

## **A G E N D A**

### **JAMES CITY COUNTY PLANNING COMMISSION**

**JANUARY 13, 2003 - 7:00 P.M.**

1. ROLL CALL
2. MINUTES
  - A. December 2, 2002
3. COMMITTEE AND COMMISSION REPORTS
  - A. Development Review Committee Report
4. PUBLIC HEARINGS
  - A. Z-05-02; HW-1-02. Longhill Grove Apartments
  - B. SUP-21-02. Jamestown Island Expansion
  - C. SUP-22-02. Schmidt Landscaping
5. PLANNING DIRECTOR'S REPORT
6. ADJOURNMENT

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SECOND DAY OF DECEMBER, 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.

ROLL CALL

A. Joe Poole, III  
George Billups  
Wilford Kale  
Peggy Wildman  
Joseph McCleary

ALSO PRESENT

Leo Rogers, Deputy County Attorney  
Marvin Sowers, Planning Director  
Cynthia Grom, Administrative Services Coordinator  
Christopher Johnson, Senior Planner  
David Anderson, Planner

ABSENT

Don Hunt  
John Hagee

2. MINUTES

The Commission approved the minutes of the November 4, 2002 meeting as is with a unanimous voice vote.

3. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mrs. Peggy Wildman presented the DRC report stating there were five cases that were heard at the last meeting: Jamestown High School Parking Lot Expansion, George Roper Subdivision, Greensprings Apartments and Condos, Colonial Heritage, Phase I, Section 2, and Colonial Heritage, Phase I, Sections 3 and 3A. For the Jamestown High School Parking Lot Expansion, the request for a second driveway entrance to Greensprings Plantation Dr. was recommended for approval by the DRC. The DRC approved the George Roper Subdivision exception request, 4-0. The DRC recommended preliminary approval of the Greensprings Apartments and Condo and Colonial Heritage Phase I, Section 2, subject to agency comments. For the Colonial Heritage Phase I, Section 3 and 3A, the DRC recommended preliminary approval be granted.

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

B. COMPREHENSIVE PLAN 2003 – COMMUNITY CONVERSATIONS PRESENTATION

Mr. Jeffrey Barra, Chairman of the Community Participation Team (CPT), presented to the Planning Commission the goals and objectives of the CPT, explaining how they gather data from the citizens of James City County. He listed the ways citizens could participate and how the CPT notified citizens of these ways. They include County publications, paid ads and new releases, announcements at Planning Commission meetings, weather channel scroll, radio announcements, a youth forum, church bulletins, listening stations, email address and phone number to leave messages and also CPT members having about 10 opportunities to speak to different community groups. He noted the ways citizens have had opportunity to contribute, through the Citizen's Survey, the four Community Conversation meetings, and listed the citizens' attendance, giving an overview and amount of response they have received from citizens.

4. PUBLIC HEARINGS

A. CASE NO. SUP-20-02 NATIONWIDE TRANSMISSION AUTO SALES

Mr. David Anderson presented the staff report. He stated that Mr. Henry Gregory, owner and operator of Nationwide Transmission, has applied for a special use permit to allow for the sale of cars from the parking lot of his transmission business located at 7211 Merrimac Trail. No new construction is proposed. Car sales will be a secondary use while the transmission business will remain the primary use of the property. A maximum of 20 cars are proposed to be displayed for sale at any given time. Staff finds this proposal to be compatible with the surrounding zoning and development, due to the minimal amount of potential traffic generated and the mitigation of any potential adverse impacts of the car sales operation through the attached conditions. Staff also finds that this proposal is consistent with the Comprehensive Plan and recommends the Planning Commission approve this special use permit application with conditions.

Mr. Wilford Kale had questions about new construction and about condition number six. He was concerned about flags not being permitted, since that would include the American flag.

A discussion ensued about the issue, with Mr. Leo Rogers providing legal guidance.

Both Mr. Wilford Kale and Mr. Joseph McCleary concluded condition number six should have the word “flags” deleted from it, since it was a freedom of speech issue.

Mr. Joe Poole, III, opened up the public hearing.

Mr. Henry Gregory, the applicant, spoke on his behalf. He explained that he expects this to be a low key operation, and has the added bonus of getting the business site fixed up. He also noted with the down economy, he needs another way to bring in business.

Mr. Joseph McCleary asked Mr. Gregory what the timeframe would be in regards to fixing the fence and the building.

Mr. Henry Gregory replied 60 days.

There being no further questions, Mr. Joe Poole, III closed the public hearing.

Mr. Joseph McCleary recommended approval with the adjustment of condition number six, deleting the word “flags”.

Mrs. Peggy Wildman seconded.

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

B. CASE NO. Z-03-02 US HOMES PROFFERS AMENDMENT.  
CASE NO. Z-04-02 BOY SCOUT PROPERTY REZONING.  
CASE NO. MP-01-02 US HOMES AMENDED MASTER PLAN.

Mr. Christopher Johnson presented the staff report. He stated that this case was deferred by the Planning Commission at the November 4, 2002, meeting. On November 26, 2002, the applicant requested that this case be indefinitely deferred. Staff concurs with the applicant’s request. Should the applicant wish to proceed in the future, the cases will be re-advertised, new signs will be posted, and adjoining property owners will be notified in writing.

Mr. Joe Poole, III, opened and closed the public hearing, as there were no speakers. Hearing no further questions, the Planning Commission deferred the case indefinitely.

6. PLANNING DIRECTOR’S REPORT

Mr. Marvin Sowers touched on a few topics that were in the report, including the Comprehensive Plan update, the Steering Committee meetings and the topics they have covered so far and what the future topics will be and the Light Rail project by Hampton Roads Transit that will be going to a Board of Supervisors work session in early 2003.

Mr. George Billups questioned Mr. Sowers about the upcoming case for Longhill Grove Apartments, in regards to including a low income housing provision.

Mr. Marvin Sowers replied that this is in the works with the applicant and will be addressed in the Planning Commission report in January.

Mr. Joe Poole, III, thanked staff for their work on the Community Participation Team and Steering Committee, as well as the Community Conversations meetings.

7. ADJOURNMENT

There being no further business, the December 2, 2002, meeting of the Planning Commission was adjourned approximately at 7:50 p.m.

**JAMES CITY COUNTY  
DEVELOPMENT REVIEW COMMITTEE REPORT**

**FROM: 12/1/2002 THROUGH: 12/31/2002**

**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-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-088-02	Colonial Heritage, Phase 1 Section 2
SP-106-02	Truswood Waterline Extension
SP-112-02	Ford's Colony Recreation Park
SP-115-02	Stonehouse Community Church Tent
SP-118-02	Toano Force Main
SP-124-02	King's Way Church Water Line
SP-128-02	Come Scrap with Me Shed
SP-129-02	Storage Trailer at Landfill
SP-132-02	Sprint Generator Placement
SP-133-02	Busch Corporate Center - Wheat Center
SP-134-02	JCSA Five Forks Water Treatment Facility
SP-136-02	Williamsburg Plantation, Sec 7 & 8 - Lots 134-183
SP-139-02	New Town - Corner Pocket
SP-140-02	Jamestown Area Water System Improvement
SP-142-02	George Nice & Sons
SP-143-02	Riverside Health Care Expansion Amended
SP-144-02	J.W. Crossing, Phase II
SP-001-03	Colonial Heritage 13th Hole Irrigation Pond
SP-002-03	Colonial Heritage Phase 2, Massie Farm Pond Rehab.

**B. PENDING FINAL APPROVAL**

SP-002-01 JCC HSC Parking Area Expansion

**EXPIRE DATE**

10/ 1/2003

Wednesday, January 08, 2003

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SP-085-01	Greensprings Apartments and Condominiums	12/ 2/2003
SP-002-02	Williamsburg-Jamestown Airport Hangar Additions	2/ 8/2003
SP-044-02	Ford's Colony, Sect. 31, BMP #1 Regrading Plan	5/ 8/2003
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-084-02	Colonial Heritage, Phase 1, Section 1	11/25/2003
SP-091-02	District Park Sports Complex, Phase III	8/16/2003
SP-095-02	Faith Fellowship Assembly of God	9/ 9/2003
SP-102-02	Powhatan Creek Access Park	9/30/2003
SP-104-02	Colonial Heritage, Phase 1, Section 3 & 3A	12/ 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
SP-117-02	Ford's Colony -Blue Heron Golf Course Comfort Sta.	10/18/2003
SP-119-02	Williamsburg West & Country Club Dr. Improvements	11/ 4/2003
SP-130-02	Powhatan Place Townhomes Amendment	12/12/2003
SP-135-02	Little Creek Phase III Amendment	12/30/2003
SP-141-02	Busch Corporate Center - McLaws Center Amend #1	12/30/2003

#### **C. FINAL APPROVAL**

		<b>DATE</b>
SP-048-02	New Town Office Building	12/20/2002
SP-075-02	US Home/Colonial Heritage Blvd, Phs 1	12/20/2002
SP-105-02	Kristiansand Sewer Extension	12/ 4/2002
SP-120-02	Water Production Facility W-5 Upgrade	12/20/2002
SP-121-02	Grace Covenant Presbyterian Church - SP Amendment	12/31/2002
SP-122-02	Jamestown High School Parking Lot Expansion	12/10/2002
SP-123-02	Well Facilities W-29 W-30 W-31 & W-36 Improvements	12/18/2002
SP-131-02	Jamestown High School - Soccer Field Expansion	12/ 2/2002
SP-137-02	Busch Gardens - Clydesdale Bldg. Expansion	12/20/2002
SP-138-02	Busch Gardens SmokeHouse Cart Amendment	12/30/2002

#### **D. EXPIRED**

		<b>EXPIRE DATE</b>
SP-105-01	Voice Stream Wireless - Regional Jail Co-Location	11/ 9/2002
SP-110-01	Williamsburg Christian Academy	12/ 3/2002

## **II. SUBDIVISION PLANS**

### **A. PENDING PRELIMINARY APPROVAL**

S-062-98	Ball Metal Conservation Easement
S-104-98	Skiffes Creek Indus. Park, VA Trusses, Lots 1,2,4
S-013-99	JCSA Mission Bank ROW Acquisition
S-074-99	Longhill Station, Section 2B
S-086-99	Peleg's Point, Section 5
S-110-99	George White & City of Newport News BLA
S-091-00	Greensprings West, Plat of Subdv Parcel A&B
S-103-00	Villages at Powhatan - Powhatan Secondary
S-032-01	Subdivision and BLE Plat of New Town AssociatesLLC
S-077-01	Ford's Colony - Section 32 (Lots 72-78, 93-129)
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-052-02	The Retreat--Fence Amendment
S-068-02	Forrest Lee Hazelwood BLA
S-084-02	Skiffes Creek BLE Lots 2 & 3
S-086-02	The Vineyards Phase 3 BLA Lots 1, 5-9, 52
S-092-02	Mertens Subdivison Lot 2
S-099-02	Ford's Colony Section 30 - Sanitary Sewer Amend.
S-100-02	Richardson's Mill Sec. 1
S-106-02	101 Jackson Street Lot Subdivision
S-107-02	Greensprings West, Phase 3-C
S-108-02	Scott's Pond, Section 3
S-110-02	Troy H. Lapetina Properties BLA
S-111-02	Folwer's Lake - Lot 5 - Building Setback Line Adj.
S-112-02	Kinsington Woods
S-113-02	Martin Farm Estates
S-114-02	Ford's Colony Section 10A, Lot 1
S-001-03	Ford's Colony Sec 1 Block D Lots 2A, 2B, 2 & 3 BLE
S-002-03	Mt Gilead Baptist Church, Lots 6 & 7 BLA

