Index File

PD-27-10

Pritchard and Miller Real Estate

Assessor's Parcel Nos. 24-56-B and 24-64-1 and portions of Assessor's Parcel Nos. 24-81B and 24-64-7

Application No. PD-27-10, Pritchard and Miller Real Estate: 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 13,750 square feet of retail/office space. The property is 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 is further identified as Assessor's Parcel Nos. 24-56-B and 24-64-1, and portions of Assessor's Parcel No. 24-81B and Assessor's Parcel No. 24-64-7. The *Comprehensive Plan* designates this area as General Business along Route 17 and Medium Density Residential (maximum density of 1.75 dwelling units per acre) to the rear, with a Mixed Use overlay designation encompassing most of the property.

Attachments:

- Staff Report
- Zoning Map
- Survey Plat
- Applicant's Narrative Description (5 pages)
- Overall Development Master Plan
- Building Elevations and Renderings (3 pages)
- Building Materials Palette (7 pages)
- Residential and Commercial Design Guidelines (9 pages)
- Signage Plan (5 pages)
- Proffer Statement (9 pages)
- Community Impact Analysis (21 pages)
- Proposed Resolution No. PC10-2

COUNTY OF YORK
MEMORANDUM

DATE: February 2, 2010 (PC Mtg. 2/10/10)

TO: York County Planning Commission

FROM: Timothy C. Cross, AICP, Principal Planner

SUBJECT: Application No. PD-27-10, Pritchard and Miller Real Estate

ISSUE

This application seeks 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 space. The property is 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 is further identified as Assessor's Parcel Nos. 24-56-B, 24-64-1, and portions of Assessor's Parcel Nos. 24-81B and 24-64-7.

DESCRIPTION

- Property Owners: Virginia Health Services, Inc. (Parcel No. 24-81B), C.L. Parrish (Parcel No. 24-56-B), and Triangle V III LP (Parcel Nos. 24-64-1 and 24-64-7); applicant is contract purchaser.

- Location: East side of George Washington Memorial Highway (Route 17) approximately 380 feet south of its intersection with Battle Road (Route 718)

- Area: Approximately 13.7 acres

- Frontage: Approximately 910 feet on Route 17

- Utilities: Public water and sewer

- Topography: Flat

- 2025 Land Use Map Designation: General Business along Route 17 and Medium Density Residential to the rear; a Mixed Use overlay designation encompasses most of the proposed development site.

- Zoning Classifications: GB-General Business and R20-Medium-density single-family residential

- Existing Development: None

- Surrounding Development:

  North: York Convalescent Center and, across Battle Road, Yorktown Library and single-family detached homes
  East: Single-family detached homes (Settlers Crossing)
  South: Patriots Square shopping center
  West: Abandoned residential structure on thirteen acres of land (across Route 17)

- Proposed Development: Mixed-use development consisting of 66 townhouses, 46 condominium apartments, and at least 13,750 square feet of commercial space

CONSIDERATIONS/CONCLUSIONS

1. The 13.7-acre site proposed for rezoning consists of two parcels and portions of two additional parcels. The applicant has a contract to purchase an approximately 6.3-acre portion of the 17.0-acre York Convalescent Center site located at 113 Battle Road, which would be combined with the adjacent 6.0-acre parcel to the east and the adjacent 1.0-acre Patriots Square out-parcel to the south located at 8106 George Washington Memorial Highway. In addition, the applicant plans to acquire a strip of land from the adjacent 9.4-acre Patriots Square shopping center parcel to be incorporated into the proposed mixed-use development. Of the 13.7 acres proposed for rezoning, approximately 11.5 acres – including the Route 17 frontage and the entire rear parcel adjacent to the Settlers Crossing subdivision – are zoned GB (General Business) and the remaining 2.2 acres are zoned R20 (Medium density single-family residential).

2. The Comprehensive Plan designates most of the site for General Business development, with a small portion (approximately one acre) located in the northeast corner of the site designated for Medium Density Residential development. In addition, the Comprehensive Plan establishes a Mixed Use overlay designation over the general area surrounding the nearby intersection of Ft. Eustis Boulevard and Route 17 that encompasses most of the subject property.

3. Development along Route 17 in the area of the proposed project is predominantly commercial, with the Patriots Square shopping center, two gas stations, two fast-food restaurants (and a third under construction), ServiceMaster carpet cleaners, and the Yorktown Library all located within a quarter mile of the proposed development. Settler's Crossing, a subdivision of single-family detached homes, is located to the east of the project site while to the west, across Route 17, are an abandoned residential structure (for which nonconforming use rights have expired) on a thirteen-acre commercially zoned site, and Clairmont Way, which is the entrance road for the Clairmont apartment complex.

4. The applicant proposes to build a mixed-use development (Nelson's Grant) consisting of two mixed-use residential/commercial buildings and one stand-alone

commercial building (at least 3,000 square feet in area) fronting on Route 17, with fourteen groupings of two- and three-story townhouses to the rear of the site. The two proposed mixed-use buildings would house commercial space oriented toward Route 17 and the main entrance and a total of 46 one- and two-story condominium apartments, eight of which would be "live above" units with street-level retail and office uses below. The development would be served by a stormwater detention pond located in the northeast corner of the property.

5. Pursuant to Section 24.1-361.1(c)(1) of the Zoning Ordinance, commercial uses in any mixed-use development are generally limited to those permitted either as a matter of right or with a Special Use Permit in the NB (Neighborhood Business), LB (Limited Business), and GB zoning districts. However, certain commercial uses – for example, auto repair, mini-storage warehouses, contractor's shops, car washes, pawn shops, tattoo parlors – are prohibited unless specifically authorized in the PDMU approval. The applicant has proffered to further limit the range of allowable uses by prohibiting gas stations, nightclubs, hotels and motels, video arcades/pool halls/bingo, churches, and various other non-residential uses.

6. With more than 900 feet of frontage along Route 17, the development will be highly visible from the County's main commercial corridor, making architectural design a matter of paramount importance. Although the PDMU provisions allow multi-family and mixed-use structures to be up to four stories in height, the proposed buildings would be only three stories tall and no taller than fifty feet (50') measured to the roof peak, which would be permitted under the current GB zoning on that portion of the property on which the mixed-use/condominium buildings would be located. The buildings that front on Route 17 would be set back at least 70 feet from the street right-of-way (80 feet from the edge of pavement), which is greater than the PDMU minimum guideline of 50 feet. In addition, the applicant has proffered that all exterior building façades will be constructed of brick, stone, cement-board siding, dryvit, or the equivalent of the same, although trim, soffit, and accent features may be composed of or contain vinyl, aluminum, or other materials. (Additional details, including brick, shingle, and color samples, can be found in the attached Building Materials Palette.) In addition, the applicant has submitted architectural elevations that incorporate the architectural guidelines set forth in the PDMU provisions and meet the standards of the Route 17 Corridor overlay district. With these requirements in place, staff believes the development will be an aesthetically appealing addition to the Route 17 corridor.

   Also important is the aesthetic impact of the proposed development on the existing Settlers Crossing residential subdivision to the east. Portions of the townhouse component of Nelson's Grant would be visible from adjacent homes, but visibility would be mitigated by the presence of a 25-foot landscape buffer (where the Zoning Ordinance would require only a 10-foot landscape yard for a PDMU). Furthermore, the closest townhouse lot to Settler's Crossing would be 60 feet away – three times the 20-foot setback required by the Zoning Ordinance – and the townhouses would have a maximum building height of 40 feet measured to the roof peak. In addition, Section 24.1-361.1(4)(f) of the PDMU provisions will require that all buildings in

Nelson's Grant incorporate 360-degree architecture in order to ensure that a quality appearance is presented on all building faces visible to the public or to adjacent property owners.

7. The PDMU provisions set forth a series of numerical guidelines pertaining to the desirable mix of residential and commercial uses within a mixed-use development. These guidelines are not specific mandates; the Zoning Ordinance allows the Board of Supervisors to modify the guidelines in approving a PDMU. While some of these guidelines apply to all mixed-use developments, there are some that distinguish between "minor" and "major" PDMU developments. A minor PDMU is one that has at least ten (10) but fewer than fifty (50) gross acres of land, and a major PDMU is one that has at least fifty acres. Nelson's Grant, with 13.7 acres, is considered a minor PDMU and is subject to those guidelines.

   - With at least 16,750 square feet of nonresidential use (including the 3,000-square foot community center), Nelson's Grant would exceed the Zoning Ordinance minimum guideline of 1,000 square feet per acre of developable land.

   - With 112 residential units, the proposed residential density in Nelson's Grant (8.3 dwelling units per developable acre) would be slightly lower than the Zoning Ordinance maximum guideline of ten (10) dwelling units per acre.

   - The proportion of so-called "live above" dwelling units – units located in buildings that have ground-floor, pedestrian-oriented commercial, office, or civic space – in Nelson's Grant, at 7.1 percent, falls well short of the Zoning Ordinance minimum guideline of 40 percent.

   - For minor PDMU developments there is no specific guideline for the sequencing of commercial and residential development within the project. The developer is required to provide a project build-out schedule, the purpose of which is to "provide assurance to the Board of Supervisors that the project will, in fact, include both the proposed non-residential and residential elements at certain project milestones and/or at build-out." For Nelson's Grant, the applicant has proposed a sequencing schedule (contained in the proffer statement) that would allow the construction and occupancy of up to 39 townhouses before any commercial construction is required. Before the 40th townhouse can be completed, the first mixed-use building, with at least 6,100 square feet of commercial or civic space, must be completed and ready for occupancy. An additional 15 townhouses can be built and occupied before the second mixed-use building, with at least 7,650 square feet of commercial or civic space, must be ready for occupancy. The proposed schedule is almost identical to the phasing guidelines that would apply to Nelson's Grant if it were a major PDMU and, in staff's opinion, is adequate to ensure an appropriate balance of residential and nonresidential development throughout the development of the project.

8. The applicant's master plan shows two direct points of access to the development from Route 17, both of which would be right-turn in/right-turn out only since there is a landscaped median along the entire property frontage. Internal vehicular/pedestrian circulation would be provided by a central east-west corridor and a secondary north-south access way running the width of the site (parallel to Route 17) and connecting to the adjacent parking/circulation area for the Patriots Square shopping center to the south with an ingress/egress easement to the undeveloped portion of the adjacent York Convalescent Center property to the north. According to the applicant, the owner of this property, Virginia Health Services, Inc., plans to subdivide and develop the GB-zoned portion at the corner of Route 17 and Battle Road sometime in the future. In accordance with Section 24.1-252(b)(4) of the Zoning Ordinance, access to such future development from Route 17 would be permitted only in conjunction with a single access and internal circulation system serving both the proposed mixed-use development and that residual parcel. The subject parcel has more than 600 feet of frontage on Route 17, so the Zoning Ordinance allows a second access as long as it is constructed as a joint entrance serving both developments; however, the distance between this proposed entrance and the Route 17/Battle Road intersection does not meet the minimum spacing criteria set forth in VDOT's recently adopted Access Management Regulations. A formal exception will need to be granted by VDOT before this second entrance can be permitted.

9. According to the applicant's traffic impact analysis, the proposed development can be expected to generate an average of 1,276 daily vehicle trips, including 68 trips in the AM peak hour and 177 trips in the PM peak hour, based on the Institute of Transportation Engineers' (ITE) Trip Generation manual (8th edition). Most of the traffic – approximately 710 daily trips (56 percent of the total) – would be generated by the residential units, while commercial uses are estimated to generate approximately 566 trips per day (44 percent of the total). In accordance with VDOT standards for mixed-use developments, the traffic study assumes that 15 percent of these trips would be internal to the development, resulting in a total external traffic volume of 1,191 trips (66 in the AM peak hour and 167 in the PM peak hour). In addition, 25 percent of the retail-generated trips are assumed to be "pass-by" trips drawn from the existing traffic stream on Route 17, in accordance with VDOT standards. This reduces the number of *new* trips to 1,071 per day – 66 in the AM peak hour and 159 in the PM peak hour. Based on these traffic forecasts, the study indicates that a full-width 200-foot right-turn lane and a 200-foot taper on northbound Route 17 will be warranted at the main (southern) entrance, while a 200-foot right-turn taper will be warranted at the secondary (northern) entrance. The Virginia Department of Transportation (VDOT) has reviewed the traffic study and agrees with its assumptions, conclusions, and recommendations.

   The traffic study also analyzes the project's impact on Levels of Service at the Route 17 intersections with Fort Eustis Boulevard, Battle Road/Clairmont Way, and Cook Road/York-Warwick Drive, all of which are signalized. The analysis shows that all three intersections would continue to have acceptable Levels of Service overall, although some peak-hour movements from Fort Eustis Boulevard onto

Route 17 are expected to experience an unacceptable Level of Service as a result of the development. These include both the left and right turns onto Route 17 northbound in the AM peak hour, and both the left and right turns from Fort Eustis Boulevard westbound onto Route 17 northbound and southbound in the PM peak hour.

10. The Zoning Ordinance PDMU standards require that a minimum of ten percent (10%) of the gross area of a mixed-use development to be reserved as common open space. In addition, the development must incorporate one or more recreation areas or facilities which, depending on the type and market orientation of the residential units, may include active or passive, indoor or outdoor activities and/or facilities. In this case, approximately 3.5 acres of the gross land area (25%) is devoted to common open space and includes two "community greens," a tot lot with playground equipment, a gazebo, sidewalks, and a natural park area with a mulched nature trail. Indoor facilities would include a 3,000-square foot community center with a fitness center and a community meeting room with kitchenette, which would be centrally located in one of the mixed-use buildings near the roundabout.

11. The effect of this project on school enrollment is difficult to predict since there are no other mixed-use developments in the County. There are, however, townhouse and condominium developments, some of which are in the same general market area as Nelson's Grant and are listed below:

Development	**Unit Type**	**Students/Unit**
Burnt Bridge Run	Townhouses	0.34
Eagle Sound (Kiln Creek)	Condominiums	0.13
Riverwalk Townes	Townhouses	0.27
The Quarters of York County	Quadruplexes	0.27
Williamsburg Commons	Condominiums	0.08
TOTAL		**0.19**

In general, townhouses and condominiums have fewer school-age children per unit than do single-family detached homes, and mixed-use developments tend to have relatively low school impacts compared to other types of multi-family housing because they tend to be more attractive to young professionals and "empty nesters" than to families with children, which have greater space needs. For example, the Stoney Run mixed-use development in Newport News (intersection of Denbigh Boulevard and Jefferson Avenue), which has a mix of retail businesses, condominiums, and rental apartments, has an average of only one school student for every six dwelling units (0.17 student per unit). However, it should also be noted that certain features of Nelson's Grant might increase its attractiveness to families. These features include the proposed tot lot with playground equipment, the relatively spacious townhouses to the rear of the development (which, at 2,000 to 2,400 square feet per unit, would be larger than most of the units in the developments listed above), and the two-story condominiums.

Based on these factors and the proposed mix of unit types, staff estimates that Nelson's Grant could be expected to generate up to 35 school students – 19 in elementary school, 8 in middle school, and 8 in high school. This is within the range estimated by the applicant (20 to 38 students), which was based in part on general school student multipliers provided by staff. These students would attend Yorktown Elementary School, Yorktown Middle School, and York High School, all of which have excess capacity, as noted in the following table:

School	Enrollment	Capacity	Surplus/Deficit
Yorktown Elementary	584	734	150
Yorktown Middle	752	1,002	250
York High	1,068	1,212	144
TOTAL	2,404	2,948	544
Note: Enrollment (Average Daily Membership) and program capacity figures as reported by the York County School Division for December 2009			

Although the incremental impact of this development on school enrollment is small, it should be noted that there is already a significant amount of by-right subdivision activity pending or planned in these attendance zones, with a combined total of about 500 dwelling units. This future development activity has led the School Board to propose construction of a new 500-student elementary school in the 2014-15 fiscal year to accommodate projected growth in this area of the County; consequently, any proposed residential rezoning in this attendance zone, even a small one, must be considered carefully. However, the reality is that approval of a mixed-use project in almost any of the areas so designated in the Comprehensive Plan will generate school students who have not been directly factored into long-range enrollment projections for the simple reason that almost all these areas have an underlying commercial designation and, thus, had no potential for school enrollment assigned to them. That being the case, the relevant question is whether the projected school-age population in a proposed mixed use project is significant enough to cause an immediate capacity problem or is relatively insignificant in comparison with the cumulative impacts of other pending development. In this case, staff believes the latter to be true and that Nelson's Grant will have at most a marginal effect on elementary school enrollment.

