

Planning Commission Agenda

April 2, 2001, 7:00 p.m.

1. ROLL CALL
2. MINUTES: Meeting of March 5, 2001
3. DEVELOPMENT REVIEW COMMITTEE REPORT (Separate Cover)
4. PUBLIC HEARINGS

A. Case No. Z-6-00. Loulynn Acres (Chesapeake Bank)

Mr. Vernon Geddy, III, has applied on behalf of Loulynn Acre Associates to rezone approximately 9.9 acres located at **8909 Barhamsville Road** from A-1, General Agriculture, to B-1, General Business, with proffers. Proposed uses include a bank and other commercial, office and retail uses. A special use permit is requested to allow for uses which generate 100 or more additional vehicle trips to and from the site during peak hours. The property is located at the intersection of Barhamsville Road (Route 30) and Old Stage Road, across the street from the Stonehouse Commerce Park, on property more specifically identified as parcel (1-3A) on the James City County Real Estate Tax Map No. (12-1).

B. Case No. SUP-2-01. JCSA, Route 5 Water Main

The applicant, James City Service Authority, has applied to extend a 12" water main along **Route 5** from an existing line at Powhatan Creek. The proposed line will run along Route 5 to another existing water line at the Williamsburg Community Chapel and have a pressure reduction valve at the entrance to St. George's Hundred. This area is labeled as map number (46-1) and (46-2) on the James City County Real Estate Tax Maps.

C. Case No. SUP-3-01. COLONIAL VIRGINIA COUNCIL (Boy Scouts of America)

Mr. Dick Collins has applied for a special use permit to allow for the improvement and continuation of the Boy Scout Camp on **499 Jolly Pond Road**. The property is zoned A-1, General Agriculture, designated Rural Lands and Low-Density Residential on the Comprehensive Plan Land Use Map and is further identified as Parcel No. (1-7) on the James City County Real Estate Tax Map No. (22-4).

D. Case No. SUP-5-01. Bruce's Super Body Shop

Mr. Vernon Geddy III has applied on behalf of WBB Partners for a special use permit for vehicle services to construct a 25,000 square foot automobile repair facility located at **5521 Richmond Road**. The application is for a SUP since the proposed use is a specially permitted use in the B-1 district and the building exceeds 10,000 square feet of floor area. The property is zoned B-1, General Business, and is further identified as parcel (1-5-A) on James City County Real Estate Tax Map No. (33-3).

E. Case No. ZO-1-01. Zoning Ordinance Amendment Buffer, Greenbelt, and Setback Requirements for Timbering Activities

An ordinance to amend and reordain Chapter 24, Zoning, of the Code of the County of James City, Virginia, by amending Article I, in General, Section 24-2, Definitions and Section 24-22, Penalties, sanctions, injunctive relief, fines, and Article II. Special Regulations, Section 24-43, Buffer, greenbelt and setback requirements for timbering activities to amend tree replacement requirements for timbering violations that occur in required buffers, greenbelts, and setbacks, and to establish civil fines for such violations.

F. Case No. ZO-2-01. Mixed Use District

An ordinance to amend and reordain Chapter 24, Zoning, of the Code of the County of James City, Virginia, by amending Article V, Districts, Division 15, Mixed Use, MU, Section 24-526, Requirements for improvements and design; and by adding Section 24-528, Street improvements. The purpose of these amendments is to allow additional provisions for private streets.

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 FIFTH DAY OF MARCH, TWO-THOUSAND AND ONE, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

- | | |
|---|---|
| 1. <u>ROLL CALL</u>
Martin Garrett, Chair
Don Hunt
Wilford Kale
Joe McCleary
Joe Poole | <u>ALSO PRESENT</u>
Leo Rogers, Deputy County Attorney
Marvin Sowers, Director of Planning
Jill Schmidle, Senior Planner
Christopher Johnson, Planner |
|---|---|

2. MINUTES

 Upon a motion by Joe Poole, seconded by Joe McCleary, the minutes of the February 5, 2001, meeting were approved by unanimous voice vote.

3 DEVELOPMENT REVIEW COMMITTEE

 Martin Garrett gave the DRC report stating the Committee reviewed the Powhatan Village, which was deferred from last month, and recommended approval of certain requests for waivers, with modifications, and granted preliminary approval subject to the submission of revised plans with enhanced landscaping. He stated the DRC also recommended approval for Skiffes Creek Village, Parcel B; Brandon Woods entrance features; Monticello at Powhatan Apartments, Phase II; Courthouse Green development subdivision; JCC Human Services Building parking lot expansion; and Ironbound Village Master Plan Amendment which were all routine. Joe Poole made a motion, seconded by Wilford Kale. In a unanimous voice vote, the DRC report was approved.

4. CASE NO. Z-6-00. LOULYNN ACRES (Chesapeake Bank).

 Jill Schmidle presented the staff report stating the applicant had requested deferral of this case until the next Planning Commission meeting of April 2, 2001.

 The Commission concurred.

5. CASE NO. SUP-2-01. JCSA ROUTE 5 WATER MAIN INSTALLATION.

 Christopher Johnson presented the staff report stating the applicant had requested deferral of this case until the next Planning Commission meeting of April 2, 2001.

 The Commission concurred.

6. CASE NO. Z-1-01. ENERGY SERVICES GROUP INTERNATIONAL, INC.

 Christopher Johnson presented the staff report stating the applicant had applied to rezone approximately 6.23 acres from R-8, Rural Residential, to M-1, Limited Business/Industrial, with proffers. Staff found that the application was inconsistent with the Low Density Residential land use designation of the Comprehensive Plan and would encourage further commercial and industrial development on adjacent residentially zoned properties with similar characteristics. Staff also found the application undermined efforts to locate industrial uses in planned industrial parks in the surrounding area and hindered efforts to provide sites for low to moderate income housing.

Staff recommended denial of this application.

Joe McCleary noted that, in the proffers submitted by the applicant, it stated that, in addition to the welding and machine shop, there could be accessory uses. He asked what those accessory uses could be.

Christopher Johnson stated the applicant had no specific definition submitted to staff but stated that accessory uses were typically subordinate to the active predominant use of the site.

Joe McCleary inquired about the letter from Nancy Swenson who signed herself as president of the Windy Hill Tenants Association and asked if she wrote on behalf of herself or on behalf of the Association.

Christopher Johnson stated he had several conversations with Nancy Swenson and while she was the president of the Association, it was his understanding that the letter submitted was solely on her behalf.

Joe McCleary stated that within that letter she stated she understood and agreed they would only be operating from 7 a.m. to 3 p.m. but when approving a rezoning, the Commission was not only approving for ESG but in perpetuity. He stated that if this were zoned M-1 with the residential area around it there would be nothing to stop a future tenant from operating seven days a week, 24 hours a day, with deliveries or shipments occurring any time during the day or night.

Christopher Johnson stated that the hours of operation mentioned in the letter were not in the proffer agreement. He stated if ESG did not stay with the site, any future operator on the site would not be bound by any statement to limit the hours of operation.

Wilford Kale asked Leo Rogers if this parcel were rezoned and if ESG were to leave this site and there was a new owner and a new concept for the property, would that owner be bound to the proffers made by ESG and what would be their recourse to change these proffers.

Leo Rogers stated that once the property was rezoned, the proffers become binding on the owners and any future owners. He said if a new owner wanted any of these proffers changed, they would have to go through the Planning Commission and Board of Supervisors to amend any changes.

Joe McCleary noted the site was difficult, long and narrow, and with the zoning to M-1, this could present problems if used as a welding and metal fabrication/machine shop. He stated that with this type of shop there would be a lot of bottled gases and with the densely populated residential area asked, if approved, were they not approving a potential hazard to the residents.

Christopher Johnson suggested that he address those issues with the applicant.

Martin Garrett opened the public hearing.

Tom Gillman, Vice President of ESG, handed out copies of the conceptual plans for rezoning and improvement of property at 8946 Pocahontas Trail to the Planning Commission members and reviewed these materials. He stated that the company had been in business in James City County for over ten years and wished to expand and remain in the County. He explained how this particular site fit their needs. He said he was surprised by staff's recommendation of denial and asked that he be allowed to go over the staff report item by item.

because he did not agree with staff's comments. He stated that ESG had been looking to move and expand the construction division for over one year and considered all the offerings in the immediate vicinity. He stated considerable time and resources had been expended and said he strongly believed he was proposing a solution that would benefit not only the company but the community.

Wilford Kale asked if the applicant had met with the three property owners that front the property on Pocahontas Trail.

Tom Gillman stated there were two property owners, one owning two of the lots and who was at the meeting tonight, and the other owner they had not been able to get in touch with. He said he did not meet with the Windy Hill management but had spoken to the owner and the representative of the Association. He also stated that the type of gas used for welding purposes was Argon which is an inert gas and was not combined with anything. He said that this type of gas was regulated by OSHA and didn't feel there was a need for any proffers pertaining to them.

John Rogers, owner of Spray King and two of the parcels that front the property, spoke in support of this rezoning and stated he had been in the area for over 20 years and had seen the ups and downs. He felt that ESG would clean up the property and asked who would want to build a home on that property.

Mark Rinaldi spoke on behalf of the James City County Industrial Development Authority as the IDA liaison to the Planning Commission. He had prepared written comments which he handed out to the Commission prior to this meeting. In speaking he focused on three aspects of this case: the changing nature of the area in which the site exists, the characteristics of the property and the surrounding land use; and the guidance offered by the Comprehensive Plan. He stated the IDA requested that the Planning Commission consider recommending this project for approval to the Board subject to those reasonable assurances that the Commission felt appropriate. Mark Rinaldi concluded by stating that he was simply here as a spokesman for the IDA, extending its comments and providing a perspective on this case and was not here as an advocate for the applicant.

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

Joe Poole stated, as a Colonial Williamsburg employee, his previous affiliation was working for Williamsburg Developments, Inc. which is a partner in the James River Commerce Center and he did not perceive any conflict but wanted it noted for the record.

Joe Poole stated that while he greatly appreciated ESG's presence in the County and its exemplary facility, he was very cautious in looking to rezone property across the street, in this instance, given most importantly the Comprehensive Plan designation and the existing residential zoning. He did not doubt that it would be an improvement to what was now there, however, he did not believe that those constraints warranted a rezoning at this time.

Martin Garrett commented that the Commission did make site visits prior to public hearings and they were aware of the area and the existing ESG location. He stated his major disagreement with the IDA was the comment referring to this area as transitional. He asked how that could be when the property was squeezed between two residential areas. He stated he agreed with Joe Poole and could not support this application.

Don Hunt agreed that this property was between two residential areas but also stated there were significant problems with having an abandoned lot next to those types of development. He

said he saw this proposal as a plus and felt the security of the area would be enhanced and did not feel this would set any type of precedent and supported this application.

Joe McCleary said he thought ESG was a fine corporation and was the type of company that James City County wanted to encourage into the County with good paying and high skilled jobs, but he had to look at what would be developed next to a residential area. He stated if the property was rezoned to M-1, it would be in perpetuity and because there are proffers, then it would not only be rezoned M-1 but it would be rezoned as ESG and it might be impossible for future use for another tenant and the property may revert back to the same condition once ESG wasn't using the property any more. He could not support this application.

Wilford Kale stated that Virginia laws did not give the Commission the prerogative to rezone for a specific organization or company and stated that if this property could be rezoned for ESG and revert back to R-8 when they left the premises and whoever would take over would have to come back to the Commission for a rezoning, he would have no difficulty in recommending approval of this application. He said the problem was that he looked at this parcel and the surrounding areas and stated it did not fit with everything that was on that side of the road and for that reason, he could not support this application.

Joe Poole made a motion, seconded by Joe McCleary, to deny this application.

In a roll call vote, motion for denial passed (4-1). AYE: McCleary, Kale, Poole, Garrett (4); NAY: Hunt (1).

7. CAPITAL IMPROVEMENTS PROGRAM (CIP)

Jill Schmidle presented the report stating that before them tonight were the staff's and the Policy Committee's recommendation for the Capital Improvements Program rankings. She stated the Policy Committee, which consisted of Planning Commission members, met on four occasions in February to discuss the proposed projects and rankings. She stated that for some projects, in addition to the ranking, the Policy Committee included specific recommendations which are outlined in the staff report in bold italics. The Policy Committee and staff recommended that the Commission recommend approval of the Capital Improvements Program rankings. Jill Schmidle said she would be happy to answer any questions of the Commission.

