

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FIFTH DAY OF NOVEMBER, TWO-THOUSAND AND ONE, AT 5:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL
Martin Garrett
John Hagee
Don Hunt
Wilford Kale
Joe McCleary
A. Joe Poole

ALSO PRESENT
Leo Rogers, Deputy County Attorney
Greg Dohrman, Assistant County Attorney
John Horne, Development Manager
Marvin Sowers, Planning Director
Paul Holt, Senior Planner
Christopher Johnson, Senior Planner
Tammy Rosario, Senior Planner
Jill Schmidle, Senior Planner
Karen Drake, Planner

2. INTRODUCTION OF NEW STAFF MEMBERS

Marvin Sowers stated that in the Fall, the department lost two staff members, a Development Management Assistant, Charlie Petersen, and a Comprehensive Planner, Ben Thompson. Staff has since hired two replacements, Leah Nelson and David Anderson, who are both graduates of the College of William and Mary. Leah is the new Development Management Assistant and will be working in the front office with Regina Chandler and Carole Giuliano and working directly with customers as well as reviewing subdivisions and site plans. David is the new Planner and will primarily be working in the Comprehensive section but will from time to time be before the Commission on current planning cases.

3. MINUTES

Upon a motion by John Hagee, seconded by Wilford Kale, the minutes of the October 1, 2001, meeting were approved by unanimous voice vote.

4. DEVELOPMENT REVIEW COMMITTEE (DRC)

John Hagee presented the DRC report stating they reviewed four cases. He said one case was a request for an exception to the Subdivision Ordinance to allow for the use of an alternative septic tank system for Wexford Hill Subdivision and another case was for the review of a multi-family unit development for the Greensprings Apartments/Condominiums. He stated the DRC voted to recommend preliminary approval of those two cases. He stated the DRC deferred a request for modifying the News Road buffer to a consistent 45 feet in width for the Powhatan Village Apartment to the November 28th meeting and deferred Prestonwood at Williamsburg Crossing Shopping Center until the November 5th Planning Commission meeting.

In a unanimous voice vote, the Commission approved the DRC report.

5. INITIATION OF AMENDMENTS TO THE ZONING ORDINANCE.

_____ Martin Garrett read the Initiation of the Zoning Ordinance to amend Section 24-17 (Building Face Signs in PUD Districts) of the Zoning Ordinance.

By unanimous voice vote, the Commission recommended approval.

6. SIX-YEAR SECONDARY ROAD PLAN.

Tammy Rosario presented the staff report stating that each year the Virginia Department of

Transportation (VDOT) requests the County to review its secondary roads and make recommendations on the priority for allocation of state funds to those roads with the greatest need for improvement. She stated that neither the County nor VDOT staff recommend any change in the priority of projects from last year's plan. Staff recommended the Planning Commission forward a recommendation of approval as outlined in the staff report.

Joe Poole highlighted and noted appreciation for some statements in the report presented by Tammy Rosario. He specifically mentioned two existing two-lane roads that were noted as possible upgrades to four lanes and that this report did not represent a departure from last year's report. He also noted that staff was continuing to monitor traffic on these roads with respect to the recent opening of Route 199. He was encouraged that some of these roads might not be widened unnecessarily to four lanes without hard data on these roads. He also commented that roads outside the PSA were not targeted for significant upgrades which could help discourage development beyond the boundaries of the PSA.

Joe Poole made a recommendation of approval, seconded by John Hagee, and in a unanimous voice vote, motion passed.

7. CASE NO. Z-5-01. FORD'S COLONY AMENDMENT TO THE PROFFERS.

Christopher Johnson presented the staff report stating this case had been deferred at the October 1st meeting and that the applicant was now requesting an indefinite deferral pending discussion with representative of the Williamsburg West Civic Association and adjacent property owners concerning the proffers and design proposals for Section 12. Staff concurred with the applicant's request for indefinite deferral.

There being no speakers, the public hearing remained open.

8. CASE NO. Z-5-00. NEW TOWN OFFICE BUILDING.

Paul Holt presented the staff report stating the applicant had requested a deferral of this case to the November 5th meeting and has again requested deferral to the December 3rd meeting in order to continue working with the New Town Design Review Board to finalize design details of this project. Staff concurred with this request.

There being no speakers, this case was deferred and the public hearing remained open.

9. CASE NO. SUP-20-01/HW-1-01. JAMES CITY ENERGY PARK-ELECTRICAL GENERATOR PLANT.

Paul Holt presented the staff report stating the applicant had applied for a special use permit to allow for the construction of an electrical generation facility on approximately 53 acres located at the southern end of Blow Flats Road in the Green Mount Industrial Park. He stated that with the special use conditions, as outlined in the staff report, staff believed that the possible negative impacts from the proposed facility would be mitigated to the greatest extent possible, therefore, creating no negative impact on adjacent properties or surrounding uses. Staff found the application consistent with the Comprehensive Plan and met the Zoning Ordinance criteria for granting a height limitation waiver. Staff recommended approval of this application, subject to the conditions as outlined in the staff report.

Gregory Davis, along with his partner, Alvin Anderson, represented the applicant, James City Energy Park, LLC. He stated with him tonight were John Doran of Standish Energy, who is the developer of the energy park, and Keith Latham of Earthtech and Mark Rinaldi of LandMark Design Group, the engineers and planners for the project. He gave a brief history of the applicant stating that if this application were approved for James City County, it would be the eighth such project developed by the applicant. He stated the project generated a number of benefits for the County:

the projected real estate and machine and tool tax revenues of \$10,000,000 during the first five years and a \$300,000,000 construction investment with little or no impact on the infrastructure. He explained the process of how the energy plant would work and the fuels that would be used, noting that natural gas would be the primary source with low-sulphur oil being use as a backup only. He stated the master plan and the special use permit conditions developed by staff were prepared in conjunction with the applicant and noted some of those conditions in his presentation. He stated that the balloon test conducted in October was not visible from the surrounding neighborhoods. He concluded his presentation showing an artists rendering of what the applicant expected the plant to look like.

Don Hunt asked about the security for the energy plant in light of everything that has occurred recently.

John Doran stated that typically the perimeter is fenced and monitored by television with access controlled from the central control room but, in light of what has happened, he did not know what the current standards were.

Martin Garrett opened the public hearing.

Jacob Hosen, a student of William and Mary, spoke of his concerns of the power plant. He commented that he understood this proposed plant was one of the cleaner and more efficient ones, however, the power plant would be producing carbon monoxide, nitrogen oxide, sulfur oxide, and particulate pollution that have been shown to have significant health effects for those living near the plant. He also spoke on the noise issue and how adjacent property values would be reduced between 30 and 50 percent. He said, at this time, there were 30 power plants being proposed in the state of Virginia and noted that the applicant had stated that the energy produced from this plant would likely go to the Northeast which would make James City County an importer of air pollution. He requested the Commission to deny this application.

John Edgar, a student of William and Mary, spoke of his concerns about the power plant coming to James City County to produce energy for the Northeast. He quoted the mission statement of the County and asked that they stay true to that mission. He also spoke of his concern as how this power plant would coexist with the tourism industry in the County. He asked that the Commission deny this application.

Peter Maybarduk, a student of William and Mary and a resident, voter, and taxpayer in Williamsburg, spoke in opposition of the proposed special use permit. He stated this region was known for its history and as a tourist destination. He stated that industrial parks and power plants were antithema to the tourist economy and the historical sense of self. He asked that the Commission put its attention towards creative initiatives within Virginia, support tourism, parks, and history, and turn down the permit to construction the power plant.

Katherine Reding, a student of William and Mary, commented on the environmental impacts on the community. She stated Virginia was among a total of 12 states that are among the "Dirty Dozen" in terms of ozone pollution and she felt that a new power plant would only add to the existing pollution problems. She spoke on the effects of the ozone pollution and requested that the Commission deny this application.

Melanie Biscoe, a student of William and Mary, commented on the noise stating that the air compressors would be running 24 hours per day. She had concern about the pollution that the surrounding residents would be exposed to and the fact that their property values would decrease. She felt the Commission should be focusing on industry that was less obtrusive and less noisy, such as, the WalMart Distribution Center. She asked the Commission to deny this application.

Keith Taylor spoke on behalf of John Berkenkamp, Vice Chair of the Industrial Development Authority (IDA) of James City County. He had a copy of John Berkenkamp's presentation which he

read. He stated the IDA had worked with the Standish Energy officials for over one year in their search for a merchant power plant site in the Mid-Atlantic states. He stated the plant proposed was a combined cycle plant that would be principally fueled by natural gas with low-sulfur oil as a back-up fuel. He stated the optimal site for such a plant would have a number of unique characteristics, all of which have been found at the proposed site in the Green Mount Industrial Park. He stated the staff report recommended approval and described this type of new generation power plant, its efficiencies, and the many local and state requirements that must be addressed before such a plant can be constructed. He concluded by pointed out the economic impacts that this project would bring to the County and urged the Commission recommend approval of this application.

Mary Pugh, a resident in the area of the proposed project, asked what the plant will look like at night. She said she grew up around Pellico Dam and said lights burned all the time and questioned the impact of the surrounding area.

Paul Holt stated staff proposed a condition where all the lights on the site generally will be of the type that have recessed fixtures and a lighting plan would be submitted to the Planning Director for review.

Joe Shouse an adjacent property owner on Blow Flats Road welcomed this project. He stated that the area was designated for heavy industrial and if projects like this one would not be built, then what would be. He noted there were no comments when the area was rezoned for heavy industry.

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

Joe Poole stated that he never thought he would be on the side of a power plant opposite students of Williams and Mary and said he appreciated their comments. He said he initially had similar concerns himself, but as Mr. Shouse noted this area was targeted for industry. He was comfortable with the conditions in the staff report and noted that he did not see egregious omissions or odors during his visit to the energy plant located in Massachusetts and felt comfortable with this application. He made a motion to recommend approval of this application with the conditions attached.

Wilford Kale asked if staff could reconsider using only Loblolly Pine for the buffer area since they grow spindly and would not serve as a good buffer at ground level.

Paul Holt said staff could propose a mix of some lower growing trees.

Joe McCleary commented that the applicant held a neighborhood meeting last month to brief the local citizens and said that it was interesting to hear that all the neighbors that attended expressed three reservations: Blow Flats Road after construction, Blow Flats Road after construction, and Blow Flats Road after construction. He said he understood that the applicant would have to return the road to its proper condition if there was any damage done during the construction of the site. He also noted there were no concerns about the plant itself amongst the neighbors who attended and based on that meeting, he supported this application.

John Hagee seconded the motion and in a roll call vote, motion passed 6-0. AYE: Poole, Hagee, Hunt, McCleary, Kale, Garrett (6); NAY: (0).

9. CASE NO. Z-6-01/SUP-19-01/HW-2-01. WILLIAMSBURG LANDING EXPANSION.

Jill Schmidle presented the staff report stating the applicant was applying to rezone approximately .95 acres from R-8, Rural Residential District, to R-5, Multi-Family Residential District and was applying for a special use permit request to expand the continuing care retirement community, and a height waiver request to allow an additional 15 feet for the continuing care facility, for a total of 50 feet. Staff found that the proposed rezoning, special use permit, and height waiver

were consistent with the surrounding area, the Comprehensive Plan, and previous action by the Board of Supervisors. Staff recommended that the Planning Commission approve this application.

Joe Poole abstained from participating and voting on this case since he was a member of the Williamsburg Landing Board of Trustees.

Alvin Anderson, representing the applicant, gave a brief history of Williamsburg Landing and stated the purpose of this application was to have nothing more than the 9/10th of an acre rezoned to reflect the rezoning of the other 135 acre piece. He stated the conditions of this parcel would be identical to the existing zoning with exceptions of a cash contribution for the nursing and assisted living units that were not currently permitted. He said those contributions would be at the rate of \$500 per unit to total some \$30,000 when the units were built. He continued his presentation and asked for those in support of this application to please stand. He said he be happy to answer any questions of the Commission.

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

Don Hunt made a motion, seconded by Joe McCleary, to recommend approval of this application. In a roll call vote, motion passed 5-0-1. AYE: Hagee, Hunt, McCleary, Kale, Garrett (5); NAY: (0); ABSTAIN: (1).

10. CASE NO. SUP-18-01. WALTRIP COMMUNICATION TOWER.

Paul Holt stated the since the publication of the Planning Commission packets, the applicant had requested a deferral until the December meeting in order to have more time to work with staff and neighbors and to provide additional information from carriers interested in locating on the tower.

Martin Garrett opened the public hearing.

Tim Murphy, president of the Kingspoint Neighborhood Association, voiced the neighborhood's objection to the Commission deferring this application. He said the Association was astounded that the applicant could submit an application that did not address whether the tower would or could meet FAA safety approval since it was adjacent to the airport. He commented that staff had done a wonderful job in reviewing the application and recommended that the Commission deny this application for reasons stated in the staff report.

There being no further speakers, the public hearing remained open.

Martin Garrett stated that since the applicant had requested deferral, the Commission should defer this case to the next meeting.

Joe Poole concurred with Tim Murphy's statement about staff's report and found it helpful particularly on its emphasis of the Performance Standards for Wireless Communication Towers.

Don Hunt felt there needed to be a concept as to what the quality of service was for such areas as Kingspoint and felt there should be a balance for service provided against the need for communication towers.

Joe McCleary seconded Joe Poole's comments and understood the concerns of Tim Murphy. He also agreed with the deferral and hoped to hear from the FAA before this came before the Commission next month.

10. CASE NO. SUP-21-01. JOHNSTON DENTAL MEDICAL CLINIC.

Karen Drake presented the staff report stating the applicant had applied for a special use permit to construct and operate a dental medical clinic no larger than 11,000 sq. ft. She stated that the clinic was designed architecturally to resemble a country home with the first floor consisting of 8,500 sq. ft. and the second floor, to be used for office and storage space, of 1,500 sq. ft. Staff found that the proposal was a complimentary use to the surrounding areas. She stated that the architectural design would provide a smooth transition on Richmond Road from the retail and commercial shopping centers to the smaller scale businesses and residential homes. Staff recommended the Commission recommend approval of this application with the conditions as outlined in the staff report.

