

**REZONING-0007-2007. Powhatan Terrace**  
**MASTER PLAN-0005-2007. Powhatan Terrace**  
**SPECIAL USE PERMIT-0020-2007. Powhatan Terrace**  
**Staff Report for the March 25, 2008, Board of Supervisors Public Hearing**

*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.*

**PUBLIC HEARINGS**

Planning Commission:  
 Board of Supervisors:

**Building F Board Room; County Government Complex**

October 3, 2007, 7:00 p.m. (3-3 vote)  
 November 13, 2007, 7:00 p.m. (indefinitely deferred by applicant)  
 February 12, 2008, 7:00 p.m. (deferred by applicant)  
 February 26, 2008, 7:00 p.m. (deferred by the Board of Supervisors)  
 March 25, 2008, 7:00 p.m.

**SUMMARY FACTS**

Applicant: Mr. Vernon Geddy, III, on behalf of Associated Developers, Inc.

Land Owner: Investment Properties of Virginia, LLC

Proposal: The applicant has proposed to rezone three parcels of land to R-2, General Residential, with a Cluster Overlay and to construct six 2-story buildings containing a total of 36 townhouse units at a gross density of 2.18 dwelling units per acre.

Location: 1676 and 1678 Jamestown Road and 180 Red Oak Landing

Tax Map/Parcel Nos.: (47-3) (1-36), (47-3) (1-37), and (47-3) (1-39)

Parcel Size: 16.5 acres

Existing Zoning: LB, Limited Business (4.7 acres) and R-2, General Residential (11.8 acres)

Proposed Zoning: R-2, General Residential, with a Cluster Overlay

Comprehensive Plan: Low-Density Residential and Conservation Area

Primary Service Area: Inside

**STAFF RECOMMENDATION**

Staff believes this proposal will not negatively impact the surrounding properties. Staff believes the proposed densities meet the intention of the Comprehensive Plan with respect to offering particular public benefits to achieve a density of 2.18 dwelling units per acre. In staff's opinion, the public benefits include: lessened traffic on Jamestown Road when compared to potential by-right uses, appropriate buffer along a Community Character Corridor, preservation of mature trees along Jamestown Road, removal of underground storage tanks, off-site stream restoration money, parking lots located behind the buildings fronting on Jamestown Road, pedestrian trails, sidewalks, curb and gutter construction, implementation of the County's Archaeology Policy, implementation of the County's Natural Resource Policy, and implementation of the County's

Streetscape Guidelines. Based on this information, staff recommends that the Board of Supervisors approve this application with the acceptance of the voluntary proffers.

Staff Contact: Matthew J. Smolnik

Phone: 253-6685

### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission made a motion for approval, which resulted in a 3-3 vote at their October 3, 2007, meeting. A second vote resulted in a 6-0 decision to send this application to the Board of Supervisors with no recommendation, but with the following suggestions: 1) Correct the building type to "C" on the Master Plan; 2) Amend Proffer No. 17 to remove the existing underground storage tanks prior to the issuance of a final Certificate of Occupancy for any units developed on the property; and 3) Include more affordable housing units, as opposed to below market value units.

### **Proposed Changes Made Since Planning Commission Meeting**

1. The building type "C" is now correctly depicted on the Master Plan.
2. Proffer No. 17 has been amended to state the existing underground storage tanks will be removed prior to the issuance of any building permit for any structures on the property.

### **Proposed Changes Made Since February 25, 2008, Board of Supervisors Meeting**

1. The applicant has proffered \$300 for each dwelling on the property for off-site stream restoration in the Powhatan Creek Watershed.
2. Proffer No. 19 has been amended to state that the restricted units must be occupied by the owner or a family member of the owner. Short-term rental by the owner shall be permitted if the owner dies or is transferred out of the area.

