

PLANNING COMMISSION  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the \_\_\_\_ day of \_\_\_\_\_, 2010:

---

Present

Vote

John R. Davis, Chair  
Christopher A. Abel, Vice Chair  
Alexander T. Hamilton  
M. Sean Fisher  
Nicholas F. Barba  
Alfred E. Ptasznik, Jr.  
Anne C. H. Conner

---

On motion of \_\_\_\_\_, which carried \_\_\_\_\_, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A 13.7-ACRE MIXED-USE PLANNED DEVELOPMENT ON THE EAST SIDE OF ROUTE 17 WITH 112 DWELLING UNITS AND AT LEAST 13,750 SQUARE FEET OF COMMERCIAL/OFFICE/CIVIC/INSTITUTIONAL SPACE

WHEREAS, Pritchard and Miller Real Estate has submitted Application No. PD-27-10, which is a request to amend the York County Zoning Map by reclassifying from GB (General Business) and R20 (Medium-density single-family residential) to PDMU (Planned Development Mixed Use) approximately 13.7 acres for the purpose of establishing a mixed-used development consisting of 66 townhouses, 46 condominium apartments, and at least 13,750 square feet of commercial/office/civic/institutional space on property located on the east side of George Washington Memorial Highway (Route 17) approximately 380 feet south of its intersection with Battle Road (Route 718) and further identified as Assessor’s Parcel Nos. 24-56-B (GPIN Q09d-4122-0113) and 24-64-1 (GPIN Q08b-3996-4541), and portions of Assessor’s Parcel No. 24-81B (GPIN Q09d-3894-0486) and Assessor’s Parcel No. 24-64-7 (GPIN Q08b-4408-4590); 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 \_\_\_\_ day of \_\_\_\_\_, 2010, that Application No. PD-27-10 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 GB (General Business) and R20 (Medium-density single-family residential) to PDMU (Planned Development Mixed Use) approximately 13.7 acres for the purpose of establishing a mixed-used development consisting of 66 townhouses, 46 condominium apartments, and at least 13,750 square feet of commercial/office/civic/institutional space on property located on the east side of George Washington Memorial Highway (Route 17) approximately 380 feet south of its intersection with Battle Road (Route 718) and further identified as Assessor's Parcel Nos. 24-56-B (GPIN Q09d-4122-0113) and 24-64-1 (GPIN Q08b-3996-4541), and portions of Assessor's Parcel No. 24-81B (GPIN Q09d-3894-0486) and Assessor's Parcel No. 24-64-7 (GPIN Q08b-4408-4590), and more fully described as follows:

All those certain lots, pieces or parcels of land situate, lying and being in the County York, Commonwealth of Virginia, known and designated as Parcel A-1, Parcel "B" and Parcel 1 as shown on a certain plat entitled "Exhibit Plat of Parcel A-1. Parcel 'B' & Parcel 1 Property to be Zoned PD and containing 13.7225 acres (597,791 sq. ft.) Nelson Magisterial District, County of York," Virginia, prepared by Davis & Associates, P.C. and dated October 28, 2009.

Beginning at a point on the easterly right-of-way line of George Washington Memorial Highway (U.S. Route 17) being the intersection of the southerly right-of-way line of Battle Road (State Route 718) and the easterly right-of-way line of George Washington Memorial Highway (U.S. Route 17), running thence S 21° 49' 54" a distance of 132.54 feet to a point, thence S 27° 01' 34" E a distance of 233.05 feet to the point of place of beginning as shown on said plat, and from the point of beginning thus established, running thence N 50° 37' 45" E, a distance of 540.68 feet to a point, thence S 70° 18' 03" E, a distance of 239.24 feet to a point, thence N 62° 58' 27" E, a distance of 107.83 feet to a point; thence S 27° 01' 34" E, a distance of 499.75 feet to a point, thence S 50° 12' 12" W, a distance of 424.45 feet to a point, thence S 63° 01' 27" W, a distance of 17.00 feet to a point, thence S 45° 36' 212" W, a distance of 124.75 feet to a point, thence S 27° 01' 34" E, a distance of 227.37 feet to a point, thence S 62° 58' 26" W, a distance of 238.00 feet to a point, thence N 27° 01' 34" W, a distance of 152.92 feet to a point, thence S 45° 36' 12" W, a

distance of 12.57 feet to a point, thence N 27° 01' 34" W, a distance of 767.60 feet to the point of beginning.

