

**REZONING -02-06/MASTER PLAN-03-06/SPECIAL USE PERMIT-19-06. Mason Park -
Reduced Street Width Request
Staff Report for the October 10, 2006, Board of Supervisors Public Hearing**

This staff 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

Planning Commission:

Building F Board Room; County Government Complex

June 5, 2006, 7 p.m. (applicant deferral)

July 10, 2006, 7 p.m. (applicant deferral)

August 7, 2006, 7 p.m.

Board of Supervisors:

September 12, 2006, 7 p.m. (applicant deferral)

Board of Supervisors

October 10, 2006, 7 p.m.

SUMMARY FACTS

Applicant:

Mr. Vernon Geddy, Geddy, Harris, Franck & Hickman, LLP

Land Owner:

Mr. Griffin W. Fernandez

Proposal:

To rezone 9.11 acres of land from R-8, Rural Residential District, to R-2, General Residential District, with a request for a special use permit to allow an open-space cluster development to construct 15 single-family detached dwelling units with an overall density of 1.65 dwelling units per acre.

Location:

1916 Jamestown Road

Tax Map/Parcel No.:

(46-4)(1-17)

Parcel Size:

9.11 acres

Existing Zoning:

R-8, Rural Residential District

Proposed Zoning:

R-2, General Residential District, with proffers

Comprehensive Plan:

Low-Density Residential

Primary Service Area:

Inside

STAFF RECOMMENDATION

Staff finds the proposal generally consistent with the 2003 Comprehensive Plan as outlined in the staff report.

Staff recommends that the Board of Supervisors approve this rezoning, special use permit, and master plan application.

Staff Contact:

José-Ricardo L. Ribeiro

Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

On August 7, 2006, the Planning Commission voted 7-0 to recommend approval of the rezoning, master plan, and special use permit with the acceptance of the proffers. The Planning Commission also suggested the applicant provide additional measures to ensure nutrient management plans are implemented on Homeowners Association property and individual lots, and that buffer effectiveness and performance is not impaired by the location of the bioretention basins.

Proposed Changes Made Since Planning Commission Meeting

Three proffers have been amended since the previous Planning Commission Meeting. Proffer No. 9, Environmental Protection, has been revised to allow property owners to replace low-impact design features located on their individual lots only with comparable features. Proffer No. 13 has been revised to reflect Fire Department concerns regarding the reduced street width request including language that requires the Homeowners Association to provide annual maintenance of all street trees to ensure that no branches intrude into any internal subdivision road below the 13-foot-6-inch Fire Department vehicle clearance requirement. Proffer No. 14 has been revised to require nutrient management plans for each lot and a seminar to be conducted on the site for all residents with the objective to acquaint residents with the procedures necessary to maintain healthy turf and landscape plans.

Proffers: Are signed and submitted in accordance with the James City County Proffer Policy.

Cash Proffer Summary-Mason Park (See staff report narrative and attached proffers for further details)	
Use	Amount
Water	\$ 1,093 per unit
Schools	\$ 4,011 per unit
CIP projects - All other uses	\$ 1,000 per unit
Stream Restoration	\$500.00 per unit
Recreation	\$1,425.00 (total)
Total Amount (2006 dollars)	\$100,485.00
Total Per Lot	\$6,699.00 per unit, 15 units

PROJECT DESCRIPTION

Mr. Vernon Geddy has submitted an application, on behalf of Steven Miller of HHHunt Homes-Hampton Roads, LLC, to rezone approximately 9.11 acres from R-8, Rural Residential District, to R-2, General Residential District, with proffers. Additionally, the applicant has applied for a special use permit to allow an open space cluster development with a gross density of 1.65 dwelling units per acre.

Mason Park, as the proposed subdivision will be called, consists of 15 single-family detached units with detached garages. The property is located on the south side of Jamestown Road bounded by a private residence (zoned R-8), a segment of the Landfall at Jamestown subdivision (zoned R-2) to the south and east, a large parcel of vacant land (zoned R-8) to the west, and by two multifamily subdivisions, Foxfield (zoned R-5), and Jamestown 1607 (zoned R-2) to the north and across Jamestown Road. The property, including adjacent properties to the south, east, and west, falls within an area designated as Low-Density Residential according to the 2003 Comprehensive Plan. The properties across Jamestown Road from the site are designated Moderate-Density Residential and Low-Density Residential.

