

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
November 6, 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 October 2, 2019 Regular Meeting
2. Development Review Committee Action Item: C-19-0073. 2822 Forge Road
3. Development Review Committee Action Item: C-19-0082. 6623 Richmond Road Master Plan Consistency Determination

F. PUBLIC HEARINGS

1. SUP-19-0019. 530 Neck O Land Road Tourist Home
2. Z-19-0014/MP-19-0016. The Promenade at John Tyler Highway Proffer and Master Plan Amendment
3. Z-19-0012/SUP 19-0020. Forest Heights Rezoning & Independent Living Facility

G. PLANNING COMMISSION CONSIDERATIONS

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report November 2019
2. Engage 2045 Update

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

J. ADJOURNMENT

ITEM SUMMARY

DATE: 11/6/2019

TO: The Planning Commission

FROM: Paul D. Holt, III, Secretary

SUBJECT: Minutes of the October 2, 2019 Regular Meeting

ATTACHMENTS:

	Description	Type
	Minutes of the October 2, 2019 Regular Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	10/30/2019 - 2:45 PM
Planning Commission	Holt, Paul	Approved	10/30/2019 - 2:45 PM
Publication Management	Daniel, Martha	Approved	10/30/2019 - 2:51 PM
Planning Commission	Holt, Paul	Approved	10/30/2019 - 3:00 PM

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
October 2, 2019
6:00 PM

A. CALL TO ORDER

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

B. ROLL CALL

Planning Commissioners Present:

Jack Haldeman
Rich Krapf
Tim O'Connor
Frank Polster
Julia Leverenz
Odessa Dowdy

Planning Commissioners Absent:

Danny Schmidt

Staff Present:

Paul Holt, Director of Community Development and Planning
Max Hlavin, Deputy County Attorney
Ellen Cook, Principal Planner
Terry Costello, Deputy Zoning Administrator
José Ribeiro, Senior Planner II
Thomas Leininger, Planner

C. PUBLIC COMMENT

Mr. Haldeman opened Public Comment.

Ms. Sharon Dennis, 100 St. Georges Boulevard, addressed the Commission regarding the lack of sidewalk connectivity on the eastern section of Ironbound Road.

As no one else 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 September 18, 2019 to consider two cases.

Mr. Polster stated that SP-19-0065. Chickahominy Riverfront Park Shoreline Stabilization - Tree Removal was brought before the DRC because a Special Use Permit (SUP) condition for Chickahominy Riverfront Park requires that tree clearing on the entire property is limited to the minimum necessary to accommodate the Master Plan as determined by the Director of Planning and the DRC.

Mr. Polster stated that the applicant is requesting to remove about 65 trees as part of a project to stabilize portions of the park's shoreline along both the Chickahominy River and Gordon Creek that are experiencing excessive erosion. Mr. Polster further stated that the bank erosion is reducing the existing riparian buffer as the shoreline moves inland and the eroded banks present a safety hazard for park patrons.

Mr. Polster stated that staff from the Stormwater and Resource Protection Division provided an overview of the various elements of the project intended to stabilize the shoreline erosion and stabilization of marshlands. Mr. Polster stated that staff further indicated that they hope to start in February and finish by Memorial Day to limit the disruption to the park's operation. Mr. Polster stated that staff noted that there is a potential stipulation by the state's Marine Fisheries Commission to limit the construction timeframe to the non-spawning period of the year, which would conflict with the proposed plan.

Mr. Polster stated that the Committee was supportive of the tree removal and voted 4-0 to recommend approval of SP-19-0065. Chickahominy Riverfront Park Shoreline Stabilization - Tree Removal to the Director of Planning.

Mr. Polster stated that Colonial Heritage Deer Lake Estates Rezoning was presented to the DRC as a conceptual plan. Mr. Polster stated that the applicant is proposing to rezone the area comprising Deer Lake Estates from A-1, General Agricultural, with Proffers and Rural Cluster SUP, to MU, Mixed Use, with Proffers. Mr. Polster stated that the case was brought before the DRC to discuss the project and seek input from the Committee members. Mr. Polster noted that no action by the DRC was required.

Mr. Polster stated that the property is currently zoned A-1, General Agricultural and designated Rural Cluster Low Density Residential. Mr. Polster further stated that the property is not age-restricted, has a maximum of 50 units with its own entrance on Jolly Pond Road, and is in the Primary Service Area (PSA).

Mr. Polster stated that the request would substitute the current 50 units for 150 single-family homes with proffers and would provide an additional \pm 77 acres of a conservation area and a potential four-acre lot for a future fire station.

Mr. Polster stated that the change is based on Lennar's market analysis showing challenges with large lot development versus home buyer preference for smaller, lower maintenance yards and single-story floor plans offered in the age-restricted community.

Mr. Polster stated that the proposed 150 single-family detached units would have the same land disturbance as the current approved 50 units. Mr. Polster further stated that the view shed enjoyed by current adjacent homeowners bordering Deer Lake by the dam would not be developed. Mr. Polster noted that the view shed also includes the proposed conservation area of 77 acres on the opposite side of Deer Lake. Mr. Polster noted that the Committee suggested that this area would be ideal for recreational trails for the residents.

Mr. Polster stated that the Commission found no objections to the proposed rezoning of the Deer Lake Estate to Mixed Use, liked the additional 77-acre conservation area proffer to the current adjoining 282-acre conservation area, and the elimination of the Jolly Pond Road entrance.

Ms. Julia Leverenz stated that the Policy Committee did not meet in September.

E. CONSENT AGENDA

1. Minutes of the September 4, 2019 Regular Meeting
2. Development Review Committee Action Item: Case No. SP-19-0065. Chickahominy Riverfront Park Shoreline Stabilization

Mr. Polster made a motion to approve the Consent Agenda.

On a voice vote, the Commission voted to approve the Consent Agenda. (6-0)

F. PUBLIC HEARINGS

1. SUP-19-0018. 6623 Richmond Road - Train Control System Assembly and Storage

A motion to Approve was made by Julia Leverenz, the motion result was Passed.

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

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

Absent: Schmidt

Mr. José Ribeiro, Senior Planner II, stated that Mr. Joseph Stanko, of Diverging Approach Incorporation (DAI), has applied for an SUP to allow for the processing, assembly, and storage of light industrial products within a portion of an existing structure located at 6623 Richmond Road. Mr. Ribeiro stated that the site is split zoned B-1, General Business, and A-1, General Agricultural, with the structure entirely within the B-1 portion of the property. Mr. Ribeiro stated that processing, assembly, and storage of light industrial products require an SUP in the B-1 Zoning District.

Mr. Ribeiro stated that until the early 2000s, the existing structure was used entirely by the Wythe-Will Company. Mr. Ribeiro stated that in 2006, the Board of Supervisors approved an SUP request to allow a skate park within a section of the building; however, the skate park was never built. Mr. Ribeiro further stated that in 2018 the Board of Supervisors approved an SUP request to allow an outdoor flea market in the front parking lot area.

Mr. Ribeiro stated that this SUP application proposes no additional impervious surfaces or building expansion. Mr. Ribeiro stated that operation of the business will take place in the back portion of the structure while the existing commercial and office uses will remain at the front portion of the structure.

Mr. Ribeiro stated that DAI is a train signal and communications contractor. Mr. Ribeiro further stated that they do not manufacture any materials, rather, DAI assembles light industrial components from different sources to produce train signal systems. Mr. Ribeiro stated that these components include ground materials such as cable, train control loops, junction boxes, programmed microprocessors, and instrument shelters. Mr. Ribeiro stated that ground materials and microprocessors are purchased, stored, and shipped to installation contractors at project sites. Mr. Ribeiro stated that the instrument shelter is manufactured off-site and delivered to DAI for final assembly, which is then shipped to different clients across the country.

Mr. Ribeiro stated that all operation associated with this use will occur indoors, therefore potential impacts such as visual, noise, dust, and storage of materials will be contained within the structure. Mr. Ribeiro stated that the proposal will generate a limited amount of traffic with no impact to the right-of-way. Mr. Ribeiro stated that according to the applicant, delivery traffic typically consists of a box truck once to twice a week, FEDEX trucks daily, and a tractor trailer once a month.

Mr. Ribeiro stated that staff notes that Richmond Road is designated by the Comprehensive Plan as a Community Character Corridor. Mr. Ribeiro stated that the proposed operation will occur indoors at the back portion of the structure with limited visual impacts to the right-of-way. Mr. Ribeiro stated that a previous SUP application for an outdoor flea market located at the front parking lot area of the property has addressed landscaping along the frontage of the property.

Mr. Ribeiro stated that the property is designated Mixed Use; Lightfoot Area, by the 2035 Comprehensive Plan. Mr. Ribeiro stated that principal suggested uses are moderate density housing, and commercial and office development. Mr. Ribeiro further stated that from a use stand point, the current proposed use is considered light industrial, which is not a principal suggested use; however, the existing structure continues to contain commercial uses, and the proposed use will include office elements as part of the light industrial use. Mr. Ribeiro stated that given this mix for the structure overall, and the fact that the proposed use has impacts that are similar or less than many retail and commercial uses, staff finds the use consistent with the Comprehensive Plan. Mr. Ribeiro further stated that staff also finds the proposal compatible with surrounding development

Mr. Ribeiro stated that staff recommends the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed conditions.

Mr. Haldeman called for disclosures from the Commission.

There were no disclosures.

Mr. Haldeman opened the Public Hearing.

Mr. Vernon Geddy, Geddy, Harris, Franck, and Hickman, LLP, 1177 Jamestown Road, representing the applicant, made a presentation in support of the application.

As no one further wished to speak, Mr. Haldeman closed the Public Hearing. Mr. Haldeman opened the floor for discussion by the Commission.

Ms. Leverenz made a motion to approve the application.

On a roll call vote, the Commission voted to recommend approval of SUP-19-0018. 6623 Richmond Road - Train Control System Assembly and Storage, subject to the proposed SUP conditions. (6-0)

2. SUP-19-0016. 3021 Ironbound Road Tourist Home

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

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

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

Absent: Schmidt

Ms. Terry Costello, Deputy Zoning Administrator, stated that Ms. Sharon Dennis has applied for an SUP to allow the operation of a Tourist Home at 3021 Ironbound Road. Ms. Costello stated that the SUP will allow for the short-term rental of a two-bedroom home with no changes to the size or footprint of the home. Ms. Costello further stated that the property is zoned R-8, Rural Residential, is designated Low Density Residential on the Comprehensive Plan Land Use Map, and is located inside the PSA, as are all surrounding parcels.

Ms. Costello stated that staff considered the home's location, parking provisions, and screening to be favorable factors in the evaluation of this application. Ms. Costello further stated that the property has an existing driveway and parking area sufficient to accommodate guests, and is screened from adjacent properties through fencing and vegetation. Ms. Costello stated that staff is recommending conditions which are intended to mitigate the impacts of the use and preserve the residential character of the home. Ms. Costello stated that such conditions include limitations on the number of rooms rented and total number of rental occupants per stay.

Ms. Costello stated that staff notes that there was a previously approved SUP for a tourist home which expired due to a condition not being met within the required time frame.

Ms. Costello 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 in the Agenda Packet.

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 questions from the Commission.

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

On a roll call vote, the Commission voted to recommend approval of SUP-19-0016. 3021 Ironbound Road Tourist Home. (6-0)

3. AFD-19-0001. 7150 Richmond Road, Hill Pleasant Farm AFD Withdrawal

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

AYES: 4 NAYS: 2 ABSTAIN: 0 ABSENT: 1

Ayes: Dowdy, Haldeman, Krapf, Leverenz

Nays: O'Connor, Polster

Absent: Schmidt

(Secretary's Note: Consideration of this case was combined with item #4 below).

4. SUP-19-0017. Hill Pleasant Farm Solar Farm

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

AYES: 5 NAYS: 1 ABSTAIN: 0 ABSENT: 1

Ayes: Dowdy, Haldeman, Krapf, Leverenz, Polster

Nays: O'Connor

Absent: Schmidt

Mr. Haldeman noted that AFD-19-0001, 7150 Richmond Road, Hill Pleasant Farm AFD

Withdrawal and SUP-19-0017, Hill Pleasant Farm Solar Farm would be considered by the Commission concurrently, with one Public Hearing, but each case would require a separate vote.

Mr. Thomas Leininger, Planner, stated that Mr. Ben Vollmer has applied, on behalf of Strata Solar, for an SUP to construct a solar farm and an Agricultural and Forestal District (AFD) Withdrawal to remove a 192.76-acre portion of the 391.30-acre parcel within the Hill Pleasant Farm AFD. Mr. Leininger stated that the subject parcel is one of three currently in the Hill Pleasant Farm AFD, which total 529.39 acres. Mr. Leininger stated that the parcel is located at 7150 Richmond Road and is currently zoned A-1, General Agricultural and is designated Economic Opportunity on the 2035 Comprehensive Land Use Map and is located outside the PSA.

Mr. Leininger stated that prior to the approval of an SUP for the solar farm, the area subject to this SUP is required to be withdrawn from the AFD.

Mr. Leininger further stated that outside of the AFD renewal period, withdrawals must be approved by the Board of Supervisors according to a specific set of criteria. Mr. Leininger stated that the AFD Withdrawal was reviewed by staff, and found that it only met two of the four criteria listed in the adopted Board of Superiors' Policy Governing the Withdrawal of Property from AFDs. Mr. Leininger stated that staff recommended that the AFD Advisory Committee recommend denial of the application at its July 25, 2019 meeting. Mr. Leininger further stated that the AFD Advisory Committee voted 8-0 to recommend approval of the withdrawal request to the Planning Commission and Board of Supervisors.

Mr. Leininger stated that the major elements of the proposed solar farm are the ground-mounted arrays of solar panels. Mr. Leininger stated that each array is made of a number of panels and the arrays are mounted on single-axis trackers, which are devices that automatically orient the arrays toward the direction of the sun. Mr. Leininger stated that all new utilities will be placed underground and the solar farm will connect to an existing Dominion Energy utility pole. Mr. Leininger stated that a 50-foot vegetated buffer is shown along the perimeter of the development. The buffer is increased to 75 feet along areas nearest to Richmond Road. Mr. Leininger stated that the lease will be for 30 years with two 5-year extension options. Mr. Leininger stated that the proposed solar farm will take access from Rochambeau Drive and construction activities such as pile driving, clearing, and grading have limited hours per the SUP conditions.

Mr. Leininger stated that the 2035 Comprehensive Plan Land Use Map designates the property Economic Opportunity (EO). Mr. Leininger stated that the Comprehensive Plan does not specifically identify solar power or utilities in general, in EO; therefore, staff has reviewed this application as a transitional use for the District given the limited lease.

Mr. Leininger noted that Section 15.2-2232 of the Code of Virginia requires that unless a utility facility is shown on the adopted Comprehensive Plan or other Master Plan for the County, the local Planning Commission and a governing body shall review the facility to determine whether the location, character, and extent of the project is in substantial accordance with the Comprehensive Plan. Mr. Leininger stated that a Resolution of Consistency with Section 15.2-2232 of the Code of Virginia has been included for consideration.

Mr. Leininger stated that based on an evaluation of criteria listed in the Board of Supervisors' Policy Governing the Withdrawal of Properties from AFDs, staff recommends that the Planning Commission recommend denial of the AFD Withdrawal to the Board of Supervisors.

Mr. Leininger further stated that staff recommends that the Planning Commission recommend

approval of the proposed SUP subject to the proposed conditions and approving Case No. AFD-19-0001 to the Board of Supervisors.

Mr. Leininger stated that staff recommends that the Planning Commission find this application consistent with the Code of Virginia § 15.2-2232.

Mr. Greg Davis, Kaufman & Canoles, PC, 4801 Courthouse Street, representing the applicant, made a presentation to the Commission.

Mr. Krapf inquired if the low-growing plants would be under the solar panel arrays as well as in the garden.

Mr. Davis confirmed that a clover mix would be planted under the arrays.

Mr. Krapf inquired if native grasses would be used for portions of the site.

Mr. Davis stated that the proposal is to use turf grass. Mr. Davis further stated that the clover and grass mix was chosen because it will establish quickly to minimize erosion.

Mr. Krapf inquired if the applicant would be agreeable to an SUP Condition specifying the types of plantings to be used under the arrays.

Mr. Davis confirmed that the applicant would be amenable to that condition.

Mr. Polster inquired about the location of the five acres of pollinators.

Mr. Davis confirmed that the pollinators will be located adjacent to the farmhouse as shown on the Master Plan.

Mr. Polster inquired if the eastern buffer followed the Resource Protection Area (RPA).

Mr. Davis stated that the boundary for the parcel being withdrawn from the AFD generally follows the ravine system which is in the RPA.

Mr. Polster inquired if the trees within the buffer area would be preserved and protected from harvesting for the life of the lease.

Mr. Davis stated that the trees in the RPA would not be harvested; however, there would be some harvesting of trees outside the RPA among the arrays.

Mr. Polster inquired if the applicant might plant the swales of the Best Management Practice (BMP) with larger pollinator friendly plants.

Mr. Joe Davis, Civil Engineer, STRATA, stated that they had considered using pollinator friendly plants; however, the areas around the BMP are extremely steep and prone to erosion, so they need a mix that establishes quickly.

Mr. Polster inquired about how the habitat would be restored at the end of the project life.

Mr. Joe Davis stated that they would need an erosion control plan to re-stabilize the property.

Ms. Leverenz inquired if the life-expectancy of the arrays is 40 years or if significant components will need to be replaced through the life of the project.

Mr. Jackson Naftel, STRATA, stated that the solar panels have a 20- to 30-year guarantee.

Mr. Naftel further stated that even after that time, the panels function at a high percentage of their original capacity. Mr. Naftel noted that components will need to be replaced throughout the life of the project; however, the process is more piecemeal rather than a massive overhaul.

Ms. Leverenz noted that in 30 or 40 years technology will have evolved such that a major overhaul might be necessary.

Mr. Naftel responded that a large overhaul might be financially beneficial under those circumstances.

Mr. O'Connor inquired if there was any consideration in the lease agreement or the project design that would accommodate the Mooretown Road extension if and when it might be constructed.

Mr. Greg Davis stated that there is no accommodation for the Mooretown Road extension. Mr. Davis stated that this had been a subject of discussion with the County prior to bringing the application forward. Mr. Davis stated that neither the state, nor the County would fund construction of a road just to make the area attractive to a developer, therefore, it would fall to the developer to fund part or all of the road construction if it would benefit their project. Mr. Davis stated that it has been 10 years since the property was designated Economic Development and no one has come forward with a project that would incorporate the road extension.

Mr. Haldeman called for disclosures from the Commission.

There were no disclosures.

Mr. Haldeman opened the Public Hearings for AFD-19-0001. 7150 Richmond Road, Hill Pleasant Farm AFD Withdrawal, and SUP-19-0017. Hill Pleasant Farm Solar Farm

As no one wished to speak, Mr. Haldeman closed the Public Hearing. Mr. Haldeman opened the floor for discussion by the Commission.

Mr. Krapf stated that he is supportive of the AFD Withdrawal. Mr. Krapf stated that he believes the Board of Supervisors' AFD Withdrawal Policy was not established to completely prohibit withdrawals, but rather a way to discourage them. Mr. Krapf stated that he finds the solar farm use to be a public benefit. Mr. Krapf further stated that this is a small step that the community can take to reduce the carbon footprint. Mr. Krapf stated that the solar farm is an appropriate use of the land and is supportive of a number of County initiatives.

Ms. Odessa Dowdy stated that she is supportive of the application and eager for citizens to have the option for renewable energy.

Ms. Leverenz stated in light of the recent legislative changes, she finds the application to meet the three of the four criteria for withdrawal from the AFD. Mr. O'Connor stated that he does not find the application consistent with the Comprehensive Plan. Mr. O'Connor stated that because of future development needs, he has concerns about this parcel being tied up for 30 or 40 years.

Mr. Krapf inquired about the process if the AFD Withdrawal were approved but the SUP was not approved.

Mr. Holt stated that it would have to be resolved prior to action by the Board of Supervisors.

Mr. Krapf made a motion to approve the AFD Withdrawal.

On a roll call vote, the Commission voted to recommend approval of AFD-19-0001. 7150 Richmond Road, Hill Pleasant Farm AFD Withdrawal. (4-2)

Mr. Krapf made a motion to adopt the resolution finding the general location, character, and extent of the proposed use to be substantially in accord with the adopted Comprehensive Plan.

On a roll call vote, the Commission voted to adopt the resolution finding the general location, character, and extent of the proposed use to be substantially in accord with the adopted Comprehensive Plan. (5-1)

Mr. Krapf made a motion to recommend approval of the application for an SUP subject to the associated conditions and development of additional condition regarding the type and extent of pollinator plantings along with a maintenance schedule for the life of the project which would be subject to approval by the Director of Planning at Site Plan stage.

On a roll call vote, the Commission voted to recommend approval of SUP-19-0017. Hill Pleasant Farm Solar Farm subject to the proposed conditions. (5-1)

5. Z-18-0002/Z-19-0010/MP-18-0002 Stonehouse Rezoning and Proffer and Master Plan Amendment

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

AYES: 4 NAYS: 2 ABSTAIN: 0 ABSENT: 1

Ayes: Haldeman, Krapf, Leverenz, Polster

Nays: Dowdy, O'Connor

Absent: Schmidt

Ms. Ellen Cook, Principal Planner, stated that on behalf of the current development group within the Stonehouse Planned Unit Development, Mr. Tim Trant has submitted applications to achieve several legislative actions.

Ms. Cook stated that first, a rezoning application has been submitted to rezone approximately 2,659 acres of land from Planned Unit Development (PUD) to A-1, General Agricultural. Ms. Cook stated that the new A-1 area would consist of two sub-areas, shown on the Master Plan as the Stonehouse Preserve and the Riverfront Preserve. Ms. Cook further stated that the application seeks to allow some flexibility in future use of this area, while also putting in place parameters through two restricted use easements that would be granted to the County. Ms. Cook stated that through the easements and the Master Plan, up to four residential units would be allowed in the Riverfront Preserve, and up to 15 residential units and a maximum of 130,000 square feet of commercial uses would be allowed in the Stonehouse Preserve.

Ms. Cook stated that with regard to utilities, this property is currently inside the PSA and development of 19 lots would require extension of public utilities; however, should the PSA status change in the future, the requirement for a central water system might be triggered. Ms. Cook stated that the applicant has proceeded with submitting a central water system waiver request concurrent with this rezoning, which if approved, would allow the future lots to be served by individual private wells. Ms. Cook stated that in addition, the parcels would be served by individual on-site sewage disposal systems.

Ms. Cook stated that the second set of legislative actions are changes to the 2008 Master Plan and Proffers that are comprehensive in nature, substantially revising both.

Ms. Cook stated that proposed changes to the Master Plan include:

- A change in the zoning designation of approximately 735 acres from PUD-Commercial, with proffers, to PUD-Residential, with Proffers.
- A reduction in both the proposed overall residential unit number and the amount of commercial square footage as compared with the 2008 Master Plan, reflective of the reduction in the size of the PUD overall. The new Master Plan would allow for up to 2,392 residential units and up to 740,000 square feet of non-residential within the PUD.
- Areas planned for commercial, office, and industrial uses along Fieldstone Parkway and Mount Laurel Road north of I-64 would now be used primarily for residential units, with the commercial component concentrated in the planned Preservation Square focal point in Tract 10B. The school site would be relocated from an internal area along Six Mount Zion Road to Tract 9 which fronts on Rochambeau Drive. The road network shown on the Master Plan will be revised to eliminate the major new roadway that would have started at Rochambeau Drive, crossed over I-64, and served as the major access road for the eastern and northern portions of Stonehouse.

Ms. Cook stated that with the downzoning to A-1 and the concurrent significant reduction in development potential, a number of the proffered transportation improvements that were originally envisioned to serve this area are now proposed to be eliminated, including the new internal parkway, and a set of improvements planned to Rochambeau Drive, Croaker Road, and the Croaker/I-64 interchange. Ms. Cook further stated that the applicant has submitted an updated traffic study to demonstrate that adequate levels of service can be maintained under this scenario, and the Virginia Department of Transportation (VDOT) and the County's traffic consultant, Kimley-Horn and Associates, have concurred with the proposed changes.

Ms. Cook stated that the improvements that continue to be proffered are generally located at the existing development entrance/exit points, the Route 30/I-64 interchange, and the internal roadway intersections.

Ms. Cook stated that the applicant has also continued to commit to exploring disconnection of Ware Creek Road west of its intersection with Mt. Laurel Road, internal to the land owned by Stonehouse, or putting in place other measures to discourage Stonehouse traffic from using this rural roadway.

Ms. Cook stated that for the area proposed to be zoned A-1, access to/from this area would be directly onto Sycamore Landing and Croaker Road or Ware Creek Road. Ms. Cook stated that the updated traffic study submitted by the applicant indicates that compared to the estimated existing volumes on Croaker Road in 2017, the proposed development is anticipated to increase the volume by only 3% and that the impact on this section of Croaker Road is anticipated to be minimal. Ms. Cook stated that no improvements have been proposed in the restricted use easements or proffers.

Ms. Cook stated that with regard to public schools, as already noted, the applicant proposes a different school site, to accommodate one school, in Tract 9. Ms. Cook stated that the past use of this proposed site has led to the applicant proffering to adhere to a detailed procedure that would allow for the site to be conveyed to the County without any unusual site development, foundation, or environmental requirements. Ms. Cook stated that should the site conditions determined during this procedure indicate that the site is not suitable for a school, then the applicant has proffered to provide cash-in-lieu. Ms. Cook stated that the proposed proffers also include a per-unit and a lump sum cash contribution for the schools. Ms. Cook stated that overall, the proposed proffers would equate to either one prepared and graded

school site and up to approximately \$6.95 million or with the cash-in-lieu scenario, no physical school sites and up to approximately \$7.79 million.

Ms. Cook stated that moving from public impacts to the Comprehensive Plan, the main portion of Stonehouse is designated as Low Density Residential (LDR) and Mixed Use, with a very small portion of Tract 9 designated Rural Lands. Ms. Cook stated that the overall density remains within the recommended range for LDR. Ms. Cook stated that with regard to the Mixed Use area, the further development of the Stonehouse Commerce Park and the commercial Preservation Square area are most consistent with the Mixed Use description language, as are many of the commitments in the proffers to certain design, environmental protection, and access standards. Ms. Cook stated that the residential development shifted into Tract 11 does replace planned industrial and commercial uses which is less consistent with the description. Ms. Cook stated that staff finds the proposed amended Master Plan to be consistent with the LDR Land Use Designation, and generally consistent with the Mixed Use Land Use Designation.

Ms. Cook stated that the approximately 2,659 acres proposed to be rezoned from PUD to A-1 is designated LDR. Ms. Cook stated that overall, this proposal achieves certain goals consistent with the Comprehensive Plan and with certain LDR development standards, and reduces the demand for and impact on public services and facilities. Ms. Cook stated that as a downzoning from PUD to A-1, the proposed density is significantly less than that recommended by LDR.

Ms. Cook stated that staff recommends that the Planning Commission recommend approval of the PUD Proffer and Master Plan Amendments, and acceptance of the voluntary proffers.

Ms. Cook stated that staff recommends that the Planning Commission recommend approval of the PUD to A-1 rezoning, and acceptance of the restricted use easements.

Mr. Haldeman called for disclosures from the Commission.

Mr. Krapf stated that he had a telephone conversation with Mr. Trant.

Mr. Polster stated that he discussed the application with Mr. Trant.

Ms. Dowdy stated that she spoke with Mr. Trant.

Ms. Leverenz stated that she spoke with Mr. Trant.

Mr. Haldeman stated that he, also, spoke with Mr. Trant.

Mr. O'Connor stated that he spoke with Mr. Trant.

Mr. Haldeman opened the Public Hearing.

Mr. Tim Trant, Kaufman & Canoles, PC, 4801 Courthouse Street, representing the applicant, made a presentation to the Commission

Mr. Krapf inquired about the restrictive easements for the Stonehouse Preserve.

Mr. Trant stated that two separate easements have been created since there are two distinct Preserve areas, each with different restrictions. Mr. Trant further stated that for the Stonehouse Preserve, an easement has been proposed that would limit the uses that could occur on the property to those allowed in the A-1 District, and further restricted by intensity. Mr. Trant stated that the limitations included no more than 15 homes, no more than 130,000 square feet

of A-1 businesses, silviculture, and agriculture in accordance with a best management plan. Mr. Trant further stated that any end user of the property would be bound by the terms of that easement. Mr. Trant stated that it would be a private property right that would convey to the County in connection with the rezoning and would be binding on all successive property owners.

Mr. Krapf stated that he appreciated the clarification. Mr. Krapf further stated that this answered his next question regarding the applicability of the easement to future property owners should the state change its plan to augment the Ware Creek Wildlife preserve with the Stonehouse Preserve property.

Ms. Leverenz inquired if the easement applied to the state. Ms. Leverenz stated that her understanding is that the state is exempt from zoning regulations.

Mr. Trant stated that the state would still be bound by private property rights such as an easement. Mr. Trant further stated that is a contract, which would be binding on any successor in title including the state.

Ms. Leverenz inquired if future homes would be prohibited from applying for wells.

Mr. Trant inquired if this was for the PUD property or for the A-1 property.

Ms. Leverenz stated that this is where she is seeking clarification. Ms. Leverenz stated that her understanding is that in the A-1 property it would be possible to apply for a well. Ms. Leverenz inquired if the well could also be used for irrigation.

Mr. Trant stated that for the residences within the PUD, the applicant has proffered water conservation measures and made a commitment to entering into water conservation agreements with the James City Service Authority (JCSA). Mr. Trant stated that there are agreements currently in place that cover water conservation for Stonehouse; however, he was not certain whether those agreements prohibited irrigation wells.

Mr. Max Hlavin stated that there is a water conservation agreement in place for Stonehouse, which has been amended several times. Mr. Hlavin stated that the agreement covers both commercial and residential components of the development. Mr. Hlavin further stated that the most recent iteration does prohibit irrigation for residential uses within the Stonehouse PUD.

Ms. Leverenz inquired if waivers would be possible for non-residential uses on A-1 parcels.

Mr. Trant stated that the applicant, staff, and JCSA are discussing the conditions for a well waiver or a central water system waiver that would allow for private wells. Mr. Trant further stated that it would be infeasible to have the homes and businesses on a central water system in the Stonehouse and Riverfront Preserves. Mr. Trant further stated that private wells will be the only option. Mr. Trant stated that there is a general agreement allowing private wells for residential uses and A-1 business uses. Mr. Trant stated that JCSA is generally satisfied with the overall reduction in water demand associated with the down zoning; however, leaving the parameters of the water use unaddressed is of concern. Mr. Trant stated that a tentative agreement has been reached on capping the water usage for the A-1 business uses to an average of 50,000 gallons per day.

Ms. Leverenz inquired if the cap applies to both the business use and any irrigation.

Mr. Trant confirmed.

Ms. Leverenz inquired if the cap is individual or cumulative.

Mr. Trant stated that it is cumulative, covering all businesses. Mr. Trant stated that it has been proposed that the developer allocate the water rights at the time of sale.

Ms. Leverenz inquired if the limitations would still apply if the state purchased the property.

Mr. Holt stated that the well waiver is a function of the Subdivision Ordinance and, therefore, would likely not apply unless it were incorporated in the easement.

Mr. Hlavin stated that the central well waiver is a condition on a major subdivision. Mr. Hlavin further stated that it would depend on what the state's use would be. Mr. Hlavin stated that if the property is used for a public use, then the central well waiver would not require any limitation. Mr. Hlavin further stated that if the property were sold to someone else, then the limitations would be in place.

Mr. Hlavin stated that to amend a prior response, for non-residential uses in the PUD, there is no irrigation and there are a number of limitations on residential irrigation in the PUD; however, it is allowed with square-footage and gallon per minute limitations.

Ms. Leverenz inquired about how the community association will work. Ms. Leverenz stated that her concern is about access to the community amenities and who will pay for them.

Mr. Trant stated that there are three primary community associations within Stonehouse. Mr. Trant stated that the Millpond Owners Association is the master homeowners association (HOA) for the first phase of Stonehouse and areas surrounding the golf course. Mr. Trant further stated that there is a second separate and distinct HOA for the remainder of Stonehouse, the Stonehouse Owners' Foundation, which includes Stonehouse Glen, Land Bay 5, and the residual PUD areas. Mr. Trant stated that it would not serve the two Preserve parcels. Mr. Trant further stated that there may be a number of sub-associations to serve individual neighborhoods; however, they will fall under the master association which will control all the community amenities. Mr. Trant stated that the third community association serves the Business Park.

Ms. Leverenz inquired if the property owners in the Millpond Owners' Association would have access to the amenities that will be constructed under this application.

Mr. Trant stated that they would not have access or be responsible for the associated costs.

Mr. O'Connor inquired about the average market value of homes in Stonehouse Glen.

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

Mr. O'Connor stated that the question is related to the reduction in the number of homes to comply with the Housing Opportunities Policy. Mr. O'Connor noted that putting affordable housing in a PUD is not always successful and is not always affordable long term.

Mr. O'Connor inquired about the reasoning behind the change in proffers eliminating the property for the public safety facility and one school site.

Mr. Trant stated that the proposed proffer includes a lump sum cash payment for school facilities and provides an alternate site for a school. Mr. Trant stated that this was due to land planning and the reduction of homes. Mr. Trant stated that the new location is more accessible to the entire district that it will serve and is located in proximity to the existing elementary school.

Mr. O'Connor inquired about the 130,000-square-foot commercial area.

Mr. Trant stated that the 130,000-square-foot commercial areas was limited to the Stonehouse preserve and further limited those business uses permitted in the A-1 Zoning District. Mr. Trant clarified that this limitation would be for the structures only and not apply to open land.

Mr. O'Conner inquired about the access to Stonehouse Preserve.

Mr. Trant stated that silviculture currently occurs on surrounding properties and that the access would remain the same.

Mr. O'Connor stated that the question stems from comments from constituents about the width of Croaker Road and Sycamore Landing Road.

Mr. Trant stated that the preferred option to access the Stonehouse Preserve is via a dirt access road that intersects with Sycamore Landing Road. Mr. Trant stated that other options include access from Ware Creek Road or finding access across parcels.

Mr. O'Connor inquired about the Covenants Committee.

Mr. Holt stated that the language may have been in regard to how the central well waiver would be administered.

Mr. Ben Arney, 3501 Splitwood Road, representing the Mill Pond Owners Association addressed the Commission in support of the application.

Mr. Richard Costello, 10020 Sycamore Landing Road, addressed the Commission regarding traffic concerns related to Croaker Road and Sycamore Landing Road.

Mr. Art Michel, 9420 Ottoway Court, addressed the Commission in support of the application.

Mr. Scott Mallory, 10210 Sycamore Landing Road, addressed the Commission regarding traffic concerns related to Sycamore Landing Road.

Mr. James Miller, 10031 Sycamore Landing Road, addressed the Commission regarding traffic concerns related to Sycamore Landing Road.

Ms. Nancy Vaughn, 10124 Sycamore Landing Road, addressed the Commission regarding traffic concerns related to Sycamore Landing Road.

Mr. John Davidson, 10016 Sycamore Landing Road, addressed the Commission regarding traffic concerns related to Croaker Road and Sycamore Landing Road.

Ms. Kelly Fulton, 9888 Sycamore Landing Road, addressed the Commission regarding traffic concerns related to Croaker Road and Sycamore Landing Road.

Mr. Mark Rinaldi, 10022 Sycamore Landing Road, addressed the Commission regarding traffic concerns related to Sycamore Landing Road. As no one further wished to speak, Mr. Haldeman closed the Public Hearing.

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

Mr. Krapf inquired whether the state would require an SUP for those commercial uses that are special permitted if the entire 23,000 acres is included in the easement.

Mr. Hlavin stated that if the state is using the land for commercial uses, it is subject to zoning regulations in addition to the stipulations in the easement. Mr. Hlavin further stated that it is when the state uses property for a public purpose that it is exempt from zoning regulations.

Ms. Leverenz inquired if access via Sycamore Landing Road was part of the previous Master Plan.

Mr. Trant stated that the existing proffers state that there shall be no road connection from the property directly onto Croaker Road. Mr. Trant further stated that there is no prohibition on access to Sycamore Landing Road.

Mr. O'Connor noted that the reference to the Covenants Committee is found in the draft document regarding the management of the Well Waiver. Mr. O'Connor inquired what the role of the Covenants Committee would be and how members would be appointed.

Mr. Holt stated that the language referencing the Covenants Committee is old language and is not included in the active working document.

Mr. Trant stated that the applicant would prefer not to establish a Covenants Committee and to have the Covenants binding and running with the land so that they are enforceable by the County.

Mr. O'Connor inquired whether public funds were used to put in infrastructure.

Mr. Trant stated that it is the applicant's understanding is that the majority, if not all, of infrastructure has been done with private funds. Mr. Trant further stated that he cannot guarantee that no public funds have been used; however, it would be an insignificant amount. Mr. Trant stated that whatever investment is in place, all capacity will be used, even if the property is rezoned.

Ms. Leverenz inquired if the applicant would be willing to consider an alternate option for the access to Stonehouse Preserve.