Greg Davis of Kaufman and Canoles and representing the applicant introduced Steve Wigley of VHB, the project engineer; John Hopkee, of Hopkee and Associates, the architect for the design and elevations; and the construction contractor, Henderson, Inc. He stated the applicant's practice growth had driven him to seek out a new location and said it was his goal to construct a building that would ease the transition into the more village type development of Norge. He pointed out several features of the master plan noting the enhanced buffer area and parking had been, to the greatest extent possible, located in the rear of the building. He noted that a traffic study was not required for this application but, a traffic assessment was performed and submitted to VDOT and that the level of service "C" would be maintained on Richmond Road. He said the special use permit included enhanced landscaping, a water conservation plan to be approved by JCSA, irrigation wells which would be limited to shallow aquifers that would not contribute to the County's water issues and a sidewalk in front of the property. He stated that St. Olaf's Church and the neighbors to the right of this site supported this application. He requested that the Commission approve this application and would be happy to answer any questions.

Wilford Kale asked Greg Davis to repeat his comments regarding water.

Greg Davis stated the concern was they were looking at an application where staff and the applicant felt enhanced landscaping was advantageous. He said a prohibition on irrigation was difficult for the applicant to except and staff drafted the condition which would limit any irrigation well on the property to a shallow aquifer.

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

Joe Poole made a motion, with the assurance that the Planning Director would see that these elevations were as closely met by the architect as possible. Wilford Kale seconded this motion. In a roll call vote, motion passed (6-0). AYE: Poole, Hagee, Hunt, McCleary, Kale, Garrett (6); NAY: (0).

11. CASE NO. Z-4-01/SUP-17-01. PRESTONWOOD AT WILLIAMSBURG CROSSING.

Karen Drake presented the staff report stating the applicant requested to amend the existing special use permit for Williamsburg Crossing and to rezone approximately 11.2 acres from B-1, General Business, to Mixed Use to accommodate 170 townhouse units. She noted that the applicant had applied for a rezoning request in June of 1999 for the same property with a similar residential development. She stated the applicant withdrew that request after the Commission denied the application. Staff believed the proposed townhouse community and the revisions to the Master Plan presented tonight were generally consistent with the property's Mixed Use designation but did not meet the zoning ordinance requirement of a 50-foot perimeter buffer in the Mixed Use District. Staff also noted there were unresolved issues such as, parking, buffering, lack of sidewalks, school mitigation, affordable housing and proffers were not presented in legal format. Staff recommended the Commission deny this application, but should the Commission choose to approve this case, staff recommended placing the listed conditions in the staff report on the approval.

John Hagee asked what needed to be done to ensure construction of a comprehensive sidewalk system for pedestrian movement within the shopping center.

Karen Drake stated there were several issues since some of the sidewalks proposed would be built on land not part of this application and the sidewalk proffer only applied to the 11.2 acre site.

John Horne stated the matter could be resolved by amending the application to take in other property owned by the applicant.

John Hagee inquired where were the excess parking spaces that would be converted to open space.

Karen Drake stated that throughout the entire master plan of the 11.2 acres, there were 110 extra parking spaces above the requirements of the zoning ordinance, but the location or number of spaces to be eliminated had not been identified or guaranteed.

Marvin Sowers stated that the amount of parking spaces, as compared to LaFontaine, were considerably more and staff requested documentation from the applicant as to why they were providing more spaces and have not gotten a response.

John Hagee stated that if there wasn't a need for those parking spaces, than the preference would be for green areas.

Karen Drake said the areas could be either green areas or open space, however, the way the proffers are written at this time it is left up to the applicant.

Marvin Sowers stated that staff was also concerned with density and the applicant was requesting 15 units per acre compared to 12 units per acre at LaFontaine.

Martin Garrett opened the public hearing.

Richard Gordon of Tanner, Mulkey & Gordon representing the applicant, University Square Associates stated that the Commission had before them a preliminary site plan and until the applicant knew if he could develop this project, he could not afford the expense of getting the elevations and design for the actual development itself. He noted that some of the items in the plan needed to be modified, such as, the required buffer area. He noted one thing that would not change is the fact that these units would be all built with a corner to the line so no outside unit would be parallel with the perimeter line. He stated the emergency access had been addressed preliminarily and said there would be no access, either vehicular or planned pedestrian access, from the project to Winston Terrace. He stated the applicant did not agree with the minimum standards set by the County with regard to parking. He stated the applicant was involved with LaFontaine and Bristol Commons and when selling units, not only do you need parking for the occupants, but you also need parking for the guests. He said the proffer could be amended to provide not more than 10% more parking than otherwise would be required by the ordinance. He said an issue that has been in discussion with the County is the sidewalks and the applicant differed with staff in regard to what had been proffered and whether or not it meets staff's criteria. He said his applicant disagreed that a sidewalk should be placed along Kings Way to the intersection of Road A and then along Road A to Prestonwood. One reason was there wasn't an adequate place to put a sidewalk along Road A due to the detention pond and the fact that there was no lighting and felt it would be a safety issue. He noted staff could have required this sidewalk when Riverside built its complex noting there are no sidewalks along Riverside's entrance areas. He felt that the disagreement was unwarranted and unfounded and said that they had provided sidewalks to integrate Prestonwood with the remainder of the Williamsburg Crossing Shopping Center as requested by staff. Richard Gordon concluded his with a brief discussion of the buffer areas and said he would answer any questions of the Commission.

John Hagee asked if the applicant was familiar with the conditions staff prepared should the

Commission chose to approve this application.

Richard Gordon said there was a problem with condition #3, the buffer area along Route 199, because it had nothing to do with this site but did have something to do with the parcels that would be developed along Route 199.

Calvin Davis, the applicant, said he did not have a problem putting some type of verbage regarding Route 199 because all the parcels along Route 199 must submit a site plan to the DRC and at the time of contract, he would let the buyer be made aware of the sidewalks and landscaping that would be necessary along Route 199.

John Hagee asked Marvin Sowers if there was already an ordinance requirement regarding buffers for Route 199.

Marvin Sowers stated there was only a minimal requirement and that special use permit conditions cover things that the County could not otherwise achieve through the zoning ordinance and it was staff's opinion that this would probably be the last opportunity to obtain such conditions.

John Hagee asked what could be done considering the zoning along Route 199.

Marvin Sowers said the applicant would have to adhere to site plan and zoning ordinance requirements.

John Horne stated the special use permit was an amendment to the entire property and the rezoning was only for the 11.2 acres of Prestonwood. The Route 199 buffer that was being debated was the same buffer that was already required by the existing SUP.

Wilford Kale asked Karen Drake about the contradiction noted in the staff report and said he was concerned about the Winston Terrace Subdivision.

Karen Drake stated that in the first part of the proffer the applicant stated that the buffer would remain undisturbed and further down the applicant stated that the buffer would be cleared. Staff felt that given this contradiction it would lead to discrepancies when development plans were submitted.

Marvin Sowers stated that on the binding master plan corners of the buildings were right on the 50' buffer and as a practical matter there would need to be at least a 10' to 15' construction zone setback from the buffer by necessity and the applicant won't be able to build the plan as shown.

Calvin Davis stated he had spoken to his architect and they have agreed to move the building 5' away from the 50' buffer and not allow anything other than dead trees and weeds to be cleared then go in and plant trees that would help buffer these townhomes from Winston Terrace.

Wilford Kale stated he was worried about the contradiction stated in the proffers that had not been satisfied.

Calvin Davis said he would agree not to disturb the 50' buffer area.

A resident of Winston Terrace asked why a commercial site was being rezoned to a residential site. She understood that there was no commercial interest in this property because of traffic problems. She said since there was only one entrance into the shopping area, the residents of Prestonwood would have to travel along the hospital road or go through the shopping center. She said this was not Bristol Commons or LaFontaine and felt this neighborhood would be tucked away against Winston Terrace and questioned how well these townhomes would sell. She said a concern was that if there was not enough interest, the prices would go down and the future of the neighborhood was unsure. She asked that the Commission deny this application.

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

John Hagee said he did not have a problem with the residential usage in the mixed use area but did have concern about the 10' perimeter buffer and disturbance in the 50' buffer. He felt it was very important to have the pedestrian sidewalks within the multi-family network and access to the retail and office spaces. He said he also had some concern about the density.

Martin Garret agreed with John Hagee on the density issue and at this time could not approve this application.

Joe Poole said he appreciated the proximity of the area but felt there was a disconnect as there was in the applicant's 1999 application as to what's better for the larger community and could not approve this application.

Joe McCleary agreed with the comments of both Joe Poole and John Hagee and also recognized that this was a difficult parcel of land. He stated that what was needed was a more creative plan that addressed this particular piece of land.

Wilford Kale agreed with the previous Commission members and said he still had concerns with the site.

Wilford Kale made a motion, seconded by Joe Poole, to deny this application. In a roll call vote, motion to deny passed (5-1). AYE: Poole, Hagee, Kale, McCleary, Garret (5); NAY: Hunt (1).

12. CASE NO. SUP-22-01. JCSA GROUNDWATER TREATMENT FACILITY

Christopher Johnson presented the staff report stating the applicant requested a special use permit to allow for the construction of a Groundwater Treatment Facility. He stated the proposed facility of approximately 15,000 sq. ft. would allow the County to produce up to five million gallons of treated water per day and would be funded with a combination of connection fees, utility revenue funds, and debt financing. He stated the applicant was bringing this application forward in an effort to expedite the engineering and construction process once the required groundwater withdrawal permits have been issued. Staff found this application consistent with the surrounding zoning and development and the Comprehensive Plan. Staff recommended the Commission recommend approval of this application as outlined in the staff report.

Joe McCleary asked if staff had any idea as to what this plant would look like.

Christopher Johnson stated elevations had not been produced at this time. Staff visited the Lee Hall facility and were told by the applicant that the facility would look similar in size and scale but architecturally there were no elevations. He said conditions were included to address those issues at the time of site plan review. He added that the conceptual plan presented had a foot print of 150' long and 100' wide and noted that the facility at Lee Hall was approximately 45' in height in order to accommodate a two-ton-maintenance crane.

Marvin Sowers said that everything was contained within the 15,000 sq. ft. building with the exception of the storage tanks. He also stated that condition #6 could be amended to read the DRC rather than the Planning Director if the Planning Commission wishes to have input into the building's design.

Joe McCleary stated he felt that the project would not be terribly ugly but would like to have some idea as to what it would like.

Wilford Kale had as much concern about the County building on the property and its relationship to Chanco's Grant as he did on the previous application for Winston Terrace. He wanted to know how the property would be cleared and how it would affect Chanco's Grant property owners.

Martin Garret moved that the elevation plans be brought to the DRC for approval.

Joe Poole said he was disappointed that there was no site plan or elevations and said he did not want to see this go to the DRC at this time and requested that the Commission see more information before they take action on this SUP. He felt the County should meet the same standards as other applicants.

Christopher Johnson deferred the Commission's concern to the applicant, Larry Foster.

Larry Foster, General Manager of JCSA, explained that they were trying to accelerate the process to get the facility designed and built. He stated they were about halfway through selecting an engineer who would provide architectural support and said they didn't want the expense of hiring an engineer and getting drawings until they had a level of comfort that all permits would be received. He stated he had no problem with changing the SUP condition that would allow the DRC to review elevations.

Martin Garret stated they were in a position where the Commission wanted to see it before it went through the SUP process.

Larry Foster said it would be at least six months before it could be brought back to the Commission if they wanted to see architectural renderings.

John Hagee stated that the sensitivities the applicant mentioned were the same ones that every applicant that comes before the Commission had and he did not feel it was correct for the County to do something different than what we expect from other applicants.

John Horne asked if the Commission had any sense to the appropriateness to the site or any sensitivities to the location of the structure on the site that might give Larry Foster additional comfort. He also asked if the applicant could proceed with the process stating that basically what the applicant wanted to know was if he could put this project on the site.

Larry Foster stated that was the main thrust to make sure that this would be a permitted use on the property.

Joe McCleary stated that the Commission would approve a desalinization plant because there was no choice but they wanted to have an idea of what it would look like before it was approved in order to protect the County and its citizens.

Joe Poole suggested deferral of this case to the December 3rd meeting and suggested a site visit to the Lee Hall plant.

Martin Garret opened the public hearing.

Mary Pugh, a resident of Chanco's Grant and adjacent property owner to the proposed site, thanked the Commission for their concern about approving a project they had not seen. She said she appreciated the fact for the need of such a facility but also wanted to know what she would be seeing and hearing.

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

Joe Poole moved to defer this case with the expectation that the Commission would get a schematic site plan and some type representation of a building plan in order to see the impact on adjacent property owners.

Joe McCleary seconded the motion and in a roll call vote, motion passed. AYE: Poole, Hagee, Hunt, McCleary, Kale, Garret (6); NAY: (0).

13. CASE NO. Z-3-01/SUP-19-01. NEW TOWN - SECTIONS 2 & 4

Paul Holt presented the staff report stating this project was first presented to the Commission at the October 1st meeting. Staff found that several of the proffers, dated October 19, 2001, did not fully mitigate the impacts and did not meet the recommendations of the established County policies. Staff has had many discussions with the applicant regarding the proffers and staff's findings. He stated a number of proffer changes were crucial for staff's support of this case as outlined in the staff report. Staff did not recommend approval of this application, but noted that the applicant had expressed a strong desire to have this case voted on by the Board of Supervisors by the end of the calendar year. Paul Holt stated, should the Commission be supportive to the applicant's request, the Commission would have to act on this case tonight. Staff's recommendation of approval would be contingent upon receiving revised, signed proffers which adequately addressed the deficiencies noted in the staff report and which adequately addressed any issues identified by the Commission. Paul Holt noted that staff had reviewed the latest set of proffers, dated November 1, 2001, and on a preliminary basis they appeared to significantly and substantially address all of staff's outstanding comments.

Martin Garrett asked Paul Holt to rephrase the last segment in order to let everyone understand that staff had reviewed new proffers.

Paul Holt stated that staff had indeed reviewed the latest set of proffers, dated November 1, 2001, and did find that they appeared to significantly and substantially address all of staff's outstanding comments.

Martin Garrett opened the public hearing.

