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 September 4, 2019 6:00 PM

- A. CALL TO ORDER
- B. ROLL CALL
- C. PUBLIC COMMENT
- D. REPORTS OF THE COMMISSION
- E. CONSENT AGENDA
 - 1. Minutes of the August 7, 2019 Regular Meeting
 - 2. S-0008-2015. Colonial Heritage Phase 6 Section 2, Construction Plan
- F. PUBLIC HEARINGS
 - Case No. ORD-19-0001. Zoning Ordinance Amendment to Section 24-16, Proffer of Conditions
- G. PLANNING COMMISSION CONSIDERATIONS
 - 1. Z-19-0011. Mason Park Proffer Amendment
- H. PLANNING DIRECTOR'S REPORT
 - 1. Planning Director's Report September 2019
- I. PLANNING COMMISSION DISCUSSION AND REQUESTS
- J. ADJOURNMENT

AGENDA ITEM NO. E.1.

ITEM SUMMARY

DATE: 9/4/2019

TO: The Planning Commission

Paul D. Holt, III, Secretary FROM:

Minutes of the August 7, 2019 Regular Meeting SUBJECT:

ATTACHMENTS:

Description Type

Minutes of the August 7, 2019 Regular Meeting D Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	8/28/2019 - 12:46 PM
Planning Commission	Holt, Paul	Approved	8/28/2019 - 12:46 PM
Publication Management	Daniel, Martha	Approved	8/28/2019 - 1:32 PM
Planning Commission	Holt, Paul	Approved	8/28/2019 - 1:37 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 August 7, 2019 6:00 PM

A. CALL TO ORDER

Mr. Jack Haldeman called the meeting to order at 6:00 p.m.

B. ROLL CALL

Planning Commissioners Present:

Jack Haldeman

Rich Krapf

Tim O'Connor

Danny Schmidt

Frank Polster

Julia Leverenz

Planning Commissioners Absent:

Odessa Dowdy

Staff Present:

Paul Holt, Director of Community Development and Planning Max Hlavin, Deputy County Attorney José Ribeiro, Senior Planner II

C. PUBLIC COMMENT

Mr. Haldeman opened Public Comment.

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

D. REPORTS OF THE COMMISSION

Mr. Frank Polster stated that the Development Review Committee (DRC) met on July 24, 2019 to consider Case No. C-19-0055. Monticello Avenue Shops. Mr. Polster stated that the case was presented to the DRC as a conceptual plan for rezoning and development of three properties located at 4744 Old News Road, 3897 Ironbound Road, and 3905 Ironbound Road.

Mr. Polster stated that the applicant requested the item on the DRC calendar to discuss the project and seek input and questions from the DRC members. Mr. Polster further stated that no action by the DRC was required.

Mr. Polster stated that the parcels are currently zoned R-8 and designated Neighborhood Commercial on the 2035 Comprehensive Plan Land Use Map. Mr. Polster further stated that the applicant proposes to rezone the parcels to B1 to accommodate a retail facility, a restaurant, and a quick service automobile commercial facility. Mr. Polster stated that the adjacent property on the east is currently zoned R-8. Mr. Polster further stated that if the B-1

rezoning request is granted, the proposed conceptual plan does not meet the minimum buffer requirement of the Zoning Ordinance.

Mr. Polster stated that staff was also concerned with other building setbacks and landscape buffers that the proposal did not meet. Mr. Polster stated that staff and the applicant agreed that waivers could be requested and the Planning Commission could recommend approval of those exceptions for those building setbacks and landscape buffers requirements.

Mr. Polster stated that the one unresolved issue is whether the Special Use Permit (SUP) per Section 24-11 of the Zoning Ordinance could permit an exception to the buffer requirement for the B-1 and eastern R-8 parcel. Mr. Polster stated that the issue requires additional study and discussion between the staff and applicant.

Mr. Polster stated that based on the discussion, the DRC consensus was supportive of recommending an exception to the B-1 buffer, building setbacks, and landscape buffers requirements of Section 24-11 of the Zoning Ordinance.

Mr. Polster stated that other items of discussion were traffic impacts on Monticello Avenue, stormwater, and a Virginia Department of Transportation (VDOT) proposal to close the existing right-in/right-out intersection located between the project area and Monticello Marketplace Shoppes. Mr. Polster stated that the applicant and the management of Monticello Marketplace Shoppes were not supportive of that proposal

E. CONSENT AGENDA

Ms. Julia Leverenz made a motion to approve the Consent Agenda.

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

- 1. Minutes of the June 5, 2019 Regular Meeting
- 2. Minutes of the July 3, 2019 Regular Meeting

Ms. Julia Leverenz made a motion to approve the Consent Agenda.

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

F. PUBLIC HEARINGS

1. SUP-19-0014. 6096 Centerville Road Tourist Home

A motion to Approve w/ Conditions was made by Rich Krapf, the motion result was Passed.

AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Haldeman, Krapf, Leverenz, O'Connor, Polster, Schmidt

Absent: Dowdy

Mr. José Ribeiro, Senior Planner, stated that Mr. Antwyne Anderson Jr. has applied for an SUP to allow for the operation of a short-term rental of a one-bedroom detached accessory apartment at 6096 Centerville Road. Mr. Ribeiro stated that the property is located inside the Primary Service Area, zoned A-1, General Agricultural and is designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map.

Mr. Ribeiro stated that on January 8, 2019, the Board of Supervisors approved an SUP request to allow the construction of the detached accessory apartment on the property. Mr. Ribeiro stated that at that time, the applicant indicated that the purpose of the apartment would be to provide a place for his grandmother to reside. Mr. Ribeiro stated that the applicant has since then indicated that his grandmother would be moving in at a later time and that the applicant would like the flexibility to use the detached apartment as a tourist home until his grandmother moves in. Mr. Ribeiro stated that both the detached accessory apartment and the main residence have been built.

Mr. Ribeiro stated that staff considers the home's location, parking provisions, and appearance to be favorable factors in the evaluation of this application. Mr. Ribeiro stated that the existing driveway and attached garage will exceed the minimum parking requirement. Mr. Ribeiro stated that staff is recommending conditions which are intended to mitigate the impacts of the use and preserve the residential character of the home. Mr. Ribeiro stated that such conditions include restrictions on commercial signage and lighting, and any future expansions of the use would require an SUP amendment.

Mr. Ribeiro stated that staff finds the proposal to be compatible with the 2035 Comprehensive Plan, Zoning Ordinance, and surrounding development, and recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the conditions included as part of this application.

Ms. Leverenz inquired if the garage and accessory apartment have been built.

Mr. Ribeiro confirmed.

Ms. Leverenz inquired if the garage would be available to the guests.

Mr. Ribeiro confirmed.

Mr. Tim O'Connor inquired if it was standard practice to consider the tourist home use separately from the accessory apartment.

Mr. Holt stated that each use required an individual SUP and that, timing notwithstanding, the two applications would be processed concurrently.

Mr. Danny Schmidt inquired if any adjacent property owners had expressed concerns.

Mr. Ribeiro stated that staff did not receive any comments from neighbors.

Mr. Haldeman called for disclosures from the Commission.

There were no disclosures.

Mr. Haldeman opened the Public Hearing.

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

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

Mr. Krapf made a motion to recommend approval of the application. On a roll call vote, the Commission voted to approve SUP-19-0014. 6096 Centerville Road Tourist Home. (6-0)

SUP-19-0015. 4440 Ironbound Road Tourist Home

A motion to Approve w/ Conditions was made by Frank Polster, the motion result was Passed.

AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Haldeman, Krapf, Leverenz, O'Connor, Polster, Schmidt

Absent: Dowdy

Mr. Ribeiro stated that Ms. Charlene Chamberlayne has applied for an SUP to allow for the short-term rental of an entire two-bedroom home located at 4440 Ironbound Road. Mr. Ribeiro stated that this use is considered a Tourist Home because the owner will live off-site during the time of rentals. Mr. Ribeiro stated that the property is zoned R-2, General Residential, is designated Low Density Residential in the Comprehensive Plan, and is located inside the Primary Service Area.

Mr. Ribeiro stated that this SUP would allow short-term rentals throughout the year; however, the property will primarily be offered for short-term rentals during the summer months, as the house is leased to college students during the academic year. Mr. Ribeiro stated that no changes to the footprint of the home are proposed.

Mr. Ribeiro stated that staff considers the home's location, parking provisions, and appearance to be favorable factors in the evaluation of this application. Mr. Ribeiro stated that the property has an existing driveway and parking area sufficient to accommodate guests. Mr. Ribeiro stated that staff is recommending conditions which are intended to mitigate the impacts of the use and preserve the residential character of the home. Mr. Ribeiro stated that such conditions include restrictions on commercial signage and lighting, and any future expansions of the use would require an SUP amendment.

Mr. Ribeiro stated that staff finds the proposal to be compatible with the 2035 Comprehensive Plan, Zoning Ordinance, and surrounding development, and recommends that the Planning Commission recommend approval of this application, subject to the conditions included in the Agenda Packet.

Ms. Julia Leverenz inquired if there were any concerns from adjacent property owners.

Mr. Ribeiro stated that there were no comments from neighbors.

Mr. Haldeman opened the Public Hearing.

1. Ms. Charlene Chamberlayne, 4915 Gosnold Avenue, Norfolk, Virginia, Applicant, addressed the Commission in support of the application.

Mr. Haldeman closed the Public Hearing.

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

Mr. Schmidt expressed appreciation for both applicants abiding by the Zoning Ordinance and working through the SUP process.

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

On a roll call vote, the Commission voted to recommend approval of SUP-19-0015. 4440 Ironbound Road Tourist Home. (6-0)

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for consideration.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - August 2019

Mr. Holt stated that he had nothing in addition to what was provided in the report.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Haldeman stated that Ms. Leverenz is the Planning Commission representative to the Board of Supervisors for August.

Mr. O'Connor stated that he is concerned that the County is making land use decisions regarding short-term rentals that will have long-term impacts on the communities where they are located. Mr. O'Connor further stated that he believes the use is not consistent with the Comprehensive Plan. Mr. O'Connor noted that the Comprehensive Plan talks about tourism, meaning hotels and restaurants, which are the third leading employer in the County. Mr. O'Connor stated that the Comprehensive Plan talks about supporting tourism and creating jobs with benefits. Mr. O'Connor stated that he feels the short-term rentals are chipping away at the Comprehensive Plan goals. Mr. O'Connor noted that he understands eco-tourism and agri-tourism and finding uses in rural lands to generate income from the property. Mr. O'Connor stated that the subject had been discussed in Policy Committee several years ago and that it may be time to revisit the discussion in light of all the applications coming forward. Mr. O'Connor noted that he would be more inclined to support these applications if there were a limit on the duration of the SUP since it is difficult to predict what the economy will look like 15 or 20 years in the future.

Mr. Krapf stated that the idea of a sunset clause is interesting to him as long as the applicant is not making investment in material changes to the property such as expanding the building footprint. Mr. Krapf stated that he was including all SUPs, not just the short-term rentals. Mr. Krapf noted that short-term rentals might be a good starting point to consider limitations on SUPs. Mr. Krapf stated that since SUPs convey with the land in perpetuity, the property could change hands many times and the quality of the management and the impacts on the neighborhood could change dramatically over time. Mr. Krapf stated that there may be some SUPs where a sunset clause would be appropriate.

Ms. Leverenz stated that she supports considering how these SUPs are handled. Ms. Leverenz noted, however, that there still needs to be a mechanism to review and regulate these uses.

Mr. Schmidt stated that he feels the recent applications have been similar in nature without impacts on established neighborhoods. Mr. Schmidt noted that the cost of staying in a hotel can be prohibitive for young families and that short-term rentals are a more budget-friendly option. Mr. Schmidt noted that even before the advent of the shared economy, he has seen a number of hotels close due to lack of business. Mr. Schmidt noted that this is something that could be addressed more fully during the Comprehensive Plan review.

Mr. Haldeman stated that the shared economy is beneficial to single-family affordable housing, allowing homeowners to derive additional income to make ends meet and afford the mortgage payment. Mr. Haldeman noted that he appreciates the points the Commissioners have brought forward.

Mr. Polster noted that it is not only hotels, but also timeshares that are impacted. Mr. Polster

stated that the County has almost as many timeshares as Orlando, Florida.

Mr. O'Connor stated that the economy has shifted from hotels to timeshares and is now shifting from timeshares to short-term rentals.

Mr. Polster stated that a sunset clause for the SUP would allow the County to revisit the use and consider growth, changes to the economy, and impacts on the neighborhood.

Mr. O'Connor commented that the Comprehensive Plan also talks about sports-tourism which requires a critical mass of hotel rooms to support the visitors who then go to the restaurants and patronize the stores. Mr. O'Connor further stated that the sort-term rentals would also chip away at the opportunity for year-round full-time gainful employment.

Ms. Leverenz noted that many of the timeshares are operating as short-term rentals.

Mr. O'Connor stated that he did not want to open a Pandora's Box, but rather to look for direction from the Board of Supervisors on whether this should be a subject of discussion during the Comprehensive Plan review. Mr. Holt stated that he would add this to the list of items for the Board to consider when providing direction on the Comprehensive Plan review.

J. ADJOURNMENT

Mr. Krapf made a motion to adjourn.	
The meeting was adjourned at approximately	y 6:35 p.m.
Jack Haldeman, Chair	Paul D. Holt, III, Secretary

AGENDA ITEM NO. E.2.

ITEM SUMMARY

DATE: 9/4/2019

TO: The Planning Commission

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: S-0008-2015. Colonial Heritage Phase 6 Section 2, Construction Plan

ATTACHMENTS:

	Description	Type
D	Staff Report	Staff Report
р	Attachment No. 1. Cover Sheet and Overall Layout Sheet	Exhibit
В	Attachment No. 2. Agency Comments	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	8/28/2019 - 8:01 AM
Planning Commission	Holt, Paul	Approved	8/28/2019 - 8:01 AM
Publication Management	Burcham, Nan	Approved	8/28/2019 - 8:05 AM
Planning Commission	Holt, Paul	Approved	8/28/2019 - 8:06 AM

Staff Report for the September 4, 2019, Planning Commission Meeting

SUMMARY FACTS

Applicant: Mr. Ryan Stephenson

Land Owner: Colonial Heritage LLC

Proposal: 97 Single Family Dwellings

Location: 499 Jolly Pond Road

Tax Map/Parcel No.: 2240100007

Project Acreage: ± 29.56 acres

Current Zoning: MU, Mixed Use

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

Staff Contact: Jose Ribeiro, Planner

REASON FOR PLANNING COMMISSION REVIEW

Section 19-23 of the Subdivision Ordinance requires Planning Commission review for all major subdivisions with 50 or more lots.

PUBLIC HEARING DATES

Planning Commission: September 4, 2019, 6:00 p.m.

FACTORS FAVORABLE

- 1. 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*.
- 3. Consistent with the Colonial Heritage adopted Master Plan.

FACTORS UNFAVORABLE

1. No factors unfavorable.

PROJECT HISTORY

On November 27, 2001, the Board of Supervisors approved rezoning and master plan applications (Z-4-00 and MP-1-01) for a 2,000 unit, gated, and age restricted community known as Colonial Heritage at Williamsburg. The application rezoned approximately 777 acres from A-1, General Agricultural and M-1 Limited Business/Industrial to MU, Mixed Use, with proffers.

