

**MINUTES
YORK COUNTY PLANNING COMMISSION**

Regular Meeting
York Hall, 301 Main Street
November 13, 2013

MEMBERS

Glenn A. Brazelton
Melissa S. Magowan
Todd H. Mathes
Timothy D. McCulloch
Richard M. Myer, Jr.
Mark B. Suiter

CALL TO ORDER

Chair Mark B. Suiter called the meeting to order at 7:00 PM.

ROLL CALL

The roll was called and all members were present with the exception of Mr. Myer.

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

Chair Suiter led the Pledge of Allegiance.

APPROVAL OF MINUTES

Mr. Mathes moved to adopt the minutes of the regular meeting of October 9, 2013, and the motion was approved (5:0).

REMARKS

Chair Suiter stated that the Code of Virginia requires local governments to have a Planning Commission, the purpose of which is to advise the Board of Supervisors on land use and planning issues affecting the County. The responsibility is exercised through recommendations conveyed by resolutions or other official means and all are matters of public record. He indicated that the Commission is comprised of citizen volunteers, appointed by the Board, representing each voting district and two at-large members.

CITIZEN COMMENTS

There were no citizen comments.

PUBLIC HEARINGS

Application No. PD-36-13, Reserve at Williamsburg LLC: Request to amend the conditions of approval applicable to The Reserve at Williamsburg Planned Development, pursuant to Section 24.1-362(c)(7) of the York County Zoning Ordinance, by modifying the requirement that the properties shall be developed and operated as age-restricted senior housing and that no resident of any of the units in the development shall be under the age of nineteen (19). The applicant is requesting to remove this requirement from future phases of the project while retaining it for the existing Verena apartment complex located at 121 Reserve Way (Assessor's Parcel No. 5-18-1). The development consists of seven parcels, further identified as Assessor's Parcel Nos. 5-18-1, 5-18-2, 5-18-3, 5-18-4, 5-18-5, 5-18-6

and 5-18-7, located on the east side of Mooretown Road (Route 603) at its intersection with Reserve Way (private). The project is approved for a maximum of 459 dwelling units (approximately 7.8 units per residential acre), and no increase in residential density is proposed. The properties are zoned PDR (Planned Development Residential), and the Comprehensive Plan designates this area as Multi-Family Residential, which is intended to provide opportunities for a variety of multi-family housing types such as garden apartments, townhouses, duplexes, quadruplexes, etc., at a maximum density of ten (10) units per acre.

Timothy C. Cross, Principal Planner summarized the staff report to the Commission dated November 7, 2013, in which staff recommends that the Commission forward this application to the Board of Supervisors with a recommendation of approval subject to the conditions set forth in proposed Resolution No. PC13-26.

Mr. Brazelton asked if the applicant's traffic study had evaluated whether or not the additional traffic that would be generated by the project if the age restriction is removed would create a need for a traffic signal at the intersection of Reserve Way and Mooretown Road.

Mr. Cross responded that the increase in traffic would not come close to warranting a traffic signal.

Ms. Magowan asked if the minimum setback requirements for townhouses and single-family detached houses were reduced when the development was approved as age restricted housing.

Mr. Cross responded that the setback requirements were reduced a few years ago and again as part of an application considered by the Commission last June when the minimum front yard setbacks were reduced for townhomes, single-family detached homes, and duplexes.

Ms. Magowan asked if the decision to reduce the setbacks was based on the age restriction requirement. She asked if removal of the age restriction should cause the setback requirements to revert to the normal standards.

Mr. Cross responded that when the project was first approved in 2006, the applicant requested reductions in the setback requirements and that the Department of Fire and Life Safety had no objection as long as certain fire safety features were incorporated. He stated some of the members of the Board of Supervisors had concerns about the reduced setbacks and the developer addressed those concerns by promising to incorporate front porches in order to foster neighborhood interaction. He added that the Board of Supervisors recently approved an application to reduce the minimum front porch size for those units that had setbacks less than 30 feet.

Ms. Magowan said the reduced setback requirements were based on the community being age-restricted and that now the intent is to leave the reduced setbacks as they are but with no age restriction.

Mr. Cross said there is no intent to change the setbacks again and he noted that even if the age restriction is removed, the applicant would still be targeting the same age group.

Mr. McCulloch asked if the staff's analysis of the application's impact on school enrollment also took other projects into account, specifically the application to rezone the rear portion of the Marquis property for residential development.

Mr. Cross responded that these two projects are in different elementary school attendance zones but that both would be served by Queens Lake Middle School and Bruton High School, which appear to have

sufficient capacity to accommodate their projected impacts. He said staff has looked at all applications to determine the cumulative impacts on the schools.

Mr. McCulloch asked about the statement in the staff report noting that the project is not consistent with the 80,000 build-out population target set forth in the Comprehensive Plan.

Mr. Cross explained that removal of the age restriction would have some incremental impact on the population because the average household size will be larger. He added that the impact probably would not be significant with an estimated increase from 1.7 to 2.2 persons per household for up to 339 dwelling units. Mr. Cross also noted that any residential rezoning of property currently zoned for non-residential use would add to the maximum build-out population.

Mr. Mathes asked whether without the age restriction there would be a 25% open space requirement, and he asked how much open space is required under the current approval.

Mr. Cross responded that senior housing is required to provide 200 square feet of outdoor recreation space per unit and that this condition would continue to apply the Verena apartments since they are not proposed to change but for the remainder of the project the minimum would be 25%.

Mr. Mathes asked what the previous proffer offered for open space.

Mr. Cross noted that 200 square feet throughout the project would result in much less than what will be required under the 25% standard.

Mr. Mathes asked if the turn lane will be accordance with VDOT standards and if the developer is aware of the standards.

Mr. Cross said the developer is aware.

Chair Suiter asked if any comments were received from neighbors or any of the adjacent property owners.

Mr. Cross said no comments were received.

Chair Suiter noted that in addition to proffering that there would be no 3- or 4-bedroom apartments, the applicant also proffered that there would be no studio apartments.

Mr. Cross said that is correct.

Chair Suiter noted that the maximum building height is 69 feet for rental apartment buildings and 72 feet for condominium apartment buildings, and he asked how many stories that would be.

Mr. Cross said it would likely be four stories or fewer. He stated that the Verena apartments are four stories in height.

Chair Suiter asked how many stories would require an elevator.

Mr. Cross responded that he believed four stories or more would require an elevator. He added that it is not something that is dictated by the Zoning Ordinance.

Chair Suiter asked if there is anything in the conditions of approval to prevent the applicant from building just the apartments or just apartments and townhouses.

Mr. Cross responded that there is not, but he added that the developer currently has submitted a subdivision plan for the single-family detached section of the development, which is the next phase.

Chair Suiter asked if there are any sequencing requirements for construction and is there anything in the resolution to prohibit the applicant from building 459 apartments.

Mr. Cross responded that there are no sequencing requirements and that none of the approved concept plans for this development show apartments as a permitted use on every parcel.

Chair Suiter asked if the applicant is bound to the plans.

Mr. Cross responded that he is.

Mark Carter, Assistant County Administrator, added that staff would not administratively approve a plan that provides for nothing but apartments on the property because that would not be consistent with the approved concept plans.