Wilford Kale commended Jill Schmidle and Carole Giuliano for the attentive staff work for the Policy Committee in both preparation of materials and then in carrying through from meeting to meeting to get additional information requested by the Committee. He asked the Commission to look at the bold faced items, which he felt explained what the Committee did and why they considered moving some of the projects as they did. He stated they made changes which they felt were very important, speaking specifically about the District Park which they moved from High to Medium, in order to give priority to other projects with safety-related issues.

Joe McCleary mentioned that they moved the Police Radio System up from Medium to High because they felt by delaying that project, the price would just continue to increase.

Martin Garrett commended the members of the Policy Committee for a job well done.

Joe Poole raised some concerns regarding the fact that at one of the Policy meetings, when looking at components of Building J, the Policy Committee did not have an overall site plan of the property to review the new board room and facilities to accompany it. He stated that without a site plan, which we expect other applicants to provide, he felt this project was reviewed in a hap-

hazard manner. He also commented on the underground utility wiring project, which he supported as a concept, but looking at the cost, felt there were greater things that could be accomplished at a lesser cost.

Wilford Kale said there was one item not listed in which there had been numerous discussions and that was an athletic facility which would accommodate all high schools especially if the County was faced with looking for a third high school. He stated the new Superintendent of Schools, Dave Martin, and the Division Superintendent, Joe Grebb, had a discussion with the Committee on how they were looking at new capital projects. He said they also had a presentation by John Carnifax of Parks and Recreation about their discussions about the possibility of having a large athletic field in one of the park complexes.

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

Joe Poole made a motion, seconded by Wilford Kale, to approve the CIP. In a roll call vote, motion passed (5-0). AYE: McCleary, Hunt, Kale, Poole, Garrett (5); NAY: (0).

8. RESOLUTION OF INITIATION

Marvin Sowers stated there was a standard resolution in their packet that staff was required to bring before the Commission whenever there was a need for a zoning ordinance amendment. He stated this particular request was to add provisions to the Mixed Use Ordinance to allow for private streets and approval of this resolution would permit staff to present the ordinance amendment to the Commission at its April 2, 2001, meeting. He recommended the adoption of this resolution.

Martin Garrett seconded the motion and in a unanimous voice vote, motion passed.

Martin Garrett stated the DRC encountered a particular problem due to the ordinance that stated that landscape setbacks from corridors could be averaged. He said they reviewed an apartment complex on News Road behind Target and he pointed out the area in which the developer could average out, which allowed him to put the apartments closer to the road. Martin Garrett felt that was not the intention of what the Commission was looking at during the review of the landscape ordinance. He asked if staff would review of the ordinance and present something to the Commission.

Joe Poole stated it was the intent of the Commission to keep the buffer side of the improvements closest to the right-of-way and that there be an average from the building face to the right-of-way, not mid-way from the building to the right-of-way.

Martin Garrett, with the approval of the Commission, requested that staff look into this matter.

9. PLANNING DIRECTOR'S REPORT

Marvin Sowers stated that U.S. Homes, the applicant for a rezoning case that will be heard at the May 7, 2001, Commission meeting, had invited staff, the Commission and Board to tour its Prince William County residential development. He stated the tour will be on Wednesday, April 4, 2001, and they would be leaving the County complex at 8:00 a.m. and return by 6:00 p.m.

Marvin Sowers also stated that a memo entitled Timbering Buffer Ordinance Amendments had been given to them prior to the meeting and he asked them to review it prior to the next Planning Commission meeting. He stated about two years ago, the previous Board looked at

making some changes to this ordinance in order to discourage timbering within the required buffers along public roads. He stated, due to recent violations of the timber ordinance, the new Board has asked staff to go back and revisit the ordinance. He said revisions to the ordinance will be presented at the April 2, 2001, Planning Commission. He said if they had any questions regarding the changes, to please contact him.

Joe Poole briefly commented that he attended the Board work session of February 21, 2001, on the Purchase of Development Rights Program and was very encouraged while listening to County staff, members of the Rural Lands Committee, and Melvin Atkinson of Virginia Beach who administers its program.

10. ADJOURNMENT

There being no further business, the February 5, 2001, Planning Commission meeting adjourned at approximately 8:30 p.m.

Martin A Garrett, Chair

O. Marvin Sowers, Jr., Secretary

This text began after Chris's presentation for ESG.

Don Hunt asked how staff could consider this parcel for residential use due to the spur coming from the main track adjacent to the site.

Christopher Johnson stated that the particular spur he was referring to had not been in use for over ten years and as a spur was not a traveled commercial use, such as the one that stretches from the southern to the northern end of the County. He referred to several areas in the County that had spurs which had residential development adjacent to it and stated that due to the location of the spur, it should not prohibit future residential use on that viable piece of property.

Martin Garrett asked if this parcel was large enough to take a spur if one were desired.

Don Hunt stated that he did not mean to infer that they put a spur onto the property but the that property could be serviced with the one that now existed.

This copy appeared after Mark Rinaldi spoke.

Joe McCleary commented that Mark Rinaldi had taken the letter from Nancy Swenson far more at face value than did he. He stated the first time he read the letter he felt it was on behalf of the Homeowners Association but then noted there was no heading on the page and simply her signature. He also noted that she used the first person singular throughout the letter except in one instance. He believed that the letter was written on behalf of Nancy Swenson and not on behalf of the Homeowners Association. Joe McCleary said he understood that Mark Rinaldi was not advocating one way or another but since he brought the letter up, he wanted to make his point. He also had concern by Mark Rinaldi's use of the word transitional. He said the County was also advocating the use of mixed use developments to encourage the fact that the people who work in a particular place live near to that place to cut down on the amount of commuting and traffic.

Rezoning 6-00 and Special Use Permit 28-00

Loulynn Acres - Chesapeake Bank

Staff Report for the April 2, 2001, Planning Commission Public Hearing

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

PUBLIC HEARINGS

Building C Board Room; County Government Complex

Planning Commission: April 2, 2001 7:00 p.m.

Board of Supervisors: May 8, 2001 (Tentative) 7:00 p.m.

SUMMARY FACTS

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

Proposed Use: Bank and other unspecified B-1 permitted uses. To allow for future development flexibility, the applicant has also requested a commercial special use permit which will allow for greater than 10,000 square feet of commercial uses and uses which generate greater than 100 peak hour vehicle trips.

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

Tax Map/Parcel: (12-1)(1-3A)
Parcel Size: Approximately 9.89 acres

Primary Service Area: Inside

Existing Zoning: A-1, General Agricultural
Proposed Zoning: B-1, General Business, with proffers

Comprehensive Plan: Mixed Use

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

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

STAFF RECOMMENDATION:

Staff does not find the proposal compatible with immediately surrounding uses and zoning and finds the proposal inconsistent with the Comprehensive Plan. Therefore, staff recommends denial of the applications.

Description of the Project

As shown on the attached master plan, Chesapeake Bank would construct a new branch bank on the 9.8± acre parcel. The bank, which includes a drive thru, would be one story tall and approximately 3,200 square feet in size. The site is currently unimproved and used as an agricultural field.

Additional uses would be located in up to four additional buildings on site, which each may be up to 6,000 square feet and one or two stories tall. Shared parking would be provided to accommodate the uses and pedestrian connections would be provided between the buildings.

The uses proposed for these buildings are unknown. However, anticipating adjacent property owner concerns, the developer has held two meetings with area residents to discuss the project. These meetings were held at the Norge Library and the applicant discussed the proposal with attendees and inquired as to concerns over possible uses and site development. In response to concerns raised over proposed uses, the applicant is proffering out certain uses otherwise permitted or specially permitted by the B-1 section of the Zoning Ordinance. Attached proffers would not allow any: automobile service stations, hotels, motels, tourists homes and convention centers, public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other indoor centers of amusement, taverns, theaters, fast food restaurants, warehouses, video rental stores or convenience stores. A list of remaining B-1 uses is attached. In response to concerns from residents over site development, the developer has proffered to develop a set of design guidelines to ensure consistent architecture among all the buildings, three-foot high landscaped berms between the proposed development and the adjacent Burnham Woods subdivision, and a stormwater management pond located near the front of the property.

Proffers offered by the Developer

The following proffers are offered by the developer:

- S certain exclusions of otherwise permitted and specially permitted uses, as listed above;
- S creation of an owner's association for site maintenance;
- S development of design guidelines ensuring consistency among the proposed buildings and signs with final approval by the Director of Planning;
- S creation of landscaped berms along the rear property line;
- S size limits on the footprints and number of stories of the buildings;
- S limitations on ingress and egress points;
- S fixed location for the stormwater management pond;
- S construction of necessary turn lanes on Route 30;
- S extension of water and sewer lines to Highfield Drive;
- S an archaeological study in accordance with County policy;
- S enhanced landscaping (125% of current standards) along Route 30;
- S internal pedestrian connections;
- S the use of low height light poles and recessed light fixtures; and
- S the possible dedication of a community parcel to the Burnham Woods subdivision.

Staff comments on the proffers are addressed in succeeding paragraphs.

Traffic Generation

Existing Traffic

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

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

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

Future Traffic Conditions without development of the site

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

Anticipated Traffic Generation from the development

The traffic study submitted for this project assumes site development consisting of the bank, a high turnover type restaurant and office buildings. Such a configuration yields an additional 155 a.m. peak hour vehicle trips and 268 p.m. peak hour vehicle trips.

Future Traffic Conditions with development of the site

To accommodate the project traffic generation, a right hand turn lane leading into the project will need to be constructed on the southbound lane of Route 30 at the LaGrange Parkway intersection. A left hand turn lane at the LaGrange Parkway intersection will also need to be constructed. A second right hand turn lane will also need to be constructed on the southbound lane of Route 30 at the second entrance to the site. Because there is no median cut in this area, this entrance effectively becomes a right-in, right-out entrance.

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

The Virginia Department of Transportation (VDOT) has reviewed the traffic study and finds it generally acceptable. Staff has reviewed the technical merits of the traffic study and find them

generally acceptable, although the underlying assumptions of uses going on this property are flawed since any B-1 use, unless restricted by the proffers, is acceptable. This has the potential to greatly alter trip generation. Staff also has planning concerns over the ingress/egress points, which are discussed in further detail below in the *Comprehensive Plan* portion of this staff report.

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

Surrounding Zoning and Development

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

Staff does not find the proposal compatible with the immediate surrounding uses and zoning. While the applicant is proposing and proffering certain mitigating factors, such as eliminating several uses, providing landscaped berms for screening and providing no vehicular connection to Highfield Drive, uses besides the bank are currently speculative. Therefore, the site could support up to 48,000 square feet of additional commercial and retail uses, none of which are currently known. Staff believes a development more supported by the comprehensive plan (see discussion below) would be more compatible and provide for a more compatible transitional use.

Utilities

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

Comprehensive Plan

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

Furthermore, the BOS added language stating that development in the Mixed Use area should emphasize shared access and parking, consistent treatment for landscaping and architecture, and the preservation of environmental and cultural resources. While the developer’s proposal does

account for consistent landscaping and architecture and the use of shared access and parking, staff does not find the proposal consistent with the Comprehensive Plan language because:

- 1.) the site is proposed to be developed in a "strip" fashion;
- 2.) two entrances are proposed onto Route 30 with no entrance onto Old Stage Road; and
- 3.) since there is no proffered restrictions on the amount of commercial uses that could go onto this property, commercial uses could occupy 100% of the available space and, as such, would not clearly be secondary in nature to comprehensive plan recommended uses.

These are clear contradictions to the Comprehensive Plan recommendations. Regarding access points to Route 30, while the traffic study states that with development of this site, turning movements at the two adjacent intersections will be protected, staff believes the two proposed access points on Route 30 will indeed have an impact on thru movements (as vehicles slow to turn into this site). More importantly, staff has concerns over the proposed second entrance to the site, the right-in, right-out entrance. This access point is located in a major curve in Route 30 at a point where the speed limit is 55 mph. Although sight line distance from this point is currently acceptable, the site is undeveloped and not vegetated. With development of this site and landscaping installed along the frontage of Route 30, staff believes that sight line distance will be greatly reduced and slowing and merging traffic will negatively impact traffic movements on Route 30, both in terms of capacity and possibly in terms of safety. Staff has asked VDOT to specifically comment on the sight line distance aspect of this ingress and egress point, but as of the writing of this staff report, they have not responded.

