

A G E N D A

JAMES CITY COUNTY PLANNING COMMISSION

September 9, 2002 - 7:00 P.M.

1. ROLL CALL
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A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FIFTH DAY OF AUGUST, 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
Don Hunt
Wilford Kale
Peggy Wildman

ALSO PRESENT

Leo Rogers, Deputy County Attorney
Marvin Sowers, Planning Director
Paul Holt, Senior Planner
Christopher Johnson, Senior Planner
Jill Schmidle, Senior Planner
David Anderson, Planner

2. MINUTES

In a unanimous voice vote the Commission approved the minutes of the May, 6, 2002, and July 1, 2002, meetings.

3. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Joe McCleary presented the DRC report stating there were two cases. The first case was a request for a waiver to allow an alternate septic system on property located at One Drammen Court and the second case, which was deferred to a special meeting prior to tonight's meeting, was a request to deviate from the approved Ironbound Village Master Plan. The request was to switch the location of the town homes with the commercial building that contains apartments. The DRC recommended an additional change in the parking requirement for the commercial building and recommended approval for the above cases.

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

B. POLICY COMMITTEE

Marvin Sowers stated that at the June 3 meeting, the Commission received recommended changes to its bylaws from the Policy Committee.

In a unanimous voice vote, the changes to the Planning Commission Bylaws were approved.

4. PUBLIC HEARINGS

A. CASE NO. Z-5-01. FORD'S COLONY PROFFER AMENDMENT

Christopher Johnson presented the staff report stating the applicant had requested a one month deferral to allow them the opportunity to work on a redesign of the intersection shown on Ford's Colony, Section 12, Development plans in light of VDOT comments and staff's consultant's report. Staff concurred with this request.

Joe Poole opened the public hearing.

There being no speakers, the public hearing remained open.

B. CASE NO. SUP-15-02. JAMESTOWN 4-H CENTER PRESCHOOL

David Anderson presented the staff report stating the applicant had applied on behalf of Jamestown 4-H for a special use permit to allow the Williamsburg Initiative School to operate a preschool/kindergarten in the Chesterfield Lodge located on at 3751 4-H Club Road. Staff found the proposal to be consistent with the surrounding residential zoning and development and with the Comprehensive Plan. Staff recommended approval of this application as outlined in the staff report.

George Billups asked staff about the entrance pavement required by VDOT and why staff did not have it as one of the conditions of the special use permit.

Dave Anderson stated that staff felt the improvements were not necessary due to the minimal impact the school will have on traffic since the student enrollment would not exceed 20 children and 2 teachers.

Charles Burr, the applicant, thanked Jill Schmidle and David Anderson for all their help during the special use permit process and said he would answer any questions of the Commission.

Don Hunt asked if there were any modifications that needed to be made to the Chesterfield Lodge.

Charles Burr stated that the only requirements were the handicap ramp needed adjustments and there would be an addition of a fence to protect children from the adjoining fenced in swimming pool.

Keith Reagan, 8636 Merry Oaks Lane, spoke in support of this application.

Mark Cuttney of Ironbound Road also spoke in support of this application noting that his son currently attended the Waldorf School in Richmond. He noted that Williamsburg Initiative at this time is not an accredited Waldorf School.

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

Joe McCleary supported this application and made a motion to recommend approval.

Peggy Wildman seconded his motion. In a roll call vote, motion passed (5-0). AYE: Wildman, McCleary, Hunt, Billups, Poole (5). NAY: (0).

C. CASE NO. Z0-1-02. ZONING ORDINANCE AMENDMENT - ADULT DAY CARE CENTERS

Jill Schmidle presented the staff report stating staff was requesting an amendment to the ordinance to allow an “adult day care center” in several additional zoning districts where it currently was not a permitted or specially permitted use. She stated the request was brought to staff’s attention by officials from Wellspring United Methodist Church who wanted to open an adult day care center but were unable to do so because adult day care centers were not permitted in the R-2, General Residential, District. Staff recommended the proposed ordinance amendment to allow the use “adult day care center” either by-right or with a special use permit in the same districts that allow child day care centers.

Joe McCleary suggested that the provision of a three-year time limit for a special use permit for an adult day care center be added as was done to child day care centers when it was amended in the ordinance.

Marvin Sowers stated the Commission had some concerns over child day care centers in residential areas when an amendment was presented to them last year. He said the Policy Committee reviewed that amendment and the result was the adoption of a policy for use when the Commission was considering special use permits. He stated one of the policies was to consider putting a time limit of three years on special use permits and noted that the Commission could attach this as a condition rather than putting it into the ordinance. He said staff would have no objections if the Commission decided to take this to the Policy Committee for review to consider setting a policy for adult day care centers as it had previously done for child day care centers.

George Billups asked if any research had been done by staff on adult day care centers. He said he had concerns about the structure, land acreage and use. He commented that even though there was a similarity between Head Start, day care, and early childhood development, there was a difference in the requirements for people being served in adult day care centers and felt that this should be looked at. He agreed that it should go before the Policy Committee for review.

Joe McCleary asked if an applicant would have to have approval from the state regarding whether a facility was adequate and fulfilled state requirements before they could come to the County for approval of such a facility. He agreed with George Billups that this should be sent to the Policy Committee but felt there was further assurance from state requirements for such a facility.

Joe Poole opened the public hearing and suggested the speaker may be able to answer some of these questions.

Lyn Warner, who inquired about opening an adult day care at the Wellspring Methodist Church, spoke on the need for this type of facility and said that they would be licensed by the state in order to operate the adult day care center. She asked that the Commission approve the ordinance amendment.

Ted Coopridner, a lay leader and member of the church council for Wellspring Methodist Church, spoke in support of this application.

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

Peggy Wildman stated that this was a wonderful idea and one that was certainly needed in this community. She moved to defer the ordinance amendment in order to allow the Policy Committee to develop a policy.

Marvin Sowers informed the Commission that staff had preadvertised the amendment for the August 13, 2002, Board of Supervisors meeting.

Joe McCleary asked, if the Commission were to pass the ordinance tonight and at the same time refer it to the Policy Committee for its guidance, could the two move together.

Marvin Sowers stated that deferral of the ordinance amendment tonight would prevent anyone from applying for a special use permit. He said if the ordinance was approved and someone submitted an application, the Commission could defer the application to allow additional time for the Policy Committee to develop necessary guidelines for adult day care centers.

Peggy Wildman withdrew her motion for deferral and recommended approval of the ordinance amendment with the understanding that the Policy Committee develop a policy and report back to the Commission at its September 9th meeting.

Don Hunt supported this ordinance and, as a Policy Committee member, asked if any Commission member had anything they felt should be examined.

George Billups stated from what he understood at this time, they were amending the ordinance from a group of districts throughout the County and not for someone who had applied for an adult day care center.

Peggy Wildman asked to make an additional comment thanking Jill Schmidle and staff for bringing this request to the Commission.

Joe Poole said that during the last Comprehensive Plan revision process, this topic came up and he was delighted to see this in advance of the Comprehensive Plan public meetings. He stated the motion was to approve, as submitted, with the concurrent review of a policy by the Policy Committee.

Joe McCleary seconded the motion. In a roll call vote, motion passed (5-0). AYE: Wildman, McCleary, Hunt, Billups, Poole (5); NAY: (0).

D. 2002 AGRICULTURAL AND FORESTAL DISTRICT (AFD) RENEWALS

Paul Holt presented the staff reports for the renewal of the Agricultural and Forestal Districts. Staff recommended continuation of the districts and on July 22, 2002, the AFD Advisory Committee recommended continuation by a majority vote on all districts up for renewal. He stated staff and the AFD Advisory Committee recommended termination of the Casey AFD since it did not meet the minimum requirements for an AFD. The following is a summary of the districts up for renewal.

No changes were proposed to the following districts:

AFD 2-86	Croaker
AFD 3-86	Hill Pleasant Farm
AFD 6-86	Cranston's Pond
AFD 10-86	Christenson's Corner
AFD 11-86	Yarmouth Island
AFD 12-86	Gospel Spreading Church
AFD 13-86	Gilley

Staff recommended changes to the conditions of approval, as outlined in the staff report, for AFD 1-94 Wright's Island to make them conform with conditions of the other applications.

The following Agricultural and Forestal Districts had requests for withdrawal of land:

AFD 5-86 Barnes Swamp

- The estate of Richard Mountcastle has requested the withdrawal of 58.60 acres - Tax Map ID (2-4)(1-61).
- After the withdrawal, the size of this district will be 1,884.876 acres.

AFD 7-86 Mill Creek

- The estate of William A. Thompson has requested the withdrawal of 24.681 acres - Tax Map ID (19-2)(1-5).
- After the withdrawal, the size of the district will be 3,101.359 acres.

AFD 8-86 Casey

- This district no longer meets the minimum size requirements for an AFD (200 acres).
- There are two properties within the Casey AFD. Parcel (37-3)(1-4) which is 165 acres can be transferred into the Gordon Creek AFD. Because of distance restrictions, the other parcel (47-2)(1-1) which is 31 acres cannot be located within another AFD. This parcel will not be eligible to continue in the AFD program.

AFD 9-86

- William Kane has requested the withdrawal of (29-4)(1-3); (30-3)(1-7); (35-2)(1-7); (36-1)(1-1) and (36-1)(1-2), which total 164.33 acres.
- The Gordon Creek Corporation has requested a withdrawal of all of its land within the AFD. This consists of parcels (36-2)(1-1); (36-2)(1-1B); (36-2)(1-2); and (36-2)(1-3) which all total 242.427 acres.
- Parcel (37-3)(1-4) which is 165 acres will be added from the Casey AFD.
- After the withdrawals and with the addition, the size of the district will be 3,110.843 acres.

