# AGENDA

# JAMES CITY COUNTY BOARD OF SUPERVISORS

#### **County Government Center Board Room**

#### November 12, 2014

#### 7:00 P.M.

# A. CALL TO ORDER

B. ROLL CALL

## C. MOMENT OF SILENCE

**D. PLEDGE OF ALLEGIANCE** – Patrick Driscoll, a 3<sup>rd</sup> grade student at Stonehouse Elementary and a resident of the Stonehouse District

# E. PRESENTATION

1. VDOT Quarterly Transportation Report

## F. PUBLIC COMMENT

## G. BOARD REQUESTS AND DIRECTIVES

# H. CONSENT CALENDAR

- 1. Minutes
  - a. October 28, 2014, Regular Meeting
- 2. Grant Award FY 2014 Port Security Grant Program \$60,000
- 3. Grant Award Williamsburg Community Foundation \$2,000
- 4. Appropriation of Funding for the Virginia Housing Development Authority REACH Grant in the amount of \$5,000

#### I. PUBLIC HEARINGS

- 1. SUP-0009-2014. King's Garden Contractor's Office and Warehouse
- 2. SUP-0010-2014. Williamsburg Landing Construction Commencement Extension
- 3. SUP-0011-2014. McDonald's at Lightfoot Redevelopment

# J. BOARD CONSIDERATION

#### K. PUBLIC COMMENT

# L. REPORTS OF THE COUNTY ADMINISTRATOR

1. County Administrator's Report

# M. BOARD REQUESTS AND DIRECTIVES

#### N. CLOSED SESSION

**O. ADJOURNMENT** – until 4 p.m. November 25, 2014, for the Work Session

111214bos-age

#### **VDOT Quarterly Transportation Update**

#### James City Board of Supervisor's Meeting

November 12, 2014

#### Signal Synchronization Study - on going

Monticello Signalization Synchronization – The infrastructure and high speed communications landmarks have been met and are complete. Central Office TE is actively is seeking funding for the purchase and installation of In-Sync equipment. We continue to monitor the corridor travel times and have adjusted signal timings to improve progression and reduce delay.

#### Maintenance Accomplishments for Quarter (Aug 1 to Oct 31)

Completed 217 maintenance work orders this quarter of 301 (72%) with 84 outstanding – 8 Assigned (Signs/Signal/Traffic Study/Guardrail) 7 Assigned (Debris and Vegetation) 69 Assigned (Drainage/Potholes/Road Issues) VDOT's Customer Service Center **1-800-FOR-ROAD (1-800-367-7623)** 

#### **Completed Projects**

**2014 Plant Mix** – Rte 30 Old Stage Rd, Rte 60 Williamsburg City Line East to Rte 199 & Rte 30 to Rte 657, and Rte 1101 John Rolfe Ln.

**Racefield Road** – Rural Rustic Roads – Hard surface treatment of existing dirt road, completed with VDOT State Forces in September currently working closeout of the project.

2014 Surface Treatment - Graylin Woods and White Oaks S/D

#### Upcoming Projects

Rte 5 John Tyler Highway slope repair and pipe replacement

Pasture Circle slope repair in Woodland Farms S/D

**Jamestown Scotland Ferry Security Stations** - Permanent security improvements at the Jamestown-Scotland Ferry on the both the Surry and Jamestown sides. Construction ongoing with projected completion April 2015.

#### I-64 Widening Segment 1

Modified the RFP to move up the construction completion date from Dec 2018 to Dec 2017. We issued RFP #3 in October and the technical proposals, bids and project award date have been pushed back to accommodate this change.

TBD
TBD
TBD
02/04/15
04/09/15
12/2017

#### I-64 Widening Segment 2

7 miles - estimate \$213.6 mil not in 6 year plan but in LRTP End of segment 1 To exit 242 Starting design with state pre scoping \$

#### **Traffic Studies**

#### **Completed Studies**

Rte 603 Mooretown Road – Transitional speed zone of 45 mph between Airport Road and RV Park Rte 199 & Rte 5 – Merge signs from Rte 5 onto Rte 199 Rte 199 – Non-motorized access limitation from Rte 5 to Western I-64 exit. No limitation eastern part Rte 615 – Optimize signal at Ironbound Rd and News Rd intersection

#### **Ongoing Studies**

Rte 321 Monticello Ave – Pedestrian / Bicycle Safety study For the Monticello Rd Corridor Rte 60 – Review traffic signals near the Pottery Jolly Pond and Centerville - signal warrant analysis Rte 60 – Review traffic signal at Airport Road

#### Maintenance Accomplishments

Fourth Contract Mowing Cycle completed at the end of October Patched over 71 potholes with patch material Patched roads with over 33 tons of Asphalt Plant Mix Cleaned Ditches along Rte 5, Lake Powell Rd, White Oak S/D, and Longhill Rd Swept over 66 linear miles of road Patched Drop Inlets in Stonehouse S/D

# AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 28TH DAY OF OCTOBER 2014, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

# A. CALL TO ORDER

# B. ROLL CALL

Mary K. Jones, Chairman, Berkeley District Michael J. Hipple, Vice Chairman, Powhatan District James G. Kennedy, Stonehouse District-ABSENT Kevin D. Onizuk, Jamestown District John J. McGlennon, Roberts District

Bryan J. Hill, County Administrator Leo P. Rogers, County Attorney

# C. MOMENT OF SILENCE

Ms. Jones expressed her condolences to York County on the recent passing of its longtime County Administrator, James "Mac" McReynolds. She requested that his family be remembered during the moment of silence.

**D. PLEDGE OF ALLEGIANCE** – Kahlil Stubbs, and third-grade student at James River Elementary and a resident of the Roberts District, led the Board and citizens in the Pledge.

At 7:02 p.m., Ms. Jones recessed the Board of Supervisors Meeting in order to conduct the James City Service Authority Board of Directors meeting.

At 7:04 p.m., Ms. Jones reconvened the Board of Supervisors Meeting.

# E. PRESENTATION

# 1. <u>Clean County Commission Annual Report</u>

Ms. Peg Boarman, Co-Chair of the Clean County Commission, addressed the Board giving their annual report and a summary of their accomplishments.

# F. PUBLIC COMMENTS

1. Mr. John Pottle, 4233 Teakwood Drive, addressed the Board offering an invocation.

2. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board regarding unanswered questions posed by citizens.

3. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board regarding climate change and Federal regulations.

4. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board regarding the Chickahominy Days event held recently.

5. Ms. Landra Skelly, 6572 Wiltshire Road, addressed the Board regarding the recent article in The Virginia Gazette.

6. Mr. Les Skelly, 6572 Wiltshire Road, addressed the Board regarding the recent School Board meeting.

7. Ms. Petra Nadel, 106 Indian Circle, addressed the Board regarding the recent article in The Virginia Gazette.

8. Mr. Jay Everson, 103 Branscome Boulevard, addressed the Board regarding utilizing the James Blair Annex to fulfill classroom needs.

9. Mr. Ed Oyer, 139 Indian Circle, addressed the Board regarding the tax assessments on homes.

#### G. BOARD REQUESTS AND DIRECTIVES

Ms. Jones stated that she and Mr. Onizuk attended a ribbon cutting for The Beadtender in New Town. She stated that she attended the Hampton Roads Planning District Commission, Transportation Planning Organization, and Hampton Roads Transportation Accountability Committee (HRTAC) meeting last week. She requested feedback from the Board, as well as citizens, on the by-laws of the HRTAC. She stated that she was pleased to greet the Virginia Library Association who had its Annual Conference in Williamsburg. She stated that she had lunch with the members of the Community Action Agency and had the opportunity to discuss their efforts to help the community.

# H. CONSENT CALENDAR

Mr. McGlennon made a motion to approve the Consent Calendar, with the minor amendment to the minutes that was placed at the dais this evening.

On a roll call vote, the vote was: AYE: Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (4). NAY: (0). ABSENT: Mr. Kennedy (1).

#### 1. <u>Minutes</u> –

a. October 14, 2014, Regular Meeting

## 2. <u>Grant Award - Virginia Department of Emergency Management (VDEM) State Homeland Security</u> <u>Program (SHSP) Grant - \$11,370</u>

## **RESOLUTION**

#### **GRANT AWARD - VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT (VDEM)**

#### STATE HOMELAND SECURITY PROGRAM (SHSP) GRANT - \$11,370

- WHEREAS, the James City County Fire Department's Emergency Management Division has been awarded a State Homeland Security Program (SHSP) grant in the amount of \$11,370 from the Commonwealth of Virginia Department of Emergency Management using funds from the United States Department of Homeland Security Federal Emergency Management Agency 2014 SHSP grant cycle; and
- WHEREAS, the funds will be used to support the James City County Community Emergency Response Team (JCC CERT) program by funding a temporary part-time CERT Manager position and providing equipment and supplies for the program; and
- WHEREAS, the JCC CERT program seeks to increase the safety, preparedness, and resiliency of County residents; and
- WHEREAS, the grant requires no match.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of this grant and the following budget appropriation to the Special Projects/Grants fund:

<u>Revenue</u> : VDEM-SHSP-JCC CERT	<u>\$11,370</u>
Expenditure: VDEM-SHSP-JCC CERT	<u>\$11,370</u>

3. <u>Appropriation of Funding for the Virginia Homeless Solutions Program in the amount of \$33,851</u>

# <u>RESOLUTION</u>

#### APPROPRIATION OF FUNDING FOR THE

#### VIRGINIA HOMELESS SOLUTIONS PROGRAM IN THE AMOUNT OF \$33,851

- WHEREAS, the James City County Office of Housing and Community Development (OHCD) administers the Virginia Homeless Solutions Program to benefit the residents of the County, York County, and the City of Williamsburg; and
- WHEREAS, James City County has residents who have need of assistance to intervene or prevent their being homeless; and

- WHEREAS, OHCD budgeted \$148,269 for Homeless Intervention; and
- WHEREAS, the Commonwealth of Virginia, through its Department of Housing and Community Development, has made available an additional \$33,851 in the Virginia Homeless Solutions Program.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the budget authority for Homeless Intervention Program, now known as the Virginia Homeless Solutions Program, in the amount of \$33,851 for fiscal year ending June 30, 2015, as follows:

Revenue: Virginia Homeless Solutions Program	<u>\$33,851</u>
Expenditure: Virginia Homeless Solutions Program	<u>\$33,851</u>

- 4. <u>Case No. AFD 12-86-1-2014</u>. <u>Gospel Spreading Church Farm Agricultural and Forestal District</u> (AFD) Renewal
- 5. <u>Conveyance of Utility Easement to Dominion Virginia Power Fire Station 1</u>

# <u>RESOLUTION</u>

#### CONVEYANCE OF UTILITY EASEMENT TO DOMINION VIRGINIA POWER -

#### FIRE STATION 1

- WHEREAS, James City County owns property commonly known as 3135 Forge Road and further identified as James City County Real Estate Tax Map Parcel No. 1230100027 (the "Property"); and
- WHEREAS, the Board of Supervisors previously authorized construction of the James City County Fire Station 1; and
- WHEREAS, Dominion Virginia Power has requested that the County convey a utility easement across the Property and execute a Right-of-Way Agreement for Dominion Virginia Power.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute the appropriate documents to convey the utility easement and right-of-way to Dominion Virginia Power.
- I. **PUBLIC HEARING** None
- J. BOARD CONSIDERATIONS None

#### K. PUBLIC COMMENTS

1. Mr. Jay Everson, 103 Branscome Boulevard, addressed the Board continuing his previous comments regarding schools.

2. Mr. Ed Oyer, 139 Indian Circle, addressed the Board regarding new school values.

3. Mr. Chris Henderson, 101 Keystone, addressed the Board regarding a recent article in The Virginia Gazette.

4. Ms. Petra Nadel, 106 Indian Circle, addressed the Board regarding changing school layouts.

5. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board regarding Jamestown Yacht Basin.

6. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board continuing his previous comments regarding climate change.

#### L. REPORTS OF THE COUNTY ADMINISTRATOR

#### 1. <u>County Administrator's Report</u>

Mr. Hill expressed his condolences to the family of James McReynolds and to the County of York. In response to statements made this evening, he requested that any citizen questions be emailed to him directly, so that answers might be given. He mentioned that the Police Department will be hosting "Coffee with a Cop" on Friday, October 31 at the Starbucks at McLaws Circle. He reminded citizens that Trick-or-Treat hours are from 6 to 8 p.m. on Halloween night. He stated that the Police Department will be offering a firearms safety class on November 12 and registration and information can be found on the County website.

#### M. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon stated that he attended the joint Economic Development Authority reception at the College of William and Mary's Homecoming game, which was very well attended.

Mr. Onizuk stated that he attended the Greater Peninsula Workforce Development Annual Meeting on October 16. He stated that it was discussed that Virginia is seriously lacking in Information Technology professionals and he would like to reiterate his support for vocational training programs in our schools. He stated that he and Mr. Hill met with the residents of WindsorMeade to give an update on what is going on in the County.

Mr. Hipple requested that Mr. Hill and Chairman Jones contact Dr. Steven Constantino and Ms. Ruth Larson regarding the relationship between the Williamsburg-James City County School Board and the Board of Supervisors.

Ms. Jones stated that she attended the first annual car show sponsored by Williamsburg Foreign Autos that was held at Lafayette High School and was for the benefit of EEE Resources.

# N. CLOSED SESSION – None

**O. ADJOURNMENT** – until 7 p.m. on Wednesday, November 12, 2014, for the Regular Meeting.

Mr. Hipple made a motion to adjourn.

On a roll call vote, the vote was: AYE: Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (4). NAY: (0). ABSENT: Mr. Kennedy (1).

At 8:10 p.m., Ms. Jones adjourned the Board.

Bryan J. Hill Clerk to the Board

102814bos-min

# **MEMORANDUM**

DATE:	November 12, 2014
TO:	The Board of Supervisors
FROM:	Bradley J. Rinehimer, Chief of Police
SUBJECT:	Grant Award – FY 2014 Port Security Grant Program – \$60,000

The James City County Police Department has been awarded Federal funds via the FY 2014 Port Security Grant Program (PSGP) in the amount of \$45,000 with a \$15,000 local match requirement from the Department of Homeland Security. The period for expenditures by James City County is September 1, 2014 through August 31, 2016. PSGP is a maritime transportation infrastructure security initiative within the Department of Homeland Security and typically the availability of this grant recurs annually. Purchases with PSGP funds are limited to equipment detailed in the Federal Emergency Management Agency's Authorized Equipment List and training associated with that same equipment. These specific funds will be used to purchase replacement dry suits and a SCUBA tank compressor for the Department's Underwater Search and Recovery Team. These funds will not take the place of budgeted expenses.

I recommend adoption of the attached resolution.

Bradley J. Rinehimer

BJR/nb GA-PortSec2014-mem

Attachment

#### **<u>RESOLUTION</u>**

#### <u>GRANT AWARD – FY 2014 PORT SECURITY GRANT PROGRAM – \$60,000</u>

- WHEREAS, the James City County Police Department (the "Department") has been awarded a grant from the FY 14 Port Security Grant Program (PSGP) from the Department of Homeland Security; and
- WHEREAS, the award is in the amount of \$45,000 with a \$15,000 local match requirement from the Department of Homeland Security; and
- WHEREAS, the funds will be used to purchase replacement dry suits and a SCUBA tank compressor for the Department's Underwater Search and Recovery Team; and
- WHEREAS, the matching funds of \$15,000 are available in the County's Grant Match Account.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$60,000 grant awarded by the Department of Homeland Security and authorizes the following appropriation to the Special Projects/Grants Fund:

Revenues:

FY 14 PSGP	\$45,000
County's Grant Match Account	15,000
	<u>\$60,000</u>

Expenditure:

FY 14 PSGP

<u>\$60,000</u>

Mary K. Jones Chairman, Board of Supervisors

ATTEST:		AYE	NAY	ABSTAIN
	KENNEDY			
	JONES			
	MCGLENNON			
Bryan J. Hill	ONIZUK			
Clerk to the Board	HIPPLE			

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2014.

