

A G E N D A
PLANNING COMMISSION

January 8, 2001 - 7:00 p.m.

1. ROLL CALL
2. MINUTES: Meeting of **December 4, 2000 (Approved 6-0)**
3. DEVELOPMENT REVIEW COMMITTEE REPORT (Separate Cover) **(Deferred)**
4. PUBLIC HEARING

A. Case No. SUP-25-00. Stonehenge Kennels

Mr. Greg Davis, on behalf of Thayer and Mattie Coven, property owners, has applied for a special use permit to expand the existing Stonehenge Kennels located at **5550 Riverview Road**. The property is zoned A-1 and is designated Rural Lands on the Comprehensive Plan Land Use Map. The property is currently zoned A-1 and can further be identified as Parcel No. (1-12) on the James City County Real Estate Tax Map No. (15-3).

B. Case No. SUP-26-00. JCC District Park - Hotwater Coles

Mr. Bernard M. Farmer, Jr., on behalf of James City County Parks and Recreation, has applied for a special use permit for a district park on \pm 676 acres generally located west of the intersection of Longhill Road and Centerville Road. The property located at **5535 Centerville Road** is zoned LB, Limited Business, and is designated as Neighborhood Commercial and Low Density Residential on the Comprehensive Plan Land Use Map. The property located at **5537 Centerville Road** is zoned A-1, General Agricultural, and is designated as Federal, State, and County land on the Comprehensive Plan Land Use Map. The properties can be further identified as Parcel No. (1-9) on the James City County Real Estate Tax Map No. (30-1) and Parcel No. (1-6) on the James City County Real Estate Tax Map No. (31-3).

5. **PLANNING DIRECTOR'S REPORT**
6. ADJOURNMENT

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FOURTH DAY OF DECEMBER, TWO THOUSAND AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Martin Garrett, Chair
John Hagee
Don Hunt
Wilford Kale
Willafay McKenna
A. Joe Poole III

ALSO PRESENT

Marvin Sowers, Director of Planning
Leo Rogers, Deputy County Attorney
Jill Schmidle, Senior Planner
Christopher Johnson, Planner
Ben Thompson, Planner

2. MINUTES

Upon a motion by Willafay McKenna, seconded by Joe Poole, the minutes of the November 6, 2000, meeting were approved by unanimous voice vote.

3. DEVELOPMENT REVIEW COMMITTEE

John Hagee gave the DRC report stating there were five cases presented at the December 1 meeting. He stated the applicant for Stonehouse, Inc. requested a change in the master plan proposing multi-family residential units within Land Bay 10; Ford's Colony submitted a subdivision plan of 98 lots, which requires approval of the DRC; C & N Dining, LLC requested approval of the revised internal entrance locations within Ewell Station; the application for Courthouse Green was brought to the DRC because the project exceeded 30,000 sq.ft.; and in the final case, Greensprings Grocery, the applicant requested a reduction of the front setback requirement from 50 feet to 25 feet. John Hagee stated the DRC made a recommendation of approval for all cases.

Willafay McKenna made a motion, seconded by Joe Poole, to approve the DRC Report. In a unanimous voice vote, motion passed.

4. CASE NO. SUP-25-00. STONEHENGE KENNELS.

Christopher Johnson presented the staff report stating the applicant had requested that the Commission defer this case until its January 8, 2001, meeting. Staff concurred with this request.

Martin Garrett opened the public hearing and stated it would remain open until the next meeting. He said that those who wished to speak tonight could, but stated that comments would have more impact if heard after the presentation of staff and the applicant.

Kay Little of 5580 Riverview Road stated she did not understand why this proposal had to be deferred because she felt that nothing would change in the way the kennel was operated between now and then. She commented that both the noise and traffic were nuisances and any additional runs to the kennel would make the situation worse.

Marvin Sowers stated that the deferral was requested to enable the applicant to schedule a meeting with area residents to speak about some of the issues of concern.

Christopher Johnson stated the applicant was in the process of arranging a public meeting at the Norge Library on Croaker Road on December 13th and would be sending out notification letters to the residents who were most affected by this application.

Randy Roughton of 8360 York River Park Road commented that he was one of the closest residents to the kennel and stated noise was a big problem.

There being no further speakers, the Commission deferred this case to its January 8, 2001, meeting and the public hearing remained open.

5. CASE NO. AFD-8-86. CASEY AGRICULTURAL AND FORESTAL DISTRICT (DIGGES WITHDRAWAL).

Christopher Johnson presented the staff report stating the applicant was requesting the withdrawal of approximately 45.28 acres from the Casey AFD. Staff found that this application met all three criteria of the Board adopted withdrawal policy and staff found the proposal consistent with the surrounding zoning and development and the Comprehensive Plan. Staff stated that on November 16, 2000, the AFD Advisory Committee recommended approval of the proposed withdrawal by a vote of 7 to 0, with three absences. Staff recommended that the Commission recommend approval of this application.

Martin Garrett opened the public hearing.

Gary Besnier of 110 Whistle Walk commented that his property would be most affected by this application and asked if this parcel was to be withdrawn from the AFD, would a church be the best use for the property or would it be better served remaining in the AFD and used for farming or forestry as proposed on September 24, 1996 when the AFD was approved.

There being no further speakers, the public hearing was closed.

John Hagee made a motion, seconded by Don Hunt, to recommend approval of this application.

In a roll call vote, motion passed 6-0. AYE: McKenna, Hagee, Hunt, Kale, Poole, Garrett (6); NAY: (0).

6. CASE NO. SUP-24-99/Z-7-99. GRIESEN AUER RESIDENTIAL DEVELOPMENT.

Jill Schmidle presented the staff report stating that this case had been referred back to the Commission from the Board of Supervisors at the applicant's request due to changes to the affordable housing proffers. Staff supported the revised affordable housing aspect of this application but continued to find that the significant traffic impacts outweighed the affordable housing benefits. Staff recommended denial of the rezoning and special use permit applications and stated if the Commission chose to recommend approval, staff recommended the conditions outlined in the staff report.

John Hagee stated that he understood from the report that staff's main issue was Powhatan Springs Road and its upgrade. He asked if the upgrades were done, would staff then recommend approval. He also asked if there was anything else regarding the mitigation of traffic other than Powhatan Springs Road.

Jill Schmidle said staff probably would recommend approval but staff also had some concerns about the right-of-way along Ironbound Road for a turn lane. She stated that since the last Planning Commission meeting, staff had received a letter from VDOT stating that the right-of-way was probably there and if this was the case this would no longer be an issue for staff.

Martin Garrett opened the public hearing.

Greg Dodd of Horton and Dodd was representing the applicant, Joe Terrell, in his endeavor to rezone this property for affordable housing. He stated that based on information and discussions for the need of affordable housing, the applicant decided to come back to the Commission to offer 100% affordable housing in the subdivision. He stated Rick Hanson of the Office of Housing Community and Development had a list of qualified citizens for this type of housing. He stated that regarding the Powhatan Creek Watershed, the applicant was committed to making sure that there would be no detrimental impact on the environment from this development. He commented on Powhatan Springs Road stating he had given the Commission photographs of many roads in James City County that did not meet VDOT standards as they were being defined for this particular road. He stated this was an off-site road and not part of the subdivision and as it presently existed, had the capacity to handle the traffic from the subdivision. He noted the applicant had proffered to improve Powhatan Springs Road to a 22 foot width and said this road could not be compared to Ironbound Road. He concluded by stating that everyone felt it was a worthy project because it offered affordable housing and asked the Commission to realize that the applicant would be improving Powhatan Springs Road even though it would not meet VDOT standards. He said he would be happy to answer any questions of the Commission.

Joe Terrell commented that the application for the church on Ironbound Road would have 8,000 people in attendance on Sundays and traffic did not seem to be a problem. He asked the Commission if they did not have a concern about that traffic why they thought 62 homes would create a traffic problem. He also stated that the Commission approved a similar project near the VDOT offices on Ironbound Road and said that the road was also ranked as a Class C road. He felt if a development was approved for that area, then a development should be approved for this area along Ironbound Road.

Leo Rogers noted to the Commission members that proffer #3 regarding the affordable housing did not necessarily mean that it would be sold to a qualifying buyer but said it could be sold to an investor. He said staff suggested that the proffer be tied to the Housing and Community Development Office with a list of qualified buyers and the developer favorably agreed, but, at this time, had not changed the proffer accordingly. He said these homes could still be sold to buyers on the list but it was not required by the existing proffer.

Stephen Deer of 1304 London Company Way spoke on the issue of water drainage in the Powhatan Creek Watershed which was his main concern of this project. He asked that the Commission deny this application.

Julie Leverenz of 3313 Running Cedar Way and representing the Historic Route 5 Association spoke in support of staff's recommendation for denial of the application. She handed out copies of her presentation to Commission members then spoke of the concerns of the Powhatan Creek Watershed based on the Watershed Management Plan Study and the traffic on Ironbound Road stating that the increased traffic from this development, in addition to the already approved developments nearby, would exceed the capacity of this two-lane road. She noted that Ironbound Road near the VDOT offices was scheduled to be widened to four lanes, whereas the area in discussion tonight was not. She concluded again by requesting that the Commission deny this application.

John Hagee asked what would be the impact on the watershed caused by development north of the proposed project.

Julie Leverenz stated that researchers had divided the watershed into 10 or 12 subzones and they listed the level of impervious cover as noted on Table One of the handout she supplied to the Commission members.

John Hagee asked whether it made a difference how close it was to certain areas of the watershed and would the development in the northern area of the watershed have less of an impact than the development closer down stream.

Julie Leverenz stated she was not qualified to answer that question. She continued her presentation to the Commission and concluded by requesting again that the Commission deny this application.

Beth Deer of 1304 London Company Way thanked John Horne and Wayland Bass for their efforts in trying to develop a more effective drainage system for the properties located in Jamestown 1607. She stated the property was built in a flood plain and as development continued within the Powhatan Creek Watershed the impact of the creek encroached on their properties because the water had no where else to go. She commented that James City County has always had a problem with a shortage of housing and asked that the County protect the people who were already living in the community before providing housing for those who have not yet moved here. She requested that the Commission deny this application.