PROJECT DESCRIPTION

 Proposal is for 97 single-family dwellings. The proposed development is within the density allowed by the previously approved Master Plan.

SURROUNDING ZONING AND DEVELOPMENT

 Surrounding areas to the north and east are zoned MU, Mixed Use, (Phase 6, Section 1 and Phase 5, Section 1-C, Colonial Heritage) and are designated Low Density Residential and on the Comprehensive Plan. The area to the south is zoned MU, Mixed

Staff Report for the September 4, 2019, Planning Commission Meeting

Use and the area to the west is zoned A-1, General Agriculture. These areas are designated Low Density Residential on the Comprehensive Plan and are also part of the Colonial Heritage development.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission grant Colonial Heritage Phase 6 Section 2 preliminary subdivision approval subject to agency comments.

JR/md S8-2015ColHer6-2

Attachments:

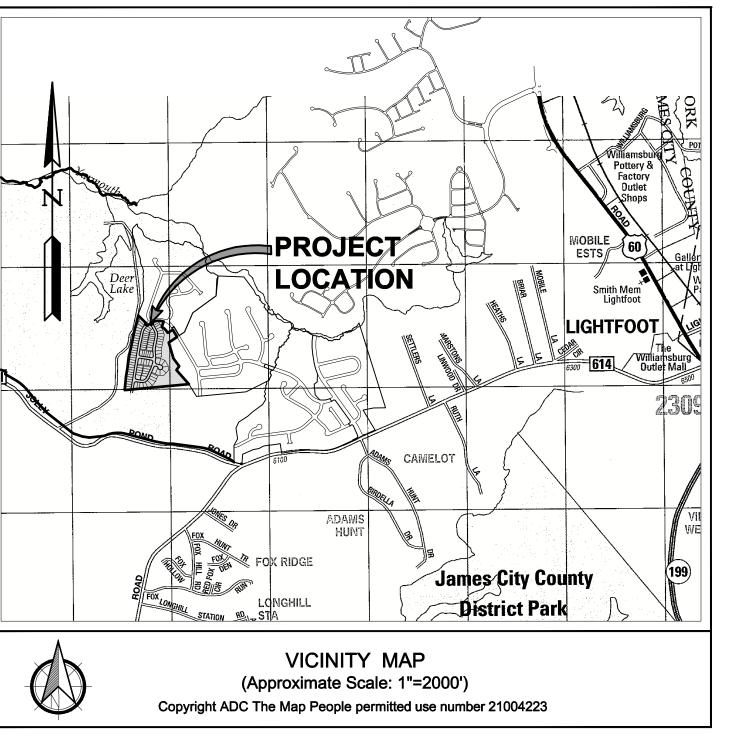
- 1. Cover Sheet and Overall Layout Sheet
- 2. Agency Comments

GENERAL NOTES

- SITE ADDRESS: 499 JOLLY POND ROAD, WILLIAMSBURG, VIRGINIA 23188
- SITE IS CURRENTLY ZONED MU (MIXED USE), WITH PROFFERS
- THIS PROPERTY IS IN FLOOD ZONE "X" AS SHOWN ON PANEL C0108D, FOR COMMUNITY NUMBER 51095, DATED 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.
- ALL PROPOSED UTILITIES SHOWN ARE TO BE PLACED UNDERGROUND AS PER THE CURRENT JAMES CITY COUNTY SUBDIVISION ORDINANCE SECTION 19-33.
- 5. ALL RESIDENTIAL SUBDIVISION SIGNS SHALL BE IN ACCORDANCE WITH ARTICLE II, DIVISION 3 OF THE JAMES CITY COUNTY ZONING ORDINANCE
- ALL NEW STREET SIGNS SHALL BE INSTALLED PER SECTION 19-55 OF THE JAMES CITY COUNTY SUBDIVISION ORDINANCE.
- ALL VDOT STANDARD DI-3 CURB DROP INLETS SHALL BE INSTALLED WITH A TYPE A NOSE DETAIL WITH CG-2 AND ROLL-TOP CURB STANDARDS. THE TYPE B NOSE DETAIL SHALL BE USED WITH THE CG-2 AND
- PLUGGED UPON STABILIZATION OF SURROUNDING AREAS. ALL PIPE BEDDING SHALL BE IN ACCORDANCE WITH PB-1 AND MANUFACTURER SPECS. AND GUIDELINES. AND STORM SEWER MANHOLES DEEPER THAN 4 FEET SHALL HAVE STEPS (ST-1), ALL STORM PIPE SHALL BE REINFORCED CONCRETE PIPE (RCP) AND SHALL BE CLASS III UNLESS OTHERWISE NOTED, UNLESS OTHER WISE NOTED ALL DI-3 STRUCTURES TO USE TYPE A NOSE, VDOT STANDARD IS-1 SHAPING TO BE USED IN ALL STORM STRUCTURES.
- RESEARCH HAS SHOWN NO EVIDENCE OF ENVIRONMENTAL OR HEALTH HAZARDS ON THIS SITE.
- A LAND DISTURBING PERMIT AND SILTATION AGREEMENT, WITH SURETY ARE REQUIRED FOR THIS PROJECT.
- 1. CONSTRUCTION OF STORMWATER CONVEYANCE SYSTEMS WITHIN THIS DEVELOPMENT OUTSIDE OF THE VDOT RIGHT-OF-WAY SHALL COMPLY WITH THE CURRENT JAMES CITY COUNTY GUIDELINES FOR DESIGN
- 12. A PRECONSTRUCTION CONFERENCE SHALL BE HELD ON-SITE BETWEEN THE COUNTY, THE PROJECT ENGINEERS AND THE CONTRACTOR PRIOR TO ISSUANCE OF A LAND DISTURBING PERMIT.
- 13. ALL ROADS SHALL BE PRIVATE RIGHT-OF-WAYS AND SHALL NOT BE MAINTAINED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION OR JAMES CITY COUNTY
- 14. UNLESS OTHERWISE NOTED, ALL DRAINAGE EASEMENTS SHALL REMAIN PRIVATE.
- 15. ALL NEW PROPERTY MONUMENTS SHALL BE SET IN ACCORDANCE WITH SECTIONS 19-34 THROUGH 19-36 OF THE JAMES CITY COUNTY SUBDIVISION ORDINANCE
- 16. NO BUILDING OR STRUCTURE CAN EXCEED 60' IN HEIGHT WITHOUT A HEIGHT WAIVER FROM JAMES CITY COUNTY
- 17. IN ACCORDANCE WITH SECTION 19-29(H) OF THE JAMES CITY COUNTY SUBDIVISION ORDINANCE, THE NATURAL OPEN SPACE EASEMENTS SHALL REMAIN IN A NATURAL UNDISTURBED STATE EXCEPT FOR THOSE ACTIVITIES REFERENCED IN THE DEED OF EASEMENT
- 18. IN ACCORDANCE WITH SECTION 19-29(G) OF THE JAMES CITY COUNTY SUBDIVISION ORDINANCE, WETLANDS AND LAND WITHIN RESOURCE PROTECTION AREAS SHALL REMAIN IN A NATURAL UNDISTURBED STATE EXCEPT FOR THOSE ACTIVITIES PERMITTED BY SECTION 23-7(C)(1) OF THE JAMES CITY COUNTY CODE.
- 19. PER THE PROFFERS, NO IRRIGATION WELLS SHALL BE ESTABLISHED OR UTILIZED FOR ANY RESIDENTIAL UNIT.
- 20. THE CONTRACTOR IS REQUIRED TO SECURE ALL NECESSARY PERMITS FOR THE ABANDONMENT OR DEMOLITION OF ALL EXISTING WELLS/WATERLINES AND SEPTIC FIELDS IN ACCORDANCE WITH JAMES CITY COUNTY AND VIRGINIA DEPARTMENT OF HEALTH REGULATIONS. CONTACT VIRGINIA DEPARTMENT OF HEALTH AT 1-757-253-4813
- 21. THE CONTRACTOR IS REQUIRED TO SECURE ANY DEMOLITION PERMITS FOR EXISTING STRUCTURES INDICATED ON THE PLAN. CONTACT CODE COMPLIANCE AT 1-757-253-6626.
- 22. BUILDING SETBACKS REQUIREMENTS SHOWN ON THE PRELIMINARY PLAT AREA ESTABLISHED BY COLONIAL HERITAGE, LLC.
- 23. IN ACCORDANCE WITH THE MASTER PLAN, EACH PROPERTY WILL BE SERVED BY GRAVITY SEWER. ANY PROPERTY WITH A BASEMENT WILL BE ALLOWED TO HAVE A PRIVATE SUMP PUMP TO BE PURCHASED AND MAINTAINED AT THE HOMEOWNER'S EXPENSE. JCSA SHALL NOT BE HELD LIABLE FOR ANY MAINTENANCE ON THESE PUMPS NOR REQUIRED TO PROVIDE A MAINTENANCE AGREEMENT FOR MAINTENANCE OF THESE PRIVATE SUMP PUMPS.
- 24. THIS SITE IS SITUATED WITHIN SUB-WATERSHED 105 OF THE YARMOUTH CREEK WATERSHED.
- 25. THIS SITE HAS A HYDROLOGIC UNIT CODE DESIGNATION OF HUC JL-28.
- 26. ALL ERRORS OR DISCREPANCIES WITH THE PLANS OR EXISTING SITE CONDITIONS SHALL BE REPORTED TO THE ENGINEER OR SURVEYOR OF RECORD BEFORE PROCEEDING WITH THE WORK.
- 27. CONTOUR INTERVAL IS 2 FOOT. EXISTING GRADE IS FROM SURVEY PROVIDED BY AES DATED JULY 13, 2009.
- 28. ANY EXISTING, UNUSED WELLS SHALL BE ABANDONED IN ACCORDANCE WITH THE VIRGINIA PRIVATE WELL REGULATIONS AND JAMES CITY COUNTY CODE.
- 29. SOLID WASTE DISPOSAL SHALL BE PROVIDED BY A PRIVATE HAULER.
- 30. ROADWAY, CURB/GUTTER, DITCHES AND SIDEWALK CONSTRUCTION SHALL CONFORM TO THE VDOT ROAD AND BRIDGE STANDARDS AND VDOT SPECIFICATIONS.
- 31. A VDOT LAND USE PERMIT IS REQUIRED FOR ALL WORK WITHIN THE VDOT RIGHT-OF-WAY. THE CONTRACTOR SHALL NOTIFY VDOT IN WRITING 48 HOURS PRIOR TO COMMENCEMENT OF ANY WORK WITHIN THE
- 32. ALL COMPONENTS OF THE WATER DISTRIBUTION AND SANITARY SEWER SYSTEM SHALL BE INSTALLED AND TESTED IN ACCORDANCE WITH THE LATEST EDITION OF THE JAMES CITY SERVICE AUTHORITY DESIGN AND ACCEPTANCE CRITERIA FOR WATER DISTRIBUTION AND SANITARY SEWER SYSTEMS, THE HRPDC REGIONAL STANDARDS, AND THE COMMONWEALTH OF VIRGINIA WATERWORKS AND SEWERAGE
- 33. JCSA WILL ALLOW ANY WATER AND SEWER SERVICE CONNECTIONS CONSTRUCTED WITHIN THE P.U.E. TO BE CONSTRUCTED WITH THE STIPULATION THAT PRESSURE TESTING OF THE SYSTEM WILL NOT BI PERFORMED UNTIL ALL UTILITIES HAVE BEEN INSTALLED. ANY WATER OR SEWER LINES CUT DURING INSTALLATION OF OTHER UTILITIES SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE PRIOR TO JCSA ACCEPTANCE
- 34. THE CONTRACTOR SHALL USE ONLY NEW MATERIALS, PARTS AND PRODUCTS ON ALL PROJECTS, ALL MATERIALS SHALL BE STORED SO AS TO ASSURE THE PRESERVATION OF THEIR QUALITY AND FITNESS FOR THE WORK. A COPY OF THE JCSA STANDARDS AND REGIONAL STANDARDS MUST BE KEPT ON-SITE BY THE CONTRACTOR DURING THE FULL TIME OF INSTALLING, TESTING, AND CONVEYING THE FACILITIES TO
- 35. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND NOTIFY JAMES CITY SERVICE AUTHORITY PRIOR TO ANY EXCAVATION OR DEMOLITION WITHIN UTILITY CORRIDORS.
- 36. THE CONTRACTOR SHALL MAINTAIN A COMPLETE SET OF THE APPROVED PLANS AT THE PROJECT SITE AT ALL TIMES DURING CONSTRUCTION.
- 37. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING MISS UTILITY (1-800-552-7001) FOR EXISTING UTILITY LOCATIONS AT LEAST 3 WORKING DAYS PRIOR TO COMMENCING CONSTRUCTION, AND A PRIVATE UTILITY LOCATOR FOR THE LOCATING OF PRIVATE UTILITIES.
- 38. THE CONTRACTOR SHALL BE RESPONSIBLE FOR INSTALLING AND MAINTAINING EROSION AND SEDIMENT CONTROL MEASURES AS SHOWN ON THE DRAWINGS AND FOR EXCAVATION STOCKPILES, STAGING AREAS. MOBILIZATION SITES, BEDDING/BACKFILL STOCKPILES AND OTHER LAND DISTURBANCES NOT SPECIFICALLY ADDRESSED IN THE DRAWINGS OR CONTRACT DOCUMENTS. EROSION AND SEDIMENT CONTROL MEASURES SHALL MEET OR EXCEED THE MINIMUM STANDARDS OF THE "VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK" (LATEST PUBLICATION) AND THE REQUIREMENTS OF THE LOCAL GOVERNING
- 39. THE CONTRACTOR SHALL PROVIDE WRITTEN NOTIFICATION TO ALL OWNERS AND RESIDENTS OF PROPERTY ADJACENT TO THE PROJECT 30 DAYS PRIOR TO THE COMMENCEMENT OF WORK, UNLESS OTHERWISE DIRECTED BY THE OWNER, CONSTRUCTION WITHIN EASEMENTS OR ON PUBLIC RIGHT-OF-WAY NECESSITATES NOTICE WHETHER ADJACENT TO OR LOCATED ON THE ADJOINING PROPERTY, FAILURE TO PROVIDE THE MINIMUM NOTIFICATION TIME WILL RESULT IN SUSPENSION OF WORK.
- 40. THE ABSENCE OF THE OWNER OR THE ENGINEER AT THE JOB SITE DOES NOT, IN ANY WAY, RELIEVE THE CONTRACTOR OF THE RESPONSIBILITY TO PERFORM THE WORK IN ACCORDANCE WITH THE DRAWINGS CONTRACT DOCUMENTS. ADDENDA. AND WRITTEN AUTHORIZED PLAN REVISIONS.
- 41. THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, RULES, REGULATIONS, AND ORDERS OF ANYBODY HAVING JURISDICTION. THE CONTRACTOR SHALL ERECT AND MAINTAIN, AS REQUIRED BY THE CONDITIONS AND PROGRESS OF THE WORK, ALL NECESSARY SAFEGUARDS FOR SAFETY AND PROTECTION.
- 42. ALL CONSTRUCTION METHODS AND MATERIALS SHALL CONFORM WITH THE CURRENT JAMES CITY COUNTY STANDARDS AND SPECIFICATIONS, VIRGINIA DEPARTMENT OF TRANSPORTATION ROAD AND BRIDGE STANDARDS AND SPECIFICATIONS, VIRGINIA EROSION AND SEDIMENT CONTROL REGULATIONS, AND ANY OTHER APPLICABLE CITY OR STATE ORDINANCES, CODES, AND LAWS PRIOR TO ANY CONSTRUCTION
- 43. THE CONTRACTOR SHALL AT ALL TIMES POSSESS AND MAINTAIN A CURRENT COPY OF THE JAMES CITY SERVICE AUTHORITY STANDARDS AND SPECIFICATIONS, WATER DISTRIBUTION AND SANITARY SEWER SYSTEMS AND A COPY OF THE HAMPTON ROADS PLANNING DISTRICT COMMISSION (HRPDC) REGIONAL STANDARDS AT THE JOB SITE AND READILY AVAILABLE FOR IMMEDIATE REFERENCE.
- 44. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS PRIOR TO COMMENCEMENT OF WORK INCLUDING, BUT NOT LIMITED TO, LAND DISTURBING, BUILDING, RIGHT-OF-WAY, AND UTILITY
- 45. CONTRACTOR SHALL BE RESPONSIBLE FOR THE COORDINATION OF CONSTRUCTION EFFORTS WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT), LOCAL EMERGENCY SERVICES, AND ALL NECESSARY UTILITY COMPANIES INCLUDING, BUT NOT LIMITED TO, ELECTRICITY, NATURAL GAS, TELECOMMUNICATIONS, CABLE TELEVISION, WATER, SEWER, PRIVATE LIGHTING, AND OTHERS THAT MAY BE REQUIRED.
- 46. THE CONTRACTOR SHALL SATISFY HIMSELF AS TO ALL SITE CONDITIONS PRIOR TO CONSTRUCTION. EXISTING UTILITY LOCATIONS INDICATED ARE APPROXIMATE. FIELD VERIFY PRIOR TO COMMENCING THE WORK.
- 47. THE CONTRACTOR IS RESPONSIBLE FOR MAINTENANCE OF ALL SITE IMPROVEMENTS, INCLUDING LANDSCAPING, AS SHOWN ON THE APPROVED PLAN.
- 48. THE CONTRACTOR SHALL REMOVE ALL EXCESS MATERIAL, INCLUDING SOIL AND DEBRIS, FROM THE SITE.
- 49. THE CONTRACTOR WILL IMMEDIATELY REPAIR OR REPLACE CHANNEL STABILIZATION BLANKETS AND EROSION CONTROL MATTINGS IF SITEWORK OR ASSOCIATED UTILITY OPERATIONS SUCH AS CABLE, ELECTRIC, GAS, PHONE, SEWER, WATER, ETC. DAMAGE THEIR FUNCTIONAL INTENT.
- 50. THE CONTRACTOR SHALL COMPLY WITH ALL PROVISIONS OF THE VIRGINIA UNDERGROUND UTILITY DAMAGE PREVENTION ACT (SECTION 56-265.14 ET. SEQ. CODE OF VIRGINIA, 1950, AS AMENDED) AND HEREBY AGREES TO HOLD THE DEVELOPER AND THE ENGINEER HARMLESS AGAINST ANY LOSS, DAMAGE, OR CLAIMS OF ANY NATURE WHATSOEVER ARISING OUT OF THE CONTRACTOR'S FAILURE TO COMPLY WITH THE
- 51. THE CONTRACTOR IS REQUIRED TO COMPLY WITH THE VIRGINIA OVERHEAD HIGH VOLTAGE LINE SAFETY ACT (SECTIONS 59.1-406 THROUGH 59.1-414, CODE OF VIRGINIA, 1950, AS AMENDED). THE CONTRACTOR IS REQUIRED TO VISIT THE SITE AND NOTE THE POSITION OF OVERHEAD CABLES PRIOR TO CONSTRUCTION.
- 52. ALL UTILITY AND SURVEY DATA SHOWN ON THE DRAWINGS HAVE BEEN PROVIDED BY AES CONSULTING ENGINEERS. INFORMATION HAS BEEN OBTAINED FROM THE BEST AVAILABLE SOURCES AT THE TIME OF THE SURVEY BUT IS NOT REPRESENTED AS BEING COMPLETE AND ACCURATE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO LOCATE AND PROTECT EXISTING UTILITIES AND UNDERGROUND STRUCTURES. DAMAGE TO EXISTING UTILITIES AND UNDERGROUND STRUCTURES SHALL BE REPAIRED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE DEVELOPER.
- 3. HORIZONTAL DATUM NAD83 (1192) VIRGINIA STATE PLAIN COORDINATE SYSTEM SOUTH ZONE VERTICAL DATUM - NGVD29 VIRGINIA STATE PLAIN COORDINATE SYSTEM SOUTH ZONE.
- 54. ALL RETAINING WALLS SHALL BE DESIGNED BY OTHERS AND MUST BE CLEARED THROUGH THE JAMES CITY COUNTY CODES COMPLIANCE DIVISION. STRUCTURAL ENGINEER SHALL ACCOUNT FOR GLOBAL STABILITY OF WALL DESIGN.
- 55. THE CONTRACTOR SHALL REFER TO GEOTECHNICAL REPORT PREPARED BY ECS MID-ATLANTIC, LLC FOR CONSTRUCTION SPECIFICATIONS.
- 56. THE CONTRACTOR SHALL REFER TO GEOTECHNICAL REPORT PREPARED BY ECS MID-ATLANTIC, LLC (ECS PROJECT NUMBER 07:13058) FOR DEER LAKE REPAIR SPECIFICATIONS
- 57. OFFSITE BORROW, WASTE, OR DISPOSAL SITES ARE NOT ANTICIPATED FOR THIS PROJECT.
- 58. THE STORMWATER MANAGEMENT/BMP FACILITIES AND ASSOCIATED STORMWATER CONVEYANCE SYSTEMS AS PROPOSED FOR THIS PROJECT WILL REQUIRE SUBMISSION, REVIEW, AND APPROVAL OF A RECORD DRAWING (AS-BUILT) AND CONSTRUCTION CERTIFICATION PRIOR TO RELEASE OF THE POSTED BOND/SURETY. THE CONTRACTOR WILL COORDINATE AND PERFORM DURING AND FOLLOWING CONSTRUCTION IN ACCORDANCE WITH CURRENT COUNTY GUIDELINES.