Ms. Dowdy inquired if the applicant has already considered alternatives.

Mr. Trant stated that the applicant has looked at many alternatives; however, the property is constrained by topography and wetlands and there is no reasonable alternative.

Ms. Leverenz inquired if there would be a way to impose restrictions on the amount of traffic.

Mr. Trant stated that the applicant is not willing to risk the economic viability of the project; especially since the downzoning represents a substantial economic concession. Mr. Trant stated that, for better understanding, for the 130,000 square feet of commercial buildings, there are only a few by-right uses: farmers markets limited to 2,500 square feet or less, commercial greenhouses, home occupations, horse and pony farms, riding stables, house museums, nurseries, rest homes for fewer than 15 adults, limited farm brewery, and wineries with an accessory building for the sale of wine, but not other commercial uses, among others. Mr. Trant further stated that the types of uses that would generate traffic concerns would requires an SUP. Mr. Trant noted that there are a number of safety nets built into the Zoning Ordinance to address the types of concerns that have been noted.

Mr. Krapf stated that he feels comfortable that the SUP process would mitigate some of the

issues. Mr. Krapf stated that the condition of the roads is a separate issue. Mr. Krapf further stated that the residents might wish to approach their Board of Supervisors Representative regarding potential improvements. Mr. Krapf stated that the issues he had to balance are the beneficial impacts on the County of fewer residential units and the impact on traffic if several commercial uses were developed at the same time. Mr. Krapf stated that the benefits of the proposal outweigh the concerns in light of the safety net provided through the Zoning Ordinance. Mr. Krapf stated that he also concurs with the use of the easement to ensure that the state will conform to the Zoning Ordinance. Mr. Krapf stated that he would support the application.

Mr. O'Connor inquired if the state has the ability to condemn the easement if they wish to put in a use that the County does not support.

Mr. Hlavin stated that it is theoretically possible; however, it would likely be easier to simply apply for the SUP or a change in the easement.

Mr. O'Connor inquired if the applicant wishes for the state to acquire both parcels.

Mr. Trant stated that it is only the Stonehouse Preserve.

Mr. O'Connor stated that he is typically supportive of a developer's right to amend proffers and amend the Master Plan to adapt to changing market conditions. Mr. O'Connor stated that there are a lot of unknowns in this application. Mr. O'Connor stated that he is disappointed that the County will only receive one school site and no public safety site. Mr. O'Connor stated that removing the housing units could put growth pressure on the wrong areas of the County, when Stonehouse is well situated with access to the interstate. Mr. O'Connor stated that he will not support the application.

Mr. Polster stated that this application provides some unique benefits. Mr. Polster stated that the reduction in housing units removes pressure from water use, infrastructure, and the schools. Mr. Polster further stated that the application promotes better land conservation by seeking a single buyer for the Stonehouse Preserve. Mr. Polster stated that the parcel has been recognized as a high core area and is part of the vision for preserving Virginia.

Ms. Leverenz asked Mr. Polster if that by selling the property to the state or a conservation agency, the homes and the commercial uses would not be developed.

Mr. Polster confirmed. Mr. Polster noted that the key is the adjacent Ware Creek Reserve which would be extended by the addition of this parcel.

Ms. Leverenz noted that the state approached the applicant about the parcel which has been the impetus for the application.

Mr. O'Connor noted that there is still no contract between the applicant and the state.

Mr. Polster made a motion to approve the application with a recommendation that the Board of Supervisors endorse the applicant's suggestion of a single buyer for the Stonehouse Preserve parcel through a conservation easement of property under the Commonwealth of Virginia or a conservation agency.

On a roll call vote, the Commission voted to recommend approval of Z-18-0002/Z-19-0010/MP-18-0002 Stonehouse Rezoning and Proffer and Master Plan Amendment, with a recommendation that the Board of Supervisors endorse the applicant's suggestion of a single buyer for the Stonehouse Reserve parcel through a conservation easement of property under the Commonwealth of Virginia or a conservation agency. (4-2)

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for consideration.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - October 2019

Mr. Holt stated that he did not have anything in addition to what was included in the agenda materials.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Haldeman noted that Ms. Dowdy has Board of Supervisors coverage for October.

Mr. Polster commended Ms. Cook for her work on the Stonehouse case.

Mr. Polster stated that the Commission has an opportunity as the Comprehensive Plan is reviewed, to look at the scenario planning model and revisit prior decisions, in particular the EO designation for the Hill Pleasant/Mooretown Road area. Mr. Polster stated that the exercise will look at growth; what drives it, the cumulative impacts and what it means for economic development.

J. ADJOURNMENT

Ms. Leverenz made a motion to Adjourn.

The meeting was adjourned at approximately 9:04 p.m.

Jack Haldeman, Chair

Paul D. Holt, III, Secretary

ITEM SUMMARY

DATE: 11/6/2019

TO: The Planning Commission

FROM: Thomas Wysong, Senior Planner

SUBJECT: Development Review Committee Action Item: C-19-0073. 2822 Forge Road

The applicant has requested an Exception to the Subdivision Ordinance.

A shared driveway exception request for a proposed three-lot subdivision on one parcel has been submitted for 2822 Forge Road.

Reason for DRC review: Section 19-73 of the Subdivision Ordinance requires for all minor subdivisions of three or more lots to limit direct access from the existing road to one shared driveway. The applicant is proposing three individual driveways for a three-lot subdivision located north of Forge Road, with one driveway for each lot. The applicant has requested an exception to the shared driveway requirement for this subdivision, as permitted in Section 19-18 of the Subdivision Ordinance.

Link to Agenda and Staff

Report: [https://jamescity.novusagenda.com/AgendaPublic/MeetingView.aspx?](https://jamescity.novusagenda.com/AgendaPublic/MeetingView.aspx?MeetingID=965&MinutesMeetingID=-1&doctype=Agenda)

[MeetingID=965&MinutesMeetingID=-1&doctype=Agenda](https://jamescity.novusagenda.com/AgendaPublic/MeetingView.aspx?MeetingID=965&MinutesMeetingID=-1&doctype=Agenda)

DRC Recommendation: On October 23, 2019, the DRC recommended approval of the request; however, rather than allowing three driveways, Lots 1 and 2 will share a driveway and Lot 3 may have its own separate driveway.

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	10/25/2019 - 8:46 AM
Planning Commission	Holt, Paul	Approved	10/25/2019 - 8:47 AM
Publication Management	Burcham, Nan	Approved	10/25/2019 - 8:49 AM
Planning Commission	Holt, Paul	Approved	10/25/2019 - 8:52 AM

ITEM SUMMARY

DATE: 11/6/2019

TO: The Planning Commission

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: Development Review Committee Action Item: C-19-0082. 6623 Richmond Road Master Plan Consistency Determination

The applicant has proposed ±12,200 square feet of non-retail uses (a car club, a baseball club, and a fitness center) at a location previously identified on the Master Plan as “Retail/Office” for an existing shopping center located at 6623 Richmond Road.

Reason for DRC review: The adopted Special Use Permit (SUP) conditions for this development (SUP-0020-2006) require Development Review Committee (DRC) review of any proposed changes to the Master Plan for general consistency.

Link to Agenda and Staff

Report: [https://jamescity.novusagenda.com/AgendaPublic/MeetingView.aspx?](https://jamescity.novusagenda.com/AgendaPublic/MeetingView.aspx?MeetingID=965&MinutesMeetingID=-1&doctype=Agenda)

[MeetingID=965&MinutesMeetingID=-1&doctype=Agenda](https://jamescity.novusagenda.com/AgendaPublic/MeetingView.aspx?MeetingID=965&MinutesMeetingID=-1&doctype=Agenda)

DRC Recommendation: On October 23, 2019, the DRC recommended approval of the request by a vote of 3-0.

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	10/25/2019 - 8:47 AM
Planning Commission	Holt, Paul	Approved	10/25/2019 - 8:47 AM
Publication Management	Burcham, Nan	Approved	10/25/2019 - 8:50 AM
Planning Commission	Holt, Paul	Approved	10/25/2019 - 8:53 AM

ITEM SUMMARY

DATE: 11/6/2019

TO: Planning Commission

FROM: W. Scott Whyte, Senior Landscape Planner II

SUBJECT: SUP-19-0019. 530 Neck O Land Road Tourist Home

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Proposed SUP Conditions	Resolution
▣	Location Map	Exhibit
▣	Masterplan	Backup Material
▣	Applicant Letter	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	10/28/2019 - 2:02 PM
Planning Commission	Holt, Paul	Approved	10/28/2019 - 2:03 PM
Publication Management	Daniel, Martha	Approved	10/28/2019 - 2:28 PM
Planning Commission	Holt, Paul	Approved	10/28/2019 - 2:38 PM

SPECIAL USE PERMIT-19-0019. 530 Neck O Land Road Tourist Home

Staff Report for the November 6, 2019, Planning Commission Public Hearing

SUMMARY FACTS

Applicant:	Emily Huffman
Land Owner(s):	Emily Huffman Wilson Huffman
Proposal:	To allow for the short-term rental of two tourist homes containing two units each. These units would all be located on one parcel. The owners will live off-site.
Location:	530 Neck O Land Road
Tax Map/Parcel No.:	5510200009
Project Acreage:	± 0.918 acres
Zoning:	R-8, Rural Residential
Comprehensive Plan:	Low Density Residential
Primary Service Area:	Inside
Staff Contact:	Scott Whyte, Senior Landscape Planner II

PUBLIC HEARING DATES

Planning Commission:	November 6, 2019, 6:00 p.m.
Board of Supervisors:	December 10, 2019, 5:00 p.m. (Tentative)

FACTORS FAVORABLE

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

2. With the proposed conditions, the proposal is consistent with the recommendations of the Comprehensive Plan.
3. Adequate off-street parking is provided.
4. The applicant has acknowledged that, should this application be approved, she will obtain the proper licensing and inspections through the County and will be subject to appropriate use-based taxes.
5. Impacts: See Impact Analysis Page 3-4.

FACTORS UNFAVORABLE

1. Impacts: See Impact Analysis Page 3-4.

SUMMARY STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

PROJECT DESCRIPTION

- The property currently consists of a single-family home with an accessory apartment. The property also contains a duplex behind the single-family home. The owner would like to use all 4 units as separate tourist home units. This Special Use Permit (SUP), if granted, would allow short-term rentals throughout the year. No changes to the footprint of the home or duplex are proposed.
- The Zoning Ordinance defines a tourist home as “a dwelling where lodging or lodging and meals are provided for compensation for up to five rooms which are open to transients.” The proposed conditions limit the number of bedrooms available for rent to three in unit A, and one in unit B in the house, and two bedrooms for each of units C and D contained in the duplex.

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.

Staff Report for the November 6, 2019, Planning Commission Public Hearing

Should a future expansion add another bedroom, an SUP amendment would be required.

SURROUNDING ZONING AND DEVELOPMENT

The subject property is located between two other R-8, Rural Residential zoned properties near the end of Neck O Land Road. Single-family dwellings are located to the north, and west. The property to the south contains two dwellings with two units each, similar to this property. The eastern rear property line abuts property zoned Public Lands adjacent to the Colonial Parkway.

COMPREHENSIVE PLAN

The property is designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map, as are all adjacent properties with the exception of the Public Lands property to the east. Appropriate primary uses recommended by the Comprehensive Plan include single-family homes, multifamily units, accessory units and cluster housing. Limited commercial uses may also be considered appropriate should the proposal meet the following standards:

- Complements the residential character of the area. Staff finds the proposal consistent with the residential character of the area, as no exterior changes to the home or property are proposed.
- Have traffic, noise, lighting and other impacts similar to surrounding residential uses. Staff finds that impacts will be similar to nearby residential uses. Traffic is anticipated to be typical of what the current residential use produces. The subject property must adhere to the County's noise ordinance, and the proposed SUP conditions will restrict commercial signage and exterior lighting. Future expansions of the use would require an SUP amendment.

- Generally be located on collector or arterial roads at intersections. The segment of Neck O Land Road on which the subject property is located is classified by VDOT as a local road, however the road appears adequate to support this use.
- Provide adequate screening and buffering to protect the character of nearby residential areas. The subject parcel does contain some mature vegetation, and the existing landscaping on the property is typical of a single-family residence, staff finds that the residential character of the area will not be visually impacted negatively by this proposal.

SPECIAL USE PERMIT-19-0019. 530 Neck O Land Road Tourist Home**Staff Report for the November 6, 2019, Planning Commission Public Hearing**

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Public Transportation: Vehicular</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- The proposal is not anticipated to generate traffic exceeding a typical residential use.- The subject property is located on a local road. No changes anticipated to Level of Service on Neck O Land Road.
<u>Public Transportation: Pedestrian/Bicycle</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- Pedestrian/bicycle accommodations are currently provided close to this location on the Colonial Parkway.
<u>Public Safety</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- Subject property is located within a 5-minute radius of Fire Stations 3.- The proposal does not generate impacts that require mitigation to the County's emergency services or facilities.
<u>Public Schools</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- The proposal will not generate school children.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- The proposal does not generate impacts that require mitigation to the County's parks and recreation services or facilities.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- The proposal does not generate impacts that require mitigation to public libraries or cultural centers.
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- The proposal does not generate impacts that require mitigation to groundwater or drinking water resources.
<u>Watersheds, Streams and Reservoirs</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- The Stormwater and Resource Protection Division has reviewed this application and had no objections. No new impervious surface is proposed as part of this SUP request. Should exterior site improvements be made in the future, such as a deck expansion or paved parking area, those improvements would be subject to additional environmental review at that time.
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- The subject property has been previously disturbed and has no known cultural resources on-site.

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.

SPECIAL USE PERMIT-19-0019. 530 Neck O Land Road Tourist Home**Staff Report for the November 6, 2019, Planning Commission Public Hearing**

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Nearby and Surrounding Properties</u>	<u>No Mitigation Required</u>	- Traffic is anticipated to be typical of a residential home, the subject property must adhere to the County's Noise Ordinance, and the proposed SUP conditions will restrict commercial signage and exterior lighting. Future expansions of the use would require an SUP amendment.
<u>Community Character</u>	<u>No Mitigation Required</u>	- This segment of Neck O Land Road is not designated as a Community Character Corridor but is within the Jamestown Island-Jamestown Settlement-Greensprings Road Community Character Area. - Existing façade and landscaping maintain the property's residential character, and parking is not located directly on the road.

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.

PROPOSED SUP CONDITIONS

Proposed conditions are provided as Attachment No. 1.

STAFF RECOMMENDATION

Staff finds the proposal to be compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan. Staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the attached conditions.

WSW/md
SUP19-19-530NkOLd

Attachments:

1. Proposed SUP Conditions
2. Location Map
3. Master Plan
4. Applicant Letter

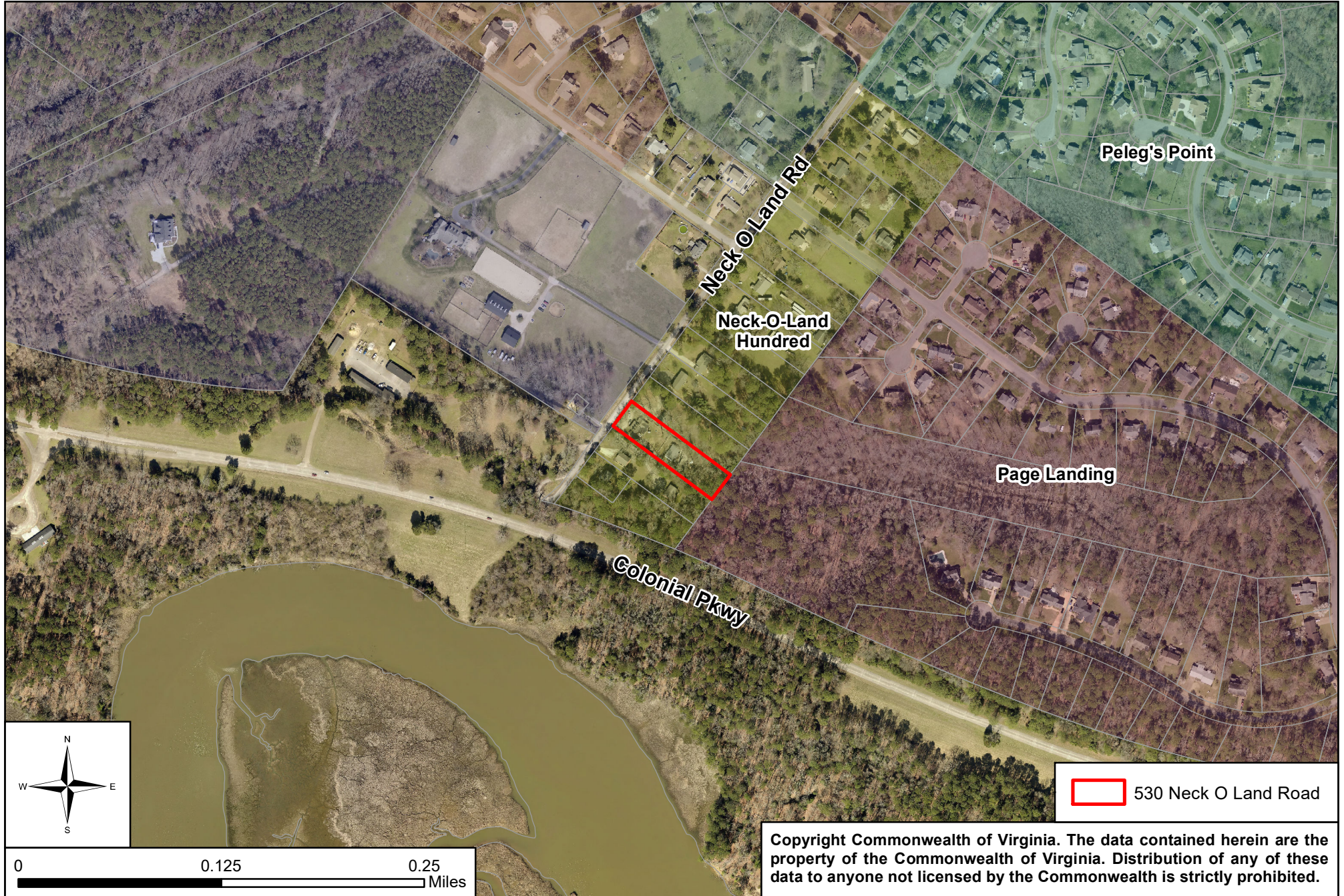
PROPOSED CONDITIONS FOR CASE NO. SUP-19-0019.

530 NECK-O-LAND ROAD TOURIST HOME

1. Master Plan: This Special Use Permit (SUP) shall permit tourist homes for two dwellings each containing two units on property located at 530 Neck-O-Land Road and further identified as James City County Real Estate Tax Map Parcel No. 5510200009 (the "Property"). The use and layout of the Property shall be generally as shown on the document entitled "SUP-19-0019, 530 Neck-O-Land Road Tourist Home" and date stamped October 16, 2019 (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended. This condition does not restrict improvements typical of a residential property as determined by the Director of Planning.
2. Commencement: An updated Certificate of Occupancy and evidence of a business license shall be provided to the Director of Planning within 12 months from the issuance of this SUP or this SUP shall automatically be void.
3. Number of Rental Rooms and Occupants: The number of rental rooms and occupants shall be as follows;
 - Dwelling 1 contains units A and B. Unit A shall have three bedrooms available to rent with a maximum occupancy of six people. Unit B shall have one bedroom to rent with a maximum occupancy of two.
 - Dwelling 2 shall contain Units C and D. Both Units C and D shall have two bedrooms each to rent and a maximum occupancy of four people each.
 - At no time shall the total occupancy on the property exceed 16 occupants.
4. Contracts per Rental Period: There shall not be simultaneous rentals of the each of the units under separate contracts.
5. Signage: No signage related to the tourist home shall be permitted on the Property.
6. Parking: Off-site parking for the tourist home shall be prohibited. No oversized commercial vehicles associated with rental occupants of the tourist home such as, but not limited to, buses and commercial trucks and trailers, shall be allowed to park on the Property. Dwelling 1 with Units A and B shall provide space for at least three vehicles, and Dwelling 2 with Units C and D shall provide space for at least four vehicles.
7. Lighting: No exterior lighting shall be permitted on the Property, other than lighting typically used at a single-family residence.
8. Severability: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

JCC SUP-19-0019

530 Neck O Land Road Tourist Home



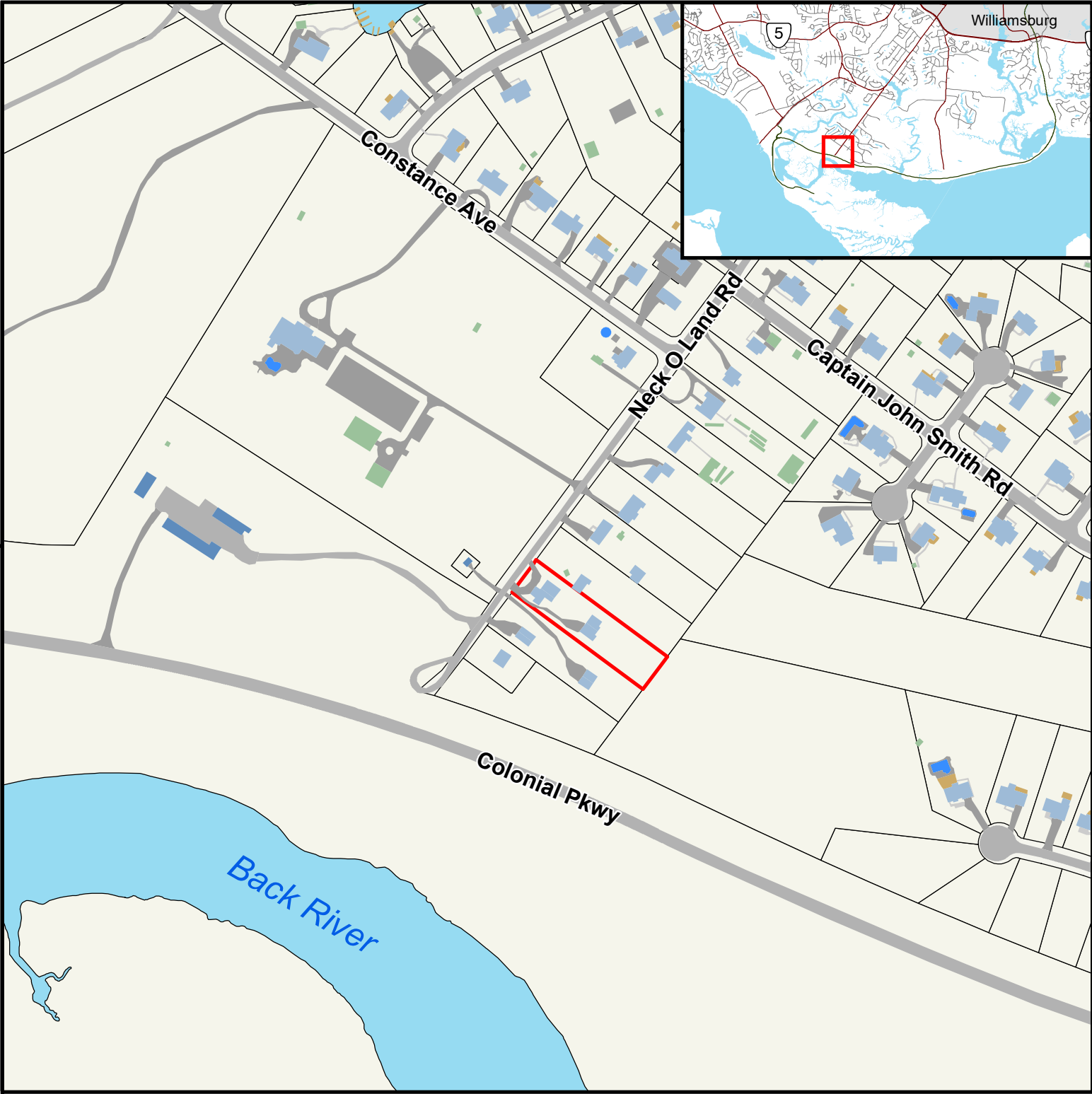
SUP-19-0019, 530 Neck O Land Road Tourist Home

Property Information

5510200009
HUFFMAN, WILSON
530 Neck O Land Road
Williamsburg, VA 23185
Zoning: R8, Rural Residential
Comp. Plan: Low Density Residential
Acres: ±0.92

General Notes

1. The property is served by public water and sewer.
2. The property is not located in the special flood hazard area per FEMA FIRM 51095C0182D dated 12/16/15.
3. The property does not appear to be located in the Resource Protection Area.
4. The property has an existing driveway.
5. Seven parking spaces shall be provided.



Maps Not To Scale

Adjacent Properties

4732500001 Philip D. Decamp 105 Constance Avenue Williamsburg, VA 23185 R8, Rural Residential	5510200008 Sharon A. Dennis 528 Neck O Land Road Williamsburg, VA 23185 R8, Rural Residential
5510200010 Darr E. Barshis 532 Neck O Land Road Williamsburg, VA 23185 R8, Rural Residential	5510300049 United States of America 2049 Back River Lane Williamsburg, VA 23185 PL, Public Lands

Sheet Index

1. Cover Page
2. Site Photos

JCC Special Use Permit-19-0019, 530 Neck O Land Road Tourist Home Master Plan 10-16-2019



JCC SUP-19-0019
530 Neck O Land Road Tourist Home



To Whom it May Concern:

My wife and I own 530 Neck O Land Rd. in Williamsburg. Our property consists of two structures and four total residences. My family currently occupies one of the four units; long term renters are in the others. We hope to get a special use permit to allow us to rent our units to short term vacationers instead. I believe it could benefit my family as well as the community.

Short term renters will create more profit for me and my wife as owners. We can charge higher rates without the risk of late or non-paying tenants. Evictions are costly both in dollars and in time. Maintaining the property will be easier as we will be cleaning and turning over each unit between rentals. Check-ups will become a weekly occurrence rather than an annual one, which prevents unnecessary damage due to lack of maintenance of the units. Landscaping and grounds management will be included in the regular upkeep of the property, as it is now while we are in residence. Furthermore, short term renters have more motivation to be gentle with a property, as they are graded by the landlords online. High ratings for both landlords and tenants are an important factor for future transactions. Short term renters are less likely to treat the property as "their own" and thus tend to report any problems sooner and are more respectful to the interior and property as a whole.

In a broader sense, this will be good for the community and will create additional lodging options for vacationers. "House sharing" has become a huge marketplace. People now realize staying in a nice furnished home with a yard is more private, comfortable, and spacious than a hotel experience. A residential stay also provides more charm and local flare. Airbnb, VRBO, and similar sites offer travelers tailored options in minutes. Lack of these home rentals can actually deter people from coming to Williamsburg. When my family couldn't find a house to rent in Charlottesville for vacation this summer, we opted for another location entirely rather than settle on a hotel. Larger families in particular often want to share living space and divide the cost amongst themselves.

Vacationers here in Williamsburg are people we feel comfortable and confident renting our units to. Tourists tend to be families drawn by our rich historical offerings or kin of students. House sharing in Williamsburg is not as risky as doing so in Miami or the Vegas area. Short term rental prices for a full house are generally more expensive per night than a hotel, so offering our property will attract tourists who are willing to spend money at local attractions, shops, and restaurants.

We hope you approve our special use permit request and look forward to hearing from you. Please don't hesitate to contact us if you have any questions or need further documentation.

Thank You and Best Regards,

Wilson and Emily Huffman

ITEM SUMMARY

DATE: 11/6/2019

TO: The Planning Commission

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: Z-19-0014/MP-19-0016. The Promenade at John Tyler Highway Proffer and Master Plan Amendment

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Location Map	Exhibit
☐	Amended Proffers	Backup Material
☐	Previously Adopted Proffers	Backup Material
☐	Proposed Master Plan	Backup Material
☐	Memo from Traffic Consultant	Backup Material
☐	Restated Fiscal Impact Study	Backup Material
☐	Proposed Architectural Elevations	Backup Material
☐	Applicant's Letter of Request	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	10/30/2019 - 9:17 AM
Planning Commission	Holt, Paul	Approved	10/30/2019 - 9:17 AM
Publication Management	Daniel, Martha	Approved	10/30/2019 - 9:45 AM
Planning Commission	Holt, Paul	Approved	10/30/2019 - 9:50 AM

REZONING-19-0014/MP-19-0016. The Promenade at John Tyler Highway Proffer and Master Plan Amendment

Staff Report for the November 6, 2019, Planning Commission Public Hearing**SUMMARY FACTS**

Applicant:	Mr. Jerry L. Bowman of Franciscus at Promenade, LLC
Land Owner:	Mr. Jerry L. Bowman of University Square Associates
Proposal:	A request to amend the adopted proffers and Master Plan to permit the construction of an additional ten-plex building.
Locations:	5299, 5303, 5307, and 5311 John Tyler Highway
Tax Map/Parcel Nos.:	4812200025, 4812200026, 4812200027, and 4812200028
Project Acreage:	+/- 5.5 acres
Zoning:	MU, Mixed Use
Comprehensive Plan:	Mixed Use
Primary Service Area: (PSA)	Inside
Staff Contact:	Jose Ribeiro, Senior Planner II

PUBLIC HEARING DATES

Planning Commission: November 6, 2019, 6:00 p.m.

Board of Supervisors: December 10, 2019, 5:00 p.m. (Tentative)

FACTORS FAVORABLE

1. Staff finds the proposal consistent with the 2015 Comprehensive Plan, *Toward 2035: Leading the Way*.
2. Staff finds the proposal will not negatively impact surrounding development.
3. Impacts: Please see Impact Analysis on Pages 4-5.

FACTORS UNFAVORABLE

1. Impacts: Please see Impact Analysis on Pages 4-5.

SUMMARY STAFF RECOMMENDATION

Approval, subject to the proposed amended proffers.

PROJECT DESCRIPTION

- The Promenade at John Tyler is a mixed use development approved for the construction of up to 204 dwelling units and ± 47, 918 square feet of commercial space.
- The 204 residential units are approved per the current adopted master plan as 110 residential units distributed in 11 ten-plex buildings, 80 residential units distributed in 40 duplex buildings,

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.

REZONING-19-0014/MP-19-0016. The Promenade at John Tyler Highway Proffer and Master Plan Amendment

Staff Report for the November 6, 2019, Planning Commission Public Hearing

and 14 live-above units associated with the commercial development located at the four outparcels adjacent to Route 199.

- According to the applicant, (Attachment No. 8) construction of the residential portion of the project is substantially completed. However, the proposed commercial square footage approved for the outparcels have not yet been developed.
- The zoning land use designation type of the four outparcels subject to this amendment application is Mixed Use (i.e., residential, commercial, and office) located within mixed use structures.
- This amendment proposes revisions to the adopted master plan and proffers for a portion of The Promenade at John Tyler to allow for the following:
 - In lieu of constructing the 14 live-above units in mixed use buildings on the out parcels, the applicant would like to build another ten-plex, all residential building instead.
 - The proposed master plan therefore revises the land use designation of a portion of one of the outparcels located at 5311 John Tyler Highway which is approved for commercial, office, and multifamily units contained within a mixed use structure to a single use structure containing 10 residential units. If this amendment is approved, a total of 200 residential units out of 204 allowable units would be built on the site. The applicant has not indicated where or if the remaining four residential units will be constructed.
 - The proposed master plan also revises the land use designation of properties at 5299, 5303, and 5307, and the remaining portion of property at 5311 John Tyler Highway

approved for commercial, office, and multifamily units contained within mixed use structures to permit stand-alone commercial and/or office structures and open space. The Master Plan would still permit up to 47,918 square feet of these uses.

- The proposed proffer amendment would allow modifying the Community Space proffers (Attachment No. 2) by replacing the reference to the amended land use designation.
- This amendment will not change the previously approved residential density of 8.3 dwelling units per acre and will not permit any net increase in the total number of residential units previously approved. No other changes are proposed as part of this request.

PLANNING AND ZONING HISTORY

- The initial Williamsburg Crossing Shopping Center Master Plan was adopted by the Board of Supervisors in 1989 and permitted up to 657,390 square feet of nonresidential development. The Master Plan was subsequently amended by the adoption of two Special Use Permits (SUPs) in 1993 associated with a proposed outdoor center of amusement. However, the SUP for the outdoor amusement center expired in 1996.
- In 1993, ± 13.3 acres was rezoned from MU and the Master Plan was amended to permit the development of up to 198 dwelling units and reduced the amount of nonresidential development to 535,665 square feet. La Fontaine subdivision consists of 160 of the permitted 198 dwelling units. The Riverside medical facility was constructed in 1999 at Kings Way.
- On December 9, 2014, the Board of Supervisors rezoned six properties totaling ± 24.54 acres within the Williamsburg

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.

REZONING-19-0014/MP-19-0016. The Promenade at John Tyler Highway Proffer and Master Plan Amendment

Staff Report for the November 6, 2019, Planning Commission Public Hearing

Crossing Shopping Center from B-1, General Business, to MU, with proffers and design guidelines, to construct up to 204 dwelling units and commercial development along Route 199.

- On April 12, 2016, the Board of Supervisors approved an application to amend Condition No. 2 of the adopted proffer to clarify language regarding adherence to the Housing Opportunities Policy.
- On June 14, 2016, the Board of Supervisors approved an application to amend Condition No. 8 of the adopted proffers to amend the narrative description and conceptual cross-section of the Route 199 Community Character Corridor buffer that was submitted with the original rezoning application in order to allow the placement of a 5.5-foot berm with the northern portion of the buffer.

Mix of Uses

Section 24-519(d) of the Zoning Ordinance states that in order to achieve the intent of the Mixed Use District, more than one land use category shall be used and no single use or category shall exceed 80% of the developable land area within a mixed use area, as designated on the Master Plan. Staff finds that this requirement is achieved with the proposed master plan amendment.

Proffers and Design Guidelines

The applicant is proposing to amend Proffer No. 11. Community Spaces to ensure that the “public square” (as shown on the Master Plan) will be installed or bonded prior to the County being obligated to issue Certificates of Occupancy for the proposed new ten-plex building. If the construction of the “public square” is bonded, it shall

be installed within seven years or prior to the issuance of a Certificate of Occupancy of the first building in the area designated on the Master Plan as EGJ. The proposed new ten-plex building will be constructed similarly to the existing residential buildings, with four-sided architecture consistent with the approved Design Guidelines for The Promenade at John Tyler (Attachment No. 7). The commercial and office uses also remain subject to the approved Design Guidelines.

Fiscal Impact

The applicant has submitted the County’s Fiscal Impact worksheet submitted in 2014 as part of the rezoning of The Promenade at John Tyler. The County’s Fiscal Impact worksheet indicates that the project will have a negative fiscal impact at build-out of \$14,717. Regarding the changes proposed by this current application, the applicant has indicated that they do not believe the total commercial revenue will change. They intend to develop the same square footage of commercial and residential space. The 14 remaining residential units will be built with the same revenue projections. If the last four residential units are built, the revenue projections would remain unchanged.

SURROUNDING ZONING AND DEVELOPMENT

- North: Across Route 199 properties are zoned Planned Unit Development, PUD, and are located in the City of Williamsburg.
- South: Properties are zoned MU, Mixed Use (The Promenade at John Tyler).
- West: Properties are zoned B-1, General Business (Williamsburg Crossing Shopping Center).
- East: Properties are zoned R-2, General Residential (Winston Terrace).

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.

REZONING-19-0014/MP-19-0016. The Promenade at John Tyler Highway Proffer and Master Plan Amendment**Staff Report for the November 6, 2019, Planning Commission Public Hearing**

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Public Transportation: Vehicular</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- The proposal is not anticipated to generate additional traffic as the total number of residential units remain capped at 204 units.- No changes to the right-of-way are proposed.- No changes anticipated to Level of Service on Route 199.- Mr. Dexter Williams of DRW Consultants has submitted a memorandum stating that the proposed ten-plex building does not substantially change the previous recommendations of traffic impact study and no road improvements are warranted. The Virginia Department of Transportation staff has reviewed this application and concurs with its conclusion.
<u>Public Transportation: Pedestrian/Bicycle</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- The Pedestrian Accommodations Master Plan does not require installation of a sidewalk along Route 199. The requirement for a bike lane will be addressed as part of the review process of the site plan. Development on the outparcels will still connect internally with the existing and proposed residential and commercial development via sidewalks.
<u>Public Safety</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- Subject property is served by Fire Station 3 on John Tyler Highway.- Previously adopted proffers contributed toward County's Fire and EMS uses.
<u>Public Schools</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- A previously adopted proffer has contributed toward the County's school uses.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- A previously adopted proffer has contributed toward the County's parks and recreation uses.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- A previously adopted proffer has contributed toward the County's library uses.

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.

