A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
November 1, 2017
7:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. PUBLIC COMMENT

D. REPORTS OF THE COMMISSION

E. CONSENT AGENDA

1. Minutes of the October 4, 2017 Regular Meeting

F. PUBLIC HEARINGS

1. SUP-0005-2017. Lightfoot Marketplace SUP Amendment & SUP-0007-2017. Lightfoot Marketplace Automotive Service Center
2. SUP-0009-2017. 3601 La Grange Parkway Expansion
3. SUP-0011-2017. 3001 Ironbound Road Tourist Home
4. AFD-2-86-1-2017, Croaker AFD Addition, 9730 Sycamore Landing Road
5. Z-0001-2017, SUP-0001-2017, MP-0001-2017. Williamsburg Landing, Marclay Road
6. Z-0002-2017/MP-0002-2017. The Parke at Ford's Colony

G. PLANNING COMMISSION CONSIDERATIONS

1. Initiation of Consideration of Amendments to the Zoning and Subdivision Ordinances to Address Formerly Proffered Policies and Impact Mitigation Items - Natural Resource Policy
2. Initiation of Consideration of Amendments to the Zoning and Subdivision Ordinances to Address Formerly Proffered Policies and Impact Mitigation Items - Streetscape Policy
3. Initiation of Consideration of Amendments to the Zoning and Subdivision Ordinances to Address Formerly Proffered Policies and Impact Mitigation Items - Bicycles and Pedestrian Accommodations, Traffic Impact Analysis and Transportation Improvements
4. Initiation of Consideration of Amendments to the Zoning and Subdivision Ordinances to Address Formerly Proffered Policies and Impact Mitigation Items - Archaeological Policy
5. Initiation of Consideration of Amendments to the Zoning Ordinance to Permit Short-Term Residential Rentals

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - November 2017

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

J. ADJOURNMENT

AGENDA ITEM NO. E.1.

ITEM SUMMARY

DATE: 11/1/2017

TO: The Planning Commission

FROM: Paul D. Holt, III, Secretary

SUBJECT: Minutes of the October 4, 2017 Regular Meeting

ATTACHMENTS:

	Description	Type
🗋	Minutes of the October 4, 2017 Regular Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	10/25/2017 - 4:19 PM
Planning Commission	Holt, Paul	Approved	10/25/2017 - 4:19 PM
Publication Management	Trautman, Gayle	Approved	10/25/2017 - 4:29 PM
Planning Commission	Holt, Paul	Approved	10/25/2017 - 4:31 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
October 4, 2017
7:00 PM

A. CALL TO ORDER

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

B. ROLL CALL

Planning Commissioners Present:
Rich Krapf
Tim O'Connor
Robin Bledsoe
Jack Haldeman
Danny Schmidt
John Wright
Heath Richardson

Absent:
None

Staff Present:
Paul Holt, Director of Community Development and Planning
Scott Whyte, Senior Landscape Planner II
José Ribeiro, Senior Planner
Max Hlavin, Assistant County Attorney

Mr. Krapf requested a moment of silence for the victims of the Las Vegas shooting.

C. PUBLIC COMMENT

Mr. Krapf opened Public Comment.

Mr. Thomas Giblin, 119 Stoke Poges, inquired if the rezoning of the two properties on Westport would be considered at this meeting.

Mr. Paul Holt, Director of Community Development and Planning, stated that the hearing had been cancelled. Mr. Holt further stated that the hearing would be re-advertised and was tentatively scheduled for the November 1 Planning Commission meeting.

As no one else wished to speak, Mr. Krapf closed Public Comment.

D. REPORTS OF THE COMMISSION

Mr. Danny Schmidt stated that the Development Review Committee (DRC) did not meet in September.

Ms. Robin Bledsoe stated that the Policy Committee met on September 14, 2017. Ms. Bledsoe stated that the Committee continues to work with staff to permit short term residential rentals and on potential Zoning Ordinance amendments for the R-8, Rural Residential district and Rural Residential Cluster overlay district. Ms. Bledsoe further stated that the Committee recommended for adoption a revised Remote Participation Policy to bring the Planning Commission's policy into conformance with revisions to State Code regarding the number of meetings in which a member of a public body could participate remotely. Ms. Bledsoe stated that the Committee also began discussions on potential amendments to address formerly proffered policies and impact mitigation items including the Streetscape Policy, Bicycle and Pedestrian Accommodations and Transportation Impact Analysis, the Archaeological Policy, and Natural Resource Policy.

E. CONSENT AGENDA

1. Minutes Adoption - September 6, 2017 Regular Meeting

Mr. John Wright made a motion to approve the Consent Agenda with the Minutes of the September 6, 2017, Regular Meeting as amended.

On a voice vote the Commission unanimously approved the Consent Agenda.

F. PUBLIC HEARINGS

1. Special Use Permit-0010-2017. Kensington School

Mr. Scott Whyte, Senior Landscape Planner II, stated that Ms. Rachel Salmon submitted an application on behalf of the Kensington School for a Special Use Permit (SUP) to operate a pre-school and child development center in an existing building located at 8231 Richmond Road.

Mr. Whyte stated that the property is zoned A-1, General Agricultural and that day-care and child-care centers are a specially permitted use in the A-1 Zoning District. Mr. Whyte stated that the Kensington School proposes to serve up to 48 children with seven employees at this location.

Mr. Whyte stated that the hours of operation are proposed to be 7 a.m.-6 p.m., Monday-Friday. Mr. Whyte noted that the drop-off hours would be 7-9 a.m. and pick-up hours are 4-6 p.m.

Mr. Whyte stated that the total square footage of the existing building is approximately 7,500 square feet, but only the existing 2,800-square-foot counter sales and office area is proposed to be used by the daycare, with the remaining 4,700-square-foot warehouse area being used for storage. Mr. Whyte further stated that the loading area behind the building is proposed to be utilized as an outdoor playground.

Mr. Whyte stated that currently, 19 parking spaces exist on-site with a looping drive aisle, which is proposed to be utilized as a drop-off and pick-up area. Mr. Whyte

further stated that the existing parking meets ordinance requirements for the proposed number of children and staff.

Mr. Whyte stated that the surrounding properties are zoned A-1, General Agricultural. Mr. Whyte noted that properties to the north and south contain single-family residential dwellings and small businesses and properties to the east across Richmond Road are being used for agricultural uses. Mr. Whyte stated that the site is designated General Industry on the 2035 Comprehensive Plan Land Use Map. Mr. Whyte further stated that staff finds that the proposed commercial use of a day-care compatible with the rural character of the Toano area and would support the creation and retention of local small businesses and workforce housing in keeping with the intent of the Economic Development Section of the Comprehensive Plan.

Mr. Whyte stated that staff recommends the Planning Commission recommend approval of the application to the Board of Supervisors, subject to the respective attached conditions.

Mr. Krapf opened the floor for questions from the Commission.

Mr. Heath Richardson inquired how many children were at the day-care currently.

Mr. Whyte stated that the current location serves 250 families; however, there would be a maximum of 48 children at the new location.

Mr. Krapf inquired if the existing concrete would need to be removed from the area proposed as a play area.

Mr. Whyte stated that based on specifications provided by Parks and Recreation, the concrete would either need to be removed or covered with a thick layer of mulch. Mr. Whyte noted that the applicant intends to cover the area with mulch and the specifications would be addressed during the site plan phase.

Mr. Tim O'Connor inquired if the construction debris and silt fence on site would be cleaned up as a condition of the SUP.

Mr. Whyte stated that Stormwater and Resource Protection have inspected the site and are working with the property owner under the existing maintenance agreement for the Best Management Practice to ensure that it is brought up to standard. Mr. Whyte further stated that for this SUP, if any new impervious cover is installed, the same requirements will be applied.

Mr. Holt stated that staff would follow up with Stormwater and Resource Protection to determine if the silt fence is in connection with the maintenance or other remedial work. Mr. Holt further stated that the Zoning Officers would make an inspection of the construction debris and work with the property owner to address those concerns through administrative routes.

Mr. O'Connor noted that he believed it is important to take the opportunity to address these concerns since similar situations have been remedied through SUP conditions.

Mr. Holt stated that staff would ensure the concerns were addressed either through administrative avenues or legal avenues.

Mr. O'Connor inquired how the number of students would be enforced.

Mr. Holt stated that one of the SUP conditions requires an annual report be submitted to the Zoning Administrator which includes enrollment data. Mr. Holt further stated that interior changes would require a building permit which includes a review by Zoning. Mr. Holt noted that the SUP does not address how the interior of the building is partitioned.

Mr. Whyte noted that additional students would trigger the need for more parking as the existing space is sufficient only for the proposed number of students.

Mr. Krapf called for disclosures from the Commission.

Ms. Bledsoe stated that her granddaughter attends the existing Kensington School. Ms. Bledsoe further stated that she also knows the owners of the school.

Mr. Krapf opened the Public Hearing.

As no one wished to speak, Mr. Krapf closed the Public Hearing.

Mr. Krapf opened the floor for discussion by the Commission.

Mr. Schmidt stated that he believes that the school is a good use for the property and that he anticipates supporting the application.

Ms. Bledsoe noted that the daycare would fill a need for the business owners in that area.

Mr. Richardson made a motion to recommend approval of SUP-0010-2017.

On a roll call vote the Commission voted to recommend approval of SUP-0010-2017, Kensington School. (7-0)

2. Special Use Permit-0005/0006/0007/0008-2017. Lightfoot Marketplace Special Use Permit Amendment

Mr. Krapf stated that although the staff report and discussion covered the four SUP applications as a group, it would be necessary to have a motion and vote for the individual cases.

Mr. José Ribeiro, Senior Planner II, stated that Ms. Jennifer Harris of Armada Hoffler has applied on behalf of Lightfoot Marketplace Shopping Center to amend the existing Master Plan for the Lightfoot Marketplace Special Use Permit (SUP-0014-2013), and for three additional SUPs to allow for a convenience store with five gas pumps, an automotive service center with two bays and a drive-thru fast food restaurant.

Mr. Ribeiro stated that the property is zoned M-1, Limited Business/Industrial and is designated on the Comprehensive Plan Land Use Map as the Lightfoot Mixed-Use area. Mr. Ribeiro further stated that fast food restaurants require an SUP in the M-1 district. Mr. Ribeiro further stated that automotive service stations and gasoline stations are a permitted use in the M-1 district; however, both require a commercial SUP per Section 24-11 of the Zoning Ordinance.

Mr. Ribeiro stated that this request will amend, supersede and replace previously approved SUP-0014-2013 for the overall Lightfoot Marketplace development. Mr. Ribeiro noted that the SUP conditions for SUP-0005-2017 are the same as the conditions adopted as part of SUP-0014-2013, with minor changes proposed in order to update them. Mr. Ribeiro stated that these conditions will apply to the development as a whole, while the conditions for the three new cases will be use specific.

Mr. Ribeiro stated that since the original SUP was approved in 2013, four of the six originally-planned buildings having been constructed.

Mr. Ribeiro stated that Building 4, fast food restaurant, and Building 6a, automobile service station, will front along Richmond Road, which is designated by the 2035 Comprehensive Plan as a Community Character Corridor (CCC). Mr. Ribeiro further stated that the convenience store will be designated as building 6b.

Mr. Ribeiro stated that the applicant has submitted architectural elevations for three new structures. Mr. Ribeiro stated that staff has reviewed these elevations and compared them with the approved Lightfoot Marketplace Architectural Guidelines (the "Guidelines"). Mr. Ribeiro stated that the Guidelines provide specific recommendations for the treatment of such elements as building height, roof elements, walls, fenestration, glazing and screening among others. Mr. Ribeiro further stated that the Guidelines provide that the Conceptual Design images submitted as part of SUP-0014-2013, titled "Lightfoot Marketplace-Architectural Renderings" shall be used as a reference for developing Lightfoot Marketplace. Mr. Ribeiro noted that the sides of Buildings 4 and 6a facing Richmond Road should be considered the front façade and treated accordingly. Mr. Ribeiro stated that the elevations provided for the fast food restaurant and the automotive service center are not yet fully consistent with the Guidelines. Mr. Ribeiro stated that the fast food restaurant is consistent with many of the Guidelines; however, it does not fully meet the front façade requirements due to the location of the menu board and lack of pedestrian access. Mr. Ribeiro stated that the elevations for the automotive service station also fall short of being consistent with the Guidelines. Mr. Ribeiro stated that staff believes the two buildings should be developed to give the appearance that they are all fronting Richmond Road, which is designated as a CCC. Mr. Ribeiro stated that staff believes establishing a functional and well-designed façade is of utmost importance to create an inviting experience for pedestrians, it maintains consistency with the overall design for Lightfoot Marketplace and reinforces the idea that Lightfoot Marketplace is a special place, and it is in keeping with the requirements set forth in the initial SUP Conditions and Master Plan. Mr. Ribeiro noted that the intent has always been for the backs of the buildings to face Centerville Road with additional screening and enhanced landscaping, while the fronts of the buildings are intended to face Richmond Road to enhance and preserve the CCC.

Mr. Ribeiro stated that the Guidelines do not specifically address the aesthetic treatment of a gasoline station's canopy and this proposed structure does not have the same front façade requirement as Buildings 4 and 6a. Mr. Ribeiro noted that Staff has included an SUP Condition to establish the design standards for the canopy. Mr. Ribeiro further noted that the applicant has already revised the color of the canopy at the request of the DRC to an earth tone, which is more consistent with the existing Harris Teeter building.

Mr. Ribeiro stated that no substantial changes are being proposed and that the Stormwater Management Plan has been approved for the whole development, and the

proposed buildings will need to demonstrate adherence to the stormwater management approach at the site plan level. Mr. Ribeiro further stated that, according to the updated traffic study, the proposed uses will generate traffic volumes during the AM peak traffic at a slightly higher level than the approved uses, but at lower levels during the PM peak traffic. Mr. Ribeiro noted that no additional improvements to roads and intersections are warranted based on the proposed uses. Mr. Ribeiro stated that the Virginia Department of Transportation (VDOT) has completed its review of the traffic study memorandum and concurs with its conclusion.

Mr. Ribeiro stated that staff finds the proposal to be compatible with surrounding development and consistent with the Zoning Ordinance and the recommendations of the current adopted Comprehensive Plan. Mr. Ribeiro stated that staff recommends the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the attached conditions.

Mr. Krapf opened the floor for questions from the Commission.

Mr. Richardson inquired if staff had an opportunity to consider the edits to the SUP conditions requested by the applicant.

Mr. Ribeiro stated that staff is aware of the edits and knew that there would be certain items that the applicant would not fully agree on. Mr. Ribeiro further stated that the options are provided to the Commission for consideration and recommendation.

Mr. Richardson inquired if staff's recommendation for approval is based on the SUP conditions provided with the agenda packet.

Mr. Ribeiro confirmed.

Mr. O'Connor inquired whether the comment on the amended Master Plan regarding enhanced screening for the order board and drive-thru pick-up was from the applicant or from staff.

Mr. Ribeiro stated that the note was provided by the applicant. Mr. Ribeiro stated that staff has discussed the concerns regarding location of the order board with the applicant and the applicant has offered to screen the order board and the drive-thru pick-up area.

Mr. O'Connor inquired about the location of Buildings 4 and 6 on the original Master Plan.

Mr. Ribeiro stated that originally the two buildings were set to front on Richmond Road with parking spaces intervening between the building and the road. Mr. Ribeiro further stated that the original Master Plan provided for front access and pedestrian access on the Richmond Road side.

Mr. O'Connor inquired if the goal was to place the building closer to the road and have the parking more internal to the development as it is done in other developments on a CCC.

Mr. Ribeiro stated that staff would prefer to uphold the original vision for the development.

Mr. Holt clarified that this would mean minimizing the parking and having the buildings front on Richmond Road.

Ms. Bledsoe inquired about the difference between the approved elevations for the Panera in New Town and the proposed elevations for the Panera in Lightfoot Marketplace.

Mr. Ribeiro stated that staff's perspective for this proposal is that the order board and drive-thru pick-up are not elements typically found at the front of a building. Mr. Ribeiro noted that these elements are usually found on the side or back of the structure. Mr. Ribeiro further stated that since this is a heavily traveled road and a CCC, staff wants to ensure that the side of the building facing the road functions as the front of the building.

Mr. Holt noted that for the Panera in New Town, the entrance and outdoor seating abut on Monticello Avenue. Mr. Holt further noted that the materials used on the Monticello Avenue side also mitigate the appearance.

Mr. O'Connor noted similarity of design for the Starbucks on Monticello Avenue to the proposal for the Panera at Lightfoot Marketplace.

Ms. Bledsoe noted that the wall hides the traffic queuing for the drive-thru at the Starbucks.

Mr. Holt noted that there is also a substantial berm mitigating the visual impact.

Mr. O'Connor requested clarification on the difference between a front entrance and a front façade.

Mr. Ribeiro stated that the intent is to make the side of the building facing Richmond Road look like and function as the front façade of the building.

Mr. Holt noted that, similar to New Town, it would not have to be the main entrance to the building. Mr. Holt stated that a functional entrance door with enhanced architectural elements could be located on the side of the building facing the road and appear to be the front of the building, but the main entrance could be located on a different face of the building.

Mr. Krapf noted that as a CCC there is a higher design standard to ensure the visual integrity of the development. Mr. Holt confirmed that this is the staff recommendation.

Mr. O'Connor noted that there is a Williamsburg Area Transit Authority (WATA) bus stop adjacent to the existing McDonald's and inquired if there would be a bus stop within Lightfoot Marketplace.

Mr. Ribeiro stated that he does not have that information.

Mr. Krapf called for disclosures from the Commission.

Mr. Richardson stated that he toured the site with Chris Odle, a member of the applicant's team.

Ms. Bledsoe stated that she spoke with Tim Trant to discuss a question about the application.

Mr. Schmidt stated that he was contacted by Jennifer Harris who is a member of the applicant team.

Mr. Krapf opened the Public Hearing.

Mr. Tim Trant, Kaufman and Canoles PC, 4801 Courthouse Street, stated that he is representing the applicant along with Jennifer Harris of Armada Hoffler and Jason Grimes of AES Consulting Engineers.

Mr. Trant provided an overview of the proposed changes and reasons behind the change in the tenant mix. Mr. Trant stated the owners wanted to bring forward a comprehensive amendment rather than bringing forward individual changes one at a time.

Mr. Trant further noted that for this development as well as others the focus has turned to being able to have the right tenant mix to create resilience to the trends of online shopping. Mr. Trant provided an overview of the proposed tenant mix and the advantages of those tenants, which include Panera to fulfill the restaurant concept, Heartland Dental, the Harris Teeter Fueling Station and a Valvoline Quick Serve Automotive Service Station.

Mr. Trant noted that the WATA bus stop is already in place and is being utilized.

Mr. Trant stated that the applicant has worked to address staff concerns; however, further changes are hampered by site constraints as well as limitations imposed by the national brand requirements. Mr. Trant stated that the proposed enhanced screening and buffering is the most prudent way to mitigate the constraints and maintain the spirit and intent of the original development and the community character.

Mr. Trant provided an overview of the proposed changes to the Master Plan and noted that much of it was to clarify how the conditions applied to the development and to confirm that the Architectural Guidelines would apply to all the buildings, but the elevations submitted are specific to the individual buildings. Mr. Trant stated that having a level of certainty about the design is critical to the applicant being able to move forward with the tenants.

Mr. Trant noted that there had been discussion with staff regarding the number of outdoor vending kiosks at the fueling station. Mr. Trant stated that the applicant respects staff concerns over maintaining a high-quality aesthetic and noted that the request is for vending cabinets as indicated in the elevations.

Mr. Trant stated that the change in the conditions for the drive-thru restaurant would tie the elevations to the building now, rather than at a later phase. Mr. Trant also noted the offer for enhanced screening and buffering to mitigate the visual impacts along Richmond Road.

Mr. Trant stated that the changes in the proposed conditions for the automotive service center would bind the elevations to the project. Mr. Trant noted that there is no other feasible location for the dumpster and stated it was necessary to confirm the location of

feasible location for the dumpster and stated it was necessary to confirm the location of the dumpster as indicated.

Mr. Krapf inquired about the strike-through change on SUP-0006-2017 regarding the number of vending cabinets at the fueling station. Mr. Krapf noted that the DRC had recommended only one vending cabinet.

Mr. Trant responded that he believed the only change requested by the DRC was for a more muted canopy color. Mr. Trant stated that the vending proposed is not traditional vending machines but kiosks which contain a number of products from snacks to other merchandise which is typically found in a fueling station or convenience center

Mr. Krapf requested clarification on SUP-0005-2017 regarding the changes to the impervious cover. Mr. Krapf inquired why this is a concern and asked for clarification on the difference between the recommended reduction of 20% as compared to the existing conditions and the reduction compared to the previous conditions at the old Outlet Mall.

Mr. Holt stated that the conditions that existed at the Outlet Mall were the existing conditions under the original approved Master Plan. Mr. Trant noted that it would not be possible to achieve the 20% reduction based on current site conditions. Mr. Trant stated the change was to clarify and confirm the intent to reduce the impervious cover from the conditions existing with the previous Outlet Mall.

Mr. Schmidt inquired about the nature of the screening for the dumpster at the automotive service center.

Mr. Trant stated that there are specific requirements in the design guidelines for dumpster screening. Mr. Trant stated that the screening complies with those requirements.

Mr. Schmidt inquired about the orientation of the dumpster.

Mr. Trant stated that there were limited locations on the site where the dumpster could be placed. Mr. Trant further stated that the current plan is to face the dumpster toward the fueling station and face away from Street D and the dentistry office.

Mr. Schmidt inquired how the drive-thru order board would be screened.

Mr. Trant stated that the screening could be accomplished through a mix of landscaping and fencing. Mr. Trant further stated that the applicant is open to suggestions on how that might be done for the best aesthetic result.

Mr. Richardson inquired if the applicant had gotten a sense of what the DRC wanted in regard to the actual Site Plan.

Mr. Trant stated that the current elevations are more enhanced than what the DRC reviewed and incorporate feedback from the DRC and staff regarding materials and colors. Mr. Trant stated that he did not remember discussion with the DRC on the orientation of the buildings relative to the parking. Mr. Trant stated that the discussion with the DRC was generally positive and largely focused on muting the colors at the fueling station, enhancing a façade with more glass and providing enhanced buffering and screening

and screening.

Mr. Richardson inquired if the DRC discussed and provided feedback on the Master Plan amendments.

Mr. Trant stated that they did not have proposed conditions at the time the DRC reviewed the applications. Mr. Trant further stated that the DRC review focused on the conceptual elevations for the purpose of eliciting feedback so that issues with the proposed elevations could be addressed before presenting them to the Planning Commission. Mr. Trant stated that he believed the DRC concerns were fully understood and incorporated in the current elevations.

Mr. Wright inquired if the applicant has come to an agreement with staff on the location of the dumpster.

Mr. Trant stated that staff does not currently approve of the dumpster location; however, the applicant has not been able to determine a different location due to site constraints.

Mr. Wright inquired if staff has recommended a location.

Mr. Holt stated that it is up to the applicant to propose a location; however, it is important that it be moved away from the internal pedestrian network.

Mr. O'Connor stated that he has concerns about the current locations of the dumpsters. Mr. O'Connor noted that he prefers developments where the dumpsters have a central single location. Mr. O'Connor commented that there would be significant pedestrian traffic that would be impacted by the current proposed location.

Mr. O'Connor inquired about the change in elevation from Richmond Road.

Mr. Jason Grimes, AES Consulting Engineers, stated that there is approximately ten feet of fall between Richmond Road and the parking area at the rear. Mr. Grimes noted that it is a fairly consistent grade. Mr. Grimes further noted that there is about two feet of fall between Richmond Road and the Panera building.

Mr. O'Connor inquired how the screening would appear from Richmond Road.

Mr. Grimes stated that there would be more screening because the order board is lower than the road and, therefore, the screening would need to be taller to provide full coverage. Mr. Grimes stated that the proposed screening would include a 36-inch tall PVC white picket fence and a hedge facing Richmond Road. Mr. Grimes stated that once the hedge fills out it will hide the fence entirely and the fence will become a barrier on the inside. Mr. Grimes noted that the proposed screening would wrap around so that traffic entering would also not see the order board and pick-up window.

Mr. O'Connor inquired about the extent of the existing 50-foot CCC buffer.

Mr. Trant stated that the buffer runs from the sidewalk to just in front of where the light poles have been installed. Mr. Trant showed the Commission an elevation depicting the Panera building in relation to the CCC buffer and illustrated the location and extent of the proposed screening.

Mr. Richardson inquired if AES was reluctant to alter the location of some of the structures.

Mr. Grimes responded that various options had been considered. Mr. Grimes stated that Panera is not traditionally associated with fast food; however, the model for this location addresses the growing preference of consumers to be able to order from a mobile app and be able to pick up the order without parking and entering the store. Mr. Grimes stated the proposed orientation of the building is necessitated by the drive-thru element.

Mr. Richardson inquired if there is any room for compromise at this time.

Mr. Trant stated that the applicant is committed to the proposed design and layout. Mr. Trant stated that the applicant has considered many options; however, the proposed elevation is the best fit that balances Planning staff preferences, the needs of the tenant and site constraints. Mr. Trant stated that the applicant's flexibility is in the enhanced screening and landscaping. Mr. Trant further stated that the applicant could also consider changes to dumpster location and orientation prior to the matter being reviewed by the Board of Supervisors.

Ms. Bledsoe stated that she understood the need to tie the elevations to the architectural review and noted that there should be a way to come to a consensus. Ms. Bledsoe inquired about the reasoning of the requirement for just one vending kiosk.

Mr. Holt stated that the requirement is consistent with other approved SUPs for fueling stations and that staff is concerned with setting a new precedent.

Ms. Bledsoe stated that she understands the concerns over the appearance of the façades facing Richmond Road since it is a CCC; however, what is proposed is better than what exists in other developments and is also better than some of the existing buildings along Richmond Road. Ms. Bledsoe stated that she did not want to see the County lose out on a vital build-out of the development over something as simple as dumpster placement. Ms. Bledsoe stated that her main question on the potential for compromise on building orientation had already been answered and she was disappointed that there was no further room for discussion.

Ms. Bledsoe asked Mr. O'Connor to go over his proposal for where the dumpsters could be located.

Mr. O'Connor stated that he did not have a specific location in mind; however, he believed that from a traffic flow and a pedestrian access viewpoint, there could be a better location.

Ms. Bledsoe inquired about the screening for the drive-thru.

Mr. Trant stated that the proposed option would be a PVC white picket fence with a hedge on the side facing Richmond Road which would, when mature, completely obscure the fence. Mr. Trant noted that the final design would need to be approved by the Planning Director. Mr. Trant further stated that the design team would be more than willing to work with staff on reorienting the dumpster prior to taking the matter to the Board of Supervisors.

Ms. Bledsoe requested confirmation that the main reason for the amended Master Plan was the loss of Walgreens as a tenant.

Mr. Trant confirmed.

Mr. Richardson inquired if the applicant's intent was to ensure the success of the anchor tenant, Harris Teeter, by bringing in a mix of tenants that would be complimentary to the grocery store as well as to each other and to encourage filling some of the smaller retail space that is currently vacant.

Mr. Trant confirmed. Mr. Trant noted that Panera and Valvoline are strong brands with a loyal customer base that would complement the existing businesses and encourage smaller businesses to locate in the shopping center.

As no one else wished to speak, Mr. Krapf closed the Public Hearing.

Mr. Krapf requested clarification on which of the SUPs staff is supportive of. Mr. Krapf noted that the two main issues appear to be the location of the dumpsters and the orientation of the buildings to Richmond Road.

Mr. Ribeiro stated that for SUP-0005-2017, which is the amendment to the overall Master Plan, staff is comfortable with the change regarding the impervious cover. Mr. Ribeiro stated that staff does not concur with the changes regarding architectural review because the proposed orientation of the buildings does not place the front of the building on Richmond Road and the elevations proposed for Panera and Valvoline do not fully meet the architectural guidelines.

Mr. Ribeiro stated that for SUP-0006-2017 for the fueling station, staff does not concur with the additional vending kiosks because of the potential for setting a precedent for future SUPs.

Mr. Ribeiro stated that for SUP-0007-2017, staff does not agree with the changes proposed by the applicant regarding the architectural elevations. Mr. Ribeiro further stated that staff does not concur with the proposed placement of the dumpsters. Mr. Ribeiro stated that staff also does not concur with the applicant's proposed changes for SUP-0008-2017, which also relate to the architectural elevations.

Mr. O'Connor inquired about the number of vending kiosks at the Harris Teeter located in the Quarterpath Shopping Center.

It was noted that there are four or five vending kiosks at that location; however, the development is located in the City of Williamsburg.

Ms. Bledsoe asked for clarification how lack of consistency of the proposed elevations was determined.

Mr. Ribeiro stated that the elevations were not consistent with the architectural guidelines approved for the original SUP in 2013.

Ms. Bledsoe inquired how the 2013 standards would apply to new buildings proposed in 2017 since they are different buildings.

Mr. Ribeiro stated that the drawings incorporated in the approved architectural guidelines are meant as a reference. Mr. Ribeiro stated that the buildings are not required to be built exactly like the referenced elevations, but they must be consistent in materials and color scheme to ensure cohesiveness with the overall development and community character. Mr. Ribeiro stated that, in particular, staff does not find the proposed elevations for the automotive service center to yet be fully consistent with the guidelines.

Ms. Bledsoe inquired if the lack of consistency is because the proposal is not complementary to the other buildings.

Mr. Ribeiro stated that staff finds the proposed elevations to be quite different from the other buildings, particularly the roofline.

Mr. Richardson inquired about the requirement for glazing.

Mr. Ribeiro stated that for Buildings 4 and 6 specifically the guidelines call for 60% glazing on the side of the building facing Richmond Road.

Mr. Richardson inquired if the Commission would be making a recommendation based on staff's original suggested conditions.

Mr. Holt stated that the Commission could recommend approval of some or all of the applicant's requested changes to staff's proposed conditions. Mr. Holt stated that for each SUP vote the Commission would need to be very clear on what language is being approved.

Mr. Krapf clarified that the materials presented in the agenda packet are what staff concurs with and is recommending.

Mr. Holt confirmed and noted that staff would also concur with the small change proposed by the applicant for SUP-0005-2017 regarding the impervious cover.

Mr. Richardson inquired if the Commission had the option to defer some of the applications or remand them back to the DRC for further work.

Mr. Krapf stated that he does not remember remanding cases back to the DRC since that committee has already vetted the application; however, a deferral to the November meeting could be helpful in addressing the various concerns. Mr. Krapf stated that he does not like sending SUPs forward with loose ends for the Board of Supervisors to finalize.

Mr. Holt reiterated that staff would want the Commission to be very clear in any vote what language is being approved. Mr. Holt stated that should the Commission choose to defer any or all applications, the staff report and supplemental materials could clarify what the applicant's proposed changes are compared with staff recommendations.

Mr. Krapf opened the floor for discussion by the Commission.

Mr. O'Connor inquired where staff would like the dumpster for the automotive service center to be located.

Mr. Ribeiro stated that staff has only reacted to the proposed location and has not

Mr. Ribeiro stated that staff has only reacted to the proposed location and has not investigated alternate locations.

Mr. O'Conner requested confirmation that staff objects to the proposed location because it is located adjacent to Street D and is along the pedestrian network.

Mr. Ribeiro stated that is also located in one of the focal points of the development.

Ms. Bledsoe inquired if the concern is that the location will impact traffic flow or that it will be visible to pedestrians.

Mr. Ribeiro stated that it is an aesthetic issue, not a safety issue.

Mr. Holt stated that depending on the impact to the Site Plan, it might not be possible to put in the pedestrian network in that location.

Mr. O'Connor stated that the more you try to hide a dumpster, the more you make it inaccessible for the disposal truck.

Ms. Jennifer Harris, Armada Hoffler, stated that they would be willing to look for other viable locations for the Panera dumpster. Ms. Harris noted that the automotive service center site is very tight and that every reasonable option has been considered. Ms. Harris further noted that each option considered has its own drawbacks. Ms. Harris stated that the only better option would be off site, which also has the drawback of potential spillage and leakage of the garbage as employees transport it across the development. Ms. Harris stated that they are committed to installing the pedestrian network at all costs. Ms. Harris stated that they are open to providing whatever screening is necessary and will consider any and all recommendations for placement of the dumpster; however, they believe that the proposed location represents the best option.

Mr. O'Connor noted that he believed pedestrian access was more important for Panera as opposed to the automotive service center, which is a drive-thru service and would not be as dependent on pedestrian access.

Mr. Richardson stated that Lightfoot Marketplace has a good aesthetic which should be maintained. Mr. Richardson further stated that he sees benefit in potentially deferring the applications so that more of the concerns with details can be fully addressed. Mr. Richardson stated that he would be inclined that all four applications be deferred. Mr. Richardson further stated that the applicant would need to be willing to make some concessions. Mr. Richardson stated that he believes the glazing on the side of the building fronting on Richmond Road is extremely important, as is trade space. Mr. Richardson stated that he supports bringing new businesses to the development to ensure its success. Mr. Richardson stated that he believes the plan can be adjusted to accommodate the uses and maintain the integrity of the development.

Ms. Bledsoe stated that brick and mortar retail must be able to compete against online sales. Ms. Bledsoe stated that she supports having the mix of complementary businesses to create a one-stop shop. Ms. Bledsoe stated that her concerns are with maintaining the consistent aesthetic appearance. Ms. Bledsoe further stated that she has concerns that the current proposal has a number of components that still do not fit completely and that the applicant has indicated that there is no further option for change. Ms. Bledsoe stated that she would support a deferral to see if the issues can be

Ms. Bledsoe stated that she would support a deferral to see if the issues can be resolved.

Ms. Bledsoe made a motion to defer each of the four applications to the November Planning Commission meeting. The Commission discussed that any recommendation for deferral should include specific guidance for staff on what needs to be addressed.

Mr. Jack Haldeman stated that he is comfortable with the orientation of the buildings, barring any concerns about setting precedent. Mr. Haldeman further stated that he recognizes that dumpsters are unsightly; however, he does not believe that an off-site location is the solution. Mr. Haldeman stated that he would support deferring the applications.

Mr. Krapf stated that he does not disagree with the location of the main entrance for the Panera; however, he believes that the location along a CCC requires a higher level of aesthetics. Mr. Krapf stated that he has concerns about setting precedent if standards are sacrificed to attract tenants. Mr. Krapf stated that he is supportive of a deferral in hopes that additional concessions can be considered.

Mr. Richardson stated that if the applications are deferred, perhaps the applicant could submit an option where the drive-thru is located on the interior and not along Richmond Road.

Mr. O'Connor stated that the drive-thru is visible on the existing McDonald's which also fronts on Richmond Road as well as the queues for the other fast food restaurants on Richmond Road. Mr. O'Connor noted that CCC standards call for the buildings to be adjacent to the road with parking being internal and residential components, if any, located at the back. Mr. O'Connor further stated that the applications should be considered in light of the improvement over what was originally on the site, in this case the Williamsburg Outlet Mall. Mr. O'Connor stated that the Lightfoot Marketplace represents something substantially better. Mr. O'Connor stated that the DRC was not opposed to the elevations that were presented other than to ask for making it a special place that would be a destination shopping center and not be an ordinary strip mall. Mr. O'Connor stated that to the applicant's credit, they have succeeded in coming close to meeting that request. Mr. O'Connor stated that the issue should not be the number of vending kiosks or the nature of the type of screening. Mr. O'Connor stated that the obligation to the community is to draw customers to the development to make it a vibrant place. Mr. O'Connor stated that he could support the applications with the applicant's amended conditions.

Ms. Bledsoe stated that she agrees with Mr. O'Connor's position.

Mr. Richardson stated that he believes the focus on details is necessary, especially the issue regarding the front façade. Mr. Richardson further stated that he believes trade space is necessary to make the proposal work.

Mr. O'Connor noted that the reduction in traffic with these applications would be beneficial to the Lightfoot corridor.

Mr. Schmidt stated that he would support a deferral so that the necessary details could be worked out to resolve issues and concerns. Mr. Schmidt stated that his main concern is ensuring that the building façades on Richmond Road are in keeping with standards for the CCC.

standards for the CCC.

Mr. O'Connor referenced the design of the existing CVS in Norge and noted that it is very similar to what is being proposed for the drive-thru restaurant.

Mr. Richardson noted that the CVS is partially screened by a berm and that the Lightfoot Marketplace site is much flatter. Mr. Richardson reiterated that he does not find the proposed elevation to be in keeping with the CCC.

Mr. O'Connor inquired if a berm at Lightfoot Marketplace would be appealing to the Commission.

Mr. Richardson stated that he finds the openness of the development appealing.

Mr. Krapf stated that a deferral would provide time for this issue and others to be addressed and still potentially allow it to move forward to the December Board of Supervisors meeting.

Mr. Krapf noted that he was not cutting off discussion, but requested confirmation that there were motions on the floor to defer each of the applications.

Mr. Holt confirmed that there were motions to postpone each of the applications to a date and time certain.

Mr. Wright stated that he supports efforts to ensure the success of the development and attract new tenants; however, he would not oppose a deferral if it would allow time to resolve concerns.

Mr. Holt stated that for SUP-0005-2017, Lightfoot Marketplace Master Plan and SUP Amendment, the motion is to postpone to the November 1, 2017, Planning Commission meeting.

On a roll call vote the Commission voted to postpone SUP-0005-2017, Lightfoot Marketplace SUP Amendment, to the November 1, 2017, Planning Commission meeting. The motion passed. (4-3)

Mr. Holt stated that for SUP-0006-2017, Lightfoot Marketplace Gasoline Station, the motion is to postpone to the November 1, 2017, Planning Commission meeting.

On a roll call vote the motion to postpone SUP-0006-2017, Lightfoot Marketplace Gasoline Station, failed to carry. (3-4)

Mr. Holt stated that for SUP-0007-2017, Lightfoot Marketplace Automotive Service Center, the motion is to postpone to the November 1, 2017, Planning Commission meeting.

On a roll call vote the Commission voted to postpone SUP-0007-2017, Lightfoot Marketplace Automotive Service Center, to the November 1, 2017, Planning Commission meeting. (4-3)

Mr. Holt stated that for SUP-0008-2017, Lightfoot Marketplace Drive-Thru Restaurant, the motion is to postpone to the November 1, 2017, Planning Commission meeting.

On a roll call vote the motion to postpone SUP-0008-2017, Lightfoot Marketplace Drive-Thru Restaurant, failed to carry. (3-4)

Mr. O'Connor inquired if the applicant would wish to request a deferral for SUP-0006-2017 and SUP-0008-2017 so that all applications could be considered at the same time.

Mr. Trant stated that the applicant would prefer to move forward with as many cases a possible; however, the preference would be to take all cases to the Board of Supervisors at one time.

Mr. Holt stated that the Commission would need to send forward a recommendation on SUP-0006-2017 and SUP-0008-2017.

Mr. Richardson stated that he does not support moving the two applications forward.

The Commission discussed whether SUP-0006-2017 and SUP-0008-2017 would move forward to the Board of Supervisors separately from the applications that were deferred.

Mr. Holt clarified that the applicant could request that all applications move forward at the same time.

Mr. Haldeman noted that the issue with the gasoline station is the number of vending kiosks. Mr. Haldeman stated that for the drive-thru restaurant his concern is still the location of the dumpster.

Mr. O'Connor made a motion to recommend approval of SUP-0006-2017, Lightfoot Marketplace Gasoline Station, with SUP conditions as amended by the applicant.

On a roll call vote the Commission voted to recommend approval of SUP-0006-2017, Lightfoot Marketplace Gasoline Station, with SUP conditions as amended by the applicant. (6-1)

Ms. Bledsoe made a motion to recommend approval of SUP-0008-2017, Lightfoot Marketplace Drive-Thru Restaurant, with SUP conditions as amended by the applicant.

Mr. Haldeman requested assurance that screening of the order board and pick-up window were included in the applicant's changes. Mr. O'Connor confirmed.

On a roll call vote the Commission voted to recommend approval of SUP-0008-2017, Lightfoot Marketplace Drive-Thru Restaurant with SUP conditions as amended by the applicant. (4-3)

G. PLANNING COMMISSION CONSIDERATIONS

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

Mr. Holt stated that in response to recent guidance from the Federal Emergency Management Agency Region III ("FEMA") and the Department of Conservation and Recreation ("DCR"), staff has identified the need to update the Floodplain Ordinance

to address the construction regulations of small accessory structures in the special flood hazard area. Mr. Holt stated that as a result of the recent FEMA determinations, DCR guidance and model regulations have been recently updated to address wet-proofing construction standards for small accessory structures in the floodplain. Mr. Holt stated that this option, if adopted locally, will also provide a lower construction cost option for property owners. Mr. Holt stated that staff recommends adoption of the attached resolution to initiate consideration of such amendments to the Zoning Ordinance. Mr. Holt noted that adopting an initiating resolution does not change County Code, it simply begins the process of considering amendments.

Mr. O'Connor inquired if the changes would include detached garages.

Mr. Holt noted that detached garages would be one specific example of the types of structures affected. Mr. Holt noted that under the current regulations, if a detached garage is located in a Special Flood Hazard Area, the only options are to elevate it, which is not a practical option, or dry flood proof it to prevent water from entering the structure, which is also expensive and impractical. Mr. Holt stated that potential amendments would allow for wet flood proofing such as flood vents

Mr. Wright made a motion to recommend approval of the Initiating Resolution for Consideration of Amendments to the Zoning Ordinance, Division 3. Floodplain Area Regulations.

On a roll call vote the Commission voted to approve the Initiating Resolution for Consideration of Amendments to the Zoning Ordinance, Division 3. Floodplain Area Regulations. (7-0)

2. Adoption of a Revised Policy for Remote Participation in Meetings by Commission Members

Mr. Max Hlavin, Assistant County Attorney, stated that this is a change to the Commission's adopted Policy on Remote Participation in Meetings to bring the policy into conformance with changes made to Virginia Code Section 2.2-3708.1 Mr. Hlavin noted that the changes removed language pertaining to emergencies and limited the number of times a member of a public body could remotely participate in a meeting because of a personal matter to two meetings each calendar year. Mr. Hlavin noted that previously, remote participation by a member because of an emergency or personal matter was limited each calendar year to two meetings or 25% of the meetings of the public body, whichever was fewer. Mr. Hlavin noted that there are also minor revisions to clarify certain portions of the policy. Mr. Hlavin further noted that on September 14, 2017, the Policy Committee recommended approval of the revised policy. Mr. Hlavin stated that staff recommends Planning Commission approval of the attached Resolution and revised policy.

Mr. Richardson made a motion to approve the revised policy.

On a roll call vote the Commission voted to approve the revisions to the Policy for Remote Participation in Meetings by Commission Members. (7-0)

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - October 2017

Mr. Holt stated that he had nothing in addition to the report provided in the agenda packet.

Mr. O'Connor inquired if members had been selected for the Workforce Housing Task Force.

Mr. Holt stated that the application process is closed. Mr. Holt further stated that approximately 48 applications were submitted. Mr. Holt stated that staff and County Administration are reviewing the applications and working through the process of selecting members as well as developing a short list of consultants.

Mr. O'Connor inquired if the Policy Committee would be involved in any of the process.

Mr. Holt stated that the Planning Commission and the Board of Supervisors would be kept in the loop throughout the process. Mr. Holt noted that there is potential for representation on the Task Force from both bodies as well as other entities.

Mr. Haldeman inquired about the number of members on the task force.

Mr. Holt responded that the goal is to have 16–18 members which would include representation from various committees and commissions, other stakeholder agencies and individual citizens.

Mr. Wright inquired when the Task Force would begin their work.

Mr. Holt stated that the hope was to have a kick-off meeting prior to the holidays with the first work meeting shortly after the first of the year.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Krapf congratulated Ms. Bledsoe on her appointment to the Economic Development Authority (EDA), noting that the appointment reflects her excellent work on the Planning Commission.

Mr. Krapf stated that taking on the new appointment also means that this was her last Planning Commission meeting.

Mr. Krapf read the Resolution of Appreciation for Ms. Bledsoe for Planning Commission for approval stating that:

WHEREAS, Ms. Robin Bledsoe has served the citizens of James City County as a member of its Planning Commission from February 2012 to October 2017; and

WHEREAS, Ms. Bledsoe has served on both the Policy Committee and the Development Review Committee; and

WHEREAS, Ms. Bledsoe served as the Chairman of the 2013, 2014 and 2017 Policy Committee; and

WHEREAS, during Ms. Bledsoe's service, the Planning Commission reviewed

substantive updates to the Zoning Ordinance and Subdivision Ordinance and considered numerous legislative development cases; and

WHEREAS, Ms. Bledsoe actively participated in the update to the Comprehensive Plan: *Toward 2035: Leading the Way*; and

WHEREAS, Ms. Bledsoe served as representative to the 2014 and 2015 Regional Issues Committee; and

WHEREAS, Ms. Bledsoe was a graduate of the Virginia Tech Certified Planning Commissioner Program.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia does hereby extend its sincere appreciation to MS. ROBIN BLEDSOE

BE IT FURTHER RESOLVED that the Planning Commission wishes to express its gratitude to Ms. Robin Bledsoe for her time of dedicated service to the citizens of James City County.

Mr. Wright made a motion to adopt the Resolution of Appreciation.

On a roll call vote the Planning Commission voted to adopt the Resolution of Appreciation for Ms. Robin Bledsoe. (7-0)

Mr. Krapf presented Ms. Bledsoe with a framed copy of the signed resolution.

Ms. Bledsoe stated that it has been an honor to serve on the Planning Commission. Ms. Bledsoe expressed appreciation for her fellow Commission members and Planning staff.

Ms. Bledsoe noted that she recently attended the mid-term workshop for the Ft. Eustis-Langley Joint Land Use Study. Ms. Bledsoe further stated that the hope is to have a draft report ready early in 2018. Ms. Bledsoe stated that she believed the results of the study would be very useful for informing future development adjacent to the military installations. Ms. Bledsoe noted that she would gladly continue to attend the Joint Land Use Study meeting and report back to the Planning Commission.

Mr. O'Connor noted that Ms. Bledsoe will be an excellent addition to the EDA because of her understanding of what the Planning Commission needs in terms of economic impact data to effectively review many of the more intensive applications.

Mr. Krapf noted that Mr. Richardson has Board of Supervisors meeting coverage for October.

J. ADJOURNMENT

Ms. Bledsoe made a motion to adjourn.

The meeting was adjourned at approximately 9:25 p.m.

_____ _____

Rich Krapf, Chairman Paul D. Holt, III, Secretary

AGENDA ITEM NO. F.1.

ITEM SUMMARY

DATE: 11/1/2017

TO: The Planning Commission

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: SUP-0005-2017. Lightfoot Marketplace SUP Amendment & SUP-0007-2017. Lightfoot Marketplace Automotive Service Center

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ATTACHMENTS:

	Description	Type
	Staff Report	Staff Report
	Location Map	Exhibit
	Revised Master Plan Exhibit	Exhibit
	Original and Revised Architectural Elevation for the Automotive Service Center	Exhibit
	Approved Design Guidelines	Exhibit
	SUP Conditions for SUP-0005-2017	Exhibit
	SUP Conditions proposed by staff for SUP-0007-2017	Exhibit
	SUP Conditions for SUP-0007-2017 with revisions proposed by the applicant to Condition No. 2	Exhibit
	Exhibit showing proposed additional landscape screening for the vehicle service center	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	10/25/2017 - 3:44 PM
Planning Commission	Holt, Paul	Approved	10/25/2017 - 3:44 PM
Publication Management	Trautman, Gayle	Approved	10/25/2017 - 3:46 PM
Planning Commission	Holt, Paul	Approved	10/25/2017 - 3:48 PM

SUMMARY FACTS

Applicant:	Ms. Jennifer Harris
Land Owner:	Lightfoot Marketplace Shopping Center
Proposal:	To amend the existing Master Plan for the Lightfoot Marketplace Special Use Permit (SUP-0014-2013), and to allow for an Automotive Service Center with two bays.
Location:	6401 Richmond Road
Tax Map/Parcel No.:	2430100038
Project Acreage:	+/- 18.86 acres
Zoning:	M-1, Limited Business/Industrial
Comprehensive Plan:	Mixed Use - Lightfoot
Primary Service Area:	Inside
Staff Contact:	Jose Ribeiro, Senior Planner II

PUBLIC HEARING DATES

Planning Commission:	October 4, 2017, 7:00 p.m. (deferred by the Planning Commission)
Planning Commission:	November 1, 2017
Board of Supervisors:	December 12, 2017, 5:00 p.m. (tentative)

FACTORS FAVORABLE

1. With the proposed conditions, staff finds the proposal compatible with surrounding zoning and development.

2. With the proposed conditions, staff finds the proposal consistent with the recommendations of the Comprehensive Plan adopted in 2015, "*Toward 2035: Leading the Way*."

FACTORS UNFAVORABLE

With the attached Special Use Permit (SUP) conditions, staff finds no unfavorable factors.

SUMMARY STAFF RECOMMENDATION

Approval is subject to the SUP conditions proposed by staff (Attachment Nos. 5 and 6)

PLANNING COMMISSION RECOMMENDATION

At its October 4, 2017 meeting, the Planning Commission considered four separate SUP applications for Lightfoot Marketplace:

- Case No. SUP-0005-2017, Lightfoot Marketplace SUP Amendment, proposes to amend the existing Master Plan for the Lightfoot Marketplace SUP approved in 2013 by the Board of Supervisors.

- Case No. SUP-0006-2017, Gasoline Fueling Station, proposes the addition of a Convenience Store with five gas pumps and canopy.

- Case No. SUP-0007-2017, Automotive Service Center, proposes the addition of an Automotive Service Center with two bays.

- Case No. SUP-0008-2017, Drive-Through Restaurant, proposes the addition of a Drive-Through Fast Food Restaurant.

The Commission voted to recommend approval of Case Nos. SUP-0006-2017 and SUP-0008-2017 to the Board of Supervisors, by a vote of 6-1 and 4-3, respectively, with amendments to SUP conditions as proposed by the applicant. The Commission voted 4-3 to defer consideration of Case Nos. SUP-0005-2017 and SUP-0007-2017 to the November 1, 2017 Planning Commission meeting, in order to allow the applicant additional time to address issues related to the location of dumpsters on the site and the architectural elevation for the proposed Automotive Service Center.

Proposed Changes Made Since the Planning Commission Meeting:

The following changes have been made by the applicant in response to comments made by the Commission and staff:

The Dumpster Serving Building 4 (Fast Food Restaurant and Dental Office):

The applicant has revised the location of the enclosed dumpster further away from the proposed restaurant's seating area. The applicant has also indicated that a second dumpster will be added to the enclosure in order to accommodate the proposed uses.

The Dumpster Serving Building 6A (Automotive Service Center):

Staff and the applicant worked together in order to identify an alternative location for the dumpster next to the proposed Automotive Service Center that preserves the location and completeness of the internal pedestrian network. As a result, the dumpster was relocated to the left of the proposed building and away from internal streets and pedestrian accommodations.

Architectural Elevation for Building No. 6A (Automotive Service Center):

The applicant has submitted a revised architectural elevation for the proposed Automotive Service Center (Attachment No. 3). Staff notes that changes made to the slope of the roof (low-slope roof) and a glass door facing Richmond Road are elements consistent with the approved Architectural Guidelines for Lightfoot Marketplace (Attachment No. 4). Should this SUP be approved, final architectural details would be resolved prior to issuance of a Building Permit per SUP Condition No. 2 (Attachment No. 6).

SUP-0007-2017-Automotive Service Center:

At the October 4, 2017 Planning Commission meeting, the applicant presented requested changes to SUP condition No. 2 Architectural Review. The applicant requests to eliminate language requiring that the final building architectural elevations be consistent with the 2013 elevations titled "Lightfoot Marketplace-Architectural Renderings" and that the front façade for this building face Richmond Road. Staff does not support deleting the reference to the 2013 elevations or the frontage requirement from this condition as these are important elements that are part of the original vision for the Lightfoot Marketplace project. Staff notes that the change to the SUP condition No. 2 as requested by the applicant is attached to this staff report as Attachment No.7.

The applicant has also proposed additional screening for the automotive service center. Staff has therefore proposed a corresponding condition (SUP Condition No. 4).

PROJECT DESCRIPTION

- The applicant is requesting an SUP to construct a +/- 1,674-square-foot Automotive Service Center.

- Automotive Service Stations are a permitted use in M-1, but require a commercial SUP per Sec. 24-11 of the Zoning Ordinance.

- The overall Lightfoot Marketplace Center is partially developed with four of the six originally-planned buildings having been constructed: Harris Teeter, two retail buildings and the Children's Hospital of the King's Daughters (CHKD) medical building.

- The Automobile Service Station is identified as Building No. 6a on the proposed Master Plan. This area is shown on the adopted Master Plan as Building No. 6, which allows for up to 10,000 square feet of commercial/office uses. The total permitted square footage for the development is proposed to be 132,820 square feet, compared with approximately 136,500 square feet shown on the adopted Master Plan (a reduction of 3,680 square feet).

- This request will also amend, supersede and replace previously approved SUP-0014-2013 for the overall Lightfoot Marketplace development. The SUP conditions for Case No. SUP-0005-2017, will apply to the development as a whole, while the conditions for the Automotive Service Center will be use specific.

- Approved design guidelines (Attachment No. 4) govern the design and architecture of the Lightfoot Marketplace.

PLANNING AND ZONING HISTORY

The parcel was formerly the location of the 230,000-square-foot Williamsburg Outlet Mall. In 2013, a proposal was submitted to replace the Outlet Mall with new buildings, parking and other infrastructure. The proposal required an SUP under Section 24-11 of the Zoning Ordinance, due to the development being comprised of a building or group of buildings which exceed 10,000 square feet of floor area and which were expected to generate a total of 100 or more peak hour trips. This SUP, Case No. SUP-0014-2013, was approved by the Board of Supervisors on February 11, 2014. On August 23, 2017, the Development Review Committee reviewed the revised Master Plan and new elevations for the proposed uses and provided comments and input to the applicant in advance of the Planning Commission meeting in October.

SURROUNDING ZONING AND DEVELOPMENT

- Properties immediately adjacent to the east/northeast are zoned M-1 and developed as commercial uses. Properties to the east across Richmond Road are zoned B-1, or GB, General Business within York County and are also developed as commercial uses.

- Parcels to the north are zoned MU and developed as the residential portion of the Liberty Crossing development.

- Parcels to the west/south west are zoned A-1 and R-8 and developed as residential lots.

- Across Centerville Road is a parcel zoned PL, Public Lands and developed as Thomas Nelson Community College, and a parcel zoned R-8/PUD and developed as a place of public assembly.

COMPREHENSIVE PLAN

This property is designated Mixed Use by the 2035 Comprehensive Plan and specifically part of the Lightfoot Mixed Use area. The principal suggested uses for this mixed-use area are moderate density housing, commercial developments and office developments. Further, the commercial uses should not be developed in strip commercial fashion and should emphasize shared access and parking as well as consistent treatment for landscaping and architecture. Staff finds that commercial development in this location is consistent with the Comprehensive Plan language. Furthermore, the design proposed continues to use shared access and has consistent treatment of architecture, as shown in the proposed building elevations and design guidelines. In keeping with language in the mixed-use development standards, the Master Plan continues to provide for several focal open spaces through the development including a central marketplace green and a comprehensive pedestrian plan that includes a route through the parking lot.

In terms of Community Character, both Richmond Road and Centerville Road in this area are classified as Suburban and Urban CCCs. The Master Plan continues to include landscape buffers with enhanced landscaping.

PUBLIC IMPACTS (All Proposed Uses)

1. Anticipated Impact on Public Facilities and Services:

   - *Streets:* All the transportation improvements associated with the previous traffic study for the development of the Lightfoot Marketplace has been completed, including improvements to the Richmond/Lightfoot Road intersection and the Centerville Road/Opportunity Way intersection. An update to the traffic study was submitted comparing traffic generation between the proposed uses (i.e. Gasoline Station, Automotive Service Station and Fast-Food Restaurant/Dentist) versus the uses for the original traffic study (Pharmacy and Sit-Down Restaurant) in Building Nos. 4 and 6. According to the updated traffic study, the proposed uses will generate traffic volumes during the AM peak traffic at a slightly higher level than the approved uses but at lower levels during the PM peak traffic. No additional improvements to roads and intersections are warranted based on the proposed uses. The Virginia Department of Transportation has completed its review of the traffic study memorandum and concurs with its conclusion.

     - Pedestrian accommodations are in place along Richmond and Centerville Roads.

     - Internal pedestrian accommodations between the two sites will be provided as shown on the Master Plan.

   - *School/Fire/Utilities:* No impacts anticipated for schools. The closest fire station in James City County to the property is Fire Station 4, located at 5312 Olde Towne Road, just over 2.6 miles southeast of this project site. The site is served by James City Service Authority for water and sewer, and the applicant projects that water and sewer use for the proposed uses will be below what had been originally approved.

2. Environmental/Cultural/Historical: No impacts anticipated. The Stormwater Management Plan has been approved for the whole development, and the proposed buildings will need to demonstrate adherence to the stormwater management approach at the development plan level. According to the Master Plan, there is a slight decrease in the overall impervious surface and a slight increase in greenspace areas associated with the new proposal.

Stormwater and Resource Protection requested SUP Conditions related to a spill prevention control and countermeasures plan for the Automotive Service Center.

3. Anticipated Impact on Nearby and Surrounding Properties:

- As described above, the properties are surrounded by business zoning. The residentially zoned properties are further away across the railroad and Merrimac Trail.

- Many of the potential impacts are being mitigated through SUP conditions such as lighting, noise, screening of site features and architectural review.

PROPOSED SUP CONDITIONS

The SUP conditions drafted by staff and the changes to the SUP conditions proposed by the applicant are attached to this staff report as Attachment Nos. 6 and 7.

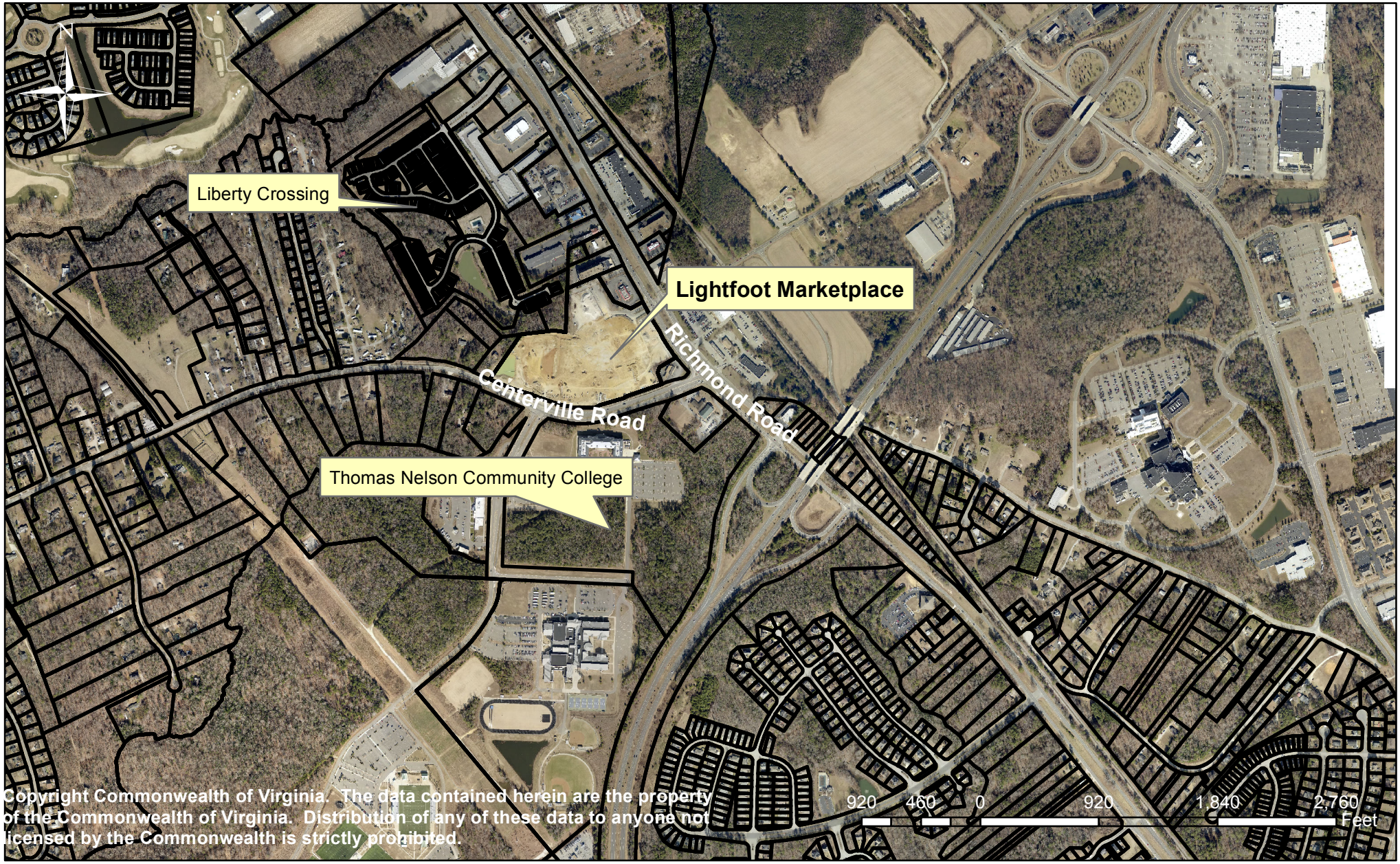
STAFF RECOMMENDATION

Staff finds the proposal to be compatible with surrounding development and consistent with the recommendations of the Comprehensive Plan adopted in 2015, "*Toward 2035: Leading the Way*" and the Zoning Ordinance. Staff recommends the Planning Commission recommend approval of this application to the Board of Supervisors, subject to staff's proposed SUP conditions (Attachment Nos. 5 and 6).

JR/nb
SUP05-17andSUP07-17Lightfoot

Attachments:
1. Location Map
2. Revised Master Plan Exhibit
3. Original and Revised Architectural Elevation for the Automotive Service Center
4. Approved Design Guidelines
5. SUP Conditions for SUP-0005-2017
6. SUP Conditions proposed by staff for SUP-0007-2017
7. SUP Conditions for SUP-0007-2017 with revisions proposed by the applicant to Condition No. 2
8. Exhibit showing proposed additional landscape screening for the vehicle service center

SUP-0005/0007-2017
Lightfoot Marketplace



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MASTER PLAN AMENDMENT
LIGHTFOOT MARKETPLACE
FOR
SPECIAL USE PERMIT

STONEHOUSE DISTRICT JAMES CITY COUNTY VIRGINIA

AES PROJECT NUMBER W10234-01
SUBMITTAL DATE: 8/21/13
SUP-0005/0006/0007/0008-2017

GENERAL NOTES

PROPERTY OWNER: LIGHTFOOT MARKETPLACE SHOPPING CENTER LLC
222 CENTRAL PARK AVE, STE. 2100
VIRGINIA BEACH, VIRGINIA 23463

2. PARCEL IDENTIFICATION 2430100038

ADDRESS: 6401 RICHMOND ROAD
WILLIAMSBURG, VA 23188

3. SITE IS ZONED LIMITED BUSINESS/INDUSTRIAL DISTRICT (WITH CONDITIONS PER SUP-0014-2013 AND APPROVED FEBRUARY 11, 2014 BY JCC BOARD OF SUPERVISORS AND ASSOCIATED WITH THIS SITE).