Subdivision Plan COLONIAL HERITAGE Phase VI - Section 2





Stonehouse District James City County Virginia

County Project No.: S-0008-2015 Original Submittal Date: February 20, 2015

(THIS PROJECT IS SUBJECT TO THE REQUIREMENTS OF Z-0003-2002/Z-0004-2002)

AREA TYPE PHASE VI SEC. 2 (L.B. VIIC & VIII) SUBDIVIDED AREA: 29.56 ACRES / 1,287,732 S.F. IMPERVIOUS AREA: 10.58 ACRES / 460,726 S.F. **DISTURBED AREA:** 24.38 ACRES / 1,062,009 S.F. **DEDICATED NATURAL** 5.85 ACRES / 254,917 S.F. OPEN SPACE EASEMENT SINGLE FAM. DETACHED: 97 UNITS **UNITS NOT APPLICABLE**

UNITS NOT APPLICABLE

UNITS NOT APPLICABLE

DUPLEX:

TRIPLEX:

CONDO:

COLONIAL HERITAGE UNIT COUNT PHASE I = 356 UNITS

PHASE II = 193 UNITS PHASE III = 184 UNITS PHASE IV (SECTION 1) = 78 UNITS PHASE IV (SECTION 2) =109 UNITS PHASE V (SECTION 1) = 174 UNITS PHASE VI (SECTION 1) =116 UNITS PHASE VI (SECTION 2) = 97 UNITS TOTAL UNITS = 1,307 UNITS

STREETLIGHTS REQUIRED FOR THIS SUBDIVISION PLAN: 12

INDEX OF SHEETS

SHEET NO.	SHEET DESCRIPTION
01	COVER SHEET
02	COLONIAL HERITAGE PROJECTS
03	ENVIRONMENTAL INVENTORY PLAN
04	OVERALL SECTION DEVELOPMENT PLAN
05	PRELIMINARY PLAT
06	PRELIMINARY PLAT
07	PRELIMINARY PLAT
08	ROAD AND UTILITY PLAN
09	ROAD AND UTILITY PLAN
10	ROAD AND UTILITY PLAN
11	PHASE I EROSION AND SEDIMENT CONTROL PL
12	OVERALL DRAINAGE PLAN
13	GRADING PLAN
14	GRADING PLAN
15	GRADING PLAN
16	DRAINAGE AND PHASE II E&S PLAN
17	DRAINAGE AND PHASE II E&S PLAN
18	DRAINAGE AND PHASE II E&S PLAN
19	ROAD AND UTILITY PROFILES
20	ROAD AND UTILITY PROFILES
21	ROAD AND UTILITY PROFILES
22	NOTES AND DETAILS
23	NOTES AND DETAILS
24	STORMWATER / E&S NOTES AND DETAILS
25	STORMWATER / E&S NOTES AND DETAILS
26	SWM / BMP #24
27	OFFSITE STOCKPILE AND BMP PLAN
28	OFFSITE STOCKPILE AND BMP PLAN
29	LANDSCAPE PLAN
30	LANDSCAPE PLAN
31	LANDSCAPE PLAN

OWNER/DEVELOPER INFORMATION:

COLONIAL HERITAGE, LLC CONTACT: MR. DAVID DUNCAN COLONIAL HERITAGE, LLC 7591 COPPERMINE DRIVE MANASSAS, VIRGINIA 20109 TELEPHONE NO.: (703) 961-0130

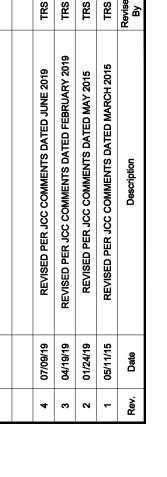
CERTIFIED RESPONSIBLE LAND DISTURBER:

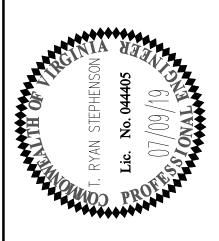
JOSEPH ROQUE CERTIFICATE #19356 EXPIRATION DATE: 07/21/2019 COLONIAL HERITAGE, LLC 7015 STATESMAN WILLIAMSBURG, VIRGINIA. 23188 TELEPHONE NO.: (757) 748-3969 FAX NO.: (757) 257-8356

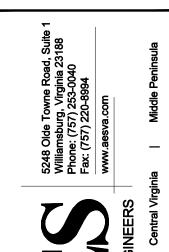
NATURAL RESOURCE INVENTORY

"THIS SITE PLAN (OR SUBDIVISION PLAN) HAS BEEN REVIEWED AGAINST THE NATURAL RESOURCE INVENTORY APPROVED ON FEBRUARY 7, 2003 BY THE DIRECTOR OF PLANNING, IN ACCORDANCE WITH THE COLONIAL HERITAGE PROFFER #6 DATED NOVEMBER 7, 2001, AND THE NATURAL RESOURCE INVENTORY RECOMMENDATIONS HAVE BEEN INCORPORATED INTO THESE DEVELOPMENT PLANS"

ALL WORK SHALL BE OBSERVED BY A QUALIFIED LICENSED PROFESSIONAL. PRIOR TO THE RELEASE OF RELATED POSTED BONDS AND SURETY, RECORD DRAWINGS AND CONSTRUCTIONS MUST BE PROVIDED TO, AND APPROVED BY THE JAMES CITY COUNTY ENGINEERING AND RESOURCE PROTECTION DIVISION AND SHALL BE CONSISTENT WITH THE STORMWATER MANAGEMENT/BMP FACILITIES RECORD DRAWING AND CONSTRUCTION CERTIFICATION FORMS.





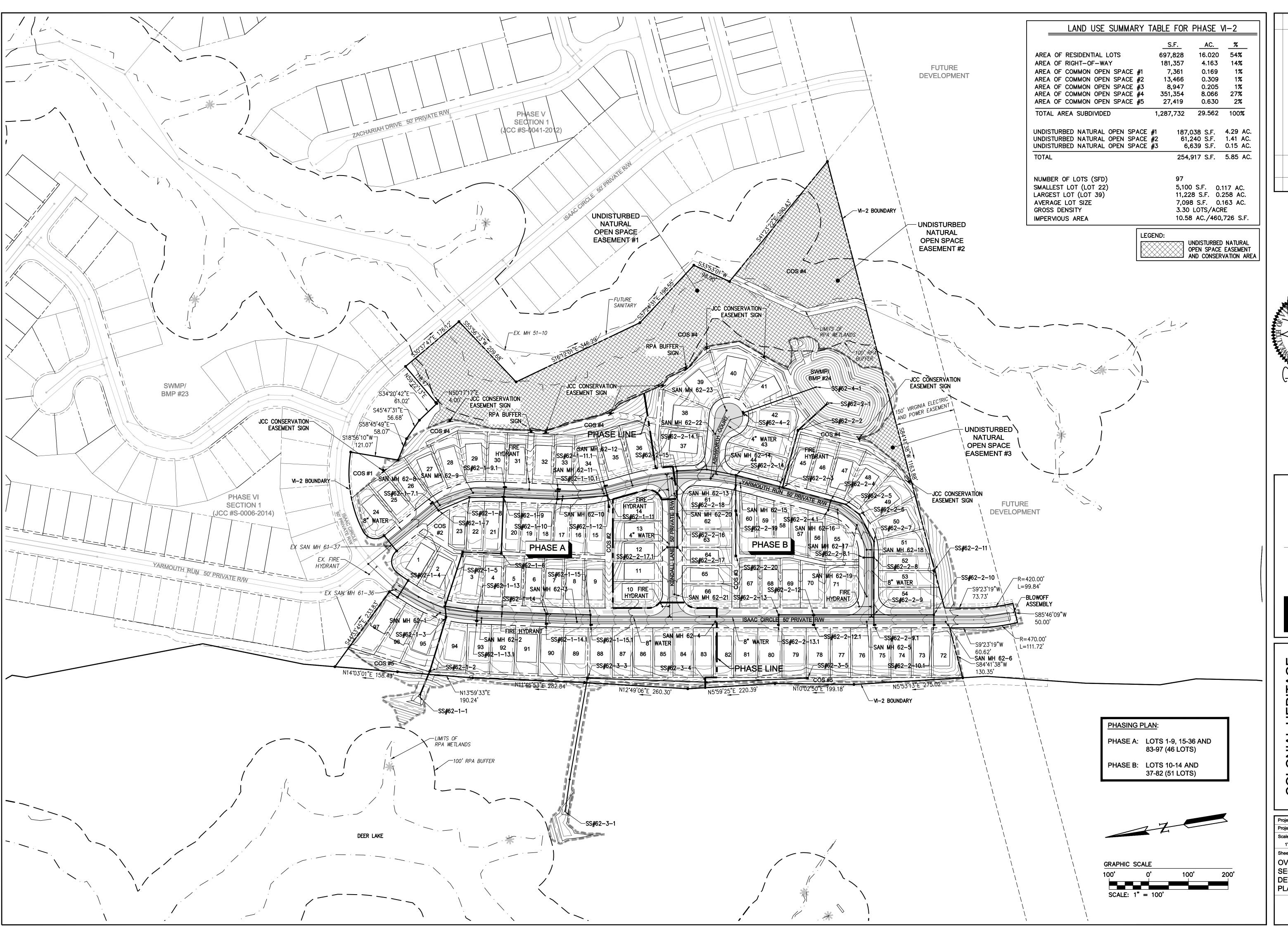


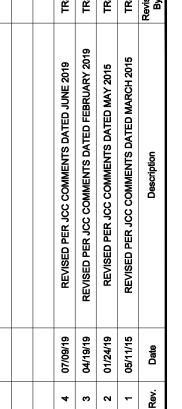


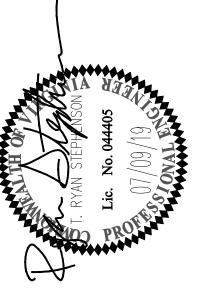
HERIT, ONIAL

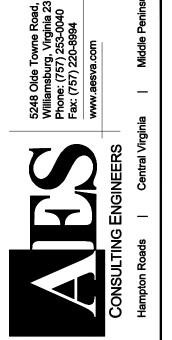
Project Contacts: Date 02/20/15 NONE **COVER SHEET**

Sheet Number









COLONIAL HERITAGE

PHASE VI - SECTION 2

OWNER/DEVELOPER: COLONIAL HERITAGE L.L.C.