Paul Holt concluded his presentation and said he would answer any questions of the Commission.

Joe Poole stated the public hearing would be for each individual AFD case.

Leo Rogers stated that the Commission could consolidate the public hearings all together if that were its desire.

Don Hunt concurred with the proposal of consolidating the public hearings and said since he was a part of AFD-3 Hill Pleasant Farm, he would abstain from voting on that district.

Joe Poole opened the public hearing.

Adele Oberhelman, an adjacent property owner to the Casey AFD, asked how the withdraw of the land would affect her property and what could be developed.

Paul Holt stated the only real change of the property coming out of the district would be to the land owner who would no longer be eligible for use value taxation. He stated the current zoning would still apply to the property and any development that would occur would have to abide by all County ordinances and regulations. He said the property was designated as low-density residential on the Comprehensive Plan Land Use Map and that, at this time, there were no development plans submitted to the department.

Joe McCleary stated that the majority of the property appeared to be swamp land and noted that there was a sewage pumping station on the front of the property. He said he would be surprised if any part of the property could be developed.

D. Turner Blanks stated it appeared that the Commission was not going to approve this property for development which was one of his concerns. He said that the property had been condemned years ago by the state when someone tried to develop it and he wanted to make sure the County wasn't going to improve the land and change it for development.

Kirk Adams, a resident on Chickahominy Road and an adjacent property owner, also had concern as to how this affected his property. He said it appeared that, at this time, it was in his best interest because the property was being renewed but was unaware of what an AFD actually meant.

Joe Poole stated that owners of large tracts of land could participate in the Agricultural and Forestal District program which prevents immediate development in return for tax reduced property tax. He said it was a way for the County to preserve green space and provide an incentive to landowners of large tracts.

Kirk Adams asked if there was anything in the process in the Toano area that he needed to be concerned about.

Joe Poole stated that as it related to this particular parcel, there were no suggested changes to the Cranston's Mill AFD at all.

Don Hunt noted that the AFD's were set up for four-year terms and that when it comes up for renewal there was always the possibility of the property being withdrawn.

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

Joe Poole suggested that the Commission pull AFD-3-86 Hill Pleasant Farm from the consolidated AFD's vote for a separate vote.

Joe McCleary made a motion, seconded by Peggy Wildman, to approve AFD-3-86. In a roll call vote, motion passed (4-0-1). AYE: Wildman, McCleary, Billups, Poole (4); NAY: (0); ABSTAIN: Hunt (1).

Don Hunt made a motion, seconded by George Billups, to approve the remainder of the AFD's. In a roll call vote, motion passed (5-0). AYE: Wildman, McCleary, Hunt Billups, Poole (5); NAY: (0).

5. PLANNING DIRECTOR'S REPORT

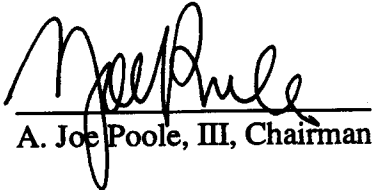
Marvin Sowers mentioned that the Community Participation Team (CPT) was currently meeting and a summary of its meetings has been given to the Commission members. He said if there were any questions, they could contact Don Davis for more information.

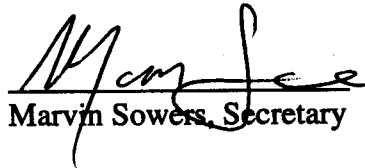
Marvin Sowers announced Carole Giuliano's resignation and move to Communications/Neighborhood Connections. He stated they were sorry to see her go and noted she had done a great job over the years with the Commission, as well as the department and said staff was regretful that she was leaving.

Joe Poole stated that the Commission would find a way to appropriately recognize her and he felt the Commission concurred with his appreciation for all her help.

6. ADJOURNMENT

There being no further business, the August 5, 2002, meeting of the Planning Commission was adjourned approximately at 8:00 p.m.


A. Joe Poole, III, Chairman


Marvin Sowers, Secretary

DEVELOPMENT REVIEW COMMITTEE ACTION REPORT
Meeting of September 4, 2002

Case No. SP-95-02 Faith Fellowship Assembly of God

Mr. C.J. Bodnar of Landmark Design Group applied for the approval of the Faith Fellowship Assembly of God on School House Lane further identified by Tax Map #(12-2)(1-22). DRC review was necessary because two entrances are proposed to the church.

DRC Action: The DRC recommended approval by a vote of 4-0.

**JAMES CITY COUNTY
DEVELOPMENT REVIEW COMMITTEE REPORT**

FROM: 8/1/2002 THROUGH: 8/31/2002

I. SITE PLANS

A. PENDING PRELIMINARY APPROVAL

SP-144-98	Williamsburg Pottery Warehouse/Retail Building
SP-116-99	New Town, Wmbg./JCC Courthouse SP Amendment
SP-051-01	Zooms Gas Station
SP-087-01	The Vineyards Phs. 3 at Jockey's Neck
SP-089-01	Ewell Station Storm Water Management Fac. Mod.
SP-100-01	Williamsburg Crossing Frontage Road
SP-109-01	Monticello Avenue Extended - SP Amendment
SP-116-01	Powhatan Secondary - Ph. 7, Sanitary Sewer Ext.
SP-003-02	New Zion Baptist Church-addition & parking lot exp
SP-007-02	Season's Trace - Winter Park Section 2
SP-009-02	Hairworks Beauty Salon Parking Space Addition
SP-019-02	Williamsburg Plantation Sec 9,10,11 Units 184-251
SP-027-02	120' Stealth Tower--3900 John Tyler Highway
SP-045-02	Powhatan Plantation Maintenance Bldg SP Amend
SP-057-02	Colonial Heritage/US Home Richmond Rd Improvements
SP-061-02	Powhatan Plantation Recreation Bldg Amd
SP-066-02	Grace Covenant Presbyterian Church
SP-067-02	Powhatan Place Townhomes Amendment
SP-084-02	Colonial Heritage/US Homes Phase 1, Section 1
SP-088-02	Colonial Heritage/US Homes Phase 1 Section 2
SP-089-02	Verizon Building Concrete Pad Addition
SP-093-02	Peanut Shop Sewer Modification
SP-094-02	Energy Services Group Metal Fabrication Shop
SP-095-02	Faith Fellowship Assembly of God
SP-096-02	Williamsburg Plantation Sec. 7 & 8: Units 134-183
SP-097-02	Lift Station 1-2 Replacement
SP-098-02	Powhatan Creek Force Main
SP-099-02	Ironbound Mini Storage Phase II: Temp. Storage Lot
SP-101-02	Busch Gardens- Drachen Fire Group Area Site Plan
SP-102-02	Powhatan Creek Access Park
SP-103-02	Enterprise Rent-A-Car
SP-104-02	Colonial Heritage, Phase I, Section 3 & 3A
SP-105-02	Kristiansand Sewer Extension
SP-106-02	Truswood Waterline Extension
SP-107-02	First Colony Water and Sewer System Replacement
SP-108-02	Williamsburg National Tent
SP-109-02	Court House Green Site Plan Amendment

SP-110-02	Ewell Station - Phase II
SP-111-02	Williamsburg Memorial Park SP Amendment
SP-112-02	Ford's Colony Recreation Park

B. PENDING FINAL APPROVAL		EXPIRE DATE
SP-063-01	Williamsburg - Jamestown Airport, Apron Expansion	3/21/2003
SP-085-01	Greensprings Apartments and Condominiums	11/5/2002
SP-105-01	Voice Stream Wireless - Regional Jail Co-Location	11/9/2002
SP-110-01	Williamsburg Christian Academy	12/3/2002
SP-127-01	Avid Medical Expansion	2/4/2003
SP-002-02	Williamsburg-Jamestown Airport Hangar Additions	2/8/2003
SP-006-02	Johnston Medical Clinic	4/19/2003
SP-017-02	Williamsburg Landing	4/5/2003
SP-025-02	Monticello Interceptor Forcemain - Section A	4/8/2003
SP-035-02	Jamestown 4-H Educational Center	4/24/2003
SP-036-02	McKinley Office Building	5/6/2003
SP-037-02	Williamsburg Crossing Lot 11 Retail/Office Bldg	6/3/2003
SP-044-02	Ford's Colony, Sect. 31, BMP #1 Regrading Plan	5/8/2003
SP-048-02	New Town Office Building	6/3/2003
SP-049-02	SunTrust Office Building	6/3/2003
SP-050-02	New Town Sec 2 & 4 - Road/Utility Infrastructure	8/22/2003
SP-051-02	Landmark Auto Parts	5/6/2003
SP-062-02	WindsorMeade Way Road Construction Plan	6/4/2003
SP-072-02	JCSA Water Treatment Facility, Site Prep. Plan	6/28/2003
SP-075-02	US Home/Colonial Heritage Blvd, Phs 1	6/27/2003
SP-076-02	Future Church Parcel- Powhatan Secondary	7/9/2003
SP-078-02	Smith Memorial Baptist Church-Family Life Center	6/17/2003
SP-081-02	Ironbound Village SP Amendment (Phase II)	8/5/2003
SP-091-02	District Park Sports Complex, Phase III	8/16/2003
SP-092-02	Stonehouse Hillcrest- Amended Utility Plan	7/25/2003
C. FINAL APPROVAL		DATE
SP-121-01	Frances S Rees Subdivision Utility Additions	8/22/2002
SP-128-01	JCC Government Center- Registrar & Mapping Trailer	8/14/2002
SP-020-02	Charlie's Antiques Expansion/Storage Site	8/9/2002
SP-052-02	Villages at Powhatan Phase 5 SP Amendment	8/28/2002
SP-059-02	Villages at Powhatan - Ph. 3 & 4, SP Amendment	8/21/2002
SP-060-02	Villages at Powhatan SP Amd Phs 6 & 7	8/22/2002
SP-071-02	Voice Stream Tower- Exit 231 off I-64	8/19/2002
SP-074-02	Smoke House Restaurant- Busch Gardens	8/8/2002
SP-100-02	Mt. Gilead Church- Room Addition	8/7/2002
D. EXPIRED		EXPIRE DATE
SP-002-01	JCC HSC Parking Area Expansion	3/5/2002

