

AT A REGULAR MEETING OF THE DEVELOPMENT REVIEW COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD IN THE CONFERENCE ROOM, BUILDING E, AT 4:00 P.M. ON THE 27TH DAY OF SEPTEMBER, TWO THOUSAND.

1. ROLL CALL

Mr. Martin Garrett
Mr. John Hagee
Mr. A. Joe Poole, III
Ms. Peggy Wildman

ALSO PRESENT

Mr. Paul Holt, Senior Planner
Mr. Chris Johnson, Planner
Mr. John Rogerson, Planning Technician
Ms. Jill Schmidle, Senior Planner
Mr. Ben Thompson, Planner

2. MINUTES

Upon unanimous vote, the minutes of the August 30, 2000, meeting were approved.

3. Case No. S-45-00. Scott's Pond Section 2

Mr. Holt presented the staff report stating that the applicant wished the DRC to consider waiving the sidewalk requirement found in the Zoning Ordinance. Mr. Holt stated that staff recommended that the DRC not grant the waiver for reasons stated in the staff report. Mr. Holt provided the DRC a brief synopsis of the reasons why the developer requested the waiver. Mr. Garrett stated that he believed sidewalks were necessary in this development because of the density. Mr. Poole felt sidewalks were also needed as informal, undeveloped trails were not an adequate substitute for formal sidewalks. He also felt the DRC should consider trails only as a special exception where unique circumstances exist. Ms. Wildman concurred with statements made by Joe Poole and stated that she believed sidewalks were necessary for bicycles, as homeowners could not ride bikes on soft surface trails. Mr. Dwayne Potts, representing the developers, stated that a significant amount of time and resources had gone into designing the plans in an effort to balance out grading for the roads and the relationship of the homes on either side of the homes. Mr. Potts stated that he had a sketch of informal trails that were being considered by the developer, but that these trails were not formalized and there was no immediate plans to construct the trails, rather, the trails may be considered closer towards the end of the project. Mr. Potts stated that should such an alternative be acceptable, he would have to talk with the developers as he was just a representative for the developers, who were out of the country, and had no direct negotiating power. Mr. Potts restated some of the reasons why the developers were requesting the waiver. Mr. Hagee believed that a trails alternative, if developed more, might be an

acceptable alternative. Mr. Hagee suggested that specific design criteria be developed so that developers would know what an acceptable alternative was. Mr. Holt suggested that such criteria be a policy of the DRC, rather than an ordinance amendment, as such general and vague language was purposely put into the ordinance to provide the DRC with broad flexibility and interpretation power. Mr. Hagee asked for a straw vote on whether or not the DRC would consider a trails alternative, should such an alternative be developed more by the engineers. Mr. Poole said that he would look at a formalized alternative but that still may not convince him that such trails were an acceptable alternative to sidewalks. Ms. Wildman stated that she believed sidewalks were still necessary. Mr. Garrett stated that he believed sidewalks should still be provided due to the density of the development. Mr. Hagee asked the DRC for a formal vote on the request to waive the sidewalk requirement. Ms. Wildman made a motion to deny the applicants request. Following a second by Mr. Poole, the applicants request was denied by a vote of 4-0.

4. Case No. S-58-00. Powhatan Secondary, Phase 7-A

Mr. Johnson presented the staff report stating that the applicant requested that the DRC consider waiving the sidewalk requirement found in the Zoning Ordinance. Mr. Johnson stated that staff recommended that the DRC not grant the waiver for the reasons stated in the staff report. Mr. Lawrence Beamer of Powhatan Enterprises, Inc. stated that a soft trail would be provided around the perimeter of this phase of development and it would connect to the trail provided as part of phase six. Mr. Beamer stated that a providing a sidewalk along one side of the entry road that would not connect to an existing sidewalk along News Road did not make sense. Mr. Johnson stated that while News Road was not included on the J.C.C. Comprehensive Sidewalk and Trail Master Plan, it is highly likely that a C.I.P. request would be submitted in the near future by the County for a sidewalk along this section of News Road. Mr. Hagee questioned what staff would be considered as an equivalent pedestrian facility within a development. Mr. Johnson stated that a trail system could be considered an equivalent but there are no standards or policies to guide staff or the DRC in a such a determination. Mr. Poole stated that he does not favor sidewalks if they don't connect to existing pedestrian facility. Ms. Wildman stated that she would prefer to see the trail connection to phase six be made into a hard surface path than to see a sidewalk across the first five lots at the entrance to the development. Mr. Poole stated that it in the absence of a sidewalk along News Road, a financial contribution equal to the cost of a sidewalk could be made by the developer to the Greenways Fund. Mr. Garrett stated that the proposed pedestrian trail is an acceptable alternative to the ordinance requirement. Mr. Hagee asked the DRC for a formal vote to waive the sidewalk requirement. Mr. Garrett made a motion to accept the applicants request for a waiver. Following a second from Mr. Poole, the applicants request was passed by a vote of 4-0.

5. Case No. SP-90-00.

Mr. Rogerson presented the staff report and informed the Committee that the applicant had withdrawn his site plan, and no further action is required by the Committee. Being no further action required the Committee accepted the request for withdrawal.

6. Case No. SP-96-00.

Mr. Rogerson presented the staff report stating that the applicant was requesting a setback reduction of 19 feet for the placement of a patio at 7207 Merrimac Trail. The Committee stated that the reduction is consistent with adjacent properties and was an overall improvement to the parcel. The DRC approved the setback reduction of 19 feet to allow the placement of the patio.

7. Case No. SP-101-00. James City Skateboard Park.

Mr. Thompson presented the staff report and stated that the case was before the DRC due to Section 15.2-2232d of the State Code of Virginia. This code section states that any public area, facility, or use must be submitted, if not shown on the Comprehensive Plan, for approval ab the governing body. Mr. Thompson and Mr. John Carnifax, JCC Parks and Recreation, discussed various aspects of the area, including future build-out potential. With no further discussion, the DRC unanimously found the project consistent with the adjacent property and the adopted Comprehensive Plan.

8. Case No. SP-103-00. Williamsburg Plantation, Section 5.


Ms. Schmidle presented the staff report and stated that the case was before the DRC due to the square footage threshold. The DRC, the applicant and staff discussed various aspects of the proposal, including the buffer along Route 199. After some discussion, the DRC suggested that some landscaping proposed for the internal portion of the site be transferred to the rear of the buildings that are adjacent to Route 199. The DRC also strongly recommended that additional evergreen landscaping be provided in this location. There being no further discussion, the DRC voted to recommend preliminary approval of the site plan, contingent upon increasing the landscaping behind the units that are adjacent to Route 199.

9. Case No. SP-104-00. Upper County Park.

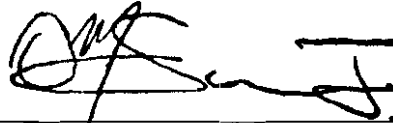
Ms. Schmidle presented the staff report outlining the improvements for Upper County Park and stated that Section 15.2.22.32 of the Virginia State Code requires Planning Commission review. This code section states that no changes at a public park facility shall be allowed unless the Planning Commission finds the changes "substantially" consistent with the adopted Comprehensive Plan. The 1997 Comprehensive Plan designates Upper County Park as Park, Public or Semi-Public Open Space. Staff finds the proposal consistent with the Comprehensive Plan since the park will serve the county and region as a whole, and because it is a public facility owned and operated by James City County. Ms. Schmidle and Mr. John Carnifax, JCC Parks and Recreation, discussed various aspects of the Upper County Park Master Plan, including future build-out potential. With no further discussion, the DRC unanimously found the improvements substantially consistent with the adopted Comprehensive Plan.

10. ADJOURNMENT

There being no further business, the September 27, 2000, Development Review Committee meeting adjourned at approximately 5:30 p.m.



John Hagee



O. Marvin Sowers, Jr., Secretary

Site Plan 20-00. J.W. Crossing at Ewell Station

Staff Report for the November 1, 2000 Development Review Committee Meeting

SUMMARY FACTS

Applicant: Mr. Arch Marston of AES Consulting Engineers

Landowner: C & N Dining, L.L.C.