GA-PortSec2014-res

## M E M O R A N D U M

DATE:	November 12, 2014
TO:	The Board of Supervisors
FROM:	Bradley J. Rinehimer, Chief of Police
SUBJECT:	Grant Award – Williamsburg Community Foundation – \$2,000

The Williamsburg Community Foundation (WCF) has awarded the James City County Police Department (the "Department") a grant in the amount of \$2,000. There is no match required. The funds are to be used towards the purchase of supplies and materials for the Rape Aggression Defense (RAD) women's self-defense and radKIDS Personal Empowerment Safety Education (a safety course teaching youth topics such as physical safety, internet safety, and bullying prevention) programs offered by the Department.

Staff recommends approval of the attached resolution to accept the \$2,000 grant from Williamsburg Community Foundation.

Brachey J. Rinehimer

BJR/nb GA-WmsbgCommF-mem

Attachment

### **<u>RESOLUTION</u>**

#### <u>GRANT AWARD – WILLIAMSBURG COMMUNITY FOUNDATION – \$2,000</u>

- WHEREAS, the Williamsburg Community Foundation (WCF) has awarded the James City County Police Department a grant in the amount of \$2,000; and
- WHEREAS, the funds are to be used towards the purchase of supplies and materials for the Rape Aggression Defense (RAD) women's self-defense and radKIDS Personal Empowerment Safety Education (a safety course teaching youth topics such as physical safety, internet safety, and bullying prevention) programs; and
- WHEREAS, the grant requires no match.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of this grant and authorizes the following budget appropriation to the Special Projects/Grants Fund:

Revenue:

WCF – RAD/radKIDS	\$2,000
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Expenditure:

WCF – RAD/radKIDS <u>\$2,000</u>

Mary K. Jones Chairman, Board of Supervisors

ATTEST:		AYE	NAY	ABSTAIN
	KENNEDY			
	JONES			
	MCGLENNON			
Bryan J. Hill	ONIZUK			
Clerk to the Board	HIPPLE			

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2014.

GA-WmsbgCommF-res

# **MEMORANDUM**

DATE:	November 12, 2014
TO:	The Board of Supervisors
FROM:	A. Vaughn Poller, AICP, Housing and Community Development Administrator
SUBJECT:	Appropriation of Funding for the Virginia Housing Development Authority REACH Grant in the amount of \$5,000

James City County, through its Office of Housing and Community Development (OHCD), offers housing counseling to James City County residents with the assistance of Virginia Housing Development Authority (VHDA) REACH funds. These funds help pay salaries to provide counseling to participants of our First-time Homebuyer Program, Foreclosure Prevention Program, and Homelessness Prevention Program. This funding also helps to sustain the program by making it possible for staff to attend training and market the program to residents.

As part of OHCD's FY 15 budget, the Board approved an appropriation of \$15,000 for REACH funds; however, VHDA has awarded the County \$20,000 in funding.

Staff recommends adoption of the attached resolution authorizing the County Administrator to expend the additional funding for REACH in the amount of \$5,000.

Vaughn Poller

CONCUR:

1. Hutch

Diana F. Hutchens

AVP/nb VHDAReachFnd-mem

Attachment

# <u>**RESOLUTION**</u>

#### APPROPRIATION OF FUNDING FOR THE VIRGINIA HOUSING DEVELOPMENT

#### AUTHORITY REACH GRANT IN THE AMOUNT OF \$5,000

- WHEREAS, the James City County Office of Housing and Community Development (OHCD) administers the Virginia Housing Development Authority (VHDA) REACH Grant to benefit the residents of the County; and
- WHEREAS, James City County has residents who have need of housing counseling; and
- WHEREAS, OHCD budgeted \$15,000 for Homeless Intervention Programs; and
- WHEREAS, the Commonwealth of Virginia, through the VHDA, has made available \$20,000 in REACH Grant funding.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the budget authority for VHDA REACH Grant in the amount of \$5,000 for the fiscal year ending June 30, 2015, as follows:

Revenue:

VHDA REACH Grant \$5,000

Expenditure:

VHDA REACH Grant\$5,000

Mary K. Jones Chairman, Board of Supervisors

ATTEST: <u>AYE</u> <u>NAY</u> <u>ABSTAIN</u> KENNEDY \_\_\_\_\_ \_\_\_\_ JONES \_\_\_\_\_ \_\_\_\_ MCGLENNON \_\_\_\_\_ \_\_\_\_ Bryan J. Hill ONIZUK \_\_\_\_\_ \_\_\_\_ Clerk to the Board HIPPLE

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2014.

VHDAReachFnd-res

# AGENDA ITEM NO. <u>I-1</u>

# SPECIAL USE PERMIT-0009-2014. King's Garden Contractor's Office and Warehouse Staff Report for the November 12, 2014, 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.

<u>PUBLIC HEARINGS</u> Planning Commission: Board of Supervisors:	Building F Board Room; County Government Complex October 1, 2014, 7:00 p.m. November 12, 2014, 7:00 p.m.
SUMMARY FACTS Applicant:	Mr. Mitchell Foos
Land Owner:	Mr. Mitchell Foos
Proposal:	To allow a contractor's office with outdoor storage
Location:	8850 Merry Oaks Lane
Tax Map/Parcel No.:	1120100032B
Parcel Size:	$\pm 4 \text{ acres}$
Zoning:	A-1, General Agricultural
Comprehensive Plan:	Rural Lands
Primary Service Area:	Outside

#### **STAFF RECOMMENDATION**

With the proposed conditions, staff finds the proposed use to be compatible with the surrounding zoning and development and consistent with the 2009 Comprehensive Plan. Staff recommends the Board of Supervisors approve this Special Use Permit (SUP) application subject to the conditions outlined in the attached resolution.

Staff Contact:Jose Ribeiro, Senior Planner IIPhone: 253-6890

# PLANNING COMMISSION RECOMMENDATION

On October 1, 2014, the Planning Commission recommended approval of this application by a vote of 5-0 (Mr. Richardson absent, Mr. Krapf recused).

#### Proposed Changes Made Since Planning Commission Meeting

The Planning Commission proposed amendments for two SUP conditions. Condition No. 3 was amended to extend hours of operation related to transportation of equipment. As proposed, this condition would read (with amended language in *italics*):

"Transportation of equipment to and from the property shall be limited to 7 a.m. to 7 p.m. Monday through Saturday *with occasional off hours and Sunday transportation of equipment.*"

After further evaluation of the amended condition staff finds that proposed language (occasional off hours and Sunday) would not be easily enforceable and therefore staff has removed this language from Condition No.3 listed in the attached resolution. The applicant has indicated that work associated with unforeseen events such as cleaning-up storm debris is occasionally necessary. Therefore, in order to provide for more flexible hours of operation, as requested by the Planning Commission and to ensure that this condition is enforceable, staff suggest the following amendment (in italics) to Condition No.3:

"Transportation of equipment to and from the property shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday, *except for occasional after hours and Sunday transportation related to storm clean-up work and the like.*"

Condition No. 7 was amended to include prohibition of storage and stockpiling of landscaping debris. As amended this condition now reads (with amended language in *italics*):

"Neither soil stockpile, as defined by Section 24-46 of the Zoning Ordinance, *nor the storage/stockpiling of landscaping debris* shall be allowed on the Property."

#### **PROJECT DESCRIPTION**

Mr. Mitchell Foos has applied for an SUP to allow a contractor's office with equipment storage in an existing 1,200-square-foot garage and outdoor storage associated with his landscape business (Kings Garden) on a parcel located at 8850 Merry Oaks Lane. Since 2010, the applicant has owned and operated a small landscape business (as a home occupation) at 119 Queen Mary Court. Recently, Mr. Foos moved his home and business to the subject a four-acre property at 8850 Merry Oaks Lane. The property is zoned A-1, General Agricultural, and is designated as Rural Lands by the 2009 Comprehensive Plan. All surrounding parcels are residential and share the same zoning and comprehensive plan designation as the subject property. The parcel immediately to the south of 8850 Merry Oaks Lane is a three-acre property also owned by Mr. Foos. During the summer of 2014, Mr. Foos applied for a home occupation in order to operate his business from his new residence; however, the proposed commercial operation exceeded the home occupation standards as defined in the ordinance (i.e., employees were going to the site) and the application was denied. In order to bring the current operation into compliance, an SUP is required, as a contractor's office is a specially permitted use in A-1, zoning districts.

In addition to the existing single-family dwelling on the site, other existing site feature include a large detached 1,200-square-foot garage with two large bays and one oversized bay where all equipment associated with the landscape business is currently stored. The applicant has indicated that other on-site equipment associated with the business includes two Toyota Tundra trucks, one landscaping tractor, and two trailers (refer to Attachment No. 5 for pictures). Landscape materials such as rocks, stones, bricks, and pavers are stored outdoors in an area of approximate 3,000 square feet at the rear of the property. Mature trees surround the rear of the property and provide a natural buffer from adjacent properties. Outdoor storage is permitted in accordance with the requirements of Section 24-98 (c), landscape area(s) along right(s)-of-way of the Zoning Ordinance which requires screening, all-weather surface, well drained areas, and storage of items that do not create noise, odor, dust, or other objectionable effects. Currently, the business employs six full-time employees besides Mr. Foos. According to the applicant, operating hours are generally between 7 a.m. to 7 p.m. from Monday to Friday, and occasionally on Saturdays with employees picking up vehicles and equipment in the morning and dropping them off in the evening. The property fronts on Merry Oaks Lane approximately 600 feet from the intersection of Old Stage Road.

# PUBLIC IMPACTS

#### **Environmental**

The Engineering and Resource Protection Division has no comments on the Master Plan or development proposal at this time. However, any improvements to the site such as an increase in impervious surfaces

will require compliance with the Virginia Stormwater Management Regulations and Chapter 23 (Chesapeake Bay Preservation) of the James City County Ordinance.

#### **Public Utilities**

The site is located outside the Primary Service Area (PSA) and is currently served by private well and septic systems. The Health Department has indicated no concern with the proposal provided that the use of residential restrooms by employees is limited. The applicant has stated that employees are on the site only twice a day, in the morning and evening and very seldom use the restrooms in the residence.

## **Transportation**

The proposal is expected to generate low daily traffic and therefore has minimal impact to the local road system. Based on the applicant's response to staff's questions, all six employees currently carpool every working day using two private vehicles and one of the landscape business trucks. It is expected that no more than two trucks leave the site early in the morning and return late in the afternoon on a daily basis. Customers do not drive to the site. All trucks will be parked at the rear of the property away from the right-of-way and screened by natural vegetation from adjacent properties. The general location of the parking area for these vehicles is shown on the attached master plan (Attachment No. 4).

**VDOT Staff comments:** Virginia Department of Transportation (VDOT) staff has reviewed the application and stated that should the trip generation associated with the entire site exceed 50 vehicles per day, the existing entrance to the property may need to be upgrade to a low-commercial grade entrance. The applicant has provided information to staff and to VDOT confirming that vehicular trip generation will fall well below the 50-trip threshold.

#### **COMPREHENSIVE PLAN**

The site is designated by the 2009 Comprehensive Plan Land Use Map as Rural Lands. Principal suggested uses include agricultural and forestal activities, together with certain recreational public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings. Retail and other commercial uses serving Rural Lands are encouraged to be located at planned commercial locations on major thoroughfares inside the PSA. However, a few of the smaller direct agricultural- or forestal-support uses, home-based occupations, or certain uses which require very low intensity settings relative to the site in which it will be located may be considered on the basis of a case-by-case review, provided such uses are compatible with the natural and rural character of the area, in accordance with the Rural Lands Development Standards.

Staff finds that the proposed use meets the requirement of "certain uses, which require very low intensity settings relative to the site in which it will be located." Undisturbed vegetation located along the perimeter of the 4-acre property provides a natural buffer from all surrounding properties (Attachment No. 6 for pictures). Staff has visited the site and finds that it is unlikely that the proposed operation, particularly the parking of vehicles and storage of landscape materials would visually impact either the right-of-way or adjacent properties as the distance of the parking area from the right-of-way is approximately 500 feet and well screened from adjacent properties. The sizes of the trucks are not larger than the typical vehicles found in rural subdivisions. Staff finds that the rural residential characteristic of the neighborhood will not be affected by this proposal.

#### **RECOMMENDATION**

With the proposed conditions, staff finds the proposed use to be compatible with the surrounding zoning and development and consistent with the 2009 Comprehensive Plan. Staff recommends the Board of Supervisors approve this SUP application subject to the conditions outlined in the attached resolution. On October 1, 2014, the Planning Commission recommended approval of this application by a vote of 5-0-1 (Mr. Richardson absent, Mr, Krapf recused).

Jose Ribeiro

CONCUR:

Allen J. Wurphy, Jr.

JR/gb SUP0009-14KingsGarden

# ATTACHMENTS:

- 1. Resolution
- 2. Location Map
- 3. Unapproved minutes from October 1, 2014, Planning Commission meeting
- 4. Master Plan dated September 16, 2014
- 5. Pictures of vehicles, equipment, garage, and location of landscape materials
- 6. Pictures of vegetated perimeter buffer

#### **RESOLUTION**

#### CASE NO. SUP-0009-2014. KING'S GARDEN CONTRACTOR'S

#### OFFICE AND WAREHOUSE

- WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific uses that shall be subject to a Special Use Permit (SUP) process; and
- WHEREAS, Mr. Mitchell Foos has applied for an SUP to allow for a contractor's office with outdoor storage on property located at 8850 Merry Oaks Lane; and
- WHEREAS, the proposed project is depicted on the plan entitled "Master Plan for King's Garden" and dated September 16, 2014; and
- WHEREAS, the proposed project is located on property zoned A-1, General Agricultural, further identified as James City County Real Estate Tax Map Parcel No. 1120100032B; and
- WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-0009-2014; and
- WHEREAS, the Planning Commission, following its public hearing on October 1, 2014, voted 5-0-1 to recommend approval of Case No. SUP-0009-2014.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approve Application No. SUP-0009-2014, as described herein, pursuant to the following conditions:
  - 1. This SUP shall be valid for a contractor's office and the storage of vehicles, equipment and landscape materials associated with that business (the "Proposal") on property located at 8850 Merry Oaks Lane and further identified as James City County Real Estate Tax Map No. 1120100032B (the "Property"). The location of the storage of vehicles, equipment, and landscape materials shall be generally as shown on the master plan entitled "Master Plan for King's Garden" dated September 16, 2014 (the "Master Plan"), with such minor changes as the Director of Planning determines do not change the basic concept or character of the development.
  - 2. Commercial activity conducted at the Property shall be limited to administrative/office work, maintenance of equipment and vehicles, storage, and loading of materials on trucks and trailers.
  - 3. Transportation of equipment to and from the Property shall be limited to 7 a.m. to 7 p.m. Monday through Saturday, except for occasional after hours and Sunday transportation related to storm clean-up work and the like.