The applicant has not proposed any access to Old Stage Road in response to concerns from adjacent property owners that stormwater runoff from the site would collect on the site's impervious surfaces (i.e., the parking lots), and run across the paved surfaces, down across any entrance and across Old Stage Road which, in turn, may exacerbate flooding problems for homes located across Old Stage Road. Staff, including the James City County Environmental Division, has analyzed this potential and feels that this should not be a limiting factor for access points to Old Stage Road. The plans could be engineered in such a way to prevent stormwater from leaving the site in undesirable locations and contributing to existing flooding problems. While creating an access point to Old Stage Road would add to that road's existing traffic, it would funnel site traffic to an existing traffic intersection with Route 30 and would eliminate the currently proposed right-in, right-out access point. The Commission and Board may remember this is the same type of access proposal that was proposed for the J.W. Crossing parcel and Ewell Station. In that situation, commercial uses were being developed along Richmond Road and a right-in, right-out access point was not approved due to the resulting traffic impacts on the main road. Staff therefore, does not support this aspect of the project or the related proffer which prohibits access to Old Stage Road.

Regarding development of this site in a strip fashion, staff firmly believes that this site should be developed in an innovative manner, consisting of clustered buildings with shared access and parking with vehicular access coming from Old Stage Road. Staff feels that such a layout would be more compatible with surrounding development and zoning. In addition, this portion of Route 30 is designated a Community Character Corridor (CCC). According to the Comprehensive Plan, these constantly traveled areas give visual cues about the values and experiences of the

community - its commitment to aesthetics and overall good design, its attitude toward development, and its reaction to changing times. CCC roads include not only "greenbelts," those roads with adjacent natural or vegetated areas, but also entrance corridors, historic roads, and roads which reveal traditional or unique features of the County. This portion of Route 30 is a major entrance road into the County and would be considered an "open/agricultural" CCC, characterized as an area that is located primarily in rural areas where farming and forestal activities are predominant. In these areas, the objective of the CCC designation is to preserve the views and integrity of natural open spaces so that they remain the dominant visual features of the corridor. Staff believes an innovative and clustered development, rather than strip development, would better meet this important objective of the Comprehensive Plan and the Plan language regarding internally oriented development was intended to achieve this objective.

The preferred width of the CCC buffer is generally 150 feet from the edge of the road right of way. The preferred width of the buffers along CCC may be decreased in areas with limited depth or designated commercial areas where enhanced landscaping and other site design improvements are provided. Due primarily to the relatively narrow width of the parcel itself, the width of the CCC buffer provided by the applicant is 50 feet. To mitigate impacts of the development, the applicant has proposed locating a significant portion of the parking lot on the sides of the building, rather than between the buildings and Route 30. While this is indeed beneficial, again, staff believes that a better site layout would contribute to portions of the CCC buffer being greater than 50 feet. Finally, staff strongly recommends a condition of approval requiring enhanced landscaping along Route 30 and enhanced landscaping in, and around, the proposed stormwater management pond.

Recommendation

Staff does not find the proposal compatible with immediately surrounding uses and zoning and finds the proposal inconsistent with the Comprehensive Plan. Therefore, staff recommends denial of the applications.

Paul D. Holt, III

attachments:

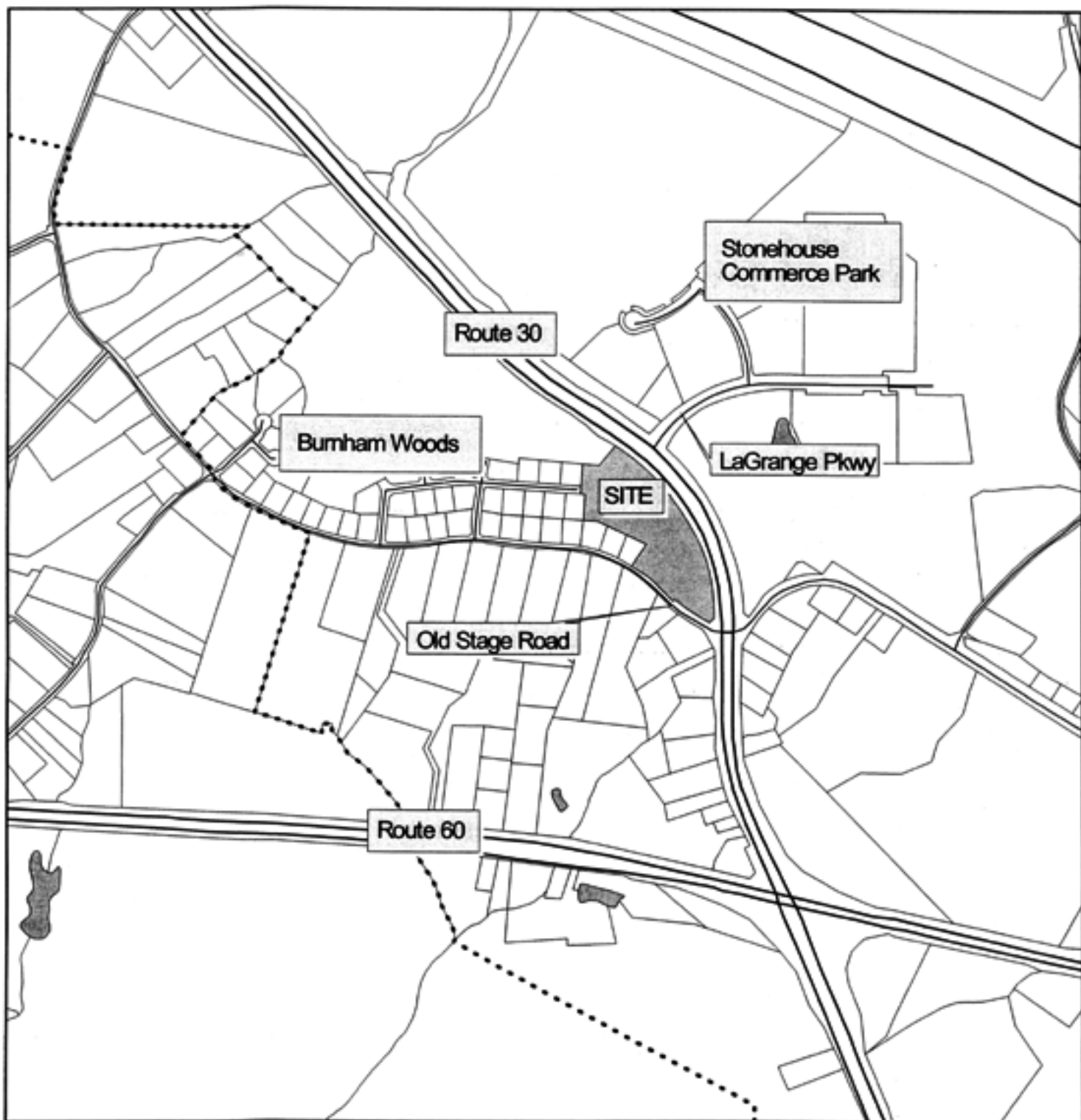
1. Location map
2. Petition signed from nearby property owners sent to Mr. Jim Kennedy and dated December 6, 2000
3. List of permitted and specially permitted uses
(uses with a "*" next to them have been proffered out by the developer)
4. Proffers
5. Proposed SUP conditions
6. Proposed typical building elevation
7. Master Plan (separate)

Proposed Conditions

SUP-28-00. Loulynn Acres - Chesapeake Bank

1. Free standing signage shall be limited to one monument style sign per entrance to the site. For purposes of this section, a “monument” style sign shall be defined as a free standing sign with a completely enclosed base not to exceed thirty-two square feet in size and not to exceed eight feet in height from grade.
2. Prior to the County issuing any final site plan approvals for development on the Property, the owner shall submit for review and approval a shared parking agreement in a form acceptable to the County Attorney. Such agreement shall make provisions for shared parking among all uses on the property. Evidence that said parking agreement has been recorded shall be submitted prior to the County issuing any permanent Certificates of Occupancy.
3. All landscape islands used within the parking lot shall have a width twice the size otherwise required by the Zoning Ordinance.
4. A pedestrian connection, consisting of an all weather surface at least eight feet in width shall be provided from Parcel 1, as indicated on the Master Plan, to Highfield Drive. This pedestrian connection shall be shown on any site plan for development on Parcel 1 and its design and location shall be subject to the review and approval of the Planning Director.
5. A pedestrian connection, consisting of an all weather surface at least eight feet in width shall be provided from Parcel 5, as indicated on the Master Plan, to Old Stage Road. This pedestrian connection shall be shown on any site plan for development on Parcel 5 and its design and location shall be subject to the review and approval of the Planning Director.
6. The cul de sac for Highfield Drive shall be improved to current Virginia Department of Transportation Standards. Such improvements shall be completed, or bonded in a manner acceptable to the County Attorney, prior to the issuance of any final Certificates of Occupancy.
7. Construction shall have commenced on this project within 24 months of approval or this special use permit shall be void.
8. Prior to any site plan approvals for development of the fourth main building on the Property or the last building, which ever comes first, the Owner shall submit for review and approval by the Director of Planning an updated traffic study. All traffic improvement recommendations of the approved traffic study shall be implemented, or guaranteed by a surety submitted in a form approved by the County Attorney, prior to the issuance of any Certificates of Occupancy for the fourth main building on the Property or last building, which ever comes first. Such study shall not be required if the uses proposed and constructed on the property are similar to those uses listed in the traffic study submitted at the time of SUP request as determined by the Planning Director.

9. A buffer consisting of a three foot tall berm and landscaping planted at 133% of ordinance requirements shall be constructed along the west property line.
10. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.



Z-6-00 and SUP-28-00 Chesapeake Park

1000 0 1000 2000 Feet



December 6, 2000

Mr. James Kennedy
7681 Thacher Drive
Toano, VA 23168



Dear Supervisor Kennedy:

This letter is concerning the meeting held Thursday, November 30, 2000, at the Williamsburg- James City Public Library at Norge, and the proposed project at Old Stage Road and route 30. The property owners of Old Stage Road acknowledge that construction in the field at the corner of Old Stage and route 30 will eventually be undertaken. We as a community can only hope that the businesses that are to be constructed will be those of a type that is beneficial to the community, and are constructed in a manner and style that will blend in with our semi rural setting. Most of the residents purchased homes or land here to build on because of the rural atmosphere. As much as possible we would like to maintain our present lifestyle. Some land owners on Old Stage have in the past kept livestock or have plans to in the near future. We have one medium size orchard owner within a short distance from the planned site. It is at present a quiet and peaceful neighborhood. Traffic on Old Stage Road at present would be considered light.

We acknowledge that all land owners have rights. At the same time, a landowner's rights have limitations. These limitations start when the use or activity of a land owner's property produces a negative impact upon the surrounding community. A negative impact would be one that would affect the health, morals, safety or financial well-being of the adjacent land owner or owners. Land owner's should work together taking in the consideration of others to produce an environment of compatibility. We are providing the suggestions below in hope that we can work together as good neighbors. Coming from the west, I 64 exit 227 is the first major exit into upper James City. The route 30 corridor may be the first, and a lasting, impression upon a person's first trip into James City. The impression should be one of a pleasing appearance and harmony of planning.

SUGGESTED COVENANTS

1. Construct a privacy fence or a berm along the length of the west boundary line of the site and continue down Old Stage Road. If a privacy fence is selected, materials should be used that have a long life expectancy.
2. Provisions need to be made that would protect adjacent property owners from water draining from the site location.
3. Planting of fast growing evergreens such as leyland cypress along the privacy fence or on top of the berm to act as a buffer and for beautification is desirable.
4. Trees that are to be planted along route 30 should be set back to a distance that would provide a better view of traffic rounding the present turn on route 30. This would help eliminate an existing safety hazard.

5. It is desirable that buildings be no more than one and a half story without widows on the rear of the buildings above the first story. This is to provide outdoor privacy to adjacent property owners.
6. It is desired that business establishments be open for business only between 8 AM and 6 PM. Exceptions would be an earlier opening for a restaurant to serve breakfast and a later closing to serve dinner. A bank ATM would operate during normal ATM scheduled hours.
7. It is desired that any restaurant would be of a family style (*no fast food business or business having a bar designed for distribution of alcohol*).
8. Construction of professional office space is more desirable than that of retail.
9. We would like not to see convenience, gas, or video businesses.
10. Except the bank, no outside sound systems are desired.
11. There should be no road from the site entering or exiting from Old Stage Road.
12. There should be covenants of maintenance covering the site and all erected structures to assure the community that the property shall not fall into disrepair.
13. There should be a system that would provide for mosquito control of the retention ponds. Possibly a gravel base pond or a wet pond with an agitator operated by a timer.
14. A second meeting is desired between Chesapeake Bank, its representatives, and the Old Stage Road land owners.

