

# **A G E N D A**

## **JAMES CITY COUNTY PLANNING COMMISSION**

**October 7, 2002 - 7:00 P.M.**

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A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE NINTH DAY OF SEPTEMBER, 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  
Joe McCleary  
Wilford Kale  
Peggy Wildman

ALSO PRESENT

Leo Rogers, Deputy County Attorney  
Marvin Sowers, Planning Director  
Karen Drake, Senior Planner  
Matthew Arcieri, Development Management Assistant

2. MINUTES

Mr. Wilford Kale asked that the August 5<sup>th</sup> minutes reflect that he was absent and that Mr. Joe Mc Cleary was present. With Mr. Kale abstaining, the Commission approved the minutes of the August 5, 2002 meeting as corrected with a 6-0 voice vote.

3. COMMTTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. John Hagee presented the DRC report stating there was one case, the Faith Fellowship Assembly of God on Schoolhouse Lane in Stonehouse. He stated that the only issue was the placement of a sidewalk between the church and road which the church agreed to.

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

B. POLICY COMMITTEE

Mr. Kale apologized to the committee for being unable to attend the Policy Committee meeting due to job-related matters.

Mr. Donald Hunt stated that the committee met with staff on August 22<sup>nd</sup>, to discuss creating a policy for adult day care centers. The recommendations of the committee were forwarded to the Planning Commission.

Mr. McCleary noted that there was a similarity between this policy and the one developed for Child Day Care centers in order to maintain uniform policies. He noted that Special Use Permits stay with the property indefinitely; therefore residential neighborhoods need protection through a three year sunset condition.

Ms. Peggy Wildman asked why the committee did not discuss placing a cap on the number of adults permitted in an adult day care facility.

Mr. Hunt stated that the state guidelines would supercede any policy put in place by the Planning Commission. Mr. McCleary and Mr. George Billups confirmed this.

In a unanimous voice vote, the policy on Adult Day Care Centers Located in the Interior of Residential Neighborhoods was approved.

C. DEVELOPMENT POTENTIAL ANALYSIS (DPA) COMMITTEE

Mr. McCleary presented the report of the DPA Committee. He listed the members of the committee: Lisa Curry, Rosalind Dodd, Michael Thornton, Myrl Harfield, Mark Rinaldi, John Hagee and Joe McCleary whom have been meeting since March to analyze the development potential within the PSA. The committee over saw the work of Kimley-Horn Associates, who were responsible for performing the technical work and calculations. This report is also intended to update DPA reports conducted in 1999 and 2001 and to provide new data in support of the 2003 Comprehensive Plan Update. Mr. McCleary thanked committee member Mark Rinaldi for making an extra effort to ensure that the numbers in the report were accurate.

Mr. McCleary noted that there are currently 15,470 dwellings in existence in the county within the Primary Service Area. 3,850 lots have been approved and platted but not yet constructed. In addition 7,400-7,970 lots have been approved and zoned but not yet subdivided; mostly located within master planned communities. Land zoned residential but not developed yields 1,800-1,900 units and all additional land not zoned or platted produces an additional 6,230-6,685 units. Mr. McCleary noted that the committee divided these numbers between units in the “pipeline” that could be developed without any additional activity by the Planning Commission and the 6,230-6,685 units that could only develop with additional action by the Commission and Board of Supervisors. The committee developed a range of figures to reflect different development options and a series of color coded maps that indicate where these future developments will occur.

Mr. McCleary noted that Kimley-Horn would make a formal presentation of the Development Potential Analysis at the Planning Commission’s October 7<sup>th</sup> meeting.

Mr. Poole thanked the DPA committee and staff for their hard work and stated that the DPA report would be very useful in the upcoming comprehensive plan update.

4. PUBLIC HEARINGS

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

Ms. Karen Drake presented the staff report stating the applicant had requested a one month deferral to allow them the opportunity to work with VDOT and adjacent property owners on a redesign of the intersection shown on Ford's Colony, Section 12 Development plans. Staff concurred with this request.

Mr. Joe Poole opened the public hearing.

There being no speakers, the public hearing remained open.

B. CASE NO. AFD-1-02. CARTER'S GROVE AGRICULTURE AND FORESTAL DISTRICT - CREATION

Ms. Drake presented the staff report stating the Colonial Williamsburg Foundation has applied to create a new Agricultural and Forestal District (AFD) containing 320 acres on Route 60 for a four year period. The property is zoned R-2, General Residential, R-8, Rural Residential and LB, Limited Business. The parcels surround but do not include the Carter's Grove Plantation and the HRSD sewer station. Staff feels that the AFD is compatible with the surrounding areas and would protect a historical site. Ms. Drake noted that the HRSD no longer requested that additional land be excluded for future expansion of the HRSD site. VDOT has requested fifty feet of right-of-way be excluded from the AFD for future expansion of Route 60. Staff feels that the AFD is compatible with the Comprehensive Plan and would create the only AFD in the lower county. On July 22<sup>nd</sup> the AFD advisory committee unanimously recommended approval of the AFD. Staff recommended approval.

Mr. McCleary asked if the HRSD decided to expand their facility and took land out of the proposed Carter's Grove AFD if the AFD would remain in existence until its renewal.

Ms. Drake stated that the AFD would have to fall under 200 acres in order to be terminated.

Mr. Billups inquired as to the acreage within the AFD that could not be farmed and if this number affected the creation of the AFD. Ms. Drake stated that she was unsure of this number but that it would not affect the AFD's creation.

Mr. Poole asked if the interpretive areas in addition to the Carter's Grove mansion had been excluded from the AFD. Ms. Drake stated that they were.

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

Mr. Poole asked if the applicant and HRSD were comfortable with the conditions of the AFD. Ms. Drake stated that they were.

Mr. McCleary made a motion to recommend approval.

Mr. Hagee seconded his motion. In a roll call vote, motion passed (6-0) with one abstention. AYE: Wildman, McCleary, Hagee, Hunt, Kale, Billups (6). NAY: (0). ABTAIN: Poole (1).

C. CASE NO. SUP-16-02 WILLIAMSBURG HONDA SPECIAL USE PERMIT AMENDMENT

Ms. Drake presented the staff report stating Mr. John Dodson of Williamsburg Honda located on Richmond Road in Norge has applied to amend the existing special use permit to allow the sale and repair of utility trailers on the lot. Utility trailers include both flat bed and enclosed trailers and measure between 10 to 50 feet in length and 8 feet in width. The trailers will be displayed on the front row of parking in front of Richmond Road. While the existing dealership is not consistent with the Comprehensive Plan, staff recognizes that the existing dealership was constructed prior to the adoption of the 1997 plan and that the Williamsburg Honda has implemented substantial landscape improvements to their property. While staff is concerned that the presence of the larger trailers poses aesthetic and safety challenges staff believes that limiting the number of trailers on display will help mitigate these issues. Staff recommended approval.

Mr. Kale asked for clarification on the location of the trailers on the map. He stated that the bulky nature of the trailers was a concern.

Mr. Poole clarified that the existing parking area would not be expanded.

Mr. Poole opened the public hearing and noted that the applicant was present to answer questions.

Ms. Ann Pulliam of 108 Hollinwell stated the trailers would not be appropriate for the Norge community.

Mr. Kale stated concerns that the presence of utility trailers would detract from the appearance of the site and the surrounding community.

Mr. Michael Bowen, general manager of the Williamsburg Honda, acknowledged that the dealership is concerned about their appearance and stated that the seven spots in front were intended primarily for the flat bed trailers. Larger trailers would be stored on the side and screened by landscaping and the special use permit caps the length of any trailer on display at 20 feet along Richmond Road.

Mr. Kale noted that the special use permit conditions did not specifically prohibit enclosed trailers along Richmond Road.

Mr. Marvin Sowers stated that the conditions permit up to three enclosed trailers along Richmond Road.

Mr. Bowen stated that some enclosed trailers needed to be displayed closer to Richmond Road in order to generate sales.

Mr. Kale asked for clarification as to where longer trailers could be stored. Ms. Drake stated that longer trailers could be stored in the back of the property.

Mr. Poole noted that there was some vegetation screening the corner of the lot where the trailers would be parked.

Mr. Sowers stated that the first five spaces along the side property line prohibited the enclosed trailers in order to prevent interference with the line of sight of vehicles on Richmond Road.

Mr. Billups asked for clarification on the trailer heights. The applicant stated that the trailers were between 5 and 8 feet tall. He noted that since SUVs or vans are similar in height he did not want to place an unfair burden on the applicant. Mr. Sowers noted that the 20 foot length restriction on the trailers was chosen because it was similar to the length of these larger passenger vehicles.

Ms. Wildman asked if the applicant was providing additional landscaping. She complimented the applicant on the excellent job they do in maintaining their property. Mr. Hunt concurred.

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

Mr. McCleary noted that he has contacted the applicant and he commended Ms. Drake and Mr. Sowers for their cooperation and assistance with this case.

