

AGENDA
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
November 6, 2024
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, 2024, Regular Meeting
2. Development Review Committee Action Item: SP-24-0062 Bright Beginnings Pre-K Center at Clara Byrd Baker Elementary - Appeal of the Director of Planning
3. Development Review Committee Action Item: SP-24-0063 Bright Beginnings Pre-K Center at Norge Elementary - Appeal of the Director of Planning

F. PUBLIC HEARING(S)

1. SUP-24-0012. 3512 Barrett's Ferry Drive Tourist Home
2. MP-24-0004/Z-24-0010. Powhatan Terrace Master Plan and Proffer Amendment
3. SUP-24-0025. 7516 Richmond Road Dollar Tree

G. PLANNING COMMISSION CONSIDERATIONS

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - November 2024

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

J. ADJOURNMENT

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
October 2, 2024
6:00 PM

A. CALL TO ORDER

Mr. O'Connor called the meeting to order at 6 p.m.

B. ROLL CALL

Planning Commissioners Present:

Tim O'Connor
Jack Haldeman
Frank Polster
Stephen Rodgers
Jay Everson

Planning Commissioners Absent:

Scott Maye
Kira Allmann

Staff Present:

Susan Istenes, Director of Planning
Liz Parman, Deputy County Attorney
Terry Costello, Senior Planner
Morgan Risinger, Senior Planner
Will Albiston, Community Development Assistant

C. PUBLIC COMMENT

Mr. O'Connor opened Public Comment.

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

D. REPORTS OF THE COMMISSION

Mr. O'Connor noted there was no Development Review Committee (DRC) meeting nor Policy Committee meeting in September.

E. CONSENT AGENDA

1. Minutes of the September, 4, 2024, Regular Meeting

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

On a voice vote, the Commission approved the Consent Agenda. (5-0-2)

F. PUBLIC HEARING(S)

1. SUP-24-0022. 4871 Longhill Road Williamsburg Montessori School

Ms. Terry Costello, Senior Planner, addressed the Commission regarding the Special Use Permit (SUP) application. She noted the SUP would allow for a school within the existing site of Wellspring United Methodist Church. Ms. Costello highlighted traffic, enrollment, operation hours, and other factors of the application. She noted staff's recommendation in support of the SUP application was contingent on conditions stated in the Agenda Packet. Ms. Costello stated the applicant was available for any questions.

Mr. Haldeman asked if there were any additional outside areas other than the picnic area.

Ms. Costello responded there were no additional buildings, adding occasional science projects could take place in the gardens behind the church. She noted those classroom activities were a consideration.

Mr. Haldeman referenced Condition No. 6. He noted that item stated if the facility was closed for a year, then the SUP would be lost. Mr. Haldeman questioned the logic of that condition.

Ms. Costello responded that point was to avoid any school going in to use the facility. She noted the condition reflected if the school no longer remained then the SUP would no longer remain.

Mr. Haldeman referenced the COVID-19 pandemic and if the school closed under a similar situation.

Ms. Costello noted another SUP would be required if the original SUP expired. She further noted the possibility of an extension, adding the state had allowed for some SUP extensions due to the pandemic.

Mr. Haldeman thanked Ms. Costello.

Mr. Polster asked if Condition No. 6 wording could be rephrased. He recommended rewording to specify that any entity other than the Montessori to come in for the school use would invalidate the SUP. He asked for legal clarification.

Ms. Liz Parman, Deputy County Attorney, responded that generally SUPs were tied to the land and not to the landowner. She noted it would not be applicable.

Mr. Polster noted the applicant was not the landowner.

Mr. Rodgers referenced the school and the pandemic and questioned the definition of no activity.

Ms. Costello noted if a decision to no longer use the building as a school was the result. She further noted if the school vacated the building, then the SUP would disappear.

Mr. Polster stated he had concerns with the intent of the wording.

Ms. Costello stated if the school left then the SUP would be void.

Mr. Polster noted the concern regarding the school.

Ms. Costello stated another school could come in and use the property, but it would have to adhere to the same conditions of student enrollment number and other factors stated.

Mr. Polster stated the significance of the wording change to reflect that if the Montessori school was vacated in one year. He added the condition was specific to the use and the person using the school.

Mr. O'Connor referenced Ms. Parman's earlier comment that the SUP condition was tied to its use, but not to an entity. He noted if a pandemic occurred, the possibility of online schooling was a consideration. Mr. O'Connor spoke to these points in more detail.

Mr. Polster stated an alternative was to remove that condition and eliminate any misunderstanding.

Mr. Haldeman suggested consideration of a two-year timeframe.

Mr. Polster agreed with the two-year suggestion. He asked if two years could be incorporated in Condition No. 6.

There were no objections from staff or Planning Commissioners.

Mr. Polster asked if the applicant was agreeable to that change. He noted the applicant nodded her head in agreement. Mr. Polster stated Condition No. 6 would be revised to reflect two years regarding closure.

Mr. O'Connor thanked Ms. Costello.

Mr. O'Connor opened the Public Hearing.

As there were no speakers, Mr. O'Connor closed the Public Hearing.

Mr. Polster made a motion that the Planning Commission recommend approval to the Board of Supervisors of SUP-24-0022. 4871 Longhill Road Williamsburg Montessori School with the conditions and modifications to Condition No. 6 of two years as opposed to one year.

On a voice vote, the Commission approved the motion. (5-0-2)

Mr. O'Connor noted Item Nos. 2 and 3 would be presented collectively with separate votes on the items.

2. AFD-24-0003. 9812 Old Stage Road Barnes Swamp AFD Withdrawal

Ms. Morgan Risinger, Senior Planner, addressed the Commission regarding details of the Agricultural and Forestal District (AFD) withdrawal and SUP applications. She noted the AFD withdrawal of approximately 15 acres would allow for the SUP to operate the event venue. Ms. Risinger addressed the AFD withdrawal policy and its criteria. She noted staff determined no disruption to the AFD would be made with this application and that the proposed land use would be compatible with the Rural Lands designation. She further noted staff determined no public purpose would be served with the request nor was an unforeseen circumstance a consideration in the withdrawal request. Ms. Risinger stated the AFD Advisory Committee recommended approval of the withdrawal request to the Planning Commission and the Board of Supervisors at its July 18, 2024, meeting. She noted staff recommended the Planning Commission recommend denial to the Board based on the application failing to meet all four criteria of the Board's withdrawal policy.

Ms. Risinger stated the proposed event venue would host one event per day with no more than three events per week with a 360-attendee cap. She provided details on the venue features and barn space as well as the utilities. Ms. Risinger addressed the A-1 Zoning District's performance standards for event facilities as outlined in the Zoning Ordinance. Ms. Risinger

noted the SUP failed to meet all the performance standards which included maximum number of attendees, access from a local road rather than a major road, and the placement of structures or improvements on soil considered prime farmland and farmland of statewide importance by the United States Department of Agriculture. She addressed these points in more detail, adding that Condition No. 5 had been included to ensure vegetation preservation along Old Stage Road. Ms. Risinger noted other factors for consideration included stormwater concerns which were addressed in Condition Nos. 8-10. She further noted the number of attendees and parking as other considerations in the conditions. Ms. Risinger highlighted access to the venue and traffic data along Fire Tower Road and Old Stage Road, adding Condition No. 4 addressed road widening as part of the site plan submittal.

Ms. Risinger noted the existing single-family residence's operation as a tourist home was also incorporated into the application. She further noted there was an existing driveway from Old Stage Road. Ms. Risinger provided additional details regarding the conditions as they pertained to the residence. She noted staff recommended that the Planning Commission recommend approval to the Board of Supervisors. Ms. Risinger stated Mr. Stephen Romeo of Vanasse Hangen Brustlin, Inc. (VHB) and Mr. David Nice were present and available for questions.

Mr. Everson noted Condition No. 5 and the reference of a buffer along Fire Tower Road. He questioned what buffering was envisioned.

Ms. Risinger stated Condition No. 5 had no provision for buffering along Fire Tower Road. She explained the buffering referenced the area at the intersection of Old Stage Road to the northern end of the project site.

Mr. Everson thanked Ms. Risinger for the clarification.

Mr. O'Connor referenced an email he had received. He asked if the acreage was not withdrawn from the AFD, then was a by-right option for use still applicable if agri-tourism was still supported.

Ms. Risinger confirmed yes. She explained the AFD withdrawals restrict the issuance of an SUP for commercial use; therefore, the withdrawal request was necessary. Ms. Risinger noted if a facility was proposed which met all the performance standards or performed solely for agri-tourism events then neither the SUP nor the withdrawal would be required.

Mr. O'Connor asked what enforcement mechanism would be in place to determine if an event was supporting agri-tourism or a wedding.

Ms. Christy Parrish, Zoning Administrator, responded that if the SUP were granted then a wedding, agri-tourism supported event, corporate event, or other type of event could occur at the venue.

Mr. O'Connor noted no report regarding events was required.

Ms. Parrish noted there was a fine line in reference to the enforcement mechanism. She further noted review of the use would be based on a complaint basis or additional information received by staff. Ms. Parrish stated staff would then investigate, communicate with the property owner, and establish a plan as needed.

Mr. Polster asked for the definition of an agri-tourism event.

Ms. Parrish responded interpretation of State Code and County Ordinances were considerations. She compared the Sweethaven Lavender of Williamsburg as an example. Ms. Parrish noted the use of agri-tourism and guidance from the Attorney General's Office and spoke to those points in more detail. She further noted if the withdrawal request and SUP application were removed,

then Mr. Nice could still rent the house as a tourist home for the farm enjoyment by-right.

Mr. Rodgers questioned the timeline for the AFD withdrawal.

Ms. Risinger noted the next AFD renewal was slated for 2026. She further noted that staff would send letters out in May to all the properties in the AFD as well as to adjacent properties. Ms. Risinger stated the letters notified owners of the opportunity to request property withdrawal, adding that was by-right. She noted the specified removal would occur.

Mr. Rodgers asked if that was two years.

Ms. Risinger confirmed yes.

Mr. O'Connor thanked Ms. Risinger.

Mr. O'Connor opened the Public Hearing.

Mr. Stephen Romeo of VHB, Inc., 115 Tides Run, Yorktown. He highlighted the VHB project with a PowerPoint presentation which included a video of the property. Mr. Romeo noted one significant point of this project centered on access with the SUP supporting that point. He further noted Fire Tower Road was considered the safer access route as opposed to Old Stage Road. Mr. Romeo stated the speed limit was a major consideration. He added Fire Tower Road had a posted 25 mph speed limit. Mr. Romeo addressed the number and guests and access off Old Stage Road and by-right considerations, adding this process ensured a safe venue.

Mr. O'Connor thanked Mr. Romeo.

Mr. David Nice, 4571 Ware Creek Road, spoke on the property. He noted prior to the beginning of the project, Mr. Tom Coghill, Director of the County's Building Safety and Permits Division, had spoken with him assuring him as the property was an operating farm, exemptions were in place regarding building permits and inspections. Mr. Nice stated the project was built with the highest standards in place. He noted the original purpose was a musical venue. Mr. Nice further noted the home on the property would be used for brides rather than for Airbnb rentals. He spoke in more detail about the venue and the agri-tourism aspect. Mr. Nice stated if the applications were approved then he hoped the venue would open in the spring, adding calls were coming in daily regarding the venue. He addressed the minimum AFD withdrawal and emphasized the family had no intention of developing the farm.

Mr. O'Connor thanked Mr. Nice.

Ms. Sharon Seltzer, 9804 Fire Tower Road, addressed the Commission noting she lived in the house across from the proposed venue. She noted she had no opposition to the property becoming a wedding or musical venue, but she had some concerns and questions. Ms. Seltzer stated single-family homes were along Fire Tower Road which had a posted 30 mph speed limit. She expressed concern regarding traffic. Ms. Seltzer referenced the peak hour trip data and consideration of a Traffic Impact Analysis. She noted Dream Catchers was also nearby and the increased traffic activity when Dream Catchers hosted events. Ms. Seltzer referenced recent traffic accidents along Old Stage Road. She emphasized consideration for the best option for traffic access with regard to Fire Tower Road. Ms. Seltzer questioned the hours for the music, light pollution, and buffering for the area and the impact on the local residents.

Mr. O'Connor thanked Ms. Seltzer.

As there were no additional speakers, Mr. O'Connor closed the Public Hearing.

Mr. Polster noted his confusion regarding the agri-tourism definition. He further noted the

positive direction of the proposed venue toward the agri-business aspect within the County. Mr. Polster recognized the Nice family's commitment to that point over the years. He stated he was pleased the access would not be from Old Stage Road. Mr. Polster acknowledged a traffic light at Stonehouse would be needed with the last three developments occurring. He noted one of the conditions addressed lighting, noise, and other factors for consideration. Mr. Polster further noted those points were considerations staff reviewed regularly with applications. He spoke in favor of the entrance access off Fire Tower Road, buffer maintenance off Old Stage Road, and widening of the road, adding he would support the application.

Mr. Haldeman questioned the voting.

Mr. O'Connor clarified two votes would occur with one for the AFD withdrawal and the other for the SUP.

Mr. Haldeman spoke favorably about the project in its beauty and support of the local farming economy. He noted his support of the venue and tourist home, but stated he had concerns with the AFD withdrawal. Mr. Haldeman addressed the AFD policy.

Mr. Rodgers noted out-of-town guests generally were not late-night attendees at the wedding venues from his experience. He further noted that point could minimize disruption to surrounding homes and residents. Mr. Rodgers addressed the use of the barn and the preservation component of the venue. He supported the application, adding he felt the AFD withdrawal was more a removal with no disturbance to the land as the structures were already in place.

Mr. Everson echoed that point. He noted the public purpose of the agri-business aspect. Mr. Everson referenced the Comprehensive Plan to that point. He further noted his support of the application.

Mr. O'Connor echoed Mr. Haldeman's concern regarding the AFD withdrawal. He noted that if the entire parcel had been requested for withdrawal, he would be opposed. Mr. O'Connor further noted approximately 15 acres were requested for withdrawal with the balance of the land to remain in the AFD with an agricultural use. He referenced the Comprehensive Plan and how this application supported many of its components such as preservation and setbacks. Mr. O'Connor noted the agri-tourism uses while supporting open space preservation. He stated his support of the AFD withdrawal and the SUP.

Mr. Polster made a motion that the Planning Commission recommend approval to the Board of Supervisors on AFD-24-0003. 9812 Old Stage Road Barnes Swamp AFD Withdrawal.

Mr. O'Connor clarified a yes vote represented withdrawal from the AFD.

On a roll call vote, the Commission voted to make a recommendation to the Board of Supervisors on approval of AFD-24-0003. 9812 Old Stage Road Barnes Swamp AFD Withdrawal. (5-0-2)

3. SUP-24-0021. Niceland Farm Event Venue and Tourist Home

Mr. Polster made a motion that the Planning Commission recommend approval to the Board of Supervisors on SUP-24-0021. Niceland Farm Event Venue and Tourist Home with the conditions.

On a roll call vote, the Commission voted to make a recommendation to the Board of Supervisors on approval of SUP-24-0021. Niceland Farm Event Venue and Tourist Home with the conditions. (5-0-2)

Mr. O'Connor thanked the attendees of the meeting.

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for Planning Commission consideration.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - October 2024

Ms. Istenes stated that she did not have any additional information.

Mr. Polster questioned Ms. Istenes' response regarding no Policy Committee meetings for the remainder of the year.

Ms. Istenes responded that she would follow up with Mr. Paul Holt, Director of Community Development, and reply to the Commissioners via email.

Mr. Polster noted his appreciation to that point.

Ms. Istenes stated an application had been received for the October 23, 2024, DRC meeting. She stated she thought the application would move forward.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. O'Connor noted Mr. Maye had coverage for the Board of Supervisors October meeting.

J. ADJOURNMENT

Mr. Haldeman made a motion to adjourn.

The meeting was adjourned at approximately 6:51 p.m.

Susan Istenes, Secretary

Tim O'Connor, Chair

MEMORANDUM

DATE: November 6, 2024

TO: The Planning Commission

FROM: Ben Loppacker, Planner

SUBJECT: Development Review Committee Action Item: SP-24-0062. Bright Beginnings Pre-K Center at Clara Byrd Baker Elementary School

Ms. Holly Adams of Alpha Corporation, on behalf of the Williamsburg-James City County Schools, has submitted a site plan to allow for the construction of a 42,000-square-foot Pre-K Center at 3131 Ironbound Road.

The reason for the Development Review Committee (DRC) Review: The applicant has requested a modification from the sidewalk and bike lane requirement based on exceptions provided in Section 24-35(d)(2) of the Zoning Ordinance (see Attachment No. 3). In place of a separate 6-foot-wide sidewalk and 6-foot-wide bike lane as shown on the Pedestrian Accommodation Master Plan and Regional Bikeways Plan, the applicant seeks to install an 8-foot-wide multiuse path. The Planning Director has reviewed the request and has determined that the applicant's request does not meet the exception criteria set forth in Section 24-35(d)(2). Pursuant to Section 24-35(e), *Appeals*, the applicant has appealed the Planning Director's determination.

On October 23, 2024, the DRC found the applicant's request for a modification from the bike lane requirement to be consistent with the exception criteria provided in Section 24-35(d)(2) of the Zoning Ordinance by a vote of 3-1. Additionally, the DRC added a condition to have the existing sidewalk remain. The exception requires the applicant to pay for the bicycle accommodation and maintenance fund in an amount to be determined by the County in lieu of constructing the bike lane.

BL/md
SP24-62BB-CBBES-mem

Attachments:

1. October 23, 2024, DRC Staff Report and Materials
2. Location Map
3. Section 24-35 of the Zoning Ordinance - Pedestrian Accommodation

SITE PLAN-24-0062. Bright Beginnings Pre-K Center at Clara Byrd Baker Elementary
Staff Report for the October 23, 2024, Development Review Committee

SUMMARY FACTS

Applicant:	Ms. Holly Adams of Alpha Corporation and Mr. Daniel Keever of the Williamsburg-James City County (WJCC) Schools
Landowner:	WJCC School Board
Proposal:	Request to appeal the Planning Director's decision pursuant to Section 24-35(e) of the JCC Zoning Ordinance for the recently approved Special Use Permit (SUP) to allow for the construction of a 42,000-square-foot Pre-K Center.
Locations:	3175 Ironbound Road 3131 Ironbound Road
Tax Map/Parcel Nos.:	4710100057 4710100058
Total Project Acreage:	± 25.38 acres
Zoning:	PL, Public Lands
Comprehensive Plan:	Low Density Residential (4710100057) Federal, State, or County Land (4710100058)
Primary Service Area:	Inside
Staff Contact:	Ben Loppacker, Planner

REASON FOR DEVELOPMENT REVIEW COMMITTEE (DRC) REVIEW

The applicant has requested a modification from the sidewalk and bike lane requirement based on exceptions provided in Section 24-35(d)(2) of the Zoning Ordinance (see Attachment No. 4). In place of a separate 6-foot-wide sidewalk and 6-foot-wide bike lane as shown on the Pedestrian Accommodation Master Plan and Regional Bikeways Plan (see Attachment Nos. 5 and 6), the applicant seeks to install an 8-foot-wide multiuse path. The Planning Director has reviewed the request and has determined that the applicant's request does not meet the exception criteria set forth in Section 24-35(d)(2). Pursuant to Section 24-35(e), *Appeals*, the applicant has appealed the Planning Director's determination.

FACTORS FAVORABLE

1. The request would not negatively impact surrounding development.

FACTORS UNFAVORABLE

1. Not providing a required bike lane and changing the existing sidewalk to a multiuse path decreases the ability to create a continuous, safe, and uniform alternative transportation system.

SUMMARY STAFF RECOMMENDATION

The Planning Director finds that the bike lane and sidewalk exception request by the applicant does not meet the requirements of the Zoning Ordinance for an exception. Staff recommends the DRC uphold the Planning Director's decision.

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.

SITE PLAN-24-0062. Bright Beginnings Pre-K Center at Clara Byrd Baker Elementary
Staff Report for the October 23, 2024, Development Review Committee

PROJECT DESCRIPTION

Ms. Holly Adams of Alpha Corporation and Mr. Daniel Keever of the WJCC Schools have submitted a site plan (SP-24-0062) for the operation of a 42,000-square-foot Pre-K Center at 3131 and 3175 Ironbound Road. The properties are currently occupied by the existing Clara Byrd Baker Elementary School. The proposed Pre-K Center will be located on the northeast portion of the property and will be visible from the right-of-way.

The applicant is requesting an exception for the bicycle accommodations for the following reasons summarized below (*with staff's comments in italics*).

Existing Topographical Elements

- While the current topography of the site allows for an in-lane bike lane and a multiuse path that both comply with the Virginia Department of Transportation (VDOT) standards, the in-lane bike lane provides no flexibility for future development along Ironbound Road.

The lack of adequate width for a separated bike lane is not one of the criteria used toward an exception to the bike lane requirement. Staff is of the opinion that bike lane connectivity can be established as properties develop over time.

Safety

- The addition of an in-lane bike lane would put elementary age students directly adjacent to vehicular traffic moving at high speeds on a major thoroughfare.

Staff is aware that the application has raised safety issues that may come from an in-lane bike lane; however, the Pedestrian

Accommodations Master Plan and Regional Bikeways Map do not specify that the bike lane has to be in-lane, only that it must meet VDOT requirements for bike lanes.

Section 24-35 of the Zoning Ordinance states that “Pedestrian and bicycle accommodations shall be required for the subject property(ies) along all public roads as shown on the pedestrian accommodation master plan and the regional bikeways plan.” (see Attachment Nos. 5 and 6). There is an existing sidewalk along the property’s frontage within the right-of-way providing pedestrian connectivity to parcels north and south of the properties. Currently, there is no bike lane along this section/side of Ironbound Road.

According to Section 24-35(d) of the Zoning Ordinance, the following should be considered as exceptions to the pedestrian accommodation requirements (*with staff's comments in italics*).

- (a) Pedestrian or bicycle accommodation is otherwise required by this section and would be substantially damaged or need to be replaced as a result of a fully engineered roadway construction project implemented by the County or VDOT. The Planning Director or his designee may request dedication of sufficient right-of-way for pedestrian or bicycle accommodations related to the road project in lieu of construction of the pedestrian or bicycle requirement. The requirement to dedicate right-of-way shall be based on existing right-of-way, the design of the engineered project, and additional right-of-way that is needed; or

The proposed bike lane and sidewalk would not be damaged and/or replaced as a result of a fully engineered roadway construction project, as none are currently planned in this area.

- (b) In circumstances where topographical conditions make construction of pedestrian or bicycle accommodations

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.

SITE PLAN-24-0062. Bright Beginnings Pre-K Center at Clara Byrd Baker Elementary
Staff Report for the October 23, 2024, Development Review Committee

impractical, the Planning Director or his designee may approve an alternative alignment that is accessible by the public that differs from the Pedestrian Accommodation Master Plan. The alternative alignment shall link with adjacent pedestrian accommodations; or

Staff is not aware of any topographical conditions which would constrict and/or limit the installation of a bike lane and sidewalk in this section of Ironbound Road. The site is flat and there is an existing sidewalk along the same road segment. The Director of Planning has the authority to approve an alternative alignment for the required facilities; however, the Director of Planning does not have the authority to approve alternative facilities. The applicant has not offered any alternative alignment for the bike lane and sidewalk, instead the applicant has asked the Director to approve an alternative facility.

- (c) Pedestrian or bicycle accommodations are shown on a master plan or corridor plan approved by the Board of Supervisors that differs from the Pedestrian Accommodation Master Plan or the Regional Bikeways Plan.

This is not applicable for this project.

PLANNING AND ZONING HISTORY

- Clara Byrd Baker Elementary School did not require an SUP when it was opened in 1989; however, when the property was rezoned to PL in 2007, it required SUPs for schools and similar institutions.
- In 2015, SUP-0005-2015 was approved for additions and improved parking on the site, as well as bringing the existing school use into conformance with the Zoning Ordinance.

- SUPs for additional classrooms in trailers and learning cottages were approved on the Clara Byrd Baker Elementary School property in 1990, 1991, 1995, 2000, 2002, 2003, 2004, 2005, 2006, 2007, and 2021.
- In 2024, Z-24-0002/SUP-24-0002 was approved for the proposed 42,000-square-foot Pre-K Center to the existing school site.

SURROUNDING PROPERTIES

	ZONING DESIGNATION	EXISTING LAND USE	FUTURE LAND USE DESIGNATION
NORTH	MU, Mixed Use District	Commercial	Mixed Use and Moderate Density Residential
SOUTH	R-8, Rural Residential District	Single-family Residential	Low Density Residential
EAST	B-1, General Business District, LB, Limited Business District, R-2, General Residential District	Single-family Residential and Commercial	Low Density Residential and Mixed Use
WEST	R-8, Rural Residential District	James City Service Authority (JCSA) Desalination Treatment Plant	Federal, State, or County Land

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 RECOMMENDATION

After reviewing the site plan, the Planning Director finds that the request to allow for a modification of the bike lane and sidewalk requirement does not meet the criteria established by Section 24-35(d) *Exceptions*, of the JCC Zoning Ordinance. Staff recommends that the DRC uphold the Planning Director's determination that the project does not qualify for an exception.

BL/md
SP24-62BrBegCBBE

Attachments:

1. Location Map
2. Letter from Applicant Requesting Bike Lane and Sidewalk Modification
3. Applicant's Bike Lane and Sidewalk Exhibits
4. Section 24-35 of the Zoning Ordinance Pedestrian Accommodation
5. Pedestrian Accommodation Map
6. Regional Bike Lane Map

JCC SP-24-0062

Bright Beginnings Pre-K Center at Clara Byrd Baker





WILLIAMSBURG
JAMES CITY COUNTY
PUBLIC SCHOOLS
EST. 1955

October 2, 2024

James City County Development Review Committee
c/o James City County Planning Department
101 Mounts Bay Road, Building A
PO Box 8784
Williamsburg, VA 23187-8784

RE: JCC Project No: SP-24-0062 (Clara Byrd Baker Site)

Dear Development Review Committee Members:

WJCC requests an appeal to the denial for an exception to bike lane requirements stated in Section 24 (a) of the James City County Zoning Special Regulations.

It is with strong reflection from the school division and in consultation with the site design team that we posit Exception #2, WJCC's Safe Routes to School Plan, and safety considerations should be evaluated for the Clara Byrd Baker Site Plan Submittal.

Exception #2 states that: Sec. 24-35. - Pedestrian and bicycle accommodations.

(d) Exceptions: Exceptions to this section may be granted by the planning director or his designee if:

(2) In circumstances where topographical conditions make construction of pedestrian or bicycle accommodations impractical, the planning director or his designee may approve an alternative alignment that is accessible by the public that differs from the pedestrian accommodation master plan. The alternative alignment shall link with adjacent pedestrian accommodations.

When considering the nature of the expected bike lane and its usage, multiple aspects of the requirement are called to question:

Existing Topographical Elements

- Topography is defined as the physical features of an area and not limited to elevation changes.

- A VDOT approved bike lane is required because the parcel will be publicly maintained.
- While current topography of the site allows for an in-lane bike lane and multi-use path that both comply with VDOT standards, the in-lane bike lane provides no flexibility for the future development along Ironbound Rd.
- Considering the 50' required community character corridor is met with the building placement on the site, there is no room for future development.
- Adjacent sites, and many with site plans currently submitted, are also appealing to the county for alternate ways to provide a safe and compliant bike lane.
- Connectivity required by Zoning would not be met should other sites along this thoroughfare fail to make major site modifications needed to install a compliant bike lane.

Safety

VDOT in-lane bike lane and multi-use path are the only two bike lane options meeting VDOT standards that can physically be met on the site.

Safety issues regarding an in-lane bike lane have been raised such as:

- The in-lane path would put elementary age students in the path of traffic moving at high speeds (45MPH) on a multi-lane road (5 lanes) (*Appendix 01 – Traffic Impact Analysis*)
- High traffic on Ironbound Rd at school start and stop hours puts bike riders adjacent to congested traffic at peak traffic hours for the day (*Appendix 01 – Traffic Impact Analysis*)
- The posted speed limit for Ironbound Rd is much higher than what is safe for a kindergartener riding a bike adjacent.
- The County's "Safe Routes to Schools" effort has allowed 10-15 students to ride bikes daily to Clara Byrd Baker Elementary School with a large increase in the number of riders making their way to school independently. The Safe Routes to School effort also found challenges and obstacles at Ironbound Rd including speed of the road and number of lanes, further establishing safety concerns for young riders. Safety concerns from parents initiated the need for the Safe Routes to School funding for Clara Byrd Baker, their major concerns were "speed of traffic along the route to school and lack of infrastructure." Furthermore, the plan encourages localities to continue planning for the transportation needs of youth with a high priority of making the routes safe for children. (*Appendix 02 – SRTS Study*)
- Bike lanes are not present on either side of the Clara Byrd Baker site. Widening the road to put in a bike lane would have elementary age students pulling in and out of oncoming traffic travelling at high speeds.

Physical features of the site (or existing topography) do allow room for a compliant VDOT Standard Multi-Use Path. A Multi-Use Path within the 50' community character corridor is

recommended by the design team for this site. A multi-use path was recommended along Ironbound Road in JCC's 2045 Comprehensive Plan, stating, "a multi-use trail along the side of the road is encouraged." (*Appendix 03 – Engage 2045 Comprehensive Plan*) It also would help support the Hampton Roads 2040 Long Range Transportation Plan's efforts to increase safety by minimizing conflicts between motorized and non-motorized modes of transportation. (*Appendix 02 – SRTS Study*) Within the Zoning Ordinance, the planning director has authority to approve alternate locations for pedestrian accommodations that are found to have equivalent connectivity.

WJCC strongly believes that a multi-use path along the Clara Byrd Baker site frontage would provide connectivity to the adjacent sites, and it would also allow for a safer and more secure route to school for WJCC students. The goal of WJCC is to provide students with the tools necessary for their education and helping to keep them safe is of paramount importance.

Other options for bike lanes such as a separated bike lane would make the property too small to fit the Pre-K building.

Based on the factors listed above, WJCC asserts that Exception #2, current community development plans, and safety should be considered.

We look forward to meeting with the Development Review Committee on October 23, 2024, to discuss this appeal in more detail.

