

# **A G E N D A**

## **JAMES CITY COUNTY PLANNING COMMISSION**

**November 4, 2002 - 7:00 P.M.**

1. ROLL CALL
2. MINUTES
  - A. October 7, 2002
3. COMMITTEE AND COMMISSION REPORTS
  - A. Development Review Committee Report
4. PUBLIC HEARINGS
  - A. SUP-18-01. Waltrip Tower
  - B. AFD-9-86. Gordon Creek Kane Addition
  - C. AFD-6-86. Cranston's Pond Marston Addition
  - D. SUP-17-02. 112 Smoke House Lane Accessory Apartment
  - E. SUP-18-02. Wellspring Adult Day Care Center
  - F. SUP-19-02. JCSA Water Treatment Facility Concentrate Main
  - G. Z-03-02. US Homes Proffers Amendment  
Z-04-02. Boy Scout Property Rezoning  
MP-01-02. US Homes Amended Master Plan
  - H. ZO-03-02. Zoning Ordinance Amendment –  
Planning Commission Case Review Period
5. PLANNING COMMISSION CONSIDERATION
  - A. 2003 Planning Commission Calendar
6. PLANNING DIRECTOR'S REPORT
7. ADJOURNMENT

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE THIRD DAY OF DECEMBER, TWO-THOUSAND AND ONE, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Martin Garrett  
John Hagee  
Don Hunt  
Wilford Kale  
Joe McCleary  
A. Joe Poole  
Peggy Wildman

ALSO PRESENT

Greg Dohrman, Assistant County Attorney  
Marvin Sowers, Planning Director  
Paul Holt, Senior Planner  
Christopher Johnson, Senior Planner  
Jill Schmidle, Senior Planner

2. MINUTES

Upon a motion by Joe Poole, seconded by Joe McCleary, the minutes of the November 5, 2001, meeting, were approved by unanimous voice vote.

Wilford Kale commented on his statements at the last meeting during the Special Use Permit presentation on the JCSA Ground Water Facility. He noted those comments were not a personal attack on the applicant.

3. DEVELOPMENT REVIEW COMMITTEE (DRC)

John Hagee presented the DRC report stating they reviewed three cases at the regular meeting and one case prior to tonight's meeting. He said the first case was a request for a temporary sign at the entrance to the Jamestown Hundred Subdivision. The second case was for an exception to the Subdivision Ordinance to allow for the use of an alternative septic tank system at 259 Ivy Hill Road. The third case was also for an exception to the Subdivision Ordinance to allow for the installation of an AdvanTex Treatment System in lieu of a sand filter at 2603 Little Creek Dam Road. He said the case tonight, Williamsburg Christian Academy, came before the DRC because its building size exceeded 30,000 sq. ft. He stated the DRC recommended preliminary approval for all four cases.

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

4. CASE NO. SUP-18-01. WALTRIP COMMUNICATIONS TOWER.

Paul Holt presented the staff report stating the applicant requested another deferral in order to give them time to prepare additional information for this case. Staff concurred with this request.

Forrest Williamson, a resident and Board member of the Kingspoint HOA, stated he wanted to reinforce the request that was made at the last meeting that a proper balloon test be conducted so the neighborhoods affected would have a chance to see the size and mass of the proposed towers.

Martin Garrett asked if there was anything planned regarding another balloon test.

Marvin Sowers stated the applicant was required by the Communications Ordinance to hold a balloon test and one was held as required. He stated that notification was sent to adjacent homeowners, including property owners in Kingspoint as well as to the Kingspoint Homeowners Associations. He stated the applicant was no longer required to hold another test

but the Commission, on behalf of Forrest Williamson, could request that the applicant to hold another test.

Paul Holt said he did not have any additional information provided to him by the applicant as to whether another balloon test would be held. He stated the original balloon test was advertised in the newspaper and the test was held on October 10, 2001.

Joe McCleary commented that the County was waiting for a FAA report and wondered if that report would be available before the next meeting.

Paul Holt stated the report should be given to staff prior to the January meeting.

Joe Poole made a statement that he was hopeful that the applicant would come forth with information responding to the County's Wireless Communications Facilities Ordinance and could appreciate the need for another balloon test. He felt first and foremost was the need to understand the applicant's intent to comply with the ordinance.

Marvin Sowers stated that staff believed it was the applicant's intent to fully comply with the submittal requirements of the ordinance.

Peggy Wildman asked if the applicant was required to do a balloon test at a particular time during the day. She said she was taken aback by the fact that the test was held during the height of rush hour which made it difficult to drive along Route 199 to see if you could spot the green balloon.

Paul Holt stated there was no ordinance requirement for a specific time, but stated the company doing the tests preferred to do them 7 AM or 8 AM because there was less wind and, therefore, kept the balloon from bouncing around and the tests were more accurate.

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

Marvin Sowers asked if he could take the comments of Joe Poole as representative of the feeling that the Commission would like staff to request another balloon test.

Martin Garrett felt the test should be on a non-work day so those in the surrounding communities interested in seeing the test could have the opportunity to view it.

Marvin Sowers stated staff could make that suggestion to the applicant to do it on a Saturday.

##### 5. CASE NO. ZO-4-01. ZONING ORDINANCE AMENDMENT/EXTERIOR SIGNS.

Jill Schmidle presented the staff report stating staff was processing an amendment to add the Planned Unit Development - Commercial (PUD-C) District to the list of zones eligible for a waiver for larger building face signs. Staff found that the addition of PUD-C to the list of districts eligible for exceptions allowed for consistency and flexibility within the industrial zoning districts acceptable and noted that the addition did not on its own permit larger signs. Staff recommended the Commission approve this change.

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

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

6. CASE NO. SUP-23-01. COLONIAL REDIMIX PARKING EXPANSION.

Christopher Johnson presented the staff report stating the applicant applied for a special use permit to allow for the expansion of his existing facility. Staff found the proposal consistent with the surrounding zoning, development, and Comprehensive Plan. Staff recommended that the Commission recommend approval of this application.

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

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

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

Paul Holt presented the staff report stating that applicant had applied to rezone several small parcels to allow for the construction of a five-story office building with a parking lot. He stated that the existing radio station building and associated antennas would be demolished if this application were to be approved. Staff felt that this development might ultimately negatively impact the surrounding roads and properties and also found the current proffers did not adequately mitigate impacts and recommended that the Commission deny this proposal.

Wilford Kale asked why these parcels had been designated as a part of the New Town Development considering all the roads and divisions between the areas.

Paul Holt stated they were remnant lots that were created when Monticello Extended was built. He stated the main New Town parcels were included on the north side of Monticello Avenue and noted property owned by New Town Associates along with the Richardson parcel. He said these lots had large flag stems and portions of the lots extend across what is now the right-of-way for Monticello Avenue. He said they were officially rezoned to R-8 with proffers as part of New Town, even though they were not included on the official New Town Master Plan.

Wilford Kale asked Paul Holt to clarify his statement regarding urban and suburban roadway.

Paul Holt stated the intent of New Town and the design guidelines as staff understood them was to create a more urban feel environment and the way that would be achieved was with reduced setbacks, increased pedestrian amenities, and street trees to mention a few. He stated staff believed the addition of the right-hand turn in lane was a suburban type of improvement and would not be found in a more urban development.

Joe McCleary stated that Ironbound Road was not a divided road at that point of entrance and even though there may be a right-turn only, there would be absolutely no way to prevent people from making a left turn into the entrance.

Joe Poole asked if the traffic on the connector spur (Route 615) was that great that a turn lane was necessary and asked the applicant to respond.

Paul Holt stated staff felt traffic was a lot less than it was when Ironbound Road and Route 199 opened up. Staff believed the greatest potential for conflict was when the corner area around the Courthouse and the potential redevelopment along Ironbound would ultimately become a very viable light industrial business island with a lot of traffic movement on all sides.

John Hagee asked Paul Holt to show exactly where the official New Town site was.



Paul Holt pointed out the different sections of the New Town Master Plan.

John Hagee inquired about the area below Section 1.

Paul Holt stated that area was the New Quarter Light Industrial Park and not technically a part of New Town.

John Hagee asked if staff was recommending that adjacent parcels follow guidelines for the conceptual idea of New Town.

Marvin Sowers commented that when the New Town boundaries were first drawn, there had been discussion with property owners to try to get them to become part of New Town and adhere to the guidelines of New Town. Some property owners decided to formally become part of New Town while others did not, but from a practical standpoint, staff believed development of this site should be considered part of New Town.

Martin Garrett opened the public hearing.

Vernon Geddy of Geddy, Harris, Franck, and Hickman and representing the applicant, Bush Construction, stated the site, owned by G-Square, Inc., was under a long term land lease with the applicant who would be developing the site. He introduced John Digges of Bush Construction, Richard Costello the engineer from AES, and Dexter Williams the Traffic Consultant. He gave a brief history of Bush Construction noting several of its developments throughout the County. He said this application involved two firsts for the County, its first true Class A office building and its first building to utilize an underground parking garage. He stated the project would share the site with the JCSA project and that there was an agreement between JCSA addressing joint development with shared entrances, joint parking and shared underground BMP. He noted that while this site was not included on the New Town Master Plan, it was obviously very prominent and visible to the gateway of New Town. He stated his applicant was not in agreement with staff's recommendation of this case and said there was just one issue of substance, that being, the proposed right-hand turn driveway into the site. He stated the applicant believed this was important to the viability of the project since the building would front Monticello Avenue but not have access from Monticello Avenue. He noted that without this entrance it would be very confusing for customers and clients of those working in the building to have to make three right turns from Monticello to enter the parking lot. He added that the traffic study performed showed that the right-hand turn lane would function safely and would not have adverse impacts on surrounding roads or intersections and that it met VDOT criteria. He responded to a question raised by a Commission member about the possibility of people making left turns into the entrance by stating the applicant would be agreeable to putting in a median that would prevent both left-hand turns and, adversely, right-hand turns from crossing over.

Vernon Geddy continued his presentation stating staff had raised several other fairly minor issues regarding proffers. He stated the applicant offered a proffer that would limit the uses to those in the LB, Limited Business. He noted the one issue with this proffer was the unwillingness of the applicant to exclude drugstores from the potential list of permitted uses. He said the applicant was intending to build an office building for office use however they did not want to preclude any possible type of pharmacy operation which could be in conjunction with medical offices. He said the applicant had already limited the retail use to the first floor of the building so it could not be any greater in size than 6,600 sq. ft. He stated that regarding the on street parking comment they would agree with the language suggested by staff. He stated that VDOT would only allow the applicant to take down a 40-foot segment of the chain link fence along Monticello for a pedestrian entrance stating the balance of the fence must stay. He said the only issue was, since VDOT paid for a standard chain link fence and the County paid for an

upgrade to vinyl and planted vines, the County has requested the applicant pay for the cost of the segment of fence that they would be removing. He stated that the plans had gone through that DRB and the applicant proffered that final construction plans would be consistent with what was presented. He felt that the request by staff for the DRB to review the plans again was unnecessary. In regards to the water issues, he felt that the applicant and staff could come to some type of agreement. He stated that this application would have a positive impact, help generate the New Town area, and was designed in conjunction with the adjacent JCSA Water Tank project with various shared parking, BMP's, and entrances. He concluded by stating that the one substantive difference of opinion was the location of the driveway and stated that the Traffic Consultant and VDOT both agreed that the entrance would work safely and would not have adverse impacts. He requested that the Commission recommend approval to the Board of Supervisors as submitted and with some revisions to the proffers as stated.

Don Hunt asked what the exit strategy for leaving the parking facility was and how people will reintroduce themselves to the highways.

Vernon Geddy stated that people would simply come out onto Ironbound Road noting that the entrance was a one-way.

Don Hunt stated that after leaving the parking lot, the people would have the option to go to the Monticello/Strawberry Plains intersection or turn left and proceed to Monticello Avenue.

Joe Poole stated he was generally supportive of this application but took issue with the drugstore and asked if staff's concern was if the building didn't work, it could be demolished and a modern "big box" type drugstore could replace it.

Paul Holt stated that the building would not even have to be demolished. It could certainly be rehabbed or just another use moved into the building.

Joe Poole asked if something could be drafted stating he felt that a small pharmacy within the building would not be a problem.

Vernon Geddy stated there was no intention to put in a CVS or something comparable.

Paul Holt suggested limiting the drugstore to a certain square footage or a pharmacy accessory to a medical facility.

Vernon Geddy felt that either suggestion would be acceptable to the applicant.

Joe McCleary asked if in fact the "right-turn lane only" would be the main entrance to the building.

Vernon Geddy said he would not call it a main entrance.

Joe McCleary said what Vernon Geddy had stated was that, absent that entrance, no one would be able to find their way to the building excluding those who worked there. Joe McCleary stated if one turned onto Ironbound extended and found no entrance, that the only recourse would be to continue on until one saw the second entrance.

Vernon Geddy stated that what one would really see were the water tanks and it would be very easy for someone to continue along and miss the entrance.

Joe McCleary had a concern with safety noting that he had gone out to the location and was amazed that one could fit all that was going on into that area. He felt that it was a very short distance from Monticello to the entrance and gave existing examples such as the

Williamsburg Post Office entrance. He also noted that the Commission and Board turned down a second curb cut at the Ewell Station Shopping Center because of the short distance between the entrance and road. He said he understood the argument of urban and suburban but was more concerned with safety than aesthetics.

Wilford Kale asked the Traffic Consultant how many cars would have to enter onto the Ironbound Road in order to get a backup to Monticello.

Dexter Williams stated the office building would have traffic coming in the morning and going out in the afternoon. He said the traffic forecasted was about 40 vehicles per hour with approximately 28 vehicles making a right-turn in which translated into about one car per two minutes in the morning and in the afternoon about one vehicle per ten minutes. He stated that this was a very small site and felt that with the traffic cycle there was no way that the flow could impede the intersection. He then pointed out to the Commission how the traffic would flow using a visual and again stated that it was not a traffic congestion concern at this level.

John Hagee asked what latitude of jurisdiction the DRB had with this parcel. He understood that the building was approved but the driveway gave it a suburban characteristic. He wanted to know if the DRB was looking at this the same way they would look at any other New Town proposal.

Vernon Geddy said there was not a section in the design guidelines that applied to the property since it was not in New Town and said they may have looked at the criteria that were next closest and applied those as they would to any other project.

John Hagee said that staff was recommending an urban character and the applicant was volunteering to get under that umbrella. He felt that from his prospective the applicant should be totally under that umbrella of the New Town Design Guidelines and asked if this was total review from the DRB or a partial one.

Vernon Geddy stated that the New Town DRB had reviewed these plans as they would have reviewed any other plans in New Town and they have approved them.

John Hagee asked if the New Town DRB reviewed them as though this particular development was going to be in New Town. He asked staff about their request for resubmission of plans to the DRB and would a project in New Town have to be resubmitted for review.

Paul Holt stated plans would be required to be resubmitted for review to the New Town DRB if they were in New Town and said the challenge that arose was that the applicant was requesting a rezoning to B-1 and if it was approved by the Board, the New Town proffers would no longer apply.

John Hagee stated staff was allowing the applicant setbacks consistent with New Town and all he was suggesting was the applicant also adopt the New Town Design Guidelines and review process.

Marvin Sowers stated the DRB did spend considerable amount of time looking at the building details, which were shown on the plan before the Commission. He said that if the site was formally in New Town, final construction plans would be returned to the DRB to ensure that the construction details previously approved by the DRC were on the plans.

John Hagee asked if the property was in New Town would the applicant be required to resubmit to the DRB.

Marvin Sowers stated yes, they would be required to resubmit.

John Hagee felt that the applicant should adhere to the request of staff and go through the same process.

Paul Holt said that the DRB had not given its final approval to this design but had given a conditional approval based on a previous version of the building and based on recommendations by the applicants architects intended to reflect in its most current version. He noted that this version should go back to the DRB for final approval given the DRB's concerns with the building's details.

John Digges, applicant for this case, stated that both Vernon Geddy and his architect worked with the DRB. He also said that the last version of drawings were done in cooperation with his architect and with local architects Bob Magoon and John Hopke in order to make sure there were no mistakes. He also commented on the need for the right-turn in lane in order to create less confusion into the office facility.

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

Martin Garrett felt if the applicant were to get all the advantages of New Town, they should adhere to all the requirements and have an urban type of environment and that would not include a right-turn lane.

John Hagee felt if the project fell under the New Town jurisdiction, the DRB would review and approve the project and that should be the way this case is done.

Joe Poole said he supported the application to rezone and thought the driveway may be worse in plan than what it might be in reality. He said he was particularly interested in the drugstore business and the DRB's review and felt those were the two most pressing issues. He stated his preference would be to have the applicant and staff work out the proffers.

Don Hunt said the driveway was not an issue to him so long as the island median, as the applicant was willing to concede, would be placed in to avoid left-hand turn ins. He stated he supported this application.

Joe Poole made a motion to recommend approval with sufficient resolution with the proffers between staff and the applicant. He asked if he should recommend that it be returned to the Commission or go forward to the Board of Supervisors. He said he was comfortable with the application.

Wilford Kale seconded the motion and noted that last month the Commission did the same thing where proffers were not fully reviewed by staff, they recommended sending it to the Board. He felt if the change was made to the DRB, and the applicant agreed, his problems would be eliminated.

John Digges said it was his understanding that Bob Magoon said he did not have to see the plans anymore since he had worked out the changes with the architect of the project.

Paul Holt said it was staff's understanding that the DRB did not want to see it again prior to the rezoning but would want to review it prior to acquiring building permits.

Joe Poole restated his motion to approve Case No. Z-5-00 forwarding it to the Board and working out a resolution between the applicant and staff on these issues and the proffers Wilford Kale seconded this motion.

Marvin Sowers asked for a clear understanding as to the direction that the Commission was expecting the proffer changes to take. He said one was the DRB approval of the plans and a median.