Proposed Use: Retail Shops and Fast Food Restaurant

Location: 5547 Richmond Road

Tax Map/Parcel No.: (33-3)(1-2A), (33-3)1-2B), and (33-3)(1-2C)

Primary Service Area: Inside

Parcel Size: 2.78 acres

Existing Zoning: B-1, General Business


Comprehensive Plan: Community Commercial

Reason for DRC Review: Section 24-395 of the Zoning Ordinance states that the DRC may waive any part of Section 24-394, Yard Regulations, if the proposed development is part of a multiple-structure commercial development and the entire development has been planned and designed under a single master plan.

Staff Contact: Christopher Johnson, Planner Phone: 253-6685

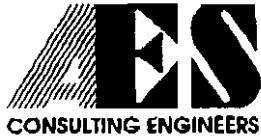
STAFF RECOMMENDATION

This site plan was originally presented at the March 29, 2000, DRC meeting (Section 24-147 requires DRC review of any fast food restaurant) and preliminary approval was granted. As noted in the attached modification request letter, C & N Dining and Ewell Station have been in litigation over matters pertaining to this site plan and the Declaration of Easements, Covenants and Restrictions for Ewell Station. As a result of court ordered mediation, both parties agreed to revisions which include moving the dumpster pad to a location that encroaches into the setback for accessory structures. The encroachment is on an internal property line and is considerable less visible to the general public than the previous location near the Richmond Road entrance to Ewell Station. Visibility of the dumpster will also be mitigated by a six-foot brick wall and landscaping. Staff recommends that the DRC allow the proposed encroachment as shown on the attached site plan.


Christopher Johnson

Attachments:

1. Location Map
2. Modification request letter
3. Site Plan



5248 Olde Towne Road • Suite 1 • Williamsburg, Virginia 23188
(757) 253-0040 • Fax (757) 220-8994 • E-mail aes@aesva.com

October 24, 2000

Mr. Allen J. Murphy, Principal Planner
James City County
P.O. Box 8784
Williamsburg, Virginia 23188-8784

RE: J.W. Crossing Site (Owner C & N Dining)
AES Project No. 8459

Dear Allen:

Pursuant to our meeting on October 23, 2000, please allow this letter to serve as C & N Dining's request of a waiver to sections 24-394(b) setbacks for accessory structures and 24-99(c)(1) side and rear landscape area requirements, of the James City County Zoning Ordinance to accommodate an alternate location for the dumpster pad on the J. W. Crossing site.

As you are aware, C & N Dining and Ewell Station, Inc. have been in disagreement over several issues concerning this site and the governing Easements, Covenants, and Restrictions. The parties are in litigation over these matters. On October 3, 2000, the Court ordered the two parties to attend mediation. At the court ordered mediation, C & N Dining and Ewell Station, Inc. agreed to a comprehensive settlement of these differences, which includes moving the location of the dumpster pad to the location shown on the modified plan (copy supplied to you at the aforementioned meeting) at the request of Ewell Station, Inc. The proposed location places the dumpster pad within approximately 2 feet of a property corner, thus encroaching on both the 10-foot accessory structure setback and the 15-foot landscape yard requirement.

Since this encroachment occurs on an internal property line to the parties involved, both parties agree to the move as part of their settlement, and the move places the dumpster in a less conspicuous location to the general public, we feel the waiver is warranted. Please feel free to call if you require additional information or wish to discuss the waiver request. We look forward to attending the November 1, 2000 Development Review Committee meeting to review these issues as well as the other minor revisions to the plan.

Sincerely,

AES Consulting Engineers

A handwritten signature in black ink, appearing to read 'G. Archer Marston, III', written over a white background.

G. Archer Marston, III, P.E.

cc: Robert J. Singley
Vernon Geddy, III
Joseph Naparolo

Richmond Road

Ewell Station

Original Dumpster Location

Truck Use Only

Retail Shops

NEW DUMPSTER LOCATION

Burger King

property lines

FE TBACK

30' LANDSCAPE SETBACK

2" MAPLE

2" MAPLE

2" MAPLE

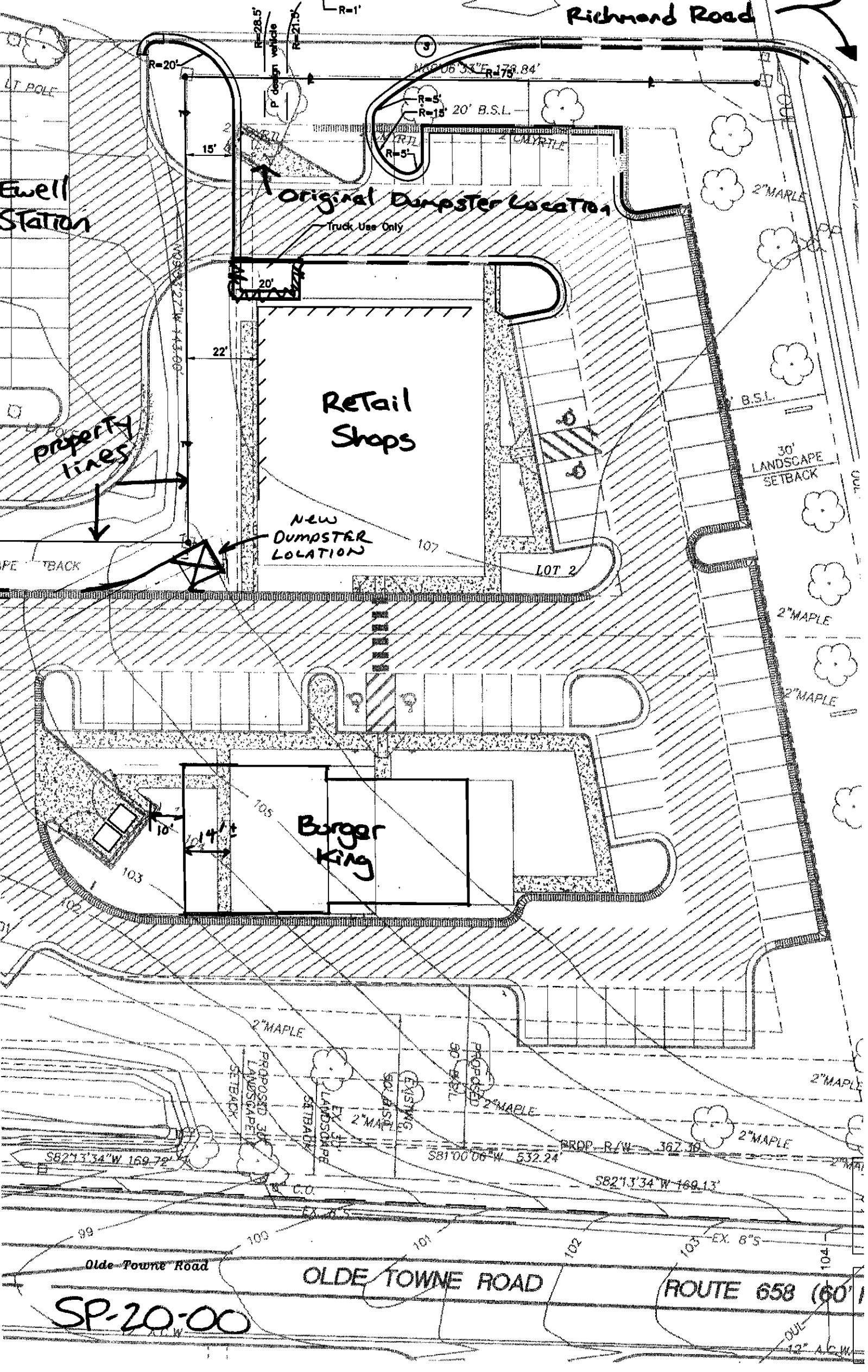
2" MAPLE

Olde Towne Road

OLDE TOWNE ROAD

ROUTE 658 (60')

