

AGENDA ITEM 9.a.

Ordinance 01-22 - Approving Proffer Amendment
01-2022: McCauley Park LLC - Sherry Graham,
Director of Planning



King William County
Est. 1702

Board of Supervisors

County Administrator

William L. Hodges, First District
Travis J. Moskalski, Second District
Stephen K. Greenwood, Third District
C. Stewart Garber, Jr., Fourth District
Edwin H. Moren, Jr., Fifth District

DATE: February 28, 2022
TO: King William County Board of Supervisors
FROM: Sherry Graham, Director of Planning
SUBJECT: Proffer Amendment – 01-2022 For McCauley Park, LLC
Conditional Use Permit – 10-2021 For McCauley Park, LLC

SUMMARY

McCauley Park, LLC has applied for a CUP, 10-2021 to construct 120 Townhouses on tax map parcel 21-50, Section 2. The Board of Supervisors would need to approve a Proffer Amendment for Tax Map Parcel 21-50, Section Two, to amend the existing Proffers initially approved on June 25, 2001, with re-zoning Z-02-1 and amended on September 25, 2017.

Proffer Amendment Request:

The applicants, McCauley Park, LLC are requesting the following two Proffer Amendments:

Proffer C.1. of Case Z-02-01 to hereby be amended and replaced with the following:

Density Restriction. No more than 120 (120) townhouse units may be developed within Parcel Two as shown on the McCauley Park Townhomes Preliminary Plan dated September 30, 2021.

Proffer C.5. of Case Z-02-01 to hereby be amended and replaced with the following:

Exterior Walls. Visible portions of the exterior wall surfaces (Exclusive of windows) about the foundation of multi-family buildings shall be of fiber cement board (Hardiplank) siding, brick, or brick veneer construction, vinyl siding, or cement siding.

Building construction shall be in accord with the five (5) page “Conceptual Elevations” to be altered as needed to meet County requirements, copies of which are included as part of this application and incorporated herein by this reference and attached to this as Exhibit 2.

Conditional Use Permit Request:

The applicants are requesting approval of **Conditional Use Permit 10-2022**, in order to construct 120 townhouses in an area of the McCauley Park Subdivision that was previously approved for multi-family apartments.

The property is located on tax map parcel 21-50 located on Shelton Place which is off of Rt. 30, King William Road across from the park. The property is currently served by public water and sewer. The property consists of approximately 29.4 acres with 6.3 acres being incorporated in lots. The density would consist of four units per acre.

The Board would need to approve the Proffer Amendments before it considers approval of the Conditional Use Permit.

BACKGROUND

On June 25, 2001, the King William County Board of Supervisors approved rezoning case Z-02-01 with proffers for the property for the applicant, Rogers-Chenault, Inc. On July 23, 2001, the King William County Board of Supervisors approved CUP 01-01 with conditions for the construction of the apartments on this property for applicant, Rogers-Chenault, Inc. The property located on tax map number 21-50 was divided into four parcels. Parcels One and Two were re-zoned to R-1 (Suburban Residential). Parcel One to be for single family dwellings, Parcel Two to be for one-hundred dwelling units to be designed for senior housing apartments, Parcel Three was re-zoned to M (Industrial Development) and Parcel Four was re-zoned to B-1 (Local Business). On September 25, 2017, the Board of Supervisors approved Ordinance 18-17, amending Proffers associated with the Conditional Rezoning Application Z-02-01. The amended proffers changed the Density Restriction from one hundred dwelling units on Parcel Two to 108. The age restriction was also deleted. The exterior walls and building construction were also changed in the amended proffers. All other conditions and proffers of Case Z-02-01 were to remain in full force and effect.

ANALYSIS

There are no deed restrictions barring the proposed use of the property. Townhouses are permitted in the R-1 district with approval of a conditional use permit. The area surrounding the subject property is high density residential and single-family dwellings. The Future Land Use Map shows high density housing for this area.

PUBLIC NOTICE

Legal ads were run in the Tidewater Review on February 2nd and 9th for the Board of Supervisor's Public Hearing. Notices to adjacent property owners were mailed on February 9, 2022. Staff posted a sign in front of the property indicating there is a pending zoning action and provided contact information.

2016 COMPREHENSIVE PLAN

On pages 17 through 20 of the 2016 Comprehensive Plan, it talks about the need for affordable housing. It is stated in the "Goals and Implementation Strategies:

Goals:

To provide a variety of safe, decent, affordable, and quality housing opportunities for all current and future citizens of the County.

To encourage the development of a variety of housing types to accommodate current and future citizens of varying ages, stations in life, and income levels.

Implementation Strategies:

Identify areas suitable for future residential development.

Encourage diversity in housing stock to provide for a range in the type, size, and cost of housing available.

Develop an appropriate mix of affordable owner and rental housing opportunities to accommodate economic growth and various personal preferences, including single family detached, duplex, and multifamily housing units.

As it stands, this application is in compliance with the 2016 Comprehensive Plan direction as indicated above.

CONDITIONAL USE PERMIT ANALYSIS

The designation of a use as a conditional use in a zoning district means that the use may not be appropriate in all cases, depending upon whether CUP conditions can be met. Article X, Section 86-452 provides a general guide and standards for obtaining a Conditional Use Permit.

Section 86-456 states that a conditional use should be approved if it is found that:

1. The location is appropriate and not in conflict with the comprehensive plan.
Staff Comment: Complies. Property is zoned R-1 and is designated High Density Residential in the 2016 Future Land Use Map of the Comprehensive Plan.

2. The public health, safety, morals, and general welfare will not be adversely affected.
Staff Comment: There appears to be no issues posed by this application.
3. Adequate utilities and off-street parking facilities will be provided.
Staff Comment: The conceptual layout depicts the main location will be located off King William Road and would not be out of place with the adjacent properties. Adequate area for parking will be provided on the proposed site plans and reviewed for approval. Public water and sewer will be available to the proposed project.
4. Necessary safeguards will be provided for the protection of surrounding property, persons, and the neighborhood values.
Staff Comment: The Conceptual Layout depicts the location of a fifty-foot buffer along King William Road.

The Zoning Ordinance, Section 86-162 regarding Townhouse and Single Family Attached Dwellings state the following:

1. No more than eight units shall be constructed contiguously.
2. The facades of individual units within any contiguous row shall be sufficiently varied in their materials, design, or appearance as to visually distinguish them as individual dwelling units.
3. Any provided open space shall be owned and maintained by the developer, until such time as it is turned over to the ownership and maintenance of an approved homeowners' association.
4. Public water and public sewer service shall be provided.
5. Each unit shall be erected or placed on a specifically designated land area or on a lot containing not less than 2,000 square feet. The remaining area required to meet minimum district lot area requirements shall be incorporated into useable and accessible common open space or spaces and/or private vehicular access or parking areas.
6. The development or project shall be designed to promote harmonious relationships with surrounding adjacent and nearby developed properties and to this end may employ such design techniques as may be appropriate to a particular case.

RECOMMENDATION

The Planning Commission voted on February 16, 2022, to recommended approval of the Proffer Amendments and the Planning Commission voted 5-0 on December 7, 2021, to recommend approval of the Conditional Use Permit.

ATTACHMENTS

- Application
- Public Hearing Notice
- Adjacent Property Owner List and Letters
- Property Owner Letters
- Preliminary Plan
- Zoning Map
- GIS View
- Future Land Use Map
- Comprehensive Plan
- CUP 01-01
- Z-02-01
- Amendment
- Ordinance 18-17 & 19-17
- Site plan
- Pictures



PROFFER AMENDMENT APPLICATION
King William County
Department of Community Development
180 Horse Landing Rd. #4 King William, VA 23086
Phone (804) 769-4980 Fax (804) 769-2235

1. Owner:

Name: McCauley Park Townhomes, LLC

Address: 9245 Shady Grove Rd, Suite 200, Mechanicsville, VA 23116

Phone: 804-569-1534

2. Applicant: (if different from Owner):

Name: _____

Address: _____

Phone: _____

3. The following amendment to Article 18, Section 17, Subsection
Case Z-02-01, of the Zoning Ordinance for King William County, Virginia, is proposed:
State the proposed amendment:

See attached for proffer amendment requests.

4. State reasons for request to amend the proffers, use additional pages if needed
(include a draft of proposed revised proffers):

Please see attached document.

5. Owner or Applicant's signature and certification:
(Note: a power of attorney must be granted by the owner to the applicant if signed by someone other than the owner)

I hereby certify that the information provided in this application is complete and accurate to the best of my knowledge. I hereby authorize members of the Planning Commission and County staff or their representatives to enter upon the property identified in this application in order to perform inspection and research in regard to this application.



Owner or Applicant

CERTIFICATE OF NOTARY PUBLIC

STATE OF: Virginia COUNTY OF: Hanover, to-wit:

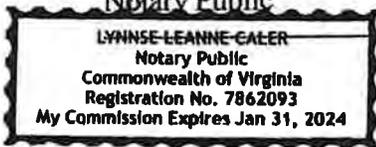
The foregoing instrument was acknowledged before me this 6th day of January 20 22.

Lynnse Leanne Caler

Notary Public

Jan. 31, 2024

My Commission Expires



FOR OFFICE USE ONLY

Zoning Map Amendment Case # _____
Date Application Filed: _____

Date(s) reviewed by Planning Commission: _____

Public Hearing Date: _____

Action by Planning Commission: _____

Action by Board of Supervisors: _____

STATEMENT OF PROFFERED CONDITIONS ASSOCIATED WITH REZONING APPLICATION

Proffered Conditions

Submitted with Rezoning Case #Z-_____ - _____

Date: _____

Owner of Record: _____

Please circle one: Original Revised (Date : _____)

The following are proffered conditions submitted by the applicant pursuant to Article XVII of the King William County Zoning Ordinance. The undersigned, _____, owner/applicant for tax parcel(s) designated _____ (“the Property”), voluntarily agrees for himself, his agent, personal representatives, successors and assigns (collectively “the Property Owner”) that, in the event the Property is rezoned from _____ (current zoning district) to _____ (requested zoning district), the development and use of the Property shall be subject to the following conditions:

- 1.
- 2.
- 3.
- 4.
- 5.

Effective 07-2017



CONDITIONAL USE PERMIT APPLICATION
King William County
Department of Community Development
180 Horse Landing Rd. #4 King William, VA 23086
Phone (804) 769-4980 Fax (804) 769-2235

1. Owner: McCauley Park, LLC
Name: Todd Rogers
Address: 9245 Shady Grove Road, Suite 200, Mechanicsville, VA 23116
Phone Number: 804-569-1534

2. Applicant:
Name: McCauley Park, LLC
Address: 9245 Shady Grove Road, Suite 200, Mechanicsville, VA 23116
Phone Number: 804-569-1534

3. Property description:
(a) Size (acres): 29.4 Road frontage: (x3) 24' entrances off of Shelton Place
(b) Deed recorded in Deed Book 307 at Page 350
Plat recorded in Plat Book at Page Instrument No. 060003046
Tax Map: ²¹⁻⁵⁰(part) Section , Parcel
(c) Zoning District: R-1

4. Hours of operation of the planned facility: N/A Townhomes

5. Describe water supply plans: Public Water

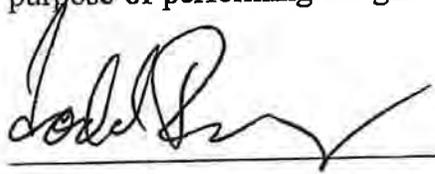
6. Describe sewage disposal plans: Public Sewer

190

7. Attach a statement describing how specific conditions stated in Article X, Sec. 86-451, of the Zoning Ordinance for the type of project planned will be met.

I hereby certify that the information presented in this application and on the accompanying site plan is complete and accurate to the best of my knowledge. County officials and employees are authorized to enter upon the property described herein during regular working hours for the purpose of performing assigned duties in connection with this application.

Signature of Owner or Applicant:



STATE OF: Virginia COUNTY OF: Hanover, to-wit:

The foregoing instrument was acknowledged before me this 15th day of October 2024.



Notary Public

Sept. 30, 2024
My Commission Expires



ST-

CUP-10-21



HOW TO OBTAIN A CONDITIONAL USE PERMIT KING WILLIAM COUNTY, VA

WHAT IS A CONDITIONAL USE? A conditional use is a use listed as such in the Zoning Ordinance and which may be permitted in a specified zoning district under certain conditions, such conditions to be determined in each case by the terms of the Zoning Ordinance and by the Board of Supervisors after public hearing and a report by the Planning Commission.

Once the applicant submits all required materials for a Conditional Use Permit to the Planning Department, County staff will review its content and determine when the next public hearing will be available. Two successive weeks prior to the hearing date, the County must advertise for hearings by both the Planning Commission and the Board of Supervisors. After both hearings, the applicant will submit a Final Site Plan to the Zoning Administrator.

APPLICANT'S RESPONSIBILITIES:

The applicant for a conditional use permit is expected to:

1. Complete the application form
2. Prepare preliminary and final site plans in accordance with requirements of Article X, Section 86-451, of the Zoning Ordinance; and
3. Attend all meetings and public hearings of the Planning Commission and Board of Supervisors at which the application is discussed.

ADDITIONAL INFORMATION: The applicant is advised to read Article X of the Zoning Ordinance, concerning conditional uses. Questions should be referred to the Zoning Administrator.

NOTE: An incomplete application will be returned to the applicant. An application is not complete until all supporting documents have been submitted. After the submission of the initial application, any and all additional information necessary for deciding whether the Zoning Map Amendment should be approved must be submitted by the 5th of the Month in order to be considered for the closest public hearing date. Failure to submit the information in this manner may lead to either the tabling or denial of the request.

**INSTRUCTIONS FOR COMPLETING THE APPLICATION FOR
CONDITIONAL USE PERMIT
KING WILLIAM COUNTY, VA**

1. The application form must be filled out completely, with full answers to every statement and question. If spaces provided are not adequate, supplemental sheets may be attached. The form **MAY NOT** be signed by an agent or attorney, but **MUST BE** signed by the owner or applicant before a Notary Public in the space provided.
2. A preliminary site plan which complies with the requirements of Article XI, Sec. 86-491 of the Zoning Ordinance must accompany the application.
3. A non-refundable application fee of **\$2,500.00**, payable to King William County, must accompany the application.

Effective 12-2019

McCauley Park Townhomes Conditional Use Permit Application Statement

The preliminary plan of the McCauley Park Townhomes meets the Zoning Ordinance Conditional Use standards. This Conditional use permit would allow townhouses to be built in an area that has already been approved for multi-family apartments. To further assure the quality of the townhomes, renderings will be submitted that will become part of the conditional use allowed.

This preliminary plan protects the natural aesthetic by keeping an abundance of trees in the surrounding area, including a 30' buffer of trees along the road that provides a barrier between the surrounding neighborhood and this new section to come. These townhomes are more desirable for the public because it uses public water and sewer, provides community areas, dog parks, nature trails and a recreational area. This use does not impact the existing comprehensive plan.



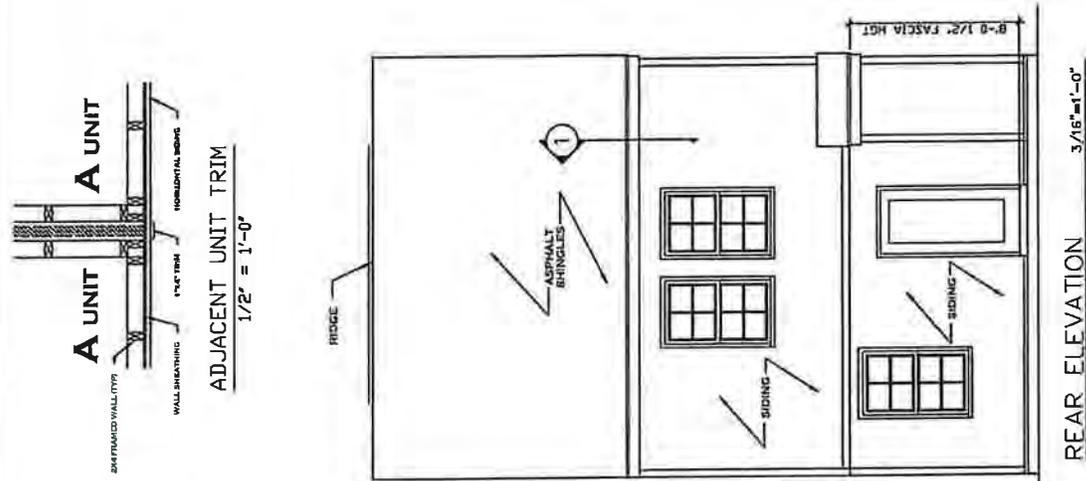
161 FLOOR
210 FLOOR
240 FLOOR
250 FLOOR
260 FLOOR
270 FLOOR
280 FLOOR
290 FLOOR
300 FLOOR
310 FLOOR
320 FLOOR
330 FLOOR
340 FLOOR
350 FLOOR
360 FLOOR
370 FLOOR
380 FLOOR
390 FLOOR
400 FLOOR
410 FLOOR
420 FLOOR
430 FLOOR
440 FLOOR
450 FLOOR
460 FLOOR
470 FLOOR
480 FLOOR
490 FLOOR
500 FLOOR

WILDER II - A

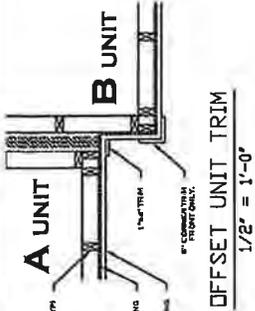
Townhomes
V.02.00.00.00

Features:
A-UNIT ELEVATIONS
Drawn By: RH
Date: 9/1/2021
Rev By: DM

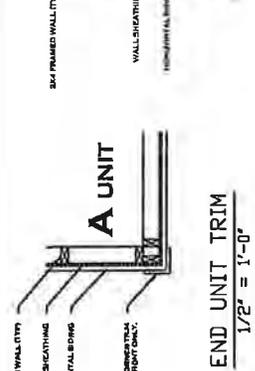
A1



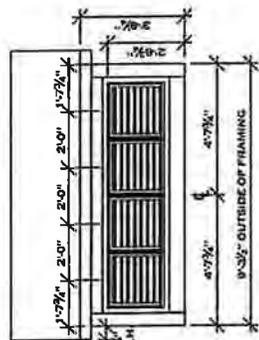
REAR ELEVATION 3/16"=1'-0"