BE IT FURTHER RESOLVED that approval of this application 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 24.1-361.1, 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 "Nelson's Grant," prepared by Brandon Currence Architects, dated January 8, 2010, supplemented by the Narrative Description and Residential Design Guidelines dated January 29, 2010, and the Commercial Design Guidelines dated January 11, 2010, copies of which shall be kept on file in the office of the York County Planning Division.
- c) Architectural design of all buildings shall be in substantial conformance with the building elevations titled "Nelson's Grant," prepared by Brandon Currence Architects and dated January 11, 2010, 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 Sections 24.1-378(d), Route 17 Corridor Overlay District, and 24.1-361.1(f), Planned Development Mixed Use district.
- d) The maximum number of residential units shall be 112, including 66 townhouses and 46 condominiums. 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.
- e) The development shall include a minimum of 13,750 square feet of commercial/office/civic/institutional (i.e., non-residential) floor area.
- f) The maximum building height of all mixed-use/condominium buildings shall be fifty feet (50') measured to the roof peak, and the maximum building height of all townhouses shall be forty feet (40') measured to the roof peak.

2. Signs

- a) Freestanding signage shall be limited to one development identification sign on each side of the main entrance on Route 17, one development identification sign along Route 17 north of the main entrance to Patriots Square shopping center located at 8100 George Washington Memorial Highway (Route 17), and one development identification sign at the internal access connection at the southern property boundary. 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) Pursuant to Section 24.1-707(r) of the Zoning Ordinance, identification and directional boards no larger than 32 square feet in area shall be permitted internal to the development provided that there shall be no more than one such sign for each of the two mixed-use/condominium buildings in the development.
- c) 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) The developer shall install a full-width 200-foot right-turn lane with a 200-foot taper on Route 17 at the main entrance to the development. All public road improvements shall be constructed in accordance with all applicable standards of the Virginia Department of Transportation (VDOT).
- b) In accordance with Section 24.1-252(b)(4) of the Zoning Ordinance, a second vehicular access to the proposed development from Route 17 shall be permitted subject to approval by VDOT and provided that it is designed to serve as a joint entrance for the mixed-use development and the adjoining parcel to the north. The developer shall install a 200-foot taper on Route 17 at this secondary entrance to the development.

### 4. Fire and Life Safety

- a) The roundabout, 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) Buildings shall have sprinkler systems installed in accordance with the Virginia Uniform Statewide 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.

5. Open Space and Recreation

- a) A minimum of 3.25 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 meeting room, fitness room, kitchenette, 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. Said facility shall be completed and available to residents prior to the issuance of a Certificate of Occupancy for the fortieth (40th) townhouse unit.
- c) A minimum Type 25 transitional buffer shall be established and maintained along the eastern property boundary adjacent to the Settler's Crossing subdivision and along the southern property between the street labeled "South Street" on the overall development master plan and the adjacent Patriots Square shopping center.

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) The 20,300-square foot wetland area to the rear (i.e., east) of the property shall be protected with a conservation easement granted to the County or some other entity in accordance with the provisions of Section 24.1-118 of the Zoning Ordinance. In lieu of establishing a conservation easement, the Zoning Administrator, with the concurrence of the County Attorney, may authorize other arrangements that would achieve the same purpose as a conservation easement.
- c) Any proposed filling of wetlands on the property shall require a fill permit from the Virginia Department of Environmental Quality.
- d) 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 "Nelson's Grant, Proffers" dated February 1, 2010, and signed by Steven N. Miller, Gregory E. Pritchard, C. L. Parrish, Raymond H. Suttle, Sr., and Andrew B. Widmark.

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 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 prior to application for site plan approval.