SP-20-00



Site Plan 125-00. James City County District Park, Phase 1 - Entrance Road
Staff Report for the November 1, 2000 Development Review Committee Meeting

SUMMARY FACTS

Applicant: Mr. Bernie Farmer, Capital Program Administrator

Landowner: James City County, Department of Parks and Recreation

Proposed Use: Entrance Road, parking, restrooms for the proposed district park

Location: 5535 Centerville Road

Tax Map/Parcel No.: (30-1)(1-9) and (31-3)(1-6)

Primary Service Area: Outside, except for the parcel at the entrance to the park at the corner of Centerville Road and Longhill Road

Parcel Size: ± 683 acres

Existing Zoning: A-1, General Agricultural and LB, Limited Business

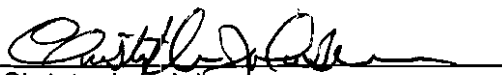
Comprehensive Plan: Park, Public, or Semi-Public Open Space

Reason for DRC Review: Section 15.2-2232 of the Virginia State Code requires Planning Commission review of any public area, facility or use not shown on the adopted Comprehensive Plan. This code states that no facility shall be allowed unless the commission determines that the location, character and extent of the facility is "substantially" in accord with the adopted Comprehensive Plan.

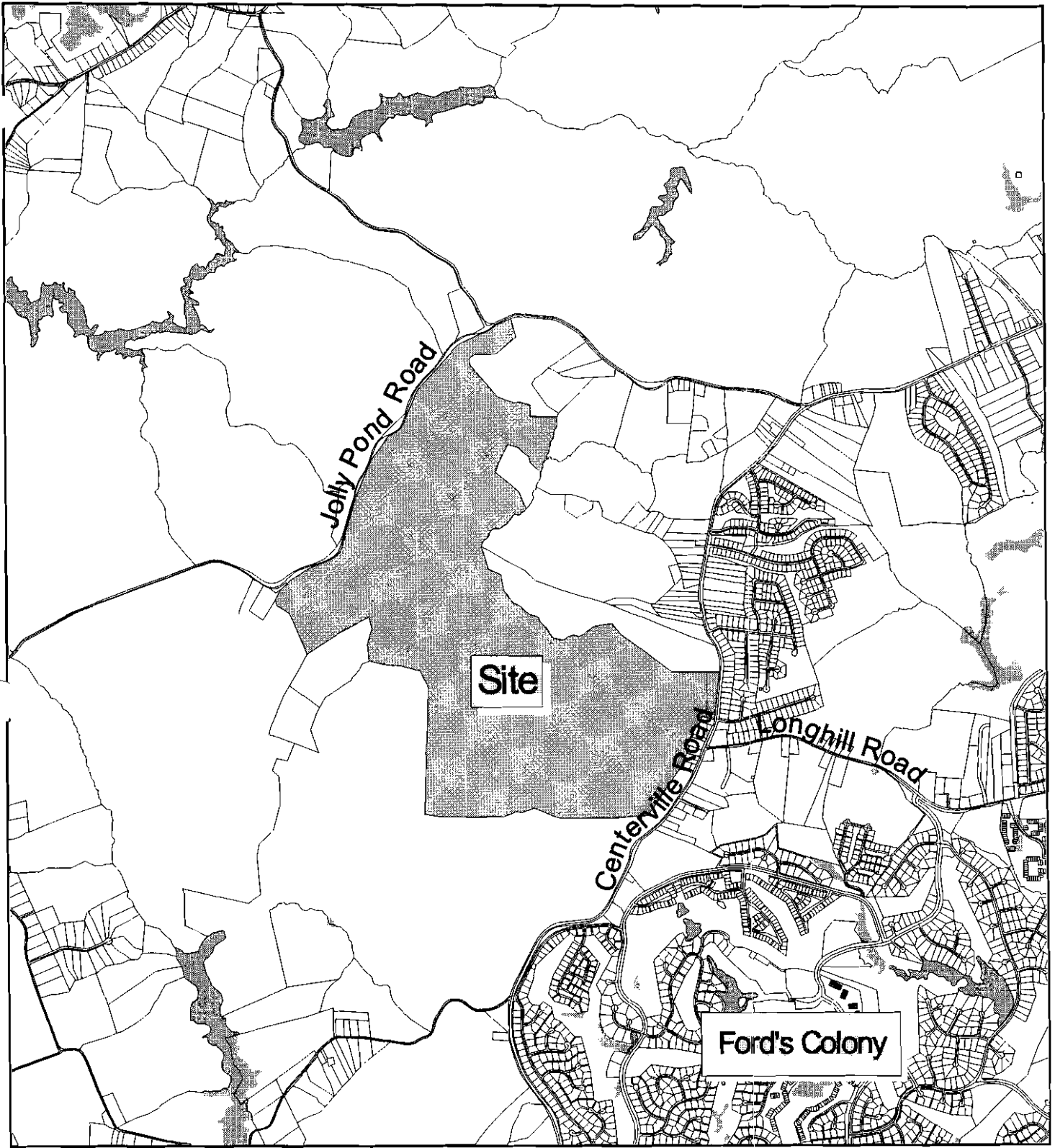
Staff Contact: Christopher Johnson, Planner Phone: 253-6685

STAFF RECOMMENDATION

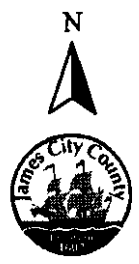
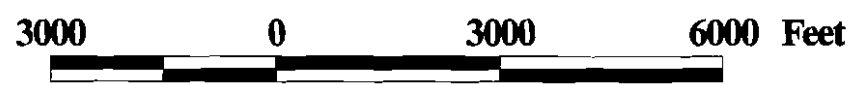
Staff recommends that the Development Review Committee find the proposal consistent with the Comprehensive Plan and recommend preliminary approval contingent upon forthcoming agency comments. The proposed park, which was given a high priority ranking in the FY 2001 CIP, will require a special use permit as public or private community recreation facilities, including parks, are a specially permitted use in the A-1, General Agricultural, zoning district. Parks and Recreation is developing a master plan for the site which plans a series of trails and other forms of passive recreation. A traffic study for the park entrance and a Phase 1 archaeological assessment for the area of the entrance road has been conducted. Staff finds the proposal consistent with the Comprehensive Plan since the park will serve the county and region as a whole, and because it is a publically facility owned and operated by James City County.


