

COUNTY OF YORK

MEMORANDUM

DATE: July 26, 2016 (BOS Mtg. 8/16/16)
TO: York County Board of Supervisors
FROM: Neil A. Morgan, County Administrator 
SUBJECT: Application No. PD-41-16, Yorktown Crescent LLC

ISSUE

This application is a request to amend the conditions of approval for the previously approved Yorktown Crescent mixed-used development. The applicant is requesting to amend the development timing requirements by increasing from 27 to 42 the number of residential units that can be built prior to the construction of various amenities, including a community meeting room and a dog run/park. The properties, further identified as Assessor's Parcel Nos. 24-64-6 and 24-45-1A and located at 3040 and 3070 Fort Eustis Boulevard (Route 1050), are zoned PD (Planned Development) and designated for Mixed Use in the Comprehensive Plan.

DESCRIPTION

- Property Owners: Yorktown Crescent LLC and Marshall A. Cross
- Location: 3040 and 3070 Fort Eustis Boulevard (Route 1050)
- Area: 16.7 acres
- Frontage: Approximately 1,450 feet on Fort Eustis Boulevard
- Utilities: Public water and sewer
- Topography: Site has been cleared and graded for development.
- 2035 Land Use Map Designation: Mixed Use
- Zoning Classification: PDMU – Planned Development Mixed Use
- Existing Development: Phase I of Yorktown Crescent mixed-used development (under construction)
- Surrounding Development:

North: Patriots Square shopping center and Settler's Crossing subdivision (across Fort Eustis Boulevard)

East: Contractor's office and storage yard (across Fort Eustis Boulevard)

South: Nonconforming single-family detached home, former plumbing supply business, York Assembly of God

West: Wendy's and Arby's fast food restaurants; Route 17 beyond

- Proposed Development: Mixed-use development consisting of a maximum of 210 residential units, at least 28,000 square feet of commercial space, and 3,000 square feet of indoor community space subject to revised sequencing requirements for the construction of certain community amenities.

CONSIDERATIONS/CONCLUSIONS

1. On June 21, 2011, the Board approved Application No. PD-29-11 to authorize the Yorktown Crescent mixed-use development on the south side of Fort Eustis Boulevard (Route 1050) east of Route 17 and west of Old York-Hampton Highway (Route 634). The project is to consist of 210 residential units of various types, 28,000 square feet of commercial space, and 3,000 square feet of community space. As shown on the approved sketch plan (and the subsequently approved site plan), the project will include 58 townhouses and duplexes, 8 "live-above" units, three 12-unit condominium buildings, and three mixed-use buildings with ground-floor retail and office uses and apartments (rental and/or condominium) on the second and third floors. Site work is currently underway.

As required by the PDMU (Planned Development Mixed Use) provisions of the Zoning Ordinance, the original Planned Development application submittal included the developer's proposed build-out schedule to guide the sequence of construction. Although the purpose of this requirement is to guarantee that the project will include both the proposed non-residential and residential elements at certain project milestones and at build-out, the developer's voluntarily proffered sequencing plan also addresses timelines for the completion of community amenities. This sequencing plan, approved as part of the application, requires that various amenities – including a community room, exercise room, and dog run/park – be constructed prior to the issuance of a Certificate of Occupancy for the 28th townhouse unit. In addition, the conditions of approval set forth in Ordinance No. 11-10(R) specify that no more than 42 dwelling units can be built prior to the construction of the first mixed-use building to the stage that it is ready for individual commercial tenant fit-out and customization. (The 42-unit threshold was based on the Zoning Ordinance guideline that would apply if Yorktown Crescent were a "major PDMU" of fifty acres or more.) Since the community meeting room is to be located in the first mixed-use building, the 27-unit threshold for constructing the community room makes the *effective* threshold for completing the mixed-use building 27 units as well. Consequently, the developer proposes to amend the original proffer statement by increasing from 27 to 42 the number of dwelling units that can be built prior to the construction of the community room and dog park. A proposed

addendum to the original proffer statement, a copy of which is attached, has been submitted by the developer.

2. In addition to the community room and dog park, various other community amenities are also required to be built prior to the 28th townhouse. These amenities – a walking trail, concrete walkways on both sides of all streets, and concrete paver crosswalks – extend beyond the limits of Phase I of the development and would more logically be phased in accordance with the phasing of the project. To address this, the applicant's proposed proffer amendment states that the concrete walkways and concrete paver (or stamped pavement) crosswalks "shall be incorporated into the design of the project streets and shall be installed/completed as the streets in each section or phase are constructed," with "the individual segments of the overall [walking trail] system being completed prior to the issuance of the final Certificate of Occupancy in each section/phase of the overall project."
3. It should be noted, for purposes of comparison, that the approved development sequencing standards for the nearby Nelson's Grant mixed-used development, approved in 2010, and the Commonwealth Green mixed-use development, approved in 2012, are somewhat more permissive in terms of the proportion of residential units allowed to be built prior to the construction of community amenities. For Nelson's Grant, the developer is permitted to build up to forty (40) townhouses – 35.7% of the total number of residential units – prior to the construction of community amenities (i.e., fitness center; community meeting room with kitchenette; walking trails, gazebo, and nature preserve; and concrete paver crosswalks). For the County's other approved mixed-use development, Commonwealth Green, the developer is permitted to build up to 150 apartment units – 33.7% of the total number of residential units – prior to the construction of the clubhouse and pool.

The applicable threshold for Yorktown Crescent, in contrast, is much lower: only 12.9% of the residential units can be built before the community amenities are constructed. If the 42-townhouse threshold is applied to the provision of community amenities as the developer has requested, that would represent only 20% of the residential component, which is still well below the thresholds for Nelson's Grant and Commonwealth Green.

4. Approval of the proposed proffer amendment would necessitate minor changes to one of the conditions of approval set forth in the original adopting ordinance for Yorktown Crescent that conflict with the amended proffer. Specifically, Condition 5.b states that "*Indoor recreational amenities shall consist of, at a minimum, a 3,000-square foot community center with a kitchenette, dining area, office, exercise room, and restrooms. Said facility shall be available without additional charges or fees (i.e., in addition to normal property owners' association dues) to all residents of the development and their guests and shall be completed and available to residents prior to the issuance of a Certificate of Occupancy for the 28th townhouse unit.*" For consistency with the language in the proposed proffer amendment, if this application is approved, this condition will need to be revised

to state that the community center shall be completed prior to the issuance of a Certificate of Occupancy for the 42nd townhouse or duplex unit. These revisions are included in the proposed resolution of approval.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at its July 13 meeting and, subsequent to conducting a public hearing at which only the applicant spoke, voted 4:1 to recommend approval.

COUNTY ADMINISTRATOR RECOMMENDATION

The practical effect of the proposed proffer amendment would be to allow the developers to build fifteen (15) more townhouses than they are currently permitted to build prior to the construction of the community room and dog run/park. It should be noted that the original 27-townhouse threshold for establishing the community amenities is a self-imposed condition proffered by the developer and not something that was required or proposed by the County. Now that the site development process is underway, it has become evident to the developer that it is not a practical threshold and, in fact, it is much more restrictive than the approved thresholds applicable to the County's other two mixed-use developments. Therefore, based on the considerations and conclusions as noted, I recommend that the Board approve this application through the adoption of proposed Ordinance No. 16-9.