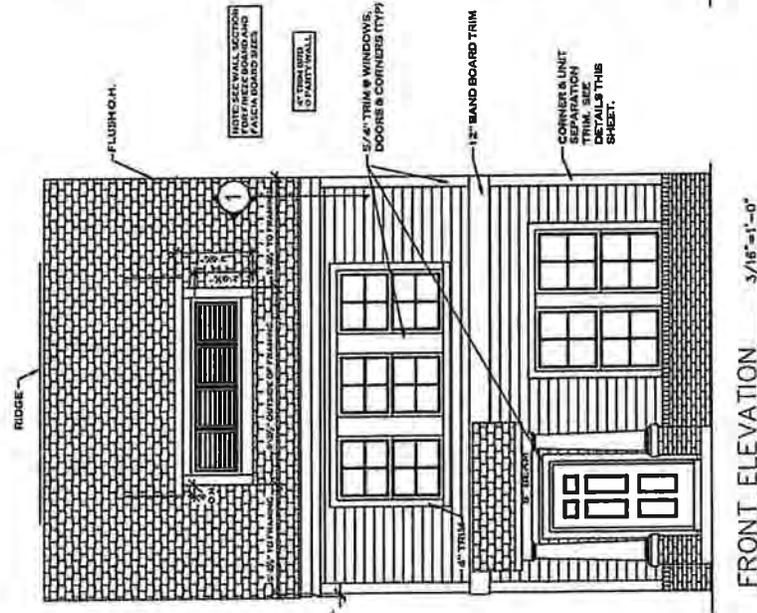
OFFSET UNIT TRIM 1/2' = 1'-0"



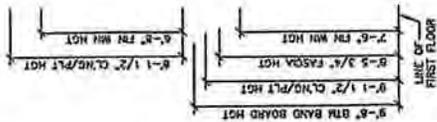
END UNIT TRIM 1/2' = 1'-0"



DORMER DETAIL 1/4" = 1'-0"



FRONT ELEVATION 3/16"=1'-0"





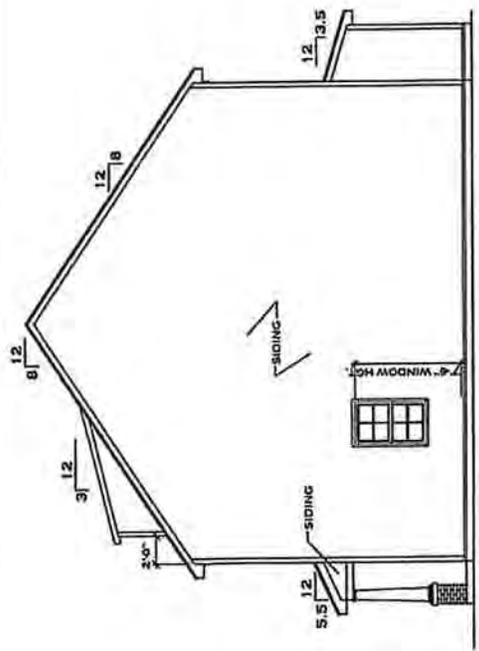
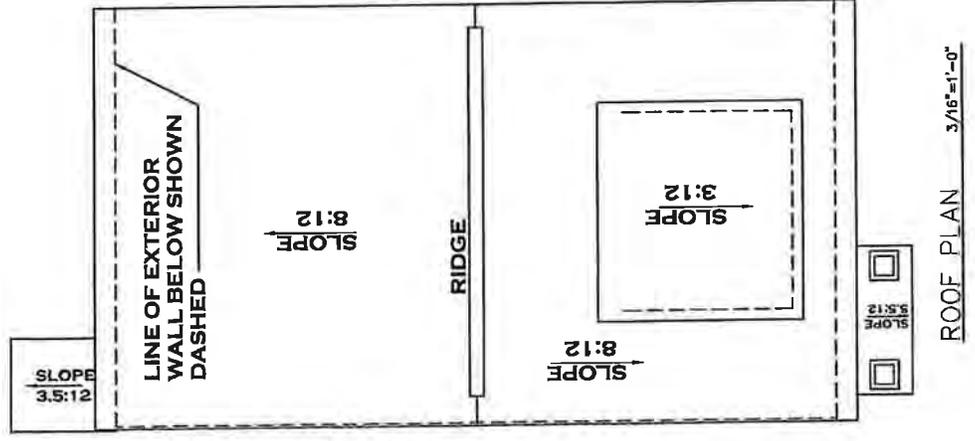
A Square Footages
 1st Floor: 80
 2nd Floor: 24
 Storage: 24
 Front Porch: 50

WILDER II - A

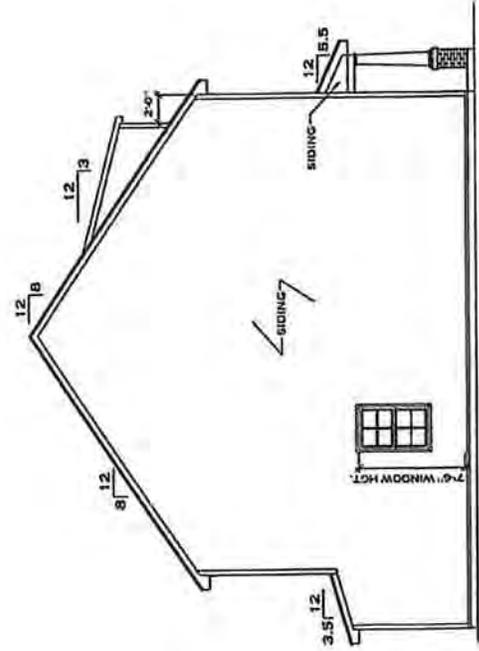
Townhomes
 v.02.00.00.00

Features:
 A-UNIT ELEV & ROOF
 Drawn By: RH
 Date: 9/1/2021
 Rev B/C
 Rev A

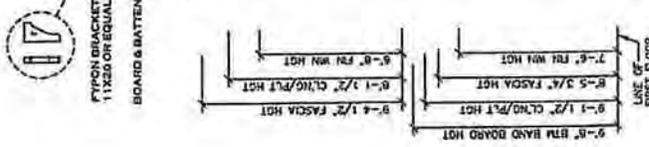
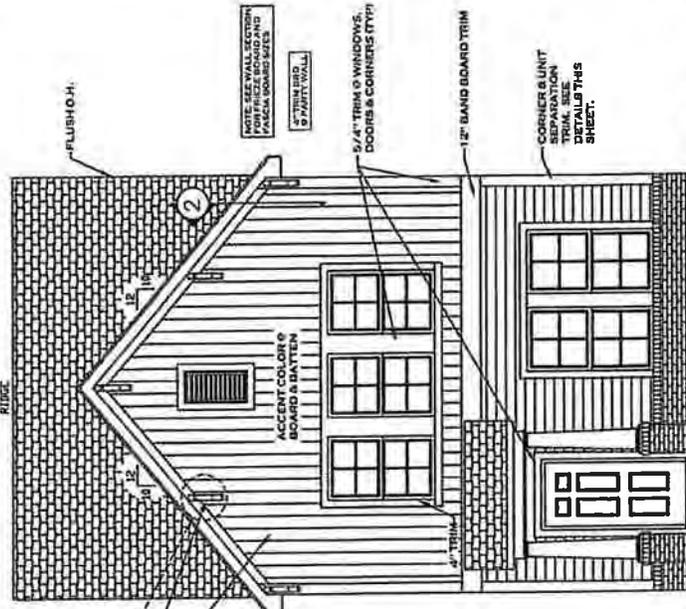
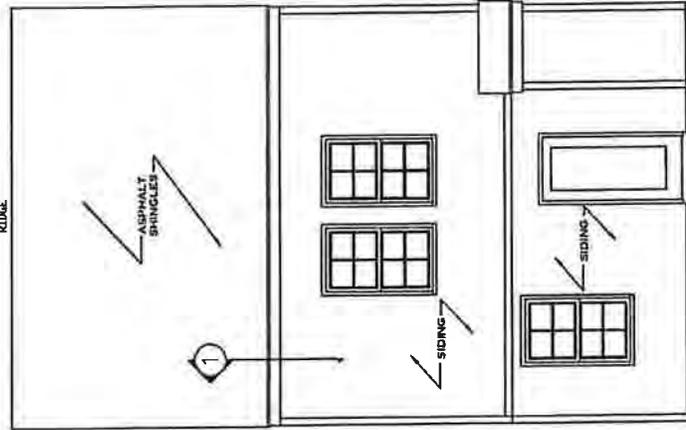
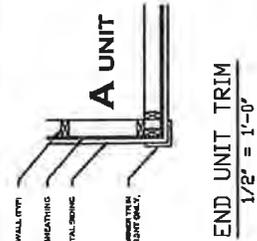
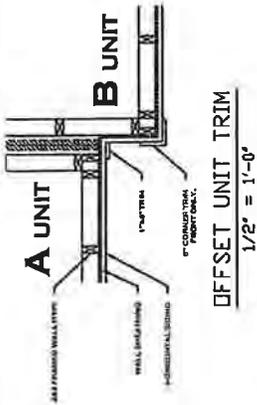
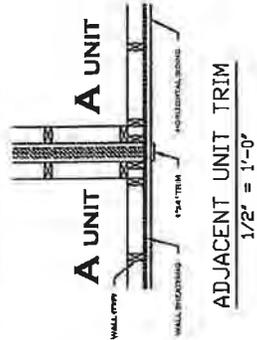
A2



SIDE ELEVATION (Right End View) 1/8"=1'-0"



SIDE ELEVATION (Left End View) 1/8"=1'-0"





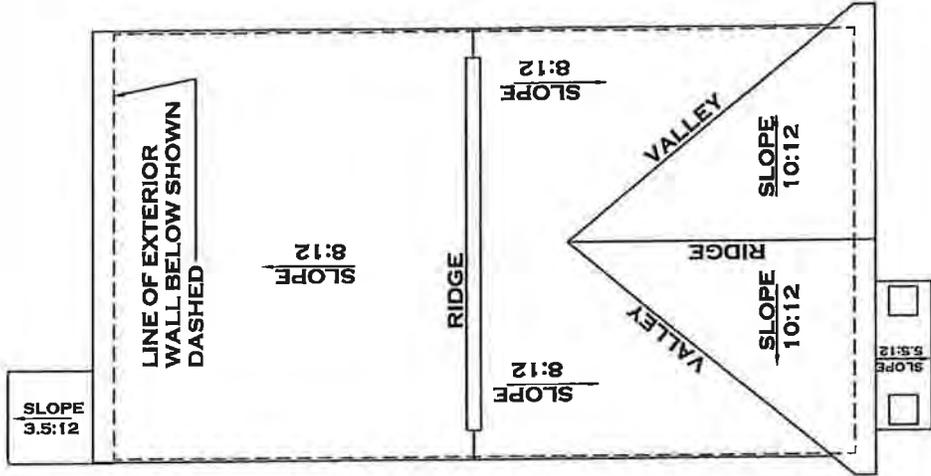
B Square Footages
 1st Floor: 649
 2nd Floor: 639
 Front Porch: 50
 Rear Storage: 24

WILDER II - B

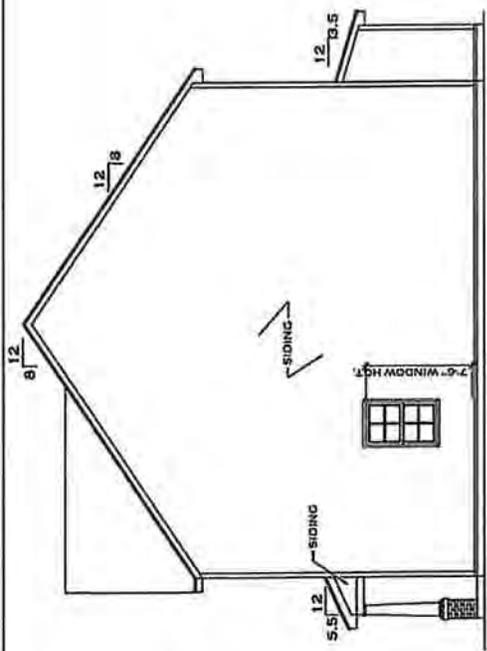
V.01.00.00.00

Features:
 B-UNIT ELEV & ROOF
 Drawn By: RH
 Date: 9/1/2021

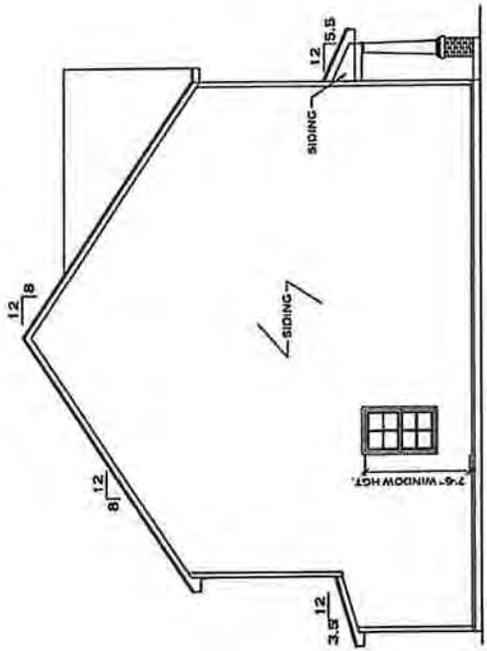
A2



ROOF PLAN 3/16"=1'-0"



SIDE ELEVATION (Right End View) 1/8"=1'-0"



SIDE ELEVATION (Left End View) 1/8"=1'-0"

Proffer C.1. of Case Z-02-01 to be amended and replaced with the following:

1. **Density Restriction.** No more than one hundred and twenty (120) dwelling units may be developed within Parcel Two as in substantial conformance with the plans shown on the Zoning Plat, as such Zoning Plat is modified by the conceptual plan entitled "McCauley Park Townhomes" prepared by Balzer and Associates, copies of which are included as part of this application and incorporated herein by this reference and attached to this as Exhibit 1.

Proffer C.5. of Case Z-02-01 to be amended and replaced with the following:

5. **Exterior Walls.** Visible portions of exterior wall surfaces (exclusive of windows) above the foundation of multi-family buildings shall be of fiber cement board (Hardiplank) siding, brick or brick veneer construction, vinyl siding, or cement siding.

Building construction shall be in accord with the five (5) page "Conceptual Elevations", to be altered as needed to meet County requirements, copies of which are included as part of this application and incorporated herein by this reference and attached to this as Exhibit 2.

4. State reasons for request to amend the proffers:

This proffer amendment would allow 120 townhouses to be built in an area that has already been approved for multi-family apartments. To further assure the quality of the townhomes, renderings will be submitted that will become part of the conditional use allowed.

This preliminary plan protects the natural aesthetic by keeping an abundance of trees in the surrounding area, including a 30' buffer of trees along the road that provides a barrier between the surrounding neighborhood and this new section to come. These townhomes are more desirable for the public because it uses public water and sewer, provides community areas, dog parks, nature trails and a recreational area. This use does not impact the existing comprehensive plan.



**King William County
Public Hearing Notice**

The King William County Board of Supervisors will hold a Public Hearing on Monday, February 28, 2022, at 7:00 p.m., or as soon thereafter, in the Board Meeting Room of the County Administration Building, 180 Horse Landing Road, King William, Virginia, and via Zoom to receive public comments on the following matters:

Proffer Amendment 01-2022: Owner- McCauley Park, LLC

A request for Proffer Amendments for Tax Map Parcel 21-50, Parcel Two, to amend the existing Proffers initially approved on June 25, 2001, with re-zoning Z-02-1 and amended on September 25, 2017. The following Proffers will need to be amended and replaced with the following:

Proffer C.1 of Case Z-02-01

Density Restriction. No more than one hundred and twenty (120) dwelling units may be developed within parcel two as in substantial conformance as shown on the McCauley Park Townhomes Preliminary Plan dated September 30, 2021.

Proffer C.5. of Case Z-02-01

Exterior Walls. Visible portions of the exterior wall surfaces (exclusive of windows) above the foundation of multi-family buildings shall be of fiber cement board (Hardiplank) siding, brick or brick veneer construction, vinyl siding, or cement siding.

Building construction shall be in accord with the five (5) page "Conceptual Elevations" to be altered as needed to meet County requirements, copies of which are included as part of this application and incorporated herein this reference and attached to this as Exhibit 2.

CUP-10-21: Owner/Applicant – McCauley Park, LLC

A request for Conditional Use Permit 10-21 in order to construct 120 townhouses in the McCauley Park Subdivision. The property is located on tax map parcel 21-50 and is located on Shelton Place. The property is zoned R-1, (Suburban-Residential).

All interested persons may appear and present their views in person or via Zoom as applicable. Those attending via Zoom **must preregister** at kingwilliamcounty.us by noon on the day of the meeting. If a member of the public cannot attend, comments may be submitted by mail to 180 Horse Landing Road, #4, King William, VA 23086; by email to sgraham@kingwilliamcounty.us or by calling 804-769-4980. Comments received by 12:00 noon on the day of the hearing will be distributed to Board Members and made a part of the public record. All records pertaining to this matter may be viewed in the Office of Community Development at 180 Horse Landing Road, King William, VA during regular business hours. Anyone needing assistance or accommodations under the provisions of the American with Disabilities Act should contact the Office of Community Development at (804)769-4978 or sgraham@kingwilliamcounty.us.