Alvin Anderson of Kaufman and Canoles, together with his partner Paul Gerheart, and representing New Town Associates, wanted to thank the Commission not only for the time they allowed for himself and Paul Milano to speak but also for the extensive question and answer period that followed at last month's meeting. He stated that this was probably the most critical piece of New Town, consisting of about 257 acres of property. He gave a brief history of the review process that will take place when projects for this area are submitted for site plan review as well as a brief look at the award winning design of New Town, the fiscal impacts and traffic. He spoke of the concern for the proffer regarding the New Town's Homeowners Association stating that the County would prefer that the Association own the community spaces and develop and maintain these spaces. He stated the property Association was willing to do that but the Associations must obtain liability insurance and part and parcel of obtaining this insurance is being able to ask people who shouldn't be there to leave if they are there. He said that the most recent language, which was not part of the proffers that the Commission has seen, was reviewed by staff. He stated the proffer basically would allow any business invitee, business guest, visitor to any residential units, or any commercial facilities in New Town to use those areas. He felt that this addressed the issue of staff.

Wilford Kale asked the applicant why the desire to have this completed by this calendar year.

Alvin Anderson stated that because of the mix of residential and non-residential areas, New Town has taken a lot of time and effort in trying to get a critical mass going and with tremendous interest and level of commitments at this point of time, it was the opinion of the Staubach Company that momentum was important.

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

Martin Garrett stated that having asked Paul Holt to read twice the statement that he wanted, he made a motion to pass this application on to the Board of Supervisors.

Joe Poole seconded the motion and in a roll call vote, motion passed (6-0). AYE: Poole, Hagee, Hunt, McCleary, Kale, Garrett (6); NAY: (0).

14. PLANNING DIRECTOR'S REPORT

Marvin Sowers stated the National Park Service had proposed closing a portion of Centerville Road between Route 5 and Monticello Avenue in order to develop the Green Springs property for 2007. He said the County and NPS will be holding a citizens meeting on November 14th at 7 p.m. in the James Blair Middle School Auditorium.

15. ADJOURNMENT

There being no further business, the November 5, 2001, meeting adjourned at approximately 9:10 p.m.

Martin A. Garrett, Chair

Marvin Sowers, Secretary

MEMORANDUM

DATE: December 3, 2001
TO: Planning Commission
FROM: Marvin Sowers, Planning Director
SUBJECT: 2002 Meeting Schedule

Attached for your review and approval is the calendar for the Planning Commission and Development Review Committee meetings for the calendar year of 2002. The Planning Commission meetings are scheduled for the first Monday of each month with the exception of January and September. The Development Review Committee meetings are scheduled for the Wednesday before the Planning Commission meetings with the following exception: November 26, 2002 (Tuesday).

Marvin Sowers, Jr.

PLANNING COMMISSION, BOARD, DRC, BZA MEETING SCHEDULE - 2002

S M T W T F S	S M T W T F S	S M T W T F S	S M T W T F S
January 1 3 4 5 6 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 31	February 1 2 3 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 28	March 1 2 3 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 28 29 30 31	April 1 2 3 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30
May 1 2 3 4 5 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 30 31	June 1 2 4 5 6 7 8 9 10 11 13 12 14 15 16 17 18 19 20 21 22 23 24 25 27 28 29 30	July 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	August 1 2 3 4 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31
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PLANNING COMMISSION
 1st Monday, 7:00 pm, Building C Board Room
 Rezoning/SUP/12 copies; Master Plan/23 copies
 Submit application 6 weeks prior to meeting

DEVELOPMENT REVIEW COMMITTEE
 Wednesday prior to PC meeting, 4 pm Building C Board Room
 Site Plan/Subdivision/12 copies; BLA/7 copies
 Submit application 5 weeks prior to meeting

BOARD OF SUPERVISORS
 2nd and 4th Tuesday, 7 pm, Building C Board Room
 Mobile Home SUP/7 copies
 Submit application 5 weeks prior to meeting

BOARD OF ZONING APPEALS (BZA)
 1st Thursday, 7:30 pm, Building C Board Room
 Submit application 5 weeks prior to meeting

**Special Use Permit 18-01
Waltrip Communications Tower**

Staff Report for the December 3, 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: November 5, 2001; December 3, 2001 7:00 p.m.
Board of Supervisors: February 2002 (Tentative)

SUMMARY FACTS

Applicant/Land Owner: Ms. Mary Waltrip

Proposal: Construct a 165-foot tall communication tower

Location: Adjacent to the Williamsburg-Jamestown Airport

Tax Map ID: (48-2)(1-12)

Primary Service Area: Inside

Existing Zoning: R-8, Rural Residential

Comprehensive Plan: Airport

Surrounding Zoning & North: The Williamsburg Landing retirement community - zoned R-5

Development South: The airport & other Waltrip businesses - zoned R-8
East: Single family detached homes on R-2 zoned property
West: College Creek, with the Kingspoint subdivision located across the creek on property zoned R-1

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

STAFF RECOMMENDATION

This case was deferred by the applicant at the November 5, 2001, meeting. The applicant is preparing additional information for this case and requests deferral until the next regular Commission meeting in January. Staff concurs with the request and recommends deferral.

Paul D. Holt, III

Attachment:

1. Letter of opposition received from Mr. Robert Friend Boyd

BOYD & BOYD, P. C.
ATTORNEYS AND COUNSELLORS AT LAW
14TH FLOOR, BANK OF AMERICA CENTER
ONE COMMERCIAL PLACE
NORFOLK, VIRGINIA 23510

ROBERT FRIEND BOYD
JAMES M. BOYD*

*ALSO ADMITTED IN D.C.

TELEPHONE (757) 622-3611
FAX (757) 626-0393

J. RANDOLPH DAVIS
(1905-1996)

WILLIAM L. PARKER
(1892-1979)

October 29, 2001

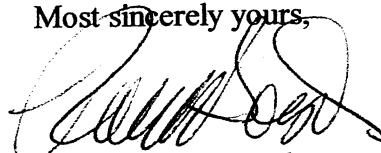
Mr. O. Marvin Sowers, Jr.
Director of Planning
Development Management
101-E Mounts Bay Road
Post Office Box 8784
Williamsburg, Virginia 23187-8784

Re: Case No. SUP-18-01. Waltrip Cellular Tower

Dear Mr. Sowers:

As an adjacent property owner and interested in preservation of the beauty of James City County, I would like to register my voice against a special use permit to build the two monopole towers on Marclay Road. These towers are detrimental to the beauty and tranquility which we hold so dear in James City County. I urge you to deny the permit.

Most sincerely yours,



Robert Friend Boyd

RFB:kcc



**Rezoning 5-00
New Town Office Building**

Staff Report for the December 3, 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: October 1, 2001; November 5, 2001; December 3, 2001 7:00 p.m.

Board of Supervisors: January 2002 (Tentative)

SUMMARY FACTS

Applicant: Mr. Vernon Geddy, III

Proposal: Rezone the property from R-8, with proffers and M-1, to B-1, General Business, with proffers to allow for the construction of a five story office building

Location: At the intersection of Monticello Ave and Ironbound Road Relocated

Tax Map ID: A portion of parcel (1-3E), (1-50), (1-2A) and (1-53) on the James City County Real Estate Tax Map No. (38-4)

Primary Service Area: Inside

Existing Zoning: R-8, Rural Residential and M-1, Limited Business/Industrial

Comprehensive Plan: Mixed Use

Surrounding Zoning: North: across Monticello, are undeveloped parcels zoned R-8
West: the Route 199/Monticello interchange
East: the New Quarter Industrial/Office Park and other mostly vacant parcels zoned M-1
South: the Mount Pleasant Church (zoned R-8), a vacant parcel, and the Ironbound Road mini-storage, which are on property zoned B-1, General Business

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

STAFF RECOMMENDATION

Staff finds the development, as currently proposed, may ultimately negatively impact the surrounding roads and properties. Staff also finds the current proffers do not adequately mitigate impacts. Staff therefore recommends denial of the proposal.

Description of the Project

Mr. Vernon Geddy, III, has applied on behalf of G-Square Incorporated to rezone several small parcels to allow for the construction of a five story office building and associated parking. The site currently contains an old radio station building and associated antennas. Should the rezoning be approved, the existing building and antennas would be demolished. This is the same site where the Board of Supervisors recently approved a Special Use Permit for the James City Service Authority (JCSA) to construct a water storage and booster pump facility.

Traffic Generation

Proposed access would come from Ironbound Road (the main entrance) and Ironbound Road Relocated (via a right-in only entrance). According to the applicant, based on trip generation models, the office building would generate approximately 710 vehicle trips per day. Of those trips, approximately 46.8 would occur during the A.M. peak hour and approximately 44.7 would occur during the P.M. peak hour.

Staff conducted various traffic counts throughout the County during 2001. It was found that Monticello Avenue currently has 16,158 trips per day and Ironbound Road currently has 1,796 trips per day (down from 15,663 before Route 199 and Monticello Extended opened).

Staff recommends denial of the Master Plan, as currently shown with the proposed right-in only entrance. Staff believes that such an entrance will cause awkward turning movements which will disrupt traffic on Ironbound Relocated and may potentially cause back-ups into the Monticello Avenue intersection. Staff believes this potential greatly increases as additional development takes place in New Town, and as development and redevelopment occurs along Ironbound Road, in which case Ironbound Relocated starts to serve as a major through road and traffic increases significantly. Also, since the site is so constrained and since parking is limited, people may attempt to temporarily park on the drive (especially visitors making a "quick" stop or those dropping off materials to an office). This will have the immediate effect of backing up traffic. In rare instances, the drive may also become blocked by the JCSA, if unusual or unexpected maintenance is needed on the water tanks. Finally, drivers may attempt to make a left hand turn from Ironbound Road Relocated. Again, this would cause awkward turning and stacking issues and may significantly impact Ironbound Relocated.

Staff believes that adequate site access can come from Ironbound Road. This is not a large site (it only has 350 feet of frontage on Ironbound Road Relocated) and would be clearly visible from all three surrounding roads (even with the construction of the water storage facility, which will be half the height of the proposed building - 30 feet vs. 60 feet). Anyone attempting to find and enter the site should not have any difficulty finding the main entrance on Ironbound Road (for comparison, this site is significantly smaller than the Williamsburg Crossing Shopping Center, where access comes from the side of the project on Kings Way). The applicant has submitted a traffic analysis which indicates, numerically, the right-in only drive should serve without incident. However, staff disagrees with the conclusions of the analysis.

The Virginia Department of Transportation (VDOT) has reviewed the Master Plan and traffic analysis and did not have any comment. The Commission should remember that VDOT reviews proposed plans for a different set of criteria (more from an engineering perspective) than staff (more of an analysis on the impact of a development to the surrounding community with an emphasis on mid- to long-term concerns).

Surrounding Zoning and Development

To the north of the site, across Monticello Avenue, are undeveloped parcels zoned R-8, Rural Residential. West of the site is the Route 199/Monticello Avenue interchange. East of the site is the New Quarter Industrial/Office Park and other mostly vacant parcels zoned M-1, Limited Business/Industrial. To the south of the site is the Mount Pleasant Church, zoned R-8, and a vacant parcel and the Ironbound Road mini-storage, which are on property zoned B-1, General Business.

The Commission may note the setbacks for the proposed building. Proposed is a 33 foot setback from Monticello Avenue and a 27 foot setback from Ironbound Road Relocated. Normally required would be a 50 foot setback from both roads. However, the Zoning Ordinance states that, with the approval of the Development Review Committee (DRC), setbacks on B-1 zoned property may be reduced to 25 feet from any street right of way which is greater than 50 feet in width. According to the ordinance, the DRC may consider a setback reduction only if the setback reduction will achieve results which clearly satisfy the overall purposes and intent of the Landscape Ordinance; if the road(s) is/are not designated for widening improvements; if the setbacks do not negatively impact adjacent property owners; and if one or more of the following criteria are met:

- a.) The site is located on a Community Character Corridor or is designated a Community Character Area on the Comprehensive Plan Land Use Map, and proposed setbacks will better compliment the design standards of the Community Character Corridor.
- b.) The adjacent properties have setbacks that are non-conforming with this section, and the proposed setbacks will better compliment the established setbacks of adjacent properties, where such setbacks help achieve the goals and objectives of the Comprehensive Plan.
- c.) The applicant has offered extraordinary site design which better meets the Development standards of the Comprehensive Plan.

The DRC has reviewed the setback reduction request. Given the proposed use, the sites location within New Town, and the architectural review that has occurred by the New Town Design Review Board (DRB), the DRC has found that the above conditions have been satisfied, and they have conditionally recommended approval of the reduction, subject to final approval by the DRB. The DRB has reviewed the proposed building location and has recommended its approval (to be discussed below). Unlike other CCC's, this area is intended to develop in an urban character with shallow setbacks and multi-story buildings.

Given the setback reductions, as well as the small, constrained site, not all the landscape yard widths required by the Zoning Ordinance can be met. Therefore, concurrent with the building

setback reduction request of the DRC, the applicant has requested the Planning Director reduce the required landscape yards. More specifically, an average 50 foot wide landscape yard, plus an additional 15 foot building setback is required along Monticello Avenue, Ironbound Road, and Ironbound Road Relocated. A 33 foot wide landscape yard is proposed along Monticello Avenue, a 15 foot wide landscape yard is proposed along Ironbound Road, and a 27 foot wide landscape yard is proposed along Ironbound Road Relocated. Given the building setback reductions, the Planning Director has conditionally approved these reductions subject to the plan review and approval by the Board during the rezoning process.

In terms of landscaping to be provided within these landscape yards, deciduous street trees are proposed, to be more consistent with New Town Design Guidelines. Also proposed is landscaping within the right of way along Ironbound Road Relocated. There is approximately 26 feet between the property line and the edge of pavement. In order to better landscape and screen the site, the County will seek permission from VDOT to locate plantings in this area. The size of this property and the scale of development prohibits placing all needed landscaping on site.

Also related to the screening of the site, as part of the Monticello Avenue construction, the County funded the placement a 6 foot high chain link fence along the right of way at this site. For roadway aesthetic purposes, the County has also recently planted evergreen vines along the entire length of the fence.

The applicant proposes removing the chain link fence and vines and replacing it with a more aesthetic wall or fence constructed to New Town Design standards (reference the Proffer discussion below on staff's recommendation relative to this request).

