



Development Management

101-A Mounts Bay Road

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Building Safety and Permits

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Planning

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Zoning Enforcement

757-253-6671

January 14, 2014

Mr. Vernon Geddy, III
Geddy, Harris, Franck & Hickman
1177 Jamestown Road
Williamsburg, VA 23185

RE: Z-0003-2013/MP-0001-2013 Kingsmill Rezoning and Master Plan Amendment (2nd submittal)

Dear Mr. Geddy:

Please find below staff's comments pertaining to the review of these materials:

Planning Division:

Revised Master Plan

1. As previously requested all "Areas Designation" shown on the master plan shall be in accordance with Section 24-276 (1) of the Zoning Ordinance. Dwellings are categorized by the Ordinance as either "single-family", "multi-family" (i.e., dwelling containing up to and including four dwelling units, and dwelling containing more than four dwelling units), or "apartments". All proposed 81 single-family detached units should collectively be identified as "**Residential Area A**"; all 30 townhouses should be identified as either "**Residential Area B or C**" (depending on the number of dwelling units); and all 96 condos should be identified as, depending on density per Section 24-279, "**Residential Area D**". Please revise the legend and land use table to reflect these changes.
2. Regarding Carter's Grove Country Road (the "Country Road") staff recommends that the information be shown on the master plan in the following manner:
 - a. Area of Carter's Grove Country Road (east of Mounts Bay Road): **179 acres**
 - b. Area within Carter's Grove Country Road to be developed: **90 acres**

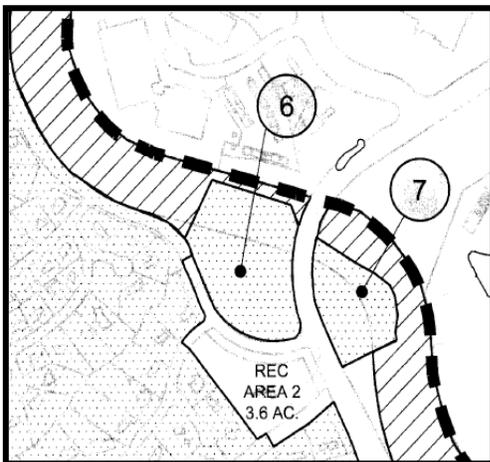
c. Area within Carter's Grove Country Road to remain undeveloped: **89 acres**

d. Total area of Quarterpath Road: **XX?**

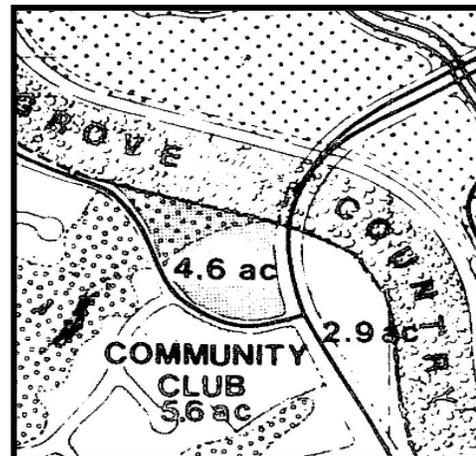
3. Please confirm that the Quarterpath Road designation is not being amended/revised by this application.
4. Do the acreage numbers shown along the Country Road (i.e. 46, 25.9 and 85), represents a break-down of the Country Road's total acreage (east of Mounts Bay Road)? If so, please note that these numbers do not add up to 179 acres. Please clarify.
5. A note states that the area of proposed master plan amendment is ±106 acres. This information should be revised to match the land use table data (i.e. ±118 acres to be amended).
6. It would be helpful to graphically enhance the visualization of the Country Road parcel(s) on the plan to set it apart from adjacent areas (e.g. use of a different contouring line, solid/dash lines).
7. Please amend the notes section under the Revised Open Space Calculations to state that "Open space is exclusive of private residential lots."

