

LU-0003-2014  
499 Jolly Pond Road

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This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission Working Group, 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.

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**MEETING INFORMATION**

Group: Planning Commission Working Group

Date: November 20, 2014

**SUMMARY FACTS**

Applicant: Greg Davis, Kaufman and Canoles

Property Owner: Colonial Heritage, LLC

Property Address(es): 499 Jolly Pond Road

Tax Map #: 2240100007

Size: 725.09 total acres  
220 acres covered by this application

Current Land Use Designation(s): Rural Lands

Current Property Use (per applicant): Undeveloped, with SUP for 50-lot rural cluster

Owner Proposed Land Use Designation: Low Density Residential

Owner Proposed Property Use: Residential

Owner Justification: See attached letter

Zoning: 220 acres requesting the designation change is A-1, General Agricultural

Inside PSA: No

Requesting Extension of PSA: Yes

Water or Sewer Availability: Sewer would be brought in through existing Colonial Heritage service.  
Water would be available from the Jolly Pond Road school sites.

Watershed: Yarmouth Creek

Staff Contact: Jason Purse Phone: 757-253-6689

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**BACKGROUND:**

The Board of Supervisors approved Z-0004-2002 and SUP-0021-2004, expanding the Colonial Heritage Master Plan area to include a 50-lot rural cluster on property zoned A-1, General Agriculture. At that time the BOS acknowledged and expected that 50 lots would be located outside the PSA, and that these lots would be served by a public community well

facility and private on-lot septic fields. The costs and challenges at that intensity of development were understood and accounted for.

During the 2009 Comprehensive Plan update process, the applicant requested a Land Use Designation change to incorporate the area of the 50-lot rural cluster into the Primary Service Area. This request was also accompanied by a rezoning application that would have further clustered the 50-lots onto a smaller area, and also added additional developable area (from the 220 acres requesting a change from Rural Lands to Low Density Residential) to be included in the Colonial Heritage Mixed Use development. This proposal would have allowed for increased density for Colonial Heritage, under the 2,000 unit cap, and would have resulted in more than 50 lots on this 220 acre area. The BOS ultimately did not expand the PSA or change the Land Use designation at that time. The 2009 rezoning application is still on file with Planning staff, as it was indefinitely deferred by the applicant at that time.

**AGENCY COMMENTS:**

*Engineering and Resource Protection*

ERP notes that although public sewer service could be seen as a benefit from the potential from nonpoint source pollution associated with failed or failing septic drainfield systems, increased lots/density would result in an increase from other forms of nonpoint source pollution such as impervious cover. The Engineering and Resource Protection Division is not supportive of any proposal which results in the need for mass clearing and grading of land bays within the defined land tract - especially within areas intended to be within the A-1 rural cluster area or dedicated natural open spaces.

Any new development from this land use application within the PSA would be subject to the County's Special Stormwater Criteria (SSC). It would also be subject to the provisions of the readopted and revised Yarmouth Creek watershed management plan (October 2006) which would require 50 ft. intermittent stream and nontidal wetlands buffers as well as the variable width (up to 300 ft.) mainstem buffers.

The parcel is currently a portion of the previously approved special use permit application SUP-21-04 for 50 lots zoned A-1. Environmental conditions on this SUP included a 282 acre conservation easement for stormwater management purposes, master stormwater management plan requirements, building structure and limit of work separations (setbacks) from steep slopes, and separation (setbacks) from RPA.

The PSA exhibit map as supplied with the land use permit application is incorrect in that it states by legend and hatch pattern that the far west side of the land tract is "Existing Conservation Open Space (282 acres)". The ERP Division has not received a conservation easement plat or deed of easement for this parcel; however, as previously indicated it is intended to be dedicated by SUP-21-04 and the approved master stormwater management plan SWM-01-05.

*JCSA*

During the design phase, a water model and a water and sewer master plan shall be required.

**TRANSPORTATION IMPACTS:**

No transportation improvements are recommended based on this proposed land use application. Updated traffic information was not modeled for this application, as proposed changes did not trigger the need for further study. The Colonial Heritage proffers include improvements on Richmond Road and Centerville Road. In the 2035 Comprehensive Plan, Centerville Road, from Longhill Road to Richmond Road, is recommended to be kept at 2-lanes, but should be watched for potential need for widening.