Christopher Johnson

- Attachments:
1. Location Map
 2. Site Plan



Case No. SP-125-00
JCC District Park, Phase 1 - Entrance Road



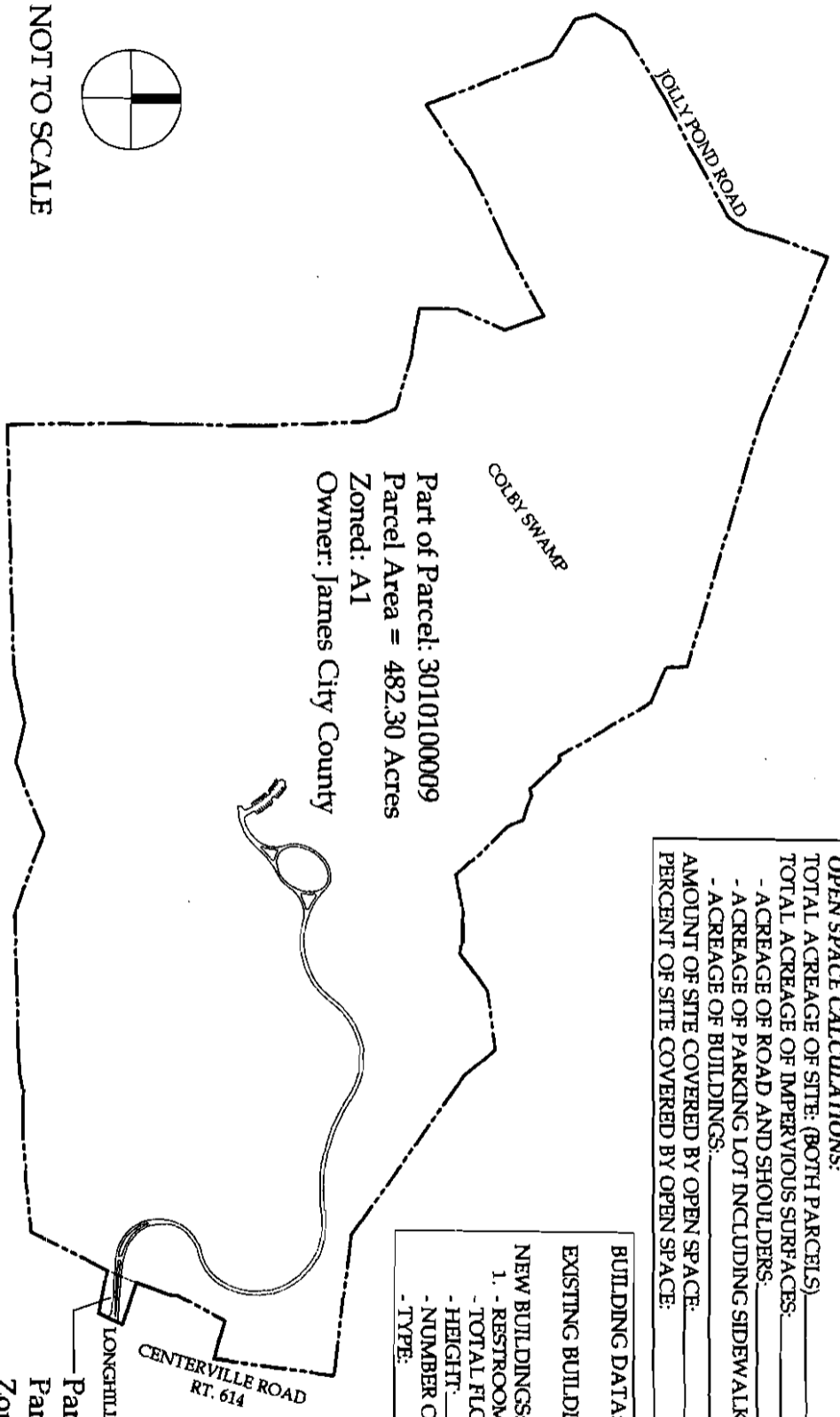
SITE DATA:

OPEN SPACE CALCULATIONS:

TOTAL ACREAGE OF SITE: (BOTH PARCELS)	483.37 AC
TOTAL ACREAGE OF IMPERVIOUS SURFACES:	5.112 AC
- ACREAGE OF ROAD AND SHOULDERS:	4.72 AC
- ACREAGE OF PARKING LOT INCLUDING SIDEWALKS:	0.382 AC
- ACREAGE OF BUILDINGS:	0.01 AC
AMOUNT OF SITE COVERED BY OPEN SPACE:	478.26 AC
PERCENT OF SITE COVERED BY OPEN SPACE:	98.94 %

BUILDING DATA:

EXISTING BUILDINGS:	NONE
NEW BUILDINGS:	ONE (1)
1. - RESTROOM BUILDING	
- TOTAL FLOOR AREA:	420 SF
- HEIGHT:	16'
- NUMBER OF FLOORS:	1
- TYPE:	USE GROUP U



NOT TO SCALE

TAX MAP NOS. (31-3) (1-6) (30-1) (1-9)
ZONING: A1 GENERAL AGRICULTURAL AND LB LIMITED BUSINESS. SPECIAL USE PERMIT REQUIRED.

DISTRICT PARK SITE PROPERTY BOUNDARY (NOT TO SCALE)

Subdivision S-52-00

Williamsburg Crossing, Parcel 30 Part of Parcel 2

Staff Report for the November 1, 2000 Development Review Committee Meeting

SUMMARY FACTS

Applicant:	Mr. Frank Sluss	
Owner:	Mr. Calvin Davis, University Square Associates	
Location:	On the southwest corner of the Route 199/ Route 5 intersection located within the Williamsburg Crossing Shopping Center	
Tax Map/ Parcel:	Part of (48-1)(22-2)	
Primary Service Area:	Inside	
Parcel Size:	1.03 acres	
Existing Zoning:	B-1, General Business	
Comprehensive Plan:	Mixed Use, with principal suggested uses being commercial and office.	
Reason for DRC Review:	Mr. Davis has requested a waiver of the side yard building setback on an existing structure. Section 24-395 of the Zoning Ordinance states that a waiver of side or rear yards may be granted to commercial units, for sale or lease, that are constructed as part of a multiunit structure in which the units share common walls.	
Staff Contact:	Ben Thompson, Planner	Phone: 253-6685

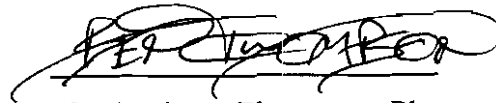
STAFF RECOMMENDATION

Section 24-395 of the Zoning Ordinance states that a waiver of side or rear yards may be granted on a commercial property on which commercial units, for sale or lease, are constructed as part of a multiunit structure in which the units share common walls.

The Ordinance sets forth findings that must be made by the DRC and Planning Commission before the exception can be approved. These findings and a brief staff response to each are provided below.

1. The overall structure meets all of the side and rear yard requirements.
2. Adequate parking is provided as per the requirements and adequate easements are recorded to guarantee access to the parking areas.

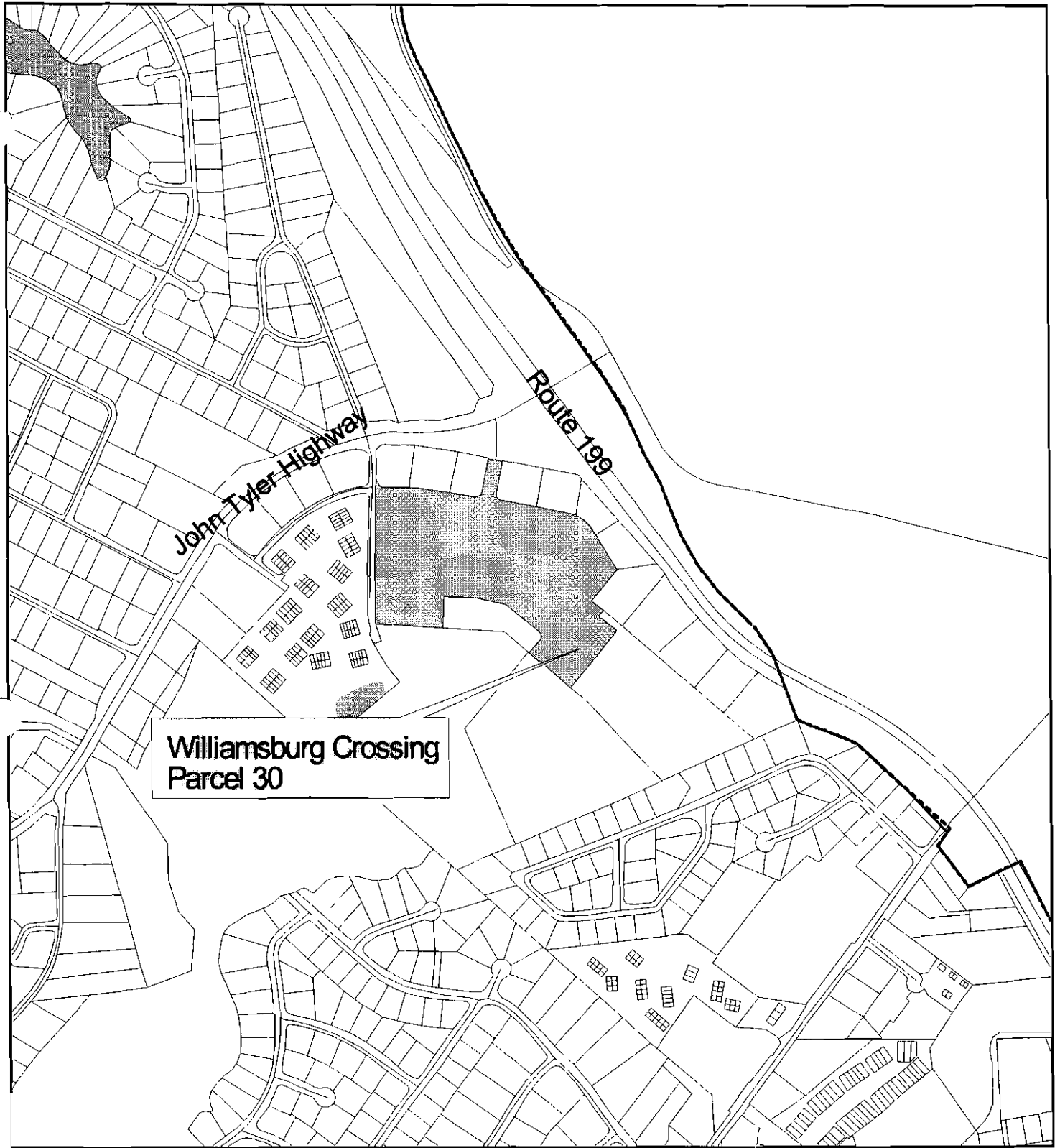
Staff finds this proposal to be consistent with the James City County Zoning Ordinance. Additionally, the site and structure comply with the requirements listed above. For this reason, staff recommends that the DRC recommend approval of this waiver request.