The property fronts and is accessed by 4-H Club Road (State Route 680) and a frontage road that runs adjacent and parallel to Jamestown Road. Because Jamestown Road right-of-way coincides with the 4-H Club Road right-of-way, the property is considered to front a Community Character Corridor (CCC) (Jamestown Road) and therefore subject to special considerations such as additional frontage buffers and enhanced landscaping fronting the property. The property also lies within the Jamestown Island-Greensprings Road Community Character Area.

The property is also located within the Powhatan Creek Watershed area and therefore, is subject to the special stormwater criteria outlined in the Powhatan Creek Watershed Management Plan.

Residential Cluster Development:

Density

The Residential Cluster Overlay District is intended to “achieve innovative and quality designs of residential developments above one dwelling unit per acre that provide avenues for affordable housing, minimize environmental impacts, provide for usable and meaningful open space, and provide recreation amenities within a more practical and efficient development.” Further, in order to achieve densities higher than one unit per acre, it is expected that the development provide community benefits such as “mixed-cost housing, affordable housing, unusual environmental protection, or development that adheres to the principles of open space development design.” Mason Park, with its proposed gross density of 1.65 dwellings units per acre, intends to provide community benefits by offering development strategies that ensure unusual environmental protection and adherence to the principles of open space design.

According to Section 24-549(a) of the Zoning Ordinance, the Board of Supervisors may grant a Special Use Permit (SUP) for residential cluster developments of more than one unit per acre but less than two units per acre, provided that the developer makes assurances for the following *with staff comments in bold italics*:

1. Implementation of Streetscape Guidelines as defined in the Streetscape Guidelines Policy. ***Proffered by the developer.***
2. Implementation of the County’s Archaeological Policy. ***Proffered by the developer.***
3. Provision of sidewalks on at least one side of all internal streets in the development. ***Proffered by the developer.***
4. Provision of recreation facilities in accordance with the County’s Parks and Recreation Guidelines. ***Proffered by the developer.***
5. Implementation of the County’s Natural Resources Policy. ***Staff has determined that the property is not located in any B1, B2, or B3 areas; therefore, adherence to this policy is not required.***

Open Space

According to Section 24-552(a) of the Zoning Ordinance, the minimum amount of open space in residential clusters “shall include not less than 40 percent of the net developable area of the site in low-density residential areas.” Mason Park achieves this requirement by calculating open space as demonstrated below:

- Approximately 1.68 acres of land not included in right-of-way or perimeter buffers count toward the 40 percent of required net developable open space.
- Approximately 1.69 acres out of 3.13 acres of land within perimeter buffers (Section 24-552 of the Zoning Ordinance states “that developable area of right-of-way buffers and perimeter buffers may be counted as open space to a maximum of 50 percent of the required open space.”) count toward the 40 percent of required open space within the net developable area of the site.

PUBLIC IMPACTS

Archaeology

Proffers:

- The County archaeological policy is proffered.

Staff Comment: A Phase I Archaeological Study for the Property shall be submitted to the Director of Planning for his review and approval prior to land disturbance.

Environmental

Watershed: Powhatan Creek

Proffers:

- The Owner shall submit to the County a master Stormwater Management Plan as part of the site plan submittal for the property.
- The Owner shall grant a natural open space easement to the County over the area within the limits of Priority Conservation Areas C-42/C-43.
- The Owner has proffered a Turf Management Program to be implemented in the proposed development. The Homeowners Association will be authorized to develop, implement, and enforce the turf management plan. The plan shall be submitted to the County's Environmental Director for review and approval.
- The Owner shall submit a tree survey with the site plan for the development of the property with the intent of preserving trees located within the 150-foot Jamestown Road buffer.
- A cash contribution of \$500 for each lot on the property shall be made to the County for off-site stream restoration elsewhere in the Powhatan Creek Watershed.
- The Owner shall incorporate green building practices as recommended in the National Association of Home Builders Model Green Building Guidelines.

Staff Comment: The Environmental Division has reviewed the revised rezoning application, including the concept master plan drawings, revised Community Impact Statements, revised proffers, and the response letter by the applicant/plan preparer. The Environmental Division supports approval of the rezoning application as currently presented.