12. A signage plan (copy attached) has been submitted by the applicant as required by the PDMU provisions. Pursuant to Section 24.1-361.1(f)(7) of the Zoning Ordinance, signage must be in accordance with the standards applicable to the LB (Limited Business) zoning district. The applicant proposes to install a freestanding monument-type project identification sign on each side of the main entrance on Route 17 with a maximum permitted sign area of 40 square feet. The applicant also has requested two additional project identification signs along Route 17 – one at the secondary entrance and another on the north side of the Patriots Square shopping center entrance. A fourth project identification sign is also proposed at the internal entrance to the development from Patriots Square. The applicant also proposes one "building identification" sign which would fall under the Zoning Ordinance definition of "Identification and Directional Boards" and as such can be no larger

than 32 square feet in area. In addition, there would be wall and canopy signs to identify the individual businesses within the development, which are permitted as long as the cumulative area of these signs does not exceed 1.25 square feet for each linear foot of principal building width. Lastly, the applicant proposes to incorporate pedestrian-oriented projecting signs (i.e., tenant identification signs that would be perpendicular to the building).

Although the Zoning Ordinance typically allows only one freestanding sign for each public road frontage (or two in the case of community and business/office/industrial parks), for mixed-use developments, which require Board of Supervisors approval, it allows great flexibility based on the particular characteristics of the site and the development. In this case, where the site is 13.7 acres in size and has enough frontage on Route 17 to accommodate nine separate businesses under the existing zoning, each of which would be entitled to its own 64-square foot freestanding sign, staff does not believe it would be unreasonable to allow a second freestanding sign to encourage internal traffic circulation by diverting vehicles off of Route 17 at the Patriots Square entrance. The third proposed identification sign at the northern Route 17 entrance, however, is not warranted, in staff's opinion, and the applicant has indicated that it does not object to its deletion.

13. An environmental inventory of the project site has been prepared and submitted by the applicant. Three areas of isolated wetlands have been identified on the property, two of which have been field-verified by the U.S. Army Corps of Engineers. The most significant wetland area, approximately 20,300 square feet in area, is located to the rear of the property and, with the addition of a proposed mulch trail, would serve as both a recreational amenity for the residents and a natural buffer between the development and the adjacent Settlers Crossing subdivision. The applicant plans to protect this natural area with a conservation easement, and staff has proposed a condition of approval to ensure this. There are no tributary streams on the property, and none of the property lies within any Chesapeake Bay Preservation Area or in either the 100-year or 500-year floodplain. However, the property does lie within the Watershed Management and Protection Area (WMP) overlay district, and the developer will be required to submit an impact study addressing stormwater runoff and reservoir protection measures.

14. The applicant has submitted a fiscal impact analysis of the proposed development, prepared by the Wessex Group, which concludes that Nelson's Grant would generate annual revenues in excess of the cost of County service and infrastructure needs it would generate and thus would have a positive net fiscal impact on the County. Based on the proposed mix of commercial and residential uses and using Riverwalk Townes and The Quarters of York County, the analysis calculates the present value of the net revenues generated by the development to be approximately $1.6 million over the twenty-year period following construction. Using staff's maximum school enrollment projection of 35 students considerably reduces the surplus revenue, but the net impact is still positive. Of course, if the parcel were

fully developed in accordance with the existing zoning, which is mostly GB except for the 2.2-acre R20 portion, the net fiscal impact would be much more positive.

RECOMMENDATION

As the Commission will recall, another developer proposed a mixed-use development (Yorktown Green) in this same location in 2008. At the public hearings there was considerable citizen opposition to that application, and it was ultimately denied by the Board of Supervisors. This application inevitably invites comparisons. Although there are some similarities between the two proposals, there are several important differences.

The size, scale, and density of Yorktown Green generated significant concern. As proposed, Yorktown Green consisted of 189 apartment units and 29,400 square feet of commercial/office space. The proposed residential density was 15.8 units per developable acre – 58 percent higher than the Zoning Ordinance guideline of ten (10) dwelling units per acre – and included four-story apartment buildings set back 63 feet from Route 17. Nelson's Grant, in contrast, would fall below the Zoning Ordinance guideline, with a density of 8.3 units per acre and have 41 percent fewer residential units (112), which would be a mix of 66 townhouses and 46 condominiums. With 13,750 square feet of retail and office space, the commercial component of Nelson's Grant would be 53 percent smaller than Yorktown Green. Because of the smaller size and scale, the traffic and school enrollment impacts are lower. Buildings would be no more than three stories in height and measure no more than fifty feet (50') along Route 17, which is permitted under the current zoning, and forty feet (40') in the area adjacent to the Settlers Crossing subdivision.

Both the Housing and Economic Development elements of the Comprehensive Plan state that the County should "Encourage mixed-use development in appropriate areas," and the Land Use element identifies the subject area as one that is appropriate for this type of development. Staff believes the proposed mix of townhouses to the rear of the development and condominium/commercial buildings toward the front would be compatible with surrounding development, which consists mainly of commercial uses with single-family detached homes to the rear. The approximately 2.3-acre portion of the property that is zoned R20 has limited potential for standard single-family detached residential development because of its location to the rear of the parcel and access constraints.

One of the overriding goals behind the mixed-use development concept is the creation of special and unique places that stand apart from conventional development. The proposed development does indeed incorporate several design features that set it apart from other developments in the County. These include not just the mixing of residential and commercial uses within a single development (and within a single building), but also narrow (private) streets, a roundabout, shallow front yard building setbacks, a high degree of pedestrian connectivity, and a relatively compact "new urbanist" form. These are features customarily found in mixed-use developments and are consistent, in staff's opinion, with the mixed-use concept as articulated in the Comprehensive Plan.

Based on the considerations and conclusions as noted, 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. PC10-2.
Attachments:

- Zoning Map
- Survey Plat
- Applicant's Narrative Description (5 pages)
- Overall Development Master Plan
- Building Elevations and Renderings (3 pages)
- Building Materials Palette (7 pages)
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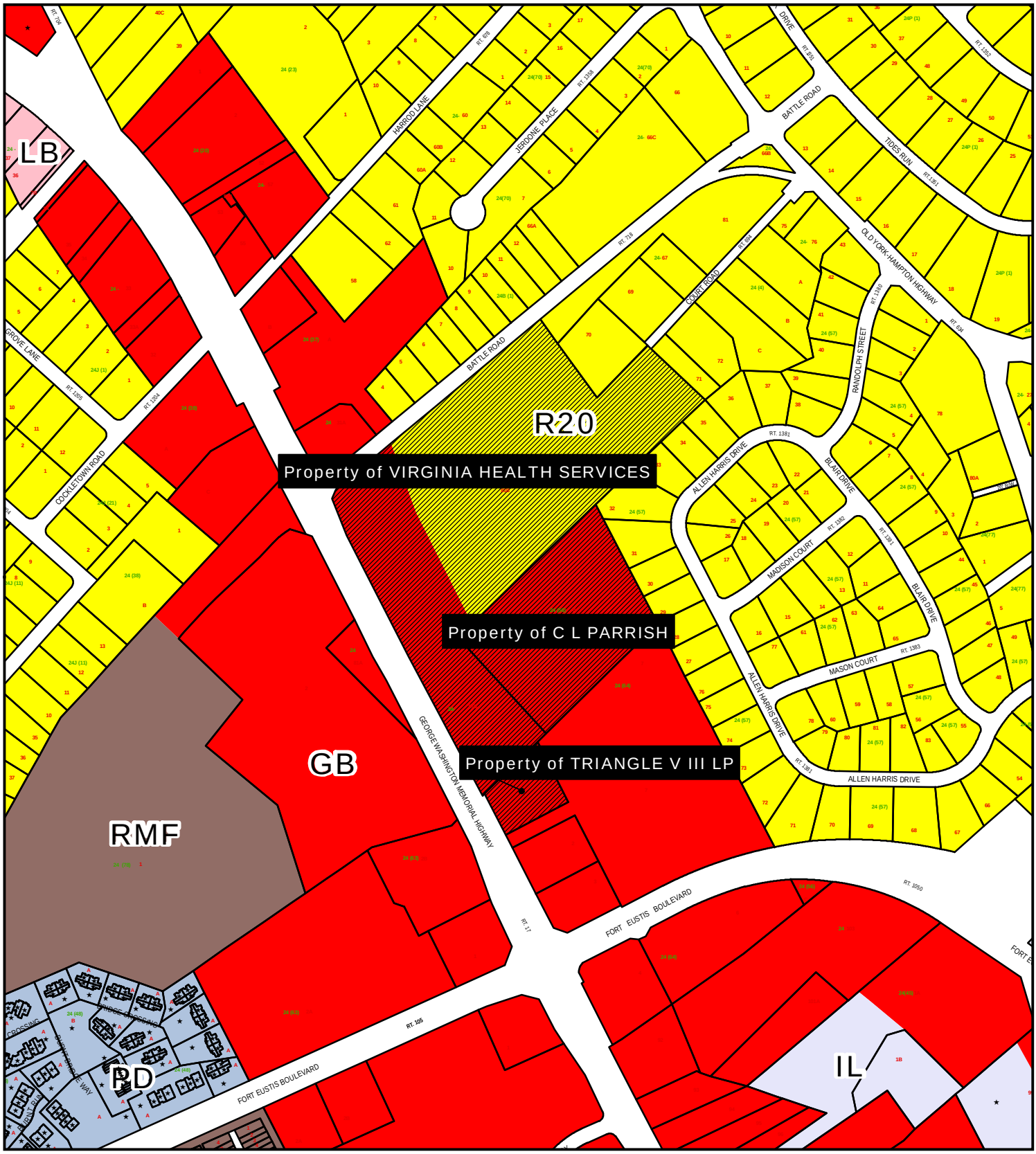
APPLICANT
Pritchard And Miller Real Estate
Mixed-Use Development
Q08b-3996-4541, Q09d-3894-0486, Q09d-4122-0113

ZONING MAP

APPLICATION NUMBER: PD-27-10



★ = Conditional Zoning

0 225 450 900 Feet

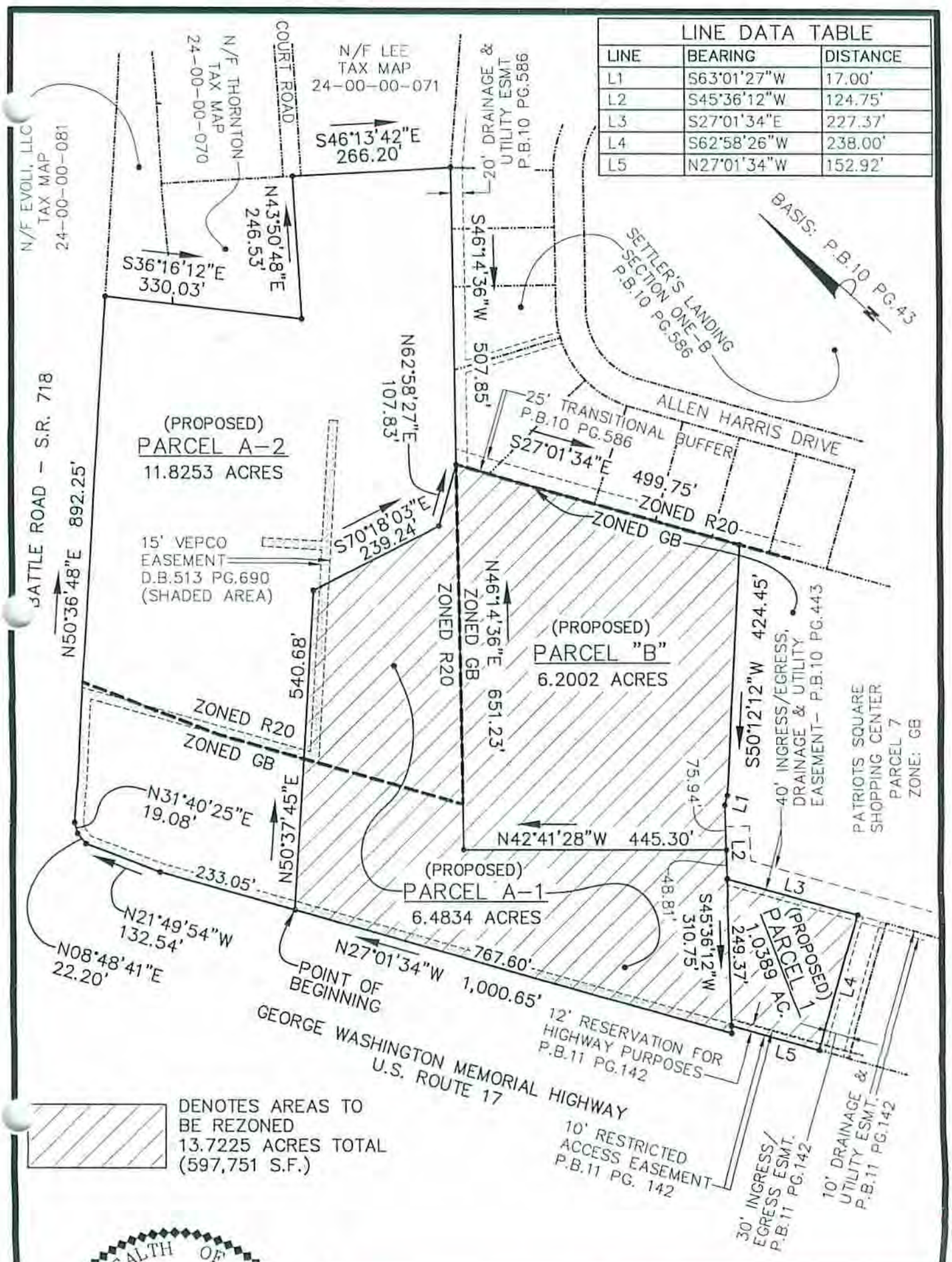
Printed on December 04, 2009

N W E S

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.

LINE DATA TABLE		
LINE	BEARING	DISTANCE
L1	S63°01'27"W	17.00'
L2	S45°36'12"W	124.75'
L3	S27°01'34"E	227.37'
L4	S62°58'26"W	238.00'
L5	N27°01'34"W	152.92'



COMMONWEALTH OF VIRGINIA
DONALD W. DAVIS
Lic. No. 1402(a)
Lic. No. 1418(b)
10/28/09
LAND SURVEYOR

DAVIS & ASSOCIATES, P.C.
SURVEYORS – PLANNERS
YORK COUNTY, VIRGINIA

EXHIBIT PLAT OF PARCEL A-1, PARCEL "B" & PARCEL 1 PROPERTY TO BE ZONED PD

CONTAINING

13.7225 ACRES (597,751 S.F.)

NELSON MAGISTERIAL DISTRICT

COUNTY OF YORK, VIRGINIA

RECEIVED
York County
DEC 1 2009
Planning Division

CODE: 09-0375	DWN.BY: TH	SCALE: 1"=200'	TO: MILLER	DATE: OCTOBER 28, 2009

Nelson's Grant

Narrative Description (Revised January 29, 2010)

This application for rezoning is for parcels GPIN Q09d-4122-0113, a landlocked parcel adjacent to Patriots Square Shopping Center; parcel Q09d-3894-0486, 113 Battle Road part of the York Convalescent Property as described in the attached metes and bounds description; GPIN Q08b-3996-4541, 8106 George Washington Memorial Highway; and part of GPIN Q08b-4408-4590, 8100 George Washington Memorial Highway. The properties are located in an area designated for Mixed Use Development in the York County 2025 Land Use Plan.