	ST
Project Contacts	: TRS
Project Number:	8881-62
Scale:	Date:
1"=100'	02/20/15
Sheet Title:	
OVERALL	
SECTION	
DEVELOPMENT	
PLAN	
Sheet Number	



Stormwater & Resource Protection

Project:

Colonial Heritage Phase VI Section II

County Plan No.:

S-0008-2015

Date:

August 15, 2019

Plan is approved by the Stormwater & Resource Protection Division (VESCP/VSMP authority). The following items pertain to the approval:

- A local Land Disturbing/Stormwater Construction Permit (VESCP/VSMP authority permit) and Siltation Agreement, with surety, are required for this project. Registration for coverage under a state VPDES construction general permit (VAR10) is required for this project through the local VSMP authority.
- A Subdivision Agreement, with surety, shall be executed with the County prior to recording of lots within this
 development section.
- A Public Improvements Agreement, with surety, may be required to be executed with the County prior to the issuance of a certificate of occupancy for the project.
- Stormwater Inspections. This project includes stormwater conveyance and/or stormwater management facilities. Completion of a Stormwater Facilities Data Sheet and payment of Stormwater Facilities Inspection Fees may be applicable prior to issuance of a local land disturbing/stormwater construction (VESCP/VSMP authority) permit.
- The required site stormwater pollution prevention plan (SWPPP) must be presented at the Pre-Construction meeting for this project. SWPPP will be reviewed by all present and will then be kept on-site, or as noted off-site for security purposes, during the duration of construction activities. Contractor will maintain and update SWPPP as necessary during the duration of construction activities.
- A Pollution Prevention (P2) plan is required as part of the SWPPP for this project.
- A Declaration of Covenants Inspection/Maintenance agreement is required for this project.
- The provisions and/ or conditions of approved Chesapeake Bay Preservation Act Cases CBPA-19-0059 and CBPA-19-0085 apply to the project.

24.38 A

AC Disturbed

YC

Watershed

JL28

HUC Code

IIC

Technical Criteria

Master Planned Development (10 point system)

For questions regarding the bonding and permitting processes, please call either Cheryl Waldren (757-253-6866) or Joe Buchite (757-253-6643).

Leindre Ridle



MEMORANDUM

Date:

July 12, 2019

To:

Jose Ribeiro, Senior Planner

From:

Dion Walsh, JCSA Engineering

Subject:

S-0008-2015 Colonial Heritage Phase 6, Section 2

James City Service Authority has reviewed these plans for general compliance with the JCSA Standards and Specifications, Water Distribution and Sanitary Sewer Systems and has no additional comments for the above project. Quality control and back checking of the plans and calculations for discrepancies, errors, omissions, and conflicts is the sole responsibility of the professional engineer and/or surveyor who has signed, sealed, and dated the plans and calculations. It is the responsibility of the engineer or surveyor to ensure the plans and calculations comply with all governing regulations, standards, and specifications.

JCSA Approved.

Please provide two (2) copies of the approved plans for our files when you have completed your review.

Note: Provide a completed Certificate to Construct (CTC) form prior to installation of water and sanitary sewer main. The Developer's representative shall submit shop drawings for all materials and receive JCSA approval prior to commencement of construction of the sewer connection. All materials ordered and installed prior to JCSA's review and acceptance will be at the Contractor's/Developer's risk. The JCSA inspector shall be notified 72 hours prior to the installation of sewer connection. Tap fees shall be paid for the water and sewer connection. Contact Louise Hibbard, JCSA Utility Account Representative at 757-259-5401 for amount of tap fees.

Please call me at 757-259-5457 if you have any questions or require any additional information.



Community Development

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

jamescitycountyva.gov

Building Safety & Permits 757-253-6620

Neighborhood Development 757-253-6640

Planning 757-253-6685

Zoning 757-253-6671

June 14, 2019

Mr. Ryan Stephenson AES Consulting Engineers 5248 Olde Towne Road, Suite 1 Williamsburg, VA 23188

Re: S-0008-2015, Colonial Heritage, Phase 6 Section 2 (Construction Drawings, Submittal 4)

Dear Mr. Stephenson:

Thank you for the opportunity to review the above referenced subdivision construction plans. Upon review of your plans, staff offers the following comments:

PLANNING DIVISION:

- 1. Please note that the James City County Board of Supervisors has instituted a \$262.50 fee for every review of a project after the second resubmission and review. These plans will be subject to that fee at the next resubmittal.
- 2. While this plan no longer needs to be reviewed by the Development Review Committee, approval by the Planning Commission is still necessary. Staff will prepare a report for the Planning Commission when consensus is reached among reviewing agencies that the plan should receive preliminary approval.
- 3. As discussed over earlier emails, Please submit a deed of natural open space easement for review, approval and recordation per Sec. 24-520 of the Zoning Ordinance.

STORMWATER AND RESOURCE PROTECTION: Comments are outstanding and will be forwarded upon receipt.

JCSA: Please see attached comments or visit <u>PermitLink</u>.

When the above and any outstanding comments have been incorporated into the plat, please submit 8 revised paper copies of the plat along with a letter outlining how the applicant has addressed each of the comments. If you have any further questions, please feel free to contact me at 757-253-6783.

Sincerely,

Roberta Sulouff Senior Planner

Total al Salouff



MEMORANDUM

TO:

Roberta Sulouff

From:

Terry Costello

Date:

6/10/2019

Re:

S-0008-2015, Colonial Heritage, Phase 6, Section 2

I have reviewed S-0008-2015 and have no further comments.

AGENDA ITEM NO. F.1.

ITEM SUMMARY

DATE: 9/4/2019

TO: The Planning Commission

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Case No. ORD-19-0001. Zoning Ordinance Amendment to Section 24-16, Proffer of

Conditions

ATTACHMENTS:

Description Type

Memorandum Cover Memo
Ordinance Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	8/28/2019 - 8:06 AM
Planning Commission	Holt, Paul	Approved	8/28/2019 - 8:06 AM
Publication Management	Burcham, Nan	Approved	8/28/2019 - 8:08 AM
Planning Commission	Holt, Paul	Approved	8/28/2019 - 8:08 AM

MEMORANDUM

DATE: September 4, 2019

TO: The Planning Commission

FROM: Adam R. Kinsman, County Attorney

Max Hlavin, Deputy County Attorney

Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Case No. ORD-19-0001. Zoning Ordinance Amendment to Section 24-16, Proffer of

Conditions

On September 13, 2016, the Board of Supervisors (the "Board") adopted Ordinance No. 31A-304, which amended the Zoning Ordinance to state that the County would no longer accept proffers for applications for any portion of a rezoning application that included a residential component. This was in reaction to Senate Bill 549, enacted as Chapter 322 of the 2016 Acts of Assembly and codified as Section 15.2-2303.4 of the Code of Virginia.

On March 5, 2019, the General Assembly's changes to Section 15.2-2303.4 of the Code of Virginia were approved by the Governor of Virginia and enacted as Chapter 245 of the 2019 Acts of Assembly ("Chapter 245"). Upon review, Chapter 245 appears to address many of the concerns stated by the Board when it adopted Ordinance No. 31A-304.

Accordingly, on April 9, 2019, the Board of Supervisors adopted an Initiating Resolution directing staff to more thoroughly consider the effects of Chapter 245 and recommend any warranted changes to James City County Code Section 24-16 to accept proffers associated with any new residential rezoning or zoning map amendment, or any new residential component of a multiuse district rezoning or zoning map amendment. (https://jamescity.novusagenda.com/AgendaPublic/CoverSheet.aspx?ItemID=4535&MeetingID=878)

The attached draft Ordinance has been modified since June 5, 2019, when the Planning Commission voted to recommend approval of this item by a vote of 4-2. (https://jamescity.novusagenda.com/AgendaPublic/CoverSheet.aspx?ItemID=4705&MeetingID=518)

Given the clarification to the State Code reference that has been made, this item has been remanded back to the Commission for a reconsideration.

ARK/MH/PDH/nb Ch24Art1Sec24-16-mem

Attachment:

1. Ordinance

AN ORDINANCE TO REAUTHORIZE CONDITIONAL ZONING UNDER SECTIONS 15.2-2303 OF THE CODE OF VIRGINIA AND TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-16, PROFFER OF CONDITIONS.

- WHEREAS, the Code of Virginia, 1950, as amended (the "Virginia Code") permits localities to authorize conditional zoning within their jurisdictions by adoption of a zoning ordinance; and
- WHEREAS, by Ordinance No. 31A-230 adopted on October 9, 2007, the Board of Supervisors of the County of James City, Virginia (the "Board") authorized conditional zoning in the county under the authority granted pursuant to Section 15.2-2303 of the Virginia Code; and
- WHEREAS, Section 15.2-2303 of the Virginia Code authorizes the Board to adopt reasonable regulations and provisions for conditional zoning as defined in Section 15.2-2201 of the Virginia Code.
- NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that the county shall continue to utilize the conditional zoning authority granted pursuant to Section 15.2-2303 of the Code of Virginia, 1950, as amended.
- BE IT FURTHER ORDAINED by the Board of Supervisors of the County of James City, Virginia, that an owner desiring a zoning map amendment may submit any proffer that the owner deems reasonable and appropriate, as conclusively evidenced by the signed proffers pursuant to Section 15.2-2303.4(D) of the Code of Virginia, 1950, as amended.
- BE IT FURTHER ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-16, Proffer of conditions.

Chapter 24. Zoning

Article I. In General

Sec. 24-16. Proffer of conditions.

The owner or owners of property making application for a change in zoning or amendment to a zoning map, as part of their application, may voluntarily proffer in writing reasonable conditions, prior to a public hearing before the board of supervisors, which shall be in addition to the regulations provided for in the zoning district or zone sought in the rezoning petition. The conditions shall be proffered as a part of the requested rezoning or amendment to the county's zoning map. No proffers shall be submitted or accepted for any new residential rezoning or zoning map amendment, or any new residential component of a multi-use district rezoning or zoning map amendment field after July 1, 2016 unless such proffers are submitted pursuant to Section 15.2-2303.4(D) of the Code of Virginia, 1950, as amended.

Ordinance to Amend and Reordain Chapter 24. Zoning Page 2

BE IT FURTHER ORDAINED by the Board of Supervisors of the County of James City, Virginia, that:

- 1. This ordinance shall be effective as to any pending rezoning application in which the applicant elects to proceed hereunder by amendment of that pending application; and
- 2. An applicant with a pending application for a rezoning or proffer condition amendment that was filed prior to July 1, 2016, may continue to proceed under the law as it existed prior to that date; and
- 3. Determination of whether a proffer by a rezoning applicant is sufficient to offset the impacts of the proposed development shall be made on a case-by-case basis. Volunteering a proffer condition, including cash contributions, is in no way a requirement to obtaining a positive decision on a rezoning application. The acceptability of a proffer to offset any public impact, by itself, will not result in the approval of a rezoning application; and
- 4. Failure to submit proffers shall not be a basis for the denial of any rezoning or proffer condition amendment application.

State law reference - Code of Va.	§§ 15.2-2303, 15.2-2303.40	(D)	
Adopted by the Board, 2019.	of Supervisors of James	City County, Virginia,	this day of

Ch24Art1Sec24-16-ord

AGENDA ITEM NO. G.1.

ITEM SUMMARY

DATE: 9/4/2019

TO: The Planning Commission

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: Z-19-0011. Mason Park Proffer Amendment

ATTACHMENTS:

	Description	Type
D	Staff Report	Staff Report
D	Attachment No. 1. Location Map	Exhibit
۵	Attachment No. 2. Proposed Proffers, August 22, 2019	Exhibit
۵	Attachment No. 3. Adopted Proffers, August 29, 2006	Exhibit
۵	Attachment No. 4. Exhibit Showing Attached Garages	Exhibit
ם	Attachment No.5. Staff Report for Z-0002-2006/MP-0003-2006/SUP-0019-2006	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	8/28/2019 - 8:37 AM
Planning Commission	Holt, Paul	Approved	8/28/2019 - 8:37 AM
Publication Management	Burcham, Nan	Approved	8/28/2019 - 8:39 AM
Planning Commission	Holt, Paul	Approved	8/28/2019 - 8:40 AM

Staff Report for the September 4, 2019, Planning Commission Meeting

SUMMARY FACTS

Applicant: Mr. Jonathan Cramer, HHHunt Homes

Land Owner: HHHunt Homes Hampton Roads, LLC

Proposal: To amend Condition Nos. 1 and 11 of the

adopted Proffers to remove reference to "detached garages." There are no further changes requested and the residential density remains the same as previously approved by

the rezoning of the property.

Location: 1916 Jamestown Road

Tax Map/Parcel No.: 46401000017

Project Acreage: +/- 9.1 acres

Zoning: R-2, General Residential, with Proffers, with

Cluster Overlay

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

Staff Contact: Jose Ribeiro, Senior Planner

PUBLIC HEARING DATES

Planning Commission: September 4, 2019, 6:00 p.m.

Board of Supervisors: October 8, 2019, 5:00 p.m. (Tentative)

FACTORS FAVORABLE

- 1. There are no proposed changes to density.
- 2. The proposed changes do not create additional impacts to adjacent properties.
- 3. The proposal is consistent with the recommendations of the adopted Comprehensive Plan.

FACTORS UNFAVORABLE

1. Staff finds no unfavorable factors.

SUMMARY STAFF RECOMMENDATION

Approval and acceptance of the amended Proffers.

PROJECT DESCRIPTION

Mr. Jonathan Cramer of HHHunt Homes has submitted a request to amend Condition Nos. 1 and 11 of the adopted Proffers, dated August 29, 2006 (Attachment No. 3). The applicant is requesting that references to "detached garages" be deleted from the proffered language to allow the construction of residential units with attached garages. According to the applicant, there is currently a preference in the housing market for residential units with attached garages. The applicant has further stated that attached garages will be located behind the house such that the front of the homes will remain the dominant visual structure from the street

Section 15.2-2302 of the Code of Virginia (1950), as amended, allows the Board of Supervisors to waive the requirements for a public hearing where such amendments do not affect conditions of use or density. This application does not affect conditions of use or density. As such, the County Attorney's office consulted the Board of

Staff Report for the September 4, 2019, Planning Commission Meeting

Supervisors, and the Board voiced no objection to the applicant's request to consider amending these proffers as a consideration item.