### **B. PENDING FINAL APPROVAL**

S-034-00	The Pointe at Jamestown, Phase 2
S-058-00	Powhatan Secondary, Phase 7-A
S-037-01	Wellington Section 2 & 3 Construction Plans
S-101-01	Greensprings West, Phase 4A
S-022-02	George W. Roper, Parcel B
S-024-02	Stonehouse, Fieldstone Parkway right-of-way & BLA
S-027-02	Stonehouse, Lisburn, Sect. 5-A, Construction Plans

### **EXPIRE DATE**

6/ 5/2003
10/ 2/2003
5/ 7/2003
12/17/2003
3/19/2003
3/19/2003
5/ 6/2003

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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-051-02	Ford's Colony, Section 12 Construction Plans	11/ 4/2003
S-057-02	Colonial Heritage - Ph 1, Sec 1, Const Plans	11/25/2003
S-063-02	Colonial Heritage, Phase 1, Section 2	12/ 2/2003
S-064-02	Stonehouse - Richardson's Mill, Section 2	7/29/2003
S-071-02	Stonehouse Commerce Park- ROW extension & realign	9/ 3/2003
S-073-02	Colonial Heritage, Phase 1, Sec 3 & 3A	12/ 2/2003
S-076-02	Marion Taylor Subdivision	10/ 3/2003
S-078-02	Donald L. Hazelwood Subdivision	9/30/2003
S-081-02	Scott's Pond Section 2	10/ 7/2003
S-083-02	Toano Auto Parts BLA	10/ 9/2003
S-090-02	Ford's Colony, Section 7, Lots 119 & 120 BLE	10/25/2003
S-091-02	Williamsburg Landing BLA	11/ 3/2003
S-094-02	Powhatan Secondary Phase 7-C	12/30/2003
S-095-02	Powhatan Secondary Phase 7-B	12/ 2/2003
S-101-02	Sheldon Properties, L.L.C.	12/13/2003
S-102-02	Greensprings Apartments and Condominiums	12/27/2003
S-103-02	Alex Harwood Subdivision BLA	12/15/2004

#### **C. FINAL APPROVAL**

		<b>DATE</b>
S-041-00	Powhatan Secondary, Phase 6-B	12/10/2002
S-067-02	Powhatan Secondary Phase 6-B	12/10/2002
S-082-02	Nice Commercial Properties	12/11/2002
S-087-02	Pointe at Jamestown Phase 1B BLA Plat Correction	12/20/2002
S-093-02	Ironbound Village Phase II	12/18/2002
S-096-02	5813 Richmond Road BLE	12/16/2002
S-097-02	Massie-VAJACK-Ware BLA (Colonial Heritage)	12/20/2002
S-098-02	Chickahominy Haven Lots 20 & 21, Sec 7 BLA	12/ 5/2002

## **DEVELOPMENT REVIEW COMMITTEE ACTION REPORT**

### **Meeting of January 8, 2003**

**Case No. S-108-02**

**Scott's Pond, Section 3**

Mr. Jason Grimes of AES Consulting Engineers on behalf of Henderson Incorporated has applied for approval of 86 lots as part of the Scott's Pond subdivision. The project is located off Olde Towne Road and can be further identified as Tax Map #(32-2)(1-106). DRC review is necessary because more than 50 lots are proposed.

**DRC Action: The DRC recommended that preliminary approval be granted subject to the applicant submitting revised plans which adequately address agency review comments.**

**Case No. SP-134-02**

**JCSA Five Forks Water Treatment Facility**

Mr. Timothy Fortune has applied on behalf of the JCSA for approval of the water treatment facility located at 3123 Ironbound Road with access from 4321 John Tyler Highway and is further identified as Tax Map #(46-2)(1-34) & (1-38). DRC review is necessary because section 15.2-2232 of the Virginia State Code requires Planning Commission review of any public area, facility or use not shown on the adopted Comprehensive Plan. This code states that no facility shall be allowed unless the commission determines that the location, character and extent of the facility is "substantially" in accord with the adopted Comprehensive Plan.

**DRC Action: The DRC determined that the proposed facility is substantially in accord with the adopted Comprehensive Plan and recommended that preliminary approval be granted subject to the applicant submitting revised plans which adequately address agency review comments.**

## Fiscal Impact Statement

The proposed apartment development will be developed in conjunction with the Virginia Housing Development Authority under the following:

### **Low Income Housing Tax Credits Program**

"The Federal Low-Income Housing Tax Credit (LIHTC) program is sponsored by the U.S. Treasury Department and administered by VHDA in the Commonwealth of Virginia. The LIHTC program is authorized under Section 42 of the Internal Revenue Code of 1986 and encourages the development of affordable rental housing by providing owners with a federal income tax credit. It also serves as an incentive for private investors to participate with developers in the construction and rehabilitation of low-income housing."

Income level limits will be determined by information from the following table (based on 60% of the MSA's median income):

HUD Median Income for Fiscal Year 2002  
Virginia State Median Income: \$59,800  
Effective Date: 1/31/2002  
\*30%:Extremely Low Income / 50%:Very Low Income / 80%:Low Income

Name	MSA	Median Income	Per*	One	Two	Three	Four	Five	Six	Seven	Eight
James City County	James City County	\$59,800	30%	\$17940	\$23920	\$31860	\$39800	\$47740	\$55680	\$63620	\$71560
			50%	\$18850	\$21500	\$24200	\$26900	\$29050	\$31200	\$33350	\$35500
			80%	\$23920	\$27800	\$31680	\$35560	\$39440	\$43320	\$47200	\$51080

Rents will be determined by looking at comparable properties in the area. Maximum rents are guided by the following information:

Filter For Location	00% of 40%	00% of 50%	00% of 60%	00% of 70%	00% of 80%	00% of 90%	00% of 100%
James City County	477	403	484	559	634	709	784
MSA: \$53800	471	504	505	599	730	860	990
	392	420	504	582	650	717	784

## **REVENUE**

Because of the type of development proposed – affordable housing – there will be very little or no revenue generated. The property will, however, generate estimated annual real estate taxes of \$40,122.66. This estimate is based on the assessed value of a nearly identical property in Henrico County, Virginia, using the current tax rate in James City County.

**PROFFERS**  
**LONGHILL GROVE**

THESE PROFFERS are made this 26th day of December, 2002, by and among:

**EAGLE CONSTRUCTION OF VIRGINIA, INC.**, a Virginia corporation ("Eagle")  
(to be indexed as grantor) and

**UCP, L.L.C.**, a Virginia limited liability company (successor in interest and/or title to  
Heritage Builders, Inc., a Virginia corporation) ("UCP") (to be indexed as grantor) and

**DAVID WALKER** ("Walker") (to be indexed as grantor) and

**BRYAN KORNBLAU** ("Kornblau") (to be indexed as grantor) and

**SAMUEL I. WHITE, P.C.**, a Virginia professional corporation ("White") (to be indexed  
as grantor) and

**THE COUNTY OF JAMES CITY, VIRGINIA** ("County") (to be indexed as grantee),  
provides as follows:

**RECITALS:**

R-1. UCP is the owner of certain real property located in the County of James City,  
Virginia, containing 8.34± acres, more or less, more particularly described on **Exhibit A**  
attached hereto and made a part hereof (the "UCP Property").

R-2. White is the owner as Substitute Trustee of certain real property located in the  
County of James City, Virginia, pursuant to a foreclosure under certain deeds of trust existing on  
thereon, consisting of 7.48± acres, more or less, more particularly described on **Exhibit B**  
attached hereto and made a part hereof (the "Foreclosure Property").

R-3. The real property described on Exhibits A and B inclusive shall be referred to collectively herein as the "Property."

R-4. Eagle is the contract purchaser of the UCP Property, and Walker and Kornblau are the contract purchasers of the Foreclosure Property

R-5. Eagle, UCP, Walker, Kornblau and White, and their collective successors and assigns who own record title to all of the Property are referred to collectively herein as the "Owners".

R-6. UCP and White, prior to conveyance of the Property, joined in the filing of an Amended Application for rezoning (the "Application") of the Property. The Application has been designated by the County as Case No. Z-5-02.

R-7. Owners have requested in the Application that the Property be rezoned to R-5 – Multifamily Residential District with proffers as described by Section 24-304 *et seq.* of the County's zoning ordinance in effect on the date hereof ("Zoning Ordinance") in order to permit the construction of apartment housing ("Apartments").

R-8. The provisions of the Zoning Ordinance, Section 24-1, *et seq.* may possibly be deemed inadequate for protecting and enhancing orderly development of the Property in accordance with the County Comprehensive Plan. The Owners, in furtherance of the Application, desire to proffer certain conditions which, among other things, provide for some of the types of benefits specified in the residential provisions of the comprehensive plan and in density bonus provisions of the Zoning Ordinance applicable to R-5 districts. These conditions are specifically limited solely to those set forth herein in addition to the regulations provided for by the Zoning Ordinance for the protection and enhancement of the development of the Property,

in accordance with the provisions of Section 15.2-2296 *et seq.* of the Code of Virginia (1950), as amended (the "Virginia Code"), and Section 24-16 of the Zoning Ordinance.

R-10. The County constitutes a high-growth locality as defined by Section 15.2-2298 of the Virginia Code.

R-11. A Phase I Archaeological Study (the "Archaeological Study") recommending no treatment or further study has been performed on the Property and the study has been submitted to the County Director of Planning for review by the County in connection with the Application. A copy of the Archaeological Study is on file in the office of the County Director of Planning.

R-12. A Community Impact Statement (the "Community Impact Statement") has been submitted to the County Director of Planning for review by the County in connection with the Application. The Community Impact Statement is on file in the office of the County Director of Planning.

R-13. A traffic analysis dated September 20, 2002, entitled: "Traffic Analysis for Williamsburg Apartments at Centerville/Longhill Road" prepared by DRW Consultants, Inc. (the "Traffic Study") has been submitted to the County Director of Planning and the Virginia Department of Transportation ("VDOT") for review in connection with the Application. The Traffic Study is on file in the office of the County Director of Planning.

R-14. A Master Plan of Development entitled "Master Plan of Longhill Grove" made by AES Consulting Engineers, dated September 23, 2002, and revised December 2, 2002, (the "Master Plan") has been submitted to the County Director of Planning for review by the County in connection with the Application. The Master Plan is on file in the office of the County Director of Planning.

R-15. Owners are seeking verification from the County Zoning Administrator of the lawful status of and continued utilization of some of the existing pad sites on the Foreclosure Property for the construction of new buildings on said pad sites on the Property. Said pad sites are shown on that certain plan titled "CURRENT BUILDING LOCATION & CONFIGURATION, LONGHILL GROVE (FORMERLY BURTON WOODS)" prepared by AES Consulting Engineers, dated December 18, 2002, submitted to the County Director of Planning and on file in his office. Said existing pad sites are nonconforming by virtue of current setback requirements. Owners may also seek a variance from the County Board of Zoning Appeals to allow utilization of said existing pad sites.

NOW, THEREFORE, for and in consideration of the approval by the County of the rezoning of the Property, and pursuant to Section 15.2-2296 of the Virginia Code and Section 24-16 of the Zoning Ordinance, the Owners agree that they shall meet and comply with the following conditions and proffers as indicated in developing the Property.

