

Index File

ZM-135-12

1776 Hotel, LLC

Assessor's Parcel Nos. 9-2-1 (portion) and 9-2-2

Request to amend the York County Zoning Map by reclassifying 10.7 acres of a 12.3-acre site containing two parcels of land located at 725 and 725Z Bypass Road (Route 60) from General Business (GB) to Residential Multi-family (RMF). The General Business designation is intended to provide opportunities for retail and other commercial uses oriented toward serving a community or regional market. The Residential Multi-family designation is intended to provide opportunities for higher density living arrangements (maximum density of 10 dwelling units per acre) with an orientation toward the rental market but not to the exclusion of single-family attached, owner-occupied housing types. The property owner has voluntarily proffered that the property will be developed in accordance with a master plan depicting a single-family attached development with a maximum of 102 dwelling units (10 dwelling units per acre). The properties, located on the north side of Bypass Road approximately 0.42 mile west of its intersection with Route 132, are further identified as a 1.1-acre portion of Assessor's Parcel No. 9-2-1 and Assessor's Parcel No. 9-2-2, and are designated General Business in the Comprehensive Plan.

Attachments:

- Staff Report
- Zoning Map
- Applicant's Justification Statement
- Applicant's Conceptual Rezoning Plans
- Architectural Elevations
- Proffer Statement
- Proposed Resolution No. PC12-23

COUNTY OF YORK

MEMORANDUM

DATE: November 6, 2012 (PC Mtg. 11/14/12)
TO: York County Planning Commission
FROM: Amy M. Parker, Senior Planner
SUBJECT: Application No. ZM-135-12, Hotel 1776, LLC

ISSUE

This application seeks to amend the York County Zoning Map by reclassifying 10.7 acres located at 725 and 725Z (portion) Bypass Road (Route 60) from GB (General Business) to conditional RMF (Residential Multi-family) to establish a development of single-family attached homes (townhouses) with a maximum of 102 units. The properties, further identified as Assessor's Parcel Nos. 9-2-1 and 9-2-2 (portion), are located on the north side of Bypass Road approximately 0.42 mile west of its intersection with Route 132. The properties are designated for General Business development in the Comprehensive Plan.

DESCRIPTION

- Property Owners: 1776 Hotel LLC
- Location: 725 and 725Z (portion) Bypass Road (Route 60)
- Area: 10.7 acres of a 12.32-acre site
- Frontage: 110 feet on Bypass Road
- Utilities: Public water and sewer
- Topography: Varied
- 2025 Land Use Map Designation: General Business
- Zoning Classification: GB – General Business
HRM – Historic Resources Management overlay
- Existing Development: Vacant hotel
- Surrounding Development:
 - North: Single-family detached residence and agriculture (livestock barns and pasture) across Carrs Hill Road right-of-way
 - East: Timeshare resort

South: Timeshare resort, hotel, and hotels across Bypass Road
West: Single-family detached subdivision (Green Acres)

- Proposed Development: 102-unit single-family attached townhouse development

BACKGROUND

According to County Assessor records, the currently vacant hotel was constructed in 1970, and the applicant purchased the property in 2005. The hotel site was the subject of a Special Use Permit, granted in January 2009 for a senior housing facility (pursuant to Resolution No. R09-4). Development of the facility was not initiated, and the approval expired as of January 2011. At the time of the previous SUP application, the hotel had been operating on a seasonal basis (summer occupancy only). According to the applicant, the hotel has been vacant since the end of last summer.

CONSIDERATIONS/CONCLUSIONS

1. The applicant has requested the rezoning for the purpose of establishing a 102-unit townhouse development. As shown on the applicant's proffered sketch plan, the two subject properties would be resubdivided to create one 10.70-acre parcel containing the proposed residential development and a second 1.62-acre parcel containing the existing private access road (Chelsea Road) and its associated 30-foot joint access easement. The parcel containing Chelsea Road would remain in the GB district. The proposed use is permitted as a matter of right in the RMF zoning district. According to the applicant's sketch plans and elevations, the existing hotel would be demolished and the site completely redeveloped. The development would consist of two-story townhouse-style residences constructed in groups of four or six attached units served by a private street system.
2. Surrounding properties contain a mix of residential and commercial uses. The southern and eastern sides of the development abut the Wyndham-Patriots Place timeshare development (zoned General Business). The Homewood Suites hotel is located on the north side of Bypass Road adjacent to the subject property's entrance road, and several hotels exist on the south side of Bypass Road across from the entrance (both areas zoned General Business). The west side of the development abuts the Green Acres single-family detached residential subdivision (zoned R13, High Density Single-family Residential). The northern side of the property, beyond the Carrs Hill Road right-of-way, is bordered by property containing a single-family detached dwelling with livestock barns and pastures (zoned R20 – Medium Density Single Family Residential).
3. A portion of the property is subject to the Historic Resources Management (HRM) overlay district, as there is an archaeological site identified on the property listed in the Virginia Department of Historic Resources database. Per the terms of the HRM regulations, field verification and evaluation of the site would be required during the site plan review process and prior to any development plan approval.

4. Section 24.1-403 of the Zoning Ordinance contains specific standards for single-family attached dwellings that address density limits, perimeter buffers, building separation requirements, pedestrian/emergency access, street design, parking and building setbacks, development access, parking, active recreation facilities, and minimum open space requirements. The applicant's proffered conceptual plan does not adequately demonstrate compliance with several of these standards, including open space and active recreation area requirements, common area access to the rear of all buildings, emergency access to all buildings, and building yard requirements. These issues will need to be addressed during the site plan review process if this rezoning application is approved and the applicant has been advised that doing so may require layout adjustments that would reduce the unit yield below their desired maximum of 102 units.
5. The western side of the property along the common property border with the adjacent single-family detached residential development (Green Acres) is encumbered by a 25-foot scenic easement granted to the County in 1985 in conjunction with development of the timeshares project and for the purpose of providing a landscaped buffer between the subject site and the adjacent residential development. Use restrictions contained in the easement document stipulate that "no pedestrians or vehicles of any kind shall be permitted on, over, through or across said Scenic Easement," with only limited exceptions. That restriction would also necessitate some adjustment in the conceptual layout in order to meet some of the basic townhouse project design standards.
6. Environmental and Development Services staff has expressed concerns about the adequacy of stormwater management facilities that would serve the proposed development. The site drains through an existing ditch system to the east of the property and toward two existing ponds located on either side of Chelsea Road to the south of the site. Stormwater Engineering staff has indicated that the downstream pond outfall is currently failing and would need to be improved as part of the proposed development. The applicant's plans indicate a proposed stormwater pond at the south side of the development, which, according to the applicant, would serve to decrease stormwater runoff into the existing drainage system. However, even if this facility were constructed, a portion of the development would continue to contribute runoff to the existing pond system. In any event, the stormwater management needs of the project and the adequacy of downstream improvements would have to be thoroughly evaluated and engineered as part of the site plan review and approval process that would precede any development activity. As noted above with respect to other design standards, the applicant has been advised that compliance with stormwater management requirements would take precedence over their ability to meet their desired unit yield.
7. Department of Fire and Life Safety (FLS) staff has expressed several concerns with respect to emergency access on the property, all of which would need to be addressed prior to any site plan approval for the proposed project and some of which could also affect the conceptual layout and unit yield. Most notably, FLS indicates that an emergency vehicle access connection to Carrs Hill Road would be needed (e.g., a

driveway connection, with access restricted by the use of removable bollards or other barriers able to be moved/removed by emergency response personnel). Also, FLS indicates that fire lanes would be required along both sides of the proposed private streets, thus eliminating opportunities for on-street parking, and the streets would need to include adequate emergency vehicle turn-around areas at their termini.