NAME:

ADDRESS:

Dan A. Jensen
 Anthony Mayer
 Dawn M. Mayer
 Barbara Jacobson
 George Jacobson
 Kevin Welch
 Gonne Welch
 Mrs. Shely
 Kathy Shely
 Caroline O'Brien

127 OLD STAGE RD
 121 OLD STAGE RD
 121 OLD Stage Rd.
 117 Old Stage Rd.
 117 Old Stage Rd.
 111 OLD STAGE RD.
 111 Old Stage Rd.
 116 OLD STAGE RD
 116 Old Stage Rd.
 2
 118 Old Stage Rd.

Kevin L. O'Brien 118 Old Stage Rd
 John L. Riley 209 HIGHFIELD DR.
 Rose M. Beckmann 207 Highfield Dr.
 Marlene Hounshell 204 Highfield Dr.
 Nancy Cooke 203 Highfield Dr.
 206 Highfield Dr.
 Margaret Bob Eddard + Keith Jordan 107 Highfield Dr.
 Delbert Jones 126 Old Stage Rd.
 Jimmy Jones 126 Old Stage Rd.
 Don J. Smith 117 OLD STAGE RD
 Bruce Hacker 114 old Stage Rd
 Barry J. Weber 109 Old Stage Rd.
 Leni Weber 109 Old Stage Rd
 Christine Patterson 109 OLD S. Stage Rd
 James Jenkins 124 Old Stage Rd

Copy to:

Mr. Paul Holt
 Senior Planner
 James City County
 101 E Mounts Bay Road
 Williamsburg, VA 23188

Mr. Marshall Warner
 Chesapeake Bank
 1229 Lafayette Street
 Williamsburg, VA 23187

ARTICLE V. DISTRICTS

DIVISION 10. GENERAL BUSINESS DISTRICT, B-1

Sec. 24-389. Statement of intent.

Generally, the General Business District, B-1, covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods or by any factors other than occasioned by incidental light and noise of congregation of people and passenger vehicles.
(Ord. No. 31A-88, § 20-81, 4-8-85)

Sec. 24-390. Permitted uses.

Reference Section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the General Business District, B-1, structures to be erected or land to be used, shall be for one or more of the following uses:

Adult day care centers.

An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises which is clearly secondary to the commercial use of the property.

Automobile service stations; if fuel is sold, then in accordance with section 24-38.

Banks and other similar financial institutions.

Barber and beauty shops.

Business, governmental and professional offices.

Contractor's offices with storage of materials and equipment limited to a fully enclosed building.

Child day care centers.

Drug stores.

Dry cleaners and laundries.

Feed, seed and farm supply stores.

Fire stations.

Supp. No. 2, 12-98

- Funeral homes.
- Health clubs, exercise clubs, fitness centers.
- * Hotels, motels, tourist homes and convention centers.
- Houses of worship.
- Indoor sport facilities (excluding shooting range).
- * Indoor theaters.
- Libraries.
- Lodges, civic clubs, fraternal organizations and service clubs.
- * Lumber and building supply (with storage limited to a fully enclosed building or fully screened from view with a structural barrier approved by the development review committee, located within the building setback area with a maximum height of 12 feet).
- Machinery sales and service (with storage and repair limited to a fully enclosed building).
- Marinas, docks, piers, yacht clubs, boat basins, and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38.
- Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce or seafood receiving, packing or distribution.
- Medical clinics or offices.
- Museums.
- New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building).
- Off-street parking as required by section 24-53.
- Parking lots and garages.
- Photography, artist and sculptor studios.
- Plumbing and electrical supply (with storage limited to a fully enclosed building).
- Post offices.
- Printing and publishing.
- * Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other indoor centers of amusement.
- Public meeting halls.

Supp: No. 2, 12-98

Hospitals.

Limousine service.

Micro-breweries.

Nonemergency medical transport.

Nursing homes.

Outdoor centers of amusement.

Outdoor sport facilities.

Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors and under cover, with no dust, noise, odor or other objectionable effect.

Publicly owned solid waste container sites.

Railroad facilities including tracks, bridges and, stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a special use permit.

Research, development and design facilities or laboratories.

Taxi service.

Theme parks of ten acres or more.

Tire, transmission, glass, body and fender and other automotive repair and service (with storage and major repair limited to a fully enclosed building).

Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height.

Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions for private connections to existing pipelines, which are intended to serve an individual customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.

Vehicle rentals.

Vehicle and trailer sales and services (with major repair limited to a fully enclosed building).

Waste disposal facilities.

PROFFERS



THESE PROFFERS are made this 23rd day of March, 2001 by LOULYNN ACRES ASSOCIATES (together with its successors and assigns, the "Owner").

RECITALS

A. Owner is the owner of a tract or parcels of land located in James City County, Virginia containing approximately 9.898 acres and being Tax Parcel (12-1)(3-A) (the "Property"). The Property is now zoned A-1 and is designated Mixed Use on the County Comprehensive Plan Land Use Map.

B. Owner has applied to rezone the Property from A-1 to B-1 General Business District, with proffers.

C. Owner has submitted to the County a master plan entitled "Chesapeake Park" prepared by AES Consulting Engineers and dated 2/12/01 (the "Master Plan") for the Property.

D. Owner desires to offer to the County certain conditions on the development of the Property not generally applicable to land zoned A-1.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2297 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the

requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1. Use. The following otherwise permitted or specially permitted uses shall be prohibited on the Property: automobile service stations; hotels, motels, tourist homes and convention center; public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other indoor centers of amusement; taverns; theaters; fast food restaurants; warehouses (as a primary use), video rental establishments; feed, seed and farm supply stores; lumber and building supply stores and convenience stores.

2. Owners Association. Owner shall organize an owner's association or associations (the "Association") in accordance with Virginia law in which all property owners in the development, by virtue of their property ownership, shall be members. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing the Association shall be submitted to and reviewed by the County Attorney for consistency with this Proffer. The Association shall be responsible for the maintenance of all features on the Property containing the stormwater management facilities for the Property. The Association shall also be responsible for maintenance of landscaping in the transitional

buffer and on adjacent berms. The Governing Documents shall grant the Association the power to file liens on members' properties for the cost of remedying violations of, or otherwise enforcing, the Governing Documents.

3. **Design Review.** Owner shall prepare and submit to the Director of Planning for approval design guidelines, which guidelines shall apply to all the buildings and signs shown on the Master Plan. The design guidelines shall be based generally on the design of the bank building shown on the Master Plan, elevations of which have been submitted to the County as a part of the rezoning application and the design concept that the buildings on the Property shall be of harmonious and similar architectural design, materials and colors and that the signs on the Property shall be of harmonious and similar architectural design and materials. Owner shall submit to the Director of Planning with each development plan for a building on the Property conceptual architectural plans, including architectural elevations, for the Director of Planning to review and approve for consistency with the approved design guidelines. If the Director of Planning refuses to approve conceptual architectural plans, Owner may appeal such action to the Development Review Committee whose decision shall be final. Final architectural plans and completed buildings shall be consistent with the

approved design guidelines as determined by the Planning Director.

4. **Buffers.** Within one year from the date of approval of the requested rezoning by the Board of Supervisors, Owner shall have constructed the berms shown on the Master Plan and installed the landscaping thereon. The landscaping installed shall be Transitional Screening as required by the Zoning Ordinance with waivers for plant location and caliper and shall contain either 133% of the evergreen trees required by the Zoning Ordinance or 125% of the general planting required by the Zoning Ordinance. The County shall not be obligated to grant final site plan approval for any buildings on the Property until such berms and landscaping have been installed or their installation commenced and completion guaranteed by surety in a form approved by the County Attorney and posted with the County. All berms on the Property shall have at least a six inch layer of topsoil and any fill material used in the construction of the berms shall be subject to the approval of the Director of Planning or his designee.

5. **Maximum Building Footprint and Height.** No building on the Property shall have a footprint greater than 6,000 square feet nor exceed two stories in height.

6. **Entrances.** There shall be no more than two entrances into the Property and they shall be located generally as shown on the Master Plan. There shall not be an entrance from Old Stage

Road into the Property nor shall there be any vehicular connection to Highfield Drive.

7. Stormwater Management. The stormwater management pond on the Property shall be a dry pond design as determined by the Environmental Director and shall be located generally as shown on the Master Plan, provided that the County approves a waiver so that the facility can be located within the Landscape Buffer along a Community Character Corridor. The area around the stormwater management pond shall contain landscaping that exceeds the numerical requirements of the Ordinance by at least 33% and with the installation of berms and the use of grading to give the pond a more natural appearance.

8. Community Parcel. If and when the adjacent Burnham Woods subdivision forms an owners association, upon the written request of the owners association given on or before December 31, 2006, the Owner shall convey to the owners association the portion of the Property shown on the Master Plan as "Possible Community Parcel (.49 AC.)" for use only as a private park or open space for the subdivision. If the parcel is not conveyed to a Burnham Woods owners association, then it shall be landscaped in accordance with Ordinance requirements and remain as permanent open space.

9. Turn Lanes. Concurrently with the construction of the entrance into the Property directly across from La Grange Parkway

(into Parcel 1 as shown on the Master Plan) and prior to the issuance of a certificate of occupancy for any building served by that entrance, a right turn lane and a left turn lane from Route 30 into the entrance to the Property as shown on the Master Plan shall have been constructed or construction commenced and completion bonds or other surety acceptable to the County Attorney posted to assure completion of the turn lanes.

Concurrently with the construction of the other entrance into the Property (into Parcel 5 as shown on the Master Plan) and prior to the issuance of a certificate of occupancy for any building served by that entrance, a right turn lane from Route 30 into the entrance to the Property as shown on the Master Plan shall have been constructed or construction commenced and completion bonds or other surety acceptable to the County Attorney posted to assure completion of the turn lanes. All turn lanes shall be constructed in accordance with Virginia Department of Transportation standards and guidelines and shall be designed to incorporate shoulder bike lanes.

10. Water and Sewer Line Connections. Owner shall provide to the James City Service Authority the necessary easements and water and sewer line stubs and valves in the locations shown on the Master Plan to allow the connection of the water and sewer lines on the Property to water and sewer lines which may be constructed in the future by the JCSA in Highfield Drive.

11. Archaeology. (a) Prior to any land disturbing activities on the Property, Owner shall submit a Phase I archaeological study of the Property to the Director of Planning for review and approval.

(b) (1) For all sites within the Property that the approved Phase I study recommends for Phase II evaluation or identifies as potentially being eligible for inclusion on the National Register of Historic Places (the "National Register"), Owner shall submit to the Director of Planning for review and approval a treatment plan. An acceptable treatment plan can consist of (i) performing a limited Phase II study to establish the boundaries of the site and thereafter leaving the site completely undisturbed or preserving it in some other manner acceptable to the Director of Planning or (ii) performing a complete Phase II study of the site. If a complete Phase II study of a site is undertaken, such Phase II study shall be submitted to and approved by the Director of Planning.

(2) If the approved Phase II study concludes that a site is not eligible for inclusion on the National Register, Owner shall not be obligated to perform any further archaeological studies thereon.

(3) For all sites within the Property which the approved Phase II study indicates are eligible for inclusion on the National Register and/or those sites upon which a Phase III

study is warranted, Owner shall submit to the Director of Planning for review and approval a treatment plan. An acceptable treatment plan can consist of (i) leaving the site completely undisturbed or preserving the site in some other manner acceptable to the Director of Planning and submitting an application to include the site on the National Register or (ii) performing a complete Phase III study of the site. If a complete Phase III study is undertaken on a site, the Phase III study shall be submitted to and approved by the Director of Planning.

(4) If the Phase II or Phase III study of a site determines the site is eligible for inclusion on the National Register of Historic Places and such site is to be preserved in place, the treatment plan shall include nomination to the National Register of Historic Places.

(5) All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon as deemed appropriate by the Director of Planning.