Proposed Areas of Development

1. The proposed master plan identifies Area 6 as "Residential B" on 5.2 acres of land. Per the approved 1986's Kingsmill Master Plan, this area is identified as "Residential B" but on only 4.6 acres of land with a portion of its area labeled as "landscape control zone". This additional area should be protected to provide adequate buffer for the proposed dwelling units.

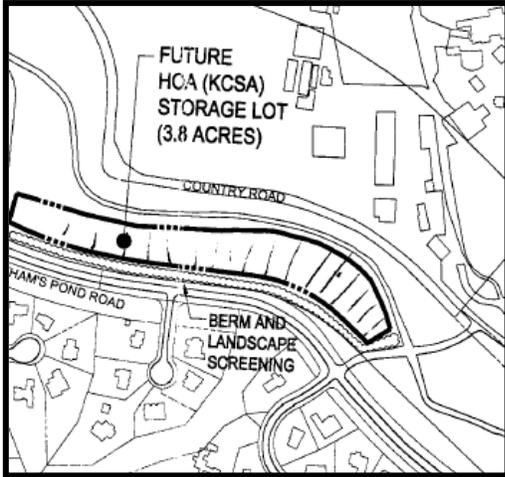


Proposed Master Plan

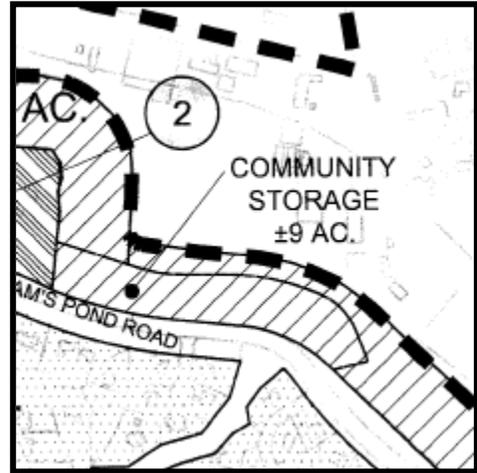


1986 Approved Master Plan

2. A conceptual plan previously submitted to staff as part of a master plan consistency request showed a storage lot being relocated to an area of 3.8 acres. However, the master plan identifies this area as 9 acres. The storage lot limits needs to be consistent with the Planning Commission action taken on this matter. Please revise the area of the relocated storage lot.

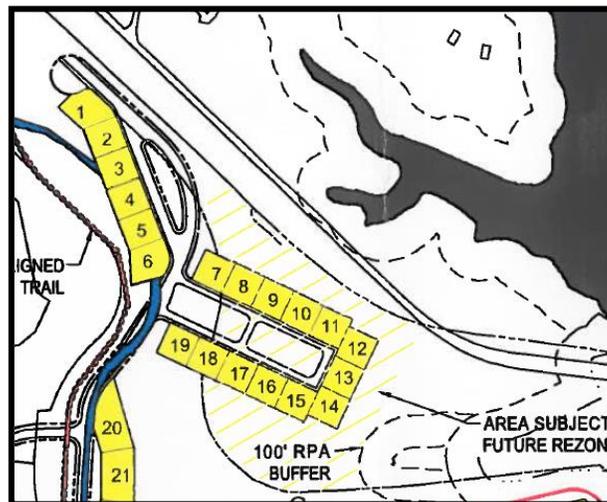


Conceptual Plan



Proposed Master Plan

3. The conceptual layout plan for Area No. 5 (Community Impact Statement-Sheet No.2) shows single-family lot Nos. 7-18 located within an area labeled as "Area Subject to Future Rezoning" (Previously shown as Area No. 4 subject to the initial rezoning application). It is understood that Area No. 4 has been removed from current consideration. Please note that locating single-family dwellings in an area which is currently not zoned for residential uses (i.e.; M-1, Limited Business Industrial) is inconsistent with the Zoning Ordinance and the 2009 Comprehensive Plan. Please revise the application materials accordingly.