Mr. Poole complimented the applicant for the effort they place on their properties aesthetics and noted that this helped allay any concerns he had about the trailers size or appearance.

Mr. Hagee made a motion to recommend approval.

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

5. PLANNING COMMISSION CONSIDERATION

A. INITIATION OF CONSIDERATIONS OF AMENDMENTS TO THE ZONING ORDINANCE – MANUFACTURED HOMES

Mr. Sowers explained that the zoning ordinance amendment is a result of changes in state law. Under the current ordinance a special use permit is required to replace an existing non-conforming manufactured home. The new law removes this requirement. The resolution will come up for consideration at the October meeting.

In a unanimous voice vote the Commission approved the resolution.

6. PLANNING DIRECTOR'S REPORT

Mr. Sowers noted that the monthly report of the Community Participation Team for the 2003 Comprehensive Plan was included in the reading file. A series of four community conversations have been scheduled for November. Mr. Sowers introduced new staff member Matt Arcieri and noted that he has been joined by Trey Davis and Cynthia Grom at the front counter.

Mr. Poole read the dates of the community conversations and stressed the importance of attending.

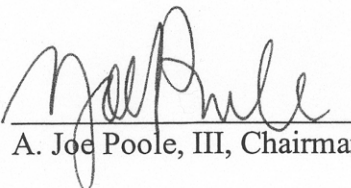
Mr. McCleary noted that the Community Participation Team includes a youth member, Mr. Bob Jacobsen in an effort to increase the participation of younger members of the community.

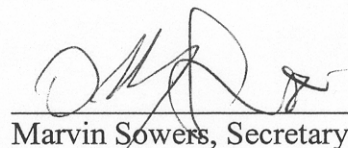
Mr. Poole noted that the Planning Commission had sent flowers to Ms. Carole Giuliano in recognition of years of work for them.

Mr. Billups asked for members to submit any ideas for renaming Route 199 for him to take to the Regional Issues Committee.

7. ADJOURNMENT

There being no further business, the September 9, 2002, meeting of the Planning Commission was adjourned approximately at 8:15 p.m.

  
A. Joe Poole, III, Chairman

  
Marvin Sowers, Secretary

**JAMES CITY COUNTY  
DEVELOPMENT REVIEW COMMITTEE REPORT**

**FROM: 9/1/2002 THROUGH: 9/30/2002**

**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-067-02	Powhatan Place Townhomes Amendment
SP-084-02	Colonial Heritage, Phase 1, Section 1
SP-088-02	Colonial Heritage, Phase 1 Section 2
SP-089-02	Verizon Building Concrete Pad Addition
SP-093-02	Peanut Shop Sewer Modification
SP-097-02	Lift Station 1-2 Replacement
SP-104-02	Colonial Heritage, Phase 1, Section 3 & 3A
SP-107-02	First Colony Water and Sewer System Replacement
SP-110-02	Ewell Station - Phase II
SP-113-02	Ready Mixed Concrete Storage Yard Expansion
SP-114-02	Williamsburg Pottery Warehouse Addition
SP-115-02	Stonehouse Community Church Tent
SP-116-02	Williamsburg Unitarian Universalist Parking Lot
SP-117-02	Ford's Colony -Blue Heron Golf Course Comfort Sta.
SP-118-02	Toano Force Main
SP-119-02	Williamsburg West & Country Club Dr. Improvements

**B. PENDING FINAL APPROVAL**

**EXPIRE DATE**

SP-002-01	JCC HSC Parking Area Expansion	10/1 /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-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-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-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
SP-095-02	Faith Fellowship Assembly of God	9 /9 /2003
SP-096-02	Williamsburg Plantation Sec. 7 & 8: Units 134-183	8 /29/2003
SP-098-02	Powhatan Creek Force Main	9 /4 /2003
SP-101-02	Busch Gardens- Drachen Fire Group Area Site Plan	9 /13/2003
SP-102-02	Powhatan Creek Access Park	9 /30/2003
SP-105-02	Kristiansand Sewer Extension	10/2 /2003
SP-106-02	Truswood Waterline Extension	9 /19/2003
SP-109-02	Court House Green Site Plan Amendment	9 /23/2003
SP-112-02	Ford's Colony Recreation Park	9 /19/2003

### **C. FINAL APPROVAL**

### **DATE**

SP-063-01	Williamsburg - Jamestown Airport, Apron Expansion	9 /18/2002
SP-127-01	Avid Medical Expansion	9 /20/2002
SP-066-02	Grace Covenant Presbyterian Church	9 /24/2002
SP-078-02	Smith Memorial Baptist Church-Family Life Center	9 /25/2002
SP-094-02	Energy Services Group Metal Fabrication Shop	9 /20/2002
SP-103-02	Enterprise Rent-A-Car	9 /10/2002
SP-108-02	Williamsburg National Tent	9 /9 /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-077-01	Ford's Colony - Section 32 (Lots 72-78, 93-129)
S-093-01	Olde Towne Timeshares Conservation Easement Plat
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-057-02	Colonial Heritage - Ph 1, Sec 1, Const Plans
S-058-02	Hazelwood Subdivison and BLA
S-063-02	Colonial Heritage, Phase 1, Section 2
S-067-02	Powhatan Secondary Phase VI-B plat
S-068-02	Forrest Lee Hazelwood BLA
S-073-02	Colonial Heritage, Phase 1, Sec 3 & 3A
S-075-02	Scott's Pond Section 1-C
S-076-02	Marion Taylor Subdivision
S-078-02	Donald L. Hazelwood Subdivision
S-079-02	Tankard Tract Subdivision
S-081-02	Scott's Pond Section 2
S-082-02	Nice Commercial Properties
S-083-02	Toano Auto Parts BLA
S-084-02	Skiffes Creek BLE Lots 2 & 3
S-085-02	Gilliam Subdivision Lots 2 & 3 BLA
S-086-02	The Vineyards Phase 3 BLA Lots 1, 5-9, 52
S-087-02	Pointe at Jamestown Phase 1B BLA Plat Correction
S-090-02	Ford's Colony Section VII, Lots 119 & 120 BLE

**B. PENDING FINAL APPROVAL**

		<b>EXPIRE DATE</b>
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
S-039-02	Powhatan Secondary, Phase 6-C	5 /8 /2003
S-042-02	Lake Powell Forest Phase 4	5 /23/2003
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-071-02	Stonehouse Commerce Park- ROW extension & realign	9 /3 /2003
S-077-02	Powhatan Place BLA Lots 51-56	10/1 /2003

**C. FINAL APPROVAL**

		<b>DATE</b>
S-036-01	Ironbound Village Construction Plans	9 /20/2002
S-073-01	JCSA/Gabrowski BLA - Fernbrook, Lot 45	9 /10/2002
S-099-01	Stonehouse, Mill Pond, Sect. 7-A, Ph. 1	9 /13/2002
S-044-02	Ironbound Village plat	9 /20/2002
S-054-02	Ford's Colony Section XXX Lots 17-56, 67-68	9 /13/2002
S-060-02	Parcel 1, New Town Associates LLC	9 /23/2002
S-069-02	Ft. Magruder Heights - Coopriders/ Powell BLA	9 /17/2002
S-070-02	Ford's Colony - Donner BLE	9 /26/2002
S-080-02	Ford's Colony - Section 31A, Lot 143 Resubdivision	9 /26/2002
S-088-02	Avid and Stonehouse Office Park BLA	9 /27/2002
S-089-02	Powhatan Woods Phase II	9 /30/2002

**D. EXPIRED**

		<b>EXPIRE DATE</b>
S-034-00	The Pointe at Jamestown, Phase 2	6 /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

## **DEVELOPMENT REVIEW COMMITTEE ACTION REPORT**

### **Meeting of October 2, 2002**

#### **Case No. C-117-02      Jamestown High School Parking Lot Expansion**

Mr. Mick Harvey on behalf of the school division has submitted a conceptual proposal to expand the parking lot at Jamestown High School by 107 parking spaces. The school is located off of Route 5 and can be further identified by Tax Map #(46-1)(1-2D). DRC review was necessary because section 15.2-2232 of the Virginia State Code states that a public facility (or expansion thereof) must be reviewed by the Planning Commission and found consistent with the County's Comprehensive Plan

**DRC Action: The DRC found the expansion consistent with the Comprehensive Plan.**

#### **Case No. S-81-02      Scott's Pond Section 2**

Henderson Inc. has applied for approval of the second section of the Scott's Pond subdivision located off of Olde Towne Road and further identified as parcels (1-106), (1-107), (1-108) and (1-108A) on Tax Map #(32-2). Although the DRC had previously reviewed and approved this case because the subdivision proposed more than 50 lots, preliminary approval had expired. The new application has no changes from what was previously approved.

**DRC Action: The DRC recommended approval by a 3-0 vote.**

#### **Case No. SP-27-02      Verizon Route 5 Stealth Communications Tower**

Mr. C.E. Forehand of SBA Networks Services on behalf of Verizon has applied for approval of a stealth (mono-pine) communications tower located at 3900 John Tyler Highway and further identified as Tax Map #(46-1)(1-7). During its review of the rezoning accompanying this case, the Planning Commission requested a courtesy review of the site plan when available.