4. SITE IS SITUATED IN SUBWATERSHED 205 OF THE POWHATAN CREEK WATERSHED AND SUBWATERSHED 105 OF THE YARMOUTH CREEK WATERSHED OF JAMES CITY COUNTY.

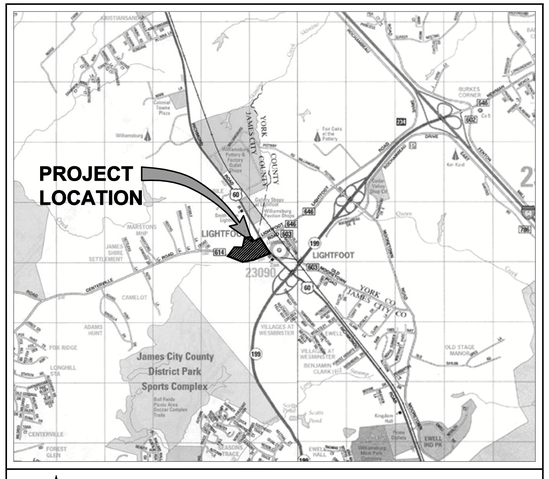
5. HYDROLOGIC UNIT CODE: JL31 (POWHATAN CREEK – 020802060702) & JL28 (CHICKAHOMINY RIVER–YARMOUTH CREEK –20802060604

6. BASED ON THE FEMA FLOOD INSURANCE RATE MAP FOR JAMES CITY COUNTY, VIRGINIA (MAP PANEL 51095C0109D) AS OF 12/16/15, NO PORTIONS OF THIS PROPERTY FALL WITHIN THE 100–YEAR FLOODPLAIN.

7. SITE AREA = 18.96 AC. ± (825,990 S.F.±)

NOTE:
1. THE ORIGINAL MASTER PLAN SUP-00014-2013 WAS APPROVED BY JAMES CITY COUNTY BOARD OF SUPERVISORS ON FEBRUARY 11, 2014.
2. THIS AMENDMENT APPLIES TO BUILDING AREAS #4 & 6 ONLY.

1



VICINITY MAP
(Approximate Scale: 1"=2,000')
Copyright ADC The Map People permitted use number 20905145

INDEX OF SHEETS

SHEET NO.	SHEET DESCRIPTION
1	COVER SHEET
2	ENVIRONMENTAL INVENTORY AND EXISTING CONDITIONS
3.1	EXISTING BINDING MASTER PLAN (APPROVED 2/11/2014)
3.2	BINDING MASTER PLAN
4	CONCEPTUAL STORMWATER MASTER PLAN
5	CONCEPTUAL WATER & SEWER PLAN

DEVELOPER INFORMATION:

CONTACT: LIGHTFOOT MARKETPLACE SHOPPING CENTER, LLC.
222 CENTRAL PARK AVE. STE 2100
VIRGINIA BEACH, VIRGINIA 23463
PHONE NO.: (757) 366-4000
CONTACT: JENNIFER HARRIS

Rev.	Date	Description	Revised By
1	08/19/17	PROVISIONS PER COUNTY COMMENTS	LBA
	07/27/17	AMENDED MASTER PLAN FOR SPECIAL USE PERMIT	LBA

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MASTER PLAN AMENDMENT
LIGHTFOOT MARKETPLACE
FOR
SPECIAL USE PERMIT
STONEHOUSE DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts:	JAG
Project Number:	W10234-01
Scale: N/A	Date: 07/19/17

Sheet Title:
COVER SHEET

Sheet Number
1

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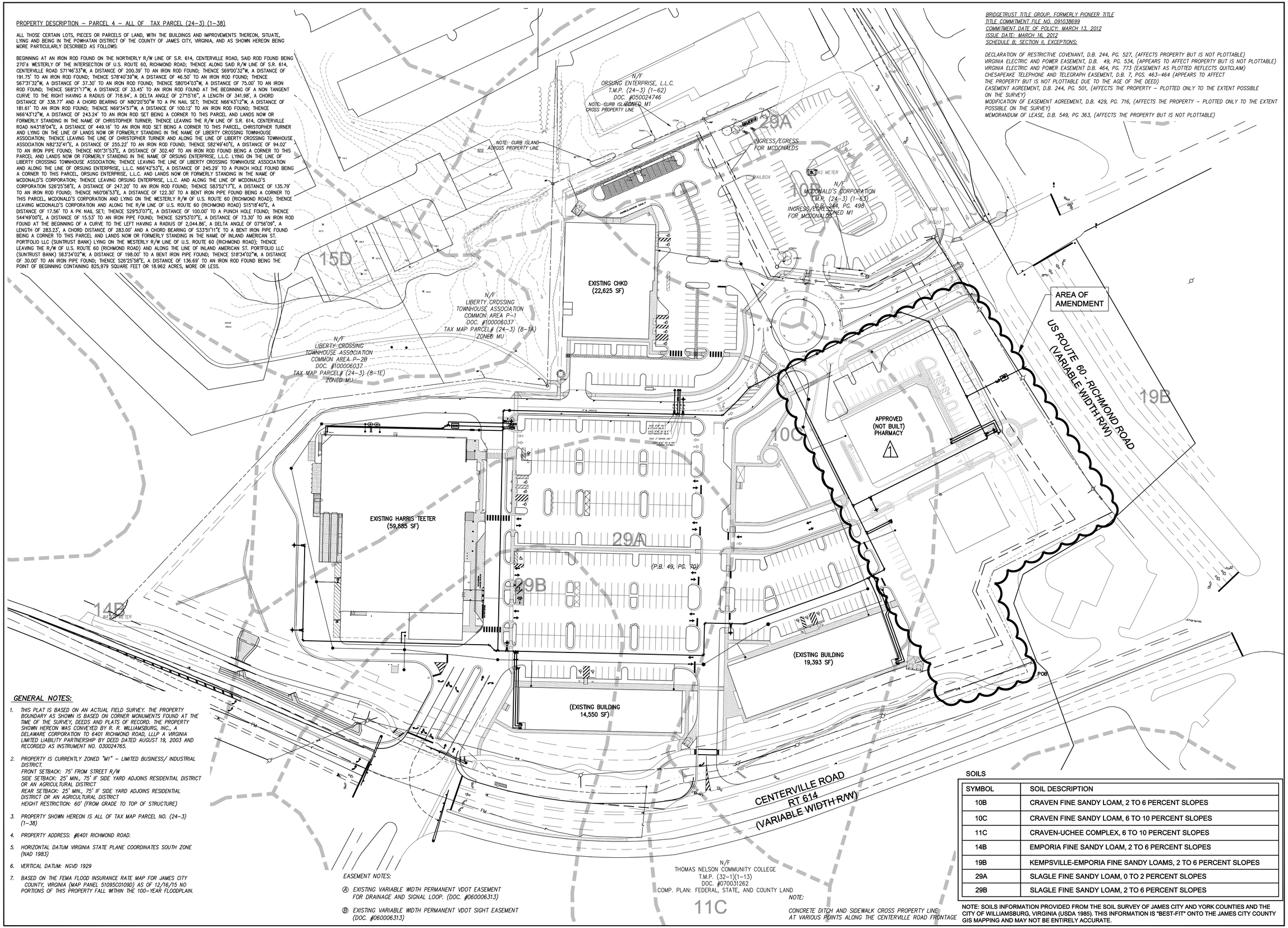
PROPERTY DESCRIPTION – PARCEL 4 – ALL OF TAX PARCEL (24–3) (1–38)

ALL THOSE CERTAIN LOTS, PIECES OR PARCELS OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON, SITUATE, LYING AND BEING IN THE POWHATAN DISTRICT OF THE COUNTY OF JAMES CITY, VIRGINIA, AND AS SHOWN HEREON BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON ROD FOUND ON THE NORTHERLY R/W LINE OF S.R. 614, CENTERVILLE ROAD, SAID ROD FOUND BEING 270± WESTERLY OF THE INTERSECTION OF U.S. ROUTE 60, RICHMOND ROAD; THENCE ALONG SAID R/W LINE OF S.R. 614, CENTERVILLE ROAD S71°46'33"W, A DISTANCE OF 200.39' TO AN IRON ROD FOUND; THENCE S69°00'32"W, A DISTANCE OF 191.75' TO AN IRON ROD FOUND; THENCE S78°40'39"W, A DISTANCE OF 46.50' TO AN IRON ROD FOUND; THENCE S67°31'32"W, A DISTANCE OF 37.30' TO AN IRON ROD FOUND; THENCE S80°04'03"W, A DISTANCE OF 75.00' TO AN IRON ROD FOUND; THENCE S68°21'17"W, A DISTANCE OF 33.45' TO AN IRON ROD FOUND AT THE BEGINNING OF A NON TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 718.94', A DELTA ANGLE OF 27°15'16", A LENGTH OF 341.98', A CHORD DISTANCE OF 338.77' AND A CHORD BEARING OF N80°20'50"W TO A PK NAIL SET; THENCE N66°43'12"W, A DISTANCE OF 181.61' TO AN IRON ROD FOUND; THENCE N69°34'57"W, A DISTANCE OF 100.12' TO AN IRON ROD FOUND; THENCE N66°43'12"W, A DISTANCE OF 243.24' TO AN IRON ROD SET BEING A CORNER TO THIS PARCEL AND LANDS NOW OR FORMERLY STANDING IN THE NAME OF CHRISTOPHER TURNER; THENCE LEAVING THE R/W LINE OF S.R. 614, CENTERVILLE ROAD N43°18'04"E, A DISTANCE OF 449.16' TO AN IRON ROD SET BEING A CORNER TO THIS PARCEL, CHRISTOPHER TURNER AND LYING ON THE LINE OF LANDS NOW OR FORMERLY STANDING IN THE NAME OF LIBERTY CROSSING TOWNHOUSE ASSOCIATION; THENCE LEAVING THE LINE OF CHRISTOPHER TURNER AND ALONG THE LINE OF LIBERTY CROSSING TOWNHOUSE ASSOCIATION N82°32'41"E, A DISTANCE OF 255.22' TO AN IRON ROD FOUND; THENCE S82°49'40"E, A DISTANCE OF 94.02' TO AN IRON PIPE FOUND; THENCE N01°31'53"E, A DISTANCE OF 302.40' TO AN IRON ROD FOUND BEING A CORNER TO THIS PARCEL AND LANDS NOW OR FORMERLY STANDING IN THE NAME OF ORSUNG ENTERPRISE, L.L.C. LYING ON THE LINE OF LIBERTY CROSSING TOWNHOUSE ASSOCIATION; THENCE LEAVING THE LINE OF LIBERTY CROSSING TOWNHOUSE ASSOCIATION AND ALONG THE LINE OF ORSUNG ENTERPRISE, L.L.C. N86°42'53"E, A DISTANCE OF 245.29' TO A PUNCH HOLE FOUND BEING A CORNER TO THIS PARCEL, ORSUNG ENTERPRISE, L.L.C. AND LANDS NOW OR FORMERLY STANDING IN THE NAME OF MCDONALD'S CORPORATION; THENCE LEAVING ORSUNG ENTERPRISE, L.L.C. AND ALONG THE LINE OF MCDONALD'S CORPORATION S26°25'58"E, A DISTANCE OF 247.20' TO AN IRON ROD FOUND; THENCE S83°52'17"E, A DISTANCE OF 135.79' TO AN IRON ROD FOUND; THENCE N60°06'53"E, A DISTANCE OF 122.30' TO A BENT IRON PIPE FOUND BEING A CORNER TO THIS PARCEL, MCDONALD'S CORPORATION AND LYING ON THE WESTERLY R/W OF U.S. ROUTE 60 (RICHMOND ROAD); THENCE LEAVING MCDONALD'S CORPORATION AND ALONG THE R/W LINE OF U.S. ROUTE 60 (RICHMOND ROAD) S15°18'40"E, A DISTANCE OF 17.56' TO A PK NAIL SET; THENCE S29°53'07"E, A DISTANCE OF 100.00' TO A PUNCH HOLE FOUND; THENCE S44°49'00"E, A DISTANCE OF 15.53' TO AN IRON PIPE FOUND; THENCE S29°53'07"E, A DISTANCE OF 73.30' TO AN IRON ROD FOUND AT THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2,044.86', A DELTA ANGLE OF 07°56'09", A LENGTH OF 283.23', A CHORD DISTANCE OF 283.00' AND A CHORD BEARING OF S33°51'11"E TO A BENT IRON PIPE FOUND BEING A CORNER TO THIS PARCEL AND LANDS NOW OR FORMERLY STANDING IN THE NAME OF INLAND AMERICAN ST. PORTFOLIO LLC (SUNTRUST BANK) LYING ON THE WESTERLY R/W LINE OF U.S. ROUTE 60 (RICHMOND ROAD); THENCE LEAVING THE R/W OF U.S. ROUTE 60 (RICHMOND ROAD) AND ALONG THE LINE OF INLAND AMERICAN ST. PORTFOLIO LLC (SUNTRUST BANK) S63°34'02"W, A DISTANCE OF 198.00' TO A BENT IRON PIPE FOUND; THENCE S18°34'02"W, A DISTANCE OF 30.00' TO AN IRON PIPE FOUND; THENCE S26°25'58"E, A DISTANCE OF 136.69' TO AN IRON ROD FOUND BEING THE POINT OF BEGINNING CONTAINING 825,979 SQUARE FEET OR 18.962 ACRES, MORE OR LESS.

BRIDGETRUST TITLE GROUP, FORMERLY PIONEER TITLE
TITLE COMMITMENT FILE NO. 091038699
COMMITMENT DATE OF POLICY: MARCH 13, 2012
ISSUE DATE: MARCH 16, 2012
SCHEDULE B, SECTION II, EXCEPTIONS:

DECLARATION OF RESTRICTIVE COVENANT, D.B. 244, PG. 527, (AFFECTS PROPERTY BUT IS NOT PLOTTABLE)
VIRGINIA ELECTRIC AND POWER EASEMENT, D.B. 49, PG. 534, (APPEARS TO AFFECT PROPERTY BUT IS NOT PLOTTABLE)
VIRGINIA ELECTRIC AND POWER EASEMENT D.B. 464, PG. 773 (EASEMENT AS PLOTTED REFLECTS QUITCLAIM)
CHESAPEAKE TELEPHONE AND TELEGRAPH EASEMENT, D.B. 7, PGS. 463–464 (APPEARS TO AFFECT THE PROPERTY BUT IS NOT PLOTTABLE DUE TO THE AGE OF THE DEED)
EASEMENT AGREEMENT, D.B. 244, PG. 501, (AFFECTS THE PROPERTY – PLOTTED ONLY TO THE EXTENT POSSIBLE ON THE SURVEY)
MODIFICATION OF EASEMENT AGREEMENT, D.B. 429, PG. 716, (AFFECTS THE PROPERTY – PLOTTED ONLY TO THE EXTENT POSSIBLE ON THE SURVEY)
MEMORANDUM OF LEASE, D.B. 549, PG 363, (AFFECTS THE PROPERTY BUT IS NOT PLOTTABLE)



GENERAL NOTES:

1. THIS PLAT IS BASED ON AN ACTUAL FIELD SURVEY. THE PROPERTY BOUNDARY AS SHOWN IS BASED ON CORNER MONUMENTS FOUND AT THE TIME OF THE SURVEY, DEEDS AND PLATS OF RECORD. THE PROPERTY SHOWN HEREON WAS CONVEYED BY R. R. WILLIAMSBURG, INC., A DELAWARE CORPORATION TO 6401 RICHMOND ROAD, LLLP A VIRGINIA LIMITED LIABILITY PARTNERSHIP BY DEED DATED AUGUST 19, 2003 AND RECORDED AS INSTRUMENT NO. 030024765.
2. PROPERTY IS CURRENTLY ZONED "M1" – LIMITED BUSINESS/ INDUSTRIAL DISTRICT.
   FRONT SETBACK: 75' FROM STREET R/W
   SIDE SETBACK: 25' MIN., 75' IF SIDE YARD ADJOINS RESIDENTIAL DISTRICT OR AN AGRICULTURAL DISTRICT
   REAR SETBACK: 25' MIN., 75' IF SIDE YARD ADJOINS RESIDENTIAL DISTRICT OR AN AGRICULTURAL DISTRICT
   HEIGHT RESTRICTION: 60' (FROM GRADE TO TOP OF STRUCTURE)
3. PROPERTY SHOWN HEREON IS ALL OF TAX MAP PARCEL NO. (24–3) (1–38)
4. PROPERTY ADDRESS: #6401 RICHMOND ROAD.
5. HORIZONTAL DATUM VIRGINIA STATE PLANE COORDINATES SOUTH ZONE (NAD 1983)
6. VERTICAL DATUM: NGVD 1929
7. BASED ON THE FEMA FLOOD INSURANCE RATE MAP FOR JAMES CITY COUNTY, VIRGINIA (MAP PANEL 51095C0109D) AS OF 12/16/15 NO PORTIONS OF THIS PROPERTY FALL WITHIN THE 100–YEAR FLOODPLAIN.

EASEMENT NOTES:

Ⓐ EXISTING VARIABLE WIDTH PERMANENT VDOT EASEMENT FOR DRAINAGE AND SIGNAL LOOP. (DOC. #060006313)

Ⓑ EXISTING VARIABLE WIDTH PERMANENT VDOT SIGHT EASEMENT (DOC. #060006313)

NOTE:

CONCRETE DITCH AND SIDEWALK CROSS PROPERTY LINE AT VARIOUS POINTS ALONG THE CENTERVILLE ROAD FRONTAGE

SOILS

SYMBOL	SOIL DESCRIPTION
10B	CRAVEN FINE SANDY LOAM, 2 TO 6 PERCENT SLOPES
10C	CRAVEN FINE SANDY LOAM, 6 TO 10 PERCENT SLOPES
11C	CRAVEN-UCHEE COMPLEX, 6 TO 10 PERCENT SLOPES
14B	EMPORIA FINE SANDY LOAM, 2 TO 6 PERCENT SLOPES
19B	KEMPSVILLE-EMPORIA FINE SANDY LOAMS, 2 TO 6 PERCENT SLOPES
29A	SLAGLE FINE SANDY LOAM, 0 TO 2 PERCENT SLOPES
29B	SLAGLE FINE SANDY LOAM, 2 TO 6 PERCENT SLOPES

NOTE: SOILS INFORMATION PROVIDED FROM THE SOIL SURVEY OF JAMES CITY AND YORK COUNTIES AND THE CITY OF WILLIAMSBURG, VIRGINIA (USDA 1985). THIS INFORMATION IS "BEST-FIT" ONTO THE JAMES CITY COUNTY GIS MAPPING AND MAY NOT BE ENTIRELY ACCURATE.

Rev.	Date		Revised By
1	08/19/17	PROVISIONS PER COUNTY COMMENTS	LBA
2	07/27/17	AMENDED MASTER PLAN FOR SPECIAL USE PERMIT	LBA

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MASTER PLAN AMENDMENT LIGHTFOOT MARKETPLACE FOR SPECIAL USE PERMIT

STONEHOUSE DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts:	JAG
Project Number:	W10234-01
Scale: 1"=60'	Date: 07/19/17

Sheet Title:
EXISTING CONDITIONS AND ENVIRONMENTAL INVENTORY

Sheet Number
2

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LEGEND

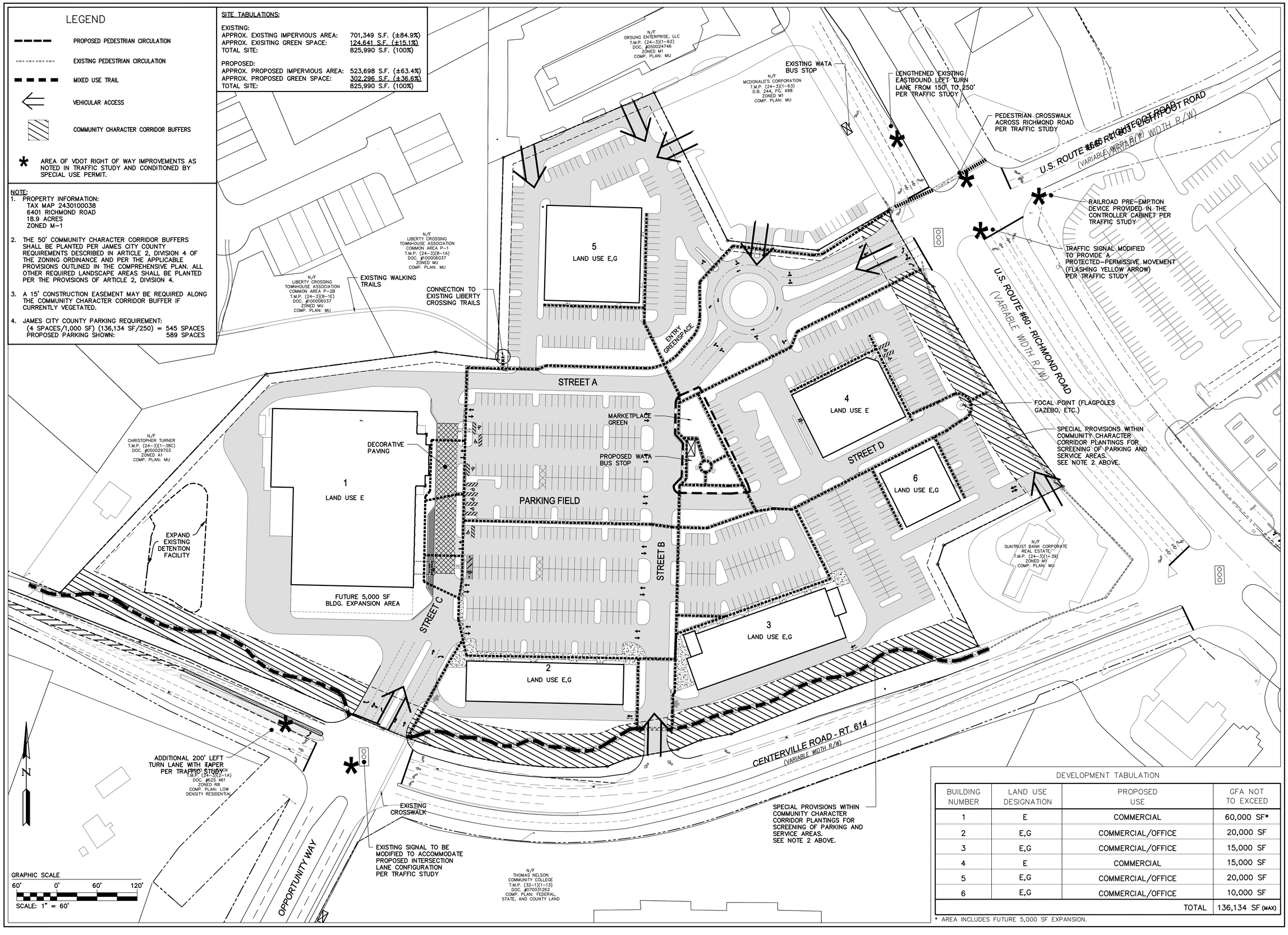
- PROPOSED PEDESTRIAN CIRCULATION
- EXISTING PEDESTRIAN CIRCULATION
- MIXED USE TRAIL
- VEHICULAR ACCESS
- COMMUNITY CHARACTER CORRIDOR BUFFERS
- * AREA OF VDOT RIGHT OF WAY IMPROVEMENTS AS NOTED IN TRAFFIC STUDY AND CONDITIONED BY SPECIAL USE PERMIT.

SITE TABULATIONS:

EXISTING:
APPROX. EXISTING IMPERVIOUS AREA: 701,349 S.F. (±84.9%)
APPROX. EXISITING GREEN SPACE: 124,641 S.F. (±15.1%)
TOTAL SITE: 825,990 S.F. (100%)

PROPOSED:
APPROX. PROPOSED IMPERVIOUS AREA: 523,698 S.F. (±63.4%)
APPROX. PROPOSED GREEN SPACE: 302,296 S.F. (±36.6%)
TOTAL SITE: 825,990 S.F. (100%)

NOTE:
1. PROPERTY INFORMATION:
   TAX MAP 2430100038
   6401 RICHMOND ROAD
   18.9 ACRES
   ZONED M-1
2. THE 50' COMMUNITY CHARACTER CORRIDOR BUFFERS SHALL BE PLANTED PER JAMES CITY COUNTY REQUIREMENTS DESCRIBED IN ARTICLE 2, DIVISION 4 OF THE ZONING ORDINANCE AND PER THE APPLICABLE PROVISIONS OUTLINED IN THE COMPREHENSIVE PLAN. ALL OTHER REQUIRED LANDSCAPE AREAS SHALL BE PLANTED PER THE PROVISIONS OF ARTICLE 2, DIVISION 4.
3. A 15' CONSTRUCTION EASEMENT MAY BE REQUIRED ALONG THE COMMUNITY CHARACTER CORRIDOR BUFFER IF CURRENTLY VEGETATED.
4. JAMES CITY COUNTY PARKING REQUIREMENT:
   (4 SPACES/1,000 SF) (136,134 SF/250) = 545 SPACES
   PROPOSED PARKING SHOWN: 589 SPACES



DEVELOPMENT TABULATION

BUILDING NUMBER	LAND USE DESIGNATION	PROPOSED USE	GFA NOT TO EXCEED
1	E	COMMERCIAL	60,000 SF*
2	E,G	COMMERCIAL/OFFICE	20,000 SF
3	E,G	COMMERCIAL/OFFICE	15,000 SF
4	E	COMMERCIAL	15,000 SF
5	E,G	COMMERCIAL/OFFICE	20,000 SF
6	E,G	COMMERCIAL/OFFICE	10,000 SF
		TOTAL	136,134 SF (MAX)

* AREA INCLUDES FUTURE 5,000 SF EXPANSION.

Rev.	Date	Description	LBA Reviewed By
1	07/27/17	AMENDED MASTER PLAN FOR SPECIAL USE PERMIT	

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LIGHTFOOT MARKETPLACE
SPECIAL USE PERMIT
JAMES CITY COUNTY VIRGINIA
STONEHOUSE DISTRICT

Project Contacts:	GAM/JSP
Project Number:	W10234-01
Scale: 1"=60'	Date: 6/21/13

Sheet Title:
EXISTING BINDING MASTER PLAN (APPROVED 2/11/14)

Sheet Number
3.1

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LEGEND

- PROPOSED PEDESTRIAN CIRCULATION
- EXISTING PEDESTRIAN CIRCULATION
- MIXED USE TRAIL
- VEHICULAR ACCESS
- COMMUNITY CHARACTER CORRIDOR BUFFERS
- * AREA OF VDOT RIGHT OF WAY IMPROVEMENTS AS NOTED IN TRAFFIC STUDY AND CONDITIONED BY SPECIAL USE PERMIT.

SITE TABULATIONS:

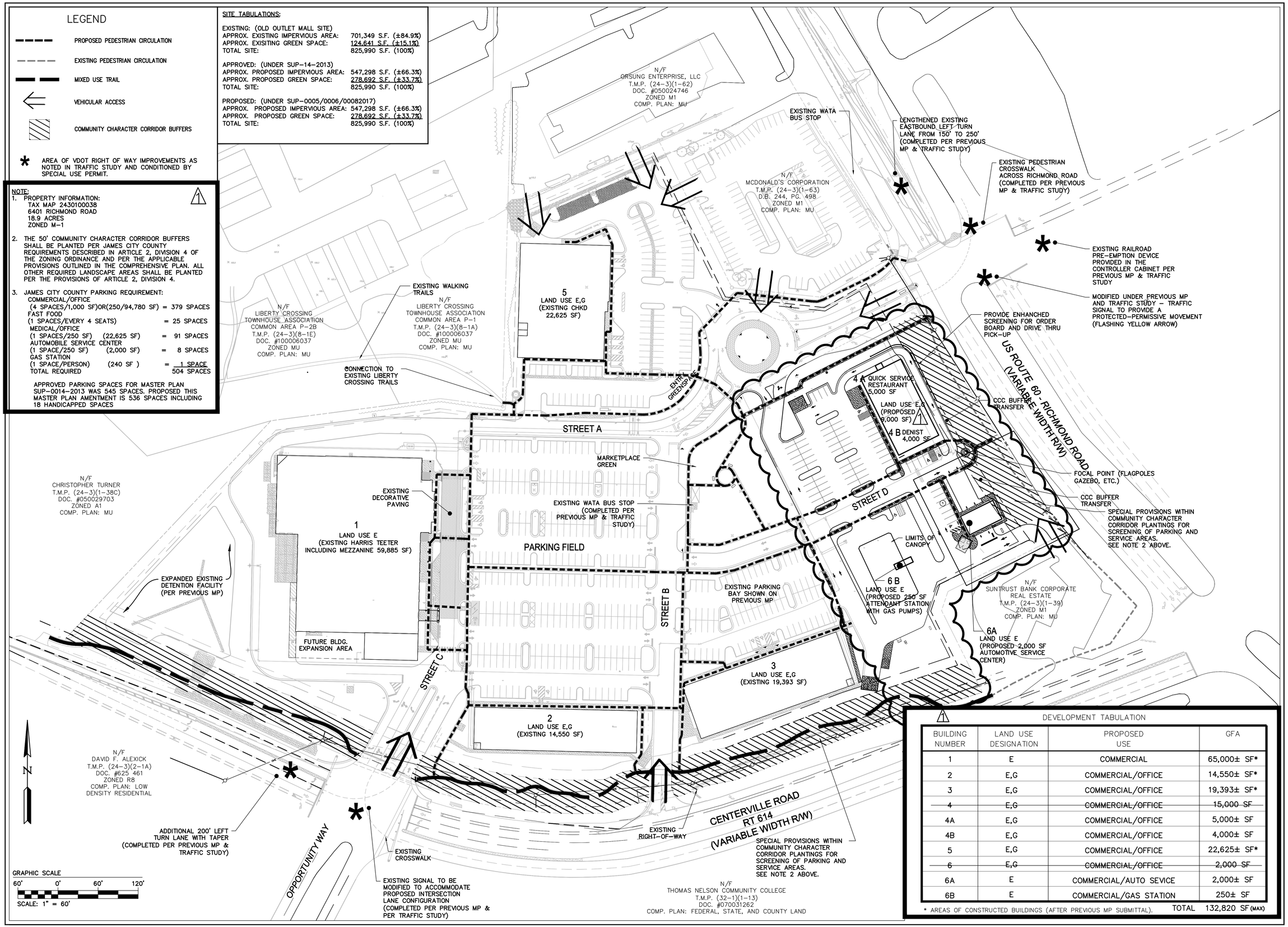
EXISTING: (OLD OUTLET MALL SITE)
APPROX. EXISTING IMPERVIOUS AREA: 701,349 S.F. (±84.9%)
APPROX. EXISITING GREEN SPACE: 124,641 S.F. (±15.1%)
TOTAL SITE: 825,990 S.F. (100%)

APPROVED: (UNDER SUP-14-2013)
APPROX. PROPOSED IMPERVIOUS AREA: 547,298 S.F. (±66.3%)
APPROX. PROPOSED GREEN SPACE: 278,692 S.F. (±33.7%)
TOTAL SITE: 825,990 S.F. (100%)

PROPOSED: (UNDER SUP-0005/0006/00082017)
APPROX. PROPOSED IMPERVIOUS AREA: 547,298 S.F. (±66.3%)
APPROX. PROPOSED GREEN SPACE: 278,692 S.F. (±33.7%)
TOTAL SITE: 825,990 S.F. (100%)

NOTE:
1. PROPERTY INFORMATION:
   TAX MAP 2430100038
   6401 RICHMOND ROAD
   18.9 ACRES
   ZONED M-1
2. THE 50' COMMUNITY CHARACTER CORRIDOR BUFFERS SHALL BE PLANTED PER JAMES CITY COUNTY REQUIREMENTS DESCRIBED IN ARTICLE 2, DIVISION 4 OF THE ZONING ORDINANCE AND PER THE APPLICABLE PROVISIONS OUTLINED IN THE COMPREHENSIVE PLAN. ALL OTHER REQUIRED LANDSCAPE AREAS SHALL BE PLANTED PER THE PROVISIONS OF ARTICLE 2, DIVISION 4.
3. JAMES CITY COUNTY PARKING REQUIREMENT:
   COMMERCIAL/OFFICE
   (4 SPACES/1,000 SF)OR(250/94,780 SF) = 379 SPACES
   FAST FOOD
   (1 SPACES/EVERY 4 SEATS) = 25 SPACES
   MEDICAL/OFFICE
   (1 SPACES/250 SF) (22,625 SF) = 91 SPACES
   AUTOMOBILE SERVICE CENTER
   (1 SPACE/250 SF) (2,000 SF) = 8 SPACES
   GAS STATION
   (1 SPACE/PERSON) (240 SF) = 1 SPACE
   TOTAL REQUIRED 504 SPACES

   APPROVED PARKING SPACES FOR MASTER PLAN SUP-0014-2013 WAS 545 SPACES. PROPOSED THIS MASTER PLAN AMENTMENT IS 536 SPACES INCLUDING 18 HANDICAPPED SPACES



DEVELOPMENT TABULATION

BUILDING NUMBER	LAND USE DESIGNATION	PROPOSED USE	GFA
1	E	COMMERCIAL	65,000± SF*
2	E,G	COMMERCIAL/OFFICE	14,550± SF*
3	E,G	COMMERCIAL/OFFICE	19,393± SF*
~~4~~	~~E,G~~	~~COMMERCIAL/OFFICE~~	~~15,000 SF~~
4A	E,G	COMMERCIAL/OFFICE	5,000± SF
4B	E,G	COMMERCIAL/OFFICE	4,000± SF
5	E,G	COMMERCIAL/OFFICE	22,625± SF*
~~6~~	~~E,G~~	~~COMMERCIAL/OFFICE~~	~~2,000 SF~~
6A	E	COMMERCIAL/AUTO SEVICE	2,000± SF
6B	E	COMMERCIAL/GAS STATION	250± SF
		TOTAL	132,820 SF (MAX)

* AREAS OF CONSTRUCTED BUILDINGS (AFTER PREVIOUS MP SUBMITTAL).

Rev.	Date	Description	Revised By
1	08/19/17	PROVISIONS PER COUNTY COMMENTS	LBA
	07/27/17	AMENDED MASTER PLAN FOR SPECIAL USE PERMIT	LBA

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MASTER PLAN AMENDMENT LIGHTFOOT MARKETPLACE FOR SPECIAL USE PERMIT

STONEHOUSE DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts:	JAG
Project Number:	W10234-01
Scale: 1"=60'	Date: 07/19/17

Sheet Title: BINDING MASTER PLAN (AMENDMENT)

Sheet Number 3.2

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NOTE:
ALL STORMWATER MANAGEMENT FEATURES REQUIRED PER SUP-14-2013 HAVE BEEN INSTALLED. NO ADDITIONAL STORMWATER FEATURES ARE REQUIRED.

EXISTING DRAINAGE OUTFALL STILLING BASIN IS EXISTING PER JCC SP-0149-2005 *
* NOTE: OUTFALL SHALL BE RESIZED AND REPLACED AS NECESSARY WITHIN THE LIMITS OF EXISTING PROPERTY AND EASEMENTS.

EX. 220 L.F.-GRASS LINED LID DRY SWALE

PERVIOUS PAVEMENT FOR SSC

AREA OF AMENDMENT SHALL HAVE AN IMPERVIOUS COVER LESS THAN OR EQUAL TO THE APPROVED MASTER PLAN AREA (2.64 AC)

EXISTING DETENTION FACILITY

EXISTING HARRIS TEETER (59,885 SF)

EXISTING CHKD (22,625 SF)

(EXISTING BUILDING 14,550 SF)

(EXISTING BUILDING 19,393 SF)

(P.B. 49, PG. 70)

35' MAX

POB

N/F
ORSONG ENTERPRISE, L.L.C.
T.M.P. (24-3) (1-62)
DOC. #050024746
ZONED M1

N/F
MCDONALD'S CORPORATION
T.M.P. (24-3) (1-63)
D.B. 244, PG. 498
ZONED M1

N/F
LIBERTY CROSSING TOWNHOUSE ASSOCIATION
COMMON AREA P-1
DOC. #100006037
TAX MAP PARCEL# (24-3) (8-1A)
ZONED MU

N/F
LIBERTY CROSSING TOWNHOUSE ASSOCIATION
COMMON AREA P-2B
DOC. #100006037
TAX MAP PARCEL# (24-3) (8-1E)
ZONED MU

N/F
DAVID F. ALEXICK
T.M.P. (24-3)(2-1A)
DOC. #625 461
ZONED R8
COMP. PLAN: LOW DENSITY RESIDENTIAL

N/F
THOMAS NELSON COMMUNITY COLLEGE
T.M.P. (32-1)(1-13)
DOC. #070031262
COMP. PLAN: FEDERAL, STATE, AND COUNTY LAND

US ROUTE 60 - RICHMOND ROAD
(VARIABLE WIDTH R/W)

CENTERVILLE ROAD
RT 614
(VARIABLE WIDTH R/W)

GRAPHIC SCALE
60' 0' 60' 120'
SCALE: 1" = 60'

N

Rev.	Date	Description	Revised By
1	08/19/17	PRVISIONS PER CONNTY COMMENTS	LBA
	07/27/17	AMENDED MASTER PLAN FOR SPECIAL USE PERMIT	LBA

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MASTER PLAN AMENDMENT LIGHTFOOT MARKETPLACE FOR SPECIAL USE PERMIT

STONEHOUSE DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts:	JAG
Project Number:	W10234-01
Scale: 1"=60'	Date: 07/19/17
Sheet Title:	CONCEPTUAL STORMWATER MASTER PLAN
Sheet Number	4

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LEGEND

EXISTING		PROPOSED
EX. W	WATER	W
EX. S	SANITARY SEWER	S
EX. FM	FORCE MAIN	FM
	MANHOLE	
	VALVE	
	FIRE HYDRANT ASSEMBLY	
	FD CONNECTION	
	CLEAN OUT	
WM	WATER METER	

N/F
ORSONG ENTERPRISE, L.L.C.
T.M.P. (24-3) (1-62)
DOC. #050024746
ZONED M1

NOTE: CURB ISLAND ACROSS PROPERTY LINE

NOTE: CURB ISLAND ACROSS PROPERTY LINE

INGRESS/EGRESS FOR MCDONALDS

EXISTING WATERLINE

GAS METER

MAILBOX

N/F
MCDONALD'S CORPORATION
T.M.P. (24-3) (1-63)
D.B. 244, PG. 498
INGRESS/EGRESS FOR MCDONALDS
ZONED M1

AMBULANCE ONLY

EXISTING CHKD
(22,625 SF)

PRIVATE MANHOLE (TYP)

N/F
LIBERTY CROSSING
TOWNHOUSE ASSOCIATION
COMMON AREA P-1
DOC. #100006037
TAX MAP PARCEL# (24-3) (8-1A)
ZONED MU

N/F
LIBERTY CROSSING
TOWNHOUSE ASSOCIATION
COMMON AREA P-2B
DOC. #100006037
TAX MAP PARCEL# (24-3) (8-1E)
ZONED MU

EXISTING WATER LINE

EXISTING DOMESTIC AND FIRE FLOW METERS (TO REMAIN)

RELOCATE EXISTING PRIVATE WATERLINE

US ROUTE 60 - RICHMOND ROAD
(VARIABLE WIDTH R/W)

EXISTING SEWER FORCE MAIN

PRIVATE WATER METER

PRIVATE WATER METER

EX. 10" WATERLINE

EXISTING FIRE HYDRANT

EXISTING FIRE HYDRANT

EXISTING FD CONNECTION (TYP)

EXISTING FIRE HYDRANT

EXISTING HARRIS TEETER
(59,885 SF)

EXISTING FIRE HYDRANT

(P.B. 49, PG. 20)

EXISTING PRIVATE SEWER

EXISTING WATERLINE

EXISTING FIRE HYDRANT

EXISTING FIRE HYDRANT

EXISTING WATERLINE

EXISTING SEWER FORCE MAIN

PRIVATE MANHOLE (TYP)

(EXISTING BUILDING
19,393 SF)

POB

PRIVATE SEWAGE PUMPING STATION

(EXISTING BUILDING
14,550 SF)

N/F
DAVID F. ALEXICK
T.M.P. (24-3)(2-1A)
DOC. #625 461
ZONED R8
COMP. PLAN: LOW DENSITY RESIDENTIAL

EXISTING WATERLINE

CENTERVILLE ROAD
RT 614
(VARIABLE WIDTH R/W)

EXISTING SEWER FORCE MAIN

EXISTING WATERLINE

N/F
THOMAS NELSON COMMUNITY COLLEGE
T.M.P. (32-1)(1-13)
DOC. #070031262
COMP. PLAN: FEDERAL, STATE, AND COUNTY LAND

GRAPHIC SCALE
60' 0' 60' 120'
SCALE: 1" = 60'

Rev.	Date	Description	Revised By
1	08/19/17	PRVISIONS PER CONNTY COMMENTS	LBA
	07/27/17	AMENDED MASTER PLAN FOR SPECIAL USE PERMIT	LBA

AES CONSULTING ENGINEERS
5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
Phone: (757) 253-0040
Fax: (757) 220-0064
www.aesva.com
Hampton Roads | Central Virginia | Middle Peninsula

MASTER PLAN AMENDMENT LIGHTFOOT MARKETPLACE FOR SPECIAL USE PERMIT

STONEHOUSE DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts:	JAG
Project Number:	W10234-01
Scale: 1"=60'	Date: 07/19/17

Sheet Title:
CONCEPTUAL WATER AND SEWER PLAN

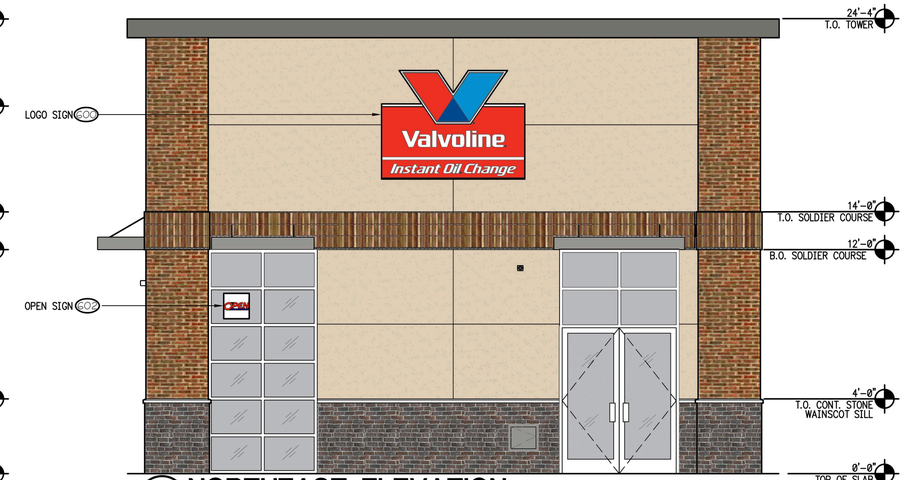
Sheet Number
5

S:\JOBS\W10234\01-Centerville-Richmond Rd\Planning\Master Planning\Master plan revision\W10234\01c05-utility plan.dwg, 10/25/2017 8:14:38 AM, System K Series - Batch.pc3

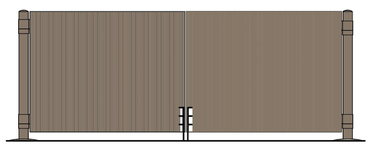
SIGNAGE SCHEDULE

NUMBER	DESCRIPTION	SIZE	ILLUMINATED	QUANTITY
SO1	LOGO SIGN	7'-8" X 5'-11" (45 S.F.)	INTERNALLY	3
SO1	LANE INDICATOR SIGN	10'-0" X 1'-4" (13.33 S.F.)	NO	2
SO2	OPEN SIGN	2'-7" X 1'-10" 4.7 S.F.)	INTERNALLY	2
SO3	MONUMENT SIGN PER LOCAL AND DEVELOPMENTAL RESTRICTIONS	6'-6" X 6'-9" (44 S.F.)	INTERNALLY	1

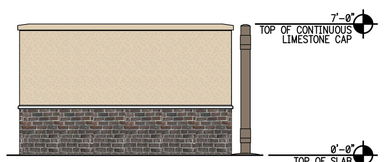
1 SOUTHWEST ELEVATION
SCALE: 1/4" = 1'-0"



2 NORTHEAST ELEVATION
SCALE: 1/4" = 1'-0"



3 DUMPSTER GATE ELEVATION
SCALE: 1/4" = 1'-0"



5 DUMPSTER ELEVATION
SCALE: 1/4" = 1'-0"

4 SOUTHEAST ELEVATION
SCALE: 1/4" = 1'-0"

6 NORTHWEST ELEVATION
SCALE: 1/4" = 1'-0"

Revised Elevations

CESO
WWW.CESOINC.COM
8534 YANKEE ST., SUITE 2B, DAYTON, OH 45459
PHONE: (937) 435-8584 FAX: (937) 435-3307

No.	Revisions/Submissions	Date
	ISSUED FOR PROPOSED EXTERIOR ELEVATION REVIEW	08.29.17
	ISSUED FOR CONCEPTUAL SITE PLAN REVIEW	09.15.17

VALVOLINE INSTANT OIL CHANGE
LIGHTFOOT MARKETPLACE
JAMES CITY COUNTY, VIRGINIA

© 2017 CESO, INC

Project No.	752159-01
Scale	AS NOTED
Drawn	CESO
Checked	CDD
Date	09.15.17

Drawing Title

PROPOSED EXTERIOR ELEVATIONS

Drawing No. **A-1**

W:\PROJECTS\VALVOLINE\TEST FITS\Virginia\Lightfoot Marketplace - James City County\Lightfoot Marketplace James City County, VA A-1 EXTERIOR ELEVATIONS, NO FINISHES, 10/6/2017 11:34:04 AM, DULEY

SIGNAGE SCHEDULE

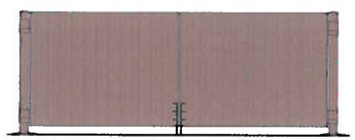
NUMBER	DESCRIPTION	SIZE	ILLUMINATED	QUANTITY
	LOGO SIGN	7'-8" X 5'-11" (45 S.F.)	INTERNALLY	3
	LANE INDICATOR SIGN	10'-0" X 1'-4" (13.33 S.F.)	NO	2
	OPEN SIGN	2'-7" X 1'-10" 4.7 S.F.)	INTERNALLY	2
	MONUMENT SIGN PER LOCAL AND DEVELOPMENTAL RESTRICTIONS	6'-6" X 6'-9" (44 S.F.)	INTERNALLY	1

Building 6A

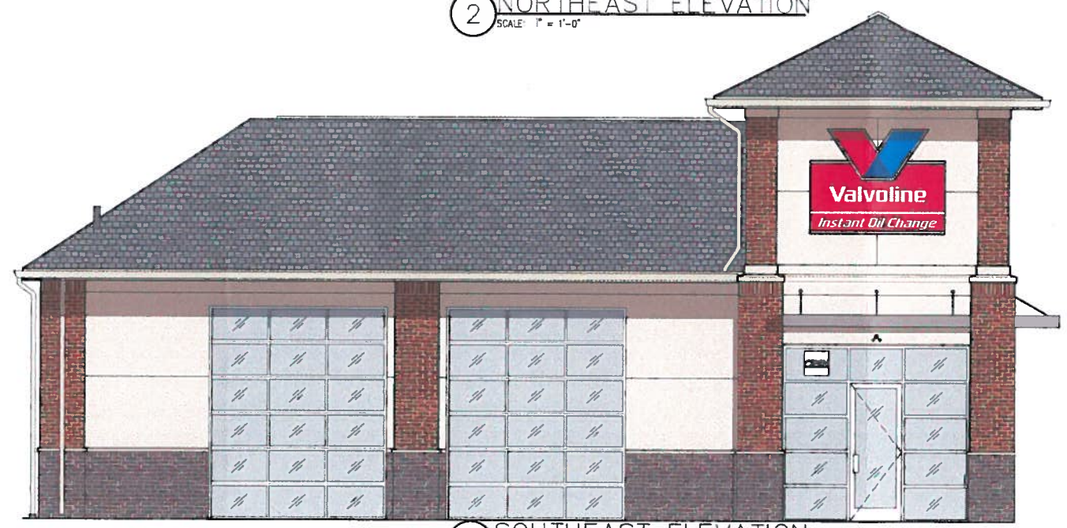
This side faces Richmond Road

1 SOUTHWEST ELEVATION
SCALE: 1" = 1'-0"

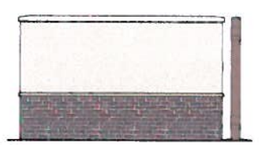
2 NORTHEAST ELEVATION
SCALE: 1" = 1'-0"



3 DUMPSTER GATE ELEVATION
SCALE: 1" = 1'-0"



4 SOUTHEAST ELEVATION
SCALE: 1" = 1'-0"



5 DUMPSTER ELEVATION
SCALE: 1" = 1'-0"

6 NORTHWEST ELEVATION
SCALE: 1" = 1'-0"

Original Elevations

CESO
WWW.CESOINC.COM

No.	Revisions/Submissions	Date
	ISSUED FOR PROPOSED EXTERIOR ELEVATION REVIEW	09.15.17
	ISSUED FOR CONCEPTUAL SITE PLAN REVIEW	08.29.17

VALVOLINE INSTANT OIL CHANGE
LIGHTFOOT MARKETPLACE
JAMES CITY COUNTY, VIRGINIA

© 2017 CESO, INC

Project No	752159-01
Scale	AS NOTED
Drawn	CESO
Checked	CDD
Date	09.15.17

Drawing Title
PROPOSED EXTERIOR ELEVATIONS

Drawing No
A-1

W:\PROJECTS\VALVOLINE\TEST FITS\Virginia\Lightfoot Marketplace - James City County\Lightfoot Marketplace James City County VA A-1 EXTERIOR ELEVATIONS, NO FINISHES, 9/7/2017 4:49:22 PM
CESO INC

LIGHTFOOT MARKETPLACE ARCHITECTURAL GUIDELINES

1. **DESIGN INTENT:** The architectural character of Lightfoot Marketplace blends the architectural heritage of central/eastern Virginia with a modern aesthetic, resulting in a contemporary market theme. The architecture combines historic materials and forms with twenty-first century materials and building systems. It also creates a rhythm of solid piers interspersed with the transparency of large glazed openings.

2. **DESIGN CONTEXT:** The architecture of Lightfoot Marketplace relates to the character of the adjacent Thomas Nelson Community College Historic Triangle campus and the Warhill High School campus. Although a much different aesthetic on public and institutional facilities, these buildings combine traditional materials such as masonry and precast concrete with contemporary materials such as prefinished metals and simulated stucco. The materials are layered and applied in a modern way on traditional forms, much like the intent of Lightfoot Marketplace.

3. **EXAMPLE BUILDING IMAGES:** The Conceptual Design images prepared by *Bonstra Haresign Architects,* dated November 8, 2013 shall be referenced as appropriate images for Lightfoot Marketplace. While the final buildings need not replicate these Conceptual Design images, they shall be similar in character, massing and architectural language.

4. **BUILDING HEIGHT:** One story buildings shall have a minimum height of 20 feet from grade to top of parapet or roof eave.

5. **TOWER AND ROOF ELEMENTS:** Each building shall be accentuated with a minimum of one tower element that projects above the main roof parapet or eave line. These towers shall be composed of glass, prefinished metal, and other materials that support a light, transparent motif.

6. **FENESTRATION AND ARTICULATION:**
    a. **Glazing** shall comprise a minimum of 60% of the front and entrance façades. Alternatively, a portion of the front façade may be articulated with masonry piers and infill of cast stone, simulated stucco, glazing or a combination thereof. *Reference Bonstra Haresign Conceptual Design images for acceptable examples of this treatment.*
    b. **Glazing** shall comprise a minimum of 60% of the front facades for Building 4 and Building 6 as shown on the Master Plan. For the purposes of this requirement, the side of these buildings facing Richmond Road shall be considered the front façade.

c. **Blank lengths of walls** exceeding 40 linear feet shall not be permitted. Side and rear walls shall be articulated with piers, openings and/or changes in materials, texture and color.
d. **All sides of a building**, when exposed to view, shall express consistent architectural detail and character and usage of materials. Exceptions to this requirement may be made for walls that are effectively blocked from public view by existing landscaping and/or placement of building on the site (i.e. north façade of Building #1/Grocery).

7. **WALLS:**
   a. **Primary wall materials** shall include brick, cast stone, precast concrete, tile, stone, prefinished metal siding and simulated stucco.
   b. **The base of all walls** (other than full height glazed walls) shall be brick, cast stone, precast concrete, tile or stone. Prefinished metal siding and simulated stucco shall only be used on walls more than 2 feet above grade. Darker, contrasting colors on wall base materials are encouraged.
   c. **Parapet walls** shall be a contrasting material (i.e. prefinished metal) or contrasting color (i.e. light brick) to create a clear parapet top to the wall façade that recedes from the wall below.
   d. **Secondary wall and trim materials** shall include smooth-face, ground-face or split-face concrete masonry units (for column bases and pier bases); closed cell PVC and other approved simulated materials for trim, caps and cornices.
   e. **Cementitious panels** (Hardipanel or equal) may be used in lieu of other approved materials, if only smooth-face panels are used, and they are detailed with prefinished metal reveals and channels to provide further articulation of wall surfaces.
   f. **Wood siding** weatherboards, shiplap siding and other historic siding shapes are not allowed.

8. **ROOFING:**
   a. **The primary architectural massing** of Lightfoot Marketplace is low-slope roofs behind parapets. Occasional use of single sloped (shed) roof elements, curved roof elements and double sloped (gable) roof elements is allowed and encouraged to break up roof lines on large buildings.
   b. **Low slope roofing** shall be membrane or modified bitumen, in white or off-white color for reflectivity.
   c. **Shed, curved and gable roofing** shall be prefinished metal or architectural fiberglass/asphalt shingles with a minimum 30 year warranty.

9. **WINDOWS AND DOORS:**
   a. **Window frames** shall be anodized or prefinished aluminum, or clad in aluminum or vinyl.

b. **Window openings** shall be modern and simple in detailing, with larger openings where possible. Historically influenced small openings and "divided lights" shall not be permitted.
c. **Reflective glass** shall not be permitted. Glazing shall allow visibility into the building interior.
d. **Entry doors** shall be full glass, with narrow stiles and rails. Doors shall be anodized or prefinished aluminum, or clad in aluminum or vinyl. Doors and door frames shall match color of window frames.
e. **Utility doors** shall be smooth flush doors, steel or aluminum, in color to match adjacent wall materials.

10. AWNINGS AND LIGHT SHELVES:

a. **Awnings and light shelves** are encouraged on window openings, in order to provide variety to the building elevations, shade lower windows and reflect some natural light into high bay spaces on the building interior.
b. **Placement height** for awnings and light shelves shall be constant on the building, between 8 feet and 14 feet above grade.
c. **Projection** for awnings and light shelves shall be between 3 feet and 5 feet.
d. **Design** for awnings shall be a simple pitched form, without ornamentation, scallops, vertical fascia or other decorative detailing.
e. **Light shelves** shall be prefinished metal, with clean, modern detailing. Cable supports are allowed.

11. SCREENING:

a. **Trash and recycling areas** shall be screened from public view with architectural screening.
b. **Screening materials** shall be masonry, closed cell PVC, prefinished metal or cementitious panels, in detail and colors to blend with adjacent building materials.

SUP-0005-2017, SUP and Master Plan amendment

1. *Master plan.* This Special Use Permit ("SUP") shall apply to that certain property located at 6401 Richmond Road and further identified as James City County Tax Parcel No. 2430100038 (the "Property"). The SUP shall be valid for the construction of ± 133,000 square feet of commercial and office uses and all improvements as shown and designated on that certain Master Plan entitled "Master Plan Amendment Lightfoot Marketplace" dated July 19, 2017, and prepared by AES Consulting Engineers (the "Master Plan"). All final development plans shall be consistent with the Master Plan, but may deviate from the Master Plan if the Director of Planning concludes that the development plan does not: significantly affect the general location or classification of buildings as shown on the master plan; significantly alter the distribution of recreation or open space areas on the master plan; significantly affect the road layout as shown on the master plan; or significantly alter the character of land uses or other features or conflict with any building conditions placed on the corresponding legislatively-approved case associated with the master plan. If the Director of Planning determines that a proposed change would deviate from the approved Master Plan, the amendment shall be submitted and approved in accordance with section 24-13. In the event the Director of Planning disapproves the amendment, the applicant may appeal the decision to the Development Review Committee which shall forward a recommendation to the Planning Commission.

2. *Impervious cover*. Impervious cover on the Property shall be reduced by at least 20% as compared to the previous conditions of the Williamsburg Outlet Mall. Calculations shall be included on each site plan for improvements on the Property that includes the existing impervious cover, the proposed impervious cover, and the cumulative total impervious cover reduction of all plans.

3. *Water conservation*. The owner of the Property ("Owner") shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (the "JCSA") prior to final site plan approval. The standards shall include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-resistant native and other adopted low-water-use landscaping materials and warm-season turf where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.

4. *Irrigation*. In the design phase, the developer and designing engineer shall take into consideration the design of stormwater systems that can be used to collect stormwater for outdoor water use for the entire development. Only surface water collected from surface water impoundments, or water taken from an underground cistern, may be used for irrigating common areas on the Property. In no circumstances shall the JCSA public water supply be used for irrigation, except as otherwise provided by this condition. If the Owner demonstrates to the satisfaction and approval of the General Manager of the JCSA through drainage area studies and irrigation water budgets that the impoundments cannot provide sufficient water for all irrigation, the General Manager of the JCSA may, in writing, approve a shallow (less than 100 feet) irrigation well to supplement the water provided by the impoundments or cisterns.

5. *Richmond Road Bike Lane*. In accordance with the Regional Bikeway Map, a bike lane shall be provided along the Property's Richmond Road frontage. However, this requirement may be waived by the Director of Planning should the Owner demonstrate that existing pavement width or section, drainage, or other engineering constraints adjacent to parcel 2430100039 would restrict the ability of the Owner to install the bike lane in a manner that would meet VDOT requirements. Such analysis shall be submitted concurrent with the initial building site plan. If a bike lane can be installed, it shall be completed concurrent with improvements to the Richmond Road/Lightfoot Road/Shopping Center entrance intersection unless otherwise approved by the Director of Planning. In the event the Director of Planning

disapproves the waiver, 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. *Pedestrian Facilities.* The sidewalk connections internal to the Property, the multiuse trail along Centerville Road, and the connection to the Liberty Crossing trail shall be implemented as shown on the Master Plan. Minor alterations in location that result in equivalent facilities may be approved by the Director of Planning. All pedestrian facilities shall be shown as part of the initial building site plan, or shall be submitted as a separate plan concurrent with the initial building site plan. Prior to approval of such plan, the design of all pedestrian facilities shall be reviewed and approved by the Director of Planning. The pedestrian facilities shall be installed prior to issuance of Certificate of Occupancy for the initial building on the Property, unless other arrangements are approved by the Director of Planning, or his designee, in writing.

7. *Traffic Improvements*. Prior to issuance of a Certificate of Occupancy for the initial building on the site (unless other timing is approved by the Director of Planning in writing), the following improvements shall be constructed or bonded in a manner acceptable to the County Attorney:

Intersection of Richmond Road and Lightfoot Road/West Site Entrance

a. The Property's West Entrance shall have three exiting lanes (1-left, 1-left-through, & 1-right) and two entering lanes.
b. The existing eastbound Richmond Road left turn lane shall be lengthened from 150' to 250'.
c. A pedestrian crosswalk and pedestrian heads shall be installed that will work concurrently with the eastbound through motion on Richmond Road. A crosswalk and pedestrian heads shall be provided across Richmond Road that will work concurrently with either the Lightfoot Marketplace phase or the Lightfoot Road phase. These crosswalk improvements across Richmond Road shall include the provision of a pedestrian refuge area in the median to accommodate pedestrian traffic and to provide an adequate crossing surface. The West Site Entrance widening improvements shall include re-striping/delineation of the pedestrian crosswalk and installation of supplemental pedestrian crosswalk signage.
d. The existing traffic signal shall be modified to provide protected-permissive movements (flashing yellow arrows) for Richmond Road left turn movements, the pedestrian movements, and the additional lanes at Lightfoot Marketplace. The Owner shall be responsible for the purchase and installation of the necessary flashing yellow arrow traffic signal equipment as well as the retiming/updating of signal timing plans for the intersection to ensure coordination with the adjacent signalized intersections.
e. A railroad pre-emption switch shall be provided in the controller cabinet. VDOT shall be responsible for the connection of the pre-emption switch to the railroad gates and any associated permitting required as a result of the pre-emption switch.

Intersection of Richmond Road and Centerville Road

a. Add/install supplemental Yield pavement markings to increase driver awareness as a result of the dual left-turn movement occurring from westbound Richmond Road to southbound Centerville Road.

Intersection of Centerville Road, Opportunity Way and the Property's South Entrance

a. The Property's South Entrance shall have three exiting lanes (1-left, 1-left-through, &1 right) and two entering lanes.
b. An additional 200' left turn lane with taper shall be constructed for northbound Centerville Road to provide a dual left turn lane. In making this improvement, the existing dedicated bike lane shall be retained.
c. The existing traffic signal shall be modified to meet the lane configurations noted herein. The Owner shall be responsible for the purchase and installation of the traffic signal equipment

necessary to modify the existing traffic signal so that it can accommodate the dual left-turn movement.

d. With the widening of the Property's South Entrance, the improvements shall include the re-striping/delineation of a pedestrian crosswalk across this approach as well as installation of supplemental pedestrian crosswalk signage.

8. *Sustainable Design Initiatives*.

a. Sustainable design initiatives shall be implemented during development of the Property and construction of buildings 1 through 5 on the Master Plan to achieve the equivalent of those credits that would be required to achieve the "Certified" level in the LEED 2009 Certification program. This shall include completion of all prerequisite items, except that for the Energy and Atmosphere category prerequisite number 1, the Owner may choose to pursue Energy Star designation or such other energy system verification process as is approved in advance by the Director of Planning. In addition, for up to a maximum of 10% of the points needed to reach the LEED "Certified" level, the Owner may request that initiatives equivalent to, but not included on the LEED checklist as credits, be pursued instead. Any request for equivalent initiatives shall be submitted in writing as part of the process specified in (b) below, together with supporting documentation for review and approval by the Director of Planning.

b. Application for formal LEED certification by the USGBC is at the discretion of the Owner, and is not required. If formal LEED certification is not pursued, compliance with this condition shall be monitored and verified to the County by a LEED Accredited Professional engaged by the Owner. The monitoring and verification process shall include submission of the checklist for each building (buildings 1 through 5) at the time of building permit application which shows the proposed initiatives for review by the Director of Planning or his designee(s), and a meeting between the Director of Planning or his designee(s) and the LEED Accredited Professional prior to Certificate of Occupancy for each building to review the initiatives which have been completed and develop a timeline for any items which are outstanding.

c. The Owner, in coordination with the Director of Planning, will examine the feasibility of including sustainable design initiatives in Buildings 6a and 6b on the Master Plan. Prior to the issuance of a building permit for Buildings 6a and 6b, the Owner and/or tenant will identify and select a minimum of three initiatives from the LEED 2009 Certification Program checklist (above and beyond those otherwise required by the latest edition of the Virginia Energy Conservation Code). Such initiatives shall be approved by the Director of Planning. Verification that the initiatives have been completed shall be submitted prior to issuance of a permanent Certificate of Occupancy unless otherwise agreed in writing by the Director of Planning.

d. In the event the Director of Planning disapproves the other energy system verification process or the equivalent initiatives as specified in (a) above, or the three initiatives for Buildings 6a and 6b as specified in (c) above, 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.