Sincerely,



Daniel Keever

Deputy Superintendent

Williamsburg-James City County Schools

Enclosures: Please see Appendix Items and Exhibits

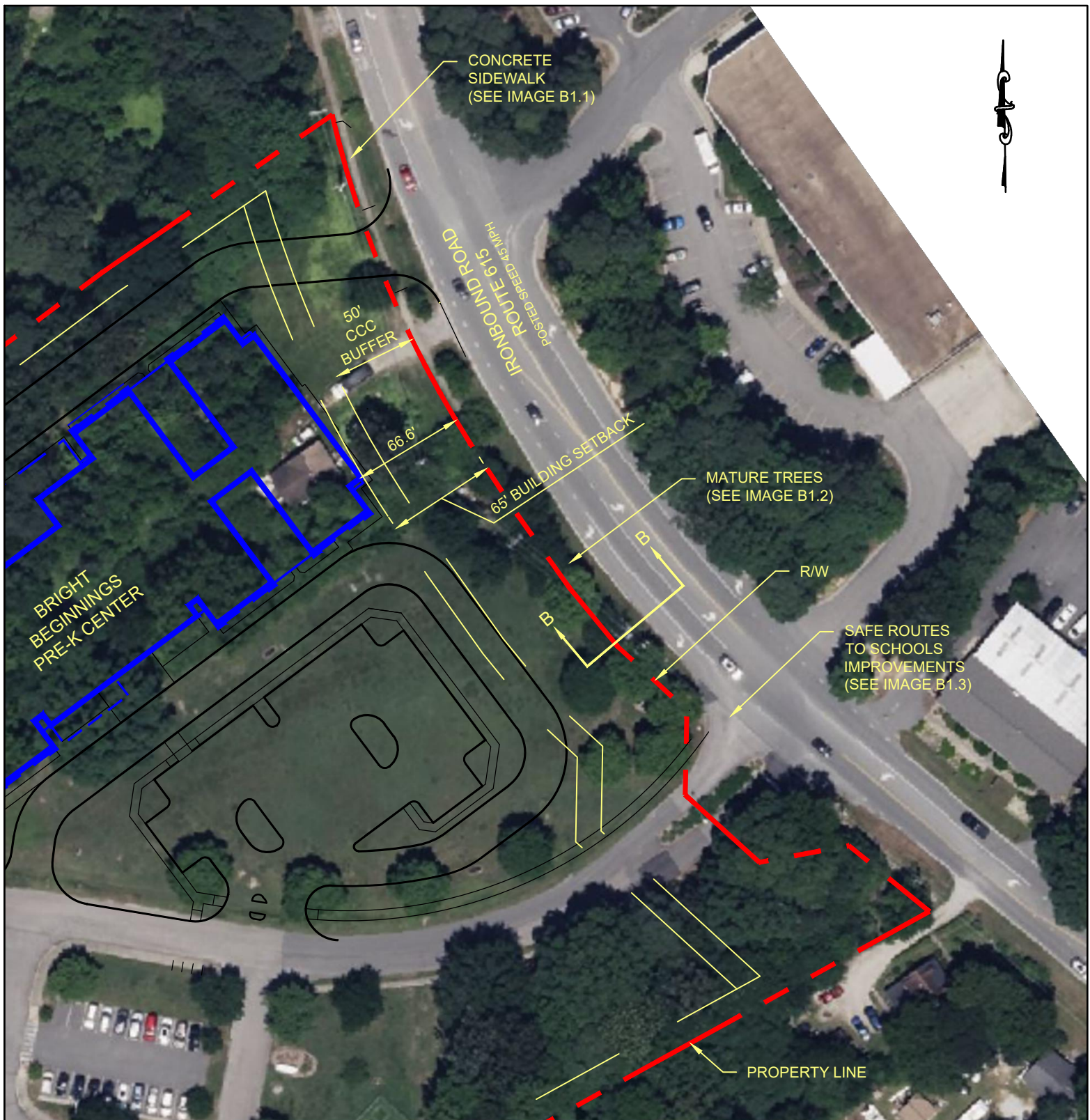
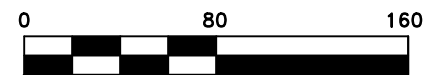


Table 1: Existing Roadway Network

Roadway	RTE #	VDOT Classification	Legal/Design Speed Limit (mph)	AADT (vpd)
Ironbound Road	615	Major Collector	45	5900*
John Tyler Memorial Highway	5	Minor Arterial	35	7200*

* VDOT 2021 ADT Traffic Data



GRAPHIC SCALE IN FEET



**ALPHA
CORPORATION**

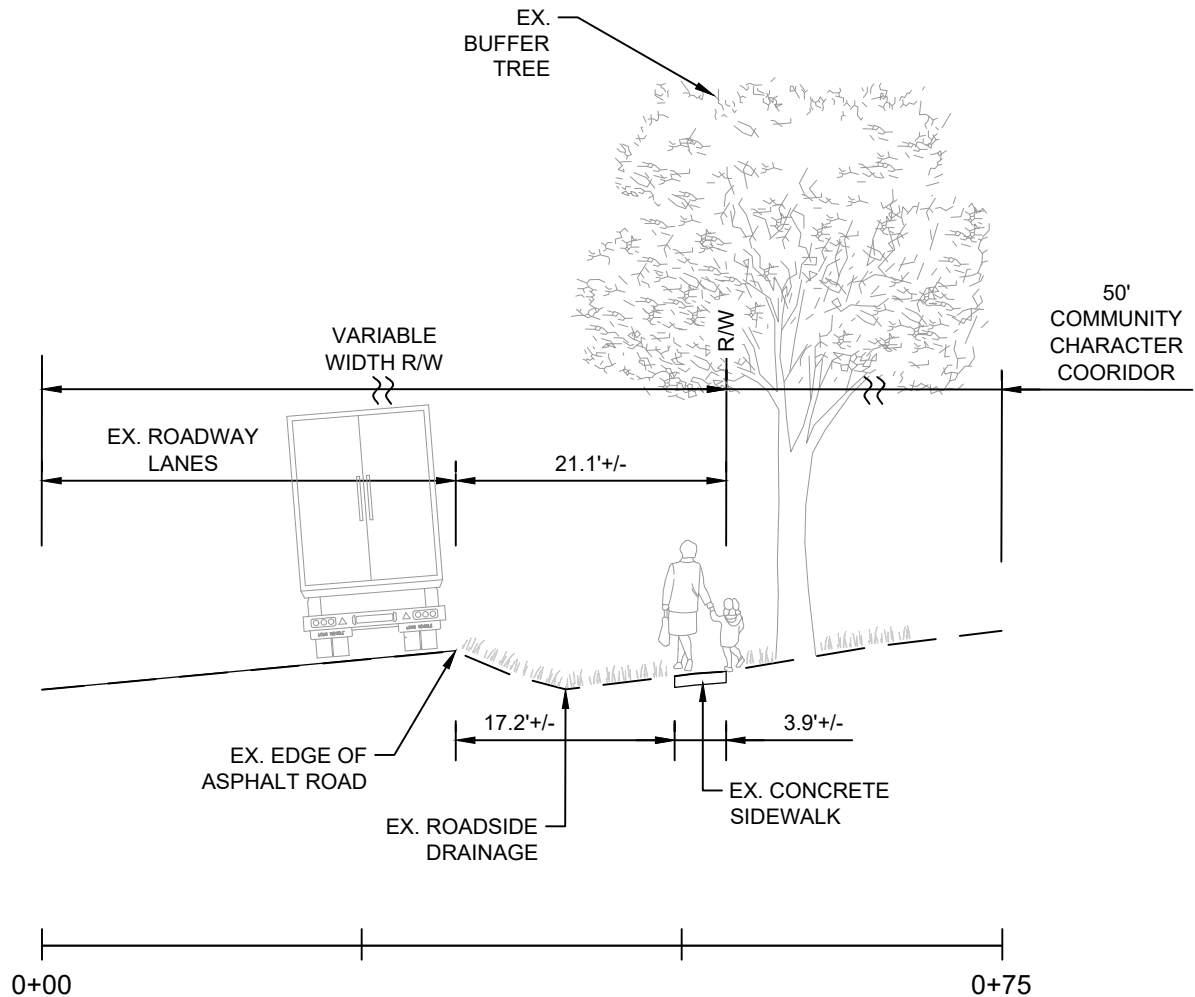
295 BENDIX ROAD, SUITE 340
VIRGINIA BEACH, VA 23452
(757) 533-9368
www.alphacorporation.com

BRIGHT BEGINNINGS PRE-K CENTER CLARA BYRD BAKER ELEMENTARY SCHOOL OCTOBER 03, 2024

ALPHA PROJECT NO: 610-010-C
JCC PROJECT NO: SP-24-0062

BIKE LANE
EXHIBIT

EX-B1



TYPICAL SECTION B-B: EXISTING CONDITION

NOT TO SCALE

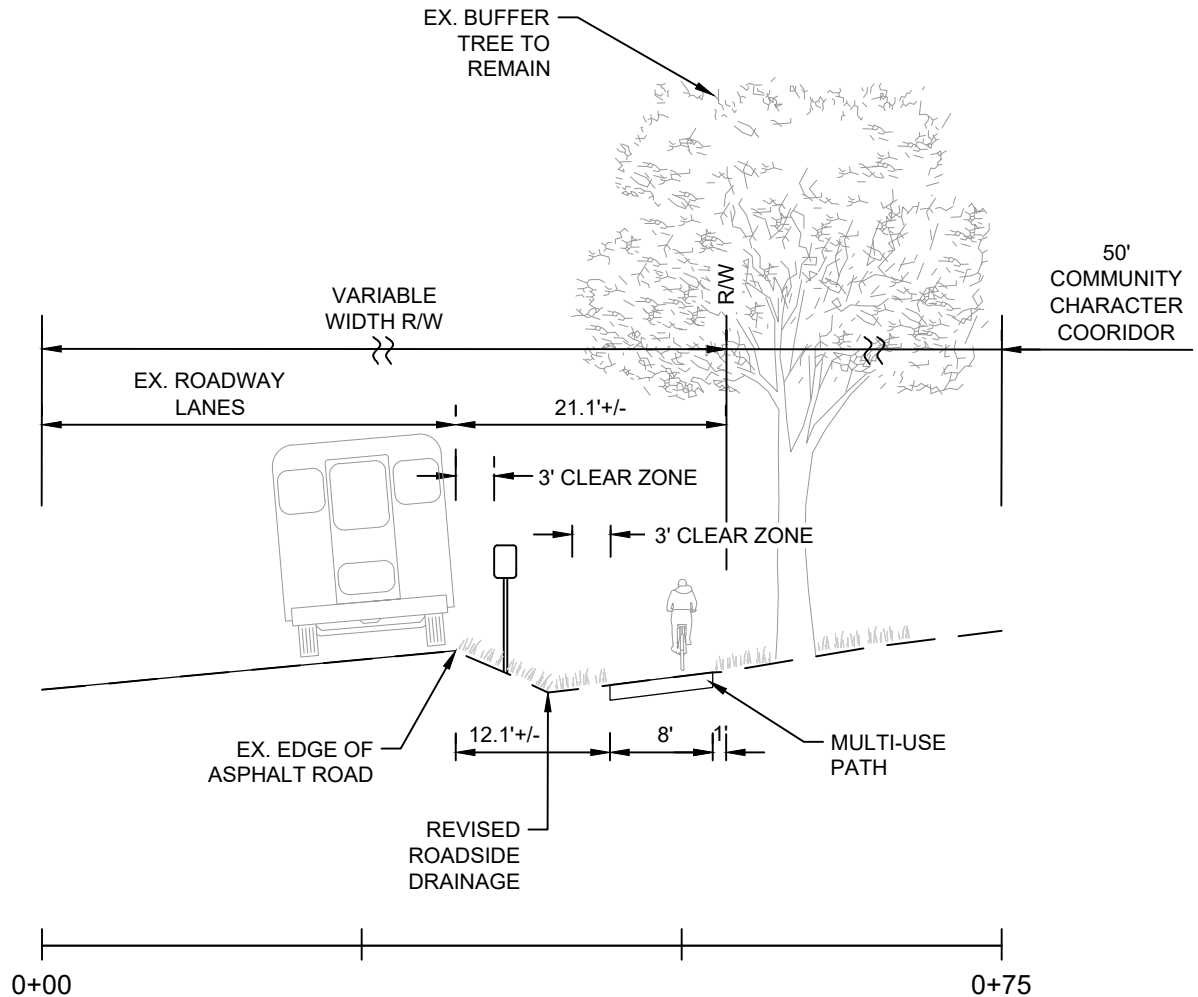


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CLARA BYRD BAKER ELEMENTARY SCHOOL
OCTOBER 03, 2024

ALPHA PROJECT NO: 610-010-C
JCC PROJECT NO: SP-24-0062

BIKE LANE
EXHIBIT
SECTION
EX-B2



TYPICAL SECTION B-B: VDOT STANDARD MULTI-USE PATH

NOT TO SCALE

NOTE:

ALL VDOT STANDARD PEDESTRIAN AND BICYCLE IMPROVEMENTS CAN BE CONSTRUCTED WITHIN EXISTING RIGHT OF WAY.

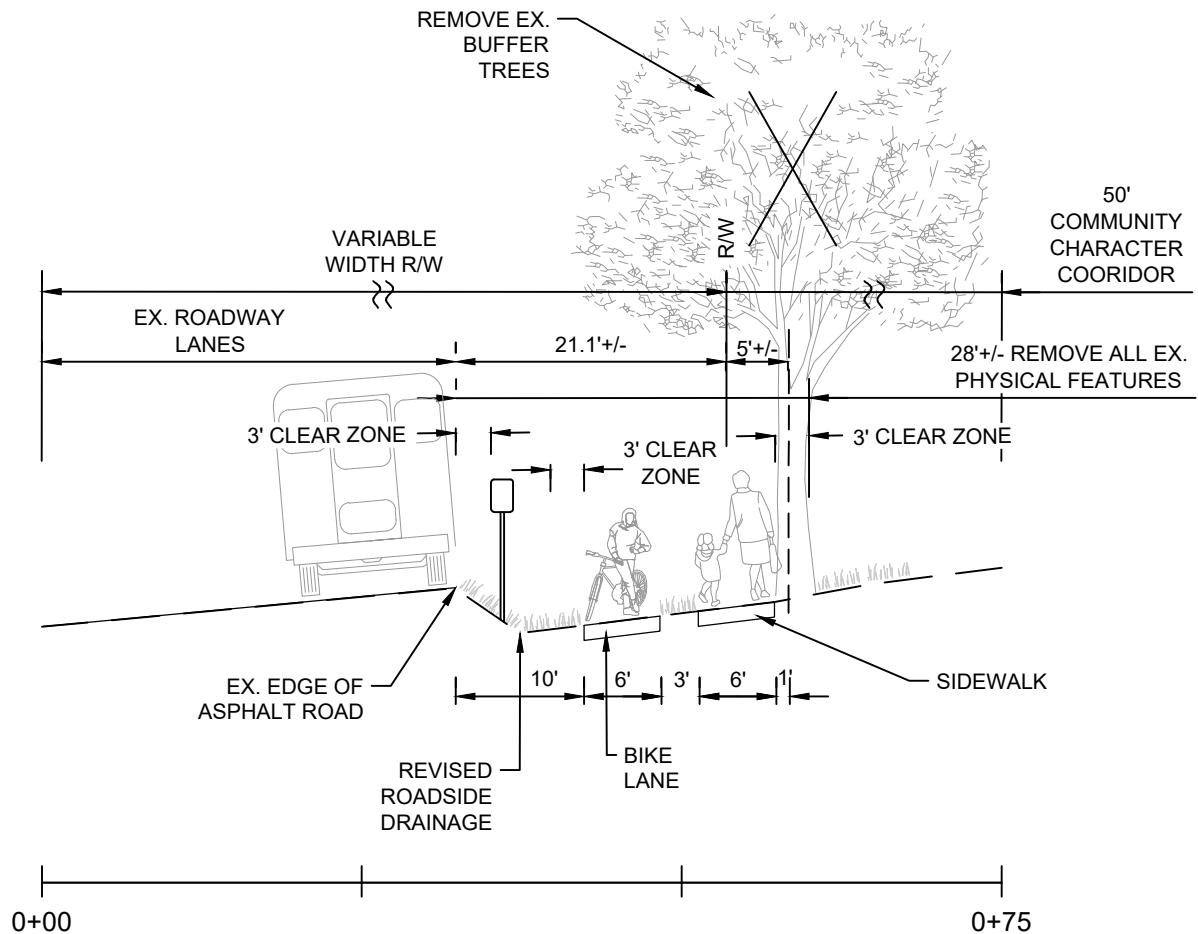


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OCTOBER 03, 2024

ALPHA PROJECT NO: 610-010-C
JCC PROJECT NO: SP-24-0062

**BIKE LANE
EXHIBIT
SECTION
EX-B3**



TYPICAL SECTION B-B: VDOT STANDARD SEPARATED BIKE LANE

NOT TO SCALE

NOTE:

VDOT STANDARD PEDESTRIAN AND BICYCLE IMPROVEMENTS
CANNOT BE CONSTRUCTED WITHIN EXISTING RIGHT OF WAY.



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OCTOBER 03, 2024

ALPHA PROJECT NO: 610-010-C
JCC PROJECT NO: SP-24-0062

**BIKE LANE
EXHIBIT
SECTION
EX-B4**

Bike Lane Exhibit Images
Bright Beginnings Pre-K Center
Clara Byrd Baker Elementary School

Image B1.1 – Concrete Sidewalk Along Ironbound Road



Image B1.2 - Mature Buffer Trees Along Ironbound Road

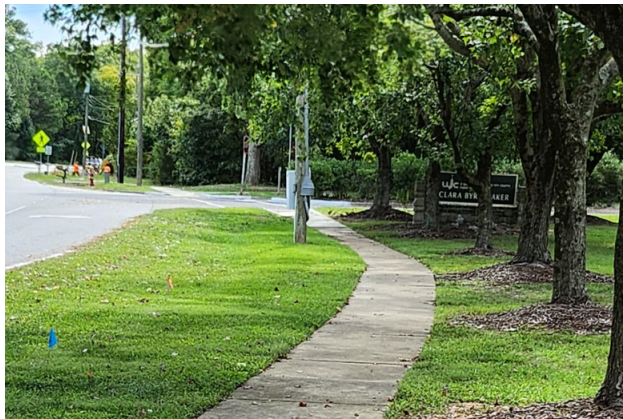
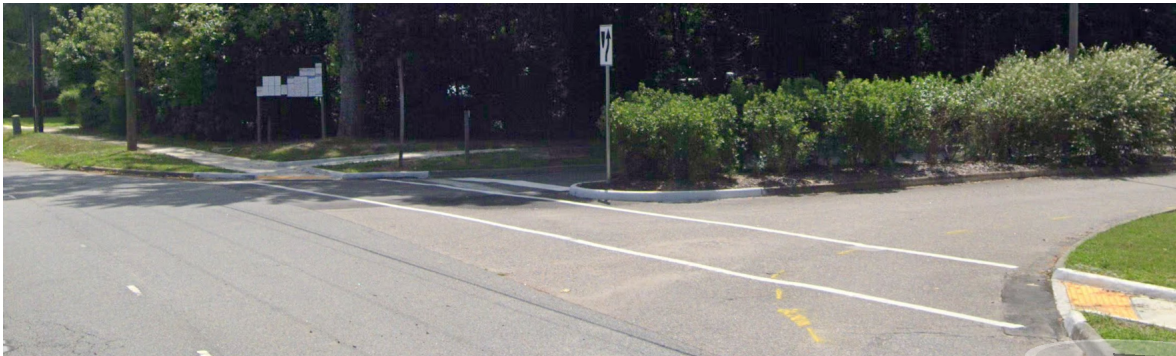


Image B1.3 – Safe Routes to School Improvements Ironbound Road at School Entrance



Sec. 24-35. - Pedestrian and bicycle accommodations.

- (a) Pedestrian and bicycle accommodations shall be required for all projects requiring site plan or major subdivision review in accordance with the following:
 - (1) Pedestrian and bicycle accommodations shall be required for the subject property(ies) along all public roads as shown on the pedestrian accommodation master plan and the regional bikeways plan. In addition to corridors identified on the pedestrian accommodation master plan, sidewalks shall be required along at least one side of all roads built within a community character area sidewalk inclusion zone as specified on the pedestrian accommodation master plan.
 - (2) *Internal public streets.* Pedestrian accommodation internal to a residential, commercial, office or industrial development with public streets shall be required pursuant to the Secondary Street Acceptance Requirements found in 24VAC30-92, as amended.
 - (3) *Internal private streets.*
 - a. Pedestrian accommodation internal to a residential, commercial, or office development with private streets shall be required on at least one side of all internal streets.
 - b. For development designated by the Comprehensive Plan as mixed use; moderate density residential; or the residential, commercial, and office sections of an economic opportunity area, pedestrian accommodations shall be required on both sides of the private streets.
 - c. Sidewalks on private streets shall not be required internal to industrial parks or industrial sections of areas designated economic opportunity on the Comprehensive Plan.
 - d. The planning director or his designee may approve alternative locations for pedestrian accommodations that are found to have equivalent connectivity as providing sidewalks along the roads internal to the development, such as paved connections between or from cul-de-sacs to other pedestrian accommodations.
 - (4) *Interconnectivity internal to a parcel.* Pedestrian accommodations shall be required between parking areas, buildings, and public areas for residential, commercial, and office development sites. Pedestrian accommodation internal to a development shall link with any existing or master planned pedestrian accommodation along an abutting road external to the development and any existing public transit stops. Development within industrial parks and industrial sections of the economic opportunity zone shall be required to meet applicable Americans with Disabilities Act (ADA) connectivity standards.
 - (5) *Interconnectivity between parcels.* Pedestrian and bicycle accommodations shall be required between residential developments and adjoining schools, park, or recreational facilities as determined by the planning director or designee. The property owner shall provide a connection internal to the development to the property line with the adjoining facility. This

criterion may be waived by the planning director or designee if the owner of the contiguous parcel objects to a connection or if a significant obstruction exists (such as wetlands, slopes exceeding 25 percent gradient and guardrails) that would make a connection impracticable.

(b) Construction standards: Pedestrian and bicycle accommodations required by section 24-35(a) shall be built in accordance with the following construction standards:

- (1) If accommodations are to be publicly maintained, the accommodations shall be built to VDOT standards and located within VDOT right-of-way.
- (2) The accommodations shall be shown on the final plat and/or site plan.
- (3) If accommodations are to be privately maintained, they shall meet the following requirements:
 - a. Sidewalks shall be paved and a minimum of five feet in width and be built to VDOT construction standards;
 - b. Multi-use paths shall be paved and a minimum of eight feet in width and shall be built to paved trail standards in the Parks and Recreation Greenways Master Plan;
 - c. All pedestrian accommodations shall meet the requirements of the ADA's Accessibility Guidelines;
 - d. Width criteria for private accommodations may be reduced with approval by the planning director or designee if a significant obstruction exists (such as wetlands, slopes exceeding 25 percent gradient and guardrails) that would make a connection impracticable.

(c) Exemptions: Exemptions to this section may be granted by the planning director or his designee if:

- (1) A proposed temporary structure(s) will not be erected for more than six months; or
- (2) A proposed addition to an existing structure is less than 1,000 square feet or no changes to the building footprint are proposed; or
- (3) The development is located within an office park with private streets in existence prior to November 22, 2011 and providing pedestrian accommodations along the frontage of the development site would not result in a safe and continuous connection to an existing or planned pedestrian accommodation or public transit stop; or
- (4) Land disturbance on the project area is less than 2,500 square feet; or
- (5) The site plan submittal is for a project associated with an existing individual multi-family dwelling unit.

(d) Exceptions: Exceptions to this section may be granted by the planning director or his designee if:

- (1) A pedestrian or bicycle accommodation is otherwise required by this section and would be substantially damaged or need to be replaced as a result of a fully engineered roadway construction project implemented by the county or VDOT. The planning director or his

designee may request dedication of sufficient right-of-way for pedestrian or bicycle accommodations related to the road project in lieu of construction of the pedestrian or bicycle requirement. The requirement to dedicate right-of-way shall be based on existing right-of-way, the design of the engineered project, and additional right-of-way that is needed; or

- (2) In circumstances where topographical conditions make construction of pedestrian or bicycle accommodations impractical, the planning director or his designee may approve an alternative alignment that is accessible by the public that differs from the pedestrian accommodation master plan. The alternative alignment shall link with adjacent pedestrian accommodations; or
- (3) Pedestrian or bicycle accommodations are shown on a master plan or corridor plan approved by the board of supervisors that differs from the pedestrian accommodation master plan or the regional bikeways plan.

If an exception is granted for (d)(1) or (d)(2) above, the applicant shall be required to pay into the pedestrian or bicycle accommodation construction and maintenance fund in an amount determined by the county engineer or designee. The amount shall be based on:

- a. Projected engineering costs;
 - b. Projected material costs;
 - c. Projected labor and mobilization costs;
 - d. Current topographical conditions of the site; and
 - e. Linear feet of road frontage.
- (e) Appeals. In the event the planning director disapproves plans of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.

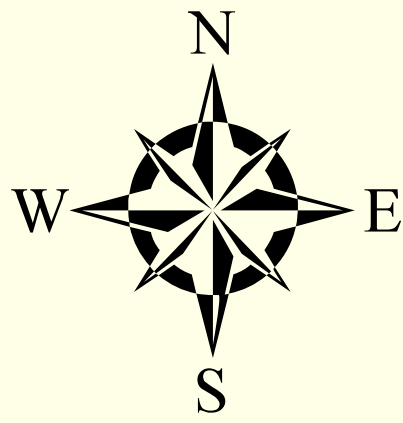
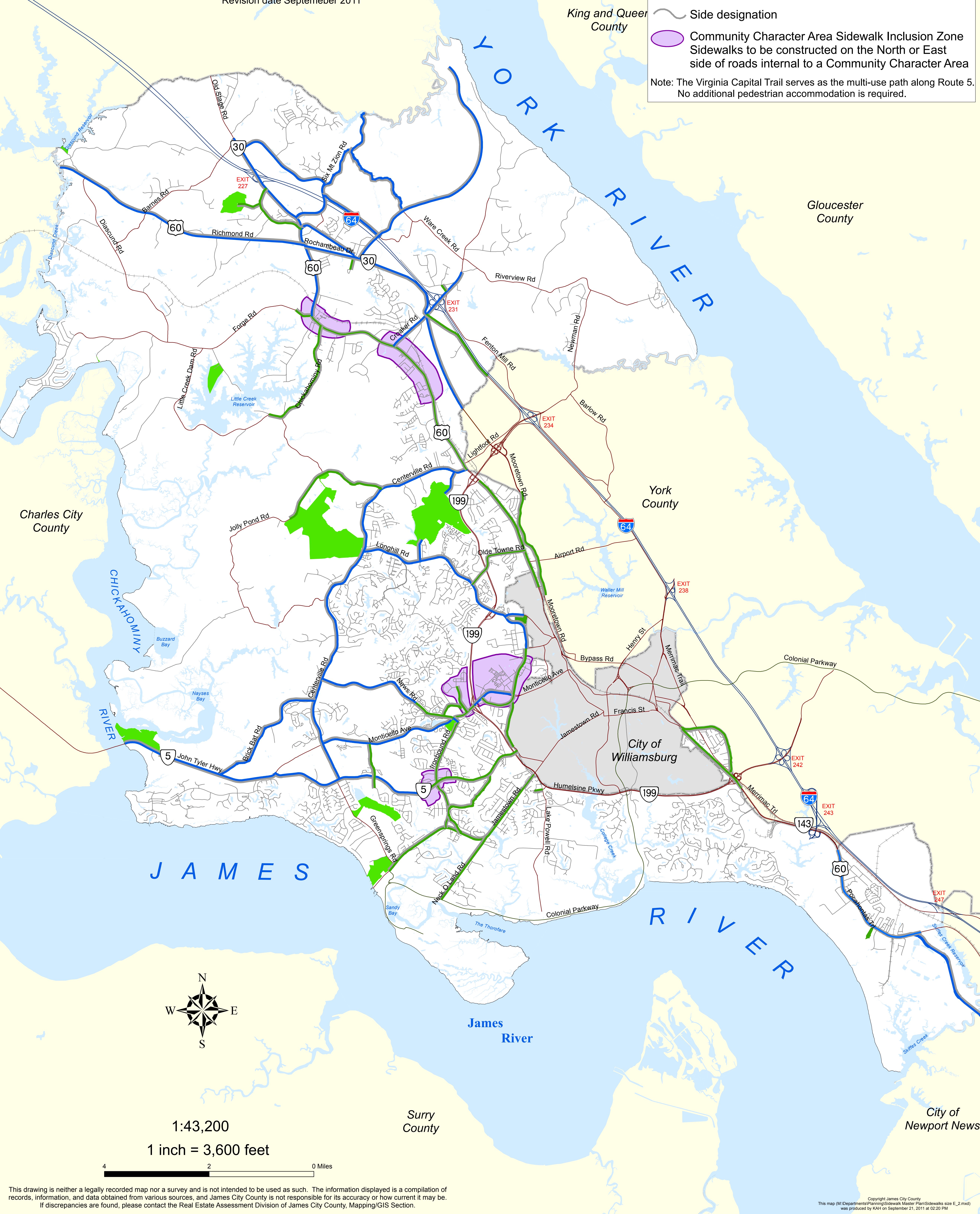
(Ord. No. 31A-118, 2-5-90; Ord. No. 31A-203, 1-26-00; Ord. No. 31A-256, 11-22-11; Ord. No. 31A-342, 8-14-18)

James City County

Draft 2011 Pedestrian Accommodation Master Plan

Revision date Septemeber 2011

- Multi-Use
 - Sidewalk
 - Sidewalks both sides
 - Side designation
 - Community Character Area Sidewalk Inclusion Zone
Sidewalks to be constructed on the North or East side of roads internal to a Community Character Area
- Note: The Virginia Capital Trail serves as the multi-use path along Route 5.
No additional pedestrian accommodation is required.



1:43,200
1 inch = 3,600 feet

4 2 0 Miles

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies are found, please contact the Real Estate Assessment Division of James City County, Mapping/GIS Section.

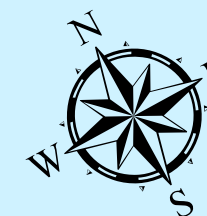
Copyright James City County
This map (M:\Departments\Planning\Sidewalk Master Plan\Sidewalks size E_2.mxd) was produced by KAH on September 21, 2011 at 02:20 PM

Regional Bikeways

James City County, Williamsburg, and York County, Virginia

Adopted by City of Williamsburg City Council 6/10/93
Adopted by York County Board of Supervisors 6/17/93
Adopted by James City County Board of Supervisors 6/21/93

Revised by City of Williamsburg City Council 11/12/98, 10/12/06, **1/10/13**
Revised by York County Board of Supervisors 10/6/99, 12/6/05, **9/3/13**
Revised by James City County Board of Supervisors 11/10/98, **9/10/13**



New Kent County

James City County

York County

Gloucester

Chesapeake Bay

Charles City County

Poquoson

Newport News

Hampton

- | | |
|---------------------|--|
| Mountain Bike Trail | National Park Service Responsible Facility |
| Parking Area | Shared Roadway |
| Parks | Existing Multi-Use Path |
| Schools | Proposed Multi-Use Path |
| | Existing Bike Lane |
| | Proposed Bike Lane |
| | Municipal Boundaries |

JCC SP-24-0062

Bright Beginnings Pre-K Center at Clara Byrd Baker



Sec. 24-35. - Pedestrian and bicycle accommodations.

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(b) Construction standards: Pedestrian and bicycle accommodations required by section 24-35(a) shall be built in accordance with the following construction standards:

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- (2) The accommodations shall be shown on the final plat and/or site plan.
- (3) If accommodations are to be privately maintained, they shall meet the following requirements:
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 - b. Multi-use paths shall be paved and a minimum of eight feet in width and shall be built to paved trail standards in the Parks and Recreation Greenways Master Plan;
 - c. All pedestrian accommodations shall meet the requirements of the ADA's Accessibility Guidelines;
 - d. Width criteria for private accommodations may be reduced with approval by the planning director or designee if a significant obstruction exists (such as wetlands, slopes exceeding 25 percent gradient and guardrails) that would make a connection impracticable.

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- (2) A proposed addition to an existing structure is less than 1,000 square feet or no changes to the building footprint are proposed; or
- (3) The development is located within an office park with private streets in existence prior to November 22, 2011 and providing pedestrian accommodations along the frontage of the development site would not result in a safe and continuous connection to an existing or planned pedestrian accommodation or public transit stop; or
- (4) Land disturbance on the project area is less than 2,500 square feet; or
- (5) The site plan submittal is for a project associated with an existing individual multi-family dwelling unit.

(d) Exceptions: Exceptions to this section may be granted by the planning director or his designee if:

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- (2) In circumstances where topographical conditions make construction of pedestrian or bicycle accommodations impractical, the planning director or his designee may approve an alternative alignment that is accessible by the public that differs from the pedestrian accommodation master plan. The alternative alignment shall link with adjacent pedestrian accommodations; or
- (3) Pedestrian or bicycle accommodations are shown on a master plan or corridor plan approved by the board of supervisors that differs from the pedestrian accommodation master plan or the regional bikeways plan.