**DRC Action: The DRC had no comments on the tower.**

#### **Case No. SP-110-02      Ewell Station Shopping Center- Phase II**

Mr. Peter Paluzsay has applied for approval to expand the existing shopping center by 75,650 square feet. The project is located on the Corner of Richmond Road and Olde Towne Road and is further identified as Tax Map #(33-3)(1-2) and #(33-3)(1-2B). Although the DRC had previously reviewed and approved this case because the development exceeds 30,000 square feet, approval of the project has expired.

**DRC Action: The DRC recommended approval by a 3-0 vote.**

#### **Case No. S-63-02 & SP-88-02      Colonial Heritage Phase I, Section 2**

Mr. Richard Smith of AES Consulting Engineers has applied for approval for 88 lots and 6 townhomes as part of the Colonial Heritage development. The project is located on Richmond Road across from the Williamsburg Pottery and is further identified as Tax Map #(24-3)(1-32). DRC review is necessary because the combined size of the units exceeds 30,000 square feet.

**DRC Action: The DRC deferred action on this case until its October 30<sup>th</sup> meeting.**

**Case No. S-63-02 & SP-88-02      Colonial Heritage Phase I, Section 3 and 3A**

Mr. Richard Smith of AES Consulting Engineers has applied for approval 86 residential units as part of the Colonial Heritage development. The project is located on Richmond Road across from the Williamsburg Pottery and is further identified as Tax Map #(24-3)(1-32). DRC review is necessary because more than 50 lots are proposed.

**DRC Action: The DRC deferred action on this case until its October 30<sup>th</sup> meeting.**

**Date:** October 7, 2002  
**To:** Planning Commission  
**From:** O. Marvin Sowers, Planning Director  
**Re:** 2002 Development Potential Analysis

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In preparation for updating the 1997 Comprehensive Plan, the Planning Division conducted a countywide survey to gauge the public's concerns and update the Development Potential Analysis.

The Development Potential Analysis (DPA) was developed originally by staff in 1995 and updated in 1999 and 2001 to identify the number of approved dwelling units within the County that have yet to be built. The methodology developed by staff uses very general factors or categories, and analyzes the development potential analysis for the entire County.

For the 2002 Development Potential Analysis, staff hired Kimley-Horn to redefine the DPA methodology to identify and quantify the residential development potential of properties located only within James City County's Primary Service Area (PSA). Kimley-Horn worked with staff and a seven member committee comprised of two Planning Commission members (John Hagee & Joe McCleary), two representatives from the development community (Myrl Hairfield & Mark Rinaldi), two citizens (Lisa Curry & Rosalind Dodd), and a representative from the Williamsburg James City School Board (Michael Thornton). Statistical data was obtained from the Real Estate Database.

Together, Kimley-Horn, the Development Potential Analysis Committee and staff developed and reached a consensus on the 2002 DPA methodology that focused on the following three major categories:

1. The existing residential development within the PSA.
2. The number of approved residential units that have not yet been constructed within the PSA.
3. The residential development potential of the remaining vacant land within the PSA currently zoned residential or designated for residential use per the James City County Land Use Plan from the 1997 Comprehensive Plan.

Multiple specific categories and factors were identified and utilized to determine the development potential analysis results for category three above. On the next page is a summary table of the 2002 Development Potential Analysis.

Summary of Development Potential within the PSA			
Parcel Status	Number of Parcels	Zoning	Development Potential
Platted/Vacant Lots	3,850	Residential	3,850
Approved Not Subdivided Master Planned Communities	40	Residential	7,400 – 7,970
Zoned Residential, Undeveloped	50	Residential	1,810 – 1,970
<b>Total of Existing Zoned Parcels</b>			13,060 – 13,790
Unzoned, Designated Residential in Comprehensive Plan	204	A-1, R-8	6,230 – 6,685
<b>Total Development Potential</b>			<b>19,290 – 20,475</b>

To fully understand the impact of the total potential of 19,290-20,475 dwelling units on the County and its resources, one must add this figure to the existing dwelling units in the county which is detailed in the following chart:

Total Development Potential Population Impact			
	Housing Units	Average Household Size	Population
2000 Census			48,102
2000 Census	20,722		
2002 DPA Total Potential	19,290-20,475		
Subtotal	<b>40,012-41,197</b>		
2000 Census		2.47	
<b>James City County Potential Population</b>			<b>99,829-101,756</b>

In addition to the potential population in the County, what also must be considered is the rate of development and construction pace within the Primary Service Area, as well as the demographic characteristics of the new population on the existing County infrastructure and resources. This impact will have to be addressed and answered during the Comprehensive Plan update process during the next few months.

The 2002 Development Potential Analysis Executive Summary and full report have separately been distributed. Mr. Jack Bagby, Senior Vice President of Kimley-Horn will be present at the Planning Commission meeting to provide a brief informational presentation and to answer any of your questions regarding the 2002 Development Potential Analysis. Board of Supervisor members have also been invited to attend the presentation.

**SPECIAL USE PERMIT-18-01. Waltrip Communications Tower**  
**Staff Report for October 7, 2002, Planning Commission Public Hearing**

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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.

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**PUBLIC HEARINGS**

Planning Commission:

Building C Board Room; County Government Complex

November 5, 2001, 7:00 p.m.

December 3, 2001, 7:00 p.m.

January 14, 2002, 7:00 p.m.

February 4, 2002, 7:00 p.m. (Denied)

May 6, 2002, 7:00 p.m. (Denied)

October 7, 2002, 7:00 p.m.

Board of Supervisors:

March 12, 2002, 7:00 p.m.

April 9, 2002, 7:00 p.m. (Remanded back to the Planning Commission)

June 11, 2002, 7:00 p.m.

September 10, 2002, 7:00 p.m. (Remanded back to the Planning Commission)

December 10, 2002 (Tentative)

**SUMMARY FACTS**

Applicant:

Ms. Mary Waltrip

Proposed Use:

Construct a 133-foot tall communications tower

Location:

Adjacent to the Williamsburg-Jamestown Airport

Tax Map and Parcel No.: (48-2)(1-12)

Primary Service Area:

Inside

Existing Zoning:

R-8, Rural Residential

Comprehensive Plan:

Airport

Surrounding Zoning:

North: The Williamsburg Landing retirement community - zoned R-5

South: The Airport and other Waltrip businesses - zoned R-8

West: Single-family detached homes on R-2 zoned property

East: College Creek, with the Kingspoint subdivision located across the creek on property zoned R-1

Staff Contact:

Paul D. Holt, III - Phone 253-6685

**STAFF RECOMMENDATION:**

This case was scheduled to be heard by the Board of Supervisors on September 10, 2002. However, on September 9, 2002, the applicant requested deferral from the 9/10 BOS meeting in order to further amend the application. Mr. Waltrip now desires to relocate the proposed tower approximately 700 feet to the west (away from College Creek and King's Point) of the site originally proposed.

Given the change in the application, the Board remanded the case back to the Planning Commission for further consideration.



However, on September 19, 2002, the applicant requested deferral from the October Planning Commission because the FAA determination on the new tower location is not yet available. The deferral would also be used by the applicant to compile additional supporting information and revise the application submittal requirements. Finally, the additional time will also be used to schedule another public advertised balloon test.

Staff recommends deferral of this case until the November 4, 2002, Planning Commission meeting.

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Paul D. Holt, III

Attachments:

1. Letter from Vernon Geddy, III, dated September 9, 2002
2. Copy of an e-mail from Vernon Geddy, III, dated September 19, 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  
SUSANNA B. HICKMAN

September 9, 2002

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

Re: SUP-18-01/Waltrip Communications Tower

Dear Paul:

On behalf of the applicant, I am writing to both (i) request that the Board defer consideration of the present application at its meeting on September 10<sup>th</sup> and (ii) amend the application to move the proposed site of the tower approximately 700 feet to the west (away from College Creek and King's Point). We will submit a revised site map showing the new location and work with you to schedule a balloon test.

Sincerely,



Vernon M. Geddy III

VMG:s

cc: Mr. Larry Waltrip

**Paul Holt**

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**From:** Vernon Geddy [vgeddy@widomaker.com]

**Sent:** Thursday, September 19, 2002 4:42 PM

**To:** pholt@james-city.va.us

**Subject:** Waltrip Tower

Paul: I have spoken with Larry and C.E. and we will not have the study from the FAA on the new tower site in time for the next Planning Commission meeting. I request that the Commission defer consideration of the case at its October meeting. I will be in touch when we have a more definite idea of when we will have all the necessary supporting information. Thanks, Vernon

Vernon M. Geddy, III  
Geddy, Harris, Franck & Hickman, LLP  
P. O. Box 379  
1177 Jamestown Road  
Williamsburg, Virginia 23185  
757-220-6500 (phone)  
757-229-5342 (fax)  
vgeddy@widomaker.com

*This e-mail may contain confidential or privileged information. If you are not the intended recipient, please advise by return e-mail and delete immediately without reading or forwarding to others.*

9/26/2002

The seal of James City County, Virginia, is circular. It features a sailing ship on the water, with the text "James City County" around the top and "Jamestown 1607" at the bottom.