II. SUBDIVISION PLANS

A. PENDING PRELIMINARY APPROVAL

S-062-98	Ball Metal Conservation Easement
S-104-98	Skiffes Creek Indus. Park, VA Trusses, Lots 1,2,4
S-013-99	JCSA Mission Bank ROW Acquisition
S-074-99	Longhill Station, Section 2B
S-086-99	Peleg's Point, Section 5
S-110-99	George White & City of Newport News BLA
S-006-00	Ewell Station, Lots 1, 4 & 5
S-091-00	Greensprings West, Plat of Subdv Parcel A&B
S-103-00	Villages at Powhatan - Powhatan Secondary
S-032-01	Subdivision and BLE Plat of New Town AssociatesLLC
S-055-01	White Oaks - Albert & Miriam Saguto, BLA
S-073-01	Fernbrook, JCSA Pump Station/Gabrowski BLA
S-077-01	Ford's Colony - Section 32 (Lots 72-78, 93-129)
S-093-01	Olde Towne Timeshares Conservation Easement Plat
S-099-01	Stonehouse, Mill Pond, Sect. 7-A, Ph. 1
S-102-01	Powhatan Place Townhomes-BLA Lots 51-56
S-008-02	James F. & Celia Ann Cowles Subdivision
S-023-02	Stonehouse, Mill Pond Run right-of-way
S-031-02	Bruce's Super Body Shop, Lot 2 subdivision
S-034-02	Villages at Powhatan, Ph. 3
S-035-02	Villages at Powhatan, Ph. 4
S-051-02	Ford's Colony, Section 12 Construction Plans
S-052-02	The Retreat--Fence Amendment
S-054-02	Ford's Colony Section XXX Lots 17-56
S-057-02	Colonial Heritage/US Homes Phs 1, Sec 1 Const Plan
S-058-02	Hazelwood Subdivison and BLA
S-060-02	Parcel 1, New Town Associates LLC
S-063-02	Colonial Heritage/US Homes Phs 1, Sec 2 Const Plan
S-067-02	Powhatan Secondary Phase VI-B plat
S-068-02	Forrest Lee Hazelwood BLA
S-073-02	Colonial Heritage, Phase I, Sec 3 & 3A Const Plans
S-075-02	Scott's Pond Section 1-C
S-076-02	Marion Taylor Subdivision

B. PENDING FINAL APPROVAL

EXPIRE DATE

S-101-01	Greensprings West, Phase 4A	12/5/2002
S-104-01	The Retreat, Phase I, Section III	5/30/2003
S-022-02	George W. Roper & Jeanne F Roper, Parcel B	3/19/2003
S-024-02	Stonehouse, Fieldstone Parkway right-of-way & BLA	3/19/2003
S-027-02	Stonehouse, Lisburn, Sect. 5-A, Construction Plans	5/6/2003
S-030-02	Waterford at Powhatan Sec., Ph. 33, BLA	4/9/2003
S-037-02	Village Housing at the Vineyards, Phase III	5/10/2003

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S-039-02	Powhatan Secondary, Phase 6-C	5/8/2003
S-042-02	Lake Powell Forest Phase 4	5/23/2003
S-044-02	Ironbound Village plat	5/17/2003
S-045-02	The Pointe at Jamestown Section 2-A plat	5/30/2003
S-061-02	Stonehouse, Walnut Creek Section 5B, Lot 5 BLA	8/2/2003
S-064-02	Stonehouse - Mill Pond Run Section 2	7/29/2003
S-065-02	Vernon Ross BLA & BLE	8/5/2003
S-069-02	Coopridge/ Powell BLA	8/1/2003
S-070-02	Ford's Colony - Donner BLE	8/22/2003
S-071-02	Stonehouse Commerce Park- ROW extension & realign	9/3/2003

C. FINAL APPROVAL		DATE
S-109-01	Landfall at Jamestown, Phase 5	8/6/2002
S-036-02	Zsoldos Subdivision	8/16/2002
S-050-02	Parcel 3, Ironbound Village Phase II	8/19/2002
S-066-02	Villages at Westminster BLE	8/16/2002
S-072-02	Shellbank Woods - White BLE	8/7/2002
S-074-02	Stonehouse, Orchard Hill - Lot 42 BLA/BLE	8/29/2002

D. EXPIRED		EXPIRE DATE
S-034-00	The Pointe at Jamestown, Phase 2	6/5/2002
S-040-00	Westmoreland Sections 3 & 4	7/5/2002
S-041-00	Powhatan Secondary, Phase 6-B	7/27/2001
S-058-00	Powhatan Secondary, Phase 7-A	10/2/2001
S-086-00	Ford's Colony Section 30 Lots 1-68	12/11/2001
S-036-01	Ironbound Village Construction Plans	8/7/2002

MINUTES FOR THE POLICY COMMITTEE MEETING ON THURSDAY, AUGUST 22, 2002 AT 4:00 PM IN BUILDING E CONFERENCE ROOM.

PARTICIPANTS: Jill Schmidle, Joe McCleary, Don Hunt, George Billups, Trey Davis
Absent: Wilford Kale

- ◆ Mr. Don Hunt called the meeting to order at 4:10PM.
- ◆ Ms. Jill Schmidle explained a brief history of the BOS passing of a zoning ordinance amendment to allow for adult day care centers in the same locations as child day care centers. She proposed the possibility of creating a policy regarding adult day care centers in the interior of residential areas as was done last year for child day care centers.
- ◆ Mr. Joe McCleary explained the sunset clause which requires such care centers to renew their special use permits every three years.
- ◆ The question of government involvement in the approval and operation of adult and child day care centers was discussed. Mr. Hunt pointed out that all such operations are subject to state licensing and regulations.
- ◆ Ms. Schmidle presented her findings on state guidelines for the operation of adult day care centers.
- ◆ Ms. Schmidle explained that the staff does not think it is ideal to place such centers inside neighborhoods, but recognizes their importance and would review all submittals on a case by case basis.
- ◆ Mr. McCleary suggested adopting the child day care policy to regulate adult day care centers, minus paragraph two which relates to the number of children in a home. The Policy Committee unanimously passed this measure.
- ◆ Ms. Schmidle will draft a policy and forward it prior to the next Planning Commission meeting.

The meeting adjourned at 4:45 PM.

James City County Planning Commission's Policy Committee
Child Day Care Centers Located in the Interior of Residential Neighborhoods
June 22, 2001

Policy Committee Recommendation for Child Day Care Centers Located in the Interior of Residential Neighborhoods:

1. If planning staff determines there are significant impacts on a neighborhood as a result of a child day care center, staff shall recommend denial of any child day care center located on a residential lot in the interior of a subdivision.
2. The Policy Committee recommends that the current threshold for requiring a special use permit for a child day care center shall remain as is (more than 5 children requires a special use permit), and each application will continue to be reviewed on a case by case basis. This threshold is based upon state licensing requirements, building permit requirements, land use impacts and home occupations limitations, and the Policy Committee finds that this threshold is appropriate for Commission and Board review.
3. Should the Planning Commission and Board of Supervisors choose to recommend approval of a special use permit application for a child day care center located on a residential lot in the interior of a subdivision, the Policy Committee recommends adding the following conditions:
 - there shall be a **three-year time limit** in order to monitor the impacts of the day care center;
 - no signage shall be permitted on the property;
 - no additional exterior lighting shall be permitted on the property, other than lighting typically used at a single-family residence.

REZONING 5-01. Ford's Colony Proffer Amendment
Staff Report for the September 9, 2002, 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

Planning Commission: Building C Board Room; County Government Center
October 1, 2001 (deferred); November 5, 2001 (deferred);
July 1, 2002 (deferred); August 5, 2002 (deferred);
September 9, 2002 - 7:00 p.m.
Board of Supervisors: November 12, 2002 - 7:00 p.m. (Tentative)

SUMMARY FACTS

Applicant/Landowner: Vernon M. Geddy, III, on behalf of Realtec, Incorporated

Proposed Use: Amend Proffer No. 4 of the Amended and Restated Ford's Colony Proffers dated September 29, 1995 made by Realtec Inc. Proffer No. 4 states, "No Access. Owner shall not provide access from Ford's Colony onto Lexington Drive or Country Club Drive."

Location: Beginning at the intersection of Longhill Road and Williamsburg West Drive and following the extent of Country Club Drive and the adjoining Lexington Drive; Powhatan District

Tax Map and Parcel No.: (32-3)(1-11)

Primary Service Area: Inside

Existing Zoning: R-4, Residential Planned Community, with proffers

Proposed Zoning: R-4, Residential Planned Community, with amended proffers

Comprehensive Plan: Low Density Residential

Surrounding Zoning: North: R-2: Williamsburg Plantation; R-5: Regency at Longhill
South: R-8: Casey / New Town
East: R-2: Eastern State Hospital
West: R-2: Windsor Forest

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

STAFF RECOMMENDATION:

The applicant has requested that this case be deferred until the next regularly scheduled Planning Commission meeting on October 7, 2002. A deferral will allow the applicant to continue working with VDOT and adjacent property owners on a redesign of the proposed entrance into Ford's Colony, Section 12 from Country Club Drive. Staff concurs with the applicant's request.