The community is designed using Traditional Neighborhood Development (TND) standards to create a vibrant walkable community that will minimize the impacts on surrounding properties and will be a benefit to the County and its residents. Streets are on a traditional grid pattern with good internal interconnectivity and with adjacent properties.

The community has been designed to be successful from an economic standpoint, by providing a needed mix of housing types and an appropriate commercial area that will complement the existing retail locations at this key intersection. The proposed community will include 66 townhomes of various sizes and prices, 46 residential condominiums, 13,750 square feet of commercial space and 3,000 square feet of community space for use by all the residents. Based on the Fiscal Impact Analysis prepared by the Wessex Group, development of Nelson's Grant will result in a net positive impact on the County of $1.64 million.

RESIDENTIAL. The development plan provides a wide variety of housing choices as is appropriate for a traditional mixed-use community.

Larger townhomes with 2,000 to 2,400 square feet will feature alley-loaded detached garages. These homes will have the choice of a first floor master bedroom or second floor master bedroom. They are designed to meet the needs of county residents who are ready to downsize from a single family home to a low-maintenance home, with ample living areas to meet their needs. In addition to a traditional townhome configuration, the larger townhomes will be offered in smaller groupings towards the rear of the community. This was done to provide a more varied streetscape and to minimize the impact of the development on the adjacent single family neighborhood.

Smaller townhomes will be designed for younger residents that are looking for their first home in the county, and will be two and three-story townhomes with two-car alley loaded garages. These will range from 1,700 square feet to 2,000 square feet of living area.

The residential condominiums will provide a mix of housing attractive to a variety of buyers. Units are designed with 1, 2 or 3 bedrooms and will be priced from the mid to high $100's to the low $200's. The buildings will have single level homes on the first floor for residents who want everything on one floor and two level units on the top two floors for buyers who prefer more separation between living and

sleeping areas. The condominium units will be part of the overall owners association for Nelson's Grant, and the quality and maintenance of these units will be assured into the future.

ARCHITECTURE. The architecture in the community is designed to include a variety of architectural styles that are complementary to the traditional architecture of the Yorktown area. An outline of the design guidelines is included with the rezoning submission. Brick will be the predominant material used throughout the community. A variety of compatible brick colors will be selected to add visual interest and details. Other exterior materials will include stone, stucco and cement board siding. Varied roof heights and articulation of the front elevations will break up the massing of larger buildings and at the streetscape level. Front porches and covered stoops will be included on most homes. This will emphasize the entry and connection to the sidewalk and street.

BUILDING MATERIALS. The materials used in this community will be better than those that have been typically available in homes in this price range. Exterior surfaces of all residential structures will be brick, stone or cement board siding. All homes will be built on a crawl space or raised slab foundation. Roofs will be dimensional shingles. Exterior trim, roof overhangs, eaves will be a minimum of 12". Ceiling heights will be 9' or higher on all floors. Minimum roof pitch will be 8/12. Appropriate gables, wall plane and roofline articulation, bays, balconies, porches, canopies and arcades will be used in the design of all buildings. The selection of materials will be done to minimize the exterior maintenance of the homes to help maintain a quality appearance for the long term. A copy of the Architectural Design Guidelines are included as part of this submission package.

COMMERCIAL. The commercial center of Nelson's Grant will complement the existing retail uses in the area. A mix of specialty retail and professional offices are planned. Retail oriented uses will be nearer to Route 17 and the more office oriented uses towards the central roundabout as the site transitions to residential uses. The architecture will stand out from the typical strip retail development that has been built in the area. Landscaped plazas, well defined pedestrian walkways and appropriately scaled facades will create an inviting place for county residents to shop and do business.

STREETS. The street pattern in Nelson's Grant has been designed to facilitate community interaction. All streets will have sidewalks with designated cross walks at all major intersections. 6' wide tree lawns with street trees will create a comfortable environment for walking, and on-street parking in most areas will further buffer vehicular and pedestrian uses. Pavement widths are designed to provide adequate access for all vehicle requirements without creating excessive impervious surface or unnecessarily long crossings between corners. A connection is provided to the Patriots Square Shopping Center and Ingress/Egress Easements are provided to the adjacent property to the north to allow access without adding traffic to Route 17. Internal circulation is maximized with no dead-end streets. Alley loaded garages enhance the streetscape and minimize the number of cars backing onto the main roads.

COMMON AREA/AMENITIES. Nelson's Grant will provide a variety of recreational experiences for the residents. A community center with a meeting room, fitness room, kitchenette and restrooms will be provided. It will be located at the roundabout adjacent to the commercial area to help provide a transition to the residential uses and to add to the activity and vitality in this area. The "backyard"

green will provide more informal recreational opportunities within the community and will include a tot lot. It will be a landscaped lawn area for use for community cookouts, bocce games and other recreational uses. The rear portion of the property is set aside as the nature preserve. It will have walking trails in and around the area to allow residents to enjoy the mature hardwood woodlands and wetland areas without disrupting the environment.

Offsite recreational amenities are available to residents as well. The historic Yorktown waterfront and beaches are nearby as is the Colonial National Historical Park. Golf at Deer Run Golf Course and all the amenities of Newport News City Park are just a short drive away on Fort Eustis Boulevard.

OFFSITE IMPROVEMENTS. In order to facilitate a smooth transition from Route 17 into the neighborhood and future development, two entrances will be provided with a turn lane and tapers as recommended in the traffic impact study. Overhead utilities along the frontage of the property will be relocated underground to enhance the appearance of the community and the Route 17 corridor.

PEDESTRIAN/BICYCLE ACCESS. All the design elements within Nelson's Grant serve to enhance the pedestrian experience within the community. Sidewalks are designed to be 5' wide to facilitate easier walking of groups and to provide comfortable space to stay on the sidewalk when passing other pedestrians. A 6' wide tree-lawn gives comfortable separation from the travel ways and parking areas and on-street parallel parking provides further buffering from vehicular traffic. The homes will be placed close to the streets to help define the streetscape space and provide visual interest to pedestrians. All homes will have a walkway leading directly from the sidewalk to the front door. The residential blocks in the community are small and there are no dead-end streets that would reduce the vitality of any sections of the neighborhoods. Street trees will be planted in accordance with the approved landscape plan to enhance the aesthetics of the street. At major pedestrian street crossings, varied pavement types will be used to emphasize these areas and slow vehicular traffic as it approaches. The streets are designed to slow vehicular traffic to allow their safe use with bicyclists. Designated bicycle parking facilities (racks) will be provided in the commercial areas of the community.

ENVIRONMENTAL PROTECTION. Significant wetland and woodland areas at the rear of the property will be preserved as conservation and passive recreational areas. The wetland areas at the rear of the property will be permanently preserved as open space and common areas. Two of these areas will serve as focal points for community activity. The nature preserve at the terminus of the Boulevard will be the nature oriented amenity within the community. Walking trails and decks will provide access, but will not disrupt the character of this natural area. A common "backyard" green will be surrounded by a group of townhomes to provide an informal recreational area. In addition, landscaped islands will be included in the center of the Boulevard and at its intersection with the Main Street.

SUMMARY. Nelson's Grant has been designed to meet the objectives of the Planned Development Mixed Use District with the following goals in mind:

1. <u>Provide more efficient use of land through the accommodation of increased densities and intensities of use within concentrated areas.</u> The proximity of this community to existing

utilities, adjacent shopping, employment, and recreational opportunities makes it an ideal location for the increased density required to make a project of this type successful.

2. Create a walkable, pedestrian-friendly environment that increases community vitality. All streets within the community will have sidewalks, wide tree-lawns, homes close to the street, on-street parallel parking and excellent interconnectivity. All garages are removed from the street and are accessed through alleys or common driveways to minimize the presence of cars in the pedestrian environment.
3. Reduce vehicular trips and reliance on the automobile by providing a mix of shopping, office, cultural, recreational and residential opportunities within walking distance of one another. This community will provide a wide range of opportunities for the residents, from shopping and a recreation center, to passive nature oriented recreational areas on the rear portion of the property. No home within the community is more than 0.15 miles (800') from the neighborhood shops. In addition, a larger community shopping center is adjacent to the community to provide easy access to groceries and other daily needs without getting into a car or going out to Route 17. The county library and the neighborhood community center will be within walking distance for all residents as well.
4. Include an internal "main street" or streets along which commercial opportunities are oriented to a street-side sidewalk rather than a parking field, thus preventing the automobile from dominating the project while enhancing the pedestrian experience. The two main roads in the community intersect to create the focal point of the community around a traffic roundabout. The "Main Street" commercial area provides an appropriate transition from Route 17 to the heart of the community. On street parking and wide plazas in front of the commercial buildings will provide adequate access to residents and shoppers entering the community while providing a welcoming and secure environment for pedestrians. Commercial uses will transition at the circle to residential uses on the Boulevard where similar design principles have been used to create a walkable street leading to the commercial areas within the site and offsite. On street parking, wide sidewalks and tree lawns, the roundabout and placing the homes close to the street all help achieve this goal.
5. Create an appropriately balanced mix of residential and non-residential uses that respects the underlying policies and land use designations of the Comprehensive Plan. The plan for Nelson's Grant orients the main street commercial area to become a transition from the strip commercial development that dominates the southern portions of Route 17. Visibility and access, which are critical to its success, are maintained, but the scale is more appropriate to the community being built around it and to support it. The residential uses provide a transition from the highest density uses along Route 17 to the lowest density along the rear of the property where it abuts the existing single-family neighborhoods. This provides an appropriate transition and defines the boundaries of the mixed use area as designated on the comprehensive plan. A generous buffer is provided to the rear and sides of the property to enhance both this community and the adjacent neighborhoods.
6. Provide alternative housing choices and opportunities. Nelson's Grant will have three different house types; larger townhomes with detached garages, smaller townhomes with attached garages and residential condominiums. These house types will offer up to 8 different floor plans

with prices from the mid to upper $100's to the low $300's. This plan provides an excellent range of house types and prices for county residents.

7. Create a "landmark" community through the application of mixed-use and urban design principles. The use of compatible architectural styles and materials throughout the community will control the overall look, but without the repetition common in many new home communities. Colors and materials will be varied and the land plan has been designed to integrate with the surrounding communities. The homes will face out, rather than turning the backs of the homes to adjacent properties.

Nelson's Grant will provide a unique living environment and will enhance the opportunities to live, work and shop within York County. It represents an opportunity to set the standard for quality mixed-use development that is appropriate to York County.

DEVELOPMENT SUMMARY (Revised)				
	Townhouses (1)	Condominiums (2)	Commercial (3)	Total
Units	66	46	13,750 SF	
Parking Required	154	85	94	333
Parking Provided	173	86	98	
Garage/Covered Spaces	132	52	0	
On Street/Surface Parking	41	34	0	
Total Parking Provided	173	86	98	357

Notes:
(1) 2 Spaces per Unit plus 1 Guest Space per 3 units
(2) 1.5 Spaces per Unit plus 1 Guest Space per 3 units
(3) 8,750 SF at 5 Spaces/1,000 + 5,000 SF at 10 Spaces/1,000

1 DENOTES COMMERCIAL PARKING
1 DENOTES TOWNHOME ON-STREET PARKING
1 DENOTES CONDOMINIUM PARKING

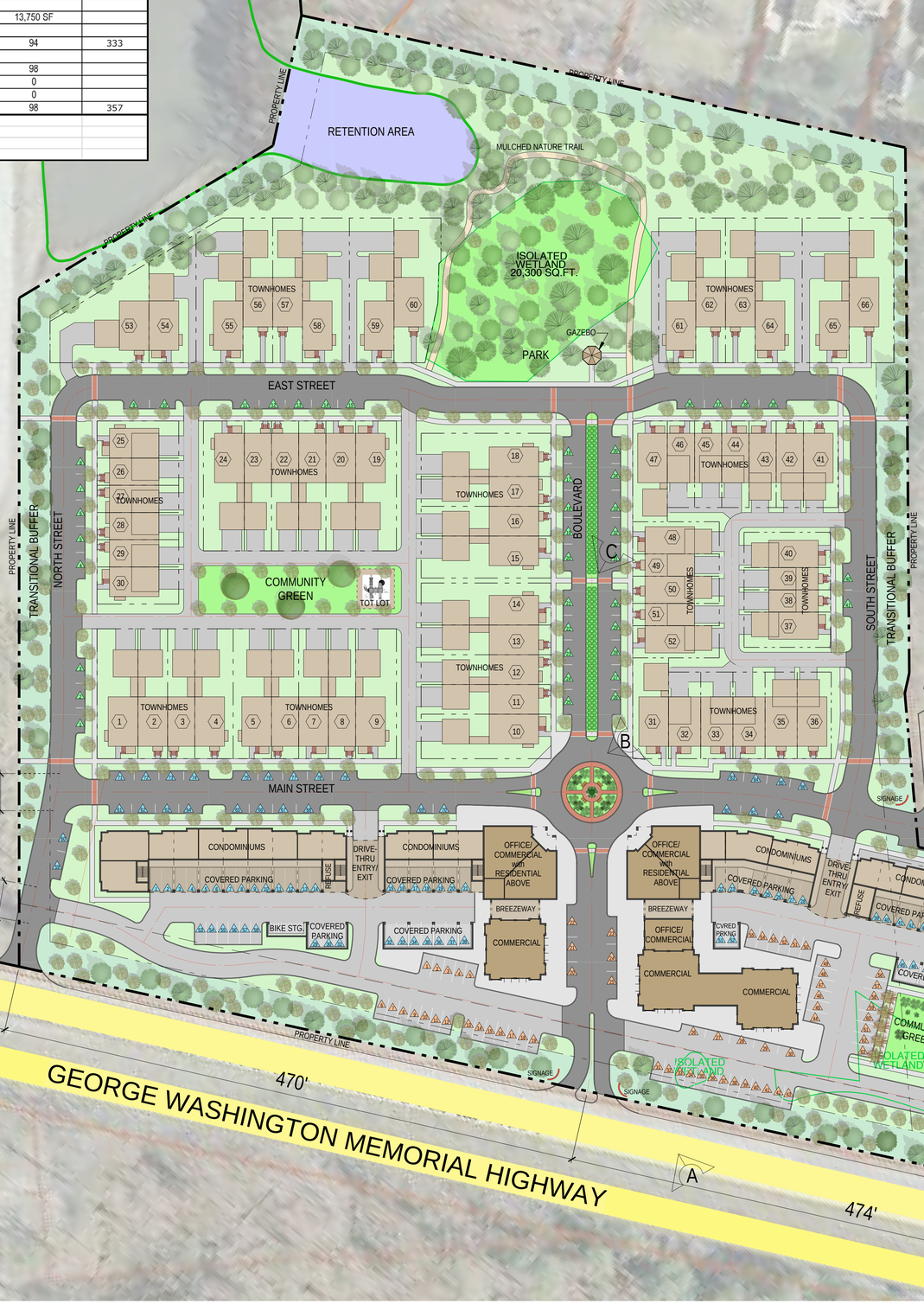
A TOT LOT SIMILAR TO ONE PROPOSED

KEY TO RENDERINGS

A
VIEW FROM RT 17

B
THE MIXED-USE BUILDING FROM THE ROUNDABOUT

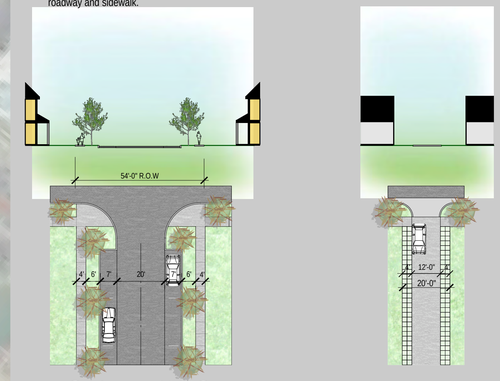
C
THE TOWNHOMES



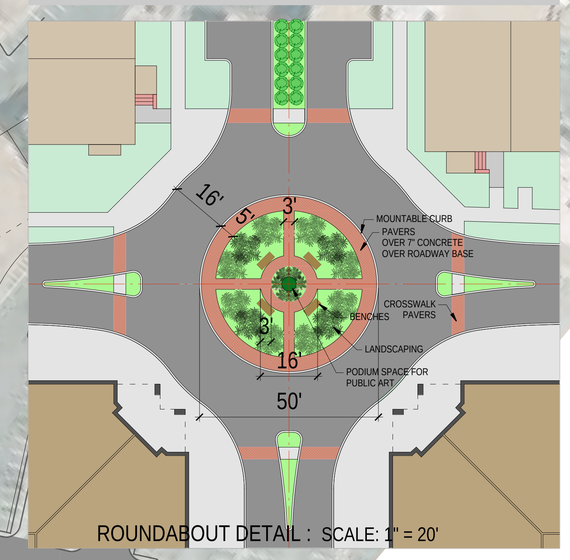
STREET CROSS-SECTIONS:

TYPICAL LOCAL ROADS
- Right-of-Way - 54'-0"
- Roadway - Two lane, with two 10'-0" travel lanes with 7'-0" parking lanes.
- Pedestrian Zone - 4'-0" sidewalk along each side, with a 6'-0" planting strip between the roadway and sidewalk.