By Authority of

Sherry L. Graham
Director of Planning

Ad to run February 16th and 23rd 2022

Jack D. and Maryann G. Bailey
101 McCauley Parkway
Aylett, VA 23009
R-1, 1.12 acres
21-11-B-1

Charles B. Ammons
Kimberly R. Wheatley
91 McCauley Court
Aylett, VA 23009
R-1, 1.75 acres
21-11-B-6

Barbara Despas
93 McCauley Court
Aylett, VA 23009
R-1, 2.21 acres
21-11-B-7

David W. Goff, Jr.
94 McCauley Court
Aylett, VA 23009
R-1, 1.79 acres
21-11-B-8

Christine M. Dulgher
102 Carlton Court
Aylett, VA 23009
R-1, 3.57 acres
21-11-B-19

Britten Hottel
103 McCauley Parkway
Aylett, VA 23009
R-1, .99 acres
21-11-B-2

Louis J. Sterlacci
104 Carlton Court
Aylett, VA 23009
R-1, 2.71 acres
21-11-B-18

Jack D. Meriwether
105 McCauley Park
Aylett, VA 23009
R-1, 1.12 acres
21-11-B-3

Jerome M. Newbill
107 McCauley Parkway
Aylett, VA 23009
R-1, 1.32 acres
21-11-B-4

David Spivey
109 McCauley Parkway
Aylett, VA 23009
R-1, 1.55 acres
21-11-B-5

Kelly Radke
305 Madison Court
Aylett, VA 23009
R-1, .67 acres
21-11-3-74

Princess A. Sawyer
307 Madison Court
Aylett, VA 23009
R-1, .94 acres
21-11-3-75

Glen K. Dobbins
309 Madison Court
Aylett, VA 23009
R-1, 1.61 acres
21-11-3-72

William Ryan Jones
314 Brooking Terrace
Aylett, VA 23009
R-1, 1.83 acres
21-11-3-11

Michael A. Treadway
316 Abbey Court
Aylett, VA 23009
R-1, 1.87 acres
21-11-3-8

Michael J. Galgono
316 Brooking Terrace
Aylett, VA 23009
R-1, 4.01 acres
21-11-3-12

**McCauley Park
9235 Shady Grove Road
Mechanicsville, VA 23116
21-11-3-CAA
21-11-3-CAC
21-13-55
21-13-56
21-13-64**

**Darrell Kellum, Inc.
662 Sharon Road
King William, VA 23086
R-1, 8.98 acres
21-50B**

**Lawrence A. Lipscomb, III
3808 Middletown Way
Glen Allen, VA 23060
R-1
21D-2-C-29**

**King William County
Park
P.O. Box 215
King William, VA 23086
44.73 acres
21-52 and 21-50A
28-41A – R-1, 41.5 acres**



King William
County
Est. 1702

Board of Supervisors

Office of
Community Development

William L. Hodges, First District
Travis J. Moskalski, Second District
Stephen K. Greenwood, Third District
C. Stewart Garber, Jr., Fourth District
Edwin H. Moren, Jr., Fifth District

February 9, 2022

**RE: Notice to Adjacent Property Owners
Request for Conditional Use Permit 10-2021
Request for Proffer Amendments Z-02-01
Tax Map Parcel: 21-50
Owner/Applicant: McCauley Park, LLC**

Dear Property Owner:

The King William County Board of Supervisors will hold a Public Hearing on Monday, February 28, 2022, at 7:00 p.m., or as soon thereafter, in the Board Meeting Room of the County Administration Building, 180 Horse Landing Road, King William, Virginia and via Zoom to receive public comment on the following matters:

A request for **two Proffer Amendments** for property located on Shelton Place, tax map parcel 21-50.

Proffer C.1. of Case Z-02-01 to hereby be amended and replaced with the following:

Density Restriction. No more than 120 (120) townhouse units may be developed within Parcel Two as shown on the McCauley Park Townhomes Preliminary Plan dated September 30, 2021.

Proffer C.5. of Case Z-02-01 to hereby be amended and replaced with the following:

Exterior Walls. Visible portions of the exterior wall surfaces (Exclusive of windows) about the foundation of multi-family buildings shall be of fiber cement board (Hardiplank) siding, brick, or brick veneer construction, vinyl siding, or cement siding.

A request for a **Conditional Use Permit 10-2021** to construct 120 townhouses in an area of the McCauley Park Subdivision.

The property is located on tax map parcel 21-50 which is located off of Rt. 30, King William Road, across from the park. The property consists of approximately 29.4 acres with 6.3 acres being incorporated in lots. The density will consist of four units per acre. The property is zoned R-1, (Suburban-Residential).

You are being notified of this hearing because your property is adjacent to or in close proximity to the above-stated request. All interested persons may appear and present their views at the above time and place, or via

the Zoom Meeting, as applicable. **Those attending via Zoom must preregister at kingwilliamcounty.us by noon on the day of the meeting.** If a member of the public cannot attend, comments may be submitted by mail to 180 Horse Landing Road, #4, King William, VA 23086; by email to sgraham@kingwilliamcounty.us or by calling 804-769-4980. Comments received by 12:00 noon on the day of the hearing will be distributed to Board Members and made a part of the public record. All records pertaining to this matter may be viewed in the Office of Community Development at 180 Horse Landing Road, King William, VA during regular business hours. Anyone needing assistance or accommodations under the provisions of the American with Disabilities Act should contact the Office of Community Development at (804)769-4978 or sgraham@kingwilliamcounty.us.

Sherry L. Graham
Director of Planning



King William County
Est. 1702

Board of Supervisors

Office of
Community Development

William L. Hodges, First District
Travis J. Moskalski, Second District
Stephen K. Greenwood, Third District
C. Stewart Garber, Jr., Fourth District
Edwin H. Moren, Jr., Fifth District

February 10, 2022

Mr. Todd Rogers
McCauley Park, LLC
9245 Shady Grove Road
Suite 200
Mechanicsville, VA

RE: Applications for Proffer Amendments 02-01 and Conditional Use Permit 10-21

Dear Mr. Rogers:

The King William County Board of Supervisors will hold a Public Hearing on Monday, February 28, 2022, at 7:00 p.m. in the Board Meeting Room of the County Administration Building, 180 Horse Landing Road, King William, Virginia and via Zoom to consider your request for Proffer Amendments and Conditional Use Permit for your property located on tax map number 21-50, Shelton Place in the McCauley Park Subdivision.

Although your attendance is not mandatory, it is strongly encouraged. If you have any questions, please do not hesitate to call.

Sincerely,

Sherry L. Graham
Director of Planning

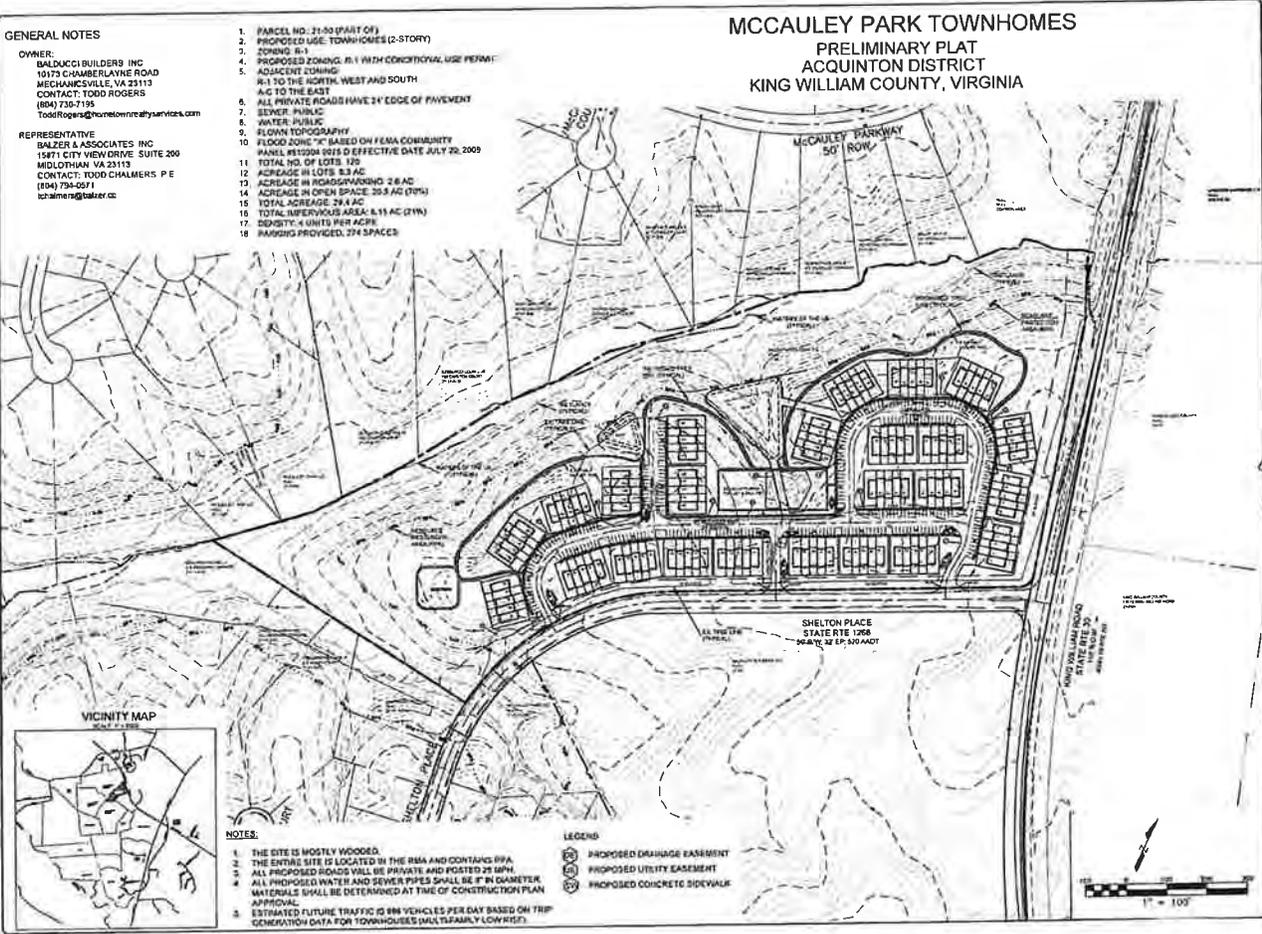
GENERAL NOTES

OWNER:
BALDUCCI BUILDERS INC
10175 CHAMBERLAYNE ROAD
MECHANICSVILLE, VA 23113
CONTACT: TODD ROGERS
(804) 730-7195
todd.rogers@balducci.com

REPRESENTATIVE:
BALZER & ASSOCIATES INC
15871 CITY VIEW DRIVE SUITE 200
MIDDLEMAN VA 23113
CONTACT: TODD CHALMERS P.E.
(804) 794-0271
tchalmers@balzer.com

1. PARCEL NO. 21-03 (PART OF)
2. PROPOSED USE: TOWNHOUSES (2-STORY)
3. ZONING: R-1
4. PROPOSED ZONING: R-1 WITH CONDITIONAL USE PERMIT
5. ADJACENT ZONING: R-1 TO THE NORTH, WEST AND SOUTH
A-C TO THE EAST
6. ALL PRIVATE ROADS HAVE 24' EDGE OF PAVEMENT
7. SEWER: PUBLIC
8. WATER: PUBLIC
9. REGION TOPOGRAPHY
10. FLOOD ZONE "C" BASED ON FEMA COMMUNITY PANEL #21004 0075 D EFFECTIVE DATE JULY 29, 2009
11. TOTAL NO. OF LOTS: 152
12. ACREAGE IN LOTS: 8.3 AC
13. ACREAGE IN PAVED SPACES: 2.8 AC
14. ACREAGE IN OPEN SPACE: 35.5 AC (70%)
15. TOTAL ACREAGE: 29.4 AC
16. TOTAL IMPERVIOUS AREA: 8.15 AC (27%)
17. DENSITY: 4 UNITS PER ACRE
18. PARKING PROVIDED: 274 SPACES

**MCCAULEY PARK TOWNHOMES
PRELIMINARY PLAT
ACQUINTON DISTRICT
KING WILLIAM COUNTY, VIRGINIA**



NOTES:

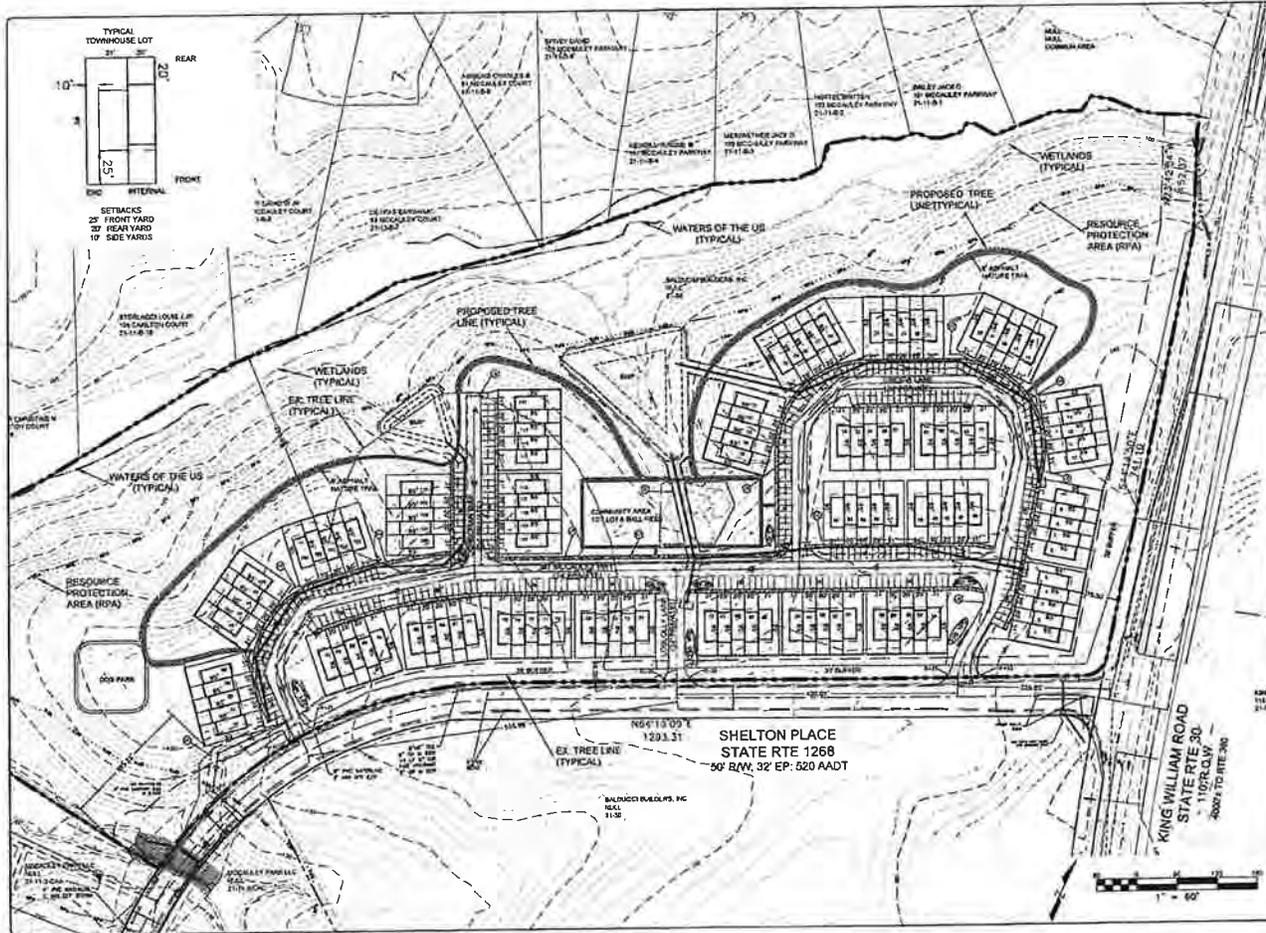
1. THE SITE IS MOSTLY WOODED.
2. THE ENTIRE SITE IS LOCATED IN THE RMA AND CONTAINS RPA.
3. ALL PROPOSED ROADS WILL BE PRIVATE AND POSTED 25 MPH.
4. ALL PROPOSED WATER AND SEWER PIPES SHALL BE 8" IN DIAMETER.
5. MATERIALS SHALL BE DETERMINED AT TIME OF CONSTRUCTION PLAN APPROVAL.
6. ESTIMATED FUTURE TRAFFIC IS 84 VEHICLES PER DAY BASED ON TRIP GENERATION DATA FOR TOWNHOUSES (MULTIFAMILY LOW RISE).