# MEMORANDUM

**Date:** October 7, 2002

**To:** The Planning Commission

**From:** Christy H. Parrish, Zoning Officer

**Subject:** Case No. ZO-02-02, Nonconformities Amendment

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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. Due to this State Code change, localities can no longer require any further legislative approvals of such homes.

Currently, the James City County Zoning Ordinance requires the issuance of a special use permit by the Board of Supervisors for the replacement of a nonconforming manufactured home. The amendment, as proposed, would eliminate references to requiring a special use permit and the language would mirror that of the Code of Virginia.

Recommendation:

Staff recommends approval of this amendment to ensure the consistency between the James City County Zoning Ordinance and the Code of Virginia.

---

Christy H. Parrish

CHP/gb  
z0-02-02.mem

Attachment:

Revised Nonconformities Ordinance

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE VII, NONCONFORMITIES, SECTION 24-634, RESTORATION/REPLACEMENT OF A NONCONFORMING USE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article VII, Nonconformities, Section 24-634, Restoration/replacement of a nonconforming use.

Chapter 24. Zoning

Article VII. Nonconformities

**Sec. 24-634. Restoration/replacement of a nonconforming use.**

(a) A nonconforming use damaged by casualty may be restored in accordance with the provisions of this section, provided such restoration has started within 12 months of the date of the casualty and is complete within 24 months of the date of the casualty. By casualty shall mean as a result of a fire or other cause beyond the control of the owner or by an act of God. By casualty shall not include damage caused by age or ordinary wear and tear or damage intentionally caused by the owner or an agent thereof.

(b) Nonconforming uses other than buildings and signs (such as, but not limited to, underground storage tanks, private sewage disposal systems and parking lots) may be restored or replaced when such structures become unsafe or unsound. A relocation on the same lot may be approved by the zoning administrator, provided the new location is less nonconforming than the original location, and further provided that the new location shall not cause a greater detrimental impact on conforming uses in the neighborhood.

(c) Such restoration shall not include any minor alterations, cosmetic modifications, interior renovations or similar changes unless approved under the provisions of section 24-633 of this article, nor shall such restoration include any expansion unless approved under the provisions of section 24-633. Such restoration may include changes that make the use less nonconforming than it was prior to the casualty.

~~(d) Nonconforming mobile homes or manufactured homes in any district may be replaced with manufactured homes upon the issuance of a special use permit; however, a special use permit shall not be required where mobile or manufactured homes are a permitted use as stated in other sections of this zoning ordinance.~~ *Nothing in this section shall be construed to prevent the removal of a valid nonconforming manufactured home from property and replacement of that unit with another comparable manufactured home that meets the current HUD manufactured housing code. Such replacement unit shall retain the valid nonconforming status of the prior unit.* For purposes of this article, a "nonconforming mobile home or manufactured home" shall be defined as any mobile home or manufactured home which does not meet all current zoning requirements and which was:

- (1) Located in the county prior to April of 1969, or any replacement thereof;
- (2) Located pursuant to a conditional use permit, either with or without an expiration date;
- (3) Located pursuant to a special use permit; provided, however, any manufactured home located pursuant to a special use permit with an expiration date shall be removed from the site upon expiration of the special use permit unless a new special use permit is approved to lawfully continue the use; or
- (4) A replacement for a mobile home or manufactured home located pursuant to a conditional or special use permit not specifically prohibited by the permit.

(e) A nonconforming office building meeting all current zoning requirements except connection to public water and sewer which is located within an industrial district may be replaced upon issuance of a special use permit excepting the use from the public water and sewer requirements. The replacement office building shall not exceed 4,000 square feet in floor area.

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James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this \_\_\_\_th day of \_\_\_\_\_, 2002.

nonconform.ord

**REZONING 5-01. Ford's Colony Proffer Amendment**  
**Staff Report for the October 7, 2002, Planning Commission Public Hearing**

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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.

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**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 (deferred); October 7, 2002 - 7:00 p.m.

Board of Supervisors: October 22, 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:**

Staff recommends that the Planning Commission recommend approval of this application to amend the Ford's Colony proffers. Staff believes that the amended proffers offered by the developer sufficiently address the issues and concerns identified by staff, VDOT, and the Williamsburg West Civic Association. The proposed development of Ford's Colony, Section Twelve is consistent with surrounding zoning and development and the Comprehensive Plan.

**History**



Ford's Colony was originally developed under a different name. "Middle Plantation" began in the early to mid 1970's as a golf course community and, as of 1978, consisted of an approved 1,844 dwelling units on approximately 1,308 acres. Realtec acquired Middle Plantation in the early 1980's and, with a subsequent Master Plan amendment in 1984, changed the name to "Ford's Colony" and increased the number of approved dwelling units to 2,855. Since then, the Master Plan has changed several more times and additional lands and dwelling units have been added. Following the most recent Master Plan amendment in 1999, Ford's Colony currently contains approximately 2,778 acres with an approved 3,250 dwelling units.

The proffer in question in this rezoning application was made in connection with a Master Plan Amendment (MP-3-93) approved by the Board of Supervisors in 1995. That Master Plan amendment relocated a recreation area within Ford's Colony to its present location near the Williamsburg West subdivision. There was considerable discussion and negotiation regarding the proffers during the review of that case to insure that the relocation would not adversely impact residents in Williamsburg West. **As approved, Proffer # 4 reads: "No Access. Owner shall not provide access from Ford's Colony onto Lexington Drive or Country Club Drive."** Staff reports presented to the Planning Commission and Board of Supervisors made no reference to the proposed project area or access to and from Section Twelve. The Master Plan Amendment also led to the development of Section Fifteen in Ford's Colony. This development acts as a buffer between the recreation area and Williamsburg West and precludes access from the recreation area to either Lexington and Country Club Drives. The applicant has stated that the intent of proffer #4 was to preclude access from the new recreation area to Lexington Drive and Country Club Drive, not to limit access to and from Section Twelve to Country Club Drive.

### **Description of Project**

Mr. Vernon M. Geddy, III has applied on behalf of Realtec, Inc. to rezone property from R-4, Residential Planned Community, with proffers, to R-4, Residential Planned Community, with amended proffers. The request seeks to amend Proffer # 4 of the Amended and Restated Ford's Colony Proffers dated September 29, 1995 made by Realtec, Inc. which currently prohibits access from Ford's Colony onto Lexington Drive or Country Club Drive. The application does not seek to change the density or use of the property from that which is currently identified on the Ford's Colony Master Plan. The proposed development of Section Twelve calls for 70 lots on 45 acres with access provided to the development from Country Club Drive. Without Board of Supervisors approval of an amendment to the existing proffers to allow access to the development from Country Club Drive, the proposed subdivision cannot be approved. Ford's Colony is generally located east of Centerville Road and south of Longhill Road. The affected property is identified as Parcel (1-11) on James City County Real Estate Tax Map No (32-3).

When this case was presented to the Planning Commission in October 2001, the application sought to delete Proffer # 4. At the request of the applicant, the Planning Commission indefinitely deferred this case to allow Realtec, Inc. time to engage in discussions with representatives of the Williamsburg West Civic Association and adjacent property owners concerning the proffers and proposed Section Twelve development. The applicant reactivated this case in May 2002. The Planning Commission deferred this case on July 1, 2002, in order to allow staff time to review and evaluate VDOT comments on the proposed Section Twelve development plans and the findings of a professional traffic engineering and transportation planning firm that was evaluating the proposed roadway alignment, entrance design and turning movements. The applicant requested deferral of the application at the August 5, 2002, and September 9, 2002, meetings in order to continue the ongoing discussions with staff, VDOT, and adjacent property owners over the access issues associated with the development of Section Twelve.

## **Development Plan Analysis**

Conflicting opinions were expressed by Realtec, Inc. and Williamsburg West residents over the initial entrance design and roadway alignment identified in the development plans submitted to staff for Section Twelve in May 2002. Staff determined that an independent review of the proposal by a traffic engineering and transportation planning firm was warranted and hired a consultant to examine the proposed entrance design, turning movements, roadway realignment and safety concerns. Following receipt of the consultant's findings, staff met with the applicant and VDOT to discuss alternative entrance designs. The site plan referenced in the proffers is the resulting product of these meetings between the applicant, staff, VDOT, and adjacent property owners.