A handwritten signature in black ink, appearing to read "Benjamin A. Thompson", written over a horizontal line.

Benjamin A. Thompson, Planner

Attachments:

1. Location Map



Williamsburg Crossing
Parcel 30

S-52-00

**Williamsburg Crossing, Parcel 30,
Part of Parcel 2**

500 0 500 1000 Feet



N



Conceptual Plan 64-00. Williamsburg Christian Academy
Staff report for the November 1, 2000, Development Review Committee Meeting

SUMMARY FACTS

Applicant: Mr. John Perkins

Proposed Use: Private School

Location: Powhatan Secondary. Generally behind the Monticello Marketplace shopping center

Tax Map/Parcel: (38-3)(1-1)

Primary Service Area: Inside

Parcel Size: Approximately 45 acres

Existing Zoning: R-8, Rural Residential

Comprehensive Plan: Low Density Residential

Reason for DRC review: The Williamsburg Christian Academy received a special use permit for a school in 1999 (under Case No. SUP-13-99). Prior to submitting a full site plan, the applicant submitted a conceptual plan for review. A condition of approval for the special use permit stated that "development of the site shall be generally in accordance with the Master Plan with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development." The applicant has requested the DRC approve the attached conceptual plan as being consistent with the approved Master Plan.

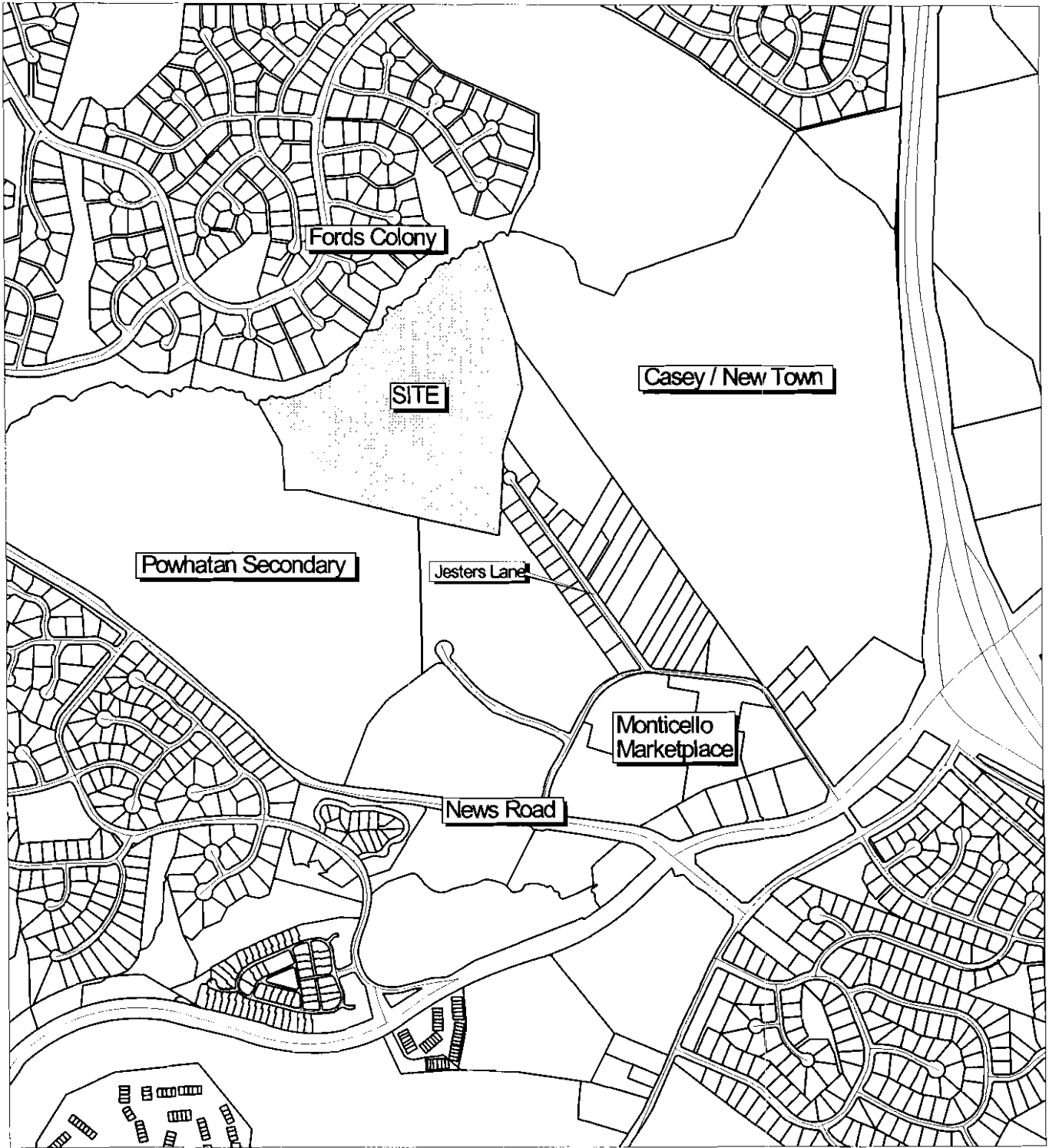
Staff Contact: Paul D. Holt, III Phone: 253-6685

STAFF RECOMMENDATION

While staff generally finds the location of the proposed school building consistent with the Master Plan, the school now requests an expansion of the athletic fields which staff does not find consistent with the Master Plan. The DRC members might remember that a major concern during the special use permit public hearings was the amount of land disturbance and tree clearing that would take place. Staff believes the proposed athletic fields, and all necessary grading (as much as 25 feet in some places for the ball fields themselves plus additional surrounding clearing and grading to match existing topography) does not match the master plan or the intent of the approved conditions which were explicitly provided to limit tree removal (see esp. nos. 5 and 11-13). Staff believes the applicant should amend the special use permit to allow for the newly proposed site design. Two additional items may be important for the DRC to consider - the DRC's determination of master plan consistency is not limited to the athletic fields and, in anticipation of adjacent property owner concerns, the applicant met with Ford's Colony and adjacent Ford's Colony residents. The conceptual site plan currently before incorporates some of the changes suggested by those individuals (the changes mostly involve the location and design of the stormwater management pond).

attachments:

1. Location map
2. Resolution of approval for SUP-13-99
3. Approved Master Plan (separate)
4. Proposed site plan (separate)



