

---

**REZONING-18-0004/HEIGHT LIMITATION WAIVER-18-0002. Oakland Pointe**

---

**Staff Report for the December 5, 2018, Planning Commission Public Hearing****SUMMARY FACTS**

Applicant:	Mr. Timothy O. Trant II, on behalf of Connelly Development, LLC
Land Owner:	Ms. Lisa Joy P. Marston, Trustee
Proposal:	To rezone a total of ± 14.96 acres of land from A-1, General Agricultural to R-5, Multi-family Residential District for the purpose of constructing up to 126 apartment units. Access to the apartments is proposed via an entrance road on Oakland Drive through an adjacent property. A Height Limitation Waiver application has also been submitted for the proposed apartment buildings to be constructed up to 40 feet from grade.
Locations:	7581 and 7607 Richmond Road
Tax Map/Parcel Nos.:	2310100002 and a portion of 2310100001
Project Acreages:	± 14.54 acres and ± 0.42 acres
Current Zoning:	A-1, General Agricultural
Proposed Zoning:	R-5, Multi-family Residential District
Comprehensive Plan:	Moderate-Density Residential and Low Density Residential
Primary Service Area:	Inside
Staff Contact:	Jose Ribeiro, Senior Planner II

**PUBLIC HEARING DATES**

Planning Commission: December 5, 2018, 6:00 p.m.

Board of Supervisors: January 8, 2019, 5:00 p.m. (tentative)

**FACTORS FAVORABLE**

1. Staff finds the proposal will not negatively impact surrounding development.
2. The proposal's density is within the range recommended for lands designated Moderate-Density Residential (MDR) by the adopted Comprehensive Plan.
3. Increases workforce and affordable housing opportunities via an Easement.
4. To support the proposed density, the applicant is proposing to demonstrate a commitment to various Board of Supervisors' adopted policies and to provide other public benefits (including the workforce and affordable housing assurance) through notes on the Master Plan and via an Easement that the County would be a party to (see the "Ability to Guarantee the Development as Proposed" section below for discussion regarding these items).

**FACTORS UNFAVORABLE**

1. Some of the typical impacts associated with residential development are not mitigated or addressed, including impacts to schools and impacts to public utilities, such as the James City Service Authority (JCSA) (see the "Ability to Guarantee the Development as Proposed" section below for discussion regarding these items).

---

*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.*

---

2. The project is fiscally negative per the submitted Fiscal Impact Analysis worksheet.
3. Based on current enrollment data, the proposal does not meet the Adequate Public Schools Facilities Test, adopted by the Board of Supervisors on June 23, 1998.
4. This proposal does not fully meet the recommendations of the Parks & Recreation Master Plan for new residential development within the Parks & Recreation Master Plan. The applicant is seeking an exception from the Board of Supervisors, as further discussed below.
5. Because of traffic from this proposed development, the Level of Service (LOS) for a turning movement (eastbound left turn) at the Croaker Road intersection will worsen. The Traffic Study recommends both physical turn lane improvements and adjustments to the traffic signal timing. The applicant proposes to complete the physical turn lane improvements via a note and depiction on the Master Plan and via an Easement that the County would be a party to. However, the adjustments to the traffic signal timing needed to maintain LOS are at the sole discretion of the Virginia Department of Transportation (VDOT).
6. Citizens have expressed concerns with this proposal.

#### **SUMMARY**

The proposed development includes a number of favorable aspects. In addition, the proposed development's density is within the range recommended for lands designated MDR by the adopted Comprehensive Plan. However, central to the MDR language is the following statement from the adopted Comprehensive Plan:

*“Development at this density is not recommended unless it offers particular public benefits. Examples of such public benefits include mixed-cost housing, affordable and workforce housing and enhanced environmental protection.”*

As discussed in this staff report, the applicant is proposing to offer public benefits and provide assurances to comply with the Board of Supervisors' adopted policies through a combination of notes on the Master Plan, through stated intention in the Community Impact Statement and through a proposed Easement. The applicant is proposing the County be made a party to the Easement.

