

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

July 10, 2001

7:00 P.M.

	<u>Page</u>
A. ROLL CALL	
B. PLEDGE OF ALLEGIANCE - Calder Glasebrook, an eighth grade student at Toano Middle School.	
C. PUBLIC COMMENT	
D. CONSENT CALENDAR	
1. Contract Amendment - Williamsburg Regional Library	1
2. Appropriation to James City County Transit Company	5
E. PUBLIC HEARINGS	
1. Lease with New Zion Baptist Church for the Centerville Resource Center	7
2. Case No. Z-6-00 and SUP-28-00. Loulynn Acres - Chesapeake Park	9
3. Case No. MP-3-01. Greensprings Plantation Master Sign Plan Amendment	33
4. Case No. Z-8-00/SUP-29-00. Williamsburg Christian Retreat Center	43
5. Case No. SUP-08-01. Hogan Day Care	61
6. Case No. SUP-10-01. Miss Vickie's Clubhouse Child Day Care Center	73
F. BOARD CONSIDERATION	
1. Case No. SUP-18-99. Olde Towne Road Timeshares (deferred from May 8, 2001)	95
G. PUBLIC COMMENT	
H. REPORT OF THE COUNTY ADMINISTRATOR	
I. BOARD REQUESTS AND DIRECTIVES	
J. CLOSED SESSION	
1. Appointment of Individuals to County Boards and/or Commissions, Section 2.1-344 (A) (1) of the Code of Virginia	
a. Clean County Commission	

MEMORANDUM

DATE: July 10, 2001
TO: The Board of Supervisors
FROM: William C. Porter, Jr., Assistant County Administrator
SUBJECT: Contract Amendment - Williamsburg Regional Library

James City County, the City of Williamsburg, and the Williamsburg Regional Library operate under a five-year agreement signed in January 1999. Recent experience with the Williamsburg Regional Library revealed the need to clarify the provisions in the Agreement, which set forth Library maintenance responsibility. The County Administrator, City Manager, and Library Director have agreed that the added wording in the attached draft amendment will help both the library staff and locality staff to better understand their respective maintenance obligations.

The County Attorney has reviewed the draft amendment and the Williamsburg City Council approved the amendment on June 14, 2001.

Staff recommends the adoption of attached resolution approving the amendment to Section 5 of the January 1999 contract between the County of James City, City of Williamsburg, and the Williamsburg Regional Library System.

William C. Porter, Jr.

WCP/adw
library1999.mem

Attachments

RESOLUTION

CONTRACT AMENDMENT - WILLIAMSBURG REGIONAL LIBRARY SYSTEM

WHEREAS, James City County, City of Williamsburg, and Williamsburg Regional Library operate the Library System under a five-year contract signed January 1999; and

WHEREAS, recent experience has revealed a need to clarify the provisions in the Contract for Library maintenance responsibility; and

WHEREAS, the County Administrator, the City Manager, and the Library Director have agreed that the wording of the attached amendment clarifies respective maintenance obligations.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the amendment to Section 5 of the January 1999 contract between the County of James City, the City of Williamsburg, and the Williamsburg Regional Library System.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of July,
2001.

MEMORANDUM

DATE: July 10, 2001
TO: The Board of Supervisors
FROM: Richard Drumwright, Transit Administrator
SUBJECT: Appropriation to James City County Transit Company

The total cost for the purchase of ten replacement buses for James City County Transit (JCCT) Company is \$2,712,990, \$20,990 over budget. JCCT requested and received this amount from the Hampton Roads Planning District Commission and the Metropolitan Planning Organization so that local funds are not necessary to finance the amount over budget. It is necessary for the Board of Supervisors to appropriate \$20,990 to JCCT to complete the purchase of the buses.

Staff recommends approval of the resolution appropriating \$20,990 to JCCT.

Richard Drumwright

CONCUR:

Anthony Conyers, Jr.

RD/adw
transitapprop.mem

Attachment

RESOLUTION

APPROPRIATION TO JAMES CITY COUNTY TRANSIT COMPANY

WHEREAS, James City County Transit Company received an additional \$20,990 from the Hampton Roads Planning District Commission and the Metropolitan Planning Organization to purchase ten replacement buses.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendments to the FY 02 Capital Improvement Budget:

Revenue:

Federal Funds	<u>\$20,990</u>
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Expenditures:

James City County Transit Company	<u>\$20,990</u>
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John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of July 2001.

MEMORANDUM

DATE: July 10, 2001

TO: The Board of Supervisors

FROM: Anthony Conyers, Jr., Manager of Community Services
Leo Rogers, Deputy County Attorney

SUBJECT: Lease with New Zion Baptist Church for the Centerville Resource Center

In 1998, the County purchased a house on Longhill Road for use as a community resource center. The intent at that time was to use the structure as a community resource center for two years and then sell it to a qualified buyer through the County's Affordable Housing Program. The County has been operating the facility since its purchase and was planning to sell it in the near future in accordance with the original plan. However, New Zion Baptist Church has volunteered to operate the facility as a community resource center until they complete a building project.

Attached is a proposed lease that would allow the Church use of the Centerville Resource Center. Under the provisions of lease, the facility would be open to the Church and to the Community. Church programs would have first priority, community meetings would have second priority, and County sponsored programs would have third priority. The Church would operate and maintain the Resource Center at its sole expense.

The term of this lease is one year, with the option to renew for four additional one-year terms. The County Attorney's Office has reviewed the lease for legal form and content.

Staff recommends that the Board of Supervisors adopt the attached resolution authorizing the County Administrator to execute the lease.

Anthony Conyers, Jr.

Leo Rogers

AC/adw
churchlease2.mem

Attachment

RESOLUTION

LEASE WITH NEW ZION BAPTIST CHURCH FOR THE CENTERVILLE

RESOURCE CENTER

WHEREAS, the County owns 0.459 acres with improvement thereon known as Lot 26, Section 1, Forest Glen, James City County, Virginia, designated as Parcel No. (2-26) on James City County Real Estate Tax Map No. (31-3) and commonly known as 3832 Longhill Road (the "Property"); and

WHEREAS, the New Zion Baptist Church wishes to lease the Property for the purposes of conducting church programs, community activities, and County sponsored events; and

WHEREAS, New Zion Baptist Church is willing to manage the Property and operate it for the benefit of the Community.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to execute the Centerville Resource Center Lease with the New Zion Baptist Church and such other documents as may be necessary to effectuate the Lease.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of July, 2001.

**REZONING 6-00 and SPECIAL USE PERMIT-28-00. Loulynn Acres - Chesapeake Park
Staff Report for July 10, 2001, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS

Building C Board Room; County Government Complex
Planning Commission: March 5, 2001, Applicant deferred. April 2, 2001, Commission deferred.
May 7, 2001, Applicant deferred. June 4, 2001 - 7:00 p.m.
Board of Supervisors: July 10, 2001, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Vernon Geddy, III
Land Owner: Loulynn Acres Associates

Proposed Use: The applicant has requested the Board rezone a portion of the property (approximately 1.9 acres) to B-1, General Business, to allow for a bank. A special use permit is also requested because the proposed bank would generate more than 100 peak hour vehicle trips. A Commercial Special Use Permit is required for any use which generates 100 or more peak hour trips. When this application was originally submitted, the proposal was to rezone the entire property and provide for up to 24,000 square feet of future unknown B-1 uses. However, following the May 7, 2001, Planning Commission meeting, the applicant amended the applications to those currently before you.

Location: 8909 Barhamsville Road, at the corner of Route 30 (Rochambeau Road) and Old Stage Road. Across the street from the Stonehouse Commerce Park and adjacent to the Burnham Woods subdivision.

Tax Map and Parcel No.: (12-1)(1-3A)

Primary Service Area: Inside

Parcel Size: Approximately 9.89 acres. The portion to be rezoned is approximately 1.9 acres.

Existing Zoning: A-1, General Agricultural

Proposed Zoning: B-1, General Business, with proffers (portion)

Comprehensive Plan: Mixed Use

Surrounding Zoning: Across Route 30 is the Stonehouse Commerce Park which is zoned PUD-C. Property to the north is vacant and is zoned A-1. Property to the west is the Burnham Woods subdivision, an A-1 zoned development consisting of 46 lots. To the south is scattered single-family housing all on property zoned A-1.

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

STAFF RECOMMENDATION:

Staff does not find the proposal consistent with the Comprehensive Plan recommendations. Therefore, staff recommends denial of the applications. On June 4, 2001, believing that impacts were mitigated, the Planning Commission recommended approval of the applications by a vote of 6-0.

Description of the Project

Proposed is a partial rezoning of the property to allow for a bank. A special use permit is also requested because the proposed bank would generate more than 100 peak hour vehicle trips. A Commercial Special Use Permit is required for any use which generates 100 or more peak hour trips. When this application was originally submitted, the proposal was to rezone the entire property and provide for up to 24,000 square feet of future unknown B-1 uses. However, following the May 7, 2001, Planning Commission meeting, the application amended the applications to those currently before you.

The bank, which includes a drive thru, would be one story tall and approximately 3,200 square feet in size. Stormwater management would be handled on-site and only to meet the banks needs.

Anticipating adjacent property owner concerns, the developer held two meetings with area residents to discuss the project. These meetings were held at the Norge Library and the applicant discussed the proposal with attendees and inquired as to concerns over possible uses and site development. The Master Plan was revised several times as a result of those meetings.