Chair Suiter asked if the School Division had offered any comments on the application and its impact on the schools.

Mr. Cross said the School Division expressed concerns about the impact on Waller Mill Elementary School since that school is already operating at capacity.

Chair Suiter opened the public hearing.

Vernon Geddy, 1177 Jamestown Road, Williamsburg, spoke as the attorney for the applicant. He introduced Mr. Michael Milhaupt, Executive Vice President of First Centrum, who is one of the principals of the applicant. Mr. Geddy said there is no market for age-restricted housing and there was a need to modify the project to meet the market demands. He said the applicant wanted to work through the Comprehensive Plan process before the application was ready to bring to the Commissioners because the subject property was designated Economic Opportunity and now has been changed to Multi-Family Residential to recognize the existence of this project. He explained that the applicant is not proposing any physical changes to the plan but rather is just requesting to remove the age restriction. Mr. Geddy stated that the applicants understand there are impacts on traffic and schools and that conditions of approval would require them to build turn lanes into the project. He stated that the applicant has also provided a cash proffer to help offset the impact on the schools. The timing will work well with the schools improvements that are programmed while also proffering to limit the apartment sizes to attempt to keep the number of school children to a minimum. He added that the applicants have proffered to incorporate universal design features into the homes, which is desirable for empty nesters, and that even without the age restriction, the project will generate more tax revenue for the County than the cost of services provided to the residents.

Mr. Mathes asked about the construction timeline and if the single-family detached section would be developed next, followed by the townhouses and then the apartments.

Mr. Milhaupt, 21400 Ridgetop Circle, Sterling, Virginia, responded that there are 47 single-family detached lots under contract to Ryan Homes that would be delivered in the spring of 2014 and that there are 94 townhouse lots also under contract to Ryan Homes, which are planned to be delivered late next

year. He said Parcel 2, located behind the Verena apartments, would have up to 198 units and would be marketed to a builder as soon as the Board of Supervisors approved the application. With regard to open space, Mr. Milhaupt stated that the amount of open space shown on the plan has not changed very much and meets the Zoning Ordinance requirements.

Mr. Mathes asked if the construction phases will overlap.

Mr. Milhaupt responded that they will overlap and that they would like to have the apartments under construction next year.

Ms. Magowan said she understands that there is not a market for age-restricted housing and that the developer has to explore other opportunities. She said the Board of Supervisors approved changes to setbacks and designs based on The Reserve being an age-restricted community and that if it is no longer age-restricted then the applicant should follow the Zoning Ordinance requirements for a non-age restricted development. She asked what type of single-family detached homes will be designed for this development.

Mr. Milhaupt responded that Ryan Homes would be building age-targeted homes with universal design features but that the homes would not be age-restricted. He stated that the marketing of the single family homes will be geared toward seniors but the applicant did not want to preclude anyone from living in the development. He said the developer is still trying to create a sense of community within the development.

Chair Suiter referenced a statement in the staff report that in the last five years there have been an average 80 houses built in the upper County per year. He noted that the applicant plans to build 339 units and that there is another proposed development for another 650 units, totaling almost thousand units. He questioned the likelihood of a thousand families moving to the upper County in a relatively short time frame.

Mr. Milhaupt said they expect to build approximately six single-family homes and townhouses per quarter, so it will take some time for the project to be completed. He said Parcel 2 is going to be occupied by apartments that would all be built at one time. He said the units will not be built all at once but rather in phases and as the demand warrants. He also noted that the housing market is expected to be much more positive over the next five years than it was in the previous five years.

Chair Suiter noted that even in the five-year period before the housing slump, there were only 96 homes built in the upper County per year. He observed that according to the applicant's fiscal impact analysis, the absorption rate appears to be essentially the same with or without the age restriction, so he wondered why the applicant is seeking to remove the age restriction.

Mr. Milhaupt responded that the product type is different, noting that the Verena apartments are independent living senior apartments providing two meals a day to their residents along with utilities and activities. He stated that the average age of the residents is approximately 78 to 80 years old. He explained that the numbers he provided earlier are based on the applicant's contractual obligation to Ryan Homes. He stated that the apartment parcel will be sold in bulk and the apartments would be targeted to a different marketplace than the Verena apartments.

Chair Suiter asked about the applicant's ability to make changes to the product mix as stated in the fiscal impact analysis.

Mr. Milhaupt responded that the product mix would be based on market demand within the parameters established when the project was first approved. He noted, for example, that if single-family detached

homes are selling better than townhouses, then changes could be made to the mix and the number of units but only at the discretion of staff, the Planning Commission, and the Board of Supervisors.

Mr. Carter explained that any changes to the unit mix that are consistent with the approved concept plans can be approved administratively and that any other change would require the applicant to come back before the Planning Commission and the Board of Supervisors to request an amendment to the conditions.

Chair Suiter asked about the "marginal revenue/marginal cost" methodology referred to in the fiscal impact analysis.

Mr. Milhaupt responded that he would have to ask the consultant who prepared the fiscal impact analysis, who is not present tonight.

Chair Suiter noted that based on the numbers in the fiscal impact analysis, he calculated the per pupil school expenditure to be \$2,360, which he said is somewhat lower than the actual County share of the cost to educate a student in York County, and he asked how the numbers were derived.

Mr. Milhaupt said he would have to talk with his consultant about that.

Chair Suiter asked the applicant if he has read the resolution and agrees with the proposed conditions.

Mr. Milhaupt responded in the affirmative.

Chair Suiter asked if there were any citizens who wish to speak to this application.

Kevin Johnson, 619 Georgetown Crescent, Williamsburg, spoke as the Resort Manager at Wyndham Kingsgate and also on behalf of Wyndham Governor's Green, both of which are adjacent to The Reserve. He noted that the average age of the timeshare residents is 55 or older for most of the year, and he said the Board of Directors of both properties has concerns about the possibility of children, particularly teenagers, inhabiting The Reserve.

There being no one else wishing to speak, **Chair Suiter** closed the public hearing.

Mr. Mathes said this application appears to be consistent with the Comprehensive Plan and that the developer understands what the economic realities are and is trying to address them with this application.

Mr. McCulloch said the previous changes to the setback requirements that were approved were for an age-restricted development and he wondered if the Commission would be setting a dangerous precedent by approving a non-restricted residential development subject to requirements different from what the Zoning Ordinance requires.

Ms. Magowan echoed Mr. McCulloch's concerns, noting that the Comprehensive Plan review process indicated the main demographic group in York County is families with children and that the citizens were not in favor of smaller lot sizes and yet that appears to be the direction in which the County is headed. She felt the Commission needs to go back to the Zoning Ordinance and follow those requirements for this development.

Mr. Brazelton said he had mixed feelings about the request. He said he likes the porches and the universal design features that are targeted for people over 55 years old. He added that he was struggling with the setback issues, noting that the reduced front yard setbacks might actually make the units more attractive to families with children that would typically rather have a large back yard than a large front

yard. He said that what has been built so far is very attractive, including a nice clubhouse and pool, trails, sidewalks and open space that reflect the developer's desire to promote a sense of community.

Mr. Mathes commented that citizens' concerns about small lots tend to be in the lower County which has a higher population and housing density than the upper County. He added that the lot sizes in The Reserve are established and are not going to change.