Through notes on the Master Plan, compliance with Board adopted policies include: a 150-foot-wide Community Character Corridor (CCC) buffer (a 50-foot-wide buffer width is otherwise required for by-right development), the provision of bike and pedestrian improvements consistent with the Board's adopted Bike and Ped Master Plans (bike and pedestrian would not be required if the property was subdivided in accordance with the by-right minor subdivision regulations), an alternative set of recreation facilities designed to comply with the intent of the Parks & Recreation Master Plan, proposed JCSA Water Conservation Standards (also in the Easement Agreement), and based on the project's location within the Yarmouth Creek Watershed, the implementation of Special Stormwater Criteria measures. Architectural renderings have also been included in the proposed Master Plan (also in the Easement). While not a note on the Master Plan, the applicant has also submitted a Phase I Archaeological Study which was reviewed by the Virginia Department of Historic Resources.

Through the Easement, the applicant is proposing that any development occurring on this property that results in a density higher than that allowed by-right under the current A-1 Zoning District (i.e.,

## **REZONING-18-0004/HEIGHT LIMITATION WAIVER-18-0002. Oakland Pointe**

### **Staff Report for the December 5, 2018, Planning Commission Public Hearing**

four minimum 3-acre lots) may only be developed in accordance with Virginia Housing and Development Authority's Low Income Tax Credit Program (or alternative as the County may approve). The applicant is also proposing the following commitments in the Easement:

- Use of the building elevations included in the Master Plan set;
- Achieving EarthCraft/Viridian gold certification (or other comparable certification);
- Development of Water Conservation Standards;
- Construction of the offsite traffic improvements;
- Construction and maintenance of a 5-foot sidewalk across the adjacent property (7575 Richmond Road); and
- Provision of a Nutrient Management Plan (NMP).

In order to achieve a density bonus above nine dwelling units per acre, the applicant proposes to construct each of the buildings to the EarthCraft Gold standard.

There are no Special Use Permit conditions associated with this request. The County Attorney's office has determined that the Easement is legal and would be binding if accepted by the Board of Supervisors.

#### **SUMMARY STAFF RECOMENDATION**

With the exception of modifying the existing traffic signal timing at the Croaker Road intersection, staff finds the requirements of the Easement along with the binding Master Plan, would mitigate impacts

from this development. VDOT has indicated that they would modify the traffic signal timing if it was determined to improve the performance of the intersection. However, without knowing whether or not the Board of Supervisors will accept an Easement, staff cannot recommend approval of this application at this time.

The Board of Supervisors will consider the Height Limitation Waiver portion of this application. Proposed conditions have been included for this application as Attachment No. 11 for informational purposes as the Commission does not review Height Limitation Waiver requests.

#### **HISTORY OF THE PROJECT**

In May 2018, the applicant requested that the Rezoning and Height Waiver Application for this project under James City County Case No. Z-0003-2017/HW-0002-2017, be withdrawn from consideration. In September 2018, the applicant submitted a revised application for consideration. The main changes proposed by the revised application are:

- The proposed development will have vehicular access only on Oakland Drive through an entrance road crossing adjacent property located at 7606 Richmond Road. The portion of the property where the access road is proposed ( $\pm 0.42$  acres) is part of the rezoning application.
- With the addition of the  $\pm 0.42$  acres to this rezoning application, the proposed density for the entire project was reduced from  $\pm 9.7$  to  $\pm 9.4$  (there is no reduction in the number of dwelling units).
- Increase in open space areas of  $\pm 1.13$  acres.
- Increase in recreation areas of  $\pm 0.5$  acres.

---

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

## REZONING-18-0004/HEIGHT LIMITATION WAIVER-18-0002. Oakland Pointe

### Staff Report for the December 5, 2018, Planning Commission Public Hearing

- The clubhouse is now proposed to be located at the western part of the site (next to the proposed access road).
- New improvements to the Route 60/Oakland Drive intersection include:
  - a. Pavement widening between median noses.
  - b. Yield bars and centerline striping.

#### PROJECT DESCRIPTION

- The applicant is requesting to rezone property at 7581 Richmond Road, from A-1, General Agricultural to R-5, Multi-family Residential District to permit 126 apartment units on  $\pm 14.54$  acres. The applicant is also requesting to rezone  $\pm 0.42$  acres of property at 7606 Richmond Road from A-1, General Agricultural to R-5, Multi-family Residential District to allow for an access road to connect the apartment units to Oakland Drive. The total area subject to this rezoning application is  $\pm 14.97$  acres.