C-64-00
Williamsburg Christian Academy



RESOLUTION

CASE NO. SUP-13-99. WILLIAMSBURG CHRISTIAN ACADEMY

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, Mr. William Bidwell has applied on behalf of Williamsburg Christian Academy and Powhatan Enterprises for a special use permit to allow for a 73,000± square foot school, a 3,500± square foot kindergarten building, modular classrooms and additional accessory uses, and structures as shown on the Master Plan prepared by Langley and McDonald, P.C., dated April 23, 1999, and entitled "Illustrative Plan Williamsburg Christian Academy and Hospice Center, Zuzma Property"; and

WHEREAS, the special use permit and the conditions listed below shall apply to all uses and structures shown on the Master Plan referenced above except for the hospice center; and

WHEREAS, the property is located on land zoned R-8, Rural Residential, and can be further identified as parcel No. (1-1) on the James City County Real Estate Tax Map No. (38-3); and

WHEREAS, the Planning Commission, following its public hearing on August 2, 1999, voted 5-0 to recommend approval of this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-13-99 as described herein with the following conditions:

1. The location of any Resource Protection Areas shall be identified by the developer and shall be indicated on any site plan of development which is submitted to James City County for approval. This identification must be approved by the James City County Environmental Division prior to the issuance of preliminary site plan approval.
2. No structure or parking area for the Williamsburg Christian Academy shall be located within 50 feet of an adjoining property line which abuts a residential lot that fronts on Jester's Lane (State Route 730), the Powhatan of Williamsburg Secondary planned community, or the New Town property.
3. A 50-foot undisturbed buffer shall be located parallel to the property line in between the athletic fields and the adjoining property. Furthermore, prior to the construction of the athletic fields, a minimum five-foot high berm shall be placed between the athletic fields and the 50-foot undisturbed buffer. All public address speakers used on the site shall be oriented generally towards the interior of the property and away from exterior property lines.
4. All new exterior light fixtures on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. A lighting plan shall be submitted to, and approved by, the Planning Director which indicates no glare outside the property lines. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from the street or adjoining residentially designated property.

5. Development of the site shall be generally in accordance with the Master Plan with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
6. Before the issuance of preliminary site plan approval, all necessary right-of-way for the construction of the "Proposed subdivision roadway" and the "Proposed roadway extension," as shown on the Master Plan for JCC Case No. SUP-13-99, including all necessary right-of-way for the construction of a northbound left-turn lane from Old News Road (State Route 613) to the proposed subdivision street, shall be dedicated to the Virginia Department of Transportation (VDOT).
7. Prior to the issuance of a land disturbing permit, archaeological studies, consistent with County policy, shall be submitted to, and approved by, the Director of Planning for all areas on the site that will be disturbed. Unless otherwise approved by the Director of Planning, all recommendations of the approved study shall be implemented by the developer.
8. A four-foot wide sidewalk shall be provided on at least one side of the proposed subdivision road that connects the school site with Old News Road (State Route 613).
9. Unless otherwise required by VDOT, the proposed subdivision road that connects the school site with Old News Road (State Route 613) shall have a maximum posted speed of 25 miles per hour. Unless otherwise required by VDOT, "Stop" signs shall be posted at all approaches to street intersections along the proposed subdivision road indicated on the Master Plan for JCC Case No. SUP-13-99. Prior to the issuance of a certificate of occupancy for the Williamsburg Christian Academy, street trees shall be provided along the proposed subdivision road that connects the school site with Old News Road (State Route 613) in accordance with the "Streetscape Guidelines Policy," as adopted by the Board of Supervisors.
10. Prior to the issuance of a land disturbing permit, and until such time a permanent certificate of occupancy is issued, a sign meeting the requirements of VDOT shall be posted at the intersection of Old News Road (State Route 613) and the proposed subdivision road which states "This road to serve the future Williamsburg Christian Academy."
11. Prior to the issuance of preliminary site plan approval, a landscaping plan, which also shows all limits of clearing and grading, shall be reviewed and approved by the Development Review Committee.
12. The design and location of the BMP shall be approved by the James City County Environmental Division in accordance with the Chesapeake Bay Preservation Ordinance. In no case, however, shall the BMP or clearing or grading for the BMP, intrude more than 50 feet into the 100-foot RPA buffer.
13. With the exception of dead, diseased, poisonous, or invasive vegetation:
 - no tree clearing shall occur within the Landscape Preservation Zone (LPZ), as shown on the Master Plan without the approval of the Planning Director, and

- for areas which are not designated LPZ on the Master Plan, no tree clearing of an area greater than 2,500 square feet shall occur without the approval of the Planning Director.

14. Unless otherwise required by condition No. 3 above, a 50-foot undisturbed buffer and/or a combination of buffer, berms and landscaping, as determined by the Planning Director, shall be maintained along adjoining property lines of residential lots that front on Jester's Lane (State Route 730), the Powhatan of Williamsburg Secondary planned community, or the New Town property.
15. A land disturbing permit shall be obtained by the developer for this project within three years from the date of approval of this special use permit or the permit shall become void.
16. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



Sanford B. Warner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NERVITT	AYE
SISK	AYE
MCGLENNON	AYE
BRADSHAW	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of September, 1999.

Conceptual Plan 67-00. Crown Landing Apartments

Staff report for the November 1, 2000, Development Review Committee Meeting

SUMMARY FACTS

Applicant:	Mr. Steve Romeo of Land Mark Design Group
Proposed Use:	Apartment Complex
Location:	Longhill Road, across the street from Windsor Forest - between the Hornsby Office Park and the Woods of Williamsburg Apartments
Tax Map/Parcel:	(32-3)(1-12)
Primary Service Area:	Inside
Parcel Size:	Approximately 25 gross acres
Existing Zoning:	R-5, Multi-family Residential
Comprehensive Plan:	Neighborhood Commercial

Reason for DRC review: The developer is requesting a waiver from the minimum required number of parking spaces. A site plan was reviewed and approved for Crown Landing Apartments in 1997. To date, the apartments have not been built and another developer is considering reviving the project. The new developer, Commonwealth Properties, will be processing a site plan amendment in the near future for some changes to the previously approved plan. The changes include such items as a new clubhouse, pool, and tennis court layout, change in the footprints of each building, and a change in the unit mix of apartments offered (i.e., the number of 1, 2, and 3 bedrooms).

The previous site plan was approved prior to the last revisions of the Zoning Ordinance. The previously approved site plan called for 192 apartments at 1.5 parking spaces required for each apartment (288 parking spaces were therefore required, 396 parking spaces were provided).

The new parking ordinance states that 1.5 parking spaces must be provided for each 1 bedroom apartment and 2.2 parking spaces must be provided for each 2/3-bedroom apartment. The new site plan calls for a total of 210 units: 150 2/3-bedroom apartments (330 total spaces required) and 60 1-bedroom apartments (90 additional spaces required for a total of 420 parking spaces, or 132 parking spaces more than required by the old zoning ordinance standard).

Section 24-59(g) of the Zoning Ordinance states that a property owner may be granted a waiver by the planning commission from the minimum off-street parking requirements if it can be shown that due to unique circumstances a particular activity would not reasonably be expected to generate parking demand sufficient to justify the parking requirement. Under the developers request, the proposed 150 2/3-bedroom apartments would continue to be served with 2.2 parking spaces each. For the proposed 60 1-bedroom apartments, the developer requests a waiver to provide 1 space for each apartment, instead of the 1.5 spaces required (i.e., 390 total spaces provided vs. 420 total spaces required).