John Digges said he already discussed this with VDOT and they said no to the median and to a wider curve.

Joe Poole said for the Commission to recommend a median would be moving beyond their bonds and felt that VDOT had the final decision.

John Hagee applauded the applicant for wanting to bring this site into New Town. He felt in keeping with the New Town Guidelines the Commission's DRC did not have the wherewithal to make design types of decisions and it should be left up to the New Town DRB.

Vernon Geddy felt they were discussing two different things. One is the process by which these plans are approved and one is the substance of what the reviewers are looking at. He said they would be applying the New Town standards although, in parking, they will be held to the ordinance parking requirements of the County. He said the process is what the proffer is all about and he said his applicant would take the final plans back to the New Town DRB after rezoning.

Marvin Sowers stated the other item the Commission mentioned was regarding some type of limitation of the drugstore and asked if they wanted that in the motion.

Joe Poole said that was an important issue and felt the applicant and staff agreed that it was not the desire to have a freestanding drugstore.

Marvin Sowers stated that this would be a proffer revision and the applicant needed to state whether he was willing to make this change.

John Digges agreed that use of only half of the first floor area would be fine for a pharmacy and noted there needed to be some place where doctors at the facility would have a local pharmacy.

Marvin Sowers stated the motion included a recommendation of approval with the understanding of the proffer amendment regarding the DRB process and the freestanding drugstore issue.

Martin Garrett stated they had a motion and a second.

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

Peggy Wildman commented to the applicant that no mention was made to the architecture of the building and felt it tied in very nicely with the design elements of the JCSA water towers.

## 8. PLANNING COMMISSION CONSIDERATION

Marvin Sowers requested that the Commission review and approve the meeting schedule for the year 2002.

Martin Garrett stated they always had trouble with the January meeting because it comes too soon after the holidays and noted the January meeting for 2002 would be held on the 14<sup>th</sup>.

Marvin Sowers stated that in the past there have been issues where citizens did not have time to review cases on the January agenda or simply missed the public hearing ads while they were out of town due to the holidays. For these reasons staff has recommended pushing the meeting back an additional week and a similar thing was done on the September calendar due to the Labor Day holiday. He said staff recommended approval of this calendar schedule.

Martin Garrett noted the January meeting was going to be a long one and asked the Commission if they would prefer to begin at 6 PM and continue straight through or begin at 5 PM, have a break, and then continue the meeting.

Joe McCleary and Wilford Kale preferred to begin at 6 PM and continue straight through.

Joe Poole agreed and also added that he did not want to see the Commission reviewing cases at 11:30 PM. He felt they owed it to the applicants and citizens that when they reach a certain time, the Commission recess to the next day.

Marvin Sowers said that they could come prepared for that particularly when they anticipate a meeting to be lengthy. He said mainly it would be the availability of a meeting room. He did not think that the January meeting would last longer than 10 PM.

#### 9. PLANNING DIRECTOR'S REPORT

Marvin Sowers stated the Commission has a scheduled site visit to the Green Springs Plantation site on Wednesday, December 5 at 3 PM and asked the Commission to recess this meeting to 2:45 PM to Fire Station No. 5 in order to travel to Green Springs. He said the Commission would be making a recommendation to the Board early next year on the partial closure of Centerville Road. He stated staff has received a formal request from the National Park Service to close that portion of Centerville Road. He stated that there was a public meeting held several weeks ago with about two-thirds of the 40 people in attendance in opposition of the closure of the road.

Don Hunt felt that if the road were to be closed the park should have some type of function and become an asset to the community and not just turned into a park.

Marvin Sowers stated the purpose of the site visit was to hear the Park Service and see how both sides of the site related to the presentation. He anticipated that the visit would be one to one and one-half hour.

#### 10. ADJOURNMENT

There being no further business, the December 3, 2001, meeting was recessed at approximately 8:35 PM to the December 5, 2001, meeting at 3 PM at the Green Springs Plantation site.

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Martin A. Garrett, Chair

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Marvin Sowers, Secretary

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SEVENTH DAY OF OCTOBER, 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  
Christopher Johnson, Senior Planner  
David Anderson, Planner  
Christy Parrish, Zoning Officer  
Matthew Arcieri, Development Management Assistant  
Trey Davis, Development Management Assistant  
Cynthia Grom, Administrative Services Coordinator

2. MINUTES

The Commission approved the minutes of the September 9, 2002 meeting as is with a unanimous voice vote.

3. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. John Hagee presented the DRC report stating there were a few cases that passed with no incident and a submission concerning Phase I, section 2 of Colonial Heritage, US Homes project. There were a few items they still had to do, so the case was deferred until next month.

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

B. DEVELOPMENT POTENTIAL ANALYSIS (DPA) COMMITTEE

Mr. Joe McCleary introduced Mr. Jack Bagby from Kimley-Horn Associates who did the 2002 Development Potential Analysis.

Mr. Jack Bagby briefed the staff and audience with how the DPA Committee developed the methodology to quantify the residential development potential of JCC within the PSA. Their goal was to produce a methodology that could also be used for future analysis.

Mr. Joe Poole expressed that having this methodology would be very useful in the future. He questioned whether or not other counties use this methodology.

Mr. Jack Bagby answered since other counties have different ideas about analysis, they would probably have a different methodology. He stated this was a unique situation.

Mr. Joe McCleary commented that the public that has studied the results of this analysis seem pretty happy with the result, and in agreement with it.

Mr. Joe Poole thanked Mr. Bagby for his presentation and everyone involved.

Mr. Joe McCleary commented that the Citizen's Participation Team was active for the 2003 Comprehensive Plan, and requested staff to invite Mr. Jeff Bara, a member of the team to come and talk at the December PC meeting about the Community Conversations.

Mr. Joe Poole agreed. He noted when the meetings for the Community Conversations would be held in November. He also noted that follow-up meetings would occur in the spring.

4. PUBLIC HEARINGS

A. CASE NO. SUP-18-01 WALTRIP TOWER

Mr. Christopher Johnson presented the staff report stating the applicant had requested a deferral until the November 4<sup>th</sup> meeting due to relocation of the proposed tower and to conduct a balloon test for the new location. Staff concurred with this request.

Mr. Joe Poole opened the public hearing.

Mr. Joe McCleary asked if a balloon test had been scheduled.

Mr. Johnson responded that a date had not been set but would be advertised.

Hearing no further questions, Mr. Poole continued the public hearing until November 4, 2002.

B. CASE NO. ZO-2-02 ZONING ORDINANCE AMENDMENT – MANUFACTURED HOMES

Mrs. Christy Parrish presented the staff report in regards to replacing a non-conforming manufactured home to ensure the consistency between the James City County Zoning Ordinance and the Code of Virginia. 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 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. Staff recommends approval of this amendment.

Mr. Joe Poole opened up questions to the PC members.

Mr. Donald Hunt inquired if a 30-year old trailer can be moved to a new location.

Mrs. Christy Parrish responded that it would have to be replaced in its same location, and would not be allowed to be transported to another location.

Mr. Joe Poole opened up the public hearing. Seeing no speakers, he closed the public hearing.

Mr. John Hagee made a motion to approve.

Mr. Joe McCleary seconded.

Mr. Joe Poole noted the motion was to approve. In a roll call vote, motion passed (7-0). AYE: Wildman, McCleary, Hagee, Hunt, Kale, Billups, Poole (7); NAY: (0).

C. CASE NO. Z-05-01 FORD'S COLONY PROFFERS AMENDMENT

Mr. Christopher Johnson presented the staff report stating that the applicant applied to rezone property from R-4, Residential Planned Community, with proffers, to R-4, Residential Planned Community, with amended proffers, to allow access to the proposed Ford's Colony,



Section XII development from Country Club Drive. The existing proffers prohibit access from Ford's Colony onto Lexington Drive and Country Club Drive. Mr. Johnson stated that the amended proffers offered by the developer sufficiently address the issues and concerns identified by staff, VDOT, and Williamsburg West Civic Association and the proposed development is consistent with surrounding zoning and the Comprehensive Plan. Staff recommends that the Commission approve this rezoning application.

Mr. George Billups stated that he was concerned that about access issues involving Bazzle Apartments. He was concerned that Mr. Bazzle might still have objections to the plans.

Mr. Christopher Johnson replied that the changes to the medians adjacent to Bazzle Apartments are required by VDOT. He added that Mr. Bazzle was involved in all discussions between staff, the applicant, and VDOT and had voiced no objections to the plan.

Mr. Joe Poole opened the public hearing.

Mr. Vernon Geddy III, on behalf of Realtec, Inc, stated that this application has been under review for nearly a year but the final product has been worth the wait. He added that the proffers address the concerns expressed by adjacent property owners and the final plan was fair to all parties.

Ms. Anna Garrett of 106 Country Club Drive spoke on behalf of the Williamsburg West Civic Association. She stated that the Association agreed in principle to the proposed entrance location identified on the plan referenced in the proffers and was withdrawing their objections to the proposal. She added that the Association submitted a letter to staff identifying eight items of concern and asked that the record note that items 2, 3 and 8 were not addressed in the plan referenced in the proffers. She asked the DRC to ensure that the concerns raised in the letter be addressed.

Mr. Vernon Geddy III stated that the plans would be submitted to staff within the week and would address the concerns raised by the Association.

Mr. Wilford Kale asked for clarification of the proffer language referencing curbing consistency and location.

Mr. Vernon Geddy replied that the curbing referenced in the proffers would be of a consistent material throughout the entire length of the proposed roadway improvements and would extend from Williamsburg West Drive along Country Club Drive all the way to Lexington Drive.

Mr. Wilford Kale stated that he met with a group of residents in Williamsburg West to discuss their concerns. He was concerned that the integrity of the Williamsburg West subdivision be maintained and added that he was pleased that the current plans reflected the input of all interested parties. He expressed concern that the proposed entrance columns would not be uniform.

Mr. Drew Mulhare of Realtec, Inc. stated that he was aware of the issue and the columns would be shown on a landscape plan that would be submitted to staff. He added that he informed staff last week of the need to revise the column locations on the final site plan.

Mr. Wilford Kale stated that he was concerned because the plan referenced in the proffers needs to be revised to address the column issue.

Mr. Christopher Johnson stated that the plan referenced in the proffer did not need to be revised and assured Mr. Kale that the column issue would be resolved during the DRC review.

Mr. Wilford Kale stated that the old right-of-way for Longhill Road is another alternative to the entrance proposed on Country Club Drive and asked why this alternative had not been pursued.

Mr. Christopher Johnson stated that the applicant investigated a number of alternative access locations to Section XII including the old Longhill Road right-of-way. He added that the right-of-way is located on the Crossroads property and would not have been able to meet VDOT requirements.

Mr. Leo Rogers added that the old Longhill Road right-of-way meanders between the Crossroads property and the church property and would need significant work to upgrade it to VDOT standards.

Mr. Wilford Kale stated that he was voicing his concerns so that the DRC would be aware of the issues he discussed with residents in Williamsburg West.

Mr. Joe McCleary stated that the DRC would address Mr. Kale's concerns during their review of the final plans.

Mr. Joe Poole asked staff for the date and location of the DRC meeting.

Mr. Marvin Sowers stated that the next DRC meeting would be on Wednesday, October 30, at 4:00 pm. in the Building E Conference Room. He added that the residents would be notified of the DRC meeting.

Mr. Wilford Kale made a motion to approve this case.

Mr. George Billups asked if the owner of Bazzle Apartments approved the changes to the entrances to his property required by this proposal.

Mr. Ernie Bazzle stated that he was aware of the proposed median changes and supported this proposal.

Mr. Joe Poole stated that a motion to approve this application was on the floor.

Mr. John Hagee seconded the motion.

Mr. Joe Poole commended staff, the applicant, and the adjacent property owners for their hard work in resolving their differences and finding a positive solution that all parties could support.

Ms. Peggy Wildman seconded Mr. Poole's statement.

Mr. Joe Poole asked for a roll call in support of Mr. Kale's motion to approve this application. In a roll call vote, motion passed (7-0). AYE: Wildman, McCleary, Hagee, Hunt, Kale, Billups, Poole (7); NAY: (0).

D. CASE NO. SUP-17-02 GATEHOUSE FARMS ACCESSORY APARTMENT

Mr. David Anderson presented the staff report. 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. Two additional letters not included in the original PC packet were handed out by Mr. Anderson and are from concerned residents within the Gatehouse Farms subdivision.

Mr. Joe Poole opened up the questioning from PC members.

Mr. Joe McCleary wanted to make it known for the public's knowledge as to how long the special use permit would be active. It goes with the land, not with the applicant and is in effect forever. The restriction that the apartment rental be limited to one person is unenforceable, unless the neighbors make the effort to make sure this is the case.

Mr. David Anderson responded that these statements are correct and added that the restriction was added in case a problem occurred, since it would give the neighbors a way to report a violation.

Mr. Joe McCleary asked whether or not if the applicant wanted to sell the house after having the accessory apartment installed, if the person who buys it would be able to rent out both sides of the house.

Mr. Leo Rogers affirmed that this could legally occur. He suggested that the SUP can have a condition added to make a portion of the residence restricted to owner occupancy.

Mr. Joe McCleary expressed his concern that if a family moved in to the house, it would become much more densely populated than it currently is.

Mr. George Billups asked if there was a full bathroom in the accessory apartment.

Mr. David Anderson stated it was a fully self contained.

Mr. Joe Poole inquired as to how many specially permitted accessory apartments there are in James City County, and where they are.

Mr. David Anderson stated that the last SUP granted was in 1998, and there are not that many of them. In some circumstances, accessory apartments are a regularly permitted use, so they don't come up that often.

Mr. Joe McCleary stated in some of the newer neighborhoods, the developer puts in conditions so that accessory apartments cannot be permitted.

Mr. Joe Poole opened the public hearing.

Mr. Vance Elkins, the applicant, stated that he lives on a restricted income, so the apartment become a way of supplementing his income, and he didn't even plan on making an accessory apartment until a friend, in need of an assisted living facility was unable to find one in James City County. Since he is single, and doesn't use the rooms that would be converted into the apartment, he felt it would be a nice thing to do for someone in need.

Ms. Sue Millards, resident across the street of 112 Smokehouse Lane, expressed her concern that others in the neighborhood will also want to put in accessory apartments. She also wondered why other residents in the subdivision did not receive the APO letter.

Mr. David Anderson explained that the letter is sent only to adjacent property owners, and not everyone in the subdivision would get one, and actually a few extra ones were sent out to residents who weren't required to receive one.

Mr. Marvin Sowers asked Ms. Millards to call the Planning Division with the names and addresses of the residents who didn't receive a letter.

Ms. Sharon Reed of 124 Smokehouse Lane, expressed her concern that the entire neighborhood will be effected, not just the adjacent property owners. She is concerned about the extra traffic, extra noise and carelessness of the renter, in regards to taking care of the property. She wanted clarification on whether or not this would allow anyone in the neighborhood to build an accessory apartment.

Ms. Peggy Wildman clarified that this would not automatically allow anyone in the neighborhood to have an accessory apartment. They would have to apply for a special use permit just like Mr. Elkins did and be granted approval.

Ms. Sharon Reed expressed concern that the precedent would be set in the neighborhood if this SUP was approved.

A woman from the audience, who didn't identify herself, except that she was a resident of Gatehouse Farms, was concerned about the precedent set. She was concerned at the type of person the rental would attract, and since she, and many others, have small children, the effect of the renter on their safety. She asked that the permit not be passed.

Mr. Joe Poole closed the public hearing and asked for questions or comments from the Planning Commission members.

Mr. John Hagee suggested that a condition be added for an owner occupied scenario.

Mr. Vance Elkins expressed that he was not opposed to this.

Mr. John Hagee commented that Mr. Elkins would be the first to be concerned about noise and the care of the property. Since he would be on site, these issues would be taken care of by him before it became a problem to an adjacent property owner. He commented that this type of growth was encouraged by the county's Comprehensive plan.

Mr. Donald Hunt commented that accessory apartments were encouraged because it makes better use of the infrastructure and although it increases density, it is basically a benign intrusion.

Mr. Joe Poole asked if there were additional questions or comments even though the public hearing is closed.

A member of the audience asked that the decision be postponed until all adjacent property owners could make comments.

Ms. Sharon Reed commented that the changes that were suggested do not cover her concerns.

Mr. Joe McCleary noted that the County does put out the big red sign that notifies residents that a special use permit is under consideration, and there is one at the address of the applicant.

Mr. Joe Poole commented that he was leaning towards deferment so that all adjacent property owners can have the chance to express their opinions. He noted the Planning Division does have in place a notification process that is followed with every case. He liked the idea of the owner occupied condition and wanted it added to the special use permit. He questioned Mr. Rogers if the special use permit would become void if the conditions were violated.

Mr. Leo Rogers responded that yes, it can happen, but it is not something that occurs automatically.

Mr. Donald Hunt made the motion to defer for a month, in order to give more notice to adjacent property owners.

Ms. Peggy Wildman seconded.

Mr. John Hagee wanted clarification on who the extra notifications should go to.

Mr. Joe Poole commented that the letters might have inadvertently been discarded and asked that they be sent out again to the adjacent property owners.

Mr. Marvin Sowers suggested that the subdivision's Home Owners Association contact the Planning Division and we would be happy to work with them to send notifications.

Mr. David Anderson mentioned that he received a phone call today from the former Home Owner's Association President today, and that they had held a meeting regarding this case on Friday.

Members of the audiences who claimed to be residents of Gatehouse Farms expressed they had no notification of the Home Owner's Association meeting or were not invited.

Mr. Joe Poole noted there was a motion on the floor to defer.

Mr. Joe McCleary noted that he welcomed the insertion of the owner occupied conditions and the voiding of the special use permit if the conditions were broken.