In support of his application, the owner has proffered:

- S the installation of landscaped berms on the back portion of the site, to aid in screening the site;
- S the construction of both right- and left-hand turn lanes on Route 30;
- S access easements whereby development on the remaining portion of the property can access Route 30 through the bank property and the improved intersection;
- S an archaeological study for the property;
- S the installation of enhanced landscaping along Route 30; and
- S aesthetic limitations on exterior lighting.

Traffic Generation

Existing Traffic

The property fronts on Barhamsville Road (Route 30) and Old Stage Road. This portion of Barhamsville Road is a four lane, median divided facility with a 55 mph speed limit. Old Stage Road is a narrow two lane road.

The portion of Route 30 in front of the site currently experiences 418 a.m. peak hour trips daily northbound and 568 a.m. peak hour trips daily southbound. In the p.m., there are 638 peak hour trips daily northbound and 537 peak hour trips daily southbound. These volumes are far below road capacity. Turning movements at Route 30 and LaGrange Parkway operate at either a Level of Service (LOS) A or B.

The portion of Old Stage Road at the site currently experiences 53 a.m. peak hour trips daily eastbound and 56 a.m. peak hour trips daily westbound. In the p.m., there are 49 peak hour trips daily eastbound and 73 peak hour trips daily westbound. Turning movements at Route 30 and Old Stage Road operate at either a LOS A or B.

Future Traffic Conditions without development of the site

In 2010, without development of this site as proposed, Levels of Service for turning movements at LaGrange Parkway and Old Stage Road would continue to operate at a LOS A or B.

Anticipated Traffic Generation from the development

The traffic study submitted for this project assumes site development consisting of the bank, a high turnover type restaurant, and office buildings - even though the restaurant and offices are not part of the application. Such a configuration yields an additional 155 a.m. peak hour vehicle trips and 268 p.m. peak hour vehicle trips. The restaurant and office uses are used as hypothetical uses to determine traffic generation from the build out of the entire parcel. The bank itself would generate 71 a.m. peak hour vehicle trips and 190 p.m. peak hour trips.

Future Traffic Conditions with development of the site

To accommodate the project traffic generation, a right-hand turn lane leading into the project would need to be constructed on the southbound lane of Route 30 at the LaGrange Parkway intersection. A left-hand turn lane at the LaGrange Parkway intersection would also need to be constructed.

According to the traffic study, in 2010 with development of the site and with the turn lane improvements noted, the LaGrange Parkway and Old Stage Road intersections will continue to operate at a LOS A or B. That is, there will be no negative impacts on the turning movements at these intersections due to the proposed development.

The Virginia Department of Transportation (VDOT) has reviewed the traffic study and finds it generally acceptable. Staff has reviewed the technical merits of the traffic study and find them generally acceptable, although the underlying assumptions of uses going on this property are flawed since future build out of the site is unknown at this time. This has the potential to greatly alter trip generation and internal circulation.

On a side note, as development of the Stonehouse Commerce Park continues, Stonehouse is required by proffer to install a traffic signal at the LaGrange Parkway/Route 30 interchange, when warranted.

Surrounding Zoning and Development

North of this site is vacant land zoned A-1, General Agricultural. To the west of this site is the Burnham Woods subdivision, a low density subdivision of 46 lots, all on property zoned A-1, General Agricultural. To the south of this site are scattered single-family homes on A-1 zoned property. Across Route 30 is the Stonehouse Commerce Park zoned Planned Unit Development, Commercial (PUD-C).

With the proposed SUP conditions and with the proffered mitigating impacts, staff believes the bank would be compatible with adjoining uses and zoning. However, a larger question arises concerning the development of the remainder of the parcel (approximately eight acres). Although future uses may require a rezoning and special use permit, the bank site, if approved, would exist primarily as an independent entity. By not master planning the entire site, inclusive of the bank, opportunities may be lost (such as shared stormwater management facilities and shared parking) to assure that impacts of future development will be mitigated to the greatest extent possible and would be designed best to meet Comprehensive Plan recommendations.

Staff believes a development supported by the Comprehensive Plan (see discussion below) would be more compatible with adjacent development and zoning, and provide for a more compatible transitional use. Staff believes that lot by lot development (i.e., piece-meal) is not best suited in the long run.

Utilities

Public utilities are currently located adjacent to the site and would be used by the developers. Connections to an existing 20-inch HRSD force main and an existing 16-inch JCSA water main would be made. As shown on the master plan, these lines would run through the site and “stub” connections would be provided at the cul-de-sac of Highfield Drive. Currently, there is no public water available to the Burnham Woods subdivision and, although there are no current plans to construct and connect water lines to the existing homes, the availability of the stub connections would facilitate these future improvements. The subdivision is located inside the Primary Service Area and is designated Low Density Residential on the Comprehensive Plan Land Use Map.

Comprehensive Plan

The Comprehensive Plan Land Use Map designates this property as Mixed Use. The Comprehensive Plan document states that the Stonehouse Mixed Use Area should be developed principally with light industrial and office uses. Commercial uses should be clearly secondary in nature. Prior to the 1991 Comprehensive Plan Update, this site was designated Low Density Residential. At the request of the property owner, the site was added to the Stonehouse Mixed Use Area designation. In doing so, the Board of Supervisors added very specific language to the Plan stating that commercial uses should not be developed in a “strip” fashion, but rather should be internally oriented with no driveway access to Route 30.

Furthermore, the Board of Supervisors added language stating that development in the Mixed Use area should emphasize shared access and parking, consistent treatment for landscaping and architecture, and the preservation of environmental and cultural resources. Staff finds that the developer’s revised proposal is not consistent with the Comprehensive Plan language because:

1. the bank is a commercial use, not consistent with the light industrial or office uses primarily recommended;
2. the proposal to rezone only a portion of the site and construct the bank individually further encourages “strip development” of the remaining portions of the site, does not promote shared parking, shared BMP’s, and no provisions have been offered regarding consistent treatment for landscaping and architecture of future development (a good example of office development which is not strip development, but is rather internally oriented, is the Norge Office Park);
3. access is proposed to Route 30, which is specifically not recommended. No provision has been made to meet Comprehensive Plan recommendations to access Old Stage Road and the current design sets the stage for further driveway connection requests to Route 30; and
4. the proposed parking at the front of the building is not recommended along Community Character Corridors, as this portion of Route 30 is designated.

These are clear contradictions to the plan. Regarding development of this site in a strip fashion, staff firmly believes that this site should be developed in an innovative manner, consisting of clustered buildings with shared access and parking with vehicular access coming from Old Stage Road. Staff feels that such a layout would be more compatible with surrounding development and zoning.

In addition, this portion of Route 30 is designated a Community Character Corridor (CCC). According to the Comprehensive Plan, these constantly traveled areas give visual clues about the values and experiences of the community - its commitment to aesthetics and overall good design, its attitude toward development, and its reaction to changing times. CCC roads include not only “greenbelts,” those roads with adjacent natural or vegetated areas, but also entrance corridors, historic roads, and roads which have traditional or unique features of the County. This portion of Route 30 is a major entrance road into

the County and would be considered an “open/agricultural” CCC, characterized as an area that is located primarily in rural areas where farming and forestal activities are predominant. In these areas, the objective of the CCC designation is to preserve the views and integrity of natural open spaces so that they remain the dominant visual features of the corridor and set this area of JCC apart from the rest of the County, including the eastern section of Richmond Road.

Staff believes an innovative and clustered development with open space and landscaping rather than parking and buildings as the primary visual features from Route 30, would better meet this important objective of the Comprehensive Plan and the Plan language regarding internally oriented development. The proposed design presents a more typical suburban character. Staff had offered the applicant some suggestions to design the site so that a “clustered” concept would be more possible to achieve as the site develops, but the applicant declined to incorporate these suggestions into the Master Plan.

The preferred width of the CCC buffer is generally 150 feet from the edge of the road right-of-way. The preferred width of the buffers along CCC may be decreased in areas with limited depth or designated commercial areas where enhanced landscaping and other site design improvements are provided. Due primarily to the relatively narrow width of the parcel itself, the width of the CCC buffer provided by the applicant is 50 feet. Staff believes that a better site layout would contribute to portions of the CCC buffer being greater than 50 feet.

Finally, staff has concerns over the current site layout in that there is virtually no vehicle stacking room for the improved Route 30 intersection and access to the remaining property is awkward. This becomes more important as the remainder of the site develops and build out uses on the remaining eight acres attempts to use this intersection. Again, staff believes a better site design would mitigate this situation.

Recommendation

Staff does not find the proposal consistent with the Comprehensive Plan recommendations. Therefore, staff recommends denial of the applications. On June 4, 2001, believing that impacts were mitigated, the Planning Commission recommended approval of the applications by a vote of 6-0.

During the June 4, 2001, Planning Commission meeting, the applicant made several requests to amend the proposed SUP conditions. The Commission and staff agreed to some of the changes, but an issue remains with the SUP expiration date. Staff had recommended that start of construction commence within 36 months of SUP approval. Such a time is generally consistent with time limits placed on other SUP applications. The applicant, however, has requested that start of construction be allowed to commence within 60 months of application approval. Staff finds five years unprecedented and does not recommend approval of such a condition.

