce the tax burden on the citizens of the county. The planned development provides both design and use flexibility. The conclusions that follow in this report will summarize how this proposal meets the criteria and purpose of the Multifamily Residential district.

#### E. Parks and Recreation

Williamsburg Landing, Inc. proposes to provide recreational amenities (1.35 acres of recreation space) designed to meet the needs of seniors and satisfy ordinance standards for senior housing. Walking trails, open space and recreation space requirements will be met with the proposed development as laid out in Section 24-310 of the James City County Zoning Ordinance.

Additionally, substantial amenities are provided within the existing Williamsburg Landing development.

# VI. ANALYSIS OF IMPACTS TO PUBLIC FACILITIES AND SERVICES

#### A. Public Water Facilities

Public water shall be provided by the JCSA system. The water service shall be extended to the site from the existing 12 inch water main located along Williamsburg Landing Drive by providing a loop around the proposed development. The Utility Master Plan is included in the Appendix and shows the proposed waterline layout to serve the development.

A fire hydrant flow test was conducted by JCSA on March 6, 2017 and the results of the test indicate approximately 4,622 gpm of flow at 20 psi. These results will be placed into a water model which will be completed and submitted prior to or with the final site plan. The model will examine volume and pressures throughout the immediate water system area, however based on the flows obtained during the test there should be adequate availability for the 135 proposed units.

#### B. Public Sewer Facilities

Sanitary sewer service is provided to the site by a proposed on-site gravity sewer collection system which will convey wastewater flows to an existing JCSA gravity sewer system within Williamsburg Landing which discharges to a JCSA sewage pumping station (LS 7-5) also within Williamsburg Landing. Our site is proposed to generate up to 135 residential units comprised of a combination of duplex units and apartments to accommodate seniors. Previous correspondence with JCSA confirms that the existing station has a pumping capacity of 220 GPM. This pumping capacity allows for approximately 89 new units before upgrades to the system are required. If our proposed design exceeds the available capacity, upgrades shall be performed to the system to meet approval from JCSA.

All system components shall be designed to JCSA standards for acceptance into the JCSA gravity system. Please refer to the Utility Master Plan (included in the Appendix) for the preliminary layout of the on-site sanitary sewer system. Please find "Table 1" which shows the anticipated sewage flows for the project.

Table 1 - Projected Wastewater Flows

Type of Development	No. of Units	Flow (GPD/Unit)	Average Daily Flow	Duration (hrs)	Avg. Flow (GPM)	Peak Flow (GPM)
			(GPD)			
RESIDENTIAL	RESIDENTIAL					
Duplex and						
Apartment Units	135	225	30,375	24	21.1	52.7
TOTAL			30,375		21.1	52.7

# C. Fire Protection and Emergency Services

There are currently five (5) fire stations providing fire protection and Emergency Medical Services (EMS) services to James City. The proposed site is well centered on all five stations and all are within a 15 minute drive to the project site. The closest fire station to the subject site within James City County is Fire Station 3, located at 5077 John Tyler Highway, just over 2.2 miles northwest of this project site. Response time to the site is within appropriate limits if an emergency event occurs which requires additional fire and life safety support. The proximity of the site to all five fire stations affords the future residents of the project more than adequate response to potential emergencies.

# D. 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. Either dumpsters or loading areas adjacent to the buildings will be provided where trash and recycle material can be deposited into the appropriate vehicle for transport of both materials to a solid waste transfer station.

# E. 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.

#### F. Schools

Because the proposed land use is CCRC, there will be no school age children residing within the development and subsequently there will be no direct impacts on the local school system.

# VII. ANALYSIS OF ENVIRONMENTAL IMPACTS

# A. Preliminary Wetland Determination

In the summer of 2016, Stantec performed a wetland determination for the subject property. The located wetlands and associated RPA buffer are shown within the Master Plan (included in the Appendix) and will be confirmed by the Army Corps of Engineers during the site plan stage.

# B. Resource Protection Areas & Conserved Open Space

During the 2016 determination by Stantec, a study of the existing streams was conducted to determine the limits of perennial flow. It was found that the property contains Resource Protection Areas (RPA) and associated buffers. The current RPA buffer is shown on the Master Plan and the only anticipated impact to the RPA buffer is for the outfall of a stormwater management facility which can be approved administratively per County Staff.

# C. Plant Species

A study was conducted by Stantec to determine if any protected species existed on site. This study found that the site area consisted of a poor habitat for Small Whorled Pogonia (SWP) due to the presence of several negative habitat factors. The study (dated January 6, 2017) is provided as an attachment in the Appendix and also details other rare species in addition to the SWP.

#### D. Soils

The USDA Web Soil Survey shows several soil types within the property boundary. This property is predominantly situated on Udorthents soil with a portion of Emporia Complex soil located closer to College Creek and the RPA buffer. Soils mapping can be seen on the Existing Conditions Map (included in the Appendix).

#### VIII. ANALYSIS OF STORMWATER MANAGEMENT

# A. Water Quality

The Virginia Runoff Reduction Method as set forth by the Virginia Department of Environmental Quality (DEQ) governs the water quality requirements for both new and re-development projects. As this proposed project would be constructed on currently wooded area, this classifies the site as a "New Development" project. Following the procedures for a new development, the required pollutant load reduction can be calculated to ensure the proposed development does not have a negative impact on downstream waterways. This reduction is measured in total phosphorus; a chemical that DEQ has determined that drives all other pollutants levels. Essentially, if phosphorus is reduced, so are all the other pollutants.

The VRRM spreadsheet has been included in the Appendix detailing the site soil data, required pollutant removal, and Best Management Practices (BMPs) provided to achieve improved water quality. For this proposed site, 17.94 lbs/year of phosphorus load reduction is required. To help achieve this requirement, a treatment train of multiple BMP's is used as shown on the Stormwater Master Plan (included in the Appendix). This sheet shows that a Level 2 Wet Pond (DEQ SPEC #14) treats 15.56 acres of the proposed development, including 6.79 acres of impervious area. On the eastern portion of the site, a Level 2 Bioretention (DEQ SPEC #6) treats 2.0 acres (including 1.5 acres of impervious) before the remaining acreage is treated by a downstream Level 1 Extended Detention facility (DEQ SPEC #15). Using these BMP's, 18.54 lbs/year of phosphorus load reduction will be achieved. This load reduction exceeds the requirement by 0.60 lbs/year. Additionally, both BMP's will need to meet the specifications as set forth by DEQ, including but not limited to providing adequate treatment volume and dry storage.

The stormwater management configuration shown on the Stormwater Master Plan (and accompanying VRRM worksheet) is one of many ways to achieve compliant water quality for the property. Equivalent measures can be utilized as long as water quality is still achieved.

### B. Water Quantity

Water quantity control is required to ensure that the post construction stormwater runoff is controlled to a point that is either at or below the existing condition in terms of flow rates. This quantity of stormwater can be reduced by storing the increased stormwater runoff for a period of time before releasing it back into the downstream waterway. The wet and dry ponds as previously used for water quality control will also be used to store the stormwater to reduce the flow. The Runoff Reduction Method can be used in combination with the SCS Method to calculate the required volume for the pond. Appropriate measures will be taken to ensure that the 1, 2, 10, and 100 year storms are properly contained within the ponds and discharge the stormwater over time with appropriate flows to maintain or better the existing condition.

# C. Storm Sewer System

The proposed storm sewer system shall be comprised mainly of curb inlets and reinforced concrete pipe that are placed throughout the site at critical locations. This system shall be used to convey the stormwater runoff into the existing BMP to the west and the proposed BMP to the east for treatment. The Stormwater Master Plan is included in the Appendix and provides the drainage area divide for each stormwater facility. During final design, storm pipe and structures will be located accordingly and calculations will be provided.

# IX. ANALYSIS OF IMPACTS TO TRAFFIC

Due to the proposed use (CCRC), a traffic study is not required for this application.

# X. FISCAL IMPACT STUDY

The Fiscal Impact Analysis is provided by Ted Figura Consulting and is included with this report.

# XI. CONCLUSIONS

Williamsburg Landing Marclay Road Property represents an appropriate use of land on this site in James County. The proposed development will act as a logical expansion of the existing Williamsburg Landing community. The 135 units proposed represent a net density of approximately 10.0 units per acre for the apartment component and 8.0 units per acre for the duplex component based on the proposed R-5 zoning. Additionally, the projected senior population of 135 residents will not burden area schools. Of equal importance, the expansion of Williamsburg Landing helps continue to fill a growing regional need by providing seniors with the opportunity to downsize homes while continuing to live in the local area.

This proposed community meets the intent of the Comprehensive Plan with assurances for the provision of ample open space and its efficient use. Williamsburg Landing's experience and history in this area assures the County of high standards of design, layout and construction.

The minimal impact to traffic based on the proposed use shows that this project will not burden the existing area road system now and into the future. The Fiscal Analysis concludes a net positive fiscal impact to the County, at build out, of almost \$450,000.00 per year.

There are adequate public utilities with capacity to serve this project. Fire and life safety issues have been considered and will be further coordinated with the Fire Marshall during

the design process. The site lies in an area that provides quick response times from all nearby fire stations, the closest of which being only 2.2 miles away.

Finally, the careful planning of this project with regard to open space, buffers, stormwater management systems and limits on impervious surfaces assures the County that the College Creek Watershed will be protected.

# **APPENDIX**

Existing Conditions Map
Master Plan
Utility Master Plan
Stormwater Master Plan
Unit Calculation Map (Density Exhibit to Accompany Master Plan)
Limited Phase II Environmental Site Assessment
Rare Species Habitat Survey Report
VRRM Summary – BMP Pollutant Removal Calculation
Fiscal Impact Analysis

Version 10.12.15



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

# FISCAL IMPACT WORKSHEET AND ASSUMPTIONS

Please comple	ete all applicable sections. Please use the provided spreadsheet to perform calculations. If space
provided is in	sufficient, please feel free to include additional pages. If you have any questions please contact the
Planning Office	ce at 757-253-6685 or planning@jamescitycountyva.gov
1a)	PROPOSAL NAME:
1b)	Does this project propose residential units? Yes \( \square\) No \( \square\) (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	Apartment	
Townhome/Condominium/Single-Family	Manufactured Home	
Total Dwelling Units		

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

# Residential Expenses – School Expenses

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

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

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

Total Students Generated	Per-Student Operating Expenses	Per-Student Capital Expenses	Per-Student Total Expenses	Total School Expenses
	\$ <del>5920.16</del>	\$2176.06	\$8096.22	\$

# 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.

<b>Total Units Proposed</b>	Average Household Size	Total Population Generated
	2.45	

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
	\$ <del>640.98</del>	\$

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
\$	\$	\$

#### **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		\$	\$
Townhome/Condo/Multi-family		\$	\$
Total:		N/A	\$

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

Total Market Value	Real Estate Tax Rate	Total Real Estate Taxes Paid
\$	.0084	\$

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
\$	0.15	\$

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
\$	.09	\$

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
	<b>\$2000/acre</b> (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.

<b>HOA Property Type</b>	<b>Total Assessed Value</b>	Real Estate Tax Rate	Total HOA Taxes Paid
		.0084	\$

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

<b>Total Residential Revenues</b>	\$
-----------------------------------	----

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

Total Residential	<b>Total Residential Revenues</b>	Total Residential Fiscal Impact
		\$

# Fiscal Impact Analysis Worksheet Section 3: Commercial and Industrial Developments

#### **Commercial and Industrial Expenses**

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

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

<b>Total Expected Assessment Value</b>	Commercial Expense Rate	Total Commercial Expenses
\$1	0.0045	\$

# **Commercial & Industrial Revenues**

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

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

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

<b>Expected Market Value</b>	Real Estate Tax Rate	Real Estate Taxes Paid
	.0084	\$

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

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

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

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

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

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

<sup>\*</sup>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		0.0058	
	Services			
	Retail Services		0.0020	
	Contractors		0.0016	
	Wholesalers		0.0005	
	Exempt*		No fee due	
	Other Services		0.0036	
	Total	N/A	N/A	\$

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

<b>Total Commercial and Industrial Revenues</b>	\$

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

Total Commercial	<b>Total Commercial Revenues</b>	Total Commercial Fiscal Impact
		\$

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

<b>Residential Fiscal Impact</b>	<b>Commercial Fiscal Impact</b>	Total Proposed Fiscal Impact
		\$

#### Fiscal Impact Analysis Worksheet Section 4: Current Land Use

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

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

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

### **Residential Expenses - School Expenses**

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

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

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

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

#### **Residential Expenses - Non-School Expenses**

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

<b>Total Existing Units</b>	Average Household Size	Total Current Population
	2.45	\$

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

<b>Total Current Population</b>	Per-Capita Non-School Expenses	Current Non-School Expenses
	\$640.98	\$

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

School Expe	nses Non-	School Expenses I	Residential Expenses
\$	\$	\$	

#### **Residential Revenues**

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

Property Address and Description	Assessment Value
	\$
	\$
	\$
Total:	\$

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

<b>Total Assessment Value</b>	Real Estate Tax Rate	Real Estate Taxes Paid
	.0084	\$

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

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

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
	.09	\$

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

<b>Total Current Residential Revenues</b>	\$

4l) CURRENT RESIDENTIAL FISCAL IMPACT. *Subtract* total residential revenues (4k) from total residential expenses (4f).

Total Residential	<b>Total Residential Revenues</b>	Total Residential Fiscal Impact
		\$

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

<b>Proposed Residential Impact</b>	<b>Current Residential Impact</b>	Final Residential Fiscal Impact
		\$

### **Current Commercial Use**

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

- 5a) TOTAL CURRENT BUSINESSES. How many businesses exist on the proposal properties?

  (Include all businesses that rent or lease space at the location).
- 5b) TOTAL CURRENT COMMERCIAL EXPENSES. *Multiply* the current number of businesses operating on the proposal properties by the per-business expense rate below.

<b>Total Expected Assessment Value</b>	Commercial Expense Rate	Total Commercial Expenses
	0.0045	\$

#### **Current Commercial Revenues**

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

Addresses	Assessment Value	Real Estate Tax Rate	Real Estate Tax Paid
		.0084	
		.0084	
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.

<b>Current Business</b>	Total	Personal Property	<b>Business Property Taxes</b>
	Business	Tax Rate	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.

<b>Current Business</b>	Total Business	Personal Property	Machinery and Tools Tax
	Capitalization	Tax Rate	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	<b>Projected Gross Sales</b>	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	\$

<sup>\*</sup>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.