8. In accordance with Article VI of the Zoning Ordinance (Off-street Parking and Loading), 238 parking spaces would be required for the proposed development (2 spaces per dwelling unit plus one visitor space for every three units). The applicant's master plans indicate 240 proposed spaces, including one garage and one driveway space for each dwelling unit.
9. According to trip generation information submitted by the applicant, the proposed development would generate less traffic than would an active hotel – an average of approximately 52 trips in the weekday AM peak hour and 61 trips in the PM peak hour and, therefore, a Traffic Impact Analysis was not a required element of the rezoning application package. By comparison, an active hotel would generate an average of approximately 134 trips in the weekday AM peak hour and 140 PM peak hour trips. Nevertheless, both VDOT and County staff requested that the applicant provide additional information addressing traffic impacts at the intersection of Chelsea Road (main entrance driveway) and Bypass Road so that it would be available during the rezoning discussions. Instead, the applicant has proffered to perform a “warrant of need analysis” to examine the need for any VDOT-required turning lane or other improvements at that intersection. Such an analysis would need to be performed in conjunction with site plan review (rather than prior to building permits, as indicted in the proffer).
10. Section 24.1-403(1)(4) of the Zoning Ordinance requires that single-family attached developments containing 25 or more units have at least two points of access or connection to the public street system. To address this requirement, the applicant has proposed that Chelsea Road be reconstructed as a boulevard road having a central landscaped median with single lanes on either side of the median. Such a design solution would be consistent with the boulevard entrance design solution approved for several other apartment projects in the County including the Clairmont and Belmont apartment complexes. The exact details and design of this roadway improvement would be required to be developed as part of the site plan submission/approval process and would necessarily include attention to all the legal details for any temporary construction easements as well as joint access easements benefiting both the timeshares and townhouses.
11. Townhouses typically generate fewer school-age children per unit than do single-family detached homes, with an average of 0.4 students per unit in York County. Accordingly, staff estimates that Patriots Reserve, if approved, can be expected to generate up to 41 school students – 21 in elementary school, 9 in middle school, and 11 in high school. Based on current school attendance zone boundaries, these students would attend Waller Mill Elementary School, Queens Lake Middle School,

and Bruton High School. Current enrollment and capacity figures for these three schools appear in the table below:

School	Enrollment	Capacity	Surplus/Deficit
Waller Mill Elementary	274	297	+23
Queens Lake Middle	449	681	+232
Bruton High	588	1,039	+451
TOTAL	1,311	2,017	+706
<i>Note: Enrollment (Average Daily Membership) as reported by the York County School Division for October 2012</i>			

Although the two secondary schools have sufficient capacity to accommodate the increased enrollment, this project would push Waller Mill to its capacity. It should be noted that there are two active subdivisions currently being developed in this attendance zone: The Oaks at Fenton Mill, with 59 more single-family detached homes yet to be built, and Skimino Landing Estates, with 23 more homes yet to be built. In addition, a third subdivision, Powell Plantation, received preliminary subdivision approval in 2007 but has since been delayed. If developed, it would have a significant impact on Waller Mill. Located to the north and east of Patriots Reserve, Powell Plantation would add approximately 314 housing units in this attendance zone. In anticipation primarily of the enrollment impacts of the Powell Plantation project, the School Board proposed and the adopted FY2013 to FY2022 Capital Improvements Plan includes the following classroom additions:

FY 2014 – Queens Lake Middle – 6 classrooms	\$1,586,000
FY 2015 – Bruton High School – 6 classrooms	\$1,612,500
FY 2016 - Waller Mill Elementary – 9 classrooms	\$6,841,000

None of the potential school impacts associated with the subject project have been addressed in the applicant’s submission or proffers.

Given the delay in the Powell Plantation project it is possible that the timing of these proposed additions could be adjusted. However, for the purposes of discussing this rezoning proposal, it is essential to note that approval of this project – or any other residential development (exclusive of senior housing) on land that is zoned General Business and so designated in the Comprehensive Plan – will increase school enrollment numbers. Since housing is not permitted in the GB zone, these additional enrollment numbers have not been factored into long-range student projections.

- The applicant has proffered that the proposed project would be developed generally in accordance with submitted master plans, and that architectural elevations submitted “show the general description of the planned buildings, but are not exact representations of the buildings that will be developed on site.” Elevations indicate two-story townhouse style units constructed with a combination of brick and stone veneers and siding facades.

The applicant has also proffered that signage for the project would be in conformance with County Zoning Ordinance requirements. The existing hotel pole sign, located in the middle of Chelsea Road at its connection to Bypass Road, is nonconforming with respect to type, size, height, and location. In accordance with Article VII of the Zoning Ordinance (Signs), freestanding community identification signage is required to be of monument style, not exceeding six feet in height or 32 square feet in area, located on the subject property, and constructed of *“masonry, wood, or other material construction, but not plastic or similar material, so as to be permanent in nature.”*

13. The applicant has suggested in their narrative (dated October 1, 2012) that this rezoning could be deemed consistent with various policy statements contained in the Comprehensive Plan. While that may be the case, the key determinant that has been used consistently in evaluating rezoning proposals is conformity with the land use designations established by the Comprehensive Plan. In the case of the subject area, the Comprehensive Plan designation calls for General Business use, not Multi-Family Residential. Granted, the distance from Bypass Road and limited visibility of the parcel presents challenges for development/redevelopment of the property for many of the uses allowed under the GB classification, and the currently soft commercial market exacerbates those challenges. However, the proposed assisted living facility that was approved several years ago proved that alternatives to a hotel use could be feasible, at least from a land use standpoint. While this proposed townhouse project could be made to work from a site design standpoint and conceivably could be deemed a use compatible with its surroundings (the timeshares and high density single-family residential neighborhood), the fact remains that the rezoning would be inconsistent with the adopted long-range land use designations. Because the adopted land use designations are long-range in nature, it is important to avoid making changes simply to accommodate short-term market and economic conditions, assuming the land use designations continue to make sense.

RECOMMENDATION

As previously noted, the property requested for rezoning from GB (General Business) to RMF (Residential Multi-family) is designated for General Business use in the Comprehensive Plan. The Comprehensive Plan describes the GB designation as *“intended to provide opportunities for retail and other commercial uses oriented primarily toward supplying foods or services for a community or regional market.”* The Plan specifically promotes tourism-oriented development in the Bypass Road corridor, and recognizes the large volume of tourist traffic carried by the road. Obviously, multi-family residential development would not be in keeping with adopted nonresidential land use designations for the area and, given the deference to those designations that has typically defined “good” zoning practice in York County, approval would be contrary to those precedents (but not necessarily illegal).

As a rule, residential development does not support itself with respect to fiscal impacts on the community. Public costs of such developments, such as additional burdens on schools, emergency services, public utilities, and other public services typically exceed revenues that may be generated from residential taxes and fees. As noted, the property

lies within the attendance zone for Waller Mill Elementary School, which is almost at capacity. The school will need to be expanded to accommodate enrollment increases from development that is already permitted as a matter-of-right and has no restrictions on timing other than what the housing market will support.

