

Planning Commission Agenda

June 4, 2001, 7:00 p.m.

1.	Roll Call
2.	Minutes: <u>Meeting of May 7, 2001</u> (Approved)
3.	Development Review Committee Report (Separate Cover) (Approved)
4.	Policy Committee Consideration
	A. Water Demand and Supply
5.	Public Hearings
	A. Case No. SUP-3-01. Colonial Virginia Council (Boy Scouts of America)
	B. Case No. SUP-13-01. JCSA Jolly Pond Road Water Main
	C. Case No. ZO-3-01. Zoning Ordinance Amendment - PUD
	D. Case No. SUP-11-01. Carrot Tree at Jamestown Island
	E. Case No. SUP-8-01. Hogan Day Care
	F. Case No. 10-01. Vickie's Clubhouse Day Care
	G. Case No. SUP-9-01. Mt. Gilead Baptist Church Child Day Care
	H. Case No. AFD-6-86. Cranston's Pond Agricultural and Forestal District, Ware Withdrawal
	I. Case No. Z-4-00/MP-1-01. Colonial Heritage at Williamsburg
	J. Case No. Z-6-00/SUP-28-00. Loulynn Acres (Chesapeake Bank)
	K. Case No. Z-8-00/SUP-29-00. Williamsburg Christian Retreat Center
6.	<u>Planning Director's Report</u>
7.	Adjournment

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SEVENTH DAY OF MAY, 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.

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| 1. <u>ROLL CALL</u>
Martin Garrett, Chair
John Hagee
Don Hunt
Wilford Kale
Joe McCleary
Joe Poole
Peggy Wildman | <u>ALSO PRESENT</u>
Leo Rogers, Deputy County Attorney
John Horne, Development Manager
Marvin Sowers, Director of Planning
Christopher Johnson, Senior Planner
Karen Drake, Planner
Benjamin Thompson, Planner |
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2. MINUTES

 Upon a motion by Joe Poole, seconded by John Hagee, the minutes of the April 2, 2001, meeting were approved by unanimous voice vote.

3. DEVELOPMENT REVIEW COMMITTEE

 John Hagee presented the DRC report stating the committee recommended approval of St. Bede Church which came to them because it was over 30,000 sq. ft.; Stonehouse, LLC had a change of Land Bays to its master plan; and Wellington Subdivision came before the committee because it was 108 lots. He stated the committee reviewed and recommended approval of Monticello at Powhatan Apartments, Phase II, which came back to them from last month and the applicant agreed to the original sidewalk requirements.

 Wilford Kale asked if there were any changes to the parking or landscaping to the St. Bede site plan that minimized the impact on the adjacent property owners.

 John Hagee stated that there was additional enhanced landscaping and the fence was extended to address the impact on the neighbors.

 Joe Poole made a motion, seconded by Wilford Kale, to recommend approval of the DRC report. In a unanimous voice vote, motion was approved.

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

 Christopher Johnson presented the staff report stating that on April 2, 2001, the Planning Commission deferred this case. Since that meeting, the applicant has been working to revise the proposed plan, proffers and application in response to comments received by the Commission. Therefore, the applicant has requested this case be deferred until the June 4, 2001, meeting.

 Martin Garrett opened the public hearing. There being no speakers, the public hearing remained open.

5. CASE NO. SUP-03-01. COLONIAL VIRGINIA COUNCIL (BOY SCOUTS OF AMERICA).

 ____ Christopher Johnson presented the staff report stating the applicant had requested deferral of this case until the meeting of June 4, 2001, and staff concurred with this request.

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

hearing remained open.

6. CASE NO AFD-8-86. CASEY AGRICULTURAL AND FORESTAL DISTRICT, CASEY WITHDRAWAL.

Karen Drake presented the staff report stating the applicant requested the withdrawal of 378± acres from the ADF District for the purpose of future development of Casey New Town. Staff found that the application met the three criteria of the adopted Board policy regarding the withdrawal of lands that were within the Primary Service Area. On April 20, 2001, the AFD Advisory Committee met and voted unanimously to approve the withdrawal requested. Staff concurred with this recommendation and recommended that the Commission approved this application.

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

Joe Poole made a motion, seconded by Peggy Wildman, to approve this application. In a roll call vote, motioned passed (7-0). AYE: Poole, Hagee, Wildman, Hunt, McCleary, Kale, Garrett (7); NAY: (0).

7. CASE NO. SUP-7-01. JOLIN KENNELS.

____ Christopher Johnson presented the staff report stating the applicant requested a special use permit in order to operate a boarding kennel which would contain eight indoor/outdoor dog runs, eight indoor dog runs, two outdoor holding kennels and three outdoor dog exercise pens. He said the kennels had already been constructed and were housed in the basement of an existing garage located adjacent to the applicant's residence. The kennels were originally used to groom and house their show dogs and allow sufficient space for their animal rescue work. Staff found the proposal consistent with the surrounding zoning and development and the Comprehensive Plan. Staff recommended that the Planning Commission recommend approval of this application with conditions as outlined in the staff report.

Peggy Wildman asked about the size of the kennel that was located across the road from the applicant's home.

Christopher Johnson stated that kennel was primarily a grooming operation and did not board animals.

Martin Garrett opened the public hearing.

Joseph Banks of 4472 Ware Creek and the applicant for this application stated that the neighbor's kennel was used only for grooming dogs and they did not board them. He also stated his kennel would board a maximum of 18 dogs.

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

John Hagee made a motion, seconded by Joe Poole, to recommend approval. In a roll call vote, motion passed (7-0). AYE: Poole, Hagee, Wildman, Hunt, McCleary, Kale, Garrett (7); NAY: (0).

8. CASE NO. AFD-6-86. CRANSTON'S POND AGRICULTURAL AND FORESTAL

DISTRICT, WARE WITHDRAWAL.

Ben Thompson presented the staff report stating the applicant had requested the withdrawal of 90± acres in the A-1 district from the Cranston's Pond ADF District. Staff found the proposed withdrawal consistent with the surrounding zoning and development and the Comprehensive Plan. He stated that since this application was running concurrently with the applicant's rezoning and master plan applications, staff recommended deferral of this application until the June 4, 2001, Planning Commission meeting.

Martin Garrett opened the public hearing. There being no speakers, the public hearing remained open.

9. CASE NO. Z-4-01/MP-1-01. COLONIAL HERITAGE AT WILLIAMSBURG.

Ben Thompson presented the staff report stating the applicant had applied to rezone five parcels totaling approximately 740± acres from A-1, General Agricultural, to MU, Mixed Use, for the purpose of developing a master planned gated and age-restricted community of 2,000 residential units, an eighteen hole golf course, and 350,000 sq. ft. of commercial development. He stated that at this time there were still significant unresolved issues and forthcoming materials to be reviewed further by staff, including a traffic impact study and proffers. He further stated that due to the scale of this application, staff was requesting deferral to the June 4, 2001, meeting. He concluded by stating the applicant agreed with this deferral but requested to be allowed to make a presentation tonight.

John Hagee asked, under Residential Cluster Zoning Ordinance Requirements, paragraph three, why the applicant was not required to adhere to these standards.

Ben Thompson stated that under the current ordinance there was no requirement for them to adhere to those standards in MU districts. However, the requirements applied to residential areas which were zoned R-1 or R-2 and under those zonings, in order to get to the higher densities they needed to meet them. He added that staff believed the requirements were relevant to Mixed Use as an expectation but not a requirement.

John Hagee asked if all the items listed pertaining to the financial impact of the County were covered under the financial impact study, specifically, were the incremental County expenditures listed intended to mitigate the fire, police, etc.

Ben Thompson stated that was the applicants stance and that at this time, staff had not formalized a recommendation.

Marvin Sowers suggested that question also be answered by the applicant.

Martin Garrett opened the public hearing and stated that Alvin Anderson, representing the applicant, had requested additional time for his presentation from the Chairman and Planning Director as allowed by the by-laws and that the additional time had been granted. He also commented that the materials given to the Commission assuredly had been read by them and hoped that Alvin Anderson would not be redundant in his presentation.

Alvin Anderson said he hoped he would not be redundant. He then introduced Bill Gerald, Executive Vice President of U.S. Home; Arch Marston and Robert Wornem of AES; Ron Boyd of Williamsburg Environmental Group; Don Mesmer, representing Suzanne Huddleston from the Wessex Group; and Greg Davis, his associate on this project.

Joe McCleary commented that he attended Alvin Anderson's presentation at the Library on April 23 and found it to be very edifying and, although he read the materials over the weekend, he felt that this presentation would be worthwhile to both the Commission and community.

Alvin Anderson proceeded to give his power point presentation. He spoke on the number of future retirees; population of households between the ages of 55 and 64 years of age; the positive effects of senior citizens living in this area, such as lower taxes; moderate cost of living; low crime rate; good health care, etc. He stated that retirement had already become an industry in James City County and said that retired citizens were now living in communities such as, Graylin Woods, Kingsmill, Ford's Colony and in continuing care retirement communities such as, Williamsburg Landing, Patriots Colony and Chambrel. He stated that this project would bring an active adult age restricted community. He gave a brief history of U.S. Home stating they were the largest single-family home builders in the United States today. He spoke of the various properties in James City County that U.S. Homes had been looking at since 1996 and how they arrived at choosing the five parcels in this application. He stated that the proffered plan was divided into two sections, residential and commercial, and spoke about traffic mitigation on Richmond Road, underground utilities, bus facilities, age restriction, density restriction, and a cash contribution for water. He stated that the 350,000 sq. ft. of commercial that was the subject of discussion between U. S. Home and staff involved the designation on the Comprehensive Plan. He concluded his presentation by stating that typically a rezoning must give rise to conditions that have some reasonable relation to the rezoning and that was the other balance that needed to be worked on between the applicant and staff. He said he would answer any questions the Commission may have.

John Hagee asked what the applicant was trying to represent when speaking of the net value per year of 10.6 million dollars.

Alvin Anderson stated that after build out that figure of 10.6 million dollars was the net annual benefit to the County excluding all government associated expenses with the proposal.

Martin Garrett stated it would be easier to understand an impact statement if it was presented in net present-value-dollar terms. He felt that figure of 10.6 million dollars represented an inflated value.

Martin Garrett asked if Alvin Anderson would be addressing some specifics at the next meeting, such as, the environmental impact of building a bridge as opposed to a culvert for the connection to Centerville Road.

Alvin Anderson replied with a yes stating that Ron Boyd from the Williamsburg Environmental Group was present today and if desired, he could address that now but said he felt confident the permit would be obtained to build the bridge. He said he had spoken with staff and their concern was that if they did not get the Centerville Road entrance and load all the traffic onto Richmond Road, then the traffic distribution numbers used in the study would not be accurate. He said the applicant had revised proffers that they have been working on with staff to basically limit development at a certain point in time until the permit for the culvert was obtained.

Martin Garrett said he asked about a permit for the bridge and not the culvert.

Alvin Anderson said he was not sure what permits were required but they would need to get whatever environment and construction permits were necessary.

There being no further speakers, this case was deferred to the June 4, 2001, meeting and the public hearing remained open.

Martin Garrett stated that he would not be at the next Planning Commission meeting. He expressed some of his comments so the Commission could have some idea of how he felt. He stated the major issue to him was that this could be the last prime piece of property in the county for something that might be called a regional shopping center. He felt that for the citizens of this community, that this type of development far exceeded the benefits of what a regional shopping center might bring. He did state there were a number of things that the applicant and staff needed to work out that he hoped would be resolved before the next meeting.

Wilford Kale asked staff to bring to the next Planning Commission meeting the number of existing residential units approved and not yet developed in the PSA and the number of units that could be built by-right within the PSA. He also stated that he would like the James City Service Authority (JCSA) to give the Commission a paragraph as to how they project and on what basis they project water usage in the future and how they project water usage per unit.

Don Hunt asked if Larry Foster could give the Commission any information as to when the desalination permit would be known.

Larry Foster estimated that the desalination permit would be acquired with the next 12 months.

Joe McCleary commented on the trip to Heritage Hunt saying he took photographs of the community and said there was no doubt that the development in northern Virginia was a very attractive community with a lot of amenities.

Don Hunt said, since Heritage Hunt was built on an old horse farm, there were a lot of open landscapes with wooded backgrounds and mountains. He felt it was a topnotch professional development.

Joe Poole stated he was impressed with the applicant's provision of the materials received, the applicant's track record with Heritage Hunt, and with the landowners of this project. He said that water was a very important issue to him and with the magnitude of this development, he needed to better understand the impact on the long term viability of the County. He also stated he wanted to understand the commercial aspect, commenting that some of the existing commercial development in that area was vacant and he did not know what the impact of additional commercial development would be. He said he was delighted to hear Don Hunt's comments on the open space and conservation areas in the Heritage Hunt project. Lastly, he spoke on the school funding issues and needed to know, and he knew there was really no answer, how an age-restricted community would see public funding of schools if they didn't have children in the school system and would they be supportive or negative on that issue.

Joe McCleary commented that he lived in Fairfax County and belonged to a shooting club in Gainesville and over the years had driven past what was now Heritage Hunt. He said the area had been considerably improved due to the development. He agreed that water was a major issue.

There were no additional comments and the case was deferred to June 4, 2001.

10. INITIATION OF THE ZONING ORDINANCE.

Martin Garrett read the Initiation of the Zoning Ordinance to amend the PUD section of the ordinance.

Wilford Kale made a motion, seconded by Joe McCleary, to recommend approval. By unanimous voice vote, motion passed.

11. PLANNING DIRECTOR'S REPORT

Marvin Sowers informed the Commission that there would be a community interest meeting on the Purchase of Development Rights (PDR) on May 21st at the Croaker Road Library at 6:30 pm and encouraged them to attend.

Marvin Sowers stated that each year the Historic Triangle Bicycle Advisory Committee (HTBAC), designates May as Bike Month and invites Planning Commission members and Board members to go on a bike ride. The ride will be held on May 12 at 10 am at the Little Creek Reservoir. Free lunch and free use of the boating facility will be provided for all who participate.

Joe McCleary said he would leave the photographs of Heritage Hunt with Carole Giuliano so members of the Commission or residents of the community could have the opportunity to review them.

Peggy Wildman wanted to thank Martin Garrett for his presentation at the Board of Supervisors meeting of April 10, 2001, where he defended the position of the Planning Commission very eloquently on the issues regarding ESG and commented that she was sorry that the Board vote did not go in favor of the Commission.