- 4. On-site storage of vehicles, equipment, and landscape materials associated with the Proposal shall be as follows:
  - a. Vehicles and associated equipment, including but not limited to, trucks and trailers, shall be contained within an area of up to 2,000 square feet as generally shown on the Master Plan.
  - b. Landscape materials associated with the Proposal, including but not limited to, bricks, rocks, stones, and pavers shall be contained within an area of up to 3,000 square feet as generally shown on the Master Plan. These materials shall not be located within any required building setback or have a vertical height of more than eight feet.
  - c. Equipment associated with the Proposal, including but not limited to, leaf blowers, commercial lawn mowers, spray rigs, spreaders, wheelbarrows, chainsaws, backpack sprayers, and hand tools shall be stored within the existing 1,200-square-foot garage as shown on the Master Plan.
- 5. An amendment to this SUP shall be necessary should the number of vehicles, equipment, and landscape materials associated with the Proposal exceed the storage capacity as specified by this SUP.
- 6. The existing vegetation surrounding the storage areas shown on the Master Plan shall remain undisturbed.
- 7. Neither soil stockpile as defined by Section 24-46 of the Zoning Ordinance, nor storage/stockpiling of landscaping debris shall be allowed on the Property.
- 8. No outdoor signage advertising the Proposal or commercial activity shall be allowed on the Property.
- 9. All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Director of Planning or his designee, which indicates no glare outside the property lines. All light poles shall not exceed 20 feet in height unless otherwise approved by the Director of Planning prior to final site plan approval. "Glare" shall be defined as more than 0.1 foot-candle at the boundary of the Property or any direct view of the lighting source from the adjoining properties.
- 10. Prior to final site plan approval, a spill prevention and containment plan that addresses chemical handling, including but not limited to, oil, diesel, and gasoline, shall be submitted to the Director of Engineering and Resource Protection and the Fire Chief for their respective review and approval.
- 11. A site plan shall be required for this Proposal. Final approval of the site plan shall be obtained within 18 months of issuance of this SUP, or the SUP shall become void.
- 12. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Mary K. Jones Chairman, Board of Supervisors

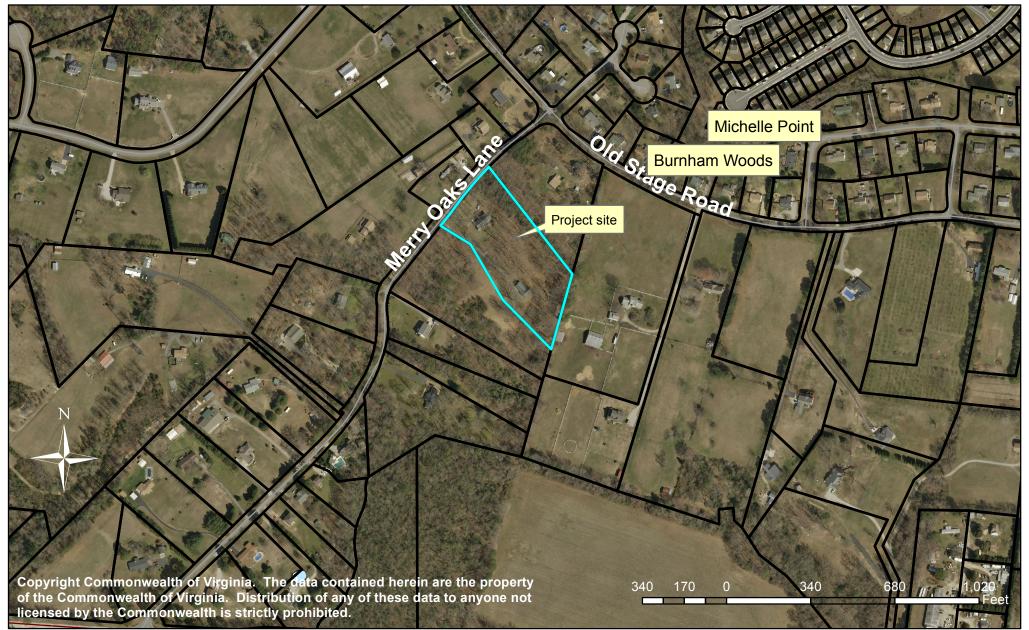
ATTEST:		AYE	NAY	ABSTAIN
	KENNEDY			
	JONES			
	MCGLENNON			
Bryan J. Hill	ONIZUK			
Clerk to the Board	HIPPLE			

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2014.

SUP0009-14KingsGarden-res

# JCC-SUP-0009-2014 King's Garden Contractor's Office and Warehousing





# Unapproved Minutes of the October 1, 2014 Planning Commission Meeting

#### A. <u>Case No. SUP-0009-2014, King's Garden Contractor's Office and Warehouse</u>

Mr. Krapf noted that he would recuse himself from voting on the application because his wife is owner of Heart's Ease Landscaping and Garden Design and frequently works with the applicant.

Mr. José Ribeiro, Senior Planner III, provided the Commission with a report on the proposed contractors office, warehouse and outdoor storage on a parcel of property located at 8850 Merry Oaks Lane.

Mr. Krapf opened the floor to questions from the Commissioners.

Ms. Bledsoe inquired whether any chemicals would be stored at this site.

Mr. Ribeiro stated that he would defer to the applicant on that question.

As a procedural note, Mr. Krapf stated that the applicant would be able to respond to the question later in the meeting.

Mr. Ribeiro noted that one of the SUP conditions covered spill prevention which allows the applicant to provide a narrative outlining how he would contain and clean up any chemical spill that might occur.

Mr. O'Connor inquired whether the Zoning Ordinance placed limits on the size of a business in the A-1 zoning district.

Mr. Ribeiro responded that commercial uses in A-1 are very limited. Mr. Ribeiro stated that in crafting SUP conditions staff looks for a balance that will allow flexibility for a business to expand but setting limits to ensure that the business does not grow so large that it is out of character with the intent of the zoning district.

Mr. O'Connor stated that he wanted a better understanding of what those limits are.

Mr. Holt stated that this is part of the legislative process to determine what the impacts are and how they could be mitigated in the context of the particular property and if it is a good fit to retain the rural character. Mr. Holt stated that there was not a quantitative cut-off in the Zoning Ordinance itself.

Mr. Krapf called for disclosures regarding meetings or conversations with applicants. There were none.

Mr. Krapf opened the public hearing.

Mr. Mitchell Foos, 8850 Merry Oaks Lane, stated that he is the applicant and owner of Kings Garden. Mr. Foos stated that he would be happy to answer questions.

Ms. Bledsoe requested more detail on the types of chemicals that might be stored on the property and the proposed spill plan.

Mr. Foos stated that the chemicals on site would be weed control, fertilizers, fungicides and similar products. Mr. Foos further stated that he works closely with the Office of Pesticide Services to ensure regulations are met and that the appropriate materials are on hand to contain spills.

Mr. O'Connor inquired how the business disposed of landscape debris.

Mr. Foos stated that they do not stockpile soils, mulch, trash or debris but might store some reusable materials such as stone or brick.

Mr. Basic inquired whether the applicant is aware of the SUP conditions and is in agreement with them.

Mr. Foos confirmed.

Mr. Basic further inquired whether the applicant understands that if the business grows beyond the limits set in the SUP conditions, a new SUP will be required.

Mr. Foos confirmed.

As no one else wished to speak, Mr. Krapf closed the public hearing.

Mr. Krapf opened the floor to discussion by the Commissioners.

Mr. O'Connor stated that he is opposed to the SUP conditions that limits hours of operation. Mr. O'Connor further stated that he would suggest including "no stockpiling of debris" and no burning of debris" in one of the conditions.

Mr. Basic stated that he would support inclusion of language to allow for occasional off or after hours work.

Ms. Bledsoe asked Mr. Ribeiro to confirm this neighborhood differs from that of the similar case reviewed the previous month.

Mr. Ribeiro confirmed that the lot sizes are larger and density is lower.

Ms. Bledsoe stated that she could support modifying the condition restricting hours of operations.

Mr. Krapf summarized that there are two items that might modify the SUP conditions: 1) adding flexibility to condition #3 to allow for some off or after ours operations, 2) adding language to condition #7 to prohibit stockpiling of debris.

Mr. Krapf inquired whether the applicant would be agreeable to those changes to the SUP conditions.

Mr. Foos stated that the changes to the SUP conditions were agreeable.

Mr. Krapf noted that when a motion is made, it should be made to recommend approval of the application with the two amendments. If the Commission is not supportive of the amendments and the motion failed, another motion could be made.

Mr. O'Connor moved to recommend approval of the application with an amendment to condition #3 to allow for occasional off hours and Sunday transportation of equipment and an amendment to condition # 7 to prohibit the stockpiling of landscaping debris.

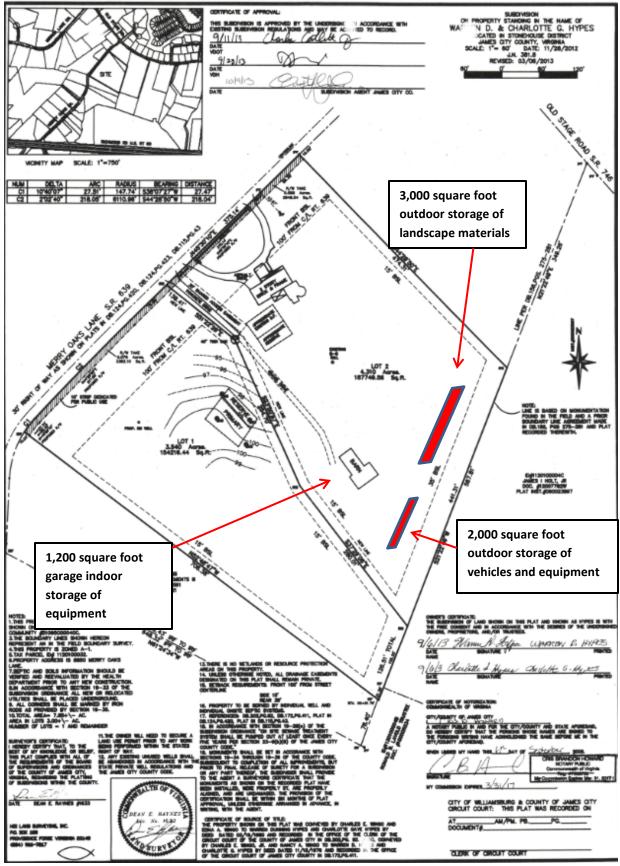
Mr. Holt requested clarification on whether the motion included a prohibition on burning of debris.

Mr. O'Connor stated that burning of debris is permitted in the A-1 zoning district. Mr. O'Connor further noted that by prohibiting the stockpiling there would be no landscaping debris to burn.

Mr. Holt clarified that the motion on the table was to recommend approval of the SUP with proposed condition #3 reading: "Transportation of equipment to and from the property shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday with occasional off hours and Sunday transportation of equipment" and proposed condition #7 reading "No soil stockpile, as defined by Section 24-46 of the Zoning Ordinance, nor storage or stockpiling of landscaping debris shall be allowed in the Property."

On a roll call vote, the Planning Commission voted to recommend approval of SUP-0008-2014 with the conditions in the staff report by a vote of 5-0, Mr. Richardson being absent and Mr. Krapf recusing himself from the vote.

# SUP-009-2014



# Truck and trailer



1,200 square foot garage







09/11/2014

Examples of equipment stored in the garage

# Landscape materials located behind garage



# View from the rear of the property where garage is located



# Wooded area at the rear of the property (left side)



Wooded area at the rear of the property (right side)



# AGENDA ITEM NO. <u>1-2</u> SPECIAL USE PERMIT-0010-2014. Williamsburg Landing Construction Commencement Extension Staff Report for the November 12, 2014, Board of Supervisors Public Hearing

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

PUBLIC HEARINGS Planning Commission:	Building F Board Room; County Government Complex October 1, 2014, 7:00 p.m.	
Board of Supervisors:	November 12, 2014, 7:00 p.m.	
SUMMARY FACTS Applicant:	Mr. Paul Gerhardt of Kaufman & Canoles, P.C.	
Land Owner:	Williamsburg Landing, Inc.	
Proposal:	The applicant has proposed amending the previously adopted Special Use Permit (SUP) to allow for an extension of the construction commencement condition for an additional 36 months. No other changes to the previously approved application are proposed. The previously approved application proposed 100 assisted living units, 100 nursing units, and 87 independent living units.	
Location:	5560 Williamsburg Landing Drive	
Tax Map/Parcel No.:	4820100003	
Parcel Size:	± 50.01 acres	
Zoning:	R-5, Multi-family residential, with proffers	
Comprehensive Plan:	Low Density Residential	
Primary Service Area:	Inside	

# **STAFF RECOMMENDATION**

Staff finds the proposed use to be compatible with the surrounding zoning and development and consistent with the 2009 Comprehensive Plan. Staff recommends the Board of Supervisors approve this SUP application subject to the conditions outlined in the attached resolution.

Staff Contact:	Jose Ribeiro, Senior Planner II	Phone: 253-6890
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#### PLANNING COMMISSION RECOMMENDATION

On October 1, 2014, the Planning Commission recommended approval of this application by a vote of 6-0 (Mr. Richardson absent).

#### Proposed Changes Made Since Planning Commission Meeting

None.

# **PROJECT DESCRIPTION**

Mr. Paul Gerhardt has applied to amend the adopted conditions for Case No. SUP-0005-2011 to allow for an extension to the construction time limit that was established in September 2011. The extension would allow for additional time to construct the previously approved 100 assisted living units, 100 nursing units, and 87 independent living units. No increase in units or changes to the development plans are proposed at this time. The property is located at 5560 Williamsburg Landing Drive, is zoned R-5, Multi-family Residential, with proffers, and is designated Low Density Residential on the Comprehensive Plan. An SUP is required because nursing homes and facilities for the residence and/or care of the aged are specially permitted uses in the R-5, Multi-family Residential district.

Currently, the existing construction commencement condition (i.e., construction must commence within 36 months of SUP approval) expires in January 2015. In a letter submitted with this application, dated August 20, 2014 (Attachment No. 4), the applicant states that minor improvements such as road and utility work under approved site plans have been initiated; however, unanticipated events such as extensive renovations necessary for the Landing Building and changes in the marketplace for the delivery of care and housing services for seniors have precluded construction commencing in earnest within the allotted 36-month construction window for this project. The applicant is requesting an additional 36-month construction window to begin in January 2015.

## PROJECT HISTORY

In 2008, Williamsburg Landing, Inc. applied to amend the proffers and SUP to allow an additional ten assisted living units and an additional ten nursing units (Case No. SUP-0018-2008). That application resulted in a Master Plan approval for 100 assisted living units, 100 nursing units, and 87 independent living units. Currently the parcel contains 61 assisted living units, 58 nursing units, and 63 independent living units on the site.

On June 11, 2013, the Board of Supervisors approved an amendment to the existing proffers and SUP conditions to allow one additional independent living unit on the parcel to the south for a total of 28 independent living units (Case No. Z-0001-2013/SUP-0002-2013). The parcel to the east currently contains 220 independent living units. A review of the history of these parcels indicates these parcels are not subject to the proffers or SUP conditions or the caps noted therein.

#### **COMPREHENSIVE PLAN**

The site is designated Low Density Residential on the 2009 Comprehensive Plan Land Use Map. Recommended uses include very limited commercial establishments, single-family homes, duplexes, and cluster housing with a recommended gross density of one unit per acre up to four units per acre in developments that offer particular public benefits. The Comprehensive Plan also recommends projects be located inside the Primary Service Area, provide adequate screening from adjacent uses, and minimize impact on major roads by limiting access points.

The Williamsburg Landing development is located within the Primary Service Area. Furthermore, the existing development provides adequate buffers and screening from both Route 199 as well as adjacent residential neighborhoods and provides internal on-site collector roads and access off Lake Powell Road rather than Route 199. Staff finds the proposed development to be consistent with the 2009 Comprehensive Plan.

#### **RECOMMENDATION**

Staff finds the proposed use to be compatible with the surrounding zoning and development and consistent with the 2009 Comprehensive Plan. Staff recommends the Board of Supervisors approve this SUP application subject to the conditions outlined in the attached resolution. On October 1, 2014, the Planning Commission recommended approval of this application by a vote of 6-0 (Mr. Richardson absent).

Jose Ribeiro

CONCUR:

Allen J. Murphy, Jr.