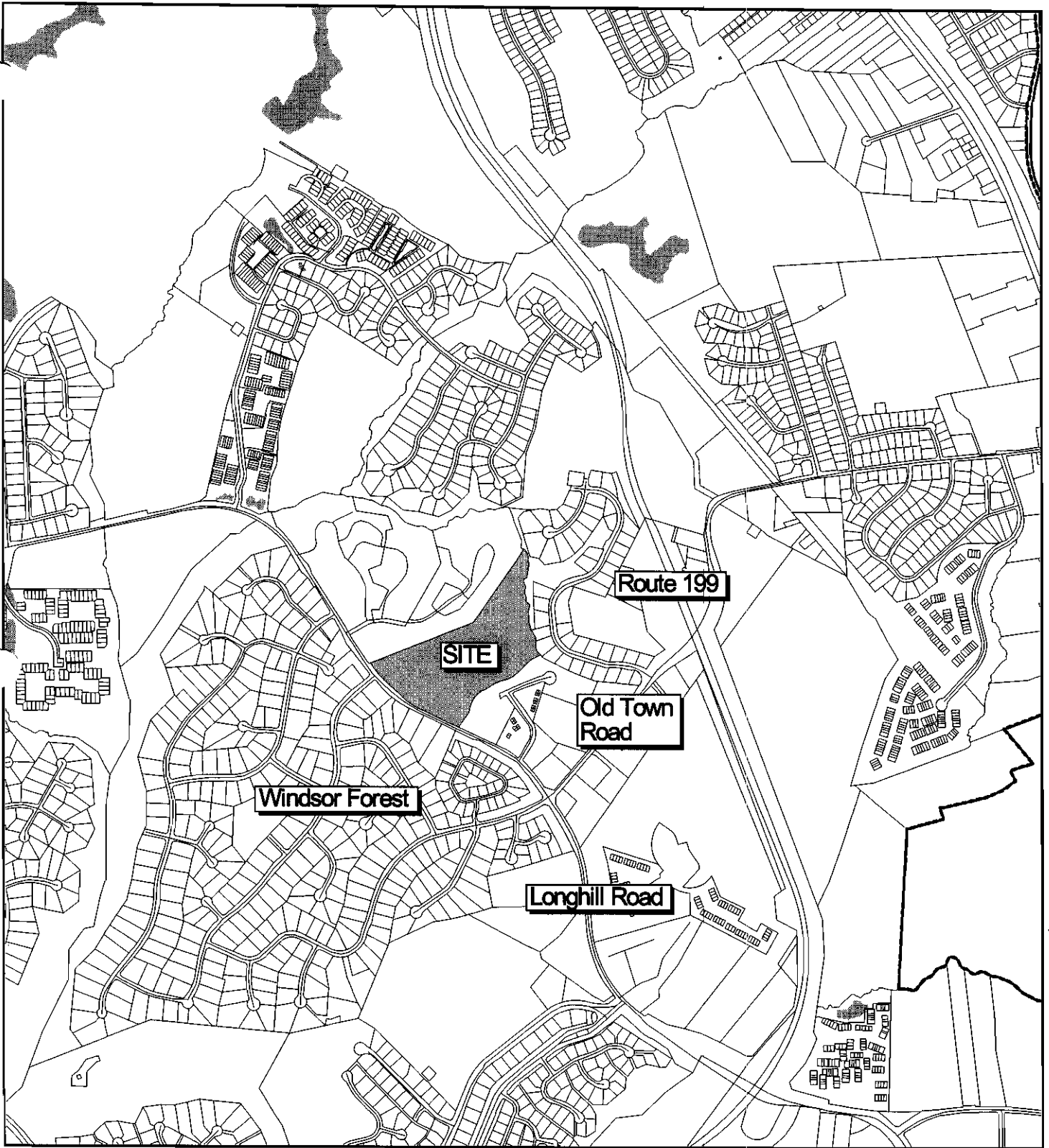
Staff Contact: Paul D. Holt, III Phone: 253-6685

STAFF RECOMMENDATION

Staff recommends approval of the waiver request. The developer is continuing to meet ordinance minimums for the 2/3-bedroom apartments - apartments which would be expected to generate the higher parking demand. The ordinance minimum of 2.2 spaces per unit allows for 2 spaces per unit and an additional 0.2 spaces per unit to account for guests. The one bedroom apartments, which are fewer in number, continue to allow for 1 space/unit. Guests can continue to rely on the additional parking generated by the higher standard of the 2/3-bedroom units. It is the developers experience that a total of 390 spaces will be adequate for this type of development given the type of apartment mix (see attached letter).

attachments:

1. Location map
2. Letter from the developer
3. Conceptual plan (separate)



C-67-00 Crown Landing Apartments

700 0 700 1400 Feet





COMMONWEALTH
PROPERTIES

October 25, 2000

Mr. Paul D. Holt
Senior Planner
James City County
Development Management
P.O. Box 8784
Williamsburg, VA 23187-8784



Re: Crown Landing Apartments – Case No. SP-133-97

Dear Paul:

Thank you for allowing me to provide some additional information regarding our requested parking waiver for the revised layout on the above-referenced property. By way of background, I have developed over 2,300 upscale apartment units in the past five years. These properties were all considered to be A+ quality apartment homes and among the nicest in their communities. The properties have leased well and remain well occupied at an average occupancy rate of over 94%. I plan for Crown Landing to be of similar quality and success. I also own an interest, through various partnerships, in over 20 apartment properties in 8 different southeastern states.

In general, I have found the number of parking spaces needed in a project to be dependent on a wide variety of factors, but most closely related to the number of bedrooms. The projects I have developed, all of which are in upscale suburban locations, range in parking provided from .95 spaces per bedroom to 1.18 spaces per bedroom (or, from 1.63 spaces per unit to 2.07 spaces per unit). As one of the owners of these projects, I am keenly interested in their operation and marketability. All of the projects have excess parking at any given time. Of equal importance to the number of parking spaces, in my opinion, is the location of the spaces relative to the different unit types and buildings.

I believe that our provided parking ratio of .96 spaces per bedroom (1.85 spaces per unit) is more than adequate parking for this project. Requiring additional parking would only increase the impervious surface of the project and destroy more existing green areas. I do not believe there is any benefit to the operations of Crown Landing Apartments, its future residents, or James City County in requiring additional parking for this property. Please note that we have taken care to distribute the parking across the site to properly allow for the appropriate number of spaces where they are needed.

Thank you for your consideration of our request. I appreciate the opportunity to work with you on this project.

Best regards.

Sincerely yours,

Steven Middleton
President

9030 Stony Point Parkway, Suite 490

Richmond, Virginia 23235-1936

phone 804-327-9500 fax 804-327-9570

**Rezoning 3-00. Ironbound Village
Staff Report for the November 1, 2000, Development Review Committee Meeting**

SUMMARY FACTS

Applicant: Mr. Vernon Geddy on behalf of Mr. Robert Turlington

Land Owner: Shade and Carletha Palmer

Proposed Use: A mixed-use development with up to 18,250 square feet of office space, 23 single family residential lots, 4 apartments, 7 townhomes, with residential units used for affordable housing.

Location: 4450 Ironbound Road and 112 Magazine Road—Berkeley District

Tax Map/Parcel: (39-1)(1-47) and (39-1)(1-47A)

Primary Service Area: Inside

Parcel Size: 7.75 acres

Existing Zoning: R-2, General Residential

Proposed Zoning: MU, Mixed Use

Comprehensive Plan: Low-Density Residential


Surrounding Zoning: North: City of Williamsburg, Residential
East, South: R-2, General Residential (Ironbound Square)
West: M-1, Limited Business (VDOT & Tewing Rd.)
MU, Casey New Town

Reason for DRC review: The applicant has requested a modification of the 50' perimeter setback along Magazine Road that is required in a MU, Mixed Use District.

Staff Contact: Karen Drake - Phone: 253-6685

STAFF RECOMMENDATION

The Planning Director and Staff recommend the DRC grant the requested modification of the 50' perimeter setback or buffer along Magazine Road. This mixed use development proposal provides a smooth transition from the commercial businesses on Ironbound Road to the established Ironbound Square residential subdivisions. Please note that the entire Ironbound Village rezoning application is scheduled to be heard at the November 6, 2000 Planning Commission meeting.