Attachments:

1. Location Map
2. Deferral Request letter dated July 29, 2002.

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

ATTORNEYS AT LAW

516 SOUTH HENRY STREET

POST OFFICE BOX 379

WILLIAMSBURG, VIRGINIA 23187-0379

TELEPHONE: (757) 220-6500

FAX: (757) 229-5342

e-mail: vgeddy@widomaker.com

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

August 28, 2002

Mr. Chris Johnson
Senior Planner
James City County
101-E Mounts Bay Road
Williamsburg, Virginia 23185

Realtec Incorporated/Z-5-01

Dear Chris:

I am writing on behalf of Realtec to request that the Planning Commission defer consideration of this case until its October meeting. Thanks and let me know if you need anything further.

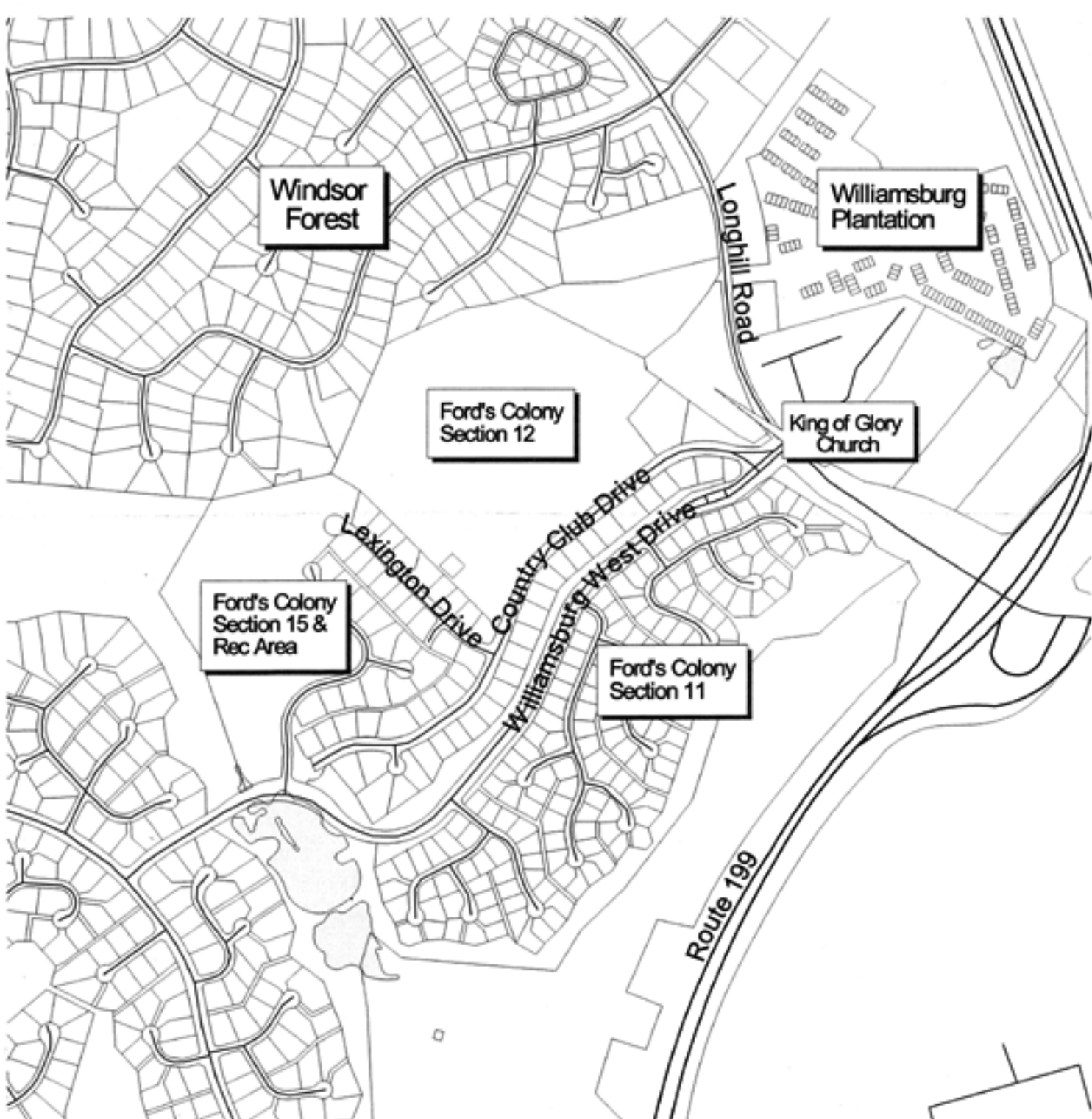
Sincerely,



Vernon M. Geddy III

VMG:s

cc: Mr. Drew Mulhare



Case No. Z-5-01
Ford's Colony Proffer Amendment

1000 0 1000 2000 Feet

A horizontal scale bar with markings at 1000, 0, 1000, and 2000 feet.

M E M O R A N D U M

DATE: September 9, 2002

TO: The Planning Commission

FROM: Karen Drake, Senior Planner

SUBJECT: Proposed Creation of AFD-01-02, Carter's Grove

The Colonial Williamsburg Foundation (CWF) has applied to create a new Agricultural and Forestal District (AFD) containing 320 acres on Pocahontas Trail (Route 60) surrounding the Carter's Grove Plantation. The district would be comprised of three parcels all owned by CWF that can be further identified as Parcel (1-2) on JCC Real Estate Tax Map (58-2) and Parcels (1-21) and (1-30A) on JCC Real Estate Tax Map (59-1). The property is zoned R-2, General Residential, R-8, Rural Residential and LB, Limited Business. The property is designated Neighborhood Commercial, Park, Public, Semi-Public, Federal, State, County or as a Conservation Area on the James City County Comprehensive Plan Land Use Designation Map.

Property Description

The property lies generally between the James River, Ron Springs Road, and south of Pocahontas Trail. One parcel containing 1.5 acres is north of Pocahontas Trail. The main two parcels surround the Carter's Grove Plantation and the Hampton Roads Sanitation District (HRSD) sewer station and is adjacent to the James River Commerce Center.

The property to be included in the district is wooded or is cleared pastures used by the Colonial Williamsburg's coach and livestock program. The Carter's Grove AFD would not include the Carter's Grove Plantation House and Visitor Center. The district would have direct frontage on the James River and contains some marshland that drains directly into the James River. The three parcels are all located within the Primary Service Area, with public water and sewer available.

Surrounding Zoning and Land Uses

The 76 acre parcel proposed to be included in the district is zoned R-2, surrounds the HRSD treatment plant and borders Kingsmill, (zoned R-4, Planned Residential Community), the Busch Corporate Center (zoned LB, Limited Business) and the R-2, General Residential neighborhood on Ron Springs Drive. The largest parcel (containing 242 acres) to be included in the district surrounds the Carter's Grove Plantation (zoned R-8, Rural Residential) and is adjacent to the James River Commerce Center to the south, zoned MU, Mixed Use. The 1.5 acre parcel on the north side of Pocahontas Trail is adjacent to developed and undeveloped split zoned property, zoned R-8 & LB, and Brookside Haven, zoned R-5, Multifamily Residential.

Staff feels this proposal is compatible with surrounding zoning and land uses. The AFD property would surround a known historical site and provide a buffer around the HRSD sewer station. The creation of this proposed AFD will help to ensure that some property in the southern end of the County that is predominately urban remains in forestal and/or agricultural uses for the duration of

the district.

The Hampton Roads Sanitation District has expressed concern about the creation of the Carter's Grove District with comments to this effect in the attached letter. Staff has since discussed these concerns with the CWF and HRSD; consequently, CWF submitted the attached letter to staff requesting a modification to the proposed district. Land within the Colonial Pipeline Easement and the HRSD easement and an additional ten feet on either side of the HRSD easements would not be included in the AFD district. The land excluded will allow for projected expansion as needed. To address HRSD's concern about future expansion of the treatment plant (14-15 acres needed), the conditions listed at the end of this report have been worded to exclude the potential land as needed.

Comprehensive Plan

The property located south of Pocahontas Trail is designated Park, Public, Semi-Public; or Federal, State, County on the James City County Comprehensive Plan Land Use Designation Map. Most of the southwestern quarter of the property is designated Conservation Area. This area drains directly into the James River and is undevelopable. The balance of the property located to the north of Pocahontas Trail is designated Neighborhood Commercial and is currently wooded. The creation of this proposed AFD is supported by the above referenced land use designation objectives and several Rural Land Use Standards listed in the Comprehensive Plan, including preserving the natural, wooded, and rural character of the County. Staff feels that establishing an AFD on this property is consistent with the Comprehensive Plan.

Forestry Potential

The Department of Forestry supports the Colonial Williamsburg Foundation's application to create the Carter's Grove AFD. The Department of Forestry expects that a detailed forest management plan for the proposed Carter's Grove AFD can be established as the Colonial Williamsburg Foundation has historically been good managers of their forested land.

While Staff concurs with the Department of Forestry recommendation, staff notes that in addition to the tax benefits available to the Colonial Williamsburg Foundation by creating the district, the continuance of the existing forests within the district would enhance the visitor experience to the Carter's Grove Plantation.

Soils

According to the Natural Resources Conservation Service, there are no less than 6 soil complexes present on the property. Most of the soils on the property have moderate to very high tree potential. Some soils do not support tree growth nor are they suitable for agriculture because of their location in tidal areas.