Therefore, based on the considerations and conclusions as noted, staff believes the proposed development is not consistent with the Comprehensive Plan and recommends that the Commission forward this application to the Board of Supervisors with a recommendation of denial. Should the Commission choose to recommend approval, a proposed approving resolution is attached.

AMP

Attachments

- Zoning Map
- Applicant's Justification Statement
- Applicant's Conceptual Rezoning Plans
- Architectural Elevations
- Proffer Statement
- Proposed Resolution No. PC12-23

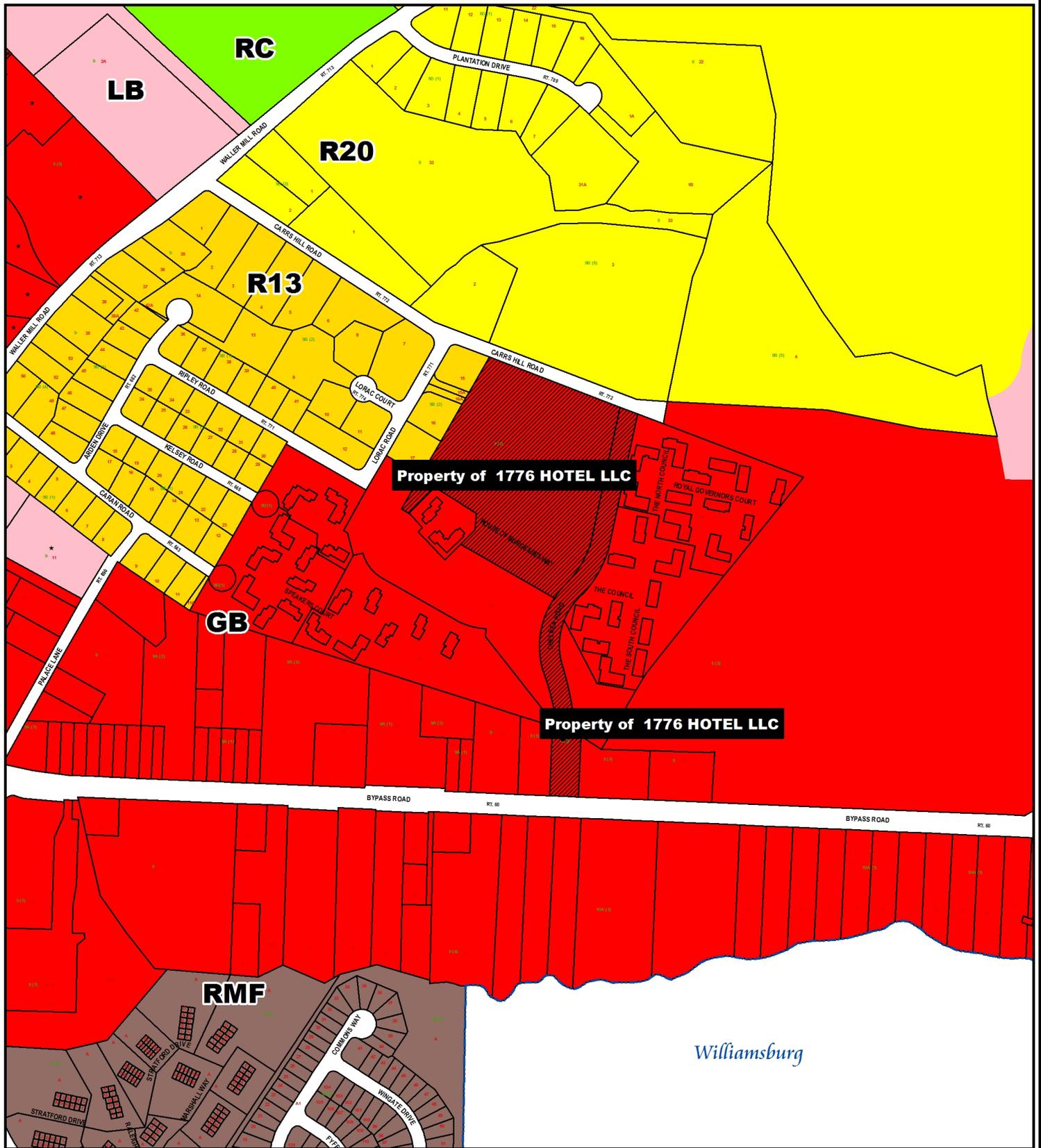
APPLICANT: 1776 Hotel, LLC

Rezone 12.32 acres from GB to RMF

D15b-3901-3364, D15b-4134-2966

ZONING MAP

APPLICATION NUMBER: ZM-135-12



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.

TARLEY ROBINSON

ATTORNEYS & COUNSELLORS AT LAW

YORK COUNTY
YORK COUNTY

OCT 1 2012

Planning Division

Tarley Robinson, PLC
4808 Courthouse Street, Suite 102
Williamsburg, Virginia 23188

Telephone (757) 229-4281
Facsimile (757) 229-7439

John Tarley, Jr.
jtarley@tarleyrobinson.com

October 1, 2012

Timothy C. Cross, AICP
Principal Planner
224 Ballard Street
Yorktown, VA 23690-0532

Re: Revised Statement in support of Rezoning Application
725 Bypass Road, Williamsburg, Virginia

Dear Mr. Cross:

This letter supports the attached Rezoning Application. This letter revises and replaces the Applicant's two previous statements in support of its Rezoning Application.

Summary of Project.

1776 Hotel, LLC (the "Owner") proposes to rezone approximately 10.70 acres of the property located at 725 Bypass Road, currently a Knights Inn hotel (referred to as the "Property"). After the rezoning, the Owner intends to raze the current hotel and construct 102 units of single family attached housing, moderately priced in the average price range of \$200,000 - \$250,000. Currently, the Property is zoned GB, and the Owner requests the Property be rezoned to RMF to permit the planned single-family attached housing.

Following the initial Application, after several discussions and correspondence with the Planning Staff, the Owner downscaled the project to attain a better mix with the surrounding residential and general business properties. The revised plan enables the Owner to construct an onsite BMP and onsite active recreation areas while minimizing any effect upon the adjoining residential neighborhoods abutting Carrs Hill Road and Lorac Road.

Ownership of 1776 Hotel, LLC.

The Property is owned and managed by the principals of Harmony Investments, a Tidewater hospitality group with eleven (11) hotel properties from Corolla, North Carolina through Virginia Beach to Williamsburg. The principals of Harmony Investments have been very active in the Tidewater area building and managing hotels and commercial properties, as well as multi-family residential properties. Two such upscale residential properties are being developed in Virginia Beach. The Owner is eager to transform and revitalize this underperforming property and build a vibrant residential community that conforms with the goals of the York County Comprehensive Plan.

REZONING REQUEST

The rezoning complements the Comprehensive Plan.