REZONING-19-0014/MP-19-0016. The Promenade at John Tyler Highway Proffer and Master Plan Amendment**Staff Report for the November 6, 2019, Planning Commission Public Hearing**

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	- A previously adopted proffer has contributed toward the County's water system uses. A Water Conservation Agreement has been previously submitted for review and has been approved by James City Service Authority.
<u>Watersheds, Streams and Reservoirs</u>	<u>No Mitigation Required</u>	- Watershed: Mill Creek - A previously adopted proffer has required the submittal of a Nutrient Management Plan for review and approval of the County's Stormwater and Resource Protection (SRP) Division. - SRP's staff has reviewed the amendment and provided comments that will be addressed as part of the review of the site plan for the proposal.
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	- A previously adopted proffer requires a Phase I Archaeological Study to be submitted for review and approval by the Planning Director prior to issuance of a land disturbing permit. A Phase I Archaeological Study has been submitted, and Virginia Department of Historic Resources has concurred with the findings of the Study that no further studies are warranted.
<u>Nearby and Surrounding Properties</u>	<u>No Mitigation Required</u>	- Staff does not anticipate significant visual or other similar impacts on nearby properties.
<u>Community Character</u>	<u>No Mitigation Required</u>	- A previously adopted proffer requires a Community Character Corridor buffer along Route 199 with an average width of at least 50 feet.

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.

Staff Report for the November 6, 2019, Planning Commission Public Hearing

COMPREHENSIVE PLAN

The area for the proposed development (the four outparcels), as well as the Riverside medical facility, La Fontaine, the existing shopping center, and the remaining residential development at The Promenade at John Tyler are all included in the Williamsburg Crossing Shopping Center Mixed Use designation on the 2035 Comprehensive Plan Land Use Map. The general Mixed Use area designation descriptions notes that mixed use areas should be inside the PSA and should be centers for higher density development with a mix of uses served by adequate infrastructure and public services. Further, centers with higher density development, redevelopment, and/or a broader spectrum of land uses are encouraged. Staff finds the proposed use consistent with the Comprehensive Plan.

PROPOSED PROFFER AMENDMENT

Proposed proffers are provided as Attachment No. 2.

STAFF RECOMMENDATION

Staff finds the proposal compatible with surrounding zoning and development and consistent with the recommendations of the adopted Comprehensive Plan. Staff recommends the Planning Commission recommend approval of this application to the Board of Supervisors, and acceptance of the proffer amendment.

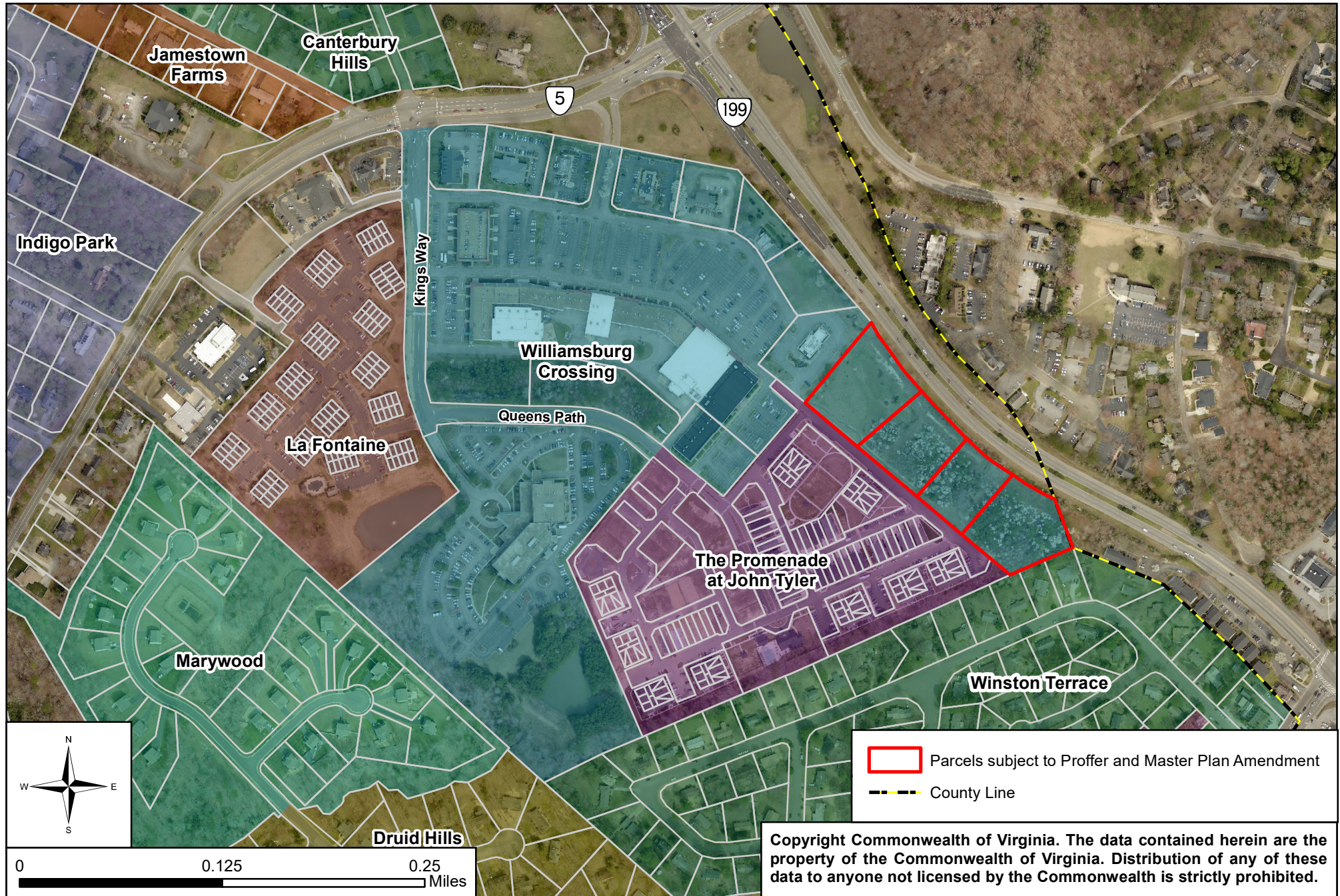
JR/md
Z19-4MP19-16Prom

Attachments:

1. Location Map
2. Proposed Proffer Amendment
3. Previously Adopted Proffers (Z-0005-2016/Z-0001-2016/Z-0003-2014)
4. Proposed Master Plan Amendment
5. Memo from Traffic Consultant
6. Restated Fiscal Impact Study
7. Proposed Architectural Elevation
8. Applicant's Letter of Request

JCC Z-19-0014/MP-19-0016

The Promenade at John Tyler Highway Proffer and Master Plan Amendment



Tax Parcels: See attached Schedule A

Prepared By: Vernon M. Geddy, III, Esquire (VSB No: 21902)
Geddy, Harris, Franck & Hickman
1177 Jamestown Road
Williamsburg, VA 2318

Return to: James City County Attorney's Office
101-C Mounts Bay Road
Williamsburg, Virginia 23185

THIRD AMENDMENT TO PROFFERS

This Third Amendment to Proffers is made this ___ day of _____, 2019 by UNIVERSITY SQUARE ASSOCIATES, a Virginia general partnership ("USA"), and FRANCISCUS AT PROMENADE, LLC, a Virginia limited liability company ("Franciscus"). USA and Franciscus together with their respective successors in title and assigns, are hereinafter sometimes called the "Owners" and are to be indexed as "Grantors." James City County, Virginia shall be indexed as "Grantee."

RECITALS

A. USA was the owner of certain real property (the "Property") in James City County, Virginia now zoned MU – Mixed Use, and subject to Proffers dated October 15, 2014, which Proffers are recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City as Instrument No. 150010679, as amended by First Amendment to Proffers dated February 12, 2016 and recorded as Instrument No. 170018981 and Second Amendment to Proffers dated April 13, 2016 and recorded as Instrument No. 170007500 (the "Existing Proffers"). The Property is more particularly described in the Existing Proffers.

B. USA has sold a portion of the Property to Franciscus by Deed dated May 20, 2016 and recorded in the aforesaid Clerk's Office as Instrument No. 160010182 and continues to own the balance of the Property.

C. The Owners have applied to amend the existing Master Plan for the Promenade at John Tyler and in connection therewith have submitted to the County an amended master plan entitled "Master Plan Amendment for The Promenade at John Tyler" made by AES Consulting Engineers and dated September 25, 2019 and on file with the County Planning Department (the "Amended Master Plan").

D. In connection with the requested master plan amendment, the Owners desire to amend Condition 11 of the Existing Proffers as set forth below. All capitalized terms used herein not otherwise defined shall have the definition set forth in the Existing Proffers.

AMENDMENTS TO CONDITIONS

1. The second sentence of Condition 11 of the Existing Proffers is hereby amended to read as follows:

"The Public Square shown on the Amended Master Plan shall be either installed or designed and its construction bonded in form and amount approved by the County Attorney prior to the County being obligated to issue any certificate of occupancy for Building No. 12, 10-Plex, as identified on the Amended Master Plan. If the construction of the Public Square is bonded as permitted above, it shall be installed prior to the earlier of (i) issuance of a certificate of occupancy for the first building in the Area designated on the Amended Master Plan as EGJ or (ii) the date seven (7) years from the approval of the requested master plan amendment. The

Public Square shall be near the area depicted on the Amended Master Plan but the location may be adjusted with the approval of the Planning Director.”

2. Except as specifically amended herein, the Existing Proffers remain unchanged and in full force and effect.

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WITNESS the following signatures.

UNIVERSITY SQUARE ASSOCIATES

By: _____
Title: _____

STATE OF _____
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by _____ as _____ of UNIVERSITY SQUARE ASSOCIATES, a Virginia general partnership, on behalf of the partnership.

NOTARY PUBLIC

My commission expires: _____
Registration No.: _____

FRANCISCUS AT PROMENADE, LLC

By: _____
Title: _____

STATE OF _____
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by _____ as _____ of FRANCISCUS AT PROMENADE, LLC, a Virginia limited liability company, on behalf of the company.

NOTARY PUBLIC

My commission expires: _____
Registration No.: _____

Schedule A
Tax Parcels

170007500

Tax Parcels: 4812200020, 4812200025, 4812200026, 4812200027, 4812200028 and 4812200029

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

Return to: James City County Attorney's Office
101-C Mounts Bay Road
Williamsburg, Virginia 23185

SECOND AMENDMENT TO
PROFFERS

This Second Amendment to Proffers is made this 13th day of April, 2016 by UNIVERSITY SQUARE ASSOCIATES, a Virginia general partnership (together with its successors in title and assigns, the "Owner"), to be indexed as "Grantor." James City County, Virginia shall be indexed as "Grantee."

RECITALS

A. Owner is the owner of certain real property (the "Property") in James City County, Virginia now zoned MU – Mixed Use, and subject to Proffers dated October 15, 2014, which Proffers are recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City as Instrument No. 150010679, as amended by First Amendment to Proffers dated February 12, 2016 (the "Existing Proffers"). The Property is more particularly described in the Existing Proffers.

B. Owner desires to amend Condition 8 of the Existing Proffers as set forth below. All capitalized terms used herein not otherwise defined shall have the definition set forth in the Existing Proffers.

AMENDMENTS TO CONDITIONS

1. The third sentence of Condition 8 of the Existing Proffers is hereby amended to read as follows:

“The buffers shall contain enhanced landscaping in accordance with the County's Enhanced Landscaping Policy as adopted April 9, 2013 and shall be consistent with the narrative description and conceptual cross-section of the buffer dated April 13, 2016 submitted to and on file with the County Planning Department.”

2. Except as specifically amended herein, the Existing Proffers remain unchanged and in full force and effect.

[remainder of page intentionally left blank – signatures appear on following page]

WITNESS the following signature.

UNIVERSITY SQUARE ASSOCIATES

By: [Signature]

Title: MANAGER

STATE OF Virginia

CITY/COUNTY OF Virginia Beach, to-wit:

The foregoing instrument was acknowledged before me this 13 day of April, 2016, by Gary L. Werner as Manager of UNIVERSITY SQUARE ASSOCIATES, a Virginia general partnership, on behalf of the partnership.

[Signature]
NOTARY PUBLIC

My commission expires: April 30, 2017
Registration No.: 7562623

HEIDI MARIE MACEMORE
NOTARY PUBLIC
REGISTRATION # 7562623
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
APRIL 30, 2017

INSTRUMENT 170007500
RECORDED IN THE CLERK'S OFFICE OF
WILLIAMSBURG/JAMES CITY COUNTY ON
April 13, 2017 AT 10:47 AM
MONA A. FOLEY, CLERK
RECORDED BY: CAF



OFFICIAL RECEIPT
WILLIAMSBURG/JAMES CITY COUNTY CIRCUIT
DEED RECEIPT

DATE : 04/13/2017 TIME : 10:47:38 CASE # : 830CLR170007500
RECEIPT # : 17000013329 TRANSACTION # : 17041300040
CASHIER : CAF REGISTER # : WD19
INSTRUMENT : 170007500 BOOK : PAGE :
GRANTOR : UNIVERSITY SQUARE ASSOCIATES EX : N
GRANTEE : UNIVERSITY SQUARE ASSOCIATES EX : N
RECEIVED OF : JAMES CITY COUNTY VIRGINIA
ADDRESS : N/A
DATE OF DEED : 04/13/2017
CASH : \$0.00
DESCRIPTION 1 : 2ND AMENDMENT TO PROFFERS DATED 4/13/2016
NAMES : 0
CONSIDERATION : \$0.00

FILING TYPE : OTHER
RECORDED : 04/13/2017
EX : N
EX : N

PAYMENT : FULL PAYMENT
AT : 10:47
LOC : CO
PCT : 100%

PAGES : 003

OP : 0

AVAL : \$0.00

MAP :

PIN :

ACCOUNT CODE	DESCRIPTION	PAID
301	DEEDS	\$0.00

TENDERED : \$ 0.00
AMOUNT PAID : \$ 0.00

CLERK OF COURT : MONA A. FOLEY

PAYOR'S COPY
RECEIPT COPY 1 OF 2

Z-0005-2016 PR-118-A
The Promenade at John Tyler
Proffer Amendment - CCC Buffer
Proffers Recordation

170018981

Tax Parcels: 4812200020, 4812200025, 4812200026, 4812200027, 4812200028 and 4812200029

Prepared By: Vernon M. Geddy, III, Esquire (VSB No: 21902)
Geddy, Harris, Franck & Hickman
1177 Jamestown Road
Williamsburg, VA 2318

Return to: James City County Attorney's Office
101-C Mounts Bay Road
Williamsburg, Virginia 23185

FIRST AMENDMENT TO
PROFFERS

This First Amendment to Proffers is made this 24th day of February, 2016 by UNIVERSITY SQUARE ASSOCIATES, a Virginia general partnership (together with its successors in title and assigns, the "Owner"), to be indexed as "Grantor." James City County, Virginia shall be indexed as "Grantee."

RECITALS

A. Owner is the owner of certain real property (the "Property") in James City County, Virginia now zoned MU – Mixed Use, and subject to Proffers dated October 15, 2014, which Proffers are recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City as Instrument No. 150010679 (the "Existing Proffers"). The Property is more particularly described in the Existing Proffers.

B. Owner desires to amend and restate Condition 2 of the Existing Proffers as set forth below. All capitalized terms used herein not otherwise defined shall have the definition set forth in the Existing Proffers.

AMENDMENTS TO CONDITIONS

1. Condition 2 of the Existing Proffers is hereby deleted and replaced in its entirety with the following;

2. Housing Opportunities. All of the dwelling units permitted on the Property shall be offered for sale or made available for rent at prices determined in accordance with the Housing Opportunities Policy and Housing Opportunities Policy Guide adopted by the Board of Supervisors on November 27, 2012 as provided below for units offered for sale:

Table 1 – 190 units on Parcels 4812200020 and 4812200029

Tier	Percent of dwelling units required	Number of units
30% - 60%	16%	30
61% - 80%	64%	120
81% - 120%	20%	40

Table 2 – 14 units on Parcels 4812200025, 4812200026, 4812200027 and 4812200028

Tier	Percent of dwelling units required	Number of units
30% - 60%	16%	2
61% - 80%	64%	9
81% - 120%	20%	3

The forgoing affordable/workforce dwelling units shall be provided consistent with the criteria established by the Housing Opportunities Policy adopted by the Board of Supervisors on November 27, 2012 and in effect as of the date of approval of the requested rezoning to provide affordable and workforce housing opportunities at different price ranges to achieve the greater housing diversity goal of the 2035 Comprehensive Plan; provided, however, that if the County amends the Housing Opportunities Policy as in effect as of the date of approval of the requested rezoning to increase the targeted income ranges or otherwise make the Policy otherwise less

burdensome on the Owner, the Owner shall only be required to comply with the amended Policy.

2. Except as specifically amended herein, the Existing Proffers remain unchanged and in full force and effect.

[remainder of page intentionally left blank – signatures appear on following page]

WITNESS the following signature.

UNIVERSITY SQUARE ASSOCIATES

By:

Title:

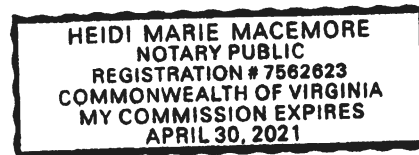
Gracy L. Werner
Partner

STATE OF Virginia
CITY/COUNTY OF Virginia Beach, to-wit:

The foregoing instrument was acknowledged before me this 24 day of February, 2016, by Gracy L. Werner as Partner of UNIVERSITY SQUARE ASSOCIATES, a Virginia general partnership, on behalf of the partnership.

Heidi Marie Macemore
NOTARY PUBLIC

My commission expires: April 30, 2021
Registration No.: 7562623



INSTRUMENT 170018981
RECORDED IN THE CLERK'S OFFICE OF
WMSBG/JAMES CITY CIRCUIT ON
September 29, 2017 AT 08:38 AM
MONA A. FOLEY, CLERK
RECORDED BY: EEO

150010679

Tax Parcels: 4812200020, 4812200025, 4812200026, 4812200027, 4812200028 and 4812200029

Prepared By: Vernon M. Geddy, III, Esquire (VSB No: 21902)
Geddy, Harris, Franck & Hickman
1177 Jamestown Road
Williamsburg, VA 2318

PROFFERS

THESE PROFFERS are made this 15th day of October, 2014 by **UNIVERSITY SQUARE ASSOCIATES**, a Virginia general partnership(together with its successors in title and assigns, the "Owner").

RECITALS

A. Owner is the owner of six parcels of land located in James City County, Virginia, being Tax Parcel No's.4812200020, 4812200025, 4812200026, 4812200027, 4812200028 and 4812200029, containing approximately 24.54 acres, more or less, and being more particularly described on Schedule A hereto (the "Property").

B. Franciscus Homes has contracted to purchase Tax Parcels 4812200020 and 4812200029 of the Property contingent upon approval of the requested rezoning. Upon taking title to that portion of the Property, Franciscus Homes shall be an "Owner" as defined herein.

C. The Property is designated Mixed Use on the County's Comprehensive Plan Land Use Map and is now zoned B-1 and is subject to the approved special use permit Master Plan for Williamsburg Crossing Shopping Center. Owner has applied to rezone the Property from B-1 to MU, Mixed Use, with proffers.

C. Owner has submitted to the County a master plan entitled "The Promenade at John Tyler" prepared by Clark Nexsen dated October 6, 2014 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance.

D. Owners desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned MU in the form of the following Proffers.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2303 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1. **Cash Contributions.** (a) A one-time contribution shall be made to the County of \$5,556.67 for each single family attached dwelling unit constructed on the Property, subject to paragraph (f) below. Such contributions shall be used by the County for school uses.

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

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

(d) A one-time contribution shall be made to the County of \$324.63 for each dwelling unit constructed on the Property, subject to paragraph (f) below. Such contributions shall be used by the County for parks and recreational purposes.

(e) A one-time contribution shall be made to the James City Service Authority of \$1,030.00 for each dwelling unit constructed on the Property, subject to paragraph (f) below. Such contributions shall be used by the County for water system uses.

(f) The cash contributions proffered in paragraphs (a) through (e) above shall be reduced in accordance with Section 3 of the County's Housing Opportunities Policy as shown in the table in Proffer 2 below.

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

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

2. Housing Opportunities. All of the dwelling units permitted on the Property shall be offered for sale or made available for rent at prices that are targeted at households earning 30% to 120% of the Area Median Income ("AMI") as provided below:

Table 1 – 190 units on Parcels 4812200020 and 4812200029

Units targeted to (percent of	Percent of dwelling units	Number of units	Percentage cash proffer	2014 Price ranges per
----------------------------------	------------------------------	-----------------	----------------------------	--------------------------

AMI)	required		reduction	Housing Opportunities Policy Guide*
30% to 60%	16%	30	100%	\$99,436 to \$173,376
Over 60% to 80%	64%	120	60%	\$173,377 to \$242,386
Over 80% to 120%	20%	40	30%	\$242,387 to \$380,407

Table 2 – 14 units on Parcels 4812200025, 4812200026, 4812200027 and 4812200028

Units targeted to (percent of AMI)	Percent of dwelling units required	Number of units	Percentage cash proffer reduction	2014 Price ranges per Housing Opportunities Policy Guide*
30% to 60%	16%	2	100%	\$99,436 to \$173,376
Over 60% to 80%	64%	9	60%	\$173,377 to \$242,386
Over 80% to 120%	20%	3	30%	\$242,387 to \$380,407

* Per the Housing Opportunities Policy Guide price ranges are set annually by the County's Office of Housing and Community Development based on the definitions in the Policy.

The forgoing affordable/workforce dwelling units shall be provided consistent with the criteria established by the Housing Opportunities Policy and Housing Opportunities Policy Guide adopted by the Board of Supervisors on November 27, 2012 and in effect as of the date of approval of the requested rezoning to provide affordable and workforce housing opportunities at different price ranges to achieve the greater housing diversity goal of the 2009 Comprehensive Plan; provided, however, that if the County amends the Housing Opportunities Policy as in effect as of the date of approval of the requested rezoning to increase the targeted income ranges or otherwise make the Policy otherwise less burdensome on the Owner, the Owner shall only be required to comply with the amended Policy. With respect to affordable and workforce rental units provided pursuant to this proffer, if any, Owner shall submit an annual report for each year of the required 30 year term to the County Director of Planning on or before January 30 of the current year identifying the location of the units and the rental rates charged demonstrating such rates are within the specified affordable and workforce housing income range. With respect to affordable/workforce rental units, at the time such units are provided in accordance with this Proffer a notice in form approved by the County Attorney shall be recorded in the County land records providing notice that the units are subject to the County's Housing Opportunities Policy adopted by the Board of Supervisors on November 27, 2012 and in effect as of the date of approval of the requested rezoning. If an affordable/workforce rental unit is subsequently sold in accordance with the sale requirements of this proffer, the notice will be released from the unit sold. With respect to for sale affordable and workforce units provided pursuant to this proffer, a soft second mortgage meeting the requirements of the Housing Opportunities Policy or other instrument approved in advance by the County Attorney shall be executed by the initial purchaser thereof and recorded against the unit to assure the unit continues to meet the

requirements of the Housing Opportunities Policy and a copy of the settlement statement for the sale shall be provided to the Director of Planning. In addition, each deed to an affordable or workforce for sale unit shall include a right of first refusal in favor of the County in the event a subsequent owner desires to sell the unit. All affordable or workforce units provided pursuant to this Proffer shall be rented or sold to persons whose incomes fall within the qualifying income ranges used to determine the prices/rental rates under the Housing Opportunities Policy.

3. Archaeology. A Phase I Archaeological Study for the Property shall be submitted to the Director of Planning for review and approval prior to issuance of a land disturbing permit. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase 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 areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's

Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the Property and the clearing, grading or construction activities thereon. This proffer shall be interpreted in accordance with the County's Archaeological Policy adopted by the County on September 22, 1998.

4. Nutrient Management Plan. The Owner shall be responsible for contacting an agent of the Virginia Cooperative Extension Office ("VCEO") or, if a VCEO agent is unavailable, a Virginia Certified Nutrient Management Planner to conduct soil tests and to develop, based upon the results of the soil tests, customized nutrient management plans (the "Plans") for the Property. The Plan shall be submitted to the County's Engineering and Resource Protection Director for his review and approval prior to the issuance of the 50th certificate of occupancy for buildings on the Property by the County. The property owners association for the Property shall be responsible for ensuring that any nutrients applied to common areas owned or controlled by the association within the Property are applied in accordance with the Plan.

5. Water Conservation. The Owner shall be responsible for developing water conservation standards for the Property to be submitted to and approved by the James City Service Authority ("JCSA"). The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of drought resistant native and other adopted low water use landscaping materials and warm season turf on lots in areas with appropriate growing conditions for such turf and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The standards shall be approved by the JCSA prior to final subdivision or site plan approval.

6. Road Repair and Dedication. Prior to issuance of the first certificate of occupancy for a dwelling unit on the Property, (i) either the deficiencies listed in the punch list dated September

15 made by the Virginia Department of Transportation ("VDOT") for Kingsway and "Road A" shall have been corrected and inspected by VDOT such that the roads are eligible for acceptance into the Commonwealth's secondary road system or the work necessary to correct such deficiencies shall have been bonded in form satisfactory to the County Attorney and (ii) the plat necessary to dedicate the right of way for such roads for public use shall have prepared and submitted to the County, with all required property owner signatures.

7. Architectural Guidelines. Prior to final approval of a site plan for development of the Property, Owner shall prepare and submit design guidelines to the Director of Planning for review and approval 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 and addressing items such as architectural features, color scheme, roof lines, building materials, streetscape improvements and landscaping (the "Guidelines") and requiring architectural consistency between the residential and commercial buildings developed on the Property. Once approved, the Guidelines may not be amended without the approval of the Director of Planning. All building plans and building elevations shall be generally consistent with the Guidelines. Prior to the issuance of final site plan approval for each building on the Property, architectural plans for such building shall be submitted to the Director of Planning for his review for general 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 buildings shall be constructed in accordance with the approved plans. In the case of plans that will be used on more than one building, Director of Planning approval need only be obtained for the initial building permit.

8. Community Character Corridor Buffer. The Community Character Corridor buffer along Route 199 shall have an average width of at least 50 feet. A landscaping plan for this buffer shall be shown as part of the initial building site plan, or shall be submitted as a separate plan concurrent with the initial building site plan. The buffers shall contain enhanced landscaping in accordance with the County's Enhanced Landscaping Policy as adopted April 9, 2013 and shall be consistent with the narrative description and conceptual cross-section of the buffer submitted with the Application for Rezoning. The landscaping shown on the approved landscape plan(s) shall be installed or its installation during the next appropriate growing season bonded in form approved by the County Attorney prior to issuance of a certificate of occupancy for the initial building on the Property, unless other arrangements are approved by the Planning Director, or his designee, in writing.

9. Condominium Owners Association. There shall be organized a condominium owner's association or associations (the "Association") as required by the Virginia Condominium Act (the "Act") in accordance with Virginia law in which all residential condominium unit owners in the Property, by virtue of their property ownership, shall be members.

10. Private Streets. Any and all streets on the Property may be private. Pursuant to Section 24-528 of the Zoning Ordinance, private streets within the Property shall be maintained by the Association. The condominium instruments shall require the Association to create, fund and maintain a reserve for capital components, including private roads, in amounts determined in accordance with the Act and conduct capital reserve studies and adjust such reserves in accordance with the Act.

11. Community Spaces. The clubhouse and pool, two welcome parks, pocket park and community park shown on the Master Plan shall be installed prior to the County being obligated

to issue certificates of occupancy for more than 48 residential units on the Property. The Public Square shown on the Master Plan shall be installed prior to the County being obligated to issue certificates of occupancy for the first building in the area designated on the Master Plan as M (EGC).

12. Bus Pull-Off/Shelter. Prior to final development plan approval for development of the Property, Owner shall have consulted with Williamsburg Area Transit Authority ("WATA") regarding the need for a bus pull-off area and a bus shelter on the Property. If the Williamsburg Area Transit Authority determines there is a need for a bus pull-off area and a bus shelter on the Property, such bus pull-off area and bus stop shelter shall be shown on the development plans for the Property in a location approved by Owner and WATA. Such bus pull-off area and bus stop shelter shall be installed prior to the County being obligated to issue certificates of occupancy for more than 48 residential units on the Property.

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

14. Successors and Assigns. These Proffers shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns.

WITNESS the following signature.

UNIVERSITY SQUARE ASSOCIATES

By: _____

Title: _____

Partner

STATE OF Virginia
CITY/COUNTY OF Virginia Beach, to-wit:

The foregoing instrument was acknowledged before me this 15 day of October, 2014, by
Frank R. Spadea as Partner of UNIVERSITY SQUARE ASSOCIATES, a
Virginia general partnership, on behalf of the partnership.

[Signature]
NOTARY PUBLIC

My commission expires: April 30, 2017
Registration No.: 7562623

HEIDI MARIE MACEMORE
NOTARY PUBLIC
REGISTRATION # 7562623
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
APRIL 30, 2017

Schedule A

Property Description

Those certain parcels or lots of land located in James City County, Virginia shown and set out as (i) "New Parcel 25," "New Parcel 26," "New Parcel 27," "New Parcel 28," and "New Parcel 29" on the plat entitled "PLAT OF RESUBDIVISION AND LOT LINE EXTINGUISHMENT SHOWING NEW PARCELS 2, 24-29, WILLIAMSBURG CROSSING" made by AES Consulting Engineers dated November 2, 1999 which plat is recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City in James City Plat Book 75 at page 92 and (ii) "Residual Parcel 20" on the plat entitled "RESUBDIVISION OF PARCEL 20, WILLIAMSBURG CROSSING" made by Langley and McDonald, P.C. and dated July 30, 1997, which plat is recorded in the aforesaid Clerk's Office in James City Plat Book 67 at page 37.

VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY
This document was admitted to record on 10-2-2013
at 8:51 AM/PM. The taxes imposed by Virginia Code
Section 58.1-801, 58.1-802 & 58.1-814 have been paid.
STATE TAX LOCAL TAX ADDITIONAL TAX
\$ _____ \$ _____ \$ _____
TESTE: BETSY B. WOOLRIDGE, CLERK
BY: Betsy B. Woolridge Clerk



OFFICIAL RECEIPT
WILLIAMSBURG/JAMES CITY COUNTY CIRCUIT COURT
5201 MONTICELLO AVE SUITE 6
WILLIAMSBURG, VA 23188
757-564-2242

DEED RECEIPT

DATE: 06/02/15 TIME: 08:51:39 ACCOUNT: 830CLR150010679 RECEIPT: 15000017864
CASHIER: AES REG: WD19 TYPE: OTHER PAYMENT: FULL PAYMENT
INSTRUMENT : 150010679 BOOK: PAGE: RECORDED: 06/02/15 AT 08:51
GRANTOR: UNIVERSITY SQUARE ASSOCIATES EX: N LOC: CO
GRANTEE: UNIVERSITY SQUARE ASSOCIATES EX: N PCT: 100%
AND ADDRESS : N/A N/A, XX. 00000
RECEIVED OF : UNIVERSITY SQUARE ASSOCIATES DATE OF DEED: 10/15/14
: \$.00
DESCRIPTION 1: SIX PARCELS JAMES CITY COUNTY PAGES: 0 OP: 0
2: NAMES: 0
CONSIDERATION: .00 A/VAL: .00 MAP:
PIN:
000 ** ZERO PAYMENT ** .00
TENDERED : .00
AMOUNT PAID: .00
CHANGE AMT : .00

CLERK OF COURT: BETSY B. WOOLRIDGE

PAYOR'S COPY
RECEIPT COPY 1 OF 2

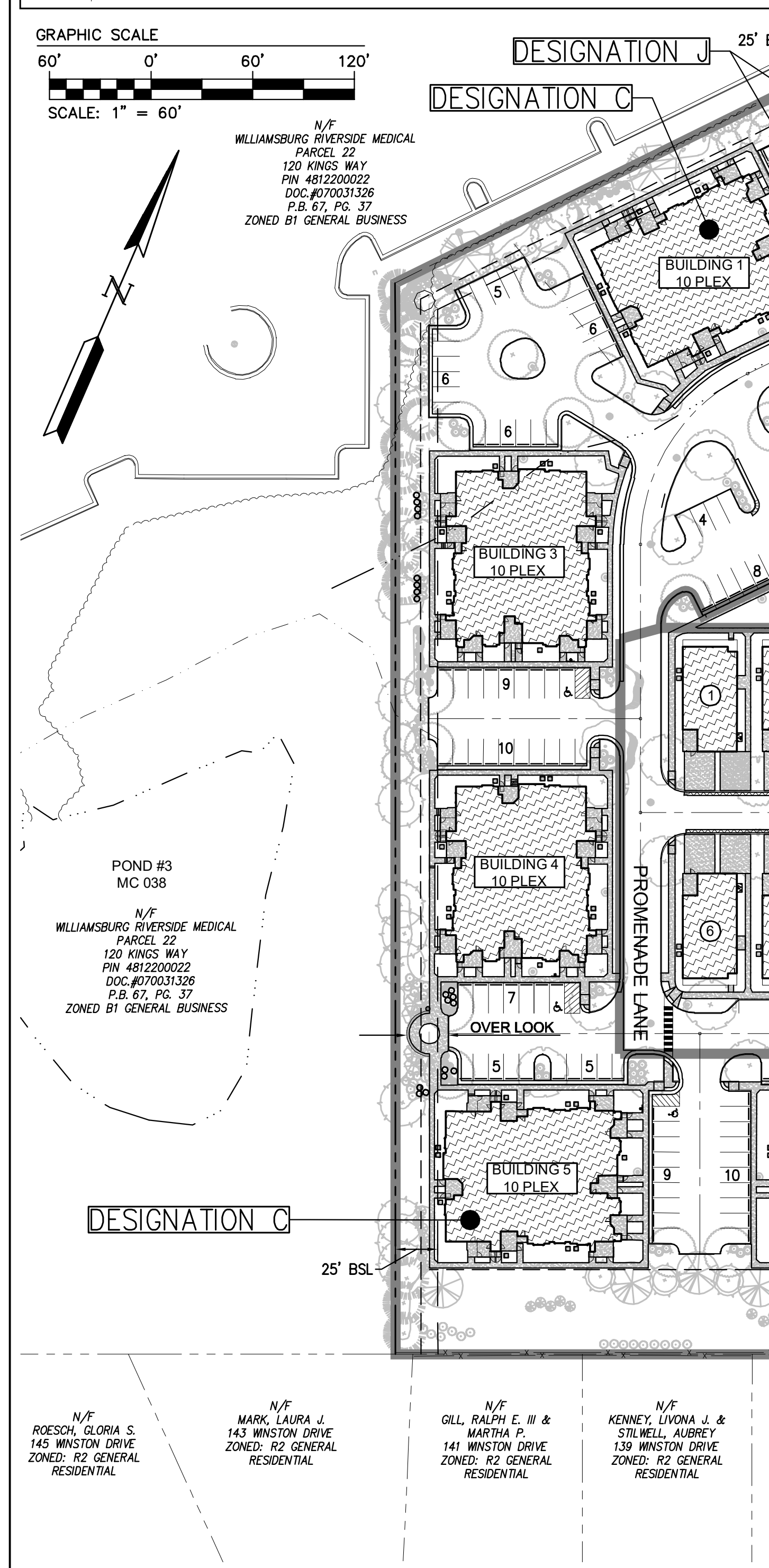
Z-3-14/MP-3-14

PR-118

Promenade at John Tyler (The)

Proffers

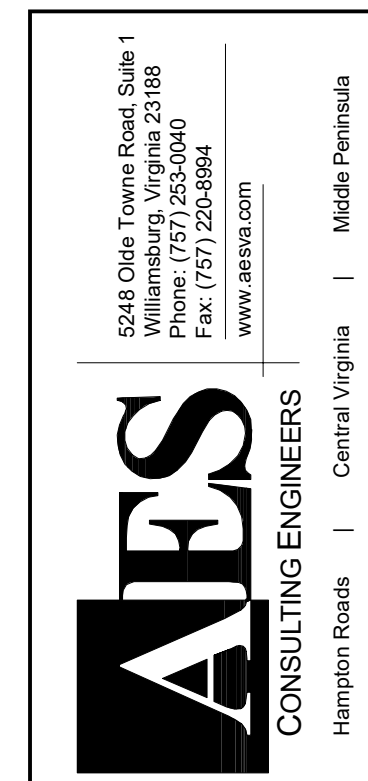
Recordation Page



TYPE OF DEVELOPMENT	AREA DESIGNATION
SINGLE FAMILY	A
MULTI-FAMILY DWELLINGS CONTAINING UP TO AND INCLUDING FOUR DWELLING UNITS	B
MULTI-FAMILY DWELLINGS CONTAINING MORE THAN FOUR DWELLING UNITS	C
APARTMENTS	D
COMMERCIAL USES	E
WHOLESALE AND WAREHOUSE USES	F
OFFICE USES	G
LIGHT INDUSTRIAL USES	H
INSTITUTIONAL OR PUBLIC USES	I
AREAS OF COMMON SPACE, WITH RECREATION AREAS NOTED	J
STRUCTURES CONTAINING A MIXTURE OF USES	M*
OTHER STRUCTURES, FACILITIES OR AMENITIES	X

ZONING REQUIREMENTS:		
CURRENT ZONING:	MU – MIXED USE (WITH PROFFERS)	
SITE TABULATION:		
UNIT SUMMARY:		
TOTAL ALLOWABLE UNITS	204	
TOTAL AREA (AC)	24.54	
UNITS PER ACRE	8.3	
BUILDING HEIGHT	2 STORIES	
AREA DESIGNATION C:		
TEN-PLEX UNITS	120	
AREA (AC)	9.03	
BUILDING HEIGHT	2 STORIES	
AREA DESIGNATION B:		
DUPLEX UNITS	80	
AREA (AC)	7.75	
BUILDING HEIGHT	2 STORIES	
AREA DESIGNATION J:		
COMMON OPEN SPACE AREA (AC)	2.58	
PERCENTAGE OF OPEN SPACE	10%	
AREA DESIGNATION (EGJ):		
COMMERCIAL USES (SF)	47,918 (2-STORY)	
AREA (AC)	5.09	
BUILDING HEIGHT	TBD	
AREA SUMMARY:		
ITEM	AC	%
TOTAL AREA	24.54	100
BUILDING COVERAGE		
TOTAL	4.43	18
SUB-TOTAL	4.43	18
PAVEMENT COVERAGE		
ROADWAY PAVEMENT	6.44	26
OTHER	2.75	11
SUB-TOTAL	9.19	37
TOTAL IMPERVIOUS AREA	13.62	56
OPEN SPACE	10.92	44
PARKING SUMMARY:		
(EXCLUDING AREA EG)	SPACES	
REQUIRED AT 2.5 PER UNIT	500	
RESIDENTIAL TOTAL	568	
NOTE: 3 SPACES PER DUPLEX UNIT (2 DRIVEWAY SPACES, 1 GARAGE SPACE)		
HANDICAP SPACES REQUIRED	9	
HANDICAP SPACES PROVIDED	13	
DIMENSIONAL REQUIREMENTS:		
STRUCTURE SETBACKS:		
DISTANCE FROM:	FT	
PLANNED PUBLIC ROW (WIDTH >50 FT)	50	
CL PLANNED PUBLIC ROW (WIDTH <50 FT)	75	
PERIMETER OF EG DISTRICT	50	
OTHER STRUCTURES	12	
EDGE OF PAVEMENT	10	
NOTE: PROJECT SITE IS LOCATED WITHIN SUBWATERSHED 203 OF THE MILL CREEK WATERSHED. REFERENCE FEMA FLOOD INSURANCE RATE MAP #31095C0140C		

		REVISED PER 2ND SUBMITTAL REVIEW COMMENTS	CVC
		REVISED PER PRELIMINARY REVIEW COMMENTS	CVC
		Description	Revised
		Date	
		Rev.	
2	1/04/18		
1	9/25/19		



MASTER PLAN AMENDMENT FOR
THE PROMENADE
AT JOHN TYLER

Project Contacts:		GVC	
Project Number:		8642-19	
Scale: 1"=60'		Date: 09/25/2019	
Sheet Title: MASTER PLAN AMENDMENT			
Sheet Number 1 OF 1			



TO: Jerry L. Bowman, Esq.
FROM: Dexter R. Williams, P. E.
SUBJECT: The Promenade At John Tyler
Relative Effect Of Additional Residential Units
DATE: September 24, 2019

The May 17, 2014 traffic study compared the effect of two trip generation scenarios for The Promenade At John Tyler: 1) 190 townhouse/condo units, and 2) retail development of the property as zoned.