The project proposes a gross density of  $\pm 8.4$  units per acre. However, per R-5 Zoning Ordinance requirements, the net density (which takes into account the non-developable portions of the site) is calculated as  $\pm 9.4$  units per acre. Per the R-5 District requirements, the project could propose up to a net density of nine units per acre without a need for any density bonuses. In order to achieve the proposed  $\pm 9.4$  units per acre net density, the project will need to achieve one bonus density point. From the options available in the Ordinance, the applicant is proposing to achieve the one bonus density point by committing to green building techniques, specifically through the EarthCraft Gold certification. A note to this effect is shown on the Master Plan and there is also

a commitment in the Easement; see the “Ability to Guarantee the Development as Proposed” section above for discussion regarding this item.

- The 126 apartment units are arranged on the site in five buildings. One of the buildings is designed to be handicapped accessible and has an elevator. The Master Plan also shows a clubhouse building.
- The applicant is proposing a private access road and parking area. The proposed private access road is located on a portion of adjacent property at 7606 Richmond Road and subject to this rezoning application. Private roads are permitted by-right in the R-5 District.
- The project is located on a CCC per the adopted Comprehensive Plan, and thus, provides a 150-foot buffer along the Richmond Road frontage of property at 7581 Richmond Road. The Master Plan shows the buffer as retaining the existing wooded character.
- The project includes buffers along the perimeter of the property at 7581 Richmond Road per the R-5 Zoning Ordinance requirements. However, at the rear of the site, the Master Plan shows a portion of the multi-use field within the buffer, which would require Planning Director approval of a buffer depth reduction at the development plan stage. As proposed, the perimeter buffers would largely retain existing trees and would be supplemented with additional landscaping.
- As shown on Sheet 3.0 of the Master Plan, the R-5 recreation requirements would be met through provision of recreation areas at the rear of the development.
- Per the adopted Pedestrian Accommodations Master Plan, this project includes the construction of a sidewalk along the frontage

---

*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.*

of 7581 Richmond Road. The Master Plan also shows a sidewalk connection across the adjacent property (7575 Richmond Road) allowing pedestrian access to the Richmond Road intersection with Croaker Road/Pricket Road. In addition, per the adopted Regional Bikeways Plan, the project includes a shoulder bike lane along the frontage of 7581 Richmond Road.

- If approved, the project will also be required to be constructed to the Design Requirements of the R-5 Zoning Ordinance. These Zoning Ordinance requirements include:
  - All units being served by public water and sewer (private systems are not permitted);
  - Open space to be maintained exclusively for conservation and recreation purposes;
  - The provision of playground equipment;
  - Parking lot light fixtures limited to a height of 15 feet;
  - Separation distances between the buildings a distance at least equal to the heights of the buildings; and
  - Per Section 24-35 of the Zoning Ordinance, sidewalks will also be required along both sides of all streets and driveways, including the entrance road for this project.
- The applicant is proposing to develop this apartment complex in accordance with Virginia Housing and Development Authority's Low Income Housing Tax Credit Program (LIHTC). A brief description of the LIHTC program can be found in Attachment No. 12.

#### **ABILITY TO GUARANTEE THE DEVELOPMENT AS PROPOSED**

- The applicant proposes to commit to certain County policies or adopted documents that remain in effect via notes or depictions on the Master Plan document. These would include the proposed building elevations (also in the Easement); development of water conservation standards with the JCSEA (also in the Easement); the road and bicycle/pedestrian improvements (including the off-site improvements at Richmond Road/Croaker and Richmond Road/Oakland Drive and the off-site sidewalk connection across the adjacent property), the access road connecting the apartments to Oakland Drive, the CCC Buffer Guidelines; Parks & Recreation Master Plan Guidelines (with some requested exception elements) and Special Stormwater Criteria from the Yarmouth Creek Watershed Master Plan. A Master Plan is a binding document per Section 24-23 of the Zoning Ordinance. If an applicant proposes to not include an element shown on the Master Plan on subsequent development plans, the Planning Director is charged with making a Master Plan consistency determination based on the following criteria included in the existing Zoning Ordinance: "a (development plan) may deviate from the Master Plan if the Planning Director concludes that the development plan does not: 1) Significantly affect the general location or classification of housing units or buildings as shown on the Master Plan; 2) Significantly alter the distribution of recreation or open space areas on the Master Plan; 3) Significantly affect the road layout as shown on the Master Plan; 4) Significantly alter the character of land uses or other features or conflict with any building conditions place on the corresponding legislatively-approved case associated with the Master Plan." Per the Zoning Ordinance, appeals of a Planning Director determination are made by the Development Review Committee.