- a. The Comprehensive Plan encourages the adaptive reuse of existing blighted properties, as well as the prevention of blight and dilapidation. The Property is located next to a residential area and a timeshare community, and as an underperforming hotel, is at risk. Although the Property is not currently a “blighted” property, it cannot survive under its current zoning designation. This creative and expensive investment proposed in this rezoning application will provide this underperforming Property with a reuse that maximizes the Property’s value.
- b. The Comprehensive Plan emphasizes preservation and improvement of York County’s character and appearance by, among other things, ensuring that businesses are occupied. Additionally, this proposed rezoning will facilitate the creation of a convenient, attractive and harmonious community. This rezoning and development will allow the Property to conform more closely to the residential neighborhoods that border the Property.
- c. The Comprehensive Plan suggests the creation of affordable housing. This rezoning and development will provide a substantial inventory of affordable housing and increase residential growth in Upper York County.
- d. The Comprehensive Plan identifies the need for more moderately priced housing. In this area of Upper York County there are very few, if any, moderately priced multi-family housing developments.
- e. Transforming the Property into multi-family housing adds an element of mixed-use development to the nearby GB zoning district. Not only will this rezoning and development increase the overall property value of the Property, the nearby businesses will benefit from the additional population.
- f. York County citizens have cited “abandoned/unsightly buildings on commercial corridors” as among the things they liked the least about living in the county. The Property is a quintessential example of this problem. This timely rezoning application will transform and revitalize the Property before conditions further degrade.
- g. Finally, as shown by the recent foreclosure of the Lexington Hotel in York County where the foreclosed price was less than 10% of the mortgaged debt, this rezoning will increase the overall value of the Property, which has the potential of increasing the value of the surrounding property.

Proffer Statement. The Owner has agreed to submit voluntarily the attached Proffer Statement as part of its rezoning application.

Housing Type and Prices. The Owner intends to construct single-family attached homes governed by a condominium unit owners association. All owners of lots, units, and parcels within the Property shall be members of such association by virtue of their property ownership.

According to the standards used by HUD and Housing Virginia, the median income of York County households in 2011 was \$82,041. The unit prices for this Project are estimated to range from \$200,000 to \$250,000 which encompasses the definition of "affordable" housing based upon the median income homeowner in York County who allocates no more than 30% of his income towards his housing cost.

Traffic Analysis. The Owner's consultant has corresponded with the Virginia Department of Transportation ("VDOT"). As shown in the attached letter, Exhibit 1, VDOT agrees that the rezoning shall decrease the potential trip generation rate. The VDOT has requested the Owner to review the acceleration and deceleration lanes on Bypass Road, and to review the access area at the intersection of Bypass Road and Chelsea Road. The Owner shall proffer to perform a warrant of need analysis prior to the issuance of a building permit, and comply with any resulting VDOT requirements.

Stormwater Drainage Impact. The Owner has obtained a preliminary assessment, attached as Exhibit 2 to this letter, that indicates that this project shall not create any increase of impervious surface, and in fact, shall result in a slight decrease in stormwater runoff. Nonetheless, the Owner shall construct an onsite BMP that will significantly decrease the amount of stormwater runoff into the current stormwater drainage system from its current levels. Additionally, the Owner shall perform a Stormwater Management Study prior to the issuance of a building permit, and agree to comply with any additional required improvements.

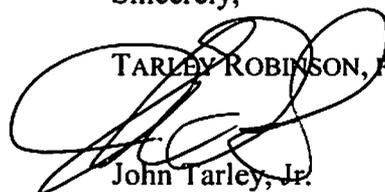
CONCLUSION

On behalf of 1776 Hotel, LLC, we respectfully request the Planning Commission recommend and the Board of Supervisors approve its Rezoning Application. The Rezoning Application will transform an underperforming property, that can never flourish under its current zoning designation, to an exciting new housing opportunity that accomplishes many goals and objectives of the Comprehensive Plan.

We look forward to presenting this case to the Planning Commission and Board of Supervisors.

Sincerely,

TARLEY ROBINSON, PLC



John Tarley, Jr.

JT:wg

cc: 1776 Hotel, LLC
Hassell & Folkes, P.C. (c/o Grey Folkes)



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1700 North Main Street
SUFFOLK, VIRGINIA 23434

Gregory A. Whirley
Commissioner

July 5, 2012

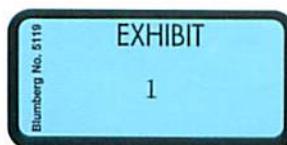
Ms. Amy M. Parker, Planner
County of York – Planning Division
Post Office Box 532
Yorktown, Virginia 23690

**RE: 1776 Hotel, LLC (Patriot's Reserve) – Rezoning
Bypass Road, Route 60
York County, Application #ZM-135-12**

The District has reviewed the Rezoning Application for the subject development and we offer the following comments:

- 1) We concur with the applicant's trip generation information. The proposed 118 unit residential condominium/townhouse development will have the potential to generate 52 AM peak hour, 61 PM peak hour, and 693 daily trips on the roadway network.
- 2) The proposed use will replace the existing 200 room hotel that has a higher potential trip generation rate.
- 3) The development will access the state maintained roadway network at the existing intersection of Chelsea Road (private) and Bypass Road (Route 60). The applicant has not provided any analysis of this intersection as suggested in the VDOT email dated 5/14/2012. It is recommended that the applicant provide a limited review of the public access and verify whether any upgrades are warranted.
- 4) We recommend that the applicant verify that the existing sign adjacent to Route 60 is located outside of the public right of way and the clear zone area as defined in the VDOT Road Design Manual – Appendix A.

VirginiaDOT.org
WE KEEP VIRGINIA MOVING



- 5) No storm drainage information was provided. If the development will be sending storm water into the state maintained system, then a Drainage Report and construction plans must be submitted to VDOT for review.
- 6) Please submit the attached VDOT Hampton Roads District Development Plan checklist with any plan review submittal.

If you have any questions, please contact me at (757) 925-2629 or rachel.cox@vdot.virginia.gov.

Sincerely,



Rachel Cox, P.E.
Area Land Use Engineer
Virginia Department of Transportation
Hampton Roads District

Attachments: Development Plan Checklist – Hampton Roads District (Jan '12)

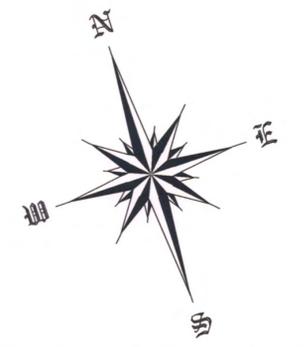
Preliminary Drainage Impact Assessment
For
Patriots Reserve York County

Existing Conditions:

The existing 12.3 acre site is fully developed hotel site. The storm drainage system is in place and was constructed years ago. Based on our preliminary review, a portion of the property drains to the existing offsite ponds, located adjacent to Chelsea Road, north of Route 60 – Bypass Road. The remaining portion of the property appears to drain overland flow to the east.

Proposed Conditions:

The proposed redevelopment of the property will provide for 117 townhouse style condominiums with paved streets and off street parking. The redevelopment of the property will slightly increase the runoff coefficient (“C” Factor) from a 0.52 to 0.58. Because of the small increase in the stormwater runoff from the redevelopment of the property, some form of onsite or offsite stormwater retention may be required. In conjunction with detailed site development plans for the project a Stormwater Management Study shall be completed, reviewed and approved by York County. The Study will provide details on required onsite and offsite improvements that may be required to meet current requirements for Stormwater Management in York County.