Jolly Pond Road (Cranston's Mill Pond Road to Centerville Road) is currently functioning at a LOS A. In 2034, this section of road is anticipated to be functioning at LOS B.

See attached sheet entitled Transportation Impacts LU-0003-2014.

**STAFF RECOMMENDATION:**

Staff recommends denial of the change in Land Use designation to Low Density Residential and against bringing this property inside the Primary Service Area.

**RATIONALE:**

The Deer Lake portion of the property was approved for a 50-acre residential cluster under the current A-1 zoning. At the time of the special use permit review, the initial evaluation of the cluster development did not identify undue environmental impacts that would suggest that public water and sewer was a necessity on this site.

If the PSA boundary is extended and the property becomes eligible for sewer and water service with a Low Density Residential designation, with a possible density of up to four dwelling units per acre could allow for rezoning the property to permit more intensive development.

Furthermore, extension of the PSA boundary could set a precedent for similarly situated properties, weakening the effectiveness of the PSA boundary as a tool for managing growth. Boundary changes to the PSA should be conditioned upon significant changes in development trends and patterns, significant changes in County policy, and projected community needs. The 50-lot rural cluster does not represent a new development trend or pattern and does not meet a currently unmet County need.

The central well requirement for major subdivisions outside the Primary Service Area has been an effective tool in the past, as it has represented a major deterrent to growth due to prohibitive costs. However, in recent years, a number of applications have come forward that propose central wells, including this 50-lot rural cluster. Allowing these subdivisions to connect to public water and sewer after they receive approval of a development with a central well, and removing this cost deterrent, may ultimately increase the amount of growth in rural lands.

As an alternative to this request to expand the PSA, the applicant was presented with the idea of requesting a waiver to the central well requirement, and they are currently investigating the feasibility. In one special circumstance in recent years, the director of the James City Service Authority consulted and received approval from the Board of Supervisors to allow a central well waiver for a development that provided exceptional design characteristics and provided for substantial environmental protection. This development provided 55% open space with a wildlife management plan, as well as a limit on the number of piers/docks to mitigate the impact on sensitive waterways (to name just a few of the benefits). Authority for allowing this waiver to the central well requirement can be found in section 19-59 of the Subdivision Ordinance.

**ATTACHMENTS:**

1. Location Map
2. Existing Land Use Designation Map
3. Proposed Land Use Designation Map
4. Applicant justification letter
5. Public comment
6. Transportation impacts evaluation