(c) All archaeological studies proffered hereby shall meet the Virginia Department of Historic Resources Guidelines and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation and shall be conducted under the supervision of a qualified archaeologist who meets, at a minimum, the qualifications set forth in the Secretary of the Interior's

Professional Qualification Standards as in effect at the time of the submission of the study.

12. Route 30 Buffer. Enhanced landscaping (as defined below) shall be provided within the 50' landscape and building setback along Route 30 as shown on the Master Plan. The enhanced landscaping shall be shown on site plans for development within this portion of the Property, may be provided in phases as this portion of the Property develops and shall be subject to the approval of the Development Review Committee. As used herein "enhanced landscaping" means landscaping that (i) exceeds the numerical requirements of the Landscaping Ordinance by at least 25% or (ii) is otherwise approved by the Director of Planning.

13. Internal Sidewalks. Each Parcel within the Property shall be connected by internal sidewalks generally as shown on the Master Plan.

14. Lighting. Street light poles at the entrances and along the access drive across the front of the Property shall not exceed 20 feet in height. All other street light poles on the Property shall not exceed 15 feet in height. All building mounted external lights along the backs of the buildings on the Property shall be recessed fixtures with no globe, bulb or lens extending below the casing or otherwise unshielded by the case so that the light source is visible from the side of the fixture. These lights shall be shown on a lighting plan to be submitted to

and approved by the Director of Planning and shall indicate that no glare is cast onto adjacent properties.

WITNESS the following signature.

LOULYNN ACRES ASSOCIATES

By: Charles D. Crawford
General Partner

STATE OF VIRGINIA AT LARGE
CITY/COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged this 23rd
day of MARCH, 2001, by CHARLES D. CRAWFORD As General
Partner of Loulynn Acres Associates, a Virginia general
partnership.

Matthew Bradeha
NOTARY PUBLIC

My commission expires: Nov. 30, 2001.

Special Use Permit 02-01. JCSA- Route 5 Water Main Installation

Staff Report for the April 2, 2001, Planning Commission 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

County Government Complex

Planning Commission: March 5, 2001, 7:00 p.m. Building C Board Room (deferred)

April 2, 2001, 7:00 p.m. Building C Board Room

Board of Supervisors: (Undetermined)

SUMMARY FACTS

Applicant: Mr. Keith Letchworth, on behalf of James City Service Authority

Land Owner: James City Service Authority and Potomac Conference Corporation

Proposed Use: Installation of a 12" water main along Route 5 right-of-way from Williamsburg Community Chapel to the entrance of Saint George's Hundred. A pressure release valve will be installed at the entrance to St. George's Hundred. The line will then continue

Location: Beginning along Seventh Day Adventist Church's West property line and extending to Route 5. The line will then run within VDOT right-of-way to the end of St. George's Hundred's property line along Rte. 5.

Tax Map/Parcel: (46-2) VDOT right-of-way and (46-1)(1-2B) Seventh Day Adventist Church

Primary Service Area: Inside

Existing Zoning: R-1, Limited Residential; R-2, General Residential; R-8, Rural Residential;

Comprehensive Plan: Low-Density Residential

Staff Contact: Ben Thompson - Phone: 253-6685

STAFF RECOMMENDATION

Per the request of the applicant, staff recommends that this item be deferred until such a time that a complete application has been filed. The special use permit public hearing will be readvertised at that time. This application involves two property owners for the installation of approximately 2,300 feet of water main. While this application involves two parties, staff has received only one of the parties' signatures on the Special Use Permit application. Currently, the James City Service Authority (the signed applicant) is working to obtain the necessary second signature and agreement.

SUP-02-01

Staff finds this proposal to be consistent with the Comprehensive Plan and consistent with previous actions taken by the Board of Supervisors. Staff recommends that the Planning Commission approve the special use permit with the conditions listed in the staff report.



DEVELOPMENT MANAGEMENT

101-E MOUNTS BAY ROAD, P.O. BOX 8784, WILLIAMSBURG, VIRGINIA 23187-8784
(757) 253-6671 Fax: (757) 253-6850 E-MAIL: devtman@james-city.va.us

CODE COMPLIANCE
(757) 253-6626
codecomp@james-city.va.us

ENVIRONMENTAL DIVISION
(757) 253-6670
environ@james-city.va.us

PLANNING
(757) 253-6685
planning@james-city.va.us

COUNTY ENGINEER
(757) 253-6678
INTEGRATED PEST MANAGEMENT
(757) 259-4116

MEMORANDUM

Date: March 23, 2001

To: Ben Thompson

From: Chris Dawson, James City Service Authority

RE: SUP-02-01 Route 5 Water Main Installation

We request that the above-referenced application be deferred at the Planning Commission meeting next week because we do not have the signature of a church representative on the application. The contact person, the pastor (the second party), gave me an incorrect number and the committee that must approve the application will not be meeting this month. I request that this item be deferred to such a time where we have obtained the second party's signature. The advertisement for a public hearing will be re-advertised at that time. Thank You.

Special Use Permit 3-01

Colonial Virginia Council - Boy Scouts of America

Staff Report for the April 2, 2001, Planning Commission Public Hearing

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

PUBLIC HEARINGS

Building C Board Room; County Government Complex

Planning Commission:

April 2, 2001 7:00 p.m.

Board of Supervisors:

June 12, 2001 (Tentative) 7:00 p.m.

SUMMARY FACTS

Applicant:

Mr. Dick Collins

Land Owner:

Colonial Virginia Council, Boy Scouts of America

Proposed Use:

The camp ground has been a non-conforming use for many years. The majority of the camp was developed during the 1960's, well before Zoning regulations were adopted. Campgrounds are now a specially permitted use in A-1 zoned land. This special use permit, if granted, would allow the camp to continue and expand in a conforming manner.

Location:

499 Jolly Pond Road; Powhatan District

Tax Map/Parcel:

(22-4)(1-7)

Parcel Size:

737± acres

Primary Service Area:

Approximately 233 acres are inside the PSA; approx. 504 are outside

Existing Zoning:

A-1, General Agriculture

Comprehensive Plan:

The portion of the property inside the PSA is designated Low Density Residential and the portion of the property outside the PSA is designated Rural Lands.

Surrounding Zoning:

The parcel is completely surrounded by A-1, General Agricultural zoned land.

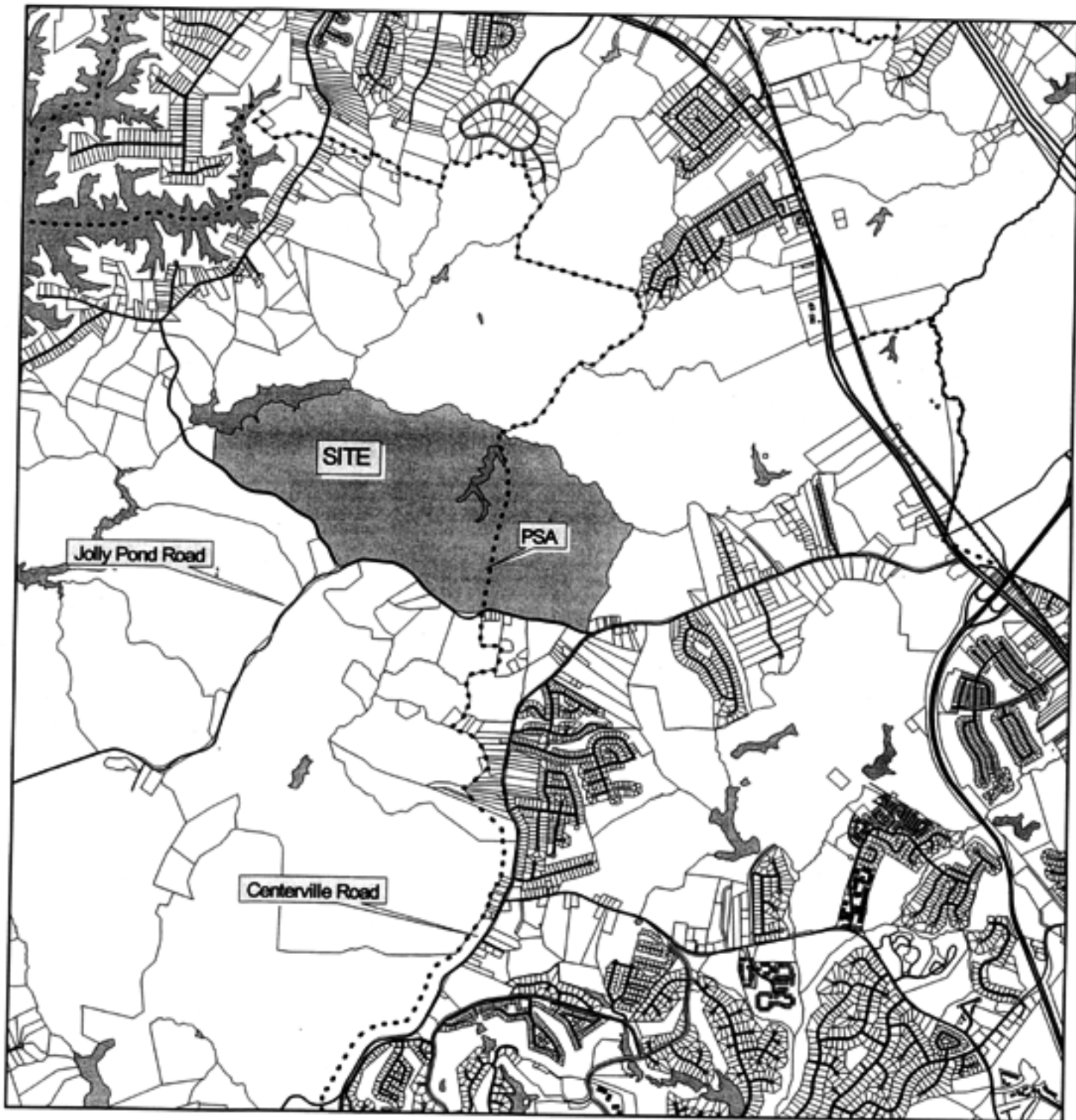
Staff Contact:

Paul D. Holt, III

Phone: 253-6685

STAFF RECOMMENDATION

Staff is continuing to work with the applicant on proposed SUP conditions. Therefore, staff recommends deferral of this case until the next regular meeting on May 7, 2001.



SUP-3-01
Colonial Virginia Council - Boy Scouts of America

4000 0 4000 8000 Feet



Special Use Permit 5-01. Bruce's Super Body Shop

Staff Report for the April 2, 2001, Planning Commission Public Hearing

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

PUBLIC HEARINGS

Building C Board Room; County Government Complex

Planning Commission: April 2, 2001, 7:00 p.m.
Board of Supervisors: May 8, 2001, 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant: Mr. Vernon Geddy III

Land Owner: WWB Partners

Proposed Use: Vehicle repair and service shop

Location: 5521 Richmond Road, Berkeley District

Tax Map/Parcel: (33-3) (1-5-A)

Parcel Size: 5.28 acres

Primary Service Area: Inside

Existing Zoning: B-1, General Business

Surrounding Zoning: North: B-1 (Exxon gas station, Ewell Station shopping center)
South: B-1 (vacant parcel)
West: B-1 (AMF bowling alley)
East: M-1, Limited Business/Industrial - across Richmond Road and railroad tracks (Jehovah's Witnesses church, Diamond Health Care)

Comprehensive Plan: Neighborhood Commercial

Staff Contact: Jill E. Schmidle Phone: 253-6685.

STAFF RECOMMENDATION:

Staff finds the proposal to be consistent with surrounding zoning and land use and is consistent with the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of this proposal with the attached conditions.

Project Description

Mr. Vernon Geddy III has applied on behalf of WWB Partners for a special use permit for vehicle services with major repair limited to a fully enclosed building in order to construct a 24,150 square foot automobile repair facility known as Bruce-s Super Body Shop at 5521 Richmond Road. The project also will include an accessory storage building of approximately 250 square feet and associated parking. The project also requires a commercial special use permit since it is greater than 10,000 square feet.

Bruce-s Super Body Shop is a headquartered in Richmond, VA and has been in existence since 1990 with two locations in the Richmond area. The applicant seeks to open a third shop to provide auto body repair services to the Williamsburg/James City County region. The applicant seeks to replicate the building and layout of an existing shop in the west end of Richmond.