**Proffers:** Are signed and submitted in accordance with the James City County Proffer Policy.

<b>Cash Proffer Summary (See staff report narrative and attached proffers for further details)</b>	
<b>Use</b>	<b>Amount</b>
Water	\$844 per residential unit
CIP projects (including schools)	\$1,000 per residential unit
Schools only	\$4,870 per residential unit
Off-site stream restoration	\$300 per residential unit
<b>Total Amount (2007 dollars)</b>	<b>\$252,504</b>
<b>Total Per Lot</b>	<b>\$7,014</b>

### **PROJECT DESCRIPTION**

Mr. Vernon Geddy, III, has applied on behalf of Associated Developers, Inc. to rezone approximately 16.5 acres located at 1676 and 1678 Jamestown Road and 180 Red Oak Landing from LB, Limited Business, and R-2, General Residential, to R-2, General Residential with a Cluster Overlay, with proffers. If approved, the developer will redevelop the property with six 2-story buildings containing a total of 36 townhouse units for sale. There are three properties being consolidated for the proposed rezoning. The two parcels nearest

Jamestown Road are currently zoned LB, Limited Business, and are currently vacant. The parcel furthest from Jamestown Road is currently zoned R-2, General Residential, and is currently undeveloped. The Comprehensive Plan defines gross density as the number of units divided by the total number of acres, which equates to 2.18 units per acre. This figure of 2.18 is used to compare the density of this development against the low-density residential standards of the Comprehensive Plan.

The Master Plan will bind the developer to the following key features of the development: total number of dwelling units; type of dwelling units, type and location of recreational amenities, open space, and LID sites. If the five buildings associated with this proposal contain a floor area that exceeds 30,000 square feet, the site plan will require development review committee review.

## **PUBLIC IMPACTS**

### **Archaeology**

The County archaeological policy is proffered.

### **Environmental**

#### **Watershed: Powhatan Creek**

#### **Proffers:**

- The applicant has proffered a Turf Management Program to be implemented in the proposed development. The Homeowners Association (HOA) will be authorized to develop, implement, and enforce the program, which will apply to both any private lawns and common areas under HOA control and may be enforced by either the County or the HOA.
- Development of a stormwater management plan is proffered with the use of low-impact development techniques utilized where feasible, in accordance with the Powhatan Creek Watershed Management (PCWM) Plan.
- The applicant has proffered to conduct a survey for rare, threatened, and endangered species on the property prior to any land disturbing activity.
- The applicant has proffered to remove the existing underground storage tanks on the property in accordance with applicable laws, regulations and ordinances prior to the issuance of the first certificate of occupancy.
- Each residential unit is proffered to be certified under the EarthCraft House Virginia certification process.
- The applicant has proffered \$300 for each residential dwelling unit to be used for off-site stream restoration in the Powhatan Creek Watershed.

**Staff Comments:** Proposed revisions as indicated in the current Community Impact Statement (dated September 18, 2007), the revised proffers, and revised master plan/concept drawings collectively have resulted in the Environmental Division having no further comment on the rezoning application in its current format. Staff believes that the applicant has met the intention of the Powhatan Creek Watershed Management Plan, believes that the proposal provides unusual environmental protection through several potential LID locations and adequately protects perennial and intermittent streams on the property. Staff has noted minor changes that can be addressed during the site plan development stage. Wetlands permits and Chesapeake Bay exceptions may be necessary for this project depending on the design.

### **Fiscal**

The applicant has indicated but not guaranteed (with the exception of three units) that the anticipated average sales price will be \$275,000 for the 33 of the 36 townhouse units for this development. Adjusting for the average sales price of the units and the school expenditures on a per student basis, results in a positive revenue flow to the County of \$314 per unit per year.

**Proffers:**

- A cash contribution of \$844 for each dwelling unit on the property shall be made to the James City Service Authority in order to mitigate impacts on the County from the physical development and operation of the property.
- A cash contribution of \$1,000 for each dwelling unit on the property shall be made to James City County to be used for CIP projects.