Cross/3496

Attachments:

- Planning Commission minutes excerpts, July 13, 2016
- Zoning Map
- Site layout plan
- Letter from the applicant
- Original Proffer Statement dated May 10, 2011
- Proposed Proffer Statement Addendum
- Proposed Ordinance No. 16-9

Application No. PD-41-16, Yorktown Crescent LLC: Request to amend the conditions of approval for the previously approved Yorktown Crescent mixed-used development. The applicant is requesting to amend the development timing requirements to increase from 28 to 42 the number of residential units that can be built prior to the construction of a community meeting room and other amenities. The properties, further identified as Assessor's Parcel Nos. 24-64-6 and 24-45-1A and located at 3040 and 3070 Fort Eustis Boulevard (Route 1050), have a total area of 16.7 acres, are zoned PDMU (Planned Development Mixed Use), and are designated for Mixed Use in the Comprehensive Plan.

Timothy C. Cross, Principal Planner, summarized the staff report for Application No. PD-41-16, dated July 1, 2016, stating that staff recommends the Commission forward the application to the Board of Supervisors with a recommendation of approval through the adoption of proposed Resolution No. PC16-13.

Mr. Myer asked if the proposed resolution contains revisions to the original approving ordinance for Yorktown Crescent.

Mr. Cross responded that the resolution includes a proposed revision to Condition No. 5b and the addition of a reference to the amended proffer statement.

Chair Brazelton opened the public hearing.

Woody Parrish, 311 Park Place, Newport News, spoke as the applicant. He explained that he needs the ability to build a certain number of townhouses before beginning the commercial component of the project but that he is not able to do so because of the way the proffers are structured. He stated that it was always his intention to locate the community center within one of the mixed-use buildings, and he stated that his company has a long history of working in the County, including the development of the Settler's Crossing subdivision across the street from Yorktown Crescent.

Dr. Phillips stated that he had reviewed the history of the project, and he noted that a similar mixed-use development called Yorktown Green had previously been proposed nearby and was denied, and he wondered if the Yorktown Crescent developers might have proffered to build the various community amenities early in the project in order to reassure the Board of Supervisors that the project would be completed. He stated that a proffer is a binding promise from the developer to the County, and he expressed concern about setting a precedent for developers to have projects approved based on a set of proffers and then coming back to the County five years later to seek relief from those same proffers.

Mr. Parrish responded that the proffers were made in 2011 and that situations change as a result of unforeseeable circumstances that arise as the development process progresses. He stated that he is committed to completing the project, including all of the community amenities, as originally proposed. Mr. Parrish added that the requested change would have no fiscal impact on the County.

Mr. Jons commented that what the applicant is requesting is still less restrictive than what has been approved for the County's other two mixed-used developments and that he supported the application.

Chair Brazelton asked the applicant about his expected construction schedule.

Mr. Parrish responded that he has a list of more than twenty people who are interested in living in the development and that once construction begins he will need to proceed quickly with the next phase. He stated that the next section should be under construction next year and that the first commercial building should be in place within the next two years or sooner depending on the level of interest.

Danny Deuell, 16 Marple Lane, Hampton, Pastor of the York Assembly of God, which is located adjacent to the development, stated that he has no objection to the request but that he is concerned about the access road that runs alongside the church property and parking lot.

Mr. Cross responded that although it appears to be an access road, the driveway would not access Yorktown Crescent and that the project would have no road access to Route 17. He stated that the only access to the development would be from Fort Eustis Boulevard.

Chair Brazelton encouraged Mr. Deuell to visit the Planning office and review the plans for Yorktown Crescent.

There being no one else present wishing to address the Commission on this application, **Chair Brazelton** closed the public hearing.

Mr. Jons stated that he believes the request is reasonable.

Dr. Phillips stated that he remains concerned about the precedent that would be set if this application is approved.

Mr. Myer stated that he was on the Commission when the original Yorktown Crescent application was approved and that he is confident that the project still would have been approved if the requested change to the sequencing plan had been made at the time.

Mr. Peterman stated that the requested change to the sequencing schedule for building the community amenities is still less permissive than is the case with other mixed-use approvals in the County and that he supported it.

Mr. Jons moved the approval of Resolution No. PC16-13.

AN ORDINANCE TO AMEND THE CONDITIONS OF APPROVAL FOR
THE YORKTOWN CRESCENT MIXED-USE DEVELOPMENT LOCATED
AT 3040 AND 3070 FORT EUSTIS BOULEVARD (ROUTE 1050)

WHEREAS, on June 21, 2011, the York County Board of Supervisors approved Application No. PD-29-11 to amend the York County Zoning Map by reclassifying approximately 16.7 acres of land located at 3040 and 3070 Fort Eustis Boulevard (Route 1050) and further identified as Assessor's Parcel Nos. 24-64-6 and 24-45-1A (GPINs Q08b-4641-4064 and R08a-0279-3748) from General Business (GB) and Limited Industrial (IL) to Planned Development Mixed Use (PDMU) for the purpose of developing a mixed-use development consisting of a maximum of 210 dwelling units, a minimum of 28,000 square feet of commercial space, and 3,000 square feet of community space; and

WHEREAS, Yorktown Crescent LLC has submitted Application No. PD-41-16 to request that the conditions of approval for the approved mixed-used development set forth in

Ordinance No. 11-10(R) be amended by increasing from 28 to 42 the number of residential units that can be built prior to the construction of a community meeting room and other amenities; 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 July, 2016, that Application No. PD-41-16 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the conditions set forth in Ordinance No. 11-10(R) for the approved Yorktown Crescent mixed-used development to be developed on 16.7 acres located at 3040 and 3070 Fort Eustis Boulevard (Route 1050) and further identified as Assessor's Parcel Nos. 24-64-6 and 24-45-1A (GPINs Q08b-4641-4064 and R08a-0279-3748) by increasing from 28 to 42 the number of residential units that can be built prior to the construction of a community meeting room and other amenities, as set forth below:

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 Plan: Yorktown Crescent," prepared by Brandon Currence Architects, dated March 2, 2011 and revised May 10, 2011, supplemented by the Narrative Description Design Guidelines, and Sign Guidelines, 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 210, including 80 residential condominiums, 58 townhouses and duplexes, 64 rental apartments, and 8 live-above units. No accessory 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 31,000 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 titled "Yorktown Crescent," prepared by Brandon Currence Architects and dated March 2, 2011, and the applicant's "Building Materials Palette," 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) The maximum building height of all mixed-use, apartment, and commercial buildings shall be fifty feet (55') measured to the roof peak, and the maximum building height of all townhouses shall be forty feet (40') measured to the roof peak. No building shall exceed three stories in height.
- g) Sequencing of construction within the project shall be in accordance with the applicant's "Yorktown Crescent Phasing Schedule" as revised May 10, 2011, except as modified herein. Specifically, after completion of the 42nd residential unit, no building permits for any additional townhouses, duplexes, or apartment buildings shall be issued prior to the completion of the construction of the first mixed-use building to the stage that it is ready for individual commercial tenant fit-out and customization.

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.
- 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.