If an exception is granted for (d)(1) or (d)(2) above, the applicant shall be required to pay into the pedestrian or bicycle accommodation construction and maintenance fund in an amount determined by the county engineer or designee. The amount shall be based on:

- a. Projected engineering costs;
 - b. Projected material costs;
 - c. Projected labor and mobilization costs;
 - d. Current topographical conditions of the site; and
 - e. Linear feet of road frontage.
- (e) Appeals. In the event the planning director disapproves plans of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.

(Ord. No. 31A-118, 2-5-90; Ord. No. 31A-203, 1-26-00; Ord. No. 31A-256, 11-22-11; Ord. No. 31A-342, 8-14-18)

MEMORANDUM

DATE: November 6, 2024

TO: The Planning Commission

FROM: Ben Loppacker, Planner

SUBJECT: Development Review Committee Action Item: SP-24-0063. Bright Beginnings Pre-K Center at Norge Elementary School

Ms. Holly Adams of Alpha Corporation, on behalf of the Williamsburg-James City County Schools, has submitted a site plan to allow for the construction of a 42,000-square-foot Pre-K Center at 7311 Richmond Road.

The reason for the Development Review Committee (DRC) Review: The applicant has requested a modification from the bike lane requirement based on exceptions provided in Section 24-35(d)(2) of the Zoning Ordinance (see Attachment No. 3). The Planning Director has reviewed the request and has determined that the applicant's request does not meet the exception criteria set forth in Section 24-35(d)(2). Pursuant to Section 24-35(e), *Appeals*, the applicant has appealed the Planning Director's determination.

On October 23, 2024, the DRC found the applicant's request for a modification from the bike lane requirement to be consistent with the exception criteria provided in Section 24-35(d)(2) of the Zoning Ordinance by a vote of 4-0. The exception requires the applicant to pay for the bicycle accommodation and maintenance fund in an amount to be determined by the County in lieu of constructing the bike lane.

BL/md
SP24-63BB-NES-mem

Attachments:

1. October 23, 2024, DRC Staff Report and Materials
2. Location Map
3. Section 24-35 of the Zoning Ordinance - Pedestrian Accommodation

SITE PLAN-24-0063. Bright Beginnings Pre-K Center at Norge Elementary School
Staff Report for the October 23, 2024, Development Review Committee

SUMMARY FACTS

Applicant: Ms. Holly Adams of Alpha Corporation and Mr. Daniel Keever of the Williamsburg-James City County (WJCC) Schools

Landowner: WJCC School Board

Proposal: Appeal Planning Director's decision pursuant to Section 24-35(e) of the JCC Zoning Ordinance for the recently approved Special Use Permit (SUP) to allow for the construction of a 42,000-square-foot Pre-K Center.

Location: 7311 Richmond Road

Tax Map/Parcel No.: 2320100035

Total Project Acreage: ± 20 acres

Zoning: PL, Public Lands

Comprehensive Plan: Federal, State, or County Land

Primary Service Area: Inside

Staff Contact: Ben Loppacker, Planner

REASON FOR DEVELOPMENT REVIEW COMMITTEE (DRC) REVIEW

The applicant has requested a modification from the bike lane requirement based on exceptions provided in Section 24-35(d)(2) of

the Zoning Ordinance (see Attachment No. 4). The Planning Director has reviewed the request and has determined that the applicant's request does not meet the exception criteria set forth in Section 24-35(d)(2). Pursuant to Section 24-35(e), *Appeals*, the applicant has appealed the Planning Director's determination.

FACTORS FAVORABLE

1. The request would not negatively impact surrounding development.

FACTORS UNFAVORABLE

1. Not providing a required bike lane decreases the ability to create a continuous, safe, and uniform alternative transportation system.

SUMMARY STAFF RECOMMENDATION

The Planning Director finds that the bike lane exception request by the applicant does not meet the requirements of the Zoning Ordinance for an exception. Staff recommends the DRC uphold the Planning Director's decision.

PROJECT DESCRIPTION

Ms. Holly Adams of Alpha Corporation and Mr. Daniel Keever of the WJCC Schools have submitted a site plan (SP-24-0063) for the operation of a 42,000-square-foot Pre-K Center at 7311 and 7311A Richmond Road. The properties are currently occupied by the existing Norge Elementary School.

Section 24-35 of the Zoning Ordinance states that "Pedestrian and bicycle accommodations shall be required for the subject property(ies) along all public roads as shown on the pedestrian accommodation

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.

SITE PLAN-24-0063. Bright Beginnings Pre-K Center at Norge Elementary School
Staff Report for the October 23, 2024, Development Review Committee

master plan and the regional bikeways plan.” (see Attachment Nos. 5 and 6). There is an existing sidewalk along the property’s frontage within the right-of-way providing pedestrian connectivity to parcels east and west of the properties. Currently, there is no bike lane along this section/side of Richmond Road.

The applicant is requesting an exception for the bicycle accommodations for the following reasons summarized below (*with staff’s comments in italics*).

Existing Topographical Elements

- The Virginia Department of Transportation (VDOT) requires bike lanes to be constructed a minimum of 5 feet wide. However, the right-of-way available in this section of Richmond Road would only allow for a 2-foot-wide bike lane.

The lack of adequate width for a bike lane is not one of the criteria which allows the Director of Planning to grant an exception to the bike lane requirement. The applicant could dedicate the required right-of-way.

Safety

- The addition of an in-lane bike lane would put elementary age students directly adjacent to vehicular traffic moving at high speeds on a major thoroughfare.

Staff is aware that the applicant has raised safety issues that may come from an in-lane bike lane; however, the Pedestrian Accommodations Master Plan and Regional Bikeways Map do not specify that the bike lane has to be in-lane, only that it must meet VDOT requirements for bike lanes.

According to Section 24-35(d) of the Zoning Ordinance, the following should be considered as exceptions to the pedestrian accommodation requirements (*with staff’s comments in italics*).

- (a) Pedestrian or bicycle accommodation is otherwise required by this section and would be substantially damaged or need to be replaced as a result of a fully engineered roadway construction project implemented by the County or VDOT. The Planning Director or his designee may request dedication of sufficient right-of-way for pedestrian or bicycle accommodations related to the road project in lieu of construction of the pedestrian or bicycle requirement. The requirement to dedicate right-of-way shall be based on existing right-of-way, the design of the engineered project, and additional right-of-way that is needed; or

The proposed bike lane would not be damaged and/or replaced as a result of a fully engineered roadway construction project. There are no construction projects planned for this area.

- (b) In circumstances where topographical conditions make construction of pedestrian or bicycle accommodations impractical, the Planning Director or his designee may approve an alternative alignment that is accessible by the public that differs from the Pedestrian Accommodation Master Plan. The alternative alignment shall link with adjacent pedestrian accommodations; or

Staff is not aware of any topographical conditions which would constrict and/or limit the installation of a bike lane and sidewalk in this section of Richmond Road. The site is flat and there is an existing sidewalk along the same road segment. The applicant has not offered any alternative location for the bike lane.

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.

SITE PLAN-24-0063. Bright Beginnings Pre-K Center at Norge Elementary School
Staff Report for the October 23, 2024, Development Review Committee

- (c) Pedestrian or bicycle accommodations are shown on a master plan or corridor plan approved by the Board of Supervisors that differs from the Pedestrian Accommodation Master Plan or the Regional Bikeways Plan.

This is not applicable for this project.

VDOT has reviewed this application and indicated that there does not appear to be enough right-of-way in this location to adequately meet VDOT standards without expanding the existing right-of-way. VDOT will not approve the bike lane unless it is in compliance with their standards (i.e., 5-foot width).

Section 24-32(e) states that in the event the Planning Director disapproves plans of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the DRC who shall forward a recommendation to the Planning Commission.

PLANNING AND ZONING HISTORY

- Norge Elementary School did not require an SUP when it was opened in 1967; however, when the property was rezoned to PL in 2006, it required an SUP for schools and similar institutions.
- In 2015, SUP-0031-2005 was approved for a 2,000-square-foot addition to the existing school cafeteria, as well as bringing the existing school use into conformance with the Zoning Ordinance.
- SUPs for additional classrooms in trailers and learning cottages were approved on the Norge Elementary School property in 1988, 1990, 1991, 1993, 1994, 2005, 2008, and 2021.

- In 2024, Z-24-0003/SUP-24-0003 was approved for a 42,000-square-foot Pre-K Center in addition to the existing school building.

SURROUNDING PROPERTIES

	ZONING DESIGNATION	EXISTING LAND USE	FUTURE LAND USE DESIGNATION
NORTH	R-2, General Residential District	Single-family Residential and Commercial	Low Density Residential
SOUTH	R-2, General Residential District, LB, Limited Business District, B-1, General Business District	Single-family Residential and Commercial	Low Density Residential and Neighborhood Commercial
EAST	B-1, General Business District, R-2, General Residential District, A-1, General Agricultural District	Low Density Residential and Economic Opportunity	Low Density Residential and Economic Opportunity
WEST	R-2, General Residential District	Single-family Residential	Low Density Residential

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.

SITE PLAN-24-0063. Bright Beginnings Pre-K Center at Norge Elementary School
Staff Report for the October 23, 2024, Development Review Committee

STAFF RECOMMENDATION

After reviewing the site plan, the Planning Director finds that the request to allow for an exception from the bike lane requirement does not meet the criteria established by Section 24-35(d) *Exceptions*, of the JCC Zoning Ordinance. Staff recommends that the DRC uphold the Planning Director's determination that the project does not qualify for an exception.

BL/md
SP24-63BrBegNES

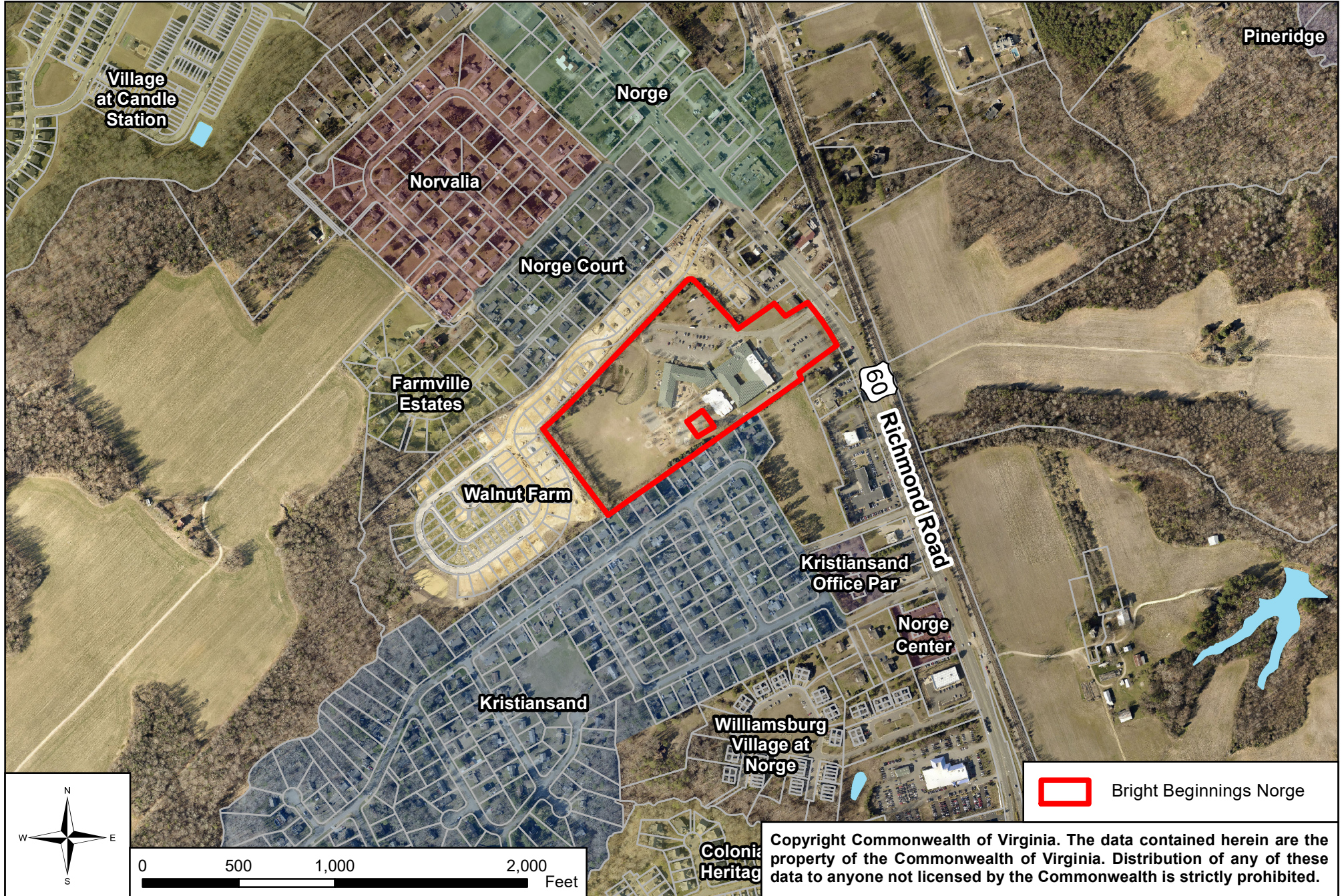
Attachments:

1. Location Map
2. Letter from Applicant Requesting Bike Lane and Sidewalk Modification
3. Applicant's Bike Lane and Sidewalk Exhibits
4. Section 24-35 of the Zoning Ordinance Pedestrian Accommodations
5. Pedestrian Accommodations Map
6. Regional Bikeways Map

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

JCC SP-24-0063

Bright Beginnings Pre-K Center at Norge





WILLIAMSBURG
JAMES CITY COUNTY
PUBLIC SCHOOLS
EST. 1955

October 2, 2024

James City County Development Review Committee
c/o James City County Planning Department
101 Mounts Bay Road, Building A
PO Box 8784
Williamsburg, VA 23187-8784

RE: JCC Project No: SP-24-0063 (Norge Site)

Dear Development Review Committee Members:

WJCC requests an exception to bike lane requirements stated in Section 24 (a) of the James City County Zoning Special Regulations. It is with strong reflection from the school division and in consultation with the site design team that we posit Exception #2 should be considered for the Norge Site Plan Submittal.

Exception #2 states that: Sec. 24-35. - Pedestrian and bicycle accommodations.

(d) Exceptions: Exceptions to this section may be granted by the planning director or his designee if:

(2) In circumstances where topographical conditions make construction of pedestrian or bicycle accommodations impractical, the planning director or his designee may approve an alternative alignment that is accessible by the public that differs from the pedestrian accommodation master plan. The alternative alignment shall link with adjacent pedestrian accommodations.

Norge Elementary School site meets the exception criteria in that there is not enough room between the right-of-way and the existing edge of roadway to install a VDOT approved bike lane.

Existing Topographical Elements

- Topography is defined as the physical features of an area and not limited to elevation changes.

- A VDOT approved bike lane is required because the parcel will be publicly maintained.
- VDOT bike lane requirements cannot physically be met in the existing space on the site.
- The required 50' Community Character Corridor cannot be maintained if any road widening for VDOT approved bike lane additions to Richmond Rd.
- The existing, mature trees directly adjacent to the right of way could not be preserved with the installation of a bike lane, in contradiction to Norge's Community Character Corridor (*Appendix 04 – Norge Community Character Document*) requirements.

While the above referenced physical features prevent the installation of bike lanes that meet VDOT standards, further safety concerns should be considered for a bike lane near Richmond Road.

Safety

- The in-lane path would put elementary age students in the path of traffic moving at high speeds (45MPH) on a multi-lane road (5 lanes) (*Appendix 01 – Traffic Impact Analysis*)
- High traffic on Richmond Rd at school start and stop hours puts bike riders adjacent to congested traffic at peak traffic hours for the day (*Appendix 01 – Traffic Impact Analysis*)
- The posted speed limit for Richmond Rd is much higher than what is safe for a kindergartener riding a bike adjacent.
- Complicated intersections at the entrance to the school would put student riders in harm's way of cars pulling into and out of the Elementary School site.
- The County's Safe Routes to Schools plan encourages localities to continue planning for the transportation needs of youth with a high priority of making the routes safe for children. (*Appendix 02 – SRTS Study*) A bike lane anywhere adjacent to Richmond Road would not be a safe environment for a young bike rider.

Factors unrelated to safety but to constructability are considered an obstacle at Norge Elementary School. The 2045 Comprehensive Plan (*Appendix 03 – Engage 2045 Comprehensive Plan*) and Norge Community Character Document (*Appendix 04 – Norge Community Character Document*) outlines specific goals and objectives for the Norge Character Corridor that constructing a bike lane would contradict. Some of these requirements are as follows:

- Existing specimen trees and shrubs should be preserved to the extent possible
- Pedestrian and bicycle access and circulation should be promoted through the provision of sidewalks, bike racks, benches, crosswalks, street trees, and other design features which help accomplish this goal.

Based on the factors listed above, WJCC asserts that Exception #2 should be considered especially with safety of student riders in mind.

We look forward to meeting with the Development Review Committee on October 23, 2024, to discuss this appeal in more detail.

Sincerely,

A handwritten signature in blue ink, appearing to read "Daniel Keever", is positioned above the printed name.

Daniel Keever
Deputy Superintendent
Williamsburg-James City County Schools

Enclosures: Please see Appendix Items and Exhibits

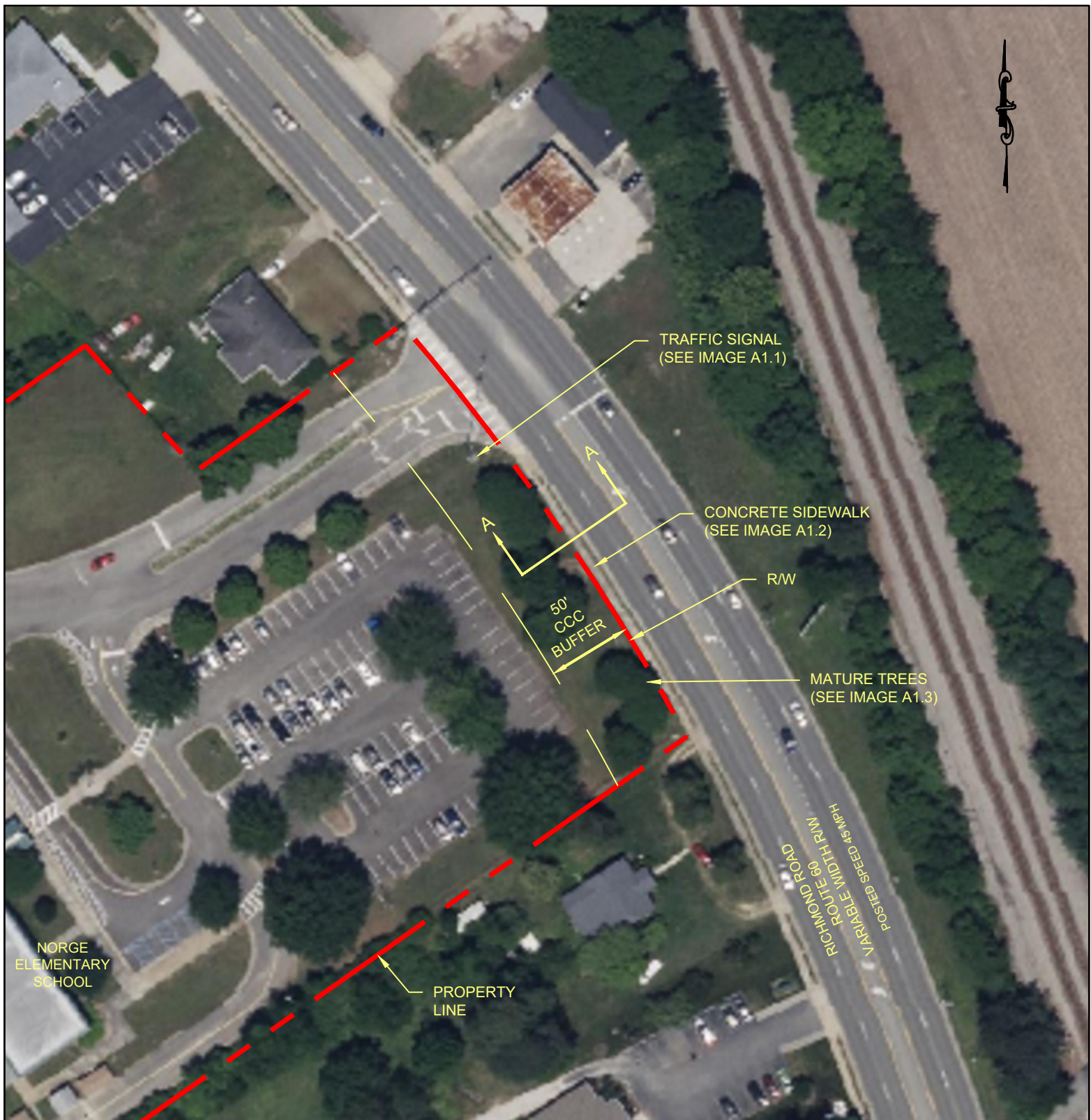
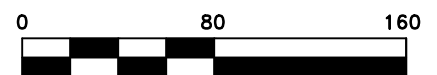


Table 1: Existing Roadway Network

Roadway	RTE #	VDOT Classification	Legal/Design Speed Limit (mph)	AADT (vpd)
Richmond Road	U.S. 60	Principal Arterial	45	15000*

* VDOT 2021 ADT Traffic Data



GRAPHIC SCALE IN FEET



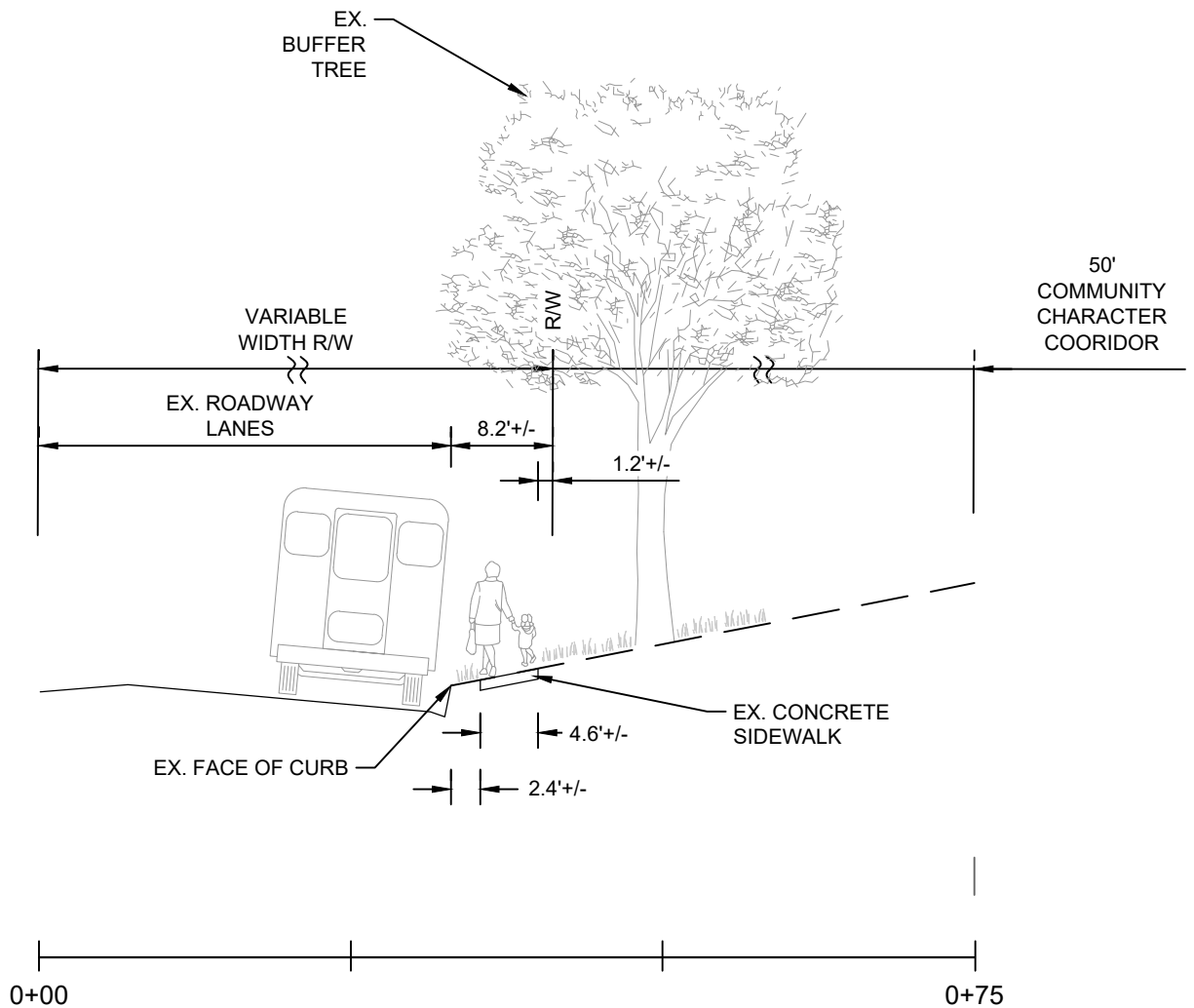
ALPHA CORPORATION
295 BENDIX ROAD, SUITE 340
VIRGINIA BEACH, VA 23452
(757) 533-9368
www.alphacorporation.com

BRIGHT BEGINNINGS PRE-K CENTER NORGE ELEMENTARY SCHOOL OCTOBER 03, 2024

ALPHA PROJECT NO: 610-010-C
JCC PROJECT NO: SP-24-0063

BIKE LANE
EXHIBIT

EX-A1



TYPICAL SECTION A-A: EXISTING CONDITION

NOT TO SCALE

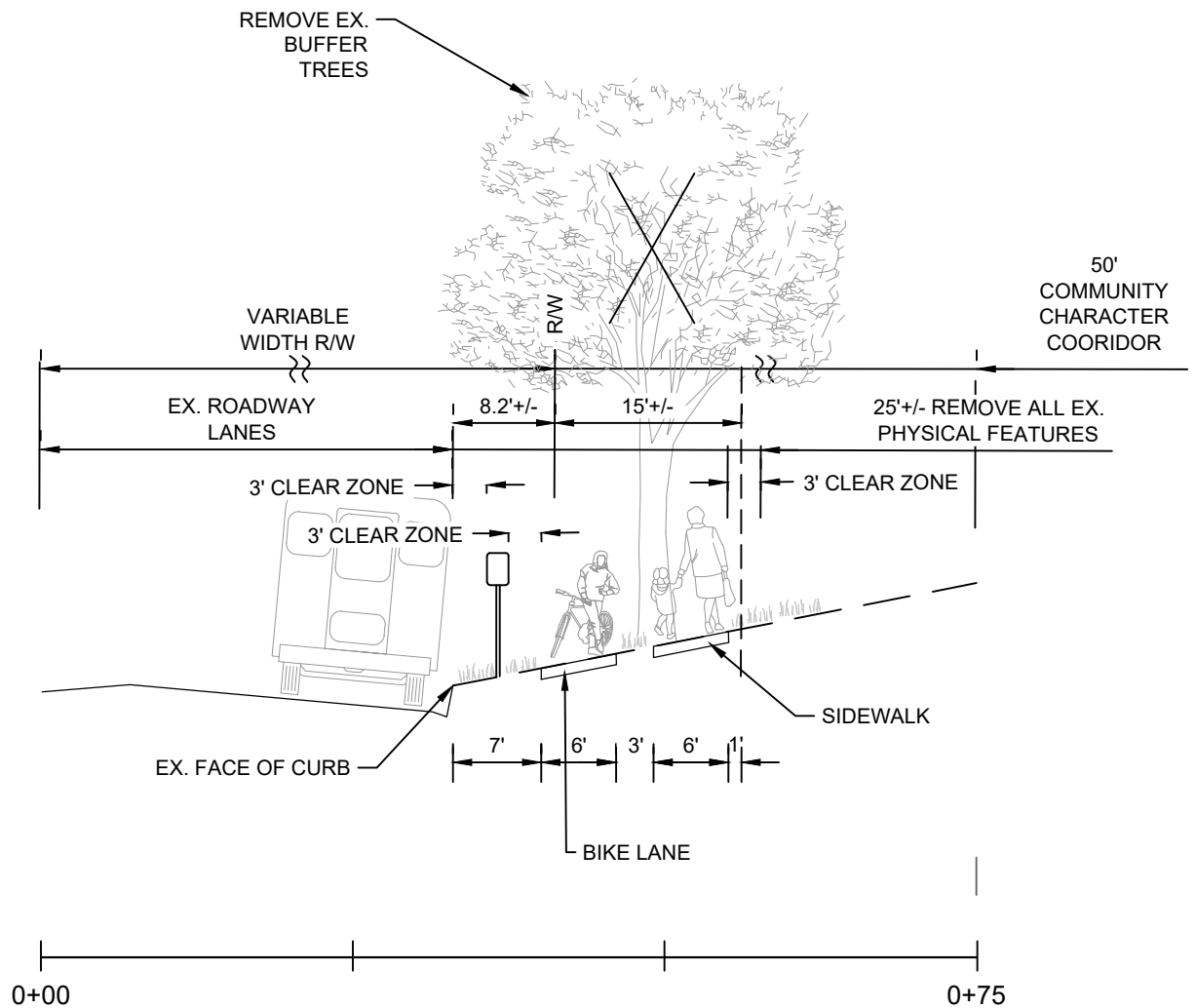


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JCC PROJECT NO: SP-24-0063

**BIKE LANE
EXHIBIT
SECTION
EX-A2**



TYPICAL SECTION A-A: VDOT STANDARD SEPARATED BIKE LANE

NOT TO SCALE

NOTE:

VDOT STANDARD PEDESTRIAN AND BICYCLE IMPROVEMENTS CANNOT BE CONSTRUCTED WITHIN EXISTING RIGHT OF WAY.



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NORGE ELEMENTARY SCHOOL
OCTOBER 03, 2024

ALPHA PROJECT NO: 610-010-C
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BIKE LANE
EXHIBIT
SECTION
EX-A4

Bike Lane Exhibit Images
Bright Beginnings Pre-K Center
Norge Elementary School

Image A1.1 – Traffic Signal Richmond Road at School Entrance



Image A1.2 – Concrete Sidewalk Along Richmond Road



Image A1.3 – Mature Buffer Trees Along Richmond Road



Sec. 24-35. - Pedestrian and bicycle accommodations.

- (a) Pedestrian and bicycle accommodations shall be required for all projects requiring site plan or major subdivision review in accordance with the following:
 - (1) Pedestrian and bicycle accommodations shall be required for the subject property(ies) along all public roads as shown on the pedestrian accommodation master plan and the regional bikeways plan. In addition to corridors identified on the pedestrian accommodation master plan, sidewalks shall be required along at least one side of all roads built within a community character area sidewalk inclusion zone as specified on the pedestrian accommodation master plan.
 - (2) *Internal public streets.* Pedestrian accommodation internal to a residential, commercial, office or industrial development with public streets shall be required pursuant to the Secondary Street Acceptance Requirements found in 24VAC30-92, as amended.
 - (3) *Internal private streets.*
 - a. Pedestrian accommodation internal to a residential, commercial, or office development with private streets shall be required on at least one side of all internal streets.
 - b. For development designated by the Comprehensive Plan as mixed use; moderate density residential; or the residential, commercial, and office sections of an economic opportunity area, pedestrian accommodations shall be required on both sides of the private streets.
 - c. Sidewalks on private streets shall not be required internal to industrial parks or industrial sections of areas designated economic opportunity on the Comprehensive Plan.
 - d. The planning director or his designee may approve alternative locations for pedestrian accommodations that are found to have equivalent connectivity as providing sidewalks along the roads internal to the development, such as paved connections between or from cul-de-sacs to other pedestrian accommodations.
 - (4) *Interconnectivity internal to a parcel.* Pedestrian accommodations shall be required between parking areas, buildings, and public areas for residential, commercial, and office development sites. Pedestrian accommodation internal to a development shall link with any existing or master planned pedestrian accommodation along an abutting road external to the development and any existing public transit stops. Development within industrial parks and industrial sections of the economic opportunity zone shall be required to meet applicable Americans with Disabilities Act (ADA) connectivity standards.
 - (5) *Interconnectivity between parcels.* Pedestrian and bicycle accommodations shall be required between residential developments and adjoining schools, park, or recreational facilities as determined by the planning director or designee. The property owner shall provide a connection internal to the development to the property line with the adjoining facility. This

criterion may be waived by the planning director or designee if the owner of the contiguous parcel objects to a connection or if a significant obstruction exists (such as wetlands, slopes exceeding 25 percent gradient and guardrails) that would make a connection impracticable.