12. ADJOURNMENT

There being no further business, the May 7, 2001, Planning Commission meeting adjourned at approximately 8:30 p.m.

Martin A Garrett, Chair

O. Marvin Sowers, Jr., Secretary

Special Use Permit 3-01

Colonial Virginia Council - Boy Scouts of America

Staff Report for the June 4, 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, May 7, 2001, June 4, 2001: applicant deferred.

Board of Supervisors: August 14, 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 the application and the proposed SUP conditions. In order to provide more time to finalize the details, the applicant has requested a one month deferral until the next regular Commission meeting on July 2, 2001. Staff concurs and recommends deferral.

Special Use Permit 13-01

Jolly Pond Road Water Line - SUP Amendment

Staff Report for the June 4, 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: June 4, 2001 7:00 p.m.
Board of Supervisors: August 14, 2001 (Tentative) 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Larry Foster of the James City Service Authority

Proposal: Amend the SUP conditions of SUP-47-90 which was approved previously by the Board of Supervisors on October 29, 1990. The water line itself has already been constructed.

Land Owner: This existing water line is located inside VDOT right of way

Location: Jolly Pond Road - from Centerville Road to Cranstons Mill Pond Rd

Primary Service Area: Inside and Outside

Existing Zoning: A-1, General Agricultural

Comprehensive Plan: Low Density Residential inside the Primary Service Area
Rural Lands outside the Primary Service Area

Surrounding Zoning: Property zoned A-1, General Agricultural is located on both sides of the water line

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

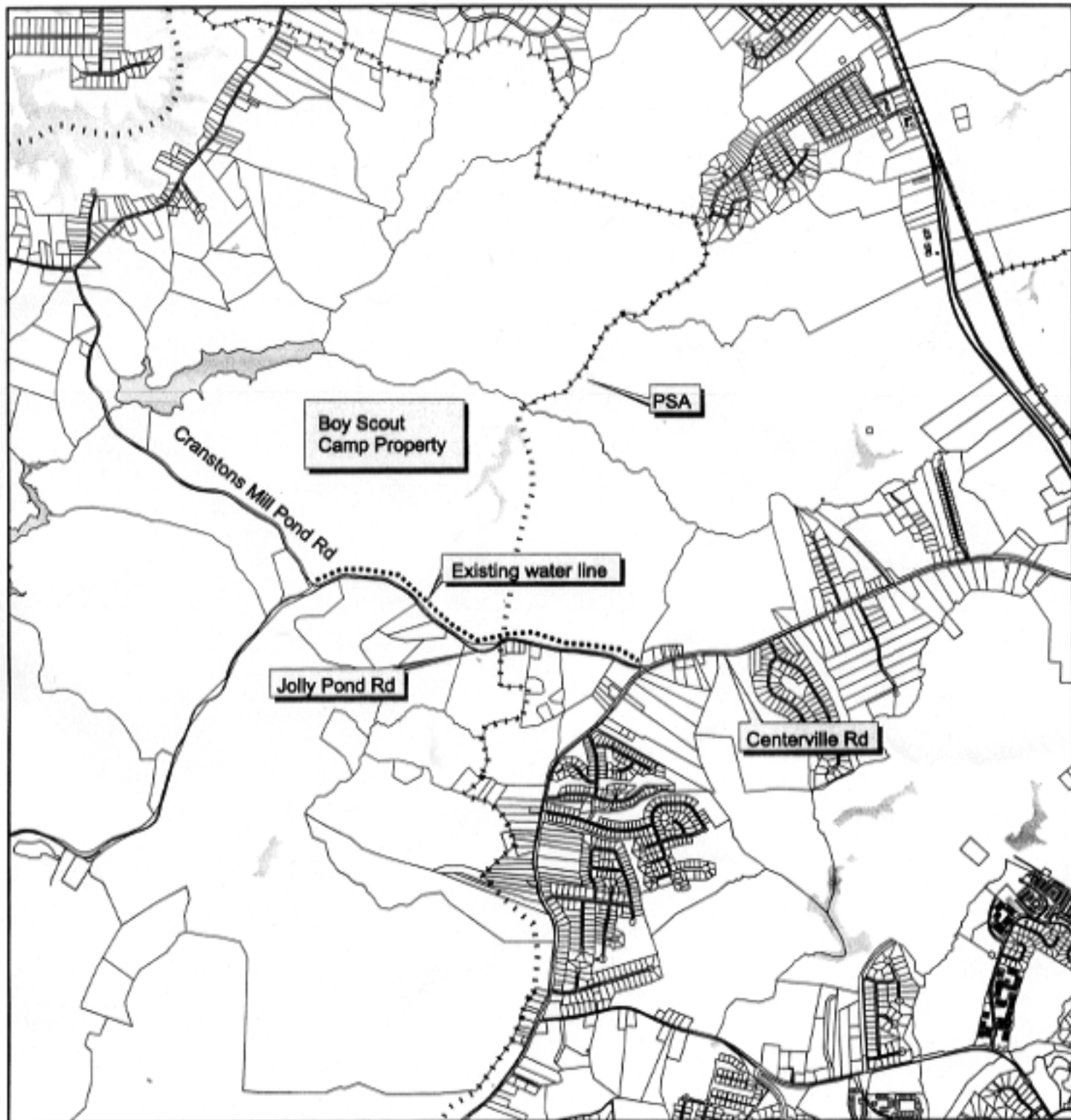
STAFF RECOMMENDATION

Mr. Larry Foster of the James City Service Authority has applied to amend the conditions of SUP-47-90, the Jolly Pond Road Water Main Extension, which was approved previously by the Board of Supervisors on October 29, 1990. The amendment is linked to Case No. SUP-3-01, the Colonial Virginia Council - Boy Scouts of America, Camp Chickahominy application. The purpose of the amendment is amend the water line SUP conditions such that the Boy Scout Camp can provide public water to a portion of its facilities. Since the applicant for the Boy Scout Camp has requested deferral of SUP-3-01, staff recommends a one month deferral of this case so the two cases can move forward together in public hearing.

Paul D. Holt, III

attachment:

1. Location Map



SUP-13-01 Jolly Pond Road Water Line SUP Amendment

3000 0 3000 6000 Feet



MEMORANDUM

DATE: June 4, 2001
TO: The Planning Commission
FROM: Paul D. Holt, III, Senior Planner
SUBJECT: ZO-3-01. Planned Unit Development Districts

Attached is a proposed Zoning Ordinance text revision which adds "Golf Courses" to the list of permitted uses in the Planned Unit Development - Commercial (PUD-C) District.

Planned Unit Developments are either zoned PUD-C (for attached residential structures and all non-residential type uses) or Planned Unit Development - Residential (or PUD-R which allows for single family detached structures and a limited amount of non-residential type uses). Golf courses are typically located within planned unit developments and "Golf Courses" are already listed as a permitted use in Planned Unit Development - Residential Districts (PUD-R).

In the case of Stonehouse, a Planned Unit Development located at the northern end of the County, the project is mostly zoned PUD-R, however, a portion of the development is zoned PUD-C. In 1995, the Legends Golf Course was planned and plans were submitted to the County for review and approval. The plans were approved and the course was subsequently built and the course has been in operation ever since.

During a recent title search of the property, it was found that golf course holes (six holes on four different parcels) were constructed, in accordance with approved plans, on PUD-C zoned property. Therefore, a portion of the golf course was developed in an area where it is not permitted. The attached zoning ordinance text amendment, if adopted, would correct this and would bring the entire golf course into a conforming status. For the Commission's information, other PUD-R zoned property includes Hiden, Toano Trace, the Powhatan Plantation Timeshares, South England Point, the Midlands, and Chambrell. Only two PUD-C zoned properties currently exist - Stonehouse and a portion of the Warhill Tract at the corner of Route 60 and Route 199. For the Commission's convenience, a copy of the complete PUD ordinance is attached.

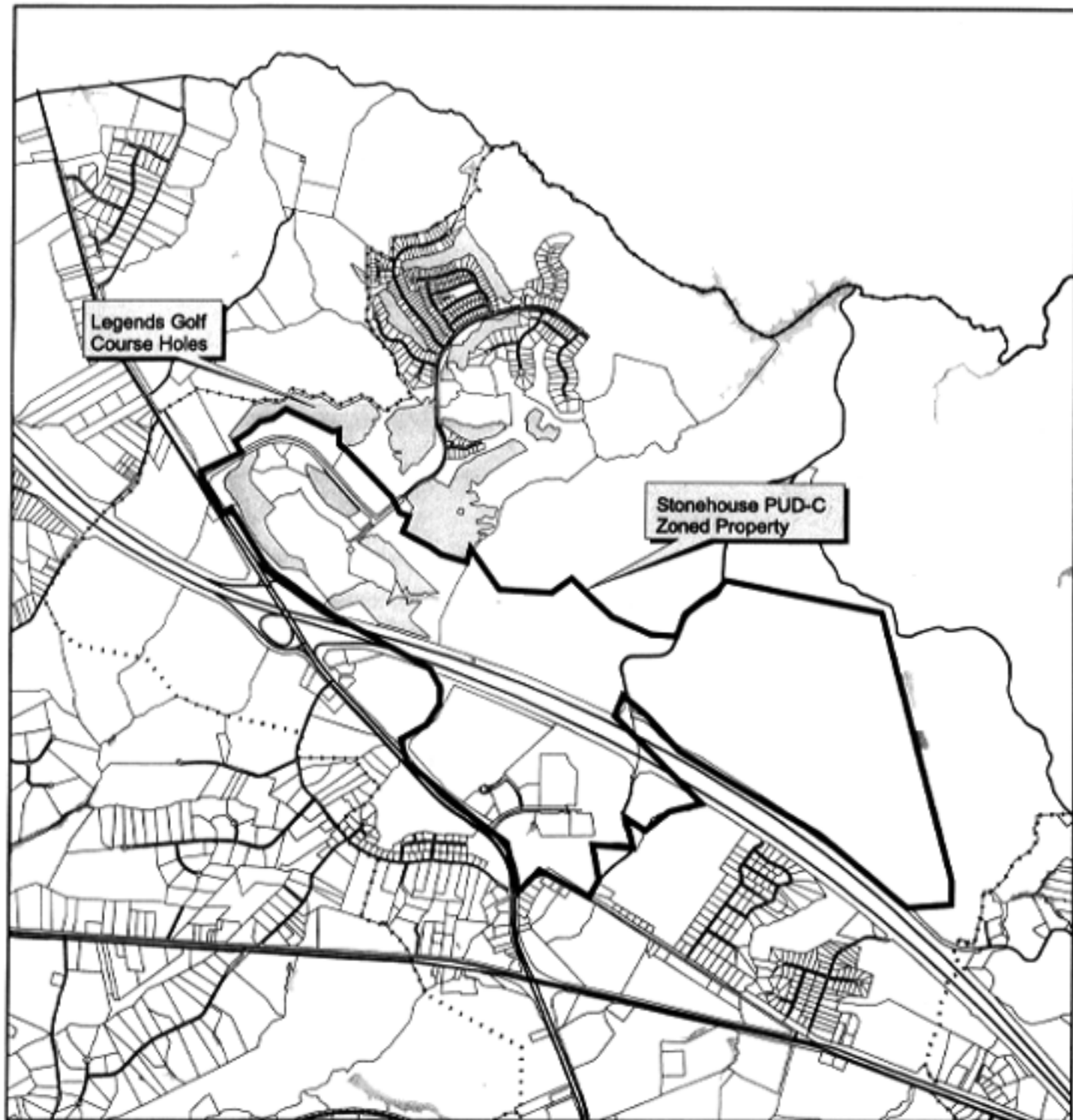
RECOMMENDATION

Staff finds that golf courses on PUD-C zoned property would be consistent with the intent of the PUD ordinance. Staff recommends approval of the ordinance change.

Paul D. Holt, III

attachments:

1. Proposed ordinance amendment
2. Stonehouse zoning map
3. Existing PUD ordinance



Stonehouse Planned Community - PUD-C Zoning

4000 0 4000 8000 Feet



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 14, PLANNED UNIT DEVELOPMENT DISTRICTS, SECTION 24-499(b), PERMITTED USES.

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 24-499(b), Permitted uses.

Chapter 24. Zoning

Article V. District

Division 14, Planned Unit Development Districts

Sec. 24-499. Permitted uses.

- (b) In the planned unit development district, commercial (PUD-C), all structures to be erected or land to be used shall be for one or more of the following uses:

- (1) Commercial uses: Same as paragraph (2) of subsection (a) above.

- (2) Light industrial uses:

Printing and publishing.

Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted in a fully enclosed building, with no dust, noise, odor or other objectionable effect.

Research, design and development facilities or laboratories.

Wholesale and warehousing, with storage in a fully enclosed building.

- (3) Theme parks.

- (4) Apartments, townhouses and condominiums.
- (5) Private streets within "qualifying industrial parks" in accordance with section 24-55.
- (6) *Golf courses.*

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 26th day of June, 2001.

SPECIAL USE PERMIT 11-01. Carrot Tree Bakery at Jamestown Island

Staff Report for the June 4, 2001, Planning Commission Public Hearing

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

PUBLIC HEARINGS: Building C Board Room; County Government Center

Planning Commission: June 4, 2001, 7:00 p.m.

Board of Supervisors: June 26, 2001, 7:00 p.m.

SUMMARY FACTS

Applicant: Glen Helseth

Landowner: The Association for the Preservation of Virginia Antiquities

Proposed Use: Restaurant

Location: Jamestown Island

Tax Map and Parcel No.: (54-2)(1-1)

Primary Service Area: Inside

Parcel Size: 22.5 acres

Existing Zoning: R-8 Rural Residential

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

Surrounding Zoning: The site is surrounded by federal land zoned R-8, Rural Residential

Staff Contact: Karen Drake - Phone: 253-6685

STAFF RECOMMENDATION:

Staff finds this proposal to be of a scale and location that is compatible with the main use of the property and is consistent with the surrounding property and the Comprehensive Plan. Staff recommends the Planning Commission approve this special use permit application with the attached conditions.

Proposal

Mr. Glen Helseth, owner of the Carrot Tree Kitchens has applied for a special use permit to operate a seasonal concession stand at Jamestown Island on land owned by the Association for the Preservation of Virginia Antiquities (APVA).

