

**REZONING 5-01. Ford’s Colony Proffer Amendment
Staff Report for October 22, 2002, Board of Supervisors Public Hearing**

This report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS Building C Board Room; County Government Complex
Planning Commission: October 1, 2001, 7:00 p.m.
November 5, 2001, 7:00 p.m.
July 1, 2002, 7:00 p.m.
August 5, 2002, 7:00 p.m.
September 9, 2002, 7:00 p.m.
October 7, 2002, 7:00 p.m.
Board of Supervisors: October 22, 2002, 7:00 p.m.

SUMMARY FACTS

Applicant/Land Owner: Vernon M. Geddy, III, on behalf of Realtec, Incorporated

Proposed Use: Rezone the property from R-4, with proffers, to R-4 with amended proffers, to allow access to the proposed Section XII development in Ford’s Colony from Country Club Drive.

Location: At the intersection of Longhill Road and Williamsburg West Drive and following the extent of Country Club Drive; Powhatan District

Tax Map and Parcel No.: (32-3)(1-11)

Primary Service Area: Inside

Existing Zoning: R-4, Residential Planned Community, with proffers

Proposed Zoning: R-4, Residential Planned Community, with amended proffers

Comprehensive Plan: Low-Density Residential

Surrounding Zoning: North: R-2, Williamsburg Plantation
South: R-8, New Town
East: R-2, Eastern State Hospital
West: R-2, Windsor Forest

Staff Contact: Christopher M. Johnson - Phone: 253-6685

STAFF RECOMMENDATION:

Staff recommends approval of this application with the attached proffers. Staff believes that the amended proffers sufficiently address the issues and concerns identified by staff, the Virginia Department of Transportation (VDOT), and the Williamsburg West Civic Association. The proposed

development of Ford's Colony, Section XII, is consistent with surrounding zoning and development and the Comprehensive Plan. On October 7, 2002, the Planning Commission recommended approval of this application by a vote of 7-0.

Description of Project

Mr. Vernon M. Geddy, III, has applied on behalf of Realtec, Inc., to rezone property from R-4, Residential Planned Community, with proffers, to R-4, Residential Planned Community, with amended proffers. The request seeks to amend Proffer No. 4 of the Amended and Restated Ford's Colony Proffers dated September 29, 1995, made by Realtec, Inc., which currently prohibits access from Ford's Colony onto Lexington Drive or Country Club Drive. The application does not seek to change the density or use of the property from that which is currently identified on the Ford's Colony Master Plan. The proposed development of Section XII calls for 70 lots on 45-acres with access provided to the development from Country Club Drive. Without the Board of Supervisors approval of an amendment to the existing proffers to allow access to the development from Country Club Drive, the proposed subdivision cannot be approved. Ford's Colony is generally located east of Centerville Road and south of Longhill Road. The affected property is identified as Parcel No. (1-11) on James City County Real Estate Tax Map No. (32-3).

History

Ford's Colony was originally developed under a different name "Middle Plantation" that began in the early to mid 1970's as a golf course community and, as of 1978, consisted of an approved 1,844 dwelling units on approximately 1,308 acres. Realtec acquired Middle Plantation in the early 1980's and, with a subsequent Master Plan amendment in 1984, changed the name to "Ford's Colony," and increased the number of approved dwelling units to 2,855. Since then, the Master Plan has changed several more times and additional lands and dwelling units have been added. Following the most recent Master Plan amendment in 1999, Ford's Colony currently contains approximately 2,778 acres with an approved 3,250 dwelling units.

The proffer in question in this rezoning application was made in connection with a Master Plan Amendment (MP-3-93) approved by the Board of Supervisors in 1995. That Master Plan amendment relocated a recreation area within Ford's Colony to its present location near the Williamsburg West subdivision. There was considerable discussion and negotiation regarding the proffers during the review of that case to insure that the relocation would not adversely impact residents in Williamsburg West. **As approved, Proffer No. 4 reads: "No Access. Owner shall not provide access from Ford's Colony onto Lexington Drive or Country Club Drive."** Staff reports presented to the Planning Commission and Board of Supervisors made no reference to the proposed project area or access to and from Section XII. The Master Plan Amendment also led to the development of Section XV in Ford's Colony. This development acts as a buffer between the recreation area and Williamsburg West and precludes access from the recreation area to either Lexington and Country Club Drives. The applicant has stated that the intent of Proffer No. 4 was to preclude access from the new recreation area to Lexington Drive and Country Club Drive, not to limit access to and from Section XII to Country Club Drive.