# LU-0003-2014, 499 Jolly Pond Road



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

**Current Designation: Rural Lands/Low Density Residential**

**Applicant Proposed Designation: Rural Lands/Low Density Residential**

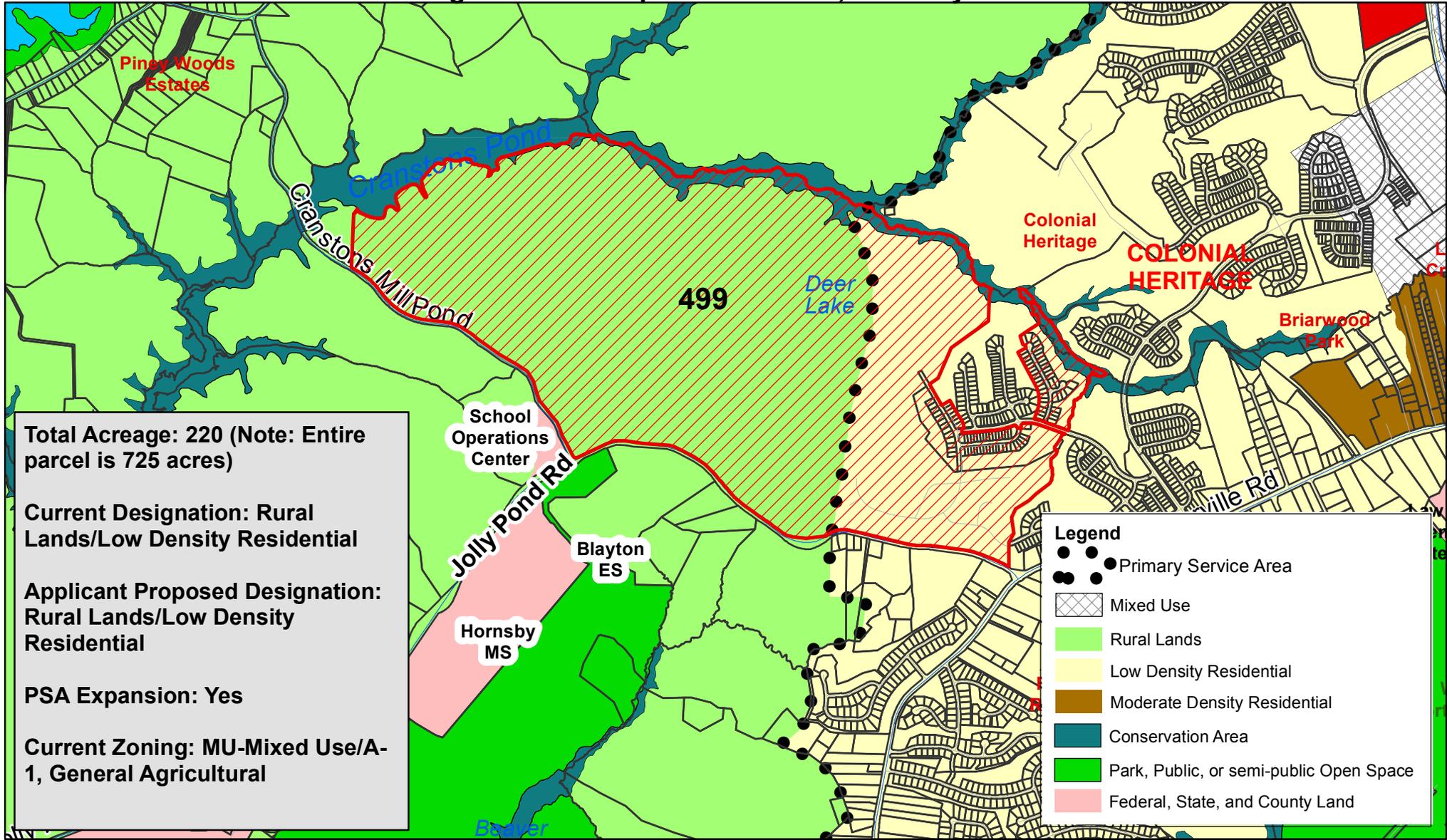
**PSA Expansion: Yes**

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

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# Existing Land Use Map LU-0003-2014, 499 Jolly Pond Road



