



COMPREHENSIVE PLAN FUTURE LAND USE MAP

CHANGE APPLICATION

For Internal Use: Date Received: _____ LU: _____

To the Planning Commission and Board of Supervisors of James City County, Virginia:

I (We), the undersigned do hereby respectfully make application and petition the Governing Body of James City County, Virginia, to amend the Comprehensive Plan Land Use Map as hereinafter requested, and in support of this application, the following facts are shown.

**Please see the attached Land Use Designation Change Application Resources document for websites where some of the requested information is available.*

1. Property Information

a. Property address(es): <u>499 Jolly Pond Road, Williamsburg, Virginia 23188</u>
b. The property is owned by <u>Colonial Heritage LLC</u> as evidenced by deed from <u>Peninsula Council Boy Scouts of America</u> recorded in Book <u>Instrument No. 040024552</u> , Page _____, Registry of James City County, Virginia.
c. Parcel ID(s): <u>2240100007</u>
d. Is site inside Primary Service Area? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
e. Current Zoning: <u>MU with proffers & A-1 with proffers & subject to SUP 21-04</u>
f. Is the property in a FEMA Flood Zone? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
g. Gross property acreage: <u>Total parcel is 725.09 +/- ac., with 220+/- ac. covered by this application</u>
h. Estimated net developable property acreage: <u>134+/- ac. of the 220+/- ac. subject to this application</u>
i. This property is currently being used for:
<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Agriculture/forestry <input type="checkbox"/> Commercial/retail <input type="checkbox"/> Office <input type="checkbox"/> Industrial <input type="checkbox"/> Vacant <input type="checkbox"/> Park/open space <input type="checkbox"/> Institutional
Other: _____

2. Applicant/Contact Information

Name: Gregory R. Davis, Esq.

Company: Kaufman & Canoles, P.C. Phone: (757) 259-3800

Address: 4801 Courthouse Street, Suite 300 Fax: (757) 259-3838

Williamsburg, VA 23188 E-mail: grdavis@kaufcan.com

3. Property Owner Information

Name: Colonial Heritage LLC

Company: c/o Kaufman & Canoles, P.C. Phone: (757) 259-3800

Address: 4801 Courthouse Street, Suite 300 Fax: (757) 259-3838

Williamsburg, VA 23188 E-mail: grdavis@kaufcan.com

Is there an existing contract of sale or any options to purchase on said property? Yes No

4. Proposal Information (see <http://www.jamescitycountyva.gov/pdf/planning/2009CompPlan/land-use-and-descriptions.pdf> for descriptions of each designation)

<p>a. <u>Current Comprehensive Plan Future Land Use Map Designation (check all that are applicable)</u></p> <p><input checked="" type="checkbox"/> Rural Lands</p> <p><input checked="" type="checkbox"/> Low Density Residential</p> <p><input type="checkbox"/> Moderate Density Residential</p> <p><input type="checkbox"/> Neighborhood Commercial</p> <p><input type="checkbox"/> Community Commercial</p> <p><input type="checkbox"/> Limited Industrial</p> <p><input type="checkbox"/> General Industrial</p> <p><input type="checkbox"/> Mixed Use</p> <p><input type="checkbox"/> Park, Public or Semi-Public Open Space</p> <p><input type="checkbox"/> Conservation Area</p> <p><input type="checkbox"/> Federal, State or County Land</p> <p><input type="checkbox"/> Economic Opportunity</p>	<p><u>Proposed Comprehensive Plan Future Land Use Designation (check all that are applicable)</u></p> <p><input checked="" type="checkbox"/> Rural Lands</p> <p><input checked="" type="checkbox"/> Low Density Residential</p> <p><input type="checkbox"/> Moderate Density Residential</p> <p><input type="checkbox"/> Neighborhood Commercial</p> <p><input type="checkbox"/> Community Commercial</p> <p><input type="checkbox"/> Limited Industrial</p> <p><input type="checkbox"/> General Industrial</p> <p><input type="checkbox"/> Mixed Use</p> <p><input type="checkbox"/> Park, Public or Semi-Public Open Space</p> <p><input type="checkbox"/> Conservation Area</p> <p><input type="checkbox"/> Federal, State or County Land</p> <p><input type="checkbox"/> Economic Opportunity</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

b. Is the applicant requesting an adjustment to the Primary Service Area?