Paul D. Holt, III

CONCUR:

O. Marvin Sowers, Jr.

PDH/adw
z6-00.bos.wpd

Attachments:

1. Minutes from the June 4, 2001, Planning Commission meeting
2. Location map
3. Letter from Mr. Vernon Geddy, III to Mr. Paul Holt, dated May 21, 2001
4. Petition signed from nearby property owners sent to Mr. Jim Kennedy and dated December 6, 2000
5. Proffers
6. Proposed Building Elevation
7. Resolution of approval for the rezoning
8. Resolution of approval for the special use permit
9. Master Plan (separate)

RESOLUTION

CASE NO. SUP-28-00. LOULYNN ACRES - CHESAPEAKE PARK

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, the applicant has requested a commercial special use permit to allow for a use which will generate more than 100 peak hour vehicle trips. More specifically, a bank located at 8909 Barhamsville Road; and

WHEREAS, a portion of the property is being rezoned concurrently with this special use permit from A-1, General Agricultural, to B-1, General Business, with proffers, under Case No. Z-6-00; and

WHEREAS, the property is designated Mixed Use on the 1997 Comprehensive Plan Land Use Map; and

WHEREAS, the property is more specifically identified as Parcel No. (1-3A) on the James City County Real Estate Tax Map Number (12-1); and

WHEREAS, on June 4, 2001, the Planning Commission recommended approval of the application by a vote of 6-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-28-00 as described herein with the following conditions:

1. Free standing signage shall be limited to one monument style sign. For purposes of this condition, a “monument” style sign shall be defined as a free standing sign with a completely enclosed base not to exceed 32 square feet in size and not to exceed 8 feet in height from grade.
2. A sidewalk, 5 feet in width, shall be provided from the bank parcel to Highfield Drive. This pedestrian connection shall be shown on any site plan for development on Parcel 1 and its design and location subject to the review and approval of the Planning Director.
3. Start of construction, as defined in the Zoning Ordinance, shall have commenced on this project within 36 months of approval or this special use permit shall be void.
4. All exterior lights on the property shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side.

5. The building architecture shall be consistent, as determined by the Director of Planning, with the building rendition prepared by Guernsey-Tingle Architects and dated June 4, 2001.
6. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of July,
2001.

z6-00.res1

RESOLUTION

CASE NO. Z-6-00. LOULYNN ACRES - CHESAPEAKE PARK

WHEREAS, in accordance with §15.2-2204 of the Code of Virginia, and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified and a hearing scheduled on Case No. Z-6-00 for rezoning of approximately 1.9 acres from A-1, General Agricultural, to B-1, General Business, with proffers; and

WHEREAS, this case is being approved concurrently with Case No. SUP-28-00; and

WHEREAS, on June 4, 2001, the Planning Commission recommended approval of this application by a vote of 6-0; and

WHEREAS, the property to be rezoned is identified as a 1.903 acre portion of Parcel No. (1-3A) on the James City County Real Estate Tax Map No. (12-1), more particularly described in Exhibit A to the proffers.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-6-00 and accepts the voluntary proffers.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of July,
2001.

z6-00.res2

MEMORANDUM

DATE: July 10, 2001
TO: The Board of Supervisors
FROM: Jill E. Schmidle, Senior Planner
SUBJECT: Case No. MP-03-01. Greensprings Plantation Master Sign Plan Amendment

Mr. Robert Oliver of Jamestown, LLC, has applied for an amendment to the Greensprings Plantation Master Sign Plan under the requirements of Section 24-292 of the Zoning Ordinance. This section allows the Board of Supervisors to approve unique sign systems that contribute significantly to the character of a residential planned community. In 1996, the Board of Supervisors approved a Master Sign Plan for the Greensprings Plantation master planned community under the terms of this ordinance section. Any additions to the approved Master Sign Plan require an amendment approved by the Board. The development is generally located off of John Tyler Highway, Centerville Road, and Greensprings Plantation Drive, and contains the following developments: Greensprings West subdivision, Greensprings Plantation subdivision, Williamsburg National Golf Courses, Greensprings Plantation timeshares, Patriot's Colony retirement community, Fairway's Villas, Greensprings Plantation Office Park, as well as several underdeveloped areas. The property is further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (46-1).

In 1996, the Master Sign Plan was approved with 14 signs placed throughout the development. Eight signs are currently in place.

The proposed amendment consists of the following two requests: 4 additional directional signs for Williamsburg National Golf Course, and 12 additional subdivision signs for sections within Greensprings West subdivision. Approval of this request would bring the total number of signs to 30.

Williamsburg National Golf Course

Officials at Williamsburg National Golf Course have expressed concerns with out-of-town visitors having difficulty locating the golf course. With the completion of Monticello Avenue, access from I-64 to the golf course will improve considerably. However, most of the difficulty in locating the course occurs once the guests approach the property and are unable to locate the entrance. The four proposed directional signs will be located on John Tyler Highway, Centerville Road, Greensprings Plantation Drive, and Monticello Avenue, and will list the direction and distance to the golf course. Some directional signs will be two-sided. The directional signs will be uniform in design with green background and white lettering and border (see attachment) approximately 2-foot by 1-foot on 4-foot posts and will fit in with the approved Greensprings Plantation signs aesthetically and physically (see attachment).

While staff supports the need for additional directional signs, staff finds that four additional signs in this location is excessive. Directional signs have been approved for other uses in the past, including golf courses and churches. However, staff finds the number of directional signs requested in such a small geographic area to be excessive, and would support no more than two. The applicant has stated that he would be willing to prioritize the top two sign locations prior to the Board meeting.

Greensprings West

Greensprings West is a single-family residential subdivision generally bounded by Brick Bat Road, Centerville Road, and Monticello Avenue Extended. Two entrances off of Centerville Road are permitted for this section as per the Greensprings Plantation Master Plan. Currently one entrance is located across from Greensprings Plantation single-family development. A total of 368 single-family dwelling units are permitted in Greensprings West, and 192 have received subdivision approval from the County. The Greensprings Plantation Master Sign Plan permits two signs for Greensprings West (one at each entrance) and one monument sign is in place.

The developer is requesting an amendment to the Master Sign Plan to permit 12 additional monument signs within the Greensprings West portion of Greensprings Plantation. This request is based on the intent of the developer and builder to distinguish the various sections by their respective locations, while at the same time serving to maintain a uniform and consistent appearance within the project. The intent is similar to what occurs within other existing master planned communities, such as Kingsmill, Governor's Land, and Powhatan Secondary, where individual sections are given distinctive names. In terms of size and materials, the signs would be consistent with the approved Greensprings West entrance sign. Sign color, letter script, and design will be identical to the existing entrance sign at Greensprings West.

The applicant has specified four out of the 12 locations for additional signs. The remaining eight locations have not been determined yet, as the remaining subdivision layout has not been decided. Staff recommends that the Planning Director have control of review and approval of the location for the remaining eight signs within the Greensprings West subdivision.

Staff supports the additional signs for Greensprings West as they are consistent with what is permitted in other master planned communities that do not have Board-approved Master Sign Plans. Additionally, the subdivision signs will be located in the interior of the Greensprings West Community and will allow for consistency throughout the development.

Recommendation

Staff generally supports the need for additional signage at Greensprings Plantation and supports amending the Greensprings Plantation Master Sign Plan to include two additional directional signs for Williamsburg National Golf Course and 12 additional signs for Greensprings West subdivision. The additional signs for Williamsburg National Golf Course are of a small size and will facilitate safer road conditions for citizens as visitors attempt to locate the golf course. The additional signs for Greensprings West are consistent with what is permitted in other master planned communities that do not have Board-approved Master Sign Plans. Staff recommends the Board approve the Master Sign Plan amendments with the following conditions:

1. No more than two directional signs for Williamsburg National Golf Course shall be permitted. The two signs shall be no more than 24-inches by 15-inches, mounted on 4-foot posts, and shall generally conform to the design in Attachment 2, as determined by the Planning Director. The Planning Director shall approve the location of each directional sign.

2. No more than 12 additional subdivision identification signs shall be permitted in the interior of Greensprings West subdivision. The 12 signs shall be monument style, no greater than 32-square feet, and shall generally conform to the design of Attachment 4, as determined by the Planning Director. The Planning Director shall approve the location of each subdivision sign.
3. Signs shall not be internally illuminated

Jill E. Schmidle

CONCUR:

O. Marvin Sowers, Jr.

JES/adw
signs.mem

Attachments:

1. Existing Greensprings Plantation sign
2. Proposed directional sign, Williamsburg National Golf Course
3. Proposed location for Williamsburg National Golf Course directional signs.
4. Proposed subdivision sign, Greensprings West
5. Resolution

RESOLUTION

CASE NO. MP-03-03. GREENSPRINGS PLANTATION MASTER SIGN PLAN AMENDMENT

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance, specific provisions to allow for the master planning of signs within the R-4, Residential Planned Community District; and

WHEREAS, Mr. Robert Oliver, on behalf of Jamestown, LLC, has applied to amend the existing Master Sign Plan for Greensprings Plantation within the R-4, Residential Planned Community District, on property generally identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (46-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the Greensprings Plantation Master Sign Plan Amendment, Case No. MP-03-01, subject to the conditions listed below, to allow construction of additional signs within the planned community.