LEGEND:

- PROPOSED DRAINAGE EASEMENT
- PROPOSED UTILITY EASEMENT
- PROPOSED CONCRETE SIDEWALK

**MCCAULEY PARK TOWNHOMES
PRELIMINARY PLAN
OVERALL PLAN**

DESIGNED BY	TTC
CHECKED BY	TTC
DATE	08/03/2011
SCALE	1" = 10'



BALZER & ASSOCIATES
 PLANNERS / ARCHITECTS / ENGINEERS / SURVEYORS

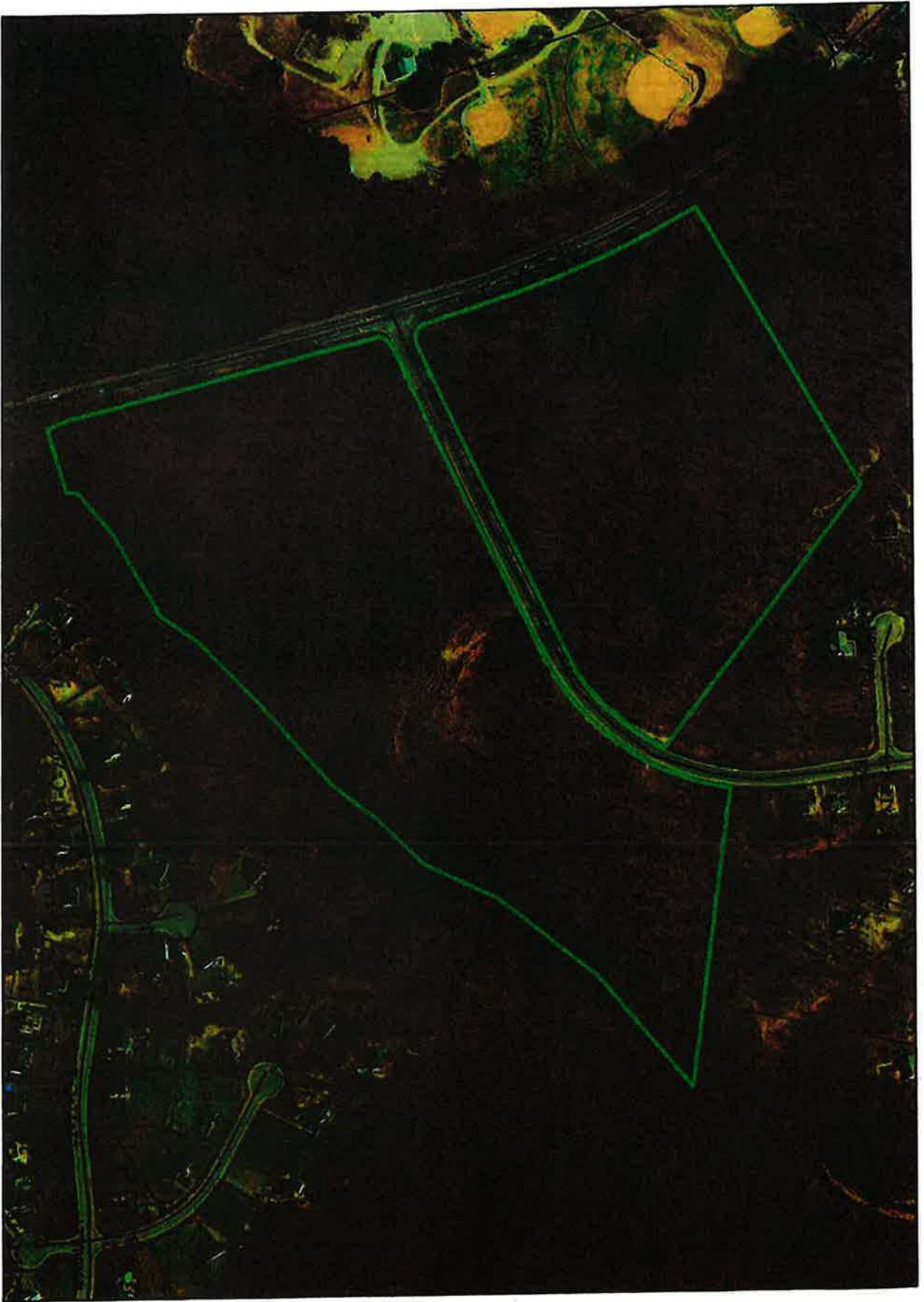
Project: McCauley Park Townhomes
 Site Plan
 100% City Plan Date: 04/01/2011
 100% State Plan Date: 04/01/2011

McCAULEY PARK TOWNHOMES
 PRELIMINARY PLAN

DATE: 11/13/10
 SHEET NO: 2

DESIGNED BY	PTC
DRAWN BY	PTC
CHECKED BY	PTC
DATE	11/13/10
SCALE	AS SHOWN

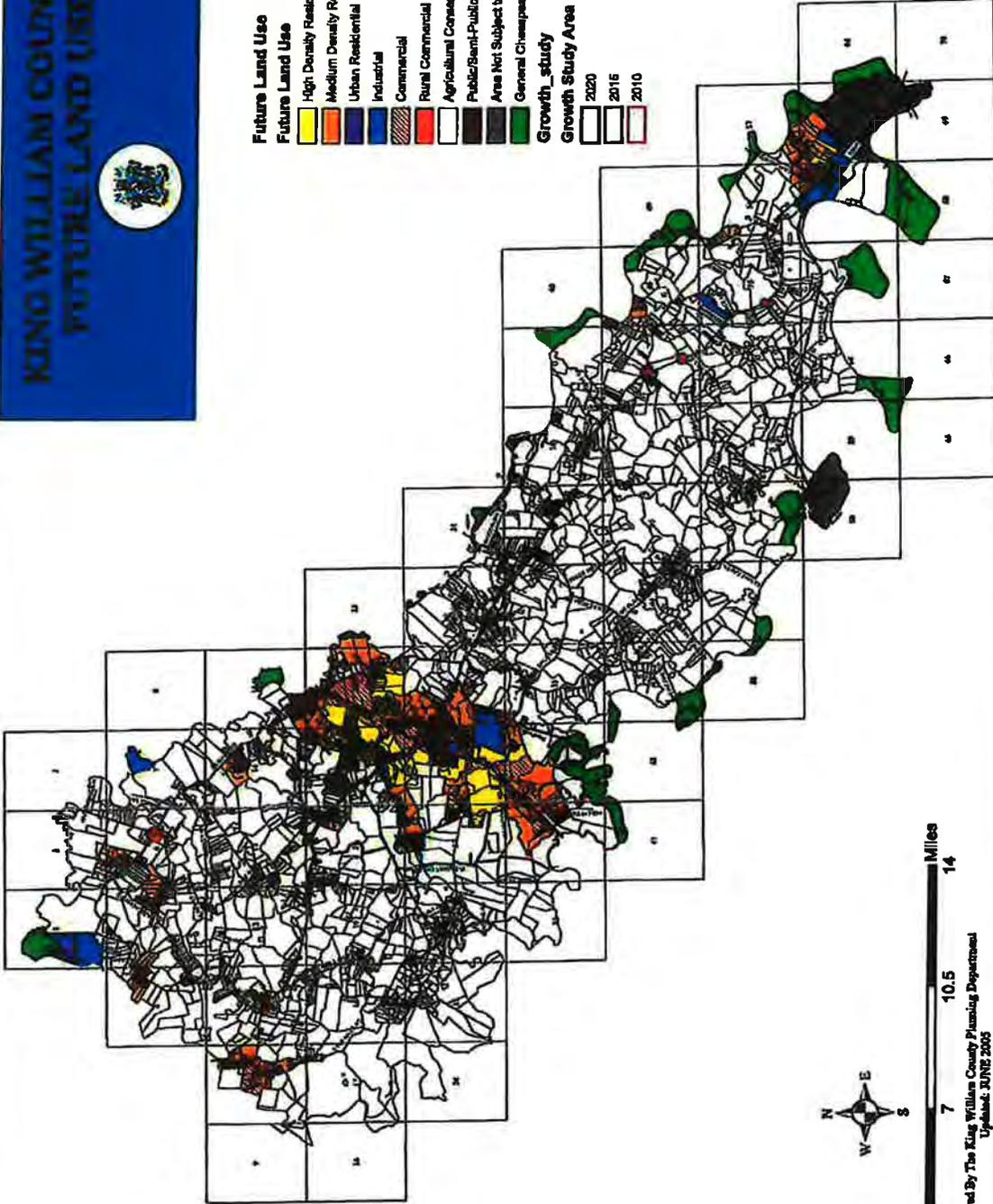
CUP 10-2021
OWNER/APPLICANT: McCauley Park, LLC
TAX PARCEL # 21-50 (Parcel Two)



KING WILLIAM COUNTY FUTURE LAND USE



- Future Land Use**
- High Density Residential
 - Medium Density Residential
 - Urban Residential
 - Industrial
 - Commercial
 - Rural Commercial
 - Agricultural Conservation
 - Public/Semi-Public
 - Area Not Subject to County Land Use Regulations
 - General Chesapeake Bay Preservation Area
- Growth Study Area**
- 2020
 - 2015
 - 2010



Prepared By: The King William County Planning Department
 Update: JUNE 2005

Housing

Adequate, safe, and affordable housing is a basic community need. Sufficient housing in good condition provides desirable living conditions and has a higher value. In addition, adequate housing can be a determining factor in attracting new industry. When industry relocates, it often brings new workers into a community. If sufficient and appealing housing exists, it facilitates the relocation of new personnel. While the provision of housing units is largely provided by the private sector,



Image 2: Single family dwelling

including Image 2: Single family dwelling builders, developers, realtors, bankers, and others, the local government, its ordinances, and policies play an important role in making sure the needs are met, and guiding what gets built, and where. Residential development in the County is regulated by its Zoning Ordinance, Subdivision Ordinance, and the locally adopted Virginia Uniform Statewide Building Code, which sets standards for the construction, alteration, adoption, repair, removal, use, location, occupancy, and maintenance of all buildings.

Housing in King William is dominated by the medium-sized single family home (King William Building Report, 2016). However, considering the current trends of rising household costs and shrinking household size, it is likely there will be an increased demand for multi-family units and manufactured homes. The Colonial Square Apartment complex is the only notable existing multifamily development in the County. Several other multi-family projects have been approved over the years, but as of 2016 no additional units have been constructed.

Manufactured homes reflect an effort to provide housing that is more affordable than the average single-family dwelling. Manufactured homes do represent a potential solution for at least part of the affordable housing demand. However, as a housing strategy they present a variety of fiscal and aesthetic trade-offs, including potential long term value depreciation of the structures and the potential cumulative visual impact that scattered, unplanned units can have on the County's scenic, rural landscape. The number of mobile homes in the County increased from 345 in 1990 to 486 in 2010, after dropping to 283 in 2000 (King William Planning Annual Reports, 1990-2010).

The total number of housing units in King William County increased from 4,193 in 1990 to 6,327 in 2010. Also, the number of occupied housing units increased from 3,834 in 1990 to 5,909 in 2010. These increases, coupled with improvements to structures with deficiencies noted in 1990, point to a general improvement in the County's housing stock.

Topic	# of HUs	% of total HUs
Total housing units	6,327	100%
Occupied housing units	5,909	93%
Vacant housing units	418	7%
Median home value	\$198,100	
Median monthly rent	\$771	
Renter-occupied units	860	14%
Owner-occupied units	5,049	80%

Figure 6: Housing unit statistics

There are a number of variables that can indicate a dwelling unit is substandard; it is common practice to use "lacking complete plumbing facilities" to approximate the number of substandard units (US Census, 2015). The potential fallacy of this method relates to the fact that a unit may have all plumbing facilities but still be substandard, which is relevant in a rural area such as King William County, where a large percentage of the houses are not served by public water and sewer facilities. Of the County's 4,846 occupied housing units in 2000, 114 (2.4%) lacked complete plumbing facilities while 94 (1.9%) lacked complete kitchen facilities. 164 (3.4%) did not have telephone service in 2000. 258 (5.3%) did not have a vehicle available at the unit. Most occupied housing units in 2000 relied on electricity for heating.

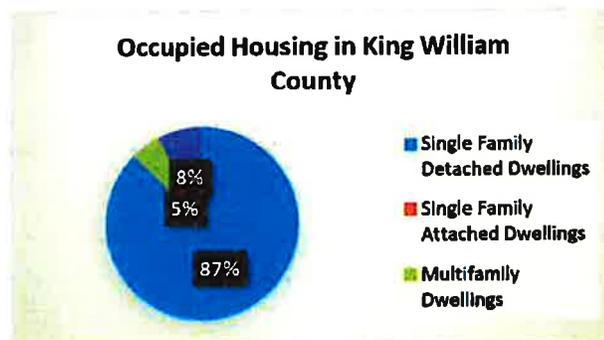


Figure 7: Percent of occupied housing

Currently, King William has only one apartment complex, Colonial Square Apartments, located near the Central Garage area, which has 32 two-bedroom units that range in monthly rent from \$695-\$765. The apartments have been always close to fully leased/occupied since the current company acquired the units in 1998, demonstrating the demand for multifamily housing on a small scale is certainly present in the County. As King William continues to grow, it will be important to offer a mix of housing to support the individual lifestyle preferences of new and current residents.

HOUSING OCCUPANCY		
Total housing units	6,522	100.0
Occupied housing units	5,979	91.7
Vacant housing units	543	8.3
For rent	48	0.7
Rented, not occupied	5	0.1
For sale only	117	1.8
Sold, not occupied	30	0.5
For seasonal, recreational, or occasional use	91	1.4
All other vacancies	252	3.9

Figure 8: Housing occupancy

Between 2008 and 2012, median owner costs in King William were \$1,545 monthly for owner-occupied housing units with a mortgage. 21% of occupied housing units in the County do not have a mortgage associated with the dwelling. Their median monthly costs were much lower, around \$411 per month (American Community Survey, 2015). King William County has a diverse population base, and thus a need for different housing types. The need for rental housing and housing for a variety of income groups (including the elderly) should be considered by future developers. The predominant form of housing available in

King William County is a single family detached home. An issue facing the County is the gap that exists between what is or can be built, and what many of the elderly, lower income residents, and newly-formed families are able to afford. The cost of some single-family detached dwellings may be too high for people within these groups. The County may seek to encourage flexibility in housing types in areas suitable for concentration of the population base, especially important as the County seeks to retain its next generation of citizens and home owners, currently of school age.

Goals and Implementation Strategies:

Population and Housing

Goal:

To provide a variety of safe, decent, affordable, and quality housing opportunities for all current and future citizens of the County.

Implementation strategies:

- 1) Annual reviews of both local and regional population and demographic data to identify changes in population trends, which may cause changes in demands.
- 2) Address unsafe housing conditions through code enforcement.
- 3) Identify a variety of funding sources to help low and moderate income citizens gain access to decent and standard housing opportunities.
- 4) Identify areas suitable for future residential development.
- 5) Collaborate with Bay Aging and other assistance groups to determine demands and resources.
- 6) Establish a local Habitat for Humanity group.

Goal:

To encourage the development of a variety of housing types to accommodate current and future citizens of varying ages, stations in life, and income levels.

Implementation Strategies:

- 1) Encourage diversity in housing stock to provide for a range in the type, size and cost of housing available.
- 2) Study the housing needs of emerging millennials to retain and attract the next generation of citizens.
- 3) Develop an appropriate mix of affordable owner and rental housing opportunities to accommodate economic growth and various personal preferences, including single-family detached, duplex, and multifamily housing units.
- 4) Study the housing needs of our aging population to ensure their needs are met and they are able to remain within the County if they choose, maintaining a high standard of living.
- 5) Consider revisions to County Ordinances that permit options for accessory housing/secondary housing ("granny flats," med cottages, etc.) for family members requiring care.



County of King William, Virginia
Est. 1702

Board of Superbisors

ORDINANCE 18-17

AN ORDINANCE AMENDING PROFFERS ASSOCIATED WITH CONDITIONAL REZONING APPLICATION Z-02-01 - (Z-02-01 AMENDMENT) - (OWNER: MCCAULEY PLACE, LLC; TODD ROGERS, MANAGER. APPLICANT: JENNIFER D. MULLEN, ESQ. ROTH JACKSON, GIBBONS, CONDLIN, PLC).

WHEREAS, Jennifer D. Mullen, Esq. Roth Jackson, Gibbons, Condlin, PLC) submitted an application for a Proffer amendment for a portion of Tax Map Parcel 21-50 consisting of approximately 62 acres of the McCauley Place Tract, which contains a total of approximately 266 acres, in order to amend the existing Proffers, initially approved on June 25, 2001 with Rezoning Z-02-01.

WHEREAS, the Applicant and Owner propose to amend the proffers as follows: (Changes underlined, deletions in strikethrough):

Proffer C.1. of Case Z-02-01 is hereby amended and replaced with the following:

1. **Density Restriction.** No more than one hundred and eight (100 108) dwelling units may be developed within Parcel Two as in substantial conformance with the plans shown on the Zoning Plat, as such Zoning Plat is modified by the conceptual plan entitled "MCCAULEY PARK CONCEPTUAL PLAN RENDERING" prepared by Timmons Group, copies of which are included as part of this application and incorporated herein by this reference and attached to this Ordinance as Exhibit 1.

Proffer C.4. of Case Z-02-01 is hereby deleted as follows.

4. ~~Age Restriction. Any dwelling units constructed on Parcel Two shall provide residential living accommodations only for the elderly (exclusive of management personnel) and their spouses, brothers, sisters or aides. For purposes hereof, the term "elderly" shall mean persons fifty five (55) years of age or older. In addition, persons under the age of nineteen (19) shall not be housed or domiciled and shall not reside on Parcel Two (except with management personnel). If this proffer is amended to allow school age children to reside on Parcel Two in the future, the portion of the cash proffer applicable to capital costs for schools then in effect, shall become payable (subject to any appropriate modifications as permitted under the cash proffer policy).~~

Proffer C.5. of Case Z-02-01 is hereby deleted and replaced as follows:

~~5. Architectural Matters~~

~~(a) Exterior Walls. At least twenty five percent (25%) of the visible portions of exterior wall surfaces (exclusive of windows) of multi-family rental buildings (if any) shall be of brick construction.~~

~~(b) Roofs. Any residence buildings constructed on Parcel Two shall have pitched roofs, to maintain a residential character for each building.~~

5. Exterior Walls. Visible portions of exterior wall surfaces (exclusive of windows) above the foundation of multi-family rental buildings shall be of fiber cement board (Hardiplank) siding, brick or brick veneer construction. Visible portions of exposed foundations of multi-family rental buildings shall be of brick or brick veneer construction.

Building construction shall be in accord with the five (5) page "Conceptual Elevations", to be altered as needed to meet County requirements, copies of which are included as part of this application and incorporated herein by this reference and attached to this Ordinance as Exhibit 2.

WHEREAS, All other conditions and proffers of Case Z-02-01 shall remain in full force and effect; and,

WHEREAS, the Board of Supervisors conducted a public hearing on September 25th, 2017 to consider the above proffer amendments associated with Conditional Zoning Application Z-02-01;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Board of Supervisors of King William County, Virginia, does this 25th day of September 2017, approve the amended proffers as stated in the preambles above associated with Conditional Zoning Application Z-02-01 such amended proffers to be recorded in the Clerk's office of the Circuit Court of King William County.