9. *Architectural Review*.

a. Prior to issuance of a building permit for each building shown on the Master Plan, the Director of Planning, or his designee, shall review and approve the final building elevations and architectural design for such building. The final building elevations shall specifically include the view of the building for all sides visible from Centerville or Richmond Road. Buildings shall be substantially consistent, with only minor changes, with the Lightfoot Marketplace Design Guidelines dated December 27, 2013 and the architectural elevations titled "Lightfoot Marketplace – Architectural Renderings" dated November 8, 2013 and December 23, 2013 prepared by Bonstra Haresign Architects and submitted with this SUP application. Determination of substantial architectural consistency shall be determined by the Director of Planning or his designee. In the event the Director of Planning disapproves the waiver, 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. This condition is applicable to the property unless otherwise modified by SUP-0006-2017, SUP-0007-2017, or SUP-0008-2017.

b. For Buildings 4 (sections "a" and "b") and 6a, the front façade shall face Richmond Road. For Building 5, the main building entrance doors may face the traffic circle or internal to the site, but the façade facing Richmond Road shall still have architectural detailing sufficient to be viewed as a front façade, including fenestration, as determined by the Director of Planning. This condition is applicable to the property unless otherwise modified by SUP-0006-2017, SUP-0007-2017, or SUP-0008-2017.

10. *Site Landscaping*.

a. The Community Character Corridor buffers along Richmond Road and Centerville Road shall each be an average of 50-feet in width, exclusive of easements. The buffers shall contain enhanced landscaping in accordance with the County's Enhanced Landscaping Policy as adopted April 9, 2013. For the portion of the buffer along Centerville Road between the site south entrance and the boundary with the bank parcel, the buffer shall contain the following elements: (i) minimum of 2 rows of deciduous shade trees (ii) evergreen and ornamental understory and (iii) 3' to 4' evergreen hedgerow. It is not the intent of this condition to prevent the planting of the understory trees or hedgerow shrubs with the utility easement as may be otherwise permitted.

b. Street trees shall be provided along Richmond Road and Centerville Road, and along the internal streets (Streets A- D) in substantial compliance with the guideline for street trees contained in the Streetscape Guidelines Policy.

c. Landscaping shall be provided in the entrance medians at Centerville and Richmond Road, at the Marketplace Green, at the Street D focal point, and at the Entry Greenspace/Roundabout in substantial compliance with the guidelines for entrances and common areas contained in the Streetscape Guidelines Policy.

d. Landscaping designed to screen the rear façade of the Harris Teeter building and the BMP from Centerville Road shall be installed as specified in Section 24-100 of the Zoning Ordinance.

e. The landscaping detailed in a – d of this condition shall be shown as part of the initial building site plan, or shall be submitted as a separate plan concurrent with the initial building site plan. Such landscaping, including the number and spacing of trees per 10(a), shall be reviewed and approved by the Director of Planning or his designee for consistency with this condition. In the event the Director of Planning disapproves a component of the landscape plan, 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. The landscaping shown on the approved landscape plan(s) shall be installed prior to issuance of Certificate of Occupancy for the initial building on the Property, unless other arrangements are approved by the Director of Planning, or his designee, in writing.

11. *Marketplace Green*. The layout of the Marketplace Green shall be generally in accordance with the "Marketplace Green Alternative 2" design as depicted on the document entitled "Marketplace Green Lightfoot Marketplace Special Use Permit" prepared by AES Consulting Engineers and dated December 18, 2013, as determined by the Director of Planning.

12. *Entrance Modification.* Prior to final site plan approval for the initial site plan for the Property, Owner shall submit documentation demonstrating that permission to modify the entrance to James City County Tax Parcel No. 2430100063 has been obtained, and that a shared access easement or other appropriate legal document is in place that allows access from 2430100063 to the signalized intersection.

13. *Signage*. Entrance signage located at the Property's three entrances as shown on the Master Plan shall be externally illuminated monument style signs, not to exceed eight feet in height. The base of the

signs shall be brick or shall use materials similar in type and color with the site architecture. The design of the signs shall be approved by the Director of Planning for consistency with this condition.

14. *Screening of Site Features*. Dumpsters and cart corrals which are adjacent to buildings shall be screened by an enclosure composed of masonry, closed cell PVC, prefinished metal or cementitious panels, in detail and colors to blend with adjacent building materials. Where present, such features shall be shown on the site plan for the adjacent building, and shall be reviewed and approved by the Director of Planning for consistency with this condition.

15. *Richmond Road Median Landscaping*. All existing landscaping in the Richmond Road median shall be preserved or replaced with like species. For any site plan that includes the improvements to the Richmond Road/Lightfoot Road/Shopping Center entrance intersection, the existing landscaping shall be shown, together with any plans for relocating or replacing plant material. The plans for relocating or replacing the plant material shall be approved by the Director of Planning prior to final site plan approval for the plan specified above. Should VDOT object to preserving or replacing existing landscaping in the median, a re-location/replanting plan shall be approved by the Director of Planning and VDOT prior to final site plan approval for the plan specified above.

16. *Internal Traffic Signage Plan*. The Owner shall include along with the materials submitted for the initial site plan review process an internal signage plan indicating the location of internal traffic signs and the orientation of vehicular flow within the Property. The internal signage plan shall be reviewed and approved by the Director of Planning, or his designee, prior to final approval of the initial site plan for the Property. Thereafter, the internal signage plan may be amended with review and approval by the Director of Planning, or his designee.

17. *Shared Maintenance of Site Improvements*. Prior to final site plan approval for Building 1 as shown on the Master Plan, Owner shall submit documentation demonstrating that all shared site improvements (including, but not limited to, utilities, stormwater facilities, landscaping, roads and parking lots, and lighting) are subject to appropriate shared maintenance agreements ensuring that the site improvements will be maintained continuously. Compliance with this condition as to the existence of such shared maintenance documentation shall be subject to review and approval of the County Attorney or his designee.

18. *Severance Clause.* This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

SUP Conditions proposed by staff for SUP-0007-2017- Automotive Service Center

1. *Spill Prevention, Control and Countermeasures (SPCC) Plan.* Prior to the issuance of a Land Disturbing Permit, a Spill Prevention, Control and Countermeasures Plan which addresses chemical handling including but not limited to oil, diesel and gasoline, shall be submitted to the Director of Stormwater and Resource Protection for review and approval.

2. *Architectural Review.*

   a. Prior to issuance of a building permit for the automotive service center the Director of Planning, or his designee, shall review and approve the final building elevations and architectural design and colors and materials, for such structure. The final building elevations shall specifically include the view of the building for all sides visible from Centerville or Richmond Road. Buildings shall be substantially consistent, with only minor changes, with the Lightfoot Marketplace Design Guidelines dated December 27, 2013, and the architectural elevations titled "Lightfoot Marketplace-Architectural Renderings" dated November 8, 2013, and December 23, 2013, prepared by Bonstra Haresign Architects. Determination of substantial architectural consistency shall be determined by the Director of Planning or his designee. In the event the Director of Planning disapproves the architectural elevations, the applicant may appeal the decision to the DRC which shall forward a recommendation to the Planning Commission.

   b. The front façade shall face Richmond Road and shall have architectural detailing sufficient to be viewed as a front façade, including fenestration, as determined by the Planning Director. In addition, the front façade shall include pedestrian connectivity to Richmond Road.

3. *Enclosed dumpsters.* Dumpsters shall be screened by an enclosure composed of masonry, closed cell PVC, prefinished metal or cementitious panels, in detail and colors to blend with adjacent building materials. Where present, such features shall be shown on the site plan and shall be reviewed and approved by the Director of Planning for consistency with this condition.

4. *Landscaping.* Prior to final site plan approval, a landscape plan shall be submitted to the Director of Planning, or his designee, showing evergreen screening of a minimum of five (5) feet tall located along the Richmond Road side of the area where vehicles will be queuing in order to enter through the bay doors, as shown on the Master Plan. Landscaping of this area shall be installed and/or bonded before issuance of any Certificate of Occupancy for the proposed automotive service station.

5. *Commencement of Construction*. Construction on the automotive service station shall commence within thirty-six (36) months from the date of approval of this special use permit or this permit shall be void. Construction shall be defined as obtaining building permits and an approved footing inspection and/or foundation inspection.

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

SUP Conditions for SUP-0007-2017- Automotive Service Center with revisions proposed by the applicant to Condition No. 2

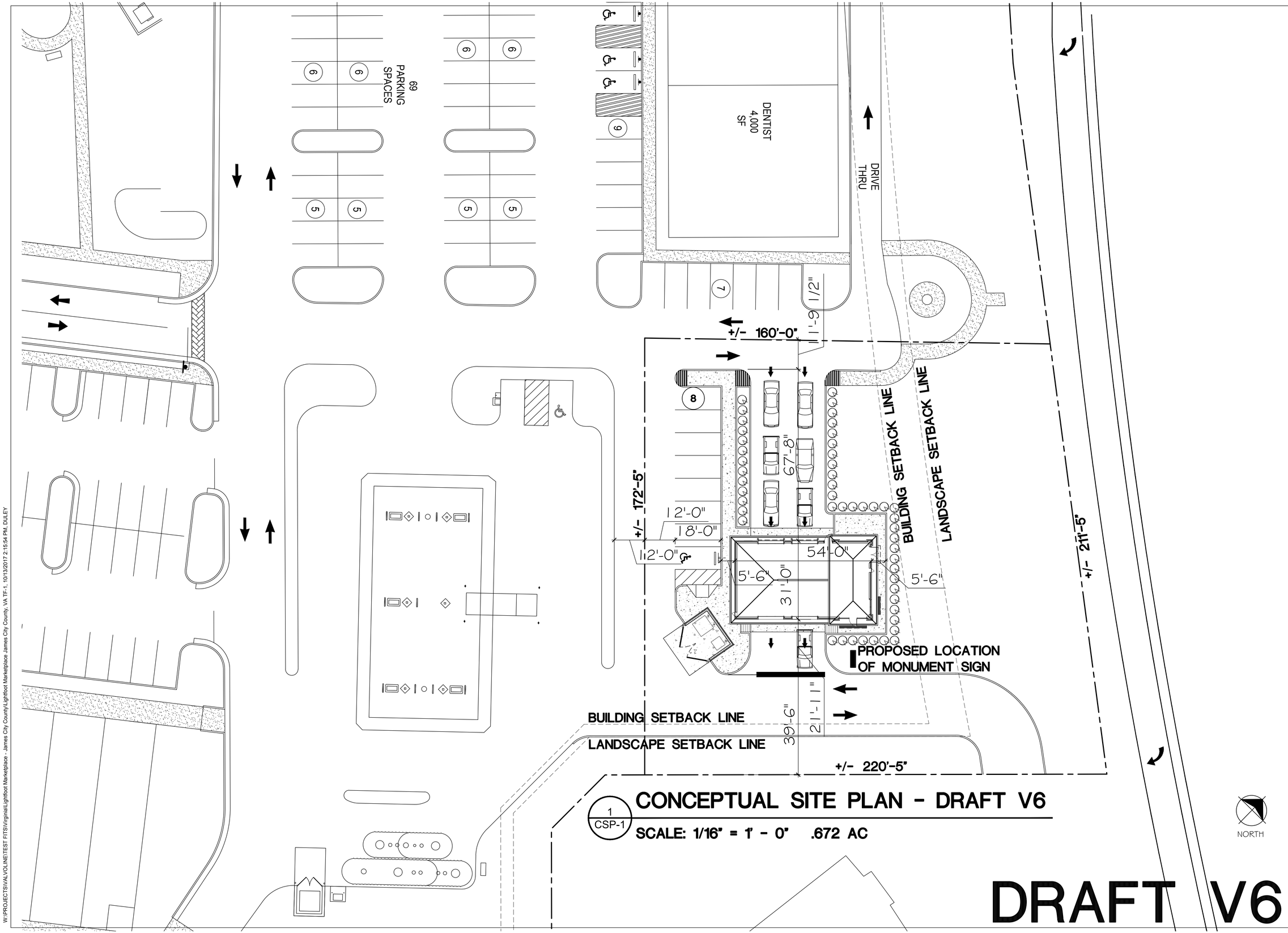
1. *Spill Prevention, Control and Countermeasures (SPCC) Plan.* Prior to the issuance of a Land Disturbing Permit, a Spill Prevention, Control and Countermeasures Plan which addresses chemical handling including but not limited to oil, diesel and gasoline, shall be submitted to the Director of Stormwater and Resource Protection for review and approval.

2. *Architectural Review.*
   Prior to issuance of a building permit for the automotive service center the Director of Planning, or his designee, shall review and approve the final building elevations and architectural design and colors and materials, for such structure. The final building elevations shall specifically include the view of the building for all sides visible from Centerville or Richmond Road. Buildings shall be substantially consistent, with only minor changes, with the architectural elevations titled "Valvoline Instant Oil Change Lightfoot Marketplace – Proposed Exterior Elevations" dated September 15, 2017, prepared by Ceso, and submitted with this SUP application. Determination of substantial architectural consistency shall be determined by the Director of Planning or his designee. In the event the Director of Planning disapproves the architectural elevations, the applicant may appeal the decision to the DRC which shall forward a recommendation to the Planning Commission.

3. *Enclosed dumpsters.* Dumpsters shall be screened by an enclosure composed of masonry, closed cell PVC, prefinished metal or cementitious panels, in detail and colors to blend with adjacent building materials. Where present, such features shall be shown on the site plan and shall be reviewed and approved by the Director of Planning for consistency with this condition. Any dumpster shall be located as shown, generally, on the master plan.

4. *Landscaping.* Prior to final site plan approval, a landscape plan shall be submitted to the Director of Planning, or his designee, showing evergreen screening of a minimum of five (5) feet tall located along the Richmond Road side of the area where vehicles will be queuing in order to enter through the bay doors, as shown on the Master Plan. Landscaping of this area shall be installed and/or bonded before issuance of any Certificate of Occupancy for the proposed automotive service station.
5. *Commencement of Construction*. Construction on the automotive service station shall commence within thirty-six (36) months from the date of approval of this special use permit or this permit shall be void. Construction shall be defined as obtaining building permits and an approved footing inspection and/or foundation inspection.

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



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CSP-1

CONCEPTUAL SITE PLAN - DRAFT V6

SCALE: 1/16" = 1' - 0" .672 AC

DRAFT V6

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CESO
WWW.CESOINC.COM
8534 YANKEE ST., SUITE 2B, DAYTON, OH 45459
PHONE: (937) 435-8584 FAX: (937) 435-3307

No.	Revisions/Submissions	Date
	ISSUED FOR PROPOSED EXTERIOR ELEVATION REVIEW	10.12.17
	ISSUED FOR CONCEPTUAL SITE PLAN REVIEW	10.13.17

VALVOLINE INSTANT OIL CHANGE
LIGHTFOOT MARKETPLACE
JAMES CITY COUNTY, VIRGINIA

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Project No.	752159-01
Scale	AS NOTED
Drawn	CESO
Checked	CDD
Date	10.13.17
Drawing Title	CONCEPTUAL SITE PLAN
Drawing No.	CSP-1

AGENDA ITEM NO. F.2.

ITEM SUMMARY

DATE: 11/1/2017

TO: The Planning Commission

FROM: Savannah Pietrowski, Senior Planner

SUBJECT: SUP-0009-2017. 3601 La Grange Parkway Expansion

ATTACHMENTS:

	Description	Type
	Staff Report	Staff Report
	Attachment 1. Draft SUP Conditions	Backup Material
	Attachment 2. Location Map	Backup Material
	Attachment 3. Master Plan	Backup Material
	Attachment 4. Applicant Narrative	Backup Material
	Attachment 5. R M Felts' Packing Company in Ivor Site Visit Photos	Backup Material
	Attachment 6. Quarter Mile Radius Map	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	10/25/2017 - 10:20 AM
Planning Commission	Holt, Paul	Approved	10/25/2017 - 10:20 AM
Publication Management	Trautman, Gayle	Approved	10/25/2017 - 10:23 AM
Planning Commission	Holt, Paul	Approved	10/25/2017 - 10:27 AM

SUMMARY FACTS

Applicant:	Mr. Samuel W. Edwards, III
Land Owner:	La Grange Holdings LLC c/o Energy Services GRP International
Proposal:	To permit the manufacture, compounding, processing or packaging of beverages or food and food products, but not slaughter of animals.
Location:	3601 La Grange Parkway
Tax Map/Parcel No.:	1210100042
Project Acreage:	+/- 11.73 acres
Zoning:	PUD-C, Planned Unit Development - Commercial with proffers
Comprehensive Plan:	Mixed Use
Primary Service Area:	Inside
Staff Contact:	Savannah Pietrowski, Senior Planner

PUBLIC HEARING DATES

Planning Commission:	November 1, 2017, 7:00 p.m.
Board of Supervisors:	December 12, 2017, 5:00 p.m. (tentative)

FACTORS FAVORABLE

1. With the proposed conditions, staff finds the proposal compatible with surrounding zoning and development in Stonehouse Commerce Park, which is zoned and planned for commercial and light industrial use.

2. With the proposed conditions, staff finds the proposal consistent with the recommendations of the Comprehensive Plan adopted in 2015, "*Toward 2035: Leading the Way.*"

FACTORS UNFAVORABLE

1. Because the impacts of odor and smoke are dependent on weather, there is no way to guarantee that odor and smoke will be confined to site. However, with the proposed conditions, staff finds the impacts outside of the commerce park should be mitigated to the greatest extent possible.

SUMMARY STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

PROJECT DESCRIPTION

- The applicant is requesting a Special Use Permit (SUP) to permit the manufacture, compounding, processing or packaging of beverages or food and food products, but not the slaughter of animals.

- There is an existing +/-68,000-square-foot building on the property currently occupied in part by La Tienda for the

processing, assembly and manufacture of light industrial products. Should this SUP be approved, an expansion would be constructed behind the existing building.

- The manufacture, compounding, processing or packaging of beverages or food and food products with all activities conducted in a fully enclosed building, with no dust, noise or odor effects is permitted by-right in the PUD-C Zoning District. However, because this proposal would involve the construction of smokers producing smoke, odor and noise, an SUP is required.

- The proposed building expansion includes one main building, smokehouses for the smoking of meat, and associated parking and stormwater management improvements.

- This proposal was discussed by the Development Review Committee on August 23, 2017.

- This SUP would be valid for the entire property, not just the location of the building expansion.

PLANNING AND ZONING HISTORY

- This property is subject to the master plan and proffers associated with the 1999 Stonehouse rezoning (James City County Case No. Z-0001-1999/MP-0001-1999). This master plan designated the area for office/business park use.

- The existing La Tienda building was constructed in 1996.

- A site plan was approved in 2008 which included a +/-73,000-square-foot building expansion in the proposed project location. As that site plan has not been constructed but is still valid, the applicant will have the option to construct in accordance with the plan or submit a new or amended site plan.

SURROUNDING ZONING AND DEVELOPMENT

- This property is located inside the existing Stonehouse Commerce Park and all adjacent properties are zoned PUD-C.

- The adjacent properties to the south and west are currently used for commercial or industrial purposes. The adjacent property to the northeast is currently vacant.

COMPREHENSIVE PLAN

- The property is designated Mixed Use on the 2035 Comprehensive Plan Land Use Map.

- Principal suggested uses for the Stonehouse Mixed Use area are light industrial and office/business park. The Comprehensive Plan further states that with regard to the Stonehouse Planned Unit Development, future development should be developed in accordance with a building master plan.

- As this site is located within the existing commerce park, staff finds the proposal to be consistent with this Comprehensive Plan designation.

PUBLIC IMPACTS

1. <u>Anticipated Impact on Public Facilities and Services</u>:

   - *Streets:* This project is anticipated to generate 20 weekday peak hour trips to and from the site. However, staff notes that

this number will likely increase during the holiday season, when a large number of products are being shipped.

The closest intersection is the La Grange Parkway intersection with Barhamsville Road (Route 30). This intersection currently has a full set of turn lanes in place and a future signalization is included in the Stonehouse proffers upon warrants being met.

The Virginia Department of Transportation has reviewed this application. They had no recommended conditions, but indicated that the site should be evaluated for potential turn and taper warrants during the development plan phase.

- *School/Fire/Utilities:* No impacts anticipated for schools. The closest fire station in James City County to the property is Fire Station 1, located at 3135 Forge Road, approximately 2.2 miles away. The site is served by public water and sewer.

2. Environmental: No impacts anticipated. There is a small amount of resource protection area on the property, which will not be impacted by the proposed building expansion.

3. Cultural/Historic: No impacts anticipated.

4. Anticipated Impact on Nearby and Surrounding Properties:

- The proposal may include up to eight smokers producing smoke and odor which may affect adjacent properties.

- In order to evaluate the potential impact of these smokers staff visited an existing meat processing facility in Ivor, Virginia, which operates one smoker serving three smokehouses. Photos of this facility are included as Attachment No. 5.

- On this visit staff stopped at four areas to evaluate smoke/odor. For the three areas approximately 0.25 miles or more from the facility, no smoke was visible and no odor was detected. Aside from directly at the facility, odor was detected at one location within 0.18 miles in the direction the wind was blowing. These distances correspond to parcels that are all within the Stonehouse Commerce Park.

- For comparison, Attachment No. 6 provides a map illustrating the area within a 0.25 mile radius from the proposed site. Staff notes that this map does not provide a definitive boundary of the potential smoke and odor impact, as this will be dependent on weather conditions.

- In addition to smoke and odor from the smokers, odor from cooked meats will be vented out of the building during certain portions of the production process.

- The proposed manufacturing process may also result in occasional short bursts of noise as condensation is blown out of the facility's airlines.

- The closest residences are located +/- 0.3 mile away on Six Mount Zion Road.

PROPOSED SUP CONDITIONS

Draft text of proposed conditions is provided as Attachment No. 1.

STAFF RECOMMENDATION

Because the impacts of odor and smoke are dependent on weather, there is no way to guarantee that odor and smoke will be confined on site. However, with the proposed conditions, staff finds the impacts outside of the commerce park should be mitigated to the greatest extent possible.

Staff finds the proposal to be compatible with the surrounding uses and development of the Stonehouse Commerce Park and consistent with the Comprehensive Plan adopted in 2015, "*Toward 2035: Leading the Way*" and the Zoning Ordinance. Staff recommends the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the attached conditions.

SP/nb
SUP09-17-3601LaGrange

Attachments:
1. Proposed SUP Conditions
2. Location Map
3. Master Plan Exhibit
4. Applicant Narrative
5. R. M. Felts' Packing Company Site Visit Photos
6. Quarter-Mile Radius Map

SUP-0009-2017, 3601 La Grange Parkway Expansion
Draft SUP Conditions

1. **Master Plan**: This SUP shall permit the manufacture, compounding, processing or packaging of beverages or food and food products, but not slaughter of animals on approximately 11.73 acres located at 3601 La Grange Parkway and further identified as James City County Real Estate Tax Map Parcel No. 1210100042 (the "Property"). All final development plans shall be consistent with the master plan entitled "JCC SUP-0009-2017, 3601 La Grange Parkway Expansion Master Plan" and date stamped October 16, 2017 (the "Master Plan"), as determined by the Director of Planning, with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.

2. **Building Expansion**: The proposed building expansion shall not exceed 85,000 square feet.

3. **Smokers**: There shall be no more than eight smokers on the Property.

4. **Smoke/Odor**: With the exception of the smoke, odor and noise associated with the smoking, curing and processing of meat and meat products, all other dust, noise or odor effects shall be limited to a fully enclosed building.

5. **Stockpile**: If proposed in a location visible from La Grange Parkway, wood chip stockpiles shall be screened by landscaping or fencing.

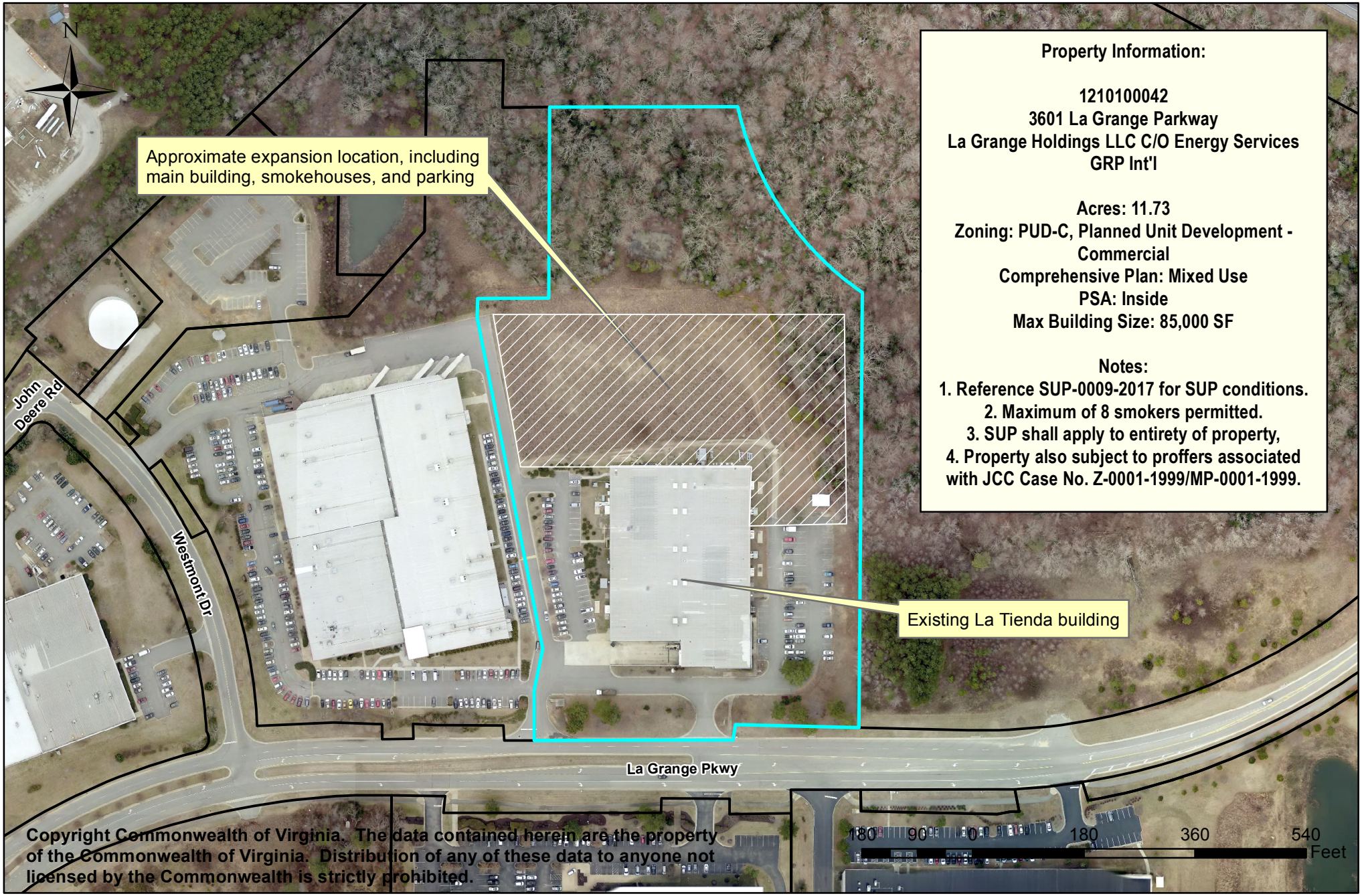
6. **Water Conservation**: Owner shall be responsible for developing and enforcing water conservation standards applicable to the Property, which standards shall be submitted to and approved by the James City Service Authority (the "JCSA") in accordance with the Water Conservation Guidelines adopted by the Board of Supervisors 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 issuance of any certificates of occupancies for building expansions on the Property.

7. **Commencement**: A permanent certificate of occupancy for the Project shall be obtained within 48 months from the date of approval of this SUP or this permit shall be void.

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

JCC-SUP-0009-2017
3601 La Grange Parkway Expansion

SUP-0009-2017, 3601 La Grange Pkwy Expansion Master Plan



Property Information:

1210100042
3601 La Grange Parkway
La Grange Holdings LLC C/O Energy Services GRP Int'l

Acres: 11.73
Zoning: PUD-C, Planned Unit Development - Commercial
Comprehensive Plan: Mixed Use
PSA: Inside
Max Building Size: 85,000 SF

Notes:
1. Reference SUP-0009-2017 for SUP conditions.
2. Maximum of 8 smokers permitted.
3. SUP shall apply to entirety of property,
4. Property also subject to proffers associated with JCC Case No. Z-0001-1999/MP-0001-1999.

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On January 19th, 2016, S. Wallace Edwards & Sons, Inc. DBA Edwards Virginia Smokehouse in Surry, VA burned to the ground. As we wait for the insurance litigation to come to a close, we are doing all we can to keep our 4th generation, 91 year old business alive. This includes reviewing options to build in Toano, VA as quickly as we can afford.

A brief overview of what we did at the Surry plant pre-fire and expect to do in Toano is as follows: We cure a wide variety of Virginia hams, bacon, sausage, lamb ham, and BBQ items with beef and pork in a plant which is inspected by the USDA on a daily basis. Our new plant will be designed, built and operated with oversight from the DEQ, EPA, OAR, FDA, and USDA. We intend to build out 50k sq. ft. of meat processing/curing/smoking/cooking plant space that we will use for the production and distribution of Edwards and other products.

We hope and expect to save 20 current jobs and add 30 new jobs once we are fully operational.
One of the main reasons for building in Toano next to the Tienda facility is we already have a working relationship with this company. We have made bacon, sausage and ham products for Tienda in the past and they have sliced and packaged some our Surryano ham. In addition we hope to take advantage of the synergies these two companies will have with shared IT, maintenance, and economies in shipping volume.

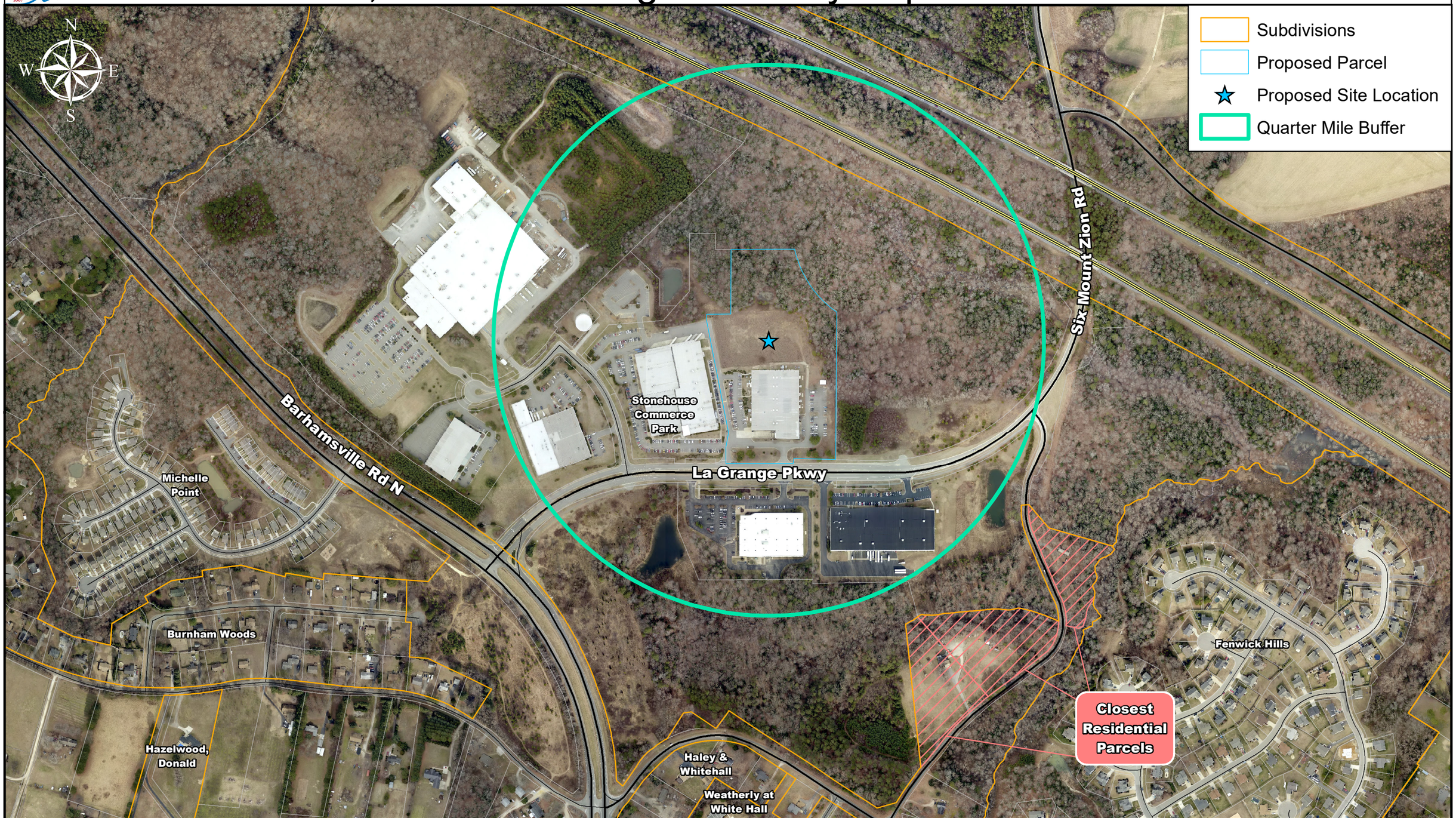
Regarding water usage, using our 2014-2015 numbers from the Surry facility, the range per month was a low of 70,000 gallons and a high of 220,000 gallons with an average of approximately 120,000 gallons per month (4,000 per day).

Regarding sewer usage, the septic data from our Surry plant is unknown as we used a drain field system. Our commercial wastewater was sent to a lagoon and irrigated on the farm. Chloride levels were typically in the 2,000 – 2,400 mg/L. The chloride levels in a separate holding tank from the ham wash down contained roughly 2% salt. That was hauled to HRSD for processing. We had five grease traps that were pumped routinely and hauled away for treatment.

R.M. Felts' Packing Company
Ivor, VA
Smokers: 1
Wind Conditions: 3-5 MPH

09/22/2017

SUP-0009-2017, 3601 La Grange Parkway Expansion



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AGENDA ITEM NO. F.3.

ITEM SUMMARY

DATE: 11/1/2017

TO: The Planning Commission

FROM: Lauren White, Planner

SUBJECT: SUP-0011-2017. 3001 Ironbound Road Tourist Home

ATTACHMENTS:

	Description	Type
	Staff Report	Staff Report
	Proposed SUP Conditions	Exhibit
	Location Map	Exhibit
	Master Plan	Exhibit
	July 13, 2017 Policy Committee Meeting and Packet	Exhibit
	September 14, 2017 Policy Committee Meeting and Packet	Exhibit
	Site Photos	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	10/25/2017 - 11:19 AM
Planning Commission	Holt, Paul	Approved	10/25/2017 - 11:19 AM
Publication Management	Trautman, Gayle	Approved	10/25/2017 - 12:42 PM
Planning Commission	Holt, Paul	Approved	10/25/2017 - 12:46 PM

SUMMARY FACTS

Applicant:	Telmo Armando Contreras
Land Owner:	Armando Holdings, LLC
Proposal:	To allow for the short-term rental of an entire three-bedroom residential home (Tourist Home).
Location:	3001 Ironbound Road
Tax Map/Parcel No.:	4710100068
Project Acreage:	+/-0.5 acres
Zoning:	R-8, Rural Residential
Comprehensive Plan:	Low-Density Residential
Primary Service Area:	Inside

PUBLIC HEARING DATES

Planning Commission: November 1, 2017 7:00 p.m.
Board of Supervisors: December 12, 2017, 5:00 p.m. (Tentative)

Staff Contact: Lauren White, Planner I

FACTORS FAVORABLE

1. The subject property is located on a major right-of-way and no traffic impacts are expected.

2. With the proposed conditions, staff finds the proposal consistent with the recommendations of the Comprehensive Plan adopted in 2015, "*Toward 2035: Leading the Way.*"

3. The existing mature vegetation and fencing provide adequate screening of the use from adjacent properties.

4. The existing driveway is of significant length to provide adequate parking capacity. The minimum required parking for this use is three spaces (one space per rental unit). The existing driveway and gravel parking area provide eight parking spaces.

5. The applicant has acknowledged that, should this application be granted, they will obtain the proper licensing and inspections through the County and will be subject to the appropriate use-based taxes.

FACTORS UNFAVORABLE

1. Staff finds no unfavorable conditions.

SUMMARY STAFF RECOMMENDATION

Approval subject to the proposed conditions.

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.

PROJECT DESCRIPTION

- The proposal is to allow for the short-term rental of the entirety of an existing three-bedroom house as a Tourist Home. The owner will not be present during the time of rentals and the property is not the owner's primary residence. The proposal includes no changes to the size or footprint of the house.

- The Zoning Ordinance defines a Tourist Home as "a dwelling where lodging or lodging and meals are provided for compensation for up to five rooms which are open to transients." While the Zoning Ordinance allows for the rental of up to five rooms in a Tourist Home, the proposed conditions limit the number of bedrooms available for rental to three in order prevent future expansion of the use.

PLANNING AND ZONING HISTORY

- Through an anonymous complaint to the County's Zoning Division, the house was found to be listed illegally on a popular home-sharing site. The applicant subsequently submitted a Conceptual Plan and later this Special Use Permit (SUP) application.

- The agenda packets for the recent Policy Committee meetings where ordinance amendments related to Tourist Homes were discussed are included as Attachment Nos. 4 and 5. Both under current regulations and under proposed draft ordinance amendment language, the current application would be classified as a Tourist Home which would require an SUP. The discussions at the Policy Committee meetings help to inform the draft conditions.

SURROUNDING ZONING AND DEVELOPMENT

- The surrounding zoning of all properties is R-8, Rural Residential. The property is located directly across the street from Coleman Nursery and Farmer's Market (3000 Ironbound Road) and less than a quarter of a mile south of the Williamsburg Unitarian Universalist Church (3051 Ironbound Road).

- The property is not within a subdivision, but shares a side and rear property line with two properties in the Chanco's Grant subdivision.

COMPREHENSIVE PLAN

The property is designated Low-Density Residential on the 2035 Comprehensive Plan Land Use Map, as are all of the surrounding parcels. Appropriate primary uses recommended by the Comprehensive Plan include single-family homes, duplexes and cluster housing. Limited commercial uses may also be considered appropriate, should the proposal meet the following standards:

- ***Complements the residential character of the area***: Staff finds that this proposed use would remain consistent with the residential character of the area, as this use does not propose any exterior changes.

- ***Have traffic, noise, lighting and other impacts similar to surrounding residential uses:*** Given the length of the existing driveway and in conjunction with the attached conditions, staff finds the proposal meets this criterion.

- ***Generally be located on collector or arterial roads at intersections.*** This property is located on, and takes access from, Ironbound Road, which is classified by the Virginia Department of Transportation as a major collector road.

- ***Provide adequate screening and buffering to protect the character of nearby residential areas.*** Staff finds that existing mature vegetation and fencing provide adequate screening from adjacent properties. Additionally, staff notes that this use inherently retains the same visual character as nearby residences.

PUBLIC IMPACTS

Anticipated impact on public facilities and services: None.

Nearby and surrounding properties: No impacts anticipated.

PROPOSED SUP CONDITIONS

- Draft text is provided as Attachment No. 1.

STAFF RECOMMENDATION

Staff finds the proposal to be compatible with surrounding development and consistent with the Comprehensive Plan adopted in 2015, "*Toward 2035:Leading the Way*" and the Zoning Ordinance. Staff recommends the James City County Planning Commission recommend approval of this application to the Board of Supervisors, subject to the attached conditions.

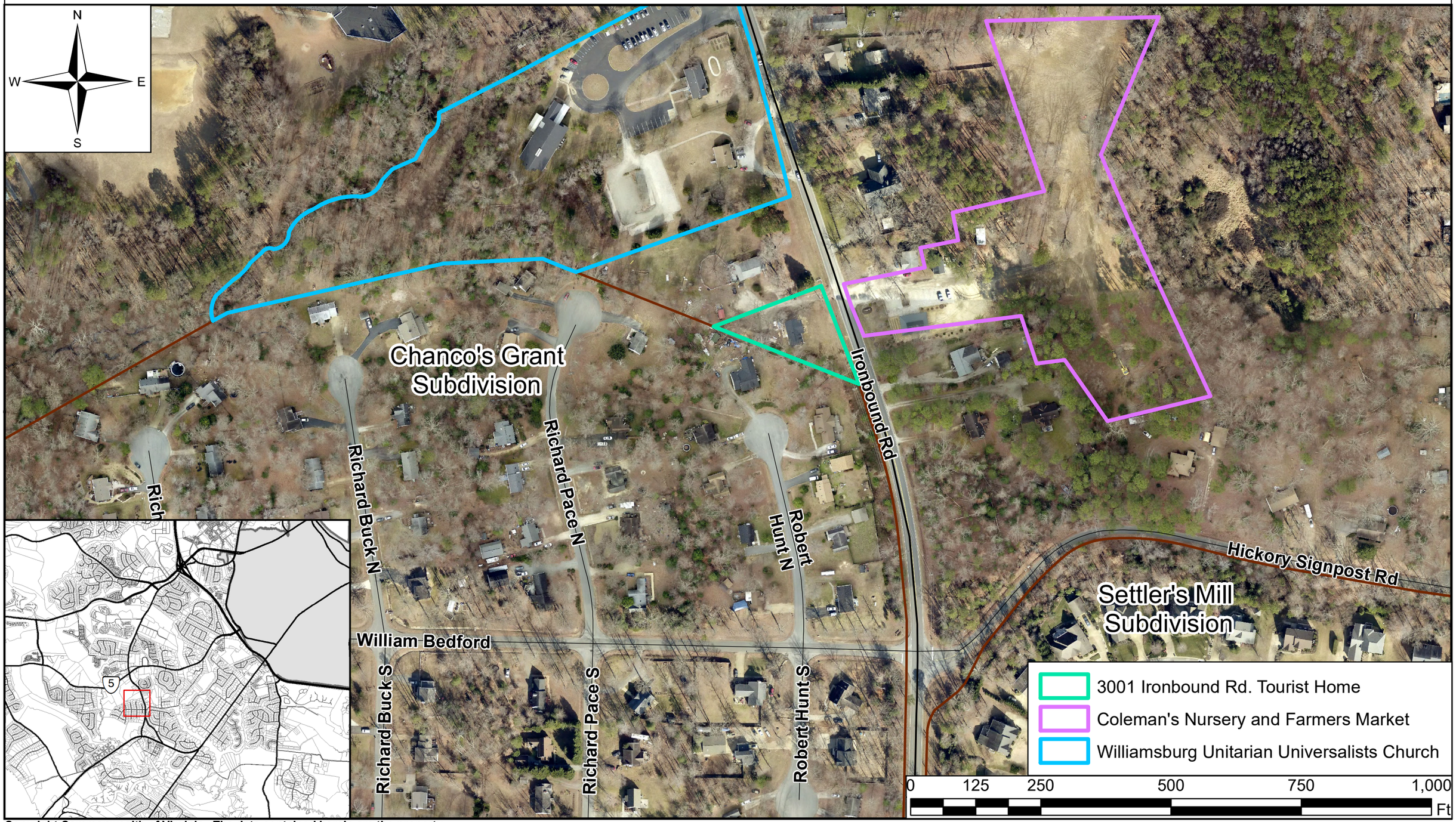
LW/nb
SUP11-17-3001IrnbndRd

Attachments:
1. Proposed SUP Conditions
2. Location Map
3. Master Plan
4. July 13, 2017, Policy Committee Meeting Memorandum and Minutes
5. September 14, 2017, Policy Committee Meeting Memorandum, Matrices and Minutes
6. Site Photos

SUP-0011-2017, 3001 Ironbound Road Tourist Home

1. Master Plan – This SUP shall permit a tourist home on property located at 3001 Ironbound Road and further identified as James City County Real Estate Tax Map Parcel No. 4710100068 (the "Property"). The use and layout of the Property shall be generally as shown on the document entitled "JCC SUP-0011-2017: 3001 Ironbound Road Tourist Home" and date stamped October 15, 2017 (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance as amended. This condition does not restrict improvements typical of a residential property as determined by the Director of Planning.
2. Commencement – If the Owner has not obtained a business license, a Virginia Department of Transportation (VDOT) Land Use Permit and an approved building permit license and provided evidence of the license, permit and approval to the Director of Planning within twelve (12) months from the issuance of the SUP, this SUP shall become void.
3. Number of rental room occupants – There shall be no more than three (3) bedrooms available for rent to visitors and no more than six (6) rental occupants total at any one time.
4. Signage – No signage related to the use of the tourist home shall be permitted on the Property.
5. Parking – Parking shall be limited to areas shown on the Master Plan. No oversized commercial vehicles, such as but not limited to buses, commercial trucks and trailers, associated with rental occupants of the tourist home shall be allowed to park on the Property.
6. Severance Clause – This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

SUP-0011-2017, 3001 Ironbound Tourist Home



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SUP-0011-2017, 3001 Ironbound Tourist Home Master Plan

Property Information

4710100068
Armando Holdings LLC
3001 Ironbound Road
Williamsburg, VA 23185
R8, Rural Residential
Comp Plan: Low Density Residential
Acres: 0.5

General Notes

1. Site is served by public water and sewer.
2. Property is not located in a FEMA Floodplain zone.
3. Property does not contain Resource Protection Area.
4. Property has an existing paved driveway.
5. A minimum of three parking spots shall be provided (one parking spot per bedroom).

Maps Not To Scale

Adjacent Properties

4710100067
Mark Collins
3021 Ironbound Road
Williamsburg, VA 23185
R8, Rural Residential

4710400036
Phana Tung
2908 Robert Hunt North
Williamsburg, VA 23185
R8, Rural Residential

4710400037
Maurice Thomas
2906 Robert Hunt North
Williamsburg, VA 23185
R8, Rural Residential

4710100075E
Kevin Carver
2986 Ironbound Road
Williamsburg, VA 23185
R8, Rural Residential

4710100075C
David Bauernschmidt
2990 Ironbound Road
Williamsburg, VA 23185
R8, Rural Residential

4710100075
Clockwork Angels LLC
3000 Ironbound Road
Williamsburg, VA 23185
R8, Rural Residential

Sheet Index

1. Cover Page
2. Master Plan
3. Location Map

SUP-0011-2017, 3001 Ironbound Tourist Home Master Plan

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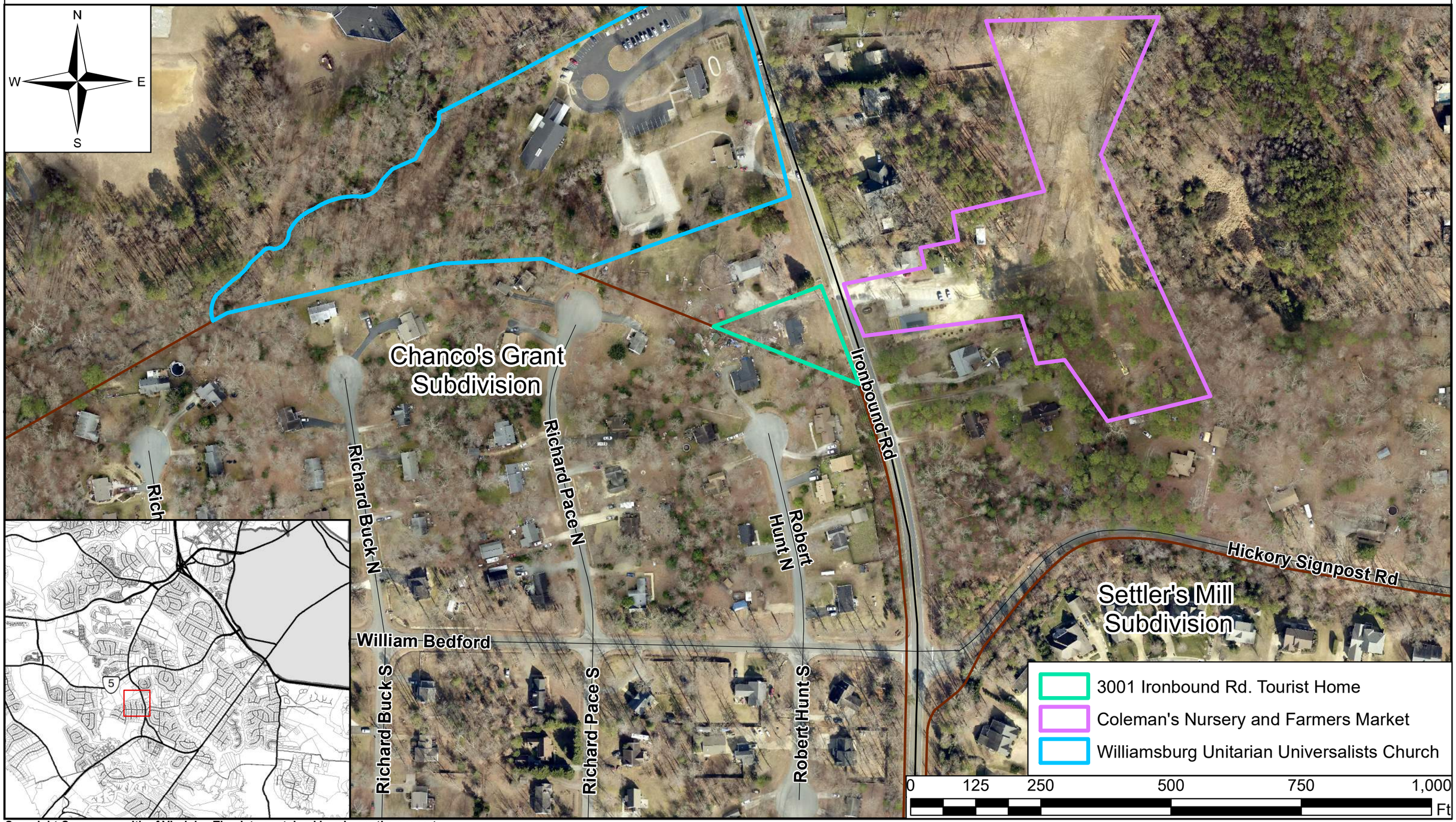
SUP-0011-2017, 3001 Ironbound Tourist Home



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A G E N D A
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
July 13, 2017
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes Adoption - May 11, 2017 Regular Meeting

D. OLD BUSINESS

E. NEW BUSINESS

1. Review and Discussion of the Planning Commission Bylaws as it pertains to Article IV. Outside Meetings with Applicants
2. Zoning Ordinance Revisions to Permit Short-Term Residential Vacation Rentals

F. ADJOURNMENT

M E M O R A N D U M

DATE: July 13, 2017

TO: The Policy Committee

FROM: Roberta Sulouff, Planner
Lauren White, Planner

SUBJECT: Zoning Ordinance Revisions Regarding Short-Term Residential Vacation Rentals

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INTRODUCTION

During the course of two recent public hearing cases, members of both the Planning Commission and the Board of Supervisors expressed a desire to address the emerging issue of short-term residential rentals, also known as "homesharing." This sentiment was echoed at the May 23, 2017 Joint Board of Supervisors and Planning Commission Work Session. In the time since the latest public hearing dealing with this subject, staff has received several Conceptual Plan applications from citizens interested in pursuing this use on their properties.

In addition to developments at the local level, Commission and Board members have expressed interest in state legislation regarding short-term vacation rentals. During the 2017 General Assembly Session, the legislature approved SB 1578 (attachment 1) which allows a locality to create a short-term rental registry. This legislation does not "prohibit, limit, or otherwise supersede existing local authority to regulate the short-term rental property through general land use and zoning authority."

Staff is proposing to evaluate short-term vacation rentals in a multiple stage process similar to review of Ordinance Amendments proposed during the 2016 Work Plan. In Stage I (the subject of this staff memorandum), staff will identify issues and possible directions for the proposed amendment. Later, in Stage II, staff will provide the Policy Committee with a proposed draft Ordinance for discussion. If needed, staff will draft the final Ordinance, accounting for any additional Policy Committee comments in Stage III.

CURRENT ZONING ORDINANCE LANGUAGE

1. Definitions: Under current Ordinance language, Rental of Rooms and Tourist Home have both been applied, on a case-by-case basis, to the type of short-term residential vacation rental uses that are the subject of this memorandum. The Rental of Rooms use describes the short-term rental of up to three bedrooms within a residence. In certain Zoning Districts, the Rental of One Room is listed as a separate use. Because the Rental of Rooms use is listed in the use tables of several districts but not defined in Section 24-2, interpretations of the Zoning Ordinance have traditionally determined that the homeowner or operator must continue to reside at the residence during the time of rental. While "Bed and Breakfast" is also not explicitly defined in the Ordinance, several traditional "bed and breakfasts" have been permitted under the Rental of Rooms use. Alternatively, Tourist Home is defined as "[a] dwelling where lodging or lodging and meals are provided for compensation for up to five rooms which are open to transients." This use describes the short-term rental of *some or all* of the rooms of a residential building. In this option, the owner or operator does not need to occupy the dwelling at the time of rental.

   These use categories apply only to transient occupancy. The Ordinance does not regulate instances where homes are rented to those who make the structure their primary place of residence (i.e., renting a home

long-term as an alternative to purchasing a home). See attachment 2 for a more comprehensive list of uses related to transient occupancy.

2. Process: In most Residential Zoning Districts, the above uses are either specially permitted, or, in a few cases, not permitted at all (see Table 1 below). In the R-3, Residential Redevelopment District as well as the R-5, Multifamily Residential District, the rental of ***one*** room is permitted by-right.

Table 1: Current Short-Term Residential Rentals Use Table by Zoning District

Zoning District	Rental of Rooms (Max 3)	Tourist Home
A-1	SUP	SUP
R-1	SUP	Not Permitted
R-2	SUP	SUP
R-3	Rental of One Room - Permitted by Right; Rental of 2-3 Rooms - SUP	SUP
R-4	Permitted by Right	Not Permitted
R-5	Rental of One Room–Permitted by Right; Rental of 2-3 Rooms–SUP	Permitted by Right
R-6	SUP	Not Permitted
R-8	SUP	SUP
PUD	Not Permitted	Not Permitted
MU	Permitted by Right	Not Permitted

During the SUP process, applications for these uses are evaluated for consistency with the adopted Comprehensive Plan. While most recent "homesharing" applications have generally proposed a use accessory to a primary residential use, both of the above uses are currently interpreted as commercial, and thus, are considered Group 2 Recommended Uses in the Land Use Descriptions and Development Standards section of the Comprehensive Plan. Uses in Group 2 are subject to development standards (see below). In both recent cases, staff found that the use of "homesharing" complied with these standards, which state that a use must:

- Complement the residential character of the area;
- Have traffic, noise, lighting and other impacts similar to surrounding residential uses;
- 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;
- Provide adequate screening and buffering to protect the character of nearby residential areas; and
- Be generally intended to support the residential area in which they are located.

DISCUSSION ITEMS

1. Definition: As stated above, the Ordinance does not include a specific use or definition for the emerging category of rentals found on homesharing host websites such as homeaway.com or Airbnb.com. In an effort to develop a more current definition to this use, staff reviewed the definitions for short-term residential rentals in the Zoning Ordinances of several Virginia peer localities, including Williamsburg, Charlottesville, Virginia Beach, York County and Blacksburg as well as as Albemarle County and

Arlington County. Those definitions are as follows:

- *Williamsburg:* regulates short-term rentals through the Bed and Breakfast use. Bed and Breakfasts are defined as "a detached dwelling in which, for compensation, meals and overnight accommodations are provided for visitors. The detached dwelling shall be occupied by the owner-occupant and/or a full-time live-in manager."

- *Charlottesville*: defines "homestay" as a type of home occupation in which an individual who owns a dwelling and uses it as his or her permanent residence within a dwelling hires out, as lodging: (i) such dwelling, or any portion thereof, or (ii) a lawful accessory dwelling (Sec. 34-1200).

- *Blacksburg*: defines "homestay" as the accessory or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended for short-term transient rental purposes in exchange for a charge for the occupancy. Under this definition, the primary use of the homestay unit must remain residential. The definition includes Type A and Type B rentals. Type A rentals require the host to be present during the homestay and no more than two bedrooms of the homestay unit are rented. Type B rentals consist of all other rentals, including ones where more than two bedrooms of the homestay unit are rented or the host is not present during the stay.

- *Arlington County*: Accessory homestay is defined as a home occupation use where an individual who owns a dwelling unit and occupies that dwelling unit as his/her primary residence hires out the dwelling unit or portion thereof, as lodging. Arlington County is in the process of potentially expanding their homestay definition to allow the use in rental units.

- *Albemarle County*: Tourist lodging is defined as a use composed of transient lodging provided within a single-family dwelling having not more than five guest rooms, where the single-family dwelling is actually used as such and the guest rooms are secondary to the single-family use, whether or not the guest rooms are used in conjunction with other portions of the dwelling.

- *Virginia Beach*: The Virginia Beach zoning ordinance does not expressly address the rental of dwellings nor does it differentiate between short-term and long-term rentals. Based on a zoning interpretation, Virginia Beach defines rentals based on the number of days the home is rented. Virginia Beach does not differentiate between rental of a certain number of bedrooms and rental of the whole residence.

- *York County*: Much like James City County, York County has two uses which have been applied to short-term residential rental applications. These uses include "Bed and Breakfast Inn," which is defined as a dwelling in which, for compensation, breakfast and overnight accommodations are provided for transient guests. When the establishment is located in a Residential Zoning District, the owner of the property must live on the premises. York County also provides a definition for "Tourist Home," which is a use subordinate to a private dwelling which provides temporary accommodations to "overnight transient guests" for a fee. York County defines "Transient Occupancy" as lodging on a temporary basis for under 90 days by a visitor whose permanent address is not the lodging unit occupied by the visitor.

Recommendation: Staff recommends creating a new definition for the use of "homestay." Staff recommends treating the homestay use similar to the above models in which the new short-term residential rental use must be secondary to a primary residential use. Staff believes this approach would create a distinction between traditional bed and breakfasts and vacation rental properties and the new style of short-term rentals, which have come before the Planning Commission and Board and can be found on the

aforementioned websites. In addition to creating this new use, staff will also be reviewing the definitions of related uses as well.

2. Permitting and Standards: Staff reviewed permitting and standards for short-term residential rentals in several peer localities within Virginia and around the country. In many localities, such as York County, Williamsburg and Virginia Beach, short-term rentals are permitted in much the same way that they are currently permitted in James City County. With no formal definition for this burgeoning use, applications are considered under more broad uses, such as tourist homes or bed and breakfasts, and in York County and Williamsburg are subject to a typical legislative permit process, generally. In other localities such as Albemarle County, Charlottesville and Arlington County, the use is permitted by-right in most or all Residential Zoning Districts through an administrative permitting process. In some localities, such as New Kent County, the use is not regulated. In either case, the use is subject to a special set of standards.

   When reviewing locality standards, except where otherwise noted, staff focused on the abovementioned localities. Across the localities reviewed, there were several common threads. Many of the concerns identified by the Board and Commission during recent public hearings were addressed in the standards of peer localities, including location of the use in relation to other residential dwellings, presence of the owner at the time of rental, ensuring that the site of use remained residential in character, density of the use within neighborhoods and the number of rooms being rented. For a full list of common standards, please see Attachment No. 3.

RECOMMENDATION

Staff recommends the Policy Committee consider updating the Zoning Ordinance definitions as discussed above. Staff would also like to receive feedback from the Policy Committee on which standards are important for inclusion in a draft policy that can be considered during a review of future SUP applications. Staff looks forward to a discussion with the Policy Committee on these items.

RS/LW/gt
ShrtTrmResRentl-mem

Attachments:
1. SB 1578 – Short-Term Rental of Property; Registration of Persons Offering Property for Rental
2. Current Use Definitions Related to Transient Occupancy in James City County
3. List of Common Standards for Short-Term Residential Vacation Rentals

VIRGINIA ACTS OF ASSEMBLY -- 2017 SESSION

CHAPTER 741

An Act to amend and reenact §§ 4.1-100, as it is currently effective and as it shall become effective, and 4.1-200 of the Code of Virginia and to amend the Code of Virginia by adding in Article 5 of Chapter 9 of Title 15.2 a section numbered 15.2-983, relating to the short-term rental of property.

[S 1578]

Approved March 24, 2017

Be it enacted by the General Assembly of Virginia:

§ 15.2-983. Creation of registry for short-term rental of property.

A. As used in this section:

"Operator" means the proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity.

"Short-term rental" means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

B. 1. Notwithstanding any other provision of law, general or special, any locality may, by ordinance, establish a short-term rental registry and require operators within the locality to register annually. The registration shall be ministerial in nature and shall require the operator to provide the complete name of the operator and the address of each property in the locality offered for short-term rental by the operator. A locality may charge a reasonable fee for such registration related to the actual costs of establishing and maintaining the registry.

2. No ordinance shall require a person to register pursuant to this section if such person is (i) licensed by the Real Estate Board or is a property owner who is represented by a real estate licensee;

(ii) registered pursuant to the Virginia Real Estate Time-Share Act (§ 55-360 et seq.); (iii) licensed or registered with the Department of Health, related to the provision of room or space for lodging; or (iv) licensed or registered with the locality, related to the rental or management of real property, including licensed real estate professionals, hotels, motels, campgrounds, and bed and breakfast establishments.

C. 1. If a locality adopts a registry ordinance pursuant to this section, such ordinance may include a penalty not to exceed $500 per violation for an operator required to register who offers for short-term rental a property that is not registered with the locality. Such ordinance may provide that unless and until an operator pays the penalty and registers such property, the operator may not continue to offer such property for short-term rental. Upon repeated violations of a registry ordinance as it relates to a specific property, an operator may be prohibited from registering and offering that property for short-term rental.

2. Such ordinance may further provide that an operator required to register may be prohibited from offering a specific property for short-term rental in the locality upon multiple violations on more than three occasions of applicable state and local laws, ordinances, and regulations, as they relate to the short-term rental.