New Town Design Review Board (DRB)

A portion of this site lies formally within the New Town master planned area.

As such, the applicant has taken the site design and building design to the New Town DRB for review and approval. On November 15, 2001, the DRB approved the conceptual *building* plan that is currently before you as being complimentary and compatible with the New Town Design Guidelines. Regarding the *site* plan, the DRB generally recommends approval of the proposed site layout, however, it was the opinion of the DRB chairman that the right-in only drive negatively impacts the aesthetics of the site and that the right-in only was not needed from a service point of view. The additional driveway adds a suburban design feature to a site that is otherwise designed to be urban in nature.

Staff finds the proposed right-in only entrance may ultimately negatively impact the surrounding roads and properties.

Comprehensive Plan

This area is designated Mixed Use on the Comprehensive Plan Land Use Map. For this particular Mixed Use Designation (i.e., the "Casey" Mixed Use Area), the Plan states that for undeveloped land in the vicinity of and including the Route 199/Monticello Avenue corridor, the principal suggested uses are a mixture of commercial, office, and limited industrial with some residential

uses as secondary uses. Future development in this area will be primarily conditioned on the construction of Route 199 and the extension of Monticello Avenue. The development in this area should be governed by a detailed Master Plan which provides guidelines for street, building, and open space design and construction which complements the scale, architecture, and urban pattern found in the City of Williamsburg.

Also designated by the Plan are Monticello Avenue and Ironbound Road as Community Character Corridors (CCC's). These constantly traveled areas give visual clues about the values and experiences of the community - its commitment to aesthetics and overall good design, its attitude toward development, and its reaction to changing times. CCC roads include not only "greenbelts," those roads with adjacent natural or vegetated areas, but also entrance corridors, historic roads, and roads which have traditional or unique features of the County. Both Monticello Ave. and Ironbound Road would be characterized as "urban" CCC's.

Urban CCC's have moderate to high traffic volumes near major street intersections, moderate to high levels of existing or planned commercial or moderate density residential uses, and may contain some wooded buffers. The objective of these CCC's is to ensure that JCC retains a unique character and does not become simply another example of standard development. In urban CCC's, landscaping should be more formal and the built environment and pedestrian amenities more dominant. Off-street parking should be a minor part of the street scape. Development along these CCC's should not replicate standardized designs commonly found in other communities, but rather reflect nearby historic structures, a sensitivity to the history of the County in general, and an emphasis on innovative design solutions.

Finally, this mixed use area is also designated a Community Character Area (CCA). As part of the Casey/New Town CCA, the Plan recommends:

- development that is carefully planned;
- the use of complimentary architecture, scale, materials and colors;
- the use of new landscaping which compliments and enhances the building and site design; and
- the planting of large, deciduous street trees along roads to help shade and enclose the street.

As currently proposed, with the exception of the proposed right-in only driveway, staff finds the building architecture and site layout consistent with the Comprehensive Plan recommendations.

Proffers

The applicant has proffered the following (where staff has concerns about a specific proffer, they are noted below):

1. Master Plan. Development of the property per the Master Plan.
2. Easements. Reciprocal access and parking easements for the benefit of the James City Service Authority. This will allow unobstructed access and parking to the water storage facility.

3. Uses. The applicant has proffered that even though the property will be zoned B-1, General Business, that uses on the property will be limited to by-right LB, Limited Business uses, with some additional exclusions. The intent of this proffer is to prohibit types of uses that may have a negative impact on surrounding uses and property, and to limit uses which would otherwise generate a large amount of traffic and/or parking demand.

Staff comment. Staff finds the limited uses and exclusions generally acceptable with one exception. Staff believes that “Drug Stores” should also be excluded from the list of permitted uses. Modern drug stores have the potential to generate a high amount of traffic and parking demand. Due to the small parking lot and the entrance off Ironbound Relocated, staff believes that such a use may greatly negatively impact the site and adjoining roads.

4. Stormwater Management. Given the site constraints, the owner has proffered the use of an underground stormwater management system. The underground system will be for the benefit of both the office building and the JCSA facility.

Staff comment. Staff believes this to be an important proffer. Since the site is so small, any surface BMP would significantly affect the layout of the site.

5. On-Street Parking. Given the site constraints, the owner has proffered the use of on-street parking. This may help relieve any on-site parking overflow situation.

Staff comment. The proffer, as currently written, does not require VDOT approval of the on-street parking until such time that a Certificate of Occupancy is requested for the building. Staff does not recommend approval of the language as proposed. Staff recommends that VDOT approval be sought prior to the issuance of a Land Disturbing Permit. With the current language, the building could be constructed without knowing if enough parking was available to adequately serve the building. There is not enough parking on-site to accommodate the proposed building. The on-street parking is needed to meet minimum parking space requirements. The zoning ordinance calls for 1 parking space per 250 square feet of office space. For the proposed net office space, 97 parking spaces are required; as shown on the master plan, only 79 parking spaces are provided on-site with the additional 18 spaces provide on-street. Staff strongly recommends that VDOT approval be sought prior to the construction of the building.

6. Exterior Lights. The owner has proffered to use recessed lighting fixtures on the building.

7. Monticello Avenue fence. The owner desires to replace the existing chain link fence along Monticello Avenue with another feature that is more aesthetically pleasing. As proposed, the Design Review Board (DRB) will approve the design.

Staff comment. Staff does not recommend approval of the language as currently written. As noted above, the County funded the placement of the chain link fence and vine plantings. Staff would only recommend approval of this proffer if the owner/developer reimbursed the County for the cost of the fence and the plantings.

8. Final Plans. The owner has proffered that the final building design will be consistent with the proposal currently before you.

Staff comment. Staff does not recommend approval of the language as currently written. Staff believes that the final building plans and site plan should be consistent with the conceptual drawings that are currently before you, but *as determined by the New Town Design Review Board*. Staff believes this additional language is crucial given the amount of detail present in the building and previous review of those details by the DRB. Small, otherwise innocuous, changes could be made during the building permit review process that could dramatically impact the look of the building. The DRB should retain full control of the final building plans, consistent with established DRB procedures.

9. Enhanced Landscaping. The owner has proffered enhanced landscaping along the west side of the site in an effort to better screen the parking lot and the JCSA facility.

10. Water Conservation. This proffer calls for the owner to develop and enforce water conservation standards, as approved by the JCSA.

Staff comment. Staff does not recommend approval of the language as currently written. The language proffered is not consistent with water conservation language found in other proffers currently being reviewed by the Board of Supervisors. Other water conservation proffer language has included the following sentence, "Design features, including the use of drought tolerant grasses and plantings, a water conservation plan, and drought management plan shall be implemented to reduce the total irrigated area of the Property in order to accomplish the limitation on use of public water and groundwater." Staff does not recommend approval of the proffer unless this sentence is included.

With the comments noted above, staff believes the proffers do not adequately mitigate impacts and do not recommend their acceptance.

Board of Supervisors Water Policy

On September 25, 2001, the Board of Supervisors considered water policy options. The criteria was that applicants would delay seeking the issuance of building permits until a draft permit is obtained by James City County from the State for the proposed desalination plant OR the applicant must provide information on mitigating factors that offset the need for this criteria.

The attached letter from Mr. Vernon Geddy, III, dated November 26, 2001, outlines the applicant's reason's why mitigating factors exist that offset the need for this application to wait until the groundwater withdrawal permit has been issued. The Board, following a recommendation by the Commission, should determine if sufficient demonstration has been made to allow this development to move forward.

Recommendation

Staff finds the development, as currently proposed, may ultimately negatively impact the

surrounding roads and properties. Staff also finds the current proffers do not adequately mitigate impacts. Staff therefore recommends denial of the proposal.

Paul D. Holt, III

Attachments:

1. Location Map
2. Proffers
3. Traffic Analysis
4. Letter from Vernon Geddy, III, dated November 26, 2001
5. Master Plan (separate)
6. Conceptual Landscape Plan (separate)
7. Building elevation plan (to be provided by the applicant prior to the Commission meeting)

PROFFERS

THESE PROFFERS are made as of this 26th day of November, 2001, by G - SQUARE, INC., a Virginia corporation, (together with its successors and assigns, the "Owner") and BUSH CONSTRUCTION CORPORATION, a Virginia corporation, and lessee from Owner under a long-term land lease ("Bush").

RECITALS

A. Owner is the owner of certain real property (the "Property") in James City County, Virginia more particularly described on Exhibit A attached hereto and made a part hereof.

B. A portion of the Property is now zoned M-1 and a portion is now zoned R-8.

C. Owner has applied for a rezoning of the Property to B-1, with proffers, and in connection therewith has submitted a Master Plan prepared by AES Consulting Engineers entitled "Conceptual Master Plan, Office at Monticello and New Town, Water Booster - Storage Facility" and dated July 24, 2001 and revised through November 21, 2001 (the "Master Plan").

D. Owner desires to offer to the County certain conditions on the development of the Property not generally applicable to land zoned B-1 for the protection and enhancement of the community and to provide for the high-quality and orderly development of the Property.

NOW, THEREFORE, for and in consideration of the

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approval by the Board of Supervisors of James City County of the applied for rezoning, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the applied for rezoning is not granted by the County, the Proffers shall thereupon be null and void.

CONDITIONS

1. Master Plan. The Property shall be developed generally in accordance with the Master Plan as determined by the Development Review Committee.

2. Easements. Owner shall grant reciprocal access and parking easements over and across the Property to the James City Service Authority ("JCSA") for access and parking for the JCSA's Water Booster - Storage Facility in accordance with the Memorandum of Agreement between the Owner and JCSA dated July 23, 2001.

3. Uses. Uses on the Property shall be limited to those uses permitted by right in the LB - Limited Business zoning district except as further limited herein. Any retail use on the Property shall be limited to the first floor of the building. Any health club use shall be limited to no more than one floor of the building. The following uses shall not be permitted on the Property: bakeries; fish markets; dry cleaners; laundries; lodges; civic clubs; fraternal organizations; service clubs and public meeting halls.



4. Stormwater Management. Development on the Property shall utilize a common underground BMP approved by the County Environmental Division.

5. On-Street Parking. Development on the Property shall utilize on-street parking as shown on the Master Plan. The on-street parking shown on the Master Plan shall be shown on the site development plan which shall be approved by the Virginia Department of Transportation ("VDOT") prior to the issuance of a certificate of occupancy.

6. Exterior Lights. All exterior building lights shall either be recessed fixtures or shall be specifically approved by the Director of Planning.

7. Monticello Avenue Fence. Owner desires, and the County supports, the removal of the existing fence in the VDOT right-of-way along Monticello Avenue in front of the Property. Removal of the fence is subject to the prior approval of VDOT. If the existing fence is removed, all or part of such fence shall be replaced with a fence/wall feature approved by the New Town Design Review Board ("DRB").

8. Final Plans. Final building plans and site plan shall be consistent with the approved conceptual plans.

9. Enhanced Landscaping. "Enhanced landscaping" (defined below) shall be installed along the side of the Property adjacent to the cul-de-sac on Ironbound Circle and adjacent to the one-

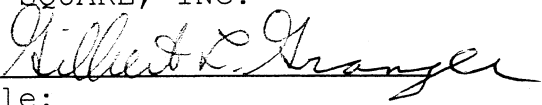
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way, right in only entrance into the Property from relocated Ironbound Road to help screen the parking lot on the Property and the adjacent JCSA water tanks. Enhanced landscaping shall mean landscaping consisting of shrubs and evergreen trees that exceed the numerical requirements of the Landscape Ordinance by at least 15% or which have been approved by the Director of Planning.

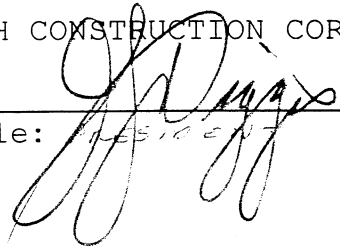
10. Water Conservation. The Owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority. The standards shall address such water conservation measures as limitations and use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures to promote water conservation and minimize the use of public water resources. The standards shall be approved by the James City Service Authority prior to approval of the site plan for development of the Property.

WITNESS the following signatures and seals:

G - SQUARE, INC.

By: 
Title:

BUSH CONSTRUCTION CORPORATION

By: 
Title: PRESIDENT

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

The foregoing instrument was acknowledged before me this 26th day of NOVEMBER, 2001, by Gilbert L. Cranger, as President of G - SQUARE, INC.

Vern M Seedy III
NOTARY PUBLIC

My commission expires:
12/31/04.

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

The foregoing instrument was acknowledged before me this 26th day of NOVEMBER, 2001, by JOHN J. DIBBES, as PRESIDENT of BUSH CONSTRUCTION CORPORATION.

Mark B Sharp
NOTARY PUBLIC

My commission expires:
MARCH 31, 2002.



MEMORANDUM

TO: Rich Costello, P. E., AFS
FROM: Dexter R. Williams, P. E. *DRW*
SUBJECT: Monticello Office Building Right Turn In Only Driveway On Ironbound Road
DATE: August 17, 2001

This memo and enclosed exhibits are provided to address the turn lane needs for a right turn in only driveway on Ironbound Road to serve the Monticello Office Building at the corner of Monticello Avenue and Ironbound Road.

Exhibit 1 shows peak hour traffic counts recently conducted at the Monticello Avenue/Ironbound Road intersection. Tabulation of the 7 to 9 AM and 4 to 6 PM counts is shown on Exhibit 1-A.

Exhibit 2 shows trip generation and distribution for the 29,500 square foot office building. Trip distribution is the same as that used for the Casey New Town project. Exhibit 3 shows the assignment of the Monticello Office Building traffic.