### **PROFFERS:**

#### **SECTION I. Proffers Applicable to the Property.**

1. **Binding Master Plan.** The Property shall be developed generally in accordance with the Master Plan pursuant to Section 24-515(b) of the Zoning Ordinance. The Master Plan provides only for the general location of buildings, proposed streets, drainage facilities, areas of open space, buffer areas and recreation facilities. Development plans may deviate from the Master Plan if the Planning Commission concludes after reviewing written comments from the Planning Director that the deviation does not significantly alter the character of land uses or

other features or conflict with any conditions placed on the approval of the Application. The Master Plan will be followed to the extent legally possible but is subject to certain verifications and/or variances as described in Recital 15 (R-15).

2. Private Driveways. All driveways (as hereinafter defined) within the Property shall be private. The term "driveway" is defined as any interior roadway or lane designed for automobile travel and connecting the Property's various parking lots with Centerville Road and/or Longhill Road.

3. Water Conservation. Eagle shall be responsible for developing for the Property water conservation standards to be submitted to and approved by James City Service Authority (the "JCSA"). The standards shall address such water conservation measures as limitations on installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. Landscape design features, including the use of native species and drought tolerant grasses and plantings, and a water conservation plan shall be implemented to reduce the total irrigated area of the Property in order to accomplish the limitation on use of municipal water and groundwater. The standards shall be approved by JCSA prior to approval of the first site plan for development of the Property or any portion thereof.

4. Number of Apartments. The maximum number of Apartments constructed on the Property shall not exceed one hundred seventy (170) dwelling units, as defined in the Zoning Ordinance; however, said maximum density is conditioned upon approval of the requisite density bonuses during the site plan review and approval process.

5. Affordable Housing. For a period of fifteen (15) years after the first occupancy of an apartment on the Property, all apartments constructed on the Property will be occupied by

individuals and families whose incomes do not exceed sixty percent (60%) of the area median gross income. For the purposes hereof, the incomes of the individuals and families and area median gross income, shall be determined in a manner consistent with the determinations of area median gross income under Section 8 of the United States Housing Act of 1937, as amended, and such determinations shall include adjustments for family size. If the income of an occupant(s) of an apartment on the Property does not exceed the applicable income limit under this provision upon commencement of occupancy of the apartment, then the requirements of this proffer shall be deemed satisfied for the duration of occupancy of any apartment by such occupant(s), regardless of subsequent changes in income.

6. Construction Entrance. The construction entrance for development of the Property shall be located along Longhill Road at the existing Burton Woods Drive entrance; however, construction vehicles and/or construction materials shall not impede vehicular and/or pedestrian access to the adjacent Powhatan Apartments.

7. Pump Station. The Owners agree to offer for exchange with the James City Service Authority ("JCSA") certain real property on which JCSA Lift Station 7-2 is located in exchange for certain real property shown on that certain plat entitled "PLAT FOR CONVEYANCE OF LIFT STATION SITE 7-2 FROM: BURTON WOODS ASSOCIATES TO: JAMES CITY SERVICE AUTHORITY" dated May 14, 1986 and recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and the County of James City at Deed Book 311, page 77. In addition, the Owners shall offer for exchange with JCSA certain service line easements reasonably necessary for the operation of said Lift Station 7-2 in exchange for abandonment and vacation of existing unnecessary easements on the Property.

8. Water Mains. The 8 inch water main existing within the Burton Woods Drive right of way and the 12 inch water main existing within the Centerville Road right of way will be indirectly connected through the construction and development of the internal water supply system for Longhill Grove.

9. Lighting. All exterior lighting for the Property shall be in substantial conformity with the cutsheets entitled "Area Lighting - GE Lighting Systems, Inc." submitted to the County Director of Planning and on file in his office, as determined by the County Director of Planning.

10. Longhill Road Entrance. The entrance to the Property along Longhill Road shall be in substantial conformity with that certain plan titled "EXISTING TURN LANES ON LONGHILL ROAD AT LONGHILL GROVE" prepared by AES Consulting Engineers, submitted to the County Director of Planning and on file in his office.

## **SECTION II. Miscellaneous Provisions**

1. Headings. All section and subheadings of these Proffers are for convenience only and shall not be read as a part of these Proffers or utilized in interpretation thereof.

2. Severability. In the event that any clause, sentence, paragraph, section or subsection of these Proffers shall be adjudged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Property or to any government agency is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, section or subsection hereof, or the specific application thereof directly involved in the

controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, section or provision hereof.

3. Conflicts. In the event that there is any conflict between these Proffers and the Zoning Ordinance, the conflict shall be resolved by the County's Zoning Administrator subject to the appeal process to the Board of Supervisors and the Courts as otherwise provided by law.

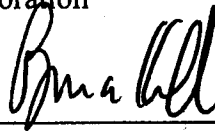
4. Successors and Assigns. This Proffer Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns.

5. Void if Rezoning not Approved. In the event that the rezoning sought by the Application is not approved by the County, these Proffers shall be null and void.

6. Signature by County. The County's Director of Planning has executed these Proffers solely for purpose of confirming the filings, submissions and acceptance of same described in the Recitals section above, and confirming approval by the County Board of Supervisors of the rezoning of the Property with these Proffers by a resolution dated February \_\_\_, 2003.

EAGLE CONSTRUCTION OF VIRGINIA, INC., a  
Virginia corporation

By: \_\_\_\_\_



Bryan Kornblau, CEO

COMMONWEALTH OF VIRGINIA  
AT LARGE, to-wit:

The foregoing instrument was acknowledged before me this 3<sup>rd</sup> day of JANUARY,  
2003, by Bryan Kornblau, CEO of Eagle Construction of Virginia, Inc., a Virginia corporation,  
in its behalf.



Notary Public

My commission expires: \_\_\_\_\_

6/30/03

UCP, L.L.C., a Virginia limited liability company

By: *Carten C. Chinnis*

Name: *Carten C. Chinnis*


Title: *General Partner*

COMMONWEALTH OF VIRGINIA  
AT LARGE, to-wit:

The foregoing instrument was acknowledged before me this 3<sup>rd</sup> day of January 2003, by *Carten C. Chinnis*, *President* of UCP, L.L.C., a Virginia limited liability company, in its behalf. *Gen. Partner*

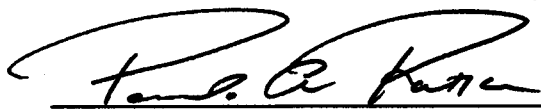
*Lyn D. Franklin*  
Notary Public

My commission expires: *12-31-06*

  
David Walker

COMMONWEALTH OF VIRGINIA  
AT LARGE, to-wit:

The foregoing instrument was acknowledged before me this 2 day of January  
20 03, by David Walker.

  
Notary Public

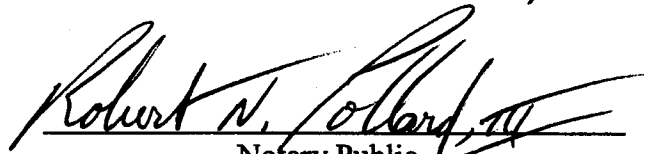
My commission expires: 7-31-05



Bryan Kornblau

COMMONWEALTH OF VIRGINIA  
AT LARGE, to-wit:

The foregoing instrument was acknowledged before me this 3<sup>rd</sup> day of JANUARY,  
2003, by Bryan Kornblau.

  
Notary Public

My commission expires: 6/30/03

SAMUEL I. WHITE, P.C., a Virginia professional corporation, Substitute Trustee

By: Emmanuel D. Voces

Name: Emmanuel D. Voces

Title: Vice President

COMMONWEALTH OF VIRGINIA  
AT LARGE, to-wit:

The foregoing instrument was acknowledged before me this 2nd day of January 2003, by Emmanuel D. Voces, Vice President of Samuel I. White, P.C., a Virginia professional corporation, Substitute Trustee, in its behalf.

Cheryl A. Crawford  
Notary Public

My commission expires: March 31, 2005

THE COUNTY OF JAMES CITY, VIRGINIA

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_ Director of Planning \_\_\_\_\_

COMMONWEALTH OF VIRGINIA  
COUNTY OF JAMES CITY, to-wit:

I, the undersigned, a Notary Public in and for the County and State aforesaid, do certify that \_\_\_\_\_, Director of Planning of the County of James City, Virginia, whose name is signed to the foregoing document, has acknowledged the same before me.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
County Attorney

COMMONWEALTH OF VIRGINIA  
COUNTY OF JAMES CITY, to-wit:

I, the undersigned, a Notary Public in and for the County and State aforesaid, do certify that \_\_\_\_\_, Deputy County Attorney of the County of James City, Virginia, whose name is signed to the foregoing document, has acknowledged the same before me.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

## **EXHIBIT A**

### **THE UCP PROPERTY**

THAT certain parcel of land, in Berkley District, James City County, Virginia, shown as Parcel 2 containing 12.8519 acres and Parcel 3 containing .6507 acres on plat of survey by Deward M. Martin & Associates, Inc., dated June 10, 1975, a copy of which is recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and the County of James City, Virginia, in Deed Book 32, page 81, reference to which is made for a more particular description of such parcel of land.

LESS AND EXCEPT that 3.56 acres conveyed from Heritage Builders, Inc. to Second Burton Woods Associates, dated November 1, 1979, recorded November 13, 1979, in Deed Book 199, page 224

LESS AND EXCEPT that strip conveyed in Deed from Heritage Builders, Inc. to Commonwealth of Virginia, dated February 21, 1989, recorded March 6, 1989, in Deed Book 427, page 624.

LESS AND EXCEPT those parcels conveyed in Deed from Heritage Builders, Inc. to County of James City dated March 8, 1995, recorded August 30, 1995, in Deed Book 752, page 224.

LESS AND EXCEPT that parcel conveyed from Heritage Builders, Inc. to County of James City dated September 11, 1995, recorded October 11, 1995, in Deed Book 758, page 406.

LESS AND EXCEPT that parcel conveyed from UCP, Limited Partnership to Exxon Corporation dated January 6, 1999, recorded March 11, 1999, at Instrument No. 990005207.

BEING a portion of the same real estate conveyed to Heritage Builders, Inc. by deed from William M. Lee and Shirley A. Lee, husband and wife, dated June 13, 1972, recorded July 7, 1972, in the Clerk's Office, Circuit Court, James City County, Virginia, in Deed Book 137, page 645; and by Deed from J. Corry Mulligan and Olive C. Mulligan, his wife, dated June 13, 1972, recorded July 7, 1972, in Deed Book 137, page 647; and by Deed from J. Corry Mulligan and Olive C. Mulligan, his wife, dated June 13, 1972, recorded July 7, 1972, in the Clerk's Office of the Circuit Court for the City of Williamsburg and the County of James City, Virginia, in Deed Book 137, page 650.

Tax Parcel No. (31-3)(01-0-0012)  
5500 Centerville Road

Tax Parcel No. (31-3)(01-0-0013)  
Burton Woods Drive Roadway

## **EXHIBIT B**

### **THE FORECLOSURE PROPERTY**

THOSE three parcels of land, in Berkeley Magisterial District, James City County, Virginia, designated as Parcel 1 containing 6.29 acres, Parcel 4 containing 0.0673 of an acre, and Parcel 5 containing 0.0574 of an acres, on plat of survey by Deward M. Martin & Associates, Inc., dated June 10, 1975, entitled "Plat Showing Various Parcels of Land Standing in Berkeley Magisterial District," recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and the County of James City, Virginia, in Plat Book 32, page 81, reference to which is made for a more particular description of such parcels of land.