JR/gb SUP0010-14WmsbgLanding

# ATTACHMENTS:

- 1. Resolution
- 2. Location Map
- 3. Unapproved minutes from October 1, 2014, Planning Commission meeting
- 4. Letter from the Applicant dated August 20, 2014
- 5. Case No. SUP-0005-2011 Staff Report and Adopted Resolution

#### **<u>RESOLUTION</u>**

#### CASE NO. SUP-0010-2014. WILLIAMSBURG LANDING

#### CONSTRUCTION COMMENCEMENT EXTENSION

- WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific uses that shall be subject to a Special Use Permit (SUP) process; and
- WHEREAS, Mr. Paul Gerhardt has applied to amend the SUP conditions for Case No. SUP-0005-2011 to allow for a 36-month extension to the construction time limit that is currently set to expire in January 2015; and
- WHEREAS, the extension of the construction commencement condition will be valid through January 2018; and
- WHEREAS, the extension will allow for additional time to construct the previously approved 100-bed nursing home facility, 100 assisted living units, and 87 independent units; and
- WHEREAS, the property is located at 5560 Williamsburg Landing Drive, is zoned R-5, Multi-family Residential, and can be further identified as James City County Real Estate Tax Map/Parcel No. 4820100003; and
- WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-0010-2014; and
- WHEREAS, the Planning Commission, following its public hearing on October 1, 2014, voted 6-0 to recommend approval of Case No. SUP-0010-2014; and
- WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2009 Comprehensive Plan Land Use Map designation for this site.
- NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, does hereby approve Application No. SUP-0009-2014, as described herein, pursuant to the following conditions:
  - 1. Development of the site shall be generally in accordance with the master plan entitled "Williamsburg Landing Conceptual Plan" and dated November 7, 2008, as determined by the Director of Planning. Minor changes may be permitted by the Director of Planning, as long as they do not change the basic concept or character of the development.
  - 2. If construction has not commenced on the project by January 15, 2018, the SUP shall become void. Commencement of construction shall be defined as both obtaining permits for building construction and installation of footings and/or foundations.

- 3. This SUP shall be limited to the following specially permitted uses:
  - a. Single-family dwellings
  - b. Nursing homes and facilities for the residence and/or care of the aged

These specially permitted uses are in addition to those generally permitted uses specified in Proffer No. 1 of the Amended Proffers associated with Z-0002-2008. Nursing home facilities shall be limited to one 100-bed nursing home. Assisted living units shall be limited to 100 units. Independent units shall be limited to 87 units.

4. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Mary K. Jones Chairman, Board of Supervisors

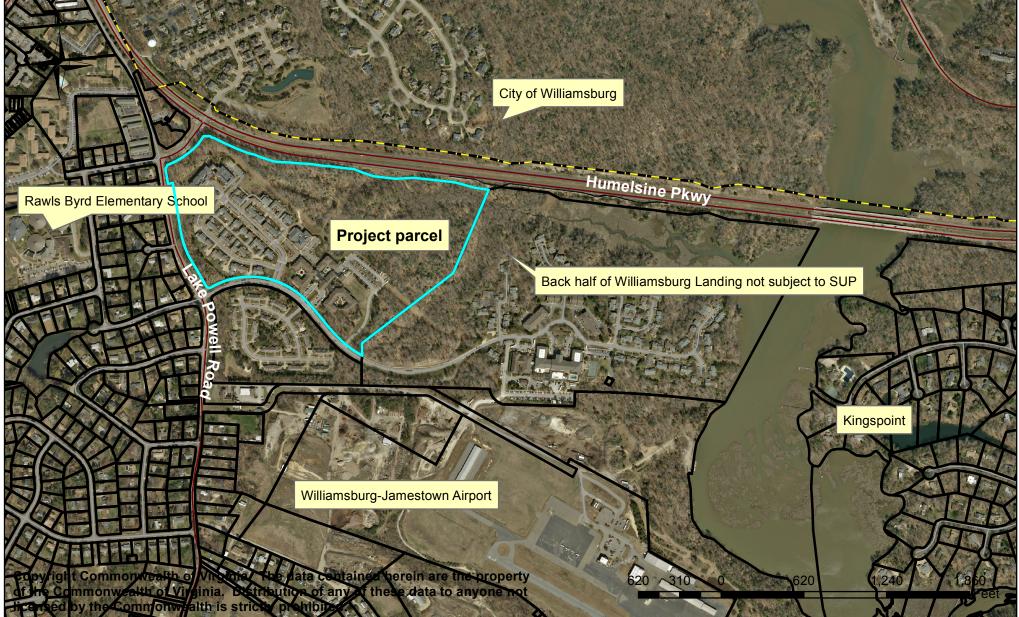
ATTEST:		AYE	NAY	ABSTAIN
	KENNEDY			
	JONES			
	MCGLENNON			
Bryan J. Hill	ONIZUK			
Clerk to the Board	HIPPLE			

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2014.

SUP0010-14WmsbgLanding-res

# SUP-0010-2014 Williamsburg Landing Construction Commencement Extension





A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FIRST DAY OF OCTOBER, TWO-THOUSAND AND FOURTEEN, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

## 1. <u>ROLL CALL</u>

Planning Commissioners	Staff Present:
Present:	Allen J. Murphy, Jr., Director of Development Management
Rich Krapf	Paul Holt, Planning Director
Tim O'Connor	José Ribeiro, Senior Planner II
Chris Basic	Leanne Pollock, Senior Planner II
Robin Bledsoe	Maxwell Hlavin, Assistant County Attorney
George Drummond	
John Wright, III	

<u>Absent:</u> Heath Richardson

Mr. Rich Krapf called the meeting to order at 7:00 p.m.

Mr. Krapf acknowledged and welcomed the new County Administrator Bryan J. Hill who was in attendance.

## 2. <u>PUBLIC COMMENT</u>

Mr. Krapf opened the public comment.

As no one wished to speak, Mr. Krapf closed the public comment.

## 3. <u>CONSENT AGENDA</u>

## A. Minutes from the September , 2014, Planning Commission meeting

Mr. Chris Basic moved to approve the Consent Agenda.

In a unanimous vote, the Commission approved the Consent Agenda 6-0.

## 4. <u>REPORTS TO THE COMMISSION</u>

## A. <u>Development Review Committee</u>

Mr. Basic stated that the Development Review Committee (DRC) met on Wednesday, September 24, 2014 with all five members present. Mr. Basic noted that the DRC did not review any cases for action; however, three cases were reviewed for discussion: i. C-0028-2013, New Town Shared Parking

Mr. Basic stated that the last New Town Shared Parking update was reviewed on January 29, 2014 when the DRC requested a test time-limited parking on Main Street. An update on the time-limited parking was anticipated for the September DRC meeting; however, since the time-limited parking was implemented slightly later than planned, the applicant requested, and the DRC granted, a one month deferral until the October 29, 2014 DRC meeting to allow for additional data collection.

ii. C-0060-2014, Williamsburg Unitarian Universalist Expansion

Mr. Basic stated that a proposal was submitted for a multi-phase expansion of the existing Williamsburg Unitarian Universalist building. Mr. Basic stated that the addition would include additional worship space, classrooms for education, a nursery, administrative offices, a memorial garden, an event tent and an outdoor worship and program space. Mr. Basic noted that the proposal also includes expansion of the parking area with a possible second entrance on Ironbound Road. Mr. Basic stated that the DRC provided feedback on the proposal and was generally supportive of the plan.

iii. C-0044-2014, Grove Barber Shop

Mr. Basic stated that a proposal had been submitted to renovate and restore the existing Grove Community Barber Shop located at 104 Howard Drive. Mr. Basic stated that the renovations would restore the building to its original condition and would not expand or alter the footprint. Mr. Basic noted that the location does not have on-site parking and the renovation would require five parking spaces. The DRC encouraged the applicant to seek a shared parking agreement with the neighboring Capital Lodge. Mr. Basic stated that the DRC was generally supportive of the application moving forward.

## B. Policy Committee

Mr. O'Connor stated that the Policy Committee did not meet in September and therefore, there is no report. Mr. O'Connor stated that the next Policy Committee meeting would be October 9, 2014.

## C. <u>Regional Issues Committee</u>

Ms. Robin Bledsoe stated that the Regional Issues Committee did not meet in September.

## 5. <u>PUBLIC HEARING CASES</u>

## A. Case No. SUP-0009-2014, King's Garden Contractor's Office and Warehouse

Mr. Krapf noted that he would recuse himself from voting on the application because his wife is owner of Heart's Ease Landscaping and Garden Design and frequently works with the applicant.

Mr. José Ribeiro, Senior Planner II, provided the Commission with a report on the proposed contractors office, warehouse and outdoor storage on a parcel of property located at 8850 Merry Oaks Lane.

Mr. Krapf opened the floor to questions from the Commissioners.

Ms. Bledsoe inquired whether any chemicals would be stored at this site.

Mr. Ribeiro stated that he would defer to the applicant on that question.

As a procedural note, Mr. Krapf stated that the applicant would be able to respond to the question later in the meeting.

Mr. Ribeiro noted that one of the SUP conditions covered spill prevention which allows the applicant to provide a narrative outlining how he would contain and clean up any chemical spill that might occur.

Mr. O'Connor inquired whether the Zoning Ordinance placed limits on the size of a business in the A-1 zoning district.

Mr. Ribeiro responded that commercial uses in A-1 are very limited. Mr. Ribeiro stated that in crafting SUP conditions staff looks for a balance that will allow flexibility for a business to expand but setting limits to ensure that the business does not grow so large that it is out of character with the intent of the zoning district.

Mr. O'Connor stated that he wanted a better understanding of what those limits are.

Mr. Holt stated that this is part of the legislative process to determine what the impacts are and how they could be mitigated in the context of the particular property and if it is a good fit to retain the rural character. Mr. Holt stated that there was not a quantitative cut-off in the Zoning Ordinance itself.

Mr. Krapf called for disclosures regarding meetings or conversations with applicants. There were none.

Mr. Krapf opened the public hearing.

Mr. Mitchell Foos, 8850 Merry Oaks Lane, stated that he is the applicant and owner of Kings Garden. Mr. Foos stated that he would be happy to answer questions.

Ms. Bledsoe requested more detail on the types of chemicals that might be stored on the property and the proposed spill plan.

Mr. Foos stated that the chemicals on site would be weed control, fertilizers, fungicides and similar products. Mr. Foos further stated that he works closely with the Office of Pesticide

Services to ensure regulations are met and that the appropriate materials are on hand to contain spills.

Mr. O'Connor inquired how the business disposed of landscape debris.

Mr. Foos stated that they do not stockpile soils, mulch, trash or debris but might store some reusable materials such as stone or brick.

Mr. Basic inquired whether the applicant is aware of the SUP conditions and is in agreement with them.

Mr. Foos confirmed.

Mr. Basic further inquired whether the applicant understands that if the business grows beyond the limits set in the SUP conditions, a new SUP will be required.

Mr. Foos confirmed.

As no one else wished to speak, Mr. Krapf closed the public hearing.

Mr. Krapf opened the floor to discussion by the Commissioners.

Mr. O'Connor stated that he is opposed to the SUP conditions that limits hours of operation. Mr. O'Connor further stated that he would suggest including "no stockpiling of debris" and no burning of debris" in one of the conditions.

Mr. Basic stated that he would support inclusion of language to allow for occasional off or after hours work.

Ms. Bledsoe asked Mr. Ribeiro to confirm this neighborhood differs from that of the similar case reviewed the previous month.

Mr. Ribeiro confirmed that the lot sizes are larger and density is lower.

Ms. Bledsoe stated that she could support modifying the condition restricting hours of operations.

Mr. Krapf summarized that there are two items that might modify the SUP conditions: 1) adding flexibility to condition #3 to allow for some off or after ours operations, 2) adding language to condition #7 to prohibit stockpiling of debris.

Mr. Krapf inquired whether the applicant would be agreeable to those changes to the SUP conditions.

Mr. Foos stated that the changes to the SUP conditions were agreeable.

Mr. Krapf noted that when a motion is made, it should be made to recommend approval of the application with the two amendments. If the Commission is not supportive of the amendments and the motion failed, another motion could be made.

Mr. O'Connor moved to recommend approval of the application with an amendment to condition #3 to allow for occasional off hours and Sunday transportation of equipment and an amendment to condition # 7 to prohibit the stockpiling of landscaping debris.

Mr. Holt requested clarification on whether the motion included a prohibition on burning of debris.

Mr. O'Connor stated that burning of debris is permitted in the A-1 zoning district. Mr. O'Connor further noted that by prohibiting the stockpiling there would be no landscaping debris to burn.

Mr. Holt clarified that the motion on the table was to recommend approval of the SUP with proposed condition #3 reading: "Transportation of equipment to and from the property shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday with occasional off hours and Sunday transportation of equipment" and proposed condition #7 reading "No soil stockpile, as defined by Section 24-46 of the Zoning Ordinance, nor storage or stockpiling of landscaping debris shall be allowed in the Property."

On a roll call vote, the Planning Commission voted to recommend approval of SUP-0008-2014 with the conditions in the staff report by a vote of 5-0, Mr. Richardson being absent and Mr. Krapf recusing himself from the vote.

## B. <u>Case No. SUP-0010-2014, Williamsburg Landing Construction Commencement</u> <u>Extension</u>

Mr. José Ribeiro, Senior Planner II, provided the Commission with a report on the proposed amendment of a previously approved SUP which would extend the construction commencement condition for an additional 36 months.

Mr. Krapf called for disclosures regarding meetings or conversations with applicants.

Ms. Bledsoe stated that she had discussed the application with the applicant, Mr. Paul Gerhardt.

Mr. O'Connor stated that he had also spoken with Mr. Gerhardt regarding the application.

Mr. Basic stated that he had spoken with Mr. Gerhardt also.

Mr. Krapf opened the public hearing.

Mr. Paul Gerhardt, 116 Alexander Place, stated that Ben Puckett, Chief Operating Officer for Williamsburg Landing was also present and they would both be happy to answer any questions.

Ms. Bledsoe stated that the current stormwater criteria are being met with the 10-Point Special Stormwater Criteria and that if any of the requirements change there is a system in place to capture that.

Mr. Gerhardt responded that there are two site plans in place now. One will expire in 2015 and the other in 2016 and would need to be renewed. Mr. Gerhardt stated that the intention is to fully comply with the new stormwater regulations with those site plan extensions.

Mr. Holt stated that based on discussion with Engineering & Resource protection, the Master Plan is still subject to those stormwater criteria developed under the previous master Plan and would continue to be.

Mr. Gerhardt noted that the SUP conditions have been reviewed and are fully acceptable.

As no one else wished to speak, Mr. Krapf closed the public hearing.

Mr. Krapf opened the floor to discussion by the Commission.

Mr. Basic moved to recommend approval of SUP-0010-2014, Williamsburg Landing Construction Commencement Extension.

On a roll call vote, the Planning Commission voted to recommend approval of SUP-0008-2014 with the conditions in the staff report by a vote of 6-0, Mr. Richardson being absent.

## C. Case No. SUP-0011-2014, McDonalds at Lightfoot Upgrade

Ms. Leanne Pollock, Senior Planner II, provided the Commission with a report on the proposal to demolish and rebuild the existing McDonalds fast food restaurant at 6473 Richmond Road.

Mr. Krapf called for disclosures regarding meetings or conversations with applicants.

Mr. O'Connor stated that he had spoken with Mr. William Sleeth who represents the applicant.

Mr. Basic stated that he had also spoken with Mr. Sleeth.

Mr. Krapf opened the public hearing.

Mr. William Sleeth, 5388 Discovery Park Boulevard, stated that he is an attorney with LeClair Ryan and represents the applicant. Mr. Sleeth noted that Steve Blevins from Blakeway Corporation and Gary Martelli for McDonalds were also available to answer questions.

Mr. Sleeth addressed the Commission, giving an overview of the proposal.

Mr. Krapf noted that there has been some discussion about design elements for the McDonalds in comparison to the Lightfoot Marketplace and requested to see elevations for the Lightfoot Marketplace.

Ms. Pollock provided current elevations for several of the Lightfoot Marketplace buildings. Ms. Pollock stated that the proposed building design and materials for Lightfoot Marketplace mirror those proposed for the McDonalds. Ms. Pollock noted that stone materials, which are proposed for the McDonalds, are also an approved material in the Lightfoot Marketplace Design Guidelines.

Mr. O'Connor stated that this was a one-time opportunity to make a major difference in the appearance of that intersection in a Community Character Corridor. Mr. O'Connor stated that even with the enhanced buffers and landscaping, he would prefer to see a more attractive elevation for the building side facing Richmond Road.