PLANNING AND ZONING HISTORY

- In 2006, the Board of Supervisors rezoned approximately 9.11 acres of land located at 1916 Jamestown Road from R-8, Rural Residential District to R-2, General Residential, with Proffers, and with a Special Use Permit for a Cluster Overlay and a request for a reduced street width request. Mason Park was approved for the construction of 15 single-family detached units at a gross density of 1.65 dwelling units per acre.
- In 2011, Mr. Vernon Geddy submitted a request on behalf of HHHunt Homes to amend the adopted proffers to eliminate the requirement to provide detached garages for each of the 15 single-family units. On March 7, 2012, the applicant requested that the application be withdrawn from consideration.

SURROUNDING ZONING AND DEVELOPMENT

The property is located on the south side of Jamestown Road bounded by a private residence (zoned R-8) and a segment of the Landfall at Jamestown subdivision (zoned R-2) to the south and east, a large parcel of vacant land (zoned R-8) to the west, and by two multifamily subdivisions, Foxfield (zoned R-5) and Jamestown 1607 (zoned R-2) to the north and across Jamestown Road. The property, including adjacent properties to the south, east, and west fall within an area designated as Low Density Residential according to the Comprehensive Plan. The properties across Jamestown Road from the site are designated Moderate Density Residential and Low Density Residential.

COMPREHENSIVE PLAN

The property is designated Low Density Residential (LDR) on the 2035 Comprehensive Plan Land Use Map. This property is also adjacent to the Jamestown Road Community Character Corridor and lies with the Jamestown Island-Jamestown Settlement-Greensprings Road Community Character Area. Recommended uses in LDR include single-family homes, multifamily units, accessory units, cluster housing, and recreation areas. The proposed unit type, singlefamily detached units, remain the same and is consistent with the adopted Comprehensive Plan. Both the 2003 and the current adopted Comprehensive Plan contain Residential Land Use Standards, which among other elements, encourage "locating garages at the rear or side of the dwelling units in order to de-emphasize the prominence of the garage and associated driveway." With the proposed change, the garages would no longer be detached structures, but they would still be consistent with this language by being located at the rear of the dwelling as shown in Attachment No. 4.

PUBLIC IMPACTS

Staff does not anticipate additional impacts to be generated by this Proffer amendment.

STAFF RECOMMENDATION

Staff finds the proposal to be compatible with surrounding development and consistent with the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Planning Commission recommend approval of this application and acceptance of the amended Proffers to the Board of Supervisors.

REZONING-19-0011. Mason Park Proffer Amendment

Staff Report for the September 4, 2019, Planning Commission Meeting

JR/nb

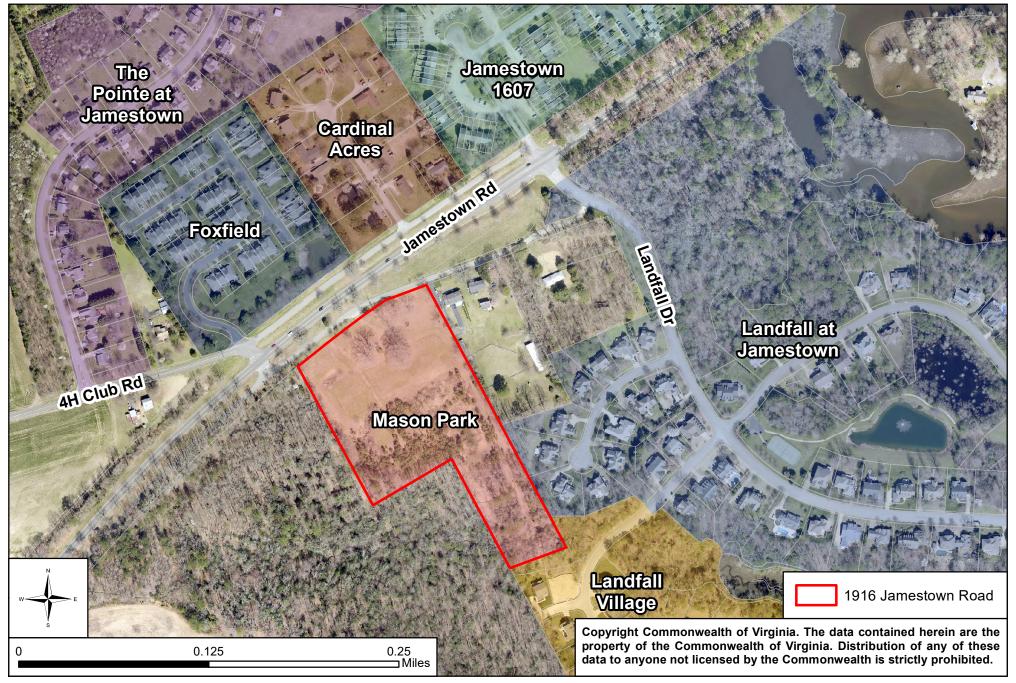
RZ19-11MasonPkProff

Attachments:

- 1. Location Map
- 2. Proposed Proffers, August 22, 2019
- 3. Adopted Proffers, August 29, 2006
- 4. Exhibit Showing Attached Garages
- 5. Staff Report for Z-0002-0006/MP-0003-2006/SUP 0019-0006

JCC Z-19-0011 Mason Park Proffer Amendment





Prepared by: William W. Sleeth III, Esq. (VSB # 77327) Gordon Rees Scully Mansukhani, LLP 5425 Discovery Park Blvd., Suite 200 Williamsburg, VA 23188

Upon Recording Return To: James City County Attorney 101-C Mounts Bay Road Williamsburg, VA 23185

Parcel ID No. 4640100017

AMENDMENT TO PROFFERS (MASON PARK)

THIS AMENDMENT TO PROFFERS is made this 22nd day of August, 2019 by **HHHUNT HOMES HAMPTON ROADS, LLC**, a Virginia limited liability company (the "Owner") [Note to Clerk for recording purposes: please index as "Grantor"; please further index **HHHUNT HOMES OF HAMPTON ROADS, LLC**, a Virginia limited liability company, as "Grantor", and **JAMES CITY COUNTY**, a political subdivision of the Commonwealth of Virginia, as "Grantee"].

RECITALS

A. Owner is the owner of a parcel of land located in James City County, Virginia, with an address of 1916 Jamestown Road, Williamsburg, Virginia, and a Parcel Identification Number of 4640100017 (the "Property"). The Property is now zoned R2 – General Residential, and subject to proffers dated August 29, 2006, which proffers are recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and the County of James City as Instrument No. 060027117 (the "Proffers").

B. Owner desires to amend certain provisions of the Proffers as set forth below, in order to eliminate the requirement that the garages for the dwelling units be detached from the

dwellings.

NOW, THEREFORE, Owner states that the Proffers shall be amended as follows:

- 1. Condition 1 (Master Plan) is hereby deleted in its entirety and in place thereof is inserted the following:
 - 1. Master Plan. The Property shall be developed generally as shown on the Master Plan, with only minor changes thereto that the Development Review Committee determines do not change the basic concept or character of the development. There shall be no more than 15 single-family dwelling units with attached garages on the Property.
- 2. Condition 11 (Architectural Review) is hereby deleted in its entirety and in place thereof is inserted the following:
 - 11. Architectural Review. Owner shall prepare and submit design review guidelines to the Development Review Committee setting forth design and architectural standards for the development of the Property generally consistent with the typical architectural elevations included in the Community Impact Statement submitted with the Application for Rezoning, requiring that all garages on the Property be located to the rear of the house and incorporating appropriate and suitable green building practices as recommended in the NAHB Model Green Building Guidelines, 2006 edition, for the approval of the Director of Planning prior to the County being obligated to grant final approval to any development plans for the Property (the "Guidelines"). Once approved, the Guidelines may not be amended without the approval of the Director of Planning. Owner shall establish a Design Review Board to review all building plans and building elevations for conformity with the Guidelines and to approve or deny such plans. Prior to the issuance of a building permit for each house on the Property, architectural plans for such house shall be submitted to the Director of Planning for his review for consistency with the Guidelines. The Director of Planning shall review and either approve or provide written comments setting forth changes necessary to obtain approval within 30 days of the date of submission of the plans in question. All houses shall be constructed in accordance with the approved plans. In the case of plans that will be used on more than one lot, Director of Planning approval need only be obtained for the initial building permit. All exterior colors on homes and garages shall be from the Martin Senour "Williamsburg" exterior paint color palette or the Sherwin Williams "Preservation Palette" excluding the "Postwar Romanticism" colors from the latter.
- 3. Except as modified by this amendment, the Proffers shall remain in full force and effect.

WITNESS the following signature and seal.

	HHHUNT HOMES HAMPTON ROADS, LLC, a Virginia limited liability company
	Signed:
	Printed: Petrock McCorthy
	Its: Manager
to me or who produced	to-wit: owledged before me, a Notary Public, this 22 day of Notation personally known as identification, as Manager of HHHUNT ginia limited liability company, on its behalf.
My Commission Expires: 02/20/2026 Notary # 75/7/38	Notary Public -
AFFIX NOTORIAL SEAL HERE:	SHARLEE MICHELLE CRONE NOTARY PUBLIC 7517138 COMMONWEALTH OF VIRGINIA
47022686_1	MY COMMISSION EXPIRES FEBRUARY 29, 2020

060 027117

PROFFERS

THESE PROFFERS are made this 24 day of August, 2006 by FLF, LLC, a Virginia limited liability company (together with its successors and assigns, the "Owner") and HHHUNT HOMES OF HAMPTON ROADS, LLC, a Virginia limited liability company ("Buyer").

RECITALS

- A. Owner is the owner of a tract or parcel of land located in James City County, Virginia, with an address of 1916

 Jamestown Road, Williamsburg, Virginia and being Tax Parcel (46-4)(1-17), being more particularly described on Exhibit A attached hereto (together, the "Property"). The Property is now zoned R-8.
- B. Buyer has contracted to purchase the Property conditioned upon the rezoning of the Property.
- C. Owner and Buyer have applied to rezone the Property from R-8 to R-2, General Residential District, with proffers
- D. Buyer has submitted to the County a master plan entitled "Master Plan Rezoning and Special use Permit for Mason Park for HHHunt Hampton Roads, LLC." prepared by AES Consulting Engineers dated April 24, 2006, last revised August 3, 2006 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance.

PR-10**3**Z-2-06/MP-3-06/SUP-19-06
Mason Park
Proffers Page 1 of 19

E. Owner and Buyer desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned R-2.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2298 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITION

- 1. <u>Master Plan</u>. The Property shall be developed generally as shown on the Master Plan, with only minor changes thereto that the Development Review Committee determines do not change the basic concept or character of the development. There shall be no more than 15 single-family detached dwelling units within detached garages on the Property.
- 2. Owners Association. There shall be organized an owner's association (the "Association") in accordance with Virginia law in which all lot owners in the Property, by virtue of their property ownership, shall be members. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing the Association

shall be submitted to and reviewed by the County Attorney for consistency with this Proffer. The Governing Documents shall require that the Association adopt an annual maintenance budget, which shall include a reserve for maintenance of stormwater management BMPs and recreation areas, and shall require that each initial purchaser of a lot make a capital contribution to the Association for reserves in an amount at least equal to one-sixth of the annual general assessment and that the Association (i) assess all members for the maintenance of all properties owned or maintained by the Association and (ii) file liens on members' properties for non-payment of such assessments. The Governing Documents shall grant the Association the power to file liens on members' properties for the cost of remedying violations of, or otherwise enforcing, the Governing Documents.

3. Water Conservation. (a) Water conservation standards shall be submitted to the James City Service Authority ("JCSA") as a part of the site plan or subdivision submittal for development on the Property and Owner and/or the Association shall be responsible for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to

promote water conservation and minimize the use of public water resources. The standards shall be approved by JCSA prior to final subdivision plat approval.

- (b) The Governing Documents shall provide that no more than 30% of the area of any residential lot on Property may be irrigated. Common areas shall not be irrigated from public water resources. Any irrigation well for the development shall be approved by the JCSA General Manager and will only be permitted to withdraw from the Aquia or Potomac aquifers.
- 4. <u>Cash Contributions for Community Impacts</u>. For each dwelling unit on the Property the one time cash contributions set forth in this Section 4 shall be made.
- (a) A contribution of \$1,093.00 for each lot on the Property shall be made to the James City Service Authority ("JCSA") in order to mitigate impacts on the County from the physical development and operation of the Property. The JCSA may use these funds for development of alternative water sources or any project related to improvements to the JCSA water system, the need for which is generated by the physical development and operation of the Property.
- (b) A contribution of \$1,000.00 for each lot on the Property shall be made to the County in order to mitigate impacts on the County from the physical development and

operation of the Property. The County may use these funds for any project in the County's capital improvement plan, the need for which is generated by the physical development and operation of the Property, including, without limitation, for emergency services equipment replacement and supply, off-site road improvements, library uses, and public use sites.

- (c) A contribution of \$4,011.00 for each lot on the Property shall be made to the County in order to mitigate impacts on the County from the physical development and operation of the Property. The County may use these funds for any project in the County's capital improvement plan, the need for which is generated by the physical development and operation of the property, including, without limitation, school uses.
- (d) A contribution of \$500.00 for each lot on the Property shall be made to the County in order to mitigate impacts on the County from the physical development of the Property. The County may use these funds for any project in the County's Capital Improvement Plan, the need for which is generated by the physical development and operation of the Property, including, without limitation, for off-site stream restoration elsewhere in the Powhatan Creek watershed.
- (e) The contributions described above, unless otherwise specified, shall be payable for each dwelling unit on the

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Property at or prior to the final approval of the site plan or subdivision plat for such lot.

The per lot contribution(s) paid pursuant to this Section shall be adjusted annually beginning January 1, 2007 to reflect any increase or decrease for the preceding year in the Marshall and Swift Building Costs Index (the "Index"). In no event shall the per lot contribution be adjusted to a sum less than the amounts set forth in paragraphs (a),(b),(c), and (d) of this Section. The adjustment shall be made by multiplying the per lot contribution for the preceding year by a fraction, the numerator of which shall be the Index as of December 1 in the year preceding the calendar year most currently expired, and the denominator of which shall be the Index as of December 1 in the preceding year. In the event a substantial change is made in the method of establishing the Index, then the per unit contribution shall be adjusted based upon the figure that would have resulted had no change occurred in the manner of computing the Index. In the event that the Index is not available, a reliable government or other independent publication evaluating information heretofore used in determining the Index (approved in advance by the County Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes

of increasing the per lot contribution to approximate the rate of annual inflation in the County.

Jamestown Road Buffer. There shall be a minimum 150 foot buffer along the Jamestown Road frontage of the Property generally as shown on the Master Plan. The buffer shall be exclusive of any lots. The entrance and entrance road designed as shown generally on the Master Plan, landscaping and berms, the soft surface trails and 8' multi-use paved trail as shown generally on the Master Plan, and with the approval of the Development Review Committee, utilities, fences, bioretention facilities, lighting, entrance features and signs shall be permitted in the buffer. A combination of preservation of existing trees, and landscaping (meeting or exceeding ordinance requirements as to quantity but utilizing plant materials with a size of at least 125% of ordinance requirements) shall be provided within the buffer in accordance with a landscaping plan approved by the Director of Planning which, when the landscaping has reached maturity, shall screen the adjacent homes and garages from the direct view of vehicles traveling on Jamestown Road. The buffer shall be planted or the planting bonded prior to the County being obligated to issue certificates of occupancy for dwelling units located on the Property.