Mr. Carter explained that not all the houses will have 20-foot setbacks. He stated that the requirement is that homes that are set back less than thirty feet (30') would have to have a porch. He stated that when the applicants came before the Commission last June, they indicated that there will be some staggering of the units throughout the development. He added that there is a minimum lot width for Planned Developments but no minimum lot size, which gives the developer some flexibility.

Mr. Brazelton noted that the applicant has adequately addressed the impact the development will have on the schools and that the project appears to be moving in the right direction.

Chair Suiter said the Verena apartments are very attractive and that he is confident that the rest of the project will be as well. He expressed concern that the property was originally zoned Economic Opportunity and then rezoned for residential development based on the age restriction but that now the Commission is being asked to change this piece of property to residential without any age restriction.

Mr. Brazelton noted that the project is not entirely residential since it has a commercial component that is yet to be developed.

Chair Suiter said has concerns about the school impact and the lot sizes, and he added that he believe the costs in the fiscal impact analysis are understated.

Mr. McCulloch said that if a project approved based on a premise, then if the premise is removed, it would seem logical to reconsider the entire project. He felt that this would set a bad precedent.

Ms. Magowan said that she has the same concern and that if this property is no longer to be age-restricted then the minimum setbacks and other requirements should be changed to conform to the Zoning Ordinance.

Mr. Brazelton stated that even without the age restriction, the units would include universal design features that are attractive to older residents.

Chair Suiter asked the applicant if the universal design features would be optional for home buyers or standard in all homes.

Mr. Milhaupt responded that those features would be included in all townhouses and single-family detached homes that have ground-floor master bedrooms and that there were also certain additional features that would be optional.

Ms. Magowan asked the applicant if he knows yet how many of the homes would be built with porches.

Mr. Milhaupt responded that if the Commission would like to change the front yard setback to 30 feet without a porch, then he is confident that Ryan Homes would be willing to build all the homes with no porches and meet that requirement. He said that he personally likes the idea of porches, adding that having a smaller front yard would give families the option of building an enclosed deck in the back. He also explained that the timing of this request was dictated by the Comprehensive Plan review schedule and that

There was no intent to deceive the Commission and the Board into changing the setback and porch requirements last summer based on the expectation that the units would be age-restricted.

Mr. McCulloch reiterated his concern about setting a precedent for other age-restricted development to come back and ask for the age restriction to be removed. He asked how many age-restricted developments have been approved in the County.

Mr. Carter explained that every Planned Development is unique and stands on its own. He stated that the Planned Development provisions are designed to be flexible and allow each development to be looked at separately. He also reminded the Commission that the Comprehensive Plan designation for this property has changed from Economic Opportunity to Multi-Family Residential, which provides an opportunity for up to 700 housing units, which is many more than the applicant is proposing.

Mr. McCulloch said in that case there would be no precedent set for other age-restricted developments if this application is approved.

Mr. Carter said that is correct and he stated that three other age-restricted communities have been developed in York County with a fourth that has been approved but has not yet been developed.

Mr. Brazelton moved adoption of PC13-26.

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO AMEND THE CONDITIONS OF APPROVAL FOR THE RESERVE AT WILLIAMSBURG PLANNED DEVELOPMENT ON MOORETOWN ROAD BY MODIFYING THE AGE RESTRICTION REQUIREMENTS

WHEREAS, the York County Board of Supervisors on September 5, 2006 approved Application No. PD-17-06 to authorize the establishment of a Planned Development consisting of a 63-acre independent living senior housing development with a 7.7-acre commercial center on property located on the east side of Mooretown Road approximately 2,030 feet west of the intersection of Mooretown Road (Route 603) and Waller Mill Road (Route 713) and further identified as Assessor's Parcel Nos. 5-18-1 (GPIN D16c-0176-0313), 5-18-2 (GPIN D16c-0531-0677), 5-18-3 (GPIN D16c-1123-1278) , 5-18-4 (GPIN D16c-1211-0942), 5-18-5 (GPIN D16c-1552-0671) , 5-18-6 (GPIN D15a-0393-4728), and 5-18-7 (D15a-0315-434); and

WHEREAS, the referenced ordinance specifies that the residential component of this Planned Development shall be developed and operated as age-restricted senior housing and no resident of any of the units in the development shall be under the age of nineteen (19); and

WHEREAS, Reserve at Williamsburg LLC has submitted Application No. PD-36-13 to amend the conditions of approval for the above-referenced Planned Development, set forth in Ordinance No. 06-18(R) and revised by Ordinance Nos. 09-20 and 13-10, by removing the age restriction requirements from future phases of the project while retaining them for the existing Verena apartment complex located at 121 Reserve Way (Assessor's Parcel No. 5-18-1); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 13th day of November, 2013, that Application No. PD-36-13 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the conditions of approval set forth in Ordinance No. 06-18(R), as amended by Ordinance Nos. 09-20, 12-9, and 13-10 for The Reserve at Williamsburg Planned Development located on the east side of Mooretown Road (Route 603) approximately 2,030 feet west of its intersection with Waller Mill Road (Route 713) and further identified as Assessor's Parcel Nos. 5-18-1 (GPIN D16c-0176-0313), 5-18-2 (GPIN D16c-0531-0677), 5-18-3 (GPIN D16c-1123-1278) , 5-18-4 (GPIN D16c-1211-0942), 5-18-5 (GPIN D16c-1552-0671) , 5-18-6 (GPIN D15a-0393-4728), and 5-18-7 (D15a-0315-434), as set forth below:

1. Age Restriction

~~The residential component of this Planned Development 7.3-acre parcel located at 121 Reserve Way and further identified as Assessor's Parcel No. 5-18-1 shall be developed and operated as age-restricted senior housing in accordance with the definitions of Senior Housing-Independent Living Facility and, as applicable, Senior Housing Assisted Living Facility set forth in Section 24.1-104 of the York County Zoning Ordinance. Furthermore, no resident of any of the units in the development on this parcel shall be under the age of nineteen (19).~~

2. General Layout, Design, and Density

- a) A site plan, prepared in accordance with the provisions of Article V of the Zoning Ordinance, shall be submitted to and approved by the Department of Environmental and Development Services, Division of Development and Compliance prior to the commencement of any land clearing or construction activities on the site. Said site plan shall be in substantial conformance with the conceptual plans titled "Master Plan Amendment for The Reserve at Williamsburg," prepared by AES Consulting Engineers and dated April 2, 2012 and revised May 1, 2013, except as modified herein. Substantial deviation, as determined by the Zoning Administrator, from the general design and layout as depicted on the "Non-Binding Illustrative Plan" or amended herein shall require resubmission and approval in accordance with all applicable provisions as established by the York County Zoning Ordinance. Limited deviations from the "Non-Binding Illustrative Plan" as depicted on the plan titled "Master Plan Amendment" prepared by AES Consulting Engineers, dated April 2, 2012 and revised May 1, 2013, shall be permitted.
- b) Architectural design of all residential structures, including the clubhouse, shall be in substantial conformance with the building elevations submitted by the applicant and titled "Architectural Renderings: The Reserve at Williamsburg," dated May 12, 2006, "BLDG, 'A'-Verena at Williamsburg," dated July 1, 2009, and "The Reserve at Williamsburg: Townhome Elevations," dated March 29, 2012, and the townhouse and single-family detached house elevations submitted by the applicant as part of the "Master Plan/Planned Development Amendment For The Reserve at Williamsburg" prepared by AES Consulting engineers and dated May 1, 2013, copies of which shall be kept on file in the York County Planning Division.
- c) The layout and design of the residential development shall be in conformance with the performance standards for senior housing set forth in Section 24.1-411 of the York County Zoning Ordinance, except as modified herein.