3. Streets and Roads

- a) Installation of the proposed new entrance to the project on Fort Eustis Boulevard across from Patriots Square shopping center and the proposed right-turn in/right-turn out entrance on Fort Eustis Boulevard shall be contingent on VDOT approval of an Access Management Exception Request. Pursuant to Section 24.1-362(c)(7) of the Zoning Ordinance, any proposal to amend the overall development master plan that would materially alter points of access shall be processed and reviewed in accordance with the same procedures applicable to the initial Planned Development submission.
- b) Subject to approval by the Virginia Department of Transportation (VDOT), the developer shall install a 200-foot eastbound right-turn lane and taper and a 100-foot left turn lane and taper on Fort Eustis Boulevard at the new entrance across from Patriots Square. All public road improvements shall be constructed in accordance with all applicable VDOT standards.

4. Fire and Life Safety

- a) The roundabouts, sidewalks, inside and outside curbs, traffic islands, parking lot islands, etc. shall be designed to accommodate the turning radius (33' inside) and weight (80,000 pounds) of large fire and rescue apparatus.

- b) A water supply shall be established with a minimum of 2500 GPM (gallons per minute) in accordance with Newport News Waterworks requirements.
- c) All three-story buildings shall have sprinkler systems installed in accordance with the International Building Code and NFPA standards as applicable.
- d) Fire hydrant spacing shall be a maximum of 400 feet in accordance with Newport News Waterworks standards. Additional fire hydrants may be required by the Department of Fire and Life Safety based on sprinkler requirements.
- e) Landscaping and/or tree canopies (when initially planted and when at mature growth) shall not inhibit emergency vehicles and fire department access to the buildings. Tree canopies shall be designed and maintained to provide a minimum unobstructed vertical clearance of not less than 13' 6".

5. Open Space and Recreation

- a) A minimum of 2.3 acres of common open space shall be provided as depicted on the overall development master plan.
- b) Indoor recreational amenities shall consist of, at a minimum, a 3,000-square foot community center with a kitchenette, dining area, office, exercise room, and restrooms. Said facility shall be available without additional charges or fees (i.e., in addition to normal property owners' association dues) to all residents of the development and their guests and shall be completed and available to residents prior to the issuance of a Certificate of Occupancy for the ~~28th~~-43rd townhouse unit.

6. 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.

7. Proffered Conditions

The reclassification shall be subject to the conditions listed in the proffer statement titled "Proffers, Yorktown Crescent" signed by C. L. Parrish and Marshall A. Cross and dated May 10, 2011, ~~and~~ the "Addendum To Proffers, Yorktown Crescent" signed by C. L. Parrish and Marshall A. Cross and notarized June 20, 2011, and the "Addendum To Proffers, Yorktown Crescent" signed by C. L. Parrish and Marshall A. Cross and notarized June 7, 2016.

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.

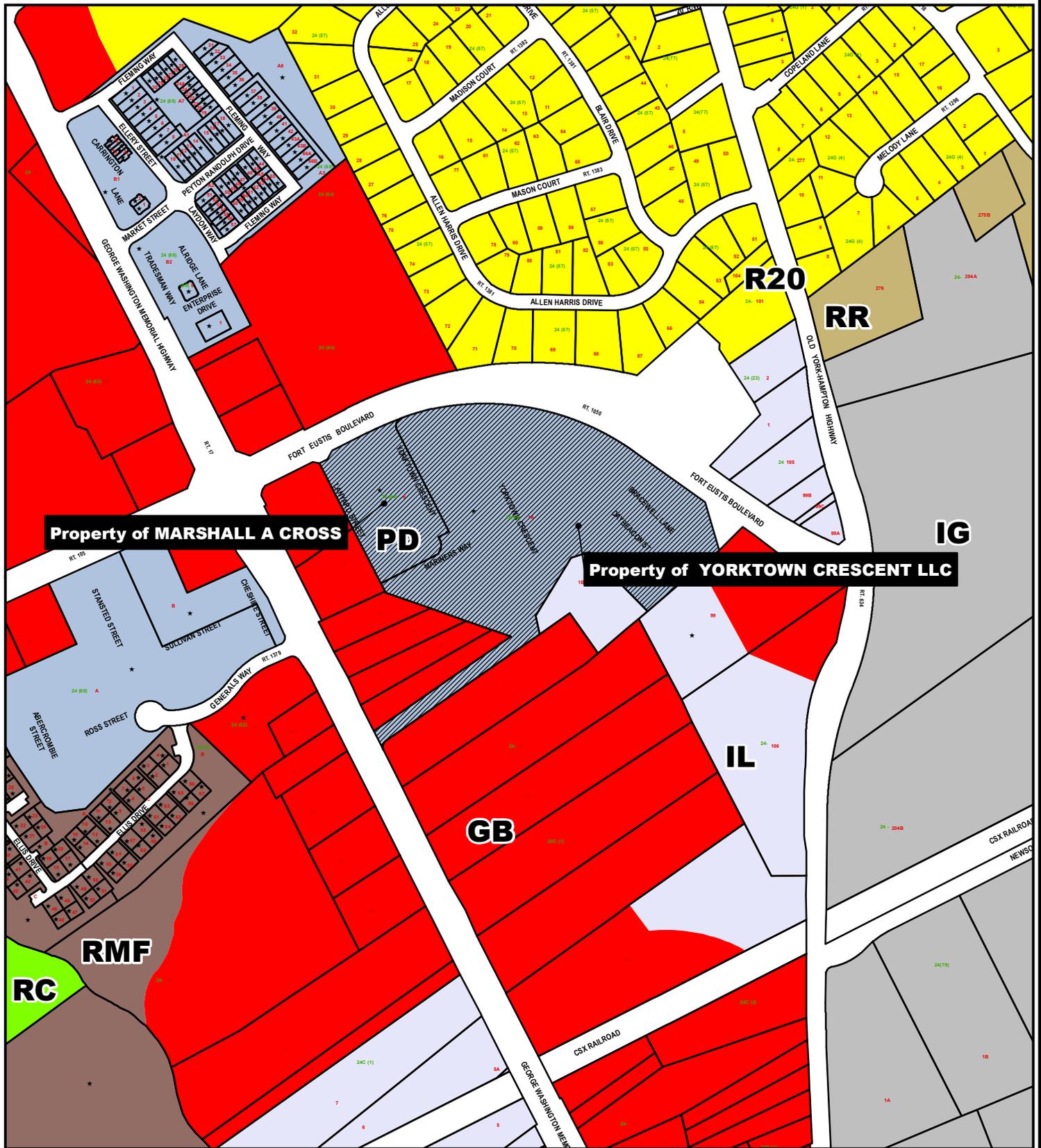
On roll call the vote was:

Yea: (4) Myer, Peterman, Jons, Brazelton
Nay: (1) Phillips

APPLICANT
Yorktown Crescent LLC
 Amend proffered conditions for Yorktown Crescent
 Q08b-4641-4064, R08a-0279-3748