---

*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.*

- The applicant also proposes to achieve a density bonus to allow the project to increase from nine dwelling units per acre to 9.4 dwelling units per acre by achieving EarthCraft Gold certification. The applicant has also indicated that achieving certification would be part of the applicant's planned funding approval from the Virginia Housing Development Authority and has included this commitment in the Easement.
- The applicant also proposes to commit to certain public benefits via provision of an "Easement" which is included as Attachment No. 9. The Easement commits to development of the property "in accordance with the Virginia Housing and Development Authority's Low Income Housing Tax Credit Program or such other affordable housing regime as the County may approve." The applicant is also proposing the following commitments in the Easement:
  - Use of the building elevations included in the Master Plan set;
  - Achieving EarthCraft/Viridian gold certification (or other comparable certification);
  - Development of Water Conservation Standards;
  - Construction of the off-site traffic improvements;
  - Construction and maintenance of a five-foot sidewalk across the adjacent property (7575 Richmond Road);
  - Provision of a NMP; and
  - The applicant has submitted a Phase I Archaeology Study (See discussion on page 10).

## **PLANNING AND ZONING HISTORY**

- The property at 7581 Richmond is zoned A-1, General Agriculture and is currently used as a single residential lot. The property at 7607 Richmond Road is also zoned A-1, General Agricultural and is currently used as a single residential lot and agricultural land, located on both the east and west sides of Oakland Drive.

## **SURROUNDING ZONING AND DEVELOPMENT**

- North and South: A-1, General Agricultural, undeveloped land and residential lots in the Oakland subdivision.
- West: R-1, Limited Residential, residential lots in the Toano Woods subdivision.
- East: One parcel zoned MU, Mixed Use, developed as the CrossWalk Church. The second area is zoned PUD, Planning Unit Development - Residential, under development as the Village at Candle Station neighborhood consisting of single-family detached and multi-family (townhouse) units.

## **PUBLIC IMPACTS**

### Anticipated Impact on Public Facilities and Services:

#### *Streets*

- A Traffic Impact Study (TIS) was prepared for this development. Based on the Institute of Transportation Engineers manual, the study projects that the development would generate 73 P.M. peak hour trips and approximately 912 daily trips.
- The project is adjacent to Richmond Road which is a four-lane

road with a median in this area. The entrance road for the project crosses the adjacent parcel and connects with Oakland Drive. The entrance road and the parking area for the project will be privately maintained.

- The segment of Richmond Road immediately in front of the project is currently operating at a LOS A-C and is anticipated to remain operating at this LOS through 2034. The segment of Richmond Road to the east of Croaker Road is listed in the Transportation Chapter of the Comprehensive Plan as “Forecasted 2035 volumes indicate improvement needed. WATCH” (Table T-1).
- The development proposes to connect with Richmond Road through a proposed private road connected to Oakland Drive. There is an existing median break at the intersection of Oakland Drive and Richmond Road that would allow full access to the project to and from both directions of Richmond Road.
- The TIS analyzed the project entrance as well as the two intersections mentioned above. The study included the following improvements:
  - At the intersection of Richmond Road with Croaker Road/Pricket Road, extend the left-turn lane storage on eastbound Richmond Road from 200 feet to 400 feet.
  - At the intersection of Richmond Road with Oakland Drive (median break), construct a 100-foot left-turn lane with a 100-foot taper on westbound Richmond Road. Pavement widening between median noses and yield bars and centerline striping are also proposed.
  - Adjustments to the current signal timing to optimize its

function.

- The TIS includes projected buildout in year 2025 LOS information for the two intersections, with the improvements listed above:

Richmond Road at the Croaker Road/Pricket Road Intersection:

A table showing the projected buildout in year 2025 is included in Attachment No. 8. The table also shows how these LOS compare to the projected 2025 LOS without the project being built. The table shows that with the project buildout the overall intersection LOS stays the same in the A.M. and P.M. peak hours (“C” and “D,” respectively). For eastbound left, the study shows the LOS worsening in the A.M. peak hour (from a “D” to an “E”) and staying the same in the P.M. peak hour (LOS “E”). The study also examined adjustments to the signal timing to optimize its function; if these adjustments were done, it could result in maintaining the eastbound left at a LOS “D” in the A.M. peak hour. Staff notes that adjustments to the traffic signal timing are at the sole discretion of VDOT.