**Staff Comments:** Financial and Management Services has reviewed the Fiscal Impact Statement and concurs with the conclusion that, at build-out, the project would either break even or generate a modest positive fiscal impact.

**Housing**

The applicant has indicated that the anticipated average sales price will be \$275,000 for the 33 of the 36 townhouse units for this development.

**Proffers:**

- The applicant has proffered a minimum of three units shall be reserved and offered for sale at a sales price at or below \$195,000.

**Staff Comments:** Staff would prefer that the restricted units be offered for sale as affordable units as defined by the County by lowering the maximum sales price of these units.

**Public Utilities****Proffers:**

- A cash contribution of \$844 for each dwelling unit on the property shall be made to the James City Service Authority in order to mitigate impacts on the County from the physical development and operation of the property.
- Appropriate water conservation measures will be developed and submitted to the JCSEA for review and approval prior to any site plan approval.

**Staff Comments:** This site is served by public water and sewer. A preliminary water model will be completed and submitted to JCSEA prior to or with the site plan for their approval.

**School Facilities****Proffer:**

- Total contributions of \$4,870 per residential unit are proffered to the County for each residential unit developed on the property.

**Staff Comments:** According to the Public Facilities section of the Comprehensive Plan, Action No. 4 encourages through the rezoning, special use permit or other development processes (1) evaluation of the adequacy of facility space and needed services when considering increasing development intensities and (2) encouraging the equitable participation by the developer in the provision of needed services. With respect to item (1), the Board of Supervisors has adopted the adequate public school facilities policy. With respect to item (2), the County has identified methods for calculating cash proffer amounts for schools, recreation and water supply facilities.

Powhatan Terrace is located within the Rawls Byrd Elementary School, Berkeley Middle School, and Lafayette High School districts. Under the proposed Master Plan, 36 units are proposed. Per the adequate public school facilities policy all special use permit or rezoning applications should meet the policy for adequate public school facilities. The policy adopted by the Board uses the design capacity of a school, while the Williamsburg-James City County schools recognize the effective capacity as the means of determining student capacities. With respect to the policy, the following information is offered by the applicant:

School	Design Capacity	Effective Capacity	2005 Enrollment	Projected Students Generated	Enrollment + Projected Students
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Rawls Byrd Elementary	638	524	850	2.6	853
Berkeley Middle	725	816	890	1.5	892
Lafayette High	1,250	1,230	1,702	1.9	1,704

Based on the information provided by the applicant, both design and effective capacities are exceeded at Rawls Byrd Elementary School, Berkeley Middle School, and Lafayette High School. Although the design capacity of all three schools are clearly exceeded, the policy states that if physical improvements have been programmed through the County CIP then the application will meet the policy guidelines. A new middle school is scheduled to open in 2009; therefore staff believes this proposal meets the policy guidelines for the middle school level. Matoaka Elementary School and Warhill High School opened in September 2007 and staff believes that with the opening of the eighth elementary school and third high school, this proposal meets the policy guidelines for the high school level.

Staff contacted the Williamsburg-James City County School district to obtain updated student enrollment figures for the three schools that would serve Powhatan Terrace. As of September 18, 2007, the student enrollment for the three schools was: Rawls Byrd Elementary – 469 students, Berkeley Middle School – 827 students, and Lafayette High School – 1,272 students.

### **Parks and Recreation**

#### **Proffer:**

- The applicant has proffered to provide the recreational areas shown on the Master Plan along with other recreational facilities, if necessary, that meet the standards in the County's Recreational Master Plan. In lieu of such recreational facilities, the applicant has proffered to make cash contributions to the County in an amount determined pursuant to the County's Recreational Master Plan. All cash contributions for this proffer shall be used by the County for recreational capital improvements.

**Staff Comments:** The master plan indicates a passive recreational area, a 0.5 acre park, a mulch trail, and a 2,500-square-foot playground.