The APVA approached Mr. Helseth earlier this spring about operating a seasonal concession stand at Jamestown Island from April 1, 2001 to September 30, 2001 to provide sandwiches, snacks and drinks to visitors. An initial one-year lease was signed with a long-term lease through 2007 currently being negotiated. At the time the initial one-year lease was signed, there was a misunderstanding by Mr. Helseth about the concession stand being on federal property, thus not requiring a special use permit from the County. Mr. Helseth proceeded with constructing the concession stand. It has since been clarified to Mr. Helseth by staff that the concession stand is on APVA land and under the jurisdiction of the County, with a special use permit required to operate a restaurant in a R-8 zoned district.

Given this particular proposal, staff has made an effort to help the applicant by allowing him to continue operating the concession stand while his special use permit application was reviewed. This was contingent upon Mr. Helseth obtaining the necessary Health Department permits and certificate of occupancy from Code Compliance. To date, Mr. Helseth has been working and complying with both departments.

The existing concession stand is located next to the Dale House Archeological Laboratory near the James River. The majority of the customers are visitors or staff at Jamestown Island who walk up to the stand. The concession stand has two windows for ordering and pick up, with picnic tables placed under trees by the river. Deliveries are made each morning from the Carrot Tree Kitchen at 1782 Jamestown Road where all cooking and baking is done. The concession stand is currently open for business from 11am till 5pm on days when Jamestown Island is open to the public till September 30, 2001. The menu offered is a scaled down version of the Carrot Tree Kitchen menu.

Surrounding Zoning and Development

The surrounding property, zoned R-8, Rural Residential, is owned and operated by the National Park Service and borders the James River. The current concession stand is located next to an existing building and does not detract from the overall visitor experience. Mr. Helseth has been negotiating a long-term contract with the APVA, including the possibility of renovating the Dale House for a larger restaurant with indoor seating. Staff believes the proposed concession stand is compatible with the surrounding zoning and development.

Utilities

Currently the concession stand is served by well water and a septic tank. However, discussions have taken place to extend JCSA water and sewer service to APVA land from the National Park Service Visitor Center, which was recently converted to the County system. Mr. Helseth has been working with Codes Compliance to obtain the necessary permits and a temporary

Certificate of Occupancy has been issued. The Health Department has issued a temporary permit for operating the concession stand that is contingent upon the approval of this special use permit.

Access

Customer access is on foot only with parking available in the existing visitor parking lot.

Comprehensive Plan

The site is located inside the Primary Service Area (PSA) and is designated as Park, Public or Semi-Public Open Space on the Comprehensive Land Use map. Land with this designation include large, undeveloped areas owned by institutions or the public and used for recreation or open space. These areas serve to buffer historic sites, as educational resources, and as areas for public recreation and enjoyment. The proposed concession stand is located within the Jamestown National Park and is accessible only when the Park is open. Its purpose is to enhance the Park visitors' enjoyment. For this reason, staff believes the proposal is consistent with the Comprehensive Plan.

RECOMMENDATION:

Staff finds this proposal compatible with existing development at Jamestown Island and consistent with the surrounding property and the Comprehensive Plan. Therefore, staff recommends the Planning Commission approve this special use permit application with the following conditions:

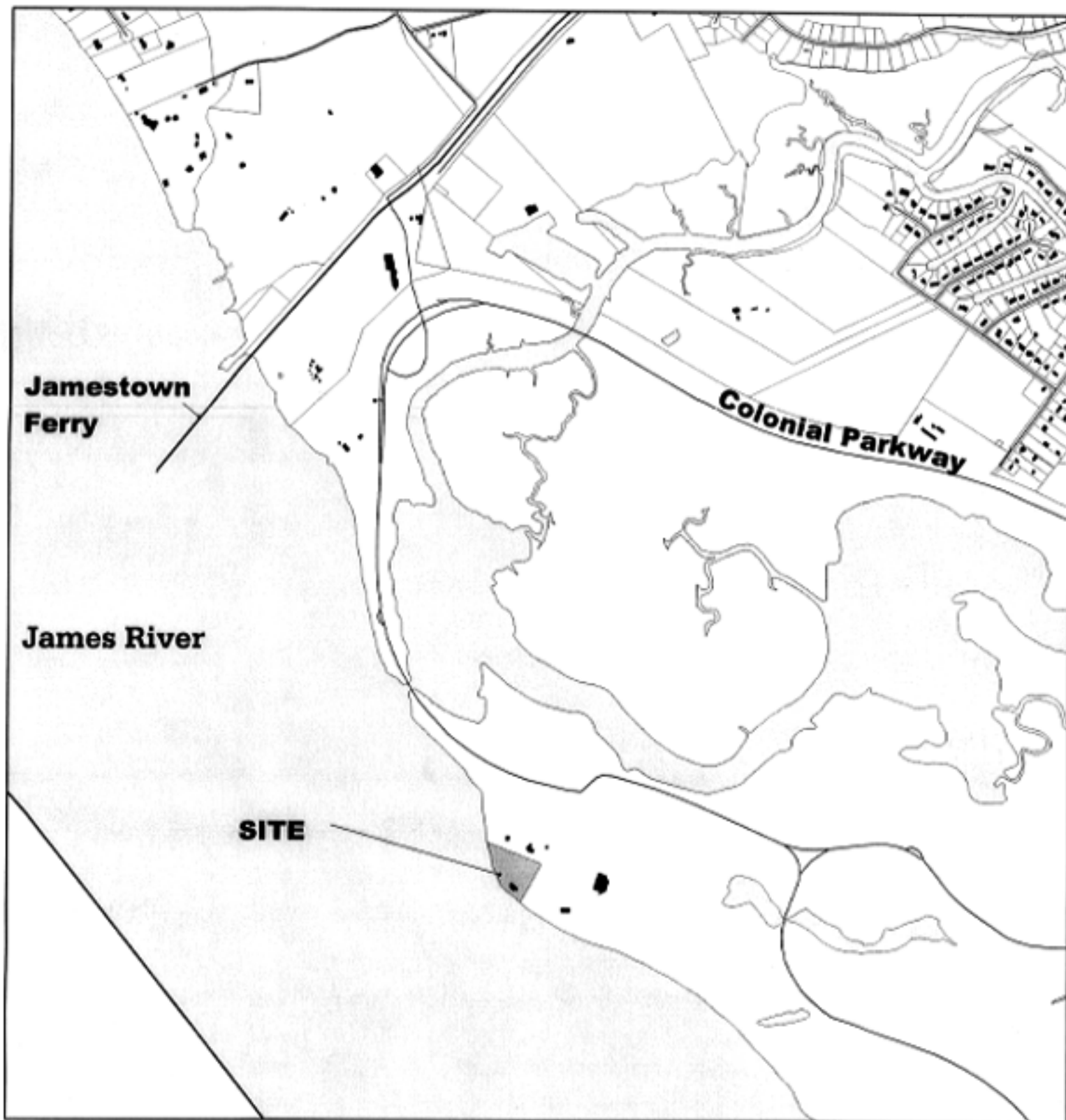
1. The concession stand shall operate only when the Jamestown National Park is open to the public.
2. Trash cans shall be available for use by customers during all operating hours and the trash cans shall be emptied and cleaned on a regular basis.
3. Final site plan approval, including landscaping, shall be received from the Planning Division within sixty days from the issuance of this special use permit or the permit shall become void.
4. Final approval shall be received from the Health Department and Code Compliance within sixty days from the issuance of this special use permit or the permit shall become void.
5. The existing concession stand structure shall not be more than 1,000 square feet in size. Site plan approval shall be obtained prior to making any future renovations to the concession stand.
6. This special use permit allows the future relocation of the restaurant business into the adjacent Dale House. Site plan approval shall be obtained prior to making any renovations to remodel the Dale House to accommodate the residence. Any exterior alterations shall be approved by the Planning Director.

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

Karen Drake
Planner

Attachments:

1. Location Map
2. Site Plan
3. Photographs



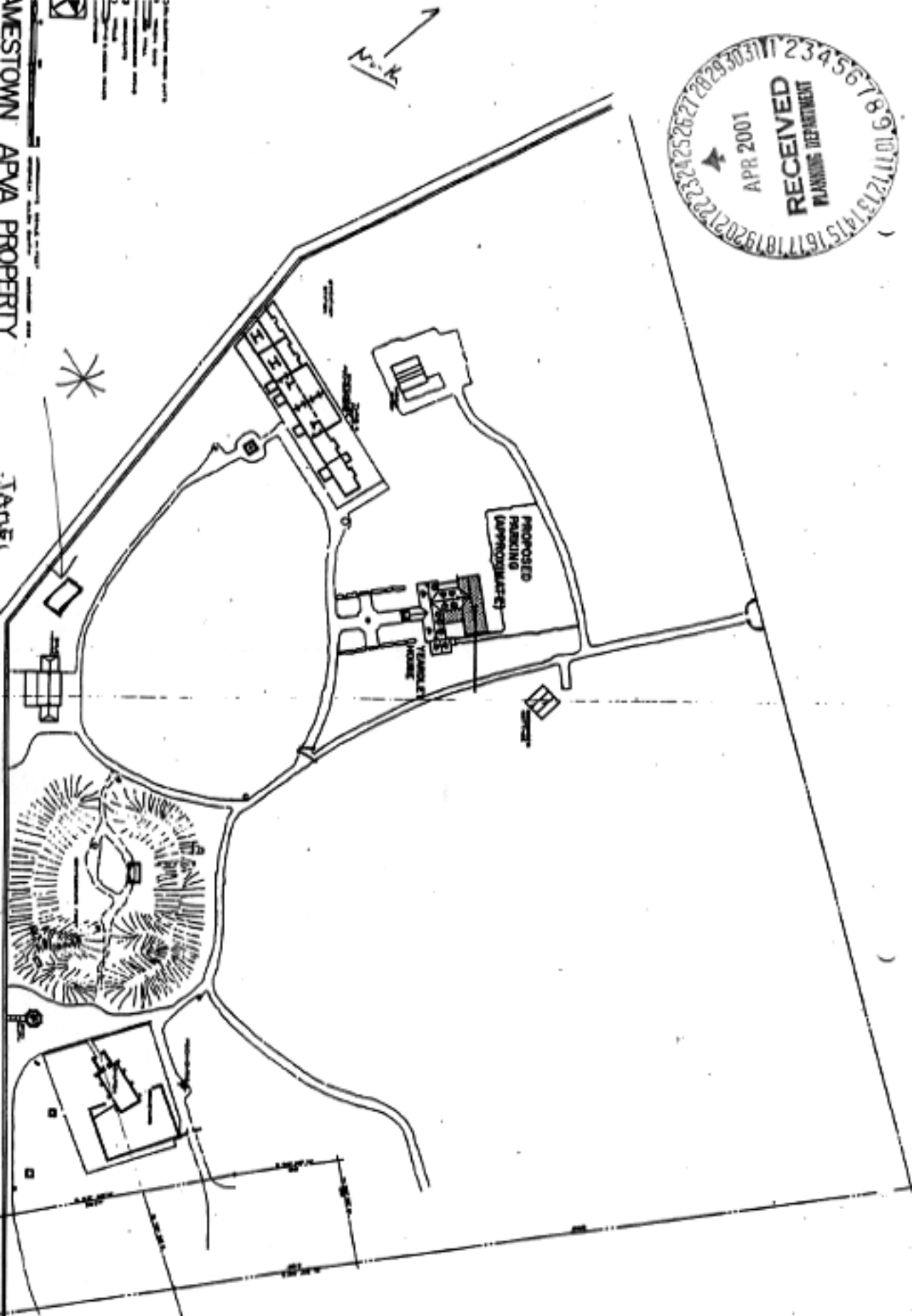
Case No. SUP-11-01
Carrot Tree at Jamestown Island

1000 0 1000 2000 Feet



SW-11-81

COPY



Special Use Permit 08-01. Hogan Day Care

Staff Report for the June 4, 2001, Planning Commission Public Hearing

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PUBLIC HEARINGS

County Government Complex

Planning Commission: June 4, 2001, 7:00 p.m. Building C Board Room

Board of Supervisors: June 12, 2001, 7:00 p.m. Building C Board Room

SUMMARY FACTS

Applicant: Ms. Catherine Hogan

Land Owner: Catherine Hogan

Proposed Use: Child Day Care Center

Location: 233 Nina Lane (Kristiansand Subdivision)

Tax Map/Parcel: (23-4)(3-2-3)

Primary Service Area: Inside

Parcel Size: .331 acres

Existing Zoning: R-2, General Residential

Comprehensive Plan: Low-Density Residential

Staff Contact: Ben Thompson - Phone: 253-6685

STAFF RECOMMENDATION

Staff finds the proposal inconsistent with the surrounding zoning and development and inconsistent with the Comprehensive Plan. Specifically, the amount of traffic and noise generated by a day care center business with ten children conflicts with the single-family residential character of the neighborhood. Staff recommends the Planning Commission recommend denial of this proposal. If the Planning Commission chooses to recommend approval, staff has provided a list of conditions in the staff report. This case has been pre-advertised for the June 12, 2001 Board of Supervisors Meeting.

Description of Project

Ms. Hogan has applied for a special use permit to operate a child day care center out of her home in the Kristiansand Subdivision. The applicant proposes renovating portions of the first floor of her house to accommodate up to 10 children for a day care program. Ms. Hogan currently operates a day care center with up to 5 children on the property, as permitted by JCC as a home occupation. The proposed child day care center with greater than five children requires both state licensing and a special use permit. The state requires an additional employee for day care centers with more than eight children.

Surrounding Zoning and Development

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

Topography & Physical Considerations

The .33 is relatively flat and surrounded by a fence. The site allows little room for play and recreation areas.