Route 60/Oakland Drive:

A table showing the projected build-out in year 2025 is included in Attachment No. 7. All movements are shown as LOS C or better.

VDOT has reviewed the traffic study and concurs with the improvements recommended by the study.

*Parks & Recreation*

- As noted above in the Project Description section, this project must meet the R-5 Zoning Ordinance requirements for recreation

---

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

## REZONING-18-0004/HEIGHT LIMITATION WAIVER-18-0002. Oakland Pointe

### Staff Report for the December 5, 2018, Planning Commission Public Hearing

area. However, the R-5 requirements do not encompass all aspects of the Development Guidelines contained within the Parks & Recreation Master Plan. The applicant is proposing to meet most Parks & Recreation Development Guidelines through provision of facilities on-site, including parkland, playgrounds and trails. The applicant is requesting an exception to the Guidelines for the multi-use field due to its smaller dimensions (120 foot x 210 foot, instead of 360 foot x 225 foot per the Guidelines). They are also requesting an exception to the courts/pools item. In lieu of the full dimension multi-use field and the court/pool, the applicant has included a dog park area, a second playground (one for toddlers and one for elementary age children) and a pavilion with grills. The applicant's exception request is included as Attachment No. 5. Planning and Parks & Recreation staff are receptive to this request; however, the waiver must be approved by the Board of Supervisors.

- *Requirement:* Park Land - 0.3 acres minimum.
- *Proposed:* 1.30 +/- acres.
- *Requirement:* Biking/Jogging Trails - 404.5 linear feet minimum.
- *Proposed:* 1,013 linear feet of soft surface trail and 2,367 linear feet of hard surface trail.
- *Requirement:* Playgrounds - one playground (or other age-appropriate activity) minimum.
- *Proposed:* Two playgrounds.
- *Requirement:* Sport Courts or Pools - one court or pool minimum.
- *Proposed:* No courts or pools.
- *Requirement:* Multi-use/Rectangular/Soccer Fields - one

multi-use field minimum.

- *Proposed:* One multi-use field; however, the proposed field does not fully meet the recommended dimensions in the Guidelines as described above.

#### *Schools*

- The proposed apartment units are anticipated to generate an additional 39 students. As illustrated in the table below, the 39 students projected from the development would not cause the enrollment levels for Toano Middle or Warhill High Schools to exceed effective capacity. However, it would contribute to higher enrollment level exceeding the effective capacity at Norge Elementary School.

#### **Student Enrollment and School Capacity, Williamsburg-James City County Schools 2018**

<i>School</i>	<i>Effective Capacity</i>	<i>Enrollment</i>	<i>Projected Students Generated</i>	<i>Enrollment + Projected Students</i>
Norge Elementary	695	680	± 17	697
Toano Middle	790	706	± 9	715
Warhill High	1,441	1,392	± 13	1,405

*Source: Student Enrollment Report, October 2018*

#### *Fiscal Impact*

- The Fiscal Impact Analysis worksheet was submitted per the Fiscal Year 2019 calculations provided by the Department of Financial and Management Services.

---

*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.*



- Per that analysis, the development would result in a \$463,425 annual negative fiscal impact to the County.

*Fire*

- The location of the project allows for coverage by both Fire Station 1, located in Toano and Station 4, located on Olde Towne Road. The Community Impact Statement indicates that both stations are within a 10-minute drive of the project site.

*Utilities*

- The project would be served by public water and sewer.
- The JCSA has recommended that a Water Conservation Agreement be prepared for this development. See the “Ability to Guarantee the Development as Proposed” section above for discussion regarding this item.
- The JCSA has reviewed the Master Plan and concurs with the proposed utility layout generally.

Environmental/Cultural/Historic:

*Environmental*

- Watershed: Yarmouth Creek.
- The existing wet pond (Marston Pond) along the project’s southeast border will be used for meeting both water quality and quantity regulations. The Community Impact Statement and Master Plan commit to upgrades to the existing pond, including

provision of a forebay near the entrance to the site which is recommended per the Yarmouth Creek Watershed Management Plan. This forebay shall be designed for off-site drainage in its current condition while the other two forebays will be designed for on-site drainage. The project will also need to implement three Special Stormwater Criteria measures to meet the Yarmouth Creek Watershed Management Plan; see the “Ability to Guarantee the Development as Proposed” section above for discussion of this item. Additional details regarding stormwater management are shown on Sheet C5.0 of the Master Plan. In addition, for this location, staff finds that a NMP would be preferred and is recommended. The applicant has included provisions for a NMP in the Easement.