Mr. O'Connor inquired about the figures provided for the traffic impact study, noting that one figure showed an increase of one vehicle per hour and the other figure showed 120 fewer vehicles.

Ms. Pollock responded that the figures show two methods of calculating trip generation for fast food restaurants based on the standards in the ITE books. One method is based on the square footage and the other is based on the number of seats. Ms. Pollock stated that generally the method based on seats is slightly more accurate and that trip generation would decrease in proportion to the number of seats being removed. Ms. Pollock noted that there is variation in the figures because of the drive-thru and that the calculation based on square footage would be more likely to capture that variable. Ms. Pollock stated that if there is an increase, it would be minimal and that the likelihood would be to see a decrease.

Mr. Krapf requested that the applicant address the concerns on the building elevations.

Mr. Sleeth noted that the proposed setback for the new building is significantly larger than the existing. Mr. Sleeth noted that there was a 50-foot buffer between the parking between Richmond Road and the parking area.

Mr. Sleeth further noted that there would be landscaping which would further conceal the service doors and interrupt the longer portion of the façade.

Mr. Sleeth also stated that the applicants are also willing to install a metal awning/trellis over the service doors to provide more character to the building.

Mr. Gary Martelli stated that the design presented currently incorporates features which are intended to enhance the character of the building. Mr. Martelli stated that the trellis could be extended along the side of the building to further enhance the design. Mr. Martelli further stated the brick would be matched to the brick that would be used in the Lightfoot Marketplace buildings.

Mr. Basic stated that the elevation shown in the Community Impact Statement was more consistent with the Lightfoot Marketplace buildings. Mr. Basic noted that it was not a difference in materials but a difference in the articulation of the long empty sides of the building. Mr. Basic

also stated that there was an emphasis on four-sided architecture for Lightfoot Marketplace because of its unique location. Mr. Basic stated that the design of the McDonalds building should also be carefully considered because of its relationship to the buildings around it. Mr. Basic noted that even though the drive-thru side was not visible from a main corridor, it would be adjacent to future buildings in Lightfoot Marketplace where its current design might be in conflict with the uses of those buildings.

Mr. O'Connor stated that he would like to see a proposal that would break up the long expanse of blank wall.

Mr. Martelli stated that he would be willing to work with staff to find an acceptable mix of design and materials and that they could consider adding more stone accents to both walls.

Mr. Krapf summarized that it appeared that the applicant is willing to consider enhancements to the materials and design for both the Richmond Road and the drive-thru sides. Mr. Krapf further stated that a few more design enhancements would be beneficial to the overall impression. Mr. Krapf also noted that during review of the Lightfoot Marketplace proposal, great emphasis was placed on four-sided architecture. Mr. Krapf stated that he appreciated the applicant's willingness to consider those factors.

Mr. Basic requested the Commission weigh in on whether to trust that design improvements would be provided before the case is presented to the Board of Supervisors or to request deferral.

Mr. O'Connor stated that a consideration is whether staff is comfortable with moving forward or would want more guidance from the Commission on an acceptable design.

Mr. Holt stated that he felt the Commission had provided clear direction for staff to work with the applicant on a revised design. Mr. Holt noted that the applicant is committed to working with staff for a quick turn-around. Mr. Holt further stated that if the Commission decided to move the application forward, staff would provide whatever updates the Commission desired. Mr. Holt also stated that the Commission could bring the case back for further review if staff reached an impasse with the applicant.

Mr. Martelli noted that there was a sense of urgency to move forward with the project as the restaurant's business is seasonal and reiterated his willingness to work with staff to develop a mutually acceptable design.

Mr. Wright stated that he believes staff has a good understanding of what the Commission is looking for in terms of architectural variation and is comfortable with having staff work with the applicant on the design.

Mr. George Drummond inquired if the Commission would consider false windows as a feature to break up the long wall.

Mr. Krapf stated that false windows, similar to what is proposed for the rear of the building, would be an option if it is structurally feasible. Mr. Krapf stated that he has confidence in staff's ability to work with the applicant on an acceptable solution.

Mr. Holt noted that the takeaway for staff is that while additional treatments like awnings and spandrel glass will be helpful and serve as a good starting point, the Commission is looking for something more substantial in terms of articulation to screen the service doors and break up the long flat façade on the side of the building facing Richmond Road.

Mr. Basic stated that the Commission would also like to see design improvements for the drivethru side as well.

Ms. Bledsoe requested clarification on whether the project had gone before the DRC.

Mr. Krapf stated that the project had been to the DRC twice.

Ms. Bledsoe inquired whether these comments were made clear to the applicant during the DRC review.

Mr. Krapf stated that it was an evolutionary process with revisions being brought back to the second meeting. Mr. Krapf noted that the current design incorporates suggestions from the second DRC review.

Mr. O'Connor inquired whether staff would bring the application back to the Commission if there were concerns over the design.

Mr. Holt confirmed and stated that staff would look to resolve any issues prior to advertising for the Board of Supervisors public hearing.

Mr. O'Connor inquired whether there would be any landscaping between the McDonalds property and Lightfoot Marketplace.

Mr. Sleeth stated that although it was not clear on the plan, the areas shown in brown would retain the existing trees with mulching around them. Mr. Sleeth stated that there would be substantial greenery encircling the project.

Mr. Holt stated that staff would ensure that the plan meets at least the minimum requirements of the County's landscape ordinance.

Mr. Krapf noted that the public hearing was still open and inquired if anyone wished to speak.

As no one else wished to speak, Mr. Krapf closed the public hearing.

Mr. Krapf opened the floor to discussion by the Commission.

Ms. Bledsoe stated that the application offers major improvements over the current site. Ms. Bledsoe stated that she favored applications such as this that reuse a footprint rather than creating a new footprint.

Ms. Bledsoe moved to approve SUP-0011-2014, McDonalds at Lightfoot Upgrade.

Mr. O'Connor requested clarification on whether the motion included the recommended changes to the Richmond Road and drive-thru elevations.

Ms. Bledsoe stated that the motion included the recommended changes.

Mr. O'Connor stated that he would support the application with the recommended changes.

Mr. Krapf stated that he believed this would be a beneficial change to complement the Lightfoot Marketplace development and commended the applicant for his cooperation with the requested changes.

Mr. Basic inquired whether requiring general consistency with the adjacent landscaping for the Richmond Road Community Character Corridor buffer could be achieved without amending condition #6.

Mr. Holt stated that consistency could be achieved without amending the SUP condition.

On a roll call vote, the Planning Commission voted to recommend approval of SUP-0011-2014 with the conditions in the staff report and the recommended design changes by a vote of 6-0, Mr. Richardson being absent.

## 6. <u>PLANNING DIRECTOR'S REPORT</u>

Mr. Holt stated that the joint work session with the Board of Supervisors would be on October 28 at 4:00 p.m. Mr. Holt noted that the next public meeting for the Mooretown Road Corridor study would be held on October 20, 7-9 p.m. at Norge Elementary School. Mr. Holt stated that this would be an opportunity for the public to provide feedback on location alternatives and proposed typical cross section.

Mr. Basic thanked Mr. Holt for following up on questions related to Dominion Power applying herbicides along many of the Community Character Corridors which was negatively impacting those corridors.

## 8. <u>COMMISSION DISCUSSION AND REQUESTS</u>

Mr. Krapf reminded the Commission that he would be the Planning Commission representative at the Board of Supervisors meetings in October.

Mr. O'Connor stated that the next Policy Committee meeting would be held on October 9 at 3:00 p.m. in preparation for the joint work session.

# 9. <u>ADJOURNMENT</u>

Mr. O'Connor moved to adjourn.

The meeting was adjourned at approximately 9:15 p.m.

Richard Krapf, Chairman

Paul D. Holt, III, Secretary

## KAUFMAN&CANOLES attorneys at law

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August 20, 2014

#### **BY HAND & EMAIL**

Mr. Paul D. Hoit Planning Director James City County 101-A Mounts Bay Road Williamsburg, VA 23185

#### RE: Williamsburg Landing, Inc. Amendment to SUP-0005-2011

Dear Mr. Holt,

I am writing on behalf of Williamsburg Landing, Inc. to respectfully request an amendment to the referenced SUP to allow for time to commence the project for which the SUP was obtained. With this letter I am forwarding to you a Special Use Permit application for this request, together with a filing fee made payable to Treasurer, James City County in the amount of \$450,00. The referenced SUP was initially adopted by the James City County Board of Supervisors on January 13, 2009 as SUP-0018-2008, then subsequently amended by action of the Board of Supervisors on September 13, 2011. As explained by Williamsburg Landing at the time it requested the first extension, at the initial passage of the SUP, the U.S. economy had begun to decline and continuing care communities, such as Willamsburg Landing, had continued to feel the adverse impacts of that economic decline. In addition, in late 2010. Williamsburg Landing discovered substantial structural problems with the Landing Building the resolution of which required significant attention of management and considerable financial resources. During the time that elapsed while Williamsburg Landing was tending to the Landing Building, further shifts in the marketplace for the delivery of care and housing services for seniors have occurred. This gave rise to a need to further refine building strategles and plans. Willamsburg Landing has undertaken some road and utility work under approved site plans in anticipation of commencement of the buildings allowed by the SUP. However, given these unanticipated series of events, Willamsburg Landing understands that it realistically will not be able to fully evaluate and commence the project referenced in the Special Use Permit within the allotted 36 month time period which ends in January 2015. With the level of complex financing and planning required for new facilities, It is necessary that Williamsburg Landing request a 36 month extension from January 2015 of the commencement deadline prescribed by the SUP.

Mr. Paul D. Holt August 20, 2014 Page 2

Please do not hesitate to contact the undersigned if you need any additional information or supporting documentation. We would appreciate any effort to allow us to present this extension request to the Planning Commission in early October. We thank you for your consideration of this request.

Sincerely, Paul W. Gerhardt

PWG/rls Enclosures Cc: Stephen H. Montgomery Benjamin Puckett

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## AGENDA ITEM NO. <u>I-1</u>

# SPECIAL USE PERMIT-0005-2011. Williamsburg Landing Construction Commencement Extension

## Staff Report for the September 13, 2011, Board of Supervisors Public Hearing

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

PUBLIC HEARINGS Planning Commission:	Building F Board Room; County Government Complex August 3, 2011, 7:00 p.m.
Board of Supervisors:	September 13, 2011, 7:00 p.m.
SUMMARY FACTS Applicant:	Paul Gerhardt of Kaufman & Canoles, P.C.
Applicant.	Faul Ochiaidt of Kaliman & Canoles, 1.C.
Land Owner:	Williamsburg Landing, Inc.
Proposal:	The applicant has proposed amending the previously approved SUP- 0018-2008, to allow an extension of the construction commencement clause for an additional 36 months. The project will result in 100-
	assisted living units, 100-nursing units, and 87-independent living units.
Location:	5560 Williamsburg Landing Drive
Tax Map/Parcel No.:	4820100003
Parcel Size:	Approximately 50.01 acres.
Zoning:	R-5, Multi-family residential, with proffers.
Comprehensive Plan:	Low Density Residential
Primary Service Area:	Inside

#### STAFF RECOMMENDATION

The proposal has minimal impacts and is generally compatible with the 2009 Comprehensive Plan. Staff recommends the James City County Board of Supervisors approve this application with the attached resolution.

Staff Contact: Jason Purse

Phone: 253-6685

#### PLANNING COMMISSION RECOMMENDATION

On August 3, 2011, the Planning Commission voted 6-0 to recommend approval of this application.

#### **Proposed Changes Made Since Planning Commission Meeting**

None.

#### PROJECT DESCRIPTION

Mr. Paul Gerhardt has applied to amend the Special Use Permit (SUP) conditions for SUP-0018-2008 to allow for an extension to the construction time limit that was established for 36 months in January 2009. The extension would allow for additional time to construct the previously approved 100-bed nursing home facility, 100 assisted living units, and 87 independent units. No increase in units or changes to the development plans are proposed at this time. The property is located at 5560 Williamsburg Landing Drive, is zoned R-5, Multi-family Residential, and is designated Low-Density Residential on the Comprehensive Plan. An SUP is required because nursing homes and facilities for the residence and/or care of the aged are specially permitted uses in the R-5, Multi-family Residential, district.

Currently, the existing construction commencement condition expires in January 2012. The applicant has indicated that due to the extensive renovations necessary for the Landing Building and due to the current economic climate, Williamsburg Landing will not be able to commence construction on the project within the allotted 36-month time period. The applicant is requesting an additional 36-month construction window for this project, which would make the new expiration date for January 2015. No other changes are proposed to this project at this time.

#### **COMPREHENSIVE PLAN**

The site is designated Low Density Residential on the 2009 Comprehensive Plan Land Use Map. Recommended uses include very limited commercial establishments, single-family homes, duplexes, and cluster housing with a recommended gross density of one unit per acre up to four units per acre in developments that offer particular public benefits. The Comprehensive Plan also recommends projects be located inside the Primary Service Area (PSA), provide adequate screening from adjacent uses and minimize impact on major roads by limiting access points.

The Williamsburg Landing development is located within the PSA. Furthermore, the existing development provides adequate buffers and screening from both Route 199 as well as adjacent residential neighborhoods, and provides internal on-site collector roads and access off Lake Powell Road rather than Route 199. Staff finds the proposed development to be consistent with the 2009 Comprehensive Plan.

#### **RECOMMENDATION**

The proposal has minimal impacts and is generally compatible with the 2009 Comprehensive Plan. Staff recommends the Board of Supervisors approve this application with the attached resolution.

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CONCUR:

Allen J. Murphy, Jr.

even W. Hicks

Sup05-11WL-cons.doc JP/gb

#### ATTACHMENTS:

- 1. Resolution
- 2. Location Map
- 3. Unapproved minutes from the August 3, 2011, Planning Commission meeting

#### RESOLUTION

#### CASE NO. SUP-0005-2011. WILLIAMSBURG LANDING

#### CONSTRUCTION COMMENCEMENT EXTENSION

- 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 (SUP) process; and
- WHEREAS, Mr. Paul Gerhardt has applied to amend the SUP conditions for SUP-0018-2008 to allow for an extension to the construction time limit that was established for 36 months in January 2009; and
- WHEREAS, the extension of the construction commencement condition will be valid through January 2015; and
- WHEREAS, the extension will allow for additional time to construct the previously approved 100-bed nursing home facility, 100 assisted living units, and 87 independent units; and
- WHEREAS, the property is located at 5560 Williamsburg Landing Drive, is zoned R-5, Multi-family Residential, and can be further identified as James City County Real Estate Tax Map/Parcel No. 4820100003; and
- WHEREAS, the Planning Commission of James City County, following its public hearing on August 3, 2011, recommended approval of this application by a vote of 6-0; and
- WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2009 Comprehensive Plan Land Use Map designation for this site.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after a public hearing, does hereby approve the issuance of SUP No. 0005-2011 as described herein with the following conditions:
  - 1. Development of the site shall be generally in accordance with the master plan entitled "Williamsburg Landing Conceptual Plan" and dated November 7, 2008, as determined by the Director of Planning. Minor changes may be permitted by the Director of Planning, as long as they do not change the basic concept or character of the development.
  - 2. If construction has not commenced on the project by January 15, 2015, it shall become void. Construction shall be defined as obtaining permits for building construction and installation of footings and/or foundations.
  - 3. This SUP shall be limited to the following specially permitted uses:
    - Single-family dwellings
    - Nursing homes and facilities for the residence and/or care of the aged

These specially permitted uses are in addition to those generally permitted uses specified in Proffer 1 of the Amended Proffers. Nursing home facilities shall be limited to one 100-bed nursing home. Assisted living units shall be limited to 100 units. Independent units shall be limited to 87 units.

This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or 4. paragraph shall invalidate the remainder.

Mary K. Jones

ATTEST:

Robert C. Middaugh

Clerk to the Board

Chairman, Board of Supervisors VOTE **SUPERVISORS** KENNEDY AYE AYE GOODSON MCGLENNON AYE **ICENHOUR** AYE AYE JONES

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of Septebmer, 2011.