Enclosed Exhibit 2 is from the 5/17/14 traffic study and shows the development plan at the time. In addition to the 190 residential units, there are four parcels along the Rt. 199 frontage shown for "Potential Future Commercial Development". Trip generation for the four parcels along Rt. 199 (designated Parcels 25, 26, 27, and 28 on current AES Master Plan Amendment) was not addressed directly in the 5/17/14 study. For the 190 residential unit scenario, the four parcels were not included. For the retail development scenario, trip generation was not developed using parcel areas. Trip assignment for the 190 residential units in the 5/17/14 study is shown on enclosed Exhibit 6A.

Trip generation for the retail scenario for The Promenade assumed a doubling of then-existing retail traffic at Williamsburg Crossing. Enclosed Exhibit G shows the trip assignment for the assumed retail traffic.

The following table compares trip generation the two scenarios in the 5/17/14 study:

TABLE ONE: 5/17/14 Scenario Trip Generation

	WEEKDAY TRIP GENERATION					
	AM PEAK HOUR			PM PEAK HOUR		
	Enter	Exit	Total	Enter	Exit	Total
190 Townhouse/Condos	15	71	86	68	34	102
Retail Use As Zoned	137	112	249	270	195	465

The previously zoned retail trip generation is 2.9 times the 190 residential units in the AM peak hour and 4.66 times the 190 residential units in the PM peak hour. The substantially lower trip generation for the then-proposed residential use produced much better traffic results in support of the land use change at that time.

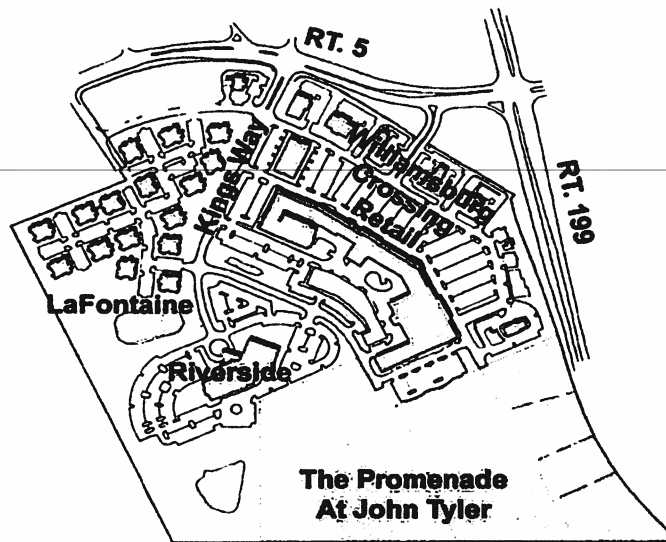
The current proposal for a total of 200 units does not appreciably change the previous study conclusions for much better traffic results relative to retail use. The following table shows compares the proposed 200 units with the previous retail trip generation:

Jerry L. Bowman, Esq.
September 24, 2019

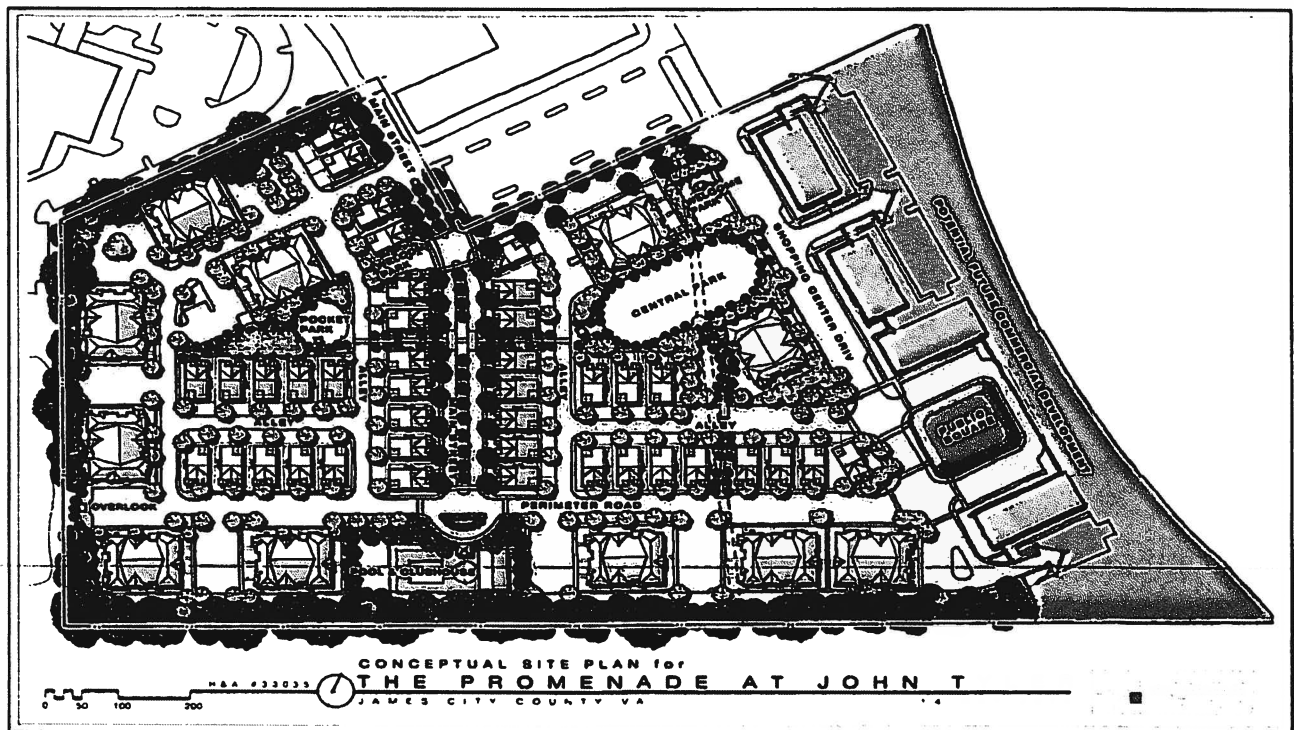
TABLE TWO: Current Scenario Trip Generation

	WEEKDAY TRIP GENERATION					
	PEAK HOUR			PM PEAK HOUR		
	Enter	Exit	Total	Enter	Exit	Total
200 Low-Rise Multifamily	21	71	92	69	40	109
Retail Use As Zoned	137	112	249	270	195	465

The previously zoned retail trip generation is 2.7 times the 200 residential units in the AM peak hour and 4.27 times the 200 residential units in the PM peak hour. 200 residential units or even the 204 total allowable units on the master plan will show essentially the same results as the 05/17/14 study: any residential use in this trip generation range produces much better traffic results than the original retail use.



SITE CONTEXT MAP

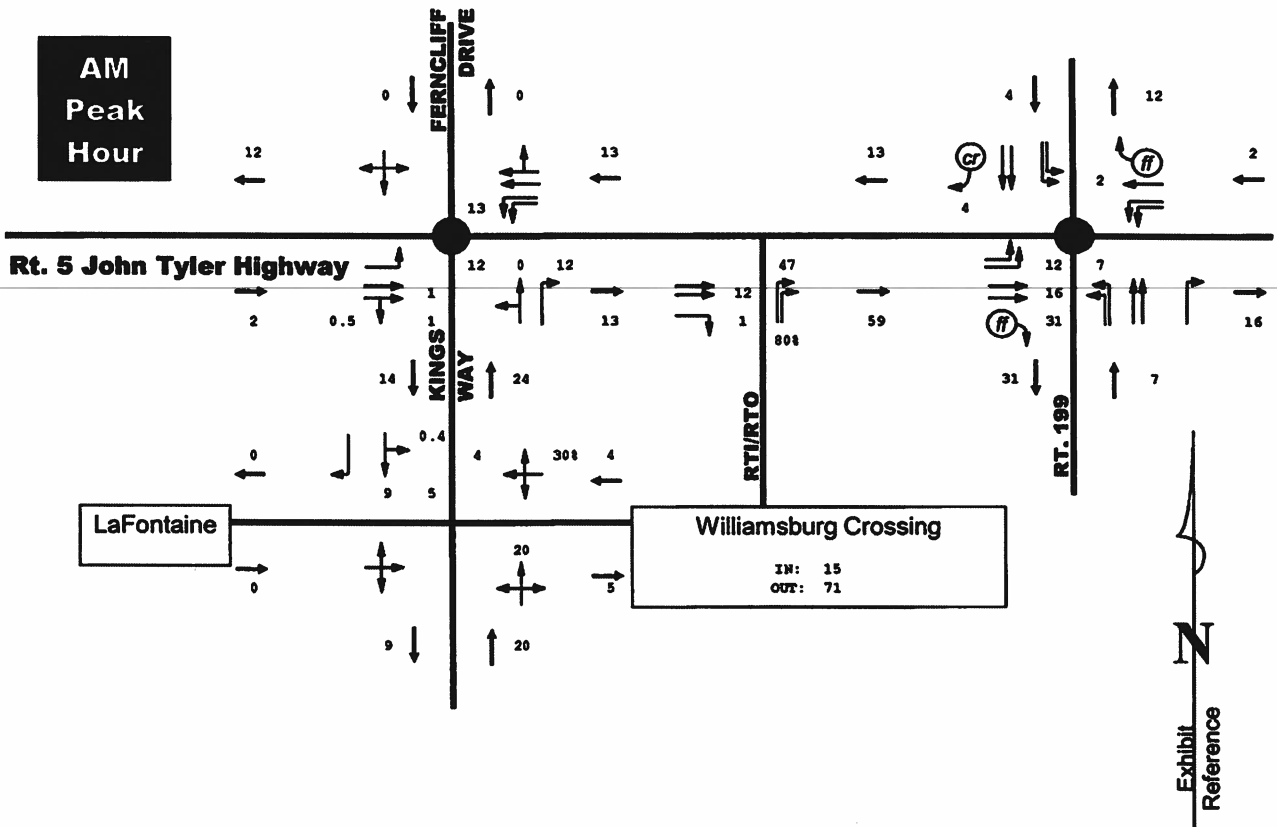


THE PROMENADE AT JOHN TYLER
AND AREA DEVELOPMENT

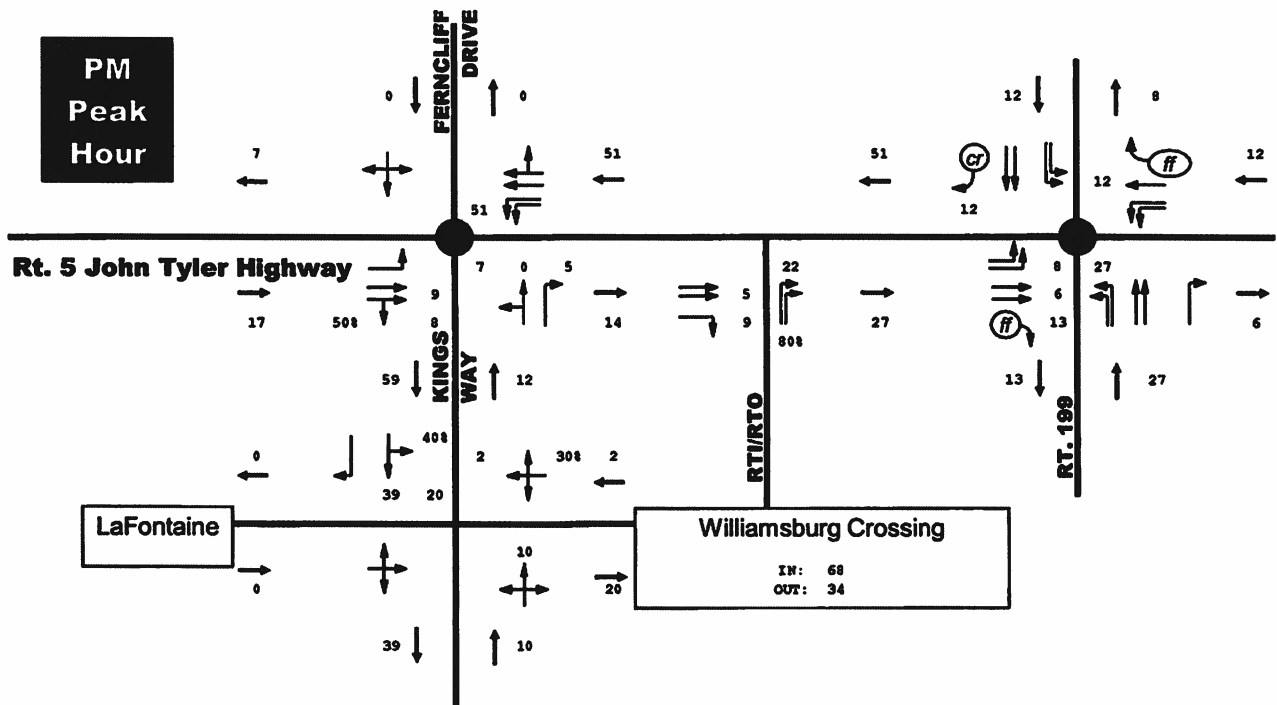
DRW Consultants, LLC
804-794-7312

Exhibit 2

**AM
Peak
Hour**



**PM
Peak
Hour**



Intersection
Approach
Lanes



Traffic
Signal

LEGEND



Link

Free Flow Or
Channelized
Right Turn

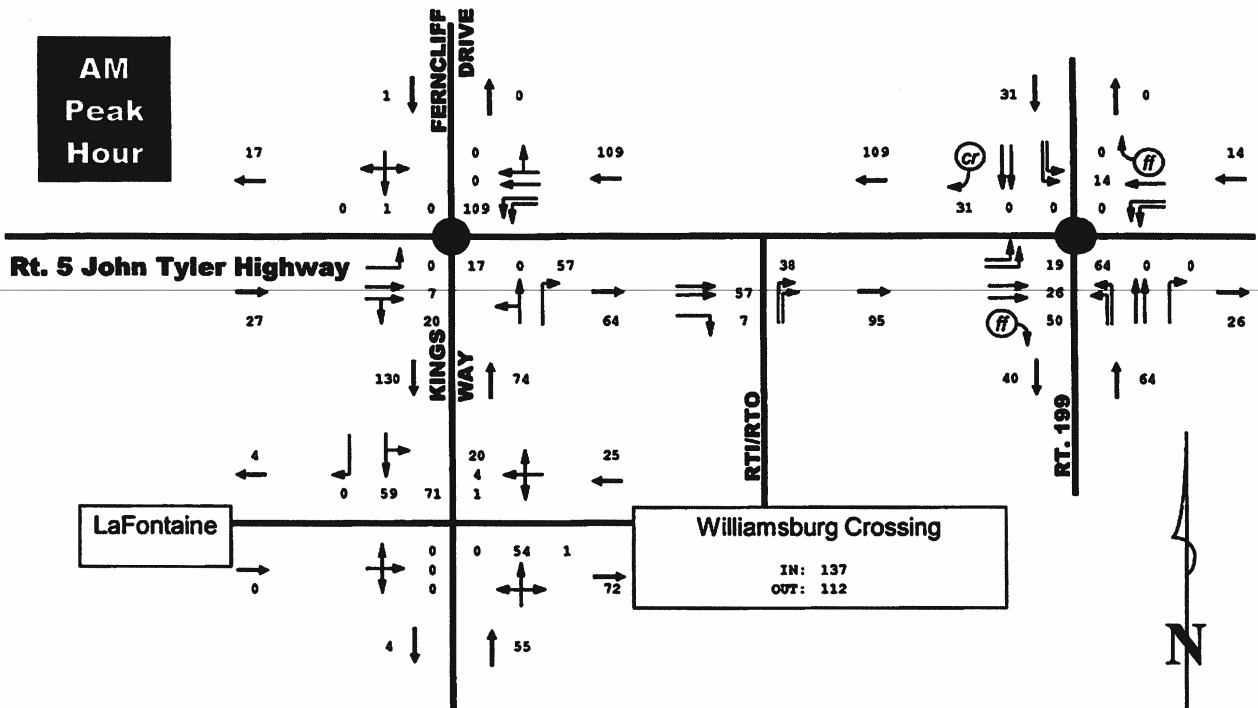


**TRIP ASSIGNMENT
THE PROMENADE AT JOHN TYLER**

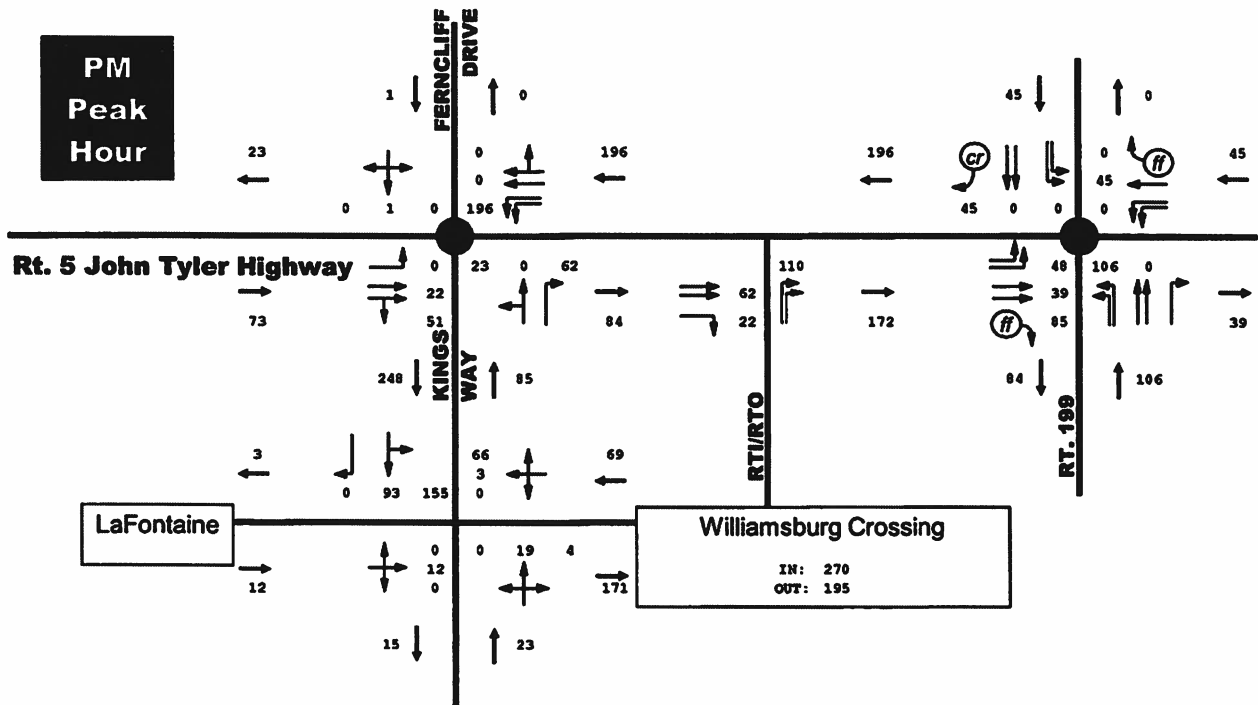
**DRW Consultants, LLC
804-794-7312**

Exhibit 6A

**AM
Peak
Hour**



**PM
Peak
Hour**



Intersection
Approach
Lanes



Traffic
Signal



LEGEND

Link



Free Flow Or
Channelized
Right Turn



2014 PEAK HOUR COUNTS
WILLIAMSBURG CROSSING
RETAIL TRAFFIC ONLY

DRW Consultants, LLC
804-794-7312

Exhibit G

Restated 9/15/19

1

Version 12.6.12



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

FISCAL IMPACT WORKSHEET AND ASSUMPTIONS

Please complete all *applicable* sections. Please use the provided spreadsheet to perform calculations. If space provided is insufficient, please feel free to include additional pages. If you have any questions please contact the Planning Office at (757) 253-6685 or planning@jamestownva.gov

- 1a) PROPOSAL NAME The Promenade at John Tyler
- 1b) Does this project propose residential units? Yes 4 No ☐ (If no, skip Sec. 2)
- 1c) Does this project include commercial or industrial uses? Yes 4 No ☐ (If no, skip Sec. 3)

Fiscal Impact Worksheet Section 2: Residential Developments

- 2a) TOTAL NEW DWELLING UNITS. Please indicate the total number of each type of proposed dwelling unit. Then, *add* the total number of new dwelling units.

Single Family Detached	0	Apartment	0
Townhome/Condominium/Single Family Attached	204	Manufactured Home	0
Total Dwelling Units	204		

Are any units affordable? Yes 4 No ☐ (If yes, how many?) 204

Residential Expenses – School Expenses

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

Unit Type	Number of Proposed Units (from 2a)	Student Generation Rate	Students Generated
Single Family Detached	0	0.40	0
Townhome/Condo/Attached	204	0.17	34.68
Apartment	0	0.31	0
Manufactured Home	0	0.46	0
Total	204		34.68

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

Total Students Generated	Per-Student Operating Expenses	Per-Student Capital Expenses	Per-Student Total Expenses	Total School Expenses
34.68	\$5920.16	\$2176.06	\$8096.22	\$ 280,778.91

Residential Expenses - Non-School Expenses

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

Total Units Proposed	Average Household Size	Total Population Generated
204	2.19	446.76

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

Total Population Generated	Per-Capita Non-School Expenses	Total Non-School Expenses
446.76	\$640.98	\$ 286,384.22

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

Total School Expenses	Non-School Expenses	Total Residential Expenses
\$ 280,778.91	\$ 286,384.22	\$ 567,141.13

Residential Revenues

2g) **TOTAL REAL ESTATE EXPECTED MARKET VALUE.** *Write the number of each type of units proposed from (2a). Then determine the average expected market value for each type of unit. Then, multiply the number of unit proposed by their average expected market value. Finally, add the total expected market value of the proposed units.*

Unit Type:	Number of Units:	Average Expected Market Value:	Total Expected Market Value:
Single Family Detached	0	\$ 0	\$ 0
Townhome/Condo/Multifamily	204	\$ 224,404.44	\$ 45,778,490
Total:	204	N/A	\$ 45,778,490

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

Total Market Value	Real Estate Tax Rate	Total Real Estate Taxes Paid
\$ 45,778,490	0.0077	\$ 352,494.37

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

Real Estate Tax Paid	Personal Property Tax Average	Personal Property Taxes Paid
\$ 352,494.37	0.15	\$ 52,874.16

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

Real Estate Tax Paid	Sales and Meals Tax Average	Total Sales & Meals Taxes Paid
\$ 352,494.37	.09	\$ 31,724.49

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

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

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

HOA Property Type	Total Assessed Value	Real Estate Tax Rate	Total HOA Taxes Paid
Common Area	0	.0077	\$0

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

Total Residential Revenues	\$ 442,821.82
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2n) **RESIDENTIAL FISCAL IMPACT.** *Subtract total residential revenues (2m) from total residential expenses (2f).*

Total Residential Expenses	Total Residential Revenues	Total Residential Fiscal Impact
567,141.16	437,093.02	\$ (130,048.11)

Fiscal Impact Analysis Worksheet Section 3: Commercial and Industrial Developments

Commercial and Industrial Expenses

3a) **TOTAL NEW BUSINESSES.** How many new businesses are proposed? 6
(Include all businesses that will rent or lease space at the location as part of the proposal, including probable tenants of an office park or strip mall).

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

Total Expected Assessment Value	Commercial Expense Rate	Total Commercial Expenses
\$1	0.0045	\$ 20, 063.46

Commercial & Industrial Revenues

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

Proposed Business Properties (by use and location)	Expected Assessment Value
Retail - Parcel 25	\$1,982,660.00
Retail - Parcel 26	\$1,982,660.00
Retail - Parcel 27	\$1,982,660.00
Retail - Parcel 28	\$583,135.00
Total:	\$ 6,531,115.00

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

Expected Market Value	Real Estate Tax Rate	Real Estate Taxes Paid
6,531,115.00	0.0077	\$ 50,289.59

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

Proposed Business Name	Total Business Capitalization	Personal Property Tax Rate	Total Business Property Taxes Paid
Retail 1-4	\$2,410,776.28	0.01	\$24,107.76
		0.01	
		0.01	
Total:	\$2,410,776.28	N/A	\$ 24,107.76

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

Proposed Business Name	Total Business Capitalization	Machinery and Tools Tax Rate	Total Business Property Taxes Paid
	\$0	0.01	\$0
		0.01	
Total:		N/A	\$0

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

Tax Type	Projected Gross Sales	Sales Tax Rates	Sales Taxes Paid
Retail Sales	\$7,726,567.06	0.01 of Gross Retail Sales	\$77,265.67
Prepared Meals		0.04 of Prepared Sales	
Hotel, Motel		0.02 of Gross Sales*	
Total:	N/A	N/A	\$77,265.67

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

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

Proposed Business Name(s)	Business Type* (see exhibit sheet)	Projected Total Gross Sales	Business License Rate	Annual Business License Fees Paid
	Professional Services		0.0058	
Retail 1-4	Retail Services	\$7,726,567.06	0.0020	\$15,453.13
	Contractors		0.0016	
	Wholesalers		0.0005	
	Exempt*		No fee due	
	Other Services		0.0036	
	Total	N/A	N/A	\$15,453.13

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

Total Commercial and Industrial Revenues	\$167,116.15
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3j) **COMMERCIAL FISCAL IMPACT.** Subtract total commercial and industrial revenues (3i) from total commercial and industrial expenses (3b).

Total Commercial Expenses	Total Commercial Revenues	Total Commercial Fiscal Impact
29,063.46	167,116.15	\$138,052.69

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

Residential Fiscal Impact	Commercial Fiscal Impact	Total Proposed Fiscal Impact
(\$130,048.11)	\$138,052.69	\$8,004.58

Fiscal Impact Analysis Worksheet Section 4: Current Land Use

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

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

Single Family Detached	0	Apartment	0
Townhome/Condominium/Single Family Attached	0	Manufactured Home	0
Total Dwelling Units	0		

Residential Expenses - School Expenses

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

Unit Type	Number of Existing Units	Student Generation Rate	Existing Students
Single Family Detached	0	0.40	0
Townhome/Condo/Attached	0	0.17	0
Apartment	0	0.31	0
Manufactured Home	0	0.46	0
Total	0	N/A	0

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

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

Residential Expenses - Non-School Expenses

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

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

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

Total Current Population	Per-Capita Non-School Expenses	Current Non-School Expenses
0	\$640.98	\$0

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

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

Residential Revenues

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

Property Address and Description	Assessment Value
5204 John Tyler Highway	\$1,217,000
5304 John Tyler Highway	\$981,200
5299, 5303, 5307 & 5311 John Tyler Highway	\$752,700
Total:	\$2,950,900

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

Total Assessment Value	Real Estate Tax Rate	Real Estate Taxes Paid
\$2,950,900	.0077	\$22,721.93

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

Real Estate Tax Paid	Personal Property Tax Average	Personal Property Paid
\$22,721.93	0.15	\$0 (No residents to pay PPT)

4j) **TOTAL CURRENT SALES AND MEALS TAXES PAID.** Multiply the total real estate taxes paid from (4h) by the sales and meals tax average below.

Real Estate Tax Paid	Sales and Meals Tax Average	Average Excise Tax Paid
\$22,721.93	.09	\$0 (No residents to pay sales/meals tax)

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

Total Current Residential Revenues	\$22,721.93
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4l) **CURRENT RESIDENTIAL FISCAL IMPACT.** Subtract total residential revenues (4k) from total residential expenses (4f).

Total Residential Expenses	Total Residential Revenues	Total Residential Fiscal Impact
\$0	\$22,721.93	\$(22,721.93)

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

Proposed Residential Impact	Current Residential Impact	Final Residential Fiscal Impact
\$(130,048.11)	\$(22,721.83)	\$(152,770.04)

Current Commercial Use

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

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

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

Total Expected Assessment Value	Commercial Expense Rate	Total Commercial Expenses
0	0.0045	\$0

Current Commercial Revenues

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

Addresses	Assessment Value	Real Estate Tax Rate	Real Estate Tax Paid
		.0077	
		.0077	
Total:			\$0

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

Current Business	Total Business Capitalization	Personal Property Tax Rate	Business Property Taxes Paid
		0.01	
		0.01	
		0.01	
Total:		N/A	\$0

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

Current Business	Total Business Capitalization	Personal Property Tax Rate	Machinery and Tools Tax Paid
		0.01	\$0

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

Activity	Projected Gross Sales	Tax Rate	Sales Taxes Paid
Retail Sales		0.01 of Gross Retail Sales	
Prepared Meals		0.04 of Prepared Sales	
Hotel, Motel		0.02 of Gross Sales*	
Total:	N/A	N/A	\$0

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

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

Business Type	Gross Sales	Business License Rate	Annual Business License Fees Paid
Professional Services		\$0.0058	
Retail Sales		\$0.0020	
Contractors		\$0.0016	
Wholesalers		\$0.0005	
Manufacturers		No tax	
Other Services		\$0.0036	
Total:	N/A	N/A	\$0

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

Total Current Commercial Revenues	\$0
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5i) **CURRENT COMMERCIAL FISCAL IMPACT.** *Subtract total commercial revenues (5h) from total residential expenses (5b).*

Total Commercial Expenses	Total Commercial Revenues	Total Commercial Fiscal Impact
\$0	\$0	\$0

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

Proposed Commercial Impact	Current Commercial Impact	Final Commercial Fiscal Impact
\$138,052.69	\$0	\$138,052.69

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

Final Residential Impact	Final Commercial Impact	Final Fiscal Impact
(152,770.04)	\$138,052.69	\$ (14,717.35)

Fiscal Impact Worksheet Section 6: Phasing

Residential Phasing

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

Commercial Phasing

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

Final Phasing Projections

6c) *Copy and paste* the final phasing projection from the accompanying Excel sheet to the page below.

Fiscal Impact Worksheet Section 7: Employment

7a) *Copy and paste* the employment projections from the accompanying Excel sheet to the page below.



ELEVATION - "A"
Scale: 3/16" = 1'-0"

JOB SITE COPY



ELEVATION - "C"
Scale: $3/16" = 1'-0"$

NOTE:
5" OGEE GUTTER & 4" X 3"
DOWNSPOUTS NOT SHOWN.

FILE I:\PROJECTS\2016\PROJECTS\3606\20403 CONSULTANT CD BORDER WITHOUT KEYNOTE AREA - REVISED.DWG

SAVED: 6/28/2018 12:10:38 PM PLOTTED: 8/22/2018 2:59:48 PM



B ELEVATION - "B"
Scale: 3/16" = 1'-0"

JOB SITE COPY



D ELEVATION - "D"
Scale: 3/16" = 1'-0"

NOTE:
5" OGGIS GUTTER & 4" X 3"
DOWNSPUTS NOT SHOWN.

Project No. **A-5** of **24** Sheets

Project Info: PROMENADE AT JOHN TYLER, DORLEX BUILDING
WILLIAMSBURG, VA 23185

ARCHITECTURE & PLANNING INTERIORS
1156 Jamboree Road, Suite C
Williamsburg, VA 23185
757.225.1102 Telephone
757.225.1103 Fax
www.hopke.com

REVISIONS

No.	Revision	Date
1	Revised: Initial Design	11/15/16
2	Revised: Initial Design	11/15/16
3	Revised: Initial Design	11/15/16
4	Revised: Initial Design	11/15/16
5	Revised: Initial Design	11/15/16
6	Revised: Initial Design	11/15/16
7	Revised: Initial Design	11/15/16
8	Revised: Initial Design	11/15/16
9	Revised: Initial Design	11/15/16
10	Revised: Initial Design	11/15/16
11	Revised: Initial Design	11/15/16
12	Revised: Initial Design	11/15/16
13	Revised: Initial Design	11/15/16
14	Revised: Initial Design	11/15/16
15	Revised: Initial Design	11/15/16
16	Revised: Initial Design	11/15/16
17	Revised: Initial Design	11/15/16
18	Revised: Initial Design	11/15/16
19	Revised: Initial Design	11/15/16
20	Revised: Initial Design	11/15/16
21	Revised: Initial Design	11/15/16
22	Revised: Initial Design	11/15/16
23	Revised: Initial Design	11/15/16
24	Revised: Initial Design	11/15/16

SEAL

PROJECT NO. A-5
SHEET NO. 5
DATE: 01 DEC 2017
DRAWN: JAH
CHECKED: JAH
APPROVED: JAH

UNIVERSITY SQUARE ASSOCIATES

130 W. Plume Street
Norfolk, VA 23510
(757) 517 3010

September 25, 2019

Letter sent to Adjacent Property Owners to The Promenade at John Tyler

Re: Proposed Amendment to the Master Plan and Proffers
For The Promenade at John Tyler

To whom it may concern:

University Square Associates ("USA") has developed a 24.54 acre parcel at the intersection of Route 199 and Route 5 (John Tyler Highway). The development consists of 204 residential units and commercial property comprising 47,624 square feet. The residential portion of the project is substantially complete with the construction of 110 residential units in the form of a ten plex building and 80 residential units in the form of 40 duplex units. Additionally, the approved plans authorize an additional 14 residential units to be built as multifamily (more than 4 units per building). The original Master Plan provided that the 14 additional units would be built as part of the commercial development of the property.

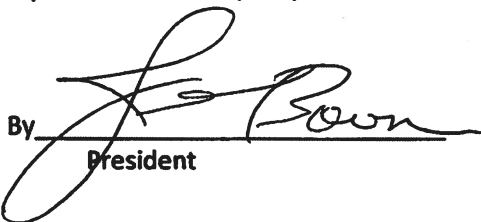
We have filed an application with the James City County Planning Department that would permit ten of the fourteen units to be built as part of the ten plex units that are being constructed at The Promenade at John Tyler. This proposal does not increase the number of permitted units but characterizes them as being part of the Area C (on the Master Plan) rather than area M (mixed use with commercial, office and multifamily). Additionally, we have filed an amendment to a proffer that we made as part of the rezoning in 2014. This amendment would clarify that a Public Square that will be built as part of the commercial development will occur prior to the issuance of an occupancy permit for the commercial buildings to be built.

We are happy to meet or speak with you regarding these proposed changes. We will schedule a meeting in the near future and will give you notice of it. If you have any questions prior to that meeting please feel free to contact Jerry Bowman at (757) 517 3010 or the James City County Planning Department at (757) 253 6671.