LESS AND EXCEPT that certain piece or parcel of land, containing 0.0574 acre, conveyed to the James City Service Authority by deed dated May 16, 1986, recorded in Deed Book 311 at page 75.

BEING a portion of the same property conveyed to Burton Woods Associates, a Virginia limited partnership, by deed from Heritage Builders, Inc., dated March 22, 1976, recorded March 23, 1976, in Deed Book 167, page 271.

BEING a portion of the same property conveyed in trust to Marion V. Baker, Trustee, for the benefit of Farmers Home Administration, United States Department of Agriculture, by deed of trust from Burton Woods Associates, dated March 23, 1976, recorded March 23, 1976, in Deed Book 167, page 273.

BEING a portion of the same property conveyed in trust to Philip H. Stetson, Trustee, for the benefit of the United States of America, by deed of trust from Burton Woods Associates, dated May 22, 1998, recorded May 26, 1998, at Instrument Number 980009644.

BEING a portion of the same property conveyed in trust to Samuel I. White, P.C., a Virginia professional corporation, Substitute Trustee, for the benefit of the United States of America, by the powers of substitution of trustee created under the deeds of trust recorded in Deed Book 167, page 273 and in Instrument No. 980009644, notice of which is recorded at Instrument Numbers 020009414 and 020009415.

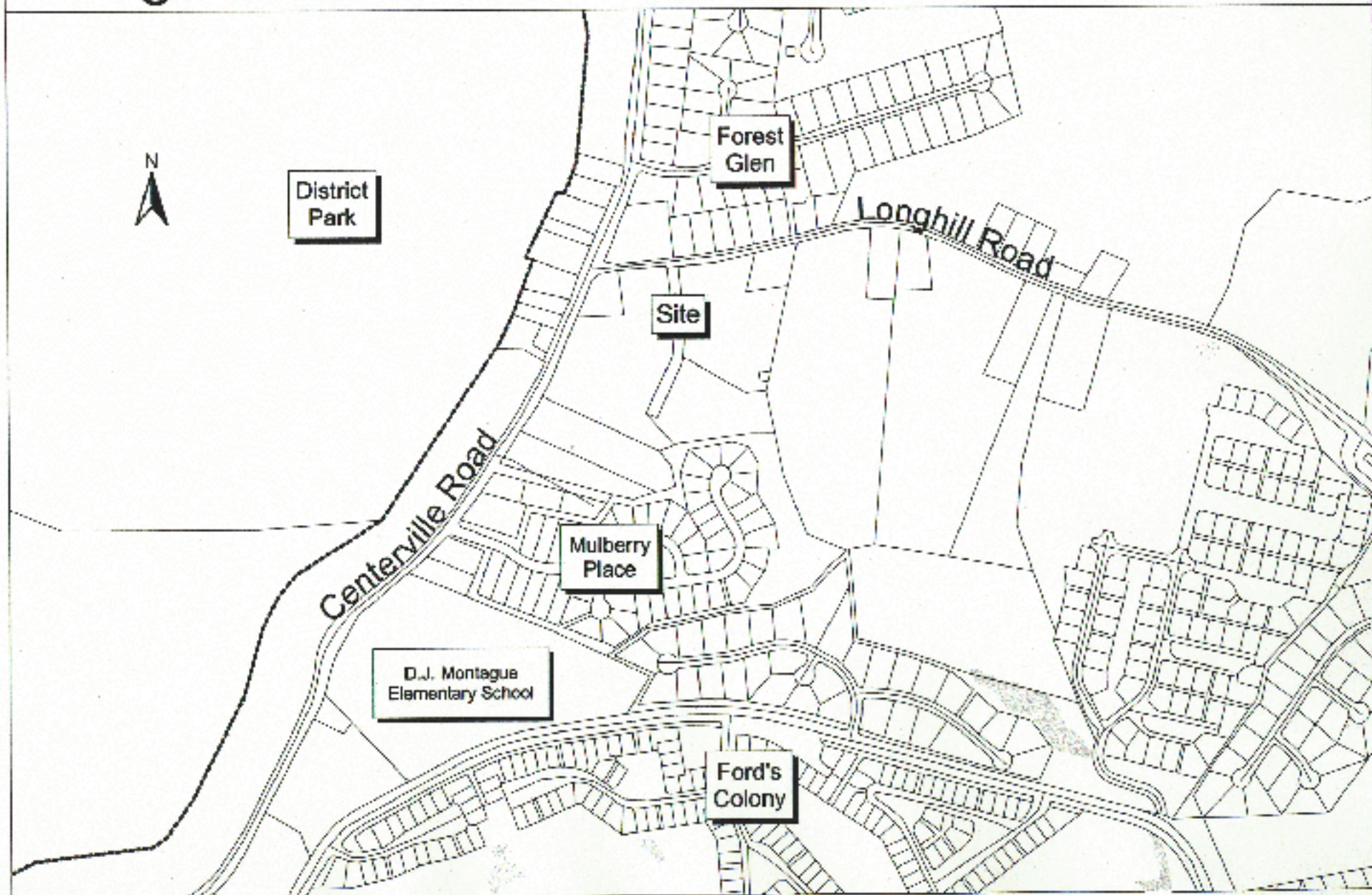
BEING a portion of the same property foreclosed upon by Samuel I. White, P.C. as a result of the default by Burton Woods Associates under the deeds of trust recorded at Deed Book 167, page 273 and at Instrument No. 980009644, the foreclosure sale being held on May 20, 2002, at a public auction at the entrance to the Circuit Court for the City of Williamsburg and the County of James City, Virginia, there being a successful bidder as evidenced by contract of purchase executed on May 20, 2002.

Tax Parcel No. (31-3)(01-0-0014)  
102 Burton Woods Drive

#6032256 v5 - Eagle Construction/Longhill Grove/Proffers

# Case Nos. Z-5-02 & HW-1-02

## Longhill Grove



## Rezoning 5-02; Height Waiver 1-02. Longhill Grove

Staff Report for the January 13, 2003, Planning Commission meeting

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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** 7:00 p.m.; Building C Board Room; County Government Complex  
**Planning Commission:** January 13, 2003  
**Board of Supervisors:** February 11, 2003 (Tentative)

### **SUMMARY FACTS**

**Applicant:** Mr. Alvin Anderson of Kaufman & Canoles

**Land Owner, Tax Map ID, Area and Existing Zoning:** Parcel 1: Burton Woods Associates; (31-3)(1-14); 6.42 acres; R-5  
Parcel 2: Heritage Builders; (31-3)(1-13); 1.07 acres; R-5  
Parcel 3: UPC Limited Partnership; (31-3)(1-12); 8.33 acres; LB

**Proposal:** To rezone a total of approximately 15.82 acres (among three parcels) to allow for the construction of up to 170 apartments which, by proffer, are proposed to be low income affordable in rent. A height limitation waiver is also requested from the Board of Supervisors as the proposed three story apartment buildings exceed 35 feet in height.

**Location:** At the intersection of Longhill Road and Centerville Road.

**Primary Service Area:** Inside

**Proposed Zoning:** R-5, Multifamily Residential, with proffers

**Comprehensive Plan:** Moderate Density Residential

**Surrounding Zoning:** North: an undeveloped parcel zoned LB; R-2 zoned property  
South: Powhatan Apartments, Mulberry Place subdivision, vacant R-5 land  
East: generally undeveloped land zoned R-8  
West: scattered single family homes on property zoned A-1

**Staff Contact:** Christopher Johnson Phone: 253-6685

### **STAFF RECOMMENDATION**

With the submitted proffers, staff finds the proposal will not negatively impact surrounding property. Staff also finds the proposal consistent with the Land Use and Housing policies of the Comprehensive Plan and consistent with the Comprehensive Plan Land Use Map designation. Staff also finds that the added benefit of affordable housing will meet an important need in James City County. Finally, staff finds that the Zoning Ordinance criteria for the granting of a Height Limitation Waiver have been satisfactorily met.

Staff therefore recommends approval of the rezoning and the Height Limitation Waiver, and the acceptance of the voluntary proffers.

## **Project Description**

Eagle Construction of Virginia has submitted an application to rezone approximately 15.82 acres located at the southeast corner of Longhill Road and Centerville Road from LB, Limited Business and R-5, Multifamily Residential to R-5, with proffers. These properties share the corner with a one-acre, LB zoned parcel owned by ExxonMobil.

If approved, the developer would use the assembled parcels to create a new affordable apartment housing complex. The development, to be known as Longhill Grove, would consist of up to 170, two and three bedroom apartments among multiple buildings, and would include the demolition and rebuilding of the remaining Burton Woods apartment buildings, thus eliminating a significant blighted area. The developer states that all first floor units in these buildings will be handicapped adaptable.

The project is possible with support from the Low Income Housing Tax Credit Program and financing by the Virginia Housing Development Authority.

A height limitation waiver is also requested from the Board of Supervisors as the proposed three story apartment buildings exceed 35 feet in height. The attached elevations are of another apartment project completed by Eagle Construction and the developers have indicated the architecture may be somewhat similar on this project.

The UPC parcel was once used for agricultural activities, however, for several years now, the property has gone unused and it is now overgrown. The remaining Burton Woods apartments are currently condemned and boarded up.

### *Proposed Density Bonuses*

Under the R-5 provisions of the Zoning Ordinance, a 15.82 acre site can only accommodate 142, three-story apartments by-right. However, the Ordinance permits density bonuses to be granted - up to an additional 20% dwelling units per acre can be added to the by-right unit count.

For this particular project, the developer seeks an additional 9% increase in density by providing enhanced recreation. Also, an additional 11% increase in density is sought by a landscaping proposal which exceeds the minimum ordinance standards. Only with these bonuses can the requested 170 units be built.

The landscape plan attached to the Master Plan is conceptual in nature. The final landscaping details, in support of the requested density bonus, are to be resolved during the site plan review process. Upon a preliminary review, while some additional landscaping may be desirable to screen the development from Longhill and Centerville Roads, staff finds the landscape plan generally consistent with the intent of the landscape ordinance and forms a good foundation on which to grant a density bonus. Staff hopes to work with the applicant on developing a final landscape plan which utilizes native species and species which are drought tolerant, and developing a plan which minimizes future maintenance costs on the residents of this development.

The recreation amenities provided, as indicated on the Master Plan, are planned to be provided as shown and also help to meet the recommendations of the Parks and Recreation Master Plan guidelines for residential development. Recommendations for multifamily developments include park land, biking/jogging trails, playgrounds, play courts and softball fields.

Eagle Construction proposes:

- A swimming pool and clubhouse;
- bike racks;
- a community bus stop and bookmobile parking area;
- a school bus shelter;
- common recreational areas (to include picnic benches and BBQ grills);
- other common passive recreational areas;
- an active tot lot/playground area; and
- 2,500 linear feet of 4-foot wide mulched walking and jogging trails.

The total recreation areas provided add up to 69,033 square feet, or 1.58 acres, which is more than 10 percent of the site area. Also provided is an additional 11.4 percent of the site area in natural open space. Finally, available to residents via existing sidewalks along Longhill and Centerville, is access to the new County District Park. Given the re-development aspect of this proposal and the limited site area, the provision of a softball field is not feasible; however, as mentioned large open space areas are available at the District park. The proposed recreation amenities are well in excess of applicable Zoning Ordinance requirements. Staff finds the recreation proposal acceptable for achieving the density bonus.