D. Except as provided in this section, nothing herein shall be construed to prohibit, limit, or otherwise supersede existing local authority to regulate the short-term rental of property through general land use and zoning authority. Nothing in this section shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provisions of condominium instruments of a condominium created pursuant to the Condominium Act (§ 55-79.39 et seq.), the declaration of a common interest community as defined in § 55-528, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55-424 et seq.), or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (§ 55-508 et

Attachment 2: Current Use Definitions Related to Transient Occupancy in James City County Zoning Ordinance

- Proposed: Homestay - A use clearly secondary to a primary residential use, subject to fitting performance standards. To apply to the short-term rental of rooms in a private home.
- Rental of Rooms - Not defined, but permitted by-right and SUP in different districts. Interpreted to require the home-owner to be present at time of rental. Limits number of rooms rented to 1-3 (depending on district). Has been used to permit traditional B&Bs.
- Tourist Homes - "A dwelling where lodging or lodging and meals are provided for compensation for up to five rooms which are open to transients." Does not require homeowner to be present, allows for whole-home rental. Has also been used to permit traditional B&Bs.
- Hotel - "A building designed or occupied as the more or less temporary abiding place for more than ten individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites."
- Motel - "One or more buildings containing individual sleeping rooms, designed for or used temporarily by automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit."

Attachment 3: List of Common Standards for Short-Term Residential Vacation Rentals

- *Classification as a home occupation* –Charlottesville and Arlington County amended their zoning ordinance to classify short-term residential rentals as accessory homestays and to include this use in the home occupations zoning code. The accessory homestay use has additional requirements that aim to protect the health, safety, and welfare of the surrounding neighborhood.
- *Secondary use* – All of the above localities require the use to be clearly subordinate to the primary residential use of the home.
- *Location* – All of the above localities allow the use in all residential zoning districts either through permitting or a legislative process. Williamsburg allows bed and breakfasts only along the city's designated entrance corridors.
- *Number of rooms to be rented* – Williamsburg allows for up to four bedrooms to be rented through the legislative Special Exception process and up to six bedrooms through the legislative Special Use Permit process. Albemarle County allows no more than five rooms to be rented at one time.
- *Primary residence* – All of the above localities limit the use to units that are used by the owner as his/her primary residence. Due to building code requirements, the owners must live in the unit for a minimum of 180 days per year (about six months) in order to retain the residential characteristic. The verification method varies among the localities but all ordinances state the verification method must be satisfactory to the locality's attorney.
- *Number of guests* – Arlington County limits the use of the homestay to one simultaneous rental with one party only to avoid rental of multiple bedrooms to multiple parties. The number of lodgers is capped to the larger of either six lodgers or two lodgers per bedroom. Blacksburg and Charlottesville limit the number of adult guests to six per homestay.
- *Parking* – Charlottesville limits the parking in connection to the homestay to the driveway, garage, or available on street parking areas. Williamsburg requires two off street parking spaces for the use plus one off-street parking space for each bedroom rented to visitors. Albemarle County requires additional parking spaces for the use based on the number of guest rooms to be rented.
- *Signage* – All of the above localities prohibit exterior signage to advertise the location of the use.
- *Employees/Operators* – As stated above, all of the above localities require the home to be owner-occupied to be eligible for the short-term rental use and state that only the owner can be involved in the use. In addition to the resident, Charlottesville prohibits more than one other person from engaging in the home occupation business on the property. Arlington County does not allow anyone other than the host to be an employee of the homestay. Blacksburg limits the number of homestays a person may register to one.
- *Building code standards* – All of the above localities zoning ordinances include requirements for the use to be compliant with all applicable building codes specifically naming items such as safe ingress/egress, smoke detectors, and fire extinguishers. Blacksburg requires the submittal of a floor plan with the permit to verify the layout of the home. Blacksburg also allows for the inspection of a homestay by the building department to address complaints. Albemarle County requires all applicants to submit a floor plan showing the rooms to be rented and requires all units to be inspected by the Fire Marshall and the Building Inspections Division.
- *Host information* – All of the above localities require the hose to post his or her contact information in a visible location within the home.

Attachment 3: List of Common Standards for Short-Term Residential Vacation Rentals

- *Accessory dwelling* – Arlington County allows for the use of an accessory structure as a homestay but if used in conjunction with the primary structure only one homestay contract is allowed at a time. Albemarle County allows the use in accessory structures.
- *Limits on use* – Arlington County limits the use of the accessory homestay to residential uses only. No commercial meetings, luncheons, banquets, weddings, or parties are allowed.
- *Shared walls and access* – Prior to each annual registration, Blacksburg requires written notification to all properties that share a wall or driveway with the homestay of intent to register.
- *Limits to the number of short-term residential rentals*–Williamsburg limits the number of bed and breakfast establishments to a minority of the houses on the specified streets in order to ensure the streets maintain their residential character. The city of Durango, Colorado placed a limit on the number of short-term residential units within a block to alleviate some of the concerns regarding some neighborhoods being utilized entirely for short-term residential rentals.

M I N U T E S
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
July 13, 2017
4:00 PM

A. CALL TO ORDER

Mr. Rich Krapf called the meeting to order at approximately 4 p.m.

B. ROLL CALL

Present:
Mr. Rich Krapf, Acting Chair
Mr. Danny Schmidt
Mr. Heath Richardson
Mr. Jack Haldeman

Absent:
Ms. Robin Bledsoe

Staff:
Mr. Paul Holt, Planning Director
Ms. Tammy Rosario, Principal Planner
Ms. Lauren White, Planner
Ms. Roberta Sulouff, Planner
Mr. Tom Leininger, Community Development Assistant
Mr. Maxwell Hlavin, Assistant County Attorney

C. MINUTES

1. Minutes Adoption - May 11, 2017 Regular Meeting

Mr. Jack Haldeman made a motion to Approve the May 11, 2017, meeting minutes.

The motion passed 3-0-1, with Mr. Rich Krapf abstaining, as he was not present at the meeting.

D. OLD BUSINESS

There was no old business.

E. NEW BUSINESS

1. Zoning Ordinance Revisions to Permit Short-Term Residential Vacation Rentals

Ms. Roberta Sulouff stated that during the course of two recent public hearing cases, members of both the Planning Commission (PC) and the Board of Supervisors (BOS)

expressed their desire to address the emerging issue of short-term residential vacation rentals, also known globally as home-sharing. She stated that since the last public hearing, staff have received several Conceptual Plan Applications for this use. She stated that the Ordinance currently addresses several uses such as transient occupancy ranging from more residential in nature to expressly commercial in character. She stated that members of the BOS stated that none of the existing uses directly address the emerging movement of home-sharing that has a residential footprint.

Ms. Sulouff stated that staff is recommending a two-pronged approach of multiple stages. She stated that first, staff is recommending the creation of a new use and definition to address the types of short-term residential rental applications that have been received by staff. She stated that staff recommends creating a new definition for the use homestay.

Ms. Sulouff also stated that staff is seeking the Policy Committee's direction in the pursuit of a new policy and permitting standards to address the new use. She stated that permitting standards, including, but not limited to the ones located in Attachment No. 3, could be used to build a framework or a supplemental policy under which future Special Use Permit (SUP) applications could be reviewed.

Ms. Sulouff stated that staff recommends creating a definition and permitting policy that addresses the residential character of the use while considering compliance and providing clarity to those wishing to pursue the use and those that review future applications for the use. She stated that staff is planning to take the Committee's feedback to further research any concerns and to begin drafting zoning ordinance language to be reviewed in stage two of this process.

Mr. Rich Krapf thanked Ms. Sulouff and asked if the Committee had any questions for staff.

Mr. Jack Haldeman asked how the new Ordinance would differ from the rental of rooms or tourist homes classifications. He stated that he read both of them and that they both apply to the Airbnb concept.

Ms. Sulouff stated that rental of rooms and tourist homes both apply to short-term rentals in different ways. She stated that rental of rooms is not defined in the definition section and it is more of an interpretation typically applied to a bed and breakfast or to situations in which people want to rent rooms above and beyond the family definitions. She stated that home-sharing would address the applications that are coming in, where people own homes and reside in them and want to rent out a room at a transient rate to people for a night. She stated that tourist home is traditionally interpreted as a vacation home rental where it wouldn't require anyone to be there at the time of the rental. She stated that the proposed definition would create a new class and would be clearly secondary to a residential use.

Mr. Haldeman asked if this would replace the current Ordinances or if it would be an addition.

Ms. Sulouff stated that staff is seeking the Committee's direction such as defining rental of rooms, but right now staff is proposing home-share in addition to the other uses.

Mr. Krapf asked how accessory homestay ties into the health, safety and welfare of the

surrounding neighborhood.

Ms. Lauren White stated that the two examples put the homestay use in the home occupation zoning code, then an additional layer is added to the homestay use. She stated that it may include limits such as the number of cars, noise and buffering to make sure the use is secondary to the primary residential use.

Ms. Sulouff stated that in both Charlottesville and Arlington County, with homestay being a home occupation, it becomes an administrative process rather than an SUP process. She stated that staff can explore ways to have the homestay fit in the SUP framework as well.

Mr. Heath Richardson stated that when he looked at the examples, he liked the Blacksburg example where there is a definition of homestay which provides two types of rentals. He stated that Type A defines the number of rooms and Type B has a caveat where the homeowners do not need to be at the residence. Mr. Richardson stated that the Blacksburg example provides more flexibility.

Mr. Danny Schmidt stated that the Blacksburg example also stood out to him. He stated that he initially voted against the two SUPs regarding homestays when he first started on the Planning Commission. Mr. Schmidt stated that the County already has a tourist home definition. He stated that his family has taken advantage of similar situations in other areas across the country. Mr. Schmidt stated that there haven't been many issues with Vacation Rental by Owner (VRBO).

Ms. Sulouff stated that VRBO would still come to the staff as an SUP application in most districts as they are a tourist home. She stated that the complaints received are anonymous.

Ms. Christy Parrish stated that there have been calls stating that houses have been seen on Airbnb websites. She stated that there are places in Kingsmill where these homes are permitted by-right. She stated that there will be times that the homes will show up in the R-2, Residential Zoning District and a letter would be sent out, stating that they are in violation with the Zoning Ordinance without an SUP approval.

Mr. Richardson stated that he noticed during previous BOS meetings that there are some citizens running businesses without an SUP approval and that depending on how homestay is defined, citizens would be able to legally run their business.

Mr. Krapf asked if having someone come in and clean their home or provide housekeeping duties violates the definition under the Arlington County example.

Ms. White stated that it would be allowed because it would be considered typical home maintenance.

Ms. Sulouff stated that Arlington County is trying to prevent someone living out of state, but has an inn-keeper function to allow an agent to act for them.

Mr. Schmidt asked if staff looks at the Airbnb websites.

Ms. Parrish stated that staff would only look up houses in violation if they were brought to staff's attention.

Mr. Schmidt stated he wants to prevent a lot of SUP applications coming in at once.

Mr. Richardson stated that the regulation for the Blacksburg example requires a floorplan.

Ms. White confirmed and stated that some localities require a floorplan and a site plan.

Mr. Richardson asked why staff thought that Blacksburg has that regulation. He asked if it could be that they are a university town or was it in place before or after the popularity of Airbnb.

Ms. White confirmed and stated that it was after the wave of popularity of Airbnb.

Mr. Schmidt asked if that applied to the other examples.

Ms. White confirmed.

Ms. Sulouff stated that there are other localities that have not made changes to their ordinance and there are cities like Williamsburg and Virginia Beach that are still in the developmental process.

Mr. Krapf asked what staff thought about the use of accessory structures for a home-share category.

Ms. Parrish stated that it would be a larger issue because there are limits on a secondary structure.

Mr. Krapf asked if this would only apply to the primary residential structure.

Ms. Parrish confirmed.

Mr. Paul Holt stated that it would complicate things more and put two homes on one property. He stated that it was up to the direction of the Policy Committee, but previous SUP conditions have attempted to ensure a single-family house continues to look like a single-family home.

Ms. Tammy Rosario stated that it is important to consider the additional impacts such as traffic.

Mr. Schmidt stated that he has heard from citizens that the number of cars at a home has a negative impact on the neighborhood.

Ms. Sulouff asked if parking would be an important permitting standard.

Mr. Schmidt confirmed.

Mr. Krapf stated that the A-1 and R-8 Districts are larger properties and the parking limitations could potentially be different. He asked if there should be a distinction in the Ordinance.

Mr. Richardson confirmed.

Mr. Schmidt confirmed. He stated that the tourism economy is important and keeping up with the times is important.

Mr. Haldeman asked if the County would limit the number of rooms, meals, owner presence and number of days.

Ms. Sulouff stated that staff is looking for feedback on those regulations.

Mr. Richardson stated that it is possible to be too restrictive. He stated that if there are two types, the property owner would announce which direction they are going. He stated that one type could be less restrictive. He stated there would be a burden on staff.

Ms. Parrish stated that it would depend on the number of people wanting to do a homestay and the number of complaints that would come in. She stated that she does not anticipate there being an issue, but a policy can be created that is straightforward.

Mr. Holt stated that staff would let the Policy Committee know what can and cannot be enforced. He stated that proper documentation could be provided ahead of time.

Mr. Krapf asked about the possibilities including limiting the number of residences on a street.

Ms. Sulouff stated that it was just an example from another locality. She stated that there was a concern from other localities regarding blocks where there are a lot of homes in one neighborhood renting out their houses. She stated that staff can look further into the other localities if need be.

Mr. Holt stated that there are issues regulating the number of homestays. He stated that Zoning Ordinances could potentially have separation distances between homes. He stated that it would limit the number of homes and it would be easier for staff to regulate.

Mr. Haldeman asked if Homeowners Associations (HOA) play a role.

Mr. Holt confirmed and stated that Zoning Ordinances can't trump covenants and declarations, as in the example of chicken keeping.

Mr. Schmidt stated that the HOA can be the more restrictive process. He stated that Airbnbs are going to keep happening and it is best to work with the homeowners.

Mr. Krapf asked if there would be a registration fee or keep just the business license component.

Mr. Schmidt stated that it is similar to the food truck situation.

Ms. Sulouff stated that creation of a registry would be outside of the Zoning Ordinance; however, the Policy Committee can get the process going. She stated that the homeowners could potentially register with the Commissioner of Revenue (COR), pay the transient occupancy tax, a potential application fee and possibly a registration fee.

Mr. Richardson stated that given the nature of the area, this would give the COR a tool for taxation.

Ms. Sulouff asked if there would be compliance with a registry.

Mr. Richardson confirmed.

Mr. Krapf asked if there wasn't a registry how the homestays would be tracked.

Ms. Sulouff stated that staff would keep track similar to the home occupations and the COR would keep track similar to other business licenses.

Mr. Krapf asked if there were any pros and cons for a registry on homestays.

Mr. Maxwell Hlavin stated that most localities are in the same spot in terms of the developmental process. He stated that it could be best to run the process through the COR.

Mr. Krapf asked if there would be a downside.

Mr. Hlavin stated that he does not see one. He stated that it is required to register with the COR to obtain a business license. He stated that this would give staff a mechanism to establish a fine.

Mr. Holt stated that the fine encourages homeowners to comply.

Mr. Schmidt stated that the COR would be a separate track from the process handled by planning staff.

Ms. Sulouff stated that it would be part of the planning process. She stated that staff can say that they can't approve their application without the business license.

Mr. Krapf asked Committee members if they would want a penalty associated with the failure to register their homestay.

Mr. Richardson confirmed.

Mr. Hlavin stated that the fee would not come through the policy process.

Mr. Richardson stated that there can be a reference to the need to register in the Zoning Ordinance.

Mr. Schmidt stated that it would help with the citizens in the County to see a penalty.

Mr. Richardson asked other Committee members if they preferred the Blacksburg example where the number of rooms is defined.

Mr. Haldeman stated that he wouldn't want a lot of rooms to be available to be rented out in a single home. He stated that he would have a concern with the competition with the hotels and the quality of neighborhoods together with the traffic generated. He stated that three to four rooms available to rent would be sufficient.

Ms. Rosario asked if the four-bedroom maximum would exclude rental of an entire home.

Mr. Haldeman stated that he would not want to allow rental of the entire home.

Ms. Parrish stated that many Airbnbs are full home rentals.

Mr. Richardson stated that staff could come up with some options where the host is present with limited rooms and then other options with no host present.

Ms. Sulouff asked if there were two types, would there be a difference in the applications.

Mr. Krapf asked the purpose of establishing two types. He asked what the end goal would be for establishing two types.

Mr. Richardson stated that Type A would be a resident that has a couple of rooms to rent out and Type B could be more of a hostel scenario.

Mr. Holt stated that there could be a number of different directions. He stated that there could be a locational pairing going with each type. He stated that the smaller homes with one to two bedrooms for rent are located in R-1 and R-2 Residential Districts. He stated the larger homes, where the homeowner rents out the entire house, could be located in the A-1 Zoning District or possibly located on major roads instead of internal to a subdivision. He stated that the smaller and easier homestays could be handled administratively and that the larger ones could have an SUP.

Ms. White stated that in the case of Blacksburg, the reason they break it down could be because the two different types may have different impacts on a neighborhood. She stated that it is possible to limit the number of days for Type A rentals and the number of days for Type B rentals. She stated that when the applicant fills out an application they state their intent.

Mr. Krapf stated that he liked the idea of having an Ordinance focused around Zoning Districts. He stated that it could be the easiest way to put a matrix together. He stated that it is important to keep in mind the number of vehicles generated.

Ms. Sulouff stated that staff can do some research into other localities and how they handle parking. She stated that some conditions on previous SUPs were limiting the types of vehicles such as campers and RVs.

Ms. Rosario stated that the number of vehicles may correlate with the number of bedrooms available.

Ms. Sulouff stated that previous cases limited the number of cars per rented bedroom.

Ms. Rosario stated that based upon the conversation, the most relevant characteristics to put into the matrix are ownership, number of rooms, parking and the consideration by Zoning District and if there would be an administrative process.

Mr. Holt asked if by ownership she meant whether the owner did or did not live on the

property.

Ms. Rosario confirmed and asked if there were any other items.

Mr. Haldeman asked if guest rooms were secondary to single-family use.

Ms. Sulouff confirmed. She stated that the definition for homestay being proposed would be secondary to the single-family residence, which is the same requirement as the current home occupation application.

Mr. Haldeman asked if the owner had to reside at the time of rental.

Ms. Sulouff stated that it is not necessary for the owner to reside at the time of rental. Ms. Sulouff stated that whether or not the owner is present at the time of the rental could fall in the matrix. She stated that it would be someone's home that they reside in.

Mr. Schmidt stated that owners could rent out their home while they are gone for the weekend.

Mr. Krapf stated that if it were a VRBO, the owner could rent the home during the peak tourist season such as May through October and the owner would not have to live there.

Mr. Haldeman asked if that would be considered a tourist home.

Ms. Sulouff stated that currently that would fall under a tourist home.

Ms. Rosario stated that as the definition becomes finalized, there could be some overlap between the other definitions, necessitating additional definition amendments.

Mr. Krapf asked if there should be a requirement on residency.

Mr. Richardson stated that he would prefer that the definition stay flexible for now. He stated that a couple could rent out their rooms while they were away and it gives the homeowners some flexibility to not be present.

Mr. Krapf stated that there are some general provisions outside of the matrix that would incorporated. He stated that the registry is an example.

Mr. Schmidt stated that one of the concerns from the previous SUP was that people wanted to know who their neighbors are. He stated that he preferred having the homeowner present during the time of the rental.

Mr. Holt stated if someone wanted to operate a tourist home they still could, but for the Airbnb example, there should be someone living there.

Mr. Schmidt agreed and stated that he felt there would be more changeover from tenant to tenant.

Ms. Sulouff stated that the definitions may overlap with each other and that the tourist home and rental of rooms' uses need not go away. She stated that requiring the homeowner to be present does not take away from the ability to rent out their home

under another definition.

Mr. Schmidt stated that there will be times where we have VRBO and Airbnb cases.

Ms. Rosario stated that Airbnb rents by room and whole houses as well.

Mr. Holt asked if there was a consensus from the Committee that when staff puts the matrix together, the homeowner needs to be living there.

Mr. Schmidt confirmed.

Mr. Richardson stated that if the homeowner rents out their whole home, they would fall under the tourist home definition.

Mr. Krapf stated that looking under the definition of home-share, the owner is there sharing the home along with the tenants.

Ms. Sulouff stated that the home would be the primary residence and the homeowner would occupy the home at the time of the rental.

Mr. Krapf asked if there were any questions from anyone.

Mr. Hlavin stated that, from a legal standpoint, enforceability is tough because there would need to be proof that the homeowner is there during the time of the rental. He stated that it is a good start to the discussion.

Mr. Holt stated that the homeowner doesn't have to be present at all times, just that the home must be their primary residence.

Ms. Sulouff stated that the homeowner being present is not confirmed.

Mr. Krapf asked what it would be considered if he had a secondary residence to rent out.

Ms. Rosario stated that it would fall under the tourist home definition. She stated that there could be separate processes for homestay and for tourist home.

Ms. Sulouff stated that across the country, localities are dealing with the same conflicts. She stated that people want to know who their neighbors are.

Ms. Parrish stated that it is important to define a primary residence to avoid a home being used for a transient use.

Ms. Sulouff stated that staff is hoping to use the regulations under home occupation to follow for homestay.

Mr. Krapf asked if there were any other topics needed for staff to discuss.

Ms. Sulouff stated that she felt there is enough information for staff to begin.

Ms. Rosario stated that this is the beginning stage where staff can come back to get more clarification and then begin drafting an Ordinance.

Mr. Holt stated that it is important to keep it simple, protecting the neighborhood and to begin small by making sure someone lives there. He additionally stated that parking and the Zoning District can be factored in as well.

Ms. Rosario asked if some applications can be handled administratively and some by SUP.

Mr. Krapf confirmed. He also stated that it can be based on the number of rooms.

Mr. Holt stated that the Zoning District will factor in as well.

Mr. Richardson stated that homestays can be considered by-right in certain Zoning Districts.

Mr. Krapf asked if by-right requires administrative approval.

Ms. Sulouff confirmed. She stated that the by-right can have an administrative process attached to the definition similar to chicken keeping.

Mr. Krapf stated that it is important to keep the process simple. He stated that the next step would be to get something back, such as a matrix, from staff to help move the Policy Committee forward.

2. Review and Discussion of the Planning Commission Bylaws as it pertains to Article IV. Outside Meetings with Applicants

Mr. Holt stated to the Policy Committee that staff wanted to explore any concerns and possibly change anything with respect to the current bylaw.

Mr. Richardson stated that the PC members do a good job of acknowledging when they have conversations with developers. He stated that it is best to avoid times when multiple members meet with a single applicant where minutes are required from the meeting.

Mr. Haldeman stated that he attended a seminar regarding high growth communities where this topic arose.

Mr. Hlavin asked if the seminar was regarding the new proffer legislation.

Mr. Haldeman confirmed.

Mr. Hlavin stated that the Planning Commission and Board is saved from the proffer legislation because BOS members are not taking proffers for residential applications. He stated that proffers are still accepted for commercial applications. He stated that members do not have to worry about having conversations regarding proffers from residential development because the County is not taking them.

Mr. Richardson asked if a developer could offer another benefit for the County.

Mr. Hlavin stated that they could; however, there would be no binding effect with regard

to the rezoning. He stated that a developer could improve a road and then want an area rezoned and the BOS could take that into consideration.

Mr. Krapf stated that two years ago the Outside Meeting with Applicant item was added to the bylaws. He explained that the bylaw stated the purpose of meetings is limited to fact finding and clarifications for all parties. He stated that PC members are encouraged to go with a colleague. He stated that it is also encouraged to include a staff member and possibly have the meeting in Building A. He stated that it is helpful to meet with an applicant and get a better understanding before the public hearing. He stated that the General Assembly legislation only pertains to residential rezoning. He asked what happens if it is a mixed-use rezoning.

Mr. Hlavin stated that he is not worried about members meeting with applicants because proffers are not accepted. He stated that proffers could be accepted on the commercial component of a mixed use rezoning so legal staff would treat any such application with heightened caution.

Mr. Holt stated that if proffers were accepted for residential rezoning, he would advise PC members not to meet with applicants. He stated that there is not a lot of concern right now.

Mr. Hlavin agreed.

Mr. Richardson stated that there are times that applicants will contact him before a public hearing. He stated that the bylaw requires a summary to be provided to all members. He stated that he interpreted the bylaw as requiring him to state during the public meeting that he has met with an applicant.

Mr. Krapf stated that he will always ask for disclosures from members before getting into a public hearing. He stated that guidelines in Article IV are helpful. He stated that it is good to rely on the integrity of individuals and knowing what is appropriate. He stated that if he felt it was helpful to meet with an applicant, he would ask other members to join him.

Mr. Schmidt stated that it has been helpful to him when members send an email out to other members after going on a site visit.

Mr. Krapf stated that he does not see a need to revise the bylaws regarding meeting with applicants.

Mr. Richardson agreed and stated that they were revised in March.

Mr. Hlavin stated that there are also other issues such as conflict of interest issues. He stated that members can't have an interest in a transaction. He stated that members can't receive money for voting a certain way. He stated that there are exceptions. He stated that, in certain circumstances, if there is a personal interest in a transaction, the members can disclose it as long as their impartiality remains.

Mr. Krapf stated that there wasn't any other new business.

F. ADJOURNMENT

Mr. Schmidt made a motion to Adjourn. By verbal vote, the motion passed.

Mr. Krapf adjourned the meeting at approximately 5:15 p.m.

Mr. Rich Krapf, Acting Chair	Mr. Paul Holt, Secretary

A G E N D A
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
September 14, 2017
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. August 10, 2017 Meeting Minutes

D. OLD BUSINESS

1. Zoning Ordinance Revisions to Permit Short-Term Residential Rentals, Stage II
2. Potential Amendments to the R-8, Rural Residential and Cluster Overlay Districts - Stage I

E. NEW BUSINESS

1. Adoption of a Revised Policy for Remote Participation in Meetings by Commission Members
2. Potential Amendments to Address Formerly Proffered Policies and Impact Mitigation Items: Cover Memo - Stage I
3. Potential Amendments to Address Formerly Proffered Policies and Impact Mitigation Items: Streetscape Policy - Stage I
4. Potential Amendments to Address Formerly Proffered Policies and Impact Mitigation Items: Bicycle and Pedestrian Accommodations and Transportation Impact Analysis - Stage I
5. Potential Amendments to Address Formerly Proffered Policies and Impact Mitigation Items: Archaeological Policy - Stage I
6. Potential Amendments to Address Formerly Proffered Policies and Impact Mitigation Items: Natural Resource Policy - Stage I

F. ADJOURNMENT

AGENDA ITEM NO. D.1.

ITEM SUMMARY

DATE: 9/14/2017

TO: The Policy Committee

FROM: Roberta Sulouff, Planner and Lauren White, Planner

SUBJECT: Zoning Ordinance Revisions to Permit Short-Term Residential Rentals - Stage II

ATTACHMENTS:

	Description	Type
	Staff Memorandum	Staff Report
	Homestay Use Matrix	Backup Material
	Existing Use Matrix	Backup Material
	Narrative Draft Definitions and Special Regulations Language	Backup Material
	Draft Administrative Policy Language	Backup Material
	City of Arlington Homestay Ordinance Language	Backup Material
	Town of Blacksburg Homestay Ordinance Language	Backup Material
	City of Charlottesville Homestay Ordinance Language	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	9/8/2017 - 2:36 PM
Policy	Holt, Paul	Approved	9/8/2017 - 2:39 PM
Publication Management	Burcham, Nan	Approved	9/8/2017 - 2:41 PM
Policy Secretary	Secretary, Policy	Approved	9/8/2017 - 2:41 PM

M E M O R A N D U M

DATE: September 14, 2017

TO: The Policy Committee

FROM: Roberta Sulouff, Planner
Lauren White, Planner

SUBJECT: Zoning Ordinance Revisions to Permit Short-Term Residential Rentals, Stage II

HISTORY

The Policy Committee met on July 13, 2017, to discuss initial planning for policies and ordinance amendments to address the emerging topic of short-term residential rentals. At that meeting, the Committee expressed interest in pursuing a hybrid approach to permitting such rentals, similar to the approach taken during the recent amendment process addressing rural event facilities. The hybrid approach would create a system in which short-term residential rental uses would be subject to permitting and performance standards based on the intensity of the given application. At that meeting, the Committee also asked staff to further research specific performance standards and to provide a chart or matrix comparing existing and proposed uses, permitting and performance standards. In response to this direction, staff researched the ordinances of other localities that take a tiered approach to permitting the use or permit the use by-right. Staff used that research and the feedback received at the previous meeting to create the attached matrices (Attachment Nos. 1 and 2) and to create narrative versions of draft ordinance language for the Committee's review.

Staff intends to use feedback from this meeting, as well as further feedback from the offices of the Commissioner of the Revenue and the County Attorney, to create formal draft language for review at a future Policy Committee meeting. Staff also intends to use feedback received at this meeting to bring an initiating resolution forward to the Planning Commission in the near future.

CURRENT ZONING ORDINANCE LANGUAGE

As discussed at the July 13 meeting, short-term rentals in residential settings are currently addressed under two separate uses in the Zoning Ordinance: rental of rooms and tourist home. The attached matrix (Attachment No. 2) details how those uses are permitted throughout all residential districts. The Tourist Home Use has often been applied to situations in which an applicant wishes to rent an entire home, or for rentals where the applicant may not consider the subject property their primary residence and may not intend to remain on premises during the time of rental. While not defined in the Ordinance, the use of rental of rooms has traditionally been applied to both home-sharing applications and applications for traditional bed and breakfasts; both uses involve a higher level of oversight or management of renters than tourist homes. However, the rental of rooms use does not currently delineate between a homeowner in their primary residential dwelling versus a manager of a commercial bed and breakfast. Per further discussions with the Zoning Administrator, the use can also apply to long-term rentals of rooms exceeding the definition of family, not including group homes.

PROPOSED CHANGES TO DEFINITIONS AND USE LISTS

Since the Stage I meeting, staff has drafted the attached narrative versions of potential ordinance language using the July 13 Policy Committee memorandum as base material and incorporating feedback and direction from that meeting in the draft text. In response to that discussion, staff focused specifically on ways to differentiate between denser Zoning Districts and districts which are more rural in character. Likewise, staff

also focused on delineating the intensity of different uses and the potential for varying levels of intensity within the newly created Homestay Use. Staff also worked to clarify existing uses so as to address issues of potential overlap in application. Staff proposes the following changes to create definitions and amend Use Lists in Residential Districts, as reflected in the attached draft language (Attachment No. 3):

1. Changes to Section 24-2, Definitions

    - Create a definition for "homestay"
    - Create a definition for "rental of rooms"
    - Add language to the "tourist home" use to clarify its application
    - Create a definition for "transient"

2. Changes to Use Lists of Residential Districts

    - Add "Homestay–1 Room, in accordance with Section 24-50" as a permitted use in the Use Lists of all Residential Zoning Districts, excepting A-1, General Agricultural; R-8, Rural Residential; R-4 Residential Planned Community; and MU, Mixed-Use
    - Add "Homestay, in accordance with Section 24-50" as a permitted use in the Use Lists of the A-1, R-8, R-4 and MU Districts
    - Add "Homestay ≥ 2 Rooms" as a specially permitted use in all Residential Districts, excepting A-1, R-8, R-4 and MU (see above)

PROPOSED CHANGES TO SPECIAL REGULATIONS

Staff proposes adding a new section to Chapter 24, Article II. Special Regulations, Division 1. In General to outline criteria for the permitting and operation of Homestays. This criteria would apply to both by-right applications and would serve to further distinguish the Homestay use from other short-term rental uses as one that is limited in intensity and distinctly residential in character. Staff drafted the following permitting and performance standards based on direction received at the Stage I meeting as well as feedback from the Planning Commission and Board of Supervisors over the course of past public hearing cases pertaining to this use:

- Primary Residence: Applicants must demonstrate the site of the proposed Homestay is their primary residence. Such a regulation would limit operators to one Homestay in the County and also aims to ensure that the site remains primarily residential in use and character.
- Limit on the Number of Nights Rented/Year: Operation of the Homestay is limited to 180 days per a 12-month period. Again, this standard aims to limit the intensity of the use and preserve the residential character of the dwelling and neighborhood.
- Limits on the Number of Contracts/Night: Operators may not conduct simultaneous rentals under separate contracts.
- Parking: Requires operators to provide one off-street parking space for each room rented.
- Signage: Prohibits any signage related to the Homestay use.

- Registration: Specifies that Homestays must register with the Planning Division and Commissioner of the Revenue per §15.2-983 of the Code of Virginia, and imposes a $500 fine for failing to register.

- Revocation: Permits can be revoked for failure to comply with the registration requirement, permitting process and/or performance standards.

PROPOSED ADMINISTRATIVE POLICY LANGUAGE

At the direction of both the Planning Commission and the Board of Supervisors during previous public hearing processes and at the May 23, 2017 Joint Work Session, staff also proposes the creation of a new Administrative Policy to address Special Use Permit (SUP) applications for the Homestay use. This policy, like other policies addressing the Day Care use, would provide guidance to applicants and to the Planning Commission and Board in their respective reviews of such applications. The SUP process allows for individualized review of applications that may vary greatly in intensity, such as in the proposed number of rooms to be rented, in the size of the lot or in the density of the area surrounding the Homestay. The proposed policy would create a transparent set of expectations for those who wish to apply for the use and would also provide consistent guidance for the review of those applications. Staff mirrored the draft language after conditions of previously approved applications for short-term residential rentals. Staff also considered feedback received from the Planning Commission and Board regarding potential impacts of the use in the writing of the draft policy. Staff has included draft language of the proposed policy as Attachment No. 4 to this memorandum. Should the Policy Committee wish to consider a similar Administrative Policy for the review of tourist homes, staff can provide draft language of that policy at the October Policy Committee meeting.

RECOMMENDATION

Staff is seeking Policy Committee guidance on the proposed changes discussed in this memorandum and on the attached draft ordinance and policy language. Staff is also seeking direction on the inclusion of any additional performance standards, such as those found in the attached sample ordinances from peer localities. Based on feedback from this meeting, staff will revise the draft language and provide final ordinances for review at the next Policy Committee meeting.

RS/LW/gt
ZORevShrtTmRental-mem

Attachments:
1. Homestay Use Matrix
2. Existing Rental Use Matrix
3. Narrative Draft Definitions and Special Regulations Language
4. Draft Administrative Policy Language
5. City of Arlington Homestay Ordinance Language
6. Town of Blacksburg Homestay Ordinance Language
7. City of Charlottesville Homestay Ordinance Language

Homestay Use Matrix

	Homestay	
Definition	*The short term rental of a portion or the entirety of a primary residence that is clearly secondary to the primary residential use. This use is subject to additional homestay permitting requirements.*	
Example	Applicant (primary resident) wants to list one bedroom for nightly rental.	Applicant (primary resident) wants to list an entire dwelling unit for nightly rental.
Zoning Districts:	**Administrative Permit (Renewed Annually)**	**SUP**
A-1	*All short term rentals by-right*	*N/A*
R-1	*1 room maximum*	*>1 room*
R-2	*1 room maximum*	*>1 room*
R-3	*1 room maximum*	*>1 room*
R-4	*All short term rentals by-right*	*N/A*
R-5	*1 room maximum*	*>1 room*
R-6	*1 room maximum*	*>1 room*
R-8	*All short-term rentals by right*	*N/A*
PUD	*1 room maximum*	*>1 room*
MU	*1 room maximum*	*>1 room*
Permitting Requirements:	**Administrative Permit (Renewed Annually)**	**SUP**
Primary Residency[1]	*Required*	*Required*
Limited to one rental contract per night	*Required*	*Required*
Limited to 180 days per year	*Required*	*Required*
Off-Street Parking[2]	*Required*	*Required*
Restriction on vehicle type[3]	*Required*	*Required*
Limits on type of use (no commercial activities)	*Required*	*Required*
No Signage	*Required*	*Required*
Registry	*Required*	*Required*
Ability to revoke permit	*Yes, Administratively*	*Yes, BOS Action*

[1]Primary Residency is defined as the primary location that a person inhabits as evidenced by the address on a government issued I.D. such as a driver's license or passport or other appropriate documentation. The applicant will certify to primary residency through an affidavit at the time of application. Primary residency does not require the owner to be present at the time of the rental.

[2] Homestays will be required to provide one space per bedroom. No homestay shall provide less than two spaces.

[3]No recreational vehicles, buses or trailers may be parked on the street or visible from the property in conjunction with the homestay use.

Existing Use Matrix

	Rental of Rooms		Tourist Home	
Definition	*The non-transient rental of rooms in a residential dwelling in circumstances exceeding the definition of family (refer to the definition of "family"). This term shall not apply to group homes, timeshares, homestays, or the rental of rooms in a dwelling which meets the definition of family.*		*A dwelling where lodging and lodging and meals are provided to transient occupants for compensation. This term shall not apply to homestays or rental of rooms. This use may include but shall not be limited to bed & breakfasts, boarding houses and the transient rental of an entire residential home which is not a primary residence.*	
Example	Applicant wants to rent up to three bedrooms in a dwelling unit while present at the time of rental.		Applicants wants to rent the entire home on a year-round basis while not present at the time of rental.	
Zoning Districts:	**By-Right**	**SUP**	**By-Right**	**SUP**
A-1	Not Permitted	Permitted	Not Permitted	Permitted
R-1	Not Permitted	Permitted	Not Permitted	Not Permitted
R-2	Not Permitted	Permitted	Not Permitted	Permitted
R-3	~~1 room maximum~~ *Not Permitted*	~~>1 room~~ *Permitted*	Not Permitted	Permitted
R-4	~~Permitted~~ *Not Permitted*	~~Not Permitted~~ *Permitted*	Permitted	Not Permitted
R-5	~~1 room maximum~~ *Not Permitted*	~~>1 room~~ *Permitted*	~~Permitted~~ *Not Permitted*	Not Permitted
R-6	Not Permitted	Permitted	Not Permitted	Not Permitted
R-8	Not Permitted	Permitted	Not Permitted	Permitted
PUD	Not Permitted	~~Not Permitted~~ *Permitted*	Not Permitted	Not Permitted
MU	~~1 room maximum~~ *Not Permitted*	~~>1 room~~ *Permitted*	Not Permitted	Permitted
Homestay Permitting Requirements:				
Primary Residency[1]	Not required	Not required	Not required	Not required
Limited to one rental contract per night	Not required	Not required	Not required	Not required
Limited to 180 days per year	Not required	Not required	Not required	Not required
Off-Street Parking[2]	One more parking space than the total number of rooms to be rented.	Subject to SUP conditions	One space per rental unit plus four parking spaces for every 50 rental units plus one space per five persons to the maximum capacity of each public meeting and/or banquet room.	Subject to SUP Conditions
Restriction on vehicle type[3]	Not required	Subject to SUP conditions	Not required	Subject to SUP conditions
Limits on type of use (no commercial activities)	Not required	Subject to SUP conditions	Not required	Subject to SUP conditions
No Signage	Not required	Subject to SUP conditions	Not required	Subject to SUP conditions
Ability to revoke permit	None	Yes, BOS Action	None	Yes, BOS Action

*Proposed changes to current definitions and use table are italicized

**Typical Rental of Rooms and Tourist Home SUP conditions include: limits on the number of vehicles, restrictions on vehicle type and no additional signage.

Narrative Draft Definition and Special Regulations Language

Sec. 24-2. Definitions

Homestay. The incidental and secondary use of a residential dwelling by residents of that dwelling to provide short-term lodging to transient occupants in exchange for a charge for that occupancy. Such accessory or secondary use shall not create a landlord-tenant relationship. The primary use of the homestay unit shall remain residential.

Rental of Rooms. The non-transient rental of rooms in a residential dwelling in circumstances exceeding the definition of family (refer to the definition of "family"). This term shall not apply to group homes, timeshares, homestays, or the rental of rooms in a dwelling which meets the definition of family.

Tourist Home. A dwelling where lodging or lodging and meals are provided to transient occupants for compensation. This term shall not apply to homestays or rental of rooms (refer to the definition of "rental of rooms"). This use may include but shall not be limited to bed & breakfasts, boarding houses, timeshares, and the transient rental of an entire residential home which is not a primary residence.

Transient. A period of less than 30 days, specifically in relation to the lodging of occupants.

Sec. 24-50. Special Regulations—Homestay

The following regulations shall apply to the permitting and operation of homestays.

(a) Administration. The operation of homestays on appropriately zoned properties shall be permitted by administrative permit. This requirement shall not apply to properties where homestay is a specially permitted use; in such cases the issuance of a Special Use Permit by the Board of Supervisors in required prior to operation of the homestay. Written application for a homestay permit shall be made to the planning director or his designee.

Such application shall be on forms provided by the county and shall be accompanied by a $25 fee and a written affidavit of address, which shall serve as proof of the operator's permanent residence at the property subject to the application.

Any operator of a homestay shall register the homestay with the planning division and the Commissioner of the Revenue. Failure to register the homestay will result in a penalty of $500 per §15.2-983 of the Code of Virginia.

Upon review and determination that the homestay operation complies with the standards set forth in this section, the planning division shall issue a permit. Any permit that is found in violation or not in compliance with this section may be revoked. The administrative permit shall be valid for a period not to exceed one (1) year from date of issuance, at which time the operator may apply to renew their permit.

(b) Performance Standards. The following standards and conditions shall apply to the operation of homestays:

(1) *An approved homestay application will permit a maximum of 180 days of rentals in each calendar year.*
(2) *A homestay shall not conduct simultaneous rentals under separate contracts.*

(3) *Commercial meetings, including luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation are prohibited.*

(4) *Homestays shall provide off-street parking of a minimum one space per rooms rented, with a minimum of two total.*

(5) *No recreational vehicles, buses, or trailers shall be parked on the adjoining street or visible on the property in conjunction with the homestay use.*

(6) *Signs, advertising, or any other display on the property indicating that the homestay unit is being utilized, in whole or in part, as a homestay are not permitted.*

Draft Administrative Policy Language

Purpose:
The purpose of the Homestay Special Use Permit Guidelines is to provide clear guidelines to the application for and review of special use permits allowing homestays in appropriately zoned areas.

Review Criteria:
In addition to demonstrating compliance with all performance standards found in Sec. 24-50 of the James City County Zoning Ordinance, any application for a homestay requiring a special use permit shall demonstrate substantial conformance to the following provisions:

i. The intensity of the proposed homestay operation, including the number of rooms proposed for rental, the amount of parking permitted, or the number of days of operation per year should complement the residential character of the area; and
ii. Have traffic, noise, lighting, and other impacts similar to surround residential uses; and
iii. Generally be located on collector or arterial roads; and
iv. Provide adequate screening or buffering of guest parking or outdoor common areas.

Permit Conditions:
In consideration of such an application, and given the unique qualities of each proposed site, the Board of Supervisors may require conditions, in addition to the homestay permitting requirements found in Section 24-50, intended to limit the intensity and impacts of the use, including but not limited to the following:

i. Access: No additional access, other than existing driveways or entries, shall be added to the subject property.
ii. Occupancy: Occupancy of the homestay, at the time of rental, shall not exceed the total occupancy equal to double-occupancy for each bedroom at the subject property.
iii. Parking: No on-street parking shall be allowed for this use.
iv. Homestay Rooms: The Board of Supervisors may require a condition which limits the number of rooms for rent at a subject property.
v. Length or Timing of Operation: The Board of Supervisors may require a condition which limits the operation of the proposed homestay to certain days of the week or which prohibits single-night rentals.
vi. Rental Allowance: The Board of Supervisors may require a conditions which further restricts the number of rental nights allowed per 12-month period, beyond those restrictions enumerated in Section 24-50 of the James City County Zoning Ordinance.

Adopted Zoning Ordinance Amendment: ZOA-2016-13

- Text to be added is shown with underline and text to be deleted is shown with ~~strikethrough~~. Text shown with double-underline is text to be added that was not included in the advertisement; text shown with ~~double-strikethrough~~ is text to be deleted that was not included in the advertisement.
- Text shown in yellow boxes is explanatory only and is not intended to be adopted.

* * *

Article 5. Residential (R) Districts

§5.1. Residential (R) Districts Use Tables

* * *

§5.1.3. Residential (R) districts accessory use table

Accessory uses in residential (R) districts shall include the following uses, activities and structures:

RESIDENTIAL (R) DISTRICTS ACCESSORY USE TABLE

Use Types	R-20	R-10	R-10T	R-8	R-6	R-5	R15-30T	R2-7	Use Standards
KEY: P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted									
Accessory dwellings	P	P	P	P	P	P	P	P	§12.9.2
Commercial vehicle parking	P U	P U	P U	P U	P U	P U	P U	P U	§12.9.4
Crematoriums	U	U	U	U	U	U	U	U	§12.9.6
Family day care homes (six to nine children)	U	U	U	U	U	U	U	U	§12.9.9
Family day care homes (up to five children)	P	P	P	P	P	P	P	P	§12.9.9
Family/caregiver suites	P	P	P	P	P	P	P	P	§12.9.8
Guest house	P	P	P	P	P	P	P	P	§12.9.10
Home occupations	P	P	P	P	P	P	P	P	§12.9.11
Homestay, accessory	P	P	P	P	P	P	P	P	§12.9.12
Mortuaries and funeral homes	U	U	U	U	U	U	U	U	§12.9.14
Swimming pools, private	P	P	P	P	P	P	P	P	§12.9.17
Telecommunications antennae, building and ground mounted	U	U	U	U	U	U	U	U	
Recreational vehicle or trailer parking	P	P	P	P	P	P	P	P	§12.9.16
Vehicle maintenance and minor repairs, routine	P	P	P	P	P	P	P	P	§12.9.18
Vehicle, unlicensed and/or uninspected.	P	P	P	P	P	P	P	P	§12.9.19

* * *

Article 6. Multiple-Family (RA) Districts

§6.1. Multiple-family (RA) Districts Use Tables

* * *

§6.1.3. Multiple-family (RA) districts accessory use table

Accessory uses in residential apartment (RA) districts shall include the following uses, activities and structures:

MULTIPLE-FAMILY (RA) DISTRICTS ACCESSORY USE TABLE

Use Types	RA14-26	RA8-18	RA7-16	RA6-15	Use Standards
KEY: P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted					
Commercial vehicle parking	P U	P U	P U	P U	§12.9.4
Convenience service areas	U	U	U	U	§12.9.5
Crematoriums	U	U	U	U	§12.9.6
Family day care homes (six to nine children)	U	U	U	U	§12.9.9
Family day care homes (up to five children)	P	P		P	§12.9.9
Home occupations	P	P	P	P	§12.9.11
Homestay, accessory	P	P	P	P	§12.9.12
Mortuaries and funeral homes	U	U	U	U	§12.9.14
Swimming pools, private	P	P	P	P	§12.9.17
Recreational vehicle or trailer parking	P	P	P	P	§12.9.16
Telecommunications antennae, building and ground mounted	U	U	U	U	
Vehicle maintenance and minor repairs, routine	P	P		P	§12.9.18
Vehicle, unlicensed and/or uninspected	P	P		P	§12.9.19

* * *

Article 7. Commercial/ Mixed Use (C) Districts

§7.1. Commercial/Mixed Use (C) Districts Use Tables

* * *

§7.1.3. Commercial/mixed use (C) districts accessory use table

Accessory uses in commercial/mixed use (C) districts shall include the following uses, activities and structures:

COMMERCIAL/MIXED USE (C) DISTRICTS ACCESSORY USE TABLE

Use Types	RA4.8	R-C	RA-H	RA-H-3.2	C-1-R	C-1	MU-VS *	C-1-O	C-O-1.0	C-O-1.5	C-O-2.5	C-O	C-O-A	C-O ROSSLYN	C-O CRYSTAL CITY	C-2 *	C-TH *	C-3 *	C-R *	Use Standards
KEY: P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted																				
Crematoriums	U S	U	U S	U S	U	U		U	U	U	U	U	U	U		U		U	U	§12.9.6
Convenience service areas		U	U S	U																§12.9.5
Drive-through windows						U										U		U	U	
Family day care homes (six to nine children)	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	§12.9.9
Family day care homes (up to five children)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§12.9.9
Garage, private parking garage for exclusive use of occupants			P																	
Home occupations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§12.9.11
Homestay, accessory	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§12.9.12
Live entertainment and/or dancing						U	U		U	U	U	U	U	U	U	U	U	U	U	§12.9.13
Mortuaries and funeral homes	U	U	U	U	U	U		U	U	U	U	U	U	U		U		U	U	§12.9.14
Outdoor café associated with a restaurant on private property	P			P		P	P		P	P	P	P	P	P	P	P	P	P	P	§12.9.15
Outdoor café associated with a restaurant on public right-of-way or easement for public use	U			U		U	U		U	U	U	U	U	U	U	U	U	U	U	§12.9.15
Swimming pools, private	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		P	P	§12.9.17
Recreational vehicle or trailer parking	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		P	P	§12.9.16
Telecommunications antennae, building and ground mounted	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	
Vehicle maintenance, routine	P	P		P	P	P		P	P	P	P	P	P	P		P		P	P	§12.9.18
Vehicle, unlicensed and/or inspected	P	P		P	P	P		P	P	P	P	P	P	P		P		P	P	§12.9.19

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Article 12. Use Standards

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§12.9. Accessory Use Standards

* * *

§12.9.11. Home occupation

Home occupations are permitted in dwelling units subject to R, RA and C district regulations when such use is clearly subordinate or incidental to the principal use of the premises for dwelling purposes and as follows:

A. Home occupations which are conducted as limited by §12.9.11.C ~~subsection §12.9.12.C~~, below, and which have the general character of the following uses are permitted:

1. Accessory homestay, subject to the provisions of this §12.9.11 and §12.9.12.

* * *

C. Home occupation uses shall be subject to the following limitations. All limitations apply together. No limitation shall be interpreted as relaxing another limitation.

1. Home occupation operators shall apply for and enter into an agreement with the zoning administrator certifying that they will comply with the requirements for a home occupation in the zoning ordinance. The zoning administrator shall approve the agreement only upon finding that the home occupation will comply with the zoning ordinance and that it will be clearly subordinate to the principal use of the premises for dwelling purposes.

2. There shall be no evidence on the exterior of the premises or visible from the exterior of the premises that the property is used in any way other than for a dwelling.

3. There shall be no signs.

4. There shall be no outside display, storage, or sale of merchandise or equipment.

5. With the exception of accessory homestay, only one person, at any time, who is not a bona fide resident of the dwelling, may be employed or perform work on the premises. Nonresident employees are prohibited for accessory homestay, provided, however, hired service for normal maintenance, repair and care of the residence or site, such as yard maintenance or house cleaning, is allowed. In addition, a disabled resident may employ assistance from one person at a time who is not a resident and whose assistance is limited to overcoming the effect of the disability. A written statement identifying the person who will give the assistance, the kind of assistance that will be given and the time the person will be in the dwelling must be filed in the office of the zoning administrator as to each person permitted to be employed as an assistant to a disabled person before that person may be employed in the dwelling. If the dwelling is an accessory dwelling, persons who are not bona fide residents of the dwelling may not be employed or perform work on the premises except one non-resident employee may be employed or perform work on the premises providing assistance to a disabled resident, as above.

6. Instruction of students (including delivery of materials clearly incidental to training) and service to clients or customers shall be limited to 12 persons per day but under no circumstances more than four persons at any one time, except as provided in §12.9.12.A.2 below, which shall govern the number of lodgers allowed for accessory homestay.

7. With the exception of accessory homestay, the total floor area on any premises to be used for home occupation(s) shall not exceed a figure calculated by taking 25 percent of the total floor area of the principal dwelling on the premises, excluding attached garages provided,

however, that under no circumstances shall more than 10 percent of the total floor area of the principal dwelling be used for specified storage of stock-in-trade.

8. The storage of hazardous materials is prohibited.

9. There shall be no stocks-in-trade displayed or sold on the premises, except for those produced at the premises.

10. Each application for a home occupation agreement shall be accompanied by a sketch of all existing and proposed new parking spaces. Existing parking spaces, unless illegal, shall be permitted to remain. All new parking spaces shall comply with all applicable requirements in §14.2 and §14.3. No vehicles shall be parked or stored in any other spaces unless they comply with all provisions of the zoning ordinance.

11. The lot or property on which the home occupation is conducted shall not have any parking space added to it during the time the home occupation is being conducted; nor shall any parking space be used that was not customarily used prior to that time. The application for approval shall show a sketch of the parking spaces customarily in use at the time of application and agree that parking shall not be increased during the period the approval is in effect. During the period the approval is in effect, no motor vehicle shall be parked at any place on the lot or property not represented as a parking space on the sketch attached to the application.

12. No equipment may be used on the premises other than that which is usual for purely domestic or hobby purposes, or what is usual for a small business, professional, or medical office.

* * *

§12.9.12. Homestay, accessory

Accessory homestay is allowed subject to the home occupation provisions in §12.9.11 and subject to the provisions below. For the purposes of this §12.9.12, the term resident shall mean either the owner or a tenant.

A. Standards

1. Accessory use. Accessory homestay shall be accessory only to household living use as defined in §12.2.3.A.1, and shall be allowed only where:

(a) The dwelling unit is used by the resident ~~owner~~ of the dwelling unit as his/her primary residence, which means that he or she resides there for at least 185 days during each year; and

(b) The bedroom(s) rented to overnight lodgers shall be within the main building of the dwelling unit that the resident ~~owner~~ occupies as his/her primary residence and shall not be in a detached accessory building.

2. Maximum number of overnight lodgers.

(a) The maximum number of overnight lodgers on any night of an accessory homestay shall be determined based on the greater of six lodgers, or two lodgers per number of

bedrooms in the dwelling, provided, however, under no circumstances shall the number of lodgers exceed that allowed by the Building Code

~~**(b)** An accessory homestay shall not include simultaneous rentals under separate contracts.~~

Paragraph (a) above will be combined with paragraph 2

3. Accessory homestay shall be allowed in dwelling units that have an accessory dwelling, subject to the following

(a) Either the main dwelling, the accessory dwelling, or both may rented to lodgers by the resident ~~owner, provided, however, simultaneous rental of both the main and accessory dwelling at the same time shall be allowed only when subject to a single contract~~; and

(b) Occupancy in the accessory dwelling is limited to a maximum of two lodgers;

4. An accessory homestay shall have working fire extinguishers, smoke de~~e~~tectors and, if applicable, carbon monoxide detectors, and all such equipment shall be accessible to all overnight lodgers of the homestay at all times.

5. Any sleeping room used for an accessory homestay shall have met the requirements for a sleeping room at the time it was created or converted.

6. Commercial meetings, including luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation are prohibited pursuant to an accessory homestay permit.

7. An accessory homestay shall comply with requirements of the applicable version of the Virginia Uniform Statewide Building Code, as determined by the Building Official.

B. Accessory homestay application

The following shall be filed with the zoning administrator with the application for an accessory homestay permit:

1. Contact information for a responsible party. If the resident ~~owner~~ is not the responsible party who will be available during use of the accessory homestay, then the responsible party shall be identified and must sign the application.

2. Proof of the applicant's ~~ownership of, and~~ permanent residence of, the property that is the subject of the application. Acceptable proof of permanent residence includes: applicant's driver's license or voter registration card or U.S. passport showing the address of the property, or other document(s) which the zoning administrator determines provides equivalent proof of permanent residence by the applicant at the property that is the subject of the application.

C. Accessory homestay permit.

Use of an accessory homestay shall require an accessory homestay permit issued by the zoning administrator. The resident ~~owner~~ of the accessory homestay shall operate the accessory homestay under all conditions of the accessory homestay permit, and subject to the following:

1. An accessory homestay permit shall be valid for one year~~s~~ from date of issuance.
2. It is the responsibility of the resident ~~owner~~ to renew the permit upon expiration, by submitting an updated application, as required in §12.9.12.B above.
3. The accessory homestay permit requires the resident ~~owner~~, and responsible party if the responsible party is not the resident ~~owner~~, to agree to abide by all requirements of this zoning ordinance, and all other applicable federal, state and local laws and regulations.
4. With his/her signature on an application for accessory homestay, the resident ~~owner~~ authorizes the zoning administrator and his/her designee to enter the dwelling unit upon reasonable advance notice in response to a complaint(s), to verify that the accessory homestay is being operated in accordance with the provisions of this §12.9.12 and the home occupation provisions in §12.9.11, and all conditions of the accessory homestay permit.
5. An accessory homestay permit may be revoked by the zoning administrator as set forth below; an applicant whose accessory homestay has been revoked pursuant to this paragraph shall not be eligible to receive any new accessory homestay permit for one year:
   - **(a)** In the event that there are three or more violations recorded by the County within a one year period; or
   - **(b)** For failure to comply with the regulations set forth in this ~~§12.9.11~~ §12.9.12, the home occupation provisions in ~~§12.9.10~~ §12.9.11 and any permit conditions; or
   - **(c)** For refusal to cooperate with the County in a complaint investigation, including allowing the Zoning Administrator or his/her designee to enter the dwelling unit upon reasonable advance notice in accordance with §12.9.12.C.4 above.

* * *

Article 18. Definitions

* * *

§18.1. General Terms Defined

For the purposes of this zoning ordinance certain terms and words used herein shall be defined and interpreted as follows.

Accessory homestay. See Homestay, accessory.

* * *

Home occupation. An accessory use conducted pursuant to §12.9.11, in or from a residential dwelling or its accessory building by person(s) whose principal residence is on the premises. See also.

Homestay, accessory. A home occupation in which an owner(s) or tenant(s) of a dwelling unit who uses such dwelling unit as his/her primary residence, rents to a lodger, either such dwelling unit, or any portion thereof.

* * *

Lodger. Any individual who contracts with an owner or tenant(s) of a dwelling unit, for compensation, for not more than 30 days within one year. This definition shall not apply to hotel or motel or guest room as defined in this zoning ordinance.

* * *

Responsible party. The owner or tenant, or an individual or business entity designated by the owner or tenant, of a dwelling unit in which an accessory homestay is permitted, who is available 24 hours a day, 7 days a week to respond to and resolve issues and complaints that arise during all times in which the dwelling unit is being used for an accessory homestay, so that a reasonably prompt, in-person response can be made at the accessory homestay when necessary.

* * *

Town of Blacksburg

ARTICLE VI. - HOMESTAY REGULATIONS

Section 6-601. - Definitions.

As used in this article, unless the context requires a different meaning:

Booking transaction means any transaction in which there is a charge to a transient by a host for the occupancy of any dwelling, sleeping, or lodging accommodations.

Hosting platform means any person or entity that is not a host but facilitates reservations or collects payments for any booking transaction on behalf of a host through an online digital platform.

Guest or *transient* means a person who occupies a homestay unit.

Homestay means the accessory or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended for short term transient rental purposes in exchange for a charge for the occupancy. The primary use of the homestay unit shall remain residential. For each booking transaction, all applicable taxes must be collected and remitted to the town as required by chapter 22 by either the host or the associated hosting platform. Such accessory or secondary use shall not create a landlord/tenant relationship.

Host means the person who is the primary resident of a homestay unit offered for homestay lodging. In determining compliance with these regulations, the host has the burden of demonstrating that the dwelling unit is his or her primary residence.

Primary resident means the owner of the homestay unit who occupies the property as his or her principal place of residence and domicile.

Residential dwelling unit means a residence where one (1) or more persons maintain a household.

Type A rentals means rentals where the host is present during the homestay and no more than two (2) bedrooms of the homestay unit are rented.

Type B rentals means all other rentals, including ones where more than two (2) bedrooms of the homestay unit are rented or the host is not present during the homestay.

(Ord. No. 1807, § 1, 12-13-16)

Section 6-602. - Registration and other requirements.

(a) No host shall operate a homestay unit or advertise a residential property for homestay use without the host first having registered with the department of planning and building.

(b) The registration form shall include the following information:

(1) The name, telephone number, address, and email address of the host.

(2) A reminder about the importance of having appropriate levels of insurance that covers the homestay unit, the host and the guests.

(3) If the homestay unit shares a common wall or a common driveway with another property owner, proof of written notification to such neighboring property owner(s) prior to filing the registration application.

(c) Signs, advertising, or any other display on the property indicating that the homestay unit is being utilized, in whole or in part, as a homestay are not permitted.

(d) The host shall register with the finance department to collect and remit the town's transient lodging tax as set forth in chapter 22, article V.

(e) A host may only register and operate one (1) residential dwelling unit as a homestay in the town.

(f) The registration shall be valid January 1st (or from whatever date the registration first occurs) through December 31st of the calendar year, and shall be renewed annually.

(g) A valid registration will permit a maximum ninety (90) days of type A and type B rentals in each calendar year. Of these ninety (90) days of rentals, no more than thirty (30) days may be type B rentals. On each lodging tax return form filed with the director of finance, the number of type A and type B rentals shall be listed.

(Ord. No. 1807, § 1, 12-13-16)

Section 6-603. - Safety.

(a) The unit shall have smoke alarms and carbon monoxide detectors meeting current Underwriters Laboratory standards installed as follows:

(1) In all sleeping areas.

(2) In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.

(3) In each story within the sleeping unit, including basements.

(b) Any sleeping area must have one (1) other adequate method of egress beyond the entrance point.

(c) As part of the registration process, the host shall certify that the homestay unit meets the requirements of this section. The registration forms shall also provide that, as part of the registration, the host is agreeing to permit inspections of the home (at reasonable times and after notice has been provided) to address complaints. The failure to permit such an inspection is grounds for registration suspension.

(Ord. No. 1807, § 1, 12-13-16)

Section 6-604. - Use regulations.

(a) No recreational vehicles, buses, or trailers shall be parked on the adjoining street or visible on the property in conjunction with the homestay use.

(b) The dates for trash and recycling collection shall be posted prominently in the homestay unit.

(c) During each stay at the homestay unit, a principal guest shall be designated as the contact person for town officials in the event of safety or behavioral issues at the unit. The host shall provide this information upon request to authorized town officials.

(d) The host shall not permit occupancy of a homestay unit for a period of less than twenty-four (24) hours.

(e) The name and telephone number of the host or the host's designee shall be conspicuously posted within the homestay unit. The host shall answer calls twenty-four (24) hours a day, seven (7) days a week for the duration of each short term rental to address any problems associated with the homestay unit.

(f) The principal guest of a homestay unit shall be at least eighteen (18) years of age.

(g) The maximum number of adult guests in a homestay unit is limited to six (6).

(Ord. No. 1807, § 1, 12-13-16)

Section 6-605. - Registration suspension or cancellation.

(a) A registration may be suspended or cancelled for the following reasons:

(1) Failure to collect and/or remit the transient occupancy tax.

(2) Three (3) or more substantiated complaints (including, but not limited to, parking on grass, noise, excess trash) within a twelve-month period.

(3) The failure of any homestay host to maintain his or her principal place of residence or domicile at the dwelling unit used as a limited residential lodging.

(b) Before any suspension or cancellation can be effective, a duly designated officer of the town shall give written notice to the homestay host. The notice of suspension or cancellation issued under the provisions of this chapter shall contain:

(1) A description of the violations constituting the basis of the suspension or cancellation;

(2) If applicable, a statement of acts necessary to correct the violation; and

(3) A statement that if no request for a hearing is made within ten (10) days from the date of the notice, the registration will be suspended or cancelled;

(c) The notice shall be given to the host by delivering a copy of the notice in person. If the host cannot be found, such notice shall be sent by:

(1) Certified mail or e-mail to the addresses in the registration form; and

(2) A copy of the notice shall be posted in a conspicuous place on the premises.