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

**Current Designation: Rural Lands/Low Density Residential**

**Applicant Proposed Designation: Rural Lands/Low Density Residential**

**PSA Expansion: Yes**

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

**Legend**

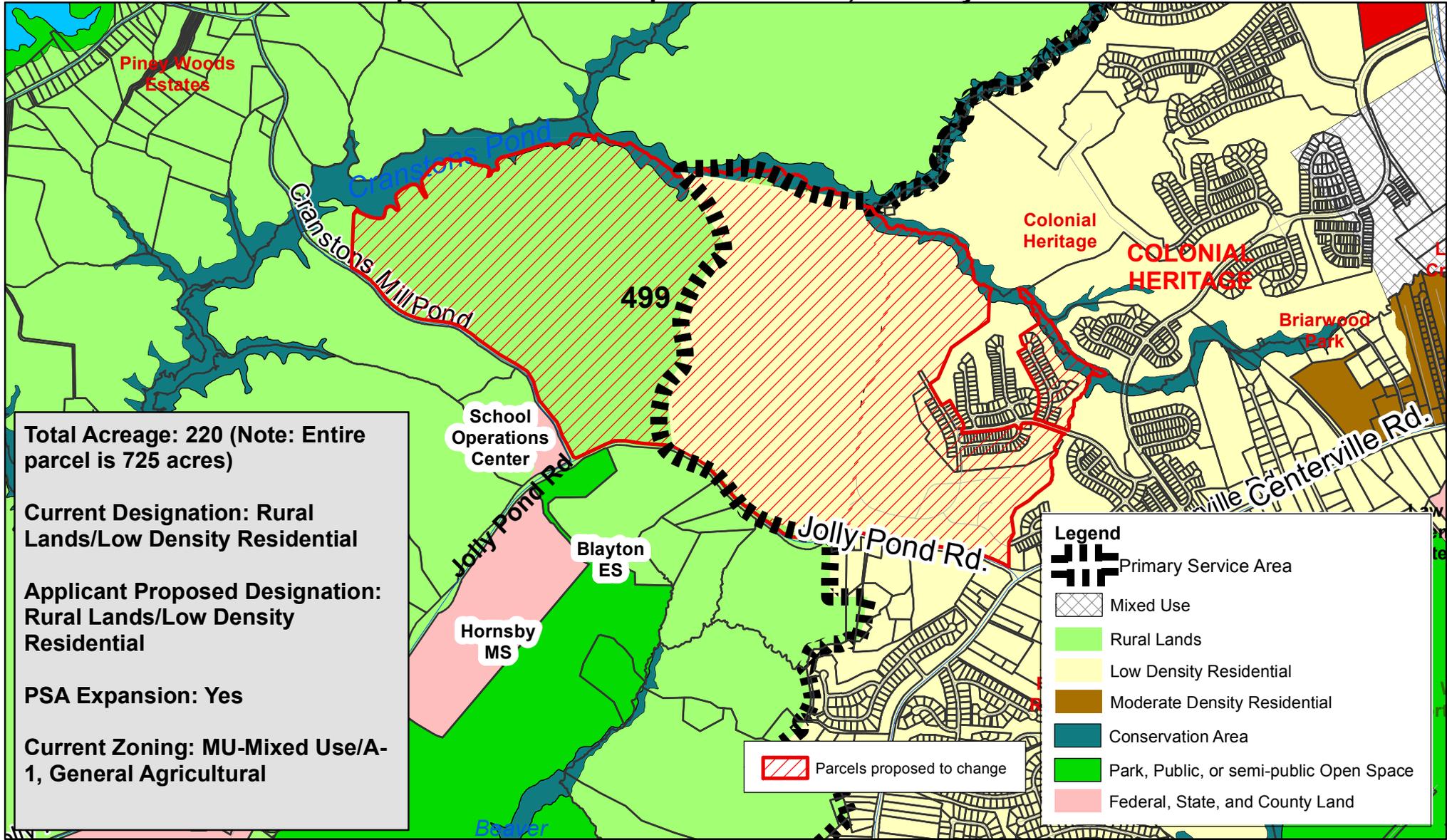
- Primary Service Area
- ▨ Mixed Use
- Rural Lands
- Low Density Residential
- Moderate Density Residential
- Conservation Area
- Park, Public, or semi-public Open Space
- Federal, State, and County Land

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1 inch = 1,788 feet  
 0 0.225 0.45 Miles



# Proposed Land Use Map LU-0003-2014, 499 Jolly Pond Road



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

**Current Designation: Rural Lands/Low Density Residential**

**Applicant Proposed Designation: Rural Lands/Low Density Residential**

**PSA Expansion: Yes**

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

**Legend**

- Primary Service Area
- Mixed Use
- Rural Lands
- Low Density Residential
- Moderate Density Residential
- Conservation Area
- Park, Public, or semi-public Open Space
- Federal, State, and County Land
- Parcels proposed to change

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## 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.



Public Comment Summary  
LU-0003-2014  
499 Jolly Pond Road

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This attachment provides verbatim public comments for the specified land use designation change application collected through Community Workshops, postcards, emails, the Comprehensive Plan hotline and online input surveys.

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1. Increase PSA on all 3 L.U. applications. (Community Workshop)
2. If no new units proposed, seems to make sense. (Community Workshop)
3. The Colonial Heritage Community is a wonderful asset to our county. I would support any update to the comprehensive plan that would result in environmentally friendly development of already approved lots. (Virtual Community Workshop)
4. PSA relocation should be highly considered (Virtual Community Workshop)
5. Colonial Heritage is a great development. I would support any updates to the comp plan that further promote the Colonial Heritage development. (Virtual Community Workshop)
6. It is my understanding that the units affected by this proposal are already approved and this application would not increase the number of units approved in the County. If that is true, then I think it makes sense to allow connection of these units to public water and sewer to be more environmentally friendly. (Virtual Community Workshop)

## Transportation Impacts Evaluation LU-0003-2014

The following transportation impacts summary was developed in conjunction with Kimley-Horn and Associates for a selected number of proposed land use designation applications. The summary is designed to help show current and projected roadway conditions, potential impacts to the transportation system with the change in land use designation, and improvements that may be needed to support future traffic volumes and sustain acceptable level of service (LOS) conditions if the property in question is developed.

