
A G E N D A

JAMES CITY COUNTY PLANNING COMMISSION

April 1, 2002 - 7:00 P.M.

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| 1. | ROLL CALL | |
| 2. | MINUTES: March 4, 2002 | 1 |
| 3. | DEVELOPMENT REVIEW COMMITTEE REPORT/ READING FILE | 21 |
| 4. | PUBLIC HEARINGS | |
| | A. Case No. SUP-4-02. J. W. Crossing Shopping Center Expansion | 13 |
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A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FOURTH DAY OF MARCH, TWO-THOUSAND AND TWO, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

A. Joe Poole
George Billups
John Hagee
Don Hunt
Wilford Kale
Joe McCleary
Peggy Wildman

ALSO PRESENT

Leo Rogers, Deputy County Attorney
Greg Dohrman
John Horne, Development Manager
Marvin Sowers, Planning Director
Paul Holt, Senior Planner
Jill Schmidle, Senior Planner
David Anderson, Planner
Karen Drake, Planner

2. MINUTES

Upon a motion by John Hagee, seconded by Wilford Kale, the minutes of the February 4, 2002, meeting were approved by unanimous voice vote.

3. DEVELOPMENT REVIEW COMMITTEE (DRC)

Joe Poole presented the DRC report stating they reviewed two cases. He said the first case was for an exception to the Subdivision Ordinance to allow the use of a Puraflow septic system at 2258 Lake Powell Road. He said the second case was for the JCSA water storage booster facility at New Town, a very straight forward site plan in accordance with the special use permit plan. He stated the DRC recommended preliminary approval of both cases.

Joe McCleary made a motion, seconded by John Hagee, to recommend approval of the DRC report. By a unanimous voice vote, motion passed.

4. CASE NO. AFD-1-98. BARRETT'S FERRY AFD - 2002 RENEWAL

Dave Anderson presented the staff report stating the applicant had requested the renewal of his property at 1671 John Tyler Highway into the Agricultural and Forestal District for another four years. Staff found that the AFD was consistent with the surrounding zoning and development and the Comprehensive Plan and recommended that the Commission approve this application. He noted that on February 21, 2002, the AFD Advisory Committee voted 8-0 to recommend approval of the renewal.

Joe Poole opened the public hearing. There being no speakers, the public hearing was closed.

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

5. CASE NO. AFD-12-86. GOSPEL SPREADING CHURCH AFD - MIKULA WITHDRAWAL

Jill Schmidle presented the staff report stating the applicant had requested to withdraw their property at 2258 and 2264 Lake Powell Road from the AFD. Staff found the proposal consistent with the surrounding zoning, development and the Comprehensive Plan. Staff found that the application met all three criteria of the adopted Board policy regarding withdrawal of lands from an AFD inside the Primary Service Area and recommended that the Commission approve this application. She noted that the AFD Advisory Committee voted 8-0 to approve the withdrawal.

Joe Poole opened the public hearing. There being no speakers, the public hearing was closed.

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

6. FY2003-2007 CAPITAL IMPROVEMENT PROGRAM (CIP)

Wilford Kale stated the Policy Committee had met several times in the last month working on the CIP and hearing from a number of County resource personnel in various departments. He commended Karen Drake for her hours of time spent in preparing for the meetings and also in the work done afterwards in moving the process forward in a very expeditious time. He said that part of this project involved a priority ranking system and once the requests were ranked, the Committee reviewed them and in some instances, moved rankings from high to medium or even low priority. He stated what was being presented tonight was the final report with the rankings.

Karen Drake presented the report stating that before them tonight were the staff's and the Policy Committee's recommendation for the FY2003-2007 Capital Improvements Program. She reviewed the CIP Rating System which gave a determination of what category each project would appear. In addition to the rankings, the Policy Committee included specific recommendations which were detailed in the staff report. She reviewed the final rankings and stated the Policy Committee and staff recommended that the Commission recommend approval of the Capital Improvements Program rankings.

John Hagee asked since there were funds of 2.47 million dollars from the sale of the first Shell Building, why there was a request for an additional \$550,000.

Karen Drake stated the additional monies were for marketing of the Shell Building.

Joe McCleary added that the process that the Policy Committee went through did not involve any request for monies. Its purpose was ranking the requests against each other.

John Hagee also asked if the Economic Development figure of \$510,000 with a 5-year project total of 2.8 million dollars was used for their overall budget.

Karen Drake said no, it was not for their overall budget. She stated Economic Development's CIP request was for one-penny a year equivalent to pay past incentives, enterprise zone payments and also used for smaller economic development investments.

Joe Poole opened the public hearing. There being no speakers, the public hearing was closed.

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

7. CASE NO. SUP-3-02. TRUSWOOD WATER LINE EXTENSION.

Paul Holt presented the staff report stating that the applicant has requested a special use permit to allow for the construction of a 16-inch water line between the James River Commerce Center and the Truswood property located at the BASF site in Grove. Staff found that this proposal would not impact surrounding development and was consistent with the Comprehensive Plan. Staff recommended that the Commission recommend approval of this application.

Joe Poole asked if the applicant was in agreement with the conditions as presented in the staff report.

Paul Holt stated that to his knowledge he was.

Joe Poole opened the public hearing.

Mark Rinaldi of LandMark Design Group introduced Kevin Rhind, the applicant's representative, and Ray Suttle of Jones, Blackman, Woltz, and Kelly. He spoke briefly on the planning issues stating that they had worked very closely with staff, the Office of Economic Development, the Industrial Development Authority, and the County Attorney's office. He stated they understood and agreed with the conditions proposed as part of this special use permit. He concluded with a request of a favorable recommendation and said he'd be happy to answer any questions of the Commission.

Joe Poole asked if this property remained in the Virginia Enterprise Zone and how long it was valid.

Leo Rogers stated that the property entered the Enterprise Zone four years ago and will expire in six years. He noted at that time it could be renewed.