Dave Jarmon of 117 Landsdown and Vice President of the Friends of the Powhatan Creek Watershed gave a brief history of the group and their concerns. He noted that in the summer of 2000, James City County contracted the Center for Watershed Protection to develop a Watershed Management Plan for the County focusing on the Powhatan Creek Watershed. He stated that the proposed Griesenauer Development on Powhatan Springs was located in a particularly sensitive area of the watershed and that the Friends of the Powhatan Watershed organization felt that any decision on proceeding with this development should be deferred until the Center's Watershed Management Plan had been formally presented to and reviewed by the public and County officials. He said he would be happy to answer any questions of the Commission.

There being no further speakers, the public hearing was closed.

Martin Garrett felt that there were three issues, but only two major ones that the Commission should devote to discussion. Those being the infrastructure of Powhatan Springs Road that the applicant had not proffered to bring up to VDOT standards and the SUP that would increase the housing density. He did not feel it was necessary to discuss the issue of adequate public facilities criteria at this time.

John Hagee stated that the Commission owed it to the applicant and to the property owner to look at all the issues. He stated he spoke with staff regarding the Adequate Public Facilities Test for the Clara Byrd Baker School system and due to the redistricting, that issue had been satisfied. He said he hoped that if anyone had a concern about the Adequate Public Facilities Test that they would ask staff to get numbers for them. He stated his main concern at the last meeting was traffic on Ironbound Road. He stated what the Commission did not have available to them was the impact of Alternate Route 5 on Ironbound Road and he felt they needed to know that information. He felt environmental issues should also be looked at. He stated on the discussion of clusters, he and Martin Garrett disagreed in terms of what the cluster ordinance stated and what the intention of a cluster was. He added when looking at low density development of more than two units per acre, it automatically required a cluster development and stated there were no specifications that cluster development needed to be special other than the requirements that appeared in the existing ordinance. He recommended that the Commission review and discuss each item with applicable data and not on just pure conjecture.

Martin Garrett stated it was clear that the project raised the watershed issue but one major concern to him was the lack of infrastructure from the main road into the subdivision.

John Hagee stated at the last meeting, during the presentation of this case, the Commission was given a different perspective on Powhatan Springs Road and he felt at that time several people were convinced that was not an issue. He also stated they spoke of environmental issues and according to staff there were no environmental issues but now we have the Watershed Study. He asked what impact would BMPs have on the watershed if in fact the applicant was proffering to go above and beyond the BMPs requirements. He felt there was a lot more to learn because beside the Griesenauer application of 62 homes, there was the Hiden Tract that had 500 homes. He said If there was no protection of the watershed built into any subdivision that had already been approved, he felt these 62 homes wouldn't make a great difference. He thought in order to protect the watershed further there should be restrictions placed in our Zoning Ordinance and requirements of development. He stated the only thing he was asking was that the Commission put the issues on the table that they think were important to this development, that they discuss those issues and if they felt there was enough information on an issue they could put that issue aside and continue to discuss each issue until they were satisfied with all information before making a decision.

Willafay McKenna said she looked at the project differently. She stated what she saw in the application was an offer of 62 affordable housing units, which everyone wanted, but at a cost and she felt that giving a higher density than ordinarily given in R-2, the possible impact on the watershed, the unmitigated traffic impact at a heavily traveled intersection, and the school impact were too substantial and could not support this application.

John Hagee said he was suggesting that they make an attempt to ferret out all the information and not to jump to any conclusion until they had that information they needed.

Willafay McKenna stated it appeared to her that there should be a deferral of this case and they needed to list the information.

John Hagee said they needed to do one of two things. They could discuss some of the items that they have information on and then ask for information specifically on everything else or they could go down the list and state what they felt they had or still needed.

Wilford Kale said it was not clear to him how staff differentiated the highway department's evaluation of Ironbound Road, which was designated Level of Service "C," and Powhatan Springs which was also designated "C." He stated in the proffer the applicant said he would upgrade to a width desirable for everyone, but would not have shoulders, as a requirement of the highway department. He wanted staff background as to why they accepted one and not the other. He also asked, in relation to the Powhatan Watershed Study, where, on the category identification, the project actually was and what was the impervious situation in this area and what would be the impact based on what the experts thought. He had three concerns: Was this special enough due to affordable housing to override 42 by-right homes; how would this affect the watershed; and how did the County staff view the road the developer had made a proffer to improve. He said he would need more information on these concerns before he could make a decision.

Don Hunt asked what seemed to be the problem with the design of the BMP's as they presently were. If they were mitigating the runoff of the development, how were they inadequate.

Willafay McKenna stated the applicant had proposed that the BMP plan would be much better than what would be required by the County. She questioned whether there was a potential here that by putting a higher density of development on the property that it would tip the scale that would be harmful to everything downstream.

Don Hunt felt the development should not be harmful to everything downstream if it was being mitigated with a BMP. He also felt that the Commission was forcing the developer in this particular area to make up for the development that had already been approved within the Powhatan Watershed.

Willafay McKenna stated the developer had the by right ability to build 42 units but was asking for a higher density that would impose a cost beyond what the County could afford or would be willing to pay for and that was what the Commission needed to look at. She said the cost was not only in dollars but the impact on the environment and other areas previously developed.

Joe Poole stated he was fine with the suggestion that the Commission list the various issues because he had two concerns: traffic along Ironbound Road and the environmental impact. He stated that until Alternate Route 5 was completed and there was quantifiable data on how it was affecting traffic in the area, he said a deferral of one or two months would not change his concerns regarding this project.

Martin Garrett felt no one could disagree with John Hagee's comments but it was also known that they could not have all the necessary information in order for them to assess and make an objective decision. He asked if the Commission wanted to table this application for a long time or go forward with the case.

John Hagee's recommendation was to get a list of issues the Commission wanted additional information on and that this case should be deferred to next month.

Willafay McKenna moved for a deferral with the following items that the Commission needed to have additional information on before they reconvened: the impact on the watershed/environment, vehicle trips per day in and out of the development, the affect on Ironbound Road, the location of the entrance to Route 5, and the redistribution of students at the Clara Byrd Baker School so that the Adequate Public Facility Tests would not be affected by this development.

Martin Garrett commented that the information on the Watershed Study and the impact of Alternate Route 5 would not be available for sometime.

Julie Leverenze stated that the final draft of that Watershed Study would to be ready in early December and should be available to anyone requesting a copy.

John Hagee stated that if, in fact, an early draft was available, it would be advantages to them if they could get a copy. He asked for staff's perspective since the Griesenauer project would not be the only impact on the watershed, noting the 500 future homes in the Hiden Tract.

Martin Garrett suggested that the Commission have a work session and questioned what it might do to this case.

John Hagee felt it was up to the applicant as to how long he would be willing to wait for a decision. He felt that if this were to be voted on tonight, it would not be approved. He stated he would like to give the project the time that the Commission needed in order to give it a reasonable, thorough review and felt it would not be time wasted because they would be able to learn a lot relative to what they would need to be doing in other cases that could affect the watershed.

Martin Garrett stated what he was looking at would be at least 90 days before a decision could be made and asked if the developer could wait that long.

Marvin Sowers stated that staff had most of the information pertaining to the watershed analysis and it could be made available to the Commission but he did not know if it would answer their questions. He said the traffic projections were based on models and not actual on-the-ground numbers and said those figures would not be available until the road opened next summer.

Martin Garrett asked if the Commission could legally defer this case until February.

Leo Rogers stated this was a unique case because it was referred back to the Commission by the Board of Supervisors. He said the code stated that the Commission had 90 days from the date the case first came to them before it went before the Board. He noted the Commission had already done that so the code section may not be applicable in this situation but the Commission, if desired, could use it for guidance.

Martin Garrett asked the applicant if he were willing to accept the Commissions deferral of the case.

Joe Terrell stated that his option on the property would expire at the end of the month and said he had been working with the property owner for over two years. He asked if he could get back to the Commission on this matter.

Willafay McKenna made a motion, seconded by John Hagee, to defer this case to the February 5, 2001, with the suggestion that the information requested be provided to the Commission members as quickly as possible and that they have a work session in January.

In a voice vote, motion passed 5-1. Joe Poole stated he could not support the motion and any additional information would not change his mind. He also commented on the possibility of there being two new members of the Commission as the terms of two present members would expire on January 31, 2001.

Marvin Sowers explained there were two Commission members up for reappointment in January, Willafay McKenna and Joe Poole. He stated the members, whether they were reappointed or new, would be seated on February 1, 2001.

Due to the possible appointment of new Commission members as of February 1, 2001, Willafay McKenna asked to amend her original motion and to defer this case until the March meeting with a work session after February 1, 2001.

John Hagee did not feel the need to delay this until March. He suggested that they request the Board of Supervisors expedite their selections so that the Commission could have someone in time for the February meeting.

Don Hunt said they could either do as John Hagee suggested or vote on the application tonight as presented.

John Hagee was not in favor of voting tonight.

The Commission continued to discuss this case and concluded with the Commission voting to defer this case until February and having a work session prior to that meeting.

Wilford Kale asked Leo Rogers if the Commission was under legal constraints when an item was referred back to the Commission, would the case need to be continued by the present Commission.

Leo Rogers stated there was no legal impediment to the Commission in voting. He stated, if new members were appointed, they might abstain from voting because they would not have sufficient information on the case. He suggested that the public hearing be left open so that the potential new members could hear from the public. He also stated that if February was the date the Commission decided to consider this case, they would request the Board make the terms of any new appointments effective on March 1, 2001.

Martin Garrett stated he would send the Commissions sentiments to the Board of Supervisors.

7. CASE NO. SUP-25-00. JCSA ROCHAMBEAU DRIVE WATER MAIN.

Ben Thompson presented the staff report stating the applicant proposed the installation of approximately 1,750 linear feet of 8" or 12" water line along Rochambeau Drive. Staff found that this proposal was consistent with the Comprehensive Plan and previous actions taken by the Board of Supervisors. Staff recommended the Commission approve this special use permit as outlined in the staff report.

Martin Garrett opened the public hearing. There being no speakers, the public hearing was closed.