- 6. Side Perimeter Buffers. The perimeter buffer on the north side of the Property between the Jamestown Road buffer and the natural open space easement area proffered by paragraph 9 (b) shall contain "enhanced landscaping" (defined as plant materials with a size of at least 125% of ordinance requirements) in accordance with a landscaping plan approved by the Director of Planning. The perimeter buffer on the south side of the Property between the Jamestown Road buffer and the natural open space easement area proffered by paragraph 9 (b) shall be landscaped in accordance with a landscaping plan approved by the Director of Planning. At the request of the Director of Planning after review of the landscape plan submitted by Owner, Owner shall install "enhanced landscaping" (defined as plant materials with a size of at least 125% of ordinance requirements) in this buffer. The buffers shall be planted or the planting bonded prior to the County being obligated to issue certificates of occupancy for dwelling units located on the Property.
- 7. Entrance. There shall be one entrance into the Property to and from State Route 680 as generally shown on the Master Plan. The entrance shall be designed and constructed in accordance with the current Virginia Department of Transportation standards of entrances to state highways,

including provision for sight distances. There shall not be a median in the entrance road.

- 8. Recreation. Owner shall provide a tot lot and open play field with approximate dimensions of 60 feet by 90 feet, approximately .84 acres of parkland, approximately .51 miles of trail with exercise stations, and a gazebo. All recreation facilities shall be constructed in accordance with County standards and shall be conveyed to the Association. In lieu of a court and ball field, Owner shall make a cash contribution in an amount equal to \$1,425.00 escalated from 1993 dollars to dollars for the year the contributions are made using the formula in Section 4(f) to the County at the time set forth in section 4(e). All cash contributions proffered by this Proffer 8 shall be used by the County for recreation capital improvements. The exact locations of the facilities proffered hereby and the equipment to be provided at such facilities shall be subject to the approval of the Director of Planning.
- 9. Environmental Protections. (a) Owner shall submit to the County a master stormwater management plan as a part of the development plan submittal for the Property, including facilities and measures necessary to meet the County's 10 point stormwater management system requirements and the special stormwater criteria applicable in the Powhatan Creek watershed,

and, in addition, including additional bioretention facilities and other low impact design features generally as illustrated on the Master Plan which include, without limitation, dry swales, porous pavement in driveway parking areas and at least one rain barrel per unit, and other design features such as use of grass strips in driveways to reduce impervious cover consistent with the goals of the Powhatan Creek Watershed Management Plan, for review and approval by the Environmental Division. Governing Documents shall provide that lot owners may repair, maintain and replace low impact design features located on their lot, such as porous pavement, rain barrels and grass strips in driveways, only with comparable features. The master stormwater management plan may be revised and/or updated during the development of the Property with the prior written approval of the Environmental Director. The County shall not be obligated to approve any final development plans for development on the Property until the master stormwater management plan has been approved. The approved master stormwater management plan, as revised and/or updated, shall be implemented in all development plans for the Property.

(b) Prior to the issuance of any land disturbing permits for development pursuant to the Master Plan, Owner shall grant a natural open space easement to the County over the area within

the limits shown as "Existing Tree Line, Also Limits of Priority Conservation Areas C-42/C-43" on Exhibit B hereto. The easement area shall remain undisturbed except the easement shall permit, with the prior approval of the County Engineer, the installation of a sewer line crossing the easement area and an outfall for the storm water management pond and the installation of a soft surface walking trail to be designed and field located to avoid the necessity of clearing any mature trees.

Property shall be submitted to the Director of Planning for his review and approval prior to land disturbance. A treatment plan shall be submitted to, 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 II study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the

Treatment plan shall include nomination of the site to the

National Register of Historic Places. If a Phase III study is

undertaken for said sites, such studies shall be approved by the

Director of Planning prior to land disturbance within the study

area. All Phase 1, 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 Standard 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 shall be adhered to during the

clearing, grading and construction activities thereon.

11. Architectural Review. Owner shall prepare and submit design review guidelines to the Development Review Committee setting forth design and architectural standards for the development of the Property generally consistent with the typical architectural elevations included in the Community Impact Statement submitted with the Application for Rezoning, requiring that all garages on the Property be detached and located to the rear of the house and incorporating appropriate

and suitable green building practices as recommended in the NAHB Model Green Building Guidelines, 2006 edition, for the approval of the Director of Planning prior to the County being obligated to grant final approval to any development plans for the Property (the "Guidelines"). Once approved, the Guidelines may not be amended without the approval of the Director of Planning. Owner shall establish a Design Review Board to review all building plans and building elevations for conformity with the Guidelines and to approve or deny such plans. Prior to the issuance of a building permit for each house and garage on the Property, architectural plans for such house and garage shall be submitted to the Director of Planning for his review for consistency with the Guidelines. The Director of Planning shall review and either approve or provide written comments settings forth changes necessary to obtain approval within 30 days of the date of submission of the plans in question. All houses and garages shall be constructed in accordance with the approved In the case of plans that will be used on more than one lot, Director of Planning approval need only be obtained for the initial building permit. All exterior colors on homes and garages shall be from the Martin Senour "Williamsburg" exterior paint color palette or the Sherwin Williams "Preservation

- Palette" excluding the "Postwar Romanticism" colors from the latter.
- 12. Preservation of Specimen Trees. Owner shall submit a tree survey of the buffers on Property with the site plan for development of the Property and shall use its best efforts to preserve trees located within the 150 foot Jamestown Road buffer identified on the survey as specimen trees to be preserved.
- Streetscape Guidelines. The Owner shall provide and 13. install streetscape improvements in accordance with the applicable provisions of the County's Streetscape Guidelines policy except as described in the letter to the County from AES Consulting Engineers dated August 28, 2006 modifying the applicant's request for reduced street widths, a copy of which is on file in the Planning Department. The streetscape improvements shall be shown on development plans for the Property and submitted to the Director of Planning for approval during the subdivision approval process. Streetscape improvements shall be either (i) installed or (ii) bonded in form satisfactory to the County Attorney prior to the approval of the final subdivision plat of the Property. The Association shall provide annual maintenance of all street trees to ensure that no branches intrude into any internal subdivision roadway below the 13' 6" fire vehicle clearance requirement.

14. Nutrient Management Plan. The Association shall be responsible for contacting an agent of the Virginia Cooperative Extension Office ("VCEO") or, if a VCEO agent is unavailable, a soil scientist licensed in the Commonwealth of Virginia or other qualified professional to conduct soil tests and to develop, based upon the results of the soil tests, customized nutrient management plans (the "Plans") for all common areas within the Property and each individual lot. The Plans shall be submitted to the County's Environmental Director for his review and approval prior to the issuance of building permits for houses on the Property. Upon approval, the Association shall be responsible for ensuring that any nutrients applied to common areas which are controlled by the Association be applied in strict accordance with the Plan. The Owner shall provide a copy of the individual Plan for each lot to the initial purchaser thereof. Within 12 months after issuance of the Certificate of Occupancy for the final dwelling unit on the Property and every three years thereafter, a turf management information seminar shall be conducted on the site. The seminar shall be designed to acquaint residents with the tools, methods, and procedures necessary to maintain healthy turf and landscape plants.

- width installed along one side of all streets within the Property generally as shown on the Master Plan. Owner shall, in lieu of installing a sidewalk along the Route 680 frontage of the Property, install an 8' wide paved trail across the Route 680 frontage of the Property connecting to the adjacent parcels to the north and south and to Route 680 in the general location shown on the Master Plan.
- 16. <u>Curb and Gutter</u>. Streets within the Property shall be constructed with curb and gutter provided, however, that this requirement may be waived or modified along those segments of street, including entrance roads, where structures are not planned.
- 17. Entrance Sign. Any entrance sign shall be a monument style sign no more than four feet in height. Owner shall submit an elevation of the entrance sign to the Director Of Planning for his reviewed and approval prior to installation of the sign.
- 18. <u>Construction Start.</u> No construction activity other than the demolition of existing structures and installation of landscaping shall take place before January 1, 2008.

WITNESS the following signatures.

	FLF, LLC
	By: MEMBER OWNER
	HHHunt Homes of Hampton
	Roads, LLC
	By: Title:
STATE OF VIRGINIA AT LARGE CITY/COUNTY OF Albertale	_, to-wit:
day of Scotember 2006, by (was acknowledged this 5 antimulation and as a similar company,
Ch	uslin C Hankins. NOTARY PUBLIC
My commission expires: Sypembo	<u> 2007.</u>
STATE OF MIDGINIA AND LARGE	
STATE OF VIRGINIA AT LARGE CITY/COUNTY OF	_, to-wit:
The foregoing instrument day of, 2006, by of HHHunt, Homes of Hampton Roads,	36 .
	NOTARY PUBLIC
My commission expires:	

WITNESS the following signatures.

	FLF, LLC
	By:
	HHHunt Homes of Hampton Roads, LLC
	Title MANAGER
STATE OF VIRGINIA AT LARGE CITY/COUNTY OF	_, to-wit:
The foregoing instrument day of, 2006, by of FLF, LLC, a Virgin of behalf of the company	was acknowledged this, as ia limited liability company,
	NOTARY PUBLIC
My commission expires:	NOTARY PUBLIC
My commission expires: STATE OF VIRGINIA AT LARGE CITY/GOUNTY OF Williamshurg	
STATE OF VIRGINIA AT LARGE CITY/GOUNTY OF Williamssurg	was acknowledged this 294.
STATE OF VIRGINIA AT LARGE CITY/GOUNTY OF Williamshurg The foregoing instrument day of August 2006, by	was acknowledged this 294.

EXHIBIT A

PARCEL ONE

All that certain lot, piece or parcel of land containing 4.91 acres by survey, but conveyed in gross and not by acre, situate, lying and being in Jamestown District, James City County, Virginia, as shown on that certain plat entitled "JAMESTOWN DISTRICT, JAMES CITY COUNTY, VA., PLAT SHOWING BOUNDARY SURVEY OF A PARCEL OF LAND FOR FRANK AND MARY K. FERNANDEZ, BEING PART OF AMBLER'S PLANTATIOIN", dated December 10, 1963, and made by Vincent D. McManus, Certified Surveyor, said plat being recorded in the Office of the Clerk of Circuit Court for the City of Williamsburg and the County of James City Virginia in Deed Book 94, page 55, to which plat reference is here made for a more particular description.

PARCEL TWO

All that certain lot or parcel of land situate in Jamestown District, James City County, Virginia, set up, shown and described on a plat of survey thereof entitled "Plat of part of A.C. Ammons prop.: Standing in the name of Charles W. Bulifant, Jamestown District, James City County, Va., "made by Stephen Stephens, Certified Land Surveyor, in April 1963, and whereon said land is shown to contain 4.202 acres, and is described by metes and bounds, courses and distances, and said plat is recorded in Plat Book 20, page 40, and is hereby made a part hereof by reference.

Parcels One and Two are a portion of the property conveyed to FLF, LLC by Deed dated July 14, 1998 recorded in the aforesaid Clerk's Office as Instrument No. 980014306, as corrected by Deed of Correction dated February 9,2000 recorded in the aforesaid Clerk's Office as Instrument No. 000007980.

Prepared by:

Geddy, Harris, Franck & Hickman, LLP 1177 Jamestown Road Williamsburg, Virginia 23185

VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CIT This document was admitted to record on (a who) of the last o

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Mason Park
Proffers Page 19 of 19





Location: 1916 Jamestown Road, Williamsburg Va.

setting. Reducing lot size without sacrificing the quality of the architecture leaves generous open spaces and buffers surrounding the neighborhood. Project Description: 15 single family lots on 9 acres in a cluster formation. The plan is compact for a reason. The amenities at Mason Park are the homes and the









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REZONING -02-06 MASTER PLAN-03-06 SPECIAL USE PERMIT-19-06, Mason Park/Reduced Street Width Request Staff Report for the October 10, 2006, 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

Planning Commission: June 05, 2006 7:00 p.m. (applicant deferral)
Planning Commission: July 10, 2006 7:00 p.m. (applicant deferral)

Planning Commission: August 07, 2006 7:00 p.m

Board of Supervisors: September 12, 2006 7:00 p.m. (applicant deferral)

Board of Supervisors: October 10, 2006 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Vernon Geddy, Geddy, Harris, Franck & Hickman, L.L.P

Land Owner: Mr. Griffin W. Fernandez

Proposal: To rezone 9.11 acres of land from R-8, Rural Residential District to R-2,

General Residential District with a request for a special use permit to allow an open space cluster development to construct 15 single family detached dwelling units with an overall density of 1.65 dwelling units per acre.

Location: 1916 Jamestown Road

Tax Map/Parcel Nos.: (46-4) (1-17)

Parcel Size: 9.11 acres

Existing Zoning: R-8, Rural Residential District

Proposed Zoning: R-2, General Residential District with proffers

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds the proposal generally consistent with the 2003 Comprehensive Plan as outlined in the staff report. Staff recommends that the Board of Supervisors approve this rezoning, special use permit, master plan application and the request for street width reduction for Mason Park internal streets.

Staff Contact: José-Ricardo L. Ribeiro Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

On August 07, 2006, the Planning Commission voted 7-0 to recommend approval of the Rezoning, Master Plan, Special Use Permit, with the acceptance of the proffers. The Planning Commission also suggested the applicant provide additional measures to ensure nutrient management plans are implemented in Home Owners Association property and individual lots, and that buffer effectiveness and appearance is not impaired by the location of the bioretention basins.

Proposed Changes Made Since Planning Commission Meeting

Three proffers have been amended since the previous Planning Commission Meeting. Proffer No.9, Environmental Protection, has been revised to allow property owners to replace low impact design features located on their individual lots only with comparable features. Proffer No.13 has been revised to reflect Fire Department concerns regarding the reduced street width request including language that requires the Home Owners Association to provide annual maintenance of all street trees to ensure that no branches intrude into any internal subdivision road below the 13′ 6″ Fire Department vehicle clearance requirement. Proffer No. 14 has been revised to require nutrient management plans for each lot and a seminar to be conducted on the site for all residents with the objective to acquaint residents with the procedures necessary to maintain healthy turf and landscape plans.

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

Cash Proffer Summary-Mason Par (See staff report narrative and attac	k ched proffers for further details)				
Use Amount					
Water	\$ 1,093.00 per unit				
CIP projects-Schools	\$ 4,011.00 per unit				
CIP projects- All other uses	\$ 1,500.00 per unit				
Total Amount (2006 dollars)	\$99,060.00				
Total Per Lot	\$6,604.00 per unit, 15 units				

PROJECT DESCRIPTION

Mr. Vernon Geddy has submitted an application on behalf of Steven Miller of HIHHunt Homes-Hampton Roads, LLC, to rezone approximately 9.11 acres from R-8, Rural Residential District, to R-2, General Residential District, with proffers. Additionally, the applicant has applied for a special use permit to allow an open space cluster development with a gross density of 1.65 dwelling units per acre.