Sterling Nichols, Chair of the Industrial Development Authority, spoke on behalf of the IDA in support of this application. He stated the IDA and Williamsburg Development, Inc. had been working together through an ongoing public/private partnership in the development of the James River Commerce Center. He stated that recently the partnership began working together on an agreement that would allow the IDA to move forward with the construction of the second Industrial Shell Building. He stated that with the purchase of the BASF property by Truswood, Truswood and the County began discussion to join forces to construct a water line that would serve both parties and the result was the case before the Commission tonight. He respectfully requested that the Commission make a favorable recommendation to the Board of Supervisors.

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

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

Joe Poole stated that he would abstain from voting given his previous work with Williamsburg Development, Inc. which is a subsidiary of Colonial Williamsburg with whom he is currently employed.

In a roll call vote, motion passed (6-0). AYE: Wildman, McCleary, Hagee, Hunt, Kale, Billups (6); NAY: (0); ABSTAIN: Poole (1).

8. CASE NO. SUP-1-02 VOICESTREAM WIRELESS EXTENSION

Jill Schmidle presented the staff report stating the applicant had applied on behalf of Jonathan Kinney for a special use permit to extend an existing 190' telecommunications tower by 20'. She stated the purpose of the extension was to allow co-location on the existing tower. She noted that on June 10, 1997, the Board of Supervisors approved SUP-12-97 which permitted a 190' tower on the site. Staff found the proposed addition to be consistent with the surrounding zoning and development and the Comprehensive Plan. Staff recommended the Commission recommend approval of this proposal as outlined in the staff report.

Peggy Wildman asked if there were any preliminary negotiations on the consideration of the County locating on that tower.

Jill Schmidle stated that to her knowledge there has not been any discussion.

Joe Poole asked, with the exception to the height which exceeds the Performance Standards by ten feet, was everything else in conformance with those standards.

Jill Schmidle stated they were.

Joe Poole opened the public hearing.

Cliff Nordyke of VoiceStream Wireless gave a brief review of the five co-location sites that VoiceStream has in the County. He stated the application before the Commission was for an extension of 20' to an existing tower to allow VoiceStream to add its antennas in order to link up with other sites in the area. He requested the Commission approve this application.

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

Joe McCleary stated he drove out to the site and commended the original constructors of this antenna because for something this large, it is almost invisible. He also commended VoiceStream for being so willing to co-locate on this structures.

Joe McCleary made a motion, seconded by Peggy Wildman, to recommend approval of this application.

George Billups asked the applicant if he was familiar with all the conditions attached to this special use permit application.

Cliff Nordyke responded that he was familiar and agreeable to the conditions.

In a roll call vote, motion passed (7-0). AYE: AYE: Wildman, McCleary, Hagee, Hunt, Kale, Billups, Poole (7); NAY: (0).

9. PROPOSED CLOSURE OF CENTERVILLE ROAD

Marvin Sowers presented the report on the proposed closure of Centerville Road between Route 5 and Monticello Avenue. He stated the information provided to the Commission included three documents: Summary and Issues Position Paper, Technical Analysis, and correspondence received by citizens favoring and opposing the closure. He stated there were two build alternatives, B and C. Alternative C was the one preferred by the Park Service that requires the closure of Centerville Road and this was the subject matter before the Commission tonight. He said under the State Code, the Planning Commission was charged to make a recommendation to the Board of any road abandonment or street closures. He added that the Commission wasn't bound by the Code and if they wished to offer other recommendations and comments to the Board it was within their prerogative. He stated for that reason, he wanted to go over some of the broader issues and not just Comprehensive Plan issues.

Marvin Sowers stated the Park Service had provided several reasons for closing the road. The Park Service focused on the intrusive nature of the current road on the park setting, safety for most motorists and park visitors, difficulty in opening the east section of the park to allow visitors to cross over from one side to the other, and anticipated changes in traffic patterns and shopping patterns which would ease the impact. They also are suggesting closing due to the road capacity in the area and marginal impacts on emergency response time, site security, and improved conditions for the natural flora and fauna on the site. He stated there were conditions provided by the Park Service that indicate some of the conditions by which the County would be permitted to use the road. He added, the road would remain open for County safety vehicle use and for public use during emergency evacuation. He stated the date and closing of the road would depend on the fund raising efforts by the National Park Service in conjunction with the Friends of the National Park Service for Green Springs, Inc. The National Park Service has requested that the County make a decision on closing the road with the Park Service taking over the interim road maintenance.

He continued by stating there were three categories of issues: Comprehensive Plan issues, critical public safety issues, and maintenance issues, and what are considered trade-off issues. He stated that due to the historic value of this site, there was no question that closing the road would enhance the site for visitors. However, the trade-off for this would be loss of the link to other historic sites within the County, particularly the Hotwater-Cole Tract. He said from an economic standpoint, there was a minor benefit to the County but in closing the road, it would change the accessibility to various business areas within the County. He said closing the road would make a dramatic improvement in both safety and congestion in that area especially at the intersections of Route 5 and Greensprings/Centerville Roads. He said the final trade-off issue was public convenience noting that closing the road would add 35% or 13% to travel time depending on ones destination.

He spoke generally about what staff felt were critical issues and ones that needed to be addressed between the National Park Service and the County if the Commission were to recommend closing the road. The conditions were to allow emergency safety vehicles and private vehicles during emergency evacuation, road design would be able to handle emergency vehicles or private vehicle access during emergencies and maintenance of road by the National Park Service.

He again stated that the Commission should make a determination as to whether this proposal was consistent with the Comprehensive Plan. He noted several elements in the Plan that needed to be considered: community character corridors, land use, transportation, and bikeway facility through the Park. He concluded by stating staff felt the project was generally inconsistent with the Comprehensive Plan but

that with adequate funding and guarantees the National Park Service could do an excellent job with this historic area and the road closure could be made to work. He stated that staff recognized that this was a community issue which needs to be debated by a variety of standpoints and values.

John Hagee asked what would be the alternate route for citizens if the 7/10th of a mile of Centerville Road were closed.