Mr. Joe Poole commented that he wanted the case to be heard by those whom it affected. He called for a roll call vote. 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 – PLANNING COMMISSION CASE REVIEW PERIOD

Mr. Marvin Sowers explained that the zoning ordinance amendment is a result of the State Code being amended to extend the Commission review period from 90 days to 100 days. Depending on how a case fell on the calendar, some cases could be considered at 2 meetings while others at 3 meetings. It has become an issue about once a year. Various members of the development community have been contacted about this change. Staff recommends approval of the resolution.

Mr. Leo Rogers added that in speaking with the development community, they liked the fact that this would make the rules consistent for each case, and take away the unequal treatment of applicants. He noted that there was a positive reaction to this amendment.

Mr. Joe McCleary noted that once an application is presented at a hearing, even if the case is not heard because of deferment, the time for review does not extend.

Mr. Leo Rogers clarified that when a case first comes up for action and deferred, the next time it comes up and it is beyond the ninety day period that starts at the first hearing, the case may not be able to be granted deferment again and the Commission needs to act at that meeting.

Mr. Joe Poole asked the Commission for questions.

Mr. John Hagee noted that this was to benefit both the Commission and the applicants, in case there was a need for deferment again.

Mr. Donald Hunt commented that the only reason we usually defer is if there are questions that cannot be answered by staff.

Mr. Joe McCleary suggested that the ordinance be taken to the November meeting.

Mr. Joe Poole asked for a motion.

Mr. Joe McCleary made a motion to approve the resolution to bring an ordinance amendment to the November meeting.

Mr. Donald Hunt seconded the motion.

In a unanimous voice vote the Commission approved the motion.

6. PLANNING DIRECTOR'S REPORT

Mr. Marvin Sowers noted that Senior Planner, Jill Schmidle would be leaving us at the end of the week to return to Buffalo, NY, and mentioned what a strong asset she has been. He also mentioned that a new hire was in the works.

Mr. Joe Poole said to express the Commission's collective thanks and appreciation to Jill, and to the rest of the Planning staff. He was grateful for all of the dedication.

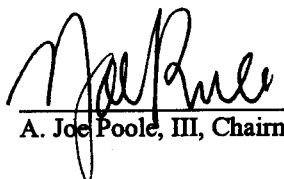
Ms. Peggy Wildman questioned Mr. Sowers when the balloon test for the Waltrip Tower would occur. She also wanted to know the new location of the tower, since it was moved 700 feet to the west.

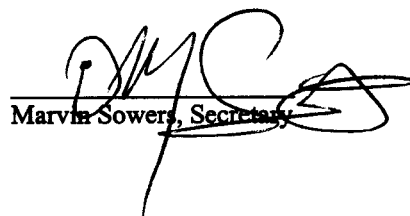
Mr. Marvin Sowers answered that they do not know at this time, but that public hearing notices would go out. The location of the tower is now pushed back from the ridge, towards Lake Powell Road.

Mr. Joe Poole commented on the various ways citizen participation and feedback is being accumulated for the new Comprehensive Plan.

7. ADJOURNMENT

There being no further business, the October 7, 2002, meeting of the Planning Commission was adjourned approximately at 8:40 p.m.

  
A. Joe Poole, III, Chairman

  
Marvin Sowers, Secretary

## **DEVELOPMENT REVIEW COMMITTEE ACTION REPORT**

### **Meeting of October 30, 2002**

#### **Case N. S-51-02**

#### **Ford's Colony, Section 12**

Mr. Charles Records of AES Consulting Engineers has applied for approval of 71 lots as part of the Ford's Colony community. The project is located off of Longhill Road and Country Club Drive and can be further identified as Tax Map #(32-3)(1-11). DRC review is necessary because more than 50 lots are proposed.

**DRC Action: The DRC recommended that preliminary approval be granted subject to agency comments.**

#### **Case No. SP-119-02**

#### **Ford's Colony, Williamsburg West Drive & Country Club Drive Roadway Improvement Plans**

Mr. Charles Records of AES Consulting Engineers has applied for approval of roadway improvements to Williamsburg West Drive and Country Club Drive located in VDOT and private right-of-way adjacent to Tax Map #(32-3)(1-11). DRC approval is necessary because the proffers submitted from rezoning case Z-5-01 require the DRC to determine that the final design of the intersection and related improvements are generally as shown on the "Proposed Intersection for Ford's Colony Section XII and Country Club Drive" dated August 26, 2002.

**DRC Action: The DRC found the plans consistent with the preliminary intersection plan which was included with Case No. Z-5-01 and recommended that preliminary approval be granted subject to agency comments.**

#### **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 November 26<sup>th</sup> meeting.**

#### **Case No. S-73-02 & SP-104-02**

#### **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 November 26<sup>th</sup> meeting.**

**JAMES CITY COUNTY**  
**DEVELOPMENT REVIEW COMMITTEE REPORT**  
**FROM: 10/1/2002 THROUGH: 10/31/2002**

**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-061-02	Powhatan Plantation Recreation Bldg Amd
SP-084-02	Colonial Heritage, Phase 1, Section 1
SP-088-02	Colonial Heritage, Phase 1 Section 2
SP-097-02	Lift Station 1-2 Replacement
SP-104-02	Colonial Heritage, Phase 1, Section 3 & 3A
SP-106-02	Truswood Waterline Extension
SP-112-02	Ford's Colony Recreation Park
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
SP-120-02	Water Production Facility W-5 Upgrade
SP-121-02	Grace Covenant Presbyterian Church - SP Amendment
SP-122-02	Jamestown High School Parking Lot Expansion
SP-123-02	Well Facilities W-29 W-30 W-31 & W-36 Improvements
SP-124-02	King's Way Church Water Line
SP-126-02	Christmas Mouse Warehouse & Distribution Center
SP-128-02	Come Scrap with Me Shed



**B. PENDING FINAL APPROVAL**

		<b>EXPIRE DATE</b>
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-035-02	Jamestown 4-H Educational Center	4 /24/2003
SP-036-02	McKinley Office Building	5 /6 /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-091-02	District Park Sports Complex, Phase III	8 /16/2003
SP-095-02	Faith Fellowship Assembly of God	9 /9 /2003
SP-098-02	Powhatan Creek Force Main	9 /4 /2003
SP-102-02	Powhatan Creek Access Park	9 /30/2003
SP-105-02	Kristiansand Sewer Extension	10/2 /2003
SP-107-02	First Colony Water and Sewer System Replacement	9 /18/2003
SP-110-02	Ewell Station - Phase II	10/7 /2003
SP-113-02	Ready Mixed Concrete Storage Yard Expansion	10/7 /2003

**C. FINAL APPROVAL**

		<b>DATE</b>
SP-006-02	Johnston Medical Clinic	10/11/2002
SP-017-02	Williamsburg Landing	10/23/2002
SP-025-02	Monticello Interceptor Forcemain - Section A	10/1 /2002
SP-037-02	Williamsburg Crossing Lot 11 Retail/Office Bldg	10/24/2002
SP-057-02	Colonial Heritage/US Home Richmond Rd Improvements	10/23/2002
SP-067-02	Powhatan Place Townhomes Amendment	10/14/2002
SP-076-02	Multi-Purpose Play Field Powhatan Secondary	10/1 /2002
SP-081-02	Ironbound Village SP Amendment (Phase II)	10/11/2002
SP-089-02	Verizon Building Concrete Pad Addition	10/21/2002
SP-092-02	Stonehouse Hillcrest- Amended Utility Plan	10/22/2002
SP-093-02	Peanut Shop Sewer Modification	10/24/2002
SP-099-02	Ironbound Mini Storage Phase II: Temp. Storage Lot	10/1 /2002
SP-101-02	Busch Gardens- Drachen Fire Group Area Site Plan	10/14/2002
SP-109-02	Court House Green Site Plan Amendment	10/10/2002
SP-111-02	Williamsburg Memorial Park - Chapel Mausoleum	10/2 /2002
SP-125-02	Williamsburg Auto Group Landscaping Amendment	10/21/2002
SP-127-02	Prime Outlets Kiosks	10/29/2002

Thursday, October 31, 2002

Page 2 of 4

## 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 Associates LLC
S-077-01	Ford's Colony - Section 32 (Lots 72-78, 93-129)
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-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-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-079-02	Tankard Tract Subdivision
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-091-02	Williamsburg Landing BLA
S-092-02	Mertens Subdivison Lot 2
S-093-02	Ironbound Village Phase II
S-094-02	Powhatan Secondary Phase VII-C
S-095-02	Powhatan Secondary Phase V-II B
S-96-02	5813 Richmond Rd. BLE

### B. PENDING FINAL APPROVAL

		EXPIRE DATE
S-034-00	The Pointe at Jamestown, Phase 2	6 /5 /2003
S-041-00	Powhatan Secondary, Phase 6-B	7 /27/2003
S-058-00	Powhatan Secondary, Phase 7-A	10/2 /2003
S-037-01	Wellington Section II & III Construction Plans	5 /7 /2003

S-101-01	Greensprings West, Phase 4A	12/5 /2002
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-058-02	Hazelwood Subdivision and BLA	10/22/2003
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-076-02	Marion Taylor Subdivision	10/3 /2003
S-077-02	Powhatan Place BLA Lots 51-56	10/1 /2003
S-078-02	Donald L. Hazelwood Subdivision	9 /30/2003
S-081-02	Scott's Pond Section 2	10/7 /2003
S-082-02	Nice Commercial Properties	10/12/2003
S-083-02	Toano Auto Parts BLA	10/9 /2003
S-090-02	Ford's Colony Section VII, Lots 119 & 120 BLE	10/25/2003

**C. FINAL APPROVAL**

**DATE**

S-040-00	Westmoreland Sections 3 & 4	10/2 /2002
S-104-01	The Retreat, Phase I, Section III	10/14/2002
S-034-02	The Villages at Powhatan, Ph. 3	10/9 /2002
S-061-02	Stonehouse, Walnut Creek Section 5B, Lot 5 BLA	10/9 /2002
S-075-02	Scott's Pond Section 1-C	10/3 /2002

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

Staff Report for the January 14, 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**

Building C Board Room; County Government Complex

**Planning Commission:** November 5, 2001; December 3, 2001; January 14, 2002 7:00 p.m.

**Board of Supervisors:** March 12, 2002 (Tentative)

**SUMMARY FACTS**

**Applicant/Land Owner:** Ms. Mary Waltrip

**Proposal:** Construct a 165-foot tall communications tower

**Location:** Adjacent to the Williamsburg-Jamestown Airport

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

**Primary Service Area:** Inside

**Existing Zoning:** R-8, Rural Residential

**Comprehensive Plan:** Airport

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

**Development** South: The Airport & other Waltrip businesses - zoned R-8  
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 deferred by the applicant at the November 5<sup>th</sup> and December 3, 2002, meetings. The applicant is preparing additional information for this case and requests deferral until the next regular Commission meeting in February. Staff concurs with the request and recommends deferral.

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Paul D. Holt, III

Attachment:

1. Deferral request letter

## Special Use Permit 25-01

### Voice Stream Wireless Telecommunications Tower

Staff Report for the January 14, 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

Building C Board Room; County Government Complex

**Planning Commission:** January 14, 2002 7:00 p.m.

**Board of Supervisors:** March 12, 2002 (Tentative)

#### SUMMARY FACTS

**Applicant** Ms. Ambre M. Blatter on behalf of Voice Stream Wireless

**Land Owner:** Thomas Banks

**Proposal:** Construct a 250-foot tall communications tower

**Location:** At the intersection of Rochambeau, Croaker Road, and I-64

**Tax Map ID:** (14-3)(3-1)

**Primary Service Area:** Inside

**Existing Zoning:** A-1, General Agriculture

**Comprehensive Plan:** Mixed Use

**Surrounding Zoning & Development** North: Undeveloped lands zoned A-1 and B-1, General Business.  
South & West: Scattered single family homes on A-1 zoned property and vacant R-8, Rural Residential zoned land.  
East (across I-64): Undeveloped, M-1, Limited Business/Industrial zoned land, and the Kiskiack Golf Course on R-8 and R-5, Multi-family zoned land.

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

#### STAFF RECOMMENDATION

The applicant is continuing to compile information on this case for staff to review and analyze. The review should be complete in time for the regularly scheduled February 4, 2002, Planning Commission meeting. Therefore, staff recommends, with the applicant's verbal concurrence, to defer this case until the February meeting.

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Paul D. Holt, III

Attachment:

## 1. Location Map

AT A REGULAR MEETING OF THE AGRICULTURAL AND FORESTAL DISTRICT ADVISORY COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 23<sup>rd</sup> DAY OF OCTOBER, TWO THOUSAND TWO, AT 4:00 P.M. AT THE HUMAN SERVICES BUILDING, 5249 OLDE TOWNE ROAD, WILLIAMSBURG, VIRGINIA.

1. Roll Call

Members Present

Mr. Ford  
Mr. Gilley  
Mr. Hunt  
Ms. Lowe  
Mr. Meadows  
Mr. Richardson

Members Excused

Mr. Bradshaw  
Ms. Garrett  
Mr. Kennedy  
Ms. Smith

Also Present

Mr. Anderson, Planner

2. Minutes

Minutes from the previous AFD Committee meetings on February 21, 2002 and July 22, 2002 were approved on a motion by Mr. Ford and seconded by Ms. Lowe.

3. Old Business

No old business was discussed.

4. Renewals

Case No. AFD-6-86. Cranston's Pond (Marston Addition)

Mr. Anderson presented the staff report stating that the owner of a 14-acre parcel, located at 308 Bush Springs Road, wished to add the property into the Cranston's Pond AFD. The parcel was part of the original Cranston's Pond AFD formed in 1986 and during the 1998 renewal period the owner chose not to renew this parcel in the AFD. Therefore the property was subject to roll-back taxes covering the years 1993 to 1998. Staff recommended approval of the addition. No questions arose regarding this addition and Mr. Hunt made a motion to approve the addition, seconded by Ms. Lowe. Upon a roll call vote, the Committee approved the addition, by a vote of 6-0.

Case No. AFD-9-86. Gordon Creek (Kane Addition)

Mr. Anderson presented the staff report stating the owner of five parcels totaling 164.33 acres unintentionally did not renew his property in the Gordon Creek AFD during the 2002 renewal period. Upon realizing his mistake, the property owner contacted the County and initiated an effort to readmit his property back into the AFD. Staff recommended approval of the addition. No questions arose regarding this addition and Mr. Ford made a motion to approve the addition, seconded by Mr. Meadows. Upon a roll call vote, the Committee approved the addition, by a vote of 6-0.



5. **New Business**

No new business was discussed.

6. **Adjournment**

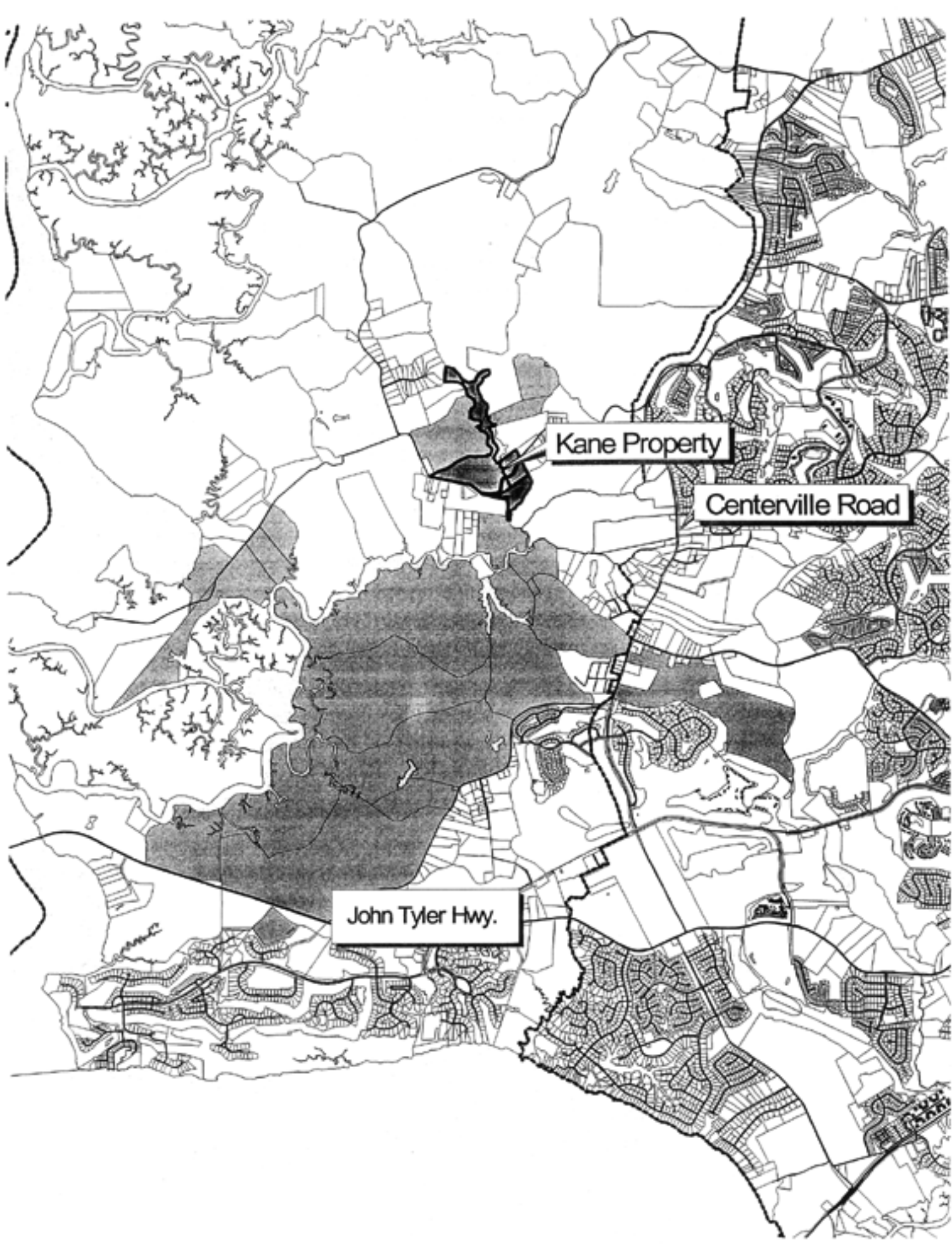
There being no further business, Mr. Gilley adjourned the meeting at 4:20 p.m.