Sincerely,

UNIVERSITY SQUARE ASSOCIATES

By Market Planners, Inc., General Partner

By 
President

ITEM SUMMARY

DATE: 11/6/2019

TO: The Planning Commission

FROM: Thomas Wysong, Senior Planner

SUBJECT: Z-19-0012/SUP 19-0020. Forest Heights Rezoning & Independent Living Facility

ATTACHMENTS:

	Description	Type
▣	Staff Report	Backup Material
▣	Attachment No. 1 Board Resolution	Resolution
▣	Attachment No. 2. Location Map	Exhibit
▣	Attachment No. 3 Proposed Master Plan	Backup Material
▣	Attachment No. 4 Proposed Building Elevations	Backup Material
▣	Attachment No. 5 Design Guidelines	Backup Material
▣	Attachment No. 6 Community Impact Study	Backup Material
▣	Attachment No. 7 Fiscal Impact Worksheet	Backup Material
▣	Attachment No. 8 Existing Proffers	Cover Memo
▣	Attachment No. 9 Proposed Proffers	Backup Material
▣	Attachment No. 10 Proposed SUP Conditions	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	10/30/2019 - 8:50 AM
Planning Commission	Holt, Paul	Approved	10/30/2019 - 8:50 AM
Publication Management	Daniel, Martha	Approved	10/30/2019 - 8:59 AM
Planning Commission	Holt, Paul	Approved	10/30/2019 - 9:11 AM

REZONING-19-0012/SPECIAL USE PERMIT 19-0020. Forest Heights Rezoning and Independent Living Facility

Staff Report for the November 6, 2019, Planning Commission Public Hearing**SUMMARY FACTS**

Applicant:	James City County Board of Supervisors, Mr. Doug Harbin of Wayne Harbin Builder, Inc.
Land Owner:	See attached list, per the August 13, 2019, Initiating Resolution
Proposal:	This rezoning, initiated by the Board of Supervisors per the attached August 13, 2019, resolution and accompanied by Mr. Harbin, proposes to rezone the Forest Heights area from MU, Mixed Use with proffers to R-3 Residential Redevelopment and R-3 Residential Redevelopment with proffers, to allow for the addition of 46 townhomes and a 50-unit independent living facility.
Location:	Forest Heights
Tax Map/Parcel No.:	See properties listed in attached August 13, 2019, Initiating Resolution
Project Acreage:	± 47.1 acres
Current Zoning:	MU, Mixed Use with proffers
Comprehensive Plan:	Low Density Residential (LDR), Moderate Density Residential (MDR)
Primary Service Area:	Inside
Staff Contact:	Thomas Wysong, Senior Planner

PUBLIC HEARING DATES

Planning Commission: November 6, 2019, 6:00 p.m.

Board of Supervisors: December 10, 2019, 5:00 p.m. (tentative)

FACTORS FAVORABLE

1. Staff finds the proposal will not negatively impact surrounding zoning and development.
2. The proposed amendment will increase the overall density of the entire master planned area up to four dwelling units per acre, which is within the range recommended for lands designated LDR and MDR by the adopted Comprehensive Plan, *Toward 2035: Leading the Way*.
3. The proposal will increase the supply of affordable housing within the County, as the applicant has proffered 100% of the 96 units (46 townhomes and all 50 units within the independent living facility) to be offered as affordable units.
4. The proposal meets the Adequate Public Schools Facilities Test adopted by the Board of Supervisors on June 23, 1998.
5. Impacts: Please see Impact Analysis on Pages 4-5.

FACTORS UNFAVORABLE

1. Pursuant to the Fiscal Impact Analysis submitted for this application, the proposal is expected to have a negative fiscal impact.
2. Impacts: Please see Impact Analysis on Pages 4-5.

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.

SUMMARY STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the rezoning application with the proposed proffers and the Special Use Permit (SUP) application with the proposed conditions to the Board of Supervisors.

HISTORY OF THE PROJECT

In 2011, the James City County Board of Supervisors initiated the rezoning of approximately 47.1 acres of the Forest Heights area from R-2, General Residential to MU, Mixed Use (Z-0001-2011). The purpose of the rezoning was twofold. First, the County desired to facilitate improvements to the existing Forest Heights neighborhood in partnership with the Office of Housing and Community Development. Second, the Salvation Army planned to build new offices, a community meeting space and gym, and other accessory uses on the property it owns adjacent to the Forest Heights neighborhood.

The rezoning succeeded in improving the Forest Heights neighborhood in a number of ways. The County was able to facilitate the rearrangement of property boundary lines to bring lot owners into compliance with the County Zoning Ordinance. The County also coordinated infrastructure improvements, including the addressing of previously uncontrolled and untreated drainage and stormwater, the upgrading of water and sewer mains, the realignment, widening, and paving of Forest Heights Road and Neighbors Drive, safety improvements to Richmond Road, the addition of open space and pedestrian amenities, and the provision of streetlights and street trees. The proposed project also included the rehabilitation of homes (including energy audits and energy efficiency improvements), the construction of new affordable housing, and the demolition of vacant, dilapidated dwellings. The proffers approved for this rezoning

required water conservation and green building measures for certain sites, the inclusion of affordable and workforce housing, and the establishment of a homeowners association.

Regarding the second purpose of the 2011 rezoning, the Salvation Army has not pursued the development of the planned non-residential uses on its property. Its 11.42-acre property remains wooded and vacant and is the proposed location of the townhomes and independent living facility.

PROJECT DESCRIPTION

- The County is proposing to rezone the Forest Heights area from MU, Mixed Use with proffers to R-3 Residential Redevelopment and R-3 Residential Redevelopment with proffers. Accompanying this request, Mr. Harbin is proposing 46 townhomes and a 50-unit independent living facility via an SUP on the property currently owned by the Salvation Army and addressed 6015 Richmond Road. Mr. Harbin has submitted proffers to address impacts associated with these 96 units.
- This project proposes a density of up to four units per acre for the entire Forest Heights area. The Zoning Ordinance allows for a base density of 2.5 dwelling units per acre in the R-3 District. In order to achieve the proposed four units per acre density, the project will need to achieve five bonus density points. From the options available in the Ordinance, the applicant is proposing to achieve the needed bonus density points by committing via proffers to the provision of affordable and workforce housing, plus the provision of either Low Impact Design (LID) storm water management or the construction of all units to EarthCraft or LEED standard.

REZONING-19-0012/SPECIAL USE PERMIT 19-0020. Forest Heights Rezoning and Independent Living Facility

Staff Report for the November 6, 2019, Planning Commission Public Hearing

- The applicant is proposing vehicular and pedestrian connectivity with the existing Forest Heights neighborhood.
- According to the Master Plan, the 46 townhomes will be distributed in a group of 12 buildings with parking provided through a combination of individual attached garages, driveways, and surface parking.
- A 50 unit independent living facility is proposed along the frontage of the property on Richmond Road via an SUP. No new entrances are proposed for Richmond Road as a result of this project.
- The project includes a 50-foot buffer along Richmond Road, a 15-foot landscape buffer between the proposed independent facility and the townhomes area, a 20-foot buffer between the existing single-family residential located north of the development and the independent living facility, and a variable width 12- to 42-foot landscaped buffer between the existing Forest Heights neighborhood and the proposed townhomes area.
- Approximately 1.20 acres of open space is proposed for this development which includes: 0.30 of this acreage of unimproved parkland to be located adjacent to the rear of the townhomes; 0.15 acre of unimproved space located adjacent to the proposed surface parking; 0.45 acre of Community Character Corridor (CCC) buffering; and 0.30 acre as a proposed pocket park to be located adjacent to proposed surface parking across from the proposed location of the independent living facility.

- The Pedestrian Accommodation Master Plan calls for a sidewalk on the side of Richmond Road fronting the property. The Master Plan shows an 8-foot-wide asphalt multiuse path located in the right-of-way of Richmond Road and connecting to the existing multiuse path traversing the frontage of the Forest Heights neighborhood. Staff finds the provision of the 8-foot-wide paved multiuse path as an acceptable substitution for the standard 5-foot paved sidewalk. The Regional Bikeways Plan shows no improvements for this portion of Richmond Road.
- Mr. Harbin is proposing all 96 dwelling units for the Salvation Army property be made available for rent or sale at affordable prices.

SURROUNDING ZONING AND DEVELOPMENT

North: R-2, General Residential, single-family residential development.

South: R-2, General Residential, single-family residential development.

East: R-2, General Residential, single-family residential development.

West: R-2, General Residential, single-family residential development.

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.

REZONING-19-0012/SPECIAL USE PERMIT 19-0020. Forest Heights Rezoning and Independent Living Facility**Staff Report for the November 6, 2019, Planning Commission Public Hearing**

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Public Transportation: Vehicular</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- The 46 townhomes and 50-unit independent living facility is expected to generate a combined 482 trips per day and 44 vehicle trips in the PM peak hour. No improvements to Richmond Road are warranted or proposed. The turn lane and median improvements to serve Forest Heights were previously completed.
<u>Public Transportation: Bicycle/Pedestrian</u>	<u>Mitigated</u>	<ul style="list-style-type: none">- Per the Adopted Regional Bikeways Map Pedestrian Accommodation's Master Plan, a sidewalk is required along Richmond Road.- A multi-use path is proposed along the frontage of Richmond Road, which staff deems acceptable given its proposed linkage to the existing multiuse path fronting to the south.
<u>Public Safety</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- Fire Station 4 on Olde Towne Road serves this area of the County, approximately 2.2 miles from the Forest Heights neighborhood.- Staff finds this project does not generate impacts that require mitigation to the County's Fire Department facilities or services.
<u>Public Schools</u>	<u>Mitigated</u>	<ul style="list-style-type: none">- The applicant has proffered for the 50-unit independent living facility to be age restricted for those 55+, thus no students are expected to be generated by the facility.- The 46 townhomes are expected to generate a total of eight additional students (+3 for Norge Elementary School, +2 for Hornsby Middle School, and +3 for Warhill High School).- Norge Elementary School is currently over-enrolled, while Hornsby Middle and Warhill High Schools are able to incorporate the new students and stay under effective capacity.- The proposed construction of a new elementary school included in the adopted Capital Improvements Program is projected to alleviate enrollment for Norge Elementary School.- The applicant has submitted cash proffers to mitigate the impact of these units.
<u>Public Parks and Recreation</u>	<u>Mitigated</u>	<ul style="list-style-type: none">- The applicant is providing a pocket park, a playground, and a multiuse path in accordance with the requirements of the Parks and Recreation Development Guidelines.- Cash in-lieu amounts have been proffered instead of the required sport court and field.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- Staff finds this project does not generate impacts that require mitigation.

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.

REZONING-19-0012/SPECIAL USE PERMIT 19-0020. Forest Heights Rezoning and Independent Living Facility**Staff Report for the November 6, 2019, Planning Commission Public Hearing**

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- The property will be served by public water and sewer and will generate 29,760 gallons per day. The James City Service Authority has stated the sewer lift station and water mains are both sufficient to incorporate this development and that no water and sewer impact study is required.- SUP Condition No. 4 requires water conservation measure be implemented for all proposed units on the Salvation Army property.
<u>Watersheds, Streams, and Reservoirs</u> The project is located in the Powhatan Creek Watershed.	<u>Mitigated</u>	<ul style="list-style-type: none">- The Master Plan shows a conceptual layout for stormwater management facilities.- This project will need to demonstrate full compliance with environmental regulations at the development plan stage.- Per the Stormwater and Resource Protection Division notes shown on the Master Plan, the development plan for this project will be required to meet specific criteria to ensure best stormwater management practices on-site.
<u>Cultural/Historic</u>	<u>Mitigated</u>	<ul style="list-style-type: none">- A Phase 1 Archaeological Study for the property at 6015 Richmond Road has been conducted and concluded that no further archaeological historic preservation efforts were necessary on-site.
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	<ul style="list-style-type: none">- The project will also need to demonstrate full compliance with lighting and landscaping regulations in the Zoning Ordinance at the development plan stage.- Staff does not anticipate significant noise, odor, lighting, or other similar impacts on nearby properties. However, to address any potential impacts of this nature, the project includes enhanced landscaping between proposed development of the Salvation Army parcel and the existing residential development within the Forest Heights area.
<u>Community Character</u> The project is located along the Richmond Road CCC.	<u>Mitigated</u>	<ul style="list-style-type: none">- The Master Plan shows a 50-foot CCC buffer on Richmond Road abutting the Salvation Army property. The R-3 District requires 150 feet, but provides for reduction of the width or waiver by the Planning Director which would be processed at the development plan stage.- SUP Condition No. 5 requires a landscaping plan that ensures plantings meet the requirements of County Ordinances, as well as the Comprehensive Plan's intent for CCCs.- SUP Condition No. 6 requires the dumpster to be screened within a brick enclosure or materials in accordance with the architectural character of the independent living facility.

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.

REZONING-19-0012/SPECIAL USE PERMIT 19-0020. Forest Heights Rezoning and Independent Living Facility

Staff Report for the November 6, 2019, Planning Commission Public Hearing

The land use designations for this site within the Comprehensive Plan are LDR and MDR. The recommended uses within an LDR include single-family and multifamily units, as well as limited commercial development to support the surrounding residential areas. The recommended uses within MDR include residential development, including multifamily units, and very limited commercial and community-oriented facilities.

The Comprehensive Plan recommends density standards for residential development within the LDR and MDR.

For residential development, the Comprehensive Plan recommends the following approach to density for LDR and MDR:

- *LDR*: Gross density from one unit per acre up to four units per acre, if particular public benefits are provided. Examples of such public benefits include mixed-cost housing, affordable and workforce housing, enhanced environmental protection, or development that adheres to the principles of open space design.
- *MDR*: Gross density of four units per acre up to 12 units per acre, depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of proposed dwelling units and the degree to which the development is consistent with the Comprehensive Plan. Development at this density is not recommended unless it offer's particular public benefits. Examples of such public benefits include mixed-cost housing, affordable and workforce housing, and enhanced environmental protection.

At approximately four units per acre for the entire master planned area, this project aligns with the density recommended within the Comprehensive Plan. Staff finds the proffered proposal of 100% affordable housing units within this project and the proffer of LID

stormwater management or EarthCraft/LEED construction for all units meets the Comprehensive Plan recommendation for a significant public benefit.

It is of vital importance that the proposed independent living facility be of high quality design and complement the residential character of the area. This is due to the facility's proximity to and visibility from Richmond Road, which is classified as an Urban/Suburban CCC within the 2035 Comprehensive Plan Land Use Map.

The Comprehensive Plan states that the County should preserve and enhance the character of this portion of Richmond Road, given its designation as a CCC. This is due to the fact that CCCs within the County set the first impression that many visitors have of the area. Therefore, it is crucial that proposed development be of high quality design that is complementary to the existing character of the area.

Staff finds that the site layout and elevations submitted for the proposed independent living facility provides sufficient screening of the site and aligns with the goals of the CCC designation within the Comprehensive Plan.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the rezoning application with the proposed proffers and the SUP application with the proposed conditions to the Board of Supervisors.

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.

REZONING-19-0012/SPECIAL USE PERMIT 19-0020. Forest Heights Rezoning and Independent Living Facility

Staff Report for the November 6, 2019, Planning Commission Public Hearing

TW/nb

RZ19-12SUP19-20FHghts

Attachments:

1. August 13, 2019, Initiating Resolution
2. Location Map
3. Proposed Master Plan
4. Proposed Building Elevations
5. Design Guidelines
6. Community Impact Study
7. Fiscal Impact Worksheet
8. Existing Proffers
9. Proposed Proffers
10. Proposed Conditions

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

RESOLUTION

INITIATION OF REZONING WITHIN THE FOREST HEIGHTS ROAD AREA

WHEREAS, on December 13, 2011, the Board of Supervisors adopted an Ordinance rezoning 65 parcels in the Forest Heights redevelopment area from R-2, General Residential, to MU, Mixed Use, so that the reduced setback lines in the MU District could be used in the redevelopment area; and

WHEREAS, on September 11, 2012, the Board of Supervisors created the R-3, Residential Redevelopment District, to "encourage the replacement or reuse of existing buildings or previously developed sites to accommodate new residential development that provides benefits to the County, but would be difficult to achieve with other zoning districts"; and

WHEREAS, subsequent to the rezoning of the Forest Heights redevelopment area, it has been determined that the requirements of the MU, Mixed Use Zoning District including, but not limited to, the required inclusion of a non-residential element, are not desirable in the Forest Heights redevelopment area; and

WHEREAS, rezoning the Forest Heights redevelopment area to the R-3, Residential Redevelopment District, would comply with the Comprehensive Plan and would allow continued residential redevelopment without the required inclusion of a non-residential use; and

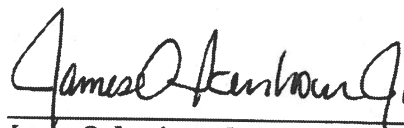
WHEREAS, staff has identified 68 relevant parcels in the Forest Heights redevelopment area that require rezoning to the R-3, Residential Redevelopment.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the rezoning of the following 68 parcels from their current zoning designation to R-3, Residential Redevelopment, shall be initiated and shall be considered by the Planning Commission and Board of Supervisors:

TAX MAP NO.	ADDRESS	OWNER
3221500002A	506 BENEFIT LANE	JAMES CITY COUNTY
3221500005	501 BENEFIT LANE	COWLES, LAKEISHA S.
3221500006	503 BENEFIT LANE	ROBINSON, ANGELIA Y.
3221500007	505 BENEFIT LANE	RODGERS, PAULA M.
3221500008	507 BENEFIT LANEN	MOORE, CHANDRE M.
3221500001A	100 FOREST HEIGHTS DRIVE	JAMES CITY COUNTY
3220100085A	174 FOREST HEIGHTS ROAD	JAMES CITY SERVICE AUTHORITY
3220400003	115 FOREST HEIGHTS ROAD	JOHNSON, INDIA
3220400032	170 FOREST HEIGHTS ROAD	CLARKE, BENJAMIN EDWARD ESTATE
3221500001	102 FOREST HEIGHTS ROAD	CHRISTIAN, ELAINE M. & MICHAEL A.
3221500002	104 FOREST HEIGHTS ROAD	BAKER, SHIRLEY
3221500003	108 FOREST HEIGHTS ROAD	SMITH, PAMELA A.

3221500004	112 FOREST HEIGHTS ROAD	STATEWIDE INC.
3221500009	124 FOREST HEIGHTS ROAD	TAYLOR, HAZEL & MORRIS E.
3221500010	128 FOREST HEIGHTS ROAD	BROWN, BESSIE L.
3221500011	132 FOREST HEIGHTS ROAD	BOWMAN, CLARINE R.
3221500012	136 FOREST HEIGHTS ROAD	BROWN, WILLIAM ALFRED
3221500013	138 FOREST HEIGHTS ROAD	WATSON, PAUL J. & PAULETTE
3221500014	142 FOREST HEIGHTS ROAD	BARBA, CHARLES D. & JOLLY MAE
3221500015	146 FOREST HEIGHTS ROAD	JAMES CITY COUNTY
3221500016	150 FOREST HEIGHTS ROAD	JAMES CITY COUNTY
3221500017	154 FOREST HEIGHTS ROAD	BILLUPS, ALLEN J. & EARLDEAN N.
3221500018	158 FOREST HEIGHTS ROAD	MOORE, GARY C. & GERALINE M.
3221500019	166 FOREST HEIGHTS ROAD	NOVAK, SEAN P.
3221500021	173 FOREST HEIGHTS ROAD	GUTIERREZ, RUBEN ARROYO TRUSTEE
3221500022	169 FOREST HEIGHTS ROAD	WILHOIT, TODD A. & PICAZO, CHRISTIAN
3221500023	165 FOREST HEIGHTS ROAD	SKY BLUE HOMES LLC
3221500024	153 FOREST HEIGHTS ROAD	BILLUPS, ALLEN J. & EARLDEAN N.
3221500025	149 FOREST HEIGHTS ROAD	BILLUPS, ALLEN J. & EARLDEAN N.
3221500026	145 FOREST HEIGHTS ROAD	BARTLETT, BETTY J.
3221500027	141 FOREST HEIGHTS ROAD	BARTLETT, BETTY J.
3221500028	137 FOREST HEIGHTS ROAD	ANDERSON, DORIS & ANDERSON, RENATA
3221500029	133 FOREST HEIGHTS ROAD	STILL, DERRICK T.
3221500030	129 FOREST HEIGHTS ROAD	STILL, DERRICK
3221500031	127 FOREST HEIGHTS ROAD	ASHLOCK, LEROY
3221500032	123 FOREST HEIGHTS ROAD	JAMES CITY COUNTY
3221500033	119 FOREST HEIGHTS ROAD	JAMES CITY COUNTY
3220100086	138 NEIGHBORS DRIVE	G GILLEY INVESTMENTS LLC
3220100087	139 NEIGHBORS DRIVE	MARTIN, EDWARD E. TRUSTEE
3220100088	104 NEIGHBORS DRIVE	BRABHAM, DENNIS J. III & CHRISTINA
3220100089A	102 NEIGHBORS DRIVE	REYNOLDS, SHARON
3220100090	101 NEIGHBORS DRIVE	WALLACE, CHARLENE FAY
3220100116	140 NEIGHBORS DRIVE	JAMES CITY COUNTY
3220500001	134 NEIGHBORS DRIVE	JAMES CITY COUNTY
3220500003	126 NEIGHBORS DRIVE	PRIOR, JANIE M.
3220500004	122 NEIGHBORS DRIVE	DE LEON, VICTOR A. TRUSTEE & JACQUELI
3220500005	118 NEIGHBORS DRIVE	KNOX-GIVENS, YULONDA D. & ROBINSON, R.
3220500006	116 NEIGHBORS DRIVE	SMITH, JEFFREY D. & LYNDA A.
3220500007	135 NEIGHBORS DRIVE	G GILLEY INVESTMENTS LLC
3220500008	131 NEIGHBORS DRIVE	BORNSTEIN, JANET C. & BENJAMIN A.
3220500009	127 NEIGHBORS DRIVE	JAMES CITY COUNTY

3220500010	123 NEIGHBORS DRIVE	CLEMENTE, FERNANDO & IRENE E.
3220500011	119 NEIGHBORS DRIVE	O'SHEA, KEVIN F. II & LISA A.
3220500012	115 NEIGHBORS DRIVE	JAMES CITY COUNTY
3220500013	111 NEIGHBORS DRIVE	BOWERS, ANTONETTE M.
3220500016	100 NEIGHBORS DRIVE	HERTZLER, DAVID L TRUSTEE
3220100076	6059 RICHMOND ROAD	CARRILLO, JUAN & EMELIA
3220100077	6051 RICHMOND ROAD	BAKER, RUSSELL & MARY LIFE ESTATE
3220100078	6047 RICHMOND ROAD	TAYLOR, STANFORD
3220100079	6043 RICHMOND ROAD	ROBINSON, EUNICE
3220100080	6039 RICHMOND ROAD	GRAY, MEL & SHANISE KOTINA
3220100081	6015 RICHMOND ROAD	SALVATION ARMY (THE)
3220100089	5981 RICHMOND ROAD	HERTZLER, DAVID L. TRUSTEE
3220100092	5943 RICHMOND ROAD	SMITH, ELSIE M.
3220100093	5941 RICHMOND ROAD	SMITH, MARTHA LEE MAURICE ESTATE
3220100094	5947 RICHMOND ROAD	SMITH, MARTHA LEE MAURICE ESTATE
3220100095	5939 RICHMOND ROAD	J & E INVESTMENTS LLC
3220500014	5951 RICHMOND ROAD	JAMES CITY COUNTY



James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:



Teresa J. Fellows
Deputy Clerk to the Board

HIPPLE
LARSON
SADLER
MCGLENNON
ICENHOUR

VOTES

AYE NAY ABSTAIN

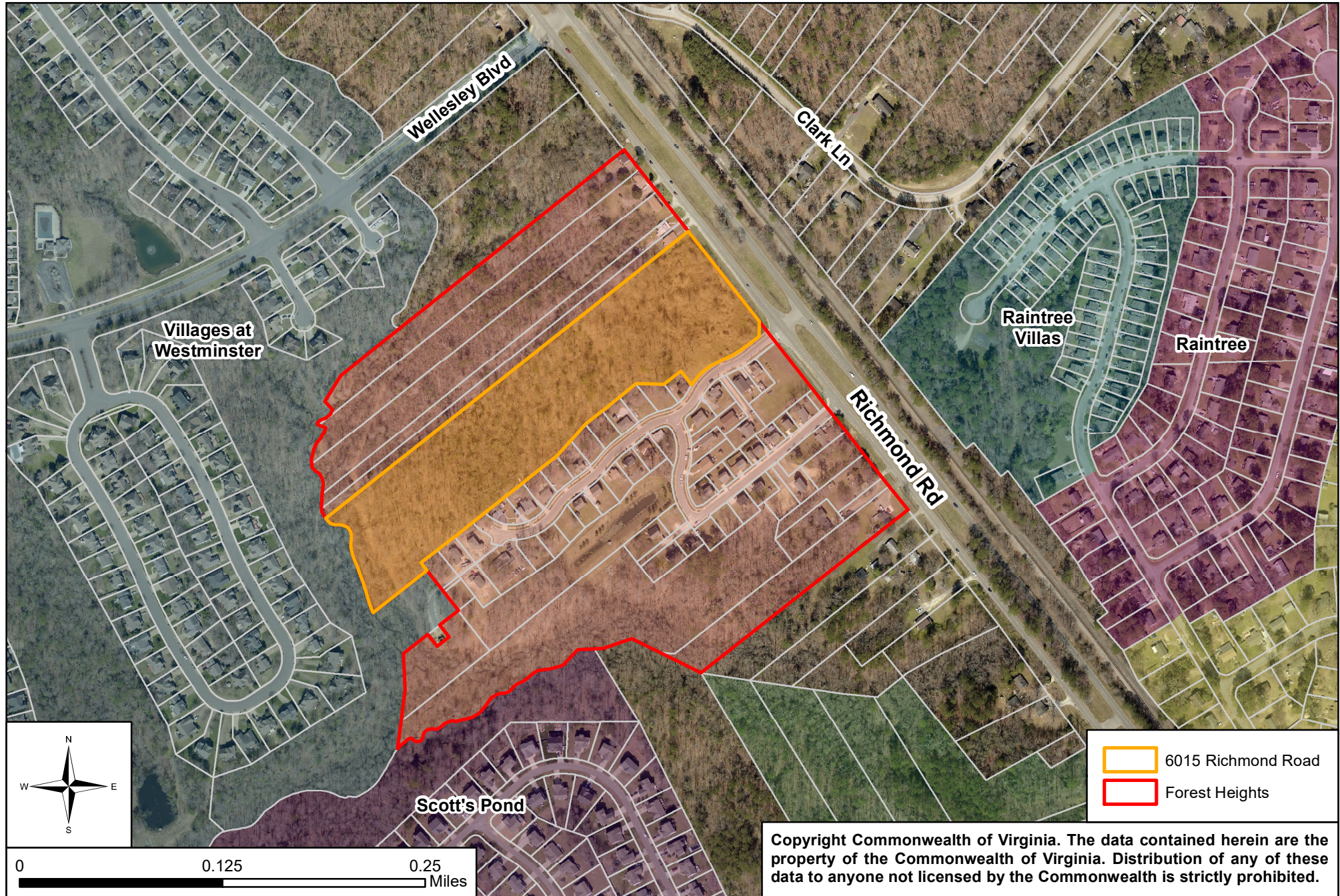
✓
Absent
✓
✓
✓

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of August, 2019.

InitRez-ForHts-res

JCC Z-19-0012/SUP-19-0020

Forest Heights Rezoning and Independent Living Facility



MASTER PLAN AMENDMENT FOR
**FOREST HEIGHTS
NEIGHBORHOOD**
JCC CASE NO.: Z-19-0012 / SUP-19-0020

JAMES CITY COUNTY

VIRGINIA

STATISTICAL INFORMATION

PROPERTY ADDRESS	6015 RICHMOND ROAD
TAX MAP No.	3220100081
EXISTING ZONING	ALL SUBJECT PROPERTIES ARE MU, MIXED USE, WITH PROFFERS.(SEE NOTE 4)
PROPOSED ZONING	ALL SUBJECT PROPERTIES ARE R-3, RESIDENTIAL REDEVELOPMENT DISTRICT, WITH PROFFERS.(SEE NOTE 4)
TOTAL SITE AREA	47.1± AC.
WATER	PUBLIC
SEWER	PUBLIC
HYDROLOGIC UNITS	
SUBWATERSHED	POWHATAN CREEK (JL31)
WATERSHED	JAMES RIVER-POWHATAN CREEK (JL-G)
SUBBASIN	LOWER JAMES
PARKING SPACES	
REQUIRED PARKING-MULTIFAMILY:	2.5 SPACES PER UNIT (46) 115 TOTAL SPACES
PROVIDED PARKING-MULTIFAMILY:	43 SPACES (PARKING LOTS) 1 GARAGE SPACE PER UNIT (46) 1 DRIVEWAY SPACE PER UNIT (46) 135 TOTAL SPACES
REQUIRED PARKING-SENIOR LIVING:	50 TOTAL APARTMENTS 1.5 SPACES PER SINGLE BEDROOM (17*1.5=26) 2.2 SPACES PER DOUBLE BEDROOM (21*2.2=46)
PROVIDED PARKING-SENIOR LIVING: (VARIANCE REQUIRED)	1 SPACE PER SINGLE BEDROOM (17) 2 SPACES PER DOUBLE BEDROOM (42) 62 TOTAL SPACES

VICINITY MAP

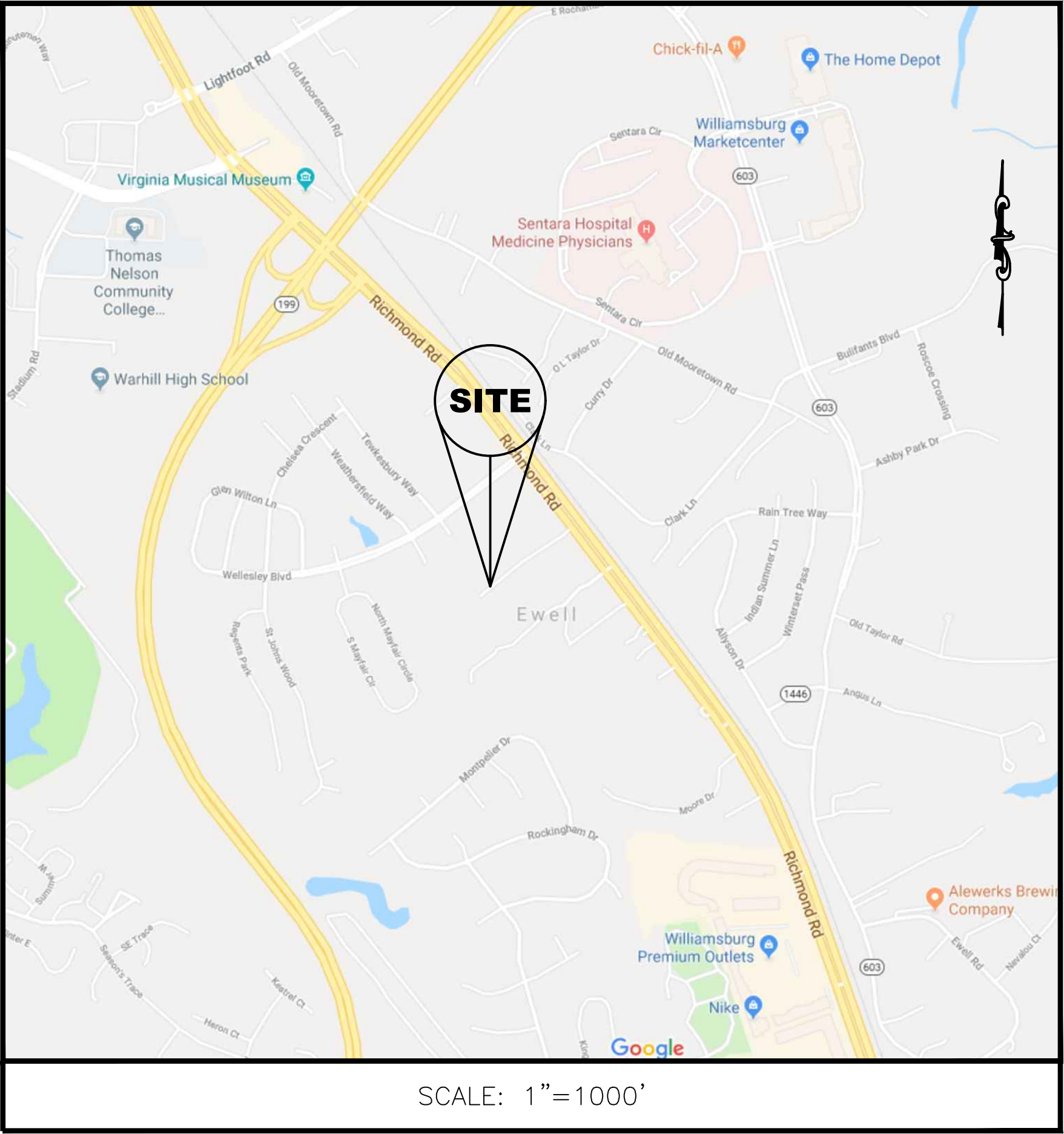


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SHEET NO.	SHEET TITLE
C0.01	COVER SHEET
C0.02	MASTER PLAN
C0.03	LAYOUT

NOTES:

- THIS MASTER PLAN WAS PRODUCED WITHOUT THE BENEFIT OF A TITLE REPORT.
- TOPOGRAPHIC INFORMATION IS SHOWN PER JAMES CITY COUNTY GIS MAPPING AT 2' INTERVALS.
- NO STRUCTURES WITHIN THE DEVELOPMENT SHALL EXCEED 45' IN HEIGHT.
- FOR PROFFERS REFER TO JCC Z-0001-2011 ADOPTED BY THE BOARD OF SUPERVISORS ON DECEMBER 13, 2011.
- ALL PARCELS SHALL BE SERVED BY PUBLIC WATER AND SEWER.
- CURB AND GUTTER STREETS ARE PROPOSED.
- THIS PROJECT IS LOCATED WITHIN THE POWHATAN CREEK WATERSHED.
- NEW RESIDENTIAL HOMES TO BE ASSOCIATED WITH NEW H.O.A., NOT EXISTING FOREST HEIGHTS H.O.A..

STORMWATER NOTES:

- THE FOLLOWING SSC PRACTICES SHALL NOT BE ACCEPTED FOR US IN THIS DEVELOPMENT TO SATISFY SSC AND VRRM: DISCONNECTION OF IMPERVIOUS AREA, SUMPED OR BOTTOMLESS INLETS, ENHANCED OUTLET PROTECTIONS, FILTER/BUFFER STRIPS, RECORD DRAWINGS OF STORM SYSTEMS, AND ADDITIONAL POLLUTANT LOAD REDUCTION.
- SHOULD THE 1.5 DENSITY BONUS POINTS SPECIFIED IN SEC. 24-273.7B OF THE ZONING ORDINANCE BE UTILIZED, THE FOLLOWING REQUIREMENTS FOR LID MEASURE SHALL BE MET:
 - AT LEAST THREE PRACTICES MUST BE INCLUDED IN EACH PROVIDED LID TREATMENT TRAIN.
 - AT LEAST TWO SEPARATE TREATMENT TRAINS MUST BE PROVIDED FOR THE DEVELOPMENT OF THE PROPERTY.
 - THE SWM LID FEATURED AT THE REAR OF THE PROPERTY, JUST UPLAND OF THE RPA, MUST INCLUDE AT LEAST ONE PRETREATMENT PRACTICE FOR EACH INLET DISCHARGE POINT.
- IF THE DESIGN FOR THIS PROJECT INTENDS TO DIRECT FLOWS IN PC289, THE FOLLOWING CONDITIONS MUST BE MET AT THE TIME OF THE SITE PLAN REVIEW:
 - CONTRIBUTING DRAINAGE MUST BE BELOW THE APPROVED PRE-DEVELOPMENT RATE FOR THE APPROXIMATELY 1.5 AC. THAT FLOWS TO THE EXISTING FOREST HEIGHTS BMP.
 - FULL STORM SYSTEM CALCULATIONS WILL BE REQUIRED TO ENSURE THE HYDRAULIC GRADE LINE DOES NOT CAUSE POTENTIAL PONDING OR FLOODING ISSUES DURING THE 10-YEAR STORM EVENT.
 - A JOINT DECLARATION OF COVENANTS/INSPECTIONS AND MAINTENANCE AGREEMENT MUST BE EXECUTED WITH THE COUNTY FOR THE APPROPRIATE PORTION OF CONTRIBUTING DRAINAGE AREA.