Marvin Sowers stated that leaving from the intersection of Route 5 and Centerville Road, one alternate would be to go east on Route 5 and take a left onto Greensprings Plantation Drive and go west on Monticello Avenue which would then bring you back out to Centerville Road. He noted that drivers could also go west on Route 5 to Monticello.

Joe Poole opened the public hearing.

Alec Gould, Superintendent of the National Park Service, stated that the National Park Service along with local citizens and others have a new vision for Green Spring. He stated that Alternative C would allow Green Spring to blossom through enhancement of historic and natural resources, educational opportunities for school children, local citizens and visitors, and venues for walking and enjoying the outdoors. He introduced Karen Rheam, Chief Historian for the Colonial National Historical Park.

Karen Rheam stated that the Colonial National Historical Park was established in 1930 and brought together Jamestown and Yorktown with the Colonial Parkway linking both sites to Williamsburg. She said in 1936 the Federal government determined that the story of Green Spring and Governor Berkeley was so important to understanding the Colonial period that they added it to the Colonial National Historical Park. She said in 1966 the Park Service was able to acquire 196 acres of the original 2,000 acre plantation site. She said with the impetus of 2007 in Jamestown, there appeared to be a possibility of doing justice to this critically important site. She gave a brief history on Governor Berkeley. She said there were four mission goals that were identified and the Park Service has tried to apply them to what they need to do at Green Spring. Those goals were 1) Resource Management: historical landscapes, remnant structures, archeological sites, and numerous curatorial objects, and natural resources; 2) Interpretation of Site: America's transition from English rule to independence; 3) Visitor use and Park Facility: Visitors safely enjoy high quality educational experiences and are satisfied with the availability, accessibility, diversity and quality of the park facility and services; and 4) Partnership and Cooperative Actions: The National Park Service increases its operational capacity through cooperative efforts with public and private entities. She said there were several meetings at Jamestown to get input from the public as to what could be done at Green Spring. She said Alternative B, which would leave Centerville Road open, did not reflect the needs and safety for the visitors who would need to cross over to the other side from the proposed parking lot. She said Alternative C, which would close Centerville Road, was the preferred and final stage for the Park Service.

Alec Gould stated the formation of the Friends of the National Park Service for Green Spring was one of the reasons why this project was going to be successful noting that there was not only general support but a group that was specifically focused on helping the Park Service. He briefly responded to the concerns of citizens after choosing Alternative C. He stated that they did not plan to close the road until the Park was far along in its development and said the Park Service would maintain the road as a public road until such time as the road would be closed. He said another concern was emergency response time for fire trucks and other safety vehicles and the Park Service would, once the road was closed, allow access for these vehicles.

Carl Tweksberry a Senior Traffic and Transportation Engineer with Kimly-Horne in Chesapeake stated they were hired in 1999 by the National Park Service to study the Park. He said in August of 2000 they concluded their study. He highlighted the study naming the three reasons it was done: 1) examine existing traffic conditions, 2) determine the impacts of the Park, and 3) determine the impact of the closure of Centerville Road. As a result the existing traffic conditions were found to be Level of Service "C." Then they looked at the impact of traffic with the Park that would create an additional 350 trips per day and again the road was rated as Level of Service "C." He noted that with the closure of Centerville Road, the number of accidents for the intersection of Route 5 and Centerville Road would decrease and would add a minimal amount of traffic to the overall network.

Joe McCleary asked Alec Gould for clarification on the number of visitors expected at the Park.

Alec Gould estimated that at its peak in the year 2007, they would expect to have 160,000 visitors per year visiting Green Spring.

Karen Rheam stated the total number of visitors between 2008 - 2012 would average 340 to 520 visitors per day with Alternative C and about 140 to 220 visitors per day with Alternative B.

Joe McCleary said he was sure the Park would succeed but ask if it didn't, would the National Park Service be willing to guarantee to the County that if they choose to close the Park they would restore the road.

Alec Gould stated it was unthinkable to him that the Park would not succeed.

Joe McCleary said he understood that the Park Service wanted the traffic moved away from the interpretive site and asked if they had considered an alternative that would move the road to the east, berm it, and reduce the speed limit.

Alec Gould said that in his judgment it would not be desirable since the environmental impacts would be enormous and costly and would not be in the best interest of the resources or for the visitor experience at Green Spring.

The following persons were in favor of closing of Centerville Road:
(Editorial Note: Persons did not speak in this order.)

Daniel Lovelace of 1601 Founder's Hill North and Vice President of the Friends of Green Spring spoke on behalf of its President, Archie Cannon, Jr. He gave a brief history on how the Friends of Green Spring was established and a review of the historical significance of the Park and the role of Governor Berkeley during the last half of the 17th Century. He stated that support for this Park was given by the Board of Directors of the Williamsburg Colonial Capital Branch of the APVA and the Richmond office of APVA's Executive Director, Elizabeth Kostelny. He concluded his presentation by stating that the Colonial National Historical Park and the Friends of Green Spring were asking for the chance to raise money to open Green Spring to America and for the support of the Planning Commission.

Julie Leverage, President of the Historic Route 5 Association (HR5A), spoke on behalf of the Association in support of this application. She stated that on June 28, 2001, the Council of the Historic Route 5 Association unanimously passed a resolution endorsing Alternative C of the General Management Plan for Green Spring. She noted that the Friends of Green Spring was a spin-off of HR5A. She asked, on behalf of the neighborhoods and businesses along Historic Route 5, that the Commission endorse the Alternative C plan of the National Park Service and support the closure of Centerville Road.

Loretta Hannum of 103 Kingspoint Drive focused on the education value of the Park.

Gayle Randol of 3012 Whittaker Island Road, the Community Relations Chairman for the National Park Service for Green Spring, addressed the issue of safety.

Karen Bodett of 2924 Lancaster Court spoke of the accident at Centerville Road and Route 5 that injured her husband and seriously injured her daughter.

George Anderson of 3408 Mallard Creek Road felt the historical and economic gains outweighed any personal inconvenience.