### **I. Basic Description of Existing Transportation Conditions:**

The subject parcel fronts Jolly Pond Road and a portion of Cranston's Mill Pond Road. The parcel is located approximately 200 feet from the unsignalized intersection of Centerville Road and Jolly Pond Road and extends to Cranston's Mill Pond Road. The unsignalized intersection of Centerville Road and Jolly Pond Road features an exclusive northbound left-turn lane, an exclusive southbound right-turn lane, and exclusive right and left-turn lanes on the eastbound approach. Both Jolly Pond Road and Cranston's Mill Pond Road are two-lane undivided rural roadways. The entrance driveway for the development, if constructed as proposed in the past rural cluster SUP, would be approximately 2,500 feet west of the intersection with Centerville Road and Jolly Pond Road. The parcel is adjacent to the larger Colonial Heritage development to the northeast. Colonial Heritage fronts Richmond Road and Centerville Road as well as has major access points along these roadways.

### **II. Existing (2010) Conditions for Surrounding Roadways:**

Roadway Segment	Average Weekday Daily Traffic (AWDT) <sup>(1)(2)</sup>	Level of Service (LOS) <sup>(2)(4)</sup>
Jolly Pond Road (Cranston's Mill Pond Road to Centerville Road)	1,200	A <sup>(4)</sup>
Cranston's Mill Pond Road (Jolly Pond Road to Chickahominy Road)	520	A <sup>(4)</sup>
Centerville Road (News Road to Longhill Road)	7,414	A-C
Centerville Road (Longhill Road to Richmond Road)	9,095	A-C

### **III. Projected (2034) Conditions for Surrounding Roadways:**

Roadway Segment	Average Weekday Daily Traffic (AWDT) <sup>(2)(3)</sup>	Level of Service (LOS) <sup>(2)(4)</sup>
Jolly Pond Road (Cranston's Mill Pond Road to Centerville Road)	3,300	B <sup>(4)</sup>
Cranston's Mill Pond Road (Jolly Pond Road to Chickahominy Road)	3,500	B <sup>(4)</sup>
Centerville Road (John Tyler Highway to Jolly Pond Road)	17,000	A-C
Centerville Road (Richmond Road to Longhill Road)	17,000	A-C

### **IV. Future Improvements:**

- No items in this location included in the Six Year Improvement Program or Long Range Transportation Plan.
- In the James City County 2035 Comprehensive Plan, Centerville Road, from Longhill Road to Richmond Road, is recommended to be kept at 2-lanes, but should be watched for potential need for widening.

- The Colonial Heritage proffers include improvements on Richmond Road and Centerville Road.

**V. Projected Trip Generation Scenarios:**

- According to the application, the applicant does not seek additional units beyond the 50 already approved in this location. Previous documentation indicated that these units have the potential to generate 480 daily trips, 38 AM peak hour trips, and 51 PM peak hour trips on the roadway network based on ITE trip generation rates.

**VI. Projected Conditions for Surrounding Roadways with Land Use Designation Change:**

- This item was not completed for this application.

**VII. Potential Improvement Information with Land Use Designation Change:**

- This item was not completed for this application.

**VIII. Other Transportation Considerations:**

- It is recommended to provide adequate turn lanes for the proposed development entrances (e.g., exclusive right-turn lane along westbound Jolly Pond Road).
- The intersection of Centerville Road and Jolly Pond Road was recently upgraded. A traffic signal warrant analyses completed in 2010 as a part of the construction of the new Middle School and Elementary School located along Jolly Pond Road. The analysis recommended that a traffic signal should be installed at this intersection to accommodate increased traffic volumes and enhance the safety of school related traffic operations. However, VDOT concluded that the existing and/or anticipated traffic volumes at the intersection did not adequately meet warrants for a traffic signal. Although, the trip generation of this development is relatively small, additional volume at the intersection would increase the need for a traffic signal. It is also noted that VDOT has conducted a more recent signal warrant analysis of the intersection and is in conversations with Williamsburg James City County Schools and the County on their most recent findings.

**IX. References:**

1. Virginia Department of Transportation 2010 Annual Average Daily Traffic Volume Estimates
2. James City County/Williamsburg/York County Comprehensive Transportation Study
3. VDOT Hampton Roads 2034 Travel Demand Model
4. Kimley-Horn and Associates LOS Tool