Public Utilities

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

Traffic Impacts& Access

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

Comprehensive Plan

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

RECOMMENDATION:

While staff recognizes the community need for this type of child care service, staff finds the proposal inconsistent with the surrounding zoning and development and inconsistent with the Comprehensive Plan. Specifically, the amount of traffic and noise generated by a day care center business with ten children conflicts with the single-family residential character of the neighborhood. Staff recommends the Planning Commission recommend denial of this proposal. If the Planning Commission chooses to recommend approval, staff recommends the following conditions:

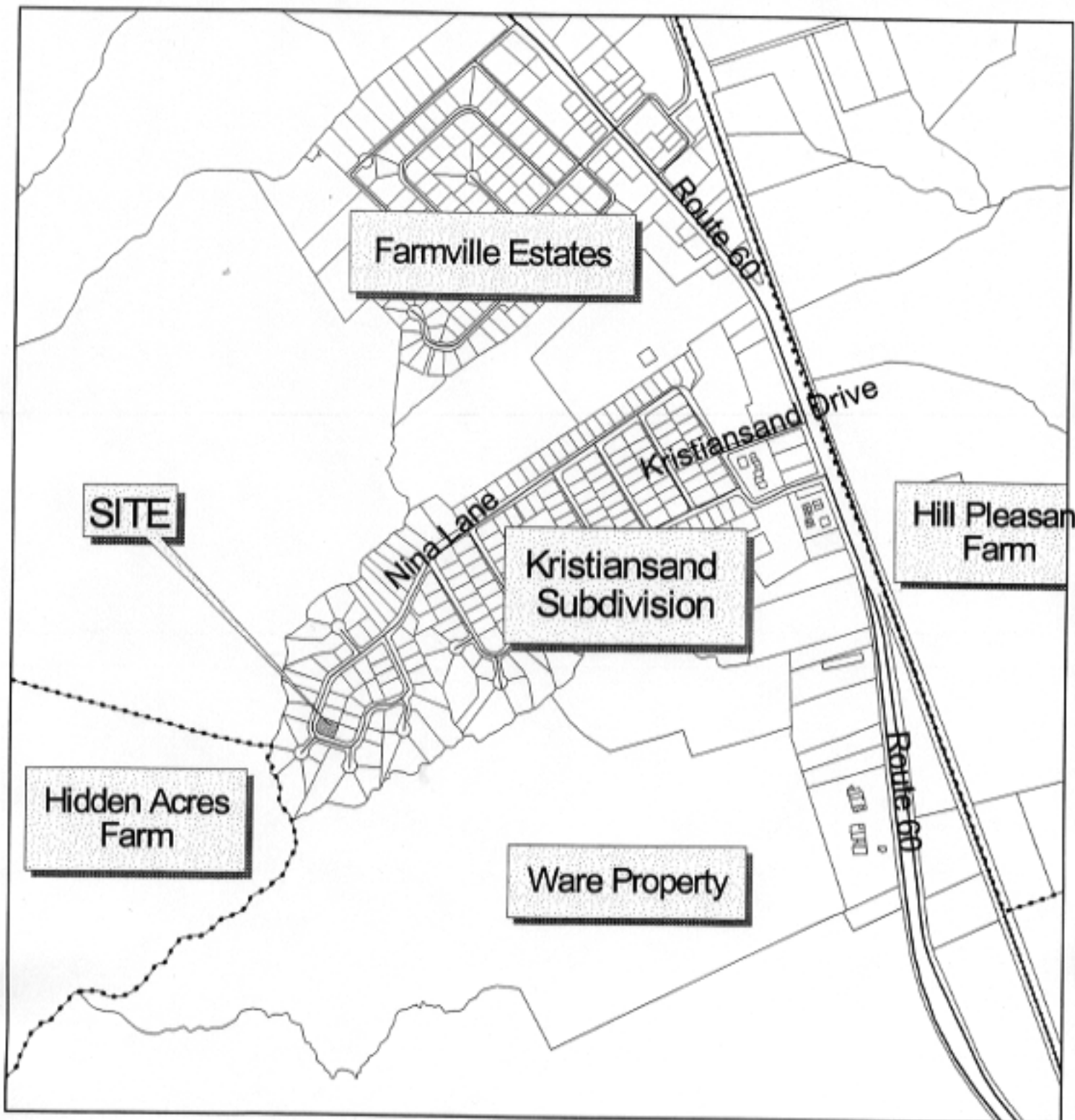
1. If a certificate of occupancy has not been obtained for the project within thirty-six (36) months from the issuance of the special use permit, the permit shall become void.
2. No more than 10 children shall be permitted at the day care center.
3. The applicant shall receive full approval from the Health Department for septic tank and drain field capacity prior to final site plan approval.
4. The owner/operator of the child day care center shall reside on the property.
5. All play areas shall be screened with fencing or shrubbery.
6. Free-standing signage shall be limited to one four square foot monument sign to be approved by the Planning Director.
7. Hours of operation shall be limited from 7:00 a.m. to 5:30 p.m. Monday to Friday.
8. A site plan shall be required.
9. Recessed lighting shall be placed upon the home to adequately light parking and play ground areas prior to issuance of a certificate of occupancy.

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

Benjamin A. Thompson

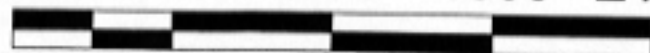
Attachment:

1. Location Map
2. Letter and Petition From Applicant



Special Use Permit 08-01 Hogan Day Care

800 0 800 1600 2400 Feet



HOGAN HOMESTEAD CHILDRENS NURSERY

Williamsburg, Virginia

I support the establishment of the Hogan Homestead Children's Nursery at 233 Nina Lane, Williamsburg, Virginia.

Name (Print)	Signature	Date
(1) Lee Debbie Whitby	Debbie Whitby	5/6/01
(2) Joanna Wensell	Joanna Wensell	5/6/01
(3) William W. Puckney	William W. Puckney	5/6/01
(4) William W. Puckney	William W. Puckney	5/6/01
(5) Martin D. Smith	Martin D. Smith	5/6/01
(6) Jennifer Slate	Jennifer Slate	5/7/01
(7) Natalie Lee	Natalie Lee	5-7-01
(8) Jennifer Descheres	Jennifer Descheres	5-7-01
(9) Susan Catlett	Susan Catlett	5/8/01
(10) Wilson Lyons	Wilson Lyons	5/6/01
(11) Mary Warrington	Mary Warrington	5/6/01
(12) Angela Campbell	Angela Campbell	5/7/01
(13)		
(14)		
(15)		
(16)		
(17)		
(18)		
(19)		
(20)		

GOALS OF THE HOGAN HOMESTEAD

- Providing a safe, learning, nurturing pre-school environment to the children of Williamsburg and the surrounding areas.**
- Acquiring a Special Use Permit from James City County in order to increase enrollment of the Hogan Homestead to the state limit of 10 children per day.**
- Planning a timely move of the Hogan Homestead out of 233 Nina Lane with the expectation of becoming a recognizable pre-school option in James City County. Allowance by the county and the state will enable the Nursery to increase its capacity and financial strength in order to make this move.**
- Hiring additional staff commensurate with the Hogan Homestead practice of (1) one teacher per (5) five students. This far exceeds the state ratio requirement.**
- Maintaining our 8:30 am – 1:30 pm hours of operation, which are outside regular county bus routes in the neighborhood.**



Special Use Permit 10-01. Miss Vickie's Clubhouse Child Day Care Center

Staff Report for June 4, 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: June 4, 2001 - 7:00 p.m. Building C Board Room
Board of Supervisors: June 26, 2001 - 7:00 p.m. Building C Board Room

SUMMARY FACTS

Applicant: Ms. Vickie Skutans

Land Owner: same

Proposed Use: Child day care center

Location: 108 Leon Drive; Berkeley District

Tax Map/Parcel: (47-2)(2-3-7)

Primary Service Area: Inside

Parcel Size: .75 acre

Zoning: R-1, Limited Residential

Comprehensive Plan: Low Density Residential

Surrounding Zoning: North, East, South, West: R-1 property (Indigo Park subdivision)

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

STAFF RECOMMENDATION

While staff recognizes the community need for this type of child care service, staff finds the proposal to be inconsistent with the surrounding zoning and development and inconsistent with the Comprehensive Plan. Specifically, the amount of traffic and noise generated by a day care center business with twelve children under the age of 5 conflicts with the single-family residential character of the neighborhood. Please note that the applicant has requested this case be scheduled for the June 26, 2001 Board of Supervisors meeting to allow sufficient time for construction and renovation in order to be in operation by late August. Staff recommends the Planning Commission recommend denial of this proposal. If the Planning Commission chooses to recommend approval, staff recommends the conditions listed in the staff report.

Description of Project

Ms. Vickie Skutans has applied for a special use permit to operate a child day care center out of her home located at 108 Leon Drive in the Indigo Park subdivision. The applicant proposes to renovate her existing two-car garage into space for a day care center for up to 12 children between the ages of 15 months and 5 years. The applicant's mother-in-law will provide assistance in running the day care. No other employees will be part of the business. A child day care center with up to five children is permitted as a home occupation. Greater than five children requires state licensing and a special use permit.

Surrounding Zoning and Development

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

Topography and Physical Characteristics

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

Utilities

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

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

Access

The property is located on a corner lot on Leon Drive in the interior of Indigo Park. The property contains an 80-foot driveway which could accommodate up to 8 vehicles. The applicant has stated that the property owner of a vacant lot across the street has granted permission for overflow vehicles to park on the property if necessary.

The Virginia Department of Transportation (VDOT) reviewed the proposal and has concerns with

the on-site parking and vehicle circulation on Leon Drive as customers drop off children. Staff shares these concerns considering the site is located within a neighborhood and not on a street designed to handle more traffic than typically generated in a single-family residential neighborhood.

Comprehensive Plan

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

RECOMMENDATION:

While staff recognizes the community need for this type of child care service, staff finds the proposal to be inconsistent with the surrounding zoning and development and inconsistent with the Comprehensive Plan. Specifically, the amount of traffic and noise generated by a day care center business with twelve children under the age of 5 conflicts with the single-family residential character of the neighborhood. Please note that the applicant has requested this case be scheduled for the June 26, 2001 Board of Supervisors meeting to allow sufficient time for construction and renovation in order to be in operation by late August. Staff recommends the Planning Commission recommend denial of this proposal. If the Planning Commission chooses to recommend approval, staff recommends the following conditions:

1. If a certificate of occupancy has not been obtained for the project within thirty six (36) months from the issuance of the special use permit, the permit shall become void.
2. No more than 12 children shall be permitted at the day care center.
3. The applicant shall submit a written agreement outlining the requirements for water meter upgrades to the James City Service Authority (JCSA) and shall receive approval from JCSA prior to issuance of a certificate of occupancy.
4. The owner/operator of the child day care center shall reside on the property.
5. All play areas shall be screened with fencing.
6. Free-standing signage shall be limited to one four-square foot monument sign to be

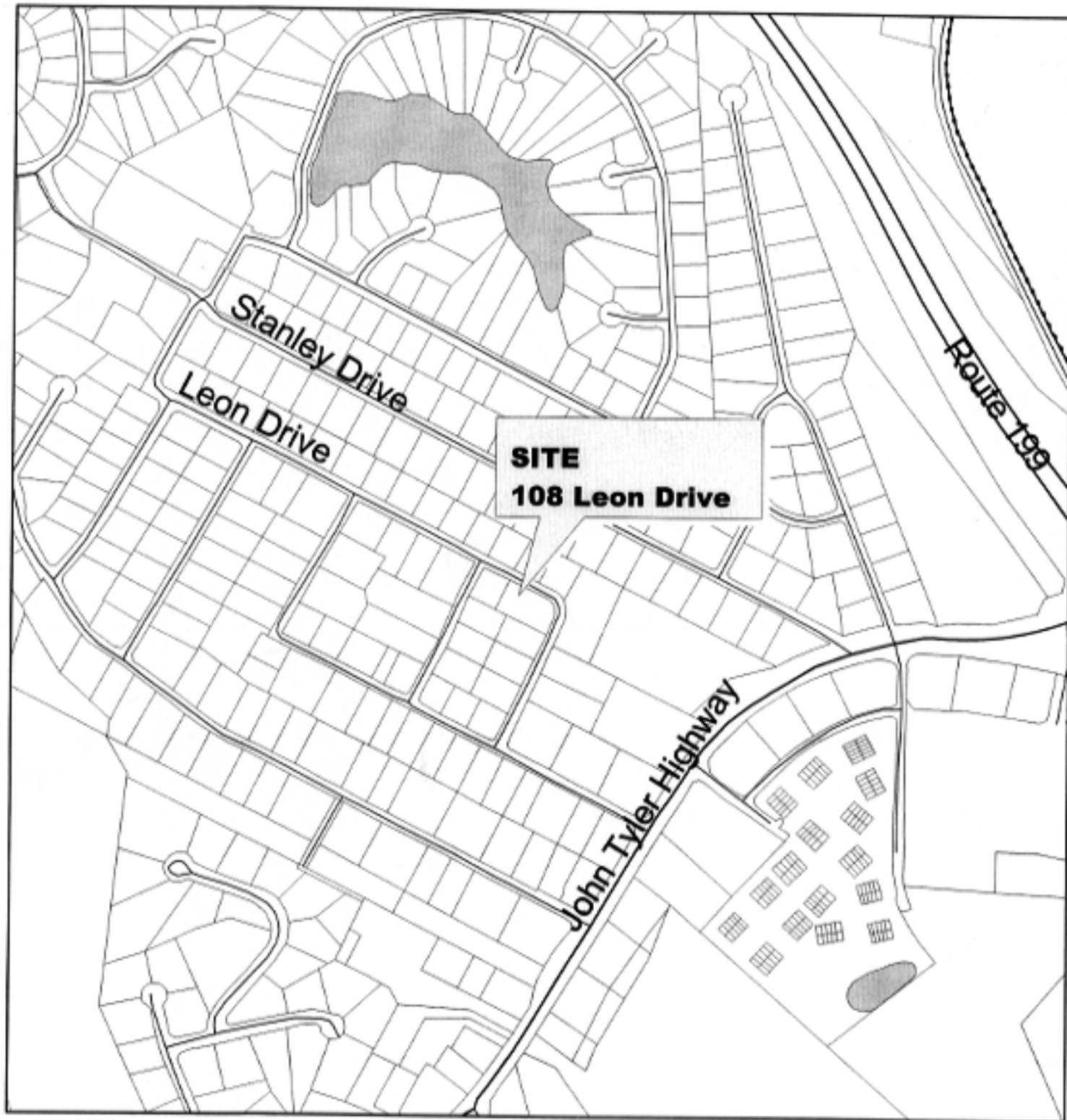
approved by the Planning Director.