RESIDENTIAL ALLEYWAYS
Private Right-of-Way - 12'-0", two-way travel path, with a 4'-0" clear zone (setback) on each side. 4'-0" grassy pavers on both sides increase width to 20'-0" for emergency access.



STREET TYPES: PLANS AND CROSS SECTIONS



ROUNDABOUT DETAIL : SCALE: 1" = 20'

NELSON'S GRANT

developed by Pritchard & Miller
Real Estate Development

PROJECT: 0936
DATE: JANUARY 08, 2010

SCALE: 1"=50' 0 25 50 75 100 200 300

BRANDON CURRENCE ARCHITECTS
ARCHITECTURE PLANNING INTERIORS
1074 LOFTIS BOULEVARD NEWPORT NEWS VIRGINIA 23606 757.223.4079

MIXED-USE BUILDING: MAIN STREET ELEVATION

TYPICAL TOWNHOMES: BOULEVARD ELEVATION

MIXED-USE / COMMERCIAL BUILDINGS: ROUTE 17 ELEVATION

NELSON'S GRANT

developed by Pritchard & Miller
Real Estate Development

PROJECT: 0936
DATE: JANUARY 11, 2010

BRANDON CURRENCE ARCHITECTS
ARCHITECTURE PLANNING INTERIORS
1074 LOFTIS BOULEVARD NEWPORT NEWS VIRGINIA 23606 757.223.4075

NELSON'S GRANT

developed by

Pritchard & Miller
Real Estate Development

ENTERING FROM ROUTE 17

BRANDON CURRENCE ARCHITECTS
ARCHITECTURE PLANNING INTERIORS
1074 LOFTIS BOULEVARD NEWPORT NEWS VIRGINIA 23606 757.223.4079

PROJECT: 0936
DATE: DECEMBER 01, 2009

NELSON'S GRANT

developed by

Pritchard & Miller
Real Estate Development

THE MIXED-USE BUILDING FROM THE ROUNDABOUT

BRANDON CURRENCE ARCHITECTS
ARCHITECTURE PLANNING INTERIORS
1074 LOFTIS BOULEVARD NEWPORT NEWS VIRGINIA 23606 757.223.4079

PROJECT: 0936
DATE: DECEMBER 01, 2009

NELSON'S GRANT

developed by

Pritchard & Miller
Real Estate Development

THE TOWNHOMES

BRANDON CURRENCE ARCHITECTS
ARCHITECTURE PLANNING INTERIORS
1074 LOFTIS BOULEVARD NEWPORT NEWS VIRGINIA 23606 757.223.4079

PROJECT: 0936
DATE: DECEMBER 01, 2009

Nelson's Grant

Building Materials Palette

General

Exterior colors and materials for all sections of Nelson's Grant will be selected by the builder/developer, in conjunction with the project Architect, in order to implement the intent of the design program..

Townhomes

The townhomes at Nelson's Grant will be constructed with a combination of brick, stone and cement-board siding on the exteriors. Brick colors will be compatible, but varied throughout the community. Some buildings may be all brick and some will be a combination of brick and siding units, depending on the architectural style and arrangement of the building. Garages and accessory buildings, if any, will be primarily siding with brick foundations.

Brick colors will be selected from samples similar to those attached.

Exterior trim colors on the townhomes will be white, off-white or cream.

The roof materials will be a dimensional shingle. Roof colors will be consistent on all townhomes within a building, but may vary between buildings. Roof colors will be selected from the following choices: Weathered Wood, Barkwood, Charcoal or Slate (GAF Timberline or similar).

Exterior Siding Colors will be selected from the Martin Senour, Williamsburg Exterior Color Selection (copy attached).

Condominiums

The residential condominiums will be primarily brick with some cement-board siding and/or shake materials on dormers, gables and secondary elevations. Siding may be used on primary elevations for the purpose of breaking up the mass of the building on the streetscape, provided it is consistent with the architecture of the building. Brick colors will be used consistently for the various components of the buildings, for example the three-story buildings fronting the roundabout will use the same brick colors, and a complimentary color will be used for the pitched roof portion of the structure.

Brick colors will be selected from samples similar to those attached.

Trim colors will be white, off-white or cream.

The roof materials will be a dimensional shingle and will be the same color for the all the condominium units. Roof color will be selected from the following choices: Weathered Wood, Barkwood, Charcoal or Slate (GAF Timberline or similar).

Exterior siding colors will be selected from the Martin Senour, Williamsburg Exterior Color Selection.

Commercial Buildings

The commercial structures within Nelson's Grant will use a combination of brick, stucco and limited siding/shake materials depending on final design. Colors used will be different from the residential sections of the community. Roof materials will be a dimensional or architectural shingle to soften the impact of the roof lines and will be the same color as the residential condos.

Material Color Samples

Martin Senour, Williamsburg Collection Exterior Color Selections

GAF Timberline Roof Samples

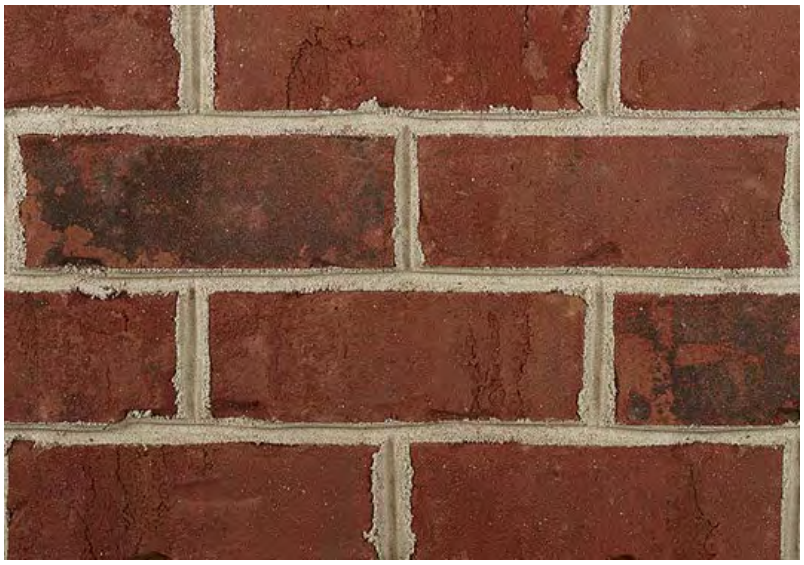
<< Click Here to Go Back **Color Shown:** Weathered Wood

<< Click Here to Go Back **Color Shown:** Barkwood

<< Click Here to Go Back **Color Shown:** Charcoal

<< Click Here to Go Back **Color Shown:** Slate

Lawrenceville Brick – 515 Monticello

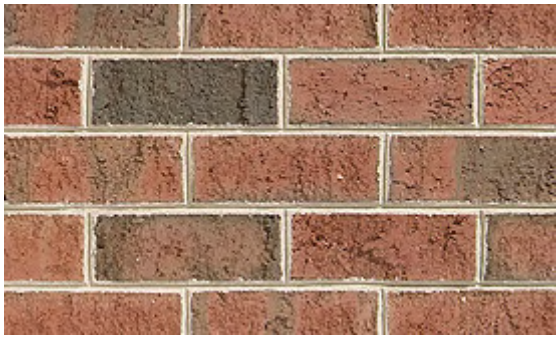


Palmetto Brick – Hampton

Statesville Brick – Olde Tuscany

Glen Gery Brick – Arbor Rose

General Shale – Rose Range Tudor



General Shale – Williamsburg

General Shale – Spalding Tudor

General Shale – Phoenix

Nelson's Grant

Residential Design Guidelines (Revised January 29, 2010)

Generally: Nelson's Grant is to be developed using traditional neighborhood development standards as a mixed-use community. These Residential Design Guidelines are intended to supplement the approved rezoning requirements of Nelson's Grant and the PDMU requirements of the York County Zoning Ordinance. Wherever there is a conflict between these guidelines and the above referenced items, the more restrictive rule will apply.

1. Lot Development Standards
    a. Minimum Required Improvements
        i. Paved Driveway and Front Walk: All homes in Nelson's Grant will include a paved driveway and a walk to the front door. All front walks will provide direct access to a community sidewalk.
        ii. Equipment and Trash Screening: Exterior HVAC equipment and any exterior trash can storage shall be screened from view from all streets and public common areas.
        iii. Finished Landscape Yard: Every improved lot shall be landscaped in accordance with landscape standards in this document. Required landscaping will include trees, shrubs, sod and irrigation in all yard areas. Specific landscape standards will be created with full requirements.
    b. House Siting Requirements: Front, side and rear yard set-back distances must comply with York County zoning restrictions at a minimum. The DRB has the authority to increase or decrease setbacks beyond the guidelines set forth in this document in certain instances with certain lots to maintain the design intent within a given area or to avoid excessive clearing and or grading.
        i. Front Setback: Minimum 5'/Maximum 10'
        ii. Side Setback: Interior Units - 0', End Units - Minimum 5'/Maximum 10'
        iii. Rear Setback: Primary Structure – Minimum 18'/Maximum 25', Accessory Buildings and Garages – Minimum 5'/Maximum 18'
    c. Orientation to the Road: In general, houses shall face the road with the narrow façade facing the street. Where site conditions or the design intent make this unnecessarily difficult or undesirable the DRB may approve alternative site orientation.
    d. Relationship to other Houses: In part, house orientation and location will be judged on the basis of its relationship to adjacent houses. Where house designs or lot conditions result in direct views from house fronts into living areas of adjoining property, or similar breaches of privacy, the DRB reserves the right to require screening of these views or revisions to the design or siting.
    e. Accessory Structures: Siting of Accessory Structures must follow the same general guidelines as the primary structure.

f. Swimming Pools, Hot Tubs, Spas: Swimming Pools are not permitted on individual lots. Hot Tubs, Spas and similar items must be located to the rear of the primary structure and in front of any accessory structures or garages. Must meet the same setback requirements and must be screened from view to a height of 6' from adjacent properties and common areas.

g. Landscaping: A Landscape Plan shall be submitted and approved for each lot. All landscaping shall meet or exceed the requirements of this document. The use of native species and drought tolerant plantings is encouraged. All plants shown on the approved landscape plan shall be installed prior to issuance of a final certificate of occupancy.

    i. Yard Areas: All yard areas will be sodded and irrigated, in landscaped planting beds or will be planted with an appropriate ground cover from the approved plant list.

    ii. Foundation Planting: Foundation planting is required along the front façade of the house and any side facing a street, and along other areas as designated by the DRB such as decks, fenced enclosures, garages or pavement areas. Foundation beds shall be a minimum of 2' wide from the foundation.

    iii. Trees: Street trees shall be required within the tree lawn on the approved site plan and shall meet the requirements of the York County Zoning Ordinance. Yard Trees shall be planted as appropriate on individual lots to complement the street trees. Yard tree varieties shall be selected to be appropriate to the space available and overall design of the landscape plan.

h. Mailboxes: Individual mailboxes are not permitted within Nelson's Grant. Group mailboxes shall be placed at locations convenient to the general layout of the neighborhood and shall be installed in a permanent structure designed to complement the overall architectural style of the community.

i. Flags and Flag Poles: Decorative flags and sovereign flags (USA, Virginia, York County) are permitted to be flown from flag standards of 6' or less in length, mounted on the house. Vertical Flag poles are not permitted in front yards. Flag poles not exceeding 10' in height may be permitted in yards directly behind the house and generally in the center of the lot.

j. Signs: In the residential area of the community, no signs other than one real estate/construction sign are permitted in any yard. Home office signs are permitted subject to the Zoning Ordinance of York County and may not exceed 3 square feet.

k. Pavements: Every home in Nelson's Grant shall have a paved driveway that conforms to the following criteria: a) Pavement – Driveway may be constructed of brushed concrete. Alternative materials may be approved to reduce the impervious surface requirements of the development plan approval.

l. Front Walks: Front walks shall extend from the front steps to the public sidewalk. Front walks may be paved with brushed concrete.

m. Exterior Lighting and Fixtures: Exterior light fixtures will be limited to lights at entrances and garage doors. Low intensity landscape lighting may be installed in rear yards and at

walkways from the rear of the lot. Light fixtures shall be compatible in style with the style of the house.

n. Fences and Walls: Fences are permitted subject to the approval of the DRB. Fencing between townhome lots must be 6' in height and in a material to match the exterior construction of the home. Front yard fencing and side yard fencing is not permitted. Chain link, barbed wire, metal post and wire and wood stockade fences are not permitted. All fences shall be constructed so that the rails, pickets or other finished surfaces face out from the yard.

o. Play Equipment: Permanent play equipment may not be installed on any individual lot. Basket ball goals may be installed on the Garage Door side of a Garage facing an alley only.