MASTER PLAN AMENDMENT FOR
**FOREST HEIGHTS
NEIGHBORHOOD**

VIRGINIA

JAMES CITY COUNTY

NO.	DATE	REVISION / COMMENT / NOTE
2	10/24/2019	REVISED FOR MU TO R-3 DEVELOPMENT
1	9/25/2019	REVISED FOR MU TO R-3 DEVELOPMENT



SCALE: N/A
DATE: 02-20-2019
JOB: 17-268
DRAWN BY: CG
C0.01
COVER SHEET
01 OF 03

SOILS TYPE	SOIL NAME	HYDROLOGIC SOIL GROUP	TYPICAL SLOPES	EROSION FACTOR (K_w)	EROSION FACTOR (T)	WATER TABLE UPPER LIMIT (FT)
11C	Craven Complex	C	6–10%	0.32	5	2.0–3.0
14B	Emporia Fine Sandy Loam	C	2–6%	0.24–0.28	4	3.0–4.5
15D	Emporia Complex	C	10–15%	0.24–0.28	4	3.0–4.5
29B	Slagle Fine Sandy Loam	C	2–6%	0.24–0.28	5	1.5–3.0
17	Johnston Complex	D	0–2%	0.17	5	0.0

SINGLE FAMILY - A
MULTI-FAMILY UP TO 4 UNITS - B
APARTMENTS - D
OPEN SPACE - J

1. DRY SWALES
2. BIORETENTION BASIN OR FILTER
3. WIDE FLAT BOTTOM SWALES
4. INFILTRATION TRENCHES/PITS
5. SUMPED OR BOTTOMLESS INLETS
6. ENHANCED OUTLET PROTECTION



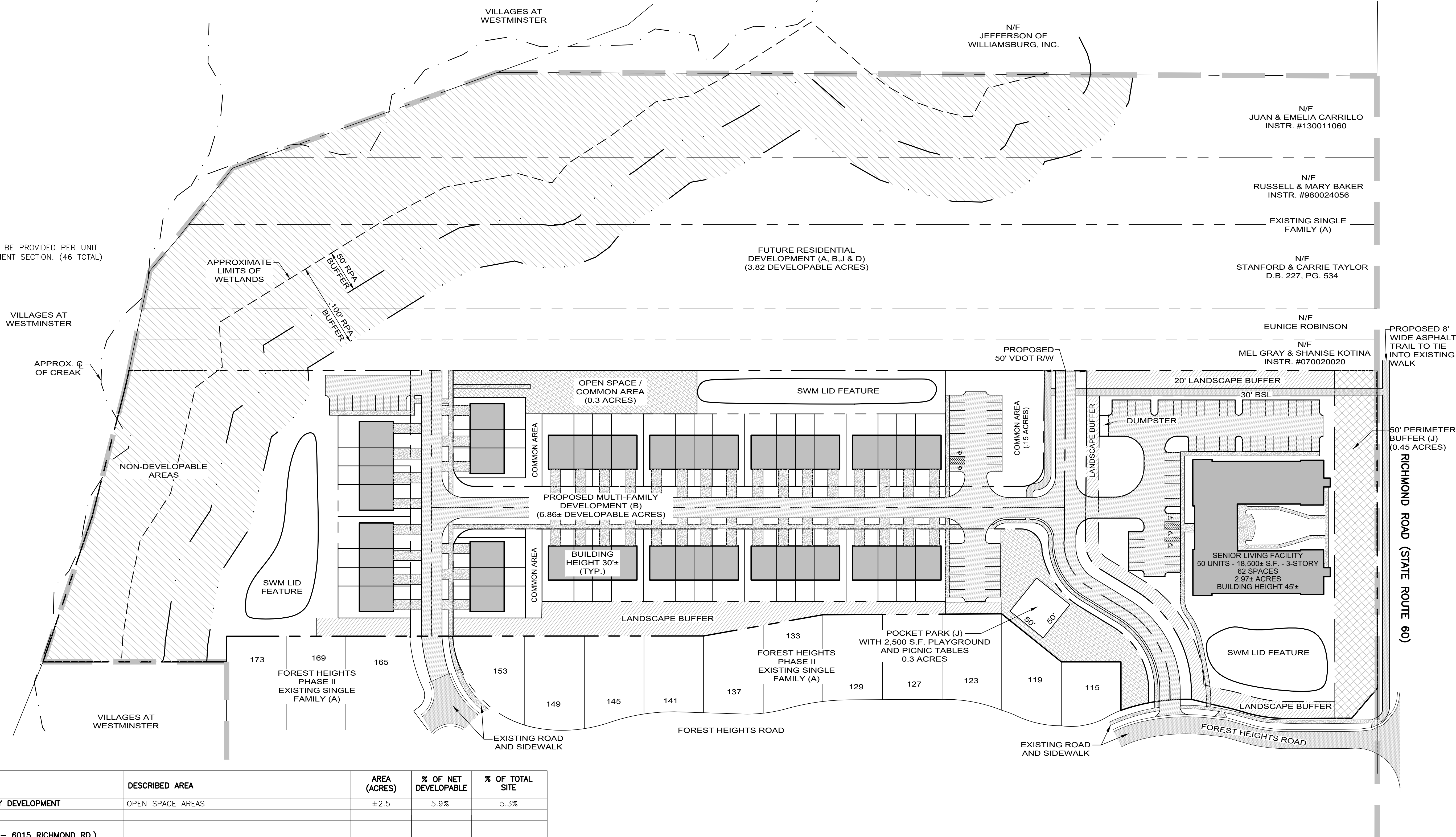
NET DEVELOPABLE AREA CALCULATION		
GROSS LAND AREA	±47.1	100.0%
AREAS SUBTRACTED		
25% SLOPES OR GREATER	±0.2	0.5%
RPA, FEMA ZONE A	±14.1	29.9%
SUBTOTAL	±14.3	30.4%
NET DEVELOPABLE AREA	±32.8	
AREAS SUBTRACTED/GROSS LAND AREA = PERCENT NON-DEVELOPABLE (14.3/47.1)*100=30.3%		
47.1*0.2 = 9.4 ACRES (PERCENT OF GROSS ACERAGE ADDED TO THE DEVELOPABLE LAND)		
32.8+9.4 = 42.2 (GROSS ACERAGE TO BE UTILIZED FOR DENSITY CALCULATION)		

DEVELOPABLE AREA (LAND USE BREAKDOWN)					
LAND USE AREA	USE DESIGNATION	GROSS AREA	PERCENT OF TOTAL SITE	TOTAL DWELLING UNITS	NON-DEVELOPABLE LAND
SINGLE FAMILY RESIDENTIAL	A	±23.61	50.1%	62	±8.33
OPEN SPACE	J	±3.80	8.1%	N/A	±0.02
MULTI-FAMILY DWELLING (UP TO 4 UNITS)	B	±8.44	17.9%	46	±1.49
SENIOR LIVING FACILITY	D	±2.97	6.3%	50	N/A
FUTURE RESIDENTIAL	A, B, & D	±8.28	17.6%	10	±5.00
TOTAL SUMMARY		±47.10	100.0%	168	

168 D.U. / 42.2 ACRES = 4.0 du/AC.

GENERAL NOTE:

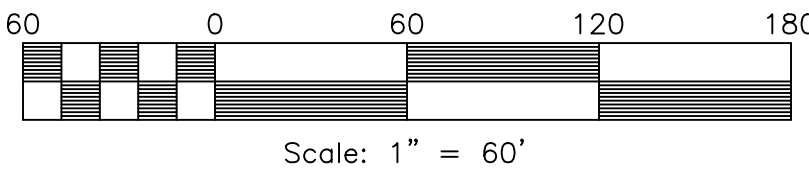
1. 1 GARAGE PARKING SPACE WILL BE PROVIDED PER UNIT IN THE MULTI-FAMILY DEVELOPMENT SECTION. (46 TOTAL)



OPEN SPACE SUMMARY

	DESCRIBED AREA	AREA (ACRES)	% OF NET DEVELOPABLE	% OF TOTAL SITE
EXISTING SINGLE FAMILY DEVELOPMENT	OPEN SPACE AREAS	±2.5	5.9%	5.3%
REMAINING PROPERTY (SALVATION ARMY SITE - 6015 RICHMOND RD.)				
MULTI-FAMILY RESIDENTIAL DEVELOPMENT	OPEN SPACE AREAS	±1.2	2.8%	2.5%
FUTURE RESIDENTIAL	OPEN SPACE AREAS	±1.3	3.1%	2.8%
TOTAL		±5.0	11.8%	8.5%

THE EXISTING 2.5 ACRES OF OPEN SPACE LISTED WITHIN THE EXISTING SINGLE FAMILY DEVELOPMENT IS MADE UP OF THE EXISTING PARK AND AREAS WITHIN THE NATURAL OPEN SPACE EASEMENT THAT LIES WITHIN AREAS OF DEVELOPABLE LANDS; THE EXACT LOCATION OF FUTURE OPEN SPACE AREAS WITHIN THE FUTURE RESIDENTIAL DEVELOPMENT HAVE NOT BEEN DETERMINED.

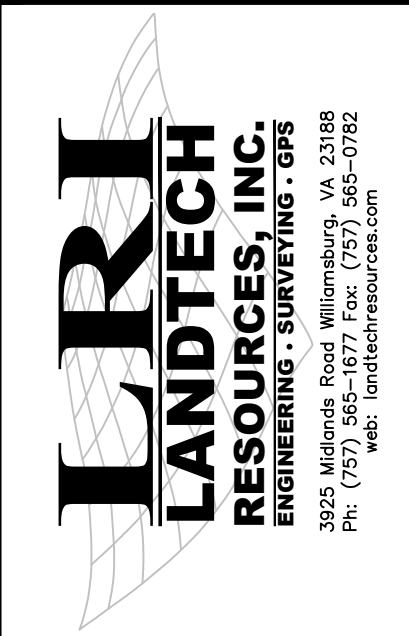
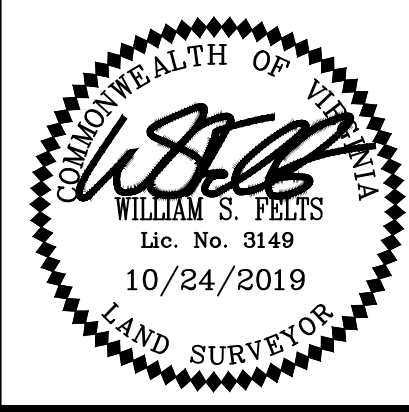


MASTER PLAN AMENDMENT FOR
FOREST HEIGHTS
NEIGHBORHOOD

VIRGINIA

JAMES CITY COUNTY

NO.	DATE	REVISION / COMMENT / NOTE
2	10/24/2019	REVISED FOR MU TO R-3 DEVELOPMENT
1	9/25/2019	REVISED FOR MU TO R-3 DEVELOPMENT



SCALE: 1" = 60

DATE: 02-20-2019

JOB: 17-268

DRAWN BY: CG

C0.03

LAYOUT

03 OF 03



1 FRONT ELEVATION



2 REAR ELEVATION



3 SIDE ELEVATION

dBF

Associates
Architects

P.O. Box 78
Charlottesville, VA 22902
(434) 977-2791
(434) 977-0593 (FAX)

FOREST HEIGHTS

JAMES CITY COUNTY, VIRGINIA

NO	DESCRIPTION	DATE
----	-------------	------

REVISIONS

EXTERIOR
ELEVATIONS

SCALE
3/32" = 1'-0"

DATE 9-26-19
DWN BY JDB
CHECKED BY RJFJR

PROJECT NO
V1922

DRAWING NO

A1

OF 1

Forest Heights Design Guidelines

May 22, 2019

TOWNHOMES AT FOREST HEIGHTS

EXTERIOR

DESIGN CONSIDERATIONS, SPECIFICATIONS AND FEATURES

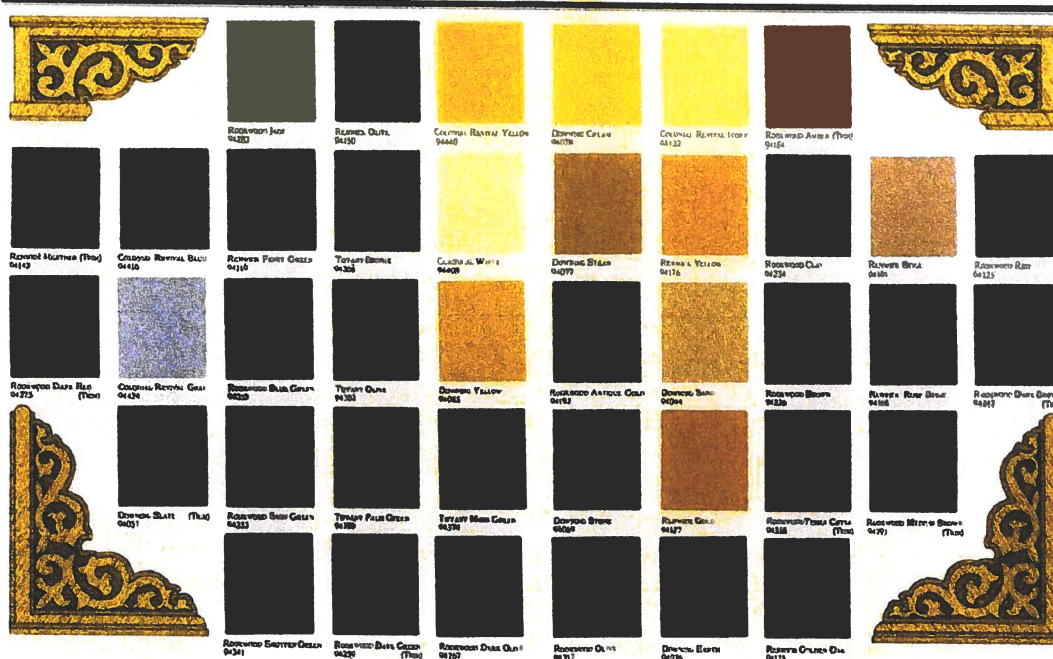
- 1. Foundations**
 - a. Raised slab and slab-on-grade
 - b. All sides must be parged or painted
- 2. Exterior Walls**
 - a. Preferred Siding Materials
 - i. Vinyl siding: .042 gauge minimum thickness
 - ii. Possibly brick or stone accents
- 3. Ceiling Framing**
 - a. First floor 9' ceiling height, Second floor 8' ceiling height
- 4. Roofing**
 - a. Shingles Dimensional/Architectural, Fungus/Algae Resistant with a minimum 25-year warranty
 - b. Shingle colors uniform throughout Townhome project
- 5. Gutters and Downspouts**
 - a. Gutters and downspouts with splash blocks or corrugated plastic pipes buried
- 6. Windows**
 - a. Windows with screens; if single-hung, may be factory applied half-screen.
 - b. Tilt-sash
 - c. Low-E, thermal insulated.
 - d. Muntins/Grilles between glass.
 - e. Raised panel window shutters vinyl - per plan
- 7. Entrances and Exterior Detail**
 - a. No unpainted columns or railings visible on the front of the house
 - b. Prefinished aluminum cladding on all exterior wood trim - white
 - c. Vinyl attic vents and soffits - if required
 - d. Raised panel entrance door
 - e. Dead bolt lock(s)
- 8. Paint** – Front doors colors similar to Sherwin Williams Heritage Colors
- 9. Garage Doors** - On some units - White
- 10. Walks and Driveways**
 - a. Concrete walkway from steps to driveway, as appropriate (3' width)
 - b. Concrete driveways broomed gray finish

Sherwin Williams proudly presents Heritage Colors™ - 40 historic Nineteenth Century hues that capture the grace and elegance of another era. Heritage Colors have been authenticated by Dr. Roger Moos, and documented in his book, *Century of Color - Exterior Decoration for American Buildings, 1820-1920*.

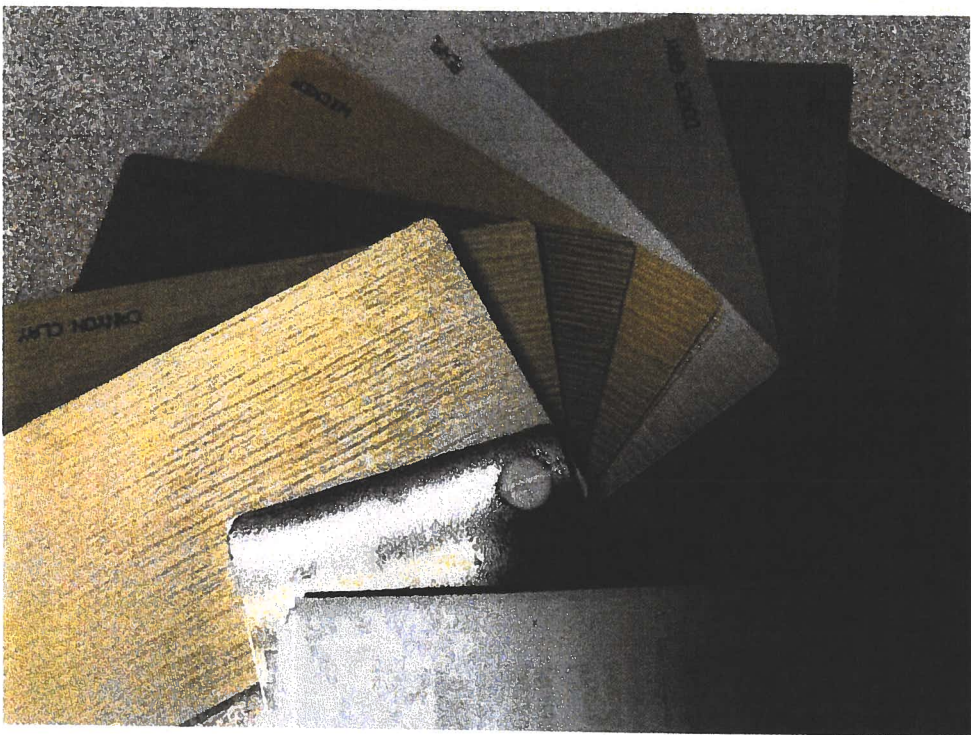
Restore classic beauty to your Traditional or Victorian styled home with a selection from this distinguished collection - the best of America's past. Heritage Colors are available in **• SUPERPAINT™ Exterior Latex House & Trim Paint**...The best paint ever made by Sherwin Williams **• SWP® Gloss House & Trim Paint (Oil Base)**



HERITAGE COLORS™ 1820-1920

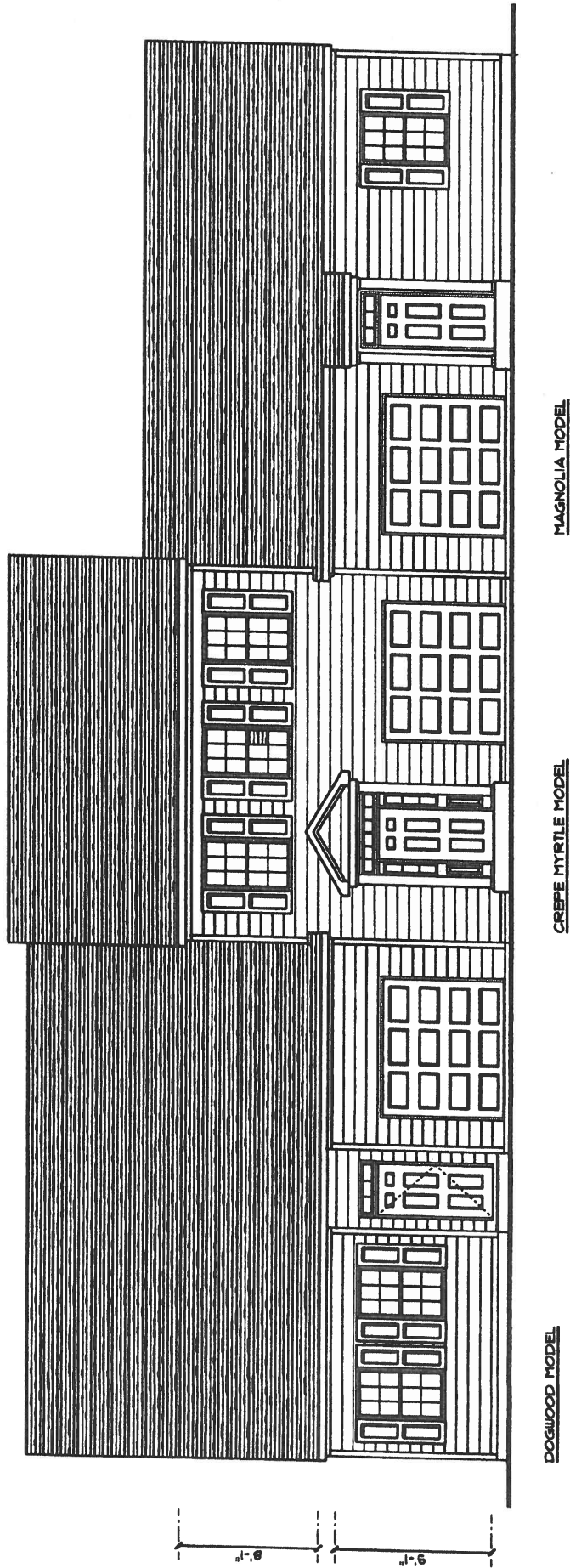


Suggested Front Door Colors

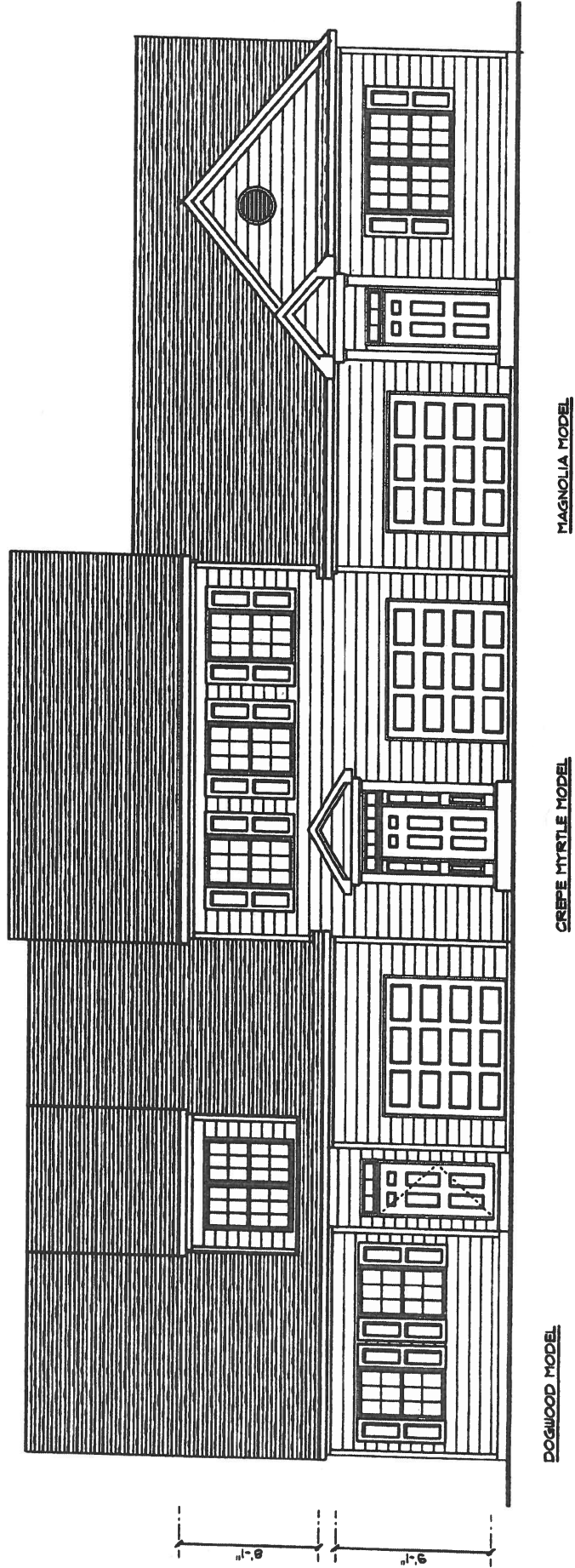


Suggested Siding Colors

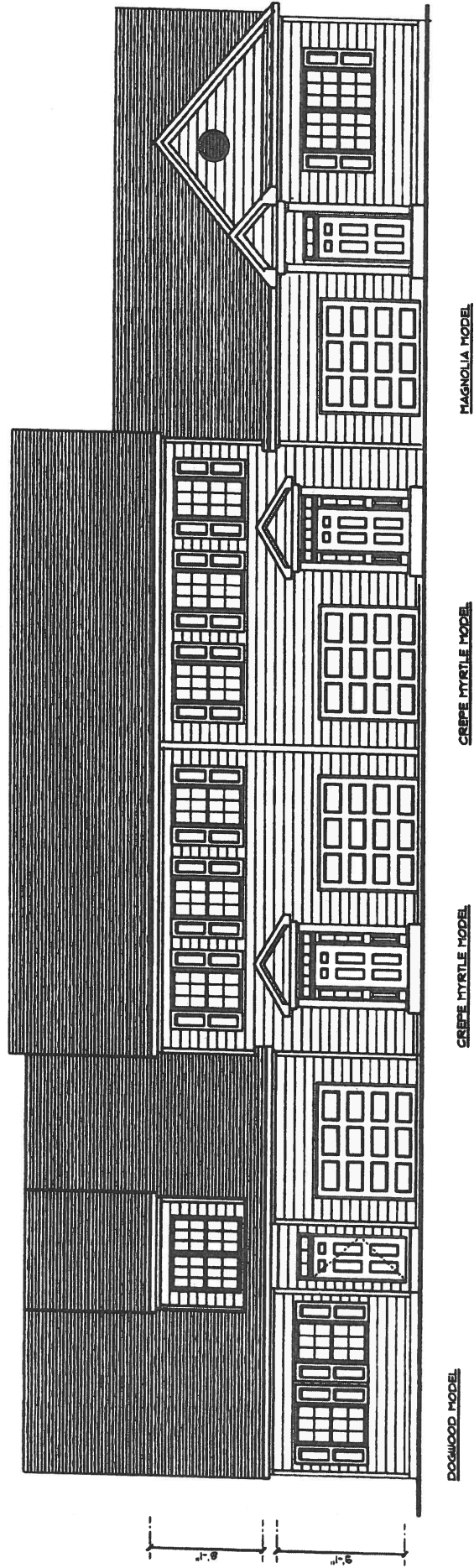
Townhomes At Forest Heights



PROPOSED FRONT ELEVATION



PROPOSED FRONT ELEVATION - 3 UNIT BUILDING



PROPOSED FRONT ELEVATION - 4 UNIT BUILDING



LANDTECH RESOURCES, INC.

Community Impact Study

For

SUP-19-0020

**Forest Heights Master Plan,
Proffer Amendment, and Rezoning**

James City County, Virginia

Preparation Date:

September 25, 2019

Revised Date:

October 24, 2019

LRI Project No. 17-268

ENGINEERING AND SURVEYING CONSULTANTS

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Project Overview and Existing Conditions

Project Site Information

Project/Site Name: Forest Heights Master Plan, Proffer Amendment. And Rezoning

Project Street/Location: 6015 Richmond Road

City/County: Williamsburg **State:** Virginia **ZIP Code:** 23188

Municipality: James City County

Map #: 32220100081

Private / Public / Federal / State: Private

Residential / Commercial / Industrial / Other (specify): Residential/Commercial

County (or City) Site Plan Number (if applicable): Z-19-0012 / Z-0001-2011 / SUP-19-0020

Total Site Area: 47.1 Acres

i) Project Narrative and Description

In 2011 the Forest Heights Master plan was approved by the James City County Board of supervisors. The project consisted of rezoning 47.1 Acres to Mixed Use (MU) as well as the realignment and new construction of Forest Heights Road, Benefit Lane, and Neighbors Drive. To the north west of Forest Heights Road the previously submitted Traffic Study in the Community Impact Study dated July 14, 2011 and received by the county in August of 2011 proposed the development of a Salvation Army, 12 Single Family Detached Homes, 24 Townhome Units and 26 Apartments. Select pages from the previously submitted Community Impact Study have been provided in Appendix E. Those improvements were never developed triggering this master plan and proffer amendment for any new development on the 11.4 Ac. lot owned by the Salvation Army.

The master plan and proffer amendment focuses only on the proposed development at 6015 Richmond Road which consists of 11.4 Ac. out of the entire 47.1 Ac in the original master plan. The proposed development consists of the construction of a new road to connect to both the front and end of Forest Heights Road, 12 Multi-Family buildings consisting of 46 units, and a 50-unit Senior Independent Living Facility. The multi-family units will have three parking lots available for additional parking above the driveway and garage parking. All 46 multi-family units will meet the requirements for the James City County Housing Opportunities Policy. At least of four (4) dwelling units will be offered to households earning 30%-60% of Area Mean Income. At least of four (4) dwelling units will be offered to households earning 60%-80% of Area Mean Income. All remaining dwelling units will be offered to households earning 30%-120% of Area Mean Income. The 50 units within the Senior Independent Living Facility will be proffered as affordable housing and will be targeted at the income range of 30%-60% of Area Median Income.

ii) Analysis of Existing Public Facilities and Services

- a) Using the James City County Fiscal Impact Analysis Worksheet it is expected that the proposed development would generate 7.82 students. The estimate was determined by only using the multifamily line item as the senior living apartments will be proffered as age-restricted, thus not generating any schoolchildren. In the draft copy of the Williamsburg James City County School Board 2020 capital improvement project budget there are multiple school expansions proposed. The budget proposes the construction of a new elementary school along with the expansion of the three existing high schools. In the fall of 2018 WJCC opened a new middle school to help with the growing James City County community. The already in place improvements as well as the proposed will alleviate any burden of new students created by this development.

School	School Children*
Norge Elementary	+/- 3
Hornsby Middle School	+/- 2
Warhill High School	+/- 3

	Total: 8
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- Numbers are rounded up
- b) The proposed development will be served by an existing James City Service Authority 12” water main located along Richmond Road and be connected to an existing JCSA 8” waterline stubbed out at the end of Forest Heights Road. The demand from the new development will generate an additional 29,760 gallons per day. This equates to 20.67 gpm average demand, 35.13 gpm max. day demand, and 82.67 gpm peak hour demand. Water demand calculations have been provided in Appendix A.
- c) Wastewater generated by the proposed development will be tied into an existing 12” sewer lateral and flow to an existing JCSA Lift Station (6-2). From the lift station the waste water is pumped through an existing 8” force main to an existing 24” HRSD force main located in the Richmond Road median. An additional 29,760 gallons per day of wastewater will be generated and flow into JCSA Lift Station 6-2. The peak flow from the improvements will be 71.35 GPM. Through an initial meeting with JCSA it was determined that Lift Station 6-2 will have the adequate capacity to service the additional flow. Wastewater generation calculations have been provided in Appendix B.
- d) The project site is in a very central location within James City County that allows for multiple fire stations to be in proximity as well as Sentara Williamsburg Regional Medical Center. James City County currently has 5 fire stations that cover both emergency medical services and fire protection. JCC station #4 is located the closest on Olde Towne Road and is approximately 2.1 mi. from the development. The county also has a mutual aid agreement with York County and the City of Williamsburg. With station #4 having a response time of 4 minutes and three other stations within a 10-minute response time there is adequate county EMS protection for the development.
- e) Dominion Power provides electrical service for this area of James City County. All new utilities will be placed underground per JCC requirements.
- f) Solid waste pickup will be provided by private contracts by each individual home. The senior living facility will have a separate contract for solid waste pickup. Solid waste haulers will work to ensure waste is picked up and disposed of in accordance with local health standards.
- g) Per the James City County Recreational Facility Development Guidelines the entire master planned area of 47.1 Acres was recommended to have the following amenities:
 - 1 Sport Court or Pool
 - 1 Field
 - 1 pocket park at a minimum of 0.3 Acres.
 - 1 Playground
 - 8’ wide trail that is a minimum of 0.4 miles long.

Based on the available 11.4 Acre area of this proposed Master Plan Amendment the following items have been provided. One pocket park to include a 2,500 S.F. playground, and 0.14 miles of an 8’ wide multi use path. There is also additional common area that will remain open to allow for gathering areas. In lieu of the construction of a Sport Court or Pool and Field, due to the size of the site, cash proffers have been offered.

- h) Per section 24-273.9 of the James City County Zoning Ordinance there will be 1 Ac. of open space provided on the 11.4 Ac. parcel. The requirement will be met through a pocket park at 0.3 Ac., Open Space and Common area totaling 0.55 Ac., 50' Perimeter Buffer totaling 0.45 Acres and the 8' wide multiuse path at 0.08 Ac.. These areas will be spread throughout the development to allow for space between the different residential area.

iii) Analysis of Stormwater Management

Stormwater for the site will be treated with three onsite stormwater management facilities. The square footage for these facilities was determined by VRRM compliance spreadsheet and provided in Appendix C. Final stormwater layout and design will be provided with submittal of site plan documents.

iv) Environmental Constraints Analysis

(1) Hydraulic Features:

- (a) Location of all bodies of water such as streams, ponds, lakes, impoundments, rivers:
 - The centerline of the existing stream is shown on the master plan.
- (b) Name of watershed in which the project is located:
 - The project is located in the Powhatan Creek and Lower James River watersheds
- (c) Approximate location of tidal and non-tidal wetlands (e.g. sinkholes, wetland, springs, seeps, etc);
 - Approximate edge of wetlands are shown on the master plan
- (d) Approximate location of perennial and intermittent streams;
 - Perennial and intermittent streams exist along the northern, western, and southern boundaries of the property per AES community impact study completed July 14, 2011
- (e) Description of receiving streams:
 - The site will flow into a flat bottom at the western part of the site. This channel flows into the Longhill Swamp and ultimately the Powhatan Creek.
- (f) Floodplain:
 - The floodplain has been shown on the master plan per FEMA community panel #51095C0128D 12/16/2015

(2) Physical Features

- (a) Approximate location of steep slopes greater than 25 percent:
 - 0.2 Ac. of steep slopes exist on site.
- (b) Soil types:
 - The different soil types located on the site are shown on sheet 2 of the master plan.
- (c) Soils erodibility based on the County Soils survey:

- A table is provided on sheet 2 of the master plan and includes the soils erodibility factor
- (d) Area of forest, woodland cover and wildlife corridors:
 - The entire 11.4 Ac. site is wooded.
- (e) Pre-development topography based on County GIS
 - County contours are provided on sheet 2 of the master plan for 6015 Richmond Road

(3) Prohibited or Restricted Development Areas:

- (a) Location of required buffers and existing conservation easements:
 - 100' and 50' buffers as well as existing natural open space easements are shown on the master plan
- (b) Sites with known populations of rare, threatened or endangered species of plants or animals per studies done in accordance with the Natural Resource Policy
 - Per the Community Impact Study completed by AES consulting Engineers on July 14, 2011 there is not a concern of the development impacting any rare, threatened or endangered species.
- (c) Location of trees to be preserved in accordance with the Chesapeake Bay Preservation Ordinance
 - No clearing will be done in the RPA besides what is required to outfall stormwater at the toe of slope as well as tie into the existing 12" JCSA gravity sewer line.
- (d) Preliminary location of Resources Protection Areas and legal wetlands:
 - RPA as well as the edge of wetlands is shown on the proposed master plan.

(4) Existing and Proposed Changes to the Site:

- (a) The nature of existing and approved but not yet built development on the site:
 - The site was previously approved for a Salvation Army, 12 Single Family homes, 24 Townhome Units and 26 Apartments. The site remains wooded and undisturbed as none of those improvements or their infrastructure was installed.
- (b) Location of Surrounding properties and neighborhoods:
 - The property is surrounded by Richmond Rd. to the north east, single family lots to the south and north, as well as Scotts Pond and Villages at Westminster Homeowners common area to the south and west.
- (c) Proposed limit of disturbance and a disturbance area estimate:
 - The proposed limits of disturbance for the 11.4 Ac. parcel will be roughly 9.9 Ac.
- (d) Calculation of existing and proposed pervious and impervious areas
 - The existing lot is wooded which roughly 1.5 Ac. will remain wooded, 5.1 Ac. will be managed turf, and 4.39 Ac. will be impervious cover.
- (e) If used, description of Better Site Design or Low Impact Development techniques (e.g. pervious pavement, walks, infiltration areas, etc.):

- The proposed stormwater management facilities are bioretention ponds that will infiltrate stormwater and treat the pollutant loads.
- (f) Description of how disturbance is being minimized, indigenous vegetation is being preserved, and impervious cover is being reduced:
 - Impervious cover was reduced to the minimum amount to allow for development as well as connectivity within the development. Open areas and landscape areas will be utilized to divide the different proposed improvements.

v) Traffic Impact Analysis (Provided by DRW Consultants, LLC)

Attached in Appendix D is the traffic impact study completed by DRW Consultants, LLC. The study shows that the original traffic impacts from this section of the Master Plan, and what is proposed in this Master Plan Amendment are equal or less. Both AM peak hour and daily trips are below what was previously planned, and PM peak hour trips remain the same. The previous traffic study required a right turn taper and no improvements to the median in Route 60. Though there was no requirement for improvement in the median, the work was still completed. With this amendment not increasing any trips to the site as well as the additional work being completed in the median, no additional traffic improvements are proposed.