(d) If requested, a hearing shall be held before a deputy town manager or the deputy manager's designee. It is the burden of the host to demonstrate, by a preponderance of the evidence, why the suspension or cancellation should not go into effect. The decision of the deputy town manager or designee may be appealed to the town council.

(Ord. No. 1807, § 1, 12-13-16)

Section 6-606. - Penalty.

It shall be unlawful to operate a homestay without registering as required by this article, after a registration has been suspended or cancelled or in violation of any other requirement of this article; the penalty shall be a fine of one thousand dollars ($1,000.00) per occurrence.

(Ord. No. 1807, § 1, 12-13-16)

City of Charlottesville

Sec. 34-1172. - Standards—Home occupations.

A home occupation authorized by a provisional use permit shall be subject to the following regulations:

(1) A home occupation shall be permitted only where the character of such use is such that it is clearly subordinate and incidental to the principal residential use of a dwelling.

(2) In addition to the resident of the dwelling, not more than one (1) other individual may be engaged in the activities of the home occupation business on the property at any given time. There must be off-street parking available for this other individual.

(3) No more than three (3) customers or clients of a home occupation business shall be present on the premises at the same time; for homestays: no more than six (6) adult overnight guests are allowed, per tax map parcel, per day. No customers, clients or employees shall be allowed to visit the property on which a home occupation business is conducted earlier than 8:00 a.m. or later than 9:00 p.m.; these hours of operation shall not apply to a homestay.

(4) Deliveries of supplies associated with the home occupation business shall occur only between the hours of 8:00 a.m. and 9:00 p.m.

(5) No mechanical or electrical equipment shall be employed within or on the property, other than machinery or equipment customarily found in a home.

(6) No outside display of goods, and no outside storage of any equipment or materials used in the home occupation business shall be permitted.

(7) There shall be no audible noise, or any detectable vibration or odor from activities or equipment of the home occupation beyond the confines of the dwelling, or an accessory building, including transmittal through vertical or horizontal party walls.

(8) The storage of hazardous waste or materials not otherwise and customarily associated residential occupancy of a dwelling is prohibited.

(9) There shall be no sales of any goods, other than goods that are accessory to a service delivered on-premises to a customer or client of the home occupation business.

(10) With the exception of homestays: (i) a home occupation business must be conducted entirely within the dwelling, an accessory building or structure, or both and (ii) not more than 25% of the total floor area of the dwelling shall be used in the conduct of the home occupation business, including storage of stock-in-trade or supplies.

(11) For pet grooming services, all animals must be kept inside during the provision of services and no animals may be boarded or kept overnight.

(12) All parking in connection with the home occupation business (including, without limitation, parking of vehicles marked with advertising or signage for the home business) must be in driveway and garage areas on the property, or in available on-street parking areas.

(13) Homestays may not have any exterior signage. For other home occupation businesses: one (1) exterior sign, of dimensions no greater than two (2) square feet, may be placed on the exterior of the dwelling or an accessory structure to indicate the presence or conduct of the home business: and (i) this sign may not be lighted; and (ii) in all other respects the property from which a home occupation business is to be conducted must be in compliance with the sign regulations set forth within Division 4, section 34-1020, et seq.

(14) Except for a sign authorized by subparagraph (13) above, there shall be no evidence or indication visible from the exterior of the dwelling that the dwelling or any accessory building is being utilized in whole or in part for any purpose other than residential occupancy.

(15) Applicants for a provisional use permit authorizing a home occupation shall provide evidence of a city business license (or a statement from the commissioner of revenue that no city business license is required), proof of payment of taxes required by City Code, Chapter 30, if any, and a certificate of occupancy or other written indication from the city's building code official that use of the dwelling or accessory building for the home occupation business is in compliance with all applicable building code regulations.

(16) In addition to the provisions of subparagraphs (1)—(16), above, the following regulations shall apply to homestays:

a. An individual who applies for a provisional use permit to authorize the operation of a homestay shall present proof of:

(i) Such individual's ownership of, and permanent residence at, the property that is the subject of the application. Acceptable proof of permanent residence includes: applicant's driver's license, voter registration card or U.S. passport, showing the address of the property, or other document(s) which the zoning administrator determines provide equivalent proof of permanent residence by the applicant at the property that is the subject of the application.

(ii) Contact information for a responsible party. If the owner is not the responsible party who will be available during the time of service, then the responsible party must be identified and must sign the application form.

b. No food shall be prepared for or served to guests of the homestay by the owner or the owner's agent(s) or contractor(s).

c. Every homestay shall have working smoke detectors, carbon monoxide detectors and fire extinguishers, and all such equipment shall be accessible to overnight guests of the homestay at all times. Every homestay shall comply with requirements of the applicable version of the Virginia Uniform Building Code, as determined by the City's Building Code Official.

d. By his or her application for a provisional use permit for a homestay, an applicant authorizes city inspectors to enter the subject property, upon reasonable advance written notice to the applicant, at least one (1) time during the calendar year for which the permit is valid, to verify that the homestay is being operated in accordance with the regulations set forth within this section.

e. Each provisional use permit for a homestay will be valid from January 1 (or such other date during a calendar year on which such permit is issued) through December 31 of the calendar year in which the permit is issued. During this period of validity, the owner of the homestay must occupy the dwelling as his or her residence for more than one hundred eighty (180) days.

f. A provisional use permit for a homestay may be revoked by the zoning administrator (i) in the event that three (3) or more substantiated complaints are received by the city within a calendar year, or (ii) for failure to maintain compliance with any of the regulations set forth within this section. A property owner whose provisional use permit has been revoked pursuant to this paragraph shall not be eligible to receive any new provisional use permit for a homestay, for the remaining portion of the calendar year in which the permit is revoked, and for the entire succeeding calendar year.

(17) The following are specifically prohibited, and shall not be deemed or construed as activities constituting a home occupation:

a. Auto detailing, where more than two (2) vehicles being serviced are present on the property at any given time.

b. Barber shops or beauty salons having more than two (2) chairs.

c. Funeral home with or without chapel.

d. Medical or dental clinic (other than psychiatric or psychological counseling services).

e. Motor vehicle sales, repair, equipment installation, and similar activities.

f. Nursing homes and adult care facilities.

g. Offices or staging facilities for any non-professional service-oriented businesses (for example, maid services, landscaping and lawn maintenance services, construction services, etc.), except where the sole activity on the premises would be telephone order/dispatching functions and there would be no vehicles, equipment, workers, or customers on the premises at any time.

h. Repair or testing of machinery, including internal combustion engines.

i. Restaurants.

j. Retail or wholesale sales, where any goods or merchandise are (i) displayed or otherwise offered or available on-site for sale or purchase, or (ii) delivered to or picked-up by purchasers on-site, including, without limitation: antique shops, sales of firearms, computer sales, and similar activities.

k. Schools, nursery schools, and day care facilities.

l. Veterinary clinics and animal kennels.

(9-15-03(3); 9-8-15(2))

M I N U T E S
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
September 14, 2017
4:00 PM

A. CALL TO ORDER

Ms. Robin Bledsoe called the meeting to order at approximately 4 p.m.

B. ROLL CALL

Present:
Robin Bledsoe, Chair
Rich Krapf
Jack Haldeman
Heath Richardson
Danny Schmidt

Staff:
Paul Holt, Planning Director
Ellen Cook, Principal Planner
Tammy Rosario, Principal Planner
Christy Parrish, Zoning Administrator
Scott Whyte, Senior Planner II
Jose Ribeiro, Senior Planner II
Lauren White, Planner
Roberta Sulouff, Planner
Alex Baruch, Planner
Tom Leininger, Community Development Assistant
Maxwell Hlavin, Assistant County Attorney

C. MINUTES

1. August 10, 2017 Meeting Minutes

Mr. Jack Haldeman made a motion to Approve the August 10, 2017, meeting minutes.

The motion passed 5-0.

D. OLD BUSINESS

1. Zoning Ordinance Revisions to Permit Short-Term Residential Rentals, Stage II

Ms. Bledsoe opened the discussion.

Ms. Sulouff stated that at the July Policy Committee meeting the Committee directed staff to come up with an approach addressing short-term residential rentals. She stated

that the Committee expressed interest in pursuing a hybrid approach which would create a system in which short-term residential rental uses would be subject to permitting and performance standards based on the intensity of the application. She stated that there are some by-right processes as well as an SUP process. She stated that staff proposes definitions to homestay, rental of rooms and tourist homes. She stated that staff have also included a proposed use list and a matrix which shows what is permitted by-right depending on the zoning district and intensity of the application. Ms. Sulouff stated that staff recommends performance standards. She stated that staff is seeking Policy Committee guidance on the draft language and the performance standards and that staff will make changes to the draft ordinance based on the feedback of the Policy Committee. She asked if there were any questions.

Mr. Richardson asked how the 180-day limit for 12 months was decided.

Ms. White stated that the 180-day mark would help keep the home's primary use as a residential property.

Ms. Sulouff stated that guidance from Building Safety and Permits suggested that 180 days is part of their requirements for a single-family home.

Mr. Schmidt asked if the homestay fees would be equitable and fair to the current bed and breakfast and hotels.

Ms. Sulouff stated that the administrative permit was designed for an application process, low in intensity and residential in character. She stated that the idea was to create a spectrum from mostly residential in use to mostly commercial in use.

Mr. Schmidt asked if there would be an annual reapplication.

Ms. Sulouff stated that this could be a provision. She stated that applicants would have to pay the transient occupancy tax.

Ms. Bledsoe stated that shared economy is happening and there are rentals already available. She stated that her concern would be if it was fair to hotels and paying of taxes. She stated that the General Assembly has given the County the ability to begin a database.

Mr. Haldeman stated that he was still unclear regarding the existing and proposed definitions.

Ms. Sulouff stated she would be able to describe each definition.

Mr. Haldeman asked why there are three different types of short-term rentals.

Ms. Sulouff stated that currently there are two uses: rental of rooms and tourist homes. She stated that under this proposal rental of rooms would be taken out of the transient category. She stated that rental of rooms would only address long-term rentals over and above the family definition. She stated that rental of rooms includes a landlord and tenant relationship. Ms. Sulouff stated that homestays depend on the intensity of the application and require a permanent resident and the renter cannot exceed 180 days a year. She stated that the tourist home does not require a permanent resident at the home. She stated that tourist home allows for commercial entities such as bed and breakfasts.

Mr. Haldeman asked which definition would require an administrative process.

Ms. Sulouff stated that a homestay would be permitted by-right with an administrative permit in all districts for one bedroom. She stated that homestays would be permitted by-right for any number of rooms for R-8, R-4 and A-1 districts.

Mr. Krapf stated that if a homeowner wants to rent out more than one room, depending on the zoning district, an SUP would be required.

Ms. Sulouff confirmed and stated that A-1, R-4 and R-8 do not require an SUP. She stated that for R-4 and MU, the amended ordinance is to remain consistent with the way that short-term rentals are permitted currently.

Mr. Schmidt asked how fire safety was included in the new ordinance.

Ms. Sulouff stated that the issue for fire safety is the ability to enforce it.

Ms. Rosario stated that the best route would be for staff to reconnect with Building Safety and Permits.

Ms. Sulouff stated that some other localities do enforce fire safety and require a yearly inspection. She stated that a complaint from another citizen could also require an inspection.

Mr. Richardson stated that hotels are required to have fire inspections and safety standards.

Ms. Bledsoe stated that sites like Airbnb require inspections; however, other advertising sites may not.

Mr. Schmidt asked if there would be any legal issues with the County if there would be a fire or accident.

Ms. Bledsoe stated that she believes the issues would fall on the homeowner.

Mr. Hlavin concurred that the County would not be accountable.

Mr. Schmidt stated that there could be a way to enforce fines on homestays if applicants do not comply.

Ms. Sulouff stated that the Homeowners Association (HOA) still overrides the policy of the County.

Mr. Richardson stated the policy of the County will help HOAs establish their policy.

2. Potential Amendments to the R-8, Rural Residential and Cluster Overlay Districts - Stage I

Ms. Robin Bledsoe opened the discussion.

Mr. Alex Baruch stated that on April 11, 2017, the Board of Supervisors (BOS)

AGENDA ITEM NO. F.4.

ITEM SUMMARY

DATE: 11/1/2017

TO: The Planning Commission

FROM: Alex Baruch, Planner

SUBJECT: AFD-2-86-1-2017, Croaker AFD Addition, 9730 Sycamore Landing Road

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ATTACHMENTS:

	Description	Type
	Staff Report	Staff Report
	Proposed Conditions	Backup Material
	Location map	Backup Material
	October 12, 2017, AFD Committee Unapproved Minutes	Backup Material
	Croaker 2014 AFD Renewal Staff Report and Ordinance	Backup Material
	State Code Regarding AFD Application Criteria	Backup Material
	Property Narrative provided by the applicant	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	10/20/2017 - 1:34 PM
Planning Commission	Holt, Paul	Approved	10/20/2017 - 1:34 PM
Publication Management	Burcham, Nan	Approved	10/20/2017 - 1:52 PM
Planning Commission	Holt, Paul	Approved	10/23/2017 - 9:52 AM

SUMMARY FACTS

Applicant:	Mrs. Mary Mitchell
Land Owner:	Mitchell Family LTD Partnership
Proposal:	Addition of ±48.49 acres of land to the Croaker Agricultural and Forestal District (AFD)
Location:	9730 Sycamore Landing Road
Tax Map/Parcel No.:	0740100002
Project Acreage:	±48.49 acres
Current Zoning:	A-1, General Agricultural
Comprehensive Plan:	Rural Lands
Primary Service Area:	Outside
Staff Contact:	Alex Baruch, Planner

PUBLIC HEARING DATES

Agricultural and Forestal District: October 12, 2017, 4:00 p.m.
Planning Commission: November 1, 2017, 7:00 p.m.
Board of Supervisors: December 12, 2017, 5:00 p.m. (tentative)

FACTORS FAVORABLE

1. With the proposed ordinance, the proposal is compatible with surrounding development.

2. The proposal is consistent with the recommendations of the James City County Comprehensive Plan adopted in 2015, "*Toward 2035: Leading the Way*."

FACTORS UNFAVORABLE

1. No factors unfavorable.

STAFF RECOMMENDATION

Staff finds that this parcel is more than one mile away from property that makes up the core of the Croaker AFD District. Per State Code, a parcel of land over one mile from the core may be added to an AFD only upon finding that the property contains agriculturally and forestally significant land. On October 12, 2017, the AFD Advisory Committee found the parcel is agriculturally and forestally significant and recommended approval of this application to the Planning Commission by a vote of 5-1. With the AFD Advisory Committee's recommendation of approval and finding that this property is agriculturally significant, staff recommends that the Planning Commission recommend approval of the proposed addition to the Croaker AFD, subject to the conditions listed in the attached ordinance, consistent with other properties in the district.

AFD ADVISORY COMMITTEE

At its October 12, 2017 meeting, the AFD Advisory Committee recommended approval of this addition by a vote of 5-1.

PROJECT DESCRIPTION

- Mrs. Mary Mitchell has applied to enroll ±48.49 acres of land located at 9730 Sycamore Landing Road into the Croaker AFD.

Approximately 20 acres of the property is pasture used for growing hay with the rest of the property including wooded areas and beach. There is currently a barn and a house located on the property.

- This parcel is over one mile away from the core parcels in the Croaker AFD; therefore, as specified in the Code of Virginia, the governing body must decide if this property contains agriculturally and forestally significant land to be added to the Croaker AFD (see Attachment No. 5).

- State Code defines agriculturally and forestally significant land as "land that has recently or historically produced agricultural and forestal products, is suitable for agricultural or forestal production or is considered appropriate to be retained for agricultural and forestal production as determined by such factors as soil quality, topography, climate, markets, farm structures and other relevant factors."

DISTRICT HISTORY

- The District was originally approved in December 1986 for a period of four years.

- The District was last renewed in 2014. The District consists of approximately 1,132.90 acres of land located between I-64 and York River State Park.

- If this addition is approved, the District would consist of approximately 1,181.39 acres.

SURROUNDING ZONING AND DEVELOPMENT

- All surrounding properties are zoned A-1, General Agricultural or PUD-R, Planned Unit Development-Residential and designated Rural Lands or Low Density Residential on the Comprehensive Plan.

- The District consists primarily of forested land. The principal land use on adjacent properties is undeveloped, forested land with single-family residences.

COMPREHENSIVE PLAN AND ZONING

The Comprehensive Plan designates this parcel as Rural Lands. Appropriate primary uses in Rural Lands include traditional agricultural and forestal activities. Land Use Action 6.1.1 of the 2035 Comprehensive Plan states the County shall "support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*."

PUBLIC IMPACTS

- Anticipated impact on public facilities and services: None.

- Anticipated impact on environmental, cultural and historic resources: None.

- Anticipated Land Use impact on nearby and surrounding properties: None.

STAFF RECOMMENDATION

This parcel is more than one mile away from property that makes up the core of the Croaker AFD District. Per State Code, a parcel of land over one mile from the core may be added to an AFD only upon finding that the property contains agriculturally and forestally significant land. On October 12, 2017, the AFD Advisory Committee found the parcel is agriculturally and forestally significant and recommended approval of this application to the Planning Commission by a vote of 5-1. With the AFD Advisory Committee's recommendation of approval and finding that this property is agriculturally significant, staff recommends that the Planning Commission recommend approval of the proposed addition to the Croaker AFD, subject to the conditions listed in the attached ordinance, consistent with other properties in the district.

AB/nb
AFD02-86-1-17-9730Sycamre

Attachments:
1. Proposed Conditions
2. Location Map
3. October 12, 2017, AFD Committee Unapproved Minutes
4. Croaker 2014 AFD Renewal Staff Report and Ordinance
5. State Code Regarding AFD Application Criteria
6. Property Narrative provided by the applicant

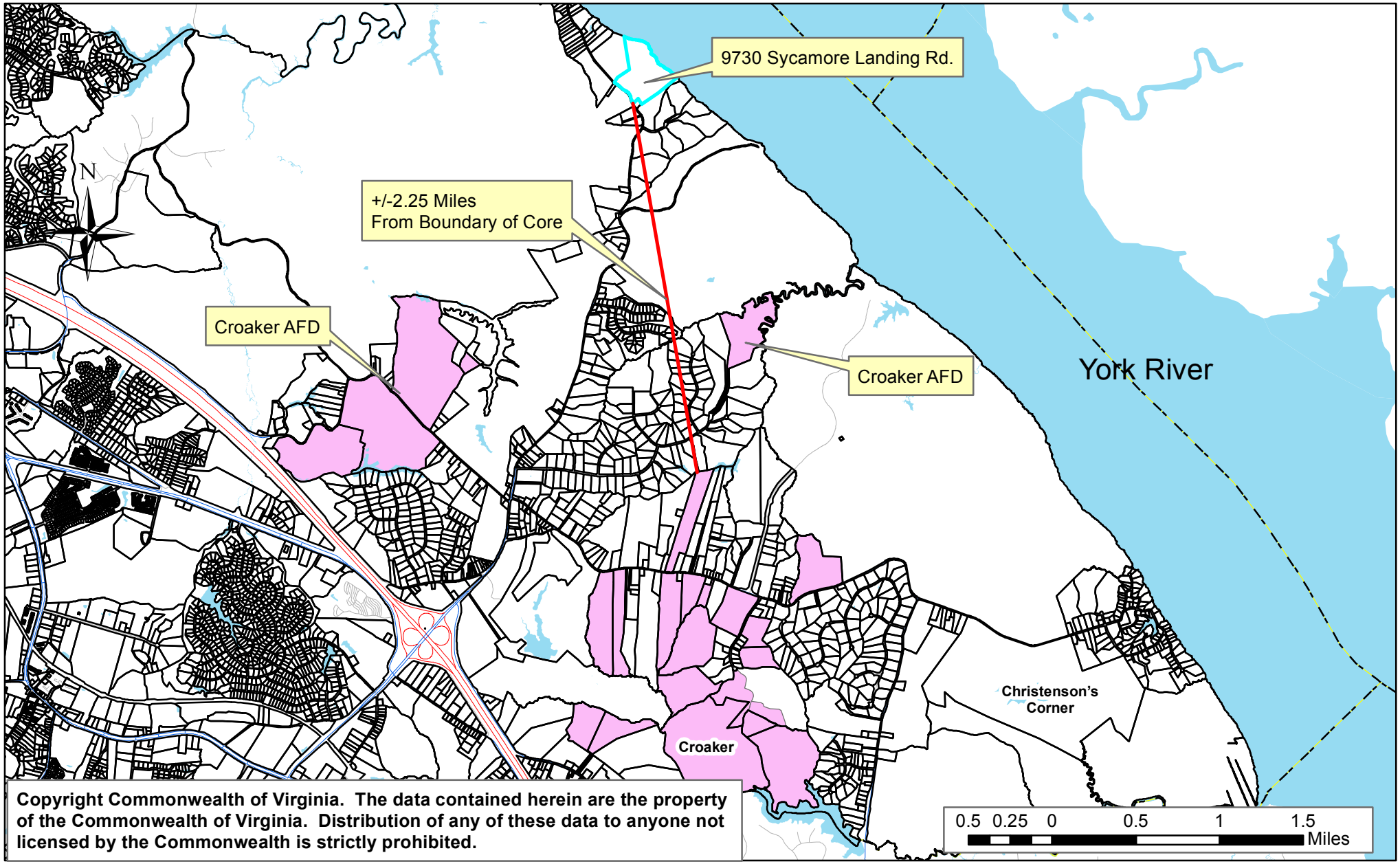
Proposed Conditions:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

2. No land outside the Primary Service Area (PSA) and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.

3. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

AFD-02-86-1-2017
9730 Sycamore Landing Rd. Croaker AFD Addition



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UNAPPROVED MINUTES OF THE AGRICULTURAL AND FORESTAL ADVISORY COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TWELTH DAY OF OCTOBER, TWO THOUSAND AND SEVENTEEN, AT 4:00 P.M. AT THE BUILDING E CONFERENCE ROOM, 101 MOUNTS BAY ROAD, WILLIAMSBURG, VIRGINIA.

1. Roll Call:

Members Present
Mr. Thomas Hitchens
Mr. Payten Harcum
Mr. Richard Bradshaw
Mr. William C. Taylor
Mr. L. Bruce Abbott
Ms. Loretta Garrett

Also Present
Mr. Alex Baruch, Planner
Ms. Ellen Cook, Principal Planner

Absent
Mr. William R. Harcum
Mr. Carlyle Ford
Ms. Sue Sadler

2. New Business:

A. Approval of the January 13, 2017 Meeting Minutes

On a voice vote the minutes of the January 13, 2017 meeting were unanimously approved.

B. Case No. AFD-02-86-1-2017, 9730 Sycamore Landing Road, Croaker AFD Addition

Mr. Alex Baruch presented the staff report stating that Mrs. Mary Mitchell applied to add 48.49 acres located at 9730 Sycamore Landing Rd. to the Croaker AFD. Mr. Baruch stated the subject property is over one mile away from the core parcels in the Croaker AFD therefore State Code requires that the local governing body finds that the parcel contains agriculturally and forestally significant land to be added. Mr. Baruch stated that the definition of agriculturally and forestally significant land in State Code is: land that has recently or historically produced agricultural or forestal products, is suitable for agricultural or forestal production or is considered appropriate to be retained for agricultural and forestal production as determined by such factors as soil quality, topography, climate, markets, farm structures and other relevant factors. Mr. Baruch stated that staff requests that the AFD Advisory Committee determine if the property meets the definition of agriculturally and forestally significant land and then make a recommendation to the Planning Commission. Mr. Baruch stated that the applicant was also available to answer any questions.

Ms. Loretta Garrett asked what the distance is from the subject parcel to the closest property currently in the AFD.

Mr. Baruch stated that the closest parcel is 1.4 miles from the subject parcel and is 50 acres in size. Mr. Baruch stated that the closest parcel in the AFD is not in the core parcels of the Croaker AFD. Mr. Baruch stated that the distance from the subject parcel to the core is 2.25 miles.

Mr. Bruce Abbot asked the applicant if they would like to make a presentation.

Mr. Richard Mitchell, son of Ms. Mary Mitchell, gave a history of the property and discussed some of the ideas they have for continuing the agricultural and forestal uses on the property.

Ms. Garrett asked Mr. Richard Bradshaw if he had anything to say about this proposal.

Mr. Bradshaw stated that he believes the distance from the core is too far and does not believe the property should be included.

Mr. Tom Hitchens stated that the hay that the Mitchells grow in the pasture counts as crop which meets the definition.

Mr. Bradshaw stated that there is no livestock on the property.

Mr. Payton Harcum stated that the property owners have sold forest products and that should be a factor in the approval.

Mr. Chris Taylor asked if any hay has been harvested from the pasture portion of the property.

Ms. Mary Mitchell stated they have sold hay in the past and have a harvest ready once the rain stops.

Mr. Abbot asked if there are any structures on the property.

Mr. Mitchell stated that there is a barn and a house.

Mr. Abbot asked if the property owners have a forestry plan.

Ms. Mitchell stated that they do not have a plan right now but would work towards that if it is required.

Mr. Hitchens stated that he would be for adding this property into the AFD regardless of distance away from the core.

Mr. Abbot asked when State Code changed to allow property farther than a mile from the core to be added.

Mr. Harcum stated that it was three or four years ago.

Mr. Baruch stated that the Planning Commission and Board of Supervisors will look at the AFD Committee's determination of if the subject property is agriculturally and forestally significant land based on the definition.

Mr. Bradshaw asked if staff had looked into a different State Code section that discusses local areas of significance which would allow for a smaller core of properties to be allowed land use taxation but not be a part of the AFD.

Mr. Baruch stated that staff had looked into that option however the Board of Supervisors would have to adopt a general ordinance establishing the local districts program.

Mr. Hitchens stated that he thinks the farming of hay is agriculturally and forestally significant use of the property and that farming is not an easy job and would love to see the property in the AFD.

Mr. Taylor asked if the Board of Supervisors has added a parcel further than a mile from the core in the past.

Mr. Harcum stated that they have not because it is a relatively new option for property owners to consider.

A discussion commenced regarding the local areas of significance section of State Code and the benefits associated with that Code as opposed to Agricultural and Forestal Districts. The members of the AFD Committee came to the conclusion that the benefits for the property owner and County are the same with both State Code sections.

Mr. Hitchens asked how close the subject property is to Stonehouse.

Ms. Mitchell stated that it is right across the street.

Mr. Abbot asked if the property owner has looked into putting a conservation easement on the property.

Mr. Mitchell stated that they have however they think they may build another house on the property in the future and do not want to lose the right to do so.

Mr. Abbot stated that there is a negotiation process that takes place for the easement but understands where the applicant is coming from.

Mr. Taylor asked how long before the Croaker AFD Ordinance gets renewed and when the next renewal process would take place.

Mr. Baruch stated that the Croaker AFD is renewed every four years and would be renewed at the latest in October 2018.

Mr. Abbot made a motion to find the land agriculturally and forestally significant and to

recommend approval of the addition to the Planning Commission.

Mr. Bradshaw stated his concern regarding how far this parcel is from the core and the distance of the parcel from the rest of the AFD. Mr. Bradshaw stated that he believes AFDs should be tight cores of properties and not spread out. Mr. Bradshaw also stated that he felt that the areas of local significance provisions in State Code would be a better process for this property to go through instead of the AFD process.

On a voice vote the committee voted 5-1 to find the land agriculturally and forestally significant and to recommend approval of the addition to the Planning Commission.

Other Discussion:

Mr. Baruch stated that Staff would like to hold an organizational meeting in January with the AFD Committee to discuss four items to include: Novus Agenda online packet materials, setting a regular meeting schedule to occur four times per year, creation of by-laws for the AFD Committee and the 2018 renewal timeline. A general discussion took place regarding each of the items and there was agreement that a meeting in January would be beneficial.

On a voice vote, the meeting was adjourned at 5:04 p.m.

_____ _____

Mr. Taylor, Chair Ellen Cook, Principal Planner

AGENDA ITEM NO. I-7

Agricultural and Forestal District-02-86-1-2014. Croaker AFD Renewal
Staff Report for the September 9, 2014, Board of Supervisors Public Hearing

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

PUBLIC HEARINGS	**Building F Board Room; County Government Complex**
AFD Advisory Committee:	July 7, 2014, 4:00 p.m. (Human Services Building)
Planning Commission:	August 6, 2014, 7:00 p.m.
Board of Supervisors:	September 9, 2014, 7:00 p.m.

SUMMARY FACTS

Owners:	Parcel Number	Acres
Hankins Land Trust	1530100044	119.00
William and Mary Margaret Apperson	1440100015	51.45
V.D. McManus Estate	1530100043	119.85
V.D. McManus Estate	1530100042	10.10
V.D. McManus Estate	1530100036	40.40
Hazel M. Richardson & L.A. Richardson	1530100002	39.76
Clarence D. Richardson, Jr.	1530100034	39.78
J. Rosalie Will, Trustee	1440100010	40.00
Stephanie L. Billon-Wolfe, Trustee	1440100009	49.07
Wenger Farms, LLC	1320100018	95.30
Wenger Farms, LLC	1410100001	150.00
Wenger Farms, LLC	1410100014	143.50
Thomas B. Ballard	1530100035	53.17
Lasata, LLC	1530100018	16.05
Lasata, LLC	1530100019	16.39
Lasata, LLC	1530100029	30.93
Milly Wallis c/o Doris Lockley	1540100004	40.00
Thomas B. Ballard	1530100035A	4.91
Thomas B. Ballard	1530100032	16.21
Wenger Farms, LLC	1410100007	7.00
Katherine Mann	1510400003	50.00
TOTAL ACRES		1,132.90

Zoning:	A-1, General Agricultural	
Comprehensive Plan:	Rural Lands and Conservation Area	
Primary Service Area:	Outside	
Staff Contact:	Luke Vinciguerra	Phone: 253-6783

STAFF RECOMMENDATION

Staff finds this Agricultural and Forestal District (AFD) consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends the Board of Supervisors renew the Croaker AFD for a period of four years, subject to the conditions listed in the attached resolution.

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PLANNING COMMISSION RECOMMENDATION

At its August 6, 2014, meeting, the Planning Commission recommended the continuation of the District by a vote of 6-0 (Richardson absent).

AFD ADVISORY COMMITTEE RECOMMENDATION

At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

Proposed Changes Made Since the Planning Commission Meeting

None.

SUMMARY

As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-2-86, Croaker, which is scheduled to expire October 31, 2014.

Staff is attempting to synchronize the expiration dates of all districts. As part of the 2014 renewal process, staff is recommending a term of four years, making the proposed expiration date October 31, 2018.

DISTRICT HISTORY

The District was originally approved on November 17, 1986, for a term of 4 years. In July 1989, the Board of Supervisors approved the withdrawal of 421.773 acres associated with the Old Dominion French Winery property. The District was renewed a second time in 1994. Twenty-nine acres were added to the District on January 14, 1997, and 40 acres were added on January 13, 1998. The District was renewed by the Board in 1998 and 2002 with no additions or withdrawals. In 2006, 29 acres were withdrawn and in May 2007, 21 acres were added to the District. In 2010, the District was renewed and seven acres were added. In February 2014, an additional 50 acres were added.

The District includes all the land on the above-referenced properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the District to allow for possible road and/or drainage improvements.

The Croaker AFD consists of approximately 1,132.9 acres located in and around the Croaker Road area, containing parcels which front on Ware Creek Road and Riverview Road.

ANALYSIS

The bulk of the District appears to consist of soils well suited for agriculture and is located a considerable distance from the I-64/Croaker Road interchange. The majority of the District is forested and remains rural in nature. All of the land within this District is zoned A-1, General Agricultural, and a major portion of the surrounding property is presently zoned A-1. The entire District is located outside the Primary Service Area and is designated Rural Lands and Conservation Area by the Comprehensive Plan.

REQUEST NOT TO CONTINUE IN THE AFD

No property owner has requested to not continue their participation in the AFD.

ADDITIONS

No property owner has requested land be added to the District during this renewal period.

CHANGE IN CONDITIONS

Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

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~~"No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended."~~

No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.

STAFF RECOMMENDATION:

Staff finds this AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. At its August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the District by a vote of 6-0 (Richardson absent). At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 recommending the continuation of the District to the Planning Commission and Board of Supervisors. Staff recommends the Board of Supervisors renew the Croaker AFD for a period of four years, subject to the conditions listed in the attached resolution.

Luke Vinciguerra

CONCUR:

Allen J. Murphy, Jr.

LV/gb
AFD02-86-1-14Croaker

ATTACHMENTS:

1. Ordinance
2. Location Map
3. Existing ordinance and conditions, dated September 28, 2010
4. Ordinance for the addition of property, dated January 11, 2011
5. Ordinance for the addition of property, dated February 11, 2014
6. Approved minutes of the July 7, 2014, AFD Advisory Committee meeting (under separate cover)
7. Unapproved minutes of the August 6, 2014, Planning Commission meeting (under separate cover)

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ADOPTED

SEP 09 2014

Board of Supervisors
James City County, VA

ORDINANCE NO. 164A-15

AGRICULTURAL AND FORESTAL DISTRICT-02-86

CROAKER 2014 RENEWAL

WHEREAS, James City County has completed a review of the Gordon Creek Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code") property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Croaker Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee at its meeting on July 7, 2014, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on August 6, 2014, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 to recommend renewal of the district with the conditions listed below.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of James City County, Virginia, that:

1. The Croaker Agricultural and Forestal District is hereby continued to October 31, 2018, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.

2. That the district shall include the following parcels, provided, however, that all land within 25 feet of road rights-of-way is excluded from the district:

Owner	Parcel No.	Acres
Hankins Land Trust	1530100044	119.00
William and Mary Margaret Apperson	1440100015	51.45
V.D. McManus Estate	1530100043	119.85
V.D. McManus Estate	1530100042	10.10
V.D. McManus Estate	1530100036	40.40
Hazel M. Richardson & L.A. Richardson	1530100002	39.76
Clarence D. Richardson, Jr.	1530100034	39.78
J. Rosalie Will, Trustee	1440100010	40.00
Stephanie L. Billon-Wolfe, Trustee	1440100009	49.07
Wenger Farms, LLC	1320100018	95.30
Wenger Farms, LLC	1410100001	150.00
Wenger Farms, LLC	1410100014	143.50
Thomas B. Ballard	1530100035	53.17
Lasata, LLC	1530100018	16.05
Lasata, LLC	1530100019	16.39
Lasata, LLC	1530100029	30.93
Milly Wallis c/o Doris Lockley	1540100004	40.00

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Thomas B. Ballard	1530100035A	4.91
Thomas B. Ballard	1530100032	16.21
Wenger Farms, LLC	1410100007	7.00
Katherine Mann	1510400003	50.00

Total: 1,132.90

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Croaker Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

   a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCF), provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

   b. No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Properties from AFDs, adopted September 28, 2010, as amended.

   c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	AYE	NAY	ABSTAIN
KENNEDY	X		
JONES	X		
MCGLENNON	X		
ONIZUK	X		
HIPPLE	X		

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

AFD02-86-1-14Croaker-res

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Code of Virginia
Title 15.2. Counties, Cities and Towns
Chapter 43. Agricultural and Forestal Districts Act

§ 15.2-4305. Application for creation of district in one or more localities; size and location of parcels

On or before November 1 of each year or any other annual date selected by the locality, any owner or owners of land may submit an application to the locality for the creation of a district or addition of land to an existing district within the locality. Each district shall have a core of no less than 200 acres in one parcel or in contiguous parcels. A parcel not part of the core may be included in a district (i) if the nearest boundary of the parcel is within one mile of the boundary of the core, (ii) if it is contiguous to a parcel in the district the nearest boundary of which is within one mile of the boundary of the core, or (iii) if the local governing body finds, in consultation with the advisory committee or planning commission, that the parcel not part of the core or within one mile of the boundary of the core contains agriculturally and forestally significant land. No land shall be included in any district without the signature on the application, or the written approval of all owners thereof. A district may be located in more than one locality, provided that (i) separate application is made to each locality involved, (ii) each local governing body approves the district, and (iii) the district meets the size requirements of this section. In the event that one of the local governing bodies disapproves the creation of a district within its boundaries, the creation of the district within the adjacent localities' boundaries shall not be affected, provided that the district otherwise meets the requirements set out in this chapter. In no event shall the act of creating a single district located in two localities pursuant to this subsection be construed to create two districts.

1977, c. 681, § 15.1-1511; 1979, c. 377; 1981, c. 546; 1984, c. 20; 1985, c. 13; 1987, c. 552; 1993, cc. 745, 761; 1997, c. 587; 1998, c. 833;2011, cc. 344, 355.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Property Narrative
9730 Sycamore Landing Road
Williamsburg, VA 23188

The significant agricultural and forestry features of 9730 Sycamore Landing Road are tied to its topography. This tract contains sandy beach, old forest trees as well as young; and, to our knowledge, the highest point of land on the York River. It has rolling pastureland and deep ravines of trees. Directly across the river is the Poropotank Creek, home to Powhatan. A fresh water spring runs through the wetlands to the York River.

This diverse plot has fertile soil where vegetables and flowers grow. These vegetables are of a superior quality and taste. The proximity of the river has a good effect, lessening frost damage. Our attempts at horticulture are in the infant stage but in the future we hope to expand our crops with more fruit trees and berries. Wild raspberries grow in profusion on the high bluff. Hay has been our crop in the pastureland. There are also wild pawpaws in the ravine and numerous hickory trees.

Another notable feature of this property is the sanctuary provided for turkeys, ospreys, eagles, bobwhites and other wild creatures. The edges around the approximately twenty-acre pasture have thickets that provide food and cover.

Our oyster farm comprises one-half acre rented from the Commonwealth of Virginia. There are 2,000 oysters in floats and bottom cages. We are working with the Chesapeake Bay Foundation on the bay project. The old oyster shell reefs are sometimes visible at extremely low tides.

Thank you for your consideration of our application. We hope that you will admit this tract of land to the Croaker District.

AGENDA ITEM NO. F.5.

ITEM SUMMARY

DATE: 11/1/2017

TO: The Planning Commission

FROM: Alex Baruch, Planner

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

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ATTACHMENTS:

	Description	Type
	Staff Report	Staff Report
	Draft SUP Conditions	Backup Material
	Draft Height Limitation Waiver Conditions	Backup Material
	Location Map	Backup Material
	Master Plan	Backup Material
	Community Impact Statement	Backup Material
	Fiscal Impact Study w/School Impacts	Backup Material
	Fiscal Impact Study w/out School Impacts	Backup Material
	Airport Master Plan	Backup Material
	Williamsburg Landing Master Plan	Backup Material
	Proposed Design Guidelines	Backup Material
	Height Waiver Application Discussion	Backup Material
	Virginia Department of Aviation (DOAV) Comment Letter	Backup Material
	Balloon Test Map and Pictures	Backup Material
	Federal Aviation Administration (FAA) Determination	Backup Material
	DOAV Response to FAA Determination	Backup Material
	Parks and Recreation Facilities Exception Request	Backup Material
	Applicant Balloon Test Pictures and Narrative	Backup Material
	Citizen Comment	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	10/25/2017 - 9:48 AM
Planning Commission	Holt, Paul	Approved	10/25/2017 - 9:48 AM
Publication Management	Trautman, Gayle	Approved	10/25/2017 - 9:52 AM
Planning Commission	Holt, Paul	Approved	10/25/2017 - 9:53 AM

Staff Report for the November 1, 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. (Deferred)
Planning Commission: May 3, 2017, 7:00 p.m. (Deferred)
Planning Commission: November 1, 2017, 7:00 p.m.
Board of Supervisors: December 12, 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 Capital Improvements Program (CIP).

6. Determination of no hazard by the Federal Aviation Administration (FAA), stating that the structures would not exceed obstruction standards and would not be a hazard to air navigation.

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.

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. While the development may be age targeted, without the ability to guarantee age restrictions, the project is fiscally negative per the submitted FY 17 Fiscal Impacts Analysis worksheet.

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 air traffic and potential for generation of noise complaints. (Condition Nos. 2-4)

4. Proffers are not accepted for residential rezonings. As such, some of the typical impacts associated with residential development are not mitigated, including impacts to schools, traffic, the James City Service Authority (JCSA) and providing affordable and workforce housing opportunities.

5. The proposal does not fully meet the recommendations of the Parks & Recreation Development Guidelines. The applicant is seeking an exception from the Board of Supervisors, as further discussed below.

6. The proposal is inconsistent with the surrounding Low Density Residential (LDR) James City County Comprehensive Plan designation when considered as a standalone 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.

Proposed Changes Made Since the May 3, 2017 Deferral

A balloon test was conducted on Friday, April 28, 2017, at 10 a.m. on 100 Marclay Road in the approximate location of the proposed 60-foot structure. Pictures from multiple vantage points are shown on Attachment No. 13. With the balloon at 60 feet, the balloon was able to be seen from the Williamsburg-Jamestown Airport, the service entrance to Williamsburg Landing on Marclay Road and the corner of Lake Powell Road and Marclay Road. Across College Creek at a resident's property south of Kingspoint Clubhouse, the top of the balloon was able to be seen just over the trees. The balloon was not able to be seen from the Kingspoint Clubhouse, Route 199 over College Creek, the Williamsburg Winery or the Rolling Woods subdivision entrance. The applicant also prepared a summary of the balloon test, which is included as Attachment No. 17.

The FAA's determination of no hazard was completed on June 8, 2017 (Attachment No. 14). The determination of no hazard states that the structures would not exceed obstruction standards and would not be a hazard to air navigation. DOAV states that they stand by their

conditions, but would not hold up the application with the determination of no hazard (Attachment No. 15).

PROJECT DESCRIPTION

- The proposal is a standalone rezoning and SUP request as the application does not amend the existing Williamsburg Landing Master Plan.

- If adopted, the proposed Master Plan would permit:

  - Up to 135 independent living facility units:

    - Sixty-five duplex/townhome units proposed in Area I and II on the Master Plan (Type B).

    - Seventy apartments proposed 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.

- The applicant has indicated that construction of the project would likely not be on Williamsburg Landing's immediate horizon 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 nonresidential 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 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.

- Proffers are not accepted for residential rezonings; however, many of the impacts can be mitigated through SUP conditions, which are attached to and discussed throughout this staff report (Attachment No. 1).

- 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; however, the R-5 zoning 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 Williamsburg-Jamestown Airport officially opened in 1970 as a privately owned airport operated for use by the general public.

- In 1986, Case No. 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 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.

- 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 modification of the design of previously approved facilities by combining three previously approved facilities into two buildings.

- 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.

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

SURROUNDING ZONING AND DEVELOPMENT

- North: Williamsburg Landing
- South: Williamsburg-Jamestown Airport, R-8, Airport Approach Overlay District
- West: Marclay Road, Williamsburg Landing and Williamsburg-Jamestown 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 tables below show the projected PM 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 non-age-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).

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

Use (ITE Code)	*Peak PM Trip Generation (trips)*
Senior Adult Housing, Attached (252)	47.25

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

Use (ITE Code)	*Peak PM 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 Route 199 is underway and construction should commence in 2018.

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 FY 17 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 Expenses	*Total Residential Revenues*	*Total Residential 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)

- 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

- 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 Laurel Lane (formerly 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 CIP, then the application will meet the adequate public facilities policy. Staff notes that a new middle school is in the CIP 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.
- 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 may need to 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 Stormwater and Resource Protection Division (S+RP) 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 S+RP.

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 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).

- 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 detailed in the balloon test map and pictures in Attachment Nos. 13 and 17. 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 must meet the R-5 Zoning Ordinance requirements. However, the R-5 requirements do not encompass all aspects of the Parks & Recreation Development Guidelines expected of all new residential requests, which include trails, courts/pools and fields. The applicant is requesting an exception to the Parks & Recreation Development Guidelines (Attachment No. 16). Planning and Parks & Recreation staff are receptive to this request; however, the waiver must be approved by the Board of Supervisors.

COMPREHENSIVE PLAN

Surrounding Comprehensive Plan designations include:

- LDR to the north and east.

- Airport to the south and west.

<u>Airport (20 Marclay Road)</u>:

- 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 developable land associated with the airport include aviation with airport-related commercial and office development as clearly secondary uses.

- 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.

- Staff finds that 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, therefore, 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:
  - 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
  - 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.
  - As noted, the proposed SUP Conditions provide for property owner notifications, the review of architectural elevations, conformance with the Board of Supervisors Archaeological Policy and Streetscape Policy, water conservation standards and a Nutrient Management Plan. However, proffers are not accepted for residential rezonings; therefore, additional public benefits are not provided.

Population Needs/Housing Section:

- The 2035 Comprehensive Plan discusses the need for adequate housing opportunities for the growing senior population, 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 is 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 has finalized 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.

AB/gt
RZ-1-17MarclayRd

Attachments:
1. Draft SUP Conditions
2. Draft Height Waiver Conditions
3. Location Map
4. Master Plan
5. Community Impact Statement
6. FY 17 Fiscal Impact Study including School Impacts
7. FY 17 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
13. Balloon Test Map and Pictures
14. FAA Determination
15. DOAV Response to FAA Determination
16. Parks & Recreation Facilities Exception Request
17. Applicant Balloon Test Pictures and Narrative
18. Citizen Comment

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 Guernsey 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 corresponding area shown on the Master Plan. The Director of Planning shall approve said conceptual plan(s), which shall, at minimum, describe the dwelling unit land types and identify road locations, recreation areas and improvements, trails or pedestrian paths, common and natural open space, buffers, and proposed clearing limits.

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. As long as there is an operating airport adjacent to the Property, Owner shall include a disclosure of the Property's proximity to an airport and the possibility of associated noise (i) in its Continuing Care Retirement Community (CCRC) Disclosure Statement required by law to be filed with the Commonwealth of Virginia and provided to, and receipt acknowledged by, each prospective resident prior to that resident's becoming a resident of a residential structure at the Property, or (ii) in the event a CCRC Disclosure Statement is not provided to such prospective resident or the required disclosure is not by law or other reason included in the CCRC Disclosure Statement provided to a prospective resident, in a separate disclosure document to such prospective resident that shall include a resident acknowledgement of receipt. Resident acknowledgements of receipt shall be kept on file by, or on behalf of, Owner. 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.

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 with the Architectural Guidelines and/or the existing development, the Owner 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) twenty-four (24) square foot sign at the service entrance location and one (1) twenty-four (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 of Supervisors 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. **JCSA Infrastructure Upgrade:** Prior to site plan approval, an analysis of the existing gravity mains, pump stations, and force mains impacted by this development must show there is adequate capacity to accept the flow based on the Regional Design Guidelines, or what upgrades are required to provide adequate capacity. The analysis shall be approved by the JCSA General Manager and the Director of Planning prior to site plan approval and any upgrades required by the analysis shall be shown on the plan and completed prior to issuance of a Certificate of Occupancy for any unit that would exceed the current pump station's capacity.

11. **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.

12. **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 fifty (50) foot buffer in Area I shall be landscaped to the provisions of Section 24-96 of the County Code for General Landscape Areas.

13. **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 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 approved by the County's Director of Stormwater and Resource Protection prior to fifty percent (50%) of final certificate of occupancy approvals for the Project.

14. **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.

15. **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.

16. **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 (25) 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 sixty (60) feet above ground level 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 February 27, 2017 and entitled "Master Plan for Williamsburg Landing Marclay Road Property" (the "Master Plan"). 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 shall be submitted to and approved by the Director of Planning for any building exceeding the permitted building height in the zoning district prior to final certificate of occupancy. The intent of this condition is to ensure compliance with the Waiver and any permits or conditions set forth by the Federal Aviation Administration and or the Virginia Department of Aviation.

3. The Waiver shall only apply to Area II Unit Type D on the Master Plan.

4. **Severability**: The Waiver is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

JCC-Z-0001-2017/SUP-0001-2017/MP-0001-2017
HW-0001-2017
Williamsburg Landing, Marclay Rd.

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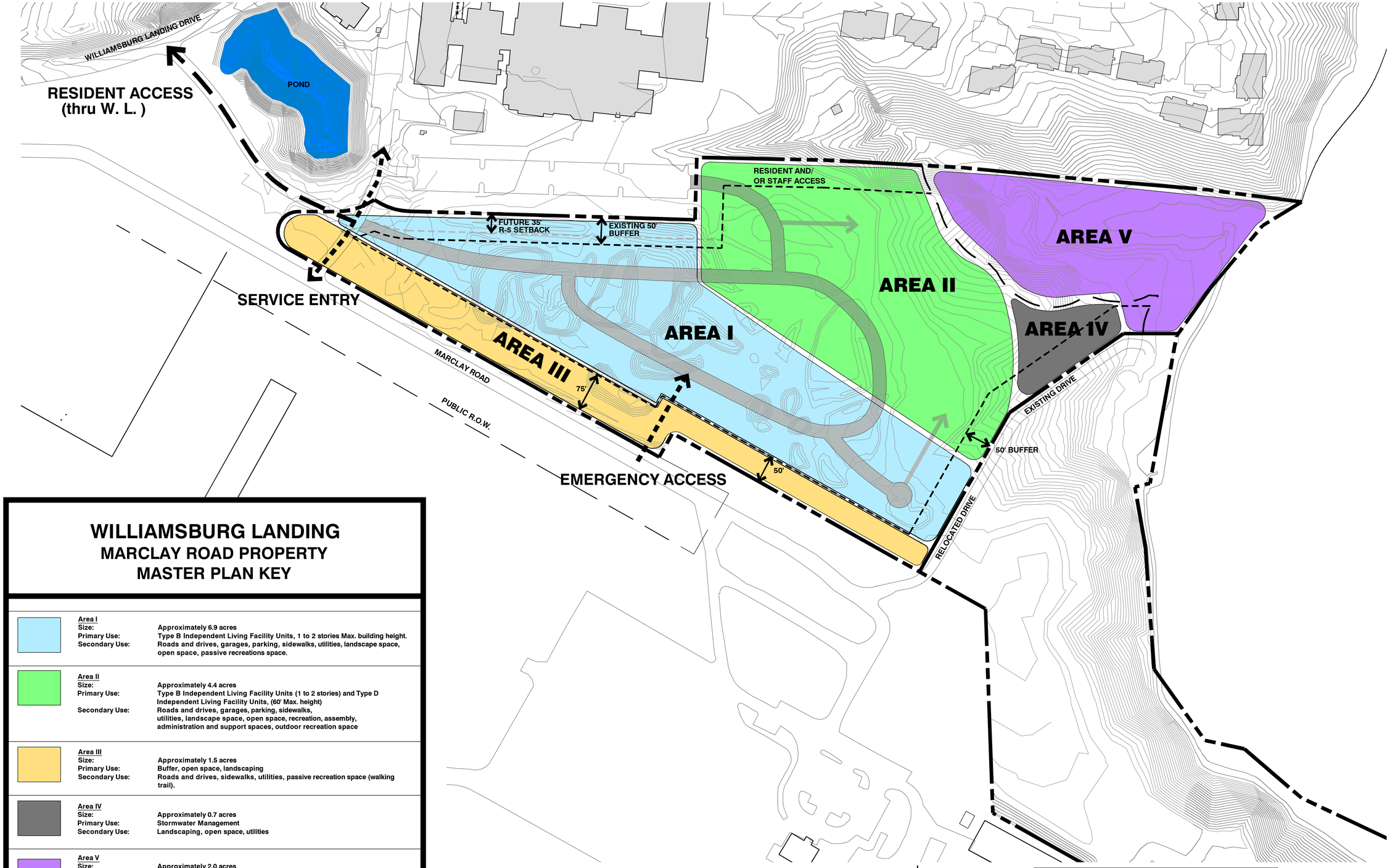
460 230 0 460 920 1,380 Feet



WILLIAMSBURG LANDING
MARCLAY ROAD PROPERTY
MASTER PLAN KEY

Area I
Size: Approximately 6.9 acres
Primary Use: Type B Independent Living Facility Units, 1 to 2 stories Max. building height.
Secondary Use: Roads and drives, garages, parking, sidewalks, utilities, landscape space, open space, passive recreations space.

Area II
Size: Approximately 4.4 acres
Primary Use: Type B Independent Living Facility Units (1 to 2 stories) and Type D Independent Living Facility Units, (60' Max. height)
Secondary Use: Roads and drives, garages, parking, sidewalks, utilities, landscape space, open space, recreation, assembly, administration and support spaces, outdoor recreation space

Area III
Size: Approximately 1.5 acres
Primary Use: Buffer, open space, landscaping
Secondary Use: Roads and drives, sidewalks, utilities, passive recreation space (walking trail).

Area IV
Size: Approximately 0.7 acres
Primary Use: Stormwater Management
Secondary Use: Landscaping, open space, utilities

Area V
Size: Approximately 2.0 acres
Primary Use: Conservation Area (RPA and steep slopes)
Secondary Use: Landscaping, open space, utilities

SUMMARY
Total Area: 15.5 acres
Number of Units: 135 total units

Type of Independent Living Facility Units	Units Proposed
B (1-2 story duplex)	65
D	70

GRAPHIC SCALE
80' 0' 80' 160'
SCALE: 1" = 80'

N

OPEN SPACE

SITE AREA	15.50± ACRES
NET DEVELOPABLE AREA	12.90± ACRES
TOTAL OPEN SPACE REQUIRED	1.29± ACRES (10%)
TOTAL OPEN SPACE PROVIDED	1.29± ACRES (10%)
RECREATION SPACE	
TOTAL UNITS	135 UNITS
TOTAL RECREATION SPACE REQUIRED (0.5 ACRES PER 50 DWELLING UNITS)	1.35± ACRES
TOTAL RECREATION SPACE PROVIDED	1.35± ACRES

NOTE 1: OPEN SPACE REQUIREMENTS SHALL BE MET WITHIN AREAS I AND II THROUGH THE IMPLEMENTATION OF TRAILS AND PASSIVE RECREATION
NOTE 2: AREA II BUFFER SHALL BE INCREASED TO 75' FOR ANY STRUCTURES WHICH EXCEED TWO STORIES.

GuernseyTingle
757-220-0220 Williamsburg, VA
guernseytingle.com

MASTER PLAN
WILLIAMSBURG LANDING
MARCLAY ROAD PROPERTY

REVISION SCHEDULE

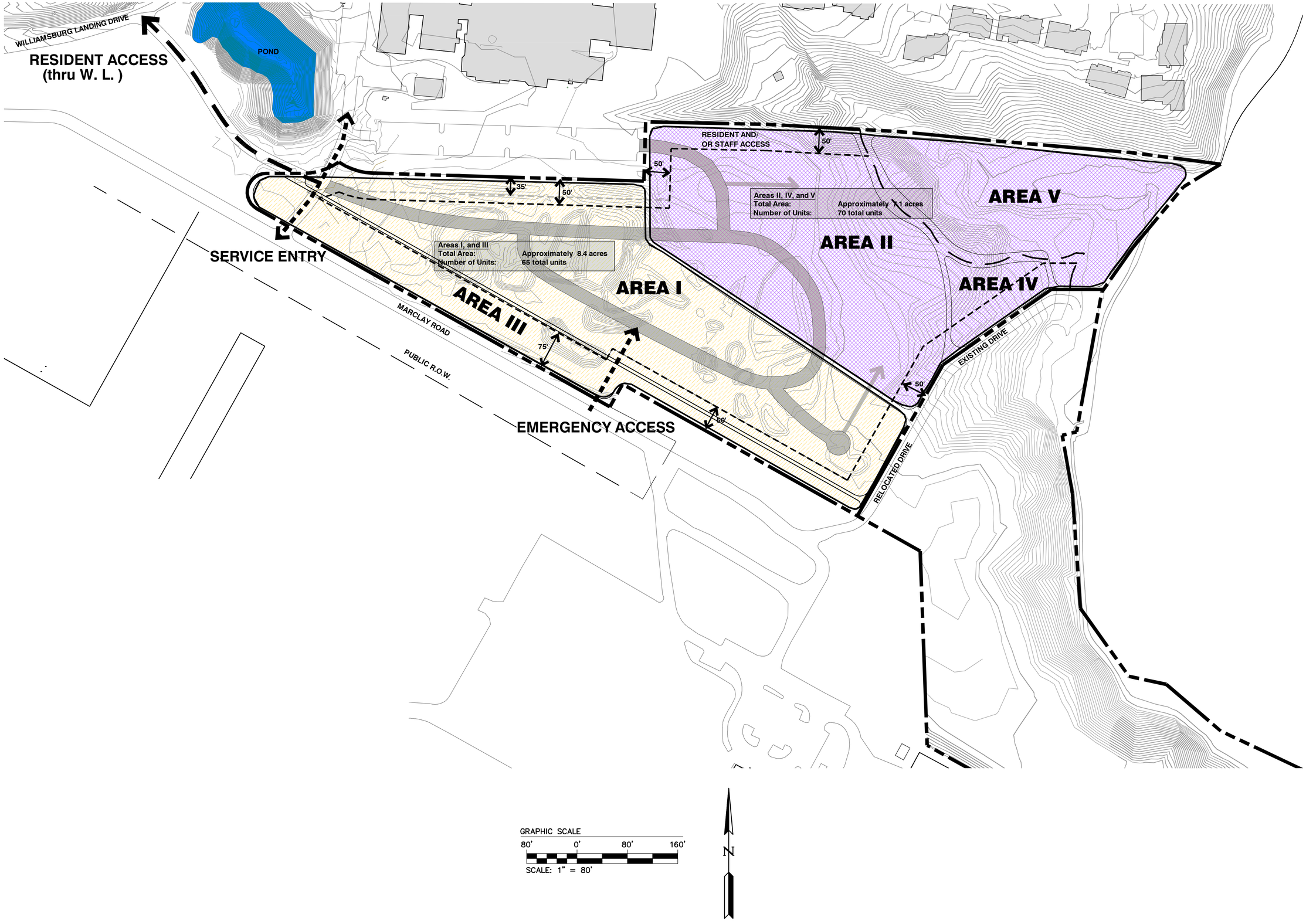
#	Description	Date	Initials

These drawings and this design remain the property of Guernsey Tingle Architects and Associates, LLC and Guernsey Tingle Architects without written permission of the architect.

Master Site Plan

Date: 2-27-17
Drawn: BAS Checked: BAS
Project: 215119

A1



GuernseyTingle
757-220-0220 Williamsburg, VA
guernseytingle.com

MASTER PLAN
WILLIAMSBURG LANDING
MARCLAY ROAD PROPERTY

REVISION SCHEDULE

#	Description	Date	Initials

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Master Site Plan

Date: 2-27-17
Drawn: BAS Checked: BAS
Project: 215119

A1

15F

15F

11C

15F

11C

WILLIAMSBURG LANDING DRIVE (PUBLIC R/W)

EX. LANDING BUILDING

14B

11C

11C

N/F
WILLIAMSBURG LANDING, INC.
D.B. 246, PG. 116
ZONED R5
TAX MAP (48-2)(1-2)

EX. SAN MH
RIM=70.62
INV IN=49.52
INV IN=49.47
INV OUT=49.47

EX. LIFT STATION 7-5

PROPERTY BOUNDARY (TYP.)

APPROXIMATE LIMITS OF RPA WETLANDS (AS DELINEATED BY STANTEC)

15F

21

PROPERTY BOUNDARY (TYP.)

36

APPROXIMATE LIMITS OF RPA BUFFER (AS DELINEATED BY STANTEC)

MARCLAY ROAD (PUBLIC R/W)

N/F
MARY S. WALTRIP
D.B. 36, PG. 122
TAX MAP (48-2)(1-12)
OLD AREA = 81.86 ACRES ±
NEW AREA = 71.23 ACRES ±

29B

N/F
MARY S. WALTRIP
D.B. 36, PG. 122
ZONED R8
TAX MAP (48-2)(1-12)

COLLEGE CREEK

W

N/F
WILLIAMSBURG-JAMESTOWN AIRPORT, INC.
D.B. 130, PG. 144
ZONED R8AA
TAX MAP (48-2)(1-5A)

LIMITS OF SOILS (TYP.)

PROPERTY BOUNDARY (TYP.)

21

15F

N

GRAPHIC SCALE
80' 0' 80' 160'
SCALE: 1" = 80'

SOIL CHARACTERISTICS

SOIL#	SOIL NAME	HYDROLOGIC SOIL GROUP	TYPICAL SLOPES	EROSION FACTOR (K)	EROSION FACTOR (T)
11C	CRAVEN-UCHEE COMPLEX	D	6-10%	0.28	5
14B	EMPORIA FINE SANDY LOAM	B	2-6%	0.28	5
15F	EMPORIA COMPLEX	B	25-50%	0.28	5
21	LEVY SILTY CLAY	C/D	0-2%	0.24	5
29B	SLAGLE FINE SANDY LOAM	C	2-6%	0.24	5
35	UDORTHENTS, LOAMY	-	0-70%	-	-
36	UDORTHENTS-DUMPS COMPLEX	-	0-25%	-	-

INFORMATION TAKEN FROM "SOIL SURVEY OF TIDEWATER CITIES AREA, VIRGINIA" ISSUED IN 2009 BY THE UNITED STATES DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE IN COOPERATION WITH VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY.

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

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

LEGEND

SOILS BOUNDARY

19B SOILS TYPE

25% SLOPES

NOTE: THIS PROPERTY IS IN FLOOD ZONE X AS SHOWN ON MAP NUMBER 51095C0201D PANEL 0201D AND IN FLOOD ZONE AE (ELEV. 7) AS SHOWN ON MAP NUMBER 51095C0202D PANEL 0202D, FOR COMMUNITY NUMBER 510201, DATED 12/16/15 OF THE FLOOD INSURANCE RATE MAPS FOR JAMES CITY COUNTY, VIRGINIA. ZONE X IS DEFINED AS AREAS TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN, AND ZONE AE (ELEV. 7) IS DEFINED AS SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL FLOOD CHANCE.

NOTE:

WETLANDS AND RPA DELINEATION IS SHOWN PER PRELIMINARY DETERMINATION BY STANTEC. CONFIRMATION BY THE ARMY CORPS OF ENGINEERS IS BEING COORDINATED.