## **Proffers**

The applicant has made several revisions to the proffers to address the issues and concerns raised during a series of meetings with staff, VDOT, adjacent property owners and members of the Williamsburg West Civic Association. The Amended and Restated Proffers submitted by the applicant include the following statements:

- The Owner shall not provide access from Ford's Colony onto Lexington or Country Club Drive except as shown on a site plan entitled "Proposed Intersection of Ford's Colony Section XII and Country Club Drive, Ford's Colony, Section XII" prepared by AES Consulting Engineers and dated August 26, 2002.
- The final design of the intersection and related improvements, including the column locations and curbing locations and design, shall be generally as shown on the Plans as determined by the Development Review Committee and constructed concurrently.
- All curbing shall be of a consistent material.
- The columns shall not exceed seven feet in height.
- Landscaping shall be installed as shown on a landscape plan submitted to and approved by the Director of Planning
- Realtec and/or a homeowner's association in which lot owners in Section XII of Ford's Colony are members shall be responsible for maintenance of the intersection and related improvements, including the column, curbs, and landscaping shown on the Plans and landscape plan.

The Williamsburg West Civic Association has conditionally endorsed this plan (attachment #3) and the owner of the Bazzle Apartments located adjacent to the proposed entrance to Section Twelve was in attendance at the August 23 meeting held to discuss this proposal and did not express opposition to the plan. The revised proffers address the major concerns expressed by residents in Williamsburg West in their August 30 letter.

## **Staff Recommendation**

Staff recommends that the Planning Commission recommend approval of this application to amend the Ford's Colony proffers. Staff believes that the amended proffers offered by the developer sufficiently address the issues and concerns identified by staff, VDOT, and the Williamsburg West

Civic Association. The proposed development of Ford's Colony, Section Twelve is consistent with surrounding zoning and development and the Comprehensive Plan.

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Christopher Johnson

Attachments:

1. Location Map
2. Amended Proffers dated September 20, 2002
3. Letter from the Williamsburg West Civic Association dated August 30, 2002
4. Letter from John Barr, VDOT Assistant Resident Engineer, dated September 11, 2002
5. Site Plan "Proposed Intersection of Ford's Colony Section XII and Country Club Drive, Ford's Colony at Williamsburg, Section XII" prepared by AES Consulting Engineers and dated August 26, 2002 (Separate Cover)

THE WILLIAMSBURG WEST CIVIC ASSOCIATION

Williamsburg, Virginia 23185



Christopher Johnson  
James City Planning Department  
P.O. Box 8784  
Williamsburg, VA 23187

30 August 2002

Dear Mr. Johnson,

Ref: Case Z-5-01  
Ford's Colony Proffer Amendment  
Plan dated 8-26-02 – Section 12 Access

The Williamsburg West Civic Association has agreed in principle to amendment of the proffer given by Ford's Colony dated 9/29/95, in order to allow access to Section 12 of Ford's Colony from Country Club Drive, as shown on the plan dated 8-26-02 and with the following provisions:

1. That the height of the proposed brick columns not exceed 7'0" and that plantings between columns not exceed 6'0".
2. That an additional column is placed at the left hand side (facing the road) of the property on Lot 3 Williamsburg West, and a corresponding column opposite so that Lot 3 is landscaped in its entirety, and the columns are in alignment on both sides of Country Club Drive.
3. That plantings be placed next to the additional column on Lot 3 up to the junction of the property line with Lot 4.
4. That these columns and plantings are to be maintained by Ford's Colony.
5. That Ford's Colony provides curbing of the median strips in Country Club Drive to its junction with Lexington Drive.
6. That said curbing is of the same design and construction as that proposed for the entrance of Country Club Drive to its junction with Section 12.
7. That said curbing is carried out within the same time frame as the curb and guttering proposed from the entrance of Country Club Drive to its junction with Section 12.
8. That the planting and maintenance of the median strips on Country Club Drive from the entrance to its junction with Lexington Drive shall be the responsibility of Ford's Colony.

Sincerely  
*Terry Lyons*  
Terry Lyons

Secretary, Williamsburg West Civic Association

cc. Realtec Inc.  
AES  
VDOT



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF TRANSPORTATION

4451 IRONBOUND ROAD  
WILLIAMSBURG, VA 23188

PHILIP SHUCET  
COMMISSIONER

September 11, 2002

STEVEN W. HICKS  
RESIDENT ENGINEER  
TEL (757) 253-4832  
FAX (757) 253-5148

Christopher Johnson, Senior Planner  
James City County Planning  
Post Office Box 8784  
Williamsburg, Virginia 23187

Ref: Ford's Colony  
Proffer Amendment  
Z-5-01  
Route 612, James City County

Dear Mr. Johnson:

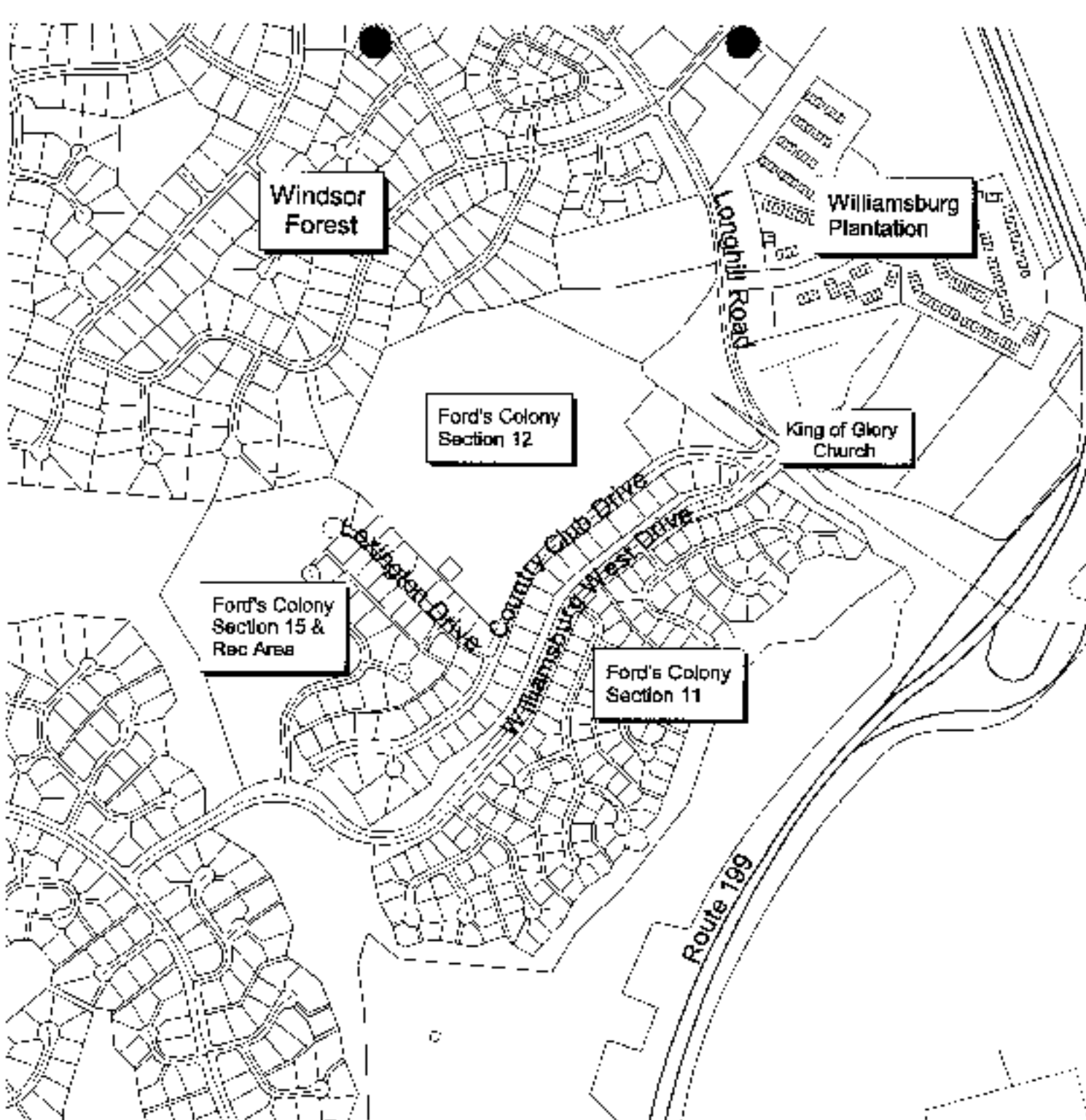
We have reviewed the proposed proffer amendment and entrance sketch and offer the following comments:

- Does the owner of Bazzle Apartments agree with the proposed changes to their entrances?
- When final plans are submitted for Ford's Colony Section XII, the west entrance into Bazzle apartments will need to be designated as one way in only. Both of the Bazzle Apartment entrances will need to be brought up to Virginia Department of Transportation standards.

Should you have any further questions concerning this matter, please advise.

Sincerely,

John W. Barr  
Assistant Resident Engineer



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

1000 0 1000 2000 Feet



AMENDED AND RESTATED FORD'S

COLONY PROFFERS

These AMENDED and RESTATED FORD'S COLONY PROFFERS are made this 20th day of September, 2002 by REALTEC INCORPORATED, a North Carolina corporation ("Owner").