Conceptual Layout (CIS)

Zoning Ordinance

1. According to information provided by the applicant the master plan for Kingsmill was approved for a maximum of 4,600 units. It appears that this number was achieved by using the **gross density** (i.e. not to exceed 2 dwelling units per acre in R-4 zoning districts) and the total area of the R-4 parcel (i.e. 2,300 acres). However, please note that density is calculated by dividing the number of units by the **gross acreage** (refer to Section 24-278 of the Zoning Ordinance). Please update accordingly.

Comprehensive Plan

1. As with any legislative land use case, this project is subject to the Comprehensive Plan land use analysis.

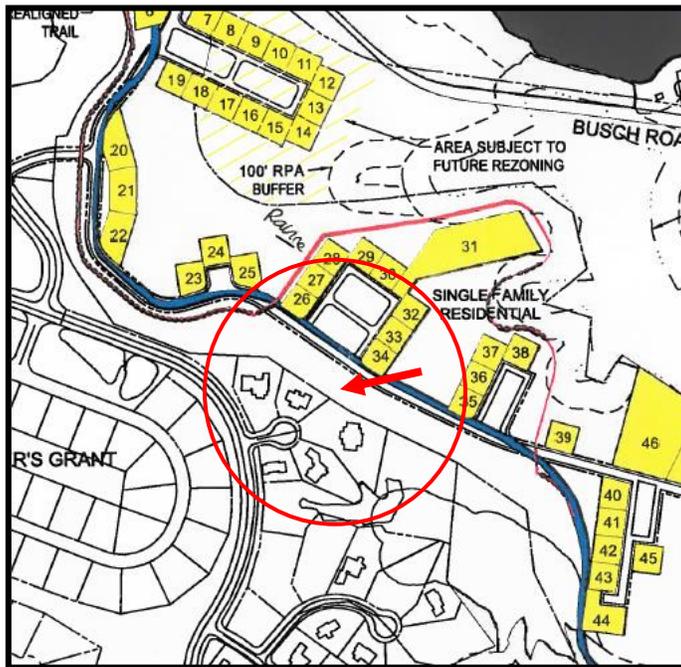
Proffers

1. Please consider submitting proffers addressing the following two policies which have been previously adopted by the Board of Supervisors:
 - a. **Housing Opportunity Policy.** According to information provided by the applicant the intent of this policy has been met with existing 855 dwelling units in Kingsmill falling within the three price ranges established by the Housing Opportunity Policy representing 37.8% of the total dwelling units in Kingsmill. Staff finds that the proposal to develop 207 units (none of the proposed new units would be within the three price ranges of the policy) is subject to this policy as these are new units being proposed after approval and adoption of the policy on November 27, 2012. Further, the Housing Opportunity Policy currently does not have a mechanism addressing existing affordable/workforce dwelling units within an established development.
 - b. **Cash Proffers for Schools.** Please note that this application is subject to this policy as the impacts of 207 units (generating approximately 54 students) to the local school system should be mitigated. Below are the adjusted per unit school proffer for 2013:

Single-Family Detached	\$ 18,929.19
Single-Family Attached	\$ 5,386.22

Please note that “Single-Family Attached” includes townhomes/condos not for rental