Camilla Buchanan of 196 The Maine spoke on the danger of the 7/10th of a mile of Centerville Road and the intersections at each end noting that it was shown to be dangerous by the statistics VDOT maintains on the number of accidents that have taken place.

Debra Hill of 196 The Maine spoke in favor of the closure of Centerville Road for safety reasons even though she frequently drove on the road.

Marc Sharp of 16 Bray Wood spoke as an individual stating he knew something about Green Spring Plantation because he was the President of Greensprings Plantation Inc. He said he knew something about the tunnels, Alternate Route 5, Greensprings Plantation Drive, and the turn lanes in front of the high school along with the traffic light because he was involved in the building of those projects. He stated he had not known about Governor Berkeley but has since realized that we had a jewel that no one knew about. He said he was so committed to the Park that Greensprings Plantation Inc. would be donating approximately 100 acres to the east of Green Spring to add to the Park. He believed that there was a situation where people were saying they would rather give up a Park for a little convenience and commented that about 60 years ago if that thought had been carried through, Duke of Gloucester Street would be a main street and we would not have Colonial Williamsburg.

Clifford Williams of 3301 Ashview stated there was one issue brought up several times this evening. He said it was an important economical one for businesses at the top of Centerville Road and Route 5 and noted there was easy access to those locations by other routes. He felt that whatever happened to the road would not have a negative impact for businesses in the upper part of the County. He said opening Green Spring should be judged on its merits and not on bad information.

The following persons were opposed to the closure of Centerville Road.
(Editorial Note: Persons did not speak in this order.)

Bruce Manilla of 3525 Frances Berkeley and representing the Coalition Against Closing Centerville Road said he was pleased to hear of the proposed Park. He supported all efforts of the Park but was against the closure of the Centerville Road. He stated that there are all kinds of reasons why the road should not be closed, such as the safety and economic values, people have facts and figures on how much it would cost an individual every day to drive that extra mile and a half, but what reasons have been heard to close the road. He asked himself why would they want to close the road and why could there not be a compromise to realign it to meet Greensprings Road. He stated he researched this and found, as a result of the approval for the development of Governor's Land, the HR5A promised to go out and save what was left of Route 5. He said in 1992, the County offered an alternative to widening Route 5 and HR5A supported the alternative, which is now Monticello Avenue from Governor's Land to Greensprings Road. He said in 1996 HR5A formed the Friends of Greensprings in support of the Colonial National Historic Park Service for the general purpose of closing Centerville Road. He believed that was the main issue, not the Park itself, but the closing of the road. He said he read the General Management Plan for Green Spring prepared by the Park Service and of the three Alternatives, the one that impacted wildlife the most was Alternative C. He concluded by asking the Commission look at the facts and look at any reason why the road should be closed.

Bill West of 102 Astrid Court has used Centerville Road for over 40 years and questioned why the County hasn't taken the effort to align Greensprings Road and Centerville Road at Route 5 and put in a traffic light.

George Watson of 140 Jordan's Journey said he had taken everything into account and was not for closing Centerville Road and felt there was a better alternative.

Sandra Breuer of 3776 Captain Wynne Drive and an active environmentalist for over 30 years spoke against the closure of Centerville Road and felt the Park Service should use Alternative B as a reasonable compromise.

Theodore Allen of 5668 Centerville Road and President of the Centerville Road Community Association spoke on its behalf stating that their position would be to keep Centerville Road open because it impacted the people of the community as well as people on the other side of the water, particularly those who commute back and forth.

Ray Basley of 4060 South Riverside said it did not make sense to close Centerville Road but rather to find a way to realign it with Greensprings Road. He noted that in closing the road it would not allow a viable access to Jamestown in the year 2007.

Barbara Wallace of 3512 Fieldcrest Court and a member of the Fieldcrest Homeowners Association stated that contrary to what was said earlier, the Association was not in favor of the closure of

Centerville Road.

Debbie Noonan of 114 Jordans Journey opposed the closure of Centerville Road stating that it was the main thoroughfare from the northwest part of the County to the southwest part of the County from Route 60 down to Route 5 across to Jamestown Road and to the Ferry and in 2007 to Jamestown Island.

Scott Peters representing the owners of the Williamsburg Outlet Mall at 6401 Richmond Road stated that when the Lightfoot Road exist off of Route 64 was changed to the Route 199 by-pass, the traffic dropped dramatically into the mall and if Centerville Road is closed, it would have an additional impact to the mall, as well as, to the commuters. He believed that there were other ways in dealing with this road.

Alex Kuras of 112 Pasbehegh Drive felt that safety was an important factor and suggested that the 55 mph speed limit between Monticello and Route 5 on Centerville Road be reduced to 45 mph and the speed limit also be reduced on Route 5 between Heritage Landing/Patriot's Colony to Centerville Road. He also noted that at several public meetings by the Park Service, the majority of citizens were not in support of Alternative C.

Mike Stevens of 108 John Pott Drive said he drives on Centerville Road twice a day and complimented the Park and the Friends of Green Spring and its efforts to enhance the park. He said he was deeply concerned about closing the road stating that, even though it would be accessible for emergency vehicles, it would still add time to the response of those emergency vehicles.

Tony Dion of 102 Fairmont Drive said he has listened to everyone's comments tonight and received a lesson in history because he did not know about Governor Berkeley. He said he was against the closing of Centerville Road but no matter what was done the intersections at both ends of the road needed to be improved.

Brian Gillette of 3013 South Chase was also opposed to the closure of Centerville Road. He said that in Alternative B it was possible to have the Park and have the road open at the same time. He said one thing that concerned him in Alternative C was what route were the emergency vehicles going to take though the Park because the plan did not show any road resembling the straight road that currently exists.

Charlie Crawford stated the road needed to be improved not taken away and said the Park could still be developed. He said the Federal government, if they wanted to work with the community, could have the Army Corp of Engineers approve disturbance of wetlands if done properly.