- d) The commercial center shall be developed in accordance with the standards for nonresidential uses within the PD district set forth in Section 24.1-361(h) of the Zoning Ordinance. Commercial uses in the development shall be consistent with the list of uses permitted in the EO-Economic Opportunity district, subject to the exclusions contained in the proffer statement submitted by the applicant and referenced herein. Furthermore, under no circumstance shall tattoo parlors, pawn shops or payday loan establishments be permitted on the property.
- e) The maximum number of residential units shall be 459.
- f) The maximum building height shall be 69 feet for rental apartment buildings and 72 feet for condominium apartment buildings.
- g) The minimum building separation for single-family detached, townhouse, and duplex units shall be twenty feet (20').
- h) In areas designated for single-family detached homes, the minimum distance between any principal building and any public or private street right-of-way shall be twenty feet (20'), provided that such single-family structure includes a covered front porch having a depth of at least four feet (4') and an area of at least fifty square feet (50 s.f.). In the event a front porch is not provided on the structure, the minimum setback shall be thirty feet (30').
- i) In areas designated for townhouses, the minimum distance between any principal building and any public or private street right-of-way shall be twenty feet (20').
- j) Freestanding signage for the residential portion of the project shall be limited to a single monument-type community identification sign along Mooretown Road measuring no greater than 32 square feet in area and six feet (6') in height. Signage for the commercial parcel shall be in accordance with the provisions for LB-Limited Business districts, as established in Section 24.1-703 of the Zoning Ordinance.
- k) For any rental apartment building, a minimum of one (1) off-street parking space per residential unit shall be required and no additional spaces shall be required for visitor parking provided that, pursuant to Section 24.1-604(b) of the Zoning Ordinance, an area equal to one-half of the difference between the number of parking spaces provided and the number that would otherwise be required in accordance with the requirements set forth in the Zoning Ordinance shall be reserved for a period of five (5) years following the issuance of a Certificate of Occupancy for such building and shall be maintained as landscaped open space during that time.

3. Streets and Circulation

- a) In order to provide for safe, convenient, and continuous pedestrian circulation throughout the development, a four-foot (4') wide sidewalk shall be constructed on at least one side of all private residential streets within the development and shall include pedestrian connections to off-road walkways and walking trails and to the commercial center.
- b) Street lighting shall be provided at each street intersection and at other such locations determined by the subdivision agent to maximize vehicle and pedestrian safety. The design of the street lighting shall be consistent with the design and character of the development.
- c) The developer shall install a 200-foot left-turn lane with a 200-foot taper and appropriate transitions on southbound Mooretown Road at the main road, as well as northbound right turn

~~tapers-lanes~~ on Mooretown Road at both the main road and the ~~right turn in/right turn out~~ commercial center driveway(150' ~~tapers~~), if such additional driveway is determined to be acceptable in accordance with Zoning Ordinance requirements. ~~The right turn in/right turn out driveway shall be constructed with an appropriate channelizing island.~~ Construction of all turn lanes shall be in accordance with the requirements and design standards of the Virginia Department of Transportation (VDOT) and shall occur prior to the issuance of a Certificate of Occupancy for any development on the commercial center parcel further identified as Assessor's Parcel No. 5-18-6.

- d) The main entrance shall include one dedicated left-turn lane and one dedicated right-turn lane for egress.
- e) The spacing from the edge of Mooretown Road to the first internal access point shall be 200 feet or greater, unless otherwise approved by the Virginia Department of Transportation.
- f) Pursuant to Section 24.1-255(b) of the Zoning Ordinance, the developer shall provide a transit bus shelter and pullout, the design and location of which shall be subject to the approval of the Williamsburg Area Transport.
- g) Pursuant to Section 24.1-252(b)(2) of the Zoning Ordinance, the ~~right turn in/right turn out~~ entrance to the commercial center depicted on the referenced plan shall be permitted only if the need for and safety of such is substantiated by a traffic impact analysis prepared in accordance with Section 24.1-251(b) of the Zoning Ordinance.

Utilities and Drainage

- a) Public sanitary sewer service shall serve this development, the design of which shall be subject to approval by the County Administrator or his designated agent in consultation with the Department of Environmental and Development Services and in accordance with all applicable regulations and specifications. The applicant shall grant to the County all easements deemed necessary by the County for the maintenance of such sewer lines.
- b) A public water supply and fire protection system shall serve the development, the design of which shall be subject to approval by the County Administrator or his designated agent in consultation with the Department of Environmental and Development Services and the Department of Fire and Life Safety in accordance with all applicable regulations and specifications. The applicant shall grant to the County or the City of Williamsburg all easements deemed necessary by the County for maintenance of such water lines.
- c) The development shall be served by a stormwater collection and management system, the design of which shall be approved by the County Administrator or his designated agent in consultation with VDOT and in accordance with applicable regulations and specifications. Any easements deemed necessary by the County for maintenance of the stormwater system shall be dedicated to the County; however, the County shall bear no responsibility for such maintenance.
- d) The property owners' association(s) shall own and be responsible for the perpetual maintenance of all stormwater retention facilities serving the Planned Development.

5 Open Space and Recreation

a) The location and arrangement of open space shall be generally as depicted on the plan titled "Master Plan for The Reserve at Williamsburg," prepared by AES Consulting Engineers, dated February 28, 2006, and revised May 12, 2006 and April 2, 2012 and revised May 1, 2013.

b) On the property located at 121 Reserve Way and further identified as Assessor's Parcel No. 5-18-1, a minimum of 200 square feet of common active/passive outdoor recreation area per dwelling unit shall be provided. On the other residential properties within the development, a minimum of 25% of the combined gross area shall be reserved as open space in accordance with the provisions of Section 24.1-361(e) of the Zoning Ordinance, and 10% of the combined gross area shall be reserved and developed specifically as a recreation area or areas set aside for the common use of the residents of the Planned Development. Said Outdoor recreation area(s) within the Planned Development shall include, at a minimum, the following facilities and amenities:

- Swimming pool (~~indoor or~~ outdoor)
- Covered pavilion
- Barbecue/picnic area
- Walking trails
- Fountains (2)
- Benches (10)
- Trellises (3)
- Yard game areas
- Gazebos (2)

c) Indoor recreational amenities shall consist of, at a minimum, a combined total of 8,250 square feet of indoor recreation space, including 2,775 square feet in the rental apartments and 2,475 square feet in the condominium/rental apartments and a 3,000-square foot clubhouse/recreation center, each with an exercise room, multi-purpose community room, bistro-style (non-commercial) kitchen, fireplace, and other amenities as set forth in written materials supplied by the applicant and dated May 12, 2006.

d) All common and public improvements within the development shall be subject to the standards governing timing, performance agreements, and surety requirements set forth in Sections 24.1-362(b)(3) and (4) of the Zoning Ordinance.

e) The location and manner of development for the recreation area shall be fully disclosed in plain language to all home purchasers in this development prior to closing.

f) All common open space and recreational facilities shall be protected and perpetual maintenance guaranteed by appropriate covenants as required in the York County Zoning Ordinance and submitted with development plans for the project.