1. No more than two directional signs for Williamsburg National Golf Course shall be permitted. The two signs shall be no more than 24 inches by 15 inches, mounted on 4-foot posts, and shall generally conform to the design in Attachment 1, as determined by the Planning Director. The Planning Director shall approve the location of each directional sign.
2. No more than 12 additional subdivision identification signs shall be permitted in the interior of Greensprings West subdivision. The 12 signs shall be monument style, no greater than 32 square feet, and shall generally conform to the design in Attachment 2, as determined by the Planning Director. The Planning Director shall approve the location of each subdivision sign.
3. Signs shall not be internally illuminated.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of July, 2001.

Attachments

signs.res

Planning Commission voted 5-1 to deny this application. Staff recommends the Board of Supervisors deny this rezoning and special use permit request. Should the Board choose to approve the request and accept the voluntary proffers, staff recommends the conditions listed in the staff report.

Project Description

Mr. Robert Ackerman, Executive Director of Mennowood, has applied on behalf of the Williamsburg Christian Retreat Center (WCRC), for a rezoning to allow a 51-lot single-family subdivision retirement community on 138-acres. The applicant also has applied for a special use permit to allow a 9-hole golf course for youth and retirees. The project will be developed as a retirement community for residents 55 years and older. A by-right A-1 development on this project would yield a maximum of 46 three-acre lots. The density for this proposal is one dwelling unit per 2.72-acres. The proposed lots range from .5-acres to 1.87-acres, with an average lot size of .88-acres. The homes are proposed to range in size from 1,200 - 1,500 square feet.

Proffers

The applicant has submitted proffers as part of this project. The proffers address the following issues:

- age restriction;
- water conservation;
- environmentally sensitive golf course design;
- private covenants and restrictions; and
- conservation easement.

Surrounding Zoning and Land Use

The site is zoned A-1, General Agricultural, and is located on Barnes Road adjacent to the WCRC site. The site is surrounded by A-1 property located outside of the Primary Service Area (PSA). The WCRC is located to the north of this property, and the access road to the WCRC runs through this site. To the east is Racefield subdivision and to the west is the approved but undeveloped Retreat subdivision, a 60-lot subdivision with lots of three-acres or more in accordance with A-1 zoning. To the south of the site, across Barnes Road, is undeveloped property currently in the Barnes Swamp Agricultural and Forestal District. Since all surrounding property is zoned A-1 and located outside of the PSA, staff finds that an isolated residential rezoning is not consistent with surrounding zoning and land use.

Topography and Physical Features

The site is heavily wooded and consists of several ridges and valleys with areas of steep slopes, as well as stream beds and wetlands. The site contains young trees and is used by WCRC for youth nature hikes. The property has been timbered in the past. A portion of the property's boundaries follow natural stream channels. Another stream channel divides the property topographically into a northern and southern section. The WCRC access road runs through the center of the southern section. Homes have been proposed along the ridge tops and away from low-lying and areas of steep slopes. The location of the golf course contains limited areas within the area of steep slopes.

Approximately 100-acres, or 75 percent of the site is developable. The area utilized for lots and roads is approximately 54-acres or 39 percent of the site, with an average lot size of .88-acres. There is a natural drainage channel in the center of the property. If feasible, the applicant proposes to create water impoundments or dams to create passive water amenities such as boating or fishing. Impoundments

would be used for golf course irrigation and fire protection. However, the viability of water impoundments has not been established.

The design attempts to emphasize the natural rural characteristics of the site by clustering the home locations in both the northern and southern sections of the property. Approximately 84-acres or 60 percent of the site will remain in open space as either active or passive recreation, including the golf course and nature trails. The clustered lot layout has been positioned to place the homes and the drainfields at or as close to the ridge tops as possible to allow the preservation of the perimeter woodland buffer where trails are planned. Portions of the wooded buffer along the access road through the property and along Barnes Road have been preserved. No lots are proposed at the entry. This is to minimize visual impact and to concentrate homes largely at the center of the property. However, with the clearing for the golf course, much of the site will in fact be disturbed. Staff has concerns that clearing for the homes, clubhouse area and the golf course will impact the sites' natural, wooded, and rural character.

Utilities

The property is located outside of the Primary Service Area (PSA), although public water is available through the Racefield system. (A portion of the Racefield water system was developed and constructed outside of the PSA by WCRC and turned over to the James City Service Authority (JCSA).) It serves the existing facilities at the WCRC site and a portion of the Racefield subdivision. The remainder of the Racefield subdivision is on private wells. The Racefield system is an independent system not tied into the rest of the JCSA system. According to JCSA, there is enough well capacity to serve the proposed development, although the proposal will accelerate the need for improvements such as an additional storage tank. The construction of these improvements will be the responsibility of WCRC, not JCSA. Individual septic systems will be provided for each lot.

Another significant conflict with the Comprehensive Plan and utility policy is the extension of additional public waterlines outside the PSA to serve residential development. The section of Racefield served by the existing well was subdivided under previous zoning regulations and Comprehensive Plan, both were much more permissive than current regulations. Although the extension of the current water system or a new central well has to be allowed to serve permitted uses, no public utilities should be provided to any other uses. Staff believes that approval of the proposed development would set a strong precedent for additional residential development outside the PSA, especially given how water would be provided.

To help mitigate the impact of the development on the water supply, the developer has offered a proffer addressing water conservation standards. The proffer addresses water conserving fixtures, irrigation systems and irrigation wells, and landscaping materials. Irrigation for the golf course will be restricted to surface water stored in stormwater ponds and deep wells using the Aquia or Potomac aquifers. Analysis of the golf course irrigation system shows that water from the proposed surface pond could be utilized for irrigating the golf course. However, this would not be sufficient during periods of drought. The applicant determined that utilizing additional sources of water, for example, constructing a well that would tap into the middle Potomac aquifer and increasing the capacity of lake storage, could meet the water demands for golf course irrigation. Please note that water from the middle Potomac aquifer is not drinkable unless treated. Despite the proffer for water conservation standards, the proposal does not offer any mitigation of future impacts on the water system.

Transportation and Access

The proposal utilizes the existing entrance road to WCRC off of Barnes Road. No additional entrances off of Barnes Road are proposed. As part of the rezoning process, the applicant has submitted a traffic impact study. The Virginia Department of Transportation (VDOT) has reviewed the traffic study and concurs with the trip generations and distributions in the study. The traffic study states that at full build-out this proposal would generate 431 vehicle trips per day and that traffic distribution would be evenly split between Route 30 (Barhamsville Road) and Route 60 (Richmond Road). Turning movements at the intersections of Barnes Road/Barhamsville Road and Barnes Road/Richmond Road would remain at Level of Service (LOS) B. VDOT also concurs with the study's conclusion that the proposed development will not have a significant traffic impact on Barnes Road. Currently this section of Barnes Road is not part of any approved secondary road construction plans and has minimal pavement width. VDOT recommends however, "in the future, Route 601 (Barnes Road) should be considered for placement on JCC's secondary road improvement plan." VDOT also recommends a stop sign at the entrance.

Since this section of Barnes Road contains minimal pavement width, staff has concerns that the development of this property could accelerate the need to upgrade Barnes Road and that it would become the County's responsibility to do so. Upgrading Barnes Road would be inconsistent with the County's policy to improve roads outside the PSA only where there are safety concerns. Such road improvements would facilitate a residential development pattern that is inconsistent with the Comprehensive Plan.

Since the Planning Commission meeting, the applicant submitted revised proffers which include a new cash proffer specifically dedicated to improvements to the curve on Barnes Road, located approximately 1,300 feet west of the intersection of WCRC access road and Barnes Road. The proffer is for \$1,000 per unit, to be paid at the time of final subdivision approval. Board policy recommends the Board refer the case back to the Planning Commission in situations similar to this. However, please note that the new proffer is not related to issues the Commission had, should the Board choose not to adhere to its policy. Staff has no objections to not referring the case back to the Planning Commission.

Adequate Public School Facilities Test Policy

The applicant has offered a proffer assuring that all residents will be 55 years and older, and no school children will be permitted. This project therefore passes the adequate public school facilities test.

Fiscal Impact

The Fiscal Impact Study shows the development to have a positive fiscal impact on James City County. Staff from Financial and Management Services (FMS) reviewed the study and have concerns regarding some of the basic fiscal assumptions. FMS staff finds that although the results of the study are overstated, the fiscal impact would remain positive.

Comprehensive Plan

The Comprehensive Plan designates this site as Rural Lands. Rural Lands are areas containing farms, forests and scattered houses, exclusively outside of the Primary Service Area, where a lower level of public service delivery exists or where utilities and urban services do not exist and are not planned for the future. Appropriate primary uses include agricultural and forestal activities, together with certain recreational and public or semipublic and institutional uses which may require a spacious site and which

are compatible with the natural and rural surroundings. Rural residential uses associated with legitimate agricultural and forestal activities are appropriate where overall density is no more than one dwelling unit per three-acres and soils are suitable for individual waste disposal systems. Concentrations of residential development such as large-scale subdivisions will interrupt rural qualities sought to be preserved and significantly increase the demand for urban services and transportation facilities. This proposal is inconsistent with the Rural Lands designation as it not a rural residential use associated with legitimate agricultural and forestal activities and the density is higher than one dwelling unit per three-acres. Also, while 60 percent of the site would remain open space, the open space is not preserved for agricultural or forestry uses.