RECITALS

A. Realtec is the owner and developer of the Ford's Colony at Williamsburg development which is zoned R-4, Residential Planned Community, with proffers, and subject to a Master Plan heretofore approved by James City County.

B. In connection with a prior Master Plan amendment, Realtec has entered into and James City County has accepted Amended and Restated Ford's Colony Proffers dated as of January 24, 1999 and recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City as Instrument No. 990002925 (together, the "Existing Proffers"). The Existing Proffers restate, among others, Amended and Restated Ford's Colony Proffers dated September 29, 1995 recorded in the aforesaid Clerk's Office in Deed Book 757 at page 526 containing Condition 4 reading as follows:

"Owner shall not provide access from Ford's Colony onto Lexington or Country Club Drive."

C. Realtec desires to amend and restate the Existing Proffers as set forth below. If the requested proffer amendment is not approved by James City County, these Amended and Restated

Ford's Colony Proffers shall be void and the Existing Proffers shall remain unchanged, in full force and effect.

#### RESTATEMENT AND AMENDMENTS

1. Amendment. Condition 4 of the Existing Proffers set forth above is hereby amended to read as follows:

"Owner shall not provide access from Ford's Colony onto Lexington or Country Club Drive, except as shown on the plans entitled "Proposed Intersection of Ford's Colony Section XII and Country Club Drive, Ford's Colony at Williamsburg, Section XII, made by AES Consulting Engineers and dated August 26, 2002 (the "Plans"). The final design of the intersection and related improvements, including the column locations and curbing locations and design, shall be generally as shown on the Plans as determined and approved by the Development Review Committee and constructed concurrently. All curbing shall be of a consistent material. The columns shall not exceed seven feet in height. Landscaping shall be installed as shown on a landscape plan to be submitted to and approved by the Director of Planning. Realtec and/or a homeowner's association in which lot owners in Section XII of Fords' Colony are members shall be responsible for maintenance of the intersection and related improvements, including the column, curbs and landscaping, shown on the Plans and the landscape plan."

2. Restatement. Except as specifically amended in Section 1, the Existing Proffers are hereby restated and incorporated herein by reference and remain in full force and effect.

WITNESS the following signatures.

REALTEC INCORPORATED

By: 

Title: *Vice President*

STATE OF VIRGINIA



~~CITY~~/COUNTY OF James City

The foregoing instrument was acknowledged before me this  
27<sup>th</sup> day of September, 2002, by Drew Mulharenas Vice President of  
Realtec Incorporated.

Lynne M. Combo  
NOTARY PUBLIC

My commission expires: November 30, 2003

**Special Use Permit-17-02. 112 Smoke House Lane Accessory Apartment  
Staff Report for October 7, 2002, Planning Commission Public Hearing**

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*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.*

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**PUBLIC HEARINGS**

Planning Commission: October 7, 2002 - 7:00 p.m. Building C Board Room  
Board of Supervisors: November 12, 2002 - 7:00 p.m. Building C Board Room (tentative)

**SUMMARY FACTS**

Applicant: Mr. Vance Elkins

Land Owner: same

Proposed Use: Accessory apartment in the existing single-family residence

Location: 112 Smoke House Lane, Gatehouse Farms subdivision; Jamestown District

Tax Map/Parcel No: (47-3)(7-40)

Primary Service Area: Inside

Parcel Size: .524 acres

Existing Zoning: R-1, Limited Residential District

Comprehensive Plan: Low Density Residential

Surrounding Zoning: R-1, Limited Residential: Gatehouse Farms subdivision  
R-8, Rural Residential: single-family homes across Neck-O-Land Rd.

Staff Contact: David Anderson Phone: 253-6685

**RECOMMENDATION:**

Mr. Vance Elkins has applied for a special use permit to allow an accessory apartment in an R-1, Limited Residential District. The accessory apartment would be located within an existing single-family structure at 112 Smokehouse Lane in the Gatehouse Farms subdivision. The property is further identified as parcel (7-40) on James City County Real Estate Tax Map No. (47-3).

Staff finds the proposal compatible with the surrounding residential properties, since it will maintain the appearance of a single-family residence and will retain the residential character of the area. Staff also finds the proposal consistent with the Comprehensive Plan since the Comprehensive Plan encourages accessory apartments. Therefore, staff recommends the Planning Commission approve the special use permit with the attached conditions.

**Project Description**

The applicant proposes renting out the existing master bedroom and master bath as an accessory apartment in his 1300 square foot single-family residence located at 112 Smoke House Lane. The applicants' original purpose for the accessory apartment was to provide housing for a young woman with lupus. However, the woman has since found an alternate rental apartment located within the City of Williamsburg. The applicant desires to continue to pursue approval for the accessory apartment in order to supplement his retirement income.

The master bedroom and master bath, totaling approximately 400 square feet, are located towards the rear of the residence. The applicant has made some minor alterations to the interior of the master bedroom, adding a counter top, sink, and microwave. An existing entrance on the back deck will serve as access to the accessory apartment. It should be noted that there are no covenants restricting this use on this property.

There are no exterior alterations associated with the accessory apartment.

### **Topography and Physical Features**

The structure, built in 1980, is located at 112 Smoke House Lane in the Gatehouse Farms subdivision. The residence of approximately 1300 square feet is located on a .524 acre lot.

### **Surrounding Zoning and Land Use**

The site is surrounded by R-1, Limited Residential property within the Gatehouse Farms subdivision, located off of Neck-O-Land Road. The rear of the lot backs up to Neck-O-Land Road, and across Neck-O-Land Road lies property zoned R-8, Rural Residential, developed as single-family homes. Since this proposal will maintain the look and appearance of a single-family residence and will retain the residential character of the area, staff feels that this proposal is compatible with the surrounding development and zoning.

### **Access and Parking**

The driveway is accessed off of Smoke House Lane. The Zoning Ordinance requires that single-family residences with accessory apartments provide three parking spaces. This site currently contains four parking spaces.

### **Comprehensive Plan**

The 1997 Comprehensive Plan designates this site as Low Density Residential. Examples of acceptable land uses within this designation include single-family homes, duplexes, cluster housing, recreation areas, schools, churches, community-oriented public facilities, and very limited commercial establishments.

An important strategy of the Housing element of the Comprehensive Plan is to recognize that least-cost housing serves a significant public benefit. The strategy also encourages clustering, zero-lot line development, accessory apartments, mixed housing types, and other innovative housing and neighborhood design options in appropriate locations.

For these reasons, staff feels the proposal is consistent with the Comprehensive Plan land use designation.

### **Special Requirements for Accessory Apartments**

Accessory apartments are allowed in R-1 in accordance with section 24-32 which outlines special requirements for accessory apartments. They are as follows:

1. Only one accessory apartment shall be created within a single-family dwelling.
2. The accessory apartment shall be designed so that the appearance of the building remains that of a one-family residence. New entrances shall be located on the side or rear of the building and the apartment may not occupy more than 35 percent of the floor area of the dwelling.
3. For purposes of location and design, the accessory apartment is part of the main structure and shall meet all setback, yard and height regulations applicable to main structures in the zoning district in which it is located.
4. Off-street parking shall be required in accordance with Section 24-53 of the Zoning Ordinance.

The house and proposed apartment meet these requirements. The apartment will occupy approximately 30 percent of the dwelling floor area, and the house will retain its single-family appearance.

### **RECOMMENDATION**

Staff finds that this proposal is compatible with the surrounding zoning and development, since it will maintain the appearance of a single-family residence and will retain the residential character of the area. Staff also finds that this proposal is consistent with the Comprehensive Plan since the Comprehensive Plan encourages accessory apartments. For these reasons, staff recommends approval of this application and recommends the Planning Commission approve the proposal with the following conditions:

1. The accessory apartment shall be put into use within 18 months, or the permit shall become void.
2. The rental of the accessory apartment shall be limited to no more than one tenant.
3. All parking shall be limited to the existing parking area.