Appendix A

Water Demand Calculations



**Forest Heights Master Plan Amendment
James City County, Virginia
Water Demand
LRI Job #17-268
9/25/2019**

Existing Water Generation

<u>Improvement</u>	Use	Flow Rate	Flow Duration (hrs)	#Units	Avg. Daily Flow (gpd)	Avg. Demand (gpm)	Max Day (pf=1.7) Demand (gpm)	Peak Hr (pf=4.0) Demand (gpm)
Ex. Single Family	Residential	310 (GPD/Unit)	24	61 Lots	18,910	13.13	22.32	52.52
					Total Daily Demand = 18,910 GPD			
					Average Demand = 13.13 GPM			
					Maximum Day Demand = 22.32 GPM			
					Peak Hour Demand = 52.52 GPM			

Proposed Water Generation

<u>Improvement</u>	Use	Flow Rate	Flow Duration (hrs)	#Units	Avg. Daily Flow (gpd)	Avg. Demand (gpm)	Max Day (pf=1.7) Demand (gpm)	Peak Hr (pf=4.0) Demand (gpm)
Multi-Family	Residential	310 (GPD/Unit)	24	46	14,260	9.90	16.83	39.61
Senior Living Facility	Apartments	310 (GPD/Unit)	24	50	15,500	10.76	18.30	43.06
Ex. Single Family	Residential	310 (GPD/Unit)	24	61 Lots	18,910	13.13	22.32	52.52
					Total Daily Demand = 48,670 GPD			
					Average Demand = 33.80 GPM			
					Maximum Day Demand = 57.45 GPM			
					Peak Hour Demand = 135.19 GPM			

Additional Demands Created by Project

Daily 29,760 GPD
Average 20.67 GPM
Max Day 35.13 GPM
Peak Hr. 82.67 GPM

Appendix B

Wastewater Generation Calculations



**Forest Heights Master Plan Amendment
James City County, Virginia
Wastewater Generation
LRI Job #17-268
9/25/2019**

Existing Wastewater Generation

<u>Improvement</u>	Use	Flow Rate	Flow Duration (hrs)	#Units	Avg. Daily Flow (gpd)	Avg. Flow (gpm)	Peak Factor	Peak Flow (gpm)
Ex. Single Family	Residential	310 (GPD/Unit)	24	61 Lots	18,910	13.13	2.5	32.83
					Total Daily Flow = 18,910 GPD			
					Total Peak Flow = 34.43 GPM			
					Total Avg. Daily Flow (ADF) = 13.13 GPM			
					Minimum Flow (ADF / 2)= 6.57 GPM			

Proposed Wastewater Generation

<u>Improvement</u>	Use	Flow Rate	Flow Duration (hrs)	#Units	Avg. Daily Flow (gpd)	Avg. Flow (gpm)	Peak Factor	Peak Flow (gpm)
Multi-Family	Residential	310 (GPD/Unit)	24	46	14,260	9.9	2.5	24.75
Senior Living Facility	Apartments	310 (GPD/Unit)	24	50	15,500	10.76	2.5	26.91
Ex. Single Family	Residential	310 (GPD/Unit)	24	61 Lots	18,910	13.13	2.5	32.83
					Total Daily Flow = 48,670 GPD			
					Total Avg. Daily Flow (ADF) = 33.79 GPM			
					Total Peak Flow = 84.48 GPM			
					Minimum Flow (ADF / 2)= 42.24 GPM			

Additional Flows Created by Project

Daily Flow - 29,760 GPD

Peak Flow - 71.35 GPM

Appendix C

VRRM Spreadsheets

Drainage Area A

CLEAR BMP AREAS

Drainage Area A Land Cover (acres)

	A Soils	B Soils	C Soils	D Soils	Totals	Land Cover Rv
Forest/Open Space (acres)					0.00	0.00
Managed Turf (acres)		2.37	1.05	1.76	5.18	0.22
Impervious Cover (acres)		2.10	0.88	1.41	4.39	0.95
Total					9.57	

Total Phosphorus Available for Removal in D.A. A (lb/yr)	12.12
Post Development Treatment Volume in D.A. A (ft³)	19,295

Stormwater Best Management Practices (RR = Runoff Reduction)

--Select from dropdown lists--

Practice	Runoff Reduction Credit (%)	Managed Turf Credit Area (acres)	Impervious Cover Credit Area (acres)	Volume from Upstream Practice (ft³)	Runoff Reduction (ft³)	Remaining Runoff Volume (ft³)	Total BMP Treatment Volume (ft³)	Phosphorus Removal Efficiency (%)	Phosphorus Load from Upstream Practices (lb)	Untreated Phosphorus Load to Practice (lb)	Phosphorus Removed By Practice (lb)	Remaining Phosphorus Load (lb)	Downstream Practice to be Employed
1. Vegetated Roof (RR)													
1.a. Vegetated Roof #1 (Spec #5)	45				0	0	0	0		0.00	0.00	0.00	
1.b. Vegetated Roof #2 (Spec #5)	60				0	0	0	0		0.00	0.00	0.00	

2. Rooftop Disconnection (RR)													
2.a. Simple Disconnection to A/B Soils (Spec #1)	50			0	0	0	0	0	0.00	0.00	0.00	0.00	
2.b. Simple Disconnection to C/D Soils (Spec #1)	25			0	0	0	0	0	0.00	0.00	0.00	0.00	
2.c. To Soil Amended Filter Path as per specifications (existing C/D soils) (Spec #4)	50			0	0	0	0	0	0.00	0.00	0.00	0.00	
2.d. To Dry Well or French Drain #1, Micro-Infiltration #1 (Spec #8)	50			0	0	0	0	25	0.00	0.00	0.00	0.00	
2.e. To Dry Well or French Drain #2, Micro-Infiltration #2 (Spec #8)	90			0	0	0	0	25	0.00	0.00	0.00	0.00	
2.f. To Rain Garden #1, Micro-Bioretenction #1 (Spec #9)	40			0	0	0	0	25	0.00	0.00	0.00	0.00	
2.g. To Rain Garden #2, Micro-Bioretenction #2 (Spec #9)	80			0	0	0	0	50	0.00	0.00	0.00	0.00	
2.h. To Rainwater Harvesting (Spec #6)	0			0	0	0	0	0	0.00	0.00	0.00	0.00	
2.i. To Stormwater Planter, Urban Bioretenction (Spec #9, Appendix A)	40			0	0	0	0	25	0.00	0.00	0.00	0.00	

3. Permeable Pavement (RR)													
3.a. Permeable Pavement #1 (Spec #7)	45			0	0	0	0	25	0.00	0.00	0.00	0.00	
3.b. Permeable Pavement #2 (Spec #7)	75				0	0	0	25		0.00	0.00	0.00	

4. Grass Channel (RR)													
4.a. Grass Channel A/B Soils (Spec #3)	20			0	0	0	0	15	0.00	0.00	0.00	0.00	
4.b. Grass Channel C/D Soils (Spec #3)	10			0	0	0	0	15	0.00	0.00	0.00	0.00	
4.c. Grass Channel with Compost Amended Soils as per specs (see Spec #4)	30			0	0	0	0	15	0.00	0.00	0.00	0.00	

5. Dry Swale (RR)													
5.a. Dry Swale #1 (Spec #10)	40			0	0	0	0	20	0.00	0.00	0.00	0.00	
5.b. Dry Swale #2 (Spec #10)	60			0	0	0	0	40	0.00	0.00	0.00	0.00	

6. Bioretenction (RR)													
6.a. Bioretenction #1 or Micro-Bioretenction #1 or Urban Bioretenction (Spec #9)	40			0	0	0	0	25	0.00	0.00	0.00	0.00	

Nitrogen Removal Efficiency (%)	Nitrogen Load from Upstream Practices (lbs)	Untreated Nitrogen Load to Practice (lbs)	Nitrogen Removed By Practice (lbs)	Remaining Nitrogen Load (lbs)
1. Vegetated Roof (RR)				
0		0.00	0.00	0.00
0		0.00	0.00	0.00

2. Rooftop Disconnection (RR)				
0	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00
15	0.00	0.00	0.00	0.00
15	0.00	0.00	0.00	0.00
40	0.00	0.00	0.00	0.00
60	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00
40	0.00	0.00	0.00	0.00

3. Permeable Pavement (RR)				
25	0.00	0.00	0.00	0.00
25		0.00	0.00	0.00

4. Grass Channel (RR)				
20	0.00	0.00	0.00	0.00
20	0.00	0.00	0.00	0.00
20	0.00	0.00	0.00	0.00

5. Dry Swale (RR)				
25	0.00	0.00	0.00	0.00
35	0.00	0.00	0.00	0.00

6. Bioretenction (RR)				
40	0.00	0.00	0.00	0.00

6.b. Bioretention #2 or Micro-Bioretention #2 (Spec #9)	80	5.18	4.39	0	15,436	3,859	19,295	50	0.00	12.11	10.90	1.21	
7. Infiltration (RR)													
7.a. Infiltration #1 (Spec #8)	50			0	0	0	0	25	0.00	0.00	0.00	0.00	
7.b. Infiltration #2 (Spec #8)	90			0	0	0	0	25	0.00	0.00	0.00	0.00	
8. Extended Detention Pond (RR)													
8.a. ED #1 (Spec #15)	0			0	0	0	0	15	0.00	0.00	0.00	0.00	
8.b. ED #2 (Spec #15)	15			0	0	0	0	15	0.00	0.00	0.00	0.00	
9. Sheetflow to Filter/Open Space (RR)													
9.a. Sheetflow to Conservation Area, A/B Soils (Spec #2)	75			0	0	0	0	0	0.00	0.00	0.00	0.00	
9.b. Sheetflow to Conservation Area, C/D Soils (Spec #2)	50			0	0	0	0	0	0.00	0.00	0.00	0.00	
9.c. Sheetflow to Vegetated Filter Strip, A Soils or Compost Amended B/C/D Soils (Spec #2 & #4)	50			0	0	0	0	0	0.00	0.00	0.00	0.00	

TOTAL IMPERVIOUS COVER TREATED (ac)	4.39	AREA CHECK: OK.
TOTAL MANAGED TURF AREA TREATED (ac)	5.18	AREA CHECK: OK.
TOTAL RUNOFF REDUCTION IN D.A. A (ft³)	15,436	
TOTAL PHOSPHORUS AVAILABLE FOR REMOVAL IN D.A. A (lb/yr)	12.12	
TOTAL PHOSPHORUS REMOVED WITH RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr)	10.90	
TOTAL PHOSPHORUS REMAINING AFTER APPLYING RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr)	1.22	
SEE WATER QUALITY COMPLIANCE TAB FOR SITE COMPLIANCE CALCULATIONS		

60	0.00	86.63	79.70	6.93
7. Infiltration (RR)				
15	0.00	0.00	0.00	0.00
15	0.00	0.00	0.00	0.00
8. Extended Detention Pond (RR)				
10	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00
9. Sheetflow to Filter/Open Space (RR)				
0	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00

TOTAL RUNOFF REDUCTION IN D.A. A (ft³)	15,436
NITROGEN REMOVED WITH RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr)	79.70
SEE WATER QUALITY COMPLIANCE TAB FOR SITE CALCULATIONS (Information Only)	

10. Wet Swale (no RR)													
10.a. Wet Swale #1 (Spec #11)	0			0	0	0	0	20	0.00	0.00	0.00	0.00	
10.b. Wet Swale #2 (Spec #11)	0			0	0	0	0	40	0.00	0.00	0.00	0.00	
11. Filtering Practices (no RR)													
11.a.Filtering Practice #1 (Spec #12)	0			0	0	0	0	60	0.00	0.00	0.00	0.00	
11.b. Filtering Practice #2 (Spec #12)	0			0	0	0	0	65	0.00	0.00	0.00	0.00	
12. Constructed Wetland (no RR)													
12.a.Constructed Wetland #1 (Spec #13)	0			0	0	0	0	50	0.00	0.00	0.00	0.00	
12.b. Constructed Wetland #2 (Spec #13)	0			0	0	0	0	75	0.00	0.00	0.00	0.00	
13. Wet Ponds (no RR)													
13.a. Wet Pond #1 (Spec #14)	0			0	0	0	0	50	0.00	0.00	0.00	0.00	
13.b. Wet Pond #1 (Coastal Plain) (Spec #14)	0			0	0	0	0	45	0.00	0.00	0.00	0.00	
13.c. Wet Pond #2 (Spec #14)	0			0	0	0	0	75	0.00	0.00	0.00	0.00	
13.d. Wet Pond #2 (Coastal Plain) (Spec #14)	0			0	0	0	0	65	0.00	0.00	0.00	0.00	

10. Wet Swale (Coastal Plain) (no RR)				
25	0.00	0.00	0.00	0.00
35	0.00	0.00	0.00	0.00
11. Filtering Practices (no RR)				
30	0.00	0.00	0.00	0.00
45	0.00	0.00	0.00	0.00
12. Constructed Wetland (no RR)				
25	0.00	0.00	0.00	0.00
55	0.00	0.00	0.00	0.00
13. Wet Ponds (no RR)				
30	0.00	0.00	0.00	0.00
20	0.00	0.00	0.00	0.00
40	0.00	0.00	0.00	0.00
30	0.00	0.00	0.00	0.00

14. Manufactured Treatment Devices (no RR)													
14.a. Manufactured Treatment Device-Hydrodynamic	0			0	0	0	0	20	0.00	0.00	0.00	0.00	
14.b. Manufactured Treatment Device-Filtering	0			0	0	0	0	20	0.00	0.00	0.00	0.00	
14.c. Manufactured Treatment Device-Generic	0			0	0	0	0	20	0.00	0.00	0.00	0.00	

14. Manufactured BMP (no RR)				
0	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00

TOTAL IMPERVIOUS COVER TREATED (ac)		4.39	AREA CHECK: OK.
TOTAL MANAGED TURF AREA TREATED (ac)		5.18	AREA CHECK: OK.
TOTAL PHOSPHORUS REMOVAL REQUIRED ON SITE (lb/yr)		8.20	
TOTAL PHOSPHORUS AVAILABLE FOR REMOVAL IN D.A. A (lb/yr)		12.12	
TOTAL PHOSPHORUS REMOVED WITHOUT RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr)		0.00	
TOTAL PHOSPHORUS REMOVED WITH RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr)		10.90	
TOTAL PHOSPHORUS LOAD REDUCTION ACHIEVED IN D.A. A (lb/yr)		10.90	
TOTAL PHOSPHORUS REMAINING AFTER APPLYING BMP LOAD REDUCTIONS IN D.A. A (lb/yr)		1.22	
SEE WATER QUALITY COMPLIANCE TAB FOR SITE COMPLIANCE CALCULATIONS			
NITROGEN REMOVED WITH RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr)		79.70	
NITROGEN REMOVED WITHOUT RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr)		0.00	
TOTAL NITROGEN REMOVED IN D.A. A (lb/yr)		79.70	

Appendix D

Traffic Impact Study



TO: Chase Grogg
FROM: Dexter Williams
SUBJECT: Trip Generation Comparison For Blocks 4, 5, 6, 7 Of Forest Heights
DATE: September 24, 2019

Enclosed Exhibit B shows the areas involved with this trip generation analysis:

1. Existing Master Plan Blocks 4, 6, and 7 are outlined in red.
2. Existing Master Plan Block 5 is outlined in blue.
3. Proposed development area is outlined in green.
4. Remaining area of Blocks 4, 5, 6 and 7 outlined in grey.

Enclosed Exhibit A shows trip generation for Blocks 4, 5, 6 and 7 of Forest Heights as follows:

- Table 1: Proposed Development Trip Generation (green boundary). 46 multi-family low rise units, 50 units senior adult attached.
- Table 2: Remainder Blocks 4, 5, 6, and 7 Trip Generation (grey boundary). 10 residential units.
- Table 3: Total Blocks 4, 5, 6, 7 Trip Generation With Proposed Development. Total of Tables 1 and 2.
- Table 4: AES Blocks 4, 5, 6, and 7 Original Trip Generation. Provided by you from original Forest Heights development plan.

Proposed development peak hour traffic is is substantially less than the original trip generation for both peak hours and for daily traffic.

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

TABLE 1: Proposed Development Trip Generation

eq.-adj. st.	Sr. Adult Attached	252	50 units	3	6	9	8	6	14	175
eq.-adj. st.	Multifamily Low Rise	220	46 units	5	18	23	19	11	30	307
	Total			8	24	32	27	17	44	482

TABLE 2: Remainder Blocks 4, 5, 6, 7 Trip Generation

rate-adj. st.	Single-Family	210	10 units	2	5	7	6	4	10	94
---------------	---------------	-----	----------	---	---	---	---	---	----	----

TABLE 3: Total Blocks 4, 5, 6, 7 Trip Generation With Proposed Development

				10	29	39	33	21	54	576
--	--	--	--	----	----	----	----	----	----	-----

TABLE 4: AES Blocks 4, 5, 6 and 7 Original Trip Generation

4	Salvation Army	30,000 sq. ft.		49			49		686
5	Future SF Detached	12 lots		9			12		115
6	Future Townhomes	24 units		11			12		145
7	Future Sal Va Army Apts	26 apts		13			16		175
				82			89		1121

Trip generation rates from [Trip Generation Manual, 10th Edition](#) (TGM10) by the Institute of Transportation Engineers (ITE)

FOREST HEIGHTS TRIP GENERATION COMPARISON
09-24-19

DRW Consultants, LLC
804-794-7312

Exhibit A

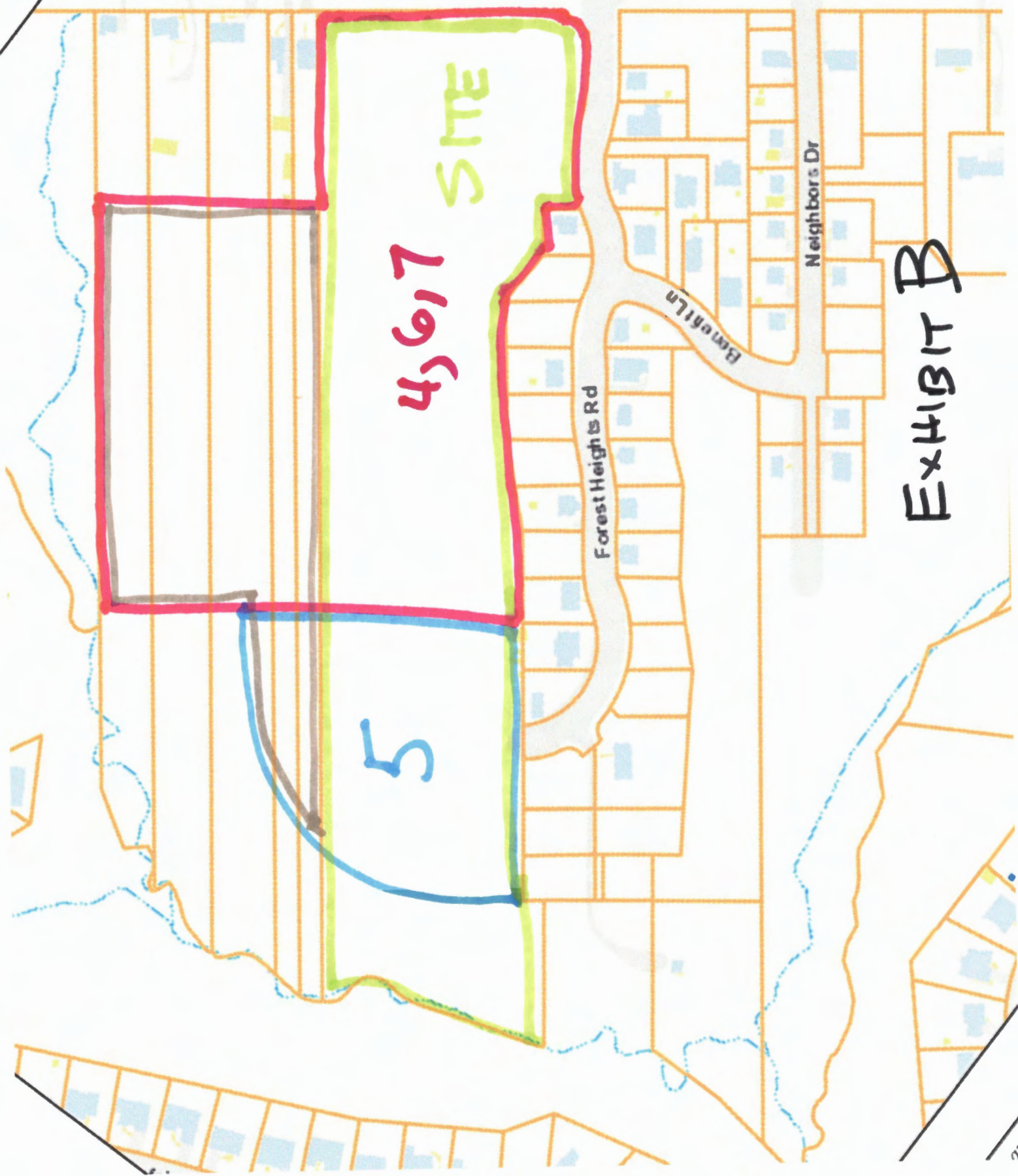


EXHIBIT B

Appendix D
Traffic Study From Original
Master Plan Submission

Community Impact Study

Rezoning of

*Forest Heights Road / Neighbors
Drive / Richmond Road Areas*

for

**James City County
Department of Community Services
Office of Housing and Community
Development**



April 1, 2011
Revised July 14, 2011

Prepared By



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

Forest Heights Road / Neighbors Drive

James City County, Virginia

Traffic Analysis for Rezoning

AES Project No. W10119-E-03



2/25/2011 by: ABS
Revised: March 22, 2011

No. Generator	Landuse	Units	PM Pk VPH	AM Pk VPH	Avg VPD
1 Neighbors Dr.	210	21 Lots	21	16	201
2 Neighbors Cross-Thru	210	3 Lots	3	2	29
3 Forest Heights Rd	210	31 Lots	31	23	297
4 Salvation Army	495	30 KSF	49	49	686
5 Future SF Detached Lots	210	12 Lots	12	9	115
6 Future Townhomes	230	24 Units	12	11	141
7 Future Salvation Army Apts	220	26 Apts	16	13	175
8 Ex. Richmond Rd Homes	210	6 Lots	6	5	57

Minimum Condition (includes Nos. 1, 2, 3, 4, 8 above)

Total Peak PM Trips: 110 VPH
Total Peak AM Trips: 95 VPH
Total Daily Trips: 1,270 VPD

Maximum Condition (includes Nos. 1, 2, 3, 4, 6, 7, 8 above)

Total Peak PM Trips: 138 VPH
Total Peak AM Trips: 119 VPH
Total Daily Trips: 1,586 VPD

Additional Trips (over Ex.)

76 VPH
73 VPH
1,002 VPD

Determine which peak hour controls entry movements (for turn lane analysis)

No. Generator	PM Pk VPD	PM Enter	AM Pk VPH	AM Enter
1 Neighbors Dr.	21	13	16	4
2 Neighbors Cross-Thru	3	2	2	1
3 Forest Heights Rd	31	20	23	6
4 Salvation Army	49	14	49	30
5 Future SF Detached Lots	12	8	9	2
6 Future Townhomes	12	8	11	2
7 Future Salvation Army Apts	16	10	13	3
8 Ex. Richmond Rd Homes	0	0	0	0

<- Have separate entry from Rt 60

Minimum Condition (includes Nos. 1, 2, 3, 4, 8 above)

Total Peak PM Entry Trips: 49 VPH
Total Peak AM Entry Trips: 41 VPH

=> PM Entry Trips Control

Maximum Condition (includes Nos. 1, 2, 3, 4, 6, 7, 8 above)

Total Peak PM Trips: 67 VPH
Total Peak AM Trips: 46 VPH

=> PM Entry Trips Control

Forest Heights Road / Neighbors Drive

James City County, Virginia

Traffic Analysis for Rezoning

AES Project No. W10119-E-03



2/25/2011 by: ABS

Revised: March 22, 2011

Calculate total peak turn lane motions:

Minimum Condition

No. Generator	Total Entering	Left Turn Entering	% RT Neighbors*	RT Enter Neighbors	RT Enter Forest Heights
1 Neighbors Dr.	13	7	100%	7	0
2 Neighbors Cross-Thru	2	1	50%	1	1
3 Forest Heights Rd	20	10	0%	0	10
4 Salvation Army	14	7	0%	0	7
Total	49	25		8	18

Total Entry is assumed to be split 50/50 from East 60 and West 60

Left Turn Entering = 50% of Total from Williamsburg

% RT Neighbors = Percentage of entry trips from Lightfoot that turns into Neighbors Dr; others turn at Forest Heights

Approach Traffic:

PHVapp = AADT x K x Dir. Factor =

590 VPH

USE DRW Peak Hr Counts =

931 VPH

Warrants:

LT = 25 VPH

Vo = 931 VPH

Per Fig 3-3 of VDOT Road Design Manual

Does not meet warrant for left turn lane for 4-lane divided highway
BUT CLOSE

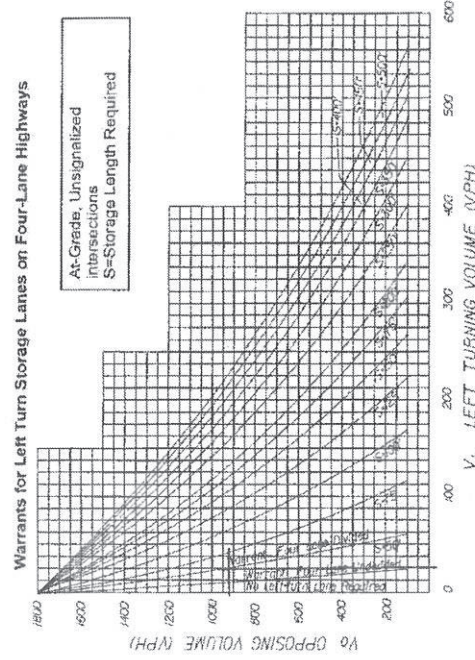


FIGURE 3-3 WARRANTS FOR LEFT TURN STORAGE LANES ON FOUR-LANE HIGHWAYS

Figure 3-3 was derived from Highway Research Report No. 211.

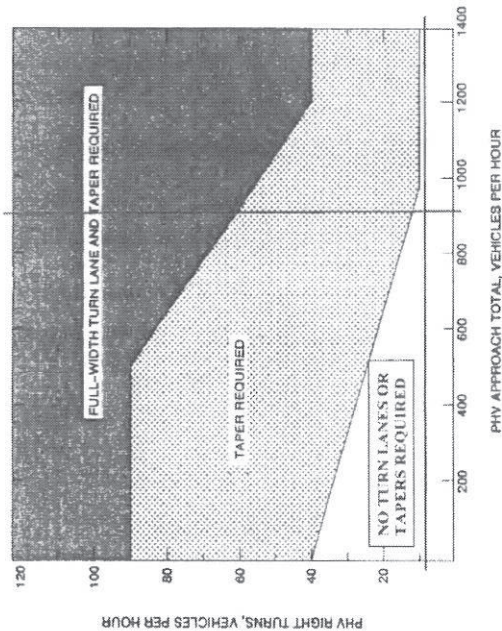
Forest Heights Road / Neighbors Drive

James City County, Virginia

Traffic Analysis for Rezoning

AES Project No. W10119-E-03

Neighbors Drive



Appropriate Radius required at all Intersections and Entrances (Commercial or Private).

LEGEND

PHV - Peak Hour Volume (also Design Hourly Volume equivalent)

Adjustment for Right Turns

If PHV is not known use formula: $PHV = ADT \times K \times D$
 K = the percent of AADT occurring in the peak hour
 D = the percent of traffic in the peak direction of flow
 Note: An average of 11% for $K \times D$ will suffice.

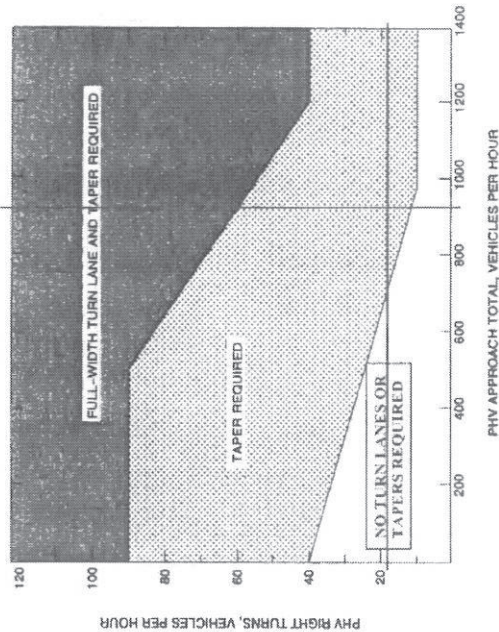
FIGURE 3-27 GUIDELINES FOR RIGHT TURN TREATMENT (4-LANE HIGHWAY)

RT = 8 VPH
 PHV = 931 VPH

Per Fig 3-27 of VDOT Road Design Manual

Does not meet warrant for right turn lane or taper

Forest Heights Road



Appropriate Radius required at all Intersections and Entrances (Commercial or Private).

LEGEND

PHV - Peak Hour Volume (also Design Hourly Volume equivalent)

Adjustment for Right Turns

If PHV is not known use formula: $PHV = ADT \times K \times D$
 K = the percent of AADT occurring in the peak hour
 D = the percent of traffic in the peak direction of flow
 Note: An average of 11% for $K \times D$ will suffice.

FIGURE 3-27 GUIDELINES FOR RIGHT TURN TREATMENT (4-LANE HIGHWAY)

RT = 18 VPH
 PHV = 931 VPH

Per Fig 3-27 of VDOT Road Design Manual

Meets warrant for right taper

Forest Heights Road / Neighbors Drive

James City County, Virginia

Traffic Analysis for Rezoning
AES Project No. W10119-E-03



2/25/2011 by: ABS
Revised: March 22, 2011

Maximum Condition

No. Generator	Total Entering	Left Turn Entering	% RT Neighbors*	RT Enter Neighbors	RT Enter Forest Heights
1 Neighbors Dr.	13	7	100%	7	0
2 Neighbors Cross-Thru	2	1	50%	1	1
3 Forest Heights Rd	20	10	0%	0	10
4 Salvation Army	14	7	0%	0	7
6 Future Townhomes	8	4	0%	0	4
7 Future Salvation Army Apts	10	5	0%	0	5
Total	67	34		8	27

Total Entry is assumed to be split 50/50 from East 60 and West 60

Left Turn Entering = 50% of Total from Williamsburg

% RT Neighbors = Percentage of entry trips from Lightfoot that turns into Neighbors Dr; others turn at Forest Heights

Approach Traffic:

PHVapp = AADT x K x Dir. Factor = 590 VPH

USE DRW Peak Hr Counts = 931 VPH

Warrants:

LT = 34 VPH
Vo = 931 VPH

Per Fig 3-3 of VDOT Road Design Manual

Meets warrant for left turn lane with 50' Storage
for 4-lane divided highway

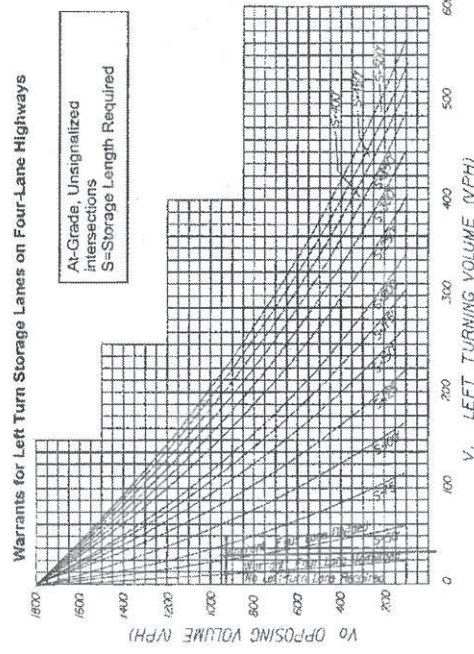


FIGURE 3-3 WARRANTS FOR LEFT TURN STORAGE LANES ON FOUR-LANE HIGHWAYS

Figure 3-3 was derived from Highway Research Report No. 211.

Version 2019
(Last updated 7/16/2019)



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

FISCAL IMPACT WORKSHEET AND ASSUMPTIONS

Please complete all *applicable* sections. Please use the provided spreadsheet to perform calculations. If space provided is insufficient, please feel free to include additional pages. If you have any questions please contact the Planning Office at 757-253-6685 or planning@jamestownva.gov

1a) PROPOSAL NAME: Forrest Heights Neighborhood

1b) Does this project propose residential units? ☒ Yes ☐ No (if no, skip Sec. 2)

1c) Does this project include commercial or industrial uses? Yes ☒ No (If no, skip Sec. 3)

Fiscal Impact Worksheet Section 2: Residential Developments

2a) TOTAL NEW DWELLING UNITS. Please indicate the total number of each type of proposed dwelling unit. Then, *add* the total number of new dwelling units.

Single-Family Detached		Apartment	50
Townhome/Condominium/Single-Family	46	Manufactured Home	
Total Dwelling Units			

Are any units affordable? ☒ Yes ☐ No (If yes, how many?) 46

Residential Expenses – School Expenses

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

Unit Type	Number of Proposed Units (from 2a)	Student Generation Rate	Students Generated
Single-Family Detached		0.4	
Townhome/Condo/Attached	46	0.17	7.82
Apartment	50	0.31	15.5
Manufactured Home		0.46	
Total			23.32

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

Total Students Generated	Per-Student Operating Expenses	Per-Student Capital Expenses	Per-Student Total Expenses	Total School Expenses
23.32	\$9,225.00	\$7,408.00	\$16,633.00	\$ 387,881.56

Residential Expenses - Non-School Expenses

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

Total Units Proposed	Average Household Size	Total Population Generated
96	2.45	235.2

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

Total Population Generated	Per-Capita Non-School Expenses	Total Non-School Expenses
235.2	\$1,309.00	307,876.80

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

Total School Expenses	Non-School Expenses	Total Residential Expenses
\$ 387,881.56	\$ 307,876.80	\$ 695,758.36

Residential Revenues

2g) TOTAL REAL ESTATE EXPECTED MARKET VALUE. Write the number of each type of units proposed from (2a). Then *determine the average* expected market value for each type of unit. Then, *multiply* the number of unit proposed by their average expected market value. Finally, *add* the total expected market value of the proposed units.

Unit Type:	Number of Units:	Average Expected Market Value:	Total Expected Market Value:
Single-Family Detached		\$	\$
Townhome/Condo/Multi-family		\$ 232,567.17	\$ 10,698,090
Total:		N/A	\$ 13,370,190

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

Total Market Value	Real Estate Tax Rate	Total Real Estate Taxes Paid
\$ 13,370,190	.0084	\$ 112,309.60

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

Real Estate Tax Paid	Personal Property Tax Average	Personal Property Taxes Paid
\$ 112,309.60	0.15	\$ 16,846.44

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

Real Estate Tax Paid	Sales and Meals Tax Average	Total Sales & Meals Taxes Paid
\$ 112,309.60	.09	\$ 10,107.86

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

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

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

HOA Property Type	Total Assessed Value	Real Estate Tax Rate	Total HOA Taxes Paid
	0	.0084	\$0

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

Total Residential Revenues	\$ 139,263.90
----------------------------	---------------

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

Total Residential Ex	Total Residential Revenues	Total Residential Fiscal Impact
695,758.36	139,263.90	\$ (556,494.46)

Fiscal Impact Analysis Worksheet Section 3: Commercial and Industrial Developments

Commercial and Industrial Expenses

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

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

Total Expected Assessment Value	Commercial Expense Rate	Total Commercial Expenses
\$1	0.00468	\$

Commercial & Industrial Revenues

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

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

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

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

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

Proposed Business Name	Total Business Capitalization	Personal Property Tax Rate	Total Business Property Taxes Paid
		0.01	
		0.01	

		0.01	
Total:		N/A	\$

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

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

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

Tax Type	Projected Gross Sales	Sales Tax Rates	Sales Taxes Paid
Retail Sale		0.015 of Gross Retail Sales	
Prepared Meals		0.04 of Prepared Sales	
Hotel, Motel		0.02 of Gross Sales*	
Total:	N/A	N/A	\$

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

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

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

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

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

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

Total Commercial	Total Commercial Revenues	Total Commercial Fiscal Impact
		\$

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

Residential Fiscal Impact	Commercial Fiscal Impact	Total Proposed Fiscal Impact
\$(556,494.46)	0	\$ (556,494.46)

Fiscal Impact Analysis Worksheet Section 4: Current Land Use

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

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

Single-Family Detached		Apartment	
Townhome/Condominium/Single-Family Attached		Manufactured Home	
Total Dwelling Units	0		

Residential Expenses - School Expenses

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

Unit Type	Number of Existing Units	Student Generation Rate	Existing Students
Single-Family Detached		0.4	
Townhome/Condo/Attached		0.17	
Apartment		0.31	
Manufactured Home		0.46	
Total	0	N/A	0

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

Number of Existing Students	Per-Student School Cost	Current School Expenses
0	\$16,633.00	\$ 0

Residential Expenses - Non-School Expenses

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

Total Existing Units	Average Household Size	Total Current Population
0	2.45	0

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

Total Current Population	Per-Capita Non-School Expenses	Current Non-School Expenses
0	\$1,309.00	0

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

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

Residential Revenues

- 4g) TOTAL CURRENT ASSESSMENT VALUE. *Search* for each residential property included in the proposal on the Parcel Viewer at <http://property.jamescitycountyva.gov/JamesCity/Account/Logon>. *Indicate* each property's total assessment value below. Then, *add* total assessment values.