### **Transportation**

A traffic impact study was not required because the proposed project would not generate more than 100 peak hour trips. According to the trip generation rates, the proposed townhouse units will generate approximately 16 AM peak hour vehicle trips, approximately 19 PM peak hour vehicle trips and approximately 211 daily trips.

**2005 Traffic Counts:** Approximately 9,297 vehicles per day in this area of Jamestown Road.

**2026 Volume Projected:** 10,000 vehicles per day on a two-lane road.

**Road Improvements:** A left-turn lane and right-turn taper will likely be required on Route 31 based on existing volumes and anticipated site trip generation.

#### **Proffers:**

- There will be one entrance into the property to and from Jamestown Road. The applicant has proffered a northbound left-turn lane with a taper and transition and a southbound right-turn taper at the entrance to the property. The turn lanes will be constructed in accordance with VDOT standards and shall be completed prior to the issuance any certificates of occupancy.

**VDOT Comments:** VDOT agreed on the technical merits of the study and the general conclusions after reviewing the Master Plan and the traffic impact analysis. Their preliminary analysis indicates that warrants for a left-turn lane will be marginal based on existing PM peak hour volumes on Jamestown Road. However, due to periodic heavy opposing volumes from the ferry operations to the north, VDOT recommends that a northbound left-turn lane at the site entrance be constructed. VDOT also recommends that all improvements at the site entrance shall incorporate the existing shoulder bike lane.

**Staff Comments:** Staff concurs with VDOT. Staff notes, however, that the new turn lane will have impacts on the appearance of Jamestown Road. Jamestown Road currently has sufficient capacity to accommodate the development west of Neck O'Land Road, with volumes ranging from 7,072 to 10,100



vehicles per day. However the section east of Neck O'Land Road is in the "watch" category due to projected volumes above the road's capacity. The Comprehensive Plan states that "Residential or commercial developments that add significant traffic along this corridor beyond that currently planned is strongly discouraged" in recognition that more intensive development will negatively impact all of Jamestown Road. Despite the site's LB and R-2 zoning, it was deliberately designated for low-density residential use in the Comprehensive Plan due to traffic concerns on Jamestown Road. Staff believes that the intent of the Comprehensive Plan is to encourage developments that have less of a traffic impact than those uses permitted by existing zoning and more akin to the uses supported by the Low Density Residential land use description. Staff believes that one of the public benefits of this proposal will be the lessened volume of traffic created on Jamestown Road compared to the volume of traffic that may be generated by other potential uses on the property. Powhatan Terrace is predicted to produce 211 daily trips on Jamestown Road. By comparison, a by-right development consisting of 9,999 square feet of retail space and 11 single-family dwelling units is predicted to produce up to 549 daily trips on Jamestown Road. If the property was designed to accommodate the maximum Comprehensive Plan density of four dwelling units per acre, the site could generate up to 616 trips per day.