### **Archaeology**

There have been many concerns on how archaeology may affect this project, and its ability to provide affordable units. These concerns have been based on the significant archaeological findings at the Exxon site and at the District park site.

Therefore, Eagle construction had an archaeological study commissioned. The study was prepared on August 22, 2002, by the James River Institute for Archaeology. Based on the positive shovel tests, as well as the observation of surface structural remains and associated artifacts, one archaeological site and three archaeological locations were identified within this project area.

The archaeological site consists of the remains from a single family dwelling, with an occupation dating to the early 1900s. According to the archaeologist, the site is not considered potentially eligible for the National Register and no further work is recommended or necessary.

The three other archaeological discoveries represent isolated finds. Again, the finds are not considered to have any research value, and as such, are not potentially eligible for the National Register and no further work is recommended or necessary.

Based upon the findings in the report and the concurring opinion of an independent third party archaeologist, staff concurs that no further archaeological work is necessary at the site.

### **Surrounding Development and Zoning**

Located to the south of this site is an undeveloped parcel zoned R-5. Southeast of the site is Powhatan Apartments, zoned R-5, and Mulberry Place, a single family detached subdivision zoned R-2, General Residential. Powhatan Apartments, formerly known as Burton Woods, Phase 2, recently underwent extensive rehabilitation.

To the north of this site, across Longhill Road, is an undeveloped parcel zoned LB. Finally, across Centerville Road and to the west of this site are scattered single family dwellings located on property zoned A-1, General Agriculture. The only exception is the entrance to the new County park, which is zoned LB.

The proposal is generally consistent with the adjacent Powhatan Apartments. With the submitted proffers, staff finds the proposal will not negatively impact surrounding single family property.

### **Traffic Impact Study**

A traffic impact study was prepared for Eagle Construction by DRW Consultants.

According to the report, the proposed apartments will generate approximately 92-93 AM peak hour vehicle trips and approximately 112-116 PM peak hour vehicle trips. The traffic engineer also found these additional vehicle trips will have little effect on the capacity of the Longhill Road/Centerville Road intersection. The findings indicate that any delay experienced would be more attributable to general growth in the County and not directly from this proposal. More specifically:

	<u>A.M. Peak Hour LOS</u>				<u>P.M. Peak Hour LOS</u>			
<u>Condition</u>	<u>EB</u>	<u>WB</u>	<u>NB</u>	<u>SB</u>	<u>EB</u>	<u>WB</u>	<u>NB</u>	<u>SB</u>
Existing	C	C	A	A	C	C	A	A
2007 without the apartments	D	C	A	A	D	C	A	A
2007 with the apartments	D	C	A	A	D	C	A	A

*EB = Eastbound on Longhill Road; WB = Westbound on Longhill Road;  
NB = Northbound on Centerville Road; SB = Southbound on Centerville Road*

Regarding traffic generation at this corner, it may be helpful to note that the special use permit for the convenience store and gas station, a traditionally heavy traffic generator, has expired. Any commercial use which would generate more than 100 peak hour trips to and from the one-acre parcel would need another special use permit from the Board of Supervisors. Cumulative traffic counts would be considered and evaluated at that time.

According to the study, no additional road improvements are warranted at the entrance to the apartment site on either Centerville Road or at the Longhill Road/Burton Woods Drive intersection. There is already a separate left turn lane on westbound Longhill Road and separate left turn and right turn lanes leaving the apartment complex site on Burton Woods Drive.

In reviewing the Master Plan and traffic study the Virginia Department of Transportation agreed on the technical merits of the study and the general conclusions.

### **Powhatan Creek Watershed**

In a report prepared for James City County by the Center for Watershed Protection (i.e., the Powhatan Creek Watershed Management Plan), it was noted that rapid development has occurred within the Powhatan Creek Watershed, posing a threat to natural habitats and the water quality benefit of this tributary. In 2001, the Center for Watershed Protection made recommendations for various sub-watersheds of Powhatan Creek.

The site proposed for Longhill Grove is located in Sub-watershed 204 of Powhatan Creek, for which the two following recommendations were made:

1. Extension of Resource Protection Areas (RPA's) to protect all perennial streams and connected wetlands.
2. That current JCC stormwater management objectives and design criteria be used to prevent impacts to water resources.

According to the project's engineer, the development of Longhill Grove will directly support these two goals by:

1. Incorporating a stormwater management facility / best management practice designed to honor JCC stormwater management goals, and
2. Reserving on-site lands adjacent to identified wetland areas, and adjacent to possible intermittent (possible perennial) streams to act as natural buffers on-site. Areas designated as natural buffers will also be deeded over to JCC as conservation easements or natural open space easements.

The Community Impact Statement and proposed Master Plan has been reviewed by the James City County Environmental Division and they agree with the findings and agree that the proposal meets the objectives of the Powhatan Creek Watershed Study.

### **Adequate Public Facilities Test**

Per the "Adequate Public School Facilities Test" policy adopted by the Board of Supervisors, all special use permit or rezoning applications should pass the test for adequate public school facilities.

A proposed rezoning will pass the test if the schools which would serve the future development currently have adequate design capacity to accommodate the existing student population plus the additional school children generated by the development. For purposes of this policy, the schools shall be deemed adequate if the projected student population does not exceed 100% of the design capacity at the time of the application's review.

If any of the applicable public schools which would serve the future residential development exceed 100% of the design capacity, then the application will not pass the test for adequate school facilities. However, if the affected public schools currently exceed design capacity, but the school's student population will be brought under design capacity within three years of the time of the application's review through either physical improvements programmed in the Capital Improvements Plan (CIP), and/or through a redistricting plan that was approved by the School Board prior to the application, then the application will be deemed to have passed the test.

With respect to this test, the following information is offered by the applicant:

<u>Schools serving Longhill Grove</u>	<u>2001-'02 enrollment</u>	<u>Design capacity</u>	<u>Program capacity*</u>
D.J. Montague Elementary	591	757	645
Toano Middle	757	775	782
Lafayette High	1,391	1,250	1,296

\* Program capacity is computed using 90% of the schools design capacity. This number reflects the schools programmatic capacity, rather than the structural (or design) capacity.

The applicant expects this project to generate 62 elementary school aged children, 24 middle school aged children and 22 high school aged children. This would bring enrollment at D.J. Montague up to 653, enrollment at Toano up to 781 and enrollment at Lafayette up to 1,413.

The applicant further notes that while the figures indicate that the proposed development may add to the number of students over the capacity at the middle and high schools, it should be noted that this development will most likely draw tenants from the existing residential population base within the same and surrounding school zones. Therefore, the impact of this project on the school system would be more of a redistribution of the school age population, rather than an increase.

Staff does not have any information on which to form a conclusion affirming or denying the notion of school age child redistribution over new child generation. Past experience with other similar developments does not support the applicant's redistribution theory. Staff does concur that with the number of children expected from the development, that the proposal does not pass the adequate public facilities schools test.

The applicant has maintained that any capital contribution (i.e., cash proffer) to the school system to mitigate impacts would impair the ability to provide these units at the affordable rents proposed. Based on information presented to staff to date and other public benefits provided by this proposal, staff concurs with this statement and recommends acceptance of the proffers, as currently proposed.

More information on the fiscal expectations of this project are listed in the attached Fiscal Impact Statement.

## **Proffers**

The following has been proffered by the applicant. Staff finds that the voluntary proffers offset potential impacts and recommends their acceptance. Staff comment appears when warranted.

1. Binding Master Plan. The property shall be developed generally in accordance with the Master Plan. Development plans may deviate from the Master Plan only after the Planning Commission (following review by the DRC) determines that such changes do not significantly alter the character of the project or conflict with any conditions of approval.
2. Private Driveways. That roads internal to the project shall remain as private driveways - not Virginia Department of Transportation (VDOT) streets.
3. Water Conservation. That appropriate water conservation measures be developed and submitted to the JCSA for review and approval prior to any site plan approval. This particular language has been reviewed by the James City Service Authority and is acceptable.

It should be noted that with other recent residential proposals, a per unit cash contribution has been proffered to help offset the costs of water supply facilities. Based on a formula developed by the JCSA, the per unit contribution for this development would be \$500 per

unit. However, as noted above in the Schools discussion, the applicant has maintained that such a contribution would impair the ability to provide these units at the affordable rents proposed. Based on information presented to staff to date and other public benefits provided by this proposal, staff concurs with this statement and recommends acceptance of the proffers, as currently proposed.

4. Number of Apartments. That no more than 170 apartments can be constructed on this site. This number of dwelling units is conditioned upon receiving the maximum allowable density bonuses permitted in the R-5, Multifamily Residential, zoning district during the site plan review process.
5. Affordable Housing. For a period of 15 years after the first apartment is occupied, occupancy will be limited to only those individuals and families whose incomes do not exceed 60% of the area's median gross income (median gross income is \$53,800 in 2002). As shown on the Fiscal Impact Statement, this effectively means that the maximum rents in 2002 for the two bedroom units would be \$726/month and would be \$839/month for the three bedroom units.

With this project, the James City County Office of Housing and Community Development (OHCD) had wanted to achieve a goal of occupancy by 20 percent of the units by low income residents via assistance with the County's Section 8 Housing Choice Voucher Program. While the current proffers do not explicitly address these issues, the actions to achieve such a goal could include:

- a continuing commitment to limit the rent on 20 percent of the units to within the JCC Housing Choice Voucher program payment standard for contract rent plus utilities. The current payment standard of rent plus utility allowance is \$780 for a two bedroom unit and \$1,037 for a three bedroom unit;
- on-going notification to the JCC Housing Choice Voucher Program of the anticipated availability of units for rent by bedroom size;
- a commitment to provide waiting list priority to Housing Choice Voucher participants when the number of units rented to HCV participants in the development is less than the 20 percent HCV occupancy goal.

The OHCD had also hoped for some one bedroom apartments and an active program to encourage rental to those persons with special accessibility needs. OHCD perceives these two aspects to be of need in the County. The current plan presented to staff does not explicitly address these two issues.

6. Construction Entrance. The construction entrance for the proposed development will be located along Longhill Road at the existing Burton Woods Drive entrance. An existing 60 foot ingress/egress easement will be preserved in place to guarantee vehicular and/or pedestrian access to Powhatan Apartments during construction.
7. Pump Station. JCSA lift station 7-2 is located on the southeast corner of the proposed development adjacent to the recorded site for the lift station. This proffer will provide for an exchange of property between the owners and the JCSA of the recorded and actual lift station sites. The proffers also provide for an exchange of service line easements necessary for the operation of the lift station in exchange for abandonment and vacation of

existing unnecessary easements on the property.

8. Water Mains. An existing 8 inch water main within the Burton Woods Drive right-of-way will be indirectly connected to an existing 12 inch water main within the Centerville Road right-of-way through the construction and development of the water supply system for the proposed development.
9. Lighting. Exterior light fixtures that are consistent with Zoning Ordinance requirements will be used throughout the development. The Zoning Ordinance requires exterior lighting to be horizontally mounted with recessed fixtures with no bulb, lens, or globe extending below an opaque casing which completely surrounds the light fixture and light source in a manner that directs light downward.
10. Longhill Road Entrance. The proffer provided by the applicant does not provide a dedication of right-of-way along Longhill Road for the future construction of a bikelane or keep future roadway improvements out of the way. Federal and County funds for bikeway construction have been allocated. In the absence of such a proffer to dedicate right-of-way or design the infrastructure so it is out of the way, public costs for the bikeway could be significantly more costly. As stated previously, the traffic study provided by the applicant states that no additional road improvements are warranted at either the Centerville Road entrance to the site or the Longhill Road/Burton Woods Drive intersection. Staff and VDOT concur with this conclusion.