2. Architectural Standards – General: Homes will be of an architectural style that is compatible with the colonial architectural styles in the Yorktown area.
    a. Type of Residence: One family attached townhomes and condominiums are permitted in Nelson's Grant.
    b. Minimum Floor Areas: Condominiums 650 SF, Townhomes 1200 SF.
    c. Heights:
        i. No Building within Nelson's Grant will exceed fifty feet (50') in height.
        ii. Townhomes will be a maximum of forty feet (40') in height.
    d. Massing and Form:
        i. Foundations - Houses shall be built on continuous foundations over a crawl space or raised slab.
        ii. Exterior Facades – Exterior wall planes and masses shall be of a residential scale with adequate windows and offsets.
        iii. Roof Slopes – Houses shall have a minimum roof slope of 8/12.
        iv. Dormers shall be of an appropriate style and scale for the architectural style.
        v. Ceiling heights shall be minimum 9' for the first and second floor.
    e. Garages/Parking: Adequate on and off street parking shall be provided within the community for all homes.
3. Architectural Guidelines – Construction
    a. Foundations and Masonry: All visible portions of exterior foundation walls shall be constructed of brick, stone or stucco. Foundation vents will be of a size and style appropriate to the architectural style of the home. Masonry and mortar colors will be coordinated with the overall colors of the home.
    b. Fireplaces, Chimneys and Flues: When full height chimneys are used, masonry chimneys are required and the exterior shall be of brick, stone or stucco. Direct vent fireplaces are permitted, but may not exhaust from the front or side elevation of the home. Metal flues shall be a maximum size of 8" diameter, located only on the rear or side roof planes and shall be painted black.
    c. Exterior Siding – Houses shall be faced with one or more of the following materials: brick, stone, synthetic stucco or cement fiber board.

d. Exterior Trim: Exterior architectural detailing shall be consistent with the overall design theme of the home. All exterior trim will be sized appropriately to the scale of the home. Acceptable materials include, wood, brick, stone, cast stone, PVC and aluminum or vinyl wrapped trim.
e. Cornices and Eaves: All primary facades shall have a minimum four member cornice and eave consisting of frieze board, soffit, fascia and upper crown or decorative gutter. Gable ends with projected box rakes shall contain compatible elements to the main cornice and eave.
f. Windows: Windows must be of a style, scale and placement consistent with the architectural style of the house. Windows are required on all elevations of the house. Vinyl or metal clad windows are permitted provided the profile and trim are similar to traditional wood windows.
g. Doors: Front doors with sidelites and transoms are encouraged. Storm Doors are permitted but must not be excessively ornamental and the color must match the trim of the front door.
h. Trellises where permitted must be an appropriate style and color to the architecture of the home.
i. Window Trim and Shutters: Windows will have traditional built up moldings or shutters. The windows on the rear and sides of the homes will be of similar quality and style to the front of the home.
j. Garage Doors will be consistent within a townhome building and with the architectural style of the home.
k. Bay Windows: Windows must be wide enough to fit each bay façade without filling and siding, siding or trim below the windows should be consistent with emphasizing the architectural feature.
l. Roofs and Roof Accessories
    i. Roof materials will be a dimensional shingle at a minimum.
    ii. Gutters and Downspouts shall be prefinished to match the adjacent building material colors. Ground gutters are acceptable where appropriate.
    iii. Flashing shall be copper or prefinished aluminum
    iv. Roof Vents shall be ridge vents or other low profile design and painted to match the roof color. No roof penetrations shall be located on the front roof plane of the house.
    v. Dormers shall be consistent with the architectural style of the house.
    vi. Skylights and Solar Tubes must be located on the rear roof plane.
    vii. Solar Collectors may be considered where they are integrated into the design of the structure.
m. Porches, Stoops, Patios and Terraces
    i. Front porches and stoops will be constructed of masonry materials with brick or concrete paver flooring. Country porches may be permitted if consistent with the architectural style of the home and constructed on brick piers with decorative screening (not lattice) to grade.

ii. Rails and columns shall be of a size and style consistent with the architecture of the home.
iii. Patios and decks are allowed in the rear yard. Second story balconies or decks are permitted where appropriate and approved by the DRB.

4. Architectural Standards – Color: A variety of colors are encouraged for the home exteriors, however excessively bright or bold colors are not permitted. Generally colors should be selected from the Martin Senour Williamsburg Collection or the Sherwin Williams Preservation Exterior Palette, Yorktown Color Palette. The same or similar color schemes may not be used on adjacent buildings, or buildings on the same street
5. Accessory Buildings: Accessory buildings are permitted and must be of a consistent architectural style and color scheme with the main house. All accessory buildings must be constructed on a permanent foundation with exterior materials compatible the main house. Architectural details such as windows, roof, trim and doors must be consistent with the main house.
6. Other Standards
    a. Property Maintenance: Front and side yards will be maintained by the homeowners association of Nelson's Grant. Exterior maintenance is the responsibility of the owner for townhomes and the condominium association for condominium units.
    b. Storage: Commercial vehicles are not permitted to be parked in the residential areas of Nelson's Grant. Commercial vehicles may not be parked in the commercial areas of Nelson's Grant for the purpose of creating additional signage for businesses.

Appendices

Fencing – Style to be determined, consistent throughout community.

Mailboxes – Community Mailboxes to he provided, Style to be determined.

Forms

Nelson's Grant

Commercial Design Guidelines (Revised January 11, 2010)

Generally: Nelson's Grant is to be developed using traditional neighborhood development standards as a mixed-use community. These Commercial Design Guidelines are intended to supplement the approved rezoning requirements of Nelson's Grant and the PDMU requirements of the York County Zoning Ordinance. Wherever there is a conflict between these guidelines and the above referenced items, the more restrictive rule will apply.

1. Site Development Standards
    a. Minimum Required Improvements
        i. Plazas and Walkways: All commercial structures in Nelson's Grant will include pedestrian walkways and/or plazas with a mix of landscaped and hardscaped areas. All principal buildings will be connected by clearly defined pedestrian walkways and street crossings.
        ii. Equipment and Trash Screening: Exterior HVAC equipment and any exterior trash can storage shall be screened from view from all streets and public common areas.
        iii. Landscape Areas: Commercial areas shall be landscaped in accordance with landscape standards in this document. Required landscaping will include trees, shrubs, sod and irrigation. Specific landscape standards will be created with full requirements.
    b. Building Siting Requirements: Front, side and rear yard set-back distances must comply with York County zoning restrictions at a minimum. The DRB has the authority to increase or decrease setbacks beyond the guidelines set forth in this document in certain instances with certain lots to maintain the design intent within a given area or to avoid excessive clearing and or grading.
    c. Orientation to the Road: In general, buildings shall face the road with a pedestrian scale facade facing the street. All buildings shall be designed with 360 degree architecture in terms of design and materials, and all service oriented areas are to be appropriately screened from views.
    d. Relationship to other Buildings: In part, building orientation and location will be judged on the basis of its relationship to the entire commercial area. Siting shall incorporate good pedestrian circulation through clear, logical walkways between buildings to minimize the conflict between pedestrian and vehicular traffic.
    e. Landscaping: A Landscape Plan shall be submitted for approval for each phase of development. All landscaping shall meet or exceed the requirements of this document. The use of native species and drought tolerant plantings is encouraged. All plants shown on the approved landscape plan shall be installed prior to issuance of a final certificate of occupancy.

i. Public Greens: All public greens will be sodded and irrigated, in landscaped planting beds or will be planted with an appropriate ground cover from the approved plant list.

ii. Planting Beds: Planting beds in the commercial area shall be of a size to allow the adequate future growth of the plant types installed. The DRB may require additional plantings in areas designated by the DRB such as loading and service entrances. Foundation beds, if provided, shall be a minimum of 12" wide from the foundation.

iii. Trees: Street trees shall be required within the tree lawn on the approved site plan and shall meet the requirements of the York County Zoning Ordinance. Trees shall be planted as appropriate in plazas and walkway areas to complement the street trees. Tree varieties shall be selected to be appropriate to the space available and overall design of the landscape plan.

f. Flags and Flag Poles: Decorative flags and sovereign flags (USA, Virginia, York County) are permitted to be flown from flag standards of 6' or less in length, mounted on the house. Vertical Flag poles are not permitted in the commercial area unless installed as part of the overall plan for the plazas. Other banners and flags or banners of a commercial nature shall be subject to York County Ordinances

g. Signs: All signs are subject to the requirements of the Nelson's Grant Sign Guidelines.

h. Pavements: Varied pavement types shall be used to differentiate and designate appropriate pedestrian and vehicular areas. Acceptable materials include concrete pavers, broom finished concrete, stamped or colored concrete. Asphalt may be used in vehicular areas.

i. Front Walks: Front walks shall extend from the store entrances door to the public sidewalk. Front walks may be paved of brushed concrete.

j. Exterior Lighting and Fixtures: Shall be subject to York County requirements and will be of a consistent style and design throughout the commercial areas.

k. Fences and Walls: Fences and walls are permitted subject to the approval of the DRB to screen service areas.

2. Architectural Standards – General: Commercial buildings will be of an architectural style that is compatible with the colonial architectural styles in the Yorktown area. The intent of these guidelines is not to create replica of the buildings in the historic areas, but rather to incorporate design themes that are compatible and complimentary to those areas.

a. Type of Buildings: Commercial buildings may be one-story freestanding buildings, one-story multi-tenant buildings or in mixed-use structures.

b. <u>Heights: Mixed-use buildings may be up to fifty feet (50') in height.</u>

c. Massing and Form:

i. Foundations – Commercial buildings shall be built on slab foundations.

ii. Exterior Facades – Exterior wall planes and masses shall be of a pedestrian scale with adequate windows and offsets.

iii. Roofs – Commercial buildings may have flat or pitched roofs. Pitched roofs will have a minimum roof slope of 8/12.

iv. Dormers, windows and other architectural features may be used to improve the overall streetscape and appeal of the commercial areas.

d. Parking: Adequate on and off street parking shall be provided within the community for all commercial areas.

3. Architectural Guidelines – Construction
    a. Foundations and Masonry: All visible portions of exterior foundation walls shall be constructed of brick, stone or stucco. Masonry and mortar colors will be coordinated with the overall colors of the commercial area.
    b. Exterior Siding – Buildings shall be faced with one or more of the following materials: brick, stone, synthetic stucco or cement fiber board.
    c. Exterior Trim: Exterior architectural detailing shall be consistent with the overall design theme of the building. All exterior trim will be sized appropriately to the scale of the building. Acceptable materials include, wood, brick, stone, cast stone, synthetic stucco and PVC.
    d. Storefronts: Primary entrances to the commercial spaces will be of a pedestrian scale with appropriate detailing. Recessed areas, awnings, bays and other architectural elements shall be used to create visual interest.
    e. Windows: Windows must be of a style, scale and placement consistent with the size and use of the building.
    f. Doors: Front doors with sidelites and transoms are encouraged.
    g. Secondary facades: False windows, brick or siding detailing and other architectural elements shall be used to break up and add interest to side walls that are not primary entrances to the buildings.
    h. Trellises where permitted must be an appropriate size, style, color and material to the building or plaza.
    i. Bay Windows/Projections: When used as a storefront or commercial entrance windows must be wide enough to fit each bay façade without filling and siding, siding or trim below the windows should be consistent with emphasizing the architectural feature.
    j. Roofs and Roof Accessories
        i. Roof materials will be a dimensional shingle at a minimum.
        ii. Gutters and Downspouts shall be prefinished to match the adjacent building material colors. Ground gutters are acceptable where appropriate.
        iii. Flashing shall be copper or prefinished aluminum
        iv. Roof Vents shall be ridge vents or other low profile design and painted to match the roof color. No roof penetrations shall be located on the front roof plane of the building.
4. Architectural Standards – Color: A variety of colors are encouraged for the building exteriors, however excessively bright or bold colors are not permitted. Generally colors should be selected from the Martin Senour Williamsburg Collection or the Sherwin Williams Preservation Exterior Palette, Yorktown Color Palette.
5. Other Standards

a. Property Maintenance: A commercial unit owners association will be created for the purpose of maintaining the commercial areas, managing signage and marketing related issues and preparing special promotions for the commercial property owners.
b. Storage: Commercial vehicles are not permitted to be parked in the residential areas of Nelson's Grant. Commercial vehicles may not be parked in the commercial areas of Nelson's Grant for the purpose of creating additional signage for businesses.

Nelson's Grant

Sign Guidelines (Revised January 11, 2010)

These Sign Guidelines shall govern and direct the placement and design of signage, permanent and temporary, within the commercial and mixed use areas of the community. Signage within the residential areas shall be governed by the requirements of the Nelson's Grant Residential Design Guidelines. All signs must comply with appropriate York County permitting requirements prior to construction. Wherever these guidelines are ambiguous, the York County signage requirements shall apply. The types of signs described within this document shall be as defined in the York County Zoning Ordinance.

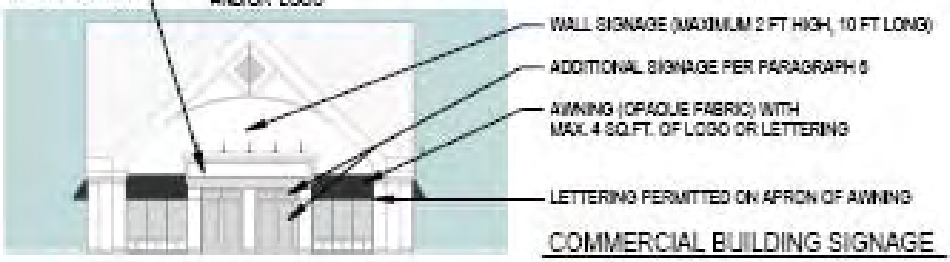
1. Permitted Signs: The following signs shall be permitted within Nelson's Grant
    a. Street and Traffic Signs
    b. Community Identification Signs
    c. Free Standing Signs
    d. Marquee/Canopy Signs
    e. Monument Signs
    f. Projecting Signs
    g. Wall Signs
    h. Identification Signs
2. Permissible Signs: The following signs shall be permissible within Nelson's Grant subject to county approval and association approval.
    a. On Premise Directional Signs
    b. Off Premise Directional Signs
    c. Portable/Temporary Signs – limited to "A" Frame signs and signs related to promotions or events within the community for a defined period of time.
    d. Banners – limited to promotions or events within the community for a defined period of time.
3. Street and Traffic Signs – All street and traffic signs shall comply with VDOT requirements. Signs shall be pole mounted on poles of a style and design that are consistent throughout the residential and commercial areas of the community.
4. Community Identification Signs – Project identification signs shall be placed at the entrances to the community. Emphasis will be placed on the primary entrance from Route 17. Colors, materials, type face and logo will be consistent on all project identification signs.
5. Free Standing Signs are permitted to identify different uses or buildings within the community. The intent of these signs is to aid pedestrian and vehicle traffic in finding desired areas within the community. Such signs will be compatible in design, color and material throughout the community and will be of a size and scale appropriate to the location within the community.
6. Commercial Signage (Marquee/Canopy, Wall) – Each commercial tenant shall be allowed one wall sign and one marquee/canopy sign for each entrance. Additional signage is allowable for the purpose of identifying address, hours of operation and name of the business provided the

sign is appropriately designed for the location at the entrance. Design of the wall sign shall be appropriate to the design of the tenant entrance and may include wall mounted lettering or hanging signs and may be internally or externally illuminated. Simple box type signs with flat surfaces are not allowed.

7. Projecting Signs may be located within the community for the purpose of assisting visitors in finding the location of various commercial uses. Signage design will be compatible with the overall architectural theme of the community and may identify multiple or different types of businesses. These signs shall be limited to areas designed primarily for pedestrian circulation.

SITE SIGNAGE

MIXED-USE BUILDING SIGNAGE



COMMERCIAL BUILDING SIGNAGE

Nelson's Grant

Proffers

These Proffers are made this 1st day of February, 2010 by and among:

Pritchard and Miller Real Estate Limited Partnership, A Virginia Limited Partnership ("Pritchard and Miller") (to be indexed as grantor);

Virginia Health Services, Inc., A Virginia Corporation ("Virginia Health") (to be indexed as grantor);

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

Triangle VIII. LP, a North Carolina Limited Partnership ("Triangle") (to be indexed as grantor):

County of York, Virginia, a political subdivision of the Commonwealth of Virginia ("County") (to be indexed as grantee).

Recitals

R-1. Virginia Heath is the owner of certain real property located in the County of York, Virginia, shown and depicted as "Parcel A-1" on the attached exhibit plat dated October 28, 2009 and entitled, "Exhibit Plat of Parcel A-1, Parcel "B" & Parcel 1" (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 B" on the Exhibit Plat.

R-3. Triangle is the owner of certain real property located in the County of York, Virginia shown and depicted as "Parcel 1" on the Exhibit Plat

R-4. Pritchard and Miller is the contract purchaser of the property shown and depicted as Parcel A-1, Parcel B, Parcel 1 on the Exhibit Plat (the "Property").