Fiscal

The applicant has provided a fiscal impact statement that was reviewed by the Department of Financial and Management Services.

Proffers:

- A cash contribution of \$1,000 per dwelling unit will be made to the County to mitigate the impacts from physical development. This money can be used as a part of the County's Capital Improvements Program.

Staff Comment: The Department of Financial and Management Services concluded that Mason Park represents a small number of new homes; the fiscal impact of the proposal is close to a break-even, slightly positive or slightly negative. One of two vacant lots over the first five years would push the estimate positive.

Public Utilities

The site is inside the Primary Service Area (PSA) and served by public water and sewer.

Proffers:

- Cash Contribution: For each unit, a cash contribution of \$1,093 is proffered.
- Water Conservation: Water conservation measures will be developed and submitted to the James City Service Authority (JCSA) for review and approval as part of the site plan or subdivision plat.

Staff Comment: The JCSA has reviewed the proposal and concurs with the proffers and master plan as proposed.

Public Facilities

Proffers:

- As noted above under the Fiscal Impact category, a cash contribution of \$1,000 per unit will be made to the County to mitigate the impacts from physical development. Additionally, a cash contribution of \$4,011.00 per unit will be made toward James City County Schools.

Staff Comments: According to the Public Facilities section of the Comprehensive Plan, Action No. 4 encourages through the rezoning, special use permit, or other development processes: 1) evaluation of the adequacy of facility space and needed services when considering increasing development intensities; and 2) encouraging the equitable participation by the developer in the provision of needed services. With respect to Item No. 1, the Board of Supervisors has adopted the adequate public school facilities policies for schools.

Mason Park is located within the Clara Byrd Baker Elementary, Berkeley Middle, and Jamestown High School districts. Under the proposed Master Plan, 15 units are proposed. The policy adopted by the Board uses the design capacity of a school, while the Williamsburg-James City County Public Schools (WJCC) recognizes the effective capacity as the means of determining student capacities. With respect to the policy, the following information is offered by the applicant:

School	Design Capacity	Effective Capacity	2005 Enrollment	Projected Students Generated	Enrollment plus Projected Students
Clara Byrd Baker Elementary School	804	660	752	4	756
Berkeley Middle School	725	816	876	2	878
Jamestown High School	1,250	1,177	1,524	2	1,526
Total	2,779	2,653	3,152	8	3,160

The student generation rate for single-family houses is 0.5 students per unit. This number used by the applicant is generated by the Department of Financial and Management Services in consultation with WJCC Public Schools and is an average rate based on historical attendance data gathered from existing single-family neighborhoods in James City County.

Staff Comment: The adequate public schools facility policy is based on design capacity. There is design capacity for this development at Clara Byrd Baker; therefore, this development meets the policy guidelines at the elementary school level. Both design and effective capacities are exceeded at Berkeley Middle, and Jamestown High Schools. Although the design capacity of Jamestown High School is clearly exceeded, the adequate public school facilities policy states that if physical improvements have been programmed through the County's Capital Improvements Program (CIP), then the application will meet the policy guidelines. On November 2, 2004, voters approved the third high school referendum and the new high school is scheduled to open in September 2007. Therefore, staff believes that this proposal meets the policy guidelines for the high school level. Further, as a new middle school has been scheduled to open in 2009, staff believes that this proposal meets the policy guidelines for the middle school level.

Parks and Recreation

Proffers:

- This project proposes approximately 0.84 acres of parkland, which includes a 50- by 35-foot tot lot and a 60- by 90-foot grassed open playfield. Additionally, Mason Park offers approximately 0.51 miles of multipurpose trail with exercise stations and a gazebo. The exact locations of the facilities and the equipment provided are subject to the approval of the Director of Planning.
- A one-time cash contribution of \$1,425 shall be made to the County in lieu of the provision of courts and ball fields. This contribution meets the standard proffers as recommended by the James City County Comprehensive Parks and Recreation Master Plan.

Staff Comment: Recreational facilities such as the area dedicated for parkland and multipurpose trail with exercise exceeds the recreational standards set forth by the James City County Comprehensive Parks and Recreational Master Plan. Voluntary cash contributions proffered to the County in lieu of courts and ball fields meets the standard proffers set forth by the Parks and Recreational Master Plan.