Willafay McKenna made a motion, seconded by Joe Poole, to recommend approval. In a roll call vote, motion passed (5-0). AYE: McKenna, Hagee, Hunt, Poole, Garrett (5); NAY: (0); ABSENT: Kale (1).

8. PLANNING DIRECTOR'S REPORT

Marvin Sowers reminded the Commission members that due to the holiday on Monday, January 1, 2001, the next Planning Commission meeting would be held on January 8, 2001.

Martin Garrett requested that the information on Hampton Roads Planning District Commission on Selected Population Trends, that appeared in the Commission reading file, be placed on the James City County web site.

9. ADJOURNMENT

There being no further business, Martin Garrett adjourned the meeting at approximately 8:35 p.m.

Martin A. Garrett, Chair

O. Marvin Sowers, Secretary

**SPECIAL USE PERMIT 25-00. Stonehenge Kennels
Staff Report for the January 8, 2001, Planning Commission Public Hearing**

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

PUBLIC HEARINGS Building C Board Room; County Government Center

Planning Commission: December 4, 2000, 7:00 p.m. (deferred)
January 8, 2001, 7:00 p.m.
Board of Supervisors: February 13, 2001, 7:00 p.m.

SUMMARY FACTS

Applicant: Gregory R. Davis
Landowner: Thayer E. Coven & Mattie M. Coven
Proposed Use: Kennel
Location: 5550 Riverview Road; Stonehouse District
Tax Map and Parcel No.: (15-3)(1-12)
Primary Service Area: Outside
Parcel Size: 11.2 acres
Existing Zoning: A-1, General Agricultural
Comprehensive Plan: Rural Lands
Surrounding Zoning: The site is surrounded by land zoned A-1, General Agricultural. York River State Park is located north of the site and the Wexford Hills subdivision is located south of Riverview Road.
Staff Contact: Christopher M. Johnson - Phone: 253-6685

STAFF RECOMMENDATION:

Staff recommends denial of this proposal. Staff believes that the proposed expansion is inconsistent with the character of the surrounding residential community and inconsistent with the Rural Lands Land Use designation. Should the Planning Commission wish to recommend approval of this application, staff recommends placing the conditions contained in the staff report on its approval.

History

Stonehenge Kennels has been in continuous operation as a commercial business at 5550 Riverview Road since 1985. At that time, kennels were a permitted use in the A-1, General Agricultural, Zoning District. In 1989, the zoning ordinance was amended to require a special use permit for kennels. The existing kennels became a non conforming use as a result of the ordinance amendment. An expansion of a specially permitted use also requires a SUP.

The residential dwelling on the site was built in 1973 and was originally accessed by the right-of-way to the west of the site on property owned by Ruby Garrett Jones. In 1984, Louie and Maria Galanos sold the property to William R. Wade who converted the existing shed on the site into the kennels as they exist today. The current property owners, Thayer and Mattie Coven, purchased the property in January, 1998, from Mr. Wade. At the time it began operation as a kennel, only three other residences on the northern side of Riverview Road had been built. Presently, nine single family homes are located along the gravel right-of-way used as an entrance by these residences and the kennel.

Project Description

The land and building in which the kennel business is conducted is owned by Thayer and Mattie Coven. The kennel business is owned by a limited liability company owned in equal shares by Thayer and Mattie Coven and Thayer's parents, Glenn and Joan Coven. The sole business of the kennel is the boarding of dogs and cats. The existing kennel has 18 indoor/outdoor dog runs, 6 indoor dog runs and 9 cat cages. The applicants seek to construct a second building adjacent to the existing 2,000 square foot kennel which would contain approximately 18 indoor/outdoor dog runs and 8 indoor dog runs. The proposed building would be a one-story structure approximately 3,200 square feet in size and would be designed to appear, as much as possible, like a residence. In addition, the reception area and the cat room would be moved from the existing kennel building to the new building.

Following the deferral of this application at the December 4, 2000, Planning Commission meeting, the applicants scheduled a public meeting on December 13, 2000, at the Norge Library to discuss the proposed expansion with citizens who had expressed concerns over the expansion. Approximately 25 people attended this meeting. Staff has received several letters and a petition signed by adjacent property owners opposing this application. Staff has also received a substantial volume of letters, largely from customers of the kennel, in support of the expansion. These letters and the petition are included in the reading file for your review.

Surrounding Zoning and Development

The site is surrounded by a mixture of residential homes, agricultural fields, and undeveloped wooded land zoned A-1, General Agricultural. York River State Park is located to the north of the site and a large cornfield is located west of the site. Nine single family detached homes are located between the kennel and Riverview Road. The Wexford Hills subdivision, consisting of single family detached homes on 3-acre lots, is located south of Riverview Road across from the entrance to the Kennels as well as a Hunt Club.

Staff believes that the proposed kennel expansion impacts adjacent properties not only from the standpoint of additional vehicular traffic but also from the standpoint of noise. Vehicles arriving to drop off and pick up dogs cause the dogs to bark. Any increase in business that would result

from an expansion, especially an expansion that proposes to double the amount of available dog runs, would increase the amount of noise generated by barking dogs. Currently, the dog runs in the existing kennel building face adjacent properties along the access right of way and are not screened by either landscaping or solid fencing material.

Staff believes that locating the proposed expansion between the current kennel building and the outdoor play area could potentially mitigate a portion of the noise generated by barking dogs. The addition of landscape screening and a solid fence or wall would also reduce some of the noise generated by the kennel and potentially block the dogs line of sight view of approaching vehicles. Enclosing the existing and proposed kennel buildings is another option that could significantly reduce the noise generated by the dogs, however, several of the letters received by staff in support of the proposed expansion site the presence of outdoor runs as a reason for choosing to board their pets at Stonehenge Kennels.

Physical Features & Environmental Considerations

The residence and kennel building are located on the western side of the 11.2-acre site. An open field approximately three acres in size is located south of the residence and kennel building adjacent to the nearest residences approximately 100 yards from the kennel. The northern and eastern portions of the site are densely wooded. The property slopes away from the existing structures towards a creek which runs along the rear of the property. A large ravine and several large oak trees are located north of the kennel and residence. Expansion in the area behind the residence would be difficult as a result of the sloping topography and presence of these large trees.

Transportation

Access

The residence and kennels are accessed by a private 50-foot right-of-way, 16-foot wide gravel drive which is approximately 300 yards long. The entrance road has frontage along State Route 606, Riverview Road. The access road is shared in common with seven of the residences in the surrounding area. Staff researched concerns raised by adjacent property owners over the applicants legal right to access this private right of way and found that court records and plats indicate that an easement does exist to allow access to this site from this right of way. No joint maintenance agreement exists for the right of way and none is planned as part of this application.

Traffic Impacts

The traffic generated by the kennel falls well short of the volume necessary to require the submission of a formal traffic study. The applicant supplied information with the application which suggests that the existing kennel generates, on average, 6 visits (12 vehicle trips) per day throughout the year. During the month of July, 2000, the busiest month on record at the kennel, the number of daily visits at the kennel by customers ranged from 3 to 12 with an average volume of 6.7 trips (14 vehicle trips) per day. As a comparison, ITE estimates that a single family residence generates 10 vehicle trips per day. The applicant stated that traffic volumes tend to be heaviest on Fridays and Sunday afternoons. As a result, peak traffic volumes at the site coincide with the times that the residents on the adjacent properties are most likely to be home.

The applicant also states that the kennel anticipates a 20 percent increase in traffic volume

following the proposed expansion with a worst case scenario of a 50 percent increase (18 vehicle trips). To support this claim, the applicant states that the kennel operates at or near capacity less than one-third of the year and any increase in traffic volume would be concentrated during these already busy periods. While staff generally does not dispute the applicant's stated average number of visitors each day, the proposed expansion would double the boarding capacity of the facility. Staff believes that a more accurate worst case scenario for impact evaluation purposes would also double the average volume of the busiest month, which would result in traffic volumes approaching 30 vehicle trips per day. The applicant makes the claim that their facility generates traffic at a level only slightly higher than the average residence. It should be noted that this anticipated traffic produced by the kennel is in addition to the traffic generated by both the residence on the site and the employees traveling to and from the site each day. When the 70 vehicle trips generated by the other residences along the right of way are factored in as well, the traffic volume being carried on this narrow gravel right of way on a daily basis is over 100 trips per day.

Public Utilities

The site is located outside the Primary Service Area (PSA) and is served by a private well and septic system. Should this application be approved, the expansion would require site plan approval. The Health Department would review the plans at this time and require the submittal of a soils study for the site. All site and soils work would need to be completed prior to Health Department approval of the site plan. The existing kennel is served by a septic system of the same type that serves most of the residences in the surrounding area. All animal waste from the kennel building is washed into the septic system and no waste drains onto any adjacent property. The applicant has stated that a new septic system would be provided for the proposed kennel building.

Comprehensive Plan

Land Use Designation

The property is designated as Rural Lands on the Comprehensive Plan Land Use Map. Rural Lands are areas containing farms, forests and scattered homes, exclusively outside the PSA, where a lower level of public service delivery exists or where utilities and urban services do not exist and are not planned for the future. The Rural Lands designation seeks to protect the rural character as well as the agricultural and forestal activities of this area. Commercial development not related to agricultural and forestal activities is discouraged. Appropriate land uses include agricultural and forestal activities and recreational public and semi-public uses which require a spacious site and are compatible with the natural and rural surroundings.

The Rural Lands designation states that most retail and commercial uses which will serve Rural Lands should be located at planned commercial locations on major thoroughfares inside the PSA. However, a few smaller service uses and certain uses which require a specialized location may be located 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 Development Standards of the Comprehensive Plan.

Staff does not believe that the proposed expansion is consistent with the Rural Lands designation for several reasons. First, the character of the surrounding area has substantially changed since the kennel opened in 1985. What once was an isolated rural site surrounded by agricultural fields

and forested land has evolved into a small residential community. The majority of the surrounding single family homes are located on lots that are one to two acres in size, much smaller than typical rural residential lots and smaller than recommended in the Comprehensive Plan. Staff believes that the present character of the immediate area is as much suburban as it is rural. The impacts of incompatible development cannot be adequately mitigated on this site, especially noise. Staff would not support the location of this type of commercial use on this site under the present conditions and does not support doubling the size of the existing business and increasing the impacts on these surrounding properties.