(b) Construction standards: Pedestrian and bicycle accommodations required by section 24-35(a) shall be built in accordance with the following construction standards:

- (1) If accommodations are to be publicly maintained, the accommodations shall be built to VDOT standards and located within VDOT right-of-way.
- (2) The accommodations shall be shown on the final plat and/or site plan.
- (3) If accommodations are to be privately maintained, they shall meet the following requirements:
 - a. Sidewalks shall be paved and a minimum of five feet in width and be built to VDOT construction standards;
 - b. Multi-use paths shall be paved and a minimum of eight feet in width and shall be built to paved trail standards in the Parks and Recreation Greenways Master Plan;
 - c. All pedestrian accommodations shall meet the requirements of the ADA's Accessibility Guidelines;
 - d. Width criteria for private accommodations may be reduced with approval by the planning director or designee if a significant obstruction exists (such as wetlands, slopes exceeding 25 percent gradient and guardrails) that would make a connection impracticable.

(c) Exemptions: Exemptions to this section may be granted by the planning director or his designee if:

- (1) A proposed temporary structure(s) will not be erected for more than six months; or
- (2) A proposed addition to an existing structure is less than 1,000 square feet or no changes to the building footprint are proposed; or
- (3) The development is located within an office park with private streets in existence prior to November 22, 2011 and providing pedestrian accommodations along the frontage of the development site would not result in a safe and continuous connection to an existing or planned pedestrian accommodation or public transit stop; or
- (4) Land disturbance on the project area is less than 2,500 square feet; or
- (5) The site plan submittal is for a project associated with an existing individual multi-family dwelling unit.

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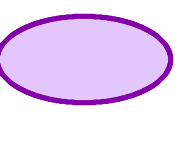
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 - d. Current topographical conditions of the site; and
 - e. Linear feet of road frontage.
- (e) Appeals. In the event the planning director disapproves plans of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.

(Ord. No. 31A-118, 2-5-90; Ord. No. 31A-203, 1-26-00; Ord. No. 31A-256, 11-22-11; Ord. No. 31A-342, 8-14-18)

James City County Draft 2011 Pedestrian Accommodation Master Plan

Revision date Septemeber 2011



Multi-Use

Sidewalk

Sidewalks both sides

Side designation

Community Character Area Sidewalk Inclusion Zone
Sidewalks to be constructed on the North or East side of roads internal to a Community Character Area

Note: The Virginia Capital Trail serves as the multi-use path along Route 5.
No additional pedestrian accommodation is required.

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies are found, please contact the Real Estate Assessment Division of James City County, Mapping/GIS Section.

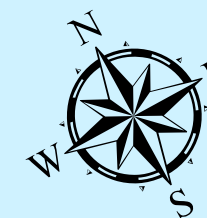
Copyright James City County
This map (M:\Departments\Planning\Sidewalk Master Plan\Sidewalks size E_2.mxd) was produced by KAH on September 21, 2011 at 02:20 PM

Regional Bikeways

James City County, Williamsburg, and York County, Virginia

Adopted by City of Williamsburg City Council 6/10/93
Adopted by York County Board of Supervisors 6/17/93
Adopted by James City County Board of Supervisors 6/21/93

Revised by City of Williamsburg City Council 11/12/98, 10/12/06, **1/10/13**
Revised by York County Board of Supervisors 10/6/99, 12/6/05, **9/3/13**
Revised by James City County Board of Supervisors 11/10/98, **9/10/13**



New Kent County

James City County

York County

Gloucester

Chesapeake Bay

Poquoson

Charles City County

James City County

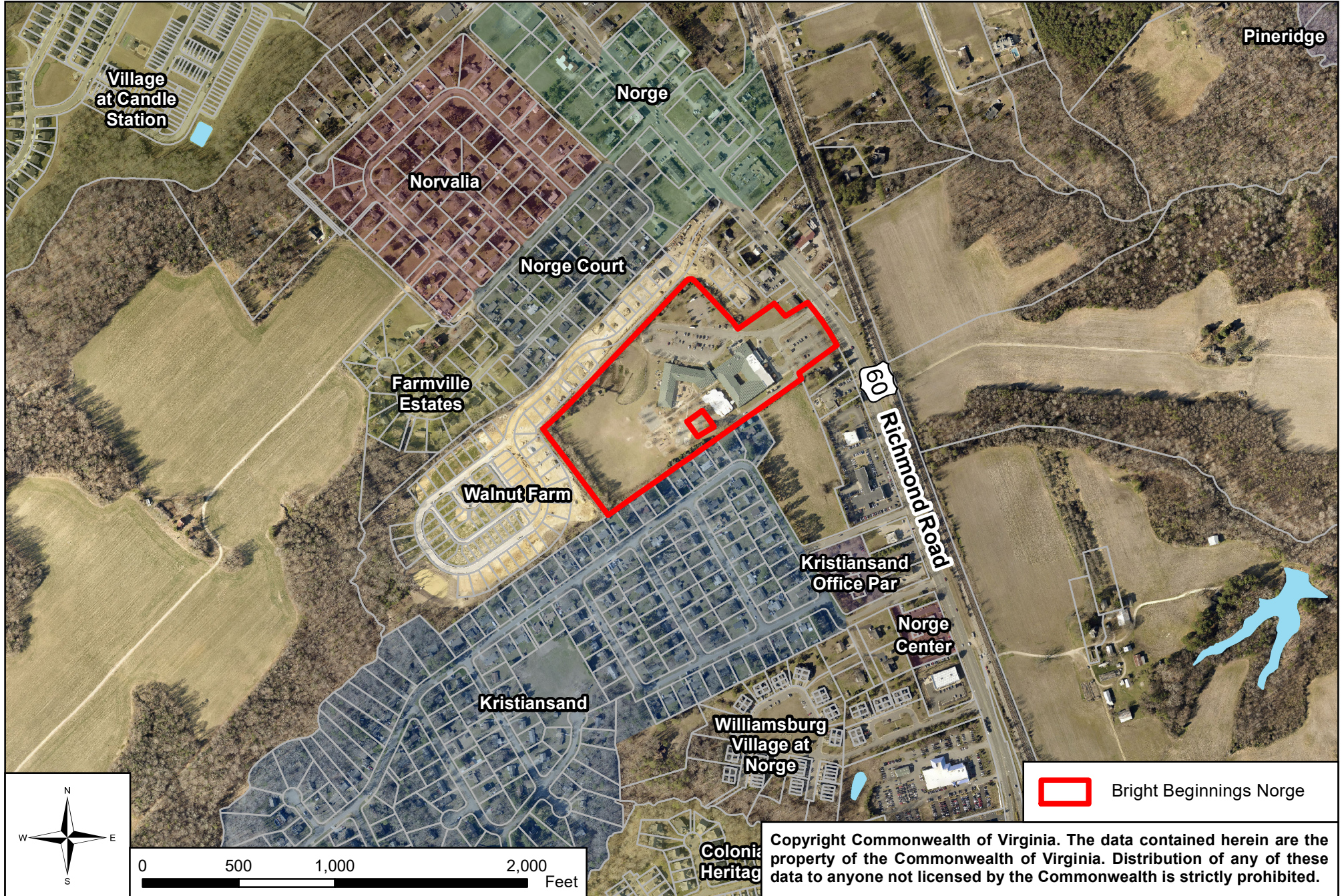
Newport News

Hampton

- | | |
|---------------------|--|
| Mountain Bike Trail | National Park Service Responsible Facility |
| Parking Area | Shared Roadway |
| Parks | Existing Multi-Use Path |
| Schools | Proposed Multi-Use Path |
| | Existing Bike Lane |
| | Proposed Bike Lane |
| | Municipal Boundaries |

JCC SP-24-0063

Bright Beginnings Pre-K Center at Norge



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 - c. Projected labor and mobilization costs;
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**SPECIAL USE PERMIT-24-0012. 3512 Barrett's Ferry Drive Tourist Home
Staff Report for the November 6, 2024, Planning Commission Public Hearing**

SUMMARY FACTS

Applicant: Ms. Allison D. Mitchell

Landowners: Vegard Nilsen and Allison D. Mitchell

Proposal: To allow for a tourist home rental of a four-bedroom, single-family dwelling.

Location: 3512 Barrett's Ferry Drive

Tax Map/Parcel No.: 4310600004

Property Acreage: ± 3.87 acres

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

Staff Contact: Josh Crump, Principal Planner

PUBLIC HEARING DATES

Planning Commission: November 6, 2024, 6:00 p.m.

SUMMARY STAFF RECOMMENDATION

After this case was advertised for a public hearing, the applicant requested to withdraw the Special Use Permit application for a Tourist Home at 3512 Barrett's Ferry Drive prior to the November 6, 2024, Planning Commission meeting. The applicant will be moving to the property in December 2024 and no longer plans to use the property as a tourist home. Therefore, staff concurs with the request for withdrawal and recommends that the Planning Commission remove this application from its November 6, 2024, Regular Meeting.

JC/ap
SUP24-12_3512BarrtFy

Attachment:
1. Applicant Withdraw Request Letter

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

Josh Crump

From: Allison Mitchell <allisondmitchell@gmail.com>
Sent: October 25, 2024 4:41 AM
To: Tess Lynch
Cc: Josh Crump; Will Albiston; Amanda Frazier
Subject: [External]Re: SUP-24-0012, 3512 Barrett's Ferry Drive

Hi Tess,
Hope you are well.

We would like to withdraw our application as we will be moving to the property in December.

Please confirm receipt of this request and that the application has been cancelled.

Kind regards,
Allison

On Thu, Oct 24, 2024 at 9:30 PM Tess Lynch <Tess.Lynch@jamescitycountyva.gov> wrote:

Hello,

Could you confirm the number of bedrooms at this address? How many cars are typically on the property during a guest's stay, and how many would be excessive?

Thanks,

Tess Lynch

Planner II



101-A Mounts Bay Road

Williamsburg, Virginia 23185

P: 757-259-4016

Jamescitycountyva.gov

Most permit requests and inquiries can now be handled online

Visit JCC **Permitlink**: <http://www.jamescitycountyva.gov/permitlink>

MEMORANDUM

DATE: November 6, 2024

TO: The Planning Commission

FROM: Josh Crump, Principal Planner

SUBJECT: MP-24-0004/Z-24-0010. 1676 Jamestown Road Powhatan Terrace Master Plan and Proffer Amendment

Mr. Greg Davis, on behalf of JTR Properties, LLC, has applied to amend the Master Plan and proffer commitments for a 15.42-acre parcel of land at 1676 Jamestown Road (James City County Real Estate Tax Map Parcel No. 4730100036).

In 2008, the property was rezoned to R-2, General Residential, with Proffers and a Special Use Permit (SUP) for a Cluster Overlay. The intent was to develop an affordable rental community with 36 townhome units known as “Powhatan Terrace.” Subsequently, the proffers for the development were amended three times in 2017, 2019, and 2020. The developer for Powhatan Terrace is no longer seeking to build the 36 townhomes. The property owner is now requesting to amend the Master Plan and Proffers to reduce the permitted density to four single-family lots. Staff will also include language in the Ordinance amendment that the SUP for the Cluster Overlay shall be null and void, if these Master Plan and Proffer amendments are approved.

Given the less intensive residential use being proposed, many of the current proffers (traffic, recreation, architecture, etc.) are no longer deemed necessary. The applicant has proposed changes to supersede the existing proffers and adopted Master Plan. Highlights of changes include:

- A new Master Plan for four single-family lots and restricting development to four dwelling units.
- A 150-foot buffer along Jamestown Road.
- A five-foot sidewalk along Jamestown Road.

Staff transmitted this application to other County agencies for review and did not receive any objections to this recategorization. Staff finds the proposed categorization more appropriate in scale and applicability.

Staff Recommendation

Staff finds that the application is consistent with the Zoning Ordinance and Comprehensive Plan. Staff recommends the Planning Commission recommend approval of the amended proffers to the Board of Supervisors.

JC/ap
PowTerrMPAmdt-mem

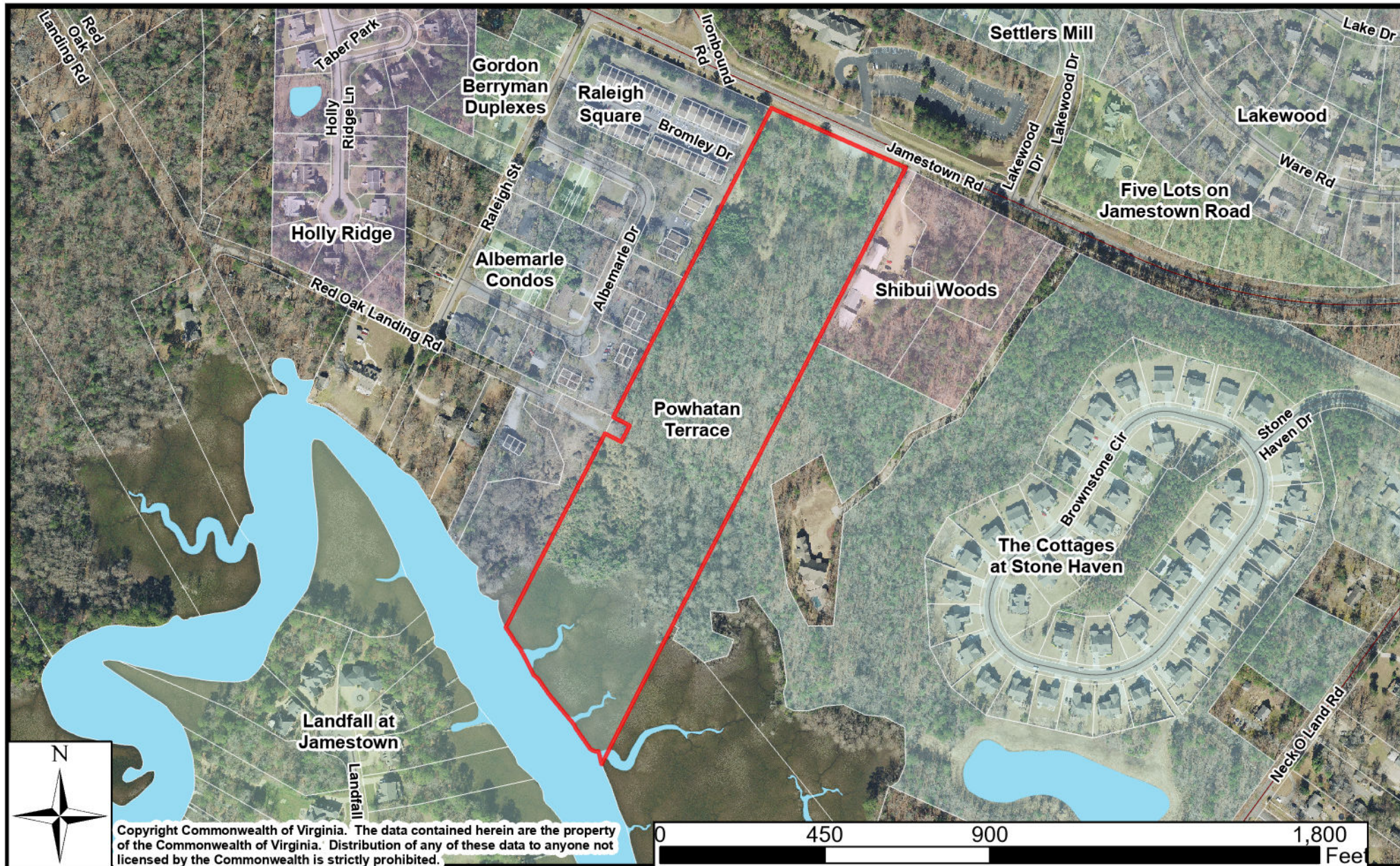
Attachments:

1. Location Map
2. Proposed Master Plan
3. Existing Master Plan
4. Proposed Proffers
5. Existing Proffers

MP-24-0004/Z-24-0010

1676 Jamestown Road

Powhatan Terrace Master Plan & Proffer Amendment



Master Plan

Issued for	Review
Date Issued	Septembe 25, 2024
Latest Issue	October 30, 2024

Powhatan Terrace
1676 Jamestown Road
James City County, VA

Owner

JTR Properties LLC
626 Dock Landing
Williamsburg, Virginia 23188



Sheet Index

No.	Drawing Title	Latest Issue
C-1.0	Environmental Inventory	October 30, 2024
C-1.1	Conceptual Plan	October 30, 2024

Miss Utility of Virginia
1829 BLUE HILL CIRCLE
NE ROANOKE, VIRGINIA 24012



BEFORE YOU DIG ANYWHERE IN VIRGINIA! CALL 811 (IN VIRGINIA)
1-800-552-7001 (OUTSIDE VIRGINIA)

VA LAW REQUIRES 3 WORKING DAYS NOTICE BEFORE YOU EXCAVATE.

STATISTICAL DATA

PROJECT SITE ADDRESS

1676 JAMESTOWN ROAD
WILLIAMSBURG, VA. 23185
4730100036

JAMES CITY COUNTY PARCEL ID.
ZONING

R-2, General Residential, with Proffers, with Cluster Overlay in Accordance with
Z-0007-2007/MP-0005-2007/SUP-0020-2007, Z-0004-2017, Z-20-0005, and Z-19-0001

PROPERTY IS LOCATED WITHIN THE PSA
PARCEL AREA

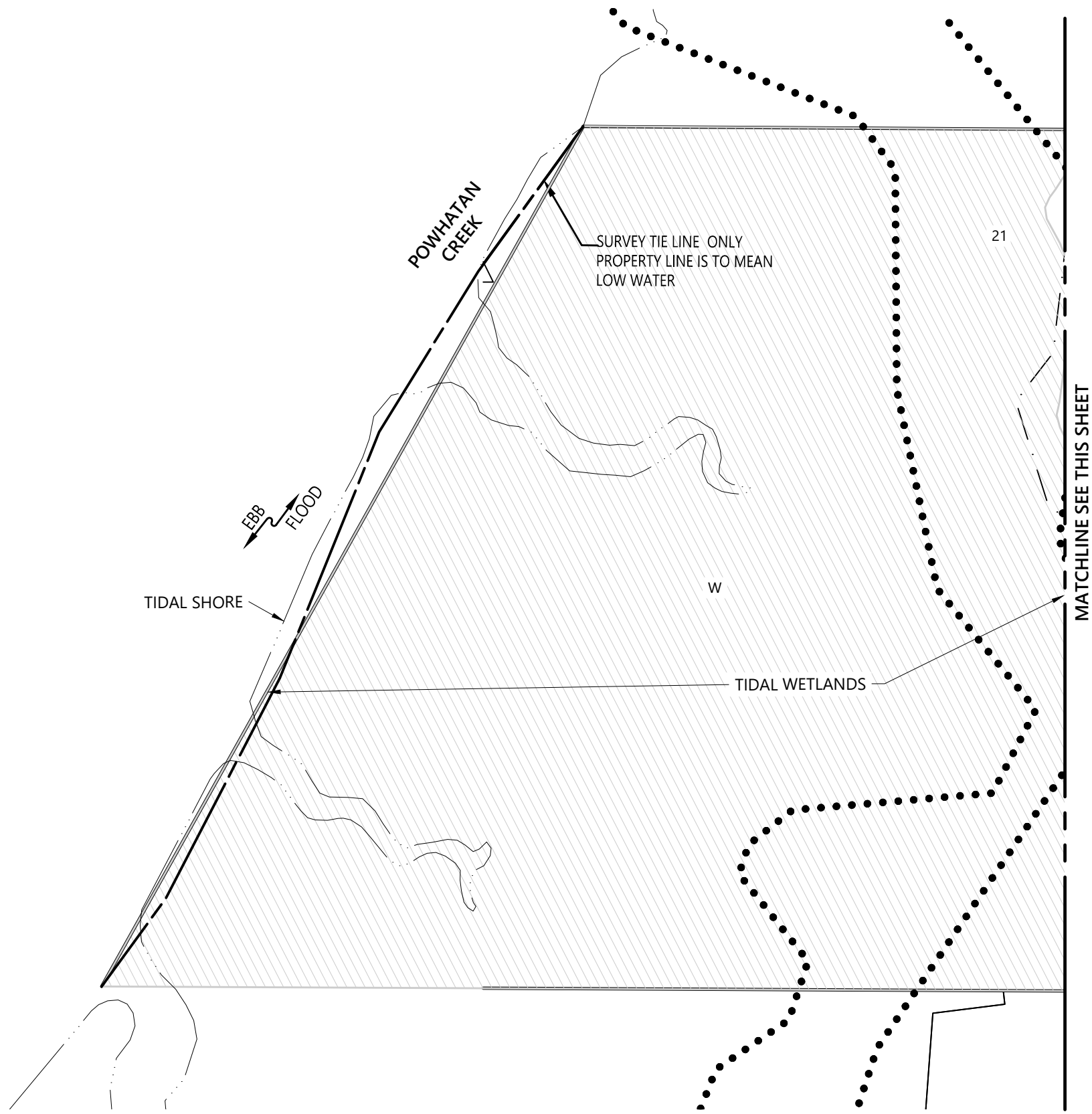
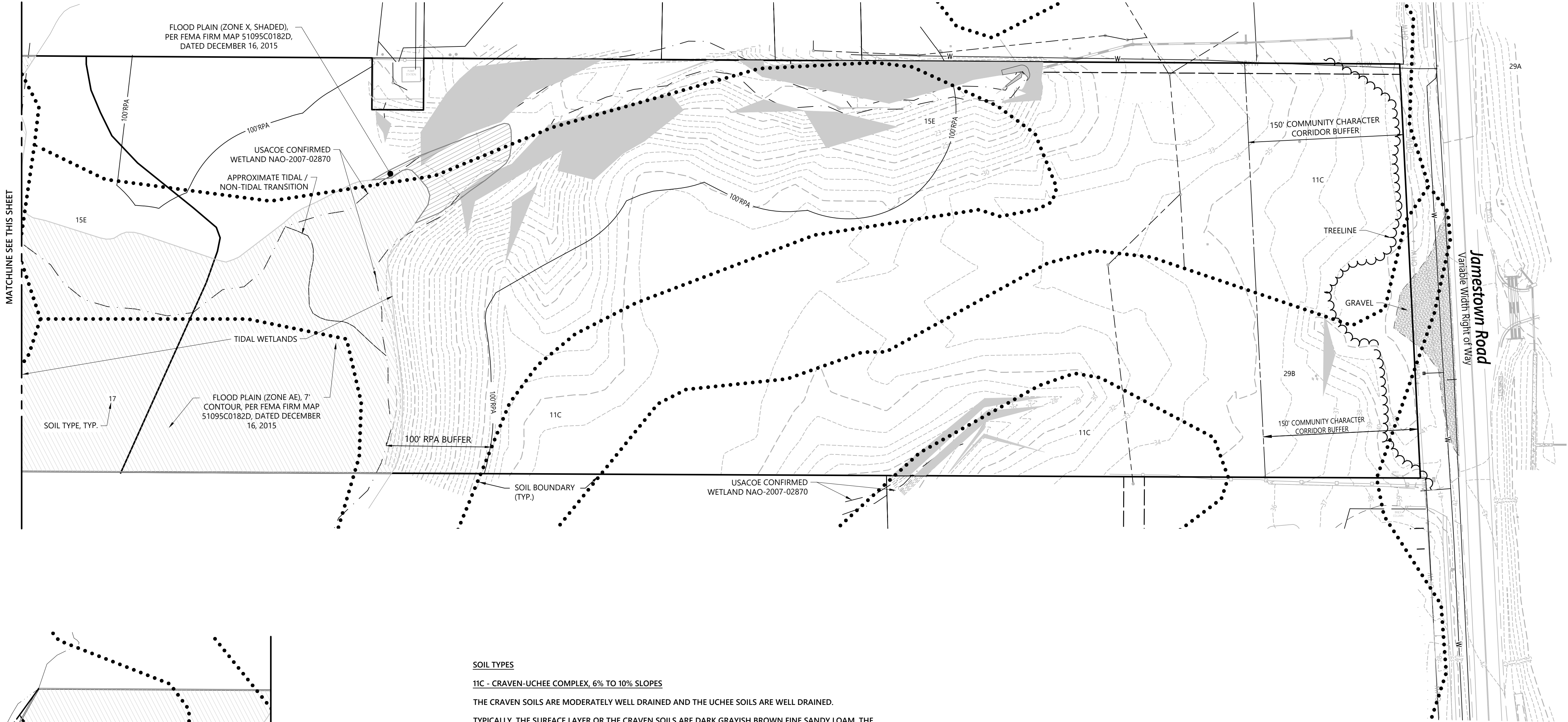
15.42 ACRES

HYDROLOGIC UNIT CODE (HUC)
FLOODPLAIN ZONE
FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER

6TH ORDER NWBD HUC CODE = JL31
X, X500, AE
51095C0182D EFFECTIVE DECEMBER 16, 2015 PROJECT APPEARS TO BE IN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD PLAIN), X500 (AREAS DETERMINED TO BE INSIDE THE 500 YEAR FLOOD PLAIN), AND AE (SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD; BFE=7 FEET).

JCC CASE # MP-24-0004/Z-24-0010





SOIL TYPES

11C - CRAVEN-UCHEE COMPLEX, 6% TO 10% SLOPES

THE CRAVEN SOILS ARE MODERATELY WELL DRAINED AND THE UCHEE SOILS ARE WELL DRAINED.

TYPICALLY, THE SURFACE LAYER OR THE CRAVEN SOILS ARE DARK GRAYISH BROWN FINE SANDY LOAM. THE SUBSURFACE LAYER IS PALE OLIVE FINE SANDY LOAM. THE SUBSOIL IS A YELLOWISH BROWN CLAY IN THE UPPER PART WITH YELLOWISH BROWN SANDY CLAY LOAM MOTTLED WITH GRAY IN THE MIDDLE AND LOWER PARTS. THE SUBSTRATUM IS BROWNISH YELLOW FINE SANDY LOAM MOTTLED WITH GRAY IN THE UPPER PART AND GRAY LOAMY FINE SAND WITH YELLOW MOTTLES IN THE LOWER PART.

TYPICALLY, THE SURFACE LAYER OF THE UCHEE SOIL ARE DARK GRAYISH LOAMY FINE SAND. THE SUBSURFACE LAYER IS LIGHT YELLOWISH BROWN AND VERY PALE BROWN LOAMY FINE SAND. THE SUBSOIL IS STRONG BROWN SANDY CLAY LOAM IN THE UPPER AND STRONG BROWN SANDY CLAY LOAM AND CLAY MOTTLED WITH GRAY AND RED IN THE LOWER PART. THE SUBSTRATUM IS VARIEGATED RED, BROWN AND GRAY STRATIFIED SANDY LOAM AND SANDY CLAY LOAM.

THE SHRINK/SWELL POTENTIAL FOR THE CRAVEN AND UCHEE SOILS ARE LOW TO MODERATE. THE EROSION FACTOR "K" IS FROM 0.32 TO 0.37 FOR THE CRAVEN SOIL AND 0.20 TO 0.28 FOR THE UCHEE SOIL. CRAVEN SOILS ARE IN HYDROLOGIC GROUP "C", UCHEE SOILS ARE IN HYDROLOGIC GROUP "A".

15E - EMPORIA COMPLEX, 15% TO 25% SLOPES

THE EMPORIA SOIL IS WELL DRAINED.

TYPICALLY, THE SURFACE LAYER IS DARK GRAYISH BROWN FINE SANDY LOAM. THE SUBSURFACE LAYER IS PALE BROWN LOAM. THE SUBSOIL IS YELLOWISH BROWN LOAM WITH MOSTLY STRONG BROWN AND GRAY MOTTLES IN THE MIDDLE PART; AND MOTTLED GRAY AND BROWN, FIRM SANDY CLAY LOAM IN THE LOWER PART. THE SUBSTRATUM IS VARIEGATED GRAY, BROWN AND RED FIRM SANDY CLAY LOAM.

THE PERMEABILITY OF THIS SOIL IS MODERATE IN THE UPPER PART OF THE SUBSOIL AND MODERATELY SLOW IN THE LOWER PART. THE AVAILABLE WATER CAPACITY IS MODERATE.

THE SHRINK/SWELL POTENTIAL FOR THE SUBSOIL IS MODERATE. THE EROSION FACTOR "K" IS FROM 0.20 TO 0.28. EMPORIA SOILS ARE IN HYDROLOGIC GROUP "C".

29A - SLAGLE FINE SANDY LOAM, 0% TO 2% SLOPES

THE SLAGLE FINE SANDY LOAM SOIL IS MODERATELY WELL DRAINED.

TYPICALLY, THE SURFACE LAYER OF THIS SOIL IS DARK GRAYISH BROWN FINE SANDY LOAM. THE SUBSURFACE LAYER IS LIGHT YELLOWISH BROWN FINE SANDY LOAM. THE SUBSOIL IS MOSTLY MOTTLED YELLOWISH BROWN CLAY LOAM AND SANDY CLAY LOAM. THE SUBSTRATUM IS MOTTLED SANDY CLAY LOAM.

THE PERMEABILITY OF THIS SLAGLE FINE SANDY LOAM SOIL IS MODERATE IN THE UPPER PART OF THE SUBSOIL AND MODERATELY SLOW OR SLOW IN THE LOWER PART. THE AVAILABLE WATER CAPACITY IS MODERATE.

THE SHRINK/SWELL POTENTIAL FOR THE SLAGLE FINE SANDY LOAM SOIL IS MODERATE. THE EROSION FACTOR "K" IS 0.24. NORFOLK SOILS ARE IN HYDROLOGIC GROUP "C".

29B - SLAGLE FINE SANDY LOAM, 2% TO 6% SLOPES

THE SLAGLE FINE SANDY LOAM SOIL IS MODERATELY WELL DRAINED.

TYPICALLY, THE SURFACE LAYER OF THIS SOIL IS DARK GRAYISH BROWN FINE SANDY LOAM. THE SUBSURFACE LAYER IS LIGHT YELLOWISH BROWN FINE SANDY LOAM. THE SUBSOIL IS MOSTLY MOTTLED YELLOWISH BROWN CLAY LOAM AND SANDY CLAY LOAM. THE SUBSTRATUM IS MOTTLED SANDY CLAY LOAM.

THE PERMEABILITY OF THIS SLAGLE FINE SANDY LOAM SOIL IS MODERATE IN THE UPPER PART OF THE SUBSOIL AND MODERATELY SLOW OR SLOW IN THE LOWER PART. THE AVAILABLE WATER CAPACITY IS MODERATE.

THE SHRINK/SWELL POTENTIAL FOR THE SLAGLE FINE SANDY LOAM SOIL IS MODERATE. THE EROSION FACTOR "K" IS 0.24. NORFOLK SOILS ARE IN HYDROLOGIC GROUP "C".