Sup05-11WL-Cons\_res

## AGENDA ITEM NO. <u>I-3</u>

## SPECIAL USE PERMIT-0011-2014. McDonald's at Lightfoot Redevelopment Staff Report for the November 12, 2014, 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: Board of Supervisors:	Building F Board Room; County Government Complex October 1, 2014, 7:00 p.m. November 12, 2014, 7:00 p.m.
SUMMARY FACTS Applicant:	Mr. Steve Blevins, Blakeway Corporation
Land Owners:	McDonald's Corporation
Proposal:	To demolish and then rebuild an existing fast-food restaurant
Location:	6473 Richmond Road
Tax Map/Parcel No.:	2430100063
Project Acreage:	+/- 1.6 acres
Zoning:	M-1, Limited Business/Industrial
Comprehensive Plan:	Mixed Use
Primary Service Area:	Inside

#### **STAFF RECOMMENDATION**

Staff finds the proposal to be compatible with surrounding development and consistent with the 2009 Comprehensive Plan and zoning ordinance. Staff recommends the James City County Board of Supervisors approve this application subject to the conditions detailed in the attached resolution.

Staff Contact: Leanne Pollock Phone: 253-6876

#### PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended approval of this Special Use Permit (SUP) application and the proposed conditions, subject to the applicant addressing concerns with the Richmond Road (non-drive-thru side) and drive-thru side building elevations, at its October 1, 2014 meeting by a vote of 6-0 (absent: Richardson).

#### **Proposed Changes Made Since the Planning Commission Meeting**

In response to comments by the Planning Commission, the applicant revised the elevations as follows:

• Wrapped a portion of the stone "branding wall" that is on the Rear Elevation of the building around the corner to the Richmond Road (non-drive-thru side elevation) side of the building.

- Projected the area of the brick façade around the service doors by about the width of a brick so that in effect the two service doors become slightly recessed.
- Extended the stone surrounds/accents on the drive-thru side elevation up to perforate the roof.

Most of the Commissioners were satisfied with the above improvements; however, Mr. O'Connor continued to express concerns that the service doors on the Richmond Road elevation are not adequately minimized. Mr. O'Connor noted that this elevation faces Richmond Road, which is a Community Character Corridor (CCC) and that the right side of the building appeared to lack sufficient architectural detail.

Staff revised Condition No. 6 to clarify that the Richmond Road CCC buffer will comply with the County's Enhanced Landscaping Policy and will also use similar plant materials and material placement to the 50-foot CCC buffer along the Richmond Road frontage of Lightfoot Marketplace so that there is a consistent treatment of the Richmond Road buffer across properties.

#### **PROJECT DESCRIPTION**

Mr. Steve Blevins of Blakeway Corporation has applied for an SUP in order to bring an existing legally nonconforming fast food restaurant into compliance with the M-1, Limited Business/Industrial Zoning Ordinance. The proposal includes rebuilding the existing McDonald's in Lightfoot to update the elevation and revise the site layout. The new proposed McDonald's building would be approximately 4,000 square feet and would seat up to 74 guests. This revised footprint will reduce existing seating by more than 100 seats and reduce the number of existing parking spaces by 42 spaces.

The project is immediately adjacent to the recently approved Lightfoot Marketplace project on the site of the former Williamsburg Outlet Mall. The McDonald's shares an entrance from Richmond Road with the Lightfoot Marketplace. Lightfoot Marketplace and the adjacent hotel to the north are both zoned M-1, Limited Business/Industrial, and are designated Mixed Use on the 2009 Comprehensive Plan Land Use Map. Across Richmond Road is a fuel station zoned B-1, General Business and designated Mixed Use on the Comprehensive Plan. There is also property across the street that is located in York County which is zoned GB, General Business, and designated General Business on the 2013 Comprehensive Plan.

#### PUBLIC IMPACTS

#### Archaeology

As this property is currently developed, which resulted in prior land disturbance, there are not likely to be any intact archaeological resources that would be impacted by the redevelopment of the site. No archaeological study was required to be submitted.

### **Engineering and Resource Protection**

## Watershed: Yarmouth Creek

**Staff Comments:** The property was previously cleared and there is little existing vegetation and no Resource Protection Areas or wetlands on the property. The applicant is proposing to reduce impervious cover on the site by 30 percent. Runoff will largely be managed using existing stormwater infrastructure on the property. Additionally, as part of the Yarmouth Creek watershed, the project will be subject to Special Stormwater Criteria and Low Impact Development (LID) measures to achieve runoff reduction. While the applicant does not propose to seek LEED or other green building certification, they have indicated that McDonald's uses the following in its efforts to be good stewards of the environment: LEED-style lighting fixtures and low-mercury fluorescent lamps; high-efficiency rooftop units and gas water heaters; reflective white roof; high-efficiency bathroom appliances; and recycling of cooking oil, paper products, and cardboard.

#### **Public Utilities**

The property is served by public water and sewer and will use existing public connections. **Staff Comments:** Staff has reviewed the Community Impact Statement and Master Plan and concurs with the information submitted, while noting that additional information will need to be considered at the development plan design stage. The James City Service Authority (JCSA) has requested that the applicant develop water conservation standards prior to development plan approval.

#### **Transportation**

The McDonald's is located on Richmond Road and shares access with Lightfoot Marketplace via an existing signalized intersection. The developer of Lightfoot Marketplace – Armada Hoffler – is also making improvements to that intersection as well as relocating and improving the existing McDonald's entrance as part of their development plans.

Dexter Williams of DRW Consultants, LLC developed a trip generation table to compare traffic generated by the existing McDonald's with anticipated traffic from the redeveloped McDonald's. Trip generation can be determined in two ways for a fast-food restaurant: by building square footage or by number of seats. Using the first method, the small increase in building square footage over the existing building would only minimally increase trip generation of the site (one vehicle per hour). Using the second method, the large reduction in the number of seats would result in a significant decrease in the site's trip generation (decrease of 120 vehicles per hour).

**Traffic Counts:** The James City County/Williamsburg/York County Comprehensive Transportation Study (Regional Study) that was completed in March 2012 indicated that the most recent weekday volume for Route 60 from Croaker Road to Centerville Road was 21,419 trips. This represents a current PM peak hour Level of Service (LOS) of A-C for the corridor. From Centerville Road to Route 199, the most recent weekday volume is 26,430, which is a current PM peak hour LOS of A-C.

**Projected Traffic Volume:** On Route 60 from Croaker Road to Centerville Road, the 2009 Comprehensive Plan projects 39,110 Annual Average Daily Traffic (AADT) for 2035 – this is in the category of recommended for improvement (from four to six lanes). The Regional Study notes that the PM peak hour LOS for the corridor is projected to still be at a LOS of A-C in 2034. The Comprehensive Plan projected AADT for the segment from Centerville Road to Route 199 is 62,307 trips in 2035. The Regional Study notes that the PM peak hour LOS for this corridor is projected to fall to a LOS of F in 2034. The traffic study submitted with the Lightfoot Marketplace proposal shows that with full build-out of the project and anticipated road improvements in 2022, certain segments of the Richmond Road corridor LOS will actually improve from current conditions. The improvements are also anticipated to bring the overall LOS for all intersections in the immediate vicinity of the project to a LOS of D or higher in 2022.

The Comprehensive Plan specifically addresses Richmond Road and notes that efforts should be made to concentrate development in planned areas while minimizing the number of needed new signals and entrances. New developments should be permitted only where the project can be served by the existing road network while maintaining an acceptable level of service or if the impacts can be adequately addressed through road and signalization improvements.

**VDOT Comments:** The Virginia Department of Transportation concurred that the trip generation for the redeveloped McDonald's will be consistent with the current use of the site and that since there was not entrance to the site from a public right-of-way that no improvements were necessary.

**Staff Comments:** Staff finds that the development can be supported by the existing road network and will not add new entrances or signals. The proposed redeveloped McDonald's will continue to share access to the property with Lightfoot Marketplace and will have little impact to the current operations of the adjacent road network. It will be critical that McDonald's work in cooperation with Armada-Hoffler to complete the relocation of its entrance, pedestrian connections, and signal improvements.

### **ARCHITECTURAL ELEVATIONS**

As noted earlier, the Planning Commission expressed concerns regarding the drive-thru and Richmond Road elevations for the proposed building. In response to concerns, the applicant has made a series of further improvements. A row of blacked out windows was added to the rear elevation, which will be visible from Route 60 and the adjacent hotel, in order to give it more of a storefront look. The applicant also removed a parking space near the two service doors on the non-drive-thru side elevation to create space for a larger landscape island that is intended to soften and break up the appearance of this elevation. The applicant also extended the metal awning over the service doors and slightly recessed them. A portion of the stone branding wall on the rear of the building was wrapped around the corner to also be visible at the end of the Richmond Road elevation side of the building. SUP conditions are proposed related to both the building elevations and the final building materials with the adjacent Lightfoot Marketplace development. Overall, staff finds the proposed elevations are more consistent with the Richmond Road CCC and adjacent development than the existing McDonald's building.

#### **COMPREHENSIVE PLAN**

The project is designated Mixed Use on the 2009 Comprehensive Plan Land Use Map and is in the Lightfoot area. Mixed Use areas should be in the Primary Service Area and should be centers for higher density development with a mix of uses served by adequate infrastructure and public services. The consideration of development proposals should focus on the development potential of a given area compared to the area's infrastructure and the relation of the proposal to the existing and proposed mix of uses and their impacts. Mixed Use developments should also create a sense of place through use of focal open spaces, unified architectural design and design that encourages pedestrian activity. Specifically, the Lightfoot area calls for lands west of Route 60 to include principal uses such as moderate-density housing, commercial developments, and office developments. Commercial uses should not be developed in a strip pattern and should emphasize shared access and parking as well as consistent treatment for landscaping and architecture.

Staff finds that the application includes several enhancements for the Richmond Road CCC. The biggest change involves increasing the width of the CCC buffer to 50 feet and planting the buffer consistent with the suburban/urban CCC description and the proposed buffer in front of Lightfoot Marketplace. The McDonald's site redevelopment also includes improvements to pedestrian access from the existing sidewalk and bus shelter on Route 60 to the restaurant and to the adjacent shopping center. McDonald's has also proposed architectural elevations that use similar brick materials, stone, and metal trellis-type canopies to what is proposed for the pharmacy across the main entrance from the restaurant. SUP conditions also limit the colors and materials of the drive-thru awning, dumpster enclosure, and monument sign to create consistency with the Lightfoot Marketplace plans. The applicant also proposes to locate the dumpster at the back of the site where it will be less visible and also eliminated all parking and add landscaping along the main entrance to Lightfoot Marketplace to improve the sense of arrival at a destination. Staff finds the proposed development to be consistent with the 2009 Comprehensive Plan.

#### **RECOMMENDATION**

Staff finds the proposal to be compatible with surrounding development and consistent with the 2009 Comprehensive Plan and zoning ordinance. Staff recommends the James City County Board of Supervisors approve this application subject to the conditions detailed in the attached resolution.

re ( Pollock anne Pollock

Concur:

Allen J. Myphy, Jr.

LP/nb SUP11-14McDonalds

Attachments:

- 1. Resolution
- 2. Location Map
- 3. Unapproved Minutes of the October 1, 2014, Planning Commission Meeting
- 4. Master Plan
- 5. Community Impact Statement
- 6. Trip Generation Memorandum
- 7. Elevations

#### **<u>RESOLUTION</u>**

#### CASE NO. SUP-0011-2014. McDONALD'S AT LIGHTFOOT REDEVELOPMENT

- 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 (SUP) process; and
- WHEREAS, Mr. Steve Blevins of Blakeway Corporation has applied for an SUP on behalf of McDonald's (the "Owner") to demolish and rebuild an existing fast-food restaurant on property located at 6473 Richmond Road (the "Property"); and
- WHEREAS, the proposed development is depicted on the plan prepared by Blakeway Corporation, dated February 26, 2014, revised September 15, 2014, and entitled "Preliminary Concept"; and
- WHEREAS, the proposed development is located in its entirety on property zoned M1, Limited Business/Industrial, further identified as James City County Real Estate Tax Map Parcel No. 2430100063; and
- WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-0011-2014; and
- WHEREAS, the Planning Commission, following its public hearing on October 1, 2014, voted 6-0 to recommend approval of Application No. SUP-0011-2014.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve SUP-0011-2014, as described herein, pursuant to the following conditions:
  - 1. <u>Use</u>: This SUP shall be valid for a fast-food restaurant approximately 4,600 square feet in size (the "Development").
  - 2. <u>Master Plan</u>: The site plan for the development shall be generally consistent with the "Preliminary Concept" prepared by Blakeway Corporation, dated February 26, 2014 and revised September 15, 2014 (the "Master Plan"), as determined by the Director of Planning.
  - 3. <u>Elevations</u>: Final building elevations shall be generally consistent with the "Proposed McDonald's Restaurant Color Elevation Study" prepared by URSD and dated October 20, 2014 (the "Elevations"). Building materials and colors shall be similar to those used for the adjacent Lightfoot Marketplace development. Prior to issuance of site plan approval, the Director of Planning or his designee shall review and approve the final building elevations, materials, and color scheme for consistency with this condition.
  - 4. <u>Drive-thru Canopies and Dumpster Enclosure</u>: The dumpster enclosure and the canopies and mounting structure for the drive-thru shall use neutral colors and building materials similar to the primary building elevation materials. No directional, informational, or menu board text shall be able to be read from beyond the property lines of the Development. Prior to issuance of site plan approval, the Director of Planning or his designee shall review and approve the final design and colors of the dumpster enclosure and drive-thru canopies for consistency with this condition.