## **Comprehensive Plan**

The James City County Comprehensive Plan Land Use Map designates these properties for Moderate Density Residential development.

According to the Plan, Moderate density areas are residential developments or land suitable for such developments with a minimum density of 4 dwelling units per acre, up to a maximum of 12 dwelling units per acre, depending on the character and density of surrounding development, physical attributes of the property, buffers, and the degree to which the development is consistent with the Comprehensive Plan. The location criteria for moderate density residential require that these developments be located within the PSA where utilities are available. Optimum sites are near the intersections of collector streets, have natural characteristics such as terrain and soil suitable for compact residential development, and provide sufficient buffering so that the higher density development is compatible with nearby development and the natural and wooded character of the County.

These moderate density residential areas may serve as transitional uses, primarily to neighborhood commercial, general commercial, or mixed use areas. The timing and density of development for a Moderate Density Residential site may be conditioned on the provision of least cost housing or the provision of open space.

Suggested land uses include townhouses, apartments, attached cluster housing, and recreation areas.

The Comprehensive Plan also designates Centerville Road and Longhill Road as Community Character Corridors.

The proposal is consistent with both the Land Use and Housing policies of the Comprehensive Plan. The proposal is not consistent with the Public Facilities policies of the Comprehensive Plan.

#### Height Limitation Waiver

The applicant has also requested a Height Limitation Waiver from the Board of Supervisors. On property zoned R-5, structures may be constructed up to 35 feet as a matter of right; however, structures in excess of 35 feet may be constructed only if specifically approved by the Board. The applicant has specifically requested that Height Limitation Waiver be granted to allow for the construction of structures up to 45 feet tall.

Section 24-314(j) of the James City County Zoning Ordinance states that structures in excess of 35 feet in height may be erected only upon the granting of a height limitation waiver by the Board of Supervisors and upon finding that:

1. Such structure will not obstruct light from adjacent property;

*Staff comment:* Given the proposed building setbacks and given that this development will consist of multiple buildings (instead of one large and tall single building), staff finds that light would not be obstructed from adjacent property.

2. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;

*Staff comment:* While there are historic archaeological finds in the vicinity, there are no immediately adjacent above ground historic attractions or other areas of significant historic interest. The immediately adjacent development, Powhatan Apartments, is similar to the proposed Longhill Grove in character. Staff believes the ability to enjoy surrounding historic attractions & developments will not be impaired.

3. Such structure will not impair property values in the area;

*Staff comment:* According to Real Estate Assessments, there is no prior indication that the construction of apartments on this site will have a detrimental effect on surrounding residential properties.

4. Such structure is adequately designed and served from the standpoint of safety and that the county fire chief finds the fire safety equipment installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property;

*Staff comment:* The project, if approved, will be subject to full County review processes. Staff feels confident this review process will ensure the structure is adequately designed from a safety standpoint. Basic fire and rescue services will be provided from the Greensprings Fire Station with back up from the other JCC fire stations and the Williamsburg Fire Department.

5. Such structure will not be contrary to the public health, safety and general welfare.

*Staff comment:* Based on the current proposal, information submitted by the applicant, and the proffers, staff believes the development will not adversely effect the public health, safety or general welfare.

**Recommendation:**

With the submitted proffers, staff finds the proposal will not negatively impact surrounding property. Staff also finds the proposal consistent with the Land Use and Housing policies of the Comprehensive Plan and consistent with the Comprehensive Plan Land Use Map designation. Staff also finds that the added benefit of affordable housing will meet an important need in James City County. Finally, staff finds that the Zoning Ordinance criteria for the granting of a Height Limitation Waiver have been satisfactorily met.

Staff therefore recommends approval of the rezoning and the Height Limitation Waiver, and the acceptance of the voluntary proffers.

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Christopher Johnson

**Attachments:**

1. Location map
2. Elevations of a similar apartment complex completed by Eagle Construction (provided under separate cover by the applicant)
3. Master Plan (provided under separate cover by the applicant)
4. Fiscal Impact Statement
5. Proffers

## **SPECIAL USE PERMIT-21-02. Jamestown Island Expansion**

Staff Report for January 13, 2003, 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 13, 2003, 7:00 p.m.

Board of Supervisors:

February 11, 2003 (tentative)

### **SUMMARY FACTS**

Applicant:

Jane Jacobs

Land Owner:

Association for the Preservation of Virginia Antiquities,  
APVA

Proposed Use:

An addition to an existing building for offices, storage and research space; also a museum exhibit facility adjacent to an archaeological site

Location:

Jamestown Island

Tax Map/Parcel No.:

(54-2)(1-1)

Primary Service Area:

Inside

Parcel Size:

22.5 acres

Existing Zoning:

R-8, Rural Residential

Comprehensive Plan:

Park, Public or Semi-Public Open Space

Surrounding Zoning:

R-8, Rural Residential

Staff Contact:

Sarah Weisiger, Planner      Phone: 253-6685

### **Staff Recommendation:**

Staff finds this proposal to be compatible with the main use of the property and is consistent with the surrounding property and the Comprehensive Plan. Staff recommends the Planning Commission approve this special use permit application with the attached conditions.

**History:**

In 1893, the Association for the Preservation of Virginia Antiquities (APVA) acquired this 22.5 acre parcel on the western corner of Jamestown Island; it now forms part of Historic Jamestowne. The APVA, a non-profit organization devoted to historic preservation, owns and maintains 34 historic properties throughout the state.

In 1907, the APVA constructed the Yeardley House as a visitor facility and caretaker residence. Other buildings were constructed on this property, including the Dale House, Memorial Church and the Mule Barn. (In the 1930's, the National Park Service (NPS) purchased the remainder of the island, which is roughly 1500 acres in size; the NPS now operates the Colonial National Historical Park.) Today, the APVA and the National Park Service jointly administer Jamestown Island for visitors.

Over the past several years, archaeologists working on Jamestown Island have uncovered hundreds of thousands of artifacts dating from the early seventeenth century. In 1997, the APVA received a special use permit to use the Yeardley House as office space for archaeologists (SUP-8-97). The APVA subsequently renovated the house and constructed an addition for the storage of artifacts. This addition to the Yeardley House formed part of the Jamestown Rediscovery Center.

The APVA parcel is also subject to the conditions of a special use permit granted in 2001 for the Carrot Tree seasonal food concession next to the Dale House Archaeological Laboratory (SUP-11-01). Among other conditions, the special use permit allows for the future relocation of the food concession into the Dale House.

**Proposal:**

In preparation for Jamestown's 400<sup>th</sup> anniversary, the APVA and the National Park Service are working on a joint undertaking called the Jamestown Project. The proposed facilities in this special use permit application are only part a much larger project that includes proposals to relocate the island's visitors' center, reconfigure parking areas, change roadways and add pedestrian and bicycle trails. Improvements to National Park Service land do not require special use permits. The following two facilities require a special use permit, because they are located on the parcel owned by the non-governmental APVA:

*Archaearium*

The Archaearium is a proposed new exhibit space that would be open to the public. It is to be adjacent to, and over, the Ludwell Statehouse foundations. The modern building structure is to rest on lightweight pier construction and is intended to be mobile for future excavations. This museum exhibit facility is to give visitors an opportunity to learn more about archaeology and about excavation of the historic site. The proposed one-story Archaearium would be approximately 7,500 square feet. The interior rooms would consist of an exhibit space, an active archaeology space, and restrooms. The facility would be used by visitors to Jamestown Island, reception staff, and archaeologists.

#### *Jamestown Rediscovery Center Collections Facility Addition*

The proposed collections' research facility is to be adjacent to the Yeardley House and its existing Jamestown Rediscovery Center addition. The facility will be used, in part, to house APVA and NPS collections together. The addition will be less than 8,000 square feet on two floors. The rooms in the new addition are intended for storage, a processing lab, curator work space, offices, a library and restrooms. The facility is not to be open to the public.

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

All of the surrounding property, zoned R-8, Rural Residential, is owned and operated by the National Park Service and borders the James River. Some of the surrounding uses and development include the visitor's center, parking, and the Loop Road.

#### **Comprehensive Plan Designation:**

The Comprehensive Plan Land Use Map designates the APVA parcel on Jamestown Island as Park, Public, or Semi-Public Open Space. Large undeveloped areas owned by institutions or the public and used for recreation or open space are included in this category. These areas serve as buffers to historic sites, as educational resources, and as areas for recreation and enjoyment.

#### **Environmental:**

The APVA parcel contains wetlands and tidal shores. The Resource Protection Area (RPA) buffer is a 100-foot buffer landward of these features. The existing Resource Protection Area (RPA) buffer is not intact or functional in the area of the proposed facilities. Currently, impervious cover, equipment and debris are located within the RPA buffer. Two conditions in the recommendation for this special use permit address these environmentally sensitive areas near the proposed facilities.

#### **Utilities:**

The site is located inside of the Primary Service Area. A utilities master plan is currently being developed for all of the proposed facilities on Jamestown Island, including the Archaearium and Jamestown Rediscovery Center addition.

#### **Access:**

Tourists visiting the Archaearium will access it along foot paths from the existing National Park Service visitor center parking lot.

Staff parking for the two facilities is planned for spaces near the Jamestown Rediscovery Center.

