

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the ____ day of ____, 2016:

Present

Vote

Jeffrey D. Wassmer, Chairman
Sheila S. Noll, Vice Chairman
Walter C. Zaremba
W. Chad Green
Thomas G. Shepperd, Jr.

On motion of _____, which carried ____, the following ordinance was adopted:

AN ORDINANCE TO APPROVE AN APPLICATION TO AMEND THE CONDITIONS OF APPROVAL APPLICABLE TO THE PREVIOUSLY APPROVED COMMONWEALTH GREEN MIXED USE DEVELOPMENT LOCATED AT 501 AND 600 COMMONWEALTH DRIVE

WHEREAS, on February 21, 2012, the York County Board of Supervisors approved Application No. PD-31-12 to amend the York County Zoning Map by reclassifying approximately 45.9 acres of land located at the end of Commonwealth Drive (Route 1839) on the east side of the York County-City of Newport News boundary, further identified as Assessor's Parcel Nos. 36-A-A (GPIN S02a-2195-3879), from Economic Opportunity (EO) to Planned Development Mixed Use (PDMU) for the purpose of developing a mixed-use development consisting of a maximum of 334 rental apartments, 94 townhouses, 16 "live-above" condominium or rental units, and a minimum of 40,610 square feet of commercial space; and

WHEREAS, Commonwealth Green LLLP has submitted Application No. PD-44-16 to request to an amendment to the voluntarily proffered conditions of approval for the above-referenced Commonwealth Green development now under construction on two parcels of land located at 501 and 600 Commonwealth Drive (Route 1839), further identified as Assessor's Parcel Nos. 36-1-A and 36-1-A1 (GPINs S02a-2195-3879 and S02a-1858-3769), to provide that the proffered road connection to Route 17 will be completed within two years of the issuance of the first building permit for a townhouse in the development rather than within two years of the issuance of the first building permit for a townhouse or apartment; and

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

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the ____ day of ____, 2016, that Application No. PD-44-16 be, and it is hereby, approved to amend the voluntarily proffered conditions of approval for the Commonwealth Green development now under construction on two parcels of land located at 501 and 600 Commonwealth Drive (Route 1839), further identified as Assessor's Parcel Nos. 36-1-A and 36-1-A1 (GPINs S02a-2195-3879 and S02a-1858-3769), to allow an extension of the deadline for completion of the proffered road and utility connection to Route 17 by amending the conditions of approval set forth in Ordinance No. 12-1(R) to read and provides as follows:

1. General Layout, Design, and Density

- a) The development shall be designed and constructed in accordance with the provisions of 24.1-361.1, Planned Development Mixed Use district, except as modified herein.
- b) 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. Except as modified herein, said site plan shall be in substantial conformance with the overall development master plan titled "Master Concept Plan of Commonwealth Green," prepared by Davis & Associates, P.C., dated October 25, 2011 and received by the York County Planning Division December 2, 2011, supplemented by the Narrative Description, Residential Design Guidelines, Sign Guidelines, and Building Materials Palette, with revisions through February 6, 2012, copies of which shall be kept on file in the office of the York County Planning Division.
- c) The maximum number of residential units shall be 444, including 334 rental apartments, 94 townhouses, and 16 "live-above" units. No accesso-

ry apartment, as defined by Sections 24.1-104 and 24.1-407 of the Zoning Ordinance, shall be permitted in conjunction with any residential unit in the development.

- d) The development shall include a minimum of 40,610 square feet of commercial/office/civic/institutional (i.e., non-residential) floor area.
- e) Architectural design of all buildings shall be in substantial conformance with the building elevations and “Building Materials Palette” submitted by the applicant, copies of which shall be kept on file in the office of the York County Planning Division, and with the standards set forth in Zoning Ordinance Section 24.1-361.1(f), Planned Development Mixed Use district.
- f) Off-street and on-street parking for the rental apartment buildings shall be provided in accordance with the minimum numerical standards set forth in Section 24.1-606(a) of the Zoning Ordinance (1.5 spaces per unit plus one space for every 3 units for visitor parking). Any proposed deviation from this minimum standard shall be subject to approval by the Zoning Administrator following the submission of a site- and use-specific parking space analysis and plan in accordance with the provisions set forth in Section 24.1-604(b) of the Zoning Ordinance.

2. Signs

- a) Freestanding signage shall be limited to one development identification sign at each entrance to the project. Said signs shall be monument-style and shall not exceed forty (40) square feet in area and six feet (6’) in height. Materials and colors shall be compatible with overall development architecture. In addition, the apartment component of the project may be identified by a monument-style community identification sign at each of its entrances from Commonwealth Drive with such signs not to exceed twenty-four (24) square feet and six (6) feet in height.
- b) In accordance with the Zoning Ordinance standards applicable to development in the LB (Limited Business) district, wall and marquee/canopy signs having a maximum cumulative area of 1.25 square feet for each linear foot of principal building width shall be permitted for the mixed-use and commercial buildings.

3. Streets and Roads

Subject to approval by the Virginia Department of Transportation (VDOT), the developer shall install a 200-foot southbound right-turn lane on George Washington Memorial Highway (Route 17) at the entrance to the project. All public

road improvements shall be constructed in accordance with all applicable VDOT standards.

4. Fire and Life Safety

- a) In accordance with Section 503.1.1 of the 2009 International Fire Code, approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
- b) The roundabout, sidewalks, inside and outside curbs, traffic islands, parking lot islands, etc. shall be designed to accommodate the turning radius (33' inside) of large fire and rescue apparatus.
- c) A water supply shall be established with a minimum of 2500 GPM (gallons per minute) in accordance with Newport News Waterworks requirements.

5. Open Space and Recreation

- a) A minimum of 10.16 acres of common open space shall be provided as depicted on the overall development master plan and in accordance with the provisions set forth in Section 24.1-361.1(g)(2) of the Zoning Ordinance.
- b) Indoor recreational amenities shall consist of, at a minimum, a 1,800-square foot town center with a kitchenette, dining area, exercise area, and restrooms. Said facility shall be available to all property owners and residents of the development and their guests and shall be completed and available to residents.

6. Utilities

The proposed gravity sanitary sewer system shall connect into the existing York County Manhole #039208 at the lowest invert possible. The sanitary sewer pipeline shall be designed with the minimum slope allowed in accordance with York County Standards.

7. 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 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.
- c) Development of the property shall be in accordance with the provisions of the Watershed Management and Protection Area overlay district set forth in Section 24.1-376 of the Zoning Ordinance.

8. Proffered Conditions

The reclassification shall be subject to the conditions listed in the proffer statement titled “Commonwealth Green Proffers” dated October 25, 2011 and amended through February 12, 2012 and signed by Jeanette J. Keener and Thomas R. Tucker, as amended by the proffer statement addendum dated September 26, 2016 and signed by Thomas R. Tucker.

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 this ordinance, together with a duly signed copy of the September 26, 2016 addendum to 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.