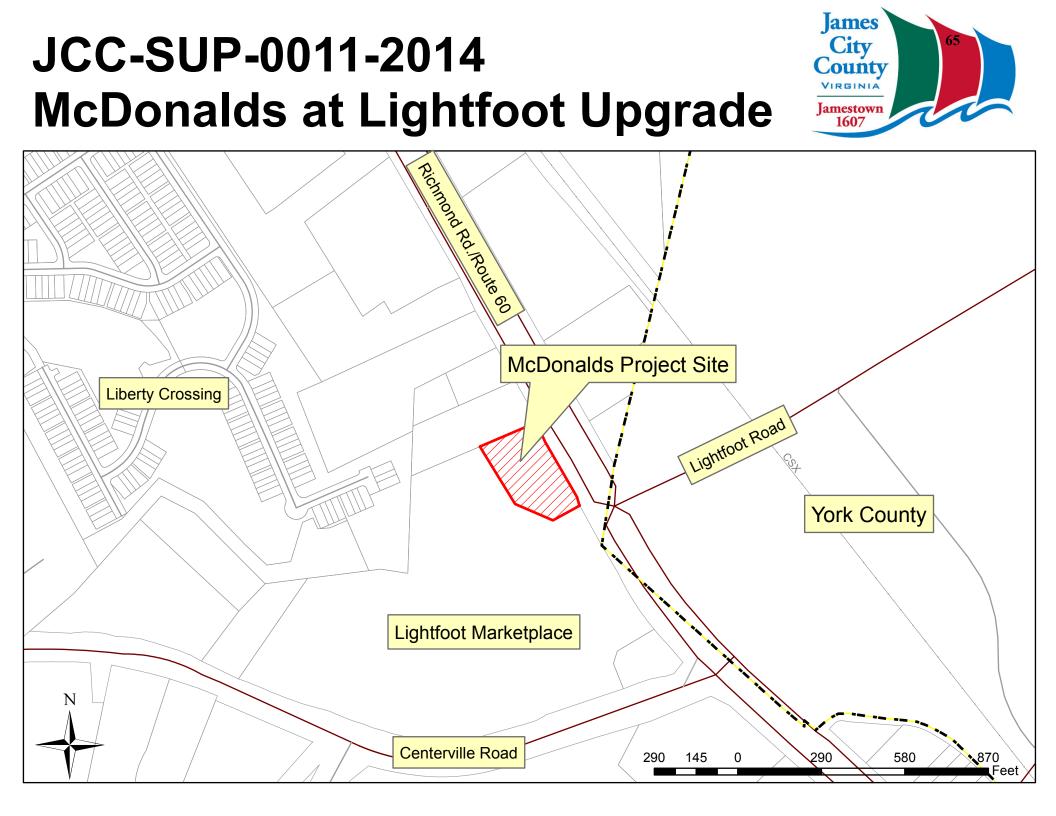
- 5. <u>Signage</u>: In addition to building face signage as permitted by the James City County Zoning Ordinance (the "Ordinance"), the Development shall be limited to one externally illuminated freestanding monument-style sign on the Property not to exceed eight feet in height. The base of the sign shall be brick or shall use materials similar in type and color with the Elevations. All signage, content, and materials shall be in accordance with the Ordinance and shall be approved by the Director of Planning for consistency with this condition.
- 6. <u>Richmond Road Buffer</u>: The Community Character Corridor (CCC) buffer along Richmond Road shall be an average of 50 feet in width. The buffer shall contain enhanced landscaping in accordance with the County's Enhanced Landscaping Policy as adopted April 9, 2013, and shall use similar plant materials and placement to the 50-foot CCC buffer along the Richmond Road frontage of Lightfoot Marketplace. Street trees shall be provided along Richmond Road in substantial compliance with the guideline for street trees contained in the Streetscape Guidelines Policy. Landscaping shall be shown as part of the initial building site plan and shall be reviewed and approved by the Director of Planning or his designee for consistency with this condition.
- 7. <u>Water Conservation Standards</u>: The owner shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority (the "JCSA") and subsequently for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of approved landscaping design and materials to promote water conservation and minimize the use of public water resources. Standards shall be reviewed and approved by the JCSA prior to final site plan approval of the Development.
- 8. <u>Richmond Road Bike Lane</u>: In accordance with the Regional Bikeway Map, a bike lane shall be provided along the Property's Richmond Road frontage. However, this requirement may be waived by the Director of Planning should the owner demonstrate that existing pavement width or section, drainage, or other engineering constraints would restrict the ability of the owner to install the bike lane in a manner that would meet Virginia Department of Transportation requirements. Such analysis shall be submitted prior to or concurrent with the initial site plan submission. If a bike lane can be installed, it shall be completed concurrent with improvements to the Richmond Road/Lightfoot Road/Lightfoot Marketplace entrance intersection unless otherwise approved by the Director of Planning. In the event that the Director of Planning disapproves the waiver, the applicant may appeal the decision to the Planning Commission.
- 9. <u>Internal Pedestrian Accommodations</u>: The Development shall provide internal pedestrian connections wherever the sidewalk enters the parking area or crosses the entrance or drive-thru lane and shall provide safe connections from the existing bus stop and to the adjacent Lightfoot Marketplace area. The connections shall be clearly delineated by use of a different color of pavement, brick pavers, or some other method determined to be acceptable by the Director of Planning prior to final site plan approval.
- <u>Commencement</u>: Construction on this project shall commence within 36 months from the date of approval of this SUP or this permit shall be void. Construction shall be defined as obtaining building permits and an approved footing inspection and/or foundation inspection.
- 11. <u>Severance Clause</u>: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Mary K. Jones Chairman, Board of Supervisors

ATTEST:		AYE	NAY	<u>ABSTAIN</u>
	KENNEDY			
	JONES			
	MCGLENNON			
Bryan J. Hill	ONIZUK			
Clerk to the Board	HIPPLE			

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2014.

SUP11-14McDonalds-res



# Unapproved Minutes of the October 1, 2014 Planning Commission Meeting

#### C. Case No. SUP-0011-2014, McDonalds at Lightfoot Upgrade

Ms. Leanne Pollock, Senior Planner II, provided the Commission with a report on the proposal to demolish and rebuild the existing McDonalds fast food restaurant at 6473 Richmond Road.

Mr. Krapf called for disclosures regarding meetings or conversations with applicants.

Mr. O'Connor stated that he had spoken with Mr. William Sleeth who represents the applicant.

Mr. Basic stated that he had also spoken with Mr. Sleeth.

Mr. Krapf opened the public hearing.

Mr. Williams Sleeth, 5388 Discovery Park Boulevard, stated that he is an attorney with LeClair Ryan and represents the applicant. Mr. Sleeth noted that Steve Blevins from Blakeway Corporation and Gary Martelli for McDonalds were also available to answer questions.

Mr. Sleeth addressed the Commission, giving an overview of the proposal.

Mr. Krapf noted that there has been some discussion about design elements for the McDonalds in comparison to the Lightfoot Marketplace and requested to see elevations for the Lightfoot Marketplace.

Ms. Pollock provided current elevations for several of the Lightfoot Marketplace buildings. Ms. Pollock stated that the proposed building design and materials for Lightfoot Marketplace mirror those proposed for the McDonalds. Ms. Pollock noted that stone materials, which are proposed for the McDonalds, are also an approved material in the Lightfoot Marketplace Design Guidelines.

Mr. O'Connor stated that this was a one-time opportunity to make a major difference in the appearance of that intersection in a Community Character Corridor. Mr. O'Connor stated that even with the enhanced buffers and landscaping, he would prefer to see a more attractive elevation for the building side facing Richmond Road.

Mr. O'Connor inquired about the figures provided for the traffic impact study, noting that one figure showed an increase of one vehicle per hour and the other figure showed 120 fewer vehicles.

Ms. Pollock responded that the figures show two methods of calculating trip generation for fast food restaurants based on the standards in the ITE books. One method is based on the square footage and the other is based on the number of seats. Ms. Pollock stated that generally the method based on seats is slightly more accurate and that trip generation would decrease in proportion to the number of seats being removed. Ms. Pollock noted that there is variation in the

figures because of the drive-thru and that the calculation based on square footage would be more likely to capture that variable. Ms. Pollock stated that if there is an increase, it would be minimal and that the likelihood would be to see a decrease.

Mr. Krapf requested that the applicant address the concerns on the building elevations.

Mr. Sleeth noted that the proposed setback for the new building is significantly larger than the existing. Mr. Sleeth noted that there was a 50-foot buffer between the parking between Richmond Road and the parking area.

Mr. Sleeth further noted that there would be landscaping which would further conceal the service doors and interrupt the longer portion of the façade.

Mr. Sleeth also stated that the applicants are also willing to install a metal awning/trellis over the service doors to provide more character to the building.

Mr. Gary Martelli stated that the design presented currently incorporates features which are intended to enhance the character of the building. Mr. Martelli stated that the trellis could be extended along the side of the building to further enhance the design. Mr. Martelli further stated the brick would be matched to the brick that would be used in the Lightfoot Marketplace buildings.

Mr. Basic stated that the elevation shown in the Community Impact Statement was more consistent with the Lightfoot Marketplace buildings. Mr. Basic noted that it was not a difference in materials but a difference in the articulation of the long empty sides of the building. Mr. Basic also stated that there was an emphasis on four-sided architecture for Lightfoot Marketplace because of its unique location. Mr. Basic stated that the design of the McDonalds building should also be carefully considered because of its relationship to the buildings around it. Mr. Basic noted that even though the drive-thru side was not visible from a main corridor, it would be adjacent to future buildings in Lightfoot Marketplace where its current design might be in conflict with the uses of those buildings.

Mr. O'Connor stated that he would like to see a proposal that would break up the long expanse of blank wall.

Mr. Martelli stated that he would be willing to work with staff to find an acceptable mix of design and materials and that they could consider adding more stone accents to both walls.

Mr. Krapf summarized that it appeared that the applicant is willing to consider enhancements to the materials and design for both the Richmond Road and the drive-thru sides. Mr. Krapf further stated that a few more design enhancements would be beneficial to the overall impression. Mr. Krapf also noted that during review of the Lightfoot Marketplace proposal, great emphasis was placed on four-sided architecture. Mr. Krapf stated that he appreciated the applicant's willingness to consider those factors.

Mr. Basic requested the Commission weigh in on whether to trust that design improvements would be provided before the case is presented to the Board of Supervisors or to request deferral.

Mr. O'Connor stated that a consideration is whether staff is comfortable with moving forward or would want more guidance from the Commission on an acceptable design.

Mr. Holt stated that he felt the Commission had provided clear direction for staff to work with the applicant on a revised design. Mr. Holt noted that the applicant is committed to working with staff for a quick turn-around. Mr. Holt further stated that if the Commission decided to move the application forward, staff would provide whatever updates the Commission desired. Mr. Holt also stated that the Commission could bring the case back for further review if staff reached an impasse with the applicant.

Mr. Martelli noted that there was a sense of urgency to move forward with the project as the restaurant's business is seasonal and reiterated his willingness to work with staff to develop a mutually acceptable design.

Mr. Wright stated that he believes staff has a good understanding of what the Commission is looking for in terms of architectural variation and is comfortable with having staff work with the applicant on the design.

Mr. George Drummond inquired if the Commission would consider false windows as a feature to break up the long wall.

Mr. Krapf stated that false windows, similar to what is proposed for the rear of the building, would be an option if it is structurally feasible. Mr. Krapf stated that he has confidence in staff's ability to work with the applicant on an acceptable solution.

Mr. Holt noted that the takeaway for staff is that while additional treatments like awnings and spandrel glass will be helpful and serve as a good starting point, the Commission is looking for something more substantial in terms of articulation to screen the service doors and break up the long flat façade on the side of the building facing Richmond Road.

Mr. Basic stated that the Commission would also like to see design improvements for the drivethru side as well.

Ms. Bledsoe requested clarification on whether the project had gone before the DRC.

Mr. Krapf stated that the project had been to the DRC twice.

Ms. Bledsoe inquired whether these comments were made clear to the applicant during the DRC review.

Mr. Krapf stated that it was an evolutionary process with revisions being brought back to the second meeting. Mr. Krapf noted that the current design incorporates suggestions from the second DRC review.

Mr. O'Connor inquired whether staff would bring the application back to the Commission if there were concerns over the design.

Mr. Holt confirmed and stated that staff would look to resolve any issues prior to advertising for the Board of Supervisors public hearing.

Mr. O'Connor inquired whether there would be any landscaping between the McDonalds property and Lightfoot Marketplace.

Mr. Sleeth stated that although it was not clear on the plan, the areas shown in brown would retain the existing trees with mulching around them. Mr. Sleeth stated that there would be substantial greenery encircling the project.

Mr. Holt stated that staff would ensure that the plan meets at least the minimum requirements of the County's landscape ordinance.

Mr. Krapf noted that the public hearing was still open and inquired if anyone wished to speak.

As no one else wished to speak, Mr. Krapf closed the public hearing.

Mr. Krapf opened the floor to discussion by the Commission.

Ms. Bledsoe stated that the application offers major improvements over the current site. Ms. Bledsoe stated that she favored applications such as this that reuse a footprint rather than creating a new footprint.

Ms. Bledsoe moved to approve SUP-0011-2014, McDonalds at Lightfoot Upgrade.

Mr. O'Connor requested clarification on whether the motion included the recommended changes to the Richmond Road and drive-thru elevations.

Ms. Bledsoe stated that the motion included the recommended changes.

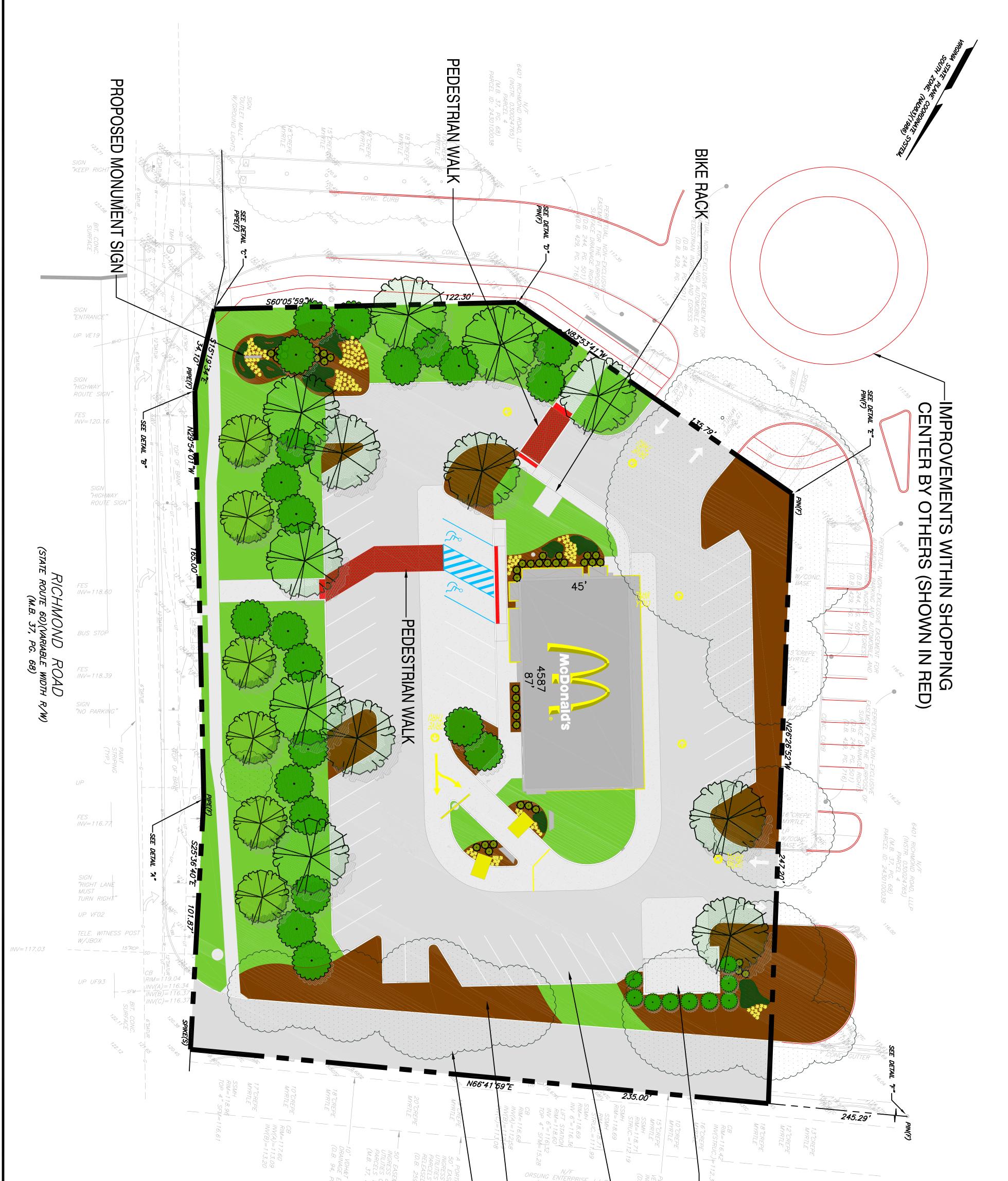
Mr. O'Connor stated that he would support the application with the recommended changes.

Mr. Krapf stated that he believed this would be a beneficial change to complement the Lightfoot Marketplace development and commended the applicant for his cooperation with the requested changes.

Mr. Basic inquired whether requiring general consistency with the adjacent landscaping for the Richmond Road Community Character Corridor buffer could be achieved without amending condition #6.

Mr. Holt stated that consistency could be achieved without amending the SUP condition.

On a roll call vote, the Planning Commission voted to recommend approval of SUP-0011-2014 with the conditions in the staff report and the recommended design changes by a vote of 6-0, Mr. Richardson being absent.