Karen L. Drake

Attachment:

1. Proposed Master Plan
2. Letter from the Applicant requesting modification

Z-3-00

OWNER/DEVELOPER: ROBERT L. TURNINGTON
 P.O. BOX 602
 1001 N. VA. 23090
 (757) 266-9481

- 1 SECTION AREA ± 9 = AREA LESS 10% OPEN SPACE REQUIRED
- 2 DENSITY PER SECTION = UNITS / AREA
- 3 INCLUDES 7 ATTACHED SINGLE FAMILY AND 4 APARTMENTS
- 4 18,200 SQ.FT. WITHOUT APARTMENTS

PARKING SUMMARY

USE	UNITS/SQ.FT.	REQUIRED	PROVIDED
SINGLE FAMILY	23	46	46
MULTI FAMILY	7	18	18
APARTMENTS	4	9	9
OFFICE	16,000	64	64
TOTAL			137

DESIGNATED USES SECTION PHASING AREA (AC.) AREA (AC.) DENSITY² SQUARE FEET

W/ABCD	1	2	2.36	2.12	5.19/AC ³	18,200
W/ABCD	1	1	5.38	4.85	4.74/AC ³	
W/ABCD	2	2	2.36	2.12	5.19/AC ³	18,200

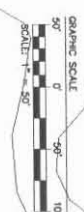
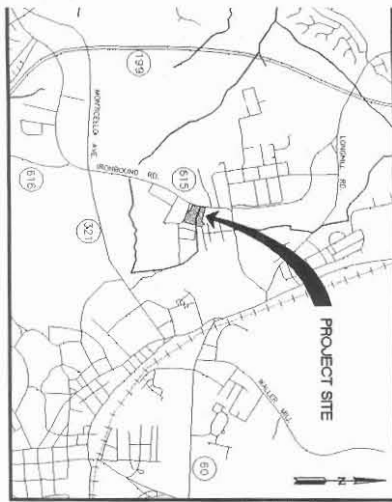
GROSS DENSITY - 34 UNITS / 7.75 AC. = 4.39 DU./AC.

OPEN SPACE SUMMARY

PARK	0.24 AC.
50' BUFFER	1.88 AC.
TOTAL	2.12 AC. OR 27%



VICINITY MAP
SCALE 1" = 2,000'



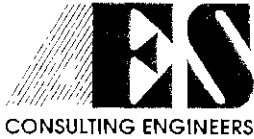
MASTER PLAN
 7.75 ± AC
 IRONBOUND VILLAGE
 PROPOSED REZONING R-2 TO MIXED USE

BERKELEY DIST. JAMES CITY COUNTY VIRGINIA

ES CONSULTING ENGINEERS

5246 Old Towne Road, Suite 1
 Williamsburg, Virginia 23188
 (757) 253-0040
 Fax (757) 220-8994

NO.	DATE	REVISION / COMMENT / NOTE	BY



5248 Olde Towne Road • Suite 1 • Williamsburg, Virginia 23188
(757) 253-0040 • Fax (757) 220-8994 • E-mail aes@aesva.com

September 11, 2000



Mr. O. Marvin Sowers
Planning Director
James City County
Department of Planning
P.O. Box 8784
Williamsburg, Virginia 23187-8784

**RE: Request for Modification, Ironbound Village
AES Project No. 8914**

Dear Mr. Sowers:

AES, on behalf of our client, Robert L. Turlington, is requesting a modification of the James City County Ordinance Sec. 24-527(b) in accordance with Sec. 24-527(d) for the proposed Ironbound Village site at Ironbound and Magazine Roads. The site is currently zoned R-2 and rezoning to Mixed Use is planned.

Sec. 24-527 (b) states "For commercial, industrial, office, residential and mixed uses a setback of 50 feet shall be maintained from the perimeter of a mixed use district. The setback shall be left in its natural undisturbed state and/or planted with additional or new landscape trees, shrubs and other vegetative cover such that the setback serves to minimize the visual intrusion and other negative impacts of new development or redevelopment on adjacent development." We request that this perimeter setback be waived along the site's frontage on Magazine Road at lots 1, 2, 3, and 23 as shown on the Master Plan. Paragraph 24-527 (c) (1) suggests that such modifications could be approved "for the purposes of integrating the proposed mixed use development with adjacent development." It has been our intent to continue to treat Magazine Road as a residential street with home sites fronting it. This is an effort to link Ironbound Village to adjacent properties rather than intentionally turning our back to neighbors across the street. AES has met with adjacent property owners on Magazine Road, and these property owners are in favor of allowing Magazine Road to be treated as residential frontage without the 50-foot perimeter buffer.

Thank you for your consideration of this Request for Modification.

Sincerely,

AES Consulting Engineers

James S. Peters, C.L.A.
Landscape Architect/Land Planner

cc: Mr. Rob Turlington
Mr. Vernon Geddy, III

III. Development Review Committee Report

Case No. SP-20-00 Ewell Station, JW Crossing- Setback Reduction

Mr. Arch Marston, on behalf of AES Consulting Engineers, has requested that the DRC waive a part of Sec. 24-394, Yard Regulations, which will allow moving the dumpster pad to a location that encroaches into the setback for accessory structures.

Action: The DRC recommended that a reduction be granted to the setback for accessory structures from 10' to 2' for the proposed dumpster pad.

Case No. SP-125-00 JCC District Park- Phase I- Entrance Road

Mr. Bernie Farmer, on behalf of James City County Parks and Recreation, requested that the DRC review Phase One of the proposed JCC District Park on the Hotwater Coles Site for conformance with the Comprehensive Plan as required by Sec. 15.2-2-2232 of the Virginia State Code. A special use permit application and master plan will be presented to the Planning Commission and the BOS in January 2001.

Action: The DRC recommended that preliminary approval be granted subject to agency comments.

Case No. S-052-00 Williamsburg Crossing Parcel 30, Part of Parcel 2

Mr. Calvin Davis, on behalf of University Square Associates, has requested the DRC to approve a waiver of the side yard building setback on an existing structure on the southwest corner of the Route 100/ Route 5 intersection located within the Williamsburg Crossing Shopping Center.

Action: The DRC recommended that the Planning Commission grant preliminary approval.

Case No. C-064-00 Williamsburg Christian Academy

The applicant, Mr. John Perkins has requested that the DRC approve the conceptual plan as being consistent with the approved Master Plan.

Action: The DRC deferred this case.

Case No. C-067-00 Crown Landing Apartments

Mr. Steve Romeo, on behalf of The Landmark Design Group, requested a waiver for the minimum number of parking spaces required for the project. The waiver was for a maximum of 30 parking spaces, which would allow a total of 390 parking spaces to be provided for the proposed 210 units (150 2/3-bedroom units and 60 1-bedroom units).

Action: The DRC recommended that the Planning Commission grant preliminary approval.

Case No. Z-3-00 Ironbound Village

Mr. Vernon Geddy, on behalf of Mr. Robert Turlington requesting a modification of the 50' perimeter setback on Magazine Road for the proposed mixed use development located on Ironbound Road. The Zoning Ordinance requires that any modification to the 50' setback in a mixed use district be reviewed by the DRC after a written request is submitted to the Planning Director.

Action: The DRC unanimously voted to approve the 50' setback modification on Magazine Road with the contingency that their approval today did not constrict or influence their decision on the rezoning issue when it will fully be discussed at the Planning Commission meeting on November 6, 2000.

AGENDA

DEVELOPMENT REVIEW COMMITTEE

November 1, 2000

4:00 p.m.

**JAMES CITY COUNTY GOVERNMENT COMPLEX
Board Room, Building C**

1. Roll Call
2. Minutes -- Meeting of September 27, 2000
3. Cases
 - A. SP-20-00 Ewell Station, JW Crossing- Setback Reduction
 - B. SP-125-00 JCC District Park- Phase I-Entrance Road
 - C. S-052-00 Williamsburg Crossing Parcel 30, Part of Parcel 2
 - D. C-064-00 Williamsburg Christian Academy
 - E. C-067-00 Crown Landing Apartments
 - F. Z-3-00 Ironbound Village
4. Adjournment