Durgin and True	Cuasa Calas	<b>Business License</b>	Annual Business
<b>Business Type</b>	Gross Sales	Rate	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).

<b>Total Current Commercial Revenues</b>	\$

5i) CURRENT COMMERCIAL FISCAL IMPACT. *Subtract* total commercial revenues (5h) from total residential expenses (5b).

<b>Total Commercial Expenses</b>	<b>Total Commercial Revenues</b>	Total Commercial Fiscal Impact
		\$

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

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

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

Final Residential Impact	Final Commercial Impact	Final Fiscal Impact
		\$

# Fiscal Impact Worksheet Section 6: Phasing

#### **Residential Phasing**

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

# **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**

<u>Apartment</u> – 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.

<u>Assessment Value</u> – 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.

<u>Commercial Expense Rate</u> – 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.

<u>Condominium</u> – 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.

<u>Contractor</u> – 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.

<u>Direct Impact</u> – 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 uncounted.

<u>Dwelling</u> – 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.

<u>Fees & Licenses</u> – All fees collected by the County, including business and 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.

<u>Fiscal Impact Analysis</u> – 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.

<u>Fiscal Impact Worksheet</u> – 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.

<u>Non-School Expenses</u> – 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.

<u>Manufacturing</u> – Assembly of components, pieces, or subassemblies, or the process of converting raw, unfinished materials into different products, substances or purposes.

<u>Market Value</u> – Market value is assumed to be within 1% of assessment value. Market value drives assessment value.

<u>Manufactured Home</u> – 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.

<u>Phasing</u> – 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 the Board of Supervisors approval.

<u>Professional Services</u> – 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.

<u>Proportional Valuation Impact</u> – 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 an aggregate property assessment value of \$13,763,228,800 for the entire County. The program calculated an aggregate commercial and industrial assessment value of \$2,060,690,000. Dividing the commercial value by the total value shows that commercial and industrial properties compose 15% of the total property tax base and are responsible for 15% of County non-school expenses. This results in residential development being responsible for Schools impacts and 85% of non-school County operations. The proportional valuation method does not factor other assorted residential and commercial taxes, fees and licenses into account. As 15% of the tax base, businesses contribute 15% for all County non-school expenses. As 85% of the tax base, residents contribute 85% for all County non-school expenses.

Furthermore, individual business expenses to the County are calculated using the proportional valuation impact method. (See Commercial Expense Rate)

<u>Per-Business Expense Rate</u> – 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.

<u>Per Capita Evaluation Method</u> – 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.

<u>Per Capita</u> – 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**	

<sup>\*</sup>US Census 2010 Population Count

<u>Per Student</u> – 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

<sup>\*\*</sup>JCC Codes Compliance Division Housing Unit Count + Apartment Count

attending WJCC Schools. Total students are determined from Williamsburg-James City County Schools 2009-2010 School Year enrollment reports.

<u>Per Business</u> – 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		inesses	5400*	
Percentage	of	<b>Property</b>	Tax	15%**
Assessments				*James City County Commissioner of the Revenue

\*\*Commercial impacts are calculated on a proportional variation process

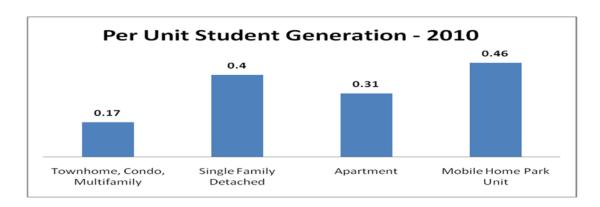
<u>Proffer</u> – Proffers paid for schools can only be applied toward the capital expense portion of perstudent school expenses. (See Board of Supervisors' Proffer Policy.)

<u>Retail Services</u> – 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.

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

<u>State Contributions</u> – 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 an individual dwelling unit per year. Different domestic units produce students are different rates. Using WJCC enrollment figures, an address was found for WJCC students 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.



<u>Townhome</u> –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.



# Williamsburg Landing Expansion

## **Fiscal Impact Study**

James City County, Virginia

Prepared by

**Ted Figura Consulting** 

For Williamsburg Landing, Inc.

James City County, Virginia

January 13, 2017 (Revised March 26, 2017)

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## Williamsburg Landing Expansion: Fiscal Impact Analysis

## **Executive Summary**

The applicant, Williamsburg Landing, Inc., is seeking a rezoning of 15.5 acres of a property, located between Williamsburg Landing and the Williamsburg Airport along Marclay Road, from Rural Residential District (R8) to Multifamily Residential District (R5) with a special use permit to allow an expansion of Williamsburg Landing (the "Williamsburg Landing Expansion" or "the proposed development"). The proposed development consists of approximately 65 single-family units in duplex structures and 70 multi-family units in a single apartment building with three wings from the main building. For purposes of this analysis, this expansion is assumed to occur within three years of the requested rezoning. The actual development timeframe will depend on market conditions.

As proposed, this development is projected to have a highly positive fiscal impact on both the general fund of James City County ("the County") and the James City Service Authority (JCSA) over an initial 10-year analysis period and in its stabilization year. Annual cash flow for the County is projected to be more than \$445,000 annually, with more than \$400,000 annually entering the County's general fund. The annual revenue surplus from the proposed development can be expected to be received by the County each year after the proposed development is built out. Over the ten-year analysis periods, cumulative cash flow is projected to be almost \$3 million.

Based on an analysis of proposed entry fees and monthly fees, the average household income for residents of the Williamsburg Landing Expansion was estimated to be \$181,250, which is more than double the County's current average household income (about \$90,400 in 2015).

Williamsburg Landing is a continuous care retirement community. Because the proposed units will be age restricted, there will be no impact on the County's school system.

The table below summarizes the fiscal impact measures for the proposed development.

Williamsburg Landing Expansion Fiscal Impact Measures,				
Combined General Fund and JCSA				
Stabilization Period				
Annual Revenues	\$511,300			
Annual Costs	\$ 65,650			
Cash Flow	\$445,650			
Benefit-to-Cost Ratio	7.79-to-1			
Cumulative Measures				
Total Revenues	\$3,255,100			
Total Costs	\$ 307,025			
Cumulative Cash Flow	\$2,948,075			
Benefit-to-Cost Ratio	10.6-to-1			

Figures rounded to the nearest \$25

A more detailed analysis follows.

## **Background**

Williamsburg Landing, Inc. has proposed an expansion of its current operation consisting of 65 single-family units in duplex structures and a four-section, four-story apartment building with 70 independent living units. The duplex units are comparable to the existing Boatwright duplex units and the apartment building is comparable to the existing Earls Court at Williamsburg Landing.

The Williamsburg Landing Expansion, or "the proposed development," will be located on a 15.5 acre parcel on a portion of the parcel at 20 Marclay Road in James City County (the "site"). The site is comprised of a portion of Tax Parcel 4820100012 owned by Short Neck, LLC. Upon rezoning and any other due diligence, the site would be subdivided from the existing 43.7 acre parcel and acquired by Williamsburg Landing, Inc. (the "applicant" or "developer"). The site, which is located between Williamsburg Landing and the Williamsburg Airport, is currently zoned Rural Residential District (R8). The applicant wishes to rezone this parcel to Multifamily Residential District (R5) with a special use permit in order to construct the development.

The duplex units will range in size from 1,900 square feet to 2,000 square feet (3,900 square foot typical structures). The apartment units will range from 1,800 to 1,900 square feet. The apartment building is expected to have 169,000 square feet of conditioned space, including a 2,000 square foot clubhouse. Approximately 31,500 square feet will be enclosed garage space under an upper floor cantilever on the building wings, plus 8,500 square feet of detached garage space. Based on an analysis of entry fees and monthly fees proposed by Williamsburg Landing for the expansion units, household income for Williamsburg Landing Expansion residents is projected to average \$188,675 for the duplex units and \$173,350 for the apartment units, rounded to the nearest \$25. These estimates were confirmed as reasonable with the developer.

Of the 15.5 acre site, approximately 12.8 acres of the site will be developed, with the remainder of the site being critical area open space. The developed area will include four new employee surface parking areas. Stormwater runoff will be managed on site.

Sitework is assumed to start in the late fall or winter of 2019 with construction of the apartment building starting in the spring of 2020 and the first group of duplex units two months later. The first duplex units are assumed to be occupied in the second and third quarters of 2021 (the last quarter of FY 2021) and the first quarter of FY 2022). The apartment units are assumed to be occupied in the last quarter of 2021 and the first quarter of 2022 (the second and third quarters of FY 2022). Thus, the project's stabilization year (the year beyond which costs and revenues do not change) was determined to be FY 2023. A ten-year analysis period (FY 2017-FY 2026) was used for convenience, because the stabilization year falls within the second five-year increment from the anticipated rezoning approval.

These parameters are best estimates of the scope of the proposed development made by the applicant at this point in time. The specifics and timing of the proposed development are subject to change based upon final determinations of site constraints and/or market conditions. Descriptions of the proposed development contained herein are not guarantees by the applicant that the proposed development will be constructed exactly as described above. However, the basic elements of the proposed development are those outlined above. Any change in the fiscal impact of the proposed development on the County due to minor changes in the scope of the proposed development are expected to be in the same magnitude as the revenues and costs which are projected in this analysis and are expected to be in practically the same proportion of revenues to costs as estimated in the fiscal impact analysis report.

## Methodology

The fiscal impact of the Williamsburg Landing Expansion on the County and the James City Service Authority, or JCSA, was calculated using the methodology described below. (Henceforth, "County" may refer to both the County and JCSA.) Fiscal impact is defined as the difference between all revenues to the County generated by the development and all costs to the County attributable to the development. Revenues and costs are described in further detail below.

Because the proposed development of the site is a natural extension of the current development at Williamsburg Landing and it is unlikely, given the site's proximity to the Airport, that a developer would find it attractive or economically feasible to develop the site under its current zoning, a fiscal impact of the a by-right development of the site was not calculated. However, it should be noted that, should the site be developed under its current zoning, it is highly unlikely that the product would be age restricted, thus generating education costs for the County that the proposed development does not generate. Also, again given the site's location, it is unlikely that upscale homes would be developed on the site, thus reducing a by-right development's revenue stream to the County compared to the proposed development.

All fiscal impacts are presented in constant 2018 dollars, (i.e., inflation is not applied to either revenues or costs throughout the analysis period). A constant in 2018 dollars was chosen because the analysis is substantially based on the revenue, cost and tax rate assumptions contained in the County's FY 2017-2018 Two Year Adopted Operating Budgets.

The constant dollar approach means that no assumptions are made about rates of increase in real estate assessments in the County. Also, no assumptions are made about increasing tax revenues from sales, meals or business license taxes based upon retail price increases. Neither are assumptions made about future increases in the unit costs of government. The practical implication of this approach is that any future systemic imbalances between rising revenues and rising costs are assumed to be adjusted through changes in the County's tax rate, either upward or downward.

A marginal revenue/marginal cost approach was used to calculate expected revenues and costs to the County attributable to the development. This is opposed to an average revenue/average cost approach, in which estimates of a project's revenues and costs are based upon a jurisdiction's per-capita revenues and costs. The marginal revenue/marginal cost methodology counts only variable costs and revenues and, thus, does not count fixed costs and revenues that would be spent or received by the County whether additional development occurs or not. It counts only revenues and costs attributable to an increase in the number of households from the development being analyzed.

It is, thus, a more accurate estimate of future revenues and costs resulting from a development than is the average revenue/average cost approach. The average revenue/average cost approach actually calculates a project's "fair share" of public costs, rather than the incremental impact of a project on a locality's fiscal position. A more detailed description of the methodology used in this analysis is presented in the Appendix.

Revenues estimated for the Williamsburg Landing Expansion fall into three categories: one-time direct revenues, recurring direct revenues and additional tax revenues generated by households. The methodology does not use multipliers to calculate revenues that could be generated through a project's secondary impacts, as such multipliers are considered to be unreliable for small geographic areas. The methodology does not include revenues generated from spending by construction workers at the Williamsburg Landing Expansion, as such spending cannot reliably be said to occur within the County.

One-time direct revenues are revenues to the County derived from the construction of the Williamsburg Landing Expansion. They include all plan review fees, building permit and associated fees (electrical, mechanical and plumbing), other development fees, including water and sewer system facilities fees, and certificate of occupancy fees. No cash proffers are assumed for the Williamsburg Landing Expansion as part of the fiscal impact analysis.

Recurring direct revenues consist of real estate property taxes, personal property taxes (car tax), car rental tax, business personal property taxes paid by Williamsburg Landing, Inc., water and sewer consumption fees, and other fees paid by households to the County. These are taxes and fees paid directly to the County by households and/or property owners. Taxes currently paid on the assessed value of the site's land were deducted from real estate property tax calculations. Taxes were calculated based upon estimates of the assessed property values, the County's perhousehold user fees or other methodologies explained in the Appendix.

Additional tax revenues generated by households are estimates of taxes paid by County businesses due to purchases made by Williamsburg Landing Expansion residents. These include the local option sales tax, meals tax, and the business license fees paid by businesses on gross receipts from these sales. The methodology for estimating net new sales and gross receipts is presented in the Appendix.

Purchases by Williamsburg Landing Expansion residents are estimated based upon spending patterns according to household estimated income. Spending patterns are derived from the most recent U.S. Bureau of Labor Statistics Consumer Expenditure Survey. An adjustment was made for purchases made outside the County and for meals and services provided by Williamsburg Landing. The methodology for estimating these revenues is presented in the Appendix.

No generated taxes were estimated for construction workers or employees of businesses located in County, as these employees were assumed either to be already living and spending in County or living outside the County and, thus, spending most of their income outside the County.

Costs were divided into three categories: variable operating costs of general government per household, general government capital costs (if any) and public utilities costs (JCSA). Cost data and assumptions were derived from the County's FY 2017-2018 Two Year Adopted Operating Budgets.

Per household costs were calculated for various budget line items. State and federal revenues supporting various budget line items were deducted to leave only the County's operating cost. Certain government functions, such as public assistance and public health services, that would not serve the Williamsburg Landing Expansion population were not included in the calculations. Chief executive, legislative and administrative functions, which would be performed regardless of population size, were not included in the calculations. A percentage of certain administrative support services, to the extent that they support operations which would be provided independent of population size, were not included in the calculations. The methodology for estimating the cost of government, including, public utility costs (the per-customer cost of billing and the perlinear foot cost of water and sewer line maintenance), is presented in more detail in the Appendix.