6. Fire and Life Safety

a) In conjunction with the site plan submittals for this project, the developer shall submit a detailed description of the proposed features of the project and building design related to protection and safety of the residents, as well as operational procedures to ensure and facilitate the safety of the residents in the event of fire or other emergencies.

b) All rental and condominium apartment units shall be equipped with an approved (NFPA 13) fire suppression system throughout (including attic areas), underground vault(s), PIV(s), and FDC(s).

7. Proffered Conditions

The reclassification shall be subject to the conditions voluntarily proffered by the property owners in the proffer statement titled "Conditions Voluntarily Proffered for the Reclassification of Property Identified as a Portion of Tax Parcel Nos. 5-18-1 (GPIN D16c-0176-0313), 5-18-2 (GPIN D16c-0531-0677), 5-18-3 (GPIN D16c-1123-1278), 5-18-4 (GPIN D16c-1211-0942), 5-18-5 (GPIN D16c-1552-0671), 5-18-6 (GPIN D15a-0393-4728), and 5-18-7 (D15a-0315-434)." ~~05-00-00-052, GPIN D16c-1780-1578~~" signed by Michael Milhaupt Jackson C. Tuttle, Williamsburg City Manager and dated November 7, 2013 ~~May 25, 2006, except as modified herein.~~

8. Restrictive Covenants

Prior to final plan approval, the applicant shall submit restrictive covenants for review by the County Attorney for their consistency with the requirements of Section 24.1-497 of the Zoning Ordinance.

BE IT FURTHER RESOLVED, pursuant to Section 24.1-114(e) of the Zoning Ordinance, that a certified copy of the ordinance accepting the proffered conditions, together with a duly signed copy of the proffer statement, shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

Yea: (5) Brazelton, Suiter, Magowan, McCulloch, Mathes
Nay: (0)

Chair Suiter noted that some of the materials related to the next application on the agenda were received earlier today and not all of the Commissioners have had sufficient opportunity to review them. He stated that he would like to call a short recess to give himself and other Commissioners an opportunity to review the materials more closely. There being no objection, Chair Suiter, declared a short recess at 8:21 p.m.

At 8:35p.m., the meeting was reconvened in open session as ordered by the Chair.

Application No. PD-37-13, Marquis Williamsburg RE Holding LLC: Request to amend the York County Zoning Map, pursuant to Section 24.1-362 of the York County Zoning Ordinance, by reclassifying 100.7 acres of an approximately 113-acre parcel of land located at 900 Marquis Parkway on the east side of Interstate 64 south of the Route 199 (Marquis Center Parkway) interchange, further identified as Assessor's Parcel No. 11-4-12, from EO (Economic Opportunity) to PDR (Planned Development Residential) for the purpose of developing 650 dwelling units at a gross density of 6.46 units per acre. The applicant proposes a mix of housing unit types to include single-family detached units, townhouses, and apartment units. The Comprehensive Plan designates this area as Economic Opportunity with a Mixed Use overlay designation. The Economic Opportunity designation is intended to provide opportunities for a mix of office, light industrial, commercial, and tourist-related uses, while the Mixed Use overlay designation is intended to provide opportunities for a mix of retail, office, and residential uses – and different types of residential uses (i.e., detached, attached, and apartments) – within a single, relatively compact development under a unified, coherent master plan. The Comprehensive Plan does not set forth a specific density range for the Mixed Use overlay designation.

Timothy C. Cross, Principal Planner, summarized the staff report to the Commission dated November 13, 2013, in which staff recommends that the Commission forward the application to the Board of Supervisors with a recommendation of approval subject to the conditions set forth in proposed Resolution No. PC13-27.

Mr. McCulloch asked if Marquis Parkway would separate the townhouses from the apartments.

Mr. Cross said that as depicted on the concept plan, Marquis Parkway would separate the townhouses from the apartments except in the area of the I-64 ramp where the townhouses would be on the same side of the road as the apartments. He added that Marquis Parkway would be used to access all three sections of the residential development as well as the school site.

Mr. Mathes inquired about the developer's request to reduce the minimum distance between principal buildings from twenty (20) to fifteen feet (15), which would make the side yard setback 7.5 feet. He asked if the developer ever discussed how a twenty-foot (20') building separation would affect the lot yield for the single-family detached homes.

Mr. Cross responded that there has been no discussion with the developer about and how the standard building separation requirement would affect the lot yield. He added that the County has some experience with 15-foot building separations in some developments, noting that it was the minimum standard in cluster subdivisions for a few years.

Mr. Mathes asked how large the houses could be if the lot size is proposed to be approximately 4,000 square feet.

Mr. Cross responded that the standard lot in the project would be 45 feet wide and 90 feet deep with a 7.5 feet side yard setback, which would allow a maximum building footprint of 30 feet by 60 feet, which would be 1,800 square feet for a one-story home and 3,600 square feet for a two-story home.

Ms. Magowan said there do not seem to be very many recreational facilities offered within this development. She asked if there are any other Planned Developments in the County that do not offer a pool to their residents.

Mr. Cross said there are Planned Developments that were approved under the Affordable Housing Incentive Provisions that do not have pools but that most large Planned Developments have at least one pool as well as tennis courts and clubhouses.

Mr. Brazelton said he could not recall any recently approved Planned Developments where the pool did not serve the entire community. He said he is concerned about the recreational amenities but that his biggest concern is the impact on the schools. He asked if there had been any coordination with the School Division regarding the proffered school site.

Mr. Cross responded that there have been some high level discussions between the County and the School Division but that since the school site proffer is a fairly recent development, the School Division has not had sufficient opportunity to evaluate the suitability of the site for a school. He said the School Division is aware of the proposal and is currently studying it.

Mr. Brazelton said according to the Capital Improvement Program (CIP), the Waller Mill School project is a sizable project.

Mr. Cross responded that the project has a cost estimate of \$6.8 million dollars, which includes not just the nine classrooms but HVAC repairs, asbestos abatement, and a gymnasium. He said the classroom component is estimated to cost approximately \$400,000.

Mr. Brazelton said that to build a school on the proposed Marquis site would be a substantial expense that is not currently programmed in the CIP.

Mr. Cross responded that the School Board has requested approximately \$18 million for a new elementary school to be built on property that it owns behind Yorktown Middle School that is approximately the same size as the proffered Marquis site. He said this request has been in the School Board's proposed CIP for several years but not in the County's adopted CIP because of a lack of funds.

Mr. Brazelton said the Waller Mill project is scheduled for FY2016 and at this point there is not any funding programmed for the Yorktown Middle School site or the new proposed school site. He said the future elementary school is not projected to be built before 2018.

Mr. Cross said that was correct. He added that this Planned Development would not have an immediate impact on the school system because of the projected four-year absorption period, which staff feels might be unrealistically short.

Chair Suiter asked how big the smallest single-family lot in the County is.