Second, the expansion will increase the amount of vehicular traffic to and from the site. The additional traffic generated by this use will negatively impact adjacent property owners not only from the increased usage of the right of way but also create additional noise that may not be entirely mitigated by the addition of landscaping, fencing and building location. The addition of 26 dog runs to the facility has the potential to double the amount of traffic currently generated by the kennel. While the kennel has not typically operated at or near capacity, staff must consider the impacts on the surrounding community if the proposed expansion were to occur. This increased volume is in addition to the ITE standard of 10 vehicle trips per day generated by a typical residence and the employee trips to and from the site each day. The gravel drive used as the entrance to the site was not designed to function as a commercial right of way.

Recommendation

Staff recommends denial of this application. Staff believes that the proposed expansion is inconsistent with character of the surrounding residential community and inconsistent with the Rural Lands Land Use designation. Should the Planning Commission wish to recommend approval of this application, staff recommends placing the following conditions on its approval:

1. If a certificate of occupancy for this project has not been obtained within a period of 24 months from the date of issuance of this permit, this permit shall become void.
2. The building elevations for the kennel expansion on the site shall be approved by the Planning Director prior to final site plan approval. The intent of this condition is to ensure that the expansion is compatible with the design, scale, materials and colors of the main residential structure and surrounding residences.
3. The expansion shall be designed and constructed so that all outside dog runs face the existing kennel building and shall be generally consistent with the attached drawings and plat dated October 18, 2000 and titled Stonehenge Kennels - Preliminary Site Plan, Stonehenge Kennels - Preliminary Floor Plan, and Plat of Survey, Parcel "B", Louis A. & Maria Galanos Subdivision for Conveyance to Thayer E. & Mattie M. Coven, James City County, Virginia.
4. The owner shall provide enhanced landscaping, to a maximum of 133 percent of the minimum ordinance requirements, to better screen the kennels and parking area from adjacent properties and the right of way. The landscaping plan shall be reviewed and approved by the Planning Director prior to final site plan approval.
5. A wall or solid fence a minimum height of 60-inches shall be provided along the area between the newly constructed kennel building and the right of way serving the property . The location of the wall or solid fence shall be approved by the Planning Director prior

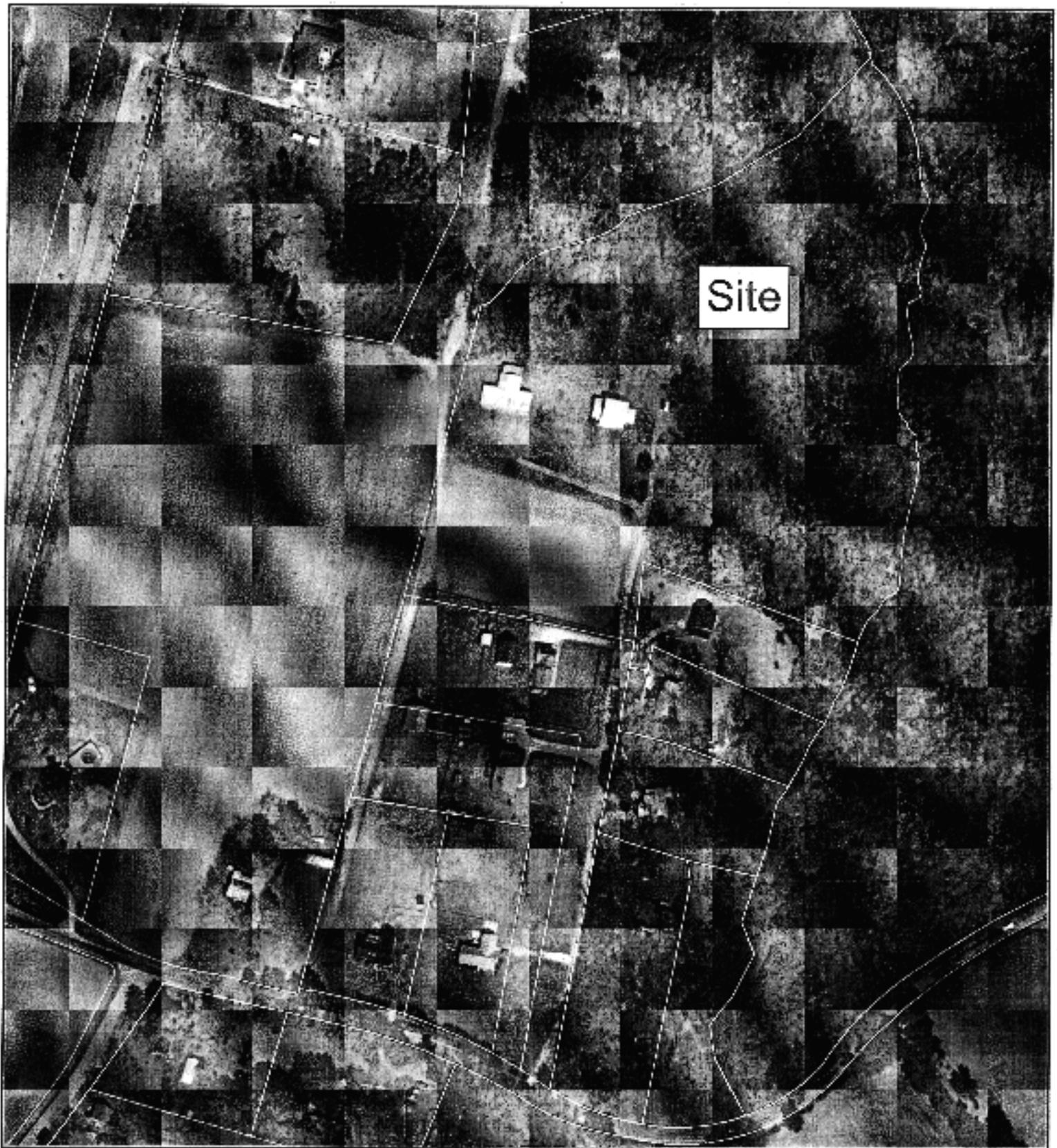
to final site plan approval. Landscaping approved by the Planning Director shall be planted between the wall or solid fence and the adjacent properties.

6. All animal waste shall be disposed of in an on-site septic system and all animal runs shall be constructed so that animal waste will drain to the septic system to be approved by the Virginia Department of Health.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

Christopher Johnson
Planner

Attachments:

1. Location Map
2. Aerial View of Site
3. Rural Lands Transition Policy
4. Traffic Analysis submitted by the Applicant on December 4, 2000,
5. Conceptual Plan - Plat of Survey
6. Preliminary Site Plan
7. Preliminary Floor Plan



SUP-25-00
Stonehenge Kennels

200 0 200 400 Feet



Guidelines for Consideration of Transitional Uses in areas designated Rural Lands

- 1) Development proposals for transitions from rural/agricultural uses to business uses are to be considered concurrently with the Comprehensive Plan and, most specifically, with the Development Standards (beginning on page 90 of the 1997 JCC Comprehensive Plan) pertaining to Rural Land Use Standards.
- 2) Conditions assigned by the Planning Commission to transitional development proposals in Rural Lands will be the most restrictive allowable and will take into consideration character, aesthetics, scenic quality, and other similar items which reflect community values.
- 3) Those transitional uses in rural areas most favored will involve the adaptive use of existing structures in areas outside the Primary Service Area.
- 4) Specific criteria used by the Planning Commission to consider transition uses include but are not limited to the following:
 - a) traffic generation in comparison to that generated by other uses in the immediate area;
 - b) noise, odor, dust, vibration, fumes, smoke, light intensity, light blockage, or other likely nuisances which may be created by the proposed use;
 - c) the number of employees anticipated for the proposed business and the facilities required to accommodate them;
 - d) the number of clients or customers the proposed business anticipates, the facilities required to accommodate them, and the traffic they will generate; and
 - e) any need for outside storage and whether or not its impact can be accommodated or mitigated.



STONEHENGE KENNELS
5550 RIVERVIEW ROAD
WILLIAMSBURG, VIRGINIA 23188

Owner/Managers
Joan Coven
Mattie Coven

757-564-8662

December 4, 2000

Planning Commission
James City County
101-E Mounts Bay Road
Williamsburg, VA 23187-8784

Attn: Chris Johnson

Re: Stonehenge Kennels SUP

Dear Planning Commission Staff:

I am enclosing the results of the traffic study that you requested of Stonehenge Kennels. The numbers on the calendar reflect the number of cars that came to the kennel on the indicated day to either pick-up or drop-off a dog. That is the only aspect of the kennel business that would result in an increase in traffic if the expansion were approved.

The study included the quiet month of February, the busy month of August and a transitional month, June. The average number of daily trips was as follows:

February	5.76
June	6.40
August	5.61

The somewhat counter-intuitive result that there are fewer trips to the kennel when the kennel is fullest is explained by the relative durations of the boarding. During the summer dogs tend to stay for multi-week periods while at other times much of the kennel business is attributable to weekend trips.

The average of these three months is 5.92, or roughly 6 visits per day. I understand that "trips" for land use planning purposes count entering and departing as two trips and that you expect that the average single family dwelling will produce 10 such trips. The 6 kennel visits constitutes 12 such trips. Accordingly, the traffic produced by the existing kennel is only slightly

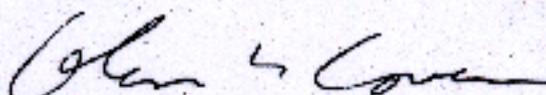
in excess of what would be expected from a single residence. Although the Kennel is only anticipating a 20 percent increase in traffic following the proposed expansion¹, a "worst case" increase in traffic would be an increase of 50 percent to a total of 18 "trips" per day or less than the traffic expected of two residences.

It may also be noted that in each month, much of the traffic occurs at two times: late in the day on Friday and throughout Sunday afternoon. Aside from those periods, traffic to the kennel is normally quite light. While the Sunday visits are highly visible to our neighbors, we believe that it is safer for all concerned to allow Sunday pick-ups than to force the customers to pick-up dogs before going to work on Monday morning.