Transportation

Proposed Traffic: This site does not meet the threshold for a full traffic study (less than 100 peak hour trips), as this development generates 182 vehicles per day and 20 vehicles in either of the peak hours.

2005 Traffic Counts: From Cardinal Acres Drive to 4-H Club Road - 7,072 average daily trips.

2026 Volume Projected: From the James River to Neck-O-Land Road - 10,000 average daily trips.

Road Improvements: There are no road improvements proposed by this development.

Proffers: There are no proffers pertaining to transportation issues for this property.

VDOT Comments: VDOT has reviewed and concurs with the master plan as proposed.

Staff Comments: Staff concurs with VDOT findings.

COMPREHENSIVE PLAN

Land Use Map

Designation	<p><i>Low-Density Residential (Page 120):</i> The key features of the Comprehensive Plan description are the principle suggested uses, which include cluster housing and the allowance for higher densities, up to four units per acre, in exchange for public benefits to the community.</p> <p>Staff Comment: Mason Park proposes a gross density of 1.65 units per acre. To offset densities up to one unit per acre but less than four units per acre, residential development must demonstrate public benefits to the community such as “mixed-cost housing; affordable housing; unusual environmental protection; or development that adheres to the principles of open space development design (Page 120).” Staff finds that the proposed residential project achieves public benefits requirements by demonstrating open space development design and unusual environmental protection. Further explanation can be found in the Environmental Section on page 7.</p>
Development Standards	<p><i>General Land Use Standards No .01 (Page 134):</i> To permit new development only where such developments are compatible with the character of adjoining uses and where the impact of such new developments can be adequately addressed.</p> <p><i>General Land Use Standards No. 04 (Page 134):</i> To ensure protection of sensitive resources areas such as watersheds, historic, and archaeological resources, through the use of better site design, buffers and screening.</p> <p><i>Residential Land Use Standards No. 06 (Page 137):</i> Residential developments are encouraged to be located on internal roads. Garages are encouraged to be located at the rear or side of dwellings, in order to de-emphasize the prominence of the garage and associated driveway.</p>

	<p>Staff Comment: The proposed residential cluster development has comparable densities with surrounding residential developments. Special treatment of its frontage buffer area (enhanced landscaping and rural style fencing) will ensure compatibility with the quaint and rural character of surrounding neighborhoods. Since the property is located within the Powhatan Creek Watershed, a 100-foot-wide Resource Protection Area (RPA) buffer area will protect the sensitive nature of the wetland area located at the southern part of the property. To increase design quality of the proposed development, residences will be located on closed section roads with detached garages placed at the rear of residential units.</p>
Goals, Strategies and Actions	<p><i>Strategy No. 05 (Page 138):</i> To promote pedestrian, bicycle, and automotive linkages between adjacent land uses where practical.</p> <p><i>Action No. 15 (Page 140):</i> To encourage conservation easements and the use of land trust to facilitate open space preservation.</p>
	<p>Staff Comment: An eight-foot-wide paved multiuse path fronting State Route 680 will ensure pedestrian connectivity with adjacent parcels located to the east and west of the property. To promote the preservation of open spaces, a natural open space over the area within the limits of Conservation Areas (C-42/C-43) located adjacent to the southwestern boundary of the property has been proffered as a conservation easement to the County.</p>

Parks and Recreation

Goals, Strategies and Actions	<p><i>Action No. 04 (Page 39):</i> New development should dedicate right-of-way and provide sidewalks, bikeways, and greenway trails for both transportation and recreational purposes.</p>
	<p>Staff Comment: Sidewalks five feet in width installed along one side of all internal streets within the property have been proffered (Proffer No. 15). Additionally, approximately 0.51 miles of soft surface multipurpose walking trail with exercise stations are proposed for this residential development, part of which parallels Jamestown Road.</p>