SEPTEMBER 21, 2012

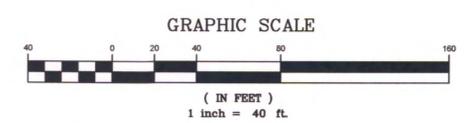
SITE DATA:
EXISTING ZONING: (GB)
 (GENERAL BUSINESS)
PROPOSED ZONING: (RMF)
 (SINGLE FAMILY ATTACHED)
TOTAL SITE AREA: 12.32 ACRES
TOTAL AREA (GB) TO REMAIN: 1.62 ACRES
TOTAL AREA PROPOSED (RMF): 10.70 ACRES
AREA OF EXISTING UTILITY EASEMENTS: 0.53 ACRES
 (GREATER THAN 20' WIDTH)
NET SITE AREA FOR DENSITY: 10.17 ACRES
 (10.70 ACRES - 0.53 ACRES)
TOTAL UNITS PERMITTED: 102
 (10 UNITS / ACRE)
TOTAL UNITS SHOWN: 102
PARKING REQUIRED: 238
 2 SPACES PER UNIT + 1 SPACE PER 3 UNITS
PARKING PROVIDED: 240
 (EACH UNIT HAS 1 CAR GARAGE & 1 DRIVEWAY SPACE)
 (HOA SHALL HAVE PROVISION PROHIBITING RECREATIONAL VEHICLES)
OPEN SPACE REQUIRED: 1.61 ACRES
 (50% REQUIRED TO BE ACTIVE OPEN SPACE)(EXCLUSIVE BMP)
OPEN SPACE ONSITE SHOWN: 3.04 ACRES
ACTIVE OPEN SPACE ONSITE SHOWN: 2.44 ACRES
OPEN SPACE AVAILABLE & ADJACENT WITHIN EXISTING OVERALL DEVELOPMENT: 5.5 ACRES
TYPICAL UNIT SIZE: 22' x 50'
RECREATION FACILITIES WITHIN AREA (A)
 SHALL INCLUDE PAVED WALKWAYS, PARK BENCHES, PICNIC TABLES, TRASH RECEPTACLES, AND A GAZEBO



HASSELL & FOLKES, P.C.
 ENGINEERS-SURVEYORS-PLANNERS
 525 VOLVO PARKWAY
 CHESAPEAKE, VIRGINIA 23320
 PHONE: (757) 547-9531 FAX: (757) 547-9481
 www.hfpo-online.com

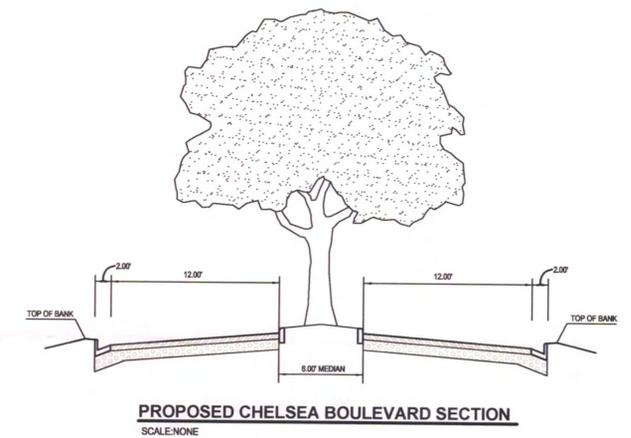
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REZONING EXHIBIT
PATRIOT'S RESERVE
 YORK COUNTY, VIRGINIA





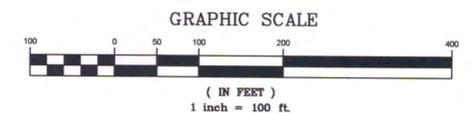
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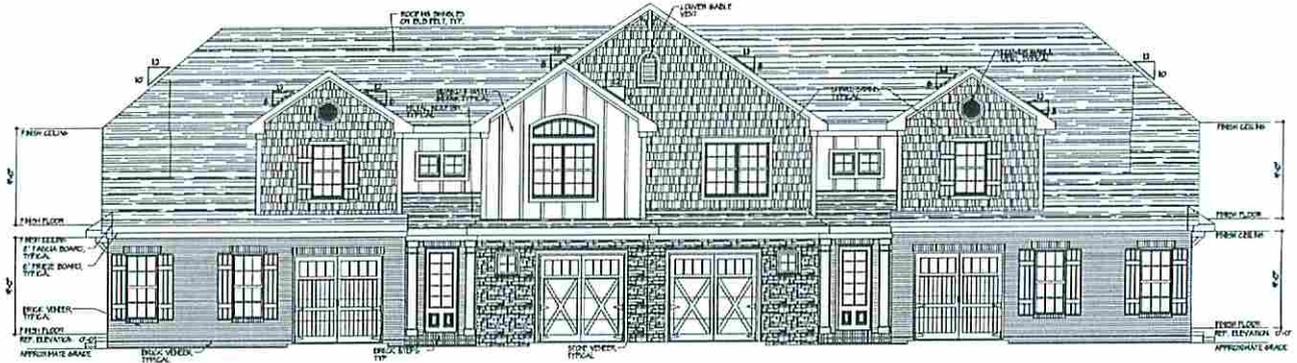
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**REZONING EXHIBIT
 PATRIOT'S RESERVE
 YORK COUNTY, VIRGINIA**



PATRIOT'S RESERVE

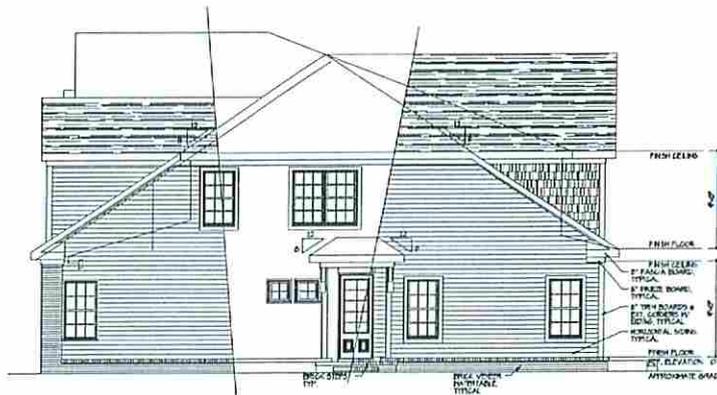
YORK COUNTY, VIRGINIA



FRONT ELEVATION (4 UNIT LAYOUT)



REAR ELEVATION (4 UNIT LAYOUT)



RIGHT SIDE ELEVATION (4 UNIT LAYOUT)

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York County

MAY 31 2012

Planning Division

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York County

PREPARED BY:

Tarley Robinson, PLC
4808 Courthouse Street, Suite 102
Williamsburg, VA 23188

NOV 7 2012

RETURN TO:

York County
244 Ballard Street
Yorktown, VA 23690

Planning Division

PROFFER AGREEMENT

This Proffer Agreement is made as of this 7th day of November, 2012 by and between 1776 HOTEL, L.L.C. ("Grantor") and YORK COUNTY, a Virginia municipal corporation ("GRANTEE"). The Grantor owns certain real property totaling approximately 12.31 acres commonly known as 725 Bypass Road and shown on the York County Maps as GPIN D15b-3901-3364 (9.62 acres) and GPIN D15b-4134-2966 (2.69 acres) (the "Property").

A. Grantor has requested that all but 1.624 acres of the Property—comprised of the access road from the entrance at Bypass Road to the point set forth on the attached Rezoning Exhibit—be rezoned from GB, General Business District, to RMF, Multifamily Residential District.

B. Grantor desires to offer to the Grantee certain Proffers on the development of the Property for the protection and enhancement of the community and to provide for the high quality and orderly development of the Property.