The application includes a 24,150 square foot auto body shop complete with repair areas, paint booths, repair estimating area, business offices, customer lounge and parts storage. A self-contained paint storage accessory building is proposed at the rear of the principal structure. While there will be limited parking spaces in front of the building, the majority of parking will be located to the rear of the building. Additionally, the Richmond Road right-of-way landscape area is proposed to contain 133% of the minimum landscape planting requirement.

Topography and Physical Features

The parcel is relatively flat and contains a combination of open field along Richmond Road and a mixture of evergreen and deciduous trees to the rear of the site. The area adjacent to the bowling alley contains a strand of young evergreen trees. The applicant has proposed to satisfy stormwater management requirements by upgrading the existing facility on the adjacent bowling alley property. The bowling alley was constructed in 1986 and does not meet current water quality standards. The adjacent Exxon service station also was approved prior to the county-s current water quality standards. The applicant proposes to upgrade the existing bowling alley stormwater facility to provide adequate water quality treatment for the Bruce-s site as well as upgrade the water quality for the existing bowling alley and Exxon station. This serves to enhance the overall water quality in the headwaters of the Powhatan Creek watershed.

Environmental Division staff has reviewed the proposed stormwater management plan in concept with the applicant and is supportive of the use of the existing facility adjacent to the bowling alley. Staff finds that this appears to be a feasible approach based upon the information provided at this time. Staff also is supportive of efforts to upgrade existing stormwater features as well as opportunities to provide regional facilities.

Surrounding Zoning and Land Use

The site is zoned B-1, General Business. The L-shaped parcel is located at the corner of Olde Towne Road and Richmond Road, and surrounds the Exxon station. The property is surrounded on three sides by B-1 property. To the north of the site is the Exxon station, zoned B-1. To the west of

the site is the AMF bowling alley, zoned B-1. To the south of the site is an undeveloped parcel also zoned B-1. To the east of the site is property zoned M-1, Limited Business/Industrial. Please note the M-1 property is located across Richmond Road and across the railroad tracks. The M-1 property contains the Jehovah's Witnesses church and Diamond Health Care. The surrounding character of the area is business and commercial. Staff finds this project to be consistent with the surrounding commercial zoning and uses.

Utilities

Public water and sewer serve the site. The James City Service Authority reviewed the conceptual plan and requested that any chemicals, paint products, oils, and /or grease not be permitted into the sanitary sewer system. Staff has added a condition requiring that these materials be legally disposed of, and not discharged into the sanitary sewer system.

Transportation and Access

Regarding traffic, the applicant provided traffic counts on seven consecutive days at one of the existing Bruce's locations to determine actual trip generation for this use. Peak hour traffic occurred during the lunch hour, and not during the traditional a.m. and p.m. peak hours. The peak traffic of 61 vehicles per hour occurred during the noon hour. The data also showed an average of 247 vehicles per day (which includes weekends), and a weekday average of 331 vehicles per day. With the addition of traffic generated by this use, the level of service of both Olde Towne Road and Richmond Road would continue to operate at a LOS C. The Virginia Department of Transportation (VDOT) reviewed the traffic counts, and concurs with the results.

Regarding access, the project proposes one access each from Olde Towne Road and Richmond Road. The access off of Olde Towne Road would be for service vehicles only, and the applicant will provide a security gate to ensure it is not used as a cut-through to Richmond Road. The Richmond Road access will be right-in and right-out only. Please note that the applicant proposes to utilize only a portion of the site for this use. A portion of the property along the southern property line is labeled as future development. To minimize the number of curb cuts, the applicant has provided a joint entrance on Richmond Road and also two shared access points from the proposed Bruce's parking lot.

The Virginia Department of Transportation (VDOT) does not support the Olde Towne Road entrance and instead recommends shared access with the Exxon gas station or bowling alley. To the west of this site is a vacant parcel also owned by the applicant. The applicant has stated a willingness to incorporate a shared access to minimize additional curb cuts when that parcel develops. Staff has added a condition requiring the shared access, for both the Olde Towne Road and Richmond Road entrances. Staff also has added a condition requiring a security gate at the Olde Towne Road entrance, to discourage cut-through traffic to Richmond Road. Staff is supportive of the joint access points and of any opportunities to minimize additional curb cuts along roadways.

Fiscal Impact

The project does not include residential development. This commercial project will generate a positive fiscal impact for the county as a result of property taxes, gross receipt taxes, and sales taxes.

Comprehensive Plan

The Comprehensive Plan designates the area along Richmond Road from Olde Towne Road south to the City of Williamsburg line as Neighborhood Commercial, which includes this parcel. Neighborhood Commercial areas are those that contain limited business activity areas located within the PSA, serving residents of the surrounding neighborhoods in the immediate area and having only a limited impact on nearby development. Location criteria for commercial uses are: small sites; access to collector streets, preferably at intersections with local or other collector roads; public water and sewer service; environmental features such as soils and topography suitable for compact development; and adequate buffering by physical features or adjacent uses to protect nearby residential development and preserve the natural and wooded character of the County.

While not required to adhere to the Neighborhood Commercial design standards, this project has offered several elements that satisfy these standards. **It is important to note that the Neighborhood Commercial design standards apply to property zoned LB, Limited Business, and designated Neighborhood Commercial on the Comprehensive Plan. This project is zoned B-1 not LB, so the standards are not required.** The project satisfies the following Neighborhood Commercial standards: large work area doors or open bays are screened from external roadways; all HVAC equipment will be screened from adjacent property and street right-of-way, and dumpsters will be screened with fencing and landscaping. A condition has been added that addresses these issues. Finally, a landscape plan will require Planning Director approval, in accordance with the Neighborhood Commercial standards.

Neither Richmond Road nor Olde Towne Road are designated Community Character Corridors. The applicant has proposed enhanced landscaping within the right-of-way buffers for both roadways. A condition has been added that addresses enhanced landscaping.

Staff finds that the project is consistent with the Neighborhood Commercial designation, as it does not impact residential neighborhoods and is consistent with the commercial character of the area.

RECOMMENDATION

Staff finds that this expansion is consistent with the surrounding zoning and land use and also is consistent with the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of Case No. SUP-5-01 with the following conditions:

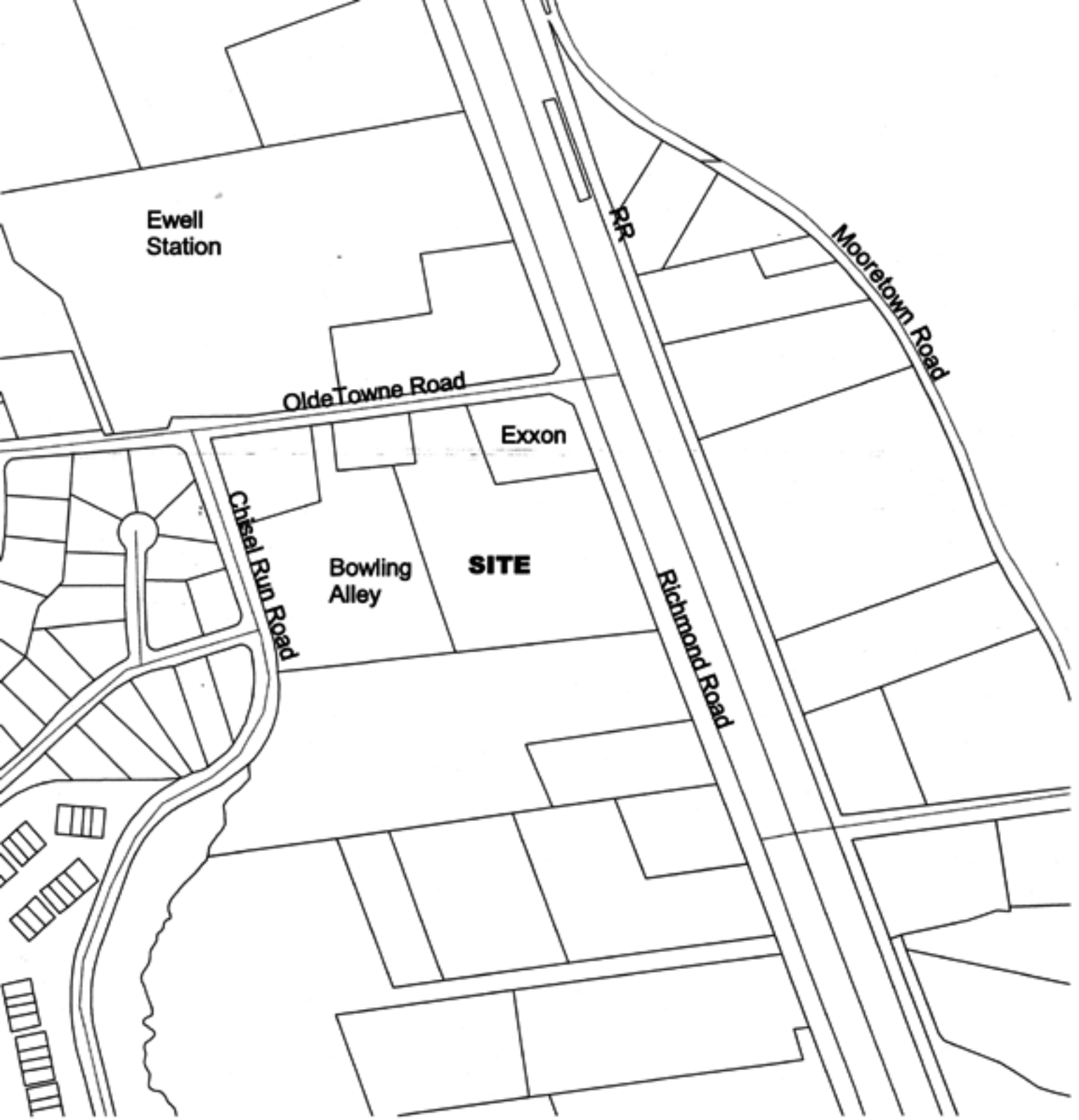
1. Development of the site shall be generally in accordance with the AConceptual Plan for Bruce=s Super Body Shops@prepared by LandMark Design Group, dated February 5, 2001, with such accessory structures and minor changes as the Development Review Committee determines does not change the basic concept or character of the development. Shared access easements to adjacent development on Olde Towne Road and Richmond Road shall be provided and approved by the Director of Planning prior to final site plan approval.
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. All 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 Planning Director or his designee prior to final site plan approval, which indicates no glare outside the property lines. AGlare® shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from the adjoining properties.
4. An erosion and sediment control and runoff management plan shall be approved by the Environmental Director prior to final site plan approval.
5. All traffic improvements required by the Virginia Department of Transportation shall be installed or bonded prior to issuance of a certificate of occupancy for any structure on the site. A security gate shall be installed at the Olde Towne Road entrance prior to issuance of a certificate of occupancy for any structure on the site. The gate shall remain closed except for access or egress by service vehicles. The gate may be removed when the entrance becomes used as a shared entrance with adjoining development on Olde Towne Road. The location of the security gate shall be approved by the Director of Planning prior to final site plan approval.
6. Provisions shall be made and approved by the James City Service Authority prior to final site plan approval for legally disposing any chemicals, paint products, oils, and/or grease. These items shall not be permitted to be disposed into the sanitary sewer system.
7. A landscaping plan shall be approved by the Planning Director or his designee prior to final site plan approval. The landscaping plan shall include enhanced landscaping, containing 125% of the minimum ordinance planting requirements, for the Olde Towne Road and Richmond Road rights-of-way.
8. All dumpsters shall be screened by landscaping and fencing to be approved by the Planning Director or his designee prior to final site plan approval. Work area bay doors and HVAC equipment shall be screened from external roads as approved by the Planning Director or his designee prior to final site plan approval.
9. The applicant shall dedicate right-of-way for a 5= VDOT standard shoulder bike lane along the property's Olde Towne Road frontage prior to final site plan approval. If turn lanes, drainage or utility improvements are required along the Olde Towne Road frontage, the improvements shall be designed in such a manner to allow an unimpeded bikeway path through the right-of-way dedicated for such purposes.
10. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Jill E. Schmidle

Attachments:

1. Location map
2. Development plans



SUP-5-01
Bruce's Super Body Shop

200 0 200 400 Feet



MEMORANDUM

DATE: April 2, 2001

TO: The Planning Commission

FROM: O. Marvin Sowers, Jr., Planning Director

SUBJECT: ZO-1-01, Timbering Buffer Ordinance Amendments

At your March 5, 2001 meeting, Planning Commissioners were provided a copy of a draft ordinance containing amendments to the Timbering Buffer Ordinance (Sections 24-2, 24-22, and 24-43). A public hearing on the draft ordinance was also scheduled for the Commission's April 4, 2001 meeting. A copy of the proposed ordinance is attached along with a cover memo previously provided to the Commission which summarizes the proposed amendments.