Yes (Addition of property to the PSA Removal of property)

No

5. Information to Accompany the Application

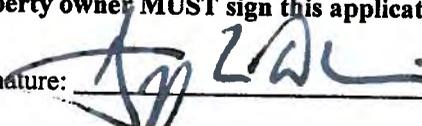
- a. A vicinity map or property survey clearly marking the property(ies) or portion of the property that is the subject of this application.
- b. A narrative describing future plans for the property use and/or details about the physical development proposed on the property if the land use designation change is granted. Please be as detailed as possible and include specific proposed uses (such as office, retail, apartments, restaurant, single-family homes, etc.), densities, approximate acreages of each use (if applicable), and intensities.
- c. A narrative describing the justification for this amendment. Narrative should address why this land use would be superior to that adopted previously for this property, how it demonstrates a novel idea or concept for land development that was not anticipated or addressed in the previous Comprehensive Plan and how the goals of the Comprehensive Plan could be more effectively met or implemented if the proposed change is approved. Include references to relevant Comprehensive Plan topics, including but not limited to, the project's financial impacts to the County, impact on public schools, transportation, and public services (if any) or superior growth management concept data, inventory, or analysis or other improvements/necessary updates or modifications to the current Comprehensive Plan. Please be as thorough as possible.
- d. Applicant must generally identify wetlands, Resource Protection Areas (RPA), flood zones, historic resources, prime agricultural soils, endangered species, or species of special concern that are known to exist on the property.

PLEASE NOTE: Staff anticipates scheduling meetings with each applicant to help compile the information requested above and ensure each application is complete. If needed, staff may request additional information regarding this application.

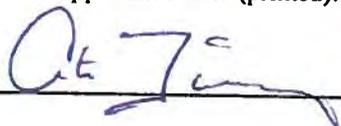
6. Optional Information to Accompany Application

- a. Detailed proposed layout or conceptual designs for the property.
- b. Current level(s) of service and Annual Average Daily Traffic for the roadway(s) where your property enters or exits and any major surrounding roadways.
- c. Specific information about trip generation rates including the land use category used as defined by the latest edition of the ITE Trip Generation Manual.
- d. Basic description of surrounding roadways and intersections such as configuration and conditions.

7. The property owner MUST sign this application in order for the application to be processed.

Applicant Signature:  Date: 4-29-2014

Applicant Name (printed): Gregory R. Davis

Property Owner Signature:  Date: 4-24-14

Property Owner Name (printed): ANTON TINNESZ

AUTHORIZED AGENT
COLONIAL HERITAGE, LLC
BY US Home Corp.

COLONIAL HERITAGE LLC - 499 Jolly Pond Road

APPLICATION NARRATIVE

Background

Colonial Heritage is a successful award-winning, age-restricted planned community with 2,000 homes planned and approved. The Colonial Heritage property spans over 1,508+/- acres, which are bisected by the boundary of the County's Primary Service Area (PSA line), with 1,006+/- acres currently located inside the PSA, and approximately 502+/- acres located outside the PSA. In 2004 Colonial Heritage placed a conservation easement on 282+/- acres located outside the PSA for the benefit of the County. Accordingly, as detailed on the enclosed exhibit, 220+/- acres remain outside the PSA and not subject to the conservation easement. These 220+/- acres are the subject of the current application.