Mr. Cross responded that Vineyard Heights has the smallest subdivision lot, many of which are 4,800 square feet in area. He noted that Vineyard Height was a very unusual case involving very small lots that were platted many years ago and combined into buildable lots by the developer. He added that Vineyard Heights was permitted as a matter of right under the existing zoning, so no approval from the Board of Supervisors was necessary.

Chair Suiter noted that the Community Impact Statement states that Marquis Parkway and all internal streets on the South Pod would be maintained by the homeowners' association (HOA). He asked if this is a departure from the normal practice whereby the developer turns the streets over to VDOT.

Mr. Cross responded that it is. He explained that Marquis Parkway has been designed and built as a private road, so all the roads extending from it will also have to be private because VDOT will not accept them into the state secondary road system. He said that responsibility for maintaining these roads would fall on the property owners associations and the owner of the apartment project.

Chair Suiter asked if the private road would have any impact on schools and he wondered how much the HOA dues might need to be in order to maintain those roads.

Mr. Cross responded that it is very unusual to have a public school accessed from a private road, so he did not know how it would affect the school site. With regard to the HOA dues, he noted that the proposal alleviates some of the financial impact on the homeowners by maintaining the Economic Opportunity zoning on a portion of the South Pod east of the large wetland area. He explained that this ensures that the commercial area property owners rather than the residents will bear the responsibility for maintaining the road across the swamp.

Chair Suiter opened the public hearing.

Greg Davis, attorney with Kaufman & Canoles, 4801 Courthouse Street, Williamsburg, spoke as the attorney for the applicant, Shawn Todd, and introduced the project team, including his colleague Will Holt

(Kaufman and Canoles), project engineer Steve Romeo with VHB, and traffic engineer Deborah Lenceski, also with VHB, 351 McLaws Circle, Williamsburg. He said that all were available for questions. Mr. Davis stated that the south pod is isolated and that is why the best land use is residential. He said a prospective big box retailer did not want to locate in the south pod but they would like to see residences in the immediate area, which would provide sustainability to the shopping center. He said the development, including the commercial and residential components, would have a positive net fiscal impact of \$30 million dollars in new revenue over the next ten years. He stated that the development has been designed to minimize school impacts by incorporating features intended to make the project attractive to retirees, empty nesters, and young couples and singles without children. Mr. Davis stated said that although the applicant's consultant and County staff disagree as to the magnitude of this project's impact on school enrollment, the applicant has proffered a seven-acre school site to help mitigate the impact. Mr. Davis said the traffic engineer has determined that the additional traffic that would be generated by the housing is substantially less than what would be generated under the approved plan for the south pod and that the two-lane design of Marquis Parkway is more than adequate to accommodate the traffic.

Mr. Brazelton said he looked at the web site for Todd Interests and was impressed with Mr. Todd's commercial developments. He asked if the applicant had experience in residential development.

Shawn Todd, 400 North Ervay, Dallas, Texas, said that from 1991 through 2007, he has developed over 20,000 single-family detached home lots in Texas. He said many developers have been broken during that period and that he has learned to form partnerships with the best builders in the marketplace. He said he has been in extensive conversations with HHHunt in Richmond, who he said is a quality builder who understands this market. Mr. Todd noted that this project is unique in that it is bordered by two interstate interchanges, a major military installation, a waterpark, and a large retail center, and that it has no visibility from the interstate because of topography. He said this project has smaller lot sizes and reduced setbacks because they meet the demands of current home buyers.

Mr. Brazelton said he understands who the applicant's target audience is for this development but he feels that the development lacks the community feel that people are looking for when they buy a home, and he cited the lack of a pool or clubhouse, which are typically found in Planned Developments.

Mr. Todd responded that there was a trend toward the village concept in 2006 and 2007 but that in most cases it simply does not work, and he noted the struggles with the latter phases of New Town in James City County. He said retailers generally do not like the concept of having residential units above. Regarding the sense of community, he said the builder feels that the active young professionals who will be targeted to the development are more likely to be out biking, boating, or traveling than to go to a community clubhouse or pool.

Mr. Brazelton said the estimated impact on the schools is between three and five classrooms, which could cost up to \$2 million, and that there are currently no plans or funding to expand Magruder Elementary School. He stated that he feels the school impact is a major issue with regard to this application. He also said he that he is satisfied with the information provided by the applicant relative to traffic concerns.

Mr. Todd responded that he understands this concern and that he and the staff have a difference of opinion on the magnitude of the school impact. He added that the combined revenues from the residential and commercial components will have a positive fiscal impact on the County and that he has proffered to dedicate an elementary school site to the County.

Mr. Mathes asked how large the single-family detached homes would be.

Mr. Todd responded that they would likely be between 2,500 and 3,000 square feet and that most homes would be two stories high.

Mr. Mathes stated that these would be relatively large houses on relatively small lots, and he asked about the rationale for the reduced building separation.

Mr. Todd responded that the housing market has changed over the last twenty years and that today's home buyers are less interested in land than they are in the structure and its amenities.

Mr. Mathes asked how a 20-foot building separation would affect the number of lots.

Mr. Todd responded that his project engineer estimated that it would mean a loss of sixteen lots.

Mr. Mathes commented that the spacing between the homes seems tight.

Chair Suiter asked the applicant if he had read the letter from Captain Crow, Commanding Officer of the Naval Weapons Station,.

Mr. Todd said he has not read the letter but is aware of its contents. He stated that he had spoken with both Captain Crow and Drew Robins, Deputy Public Works Officer of the Naval Weapons Station, and that they expressed no concerns about the proposed development.

Chair Suiter said the letter states that the Navy does not object to the development but that it does feel the developer should consider an alternative site plan because of some of the training that is done in the area and a proposed firing range would affect the residential development and school property.

Mr. Todd said he is aware of the noise caused by Navy activities but that he is not concerned about it because it will be mitigated by topography and distance. He noted that the proposed rifle range is not yet funded and that no environmental or noise studies have been completed.

Chair Suiter asked what the difference is between a resort-style or lap pool and a competitive pool. He asked if swim teams would be able to use a resort/lap pool for their swim meets.

Mr. Todd responded that a lap pool has a singular two-lane lap area at one end and a larger community space at the other. He said these types of pools are usually seen in a large resort and that swim teams would not be able to use the pool.

Chair Suiter asked the applicant if he has read the proposed conditions of approval and if he is in agreement with them.

Mr. Todd said he is in agreement with the proposed conditions.

Ms. Magowan said she has more concerns about the residential development than the commercial development. She stated that York County has certain requirements for Planned Developments, which typically include a pool, two tennis courts, a playground, picnic facility, a multi-purpose activity field, and walking and bicycle trails unless the Board of Supervisors chooses to waive those requirements. She said for a Planned Development there should be more amenities such as a pool for all the residents. She made reference to the Reserve at Williamsburg and all the amenities provided to the residents.

Mr. Todd responded that the Reserve at Williamsburg and the Marquis residential development are at two completely different price points with two different types of customers and types of products.

Mr. McCulloch asked if there were any pictures or renderings for the proposed apartments.

Mr. Davis said there are no drawings because they a builder for the apartments has not yet been selected.

Mr. Todd added that he has been driving around looking at different apartment complexes in the area to determine which builder to use for this phase of the development. He also said he plans to target the apartments to younger consumers by building mostly one- and two-bedroom apartments.

Mr. McCulloch asked what the building sequence of the development would be.