W - WATER

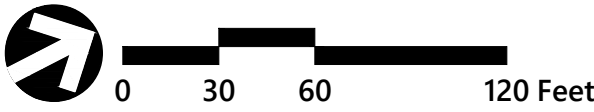
25% SLOPES AREA = 0.63 ACRES
NON-TIDAL WETLANDS AREA= 0.64 ACRES
TIDAL WETLANDS AREA= 4.53 ACRES

NOTES:

1. TIDAL WETLANDS: SHOWN.
2. TIDAL SHORES: SHOWN.
3. 100 FOOT RPA BUFFER: SHOWN AS EXTENDING 100 FEET LANDWARD OF THE FIELD LOCATED WETLANDS.
4. SLOPES OF 25% OR GREATER ARE SHOWN ON THIS SHEET AND ARE BASED ON AERIAL TOPOGRAPHIC SURVEY.
5. FLOOD ZONE: THIS PROJECT IS LOCATED WITHIN FEMA FIRM ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD PLAIN), ZONE X500 (AREAS DETERMINED TO BE INSIDE THE 500 YEAR FLOOD PLAIN), AND ZONE AE (SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD; BFE=7 FEET) AS SHOWN ON FEMA FIRM FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 51095C0182D DATED DEC. 16, 2015.

LEGEND:

- 100' RPA
- 100' RESOURCE PROTECTION AREA
- SOIL BOUNDARY
- 100 YEAR FLOOD PLAIN (ZONE AE) 7' CONTOUR, PER FEMA FIRM MAP 51095C0182D, DATED DECEMBER 16, 2015
- ZONE X500 (AREAS DETERMINED TO BE INSIDE THE 500 YEAR FLOOD PLAIN) PER FEMA FIRM MAP 51095C0182D, DATED DECEMBER 16, 2015

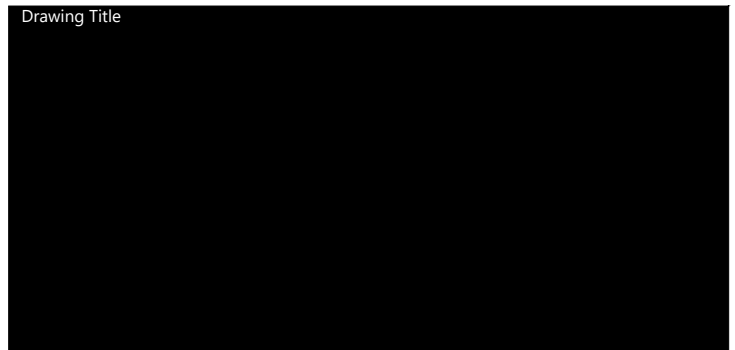


Powhatan Terrace
James City County, VA
1676 Jamestown Road
Williamsburg, Virginia

No.	Revision	Date	Apprd.
2	County Comments	10/30/2024	SAR
1	Added street name	10/28/2024	SAR
Designed by		Checked by	

Issued for
Review
September 25, 2024

JCC CASE # MP-24-0004/Z-24-0010



Drawing Number

C-1.0

Sheet 2 of 3

Project Number
34445.02

MP-0005
2007

Z-0007
2007

SUP-0020
2007



1. Rezoning 4.7 acres of LB to R2 with proffers and Special Use Permit to allow a residential cluster development.
2. Parcel Numbers and Owners:

Parcel ID# 4730100039
Investment Properties of Virginia, LLC
PO Box 150
Barhamsville, VA 230110150

3. Parcel Numbers and Property Addresses:

Parcel ID#: 4730100039 6.1 acres
180 Red Oak Landing Road
Williamsburg, VA 231853111

4. Total area: 16.5 acres.

5. Existing zoning:

LB: 4.7 acres
R2: 11.8 acres

6. Topographic information is based on 5 foot contour intervals provided by James City County GIS information.

7. Sheet 2, Environmental Inventory, indicates 25% slopes, soil inventory, wetlands, 100 year floodplain, the approximate location of Resource Protection Areas (RPA) and associated buffers, and perennial stream determinations. For further information on the Environmental Inventory, refer to the Community Impact Statement.

8. This project is located in the Tidal Mainstem of the Powhatan Creek Watershed in James City County for which a watershed management plan was developed. To observe recommendations of this plan, a combination of structural best management practices, preservation of natural open space, and the use of special stormwater criteria are employed to: prevent further degradation of Powhatan Creek, enhance groundwater recharge usually lost from land development, and to help preserve some of the natural hydrology of the site.

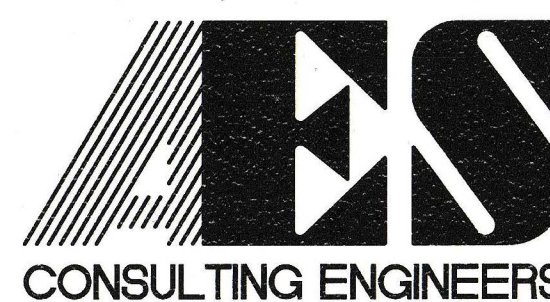
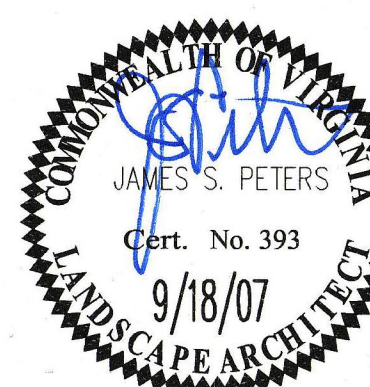
9. Curb and gutter streets are proposed. Except where ditch sections can increase infiltration opportunities.

10. All streets within the development will be private per applicable VDOT standards.

VICINITY MAP
(APPROX. SCALE: 1" = 2000')

DATE: 6/1/07

AES PROJECT # 9462-02

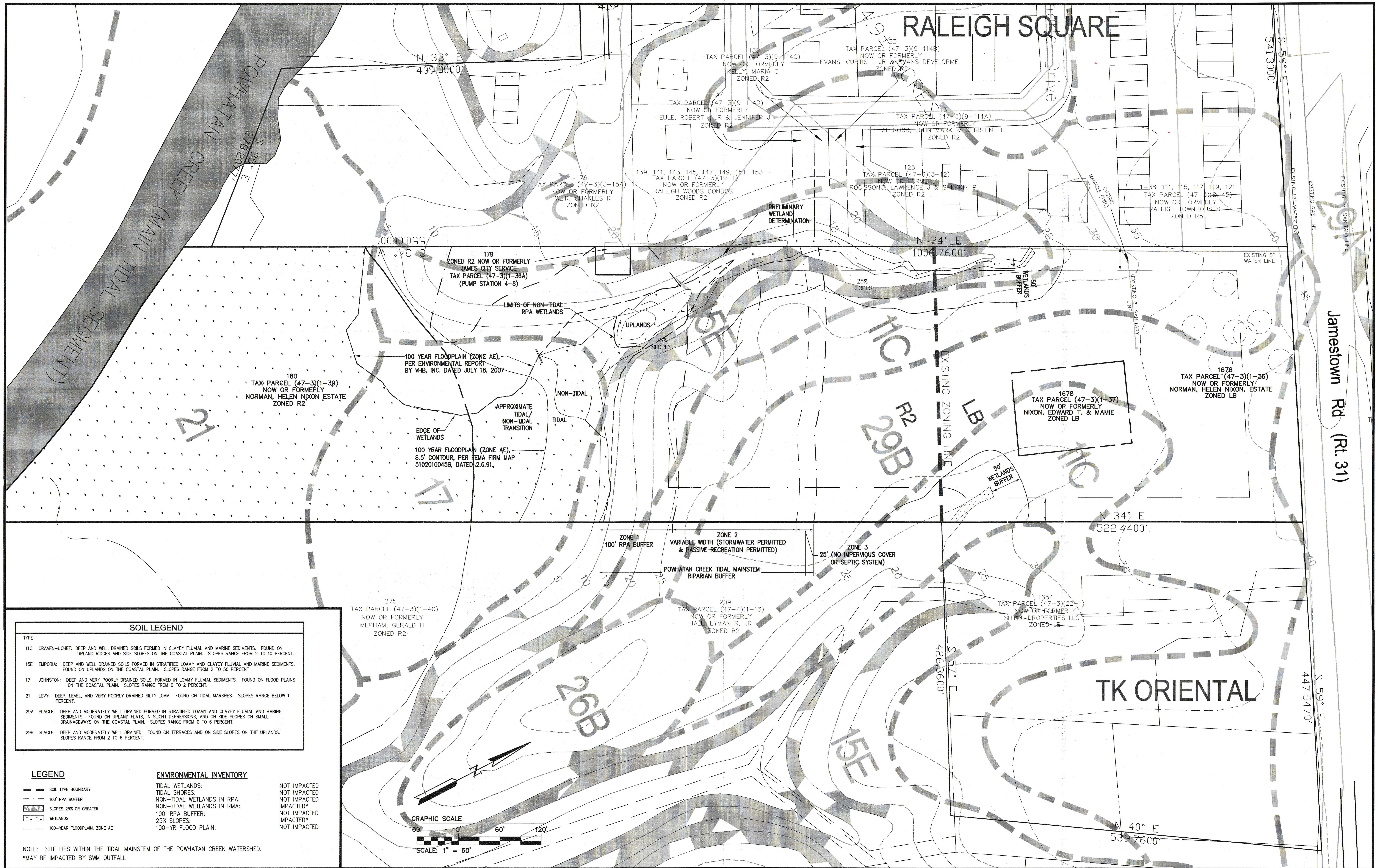


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INDEX OF SHEETS

SHEET NUMBER	DESCRIPTION
1	COVER SHEET
2	ENVIRONMENTAL INVENTORY
3	MASTER PLAN
4	CONCEPTUAL STORMWATER MANAGEMENT PLAN

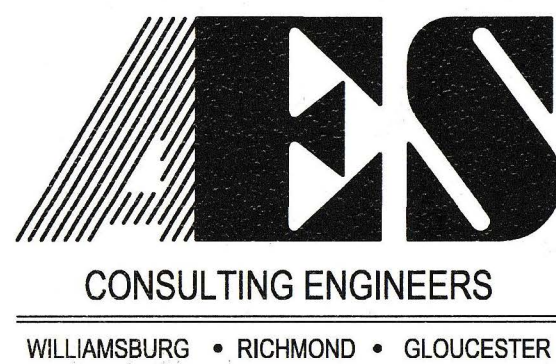
	3	3/17/08	REVISED PER COUNTY COMMENTS		J5
	2	2/01/08	REVISED PER COUNTY COMMENTS AND CITIZENS' INPUT		J5
	1	9/18/07	REVISED PER COUNTY COMMENTS		B
APPROVAL	No.	DATE	REVISION / COMMENT / NOTE		



SOIL LEGEND	
TYPE	
11C	GRAVEN-UCHEE: DEEP AND WELL DRAINED SOILS FORMED IN CLAYEY FLUVIAL AND MARINE SEDIMENTS. FOUND ON UPLAND RIDGES AND SIDE SLOPES ON THE COASTAL PLAIN. SLOPES RANGE FROM 2 TO 10 PERCENT.
15E	EMPORIA: DEEP AND WELL DRAINED SOILS FORMED IN STRATIFIED LOAMY AND CLAYEY FLUVIAL AND MARINE SEDIMENTS. FOUND ON UPLANDS ON THE COASTAL PLAIN. SLOPES RANGE FROM 2 TO 50 PERCENT.
17	JOHNSTON: DEEP AND VERY POORLY DRAINED SOILS, FORMED IN LOAMY FLUVIAL SEDIMENTS. FOUND ON FLOOD PLAINS ON THE COASTAL PLAIN. SLOPES RANGE FROM 0 TO 2 PERCENT.
21	LEVY: DEEP, LEVEL, AND VERY POORLY DRAINED SILTY LOAM. FOUND ON TIDAL MARSHES. SLOPES RANGE BELOW 1 PERCENT.
29A	SLAGLE: DEEP AND MODERATELY WELL DRAINED FORMED IN STRATIFIED LOAMY AND CLAYEY FLUVIAL AND MARINE SEDIMENTS. FOUND ON UPLAND FLATS, IN SLIGHT DEPRESSIONS, AND ON SIDE SLOPES ON SMALL DRAINAGEWAYS ON THE COASTAL PLAIN. SLOPES RANGE FROM 0 TO 6 PERCENT.
29B	SLAGLE: DEEP AND MODERATELY WELL DRAINED. FOUND ON TERRACES AND ON SIDE SLOPES ON THE UPLANDS. SLOPES RANGE FROM 2 TO 6 PERCENT.

LEGEND		ENVIRONMENTAL INVENTORY	
	SOIL TYPE BOUNDARY		TIDAL WETLANDS:
	100' RPA BUFFER		TIDAL SHORES:
	SLOPES 25% OR GREATER		NON-TIDAL WETLANDS IN RPA:
	WETLANDS		NON-TIDAL WETLANDS IN RMA:
	100' RPA BUFFER		100' RPA BUFFER:
	100-YR FLOODPLAIN, ZONE AE		25% SLOPES:
			100-YR FLOOD PLAIN:

NOTE: SITE LIES WITHIN THE TIDAL MAINSTEM OF THE POWHATAN CREEK WATERSHED.
*MAY BE IMPACTED BY SWM OUTFALL

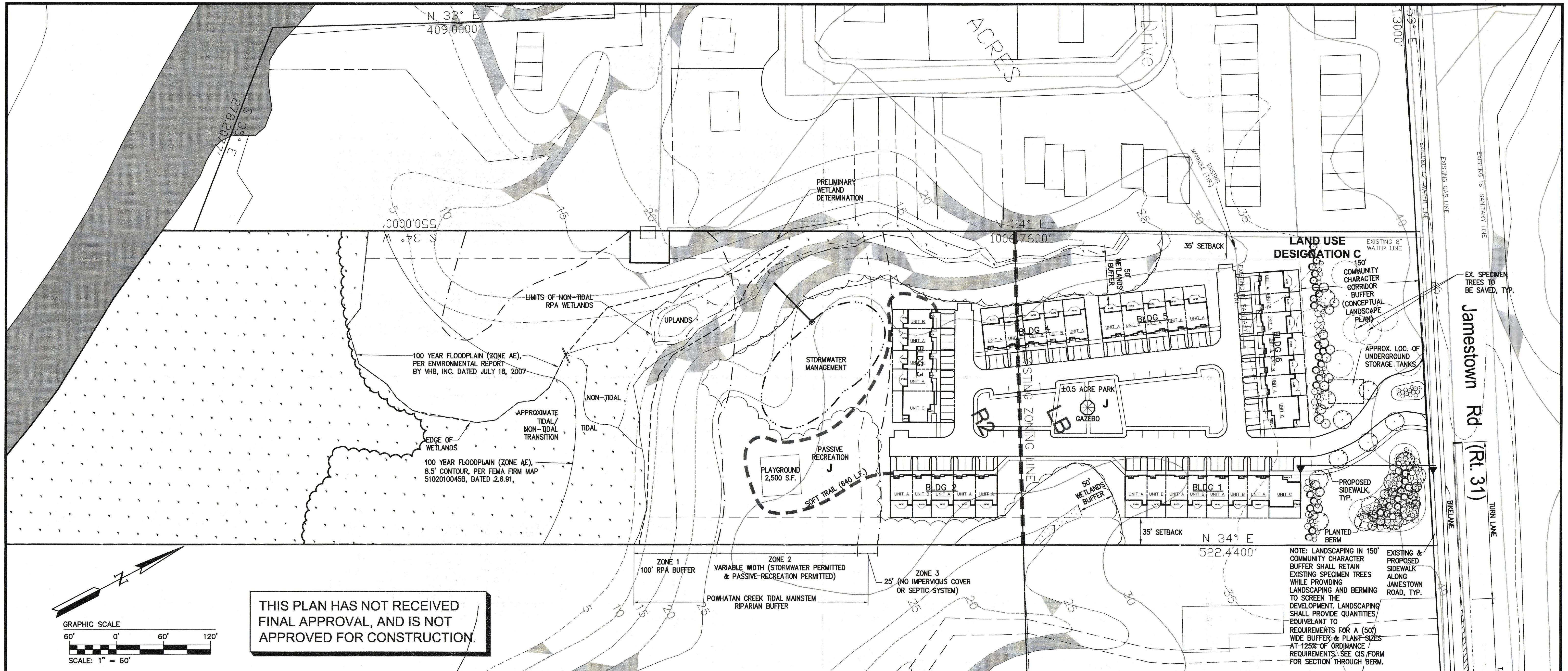


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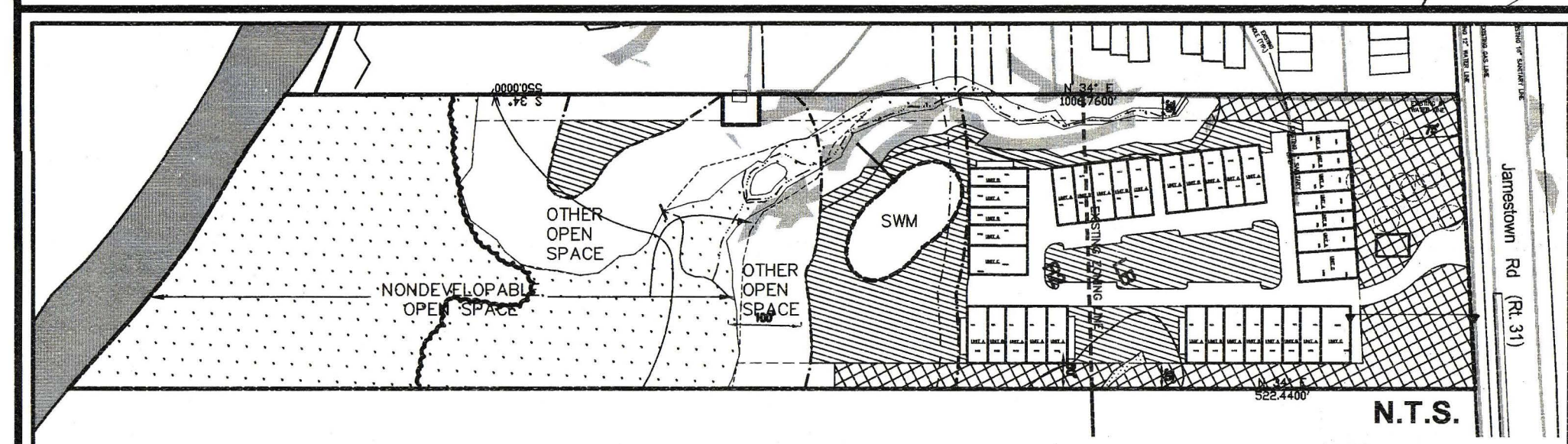
ENVIRONMENTAL INVENTORY	
POWHATAN TERRACE	
REZONING AND SPECIAL USE PERMIT	
for	
ASSOCIATED DEVELOPERS, INC.	
JAMESTOWN DISTRICT	JAMES CITY COUNTY
VIRGINIA	

Designed JSP	Drawn MRA
Scale 1"=60'	Date 6/1/07
Project No. 9462-02	
Drawing No. 2 OF 4	

No.	DATE	REVISION / COMMENT / NOTE	REVIEWED BY	REVIEWED BY
2	3/17/08	REVISED PER COUNTY COMMENTS	MRA	JSP
1	9/18/07	REVISED PER COUNTY COMMENTS	SJR	JSP



THIS PLAN HAS NOT RECEIVED
FINAL APPROVAL, AND IS NOT
APPROVED FOR CONSTRUCTION.



LOCATION OF REQUIRED 40% OPEN SPACE WITHIN THE DEVELOPABLE AREA

AREA	DEVELOPABLE OPEN SPACE COMPONENT	ACRES
	SETBACKS AND R.O.W. BUFFERS	2.1
	DEVELOPABLE OPEN SPACE NOT PART OF ANY REQUIRED YARD	2.1
	TOTAL	4.2

NOTE: PER 24-552 A MINIMUM OF 40 PERCENT OF THE NET DEVELOPABLE AREA OF THE SITE (4.2 AC) MUST BE PERMANENTLY SET ASIDE AS OPEN SPACE. TO HELP MEET THAT REQUIREMENT, THE DEVELOPABLE AREA WITHIN ROW AND PERIMETER BUFFERS/SETBACKS MAY BE COUNTED FOR UP TO FIFTY PERCENT (IN THIS CASE 2.1 AC) OF THE REQUIRED OPEN SPACE.

SITE AREA SUMMARY

NET DEVELOPABLE AREA CALCULATION

DESCRIBED AREA	ACRES	% OF OVERALL PROPERTY
GROSS LAND AREA	16.5	100%
AREAS SUBTRACTED		
25% SLOPES OR GREATER, STREAM BEDS, MARSH AREAS, AREAS SUBJECT TO FLOODING & PONDS	0.4	2.4%
	5.7	34.5%
NET DEVELOPABLE AREA	10.4	63.1%

COMPOSITION OF DEVELOPABLE AREA

	DESCRIBED AREA	ACRES	% OF NET DEVELOPABLE	% OF OVERALL PROPERTY
NON-OPEN SPACE AREAS	ROADS AND PARKING AREA (EXCLUSIVE OF LOTS)	0.9	8.7%	5.5%
	AREA IN TOWNHOME LOTS	1.8	17.3%	10.9%
	STORM WATER MANAGEMENT FACILITY	0.4	3.8%	2.4%
	SUBTOTAL	3.1	29.8%	18.8%
OPEN SPACE	DEVELOPABLE OPEN SPACE WITHIN REQUIRED PERIMETER BUFFERS	2.5	24.0%	15.2%
	DEVELOPABLE OPEN SPACE NOT PART OF ANY REQUIRED YARD	2.6	25.0%	15.8%
	DEVELOPABLE OPEN SPACE WITHIN 100' RPA BUFFER	2.2	21.2%	13.3%
	NONDEVELOPABLE OPEN SPACE	6.1	N/A	13.3%
	TOTAL OPEN SPACE	13.4	N/A	81.2%

GROSS DENSITY CALCULATIONS

GROSS DENSITY: 2.18± D.U./AC*

*GROSS DENSITY IS CALCULATED AS FOLLOWS:

36 (TOTAL NUMBER OF DWELLING UNITS)
16.5 (TOTAL AREA OF SITE)

GROSS DENSITY (W/ REMOVAL OF CONSERVATION LAND USE AS PER JCC COMPREHENSIVE PLAN): 3.53± D.U./AC**

**GROSS DENSITY IS CALCULATED AS FOLLOWS:

36 (TOTAL NUMBER OF DWELLING UNITS)
16.5 - 6.3 (TOTAL AREA OF SITE) - (CONSERVATION LAND USE)

LEGEND

LANDUSE C: ATTACHED STRUCTURES LESS THAN THREE STORIES AND CONTAINING MORE THAN FOUR DWELLING UNITS.

LANDUSE J: AREAS OF COMMON OPEN SPACE, WITH RECREATION AREAS NOTED.

WETLANDS

100-YEAR FLOODPLAIN, ZONE AE

IMPERVIOUS CALCULATIONS

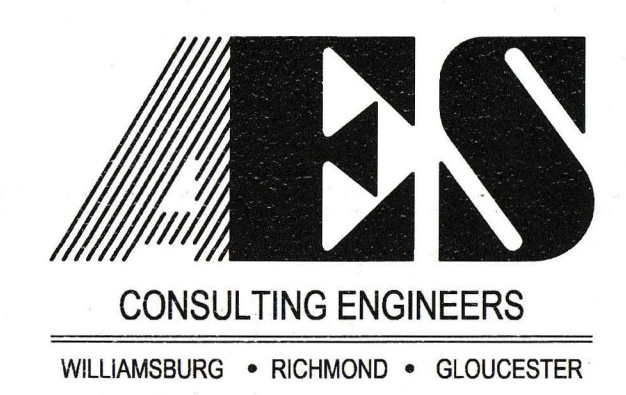
PARKING, ROADS, AND DUMPSTER PADS	1.2± AC
SIDEWALKS	0.3± AC
BUILDINGS	0.9± AC
TOTAL IMPERVIOUS AREA	2.4± AC (14.5% OF OVERALL PROPERTY)

JCC COMPREHENSIVE PARKS AND RECREATION MASTER PLAN TABLE

JCC RECREATION PLAN STANDARDS (36 TOWNHOMES)	REQUIRED	PROVIDED
PARK LAND	0.22 ACRES	0.5± ACRES
PLAYGROUND	0.122 PLAYGROUND	1 PLAYGROUND
TRAILS	0.094 MILES/496 L.F.	0.12 MILES/640± L.F.
COURT	0.047 COURT	PART OF ADDITIONAL 0.28 ACRES OF PARK LAND
SOFTBALL FIELD	0.012 SOFTBALL FIELD (420 S.F. ASSUMING 35,000 S.F. FIELD)	PART OF ADDITIONAL 0.28 ACRES OF PARK LAND

NOTE: CALCULATIONS BASED ON RECOMMENDED PROFFERS FOR TOWNHOUSE AND MULTI-FAMILY DEVELOPMENTS PER JAMES CITY COUNTY COMPREHENSIVE PARKS AND RECREATION MASTER PLAN.

No.	DATE	REVISION / COMMENT / NOTE	REVIEWED BY	DESIGNED BY
3	3/17/08	REVISED PER COUNTY COMMENTS	MRA	JSP
2	2/01/08	REVISED PER COUNTY COMMENTS AND CITIZENS' INPUT	MRA	JSP
1	9/18/07	REVISED PER COUNTY COMMENTS	SJR	JSP



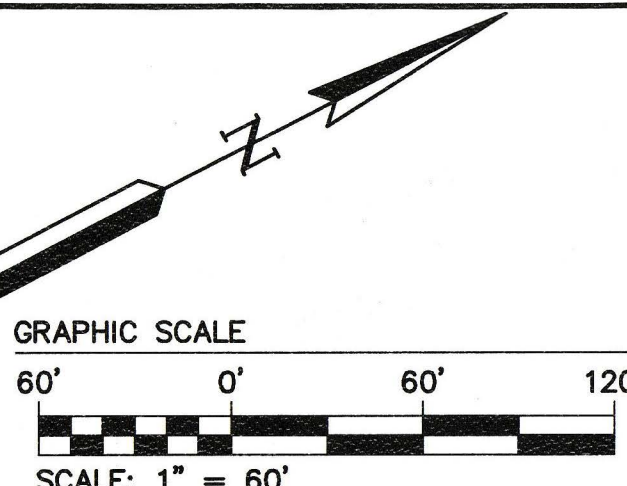
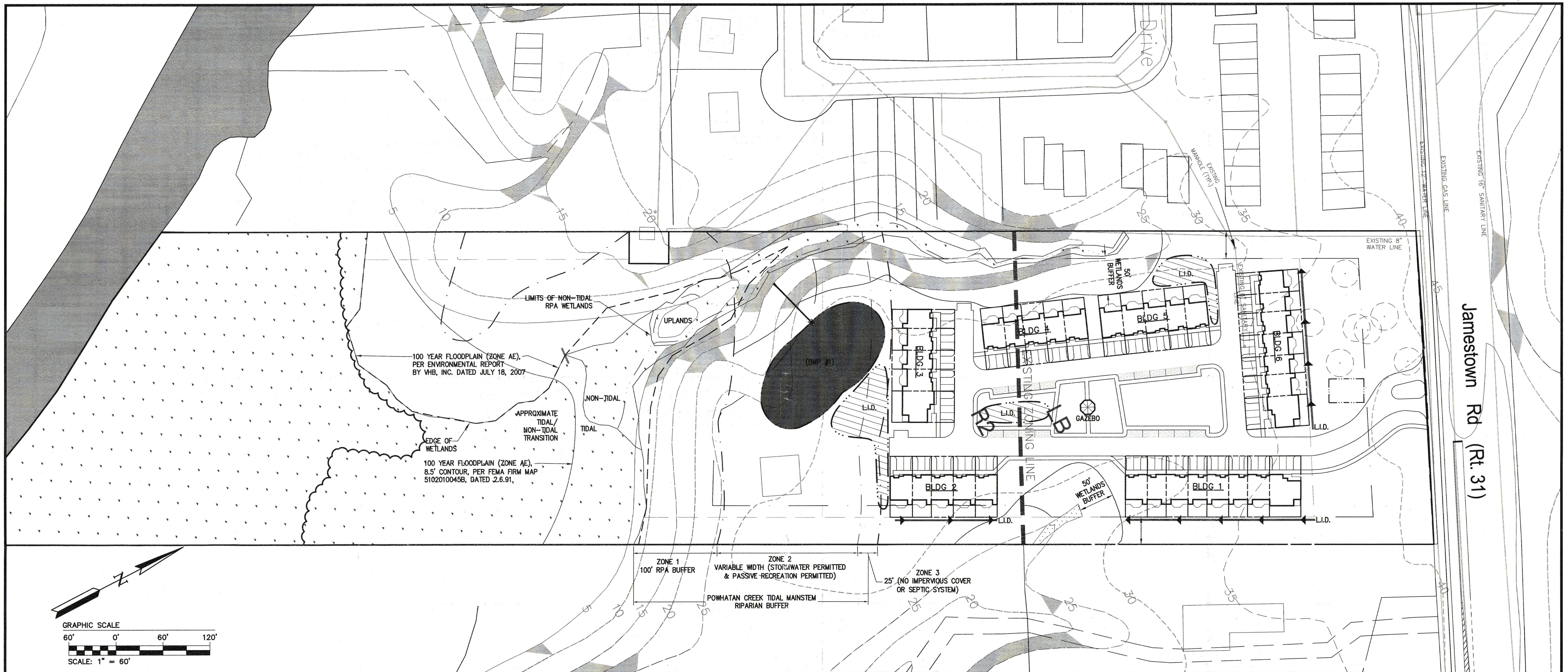
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BINDING MASTER PLAN
PER ZONING ORDINANCE SECTIONS 24-454 (b) (1)-(5) & 24-554 (a)-(e)

POWATAN TERRACE
REZONING AND SPECIAL USE PERMIT
for
ASSOCIATED DEVELOPERS, INC.

JAMESTOWN DISTRICT JAMES CITY COUNTY VIRGINIA

Designed JSP	Drawn MRA
Scale 1"=60'	Date 6/1/07
Project No. 9462-02	Drawing No. 3 OF 4



LEGEND

- PROPOSED STORMWATER MANAGEMENT PONDS
- L.I.D. / BIOTENTION
- POTENTIAL DRY SWALE (L.I.D.)
- POROUS PAVEMENT (L.I.D.)
- WETLANDS
- 100-YEAR FLOODPLAIN, ZONE AE

BMP POINT ANALYSIS

TOTAL AREA OF SITE = 16.5 AC.

IN PRELIMINARY ANALYSIS OF THE STORMWATER MANAGEMENT REQUIREMENTS FOR THIS SITE A VOLUME STORAGE CAPACITY OF 76,512 CUBIC FEET IS PROVIDED. PLANNED NORMAL POOL ELEVATIONS WILL CONTAIN 23,360 CUBIC FEET. UNDER THE JAMES CITY COUNTY GUIDELINES FOR BMP'S, THE EXTENDED DETENTION WET POND MAY HAVE ONE HALF OF THE WATER QUALITY VOLUME STORED IN THE PERMANENT POOL AND ONE HALF OF THE WATER QUALITY VOLUME RELEASED IN A 24-HOUR PERIOD. THIS BMP LOCATION WILL PROVIDE THE ENTIRE WATER QUALITY VOLUME STORED WITHIN THE WET POND. (SEE ATTACHED BMP POINT WORKSHEET FOR 10-POINT ANALYSIS)

NOTE:

THE DEVELOPER SHALL ATTEMPT TO MINIMIZE THE SIZE OF THE WET POND (BMP#1). IN ORDER TO MINIMIZE THE SIZE OF THE WET POND (BMP #1), THE DEVELOPER, WITH THE APPROVAL OF THE ENVIRONMENTAL DIVISION, MAY USE ANY SSC OR ADDITIONAL WATER QUALITY MEASURES NOT ALREADY USED TO MEET THE 3 REQUIRED SSC UNITS, TO MEET THE 10 POINT BMP CRITERIA.

SPECIAL STORMWATER CRITERIA

SPECIAL STORMWATER CRITERIA WILL APPLY TO THIS SITE, BECAUSE IT DRAINS TO TIDAL MAINSTEM OF POWHATAN CREEK.