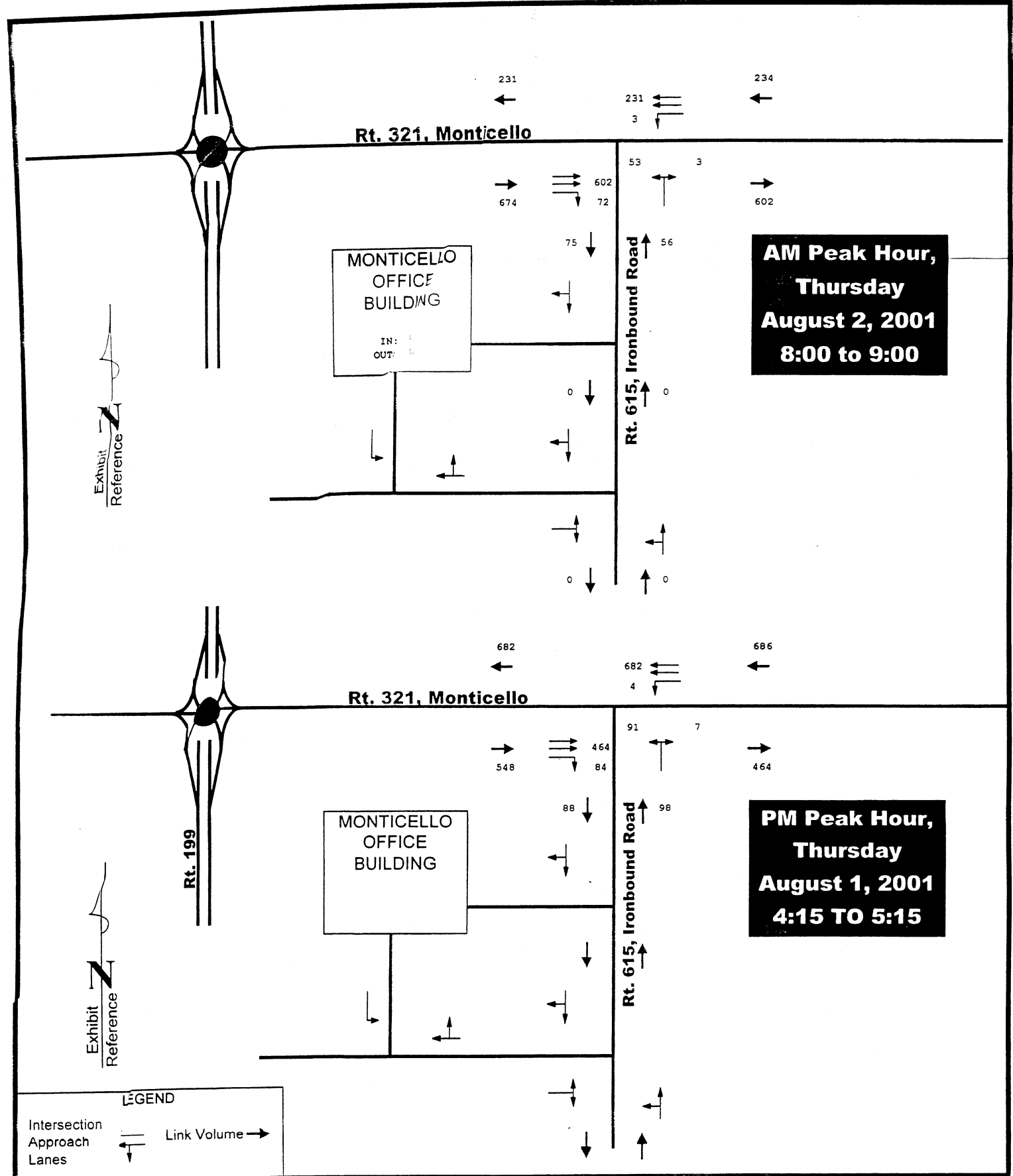
Exhibit 4 shows the total peak hour traffic forecast for the Monticello/Ironbound Road intersection presented in the 1997 traffic studies for the New Town project (2015 background traffic, Beamer traffic and New Town traffic). Exhibit 5 shows the total peak hour traffic forecast for the Monticello/Ironbound Road intersection presented in the June 2001 traffic study for Sections 2 & 4 of the New Town project.

Right turn lane needs are analyzed using three sources for background traffic:

1. 2001 counts
2. 1997 traffic study forecast
3. Section 2&4 traffic study

The southbound traffic on Ironbound departing from Monticello is used for the through traffic from each of the three sources (shown on Exhibit 1, 4, and 5). Site traffic entering the right in turn only on Ironbound Road is combined with through traffic from each of the three sources. The resulting right turn lane warrant volumes are plotted on the graph on Exhibit 6.

None of the right turn conditions for the right turn in only driveway to serve the Monticello Office Building warrant a right turn lane or taper. Only a right turn radius is warranted. This right turn in only driveway will provide convenient access for all patrons as well as less confusing access for first time visitors.



EXISTING PEAK HOUR COUNTS

DRW Consultants, Inc.
804-794-7312

Exhibit 1

AM PEAK HOUR

Date: Thu, 8/2/01

LOCATION: Monticello Avenue/Old Ironbound Road

CUMULATIVE 15 MINUTE COUNTS

TIME	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	Total
7:00 to 7:15	7		0					63	12	0	28		110
7:15 to 7:30	19		0					163	25	0	64		271
7:30 to 7:45	36		0					280	37	3	113		469
7:45 to 8:00	49		0					418	62	5	170		704
8:00 to 8:15	69		1					579	78	5	220		952
8:15 to 8:30	71		2					725	96	7	280		1181
8:30 to 8:45	88		3					858	117	8	345		1419
8:45 to 9:00	102		3					1020	134	8	401		1668

Count Sheet

15 MINUTE INTERVAL COUNTS

TIME	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	Total
7:00 to 7:15	7	0	0	0	0	0	0	63	12	0	28	0	110
7:15 to 7:30	12	0	0	0	0	0	0	100	13	0	36	0	161
7:30 to 7:45	17	0	0	0	0	0	0	117	12	3	49	0	198
7:45 to 8:00	13	0	0	0	0	0	0	138	25	2	57	0	235
8:00 to 8:15	20	0	1	0	0	0	0	161	16	0	50	0	248
8:15 to 8:30	2	0	1	0	0	0	0	146	18	2	60	0	229
8:30 to 8:45	17	0	1	0	0	0	0	133	21	1	65	0	238
8:45 to 9:00	14	0	0	0	0	0	0	162	17	0	56	0	249

HOUR INTERVAL

TIME	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	Total
7:00 to 8:00	49	0	0	0	0	0	0	418	62	5	170	0	704
7:15 to 8:15	62	0	1	0	0	0	0	516	66	5	192	0	842
7:30 to 8:30	52	0	2	0	0	0	0	562	71	7	216	0	910
7:45 to 8:45	52	0	3	0	0	0	0	578	80	5	232	0	950
8:00 to 9:00	53	0	3	0	0	0	0	602	72	3	231	0	964

PEAK HOUR TURNING MOVEMENT VOLUMES

TIME	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	Total
8:00 to 9:00	53	0	3	0	0	0	0	602	72	3	231	0	964

Exhibit 1A-1

PM PEAK HOUR

Date: Wed, 8/1/01

LOCATION: Monticello Avenue/Old Ironbound Road

CUMULATIVE 15 MINUTE COUNTS

TIME	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	Total
3:45 to 4:00													
4:00 to 4:15	13		1					101	11	0	160		286
4:15 to 4:30	33		5					202	35	2	331		608
4:30 to 4:45	60		6					319	50	3	507		945
4:45 to 5:00	76		6					456	77	4	686		1305
5:00 to 5:15	104		8					565	95	4	842		1618
5:15 to 5:30	116		10					588	108	4	1014		1840
5:30 to 5:45	138		10					820	118	4	1175		2265
5:45 to 6:00	150		10					934	130	4	1311		2539

Count Sheet

15 MINUTE INTERVAL COUNTS

TIME	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	Total
4:00 to 4:15	13	0	1	0	0	0	0	101	11	0	160	0	286
4:15 to 4:30	20	0	4	0	0	0	0	101	24	2	171	0	322
4:30 to 4:45	27	0	1	0	0	0	0	117	15	1	176	0	337
4:45 to 5:00	16	0	0	0	0	0	0	137	27	1	179	0	360
5:00 to 5:15	28	0	2	0	0	0	0	109	18	0	156	0	313
5:15 to 5:30	12	0	2	0	0	0	0	23	13	0	172	0	222
5:30 to 5:45	22	0	0	0	0	0	0	232	10	0	161	0	425
5:45 to 6:00	12	0	0	0	0	0	0	114	12	0	136	0	274

HOUR INTERVAL

TIME	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	Total
4:00 to 5:00	76	0	6	0	0	0	0	456	77	4	686	0	1305
4:15 to 5:15	91	0	7	0	0	0	0	464	84	4	682	0	1332
4:30 to 5:30	83	0	5	0	0	0	0	386	73	2	683	0	1232
4:45 to 5:45	78	0	4	0	0	0	0	501	68	1	668	0	1320
5:00 to 6:00	74	0	4	0	0	0	0	478	53	0	625	0	1234

PEAK HOUR TURNING MOVEMENT VOLUMES

TIME	NB Left	NB Thru	NB Right	SB Left	SB Thru	SB Right	EB Left	EB Thru	EB Right	WB Left	WB Thru	WB Right	Total
4:15 to 5:15	91	0	7	0	0	0	0	464	84	4	682	0	1332

Exhibit 1A-2

TRACT	LAND USE	ITE CODE	SQ.FT., OTHER UNITS	WEEKDAY TRIP GENERATION						DAILY
				AM PEAK HOUR			PM PEAK HOUR			
				Enter	Exit	Total	Enter	Exit	Total	

TABLE 1 - TRIP GENERATION

rate-adj. st.	Gen. Office Building	710	29,500 sq. ft.	40	6	46	8	36	44	325 X
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TABLE 3 - TRIP DISTRIBUTION, LOW TRIP GENERATION

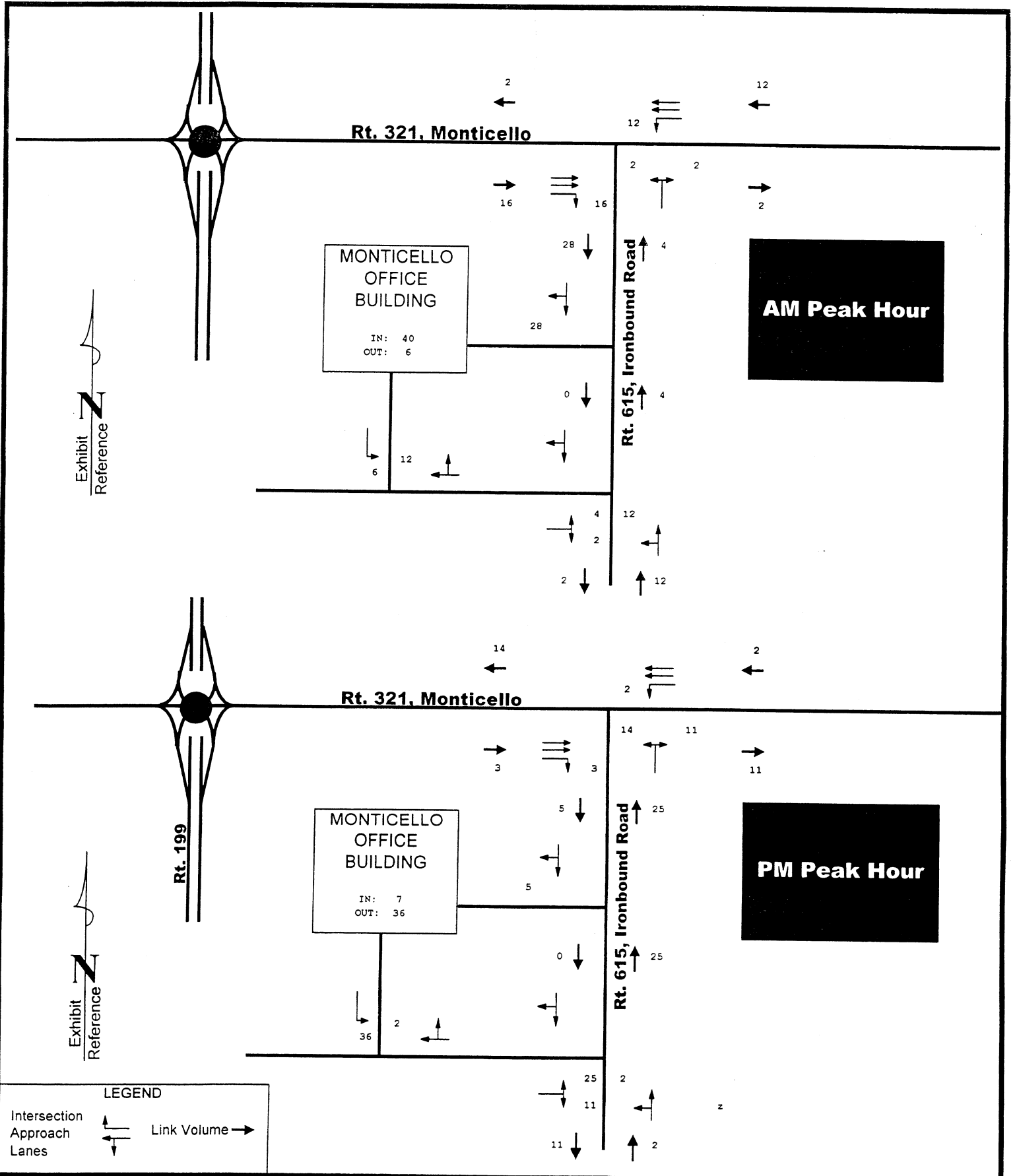
All Uses		40		6		46		8		36		44		325	
		AM Peak Hour				PM Peak Hour									
		Entering Traffic		Exiting Traffic		Entering Traffic		Exiting Traffic							
Direction	% Dist.	Trips	% Dist.	Trips	% Dist.	Trips	% Dist.	Trips	% Dist.	Trips					
Ironbound North/Longhill Conn.	30%	12	30%	2	30%	2	30%	11	30%	11					
Strawberry Plains South	30%	12	30%	2	30%	2	30%	11	30%	11					
Monticello West	40%	16	40%	2	40%	3	40%	14	40%	14					
	100%	40	100%	6	100%	7	100%	36	100%	44					

Trip generation rates from Trip Generation, 6th Edition (TG6) by the Institute of Transportation Engineers (ITE)