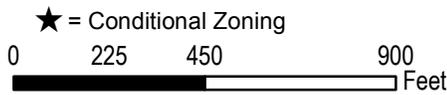
ZONING MAP

APPLICATION NUMBER: PD-41-16



Property of MARSHALL A CROSS

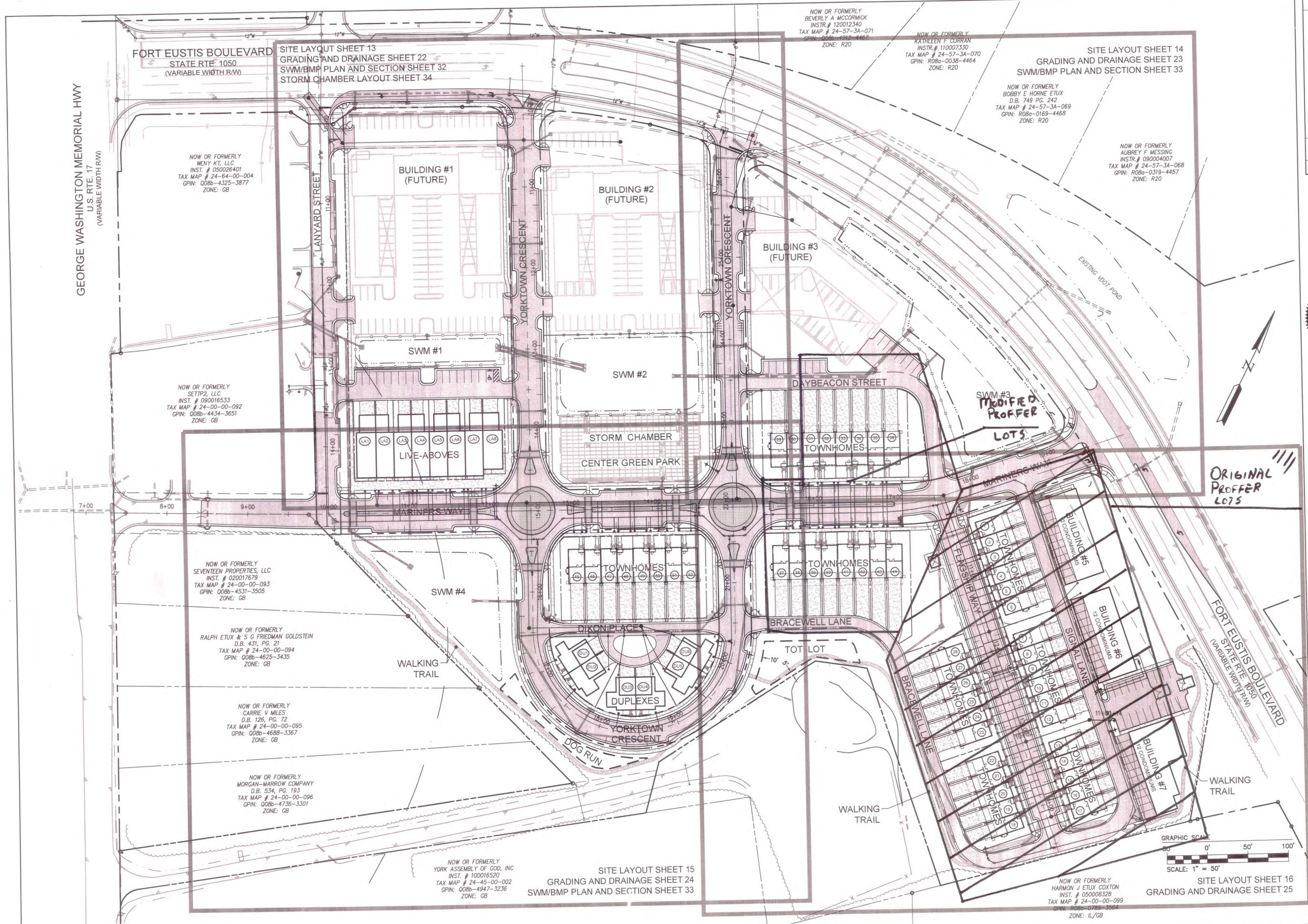
Property of YORKTOWN CRESCENT LLC



SOURCE: YORK COUNTY GIS PARCEL DATA and ZONING COVERAGE

THIS IS NOT A LEGAL PLAT. This map should be used for information purposes only. It is not suitable for detailed site planning.

Printed on June 03, 2016



SITE LAYOUT SHEET 13
GRADING AND DRAINAGE SHEET 22
SWM/BMP PLAN AND SECTION SHEET 32
STORM CHAMBER LAYOUT SHEET 34

SITE LAYOUT SHEET 14
GRADING AND DRAINAGE SHEET 23
SWM/BMP PLAN AND SECTION SHEET 33

SITE LAYOUT SHEET 15
GRADING AND DRAINAGE SHEET 24
SWM/BMP PLAN AND SECTION SHEET 33

SITE LAYOUT SHEET 16
GRADING AND DRAINAGE SHEET 25

NOW OR FORMERLY
WENY KT, LLC
INST. # 050026401
TAX MAP # 24-64-00-004
GPIN: Q08b-4325-3877
ZONE: GB

NOW OR FORMERLY
SETIP2, LLC
INST. # 090016533
TAX MAP # 24-00-00-092
GPIN: Q08b-4434-3651
ZONE: GB

NOW OR FORMERLY
SEVENTEEN PROPERTIES, LLC
INST. # 020017679
TAX MAP # 24-00-00-093
GPIN: Q08b-4531-3505
ZONE: GB

NOW OR FORMERLY
RALPH ETUX & S G FRIEDMAN GOLDSTEIN
D.B. 431, PG. 21
TAX MAP # 24-00-00-094
GPIN: Q08b-4625-3435
ZONE: GB

NOW OR FORMERLY
CARRIE V MILES
D.B. 126, PG. 72
TAX MAP # 24-00-00-095
GPIN: Q08b-4688-3367
ZONE: GB

NOW OR FORMERLY
MORGAN-MARROW COMPANY
D.B. 534, PG. 193
TAX MAP # 24-00-00-096
GPIN: Q08b-4736-3301
ZONE: GB

NOW OR FORMERLY
YORK ASSEMBLY OF GOD, INC
INST. # 100016520
TAX MAP # 24-45-00-002
GPIN: Q08b-4947-3236
ZONE: GB

NOW OR FORMERLY
BEVERLY A MCCORMICK
INST. # 120012340
TAX MAP # 24-57-3A-071
GPIN: Q08b-4912-4467
ZONE: R20

NOW OR FORMERLY
KATHLEEN F CURRAN
INST. # 110007330
TAX MAP # 24-57-3A-070
GPIN: R08a-0038-4464
ZONE: R20

NOW OR FORMERLY
BOBBY E HORNE ETUX
D.B. 749 PG. 242
TAX MAP # 24-57-3A-069
GPIN: R08a-0169-4468
ZONE: R20

NOW OR FORMERLY
AUBREY F MESSING
INST. # 090004007
TAX MAP # 24-57-3A-068
GPIN: R08a-0319-4457
ZONE: R20

NOW OR FORMERLY
HARMON J ETUX COXTON
INST. # 050008328
TAX MAP # 24-00-00-099
GPIN: R08a-0789-3564
ZONE: IL/GB

REVISED PER CLIENT & YORK COUNTY COMMENTS	DATE	DESCRIPTION
JGZ	4/15/13	Revised By

RECEIVED
York County
MAY 31 2016
Planning Division



ABS
CONSULTING ENGINEERS
Hampton Roads | Central Virginia | Middle Peninsula
1817 Executive Blvd, Suite 150
Chesapeake, Virginia 23320
Phone: (757) 410-7438
www.absve.com