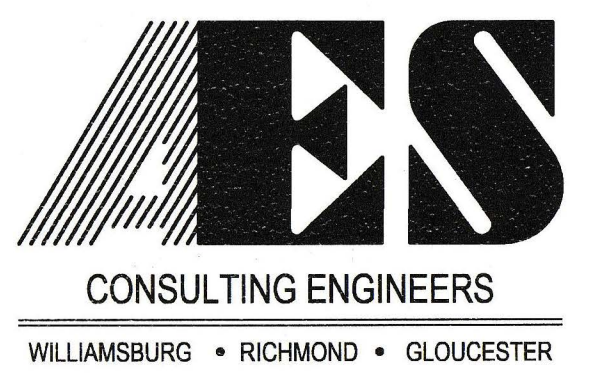
THE SITE HAS A SSC CLASS 3 DESIGNATION (1-10 DISTURBED ACRES) AND REQUIRES 3 SSC UNIT MEASURES FOR COMPLIANCE. A COMBINATION OF THE MEASURES LISTED BELOW SHALL BE USED TO PROVIDE THE 3 SSC UNITS.

SSC MEASURE	CRITERIA / CONDITIONS	SSC POINTS
BIOTENTION BASINS	650 S.F. MIN. (3 POSSIBLE LOCATIONS SHOWN)	1 EA.
PROVIDE AS-BUILT DRAWINGS FOR ENTIRE STORM DRAINAGE SYSTEM	ALL STORM PIPING, INLETS AND BMP'S	0.5
ENHANCED SLOPE STABILIZATION ON ALL CUT AND FILL SLOPE	GEOTEXTILE MATTING APPLIED TO ALL DISTURBED SLOPES 4:1 OR GREATER	1
ENHANCED OUTLET PROTECTION FROM BMP OUTFALL	INSTALLED AT OUTFALL OF BMP #1	1

ADDITIONAL WATER QUALITY/ENVIRONMENTAL PROTECTION MEASURES

ADDITIONAL MEASURE	CRITERIA / CONDITIONS
POROUS PAVEMENT	APPLIED TO ALL PARALLEL PARKING SPACES
RAIN BARRELS	ON REAR OF ALL UNITS
DRY SWALES	AS SHOWN

No.	DATE	REVISION / COMMENT / NOTE	REVIEWED BY	REVIEWED BY
3	3/17/08	REVISED PER COUNTY COMMENTS	MRA	JSP
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BINDING CONCEPTUAL STORMWATER MANAGEMENT PLAN
PER ZONING ORDINANCE SECTIONS 24-484 (b) (1)-(5) & 24-554 (a)-(e)

POWHATAN TERRACE
REZONING AND SPECIAL USE PERMIT
for
ASSOCIATED DEVELOPERS, INC.

JAMESTOWN DISTRICT JAMES CITY COUNTY VIRGINIA

Designed JSP	Drawn MRA
Scale 1"=60'	Date 6/1/07
Project No. 9462-02	Drawing No. 4 OF 4

Prepared by and Return to:
Gregory R. Davis, Esq., VSB 26248
Kaufman & Canoles, P.C.
4801 Courthouse Street, Suite 300
Williamsburg, VA 23188
(757) 259-3800

Parcel ID: 4730100036

PROFFERS

These Amended and Restated Proffers made this 28th day of October, 2024 by and among:

JTR PROPERTIES, LLC, a Virginia limited liability company, ("Owner"), to be indexed as Grantor, and

JAMES CITY COUNTY, VIRGINIA, a political subdivision of the Commonwealth of Virginia ("County"), to be indexed as Grantee, provides as follows:

RECITALS

R-1. Owner is the fee simple title holder of that certain real property (the "Property") located in James City County, Virginia, more particular described as follows:

All that certain piece or parcel of land situate, lying and being in the County of James City, Virginia, shown and designated and described as "JTR PROPERTIES LLC PARCEL ID: 4730100036 1676 JAMESTOWN ROAD DOC. NO. 110019987 ZONED: R2 OLD AREA: 466,224 SQ. FT./10.7030 AC. NEW AREA: 671,686 SQ. FT./15.42± AC." on that certain plat entitled "Boundary Line Extinguishment Being The Property Of JTR Properties, LLC Parcels 4730100036, 4730100037, And 473010039 James City County, Virginia" made by Stephen A. Romeo, Land Surveyor of vhb and dated September 14, 2022 and recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia as Instrument No. 202216017 and is incorporated herein by reference for a more complete description of the property hereby conveyed.

Together with all and singular the improvements thereon, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

This conveyance is subject to all easements, restrictions, and limitations of record or apparent on the ground, specifically including, but not limited to (i) the Proffers recorded in the Clerk's Office aforesaid as Instrument No. 080020381, as subsequently amended, and (ii) the Deed of Easement for Natural Open Space recorded in the Clerk's Office aforesaid as Instrument No. 202302104.

Being the same property conveyed to JTR Properties, LLC by deed in lieu of foreclosure by Powhatan Terrace, LLC dated May 2, 2024 recorded in the aforementioned Clerk's Office as Instrument No. 202412340.

R-2. The Property was in the past the subject of a rezoning, master plan and special use permit as part of a planned development of thirty-six (36) townhomes to be known as "Powhatan Terrace". The case numbers assigned to consideration of past land use cases involving the Property are as follows:

Rezoning: Z-0007-2007

Master Plan: MP-0005-2007

Special Use Permit: SUP-0020-2007

R-3. As a part of the rezoning and master plan approvals under the case numbers referenced above, the Property was subject to certain proffers which were later amended, as follows (collectively the "Prior Proffers"):

a. Proffers dated February 13, 2008 of record in the Office of the Clerk of the Circuit Court for the City of Williamsburg and County of James City ("Clerk's Office") as Instrument No. 080020381.

b. First Amendment to Proffers dated November 28, 2017 of record in the Clerk's Office as Instrument No. 180002012.

c. Second Amendment to Proffers dated January 23, 2019 of record in the Clerk's Office as Instrument No. 190003588.

d. Third Amendment to Proffers dated December 21, 2020 of record in the Clerk's Office as Instrument No. 210008965.

R-4. The Prior Proffers included a requirement that the Property be developed generally as shown a master plan more particularly described in the Prior Proffers (the "Prior Master Plan").

R-5. The Owner has applied for a rezoning to amend the Prior Proffers and the Prior Master Plan to permit development of the Property in a far less intensive manner, in particular creation of four (4) large residential lots each containing one (1) single family dwelling (the "Project") as opposed to the thirty-six (36) unit townhouse project approved by the Prior Proffers and Prior Master Plan. The application for rezoning to so amend the Prior Proffers and Prior Master Plan have been assigned County case numbers Z-24-0010 and MP-24-0004 (collectively the "Application").

R-6. The Property is currently zoned R-2 with proffers under the County Zoning Ordinance, Section 24-1 of the James City County Code et. seq. (the "Zoning Ordinance").

R-7. The provisions of the Zoning Ordinance may be deemed inadequate to address impacts upon the County generated by the Project. Accordingly, the Owner, in furtherance of the above described rezoning application, desires to amend the Prior Proffers and Prior Master Plan, and to proffer certain conditions governing the Project and development of the Property in

accordance with the provisions of Section 15.2-2303 et. seq. of the Code of Virginia, as amended and Section 24-16 of the Zoning Ordinance.

Now therefore, for and in consideration of the approval by the County Board of Supervisors of the applications of Owner described above and pursuant to Section 24-1 et. seq. of the Zoning Ordinance and Section 15.2-2303 et. seq. of the Code of Virginia, it is agreed that the following conditions shall be met and satisfied in developing the Project upon the Property:

PROFFERS

1. **Proffers.** These proffers amend and supersede the Prior Proffers.
2. **Master Plan.** The Property shall be developed generally as shown on the certain master plan entitled: "Master Plan Amendment" dated September 25, 2024, made by VHB Consulting Engineers which is attached these proffers and incorporated by this reference (the "Master Plan"). Minor changes determined by the County Development Review Committee as not changing the basic concept or character of the development shall be permitted. The Master Plan amends and supersedes the Prior Master Plan.
3. **Residential Development.** The Property shall be utilized for residential purposes only, and there shall be no more than four (4) single family residential dwelling units (one (1) dwelling per lot) developed within the Property.
4. **Owners Association.** There shall be organized an owner's association (the "Association") in accordance with Virginia law in which all homeowners in the Property, by virtue of their property ownership, shall be members.
 - a. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing the Association shall be submitted to and reviewed by the County Attorney for consistency with this proffer prior to subdivision approval or such later deadline as may be approved by the Director of Planning.
 - b. The Governing Documents shall require that the Association adopt an annual maintenance budget, which shall include a reserve for maintenance of stormwater management structures (if any) and private roads, and shall require that the association (i) assess all members for the maintenance of all properties owned or maintained by the association and (ii) file liens on members' properties for non-payment of such assessments.
 - c. The Governing Documents shall grant the Association the power to file liens on members' properties for the cost of remedying violations of, or otherwise enforcing the Governing Documents.
5. **Water Conservation.** Water conservation standards shall be submitted to the James City Service Authority ("JCSA") as a part of the subdivision submittal for development on the Property and the Association shall be responsible for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials and the

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

6. Private Drives. All entrances, interior roads and drive aisles within the Property shall be private and shall be constructed in accordance with applicable County private street standards. Private roads shall be maintained by the Association.

7. Community Character Corridor Buffer. There shall be a minimum 150 foot buffer established along the Jamestown Road frontage of the Property as generally shown on the Master Plan. The buffer may not be built upon, cleared or contain any dwelling unit or improvements.

a. Owner shall submit a tree survey depicting specimen trees within the community character corridor buffer with the plans for development of the Property and shall use its best efforts to preserve such specimen trees.

b. Dead, diseased and dying trees or shrubbery or invasive or poisonous plants may be removed from the buffer area without County review or approval.

c. A sidewalk and landscaping shall be permitted in the buffer area. Neighborhood signage and associated lighting shall be permitted in the buffer in locations(s) already cleared as of the date of the Application.

d. Supplemental plantings approved by the Director of Planning or designee shall be permitted within the previously-cleared or improved area of the buffer in order to meet stormwater management and water quality standards.

8. Sidewalk. A sidewalk five (5) feet in width shall be constructed parallel to Jamestown Road within the buffer area described in paragraph 7 above, connecting to the existing sidewalk at the Raleigh Square or westerly property line. Such sidewalk shall be completed prior to the issuance of a building permit for the first residential dwelling unit within the Property. Nothing in these Proffers shall be construed to preclude the owner of any lot created within the Property from obtaining a land disturbing and stormwater construction permit allowing site work on a lot prior to sidewalk completion.

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

10. 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.

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

12. Successors and Assigns. These Proffers shall be binding upon its transferees and successors in title.

13. Reasonableness. These Proffers are made and offered voluntarily by the Owner which acknowledges that the Proffers provide for reasonable conditions because (i) the rezoning itself gives rise to the need for the conditions; (ii) the conditions have a reasonable relation to the rezoning; and (iii) all conditions are in conformity with the County's comprehensive plan.

14. Void if Rezoning Not Approved. In the event that the proposed rezoning and proffer/master plan amendments are not approved by the County, these Proffers shall be null and void.

WITNESS the following signatures, thereunto duly authorized:

JTR PROPERTIES, LLC,
a Virginia limited liability company

By: [Signature]
Print _____ Name: _____
Title: Jennifer L. Wise
POA

STATE OF Florida
CITY/COUNTY OF Broward, to wit:

The foregoing instrument was acknowledged before me this 29th day of October, 2024 by Jennifer Wise as POA of JTR Properties, LLC, a Virginia limited liability company.

[Signature]
Notary Public [Affix Notarial Stamp]

My Commission Expires: 05/08/2028
Notary Registration No.: HH 52538



080 020381

 **COPY**

PROFFERS

THESE PROFFERS are made this 13th day of February, 2008 by INVESTMENT PROPERTIES OF VIRGINIA, LLC (together with its successors and assigns, the "Owner") and ASSOCIATED DEVELOPERS, INC., a Virginia corporation ("Buyer").

RECITALS

A. Owner is the owner of three contiguous tracts or parcels of land located in James City County, Virginia, one with an address of 1676 Jamestown Road, Williamsburg, Virginia and being Tax Parcel 4730100036, the second with an address of 1678 Jamestown Road, Williamsburg, Virginia and being Tax Parcel 4730100037, and the third with an address of 180 Red Oak Landing Road, Williamsburg, Virginia and being Tax Parcel 4730100039, being more particularly described on Exhibit A attached hereto (together, the "Property"). A portion of the Property is now zoned L-B and a portion is now zoned R-2.

B. Buyer has contracted to purchase the Property conditioned upon the rezoning of the Property.

C. Owner and Buyer have applied to rezone the Property from L-B and R-2 to R-2, , with proffers, and for a Special Use Permit to permit a residential cluster development of up to 36 townhouse units.

D. Buyer has submitted to the County a master plan entitled "Master Plan for Rezoning of Powhatan Terrace" prepared by AES Consulting Engineers dated June 1, 2007 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance.

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

✓ 15
PLEASE RETURN TO:
COUNTY ATTORNEY
JCE - BLDG. C

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

CONDITION

1. **Master Plan.** The Property shall be developed generally as shown on the Master Plan, with only minor changes thereto that the Development Review Committee determines do not change the basic concept or character of the development. There shall be no more than 36 residential townhouse dwelling units on the Property. All residential dwelling units on the Property shall be offered for sale by the developer thereof.

2. **Owners Association.** There shall be organized an owner's association (the "Association") in accordance with Virginia law in which all unit owners in the Property, by virtue of their property ownership, shall be members. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing the Association shall be submitted to and reviewed by the County Attorney for consistency with this Proffer. The Governing Documents shall require that the Association adopt an annual maintenance budget, which shall include a reserve for maintenance of stormwater management BMPs, recreation areas, private roads and parking areas, shall require each initial purchaser of a unit to make a capital contribution to the Association for reserves in an amount equal to one-sixth of the annual general assessment applicable to the unit (but no less than \$100.00) and shall require that the association (i) assess all members for the maintenance of all properties owned or

maintained by the association and (ii) file liens on members' properties for non-payment of such assessments. The Governing Documents shall grant the Association the power to file liens on members' properties for the cost of remedying violations of, or otherwise enforcing, the Governing Documents.

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

(b) If the Owner desires to have outdoor watering it shall provide water for irrigation utilizing surface water collection from the surface water pond that is shown on the Master Plan or from rain barrels and shall not use JCSA water for irrigation purposes. This requirement prohibiting the use of well water may be waived or modified by the General Manager of JCSA if the Owner demonstrates to the JCSA General Manager that there is insufficient water for irrigation in the surface water impoundments, and the Owner may apply for a waiver for a shallow (less than 100 feet) well to supplement the surface water impoundment.

4. Cash Contributions for Community Impacts. For each dwelling unit on the Property the one time cash contributions set forth in this Section 4 shall be made.

(a) A contribution of \$844.00 for each dwelling unit on the Property shall be made to the James City Service Authority ("JCSA") in order to mitigate impacts on the County from the

physical development and operation of the Property. The JCSA may use these funds for development of alternative water sources or any project related to improvements to the JCSA water system, the need for which is generated by the physical development and operation of the Property.

(b) A contribution of \$4,870.00 for each dwelling unit on the Property shall be made to the County in order to mitigate impacts on the County from the physical development and operation of the Property. The County may use these funds solely for school use.

(c) A contribution of \$1,000.00 for each dwelling unit on the Property shall be made to the County in order to mitigate impacts on the County from the physical development and operation of the Property. The County may use these funds for any project in the County's capital improvement plan, the need for which is generated by the physical development and operation of the Property, including, without limitation, for emergency services equipment replacement and supply, off-site road improvements, library uses, and public use sites.

(d) A contribution of \$300.00 for each dwelling unit on the Property shall be made to the County for off-site stream restoration in the Powhatan Creek watershed..

(e) The contributions described above, unless otherwise specified, shall be payable for each dwelling unit on the Property at or prior to the final approval of the site plan or subdivision plat for such unit. In the event dwelling units, such as townhouse units, require both a site plan and subdivision plat, the contributions described above shall be payable for each such dwelling unit shall be paid at the time of final subdivision plat approval.

(f) The per unit contribution(s) paid pursuant to this Section shall be adjusted annually beginning January 1, 2009 to reflect any increase or decrease for the preceding year in the

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

5. Jamestown Road Buffer. There shall be a minimum 150 foot buffer along the Jamestown Road frontage of the Property generally as shown on the Master Plan. The buffer shall be exclusive of any lots or units. The entrance as shown generally on the Master Plan, landscaping and berms, the trails, sidewalks and bike lanes as shown generally on the Master Plan, and with the approval of the Development Review Committee, utilities, lighting, entrance features and signs shall be permitted in the buffer. Dead, diseased and dying trees or shrubbery, and invasive or poisonous plants may be removed from the buffer area. A combination of preservation of existing trees, enhanced landscaping (defined as 125% of County Zoning Ordinance ("Ordinance") plant size requirements) and berms shall be provided within the buffer in accordance with a landscaping plan approved by the Director of Planning which shall, when

the landscaping has reached maturity, screen the adjacent units from the direct view of vehicles traveling on Jamestown Road. The perimeter buffers between the sides/back of buildings and the adjacent properties shall contain enhanced landscaping (defined as 125% of Ordinance size requirements) in accordance with a landscaping plan approved by the Director of Planning. The buffers shall be planted or the planting bonded in an amount and form approved by the County Attorney prior to the County being obligated to issue building permits for dwelling units located on the Property.

6. Entrances/Turn Lanes. There shall be one entrance into the Property to and from Jamestown Road as generally shown on the Master Plan. A northbound left turn lane with a taper and transition and an southbound right turn taper on Jamestown Road shall be constructed at the entrance to the Property. The turn lane and tapers proffered hereby shall be constructed in accordance with Virginia Department of Transportation standards and shall be completed prior to the issuance of the first certificate of occupancy.

7. Recreation. Owner shall provide the park, playground and passive recreational area shown on the Master Plan before the County is obligated to grant certificates of occupancy for more than 18 dwelling units on the Property. Owner shall install a mulch trail generally in the location shown on the Master Plan with the design and exact location of the mulch trails subject to the approval of the Director of Planning. The exact locations of the facilities proffered hereby and the equipment to be provided at such facilities shall be subject to the approval of the Director of Planning.

8. Private Drives. All entrance roads, interior roads, driveways, lanes or drive aisles connecting the parking areas on the Property shall be private and shall be constructed in

accordance with applicable County private street standards. Private roads shall be maintained by the Association. Owner shall deposit into a maintenance reserve fund to be managed by the Association an amount equal to one hundred and fifty percent (150%) of the amount of the maintenance fee that would be required for a public street of the same length as established by VDOT - Subdivision Street Requirements. The County shall be provided evidence of the deposit of such maintenance fee at the time of final site plan or subdivision plat approval by the County for the particular phase or section which includes the relevant private street.

9. Environmental Protections. (a) Owner shall submit to the County a stormwater management plan for the Property consistent with the Conceptual Stormwater Management Plan prepared by AES Consulting Engineers dated June 1, 2007 ("Stormwater Plan") and included in the Master Plan set submitted herewith and on file with the County, including facilities and measures necessary to meet the County's 10 point stormwater management system requirements and the special stormwater criteria applicable in the Powhatan Creek watershed ("SSC") and, in addition, including features and measures over and above those necessary to meet the 10 point and SSC requirements, which shall include, without limitation, bio-retention basins, provision of as-built drawings for the entire stormwater system, enhanced slope stabilization on all cut and fill slope, enhanced outlet protection on BMP outfall, porous pavement, rain barrels and dry swales subject to the criteria and conditions set forth on the Stormwater Plan. The stormwater plan shall be approved by the Environmental Director or his designee prior to the submission of any development plans for the Property. The stormwater management plan may be revised and/or updated during the development of the Property based on on-site conditions discovered in the field with the prior written approval of the Environmental Director or his designee. The

approved stormwater management plan, as revised and/or updated, shall be implemented in all development plans for the Property.

(b) The owner of the Property shall cause a survey to be conducted of the Property for rare, threatened and endangered species prior to any land disturbing activity on the Property. The location of any rare, threatened and endangered species located on the Property shall be shown on all subdivision or other development plans of the Property. Before any land disturbing activity is allowed in the vicinity of any rare, threatened and endangered species identified, if any, on the Property, a conservation plan shall be prepared by the owner of the Property in accordance with state and federal laws applicable to the Property at the time of development of the conservation plan and said conservation plan shall be submitted for information purposes to the Director of Planning and shall be incorporated into the development plans for the Property and implemented in the development of the Property.

10. **Archaeology.** A Phase I Archaeological Study for the Property shall be submitted to the Director of Planning for his review and approval prior to land disturbance. A treatment plan shall be submitted to, and approved by, the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation, and/or identified as being eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase II study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan

shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study area. All Phase 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 Standard and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the site and shall be adhered to during the clearing, grading and construction activities thereon.

11. Architectural Review. Prior to the County being obligated to grant final development plan approval for any of the buildings shown on any development plan for any portion of the Property, there shall be prepared and submitted to the Director of Planning for approval architectural and landscaping plans, including architectural elevations, for the Director of Planning to review and approve for general consistency with the architectural styles depicted in the architectural renderings prepared by Guernsey Tingle Architects submitted with the rezoning application. The Director of Planning shall review and either approve or provide written comments setting forth changes necessary to obtain approval within 45 days of the date of submission of the plans in question. Final plans and completed buildings shall be consistent with the approved conceptual plans as determined by the Director of Planning.

12. Preservation of Specimen Trees. Owner shall submit a tree survey of the Property with the site plan for development of the Property and shall use its best efforts to preserve trees within the Jamestown Road buffer identified on the survey as specimen trees to be preserved. If

any of the specimen trees die prior to issuance of certificates of occupancy for all units on the Property, the dead tree shall be replaced with a new tree with at least a two and one-half inch caliper.

13. Green Building; EarthCraft House Certification. Each residential unit shall be certified under the EarthCraft House Virginia certification process and a copy of the certification shall be provided to the Director of Planning.

14. Streetscape Guidelines. The Owner shall provide and install streetscape improvements in accordance with the applicable provisions of the County's Streetscape Guidelines policy. The streetscape improvements shall be shown on development plans for that portion of the Property and submitted to the Director of Planning for approval during the site plan approval process. Streetscape improvements shall be either (i) installed within six months of the issuance of any certificate of occupancy for any residential units in adjacent structures or (ii) bonded in form and amount satisfactory to the County Attorney prior to the issuance of any certificate of occupancy for any residential units in adjacent structures.

15. Nutrient Management Plan. The Association shall be responsible for contacting an agent of the Virginia Cooperative Extension Office ("VCEO") or, if a VCEO agent is unavailable, a soil scientist licensed in the Commonwealth of Virginia, an agent of the Soil and Water Conservation District or other qualified professional to conduct soil tests and to develop, based upon the results of the soil tests, customized nutrient management plans (the "Plans") for all common areas within the Property and each individual lot shown on each subdivision plat of the Property. The Plans shall be submitted to the County's Environmental Director for his review and approval prior to the issuance of the building permits for more than 50% of the units

shown on the subdivision plat. Upon approval, the Owner so long as it controls the Association and thereafter the Association shall be responsible for ensuring that any nutrients applied to common areas which are controlled by the Association be applied in strict accordance with the Plan. The Owner shall provide a copy of the individual Plan for each lot to the initial purchaser thereof. Within 12 months after issuance of the Certificate of Occupancy for the final dwelling unit on the Property and every three years thereafter, a turf management information seminar shall be conducted on the site. The seminar shall be designed to acquaint residents with the tools, methods, and procedures necessary to maintain healthy turf and landscape plants.

16. Sidewalks. There shall be sidewalks five feet in width installed along one side of all streets within the Property generally as shown on the Master Plan. Owner shall install a sidewalk along the Jamestown Road frontage of the Property.

17. Underground Storage Tanks. The existing underground storage tanks on the Property shall be removed in accordance with applicable laws, regulations and ordinances prior to the issuance of any building permit for structures on the Property.

18. Curb and Gutter. Streets within the Property shall be constructed with curb and gutter provided, however, that this requirement may be waived or modified along those segments of street, including entrance roads, where structures are not planned.

19. Price Restricted Units. A minimum of three of the units shall be reserved and offered for sale at a sales price to buyer at or below \$195,000 subject to adjustment as set forth herein ("Restricted Units"). The maximum price set forth herein shall be adjusted annually, or January 1st of each year, by increasing such prices by the cumulative rate of inflation as measured by the Index annual average change for the period from January 1, 2009 until January 1 of the year in question. The Director of Planning shall be provided with a copy of the

settlement statement for each sale of a Restricted Unit. The Governing Documents shall include a provision, approved by the County Attorney, providing that the Restricted Units must be occupied by the owner thereof or a family member of the owner. Short term rentals of these Restricted Unit by the owner thereof shall be permitted if the owner dies or is transferred out of the area and in similar situations.

WITNESS the following signature.

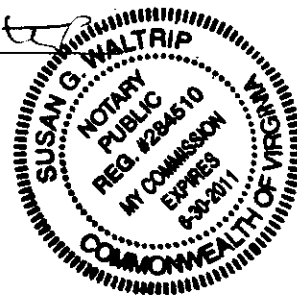
INVESTMENT PROPERTIES OF VIRGINIA, LLC
By: [Signature]
Title: MANAGER

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

The foregoing instrument was acknowledged this 17th day of March, 2008, by Michael C. Brown as manager of Investment Properties of Virginia, LLC.

[Signature]
NOTARY PUBLIC

My commission expires: 06/30/2011.
Registration No.: 284510



ASSOCIATED DEVELOPERS, INC.

By: [Signature]

Title: president

STATE OF VIRGINIA AT LARGE

CITY/COUNTY OF Williamsburg, to-wit:

The foregoing instrument was acknowledged this 14th day of March, 2008, by Henry Stephens President of Associated Developers, Inc.

[Signature]
NOTARY PUBLIC

My commission expires: 2-28-2011

Registration No.: 183223



EXHIBIT A

PARCEL ONE

All that certain piece or parcel of land, with the buildings and improvements thereon, consisting of 10.00 acres, more or less, situate in Jamestown District, James City County, Virginia, bounded and described as follows: Beginning at an iron stake on the southerly side of the road leading from the Main and Ambler's Farms to Powell's Mill crossing Route 31 to Jamestown on the dividing line between the land hereby conveyed and that of Robinson; thence in a westerly direction along said road the distance of 400 feet to another iron stake; thence said lot extends back in a southerly direction between parallel lines the distance of 1050 feet, more or less, to iron stakes marking its corners; and being a portion of a tract of land containing 140.62 acres as shown by survey and plat recorded in James City Plat Book 2, page 19, and is a portion of the same property of which T. T. Nixon died seized and possessed, intestate; the said tract having been conveyed to him by J. N. Richardson by deed from Henry O. Wright and wife, dated April 15, 1929, and recorded in James City Deed Book 24, page 531; the undivided one-half interest of the said Richardson having been conveyed to the said T. T. Nixon by deed dated June 5, 1930, and recorded in James City Deed Book 25, pages 514-5.

PARCEL TWO

All that certain lot, piece or parcel of land, with the buildings and improvements thereon, situate in Jamestown Magisterial District, James City County, Virginia, lying on the southerly side of the 10.00+/- acre parcel of Nixon, consisting of 6.082 acres, more or less, and described as follows: commencing at an iron stake 1,050 feet from the road leading from Ambler's and the Main Farm to Five Forks and Powell's Mill Road running thence a distance of 200 feet more or less in a southerly direction in a straight line to the low water mark of Powhatan Creek; thence in a westerly direction along the low water mark of Powhatan Creek as it meanders a distance of 400 feet more or less to a point; thence in a northerly direction in a straight line a distance of 200 feet more or less to an iron stake, the corner to the property hereby conveyed and other lands of Nixon; thence in an easterly direction along the line of the property hereby conveyed and other lands of Nixon a distance of 400 feet, more or less, to an iron stake corner to the property hereby conveyed and other lands of Nixon, being the point of departure. Said property is bounded on the northerly side of other lands of Nixon; on the southerly side by Powhatan Creek; on the easterly side by the lands of Robinson; and on the westerly side by the remaining lands of Hess N. Hart and Harry Hart, her husband, Mary B. Norman and J. D. Norman, her husband, Dorothy N. Waltrip and G. K. Waltrip, her husband. Said property is a portion of the track of land containing 140.62 acres as shown by survey and plat recorded in James City Plat Book 2, page 19, and is a portion of the same property of which T. T. Nixon died seized and possessed intestate; the said tract having been conveyed to him and J. N. Richardson by deed from Henry O. Wright and wife, dated April 15, 1929, and recorded in James City County Deed Book 24, page 531, the undivided one-half interest of said Richardson having been conveyed to the said T. T. Nixon by deed dated June 5, 1930, and recorded in James City County Deed Book 25, page 514.

PARCEL THREE

ALL that certain lot, piece or parcel of land situate, lying and being in Jamestown District, James City County, Virginia, as shown on that certain plat entitled, "E. T. Nixon, Plat of Survey, Containing .43 Acres, Two Miles Southeast of Williamsburg, James City County, Virginia" dated February 8, 1960 made by R. B. Cartwright, Certified Land Surveyor, and recorded April 1, 1960 in the Clerk's Office of the Circuit Court of the City of Williamsburg and County of James City in Deed Book 74, page 100; and being more particularly described as follows: Beginning at an angle iron down a private lane leading South from State Route #31; thence South 69° 30' East 116.28 feet to an angle iron; thence South 20° 00' West 162.28 feet to an angle iron; thence North 69° 30' West 116.28 feet to an angle iron; thence North 20° 00' East 162.28 feet to an angle iron, the point of beginning.

VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY
This document was admitted to record on 13 Aug 68
at 2:53 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

Parcel Nos: 4730100036, 4730100037, 4730100039

Prepared by:
Andrew M. Franck (VSB #48293)
Geddy, Harris, Franck & Hickman, LLP
1177 Jamestown Road
Williamsburg, Virginia 23185

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

FIRST AMENDMENT TO PROFFERS

THIS FIRST AMENDMENT TO PROFFERS is made this 28th day of November, 2017 by JTR PROPERTIES LLC, a Virginia limited liability company (together with its successors and assigns, the "Owner"), to be indexed as "Grantor." JAMES CITY COUNTY, a political subdivision of the Commonwealth of Virginia, to be indexed as "Grantee."

RECITALS

A. Owner is the owner of three contiguous tracts or parcels of land located in James City County, Virginia (the "Property"), now zoned R2 - General Residential, and subject to Proffers dated February 13, 2008, 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. 080020381 (the "Existing Proffers"). The Property is more particularly described in the Existing Proffers.

B. Owner desires to amend Condition 1 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 last sentence of Condition 1 (Master Plan) of the Existing Proffers is hereby amended to read as follows: "All residential dwelling units on the Property shall be offered for sale or rental by the developer thereof."

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

WITNESS the following signature and seal.

JTR PROPERTIES LLC

By: Sterling M. Nichols (SEAL)

Title: owner



COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF Williamsburg, to-wit:

The foregoing instrument was acknowledged this 28th day of November, 2017, by Sterling M. Nichols as owner of JTR Properties LLC.

Trittie Ann Mountcastle
NOTARY PUBLIC

My commission expires: 1/31/19
Registration No.: 7639488

INSTRUMENT 180002012
RECORDED IN THE CLERK'S OFFICE OF
WMSBG/JAMES CITY CIRCUIT ON
January 25, 2018 AT 10:21 AM
MONA A. FOLEY, CLERK
RECORDED BY: JLZ

Parcel Nos: 4730100036, 4730100037, 4730100039

Prepared by:
Andrew M. Franck (VSB #48293)
Geddy, Harris, Franck & Hickman, LLP
1177 Jamestown Road
Williamsburg, Virginia 23185

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

SECOND AMENDMENT TO PROFFERS

THIS SECOND AMENDMENT TO PROFFERS is made this 23rd day of January, 2019 by JTR PROPERTIES LLC, a Virginia limited liability company (together with its successors and assigns, the "Owner"), to be indexed as "Grantor." JAMES CITY COUNTY, a political subdivision of the Commonwealth of Virginia, to be indexed as "Grantee."