2. Thank you for providing a proffer addressing compliance with the **County’s Natural Resources Policy**. Please note that there are areas within the proposed development, in particular, an area known as the “Grove Creek Conservation Site” which appears to be the site of substantial biodiversity. Organizations such as the Department of Conservation and Recreation (DCR), the Virginia Native Plant Society (VNPS), and private citizens have raised concerns related to the proposed residential development along this area. In order to adequately determine impacts to the Grove Creek site, staff recommends that a natural resource inventory be submitted before the rezoning/master plan application is considered through the legislative process. Understanding where this biodiversity is located now may be helpful to determine the most appropriate number and location of the proposed dwelling units. This information may also be useful in determining which areas to avoid when re-aligning parts of the trail.
3. Thank you for providing a proffer addressing **buffers**. According to the proffered language “there will be a minimum 50 foot buffer along Kingsmill Road and Southall Road as the same front onto Master Plan Amendment Areas 6 and 7 of the Property, which buffer area, is generally shown on the Kingsmill Areas 6 and 7 Conceptual Layout included in the Master Plan”. The ordinance minimum for residential development adjacent to M-2 land is 75 feet. Please revise accordingly; consider increasing this buffer above the minimum required and/or include language to this proffer allowing for a matured vegetated/landscape buffer. Staff is concerned that this proffer, as currently written, does not address critical buffer areas between residential and non-residential uses (i.e. the back of residential lots on Area Nos. 7, 1 and in particular, area No. 6). Please also consider proffering buffers for Area Nos. 1 and 2, fronting along Kingsmill Road and Wareham’s Pond Road. Based on previous meetings with the applicant, staff understood that care would be taken to ensure buffer areas, particularly between residential and non-residential uses, above and beyond what is currently required by the Zoning Ordinance. Providing a minimum buffer area does not constitute a proffer.
 - a. what are the planned proffer buffer for the area identified below:



Conceptual Layout (CIS)

4. Proffer No. 4-**Carter's Grove Country Road Trail:**

- a. Please revise Proffer No. 4 to include the following change "In the amendment Areas 5 and 6, the trail shall consist of paved asphalt at eight feet in width and shall be located generally as shown on the conceptual layouts entitled "Kingsmill Area 5 and Kingsmill Areas 6 and 7 Conceptual Layout" and dated....
 - b. Please note that the conceptual layout plan for Area 6 shows the "realigned trail" encroaching on adjacent property. Please revise to eliminate such encroachment.
 - c. Which party will be responsible for maintaining and/or repairing the trail?
5. On proffer No. 5 please include a mechanism by which owner is able to send copies of such disclosures to staff.
6. Thank you for providing a proffer addressing disclosure and acknowledgements related to the sale of lots near the Brewery and the Theme Park's properties. Please ensure that these proffers have been reviewed by these entities and provide staff with documentation regarding their position (i.e., A-B Brewery, Busch Gardens, and McLaws Circle Commercial Association)
7. Please consider a proffer that limits development to non-RPA areas.
8. Please consider a proffer addressing the Traffic Impact Study's recommendation for intersection improvements.

9. Please consider a proffer that addresses construction and/or installation of water and sewer improvements.

Sound/Noise

1. Many Kingsmill residents have expressed concerns regarding the perception that noise, particularly from the Brewery and the Theme Park, will increase and negatively affect existing residents as parts of the Country Road buffer will be eliminated for development. Please note that one Board member has also expressed the same concern. Please provide a study and/or simulation to determine the current levels of noise in the vicinity the Country Road and adjacent areas and what these levels may be once the development is in place?

Fiscal Impact Analysis Worksheet and Assumptions

1. Staff noticed that the version submitted for review is an older version dated "10.21.11". Please submit the most recent version of the worksheet dated "12.6.12" and available at the James City County Website: <http://www.jamescitycountyva.gov/pdf/planning/Policies-all/PolicyGuidelinsandStudiesPage/jccFiscalImpactWorksheetVersion.pdf>

ICSA

1. Comments have been posted on CASETRAK for your review.

VDOT

1. Comments have been posed on CASETRAK for your review.

Engineering and Resource Protection (ERP)

1. Comments have been posted on CASETRAK for your review.

Staff will be more than happy to meet with you to further discuss this proposal. Please do not hesitate to contact me at (757) 253-6685, should you have any questions or concerns, or if you wish to further discuss your proposal.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jose-Ricardo Linhares Ribeiro', written in a cursive style.

Jose-Ricardo Linhares Ribeiro
Senior Planner II