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Robert E. Gilley, Chairman

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Dave Anderson



**Agricultural and Forestal District 1-89. Armistead AFD - 2002 Renewal  
Staff Report for January 14, 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**

AFD Advisory Committee: December 20, 2001 - 4:00 p.m. Human Services Building  
Planning Commission: January 14, 2002 - 6:00 p.m. Building C Board Room  
Board of Supervisors: January 22, 2002 - 7:00 p.m. Building C Board Room

**SUMMARY FACTS**

Applicant/Landowner: Ms. Sarah Armistead

Proposed Use: Renewal of the existing Armistead Agricultural and Forestal District

Location: Generally located between Longhill Road and Centerville Road, bounded by the Warhill Tract, Forest Glen; Longhill Station, Fox Ridge and Adam's Hunt subdivisions; Powhatan District

Tax Map/Parcel No.: (31-2)(1-14); (31-2)(1-17); (31-3)(1-29); and (31-4)(1-1)

Primary Service Area: Inside

Existing District Size: 311.83 acres

Existing Zoning: R-8, Rural Residential and A-1, General Agricultural

Comprehensive Plan: Low Density Residential

Surrounding Zoning: North: R-1: Adam's Hunt  
South: R-4: Ford's Colony  
East: R-4: District Park, Warhill Tract  
West: R-2: Forest Glen, Longhill Station, Fox Ridge

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

**RECOMMENDATION**

Staff finds that the AFD is consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. Staff, therefore, recommends the continuance of the Armistead AFD for a period of four years subject to the conditions listed in the staff report. At their meeting on December 20, 2001, the AFD Advisory Committee unanimously recommended that the Armistead AFD be renewed for an additional four year term.

Ms. Sarah Armistead has requested to renew the existing 311.83 acre Armistead Agricultural and Forestal District (AFD) for a term of four years. As is required by State Code, the County must review an established AFD prior to its expiration. During this review, the District must be either continued, modified, or terminated. The four-parcel District is located between Longhill Road and Centerville Road, bounded by the Warhill Tract, Ford's Colony, Forest Glen, Fox Ridge, Longhill Station and Adam's Hunt subdivisions. The property is further identified as Parcel Nos. (1-14) and (1-17) on James City County Real Estate Tax Map No. (31-2); Parcel No. (1-29) on Tax Map No. (31-3); and Parcel No. (1-1) on Tax Map No. (31-4). The applicant may withdraw all or a portion of his property from the District at this time without legislative action as allowed in the State Code.

## **District History**

The Armistead Agricultural and Forestal District was created in 1989 for a term of four years and originally consisted of five parcels totaling 403 acres. The District was renewed in 1994 for a period of four years with no addition or withdrawal of acreage. The District was renewed again in 1998 for a period of four years with no addition or withdrawal of acreage. On February 9, 1999, the Board of Supervisors approved the withdrawal of approximately 90 acres (Elizabeth Carter Tract) as part of a rezoning for Ford's Colony on the south side of Longhill Road. Following the most recent action by the Board of Supervisors, the Armistead AFD contains approximately 311.83 acres.

In 1996, the Board of Supervisors amended the conditions of the District because it lay within the Primary Service Area (PSA). This action was part of a County-wide review of AFD's which had some or all of their parcels within the PSA. This change in conditions was made to make the possible withdrawal of such parcels consistent with the Board of Supervisors' Policy Pertaining to the Withdrawal of AFD Parcels Within the Primary Service Area. In 1998, beginning with the review of eleven other AFD's, the Board of Supervisors included provisions in the conditions to accommodate the citing of communications towers on land included in an AFD. Other than these revisions, the conditions are the same as those that were adopted when the district was created in 1989.

## **Site Description**

The bulk of the District is woodland with the majority of the property zoned R-8, Rural Residential, with one parcel zoned A-1, General Agricultural. The District contains soils which are well suited to both agricultural and forestal use and are presently used for both activities. The parcels in the District are designated as Low Density Residential by the Comprehensive Plan and all are within the Primary Service Area.

## **Surrounding Zoning and Development**

The Armistead Agricultural and Forestal District is located north of Longhill Road and generally east of Centerville Road. The Forest Glen, Longhill Station, and Fox Ridge subdivisions, zoned R-2, General Residential, are located to the west of the District. The Adam's Hunt subdivision, zoned R-1, Limited Residential, and several single family residential lots, zoned A-1, General Agricultural, are located to the north of the District. The Mallard Hill subdivision, zoned R-4, Residential Planned Community, and the Warhill Tract, zoned R-8, Rural Residential, are located to the east of the District.

## **Comprehensive Plan**

### *Utilities*

The entire Armistead AFD lies within the Primary Service Area and water and sewer are available in the surrounding area.

### *Transportation and Access*

The District has parcels which have frontage on both Longhill Road and Centerville Road. Generally, as a condition of AFD's, a certain portion of land is excluded from the District along the existing road right-of-way to accommodate any possible future road and/or drainage improvements. The reason this is done is because State Code makes it very difficult to condemn AFD properties for public improvements. The Virginia Department of Transportation (VDOT) has assessed the right-of-way needs along Longhill Road and Centerville Road and has informed staff that no additional exclusion of land from the District is warranted at this time for VDOT purposes. The current AFD conditions exclude all land within 25 feet of the existing right-of-way along Centerville Road (Route 614) and all land within 45 feet of the existing right-of-way along Longhill Road (Route 612) from the District. This exclusion does not negatively impact the landowner's ability to qualify for Use Value taxation on the excluded property.

## **RECOMMENDATION:**

Staff finds that the Armistead AFD is consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. Approval of this term would be consistent with prior actions of the Board of Supervisors, and would allow for the evaluation of the District for consistency with possible policy changes and revisions to the Comprehensive Plan. At their meeting on December 20, 2001, the AFD Advisory Committee unanimously recommended that the Armistead AFD be renewed for an additional four year term. For these reasons, staff recommends the continuance of the Armistead AFD for a period of four years subject to the following conditions:

1. The subdivision of land is limited to 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 five 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 (AFD) may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Parcels 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 "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 the State Code Section 15.1-4301 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 45 feet of the existing right-of-way of Longhill Road be excluded from the District for possible future road and/or drainage improvements and for the construction of bike lanes. Staff also recommends that all land within 25 feet of the existing right-of-way of Centerville Road be excluded from the District.

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Christopher Johnson  
Senior Planner

Attachments:

1. Unapproved minutes of the December 20, 2001, AFD Advisory Committee meeting
2. Location Map



AT A REGULAR MEETING OF THE AGRICULTURAL AND FORESTAL DISTRICT ADVISORY COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 23<sup>rd</sup> DAY OF OCTOBER, TWO THOUSAND TWO, AT 4:00 P.M. AT THE HUMAN SERVICES BUILDING, 5249 OLDE TOWNE ROAD, WILLIAMSBURG, VIRGINIA.

1. Roll Call

Members Present

Mr. Ford  
Mr. Gilley  
Mr. Hunt  
Ms. Lowe  
Mr. Meadows  
Mr. Richardson

Members Excused

Mr. Bradshaw  
Ms. Garrett  
Mr. Kennedy  
Ms. Smith

Also Present

Mr. Anderson, Planner

2. Minutes

Minutes from the previous AFD Committee meetings on February 21, 2002 and July 22, 2002 were approved on a motion by Mr. Ford and seconded by Ms. Lowe.

3. Old Business

No old business was discussed.

4. Renewals

Case No. AFD-6-86. Cranston's Pond (Marston Addition)

Mr. Anderson presented the staff report stating that the owner of a 14-acre parcel, located at 308 Bush Springs Road, wished to add the property into the Cranston's Pond AFD. The parcel was part of the original Cranston's Pond AFD formed in 1986 and during the 1998 renewal period the owner chose not to renew this parcel in the AFD. Therefore the property was subject to roll-back taxes covering the years 1993 to 1998. Staff recommended approval of the addition. No questions arose regarding this addition and Mr. Hunt made a motion to approve the addition, seconded by Ms. Lowe. Upon a roll call vote, the Committee approved the addition, by a vote of 6-0.

Case No. AFD-9-86. Gordon Creek (Kane Addition)

Mr. Anderson presented the staff report stating the owner of five parcels totaling 164.33 acres unintentionally did not renew his property in the Gordon Creek AFD during the 2002 renewal period. Upon realizing his mistake, the property owner contacted the County and initiated an effort to readmit his property back into the AFD. Staff recommended approval of the addition. No questions arose regarding this addition and Mr. Ford made a motion to approve the addition, seconded by Mr. Meadows. Upon a roll call vote, the Committee approved the addition, by a vote of 6-0.

5. New Business

No new business was discussed.

6. Adjournment

There being no further business, Mr. Gilley adjourned the meeting at 4:20 p.m.

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Robert E. Gilley, Chairman

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Dave Anderson





Chickahominy Road

Bush Springs Road

308 BUSH SPRINGS RD

**Agricultural and Forestal District 1-93. Williamsburg Farms AFD - 2002 Renewal  
Staff Report for January 14, 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**

AFD Advisory Committee: December 20, 2001 - 4:00 p.m. Human Services Building  
Planning Commission: January 14, 2002 - 6:00 p.m. Building C Board Room  
Board of Supervisors: January 22, 2002 - 7:00 p.m. Building C Board Room

**SUMMARY FACTS**

Applicant: Mr. Patrick Duffler

Landowner: Williamsburg Farms, Inc.

Proposed Use: Renewal and reduction of the existing Williamsburg Farms Agricultural and Forestal District

Location: Generally, the Williamsburg Farms AFD is located on the east side of Lake Powell Road, adjacent to The Vineyard's at Jockey's Neck subdivision; Roberts District

Tax Map/Parcel No.: (48-4)(1-10) and (48-4)(1-12)

Primary Service Area: Inside

Existing District Size: 301.5 acres

Existing Zoning: R-1, Limited Residential, and R-8, Rural Residential

Comprehensive Plan: Low Density Residential

Surrounding Zoning: North: R-8: Williamsburg-Jamestown Airport; R-1: Kingspoint  
South: R-8: portion of the Gospel Spreading Church AFD  
East: R-8: undeveloped land owned by the U.S. Park Service  
West: R-1: The Vineyard's; R-2: Rolling Woods

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

**RECOMMENDATION**

Staff finds that the AFD is consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. Staff, therefore, recommends the continuance of the Williamsburg Farms AFD for a period of four years subject to the conditions listed in the staff report. At their meeting on December 20, 2001, the AFD Advisory Committee unanimously recommended that the Williamsburg Farms AFD be renewed for an additional four year term.

Mr. Patrick Duffler has requested to renew the existing Williamsburg Farms Agricultural and Forestal District (AFD) for a term of four years. As is required by State Code, the County must review an established AFD prior to its expiration. During this review, the District must be either continued, modified, or terminated. The two-parcel District is located on the east side of Lake Powell Road and is adjacent to the Vineyard's at Jockey's Neck subdivision. The property is further identified as Parcel Nos. (1-10) and (1-12) on James City County Real Estate Tax map No. (48-4). The applicant is withdrawing a  $\pm 7.2$  acre unsubdivided tract at the southwest portion of the property adjacent to The Vineyard's for possible development of additional residential lots, leaving the AFD with 294.3 acres up for renewal consideration. The applicant may withdraw all or a portion of his property from the District at this time without legislative action as allowed in the State Code.

## **District History**

The Williamsburg Farms Agricultural and Forestal District was created in 1994 for a term of four years and originally consisted of two parcels totaling 311 acres. During the review of the district for renewal in 1997, a five-acre, unsubdivided tract on the eastern side of the District at the end of Conservancy Road was withdrawn. On January 27, 1998, the Board of Supervisors approved the renewal of this AFD for a period of four years. On July 27, 1999, the Board of Supervisors approved the withdrawal of 4.5 acres of land at the end of Conservancy Road for the purpose of combining the acreage with the five acres withdrawn from the AFD at the time of its renewal in January 1998. Following the most recent action by the Board of Supervisors, the Williamsburg Farms AFD contains approximately 301.5 acres.

In 1996, the Board of Supervisors amended the conditions of the District because it lay within the Primary Service Area (PSA). This action was part of a County-wide review of AFD's which had some or all of their parcels within the PSA. This change in conditions was made to make the possible withdrawal of such parcels consistent with the Board of Supervisors' Policy Pertaining to the Withdrawal of AFD Parcels Within the Primary Service Area. In 1998, beginning with the review of eleven other AFD's, the Board of Supervisors included provisions in the conditions to accommodate the citing of communications towers on land included in an AFD. Other than these revisions, the conditions are the same as those that were adopted when the district was created in 1994.

## **Site Description**

The property includes approximately 70 acres of vineyards, 40 acres of reforested conservation area, 35 acres of wooded ravines and marshlands, 150 acres of open pasture, and five acres for the Williamsburg Winery complex. The property also includes ten acres not included in the AFD which is reserved for the future site of an inn and associated structures approved under a previously approved special use permit.

## **Surrounding Zoning and Development**

The Williamsburg Farms Agricultural and Forestal District is located east of the Vineyards at Jockey's Neck subdivision which is zoned R-1, Limited Residential and designated Low Density Residential on the Comprehensive Plan. South of the District is a 457-acre parcel zoned R-8, Rural Residential, and designated as Rural Lands which is part of the Gospel Spreading Church Agricultural and Forestal District. East of the District across College Creek is undeveloped land

owned by the United States Park Service. Nine estate lots are located to the north along The Conservancy Road. These lots are zoned R-1, Limited Residential and designated Low Density Residential on the Comprehensive Plan. The Williamsburg Land Conservancy owns a 44-acre parcel zoned R-8 to the north of The Conservancy Road.

## **Comprehensive Plan**

### *Utilities*

The entire Williamsburg Farms AFD lies within the Primary Service Area and water and sewer are available in the surrounding area.

### *Transportation and Access*

The District has one parcel which fronts on Lake Powell Road (State Route 618). Generally, as a condition of AFDs, a certain amount of land is excluded from the District along the existing road right-of-way to accommodate any possible future road and/or drainage improvements. The reason this is done is because the State Code makes it very difficult to condemn AFD properties for public improvements. VDOT has assessed its right-of-way needs along Lake Powell Road and has informed staff that no additional exclusion of land from the District is warranted at this time for VDOT purposes. The current AFD conditions exclude all land within 25-feet of the existing right-of-way of Lake Powell Road from inclusion in the District. This exclusion does not negatively impact the landowner's ability to qualify for Use Value taxation on the excluded property.

## **RECOMMENDATION:**

Staff finds that the Williamsburg Farms AFD is consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. Approval of this term would be consistent with prior actions of the Board of Supervisors, and would allow for the evaluation of the District for consistency with possible policy changes and revisions to the Comprehensive Plan at a later date. At its meeting on December 20, 2001, the AFD Advisory Committee unanimously recommended that the Williamsburg Farms AFD be renewed for an additional four year term. For these reasons, staff recommends the continuance of the Williamsburg Farms AFD for a period of four years subject to the following conditions:

1. The subdivision of land is limited to 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 five 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 (AFD) may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Parcels 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 "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 the State Code Section 15.1-4301 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.