Three measures of fiscal impact were used—cash flow, cumulative cash flow and the benefit-to-cost ratio. Cash flow shows the annual surplus or deficit of revenues less costs for a sample of ramp up years through the stabilization year. Because revenues and costs are reported in constant dollars, there is no change in the projected cash flow after the stabilization year.

Cumulative cash flow is the sum of annual cash flows over the analysis period. Another way of explaining cumulative cash flow is that it is derived by subtracting total costs to the County attributable to a project from total revenues to the County derived from a project over the analysis period, leaving the County's total net revenue from a project.

Finally, the benefit-to-cost ratio is the ratio of total project revenues to the County and total project costs to the County. A benefit-to-cost ratio greater than 1.0-to-1 signals a net fiscal benefit. The magnitude of the benefit-to-cost ratio signals the strength of the fiscal impact on the County. For instance, a benefit-to-cost ratio of 1.5-to-1 indicates that for every additional dollar of spending a project costs the County, the County is expected to receive \$1.50 in additional revenue.

## Fiscal Impact of Williamsburg Landing Expansion

Williamsburg Landing, Inc. is seeking a rezoning of the site to Multifamily Residential District (R5) with a special use permit. This zoning would permit the development described above. The derivation of the revenues and costs attributed to the Williamsburg Landing Expansion are described in the Methodology section, above, and in the Appendix. The revenues projected for the Williamsburg Landing Expansion are listed in the Table 1 on the following page. Costs generated by the Williamsburg Landing Expansion are displayed in Table 2, located on page 11. Both revenues and costs are shown for the stabilization year and the total for the ten-year analysis period (FY 2017-FY 2026).

Subtracting projected costs from revenues yields a positive overall cash flow (or revenues net of costs) for the development. Annual cash flow from the Williamsburg Landing Expansion is shown in Table 3 on page 11. In the stabilization year, the County and the JCSA are expected to receive more than \$500,000 annually in new revenue from the development of the Williamsburg Landing Expansion while incurring only about \$65,000 in new annual costs.

Of this revenue surplus, more than \$400,000 is projected to enter the County's general fund and more than \$35,000 annually is projected to be earned by the JCSA. The JCSA, though separate for administrative and accounting purposes, ultimately impacts the County's general fund. Surpluses are either transferred into the general fund or the funds would be used to enable a faster repayment of debt service, which would result in larger surpluses transferred to the general fund in the future.

Table 4, on page 12, shows the fiscal impact measures for the Williamsburg Landing Expansion. These are highly positive. The County can expect to receive more than \$2.1 million in surplus revenue from the proposed development during the ten-year analysis period, while the JCSA can expect to receive more than \$800,000 in surplus revenue. Of note, because of expected development timing, the project generates substantial costs or revenues only in the last seven years of the analysis period. Benefit-to-cost ratios in the stabilization year are exceptionally positive (more than 7.75-to-1 for the County's general fund and the JCSA combined). In other words, the County's combined general fund and JCSA are expected to receive \$7.79 in revenue for every dollar of cost attributed to the development. Benefit-to-cost ratios for the entire analysis period are also exceptionally positive. The higher benefit-to-cost ratios for the ten-year period are due to the presence of one-time revenues. This is particularly the case with the JCSA. In conclusion, both the County's general fund and the JCSA will receive significant surplus revenues due to the Williamsburg Landing Expansion.

#### Table 1 Williamsburg Landing Expansion **Projected Revenues** Annual Revenues. Five-Year Revenue Type Stabilization Year Total Current Real Estate Tax \$ (3,825) \$ (38,375) Real Estate Property Tax, Land \$ 13,025 93,475 Real Estate Property Tax, Improvements \$1,440,500 \$294,075 Personal Property (Car) Tax, Car Rental Tax \$ 476,675 \$101,475 **Business Personal Property Tax** \$ 10,000 45,000 Communication Sales Tax and other fees \$ 14,200 66,225 200 Elevator Inspection Fees 2,000 Subtotal Direct Taxes \$429,150 \$2,085,500 Additional Revenues Derived from Households \$ 42,000 \$ 195,925 General Fund Annual Revenues \$471,150 \$2,281,425 Sewer Flow Charge \$ 17.450 81,400 \$ 22,700 \$ 105,925 Water Flow Charge JCSA Annual Revenues \$ 40,150 \$ 187,325 **Subtotal Annual Revenues** \$511,300 \$2,468,750 **Building Permit and Review Fees** \$ 111,675 Development Review and Inspection Fees 14,750 **Erosion Control and Stormwater Fees** \$ 15,925 \$ 1,700 Certificate of Occupancy Fees \$ 144,050 General Fund One-time Revenues 7.800 Review and Inspection Fees \$ \$ 292,500 Sewer System Facility Fees Water System Facility & Lawn Irrigation Fees \$ 343,400 JCSA One-time Revenues \$ 643,700 Value of Off-site Improvements **Subtotal One-time Revenues** \$ 787,750 **Total Revenues** \$3,256,500 General Fund Revenues \$2,425,475 JCSA Revenues \$ 831,025

Figures rounded to the nearest \$25.

Table 2 Williamsburg Landing Expansion Projected Costs						
Cost Type	Annual Costs, Stabilization Year	Five-Year Total				
General Government Service Operating Costs	\$63,325	\$295,575				
General Government Service Capital Costs		\$ 0				
Education Operating Costs	\$ 0	\$ 0				
Education Capital Costs		\$ 0				
Total General Fund Costs	\$63,325	\$295,575				
JCSA Costs	\$ 2,325	\$ 11,450				
Total Costs	\$65,650	\$307,025				

Figures rounded to the nearest \$25.

Table 3 Williamsburg Landing Expansion Projected Cash Flow						
	FY 2017-				Stabilization Year	
	2017	FY 2020	FY 2021	FY 2022	FY 2023	
General Fund Revenues*	\$ 0	\$ 132,825	\$25,725	\$382,300	\$471,150	
JCSA Revenues	\$ 0	\$578,250	\$65,475	\$ 25,300	\$ 40,150	
Total Revenues	\$ 0	\$711,075	\$91,200	\$407,600	\$511,300	
General Fund Costs	\$50	\$ 25	\$ 1,900	\$ 40,325	\$ 63,325	
JCSA Fund Costs	\$ 0	\$ 0	\$ 0	\$ 2,125	\$ 2,325	
Total Costs	\$50	\$ 25	\$ 1,900	\$ 42,450	\$ 65,650	
General Fund Cash Flow	\$(50)	\$132,800	\$23,825	\$341,975	\$407,825	
JCSA Cash Flow	\$ 0	\$578,250	\$65,475	\$ 23,175	\$ 37,825	
Total Cash Flow	\$(50)	\$711,050	\$89,300	\$365,150	\$445,650	

Figures rounded to the nearest \$25.
\*The "cost" of taxes currently collected on the site is subtracted from General Fund revenues

Table 4 Williamsburg Landing Expansion					
Fiscal Impact Measures, General Fund and JCSA					
	Stabilization	Ten-Year			
	Year	Total			
Cumulative Cash Flow					
General Fund	N/A	\$2,129,900			
JCSA	N/A	\$ 819,575			
Total*	N/A	\$2,949,475			
Benefit-to-Cost Ratio					
General Fund	7.44-to-1	8.21-to-1			
JCSA	17.27-to-1	72.58-to-1			
Combined	7.79-to-1	10.61-to-1			

# Williamsburg Landing Expansion

Appendix

Methodology

## **Approach**

Fiscal impact is defined as the difference between all revenues to James City County (the "County") and the James City Service Authority ("JCSA") generated by the project and all costs to the County/JCSA attributable to the project. Henceforth, unless the connotation is otherwise, "County" shall also include the combined County and JCSA account. Only variable revenues and costs are counted in the fiscal impact study. This means that, rather than applying per capita or per household all non-tax revenue and total County per capita or per household expenditures to the proposed expansion of residential units at Williamsburg Landing (the "Williamsburg Landing Expansion"), only those incremental revenues and costs that the County will actually receive or incur due to the increase in households are counted in as having a fiscal impact. Fixed costs that do not rise as population or households increase incrementally are not counted as having a fiscal impact.

Revenues include one-time direct revenues, annual direct revenues from the project and tax revenues generated by households. One-time revenues include building permit fees and other development fees, as well as sewer and water facilities fees.

Annual direct revenues include: real estate property taxes, personal property taxes (paid by both residents and Williamsburg Landing), the portion of the state communications sales tax remitted to the County and various local government fees, fines and user charges. Tax revenues generated by households are taxes paid or collected by James City County businesses due to purchases made by residents of the Williamsburg Landing Expansion. Costs include: operating costs of government per household. No capital costs were presumed to be generated by the Williamsburg Landing Expansion and, since the project is age-restricted, no Williamsburg-James City County Public Schools costs will be generated.

All fiscal impacts are presented in constant 2018 dollars. Inflation is not applied to either revenues or costs throughout the analysis period. The constant dollar approach also means that no assumptions are made about the rate of real estate assessment increases in the County. No assumptions are made about future increases in tax revenues from sales, meals or business license taxes that are based upon retail price increases. Neither are assumptions made about future increases in the unit costs or revenues of government. The practical implication of this approach is that any systemic future imbalances between rising (or falling) revenues and rising costs will be adjusted through changes in the County's tax rate, either upward or downward.

Three measures of fiscal impact are used. One is the annual cash flow through the stabilization year. Cash flow is derived from the net revenue surplus/deficit (revenues minus costs). The second fiscal impact measure is the cumulative cash flow over the five year period. This is equivalent to total revenues less total costs over the analysis period.

Cash flow was calculated for each year of project activity through the stabilization year, the year following the year in which all costs and revenues have been realized. Thus, the stabilization year captures the fully realized cost and revenue impact generated by the project. The stabilization year was determined to be FY 2023. Because revenues and costs are reported in constant dollars, there is no significant change in the projected cash flow after the stabilization year. Although the stabilization year occurs in FY 2023, because this falls within the second five-year period from the start of the analysis, for convenience purposes, the analysis was continued through the tenth year measured from anticipated rezoning approval and purchase of the site.

Finally, the benefit-to-cost ratio is the ratio of total project net revenues to the County and total project net costs to the County. A benefit-to-cost ratio greater than 1.0-to-1 signals a net fiscal benefit. The magnitude of the benefit-to-cost ratio signals the strength of the fiscal impact on the County. For instance, a benefit-to-cost ratio of 1.5.0-to-1 indicates that for every additional dollar of spending the project costs the County, the County is expected to receive \$1.50 in additional revenue.

Throughout, revenue and cost data is estimated on a per-household basis. However, in some cases, per-household metrics are influenced by household size, when ultimate consumers of public services are individuals. Whenever the number of persons in a household would have a marginal impact on variable costs or revenues, the per-household metrics were adjusted for household size. This is more fully described below under "Cost Calculation."

The projected number of households in the County in FY 2018 (31,406) was taken from the County's FY 2017-2018 Two Year Adopted Operating Budgets. The number of business establishments in the County (1880) available from the Virginia Employment Commission's Quarterly Census of Employment and Wages (first quarter 2016) was used to calculate the per-business cost data that was used to adjust the cost per household estimates in some cases (see under "Cost Calculation" below). The business firm, rather than a per-employee measure, was deemed to be a more appropriate unit to measure the delivery of most County services to the business community.

### Parameters and Assumptions

The project consists of 65 duplex units (33 buildings) and a 70 unit four-story apartment building. It is assumed that the apartment building will be constructed with a main wing containing the building's community areas and three purely residential wings, probably to be designed as a quad-shaped structure. All units will be constructed on land to be acquired by Williamsburg Landing and incorporated into its existing campus.

Marketing for the Williamsburg Landing Expansion is assumed to begin about two years after rezoning approval. Site plans are assumed to be submitted soon after with development reviews occurring in the second half of 2019. Once products are 70% preleased, construction is assumed to begin. For analysis purposes a construction start of April 2020 is assumed, three years after an assumed rezoning request approval. Construction of the apartment building is assumed to begin first and construction of the first 27 duplexes (54 units) is assumed begin in June 2020.

The first duplex units are assumed to receive certificates of occupancy in January 2021 with all of the initial duplex units receiving certificates of occupancy by the September 2021. With preleasing, a three to four month vetting and move-in period was assumed for Williamsburg Landing Expansion residents, resulting in the first duplex unit occupancy occurring in April 2021. It is assumed that seven duplex units will be occupied each month for the first eight months (absorbing the preleased residents) and that absorption for the remaining 9 units will be at a rate of three per month. Thus, the duplex units are assumed to be fully occupied by the end of February 2022.

The apartment building is assumed to receive its certificate of occupancy by August 2021. The first move-ins are assumed in October 2021 and to are assumed continue at a rate of ten per month until preleasing residents are accommodated. Thereafter, absorption is assumed to continue at a rate of between four and five per month, with the apartments fully occupied by the end of August 2022.

Due to anticipated strong demand, both duplexes and apartments are expected to be fully occupied. Vacancy is expected to occur primarily through mortality or residents moving into assisted living or skilled nursing. Based on the latest National Vital Statistics System mortality data for Virginia, approximately 3 units per year are expected to be vacated due to mortality. It is assumed that, during the analysis period, 1 unit per year would be vacated due to incapacity. The incapacity rate can be expected to increase somewhat with time as the average resident age becomes older, but units are also expected to be replenished with younger residents. Assuming a standing waiting list for both duplex and apartment units and a four month vetting and move-in period, this results in 16 unit-months of vacancy per year, or an average vacancy rate of 2%, rounding up.

## Revenue Calculations

Revenues estimated for the Williamsburg Landing Expansion fall into three categories: one-time direct revenues, direct annual revenues, and additional annual tax revenues and fees generated by households. The methodology does not use multipliers to calculate revenues that could be generated through the project's secondary impacts. Such multipliers are considered to be unreliable when applied to small economic units, such as localities.

One-time direct revenues are revenues to the County derived from the construction of the Williamsburg Landing Expansion. These were calculated for both the County and the JCSA.

### One-time revenues included:

- site plan review fees
- Planning Commission/Design Review Committee (DRC) fees (for the apartment building only)
- all building permit fees
- building plan review fees
- Certificate of Occupancy (CO) and fire inspection fees
- erosion & sediment control review fees
- stormwater installation inspection fees
- VSMP fees
- sewer, and water stormwater system inspection fees
- · sewer and water system facilities fees and
- lawn irrigation system fee.