The number of visits computed here is slightly lower than the number of visits computed for July, 2000 and discussed in the supplement to the permit application. The higher number reported there largely was caused by the inclusion of trips attributable to cat boarding. Those trips have not been included here because that portion of the kennel's business will not be expanded under the proposal² and in fact has declined sharply as our customers have increasingly turned to house and pet sitters for cat care.

Please telephone me at 221-3833 if you have any questions.

Sincerely,



Glenn E. Coven

¹At present the kennel is operated at near capacity less than one-third of the year. We only expect traffic to increase during those peak periods and do not expect it to double even during those periods.

²If a new small animal room is included in the new building, the old cat room will be converted to a storage room.

2000 August

JULY 2000
 2 3 4 5 6 7 8
 9 10 11 12 13 14 15
 16 17 18 19 20 21 22
 23 24 25 26 27 28 29
 30 31

SEPT 2000
 1 2 3 4 5 6 7 8 9
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 17 18 19 20 21 22 23
 24 25 26 27 28 29 30

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1	2	3	4	5
		2	3	2	10	1
6	7	8	9	10	11	12
14	5	3	7	4	5	6
13	14	15	16	17	18	19
		6	6	6	9	9
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		7	1	6	9	7
27	28	29	30	31		
		3	2	4		
		1				

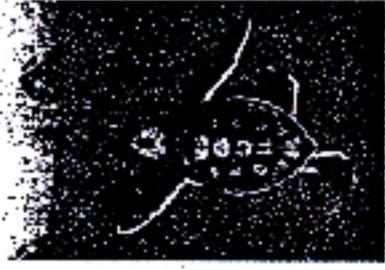


Starfish

Marine life has such a symbiotic relationship with its environment that any disruption of the oceans, streams, and other water habitats they call home cannot be tolerated. As many marine species around the world are disappearing because of unsafe harvesting practices, WWF is working to educate indigenous populations and encourage sustainable fishing practices.

Anemone fish (*Amphiprion* spp.) rarely venture far away from the protection of the deadly tentacles of their anemone host. Each anemone is typically home to an adult fish and two to four smaller fish. These fish often mate exclusively with the same partner for years and females tend to be the dominant member of the pair.

A green turtle (*Chelonia mydas*) hatching will grow to be one of the largest turtles, capable of reaching 600 pounds. Green turtles typically lie in beds of turtle grass in shallow tropical waters and have been known to migrate hundreds of miles.



Green Turtle

There are 1,800 living species of starfish (*Protasteria* nautilus) scattered throughout the oceans of the world. Starfish can measure from eight to 12 inches across. Typically, they have five hollow arms covered with sharp spines. These arms can be regenerated if lost.



Saving Life
 on Earth

WWF

www.worldwildlife.org

February 2000

JAN 2000
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MAR 2000
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7	3	6	7	6	7	6
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7	12	4	7	8	2	8
27	28	29				
21	9	6				

Red Fox © Kourad Wollie
 Arctic Fox © Fred Beckwiler

Wolves and foxes capture the essence of our dwindling wilderness because they require large, undeveloped expanses in order to survive. WWF is working in the U.S. and Canada to identify and protect these few remaining areas so crucial in maintaining North America's natural heritage.

Once the most widely distributed land mammal in the world, gray wolves (*Canis lupus*) are now endangered or extinct in most of their former range. An "alpha" male and female lead packs ranging from five to 20 animals in hunting and other group activities and are usually the only breeding pair.

The red fox (*Vulpes vulpes*) is found across North America, Europe, and Asia. Foxes do not form packs but instead are territorial with ranges usually occupied by one male and several females. They can reach a top speed of about 28 miles per hour and can leap over objects as high as six feet.



Arctic Fox

The arctic fox (*Alopex lagopus*) is also found in North America. Ranging in color from brown to yellow in the summer, its coat turns completely white, or more rarely blue, in winter. Unlike most foxes, the soles of their feet are covered in fur earning them the Latin name *lagopus* (hare-foot).



Saving Life
 on Earth

WWF www.worldwildlife.org

June 2000

MAY 2000

JULY 2000

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23 24 25 26 27 28 29
30 31

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
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10	7	4	4	5	16	4
11	12	13	14	15	16	17
8	12	1	9	4	13	5
18	19	20	21	22	23	24
6	6	5	3	3	9	9
Father's Day		First Day of Summer	Flag Day			
25	26	27	28	29	30	
11	3	9	1	4	6	



Dwarf whistler



Eclectus Parrot

The dwarf whistler (*Pachyura flavogrisea*) tends to hide in the outer canopy foliage of trees found in the mountains of New Guinea. It feeds on insects that it gleans off leaves.

To combat the problems of deforestation around the world, WWF is promoting sustainable forest management, encouraging governments to improve forest policies, strengthening protected areas management, and supporting indigenous groups working to safeguard their own natural resources.

The great gray owl (*Syrax nictitans*) is the largest owl in North America measuring approximately 22 inches. The owl inhabits the northern coniferous forests of North America and Europe and nests in the leftover homes of ravens or hawks or just on the forest floor.

Female eclectus parrots (*Eclectus torquatus*) are usually red while their male counterparts are green. Found in New Guinea, the Solomon Islands, the Indonesian Islands, and the Cape York Peninsula of Australia, they have an unusual hard

unusual hard like texture to their feathers. This particular species of parrot is fairly common but many others have become endangered due to habitat destruction.

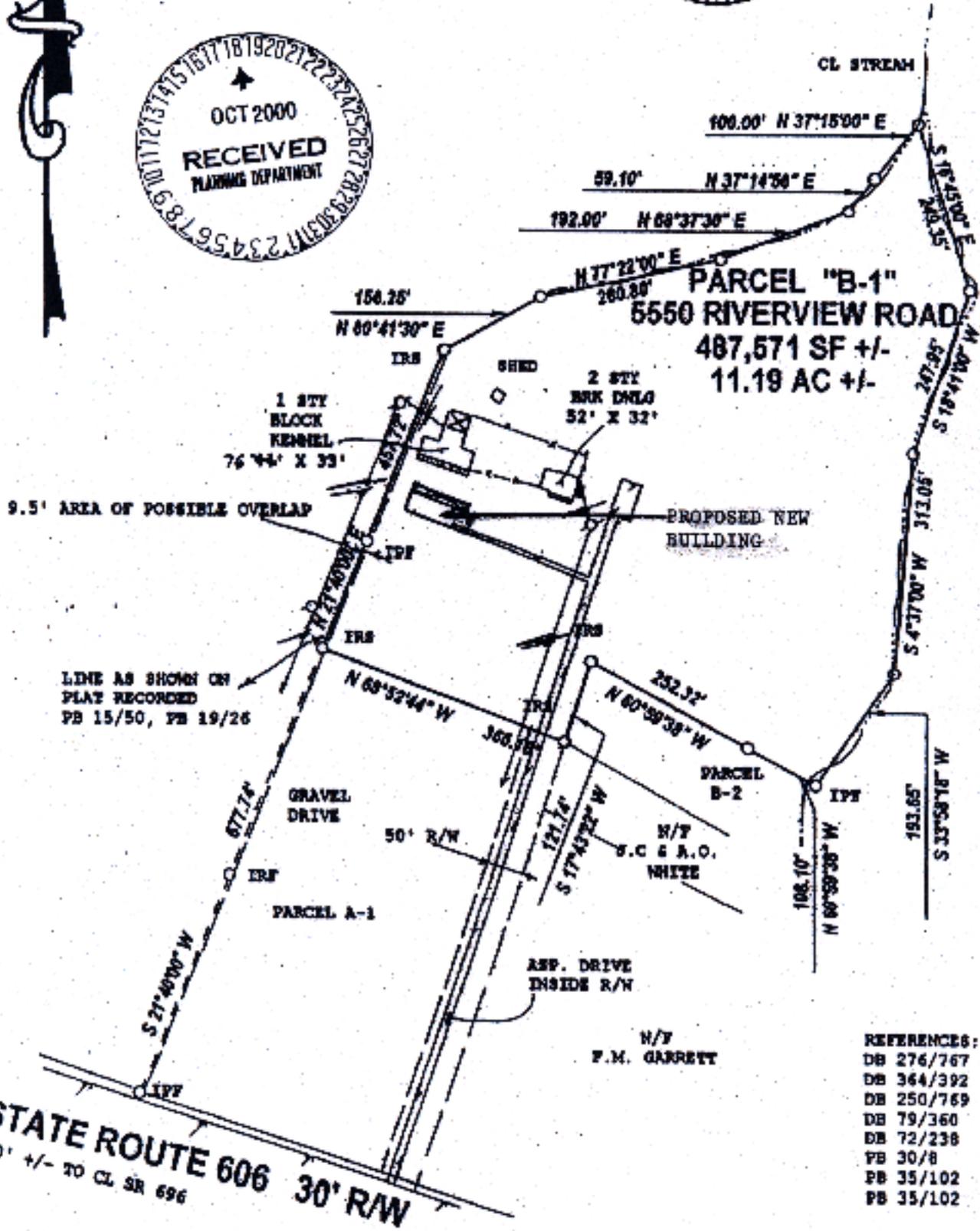


Saving Life on Earth

WWF

www.worldwildlife.org

THIS PROPERTY LIES WITHIN THE FEMA
 DEFINED FLOOD ZONE X, AS NOTED ON
 COMMUNITY-PANEL NUMBER 510201 0020 B.
 EFFECTIVE DATE: FEBRUARY 6, 1991.