GRAPHIC SCALE   20   20   20   40     scale   scale:   1" = 20'   feet		PASEMENT PG. 59)	LEMENT FOR & EGRESS & COMMON TO 9, PC. 850) MENT FOR & EGRESS & COMMON TO 1, 2 & 4 PC. 68)	EXISTING TREES (TYP)	(WSTR. 050024746) PARCEL 1 (M.B. 37, P.G. 68) CEL 10: 2430100062 PROPOSED 60 DEGREE PARKING (TYP)	- PROPOSED DUMPSTER ENCLOSURE	Landscape Buffer: FRONT SIDE PARKING: EXISTING: REQUIRED: PROVIDED: 44 SPACES	SITE ANALYSIS EXISTING PARCEL AREA: 70,789.10± sf 1.62± qc. BUILDING SETBACKS: M-1 BUILDING SETBACKS: 65, 15
CONCEPT PLAN	ATION IGHTFOOT EET TITLE RELIMINARY CONCEPT SITE ADDRESS 6473 RICHMOND ROAD WILLIAMSBURG, VA	DRAWN BY   GAF   Image: SMB   DESIGNED BY   SMB   Image: SMB	/15/14   REVISED PER COUNT	ESCRIPTION		Pering project management RCLE, SUITE 100 GINIA 23455		McDonald's ©

# **Community Impact Statement**

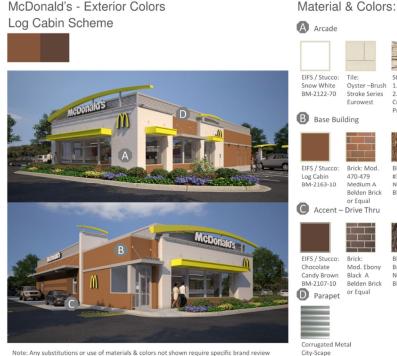
Case No. C-0016-2014 McDonalds at Lightfoot Upgrades (SIN 045-0257)

McDonald's desires to upgrade the existing restaurant located in Lightfoot on Richmond Road (SR60) at the intersection with Lightfoot Road. This upgrade will replace an older style, red mansard roof store with the newer horizontal urban style store with neutral colors and natural stone. The existing site is zoned mixed use, M-1 Limited Business/Industrial. Richmond Road has been designated as a Community Character Corridor and new development will require a 50' landscape buffer included in the 65' building setback (65' total Northeast frontage). The rear and side yard setbacks are 15'. The M-1 zoning allows development of fast-food restaurants under a Special Use Permit. The required parking for this site is one parking space per every 4 seats based upon maximum seating capacity allowed. The store will provide nineteen (19) parking spaces with two (2) being designated handicapped. Parking requirements can be met with the standard circulation patterns and a double lane order configuration.

**COMPREHENSIVE PLAN:** The new Lightfoot Marketplace and the adjacent properties - including the McDonald's parcel - are zoned M-1. The James City County development goal for the Lightfoot Area west of Richmond Road is mixed-use with moderate density housing, commercial developments, and offices. The new Marketplace and McDonalds will share access and interior circulation, and encourage destination driving patterns. McDonalds anticipates that any increased traffic will be generated within the shopping complex. Development plans will attempt to provide consistency for landscaping and exterior building treatments. Route 60, Richmond Road has been designated a Community Character Corridor. A 50 foot landscape buffer will be respected along the Richmond Road frontage that will decrease the percentage of impervious surface on the site.

**BUILDING:** The prototype building proposed for this site will be the 4587 model yielding approximately 4,000 gross square feet with approximately 74 seats. The proposed building will replace an existing 84 series building circa 1985.

The new construction will adhere to James City County Building and Safety and Permits Division code requirements and the Virginia Uniform Statewide Building Code. Existing utilities include sewer and water (James City Service Authority), gas (Virginia Natural Gas) and power (Virginia Power).



annrova



# **Community Impact Statement**

Case No. C-0016-2014 McDonalds at Lightfoot Upgrades (SIN 045-0257)

**TRAFFIC IMPACT STUDY:** Ingress/egress for this site is through common access with the adjacent property (formally Williamsburg Outlet Mall). This retail space is currently closed. A development is planned, and a SUP has been submitted to demolish the existing structures and build several individual retail stores, collectively named the Lightfoot Marketplace. On behalf of McDonald's USA, LLC, we will be requesting that the County grant a waiver to County Code Sec. 24-23, (a), (1), a., that requires a traffic impact analysis for "projects that expect to generate 100 or more weekday peak hour trips". The redevelopment of the site will result in a decrease in building size and seating capacity. As presented in the enclosed memorandum from Dexter Williams of DRW Consultants, LLC, this change in square footage and seating will produce either no measurable traffic impact or a reduction in traffic impact (letter report from DRW Consultants, LLC attached). Analysis indicates that any increase in visits will be internal to the proposed shopping center.

**WATER AND SEWER IMPACTS:** Water and sewer is provided by James City County Service Authority. There are no increases in service anticipated. The HRUBS account summary for this site in March of 2014 shows a water usage of 49,000 gallons, or an average daily use of 1,581 gallons. Water is provided via a 1½" meter from a 12" water main on the west side of Richmond Road. Wastewater is collected in an on-site lift station and discharged to JCCSA force main on the east side of Richmond Road.

PUBLIC FACILITIES: It is not anticipated that this project will increase the need for public facilities.

**HISTORICAL AND ARCHAEOLOGICAL:** There are no known historical or archaeologically sensitive elements to this site.

## ENVIRONMENTAL CONSTRAINTS ANALYSIS:

- I. Hydrologic: The McDonalds parcel is located in the upper Yarmouth watershed at the edge of the Powhattan watershed. Storm drainage is primarily via sheet flow. Drainage along Richmond Road is via open ditches from the south into a flared end section, 15" RCP. The pipe carries flow to the west and discharges via a 24" RCP into an open channel that then carries the flow to a storm water management pond behind the Liberty Crossing Development. Stream flow is intermittent until connection with Yarmouth Creek below Deer Lake. After development of the Lightfoot Marketplace a small amount of the flow around the entrance to the McDonalds site (less than 2%) will be routed into the Marketplace storm system that discharges in the Powhattan watershed. There a no known tidal or non-tidal wetlands, sinkholes, or springs on the site. Flood maps place the McDonalds parcel in the "X" floodplain, meaning a small statistical risk of flooding in the 100 year return interval storm event.
- **II. Physical Features:** The site currently is an existing McDonald's restaurant with a developed parking lot. We are reducing impervious and staying within the existing footprint of the



Case No. C-0016-2014 McDonalds at Lightfoot Upgrades (SIN 045-0257)

development. The site is about 50% Craven-Fine Sandy Loam and 50% Kempsville-Emporia Fine Sandy Loam as taken from "Soil Survey of James City and York Counties and the City of Williamsburg". The Phase I Environmental Report conducted in June of 2014 revealed no evidence of Recognized Environmental Conditions (REC), Historical Recognized Environmental Condition (HREC), or Controlled Recognized Environmental Conditions (CREC) in connection with the Property.

- III. Prohibited Areas: There are no identifiable wetlands, the site is not in a RPA/RMA zone, and contains no slopes of greater than 25%. Flood maps place the McDonalds parcel in the "x" floodplain, meaning a small statistical risk of flooding in the 100 year return interval storm event. As part of the proposed redevelopment, McDonald's is going to maintain the 50ft landscape buffer along Richmond Road to match the Marketplace. In addition, we intend to preserve the existing mature trees on the McDonald's as much as possible and incorporate them into the design of the new store.
- IV. Existing and Proposed Changes to the Site: As discussed, there is an existing McDonald's restaurant on the parcel (ID 2430100063). The parcel as developed is 1.58 acres and has high percentage of impervious cover. The parcel is adjacent to Richmond Road (State Route 60, four lane divided) at the intersection with Lightfoot Road. The Lightfoot Road and Richmond Road intersection has traffic light control and left hand turn lanes. The McDonald's parcel is bounded by the property formally known as the Williamsburg Outlet Mall to the south and west, Richmond Road to the east, and the Howard Johnson Hotel to the North. Major ingress/egress to the McDonalds is via common access through the Williamsburg Outlet Mall at the signalized intersection of Richmond Road and Lightfoot Road. Ingress/egress is also possible through the common access road between the McDonalds parcel and the Howard Johnson Hotel. A new development by Armada Hoffler the Lightfoot Marketplace - has been proposed to take the place of the old Williamsburg Outlet Mall (Special Use Permit C 0014-2013). The existing Outlet Mall building would be demolished and replaced with six freestanding commercial buildings (total 136,500 SF) to include a grocery and pharmacy convenience store.

The proposed limit of disturbance is approximately 1.6acres. We will be demolishing all of the existing building and parking lot maintaining strict erosion and sediment controls as required. E&S controls include, but are not limited to, silt fence, construction entrances, inlet protection and tree protection. As previously mentioned, we intend to preserve as much of the existing landscaping as possible.

Regarding stormwater, the new development will reduce the existing impervious area by 30%. This reduction will allow McDonald's to more than meet the new Virginia Runoff Reduction Method (VRRM) for stormwater quantity and quality. The runoff for the site will be collected and routed through the same system as currently is used. The stormwater



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# **Community Impact Statement**

Case No. C-0016-2014 McDonalds at Lightfoot Upgrades (SIN 045-0257)

management plan will be further developed during the site plan design to include best management techniques if required.

## V. Narrative of Environmental Constraints:

See Above.



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## MEMORANDUM

TO:	Tim Clarke, Blakeway Corporation
FROM:	Dexter R.Williams, P.E.
SUBJECT:	Trip Generation For Lightfoot McDonald's
DATE:	July 25, 2014

Pursuant to your request, this memorandum presents a comparison of trip generation for the existing and proposed McDonald's site at Lightfoot in James City County. Trip generation is calculated using <u>Trip Generation, 9th Edition</u> (TG9), published by the Institute of Transportation Engineers (ITE). There are two variables for fast food with drive through trip generation: building square footage and seating.

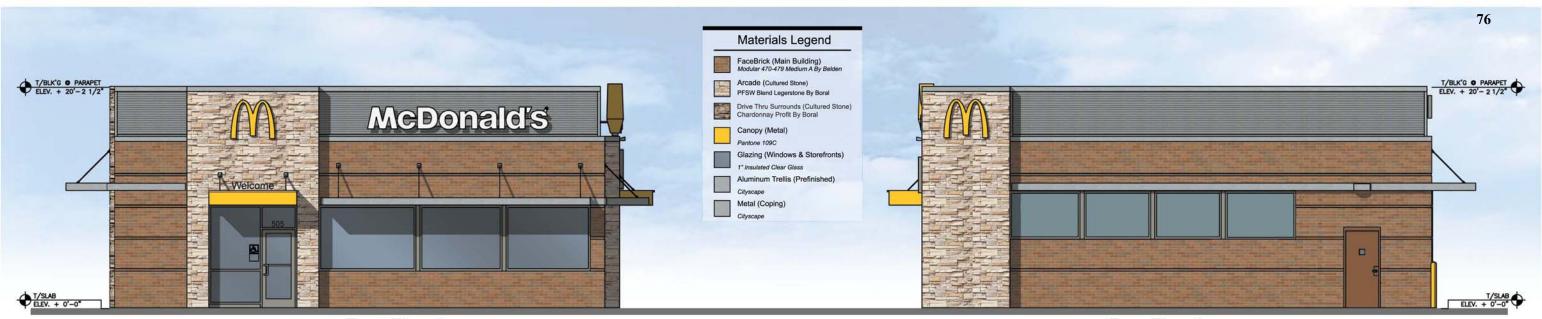
The following table presents trip generation using both variables for the existing McDonald's site and the proposed site:

LAND					WEEKDAY TRIP GENERATION						
		USE	SQ.FT.,		AM PEAK HOUR			PM PEAK HOUR			
	LAND USE	CODE	OTHER	UNITS	Enter	Exit	Total	Enter	Exit	Total	DAILY
Existing	FF w/Dr. Thru	934	4,346	sq. ft.	100	97	197	74	68	142	2156
Proposed	FF w/Dr. Thru	934	4,365	sq. ft.	101	97	198	74	69	143	2166
		Change:	19	sq. ft.	1	0	1	0	1	1	10
Existing	FF w/Dr. Thru	934	200	seats	135	119	254	101	89	190	3904
Proposed	FF w/Dr. Thru	934	74	seats	50	44	94	37	33	70	1444
		Change:	-126	seats	-85	-75	-160	-64	-56	-120	-2460

TABLE 1 - LIGHTFOOT MCDONALD'S WEEKDAY TRIP GENERATION

As shown in Table 1, there is a 19 square foot increase in the building size from existing to proposed. This results in one additional trip in the AM and PM peak hours. There is a 126 seat decrease in the number of seats with a reduction of 120 trips in the PM peak hour and a reduction of 160 trips in the AM peak hour. Building square footage is the preferable trip generation variable.

SUMMARY AND CONCLUSION: The preferable variable (square footage) produces only 1 vehicle per hour increase. This increase in traffic is infinitesimally small and would show no change in traffic operation results. The other variable (seats) is actually declining. There is no reason for a traffic impact study that will show either no change in traffic operations or a reduction in traffic impact.



Front Elevation





T/SLAB

Non-Drive-Thru Side Elevation







045-0257 Williamsburg (Lightfoot) VA

## MEMORANDUM

DATE: November 12, 2014

TO: The Board of Supervisors

FROM: Bryan Hill, County Administrator

SUBJECT: County Administrator's Report

The following is a summary of activities that took place October 22, 2014 through November 3, 2014:

October 22, 2014 (Wednesday)

- Meeting with Tal Luton, Fire Chief Motorola E911
- Meeting with Jody Puckett, Communications Director and Video Center staff
- Meeting with Kitty Hall, Purchasing Director
- Attending Kiwanis Meeting
- Meeting with Reba Bolden and Community Action Agency Board Members

#### October 23, 2014 (Thursday)

- Meeting with Terry Hall, York County Chief of Emergency Communications
- Attending Virginia Library Association Conference
- Meeting with Larry Salzman, New Town Association
- Board Briefing with John McGlennon and Kevin Onizuk, JCC Supervisors

#### October 24, 2014 (Friday)

- Meeting with Adam Kinsman, Assistant County Administrator
- Board Briefing with Mary Jones, JCC Chair

#### October 27, 2014 (Monday)

- Attending Peninsula Mayors and Chairs Meeting, Chesapeake, VA
- Meeting with Doug Powell, JCSA Manager

#### October 28, 2014 (Tuesday)

- Agenda Meeting
- Attending "Lunch with Future Voters", Head Start Open House, WJCC Community Action Agency
- Meeting with Allen Murphy, Development Management Director, Paul Holt, Planning Director, and Kingsmill Homeowner
- BOS Work Session
- BOS Meeting

#### October 29, 2014 (Wednesday)

- Meeting with Tal Luton, Fire Chief and meeting Shift B staff
- Meeting with John Carnifax, Parks and Recreation Director Fees
- Meeting with Steve Constantino, WJCC Schools Superintendent and Jack Tuttle, Williamsburg City Manager Middle School
- Meeting with James Peterson, HR Director

## October 30, 2014 (Thursday)

- Meeting with Adam Kinsman, Assistant County Administrator, and Russell Seymour, Economic Development Director
- Pre-Agenda Meeting
- Meeting with Robert Hershberger, Program Coordinator, LEAD Historic Triangle
- Meeting with Executive Leadership Team
- Meeting with John McDonald, FMS Director, and Doug Powell, JCSA Manager

## October 31, 2014 (Friday)

- Meeting with Terry Hall, York County Chief of Emergency Communications, and Tal Luton, Fire Chief
- Attending Chili-Cook-Off event
- Meeting with Ann Davis, Treasurer
- Meeting with Ania Eckhardt, Administrative Coordinator

## November 1, 2014 (Saturday)

• Attending Greater Hampton Roads Crime Line: Officers of the Year Recognition Event

## November 3, 2014 (Monday)

- Visit of various County Facilities
- Meeting with Adam Kinsman, Assistant County Administrator, Tal Luton, Fire Chief, James Peterson, HR Director, Sue Mellen, FMS Assistant Director, Kathleen Hale, Emergency Management Director, and Mark Highfield, Fire Budget Management Specialist Safety & Homeland Security Program Planning Grant
- Meeting with Adam Kinsman, Assistant County Administrator, John McDonald, FMS Director, and Sue Mellen, FMS Assistant Director

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BH/tlc CARpt111214-mem