The attached draft ordinance is unchanged from that provided to the Commission on March 5 except for a minor revision on page 7 in paragraph two which was requested by the County Attorney's Office. That change involves the addition of criteria to guide the Planning Director when making a determination on allowing some or all replacement trees to be planted off site. Specifically, the Planning Director may allow off site planting when an off site location would mitigate the environment, buffering or wildlife habitat impacts of the tree removal. For example, planting off site may provide more buffering benefits to the public due to topographical conditions and resulting sight lines.

After receiving the draft ordinance last month, a Planning Commissioner has raised concerns whether the retention of current replanting standards and the proposed revisions to the violation/fine requirements will sufficiently discourage unauthorized timbering within required buffers. This issue was discussed at a Board of Supervisors work session in November, 2000, and it was the conclusion of both a majority of the Board and staff that the financial consequences were sufficient. Under both the existing and proposed ordinance the cost of tree replacement is approximately \$10,000 per acre. In comparison, information provided by the Virginia Department of Forestry indicates timber values in the County to range from \$1250 to \$8750 per acre. As a further deterrent, the proposed revisions allow the County to more easily begin assessing fines against a violator for each day the violation is not corrected.

Similar ordinance amendments were considered in 1997 but were not adopted by the Board of Supervisors. Staff believes the 1997 amendments were not adopted primarily because of the significant costs associated with the then proposed replanting requirements. Those requirements, which would have more than doubled the cost to replant under the current ordinance, met considerable opposition from the timbering industry and property owners.

Recommendation

Staff recommends that the Planning Commission approve the attached ordinance amending the Timbering Buffer Ordinance.

O. Marvin Sowers, Jr.

Attachments:

1. February 27, 2001 Memo to the Board of Supervisors
2. Draft Ordinance

f:\pmstmbprc401

MEMORANDUM

DATE: April 2, 2001
TO: The Planning Commission
FROM: O. Marvin Sowers, Jr., Planning Director
SUBJECT: ZO-1-01, Timbering Buffer Ordinance Amendments

At your March 5, 2001 meeting, Planning Commissioners were provided a copy of a draft ordinance containing amendments to the Timbering Buffer Ordinance (Sections 24-2, 24-22, and 24-43). A public hearing on the draft ordinance was also scheduled for the Commission's April 4, 2001 meeting. A copy of the proposed ordinance is attached along with a cover memo previously provided to the Commission which summarizes the proposed amendments.

The attached draft ordinance is unchanged from that provided to the Commission on March 5 except for a minor revision on page 7 in paragraph two which was requested by the County Attorney's Office. That change involves the addition of criteria to guide the Planning Director when making a determination on allowing some or all replacement trees to be planted off site. Specifically, the Planning Director may allow off site planting when an off site location would mitigate the environment, buffering or wildlife habitat impacts of the tree removal. For example, planting off site may provide more buffering benefits to the public due to topographical conditions and resulting sight lines.

After receiving the draft ordinance last month, a Planning Commissioner has raised concerns whether the retention of current replanting standards and the proposed revisions to the violation/fine requirements will sufficiently discourage unauthorized timbering within required buffers. This issue was discussed at a Board of Supervisors work session in November, 2000, and it was the conclusion of both a majority of the Board and staff that the financial consequences were sufficient. Under both the existing and proposed ordinance the cost of tree replacement is approximately \$10,000 per acre. In comparison, information provided by the Virginia Department of Forestry indicates timber values in the County to range from \$1250 to \$8750 per acre. As a further deterrent, the proposed revisions allow the County to more easily begin assessing fines against a violator for each day the violation is not corrected.

Similar ordinance amendments were considered in 1997 but were not adopted by the Board of Supervisors. Staff believes the 1997 amendments were not adopted primarily because of the significant costs associated with the then proposed replanting requirements. Those requirements, which would have more than doubled the cost to replant under the current ordinance, met considerable opposition from the timbering industry and property owners.

Staff recommends that the Planning Commission approve the attached ordinance amending the Timbering Buffer Ordinance.


O. Marvin Sowers, Jr.

Attachments:

1. February 27, 2001 Memo to the Board of Supervisors
2. Draft Ordinance

MEMORANDUM

DATE: February 27, 2001

TO: The Board of Supervisors

FROM: O. Marvin Sowers, Jr., Planning Director

SUBJECT: Timbering Buffer Ordinance Amendments (ZO-1-01)

At a work session on November 29, 2000, the Board of Supervisors directed staff to prepare several amendments to the Zoning Ordinance pertaining to timbering buffers. The attached draft ordinance contains the amendments requested by the Board. The purposes of the amendments are to further discourage unauthorized timbering within required buffers, to improve enforcement activities in the event of any violations, and maximize the public benefits of required replantings. The amendments requested by the Board include:

1. Providing for civil fines rather than criminal sanctions for violations to tree replacement requirements in order to allow violations to be resolved more quickly (see pages 2, 7, and 8);
2. Adding a schedule for replanting an illegally timbered buffer along with the ability to require financial guarantees to ensure timely completion of the replanting (see page 7); and
3. Allowing the flexibility to replant some or all of the required trees off-site, if approved by the planning director, in cases where on-site planting would have little public benefit (see page 7).

Since the timbering buffer ordinance was adopted in 1997, the need for several minor "housekeeping" amendments has become apparent. These have been incorporated in the draft ordinance: (a) replacing the word "greenbelt road" with "community character corridor" throughout the ordinance to reflect this change in nomenclature in the 1997 Comprehensive Plan Update; (b) adding provisions on page 6 giving authority to the planning director to determine the type of replacement trees to be replanted; and (c) adding provisions on page 7 to ensure that the replanted trees remain in healthy condition.

Conclusion

All of the above revisions were contained in the draft ordinance reviewed by the Board at its November 29, 2000, Work Session. Other changes to the Ordinance since it was last reviewed by the Board include the addition of a schedule for providing the financial guarantees mentioned in Item 2 above, and deletion of the revisions which would have increased the size and number of trees to be replanted. As agreed to by the Board at its Work Session, the draft ordinance retains existing requirements for the size and number of trees required to be replanted to mitigate a buffer violation. A majority of the Board agreed that the estimated cost per acre (\$10,000) of replanting under the current ordinance was a sufficient deterrent to timbering within a required buffer.

The Planning Commission will be requested to hold a public hearing on the attached draft ordinance at its April 2, 2001, meeting. In the meantime, staff would appreciate receiving any additional comments from Board members prior to the Commission's meeting.

O. Marvin Sowers, Jr.

OMS/tlc
draftord.mem

Attachment

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS, AND SECTION 24-22, PENALTIES; SANCTIONS, INJUNCTIVE RELIEF, FINES; AND BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL, SECTION 24-43, BUFFER, GREENBELT AND SETBACK REQUIREMENTS FOR TIMBERING ACTIVITIES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-2, Definitions; and Section 24-22, Penalties; sanctions, injunctive relief, fines; and by amending Article II, Special Regulations, Division 1, In General, Section 24-43, Buffer and setback requirements for timbering activities.

Chapter 24. Zoning

Article I. In General

Sec. 24-2. Definitions.

Community character corridor. A road shown and identified on the Land Use Plan Map in the Comprehensive Plan as a community character corridor.

Sec. 24-22. Penalties; sanctions, injunctive relief, fines.

(3) *Civil fines:*

- a. A civil penalty in the amount listed on the schedule below shall be assessed for a violation of the respective offense:

1. Keeping an inoperative vehicle in residential or commercial zoning districts in violation of section 24-37, per vehicle.....\$100.00
2. Constructing, placing, erecting or displaying a sign on private property without a sign permit issued by the county, in violation of section 24-72, per sign.....100.00
3. Occupying, or permitting to be occupied, a single-family dwelling (SFD) by more than three unrelated individuals in violation of the definition of "family" in section 24-2, per offense.....100.00
4. Installing, placing or maintaining a dish antennae in violation of section 24-34, per offense..... 50.00
5. *Failure to meet the tree replacement requirements for any buffer or setback for timbering in accordance with section 24-43, per offense.....100.00*

Article II. Special Regulations

Division 1. In General

Sec. 24-43. Buffer, ~~greenbelt~~ and setback requirements for timbering activities.

The requirements in this section shall apply to timbering activities located in all districts. This section shall not apply to timbering activities conducted as part of an approved site plan, subdivision plan, or building permit. Approval of site plans, subdivision plans, or building permits shall be in accordance with other provisions of the zoning ordinance and shall not be governed or guided by the provisions of this section. This section shall also not apply to timbering activities where all timbering is conducted outside of the buffers or setback for timbering listed in paragraph (1), (2) or (3) or for timbering within such buffers or setback for timbering to construct access drives having a maximum width of 30 feet. The following provisions shall apply to all timbering activities subject to this section except as otherwise noted:

- (1) *Buffer along public roads.* This paragraph shall not apply to the General Agricultural District, A-1. An undisturbed buffer at least 75 feet wide shall be maintained along all public roads. No trees or other vegetation shall be removed from this buffer except as permitted under this section.
- (2) Buffer along ~~greenbelt roads~~ *community character corridors*. This paragraph shall not apply to the General Agricultural District, A-1. On all other property fronting on roads that are identified as ~~greenbelt roads~~ *community character corridors* on the Comprehensive Plan, an undisturbed buffer at least 150 feet wide shall be maintained along the ~~greenbelt roads~~

community character corridors on properties that are zoned residential. No trees or other vegetation shall be removed from this buffer except as permitted under this section.

- (3) *Setback for timbering.* In the General Agricultural District, A-1, a setback for timbering shall be provided in accordance with section 24-215(c).
- (4) *Buffer and setback for timbering measurement and determinations.* The width of required buffers and setbacks for timbering shall exclude any planned future right-of-way as designated on the Six-Year Primary or Secondary Road Plan.
- (5) *Tree protection.* Required buffer areas and setbacks for timbering shall be marked by painting trees along the interior edge of the buffer. Equipment, timber, or other materials shall not be placed within the buffer or setback for timbering area.
- (6) *Processing requirements.* Prior to commencing any timbering activities within a buffer or setback for timbering except for a 30-foot access drive, the property owner or agent shall complete an application and submit it along with a James City County Tax Map (with topography and planimetric detail at a scale of 1"=200') to the planning director that shows the site's property lines, any existing and proposed driveway entrances, required buffer areas and setbacks for timbering, and tree protection measures. The planning director shall determine whether to permit timbering activities within a buffer or setback for timbering in accordance with paragraphs (7) and (8) below. Upon approval of the application by the planning director, timbering activities within a buffer or setback for timbering may proceed.

All timbering activities within a buffer or setback for timbering including location of driveways or any other land disturbing activities, shall take place only in those areas indicated on the approved map and in accordance with the methods approved by the planning director. The planning director shall have no more than 14 days from the filing of such application to approve or disapprove the application. If disapproved, the planning director shall write a letter to the applicant identifying the revisions to be made to gain approval.

- (7) *Modifications.* The planning director may grant modifications to the buffer, setback for timbering, and tree protection requirements when, in the opinion of the planning director, an alternative design provides equivalent measures, or retains the rural character of the property, or when buffers, setbacks for timbering, or tree protection are unnecessary due to a site's physical conditions such as topography or presence of streambeds, wetlands or other natural features. The planning director may also permit tree removal within the buffer or setback for timbering when trees are weakened, dying, diseased, or insect damaged, or, in the opinion of the state forester, unlikely to survive or such removal will enhance the long term effectiveness of the buffer or setback for timbering as a visual barrier.
- (8) *Partial timbering within a buffer or setback for timbering.* The planning director may approve partial timbering of buffer areas and setback for timbering and the use and type of equipment for partial timbering, after considering the following:
 - a. The effect of the timbering on the long-term effectiveness of the buffer area, or setback for timbering ~~and~~ on adjacent roads and properties;

- b. The anticipated development of the property and the surrounding area;
 - c. The condition of any adjacent dwelling or subdivision including whether the structures are abandoned or dilapidated;
 - d. Any recommendations of the state forester, including recommendations on the use and type of equipment for partial timbering;
 - e. The health and diversity of trees with emphasis on protection of mixed hardwood trees, and the reforestation of the buffer or setback for timbering; and
 - f. The market value of the timber in the buffer or setback for timbering and the timber to be removed, and the market value of the timber on the balance of the property.
- (9) *Development review committee review.* The development review committee shall consider the timbering application if there are unresolved problems between the applicant or the planning director.
- (10) *Tree Replacement.* If timbering occurs within the buffers or setbacks for timbering described above in paragraphs (1), (2) and (3) and such timbering is not approved in accordance with paragraphs (7) and (8) above, trees shall be replaced at a ratio of one tree for each 800 square feet of area timbered. *All replacement trees shall be of a species native to eastern Virginia.* Such trees shall meet the standards for trees stated in Section 24-2. The number *and type* of trees and their placement shall be approved by the planning director.