The Stormwater and Resource Protection Division has reviewed the proposal and generally concurs with the Master Plan as proposed.

*Cultural/Historic*

- A Phase I Archaeological Study for property at 7581 Richmond Road has been conducted and concluded that no further archaeological historic preservation efforts were necessary on site. The need for a Phase I Archaeological Study for the area within the limits of the construction of the proposed access road (located on 7606 Richmond Road) would be evaluated as part of the site plan in accordance with Section 24-145 of the Zoning Ordinance.

Nearby and Surrounding Properties

*Visual Impact*

- Staff finds that the proposed perimeter buffers mitigate visual impacts to other adjacent properties. Additionally, much of the

## REZONING-18-0004/HEIGHT LIMITATION WAIVER-18-0002. Oakland Pointe

### Staff Report for the December 5, 2018, Planning Commission Public Hearing

eastern portion of the parcel includes Resource Protection Area which provides an even larger buffer.

- The project is located on a CCC per the adopted Comprehensive Plan, and thus, provides a 150-foot wooded buffer along the Richmond Road frontage of the subject property.

#### Height

- See Height Limitation Waiver application discussion in Attachment No. 10.

#### COMPREHENSIVE PLAN

The property at 7581 Richmond Road is designated MDR by the adopted Comprehensive Plan. Recommended uses in MDR include multi-family units, apartments, recreation areas, manufactured home parks and subdivisions. The property at 7607 Richmond Road is designated MDR and Low-Density Residential (LDR) by the adopted Comprehensive Plan. Recommended uses in LDR includes single-family and multi-family units, cluster housing and recreation areas.

This application proposes a gross density of  $\pm 8.4$  dwelling units per acre. For MDR the Comprehensive Plan recommends “a minimum gross density of four units per acre up to 12 units per acre, depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of dwelling units proposed and the degree to which the development is consistent with the Comprehensive Plan. Development at this density is not recommended unless it offers particular public benefits. Examples of such public benefits include mixed-cost housing, affordable and workforce housing and enhanced environmental protection.” See the “Ability to

Guarantee the Development as Proposed” section above for discussion regarding the provision of public benefits and requested density bonuses.

- Richmond Road is a CCC. The project is within the Norge Community Character Area.
- Surrounding Comprehensive Plan Designations include LDR to the southeast, south and southwest (Villages at Candle Station, undeveloped land, Oakland Subdivision), Mixed Use (the CrossWalk Church parcel) and MDR (undeveloped land to the west and north across Richmond Road).

#### STAFF RECOMMENDATION

With the exception of modifying the existing traffic signal timing at the Croaker Road intersection, staff finds the requirements of the Easement along with the binding Master Plan, would mitigate impacts from this development. VDOT has indicated that they would modify the traffic signal timing if it was determined to improve the performance of the intersection. However, without knowing whether or not the Board of Supervisors will accept an Easement, staff cannot recommend approval of this application at this time.

The Board of Supervisors will consider the Height Limitation Waiver portion of this application. Proposed conditions have been included for this application as Attachment No. 11 for informational purposes as the Commission does not review Height Limitation Waiver requests.

---

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

**REZONING-18-0004/HEIGHT LIMITATION WAIVER-18-0002. Oakland Pointe**

---

**Staff Report for the December 5, 2018, Planning Commission Public Hearing**

JR/nb

RZ18-04HLW18-02OaklndP

Attachments:

1. Location Map
2. Master Plan
3. Community Impact Statement
4. Fiscal Impact Study
5. Parks & Recreation Exception Request
6. Traffic Impact Study
7. LOS Information for the Intersection of Richmond Road and Oakland Drive
8. LOS Information for the Intersection of Richmond Road and Croaker Road/Pricket Road
9. Proposed Easement
10. Height Waiver Application Discussion
11. Draft Height Waiver Conditions
12. Low Income Tax Credit Program Information
13. Citizen Correspondence

---

*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.*