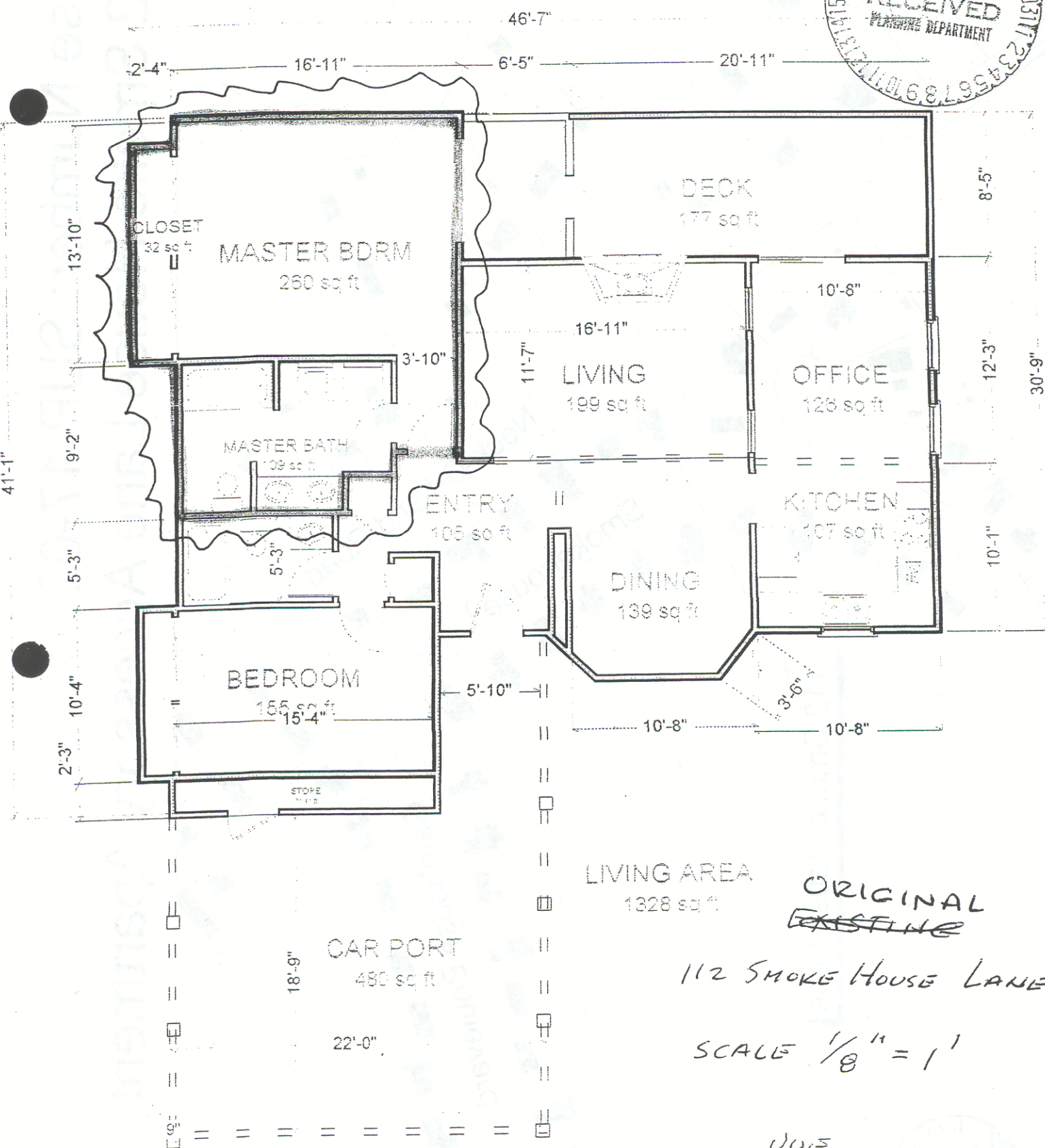
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Christopher Johnson  
Senior Planner

Attachments:

1. Unapproved minutes of the December 20, 2001, AFD Advisory Committee meeting
2. Location Map





LIVING AREA  
1328 sq ft

ORIGINAL  
~~EXISTING~~

112 SMOKE HOUSE LANE

SCALE 1/8" = 1'

JOE

8-22-02

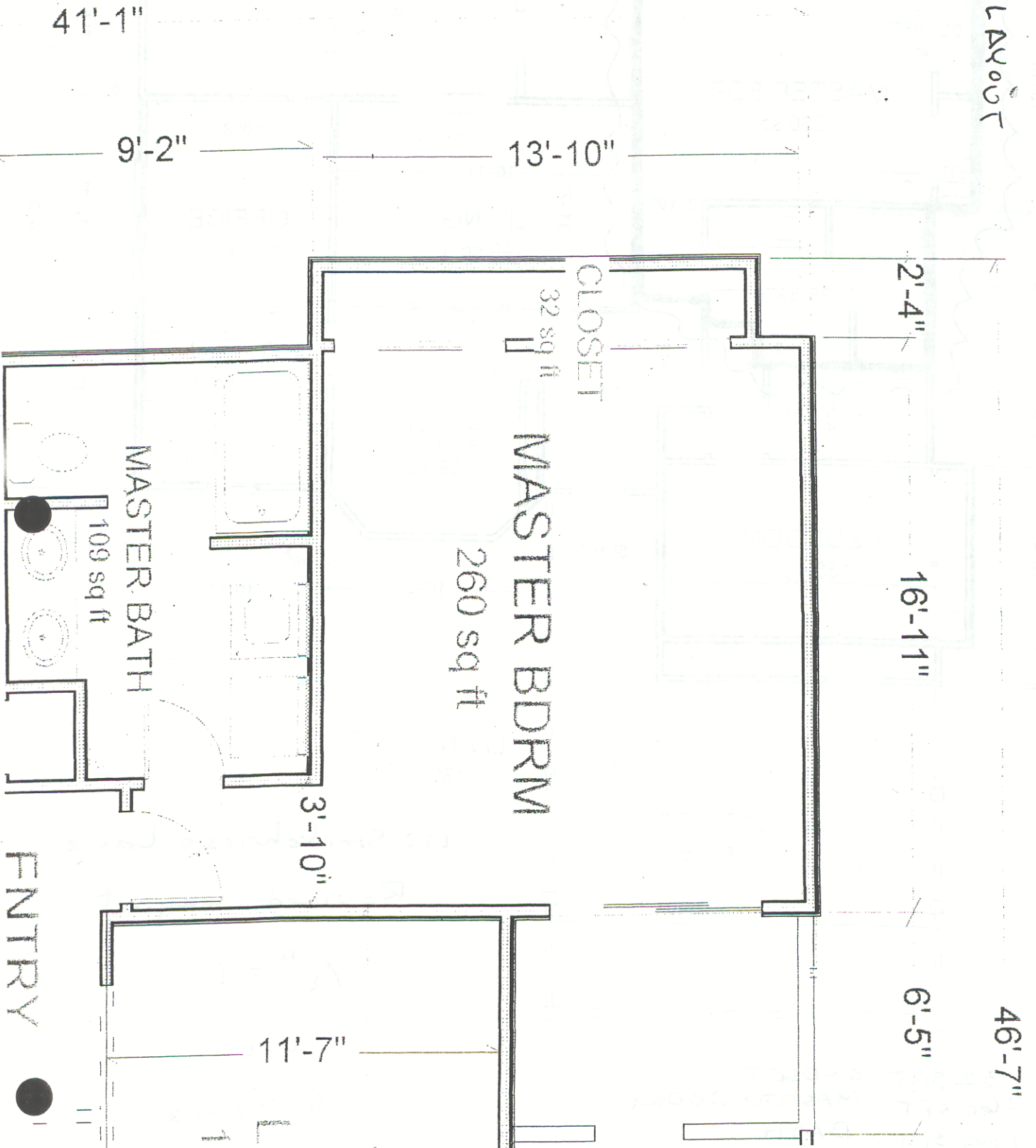
112 Smokehouse Lane

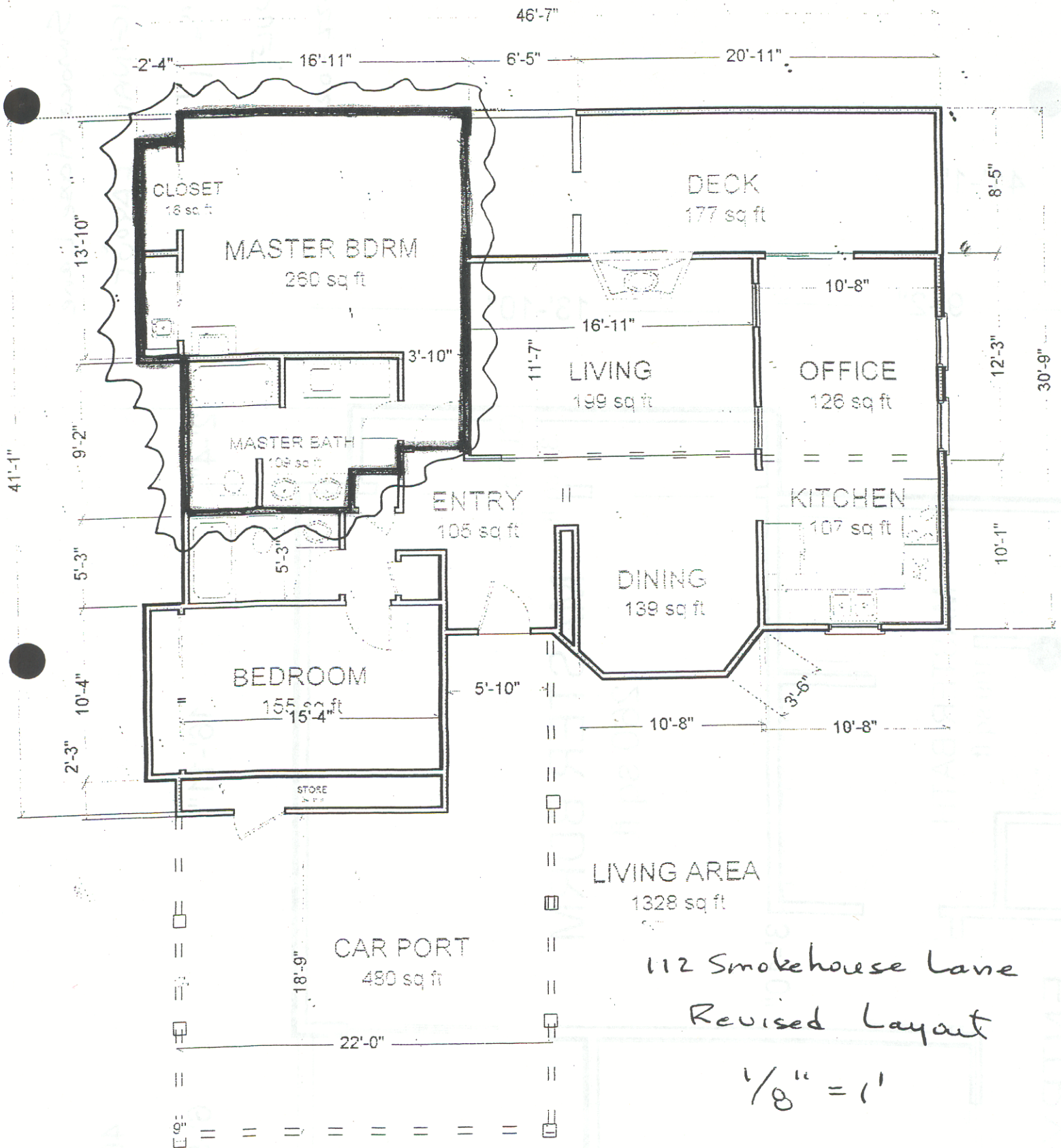
ORIGINAL LAYOUT

1/4" = 1'

005

8-22-02





112 Smokehouse Lane  
Revised Layout

$\frac{1}{8}'' = 1'$

UJL

8-22-02

32 SFT CLOSET  
260 SFT MASTER ROOM  
109 SFT BATH  
401 TOTAL  $\frac{401}{1200} = 30.1\%$



Revised layout

112 Smoke House Lane

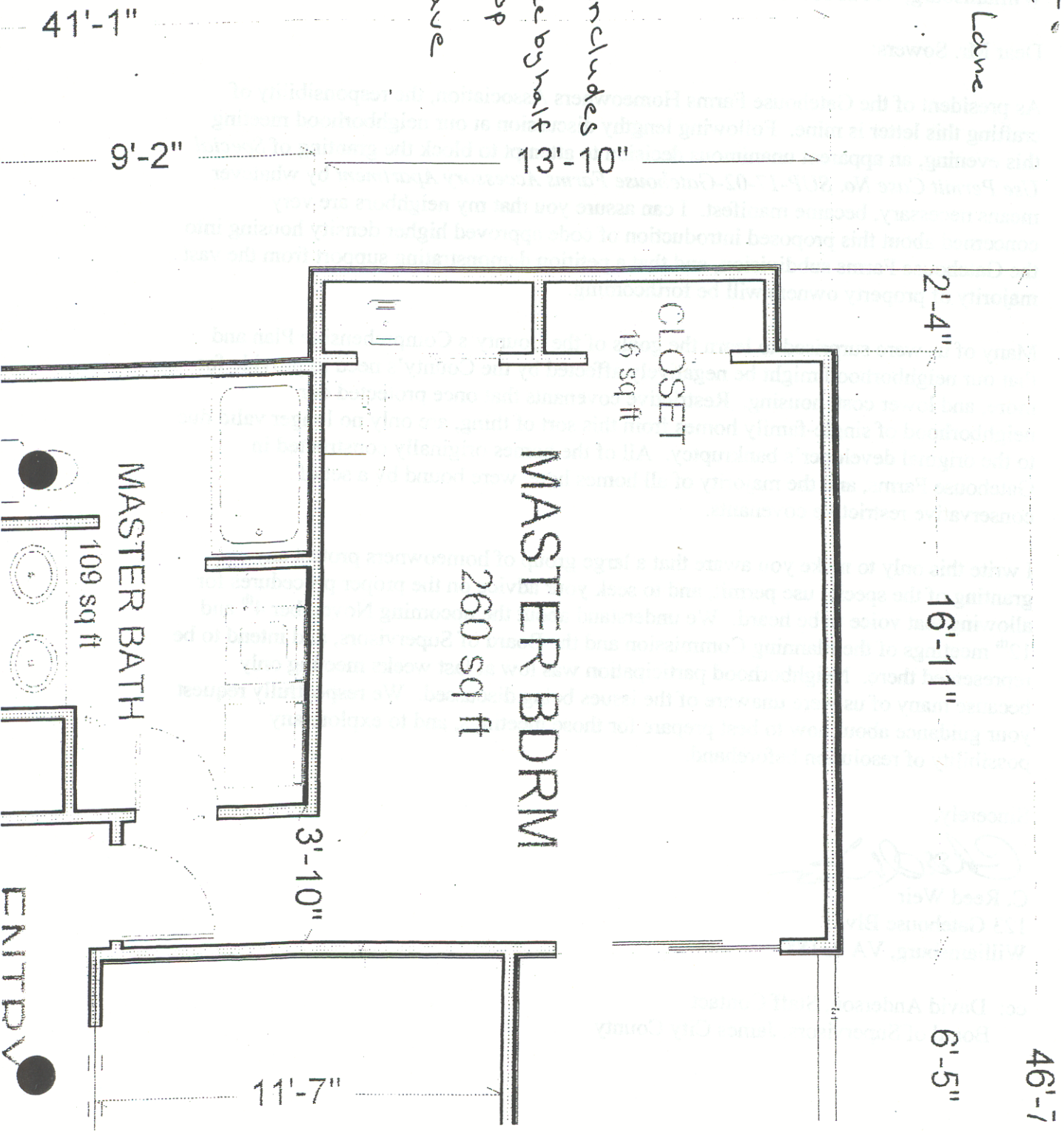
1/4" = 1'

UUE

8-22-02

Revised Layout Includes

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



October 10, 2002

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

Dear Mr. Sowers:

As president of the Gatehouse Farms Homeowners Association, the responsibility of crafting this letter is mine. Following lengthy discussion at our neighborhood meeting this evening, an apparent unanimous decision to attempt to block the granting of *Special Use Permit Case No. SUP-17-02-Gatehouse Farms Accessory Apartment* by whatever means necessary, became manifest. I can assure you that my neighbors are very concerned about this proposed introduction of code approved higher density housing into the Gatehouse Farms subdivision, and that a petition demonstrating support from the vast majority of property owners will be forthcoming.

Many of us were surprised to learn the goals of the County's Comprehensive Plan and that our neighborhood might be negatively affected by the County's need to provide for more, and lower cost, housing. Restrictive covenants that once protected our neighborhood of single-family homes from this sort of thing, are only no longer valid due to the original developer's bankruptcy. All of the homes originally constructed in Gatehouse Farms, and the majority of all homes here, were bound by a set of conservative restrictive covenants.

I write this only to make you aware that a large group of homeowners protest any granting of the special use permit, and to seek your advice on the proper procedures for allowing that voice to be heard. We understand about the upcoming November 4<sup>th</sup> and 12<sup>th</sup> meetings of the Planning Commission and the Board of Supervisors, and intend to be represented there. Neighborhood participation was low at last weeks meeting only because many of us were unaware of the issues being discussed. We respectfully request your guidance about how to best prepare for those meetings, and to explore any possibility of resolution beforehand.

Sincerely,

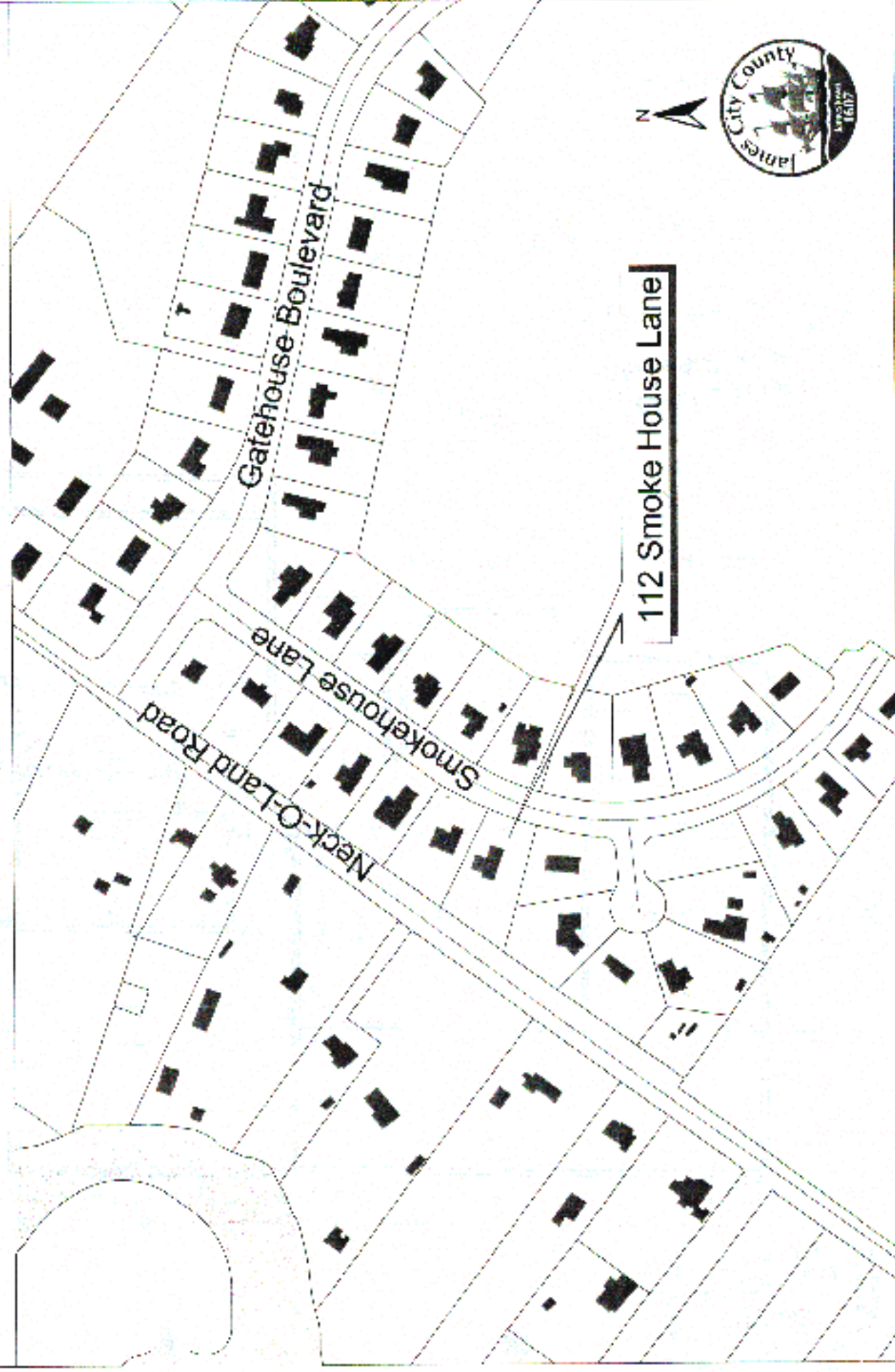


C. Reed Weir  
123 Gatehouse Blvd.  
Williamsburg, VA 23185

cc: David Anderson, Staff Contact  
Board of Supervisors, James City County

Case Number: SUP-17-02

112 Smoke House Lane Accessory Apartment



## **Special Use Permit 24-01. Zion Baptist Church**

Staff Report for January 14, 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**