Transportation Issues

The property has approximately 3,000 feet of frontage on the south side of Route 60 and 250 feet of frontage on the north side. VDOT is currently evaluating multiple options to widen and/or realign Route 60 through the southern part of the County, approximately between Busch Gardens and the Newport News/James City County line. While a final decision has not been made about the road realignment, VDOT estimates that a total of 100' of right of way or 50' on each side of the existing centerline needs to be reserved for future roadway improvements. Staff concurs with the VDOT recommendation. This exclusion of land from the district does not negatively impact the applicant's ability to qualify for Use Value Taxation should the property otherwise qualify for it.

RECOMMENDATION:

The location and physical characteristics of this property make it a viable candidate for a new AFD.

If approved, it would provide the only agricultural and forestal district in the predominately urban southern portion of the County. The proposed AFD would provide a smooth transition between a known tourist destination and the HRSD sewer facility and established residential homes. The analysis provided by the Natural Resources Conservation Service supports the forestry potential of the property and staff believes that the forthcoming Virginia Department of Forestry report will support the district as well. In addition, the environmental and historical sensitivity of the area is not conducive for intensive residential or commercial development. The Comprehensive Plan supports the creation of this district by preserving forestry and agricultural lands, preserving public open space and by preserving the rural character of the County within a predominately urban area.

The State Code allows AFDs to be established or continued for a period of no less than four years. Staff concurs with the applicant's request for a four year term for the creation of the district from the date of its approval by the Board of Supervisors. A four year term for the district is consistent with other established district terms.

On July 22, 2002 the AFD Advisory Committee recommended approval of the creation of the Carter's Grove AFD by a vote of 8-0. Staff recommends the Planning Commission approve the creation of AFD-1-02, Carter's Grove Agricultural and Forestal District with the following conditions:

1. The subdivision of land is to be limited to parcels of 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to 5 acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided, (a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and (b) The subdivision does not result in a remnant parcel of less than 25 acres.
2. No land outside the Primary Service Area and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land inside the Primary Service Area and within the Agricultural and Forestal District may be withdrawn from the district in accordance with the Board of Supervisors' policy pertaining to the Withdrawal of Lands from Agricultural and Forestal Districts within the Primary Service Area, adopted September 24, 1996.
3. No Special Use Permit shall be issued except for agricultural, forestal or other activities and uses consistent with State Code section 15.2-4302 et. seq. which are not in conflict with the policies of this district. The Board of Supervisors, at its discretion may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

In addition, staff recommends that all land within 50 feet of the existing right-of-way on both sides of the Route 60, Pocahontas Trail, all land within the Colonial Pipeline Easement, all land within the HRSD Easement, all land within ten feet adjacent to the HRSD easement and potential land needed for the expansion of the HRSD treatment plant (adjacent 14-15 acres) be excluded from the district as needed for future improvements and expansion.

Karen Drake

Attachments:

1. Location Map
2. Colonial Williamsburg Foundation Letter
3. HRSD Comment Letter



The Colonial Williamsburg Foundation

"THAT THE FUTURE MAY LEARN FROM THE PAST"

August 9, 2002

Ms. Karen Drake, Senior Planner
James City County Planning Division
101-E Mounts Bay Road
Williamsburg, VA 23187

Dear Ms. Drake:

Thank you for your assistance in getting our property in the vicinity of Carter's Grove before the AFD advisory committee. I feel confident that this new designation will be mutually beneficial to the county and Colonial Williamsburg Foundation.

As discussed at the meeting, Colonial Williamsburg originally requested around 325 acres be included in the district. We are agreeable to the following exceptions:

1. VDOT requested that area 100' on either side of Route 60 be excluded because of their plan to realign part of the road sometime in the future.
2. HRSD requested that their easement be excluded from the district plus an additional 10' on either side of the easement to enable a widening of the easement (if needed).
3. In addition, a notation will go into the report that will allow approximately 14-15 acres to be removed from the district if, and when HRSD considers expanding the sewage treatment plant. I understand that you will go back to the records on the Casey property and see how this was handled several years ago when there was some question about the route for the new Route 199 and follow that wording.

With these changes, I would appreciate knowing how much of the original parcels will be designated an AFD.

If I can be of any further assistance, please let me know.

Sincerely,

Margaret A. Waite,
Director of Property Management

Cc: Victoria B. Gussman

HERBERT V. KELLY
RAYMOND H. SUTTLE
B.M. MILLNER
RALPH M. GOLDSTEIN
JOHN T. TOMPKINS, III
CONWAY H. SHEILD, III
SVEIN J. LASSEN
DAVID W. OTEY
HERBERT V. KELLY, JR.
RICHARD B. DONALDSON, JR.
DAVID W. OTEY, JR.
MICHAEL B. WARE
ROBYN HYLTON HANSEN
LEONARD C. HEATH, JR.
RAYMOND H. SUTTLE, JR.
GARY A. MILLS
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(757) 259-5700
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ALLAN D. JONES, 1875-1954
DANIEL SCHLOSSER, 1915-1977
F.O. BLECHMAN, 1905-1986
ARTHUR W. WOLTZ, 1905-1993
THOMAS N. DOWNING, 1919-2001

ROBERT M. BROWN, JR.
HELENA S. MOCK
MATTHEW D. MEADOWS

REPLY TO: Newport News

Direct Dial No. 873-8006
Internet E-Mail Address: raysuttle@jwbk.com
July 17, 2002



Mr. O. Marvin Sowers, Jr., Director of Planning
James City County Development Management
101-E Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23187-8784

VIA FACSIMILE AND U.S. MAIL

Re: AFD 1-02, Creation of the Carter's Grove Agricultural and Forestal District

Dear Mr. Sowers:

Please be informed that this firm represents Hampton Roads Sanitation District (HRSD). HRSD has been notified by your letter of June 20, 2002, as an adjacent property owner of the creation of the Carter's Grove Agricultural and Forestal District. Please let this letter serve as a response to yours, noting our comments and objections.

As you may know, HRSD owns a parcel of property which is carved out of the district where a sewage treatment facility is located. While the creation of the agricultural and forestal district may not have any immediate impact on HRSD's facility, there is a concern by HRSD for future expansion of its facility. As you know, HRSD may either purchase privately owned property or has the power of eminent domain when expanding its facilities. HRSD's concern is that if expansion is necessary and required, that under the withdrawal procedures under an Agricultural and Forestal District Act, a minimum of 75 acres is required to be withdrawn. If an expansion is to occur, then 75 acres may be more than what is required for its expansion. Additionally, if an expansion of the facility is needed and property from the agricultural and forestal district is obtained, jurisdiction placed on the district could impede HRSD's use. Based on HRSD's concern, we would propose that the agricultural and forestal district not include property located to the north of Ron Springs Drive. This would allow the flexibility required by HRSD.

Not only is HRSD concerned about possible future expansion of its facility, it is also concerned with existing easements on the subject property. Currently HRSD has an easement on the Carter's Grove property. HRSD is concerned that the creation of the Agricultural and Forestal District will have a negative impact on the current easement and possible expansion of the easement.

We would ask that you take HRSD's concerns into account when considering the application for the District.

Thank you for your cooperation in this regard.

Very truly yours,

JONES, BLECHMAN, WOLTZ & KELLY, P.C.



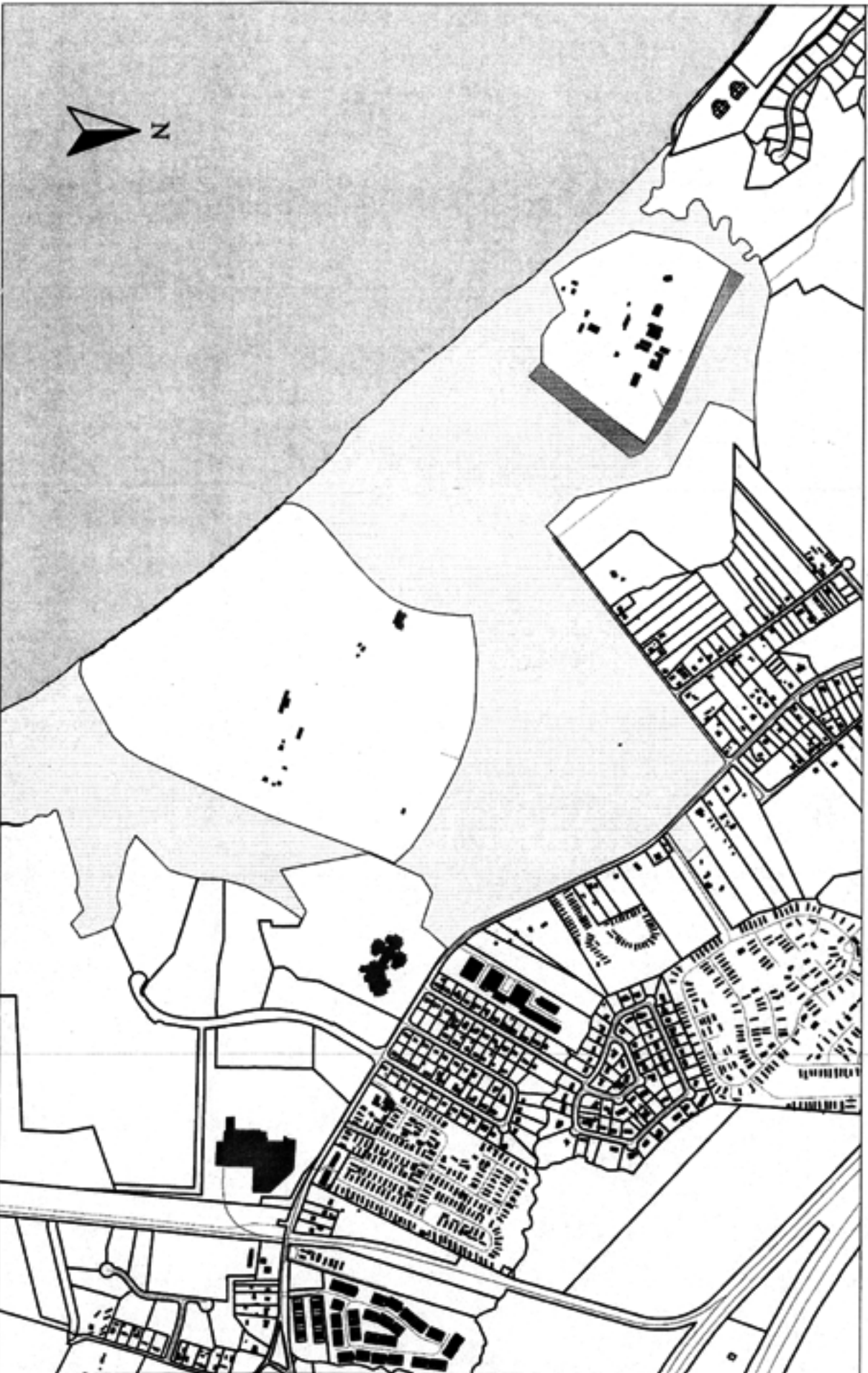
Raymond H. Suttle, Jr.