Mr. Todd said the single-family detached homes would be built first, followed by the apartments.

Chair Suiter closed the public hearing.

Mr. McCulloch asked about the difference between the current plan and the previous plan, noting that it appears the proposed school site took the place of a site for amenities.

Mr. Carter responded there is no change between the two plans regarding the basic requirement that at least 10% of the gross area is set aside as recreational space.

Mr. McCulloch said it appears the applicant shifted the amenity site in order to make room for the proffered school site.

Mr. Brazelton said there were 40.4 acres of open space in the previous plan and the proposed school site is only 6.5 acres.

Mr. McCulloch asked if the school site proffer was really going to help with the impact on the schools, and he stated he would have preferred to see a cash proffer similar to the one offered by the developers of The Reserve at Williamsburg.

Mr. Brazelton said the key issue is the impact on the schools and how will the problem be solved. He said that land alone does not address the problem.

Ms. Magowan said everyone wants the Marquis development to be revitalized and she realizes this is an awkward piece of land and not easily developed. She also said that the developer is proposing very small lots with reduced setbacks and limited recreational amenities, and she added that rezoning land from Economic Opportunity to Planned Development Residential would add to the maximum build-out population target of 80,000. In addition, she noted the potential cost of building a new school as well as potential noise conflicts with the Naval Weapons Station. She stated that the Commission needs to balance the positive aspects of the proposal against these challenges to determine if this application is in the best interest of the County.

Mr. Mathes expressed concern about the reduced side yard setbacks, stating that large houses separated by only fifteen feet seems very cramped to him and that he would prefer a 20-foot minimum building separation.

Chair Suiter responded that his concerns relate to the large number of homes being built in a small space, the lack of amenities, and the cost of building a new school. He said he would like to see a residential development be built on this site, but he does not like this one, and an additional five feet of building separation would not make a difference to him.

Mr. Mathes said he is less concerned about the school impact. He stated that as the County continues to grow, additional school capacity will be needed, and that there are different tools that can be used to accommodate growth until a new school can be planned for and funded.

Mr. Brazelton agreed that planning for new schools needs to occur, but he stated that the School Division is not even aware of the proffered school site.

Mr. Carter responded that the School Division is aware of it and that the School Superintendent did in fact discuss it with the County Administrator late this afternoon.

Mr. Brazelton asked what the School Superintendent said about the proffered site.

Mr. Carter said he did not know because he was not involved in the conversation.

Mr. Brazelton questioned whether six acres is a viable solution for the school impact.

Mr. Mathes said that six acres is a little small for a school site but that one option would be to build a two-story school. He said he is ambivalent to the actual acreage.

Mr. Carter said the proffered school site is approximately the same size as the School Board's proposed elementary school site behind Yorktown Middle School.

Mr. Mathes said that to delay or deny this development because there is not currently a school to accommodate it is looking at the wrong aspect of the application.

Mr. McCulloch responded that this is a discussion about property that is not residentially zoned and adding 650 homes, so school impacts are one of several important components that need to be considered before this application can be approved. He said it appears the County would be giving up a lot of requirements that are in the Zoning Ordinance in order to satisfy the developer.

Ms. Magowan said she appreciates the proffered school site but that there are too many other issues, such as the small lot sizes and setbacks and the limited recreational amenities. She also expressed concern about rezoning land from Economic Opportunity to Planned Development Residential when what the County really needs is more businesses. She stated that she would like the applicant to revise the application and bring it back to the Commission for consideration. She stated that she would not support the application the way it is currently written.

Mr. Carter noted that the area was designated as a possible Mixed Use area in the Comprehensive Plan, which suggests that some residential development could be appropriate. He noted that any mixed-use development will have an impact on the schools.

Chair Suiter said a Mixed Use Overlay does not guarantee that residential development will be approved.

Mr. Carter said that is correct, but he added that the approval of any project in one of the areas designated for mixed use would bring residential development that is different from the underlying zoning since almost all of these areas are zoned for commercial development.

Mr. Mathes moved adoption of PC13-27.

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO REZONE APPROXIMATELY 100.7 ACRES LOCATED AT 900 MARQUIS PARKWAY FROM ECONOMIC OPPORTUNITY TO PLANNED DEVELOPMENT RESIDENTIAL

WHEREAS, Marquis Williamsburg RE Holding LLC has submitted Application No. PD-37-13, which is a request to amend the York County Zoning Map by reclassifying approximately 100.7 acres of an approximately 112.6-acre parcel of land located on the east side of Interstate 64 south of the Route 199 (Marquis Center Parkway) interchange, further identified as Assessor's Parcel No. 11-4-12 (GPIN I13c-0012-1173), from EO (Economic Opportunity) to PDR (Planned Development Residential); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 13th day of November, 2013, that Application No. PD-37-13 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the York County Zoning Map by reclassifying from EO (Economic Opportunity) to PDR (Planned Development Residential) approximately 100.7 acres of an approximately 112.6-acre parcel of land located on the east side of Interstate 64 south of the Route 199 (Marquis Center Parkway) interchange, further identified as Assessor's Parcel No. 11-4-12 (GPIN I13c-0012-1173) and more fully described below:

Beginning at the common corner with Parcel 3 and Interstate 64 Interchange 243 Entrance Ramp, having coordinates of North: 3620563.0097, East: 12023893.9367' Virginia State Plane South Zone (NAD 83); Thence departing the common corner with Parcel 3 and Interstate 64 Interchange 243 Entrance Ramp and running along the common line with Parcel 3 N57° 09' 09"E A distance of 539.15' feet to a point; Thence N32° 50' 51"W a distance of 300.00' feet to a point; Thence N51° 19' 44"E a distance of 199.24' feet to a point; Thence N82° 00' 13"E a distance of 343.27' feet to a point; Thence N71° 32' 57"E a distance of 300.00' feet to a point; Thence S42° 25' 44"E a distance of 697.76' feet to a point; Thence N42° 54' 54"E a distance of 327.09' feet to a point; Thence N33° 32' 35"E a distance of 338.00' feet to a point; Thence N78° 31' 22"E a distance of 351.65' feet to a point; Thence N63° 47' 04"E a distance of 82.53' feet to a point on the centerline of stream and survey tie line being the common corner of Parcel 3 and U.S. Naval Mine Depot; Thence following the centerline of stream being the common line with U.S. Naval Mine Depot along survey tie line S5° 56' 49"E a distance of 190.13' feet to a point; Thence S60° 39' 47"W a distance of 123.56' feet to a point; Thence S11° 28' 33"W a distance of 393.76' feet to a point; Thence S51° 11' 08"E a distance of 305.20' feet to a point; Thence S2° 04' 54"E a distance of 2285.71' feet to a point on the center line of stream; Thence departing the centerline of stream and survey tie line and continuing along the common line with U.S. Naval Mine Depot S19° 37' 36"W a distance of 287.97' feet to a point; Thence S14° 13' 15"W a distance of 102.41' feet to a point; Thence S4° 00' 16"W a distance of 157.77' feet to a point; Thence S22° 49' 56"W a distance of 146.17' feet to a point; Thence S25° 47' 20"W a distance of 375.73' feet to a point being the common corner of U.S. Naval Mine Depot and Interstate 64 Interchange 243 Entrance Ramp; Thence departing common corner with U.S. Naval Mine Depot and Interstate 64 Interchange 243 Entrance Ramp and running along the common line with Interstate 64 Interchange 243 Entrance Ramp N1° 43' 14"E a distance of 935.34' feet to a point; Thence N15° 46' 21"W A distance of 145.60' feet to a point; Thence N0° 10' 22"E a distance of 290.00' feet to a point;