### **RECOMMENDATION:**

Staff finds this proposal compatible with existing development at Jamestown Island and consistent with the surrounding property and the Comprehensive Plan. Therefore, staff recommends the Planning Commission approve this special use permit application with the following conditions:

1. An archaeological study, performed in accordance with County policy, shall be submitted and approved by the Director of Planning before any land disturbing activity will be allowed to take place.
2. A site plan shall be submitted to and approved by the Planning Director.
3. Prior to preliminary site plan approval, an engineering study shall be submitted to and approved by the James City Service Authority confirming the sanitary sewer system capacity.
4. Prior to preliminary site plan approval, the Resource Protection Area and Buffer in the vicinity of the Pole Shed and proposed BMP Easement 2 (as shown in the drawing: Proposed NPS Easements at APVA Property, in the Conceptual Stormwater Management Plan for the James City County Special Use Permit application) shall have existing equipment and debris removed, as approved by the County Environmental Director. This area shall be restored with vegetation, as approved by the County Environmental Director.
5. Grid pavers or other pervious paving surfaces shall be used in place of impervious surfaces for the construction or relocation of access roadways or paths within the 50-foot Resource Protection Area buffer, as approved by the County Environmental Director.
6. The special use permit is not severable. Invalidity of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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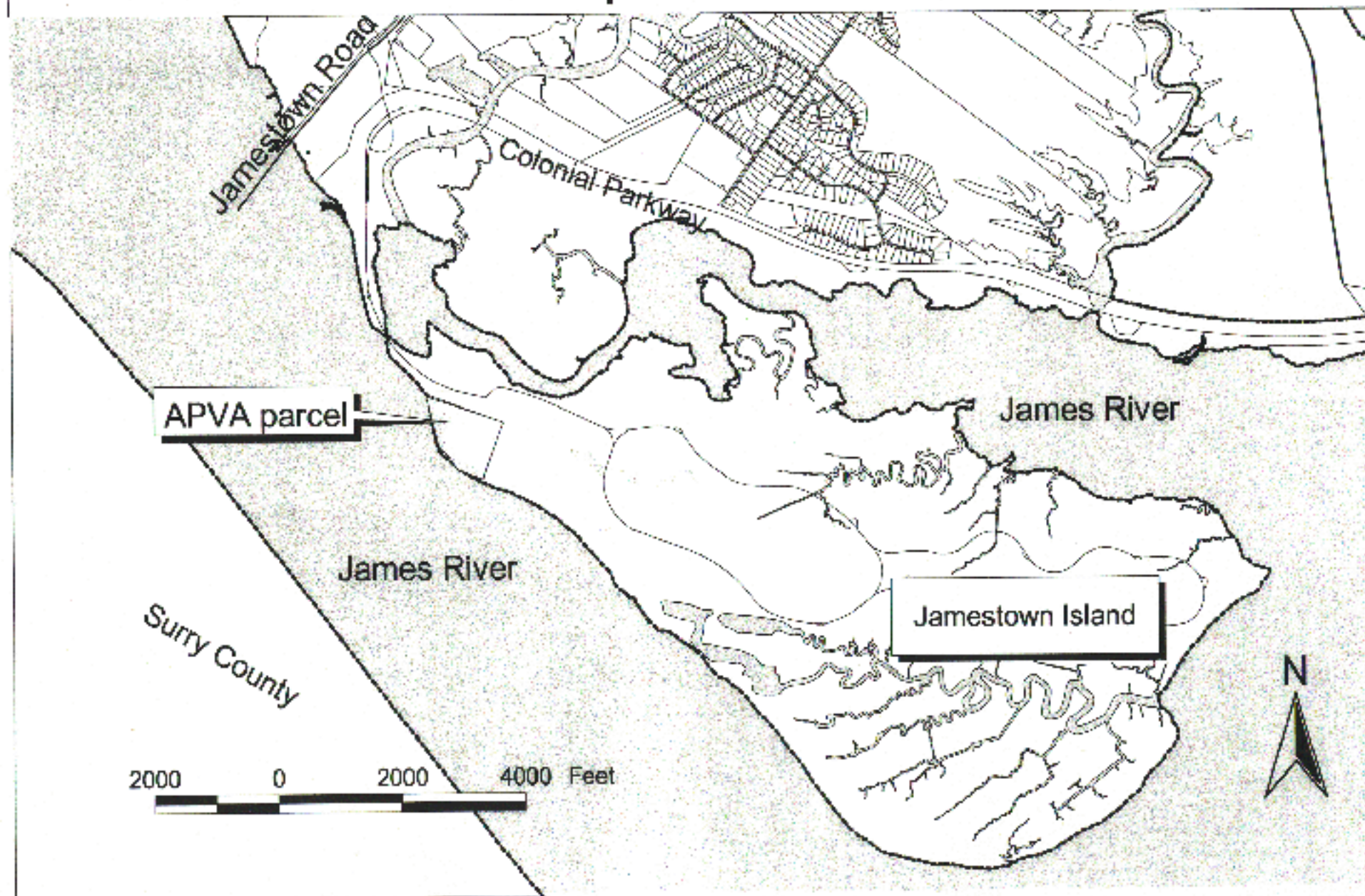
Sarah Weisiger, Planner

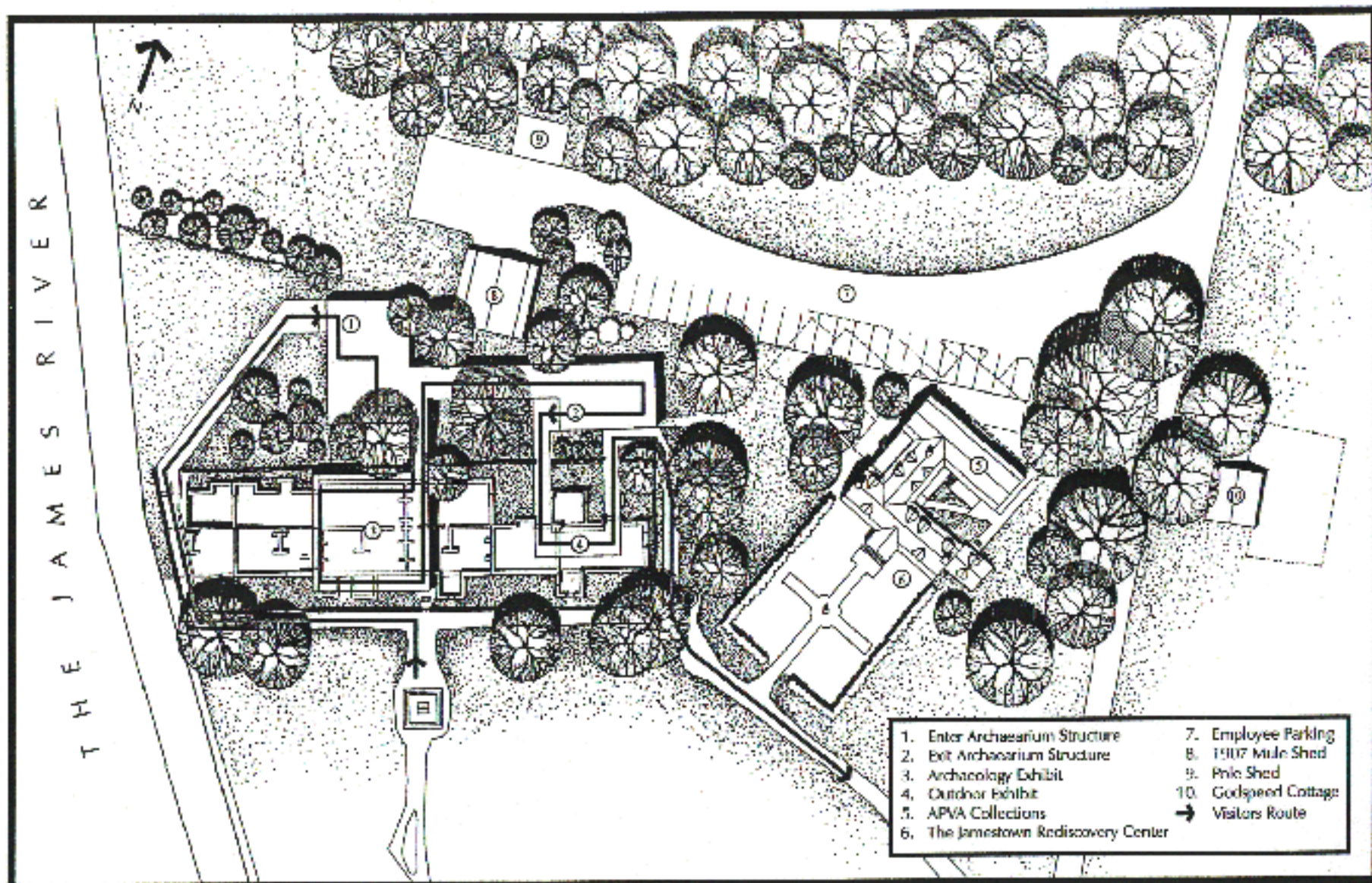
### **Attachments:**

1. Location Map
2. Draft – Proposed Concept Site Circulation – The Archaearium

# Case No. SUP-21-02

## Jamestown Island Expansion





Proposed Concept Site Circulation  
 The Archaearium at Historic Jamestowne

May 7, 2003  
 Rendering by Carlos Alborn & Partners

**DRAFT**

## **SPECIAL USE PERMIT 22-02. Schmidt Landscaping**

Staff Report for the January 13, 2003, Planning Commission Public Hearing

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

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### **PUBLIC HEARINGS**

Planning Commission:

Building C Board Room; County Government Center

January 13, 2003, 7:00 p.m.

Board of Supervisors:

February 11, 2003, 7:00 p.m. (Tentative)

### **SUMMARY FACTS**

Applicant:

Chris Basic of AES Consulting Engineers

Landowners:

Timothy P. Schmidt and Amy H. Schmidt

Proposed Use:

Landscape Contractors' Warehouse and Office

Location:

2961 Jolly Pond Road; Powhatan District

Tax Map and Parcel No.:

(30-3)(1-8C)

Primary Service Area:

Outside

Parcel Size:

± 1.97 acres

Existing Zoning:

A-1, General Agricultural

Comprehensive Plan:

Rural Lands

Surrounding Zoning:

The property is completely surrounded by land zoned A-1, General Agricultural. The surrounding development consists of single-family dwellings and undeveloped land.

Staff Contact:

Christopher Johnson - Phone: 253-6685

### **STAFF RECOMMENDATION**

Staff recommends approval of this application. With the proposed conditions, staff believes that the proposed use is consistent with the Comprehensive Plan and the Rural Lands and Commercial Development Standards and does not create negative impacts on the surrounding area.

## **History**

Schmidt Landscaping has been a locally owned and operated business since 1989. The owner, Mr. Timothy Schmidt has a home occupation permit to operate the landscape contracting business out of his home in Season's Trace. Mr. Schmidt subsequently purchased two adjoining parcels of land approximately 8.33 acres in size on Jolly Pond Road for the purpose of operating his business. Zoning staff observed a structure under construction and notified the owner that no site plan, building permit, or land disturbing permit had been obtained for the construction on the site. Code Compliance staff issued a field correction notice and stop work order to notify the owner of the building code violations. Mr. Schmidt responded by stating that he had discussions with various staff members prior to beginning construction to verify that the building qualified as a farm structure which would have been exempt from building code requirements. Zoning and Code Compliance staff discussed the matter with Mr. Schmidt on several occasions following construction but no action was taken to rectify the zoning and building code violations. The structure was completed and has been used to store equipment associated with the landscaping business since its construction.

Further discussions have occurred with Mr. Schmidt about what steps must be taken to resolve the outstanding issues on the site and he submitted a conceptual plan for the development of the property. Staff informed Mr. Schmidt that the existing use on the property was viewed as a contractors warehouse and office which requires the issuance of a special use permit from the Board of Supervisors. Mr. Schmidt subsequently submitted a special use permit application in order to bring the existing use of the site into conformance with the Zoning Ordinance.

## **Description of Proposed Use**

The applicant intends to continue to use the site as a storage facility for material and equipment typical of a landscaping contracting business. As shown on the attached Preliminary Site Plan, the applicant is also proposing to grow plant material on a portion of the site for the sole use of Schmidt Landscaping. Contractors' warehouses and offices are a specially permitted use in the A-1, General Agricultural, zoning district. The plant growing operation, by itself, is a by-right use. The applicant does not currently have any employees working for him but has hired seasonal workers in the past when necessary.

## **Surrounding Zoning and Development**

The property is completely surrounded by land which is zoned A-1, General Agricultural. The surrounding development consists of scattered single-family dwellings and undeveloped land.

## **Access/Traffic**

The site has an existing entrance off Jolly Pond Road (Route 633) which would continue to be utilized. VDOT has reviewed the preliminary site plan submitted with this application and recommended minor improvements to the entrance to the site. Given the non-retail nature of the business, staff does not believe that the traffic generated by the business negatively impacts Jolly Pond Road or the surrounding area.