MONTICELLO OFFICE TRIP GENERATION AND DISTRIBUTION

DRW Consultants, Inc.
804-794-7312

Exhibit 2
47



MONTICELLO OFFICE TRIP ASSIGNMENT

DRW Consultants, Inc.
804-794-7312

Exhibit 3

Rt. 321, Monticello

1708
290 0 71
18
1384
21
1423

2093
1894
118
81
34 0 39
2004

MONTICELLO
OFFICE
BUILDING
IN: 0
OUT: 0

**AM Peak Hour
(Ex. D, 7/2/97
Technical App.)**

Exhibit
Reference

Rt. 615, Ironbound Road

139
0
0
73
0

Rt. 321, Monticello

3022
290 0 71
78
2621
39
2738

2621
2279
49
293
111 0 21
2371

MONTICELLO
OFFICE
BUILDING

**PM Peak Hour
(Ex. 9, 4/15/97
Traffic Study)**

Exhibit
Reference

Rt. 199

Rt. 615, Ironbound Road

88
132
0

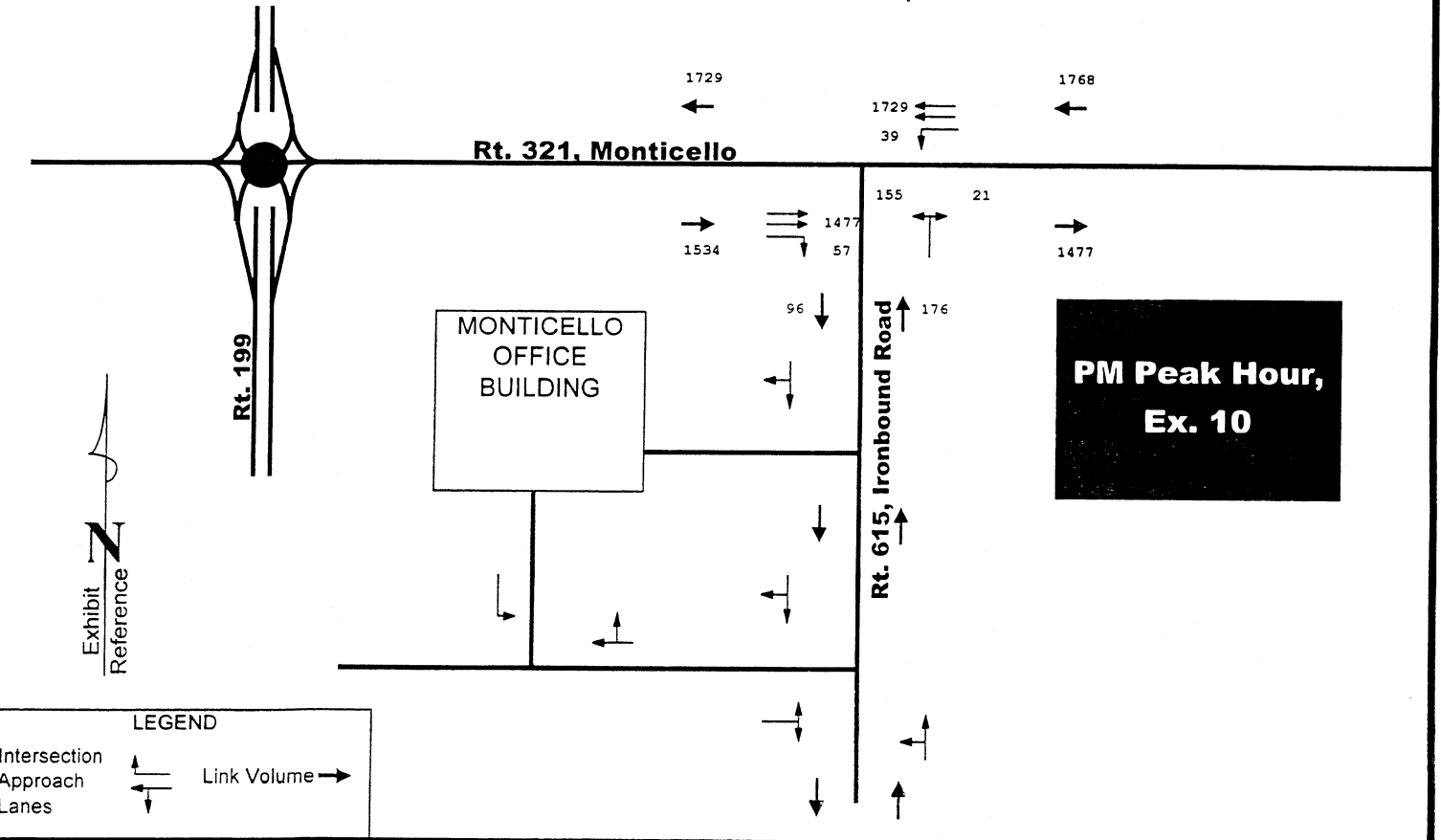
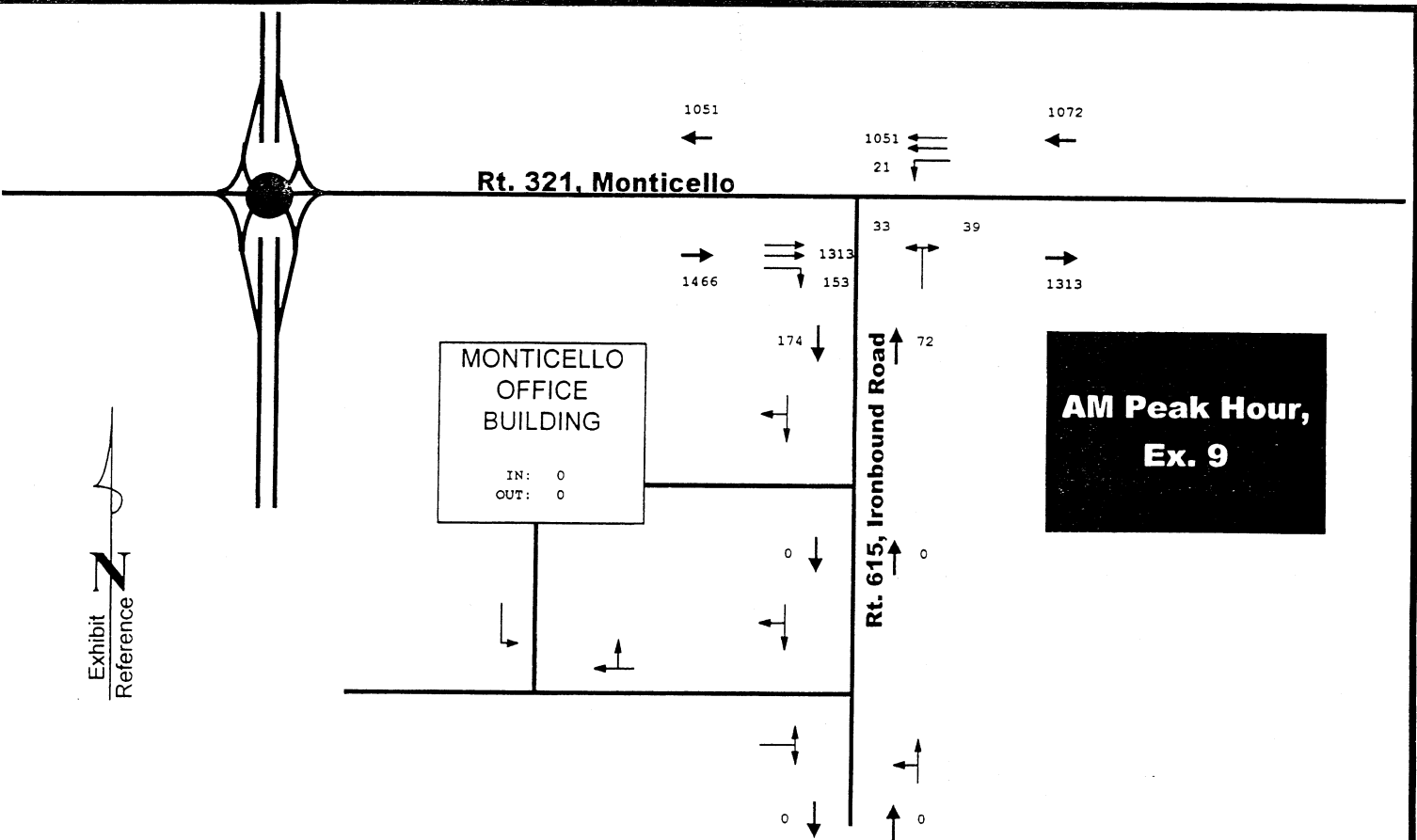
LEGEND

Intersection Approach Lanes
Link Volume

MONTICELLO/IRONBOUND FORECAST
APRIL 1997 NEW TOWN TRAFFIC STUDIES

DRW Consultants, Inc.
804-794-7312

Exhibit 4
49



LEGEND

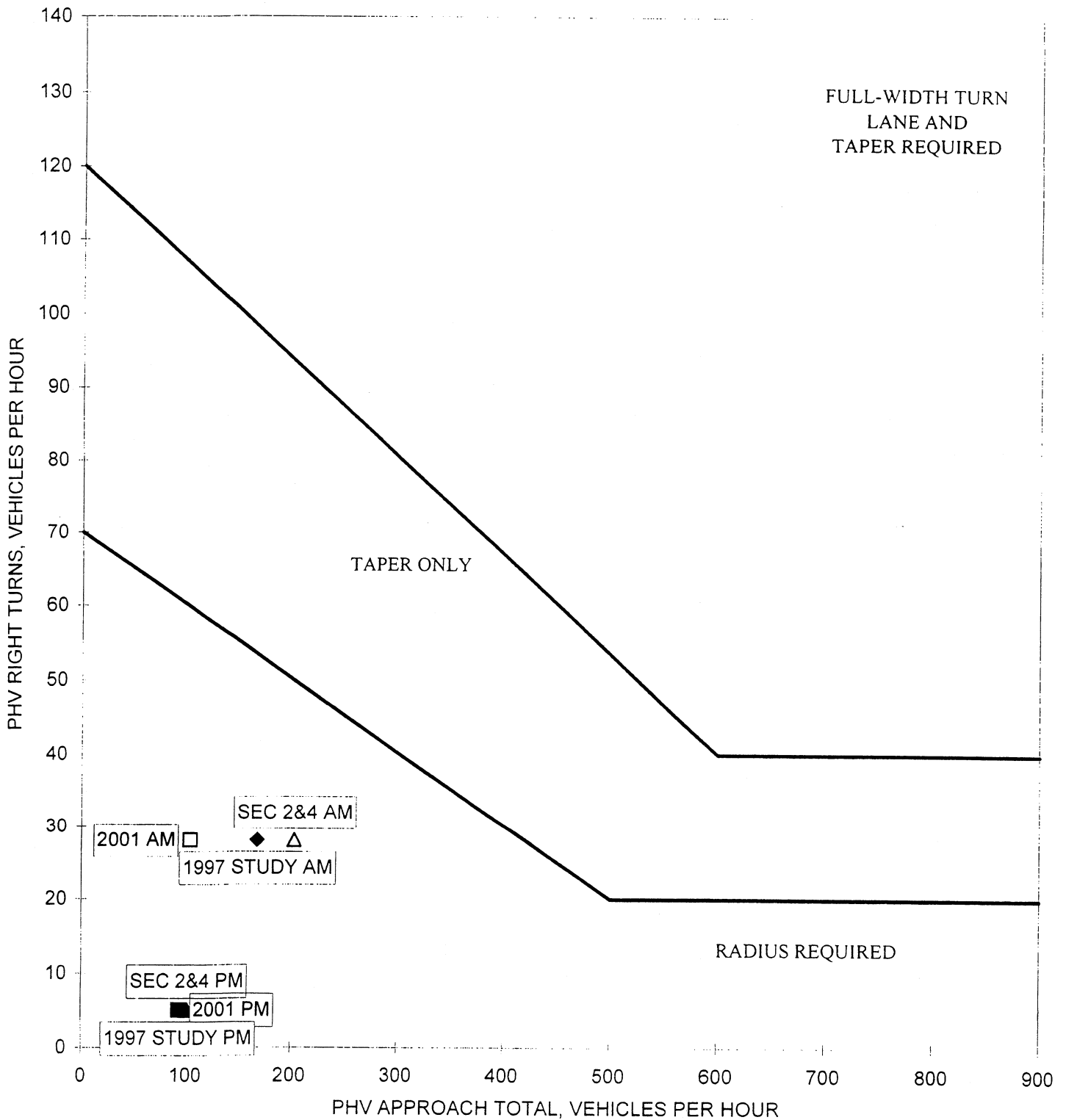
Intersection Approach Lanes Link Volume

SECTION 2 & 4 TRAFFIC FORECAST
JUNE 2001

DRW Consultants, Inc.
804-794-7312

Exhibit 5

Guidelines for Right Turn Treatments 2 - Lane Highway



Source: VDOT Road Design Manual, Vol. 1, Page C-15, Figure C-1-8

VDOT RIGHT TURN LANE WARRANT
RIGHT TURN IN ONLY ON IRONBOUND

DRW Consultants, Inc.
804-794-7312

Exhibit 6

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

ATTORNEYS AT LAW
516 SOUTH HENRY STREET
POST OFFICE BOX 379

WILLIAMSBURG, VIRGINIA 23187-0379

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

e-mail: vgeddy@widomaker.com

November 26, 2001

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

Re: Z-5-00/Office Building at Monticello Avenue and Ironbound Road

Dear Paul:

On behalf of the applicant, I am writing to address the issue you raised with me regarding this application's compliance with the Board's policy set out as option #2 in the County Administrator's Memorandum to the Board dated September 25, 2001.

As you know, this application is for one Class A office building of approximately 24,080 square feet of leaseable space. AES estimates that the estimated water use for the building is 2,250 gallons per day. The application includes a proffered water conservation plan. The project will have a positive fiscal impact for the County being a Class A office project. This project is being developed in conjunction with the adjacent JCSA water storage/booster project. Pursuant to an agreement with JCSA, the applicant is purchasing excess land from JCSA and the two projects are utilizing a shared underground BMP and shared entrances, at considerable costs savings to JCSA.