Bill Wallace, a resident living across the street from Centerville Road and Route 5, said he was opposed to its closure. He stated the Fire Department opened up the new station on Monticello Avenue because it was needed to service the communities of Fieldcrest, Berkeley's Green, First Colony, Drummonds Field. He felt that the Park Service did not appear to want to compromise one bit and wanted it all their way.

Becky West said she hadn't heard anyone say they were opposed to the Park but she also said she hadn't heard anyone say that you couldn't fix the safety of Centerville Road because you can. She said she was getting tired, as a resident of this community, of having tourists, who come here for part of the year, be held in more regard than the people who live here. She said we can't have real stores here, we have to have tourist stores and she asked that the County start thinking about the citizens.

Mr. West said closing Centerville Road will divert every customer that usually goes to the Outlet Mall that comes across on the ferry from the south side to other areas of the County. He also noted that it was much easier for people coming off of Route 199 to turn right and go towards town and the Prime Outlet Mall.

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

Don Hunt said there was one issue that has been discussed was that the County owns the piece of land on the corner of Route 5 and Greensprings Road. He felt that the County could straighten out the intersection and signalize it and solve a lot of problems, if someone would agree to it.

Joe McCleary said the main problem he had that was stopping him from making a decision was the very important key question of how we get, if they agreed to close the road, emergency vehicles through there. He asked where was the road, what did it look like, and how sufficient would it be for emergency vehicles. He suggested to defer until there was a reasonable road plan worked out.

Wilford Kale said he has studied the community's wishes and was troubled there couldn't be a compromise in this situation. He was troubled that the Park Service appeared to be entrenched in "its my way or no way." He was also concerned in making a decision on a supposition that the Park Service may go through with this plan noting that anything can change in five years when they decide to do it. He gave the example when Colonial Williamsburg received permission from City Council to close the end of Frances Street that goes to Lafayette Street in order to make a new entranceway for its busses. He said 20 years later, Colonial Williamsburg has not made a move but still has approval to close that road at any time. He agreed with a deferral for several months and suggested the Park Service go to Washington and talk seriously with their bosses about where the money is coming from and tell us why, if you are going to leave in your road and adjust the parking lot to the east, why can't Centerville Road be moved to the east and around the side of the Park. He asked that the Park Service say they would be willing to make some kind of concessions. He would like to see the Park, have something in the way of Centerville Road, and would like to change the intersections on Route 5. He said he couldn't believe that people of good faith could not sit down and start working for that. He suggested if Joe McCleary would make a motion, he would be proud to second it, to defer this in hopes that people would get some answers from the Park Service as to exactly what Joe McCleary asked. He also said he would like people to sit down realizing that there has to be a way to put two or three things together to make it work. He felt there was a solution that would be a happy medium for everyone.

Peggy Wildman supported the deferral because there were too many issues not coming together and felt there needed to be more communication between the Park Service, staff and possibly the Commission. She stated that if the road was closed, there was no guarantee that the current emergency times could be met because we do not know if the road could handle such heavy emergency vehicles and there was no promise by the Park Service that there would access to that road during times of emergency evacuation.

George Billups recalled that in 1950s the Park Service began taking property from citizens in Yorktown and for the next 25 years they continued to process land and move people out of a very historical town called Uniontown. He said he knew the Park Service and even worked for the Park Service and said that everything is negotiable, everything can be worked out but we need the resources and the personnel, at the right level, to make it happen. He said he could not make a decision tonight based on the Park Service's inability to plan and create a program. He stated we are a community and the people are the community, therefore, its not what the community wants, its what the people want. He stated he supported the deferral because he believed this process and problem could be worked out to the satisfaction of the people.

Joe Poole was supportive of the deferral. He said given the extraordinary historic resources of this neighborhood, the community, and the region, he was very sensitive to the desire of the Park Service but he also expected some extraordinary compromise in this as well. He noted that the roads in Colonial Williamsburg were not closed at the onset. He said it happened after things were developed and he felt that everyone would agree now that it made perfect sense for Duke of Gloucester Street to be closed. He stated that maybe at some point it would make perfect sense for this stretch of Centerville Road to be closed but at this time he did not see sufficient things to calm his concerns for safety and the fact that the applicant lacked a provision for some type of reversion clause should the Park not work out. He felt that at this point it was premature for a decision to be made on the possible closure Centerville Road.

John Hagee said he had the same questions and concerns as everyone else and was in favor of a deferral.

Don Hunt again suggested that the County seriously look at realigning Greensprings Road.

Marvin Sowers commented that there were two actions before the Commission tonight. Specifically, the one under the State Code dealing with Comprehensive Plan consistency and asked if the Commission would be deferring that as well as the recommendation regarding the closure of Centerville

Road. He also asked the Commission for a specific time period for this deferral. He noted that the Park Service and the Friends of Green Spring were anxious to move forward in order to continue with its fund-raising. He understood these were complex issue and didn't believe 30 days would be enough time.

Joe McCleary suggested a 90-day deferral.

Alex Gould believed that the National Park Service had negotiated and compromised quite a bit by agreeing to allow emergency vehicles to use Centerville Road which was put in writing. He said they also agreed, in writing, not to close the road until something had been developed. He said the Park Service would maintain the road until such time as the road was ready to be closed. He said they were always willing to keep talking but said it was hard to see how they could do the development on one side of the road in an incremental way and expect visitors to try to cross to the other side of the road without it being closed. He did not see a gradual approach to the closure of the road as feasible.

Joe Poole said he looked at his model of Colonial Williamsburg and noted that at College Corner, where Jamestown and Richmond Roads met Duke of Gloucester, people cross that area all the time and that is a very confusing intersection. He felt for the Commission to unequivocally say on the onset the road needs to be closed was a bit rushed. He felt there should be some way to agree to try this over some period of time.

Alex Gould stated it would seem like the alternative was what they had in mind was Alternative B, but said the Park Service thought that was a poor alternative. He stated for the Park Service to develop the entire area and then have some type of a reversionary clause to reopen the road, would be money wasted and would be dangerous for people to walk across the road. He said they were open to any other options.