Residential developments not related to agricultural or forestal uses are only appropriate when they meet the Rural Lands Development Standards of the Comprehensive Plan and minimize adverse impacts on rural lands, in particular its rural character and the soils more suited for agriculture. One Rural Land Development Standard is to preserve the natural, wooded, and rural character of the County. While the development clusters residential development on smaller lots, staff has concerns that clearing for a golf course and clubhouse area would not preserve a substantial portion of the natural, wooded, and rural character of the area. Another Rural Land Development Standard is to site non-agricultural/non-forestal uses so that they minimize impacts or do not disturb agricultural/forestal uses, open fields, and important agricultural/forestal soils and resources. Additionally, Rural Land Use Standards recommend discouraging conventional large lot residential development in rural areas and several guidelines are recommended. The Comprehensive Plan recommends minimizing the impact of residential development by preserving a substantial amount (more than half) of the development in an undivided block of land for permanent open space. As the residential development is clustered along the ridge tops, the open space is distributed throughout the site as part of the golf course and at the perimeter of the property. This project does utilize the land in an environmentally sensitive manner by placing lots away from environmentally sensitive areas. However, given the amount of clearing for the project, a substantial portion of the natural vegetation and wildlife habitat will be eliminated. Open space will be placed in a conservation easement, and the visibility of the development from the main road should be minimized wherever possible. Lots will be placed along an access road rather than along Barnes Road to help retain the road character. Staff finds that the proposal meets some of the Rural Land Use Standards, although staff has concerns that the open space will not be preserved in an undivided and undisturbed block of land, but primarily as a golf course.

Primary Service Area

The Primary Service Area (PSA) is the principal tool used by the County to manage growth. The PSA is the area in which the County encourages most growth to occur. Most lands located outside the Primary Service Area are designated Rural Lands. Adhering to strong rural land policy is necessary to protect existing agricultural and forestry activities and to avoid their displacement by other types of development. The sprawl of residential development also adversely affects farming and forestry activities, and increases the cost of providing public services such as police, fire, and school transportation. Staff has significant concerns about the precedent of permitting this type of residential development outside the PSA. Staff does not recommend rezoning property to accommodate residential development outside the PSA under any circumstances. If a landowner wishes to request something other than three-acre lots, a more appropriate tool is a special use permit request under the A-1 district.

Please note that staff has fielded inquiries for residential development on at least five large tracts of undeveloped land outside the PSA, ranging in size from approximately 150-acres to 800-acres. Governor's Land is one instance of a residential rezoning approved outside the Primary Service Area. A residential rezoning outside the PSA also could hinder current County efforts to preserve agricultural and forestal property.

Recommendation:

Staff finds that approval of a residential rezoning outside the PSA would be contrary to the adopted Comprehensive Plan Policy dictating the preferred type of development outside the PSA. This proposal contains five more dwelling units than permitted by-right, smaller lot sizes, and inappropriate utility extensions. Staff does not recommend approval of this project. Staff finds that approval of a residential rezoning outside the PSA would send a message that it is preferable to develop agricultural and forestal land residentially rather than preserve the current uses as recommended in the Comprehensive Plan. On June 4, 2001, the Planning Commission voted 5-1 to deny this application. Staff recommends the Board of Supervisors deny this rezoning and special use permit request. Should the Board choose to approve the request and accept the voluntary proffers, staff recommends the following conditions:

1. Master Plan. The plan of development shall be generally consistent with the “Williamsburg Christian Retreat Center Mennowood Development” prepared by McKee Carson, dated December 22, 2000, as determined by the Director of Planning.
2. Density. There shall be no more than 51 dwelling units on the property with a 9-hole golf course.
3. Golf Course. The areas on the Master Plan designated as golf course and clubhouse shall be used only for those purposes or such areas shall be left as open space. Water for irrigation of the golf courses shall be provided from surface water collection or by constructing a well tapping into the middle Potomac aquifer.
4. Pedestrian System. The Owner shall provide and construct a 6-foot wide soft surface or unpaved pedestrian trail system generally in the location shown on the Master Plan. The Director of Planning shall review and approve the final design and location of the trail prior to construction. The trail shall be constructed or bonded prior to final subdivision approval for any residential lot adjacent to the trail.
5. Clubhouse. A landscaped clubhouse area shall be provided in a manner generally consistent with the location shown on the Master Plan and shall not be located within 150 feet of Barnes Road. There shall not be direct access from the clubhouse to Barnes Road. The final design and location shall be reviewed and approved by the Development Review Committee prior to construction. The clubhouse shall be installed or bonded prior to final subdivision approval for more than 25 lots or units.
6. Traffic Study Implementation. Access to the development shall be in the approximate location shown on the master plan of development. The applicant shall provide a stop sign at the entrance to the property. There shall be no median on the main access road.
7. Time Limit. If construction of the development has not commenced within a period of 36 months from the date of issuance of this special use permit, this permit shall become void. Construction shall be defined as clearing, grading, or excavation for the development.
8. Signs. The entrance sign, entrance features, and lighting shall be approved by the Planning Director prior to approval of any plan of development.
9. Landscape Plan. The applicant shall submit a landscape plan for the site’s entrance, including the first 600 feet of the main access road and Barnes Road with street trees every 30 feet, to be approved by the Planning Director prior to approval of any plan of development.

10. Lighting. All exterior light fixtures for the clubhouse and clubhouse area 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 prior to final site plan approval which indicates the fixture type and that no glare will occur 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 a public street or adjoining residentially designated property.
11. Severability. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Jill E. Schmidle

CONCUR:

O. Marvin Sowers, Jr.

JES/gs
wmsbrgchristian.wpd

Attachments:

1. Planning Commission minutes
2. Location map
3. Development plans (see BOS reading file)
4. Proffers
5. Resolution for Z-8-00
6. Resolution for SUP-29-00

RESOLUTION

CASE NO. SUP-29-00. WILLIAMSBURG CHRISTIAN RETREAT CENTER

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. Robert Ackerman has applied on behalf of Williamsburg Christian Retreat Association, Inc. for a special use permit to allow a golf course; and

WHEREAS, the proposed golf course is shown on the master plan prepared by McKee Carson, dated December 22, 2000, and entitled "Williamsburg Christian Retreat Center Mennowood Development;" and

WHEREAS, the property is located on land zoned R-2, General Residential District, and can be further identified as Parcel No. (1-14) on James City County Real Estate Tax Map No. (4-3); and

WHEREAS, the Planning Commission, following its public hearing on June 4, 2001, voted 5-1 to deny 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-29-00 as described herein with the following conditions:

1. Master Plan. The plan of development shall be generally consistent with the "Williamsburg Christian Retreat Center Mennowood Development" prepared by McKee Carson, dated December 22, 2000 as determined by the Director of Planning.
2. Density. There shall be no more than 51 dwelling units on the property with a 9-hole golf course.
3. Golf Course. The areas on the Master Plan designated as golf course and clubhouse shall be used only for those purposes or such areas shall be left as open space. Water for irrigation of the golf courses shall be provided from surface water collection or by constructing a well tapping into the middle Potomac aquifer.
4. Pedestrian System. The Owner shall provide and construct a six-foot wide soft surface or unpaved pedestrian trail system generally in the location shown on the Master Plan. The Director of Planning shall review and approve the final design and location of the trail prior to construction. The trail shall be constructed or bonded prior to final subdivision approval for any residential lot adjacent to the trail.
5. Clubhouse. A landscaped clubhouse area shall be provided in a manner generally consistent with the location shown on the Master Plan and shall not be located within 150 feet of Barnes Road. There shall not be direct access from the clubhouse

to Barnes Road. The final design and location shall be reviewed and approved by the Development Review Committee prior to construction. The clubhouse shall be installed or bonded prior to final subdivision approval for more than 25 lots or units.

6. Traffic Study Implementation. Access to the development shall be in the approximate location shown on the master plan of development. The applicant shall provide a stop sign at the entrance to the property. There shall be no median on the main access road.
7. Time Limit. If construction of the development has not commenced within a period of thirty-six months from the date of issuance of this special use permit, this permit shall become void. Construction shall be defined as clearing, grading, or excavation for the development.
8. Signs. The entrance sign, entrance features and lighting shall be approved by the Planning Director prior to approval of any plan of development.
9. Landscape Plan. The applicant shall submit a landscape plan for the site's entrance, including first 600 feet of the main access road and Barnes Road with street trees every 30 feet, to be approved by the Planning Director prior to approval of any plan of development.
10. Lighting. All exterior light fixtures for the clubhouse and clubhouse area 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 prior to final site plan approval which indicates the fixture type and that no glare will occur 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 a public street or adjoining residentially designated property.
11. Severability. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of July, 2001.

sup2900.res

RESOLUTION

CASE NO. Z-8-00. WILLIAMSBURG CHRISTIAN RETREAT CENTER

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-8-00 for rezoning 138.7 acres from A-1, General Agricultural, to R-2, General Residential, with proffers; and

WHEREAS, the Planning Commission of James City County, following its public hearing on June 4, 2001, recommended denial of Case No. Z-8-00, by a vote of 5 to 1; and

WHEREAS, the property is located at 9241 Barnes Road and further identified as Parcel No. (1-14) on James City County Real Estate Tax Map No. (4-3).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-8-00 and accept the voluntary proffers.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of July,
2001.

z800.res

Description of Project

Ms. Hogan has applied for a special use permit to operate a child day care center out of her home in the Kristiansand Subdivision. The applicant proposes renovating portions of the first floor of her house to accommodate up to eight children for a day care program. When the Planning Commission originally reviewed this case on June 4, 2001, Ms. Hogan had proposed a program to accommodate up to ten children. This number has since been scaled back, per her request, to eight children. Ms. Hogan currently operates a day care center with up to five children on the property, as permitted by James City County as a home occupation. The proposed child day care center with greater than five children requires both State licensing and a special use permit. The state requires an additional employee for day care centers with more than eight children.