## **Utilities**

The property is located outside the Primary Service Area (PSA) and is not served by public water or sewer. The preliminary site plan submitted with this application identifies a proposed well site and drainfield location for a private septic system. Both the proposed well and septic system will

require the review and approval of the local Health Department.

## **Comprehensive Plan**

The property is designated Rural Lands on the Comprehensive Plan Land Use Map. Rural Lands are areas containing farms, forests and scattered houses, exclusively outside of the PSA, where a lower level of public Service delivery exists or where utilities and urban service delivery does not exist and are not planned for the future. Appropriate primary uses include agricultural and forestal activities, together with certain recreational and public or semi-public and institutional uses which may require a spacious site and which are compatible with the natural and rural surroundings.

Most retail and commercial uses should be located at planned commercial locations or on major thoroughfares inside the PSA. However, a few of the smaller service uses and certain uses which require a specialized location may be located on the basis of a case-by-case review, provided such uses are compatible with the natural and rural character of the surrounding area, in accordance with the Development Standards of the Comprehensive Plan. These uses should be located in a manner which minimizes effects on agricultural and forestal activities, and located where public services and facilities, especially roads, can adequately accommodate them.

In recent years, staff has recommended denial of commercial uses in areas designated Rural Lands mainly due to their inconsistency with the Comprehensive Plan. In cases such as Poulston Motorcycle Repair, Nance Auto Repair, Stonehenge Kennels, and Williamsburg Heating and Air Conditioning, staff determined that the proposals detracted from the rural character of the surrounding area in which they were proposed, created impacts which could not be adequately mitigated, or could have been located in more appropriate commercial locations. While staff remains concerned about the encroachment of non-agricultural or forestal activities outside the PSA, staff does not view this proposal as a use which is inappropriate for a rural area. The growing of plants and storage of materials associated with a landscaping business is an agriculturally related land use and does not adversely impact the rural character of the surrounding area. The existing structure is not inconsistent in scale with other structures in the surrounding area and the small site will keep the proposed use at an acceptable scale. Also, the non-retail nature of the business will avoid generating customer trips to and from the site.

## **Recommendation**

Staff recommends approval of this application. With the proposed conditions, staff believes that the proposed use is consistent with the Comprehensive Plan and the Rural Lands and Commercial Development Standards and does not create negative impacts on the surrounding area.

1. This special use permit shall be limited to the following: operation of a landscape contracting business from the existing 2,000 square foot two-story warehouse/office building, storage of vehicles and equipment directly associated with the landscaping business, mulch stockpile area, and landscape material growing area. Development of the site shall generally be in accordance with the "Preliminary Site Plan for Special Use Permit, Schmidt Landscaping" prepared by AES Consulting Engineers, dated 11-25-02.
2. The sale of plants and related materials shall not be prohibited on the property.
3. A site plan shall be submitted to and approved by the Planning Director. The site plan shall include an erosion and sediment control plan which addresses the method of containment for the mulch stockpile and landscape material growing areas.

4. A permanent Certificate of Occupancy for the warehouse/office building shall be obtained within one year from the issuance of a special use permit or the special use permit shall become void.
5. All entrance improvements required by the Virginia Department of Transportation along Jolly Pond Road (Route 633) shall be installed prior to issuance of a certificate of occupancy for the office/warehouse building on the site.
6. A landscaping plan shall be approved by the Planning Director or his designee prior to final site plan approval. Such plan shall contain enhanced landscaping so that the required number of plant material equals at least 133 percent of the County's Landscape Ordinance requirements with at least 33 percent of the required number of trees being evergreen. Other than the driveway and septic field shown on the Preliminary site plan, no further land disturbance shall occur within 75 feet from the Jolly Pond Road (Route 633) right-of-way.
7. This special use permit is not severable. Invalidity of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

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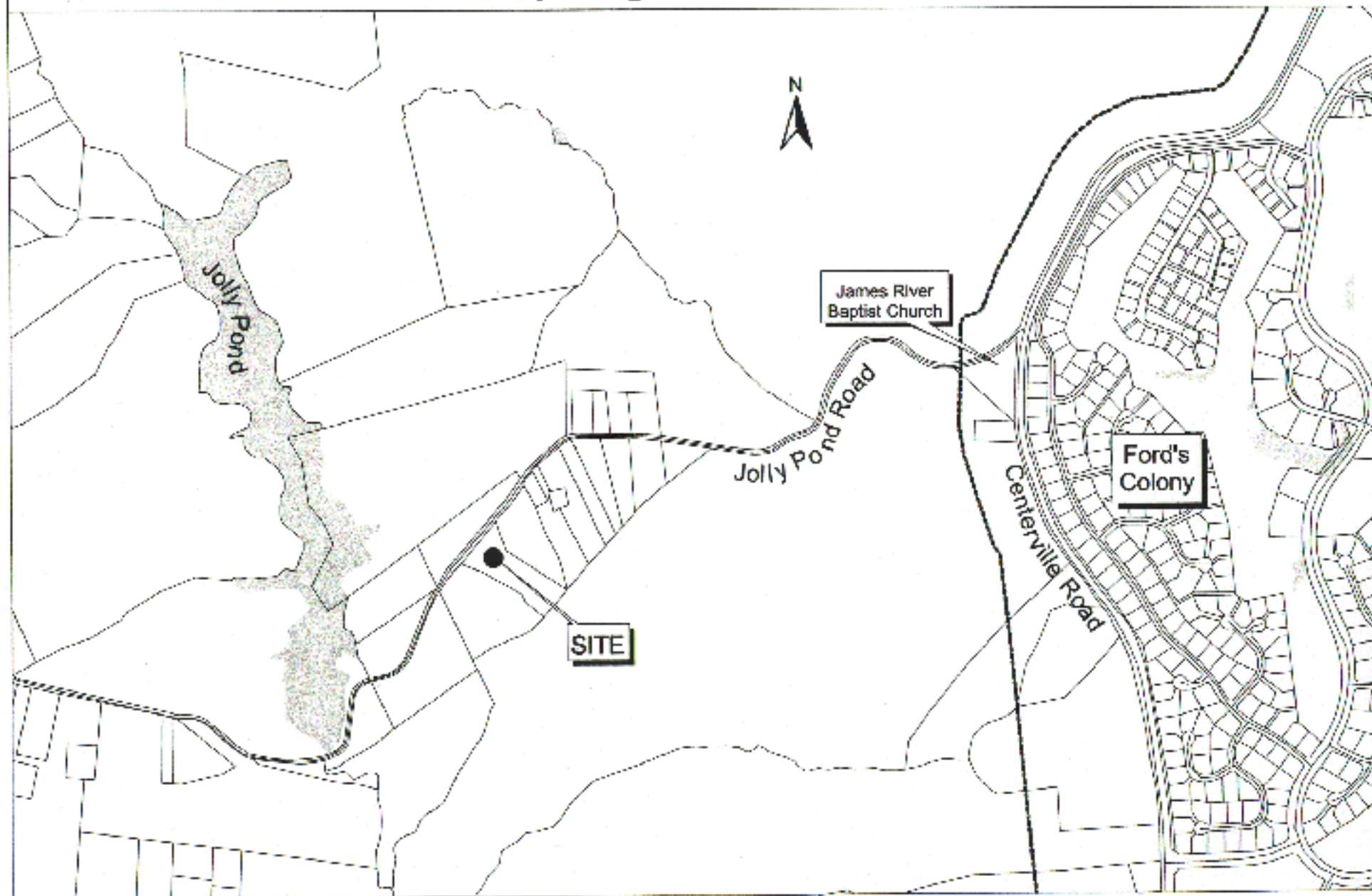
Christopher Johnson

Attachments:

1. Location Map
2. Preliminary Site Plan

# Case No. SUP-22-02

## Schmidt Landscaping



## PLANNING DIRECTOR'S REPORT

JANUARY, 2003

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

1. New Town DRB Cases. The New Town Design Review Board reviewed two cases in December. The first case was a building for Corner Pocket and office space, and the other case was a church. The DRB approved the Corner Pocket case, while the church plans were presented for information.
2. Comprehensive Plan Update. The Comprehensive Plan Steering Committee completed its review of the technical reports for population, youth, and economic development. Representatives of the County's Industrial Development Authority provided additional direct input at the request of the Steering Committee Chair which proved very valuable in establishing the draft goals, strategies, and actions for the economic development section. Despite significant staff turnover and continued high numbers of current planning case submittals, the revision to the Comprehensive Plan remains on schedule. The Steering Committee intends to deliver the draft Comprehensive Plan to the full Planning Commission in July, 2003 (6 months from now).
3. Rt. 199 Widening Sound Walls. Staff received a proposal to construct sound walls as part of the Rt. 199 roadway widening project. Their proposed location is on the south side of Rt. 199 adjacent to Williamsburg Landing. We anticipate a sound wall along Rt. 199 having a dramatic impact on the visual character of Rt. 199. Under the proposal, Williamsburg Landing would pay for the sound walls.
4. Staff Changes. Matthew Arcieri was hired as a planner to replace Paul Holt. Matthew worked for us for four semesters while he was an undergraduate student at the College of William and Mary majoring in public policy. Since graduation from the College, Matthew has worked for us as a Development Management Assistant. He is a native of Cranford, New Jersey. Melissa Brown was hired as a code enforcement officer to replace Jim Breitbeil. Melissa comes to us from the private sector. She is a 2001 graduate of Christopher Newport University with a degree in Biology. Melissa is a life-long resident of the Tidewater area.
5. Light Rail. The feasibility study for the project is concluding and a presentation will be made to the Board of Supervisors early this year.
6. Ironbound Road Widening. County staff met with VDOT to discuss plans to widen the section of Ironbound between Strawberry Plains Road and the Longhill Connector Road. The four-lane widening also includes bicycle and pedestrian facilities. VDOT is expected to revise the plans and meet again with staff.
7. Hampton Roads Transportation Listening Sessions. Staff participated in a listening session held by the Hampton Roads Planning District Commission on December 11, 2002 in Hampton. The purpose of the session was to hear citizen comment on transportation priorities and solicit comments on funding strategies.
8. Other Board Action. At its December 10<sup>th</sup> meeting, the Board of Supervisors approved Case No. ZO-03-02, Zoning Ordinance Amendment – Planning Commission Case Review Period, Case No. SUP-18-02, Wellspring Adult Day Care, Case No. AFD-09-86 Gordons Creek Kane Addition and Case No. AFD-6-86 Craston's Pond Marston Addition. Case No. SUP-17-02 Gatehouse Farms Accessory Apartment was denied.
9. Upcoming Cases. New cases that are tentatively scheduled for the February 3, 2003, Planning Commission meeting:

### CASE NO. SUP-25-02 Ready Mix Concrete

This Special Use Permit was submitted on behalf of Southern Equipment Company, Inc. to extend the 12 month time period for SUP-23-01 in which permits pertaining to construction shall be secured and all clearing and grading activities on the site shall be completed.

### CASE NO. Z-06-02 Williamsburg Plantation

This application was submitted by Rich Costello of AES Consulting Engineers on behalf of Williamsburg Plantation Inc. to rezone 1.5 acres internal to the 76.77-acre Williamsburg Plantation development located at 4870 Longhill Road from R-2 Cluster to R-5 Cluster in order to allow the development of 2 8-Unit buildings rather than 4 4-Unit buildings. The overall density will not change and no additional units are proposed beyond those which were originally approved on the master plan.

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O. Marvin Sowers, Jr.