We believe the project's small water usage, its proffered water conservation plan, its positive fiscal impact and the costs savings to JCSA outlined above justify approval of the project as submitted. The project through its positive fiscal impact and costs savings to JCSA is already contributing to future water supply costs. The September 25 Memorandum recognizes that the County has a current excess of 1.75 million gallons per day in the JCSA system. This project would use only 2,250 gallons per day. On the other hand, it would be extremely damaging to this project to force it to wait 12 to 15 months for the issuance of a draft permit by DEQ. Given the small water usage by the project, we do not believe this delay would be fair or necessary.

Sincerely,



Vernon M. Geddy III

VMG:s

cc: Mr. John Salin
Mr. Richard A. Costello

M E M O R A N D U M

Date: December 3, 2001
To: The Planning Commission
From: Jill E. Schmidle, Senior Planner
Subject: Case No. ZO-4-01. Sign Ordinance Revision

Staff is processing an amendment to add the Planned Unit Development - Commercial (PUD-C) district to the list of zones eligible for a waiver for larger building face signs. Currently Section 24-71 (a), Building Face Signs, Sign Location and Area, states the following, "...For industrial uses in the M-1, M-2, and RT Zoning Districts, the applicant may request an exception from the planning director to allow the building face sign(s) to exceed 60 square feet." Since the PUD-C district permits industrial uses, staff recommends adding PUD-C to this list of districts eligible for exceptions.

The proposed amendment would state, "For industrial uses in the M-1, M-2, *PUD-C*, and RT Zoning Districts, the applicant may request an exception from the planning director to allow the building face sign(s) to exceed 60 square feet."

Please note that specific criteria shall be considered in deciding whether to approve an exception request, including scale, proportion, materials, lighting, colors and construction. The specific criteria as described in the ordinance is attached for your reference. Additionally, please note that an applicant may appeal the planning director's decision to the Development Review Committee.

RECOMMENDATION:

Staff finds the addition of PUD-C to the list of districts eligible for exceptions allows for consistency and flexibility within the industrial zoning districts. This addition does not on its own permit larger signs within the county. Instead, it allows additional property to be eligible for a waiver, to be reviewed on a case-by-case basis.

Jill E. Schmidle

Attachments:

1. Revised Sign Ordinance

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 3, EXTERIOR SIGNS, SECTION 24-71, BUILDING FACE SIGNS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article II, Special Regulations, Division 3, Exterior signs, Section 24-71, Building Face Signs.

Chapter 24. Zoning
Article II. Special Regulations
Division 3. Exterior Signs

Section 24-71. Building face signs.

In zones where business or manufacturing is permitted, a building face sign shall also be permitted. The signs shall be in compliance with the following regulations:

(a) *Sign location and area.* The building face sign(s) shall be placed on the front facade of the building, except in cases outlined below in subsections (d) and (g). The area devoted to such signs shall not exceed one square foot of sign area for each linear foot of the building's or unit's front facade or 60 square feet, whichever is smaller. The front facade of the building shall be considered the side that has the main public entrance.

For industrial uses in the M-1, M-2, *PUD-C*, and RT Zoning Districts, the applicant may request an exception from the planning director to allow the building face sign(s) to exceed 60 square feet. An applicant may appeal the decision of the planning director to the DRC. The appeal shall be in writing and shall document the reasons and justifications for such request. The DRC shall approve, deny, or conditionally approve the applicant's exception request based on the review criteria outlined in this section. For the purposes of this section, industrial uses shall mean any industrial use that involves the manufacture and/or assembly of products or components/parts for products. In addition to the submittal requirements outlined in section 24-67, the applicant shall provide scale drawings of the building elevation(s) and proposed sign(s). A conceptual plan

shall also be submitted which shows the location of the sign relative to the existing and proposed landscaping, sight lines, distances from right-of-ways, and other pertinent site features.

In reviewing an exception request, the following criteria shall be considered in deciding whether to approve the request.

- (1) *Scale and proportion.* The size and scale of the sign and proportion of lettering, characters, and figures shall complement the design, scale, size, and materials of the building as well as the distance of the building from adjacent public right-of-ways. The scale of the sign in proportion to the building should be balanced so that the sign is not the dominant visual feature of the structure, with additional size aimed primarily at making the use identifiable from an adjoining public road. In no case shall the size of the sign exceed ten percent of the building's wall surface upon which the sign is placed.
- (2) *Materials, lighting, colors, and construction.* The materials, lighting, and colors of the sign shall not negatively impact adjacent properties or the aesthetics of the adjacent public roads. No exceptions will be granted for signs located within 150 feet of the road right-of-way of roads designated community character corridors.
- (b) *Sign mounting.* Such signs shall be mounted flat against the building on the side measured above.
- (c) *Sign lighting.*
 - (1) Internally illuminated signs shall be prohibited in the following cases:
 - a. Internally illuminated signs which are visible from and located within 150 feet of the existing or proposed rights-of-way of primary and secondary roads within a community character area as identified on the James City County Comprehensive Plan Land Use Map; or
 - b. Internally illuminated signs which are visible from and located within 150 feet of the existing or proposed rights-of-way of roads designated as community character corridors by the James City County Comprehensive Plan.
 - (2) Illuminated, signs within community character areas and along community character corridors, as

defined above in (c)(1)a. and b., shall be signs composed of:

- a. back-lit or lighted channeled letters as approved by the planning director in accordance with the criteria outlined in section 24-72. An applicant may appeal the decision of the planning director to the DRC. The appeal shall be in writing and shall document the reasons and justifications for such request. The DRC shall approve, deny, or conditionally approve the applicant's exception request based on the review criteria outlined in section 24-72; or
- b. shall be externally illuminated in such a way that bulbs, lenses, or globes shall not be visible from the right-of-way.

(3) Signs shall cast no glare upon any adjacent property or public or private right-of-way.

(d) *Additional signs for buildings facing onto public rights-of-way or parking lots.* When the same building faces onto a public right-of-way or parking lot on the rear or side of the building, an additional sign may be erected at the public entrance on that side. The area devoted to such sign(s) shall not exceed one square foot of sign area for each linear foot of the building's side upon which the sign is placed or 60 square feet, whichever is smaller. Such sign must be mounted flat against the building.

(e) *Additional signs for buildings in excess of 40,000 square feet.* If the footprint of an individual store exceeds 40,000 square feet in size and contains major retail departments (i.e. bakery, restaurant, pharmacy, etc.), four additional building face signs advertising these retail departments, in addition to the main identification sign, may be permitted. The size of these individual sign(s) shall not exceed one square foot of sign area for each linear foot of the retail department's interior facade or 75 percent of the size of the main building face sign, whichever is smaller.

(f) *Exterior signs for stores within an enclosed shopping mall.* If there are individual stores located within an enclosed shopping mall and the stores are not directly accessible from the outside, each of the interior stores shall be allowed to display one exterior wall sign in accordance with the following regulations:

- (1) The area devoted to such signs shall not exceed one square foot of sign area for each linear foot of the unit's front facade or 60 square feet, whichever is smaller.

(2) The sign shall be mounted flat against the building at one of the mall's public entrances.

(g) *An option for building face signs.* An owner may elect to relocate the building face sign, which would typically be placed above the building's main public entrance, on the side of the building that faces the public road right-of-way or parking lot. This provision would only apply if the side of the building facing the public road right-of-way or parking lot has no public entrance. This provision would not allow for additional building face signs beyond the maximum number permitted by section 24-71; it only provides the applicant an option on which side of the building to place the building face sign. The area devoted to such sign(s) shall not exceed one square foot of sign area for each linear foot of the building's side upon which the sign is placed or 60 square feet, whichever is smaller. Such sign must be mounted flat against the building.

**SPECIAL USE PERMIT 23-01. Colonial Redi-Mix Concrete Expansion
Staff Report for the December 3, 2001, Planning Commission Public Hearing**

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

PUBLIC HEARINGS Building C Board Room; County Government Center
Planning Commission: December 3, 2001, 7:00 p.m.
Board of Supervisors: January 8, 2001, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. John Thayer-Smith

Landowner: Virginia Trusses, Inc.

Proposed Use: Parking for trucks and storage of sand and gravel associated with the existing ready mix concrete production facility on the adjacent property.

Location: 1563 Manufacture Drive; Roberts District

Tax Map and Parcel No.: (59-2)(5-2)

Primary Service Area: Inside

Parcel Size: 1.73 acres

Existing Zoning: M-2, General Industrial

Comprehensive Plan: General Industry

Surrounding Zoning: The site is in Skiffes Creek Industrial Park and is completely surrounded by land zoned M-2, General Industrial.

Staff Contact: Christopher M. Johnson - Phone: 253-6685

STAFF RECOMMENDATION:

Staff finds the proposal consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. Therefore, staff recommends the Planning Commission recommend approval of this application with the conditions listed in the staff report.

Project Description

Mr. John Thayer-Smith has applied for a special use permit to allow the expansion of the existing Colonial Redi-Mix Concrete facility at 1571 Manufacture Drive in the Skiffes Creek Industrial Park onto an adjacent property located at 1563 Manufacture Drive also within the Industrial Park. The property is zoned M-2, General Industrial, and is further identified as Parcel No. (5-2) on James City County Real Estate Tax Map No. (59-2). On February 10, 1998, the Board of Supervisors approved the issuance of a special use permit (Case No. SUP-32-97) for the existing Colonial Redi-Mix Concrete facility. The manufacture of cement, bricks and stone products is a specially permitted use in the M-2 Zoning District and an expansion of a specially permitted use also requires an SUP.

Colonial Redi-Mix Concrete is a small, semi-mobile concrete plant with a capacity of approximately 300 cubic yards of concrete per day (approximately 20 truckloads). The existing facility contains an office building, workshop, mobile concrete plant, outdoor storage area for sand and gravel, and a wash down pit. The applicant currently operates a fleet of eight trucks. The applicant has stated that this application is intended to provide much needed parking space for the concrete trucks and additional storage area for materials. The applicant does not expect to the expansion to have a significant effect on their current concrete production levels. If the proposed expansion is approved, the applicant intends to eliminate the common property line between the two parcels.

Surrounding Zoning and Development

The property is generally bounded by Blow Flats Road to the east and BASF Drive to the west. Two businesses, S.A. Seaman Concrete Construction and Bay Welding Fabricators, are currently located in Skiffes Creek Industrial Park adjacent to the Colonial Redi-Mix site. Approximately 17 small, single family lots, zoned M-2, are located to the north and east of the Industrial Park. Further to the east, across Blow Flats Road, is the Wal-Mart Distribution Center and the Branscome and Sanifill Borrow Pits which are also zoned M-2. West of the site, across BASF Drive, is the Colonial Pipeline Easement, Ball Metal, zoned M-2, and the James River Commerce Center, zoned M-1, Limited Business/Industrial. With the proposed SUP conditions, staff believes that the potential negative impacts to surrounding properties are mitigated to the greatest extent possible and finds that the proposed expansion is consistent with the surrounding zoning and development.

Physical Features & Environmental Considerations

The 1.73-acre site is currently wooded and slopes away from the existing Colonial Redi-Mix Concrete site toward the Virginia Power easement adjacent to the Bay Welding Fabricators site at the south end of the cul-de-sac. The applicant has been meeting with representatives from the James City County Environmental Division in advance of this application to discuss the potential impacts the parking and storage areas would have on the existing stormwater management facility on the current site. The applicant has proposed clearing approximately one acre of the 1.73 acre site and retaining approximately 40-feet of undisturbed buffer along the southern property line in addition to the adjacent 50-foot Virginia Power easement. The applicant intends to retain this undisturbed buffer area in order to qualify for points in meeting the requirements of the Chesapeake Bay Preservation Ordinance. The Environmental Director believes that all environmental impacts on the proposed site relating to the additional parking and material storage areas can be addressed administratively during site plan review without the need for any

additional conditions.

Traffic/Access

Access to the existing Colonial Redi-Mix Concrete facility and to the rest of Skiffes Creek Industrial Park is from Blow Flats Road. Blow Flats Road does not meet current VDOT standards for secondary roads. The road has a 30-foot right-of-way and 20-feet of pavement width. Current VDOT standards call for 50-feet of right-of-way and 22-feet of pavement width. Site constraints and plant capacity limit the amount of cement production the plant can generate which, in turn, limits the number of truck trips to and from the site. According to the applicant, the plant currently generates approximately 120 vehicle trips per day on average.

As stated previously, the applicant intends to eliminate the common property line between the existing Colonial Red-Mix Concrete site and the property being considered for this expansion. By eliminating the common property line, Colonial Redi-Mix Concrete will only be allowed one entrance to their site from Manufacture Drive. Staff does not feel that the number of trips generated by this operation significantly adds to the existing traffic already on the road and the proposed expansion will not negatively impact Blow Flats Road.

Public Utilities

The site is inside the Primary Service Area and public water and sewer are available to the site.

Comprehensive Plan

The Comprehensive Plan designates this area as General Industry. This designation is intended to describe areas inside the Primary Service Area that are suitable for industrial uses which, because of their potential to create noise, dust, odor and other environmental impacts, require buffering from adjoining uses. Comprehensive Plan designations along the south side of Pocahontas Trail and along Blow Flats Road include General Industry and Mixed Use. The nearest residentially designated area is the Skiffes Creek Terrace subdivision which is located on the north side of Pocahontas Trail. Pocahontas Trail currently serves other industrial developments which generate heavy truck traffic and is planned to serve future industrial uses as well. Staff feels that the proposed expansion is consistent with the Comprehensive Plan because it is located in an area intended for industrial and manufacturing uses, the addition of parking and material storage spaces will not negatively impact surrounding uses, and is consistent with previous Board of Supervisors actions in the Skiffes Creek Area.