County Government Complex

Planning Commission: January 14, 2002 - 6:00 p.m. Building C Board Room  
Board of Supervisors: February 12, 2002 - 7:00 p.m. Building C Board Room (Tentative)

### **SUMMARY FACTS**

Applicant: Mr. John Morman

Land Owner: Zion Baptist Church

Proposed Use: House of Worship expansion

Location: 6373 Richmond Road; Powhatan District

Tax Map/Parcel: (24-3)(1-47)

Primary Service Area: Inside

Parcel Size: 2.45 acres

Zoning: R-8, Rural Residential

Comprehensive Plan: Mixed Use

Surrounding Zoning: East (York County): General Business, gas station and shopping plaza (across Richmond Road)  
North: M-1, bank  
West; South: PUD-C; Warhill tract (undeveloped)

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

### **STAFF RECOMMENDATION**

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

## **Description of Project**

Mr. John Morman, on behalf of Zion Baptist Church, has applied for a special use permit to allow the construction of approximately 4,200 square feet of additions to the existing Zion Baptist Church located at 6373 Richmond Road, at the intersection of Centerville Road. The proposed additions will include a relocated fellowship hall, pastor's study, dressing rooms, mothers' room, library, conference room and kitchen. The additions will also allow the existing multi-purpose room and pastor's study to be converted into classrooms. The existing church is approximately 4,700 square feet in size. At the time it was originally constructed, a house of worship was a permitted use in the R-8, Rural Residential, zoning district. Currently, a house of worship requires an SUP in the R-8 district. An expansion of a specially permitted use also requires an SUP.

## **Surrounding Zoning and Development**

The property is located at the southern side of Centerville Road at the intersection of Richmond Road. Across Centerville Road to the north is SunTrust Bank, zoned M-1, General Business/Industrial District. To the east, across Richmond Road is a gas station and shopping plaza, located in York County and zoned General Business. To the south and west is the undeveloped Warhill tract, which was rezoned in 1995 from B-1 and M-1 to PUD-C, Planned Unit Development - Commercial. Staff finds that the proposed addition is compatible with the surrounding zoning and development.

## **Topography and Physical Characteristics**

The site is relatively flat and open, containing the church, drive aisles, parking areas, and two cemeteries. There are wooded buffers along the western and southern perimeter of the property.

## **Public Utilities**

The property is served by public water and sewer. In September 2001, the Board of Supervisors agreed to apply certain criteria to new developments to mitigate the negative impact on the County's water supply. One of those criteria suggests that building permits be delayed until a draft permit is obtained by James City County from the State for the proposed desalinization plant or the applicant provides information on mitigating factors that offset the need for this criteria. No information has been provided by the applicant, although staff has added a condition that requires any required landscaping for the building addition be drought tolerant landscaping, to the extent possible.

## **Access**

The property has access on both Centerville Road and Richmond Road. Both entrances would continue to be utilized. The Virginia Department of Transportation (VDOT) has requested that the existing entrances be improved to meet current minimum standards for entrances to state highways. In addition, VDOT will require a 150 foot turn taper on Centerville Road. VDOT staff states that the entrance on Richmond Road does not meet minimum standards for width and turning radii, and would need to be widened. The Centerville Road entrance is too wide, and VDOT staff recommends narrowing it to meet the recommended entrance width for safety reasons. VDOT staff also recommends moving the Centerville Road entrance further away from

the Richmond Road intersection. Staff has added a condition requiring traffic improvements as recommended by VDOT.

Church officials state that the current church membership and attendance should remain approximately the same with or without the proposed additions. Based on the nature of the additions, staff concurs with this conclusion.

### **Comprehensive Plan**

The property is designated as Mixed Use on the Comprehensive Plan Land Use Map, specifically the Warhill Area. The Comprehensive Plan states “for the undeveloped land in the vicinity of and including the proposed Route 199 crossover of Route 60 (Warhill property), the principal suggested uses are a mixture of commercial, office and limited industrial.” Recommendations for developed property, such as this site, are not mentioned. Since this expansion will be contained within the existing church property, and will not impact the development of the Mixed Use potential for the Warhill property, staff finds this expansion to be consistent with the Comprehensive Plan.

### **RECOMMENDATION:**

Staff finds the proposed additions consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of this proposal with the following conditions:

1. If construction has not commenced on the project within thirty six (36) months from the issuance of the special use permit, the permit shall become void. Construction shall be defined as obtaining permits for building construction and installation of footings and/or foundations.
2. Site plan approval shall be required. The building materials, design, scale and colors of the addition shall be compatible with that of the existing structure. The colors, design, and building materials for the additions shall be submitted to and approved by the Planning Director prior to final site plan approval.
3. All new exterior light fixtures on the property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. A lighting plan shall be submitted to, and approved by, the Planning Director prior to final site plan approval which indicates the fixture type and that no glare will occur outside the property lines. “Glare” shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from a public street or adjoining residentially designated property.
4. Entrance improvements shall meet the requirements of the Virginia Department of Transportation and shall be approved by VDOT prior to final site plan approval.
5. Required landscaping for the building addition shall be approved by the Director of Planning prior to final site plan approval and shall incorporate drought-tolerant landscaping to the extent possible.
6. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Recently, the United States government enacted the Religious Land Use and Institutionalized Persons Act of 2000 (the "Act"). The Act prohibits imposing a substantial burden on the free exercise of religion through land use regulations unless there is a compelling government interest. It is staff's opinion that the conditions contained in this special use permit are reasonable related to the impacts caused by the use of the property and do not constitute a substantial burden on the free exercise of religion.

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Jill E. Schmidle  
Senior Planner

Attachments:

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



James City County Planning Commission  
**Adult Day Care Centers Located in the Interior of Residential Neighborhoods**  
Adopted September 9, 2002

Policy Committee Recommendation for Adult 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 an adult day care center, staff shall recommend denial of any adult day care center located on a residential lot in the interior of a subdivision.
2. Should the Planning Commission and Board of Supervisors choose to recommend approval of a special use permit or rezoning application for an adult 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.



SUP-18-02

## Wellspring Adult Day Care



**SPECIAL USE PERMIT 26-01. Grace Covenant Presbyterian Church  
Staff Report for the January 14, 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** Building C Board Room; County Government Center  
Planning Commission: January 14, 2002, 6:00 p.m.  
Board of Supervisors: February 12, 2002, 7:00 p.m. (Tentative)

**SUMMARY FACTS**

Applicant: Mr. Ronnie Orsborne of LandMark Design Group  
  
Landowner: Grace Covenant Presbyterian Church  
  
Proposed Use: House of Worship  
  
Location: 1677 Jamestown Road; Jamestown District  
  
Tax Map and Parcel No.: (47-3)(1-73B)  
  
Primary Service Area: Inside  
  
Parcel Size: 7.29 acres  
  
Existing Zoning: LB, Limited Business  
  
Comprehensive Plan: Low Density Residential  
  
Surrounding Zoning: North: R-1, Limited Residential  
East: R-1, Limited Residential  
South: R-5, Multifamily Residential; LB, Limited Business  
West: LB, Limited Business; R-1, Limited Residential  
  
Staff Contact: Christopher M. Johnson - Phone: 253-6685

**STAFF RECOMMENDATION:**

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

## ***Project Description***

Mr. Ronnie Orsborne of LandMark Design Group has applied on behalf of Grace Covenant Presbyterian Church for a Special Use Permit to allow the construction of a church building with associated parking and utility improvements at 1677 Jamestown Road. Houses of worship are a permitted use in the LB, Limited Business zoning district; however, a Special Use Permit is required in areas zoned LB which are designated Low Density Residential on the Comprehensive Plan Land Use Map for any building that exceeds a building footprint of 2,750 square feet. When the church purchased the parcel in 1994 from Settlers Mill Inc. for the purpose of this development, the proposed construction did not require a Special Use Permit.

Phase One of the proposed development would consist of an 11,000 square foot, one-story church building, with a seating capacity of 325, and paved parking for 92 vehicles. The entire site has been master planned, a copy of which is attached to this staff report. Should this application be approved, staff proposes a condition that this master plan be binding. The master plan includes provisions for expanding the church building to add an additional 225 seats and additional parking for 108 vehicles. This expansion would increase the size of the church building to 24,000 square feet.

## ***Surrounding Zoning and Development***

The church property is zoned LB, Limited Business, and is located on the northeast corner of the intersection of Jamestown Road (State Route 31) and Ironbound Road (State Route 615). A series of office buildings and small commercial businesses are located west of the church property, between Sandy Bay Road and Ironbound Road. Single family homes in the Settlers Mill subdivision, zoned R-1, Limited Residential, and the Lakewood subdivision, also zoned R-1, border the church property to the north and to the east. Raleigh Square, a condominium development zoned R-5, Multifamily Residential, is located southwest of the property on the south side of Jamestown Road. Several small businesses are located on a large parcel, zoned LB, immediately across Jamestown Road from the church property. Further to the east, on the south side of Jamestown Road, are several undeveloped parcels zoned R-2, General Residential, and R-8, Rural Residential. All of the surrounding development is designated Neighborhood Commercial or Low Density Residential on the Comprehensive Plan Land Use Map.

While the size of the proposed church at full build out is generally inconsistent with surrounding residential development, staff believes that the impact of the development can be greatly minimized with the effective use of site design features such as landscaped parking bays, architectural features which help break up the linear appearance of the building, and the retention of large wooded buffers adjacent to the residential lots in Settlers Mill and along Jamestown Road. Staff has included conditions which require the owner to maintain a minimum 75 foot undisturbed buffer adjacent to residential lots in Settlers Mill and provide enhanced landscaping in the areas surrounding the future church building expansion to mitigate the impact of the expansion to the remaining 50-100 foot buffer along Jamestown Road. Staff finds the proposed development, with the attached conditions, consistent with the surrounding zoning and development.

## ***Physical Features & Environmental Considerations***

The 7.29 acre site is largely wooded with a mixture of deciduous hardwood and evergreen trees. The property slopes away from the rear of the residences along Lakewood Drive in Settlers Mill

toward Jamestown Road, in some places almost 25-30 feet lower in elevation. Stormwater will be managed on site by two existing stormwater basins on the southwest and southeast corners of the property. The first basin is an existing borrow pit at the corner of Jamestown Road and Ironbound Road that currently captures several acres of run-off both on-site and off-site. The second basin, which will capture the remainder of the site, is an existing stormwater management basin positioned along Jamestown Road adjacent to the entrance into Settlers Mill. This basin is situated on either side of Lakewood Drive with an equalizing pipe running under the street. This basin will require clean out and modification to the existing outlet structure. The Environmental Director has reviewed the proposal and believes that the two existing stormwater management basins will be adequate to support the proposed development with relatively minor modification or disruption to the existing trees.

### ***Public Utilities***

The site is inside the Primary Service Area (PSA) and public water and sewer are available to the site. In September 2001, the Board of Supervisors agreed to apply certain criteria to new developments to mitigate the negative impact on the County's water supply. One of those criteria suggests that building permits be delayed until a draft permit is obtained by James City County from the State for the proposed desalinization plant or the applicant provide information on mitigating factors that offset the need for this criteria. The applicant plans on submitting a letter in advance of the Board of Supervisors public hearing which will offer mitigating factors that would offset the need for a delay in construction.

The applicant and property owner are aware of the current water supply issue within the County. To help mitigate any negative impact the church would have upon the water supply, the applicant and owner are willing to implement water conservation measures within the church building and on the property. Detailed water conservation measures would be formalized during the review of development plans. Staff has included a condition which requires the owner to develop and enforce water conservation standards in the development and future use of this site.

### ***Access & Traffic Impacts***

#### ***Access***

Access to the property for the initial phase of construction is proposed from a single entrance off Jamestown Road. A second entrance off Ironbound Road is shown on the attached Master Plan and would be constructed as part of a future expansion to the church building. The Virginia Department of Transportation (VDOT) has reviewed the Master Plan and conceptually approved both of the proposed entrance locations.

#### ***Traffic Impacts***

Based on the Institute for Transportation Engineers (ITE) traffic generation rates, the proposed church will not generate 100 or more weekday peak hour trips to and from the site. Information provided by LandMark Design Group with this application indicates that the Level of Service (LOS) for Jamestown Road, at the project's entrance, is currently operating at a LOS "C". Accordingly, a traffic study was not required to be submitted with this application. VDOT has reviewed the traffic impact calculations provided by the applicant with this application and concurs with the results.

The 2001 Traffic Counts taken by the County report that there were 8,372 vehicles per day on the

section of Jamestown Road in front of the church property. The Comprehensive Plan states that a two lane road has a capacity of 13,000 vehicles per day. Staff finds that Jamestown Road has the capacity to adequately accommodate the additional traffic given that the church and the road will have different peak traffic periods.

### ***Comprehensive Plan***

#### *Land Use Designation*

The Comprehensive Plan designates the site and much of the adjacent properties as Low Density Residential. Examples of acceptable land uses within this designation include single-family homes, cluster housing, recreation areas, schools, churches, community-oriented public facilities, and very limited commercial establishments. The plan states that nonresidential uses should compliment the residential character of the low-density residential area in which they are located. Since churches are a recommended use and with sufficient buffering would not alter the character of the surrounding residential area, staff finds this proposal to be consistent with the Comprehensive Plan land use designation. The plan further states that very limited commercial establishments, schools, churches, and community-oriented facilities should be generally located on collector roads at intersections where adequate buffering and screening can be provided to protect nearby residential uses and the character of the surrounding area. Staff believes that the project meets these criteria and with the proposed conditions, will retain sufficient buffers to adequately screen the use from adjacent properties.

#### *Community Character and Aesthetics*

Jamestown Road and Ironbound Road are designated as Community Character Corridor's (CCC) in the Comprehensive Plan. The CCC designation is intended to help protect the unique qualities and characteristics of these roadways by preserving wooded buffers to help screen development and providing other treatments which incorporate special setbacks, site layout, building and design criteria and landscaping. The only disturbance of the CCC buffer along the Jamestown Road frontage during Phase One would be for the entrance to the site and minor modifications to the two stormwater basins. The remaining buffer would retain a depth of between 50-100 feet from the property line. The attached Master Plan shows that the future expansion of the church building would disturb a small portion of the Jamestown Road buffer. Staff has added a condition which would require the provision of enhanced landscaping in the area surrounding the future expansion to mitigate the impact caused by the disturbance of the Jamestown Road buffer. Staff believes that the attached conditions will help mitigate any potential negative visual impacts caused by the development along either of these two corridors.

#### *Historical and Archaeological Impacts*

According to the James City County Archaeological Assessment, this property lies within a moderately sensitive area of archaeological potential. Moderately sensitive areas have a high potential for regionally and locally significant sites of all periods, including 17<sup>th</sup> Century English sites, Paleo-Indian sites, and Civil War sites.

There are no known archaeological sites on the property. There are, however, several known sites in the immediate area, the closest being a 18<sup>th</sup> Century domestic site in Settlers Mill, less than 200 feet north of the subject property. Other known sites in the surrounding area include a multi component site with evidence of a 17<sup>th</sup> Century domestic site and a Woodland Indian procurement camp south of Jamestown Road near Powhatan Creek.

Given the site's proximity to Powhatan Creek and the greater Greensprings Archaeological Survey Area, staff believes that an archaeological study in accordance with the County Archaeological Policy is warranted on at least the areas of the property where land disturbance might occur. Staff has drafted an appropriate condition for an archaeological study.

#### *Land Use Standards*

The General Land Use Standards outline the recommendations for guiding land uses in a manner harmonious with the natural and built environment and provide a framework for evaluating special use permit proposals. One standard recommends that the County permit the location of new uses only where public services, utilities and facilities are adequate to support such uses. This proposal meets the standard. Another standard recommends the County permit new development only where such developments are compatible with the character of adjoining uses and where the impacts of such new developments can be adequately mitigated. Staff finds this proposal, with the staff recommended conditions, consistent with the General Land Use Standards.

#### **Recommendation:**

Recently, the United States government enacted the Religious Land Use and Institutionalized Persons Act of 2000 (the "Act"). The Act prohibits imposing a substantial burden on the free exercise of religion through land use regulations unless there is a compelling government interest. It is staff's opinion that the conditions contained in this special use permit are reasonably related to the impacts caused by the use of the property and do not constitute a substantial burden on the free exercise of religion.