7. Hours of operation shall be limited from 7:00 a.m. to 5:30 p.m. Monday to Friday.
8. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Jill E. Schmidle
Senior Planner

Attachments:

1. Location Map
2. Project Layout
3. Letters/Petition of Support (6)

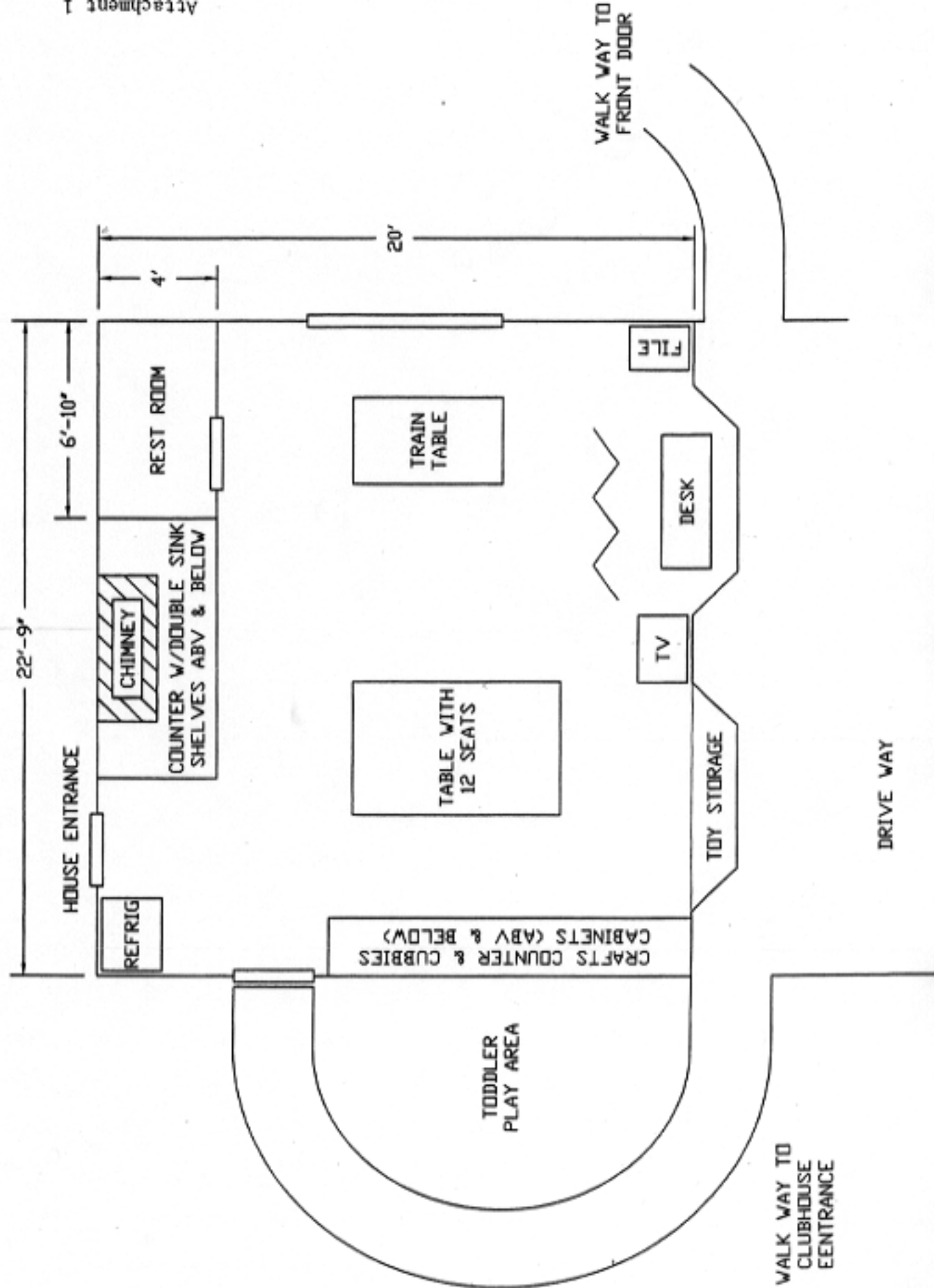


Case No. SUP-10-01
Miss Vickie's Day Care

500 0 500 1000 Feet



MISS VICKIE'S CLUBHOUSE



To: James City County Planning Committee
James City County Board of Supervisors

From: Vickie Skutans

Subject: Request for Special Usage Permit
Home-Based Day Care

Date: April 23, 2001

Please carefully consider my request for a home-based day care. My plan is to renovate my garage into a complete day care facility. My experience with children is mostly church related and includes:

8 years Nursery, including Chairman (2 years)
2 years Children's Committee
3 years Mission Friends
(I have a 5 year old and a 19 month old of my own, which is experience enough)

I live on .67 acres of totally fenced in yard completely surrounded by cedar trees. My driveway is 80 feet long. I believe my site to be a perfect place for children to run and play in a safe environment and that my driveway is large enough to facilitate the cars coming through during a two hour time span in the morning and a two hour time span in the evening. As you will see I have some neighborhood interest in my facility, which will cut down on the traffic.

I know some of you may feel that you do not wish to set a precedence of turning residential communities into places of business, but folks they are already here in Indigo Park . We have 4 home-based businesses in Indigo Park right now. I am sure this is why we apply for special permits so each case can be voted on individually. To me, there is nothing more natural than children in a home. Selling products from your home, offering services that would require signage or in and out traffic would be a different story. I feel very strongly about the need for quality Christian day care in the area. I have lived in and out of my home for 33 years and I would never consider doing anything to disrespect my neighbors or create a business like atmosphere. If I am granted permission to run a ministry from my home it will not resemble a business.

Attached you will find letters of recommendation and signatures of approval from neighbors who would welcome a Christian Day Care in our Community.

Thank you most kindly for your consideration in regards to this matter.

MISS VICKIE'S CLUBHOUSE

Owner/Operator: Vickie Skutans

Manager: Fran Skutans

108 Leon Drive

Williamsburg, Virginia 23188

Hours of operation: 7:00am-5:30pm
Number of children: 12
Ages of children: 15 months-5 years

Mission Statement: To provide a safe and nurturing environment for the children of working parents'. To supply children with a loving, Christian atmosphere where they will receive lots of attention, developmental instruction , a place to pray, and a place to just play and have fun!

Agenda

7:00am-9:00am	Free Play/Craft Time	Clubhouse
10:00am-11:00am	Circle Time/Books	Clubhouse
11:00am-12:00pm	Educational Project	Clubhouse
12:00pm-12:45pm	Lunchtime	Clubhouse
12:45pm-2:00pm	Quiet Time	Clubhouse
2:00pm-3:00pm	Outside Play	Play Yard
	(Games inside if weather not permitting)	
3:00pm-3:30pm	Study our bible verse for the	Clubhouse
	month, Christian music	
3:30pm-5:30pm	Movies, Free Play	Clubhouse

April 20, 2001

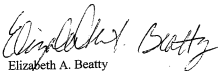
To Whom It May Concern:

As an Indigo Park neighbor, I support Vickie Skutans' efforts in starting a Christian Day Care Program in her home. I have known Vickie for a year and I find her to be a very responsible and courteous neighbor. I feel that her home, to include her fenced-in acre lot, would be a wonderful environment for children to play and learn. I welcome the idea of a respectable, well-run day care program in our neighborhood and I plan to use it for my own children.

As a dual working couple with three young children, my husband and I have decided that a loving, home-care environment is best for our family. We currently have to transport our youngest child several miles away from the neighborhood (in the opposite direction of my workplace) for such care. Having good care in my neighborhood would allow my children to ride the same bus home from school and to play with their neighborhood friends. This child care situation would also be much more convenient for me in regards to transportation.

I am confident that Vickie will provide a much needed service to our community and that she will do so in a responsible, up-standing manner. I recommend that Vickie's request to run a Christian Day Care Program in her home be favorably considered by your board.

Sincerely,



Elizabeth A. Beatty
144 Cooley Road
Williamsburg, VA 23188

To Whom It May Concern

We are not apposed to Mrs. Vickie Skutars establishing a Christian Day Care Center at her home in our neighborhood, Indigo Park, James City County.

Vickie and her husband, Chris, are compassionate, caring, and loving parents and neighbors. They are considerate of the feelings of others and are happy and willing to be of help to others.

Vickie has lived next door to us for about 13 years and our hope is that Chris and Vickie will always be our next door neighbors. They are well thought of and liked by all the neighbors.

Child day care in a loving and pleasant Christian atmosphere would be beneficial both to parents and child; and we believe this is the atmosphere Vickie will have for these children in her care.

I Thank you.

Jimmy and Lettie Farris
109 Auden Drive
Williamsburg, Va.
(James City County)

April 22, 2001

April 23, 2001

James City County
Planning Commission

Dear Sir or Madam:

I am pleased to write to you on behalf of Vickie Skutans who is seeking approval to open a home-based child care business at her residence at 108 Leon Drive. As her neighbor for the past year and a half, I have gotten to know Vickie as a responsible and loving mother who genuinely cares for others and wants to make a positive impact on the community. I wholeheartedly support her endeavor to open a home day care and do not believe that it will in any way compromise the quality of our neighborhood. There are several families with small children on our street, and the addition of several more children at play in the Skutans yard will enhance rather than disturb the neighborhood.

I hope that the honest endorsement of her neighbors will encourage the Planning Commission and Board of Supervisors to approve her application. Thank you for your consideration of this letter in making your decision on this matter.

Melissa J Conner
103 Leon Drive
Williamsburg, VA 23188

April 21, 2001

TO WHOM IT MAY CONCERN:

RE: Vickie A. Skutans
108 Leon Drive
Williamsburg, Va. 23188

This is to certify that we have known Vickie for thirty-three years. She has always been pleasant, conscientious and a hard worker. She is an excellent mother to her two children. Vickie is always very considerate of all the neighbors and well liked. We are happy to live across the street from this wonderful family.

We donot object to her having a Day Care in her home.

Pauline C. Iversen

Pauline C. Iversen

Leonard R. Iversen, Sr.

Leonard R. Iversen, Sr.
111 Leon Drive
Williamsburg, Va. 23188

April 21, 2001

To: James City County Board

My husband and I live next door to Mr. & Mrs Skutan/
They have a very lovely and well kept home and are very good
friends and neighbors to us.

They are very loving and caring parents to their children
and would be the same to any child placed in their care.

We have known Mrs. Skutan (Vicki) since she was born, and
have enjoyed watching her and Chris grow into a very happy
family and a very responsible couple.

If I had the need, I would choose them.

Lynn Glaser
Jack Glaser

Lynn & Jack Glaser

106 Leon Dr.

Miss Vickie's Clubhouse

Most of you know me, Vickie Skutans. If you don't I live at 108 Leon Drive and I am requesting a special usage permit from James City County to run a home-based day care. If you have no objections to my project, (12 children from 7:30-5:30pm Mon.-Fri.) please support me in my effort to provide quality Christian care in my home by signing below:

THANK YOU!!!!!!

Helen Vandermark, 113 Leon Drive
 Jill Herman Whitten, 106 Vaiden Dr.
 Doug Saul 105 VAIDEN DR.
 Shirley Raynes 104 Vaiden Dr
 Alice Stepp 103 Vaiden Dr
 Arzie Thompson 121 Duer Dr.
 Ziegler Thompson " "
 Amanda Surver " "
 Licky Miller " "
 Susan Fitzsimonds 116 Duer Drive
 Elaine Theobald 114 Duer Dr.
 Patric A. Page 112 DUER DRIVE
 F. Raines 104 Leon Dr.
 M. R. 107 VAIDEN DR.
 Marlene White 102 Leon Dr.
 Eugene White 102 Leon Dr.
 Kent Maxson 110 DUER DR.
 Patti Maxson 110 Duer Dr.
 Sue Smiley 108 Duer Dr.
 Mr. and Mrs. Kenneth Green 106 Duer Dr.

Kay Hedley

James D. Griffin

Alan M. Bailey

Susan/Dave Anthony

101 Duer Dr. Williamsburg, Va

100 Duer Drive, Williamsburg, Va.

117 Leon Drive, Williamsburg Va.

119 Leon Dr. Williamsburg, VA.

Special Use Permit 9-01

Mount Gilead Baptist Church - Day Care and Academy

Staff Report for the June 4, 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: June 4, 2001 7:00 p.m.
Board of Supervisors: June 26, 2001 (Tentative) 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Abram E. Frink

Land Owner: Mount Gilead Baptist Church

Proposed Use: A day care and an Academy inside the existing church

Location: 8660 Pocahontas Trail

Tax Map/Parcel: (52-3)(2-34)

Parcel Size: 3.327± acres

Primary Service Area: Inside

Existing Zoning: R-2, General Residential

Comprehensive Plan: Low Density Residential

Surrounding Zoning: The parcel is completely surrounded by other R-2 zoned land

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

STAFF RECOMMENDATION

With the proposed SUP conditions, staff finds the proposal compatible with surrounding uses and zoning and consistent with the Comprehensive Plan recommendations. Therefore, staff recommends approval of the application.

Description of the Project

On behalf of the Mount Gilead Baptist Church, Mr. Abram Frink has applied for a special use permit to allow for the operation of a day care and an Academy inside an existing church located at 8660 Pocahontas Trail. The property is currently zoned R-2, General Residential and is located in Grove, at the corner of Pocahontas Trail and Church Street. Both day care centers and schools are specially permitted uses on R-2 zoned property.

According to the applicant, five rooms in the church will be set aside for the day care and Academy. These five rooms total 2,132 square feet and could support up to 104 children, according to State Building Code limitations. The applicant expects the day care to operate 5 days a week, Monday through Friday, 6:00 a.m. to 6:00 p.m. with about 50 children. No new exterior changes or signs are proposed at this time. Student enrollment will determine staffing loads. The rear entrance of the church will serve as the designated drop off/pick up point. The rear of the church connects with both sides of the church where parking is available. The site currently has two access points to Church Street. With 86 parking spaces and 15 handicapped parking spaces, staff believes that parking lot is large enough to support the operation. Even if church functions were to occur at the times of the day care and school, parking needs by the day care and school would be limited to a few staff members only.

The Academy will be a private Christian School owned and operated by the Mount Gilead Baptist Church. Initially, the academy would consist of pre-K (3,4 and 5 year olds), and Kindergarten. Depending on enrollment, first, second and third grades may be added. Currently, the applicant expects the Academy to operate with 10 to 20 students. As with the day care, student enrollment would determine staffing levels. The academy would operate 5 days a week, Monday through Friday, 8:30 a.m. to 3:00 p.m. Students would be picked up by the church in a van, if desired.

The church has already met with the Code Compliance Division. All required improvements and needed changes to the church have been made to accommodate a day care and school use.

Traffic

For day care centers, the Institute of Transportation Engineers, *Traffic Generation* manual anticipates 0.83 average trips per student in the A.M. peak hour and 0.80 average trips per student in the P.M. peak hour. For the expected 50 children, this results in an additional 41.50 peak hour trips in the A.M. and an additional 40.00 peak hour trips in the P.M.