Building permits for the proposed apartments were calculated based on a total building size of 170,400 square feet and for the proposed duplexes based on a building size of 3,900 square feet (2 units). The apartment building size includes enclosed parking space under the cantilevered upper floors in the two building wings, as well as individual garages. The outdoor terrace for the proposed apartments was assumed to be counted as an unenclosed structure and not counted in the computation of the building permit fee.

For calculating plumbing permit fees, as well as sewer and water system facilities fees, three fixtures per full bath were assumed. Each wing of the apartment building was assumed to be equipped with four roof drains. Four manholes were assumed based on an estimated 1,625 linear feet of water and sewer lines. Water and sewer line inspection fees were based on the addition of 875 linear feet of water line connection to buildings.

For calculating electrical permit fees, a 200 amp service was assumed for each duplex and apartment unit. A temporary service permit was assumed to be required for each building. No more than 100 outlets were assumed for any unit. HVAC permits were based on an estimated average cost of \$15,000 per duplex or apartment unit. Natural gas piping permits were calculated assuming 1,345 linear feet of gas main at \$75 per linear foot, 2,600 linear feet of gas delivery line for the apartment buildings at \$25 per linear foot and 35 linear feet of gas delivery line for each duplex unit at \$25 per linear foot. This includes gas delivery lines within the apartment building. The apartment building was assumed to be sprinklered, with sprinkler costs estimated at \$3.00 per square foot. One traction elevator was assumed to be installed in the main hall and each wing of the apartment building. The entire developable acreage (12.6 acres) was used to calculate erosion control permit fees. The duplex units were not considered to be single-family dwellings for this purpose.

Water and sewer fees were calculated assuming that each duplex unit of the proposed development is served by a 5/8" meter and that the apartment building is master metered with a single 2 inch master meter serving all four building wings. It is assumed that JCSA will assess the water and sewer system facilities fees based on the project's residential use (i.e., per bathroom fixture), with a credit for master metering. A single parcel was assumed for the purposes of calculating the lawn irrigation connection fee.

Recent changes to Virginia's law governing proffers mandate that only actual impacts of a proposed development on public facilities that have reached their service capacity can be considered by a developer when offering (and by a locality when accepting) proffers. A proffer offered based upon a presumed impact on future service capacities or on other facilities not directly impacted by the proposed development constitutes an "unreasonable proffer" which is now illegal. It is not anticipated that the Williamsburg Landing Expansion will not cause any public infrastructure facility to exceed its current capacity. Therefore, no proffers are included as revenues to the County.

Direct annual revenues consist of those revenues paid directly to James City County by the Williamsburg Landing Expansion property owner and residents. These include real estate property taxes, personal property taxes on vehicles, business personal property tax on FFE for the grounds, apartments and clubhouse, water usage, sewer usage and other fees and user charges paid to James City County.

The County's real estate assessment of Williamsburg Landing Expansion was estimated using existing assessments for Williamsburg Landing obtained from the County's Parcel Viewer website and, for detail on building assessments, from the County Real Estate Assessments Director. The proposed apartment unit sizes will range from 1,800 to 1,900 square feet. Thus, Earl's Court, whose apartments range from 1,810 to 1,900 square feet, is the most comparable to the proposed apartment building. However, due to the larger number of apartments in the proposed buildings, the ratio of apartment to community space is higher in the proposed development (2.24-to-1 versus 1.28-to-1). In this respect, the proposed apartment development is more similar to the Manor Houses, which have no community space.

A series of calculations were made to obtain estimates of the likely per-square foot assessment of apartment living space and common/community space. These calculations resulted in an estimated assessment per square foot for the proposed Williamsburg Landing Expansion apartments of \$104.92, compared to a per-square foot assessment of \$108.19 for Earls Court and \$89.49 per square for the Manor House buildings.

Estimates of real estate assessment for the duplex units were based upon per square foot assessments for the Boatwright duplexes, supplemented by assessment data for The Moorings and Edgewood. Per square foot assessments seemed to rise as the size of the unit increased. A simple regression was run on assessment per square foot and average unit size for the Boatwright duplexes, The Moorings and Edgewood 2 and 3 bedroom units. The R-square was .948, indicating a very good fit. The model predicted a persquare foot assessment of \$102.96 for the proposed duplexes, using an average size of 1,950 square feet.

Additionally, the per-acre assessment for Williamsburg Landing was computed. All parcels were assessed at \$100,000 per acre. This assessment was in addition to all building improvements (individual duplex and apartment assessments did not include land, which was assessed for the entire development) and included critical areas. The 15.3 acre parcel to be developed was deemed comparable to the existing parcels and assumed to be assessed at \$100,000 per acre, once developed. The parcel to be developed is currently assessed at only \$10,450 per acre. This assessment was assumed to remain in place until construction begins, at which time the property is assumed to be reassessed at \$100,000 per acre, with the new assessment effective at the start of FY 2021. Taxes currently generated from the site are counted as negative revenue in the fiscal impact analysis.

The proposed Williamsburg Landing Expansion also includes the addition of four new parking areas. Parking areas are currently assessed at \$8,000 per area. Based on the above, the proposed Williamsburg Landing Expansion apartments were assumed to be assessed for \$14,940,600, the proposed duplexes were assumed to be assessed for \$6,023,200, the site was assumed to be assessed for \$1,530,000, and the parking areas were assumed to be assessed for \$32,000. Thus, an estimated assessed value of \$22,525,800 was calculated when the property is fully developed.

The annual personal property tax to be received by the County from Williamsburg Landing Expansion residents was estimated by first calculating the average personal property tax per vehicle and then adjusting this amount to account for variations in the number and value of vehicles owned by income level, age and tenure. The base car tax per vehicle (\$316.02) was calculated by dividing the County's total car tax revenue received from the Commonwealth (PPRTA), as estimated by the County for FY 2018 in the FY 2017-2018 Two Year Adopted Operating Budgets, by the percentage (47.5% in 2016, the latest year available) of car tax relief obtained from the County's Commissioner of the Revenue. This dollar amount, representing the total automobile personal property tax estimated to be levied in FY 2018, was divided by the number of vehicles in the County. The number of vehicles as calculated from aggregate vehicle data reported in the 2015 U.S. Census Bureau American Community Survey (ACS) and adjusted for three year's estimated annual household growth calculated by dividing the County's 2018 household estimate, derived from the FY 2017-2018 Two Year Adopted Operating Budgets, by the 2015 ACS household estimate.

Data from the U.S. Bureau of Labor Statistics 2015 Consumer Expenditure Survey (CES) were used to estimate the relative value of vehicles owned by households at various income levels. This was done by first calculating the vehicle purchase net outlay for the average income estimated for each type of unit at Williamsburg Landing Expansion from the CES data. This amount was then divided by the amount of vehicle purchase net outlay calculated for the 2015 average household income for James City County derived from the ACS. This ratio was then applied to the average personal property tax per vehicle received by the County.

The resulting estimate of car tax levied per vehicle adjusted by income level was then adjusted for age differences in vehicle expenditure patterns. Adjustments for age were made by dividing the average expenditure for households over age 65 by the average expenditure for households of all age groups in the income group of the average income of age-over-65 households. Age 65 was the nearest CES data point to the Williamsburg Landing entry age of 62. This income and age-adjusted estimate of car tax per vehicle was then multiplied by the estimated number of vehicles owned by Williamsburg Landing Expansion residents for each unit type.

The estimated number of vehicles owned by households for each unit type was calculated by adjusting for differences in vehicle ownership by income using the same methodology used to adjust the average car tax per vehicle. The number of vehicles owned per household was also adjusted for ownership patterns of households age 65 and differences in ownership patterns of owners and renters (residents of the proposed duplexes were assumed to behave as owners and residents of the proposed apartments were assumed to behave as renters). However, these adjustments produced estimates of vehicle ownership that were higher than an assumption of one car per person, adjusted for difference in ownership patterns of households age 65 and older. Therefore, the number of vehicles owned by each Williamsburg Landing Expansion household was fixed at 1.64 vehicles, with this number reduced to 1.31 for apartment dwellers to account for their higher propensity to have given up driving (household sizes were estimated by the developer as 1.86 and 1.865 for apartments and duplexes, respectively). The resulting estimate of car tax paid by households in each Williamsburg Landing Expansion unit type was then was multiplied by the number of occupied units for the appropriate unit type to derive the estimated total car tax received by the County.

The entire calculation can be demonstrated in the series of equations below and on the following page:

 $PPT = \sum PPT/V_{WL} \times V/HH_{WL} \times HH_{OWL}$ 

Where, PPT = Total personal property tax paid by Williamsburg Landing Expansion residents

 $PPT/V_{WL}$  = Personal property tax per vehicle for each unit type at the Williamsburg Landing Expansion

 $\label{eq:VHHwl} V/HH_{WL} = Vehicles \ per \ Williamsburg \ Landing \ Expansion \ household \\ and$ 

HH<sub>OWL</sub> = the number of occupied households for each unit type at the Williamsburg Landing Expansion

# $PPT/V_{WL} = PPT/V_{JCC} x (VPNO_{IWL}/VPNO_{IJCC} x (VPNO_{A65}/VPNO_{US})$

Where, PPT/V<sub>JCC</sub>= Average personal property tax per vehicle for all James City County Households

VPNO<sub>IWL</sub> = Vehicle purchase net outlay for each type of Williamsburg Landing Expansion unit income level and

VPNO<sub>IJCC</sub>= Vehicle purchase net outlay for households at mean income for James City County

VPNO<sub>A65</sub> = Vehicle purchase net outlay for households age 65 years and older

VPNO<sub>US</sub> = Vehicle purchase net outlay for households all ages at the income level equal to the average income of households age 65 years and older

and

 $V/HHw_{L} = P/HHw_{L} \times V/HH_{A65}$ 

Where, V/HH<sub>IWL</sub> = Vehicles per household for each type of Williamsburg
Landing Expansion unit income level
P/HH<sub>WL</sub>= 1.865 for duplex units and 1.86 for apartment units
V/HH<sub>65</sub> = 0.881758

With respect to business personal property taxes, the developer estimates that \$1 million will be spent on equipment and furnishings for the proposed expansion upon which Williamsburg Landing would pay business personal property taxes.

The per household revenue received in FY 2018 from the Commonwealth as the local share of the communication sales tax was estimated to be \$41.66. A portion of the remittance by the Commonwealth was assumed to be attributable to tax collections from businesses and, for the purpose of calculating the distribution between households and businesses, telecommunications bills of businesses were assumed to be five times the average residential household bill. (The methodology for distributing revenues between households and businesses is the same as for distributing costs and is explained below under "Cost Calculation.")

Revenue from the County's utility consumption fee was also calculated on a per household basis using the same methodology as described above. Again, because this fee is based on electric utility usage and per business usage is presumed to be greater than per household usage, electric bills of businesses were assumed to be five times the average residential household bill.

The car rental sales tax, which, like the communications sales tax and utility consumption fee, is collected by the state and remitted to the County, was also calculated on a per household basis, distributed equally between households and businesses. The per household collection estimated for Williamsburg Landing Expansion residents, however, was adjusted for differences in auto lease expenditure based on income level, using data from the CES.

User fees per residential unit were calculated by dividing revenues estimated to be received in FY 2018 as reported in the FY 2017-2018 Two Year Adopted Operating Budgets by the number of households in the County. Per household user fee revenue was calculated for adult recreation fees and park revenues, dog licenses, e-summons fees, fines and forfeitures, and parking tickets. Per household revenues for adult recreation fees and park revenues, e-summons fees, fines and forfeitures, and parking tickets were adjusted for differences between owner and renter household sizes, as household size was deemed to affect revenues from these sources.

With respect to e-summons fees and fines and forfeitures, it was assumed that the Williamsburg Landing Expansion target population will not be involved in the criminal justice system (as criminals) to any great extent. Thus, revenue from criminal fines and fees was reduced by 97% for the Williamsburg Landing Expansion. This was based on data from the *Blackwell Encyclopedia of Sociology*.

The data stated that 80% of all crimes are committed by persons under age 40 and less than 1% of all crimes are committed by persons over 65, with victimization rates following similar (though not precisely the same) trends. Since the population at the Williamsburg Landing Expansion will be over 62, the percentage of this population associated with criminal activity would be closer to 1%. Taking a straight line projection approach, the incidence of involvement with criminal activity would increase by 0.75% for each year under 65.

Thus, taking the conservative approach of taking the highest predicted incidence of criminal activity involvement, the age group at the Williamsburg Landing Expansion would be involved in crimes handled by the James City County criminal justice system only 3% of the time compared to the general population. Thus, variable revenues and costs associated with crime were reduced by 97% for this population. This percentage was adjusted to 75% for costs associated with the Sheriff, however, in recognition that traffic offenses would not be subject to reduction based on age, as well as there being some patrol activity that would take place at the Williamsburg Landing Expansion.

Civil fines and summonses were distinguished from criminal fines and summonses based upon the percentage of cases handled by the Clerk of Court and Commonwealth's Attorney as reported in the County's *FY 2017-2018 Two Year Adopted Operating Budgets*. The percentage of civil cases was calculated as 42.55% of all cases. Thus, the amount of all court fines and summonses attributed to the Williamsburg Landing Expansion was calculated as 42.55% of fines and summonses plus 3% of the remainder (or 44.27% combined).

Table A-1, below, details the County's variable revenues, other than those derived from the direct levy of taxes and water/sewer flow charges on the project. It also shows revenues per duplex and apartment household.

Per household revenue was also calculated for residential water and sewer use charges. A daily flow of about 121 gallons per day was assumed for each residential unit. It is anticipated by the applicant that Williamsburg Landing Expansion will be served by a 2 inch master meter. Water and sewer flow charges will be based on the meter reading. These revenues flow to the JCSA.

Tax rates and fees found on the current James City County website and/or reported in the County's FY 2017-2018 Two Year Adopted Operating Budgets were used and assumed to be accurate.

Tax revenues generated by households are estimates of taxes paid by James City County businesses due to purchases made by Williamsburg Landing Expansion residents. Purchases by Williamsburg Landing Expansion residents are estimated based upon their projected spending patterns. These spending patterns were estimated using the most recent (2015) CES.