RECITALS

A. Owner is the owner of three contiguous tracts or parcels of land located in James City County, Virginia (the "Property"), now zoned R2 - General Residential, and subject to Proffers dated February 13, 2008, 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. 080020381, as amended by First Amendment to Proffers dated November 28, 2017 recorded in the aforementioned Clerk's Office as Instrument No. 180002012 (the "Existing Proffers"). The Property is more particularly described in the Existing Proffers.

B. Owner desires to amend Condition 19 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 19 (Price Restricted Units) of the Existing Proffers is hereby amended to read in its entirety as follows:

"19. Price Restricted Units. A minimum of eight of the units shall be reserved and offered for rent for a period of at least thirty years following issuance of a Certificate of Occupancy at a rental rate targeted to households at or below sixty percent (60%) of the Area Median Income (AMI). Rent limits shall meet IRS Section 42 Low-Income Housing Tax Credit (LIHTC) Affordable Housing Program ("Program") guidelines for that year, and rental rates shall be adjusted annually according to Program requirements. Rental rates shall be reported to the Director of Planning annually during the thirty-year period."

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

WITNESS the following signature and seal.

JTR PROPERTIES LLC

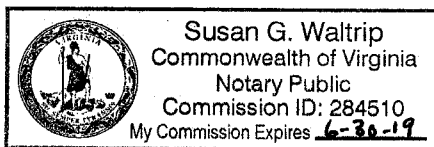
By: *Sterling M. Nichols* (SEAL)
Sterling M. Nichols, owner

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Williamsburg, to-wit:

The foregoing instrument was acknowledged this 11th day of ~~January~~ ^{March}, 2019, by Sterling M. Nichols as owner of JTR Properties LLC.

Susan G. Waltrip
NOTARY PUBLIC

My commission expires: 06/30/2019



INSTRUMENT 190003588
RECORDED IN THE CLERK'S OFFICE OF
WMSBG/JAMES CITY CIRCUIT ON
MARCH 15, 2019 AT 10:56 AM
MONA A. FOLEY, CLERK
RECORDED BY: JLZ



OFFICIAL RECEIPT
WILLIAMSBURG/JAMES CITY COUNTY CIRCUIT
DEED RECEIPT

DATE : 03/15/2019 TIME : 10:56:14
RECEIPT # : 19000007836 TRANSACTION # : 19031500049
CASHIER : JLZ REGISTER # : B350
INSTRUMENT : 190003588 BOOK : PAGE :
GRANTOR : JTR PROPERTIES LLC
GRANTEE : JAMES CITY COUNTY
RECEIVED OF : JAMES CITY COUNTY VA
ADDRESS :
CASH : \$0.00
DESCRIPTION 1 : 2 AMEND INST 080020381 180002012
NAMES : 0
CONSIDERATION : \$0.00

CASE # : 830CLR190003588

FILING TYPE : AMEND
RECORDED : 03/15/2019
EX : N
EX : N

PAYMENT : FULL PAYMENT
AT : 10:56
LOC : CO
PCT : 100%

PAGES : 002

OP : 0

MAP :

PIN :

ACCOUNT CODE	DESCRIPTION	PAID
035	VOF FEE	\$0.00

TENDERED : \$ 0.00
AMOUNT PAID : \$ 0.00

PAYOR'S COPY

CLERK OF COURT : MONA A. FOLEY

Z-19-0001 PR-107-B
Powhatan Terrace Proffer
Amendment
Proffers Page 3 of 3

RECEIPT COPY 1 OF 2

Parcel Nos: 4730100036, 4730100037, 4730100039

Prepared by:
Andrew M. Franck (VSB #48293)
Geddy, Harris, Franck & Hickman, LLP
1177 Jamestown Road
Williamsburg, Virginia 23185

Return to:
James City County Attorney
101-D Mounts Bay Road
Williamsburg, Virginia 23185

THIRD AMENDMENT TO PROFFERS

THIS THIRD AMENDMENT TO PROFFERS is made this 21st day of December, 2020 by JTR PROPERTIES LLC, a Virginia limited liability company (together with its successors and assigns, the "Owner"), to be indexed as "Grantor." JAMES CITY COUNTY, a political subdivision of the Commonwealth of Virginia (the "County"), to be indexed as "Grantee."

RECITALS

A. Owner is the owner of three contiguous tracts or parcels of land located in James City County, Virginia (the "Property"), now zoned R2 - General Residential, and subject to Proffers dated February 13, 2008, 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. 080020381, as amended by First Amendment to Proffers dated November 28, 2017 recorded in the aforementioned Clerk's Office as Instrument No. 180002012 and further amended by Second Amendment to Proffers dated January 23, 2019 recorded in the aforementioned Clerk's Office as Instrument No. 190003588 (the "Existing Proffers"). The Property is more particularly described in the Existing Proffers.

B. Owner desires to amend certain Conditions 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 (Owners Association) of the Existing Proffers is hereby amended to read in its entirety as follows:

"2. Owners Association."

(a) Prior to the first conveyance of any subdivided lot or condominium unit in the Property to an owner other than the owner at the time of subdivision or recording of the condominium declaration, there shall be organized an owner's association (the "Association") in accordance with Virginia law in which all lot or unit owners in the Property, by virtue of their property ownership, shall be members. The articles of incorporation, bylaws and declaration of restrictive covenants or declaration of condominium (together, the "Governing Documents") creating and governing the Association shall be submitted to and reviewed by the County Attorney for consistency with this Proffer. The Governing Documents shall require that the Association adopt an annual maintenance budget, which shall include a reserve for maintenance of stormwater management BMPs, recreation areas, private roads and parking areas, shall require each initial purchaser of a lot or unit to make a capital contribution to the Association for reserves in an amount equal to one-sixth of the annual general assessment applicable to the lot or unit (but no less than \$100.00) and shall require that the Association (i) assess all members for the maintenance of all properties owned or maintained by the Association and (ii) file liens on members' lots or units for non-payment of such assessments. The Governing Documents shall grant the Association the power to file liens on members' properties for the cost of remedying violations of, or otherwise enforcing, the Governing Documents.

(b) During times prior to conveyance of any subdivided lot or condominium unit in the Property when the entire Property remains under common ownership, the Owner shall be responsible to fulfill any obligations otherwise imposed on the Association under these Proffers other than those related to administration of the Association which shall not apply until single ownership of the Property is severed. Commencing in the year in which a certificate of occupancy for any dwelling unit in the Property is issued and continuing until an Association is formed for the Property, Owner shall maintain and administer a maintenance, replacement and repair reserve fund for improvements at the Property including the Private Drives (as defined in Condition 8 below), stormwater management BMPs, recreation areas, and parking areas, and Owner shall contribute to such fund at least the sum of \$300.00 per dwelling unit per year. At such time as an Association is established, the Owner shall transfer the balance of said reserve fund to the Association to be used in its reserve fund as described above. The County shall be provided evidence of the reserve fund at least annually during such period prior to an Association

being formed. For a period of thirty years commencing in the year in which a certificate of occupancy for any dwelling unit in the Property is issued, the Owner shall cause the reserve fund to be administered in accordance with the IRS Section 42 Low-Income Housing Tax Credit (LIHTC) Affordable Housing Program ("LIHTC Program") or funding sources associated therewith applicable to the Property."

2. Condition 4 (Cash Contributions for Community Impacts) of the Existing Proffers

is hereby amended to read in its entirety as follows:

"4. Cash Contributions for Community Impacts. For each dwelling unit on the Property the one-time cash contribution set forth in this Section 4 shall be made.

(a) A contribution of \$300.00 for each dwelling unit on the Property shall be made to the County for off-site stream restoration in the Powhatan Creek watershed.

(b) The contributions described above, unless otherwise specified, shall be payable for each dwelling unit on the Property after completion of the final inspection and prior to the time of issuance of a certificate of occupancy for such unit.

(c) The per unit contribution(s) paid pursuant to this Section 4 shall be adjusted annually beginning January 1, 2009 to reflect any increase or decrease for the preceding year in the Marshall and Swift Building Costs Index (the "Index"). In no event shall the per unit contribution be adjusted to a sum less than the amount set forth in paragraph (a) of this Section. The adjustment shall be made by multiplying the per unit contribution for the preceding year by a fraction, the numerator of which shall be the Index as of December 1 in the year preceding the calendar year most currently expired, and the denominator of which shall be the Index as of December 1 in the preceding year. In the event a substantial change is made in the method of establishing the Index, then the per unit contribution shall be adjusted based upon the figure that would have resulted had no change occurred in the manner of computing the Index. In the event that the Index is not available, a reliable government or other independent publication evaluating information heretofore used in determining the Index (approved in advance by the County 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."

3. Condition 8 (Private Drives) of the Existing Proffers is hereby amended to read in its entirety as follows:

“8. Private Drives. All entrance and interior roads, driveways, lanes or drive aisles connecting the parking areas on the Property (collectively, the “Private Drives”) shall be private and shall be constructed in accordance with applicable County private street standards. The Private Drives shall be maintained by the Owner until such time as the Association is established, and thereafter by the Association. If, at the time an Association is established, the amount of the reserve fund to be transferred from the Owner to the Association pursuant to Condition 2 above is less than the amount equal to 150% of the maintenance fee that would be required for a public street of the same length as established by VDOT – Subdivision Street Requirements, the Owner shall contribute an additional amount to the Association for its reserves to make up such deficiency.”

4. Condition 13 (Green Building; Earthcraft House Certification) of the Existing Proffers is hereby amended to read in its entirety as follows:

“13. Green Building. The development will be designed to meet the criteria to achieve certification under the Energy Star Multifamily New Construction Program (“Energy Star”) and incorporate all items required to meet the baseline energy performance standards established by the Residential Energy Services Network (“RESNET”). A copy of the Energy Star certification, or documentation of design elements utilized to meet certification criteria, shall be provided to the Director of Planning for the applicable dwelling units prior to issuance of the certificates of occupancy for such units. Prior to issuance of final site plan approval, the Owner shall submit for approval to the Director of Planning the program specifications for both Energy Star certification and RESNET baseline energy performance standards applicable to the project as well as design and construction documents for the project incorporating elements to meet those specifications and standards. The validation process for Energy Star certifications and RESNET standards shall be overseen by an appropriate accredited professional and approved by the Director of Planning or his designee.”

5. Condition 15 (Nutrition Management Plan) of the Existing Proffers is hereby amended to read in its entirety as follows:

“15. Nutrient Management Plan. The Owner shall be responsible for contacting an agent of the Colonial Soil and Water Conservation District (“CSWCD”) or, if a CSWCD agent is unavailable, a soil scientist licensed in the Commonwealth of Virginia, or other qualified professional to conduct soil tests and to develop, based

upon the results of the soil tests, customized nutrient management plans (the “Plans”) for all common areas within the Property. The Plans shall be submitted to the County’s Director of Stormwater & Resource Protection for review and approval prior to the issuance of the building permits for more than 50% of the units shown on the Master Plan. Upon approval, the Owner, until such time as the Association is established and thereafter the Association, shall be responsible for ensuring that any nutrients applied to the common areas be applied in strict accordance with the Plan. If the Property is subdivided, (a) the Owner shall provide the Plans applicable to any individual lot to the initial purchaser thereof, and (b) within twelve (12) months after establishment of the Association and every three years thereafter, the Association shall cause a turf management information seminar to be conducted at the Property which shall be designed to acquaint residents with the tools, methods, and procedures necessary to maintain healthy turf and landscape plants. As used in this Section 15, the term “common areas” shall mean the landscaped portions of the Property.”

6. Condition 17 (Underground Storage Tanks) of the Existing Proffers is hereby amended to read in its entirety as follows:

“17. Underground Storage Tanks. Any existing underground storage tanks on the Property shall be removed in accordance with applicable laws, regulations and ordinances prior to the issuance of any building permit for structures on the Property. In the course of disturbing land and constructing improvements on the Property, Owner shall comply with (a) the requirements of the Virginia Department of Environmental Quality closing letter dated September 27, 2020 (FAC#5012852); and (b) the recommendations set forth in Section 6.0 of the Post Characterization Site Monitoring Report dated September 16, 2020 and prepared by Bay Environmental, Inc.”

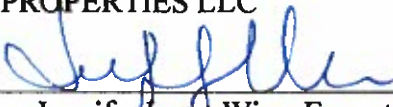
7. Condition 19 (Price Restricted Units) of the Existing Proffers is hereby amended to read in its entirety as follows:

“19. Price Restricted Units. All units shall be reserved and offered for rent for a period of at least thirty years following issuance of a Certificate of Occupancy at a rental rate targeted to households at or below sixty percent (60%) of the Area Median Income (AMI) in compliance with the requirements (including but not limited to rent limits): (a) of the LIHTC Program; and (b) for 100% cash proffer reduction under the County’s Housing Opportunities Policy adopted November 27, 2012. Rental rates shall be reported to the Director of Planning annually during the thirty-year period.”

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

WITNESS the following signature and seal.

JTR PROPERTIES LLC

By:  (SEAL)
Jennifer Lynn Wise, Executor of the
Estate of Sterling M. Nichols, Member

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF James City County, to-wit:

The foregoing instrument was acknowledged this 21st day of December, 2020,
by Jennifer Lynn Wise, Executor of the Estate of Sterling M. Nichols, Member of JTR Properties
LLC, on behalf of the company.

My commission expires: 4/30/2022


NOTARY PUBLIC



INSTRUMENT 210008965
RECORDED IN THE CLERK'S OFFICE OF
WMSBG/JAMES CITY CIRCUIT ON
MAY 3, 2021 AT 01:17 PM
MONA A. FOLEY, CLERK
RECORDED BY: SPA

**SPECIAL USE PERMIT-24-0025. 7516 Richmond Road Dollar Tree
Staff Report for the November 6, 2024, Planning Commission Public Hearing**

SUMMARY FACTS

Applicant: Mr. Ethan Alexander, Kimley-Horn and Associates, Inc.

Landowner: Norge Center, Inc., c/o Mr. Gary Massie

Proposal: A Special Use Permit (SUP) for a commercial building which exceeds 5,000 square feet of floor area pursuant to Section 24-11(a)(2) of the County Code.

Location: 7516 Richmond Road

Tax Map/Parcel No.: 2320100071B

Project Acreage: ± 1.56 acres

Zoning: B-1, General Business, with Proffers

Comprehensive Plan: Community Commercial

Primary Service Area (PSA): Inside

Staff Contact: Morgan Risinger, Senior Planner

PUBLIC HEARING DATES

Planning Commission: November 6, 2024, 6:00 p.m.

Board of Supervisors: December 10, 2024, 5:00 p.m. (Tentative)

FACTORS FAVORABLE

1. Staff finds the proposal generally consistent with the Comprehensive Plan.
2. Subject to the proposed conditions, staff finds the proposal will not negatively impact surrounding development.
3. Impacts: See Impact Analysis on Pages 4-5.

FACTORS UNFAVORABLE

1. Impacts: See Impact Analysis on Pages 4-5.

SUMMARY STAFF RECOMMENDATION

Staff finds that the proposal is compatible with surrounding zoning and development and is generally consistent with the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of the application to the Board of Supervisors, subject to the proposed conditions.

PROJECT DESCRIPTION

Mr. Ethan Alexander, Kimley-Horn and Associates, Inc., has applied for an SUP for a proposed Dollar Tree store with a total of 9,977 square feet to be constructed at 7516 Richmond Road. The property is currently an undeveloped outparcel within the Norge Crossing Shopping Center. The shopping center property was rezoned to the B-1, General Business, Zoning District in 1986 and the associated proffers. The proffers were subsequently amended in 1988. The property is designated as Community Commercial, is located within the Norge Community Character Area (CCA), and is located along the Richmond Road Community Character Corridor (CCC) on the

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-24-0025. 7516 Richmond Road Dollar Tree
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Comprehensive Plan Land Use Map. The parcel is also located within the PSA.

Retail variety stores are a by-right permitted use in the B-1 Zoning District and are not prohibited by the proffers. However, Section 24-11(b) of the County Code requires SUPs for new buildings, additions or expansions when they, in combination with the existing structures, exceed the thresholds in Section 24-11(a), exceed 5,000 square feet of commercial floor area or generate 75 or more peak hour trips, and are located on the same property as the existing structures or on a property that is a logical component of the development. As the Norge Crossing Shopping Center contains commercial floor area exceeding 10,000 square feet in size, and uses which generate over 100 peak hour trips to and from the shopping center, and the proposed Dollar Tree store is over 5,000 square feet in size, and is a logical component as a result of the shared access to public roads and shared traffic circulation internal to the shopping center, an SUP is required for the project.

The Community Impact Statement indicates that the proposed use would generate 69 P.M. peak hour vehicle trips which does not exceed the 75-trip threshold in Section 24-11(b) or the 100-trip threshold to require a Traffic Impact Analysis pursuant to Section 24-23(a). As the proffers do not permit additional entrances to be constructed to Richmond Road, the proposed use will access the private roads internal to the shopping center. These internal roads have existing entrances on Richmond Road and Norge Lane and an additional entrance is being constructed from Croaker Road to align with the entrance to the Station at Norge Apartments.

The proposal includes a total of 37 vehicular parking spaces on the property as well as a parking lot drive aisle connection to the existing O'Reilly Auto Parts store located at 7512 Richmond Road. An easement for the construction of the drive aisle connection as well as the continued public travel between the properties has been executed

and recorded at the Williamsburg/James City County Courthouse by the property owners. The development will include sidewalk connections with the existing sidewalk along Richmond Road and the sidewalk along the private road that is currently under construction.

Furthermore, staff has proposed conditions to mitigate potential impacts to the Norge CCA and Richmond Road CCC. The application included architectural elevations for the proposed use which are included in Attachment No. 5. Staff finds that the proposed architectural elevations are generally compatible with the existing buildings located within the shopping center and has proposed Condition No. 3 to ensure the elevations are adhered to during the site plan and building permit reviews. Additionally, proposed Condition Nos. 4 and 5 require the screening of dumpsters and HVAC/mechanical units and require the freestanding sign for the development to be consistent with the architectural elevations.

In addition to the conditions regarding architectural design, staff has proposed Condition Nos. 2, 6, and 7 to further mitigate impacts to the Norge CCA and Richmond Road CCC. These conditions prohibit the display of merchandise outside of the store, prohibit light trespass across property lines and limit the height of light poles to 20 feet, and require the 50-foot Richmond Road CCC buffer to be planted with native species with an increased quantity of 125% of the minimum requirement in the Zoning Ordinance.

PLANNING AND ZONING HISTORY

- In 1986, the Board of Supervisors approved the rezoning of approximately 37.13 acres of land bounded by Norge Lane, Richmond Road, and Croaker Road from A-1, General Agricultural to B-1, General Business, with Proffers. Relevant proffers from this rezoning include the following, which apply today and are not affected by this SUP application:

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-24-0025. 7516 Richmond Road Dollar Tree
Staff Report for the November 6, 2024, Planning Commission Public Hearing

- Proffer Community Character: A 50-foot buffer strip along the entire Richmond Road frontage is required.
- 100-foot Setback: A 100-foot setback is required for structures adjacent to Richmond Road.
- In 1988, the Board of Supervisors approved amendments to the existing proffers (Case No. Z-0011-1988) to facilitate development of the adjacent shopping center. Additionally, a subdivision plat was recorded to create five outparcels, including the 7516 Richmond Road property, from the larger shopping center parcel.
- In 2020, a site plan was approved to create a new entrance to the shopping center from Croaker Road. The entrance aligns with the entrance to the Station at Norge Apartments and is connected to the private road network internal to the shopping center.
- In 2023, a conceptual plan application and a site plan application were submitted to the County for the proposed Dollar Tree project which is currently under review.
- In 2024, a subdivision plat was recorded which adjusted the boundary of the 7516 Richmond Road parcel to conform with the layout of the private road internal to the shopping center which is under construction.

SURROUNDING ZONING AND DEVELOPMENT

- The property is located internal to the Norge Crossing Shopping Center which is zoned B-1, General Business, with Proffers, designated Community Commercial on the Comprehensive Plan Land Use Map, and located inside the PSA. The shopping center

is currently comprised of a mix of commercial and office uses as well as vacant outparcels.

- The following table lists information on the parcels adjacent to the shopping center:

	ZONING DESIGNATION	EXISTING LAND USE	FUTURE LAND USE DESIGNATIO N
NORTH	PL, Public Lands and A-1, General Agricultural	The James City County Library and single-family residential	Federal, State, or County Land and Rural Lands
SOUTH	M-1, Limited Business/Industrial and MU, Mixed Use	Commercial and civic uses	Mixed Use
EAST	A-1, General Agricultural and R-8, Rural Residential	Single-family residential and civic uses	Low Density Residential
WEST	A-1, General Agricultural and R-5, Multifamily Residential	Multifamily residential and vacant land	Mixed Use and Moderate Density Residential

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SPECIAL USE PERMIT-24-0025. 7516 Richmond Road Dollar Tree
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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>	- The proposed building will take access from a private road internal to the Norge Crossing Shopping Center which is under construction. The shopping center currently has entrances on Richmond Road and Norge Lane and an additional entrance on Croaker Road is under construction. - The application indicates that a maximum of 69 P.M. peak hour trips would be generated to and from the proposed use.
<u>Public Transportation: Bicycle/Pedestrian</u>	<u>No Mitigation Required</u>	- Public pedestrian/bicycle accommodations are not necessitated because of this proposed use. - A sidewalk connection will be provided with the sidewalk located within the Richmond Road right-of-way.
<u>Public Safety</u>	<u>No Mitigation Required</u>	- The property is located within a 5-minute radius of Fire Station 1. - 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>	- The proposal is not expected to generate impacts to public schools.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	- The proposal is not expected to generate impacts to public parks and recreation.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	- The proposal is not expected to generate impacts to public libraries and cultural centers.
<u>Groundwater and Drinking Water Resources</u>	<u>Mitigated</u>	- Condition No. 8 requires water conservation and irrigation standards to be enforced on-site.
<u>Watersheds, Streams, and Reservoirs</u> Project is located in the Yarmouth Creek Watershed.	<u>No Mitigation Required</u>	- The Stormwater and Resource Protection Division reviewed the proposal and had no proposed conditions for the project. The detailed stormwater management design is under review through the site plan application.

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-24-0025. 7516 Richmond Road Dollar Tree
Staff Report for the November 6, 2024, 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>Cultural/Historic</u>	<u>No Mitigation Required</u>	- A Phase I Archaeological Study of a currently undisturbed portion of the property conducted as part of the site plan application found that the project will not affect any archaeological sites.
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	- The proposed conditions are anticipated to mitigate the impacts of this new development on the adjacent properties and maintain community character. These conditions include: - Condition No. 2 prohibits the display, sale, or storage of merchandise outside of the store. - Condition No. 3 requires the building to be consistent with the architectural elevations provided in Attachment No. 5. - Condition No. 4 requires dumpsters and HVAC/mechanical units to be screened from adjacent properties. - Condition No. 5 limits the property to one freestanding sign which is required to have a design consistent with the architecture of the building. - Condition No. 6 restricts the property from having any light trespass and limits the height of light poles to 20 feet. - Condition No. 7 requires the 50-foot CCC buffer along Richmond Road to be planted with native species and plant quantities to be increased to 125% of the Zoning Ordinance's minimum requirement.
<u>Community Character</u>	<u>Mitigated</u>	
<u>Covenants and Restrictions</u>	<u>No Mitigation Required</u>	- The applicant has verified that he is not aware of any covenants or restrictions on the property that prohibit the proposed use.

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-24-0025. 7516 Richmond Road Dollar Tree
Staff Report for the November 6, 2024, Planning Commission Public Hearing

COMPREHENSIVE PLAN

The property is designated Community Commercial on the Comprehensive Plan Land Use Map and is also located within the Norge CCA.

For Community Commercial, the Comprehensive Plan recommends community-scale commercial, professional, and office uses such as branch banks, places of public assembly, convenience stores, day care centers, general retail stores, grocery stores, indoor recreation facilities, medical offices, office parks, public facilities, service establishments, shopping centers, restaurants, and theaters. The recommended Floor Area Ratio (FAR) range is 0.2-0.4, except that lower FARs are acceptable if open space is preserved for future expansion or buffers. Additional considerations include locating commercial development adjacent to compatible uses and have limited impacts on adjacent residential areas.

For the Norge CCA, the following specific design standards intended to guide future development and redevelopment in Norge:

- The architecture, scale, materials, spacing, and color of buildings should complement the historic character of the area.
- Building setbacks should be consistent with nearby historic buildings and structures.
- Where possible, parking should be located to the rear of buildings. Parking should be screened from roadway and adjacent properties.
- Shared access and parking should be pursued before constructing new access breaks and parking facilities.

- Existing specimen trees and shrubs should be preserved to the extent possible.
- New landscaping should be of a type, size, and scale to complement and enhance the building and site design. Native plant and tree species are encouraged.
- Signage should be of scale, size, color, and materials to complement the historic character of the area.
- Pedestrian and bicycle access and circulation should be promoted through the provision of sidewalks, bike racks, benches, crosswalks, street trees, and other design features which help accomplish this goal.
- Mixed use development which provides residential, commercial, and office uses in close proximity is encouraged.
- Efforts to maintain and reinforce the boundaries of Norge and Toano through open space and site design measures are strongly encouraged.

Overall, given that the use is recommended within the Community Character designation, and that the provided architectural elevations and proposed conditions will ensure that the proposed development is compatible with existing development in the shopping center and mitigate impacts to adjacent properties, staff finds that the application is generally consistent with the recommendations of the Comprehensive Plan.

STAFF RECOMMENDATION

Staff finds that the proposal is compatible with surrounding zoning and development and is generally consistent with the Comprehensive

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-24-0025. 7516 Richmond Road Dollar Tree
Staff Report for the November 6, 2024, Planning Commission Public Hearing

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

MR/md
SUP24-25_7516RichRd

Attachments:

1. Proposed SUP Conditions
2. Location Map
3. Community Impact Statement
4. Master Plan
5. Architectural Elevations
6. 1988 Proffers

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 for SUP-24-0025
7516 Richmond Road Dollar Tree

1. **Master Plan.** This SUP shall be valid for the construction of a commercial building which exceeds 5,000 square feet of floor area pursuant to James City County Code (“County Code”) Section 24-11(a)(2) (the “Project”), on property located at 7516 Richmond Road and further identified as James City County Real Estate Tax Map Parcel No. 2320100071B (the “Property”). The Property shall be developed substantially in accordance with the Master Plan titled “Masterplan Exhibit” prepared by Kimley-Horn and Associates, Inc., and dated September 19, 2024 (the “Master Plan”), with any deviations considered per Section 24-23(a)(2) of the County Code, as amended.
2. **Outside Display, Sale, or Storage.** No outside display, sale, or storage of merchandise shall be permitted on the Property.
3. **Architectural Review.** The design and materials for the Project shall be consistent with the architectural elevations titled, “Norge, VA Dollar Tree – Norge Crossing” prepared by RRMM Architects and dated September 19, 2024. The final architectural design for the Project shall be included within the site plan for the development. Prior to final site plan approval, the Director of Planning or designee shall review and approve the final architectural design for the Project to ensure consistency with the architectural elevations. In the event the Director of Planning disapproves, the applicant may appeal the decision of the Director of Planning to the Development Review Committee, which shall forward a recommendation to the Planning Commission.
4. **Screening of Site Features.** All dumpsters and roof and ground-mounted HVAC and mechanical units located on the Property shall be screened by the architecture of the building or by an enclosure composed of masonry, closed cell PVC, prefinished metal, or cementitious panels, in detail and colors to blend with adjacent building materials. Such features and enclosures shall be shown on the site plan and shall be reviewed and approved by the Director of Planning or designee to ensure consistency with this condition prior to final site plan approval.

5. **Freestanding Signage.** The Property shall be allowed one exterior freestanding sign. The freestanding sign shall be externally illuminated, monument style, not to exceed 8 feet in height and have a base of masonry or other materials similar in type and color with the architecture of the Project. The Director of Planning or designee shall approve the design of the sign prior to final site plan approval and prior to any subsequent sign modifications.
6. **Exterior Lighting.** All new exterior light fixtures on the Property, including new building lighting, shall have recessed fixtures with no lens, bulb, or globe extending below the casing. All new light poles shall not exceed 20 feet in height from finished grade. No light trespass, defined as 0.1-foot-candle or higher, shall extend across any property line. A lighting plan shall be approved by the Director of Planning or designee prior to final site plan approval.
7. **Richmond Road Buffer.** Prior to final approval of any site plan, the Director of Planning or designee shall review and approve a landscape plan for the Property. The landscape plan shall provide a 50-foot vegetated Community Character Corridor buffer (Buffer) along the Richmond Road right-of-way in accordance with Section 24-98 of the Zoning Ordinance. A majority of tree, shrub, and/or ornamental grass plantings shall be native species to meet the requirements of Section 24-96 of the County Code. Any land disturbance or grading in the buffer shall be the minimum necessary and shall require additional plantings consisting of no less than 125% of the required plantings per the Zoning Ordinance or as may be otherwise approved by the Director of Planning, such that at maturity the plantings match or exceed the mature height and density of trees and shrubs within the Buffer. All landscaping on the landscape plan shall be guaranteed, in a form acceptable to the County's Attorney, prior to site plan approval. The landscaping shown on the approved landscape plans(s) shall be installed prior to the issuance of a Final Certificate of Occupancy for the Project.
8. **Water Conservation.** Water conservation standards shall be enforced on the Property through an agreement with the James City Service Authority (JCSA). The standards shall

be approved by the JCSA General Manager prior to site plan approval for the permanent modular building shown on the Master Plan and 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. Any changes shall be submitted to and approved by the JCSA.

9. **Commencement.** If construction of the Project has not commenced within 36 months from the date of adoption of this SUP, the SUP shall become void. Construction shall be defined as obtaining building permits and an approved footing inspection and/or foundation inspection.
10. **Severance Clause.** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

JCC SUP-24-0025, 7516 Richmond Road Dollar Tree





September 19th, 2024

Mr. Josh Crump
Principal Planner
James City County
101-A Mounts Bay Road
Williamsburg, VA 23187-8784

RE: *Dollar Tree Norge Special Use Permit Community Impact Statement*
7516 Richmond Road
Norge, Virginia
Kimley-Horn #116773014
City File #SP-23-0105

Dear Mr. Crump,

Project Description

The subject property is located within the Norge Shopping Center at 7516 Richmond Road Williamsburg, Virginia 23188. The proposed development is a 9,977 SQFT Dollar Tree retail store that will occupy the 1.56-acre parcel. The proposed use is under the retail store classification, which is a by-right use under the existing B1 (General Business) zoning. The site will have 2 access points internal to the shopping center and all traffic associated with the Dollar Tree will use the two existing stop lights on Richmond Road and Croaker Rd.

Community Impact

The proposed Dollar Tree store will provide convenient and affordable goods to the Norge Community Character Area. The store will also provide a limited impact to the existing traffic along Richmond Road. A Trip Generation Study that was completed by Kimley-Horn shows only 69 afternoon peak hour trips would be created for the proposed development which will have a minimal impact on the surrounding roadway network. The utility infrastructure that is serving the site was designed to handle the proposed Dollar Tree development, and thus, with this development, there is no strain to the public utility infrastructure. The development will be providing a sidewalk connection to the VDOT sidewalk in the right-of-way to promote pedestrian connectivity to the shopping center.

The proposed Dollar Tree store is proposed on a commercial outparcel of a shopping center. This development is in line with the land use intended for the outparcel.