Wilford Kale stated if the closure were put to motion right now, it could go forward to the Board, with a recommendation of "No" from this Commission. He said he did not feel that the Park Service had compromised and it concerned him. He did not think voting tonight was in the best interest of this community. He agreed with George Billups that the community would be well served with this Park, but not under the conditions of the Park Service.

Alex Gould stated that was certainly not what the Park Service had intended. He said they have done the compromises that he mentioned after the plan was done.

Wilford Kale said the Park Service could do Alternative B without even coming back to the Commission. He suggested that Alex Gould go back to his superiors and tell them that the community has spoken to the Planning Commission and told them what the hang ups are and where the problems are.

Joe Poole recommended, due to the late hour, that the applicant and staff in good faith come together on some of the issues that are apparent: safety, the idea of a reversionary clause, the advances on road design, and emergency vehicle access.

John Hagee also recommended discussion on the possible realignment of the road. He also felt that VDOT should be involved and said one conclusion he had come to in this entire situation was if there was going to be a road there, we need to get it aligned with Greensprings. He felt there was a perfect opportunity since the County owns the parcel across the road. His other concern was why the Park Service, if it were to use Alternative B, was reluctant to make the road safer.

George Billups commented that he was looking for a process in which the existing road would remain intact and suggested pedestrian passage ways over or under the road. He asked what would happen if the Park Service built its exhibit on one side and had a passage way and requested Alex Gould speak with his superiors to explore that option.

Alex Gould said the Park Service would be happy to explore that and anything the staff or Commission wanted to talk about. He noted that question came up in many other meetings and there were two reasons against it. He said people would not always go through the tunnel and the noise generated from the traffic were deterrents.

Joe McCleary made a motion, seconded by Wilford Kale, to defer this case for 90 days.

Joe Poole asked Marvin Sowers if he had a sense of what the Commission would like to be see happen between staff and the applicant.

Marvin Sowers stated he had a good list of the Commission's concerns and requests and they would be included in the minutes of this meeting.

Joe Poole stated there was a motion and a second and asked if there was any further discussion. There was being no further discussion he asked for a roll call.

In a roll call vote, motion passed to defer this case for 90 days.

10. PLANNING DIRECTOR'S REPORT

Marvin Sowers stated he had one item regarding the Board work session on March 26, 2002, where staff will be making a presentation on the proposed Methodology to update the Comprehensive Plan.

11. ADJOURNMENT

There being no further business, the March 4, 2002, meeting of the Planning Commission was adjourned approximately at 11:15 p.m.

A. Joe Poole, III, Chairman

Marvin Sowers, Secretary

**Special Use Permit-04-02. J.W. Crossing Shopping Center Expansion
Staff Report for April 1, 2002, Planning Commission Public Hearing**

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

PUBLIC HEARINGS

Planning Commission: April 1, 2002 - 7:00 p.m. Building C Board Room
Board of Supervisors: May 14, 2002 - 7:00 p.m. Building C Board Room (tentative)

SUMMARY FACTS

Applicant: Vernon Geddy, III
Land Owner: C & N Dining, LLC

Proposed Use: Amend SUP-7-98 to increase the size of the permitted retail shopping center to 17,149 sq. feet and to eliminate the previously approved automobile service center and fast food restaurant as specially permitted uses. This project requires a commercial special use permit under Section 24-11 of the zoning ordinance.

Location: 5547 Richmond Road, at the northwest corner of Olde Towne Road (an outparcel for Ewell Station shopping center); Powhatan District.

Tax Map/Parcel No.: (33-3)(1-2A), (33-3)(1-2C), & (33-3)(1-2D)

Primary Service Area: Inside

Parcel Size: 2.79 acres

Existing Zoning: B-1, General Business

Comprehensive Plan: Community Commercial

Surrounding Zoning: North, South and West: B-1, General Business
East (across the CSX railroad tracks): M-1, Limited Business/Industrial, and R-8, Rural Residential

Staff Contact: David Anderson Phone: 253-6685

STAFF RECOMMENDATION:

Staff finds the proposal to be consistent with the surrounding commercial zoning and development, and consistent with the Community Commercial designations of the Comprehensive Plan. The proposed conditions will mitigate traffic and visual impacts of this development.

History

This site is located on an outparcel of the existing 18-acre Ewell Station shopping center, at the corner of Olde Towne Road (Route 658) and Richmond Road (Route 60). In 1989 Ewell Station received site plan approval for a shopping center containing approximately 150,000 square feet of retail shops, warehouses, offices, restaurants, a bank, a grocery store, and a department store. The approved site plan designates the outparcel as “future development.”

On March 9, 1999 the Board of Supervisors approved Case No. SUP-7-98 which proposed a 5,600-square foot retail shopping center, a 2,883-square foot automobile service center, and a 3,148-square foot fast food restaurant for the outparcel. Since that time the 5,600-square foot retail shopping center has been built, but both the automobile service center and the fast food restaurant have not been built and the applicant would like to eliminate them as specially permitted uses.

Comparison of SUP-7-98 & SUP-04-02

	SUP-7-98	SUP-04-02
Project Description	5,600-square foot retail shopping center; 2,883-square foot automobile service center; 3,148-square foot fast food restaurant (Total sq. ft. = 11631)	5,747-square foot retail shopping center (existing); 8,970-square foot retail shopping center; 2,432-square foot retail shopping center (Total sq. ft. = 17149)
Surrounding Zoning & Development	North, South, & West - B-1, General Business East - M-1, Limited Business/Industrial & R-8, Rural Residential	Unchanged
Private Covenants	With the owners of Ewell Station	Unchanged
Physical Features and Environmental Considerations	A condition is included requiring Environmental Director approval of a drainage plan prior to preliminary site plan approval	Unchanged
Greenspace vs. Impervious Cover	Greenspace - 1.16 acres Impervious - 1.63 acres	Greenspace - 1.39 acres Impervious - 1.40 acres
Access	Limited to two internal Ewell Station entrances	Unchanged
Parking	93 spaces	81 spaces
Sidewalk	Condition requiring pedestrian access between proposed uses	Unchanged
Traffic Study (further analysis below)	AM Peak: 213 trips PM Peak: 172 trips A condition is included to mitigate traffic impact.	AM Peak: 110 trips PM Peak: 76 trips Condition unchanged
Public Utilities	Within PSA	Unchanged
Comprehensive Plan	Community Commercial	Unchanged