Table A-1						
James City County Non-Direct Revenues, FY 2017-2018 Two Year Adopted						
Operating Budgets						
Revenue per Revenue						
		Owner	Renter			
Item	Revenue	Household	Household			
Adult Recreation Fees & Park Revenue	\$2,272,300	\$ 53.33	\$ 53.19			
Car Rental Sales Tax	\$ 110,000	\$ 3.30*	\$ 3.30*			
Communication Sales from State	\$1,700,000	\$ 41.66	\$ 41.66			
Dog License	\$ 20,000	\$ 0.64	\$ 0.64			
E-summons Fee	\$ 26,000	\$ 0.25	\$ 0.25			
Fines and Forfeitures	\$ 300,000	\$ 2.94	\$ 2.93			
Parking Tickets	\$ 5,000	\$ 0.11	\$ 0.11			
Utility Consumption Fee	\$ 350,000	\$ 8.58	\$ 8.58			
Total	\$4,783,300	\$110.81	\$110.66			

<sup>\*</sup>Base rate; adjusted by income level and age

Household incomes were estimated for Williamsburg Landing Expansion residents based upon proforma data for both duplex and apartment units provided by Williamsburg Landing. Two methodologies were used to estimate household income. The first was based on the average entry fee for each product. It was assumed that the entry fee would be paid, in most instances, with the proceeds from the sale of an existing home. It was assumed that most of the buyers would own their home with little or no mortgage and would have purchased it when the mortgage environment rule of thumb was that a house purchase would be 2.5 times annual income.

It was assumed that if the home were purchased more recently (in a 3.5 or 4.5 x income purchase qualification environment) that the smaller incomes this would predict would be offset by sale proceeds remaining after a mortgage is paid off being only a portion of the house price, so house prices would actually be much larger than the proceeds, and the income predicted using a 3.5 or 4.5 formula on the actual house price would be close to using the 2.5 formula on the proceeds. It was also assumed that, for this demographic, income after retirement does not decline substantially because Williamsburg Landing Expansion residents have done good retirement planning, and income from investments, pensions and social security now takes the place of earned income.

Using this method, average income for duplex households was estimated to be between \$195,000 and \$200,000 annually. Average income for apartment households was estimated to be almost \$170,000.

The second method took the gross monthly rent and deducted the cost of meals (at \$17.59 per meal, assuming 25 meals per month per person). It was then assumed that households would spend 30% of their monthly income on rent. This is very high but it was assumed that the psychology of entering a CCRC is that many expenses (taxes, upkeep, some housekeeping, etc.) are being taken care of, plus there is less concern about conserving money for future financial security, so people are willing to spend that much of income to live in a place like Williamsburg Landing. Using a lower percentage of income spent on rent would result in much higher income estimates.

Using this method, the average income for duplex households was estimated at about \$180,000 and the average income for apartment dwellers was estimated to be almost \$178,000. Averaging these two methodologies yielded income estimates of \$188,675 for duplex households and \$173,350 for apartment dwellers, rounded to the nearest \$25. This compares to average household income Countywide of \$90,400 (2015 ACS) and a median income of \$73,975.

Household income expenditure tables from the CES were then used to calculate average annual household spending on retail items and restaurants (food away from home) and at grocery stores, as well as on personal services. Expenditures were estimated for the household incomes estimated for Williamsburg Landing Expansion households. These initial spending estimates were then adjusted for varying expenditure patterns by age employing the same methodology described to calculate personal property tax, above.

It was assumed that spending for hardware and building supplies would be conducted by Williamsburg Landing's maintenance department in the same magnitude as Williamsburg Landing Expansion residents would if they were the actual owners of the properties. However, none of this expenditure was assumed to occur in James City County, as both the closest Lowes and Home Depot are located in York County. Therefore, those expenditures (for household repair and maintenance) were not included in the calculation of spending generating local tax revenue.

Certain expenditures were then adjusted to take into account expenditures that would be made "on behalf" of Williamsburg Landing Expansion residents by Williamsburg Landing. Williamsburg Landing residents receive between 20 and 30 meals per month included in the monthly fee. It was estimated that this constitutes 43.7% of total food expenditures, divided equally between food at home and food away from home. Williamsburg Landing is exempt from the County's meals tax and, so, meals expenditures at Williamsburg Landing do not contribute to the County's revenues.

Other expenditures by Williamsburg Landing Expansion residents that can be expected to be lower than those of a typical household of the age and income of Williamsburg Landing Expansion households include: household operations and furnishings. Half of predicted expenditures for laundry and cleaning products were deducted to account for cleaning services provided by Williamsburg Landing. Furnishing expenditures were reduced by the predicted expenditures for major appliances and half of expenditures for floor coverings and half of expenditures for household textiles (curtain, drapes).

The spending estimates were then used to calculate local sales and meals taxes generated by Williamsburg Landing Expansion at James City businesses, as well as the business license fees from revenue generated by this spending.

Adjustment was then made for purchases made outside the County. Because of the high volume of spending by tourists and regional outlet shoppers at James City County businesses, the standard model for calculating leakage of retail spending does not work for the County. Apparel, furniture and food and beverage establishments are particularly vulnerable to overestimation of spending in James City County by County residents. Grocery spending, as well, yielded an index indicating a net inflow of dollars from shoppers not residing in James City County.

In order to adjust for the "tourism" effect, a retail shopping gradient model was used to estimate the retention of Williamsburg Landing Expansion residents' retail spending in James City County. The gradient model was calibrated to be sensitive to shopping decisions likely to be made by shoppers of the age and income level that will be found at the Williamsburg Landing Expansion.

The gradient model, briefly described, plots retail locations and their distances from the subject development. All other things held equal, it is assumed that shoppers are less likely to patronize competing retail outlets the farther the distance from their residence. Distance is measured in driving time and the propensity to shop at a given location is calculated as the reciprocal of the distance in minutes, with 1 minute given a weight of 1, 2 minutes a weight of 0.5, 3 minutes a weight of 0.33 and so on.

Only the closest same store location is mapped and stores at which residents are unlikely to shop are either excluded or given a lower weight. Distance weighted scores are disaggregated by locality and summed for the host locality and all other localities. The sum of the host locality score divided by the sum of all distance weighted scores is the best estimate of the percentage of spending retained in the host locality.

Gradient models were developed for grocery spending, food away from home, and shopping goods. Residents of the Williamsburg Landing Expansion cottages were assumed to be as mobile (willing to travel) as the average James City County resident. Residents of the proposed apartments were assumed, on average, to be somewhat less mobile, as some of the older residents will have given up driving. While the area mapped for both unit types was kept the same, the gradient weights for the apartment dwellers were increased for nearer distances with the weights declining as distance increased. A distance within 5 minutes was given a weight of 1.5 with the weight declining by .05 for every minute over 5 minutes, stabilizing at a weight of 1 (15 miles). This differential was not applied to the calculation of the shopping goods distance gradient.

The mapping of grocery stores was limited to a 15 minute drive time (with Whole Foods and Costco being the exceptions). Stores with a substantial grocery section (such as Wal-Mart) were included. For food away from home, fast food, QSR and buffets, casual dining and family style restaurant establishments were plotted within a ten minute drive time. Other restaurants were plotted within a twenty minute drive time. Shopping goods locations were plotted over a radius that included the farthest retail node or mall with a unique store, but not greater than 30 minutes. Shopping goods locations were weighted by the number of unique anchor stores in each location.

Twelve grocery stores or food outlets were identified within the Williamsburg Landing Expansion shopping area. Six—Food Lion at Williamsburg Crossing, Kroger on Ironbound Road, Trader Joe's, Martin's, Fresh Market and Farm Fresh on Monticello Avenue—were located in James City County. The other six are located in Williamsburg, York County or Newport News and include: Whole Foods and Costco in Newport News, Harris Teeter in Williamsburg, and the future Sam's Club at Marquis Center, the Lightfoot Wal-Mart and Farm Fresh on Merrimac Road in York County. There was only a difference of one minute driving distance between Williamsburg Landing and the two Farm Fresh stores and, therefore, each was given a weight of 0.5, assuming that Williamsburg Landing Expansion residents would choose between one or the other. The distance weighting methodology yielded an estimate of 63.34% of spending on food at home, ABC and tobacco expenditures remaining in the County for the Williamsburg Landing Expansion cottage dwellers and 66.57% for the apartment dwellers.

The restaurants plotted are located primarily in or near Williamsburg Crossing, New Town and the Monticello Road area, McLaws Circle and the City of Williamsburg. Seventeen of the 23 fast food, QSR, buffet, casual dining and family style restaurants were located in James City County. However, only 8 of the 17 finer dining restaurants were located in James City County. These latter were weighted twice the other restaurants both because more money is likely to be spent per meal at these establishments and residents of Williamsburg Landing are more likely to favor those restaurants over fast food and casual dining restaurants. The distance weighting methodology yielded an estimated 64.27% of food and beverage spending away from home by Williamsburg Landing Expansion households remaining in the County for cottage dwellers and 65.62% for apartment dwellers.

Williamsburg Landing residents can purchase meals from the Williamsburg Landing dining facilities in addition to those provided in their meal plans. Because of its proximity, the Williamsburg Landing facilities were given a weight of 2 for duplex dwellers and 3 for apartment dwellers. When Williamsburg Landing was added to the distance gradient formula, the percentage of food and beverage spending away from home by Williamsburg Landing Expansion households that was expected to occur in the County increased to 72.14% for duplex cottage dwellers and to 73.53% for apartment dwellers. Thus, it can be estimated that 7.87% of food away from home spending by Williamsburg Landing Expansion duplex residents occurs at Williamsburg Landing and 7.91% of such spending by apartment dwellers, likewise, occurs at Williamsburg Landing.

However, because Williamsburg Landing is exempt from the County's meals tax, this spending is equivalent to spending outside the County. Recognizing that dining at Williamsburg Landing would substitute for dining at restaurants both within and outside the County, this "spending loss" was divided proportionally (according to the original retention percentages) between in-County and out-of-County restaurants. Thus, the originally calculated retention rate for duplex dwellers was reduced by 5.06% to 59.21% and the originally calculated retention rate for apartment dwellers was reduced by 5.19% to 60.43%.

Five retail centers were identified as destinations for shopping goods purchases—Williamsburg Premium Outlets, the New Town/Monticello area, the Marquis Center, Cedar Lane Shopping Center in Lightfoot, and the Patrick Henry retail district. Two of these locations are located in James City County. In addition to the distance weight, each location was weighted for selection, based on the number of unique anchors or cluster of junior anchors. Williamsburg Premium Outlets was given a weight (multiplied by the distance weight) of 7, the New Town/Monticello Avenue area was given a weight of 2, the Marquis Center was given a weight of 4, Cedar Lane Shopping Center in Lightfoot was given a weight of 2 (with Lowes and Home Depot combined as one anchor equivalent) and the Patrick Henry retail district was assigned a weight of 6, which was doubled in recognition of this being the region's dominant shopping district.

The distance gradient model calculated that 38.97% of shopping goods purchases by Williamsburg Landing Expansion residents would take place in James City County. As noted above, 100% of home goods and repair shopping was assumed to occur in York County. For the purpose of calculating total non-food retail spending, 70% of total retail spending was assumed to be for convenience goods with 30% for shopping goods. Grocery spending was used as a proxy for convenience spending, as stores at which convenience spending occurs typically are located near grocery stores. Thus, excluding hardware store expenditures, 56% (the blended rate) of non-food retail spending by Williamsburg Landing Expansion duplex residents was assumed to occur in James City County (58.29% for Williamsburg Landing Expansion apartment dwellers).

Accordingly, for Williamsburg Landing Expansion duplex residents, 63.34% of taxes derived from grocery spending, 59.21% of taxes derived from meals spending, 56% of taxes derived from other retail spending and 0% of taxes derived from home goods and repair spending were assumed to be received by James City County (with the remainder received by other surrounding localities). For Williamsburg Landing Expansion apartment dwellers, these tax revenue retention percentages were 66.57%, 60.43%, 58.29% and 0%, respectively.

James City County does not have an admissions tax or a tobacco tax.

Thus, spending per household according to the income level of Williamsburg Landing Expansion residents (calculated from the CES for each unit type) was multiplied by the appropriate retention percentage estimates in order to capture only spending that would occur in James City County. These per household spending estimates were then multiplied by the number of occupied units at Williamsburg Landing Expansion for each unit type. The resulting retail spending estimates were then multiplied by the 1% local sales tax and 0.2% retail business license fee (or in the case of personal service spending by 0.36%) to calculate those revenue streams. Restaurant spending was multiplied by the County's 4% meals tax to calculate that revenue stream.

## **Cost Calculations**

Costs were variable operating costs of government per household. No capital costs were assumed as adequate infrastructure is presumed to exist or will be installed by the developer and the additional buildings at Williamsburg Landing will not increase the volume of police patrols or create the need for a new fire station or fire equipment. Cost data and assumptions were derived from the County's *FY 2017-2018 Two Year Adopted Operating Budgets*.

When calculating the variable per household cost of public services, some public services are consumed by households only and some public services are consumed by households and businesses (i.e., recreational services would be assigned completely to households, since businesses do not directly consume these services). For those public services that serve businesses and households, the costs generated by businesses and the costs generated by households must be distinguished and only costs generated by households are to be attributed to Williamsburg Landing Expansion. (While Williamsburg Landing is a business, it already exists and the expansion of its operations will not increase the County's cost of providing services to the business.)

Per household and per business variable costs were determined in the following manner. Business establishments and households were considered to be equal units from the standpoint of generating pubic service costs, when both households and business establishments consumed those services A percentage of each service whose consumption was shared by households and businesses was allocated to households and to businesses according to the formula on the following page.

%HH = HH/(HH + B)%B = B/(HH + B)

Where, %HH = Percent Allocated to Households % B = Percent Allocated to Businesses HH = the Number of Households B = the Number of Businesses

Per household variable costs were then determined according to the following formula:

VC<sub>HH</sub> = VC x % HH/HH
Where VC<sub>HH</sub> = Variable Cost per Household
VC = Total Variable Cost (of a government function)

Per business costs are not relevant for this fiscal impact analysis, as no commercial development is proposed for the Williamsburg Landing Expansion. However, it is necessary to calculate these in order to determine true per-household costs.

To calculate revenues per household, revenue is simply substituted for expenditure in the formula above. In the case of those revenues for which businesses are assumed to generate an amount per unit other than do households, the above formula for the calculation of allocation to households and businesses was adjusted by multiplying the number of businesses by the determined factor (see above under the discussion on "Revenues"). The adjustment to the % allocated to households then results in an adjustment to revenues by households.