Recommendation:

Staff finds the proposal consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. Given the applicants stated intent to extinguish the common property line and combine the two parcels, the conditions approved under the original special use permit (Nos. 1-7) have been incorporated into this application and would apply to the entire site. Staff, therefore, recommends the Planning Commission recommend approval of this application with the following conditions:

1. If construction has not commenced on the project within twelve (12) months from the

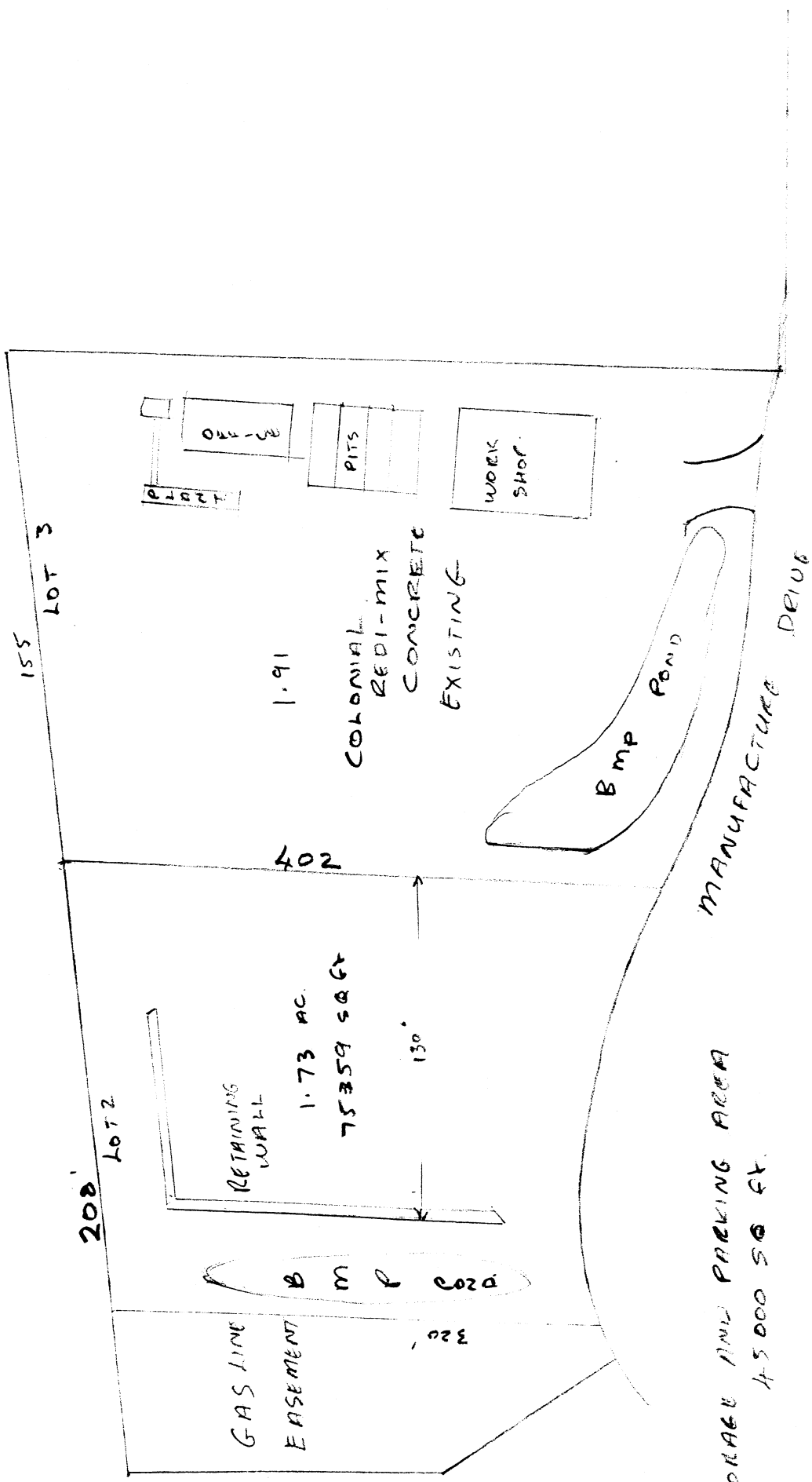
issuance of the special use permit, the permit shall become void. During this twelve month period, permits pertaining to construction shall be secured and all clearing and grading activities on the site shall be completed.

2. A Spill Prevention and Control Measure Plan shall be approved by the Director of Code Compliance prior to issuance of a Final Certificate of Occupancy for the ready mix concrete plant.
3. A dust collection system shall be utilized on the ready mix concrete plant. The manufacturer's specifications for the system shall be submitted with the site plan and shall be approved by the Director of Planning prior to final site plan approval.
4. No flags or signage on any silo, hopper, or any other piece of permanent equipment shall be permitted.
5. All exterior light fixtures on the property shall have recessed fixtures with no lens, bulb, or globe extending below the casing, and there shall be no direct visibility of the light source from adjacent residential property or from a public road.
6. The "reverse warning beepers" on all equipment which serves the ready mix concrete plant shall be turned down to their lowest volumes.
7. Rock, gravel, sand, cement and/or similar materials shall be stored in bins to control runoff and scattering of such materials onto adjacent property. An erosion and sediment control and runoff management plan shall be approved by the Environmental Director prior to final site plan approval.
8. A landscaping plan shall be approved by the Planning Director or his designee prior to final site plan approval.
9. Only one entrance shall be allowed onto Manufacture Drive unless permitted by the Development Review Committee.
10. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

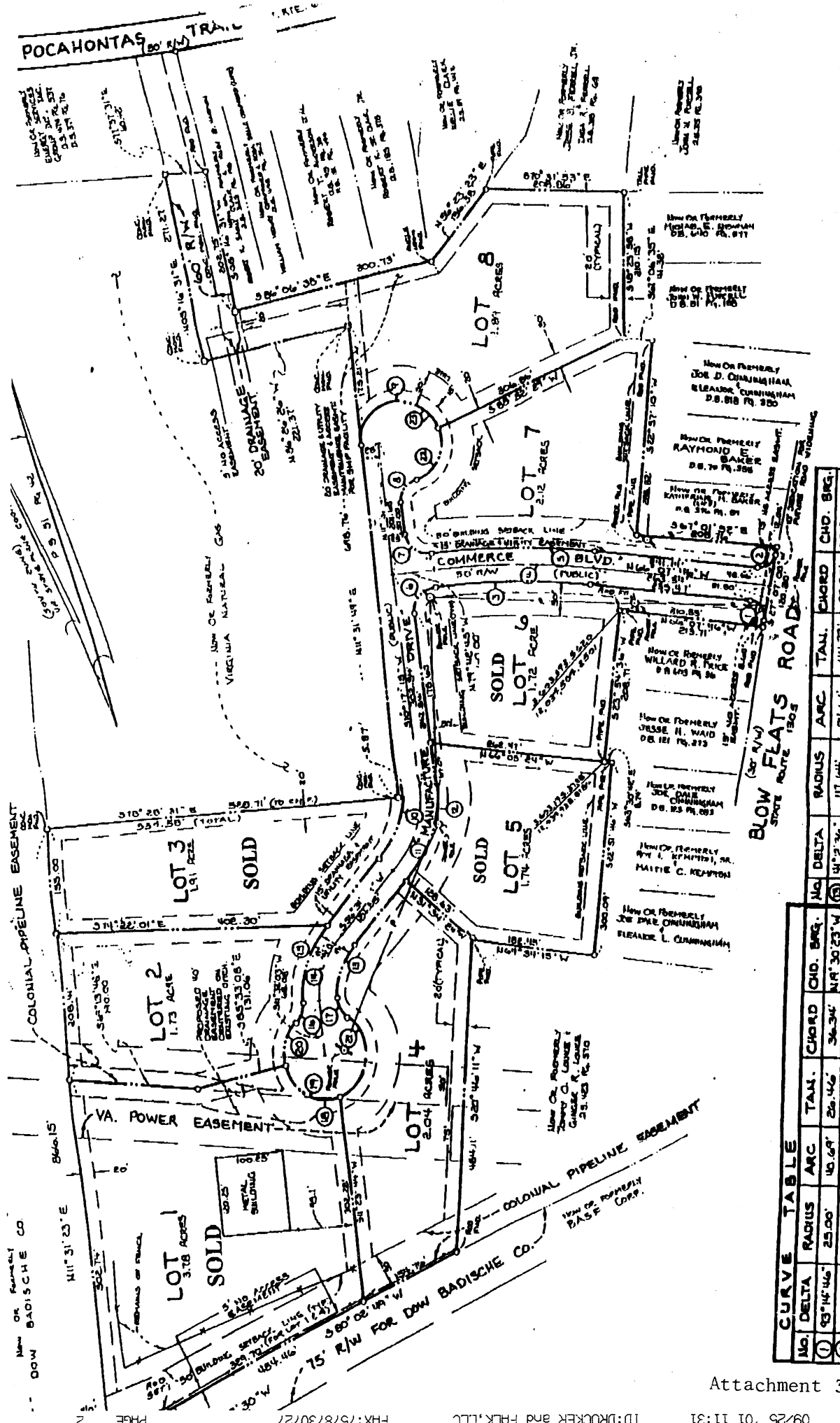
Christopher Johnson

Attachments:

1. Location Map
2. Conceptual Plan
3. Skiffes Creek Industrial Park Map



COLONIAL REDI-MIX EXTENSION



CURVE TABLE		TAN. CHD. BKG.		RADIUS ARC		TAN. CHD. BKG.	
NO.	DELTA	RADIUS	ARC	DELTA	TAN.	CHD.	BKG.
1	93° 45'	25.00'	10.69'	11° 23'	1.17	0.21	0.21
2	117° 23'	117.00'	41.23'	11° 23'	1.17	0.21	0.21

PLANNING DIRECTOR'S REPORT

DECEMBER, 2001

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

1. Master Greenways Plan. The Greenways Advisory Committee continues its efforts to garner greater public participation in the Committee's draft plan. There was another focus group meeting for citizens on Wednesday, November 14th at 7 p.m. in the James City/Williamsburg Community Center. Several steps were taken by Parks and Recreation staff to increase public participation at this strategically important meeting.
3. Purchase of Development Rights. The Planning Commission's Open Space Committee met on November 14th to discuss the ordinance and provide input. The PDR Administrator presented the draft County Ordinance to the Board of Supervisors at its November 27 meeting, and it was unanimously approved by the Board.
4. Architectural Survey. The consultant, MAAR Associates, terminated the contract arrangement with the subcontractor who had been handling this project and notified VDHR that a final report would not be ready by October 23 as scheduled. An architectural historian from the VDHR Portsmouth field office has been assigned to complete the remaining work on this project. The survey coordinator expects that this project will be completed in early December.
5. Casey New Town. The DRB met in November to discuss the proposed office building at the intersection of Monticello Avenue and Ironbound Road Relocated. This case will be brought before the Commission in December.
6. Citizens Survey. Staff implemented its communications plan with advertisements in the newspapers and other publications, on the Internet, and in flyers and mailings. The consultant conducted a pre-test, finalized the survey instrument, and is currently fielding the survey. Data collection is expected to continue through mid-November.
7. U.S. Census. The Census Bureau continues to release data that staff is incorporating into the Comprehensive Plan Technical Manual. Information has been posted on the demographics section of the Development Management page of the James City County website at: www.james-city.va.us.
8. Green Spring Master Plan Amendment/Centerville Road Closure. The National Park Service and the County held a citizen information meeting on November 14th at 7 p.m. at the James Blair Middle School. Because this matter will require Commission consideration, a site visit to Green Springs has been scheduled for December 5th at 3 p.m.
10. JCSA Desalinization Plant. Mr. Larry Foster, General Manager of the JCSA, does not anticipate having architectural elevations available for the proposed desalinization facility for several months. A site visit to the Lee Hall Water Treatment facility in Newport News can be arranged when the Special Use Permit application is ready to be brought back to the Planning Commission.
15. Other Board Action. At its November 13th meeting, the Board approved Case No. SUP-2-01 JCSA: Route 5 Water Main Installation and deferred Case No. Z-4-00/MP-1-01 Colonial Heritage of Williamsburg and Case No. AFD-6-86 Cranston's Pond Agricultural

and Forestal District - Ware Withdrawal to its November 27th meeting. At its meeting of November 27th, the Board approved Case No. Z-4-00/MP-1-01 Colonial Heritage of Williamsburg and Case No. AFD-6-86 Cranston's Pond Agricultural and Forestal District - Ware Withdrawal and approved Case No. SUP-20-01/HW-1-01. James City Energy Park - Electrical Generator Plant.

16. Upcoming Cases. New cases that are tentatively scheduled for the January 7, 2002, Planning Commission meeting.

CASE NO. AFD-1-89. ARMISTEAD AFD - RENEWAL. Last reviewed in 1998, the Armistead Agricultural and Forestal District (AFD) must now be reviewed for continuance of the AFD. The existing Armistead AFD is comprised of four parcels totaling approximately 312 acres and is generally located north of Longhill Road and east of Centerville Road.

CASE NO. AFD-1-93. WILLIAMSBURG FARMS AFD - RENEWAL. Last reviewed in 1998, the Williamsburg Farms Agricultural and Forestal District (AFD) must now be reviewed for continuance of the AFD. The existing Williamsburg Farms AFD is comprised of two parcels totaling approximately 302 acres and is generally located east of Lake Powell Road south of the Williamsburg-Jamestown Airport.

CASE NO. SUP-26-01. GRACE COVENANT PRESBYTERIAN CHURCH. Mr. Ronnie Osborne of LandMark Design Group has applied on behalf of Grace Covenant Presbyterian Church for a special use permit to allow the construction of an 11,000 square foot church building with associated parking and utility improvements at 1677 Jamestown Road.

CASE NO. Z-8-01/SUP-27-01. TOANO BUSINESS CENTRE NORTH. Michael Brown has submitted a rezoning application to rezone parcels (12-4)(1-9B) and (12-4)(1-9C) to a "by right use" M-1 zoning designation. The parcels are located at 8189 Richmond Road and are currently zoned "restricted use" B-1. The applicant has concurrently submitted an application for a special use permit to allow the development of the site as a convenience store with gas pumps.

CASE NO. SUP-28-01. MCKINLEY OFFICE BUILDING. Greg Davis has applied on behalf of McKinley Properties, LLC for a Special Use Permit to build a one story, 7,500 square foot office building on Olde Towne Road that would include shared access with Olde Towne Marketplace. A SUP is required because of the proposed building size that would be located on property zoned Limited Business and designated Neighborhood Commercial on the Comprehensive Plan Land Use Map.

CASE NO. SUP-29-01. A-STAT RESTORATION SERVICES. Mr. Morris Mason has applied on behalf of A-Stat Restoration Services for a special use permit to allow the construction of a 12,000 square foot office building with outdoor storage at 133 Powhatan Springs Road.

O. Marvin Sowers, Jr.