Thence N18° 21' 00"E A distance of 144.24' feet to a point; Thence N22° 22' 05"W a distance of 273.95' feet to a point; Thence along a curve to the left having a Radius of 608.00', an arc length of 791.2', Delta 74° 33' 41", cord bearing of N65° 28' 40"W, and cord distance of 736.56' feet to a point; Thence S65° 22' 19"W A distance of 281.09' feet to a point; Thence S65° 44' 20"W a distance of 88.77' feet to a point; Thence N80° 20' 46.36"W a distance of 196.42' feet to a point; Thence N44° 40' 08"W A distance of 108.89' feet to a point; Thence S85° 12' 18"W a distance of 87.22' feet to a point; Thence N31° 25' 31"W a distance of 452.53' feet to a point; Thence N39° 00' 24"W A distance of 151.33' feet to a point being the common corner of Interstate 64 Interchange 243 Entrance Ramp and Interstate 64 Interchange 242-B Exit Ramp; Thence departing the common corner of Interstate 64 Interchange 243 Entrance Ramp and Interstate 64 Interchange 242-B Exit Ramp and running along the common line with Interstate 64 Interchange 242-B Exit Ramp N31° 22' 34"W a distance of 491.32' feet to a point; Thence N29° 36' 06"W a distance of 199.87' feet to a point; Thence N32° 50' 51"W a distance of 95.40' feet to point of beginning.

BE IT FURTHER RESOLVED that the reclassification shall be subject to the following conditions:

1. General Layout, Design, and Density

- a) The development shall be designed and constructed in accordance with the provisions of 24.1-361, Planned Development Residential district, except as modified herein.
- b) A site plan or subdivision plan, prepared in accordance with the provisions of Article V of the Zoning Ordinance or Chapter 20.5, Subdivision Ordinance, shall be submitted to and approved by the Department of Environmental and Development Services, Division of Development and Compliance prior to the commencement of any land clearing or construction activities on the site for each phase of the development. Except as modified herein, said site plan or subdivision plan shall be in substantial conformance with the overall development master plan titled "South Pod Concept Plan," prepared by VHB and dated November 12, 2013.
- c) The maximum number of residential units shall be 650, including approximately 300 apartments, 189 townhouses, and not more than 161 single-family detached units.

2. Residential Area Design Parameters

- a) The minimum lot width for single-family detached homes shall be 45 feet, provided, however, that a minimum lot width of 35 feet shall be permitted for up to 5% of the lots.
- b) The minimum front yard setback for single-family detached and single-family attached homes shall be twenty feet (20').
- c) The minimum rear yard setback for single-family detached homes shall be ten feet (10'). Attached decks or porches shall be subject to the 10-foot setback requirement
- d) The minimum building separation between any two principal buildings, including attached decks or porches, shall be fifteen feet (15') single-family detached homes and single-family attached homes, provided, however, that where two adjacent structures are separated by less than twenty feet (20'), the following conditions shall be met:
 1. Structures shall be constructed with an approved NFPA 13R Sprinkler System, and/or

2. All adjacent facing walls shall be constructed with an approved fire-resistive exterior finish (or other approved alternatives) and said fire-resistive construction shall include associated projections (cornices, eaves, overhangs, fireplaces, etc). This shall include the projections for the fireplaces extending into the fifteen-foot (15') separation. Furthermore, in order to accommodate design features, a limited percentage (exact percentage to be determined by the Department of Fire and Life Safety) of the fire-resistive section of the structure could be allowed to have unprotected openings.

e) The minimum side yard setback for single-family detached homes shall be 7.5 feet.

f) The maximum building height for multi-family residential structures shall be 75 feet.

3. Streets and Roads

Shoulder bike lanes with a minimum width of four feet (4') shall be provided along both sides of Marquis Parkway between the northern parcel boundary and the single-family detached section of the development.

4. Fire and Life Safety

All roads and parking lots shall be designed to accommodate the turning radius of large fire and rescue apparatus.

5. Open Space and Recreation

a) Common open space shall be provided as generally depicted on the reference Concept Plan and in accordance with the provisions set forth in Section 24.1-361.1(e) of the Zoning Ordinance. In no event shall the amount of common open space be less than 25% of the total gross area of the planned development.

b) Recreational facilities shall be in accordance with the provisions set forth in Section 24.1-361(e)(3), with the following exceptions:

i) A swimming pool shall be provided specifically for the proposed apartment units shall be a resort-style or lap pool. Nothing herein shall preclude the developer or developers from voluntarily making arrangements and agreements that would enable residents of other portions of the development to have access to the apartment project pool.

ii) In lieu of the otherwise required tennis courts and playgrounds, a minimum of two (2) outdoor activity facility areas designed for activities such as community picnic shelters, barbecue grilling areas, horseshoe pits, etc. shall be provided. Such facilities shall be located so as to be visible for security and safety purposes, easily accessible for residents and for maintenance, and located or buffered so as not to create the potential for adverse impacts (e.g., noise, lack of privacy, security, etc.) on any adjoining residential properties.

iii) Notwithstanding the provisions of Section 24.1-361(e)(3)d of the Zoning Ordinance, portions of recreation areas may be located in areas containing fuel, power, or other transmission lines and rights-of-way provided that those utility features do not interfere with or create hazards for use of the recreational facilities.

5. Environment

- a) Prior to the approval of any site plans for this development, the developer shall submit a Natural Resources Inventory of the property prepared in accordance with Section 23.2-6 of the York County Code and evidence of all environmental permits.
- b) Any proposed disturbance of wetlands on the property shall require a permit from the U.S. Army Corps of Engineers and/or Virginia Department of Environmental Quality. Chesapeake Bay Preservation Area (CBPA) buffers shall be measured from the limits shown on the latest ACOE-approved wetlands delineation.

7. Proffered Conditions

The reclassification shall be subject to the conditions listed in the proffer statement titled "THE MARQUIS – SOUTH PARCEL (GPIN: I13c-0012-1173) PDR REZONING PROFFERS" dated November 13, 2013 and signed by Shawn Todd.

BE IT STILL FURTHER RESOLVED that in accordance with Section 24.1-114(e)(1) of the York County Zoning Ordinance, a certified copy of the ordinance approving this application, together with a duly signed copy of the proffer statement, shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval.

Yea:	(1)	Mathes
Nay:	(4)	Brazelton, Suiter, Magowan, McCulloch

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

STAFF REPORTS

Mr. Carter referred to the Development Activity Report dated November 13, 2013, and offered to answer questions.

COMMITTEE REPORTS

There were no committee reports.

COMMISSION REPORTS AND REQUESTS

There were no Commission reports and requests.

ADJOURN

The meeting was adjourned at 10:27 P.M.

SUBMITTED: 
Lisa Swartz, Secretary

APPROVED: 
Mark B. Suiter, Chair

DATE: Dec 11, 2013