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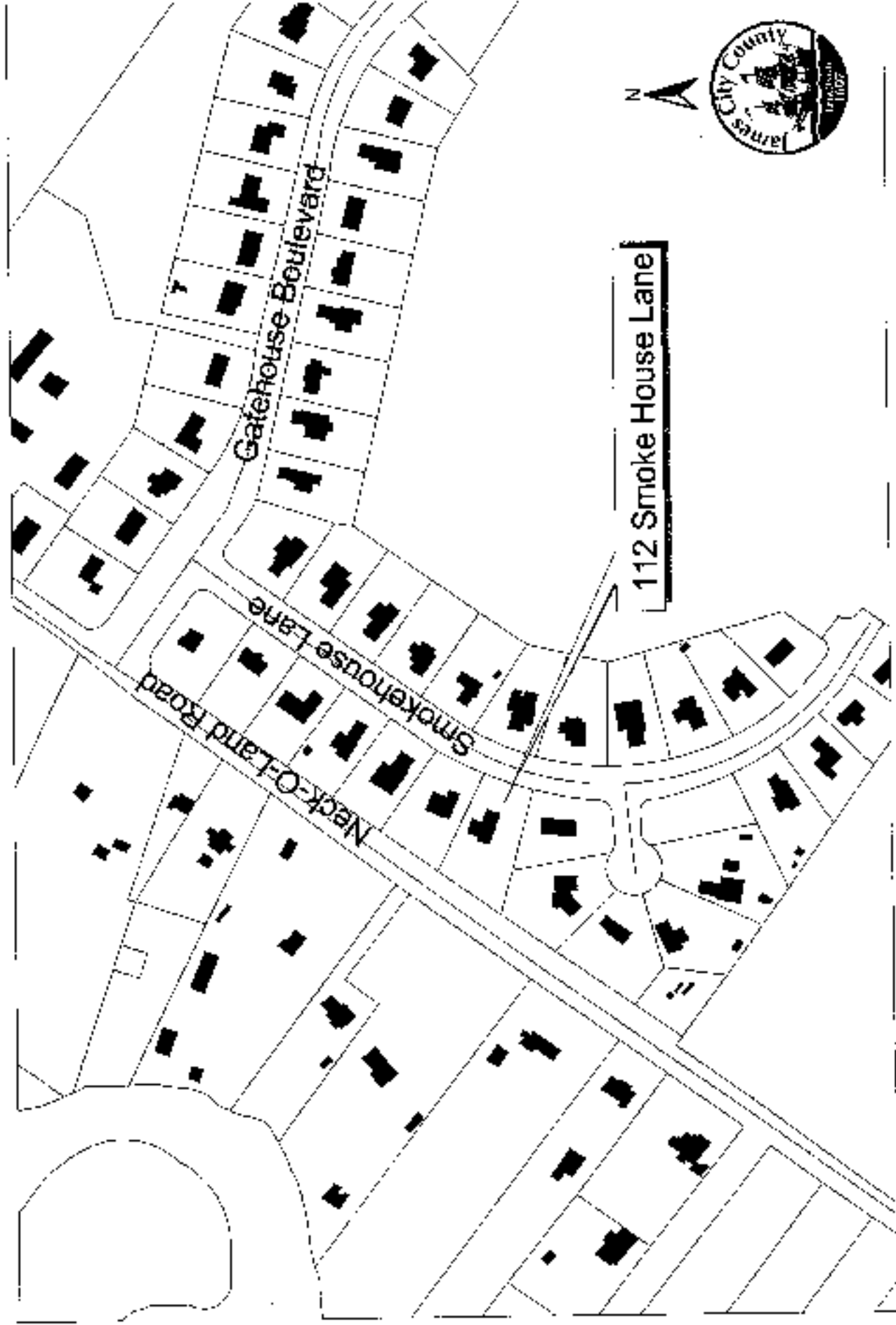
Dave Anderson

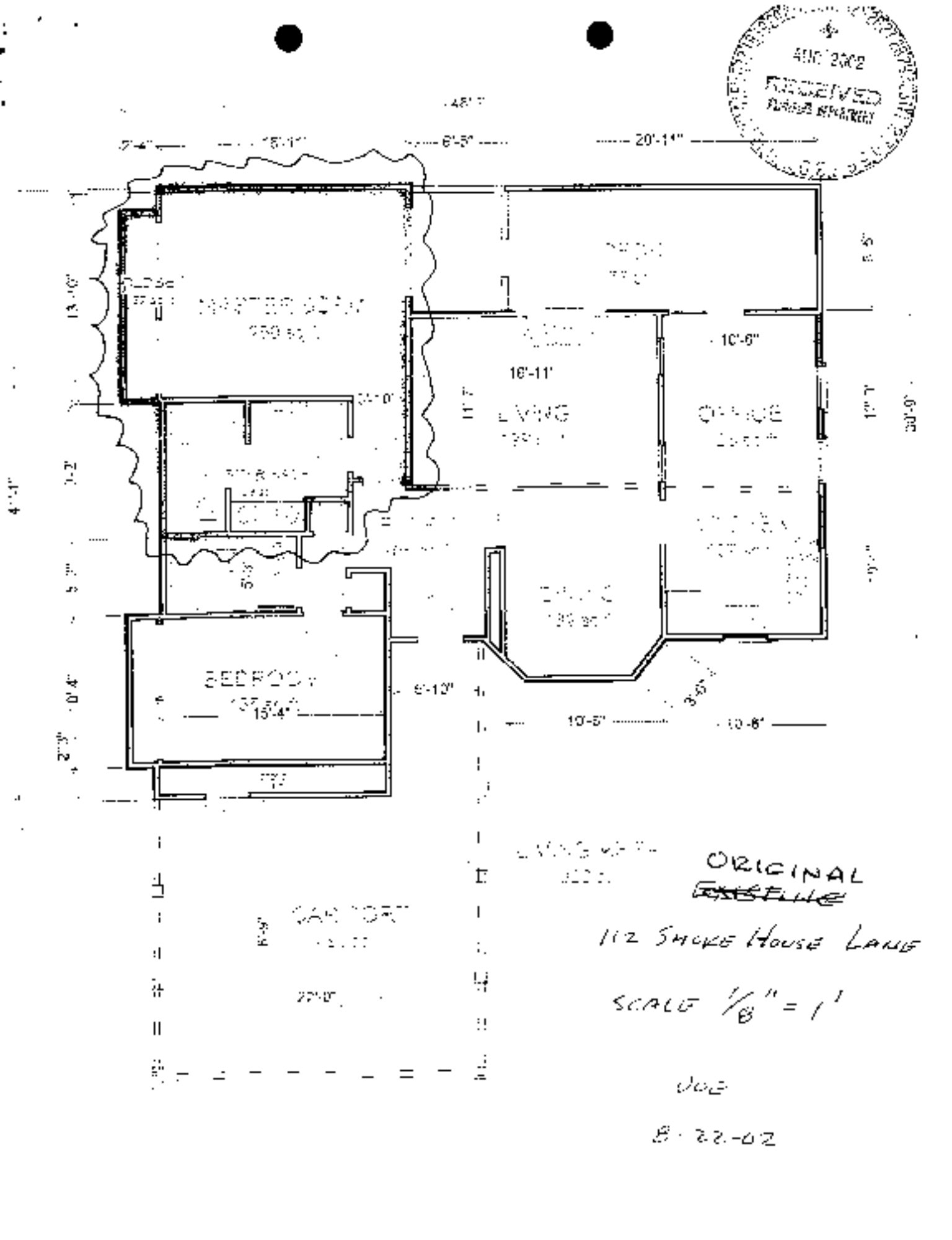
### Attachments:

1. Site Location Map
2. Floor Plans

Case Number: SUP-17-02

112 Smoke House Lane Accessory Apartment





8. 22-02

112 Snowflake Lane

ORIGINAL LAYOUT

1/4" = 1'

0015

8-22-02

41'-1"

9'-2"

13'-10"

2'-4"

16'-11"

6'-5"

46'-7"

3'-4"

MASTER BDRM

260 sq ft

3'-10"

11'-7"