Yorktown Crescent
A Mixed Use Development
NELSON DESIGN GROUP
VIRGINIA
YORK COUNTY

Project Contacts: JGZ / RMK
Project Number: H10028-00
Scale: 1"=50'
Date: 4/15/13
Sheet Title: OVERALL SITE LAYOUT
Sheet Number: 5A

*Yorktown
Crescent*
a Mixed-Use Development
at Ft. Easth Boulevard Extension York County, Virginia

May 31, 2016

Mr. Tim Cross
Principal Planner
County of York
224 Ballard Street
P.O. Box 532
Yorktown, Va. 23690-0532

Dear Mr. Cross:

RE: Yorktown Crescent Proffer Modification

At this time, Yorktown Crescent LLC requests a modification of a proffer concerning the Yorktown Crescent Development approved by the York County Board of Supervisors on June 21, 2011. The subject proffer requires Yorktown Crescent LLC to provide 3,000 sq. ft. of recreation space (i.e. exercise room, kitchen area, meeting room) before a Certificate of Occupancy can be obtained for the 28th residential unit.

Yorktown Crescent LLC requests the proffered sequence mentioned above be modified to align with a County of York condition for the rezoning of Yorktown Crescent providing 9,000 sq.ft. of commercial space be constructed before any certificates of occupancy past 42 residential units can be issued.

Yorktown Crescent's intention has always been to locate the recreation facility in the first commercial building constructed. This request, we feel is a reasonable request because it allows the natural, logistical development process to proceed in this project.

Yorktown Crescent's request also equals the requirements on the adjacent mixed-use development Nelson's Grant, currently under construction.

To date, no lots have been recorded. Full disclosure to prospective purchasers shall be made concerning this request, before the York County Board of Supervisors render the final decision.

Thank you for your cooperation in this matter, if you have any further questions please contact me at 757-288-9077.

Charles W. Parrish
Charles W. Parrish
Yorktown Crescent LLC
Manager

YORKTOWN CRESCENT BUILDING SUMMARY

GRAND TOTALS		PHASE 1	PHASE 2	PHASE 3	PHASE 4	PHASE 5	PHASE 6	PHASE 7	PHASE 8	PHASE 9	PHASE 10
RESIDENTIAL UNITS	1,200	300	300	300	300	300	300	300	300	300	300
COMMERCIAL	100,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
PARKING SPACES	1,500	375	375	375	375	375	375	375	375	375	375
RETAIL	100,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
OFFICE	100,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
INDUSTRIAL	100,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
RECREATION	100,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
UTILITIES	100,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
OTHER	100,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000

YORKTOWN CRESCENT PHASING SCHEDULE

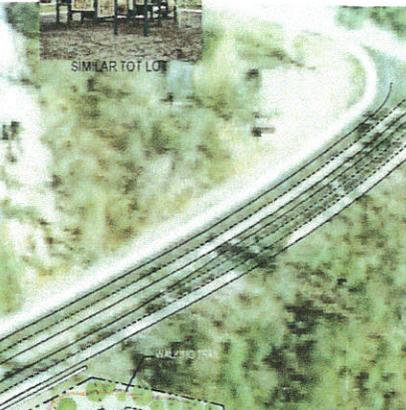
PHASE	START DATE	END DATE	STATUS
PHASE 1	2011	2012	Completed
PHASE 2	2012	2013	In Progress
PHASE 3	2013	2014	Planned
PHASE 4	2014	2015	Planned
PHASE 5	2015	2016	Planned
PHASE 6	2016	2017	Planned
PHASE 7	2017	2018	Planned
PHASE 8	2018	2019	Planned
PHASE 9	2019	2020	Planned
PHASE 10	2020	2021	Planned

STREET CROSS-SECTIONS

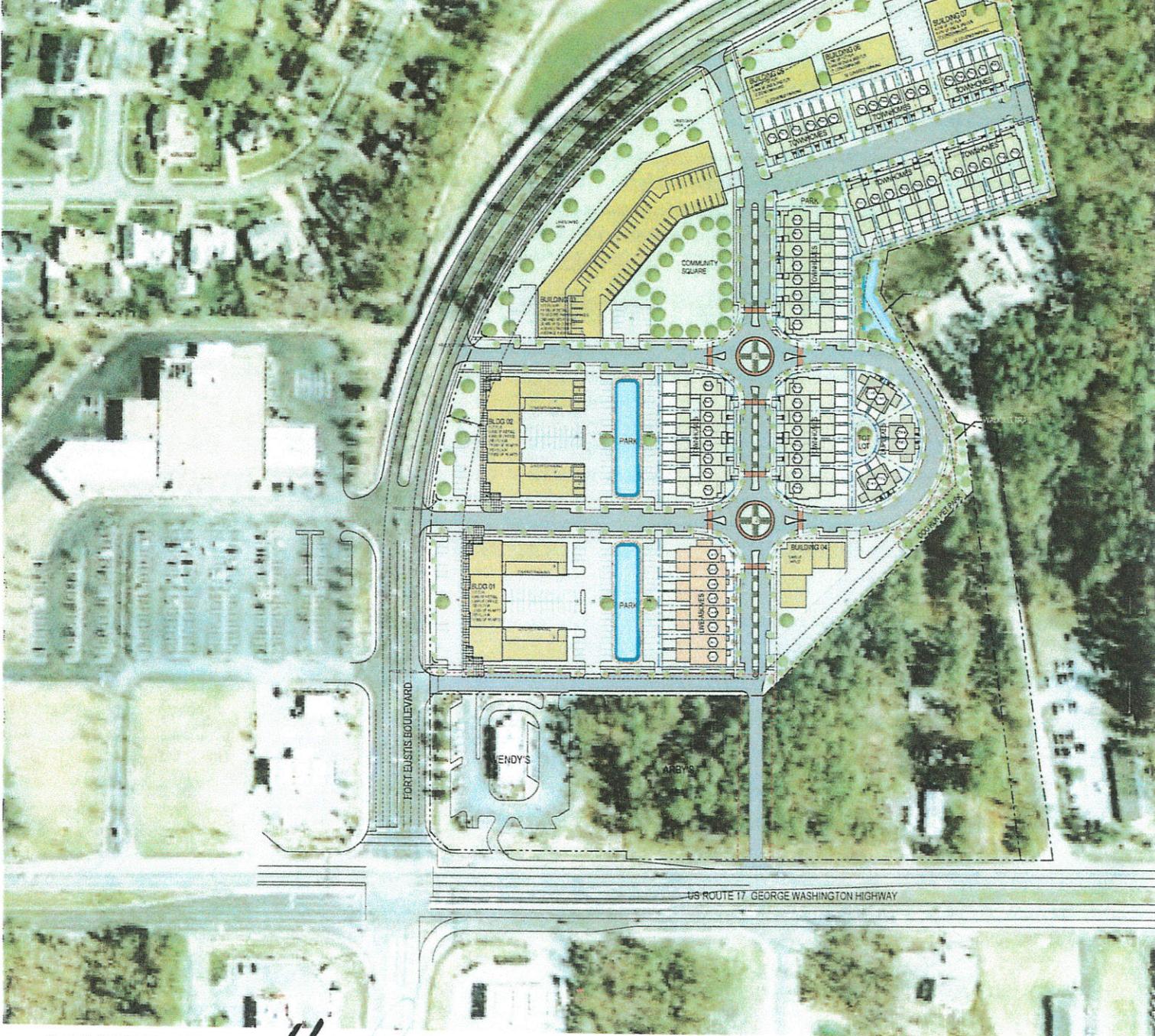


TYPICAL CROSS-SECTION
 1. 10' Sidewalk
 2. 10' Parking
 3. 10' Building Footprint
 4. 10' Street Right-of-Way