RHSjr/mab

cc: Steven Richendollar
Karen Drake, Senior Planner
Victoria Gussman, Director of Property Resources and Planning
#266118.98349.001

AFD-1-02 - Carter's Grove

Red hatched area indicates area of possible HRSD expansion



SPECIAL USE PERMIT-16-02. WILLIAMSBURG HONDA

Staff Report for September 9, 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

Building C Board Room; County Government Center
Planning Commission: September 9, 2002 7:00 p.m.
Board of Supervisors: October 8, 2002 (Tentative) 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. John Dodson

Land Owner: Williamsburg Auto Group

Proposed Use: To amend the existing SUP conditions to allow trailers to be sold at the Williamsburg Honda Dealership

Location: 7277 Richmond Road

Tax Map/Parcel: (23-2)(1-42)

Primary Service Area: Inside

Parcel Size: 3.75± acres

Existing Zoning: B-1, General Business

Comprehensive Plan: Neighborhood Commercial

Surrounding Zoning: North: B-1, General Business
R-2, General Residential
East: A-1, General Agriculture
South: B-1, General Business
West: L-B, Limited Business
R-2, General Residential

Staff Contact: Karen Drake, Senior Planner Phone: 253-6685

STAFF RECOMMENDATION

Staff believes the proposed amendment to sell and repair utility trailers in addition to selling and repairing autos at the existing Williamsburg Honda Dealership is a valid commercial enterprise and complimentary land use. Staff, however, has aesthetic concerns as well as safety concerns about the displaying of the trailers so close to Richmond Road. Staff believes that through conditions limiting the display of the trailers, the Williamsburg Honda Dealership will retain its current degree of conformity to the Neighborhood Commercial Land Use Designation and compliment the Norge Community Character Area. Staff recommends the Planning Commission approve this amendment to the existing special use permit with the conditions listed in the staff report on its approval. Note that the Special Use Permit conditions in this case would replace the existing conditions in SUP-02-87 and SUP-31-89.

Project History

In May of 1987, the Board of Supervisors approved JCC Case No. SUP-02-87, which granted Mr. John Dodson a special use permit to allow the sale of new and used automobiles and auto repairs at the Williamsburg Honda Dealership on Richmond Road in Norge. Landscaping to buffer the auto dealership from adjacent property and a limit of two entrances were included in the special use permit conditions. In November of 1989, the Board of Supervisors approved JCC Case No. SUP-31-89, which allowed Mr. Dodson to expand the Williamsburg Honda dealership into its present day size of 3.75 acres at 7277 Richmond Road.

Mr. Dodson has now applied to amend the existing the special use permit conditions in SUP-02-87 and SUP-31-89 to permit the sale and repair of utility trailers in addition to the sale and repair of cars. Vehicle and trailer sales and services (with major repair limited to a fully enclosed building) is a specially permitted use on property zoned B-1, General Business.

The utility trailers include flatbed trailers used to haul lawn equipment as well as enclosed trailers. Trailers range in length from approximately ten feet up to fifty feet and are usually eight feet in width. One of the existing auto repair bays would be renovated to accommodate trailer repairs. The applicant proposes to display trailers on the front row of parking next to Richmond Road and store additional trailers in the rear of the dealership lot.

Surrounding Zoning and Development

Williamsburg Honda is located in Norge opposite the Hill Pleasant Farm Agricultural and Forestal District, zoned A-1, General Agriculture. To the North is Noah's Ark Veterinary Hospital zoned B-1, General Business and the Norge Elementary School, zoned R-2, General Residential. Directly behind the dealership is undeveloped property zoned LB, Limited Business and the Kristiansand neighborhood, zoned R-2, General Residential. To the south is the Kristiansand Office Park zoned LB, Limited Business and the 7-11 convenience store, Jimmy's Pizza and the Shops at Kristiansand, all zoned B-1, General Business.

The Site

The 3.75 acre site is relatively flat. The Williamsburg Honda Dealership has two buildings for car sales and an auto repair bay. There are two entrances from Richmond Road into to the dealership. No additional entrances are being proposed at this time and the condition limiting the Williamsburg Honda dealership to the two existing entrances remains as a condition.

The property is located within the Primary Service Area (PSA) and would be served by public water and sewer. The applicant is aware of the current water supply issue within the County. To help mitigate any negative impact the dealership has upon the public water supply, the applicant is willing to implement water conservation measures with the James City Service Authority for any new landscaping planted and in any future construction. Detailed water conservation standards would be formalized with JCSA at a later date under a proposed new condition.

Comprehensive Plan

The property is designated Neighborhood Commercial on the 1997 Comprehensive Plan Land Use Map. Neighborhood Commercial areas are comprised of limited business activity areas within the PSA, serving residents of the surrounding neighborhoods in the immediate area and having only a limited impact on nearby development. The total building area within any area designated Neighborhood Commercial should be no more than 40,000 square feet. Location criteria for commercial uses are: small sites; access to collector streets, preferably at intersections with local or other collector roads; public water and sewer service; environmental features such as soils and topography suitable for compact development; and adequate buffering by physical features or adjacent uses to protect nearby residential development and preserve the natural or wooded character of the County. Acceptable uses will have a limited impact on adjacent residential areas especially in terms of lighting, signage, traffic, odor, noise and hours of operation. Acceptable uses

should be compatible with surrounding development in terms of scale, building design, materials and color.

The Williamsburg Honda Dealership is also located within the Norge Community Character Area. The Norge Community Character Area has a unique history, which should be preserved and protected through the specific design criteria outlined below:

- ♦ The architecture, scale, materials, spacing and color of building should complement the historic character of the area.
- ♦ Building setbacks should be consistent with adjacent buildings and structures.
- ♦ Where possible, parking should be located to the rear of the buildings. Parking should be screened from roadway and adjacent properties.
- ♦ New landscaping should be of a type, size, and scale to complement the historic character of the area.
- ♦ Signage should be of scale, size and color, and materials to complement the historic character of the area.
- ♦ Mixed use development which provides residential, commercial, and office uses in close proximity are encouraged.

Neither the existing Dealership or proposed use are consistent with the Comprehensive Plan, however staff does recognize that the existing Williamsburg Honda Dealership was built prior to the adoption of the 1997 Comprehensive Plan. Staff also acknowledges that the Williamsburg Honda Dealership has significantly landscaped their property which screens the Dealership from the adjacent limited business district, residential and agriculturally designated land.

Staff is concerned about the presence of the larger enclosed trailers, or appearing essentially as a small building located in front of the dealership parking lot so close to Richmond Road. The longer trailers would have a much higher degree of visibility than the automobiles which are currently offered for sale. Consequently, staff believes that these longer trailers would increase the degree of inconsistency of the use with the Comprehensive Plan's goals for the Norge Community Character Area and Neighborhood Commercial Areas. Not only would the larger trailers alter the view of the dealership parking lot from an aesthetic viewpoint, but the trailers could present a traffic hazard for entering and exiting cars as well as being a potential safety issue. Staff believes that limiting the number of trailers on display in the front of the dealership parking lot to no more than seven trailers at a time, with no more than three of the three trailers being enclosed trailers and none of the seven trailers being larger than twenty feet in length would help to mitigate the impact of the trailers located in the front of the dealership parking lot. Staff strongly recommends that the applicant work closely with the James City County Police Department and VDOT to design and implement measures so the trailers do not present a potential safety hazard nor are the trailers stolen from the property.