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

1. Construction. If construction has not begun on the project within 36 months of the issuance of the special use permit, it shall become void. Construction shall be defined as securing permits for land disturbance, building construction, clearing and grading, and the pouring of footings.
2. Master Plan. Development and land clearing of the site shall be generally in accordance with the "Master Plan Exhibit, Grace Covenant Presbyterian Church, James City County, Virginia" prepared by LandMark Design Group, and dated November 18, 2001, with such accessory structures and minor changes as the Planning Director determines does not change the basic concept or character of the development. Structures to be built on the Property in the future which are described on the Master Plan shall not require a special use permit.
3. Sidewalks. The applicant shall provide and construct a four-foot wide paved sidewalk along Jamestown Road adjacent to any turn lanes and/or associated improvements required by the Virginia Department of Transportation ("VDOT").
4. Lighting. All exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to, and approved by, the Planning Director or his designee which indicates no glare outside the property lines. All light poles shall not exceed 20-feet

in height unless otherwise approved by the Director of Planning prior to final site plan approval. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from the adjoining residential properties.

5. Architecture. Prior to final site plan approval, the Planning Director shall review and approve the final building elevations and architectural design of the church building. Such approval as determined by the Planning Director shall ensure that the design and construction of the church building and any future building additions are reasonably consistent with the architectural elevations submitted with this special use permit application prepared by Magoon and Associates.
6. Water Conservation. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority. The standards 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. The water conservation standards shall be approved by the James City Service Authority prior to final site plan approval.
7. Dumpsters. All dumpsters on the Property shall be screened by landscaping and fencing in a location approved by the Planning Director or his designee prior to final site plan approval.
8. Signs. Free-standing signs within 50-feet of the Jamestown Road and/or Ironbound Road right of way, as may exist, shall be ground mounted, monument style and shall be approved by the Planning Director or his designee prior to final site plan approval.
9. Landscaping. A landscaping plan shall be approved by the Planning Director or his designee prior to final site plan approval. The owner shall provide enhanced landscaping for the area surrounding the future church building expansion to mitigate the impact of the expansion on the Jamestown Road buffer. Enhanced landscaping shall be defined as 133% of the Zoning Ordinance landscape requirements.
10. Buffers. The owner shall maintain a minimum 75 foot undisturbed buffer along the areas of the site adjacent to residential properties in Settlers Mill along Lakewood Drive. No clearing or grading activities shall occur within the 75 foot buffer.
11. Archaeology. The owner shall submit to the County and to the Virginia Department of Historic Resources (VDHR) an archaeological study prepared in accordance with the County Archaeological Policy for all disturbed areas of the site. The study shall be reviewed and approved by the Planning Director or his designee prior to any land disturbance. The recommendations of the approved study shall be implemented in accordance with the County's Archaeological Policy.
12. Traffic Improvements. All traffic improvements required by the Virginia Department of Transportation along Jamestown Road (State Route 31) and Ironbound Road (State Route 615) shall be installed or bonded prior to issuance of a certificate of occupancy for any

structure on the site.

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

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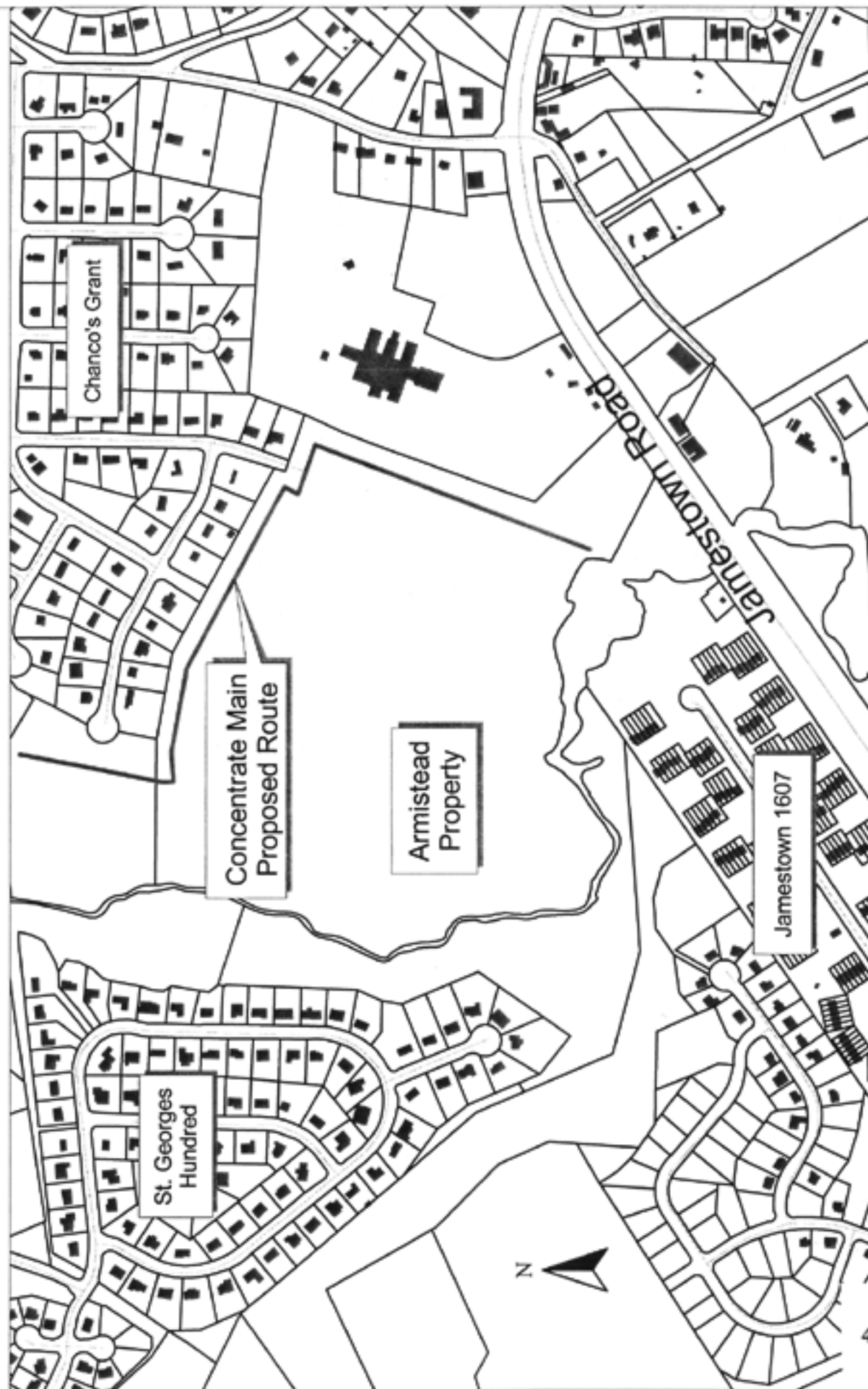
Christopher Johnson  
Senior Planner

Attachments:

1. Location Map
2. Master Plan dated November 18, 2001.
3. Conceptual Building Elevation #1 (facing east)
4. Conceptual Building Elevation #2 (facing west)
5. Conceptual Floorplan
6. Neighborhood Commercial Development Standards Policy



# SUP-19-02; JCSA Water Treatment Facility Concentrate Main



## **SPECIAL USE PERMIT-28-01, McKinley Office Building**

### **Staff Report for January 14, 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.

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#### PUBLIC HEARINGS

**Planning Commission:** Building C Board Room; County Government Center  
January 14, 2002 6:00 p.m.  
**Board of Supervisors:** February 12, 2002 (*Tentative*) 7:00 p.m.

#### SUMMARY FACTS

**Applicant:** Greg Davis on behalf McKinley Properties, LLC.

**Land Owner:** Broward Investors, L.P.

**Proposed Use:** 7,500 square foot General Office Building

**Location:** 5244 Olde Towne Road

**Tax Map/Parcel:** (34-4)(1-28C)

**Primary Service Area:** Inside

**Parcel Size:** ±1.45 Acres

**Existing Zoning:** LB, Limited Business

**Comprehensive Plan:** Neighborhood Commercial

**Surrounding Zoning:** North: LB, Limited Business  
East: R-2, General Residential  
South: LB, Limited Business  
West: LB, Limited Business

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

#### STAFF RECOMMENDATION

Staff believes the proposed office building is a complimentary infill development within the Neighborhood Commercial designated property on Olde Towne Road, which includes existing professional offices and businesses. The proposed architectural design of the building and proposed landscaping will provide a uniform transition on Olde Town Road from the businesses to the adjacent timeshares. Staff recommends the Planning Commission to approve this application with the conditions listed in the staff report.

### Description of the Project and Proposed Operation

Greg Davis has applied on behalf of McKinley Properties for a Special Use Permit to construct and operate a 7,500 square foot general office building at 5244 Olde Towne Road. For areas within a Limited Business zoning district that are designated Neighborhood Commercial or Low Density Residential on the Comprehensive Plan Land Use Map, a Special Use Permit is required for any building that exceeds 2,750 square feet.

Upon issuance of a Special Use Permit, McKinley Properties proposes to rent general office space to multiple tenants. The front of the building would face the parking lot with vehicular delivery access to the side of the building. No specific business tenant has been identified by the applicant.

### Surrounding Zoning and Development

The property is zoned Limited Business and is adjacent to Limited Business zoned property to the North, West and South. Surrounding development includes Olde Towne Business and Professional Complex and Old Town Square. There is an existing shared entrance with Olde Towne Marketplace that is opposite the entrance to the James City County Health and Human Service Building on Olde Towne Road. All of the surrounding Limited Business zoned property is designated Neighborhood Commercial on the Comprehensive Plan Land Use map.

To the East, the property is adjacent to the Williamsburg Plantation timeshares which is zoned R-2, General Residential and is designated Low-Density Residential on the Comprehensive Plan Land Use Map.

### Topography and Physical Features

The 1.45-acre site is sparsely wooded with pine trees. A row of Leland Cypress trees shields the back of Olde Towne Marketplace from the site. The property is relatively flat except for the downward sloop in the corner of the property where the proposed infiltration BMP is located.

### Utilities

The property is located within the Primary Service Area (PSA) and would be served by public water and sewer.

Regarding the County's water supply, the Board of Supervisors recently agreed to apply certain criteria to new developments to mitigate the negative impact on the County's water supply. One of those criteria suggests that building permits be delayed until a draft permit is obtained by James City County from the State for the proposed desalination plant or the applicant provide information on mitigating factors that offset the need for this criteria. In the attached letter dated January 3, 2002 the applicant offers mitigating factors for the Planning Commission and Board of Supervisors to consider that would offset the need for a delay in construction.

Please note that the applicant and owner are aware the current water supply issue within the County. To help mitigate any negative impact the clinic would have upon the water supply, the applicant and owner are willing to implement water conservation measures within the new clinic building and on the property. Detailed water conservation measures would be formalized in conjuncture with the development plans.

### Access and Traffic

According to the Institute of Transportation Engineers (ITE) traffic generation rates, the proposed general office building does not generate 100 or more weekday peak hour trips to and from the site. Landmark Design Group further researched the Level of Service (LOS) for Olde Towne Road and found that the current LOS is "C". Therefore a traffic impact study was not required nor submitted with the application.

For reference, the 2001 Traffic Counts taken by James City County reported there were approximately 9,500 vehicles per day along the section of Olde Towne Road where the site is located. According to the Comprehensive Plan, a two-lane road has a capacity of 13,000 vehicles per day.

It should be noted that Olde Towne Marketplace and the proposed office building would have a shared access to Olde Towne Road. The entrance to the proposed office would join with the existing entrance as shown on the Conceptual Master Plan. No additional entrances onto Olde Towne Road are proposed with this application.

#### Comprehensive Plan

The property is designated Neighborhood Commercial which includes 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. Staff believes that the proposed 7,500 square foot general office building is consistent with the Comprehensive Plan land use designation.

Additionally there are design standards in the Zoning Ordinance for developments in Neighborhood Commercial designated property. These design standards include:

1. Large work area doors or open bays shall be screened from external roadways by fencing or landscaping.
2. HVAC equipment, ductwork, air compressors, and other fixed operation machinery shall be screened from adjoining property and the street right-of-way with fencing or landscaping. Large trash receptacles, dumpsters, utility meters, above ground tanks, satellite dishes, antennas, etc. shall be similarly screened.
3. If used, fences in front of buildings on the site shall be landscaped.
4. Signs shall generally have no more than three colors. Generally pastel colors shall not be used. Freestanding signs shall be of a ground-mounted monument type and shall not be larger than thirty-two square feet not erected to a height greater than eight feet.

Staff believes that the proposed 7,500 square foot general office building would meet these design standards through the proposed Special Use Permit Conditions and site development plan review.

#### **RECOMMENDATION**

Staff believes the proposed 7,500 general office building is a complimentary infill development within the Neighborhood Commercial designated property on Olde Towne Road, which includes existing professional offices and businesses. The proposed architectural design of the building and proposed landscaping will provide a uniform transition on Olde Town Road from the businesses to the adjacent timeshares. Staff recommends the Planning Commission approve this application with the following conditions placed on its approval.

1. McKinley office building shall be built in accordance with the submitted binding Conceptual Master Plan; titled "McKinley Office Building" dated November 21, 2001.
2. Prior to final site plan approval, the Planning Director shall review and approve the final

architectural design of the office building in order to ensure that the design and construction of the office building are reasonably consistent with the architectural elevations, titled "Proposed Office Building for McKinley Properties", dated November 19, 2001 and submitted with this special use permit application.

3. Prior to final site plan approval, the Planning Director shall review and approve the proposed landscaping plan for the entire property. Enhanced landscaping shall include but not be limited to a row of Leyland Cypress trees appropriately spaced along the shared property line with Williamsburg Plantation so as to effectively provide a buffer that will effectively screen the McKinley Office Building from the Williamsburg Plantation timeshares. The enhanced landscaping shall be provided that exceeds the planting standards of the landscaping requirements of the James City County Zoning Ordinance by 133%.
4. All site lighting shall be designed and shall include but not be limited to using recessive lighting fixtures and landscape screening appropriately so as to prevent excessive lighting from reflecting or emitting off-site, in particular onto the Williamsburg Plantation timeshares.
5. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority. The standards 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. The water conservation standards shall be approved by the James City County Service Authority prior to final site plan approval.
6. Prior to final site plan approval the Planning Director shall review and approve the design of the ground-mounted sign for the property.
7. The Special Use Permit granted pursuant to this application shall be null and void and of no further force or effect unless construction is commenced within twenty-four (24) months of the date of approval by the James City County Board of Supervisors.
8. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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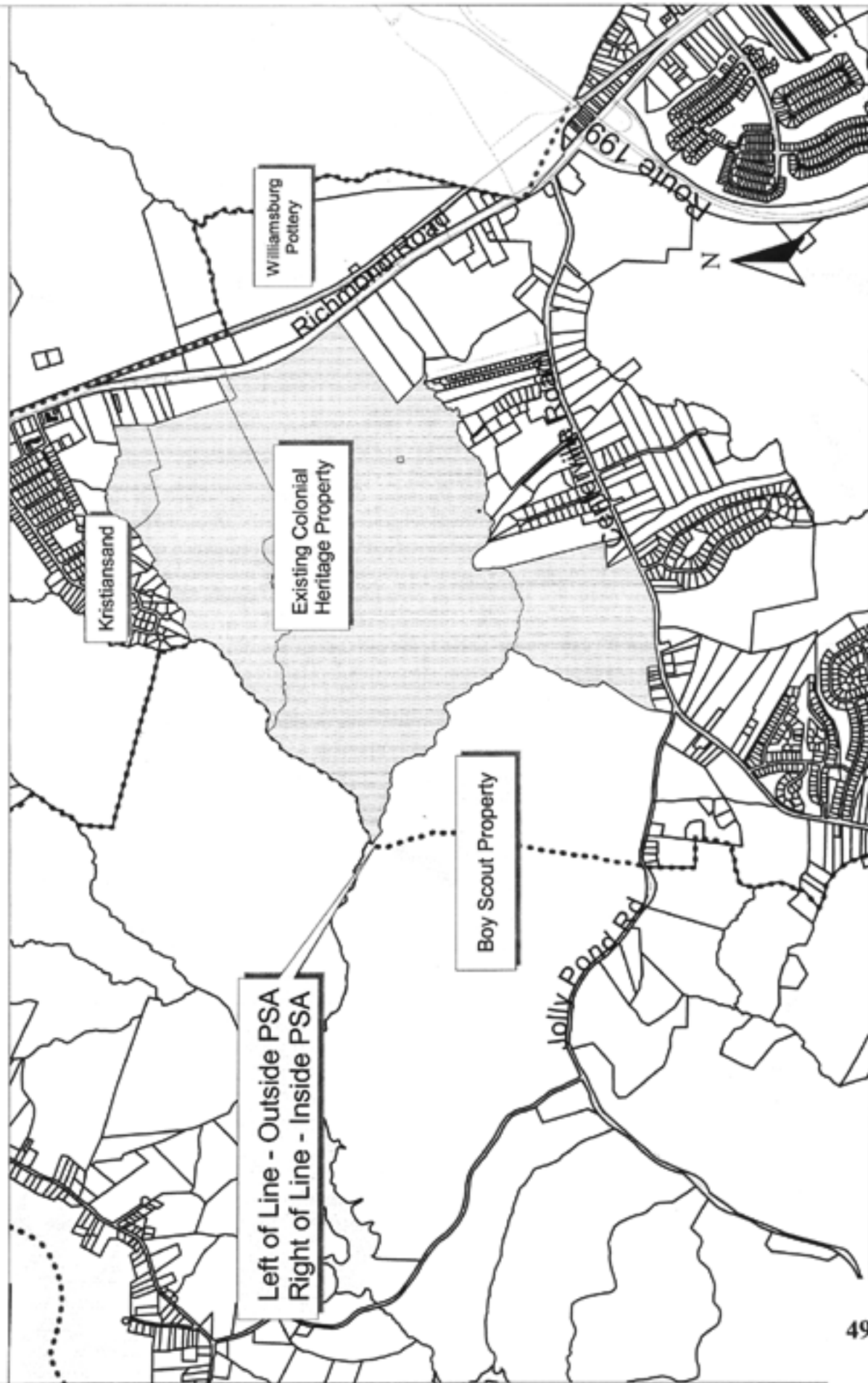
Karen Drake  
Planner

ATTACHMENTS:

1. Site Map
2. Proposed Conceptual Master Plan
3. Proposed Elevations
4. January 3, 2002 letter from the applicant

Z-03-02/Z-04-02/MP-01-02

# U.S. Home - Boy Scout Property Rezoning Proffer & Master Plan Amendment



**SPECIAL USE PERMIT 29-01. A-Stat Restoration Services**  
**Staff Report for the January 14, 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**

Building C Board Room; County Government Center  
Planning Commission: January 14, 2002, 6:00 p.m.  
Board of Supervisors: February 12, 2002, 7:00 p.m. (Tentative)

**SUMMARY FACTS**

Applicant: Mr. Morris Mason on behalf of A-Stat Restoration Services

Landowner: General Corporate Services, Inc.