For a private school, an average 0.93 trips per student in the A.M. peak hour is anticipated and an average 0.61 P.M. peak hour trips per student is expected in the P.M. For the 20 students, this results in an additional 18.60 peak hour trips in the A.M. and an additional 12.20 peak hour trips in the P.M.

Combining the two uses, and allowing for the maximum number of children possible, an additional 88 trips are expected in the A.M. peak hour and an additional 70.5 trips are expected in the P.M. peak hour. As of the 2000 traffic counts, this portion of Route 60 currently handles 12,055 vehicles per day north of this site and 12,833 vehicles per day south of this site. The Route 60/Church Street intersection was recently upgraded with the addition of a left hand turn lane. This turn lane increases both turning and through movement functions. Given existing traffic levels, the low

amount of additional traffic, and the presence of the turn lane, staff believes that the additional traffic will not negatively affect Pocahontas Trail.

Surrounding Zoning and Development

The property is surrounded by other R-2 zoned property and single family detached dwellings. As stated above, no new exterior construction is proposed for the operation of the day care and academy inside the church. The proposed drop off/pick up point is located at an existing entrance at the rear of the church, adjacent to the church's graveyard, so children coming and going should not impact any adjoining property owners. There are three homes along Church Street between the rear of the church and Route 60. With the proposed SUP conditions, staff believes the proposed operations inside the church are compatible with surrounding uses and zoning.

Comprehensive Plan

The 1997 Comprehensive Plan Land Use Map designates this property as Low Density Residential. Low Density areas are residential developments or land suitable for such developments with overall densities up to one dwelling unit per acre depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of dwellings in the proposed development, and the degree to which the development is consistent with the Comprehensive Plan.

Examples of acceptable land uses within this designation include single-family homes, duplexes, cluster housing, recreation areas, school, churches, community-oriented public facilities, and very limited commercial establishments. Nonresidential uses should not alter, but rather, complement the residential character of the low-density residential area in which they are located. Very limited commercial establishments, schools, churches, and community-oriented facilities should generally be located on collector roads at intersections where adequate buffering and screening can be provided to protect nearby residential uses and the character of the surrounding area.

As noted above, the existing church is located on a primary road at an intersection with adequate road improvements. With the proposed SUP conditions, staff believes the application is consistent with the Comprehensive Plan recommendations.

Recommendation

With the proposed SUP conditions, staff finds the proposal compatible with surrounding uses and zoning and consistent with the Comprehensive Plan recommendations. Therefore, staff recommends approval of the application.

Paul D. Holt, III

attachments:

1. Location map

2. Proposed conditions of approval

SUP-9-01. Mount Gilead Baptist Church
Day Care and Academy

Proposed SUP Conditions

1. This Special Use Permit shall be valid only for the operation of a daycare and a school within the existing church, limited to the stated hours of operation, 6:00 am - 6:00 pm, Monday through Friday, and limited to an enrollment capacity of 100 children maximum.
2. A certificate of occupancy for the day care and school use shall be obtained within two years of SUP approval, or the SUP shall be void.
3. The drop/off and pick/up area for the day care and school shall be limited to the existing entrance located at the rear (east side) of the church.
4. Any new exterior signage advertising the day care and/or school shall be combined with the existing signage for the church and shall be in accordance with Article II, Division 3 of the James City County Zoning Ordinance but any such new sign shall be no larger than the existing church sign.
5. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.



**SUP-9-01. Mount Gilead Baptist Church
Proposed Day Care and Academy**

500 0 500 1000 1500 2000 Feet



SUP-9-01. Mount Gilead Baptist Church
Day Care and Academy

Proposed SUP Conditions

1. This Special Use Permit shall be valid only for the operation of a daycare and a school within the existing church, limited to the stated hours of operation, 6:00 am - 6:00 pm, Monday through Friday, and limited to an enrollment capacity of 100 children maximum.
2. A certificate of occupancy for the day care and school use shall be obtained within two years of SUP approval, or the SUP shall be void.
3. The drop/off and pick/up area for the day care and school shall be limited to the existing entrance located at the rear (east side) of the church.
4. Any new exterior signage advertising the day care and/or school shall be combined with the existing signage for the church and shall be in accordance with Article II, Division 3 of the James City County Zoning Ordinance but any such new sign shall be no larger than the existing church sign.
5. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

Rezoning 6-00 and Special Use Permit 28-00

Loulynn Acres - Chesapeake Bank

Staff Report for the June 4, 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: March 5, 2001, Applicant deferred. April 2, 2001, Commission deferred
May 7, 2001, Applicant deferred. June 4, 2001, 7:00 p.m.

Board of Supervisors: July 10, 2001 (Tentative) 7:00 p.m.

SUMMARY FACTS

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

Proposed Use: Previously, the applicant requested a rezoning of the entire parcel and a special use permit to allow for a bank and other unspecified B-1 permitted uses. The applicant has now amended the applications. The request now is to rezone a portion of the parcel (approximately 1.9 acres) and the future uses have been removed - the application is now for the bank only.

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. The portion to be rezoned is approximately 1.9 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 consistent with the Comprehensive Plan recommendations.

Therefore, staff recommends denial of the applications.

Description of the Project

Since the last Commission meeting, the applicant has revised his request and the Master Plan. Now proposed is a partial rezoning of the property and a bank only. The previously requested future uses and Master Planning for the entire parcel have been removed from the application. Future commercial development on the parcel would require separate rezonings and special use permits. The revised Master Plan is enclosed and the applicant's letter is attached.

The bank, which includes a drive thru, would be one story tall and approximately 3,200 square feet in size. Stormwater management would no longer be handled on a master plan basis - it would be handled on site and only to meet the banks needs.

The owner is continuing to proffer:

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

Based on traffic generation by the bank alone, a commercial special use permit is still requested by the applicant.

Following discussions by the Commission at the last meeting, staff re-notified adjacent property owners of the public hearings. Burnham Woods does not have an organized homeowners association.

Surrounding Zoning and Development

North of this site is vacant land zoned A-1, General Agricultural, as mentioned in the previous staff report. 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).

With the proposed SUP conditions and with the proffered mitigating impacts, staff believes the bank would be compatible with adjoining uses and zoning. However, a larger question arises concerning the development of the remainder of the parcel (approximately 8 acres). Although future uses may require a rezoning and special use permit, the bank site, if approved, would exist primarily as an independent entity. By not master planning the entire site, inclusive of the bank, opportunities may be lost (such as shared stormwater management facilities and shared parking) to assure that impacts of future development will be mitigated to the greatest extent possible and would be designed best to meet Comprehensive Plan recommendations. As noted previously, staff believes a development more supported by the Comprehensive Plan (see discussion below) would be more compatible with adjacent development and zoning and provide for a more

compatible transitional use. Staff believes that lot by lot development (i.e., piece-meal) is not best suited in the long run.

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. Staff finds that the developers revised proposal is not consistent with the Comprehensive Plan language because:

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

Recommendation

Staff does not find the proposal consistent with the Comprehensive Plan recommendations. Therefore, staff recommends denial of the applications.

Paul D. Holt, III

Attachments:

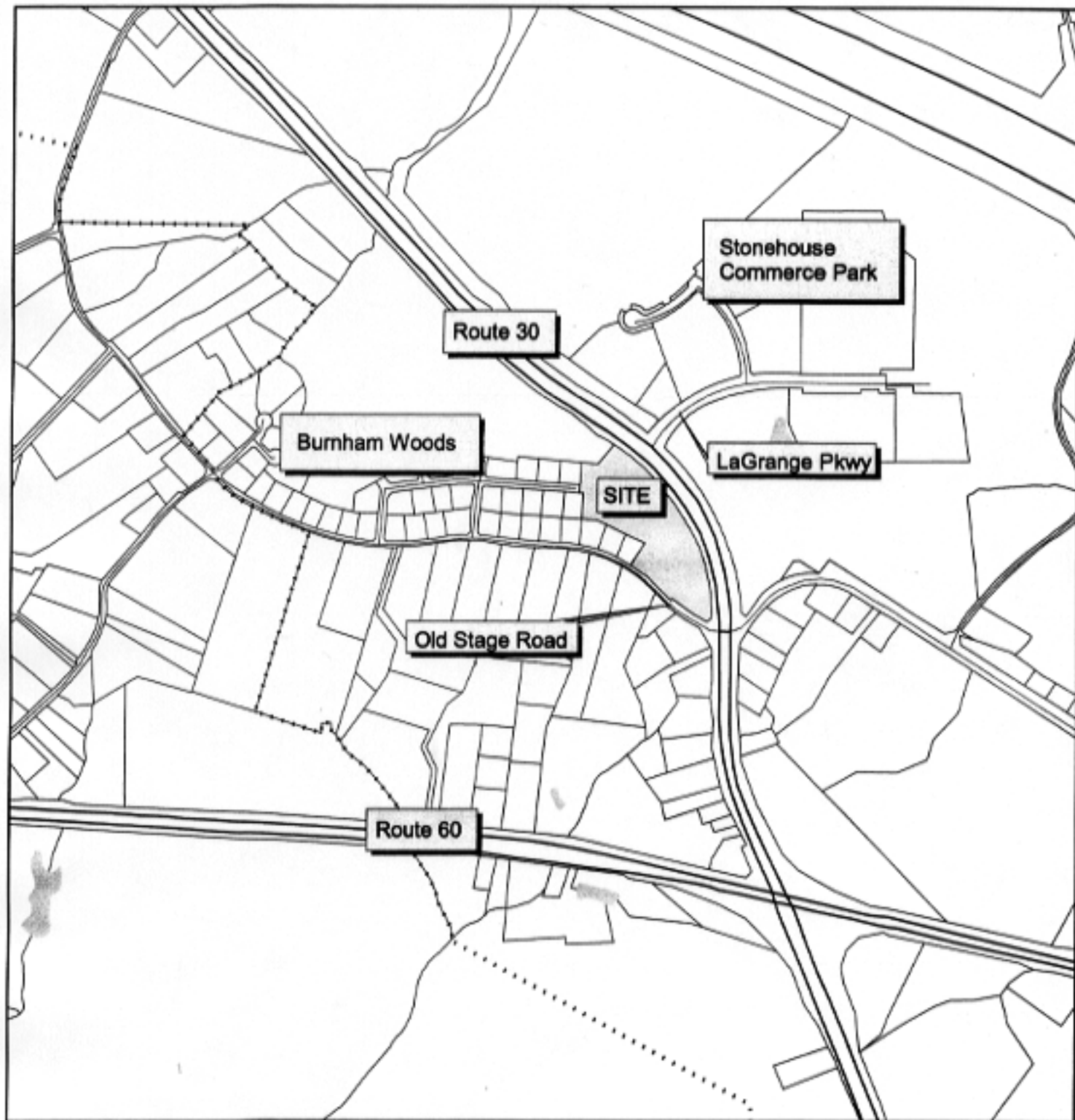
1. Location map
2. Letter from Mr. Vernon Geddy, III to Mr. Paul Holt, dated May 21, 2001
3. Petition signed from nearby property owners sent to Mr. Jim Kennedy and dated December 6,

- 2000
4. Revised Proffers
 5. Revised proposed SUP conditions
 6. 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. A pedestrian connection, consisting of an all weather surface at least eight feet in width shall be provided from the bank parcel to Highfield Drive. This pedestrian connection shall be shown on any site plan for development on Parcel 1 and its design and location subject to the review and approval of the Planning Director.
3. Start of Construction, as defined in the Zoning Ordinance, shall have commenced on this project within 24 months of approval or this special use permit shall be void.
4. All exterior lights on the property shall be recessed fixtures with no bulb, lens or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side.
5. The building architecture shall be compatible with adjoining residential residences, as determined and approved by the Director of Planning.
6. This special use permit is not severable. Invalidity 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



GEDDY, HARRIS, FRANCK & HICKMAN, L.L.P.

ATTORNEYS AT LAW
516 SOUTH HENRY STREET
POST OFFICE BOX 379
WILLIAMSBURG, VIRGINIA 23187-0379
TELEPHONE: (757) 220-6500
FAX: (757) 229-5342

VERNON M. GEDDY, JR.
STEPHEN D. HARRIS
SHELDON M. FRANCK
VERNON M. GEDDY, III
SUSANNA B. HICKMAN

e-mail: vgeddy@widomaker.com

May 21, 2001

Mr. Paul Holt
James City County Planning Department
101-E Mounts Bay Road
Williamsburg, Virginia 23185

Re: Rezoning and Special Use Permit
8909 Barhamsville Road

Dear Paul:

On behalf of Chesapeake Bank, I am writing regarding the referenced rezoning and SUP applications. As you know the Bank had applied to rezone and master plan the entire parcel now owned by Loulynn Acres Associates and for a special use permit based on traffic generation. The Bank had attempted to address all the many concerns raised by various interested parties, such as the neighbors, Planning Staff and Planning Commission, in the master plan and proffers. In many cases the desires of neighbors conflicted directly with desires of Staff. There was some discomfort expressed by Planning Commissioners and others with not knowing the identity of potential users of the other lots on the property. Throughout the process everyone involved has indicated they had no objection to the Bank use.

The Bank has decided at this time to seek to rezone only the Bank site of approximately 1.9 acres. The Bank site will still trigger the SUP requirement based on traffic generation. Any business use of the balance of the property will require a future rezoning. You will see under the new plan, the basic layout of the Bank site remains unchanged. The Bank will meet its stormwater management requirement on-site.

The proffers have been revised to apply only to the bank site. The Bank is continuing to proffer (i) the installation of landscaped berms on the back portion of its site, (ii) the construction of necessary turn lanes at the single entrance onto Route 30, (iii) to provide access from its entrance to the balance of the property to serve any future development, (iv) the standard archaeology proffer for its site, (v) the installation of enhanced landscaping in the Route 30 landscape setback, and (vi) limitations on exterior lighting.

Attachment 2



Please let me know if you need any further information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Vernon".

Vernon M. Geddy III

VMG:s

cc: Mr. Ray Hargett
Mr. Marshall Warner
Mr. Robert J. Singley
Mr. Richard A. Costello

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:

David A. Jensen
Anthony Mayer
Dennis Mayer
Barbara Jacobson
George Jacobson
Kevin Welch
Grona Welch
Jens Welch
Kathy Saly
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.