RECOMMENDATION

Staff believes the proposed amendment to sell and repair utility trailers in addition to selling and repairing autos at the existing Williamsburg Honda Dealership is a valid commercial enterprise and complimentary land use. Staff, however, has aesthetic concerns as well as safety concerns about the displaying of the trailers so close to Richmond Road. Staff believes that through conditions limiting the display of the trailers, the Williamsburg Honda Dealership will retain its current degree of conformity to the Neighborhood Commercial Land Use Designation and compliment the Norge Community Character Area. Staff recommends the Planning Commission to approve this amendment to the existing special use permit with the conditions listed below. Note that the following Special Use Permit conditions in this case would replace the existing conditions in SUP-02-87 and SUP-31-89:

1. This special use permit shall allow the sale of new and used automobiles and trailers. All automobile and trailer repairs shall take place within an enclosed building. *New Condition.*

2. There shall be no more than seven trailers displayed at any given time in the front row of parking directly adjacent to Richmond Road. All such trailers should be located in the first seven parking spaces closest to the northeast property corner of the site and the trailers shall be parked perpendicular to Richmond Road. All other trailers shall be stored in the parking spaces located adjacent to the north property line with no enclosed trailers located in the first five parking spaces closest to Richmond Road. Of the seven trailers displayed in front of the dealership in the spaces perpendicular to Richmond Road, no more than three shall be an enclosed trailer at any give time and none of the seven trailers on display shall be longer than twenty feet. No signs or banners shall be placed on any trailers. All trailers will be placed on existing paved areas and no additional areas may be paved unless approved by the Planning Director through an approved site plan. *New Condition.*
3. The entire site of the Williamsburg Honda Dealership shall have at least 30% of the total lot area as landscaped open space. The landscape plan shall exceed the minimum landscaping requirement as necessary to provide a visual effect so as to make the Williamsburg Honda Dealership compatible with adjacent properties and to provide a reasonable buffer between properties. The Development Review Committee shall review and approve any future changes to the landscaping.
4. Within sixty days of approval of this Special Use Permit, the applicant will arrange a meeting on site with Planning Division staff to verify that all landscaping on the approved site plan has been planted. Any approved landscaping material that is missing from the site must be planted or bonded within ninety days of approval of this Special Use Permit. The owner shall submit a replacement landscape plan for existing landscape material that is dead or dying prior to final site plan approval for the trailers and said landscape plans shall be approved by the Planning Director prior to final site plan approval for the trailers. *New Condition*
5. The owner shall be responsible for developing and enforcing water conservation standards which shall be submitted to and approved by the James City Service Authority. The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials, including the use of drought tolerant plants, if and where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. Irrigation wells shall only draw water from the Upper Potomac or Aquia Aquifers. The water conservation standards shall be approved by the James City County Service Authority within three months of adoption of this special use permit and shall apply to any future building construction or renovation and any new landscaping plans. *New Condition.*
6. The Williamsburg Honda Dealership shall be limited to the two existing ingress/egress ways onto Richmond Road. The existing ingress/egress ways may be relocated on the property with an approved site plan.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Karen Drake
Senior Planner

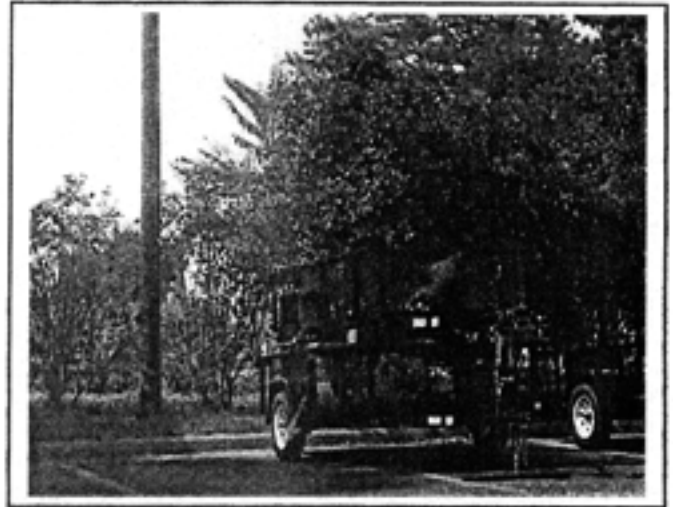
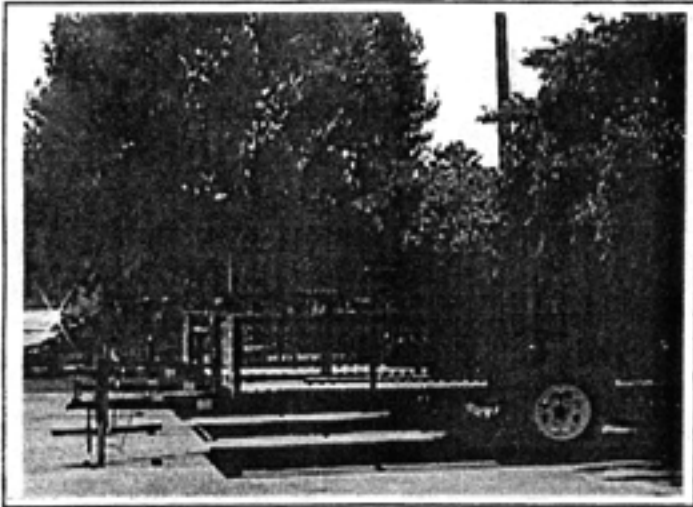
ATTACHMENTS:

1. Site Map.
2. Site Photographs

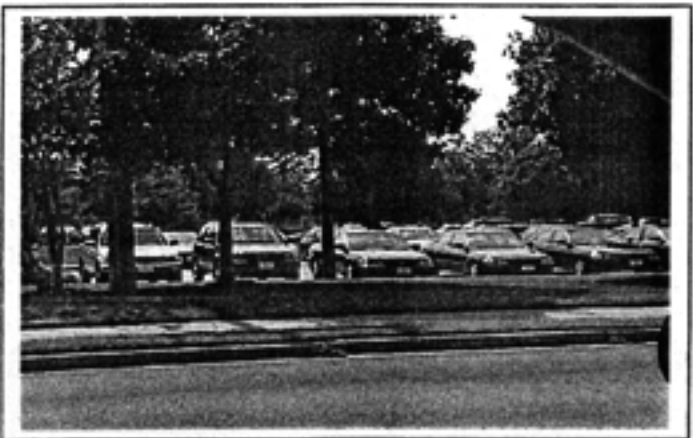
3. Enclosed Trailer Information.

SUP-16-02. Williamsburg Honda

August 5, 2002



Photos 1 & #2 are of utility trailers Williamsburg Honda is proposing to sell that are approximately 10 to 12 feet long. Williamsburg Honda is researching the possibility of expanding the line of trailers sold to include enclosed trailers ranging in size from approximately 6 feet long up to 50 feet long.



Photos #3 & #4 are where Williamsburg Honda proposes to display three of the trailers to be visible from Richmond Road. Other trailers would be stored in the rear of the dealership lot.



Photo #5 is of the existing auto repair bay. Trailer repair would take place inside after remodeling one of the bays. No enlargement of the building is being proposed with this SUP Amendment.

Multipurpose Trailers

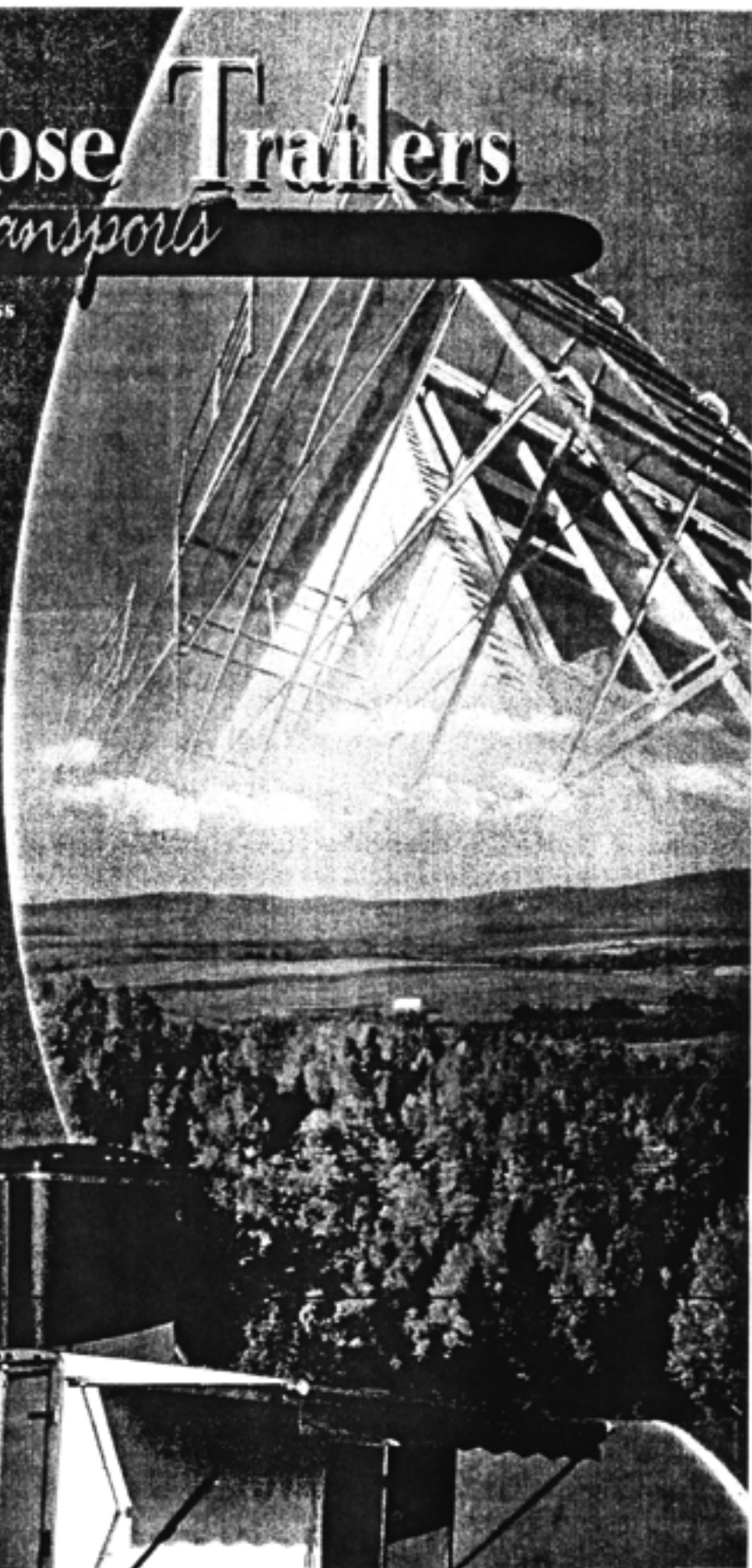
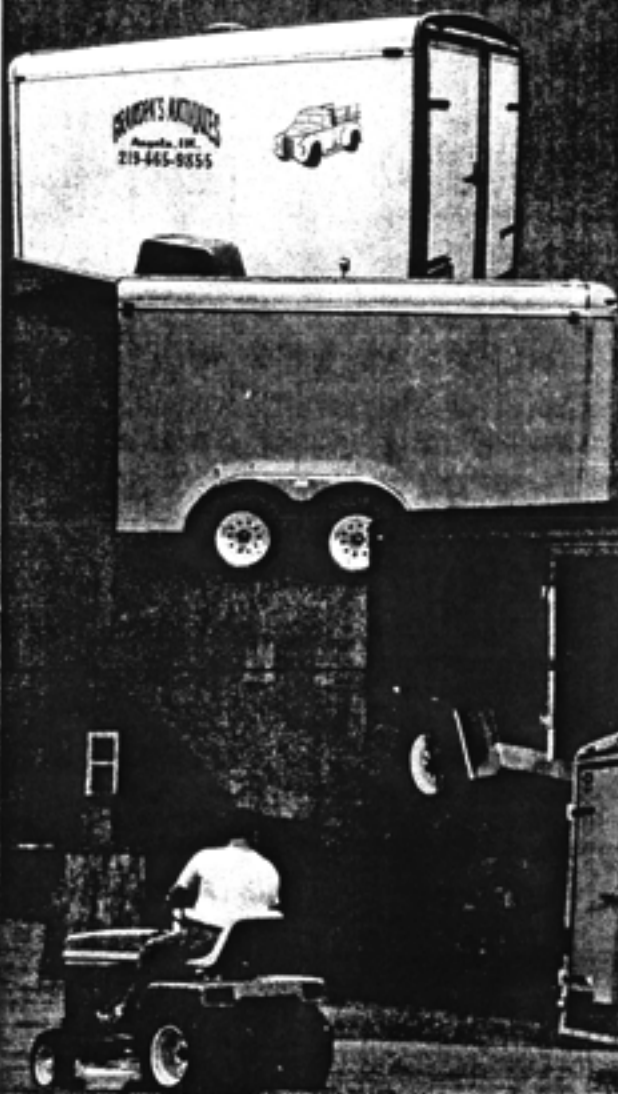
universal transports