- REFERENCES:
 DB 276/767
 DB 364/392
 DB 250/769
 DB 79/360
 DB 72/236
 PB 30/8
 PB 35/102
 PB 35/102

STATE ROUTE 606
 630' +/- TO CL SR 696
 30' R/W

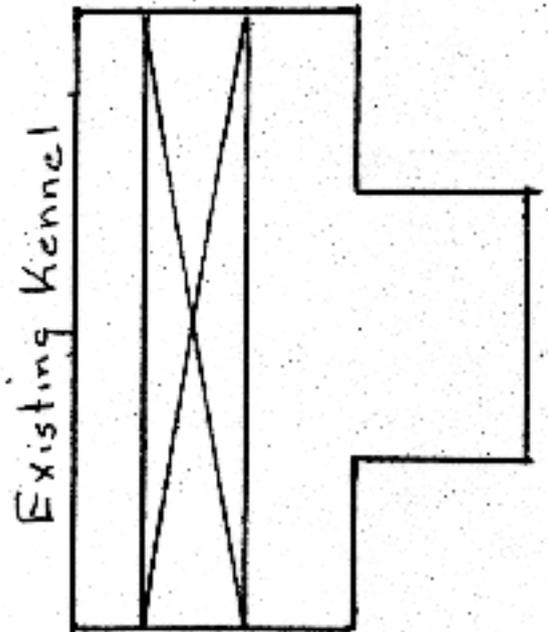
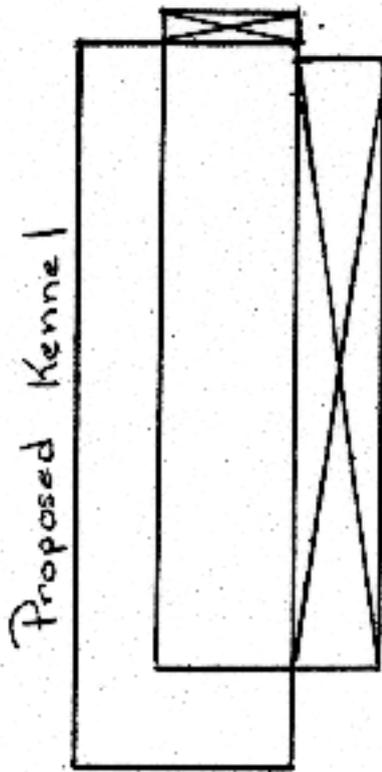
THE WOODSON COMPANY 5251-16 JOHN TYLER HIGHWAY, #359, WILLIAMSBURG, VIRGINIA 23185 800-368-6443

PLAT OF SURVEY, PARCEL "B", LOUIS A. & MARIA GALANOS SUBDIVISION
 FOR CONVEYANCE TO: THAYER E. & MATTIE M. COVEN
 JAMES CITY COUNTY, VIRGINIA

Attachment 5

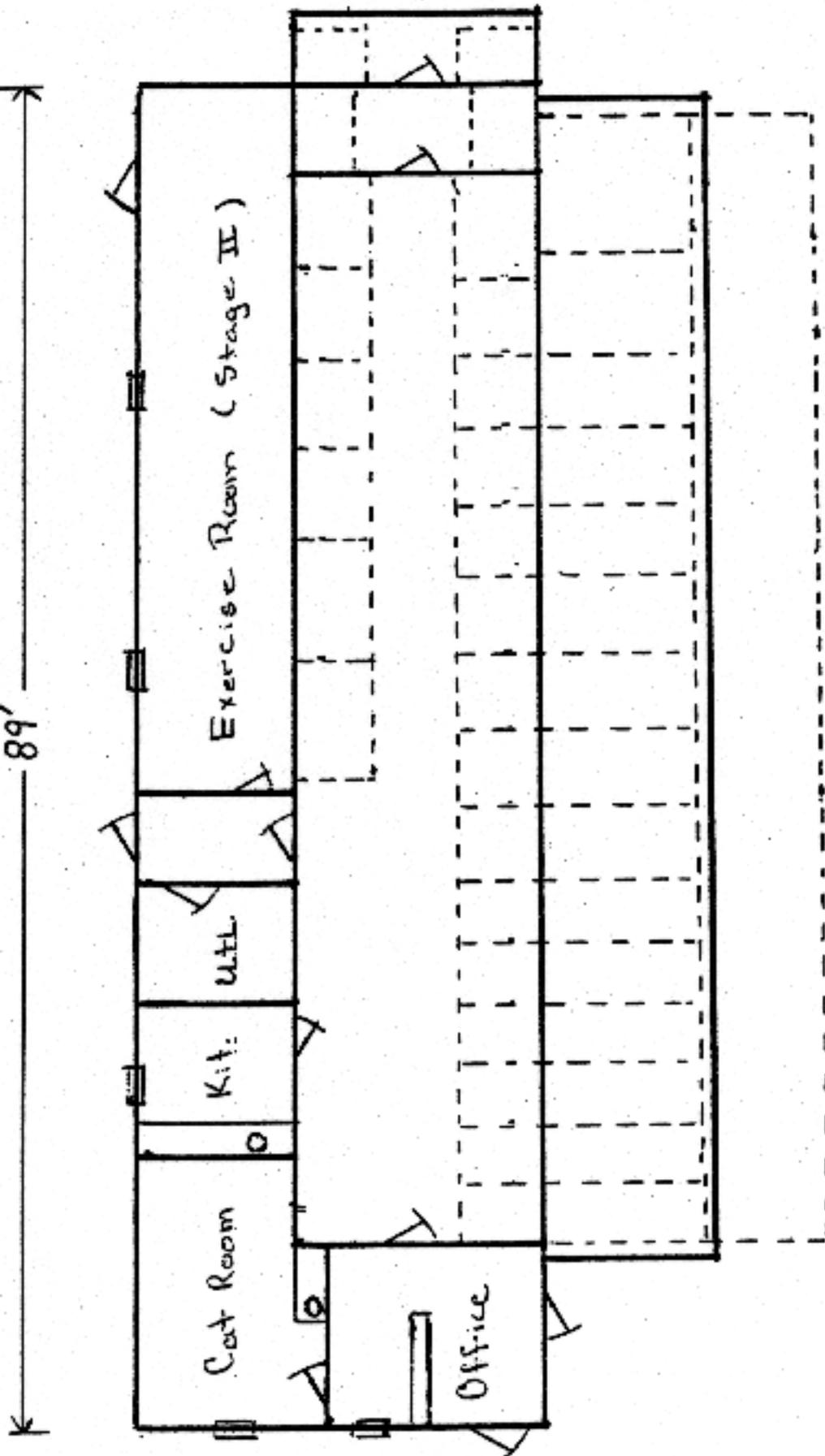
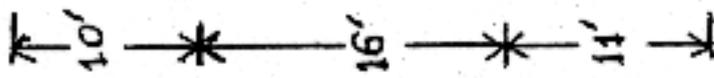
Stonehenge Kennels

Preliminary Site Plan



Stonehenge Kennels

Preliminary Floor Plan



**SPECIAL USE PERMIT 26-00. James City County District Park, Hotwater Coles Tract
Staff Report for the January 8, 2001, Planning Commission Public Hearing**

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

PUBLIC HEARINGS Building C Board Room; County Government Center

Planning Commission: January 8, 2001, 7:00 p.m.
Board of Supervisors: January 23, 2001, 7:00 p.m.

SUMMARY FACTS

Applicant: Bernard M. Farmer, Capital Projects Administrator
Landowner: James City County, Department of Parks and Recreation
Proposed Use: District Park
Location: 5535 Centerville Road; Powhatan District
Tax Map and Parcel No.: (30-1)(1-9)
Primary Service Area: Outside
Parcel Size: ± 747 acres
Existing Zoning: A-1, General Agricultural
Comprehensive Plan: Park, Public, or Semi-Public Open Space
Surrounding Zoning: The site is surrounded by land zoned A-1, General Agricultural
Staff Contact: Christopher M. Johnson - Phone: 253-6685

STAFF RECOMMENDATION:

Staff finds the proposal consistent with the surrounding properties and uses. Staff also finds the proposal consistent with the Comprehensive Plan. Staff, therefore, recommends that the Planning Commission recommend approval of this application with the conditions contained in the staff report.

Project Description

Mr. Bernard M. Farmer, Capital Projects Administrator for James City County, has applied for a special use permit to operate a public community recreation facility otherwise known as the James City County District Park. Proposed facilities for the park are shown on the attached District Park Master Plan. The proposed District Park would include over five miles of trails and walking paths, an outdoor environmental education center, playgrounds, picnic shelters, canoeing and paddle boat facilities, a climbing and ropes course, off street parking and a park maintenance facility. A condition has been added which would allow the Development Review Committee to determine whether changes to the Master Plan are consistent with the basic concept or character of the development. The entire site, located east of Jolly Pond Road (Route 611) and west of the intersection of Centerville Road (Route 614) and Longhill Road (Route 612), is approximately 747-acres in size and can be further identified as Parcel No. (1-9) on James City County Real Estate Tax Map No. (30-1).

History

In March 1994, voters were asked to authorize use of general revenue bonds for financing several initiatives. Among the initiatives was 3.1 million dollars earmarked for the purchase of a large parcel of property to be used for a future district park. The referendum was approved and initial acquisition of the majority of the Hotwater Cole Tract for use as a District Park was completed in April 1994. Funds for master planning and design of the park facility have been approved in subsequent Capital budgets. Master planning of the site, for both passive and active recreation uses began, and was nearly complete when the county agreed to buy the Warhill Tract in 1996. The acquisition of the Warhill Tract was opportune, and not anticipated when the Hotwater Cole District Park site was acquired or planned. Recognizing that the Warhill Tract terrain was better suited to active sports fields than was the Hotwater Cole Tract, revised master plans were prepared that moved the active sports field components of a District Park to the Warhill Tract splitting the District park into two distinct sites. The more passive and less land intensive components of a District park were left on the Hotwater Cole Tract. Construction of the District Park Sports Field complex began in 1998, with planning continuing for the other site intended to follow consistent with budgetary approvals.

Surrounding Zoning and Development

The site is surrounded by land zoned A-1, General Agricultural. Several small residential lots border the district park site along the western side of Centerville Road. The southeast corner of the intersection at Longhill and Centerville is owned by the Exxon Corporation and is zoned LB, Limited Business. The Forest Glen subdivision, zoned R-2, General Residential, is located on the northeast corner of this intersection. The majority of the A-1 zoned land surrounding the park site to the south, west, and north is undeveloped.