Karen L. O'Brien 118 Old Stage Rd
 John L. Riley 209 HIGHFIELD DR.
 Rose M. Beckmann 207 Highfield Dr.
 Marlene Hornshell 204 Highfield Dr.
 Nancy Cook 203 Highfield Dr.
 Margaret Bob Eddard + Keith Jordan 206 Highfield Dr.
 Deborah Jones 107 Highfield Dr.
 Jimmy Jones 126 Old Stage Rd.
 Karen L. Smith 126 Old Stage Rd.
 Bruce Harker 112 OLD STAGE RD
 Daniel 114 old Stage Rd
 Barry J. Weber 109 old Stage Rd.
 Jenni Weber 109 Old Stage Rd
 Christine Patterson 109 OLD 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

PROFFERS

THESE PROFFERS are made this 25th day of May, 2001 by LOULYNN ACRES ASSOCIATES (together with its successors and assigns, the "Owner").

RECITALS

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

B. Owner has applied to rezone a portion of the parcel (the "Property") described on Exhibit A hereto attached 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 May 14, 2001 (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. Buffers. Prior to the issuance of a temporary certificate of occupancy, 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 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 as determined by the Director of Planning. 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.

2. Entrance. There shall be only one entrance into the Property from Route 30 and it shall be located generally as shown on the Master Plan. Owner shall provide an easement for

vehicular traffic to and from the entrance into the Property to and from the balance of Tax Parcel (12-1) (3-A) as it exist on the date of approval of the rezoning. There shall not be any vehicular connection to Highfield Drive.

3. **Turn Lanes.** Concurrently with the construction of the entrance into the Property directly across from La Grange Parkway and prior to the issuance of a certificate of occupancy for the building on the Property, 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. 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.

4. **Archaeology.** (a) Prior to any land disturbing activities on the Property, Owner shall submit a Phase I archaeological study of the Property in accordance with the Board of Supervisors adopted Archaeological Policy in effect at the time of approval of the rezoning to the Director of Planning for review and approval.

5. **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 the site plan for development of the Property 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.

6. Lighting. Street light poles within 100 feet of the boundary of the Property along Route 30 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 back of the building 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 off the Property onto adjacent properties.

WITNESS the following signature.

LOULYNN ACRES ASSOCIATES

By: 
General Partner

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

The foregoing instrument was acknowledged this 25th
day of May, 2001, by Charles Crowder As General
Partner of Loulynn Acres Associates, a Virginia general
partnership.

M. Allen Bush

NOTARY PUBLIC

My commission expires: Nov. 30, 2001.



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

May 18, 2001

**PROPERTY DESCRIPTION OF
1.903 ACRES
BEING A PORTION OF THE PROPERTY
OWNED BY LOULYNN ACRES ASSOCIATES**

All of that certain parcel of land situated on Highfield Drive of Burnham Woods Subdivision – Section “3” and located within James City County, Virginia containing 1.903 acres more or less and more fully described as: Commencing at a point on the northern right of way of Highfield Drive, being a corner to Lot 44 of Burnham Woods Subdivision – Section “3” and being 27.29’ more or less from the eastern right of way of Overton Trail; thence S86°48’30”E, 567.70’ to a point, being the point of beginning for this parcel and the southeast corner of Lot 41 of Burnham Woods Subdivision Section “3”; thence leaving the right of way of Highfield Drive and along Lot 41 N03°11’30”E, 150.00’ to a point, being a corner to this parcel, Lot 41 and a parcel of land now or formerly standing in the name of Delmarva Properties, Inc.; thence leaving Lot 41 and along the line of Delmarva Properties Inc. S86°48’30”E, 100.79’ to a point; thence N38°48’30”E, 162.85’ to a point on the southerly right of way of Barhamsville Road (Rt. 168 and Rt. 30); thence leaving Delmarva Properties, Inc. and along the right of way of Barhamsville Road on a curve to the right having a radius of 1382.40’, a length of 268.96’ and a chord of S52°53’32”E, 268.54’ to a point, being a corner to this parcel and the remaining lands of Loulynn Acres Associates; thence leaving the right of way of Barhamsville Road along the line of Loulynn Acres Associates S42°40’54”W, 292.90’ to a point; thence N48°05’22”W, 109.51’ to a point on the right of way of a proposed cul-de-sac; thence along a curve to the left having a radius of 50.00’, a length of 114.68’ and a chord of N62°30’47”W, 91.14’ to a point; thence along a curve to the right having a radius of 50.00’, a length of 36.14’ and a chord of S72°29’13”W, 35.36’ to a point; thence N86°48’30”W, 30.62’ to the said point of beginning, said parcel being a portion of the property known as the “La Grange” Tract as shown in Plat Book 45, Page 28 and is subject to a 25’ ingress/egress easement as shown on the above referenced plat.

Respectfully submitted,

AES Consulting Engineers

A handwritten signature in dark ink, appearing to read 'G. T. Wilson, Jr.', written over a horizontal line.

G. T. Wilson, Jr.
License No: 1183

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. A pedestrian connection, consisting of an all weather surface at least eight feet in width shall be provided from the bank parcel to Highfield Drive. This pedestrian connection shall be shown on any site plan for development on Parcel 1 and its design and location subject to the review and approval of the Planning Director.
3. Start of Construction, as defined in the Zoning Ordinance, shall have commenced on this project within 24 months of approval or this special use permit shall be void.
4. All exterior lights on the property shall be recessed fixtures with no bulb, lens or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side.
5. The building architecture shall be compatible with adjoining residential residences, as determined and approved by the Director of Planning.
6. This special use permit is not severable. Invalidity of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

REZONING 8-00/SPECIAL USE PERMIT 29-00. Williamsburg Christian Retreat Center

Staff Report for the June 4, 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

Planning Commission:

Building C Board Room; County Government Complex

June 4, 2001, 7:00 p.m.

Board of Supervisors:

July 10, 2001 (tentative), 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Robert Ackerman

Land Owner: Williamsburg Christian Retreat Association, Inc.

Proposed Use: 51 single-family lot retirement community and 9-hole golf course

Location: 9241 Barnes Road; Stonehouse District

Tax Map and Parcel No.: (4-3) (1-14)

Primary Service Area: Outside

Parcel Size: 138.7 acres

Existing Zoning: A-1, General Agricultural District

Proposed Zoning: R-2, General Residential

Comprehensive Plan: Rural Lands

Surrounding Zoning: North: A-1, General Agricultural (Williamsburg Christian Retreat)
East: A-1 (Racefield subdivision)
South: A-1 (undeveloped property in Barnes Swamp AFD)
West: A-1 (The Retreat subdivision)

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

STAFF RECOMMENDATION:

Staff finds that approval of a residential rezoning outside the Primary Service Area (PSA) would be contrary to current adopted policy dictating the preferred type of development outside the PSA. This proposal contains five more dwelling units than permitted by-right. Staff is unable to recommend approval of this project. Staff finds that approval of a residential rezoning outside the PSA would send a message that it is preferable to develop agricultural and forestal land residentially rather than preserve the current uses as recommended in the Comprehensive Plan. For these reasons, staff recommends the Planning Commission recommend denial of the rezoning and special use permit request. Should the Planning Commission choose to recommend approval of the request and accept the voluntary proffers, staff recommends the conditions listed in the staff

report.

Project Description

Mr. Robert Ackerman, Executive Director of Mennowood, has applied on behalf of the Williamsburg Christian Retreat Center (WCRC) for a rezoning to allow a 51-lot single-family subdivision retirement community on 138 acres. The applicant also has applied for a special use permit to allow a 9-hole golf course for youth and retirees. The project will be developed as a retirement community for residents 55 years and older. A by-right A-1 development on this project would yield a maximum of 46 three-acre lots. The density for this proposal **is one dwelling unit per 2.72 acres**. The proposed lots range from .5 acres to 1.87 acres, with an average lot size of .88 acres. The homes are proposed to range in size from 1200 - 1500 square feet.

Proffers

The applicant has submitted proffers as part of this project which will be discussed throughout the staff report. The proffers address the following issues:

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

Surrounding Zoning and Land Use

The site is zoned A-1, General Agricultural, and is located on Barnes Road adjacent to the existing WCRC site. The site is surrounded by A-1 property located outside of the Primary Service Area (PSA). The existing WCRC is located to the north of this property, and the access road to the WCRC runs through this site. To the east is the existing Racefield subdivision, while to the west is the approved but undeveloped Retreat subdivision, a 60-lot subdivision with lots of 3 acres or more in accordance with A-1 zoning. To the south of the site, across Barnes Road, is undeveloped property currently in the Barnes Swamp Agricultural and Forestal District. Since all surrounding property is zoned A-1 and located outside of the PSA, staff finds that an isolated residential rezoning is not consistent with surrounding zoning and land use.

Topography and Physical Features

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

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

of water impoundments has not been established.

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

Utilities

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

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

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

Transportation and Access

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

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

Adequate Public School Facilities Test Policy

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

Fiscal Impact

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

Comprehensive Plan

The Comprehensive Plan designates this site as Rural Lands. Rural Lands are areas containing farms, forests and scattered houses, exclusively outside of the Primary Service Area, where a lower level of public service delivery exists or where utilities and urban services do not exist and are not planned for the future. Appropriate primary uses include agricultural and forestal activities, together with certain recreational and public or semi-public and institutional uses which may require a spacious site and which are compatible with the natural and rural surroundings. **Rural residential uses associated with legitimate agricultural and forestal activities are appropriate where overall density is no more than one dwelling unit per three acres** and soils are suitable for individual waste disposal systems. Concentrations of residential development such as large-scale subdivisions will interrupt rural qualities sought to be preserved and significantly increase the demand for urban services and transportation facilities. This proposal is inconsistent with the Rural Lands designation as it not a rural residential use associated with legitimate agricultural and forestal activities and the density is higher than one dwelling unit per three acres. Also, while 60% of the site would remain open space, the open space is not preserved for agricultural or forestry uses.

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

Primary Service Area

The Primary Service Area (PSA) is the principal tool used by the County to manage growth. The PSA is the area in which the County encourages most growth to occur. Most lands located outside the Primary Service Area are designated Rural Lands. Adhering to strong rural land policy is necessary to protect existing agricultural and forestry activities and to avoid their displacement by other types of development. The sprawl of residential development also adversely affects farming and forestry activities and increases the cost of providing public services such as police, fire, and school transportation. Staff has significant concerns about the precedent of permitting this type of residential development outside the PSA. Staff does not recommend rezoning property to accommodate residential development outside the PSA **under any** circumstances. If a landowner wishes to request something other than 3-acre lots, a more appropriate tool is a special use permit request under the A-1 district.

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

RECOMMENDATION:

Staff finds that approval of a residential rezoning outside the PSA would be contrary to current adopted policy dictating the preferred type of development outside the PSA. This proposal contains five more dwelling units than permitted by-right, smaller lot sizes and inappropriate utility extensions. Staff does not recommend approval of this project. Staff finds that approval of a

residential rezoning outside the PSA would send a message that it is preferable to develop agricultural and forestal land residentially rather than preserve the current uses as recommended in the Comprehensive Plan. For these reasons, staff recommends the Planning Commission recommend denial of the rezoning and special use permit request. Should the Planning Commission recommend approval, staff recommends the following conditions:

1. Master Plan. The plan of development shall be generally consistent with the "Williamsburg Christian Retreat Center Mennowood Development" prepared by McKee Carson, dated December 22, 2000 as determined by the Director of Planning.
2. Density. There shall be no more than 51 dwelling units on the property with a 9-hole golf course.
3. Golf Course. The areas on the Master Plan designated as golf course and clubhouse shall be used only for those purposes or such areas shall be left as open space. Water for irrigation of the golf courses shall be provided from surface water collection or by constructing a well tapping into the middle Potomac aquifer.
4. Pedestrian System. The Owner shall provide and construct a six-foot wide soft surface or unpaved pedestrian trail system generally in the location shown on the Master Plan. The Director of Planning shall review and approve the final design and location of the trail prior to construction. The trail shall be constructed or bonded prior to final subdivision approval for any residential lot adjacent to the trail.
5. Clubhouse. A landscaped clubhouse area shall be provided in a manner generally consistent with the location shown on the Master Plan and shall not be located within 200 feet of Barnes Road. There shall not be direct access from the clubhouse to Barnes Road. The final design and location shall be reviewed and approved by the Development Review Committee prior to construction. The clubhouse shall be installed or bonded prior to final subdivision approval for more than 25 lots or units.
6. Traffic Study Implementation. Access to the development shall be in the approximate location shown on the master plan of development. The applicant shall provide a stop sign at the entrance to the property. There shall be no median on the main access road.
7. Time Limit. If construction of the development has not commenced within a period of thirty-six months from the date of issuance of this special use permit, this permit shall become void. Construction shall be defined as clearing, grading, or excavation for the development.
8. Signs. The entrance sign, entrance features and lighting shall be approved by the Planning Director prior to approval of any plan of development.
9. Landscape Plan. The applicant shall submit a landscape plan for the site's entrance, including first 600 feet of the main access road and Barnes Road with street trees every 30 feet, to be approved by the Planning Director prior to approval of any plan of development.
10. Lighting. All exterior light fixtures for the clubhouse and clubhouse area shall have recessed fixtures with no lens, bulb, or globe extending below the casing. A lighting plan shall be submitted to, and approved by, the Planning Director prior to final site plan