C. The new legal descriptions following the rezoning are attached as Exhibit A, with the Parcel One legal description, of 10.698 acres, reflecting the new rezoned RMF district.

NOW, THEREFORE, for and in consideration of the approval by the Grantee of the rezoning of the Property, Grantor agrees that it shall meet and comply with all of the following Proffers in developing the Property. In the event that the requested rezoning is not approved and/or these Proffers are not accepted by the Grantee, these Proffers shall become null and void.

PROFFERS

1. **PLAN OF DEVELOPMENT:** The Property shall be developed generally in accordance with the plans (the "Project"). The conceptual plan for proposed development on the Property provides only for the general location of buildings, proposed streets, parking, drainage facilities, areas of open space and buffer areas is attached as Exhibit B. The elevations presented on Exhibit C show the general description of the planned buildings, but are not exact representations of the buildings that will be developed on site. The total number of units to be built will not exceed one hundred two ("102") in twenty ("20") buildings. Any deviations from the plan shall be allowed only in accordance with the provisions of the Zoning Ordinance.

2. CONDOMINIUM ASSOCIATION. A condominium unit owners association shall be established pursuant to and in accordance with the Virginia Code. All owners of lots, units, and parcels within the Property shall be members of such association by virtue of their property ownership. The articles of incorporation and bylaws of such association and declaration of covenants enforceable by such association (collectively the "Condominium Instruments") shall be submitted to and reviewed by the County Attorney for consistency with this proffer and Zoning Ordinance requirements prior to final site plan approval. The declaration of covenants will prohibit the parking of recreational vehicles on the Property.
3. SIGNAGE: Any signage marking the Property will be constructed in accordance with York County Zoning Ordinance § 24.1-702.
4. CHELSEA ROAD IMPROVEMENTS: Grantor shall make improvements to Chelsea Road from its entrance on Bypass Road to the first intersection with House of Burgess Road. These improvements shall include a median strip with single lane traffic in both directions as shown on the attached Rezoning Exhibit. With respect to the entrance to Chelsea Road at its intersection with Bypass Road, Grantor shall perform a warrant of need analysis prior to the issuance of a building permit. Grantor shall comply with any resulting VDOT requirements regarding acceleration or deceleration lane improvements, and with respect to any necessary improvements to Chelsea Road entrance at Bypass Road.
5. RESUBDIVISION OF 725Z BYPASS ROAD: Grantor shall re-subdivide Chelsea Road, which is a separate and distinct parcel, to terminate at the location set forth on the attached Exhibit B.

York County joins herein to and does hereby confirm its acceptance of these proffers as part of the rezoning of the subject Property from GB, General Business District, to RMF, Multifamily Residential District. In the event that the Rezoning Application is not approved by the County, the Proffers, and the Plans shall be null and void.

SIGNATURE PAGE TO FOLLOW

Witness the following signatures:

1776 HOTEL, LLC

YORK COUNTY

By: [Signature]

By: _____

Title: Managing Member

Title: _____

Commonwealth of Virginia:

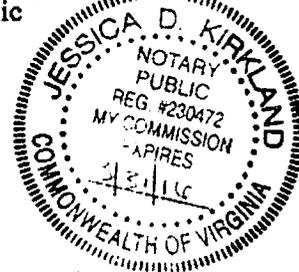
City/County of Virginia Beach

Subscribed and sworn by [Signature], an authorized agent for 1776 Hotel, LLC, before me, a Notary Public for the above-mentioned jurisdiction, this 7 day of November 2012.

[Signature]
Notary Public

My commission expires: 3-31-16

Registration No. 230472



Commonwealth of Virginia:

City/County of _____

Subscribed and sworn by _____, as the authorized agent and _____ York County, Virginia, before me, a Notary Public for the above-mentioned jurisdiction, this ____ day of _____ 2012.

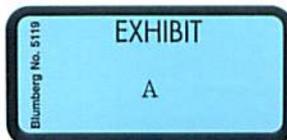
Notary Public

My commission expires: _____

Registration No. _____

PARCEL ONE LEGAL DESCRIPTION

BEGINNING AT A POINT AT THE INTERSECTION OF THE NORTHERN RIGHT-OF-WAY OF BYPASS ROAD (ROUTE 60) AND THE WESTERN RIGHT-OF-WAY OF PARCEL TWO, AS SHOWN IN P.B. 10, PG. 399, AND RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT IN THE COUNTY OF YORK, VIRGINIA; THENCE LEAVING SAID RIGHT-OF-WAY N 03°28'34" E A DISTANCE OF 266.46' TO A POINT; THENCE S 70°38'26" E A DISTANCE OF 14.09' TO A POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 218.49', WITH A RADIUS OF 816.96', WITH A CHORD BEARING OF N 10°25'22" W, AND A CHORD LENGTH OF 217.84' TO A POINT; THENCE WITH A REVERSE CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 285.56', WITH A RADIUS OF 312.24', WITH A CHORD BEARING OF N 08°06'56" E, AND A CHORD LENGTH OF 275.71', TO A POINT, WHICH IS THE TRUE POINT OF BEGINNING; THENCE N 58°41'55" W A DISTANCE OF 394.26' TO A POINT; THENCE N 46°41'00" E A DISTANCE OF 77.29' TO A POINT; THENCE N 05°26'00" E A DISTANCE OF 61.81' TO A POINT; THENCE N 56°34'00" W A DISTANCE OF 184.15' TO A POINT; THENCE S 46°41'00" W A DISTANCE OF 138.07' TO A POINT; THENCE S 43°19'00" E A DISTANCE OF 14.56' TO A POINT; THENCE N 58°41'55" W A DISTANCE OF 58.03' TO A POINT; THENCE N 31°09'08" E A DISTANCE OF 666.94' TO A POINT; THENCE S 67°55'26" E A DISTANCE OF 591.19' TO A POINT; THENCE S 12°45'00" W A DISTANCE OF 521.49' TO A POINT; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 149.11', WITH A RADIUS OF 323.87', WITH A CHORD BEARING OF S 25°56'22" W, AND A CHORD LENGTH OF 147.80' TO A POINT; THENCE N 77°15'00" W A DISTANCE OF 101.43' TO A POINT; THENCE S 31°18'05" W A DISTANCE OF 87.90' TO A POINT, WHICH IS THE TRUE POINT OF BEGINNING; HAVING AN AREA OF 466,017 SQUARE FEET, OR 10.698 ACRES.