Governmental functions that serve both households and businesses were:

- Adult criminal and civil justice (Courthouse, Clerk of Court, Commonwealth Attorney, Police, Sheriff), since crimes are committed against (and by) businesses as well as persons (however, the Regional Jail and Regional Juvenile Detention Center costs were attributed only to households, since it is people from households, not businesses, who populate these facilities)
- Commissioner of the Revenue and Treasurer (both businesses and households are taxed)
- E-911 Operations and Fire & Rescue (response events occur at businesses and households) and
- Accounting, Human Resources, Information Resources and Purchasing (which support all County governmental functions).

The cost of government functions which serve only households was distributed across the number of households, only, resulting in a higher per-household cost than if costs were distributed among both households and businesses.

The cost of providing certain government services, though calculated on a per-household basis, was deemed to be sensitive to household size. These are services that are provided directly to individuals, rather than being provided to the household unit. Household sizes at Williamsburg Landing are significantly smaller than the Countywide average. Data on the expected average household size at the Williamsburg Landing Expansion was provided by Williamsburg Landing and was calculated as 1.865 persons per household for the duplex units and 1.86 persons per household for the apartment units. For these functions, per household costs were adjusted to take into account the smaller household sizes at the Williamsburg Landing Expansion.

Data from the ACS was used to compute this adjustment according to the following formula:

VCwlehh = VChh / PHH x PHHwle
Where VCwlehh = Variable Cost per Williamsburg Landing Expansion
Household
VChh = Variable Cost per James City County Household
PHH = Average Persons per Household in James City County
PHHwle = Persons per Household at Williamsburg Landing Expansion

Those government functions that are sensitive to household size were:

- Adult criminal justice functions, including incarceration
- E-911
- Library
- Recreation services.

However, it was recognized that the police patrol function is less sensitive to household size than other adult criminal justice functions. Therefore, only half of the Police department variable costs were adjusted for household size.

A similar calculation was made in order to determine the Voter Registration and Elections cost per household at Williamsburg Landing Expansion. It was assumed that, for the most part, a household could contain 1 or 2 potential voters, with 1-person households containing 1 potential voter and all other households containing 2 potential voters.

The average variable cost of Voter Registration and Elections services per potential voter was first calculated using the formula shown on the following page.

$$AVC_{pv} = TC / (R_{1pHH} + 2R_{2pHH} + O_{1pHH} + 2O_{2pHH})$$

Where  $AVC_{pv}$  = average cost per potential voter

TC = Voter Registration and Elections total variable cost

 $R_{1pHH}$  = the number of 1-person renter households

 $R_{2pHH}$  = the number of renter households with 2 or more persons

 $O_{1pHH}$  = the number of 1-person owner households

 $O_{2pHH}$  = the number of owner households with 2 or more persons

Data were derived from the ACS.

As noted above, Williamsburg Landing Expansion apartment dwellers were assumed to act like renters, demographically, and Williamsburg Landing Expansion duplex dwellers were assumed to act like owners. The average number of potential voters per Williamsburg Landing Expansion apartment household was then calculated using the formula shown on the following page.

 $PV_{WLEA} = PPH_{WL} \ x \ (PPH_{WL}/((R_{1pHH} + R_{2pHH}) \ / \ R))$  Where  $PV_{WLEA} = \text{the average number of potential voters per Williamsburg}$   $Landing \ Expansion \ apartment \ household$   $PPH_{WL} = Persons \ per \ Williamsburg \ Landing \ Household$  R = the number of renter households in James City County and  $\text{the expression} \ (PPH_{WL}/((R_{1pHH} + R_{2pHH}) \ / \ R)) \ is \ \text{the ratio of Williamsburg}$   $Landing \ household \ size \ \text{to the adults only household size for}$  James City County renters

The average number of potential voters per Williamsburg Landing Expansion duplex unit was calculated using the same formula but substituting owner households for renter households with the per-voter variable cost for Williamsburg Landing Expansion Duplexes represented by PV<sub>WLED</sub>. The average variable cost of Voter Registration and Elections services to renter households was then calculated using the formula shown below:

 $AVC_{WLE} = AVC_{pv} \ x \ (PV_{WLEA} + PV_{WLED})$  Where  $AVC_{WLE}$  = the average variable cost of Voter Registration and Elections services to Williamsburg Landing Expansion households

To calculate the cost per unit of service for water and sewer billing services, the number of sewer customers was used in place of the number of households in the County. It was assumed that sewer customers were also County water customers and that both bills would be sent out together. The County's sewer system serves a larger number of customers than does its water system. Williamsburg Landing Expansion will be served by both the County's water and sewer systems.

The apartment building will be served by a single master meter while each duplex unit will be served by an individual meter. Thus, the Williamsburg Landing Expansion will add 31 customers to the County's billing process. Once extended by the developer, the water and sewer main lines will be deeded to the JCSA for maintenance. Although these new lines will require little or no maintenance during the analysis period, a per linear foot maintenance cost was included as a cost to the JCSA.

Variable costs associated with the provision of additional water flow and the collection and/or treatment of additional sewage flow were assumed to be for increased utility payments (by JCSA) and increased operating supplies. With a limited staff devoted to water and sewer line maintenance, personnel costs were deemed to be fixed costs. Fifty percent (50%) of utility costs in the water and sewer operation portion of the JCSA budget was assumed to be for facility heating, cooling and lighting and, therefore, a fixed cost. The number of personnel operating these facilities was assumed not to vary with marginal increases in water or sewage flow.

However, this budget detail was not available in the FY 2017-2018 Two Year Adopted Operating Budgets. Therefore, these costs derived previously from the FY 2014 County budget were multiplied by the ratio of FY 2018 "direct expenses" line item cost to the FY 2014 "direct expenses" line item cost. This assumes that all direct expenses increased at the same rate during this period, which may not be accurate. However, without budget detail, this method provided the best estimate of these variable costs. This methodology was used to calculate both sewer and water operations variable costs. These costs were then used to calculate the per-linear foot cost by dividing them by the length of water and sewer lines estimated to be maintained by the JSCA, respectively, as found in the County's Operating Budgets.

The cost per unit of service for the County's Real Estate Assessor was calculated using the number of assessed parcels, rather than the number of households. This was derived from the County's *FY 2017-2018 Two Year Adopted Operating Budgets*. Although technically, the Williamsburg Landing Expansion will add only one service unit to the Assessor's workload, that service unit was deemed equivalent to four service units (land, apartment building, and two duplex styles).

The County's stormwater management division was deemed to have no variable costs associated with the Williamsburg Landing Expansion. Per state and federal regulations, all stormwater will be contained onsite, resulting in no increased stormwater maintenance burden for the County.

Government functions for which Williamsburg Landing Expansion's population would generate no significant demands were then excluded from the calculation of per household variable costs. These functions include those shown on the following page.

- Health Services (the household income levels of residents of Williamsburg Landing Expansion make it extremely unlikely that these households will ever demand health clinic services from the County)
- Regional Juvenile Detention Center contribution (no juveniles reside at Williamsburg Landing)
- Satellite Services Office (this is located in Toano and both the County's main offices and the main DMV office are significantly closer to Williamsburg Landing Expansion)
- Social Services (the household income levels of residents of Williamsburg Landing Expansion make it extremely unlikely that these households will ever demand social services from the County)
- Solid Waste Management (commercial haulers serve Williamsburg Landing and will also serve the proposed expansion)

Government functions that would be performed regardless of population size were also excluded. These include those shown below and on the following page:

- Board of Supervisors
- Building and Safety Permits (the permitting and inspection of Williamsburg Landing Expansion can easily be absorbed with existing staff)
- Capital projects
- Cooperative Extension Service (contribution which is not based on a percapita formula)
- County Attorney
- County Manager
- Development Management
- Economic Development
- Emergency Management
- Engineering and Resource Protection
- Facilities Maintenance
- Financial and Management Services
- Fleet and Equipment (variable costs of travel and motor fuel are included in relevant department costs)
- General and Capital Services
- Grounds Maintenance
- Health Services contributions which are not based on a per-capita formula
- Non-departmental
- Other regional entities (contributions which are not based on a per-capita formula)
- Outside agencies (contributions which are not based on a per-capita formula)
- Parks and Recreation, parks component
- Planning
- Tourism
- Zoning Enforcement

Certain administrative support functions are substantially fixed costs (since they must be provided) but have a variable cost component (since they serve County functions that incur variable costs from population growth). In order to calculate the percentage of the variable costs of these functions that should be counted (as supporting other variable costs), the personnel expenses for those functions that were primarily variable in nature was divided by all County operating fund personnel expenses. This percentage (54.97%) was then applied to the variable costs incurred by the following functions:

- Accounting
- Human Resources
- Information and Resource Management
- Purchasing

Various adjustments were made to expenditure line items to arrive at the County's variable cost of providing public services.

Generally, positions that must be provided for a department to function and that are not expandable due to population growth ("fixed cost positions") were excluded from the cost analysis. This would typically include director and assistant director positions. Since a detailed breakdown of personnel costs by function was not available from the County, the percentage of total salaries and fringe benefits accounted for by these positions was estimated. In most cases, comparable percentages from the York County operating budget, which did have sufficient detail, were used. The unweighted average of these percentages was 12.365% and the percent of administrative salaries ranged from 4.32% for E-911 Operations to 20.865% for Human Resources. In the case of those functions for which the percentage of administrative salaries was not available from the York County budget, estimates of 10% were used for Information Resources

Management and the Regional Jail. For the Real Estate Assessor's office, an estimate of 12.875% was used based on the assumption that the Assessor's salary was 33% greater than the department average.

Various other types of line item costs were also excluded as fixed costs to the County. Among other items, these include:

- advertising, except for Human Resources
- building maintenance
- contractual services
- dues/memberships/subscriptions
- duplicating (although there is a variable cost component, most of the cost is the fixed cost of copier leasing), except Parks and Recreation
- equipment maintenance
- furniture and equipment
- leases and rentals
- recognition
- software
- telephone
- utilities.

Variable cost expenses that were typically included are:

- personnel salaries and fringe benefits
- office supplies
- operating supplies/materials
- travel and training.

Other costs were included as variable costs if they were a function of service provision to citizens or expenses incurred primarily by non-administrative personnel. These costs include:

- clothing purchases/rental and uniform care
- local travel
- motor fuels
- postage
- printing
- records management
- travel and training/staff development/other training.

For the Police department, operating equipment and/or operating equipment replacement was included and, for both the Police and Fire/EMS departments and the Regional Jail, vehicles and/or vehicle replacement were included as a variable cost simply due to the large numbers of equipment and vehicles associated with staffing size and demand for services.

Other line items included for specific functions were:

- food, laundry, medical and security supplies; inmate programs; and transportation for the Regional Jail
- food, medical supplies, merchandise for resale, and trips and events for Parks and Recreation
- juror payments for the Clerk of Court
- medical supplies for Fire/EMS (the EMS function) and
- offender services and non-administrative transition services for Colonial Community Corrections

The County makes lump sum contributions to a number of regional organizations, including Colonial Community Corrections, Regional Jail and Williamsburg Regional Library. As budget detail was unavailable for these regional organizations, budget details obtained for a previous fiscal impact analysis in James City County using FY 2014 data were updated using available data. For the two criminal justice agencies, variable costs previously calculated were assumed to have increased by the growth in the County's contribution from FY 2014 to FY 2018. With respect to the originally estimated costs, variable costs were first determined from their respective FY 2014 operating budgets.

The County's share of these variable costs was then calculated by applying the County's contribution as a share of the agency's total budget according to the following formula:

VC<sub>JCC</sub> = VC<sub>A</sub> x Cont<sub>JCC</sub>/TC<sub>A</sub>
Where, VC<sub>JCC</sub> = James City County's share of variable costs
VC<sub>A</sub> = the agency's variable costs
Cont<sub>JCC</sub> = James City County's contribution to the agency and
TC<sub>A</sub> = the agency's total costs.

This result was then updated by applying the percentage growth in the County's contribution from FY 2014 to FY 2018 (ContJCCFY2018/ ContJCC2014).

In the case of the Williamsburg Regional Library, the percentage fixed costs (12.46%) was obtained from information provided by James City County for a separate fiscal impact analysis. The FY 2014 results were then adjusted by using the current ratio of the County's contributions to the total budget and multiplying the FY 2014 data by the change in the Library's total budget from FY 2014 to FY 2018.

Lacking sufficient budget detail, certain adjustments were made to the cost of various functions to exclude fixed cost portions of those functions. Within Parks and Recreation, the parks function is largely a fixed cost, since parks are maintained and patrolled regardless of incremental changes in population size. The recreation component is largely a variable cost function, since services are provided to individual citizens. It was assumed that one-half the cost of personnel and fringe benefits, local travel, medical supplies, motor fuels, office supplies and operating supplies could be assigned to the parks division. Additionally, it was assumed that one-half the cost of trips and special events was for special events, which is a fixed cost.

As noted above, billing associated with water and sewer services was considered to be a variable cost. This function was not broken out in the County's *Adopted Budget* but, based on previous inquiries to County staff, was assumed to reside in the Water Fund. An estimate of the cost of this activity was calculated by adding 10% of salaries, fringe benefits and training in the Administration division to 50% of the cost of duplicating and postage from the Administration and Water accounts and 50% of the cost of office supplies from Administration.

As noted above (under "Revenue Calculation"), Williamsburg Landing Expansion residents are expected to have little involvement with the criminal justice system. Costs associated with criminal justice were, thus, reduced appropriately to Williamsburg Landing Expansion's fiscal impact. Colonial Community Corrections, Commonwealth Attorney, and the Regional Jail costs per Williamsburg Landing Expansion household were reduced by 97%. Accounting for civil case activity (Williamsburg Landing Expansion residents would not generate any deed recordation activity), Clerk of Court and Courts/Judicial costs per household were reduced by 57.25%. Based on the proportion of criminal and civil cases handled by the Sheriff's office, Sheriff's costs were reduced by 11.43%. Accounting for traffic violations and patrol activity, Police costs were reduced by 75%.

E-911 costs were adjusted to count only costs for 911 calls and not internal police calls, which are not expected to rise significantly with the expansion of Williamsburg Landing. The percentage of 911 calls to total calls handled (62.37%) was computed from the *FY* 2017-2018 Two Year Adopted Operating Budgets.