## **COMPREHENSIVE PLAN**

### **Land Use Map**

Designation	<p><i>Low Density Residential (Page 120):</i> Examples of acceptable land uses within the Low Density Residential designation include single-family homes, duplexes, cluster housing, recreation areas, schools, churches, community-oriented public facilities, and very limited commercial establishments.</p> <p><i>Conservation Area (Page 129):</i> Examples of preferred land uses within the Conservation Area designation include fish and game preserves, parks and other open space that complement the natural environment.</p> <p><b>Staff Comment:</b> The Comprehensive Plan identifies the land across from the Grace Covenant Baptist Church as an area which has inconsistencies between their Zoning and Land Use Map designations. These parcels include the site (partially zoned LB, Limited Business) and TK Oriental (zoned LB, Limited Business). The zoning was determined prior to or without recognition of the County's Land Use Map. Unlike the zoning for these parcels, the Comprehensive Plan designation for these parcels was deliberate after considerable analysis. It recognizes adjacent land uses, traffic conditions, zoning and a variety of other considerations. Given the traffic concerns and the fact that this area is predominantly residential in character, the low density residential designation is appropriate for this area and should remain unchanged.</p>
Development Standards	<p><i>General Land Use Standard #1 (Page 134):</i> To permit new development only where such developments are compatible with the character of adjoining uses and where the impact of such new developments can be adequately addressed.</p> <p><i>General Land Use Standard #4 (Page 134):</i> To ensure protection of sensitive resources areas such as watersheds, historic, and archaeological resources, through the use of better site design, buffers and screening.</p> <p><i>General Land Use Standard #7 (Page 134):</i> Require underground utilities in new developments.</p> <p><i>Residential Land Use Standard #1 (Page 137):</i> Ensure that gross housing densities are compatible with the local environment, the scale and capacities of public services, facilities and utilities available or planned, and the character of development in the vicinity.</p> <p><i>Residential Land Use Standard #6 (Page 137):</i> Locate residential development on internal roads as both an aesthetic and safety measure.</p> <p><b>Staff Comment:</b> The Powhatan Terrace project is compatible in size and scale to the neighboring Raleigh Square and provides a transitional area between moderate density residential development and the commercial development of TK Oriental. The front six acres of Raleigh Square has a density of 8.2 dwelling units per acre and contains 47 two-story attached units and two single-family detached dwellings. Appropriate environmental and Community Character Corridor buffers have been provided with this application. All new utilities will be placed underground. The 11.8 acres currently zoned R-2, General Residential, and the 4.7 acres currently zoned LB, Limited Business</p>

	are both designated Low Density Residential on the Comprehensive Plan due to traffic concerns along this section of Jamestown Road.
Goals, Strategies and Actions	<p><i>Strategy #2 (Page 138):</i> Ensure development is compatible in scale, size, and location to surrounding existing and planned development.</p> <p><i>Strategy #3 (Page 138):</i> Ensure that all land uses are located at appropriate sites in the Primary Service Area.</p> <p><i>Strategy #6 (Page 138):</i> Promote the use of land consistent with the capacity of existing and planned public facilities and services.</p> <p><i>Action #1 (Page 139):</i> Provide for low-density and moderate density residential development in appropriate locations inside the Primary Service Area.</p> <p><b>Staff Comment:</b> The Powhatan Terrace project is compatible in size and scale to the neighboring Raleigh Square and provides a transitional area between moderate density residential development and commercial development. The Powhatan Terrace property is located inside the PSA. The 11.8 acres currently zoned R-2, General Residential, and the 4.7 acres currently zoned LB, Limited Business, are both designated Low Density Residential on the Comprehensive Plan due to traffic concerns along this section of Jamestown Road.</p>

#### **Parks and Recreation**

Goals, Strategies and Actions	<p><i>Strategy #9 (Page 39):</i> Encourage new developments to proffer neighborhood and park facilities and trails as outlined in the Parks and Recreation Master Plan.</p> <p><i>Action #4 (Page 39):</i> New development should dedicate right-of-way and provide sidewalks, bikeways, and greenway trails for both transportation and recreational purposes.</p> <p><b>Staff Comment:</b> The master plan indicates a passive recreational area, a 0.5 acre park, a mulch trail and a 2,500-square-foot playground, which is consistent with the Parks and Recreation Master Plan.</p>
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#### **Environment**