PARCEL TWO LEGAL DESCRIPTION

BEGINNING AT A POINT AT THE INTERSECTION OF THE NORTHERN RIGHT-OF-WAY OF BYPASS ROAD (ROUTE 60) AND THE WESTERN RIGHT-OF-WAY OF PARCEL TWO, AS SHOWN IN P.B. 10, PG. 399, RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT IN THE COUNTY OF YORK, VIRGINIA, AND BEING THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID RIGHT-OF-WAY N 03°28'34" E A DISTANCE OF 266.46' TO A POINT; THENCE S 70°38'26" E A DISTANCE OF 14.09' TO A POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 218.49', WITH A RADIUS OF 816.96', WITH A CHORD BEARING OF N 10°25'22" W, AND A CHORD LENGTH OF 217.84' TO A POINT; THENCE WITH A REVERSE CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 285.56', WITH A RADIUS OF 312.24', WITH A CHORD BEARING OF N 08°06'56" E, AND A CHORD LENGTH OF 275.71' TO A POINT; THENCE N 31°18'05" E A DISTANCE OF 87.90' TO A POINT; THENCE S 77°15'00" E A DISTANCE OF 101.43' TO A POINT; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 60.97', WITH A RADIUS OF 323.87', WITH A CHORD BEARING OF S 44°31'20" W, AND A CHORD LENGTH OF 60.88' TO A POINT; THENCE WITH A REVERSE CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 287.50', WITH A RADIUS OF 242.24', WITH A CHORD BEARING OF S 15°54'55" W, AND A CHORD LENGTH OF 270.92' TO A POINT; THENCE WITH A REVERSE CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 265.49', WITH A RADIUS OF 886.96', WITH A CHORD BEARING OF S 09°30'35" E, AND A CHORD LENGTH OF 264.50' TO A POINT; THENCE S 70°38'26" E A DISTANCE OF 25.20' TO A POINT; THENCE S 03°28'34" W A DISTANCE OF 235.16' TO A POINT; THENCE N 86°31'26" W A DISTANCE OF 110.00', WHICH IS THE POINT OF BEGINNING; HAVING AN AREA OF 70,758 SQUARE FEET, OR 1.624 ACRES.

Blumberg No. 5119

B

EXHIBIT



SEPTEMBER 21, 2012

- SITE DATA:**
 EXISTING ZONING: (GB)
 (GENERAL BUSINESS)
- PROPOSED ZONING: (RMF)**
 (SINGLE FAMILY ATTACHED)
- TOTAL SITE AREA: 12.32 ACRES**
- TOTAL AREA (GB) TO REMAIN: 1.62 ACRES**
TOTAL AREA PROPOSED (RMF): 10.70 ACRES
- AREA OF EXISTING UTILITY EASEMENTS: 0.53 ACRES**
 (GREATER THAN 20' WIDTH)
- NET SITE AREA FOR DENSITY: 10.17 ACRES**
 (10.70 ACRES - 0.53 ACRES)
- TOTAL UNITS PERMITTED: 102**
 (10 UNITS / ACRE)
- TOTAL UNITS SHOWN: 102**
- PARKING REQUIRED: 238**
 2 SPACES PER UNIT + 1 SPACE PER 2 UNITS
- PARKING PROVIDED: 240**
 (EACH UNIT HAS 1 CAR GARAGE & DRIVEWAY SPACE)
 (DEAR SHALL HAVE PROVISION FOR TWO RECREATIONAL VEHICLES)
- OPEN SPACE REQUIRED: 1.81 ACRES**
 (30% REQUIRED TO BE ACTIVE OPEN SPACES/DRIVE BMP)
- OPEN SPACE ONSITE SHOWN: 3.04 ACRES**
ACTIVE OPEN SPACE ONSITE SHOWN: 2.44 ACRES
- OPEN SPACE AVAILABLE & ADJACENT WITHIN EXISTING OVERALL DEVELOPMENT: 5.5 ACRES**
- TYPICAL UNIT SIZE: 22' x 60'**
- RECREATION FACILITIES WITHIN AREA** 
 SHALL INCLUDE PAVED WALKWAYS, PARK BENCHES, PICNIC TABLES, TRASH RECEPTACLES, AND A GAZEBO

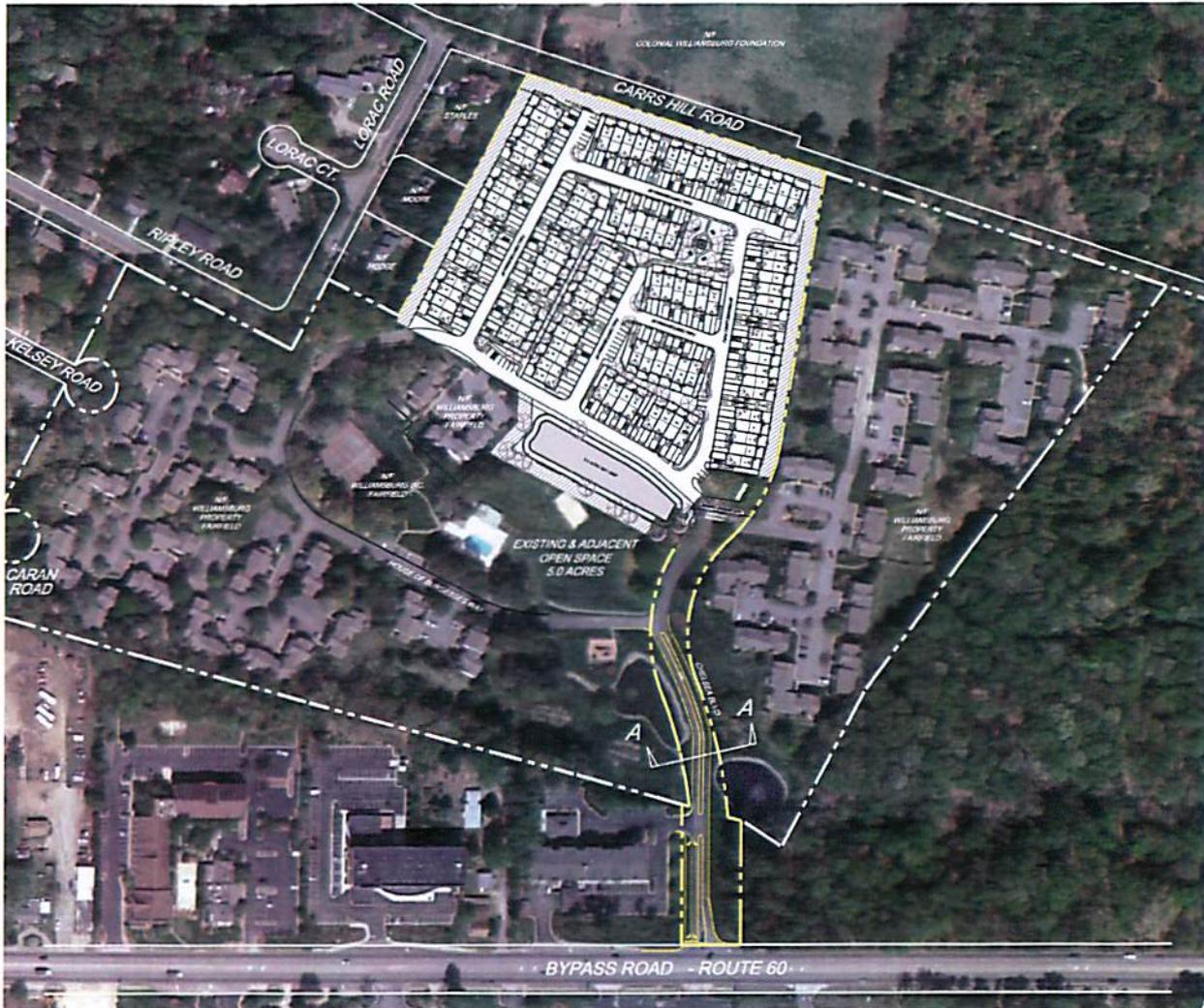


HARSELL & FOLKES, P.C.
 ENGINEERS-SURVEYORS-PLANNERS
 225 VOLVO PARKWAY
 CHEAPSAKE, VIRGINIA 23002
 PHONE: (757) 542-2000 FAX: (757) 542-2441
 www.harsell-folkes.com