Environment

General	<p><i>Natural Resources Protection and Management, Powhatan Watershed Management Plan (Page 47) and Action No. 18 (Page 67):</i> To fully implement the watershed protection and restoration goals and priorities identified in the Powhatan Creek Watershed Management Plan adopted by the Board of Supervisors in 2002.</p>
	<p>Staff Comment: A combination of water quality protection strategies such as, Turf Management Plan (Proffer No. 14), Low-Impact Development techniques (bioretention facilities and grass swales), and the use of pervious surfaces features have been designed to minimize impact to the wetlands and perennial stream located at the southern area of the property. Additionally, a voluntary cash contribution to be used toward off-site stream restoration elsewhere in the Powhatan Creek Watershed has been proffered (Proffer No. 4-d).</p>
Goals, Strategies and Actions	<p><i>Strategy No. 02 (Page 65):</i> To assure that new development minimizes adverse impacts on the natural and built environment.</p> <p><i>Action No. 05 (Page 66, item g):</i> To encourage the use of Better Site Design, Low-Impact Development, and Best Management Practices (BMPs) to mitigate adverse environmental impacts by reducing the rate of increase of impervious cover.</p> <p><i>Action No. 22 (Page 67):</i> To promote the use of LEED (Leadership in Energy and Environmental Design) “green building” technique as a means of developing energy and water efficient buildings and</p>

	<p>landscapes.</p> <p><i>Action No. 23 (Page 67):</i> To encourage residential and commercial water conservation.</p> <p>Staff Comment: The compacted nature of the proposed residential development (only 2.78 acres out of a total of 9.11 acres will be developed) will ensure minimal degradation of the natural environment. The proposed residential development will utilize Low-Impact Development strategies to reduce impervious cover by adopting features such as porous pavers and center grass strips for residential driveways, parking pads, and sidewalks located along one side of internal streets. A 100-foot-wide buffer area from the edge of the Powhatan Creek watershed will be provided. The owner has also proffered (Proffer No. 11) “green building” practices. Further, water conservation standards that address water conservation measure such as limitations on the installation and use of irrigation systems and irrigation wells have been proffered. Additionally, rain barrels to support residential watering needs for residents are to be provided for each dwelling unit.</p>
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Transportation

General	<p><i>Roadway Components of County Transportation Planning, Jamestown Road (Page 76):</i> Although traffic volume projections warrant the widening portions of Jamestown Road to a divided four-lane, the Comprehensive Plan recommends that this road be maintained as a two-lane facility. Residential or commercial development that adds significant traffic along this corridor beyond that currently planned is strongly discouraged.</p> <p>Staff Comment: Traffic generated by the proposed development would result in 180 vehicle trips per day and 20 vehicle trips per hour at peak times. The proposed density of 1.65 dwelling units per acre is significantly below the maximum four dwelling units per acre recommended by the Comprehensive Plan.</p>
Goals, Strategies and Actions	<p><i>Action No. 7 (Page 81):</i> Encourage efficient use of existing and future road by limiting driveway access points and providing joint entrances, side street access, and frontage roads.</p> <p>Staff Comment: The proposed residential development fronts on a service road, perpendicular to Jamestown Road. Only one access driveway is proposed for this development to this road (SUP Condition No. 1).</p>

Community Character

General	<p><i>Community Character Corridors (Page 83):</i> The proposed development fronts Jamestown Road, a CCC.</p> <p>Staff Comment: The proposed residential project provides and honors the recommended CCC buffer by providing a minimum setback of 150 feet from its frontage on State Route 680 (a 15-foot construction setback zone from the CCC buffer will also be provided). The CCC buffer includes enhanced landscaping which incorporates open spaces and rural style fencing compatible with surrounding neighborhoods.</p>
	<p><i>Community Character Areas (Page 87):</i> The proposed development is located within the Jamestown Island-Greensprings Road Community Character Area. The following development standards would assist in the preservation of the integrity of the area:</p> <ul style="list-style-type: none"> • The architecture, scale, materials, and color of buildings should be complementary and reflect the historic character of James City County. • All development should be well screened from Jamestown Road. • Existing specimen trees and shrubs should be preserved to the extent possible. <p>Signage should be of scale, size, color, and materials to complement the architecture and scale of buildings.</p>

	Staff Comment: Design Review Guidelines setting forth design and architectural standards for the development of the property will be submitted to the Planning Director for review and approval (Proffer No. 11). The proffered enhanced landscaped buffers (Proffer Nos. 5 and 6) when reached maturity, will provide a vegetative screening from adjacent properties and from Jamestown Road. A tree survey of the frontage and perimeter buffer identifying specimen trees to be preserved (Proffer No. 12) and elevations of the entrance sign will be submitted to the Director of Planning for review and approval (Proffer No. 17).
Goals, Strategies and Actions	<i>Action No. 8 (Page 96):</i> To continue to require or encourage the planting of street/curb side streets. Staff Comment: The proposed residential development will adhere to the principles set forth by James City County’s Streetscape Guidelines Policy (Proffer No. 13).