Please contact me at (757) 213-8600 or danielle.leonor@kimley-horn.com should you have any questions or desire additional information.

Sincerely,

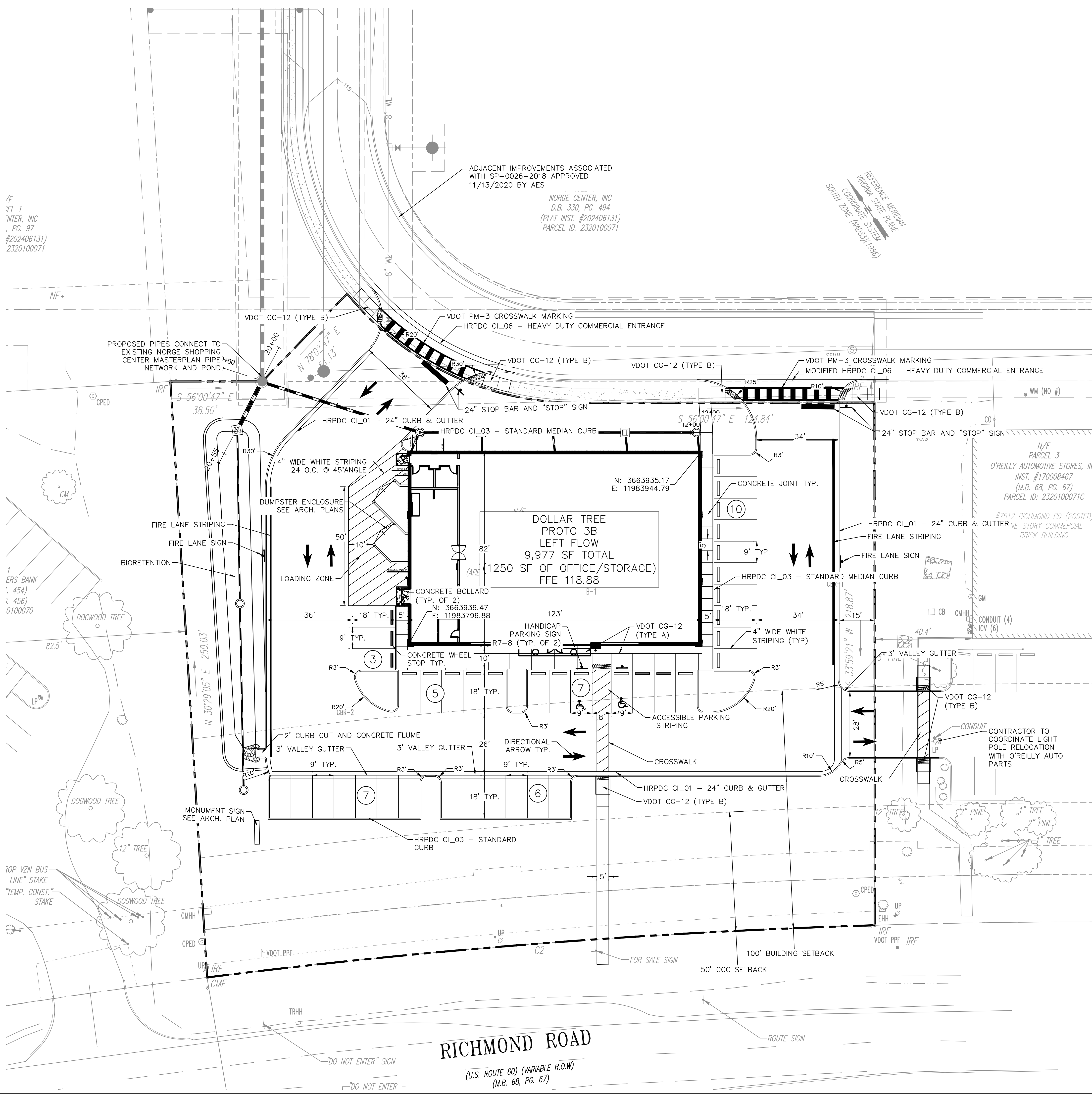
KIMLEY-HORN



Danielle Leonor, P.E.
Project Manager

K:\VAB_CIVIL\116773014 - DOLLAR TREE
NORGE\CORRESPONDENCE\COMMENTS\2ND\COUNTY\2024-5-29_COMMENT RESPONSE
LETTER.DOCX

NORGE CENTER, INC
D.B. 330, PG. 494
(PLAT INST. #202406131,
PARCEL ID: 2320100071

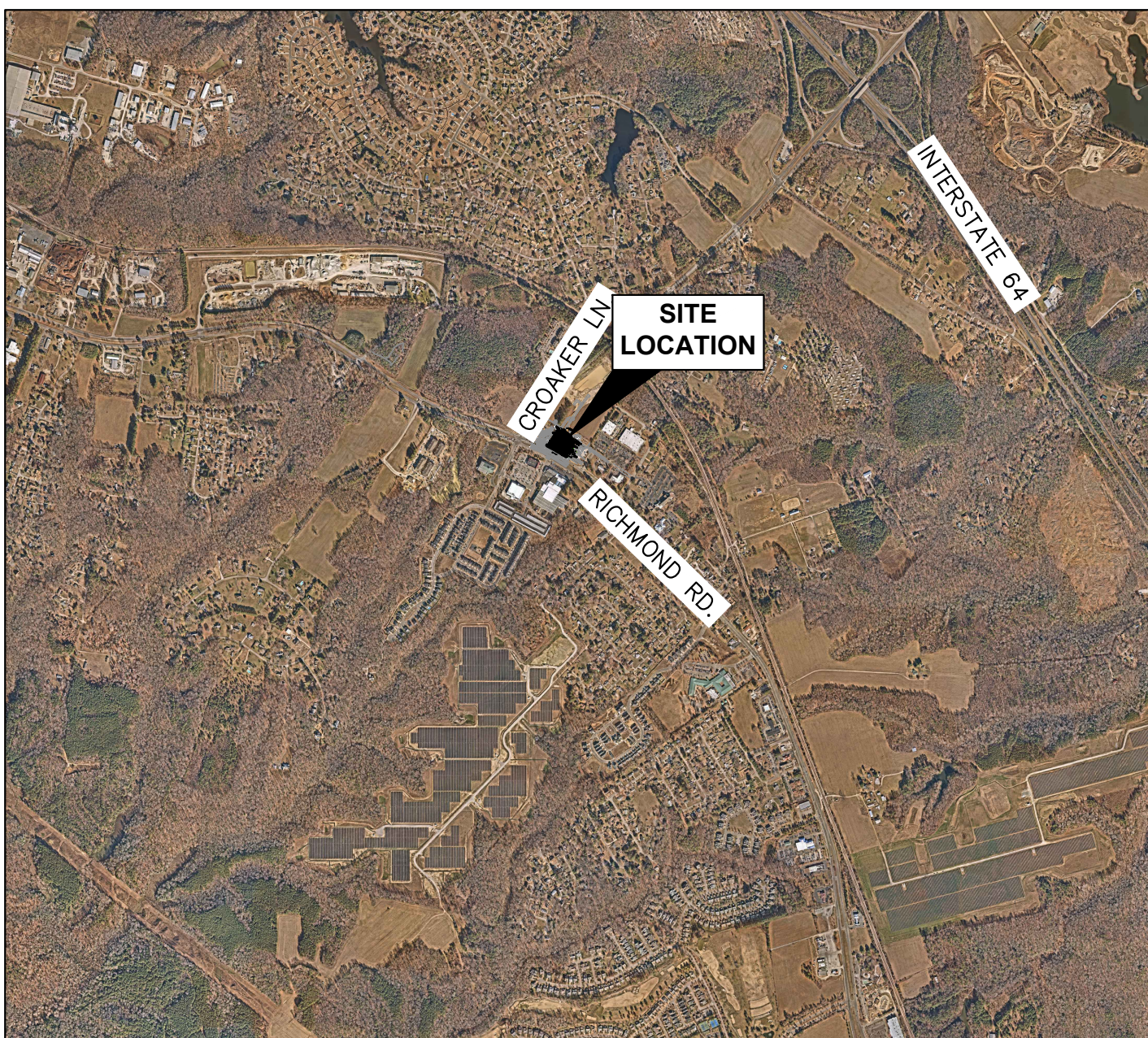


LEGEND

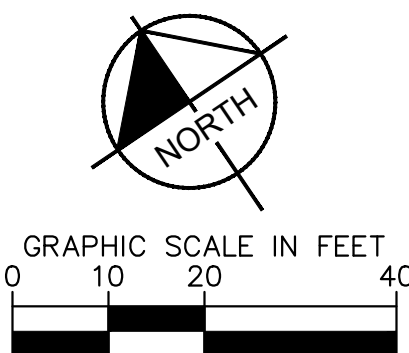
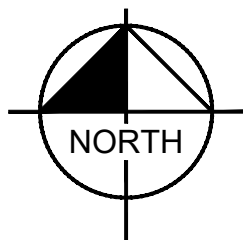
- HRPDC CI_01
 HRPDC CI_03
 SWALE

NOTES:

1. SEE ARCHITECTURAL PLANS FOR EXACT DIMENSIONS AND DETAILS PERTAINING TO THE LOADING DOCK, DUMPSTER ENCLOSURE, STAIRS, AND BUILDING AND CONNECTIONS TO SITE UTILITIES.



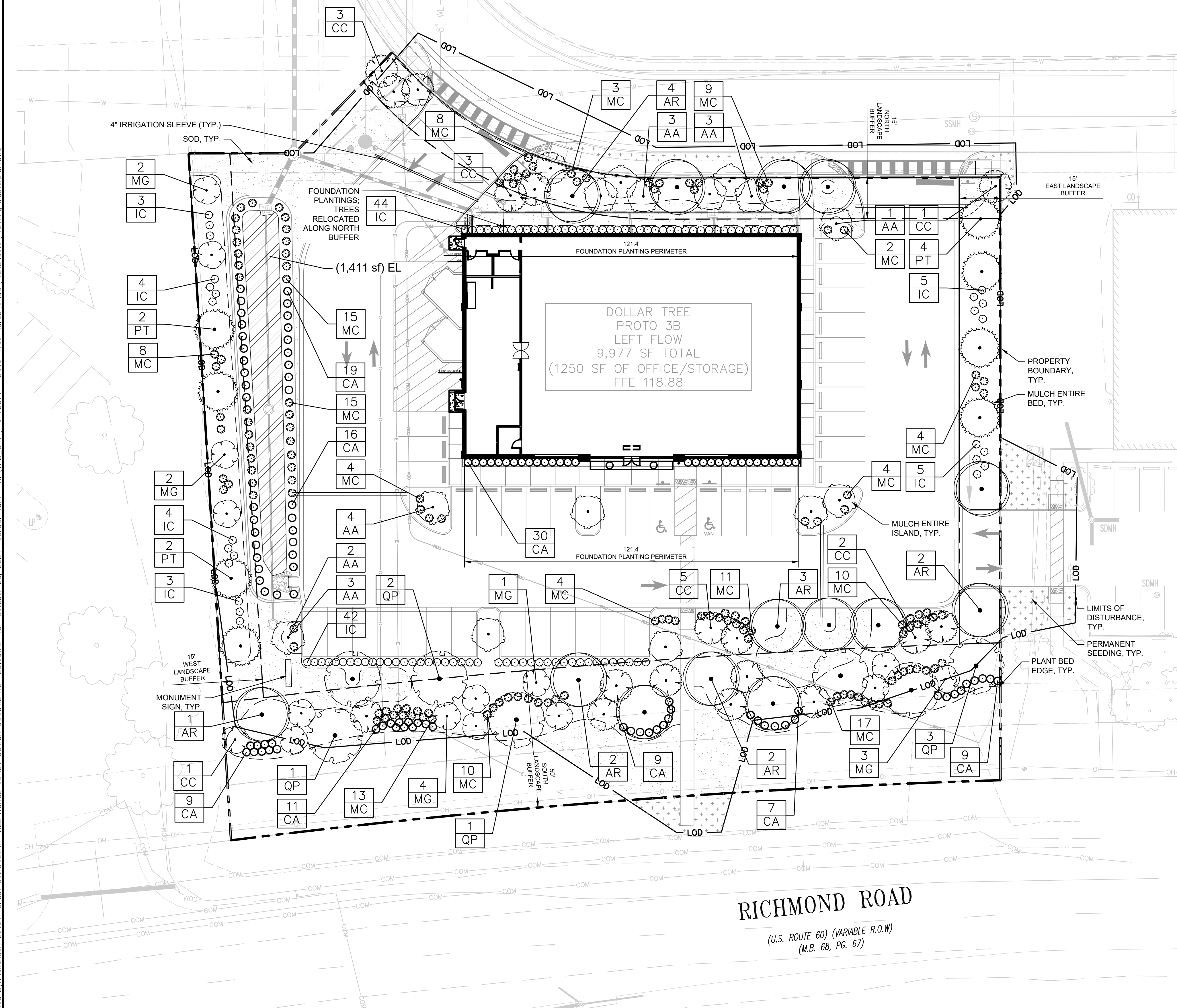
VICINITY MAP
1"=2,000'

[illegible]

PROJECT NUMBER: 116773014
DRAWN BY: ELA
CHECKED BY: DDL
ISSUE DATE: 10/24/2024

SHEET TITLE:
MASTERPLAN
EXHIBIT

SHEET NUMBER:



PLANT SCHEDULE

CODE	QTY	BOTANICAL NAME	COMMON NAME	CONT	SIZE
LARGE DECIDUOUS					
AR	14	Acer rubrum 'October Glory'	October Glory Red Maple	8 & B	2.5' Cal
QP	7	Quercus phellos 'QPSTA'	Hightower® Willow Oak	8 & B	2.5' Cal
ORNAMENTAL TREES					
AA	14	Amelanchier arborea	Downy Serviceberry	8 & B	6' HT MIN.
CC	18	Cercis canadensis	Eastern Redbud	8 & B	6' HT MIN.
EVERGREEN TREES					
MG	15	Magnolia grandiflora 'Little Gem'	Little Gem Dwarf Southern Magnolia	8 & B	6' HT MIN.
PT	8	Pinus taeda 'Nana'	Dwarf Loblolly Pine	8 & B	6' HT MIN.
CODE	QTY	BOTANICAL NAME	COMMON NAME	CONT	SIZE
EVERGREEN SHRUBS					
CA	110	Clethra alnifolia	Summersweet	5 GAL.	36" HT. MIN.
IC	110	Ilex cornuta 'Burfordii Nana'	Dwarf Burford Holly	5 GAL.	36" HT. MIN.
MC	140	Myrica cerifera 'Don's Dwarf'	Don's Dwarf Wax Myrtle	5 GAL.	36" HT. MIN.
CODE	QTY	BOTANICAL NAME	COMMON NAME	CONT	SPACING
GROUND COVERS					
EL	1,411 sf	Ernst Seed Mix ermmx-126	Retention Basin Floor Mix (Low Maintenance)	Seed	

 SOD
  BIORETENTION BASIN FLOOR MIX. SEE NOTE 6 ON THIS SHEET

 PERMANENT SEEDING

**Off-street Parking Lot Landscaping
(as noted in Sec. 24-99)**

Total Parking Area		23,075 SF
Total Green Area Required (10%)		2,308 SF
Total Green Area Provided		2,403 SF
Total parking spaces		38
Plant Material Type	Quantity Required	Quantity Provided
Trees	1 per 5 spaces	8
Shrubs	2 per 5 spaces	15
		10
		16

**Foundation Planting
(as noted in Sec. 24-97)**

North Property		Area = 2,428 SF	
Adjacent Use: Similar Zoning			
<u>Plant Material Type</u>	<u>Quantity Required</u>	<u>Quantity Provided</u>	
Ornamental Trees	1 per 200 SF=	12	12
Shrubs	5 per 200 SF=	61	74

General Landscape Area - Buffers
(as noted in Sec. 24-96)

<u>Buffer - North Property</u>		Area = 2,477 SF
<i>Adjacent Use: Similar Zoning</i>		
<u>Plant Material Type</u>	<u>Quantity Required</u>	<u>Quantity Provided</u>
Trees	1 per 400 SF= 6	6
Shrubs	3 per 400 SF= 19	20
<u>Buffer - East Property</u>		Area = 1,874 SF
<i>Adjacent Use: Similar Zoning</i>		
<u>Plant Material Type</u>	<u>Quantity Required</u>	<u>Quantity Provided</u>
Trees	1 per 400 SF= 5	6
Shrubs	3 per 400 SF= 14	14

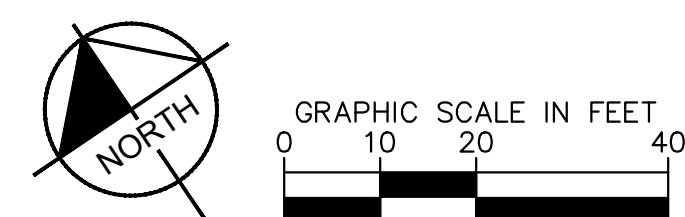
<u>Buffer - South Property</u>		Area = 14,101 SF
<i>Adjacent Use: ROW - Richmond Road</i>		
<u>Plant Material Type</u>	<u>Quantity Required</u>	<u>Quantity Provided</u>
Trees	1 per 400 SF= 35	35
Shrubs	3 per 400 SF= 106	106

General Landscape Buffer Planting Breakdown

Plant Material Type			Quantity Required	Quantity Provided
Trees	54	Large Deciduous (at least 40%)	22	22
		Ornamental (15-25%)	8	10
		Evergreen (at least 35%)	19	22
			TOTAL:	54
Shrubs	161	Evergreen (at least 35%)	161	96
			TOTAL:	96

GENERAL NOTES:

1. SOD ALL AREAS WITHIN PROPERTY LIMITS THAT ARE NOT COVERED WITH MULCHED PLANT BEDS, STONE MULCH, BUILDINGS, HARDSCAPE, PAVEMENT, OR OTHERWISE NOTED.
2. SEED WITH PERMANENT LAWN GRASS ALL AREAS WITHIN THE ADJACENT RIGHT OF WAY'S WHICH ARE NOT OTHERWISE COVERED WITH PLANTING BEDS, PAVEMENT, BUILDINGS, OR HARDSCAPE, PER THE SEEDING SPECIFICATIONS ON SHEET L1.1.
3. EXISTING TREES AND SHRUBS INDICATED TO REMAIN SHALL BE PROTECTED FROM CONSTRUCTION ACTIVITIES BY INSTALLING TREE PROTECTIVE FENCING PER THE PROJECT PLANS AND SPECIFICATIONS.
4. IRRIGATION IS TO BE HANDLED BY THE CONTRACTOR IN THE FIELD.
5. SEE SHEET L-1.1 FOR PLANTING NOTES AND DETAILS.
6. BIORETENTION AREAS ARE TO BE PLANTED WITH THE ERNST SEED MIX - ERNMXX-126 (RETENTION BASIN FLOOR MIX, LOW MAINTENANCE)

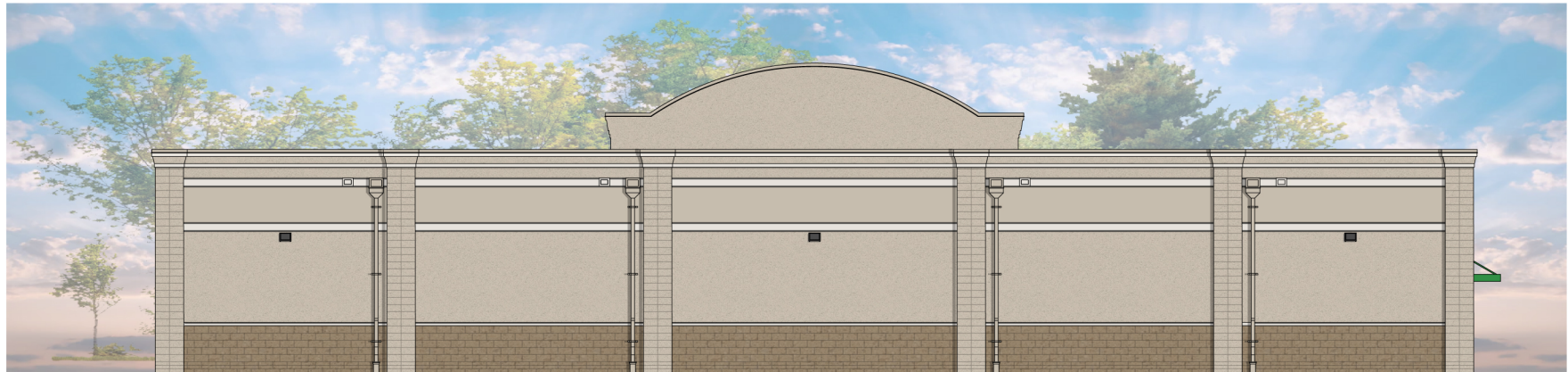
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FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION



LEFT ELEVATION

Canopy to be supplied and installed by Dollar Tree's sign vendor

- SW ENVY
- SW AESTHETIC WHITE
/ STO SMOKED PUTTY
- SW BALANCED BEIGE
/ STO SANDSTONE
- SW VIRTUAL TAUPE

NORGE , VA

Dollar Tree - Norge Crossing



Revised 9-19-2024



AGREEMENT

WHEREAS, Norge Center, Inc., a Virginia corporation, (hereinafter called "the Owner"), owns certain real property in James City County, Virginia, (hereinafter called "the property"), and more particularly described as follows:

All that certain lot, piece or parcel of land, situate, lying and being in Stonehouse District, James City County, Virginia, fronting on U. S. #60, and shown on that certain plat of survey under the legend of "Section No. 4. 37.13 acres, Mrs. Ellen Taylor Howard," which plat is attached to that certain deed dated April 10, 1940, between R. Kember Taylor, et als and Richard E. Taylor, et ux, of record in the Clerk's Office of the Circuit Court of James City County, Virginia, in Deed Book 32, page 93, and bounded and described on said plat of survey as follows:

Beginning at a point on said highway, which point marks the line dividing the subject property and the property partitioned to Kitty Taylor; thence along said line North 37 degrees and 39 minutes East 2305.0 feet to a point on the center line of the old York River Road; thence along said center line North 89 degrees and 12 minutes East 159.0 feet, North 71 degrees and 33 minutes East 500.0 feet, North 65 degrees and 35 minutes East 135.0 feet to a point on the line dividing the subject property and the property of Our Savior Lutheran Church; thence along said line North 81 degrees and 22 minutes East 231.0 feet to a point on the line dividing the subject property and the property partitioned to Rufus Taylor; thence along said line South 37 degrees and 39 minutes West 3132.0 feet to a point on the East line of Highway #60, thence along said right-of-way on a 3 degree and 20 minute curve to the left 621.0 feet to the point of beginning; containing 37.13 acres, more or less; the lines included in the above description extend across the present right-of-way of the Chesapeake and Ohio Railway, but this is done for the purpose of settling reversion rights in the event of abandonment of any portion of the present right-of-way of said railway; in severalty and divided from the portions of R. Kemper Taylor, Rufus Taylor, Kitty Taylor and Minnie Taylor Bentley.

WHEREAS, the Owner acquired the said real estate from Ellen Taylor Howard after the property was rezoned from General Agricultural District, A-1, to the General Business District, B-1; and

SHORT, SHORT, TELSTAD & KERR, P.C., ATTORNEYS AT LAW, 710 DENBIGH BLVD., BLDG. #1, SUITE A, NEWPORT NEWS, VA. 23602

WHEREAS, the property was subjected to certain conditions for its development as set forth in an agreement with Ellen Taylor Howard and James City County executed December 23, 1986; and

WHEREAS, the Owner desires to alter the development plans and, therefore, has requested of James City County that condition number 1. of the aforesaid agreement be amended.

NOW, THEREFORE, in consideration of the County of James City amending condition number 1, the Owner agrees that in addition to the regulations provided for in the General Business District, B-1, but subject to the limitations set forth in the aforesaid Codes, they will meet and comply with all of the following conditions for the development of the Property:

1. Site development, excluding outparcels, will be for a shopping center not to exceed 362,000 square feet of gross floor area.
2. Owner agrees to impose a 100 foot structural setback from the right-of-way of Richmond Road. In addition, the Owner agrees to impose a 50 foot buffer strip along the entire Richmond Road frontage and a 30 foot buffer zone along Norge Lane, the C & O Railroad, and also that portion of the property fronting on Croaker Road. The buffer zones will exclude parking and be broken only by necessary access roads, project signage and utilities. A landscaping plan will be submitted for approval by the James City County Staff and the Site Plan Review Committee for these buffer zones concurrent with the first site plan submitted on the subject property. The Owner agrees to implement the approved Landscaping Plan for this Buffer Zone concurrent with the site development of the first parcel.

This agreement specifically excludes the adjoining parcels which are rezoned General Business District, B-1.

3. The Owner agrees to limit the number of access points along the perimeter of the subject property to one on Richmond Road, four on Norge lane and one on Croaker Road (Route 607).

4. The Owner agrees to exclude the following uses permitted in the General Business, B-1, zoning district:

- a. Funeral Homes
- b. Cemeteries

5. The Owner agrees to design, furnish the equipment, and install a traffic signal at Norge Lane and Richmond Road concurrent with development of any portion of the property, excluding outparcels as depicted on the preliminary site plan as submitted.

6. The Owner agrees to install all left and right turn lanes as approved by the Site Plan Review Committee, concurrent with the development of the appropriate phase of site construction.

7. The Owner will subdivide the property into no more than fourteen (14) parcels.

8. The Owner will dedicate a ten (10) foot right-of-way strip along the northeast border of the property fronting on Norge Lane for widening and improving of the existing road. In addition, the Owner agrees to improve Norge Lane concurrent with the appropriate phase of site construction in accordance with current VDOT requirements for the level of traffic envisioned by the preliminary site plan, said improvements to be approved by VDOT, and the appropriate planning commission review committee.

NORGE CENTER, INC., a Virginia corporation

By:

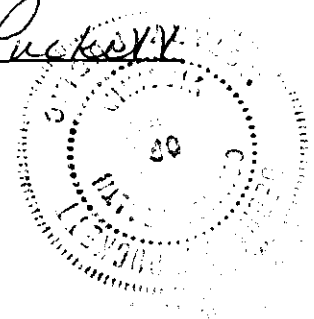
Robert L. King
Robert L. King, President

STATE OF VIRGINIA AT LARGE
City of Newport News, to-wit:

2nd day of June, 1988, by Robert L. King, President of
NORGE CENTER, INC., a Virginia corporation.

Helene S. Ward
NOTARY PUBLIC

My commission expires: 8-7-89



VIRGINIA: City of Williamsburg and County of
James City, to wit:

In the Clerk's office of the Circuit Court of the
City of Williamsburg and County of James City the
8 day of June, 1988. This agreed

_____ was presented with certificate annexed and
admitted to record at 1:41 o'clock

Teste: Helene S. Ward, Clerk

by Helene S. Ward
Deputy Clerk

5225

00 105 1 6162 2095164

FULL PAYMENT

CASE NUMBER

01/LR885625

PAYOR NAME

06/JAMES CITY CO

GRANTOR

22/NORGE CENTER INC

GRANTEE

23/JAMES CITY CO

DESC OF PROPERTY

24/SEC 4 37.13 AC

DATE OF INSTRUMENT

25/6/2/88

PURPOSE

33/AGREE

301 DEEDS	1	10.00
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AMOUNT TENDERED	10.00
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CHANGE	.00
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TOTAL	10.00
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WMSBURG/JAMES CITY CIRCUIT CT

06/08/88 13:41

PLANNING DIRECTOR'S REPORT

November 2024

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 document.
- **Board Action Results:**
 - Z-23-0001/SUP-23-0031. Monticello Avenue Shops. (Approved 4-1)
 - SUP-24-0008. 135 Country Club Road Two-Family Unit. (Approved 5-0)
 - SUP-24-0017. 8936 Croaker Road, Baker Family Subdivision. (Approved 5-0)
 - ORD-22-0001/Z-24-0008. Amendments for Scenic Roadway Protection. (Approved 5-0)

Plan Type	Case Number	Address	District	Plan Assigned To	Description
Conceptual Plan	C-24-0055	232 LAKEVIEW DR Toano, VA 23168	Powhatan	Kyle Sirico	232 Lakeview Drive Contractor Equipment Storage Conceptual Plan
	C-24-0057	3026 FORGE RD Toano, VA 23168	Powhatan	Roberta Sulouff	3026 Forge Road Subdivision/R-6 Rezoning Conceptual Plan
	C-24-0058	315 LAKE FOREST DR Williamsburg, VA 23188	Berkeley	Kyle Sirico	315 Lake Forest Drive- The Historic Powhatan Resort Storage Building Conceptual Plan
	C-24-0059	5987 JOHN JACKSON DR Williamsburg, VA 23188	Powhatan	Terry Costello	Windmill Meadows- Adding Basketball Court Conceptual Plan
	C-24-0060	7914 CROAKER RD Williamsburg, VA 23188	Stonehouse	Tess Lynch	7914 Croaker Road and 4577 Rochambeau Drive- Commercial/Industrial mixed-use and convenience store with gas pumps.
Master Plan	MP-24-0003	900 KINGSMILL RD Williamsburg, VA 23185	Roberts	JCSA Plan Reviewer	Frances Thacker Subdivision Sanitary Sewer Master Plan
	MP-24-0004	1676 JAMESTOWN RD Williamsburg, VA 23185	Roberts	Josh Crump	Powhatan Terrace Master Plan Amendment
Subdivision	S-24-0022	9437 DIASCUND RESERVOIR RD Lanexa, VA 23089	Powhatan	Ben Loppacker	9437 Diascund Reservoir Road Family Subdivision
	S-24-0034	101 IVY HILL RD Toano, VA 23168	Powhatan	Roberta Sulouff	101 & 121 Ivy Hill Rd BLE Plat
	S-24-0037	3695 IRONBOUND RD Williamsburg, VA 23188	Berkeley	Kyle Sirico	3695 & 3687 Ironbound Road BLE Plat
Site Plan	SP-24-0047	99 MARCLAY RD Williamsburg, VA 23185	Roberts	Tess Lynch	Anchor Cove at Williamsburg Landing - Amendment #1
	SP-24-0083	5361 MOORETOWN RD Williamsburg, VA 23188	Jamestown	Morgan Risinger	5361 Mooretown Road Riverside Brick & Supply Co Warehouse
	SP-24-0084	179 GREENSPRINGS PLANTATION DR Williamsburg, VA 23188	Berkeley	Kyle Sirico	179 Greensprings Plantation Dr - Greensprings Resort ADA Improvements SP Amend.
	SP-24-0087	3825 ROCHAMBEAU DR Williamsburg, VA 23188	Stonehouse	Roberta Sulouff	3825 Rochambeau Dr Toano Mini-Storage SP Amend. #2
	SP-24-0089	5715 RICHMOND RD Williamsburg, VA 23188	Powhatan	Jose Ribeiro	5715 Richmond Road- Premium Outlets EV Chargers Site Plan
	SP-24-0090	7504 RICHMOND RD Williamsburg, VA 23188	Stonehouse	Thomas Wysong	7504 Richmond Rd. Starbucks Richmond Road Site Plan
	SP-24-0091	8930 COLUMBIA DR Williamsburg, VA 23185	Roberts	Ben Loppacker	8930 Columbia Drive - Aspen Construction Co. SP Amend.
Special Use Permit	SUP-24-0025	7516 RICHMOND RD Williamsburg, VA 23188	Stonehouse	Morgan Risinger	7516 Richmond Road - Dollar Tree SUP
	SUP-24-0027	9437 DIASCUND RESERVOIR RD Lanexa, VA 23089	Powhatan	Ben Loppacker	9437 Diascund Reservoir Road Family Subdivision SUP
	SUP-24-0028	5207 COLONNADE PKWY Williamsburg, VA 23188	Powhatan	Roberta Sulouff	Liberty Ridge JCSA Water System Tie-In SUP Amendment