Rev.	Date	Description	Revised By

AES CONSULTING ENGINEERS
5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
Phone: (757) 253-0040
Fax: (757) 220-8994
www.aesva.com
Hampton Roads | Central Virginia | Middle Peninsula

MASTER PLAN
WILLIAMSBURG LANDING
MARCLAY ROAD PROPERTY

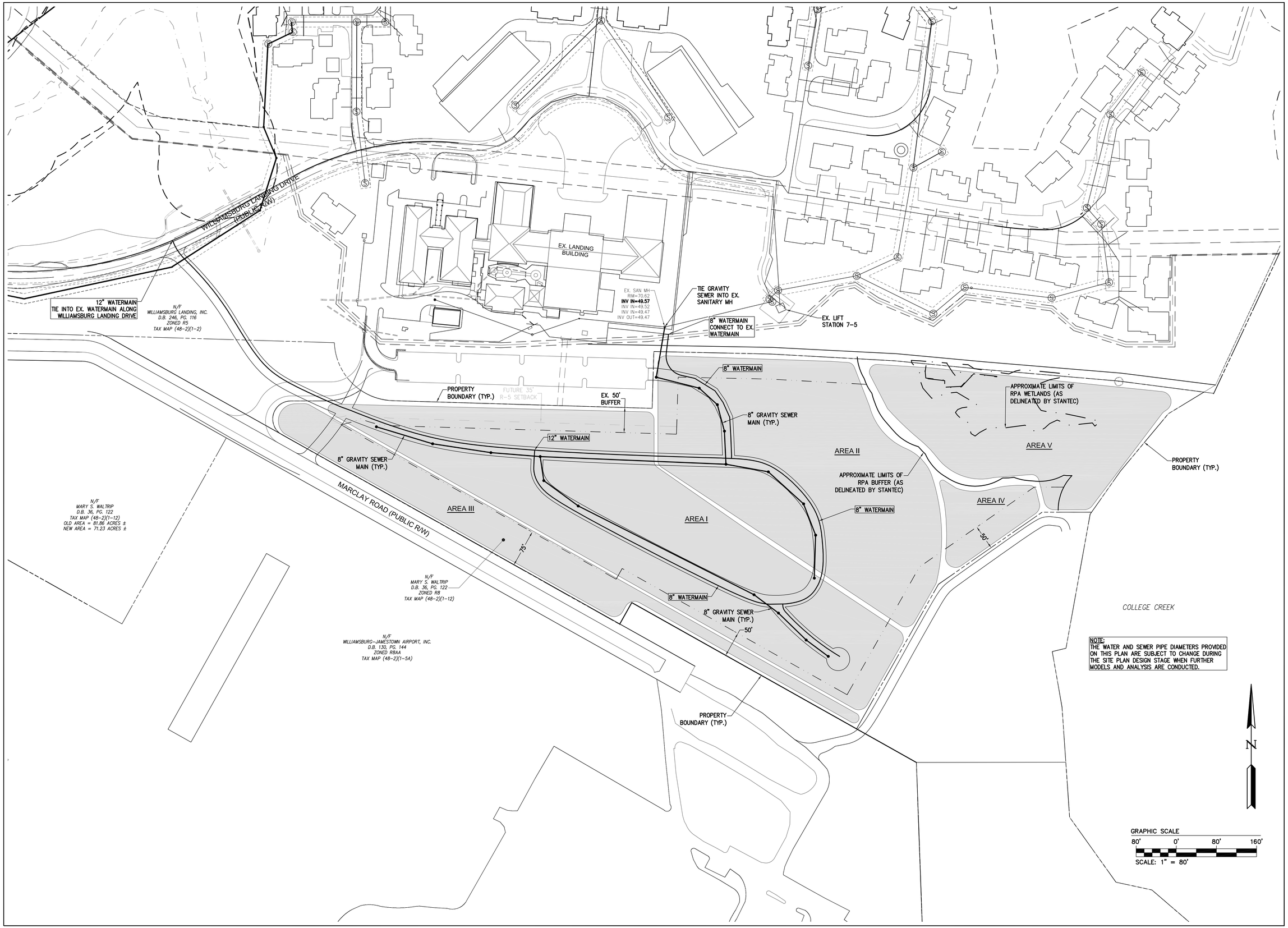
OWNER/DEVELOPER: WILLIAMSBURG LANDING, INC.

ROBERTS DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts:	TRS
Project Number:	W8162-22B
Scale: 1"=80'	Date: 01/18/17

Sheet Title:
EXISTING CONDITIONS

Sheet Number



NOTE:
THE WATER AND SEWER PIPE DIAMETERS PROVIDED ON THIS PLAN ARE SUBJECT TO CHANGE DURING THE SITE PLAN DESIGN STAGE WHEN FURTHER MODELS AND ANALYSIS ARE CONDUCTED.

Rev.	Date	Description	Revised By

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Hampton Roads | Central Virginia | Middle Peninsula

MASTER PLAN
WILLIAMSBURG LANDING
MARCLAY ROAD PROPERTY
OWNER/DEVELOPER: WILLIAMSBURG LANDING, INC.
ROBERTS DISTRICT JAMES CITY COUNTY VIRGINIA

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

WILLIAMSBURG LANDING DRIVE (PUBLIC R/W)

EX. LANDING BUILDING

EXISTING DRY POND TO BE CONVERTED TO LEVEL 2 WET POND

N/F
WILLIAMSBURG LANDING, INC.
D.B. 246, PG. 116
ZONED R5
TAX MAP (48-2)(1-2)

D.A. 1
15.56 AC.

PROPERTY BOUNDARY (TYP.)

FUTURE 35' R-5 SETBACK

EX. 50' BUFFER

APPROXIMATE LIMITS OF RPA WETLANDS (AS DELINEATED BY STANTEC)

AREA V

APPROXIMATE LIMITS OF RPA BUFFER (AS DELINEATED BY STANTEC)

AREA II

PROPOSED LEVEL 1 EXTENDED DETENTION POND

PROPERTY BOUNDARY (TYP.)

D.A. 2
6.24 AC.

MARCLAY ROAD (PUBLIC R/W)

AREA III

AREA I

DRAIN TO EX. STORMWATER MANAGEMENT POND

LEVEL 2 BIORETENTION

AREA IV

50'

75'

DRAIN TO PROPOSED STORMWATER MANAGEMENT FACILITY

N/F
MARY S. WALTRIP
D.B. 36, PG. 122
TAX MAP (48-2)(1-12)
OLD AREA = 81.86 ACRES ±
NEW AREA = 71.23 ACRES ±

N/F
MARY S. WALTRIP
D.B. 36, PG. 122
ZONED RB
TAX MAP (48-2)(1-12)

N/F
WILLIAMSBURG-JAMESTOWN AIRPORT, INC.
D.B. 130, PG. 144
ZONED RBAA
TAX MAP (48-2)(1-5A)

50'

PROPERTY BOUNDARY (TYP.)

COLLEGE CREEK

NOTE: THE STORMWATER MANAGEMENT CONFIGURATION SHOWN (AND MATCHING THE VRRM WORKSHEET PROVIDED WITH THE REZONING) 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.

N

GRAPHIC SCALE
80' 0' 80' 160'
SCALE: 1" = 80'

Rev.	Date	Description	Revised By

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MASTER PLAN
WILLIAMSBURG LANDING
MARCLAY ROAD PROPERTY
OWNER/DEVELOPER: WILLIAMSBURG LANDING, INC.
ROBERTS DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts:	TRS
Project Number:	W8162-22B
Scale: 1"=80'	Date: 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:

AES
CONSULTING ENGINEERS
5248 Olde Towne Road, Suite 1
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APPENDIX

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 - Williamsburg Landing, Inc.
- Civil Engineering - AES Consulting Engineers
- Environmental - Stantec (Wetlands and RPA)
- Environmental - ECS (Environmental Site Assessment)
- Land Planning - AES Consulting Engineers
- Architect - Guernsey Tingle Architects
- Attorney - Kaufman & Canoles
- Fiscal - 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:	*1.2 acres*
Non-RPA Wetland areas:	*0.0 acres*
Areas of 25% or greater slopes:	*1.4 acres*
Total Non-Developable Area:	***2.6 acres***
Net Developable Area:	***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

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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 (GPD)	Duration (hrs)	Avg. Flow (GPM)	Peak Flow (GPM)
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 complete all *applicable* sections. Please use the provided spreadsheet to perform calculations. If space provided is insufficient, please feel free to include additional pages. If you have any questions please contact the Planning Office at 757-253-6685 or planning@jamescitycountyva.gov

1a) PROPOSAL NAME:_____

1b) Does this project propose residential units? Yes ☐ No ☐ (if no, skip Sec. 2)

1c) Does this project include commercial or industrial uses? Yes ☐ No ☐ (If no, skip Sec. 3)

Fiscal Impact Worksheet Section 2: Residential Developments

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

Single-Family Detached		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**
	~~$5920.16~~	~~$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.

Total Units Proposed	**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**
	~~$640.98~~	$

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
	$2000/acre (prorated)	$

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

HOA Property Type	Total Assessed Value	Real Estate Tax Rate	Total HOA Taxes Paid
		.0084	$

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

Total Residential Revenues	$

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

Total Residential	Total Residential Revenues	Total Residential Fiscal Impact
		$

<u>Fiscal Impact Analysis Worksheet Section 3: Commercial and Industrial Developments</u>

<u>Commercial and Industrial Expenses</u>

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

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

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

Commercial & Industrial Revenues

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

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

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

Expected Market Value	Real Estate Tax Rate	Real Estate Taxes Paid
	.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.

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

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

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

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

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

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

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

Total Commercial and Industrial Revenues	$

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

Total Commercial	Total Commercial Revenues	Total Commercial Fiscal Impact
		$

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

Residential Fiscal Impact	Commercial Fiscal Impact	Total Proposed Fiscal Impact
		$

Fiscal Impact Analysis Worksheet Section 4: Current Land Use

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

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

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

Residential Expenses - School Expenses

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

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

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

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

Residential Expenses - Non-School Expenses

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

Total Existing Units	Average Household Size	Total Current Population
	2.45	$

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

Total Current Population	Per-Capita Non-School Expenses	Current Non-School Expenses
	$640.98	$

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

School Expenses	Non-School Expenses	Residential Expenses
$	$	$

Residential Revenues

4g) TOTAL CURRENT ASSESSMENT VALUE. *Search* for each residential property included in the proposal on the Parcel Viewer at http://property.jccegov.com/parcelviewer/Search.aspx . *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.

Total Assessment Value	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).

Total Current Residential Revenues	$

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

Total Residential	Total Residential Revenues	Total Residential Fiscal Impact
		$

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

Proposed Residential Impact	Current Residential Impact	Final Residential Fiscal Impact
		$

Current Commercial Use

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

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

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

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

Current Commercial Revenues

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

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

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

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

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

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

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

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

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

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

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

Total Current Commercial Revenues	$

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

Total Commercial Expenses	Total Commercial Revenues	Total Commercial Fiscal Impact
		$

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

Proposed Commercial Impact	Current Commercial Impact	Final Commercial Fiscal Impact
		$

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

Final Residential Impact	Final Commercial Impact	Final Fiscal Impact
		$

Fiscal Impact Worksheet Section 6: Phasing

Residential Phasing

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

Commercial Phasing

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

Final Phasing Projections

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

Fiscal Impact Worksheet Section 7: Employment

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

DEFINITIONS AND ASSUMPTIONS

Apartment – A building used, or intended to be used as the residence of three or more families living independently of each other. Tenants have no equity in the dwelling.

Assessment Value – Assessment value is assumed to be within 1% of market value. Market value drives assessment value.

Buildout – All data and assumptions reflect the fiscal impact of the proposal at buildout.

Commercial Expense Rate – The commercial expense rate uses the proportional valuation method (see below) to determine individual business expenses. Under that method businesses are collectively responsible for contributing 15% of the non-school budget ($10,391,694).

Dividing this portion of the budget by the total commercial real estate in the County ($2,060,690,000) gives a commercial expense rate of 0.0045. This rate assumes that the costs of providing County services to a business are directly correlated with that business's property assessment. This assumes more valuable properties have generally more intense uses incurring greater County expenses.

Condominium – A building, or group of buildings, in which units are owned individually and the structure, common areas and common facilities are owned by all the owners on a proportional, undivided basis.

Contractor – Any person, firm or corporation accepting or offering to accept orders or contracts for doing any work on or in any building or structure, any paving, curbing or other work on sidewalks, streets, alleys or highways, any excavation of earth, rock or other materials, any construction of sewers and any installation of interior building components.

Direct Impact – The worksheet only calculates direct financial impacts on the County budget. The worksheet is only one of many development management tools and as such, does not make a determination whether any type of development "should" happen based solely on that proposal's fiscal impact. The tool is not designed to measure non-budget impacts, such as increased traffic or non-budget benefits, such as forwarding the goals of the Comprehensive Plan. Costs incurred by other entities, such as other localities or the state, remain uncounted.

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

Exempt – Certain types of business activities or products are exempted from annual County business licenses. These include manufacturers, insurance agencies, apartment complexes and gasoline sales.

Fees & Licenses – All fees collected by the County, including business 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.

Fiscal Impact Analysis – The County has created a set of standardized data and assumptions to streamline both the creation and review of fiscal impact studies. The County had no itemized list of questions for fiscal impact study creators to answer, resulting in portions of fiscal impact studies with no bearing on the County's budgetary bottom line. The guesswork is removed from the creation of these documents. The data used by fiscal impact study authors also came from myriad sources, often within the County, which were difficult to verify. The fiscal impact worksheet allows consistency across multiple fiscal impact studies.

Fiscal Impact Worksheet – The worksheet helps the applicant present relevant data to the County, using data verified by the County. The worksheet provides consistency across all fiscal impact analyses.

Non-School Expenses – Non-school expenses include all FY10 non-school budget spending. Non-school expenses are calculated using the Proportional Variation method. Using the Proportional Variation method, residents and businesses are assumed to be responsible for differing percentages of the County's non-school spending.

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

Market Value – Market value is assumed to be within 1% of assessment value. Market value drives assessment value.

Manufactured Home – A manufactured home is a structure not meeting the specifications or requirements or a manufactured home, designed for transportation after fabrication. The only manufactured homes counted in the Student Generation figure are those in designated manufactured home parks. Manufactured homes on individual lots are indistinguishable from single-family detached dwellings for the purposes of the worksheet.

Phasing – All residential developments are assumed to have an absorption rate of 20% per annum. All commercial development are assumed to have an absorption rate of 20% per annum. The date stamp Year 1 in the phasing template represents 365 days after the Board of Supervisors approval.

Professional Services – Work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture,

law, dentistry, medicine, optometry, pharmacy or professional engineering. Professional services shall also include the services of an economist procured by the State Corporation Commission.

Proportional Valuation Impact – Proportional valuation impact assumes that a proposed residential or commercial project's fiscal impact is proportional to the percentage of the total tax base that is either residential or commercial.

James City's proportional valuation is calculated using the County's Real Estate Mapping GIS program. The program calculated an aggregate property assessment value of $13,763,228,800 for the entire County. The program calculated an aggregate commercial and industrial assessment value of $2,060,690,000. Dividing the commercial value by the total value shows that commercial and industrial properties compose 15% of the total property tax base and are responsible for 15% of County non-school expenses. This results in residential development being responsible for Schools impacts and 85% of non-school County operations. The proportional valuation method does not factor other assorted residential and commercial taxes, fees and licenses into account. As 15% of the tax base, businesses contribute 15% for all County non-school expenses. As 85% of the tax base, residents contribute 85% for all County non-school expenses.

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

Per-Business Expense Rate – The per-business expense rate assumes that the County incurs non-school expenses equal to 0.04% of the commercial real estate assessment of any given business.

Per Capita Evaluation Method – This worksheet uses the Per Capita Evaluation method to assign per-capita and per-business costs to non-school expenses. This method assumes that current per- capita and per-business expenditures and service levels are consistent with future per-capita and per-business expenditures and service levels.

Per Capita – Per capita calculations divide each department's spending, minus fees and state contributions, by the current County population. This number excludes institutional residents in detention at correctional facilities and mental institutions. Total population is determined from James City County Planning Division figures.

JCC Population 2010	Dwelling Units 2010
66048*	**30221****

*US Census 2010 Population Count
**JCC Codes Compliance Division Housing Unit Count + Apartment Count

Per Student – Per student calculations divide County contributions to WJCC Schools, minus state educational contributions, by the total number of K-12 students living in James City and also

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

Per Business – Per business calculations divide each departments spending, minus fees and state contributions, by the total number of County businesses. Total businesses are determined by the number of business licenses issued.

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

*James City County Commissioner of the Revenue

**Commercial impacts are calculated on a proportional variation process

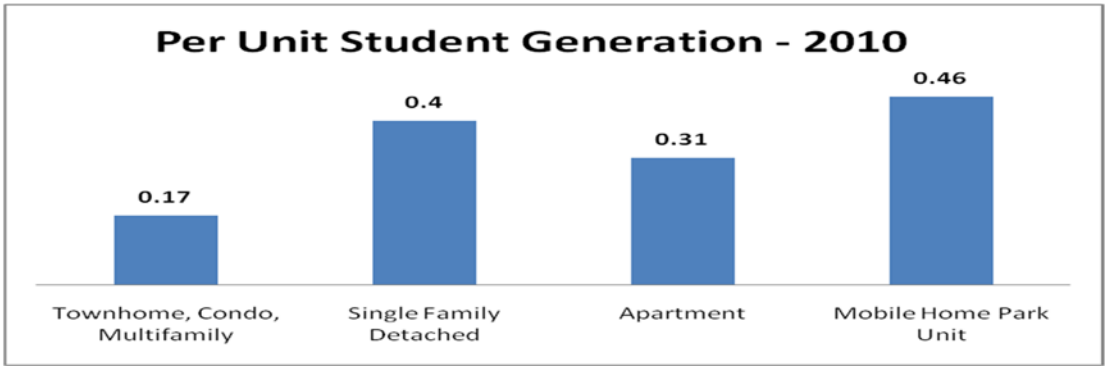
Proffer – Proffers paid for schools can only be applied toward the capital expense portion of per-student school expenses. (See Board of Supervisors' Proffer Policy.)

Retail Services – Display and sale of merchandise at retail or the rendering of personal services, such as food, drugs, clothing, furniture, hardware, appliances, barber and beauty, antiques, and household uses and other uses.

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

State Contributions – The state contributes both targeted and unspecified funds to the James City County budget. Funds for specific departments were subtracted from the budget totals of those departments. Unspecified state fund amounts were compiled, then evenly subtracted (7.75% of each department total) across all non-school departments.

Student Generation Rate – The student generation rate the number of students produced by 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.



Townhome –In a structure containing three or more dwelling units, a dwelling unit for single-family occupancy, not more than three stories in height, attached by one or more vertical party walls extending to the roof sheathing without passageway openings to one or more additional such dwelling units, each of which is served by an individual exterior entrance or entrances.

For Public and Private
Sector Clients

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 per-household 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 per-linear 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		
Revenue Type	Annual Revenues, Stabilization Year	Five-Year Total
Current Real Estate Tax	$ (3,825)	$ (38,375)
Real Estate Property Tax, Land	$ 13,025	$ 93,475
Real Estate Property Tax, Improvements	$294,075	$1,440,500
Personal Property (Car) Tax, Car Rental Tax	$101,475	$ 476,675
Business Personal Property Tax	$ 10,000	$ 45,000
Communication Sales Tax and other fees	$ 14,200	$ 66,225
Elevator Inspection Fees	$ 200	$ 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
Water Flow Charge	$ 22,700	$ 105,925
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
Certificate of Occupancy Fees		$ 1,700
General Fund One-time Revenues		***$ 144,050***
Review and Inspection Fees		$ 7,800
Sewer System Facility Fees		$ 292,500
Water System Facility & Lawn Irrigation Fees		$ 343,400
JCSA One-time Revenues		***$ 643,700***
Value of Off-site Improvements		**$ 0**
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 2017-2019	FY 2020	FY 2021	FY 2022	Stabilization Year 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 Year	Ten-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 per-square 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

V/HH_{WL} = Vehicles per Williamsburg Landing Expansion household and

HH_{OWL} = the number of occupied households for each unit type at the Williamsburg Landing Expansion

$$PPT/V_{WL} = PPT/V_{JCC} \times (VPNO_{IWL} / VPNO_{IJCC} \times (VPNO_{A65}/VPNO_{US})$$

Where, PPT/V_{JCC}= Average personal property tax per vehicle for all James City County Households

$VPNO_{IWL}$ = Vehicle purchase net outlay for each type of Williamsburg Landing Expansion unit income level and

$VPNO_{IJCC}$= Vehicle purchase net outlay for households at mean income for James City County

$VPNO_{A65}$ = Vehicle purchase net outlay for households age 65 years and older

$VPNO_{US}$ = 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

$$V/HH_{WL} = P/HH_{WL} \times V/HH_{A65}$$

Where, V/HH_{IWL} = Vehicles per household for each type of Williamsburg Landing Expansion unit income level

P/HH_{WL}= 1.865 for duplex units and 1.86 for apartment units

V/HH_{65} = 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*

Item	Revenue	Revenue per Owner Household	Revenue per Renter 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

*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:

$$VC_{HH} = VC \times \%HH/HH$$

Where VC_{HH} = 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:

$$VC_{WLEHH} = VC_{HH} / PHH \times PHH_{WLE}$$

Where VC_{WLEHH} = Variable Cost per Williamsburg Landing Expansion Household

VC_{HH} = Variable Cost per James City County Household

PHH = Average Persons per Household in James City County

PHH_{WLE} = 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.

$$PV_{WLEA} = PPH_{WL} \times (PPH_{WL}/((R_{1pHH} + R_{2pHH}) / R))$$

Where PV_{WLEA} = 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
the expression $(PPH_{WL}/((R_{1pHH} + R_{2pHH}) / R))$ is the ratio of Williamsburg Landing household size 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_{WLED}. The average variable cost of Voter Registration and Elections services to renter households was then calculated using the formula shown below:

$$AVC_{WLE} = AVC_{pv} \times (PV_{WLEA} + PV_{WLED})$$

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 per-capita 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:

$$VC_{JCC} = VC_A \times Cont_{JCC}/TC_A$$

Where, VC_{JCC} = James City County's share of variable costs
VC_A = the agency's variable costs
$Cont_{JCC}$ = James City County's contribution to the agency and
TC_A = 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 ($Cont_{JCCFY2018}$/ $Cont_{JCC2014}$).

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
    - Commissioner of the Revenue
    - Commonwealth Attorney
    - General Registrar
    - Sheriff
    - Treasurer
- HB 599 distributed proportionally according to budget size among:
    - Commonwealth Attorney
    - Judiciary
    - Police
    - Sheriff
- City of Williamsburg contributions to:
    - Accounting
    - Animal Control
    - Clerk of Court
    - Commonwealth Attorney
    - Courthouse
    - 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
    - E-911
    - Human Resources
    - Information Resources Management
    - Police
    - 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
Accounting	$ 66,125	$ 1.99	$ 1.99	54.97% of variable costs; Excludes contributions from various agencies
Animal Control	$ 171,425	$ 5.46	$ 5.46	Excludes costs paid by Williamsburg
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.
Commonwealth Attorney	$ 203,100	$ 0.13	$ 0.13	Excludes costs paid by Commonwealth and Williamsburg; criminal incidence adjustment
Courts/Judicial	$ 305,750	$ 4.14	$ 4.14	Excludes costs paid by Commonwealth and Williamsburg; criminal incidence adjustment
E-911	$ 1,137,100	$ 25.18	$ 25.11	Excludes credits/other; 911 calls only
Fire/EMS	$ 3,737,125	$112.27	$112.27	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	$ 3,145,850	$ 69.67	$ 69.48	
Parks & Recreation	$ 1,142,275	$ 25.30	$ 25.23	Excludes estimated costs of Parks; Excludes fees
Police	$ 7,662,825	$113.63	$113.40	Excludes costs paid by Commonwealth and credit/other; criminal incidence 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
Treasurer	$ 860,450	$ 25.85	$ 25.85	Excludes costs paid by Commonwealth and Williamsburg.
Total	$23,149,675	$468.90	$468.31	

Rounded to the nearest $25

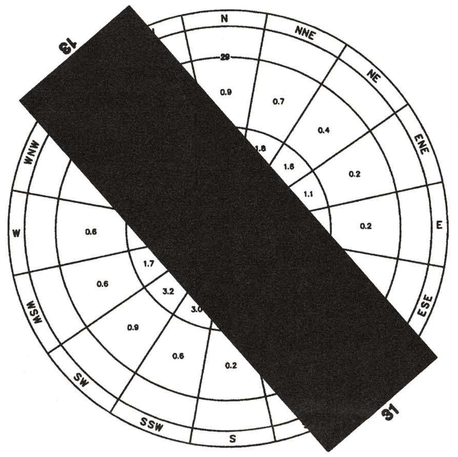
Source: *James City County FY 2017-2018 Adopted Operating Budgets*

Table A-3
James City County Non-School Expenditures: Expenditures per Service Unit other than Households, FY 2018

Item	Expenditure	Expenditure per Service Unit	Notes
Assessor	$641,675	$18.62	Per parcel
Sewer Operations	$290,925	$12.03	Per sewer customer
Voter Registration and Elections	$285,125	$ 5.65	Per potential voter; Excludes General Registrar costs paid by Commonwealth; Adjusted for 1-voter households
Water and Sewer billing	$515,525	$21.31	Per sewer customer
Water Operations	$985,900	$43.85	Per water customer

Rounded to the nearest $25

Source: *James City County FY 2017-2018 Adopted Operating Budgets*



CROSSWIND COVERAGE	
12	82.6%

ALL WEATHER WIND ROSE

SOURCE: NATIONAL CLIMATIC DATA CENTER
CLASS 7 (NIGHT & DAY)
FOR LANGLEY AFB, VA.
PERIOD: 1963–1968

BLDG NO.	TYPE	# OF UNITS	DEVELOPMENT STAGE
3	T-HANGAR	19	EXISTING
14	T-HANGAR	18	STAGE I
17	T-HANGAR	18	STAGE II
20	T-HANGAR	8	STAGE III
	TOTAL	63	

BLDG NO.	TYPE	# OF UNITS	DEVELOPMENT STAGE
4	CORPORATE HANGAR	3	EXISTING
4A	CORPORATE HANGAR	4	EXISTING
8	CORPORATE HANGAR	1	STAGE I
12	CORPORATE HANGAR	1	STAGE I
15	CORPORATE HANGAR	1	STAGE I
16	CORPORATE HANGAR	1	STAGE I
18	CORPORATE HANGAR	1	STAGE III
19	CORPORATE HANGAR	1	STAGE III
21	CORPORATE HANGAR	1	STAGE III
	TOTAL	14	

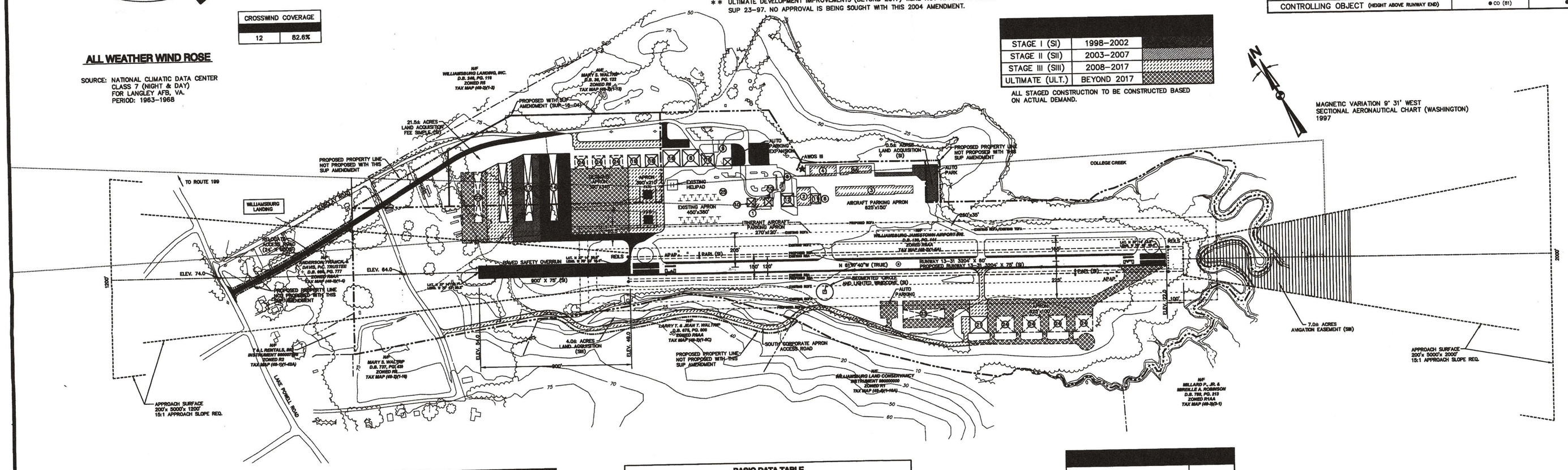
NO.	FACILITY	TOP ELEVATION	DEVELOPMENT STAGE	SUP. NO.	NO.	FACILITY	TOP ELEVATION	DEVELOPMENT STAGE	SUP. NO.
1	TERMINAL	65	EXISTING	26-85	13	NOT USED	–	–	–
2	FBO HANGAR	60	EXISTING	*	14	T-HANGAR (18 UNITS)	55	STAGE I	23-97
3	T-HANGAR	55	EXISTING	*	15	CORPORATE HANGAR (1 UNIT)	55	STAGE I	23-97
4	UNIT CORPORATE HANGAR	55	EXISTING	26-85	16	CORPORATE HANGAR (1 UNIT)	55	STAGE I	23-97
4A	UNIT CORPORATE HANGAR	55	EXISTING	26-85	17	T-HANGAR (18 UNITS)	55	STAGE II	23-97
5	TRAILER	50	EXISTING	TEMPORARY	18	CORPORATE HANGAR (1 UNIT)	55	STAGE III	23-97
6	AVIATION FUEL FARM (REMOVED 1999)	40	EXISTING	–	19	CORPORATE HANGAR (1 UNIT)	55	STAGE III	23-97
7	FLIGHT OPERATIONS MANAGEMENT	55	STAGE I	23-97	20	T-HANGAR (8 UNITS)	55	STAGE III	23-97
8	CORPORATE HANGAR	65	STAGE I	23-97	21	CORPORATE HANGAR (1 UNIT)	55	STAGE III	26-85
9	AVIATION FUEL FARM (CONSTRUCTED 2000)	55	STAGE I	23-97	22	T-HANGAR	55	ULTIMATE	**
10	TERMINAL EXPANSION	65	STAGE I	23-97	23	T-HANGAR	55	ULTIMATE	**
11	AIRCRAFT RESCUE & FIREFIGHTING BUILDING	55	STAGE I	23-97	24	CORPORATE HANGAR(S)	55	ULTIMATE	**
12	CORPORATE HANGAR (1 UNIT)	55	STAGE I	26-85	25	APRON EXPANSION (25 TIE-DOWNS) (CONSTRUCTED 2004)	–	STAGE II	23-97

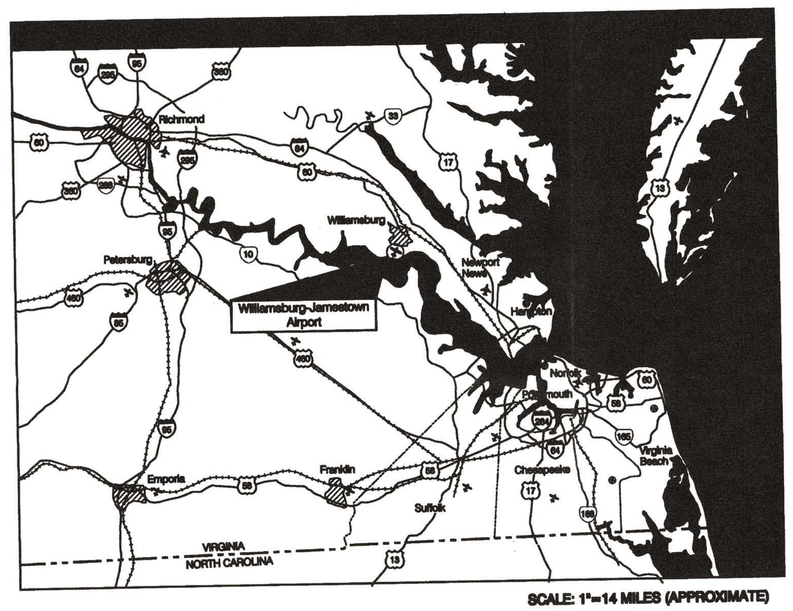
* PRIOR TO SUP-26-85
** ULTIMATE DEVELOPMENT IMPROVEMENTS (BEYOND 2017) WERE NOT APPROVED UNDER SUP 23-97. NO APPROVAL IS BEING SOUGHT WITH THIS 2004 AMENDMENT.

	EXISTING	PROPOSED
AIRPORT REFERENCE POINT (ARP)		
AIRPORT PROPERTY LINE		
AIRPORT PROPERTY LINE FOR SUP-16-04		
AVIGATION EASEMENTS		
RUNWAY PROTECTION ZONE		
RUNWAY SAFETY AREA (RSA)		
TAXIWAY SAFETY AREA (TSA)		
RUNWAY OBJECT FREE AREA (ROFA)		
TAXIWAY OR TAXILANE OBJECT FREE AREA (TOFA)		
RUNWAY OBSTACLE FREE ZONE (OFZ)		
BUILDINGS		
FENCE		
TREE LINE		
WATER/DITCHLINES		
APAP OR PAPI		
ROTATING BEACON		
REIL		
THRESHOLD LIGHTS		
MONUMENTS (NAME)		
FINAL APPROACH & TAKEOFF AREA (FATO)	FATO	FATO
HELIPAD	H	H
APPROACH SURFACES		
CONTROLLING OBJECT (HEIGHT ABOVE RUNWAY END)	CO (81)	CO (81)

STAGE I (SI)	1998–2002
STAGE II (SII)	2003–2007
STAGE III (SIII)	2008–2017
ULTIMATE (ULT.)	BEYOND 2017

ALL STAGED CONSTRUCTION TO BE CONSTRUCTED BASED ON ACTUAL DEMAND.





SCALE: 1"=14 MILES (APPROXIMATE)

BASIC DATA TABLE

ITEM	EXISTING	PROPOSED
AIRPORT ELEVATION (MSL)	49'	49'
AIRPORT REFERENCE POINT (ARP) COORDINATES (NAD 83)	LAT. N 37° 14' 21.0" LONG. W 76° 42' 57.9"	LAT. N 37° 14' 21.0" LONG. W 76° 42' 57.9"
AIRPORT MAGNETIC VARIATION	9° 31' (1997)	TO BE DETERMINED
MEAN MAXIMUM DAILY TEMPERATURE HOTTEST MONTH (JUL)	86.0° F	86.0° F
AIRPORT AND TERMINAL NAVAIDS	ROTATING BEACON	ROTATING BEACON
AIRPORT REFERENCE CODE (ARC)	B-I	B-II
CRITICAL AIRCRAFT	BEECH BARON	BEECH KING AIR C90

BASIC DATA TABLE

ITEM	RUNWAY 13-31 EXISTING	RUNWAY 13-31 PROPOSED
RUNWAY DIMENSIONS	3204' X 80'	3204' X 75'
EFFECTIVE GRADIENT (%)	0.84%	0.84%
ALL WEATHER PERCENT WIND COVERAGE, (12 MPH)	82.6%	82.6%
INSTRUMENT RUNWAY	VISUAL	VISUAL (23-97)
PAVEMENT TYPE	ASPHALT	ASPHALT
PAVEMENT STRENGTH/GEAR CONFIGURATION	12,500 lbs SW [1]	12,500 lbs SW [1]
APPROACH SURFACES (INNER WIDTH X LENGTH X OUTER WIDTH)	200' X 5000' X 1200' 15:1 RUNWAY 13 200' X 5000' X 1200' 15:1 RUNWAY 31	200' X 5000' X 1200' 15:1 RUNWAY 13 200' X 5000' X 1200' 15:1 RUNWAY 31
RUNWAY LIGHTING	MIRL	MIRL
RUNWAY MARKING	VISUAL	NON-PRECISION
ELECTRONIC & VISUAL APPROACH AIDS		
RUNWAY 13	REILs	REILs
RUNWAY 31	REILs	REILs

[1] SW = SINGLE WHEEL

WIDEN RUNWAY 15'	STAGE I
PAVED SAFETY OVERRUN (900' X 75')	STAGE I
APRON EXPANSION (19,000 S.Y.) (CONSTRUCTED 2004)	STAGE I
T-HANGAR TAXIWAYS	STAGE I
HELIPAD (2)	STAGE I
T-HANGAR TAXIWAYS	STAGE II
APRON EXPANSION (8,500 S.Y.)	STAGE III
T-HANGAR TAXIWAYS	STAGE III
T-HANGAR TAXIWAYS	**ULTIMATE
APRON EXPANSION	**ULTIMATE

** ULTIMATE DEVELOPMENT IMPROVEMENTS (BEYOND 2017) WERE NOT APPROVED UNDER SUP 23-97. NO APPROVAL IS BEING SOUGHT WITH THIS 2004 AMENDMENT.

DOAV APPROVAL OF THIS AIRPORT LAYOUT PLAN (ALP) REPRESENTS ACCEPTANCE OF THE GENERAL LOCATION OF FUTURE FACILITIES DEPICTED. DURING THE PRELIMINARY DESIGN PHASE, THE AIRPORT OWNER IS REQUIRED TO RESUBMIT FOR APPROVAL THE FINAL LOCATIONS, HEIGHTS AND EXTERIOR FINISHES OF STRUCTURES. DOAV CONCERNS ARE OBSTRUCTIONS, IMPACT ON ELECTRONIC AIDS AND ADVERSE EFFECT OF CONTROLLER VIEW OF AIRCRAFT APPROACHES AND GROUND MOVEMENTS, WHICH COULD ADVERSELY AFFECT THE SAFETY, EFFICIENCY OF UTILITY OF THE AIRPORT.

JUN 2004
RECEIVED
PLANNING DEPARTMENT

1"=300' 300 0 300 600 scale feet

NO.	MODIFICATION	WAIVER	DATE

Williamsburg-Jamestown Airport, Inc.	Date
Virginia Department of Aviation	Date

REV. NO.	DESCRIPTION	DATE
1	ALP UPDATE	4/97
2	REVISED PER ADDITIONAL RUNWAY ANALYSIS	10/1/97
3	REVISED TO SHOW FACILITIES CONSTRUCTED AS OF MAY 2004	5/19/04
4	COUNTY COMMENTS	5/24/04

REVISIONS

TALBERT & BRIGHT
ENGINEERING & PLANNING CONSULTANTS
11015 TOWNE SQUARE ROAD, SUITE 100
CHESTERFIELD, VIRGINIA 23832
PHONE: 804-768-6978 FAX: 804-768-6971

AIRPORT LAYOUT PLAN

Airport Layout Plan Update

Williamsburg-Jamestown Airport - Williamsburg, Virginia

Date	DATE
Scale	1"=300'
Drawn	REX
Checked	MDK
Project No.	4205-9702
Sheet No.	1 of 1

SUP-16-04

jag-alp/forcounty.dwg

SUP-0006-2015/Z-0004-2015

PLANNING DIVISION
OCT 21 2015
RECEIVED

LEGEND - Parcel (48-2) (1-3)

TOTAL UNITS APPROVED 287

INDEPENDENT LIVING UNITS 87
ASSISTED LIVING UNITS 100
NURSING UNITS 100

ADDITION/DECREASE OF UNITS PROPOSED

INDEPENDENT LIVING UNITS (No Change)
ASSISTED LIVING UNITS +31
NURSING UNITS -27

NET INCREASE +4 UNITS

PREVIOUSLY APPROVED LAND DEVELOPMENT

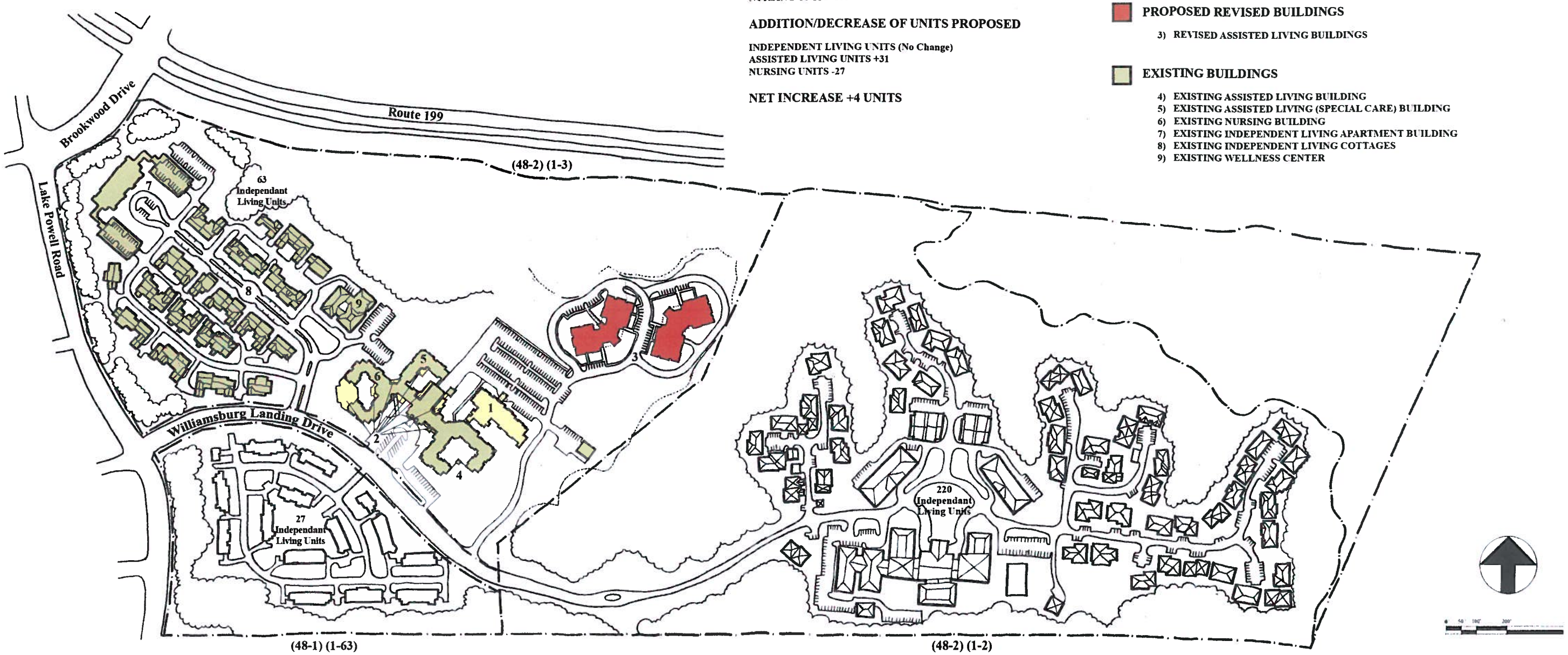
1) ASSISTED LIVING BUILDING EXPANSION & ADDITIONS
2) NURSING ADDITIONS

PROPOSED REVISED BUILDINGS

3) REVISED ASSISTED LIVING BUILDINGS

EXISTING BUILDINGS

4) EXISTING ASSISTED LIVING BUILDING
5) EXISTING ASSISTED LIVING (SPECIAL CARE) BUILDING
6) EXISTING NURSING BUILDING
7) EXISTING INDEPENDENT LIVING APARTMENT BUILDING
8) EXISTING INDEPENDENT LIVING COTTAGES
9) EXISTING WELLNESS CENTER



2013013
October 21, 2015

rlps

WILLIAMSBURG LANDING
CONCEPTUAL PLAN
OCTOBER 21, 2015

WILLIAMSBURG LANDING

WILLIAMSBURG LANDING - MARCLAY ROAD PROPERTY ARCHITECTURAL GUIDELINES

1. **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:**
    a. 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 neo-traditional styles of architecture for the Marclay Road Property.

The Moorings

Earl's Court

Doig Health Center

Boatwright Circle

Edgewood

The Landing Building

HEIGHT LIMITATION WAIVER

Other structures in Williamsburg Landing have received Height Limitation Waivers (HW) over the 35' that is currently permitted:

- HW-02-96: Construction of a building that is 42' in height.
- HW-02-01: Construction of a building that is 50' in height
- 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 Draft Height Limitation Waiver conditions are attached to this staff report (Attachment #3).

PLANNING DIVISION

FEB 16 2017

RECEIVED

COMMONWEALTH of VIRGINIA

Randall P. Burdette
Executive Director

Department of Aviation
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.

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.

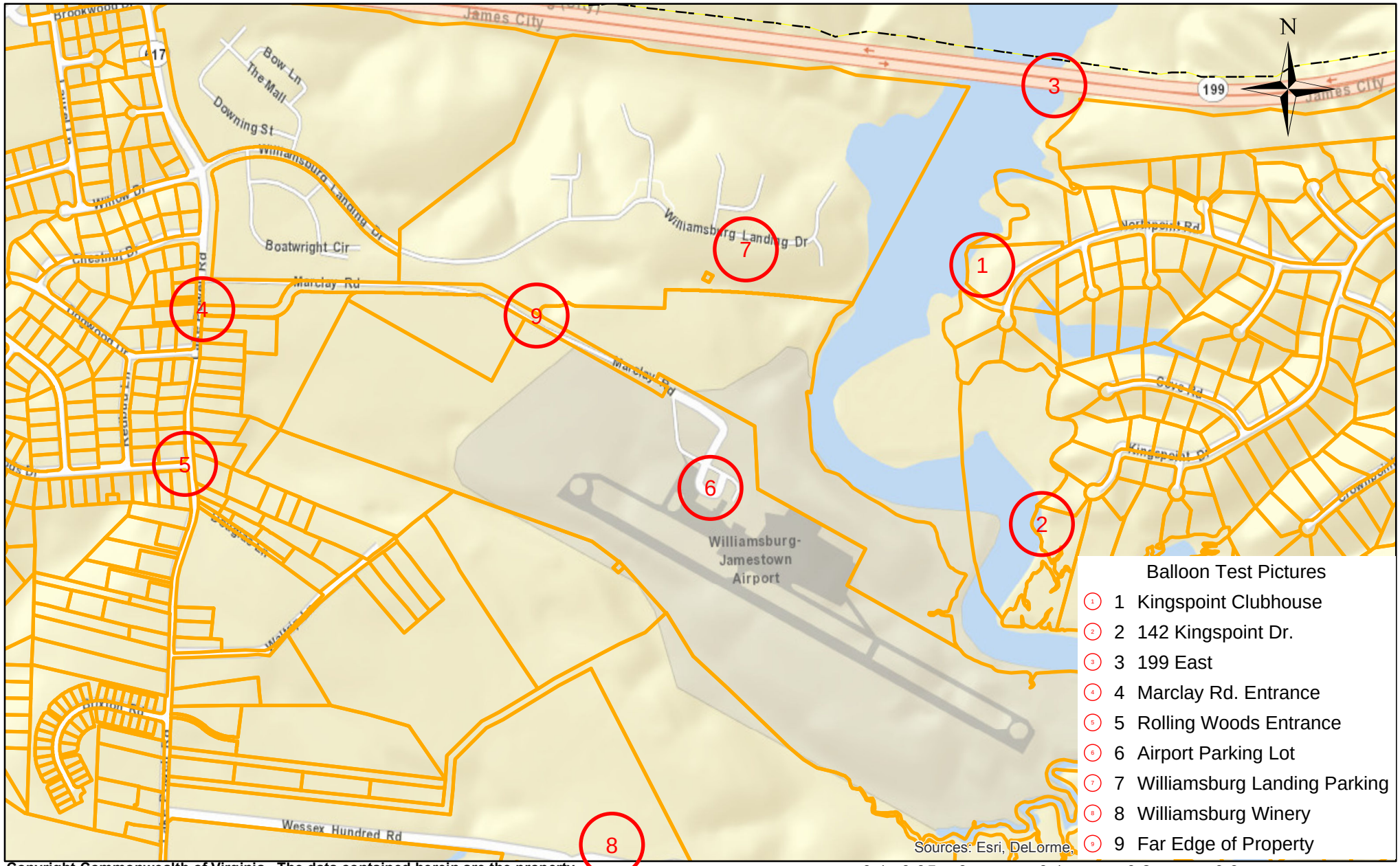
4. Any future resident should be required to sign a notice to buyer or disclosure stating that they acknowledge the residence is adjacent to an airport and are willing to accept living in an area where noise levels may frequently reach 65-70 decibels during any part of a 24 hour period.

If you have any questions about these comments or recommendations, please feel free to contact me at (804) 236-3638.

Sincerely,

S. Scott Denny
Senior Aviation Planner
Virginia Department of Aviation

JCC-Z-0001-2017/SUP-0001-2017/MP-0001-2017
HW-0001-2017
Williamsburg Landing, Marclay Rd.



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Balloon Test Pictures:

1. Kingspoint Clubhouse and Pier (balloon not visible)

2. 142 Kingspoint Drive (top of balloon could be seen just above tree line)

3. 199 Bridge Looking Down College Creek (balloon not visible)

4. Marclay Rd. Entrance (balloon visible)

5. Rolling Woods Entrance (not visible)
6. Airport Parking Lot (visible)

7. Williamsburg Landing Parking Lot Next to Tennis Court (visible through trees)

8. Williamsburg Winery (not visible)
9. Far Edge of Property at Intersection of Williamsburg Landing Service Entrance and Marclay Rd. (visible)

Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2017-AEA-1892-OE

Issued Date: 06/08/2017

Paul W. Gerhardt
Williamsburg Landing, Inc.
4801 Courthouse Street
Suite 301
Williamsburg, VA 23188

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building Williamsburg Landing Expansion
Location:	Williamsburg, VA
Latitude:	37-14-35.29N NAD 83
Longitude:	76-43-00.19W
Heights:	50 feet site elevation (SE)
	35 feet above ground level (AGL)
	85 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

_____ At least 10 days prior to start of construction (7460-2, Part 1)
__X__ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/ lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 1.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 12/08/2018 unless:

(a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
(b) extended, revised, or terminated by the issuing office.

(c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO ` SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (404) 305-6645, or lan.norris@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2017-AEA-1892-OE.

Signature Control No: 323671222-333736996 (DNE)
Lan Norris
Specialist

Attachment(s)
Map(s)

TOPO Map for ASN 2017-AEA-1892-OE

Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2017-AEA-3012-OE

Issued Date: 06/08/2017

Paul W. Gerhardt
Williamsburg Landing, Inc.
4801 Courthouse Street
Suite 301
Williamsburg, VA 23188

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building 4-story Building
Location:	Williamsburg, VA
Latitude:	37-14-35.10N NAD 83
Longitude:	76-43-03.70W
Heights:	70 feet site elevation (SE)
	60 feet above ground level (AGL)
	130 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

_____ At least 10 days prior to start of construction (7460-2, Part 1)
__X__ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/ lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 1.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 12/08/2018 unless:

(a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
(b) extended, revised, or terminated by the issuing office.

(c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (404) 305-6645, or lan.norris@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2017-AEA-3012-OE.

Signature Control No: 326183125-333736997 (DNE)
Lan Norris
Specialist

Attachment(s)
Map(s)

TOPO Map for ASN 2017-AEA-3012-OE

Alex Baruch

From: Denny, S. Scott (DOAV) <Scott.Denny@doav.virginia.gov>
Sent: Wednesday, September 13, 2017 3:54 PM
To: Alex Baruch
Subject: RE: Williamsburg Landing FAA Determination

Hello Alex:

Thank you for providing the Department copies of the two "Determination of No Hazard to Air Navigation" letters from FAA that resulted from Aeronautical Studies 201-AEA-1982-OE and 2017-AEA-3012-OE. Since these studies have shown the development will not result in the creation of a hazard to aircraft attempting to ingress or egress the Williamsburg-Jamestown Airport, staff will not object to the proposed development. However, it should be noted that the Department stands by our recommendations outlined in out February 10, 2017 letter.

It was a pleasure working with you on this matter. Thank you again for giving the Department an opportunity to review and comment on this development.

Sincerely,

S. Scott Denny
Senior Aviation Planner
Virginia Department of Aviation

From: Alex Baruch [mailto:Alex.Baruch@jamescitycountyva.gov]
Sent: Wednesday, September 13, 2017 3:06 PM
To: Denny, S. Scott (DOAV)
Subject: Williamsburg Landing FAA Determination

Hi Scott,

I hope you are doing well. I wanted to update you on the case since we have received additional correspondence from the applicant. The applicant sent us a copy of a letter from the FAA issuing a determination of no hazard to air navigation. We wanted to check in with you regarding the attached determination to see if that changes the DOAV's stand on the project. Thank you very much for your help. If you need any of the materials forwarded to you or to discuss this over the phone please let me know.

Sincerely,

Alex Baruch
Planner

Community Development

101-A Mounts Bay Road
Williamsburg, VA 23185
P: 757-253-6689
F: 757-253-6822
jamescitycountyva.gov

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William L. Holt
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October 17, 2017

VIA EMAIL

Paul Holt
James City County
Community Development Department
101 Mounts Bay Road, Building A
Williamsburg, VA 23185

Re: Williamsburg Landing, Inc. – Marclay Road Property
JCC Application No. Z-0001-2017, SUP-0001-2017, MP-0001-2017, HW-0001-2017
Parks and Recreation Exception Request
K&C Matter No. 0071894

Dear Mr. Holt:

I write on behalf of Williamsburg Landing, Inc. to request an exception to the James City County Recreational Facility Development Guidelines ("Guidelines") for the above referenced applications. Pursuant to the recent adoption of the Master Plan for Parks and Recreation (April 11, 2017), an exception is allowed by the Board of Supervisors through recommendations from the Director of Planning and the Director of Parks and Recreation.

Williamsburg Landing is a large campus, age-restricted community and residents of the proposed development would have access to the recreational facilities serving Williamsburg Landing as a whole. A summary of such facilities, which are designed specifically for older adults, include:

1. Outdoor 25 M swimming pool
2. Indoor 20 M swimming pool and hot tub
3. Cardio/fitness room
4. Group exercise studio
5. Spa (therapeutic massage & body treatments)
6. Tennis/pickle ball court
7. Bocce ball court
8. Billiards and ping-pong tables
9. Art studio (including potter's wheel and kiln)
10. Woodworking shop
11. Garden plots
12. Walking trails/sidewalks of approximately 19,000 LF or 3.6 miles

We believe this development as part of Williamsburg Landing will provide very unique and thoughtful recreational opportunities for its residents thereby meeting the goals of the Guidelines to “provide opportunities for physical activity, improved health, improved community interactions, and personal enjoyment”. Accordingly, the applicant believes a strict application of the Guidelines to Williamsburg Landing and this application is not appropriate.

Thank you for your consideration of this request. If you have any questions, please do not hesitate to contact me.

Sincerely,

William L. Holt

c: Williamsburg Landing, Inc.
AES Consulting Engineers
Guernsey Tingle Architects

15587349v2

KAUFMAN & CANOLES
attorneys at law

MEMORANDUM

TO: Alex Baruch, JCC Planning Department

DATE: October 11, 2017

RE: **Williamsburg Landing - Balloon Test for Marclay Road Property**
Z-0001-2017, SUP-0001-2017, MP-0001-2017, HW-0001-2017

Background

On April 28, 2017, from approximately 10:00 a.m. to 11:00 a.m., engineers from AES conducted a balloon test to simulate the maximum height of buildings proposed pursuant to Williamsburg Landing's Marclay Road Property project. A large 5.5' red balloon was inflated with helium and raised to various heights from the project site at the proposed location of the buildings. An overview map is attached as Exhibit 1 showing the specific location where the balloon was raised from the project site. The balloon test was observed by members of the Williamsburg Landing project team, members of the James City County Planning Office, and residents from the Kingspoint neighborhood. The balloon test was observed from multiple different vantage points including the project site, and the Kingspoint clubhouse located across College Creek from the project.

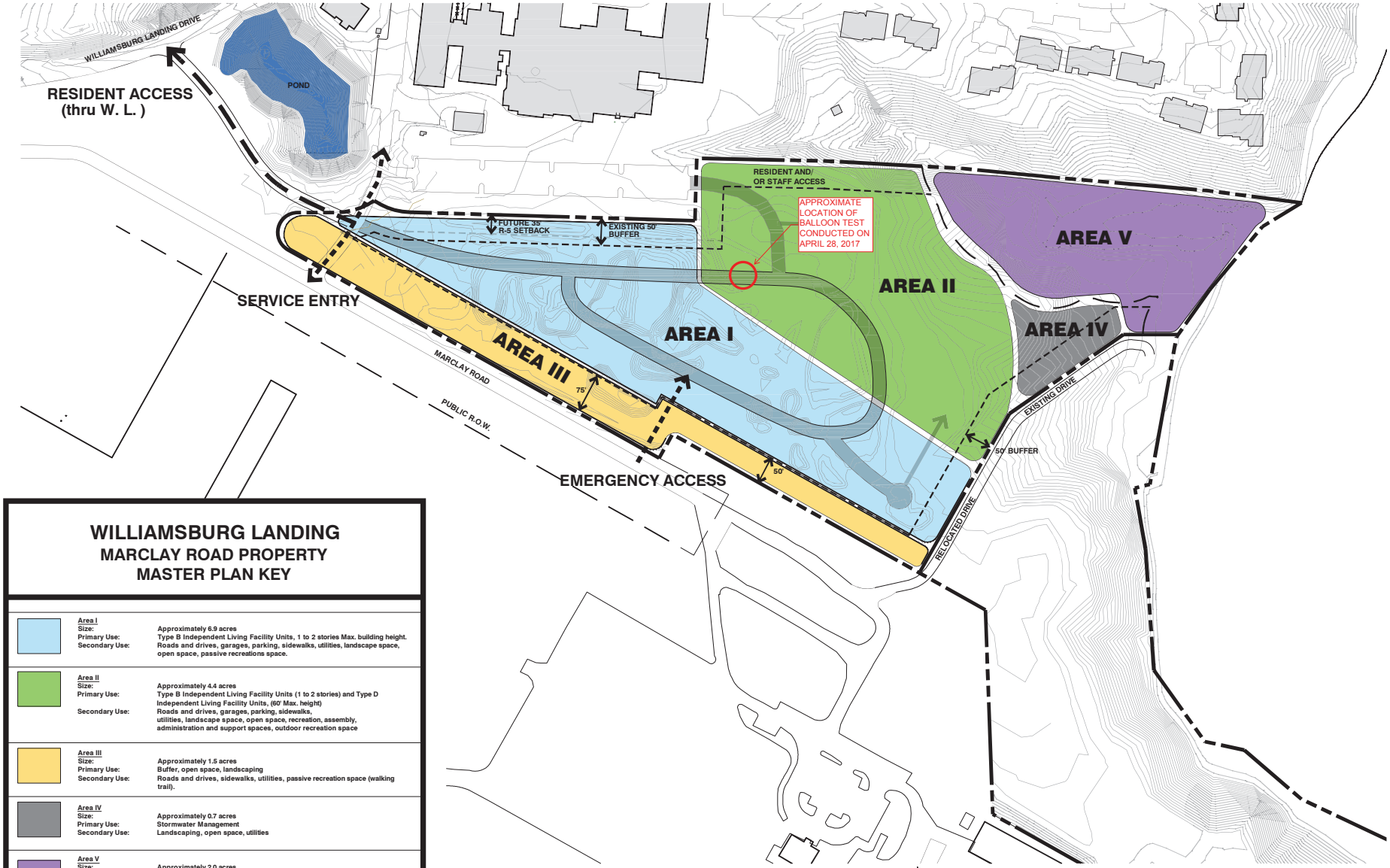
Results

At 60' high, the balloon was not visible by observers from across College Creek at the Kingspoint clubhouse. In an attempt to determine at what height the balloon would become visible, the balloon was raised incrementally up to 100'. Even at 100' high, the balloon was not visible from across College Creek at the Kingspoint clubhouse. Several photographs of the balloon test are included below.

Photo 1 – Balloon at 60'

Photo 2 – Balloon at 100'

Photo 3 – From Kingspoint Clubhouse (Balloon not visible)



WILLIAMSBURG LANDING
MARCLAY ROAD PROPERTY
MASTER PLAN KEY

Area I
Size: Approximately 6.9 acres
Primary Use: Type B Independent Living Facility Units, 1 to 2 stories Max. building height.
Secondary Use: Roads and drives, garages, parking, sidewalks, utilities, landscape space, open space, passive recreations space.

Area II
Size: Approximately 4.4 acres
Primary Use: Type B Independent Living Facility Units (1 to 2 stories) and Type D Independent Living Facility Units, (60' Max. height)
Secondary Use: Roads and drives, garages, parking, sidewalks, utilities, landscape space, open space, recreation, assembly, administration and support spaces, outdoor recreation space

Area III
Size: Approximately 1.5 acres
Primary Use: Buffer, open space, landscaping
Secondary Use: Roads and drives, sidewalks, utilities, passive recreation space (walking trail).

Area IV
Size: Approximately 0.7 acres
Primary Use: Stormwater Management
Secondary Use: Landscaping, open space, utilities

Area V
Size: Approximately 2.0 acres
Primary Use: Conservation Area (RPA and steep slopes)
Secondary Use: Landscaping, open space, utilities

SUMMARY
Total Area: 15.5 acres
Number of Units: 135 total units

Type of Independent Living Facility Units	Units Proposed
B (1-2 story duplex)	65
D	70

GRAPHIC SCALE
80' 0' 80' 160'
SCALE: 1" = 80'

N

OPEN SPACE

SITE AREA	15.50± ACRES
NET DEVELOPABLE AREA	12.90± ACRES
TOTAL OPEN SPACE REQUIRED	1.29± ACRES (10%)
TOTAL OPEN SPACE PROVIDED	1.29± ACRES (10%)

RECREATION SPACE

TOTAL UNITS	135 UNITS
TOTAL RECREATION SPACE REQUIRED (0.5 ACRES PER 50 DWELLING UNITS)	1.35± ACRES
TOTAL RECREATION SPACE PROVIDED	1.35± ACRES

NOTE 1: OPEN SPACE REQUIREMENTS SHALL BE MET WITHIN AREAS I AND II THROUGH THE IMPLEMENTATION OF TRAILS AND PASSIVE RECREATION.
NOTE 2: AREA II BUFFER SHALL BE INCREASED TO 75' FOR ANY STRUCTURES WHICH EXCEED TWO STORIES.

GuernseyTingle
757-220-0220 Williamsburg, VA
guernseytingle.com

MASTER PLAN
WILLIAMSBURG LANDING
MARCLAY ROAD PROPERTY

REVISION SCHEDULE

#	Description	Date	Initials

These drawings and the designs shown or expressed in it, Guernsey Tingle and its officers, agents, employees, or sub consultants are the property of Guernsey Tingle.

Master Site Plan

Date:	2-27-17
Drawn:	BAS Checked: BAS
Project:	215119

A1

Alex Baruch

From: Forrest Williamson <forrestwilliamson1@gmail.com>
Sent: Wednesday, October 25, 2017 11:35 AM
To: Alex Baruch
Subject: Re: College Creek Photos

Hi Alex,

Yes indeed. Please include the question. We have been told that the reason for seeking a height restriction waver is so that the top floor of apartments may have a view of historic College Creek and can be marketed at a higher price. If the new apartments can see College Creek then the residents on the east side of the creek can see the apartment building.