In 2004, as part of an overall update to the Colonial Heritage master plan and zoning, the County approved Special Use Permit SUP 21-04 allowing an A-1 cluster on the subject 220+/- acres, to be developed as 50 lots around Deer Lake in accordance with County Code Section 24-214(c) permitting 1-acre minimum lots. Because this portion of the property is located immediately adjacent to but outside the PSA, these 50 lots would be served by individual septic systems and a private well system to be dedicated to the James City Service Authority (JCSA). These 50 lots are included within the overall 2,000 unit cap for the Colonial Heritage property, but would not be part of the age-restricted gated community.

Proposal

With a minor adjustment to the PSA line, the 50 lots approved for the subject property could be developed much more responsibly by allowing the lots to be connected to public water and sewer facilities, like the remaining 1,950 lots already approved to be served by public water and sewer in Colonial Heritage. To be clear, this application proposing a minor PSA line adjustment would not result in any new lots in the County, as the property remains subject to the 50 lot limit implemented by the A-1 cluster zoning and special use permit. The change would simply allow for more responsible development of the 50 lots and increased efficiency of public services in the County.

A public water main serving Blayton Elementary and Hornsby Middle School already exists along Jolly Pond Road where the entrance to the 50-lot development would be located. Additionally, public sewer service will be available to the subject property via the public sewer lines already extended within the Colonial Heritage development. Pursuant to the County Subdivision Ordinance, if public water is not extended to the subject property, a central well system for these 50 lots would be required to be constructed by Colonial Heritage LLC and turned over to JCSA for future operation and maintenance. (County Code Sec. 19-59(b)). However, the 2009 Comprehensive Plan clearly acknowledges that "the operation of a public water system to serve a subdivision of less than 100 lots is not cost-effective to operate", suggesting that such systems should be avoided when possible. (*Historic Past, Sustainable Future James City County 2009 Comprehensive Plan*, pg. 129).

The 2009 Comprehensive Plan clearly states the goals of the PSA, and as detailed below, this application represents a justified modification to the PSA in conformance with the County's stated goals. (*Historic Past, Sustainable Future James City County 2009 Comprehensive Plan*, pg. 124):

• Encourage efficient utilization of public facilities and services (water and sewer, roadways, schools, fire and police stations, libraries, etc.)

-Response: The subject application presents a case where the arbitrariness of the PSA line in certain instances would actually hinder the “efficient utilization of public facilities and services” in direct conflict with this stated Comprehensive Plan goal. The Colonial Heritage property is a great example of a large and successful master planned community and the overall efficient use of public facilities afforded by planned communities. However, the 50 lot A-1 cluster to be developed on the outside fringe of the PSA is not efficient. The additional private well maintenance required by the County in this instance would be illogical given the proximity of public infrastructure.