General	<p><i>Natural Resources Protection and Management, Powhatan Watershed Management Plan (Page 47) and Action #18 (Page 67):</i> To fully implement the watershed protection and restoration goals and priorities identified in the Powhatan Creek Watershed Management Plan re-adopted by the Board of Supervisors on October 10, 2006.</p> <p><b>Staff Comment:</b> Staff believes that the applicant has met the intention of the Powhatan Creek Watershed Management Plan, believes that the proposal provides unusual environmental protection through several potential LID locations and adequately protects perennial and intermittent streams on the property.</p>
Goals, Strategies and Actions	<p><i>Strategy # 1 (Page 65):</i> Utilize existing techniques and develop new regulations and non-regulatory techniques to preserve the County's environmental quality.</p> <p><i>Strategy # 2 (Page 65):</i> Assure that new development minimizes adverse impacts on the natural and built environment.</p> <p><i>Action # 5 ( Page 65):</i> Encourage the use of Better Site Design, Low Impact Development, and Best Management Practices (BMPs) to mitigate adverse environmental impacts by reducing the rate of increase of impervious cover.</p> <p><i>Action # 18 (Page 67):</i> Fully implement the watershed protection and restoration goals and priorities identified in the Powhatan Creek Watershed Management Plan re-adopted by the Board of Supervisors on October 10, 2006.</p> <p><i>Action #23 (Page 67):</i> Encourage residential and commercial water conservation.</p> <p><b>Staff Comment:</b> Appropriate wetland buffers have been provided and there are several LID sites shown on the binding Master Plan. Staff believes that the applicant has met the intention of the Powhatan</p>

	Creek Watershed Management Plan, believes that the proposal provides unusual environmental protection through several potential LID locations and adequately protects perennial and intermittent streams on the property. Water conservation standards have been proffered by the applicant.
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#### Transportation

General	<i>Roadway Components of County Transportation Planning, Jamestown Road (Page 76):</i> Although traffic volume projections warrant the widening portions of Jamestown Road to a divided four-lane, the Comprehensive Plan recommends that this road be maintained as a two-lane facility. Residential or commercial development that adds significant traffic along this corridor beyond that currently planned is strongly discouraged.
	<b>Staff Comment:</b> The current proposal will produce an estimated 211 daily trips on Jamestown Road. This estimate is less than what may be produced with a by-right commercial development in conjunction with residential development on this property.
Goals, strategies and actions	<i>Goal #2 (Page 80):</i> Ensure that the transportation system supports a land use pattern that is consistent with the Comprehensive Plan.
	<i>Strategy #5 (Page 80):</i> Support the provision of sidewalks and bikeways in appropriate areas.
	<i>Action #5 (Page 81):</i> Encourage land use densities, intensities, and development patterns that recognize the capacities, roadway functional classification, and scenic corridor designations of existing and proposed roads.
	<i>Action #15 (Page 82):</i> Encourage the design of roads that allow automobiles, public transit, pedestrians, and bicyclists to coexist safely on roads and streets in residential and commercial areas.
	<b>Staff Comment:</b> The Comprehensive Plan suggests that the Powhatan Terrace property be developed in accordance with the Low Density Residential standards due to traffic concerns along Jamestown Road. The bike lane along Jamestown Road will be worked into the design of any required road improvements to Jamestown Road and sidewalks will be constructed along the interior roads and along the Jamestown Road frontage.

#### Community Character

General	<i>Community Character Corridors (Page 84):</i> The Comprehensive Plan designates Jamestown Road as a Community Character Corridor, which are roads that promote the rural, natural or historic character of the County. The County acknowledges that views along these roads can have a significant impact on how citizens and visitors perceive the character of the area and believes these roads warrant a high level of protection. This section of Jamestown Road is considered a Suburban Community Character Corridor. The objective of this type of Community Character Corridor is to ensure that the County retains a unique character and does not become simply another example of standard development. The predominant visual character of the Suburban Community Character Corridor should be the built environment and natural landscaping, with parking and other auto-related areas clearly a secondary component of the streetscape. Development in Suburban Community Character Corridors should not replicate standardized designs commonly found in other communities, but rather reflect nearby historic structures, a sensitivity to the history of the County in general and an emphasis on innovative design solutions. The scale and placement of buildings in relation to each other, the street and parking areas should be compatible. In these areas the Community Character Corridor designation suggests enhanced landscaping, preservation of specimen trees and shrubs, berming and other desirable design elements which complement and enhance the visual quality of the corridor.
	<b>Staff Comment:</b> Staff believes the Master Plan and proffers for Powhatan Terrace will adequately protect the Suburban Community Character of Jamestown Road. A 150-foot wide Community Character Corridor buffers enhanced with berms and landscaping has been proffered. Mature trees within the buffer are to be preserved and a streetscape package has been proffered to provide street trees. All new utilities will be placed underground and parking will be located behind the buildings, away from Jamestown Road. The turn lane and taper at the new entrance will widen the pavement along this section of Jamestown Road expanding the scale of the roadway from its current