RESIDENTIAL ALTERNATIVE
 1. 10' Sidewalk
 2. 10' Parking
 3. 10' Building Footprint
 4. 10' Street Right-of-Way



STREET TYPES: PLANS AND CROSS SECTIONS



MASTER PLAN *Yorktown Crescent*
 a Mixed Use Development
 at Ft Eustis Boulevard Extension York County, Virginia

SCALE: 1"=40'
 Virginia Land and Homes
 Real Estate Development

PROJECT: 0917
 DATE: MARCH 02, 2011
 REVISED: MAY 10, 2011

BRANDON CURRENCE ARCHITECTS
 ARCHITECTURE PLANNING INTERIORS



000000167

RECEIVED
York County

MAY 31 2011

**Proffers
Yorktown Crescent**

Planning Division

THESE PROFFERS are made this 10th day of May, 2011 by and among:

PARRISH BAY LLC, A Virginia Limited Liability Company ("Parrish Bay") (to be indexed as grantor);

PARRISH ENTERPRISES, A Virginia Corporation ("Parrish Enterprises") (to be indexed as grantor);

MARSHALL A. CROSS, ("Cross") (to be indexed as grantor);

C.L. PARRISH, ("Parrish") (to be indexed as grantor); and

COUNTY OF YORK, VIRGINIA, a political subdivision of the commonwealth of Virginia ("County") (to be indexed as grantee).

RECITALS

R-1. Parrish Enterprises is the owner of certain real property located in the County of York, Virginia, shown and depicted as "Parcel 24-00-00-103" on the attached exhibit plat entitled, "Exhibit Plat of Land to be Zoned PDMU" (the "Exhibit Plat") attached hereto and made part hereof.

R-2. Parrish is the owner of certain real property located in the County of York, Virginia, shown and depicted as "Parcel 24-00-00-101A" and "Parcel 24-56-00-000C" on the Exhibit Plat.

R-3. Cross is the owner of certain real property located in the County of York, Virginia shown and depicted as "Parcel 24-64-00-006" on the Exhibit Plat.

R-4. Parrish Bay is the owner of certain real property located in the County of York, Virginia shown and depicted as "Parcel 24-45-00-101A" on the Exhibit Plat.

R-5. Parrish Bay LLC, Parrish Enterprises, Cross and Parrish (collectively, the "Applicant") collectively filed an Application for rezoning (the "Application") of Parcel 24-00-00-103, Parcel 24-00-00-101A, Parcel 24-56-00-000C, Parcel 24-64-00-006, and Parcel 24-45-00-101A, (collectively, the "Property"). The Application has been designated by the County as Case No. PD-29-11.

R-6. In the Application, the Applicant has requested that the zoning of the Property be changed from GB (as to Parcel 24-00-00-103, Parcel 24-00-00-101A, Parcel 24-56-00-000C and Parcel 24-64-00-006) and GB/IL (as to Parcel 24-45-00-101A) to Planned Development-Mixed Use as described in Section 24.1-361.1 et seq. of the County's zoning ordinance in effect on the date hereof (the "Zoning Ordinance") in order to permit the construction of a planned mixed-use development comprised of certain residential and non-residential development.

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R-7. A conceptual plan of development (the "Master Plan") entitled "Master Plan, Yorktown Crescent" dated March 02, 2011, revised May 10, 2011, prepared by Brandon Currence Architects, of Newport News, VA, has been submitted to the County Planning Commission for review by the County in connection with the Application. The Master Plan is on file with the Office of the County Planning Division.

R-8. A community impact statement (the "Community Impact Statement") entitled "Yorktown Crescent, Community Impact on York County, Virginia", dated January, 2011, prepared by The Wessex Group of Williamsburg, VA, has been submitted to the County Planning Division for review by the County in connection with the Application. The Community Impact Statement is on file in the Office of the County Planning Division.

R-9. A traffic impact analysis (the Traffic Impact Analysis") entitled "Yorktown Crescent", dated May, 2011, has been prepared by Vanasse Hangen Brustlin, Inc., has been submitted to the County Planning Division for review by the County in connection with the Application. The Traffic Impact Analysis is on file in the Office of the County Planning Division.

R-10. The provisions of the Zoning Ordinance may be deemed inadequate for protecting and enhancing orderly development of the Property. Accordingly, the Applicant, in furtherance of the Application of rezoning, desires to proffer certain conditions which are limited solely to those set forth herein in addition to the regulations provided for by the Zoning Ordinance for the protection and enhancement of the development of the Property, in accordance with the provisions of Section 15.2-2296, et seq. of the Code of Virginia (1950), as amended (the "Virginia Code") and Section 24.1-361 of the York County Zoning Ordinance.

R-11. The County constitutes a high-growth locality as defined by Section 15.2-2298 of the Virginia Code.

NOW, THEREFORE, for and in consideration of the approval by the County of the Application and pursuant to Section 15.2-2296, et seq., of the Virginia Code and Section 24.1-361 of the York County Zoning Ordinance, the Applicant hereby agrees that if the Application is approved and the Board of Supervisors of York County rezones the Property from GB and GB/IL to Planned Development-Mixed Use, then any subsequent development of the Property shall be in conformance with the following proffers:

PROFFERS:

1. Plan of Development. The Property shall be developed generally in accordance with the Master Plan. The Master Plan is a conceptual plan for proposed development on the Property and provides only for the general location of buildings, proposed streets, parking, drainage facilities, areas of open space and buffer areas. Any deviations from the Master Plan and/or the Plans shall be allowed only in accordance with the provisions of Section 24.1-361.1 of the Zoning Ordinance.

2. Property Owners Association(s). One or more property owners associations and/or condominium unit owners associations shall be established pursuant to and in accordance with the Virginia Property Owners Association Act, Section 55-79.508 et seq., of the Virginia Code or the Virginia Condominium Act, Section 55-79.39 et seq., of the Virginia Code, as applicable (hereinafter, each association shall be referred to as and "Owners Association"), in which all owners of lots, units and parcels within the Property shall be members of at least one of such

Owners Associations(s) by virtue of their property ownership. The articles of incorporation and bylaws of each such owners Association and declaration of covenants enforceable by each owners Association (collectively the "Governing Documents") shall be submitted to and reviewed by the County Attorney for consistency with this proffer and the requirements of Section 24.1-497 and Section 24.1-498 of the Zoning Ordinance prior to final site plan approval.

3. Exterior Building Materials. The exterior façade of buildings constructed on the Property shall be constructed of any of the following: brick, stone, cement-board siding, EIFS or the equivalent of the same. The foregoing notwithstanding, trim, soffit, and accent features of such buildings and related improvements may be composed of or contain vinyl, aluminum or other materials than those materials listed above.