ADOPTED this the 25th day of September, 2017.

The vote on the foregoing was as follows:

Supervisor, First District: William L. Hodges – Vice Chairman	Aye
Supervisor, Second District: Travis J. Moskalski – Chairman	Aye
Supervisor, Third District: Stephen K. Greenwood	Aye
Supervisor, Fourth District: David E. Hansen	Nay
Supervisor, Fifth District: Robert W. Ehrhart II	Aye



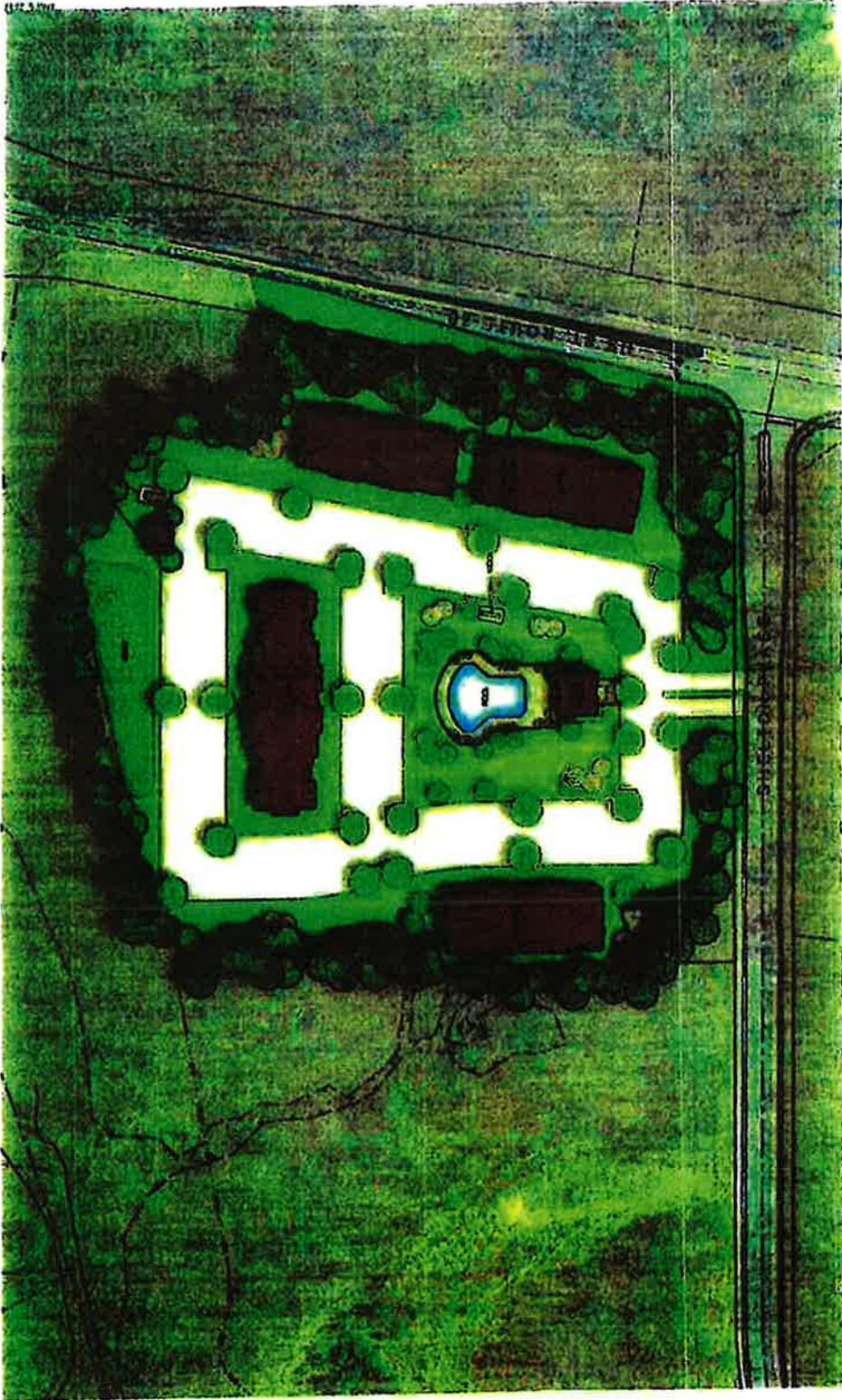
**Travis J. Moskalski, Chairman
King William County Board of Supervisors**

ATTEST:



**Olivia L. Schools
Deputy Clerk of the Board of Supervisors**

ORDINANCE 18-17 EXHIBIT 1

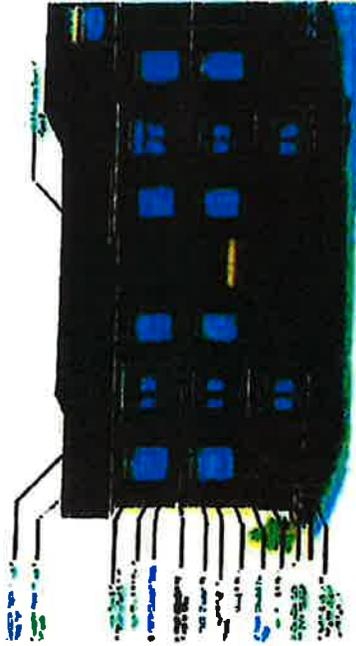


MCCAULEY PARK
CONCEPTUAL PLAN RENDERING

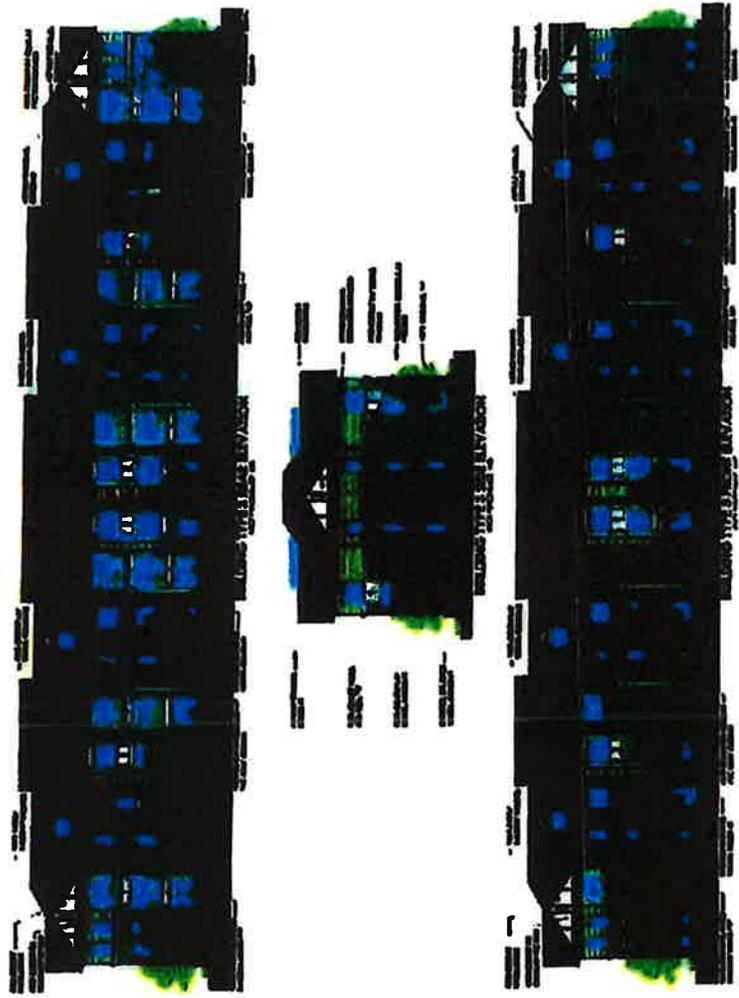


ORDINANCE 18-17 EXHIBIT 2

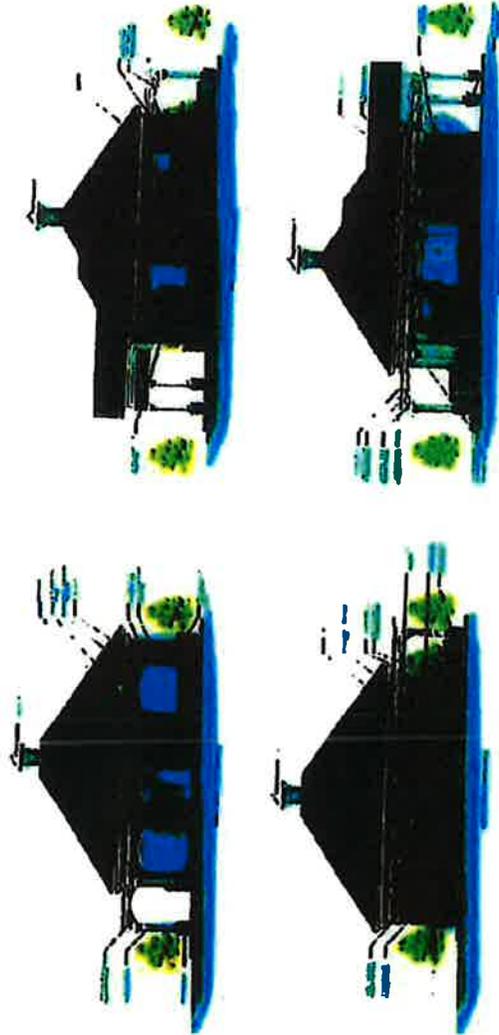
McCauley Park Apartments - 24 Unit/2 B



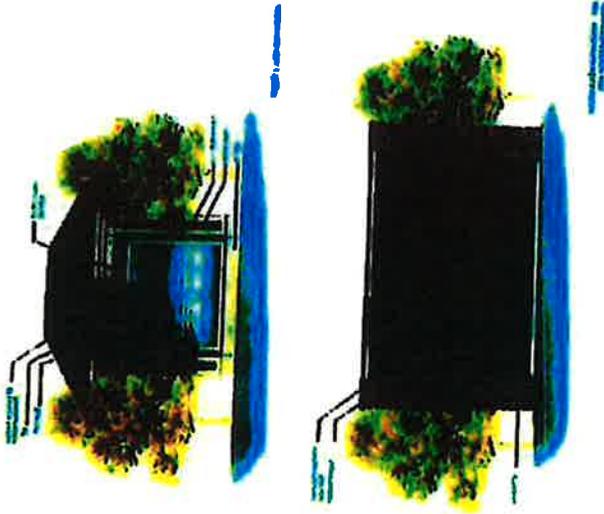
McCauley Park Apartments - 36 Unit/1 Bedroom Unit Conceptual Elevations

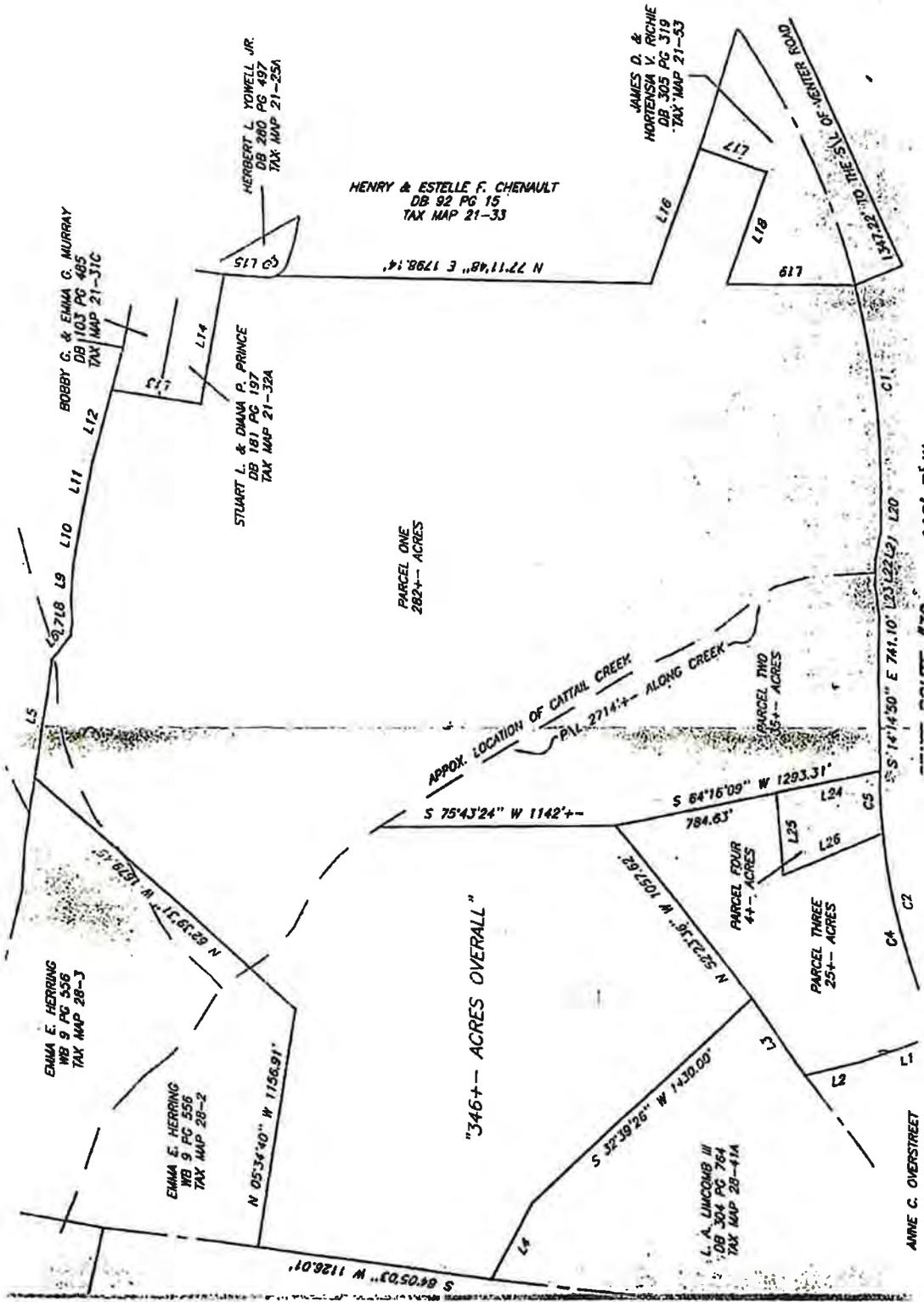


McCauley Park Apartments - Clubhouse/Fitness Conceptual Elevations



McCauley Park Apartments - Mall Kiosk







King William County
Founded 1702 in Virginia

July 25, 2001

MATT WALKER
DIRECTOR OF COMMUNITY
DEVELOPMENT

Rogers-Chensult, Inc.
c/o Mr. Todd Rogers
7420 Lee-Davis Road
Mechanicsville, Virginia 23111

**RE: Rezoning Case # Z-02-01 & Conditional Use Permit Case # CUP-01-01 --
Approvals of Same**

Dear Sirs:

On Monday, June 25, 2001 the King William County Board of Supervisors voted to **APPROVE** Rezoning Case # Z-02-01 (applicant: Rogers-Chenault, Inc.) with acceptance of the entire list of proffers, dated June 5, 2001, submitted by the applicant.

On Monday, July 23, 2001 the King William County Board of Supervisors voted to **APPROVE** Conditional Use Permit Case # CUP-01-01 (applicant: Rogers-Chenault, Inc.) with the imposition of the following list of conditions:

- 1) Applicant shall receive written approval from the Virginia Department of Transportation and the King William County Health Department for the multi-family housing development in accordance with the Conditional Use Permit (CUP) and Site Plan criteria included in the King William County Zoning Ordinance.
- 2) Applicant shall develop the subject project and properties substantially in conformance with the building elevations and schematic site plan presented to the Board of Supervisors during the public hearings on June 25, 2001.
- 3) Applicant shall provide and maintain wooded buffers of a minimum 25-foot width and of sufficient density to screen the multi-family housing development from surrounding residential and commercial uses.
- 4) Applicant shall provide and maintain a landscaped median in the divided entranceway to the multi-family housing portion of the project.
- 5) If the real property subject of this CUP application is incorporated within the service area of the public water and/or sanitary sewer systems within 120 days of the approval of said CUP by the Board of Supervisors, the applicant shall connect the improvements located on the subject property to the public water and/or sanitary sewer systems. Any such connections, extensions, and/or modifications to the public water and/or sanitary sewer systems shall comply with the facility design standards, charges and other criteria of the County of King William, Hampton Roads Sanitation District (sanitary sewer only), and/or other party or entity charged with the operation

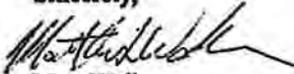
180 Horse Landing Road • Post Office • Box 215 • King William, Virginia 23080
804-769-4969 • 804-843-3422 • 804-994-2937 • fax: 804-769-4964
mwalker@co.king-william.va.us

and maintenance of said systems, as applicable in force at the time of the subject extension, connection and/or modification. The applicant shall be reimbursed through a credit formula and agreement the actual cost, including design and construction, of the extension of the public water and/or sewer systems to the boundary of the subject property and any excess capacity in said extended facilities required by the County of King William but not needed to adequately serve the subject project at build-out. The credit formula and agreement shall be negotiated and executed by the applicant and the County of King William, Hampton Roads Sanitation District, and/or other party or entity charged with the operation and maintenance of said systems, as applicable in force at the time of the subject extension, connection and/or modification. The credit formula and agreement shall be binding on the assigns and/or successors of the applicant, County of King William, Hampton Roads Sanitation District, and/or other party or entity charged with the operation and maintenance of said systems, as applicable in force at the time of the subject extension, connection and/or modification.

- 6) Applicant's failure to comply with the conditions above and those portions of the proffers applicable to the multi-family housing section of the subject project may result in the revocation of the CUP.