Thanks, Forrest

On Tue, Oct 24, 2017 at 8:15 AM, Alex Baruch <Alex.Baruch@jamescitycountyva.gov> wrote:

> Mr. Williamson,
>
> I hope you are having a good morning. Staff is not sure what the view of the proposed building would be during winter. If you would like me to include your email with that question to the Planning Commission please let me know and I will include it in the packet.
>
> Sincerely,
>
> Alex
>
> **From:** Forrest Williamson [mailto:forrestwilliamson1@gmail.com]
> **Sent:** Monday, October 23, 2017 7:06 PM
> **To:** Alex Baruch <Alex.Baruch@jamescitycountyva.gov>
> **Subject:** Re: College Creek Photos
>
> Thanks for your email. A concern of many residents in Kingspoint is that the balloon test was conducted when the street were in full leaf. What will the view shed reveal in winter?
>
> Thanks, Forrest

On Fri, Oct 20, 2017 at 12:18 PM, Alex Baruch <Alex.Baruch@jamescitycountyva.gov> wrote:

Good afternoon Mr. Williamson,

Thank you for the pictures! As I mentioned to you when we were on your property to observe the balloon test, the photos you took were when the balloon was at 100'. The applicant had the balloon at 100' so they could see where the balloon would be visible from the Kingspoint Clubhouse. Even at 100' they did not see the balloon at the Clubhouse but it was very visible from your property at that height. Thank you so much for sending me the pictures for my reference. Since the application is for a 60' building we will be using the pictures we took when we were on your property and the balloon was 60' in the air. The balloon test pictures I took from your property when the balloon was at 60' will be made available when the materials go live Wednesday.

Thank you again and if you have any questions please let me know.

Sincerely,

Alex

_____
From: Forrest Williamson <forrestwilliamson1@gmail.com>
Sent: Thursday, October 19, 2017 7:02:42 PM
To: Alex Baruch
Subject: College Creek Photos

Hi Alex,

I'll send a couple of photos. I took several however they are more or less all the same. If you need more I am happy to send them along.

Cheers, Forrest
757-784-1333

AGENDA ITEM NO. F.6.

ITEM SUMMARY

DATE: 11/1/2017

TO: The Planning Commission

FROM: Roberta Sulouff, Senior Planner

SUBJECT: Z-0002-2017/MP-0002-2017. The Parke at Ford's Colony

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ATTACHMENTS:

	Description	Type
	Staff Report	Staff Report
	Location Map	Backup Material
	Master Plan (Pages 1-4)	Backup Material
	Master Plan (Pages 5-7)	Backup Material
	Community Impact Statement	Backup Material
	Fiscal Impact Study	Backup Material
	Private Streets Request	Backup Material
	Parks and Recreation Exception Request	Backup Material
	Citizen Correspondence	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	10/25/2017 - 2:10 PM
Planning Commission	Holt, Paul	Approved	10/25/2017 - 2:10 PM
Publication Management	Trautman, Gayle	Approved	10/25/2017 - 3:02 PM
Planning Commission	ComSecretary, Planning	Approved	10/25/2017 - 3:03 PM

SUMMARY FACTS

Applicants:	Nathalie Croft, Eagle Construction of Virginia, LLC and Mark Matthews, Ford's Colony Homeowners Association
Land Owners:	Parke at Westport, LLC and the Ford's Colony Homeowners Association
Proposal:	To rezone ± 45 acres of land from A-1, General Agricultural to R-4, Residential Planned Community for the purpose of constructing up to 81 single-family homes and to amend the adopted Master Plan, James City County Case No. MP-06-07, for Ford's Colony for the purpose of including those ± 45 acres in the overall Ford's Colony Master Plan. Per Section 24-62 of the Zoning Ordinance, the applicant is also requesting that the Board of Supervisors permit private streets within the new section of the development.
Location:	3400 and 3401 Westport
Tax Map/Parcel Nos.:	3620100061 and 3620100060
Project Acreage:	± 45 acres
Current Zoning:	A-1, General Agricultural
Proposed Zoning:	R-4, Residential Planned Community
Comprehensive Plan:	Low-Density Residential and Rural Lands
Primary Service Area:	Primarily inside; approximately four acres of the property are outside of the Primary Service Area (PSA).
Staff Contact:	Roberta Sulouff, Senior Planner

PUBLIC HEARING DATES

Planning Commission:	November 1, 2017, 7:00 p.m.
Board of Supervisors:	December 12, 2017, 5:00 p.m. (tentative)

FACTORS FAVORABLE

1. Staff finds the proposal will not negatively impact surrounding zoning and development.

2. The proposal is consistent with the recommendations for residential development in lands designated Low-Density Residential (LDR) by the adopted Comprehensive Plan.

3. While unable to proffer consistency with the adopted Streetscape Policy, the applicant has included a note on the Master Plan to ensure that development will be in compliance with that policy.

4. While unable to proffer consistency with the Natural Resource Policy and the Archaeological Policy, studies were conducted for this property as a part of an earlier development plan, which satisfies these policies.

5. The proposal meets the adequate Public Schools Facilities Test, adopted by the Board of Supervisors on June 23, 1998.

6. While unable to proffer design guidelines, architectural elevations or materials, the development would be subject to review by the

Ford's Colony Architectural Review Board to ensure design compatibility with existing development in Ford's Colony.

FACTORS UNFAVORABLE

1. Proffers are not accepted for residential rezonings. As such, some of the typical impacts associated with residential development are not mitigated or addressed, including impacts to schools, impacts to public facilities and utilities (such as James City Service Authority), the provision of affordable and workforce housing opportunities and the provision of enhanced environmental protections.

2. While the development may be age-targeted, without the ability to guarantee age restrictions, the project is fiscally negative per the submitted Fiscal Impacts Analysis worksheet.

3. This proposal does not fully meet the recommendations of the Parks & Recreation Development Guidelines. The applicant is seeking an exception from the Board of Supervisors, as further discussed below.

4. Staff has received negative responses regarding the proposal from residents of both Ford's Colony and the Westport subdivision. Copies of written responses are attached to this report.

SUMMARY STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of these applications to the Board of Supervisors.

PROJECT DESCRIPTION

- The applicant is requesting a rezoning from A-1, General Agricultural to R-4, Residential Planned Community to permit an 81-lot, single-family development on approximately 45 acres, known as "The Parke at Ford's Colony."

- This application requires an amendment to the existing, adopted R-4 Master Plan for Ford's Colony, bringing the total units of that Master Plan from 3,846 units to 3,927 units. For this purpose, the Ford's Colony Homeowners Association was a party to the Master Plan application, though they are not a party to the rezoning application.

- Consistent with the existing Ford's Colony development, the applicant is requesting permission from the Board of Supervisors for roads internal to the Parke at Ford's Colony to be private. Private roads would allow for gated entrances to the development. This request is per Section 24-62 of the Zoning Ordinance and does not require action by the Planning Commission.

- The project is located on a Community Character Corridor (CCC) per the adopted Comprehensive Plan, and thus, provides a 150-foot wooded buffer along the Centerville Road frontage of the subject properties.

- Per the adopted Pedestrian Accommodations Master Plan, this project includes the construction of a multi-use path along the Centerville Road frontage of the subject properties.

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.

- The County, therefore, is faced with assessing the development potential and associated land use impacts of this proposal. Because age restriction or age-targeted development, in the absence of proffers, cannot be binding, the staff report describes impacts for a non-age-restricted proposal (traffic generation, fiscal impact, schools).

- Proffers are not accepted for residential rezonings; however, several issues have been addressed proactively as a part of this application (such as the Streetscape Policy and pedestrian accommodations) or have been addressed during the preparation of earlier development plans for this site (such as the Natural Resource and Archaeological policies).

PLANNING AND ZONING HISTORY

- Ford's Colony: The existing Ford's Colony subdivision was originally rezoned with proffers to R-4, Residential Planned Community in the late 1980s. Its Master Plan currently allows for 3,846 units with a mix of single-family units, multi-family units and units designated for a future Continuing Care Retirement Community. The Ford's Colony development currently has an outstanding proffer obligation, which requires a traffic study to be completed every five years in order to assess the need for several traffic improvements along Centerville Road, Longhill Road and News Road. If warranted, the proffers commit the development to construct the improvements. Traffic studies were most recently completed and provided to the County in 2004 and 2008.

- Westport: The area subject to current rezoning was previously proposed to be developed as a by-right subdivision on land zoned A-1, General Agricultural (Section B of the Westport subdivision). While the area to the west of the site was approved and is partially built-out, this section of the Westport subdivision never received final approval. It was also the subject of a rezoning and Special Use Permit application in 2010, which was withdrawn by the applicant at that time. While the platted and approved section of the Westport subdivision is a part of the Ford's Colony Homeowners Association, it was never rezoned, and thus, is not part of the adopted R-4 Master Plan.

- The Parke at Ford's Colony: The current application was reviewed by the Development Review Committee as a conceptual item for preliminary feedback prior to submission for rezoning.

SURROUNDING ZONING AND DEVELOPMENT

- North, South and West: A-1, General Agricultural, including the platted Westport subdivision and several undeveloped lots.

- East: The existing Ford's Colony development, zoned R-4, Residential Planned Community.

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 threshold in the Zoning Ordinance. The Institute of Transportation Engineers projects that the development would generate 82.7 PM peak hour trips and approximately 810 daily trips.

- The project would take access from Centerville Road through Westport, which is designed as a public road that will eventually be accepted for maintenance into the state system. The applicant is requesting a private street exception from the Board of Supervisors for roads internal to the Parke at Ford's Colony development. The exception would allow for guardhouses and gates at the two entrances to the development from Westport.

- Centerville Road is currently operating at a Level of Service (LOS) A-C and is anticipated to remain operating at this LOS through 2034.

- While a traffic study was not required for the submittal of the rezoning application, the Ford's Colony development currently has an outstanding proffer obligation which requires a traffic study to be completed every five years in order to assess the need for several traffic improvements along Centerville Road, Longhill Road and News Road. If warranted, the proffers commit the development to construct the improvements. The adopted Ford's Colony proffers call for the construction of right and left turn lanes at the Centerville/Manchester intersection, which are currently in place. However, a number of other proffered traffic improvements along Centerville Road, News Road and Longhill Road remain outstanding at this time.

Parks & Recreation

- As previously noted, the applicant is requesting an exception to the Parks & Recreation Development Guidelines. Per the Board adopted Parks & Recreation Master Plan, the Ford's Colony master-planned community would require two additional playing fields and two additional playgrounds. The applicant has provided documentation verifying that they are providing a capital contribution of $320,000 to the Ford's Colony Homeowners Association for improvements, including recreational amenities. Additionally, in the context of the current guidelines, the existing Ford's Colony development provides an excess of swimming pools, walking trails and tennis courts per the adopted guidelines. Planning and Parks & Recreation staff are receptive to this request; however, the waiver must be approved by the Board of Supervisors.

Schools

- Per the applicant, and as found in the Community Impact Statement, the proposed development is designed to be age-targeted to a demographic which generally produces fewer school children. As discussed above, proffers are not accepted for residential rezoning applications. In previous age-restricted developments (such as Colonial Heritage), 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 proposed 81 lots are anticipated to generate an additional 34 students. As illustrated in the table below, the 34 students projected from the development would not cause the enrollment levels for D. J. Montague Elementary School, Lois S. Hornsby Middle School or Lafayette High School to exceed effective capacity.

Student Enrollment and School Capacity, WJCC Schools 2016

School	*Effective Capacity*	*Enrollment*	*Projected Students Generated*	*Enrollment + Projected Students*
D. J. Montague	590	461	± 16	477
Hornsby Middle	952	942	± 8	950
Lafayette High	1314	1152	± 10	1,162

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

Fiscal Impact

- The Fiscal Impact Analysis worksheet was submitted per the Fiscal Year 2017 calculations provided by the Department of Financial and Management Services.

- Per that analysis, the development would result in a $128,432.59 negative fiscal impact to the County.

Fire

- The location of the project allows for coverage by both Fire Station 3, located on John Tyler Highway, and Station 5, located on Monticello Avenue.

Utilities

- The project would be served by public water and sewer.

- A Water Conservation Agreement for the existing Westport subdivision, which previously included this property, has been recorded.

- James City County Service Authority has reviewed the Master Plan and may have comments at development plan level, but concurs with the proposed utility layout generally.

Environmental/Cultural/Historic:

Environmental

- Watershed: College Creek.

- The application identifies and avoids Resource Protection Areas (RPA).

- 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. Review by the Department of Conservation and Recreation (DCR) found that this site is located in the Gordon Creek Conservation Site and is home to the natural heritage resource Tidal Freshwater Marsh. As this resource lies within areas already protected by rules governing RPAs and wetlands, the DCR recommended adherence to existing state and local stormwater management and erosion and sediment control regulations at the development stage.

- The Stormwater and Resource Protection Division has reviewed the proposal and concurs with the Master Plan as proposed. For this location, staff finds that a Nutrient Management Plan would be preferred and is recommended. However, as noted above, the County does not accept proffers for residential rezonings.

Cultural/Historic

- A Phase I Archaeological Study, conducted prior to the earlier rezoning, was submitted with this application and reviewed by the Virginia Department of Historic Resources (VDHR). The study concluded that no further archaeological historic preservation efforts were necessary on site. The VDHR concurred with the findings of this study.

Nearby and Surrounding Properties

- Staff finds that the proposed 35-foot perimeter buffer mitigates visual impacts to other adjacent properties. Additionally, much of the northern parcel includes RPA, which provides an even larger buffer.

- The project is located on a CCC per the adopted Comprehensive Plan, and thus, provides a 150-foot wooded buffer along the Centerville Road frontage of the subject properties. Wooded CCC buffers utilize and/or supplement existing vegetation to create visual screening of development along CCCs and serve to preserve open space and wildlife habitat.

COMPREHENSIVE PLAN

- The project site consists of two parcels: one north of the Westport right-of-way and one south of the Westport right-of-way. The southern property is designated LDR by the adopted Comprehensive Plan. The northern property is also largely designated LDR; however, approximately four acres of that property is designated Rural Lands (RL). Those four acres are also outside of the PSA.

  - Recommended uses in LDR include single-family and multi-family units, accessory units, cluster housing and recreation areas.

  - This application proposes a density of 1.88 dwelling units per acre in the Parke at Ford's Colony development. Generally, the Comprehensive Plan recommends a gross density of up to one unit per acre in LDR areas. However, a gross density from one to four units per acre is acceptable if certain public benefits are provided. The Comprehensive Plan states that "[e]xamples of such benefits include mixed-cost housing, affordable and workforce housing, enhanced environmental protection or development that adheres to the principles of open space design." As previously noted, the application includes provisions in accordance with the Comprehensive Plan for a wooded CCC buffer along Centerville Road, and has also provided documentation per the County's adopted Archaeological and Natural Resources policies. Because proffers are not accepted for residential rezonings, there is a limited ability for this application to provide typical enhanced public benefits, such as affordable housing. While not traditional public benefits, this application does include provisions for adherence to the County's adopted Streetscapes Policy as well as assurances for architectural review by the Ford's Colony Homeowners Association and access to existing Ford's Colony recreational amenities.

- The application proposes a density of 1.37 units per acre in the overall Ford's Colony development. This represents a 0.01 increase in overall density.

- The Comprehensive Plan recommends very limited residential development in lands designated RL, at intensity much lower than is permitted by the R-4 Zoning District. This application is generally not consistent with the recommendations for development in RL and outside of the PSA; however, staff finds the project is overall consistent with the Comprehensive Plan in consideration of the following mitigating factors:

  - The area of land designated RL and outside of the PSA is less than 10% of the Parke at Ford's Colony site and only encompasses portions of five lots.

  - This area is topographically isolated from the surrounding Westport development. Should public utility connections be extended to the five lots, which are partially outside of the PSA, topography would limit utilities from being further extended beyond these lots.

  - The impacted lots are designed to have stems inside the PSA, thereby taking access from streets and using utility infrastructure that will be located inside the PSA.

  - JCSA reviewed this application and recommended that the lots be permitted to connect to public utilities.

  - Past examples of such split development include the Greensprings West and Patriot's Colony developments.

- Based on the specific factors listed above, staff recommends that the four acres designated RL be permitted to rezone to R-4, Residential Planned Community and that the five lots be included inside the PSA during the next Comprehensive Plan update process.

STAFF RECOMMENDATION

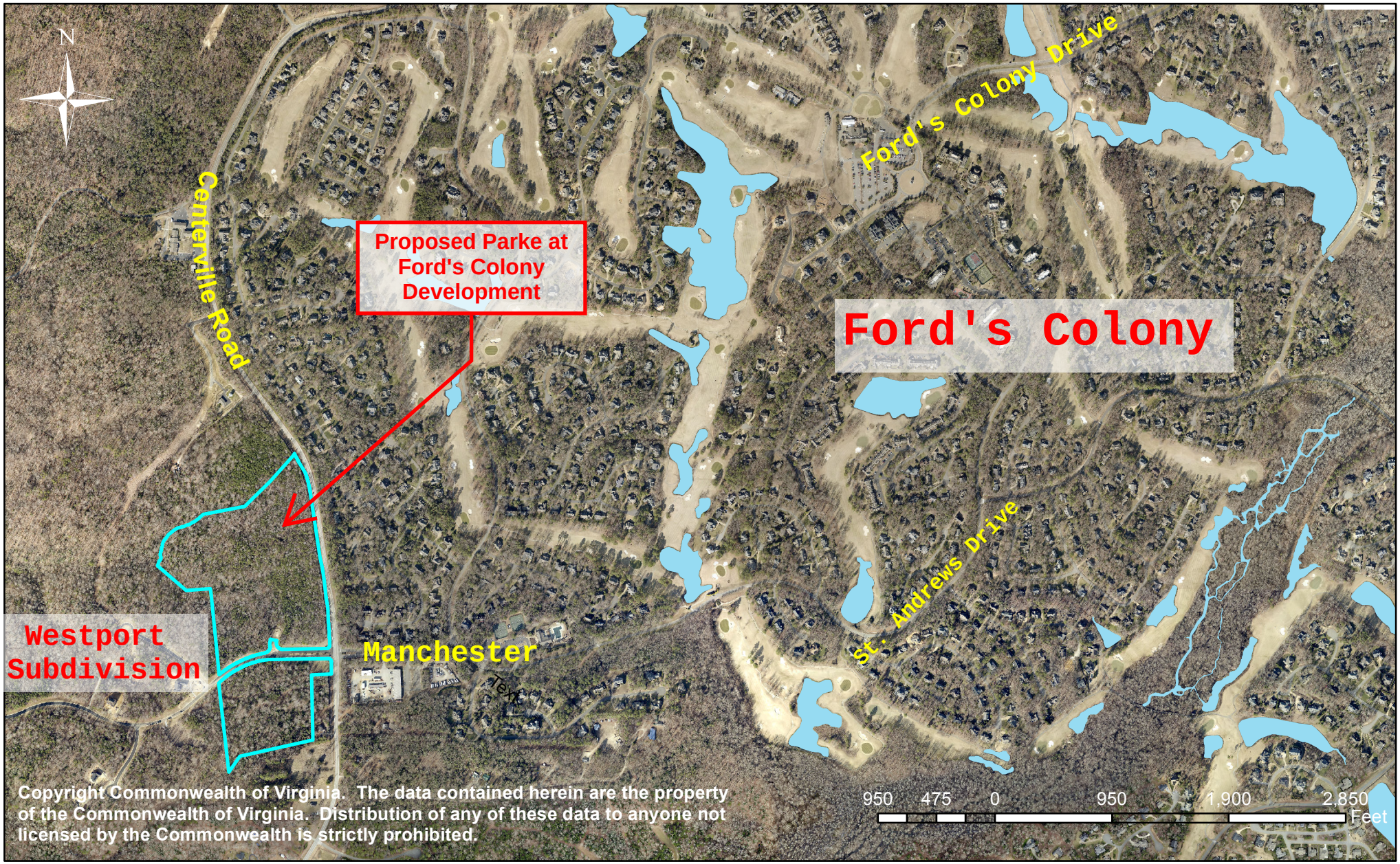
Staff recommends that the Planning Commission recommend approval of these applications to the Board of Supervisors.

RS/gt
RZ02-2017Parke

Attachments:
1. Location Map
2. Master Plan
3. Community Impact Statement
4. Fiscal Impact Study
5. Private Streets Request
6. Parks & Recreation Exception Request
7. Citizen Correspondence

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.

JCC Case No. Z-02-17/MP-02-17
Parke at Ford's Colony



MASTER PLAN FOR REZONING
THE PARKE
AT
FORD'S COLONY

JAMES CITY COUNTY, VIRGINIA
POWHATAN DISTRICT
JCC CASE NO. Z-0002-2017

GENERAL NOTES FOR REZONING

1. REZONING APPROXIMATELY 45.0 ACRES OF GENERAL AGRICULTURAL, A-1 TO RESIDENTIAL PLANNED COMMUNITY DISTRICT, R4
2. PARCEL NUMBERS AND OWNERS:

   PARCEL #3620100060
   PARCEL #3620100061
   PARKE AT WESTPORT, LLC
   2250 OLD BRICK ROAD STE 200
   GLEN ALLEN, VA 23060-6008
   CONTACT: RICHARD E. CORE, JR,
   (804) 217-6937

3. PARCEL NUMBERS AND PROPERTY ADDRESSES:

   PARCEL #3620100060
   3401 WESTPORT
   WILLIAMSBURG, VA 23188

   PARCEL #3620100061
   3400 WESTPORT
   WILLIAMSBURG, VA 23188

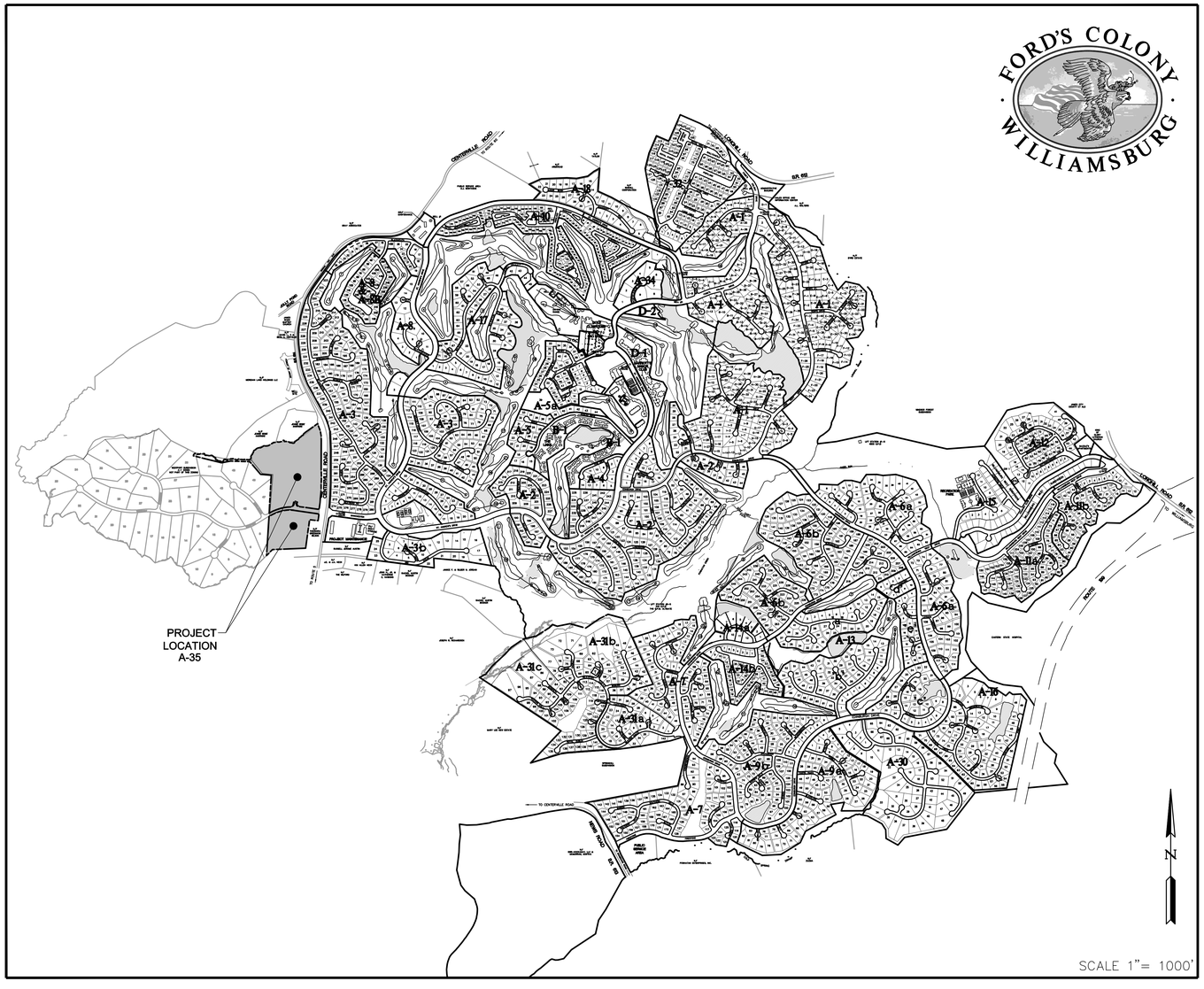
4. EXISTING ZONING:

   A-1: PARCEL #3620100060
   PARCEL #3620100061

5. TOPOGRAPHIC INFORMATION IS BASED ON 2-FOOT CONTOUR INTERVALS PROVIDED BY AN AERIAL SURVEY FLOWN IN 1973.
6. SHEET 4, ENVIRONMENTAL INVENTORY, INDICATES 25% SLOPES, SOIL INVENTORY, WETLANDS, THE APPROXIMATE LOCATION OF RESOURCE PROTECTION AREAS (RPA) AND ASSOCIATED BUFFERS, AND PERENNIAL STREAM DETERMINATIONS. FOR FURTHER INFORMATION ON THE ENVIRONMENTAL INVENTORY, REFER TO THE COMMUNITY IMPACT STATEMENT.
8. SITE LIES WITHIN THE CENTERVILLE ROAD COMMUNITY CHARACTER AREA AS DESCRIBED ON THE JCC COMPREHENSIVE PLAN.
9. THIS PROJECT IS LOCATED WITHIN THE POWHATAN CREEK WATERSHED IN SUB-WATERSHEDS 203 AND 204. ALSO GORDON CREEK WATERSHED AND PROPERTIES ARE LOCATED WITH SUBWATERSHED WITHIN SUB-WATERSHEDS 104 AND 202 PER KCI TECHNOLOGIES, INC. MANAGEMENT PLAN REPORT.
10. CURB AND GUTTER STREETS ARE PROPOSED.
11. ALL PUBLIC STREETS WITHIN THE DEVELOPMENT WILL BE DESIGNED PER APPLICABLE VDOT STANDARDS.
12. PRIVATE STREETS, IF CONSTRUCTED, SHALL MEET VDOT REQUIREMENTS PER SECTION 24-62 (B).
13. PRIVATE STREETS WILL COMPLY WITH "ADMINISTRATIVE GUIDELINES FOR CERTIFICATION OF PRIVATE STREET CONSTRUCTION" PROGRAM REQUIREMENTS AT DEVELOPMENT PLAN .
14. THIS PROPERTY IS IN FLOOD ZONE "X" AS SHOWN ON MAP NUMBER 51095C109D, 51095C0116D, 51095CO117D AND 51095CO119D EFFECTIVE 12/16/2015, OF THE FLOOD INSURANCE RATE MAPS FOR JAMES CITY COUNTY, VIRGINIA. ZONE "X" IS DEFINED AS AREAS OUTSIDE THE 500 YEAR FLOOD PLAIN.
15. THE PARKE AT FORD'S COLONY, NOTED AS SECTION A-35, SHALL CONFORM TO THE JCC STREETSCAPE POLICY AS ADOPTED BY THE BOARD OF SUPERVISORS ON OCTOBER 5, 2011. IN GENERAL STREET TREES WILL BE INSTALLED AT 40-FT INTERVALS ALONG THE PRIVATE ROADWAYS WITHIN THE DEVELOPMENT.
16. HYDROLOGIC UNIT CODES
    JL29 CHICKAOMINY RIVER, MORRIS CREEK
    JL31 POWHATAN CREEK

LEGEND

EXISTING		PROPOSED
W	WATER	W
S	GRAVITY SEWER	S
	STORM SEWER	
EX. FM	FORCE MAIN	FM
	MANHOLE	
	CURB DROP INLET	
	YARD DROP INLET	
	VALVE	
	FIRE HYDRANT ASSEMBLY	
	BLOW-OFF ASSEMBLY	d
	AIR RELEASE VALVE	
	CLEAN OUT	
	WATER METER	
	CENTERLINE/BASELINE	
	RIGHT OF WAY	
	PROPERTY LINE	
	℄ DITCH/SWALE	
	TREELINE/LIMITS OF CLEARING & GRADING	
25	GROUND ELEVATION	25.00
80	CONTOUR ELEV.	80



INDEX OF SHEETS

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2	2017 LAND USE MASTER PLAN
3	2017 AMENITY PLAN
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5	PARKE AT FORD'S COLONY MASTER PLAN
6	UTILITIES MASTER PLAN
7	STORMWATER MANAGEMENT MASTER PLAN

Rev.	Date	Description	Revised By
3	10/6/17	JAMES CITY COUNTY COMMENTS	LBA
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MASTER PLAN FOR REZONING
OF
THE PARKE
AT
FORD'S COLONY
POWHATAN DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts:	JAG
Project Number:	W10145-03
Scale: AS NOTED	Date: 5/10/17
Sheet Title: COVER SHEET	
Sheet Number	1

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FORD'S COLONY · WILLIAMSBURG ·

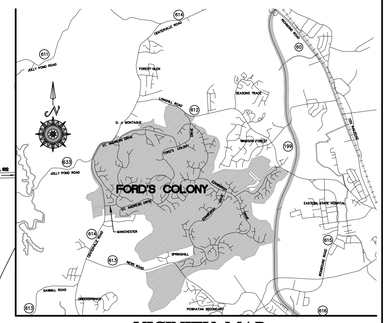
NON RESIDENTIAL AMENITY AND SERVICE SITES

1	100 HOTEL CONDOMINIUMS, EXECUTIVE MEETING FACILITIES AND GOLF ACADEMY	4.71 AC.
2	GOLF CLUB AND PRO SHOP	5.05 AC.
3	INFORMATION AND SALES CENTER	1.81 AC.
4	ADMINISTRATIVE BUILDING	3.50 AC.
5	PUBLIC SERVICE AREA *	28.05 AC.
6	GOLF MAINTENANCE	3.90 AC.
7	COMMUNITY CLUB	7.72 AC.
8	PROJECT MAINTENANCE	10.59 AC.
9	DRIVING RANGE/CART STORAGE	10.34 AC.
10	ADDITIONAL RECREATION AREA	6.36 AC.
11	ADDITIONAL PUBLIC SERVICE AREA	6.76 AC.
12	CONTINUING CARE RETIREMENT COMMUNITY (CCRC)	180.7 AC.
	TOTAL	269.49 AC.

* NOTE: 1.21 AC. PORTION OF ORIGINAL 30.0 AC. P.S.A. SOLD TO FORD'S COLONY

LEGEND

- RESIDENTIAL "A"
- RESIDENTIAL "B"
- RESIDENTIAL "D"
- OPEN SPACE
- WILLIAMSBURG WEST SUBDIVISION AND APARTMENTS NOT A PORTION OF MASTER PLAN



VICINITY MAP
SCALE 1"= 4000'

LAND USE TABULATION

	2017	2008
RESIDENTIAL "A"		
TOTAL NUMBER OF UNITS	2,937 UNITS	2,856 UNITS
GROSS AREA OF RESIDENTIAL "A"	1,913.86± AC.=(63.64%)	1,866.77± AC.=(63.09%)
PERMITTED DENSITY	4.00 UNITS/ ACRE	4.00 UNITS/ ACRE
UNIT DENSITY	1.54 UNITS/ ACRE	1.53 UNITS/ ACRE
RESIDENTIAL "B"		
TOTAL NUMBER OF UNITS	80 UNITS	80 UNITS
GROSS AREA OF RESIDENTIAL "B"	22.9± AC.=(0.77%)	22.9± AC.=(0.77%)
PERMITTED DENSITY	9.60 UNITS/ ACRE	9.60 UNITS/ ACRE
UNIT DENSITY	3.49 UNITS/ ACRE	3.49 UNITS/ ACRE
RESIDENTIAL "D"		
TOTAL NUMBER OF UNITS	314 UNITS	314 UNITS
GROSS AREA OF RESIDENTIAL "D"	31.82 AC.=(1.07%)	31.82 AC.=(1.07%)
PERMITTED DENSITY	18.00 UNITS/ ACRE	18.00 UNITS/ ACRE
UNIT DENSITY	9.67 UNITS/ ACRE	9.67 UNITS/ ACRE
C.C.R.C. "B"		
TOTAL NUMBER OF UNITS	38 UNITS	38 UNITS
GROSS AREA OF C.C.R.C. "B"	10.97± AC.=(0.37%)	10.97± AC.=(0.37%)
PERMITTED DENSITY	9.60 UNITS/ ACRE	9.60 UNITS/ ACRE
UNIT DENSITY	3.46 UNITS/ ACRE	3.46 UNITS/ ACRE
C.C.R.C. "D"		
TOTAL NUMBER OF UNITS	558 UNITS	558 UNITS
GROSS AREA OF C.C.R.C. "D"	57.33 AC. =(1.94%)	57.33 AC. =(1.94%)
PERMITTED DENSITY	18.00 UNITS/ ACRE	18.00 UNITS/ ACRE
UNIT DENSITY	9.73 UNITS/ ACRE	9.73 UNITS/ ACRE
OPEN SPACE		
WITHIN NON-RESIDENTIAL AMENITY AND SERVICE SITES	150.27 AC.	150.27 AC.
* GOLF COURSE, LAKES AND BUFFERS, MARSH RESERVE	844.71 AC.	844.71 AC.
OPEN SPACE WITHIN RESIDENTIAL "A"	±537.22 AC.	514.12 AC.
OPEN SPACE WITHIN RESIDENTIAL "B" & "D"	38.77 AC.	38.77 AC.
TOTAL AREA OF OPEN SPACE	1,570.97 AC.	1,547.87 AC.
TOTAL AREA OF PROJECT	3,007.34 AC.	2,962.24 AC.
% OF OPEN AREA	52.2%	52.3%
PROJECT DENSITY		
GROSS AREA OF MASTER PLAN	3,007.34± AC.	2,962.24 AC.
NON-DEVELOPABLE AREA	735± AC (24%)	724± AC.(24%)
GROSS DEVELOPABLE AREA	2,272.34± AC. (76%)	2,238.24± AC. (76%)
GROSS DENSITY (PER SECTION 24-278)	1.37 UNITS/AC	1.36 UNITS/AC
TOTAL NUMBER OF RESIDENTIAL UNITS	3,927 UNITS	3,846 UNITS

GENERAL NOTES:

1. RECORDATION OF THIS PLAN IS SOLELY FOR THE PURPOSE OF IDENTIFYING THE LAND COVERED BY THE PROFFERS RECORDED HEREWITH AND DOES NOT CONSTITUTE A PLAT OF SUBDIVISION NOR DOES IT DEDICATE TO PUBLIC OR PRIVATE USE ANY ROADS, COMMON AREAS, GREEN AREAS, OR RECREATION AREAS.
2. THE PROPERTY SHOWN ON THIS PLAN IS COVERED BY PROTECTIVE COVENANTS OF RECORD IN THE CLERK'S OFFICE IN THE COURTHOUSE OF JAMES CITY COUNTY, VIRGINIA, WHICH PROVIDE FOR THE MAINTENANCE OF COMMON OPEN SPACE, RECREATION AREAS, SIDEWALKS, PARKING, PRIVATE STREETS AND OTHER PRIVATELY OWNED, BUT COMMON FACILITIES SERVING THIS PROJECT.
3. LOTS NUMBERED REPRESENT RECORDED SECTIONS OR SECTIONS THAT HAVE RECEIVED PRELIMINARY APPROVAL.
4. THE 2008 MASTER PLAN AMENDMENT WILL BE CONSIDERED A STAND ALONE PROJECT FOR THE PURPOSES OF STORMWATER MANAGEMENT POINTS AND CREDITS.

* NOTES

MARSH RESERVES, LAKES AND BUFFERS	278.12 AC.
GOLF COURSE (INCLUDES LAKES IN PLAY)	491.09 AC
RESERVED FOR ROUTE 199	20.0 AC
ASSOCIATED GREENBELTS NATURAL OPEN SPACE IN 1993 ADDITION	3.30 AC.
OPEN SPACE IN 1995 ADDITION	5.00 AC.
OPEN SPACE IN 1998 ADDITION	47.20 AC.
OPEN SPACE IN 2008 ADDITION	111.0 AC.
OPEN SPACE IN 2017 ADDITION	23.1 AC.

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MASTER PLAN FOR REZONING
OF
THE PARKE
AT
FORD'S COLONY
POWHATAN DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts:	JAG
Project Number:	W10145-03
Scale: AS NOTED	Date: 5/10/17
Sheet Title:	2017 LAND USE MASTER PLAN
Sheet Number	2

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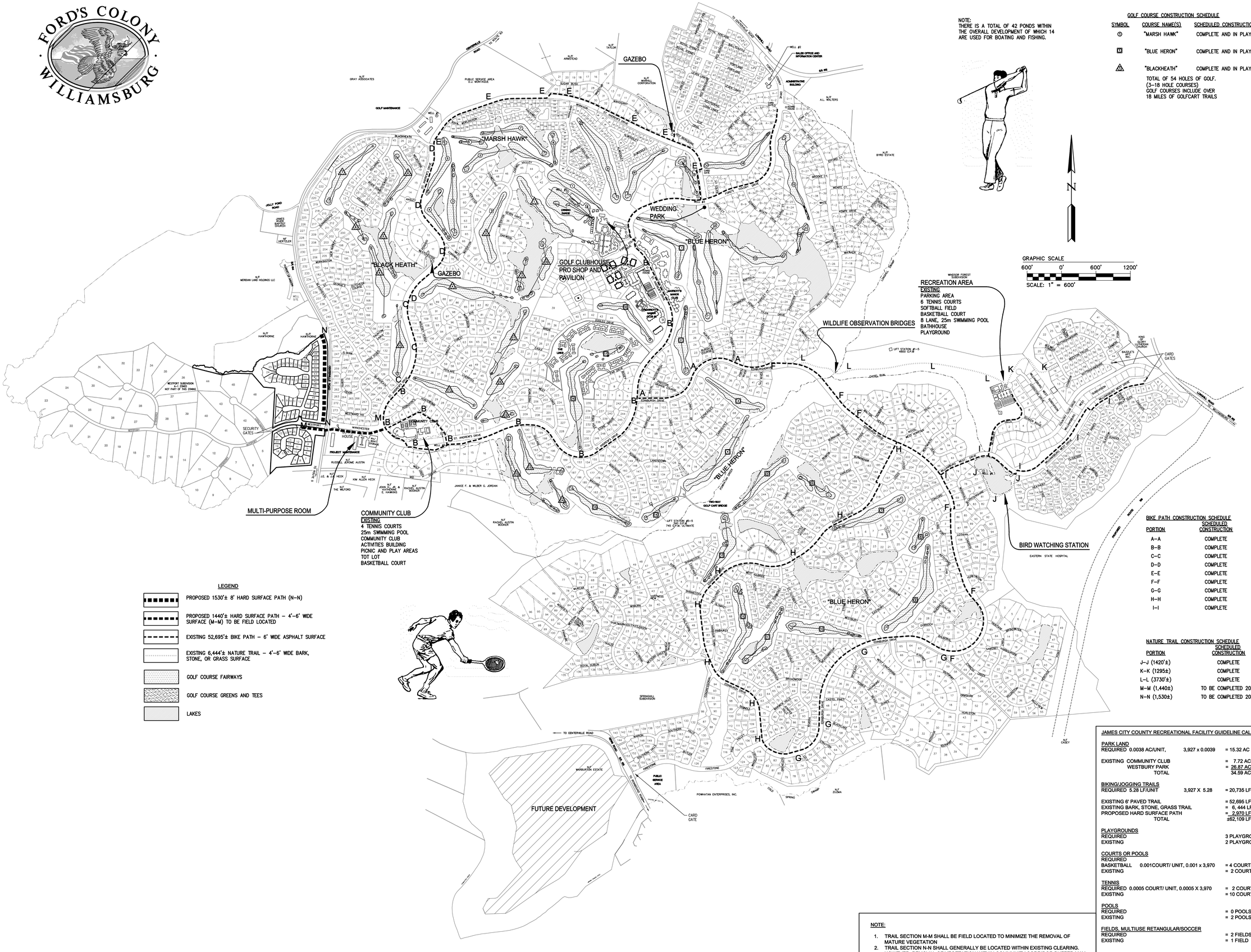
FORD'S COLONY · WILLIAMSBURG ·



NOTE:
THERE IS A TOTAL OF 42 PONDS WITHIN THE OVERALL DEVELOPMENT OF WHICH 14 ARE USED FOR BOATING AND FISHING.

GOLF COURSE CONSTRUCTION SCHEDULE

SYMBOL	COURSE NAME(S)	SCHEDULED CONSTRUCTION
1	"MARSH HAWK"	COMPLETE AND IN PLAY
2	"BLUE HERON"	COMPLETE AND IN PLAY
3	"BLACKHEATH"	COMPLETE AND IN PLAY

TOTAL OF 54 HOLES OF GOLF.
(3–18 HOLE COURSES)
GOLF COURSES INCLUDE OVER 18 MILES OF GOLFCART TRAILS

LEGEND

- PROPOSED 1530'± 8' HARD SURFACE PATH (N–N)
- PROPOSED 1440'± HARD SURFACE PATH – 4'–6' WIDE SURFACE (M–M) TO BE FIELD LOCATED
- EXISTING 52,695'± BIKE PATH – 6' WIDE ASPHALT SURFACE
- EXISTING 6,444'± NATURE TRAIL – 4'–6' WIDE BARK, STONE, OR GRASS SURFACE
- GOLF COURSE FAIRWAYS
- GOLF COURSE GREENS AND TEES
- LAKES

BIKE PATH CONSTRUCTION SCHEDULE

PORTION	SCHEDULED CONSTRUCTION
A–A	COMPLETE
B–B	COMPLETE
C–C	COMPLETE
D–D	COMPLETE
E–E	COMPLETE
F–F	COMPLETE
G–G	COMPLETE
H–H	COMPLETE
I–I	COMPLETE

NATURE TRAIL CONSTRUCTION SCHEDULE

PORTION	SCHEDULED CONSTRUCTION
J–J (1420'±)	COMPLETE
K–K (1295±)	COMPLETE
L–L (3730'±)	COMPLETE
M–M (1,440±)	TO BE COMPLETED 2018
N–N (1,530±)	TO BE COMPLETED 2018

JAMES CITY COUNTY RECREATIONAL FACILITY GUIDELINE CALCULATIONS

PARK LAND		
REQUIRED 0.0038 AC/UNIT,	3,927 x 0.0039	= 15.32 AC
EXISTING COMMUNITY CLUB		= 7.72 AC
WESTBURY PARK		= 26.87 AC
TOTAL		34.59 AC
BIKING/JOGGING TRAILS		
REQUIRED 5.28 LF/UNIT	3,927 X 5.28	= 20,735 LF
EXISTING 6' PAVED TRAIL		= 52,695 LF
EXISTING BARK, STONE, GRASS TRAIL		= 6, 444 LF
PROPOSED HARD SURFACE PATH		= 2,970 LF
TOTAL		±62,109 LF
PLAYGROUNDS		
REQUIRED		3 PLAYGROUNDS
EXISTING		2 PLAYGROUNDS
COURTS OR POOLS		
REQUIRED		
BASKETBALL 0.001COURT/ UNIT, 0.001 x 3,970		= 4 COURTS
EXISTING		= 2 COURTS
TENNIS		
REQUIRED 0.0005 COURT/ UNIT, 0.0005 X 3,970		= 2 COURTS
EXISTING		= 10 COURTS
POOLS		
REQUIRED		= 0 POOLS
EXISTING		= 2 POOLS
FIELDS, MULTIUSE RETANGULAR/SOCCER		
REQUIRED		= 2 FIELDS
EXISTING		= 1 FIELD

FINANCIAL CONTRIBUTION TO FCHOA TO BE USED FOR RECREATION AMENITIES AND FACILITIES (LOCATION TO BE DETERMINED)

NOTE:

1. TRAIL SECTION M-M SHALL BE FIELD LOCATED TO MINIMIZE THE REMOVAL OF MATURE VEGETATION
2. TRAIL SECTION N-N SHALL GENERALLY BE LOCATED WITHIN EXISTING CLEARING. HOWEVER, REMOVAL OF VEGETATION WITHIN COMMUNITY CORRIDOR BUFFER MAY BE REQUIRED

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MASTER PLAN FOR REZONING
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POWHATAN DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts:	JAG
Project Number:	W10145-03
Scale: 1"=600'	Date: 5/10/17

Sheet Title:
2017 AMENITY PLAN

Sheet Number
3

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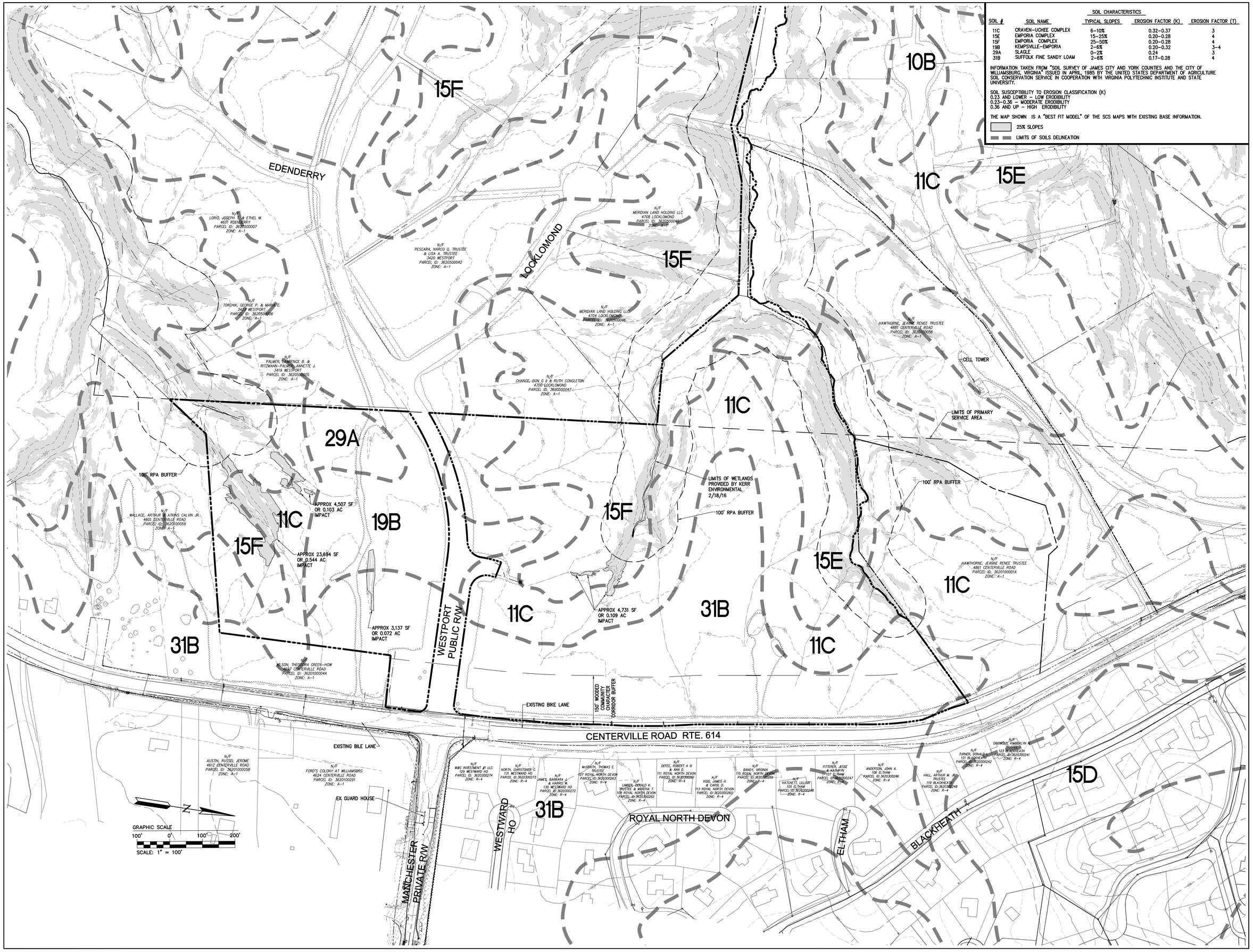

SOIL CHARACTERISTICS

SOIL #	SOIL NAME	TYPICAL SLOPES	EROSION FACTOR (K)	EROSION FACTOR (T)
11C	CRAVEN-UCHEE COMPLEX	6-10%	0.32-0.37	3
15E	EMPORIA COMPLEX	15-25%	0.20-0.28	4
15F	EMPORIA COMPLEX	25-50%	0.20-0.28	4
19B	KEMPSVILLE-EMPORIA	2-6%	0.20-0.32	3-4
29A	SLAGLE	0-2%	0.24	3
31B	SUFFOLK FINE SANDY LOAM	2-6%	0.17-0.28	4

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

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

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

25% SLOPES

LIMITS OF SOILS DELINEATION

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MASTER PLAN FOR REZONING OF THE PARKE AT FORD'S COLONY

POWHATAN DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts:	JAG
Project Number:	W10145-03
Scale: 1"=100'	Date: 5/10/17

Sheet Title: EXISTING CONDITIONS

Sheet Number 4

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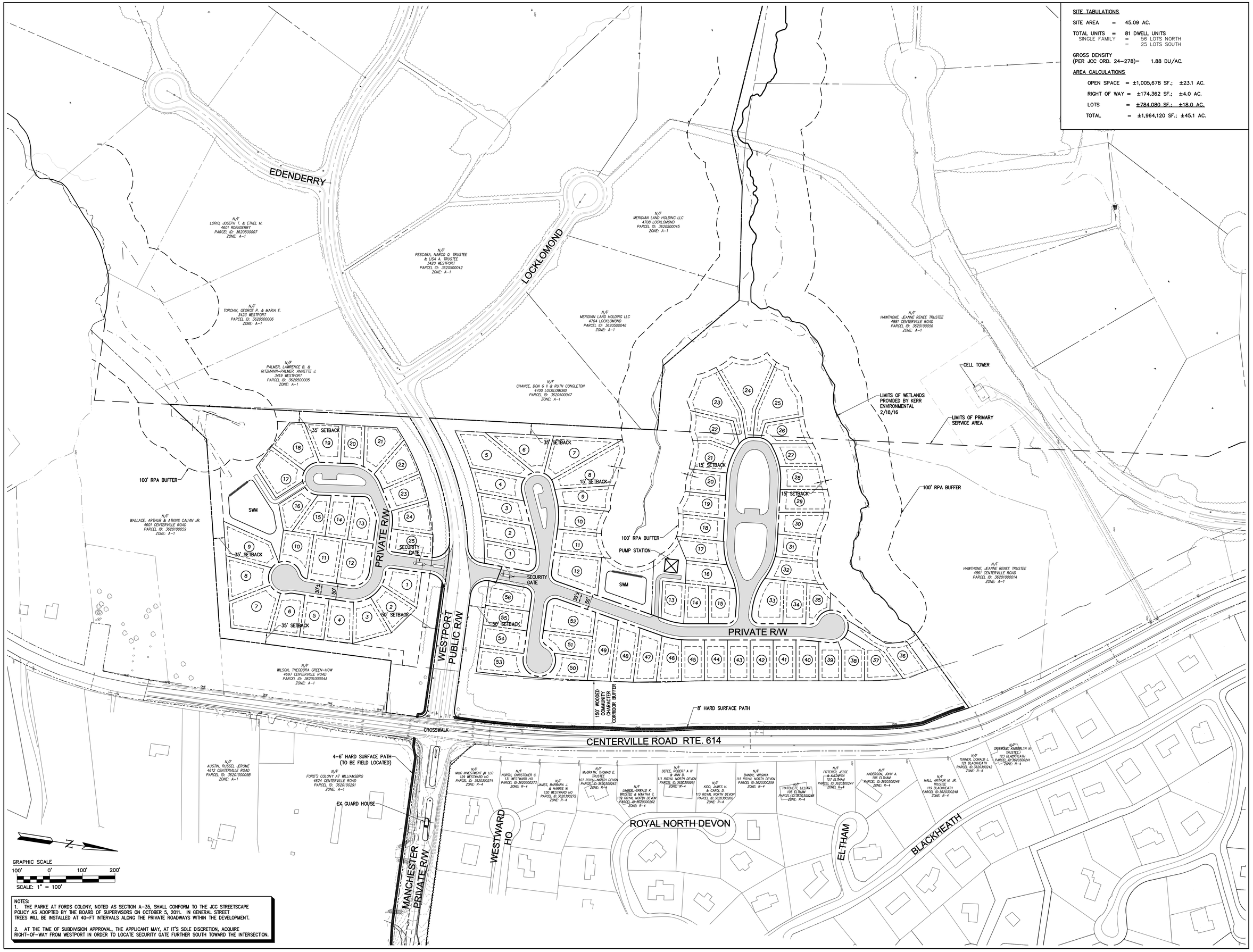

NOTES:
1. THE PARKE AT FORDS COLONY, NOTED AS SECTION A-35, SHALL CONFORM TO THE JCC STREETSCAPE POLICY AS ADOPTED BY THE BOARD OF SUPERVISORS ON OCTOBER 5, 2011. IN GENERAL, STREET TREES WILL BE INSTALLED AT 40-FT INTERVALS ALONG THE PRIVATE ROADWAYS WITHIN THE DEVELOPMENT.

2. AT THE TIME OF SUBDIVISION APPROVAL, THE APPLICANT MAY, AT IT'S SOLE DISCRETION, ACQUIRE RIGHT-OF-WAY FROM WESTPORT IN ORDER TO LOCATE SECURITY GATE FURTHER SOUTH TOWARD THE INTERSECTION.

SITE TABULATIONS

SITE AREA = 45.09 AC.

TOTAL UNITS = 81 DWELL UNITS
SINGLE FAMILY = 56 LOTS NORTH
= 25 LOTS SOUTH

GROSS DENSITY
(PER JCC ORD. 24-278)= 1.88 DU/AC.

AREA CALCULATIONS

OPEN SPACE = ±1,005,678 SF.; ±23.1 AC.
RIGHT OF WAY = ±174,362 SF.; ±4.0 AC.
LOTS = ±784,080 SF.; ±18.0 AC.
TOTAL = ±1,964,120 SF.; ±45.1 AC.

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Project Number:	W10145-03
Scale: 1"=100'	Date: 5/10/17
Sheet Title:	PARKE AT FORD'S COLONY MASTER PLAN
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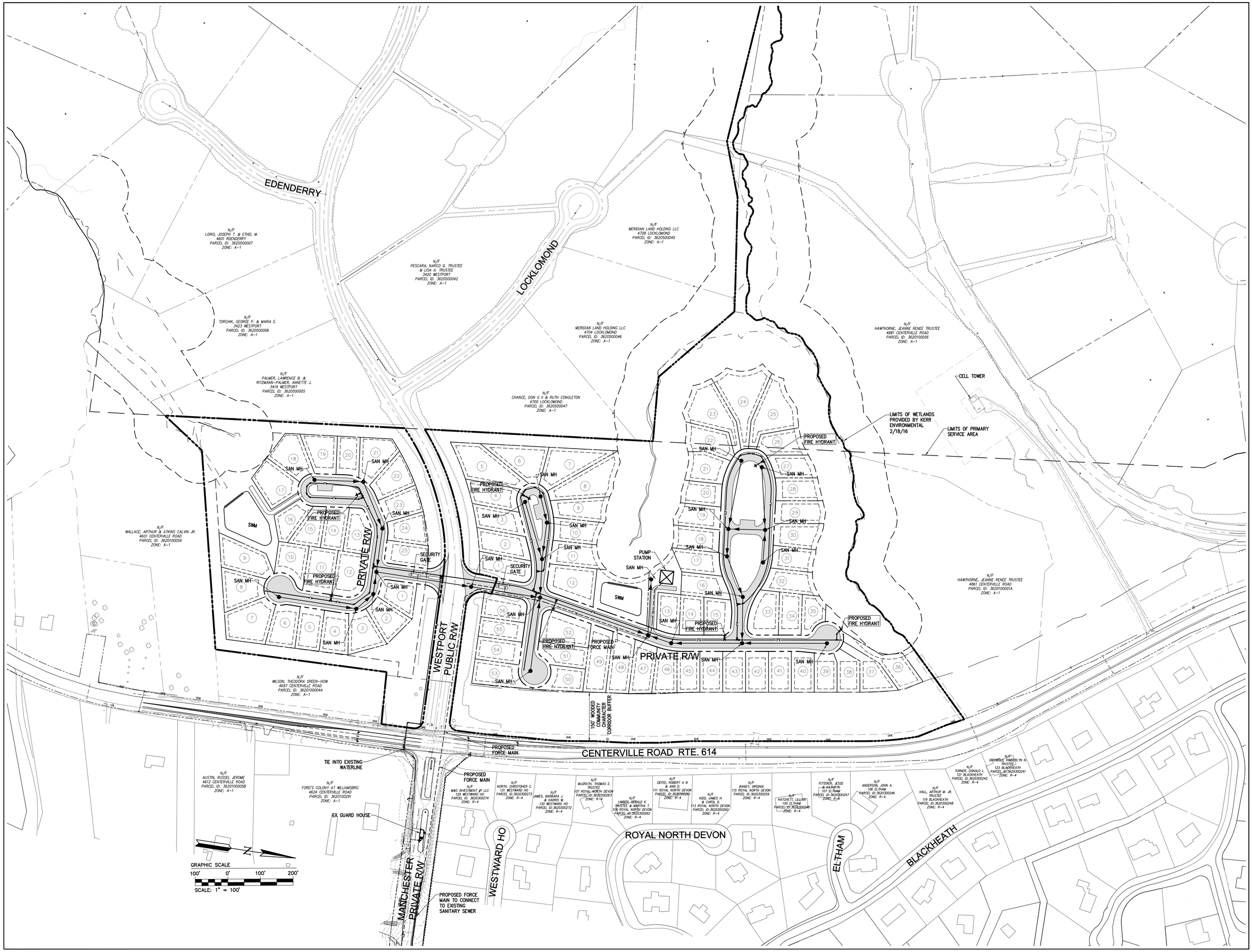

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Project Contacts:	JAG
Project Number:	W10145-03
Scale: 1"=100'	Date: 5/10/17

Sheet Title:
UTILITIES
MASTER PLAN

Sheet Number
6

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WATER QUALITY SUMMARY:

- PHOSPHORUS LOAD REDUCTION REQUIRED: 15.42 LB/YR
- PHOSPHORUS LOAD REDUCTION ACHIEVED: 9.11 LB/YR
- PHOSPHORUS LOAD REDUCTION REMAINING: 6.31 LB/YR

* SEE RUNOFF REDUCTION METHOD WORKSHEET FOR MORE DETAILED INFORMATION.

DEVELOPMENT ANALYSIS

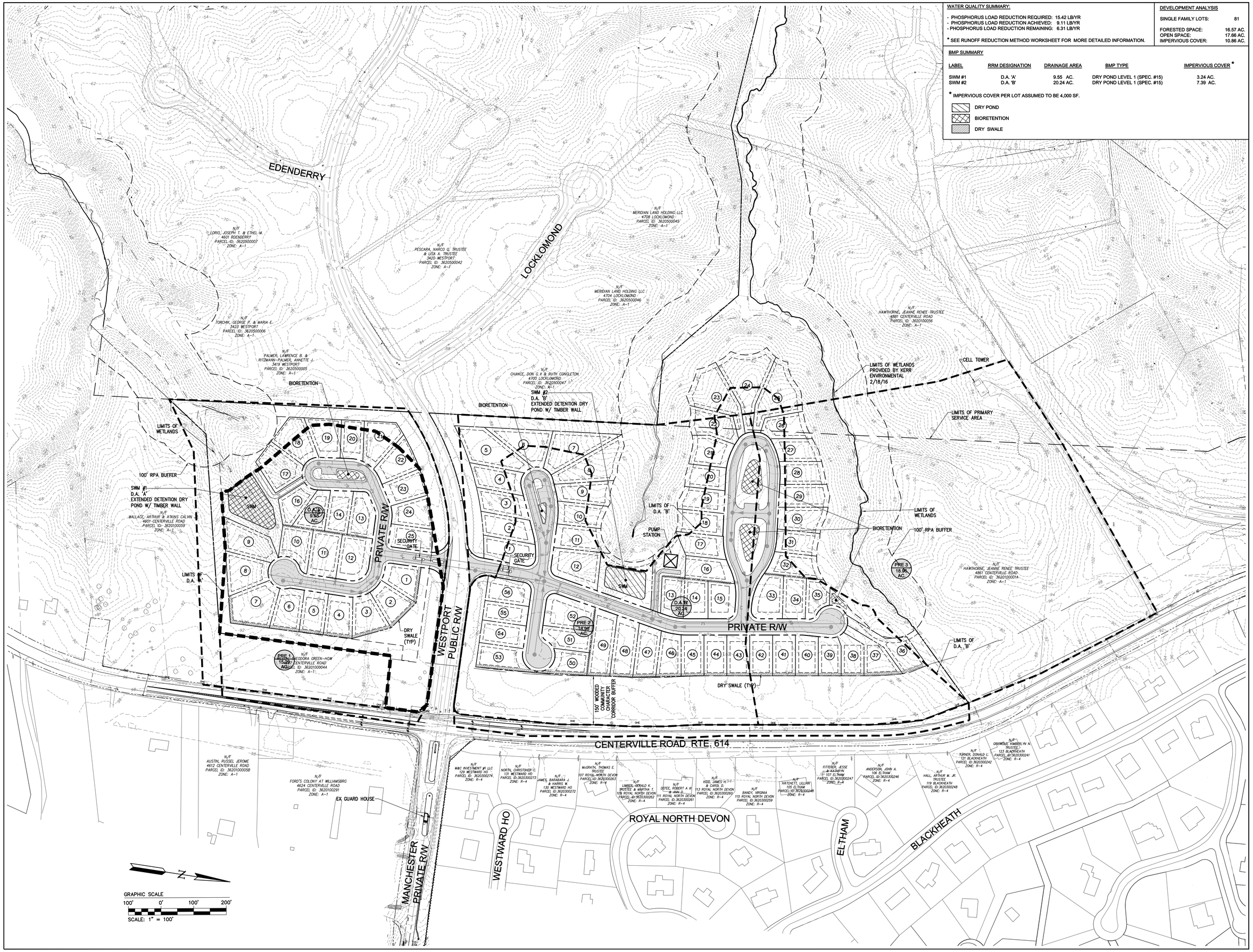
SINGLE FAMILY LOTS:	81
FORESTED SPACE:	16.57 AC.
OPEN SPACE:	17.66 AC.
IMPERVIOUS COVER:	10.86 AC.

BMP SUMMARY

LABEL	RRM DESIGNATION	DRAINAGE AREA	BMP TYPE	IMPERVIOUS COVER *
SWM #1	D.A. 'A'	9.55 AC.	DRY POND LEVEL 1 (SPEC. #15)	3.24 AC.
SWM #2	D.A. 'B'	20.24 AC.	DRY POND LEVEL 1 (SPEC. #15)	7.39 AC.

* IMPERVIOUS COVER PER LOT ASSUMED TO BE 4,000 SF.