Proposed Use: Office Building

Location: 133 Powhatan Springs Road; Berkeley District

Tax Map and Parcel No.: (46-2)(1-9)

Primary Service Area: Inside

Parcel Size: 2.126 acres

Existing Zoning: R-8, Rural Residential

Comprehensive Plan: Low Density Residential

Surrounding Zoning: North: R-8, Rural Residential; R-1, Limited Residential  
East: B-1, General Business; R-8, Rural Residential  
South: R-8, Rural Residential; B-1, General Business  
West: R-8, Rural Residential; PUD, Planned Unit Development

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

**STAFF RECOMMENDATION:**

Staff finds the proposal generally inconsistent with the surrounding zoning and development and inconsistent with the Comprehensive Plan; however, with the attached conditions, staff finds the proposal to be an improvement over the recent use of this site and a positive improvement to the surrounding residential area. Therefore, staff recommends the Planning Commission recommend approval of this application with the conditions listed in the staff report.

## ***Project Description***

Mr. Morris Mason has applied on behalf of A-Stat Restoration Services for a Special Use Permit to allow the construction of an approximately 12,000 square foot office building at 133 Powhatan Springs Road. Business, government, and professional office buildings require a Special Use Permit in the R-8, Rural Residential, Zoning District. In addition to the proposed office building, the Master Plan for the development identifies parking areas for company vehicles, employees and customers, an area approximately 6,800 square feet in size for outdoor storage of containers and equipment and a picnic area for employees. The applicant intends to remove all structures currently located on the site and any remaining construction equipment left by the previous owner. As part of the proposed improvements to the site, the owner will bring existing overhead utilities underground and remove an existing gas pump and underground fuel tank.

## ***History***

The property has been utilized for over thirty years in a variety of uses including equipment sales and rentals and most recently as a base of operation for a construction company. Zoning records indicate that the construction company relocated in February 2001 and the site was purchased by General Corporate Services, Inc., the parent company of A-Stat Restoration Services and Emergency Rental Services. Prior to purchasing the property in April 2001, General Corporate Services, Inc. requested that staff conduct a verification of nonconforming use on the site. Following a review of business licenses, real estate assessment records, JCSA records and personal interviews with adjacent property owners, staff concluded that the property could retain the existing use as a contractor's office and storage facility as a permitted nonconforming use. As a permitted nonconforming use, all structures on the property could continue to be used as a contractor's office and storage facility but any improvements to the property must comply with the current Zoning Ordinance. Business, government, and professional offices are a specially permitted use in the current R-8, Rural Residential, Zoning District; therefore, the proposed office building requires a Special Use Permit.

Real Estate records indicate that when the property was transferred by Deed in 1968 from L. B. Smith, Inc. to Robert and Ruth Berry, the property description listed the 2.126 acre site as two parcels of land, Parcels A & B. As was common practice at this time, the Commissioner of Revenue routinely taxed property owners who owned multiple parcels of land with a single assessment. Subsequent sales of this property that have occurred since 1968 have continued to utilize the property description contained in the 1968 Deed which explains why the property is currently shown on Real Estate Assessment records as two parcels even though it has a single mailing address and tax map and parcel number. Should this application be approved, staff has included a condition which would require the owner to submit a subdivision application to extinguish the property line which currently bisects the property. If this proposed lot line extinguishment did not occur, the owner would not be permitted to construct the proposed office building in the location identified on the attached Master Plan. Additionally, should this application be approved, staff proposes a condition that the attached Master Plan be binding. The nonconforming status of the outdoor storage use on the site would remain in effect if this application is approved. Once the existing structures are removed from the site, the nonconforming status of the office use goes away. The contractor's office would then become a specially permitted use subject to the conditions of the Special Use Permit.

## ***Surrounding Zoning and Development***



Powhatan Springs Road contains a mix of single-family homes, manufactured homes and commercial businesses that are all zoned R-8, Rural Residential. The property is located on the south side of Powhatan Springs Road across the street from the Hairworks Beauty Salon which was approved by the Board of Supervisors on September 8, 1999 (Case No. SUP-22-99). Further to the north is the Powhatan Crossing subdivision, zoned R-1, Limited Residential. To the east of the Hairworks Beauty Salon are several residences and large sheds. One of these sheds contains a glassblower's studio which received a Special Use Permit in 1996. Further to the east of the property, across Ironbound Road, is the Oaktree Office Park and a veterinary clinic which are zoned B-1, General Business. Jamestown Presbyterian Church, zoned R-8, is located on the western side of Ironbound Road between Ingram Road and Powhatan Springs Road. West of the property are several single-family homes, the undeveloped Griesenauer tract, and a large parcel with several nonconforming manufactured homes, all zoned R-8.

Staff finds that the proposed office building and equipment storage area is generally inconsistent with the predominantly residential character of the surrounding area; however, with the attached conditions, staff finds the proposal to be an improvement over the most recent use of this site and a positive improvement to the surrounding residential area. It is also an improvement over the other uses that would be most likely to occupy the site under its nonconforming status. The other small commercial businesses operating along Powhatan Springs Road were also considered as a mitigating factor in staff's recommendation regarding the surrounding zoning and development. Staff has not received any objection from adjacent property owners on Powhatan Springs Road. A petition signed by several of the adjacent property owners supporting the proposed development is included as an attachment to this staff report.

### ***Physical Features & Environmental Considerations***

The property is largely flat with a gradual slope from the front of the property along Powhatan Springs Road toward a small creek running parallel to the rear property line. With the exception of a small wooded area along the frontage of the site adjacent to the entrance, the property has been cleared. Staff has included a condition which requires the applicant to provide enhanced landscaping along the portions of the property adjacent to Powhatan Springs Road, along the portions of the property adjacent to residences, and along areas designated on the Master Plan for parking.

### ***Traffic/Access***

The property would continue to be accessed by a single entrance off Powhatan Springs Road. The Virginia Department of Transportation (VDOT) has reviewed the proposal and is not recommending any improvements to the existing entrance to the site. In terms of traffic generation, staff does not believe that the proposed use represents a significant change over previous uses of the site and will not generate traffic volumes greater than what has come to be expected by the residents living on Powhatan Springs Road. The applicant has stated that the company operates a fleet of 30 trucks, however, only a dozen would be based at this location. Most employees take their vehicles home each night and do not make regular trips back to the site once they leave in the morning to go to a job site.

### ***Public Utilities***

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

The proposed office building would be required to connect to both public water and sewer. In September 2001, the Board of Supervisors agreed to apply certain criteria to new developments to mitigate the negative impact on the County's water supply. One of those criteria suggests that building permits be delayed until a draft permit is obtained by James City County from the State for the proposed desalinization plant or the applicant provide information on mitigating factors that offset the need for this criteria. The applicant plans on submitting a letter in advance of the Board of Supervisors public hearing which will offer mitigating factors that would offset the need for a delay in construction.

The applicant and property owner are aware of the current water supply issue within the County. To help mitigate any negative impact the development would have upon the water supply, the owner is willing to implement water conservation measures within the office building and on the property. Detailed water conservation measures would be formalized during the review of development plans. Staff has included a condition which requires the owner to develop and enforce water conservation standards in the development and use of this site.

### ***Comprehensive Plan***

The property is designated as Low Density Residential on the Comprehensive Plan Land Use Map. The Comprehensive Plan states that examples of acceptable uses within this designation include single-family homes, duplexes, cluster housing, recreation areas, schools, churches, community oriented public facilities and very limited commercial establishments. The Comprehensive Plan also states that nonresidential uses should compliment the residential character of the low-density residential area in which they are located and should be generally located on collector roads at intersections where adequate buffering and screening can be provided to protect nearby residential uses and the character of the surrounding area.

Staff does not believe that the proposed development is consistent with the Low Density Residential designation as it is not a limited commercial establishment, is not located at the intersection of a collector road, and the scale of the proposed structure does not compliment the character of the nearby residential area. Staff does acknowledge that the proposed development would represent a significant improvement to the site over several of the previous uses of the property and with the proposed conditions, will better compliment the residential character of the surrounding area. The exterior of the front of the office building will contain architectural features such as textured wall panels and a covered front porch to retain a residential look that will more effectively blend in with the surrounding area. The addition of enhanced landscaping, a new dark color perimeter fence, and building features which attempt to compliment the character of the surrounding area will be provided a net positive improvement to the site and the surrounding area.

### **Recommendation:**

Staff finds the proposal generally inconsistent with the surrounding zoning and development and generally inconsistent with the Comprehensive Plan; however, with the attached conditions, staff finds the proposal to be an improvement over the recent use of this site and a positive improvement to the surrounding residential area. Staff does not believe that approval of the application will set a negative precedent as there are few, if any, sites in the County that have a more nonconforming status in comparison to the surrounding area in which they are located. Therefore, staff recommends the Planning Commission recommend approval of this application

with the following conditions:

1. Construction. If construction has not begun on the project within 24 months of the issuance of the special use permit, it shall become void. Construction shall be defined as securing permits for land disturbance, building construction, clearing and grading, and the pouring of footings.
2. Master Plan. Development of the site shall be generally in accordance with the "Master Plan, A-Stat Restoration Services" prepared by Morris Mason, and dated January 8, 2002, with such accessory structures and minor changes as the Planning Director determines does not change the basic concept or character of the development.
3. Tank Removal. Prior to obtaining a Certificate of Occupancy, the owner shall remove the gas pump and underground fuel tank from the Property.
4. Lot Line Extinguishment. Prior to final site plan approval, the owner shall receive approval of and record a subdivision plat which extinguishes the lot line separating Parcels A and Parcel B on the Property identified as Parcel No. (1-9) on James City County Real Estate Tax map No. (46-2).
5. Landscaping. A landscaping plan shall be approved by the Planning Director or his designee prior to final site plan approval. The owner shall provide enhanced landscaping for the area along the property frontage on Powhatan Springs Road, along the portions of the property adjacent to residential homes, and along areas designated on the Master Plan for parking. Enhanced landscaping shall be defined as 133% of the Zoning Ordinance landscape requirements.
6. Signs. Signage on the site shall be limited to a single ground mounted, monument style, freestanding sign further limited to a maximum of 16 square feet along the Powhatan Springs Road right of way. The sign shall be externally illuminated and shall be approved by the Planning Director or his designee prior to final site plan approval.
7. Fence. Any existing perimeter fence which is removed as part of the development shall be replaced with a black or dark green colored chain link fence or solid wood fence and identified on the development plans and approved by the Planning Director or his designee prior to final site plan approval.
8. Dumpsters. All dumpsters on the Property shall be screened by landscaping and fencing in a location approved by the Planning Director or his designee prior to final site plan approval.
9. Water Conservation. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority. The standards 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. The water conservation standards shall be approved by the James City Service Authority prior to final

site plan approval.

10. Lighting. All exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to, and approved by, the Planning Director or his designee which indicates no glare outside the property lines. All light poles shall not exceed 20-feet in height unless otherwise approved by the Director of Planning prior to final site plan approval. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from the adjoining residential properties.
11. Architecture. Prior to final site plan approval, the Planning Director shall review and approve the final building elevations and architectural design of the office building. Such approval as determined by the Planning Director shall ensure that the design, building materials, color, and scale of the office building and any future building additions are compatible with the surrounding residential area.
12. Severability. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

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Christopher Johnson  
Senior Planner

Attachments:

1. Location Map
2. Master Plan dated January 8, 2002.
3. Front Elevations (facing north)
4. Petition signed by Adjacent Property Owners

ORDINANCE NO.

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.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, Article I, In General, is hereby amended and reordained by amending Section 24-13, Amendment of chapter.

Chapter 24. Zoning.

Article I. In General

**Section 24-13. Amendment of chapter.**

As provided for by section 15.2-2286(7) of the Code of Virginia, the board of supervisors may from time to time amend, supplement or change by ordinance the boundaries of the districts or the regulations herein established; any such amendment may be initiated by resolution of the board of supervisors or by motion of the planning commission or by petition of any property owner, contract purchaser with the owner's written consent, or the owner's agent therefor of the property which is the subject of the proposed zoning map amendment, addressed to the board of supervisors. Petitions for change or amendment shall comply with the requirements of section 24-23. These changes may be made, provided:

- (4) No plan, ordinance or amendment shall be enacted, amended or re-enacted unless the board of supervisors has referred the proposal to the planning commission for its recommendation or has received the planning commission recommendation. Failure of the planning commission to report ~~90~~ 100 days after the first meeting of the commission after the proposed plan, amendment or reenactment has been referred to the commission *for action* shall be deemed approval. After the public hearing required in subsection (1) above, the board may make appropriate changes or corrections in the ordinance or proposed amendment.

Ordinance to Amend and Reordain  
Chapter 24. Zoning  
Page 2

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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.

24-13zoning.ord

# PLANNING COMMISSION, BOARD, DRC, BZA MEETING SCHEDULE - 2003

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## PLANNING COMMISSION

1st Monday, 7:00 pm, Building C Board Room  
Rezoning/SUP/12 copies; Master Plan/23 copies  
Submit application 6 weeks prior to meeting

## BOARD OF SUPERVISORS

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



## DEVELOPMENT REVIEW COMMITTEE

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



## BOARD OF ZONING APPEALS (BZA)

1st Thursday, 7:30 pm, Building C Board Room  
Submit application 5 weeks prior to meeting



## PLANNING DIRECTOR'S REPORT

JANUARY, 2002

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

1. Master Greenways Plan. The Greenways Advisory Committee continues its efforts to garner greater public participation in the Committee's draft plan. Several steps were taken by Parks and Recreation staff to increase public participation at this strategically important meeting January 8, 2002.
2. Architectural Survey. The consultant, MAAR Associates, terminated the contract arrangement with the subcontractor who had been handling this project and notified VDHR that a final report would not be ready by October 23 as scheduled. An architectural historian from the VDHR Portsmouth field office has been assigned to complete the remaining work on this project.
3. Citizens Survey. The consultant presented a preliminary report of the survey findings to the Planning staff. Staff has requested revisions and additions to the report, which are due in January. The consultant will be presenting the findings to the BOS at its January 22 meeting.
4. U.S. Census. The Census Bureau continues to release data with key data released later this Spring that staff will be incorporating into the Comprehensive Plan Technical Manual. Information has been posted on the demographics section of the Development Management page of the James City County website at: [www.james-city.va.us](http://www.james-city.va.us).
5. Green Spring Master Plan Amendment/Centerville Road Closure. The National Park Service and the County held a citizen information meeting on November 14<sup>th</sup> at 7 p.m. at the James Blair Middle School. Because this matter will require Commission consideration, a site visit to Green Springs was made on December 5<sup>th</sup>.
6. Jamestown Subarea Study. Staff continues to work with the affected landowners and their consultants to reach the agreement on the relocation of Route 359. Meeting was held on January 9 to discuss storm water management and landscaping.
7. Route 199 Widening. Staff has been working with VDOT on plans to widen Route 199 between Pocahontas Trail and Brookwood Drive. Staff and VDOT met with Williamsburg Landing representatives on November 29 to hear their concerns regarding impacts of the proposed widening.
8. Route 199 and Jamestown Road Intersection Modifications. Staff has been working with VDOT on the final design plans for this intersection, including a landscaping plan. VDOT will hold its public hearing on January 23 from 4 pm to 7 pm at h Berkeley Middle School.
9. Chickahominy Bridge Replacement. Staff has been working with VDOT on plans to replace the Route 5 bridge over the Chickahominy River. VDOT held a public information meeting on its preferred alternative on December 31, 2001. Staff continues to evaluate this and other alternatives.
10. Capital Improvement Program. CIP requests are due January 11<sup>th</sup> with the Policy



Committee meeting in early February to begin reviewing requests.

11. Other Board Action. At its December 11<sup>th</sup> meeting, the Board approved Case No. Z-6-01/SUP-19-01 Williamsburg Landing Property Expansion; Case No. SUP-21-01 Johnston Dental/Medical Clinic; Case No. Z-3-01/MP-5-01 New Town Sections 2 & 4; Case ZO-4-01 PUD-C Zoning Ordinance Amendment - Exterior Signs; and the Six Year Secondary Road Plan.
12. Upcoming Cases. New cases that are tentatively scheduled for the February 4, 2002, Planning Commission meeting.

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

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CASE NO. SUP-31-01. NEW ZION CHURCH. Mr. Howard Price of AES Consulting Engineers has applied on behalf of the Trustees of the New Zion Baptist Church for a special use permit to allow for an approximately 8,200 square foot expansion of the existing church. The site is zoned R-8, Rural Residential, designated for Low Density Residential on the Comprehensive Plan Land Use Map, and is located at 3991 Longhill Road. The property can be further identified as parcel (1-22) on the JCC Real Estate Map No. (31-3).

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O. Marvin Sowers, Jr.