Physical Features & Environmental Considerations

The densely wooded site shows evidence of historic disturbance over the majority of the property. Most of the ridge lines and slopes on the site show evidence of having been logged and either replanted with loblolly pine or allowed to regenerate into a hardwood-pine mixture. The canopy vegetation is primarily American beech, southern red oak, white oak, American holly, sweet gum, ironwood, and scattered loblolly pine. The understory is very dense with American holly, pawpaw, dogwood, and huckleberry. Wetlands on the property are associated with the headwater drainageways of the Colby Swamp located within the Chickahominy River drainage basin.

Environmental impacts, to the greatest extent possible, will be minimized through the implementation of a strict erosion and sediment control plan to include immediate soil and slope stabilization, temporary sediment basins, silt fencing, diversion dikes, and sediment forebays. This project will not impact any public water supply, shellfish harvesting area, spawning grounds, or wildlife habitat. The entire project is located outside the 100-year floodplain as depicted on the Federal Emergency Management Agency Flood Insurance Rate map for James City County dated February 6, 1991.

Of the numerous threatened and endangered wildlife species known to occur in Virginia, no Federally listed threatened or endangered species have been reported in the area of the District Park. Williamsburg Environmental Group, Inc. conducted a survey for small whorled pogonia in June 1999. No small whorled pogonia were found on the property during this review.

The roadway alignment for Phase One was changed on three separate occasions in an effort to reduce wetlands encroachment and avoid cultural resources located on the interior of the site. The resulting alignment of the entrance road represents the least environmentally damaging practicable alternative for the project.

Transportation

Access

The District Park entrance would be located to align with Longhill Road (Route 612) at its intersection with Centerville Road (Route 614) to form a four leg intersection. A small parcel zoned LB, Limited Business, connects the district park site to the intersection and would be used as the area for the entrance to the site. The entrance road is being designed so that it will be eligible to be accepted into the State system. The entrance road will be approximately one mile in length with a turn around and approximately 25 parking spaces at its terminus. The entrance is proposed as a full access driveway with one lane entering and two lanes exiting (left/thru and a right turn lane).

Traffic Impacts

A traffic study was prepared for the District Park by Buchart Horn, Inc. in January 2000. Existing traffic at the intersection of Longhill Road and Centerville Road warrants a southbound left turn lane at Longhill Road and a full width right turn lane northbound on Centerville Road during the PM peak hour without the park. Capacity analyses were performed under existing conditions for the weekday AM and PM peak hours. Under the existing conditions, the westbound approach (Longhill Road), operates at Level of Service (LOS) "C" during the AM peak and LOS "B" during the PM peak. On Centerville Road, the southbound left turn movement operates at a LOS "A" during the AM and PM peak hours. At the proposed park entrance, when exiting the park, the eastbound left/thru lane would operate at a LOS "C" during the AM and PM peak hours and a LOS "A" for the right turn lane during both peak periods. The remaining approaches would continue to operate at the same levels of service without the park entrance.

VDOT has reviewed the traffic study and concurs with the results. The addition of the park entrance at the Centerville Road / Longhill Road intersection does not appreciably effect the LOS at the intersection. The LOS for all movements was found to be "C" or better for all turning movements. Given the less intensive uses planned for the proposed park, neither staff or VDOT anticipates a significant effect on the LOS of the intersection. No intersection improvements are

recommended at this time. As additional funding is approved for the site, additional facilities will be added. VDOT has agreed to allow the traffic improvements recommended in the traffic study to be constructed in phases as uses at the park warrant their construction. As the usage of this site changes, the adequacy of the existing roadway shall be re-evaluated.

Public Utilities

The site is located outside the Primary Service Area (PSA). An application for evaluation of soils for design of a septic system and well location has been submitted to the Health Department for review. The plans for Phase One at the District Park propose an area for an on-site soil absorption system.

Comprehensive Plan

Land Use Designation

The Comprehensive Plan Land Use Map designates the Hotwater Cole Tract as Park, Public, or Semi-Public Open Space. Large undeveloped areas owned by institutions or the public and used for recreation or open space are included in this category. These areas serve as buffers to historic sites, as educational resources, and as areas for recreation and enjoyment.

A specific strategy of the Parks and Recreation element of the Comprehensive Plan is to develop a large district park with a focus on County, school and regional needs. The Hotwater Cole Tract is identified in the Plan and the conceptual park plans were reviewed by the Board of Supervisors during the adoption of the Plan. Because the district park will serve the county and region as a whole and because it will be a public facility (i.e. - owned and operated by James City County), staff feels that the proposal is consistent with the Comprehensive Plan Land Use designation.

Historical and Archaeological Impacts

Archaeologists with Cultural Resources, Inc. of Williamsburg, Virginia, conducted a Phase 1 archaeological resources investigation in February 1997 which was designed to provide an inventory of prehistoric and historic archaeological sites for approximately 240 acres on the Hotwater Cole Tract. All improvements permitted under this SUP would be constructed within this study area. Twenty seven sites and seven isolated finds were recorded during the Phase 1 survey. Of the twenty seven sites recorded, six sites are attributed to Native American occupation; two sites are multi-component sites to the Late Woodland and seventeenth century; fifteen date from the mid to late eighteenth century to the early to mid nineteenth century; and four sites date to the early twentieth century.

Additional archaeological work was performed on seven sites within the proposed park by Archaeological & Cultural Solutions, Inc. of Williamsburg, Virginia, in September 1999. Four of the seven archaeological sites (44JC865; 44JC867; 44JC855; 44JC873) were completely avoided by the current entrance road design. Two of the sites, 44JC856 and 44JC853, will be monitored by an archaeologist during the preparation of the nature trail that will run through them. The final site, 44JC852, called for a Phase 2 evaluation to clearly define site boundaries and site integrity since it will be cut for the construction of the entry road. A Phase 2 evaluation of this site has been completed and no further study is recommended. This site will also be monitored by an archaeologist during construction of the entrance road. A condition is included to ensure that the recommendations of the on-site archaeologist are implemented in a manner consistent with the County's archaeological policy.

Finding of Consistency

Section 15.2-2232 of the Virginia State Code states , in part, that no public park facility shall be allowed unless the Planning Commission finds the location of the park “substantially” in accordance with the adopted Comprehensive Plan. As stated above, the Comprehensive Plan designates the Hotwater Cole Tract as park, Public, or Semi-Public Open Space. Also stated above, staff finds this proposal consistent with the Comprehensive Plan since the district park will serve the county and region as a whole and because it will be a public facility (i.e. - owned and operated by James City County). On December 4, 2000, the Planning Commission found that the Phase One entrance road proposal was substantially in accordance with the Comprehensive Plan.

Recommendation

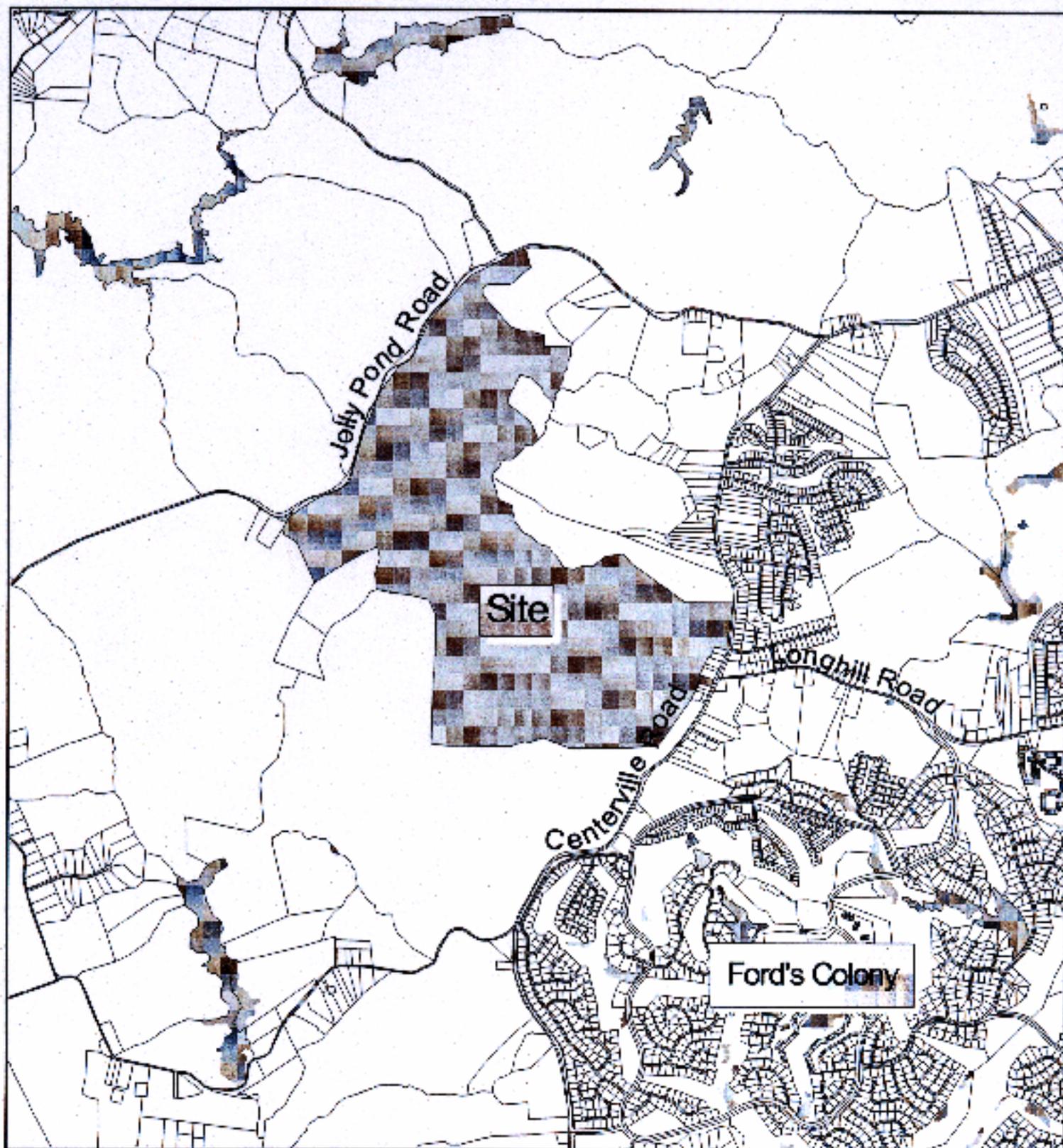
Staff finds the proposal consistent with the surrounding properties and uses. Staff also finds the proposal consistent with the Comprehensive Plan. Staff, therefore, recommends that the Planning Commission recommend approval of this application with the following conditions:

1. Development of the site shall be generally in accordance with the District Park Master Plan with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
2. A land disturbing permit shall be issued by the County for this project within 36 months from the date of approval of this special use permit or the permit shall become void.
3. Prior to issuance of a land disturbing permit, the applicant shall provide written evidence to the Planning Director which demonstrates that the recommendations of a licensed archaeologist have been implemented in a manner consistent with the preservation objectives of the Board of Supervisors Archaeological Policy, as determined by the Planning Director.
4. A minimum 150-foot buffer shall be maintained along the property lines of the park site. The buffer may be increased by the Development Review Committee in areas where additional property line buffering is needed. The buffer shall remain undisturbed with the exception of breaks for roadways and pedestrian connections, utilities, pedestrian walking and hiking trails, and other uses specifically approved by the Development Review Committee.
5. All road improvements recommended by a traffic study conducted by Buchart-Horn, Inc. in January 2000 shall be constructed in accordance with the phased development plan approved by the Virginia Department of Transportation.
6. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

Christopher Johnson
Planner

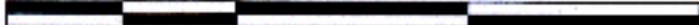
Attachments:

1. Location Map
2. Vicinity Map showing archaeological resources on the Hotwater Cole Tract
3. Master Plan



Case No. SUP-26-00
JCC District Park, Hotwater Coles Tract

3000 0 3000 6000 Feet



APPROXIMATE
PHASE 1
BOUNDARY

APPROXIMATE PROJECT LIMITS

LEGEND:	
	SURVEYED WETLAND LIMITS
	SURVEYED WETLAND IMPACTS
	PROPOSED FORESTED MITIGATION
	APPROXIMATE ARCHAEOLOGICAL SITES

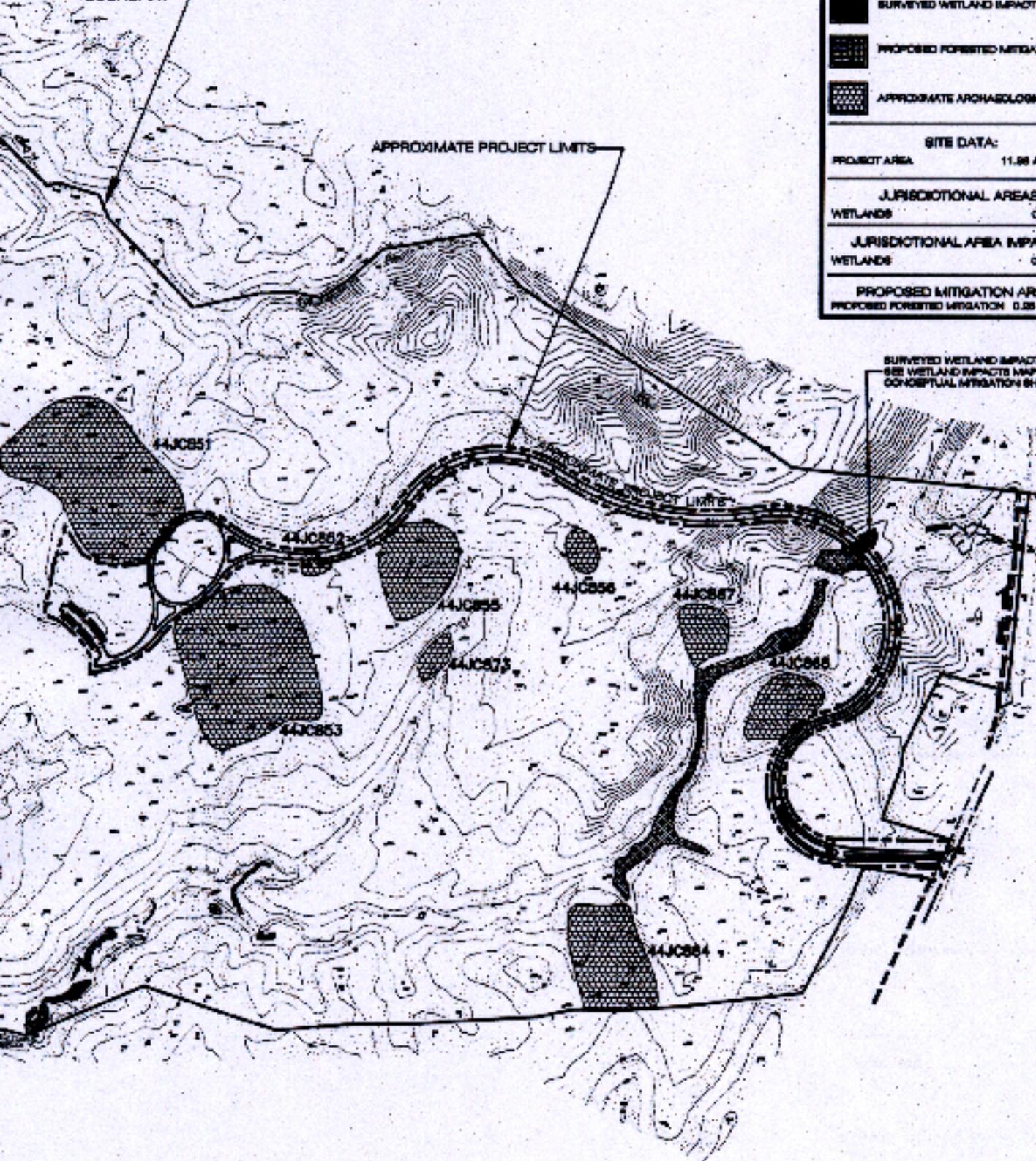
SITE DATA:	
PROJECT AREA	11.88 ACRES +/-

JURISDICTIONAL AREAS:	
WETLANDS	0.81 ACRE

JURISDICTIONAL AREA IMPACTS:	
WETLANDS	0.13 ACRE

PROPOSED MITIGATION AREAS	
PROPOSED FORESTED MITIGATION	0.25 ACRES +/-

SURVEYED WETLAND IMPACTS
SEE WETLAND IMPACTS MAP AND
CONCEPTUAL MITIGATION SHEET



PLANNING DIRECTOR'S REPORT

JANUARY, 2001

This report summarizes the status of selected Planning Division activities during the month of December.

1. Architectural Survey. Staff continues to work with the consultant and the Historical Commission to identify potential sites for intensive survey.
2. Master Greenway Plan. Staff has begun outlining various components of the Master Greenway Plan and is in the process of developing an overall methodology which will be designed to guide the process and incorporate citizen comment.
3. Timbering Buffer Ordinance. The Board of Supervisors held a work session on the timbering buffer ordinance on November 29, 2000. The purpose of the work session was to discuss recent violations to the ordinance and consider possible amendments to discourage future violations. The Board directed staff to revise the ordinance previous involving penalties, bonding, and planting options.
4. New Town. The New Town Design Review Board reviewed two projects at its December meeting. The DRB approved the location of the Windsor Meade entrance road and will review specifics of the design at its January meeting.
5. Purchasing of Development Rights. An internal, interdepartmental committee met to finalize comments for a purchase of development rights program. A Board work session is anticipated in February.
6. RPOD Ordinance. Staff is working on a draft reservoir protection overlay ordinance in anticipation of a work session with the Board in February.
7. Stonehenge Kennel Community Meeting. The kennel owners held a community meeting to discuss their SUP application (SUP-25-00 to expand in December 13, 2000, approximately 25 people attended.
8. Six-Year Secondary Road Plan. The Board of Supervisors held a work session on the Six-Year Secondary Road Plan on November 29, and adopted the plan on December 19, 2000, as recommended by the Planning Commission.
9. Ironbound/Longhill Connector Widening. Staff met with VDOT and Casey New Town landowners and developers on December 5 to discuss details of the proposed road widening.
10. Other Board Action. At its December 19, 2000, meeting the Board of Supervisors approved Case Nos. SUP-15-00/HW-1-00 St. Bede Catholic Church and AFD-8-86 Casey Agricultural and Forestal (Digges Withdrawal). The Board also approved the Six-Year Secondary Road Plan.
11. Upcoming Cases. Cases currently scheduled for the February 5, 2001 Planning Commission meeting.

CASE NO. Z-6-00/SUP-28-00. LOULYNN ACRES. Mr. Vernon Geddy, III, has applied on behalf of Loulynn Acre Associates for a special use permit and to rezone approximately 9.8 acres located at 8909 Barhamsville Road from A-1, General Agriculture to B-1, General Business, with proffers. The purpose of the rezoning and special use permit is to construct one and two story buildings for commercial, office and retail uses, including a bank and a gas station/convenience store. The property is generally located adjacent to the Burnham Woods subdivision on property more specifically identified as parcel (1-3A) on the JCC Tax Map No. (12-1).

CASE NO. Z-8-00/SUP-29-00. WILLIAMSBURG CHRISTIAN RETREAT CENTER. Lloyd Weaver, President of Williamsburg Christian Retreat Association, Inc. has applied for a rezoning and special use permit to rezone 138 acres from A-1, General Agricultural to R-2, General Residential to allow the construction of 51 single-family lots and a nine-hole executive golf course. The property is located at 9275 Barnes Road, in front of the existing Williamsburg Christian Retreat site and adjacent to the Racefield subdivision.

O. Marvin Sowers, Jr.

Case No. SUP-33-99. Forest Glen, Section 5. Mr. Dick Ashe has applied on behalf of American Eastern, Inc. for a special use permit in order to construct a residential cluster with a maximum gross density of more than one unit per acre. The site is located at the south end of Mildred Road and Walker Drive in Forest Glen and is identified as parcel (1-81) on JCC Real Estate Tax Map (31-1). The Comprehensive Plan Land Use Map designates this area as Low Density Residential with a recommended density of up to 4 dwelling units per acre with a special use permit. The project proposes a density of 3.21 dwelling units per acre.