Mason Park, as the proposed subdivision will be called, consists of fifteen single family detached units with detached garages. The property is located on the south side of Jamestown Road bounded by a private residence (zoned R-8) and a segment of the Landfall at Jamestown subdivision (zoned R-2) to the south and east, a large parcel of vacant land (zoned R-8) to the west and by two multi-family subdivision, Foxfield (zoned R-5) and Jamestown 1607(zoned R-2) to the north and across Jamestown Road. The property, including adjacent properties to the south, east, and west fall within an area designated as Low Density Residential according to the 2003 Comprehensive Plan. The properties across Jamestown Road from the site are designated Moderate Density Residential and Low Density Residential.

The property fronts and is accessed by 4H Club Road, State Route 680, a frontage road that runs adjacent and parallel to Jamestown Road. Because Jamestown Road right-of-way coincides with the 4H Club Road right-of-way, the property is considered to front a Community Character Corridor (Jamestown Road) and therefore subject to special considerations such as additional frontage buffers and enhanced landscaping fronting the property. The property also lies within the Jamestown Island-Greensprings Road Community Character Area. The property is also located within the Powhatan Creek Watershed area and therefore is, subject to the special stormawater criteria outlined in the Powhatan Creek Watershed Management Plan.

Residential Cluster Development:

Density

The Residential Cluster Overlay District is intended to "achieve innovative and quality designs of residential developments above one dwelling unit per acre that provide avenues for affordable housing, minimize environmental impacts, provide for usable and meaningful open space, and provide recreation amenities within a more practical and efficient development." Further, in order to achieve densities higher than one unit per acre, it is expected that the development provides community benefits such as "mixed-cost housing, affordable housing, unusual environmental protection or development that adheres to the principles of open space development design." Mason Park, with its proposed gross density of 1.65 dwellings units per acre, intends to provide community benefits by offering development strategies that ensure unusual environmental protection and adherence to the principles of open space design.

According to Section 24-549(a) of the Zoning Ordinance, the Board of Supervisors may grant a special use permit (SUP) for residential cluster developments of more than one unit per acre but less than two units per acre provided that the developer make assurances for the following with staff comments in bold italics:

- 1. Implementation of Streetscape Guidelines as defined in the Streetscape Guidelines Policy; proffered by the developer.
- 2. Implementation of the County's Archaeological Policy; proffered by the developer.
- 3. Provision of sidewalks on at least one side of all internal streets in the development; proffered by the developer.
- 4. Provision of recreation facilities in accordance with the County's Parks and Recreation Guidelines; proffered by the developer.
- 5. Implementation of the County's Natural Resources Policy; Staff has determined that the property is not located in any B1,B2, or B3 areas, therefore adherence to this policy is not required.

Open Space

According to Section 24-552(a) of the Zoning Ordinance, the minimum amount of open space in residential clusters "shall include not less than forty percent of the net developable area of the site in low-density residential areas." Mason Park achieves this requirement by calculating open space as demonstrated below:

- Approximately 1. 68 acres of land not included in rights-of-way or perimeter buffers count toward the forty percent of required net developable open space.
- Approximately 1.69 acres, out of 3.13 acres of land within perimeter buffers count toward the forty percent of required open space within the net developable area of the site.

PUBLIC IMPACTS

Archaeology

Proffers:

• The County archaeological policy is proffered.

Staff Comments: A Phase I Archaeological Study for the Property shall be submitted to the Director of Planning for his review and approval prior to land disturbance.

Environmental

Watershed: Powhatan Creek

Proffers:

• Owner shall submit to the County a master stormwater management plan as part of the site plan submittal for the property.

- Owner shall grant a natural open space easement to the County over the area within the limits of Priority Conservation Areas C-42/C-43.
- The Owner has proffered a Turf Management Program to be implemented in the proposed development. The HOA will be authorized to develop, implement and enforce the turf management plan. The plan shall be submitted to the County's Environmental Director for review and approval.
- Owner shall submit a tree survey with the site plan for the development of the property with the intent of preserving trees located within the 150 foot Jamestown Road buffer.
- A cash contribution of \$500.00 for each lot on the property shall be made to the County for off-site stream restoration elsewhere in the Powhatan Creek watershed.
- Owner shall incorporate green building practices as recommended in the National Association of Home Builders Model Green Building Guidelines.

Staff Comments: The Environmental Division has reviewed the revised rezoning application including: the concept master plan drawings, revised Community Impact Statements, revised proffers and the response letter by the applicant/plan preparer. The Environmental Division supports approval of the rezoning application as currently presented.

<u>Fiscal</u>: The applicant has provided a fiscal impact statement that was reviewed by the Department of Financial Management Services.

Proffers:

 A cash contribution of \$1,000 per dwelling unit will be made to the County to mitigate the impacts from physical development. This money can be used as a part of the County's capital improvement plan.

Staff Comments: The Department of Financial Management Services concluded that Mason Park represents s small number of new homes; the fiscal impact of the proposal is close to a break-even, slightly positive or slightly negative. One or two vacant lots over the first five years would push the estimate positive.

Public Utilities

The site is inside the PSA and served by public water and sewer.

Proffers:

- Cash Contribution: For each unit, a cash contribution of \$ 1,093.00 is proffered.
- Water Conservation: Water conservation measures will be developed and submitted to the JCSA for review and approval as part of the site plan or subdivision plat.

Staff Comments: JCSA has reviewed the proposal and concurs with the proffers and master plan as proposed.

Public Facilities:

Proffers:

- A cash contribution of \$4,011.00 per unit will be made to the County to mitigate the impacts from physical development. The County may use these funds for any project in the County's capital improvement plan, the need for which is generated by the physical development and operation of the property, including, without limitation, school uses.
- Staff Comments: According to the Public Facilities section of the Comprehensive Plan, Action No. 4 encourages through the rezoning, special use permit or other development processes (1) evaluation of the adequacy of facility space and needed services when considering increasing development intensities and (2) encouraging the equitable participation by the developer in the provision of needed services. With respect to item (1), the Board of Supervisors has adopted the adequate public school facilities policies for schools.

Mason Park is located within the Clara Byrd Baker Elementary, Berkeley Middle, and Jamestown High

School districts. Under the proposed Master Plan, 15 units are proposed. The policy adopted by the Board uses the design capacity of a school, while the Williamsburg-James City County schools recognize the effective capacity as the means of determining student capacities. With respect to the policy, the following information is offered by the applicant:

School	Design Capacity	Effective Capacity	2005 Enrollment	Projected Students Generated	Enrollment plus Projected Students
Clam Byrd Baker Elementary School	804	660	752	4	756
Berkeley Middle School	725	816	876	2	878
Jamestown High School	1250	1177	1524	2	1526
Total	2779	2653	3152	8	3160

The student generation rate for single-family houses is 0.5 students per unit. This number used by the applicant is generated by the Department of Financial and Management Services in consultation with WJCC Public Schools and is an average rate based on historical attendance date gathered from existing single-family neighborhoods in James City County.

Staff Comments: The adequate public schools facility policy is based on design capacity. There is design capacity for this development at Clara Byrd Baker; therefore this development meets the policy guidelines at the elementary school level. Both design and effective capacities are exceeded at Berkeley Middle School and Jamestown High School. Although the design capacity of Jamestown High School is clearly exceeded, the adequate public school facilities policy states that if physical improvements have been programmed through the County CIP then the application will meet the policy guidelines. On November 2, 2004, voters approved the third high school referendum and the new high school is scheduled to open in September 2007. Therefore staff believes that this proposal meets the policy guidelines for the high school level. Further, as a new middle school has been scheduled to open in 2009, staff believes that this proposal meets the policy guidelines for the middle school level.

Parks and Recreation

Proffers:

- This project proposes approximately 0.84 acres of parkland, which includes a 50'x35' tot lot and a
 60'x90' grassed open play field. Additionally, Mason Park offers approximately 0.51 miles of
 multipurpose trail with exercise stations and a gazebo. The exact locations of the facilities and the
 equipment provided are subject to the approval of the Director of Planning.
- A one-time cash contribution of \$ 1, 425. 00 shall be made to the County in lieu of the provision of courts and ball fields. This contribution meets the standard proffers as recommended by the James City County Comprehensive Parks and Recreation Master Plan.

Staff Comments: Recreational facilities such as the area dedicated forparkland and multipurpose trail with exercise exceeds the recreational standards set forth by the James City County Comprehensive Parks and Recreational Master Plan. Voluntary cash contributions proffered to the County in lieu of courts and ball fields meets the standard proffers set forth by the Parks and Recreational Master Plan.

Transportation

Proposed Traffic: This site does not meet the threshold for a full traffic study (less than 100 peak hour trips), as this development generates 182 vehicles per day and 20 vehicles in either of the peak hours.

2005 Traffic Counts: From Cardinal Acres Drive to 4-H Club Road-7,072 average daily trips.

2026 Volume Projected: From James River to Neck-O-Land-10,000 average daily trips.

Road Improvements: There are no road improvements proposed by this development.

Proffers: There are no proffers pertaining to transportation issues for this property.

VDOT Comments: VDOT has reviewed and concurs with the master plan as proposed.

Staff Comments: Staff concurs with VDOT findings.

COMPREHENSIVE PLAN

Land Use Ma	ap
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Designation Low Density Residential (Page 120): The key features of the Comprehensive Plan description are the principle suggested uses, which include cluster housing and the allowance for higher densities, up to four units per acre, in exchange for public benefits to the community. Staff Comment: Mason Park proposes a gross density of 1.65 units per acre. To offset densities up to one unit per acre but less than four units per acre, residential development must demonstrate public benefits to the community such as "mixed-cost housing; drodable housing; unusual environmental protection, or development that adheres to the principles of open space development design (Page 120.)" Staff finds that the proposed residential project achieves public benefits requirements by demonstrating open space development design and unusual environmental protection. Further explanation can be found in the Environmental Section on page 7. Development Standards General Land Use Standards No.01 (Page 134): To permit new development only where such developments are compatible with the character of adjoining uses and where the impact of such new developments can be adequately addressed. General Land Use Standards No.04 (Page 134): To ensure protection of sensitive resources areas such as watersheds, historic, and archaeological resources, through the use of better site design, buffers and screening. Residential Land Use Standards No.06 (Page 137): Residential developments are encouraged to be located on internal roads. Garages are encouraged to be located at the rear or side of devellings, in order to de-emphasize the prominence of the garage and associated driveway. Staff Comment: The proposed residential cluster development has comparable densities with surrounding residential developments. Special treatment of its frontage buffer area (enhanced landscaping and rural style fencing) will ensure compatibility with the quaint and rural character of surrounding neighborhoods. Since the property is located within the Powhatan Cre	Land Use Map	
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To encourage conservation easements and the use of land trust to facilitate open space preservation.	strategies	To promote pedestrian, bicycle, and automotive linkages between adjacent land uses where practical. Action No. 15 (Page 140):
	Rezoning	To encourage conservation easements and the use of land trust to facilitate open space preservation.

Staff Comment: An eight-foot wide paved multi-use path fronting State Route 680 will ensure pedestrian connectivity with adjacent parcels located to the east and west of the property. To promote the preservation of open spaces, a natural open space over the area within the limits of Conservation Areas (C-42/C-43) located adjacent to the southwestern boundary of the property has been proffered as a conservation easement to the County.

Parks and Recreation

Goals,
Strategies
and Actions

Action No.04 (Page 39):

New development should dedicate right-of-way and provide sidewalks, bikeways, and greenway trails for both transportation and recreational purposes.

Staff Comment: Sidewalks five feet in width installed along one side of all internal streets within the property have been proffered (proffer #15.) Additionally, approximately 0.51 miles of soft surface multipurpose walking trail with exercise stations are proposed for this residential development, part of which parallels Jamestown Road.

Environment

General

Natural Resources Protection and Management, Powhatan Watershed Management Plan (Page 47) and Action No.18 (Page 67):

To fully implement the watershed protection and restoration goals and priorities identified in the Powhatan Creek Watershed Management Plan adopted by the Board of Supervisors in 2002.

Staff Comment: A combination of water quality protection strategies such as, turf management plan (proffer # 14), Low Impact Development techniques (bioretention facilities and grass swales) and the use of pervious surfaces features have been designed to minimize impact to the wetlands and perennial stream located at the southern area of the property. Additionally, a Voluntary cash contribution to be used toward off-site stream restoration elsewhere in the Powhatan Creek Watershed has been proffered (proffer # 4-d.)

Goals, strategies and actions

Strategy No. 02 (Page 65):

To assure that new development minimizes adverse impacts on the natural and built environment.

Action No. 05 (Page 66, item g):

To encourage the use of Better Site Design, Low Impact Development, and Best Management Practices (BMPs) to mitigate adverse environmental impacts by reducing the rate of increase of impervious cover.

Action No. 22 (Page 67):

To promote the use of LEED (Leadership in Energy and Environmental Design) "green building" technique as means of developing energy and water efficient buildings and landscapes

Action No.23 (Page 67):

To encourage residential and commercial water conservation.

Staff Comment: The compacted nature of the proposed residential development (only 2.78 acres out of a total of 9.11 acres will be developed) will ensure minimal degradation of the natural environment. The proposed residential development will utilize Low Impact Development strategies to reduce impervious cover by adopting features such as porous pavers and center grass strips for residential driveways, parking pads, and sidewalks located along one side of internal streets. A 100-foot wide buffer area from the edge of the Powhatan Creek watershed will be provided. The owner has also proffered (proffer #11) "green building" practices. Further, water conservation standards that address water conservation measure such as limitations on the installation and use of irrigation systems

and irrigation wells have been proffered. Additionally, rain barrels to support residential watering needs for residents are to be provided for each dwelling unit.

Transportation	n
General	Roadway Components of County Transportation Planning, Jamestown Road (Page 76): Although traffic volume projections warrant the widening portions of Jamestown Road to a divided four-lane, the Comprehensive Plan recommends that this road be maintained as a two-lane facility. Residential or commercial development that adds significant traffic along this corridor beyond that currently planned is strongly discouraged.
*	Staff Comment: Traffic generated by the proposed development would result in 180 vehicle trips per day and 20 vehicle trips per hour at peak times. The proposed density of 1.65 dwelling units per acre is significantly below the maximum 4 dwelling units per acre recommended by the Comprehensive Plan.
Goals, strategies and actions	Action #7 (Page 81): Encourage efficient use of existing and future road by limiting driveway access points and providing joint entrances, side street access, and frontage roads.
	Staff Comment: The proposed residential development fronts on a service road, perpendicular to Jamestown Road. Only one access driveway is proposed for this development to this road (special use permit condition # 1.)

Community	Character
General	Community Character Corridors (Page 83): The proposed development fronts Jamestown Road, a Community Character Corridor.
	Staff Comment: The proposed residential project provides and honors the recommended Community Character Corridor buffer by providing a minimum setback of 150 foot from its frontage on State Route 680 (a fifteen-foot construction setback zone from the Community Character Corridor buffer will also be provided.) The Community Character Corridor buffer includes enhanced landscaping which incorporates open spaces and rural style fencing
	compatible with surrounding neighborhoods.
	Community Character Areas (Page 87): The proposed development is located within the Jamestown Island-Greensprings Road Community Character Area. The following development standards would assist in the preservation of the integrity of the area: • The architecture, scale, materials, and color of buildings should be complementary
	 and reflect the historic character of James City County. All development should be well-screened from Jamestown Road. Existing specimen trees and shrubs should be preserved to the extent possible
	 Signage should be of scale, size, color, and materials to complement the architecture and scale of buildings.
	Staff Comment: Design Review Guidelines setting forth design and architectural standards for the development of the property will be submitted to the Planning Director for review and approval (proffer # 11.) The proffered enhanced landscaped buffers (proffers #5 and 6) when reached maturity, will provide a vegetative screening from adjacent properties and from Jamestown Road. A tree survey of the frontage and perimeter buffer identifying specimen trees to be preserved (proffer # 12) and elevations of the entrance sign will be submitted to the Director of Planning for review and approval (proffer #17.)