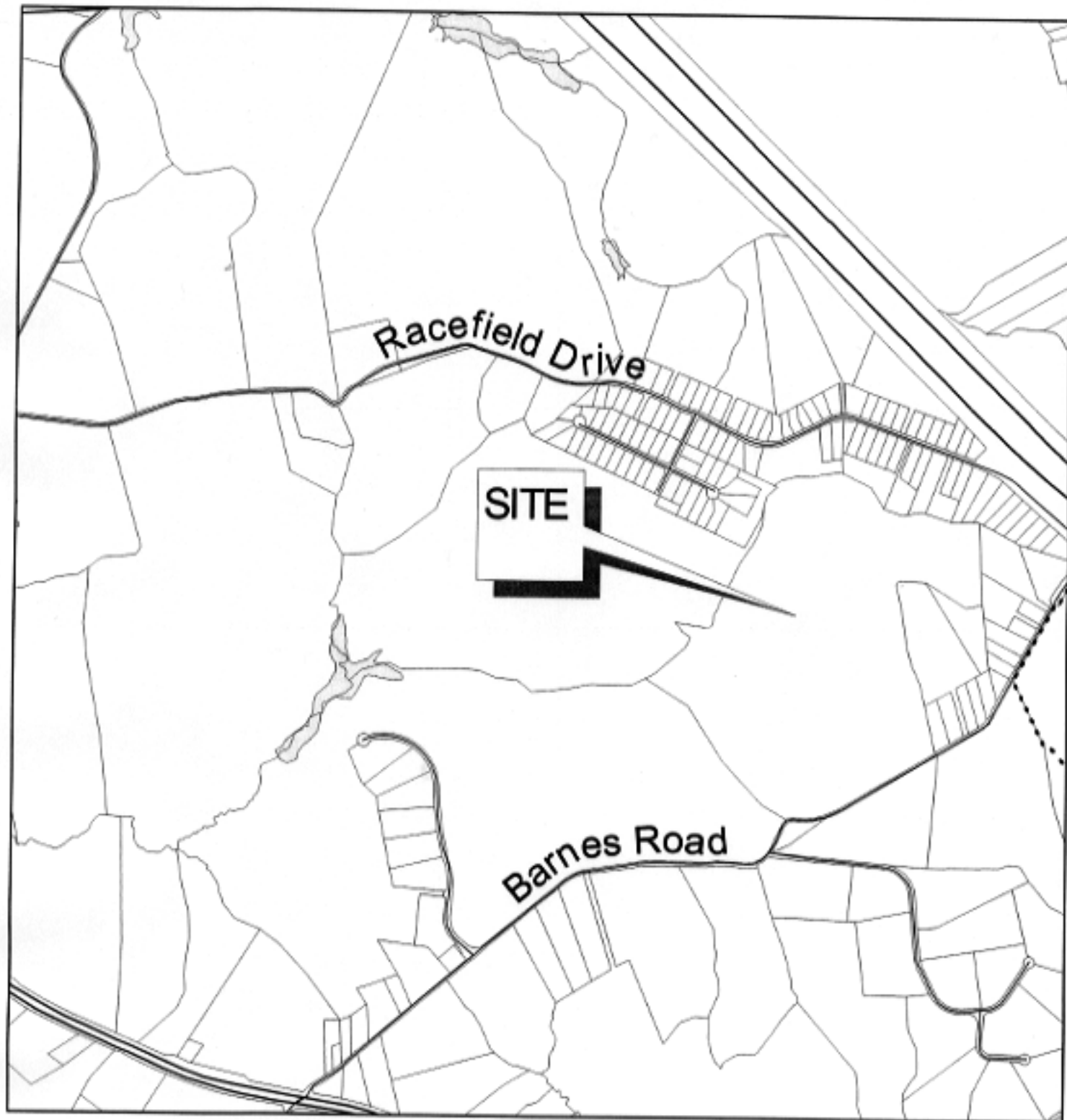
approval which indicates the fixture type and that no glare will occur outside the property lines. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from a public street or adjoining residentially designated property.

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

Jill E. Schmidle

Attachments:

1. Site location map
2. Development plans (separate attachment)
3. Proffers



Case No. Z-8-00/SUP-29-00
Williamsburg Christian Retreat

500 0 500 1000 Feet

A horizontal scale bar with alternating black and white segments, corresponding to the 500, 0, 500, and 1000 feet markings.

**Rezoning and Special Use Permit Proffers for the
Williamsburg Christian Retreat Association,
9275 Barnes Road, Toano, Virginia 23168**

COPY

These Proffers made this 23rd day of May, 2001 by and among:

The **WILLIAMSBURG CHRISTIAN RETREAT ASSOCIATION**, ("Owner") a Virginia corporation (to be indexed as grantor) and

MENNOWOOD COMMUNITIES, INC., ("Mennowood") a Virginia corporation and developer of the property (to be indexed as grantor) and

THE COUNTY OF JAMES CITY, VIRGINIA, ("County") a political subdivision of the Commonwealth of Virginia, (to be indexed as grantee), provide as follows:

Recitals

- A. The Williamsburg Christian Retreat Association is the owner of certain property located in the Toano area of James City County, Virginia containing approximately 138 acres, more or less, situated on Barnes Road between State Route 30 and U.S. Route 60 very near exit 227, an I-64 interchange. The property is located at 9275 Barnes Road, in front of the existing Williamsburg Christian Retreat Center and adjacent to the Racefield subdivision, and can be further identified as Parcel No. (1-14) on the James City County Real Estate Tax Map No (4-3) and recorded in the James City County Clerk's Office in Deed Book 623 at page 741. The subject site was originally part of a 436.4 acre parcel, formerly owned by the Continental Group, Inc. (Formerly named Continental Can Company, Inc.) and shown as the Layfield-Hiden Tract - Parcel No. 14 by survey plat dated June, 1960. An access road through the parcel was constructed in a previous easement and road right-of-way from Barnes Road. This provides access to the Williamsburg Christian Retreat Center. The 138 acre parcel was conveyed by Delmarva Properties, Inc. to the Williamsburg Christian Retreat Association.
- B. All of the Property is currently zoned A-1. The Owner has applied to rezone the Property from A-1 to R-2 with a Special Use Permit and with proffers.
- C. Mennowood or its successors and assigns is the Developer of the Property.
- D. Owner and Mennowood for themselves and their successors and assigns desire to offer the County certain conditions on the development of the Property for the protection of the community that are intended to mitigate possible impacts from the development on the surrounding areas.

NOW, THEREFORE, this Agreement witnesseth, that for and in consideration of the County rezoning and granting a special use permit for the Property from the Existing Zoning to the Proposed Zoning and pursuant to Section 15.2-2296 et. Seq. of the Code of Virginia, 1950, as amended, and Section 24-16 of the Zoning Ordinance of the County, the Owner and Mennowood agree that in addition to the regulations provided in the Proposed Zoning, it shall meet and comply with all of the following conditions in the development of the Property. In the event the County does not grant the requested zoning and special use permit, these proffers shall thereupon become null and void.

Conditions

1. This project will be an Independent Living Retirement Community.

Occupancy of all residential homes developed on the property shall be age restricted to persons fifty-five years of age or older generally in accordance with the following parameters.

In order to lease, rent or purchase a home at least one of the residents must be fifty-five years of age or older. It is the intent of the Owner that no homes are occupied by a person under the age of eighteen. In some instances, persons under the age of fifty-five, but over the age of eighteen shall be entitled to occupy homes. Children who are directly related to a resident may visit with the relative but may not permanently reside in this community. Acquisition of a home through gift or will, will not entitle the recipient to live in the community unless they meet the age requirement. Surviving spouses will be permitted to remain living in the community even if they are under age fifty-five.

Occupancy of homes shall at all times be subject to the laws and regulations governing age fifty-five and over restricted housing. All homes in this development will be operated in compliance with applicable federal and state laws and regulations regarding housing intended for occupancy for persons fifty-five years of age or older, including but not limited to the Fair Housing Act (42 U.S.C. 3601, *et seq.*) and the exemption therefrom provided by 42 U.S.C. 3607(b)(2)(C) regarding discrimination based on familial status; the Housing for Older Persons Act of 1995 (46 U.S.C. 3601, *et seq.*); the Virginia Fair Housing Law (Section 36-96.1, *et seq.* of the Virginia Code); any regulations adopted pursuant to the foregoing; and any judicial decisions arising thereunder; any exemptions and/or qualifications thereunder; and any amendments to the foregoing as now or may hereafter exist.

Specific provisions of the age restriction described above and provisions of enforcement shall be set forth in the declaration of covenants, conditions and restrictions or other resident documents. These documents will be reviewed and approved the County Attorney.

2. The Owner shall be responsible for developing water conservation standards to be submitted to and approved by the JCSA prior to subdivision approval. Homes and the club house will use water conservation measures such as 1.6 gallon toilets, water saving shower heads and other fixtures as required by the most recent International Plumbing Code. The standards shall be approved by the JCSA as part of the final subdivision approval. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water sources. Irrigation for the golf course will be restricted to surface water stored in storm water ponds and deep wells using the Aquia or Potomac aquifers.

3. The owner will use landscape plantings, to the extent practical, that use as little water as possible, type to be approved by the Planning Director prior to subdivision approval for the first phase.
4. Homes will be constructed with a minimum separation of 31 feet.
5. The Owner will, in developing and operating the golf course, use Golf & The EnvironmentTM Environmental Principals for Golf Courses in the United States. This document is a summary of recommendations for better and more environmentally sensitive golf courses in the United States.

The golf course will generally occupy the area delineated on the Master Plan. The final routing and layout of the holes will be determined at the time of final design.

Irrigation for the golf course will be restricted to surface water stored in storm water ponds and deep wells using the Aquia or Potomac aquifers.

6. The Owner agrees that the declaration of covenants, conditions and restrictions (to be reviewed and approved by the County Attorney) applicable to this community shall provide for water conserving landscaping and tree preservation and will implement JCSA approved conservation standards.
7. Conservation easements will be dedicated for the preservation of natural open space areas outside of the golf course and the residential lots generally in accordance with the areas labeled as Perimeter Tree Preservation Buffer on the Conceptual Tree and BMP Mitigation Plan. These easements will be dedicated prior to subdivision approval for the first phase. These areas shall remain in their natural undisturbed state except for those activities referenced on a deed of easement. These activities include, but may not be limited to, driveway from Barnes Road to Clubhouse, pedestrian trails and cart paths, water impoundments, wetland enhancement activities, wells for irrigation and appurtenant facilities including water distribution lines, and any other activities necessary for development as required to comply with the codes and regulations of the governing authorities to carry out the development generally in accordance with the Master Plan."

IN WITNESS whereof, Williamsburg Christian Retreat Association and Mennowood Communities, Inc. have caused those presents to be executed by their Presidents in this behalf, being first duly authorized.

Williamsburg Christian Retreat Association

By M. Lloyd Weaver, Jr.
M. Lloyd Weaver, Jr., President

Mennowood Communities, Inc.

By Jeanette B. Showalter
Jeanette B. Showalter, Esq., President

STATE OF VIRGINIA

City of Newport News

I certify that M. Lloyd Weaver, Jr., President of the Williamsburg Christian Retreat Association acknowledged this document before me this 24th day of May, 2001.

Roberta J. Bullock
Notary Public

My Commission Expires: 7-31-03

STATE OF VIRGINIA

City of Newport News

I certify that Jeanette B. Showalter, Esq., President of Mennowood Communities, Inc., acknowledged this document before me this 24th day of May, 2001.

Roberta J. Bullock
Notary Public

My Commission Expires: 7-31-03

PLANNING DIRECTOR'S REPORT

JUNE, 2001

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

1. Master Greenways Plan. The Greenways Advisory Committee (including Planning Commissioner Peggy Wildman) held its second meeting on May 1, 2001. The committee is currently engaged in an overall education process and learning more about potential greenways opportunities. The next meeting will be held on June 5, 2001.
2. Purchase of Development Rights. 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. A PDR Community interest meeting has been scheduled for June 11, 2001 beginning at 6:30 p.m. in the library on Croaker Road.
3. RPOD Ordinance. A meeting is scheduled for May 29th with Newport News Waterworks to discuss the proposed James City County RPOD.
4. Architectural Survey. The consultant is currently in the process of contacting the property owners for thirty-six structures selected as potential intensive survey sites to request permission to access the sites to take photographs and measurements. The consultant expects to have this work complete by mid June and will hold a public review to present the results of the study at a later date.
5. Casey New Town. At the May DRB meeting, the DRB approved modifications to the Windsor Meade project. The DRB also reviewed conceptual schematics for development of Sections 2 & 4 across from the Courthouse. These areas include the Civic Green, Pecan Square, and Court Square. Areas of non-residential and residential are included as well. Finally, the DRB reviewed a proposal to locate a water tank storage facility and office building at 4007 Ironbound Road on the site currently occupied by the former WMBG building.
6. Redistricting. The Redistricting Advisory Committee recommended a redistricting plan to the Board of Supervisors. On May 8, 2001, the Board of Supervisors adopted the proposed plan which has now been submitted to the state for review.
7. Comprehensive Plan Update/Chesapeake Bay Requirements. Staff sent amendments to the Comprehensive Plan that are required by the Chesapeake Bay program to the Chesapeake Bay Local Assistance Department for review. The Planning Commission will be afforded an opportunity to review these in the future.
8. Citizens Survey. Staff developed a Request for Proposals for the citizen survey, which will be advertised in late May/early June. Proposals will be reviewed in June, with a consultant chosen soon thereafter.
9. U.S. Census. The Census Bureau released age gender and initial housing data for the County on May 18th. An intern has been hired for the summer to incorporate 2000 Census Data into the Comprehensive Plan Technical Manual.
10. Jamestown/Greensprings Projects. Staff continues to be involved in general projects

involving the Jamestown and Greensprings historic areas. The National Park Service has released draft General Management Plans for both Jamestown Island and the Greensprings property on Rt. 5, both of which staff is reviewing. One of the Greensprings Plan recommendations is to close Centerville Road between Rt. 5 and Monticello Avenue. The Jamestown Settlement is also working with staff and others on the relocation of Rt. 351 and parking expansion.

11. Other Board Action. On May 8th the Board of Supervisors approved SUP-5-01. Bruce's Super Body Shop; ZO-1-01. Timber Ordinance Amendment; ZO-2-01. Mixed Use Ordinance Amendment; and deferred SUP-18-99. Olde Towne Road Timeshares to the July 10th meeting. On May 22nd the Board approved SUP-4-01. Alicia Brown Jones Manufactured Home.
11. Upcoming Cases. There are currently no new cases scheduled for the July 2, 2001, Planning Commission meeting.

Case No. Z-2-01/MP-2-01. VA United Methodist Homes, Inc. - Windsor Meade. Mr. Alvin P. Anderson has applied on behalf of C.C. Casey Limited Company to rezone 9 acres from R-8, Rural Residential, and 95 acres from R-8, with proffers, to MU, Mixed Use, for a continuing care retirement community consisting of 300 dwelling units and 119 continuing care beds located at 4692 Old News Road and 144 Jesters Lane and can be further identified as Parcel Nos. (1-34) and (2-18) on JCC Tax Map No. (38-3) and Parcel No. (1-8) on JCC Tax Map No. (38-1).

Case No. SUP-14-01. JCSA Water Main Alignment. Mr. Danny Poe has applied on behalf of the James City Service Authority to install a 20" and 30" force main in the Greensprings area between Route 5 and Monticello Avenue Extended. The project is a new wastewater force main which primarily runs along VDOT right-of-way (Greensprings Plantation Drive and Monticello Avenue Extension) and bisects properties identified as Parcel Nos. (1-5) and (1-1) on JCC Real Estate Tax Map Nos. (37-3) and (46-1) respectively. All adjacent properties to the proposed force main are zoned R-4, Residential Planned Community.

O. Marvin Sowers, Jr.