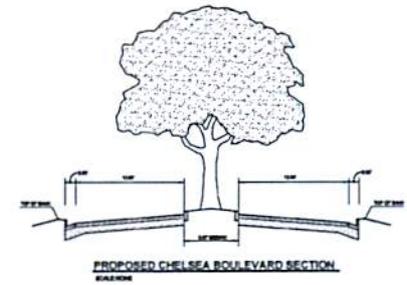
REZONING EXHIBIT
PATRIOT'S RESERVE
 YORK COUNTY, VIRGINIA



SHEET 1 OF 2



SEPTEMBER 21, 2012



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 ENGINEERS-SURVEYORS-PLANNERS
 200 W. 10th Street
 Chesapeake, Virginia 23040
 PHONE: (757) 547-8822 FAX: (757) 547-8821
 www.hfpa.com

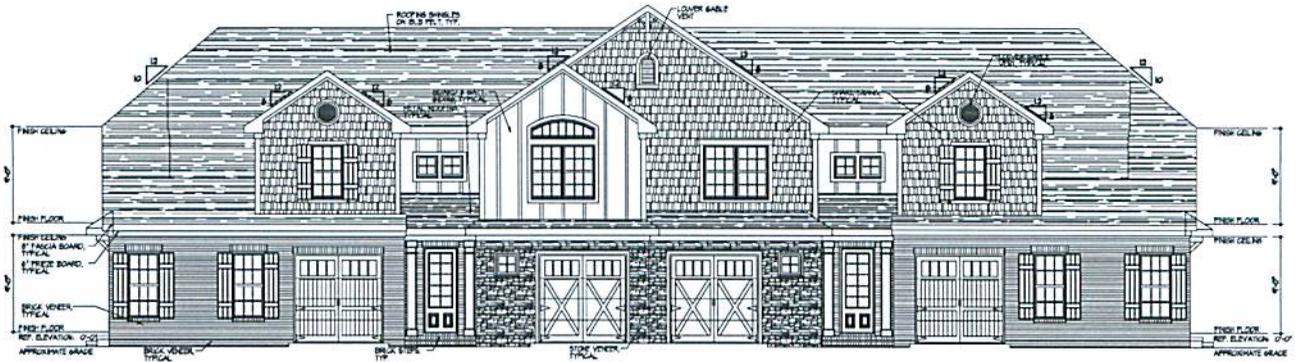
REZONING EXHIBIT
PATRIOT'S RESERVE
 YORK COUNTY, VIRGINIA



SHEET 2 OF 2

PATRIOT'S RESERVE

YORK COUNTY, VIRGINIA



FRONT ELEVATION (4 UNIT LAYOUT)



REAR ELEVATION (4 UNIT LAYOUT)



RIGHT SIDE ELEVATION (4 UNIT LAYOUT)

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 _____, 2012:

Present

Vote

Richard M. Myer, Jr., Chair
Alexander T. Hamilton
Christopher A. Abel
Timothy D. McCulloch
Melissa S. Magowan
Mark B. Suiter
Todd Mathes

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

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO AMEND THE YORK COUNTY ZONING MAP BY RECLASSIFYING APPROXIMATELY 10.7 ACRES OF LAND ON BYPASS ROAD (ROUTE 60) FROM GB (GENERAL BUSINESS) TO RMF (RESIDENTIAL MULTI-FAMILY) SUBJECT TO VOLUNTARILY PROFFERED CONDITIONS

WHEREAS, 1776 Hotel, LLC has submitted Application No. ZM-135-12, which requests amendment of the York County Zoning Map to reclassify from GB (General Business) to RMF (Residential Multi-family), subject to voluntarily proffered conditions, two parcels of land containing approximately 10.7 acres located at 725 and 725Z (portion) Bypass Road (Route 60) and further identified as a 1.09-acre portion of Assessor’s Parcel No. 9-2-1 (GPIN D15b-3901-3364) and Assessor’s Parcel No. 9-2-2 (GPIN 15b-4134-2966); 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 ____, 2012, that Application No. ZM-135-12 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) to RMF (Residential Multi-family), subject to voluntarily proffered conditions, two parcels of land containing approximately 10.70 acres located at 725 and 725Z (portion) Bypass Road (Route 60), further identified as a 1.09-acre portion of Assessor's Parcel No. 9-2-1 (GPIN D15b-3901-3364) and Assessor's Parcel No. 9-2-2 (GPIN 15b-4134-2966) and described in accordance with the attached legal descriptions titled "Parcel One Legal Description" and "Parcel Two Legal Description" received by the Planning Division on October 1, 2012.

BE IT FURTHER RESOLVED that approval of this application shall be subject to the voluntarily proffered conditions set forth in the applicant's proffer statement, titled "Proffer Agreement," dated November 7, 2012 and signed by Page S. Johnson, III, Managing Member, 1776 LLC, a copy of which shall remain on file in the office of the Planning Division, and which, upon approval by the Board of Supervisors, shall be recorded in the office of the Clerk of the Circuit Court pursuant to the requirements of Section 24.1-114(e)(1) of the York County Zoning Ordinance.

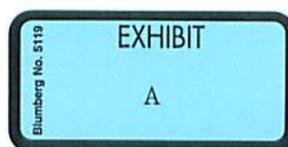
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RECEIVED
York County

OCT 1 2012

Planning Division



PARCEL TWO LEGAL DESCRIPTION

BEGINNING AT A POINT AT THE INTERSECTION OF THE NORTHERN RIGHT-OF-WAY OF BYPASS ROAD (ROUTE 60) AND THE WESTERN RIGHT-OF-WAY OF PARCEL TWO, AS SHOWN IN P.B. 10, PG. 399, RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT IN THE COUNTY OF YORK, VIRGINIA, AND BEING THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID RIGHT-OF-WAY N 03°28'34" E A DISTANCE OF 266.46' TO A POINT; THENCE S 70°38'26" E A DISTANCE OF 14.09' TO A POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 218.49', WITH A RADIUS OF 816.96', WITH A CHORD BEARING OF N 10°25'22" W, AND A CHORD LENGTH OF 217.84' TO A POINT; THENCE WITH A REVERSE CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 285.56', WITH A RADIUS OF 312.24', WITH A CHORD BEARING OF N 08°06'56" E, AND A CHORD LENGTH OF 275.71' TO A POINT; THENCE N 31°18'05" E A DISTANCE OF 87.90' TO A POINT; THENCE S 77°15'00" E A DISTANCE OF 101.43' TO A POINT; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 60.97', WITH A RADIUS OF 323.87', WITH A CHORD BEARING OF S 44°31'20" W, AND A CHORD LENGTH OF 60.88' TO A POINT; THENCE WITH A REVERSE CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 287.50', WITH A RADIUS OF 242.24', WITH A CHORD BEARING OF S 15°54'55" W, AND A CHORD LENGTH OF 270.92' TO A POINT; THENCE WITH A REVERSE CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 265.49', WITH A RADIUS OF 886.96', WITH A CHORD BEARING OF S 09°30'35" E, AND A CHORD LENGTH OF 264.50' TO A POINT; THENCE S 70°38'26" E A DISTANCE OF 25.20' TO A POINT; THENCE S 03°28'34" W A DISTANCE OF 235.16' TO A POINT; THENCE N 86°31'26" W A DISTANCE OF 110.00', WHICH IS THE POINT OF BEGINNING; HAVING AN AREA OF 70,758 SQUARE FEET, OR 1.624 ACRES.