Goals,	Action No. 8 (Page 96):
Strategies	To continue to require or encourage the planting of street/curb side streets.
And actions	
	Staff Comment: The proposed residential development will adhere to the principles set
	forth by James City County's Streetscape Guidelines Policy (proffer #13.)
. 1	

Comprehensive Plan Staff Comments

Staff finds that this application, as proposed, is generally in compliance with the Comprehensive Plan. The Low Density Residential designation encourages residential development with proposed gross densities greater than one unit per acre and up to four units per acre to demonstrate higher quality design and to offer features that demonstrate particular benefits to the community.

Staff finds that the proposed residential development achieves higher quality design by adopting strategies that minimizes land disturbances (reduced building setbacks and lot sizes); preserves indigenous vegetation (a natural open space easement to protect portions of contiguous forested area adjacent to the 100-foot RPA buffer area has been proffered); minimizing impervious surfaces (driveways featuring grass center strips, pervious parking pads, and sidewalks along one side of the proposed internal streets.)

Additionally, Staff finds that the proposed residential development offers benefits to the community by providing unusual environmental protection (dedication of open space area to the County, cash contribution to be used for off-site stream restoration elsewhere in the Powhatabn Creek, and the use of Low Impact Development features in the property.) Staff also finds that, in addition to unusual environmental protection, the proposed residential development adheres to some of the principles of open space design by providing adequate recreational areas, pedestrian circulation that includes trail systems, and by retaining natural vegetative buffers around water bodies or wetlands.

Request for Placement of Bioretention Basins in Buffers

The proposed residential development has proposed two bioretention basins located inside the 150 foot wide Community Character Corridor and one bioretention basin located within the northeastern perimeter buffer. Section 24-544(f) of the Zoning Ordinance states that "wet ponds, dry detention basins, and other structural BMPs shall not generally be permitted in buffers, except that the Planning Commission may approve them under the following circumstances with *staff comments follow in bold italics*:

(1) The need is necessitated by site conditions rather than economic factors; and

Staff Comment: The low end of the site abuts a perennial stream and is located within the tidal mainstream subwatershed of Powhatan Creek. In order to preserve the environmental integrity of this area, the stormwater management pond has been located away from its original outfall, at the low end of the site, and a system of four bioretention basins have been placed to enhance the overall efficiency of the stormwater management system.

(2) The screening/buffering effect of the buffer has been retained by design of the BMP and any degradation has been mitigated with additional planting or berns as necessary.

Staff Comment: The proposed bioretention basins will not impact existing mature trees located within the buffer areas and should blend harmoniously with the proposed enhanced landscaping for the buffer areas.

On August 07, 2006, The Planning Commission approved the request for placement of two bioretention basins located inside the 150 foot wide Community Character Corridor and one bioretention basin located within the northeastern perimeter buffer.

Reduced Street Widths Request

The applicant has requested from the Board of Supervisors support for reducing the street widths within the proposed Mason Park subdivision from the normal twenty-eight feet to twenty-two feet (curb to curb), and with an associated reduction in the right-of-way from fifty feet to forty feet. The applicant claims that reducing the street width of its internal roads will reduce impervious cover. In order to meet this policy, the applicant is responsible for meeting eight conditions which include: providing street trees, roll top curbs, sidewalks, no on-street parking signs, larger front setbacks, additional off- street parking, and fire hydrant placement as needed. The applicant has requested a waiver from requirement number eight, intersection trees. Following is a staff summary (in bold italics) of the eight items required by the Reduced Street Width Policy. A letter from the applicant addressing the eight requirements of the Reduced Street Width Policy is attached to this report together with a copy of the James City County's Reduced Street Width Policy Resolution.

1. At least one fire hydrant shall be provided every 400 feet on the road(s) subject to the reduced widths.

Staff Comment: There are no road segments which exceed 400 feet in length proposed for this project. A fire hydrant is proposed for the internal intersection. The James City County Fire Department raised no objection to this finding.

2. For each lot which fronts on a road subject to reduced widths, the developer shall submit a letter stating that a minimum of three off-street parking spaces, exclusive of any garage or similar car shelter facility, shall be provided. A note to this effect shall be added to both the construction plans and recorded plat for the subdivision.

Staff Comment: The proposed project provides off-street parking pads and driveway spaces sufficient to accommodate at least three vehicles.

3. Front setbacks for all lots which front on a road subject to reduced widths shall increase to a minimum of forty feet from the road right-of-way. However, this requirement shall not apply when design covenants, which are acceptable to the Director of Planning, indicating how the requirements of No.2 above will be met are recorded prior to, or concurrent with the final subdivision plat. However in no case shall the front setback be less than that required by the zoning ordinance.

Staff Comment: The applicant will provide design covenants that guarantee off-street parking.

4. The developer shall post signs in accordance with VDOT policy assuring that no on-street parking shall be allowed on the road(s) subject to reduced widths.

Staff Comment: The applicant will comply with this requirement.

5. Roll top curbs shall be used on all roads subject to reduced widths.

Staff Comment: The applicant will comply with this requirement.

6. A minimum three-foot sidewalk shall be provided on at least one side of all subdivision roads subject to reduced widths.

Staff Comment: A five-foot sidewalk is proposed for one side of the internal streets.

7. For each road where reduced widths are approved, trees shall be planted in accordance with the Streetscape Guideline Policy, as adopted by the Board of Supervisors.

Staff Comment: The applicant proposes to plant trees that shall either meet or exceed the requirements set forth by the Streetscape Guideline Policy.

Rezoning

8. No tree may be planted closer than 15 feet to the edge of pavement within 80 feet of any intersection on all roads with the reduced widths. A note to this effect, combined with appropriate graphic delineations, shall be added to the recorded plat.

Staff Comment: The applicant has requested a waiver from this requirement arguing that the minimum sight distance at the anticipated 20 mph speed limit is only 200' and could be achieved without the 15 foot clear zone required as by this requirement. However, the James City County Fire Department strongly suggested adherence to this requirement, arguing that the issue at hand is not "line of sight" but rather appropriate access for the Fire Department apparatus. On August 25, 2006, a meeting was held among Planning Staff, the applicant and Mr. Greg Thompson, Assistant Fire Marshal for James City County to discuss this issue. The Fire Department representative agreed to support the request for a waiver for this requirement if the following conditions are met:

- a. Only small trees such as Crape Myrtle or Hornbeam, or very narrow growing (fastigiate) trees such as Princeton Sentry Ginkgo, Columnar American Holly or Washington Hawthorn would be planted as part of the streetscape within the restricted area; and
- b. The proffers would include a requirement for the Homeowners Association to provide annual maintenance to ensure that no branches intrude into any internal subdivision roadway below the 13'6" fire vehicle clearance requirement.

The applicant has agreed to the proposed conditions as indicated on the attached letter titled, "Modification of Request for Reduced Street Widths, signed by Mr. Theodore R. Calver, landscape architect/senior planner for AES consulting engineers.

RECOMMENDATION

Staff finds the proposal generally consistent with the 2003 Comprehensive Plan as outlined in the staff report. Staff recommends that the Board of Supervisors approve the request for street widths reduction for Mason Park subdivision. Staff also recommends that the Board of Supervisors approve this rezoning, special use permit, and master plan application for Mason Park, with the acceptance of the voluntary proffers and approval of the special use permit conditions.

	José-Ricardo Linha	res Ribeiro, Planner
	CONCUR:	
	O. Marvin Sowers.	Tr

ATTACHMENTS:

- 1. Planning Commission Minutes
- 2. Resolutions
- 3. Location Map
- 4. Community Impact Statement
- 5. Master Plan (under separate cover)
- 6. Letter Requesting for Reduced Street Widths
- 7. Letter Requesting a Waiver from requirement No.8 from the Reduced Street Widths Policy with one attached diagram
- 8. Copy of the Reduced Street Widths Policy
- 9. Elevations
- 10. Proffers

AGENDA ITEM NO. H.1.

ITEM SUMMARY

DATE: 9/4/2019

TO: The Planning Commission

FROM: Paul D. Holt, III, Director of Community Development and Planning

Planning Director's Report - September 2019 SUBJECT:

ATTACHMENTS:

Description Type

D Memorandum Cover Memo

Spreadsheet Listing New Cases Received **Exhibit** D

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	8/28/2019 - 1:50 PM
Planning Commission	Holt, Paul	Approved	8/28/2019 - 1:50 PM
Publication Management	Daniel, Martha	Approved	8/28/2019 - 2:02 PM
Planning Commission	Holt, Paul	Approved	8/28/2019 - 2:03 PM

PLANNING DIRECTOR'S REPORT September 2019

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:

August 13, 2019

- Initiating Resolution Combat Ranges (Approved 4-0)
- Initiating Resolution Warehouse, storage, and distribution centers in the Mixed Use district (Approved 4-0)
- ORD-19-0002. Zoning Ordinance Amendment Section 24-111, Temporary Offices (Approved 4-0)
- SUP-19-0011. 5026 River Drive Tourist Home (Approved 4-0)
- Residential Impacts and Goals for Workforce Housing (Deferred to September 10 BOS meeting)
- Initiation of Rezoning within the Forest Heights Road Area (Approved 4-0)

• Community Development

> Staff from Planning, Community Development, the James City County Police Department Traffic Unit, and VDOT met with residents of Church Lane and Lake Toano Estates to discuss traffic and safety concerns in accordance with the VDOT Traffic Calming Guide on Residential Streets. Next steps will include providing the residents with a summary of the concerns, a Speed Study, a VDOT Engineering Study and a report outlining possible measures.

• Neighborhood Development

➤ On August 26, Governor Northam announced that James City County would receive a \$1,000,000 Community Development Block Grant. The funds will be used to rehabilitate substandard homes in the County that are owned and occupied by low- and moderate-income households.

New Cases for September 2019

Case Type	Plan Number	Case Title	Address	Description	Assigned To	District
Conceptual Plan	C-19-0059	Williamsburg Unitarian Universalists Parking and Access Road	3051 IRONBOUND RD	Conceptual plan for an additional access road and parking at the Williamsburg Unitarian Universalists	Jose Ribeiro	Berkeley
	C-19-0039	Williamsburg Offication Offiversalists Farking and Access Road	3031 IKONBOOND KD	church at 3051 Ironbound Road.	Jose Ribello	
	C-19-0060	8536 Pocahontas Trail Habitat for Humanity Development	8536 POCAHONTAS TRL	Coneptual plan to construct 8 dwelling units at 8536 Pocahontas Trail.	Alex Baruch	Roberts
	C-19-0061	123 Howard Drive Habitat for Humanity Development	123 HOWARD DR	Conceptual plan to construct a duplex at 123 Howard Drive.	Alex Baruch	Roberts
	C-19-0062	3900 John Tyler Hwy. Verizon Tower	3900 JOHN TYLER HWY	Conceptual plan to determine if a site plan is required based on State Code for an antenna and	Thomas Leininger	Berkeley
	C-19-0002	3900 John Tyler Tiwy. Venzon Tower	3300 JOHN TIEEK HWT	equipment replacement on an existing tower at 3900 John Tyler Highway.		
	C-19-0063	5413 Airport Rd. Extended Stay Hotel	5413 AIRPORT RD	Conceptual plan for an extended stay hotel in existing hotel at 5413 Airport Road.	Alex Baruch	Jamestown
	C-19-0064	530 Neck O Land Road Short Term Rentals	530 NECK O LAND RD	Conceptual plan for multiple short term rental units at 530 Neck O Land Road	Scott Whyte	Roberts
S-19-006 S-19-006 S-19-006 S-19-006 S-19-007	S-19-0055	144 Indigo Dam Rd. Subdivision	144 INDIGO DAM RD	Subdivision to create 3 lots at 144 Indigo Dam Road.	Alex Baruch	Jamestown
	S-19-0064	2635 Lake Powell Road BLE and BLA	2635 LAKE POWELL RD	Boundary line extinguisment and boundary line adjustment at 2631, 2635, 2639 and 2641 Lake Powell	Thomas Wysong	Roberts
	3-19-0004		2033 LAKE FOWELE ND	Road.		
	S-19-0065	Stonehouse Tract 3, Parcel A, Section 1 Townhomes Amend.	9495 ASTILBE LN	Boundary line adjustment for multiple parcels at Stonehouse Tract 3, Parcel A, Section 1.	Ellen Cook	Stonehouse
	S-19-0066	4651 Rochambeau Dr. Minor Subdivision	4651 ROCHAMBEAU DR	Subdivision to create 2 lots at 4651 Rochambeau Drive.	Jose Ribeiro	Stonehouse
	S-19-0067	Forest Glen Section 5 Phase 2	310 WALKER DR	Subdivision to create 18 residential lots 2 open space lots at Forest Glen Section 5 Phase 2.	Alex Baruch	Powhatan
	S-19-0068	716 & 720 Arlington Island Rd Lot 3 Survey for Deed of Correction	716 ARLINGTON ISLAND RD	Courthouse plat accompanying Deed of Correction between 716 and 720 Arlington Island Road.	Ellen Cook	Powhatan
	S-19-0070	The Promenade at John Tyler Phase 55	99 PROMENADE LN	Courthouse plat for The Promenade at John Tyler Phase 55.	Ellen Cook	Berkeley
	S-19-0077	6446 Richmond Road Public Access Easement	6446 RICHMOND RD	Courthouse plat for a Public Access Easement at 6446 Richmond Road.	Ellen Cook	Stonehouse
SP-19-00 SP-19-00 SP-19-00 SP-19-00	SP-19-0057	10039 Old Stage Rd. Verizon Tower SP Amend.	10039 OLD STAGE RD	Site plan to add antennas and equipment on an existing tower at 10039 Old Stage Road.	Thomas Leininger	Stonehouse
	SP-19-0062	Toano West Stream Restoration	111 DEPOT ST	Site plan for a stream restoration project for the Toano West Stream.	Thomas Leininger	Stonehouse
	SP-19-0063	Stonehouse Sanitary Sewer Pump Station SP Amend.	9351 SIX MOUNT ZION RD	Site plan amendment for the Stonehouse Sanitary Pump Station.	Ellen Cook	Stonehouse
	SP-19-0064	James City County Marina Improvement Project	2054 JAMESTOWN RD	Site plan for improvements at the James City County Marina.	Tori Haynes	Berkeley
	SP-19-0065	Chickahominy Riverfront Park Shoreline Stabilization Project	1350 JOHN TYLER HWY	Site plan for a shoreline stabilization project at Chickahominy Riverfront Park.	Alex Baruch	Powhatan
	SP-19-0081	152 Tewning Road Office and Warehouse Building	152 TEWNING RD	Site plan for a 16,520 sq. ft. office and warehouse building at 152 Tewning Road.	Thomas Leininger	Jamestown
Rezoning	Z-19-0011	Mason Park Proffer Amendment	1916 JAMESTOWN RD	Proffer amendment application to remove the requirement for detached garages at Mason Park.	Jose Ribeiro	Berkeley