Surrounding Zoning and Development

This property is located at 233 Nina Lane within the Kristiansand Subdivision off of Route 60. Single-family residences surround this site on the interior of Kristiansand. All surrounding properties are similarly zoned R-2, General Residential. Staff finds that a business of this size is not consistent with the surrounding development and the single-family residential character of the area.

Topography and Physical Considerations

The .331 acre site is relatively flat and surrounded by a fence. The site allows little room for play and recreation areas.

Public Utilities

The property is within the Primary Service Area (PSA). However, public sewer is not available to this site. This dwelling is served by a septic tank and a drainfield, which are adequate for the number of bedrooms associated with the home. However, the septic tank and drainfield may need to be updated to accommodate the increased use. Both the JCSA and the Health Department have concerns about the adequacy of the existing septic tank and drainfield to serve the proposed use.

Traffic Impacts and Access

The property is located on a corner lot on Nina Drive in the interior and back section of Kristiansand Subdivision. The property contains a 60-foot long driveway, which could accommodate six vehicles with no turn around. Traffic impacts would mainly occur during the peak a.m. hours. This would be the drop-off times for the children. Staff has concerns about on-site parking and vehicle circulation on Nina Drive as customers drop off children. Staff bases these concerns on the site being located within a neighborhood and not on a street designed to handle more traffic than typically generated in a single-family residential neighborhood. The Virginia Department of Transportation had no comments on this proposal.

Comprehensive Plan

The property is designated as Low Density Residential on the Comprehensive Plan Land Use Map. Examples of acceptable land uses within this designation include single-family homes, recreation areas, community oriented public facilities, schools, churches, and very limited commercial establishments. Nonresidential uses should not alter, but rather, complement the residential character of the low-density residential area in which they are located. Very limited commercial establishments, schools, churches, and community-oriented facilities should be located on collector roads at intersections where adequate

buffering and screening can be provided to protect nearby residential uses and the character of the surrounding area. Since this site is located in the interior of an existing subdivision and not on a collector road, staff finds the proposal to be inconsistent with the Comprehensive Plan.

Home occupations are generally permitted in residential districts. Child day care centers with more than five children are not considered home occupations under the Zoning Ordinance. It is important to note that the proposal generates impacts in excess of those permitted for home occupations.

Recommendation:

While staff recognizes the community need for this type of child care service, staff finds the proposal inconsistent with the surrounding zoning and development and inconsistent with the Comprehensive Plan. Specifically, the amount of traffic and noise generated by a day care center business with eight children conflicts with the single-family residential character of the neighborhood. The Planning Commission voted five to two in denial of this project. Staff recommends denial of this proposal. If the Board of Supervisors chooses to approve this special use permit, staff recommends the following conditions:

1. If a certificate of occupancy has not been obtained for the project within thirty-six months from the issuance of the special use permit, the permit shall become void.
2. No more than eight children shall be permitted at the day care center.
3. The applicant shall receive full approval from the Health Department for septic tank and drain field capacity prior to final site plan approval.
4. The owner/operator of the child day care center shall reside on the property.
5. All play areas shall be screened with fencing or shrubbery subject to approval of the Planning Director.
6. Hours of operation shall be limited to 7:00 a.m. to 1:30 p.m., Monday through Friday.
7. A site plan shall be submitted to and approved by the Planning Director.
8. The special use permit shall be valid for a period of thirty-six months from the date of issuance of the special use permit.
9. No additional exterior lighting shall be permitted on the property other than lighting typically used at a single-family residence.
10. No signage shall be permitted on the property.
11. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Benjamin A. Thompson

CONCUR:

O. Marvin Sowers, Jr.

BAT/adw
sup0801.wpd

Attachment:

1. Approved Planning Commission Minutes (June 4, 2001)
2. Location Map
3. Planning Commission Policy Committee's proposal for child day care centers located in the interior of residential neighborhoods
4. Resolution

RESOLUTION

CASE NO. SUP-08-01. HOGAN DAY CARE

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, Mrs. Catherine Hogan has applied for a special use permit to allow a child day care center for eight children within her existing home located at 233 Nina Lane; and

WHEREAS, the property is located on land zoned R-1, Limited Residential District, and can be further identified as Parcel No. (3-2-3) on James City County Real Estate Tax Map No. (23-4); and

WHEREAS, the Planning Commission, following its public hearing on July 2, 2001, voted 5 to 2 to approve 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-10-01 as described herein with the following conditions:

1. If a certificate of occupancy has not been obtained for the project within thirty-six months from the issuance of the special use permit, the permit shall become void.
2. No more than eight children shall be permitted at the day care center.
3. The applicant shall receive full approval from the Health Department for septic tank and drain field capacity prior to final site plan approval.
4. The owner/operator of the child day care center shall reside on the property.
5. All play areas shall be screened with fencing or shrubbery, to be approved by the Planning Director.
6. Hours of operation shall be limited from 7:00 a.m. to 1:30 p.m., Monday through Friday.
7. A site plan shall be submitted to and approved by the Planning Director.
8. This special use permit shall be valid for a period of thirty-six months from the date of issuance of this special use permit.
9. No additional exterior lighting shall be permitted on the property other than lighting typically used at a single-family residence.
10. No signage shall be permitted on the property.

11. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of July,
2001.

hogan.res

Ms. Vickie Skutans has applied for a special use permit to operate a child day care center out of her home located at 108 Leon Drive, in the Indigo Park subdivision. The applicant proposes to renovate her existing two-car garage into space for a day care center for up to ten children between the ages of 15 months and five years. The applicant's mother-in-law will provide assistance in running the day care since State law requires an additional employee for centers with greater than eight children. No other employees will be part of the business. A child day care center with up to five children is permitted as a home occupation. Greater than five children requires State licensing and a special use permit.

Surrounding Zoning and Development

The property is located on Leon Drive, within the Indigo Park subdivision, off of John Tyler Highway near the intersection of Route 199. The site is surrounded by single-family homes within Indigo Park. A vacant parcel exists across the street from the site. All other adjacent properties contain single-family homes. Staff does not find that a business of this size is consistent with the surrounding development and single-family residential character of the area.

Topography and Physical Characteristics

The .75 acre site is relatively flat, with a line of cedar trees along the northern and western perimeter of the property. A fence surrounds the property.

Public Utilities

The property is served by public water and sewer. The James City Service Authority (JCSA) initially determined that the existing 5/8-inch water meter would not be sufficient to accommodate the additional water usage as a result of the day care center. JCSA determined that a 3/4-inch water meter would be required to accommodate the additional water fixtures proposed for the day care addition.

The applicant and JCSA staff then discussed this matter in more detail and determined that the bathrooms in the house and the day care facility would not be used simultaneously. The JCSA is therefore willing to allow the applicant to continue using the existing 5/8-inch water meter. However, if future problems are encountered with the water service, JCSA will require the applicant to upgrade the current 5/8-inch water meter to the required 3/4-inch water meter. All necessary fees, including water and sanitary sewer, to upgrade the existing water service, shall be the applicant's responsibility.

Traffic Impacts and Access

The property is located on a corner lot on Leon Drive in the interior of Indigo Park. The property contains an 80-foot driveway which could accommodate up to eight vehicles. The applicant has stated that the property owner of a vacant lot across the street has granted permission for overflow vehicles to park on the property if necessary.

The Virginia Department of Transportation (VDOT) reviewed the proposal and has concerns with the on-site parking and vehicle circulation on Leon Drive as customers drop off children. Staff shares these concerns considering the site is located within a neighborhood and not on a street designed to handle more traffic than typically generated in a single-family residential neighborhood.

Comprehensive Plan

The property is designated as Low Density Residential on the Comprehensive Plan Land Use Map. Examples of acceptable land uses within this designation include single-family homes, recreation areas, community oriented public facilities, schools, churches, and very limited commercial establishments. Non-residential uses should not alter, but rather, complement the residential character of the low-density residential area in which they are located. Very limited commercial establishments, schools, churches, and community-oriented facilities should be located on collector roads at intersections where adequate buffering and screening can be provided to protect nearby residential uses and the character of the surrounding area. Since this site is located in the interior of an existing subdivision and not on a collector road, staff finds the proposal to be inconsistent with the Comprehensive Plan. As a point of information, home occupations are generally permitted in residential districts. Child day care centers with more than five children are not considered home occupations under the Zoning Ordinance. It is important to note that the proposal generates impacts, including traffic, noise, and number of employees, in excess of those permitted for home occupations.

Planning Commission Policy on Child Day Care Centers

At its June 4, 2001, meeting, the Planning Commission deferred this case to allow the Policy Committee the opportunity to study the issue of child day care centers located in the interior of residential subdivisions. The Policy Committee met on June 12, 2001, and prepared a proposal, which was presented at the July 2, 2001, Planning Commission meeting. The policy is attached for your reference, and the proposed special use permit conditions have been revised to reflect the recommendations in the policy.