4. Interior Finishes. Residential units shall be constructed with 9-foot ceilings on the main floor.

5. Residential Units. The residential portion of the Project shall be comprised of a maximum of 210 units.

6. Commercial Space. The commercial portion of the Project shall be comprised of a minimum of 28,000 square feet of commercial space. Additional commercial space may be constructed provided it complies with the design requirements of the PDMU zoning.

7. Phasing. As described in the document entitled "Yorktown Crescent Building Summary" attached herein.

8. Amenities. The following amenities will be constructed prior to the issuance of the Certificate of Occupancy for the twenty-eighth townhouse residential unit:

- a. Community Meeting Room with adjacent Kitchenette, Dining Area, Office, and Rest Rooms.
- b. Concrete Paver Crosswalks.
- c. Exercise Room within the Community Room.
- d. Dog Run/Park (fenced with water on-site and waste disposal station)
- e. Walking Trail through the natural areas integrated with the sidewalks along the streets.
- f. All streets are tree lined with concrete walkways on both sides.

9. Prohibited Uses. Commercial uses within the Project shall be as specified in Section 24.1-361.1 (c) (1) of the York County Zoning Ordinance in effect at the time of Project approval. In addition, the following commercial uses shall not be allowed in the Project:

- a. Flea Market
- b. Church
- c. Animal Hospital with outside runs
- d. Indoor Theater
- e. Health Club with Outdoor Facility
- f. Video Arcade/Pool Hall/Bingo
- g. Indoor Firing Range
- h. Outdoor Commercial Amusement
- i. Auction House
- j. Funeral House

- k. Pawn Shop/Tattoo Parlor/Fortune Teller
- l. Motel
- m. Nightclub
- n. Commercial Reception Hall
- o. Gas/Service Station
- p. Helipad
- q. Bus Terminal
- r. Taxi/Limousine Service
- s. Towing Service/Auto Storage
- t. Wholesale Auction
- u. Warehousing

10. Successors and Assigns. These Proffers shall run with the title to the Property and shall be binding on the parties hereto and their respective successors and assigns; provided, however once a party ceases to own any, all or any portion of the Property, such party shall have no personal liability hereunder.

11. Severability. In the event that any clause, sentence, paragraph, subparagraph, section or subsection of these Proffers shall be judged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or the United States, or if the application thereof to any owner of any portion of the Property or to any government agency is held invalid, such judgment or holding shall be confined to its operation to the clause, sentence, paragraph, subparagraph, section, subsection or provision hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, subparagraph, section, subsection or provision hereof.

12. Headings. All paragraph and subparagraph headings of the Proffers herein are for convenience only and are not part of these Proffers.

13. Conflicts. In the event that there is any conflict between these Proffers and the Zoning Ordinance, the conflict shall be resolved by the County's Zoning Administrator subject to the appeal process to the Board of Zoning Appeals and the Courts as otherwise provided by law.

14. Void if Application not Approved. In the event that the Application is not approved by the County, these Proffers, the Master Plan and the Plans shall be null and void.

15. Incorporation of Recitals. The Recitals set forth above shall be included and read as part of these Proffers and are incorporated herein by reference.

[SIGNATURES CONTINUE ON FOLLOWING PAGES]

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WITNESS the following signatures, thereunto duly authorized:

PARRISH BAY LLC, a Virginia Limited Liability Company

By: C. T. Parrish

Title: PRESIDENT

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF Newport wit:

The foregoing instrument was acknowledged before me this 31st day of may, 2011 by C. T. Parrish as President of Parrish Bay LLC, a Virginia Limited Liability Company.

Cynthia Jackson
NOTARY PUBLIC

My commission expires: 12/31/11
Registration No.: 4101110

Embossed Hereon Is My
Commonwealth of Virginia Notary Public Seal
My Commission Expires December 31, 2011
CYNTHIA JACKSON

000000172

PARRISH ENTERPRISES, a Virginia Corporation

By: C. L. Parrish
Title: PRESIDENT

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Newport News, to wit:

The foregoing instrument was acknowledged before me this 31st day of May, 2011
by C. L. Parrish as President of Parrish Enterprises, a Virginia Corporation.

Cynthia Jackson
NOTARY PUBLIC

My commission expires: 12/31/11
Registration No.: 4101110

Embossed Hereon Is My
Commonwealth of Virginia Notary Public Seal
My Commission Expires December 31, 2011
CYNTHIA JACKSON

000000073

By: Marshall A. Cross
MARSHALL A. CROSS

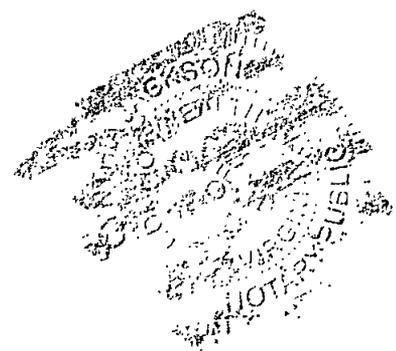
COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Prince George's to wit:

The foregoing instrument was acknowledged before me this 31st day of May, 2011
by Marshall A. Cross.

Cynthia Jackson
NOTARY PUBLIC

My commission expires: 12/31/11
Registration No.: 4104110

Embossed Hereon Is My
Commonwealth of Virginia Notary Public Seal
My Commission Expires December 31, 2011
CYNTHIA JACKSON



000000074

By: C. Parrish
C.L. PARRISH

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF York to wit:

The foregoing instrument was acknowledged before me this 31st day of May, 2011
by C.L. Parrish.

Cynthia Jackson
NOTARY PUBLIC

My commission expires: 12/31/11
Registration No.: 4101110

Embossed Hereon Is My
Commonwealth of Virginia Notary Public Seal
My Commission Expires December 31, 2011
CYNTHIA JACKSON

VIRGINIA: In the Clerk's Office of the York County -
Poquoson Circuit Court, the 31st day of
May, 2011. This deed was
presented with the certificate annexed and admitted
to record at 10:16 o'clock A.M.

Teste: LYNN S. MENDIBUR, CLERK
By: [Signature] D.C.

JUN 14 2016

Planning Division

ADDENDUM

To
Proffers
Yorktown Crescent

This Addendum is hereby made to the previously submitted Proffers, dated May 10, 2011 for the Yorktown Crescent Mixed Use Development:

7. Phasing. As described in the document entitled “Yorktown Crescent Building” , as included in the May 10, 2011 Proffers, except as modified and clarified by this Addendum:

- a) Prior to the issuance of the 43rd Certificate of Occupancy for a townhouse or duplex dwelling unit the developer shall have completed the construction of the first mixed-use building (which is intended to include a combination of retail/office space and apartments) to the stage that the non-residential space (commercial / office / community room) is ready for individual tenant fit-out and customization.

8. Amenities.

- a) Prior to the issuance of the 43rd Certificate of Occupancy for a townhouse or duplex dwelling unit the developer shall complete and have ready for occupancy a 3,000 square foot Community Meeting Room that includes, at a minimum, a Kitchenette, Dining Area, Office, Rest Rooms and Exercise Room.
- b) The following features shall be incorporated into the design of the project streets and shall be installed/completed as the streets in each section or phase are constructed:
 - 1) Concrete walkways on both sides;

- 2) Concrete paver or stamped pavement crosswalks.
- c) The following additional amenities shall be provided:
 - 1) Dog Run / Park (fenced with water on-site and a waste disposal station) prior to the issuance of the 43rd Certificate of Occupancy;
 - 2) A walking trail system through the natural areas and integrated with the sidewalk system, with the individual segments of the overall system being completed prior to the issuance of the final Certificate of Occupancy in each section/phase of the overall project.