	appearance.
Goals, Strategies and actions	<p><i>Strategy # 2 (Page 95):</i> Ensure that development is compatible in scale, size, and location to surrounding existing and planned development.</p> <p><i>Strategy #3 (Page 95):</i> Ensure that development along Community Character Corridors and Areas protects the natural views of the area, promotes the historic, rural or unique character of the area, maintains greenbelt networks, and establishes entrance corridors that enhance the experience of residents and visitors.</p> <p><i>Strategy #6 (Page 95):</i> Ensure that all new development blends carefully with the topography and surrounding vegetation, preserving unique formations, greenery, and scenic views.</p> <p><i>Action # 8 (Page 96):</i> Continue to require or encourage the planting of street/curb side streets.</p> <p><i>Action #11 (Page 96):</i> Continue to require underground utilities in all new developments.</p> <p><i>Action #24b (Page 97):</i> Maintain the small town, rural, and natural character by encouraging new developments to employ site and building design techniques that reduce their visual presence and scale. Design techniques include berms, buffers, landscaping and low visibility parking locations.</p> <p><b>Staff Comment:</b> The Powhatan Terrace project is compatible in size and scale to the neighboring Raleigh Square and provides a transitional area between moderate density residential development and commercial development. A 150-foot wide Community Character Corridor buffers enhanced with berms and landscaping has been proffered. Mature trees within the buffer are to be preserved and a streetscape package has been proffered to provide street trees. All new utilities will be placed underground and parking will be located behind the buildings, away from Jamestown Road.</p>

#### **Comprehensive Plan Staff Comments**

According to the 2003 Comprehensive Plan, low-density areas are residential developments or land suitable for such developments with gross densities up to one dwelling unit per acre depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of dwellings in the proposed development and the degree to which the development is consistent with the Comprehensive Plan. The Comprehensive Plan states, "In order to encourage higher quality design, a residential development with gross density greater than one unit per acre and up to four units per acre may be considered only if it offers particular public benefits to the community... Depending on the extent of the benefits, developments up to four units per acre will be considered for a special use permit". The R-1, Limited Residential, R-2, General Residential, and the Residential Cluster Development Overlay districts of the Zoning Ordinance specially permit developments with densities greater than one dwelling unit per acre. They are also the only zoning districts that specifically mention the benefits that must be provided in order to achieve densities up to four units per acre.

Staff believes that the proposed master plan with a gross density of 2.18 dwelling units per acre offers sufficient public benefits, such as lessened traffic on Jamestown Road when compared to potential by-right uses, appropriate buffer along a Community Character Corridor, preservation of mature trees along Jamestown Road, parking lots located behind the buildings fronting on Jamestown Road, pedestrian trails, sidewalks, curb and gutter construction, implementation of the County's Archaeology Policy, implementation of the County's Natural Resource Policy, and implementation of the County's Streetscape Guidelines to warrant a density greater than one unit per acre. The project will also remove the underground storage tanks on-site.

While the Comprehensive Plan uses gross acreage to calculate density, the applicant has also provided density calculations for this project with the removal of the land designated as Conservation Area on the Comprehensive Plan. There are 6.3 acres of land designated as Conservation Area, which when removed, leads to a density of 3.53 dwelling units per acre. It should be noted that this density calculation was requested of staff for comparison purposes only.