MASTER BATH

100 sq ft

PORCH





Revised layout

112 Smoke House Lane

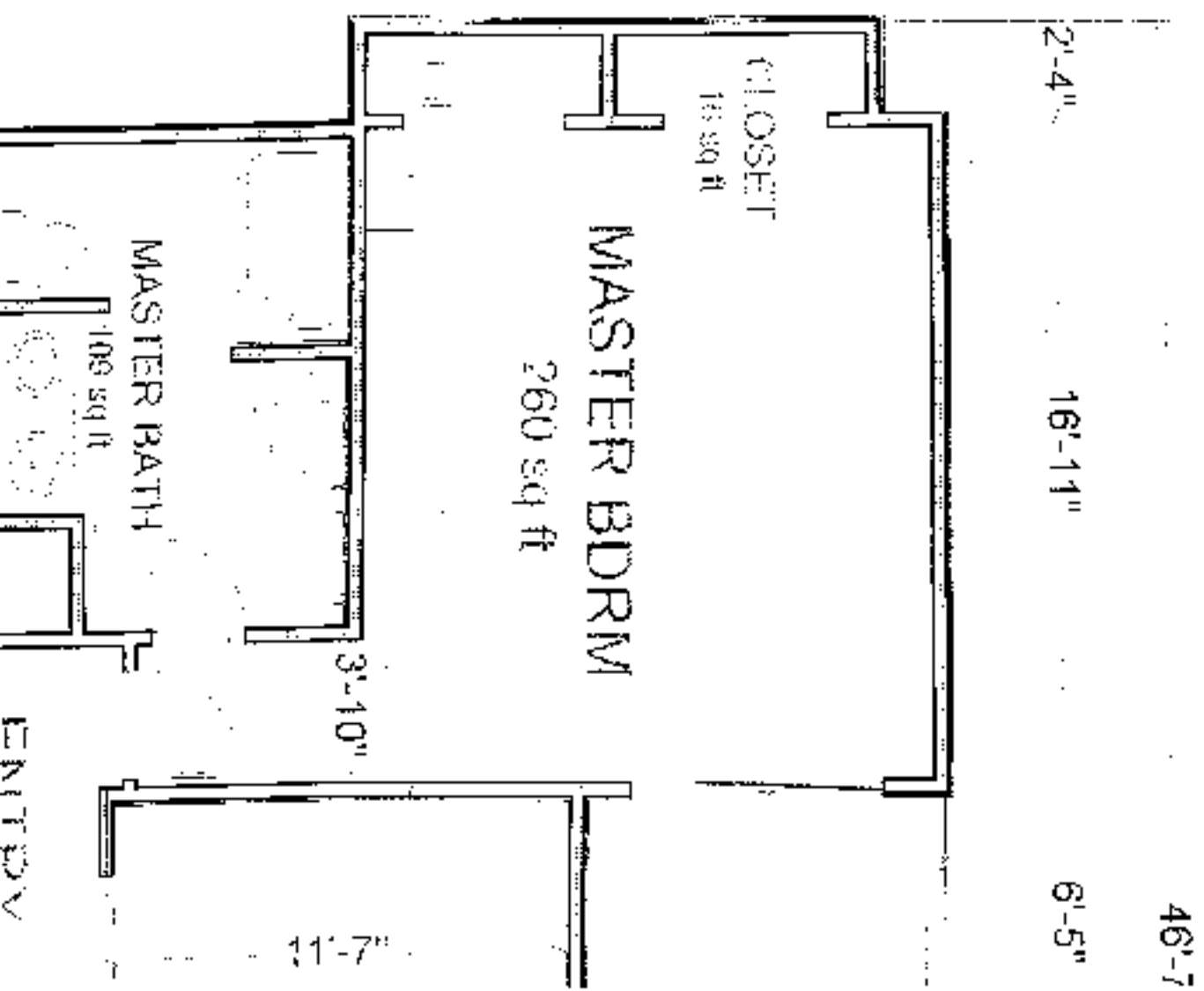
1/4" = 1'

UUC

8-22-02

Revised layout Includes:

- cutting closet space by half
- adding a countertop
- adding a sink
- adding a microwave



## MEMORANDUM

DATE: October 7, 2002

TO: The Planning Commission

FROM: O. Marvin Sowers, Jr. Planning Director  
Leo P. Rogers, Deputy County Attorney

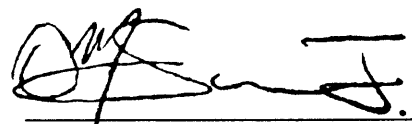
SUBJECT: Ordinance Initiating Resolution Regarding Commission Case Review Period

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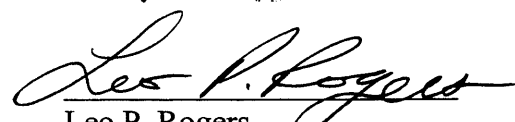
Attached is an initiating resolution to consider amending Zoning Ordinance provisions regulating the amount of time the Planning Commission has to review rezoning and special use permit cases and ordinance amendments. The ordinance currently allows up to 90 days for Commission review. The proposed amendments would increase the 90 day review period to 100 days as permitted by the Virginia State Code.

Under the current ordinance, the number of monthly meetings the Commission has to review a specific case varies from month to month depending on the length of the month and the date of the monthly meeting. Some months, the Commission must act on a case within two monthly meetings. Other months, the Commission must act within three monthly meetings. On average, the Commission has two meetings to consider a case 50 percent of the months during a year, and three meetings the other 50 percent of the months in a year. Deferral requests by an applicant do not count toward the 90 or 100 Commission review period.

Staff recommends approval of the initiating resolution. If approved, the ordinance amendments will be advertised for a public hearing at the Commission's November 4, 2002 meeting.



O. Marvin Sowers, Jr.



Leo P. Rogers

Attachment

## **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, Section 15.2-2285 of the Virginia Code requires that all zoning ordinance amendments, rezonings and special uses permits be referred to the Planning Commission for consideration and that the Planning Commission shall have up to 100 days to report its recommendations to the Board of Supervisors, after which the matter shall be deemed approved by the Planning Commission; 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 24-13(4), Amendment of Chapter, of the Zoning Ordinance so as increase the current 90 day time period in which the Planning Commission shall make a recommendation to the Board of Supervisors on any rezoning, special use permit or chapter amendment to 100 days. 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.

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A. Joe Poole, III  
Chair, Planning Commission

ATTEST:

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O. Marvin Sowers, Jr.  
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 7th day of October, 2002.

## PLANNING DIRECTOR'S REPORT

OCTOBER, 2002

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

1. U.S. Census. The Census Bureau has released Summary File 3 for Virginia 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](http://www.james-city.va.us).
2. Jamestown Studies. 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 also reviewed the National Park Service Master Plan proposal for improvements on the island itself in preparation for the 2007 Celebration.
3. New Town DRB Cases. The DRB did not meet in September.
4. Comprehensive Plan Update. The Community Participation Team continued to meet weekly. Topics included reviewing progress on the Communications Plan and planning the listening stations. The CPT also hosted a media event on September 24 to kickoff the Comprehensive Plan citizen input efforts and to demonstrate the listening station, which will be traveling to different locations throughout the County to gather comments. The event will be rebroadcasted often on our cable channel and includes comments by Planning Commission Chairman Joe Poole. The listening station touring schedule, as well as other Comprehensive Plan information, can be found on the new Comprehensive Plan website at [www.jccEgov.com](http://www.jccEgov.com). Staff made significant progress in finalizing a timeline and scope of work with the consultant, and began work on the consultant's and staff's next major task, designing the Community Conversations. County staff also met with City of Williamsburg and York County planners to discuss potential Comprehensive Plan issues of mutual interest. Planning Commissioner Vice-Chairman Joe McCleary updated the Board of Supervisors on the status of the Comprehensive Plan at the Board's regularly scheduled September 24<sup>th</sup> meeting.
5. Development Potential Analysis. The DPA Committee unanimously endorsed Kimley-Horn's final report on September 4, 2002. Jack Bagby of Kimley-Horn and Associates will be at the October PC Meeting to present the 2002 DPA and answer any questions.
6. 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 are underway.
7. Timber Buffer Acquisition. The Williamsburg Land Conservatory and the County have successfully acquired scenic easements to prevent a significant loss of the greenbelt along the Route 5 community character corridor due to timbering. More than a mile of road frontage is now protected.
8. 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. Matthew Arcieri has been 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 transition.

9. Ironbound Square CDBG Project Charette. Planning Division staff participated in a design charette for the Ironbound Square CDBG project on September 5 and 6. The charette was sponsored by the County's Housing and Community Development Division. Other participants included neighborhood residents and property owners and a professional design team. The charette produced both a conceptual master plan for the neighborhood and architectural designs for new residences.
10. Rt. 199/Jamestown Road Intersection Improvement. County and City planning staffs continue to work with business owners in the vicinity of this intersection to address access issues in preparation for VDOT's Rt. 199/Jamestown Road intersection project. Some of the concerns involve the number and location of driveways near the intersection. City and County staffs were informed in September by representatives of the Seven-Eleven Convenience Store that they have decided to remain in their present location "as-is."
11. Other Board Action. At its September 10<sup>th</sup> meeting, the Board of Supervisors approved Case No. SUP-15-02 Jamestown 4-H Center. Case No. SUP-18-01 Waltrip Monopole Tower was remanded back to the Planning Commission.
12. Upcoming Cases. New cases that are tentatively scheduled for the October 7, 2002, Planning Commission meeting:

CASE NO. SUP-18-02. Wellspring United Methodist Church Adult Day Care Center

Ms. Linda Tompkins, on behalf of Wellspring United Methodist Church, has applied for a special use permit to operate an adult day care center out of the existing facility at 4871 Longhill Road. The site is zoned R-2, General Residential, and designated Low Density Residential on the Comprehensive Plan Land Use Map. The property can be further identified as parcel (1-31) on JCC Real Estate Tax Map No. (32-4).

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. Z-05-02 WILLIAMSBURG APARTMENTS

A request to rezone approximately 15 acres from Limited Business (LB) to Multi-family Residential (R5) to accommodate up to 180 apartments has been filed by Chris Basic of AES Consulting Engineers on behalf of Carter Chinnis of UCP Limited Partnership. The site

is located next to the existing Burton Woods Apartments at the corner of Longhill and Centerville Roads.

CASE NO. Z-03-02 ORDINANCE AMENDMENT

An ordinance to amend and reordain Chapter 24, Zoning, of the Code of the County of James City, Virginia, by amending Article I, In General, Section 24-13, Amendment of Chapter, to increase the time period in which the Planning Commission shall make a recommendation to the Board of Supervisors on any rezoning, special use permit, or chapter amendment from 90 to 100 days.

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O. Marvin Sowers, Jr.