R-5. Pritchard and Miller has filed an Application for rezoning (the "Application") of the Property, and Virginia Health, Parrish and Triangle have consented to the Application as evidenced by their duly authorized signatures on the Application. The Application has been designated by the County as Case No. PD-27-10.

R-6. In the Application, Pritchard and Miller, in its capacity as the Applicant and Contract Purchaser, has requested that the zoning of the Property be changed from R-20 and GB 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. Virginia Health and Parrish as the record owners (collectively, the "Owners") of the respective parcels comprising the Property have consented to such change of zoning.

R-7. A conceptual plan of development (the "Master Plan") entitled "Master Plan, Nelson's Grant" dated January 8, 2010, prepared by Brandon Currence Architects, 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. Plans (the "Plans") dated January 8, 2010, prepared by Brandon Currence Architects, have been submitted to the County Planning Division for review by the County in connection with the Application. The Plans are on file in the Office of the County Planning Division.

R-9. A community impact statement (the "Community Impact Statement") entitled "Nelson's Grant, Community Impact on York County, Virginia", dated November 2009, prepared by The Wessex Group, Ltd., 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-10. A traffic impact analysis (the "Traffic Impact Analysis") entitled "Traffic Impact Analysis – Revised", dated November 2009, has been prepared by Kubilins Transportation Group, 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-11. Pritchard and Miller and its collective successors and assigns to Pritchard and Miller's right to purchase the Property and any subsequent purchasers of any portion of the Property are collectively referred to herein as "Contract Purchaser".

R-12. The provisions of the Zoning Ordinance may be deemed inadequate for protecting and enhancing orderly development of the Property. Accordingly, the Owners and Contract Purchaser, in furtherance of the Application of rezoning, desire 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-13. 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 Owners and Contract Purchaser hereby agree that if the Application is approved and the Board of Supervisors of York County rezones the Property from R-20 and GB 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 and in substantial conformance with the Plans (the "Project"). 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. 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, Sec.55-79.508 et seq., of the Virginia Code or the Virginia Condominium Act, Sec. 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 Association(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, dryvit 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 and second floor.
5. Residential Units. The residential portion of the Project shall be comprised of a maximum of 112 units.
6. Commercial Space. The commercial portion of the Project shall be comprised of a minimum of 13,750 square feet of commercial space. Additional commercial space may be constructed provided it complies with the design requirements of the PDMU zoning
7. Sidewalks. Sidewalks shall be provided within the boundaries of the Property up to the boundary lines of the adjacent Patriots Square shopping center and York Convalescent Center, in the locations shown on the Master Plan. Contingent upon execution of a written agreement with the owners of Patriots Square Shopping Center, a sidewalk will also be provided from the project to the retail shops located at Patriots Square.
8. Vehicular Connections. Vehicular connections to the adjacent Patriots Square shopping center will be provided. Ingress/Egress Easements to the York Convalescent Center property shall be provided in the locations shown on the Master Plan upon written approval of the County.
9. Phasing.
    a. No Certificates of Occupancy shall be issued for the 40th townhome unit until the first mixed-use building containing a minimum of 6,100 square feet of commercial or civic space is ready for occupancy.

b. No Certificate of Occupancy shall be issued for the 55th townhome unit until the second mixed-use building containing a minimum of 7,650 square feet of commercial or civic space is ready for occupancy.

10. Amenities. The following amenities will be constructed prior to the issuance of the Certificate of Occupancy for the 40th townhome unit:
    a. Fitness Center
    b. Community Meeting Room with Kitchenette
    c. Walking Trails, Gazebo and Nature Preserve
    d. Concrete Paver Crosswalks
11. 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. Outdoor Commercial Amusement
    h. Auction House
    i. Funeral Home
    j. Pawn Shop/Tattoo Parlor/Fortune Teller
    k. Hotel/Motel
    l. Nightclub
    m. Commercial Reception Hall
    n. Gas/Service Station
    o. Helipad
    p. Bus Terminal
    q. Taxi/Limousine Service
    r. Towing Service/Auto Storage
12. 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.
13. 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 ins operation to the clause, sentence, paragraph, subparagraph, section or subsection 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.

14. Headings. All paragraph and subparagraph headings of the Proffers herein are for convenience only and are not a part of these Proffers.
15. 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.
16. 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.
17. 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]

WITNESS the following signatures, thereunto duly authorized:

PRITCHARD AND MILLER REAL ESTATE LIMITED PARTNERSHIP, A Virginia limited partnership

By: _____
Steven N. Miller, Manager

By: _____
Gregory E. Pritchard, Manager

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____, to wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2010 by Steven N. Miller as Manager of Pritchard and Miller Real Estate Limited Partnership, a Virginia limited partnership, on its behalf.

_____
NOTARY PUBLIC

My commission expires: _____

Registration Number: _____

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____, to wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2010 by Gregory E. Pritchard as Manager of Pritchard and Miller Real Estate Limited Partnership, a Virginia limited partnership, on its behalf.

_____
NOTARY PUBLIC

My commission expires: _____

Registration Number: _____

WITNESS the following signatures, thereunto duly authorized:

C. L. PARRISH

By: _____
C. L. Parrish

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____, to wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2010 by C.L. Parrish

_____
NOTARY PUBLIC

WITNESS the following signatures, thereunto duly authorized:

VIRGINIA HEALTH SERVICES, INC.

By: _____
Raymond H. Suttle, Sr.

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____, to wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2010 by _____ as _____ of Virginia Health Services, Inc., a Virginia corporation on its behalf.

_____
NOTARY PUBLIC

WITNESS the following signatures, thereunto duly authorized:

TRIANGLE VIII, LIMITED PARTNERSHIP
By: Mark Investments, Inc., its General Partner

By: _____
Andrew B. Widmark, President

STATE OF NORTH CAROLINA
CITY/COUNTY OF _____, to wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2010 by Andrew B. Widmark of Mark Investments, Inc, General Partner of Triangle VIII, Limited Partnership, a North Carolina Limited Partnership, on its behalf.

_____
NOTARY PUBLIC

Nelson's Grant

Community Impact on York County, Virginia

November 2009

Prepared for:

Pritchard and Miller Real Estate Development

Prepared by:

The Wessex Group, Ltd.
479 McLaws Circle, Suite 1
Williamsburg, Virginia 23185
Telephone: (757) 253-5606
Facsimile: (757) 253-2565
E-mail: wessexgroup@wessexgroup.com
Web site: www.wessexgroup.com

Nelson's Grant

Community Impact on York County, Virginia
Revision #4

EXECUTIVE SUMMARY

This report, prepared by ***The Wessex Group*** **(TWG),** presents an assessment of the community impact of Nelson's Grant on York County. Nelson's Grant is proposed as a mixed-use development with condominiums, townhomes and commercial space on a site of approximately 13.8 acres located on US Route 17 north of Fort Eustis Boulevard and adjacent to Patriot's Square Shopping Center. The proposed development plan calls for the construction of …

- A total of 112 residences (66 townhomes and 46 condominiums) consisting of one, two and three bedrooms. Approximately half of the townhomes will be offered with detached garages and the remaining will have garages that are attached.
- Commercial space consisting of 10,750 square feet of retail stores and 3,000 square feet of professional offices.
- Community amenities including sidewalks, a gazebo, walking trails and a fitness center w/meeting rooms.
- Off site improvements including a turn lane, water extension, and relocation of overhead utilities.

In preparing the impact estimates for the development, population characteristics of the locality and proposed development have been used to project locality revenues and expenditures. For example, county expenditures are allocated on a per capita, per household or per child basis to the assessment. Revenue estimates are derived by applying the appropriate tax rates to housing characteristics specific to the proposed development. However, the type of housing proposed is well known to have a direct effect on household composition such as the number of school aged children likely to live there. Further, consistent data often is not available by housing type or value. In this case more than one generally accepted estimators or generators often are used to suggest the range within which the actual values are likely to be captured. For this reason, the revenue and expenditure estimates shown in the tables that follow compare the analysis using school aged children generators from two sources: (1) the County using Census data together with information from the York County Planning Department and (2) information obtained from comparable developments within the regional area. The generator used to estimate the number of people per household for the development, and obtained from the US Census, is 2.46. The school aged children generators used by the York County Planning Division for families living in townhomes and condominiums, are respectively 0.45 and 0.30 children per household. The impact estimates derived using these values are referred to as the ***County*** analysis. The results of the ***Comparable*** analysis are reported in the text following. Detail on the ***County*** analysis is reported in Appendix B at the end of this report.

For the "***Comparable"*** analysis TWG contacted the management of **Riverwalk Towns** and **The Quarters of York County.** Both developments consist of townhomes with two and three bedroom units, and with unit prices and community amenities similar to those proposed for Nelson's Grant. A combined total population of 276 people live in the developments in a total of 156 housing units yielding an average of 1.77 people per household based on these two (2) developments. Currently, a total of 32 school children live in both communities (source: Transportation Division of York County) yielding a "***Comparable***" generator for school children of 0.205 per household. The impact estimates derived from the use of household size and school-aged children generators obtained from the actual experience of nearby comparable properties are referred to as the "***Comparable"*** analysis**.**

The developer expects that construction of the proposed Nelson's Grant will begin in 2011 with build-out in 2015. At completion, the development will add…

- approximately $29.0 million in property value to the real estate tax base of York County.
- Incremental employment of 17 full-time equivalent (FTE) jobs per year in 2015 when commercial businesses are fully operational.
- Population estimates range from 198 residents including 24 school age children (using generators from ***Comparable*** properties) to 276 residents of whom 44 are expected to attend public schools (using ***County*** average generators from the census).

At Buildout and based on population estimates and school generators from ***Comparable*** properties, revenues for York County are estimated to total $342,270 with annual expenditures of $285,120 and a net fiscal impact of $57,150 at build-out in 2015 (Table A). If the population including the number of school children is estimated using the ***County*** estimators, Nelson's Grant is estimated to create $352,880 in revenues and $435,730 in expenditures resulting in a negative net fiscal impact of ($82,840).

One way of evaluating the "net" effect of a series of cash flows that occur over time is to project the cash flows into the future and then to discount the annual cash flows to the present time. The result is known as the "net present value" of the future cash flows. Using a ***Comparable*** generator, the **net present value** of the future cash flows that York County may expect to obtain as the result of the development of Nelson's Grant over the period 2011 through 2031 and discounted at 5% is expected to be **$1.64 million.** If the ***County*** generator is used, the development is expected to generate a smaller, but also positive, net present value of **$0.17 million.** The expected cash flows from the ***Comparable*** generators is shown in Table A below. Details of the analysis using the ***County*** generators are shown in the Appendix to this report.

County Cash Flow Estimates	*Comparable* Generators				
	2011	2012	2013	2014	Build-out
Revenues	$316,440	$530,930	$534,560	$414,770	$342,270
Expenditures	47,390	132,610	221,990	267,660	285,120
Net Fiscal Impact	**$269,040**	**$398,320**	**$312,570**	**$147,100**	**$57,150**
Net Present Value (2011 – 2030, 5%)					**$1.64 million**

Nelson's Grant

Community Impact on York County, Virginia

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Nelson's Grant

Community Impact on York County, Virginia

As part of a rezoning application submitted by **Pritchard and Miller Real Estate Development (**P&MRED**)** this report from ***The Wessex Group, Ltd.*** (TWG) presents an assessment of the Community Impact on York County of the proposed Nelson's Grant development, a mixed use project planned to include condominiums, townhomes retail stores and professional offices on a site of approximately 13.8 acres located on US Route 17 north of Fort Eustis Boulevard and adjacent to Patriots Square Shopping Center in York County. The first section of the report addresses the *fiscal impact* of the development. The second section of the report describes the expected *community* impact of the development on the York County in terms of school capacity, parks and recreation, fire and police services.

Fiscal Impact Assessment of Proposed Development

Fiscal impacts are those that directly affect a municipality's budget. New developments attract new county residents who, in turn, generate the need for public services such as emergency medical services, police, and fire protection. In turn, the development generates additional tax revenue for the county from real estate taxes, other locality taxes and local household spending. All dollar figures contained in this report are expressed in 2009 dollars, and all fiscal impact estimates are based on Revenues and Expenditures from the General Fund of York County's FY 2010 Adopted Budget. As no attribution for economic inflation has been made, the estimates provided here represent current dollar amounts. In effect, the revenues and expenditures shown are the amounts the locality would expect to receive if the development were completed today.

In preparing the impact analysis, estimates for the development, population characteristics of the locality and proposed development have been used to project locality revenues and expenditures. For example, county expenditures are allocated on a per capita, per household or per child basis to the assessment. Revenue estimates are derived by applying the appropriate tax rates to housing characteristics specific to the proposed development. However, the type of housing proposed is well known to have a direct effect on household composition such as the number of school aged children likely to live there. Further, consistent data often is not available by housing type or value. In this case more than one generally accepted estimators or generators often are used to suggest the range within which the actual values are likely to be captured. For this reason, the revenue and expenditure estimates shown in the tables that follow compare the analysis using school aged children generators from two sources: (1) the County using Census data together with information from the York County Planning Department and (2) information obtained from comparable developments within the regional area. The generator used to estimate the number of people per household for the development, and obtained from the US Census, is 2.46. The school aged children generators used by the York County Planning Division for families living in townhomes and condominiums, are respectively 0.45 and 0.30 children per household. The impact estimates derived using these values are referred to as the ***County*** analysis. Results of the ***Comparable*** analysis are reported in the text following and in greater detail in **Appendix A**. Results of the ***County*** analysis are reported in **Appendix B** at the end of this report.

For the "***Comparable"*** analysis TWG contacted the management of **Riverwalk Towns** and **The Quarters of York County.** Both developments consist of townhomes with two and three bedroom units, and with unit prices and community amenities similar to those proposed for Nelson's Grant. A combined total population of 276 people live in the developments in a total of 156 housing units yielding an average of 1.77 people per household based on these two (2) developments. Currently, a total of 32 school children live in both communities (source: Transportation Division of York County) yielding a "***Comparable***" generator for school children of 0.205 per household. The impact estimates derived from the use of household size and school-aged children generators obtained from the actual experience of nearby comparable properties are referred to as the "***Comparable"*** analysis**.**

The plans and fiscal impact estimates included in this section of the report describe the development schedule, construction investment, the employment directly associated with the construction of this development, and the local spending attributed to new residents in the development. Employment estimates are used to calculate the marginal cost of government services generated by new commercial activity. No attribution is made as to the residence location of any employees.

For a more detailed explanation of the analysis, and its findings, that follows please refer to the Appendix at the end of the report.

Development Plan and Construction Investment

The developer proposes a total of 112 residences along with commercial space totaling 13,750 square feet along with a gazebo, sidewalk, walking trails and a fitness center. Off site improvements include a turn lane, water extension, and relocation of overhead utilities. The proposed development plan is shown in Table 1 on the following page.

Table 1
Development Components - Nelson's Grant

Residential Development	Units	Square Feet per Unit	Construction Cost per Unit*	Market Value per Unit
Townhouse with Detached Garage	25	2,100	$247,000	$325,000
Townhouse (3 Story) with Attached Garage	28	1,800	$209,000	275,000
Bungalow with Detached Garage	13	2,000	$247,000	325,000
Condominium	46	1,000	$148,000	195,000
Total Residential Development	**112**		**$22,055,200**	**$29,020,000**
Commercial Development		**Square Feet**	**Construction Cost per SF***	**Total Cost of Construction**
Specialty Retail		10,075	$108	$1,160,000
Professional Office		3,000	$120	$360,000
Total Commercial Development		**13,750**		**$1,520,000**

* Construction Costs include Cost of Infrastructure

Table 2 following presents the annual construction schedule. The developer expects that construction of the proposed Nelson's Grant will occur throughout a four year period beginning in 2011 with full occupancy of residences and commercial operations in 2015.