Property Address and Description	Assessment Value
6015 Richmond Road	\$ 287,700.00
	\$
	\$
Total:	\$ 287,700.00

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

Total Assessment Value	Real Estate Tax Rate	Real Estate Taxes Paid
\$287,700.00	.0084	\$ 2,416.68

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

Real Estate Tax Paid	Personal Property Tax Average	Personal Property Paid
\$2,416.68	0.15	\$ 362.50

4j) TOTAL CURRENT SALES AND MEALS TAXES PAID. *Multiply* the total real estate taxes paid from (4h) by the sales and meals tax average below.

Real Estate Tax Paid	Sales and Meals Tax Average	Average Excise Tax Paid
\$2,416.68	.09	\$ 217.50

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

Total Current Residential Revenues	\$ 2,966.68
------------------------------------	-------------

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

Total Residential	Total Residential Revenues	Total Residential Fiscal Impact
0	2,966.68	\$ 2,966.68

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

Proposed Residential Impact	Current Residential Impact	Final Residential Fiscal Impact
\$(556,494.46)	2,966.68	\$ 559,491.14)

Current Commercial Use

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

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

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

Total Expected Assessment Value	Commercial Expense Rate	Total Commercial Expenses
	0.00468	\$

Current Commercial Revenues

- 5c) TOTAL CURRENT ASSESSMENT VALUE. *Search* for each commercial property included in the proposal on the Parcel Viewer at <http://property.jamescitycountyva.gov/JamesCity/Account/Logon>. *Indicate* each property's total assessment value below. Then, *add* total assessment values.

Addresses	Assessment Value	Real Estate Tax Rate	Real Estate Tax Paid
		.0084	
		.0084	
Total:			\$

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

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

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

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

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

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

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

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

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

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

Total Current Commercial Revenues	\$
--	----

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

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

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

Proposed Commercial Impact	Current Commercial Impact	Final Commercial Fiscal Impact
0	0	\$ 0

5k) FINAL FISCAL IMPACT. Find the net result of the final commercial fiscal impact from (5i) and the final residential fiscal impact from (4m).

Final Residential Impact	Final Commercial Impact	Final Fiscal Impact
(559,491.14)	0	\$ (559,491.14)

Fiscal Impact Worksheet Section 6: Phasing

Residential Phasing

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

Commercial Phasing

- 6b) *Copy and paste* the commercial phasing template from the accompanying Excel sheet to the page below.

Final Phasing Projections

- 6c) *Copy and paste* the final phasing projection from the accompanying Excel sheet to the page below.

Fiscal Impact Worksheet Section 7: Employment

- 7a) *Copy and paste* the employment projections from the accompanying Excel sheet to the page below.

Phasing - Residential Phasing

6a) When will proposed residential units be built?

Total Units Proposed 96

Year 1	Year 2	Year 3	Year 4	Year 5	Buildout
Homes Built	0				
Total Res Exp	\$695,758.36	\$695,758.36	\$695,758.36	\$695,758.36	\$695,758.36
Per Unit Exp	\$7,247.48	\$7,247.48	\$7,247.48	\$7,247.48	\$7,247.48
Total Res Exp	\$-	\$-	\$-	\$-	\$-
Total Res Rev	\$139,263.90	\$139,263.90	\$139,263.90	\$139,263.90	\$139,263.90
Per Unit Rev	\$1,450.67	\$1,450.67	\$1,450.67	\$1,450.67	\$1,450.67
Total Res Rev	\$-	\$-	\$-	\$-	\$-
Per Unit Impact	\$5,796.82	\$5,796.82	\$5,796.82	\$5,796.82	\$5,796.82
Res Impact	\$-	\$-	\$-	\$-	\$-

DEFINITIONS AND ASSUMPTIONS

Apartment – A building used, or intended to be used as the residence of three or more families living independently of each other. Tenants have no equity in the dwelling.

Assessment Value – Assessment value is assumed to be within 1% of market value. Market value drives assessment value.

Buildout – All data and assumptions reflect the fiscal impact of the proposal at buildout.

Commercial Expense Rate – The commercial expense rate uses the proportional valuation method to determine individual business expenses. Under that method businesses are collectively responsible for impact related to the commercial property valuation.

This rate assumes that the costs of providing County services to a business are directly correlated with that business's property assessment. This assumes more valuable properties have generally more intense uses incurring greater County expenses.

Condominium – A building, or group of buildings, in which units are owned individually and the structure, common areas and common facilities are owned by all the owners on a proportional, undivided basis.

Contractor – Any person, firm or corporation accepting or offering to accept orders or contracts for doing any work on or in any building or structure, any paving, curbing or other work on sidewalks, streets, alleys or highways, any excavation of earth, rock or other materials, any construction of sewers and any installation of interior building components.

Direct Impact – The worksheet only calculates direct financial impacts on the County budget. The worksheet is only one of many development management tools and as such, does not make a determination whether any type of development “should” happen based solely on that proposal's fiscal impact. The tool is not designed to measure non-budget impacts, such as increased traffic or nonbudget benefits, such as forwarding the goals of the Comprehensive Plan. Costs incurred by other entities, such as other localities or the state, remain uncouned.

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

Exempt – Certain types of business activities or products are exempted from annual County business licenses. These include manufacturers, insurance agencies, apartment complexes and gasoline sales.

Fees & Licenses – All fees collected by the County, including business and professional licenses, planning fees, building permit fees, stormwater fees, environmental inspection fees, septic tank fees, dog licenses and motor vehicle licenses, are deducted from the per-capita and per-business budgetary costs of each department that collects them.

Fiscal Impact Analysis – The County has created a set of standardized data and assumptions to streamline both the creation and review of fiscal impact studies. The County had no itemized list of questions for fiscal impact study creators to answer, resulting in portions of fiscal impact studies with no bearing on the County's budgetary bottom line. The guesswork is removed from the creation of these documents. The data used by fiscal impact study authors also came from myriad sources, often within the County, which were difficult to verify. The fiscal impact worksheet allows consistency across multiple fiscal impact studies.

Fiscal Impact Worksheet – The worksheet helps the applicant present relevant data to the County, using data verified by the County. The worksheet provides consistency across all fiscal impact analyses.

Non-School Expenses – Non-school expenses include all FY10 non-school budget spending. Non-school expenses are calculated using the Proportional Variation method. Using the Proportional Variation method, residents and businesses are assumed to be responsible for differing percentages of the County's non-school spending.

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

Market Value – Market value is assumed to be within 1% of assessment value. Market value drives assessment value.

Manufactured Home – A manufactured home is a structure not meeting the specifications or requirements or a manufactured home, designed for transportation after fabrication. The only manufactured homes counted in the Student Generation figure are those in designated manufactured home parks. Manufactured homes on individual lots are indistinguishable from single-family detached dwellings for the purposes of the worksheet.

Phasing – All residential developments are assumed to have an absorption rate of 20% per annum. All commercial development are assumed to have an absorption rate of 20% per annum. The date stamp Year 1 in the phasing template represents 365 days after the Board of Supervisors approval.

Professional Services – Work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture,

law, dentistry, medicine, optometry, pharmacy or professional engineering. Professional services shall also include the services of an economist procured by the State Corporation Commission.

Proportional Valuation Impact – Proportional valuation impact assumes that a proposed residential or commercial project's fiscal impact is proportional to the percentage of the total tax base that is either residential or commercial.

James City's proportional valuation is calculated using the County's Real Estate Mapping GIS program. The program calculated an aggregate property assessment value of \$12,893,394,900 for the entire County. The program calculated an aggregate commercial and industrial assessment value of \$1,631,761,400. Dividing the commercial value by the total value shows that commercial and industrial properties compose 13% of the total property tax base and are responsible for 13% of County non-school expenses. This results in residential development being responsible for Schools impacts and 87% of non-school County operations. The proportional valuation method does not factor other assorted residential and commercial taxes, fees and licenses into account. As 13% of the tax base, businesses contribute 13% for all County non-school expenses. As 87% of the tax base, residents contribute 87% for all County non-school expenses.

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

Per-Business Expense Rate – The per-business expense rate assumes that the County incurs non-school expenses equal to 0.04% of the commercial real estate assessment of any given business.

Per Capita Evaluation Method – This worksheet uses the Per Capita Evaluation method to assign per-capita and per-business costs to non-school expenses. This method assumes that current per-capita and per-business expenditures and service levels are consistent with future per-capita and per-business expenditures and service levels.

Per Capita – Per capita calculations divide each department's spending, minus fees and state contributions, by the current County population. This number excludes institutional residents in detention at correctional facilities and mental institutions. Total population is determined from James City County Planning Division figures.

Per Student – Per student calculations divide County contributions to WJCC Schools, minus state educational contributions, by the total number of K-12 students living in James City and also attending WJCC Schools. Total students are determined from Williamsburg-James City County Schools School Year enrollment reports.

Per Business – Per business calculations divide each departments spending, minus fees and state contributions, by the total number of County businesses. Total businesses are determined by the number of business licenses issued.

Total Number of JCC Businesses		5490*
Percentage of Property Tax Assessments		13%**

*James City County Commissioner of the Revenue

**Commercial impacts are calculated on a proportional variation process

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

Retail Services – Display and sale of merchandise at retail or the rendering of personal services, such as food, drugs, clothing, furniture, hardware, appliances, barber and beauty, antiques, and household uses and other uses.

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

State Contributions – The state contributes both targeted and unspecified funds to the James City County budget. Funds for specific departments were subtracted from the budget totals of those departments. Unspecified state fund amounts were compiled, then evenly subtracted (7.75% of each department total) across all non-school departments.

Student Generation Rate – The student generation rate employs a demographic multiplier. The 5-year averages from the American Community Survey from the U.S. Census Bureau is utilized to develop accurate estimates of the demographics based on each household.

Townhome –In a structure containing three or more dwelling units, a dwelling unit for single-family occupancy, not more than three stories in height, attached by one or more vertical party walls extending to the roof sheathing without passageway openings to one or more additional such dwelling units, each of which is served by an individual exterior entrance or entrances.

PROFFERS

THESE PROFFERS are made this 22nd day of August 2011 by the COUNTY OF JAMES CITY, a political subdivision of the Commonwealth of Virginia (together with its successors and assigns, the "County"), and THE SALVATION ARMY, (together with its successors and assigns, the "Salvation Army" and together with the County, the "Owners").

RECITALS

- A. The County is the owner of eleven (11) certain parcels of land located in James City County, Virginia, described on the attached Exhibit A (the "County Property").
- B. The Salvation Army is the owner of one (1) certain parcel of land located in James City County, Virginia, described on the attached Exhibit B (the "Salvation Army Property").
- C. The County has applied to rezone the County Property on the attached Exhibit A from R-2, General Residential District to MU, Mixed Use District, with proffers.
- D. By resolution dated July 12, 2011, the County's Board of Supervisors initiated rezoning of the Salvation Army Property and an additional fifty-two (52) certain parcels, as described on the attached Exhibit C, from R-2 to MU, with proffers.
- E. The County has submitted a master plan entitled "Master Plan for Rezoning for Forest Heights Road/Neighbors Drive/Richmond Road Areas," prepared by AES Consulting Engineers dated 4/1/11 (the "Master Plan") in accordance with the County Zoning Ordinance.

NOW, THEREFORE, in consideration of the approval of the requested rezoning and pursuant to Section 15.2-2303 of the *Code of Virginia*, 1950, as amended, and the County Zoning Ordinance, the County and the Salvation Army agree that they shall meet and comply with the applicable following conditions. If the requested rezoning is not granted by the Board of Supervisors, these Proffers shall be null and void.

PROFFERS

PART A. The following proffers shall apply to the County Property only:

1. Water Conservation/Sustainable Building. For all County-owned and/or developed parcels, water conservation measures will be implemented to reduce the water usage in the home and to heat that water more efficiently. Such water conservation measures shall apply to

County-owned lots and to rehabilitations on County Property and include: conducting water leakage tests to ensure there are no bulk water leaks inside of the structure, replacement of old toilets and old showerheads in pre-existing bathrooms with new fixtures that meet the National Energy Policy Act standards for low flow, installation of high efficiency water heaters that meet Energy Star standards, and insulation of the first few feet of hot and cold water lines to reduce conductive losses and wasted water. Proof of EarthCraft Single Family Renovation certification, or equivalent documentation, shall be provided to the Planning Director within one month of issuance of a Certificate of Occupancy, or such other time as is agreed to in writing in advance by the Planning Director.

2. Affordable and Workforce Housing. A minimum of four (4) parcels shall be sold to Peninsula Habitat for Humanity ("Habitat") on which Habitat will construct dwellings for low and moderate income households who qualify for Habitat's homeownership program. In addition, a minimum of two (2) dwelling units shall be reserved and offered to a buyer at or below the Virginia Housing Development Authority income limits. The Planning Director shall be provided with a copy of the settlement statement for the sale of each of the six (6) units.
3. Owners Association. The County shall establish an owners' association (the "Association") in accordance with Virginia law, which all current property owners on Forest Heights Road and Neighbors Drive may voluntarily join, and all purchasers of County-owned and developed lots shall be required to join. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing the Association shall be submitted to and approved by the County Attorney prior to issuance of any building permit for a County-owned or developed lot. The Governing Documents shall require that the Association adopt an annual maintenance budget, which shall include a reserve for maintenance of dedicated open space and common areas.

PART B. The following proffer shall apply to the Salvation Army Property only:

4. Salvation Army Building Elevation. The Salvation Army shall submit the final architectural design of the Salvation Army building for the Planning Director's review and approval prior to any final development plan approval. Such review shall ensure that the design, materials and colors of the building are reasonably consistent with the architectural elevations prepared by Guernsey Tingle Architects and submitted as a part of the rezoning application.

PART C. The following proffers shall apply to both the County Property and the Salvation Army Property:

5. Archaeology. Phase 1 Archaeological Study(ies) for the area recommended for Phase I archaeological testing as shown in Figure 5 of the Phase 1A Cultural Resources Assessment shall be submitted to the Planning Director for review and approval. A treatment plan shall be submitted and approved by the Planning Director for all sites in the Phase I study

that are recommended for a Phase I evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Planning Director and a treatment plan for said sites shall be submitted to, and approved by, the Planning Director or sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the Property and the clearing, grading, or construction activities thereon.

6. Shared maintenance agreement for the stormwater facilities. Owners agree to develop and execute a Shared Maintenance Agreement (the "Agreement") prior to issuance of any building permit on the Salvation Army Property. The Agreement shall provide for routine and non-routine maintenance of the stormwater basin to be located on the Property currently known as 6001 Richmond Road. Said Agreement shall provide that routine maintenance, including mowing the grass, removing the trash, tree removal, and animal control shall be performed by the County. Non-routine maintenance, including but not limited to, dredging of the pond, structural repairs to the dam and spillways, replacing pipes, and emergency repairs, shall be performed by the County or its Agents as needed. The costs of said routine and non-routine shall be borne in proportion to the amount of total drainage each Owner contributes to the pond.
7. Water Conservation. Owners shall be responsible for developing and implementing water conservation standards which shall be submitted to and approved by the James City Service Authority prior to any final development plan approval(s). The standards shall address such water conservation measures as prohibitions 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.

WITNESS the following signatures:

THE COUNTY OF JAMES CITY, VIRGINIA

BY: _____
Robert C. Middaugh, County Administrator

COMMONWEALTH OF VIRGINIA

County of James City, to-wit:

The foregoing Proffers were acknowledged before me this _____ day of _____, 2011 by Robert C. Middaugh

Notary Public

My Commission expires: _____

Registration No. _____

THE SALVATION ARMY A GEORGIA CORP.

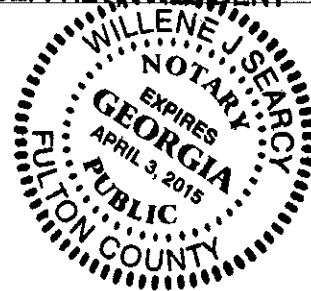
BY: _____

Its: DAVID E. JEFFREY, PRESIDENT

STATE OF Georgia

City/County of Fulton, to wit:

The foregoing Proffers were acknowledged before me this 22nd day of August, 2011, by DAVID E. JEFFREY, PRESIDENT



Willene J. Searcy
Notary Public WILLENE J. SEARCY

My Commission expires: April 3rd 2015

Registration No. 0001615232



Salvation Army Corps Facility

Williamsburg, Virginia

Prepared By:	Return To:

JCC Tax Map Parcel Nos. 3220100081
3221500001A, 3221500002A,
3220500012, 3220500009,
3220500001, 3220100116,
and 3220500014

FOREST HEIGHTS AREA PROFFERS

THESE PROFFERS are made this _____ day of _____ 2019 by the COUNTY OF JAMES CITY, VIRGINIA, a political subdivision of the Commonwealth of Virginia (together with its successors and assigns, the “County”), and THE SALVATION ARMY, a Georgia Corporation (together with its successors and assigns, the “Salvation Army” and together with the County, the “Owners”).

RECITALS

- A. On December 13, 2011, the Board of Supervisors of James City County (“the “Board”), adopted an Ordinance rezoning approximately 47.1 acres in the Forest Heights redevelopment area, shown on the “Master Plan for Rezoning for Forest Heights Road/Neighbors Drive/Richmond Road Areas” (the “Master Plan”), from R-2, General Residential to MU, Mixed Use, with proffers.
- B. The proffers adopted as part of the Board’s 2011 rezoning were dated October 20, 2011 and recorded on April 26, 2012 as Instrument No. 120008937 in the Clerk’s Office for the Williamsburg-James City County Circuit Court (the “Existing Proffers”).
- C. On August 13, 2019, the Board initiated the rezoning of the same area from MU, Mixed Use to R-3, Residential Redevelopment.
- D. The Salvation Army owns an ±11.42 acre parcel located at 6015 Richmond Road, further identified as JCC Real Estate Tax Map No. 3220100081 (the “Salvation Army Property”), which property is more particularly described in Exhibit A.

- E. The County owns property located at 100 Forest Heights Road, 506 Benefit Lane, 115 Neighbors Drive, 127 Neighbors Drive, 134 Neighbors Drive, 140 Neighbors Drive, and 5951 Richmond Road, further identified as CC Real Estate Tax Map Nos. 3221500001A, 3221500002A, 3220500012, 3220500009, 3220500001, 3220100116, and 3220500014, respectively (the “County-owned Property”), which property is more particularly described in Exhibit B.
- F. The Salvation Army and the County desire to supplement the regulations of the zoning ordinance and restate the Existing Proffers as more particularly set forth below.

NOW, THEREFORE, in consideration of the approval of the requested rezoning and pursuant to Sections 15.2-2303 and 15.2-2303.4(D) of the *Code of Virginia*, 1950, as amended, Ordinance No. 31A-346 adopted by the Board of Supervisors on October 8, 2019, and Section 24-16 the County Zoning Ordinance, the County and the Salvation Army agree that they shall meet and comply with the applicable following conditions:

PART A. The following, Part A proffers shall apply only to the County-owned Property:

A.1. Water Conservation/Sustainable Building. Water conservation measures will be implemented to reduce the water usage in the home and to heat that water more efficiently. Such water conservation measures shall apply to County-owned lots and to rehabilitations on the County-owned Property and include: conducting water leakage tests to ensure there are no bulk water leaks inside of the structure, replacement of old toilets and old showerheads in pre-existing bathrooms with new fixtures that meet the National Energy Policy Act standards for low flow, installation of high efficiency water heaters that meet Energy Star standards, and insulation of the first few feet of hot and cold water lines to reduce conductive losses and wasted water.

A.2. Owners Association. The County shall establish an owners' association (the "Association") in accordance with Virginia law, which all current property owners on Forest Heights Road and Neighbors Drive may voluntarily join, and all purchasers of County-owned Property shall be required to join. The articles of incorporation, bylaws, and restrictive covenants (together, the "Governing Documents") creating and governing the Association shall be submitted to and approved by the County Attorney prior to issuance of any building permit for a County-owned or developed lot. The Governing Documents shall require that the Association adopt an annual maintenance budget, which shall include a reserve for maintenance of dedicated open space and common areas.

PART B. The following, Part B, proffers shall apply to the Salvation Army Property only:

B.1. Master Plan. The Salvation Army Property shall be developed generally as shown on the Amended Master Plan. Development plans may deviate from the Amended Master Plan as provided in Section 24-23 of the Zoning Ordinance. There shall be no more than 46 single-family attached dwelling units ("townhouse units") and no more than 50 apartment dwelling units ("apartments") on the Salvation Army Property.

B.2. Housing Opportunities.

(a) All of the townhouse units permitted on the Salvation Army Property shall be offered for sale or made available for rent at prices determined in accordance with the Housing Opportunities Policy and Housing Opportunities Policy Guide adopted by the Board of Supervisors on November 27, 2012 ("HOP"). In no event shall the maximum initial sale price of a townhouse unit exceed \$275,000.00 subject to escalation in accordance with paragraph (b) of this Section (the "Maximum Sale Price"). All apartments shall be offered at rents targeted to

households earning 30% to 60% of Area Median Income. The forgoing affordable/workforce dwelling units shall be provided consistent with the criteria established by the HOP.

(b) The Maximum Sale Price shall consist of the \$275,000.00 plus any adjustments included in the Marshall and Swift Building Costs Index, Section 98, Comparative Cost Multipliers, Regional City Averages (the “Index”) from 2019 to the year a sale is made if sales are made on or after January 1, 2020. The Maximum Sale Price shall be adjusted once a year with the January supplement of the Index of the payment year. In no event shall the Maximum Sale Price be adjusted to a sum less than \$275,000.00. 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 Director of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the Maximum Sale Price to approximate the rate of annual inflation in the County.

B.3. Age Restriction. All apartments shall be age restricted to persons fifty-five (55) years of age or older in accordance with the following parameters:

(a) It is the intent of the parties that apartments shall be occupied by persons fifty-five (55) years of age or older and that no apartment shall be occupied by a person under the age of eighteen (18). In some instances, persons under the age of fifty-five (55) but over the age of eighteen (18) shall be entitled to occupy an apartment, subject, at all times, to the laws and regulations governing age fifty-five (55) and over restricted housing as more particularly set forth and described in subparagraph (ii) below.

(b) The apartments shall be developed and operated in compliance with applicable federal and state laws and regulations regarding housing intended for occupancy by persons fifty five (55) years of age or older, including but not limited to: the Fair Housing Act, 42 U.S.C. § 3601

et seq. and the exemption therefrom provided by 42 U.S.C. § 3607(b)(2)(C) regarding discrimination based on familial status; the Housing for Older Persons Act of 1995, 46 U.S.C. § 3601 et seq.; the Virginia Fair Housing Law Va. Code § 36-96.1 et seq.; any regulations adopted pursuant to the foregoing; any judicial decisions arising thereunder; any exemptions and/or qualifications thereunder; and any amendments to the foregoing as now or may hereafter exist.

B.4. Cash Contributions.

(a) A one-time contribution shall be made to the County of \$6,051.31 for each townhouse unit constructed on the Salvation Army Property, subject to paragraph (d) below. Such contributions shall be used by the County for school uses.

(b) A one-time contribution shall be made to the County of \$67.92 for each dwelling unit constructed on the Salvation Army Property, subject to paragraph (d) below. Such contributions shall be used by the County for recreational uses.

(c) A one-time contribution shall be made to the James City Service Authority of \$1,113.00 for each dwelling unit constructed on the Salvation Army Property, subject to paragraph (d) below. Such contributions shall be used by the County for water or wastewater system uses.

(d) The cash contributions proffered in paragraphs (a), (b) and (c) above shall be reduced in accordance with Section 3 of the HOP.

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

(f) The per unit contribution amounts shall consist of the amounts set forth in paragraphs (a) through (c) plus any adjustments included in the Marshall and Swift Building Costs Index, Section 98, Comparative Cost Multipliers, Regional City Averages (the “Index”) from 2019

to the year a payment is made if payments are made after on or after January 1, 2020, subject to reduction as provided in paragraph (d). The per unit contribution amount shall be adjusted once a year with the January supplement of the Index of the payment year. In no event shall the per unit contribution be adjusted to a sum less than the amounts set forth in the preceding paragraphs of this Section. In the event that the Index is not available, a reliable government or other independent publication evaluating information heretofore used in determining the Index (approved in advance by the County Director of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the per unit contribution to approximate the rate of annual inflation in the County.

B.5. Recreation. The 0.18 mile of multi-use path, the 2,500 square foot playground and the 0.30 acre pocket park shown on the Master Plan shall be installed prior to the County being obligated to issue more than 23 building permits for dwelling units on the Salvation Army Property.

B.6. Design Guidelines and Elevations. All building plans and building elevations shall be generally consistent with the Guidelines and Elevations. Prior to the issuance of final site plan approval for each building on the Salvation Army Property, architectural plans for such buildings shall be submitted to the Director of Planning for his review for general consistency with the Guidelines and Elevations. 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. If the Director of Planning refuses to approve architectural plans, such refusal may be appealed to the Development Review Committee whose decision shall be final. All buildings shall be constructed in accordance with the approved plans. In the case of

plans that will be used on more than one building, Director of Planning approval need only be obtained for the initial building permit.

B.7. Townhouse Owners Association. There shall be organized an owner's association (the "Association") in accordance with Virginia law in which all townhouse unit owners in the Salvation Army Property, by virtue of their property ownership, shall be members.

B.8. Prohibited Uses. The following uses, otherwise permitted by right in the R-3 district, shall not be permitted on the Salvation Army Property:

- a) Coin laundries which are accessory to other residential uses and for the primary use of its residents.
- b) Hospitals and mental health facilities.
- c) Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet.
- d) Water impoundments, new or expansion of, 50 acres or more and dam heights of 25 feet or more.
- e) Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures. All facilities shall comply with article II, division 6 of this chapter.
- f) Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that are camouflaged; or multi-antenna systems. All facilities shall comply with article II, division 6 of this chapter.
- g) Electrical generation facilities, public or private, electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.
- h) Railroad facilities including tracks, bridges and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way are permitted generally and shall not require a special use permit.
- i) Telephone exchanges and telephone switching stations.
- j) Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.
- k) Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions.

PART C. The following proffers shall apply to both the County-owned Property and the Salvation Army Property:

C.1. Shared maintenance agreement for the stormwater facilities. Owners agree to develop and execute a Shared Maintenance Agreement (the “Agreement”) prior to issuance of any building permit on the Salvation Army Property. The Agreement shall provide for routine and non-routine maintenance of the stormwater basin to be located on the property currently known as 506 Benefit Lane.

C.2. Water Conservation. Owners shall be responsible for developing and implementing water conservation standards which shall be submitted to and approved by the James City Service Authority prior to any final development plan approval(s). The standards shall address such water conservation measures as prohibitions 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.

WITNESS the following signatures:

THE COUNTY OF JAMES CITY, VIRGINIA

BY: _____
Scott A. Stevens, County Administrator

COMMONWEALTH OF VIRGINIA
COUNTY OF JAMES CITY, to-wit:

The foregoing Proffers were acknowledged before me this _____ day of _____, 2019 by Scott A. Stevens

Notary Public

My Commission expires: _____
Registration No. _____

THE SALVATION ARMY

BY: _____

Its: _____

STATE OF _____
CITY/COUNTY OF _____, to wit:

The foregoing Proffers were acknowledged before me this _____ day of _____, 2019, by _____.

Notary Public

My Commission expires: _____
Registration No. _____

Proposed SUP Conditions: Forest Heights Independent Living Facility

1. **Master Plan:** This Special Use Permit (“SUP”) shall apply to property consisting of a parcel located at 6015 Richmond Road, further identified as James City County Real Estate Tax Map Parcel No. 3220100081. The SUP shall be valid for a 50 unit independent living facility on the 2.97 acres of developable area designated on the Master Plan for a “senior living facility”. All final development plans shall be consistent with the master plan entitled, “Master Plan Amendments for Forest Heights Neighborhood” prepared by LandTech Resources, dated September 25, 2019 (the “Master Plan”) with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.
2. **Subdivision:** Prior to final site plan approval, a plat of subdivision shall be recorded for the Property to allow the facility to be located on one parcel of property.
3. **Architecture:** Prior to final site plan approval, the planning director shall review and approve the final architectural design of the building. Such building shall be reasonably consistent, as determined by the Director of Planning, with the architectural elevations titled “Forest Heights” submitted with this special use permit application, dated September 26, 2019 and drawn by dBF Associate Architects.
4. **Water Conservation:** Water conservation standards shall be enforced on the Property. Water conservation standards shall be submitted to and approved by the James City Service Authority prior to site plan approval. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-tolerant plants where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
5. **Landscaping & Buffering:** A landscape plan for the site shall be submitted for review and approval by the Director of Planning with the initial plan of development for the Project. The landscape plan shall show landscaping meeting the 50’ Urban/Suburban Character Corridor landscape buffer per the Community Character Corridor Buffer Treatment Guidelines policy. All landscaping on the landscape plan shall be installed or guaranteed prior to the issuance of the initial final Certificate of Occupancy (CO) for the Project. The amount of any surety guaranteeing installation of landscaping shall be determined by the Director of Planning or designee.
6. **Screening:** Dumpsters shall be screened with a brick enclosure or other materials substantially in accordance with the architectural character of the independent living facility, as shown on architectural elevations titled “Forest Heights” submitted with this special use permit application, dated September 26, 2019 and drawn by dBF Associate Architects.
7. **Commencement of Construction:** If construction has not commenced on this project within thirty-six (36) months from the issuance of a special use permit, the special use

permit shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.

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

ITEM SUMMARY

DATE: 11/6/2019

TO: The Planning Commission

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

SUBJECT: Planning Director's Report November 2019

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Spreadsheet Listing New Cases Received	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	10/30/2019 - 2:47 PM
Planning Commission	Holt, Paul	Approved	10/30/2019 - 2:47 PM
Publication Management	Daniel, Martha	Approved	10/30/2019 - 2:53 PM
Planning Commission	Holt, Paul	Approved	10/30/2019 - 3:00 PM

PLANNING DIRECTOR'S REPORT

November 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:**

- October 8, 2019**

- ORD-19-0001. Zoning Ordinance Amendment to Section 24-16, Proffer of Conditions (Approved 5-0)
 - SUP-19-0018. 6623 Richmond Road – Train Control System Assembly and Storage (Approved 5-0)
 - Z-19-0011. Mason Park Proffer Amendment (Approved 4-1)

- **Comprehensive Plan Update**

The Community Participation Team (CPT) met three times in October to plan public engagement activities for the Listen and Envision phase:

- The County's Public Information Officer presented communications training.
- Using CPT feedback, the Planning Team finalized and launched the Engage 2045 branding, website, social media campaign, and introductory video.
- The Planning Team made substantial progress on logistics and content for the November 18 Summit on the Future. The CPT previewed the polling software, polling questions and station activities that will be presented at the Summit.
- The CPT and Planning Team began attending local events and/or distributing materials to promote the Summit, including the Williamsburg Area Association of Realtors (WAAR), Chickahominy Day, WJCC Band Night, and the Live Well Expo.

Also, the Planning Team moved forward with work on the Cumulative and Fiscal Impact models by meeting with individual departments to understand departmental services, capital/facility needs, funding sources, and how future growth in the County will affect services and facilities.

New Cases for November 2019						
Case Type	Plan Number	Case Title	Address	Description	Assigned To	District
Conceptual Plan	C-19-0067	New Zion Baptist Church - Family Life Center	3991 LONGHILL RD	Conceptual plan for family life center and recreational facilities at New Zion Baptist Church.	Tori Haynes	Powhatan
	C-19-0073	2511, 2611 and 2822 Forge Rd. Subdivision	2611 FORGE RD	Conceptual plan for a 7 lot subdivision at 2511 & 2611 Forge Road and a 3 lot subdivision at 2822 Forge Road.	Thomas Wysong	Powhatan
	C-19-0081	Veritas Prep School SUP Condition - Yearly Update	275 MCLAWS CIR	Conceptual plan for tracking SUP Conditions for Veritas Prep School.	Terry Costello	Roberts
	C-19-0083	3000 John Deere Rd. Massing Study	3000 JOHN DEERE RD	Conceptual plan for building expansion at 3000 John Deere Road.	Tori Haynes	Stonehouse
Master Plan	MP-19-0016	The Promenade at John Tyler MP Amend.	5311 JOHN TYLER HWY	Master plan amendment to add a 10-plex at The Promenade at John Tyler.	Jose Ribeiro	Berkeley
Subdivision	S-19-0079	4551 John Tyler Hwy - Branscome Office BLE	4551 JOHN TYLER HWY	Boundary line extinguishment to combine 4551 and 4603 John Tyler Highway.	Thomas Leininger	Berkeley
	S-19-0084	New Town Sec. 8 Building Setback Adjustments	4002 STETTINIUS TRL	Setback line adjustments for New Town Section 8.	Thomas Wysong	Jamestown
	S-19-0085	613 Dock Landing BLA	613 DOCK LNDG	Boundary line adjustment between 613 & 614 Dock Landing & Kingsmill Resort.	Scott Whyte	Roberts
	S-19-0086	7459 Melissa Lane Courthouse Plat	7459 MELISSA LN	Courthouse plat review for property survey of 7459 Melissa Lane.	Ellen Cook	Stonehouse
	S-19-0087	9542 Diascund Reservoir Road Boundary Survey	9542 DIASCUND RESERVOIR RD	Courthouse plat review for property survey of 9542 Diascund Reservoir Road.	Ellen Cook	Stonehouse
	S-19-0089	3971 and 3975 Longhill Road Boundary Survey	3971 LONGHILL RD	Courthouse plat review for property survey of 3971 and 3975 Longhill Road.	Ellen Cook	Powhatan
	S-19-0091	The Promenade at John Tyler Phase 51	99 PROMENADE LN	Courthouse plat review for The Promenade at John Tyler Phase 51.	Ellen Cook	Berkeley
	S-19-0093	The Promenade at John Tyler Phase 3	99 PROMENADE LN	Courthouse plat review for The Promenade at John Tyler Phase 3.	Ellen Cook	Berkeley
Site Plan	SP-19-0095	3097 Ironbound Rd. Farmers Market	3097 IRONBOUND RD	Site plan for a farmers market use at 3097 Ironbound Road.	Thomas Wysong	Berkeley
	SP-19-0099	The Promenade at John Tyler SP Amend.	5311 JOHN TYLER HWY	Site plan amendment for an additional 10-plex at The Promenade at John Tyler.	Jose Ribeiro	Berkeley
	SP-19-0100	The Maine of Williamsburg, 2900 Monticello Avenue	2900 MONTICELLO AVE	Site plan for a wedding event facility at 2900 Monticello Avenue.	Thomas Leininger	Berkeley
	SP-19-0101	Chickahominy Riverfront Park RV and Boat Storage Area SP Amend.	1350 JOHN TYLER HWY	Site plan amendment to relocate the RV and boat storage area at Chickahominy Riverfront Park.	Brett Meadows	Powhatan
	SP-19-0102	4551 John Tyler Hwy Branscome Building Expansion Phase II SP Amend.	4551 JOHN TYLER HWY	Site plan amendment for gravel storage lot at 4551 John Tyler Highway.	Thomas Leininger	Berkeley
	SP-19-0106	4148 Windmill Rd. Screened-In Deck SP Amend.	4148 WINDMILL RD	Site plan amendment for a screened-in deck at 4148 Windmill Road.	Thomas Leininger	Stonehouse
	SP-19-0107	Rolling Meadows Apartments Mail Kiosk SP Amend.	5194 LONGHILL RD	Site plan amendment for a mail kiosk at Rolling Meadows Apartments.	Brett Meadows	Jamestown
	SP-19-0108	4323 Pond St. Screened Porch SP Amend.	4323 POND ST	Site plan amendment to construct a screened porch on an existing deck at 4323 Pond St.	John Risinger	Stonehouse
	SP-19-0109	6487 Richmond Rd. Tower ATT SP Amend.	6487 RICHMOND RD	Site plan amendment for an antenna replacement on an existing tower at 6487 Richmond Road.	Thomas Leininger	Stonehouse
Special Use Permit	SUP-19-0019	530 Neck O Land Road Short Term Rentals	530 NECK O LAND RD	Special use permit to allow 4 units to be used as tourist homes at 530 Neck O Land Road.	Scott Whyte	Roberts
	SUP-19-0020	Forest Heights Independent Living Facility	6015 RICHMOND RD	Special use permit for an independent living facility in the Forest Heights neighborhood at 6015 Richmond Road.	Thomas Wysong	Powhatan
Rezoning	Z-19-0013	Colonial Heritage Deer Lake Rezoning	499 JOLLY POND RD	Rezoning of 220.3 acres of land near Deer Lake from A1 to MU for 150 additional lots in Colonial Heritage.	Tori Haynes	Stonehouse
	Z-19-0014	The Promenade at John Tyler Proffer Amend.	5311 JOHN TYLER HWY	Proffer amendment to allow an additional 10-plex at the Promenade at John Tyler.	Jose Ribeiro	Berkeley

ITEM SUMMARY

DATE: 11/6/2019

TO: The Planning Commission

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

SUBJECT: Engage 2045 Update

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	ComSecretary, Planning	Approved	10/30/2019 - 3:29 PM