To elaborate on the above table, the main differences between the previously approved SUP-7-98 and the current SUP-04-02 involve traffic and trip generation rates. The highest trip generation rates for the earlier SUP were attributed to the inclusion of the 3,150 square-foot fast food restaurant. Average trip generation rates for fast food restaurant uses are over 17 times that of specialty retail centers per 1000 square feet of floor area. The trip generation rates for this 3,150 square-foot fast food restaurant alone are greater than the total trip generation for the currently proposed SUP. This explains the large difference (over 50% less) between the trip generation rates for SUP-7-98 and for SUP-04-02. This leads staff to agree with the conclusion that this currently proposed SUP will have much less traffic impact than the earlier approved SUP.

STAFF RECOMMENDATION:

Staff finds this proposal to be consistent with the surrounding zoning and development, consistent with the Comprehensive Plan, and will cause less negative impact with regard to traffic generation and greenspace vs. impervious cover than the previously approved SUP-7-98. Staff recommends approval of this proposal with the following conditions. These conditions differ slightly from the set of conditions approved with SUP-7-98. Condition #2 was altered to prohibit an additional entrance from Olde Towne Road - the previous conditions only prohibited an additional entrance from Richmond Road. SUP-7-98 included a condition requiring Planning Director approval of a landscaping plan prior to final site plan approval. Staff feels this condition is no longer necessary as adequate landscaping will be enforced by the James City County Landscaping Ordinance. Condition #9 was added to address James City Service Authority water conservation standards.

1. The applicant shall submit to the Environmental Director a drainage plan addressing the stormwater management facilities to be located on-site. The drainage plan shall be approved by the Environmental Director prior to preliminary site plan approval for any development on this parcel, and said approved facilities shall be installed in accordance with this plan.
2. Internal access to Ewell Station Shopping Center shall be limited to two internal access points. No additional entrance from Richmond Road or Olde Towne Road shall be permitted. Access locations shall be generally in accordance with the binding master plan, as approved by the Board of Supervisors, with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
3. A minimum four-foot sidewalk, for which the design and location shall be approved by the Planning Director, shall be provided that connects the commercial/retail structures on this site.
4. The applicant shall reimburse the Virginia Department of Transportation for its actual cost in adjusting the signal timing as reflected in the traffic study "Traffic Analysis for Ewell Station Expansion at Richmond Road/Olde Towne Road," prepared by DRW Consultants, July 9, 1998. The applicant shall dedicate sufficient right-of-way along Olde Towne Road to accommodate an additional westbound left-turn lane from Richmond Road, as recommended by the traffic study. The additional right-of-way shall be dedicated prior to final site plan approval.
5. The building elevations for any commercial/retail structure shall be approved by the Planning Director prior to final site plan approval. The intent of this condition is to ensure that the buildings on the site are compatible with the design, materials, and color of the Ewell Station shopping center building.
6. All dumpsters and heating and cooling units shall be screened by landscaping or fencing approved by the Planning Director prior to final site plan approval.
7. Free-standing signs shall be ground-mounted, monument style, and shall be approved by the Planning Director prior to final site plan approval.

8. Prior to obtaining site plan approval, the owner(s) of the property which is the subject of this special use permit ("the Property") shall provide evidence to the County Attorney that the development hereby permitted will not violate the Declaration of Easements and Restrictions dated May 1, 1989, of record in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City County in James City County Deed Book No. 436, page 175, *et seq.* ("the Restrictions") or evidence of the issuance of a title insurance policy by a major national title insurance company that if the development hereby permitted violates the Restrictions, the owners of the Property its tenants, occupants, and invitees will not sustain any financial loss.
9. The applicant shall be responsible for developing water conservation standards to be submitted and approved by the James City Service Authority and subsequently for enforcing these standards. These standards shall address such water conservation measures as high-efficiency fixtures and limitations on the installation and use of landscaping design and materials to promote water conservation and minimize the use of public resources. The James City Service Authority shall approve the standards prior to final site plan approval.
10. Construction on this project shall commence within 36 months from the date of approval of this special use permit or this special use permit shall be void. Construction shall be defined as the obtaining of permits for the construction of foundations and/or footings.
11. This special use permit is not severable. Invalidity of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