All trees shall be planted within 30 days from the date the trees were removed from the buffer or setback unless such period does not fall within the planting season. In such cases, their replacement in the next planting season (October 1 through March 31) shall be guaranteed by entering into a written agreement with the county and furnishing to the county a certified check, bond with surety satisfactory to the county, or a letter of credit in an amount to cover all costs of the plantings and their installation as estimated by the planning director. Such written agreement shall be entered into and such financial guarantee shall be provided to the County within 30 days from the date the trees were removed. The form of the agreement, financial guarantee, or type of surety shall be to the satisfaction of and approved by the county attorney. If the improvements are not completed in a timely manner, the planning director shall proceed to complete the improvements by calling on the surety or financial guarantee. After the first full growing season (February 1 to November 30) after planting, any trees not in a healthy growing condition or determined to be dead, diseased, or dying, shall be replaced as determined by the planning director. Thereafter, all trees shall be maintained in a healthy growing environment and in a healthy growing condition.

The planning director may allow some or all of the trees required by this paragraph to be planted outside the buffer or off-site when, if in the opinion of the planning director, such an alternative mitigates the environmental, buffering, or wildlife habitat impacts of the tree removal.

- (11) *Violations and penalties. Prior to any criminal or civil enforcement under this section, the administrator or his designee shall give five days written notice of the violation to the owner*

of the property prior to commencing enforcement. The violation of any provision of this section concerning tree replacement in paragraph 10 above is subject to a civil fine pursuant to section 24-22. The violation of any other provisions in this section is subject to a criminal sanction under section 24-22.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this _____ day of _____, 2001.

treerepl2.ord

MEMORANDUM

DATE: April 2, 2001

TO: The Planning Commission

FROM: Allen J. Murphy, Jr., Zoning Administrator/Principal Planner

SUBJECT: Case No. ZO-2-01. Mixed Use District - Private street amendments

The attached ordinance amendments establish a process for the review and approval of private streets in the MU, Mixed Use zoning district. Part of the intent of this district is to encourage multiuse master planned communities that provide flexibility and diversity in land planning and design. Staff believes that this should include the ability to vary from Virginia Department of Transportation (VDOT) design requirements. While the current language in the MU district offers the option of private streets, it does not provide standards for review of construction and design nor an exception process from VDOT standards.

These new provisions mirror the language currently established in the R-4, Residential Planned Community district. The R-4 provisions have, through our experience, worked well and allowed design flexibility in communities such as Kingsmill, Ford's Colony, and Governor's Land. The amendments provide for private streets with the approval of the Board of Supervisors (typically at the rezoning stage) and for the waiver of VDOT standards by the Planning Commission under certain specified criteria and in accordance with accepted engineering standards. The proposed amendments also include provisions for maintenance by a homeowners association.

Staff recommends that the Planning Commission forward a recommendation of approval to the Board of Supervisors on the attached amendments.

Allen J. Murphy, Jr.

AJM/tlc
zo202pc.mem

Attachment

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 15, MIXED USE, MU, SECTION 24-526, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; AND BY ADDING SECTION 24-528, STREET IMPROVEMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Section 24-526, Requirements for improvements and design; and by adding Section 24-528, Street improvements.

Chapter 24. Zoning
Article V. Districts
Division 15. Mixed Use, MU

Sec. 24-526. Requirements for improvements and design.

(a) *Water and sewer.* All structures and uses within a mixed use districts shall be served by publicly owned and operated water and sewer systems.

(b) *Recreation areas.* Residential areas and mixed use structures and areas designated on the master plan shall be provided with a recreation area or areas adequate to meet the needs of the residents. The developer shall provide and install playground equipment, playfields, tennis courts or other recreation facilities in accordance with the guarantees established as part of master plan or final Development Plan approval. The composition of the facilities to be installed shall be approved by the planning director. Such facilities shall be owned and maintained by the developer or a residents' association.

(c) *Parking.* Off-street parking facilities shall be provided in accordance with the off-street parking requirements of section 24-53.

(d) *Streetlights.* Streetlights shall generally be provided at each intersection and other public areas. The lighting shall be directed so as not to produce objectionable glare on adjacent property or into residences within or near the development.

(e) *Natural features and amenities.* Existing features such as specimen trees, wildlife habitats, watercourses, historical sites and similar irreplaceable assets shall be preserved to the maximum extent possible.

(f) *Signs.* All signs within a mixed use district shall comply with article II, division 3 of this chapter.

(g) *Traffic circulation.* Vehicular access points and drives shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular and pedestrian traffic. Buildings, parking areas and drives shall be arranged in a manner that encourages pedestrian access and minimizes traffic movement. *All streets shall be constructed and designed in accordance with section 24-528.*

(h) *Landscaping.* All landscaping and tree preservation shall be undertaken in accordance with section 24-86 and Chapter 23 of the County Code, the Chesapeake Bay Preservation Ordinance.

Sec. 24-528. Street improvements.

(a) All dedicated public streets shown on the development plan shall meet the design and construction requirements of the Virginia Department of Transportation's standards or the county subdivision ordinance, whichever is greater. Such public streets shall be coordinated with the major transportation network shown in the county Comprehensive Plan.

(b) Private Streets may be permitted upon the approval of the board of supervisors and shall be coordinated with existing or planned streets of both the master plan and the county Comprehensive Plan. Private streets shown on the development plan shall meet the requirements of the Virginia Department of Transportation, except as specified in paragraph (d) below.

The construction of streets whether public or private shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and environmental director.

(c) To the extent streets are private rather than public, the applicant must also submit assurances satisfactory to the planning commission that a property owner's community association or similar organization has been legally established under which the lots within the area of the development plan will be assessed for the cost of maintaining private streets and that such assessments shall constitute a pro rata lien upon the individual lots shown on the development plan.

(d) The uniqueness of each proposal for a mixed use development requires that the specifications for the width, surfacing, construction and geometric design of streets with associated drainage and the specifications for curbs and gutters be subject to modification from the specifications established in chapter 19. The planning commission may, therefore, within the limits hereinafter specified, waive or modify the specifications otherwise applicable for these facilities where the planning commission finds that such specifications are not required in the interests of the residents and property owners of the mixed use development and that the modifications of such specifications are not inconsistent with the interests of the entire County.

It shall be the responsibility of the applicant to demonstrate to the satisfaction of the planning commission with respect to any requested waiver or modification:

- (1) That the waiver or modification will result in design and construction that is in accordance with accepted engineering standards;*
- (2) That the waiver or modification is reasonable because of the uniqueness of the mixed use development or because of the large area of the mixed use development within which the nature and excellence of design and construction will be coordinated, preplanned and controlled;*
- (3) That any waiver or modification as to streets is reasonable with respect to the generation of vehicular traffic that is estimated will occur with the area of the master plan;*

- (4) *That traffic lanes of streets are sufficiently wide enough to carry the anticipated volume and speed of traffic and in no case less than ten feet wide; and*
- (5) *That waivers or modifications as to base and surface construction of streets and as to the condition of ditches or drainage ways be based upon the soil tests for California Bearing Ratio value and erosion characteristics of the particular subgrade support soils in the area.*

Secs. 24-528~~9~~ - 24-537. Reserved.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this ____th day of _____, 2001.

PLANNING DIRECTOR'S REPORT

APRIL, 2001

This report summarizes the status of selected Planning Division activities during the last 30 days.

1. Master Greenways Plan. Staff has begun outlining various components of the Master Greenway Plan. An overall methodology which will be designed to guide the process and incorporate citizen comment was approved by the Board of Supervisors on February 27, 2001. The Board of Supervisors appointed a Greenways Steering Committee on March 13, 2001.
2. Purchase of Development Rights. A presentation was given to the Board of Supervisors on February 21 by staff and Melvin Atkinson with the Virginia Beach Department of Agriculture. The Board of Supervisors approved staff's seeking broader public input on the proposed program and returning to the Board with recommendations on a final program.
3. RPOD Ordinance. Staff continues to work on draft reservoir protection overlay ordinance amendments with a reading file sent to the Board at the March 28th work session.
4. Capital Improvement Projects (CIP). The Planning Commission approved the CIP at its March 5, 2001, meeting and the CIP goes before the Board at its April 10, 2001, meeting.
5. Architectural Survey. Staff is reviewing the preliminary report submitted by the consultant which lists the 209 properties surveyed in the initial phase of the project. A meeting will be arranged in April to allow the County to have input into the sites selected for intensive survey.
6. Casey New Town. The DRB reviewed plans for a medical facility at its March meeting and also discussed the issue of unified signage and fencing.
7. Redistricting. The U.S. Census Bureau released population data in March and staff has been meeting with the Redistricting Advisory Committee to prepare a recommendation for the Board of Supervisors in April.
8. Comprehensive Plan Update/Chesapeake Bay Requirements. Staff is preparing amendments to the Comprehensive Plan that are required by the Chesapeake Bay program. The Planning Commission will be afforded an opportunity to review these in the future.
9. Citizens Survey. As requested by the Board of Supervisors, staff has been gathering information on conducting a citizen survey prior to the next Comprehensive Plan update. Staff will present its findings and recommendations at a Board work session on April 25th.
10. U.S. Homes Rezoning Application. As described below, the U.S. Homes Corporation has applied for a rezoning to construct a Mixed Use community on Richmond Road across from the Pottery. A site visit for staff and Planning Commissioners is scheduled for April 4, 2001 to a similar project developed by U.S. Homes in Northern Virginia.
11. Seminar on Conservation Subdivision Design. The James River Association in

cooperation with the Counties of James City, New Kent and Charles City is sponsoring a seminar on Conservation Subdivision Design on Thursday, May 3. The seminar will feature Randall Arendt, one of the most prominent national authorities on the subject. More details on the seminar will be available at the Planning Commission meeting.

12. U.S. Census. Staff received the Census figures in March, and according to the figures, the County's population is 48,102 persons. This figure very closely matches the County population estimate (which is based on certificates of occupancy). The two figures differ by a mere 0.8%, or 373 persons.
13. Other Board Action. There were no public hearing cases at the March 13th Board meeting. At the March 27th meeting, the Board denied Case No. SUP-25-00. Stonehenge Kennels.
14. Upcoming Cases. Cases currently scheduled for the May 7, 2001, Planning Commission meeting.

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.

CASE NO. Z-4-00. COLONIAL HERITAGE OF WILLIAMSBURG. Alvin Anderson, on behalf of U.S. Homes Corporation, has applied to rezone 750 acres near Norge. The applicant proposes to rezone two tracts of land to a Mixed Use designation for commercial/office and residential use. This development would consist of 2,000 residential units with the commercial/office area abutting Route 60. The properties are currently zoned A-1, General Agriculture, and can be further identified as Parcel Nos. (1-32), (1-11), (1-32a) on JCC Real Estate Tax Map Nos. (24-3), (31-1), (24-3) respectively.

CASE NO. AFD-8-86. CASEY AGRICULTURAL AND FORESTAL DISTRICT, WITHDRAWAL. Alvin Anderson, on behalf of C.C. Casey Ltd., Co., has applied to withdraw all of their property, approximately 378 acres from the Casey AFD. New Town will be developed and built on this land.

CASE NO. SUP-7-01. JOLIN KENNELS. Joseph H. Banks, Jr. and Linda B. Banks have applied for a special use permit to operate a kennel at 4472 Ware Creek Road. The property is zoned A-1, General Agricultural, and is designated Rural Lands on the Comprehensive Plan Land Use Map. The property can be further identified as Parcel No. (1-12) on JCC Real Estate Tax Map No. (14-1).

O. Marvin Sowers, Jr.

F:\PC2001\0402\pdirreport.wpd

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.