Finally, revenues from the Commonwealth and other non-County sources were deducted from the calculated variable costs to leave only the County's variable operating costs. Revenues deducted included those shown below:

- Commonwealth shared expense contributions to the following functions:
  - Clerk of Circuit Court
  - o Commissioner of the Revenue
  - Commonwealth Attorney
  - o General Registrar
  - Sheriff
  - Treasurer
- HB 599 distributed proportionally according to budget size among:
  - Commonwealth Attorney
  - Judiciary
  - o Police
  - Sheriff
- City of Williamsburg contributions to:
  - Accounting
  - Animal Control
  - Clerk of Court
  - Commonwealth Attorney
  - Courthouse
  - o Sheriff
  - Treasurer
- Ambulance fees, ALS/BLS fees and training service fees to Fire/EMS
- Excess clerk fees to Clerk of Courts
- User fees and program income to Parks and Recreation
- Various user agency contributions ("credits/other") to
  - Accounting
  - o E-911
  - Human Resources
  - Information Resources Management
  - Police
  - o Treasurer

These revenues are, of course, applied to both variable and fixed costs. When subtracted from line item costs, these revenues were, therefore, distributed between variable and fixed costs. This was done using the formula shown on the following page.

 $R_{VC} = R \times VC/TC$ 

Where,  $R_{VC}$  = Revenues assigned to variable costs

R = All revenues

VC = Variable costs of the line item function

TC = Total cost of the line item function

Table A-2 on the following page details the County's variable cost expenditures for households and expenditures per household. Table A-3 on page A-27 details the County's variable cost expenditures for per unit other than the household.

Table A-2  James City County Non-School Expenditures: Expenditure per Duplex and Apartment Household, FY 2018					
Item	Expenditure	Expenditure per Duplex Household	Expenditure per Apartment Household	Notes	
A	¢ (( 125	¢ 1.00	¢ 1.00	54.97% of variable costs; Excludes	
Accounting Animal Control	\$ 66,125 \$ 171,425	\$ 1.99 \$ 5.46	\$ 1.99 \$ 5.46	contributions from various agencies  Excludes costs paid by Williamsburg	
Allilliai Colitioi	φ 1/1,42 <i>3</i>	φ 5.40	φ <i>3.</i> 40	1 7	
Clerk of Circuit Court	\$ 49,925	\$ 0.47	\$ 0.47	Excludes fees and costs paid by Commonwealth and Williamsburg	
Colonial Community Corrections	\$ 9,025	\$ 0.01	\$ 0.01	Criminal incidence adjustment	
Commissioner of the Revenue	\$ 555,675	\$ 16.69	\$ 16.69	Excludes costs paid by Commonwealth.	
				Excludes costs paid by Commonwealth and Williamsburg; criminal incidence	
Commonwealth Attorney	\$ 203,100	\$ 0.13	\$ 0.13	adjustment	
Courts/Judicial	\$ 305,750	\$ 4.14	\$ 4.14	Excludes costs paid by Commonwealth and Williamsburg; criminal incidence adjustment	
E-911	\$ 1,137,100	\$ 4.14	\$ 25.11	ŭ .	
Fire/EMS	\$ 3,737,125	\$112.27	\$112.27	Excludes fees  Excludes fees	
Human Resources	\$ 214,850	\$ 6.46	\$ 6.46	54.97% of variable costs; Excludes credit/other	
Information Resources Mgmt	\$ 1,640,275	\$ 49.28	\$ 49.28	54.97% of variable costs; Excludes credit/other	
Library	\$ 1,640,273	\$ 49.28 \$ 69.67	\$ 49.28 \$ 69.48	credit/other	
Parks & Recreation	\$ 1,142,275	\$ 25.30	\$ 25.23	Excludes estimated costs of Parks; Excludes fees	
				Excludes costs paid by Commonwealth and credit/other; criminal incidence	
Police	\$ 7,662,825	\$113.63	\$113.40	adjustment	
Purchasing	\$ 119,775	\$ 3.60	\$ 3.60	54.97% of variable costs;	
Regional Jail	\$ 1,740,250	\$ 1.16	\$ 1.15	JCC share of variable costs; criminal incidence adjustment	
Sheriff	\$ 387,875	\$ 7.61	\$ 7.59	Excludes costs paid by Commonwealth and Williamsburg; criminal incidence adjustment	
T.	Φ 0.00.450	Φ 25.05	Φ 25.05	Excludes costs paid by Commonwealth	

Rounded to the nearest \$25

Treasurer

Total

Source: James City County FY 2017-2018 Adopted Operating Budgets

\$ 860,450

\$23,149,675

\$ 25.85

\$468.90

\$ 25.85

\$468.31

and Williamsburg.

Table A-3 James City County Non-School Expenditures: Expenditures per Service Unit other than Households, FY 2018			
Expenditure per Service Item Expenditure Unit Notes			
Assessor	\$641,675	\$18.62	Per parcel
Sewer Operations	\$290,925	\$12.03	Per sewer customer
			Per potential voter; Excludes General Registrar costs paid by Commonwealth; Adjusted for

\$ 5.65

\$21.31

1-voter households

Per sewer customer

\$43.85 Per water customer

\$285,125

\$515,525

\$985,900

Rounded to the nearest \$25

Voter Registration and Elections

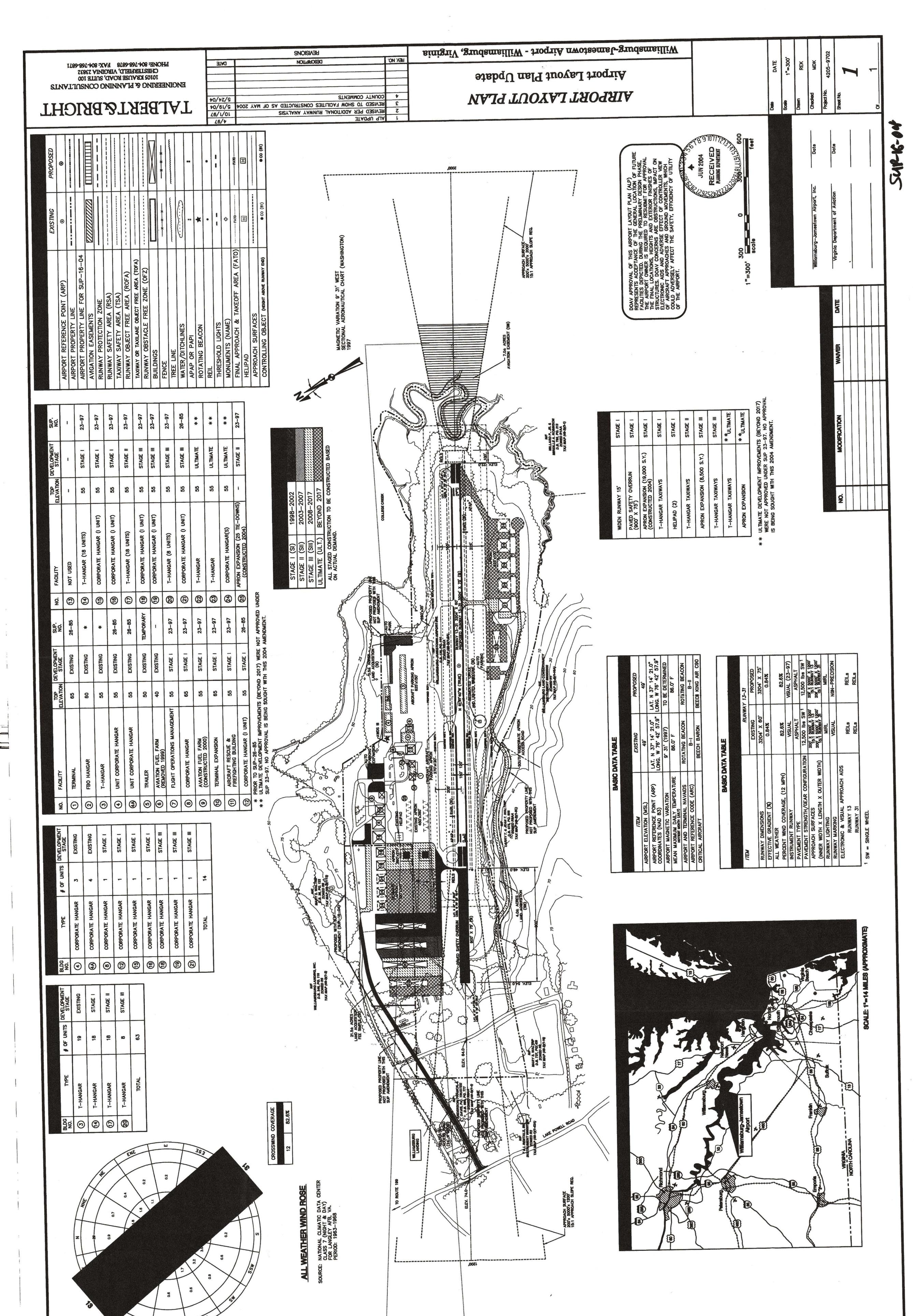
Water and Sewer billing

Water Operations

Source: James City County FY 2017-2018 Adopted Operating Budgets



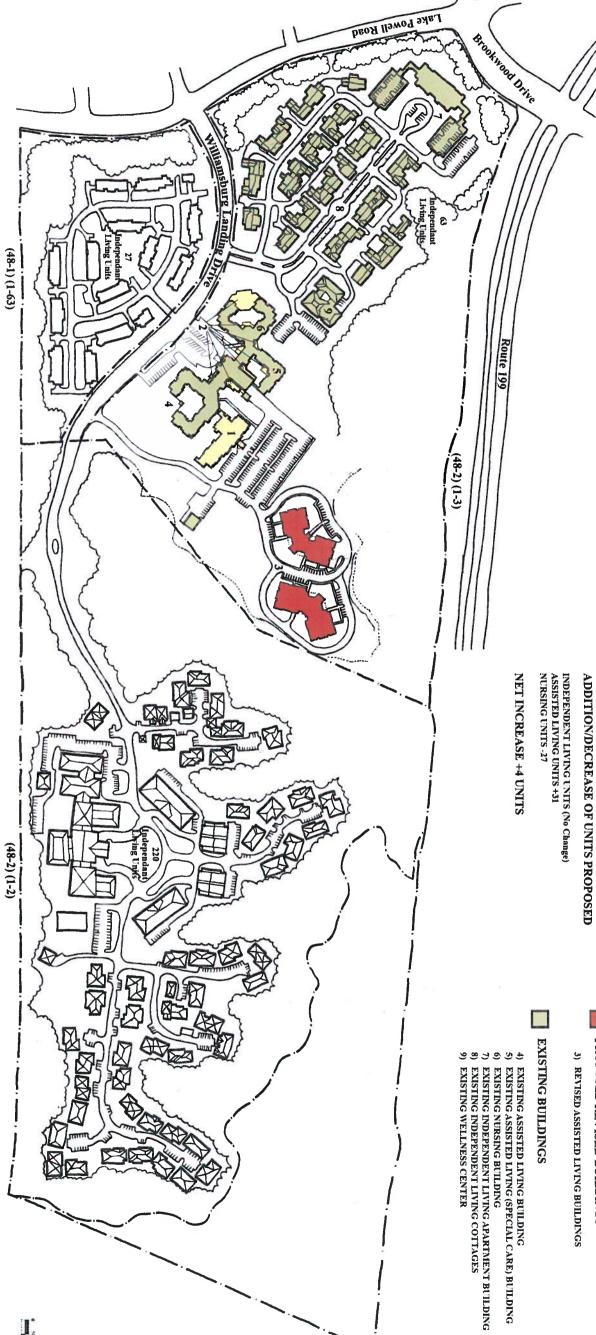
199-alpforcounty.dwg



# SUP-0006-2015/2-0004-2015

## PLANNING DIVISION

### RECEIVED







WILLIAMSBURG LANDING

CONCEPTUAL PLAN

OCTOBER 21, 2015



## PREVIOUSLY APPROVED LAND DEVELOPMENT

ASSISTED LIVING BUILDING EXPANSION & ADDITIONS
 NURSING ADDITIONS

INDEPENDENT LIVING UNITS 87
ASSISTED LIVING UNITS 100
NURSING UNITS 100

TOTAL UNITS APPROVED 287

## PROPOSED REVISED BUILDINGS



WILLIAMSBURG

### WILLIAMSBURG LANDING - MARCLAY ROAD PROPERTY ARCHITECTURAL GUIDELINES

 DESIGN INTENT: The architectural character of the Marclay Road Property shall be a traditional style that blends with the architecture of the existing Williamsburg Landing campus. Compatible styles include Neo-Georgian, Neo-Colonial, Neo-Classical, Neo-Federal and Southern Transitional. Contemporary interpretations of these traditional architectural styles are also permitted.

### 2. WALL MATERIALS:

- a. Wall materials shall include brick, siding, cast stone, and simulated stucco.
- b. The base of all walls at the foundation line shall be brick or cast stone
- c. Wood siding weatherboards, shiplap siding and other historic siding shapes are allowed.
- d. Cementitious panels (Hardiplank or equal) may be used in lieu of other approved materials.

### 3. ROOFING:

- a. Primary roof elements shall be sloped, with a minimum pitch of 6 units vertical over 12 units horizontal.
- b. Secondary roof elements may have lower single sloped (shed) or hip elements, as may be appropriate for the style of architecture and the element (entry, porch, bay window, covered walkway, etc.) that is being covered.
- c. Primary roofing materials shall be prefinished standing seam metal or architectural fiberglass/asphalt shingles with a minimum 30-year warranty.
- d. Low sloped membrane roofing shall be allowed if disguised behind sloped roof elements as described above. These low sloped roofing areas are encouraged where needed to reduce building mass, or are needed to screen rooftop equipment.
- e. Low slope roofing shall be membrane or modified bitumen, in white or off-white color.

### 4. WINDOWS AND DOORS:

- Window openings shall be traditional double hung, fixed, or casement windows, with historically influenced "divided lights" of appropriate size for scale of building.
- b. Window frames shall be anodized or prefinished aluminum, or clad in aluminum or vinyl.
- c. Entry doors shall be full glass "French" style doors or historically inspired solid doors (such as 6-panel design).

### 5. COLUMNS AND TRIM:

- a. Columns and trim are an important part of neo-traditional architectural styles, and shall be an appropriate size for the scale of building.
- b. Cornice trim shall include a frieze, soffit, fascia, crown and/or gutter system to transition from exterior wall surface to roof edge.
- c. Window trim, door trim, corner boards (at siding areas), shutters, guardrails and other architectural trims shall be used to articulate exterior wall surfaces.
- d. Trim may be closed cell PVC, prefinished metals, fiberglass or other low maintenance materials designed to simulate traditional materials.