Table 2
Annual Construction Schedule – Nelson's Grant

Residential Units	2011	2012	2013	2014	Total
Townhouse with Detached Garage	10	9	6	0	25
Townhouse (3 Story) with Attached Garage	14	9	5	0	28
Bungalow with Detached Garage	0	8	5	0	13
Condominium	6	16	12	12	46
40 Total Residential Units	**30**	**42**	**28**	**12**	**112**
Commercial SF					
Specialty Retail	0	5,000	5,000	750	10,750
Professional Office	0	1,000	2,000	0	3,000
Total Commercial SF	**0**	**6,000**	**7,000**	**750**	**13,750**

Table 3 shows annual and cumulative construction investment. Based on assumptions shown above in Table 1, cumulative construction investment for Nelson's Grant is estimated to be $24.9 million.

Table 3
Construction Cost – Nelson's Grant
($ Thousands)

Nelson's Grant	2011	2012	2013	2014
Off Site Improvements	$ 280.0	$ 0.0	$ 0.0	$ 0.0
Community Amenities	600.0	0.0	0.0	0.0
Residential Homes	6,285.0	8,451.0	5,540.0	1,778.0
Commercial	0	660.0	780.0	81.0
Total Annual Construction Investment	**$ 7,165.0**	**$ 9,111.0**	**$ 6,320.0**	**$ 1,859.0**
Cumulative Construction Investment	**$ 7,165.0**	**$ 16,276.0**	**$ 22,596.0**	**$ 24,455.0**

Residential Population

Based on generators from ***comparable*** properties, the residential population of Nelson's Grant is estimated to be 198 persons at build-out in 2015 (Figure 1). This estimate was determined from the average number of people who currently reside in Riverwalk Towns and The Quarters of York County, developments located in York County and considered to be similar to Nelson's Grant. A combined total of 276 people in both developments live in a total of 156 homes resulting in an average of 1.769 people per household. School children in the two developments total 32 (York County Schools Division of Transportation) for an average of 0.205 per household. Based on this assumption, the 112 residences planned for Nelson's Grant should add 24 children to the county public schools.

If the average number of people per household from US Census (2.463) is applied, the population expected to live at Nelson's Grant is an estimated 276 residents. According to the Planning Division of York County, townhomes and condominiums generate an average of 0.45 and 0.30 school children per household. Based on these ***county*** generators, the 66 townhomes and 46 condominiums at Nelson's Grant will add an estimated 44 school age children.

Figure 1
Residential Population

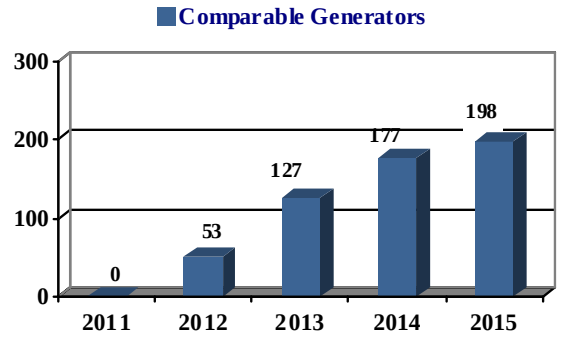
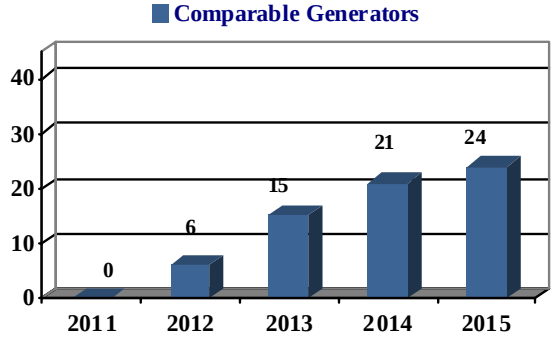


Figure 2
School Age Children



Employment and Payroll

The number of FTE employees expected to work in the commercial portions of this development are included in the fiscal impact analysis because it is one basis of estimating local government expenditures attributed to new construction and to new commercial operations. Assuming that payroll is 40% of construction costs and that average salary expense for construction workers is $52,931 (Virginia Employment Commission construction salary plus 30% payroll cost) the construction phase should provide jobs for an average of 46 workers per year (Table 4). Payroll during construction should total an estimated $7.5 million.

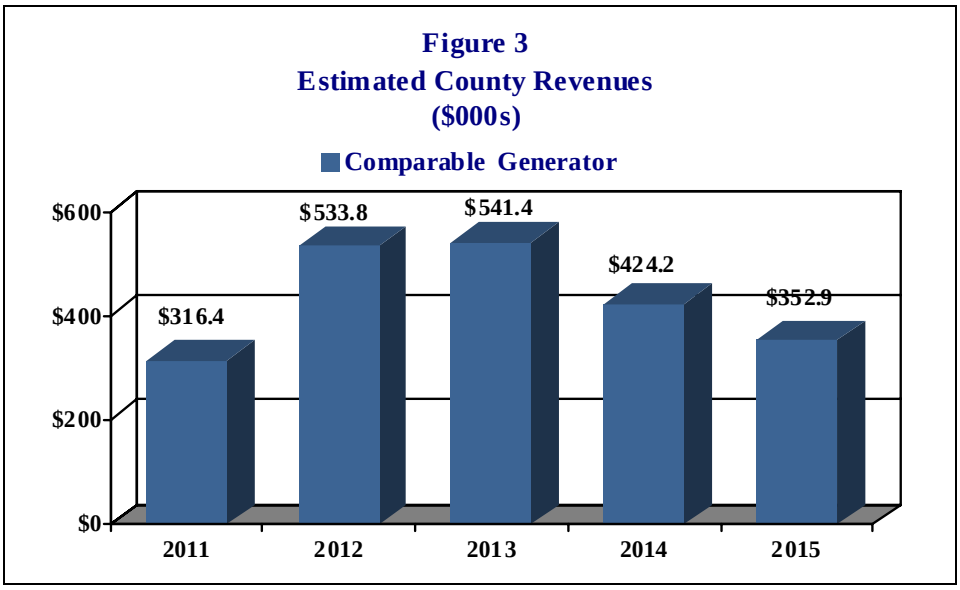
Permanent jobs are expected to be generated by the commercial operations planned for Nelson's Grant. It is assumed that 100% of the commercial employment will be net new to the county with the expectation that 17 new permanent jobs will be generated by the proposed development at build-out when all commercial spaces are assumed to be occupied. Annual permanent payroll is expected to total an estimated $501,000 at build-out and thereafter.

Table 4
Employment Estimates – Nelson's Grant

Nelson's Grant	2011	2012	2013	2014	2015
Average Annual Construction Jobs	54	69	48	14	0
Average Annual Permanent Jobs	0	0	8	16	17
Average Annual FTE Employment	**54**	**69**	**55**	**30**	**17**
Average Annual Payroll ($Thousands)	**$2,205**	**$2,803**	**$2,150**	**$1,053**	**$501**

Local Government Revenues

Residential developments in York County generate several types of revenues, including real estate tax, personal property tax, and retail sales tax. Construction of the development generates revenues such as retail sales tax, building permit fees, business and professional license tax, and meals tax from employees. However, these revenues do not continue beyond build-out. Figure 3 shows the annual revenue streams that the county may expect from Nelson's Grant. At build-out, the proposed development is expected to generate an estimated $342,270 based on a population of 198 residents using ***comparable*** generators. If as many as 276 people live in Nelson's Grant, based on ***County*** generators, then estimated revenues increase slightly to $352,880.



Annual line-item estimates are shown in Table 5. Assumptions associated with the various components of the revenue stream are in the Appendix.

Table 5
Estimated Annual County Revenues – Nelson's Grant
Comparable Generator

Cash Inflow and Outflow	2011	2012	2013	2014	Build-out
Real Estate Tax	$46,710	$125,430	$180,740	$198,920	$200,880
Personal Property	0	11,290	28,260	40,140	44,800
Retail Sales Tax	7,170	16,900	31,540	40,860	43,100
Meals Tax	2,170	5,780	9,480	11,300	11,990
Building Permits	231,110	327,500	235,800	78,600	0
BPOL	12,900	17,960	17,580	14,630	12,100
Recordation Taxes	8,960	9,360	6,200	2,010	0
Other Local Revenues	7,430	16,700	24,970	28,310	29,400
Total Revenues	**$316,440**	**$530,930**	**$534,560**	**$414,770**	**$342,270**

Local Government Expenditures

The county's estimated costs for providing public services to Nelson's Grant are shown in Figure 4 with further detail provided in Table 6. Construction of the proposed development from 2011 through 2014 is expected to generate cumulative government expenditures of an estimated $682,010. At build-out in 2015, fully occupied condominiums and commercial space will generate estimated county expenditures of nearly $285,120 annually based on a population of 198 persons derived from the ***comparable*** generator. In comparison, cumulative expenditures generated from the larger number of residents estimated by the ***county*** generator (expected to be to be 276), are expected to reach $435,730 at build-out and beyond.

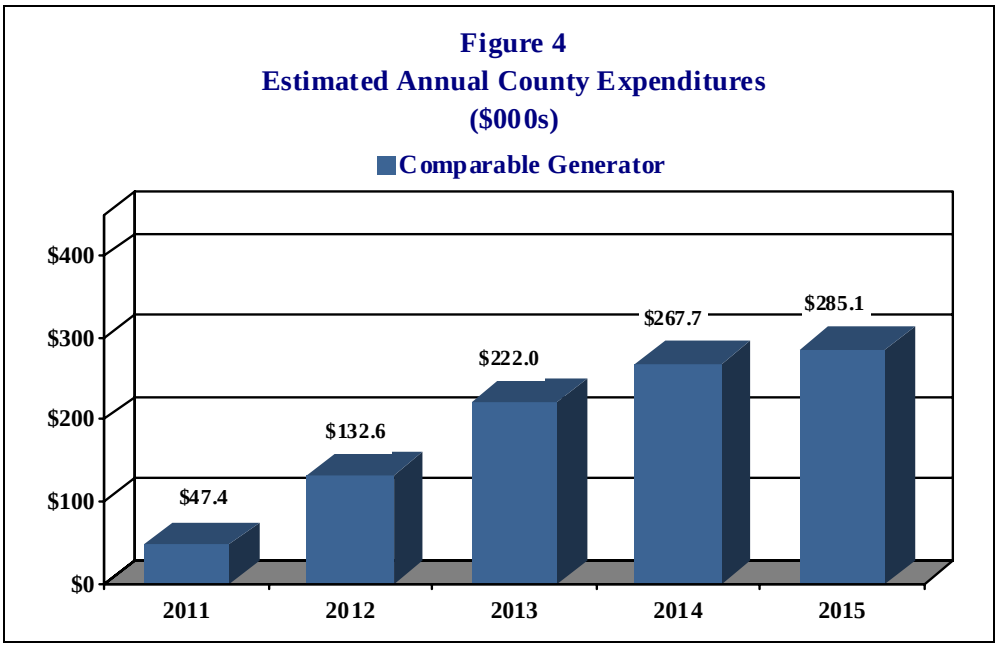


Table 6
Estimated Annual County Expenditures – Nelson's Grant
Comparable Generator

Public Service Expenditures	Comparable Generators				
	2011	2012	2013	2014	Build-out
General Administration	$1,290	$2,900	$4,340	$4,920	$5,110
Judicial Services	1,790	4,020	6,020	6,820	7,080
Public Safety	18,020	40,480	60,550	68,630	71,290
Environ. & Dev.	3,060	6,870	10,280	11,650	12,100
Finance & Planning	5,480	12,310	18,410	20,870	21,680
Human Services	2,460	5,530	8,270	9,380	9,740
General Services	5,070	11,390	17,030	19,310	20,060
Community Services	4,160	9,340	13,980	15,840	16,450
Capital & Fund Transfers	3,720	8,360	12,510	14,180	14,730
Non-Departmental	2,330	5,240	7,830	8,880	9,220
Total Public Service Exp.	**$47,390**	**$106,450**	**$159,220**	**$180,480**	**$187,470**
Education Expenditures					
School Operating	0	22,100	53,050	73,680	82,520
School Debt Service	0	4,050	9,720	13,510	15,130
Total Education Exp.	**$0**	**$26,160**	**$62,780**	**$87,190**	**$97,650**
Total Expenditures	**$47,390**	**$132,610**	**$221,990**	**$267,660**	**$285,120**

Public Service Expenditures: TWG estimates the incremental expenditures that this development will generate for York County's government (excluding operating costs and capital improvements for schools) by applying the current per capita and per employee costs of government to the estimated incremental residents and employees expected to live and work in Nelson's Grant. Based on the current value of residential real property as a proportion of total real property value, TWG assumes that 73.5% of total expenditures are attributed to residences and the remaining 26.5% are attributed to employees. The per capita costs of government are shown in the Appendix.

Education Expenditures: To calculate education costs, per student amounts for operating costs ($3,509) and capital improvements ($643) have been applied to the number of students expected to reside in the development each year (Figure 2).

As shown in Table 6, operating costs associated with public education are expected to generate the largest single expenditure, estimated at build-out to range from an estimated $97,650 based on the ***comparable*** generator If the ***county*** generator is used, the total education expenditures at Buildout are expected to be $180,610.

Net Fiscal Impact

The net fiscal impact of a development on the local government operations is calculated by subtracting government expenditures from government revenues. The annual estimated net fiscal impacts during the development period and at build-out are shown in Figure 5 with detail provided in Table 7. The county should realize a cumulative net fiscal impact of nearly $976,000 during construction. Once build-out is complete, it is estimated that this development will provide an annual net fiscal impact to the county of $37,650. If however, the development generates as many as 241 residents including 38 school children, the net fiscal impact could reach a negative $87,980 annually at build-out and beyond.

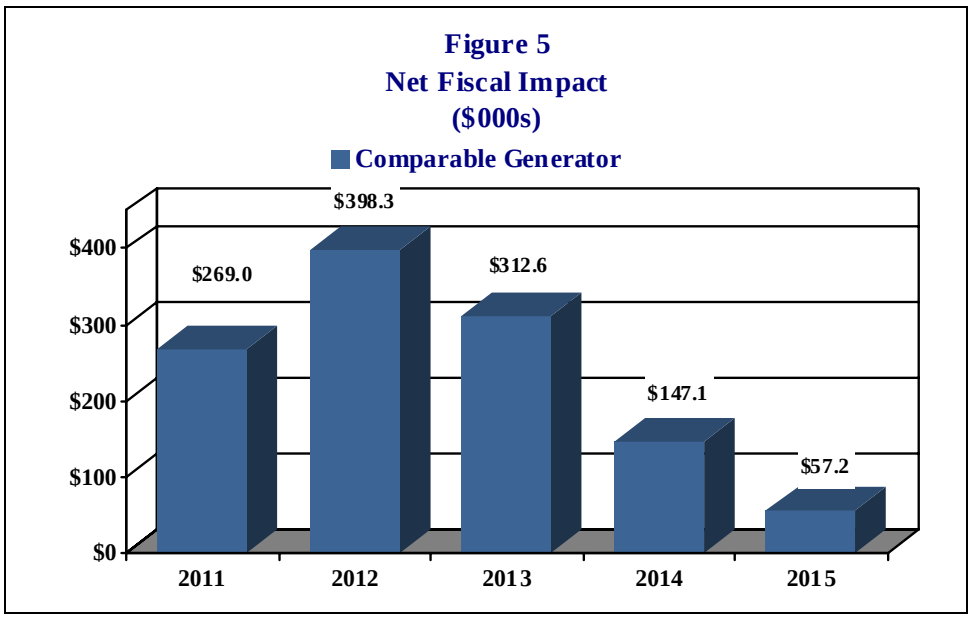


Table 7
Net Fiscal Impact – Nelson's Grant
Comparable Generator

Cash Inflow and Outflow	2011	2012	2013	2014	Buildout 2015
Revenues	$316,440	$530,930	$534,560	$414,770	$ 342,270
Expenditures	47,390	132,610	221,990	267,660	285,120
Net Fiscal Impact	**$269,040**	**$398,320**	**$312,570**	**$147,100**	**$ 57,150**
Net Present Value (2011 – 2030, 5%)					**$ 1.6 mil**

Projected Cumulative Fiscal Impact: In an effort to illustrate the long-term net fiscal benefit or cost of this development to the county, ***The Wessex Group*** calculated the net present value of revenues and expenditures for years 2011 through 2030. A modest 1.0% real (not including inflation) appreciation has been included in the real estate valuation for residential property. All other costs and revenues are estimated in 2009 dollar amounts. Carried over the twenty year period and discounted at 5%, the estimated net present value of Nelson's Grant is $1.6 million based on the ***comparable*** generator. However, if the population reaches 276 people with 44 school children (***county*** generator) the net present is just over $166,000. For further explanation of net present value, refer to page 15 of the Appendix.