by Cargo Express

When versatility is a necessity... Cargo Express offers a 4' wide to 8.5' wide torsion axle(s) trailer built to order for your specific needs.

Introducing...

a trailer for the working man.



**SUP-16-02. Williamsburg Honda SUP Amendment
7277 Richmond Road**



Norge Elementary School

Kristiansand Neighborhood

Kristiansand Drive

Richmond Road

Williamsburg Honda

RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE

WHEREAS, the Planning Commission of James City County, Virginia, is charged by Virginia Code §15.2-2223 to prepare and recommend to the Board of Supervisors various land development plans and ordinances, specifically including a zoning ordinance and necessary revisions thereto as seem to the Commission to be prudent; and

WHEREAS, on January 28, 1997, the Board of Supervisors adopted the 1997 Comprehensive Plan; and

WHEREAS, in order to make the Zoning Ordinance more consistent with the Comprehensive Plan, public review and comment of draft amendments is required, pursuant to Virginia Code §15.2-2285; and

WHEREAS, the Planning Commission is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of amendments.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, does hereby request staff to initiate review of Section 24-634(d), Restoration/replacement of a nonconforming use, of the Zoning Ordinance to prevent removal of a valid nonconforming manufactured housing unit from property and replacement with another comparable manufactured housing unit that meets the current HUD manufactured housing code. The Planning Commission shall hold at least one public hearing on the consideration of amendments of said Ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with law.

A. Joe Poole, III
Chair, Planning Commission

ATTEST:

O. Murvin Sowers, Jr.
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 9th day of September, 2002.

PLANNING DIRECTOR'S REPORT

SEPTEMBER, 2002

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

1. Architectural Survey. The VDHR Portsmouth field office continues to complete the remaining work on this project. A final report was submitted to VDHR Richmond on June 15th. Staff expects to receive a copy of the final report, including recommendations, in this summer.
2. U.S. Census. The Census Bureau plans to release key data this Fall 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.
3. Jamestown Subarea Study. Staff continues to work with the affected landowners and their consultants to reach an agreement on the location and design of Route 359. Tentative agreement on landscaping has been reached and VDOT has prepared construction drawings. Staff has reviewed VDOT's landscape plans and sent them comments. Staff is currently reviewing the National Park Service proposal for improvements on the island itself in preparation for the public comment meeting on September 12th.
4. New Town DRB Cases. The New Town DRB reviewed and approved the layout for WindsorMeade Way. The DRB also discussed colors for the New Town Office building adjacent to the JCSA Water Tower, and will decide on the colors at a future meeting. The DRB also discussed the topic of town signage. This subject also will be revisited at a future meeting.
5. Comprehensive Plan Update. The Community Participation Team continued to meet weekly. Topics included prioritizing communication efforts, reaching underrepresented populations, meeting the consultant, and preparing for public speaking engagements. Staff and the CPT also finalized the dates for the Community Conversations in November. They are as follows:

Wednesday, November 6, 2002	7–9 p.m.	Clara Byrd Baker Elementary School
Thursday, November 7, 2002	7–9 p.m.	James River Elementary School
Wednesday, November 13, 2002	7–9 p.m.	Toano Middle School
Thursday, November 14, 2002	12-2 p.m.	JC/Williamsburg Community Center

Also, staff and the consultant held an all day work session to review the consultant's assessment, make introductions, and decide next steps for the update process. Staff also met with the City Newport News to discuss Comprehensive Plan issues. Similar meetings are scheduled with other adjoining jurisdictions.
6. Development Potential Analysis. The final DPA Oversight Committee meeting is scheduled for September 4th.
7. Purchase of Development Rights. The County received 14 applications representing approximately 1188 acres from property owners interested in participating in the PDR program. This is the first application period for the program. The board of supervisors has reviewed the applications and negotiations with property owners have begun.

8. Timber Buffer Acquisition. Staff continues to negotiate with several property owners to acquire scenic easements to prevent a significant loss of the greenbelt along the Route 5 community character corridor due to timbering. Over 1.5 miles of road frontage are involved in the negotiations.
9. Staff Changes. Recent staff changes have provided us an opportunity to restructure and reorganize our front office. Over the coming weeks, we will streamline some of our office functions, increase the responsibilities of our front office and continue our emphasis on strong customer service to our citizens. Matt Arcieri will be joined up front by Trey Davis and Cynthia Grom. We believe this team to be an excellent one and appreciate the Planning Commission's continued support as we go through the transition.
10. Other Board Action. At its August 13th meeting, the Board of Supervisors approved Case No. ZO-01-02, Adult Day Care Centers; AFD-2-86, Croaker; AFD-3-86, Hill Pleasant Farm; AFD-5-86, Barnes Swamp; AFD-6-86, Cranston's Pond; AFD-7-86, Mill Creek; AFD-8-86, Casey; AFD-9-86, Gordon Creek; AFD-10-86, Christenson's Corner; AFD-11-86, Yarmouth Island; AFD-12-86, Gospel Spreading Church; AFD-13-86, Gilley.
11. Upcoming Cases. New cases that are tentatively scheduled for the October 7, 2002, Planning Commission meeting:

CASE NO. Z-3-02 / Z-4-02 / MP-1-02. U.S. HOMES - COLONIAL VIRGINIA COUNCIL, BOY SCOUTS OF AMERICA, INC., PROFFER AMENDMENT, and MASTER PLAN AMENDMENT.

Mr. Alvin P. Anderson has applied on behalf of U.S. Home Corporation and the Colonial Virginia Council, Boy Scouts of America, Inc., to rezone approximately 503 acres from A-1, General Agricultural, to A-1, General Agricultural with Proffers, and approximately 229 acres from A-1, General Agricultural, to MU, Mixed Use with Proffers to include the Boy Scouts of America, Inc. property into the previously approved 777 acre Colonial Heritage at Williamsburg development with no increase in the number of residential units. The Boy Scout property is located at 499 Jolly Pond Road and can be further identified as Parcel No. (1-7) on JCC Real Estate Tax Map No. (22-4). The 229 acre portion of the Boy Scout property lying within the Primary Service Area (PSA) is designated Low Density Residential on the Comprehensive Plan Land Use Map. The 503 acre portion of the Boy Scout Property lying outside the PSA is designated Rural Lands on the Comprehensive Plan Land Use Map. The applications also request an amendment to the existing Colonial Heritage at Williamsburg Proffers and Master Plan.

CASE NO. Z0-2-02. ZONING ORDINANCE AMENDMENT - MANUFACTURED HOME. On April 8, 2002, the Virginia General Assembly amended Section 15.2-2307, Vested rights not impaired; nonconforming uses of the Code of Virginia. This amendment permits the replacement of a valid nonconforming manufactured home with a comparable one that meets HUD standards. A special use permit will not be required for replacement of nonconforming manufactured homes.

O. Marvin Sowers, Jr.