### 6. SCREENING:

- a. Trash and recycling areas shall be screened from public view with architectural screening.
- b. Roof elements such as vents, exhausts, gas flues and other necessary roof penetrations shall be limited to rear roof planes whenever possible.
- 7. **EXAMPLE ARCHITECTURE PHOTOGRAPHS:** The following photographs of existing Williamsburg Landing buildings are not intended to be limiting as the only traditional styles or interpretive styles allowed, but are provided as reference for approved neotraditional styles of architecture for the Marclay Road Property.



The Moorings



Doig Health Center



Earl's Court



**Boatwright Circle** 







The Landing Building

### HEIGHT LIMITATION WAIVER

Other structures in Williamsburg Landing have received Height Limitation Waivers (HW) over the 35' that is currently permitted:

- o HW-02-96: Construction of a building that is 42' in height.
- o HW-02-01: Construction of a building that is 50' in height
- o HW-04-08: Construction of two 50', 3-story apartment buildings.
- The Landing Building, constructed in the mid-80's under different ownership, is over the height as well.

### • The R-5 Zoning District allows structures to be built up to 35 feet in height.

- The request is for a 25-foot height waiver to allow building(s) to be constructed up to 60 feet in height above finished grade. As proposed, the taller building(s) will contain up to 70 proposed independent living facility apartments.
- Section 24-310(g) of the Zoning Ordinance states that structures in excess of 35 feet may be erected only upon the granting of a height limitation waiver by the Board of Supervisors, upon finding that:
  - 1. Structure will not obstruct light from adjacent property; Staff finding: Structures will be approximately the same height or shorter than other Williamsburg Landing buildings adjacent to the site. The structure(s) will be located approximately 150' feet from structures in Williamsburg Landing. Therefore, staff finds the proposed structures will not obstruct light from adjacent property.
  - 2. Structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments; Staff finding: Staff did not identify any historic attractions or areas of significant historic interest in close proximity to this project.
  - 3. Structure will not impair property values in the area; Staff finding: The Director of Real Estate Assessments reviewed the proposal and determined that buildings will not negatively affect the surrounding property values. The Building Safety and Permits Division indicated that the buildings will need to comply with building code requirements, including in-building emergency communication coverage.
  - 4. Structure is adequately designed and served from the standpoint of safety and the County Fire Chief finds the fire safety equipment installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property;
    - Staff finding: The Fire Department indicates that there are building details that will need to be developed during the site plan process but they have no concerns with the proposed building(s) from a fire service standpoint.
  - 5. Such structure will not be contrary to the public health, safety and general welfare. Staff finding: Generally, staff finds that the proposed buildings will not adversely affect the public health, safety or general welfare. However, one area of concern is the development's proximity to the airport. The Department of Aviation (DOAV) indicated its principle concern is the safe ingress and egress of air traffic to/from the Airport. The DOAV has indicated that no structure should be permitted to penetrate certain airspace areas (known as the FAR Part 7 surface). SUP Condition #2 would require submission of materials and review by the Federal Aviation Administration (FAA). The FAA is already evaluating the proposal; however, their findings are not available at this time.

The Height Limitation Waiver conditions are attached to this staff report (Attachment #2).

### PLANNING D



FEB 16 2017

### COMMONWEALTH of VIRGINIA ECEIVED

Randall P. Burdette Executive Director Department of Aviation
5702 Gulfstream Road

5702 Gulfstream Road Richmond, Virginia 23250-2422 V/TDD • (804) 236-3624 FAX • (804) 236-3635

ISO 9001:2008 Certified IS-BAO Registered

February 10, 2017

Mr. Alex Baruch, Planner James City County 101-A Mounts Bay Road Williamsburg, Virginia 23187

RE:

Williamsburg Landing Expansion

Dear Mr. Baruch:

Thank you for providing the Virginia Department of Aviation an opportunity to review and comment on the proposed Williamsburg Landing expansion. As I understand, the proposed expansion would necessitate both a rezoning and issuance of a special use permit. Furthermore, this expansion would result in the construction of an additional 135 units to the already existing Continuing Care Retirement Community (CCRC). This expansion would occur on the Northwest side of Marclay Road on approximately +/- 15.5 acres.

The Department of Aviation does not recommend any residential development occurs adjacent to a public-use airport. Although the proposed development is outside the traffic pattern for both Runway 13 and Runway 31 at the Williamsburg-Jamestown Airport, noise complaints are usually received when residences are constructed in close proximity to an airport.

An additional concern would be the potential impact a development would have on the Airport. Our principle concern is the safe ingress and egress of air traffic to/from the Williamsburg-Jamestown Airport. The Commonwealth has also invested nearly \$2 million dollars in the last 20 years to ensure the Williamsburg-Jamestown Airport remains a viable asset in Virginia's air transportation system. As stewards of public funds, the Department has an obligation to protect the Commonwealth's investment.

The Department acknowledges that land use designations and uses are under the purview of local governments. Therefore the ultimate decision of whether to permit this expansion falls in the hands of James City County Board of Supervisors. Therefore, in the event the James City County Planning Commission and Board of Supervisors decides to approve this development, the Virginia Department of Aviation would like to suggest the following conditions be placed on the expansion.

100 DOAVAS 20170210 JGG Williamsburg Landing Expansion Co

Mr. Alex Baruch February 10, 2017 Page 2

### Recommended Conditions to Williamsburg Landing Expansion

- 1. Prior to approval of the development, the James City County Planning Department should receive a "Determination of No Hazard" from the Federal Aviation Administration (FAA). This determination would be the result of an airspace evaluation following the submission of a 7460 form to the FAA by the project sponsor. The airspace evaluation will note if there are any impacts to the instrument approach procedures into the James City County Airport. A copy of a 7460 form was provided to James City County on February 6, 2017.
- 2. Height restrictions and/or avigation easements should be placed on the proposed development. No structure should be erected or natural vegetation growth should be permitted to penetrate an FAR Part 77 surface. During staff's cursory review, it does not appear as though the development will result in a Part 77 penetration. However, since there were no building layouts or proposed maximum building heights on the information provided, verification that there will be no penetrations was not possible. Final verification will occur for the structures once the 7460 is evaluated by the FAA.
- 3. In the event any vegetation growth becomes a Part 77 penetration, avigation easements or height restrictive zoning should be in place to ensure the removal of the offending trees.
- 4. Any future resident should be required to sign a notice to buyer or disclosure stating that they acknowledge the residence is adjacent to an airport and are willing to accept living in an area where noise levels may frequently reach 65-70 decibels during any part of a 24 hour period.

If you have any questions about these comments or recommendations, please feel free to contact me at (804) 236-3638.

Sincerely,

Senior Aviation Planner

Virginia Department of Aviation

### **AGENDA ITEM NO. H.1.**

### **ITEM SUMMARY**

DATE: 4/5/2017

TO: The Planning Commission

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Planning Director's Report - April 2017

### **ATTACHMENTS:**

	Description	Type
ם		Cover Memo
ם	Spreadsheet listing new applications received	Exhibit

### **REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	3/29/2017 - 3:09 PM
Planning Commission	Holt, Paul	Approved	3/29/2017 - 3:09 PM
Publication Management	Burcham, Nan	Approved	3/29/2017 - 3:33 PM
Planning Commission	Holt, Paul	Approved	3/29/2017 - 4:32 PM

### PLANNING DIRECTOR'S REPORT April 2017

This report summarizes the status of selected Department of Community Development activities during the past month.

### • Planning

- ➤ Monthly Case Report: For a list of all cases received in the last month, please see the attached documents.
- **Board Action Results:** March 14, 2017
  - LU-0002-2014, 8491 Richmond Road (Taylor Farm) Land Use Designation Change Remanded to Planning Commission (4 1)
  - SUP-0012-2016, Chickahominy Summerplace **Denied (4 1)**
  - SUP-0009-2016, 7206 Merrimac Trail Rental of Rooms Approved (5 0)

### • Building Safety & Permits

Karolee Towe and John Pope attended a regional plans examiner's meeting in Hampton on March 14. Tom Coghill discussed permitting requirements in a meeting led by Ellen Cook and Jose Ribeiro for Parks and Recreation staff on March 16.

### • Engineering & Resource Protection

Scott Thomas made a presentation to the James City Board of Agriculture on March 20 on how the County's nonpoint source and watershed management planning programs interact with the agricultural community and the importance of soil and water conservation for urban and agricultural land uses.

	New Cases for April 2017						
Case Type	Case Number	Case Title	Address	Description	Planner	District	
Conceptual Plan	C-0009-2017	3001 Ironbound Vacation Rental Home	3001 IRONBOUND ROAD	Application for short-term rental of vacation home.	Lauren White	03-Berkeley	
	C-0010-2017	Toano West Water Quality Upgrades	122 DEPOT STREET	Conceptual plan for the installation of stormwater improvements in Toano community. These improvements are part of a drainage study conducted for the county.	Scott Whyte	01-Stonehouse	
	C-0011-2017	206, 212, 216, 220, 304 Lightfoot (York County Courtesy Review)		Courtesy review for York County.	Lauren White	N/A	
	C-0012-2017	Fresh Fruit Bar, Premium Outlets	5699 RICHMOND ROAD	Proposal for 10'x10' kiosk for smoothie business at Premium Outlets.	Lauren White	02-Powhatan	
	C-0013-2017	Williamsburg Unitarian Universalists Kitchen Rental	3051 IRONBOUND ROAD	Proposal to rent kitchen out to caters.	Savannah Pietrowski	03-Berkeley	
	C-0014-2017	6515 Richmond Road Conceptual Plan	6515 RICHMOND ROAD	Proposal to build a grocery store on approximately 5.09 acres.	Lauren White	01-Stonehouse	
	C-0015-2017	Storing of Ice Trailers 11 Marclay Road	100 MARCLAY ROAD	Proposed to store 3 refrigerated Van Ice trailers on R8 properties.	Savannah Pietrowski	05-Roberts	
	C-0016-2017	3 Marclay Road Subdivision	3 MARCLAY ROAD	Proposal to subdivide an 8 acre lot into two parcels.	Savannah Pietrowski	05-Roberts	
	C-0017-2017	100 Marclay Road Parking Lot	100 MARCLAY ROAD	Proposal for a parking lot area.	Ellen Cook	05-Roberts	
	C-0018-2017	O'Reilly Auto Parts, 7512 Richmond Rd.	7512 RICHMOND ROAD	New construction of 7,453 sf O'Reilly Auto Parts store with associated parking, landscaping, and infrastructure.	Scott Whyte	01-Stonehouse	
leight Waiver	HW-0001-2017	Williamsburg Landing, Marclay Road MP	20 MARCLAY ROAD	Height waiver for the Williamsburg Landing, Marclay Road Property Rezoning, SUP, and Master Plan	Alex Baruch	05-Roberts	
Subdivision S-0010	S-0009-2017	Stonehouse Tract 3 - Parcel C	9351 SIX MT ZION RD	Proposed residential development with 81 lots on 83 acres.	Lauren White	01-Stonehous	
	S-0010-2017	Colonial Heritage Ph. 3 Sec. 2, SFD	6799 RICHMOND ROAD	Construction/development plans for 156 SFD lots.	Alex Baruch	01-Stonehous	
	S-0011-2017	Candle Factory Mini Storage BLA	7551 RICHMOND ROAD	Property line adjustment or plat of correction to create 2 lots on 22.6 acres.	Jose Ribeiro	01-Stonehous	
	SP-0025-2017	5437 Richmond Road, 2 Gazebos	5437 RICHMOND ROAD	Proposed project to build 2 gazebos.	Jose Ribeiro	04-Jamestowi	
	SP-0026-2017	Foxes Stream Restoration	3323 RUNNING CEDAR W	Stream restoration of 1,260 linear feet of actively eroding stream.	Savannah Pietrowski	04-Jamestowi	
	SP-0027-2017	Busch Gardens Scotland Sidewalk Widening	7851 POCAHONTAS TR	Widening a 162' stretch of sidewalk with a timber curb at Busch Gardens.	Jose Ribeiro	05-Roberts	
	SP-0028-2017	Wal-Mart Carport	9305 POCAHONTAS TR	Construction of an A-Frame carport style building.	Savannah Pietrowski	05-Roberts	
	SP-0029-2017	Holiday Inn Express Landscape Plan	480 MCLAWS CIRCLE	Planting inventory and supplemental planting plan and details. Plan was approved	Scott Whyte	05-Roberts	
Site Plan	SP-0030-2017	The Promenade (SP-49-15 Amend)	5299 JOHN TYLER HGWY	Amendment to previously approved site plan for development of 190 Condo Units as shown on the previously approved rezoning and master plan.	Savannah Pietrowski	03-Berkeley	
	SP-0031-2017	Busch Gardens, 2017 Food and Wine Event SP Amend.	7851 POCAHONTAS TR	Minimal removal of existing mulch bed and addition of exposed aggregate concrete.  Temporary food and wine kiosk placed on pad.	Jose Ribeiro	05-Roberts	
	SP-0032-2017	St. Olaf Roman Catholic Church Landscape Amend.	104 NORGE LANE	Landscape amendment plan for St. Olaf Roman Catholic Church. Plan has been approved	Scott Whyte	01-Stonehous	
	SP-0033-2017	T-Mobile VA10088A Antennas	4039 IRONBOUND ROAD	Install 3 new antennas and 3 RRU's on existing cell tower.	Lauren White	04-Jamestown	
	SP-0034-2017	101 Mounts Bay Rd., T-Mobile, Tower, Antenna Replacement	101 MOUNTS BAY ROAD	Remove/Replace 6 existing antennas and 6 existing RRU's inside existing stealth cell tower.	Alex Baruch	05-Roberts	
	SP-0035-2017	4338/4400 Centerville AT&T Antennas	4338 CENTERVILLE RD	Installation of 3 new RRU-32 B2's per existing tower facility. Remove antennas and replace with new antennas. Waiting on applicant to make a complete submittal	Scott Whyte	02-Powhatan	
	SP-0036-2017	1000 Kingsmill Road SP Amend	KINGSMILL ROAD	Site plan amendment to delete all work associated with the prior proposed adult pool and events lawn.	Lauren White	05-Roberts	