Witness the following signatures, thereunto duly authorized:

Yorktown Crescent LLC

C.L. Parrish

Marshall A. Cross

Marshall A. Cross

STATE OF VIRGINIA
CITY OF NEWPORT NEWS, to-wit:

Subscribed, sworn and acknowledged before me
this 7th day of June, 2016 by C.L. Parrish
Manager, Yorktown Crescent LLC.

My commission expires : 5/31/2020
Registration Number: 7673497

Stephanie Kendall Rodriguez



Notary Public

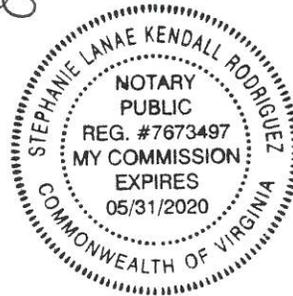
STATE OF VIRGINIA
CITY OF NEWPORT NEWS, to-wit:

Subscribed, sworn and acknowledged before me
this 7th day of June, 2016 by
Marshall A. Cross.

My Commission expires: 5/31/2020
Registration Number: 7673497



Notary Public



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 AMEND THE CONDITIONS OF APPROVAL FOR THE YORKTOWN CRESCENT MIXED-USE DEVELOPMENT LOCATED AT 3040 AND 3070 FORT EUSTIS BOULEVARD (ROUTE 1050)

WHEREAS, on June 21, 2011, the York County Board of Supervisors approved Application No. PD-29-11 to amend the York County Zoning Map by reclassifying approximately 16.7 acres of land located at 3040 and 3070 Fort Eustis Boulevard (Route 1050) and further identified as Assessor's Parcel Nos. 24-64-6 and 24-45-1A (GPINs Q08b-4641-4064 and R08a-0279-3748) from General Business (GB) and Limited Industrial (IL) to Planned Development Mixed Use (PDMU) for the purpose of developing a mixed-use development consisting of a maximum of 210 dwelling units, a minimum of 28,000 square feet of commercial space, and 3,000 square feet of community space; and

WHEREAS, Yorktown Crescent LLC has submitted Application No. PD-41-16 to request that the conditions of approval for the approved mixed-used development set forth in Ordinance No. 11-10(R) be amended by increasing from 27 to 42 the number of residential units that can be built prior to the construction of a community meeting room and other amenities; 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-41-16 be, and it is hereby, approved to amend the conditions set forth in Ordinance No. 11-10(R) for the approved Yorktown Crescent mixed-used development to be developed on 16.7 acres located at 3040 and 3070 Fort Eustis Boulevard (Route 1050) and further identified as Assessor's Parcel Nos. 24-64-6 and 24-45-1A (GPINs Q08b-4641-4064 and R08a-0279-3748) by increasing from 27 to 42 the number of residential units that can be built prior to the construction of a community meeting room and other amenities, as set forth below:

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 Plan: Yorktown Crescent," prepared by Brandon Currence Architects, dated March 2, 2011 and revised May 10, 2011, supplemented by the Narrative Description Design Guidelines, and Sign Guidelines, 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 210, including 80 residential condominiums, 58 townhouses and duplexes, 64 rental apartments, and 8 live-above units. No accessory 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 31,000 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 titled “Yorktown Crescent,” prepared by Brandon Currence Architects and dated March 2, 2011, and the applicant’s “Building Materials Palette,” 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) The maximum building height of all mixed-use, apartment, and commercial buildings shall be fifty feet (55’) measured to the roof peak, and the maximum building height of all townhouses shall be forty feet (40’) measured to the roof peak. No building shall exceed three stories in height.
- g) Sequencing of construction within the project shall be in accordance with the applicant’s “Yorktown Crescent Phasing Schedule” as revised May 10, 2011, except as modified herein. Specifically, after completion of the 42nd residential unit, no building permits for any additional townhouses, duplexes, or apartment buildings shall be issued prior to the completion of the construction of the first mixed-use building to the stage that it is ready for individual commercial tenant fit-out and customization.

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.
 - 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.

3. Streets and Roads

- a) Installation of the proposed new entrance to the project on Fort Eustis Boulevard across from Patriots Square shopping center and the proposed right-turn in/right-turn out entrance on Fort Eustis Boulevard shall be contingent on VDOT approval of an Access Management Exception Request. Pursuant to Section 24.1-362(c)(7) of the Zoning Ordinance, any proposal to amend the overall development master plan that would materially alter points of access shall be processed and reviewed in accordance with the

same procedures applicable to the initial Planned Development submission.

- b) Subject to approval by the Virginia Department of Transportation (VDOT), the developer shall install a 200-foot eastbound right-turn lane and taper and a 100-foot left turn lane and taper on Fort Eustis Boulevard at the new entrance across from Patriots Square. All public road improvements shall be constructed in accordance with all applicable VDOT standards.

4. Fire and Life Safety

- a) The roundabouts, sidewalks, inside and outside curbs, traffic islands, parking lot islands, etc. shall be designed to accommodate the turning radius (33' inside) and weight (80,000 pounds) of large fire and rescue apparatus.
- b) A water supply shall be established with a minimum of 2500 GPM (gallons per minute) in accordance with Newport News Waterworks requirements.
- c) All three-story buildings shall have sprinkler systems installed in accordance with the International Building Code and NFPA standards as applicable.
- d) Fire hydrant spacing shall be a maximum of 400 feet in accordance with Newport News Waterworks standards. Additional fire hydrants may be required by the Department of Fire and Life Safety based on sprinkler requirements.
- e) Landscaping and/or tree canopies (when initially planted and when at mature growth) shall not inhibit emergency vehicles and fire department access to the buildings. Tree canopies shall be designed and maintained to provide a minimum unobstructed vertical clearance of not less than 13' 6".

5. Open Space and Recreation

- a) A minimum of 2.3 acres of common open space shall be provided as depicted on the overall development master plan.
- b) Indoor recreational amenities shall consist of, at a minimum, a 3,000-square foot community center with a kitchenette, dining area, office, exercise room, and restrooms. Said facility shall be available without additional charges or fees (i.e., in addition to normal property owners' association

dues) to all residents of the development and their guests and shall be completed and available to residents prior to the issuance of a Certificate of Occupancy for the ~~28th~~ 43rd townhouse unit.

6. 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.

7. Proffered Conditions

The reclassification shall be subject to the conditions listed in the proffer statement titled “Proffers, Yorktown Crescent” signed by C. L. Parrish and Marshall A. Cross and dated May 10, 2011, ~~and~~ the “Addendum To Proffers, Yorktown Crescent” signed by C. L. Parrish and Marshall A. Cross and notarized June 20, 2011, and the “Addendum To Proffers, Yorktown Crescent” signed by C. L. Parrish and Marshall A. Cross and notarized June 7, 2016.

BE IT STILL FURTHER ORDAINED 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 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.