When this case was presented to the Planning Commission in October 2001, the application sought to delete Proffer No. 4. At the request of the applicant, the Planning Commission indefinitely deferred this case to allow Realtec, Inc., time to engage in discussions with representatives of the Williamsburg West Civic Association and adjacent property owners concerning the proffers and proposed Section XII development. The applicant reactivated this case in May 2002. The Planning Commission deferred this case on July 1, 2002, in order to allow staff time to review and evaluate VDOT comments on the proposed Section XII development plans and the findings of a professional traffic engineering and transportation planning firm that was evaluating the proposed roadway alignment, entrance design, and turning movements. The applicant requested deferral of the application at the August 5, 2002, and

September 9, 2002, meetings in order to continue the ongoing discussions with staff, VDOT, and adjacent property owners over the access issues associated with the development of Section XII.

Development Plan Analysis

Conflicting opinions were expressed by Realtec, Inc., VDOT, and Williamsburg West residents over the initial entrance design and roadway alignment identified in the development plans submitted to staff for Section XII in May 2002. Staff determined that an independent review of the proposal by a traffic engineering and transportation planning firm was warranted and hired a consultant to examine the proposed entrance design, turning movements, roadway realignment, and safety concerns. Following receipt of the consultant's findings, staff met with the applicant and VDOT to discuss alternative entrance designs. The site plan referenced in the proffers is the resulting product of these meetings between the applicant, staff, VDOT, and adjacent property owners.

Proffers

The applicant has made several revisions to the proffers to address the issues and concerns raised during a series of meetings with staff, VDOT, adjacent property owners and members of the Williamsburg West Civic Association. The Amended and Restated Proffers submitted by the applicant include the following statements:

- The Owner shall not provide access from Ford's Colony onto Lexington or Country Club Drive except as shown on a site plan entitled "Proposed Intersection of Ford's Colony Section XII and Country Club Drive, Ford's Colony, Section XII" prepared by AES Consulting Engineers and dated August 26, 2002.
- The final design of the intersection and related improvements, including the column locations and curbing locations and design, shall be generally as shown on the Plans as determined by the Development Review Committee and constructed concurrently.
- All median curbing along Country Club Drive from Williamsburg West Drive to Lexington Drive shall be of a consistent material.
- The entrance columns shall not exceed seven feet in height.
- Landscaping shall be installed as shown on a landscape plan submitted to and approved by the Director of Planning.
- Realtec and/or a homeowner's association in which lot owners in Section XII of Ford's Colony are members shall be responsible for maintenance of the intersection and related improvements, including the column, curbs, and landscaping shown on the Plans and landscape plan.

The Williamsburg West Civic Association has conditionally endorsed this plan in a letter dated September 30, 2002. The owner of Bazzle Apartments located adjacent to the proposed entrance to Section XII is aware of the VDOT required median changes adjacent to the entrances to his property and has expressed support for this proposal. Staff believes that the amended proffers offered by the developer sufficiently address the issues and concerns identified by staff, VDOT, and the Williamsburg West Civic Association.

Recommendation:

Staff recommends that the Board of Supervisors approve this application and accept the voluntary proffers. Staff believes that the proffers offered by the developer sufficiently address the issues and concerns identified by staff, VDOT, and the Williamsburg West Civic Association. The proposed development of Ford's Colony, Section XII, is consistent with surrounding zoning and development and the Comprehensive Plan. On October 7, 2002, the Planning Commission recommended approval of this application by a vote of 7-0.

Christopher Johnson

CONCUR:

O. Marvin Sowers, Jr.

CJ/gs
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Attachments:

1. Unapproved Minutes from the October 7, 2002, Planning Commission meeting
2. Location Map
3. Proffers
4. Letter from the Williamsburg West Civic Association dated August 30, 2002
5. Letter from John Barr, VDOT Assistant Resident Engineer, dated September 11, 2002
6. Resolution
7. Site Plan "Proposed Intersection of Ford's Colony Section XII and Country Club Drive, Ford's Colony at Williamsburg, Section XII" prepared by AES Consulting Engineers and dated August 26, 2002 (Previously distributed with the October 7, 2002, Planning Commission packet)