The King William County Community Development Department looks forward to working with you and your firm through the site and subdivision design process. I recommend that we hold a pre-design conference to address the process, county standards, and any site-specific conditions that may apply to the project. Please call me at 769-4933 if I may be of further assistance in this matter.

Sincerely,



Matt Walker
Director of Community Development

enclosures: (0)

cc. Glenn R. Moore, Esq., Hirschler, Fleischer, Weinberg, Cox & Allen
William H. Hefty, Esq., Hefty & Wiley, P.C.

ROGERS-CHENAULT, INC.
PROPOSED REZONING OF APPROXIMATELY 266 ACRES
ON THE SOUTHWEST LINE OF ROUTE 30,
KING WILLIAM COUNTY, VIRGINIA

June 5, 2001

The owners of the property which is the subject of Zoning Case Z-2-01 and CUP-1-01 (the "Property"), by their duly authorized representative, hereby proffer that the development of the subject property shall be in accordance with the conditions set forth in this submission. References to Parcels One, Two, Three or Four are to such parcels as shown on a plat entitled "Compiled Plat Showing 266± Acres Lying West of Route 30 and South of Venter Road", prepared by Balzer and Associates, Inc., dated March 30, 2001, revised June 5, 2001 submitted as a part of the zoning case.

A. General Conditions

1. Road Improvements. Development of the Property shall include on and off-site road improvements (including the dedication of any necessary right-of-way therefor) required in accordance with Virginia Department of Transportation design and safety standards, as determined at the time that phases of development on the Property are reviewed for site plan or subdivision approval.

2. Natural Area and Buffer Areas. That portion of the Property located within Parcel One lying between the creek in the vicinity of U. S. Route 30 and the west line of Route 30 (the "Natural Area"), shall remain in an undeveloped state, except for roadways, entrance features, utilities and other items specifically approved at the time of subdivision approval. Clearing of underbrush, weeds, and

debris shall be permitted within the Natural Area. Additionally, a buffer area of a minimum of one hundred (100) feet in width shall be maintained along the Route 30 frontage of Parcels Two, Three and Four, except to the extent needed for access drives, utility easements, entrance features and signage. Additional landscaping shall be installed within the buffer area, if determined to be necessary at the time of site plan review, to screen development on Parcels Two, Three and Four from Route 30.

3. Water Service. Water service for improvements on the Property will be provided by one or more central water systems, rather than individual wells.

4. Cash Proffer. Except as set forth in the next sentence, a cash proffer in the amount of \$2,400.00 per dwelling unit shall be paid prior to the issuance of building permits. For dwelling units restricted to occupancy for persons fifty-five (55) years of age or older, the cash proffer amount shall be \$750.00 per unit.

5. Vehicular Access. Unless otherwise authorized at the time of site plan review and approval, access between Route 30 and the Property shall be limited to four (4) points of vehicular access.

6. Underground Utilities. Newly installed utility lines serving development on the Property shall be installed underground, unless prohibited by applicable utility company policy.

7. Height Limitations. No building constructed on the Property shall exceed forty-five (45) feet in height.

B. Applicable to Single Family Development (Parcel One)

1. Single Family Homes. A Schematic Layout Plan dated December 20, 2000 and last revised on June 5, 2001 showing proposed development of Parcel One has been provided to the Director of Planning. Parcel One will be developed in substantial conformity with the Schematic Plan but Owner reserves the right to adjust road and lot lines, subject to the approval at the time of subdivision review, to effectively design the subdivision following detailed engineering. In particular, the number of lots shall not exceed 170. Roads within Parcel One shall be publicly dedicated to the Virginia Department of Transportation.

2. House Sizes.

(a) At least twenty-five percent (25%) of the lots on Parcel One shall be improved with homes having minimum finished floor areas, as follows:

- (i) 2000 square feet for a two (2) story house; and**
- (ii) 1800 square feet for a ranch-style house.**

(b) No more than twenty-five percent (25%) of the lots on Parcel One shall have minimum finished floor areas, as follows:

- (i) 1450 square feet for a two (2) story house; and**
- (ii) 1200 square feet for a ranch-style house.**

(c) The balance of the lots within Parcel One shall be improved with houses having minimum finished floor areas, as follows:

- (i) 1650 square feet for a two (2) story house; and**
- (ii) 1400 square feet for a ranch-style house.**

(d) **Minimum floor area shall not include garages or breezeways in any category. Floor area shall be measured along the exterior walls of the structure.**

3. **Entrances. Each entrance from Route 30 shall have entrance improvements including landscaping and signage.**

4. **Phasing of Development. The Owner will not receive more than forty (40) Certificates of Occupancy for single family residences on the Property in any calendar year, on a cumulative basis, beginning in 2002.**

5. **Driveways. No driveways serving individual dwellings, other than driveways for access drives for major project areas shall have direct access to Route 30.**

6. **Foundations. The exposed portions of exterior single family residence foundations shall be constructed of brick or natural stone; however, such portions of exterior foundations for single family detached residences may be constructed of exterior insulating finish systems (E.I.F.S.) if applied to a masonry surface, provided that the exterior walls of such residence are sided primarily in E.I.F.S.**

7. **Protective Covenants. Prior to or concurrent with the recordation of a subdivision plat approved by the County and before the conveyance of any portion of the Property covered by said subdivision plat (other than for the dedication of easements, roads or utilities) a document shall be recorded in the Clerk's Office of the Circuit Court of King William County, Virginia, setting forth controls on development and maintenance of such portions of the property. Said covenants**

shall include requirements for brick steps to front doors (unless the home has a country porch greater than six (6) feet in length), standard mailbox design, minimum 6/12 roof pitch for the roof over the main portion of the home, restrictions on use and maintenance of common areas. The covenants shall include provisions for the establishment of a homeowners association to take over responsibility for on-going maintenance of common areas and enforcement of architectural standards.

8. Building Material. No cinder block, cement block, solite block or asbestos shall be permitted for the finished exterior of any structure.

C. Applicable to Senior Housing Parcel (Parcel Two).

1. Density Restriction. No more than one hundred (100) dwelling units may be developed within Parcel Two as shown on the Zoning Plat.

2. Parking Lot Lighting. Parking lot lighting within Parcel Two shall not exceed twenty (20) feet in height above grade level.

3. Site Coverage. A maximum of fifty-five percent (55%) of Parcel Two shall be covered with buildings, driveways and parking areas. The balance of Parcel Two shall be covered with sidewalks, natural areas (including lawns), recreation facilities, or other features approved at the time of Site Plan review.

4. Age Restriction. Any dwelling units constructed on Parcel Two shall provide residential living accommodations only for the elderly (exclusive of management personnel) and their spouses, brothers, sisters or aides. For purposes hereof, the term "elderly" shall mean persons fifty-five (55) years of age or older. In addition, persons under the age of nineteen (19) shall not be housed or domiciled

and shall not reside on Parcel Two (except with management personnel). If this proffer is amended to allow school age children to reside on Parcel Two in the future, the portion of the cash proffer applicable to capital costs for schools then in effect, shall become payable (subject to any appropriate modifications as permitted under the cash proffer policy).

5. Architectural Matters.

(a) Exterior Walls. At least twenty-five percent (25%) of the visible portions of exterior wall surfaces (exclusive of windows) of multi-family rental buildings (if any) shall be of brick construction.

(b) Roofs. Any residence buildings constructed on Parcel Two shall have pitched roofs, to maintain a residential character for each building.

6. Screening. Central trash receptacle areas shall be screened from view from Route 30.

7. The foregoing proffered conditions C.1 through C.6 shall not apply to Parcel Two, if CUP-1-01 is denied by the Board of Supervisors.

D. Applicable to M Industrial Development (Parcel Three)

1. Development Restriction. All uses shall be conducted so as not to create any danger to health, safety and welfare or any material adverse impact on the property or surrounding areas by creating any excess noise, vibration, smoke, dust, lint, odor, heat or glare beyond the boundaries of the property lines.

2. Building Materials. Exposed exterior wall surfaces visible from Route 30 shall be constructed primarily of split-face block, tilt-up concrete, pre-cast concrete, E.I.F.S., glass, brick, stone, marble and/or granite.

3. Site Coverage. No more than sixty-five percent (65%) of Parcel Three shall be covered by buildings, driveways and parking areas.

4. Loading Docks. Any loading docks serving a building on Parcel Three shall be screened from public view from Route 30 in a manner approved at the time of site plan review.

5. Permitted Uses. Only the following uses shall be permitted on Parcel Three:

- (a) Printing, photo processing, copy service or blue printing;
- (b) Small equipment sales, service and rental;
- (c) Wholesale merchandising or storage warehouse or distribution center, including self-storage but not a truck or freight terminal;
- (d) Small animal hospital or clinic with no outdoor runs;
- (e) Employment service or agency;
- (f) Office and business supplies sales;
- (g) Offices, general business, professional or administrative;
- (h) Manufacturing of the following items:
 - (i) Medical and dental equipment;
 - (ii) Musical instruments;
 - (iii) Communications equipment and instruments;

(iv) Component parts for automobile, aircraft or space craft;
(v) Clocks and watches;
(vi) Drafting equipment;
(vii) Photographic equipment;
(viii) Heating, ventilating and air conditioning equipment;
(ix) Light manufacturing uses not producing adverse
environmental defects;

(x) Plumbing supplies;
(xi) Sign fabricating and painting shop.
(i) Furniture refinishing;
(j) Shop for painting, electrical, heating and air conditioning

business;

(k) Contractor's equipment storage yard;
(l) Lumber yard;
(m) Lumber and building materials store;
(n) Repair establishment for appliances;
(o) Compatible business uses, as permitted under the terms of
Section 10-282 of the Zoning Ordinance; and
(p) Access buildings or uses located on the same property which are
customarily incidental to and subordinate to a lawfully permitted principal use of
the property.

E. Applicable to B-1 Local Business District (Parcel Four)

1. Use Limitation. The only uses permitted on Parcel Four shall be offices, general business, professional or administrative, and day care centers.

L. McCAULEY CHENAULT,
VICTORIA R. CHENAULT, DONNA
C. WHEATLEY and MARGARET B.
CHENAULT

By: Glenn R. Moore
Counsel for Rogers-Chenault, Inc.,
Zoning Applicant

#201058 v9 23647.02063



King William County
Est. 1702

Board of Supervisors

Wally Horton, AICP
Director of Community Development
180 Horse Landing Road #4
King William, VA 23086

William L. Hodges, First District
Travis J. Moskalski, Second District
Stephen K. Greenwood, Third District
David E. Hansen, Fourth District
Robert W. Ehrhart II, Fifth District

October 11, 2017

McCauley Place, LLC
Todd Rogers, Manager
9235 Shady Grove Rd., Suite 109
Mechanicsville, VA 23116

Re: Certificate of Approval - Proffers associated with Conditional Rezoning Application, Tax Map Parcel 21-50 (Portion)

Dear Mr. Rogers:

The King William County Board of Supervisors, at its September 25, 2017 meeting, approved Ordinance 18-17 (attached) amending Proffers associated with Conditional Rezoning Application Z-02-01. Such amended proffers are to be recorded in the Clerk's office of the Circuit Court of King William County.

If you have any questions please feel free to contact me at planningdir@kingwilliamcounty.us or (804) 769-4973.

Sincerely,

Wally Horton, AICP
Director of Community Development



County of King William, Virginia
Est. 1702

Board of Supervisors

ORDINANCE 18-17

AN ORDINANCE AMENDING PROFFERS ASSOCIATED WITH CONDITIONAL REZONING APPLICATION Z-02-01 - (Z-02-01 AMENDMENT) - (OWNER: MCCAULEY PLACE, LLC; TODD ROGERS, MANAGER. APPLICANT: JENNIFER D. MULLEN, ESQ. ROTH JACKSON, GIBBONS, CONDLIN, PLC).

WHEREAS, Jennifer D. Mullen, Esq. Roth Jackson, Gibbons, Condlin, PLC) submitted an application for a Proffer amendment for a portion of Tax Map Parcel 21-50 consisting of approximately 62 acres of the McCauley Place Tract, which contains a total of approximately 266 acres, in order to amend the existing Proffers, initially approved on June 25, 2001 with Rezoning Z-02-01.

WHEREAS, the Applicant and Owner propose to amend the proffers as follows: (Changes underlined, deletions in strikethrough):

Proffer C.1. of Case Z-02-01 is hereby amended and replaced with the following:

1. **Density Restriction.** No more than one hundred and eight (100 108) dwelling units may be developed within Parcel Two as in substantial conformance with the plans shown on the Zoning Plat, as such Zoning Plat is modified by the conceptual plan entitled "MCCAULEY PARK CONCEPTUAL PLAN RENDERING" prepared by Timmons Group, copies of which are included as part of this application and incorporated herein by this reference and attached to this Ordinance as Exhibit 1.

Proffer C.4. of Case Z-02-01 is hereby deleted as follows.

~~4. — Age Restriction. Any dwelling units constructed on Parcel Two shall provide residential living accommodations only for the elderly (exclusive of management personnel) and their spouses, brothers, sisters or aides. For purposes hereof, the term "elderly" shall mean persons fifty-five (55) years of age or older. In addition, persons under the age of nineteen (19) shall not be housed or domiciled and shall not reside on Parcel Two (except with management personnel). If this proffer is amended to allow school age children to reside on Parcel Two in the future, the portion of the cash proffer applicable to capital costs for schools then in effect, shall become payable (subject to any appropriate modifications as permitted under the cash proffer policy).~~

Proffer C.5. of Case Z-02-01 is hereby deleted and replaced as follows:

5. Architectural Matters

~~(a) Exterior Walls. At least twenty-five percent (25%) of the visible portions of exterior wall surfaces (exclusive of windows) of multi-family rental buildings (if any) shall be of brick construction.~~

~~(b) Roofs. Any residence buildings constructed on Parcel Two shall have pitched roofs, to maintain a residential character for each building.~~

5. Exterior Walls. Visible portions of exterior wall surfaces (exclusive of windows) above the foundation of multi-family rental buildings shall be of fiber cement board (Hardiplank) siding, brick or brick veneer construction. Visible portions of exposed foundations of multi-family rental buildings shall be of brick or brick veneer construction.

Building construction shall be in accord with the five (5) page "Conceptual Elevations" to be altered as needed to meet County requirements, copies of which are included as part of this application and incorporated herein by this reference and attached to this Ordinance as Exhibit 2.

WHEREAS, All other conditions and proffers of Case Z-02-01 shall remain in full force and effect; and,

WHEREAS, the Board of Supervisors conducted a public hearing on September 25th, 2017 to consider the above proffer amendments associated with Conditional Zoning Application Z-02-01;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Board of Supervisors of King William County, Virginia, does this 25th day of September 2017, approve the amended proffers as stated in the preambles above associated with Conditional Zoning Application Z-02-01 such amended proffers to be recorded in the Clerk's office of the Circuit Court of King William County.

ADOPTED this the 25th day of September, 2017.

The vote on the foregoing was as follows:

Supervisor, First District: Willam L. Hodges - Vice Chairman	Aye
Supervisor, Second District: Travis J. Moskalski - Chairman	Aye
Supervisor, Third District: Stephen K. Greenwood	Aye
Supervisor, Fourth District: David E. Hansen	Nay
Supervisor, Fifth District: Robert W. Ehrhart II	Aye



**Travis J. Moskalski, Chairman
King William County Board of Supervisors**

ATTEST:



