

MEMORANDUM

DATE: November 26, 2002
TO: The Board of Supervisors
FROM: John T. P. Horne, Development Manager
SUBJECT: Public Use Site - U.S. Home

On November 27, 2001, the Board of Supervisors approved Case No. Z-4-00/MP 01-01 that rezoned property for the U.S. Home project called "Colonial Heritage." As part of that rezoning case, certain proffers dated November 7, 2001, were approved by the Board of Supervisors and are recorded in the Circuit Court Clerk's office as Instrument No. 010022082.

One provision of the proffers deals with the possible donation of a public use site by U.S. Home for certain public uses needed to offset public costs associated with the U.S. Home project. As an alternative to the donation of a public use site, the Board of Supervisors has the option of electing to receive \$750,000 for use by the County for the acquisition of public use sites or other capital projects, the need for which is generated by the U.S. Home development.

The proffers require that the Board of Supervisors make an election to receive the cash payment or real property on or before the later of: i) 30 calendar days after a draft groundwater withdrawal permit for a desalinization plant has been issued to the County; or ii) September 30, 2002. A copy of the applicable section of the proffers is attached.

A draft groundwater permit has been issued to the James City Service Authority, dated October 30, 2002. The Board of Supervisors must, therefore, make its election to select either cash or land, the site to be designated by U.S. Home. If the Board of Supervisors fails to adopt a resolution making the election, the proffers allow U.S. Home to make the election. Should the County choose to receive a public use site in lieu of cash, then U.S. Home is given the option of selecting which of two possible public use sites they will convey to the County. Maps of the two public use sites are attached.

During the rezoning, the most widely discussed possible use for the public use sites in question was a public high school. The School Board has evaluated both public use sites, and has determined, for a variety of reasons, that neither site is appropriate for the construction of a high school. Attached is the list of allowable uses for the public use sites as contained in the current proffers. County staff does not believe that there is a foreseeable need to utilize the sites for any of the uses listed.

Staff recommends the Board of Supervisors adopt the attached resolution electing to receive the cash contribution of \$750,000 from the applicant as allowed for under the proffers.

John T. P. Horne

CONCUR:

Sanford B. Wanner

JTPH/gs
USHomeproffer.mem
Attachments