• Help ensure such facilities and services are available where and when needed

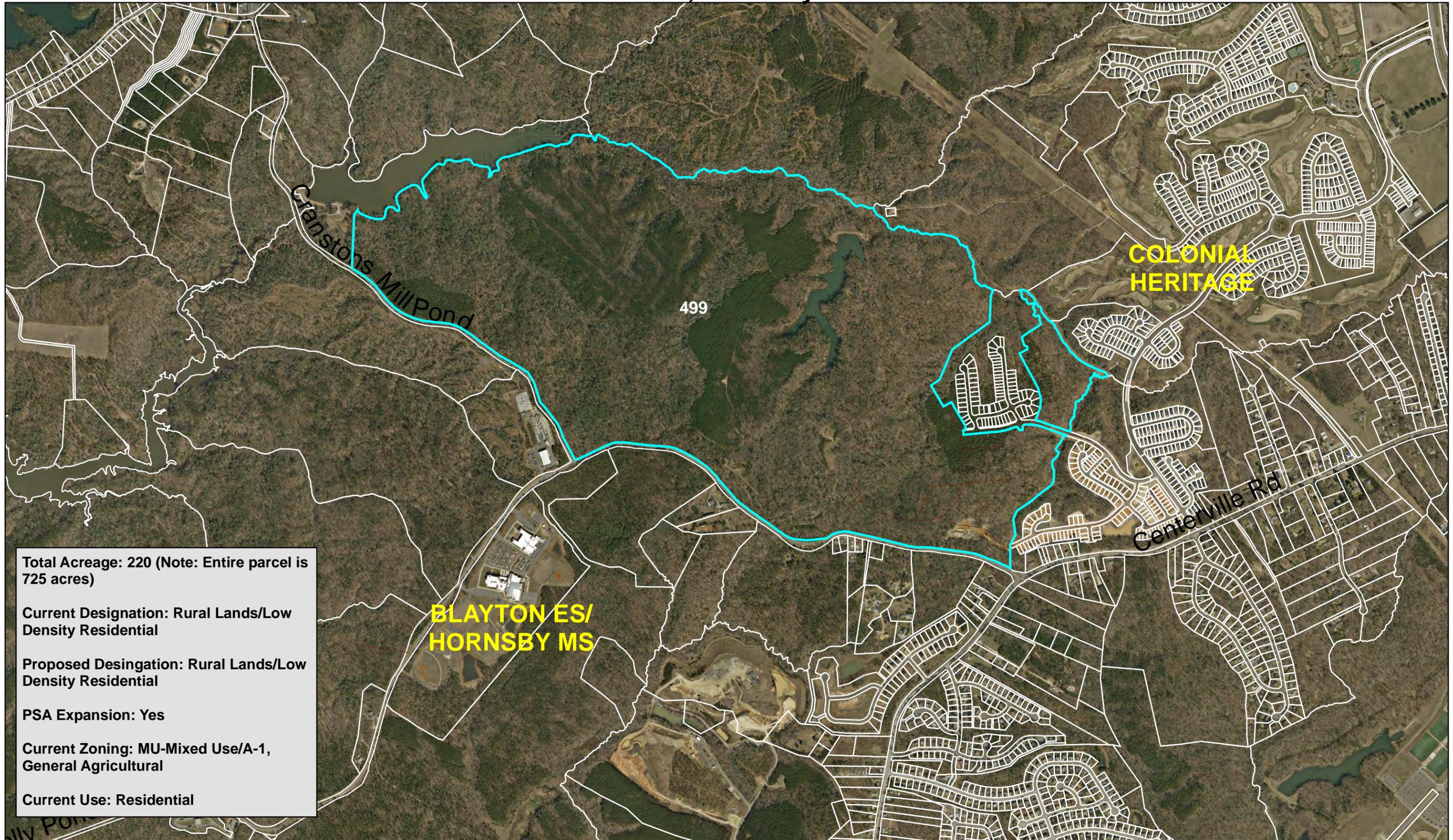
-Response: With almost 900 homes already built, the Colonial Heritage property is clearly recognized as a location in high demand in the County. However, if the PSA line remains in its current location, it is very likely that the subject property would be forced to consider developing with private utility facilities prior to the next Comprehensive Plan update in 2019, leaving the County to take over an unnecessary private well system, rather than anticipating this need and affording the opportunity to tie into the existing public water facilities along Jolly Pond Road and sewer facilities from the neighboring portion of this property.

• Minimize well and septic failures

-Response: Clearly, this is one of the most applicable goals, as this application has the direct potential to eliminate 50 entitled lots on the edge of the current PSA from being served by individual septic systems. Avoiding septic tanks and drain fields on this property is especially important due to its location in the area of the sensitive Yarmouth Creek Watershed.

Based on the above information, we respectfully submit that adjustments to the PSA of the type requested are a prudent exercise of the County’s Comprehensive Planning authority and implore you to positively consider the same.

LU-0003-2014, 499 Jolly Pond Road



Total Acreage: 220 (Note: Entire parcel is 725 acres)

Current Designation: Rural Lands/Low Density Residential

Proposed Designation: Rural Lands/Low Density Residential

PSA Expansion: Yes

Current Zoning: MU-Mixed Use/A-1, General Agricultural

Current Use: Residential

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.