**Olivia L. Schools
Deputy Clerk of the Board of Supervisors**

ORDINANCE 18-17 EXHIBIT 1

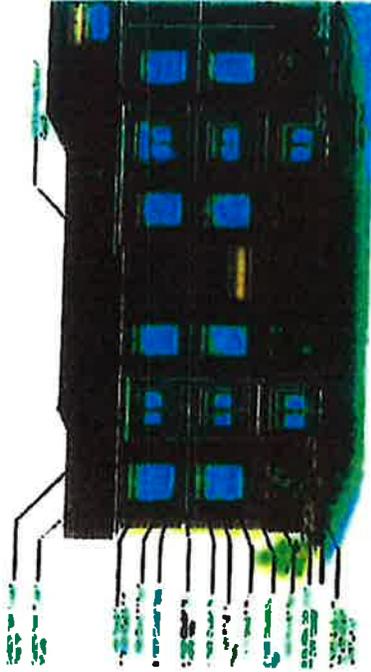


MCCAULEY PARK
CONCEPTUAL PLAN RENDERING

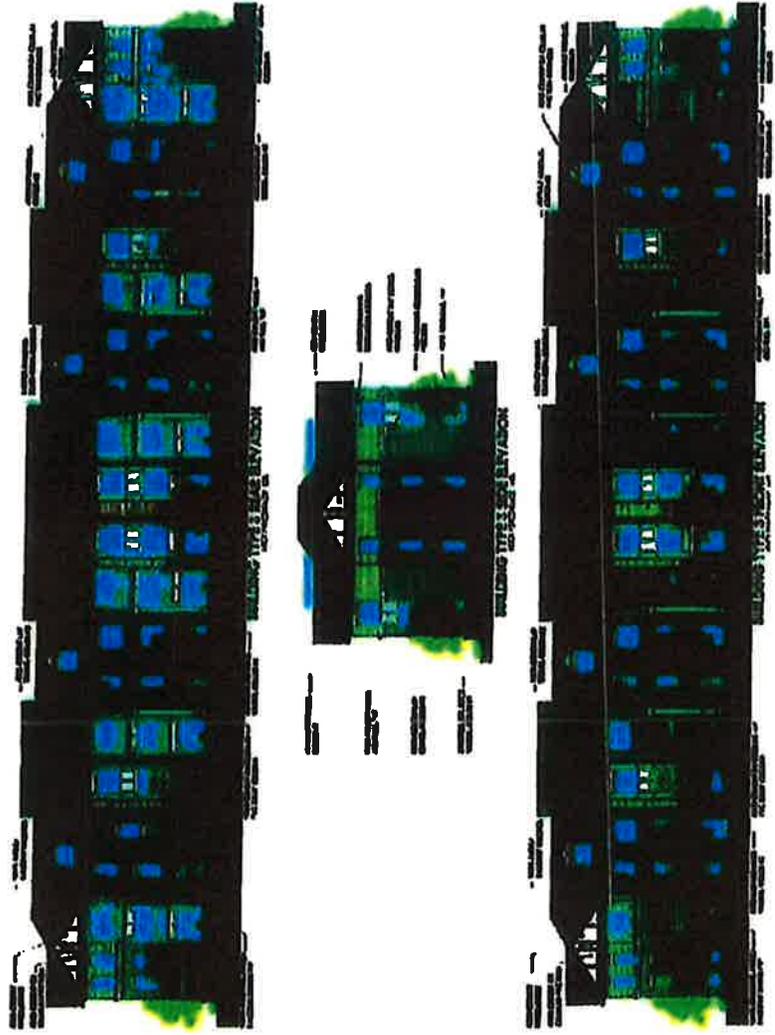


ORDINANCE 18-17 EXHIBIT 2

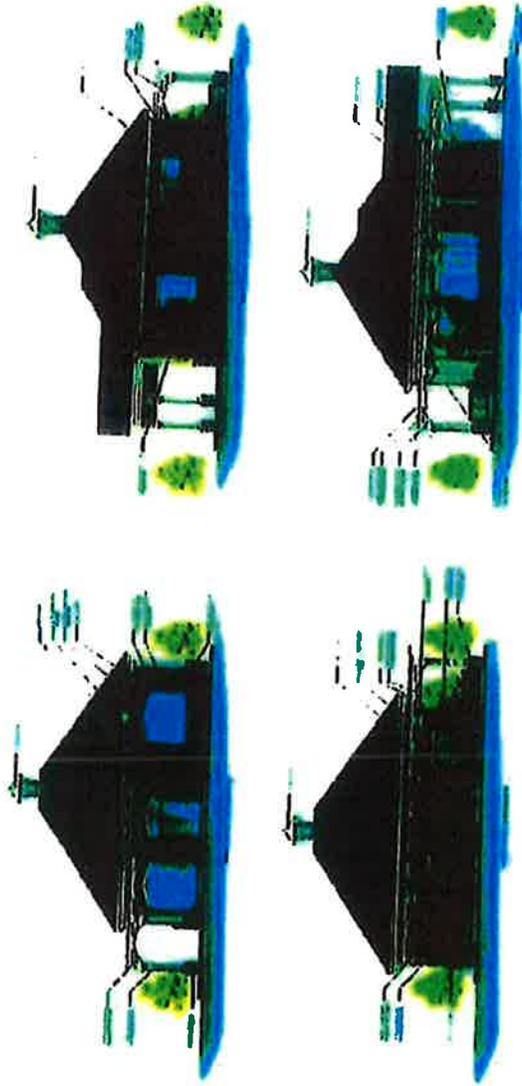
McCauley Park Apartments - 24 Units/2 B



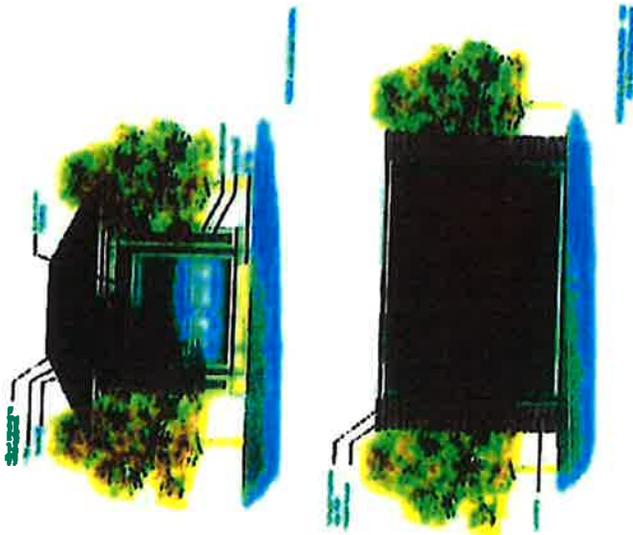
McCauley Park Apartments - 36 Unit/1 Bedroom Unit Conceptual Elevations



McCauley Park Apartments - Clubhouse/Fitness Conceptual Elevations



McCauley Park Apartments - Mall Kiosk/T





King William County
Est. 1702

Board of Supervisors

Wally Horton, AICP
Director of Community Development
180 Horse Landing Road #4
King William, VA 23088

William L. Hodges, First District
Travis J. Moskalski, Second District
Stephen K. Greenwood, Third District
David E. Hansen, Fourth District
Robert W. Ehrhart II, Fifth District

October 11, 2017

Jennifer D. Mullen, Esq.
Roth, Jackson, Gibbons, Conklin, PLC
919 East Main Street, Suite 2110
Richmond, VA 23219-4625

Re: Certificate of Approval of Amendment of CUP-01-01, Tax Map Parcel 21-50 (Portion)

Dear Ms. Mullen:

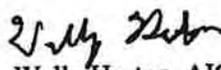
The King William County Board of Supervisors, at its September 25 2017 meeting, approved Ordinance 19-17 (R) amending CUP-01-01 for the purpose of providing an additional eight (8) multi-family attached housing units as shown on the Zoning Plat, as such Zoning Plat is modified by the conceptual plan entitled "MCCAULEY PARK CONCEPTUAL PLAN RENDERING" prepared by Timmons Group, and the "Conceptual Elevations" for McCauley Park Apartments, and subject to the following conditions:

1. All required reviews and approvals must be obtained in accord with the County Zoning and Subdivision Ordinances, (including provisions of the Transportation Corridor Overlay District) and all other pertinent County requirements to include:
 - o State Agency review and approvals,
 - o HRSD review and approval
 - o Other as Required.
2. Development Agreements/Bonding/Letter of Credit requirements shall be met. As an alternative, improvements, as required, can be constructed prior to any building permits being issued.
3. All previous conditions shall be retained as follows:
 - o Applicant shall receive written approval from the Virginia Department of Transportation for the multi-family housing development in accordance with the Conditional Use Permit (CUP) and Site Plan criteria included in the King William County Zoning Ordinance.

- Applicant shall develop the subject project and properties substantially in conformance with the building elevations and schematic site plan presented to the Board of Supervisors during the public hearings on June 25, 2001, as amended on September 25, 2017.
- Applicant shall provide and maintain wooded buffers of a minimum 25-foot width and of sufficient density to screen the multi-family housing development from surrounding residential and commercial uses.
- Applicant shall provide and maintain a landscaped median in the divided entranceway to the multi-family housing portion of the project.
- Public water (County) and public sanitary sewer systems (Hampton Roads Sanitation District) shall be provided and may receive credits in accordance with the Modification and Settlement Agreement recorded in the Circuit Court of King William County on 9/22/15. Instrument #150001953.
- Applicant's failure to comply with the conditions above and those portions of the proffers applicable to the multi-family housing section of the subject project may result in the revocation of the CUP.

If you have any questions please feel free to contact me at planningdir@kingwilliamcounty.us or (804) 769-4973.

Sincerely,

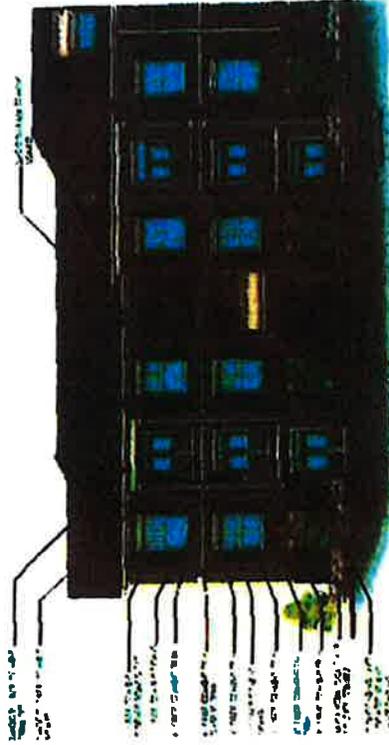


Wally Horton, AICP

Director of Community Development

EXHIBIT 2

McCauley Park Apartments - 24 Unit/2 B





County of King William, Virginia
Est. 1702

Board of Supervisors

ORDINANCE 19-17 (R)

APPROVING AN AMENDMENT TO CONDITIONAL USE PERMIT CUP-01-01 - (OWNER: MCCAULEY PLACE, LLC; TODD ROGERS, MANAGER. APPLICANT: JENNIFER D. MULLEN, ESQ. ROTH JACKSON, GIBBONS, CONDLIN, PLC)

WHEREAS, Section 86-171 of the King William County Code provides for the development of multi-family attached dwelling units associated with properties of the R-1, Residential zoning district following review and approval of a Conditional Use Permit (CUP); in accord with Sections 86-451 through 86-455 of the Zoning Ordinance; and

WHEREAS, the Planning Commission, after study and review, conducted a public hearing on September 5, 2017, to consider an application for amendment to CUP-01-01 submitted by the Applicant on behalf of the Owner, for the purpose of adding an additional eight (8) multi-family housing units within an area currently approved for 100 multi-family housing units on a portion of portion of Tax Map Parcel 21-50 consisting of approximately 62 acres of the McCauley Place Tract, which contains a total of approximately 266 acres, and, following such public hearing, voted 4-0 to recommend that the Board of Supervisors approve such application; subject to the itemization of prior water and sewer provision agreements; and

WHEREAS, the Board has been provided that information; and

WHEREAS, the Board of Supervisors conducted a public hearing on September 25, 2017 to consider amendment of CUP-01-01;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Board of Supervisors of King William County, Virginia, does this 25th day of September 2017, hereby approve the amendment of CUP-01-01 for the purpose of providing an additional eight (8) multi-family attached housing units as shown on the Zoning Plat, as such Zoning Plat is modified by the conceptual plan entitled "MCCAULEY PARK CONCEPTUAL PLAN RENDERING" prepared by Timmons Group, and the "Conceptual Elevations" for McCauley Park Apartments, copies of which are included as part of this application and incorporated herein by this reference, and attached to this Ordinance as Exhibits 1 and 2, and subject to the following conditions:

1. All required reviews and approvals must be obtained in accord with the County Zoning and Subdivision Ordinances, (including provisions of the Transportation Corridor Overlay District) and all other pertinent County requirements to include:

- (a). State Agency review and approvals,
- (b). Hampton Roads Sanitation District review and approval
- (c). Other as Required.

2. Development Agreements/Bonding/Letter of Credit requirements shall be met. As an alternative, improvements, as required, can be constructed prior to any building permits being issued.

3. All previous conditions shall be retained as follows:

- (a). Applicant shall receive written approval from the Virginia Department of Transportation for the multi-family housing development in accordance with the Conditional Use Permit (CUP) and Site Plan criteria included in the King William County Zoning Ordinance.
- (b). Applicant shall develop the subject project and properties substantially in conformance with the building elevations and schematic site plan presented to the Board of Supervisors during the public hearings on June 25, 2001, as amended on September 25, 2017.
- (c). Applicant shall provide and maintain wooded buffers of a minimum 25-foot width and of sufficient density to screen the multi-family housing development from surrounding residential and commercial uses.
- (d). Applicant shall provide and maintain a landscaped median in the divided entranceway to the multi-family housing portion of the project.
- (e). Public water (County) and public sanitary sewer systems (Hampton Roads Sanitation District) shall be provided and may receive credits in accordance with the Modification and Settlement Agreement recorded in the Circuit Court of King William County on September 22, 2015, Instrument #150001953.
- (f). Applicant's failure to comply with the conditions above and those portions of the proffers applicable to the multi-family housing section of the subject project may result in the revocation of the CUP.

ADOPTED this the 25th day of September, 2017.

EXHIBIT 1



MCCAULEY PARK
CONCEPTUAL PLAN RENDERING



EXHIBIT 2

McCauley Park Apartments - 36 Unit/1 Bedroom Unit Conceptual Elevations

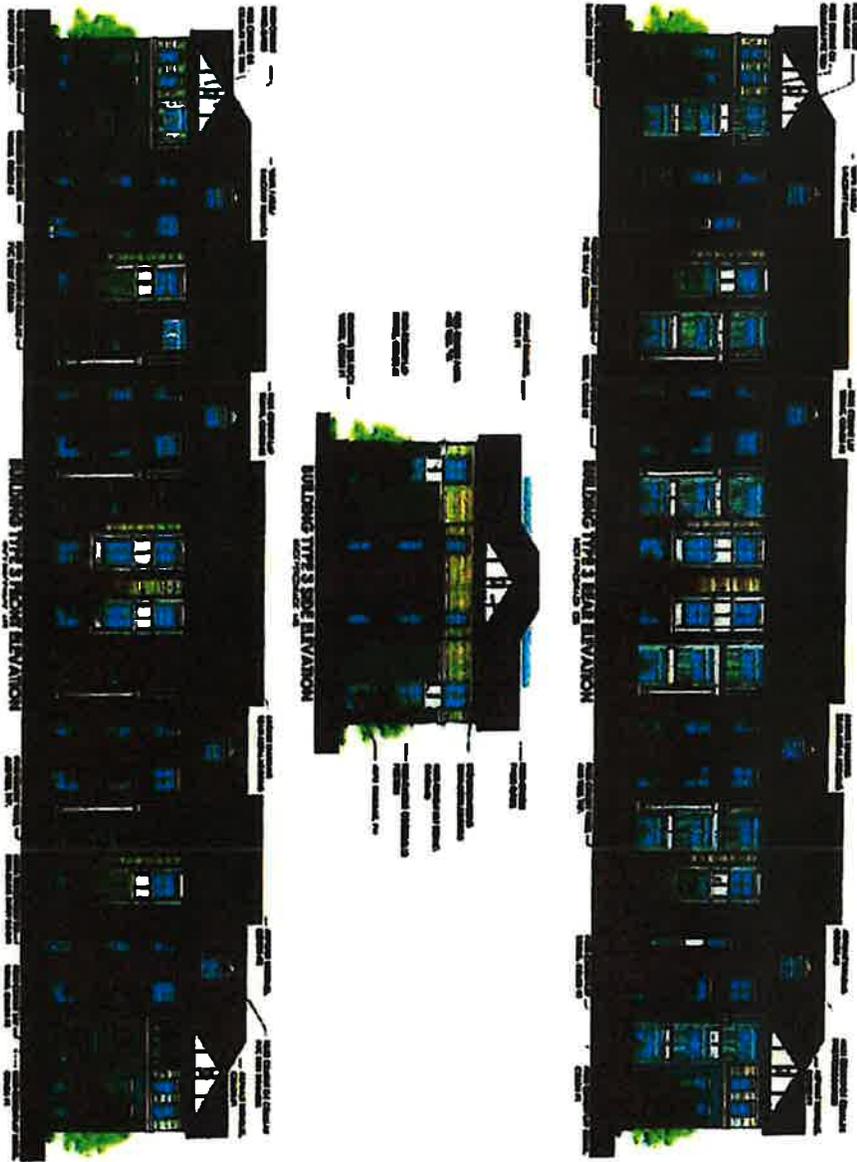


EXHIBIT 2

McCauley Park Apartments - Clubhouse/Fitness Conceptual Elevations

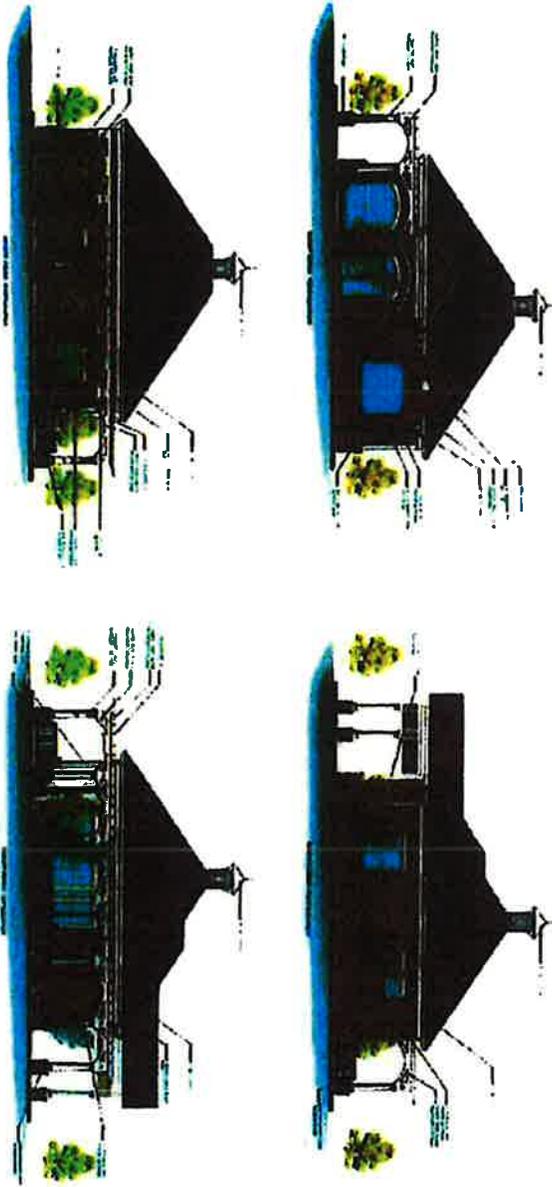


EXHIBIT 2

McCauley Park Apartments - Maintenance Bldg Conceptual Elevations

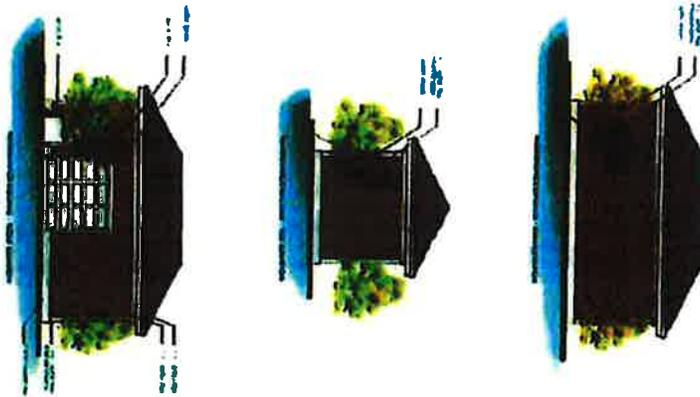
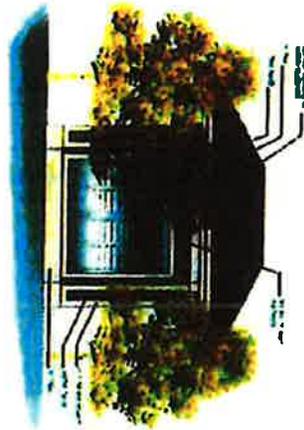
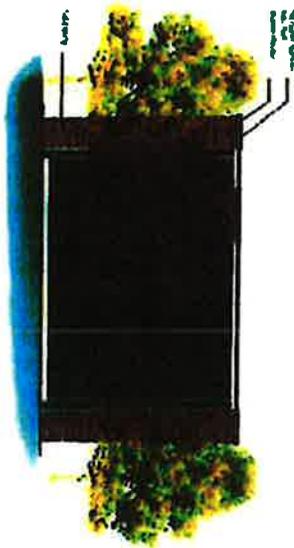