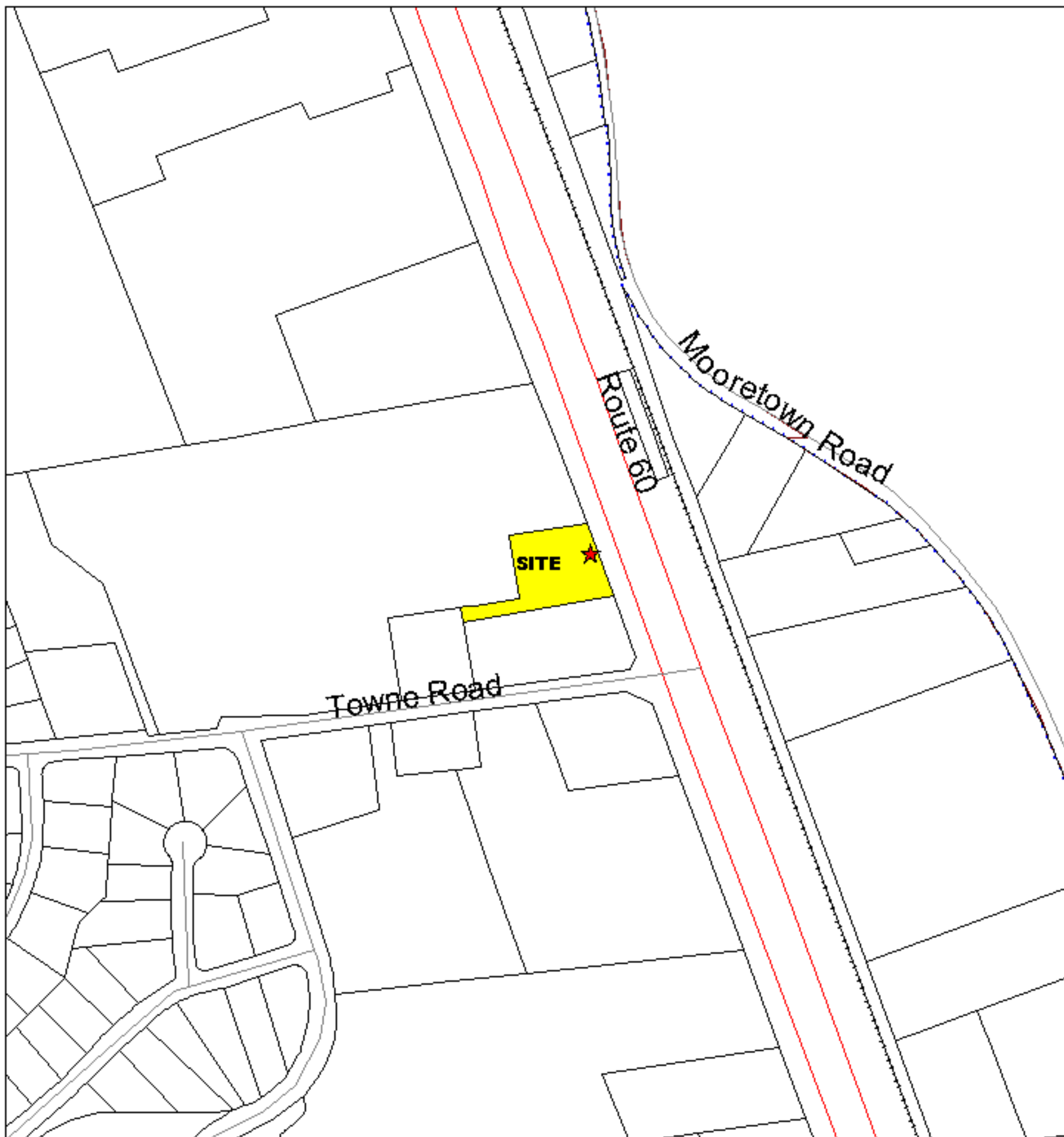
Dave Anderson

CONCUR:

O. Marvin Sowers, Jr.

Attachments:

1. Location Map
2. Development Plans (separate attachment)



Case No. SUP-4-02
J. W. Crossing Shopping Center Expansion

200 0 200 400 Feet



Attachment 1



PLANNING DIRECTOR'S REPORT

APRIL, 2002

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

1. Master Greenways Plan. The Greenways Advisory Committee is continuing to make important decisions about the final document. The document will be going to the Parks and Recreation Advisory Board shortly. The Greenways Steering committee will be receiving the remainder of the document at the March meeting for approval. It will go to the Planning Commission in May for comment.
2. Architectural Survey. The VDHR Portsmouth field office continues to complete the remaining work on this project.
3. U.S. Census. The Census Bureau continues to release data with key data released later this Spring that staff will be 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.
4. Jamestown Subarea Study. Staff continues to work with the affected landowners and their consultants to reach the agreement on the of Route 359. Tentative agreement on landscaping has been reached.
5. Capital Improvement Program. The Policy Committee's recommendation in the FY03 CIP requests were approved at the March 4, 2002 Planning Commission Meeting.
6. DRB Cases. The New Town DRB met on March 21st to discuss the following cases: WindsorMeade Way entrance road and SunTrust office building. The DRB made various suggestions to both WindsorMeade and SunTrust plans.
7. Centerville Road Propose Closure. The Planning Commission considered the National Park Service's proposal to close Centerville Road between Rt. 5 and Monticello Avenue on March 4, 2002. Twenty-six persons spoke at the public hearing, and the Commission deferred the proposal for 90 days.
8. 2003 Primary Road Priorities. Each year, VDOT conducts public hearings soliciting comments on primary road priorities. On March, 26, 2002 the Board of Supervisors approved its list of primary road priorities for submission to VDOT. The list is the same as the County's previous list except for a proposed phasing plan for the Rt. 60 Relocation project in Grove. Under this plan, the southern section connecting Rt. 60 to the Fort Eustis interchange would be constructed first.
9. Comprehensive Plan Update. On March 26, 2002, the Board of Supervisors conducted a work session to consider a methodology for the update of the 1997 Comprehensive Plan.
10. SUP-18-01. Waltrip Cellular Tower. At its February 4, 2002 meeting, the Planning Commission recommended denial of this application. The applicant has since proposed reducing the height of the proposed tower from 165 feet to 133 feet. A balloon test at the reduced height is scheduled for March 28 from 8:00 a.m. until 10:00 a.m. at the reduced height. The case is scheduled for the April 9, 2002 Board of Supervisor's meeting.

11. Other Board Action. At its March 12th meeting, the Board approved Case No. SUP-31-01. New Zion Baptist Church and Case No. Z-5-00. New Town Office Building. The Board deferred Case No. SUP-18-01. Waltrip Cellular Tower. At its March 26th meeting, the Board approved Case No. SUP-2-02. Walker Manufactured Home.
12. Upcoming Cases. New cases that are tentatively scheduled for the May 6, 2002, Planning Commission meeting.

Case No. Z-1-02. Baker Farmer's Market. Mr. James Baker on behalf of Teamster Local 95 has applied to rezone approximately .50 acres and .215 acres from B-1, General Business, to M-1, Limited Business/Industrial in order to operate a Farmer's Market which is a permitted use in the M-1 District. The parcels are located at 7294 and 7296 Merrimac Trail and can be further identified as Parcel (8-1A) and (1-10) on JCC Tax Map (50-2).

O. Marvin Sowers, Jr.