Recommendation:

Staff finds the proposal to be inconsistent with the surrounding zoning and development, and inconsistent with the Comprehensive Plan. Specifically, the amount of traffic and noise generated by a day care center business with ten children under the age of five conflicts with the single-family residential character of the neighborhood. It also substantially exceeds the scope of home occupations that are generally permitted in residential districts and sets a precedent for similar requests. At its July 2, 2001, the Planning Commission voted 4 to 3 to deny this proposal. Staff recommends the Board of Supervisors deny this proposal. If the Board chooses to approve the project, staff recommends the following conditions:

1. If a certificate of occupancy has not been obtained for the project within 36 months from the issuance of the special use permit, the permit shall become void.
2. No more than ten children shall be permitted at the day care center.
3. The applicant shall submit a written Agreement outlining the requirements for water meter upgrades and provide an implementation schedule to the James City Service Authority (JCSA), and shall receive approval of this Agreement, and any improvements from JCSA, prior to issuance of a certificate of occupancy.
4. The owner/operator of the child day care center shall reside on the property.
5. All play areas shall be screened with fencing or shrubbery to be approved by the Planning Director.
6. Hours of operation shall be limited to 7:00 a.m. to 5:30 p.m., Monday through Friday.
7. A site plan shall be submitted to and approved by the Planning Director.

8. This special use permit shall be valid for a period of 36 months from the date of issuance of this special use permit.
9. No additional exterior lighting shall be permitted on the property other than lighting typically used at a single-family residence.
10. No signage shall be permitted on the property.
11. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Jill E. Schmidle

CONCUR:

O. Marvin Sowers, Jr.

JES/gs
vickiedaycare.wpd

Attachments:

1. Planning Commission Minutes
2. Location Map
3. Project Layout
4. Letters (8)/Petition of Support
5. Planning Commission's policy for child day care centers located in the interior of residential neighborhoods
6. Resolution

RESOLUTION

CASE NO. SUP-10-01. MISS VICKIE'S CLUBHOUSE CHILD DAY CARE CENTER

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, Ms. Vickie Skutans has applied for a special use permit to allow a child day care center for ten children within her existing home located at 108 Leon Drive; and

WHEREAS, the property is located on land zoned R-1, Limited Residential District, and can be further identified as Parcel No. (2-3-7) on James City County Real Estate Tax Map No. (47-2); and

WHEREAS, the Planning Commission, following its public hearing on July 2, 2001, voted 4 to 3 to deny 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-10-01 as described herein with the following conditions:

1. If a certificate of occupancy has not been obtained for the project within 36 months from the issuance of the special use permit, the permit shall become void.
2. No more than ten children shall be permitted at the day care center.
3. The applicant shall submit a written Agreement outlining the requirements for water meter upgrades and provide an implementation schedule to the James City Service Authority (JCSA) and shall receive approval of this Agreement and any improvements from JCSA prior to issuance of a certificate of occupancy.
4. The owner/operator of the child day care center shall reside on the property.
5. All play areas shall be screened with fencing or shrubbery, to be approved by the Planning Director.
6. Hours of operation shall be limited from 7:00 a.m. to 5:30 p.m., Monday through Friday.
7. A site plan shall be submitted to and approved by the Planning Director.
8. This special use permit shall be valid for a period of 36 months from the date of issuance of this special use permit.
9. No additional exterior lighting shall be permitted on the property other than lighting typically used at a single-family residence.
10. No signage shall be permitted on the property.

11. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of July, 2001.

sup10-01.res

**SPECIAL USE PERMIT-18-99. Olde Towne Road Timeshares
Staff Report for the July 10, 2001, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS

Planning Commission:	Building C Board Room; County Government Complex August 2, 1999, 7:00 p.m. (Deferred) September 8, 1999, 7:00 p.m. (Denied) July 5, 2000, 7:00 p.m. (Approved)
Board of Supervisors:	November 23, 1999, 7:00 p.m. (Deferred) August 8, 2000, 7:00 p.m. (Deferred) May 8, 2001, 7:00 p.m. (Deferred)

SUMMARY FACTS

Applicant:	Mr. Richard Costello, AES Consulting Engineers
Land Owner:	Mr. Philip Richardson and Philip Richardson Company, Inc.
Proposed Use:	365 timeshare units within a residential cluster and one single-family lot, at a density of 2.80 dwelling units per acre. Residential clusters with a density greater than one dwelling unit per acre require a special use permit in the R-2, General Residential District.
Location:	5295, 5350, and 5380 Olde Towne Road, adjacent to Route 199; Berkeley District
Tax Maps and Parcel Nos.:	(32-4)(1-26); (32-4)(1-26-A); (32-4)(1-36); (33-3)(1-30)
Primary Service Area:	Inside
Parcel Size:	130.40 acres
Existing Zoning:	R-2, General Residential District
Comprehensive Plan:	Low-Density Residential
Surrounding Zoning:	North, West: R-2, General Residential South: R-5, Multifamily Residential (The Mews) East (JCC): R-2; R-5 (Chisel Run) East (Williamsburg): RM-1 and RM-2, Multifamily Dwelling Districts; RS2, Single-Family Dwelling District (Piney Creek Estates)
Staff Contact:	Jill E. Schmidle - Phone: 253-6685

STAFF RECOMMENDATION:

Staff continues to find the revised proposal consistent with the surrounding zoning and single-family, multifamily, and timeshare uses. Staff also finds the proposal consistent with the requirements of the residential cluster zoning ordinance and consistent with the Comprehensive Plan. On July 5, 2000, the Planning Commission voted 4-3 to approve this project with the attached conditions. Staff recommends the Board of Supervisors approve the proposal with the attached conditions.

Project Revision and Update

At its May 8, 2001, meeting, the Board of Supervisors voted to defer this case in order to obtain additional information regarding the Powhatan Creek watershed study, updated traffic figures for Olde Towne Road, and the greenway trail.

Powhatan Creek

Regarding this project's impact on Powhatan Creek, staff has reviewed the draft information in the Powhatan Creek Management Plan that deals with the watershed that would drain this project. The consultant recommends that the current County stormwater management practices be continued in this catchment area. The County's plan review process will ensure that this is done if the project is approved. There are other areas in other portions of the County where the consultant recommends additional or enhanced stormwater practices, but not in this area.

Traffic Counts

Updated traffic counts have been taken at Olde Towne Road. In 1999, the average daily traffic count on Olde Towne Road was 11,400 vehicle trips per day. In 2000, the number decreased to 8,418. Counts taken in mid-June 2001 reveal the figure to be 9,433 vehicle trips per day.

Greenway Trail

The Board requested additional information on the proposed greenway trail. The 1996 Virginia Outdoors Plan addresses the issues of trail width and crime. The width of a multiuse trail is recommended to be a minimum of 12 feet wide to prevent conflicts between trail users. A minimum 12-foot width is recommended for multiuse trails that connect communities, parks, and/or schools. The document also states that there is no evidence that trails cause an increase in crime. Additionally, the document states that most trails have a positive effect on wildlife and promote conservation areas and environmental education. The applicant has proposed a revision to the trail condition which would reduce the width of the paved trail to 8 feet and would require the construction of the trail only with written approval of the Board of Supervisors. While Parks and Recreation staff continue to recommend a 12-foot wide trail, an 8-foot wide trail will provide acceptable public access to guarantee a public benefit to this private development. Based on anticipated use in the next ten years and existing use of the James City/Williamsburg Community Center multiuse trail, 8-feet is adequate and the County could always widen in the future if the need was identified. In staff's opinion, this Greenway Trail is a significant public benefit and an important component of the "package" that makes this project preferable to a conventional development.

Recommendation

Staff continues to find the revised proposal consistent with the surrounding zoning and uses. Staff also finds the proposal consistent with the requirements of the residential cluster zoning ordinance and the Comprehensive Plan. Staff finds that this project provides more benefits than a conventional, by-right subdivision, including the following: water conservation, fiscal impact, no school children, right-of-way berms, opportunity to realign Olde Towne Road, reserved lot for adjacent property owner, increased buffers, archaeological study, sidewalks on internal streets, increased recreational facilities including a greenway connection, curb and gutter streets, enhanced landscaping internal to the site, and increased open space. At its July 5, 2000, meeting, the Planning Commission voted 4-3 to approve the revised application. Staff recommends the Board of Supervisors approve the revised application, with the following conditions, with the revised condition highlighted:

1. Construction on this project shall commence within 36 months from the date of approval of this special use permit or this permit shall be void. Construction shall be defined as the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation. Construction does not include land preparation such as clearing, grading, or filling.
2. The Master Plan of development required under Section 24-554 of the Zoning Ordinance shall be generally consistent with the Conceptual Plan "Olde Towne Road Timeshares" prepared by AES Consulting Engineers, Revised May 10, 2000, as determined by the Director of Planning. 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.
3. The property shall be developed as a timeshare project. There shall be not more than 365 timeshare units in addition to associated recreation facilities on the property and one single-family residential lot, its location identified on the Master Plan.
4. The applicant shall implement the road improvements recommended by the traffic study "Traffic Analysis for Olde Towne Road Timeshares on Olde Towne Road" prepared by DRW Consultants, Inc., September 9, 1998, prior to issuance of the first Certificate of Occupancy for any structure on the site.
5. Prior to preliminary site plan approval, an engineering study shall be submitted to and approved by the James City Service Authority confirming the sanitary sewer system capacity.
6. All dumpsters and heating and cooling units shall be screened by landscaping or fencing approved by the Planning Director prior to final site plan approval.
7. Free-standing signs shall be ground-mounted, monument style, and shall be approved by the Planning Director prior to final site plan approval.
8. The landscape plan shall be approved by the Planning Director prior to final site plan approval for any section or phase of this project and shall include enhanced landscaping around the perimeter of each timeshare building, so that the required number of plants equals at least 133 percent of the County's Landscaping Ordinance requirements with a minimum of 33 percent of the required number of trees being evergreen. The landscape plan shall also contain landscape screening and berms with a minimum 8-foot height along the Olde Towne Road and Route 199 frontage, at the location shown on the Master Plan.
9. Four-foot Class II bikeways shall be provided on both sides of Olde Towne Road at the location shown on the Master Plan prior to the issuance of the first Certificate of Occupancy for any structure on this site. A 4-foot sidewalk shall be provided at the location shown on the Master Plan on the eastern side of Olde Towne Road prior to the issuance of the first Certificate of Occupancy for any structure on this site.
10. All 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 the fixture type and that no glare will occur 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 a public street or adjoining residentially designated property.
11. *An 8-foot wide paved public use path with 4-foot wide mulched shoulders and a 6-foot wide public use mulched path as shown generally on the Master Plan shall be constructed prior to the issuance*

of a certificate of occupancy for no more than 200 timeshare units if the Board of Supervisors has approved construction of this path and requested it in writing. If the Board of Supervisors has not approved construction of this path and requested it in writing within seven years of the approval of this Special Use Permit, the applicant and/or its successors shall have no obligation to construct this path. The path shall be located no closer than 80-feet from the nearest property line. The applicant shall fully maintain the paths and bridge during the period of time the developer is constructing the timeshare units.

12. The applicant shall work out an arrangement with the Virginia Department of Transportation to address traffic issues and safety concerns on Olde Towne Road. The applicant shall provide documentation of the agreed upon arrangement prior to final site plan approval.
13. The applicant shall dedicate to the County, by conservation easement for the purpose of providing public access to the public-use paths, 44.94 acres of the Chisel Run Swamp, identified on the Master Plan as "Protected and Preserved Natural Area, RMA Wetlands, and Buffers," in a form approved by the County Attorney prior to final site plan approval for any structure on the site.
14. The applicant shall provide water for irrigation utilizing surface water collection from the two surface water impoundments as shown on the Master Plan and shall not use JCSA water or well water for irrigation purposes. This irrigation system shall be included with the site plan for the project and shall be approved by the Director of Planning. The system shall be in place and operational prior to issuance of a certificate of occupancy for any structure on the site. This requirement prohibiting the use of well water may be waived by the County Engineer if the applicant demonstrates to the County Engineer that there is insufficient water for irrigation in the surface water impoundments, and the applicant may apply for a waiver for a shallow (less than 100 feet) well only.
15. In order to mitigate the fiscal impact of the road improvements on Olde Towne Road caused in part by this project, for a period of 15 years from the issuance of this special use permit, the area shown on the Master Plan as "Reserved Lot" may be used as one residential lot if needed by the County or the Virginia Department of Transportation ("VDOT") to relocate a family displaced due to the Olde Towne Road improvements. A subdivision creating the "Reserved Lot" shall be permitted only in connection with a conveyance to the County or VDOT for the purpose identified in this paragraph. In the event the "Reserved Lot" is not used for the purpose allowed in this paragraph, the "Reserved Lot" shall remain open space.
16. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Jill E. Schmidle

CONCUR:

O. Marvin Sowers, Jr.

JES/tlc
sup1899.wpd

Attachments:

1. 1996 Virginia Outdoors Plan - Space Standards
2. Community petition
3. Resolution

RESOLUTION

CASE NO. SUP-18-99 OLDE TOWNE ROAD TIMESHARES

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. Richard Costello has applied on behalf of Mr. Philip Richardson and Philip Richardson Company, Inc., for a special use permit to allow 365 timeshare units in a residential cluster; and

WHEREAS, the proposed residential cluster is shown on the Master Plan prepared by AES Consulting Engineers, dated May 10, 2000, and entitled "Olde Towne Road Timeshares;" and

WHEREAS, the property is located on land zoned R-2, General Residential District, and can be further identified as Parcel Nos. (1-26), (1-26A), and (1-36) on James City County Real Estate Tax Map No. (32-4) and Parcel No. (1-30) on James City County Real Estate Tax Map No. (33-3); and

WHEREAS, the Planning Commission, following its public hearing on July 5, 2000, voted 4-3 to approve 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-18-99 as described herein with the following conditions:

1. Construction on this project shall commence within 36 months from the date of approval of this special use permit or this permit shall be void. Construction shall be defined as the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation. Construction does not include land preparation such as clearing, grading, or filling.
2. The Master Plan of development required under Section 24-554 of the Zoning Ordinance shall be generally consistent with the Conceptual Plan "Olde Towne Road Timeshares" prepared by AES Consulting Engineers, Revised May 10, 2000, as determined by the Director of Planning. 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.
3. The property shall be developed as a timeshare project. There shall be not more than 365 timeshare units in addition to associated recreation facilities on the property and one single-family residential lot, its location identified on the Master Plan.
4. The applicant shall implement the road improvements recommended by the traffic study "Traffic Analysis for Olde Towne Road Timeshares on Olde Towne Road"

prepared by DRW Consultants, Inc., September 9, 1998, prior to issuance of the first Certificate of Occupancy for any structure on the site.

5. Prior to preliminary site plan approval, an engineering study shall be submitted to and approved by the James City Service Authority confirming the sanitary sewer system capacity.
6. All dumpsters and heating and cooling units shall be screened by landscaping or fencing approved by the Planning Director prior to final site plan approval.
7. Free-standing signs shall be ground-mounted, monument style, and shall be approved by the Planning Director prior to final site plan approval.
8. The landscape plan shall be approved by the Planning Director prior to final site plan approval for any section or phase of this project and shall include enhanced landscaping around the perimeter of each timeshare building, so that the required number of plants equals at least 133 percent of the County's Landscaping Ordinance requirements with a minimum of 33 percent of the required number of trees being evergreen. The landscape plan shall also contain landscape screening and berms with a minimum 8-foot height along the Olde Towne Road and Route 199 frontage, at the location shown on the Master Plan.
9. Four-foot Class II bikeways shall be provided on both sides of Olde Towne Road at the location shown on the Master Plan prior to the issuance of the first Certificate of Occupancy for any structure on this site. A 4-foot sidewalk shall be provided at the location shown on the Master Plan on the eastern side of Olde Towne Road prior to the issuance of the first Certificate of Occupancy for any structure on this site.
10. All 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 the fixture type and that no glare will occur 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 a public street or adjoining residentially designated property.
11. An 8-foot wide paved public use path with 4-foot wide mulched shoulders and a 6-foot wide public use mulched path as shown generally on the Master Plan shall be constructed prior to the issuance of a certificate of occupancy for no more than 200 timeshare units if the Board of Supervisors has approved construction of this path and requested it in writing. If the Board of Supervisors has not approved construction of this path and requested it in writing within seven years of the approval of this Special Use Permit, the applicant and/or its successors shall have no obligation to construct this path. The path shall be located no closer than 80 feet from the nearest property line. The applicant shall fully maintain the paths and bridge during the period of time the developer is constructing the timeshare units

12. The applicant shall work out an arrangement with the Virginia Department of Transportation to address traffic issues and safety concerns on Olde Towne Road. The applicant shall provide documentation of the agreed upon arrangement prior to final site plan approval.
13. The applicant shall dedicate to the County, by conservation easement for the purpose of providing public access to the public-use paths, 44.94 acres of the Chisel Run Swamp, identified on the Master Plan as "Protected and Preserved Natural Area, RMA Wetlands, and Buffers," in a form approved by the County Attorney prior to final site plan approval for any structure on the site.
14. The applicant shall provide water for irrigation utilizing surface water collection from the two surface water impoundments as shown on the master plan and shall not use JCSA water or well water for irrigation purposes. This irrigation system shall be included with the site plan for the project and shall be approved by the Director of Planning. The system shall be in place and operational prior to issuance of a certificate of occupancy for any structure on the site. This requirement prohibiting the use of well water may be waived by the County Engineer if the applicant demonstrates to the County Engineer that there is insufficient water for irrigation in the surface water impoundments, and the applicant may apply for a waiver for a shallow (less than 100 feet) well only.
15. In order to mitigate the fiscal impact of the road improvements on Olde Towne Road caused in part by this project, for a period of 15 years from the issuance of this special use permit, the area shown on the Master Plan as "Reserved Lot" may be used as one residential lot if needed by the County or the Virginia Department of Transportation ("VDOT") to relocate a family displaced due to the Olde Towne Road improvements. A subdivision creating the "Reserved Lot" shall be permitted only in connection with a conveyance to the County or VDOT for the purpose identified in this paragraph. In the event the "Reserved Lot" is not used for the purpose allowed in this paragraph, the "Reserved Lot" shall remain open space.
16. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of July,
2001.