EXHIBIT 2

McCauley Park Apartments - Mail Kiosk/T



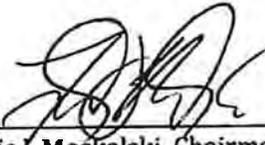
Front View



Side View

The vote on the foregoing was as follows:

Supervisor, First District: William L. Hodges - Vice Chairman	Aye
Supervisor, Second District: Travis J. Moskalski - Chairman	Aye
Supervisor, Third District: Stephen K. Greenwood	Aye
Supervisor, Fourth District: David E. Hansen	Nay
Supervisor, Fifth District: Robert W. Ehrhart II	Aye



Travis J. Moskalski, Chairman
King William County Board of Supervisors

ATTEST:



Olivia L. Schools
Deputy Clerk of the Board of Supervisors





BALZER
 ENGINEERS / ARCHITECTS
 10000 W. 11th Avenue
 Suite 1000
 Golden, CO 80401
 (303) 440-1100
 www.balzer.com



MCCAULEY PARK TOWNHOMES
 PRELIMINARY PLAN
 OVERALL PLAN

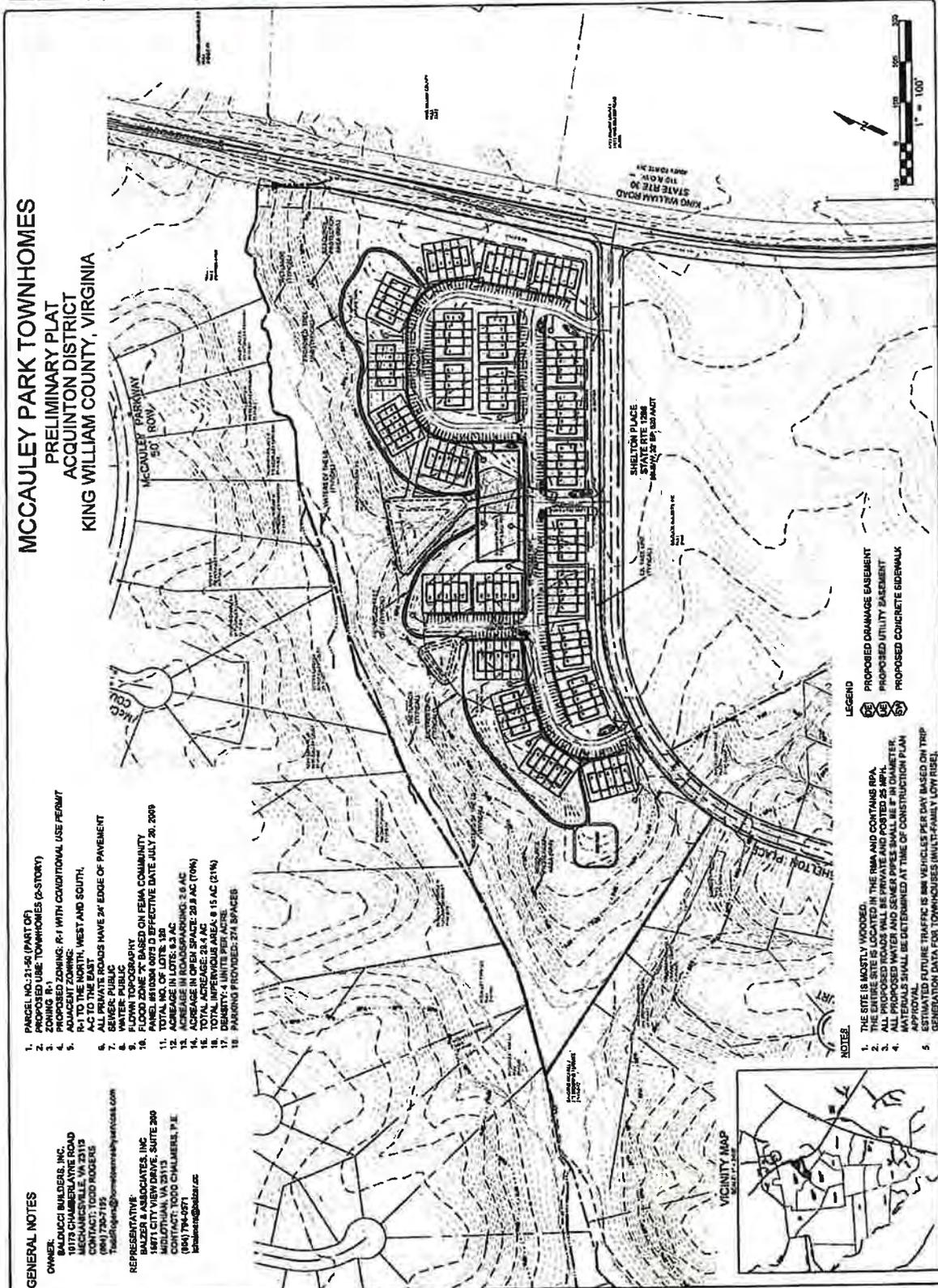
MCCAULEY PARK TOWNHOMES
 PRELIMINARY PLAT
 ACQUINTON DISTRICT
 KING WILLIAM COUNTY, VIRGINIA

1. PARCEL NO. 21-94 (PART OF)
2. PROPOSED USE: TOWNHOMES (2-STORY)
3. ZONING: R-1
4. DISTRICT: ACQUINTON DISTRICT
5. ADJACENT ZONING: R-1 TO THE NORTH, WEST AND SOUTH, A-C TO THE EAST
6. ALL PRIVATE ROADS HAVE 24' EDGE OF PAVEMENT
7. SEWER: PUBLIC
8. WATER: PUBLIC
9. FLOWN TOPOGRAPHY
10. FLOOD ZONE: "X" BASED ON FEMA COMMUNITY PANEL 810004 0075 D EFFECTIVE DATE JULY 26, 2009
11. TOTAL ACRES: 29.4 AC
12. ADCREAGE IN LOTS: 3.3 AC
13. ADCREAGE IN ROADSPACING: 2.6 AC
14. ADCREAGE IN OPEN SPACE: 23.5 AC (79%)
15. TOTAL ADCREAGE: 29.4 AC
16. TOTAL IMPROVEMENTS: 8.15 AC (27%)
17. DENSITY: 4 UNITS PER ACRE
18. PARKING PROVIDED: 274 SPACES

GENERAL NOTES

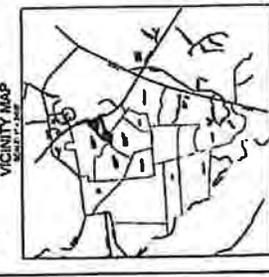
OWNER:
 BALDUCCI BUILDERS, INC.
 16000 W. 11th Avenue, Suite 1000
 Golden, CO 80401
 CONTACT: TODD HODGENS
 (303) 730-7155
 todd.hodgens@balduccibuilders.com

REPRESENTATIVE:
 BALZER & ASSOCIATES, INC.
 10000 W. 11th Avenue, Suite 1000
 Golden, CO 80401
 CONTACT: DAVID J. BALZER, P.E.
 (303) 730-7155
 david.balzer@balzer.com



- LEGEND**
- (Symbol) PROPOSED DRAINAGE EASEMENT
 - (Symbol) PROPOSED UTILITY EASEMENT
 - (Symbol) PROPOSED CONCRETE SIDEWALK

- NOTES**
1. THE SITE IS MOSTLY WOODED.
 2. THE ENTIRE SITE IS LOCATED IN THE TOWN AND CONTAINS 80% OPEN SPACE.
 3. ALL PROPOSED WATER AND SEWER PIPES SHALL BE 2" IN DIAMETER.
 4. MATERIALS SHALL BE DETERMINED AT TIME OF CONSTRUCTION PLAN APPROVAL.
 5. ESTIMATED FUTURE TRAFFIC IS 286 VEHICLES PER DAY BASED ON TRIP GENERATION DATA FOR 100 PROPOSED MULTI-FAMILY LOW RISE.



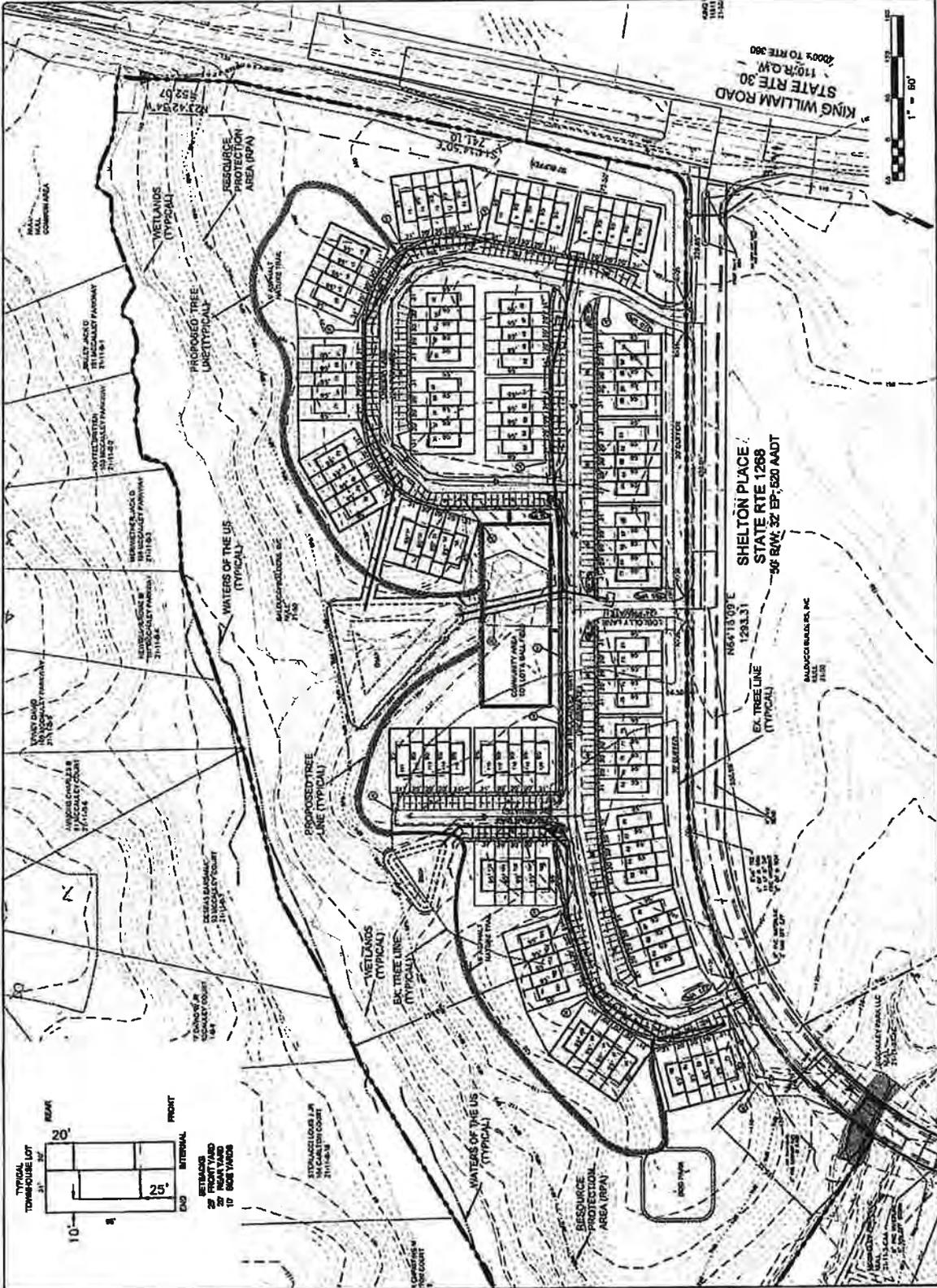


BAZAR
 ARCHITECTS
 1000 W. 10th Street
 Suite 100
 Lincoln, NE 68502
 (402) 441-1111
 www.bazararchitects.com



McCAULEY PARK TOWNHOMES
 PRELIMINARY PLAN

2



ORDINANCE 01-22

PROFFER AMENDMENT 01-2022 ASSOCIATED WITH CONDITIONAL REZONING APPLICATION Z-02-01 - (Z-02-01 AMENDMENT) - OWNER: MCCAULEY PARK, LLC

WHEREAS, McCauley Park, LLC applied for CUP 10-2021 to construct 120 Townhouses on tax map parcel 21-50, Section 2 requiring the Board of Supervisors to approve a Proffer Amendment for Tax Map Parcel 21- 50, Section Two, to amend the existing Proffers initially approved on June 25, 2001, with re-zoning Z-02-1 and amended on September 25, 2017; and

WHEREAS, the Owner is requesting the following two proffer amendments:

Proffer C.1. of Case Z-02-01 to hereby be amended and replaced with the following:

Density Restriction. No more than 120 (120) townhouse units may be developed within Parcel Two as shown on the McCauley Park Townhomes Preliminary Plan dated September 30, 2021.

Proffer C.5. of Case Z-02-01 to hereby be amended and replaced with the following:

Exterior Walls. Visible portions of the exterior wall surfaces (exclusive of windows) about the foundation of multi-family buildings shall be of fiber cement board (Hardiplank) siding, brick, or brick veneer construction, vinyl siding, or cement siding; and

WHEREAS, all other conditions and proffers of Case Z-02-01 shall remain in full force and effect; and

WHEREAS, the King William County Planning Commission conducted a duly advertised public hearing on February 16, 2022 and voted to recommend approval of Proffer Amendment 01-2022; and

WHEREAS, the Board of Supervisors conducted a duly advertised public hearing on February 28, 2022 to consider the above proffer amendments associated with Conditional Zoning Application Z-02-01;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Board of Supervisors of King William County, Virginia, approves the amended proffers as stated in the preambles above associated with Conditional Zoning Application Z-02-01 such amended proffers to be recorded in the Clerk's office of the Circuit Court of King William County.

ADOPTED this the 28th day of February, 2022.

AGENDA ITEM 9.b.

**Resolution 22-14 - CUP-10-21: Owner/Applicant -
McCauley Park LLC - Sherry Graham, Director of
Planning**

RESOLUTION 22-14

APPROVING CONDITIONAL USE PERMIT (CUP) 10-21

TAX MAP PARCEL 21-50 – MCCAULEY PARK SUBDIVISION TOWNHOMES

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5 **WHEREAS**, the applicant is requesting a Conditional Use Permit to construct 120
6 townhouses in an area of the McCauley Park Subdivision that was previously approved for
7 multi-family apartments, such property located on tax map parcel 21-50 is currently served
8 by public water and sewer and consists of approximately 29.4 acres; and

9 **WHEREAS**, a goal in the current King William County Comprehensive Plan is to
10 provide a variety of safe, decent, affordable, and quality housing opportunities, and to
11 encourage the development of a variety of housing types to accommodate current and future
12 citizens of varying ages, stations in life, and income levels; and

13 **WHEREAS**, King William County Code Article X, Section 86-456 states that a
14 conditional use permit should be approved if it found that the location is appropriate and
15 not in conflict with the comprehensive plan; the public health, safety, morals, and general
16 welfare will not be adversely affected; adequate utilities and off-street parking facilities will
17 be provided; necessary safeguards will be provided for the protection of surrounding
18 property, persons, and the neighborhood values; and

19 **WHEREAS**, the King William County Planning Commission held a duly advertised
20 public hearing on December 7, 2021 and voted 5-0 to recommend approval to the Board of
21 Supervisors with the condition that the developer will meet all requirements listed in Section
22 86-162; and

23 **WHEREAS**, the King William County Board of Supervisors tabled consideration of
24 CUP 10-21 via Resolution 21-91 on December 27, 2021 until such time as any necessary
25 proffer amendments are considered by the King William County Planning Commission; and

*Proposed for Adoption by King William County Board of Supervisors
February 28, 2022 Regular Meeting*

26 **WHEREAS**, the King William County Planning Commission conducted a duly
27 advertised public hearing on February 16, 2022 and voted to recommend approval of
28 Proffer Amendment 01-2022; and

29 **WHEREAS**, the Board of Supervisors conducted a duly advertised public hearing on
30 February 28, 2022 and voted to approve Ordinance 01-22 approving Proffer Amendment
31 01-2022;

32 **NOW, THEREFORE, BE IT RESOLVED**, the King William County Board of Supervisors
33 hereby approves CUP 10-21, with the condition that the developer will meet all
34 requirements listed in Section 86-162.

35 **DONE** this 28th day of February, 2022.