In accordance with Section 24-549(a) of the Zoning Ordinance, the Board of Supervisors may grant a SUP for residential cluster developments of more than two units per acre, but no more than three units per acre if the developer provides the following *with staff comments in bold italics*:

1. Implementation of the County's Streetscape Guidelines, *which has been proffered for Powhatan Terrace.*
2. Implementation of the County's Archaeological Policy, *which has been proffered for Powhatan Terrace.*
3. Provision of sidewalks along one side of all internal streets, *which has been proffered for Powhatan Terrace.*
4. Provision of recreation facilities in accordance with the County's Parks and Recreation Guidelines, *which has been proffered for Powhatan Terrace.*
5. Implementation of the County's Natural Resource Policy, *which has been proffered for Powhatan Terrace.* Additionally, the Department of Conservation and Recreation has searched its Biotics Data System for occurrences of natural resources on the property associated with this application. Due to the scope of the activities and the distances to the resources, the Department of Conservation and Recreation does not anticipate that Powhatan Terrace will adversely impact known natural heritage resources in the project area.
6. Provision of pedestrian and/or bicycle trails; *which have been proffered for Powhatan Terrace.*
7. Construction of curb and gutter design on all streets within the development; *which has been proffered for Powhatan Terrace.* This requirement may be waived or modified by the Planning Commission along those segments of road, including the entrance road, where structures are not planned.

In summary, staff believes Powhatan Terrace meets the criteria of the Cluster Overlay District to achieve the requested densities.

#### **RECOMMENDATION**

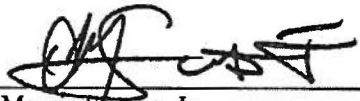
Staff believes this proposal will not negatively impact the surrounding properties. Staff believes the proposed densities meet the intention of the Comprehensive Plan with respect to offering particular public benefits to achieve a density of 2.18 dwelling units per acre. In staff's opinion, the public benefits include: lessened traffic on Jamestown Road when compared to potential by-right uses, appropriate buffer along a Community Character Corridor, preservation of mature trees along Jamestown Road, removal of underground storage tanks, off-site stream restoration money, parking lots located behind the buildings fronting on Jamestown Road, pedestrian trails, sidewalks, curb and gutter construction, implementation of the County's Archaeology Policy, implementation of the County's

Natural Resource Policy, and implementation of the County's Streetscape Guidelines. Based on this information, staff recommends that the Board of Supervisors approved this application with the acceptance of the voluntary proffers.

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Matthew J. Smolnik

CONCUR:



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O. Marvin Sowers, Jr.

MJS/nb  
PwhTerr\_032508

ATTACHMENTS:

1. Approved Planning Commission Minutes from October 3, 2007 (submitted with the February 25, 2008, Board packet)
2. Location Map
3. Master Plan dated June 1, 2007 (under separate cover)
4. Community Impact Statement dated September 18, 2007 (submitted with the February 25, 2008, Board packet)
5. Letter from Michael & Kensett Teller dated October 1, 2007 (submitted with the February 25, 2008, Board packet)
6. Email from Lakewood Homeowners Association dated October 3, 2007 (submitted with the February 25, 2008, Board packet)
7. Letter from Friends of Powhatan Creek date stamped October 3, 2007 (submitted with the February 25, 2008, Board packet)
8. Email from Sarah Kadec representing James City County Concerned Citizens; Coalition dated October 3, 2007 (submitted with the February 25, 2008, Board packet)
9. Letter from Andrew Burge and Bronwen Watts date stamped October 3, 2007 (submitted with the February 25, 2008, Board packet)
10. Email from John and Kathy Hornung to John McGlennon dated November 1, 2007 (submitted with the February 25, 2008, Board packet)
11. Proffers (dated February 13, 2008)
12. Resolution