DRY POND
BIORETENTION
DRY SWALE



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Project Contacts:	JAG
Project Number:	W10145-03
Scale: 1"=100'	Date: 5/10/17

Sheet Title:
STORMWATER MANAGEMENT MASTER PLAN

Sheet Number
7

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Community Impact Statement

Zoning and Master Plan Amendment

for

The Parke at Ford's Colony

Prepared For

Parke at Westport, LLC
2250 Old Brick Road, Suite 220
Glen Allen, VA 23060

May 24, 2017
Revised October 6, 2017

AES Project Number: W10145-03

Prepared by:

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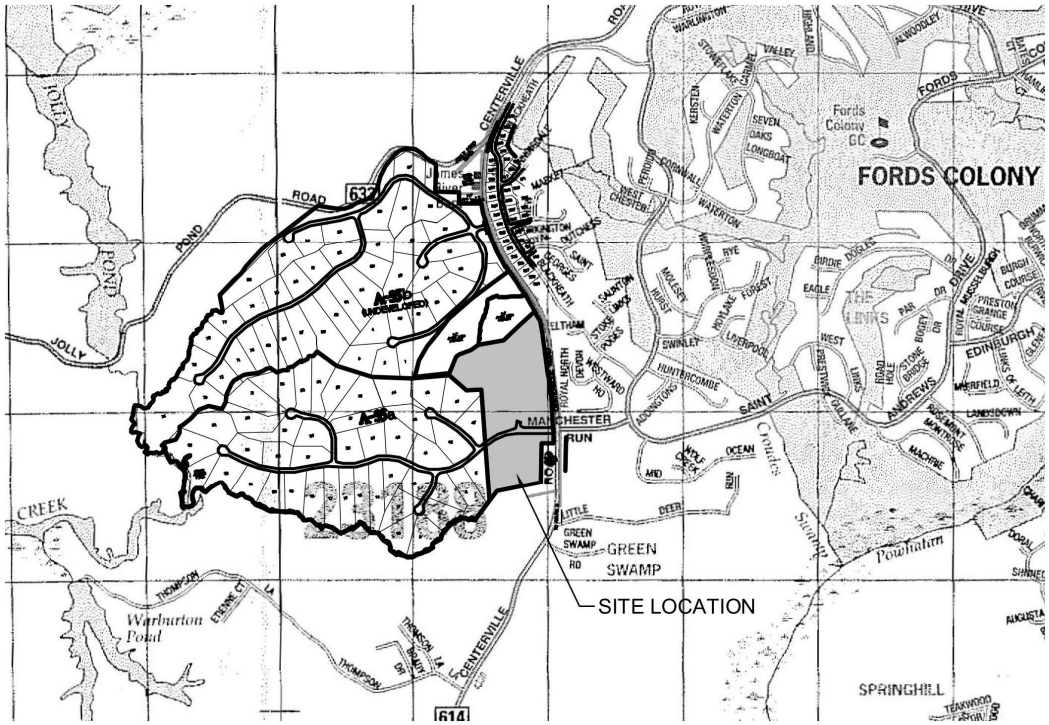
I. INTRODUCTION

The Parke at Westport, LLC, proposes to rezone and amend the Master Plan for Ford's Colony at Williamsburg to include a subdivision located on two parcels at 3400 and 3401 Westport. These parcels are approximately 32.78 acres and 12.31 acres respectively are in the A-1 (General Agriculture) zoning district with all acreage within the Public Service Area with (PSA). The exception being 5.18 acres outside of the PSA, of which 1.62 acres is being requested to be developed due to its location within the common peninsula of land with the remaining development. The proposed development will be a section of Ford's Colony to be called The Parke at Ford's Colony. The purpose of this Community Impact Statement and all associated documents are to accompany the applications for Rezoning (from A-1, General Agriculture, to R-4, Residential Planned Community) and with an amendment to the Ford's Colony Master Plan.

The property is located on the west side of Centerville Road and directly adjacent to the existing Westport single-family subdivision. A second planned phase of the residential development is just north of the planned subdivision and Ford's Colony Section 3 exists across Centerville Road to the east. Access to the property is from Westport, a collector road which feeds into Centerville Road, the adjacent and parallel main thoroughfare. The property is bounded by lands zoned A-1 on all sides.

The site is currently undeveloped and forested. The site slopes away from Centerville Road to wetlands located at the rears of both parcels. The property falls within an area designated as Low Density Residential on the current James City County Comprehensive Plan. The site contains some wetlands and a perennial stream and falls within the Gordon Creek Watershed. The properties across Centerville Road from the site are designated Low Density Residential. The Parke at Ford's Colony, while accessed from Westport, is located along Centerville Road, a Community Character Corridor.

Exhibit 1 – Location Map



(Scale Approx. 1"=2000')

II. THE PROJECT TEAM

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

- Developer -Parke at Westport, LLC
- Land Planning -AES Consulting Engineers
- Civil Engineering -AES Consulting Engineers
- Legal -Geddy, Harris, Franck & Hickman, LLP
- Environmental -Kerr Environmental
- Traffic -DRW Consulting

Key components of this Community Impact Study are:

- Planning Considerations, Project Description, and Density Analysis
- Analysis of Impacts to Public Facilities and Services
- Environmental Inventory
- Traffic –Technical Memorandum
- Fiscal Impact Study

III. PLANNING CONSIDERATIONS AND PROJECT DESCRIPTION

Planning Considerations

The Parke at Ford's Colony lies within the Primary Service Area (PSA) of the county and fronts along Centerville Road. This proposed development shares an entrance to Centerville Road with the existing by-right Westport development however it differentiates itself from the remaining A-1 land within the development by the fact that it is within the Primary Service Area (PSA). The exception being 5.18 acres outside of the PSA, of which 1.62 acres is being requested to be developed due to its location within the common peninsula of land with the remaining development. All the lots front a road which is within the PSA. The Primary Service Area (PSA) defines areas presently served by public water and sewer, and high levels of other public services, as well as areas expected to receive such services over the next 20 years. Plans for The Parke at Ford's Colony are being pursued with the knowledge that water and sewer services can be brought to the site and that there is ample capacity in these systems to support this project. The PSA is an important planning tool in James City County and it encourages efficient use of public facilities and services, avoids overburdening such facilities and services, helps ensure facilities are available where and when needed, increases public benefit per dollar spent, promotes public health and safety through improved emergency response time, and minimizes well and septic failures.

The project frontage along Centerville Road is designated as a Community Character Corridor. Any new residential development requiring rezoning must provide a 150' buffer along frontage of roads designated as Community Character Corridors. The County "acknowledges that views along these roads can have a significant impact on how citizens and visitors perceive the character of an area." The Ordinance provides a mechanism to allow activities within the buffer when the purpose of the buffer is not compromised and with the approval of the Planning Commission. We would submit with this application that a similar condition be applied to allow flexibility in the layout and design of the development to provide a high level of aesthetic internally and externally from the community.

The site is designated as Low Density Residential on the Comprehensive Plan. Low Density Residential Areas are suitable for residential developments of up to one unit per acre within the PSA depending on the character and density of surrounding properties, the physical attributes and density of the property being planned, and the degree of the project's consistency with the Comprehensive Plan. In order to encourage higher quality design, residential developments with densities greater than 1 unit per acre and up to 4 units per acre may be considered if they offer particular public benefits to the community. "Examples of such benefits

include mixed-cost housing, affordable housing, unusual environmental protection, or development that adheres to the principles of open space development design." The Parke at Ford's Colony will be shown to provide specific benefits to the County through adherence to and expansion of the County's guidelines for open space design.

The existing zoning of the property is A-1. Low Density Residential areas call for a maximum density of one unit per acre: "The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage the clustering of residential developments to maximize shared and purposeful open space, to protect the natural environment and to promote a sense of community, to prohibit activities of a commercial nature and to implement the policies and designations of the Comprehensive Plan applicable to low-density residential areas." Within certain Low Density Residential areas, single family developments with a density greater than one unit per acre but no greater than four units per acre may be allowed utilizing techniques as outlined in Article VI. The Residential Land Use Standards in the Comprehensive Plan recommend land use goals, strategies, and actions. A specific action recommended by the Comprehensive Plan is to "Continue using policy and ordinance tools to ensure the provision of open space. In particular, maintain or increase incentives for cluster development within the PSA by permitting higher residential densities in exchange for the additional open space that provides significant benefits to the community."

Project Description

The developer is proposing to build a residential community called The Parke at Ford's Colony on approximately 45 acres in the Powhatan District in James City County. The site is within the Primary Service Area and will be served by public water and sewer. The illustrative plan shows 81 single family lots 70-80' wide to 125' in depth accessed from the Westport Drive public right of way. The site will be served by a two access point along Westport Drive and the new lots will be served via a series of private roads. Home prices will start at in the mid $400,000 and range up over $600,000; with an anticipated average sales price of $525,000. The supplementary plans and drawings with this submittal illustrate the quality and character of the proposed homes and the pleasant and clean character of the neighborhood. The design intends to provide moderate sized lots with functional open spaces within the private rights of ways targeting buyers in the. Reducing lot size without sacrificing the quality of the architecture leaves generous open spaces and buffers surrounding the neighborhood. Additionally the amenities at The Parke at Ford's Colony will be provided in conjunction with the overall Ford's Colony development, with a muti-use pathway proposed to interconnect the developments on either side

of Centerville Road.

The recreation package put forth with this application, in conjunction with the current Ford's Colony Master Plan exceeds the requirements of the James City County's Recreation Policy. As members of the overall association, owners within The Parke at Ford's Colony will share in the overall amenities of the neighborhood. A trails system is proposed to tie this section into the overall Ford's Colony neighborhood multiuse pathway system at St. Andrews Drive. Additionally Parke at Westport, LLC will be making a financial contribution to the Ford's Colony Homeowners Association for maintenance and upgrades to the existing recreation infrastructure.

The density proposed for The Parke at Ford's Colony is 1.88 units per acre. This density falls within the range (one to four units per acre) called for in Low Density Residential areas and is earned as prescribed by the zoning ordinance.

IV. ANALYSIS OF IMPACTS TO PUBLIC FACILITIES AND SERVICES

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

A. Public Water Facilities

The subject property will be served with public drinking water by the existing JCSA water distribution system in the area. JCSA currently maintains a 12" water main along the east side of Centerville Road. Discussions with representatives of the James City Service Authority have not revealed any concerns on the ability of the current water system to meet the demands of the this proposed project. Therefore, no water system upgrades are expected for the very minor increase in demand this proposal would create on the public water system.

The project's internal water system will likely consist of 4-inch and 8-inch water mains, thus providing the project adequate volumes and pressures for consumption and fire protection. Verification of the adequacy of the JCSA existing water system and design of the on-site water main extensions will be further scrutinized with modeling techniques once field testing has been completed.

Water consumption for the proposed project is estimated at 25,110 gallon per day (average), with a Maximum Day Water Demand of 42,687 gallons per day. Peak Hour Water Demand for this project is estimated at 4,185 gallons per hour (approximately 69.75 gallons per minute).

B. Public Sewer Facilities

Again it is important to note that this project is located within the Primary Service Area. Therefore, wastewater produced by this proposed project would be conveyed to treatment facilities through a public sewer system.

Although there are no public sewer services offered directly to the property, public sanitary sewer is available along Manchester Drive. Previous design considerations for the subject property considered its development when analyzing the sewer shed from LS-5-5. AES will work with JCSA to verify that LS 5-5 still is operating as originally anticipated and has capacity to take flows from this development.

The estimated average daily flow generated from the proposed development is 25,420 gallons per day (GPD) with a peak flow rate of 17.65 gallons per minute (GPM). See Table 1 below for details of projected wastewater flows.

Table 1 – Wastewater Flows

Type of Development	No. of Units	Flow (GPD/Unit)	Average Flow (GPD)	Duration (hrs)	Avg Flow (GPM)	Peak Flow (GPM)
Single-Family	81	310	25,110	24	17.44	43.59

C. Public Schools

The Parke at Ford's Colony is located within the D.J. Montague Elementary, Hornsby Middle, and Lafayette High School districts. The Parke at Ford's Colony Master Plan proposes a total of 81 residential units and based on WJCC School Projections this development would be anticipated to generate 33 school age children (0.4 students per unit). We would note that this project is being marketed to an older demographic and we would anticipate a much lower school generation. Table 3 shows the school capacities and enrollments for 2017.

Table 2 - School Capacity

Existing Public School Facility	Design Capacity	Effective Capacity	Current 2017 Enrollment	Capacity (No. & % Over(-)/Under(+))		% of Student Breakdown	Additional Students
D.J. Montague Elementary	590	590	461	129	21.9%	47%	16
Hornsby Middle School	952	952	942	10	1.1%	24%	8
Lafayette High School	1314	1314	1152	162	12.3%	29%	10
Total	**2856**	**2856**	**2555**	**301**		**100%**	**34**

D. Fire Protection and Emergency Services

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

In addition, there exists a mutual aid agreement with the City of Williamsburg and York County for backup assistance. The location of the project allows for coverage by two of the county's five stations: Station 3, located on John Tyler Highway, and Station 5, located on Monticello Avenue, will be within reasonable response times of the project.

E. Solid Waste

The proposed development on the subject property will generate solid wastes that will require collection and disposal to promote a safe and healthy environment. Reputable, private contractors will handle the collection of solid waste. Both household trash and recyclable material will be removed from this site to a solid waste transfer station.

F. Utility Service Providers

Virginia Natural Gas, Dominion Virginia Power, Cox Communications, and Verizon Communications provide, respectively, natural gas, electricity, cable TV service, and telephone service to this area. The current policy of these utility service providers is to extend service to new development at no cost to the developer when positive revenue is identified; plus, with new land development, these utility service providers are required to place all new utility service underground.

V. ANALYSIS OF ENVIRONMENTAL IMPACTS

An environmental inventory, wetland delineation, and perennial stream analysis has been prepared by the Kerr Environmental Group. The inventory is incorporated into the provided Master Plan for the development.

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

A conceptual stormwater management program, meeting the general criteria of the Commonwealth of Virginia and James City County's stormwater requirements, was completed as a component of the planning for the proposed The Parke at Westport. The goal of the stormwater management program is to meet and exceed local and state stormwater requirements.

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

- The property drains to an unnamed tributary of Gordon Creek within sub-watersheds 203 and 204 of the Gordon Creek study.
- The property is currently forested with previously installed road dividing the two parcels.
- All of the project area's existing drainage is surface runoff, ultimately converging to the unnamed tributary of Gordon Creek, located on the western boundary of the project site.
- The project site largely consists of sloping, well drained soils.

Stormwater management, conceptually, consists of two primary components:

1) A dry pond BMP for each parcel with the ability of providing stormwater management for a majority of the development site and off-site runoff from Centerville Road, and
2) Additional bioretentions and dry swales will be implemented throughout the site where design allows.

Implementation of these two components conceptually realizes the reduction of stormwater runoff to pre-development runoff rates, and the reduction of flow rates to receiving channels.

Therefore, conceptually planned facilities will detain and release designed storm events for both the on-site and the currently uncontrolled off-site drainage. Stormwater management will be accomplished in accordance with all current applicable standards including the James City County Guidelines for Design and Construction of Stormwater Management BMP's, Virginia Stormwater Management Handbook, and the Virginia Erosion and Sediment Control Handbook.

Water quality from the site's development is also achieved similarly with the same two previously mentioned components. Conceptual designs of the dry pond BMP and bioretentions recognize a reduction of pollutant loading from the site development and adjacent lands.

Preliminary analysis of the Stormwater Management and BMP goals using the DEQ Virginia Runoff Reduction Method Spreadsheet is included on the Master Stormwater Management Plan (sheet 7 of the Master Plan set). In this system the project must reduce the post-development phosphorus load to provide adequate stormwater treatment. The dry Pond BMPs are designed to improve water quality, elongate time of concentration for stormwater runoff, and recharge the groundwater system. In accordance with Ford's Colony HOA, dry ponds have been proposed as they are more desirable than wet ponds due to aesthetics and maintenance time and costs.

In summary, with the preliminary analysis of The Parke at Ford's Colony project, the stormwater management plan proposed will improve the overall downstream water quality and will help to control the downstream erosion from uncontrolled runoff from the neighboring properties.

VII. ANALYSIS OF IMPACTS TO TRAFFIC

The proposed development of 81 homes falls outside of the threshold which would require a traffic study for this application. However we would point out that the intersection of Westport and Centerville Road was anticipated to handle more traffic than the currently projected 124 lots exiting Westport Drive (proposed and existing development). The original design constraints anticipated buildout of a CCRC facility on the property and as such the entrance was designed with left and right turn lanes entering the project. At the time of the original plan traffic study in 2003 there were approximately 6000 AADT on Centerville Road, current 2016 VDOT counts place traffic on this section of Centerville at 5100 AADT. With the understanding that the background traffic along Centerville Road has held steady over the last 13 years and the anticipated development traffic has significantly reduced we submit that the current intersection configuration exceeds VDOT requirements. We are happy to discuss the need to update turn lane warrants as seen necessary by JCC or VDOT staff.

VIII. ANALYSIS OF FISCAL IMPACTS

A James City County Fiscal Impact Worksheet has been prepared outlining the impacts of the fiscal impacts of the development. The development is proposing the construction of 81 homes at an average price of $525,000 based on that data the 2016 JCC worksheet showed a fiscal positive of approximately $30,000 per year at full buildout. However the current 2017 JCC worksheet identifies a $128,000 fiscal negative A copy of the worksheet has been included in our submittal package to James City County staff. A point of clarification is that the analysis is based on average JCC demographics which does not match with the target buyer for this development

IX. ANALYSIS OF CULTURAL RESOURCES IMPACTS

An Archaeological Assessment for James City County (Preserving Our Hidden Heritage); and, per the County's Archaeological Policy was prepared. A Phase I Cultural Resources Assessment prepared by Circa (October 2004) and the report was provided to the County during previous work on the project.

X. CONCLUSION

In summary, The Parke at Ford's Colony has been planned as an expansion of the existing Ford's Colony Development with a proposed underlying zoning of R-4. Planning and redeveloping the site as a residential cluster incorporates open space design principles, respects the environmental sensitivity of the watershed, meets the intent of the Comprehensive Plan for low density residential development, compliments the Community Character Area and satisfies Planning Commission expectations for higher standards in new residential development design. The Parke at Ford's Colony, as planned, will provide a model for appropriate infill development in the area and will positively impact the neighbors within the existing community. This Community Impact Statement for The Parke at Ford's Colony concludes that the County and the community realize the tangible public benefits of open space design, unusual environmental protection and the following:

- Adequate public facilities (water, sewer and fire), and utility services (gas, electric cable TV, telephone), are available for development.
- The proposed use is consistent with the intended land use designated on the current

Comprehensive Plan for this area. The proposed density of this open space development is 1.80 dwelling units per acre. This density is consistent with and appropriate.

- There is adequate capacity in the system of roads serving this project.
- The fiscal impacts analysis, as revised concludes only a minor increase in a yearly impact to the County at build out based on 81 single family units. Additionally the target demographic for the neighborhood will be retirees and empty nesters which will generate a far lesser school population than is anticipated in the JCC worksheet.
- In recognition of Planning Commission and environmental concerns over buffer areas, The Parke at Ford's Colony provides an additional 0.86 acres of open space between the developed area of the site and a perennial stream valley and its associated 100' buffer.
- The proposed stormwater management system will protect downstream channels from erosion and the onsite bioretention and dry swales will increase water infiltration and reduce uncontrolled runoff.
- The Parke at Ford's Colony provides a quality project that retains and enhances the community character of Ford's Colony. The quality homes compliment and enhance this character and the character of surrounding neighborhoods.

Fiscal Impact Analysis Worksheet - Version 12.6.12 - Proposed Land Use
This Excel file will assist you with most of the Fiscal Impact Worksheet's calculations. Please skip inapplicable questions.
Use the numbers in this program to fill in the identical section on the worksheet.
Please enter the information requested in the relevant yellow highlighted cells

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

Single Family Detached	81
Townhome/Condominium/Multifamily	
Apartment	
Manufactured Home Park Unit	
Total	81
Are any units affordable? If yes, how many?	

Residential Expenses - School Expenses

2b) How many students are generated?

	Student Generation Rate	Students Generated
Single Family Detached	0.4	32.4
Townhome/Condominium/Multifamily	0.17	0
Apartment	0.31	0
Manufactured Home Park Unit	0.46	0
Total		32.4

2c) What is the schools expenses?

Total Students	32.4
Per Student Operating Costs	$8,321.05
Per Student Capital Costs	$2,063.94
Per Student School Costs	$10,384.99
Total School Fiscal Impact	$ 336,473.68

Residential Expenses - Non-School Expenses

2d) What is the total population generated?

Total Units	81
Average Household Size	2.45

Total Population Generated		198.45

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

Total Population Generated		198.45
Per-Capita Non School Costs	$	1,183.67
Total Non-School Costs	$	234,899.31

2f) What is the total residential expenses?

Total School Expenses	$	336,473.68
Total Non-School Expenses	$	234,899.31
Total Residential Expenses	$	571,372.99

Residential Revenues

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

	Unit Type	Number of Type	Price for Each Unit Type
Single Family Detached		81	$525,000
		0	$ -
		0	$ -
		0	$ -
Townhome/Condominium/Multifamily		0	$ -
		0	$ -
		0	$ -
Apartment (Value of Apartment Complex (Total))			
Manufactured Home Park Unit (Value of Park Property (Total))		0	
Total Expected Real Estate Sales Amount			$ 42,525,000.00

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

Total Expected Real Estate Sales Amount		42525000
Real Estate Tax Rate		0.0084
Total Real Estate Tax Revenue	$	357,210.00

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

Total Real Estate Tax Revenue		357210
Personal property Tax Revenue (as % of Real Estate Taxes Paid)		0.15
Total Personal Property Tax Revenue	$	53,581.50

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

Total Real Estate Tax Revenue		357210
Sales and Meals Tax Revenue (as % of real estate taxes paid)		0.09
Total Personal Property Tax Revenue	$	32,148.90

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

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

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

Total Market Value of any HOA Property Rentable to non-HOA Members		0
Real Estate Tax Rate		0.0084
Total Rentable HOA Property Tax Revenue	$	-

2m) What is the total residential tax revenue? $ 442,940.40

Residential Fiscal Impact

2n) What is the residential fiscal impact? $ (128,432.59)

Commercial Expenses

3a) How many new businesses are proposed? (Include all businesses that will rent or lease space)

Total Number of New Businesses	0

3b) What is the expected real estate market value for each business property (at buildout)?

	Business Property	Expected Market Value
1		
2		
3		
4		
5		
6		
Total Commercial Real Estate Expected Market Value		$ -

3c) What are the commercial expenses?

Total Commercial Real Estate Taxes Paid	0
Per-Business Commercial Expense Rate	0.00445
Total Commercial Expenses	$ -

Commercial Revenues

3d) What are the commercial real estate taxes paid?

Total Commercial Real Estate Assessment Value	0
Real Estate Tax Rate	0.0084
Total Commercial Real Estate Taxes Paid	$ -

3e) What are the business personal property taxes paid?

	Proposed Businesses Name (s)	Initial Capital Investment	
1			$ -
2		$ -	$ -
3		$ -	$ -
4		$ -	$ -
5		$ -	$ -
6		$ -	$ -
Total Business Personal Property Taxes Paid			$ -

3f) What are the business machinery and tools taxes paid (for manufacturers only)?

	Proposed Businesses Name(s)	Initial Capital Investment		
1		$ -	$	-
2		$ -	$	-
3		$ -	$	-
4		$ -	$	-
5		$ -	$	-
6		$ -	$	-
	Total Business Personal Property Taxes Paid		$	-

3g) What are retail sales-based taxes paid? (if any)

	Proposed Business Name(s)	Estimated Retail Sales	Estimated Prepared Meals Sales	Estimated Hotel/Motel/Condo Room Sales		
1		$ -	$ -	$ -	$	-
2		$ -	$ -	$ -	$	-
3		$ -	$ -	$ -	$	-
4		$ -	$ -	$ -	$	-
5		$ -	$ -	$ -	$	-
6		$ -	$ -	$ -	$	-
	Total Sales-Based Tax Paid	$ -	$ -	$ -	$	-
	Total Business Sales Tax Revenue				$	-

3h) What are the proposed annual business license fees paid?

	Proposed Business Name(s)	Business Type	Estimated Sales	License Fee Rate	
1		Manufacturers	$ -	#N/A	#N/A
2		Retail Sales	$ -	#N/A	#N/A
3		Retail Sales	$ -	#N/A	#N/A
4		Retail Sales	$ -	#N/A	#N/A
5		Other Services	$ -	#N/A	#N/A

6	Manufacturers	$ -	#N/A	#N/A
	Total Business License Revenue			#N/A

3i) What are the total commercial revenues? #N/A

Commercial Fiscal Impact

3j) What is the net commercial fiscal impact? #N/A

3k) What is the proposed fiscal impact? #N/A

You will now estimate the current conditions of the proposal property. Please click on worksheet tab labeled "Current" below and follow the instructions.

What is the final fiscal impact? #N/A

Phasing - Residential Phasing

6a) When will proposed residential units be built?

Total Units Proposed 81

	Year 1	Year 2	Year 3	Year 4	Year 5	Buildout
Homes Built	15	15	15	15	21	81
Total Res Exp	$ 571,372.99	$ 571,372.99	$ 571,372.99	$ 571,372.99	$ 571,372.99	
Per Unit Exp	$ 7,053.99	$ 7,053.99	$ 7,053.99	$ 7,053.99	$ 7,053.99	$ 7,053.99
Total Res Exp	$ 105,809.81	$ 105,809.81	$ 105,809.81	$ 105,809.81	$ 148,133.74	$ 571,372.99
Total Res Rev	$ 442,940.40	$ 442,940.40	$ 442,940.40	$ 442,940.40	$ 442,940.40	
Per Unit Rev	$ 5,468.40	$ 5,468.40	$ 5,468.40	$ 5,468.40	$ 5,468.40	$ 5,468.40
Total Res Rev	$ 82,026.00	$ 82,026.00	$ 82,026.00	$ 82,026.00	$ 82,026.00	$ 410,130.00
Per Unit Impact	$ 1,585.59	$ 1,585.59	$ 1,585.59	$ 1,585.59	$ 1,585.59	$ 1,585.59
Res Impact	$ 23,783.81	$ 47,567.63	$ 71,351.44	$ 95,135.25	$ 128,432.59	$ (128,432.59)

Phasing - Commercial Phasing

6b) When will proposed commercial units be built?

Total New Businesses			0
	Year 1	Year 2	Buildout
Bus Built	0	0	0
Bus Exp	$ -	$ -	
Per Bus Exp	#DIV/0!	#DIV/0!	
Year Bus Exp	#DIV/0!	#DIV/0!	
Bus Rev	#N/A	#N/A	
Per Bus Rev	#N/A	#N/A	
Year Bus Rev	#N/A	#N/A	
Bus Impact	#N/A	#N/A	

6c) What is the final phasing projection?

	Year 1	Year 2	Year 3	Year 4	Year 5	Buildout
Res Impact	$ 23,783.81	$ 47,567.63	$ 71,351.44	$ 95,135.25	$ 128,432.59	$ 128,432.59
Bus Impact	#N/A	#N/A	#N/A	#N/A	#N/A	
Final Impact	#N/A	#N/A	#N/A	#N/A	#N/A	

<u>Employment</u>

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

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

AES
CONSULTING ENGINEERS

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

July 13, 2017

Mr. Roberta Sulonuff, Planner
James City County Planning Division
101-A Mounts Bay Road
P.O. Box 8784
Williamsburg, Virginia 23187-8784

RE: The Parke at Ford's Colony (Z-0002-2017)
Exception Request for Private Streets
AES Project No. W10145-03

Dear Mr. Baruch:

Pre-section 26-62- Special provisions for private streets of the James City County Zoning Ordinance. We are requesting permission to construct private streets within Westport from the Board of Supervisors for this project.

It is our sincere request for a favorable response. If you should have any questions or concerns as a result of our request, please do not hesitate to contact us.

Sincerely,

AES Consulting Engineers

Jason Grimes, P.E.
Senior Project Manager
jason.grimes@aesva.com

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Phone (757) 253-0040
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aesva.com

October 13, 2017

Mr. Paul Holt
Planning Director
James City County
101-A Mounts Bay Road
P.O. Box 8784
Williamsburg, Virginia 23187

RE: The Parke at Ford's Colony (Z-0002-2017)
Parks and Recreation Exception Request
AES Project Number: W10145-03

Dear Mr. Holt:

AES Consulting Engineers, on behalf of the Parke at Westport, LLC and the Ford's Colony Homeowners Association (FCHOA), is requesting an exception to the James City County Recreational Facility Development Guidelines for the Ford's Colony Masterplan. Pursuant to the recent adoption of the Master Plan for Parks and Recreation (April 11, 2017), an exception is allowed by the Board of Supervisors through recommendations from the Director of Planning and the Director of Parks and Recreation.

The current Master Plan and our proposed amendment exceeds the James City County Recreational Facility Guidelines for park land, biking and jogging trails, courts, and pools. While Ford's Colony is not an age restricted community, it is a product that is targeting a specific demographic. Ford's Colony's shortcomings with respect to the guidelines for playgrounds and fields are negated by both the FCHOA's efforts to provide amenities that are requested and will be frequented by the residents as well as the exceedance of the guidelines for park land, biking and jogging trails, tennis courts, and pools. Therefore, we are requesting a general waiver from the James City County Recreational Development Guidelines.

The James City County Parks and Recreation Department have issued a recommendation that our application provide the addition of one playground to the Ford's Colony Master Plan. The existing playgrounds and field are located at the two community recreation centers, which are centrally located within the Ford's Colony Development. The FCHOA works hard to ensure that they provide the recreational facilities that are requested by their residents. They actively pursue the opinions of their residents to accurately meet their recreational needs. The consensus of the residents is that they do not desire additional playground equipment. Therefore, we respectfully disagree with the recommendation and do not believe that the Master Plan and our proposed amendment should include an additional playground.

In addition, we are requesting an exception from the required 8' hard surface path requirement. The Parke at Westport, LLC is planning to provide an additional ±1400 linear feet of 4-6' variable width

hard surface path to connect the pedestrians in the Parke at Ford's Colony to the existing system of hard surface paths within the community. The purpose of reducing the width of the hard surface path and providing variability is to reduce the clearing of mature vegetation. This stretch of path is critical in connecting the residents of Parke at Ford's Colony to the existing hard surface paths in the Ford's Colony Development.

Parke at Westport, LLC will be providing a significant capital contribution to the FCHOA to be used toward enhancing and supplementing the recreation facility amenities within Ford's Colony. These upgrades will occur on current FCHOA property and will not be located within the "Parke at Ford's Colony" property. It is our respectful request that the FCHOA be permitted to utilize these funds to construct the recreational amenities chosen by its residents and based on their preferences. While the formulaic approach of the James City County Recreational Facility Guidelines is both appropriate and beneficial to residents in many developments, we feel that the FCHOA takes initiative and provides valuable recreational facilities that accurately reflect its residents' preferences. Because of this, we believe that the James City County Recreational Facility Guidelines may not be the best solution for recreational facilities in Ford's Colony.

We appreciate the time spent by the various review agencies in the review and guidance for this project and hope our request will be considered. We would be happy to answer any questions you may have in relation to this project and request.

Sincerely,
AES Consulting Engineers

Jason A. Grimes, P.E.
Sr. Project Manager, Principal
jason.grimes@aesva.com

Written Citizen Correspondence Regarding
Z-0002-2017/MP-0002-2017

From: Cheryl Haywood [mailto:cjenkinshaywood@gmail.com]
Sent: Sunday, September 24, 2017 9:02 AM
To: Community Development <community.development@jamescitycountyva.gov>
Subject: Case No. Z-0002-2017/MP-0002-2017, the Parke at Ford's Colony

Dear Paul D. Holt,

I write to oppose the request to rezone approximately 45 acres of land from A-1, General Agricultural to Residential Planner Community. I am a property owner within Ford's Colony. I purchased that property over 15 years ago with the objective to retire there. This rezoning will significantly and negatively impact traffic, quality of life, environmental resources, the relatively rural nature of property in that area, and noise and importantly, property values. One of the appeals of purchasing land in Ford's quality was the controlled aspect of that environment. Please do not rezone this land as all current landowners and homeowners will be subsidizing the newcomers and given the lot size restrictions, we will also be generating maximum profits for the developers.

Sincerely,

Cheryl J. Haywood

From: Herbert Lanese [mailto:hlanese@email81.com] **On Behalf Of** Herbert Lanese
Sent: Tuesday, October 24, 2017 7:18 AM
To: Community Development <community.development@jamescitycountyva.gov>
Subject: Case No.Z-0002-2017/MP-0002-2017, the Parke at Ford's Colony

We are responding with regard to Mr. Paul Holt's letter of October 16, 2017 regarding the rezoning of 45 acres of land now zoned for General Agricultural to higher density Residential. We are opposed to this rezoning and hope the Planning Division will not approve this reclassification. Thank you.
Herb and Mary Lanese

AGENDA ITEM NO. G.1.

ITEM SUMMARY

DATE:	11/1/2017
TO:	The Planning Commission
FROM:	Jose Ribeiro, Senior Planner II
SUBJECT:	Initiation of Consideration of Amendments to the Zoning and Subdivision Ordinances to Address Formerly Proffered Policies and Impact Mitigation Items - Natural Resource Policy

---

ATTACHMENTS:

	Description	Type
	Memorandum	Cover Memo
	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	10/20/2017 - 1:36 PM
Planning Commission	Holt, Paul	Approved	10/20/2017 - 1:37 PM
Publication Management	Burcham, Nan	Approved	10/20/2017 - 1:53 PM
Planning Commission	Holt, Paul	Approved	10/23/2017 - 9:52 AM

M E M O R A N D U M

DATE: November 1, 2017

TO: The Planning Commission

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: Initiation of Consideration of Amendments to the Zoning and Subdivision Ordinances to Address Formerly Proffered Policies and Impact Mitigation Items – Natural Resource Policy

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James City County is endowed with many natural resources, including rare, threatened and endangered species and rare natural communities. The James City County Natural Resource Policy was adopted by the Board of Supervisors on July 27, 1999 seeking to better protect these resources. The Policy states that in areas where significant natural resources potential exists (based on the document titled *Conservation Planning for the Natural Areas of the Lower Peninsula of Virginia*) the County seeks to protect these resources and staff will recommend a condition or proffer for the protection of these areas be added to all Special Use Permit and rezoning cases.

At its 2016 Session, the Virginia General Assembly approved Senate Bill 549, which was signed into law by the Governor as Chapter 322. Chapter 322 created new Section 15.2-2303.4 to the Code of Virginia, 1950, as amended (the "Virginia Code") which fundamentally changed the conditional zoning system in the Commonwealth of Virginia. As a result, the County no longer accepts proffers for new residential rezoning applications or the residential component of multi-use rezoning applications. At the May 23, 2017, Joint Board of Supervisors and Planning Commission Work Session, the Commission and Board reviewed potential work program items for FY 18. The Commission and Board requested that staff move forward with examining possible updates to binding Master Plan elements and reviewing and revising the Zoning Ordinance to more fully capture the Natural Resource Policy as well as other formerly proffered policies and guidelines.

Staff recommends the Planning Commission adopt the attached resolution to formally initiate consideration of such amendments to the Zoning and Subdivision Ordinances and refer this matter to the Policy Committee.

JR/gt
NatResPolicy-mem

Attachment:
1. Initiating Resolution

R E S O L U T I O N

INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCES TO ADDRESS FORMERLY PROFFERED POLICIES AND IMPACT MITIGATION ITEMS – NATURAL RESOURCE POLICY

WHEREAS, Code of Virginia § 15.2-2286 and Sections 19-10 and 24-13 of the James City County Code permit the Planning Commission of James City County (the "Commission") to, by motion, initiate amendments to the regulations of the Subdivision and Zoning Ordinances that the Commission finds to be prudent; and

WHEREAS, the James City County Natural Resource Policy, adopted by the Board of Supervisors of James City County on July 27, 1999, seeks to identify and protect areas where significant natural resources potential exists; and

WHEREAS, by Resolution adopted June 28, 2016, the Board of Supervisors no longer accepts any voluntarily proffered conditions pursuant to Virginia Code Section 15.2-2303 as part of any new application for residential rezoning or zoning map amendment, or any residential components of a multi-use district rezoning or zoning map amendment; and

WHEREAS, amendments to the Subdivision and Zoning Ordinances are necessary in order to identify and protect natural resources in the absence of voluntarily proffered conditions for residential zoning map amendments; and

WHEREAS, the Commission is of the opinion that the public necessity, convenience, general welfare or good zoning practice warrant the consideration of amendments to the Subdivision and Zoning Ordinances.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, does hereby, by motion, initiate staff review of the entirety of Chapter 19, Subdivisions, and Chapter 24, Zoning, of the James City County Code in regards to amending the Subdivision and Zoning Ordinances, respectively, to address the requirements of the Natural Resource Policy adopted by the Board of Supervisors on July 27, 1999, in order to identify and protect areas where significant natural resources potential exists. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said ordinances and shall forward its recommendation to the Board of Supervisors in accordance with the law.

_____
Richard Krapf
Chairman, Planning Commission

ATTEST:

_____
Paul D. Holt, III
Clerk to the Board

Adopted by the Planning Commission of James City County, Virginia, this 1st day of November, 2017.

NatResPolicy-mem

AGENDA ITEM NO. G.2.

ITEM SUMMARY

DATE:	11/1/2017
TO:	The Planning Commission
FROM:	W. Scott Whyte, Senior Landscape Planner II
SUBJECT:	Initiation of Consideration of Amendments to the Zoning and Subdivision Ordinances to Address Formerly Proffered Policies and Impact Mitigation Items - Streetscape Policy

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ATTACHMENTS:

	Description	Type
	Memorandum	Cover Memo
	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	10/23/2017 - 9:56 AM
Planning Commission	Holt, Paul	Approved	10/23/2017 - 9:56 AM
Publication Management	Trautman, Gayle	Approved	10/23/2017 - 10:03 AM
Planning Commission	Holt, Paul	Approved	10/23/2017 - 10:04 AM

M E M O R A N D U M

DATE: November 1, 2017

TO: The Planning Commission

FROM: W. Scott Whyte, Senior Landscape Planner II

SUBJECT: Initiation of Consideration of Amendments to the Subdivision and Zoning Ordinances to Address Formerly Proffered Policies and Impact Mitigation Items – Streetscape Policy

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James City County's Streetscape Policy was first adopted by the Board of Supervisors in 1999 as a result of the 1999 Comprehensive Plan recommendations. The goal of the Policy was to establish or preserve a tree canopy along residential streets and to achieve a 20% canopy coverage within a 20-year period. In the past, commitment to the provision of street trees has occurred through proffers for residential rezoning applications.

At its 2016 Session, the Virginia General Assembly approved Senate Bill 549, which was signed into law by the Governor as Chapter 322. Chapter 322 created new Section 15.2-2303.4 to the Code of Virginia, 1950, as amended (the "Virginia Code") which fundamentally changed the conditional zoning system in the Commonwealth of Virginia. As a result, the County no longer accepts proffers for new residential rezoning applications or the residential component of multi-use rezoning applications. At the May 23, 2017 Joint Board of Supervisors and Planning Commission Work Session, the Commission and Board reviewed potential work program items for FY18. The Commission and Board requested that staff move forward with examining possible updates to binding Master Plan elements and reviewing and revising the Zoning and Subdivision Ordinance to more fully capture the Streetscape Policy as well as other formerly proffered policies and guidelines.

Staff recommends adoption of the attached resolution to formally initiate consideration of such amendments to the Subdivision and Zoning Ordinances and refer this matter to the Policy Committee.

Attachment:
1. Initiating Resolution

WSW/gt
StreetscapePolicy-mem

R E S O L U T I O N

INITIATION OF CONSIDERATION OF AMENDMENTS TO THE SUBDIVISION AND ZONING ORDINANCES TO ADDRESS FORMERLY PROFFERED POLICIES AND IMPACT MITIGATION ITEMS – STREETSCAPE POLICY

WHEREAS, Code of Virginia § 15.2-2286 and Sections 19-10 and 24-13 of the James City County Code permit the Planning Commission of James City County (the "Commission") to, by motion, initiate amendments to the regulations of the Subdivision and Zoning Ordinances that the Commission finds to be prudent; and

WHEREAS, the James City County Streetscape Policy, adopted by the Board of Supervisors of James City County on November 22, 2011, seeks to establish or preserve a tree canopy along residential streets; and

WHEREAS, by resolution adopted June 28, 2016, the Board of Supervisors no longer accepts any voluntarily proffered conditions pursuant to Virginia Code Section 15.2-2303 as part of any new application for residential rezoning or zoning map amendment, or any residential components of a multi-use district rezoning or zoning map amendment; and

WHEREAS, amendments to the Subdivision and Zoning Ordinances are necessary in order to establish streetscape improvements in the absence of voluntarily proffered conditions for residential rezonings or zoning map amendments; and

WHEREAS, the Commission is of the opinion that the public necessity, convenience, general welfare or good zoning practice warrant consideration of amendments to the Subdivision and Zoning Ordinances.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, does hereby, by motion, initiate staff review of the entirety of Chapter 19, Subdivisions, and Chapter 24, Zoning, of the James City County Code in regards to amending the Subdivision and Zoning Ordinances, respectively, to address the requirements of the Streetscape Policy adopted by the Board of Supervisors on November 22, 2011, in order to establish or preserve a tree canopy along residential streets. The Commission shall hold at least one public hearing on the consideration of amendments to said ordinances and shall forward its recommendation to the Board of Supervisors in accordance with the law.

_____
Richard Krapf
Chairman, Planning Commission

ATTEST:

_____
Paul D. Holt, III
Clerk to the Board

Adopted by the Planning Commission of James City County, Virginia, this 1st day of November, 2017.

StreetscapePolicy-res

AGENDA ITEM NO. G.3.

ITEM SUMMARY

DATE:	11/1/2017
TO:	The Planning Commission
FROM:	Alex Baruch, Planner and Roberta Sulouff, Senior Planner
SUBJECT:	Initiation of Consideration of Amendments to the Zoning and Subdivision Ordinances to Address Formerly Proffered Policies and Impact Mitigation Items - Bicycles and Pedestrian Accommodations, Traffic Impact Analysis and Transportation Improvements

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ATTACHMENTS:

	Description	Type
	Memorandum	Cover Memo
	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	10/25/2017 - 9:52 AM
Planning Commission	Holt, Paul	Approved	10/25/2017 - 9:53 AM
Publication Management	Trautman, Gayle	Approved	10/25/2017 - 9:59 AM
Planning Commission	Holt, Paul	Approved	10/25/2017 - 10:09 AM

M E M O R A N D U M

DATE: November 1, 2017

TO: The Planning Commission

FROM: Alex Baruch, Planner
Roberta Sulouff, Senior Planner

SUBJECT: Initiation of Consideration of Amendments to the Zoning and Subdivision Ordinances to Address Formerly Proffered Policies and Impact Mitigation Items – Bicycle and Pedestrian Accommodations, Traffic Impact Analysis and Transportation Improvements

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At its 2016 Session, the Virginia General Assembly approved Senate Bill 549, which was signed into law by the Governor as Chapter 322. Chapter 322 created new Section 15.2-2303.4 to the Code of Virginia, 1950, as amended (the "Virginia Code") which fundamentally changed the conditional zoning system in the Commonwealth of Virginia. As a result, the County no longer accepts proffers for new residential rezoning applications or the residential component of multi-use rezoning applications. At the May 23, 2017, Joint Board of Supervisors and Planning Commission Work Session, the Commission and Board requested that staff move forward with examining possible updates to binding Master Plan elements and reviewing and revising the Zoning and Subdivision Ordinances to more fully capture transportation impacts normally addressed through three previously adopted policies: the Pedestrian Accommodations Master Plan, the Regional Bikeways Plan and The Traffic Impact Analysis (TIA) Submittal Requirement Policy.

Current policies and submittal requirements represent the desire of the County to ensure that development is responsive to the transportation needs of the community they are impacting. These policies ensure that applicants use the resources of the adopted plans mentioned above and, when applicable, any improvements recommended by a TIA in the creation of their binding Master Plans and proffers. Staff uses the Board of Supervisors' adopted policies to evaluate applications and make recommendations on legislative cases. Absent proffers, these policies have limited ability to address transportation impacts created by new residential development. Staff has identified possible updates to incorporate parts of these policies into the Zoning and Subdivision Ordinances.

Staff recommends the Planning Commission adopt the attached resolution to formally initiate consideration of such amendments to the Zoning and Subdivision Ordinances and refer this matter to the Policy Committee.

AB/RS/gt
BikePednTraffic-mem

Attachment:
1. Initiating Resolution

R E S O L U T I O N

INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCES TO ADDRESS FORMERLY PROFFERED POLICIES AND IMPACT MITIGATION ITEMS – BICYCLE AND PEDESTRIAN ACCOMMODATIONS, TRAFFIC IMPACT ANALYSIS AND TRANSPORTATION IMPROVEMENTS

WHEREAS, Code of Virginia § 15.2-2286 and County Code §§ 19-10 and 24-13 permit the Planning Commission of James City County, Virginia (the "Commission") to, by motion, initiate amendments to the regulations of the Subdivision and Zoning Ordinances that the Commission finds to be prudent; and

WHEREAS, the James City County Pedestrian Accommodations Master Plan, adopted by the Board of Supervisors on November 22, 2011, implemented the Master Plan as a binding resource in determining pedestrian accommodation requirements external to a development unless otherwise required by the pedestrian accommodations section of the Zoning Ordinance; and

WHEREAS, the James City County Regional Bikeways Plan, adopted by the Board of Supervisors on June 21, 1993 and amended November 10, 1998 and September 10, 2013, encourages the coordinated development of a comprehensive system of bikeways throughout the region; and

WHEREAS, the James City County Traffic Impact Analysis Submittal Requirement, adopted by the Board of Supervisors on June 12, 2012, was designed to provide guidance to applicants regarding the content requirements for a Traffic Impact Analysis; and

WHEREAS, by Resolution adopted June 28, 2016, the Board of Supervisors no longer accepts any voluntarily proffered conditions pursuant to Virginia Code Section 15.2-2303 as part of any new application for residential rezoning or zoning map amendment, or any residential components of a multi-use district rezoning or zoning map amendment; and

WHEREAS, amendments to the Subdivision and Zoning Ordinances are necessary in order to ensure that development is responsive to the transportation needs of the community they are impacting in the absence of voluntarily proffered conditions for residential rezonings and zoning map amendments; and

WHEREAS, the Commission is of the opinion that the public necessity, convenience, general welfare or good zoning practice warrant the consideration of amendments to the Zoning and Subdivision Ordinances.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, does hereby, by motion, initiate staff review of the entirety of Chapter 19, Subdivisions, and Chapter 24, Zoning of the James City County Code in regards to amending the Zoning and Subdivision Ordinances to address pedestrian and bicycle accommodations and transportation improvements. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said Ordinances and shall forward its recommendation to the Board of Supervisors in accordance with the law.

_____
Richard Krapf
Chairman, Planning Commission

ATTEST:

_____
Paul D. Holt, III
Clerk to the Board

Adopted by the Planning Commission of James City County, Virginia, this 1st day of November, 2017.

BikePednTraffic-res

AGENDA ITEM NO. G.4.

ITEM SUMMARY

DATE:	11/1/2017
TO:	The Planning Commission
FROM:	Lauren White, Planner
SUBJECT:	Initiation of Consideration of Amendments to the Zoning and Subdivision Ordinances to Address Formerly Proffered Policies and Impact Mitigation Items - Archaeological Policy

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ATTACHMENTS:

	Description	Type
	Memorandum	Cover Memo
	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	10/25/2017 - 11:48 AM
Planning Commission	Holt, Paul	Approved	10/25/2017 - 11:49 AM
Publication Management	Trautman, Gayle	Approved	10/25/2017 - 12:41 PM
Planning Commission	Holt, Paul	Approved	10/25/2017 - 12:46 PM

M E M O R A N D U M

DATE: November 1, 2017

TO: The Planning Commission

FROM: Lauren White, Planner

SUBJECT: Initiation of Consideration of Amendments to the Subdivision and Zoning Ordinances to Address the Archaeological Policy

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As one of the oldest settlement areas in the United States, James City County has numerous documented and unknown archaeological and historic sites. The James City County Archaeological Policy, adopted by the Board of Supervisors on September 22, 1998, seeks to identify and protect areas where significant archaeological potential exists. The Policy states "where it appears that significant archaeological potential exists, the County seeks to identify and protect these areas and staff will recommend a condition be added to all special use permit and rezoning cases. For rezoning cases to date, this has taken the form of a proffer.

At its 2016 Session, the Virginia General Assembly approved Senate Bill 549, which was signed into law by the Governor as Chapter 322. Chapter 322 created new Section 15.2-2303.4 to the Code of Virginia, 1950, as amended (the "Virginia Code") which fundamentally changed the conditional zoning system in the Commonwealth of Virginia. As a result, the County no longer accepts proffers for new residential rezoning applications or the residential component of multi-use rezoning applications. At the May 23, 2017 Joint Board of Supervisors and Planning Commission Work Session, the Commission and Board reviewed potential work program items for FY18. The Commission and Board requested that staff move forward with examining possible updates to binding Master Plan elements and reviewing and revising the Zoning and Subdivision Ordinance to more fully capture the Archaeological Policy as well as other formerly proffered policies and guidelines.

Staff recommends the Planning Commission adopt the attached resolution to formally initiate consideration of such amendments to the Zoning and Subdivision Ordinance and refer this matter to the Policy Committee.

LW/nb
IRArchaelogicalPol-mem

Attachment:
1. Initiating Resolution

R E S O L U T I O N

INITIATION OF CONSIDERATION OF AMENDMENTS TO THE SUBDIVISION

AND ZONING ORDINANCES TO ADDRESS THE ARCHAEOLOGICAL POLICY

WHEREAS, Code of Virginia § 15.2-2286 and County Code §§ 19-10 and 24-13 permit the Planning Commission of James City County, Virginia (the "Commission") to, by motion, initiate amendments to the regulations of the Subdivision and Zoning Ordinances that the Commission finds to be prudent; and

WHEREAS, the James City County Archaeological Policy, adopted by the Board of Supervisors on September 22, 1998, seeks to identify and protect areas where significant archaeological potential exists; and

WHEREAS, by Resolution adopted June 28, 2016, the Board of Supervisors of James City County, Virginia no longer accepts any voluntarily proffered conditions pursuant to Virginia Code Section 15.2-2303 as part of any new application for residential rezoning or zoning map amendment, or any residential components of a multi-use district rezoning or zoning map amendment; and

WHEREAS, amendments to the Subdivision and Zoning Ordinances are necessary in order to identify and protect archaeological resource in the absence of voluntarily proffered conditions for residential rezonings zoning map amendments; and

WHEREAS, the Commission is of the opinion that the public necessity, convenience, general welfare or good zoning practice warrant the consideration of amendments to the Subdivision and Zoning Ordinances.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, does hereby, by motion, initiate staff review of the entirety of Chapter 19, Subdivisions, and Chapter 24, Zoning and of the of the James City County Code in regards to amending the Subdivision and Zoning Ordinances, respectively, to address the requirements of the Archaeological Policy adopted by the Board of Supervisors on September 22, 1998, in order to identify and protect areas where significant archaeological potential exists. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said Ordinances and shall forward its recommendation to the Board of Supervisors in accordance with the law.

_____
Richard Krapf
Chairman, Planning Commission

ATTEST:

_____
Paul D. Holt, III
Clerk to the Board

Adopted by the Planning Commission of James City County, Virginia, this 1st day of November, 2017.

IRArchaelogicalPol-res

AGENDA ITEM NO. G.5.

ITEM SUMMARY

DATE: 11/1/2017

TO: The Planning Commission

FROM: Roberta Sulouff, Senior Planner & Lauren White, Planner

SUBJECT: Initiation of Consideration of Amendments to the Zoning Ordinance to Permit Short-Term Residential Rentals

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ATTACHMENTS:

	Description	Type
	Memorandum	Cover Memo
	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	10/25/2017 - 1:48 PM
Planning Commission	Holt, Paul	Approved	10/25/2017 - 1:48 PM
Publication Management	Trautman, Gayle	Approved	10/25/2017 - 1:50 PM
Planning Commission	Holt, Paul	Approved	10/25/2017 - 1:52 PM

M E M O R A N D U M

DATE: November 1, 2017

TO: The Planning Commission

FROM: Roberta Sulouff, Senior Planner
Lauren White, Planner

SUBJECT: Initiation of Consideration of Amendments to the Zoning Ordinance to Permit Short-Term Residential Rentals

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Over the past year, the County received several inquiries from citizens interested in using residential properties for short-term rentals and the Planning Commission and Board of Supervisors discussed a general desire for location standards during the consideration of a few of those cases. At the May 23, 2017 Joint Board of Supervisors and Planning Commission Work Session, the topic of potential regulations or policy for short-term residential rentals was placed on the Planning Division work plan.

Following the Joint Board of Supervisors and Planning Commission Work Session, staff began working with the Policy Committee which began discussions on what may be the best fit for James City County. Following the Stage I review of this topic, the Policy Committee directed staff to research and develop draft Zoning Ordinance language to define and develop a permitting process for short-term residential rentals in the following districts: A-1, General Agricultural; R-1, Limited Residential; R-2, General Residential; R-3, Residential Redevelopment; R-4, Residential Planned Community; R-5, Multifamily Residential; R-6, Low-Density Residential; R-8, Rural Residential; MU, Mixed Use; and PUD, Planned Unit Development. Amendments to permit this use would entail amendments of Chapter 24, Articles I – In General, II – Special Regulations and V – Districts to define the use, add performance standards and update the formatting of these sections to match use lists in other sections of the Zoning Ordinance.

Additionally, at the direction of both the Board of Supervisors and the Planning Commission, staff began working with the Policy Committee to research and develop an Administrative Policy to address Special Use Permit applications for short-term residential rentals. The policy would create a transparent set of expectations for those who wish to apply for the use and would also provide guidance to the Board of Supervisors and the Planning Commission in their respective reviews of applications.

In order to continue to more fully consider these approaches, staff recommends that the Planning Commission adopt the attached resolution to formally initiate consideration of such amendments.

RS/LW/gt
ShTrmResRntl-mem

Attachment:
1. Initiating Resolution

R E S O L U T I O N

INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE

TO PERMIT SHORT-TERM RESIDENTIAL RENTALS

WHEREAS, the Virginia Code § 15.2-2286 and County Code § 24-13 permit the Planning Commission of James City County, Virginia (the "Commission") to, by motion, initiate amendments to the regulations of the Zoning Ordinance that the Commission finds to be prudent; and

WHEREAS, the staff of James City County, Virginia (the "County") have recently received citizen inquiries regarding the short-term rental of residential properties; and

WHEREAS, amendments to the Zoning Ordinance are necessary in order to permit different processes for an array of uses addressing the short-term rental of residential properties throughout the residential zoning districts of the County; and

WHEREAS, the Commission is of the opinion that the public necessity, convenience, general welfare or good zoning practice warrant the consideration of amendments to the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, does hereby, by motion, initiate staff review of the Zoning Ordinance to amend James City County Code, Chapter 24, Zoning, Articles I – In General, II – Special Regulations and V – Districts in order to define, permit and add performance standards for short-term rental of residential properties. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said Ordinance and shall forward its recommendation to the Board of Supervisors in accordance with the law.

_____
Richard Krapf
Chairman, Planning Commission

ATTEST:

_____
Paul D. Holt, III
Clerk to the Board

Adopted by the Planning Commission of James City County, Virginia, this 1st day of November, 2017.

ShTrmResRntl-res

AGENDA ITEM NO. H.1.

ITEM SUMMARY

DATE: 11/1/2017

TO: The Planning Commission

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Planning Director's Report - November 2017

ATTACHMENTS:

	Description	Type
	Memo	Cover Memo
	Spreadsheet listing new applications received	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	10/25/2017 - 10:43 AM
Planning Commission	Holt, Paul	Approved	10/25/2017 - 10:43 AM
Publication Management	Trautman, Gayle	Approved	10/25/2017 - 10:48 AM
Planning Commission	Holt, Paul	Approved	10/25/2017 - 10:55 AM

PLANNING DIRECTOR'S REPORT
November 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:**
    - October 10, 2017
      - SUP-0016-2016, 7-Eleven Convenience Store with Gas Pumps and Drive-Thru Restaurant at Quarterpath
        Approved (4 – 0)

      - ZO-0028-2016, Solar Electrical Generation Facility at Norge
        Remanded to Planning Commission (4 – 0)

    - October 24, 2017

      - ZA-0005-2017, The Promenade at John Tyler – Appeal of a Proffer Interpretation
        Zoning Administrator determination upheld (5-0)

- **Building Safety & Permits**

  - Congratulations to Richard Nedoszytko on passing the Virginia Department of Professional and Occupational Regulation's Master Electrician exam and to Stacy McKinney on her promotion to plans examiner!

New Cases for November 2017						
Case Type	**Case Number**	**Case Title**	**Address**	**Description**	**Planner**	**District**
Conceptual Plan	C-0067-2017	7259 Merrimac Trail Resale/Subdivision Options	7259 MERRIMAC TRAIL	Looking into resale and subdivision options for parcel.	Jose Ribeiro	05-Roberts
	C-0068-2017	4318 Ware Creek Rd. Subdivision	4318 WARE CREEK ROAD	Proposal for 3 lot by-right subdivision, or 2-3 lot family subdivision.	Savannah Pietrowski	01-Stonehouse
	C-0069-2017	168 Railroad Street Subdivision	168 RAILROAD STREET	Potential subdivision of parent parcel into 3 lots.	Alex Baruch	05-Roberts
	C-0070-2017	Settlers Market and Casey Blvd. Improvements	N/A	Street improvements/repairs to Settlers Market Blvd. and Casey Blvd., including repairs to sidewalk/curb/gutter, and removal of cobblestone.	Roberta Sulouff	04-Jamestown
	C-0071-2017	4396 Landfall Drive Pier	4396 LANDFALL DRIVE	Proposal for consideration of a new pier at 4396 Landfall Drive.	Alex Baruch	03-Berkeley
	C-0072-2017	Oakland Farm	7581 RICHMOND ROAD	126 affordable apartment units on approximately 14.6 acres currently zoned A-1. Proposed rezoning is R-5.	Lauren White	01-Stonehouse
	C-0073-2017	Renewed Beauty Cosmetic Tattooing	7505 RICHMOND ROAD	Proposal for cosmetic tattooing business in Poplar Creek Business Park.	Savannah Pietrowski	01-Stonehouse
	C-0074-2017	3877 Strawberry Plains Road Minor Subdivision	3877 STRAWBERRY PLAINS	Proposal for 5 lot subdivision for SFD's with attached accessory apartments.	Tori Haynes	04-Jamestown
	C-0075-2017	Virginia Health Services Assisted Living Facility	6799 RICHMOND ROAD	Proposal for new skilled nursing and assisted living facility in Colonial Heritage. Project will consist of 60 skilled nursing beds and 30 assisted living apartments.	Alex Baruch	01-Stonehouse
	C-0076-2017	Mini-Storage Facility in Former Farm Fresh (York Co. Courtesy Review)	N/A	Courtesy review for York County. Special Use Permit application to convert former Farm Fresh on Merrimac Trail to mini-storage warehouse facility.	Lauren White	N/A
	C-0077-2017	Haynes Distribution Center Warehouse Sale	1625 GREEN MOUNT PARKWAY	Warehouse sale to take place Nov. 4-5 from 10am to 6pm. Would like to repeat the warehouse sale once per month to clear old inventory.	Savannah Pietrowski	05-Roberts
	C-0078-2017	Pascucci Family Subdivision	2693 JOLLY POND ROAD	Proposal for family subdivision. If family subdivision not possible, then duplex on original lot.	Jose Ribeiro	02-Powhatan
Subdivision	S-0033-2017	6701 Cranston's Mill Pond Road Subdivision	6701 CRANSTON'S MILL POND RD	6701 Cranston's Mill Pond Road Subdivision	Scott Whyte	01-Stonehouse
	S-0034-2017	Dively - Escalante Kingsmill BLA	175 WEST LANDING	BLA to remove 0.18 acres from 300 Mounts Bay Rd. and add to 175 West Landing.	Roberta Sulouff	05-Roberts
Site Plan	SP-0100-2017	Liberty Baptist Church Site Plan Amendment	8201 CROAKER ROAD	Construction of an additional sidewalk route along the existing parking lot, new entry areas and access routes for existing buildings, new accessory buildings and associated utilities and stormwater facilities.	Jose Ribeiro	01-Stonehouse
	SP-0101-2017	Williamsburg Landing Sunroom, 5601 Boatwright Circle Amendment	5550 WILLIAMSBURG LANDING DR	Amendment to add 2'-0" to proposed sunroom.	Tori Haynes	05-Roberts
	SP-0102-2017	Carter's Grove Plantation Roads and Pond Amendment	8797 POCAHONTAS TR	Amendment to reflect the new vertical geometry of the formal entrance drive.	Roberta Sulouff	05-Roberts
	SP-0103-2017	Alpha Pitt Smokers Portable Storage Unit	5087 LONGHILL ROAD	Installation of two 12 x 24 storage buildings.	Lauren White	04-Jamestown
	SP-0104-2017	Williamsburg Landing Woodhaven Sidewalk Improvements	5560 WILLIAMSBURG LANDING DR	Sidewalk improvements along Williamsburg Landing Drive near the Woodhaven building.	Roberta Sulouff	05-Roberts
	SP-0105-2017	AT&T LTE Tower, 129 Industrial Blvd	129 INDUSTRIAL BLVD U-B	Upgrade the antennas. Remove older antennas and replace with newer antennas.	Jose Ribeiro	01-Stonehouse
	SP-0107-2017	Settlement at Powhatan Creek Ph 1, Lot 70 SP Amendment	3400 SAUNDER'S BRIDGE	SP amendment for the remediation of the level spreader located behind lot 70.	Scott Whyte	03-Berkeley
	SP-0108-2017	Hickory Neck Church SP Amendment	8340 RICHMOND ROAD	Addition of a light post near entrance.	Tom Leininger	01-Stonehouse
	SP-0109-2017	Candle Factory Storage Stormwater Improvements	7551 RICHMOND ROAD	Stormwater improvements based on current site conditions.	Jose Ribeiro	01-Stonehouse
	SP-0110-2017	Upper County Park Camping Area	180 LEISURE ROAD	Proposed development of a youth group primitive camping area of approximately 3 acres.	Alex Baruch	01-Stonehouse
	SP-0111-2017	Woodland Farms Phase II Stream Restoration Project	4896 RIVERVIEW ROAD	Restoration project to restore 2,385 linear feet of stream to create a channel with a stable pattern, profile, and dimensions, as well as stabilize active eroding banks and create aquatic habitat.	Scott Whyte	01-Stonehouse
	SP-0112-2017	Settlement at Powhatan Creek Phase 1, BMP 1.3 Remediation Plan	3400 SAUNDER'S BRIDGE	Amend previously approved site plan for the remediation of BMP 1.3.	Savannah Pietrowski	03-Berkeley