Comprehensive Plan Staff Comments

Staff finds that this application, as proposed, is generally in compliance with the Comprehensive Plan. The Low-Density Residential designation encourages residential development with proposed gross densities greater than one unit per acre and up to four units per acre to demonstrate higher quality design and to offer features that demonstrate particular benefits to the community.

Staff finds that the proposed residential development achieves higher quality design by adopting strategies that minimize land disturbances (reduced building setbacks and lot sizes); preserves indigenous vegetation (a natural open space easement to protect portions of contiguous forested area adjacent to the 100-foot RPA buffer area has been proffered); minimizing impervious surfaces (driveways featuring grass center strips, pervious parking pads, and sidewalks along one side of the proposed internal streets).

Additionally, staff finds that the proposed residential development offers benefits to the community by providing unusual environmental protection (dedication of open space area to the County, cash contribution to be used for off-site stream restoration elsewhere in the Powhatan Creek, and the use of Low Impact Development features in the property). Staff also finds that, in addition to unusual environmental protection, the proposed residential development adheres to some of the principles of open space design by providing adequate recreational areas, pedestrian circulation that includes trail systems, and by retaining natural vegetative buffers around water bodies or wetlands.

Request for Placement of Bioretention Basins in Buffers

Two bioretention basins are proposed to be located inside the 150-foot-wide CCC and one bioretention basin located within the northeastern perimeter buffer. Section 24-544(f) of the Zoning Ordinance states that “wet ponds, dry detention basins, and other structural BMPs shall not generally be permitted in buffers, except that the Planning Commission may approve them under the following circumstances” with *staff comments follow in bold italics*:

1. The need is necessitated by site conditions rather than economic factors; and
Staff Comment: *The low end of the site abuts a perennial stream and is located within the tidal mainstream subwatershed of Powhatan Creek. In order to preserve the environmental integrity of this area, the stormwater management pond has been located away from its original outfall, at the low end of the site, and a system of four bioretention basins have been placed to enhance the overall efficiency of the stormwater management system.*
2. The screening/buffering effect of the buffer has been retained by design of the BMP and any degradation has been mitigated with additional planting or berms as necessary.
Staff Comment: *The proposed bioretention basins will not impact existing mature trees located within*

the buffer areas and should blend harmoniously with the proposed enhanced landscaping for the buffer areas.

On August 7, 2006, the Planning Commission approved the placement of the two proposed bioretention basins located inside the 150-foot-wide CCC and one bioretention basin located within the northeastern perimeter buffer.

Reduced Street Width Request

The applicant has also requested the Board of Supervisors support for reducing the street widths within the proposed Mason Park subdivision from the normal 28 feet to 22 feet (curb-to-curb), and with an associated reduction in the right-of-way from 50 feet to 40 feet. The applicant claims that reducing the street width of its internal roads will reduce impervious cover. In order to meet this policy, the applicant is responsible for meeting eight conditions, which include providing street trees, roll top curbs, sidewalks, no on-street parking signs, larger front setbacks, additional off-street parking, and fire hydrant placement as needed. The applicant has requested a waiver from Requirement No. 8, Intersection Trees.

Following is a staff summary (in bold italics) of the eight items required by the Reduced Street Width Policy. A letter from the applicant addressing the eight requirements of the Reduced Street Width Policy is attached to this report together with a copy of the James City County's Reduced Street Width Policy Resolution.

Condition No. 1: At least one fire hydrant shall be provided every 400 feet on the road(s) subject to the reduced widths.

Staff Comment: *There are no road segments that exceed 400 feet in length proposed for this project. A fire hydrant is proposed for the internal intersection. The James City County Fire Department raised no objection to this finding.*

Condition No. 2: For each lot that fronts on a road subject to reduced widths, the developer shall submit a letter stating that a minimum of three off-street parking spaces, exclusive of any garage or similar car shelter facility, shall be provided. A note to this effect shall be added to both the construction plans and recorded plat for the subdivision.