Community Impact Assessment

This section of the report describes the Community Impact (non-fiscal) of the proposed Nelson's Grant development. It considers the probable impact of the development on various county services such as schools, park facilities, and fire and police services. While these impacts ultimately may have direct fiscal consequences for the county, the assessment here presents only the type and nature of the assessment. Information for this portion of the assessment were obtained from the York County Planning Department and the York County School Board.

School Capacity

It is estimated Nelson's Grant will generate from 20 to 38 school age children. If these students are educated in the public school system, they would attend Yorktown Elementary, Yorktown Middle School or York High School. According to the York County School Division, all schools have capacity more than adequate to absorb new students generated by the development. Table 8 shows the current capacity of school facilities in York County are more than sufficient to accommodate the expected number of school aged children generated by the proposed Nelsons Grant development.

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York County School Membership and Capacity

Schools	FY 2010 Membership (ADM)	Current Program Capacity	Currently Available Capacity
Yorktown Elementary	584	734	150
Yorktown Middle School	752	982	230
York High School	1,077	1,214	137

Parks and Recreation

Nelson's Grant will offer various amenities to its residents including a park, walking trails, and a fitness center. Sidewalks will be installed to encourage pedestrian activity throughout the community.

Residents also will have convenient access to several public parks within a five minute drive from the development site. These parks include Chisman Creek Park, Wolftrap Park, Back Creek Park and the Colonial National Historic Park. Chisman Creek Park is a 13-acre site located on Wolftrap Road and has two-lighted softball fields, restrooms and a parking lot. Wolf Trap Park is a 28-acre park that features four soccer fields, restrooms a parking lot, and two ponds, and this park also is located on Wolftrap Road in Grafton. Back Creek Park is located on 27 acres in the Seaford area of the county and offers an award-winning tennis facility with six lighted tennis courts. The park also presents a free boat launching facility, a picnic area, and restrooms to the public. The Colonial National Historic Park also is located near the development site with convenient access to a tour road that surrounds the park and is open for bicycling, jogging, walking, or horseback riding.

Due to the proximity of these parks to the proposed development site, it is likely these facilities will experience a modest increase in activity from the new residents living in the development.

Fire Services

TWG contacted York County's Fire Chief/Coordinator of Emergency Management, Stephen P. Kopczynski, to discuss the probable impact of the development on the county's fire and EMS services. Questions asked of Mr. Kopczynski and his responses are provided below.

1. **What is the distance between the development site and the closest fire/EMS station? What is the name of the closest fire/EMS station to the development?**

   "The primary fire station district in which the proposed development would exist is Fire Station #4/Yorktown located at 901 Goosley Road The next due/back up response will be from Fire Station #1/Grafton."

2. **Does your department have any equipment needs for this particular development? Do you have any equipment needs in general?**

"An in depth evaluation of any specific additional equipment needs has not yet been completed. Normally equipment/resource needs (based on the Fire and Life Safety response demand in a specific geographic area, fire station district and/or County wide) are identified and requested through the County's Capital Improvement Program and/or General Operating budget process . It should be noted that the cumulative effect of additional occupancies do increase service demands on the Department of Fire and Life Safety. We do not currently know to what extent this development will impact the Department of Fire and Life Safety's service demands."

Police Services

To understand the impact of Nelson's Grant on the police services, TWG contacted Sheriff J.D. "Danny" Diggs. Questions and responses are provided below.

1. **Do you have any specific crime concerns for this proposed mixed use development?**

   "No."

2. **Nelson's Grant is expected to be comparable to Riverwalk Towns or The Quarters of York County? What has been your experience with the safety needs of these communities?**

   "They have been of little or no impact upon law enforcement services. I believe these types of communities are an asset to the County."

3. **Are there any specific equipment needs your department will need to service an additional community such as this development? Do you have any equipment needs in general?**

   "This development will not cause any additional equipment needs. Overall, we are always in need of updated technology such as Mobile Field Reporting, GPS vehicle tracking, and broadband capability for mobile computers in patrol cars."

4. **Are you supportive or not supportive of this proposed development?**

   "I am a strong supporter of this development."

Nelson's Grant

Community Impact on York County, Virginia

APPENDIX A

"COMPARABLE" ANALYSIS – ANALYTIC DETAIL

Table A-1
Demographic Characteristics of York County

Demographic Characteristic	Amount	Source
Population	61,027	US Census, 2008 Estimates
No of Households	24,774	
Population per Household	2.463	
Population per Household for Proposed Dev	1.769	Comparable Developments in York County
Median Household Income	$86,594	Virginia Employment Commission, 2008
Employment – Total	21,862	Virginia Employment Commission, 2008
Projected Number of School-aged Children	12,750	York County Adopted Budget FY 2010
Residential Real Property as % of Total RP Value	73.5%	York County Assessor

Table A-2
York County Revenue Budget FY 2010

Revenue Source	Budget Amount	Percent of Total
Real Estate Tax	$58,641,500	47.6%
Personal Property Tax	12,686,500	10.3%
Local Sales Tax	9,000,000	7.3%
Meals Tax	5,000,000	4.1%
Business and Professional Licenses	6,117,000	5.0%
Building Permits	560,150	0.5%
Recordation Taxes	525,000	0.4%
Other Local Revenues (See Table below for detail)	11,330,082	9.2%
Total General Fund Estimated in FIS	**$103,860,232**	**84.3%**
Total General Fund less Transfers	**$123,187,632**	**100.0%**

Table A-3
York County - Other Local Revenue Budget FY2010

Budget Item	Budget Amount
Consumption Utility Tax	$262,000
Communications Sales Tax	1,515,000
Motor Vehicle License	1,278,000
Bank Franchise Tax	136,000
Dog License	25,000
Fines and Forfeitures	323,250
Use of Money and Property	970,200
Charges for Services	2,283,580
Miscellaneous Revenues	87,500
Rolling Stock Tax	10,860
Commonwealth Shared Expenses	3,913,312
Commonwealth Categorical Aid	361,442
Revenue from Federal Government	163,938
Total	**$11,330,082**

Table A-4
York County Expenditures - FY 2010 Budget

Public Service Expenditures	Amount	Per Capita	Per Employee
General Administration	$1,967,892	$23.70	$23.84
Judicial Services	2,729,834	32.88	33.08
Public Safety	27,471,265	330.91	332.85
Environmental & Development	4,663,603	56.18	56.51
Finance & Planning	8,353,153	100.62	101.21
Human Services	3,753,838	45.22	45.48
General Services	7,728,866	93.10	93.65
Community Services	6,340,597	76.38	76.83
Capital Outlay & Fund Transfers	5,675,809	68.37	68.77
Non-Departmental	3,554,750	42.82	43.07
Total Public Service Expenditures	**$72,239,607**	**$870.17**	**$875.29**
Public Education Expenditures	**Amount**		**Per Student**
School Operations	$44,736,097		$3,509
School Debt	8,200,000		643
Total Public Education	**$52,936,097**		**$4,152**

Source: York County FY 2010 Adopted Budget
Note: For this study, per capita and per employee expenditure amounts are based on real property values as a proportion of total real property values. School costs reflect funding from local sources only.

Table A-5
Generators for School Children Per HH in York County

Type of Residence	Child Per HH Generator	Source
Townhomes	0.205	Riverwalk Towns The Quarters of York County

Table A-6
Assumptions Used in the Analysis

Construction – Cost Allocation	Assumed Value	Source
Labor (percent total construction cost)	40%	Interviews with area builders
Materials	50%	
Overhead	10%	
Percent full time	50%	
Part time work % of full time	50%	
Salaries FTE Employees		
Construction	$ 40,716	VEC average weekly wage York County 2008 *52 weeks
Retail	$ 20,644	
Professional Office	$ 55,796	
Cost of Money		
Discount Rate	5.00%	TWG Assumption

Table A-7
Locality Revenue Generators

Real Property Tax	Value	Source
Real Estate Rate (per $100 of Assessed Value)	$ 0.6575	York County Adopted Budget FY 2010
Annual Appreciation Rate for Residential Property	1.0%	TWG Assumption
Personal Property Tax		
Personal Property Rate (per $100 of Assessed Value)	4.0%	York County Adopted Budget FY 2010
Local Collections	$12,686,500	
Percent residential	73.5%	Based on Residential Percent of Property Values
Residential (per Household)	$376	(Total Personal Pty * % Residential)/No of Households
Commercial (per Employee)	$154	(Total Personal Pty * % Commercial)/No of Employees
Retail Sales Tax		
Sales Tax Rate - Local Portion	1.0%	York County Adopted Budget FY 2010
Retail - Percent Residential	50%	TWG Assumption
% Construction Materials purchased Locally	20%	
Meals Tax		
Meals Tax Rate (per $ of Gross Revenues)	4.0%	York County Adopted Budget FY 2010
Budget Amount	$ 5,000,000	
Percent residential	50%	TWG Assumption
Meals Tax/HH	$ 100.91	(Total Meals Tax* % Residential)/No. of Households
Percent of Employees who purchase meals	50%	TWG Assumption
Cost per meal	$10	Virginia Travel Corporation
No of Working Days	200	TWG Assumption
Business and Professional Licenses		
Contractor (per $100 Gross Revenues)	$ 0.16	York County Adopted Budget FY 2010
Retail Sales (per $100 Gross Revenues)	$ 0.20	
Building Fees		
Plan Review	$12,892	Information Supplied by Developer
Building Permit	$21,715	
Total Building Fees	**$34,608**	
Sewer Connection Fees	$421,800	
Water Connection Fees	$324,900	
Total Utility Connection Fees	**$746,700**	
Recordation Taxes		
Recordation Tax Rate (per $100 Sale Price)	0.00083	York County
Turnover of Residential Property every 5 years	5.0%	TWG Assumption
Other Income		
Budget Amount	$ 11,330,082	York County Adopted Budget FY 2010 (Table A-3)
Percent Residential	73.5%	Based on Percent of Property Values
Percent Employment	26.5%	
Amount Per Capita	$ 136.48	(Total Other Income* Percent Residential) / Population
Amount per Employee	$ 137.28	(Total Other Income*Percent Commercial)/ Employment

Methodology for Estimating Net Fiscal Impact

The construction and occupancy of this development and its supporting infrastructure will generate incremental City expenditures and revenues. Revenues for the study derive, in general, from spending by the developer of the property and by the employees or residents of the development. Estimates have been derived by examining each revenue category (real property, personal property, retail sales tax, meals tax, and recordation tax fees) and estimating the incremental revenues that are likely to be generated by the development. Government expenditures have been allocated on a per capita and per employee basis.

The analysis uses a "build-up" method by summing together the separate estimates for each source of revenue and expenditure. Care is exercised at each step in the process to insure that revenues are incremental to the existing revenue stream for the locality. For example, Real Property revenues are based on the projected valuations of the property as it is developed less the current values that the undeveloped property generates. To the extent possible, expenditures and revenues also are assessed in the year in which they occur.

A Brief Explanation of Net Present Value

Adding together future annual net fiscal impacts to get a single measure of the overall cumulative impact over time provides a single measure of the net public or fiscal benefit or cost of a development. However, because a dollar received in a future time period is less valuable than the same dollar received today (since for that year the dollar could be invested and earn interest), a method known as discounting is used to sum up all of the future revenues and expenditures into a single number, described as the **net present value (NPV)**. The calculation of net present value discounts (reduces the future annual net impacts) by an amount the market would expect to get if the money were safely and conservatively invested for that year. In this case, an annual reduction (or discount rate) of 5% is applied to the value of each year's net revenues minus expenditures (net fiscal impact) beginning in the first year of construction and compounded over a 20 year period.

Nelson's Grant

Community Impact on York County, Virginia

APPENDIX B

"*COUNTY*" ANALYSIS – ANALYTIC DETAIL

All aspects of the "***County***" analysis are identical to that of the "***Comparable Analysis***," except that the generators used to project the population and school aged children for the development are those provided by the York County Planning Division. Table B-1 shows the generators used for this analysis.

Table B-1
***"County"* Generators for School Children Per HH in York County**

Type of Residence	Child Per HH Generator	Source
Townhomes	0.45	Townhomes
Condominiums	0.30	Condominiums

Table B-2
Estimated Annual County Expenditures – Nelson's Grant
***"County"* Generator**

Public Service Expenditures	Comparable Generators				
	2011	2012	2013	2014	Build-out
General Administration	$1,290	$3,390	$5,520	$6,560	$6,950
Judicial Services	1,790	4,710	7,660	9,100	9,640
Public Safety	18,020	47,370	77,080	91,600	97,020
Environ. & Dev.	3,060	8,040	13,090	15,550	16,470
Finance & Planning	5,480	14,400	23,440	27,850	29,500
Human Services	2,460	6,470	10,530	12,520	13,260
General Services	5,070	13,330	21,690	25,770	27,300
Community Services	4,160	10,930	17,790	21,140	22,390
Capital & Fund Transfers	3,720	9,790	15,930	18,930	20,040
Non-Departmental	2,330	6,130	9,970	11,850	12,550
Total Public Service Exp.	**$47,390**	**$124,570**	**$202,700**	**$240,880**	**$255,120**
Education Expenditures					
School Operating	0	44,210	102,100	140,000	152,630
School Debt Service	0	8,100	18,720	25,660	27,980
Total Education Exp.	**$0**	**$52,310**	**$120,820**	**$165,660**	**$180,610**
Total Expenditures	**$47,390**	**$176,880**	**$323,520**	**$406,530**	**$435,730**

Table B-3
Estimated Annual County Revenues – Nelson's Grant
***"County"*Generator**

Cash Inflow and Outflow	2011	2012	2013	2014	Build-out
Real Estate Tax	$46,710	$125,430	$180,740	$198,920	$200,880
Personal Property	0	11,290	28,260	40,140	44,800
Retail Sales Tax	7,170	16,900	31,540	40,860	43,100
Meals Tax	2,170	5,780	9,480	11,300	11,990
Building Permits	231,110	327,500	235,800	78,600	0
BPOL	12,900	17,960	17,580	14,630	12,100
Recordation Taxes	8,960	9,360	6,200	2,010	0
Other Local Revenues	7,430	19,540	31,790	37,780	40,010
Total Revenues	**$316,440**	**$533,770**	**$541,380**	**$424,240**	**$352,880**

Table B-4
Net Fiscal Impact – Nelson's Grant
Comparable Generator

Cash Inflow and Outflow	2011	2012	2013	2014	Buildout 2015
Revenues	$316,440	$533,770	$541,380	$424,240	$352,880
Expenditures	47,390	176,880	323,520	406,530	435,730
Net Fiscal Impact	**$269,040**	**$356,880**	**$217,860**	**$17,700**	**-$82,840**
Net Present Value (2011 – 2030, 5%)					**$166,350**

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 January11, 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.