Staff Comment: *The proposed project provides off-street parking pads and driveway spaces sufficient to accommodate at least three vehicles.*

Condition No. 3: Front setbacks for all lots that front on a road subject to reduced widths shall increase to a minimum of 40 feet from the road right-of-way. However, this requirement shall not apply when design covenants, which are acceptable to the Director of Planning, indicating how the requirements of No. 2 above will be met, are recorded prior to, or concurrent with, the final subdivision plat. However, in no case shall the front setback be less than that required by the zoning ordinance.

Staff Comment: *The applicant will provide design covenants that guarantee off-street parking.*

Condition No. 4: The developer shall post signs in accordance with VDOT policy assuring that no on-street parking shall be allowed on the road(s) subject to reduced widths.

Staff Comment: *The applicant will comply with this requirement.*

Condition No. 5: Roll top curbs shall be used on all roads subject to reduced widths.

Staff Comment: *The applicant will comply with this requirement.*

Condition No. 6: A minimum three-foot sidewalk shall be provided on at least one side of all subdivision roads subject to reduced widths.

Staff Comment: *A five-foot sidewalk is proposed for one side of the internal streets.*

Condition No. 7: For each road where reduced widths are approved, trees shall be planted in accordance with the Streetscape Guideline Policy, as adopted by the Board of Supervisors.

Staff Comment: *The applicant proposes to plant trees that shall either meet or exceed the requirements set forth by the Streetscape Guideline Policy.*

Condition No. 8: No tree may be planted closer than 15 feet to the edge of pavement within 80 feet of any intersection on all roads with the reduced widths. A note to this effect, combined with appropriate graphic delineations, shall be added to the recorded plat.

Staff Comment: *The applicant has requested a waiver from this requirement arguing that the minimum sight distance at the anticipated 20 mph speed limit is only 200 feet and could be achieved without the 15-foot clear zone required as by this requirement. However, the James City County Fire Department strongly suggested adherence to this requirement, arguing that the issue at hand is not “line of sight” but rather appropriate access for the Fire Department apparatus. On August 25, 2006, a meeting was held among Planning staff, the applicant, and Mr. Greg Thompson, Assistant Fire Marshal for James City County, to discuss this issue. The Fire Department representative agreed to support the request for a waiver for this requirement if the following conditions are met:*

- a. Only small trees such as Crape Myrtle or Hornbeam, or very narrow growing (fastigiata) trees such as Princeton Sentry Ginkgo, Columnar American Holly or Washington Hawthorn would be planted as part of the streetscape within the restricted area; and*
- b. The proffers would include a requirement for the Homeowners Association to provide annual maintenance to ensure that no branches intrude into any internal subdivision roadway below the 13-feet-6-inch fire vehicle clearance requirement.*

The applicant has agreed to the proposed conditions as indicated on the attached documentation titled, “Modification of Request for Reduced Street Widths,” signed by Mr. Theodore R. Calver from AES Consulting Engineers.

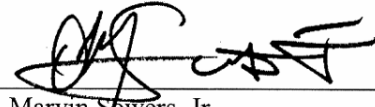
RECOMMENDATION

Staff finds the proposal generally consistent with the 2003 Comprehensive Plan as outlined in the staff report.

Staff recommends that the Board of Supervisors approve the request for street width reduction for the Mason Park subdivision. Staff also recommends that the Board of Supervisors approve this rezoning, special use permit, and master plan application for Mason Park with the acceptance of the voluntary proffers and approval of the special use permit conditions.

José-Ricardo Linhares Ribeiro

CONCUR:



O. Marvin Sowers, Jr.

JLR/gb

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ATTACHMENTS:

1. Planning Commission Minutes
2. Resolutions
3. Location Map
4. Community Impact Statement
5. Master Plan (under separate cover)
6. Letter Requesting for Reduced Street Width
7. Letter Requesting a Waiver from requirement No. 8 of the Reduced Street Widths Policy with one attached diagram
8. Copy of the Reduced Street Widths Policy
9. Elevations
10. Proffers