

AGENDA

JAMES CITY COUNTY PLANNING COMMISSION

JUNE 2, 2003 - 7:00 P.M.

1. ROLL CALL
2. MINUTES
 - A. May 5, 2003
3. COMMITTEE AND COMMISSION REPORTS
 - A. Development Review Committee Report
 - B. Other Committees
4. PUBLIC HEARINGS
 - A. Z-02-03/MP-1-03. Hiden Property Proffers Amendment.
 - B. SUP-11-03. AJC Woodworks
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 FIFTH DAY OF MAY, TWO-THOUSAND AND THREE, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

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| 1. <u>ROLL CALL</u>
A. Joe Poole, III
John Hagee
Donald Hunt
Peggy Wildman
Joseph McCleary
George Billups
Wilford Kale | <u>ALSO PRESENT</u>
Leo Rogers, Deputy County Attorney
O. Marvin Sowers, Jr., Planning Director
Matthew Arcieri, Planner
Cynthia Grom, Administrative Services Coordinator |
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2. MINUTES

The Commission approved the minutes of the April 7, 2003 meeting with a unanimous voice vote.

3. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. John Hagee presented the DRC report stating there were six cases that were heard at the last meeting. For Wexford Hills Lot 35 Septic System Waiver, the DRC recommended approval of the alternate septic system. For Longhill Grove Apartments, the DRC recommended that a 20% density bonus (28 units) be granted for the provision of enhanced recreational amenities and landscaping that exceeds the minimum ordinance standards. The DRC agreed to defer consideration of preliminary approval until plans have been resubmitted which address the core issues of the Environmental Division and JCSA review comments. For St. Bede Prayer Garden, the DRC recommended approval of the proposed relocation of the prayer garden to the east side of the main church building adjacent to The Meadows subdivision. For Cypress Point Septic Waiver System Waiver, The DRC recommended approval of the septic system waiver. For Williamsburg Plantation – Sections 9, 10 & 11: Units 184-251, the DRC recommended preliminary approval of the site plan. For Prime Outlets Site Plan Amendments, the DRC found that the plan was generally in accordance with the master plan and recommended that preliminary approval be granted.

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

B. OTHER COMMITTEES

Mr. Joe McCleary presented to the Planning Commission a brief summary on where the Comprehensive Plan Steering Committee (SC) was in their review process. He stated that the SC had voted on recommendations for all Land Use applications except for one, which would be heard at the next meeting on Monday, May 12. They also expected to review and finalize the Goals, Strategies and Actions for the Land Use section of the Comprehensive Plan. He also mentioned the SC Calendar that was distributed outlining the meetings and actions to take place over the next few months.

4. PUBLIC HEARINGS

A. CASE NO. Z-2-03/MP-1-03 Hiden Property Proffers Amendment.

Mr. Matthew Arcieri presented the staff report. He stated that Mr. Vernon Geddy, III on behalf of Powhatan Crossing, Inc. has applied for a Master Plan Amendment and rezoning for the Hiden Property site from PUD-R, Planned Unit Development, Residential, with proffers, to PUD-R, Planned Unit Development, Residential, with amended proffers. Approval of the proposal would permit the development of 400 age restricted units on the southern portion of the property in place of the approved 350 timeshares. Of the 400 units, 275 would be single family units and the remaining 125 would be multi-family units. The proposed overall density for the southern property under this proposal is increased from 3.46 dwelling units per acre to 3.7 dwelling units per acre. No changes are proposed for the northern portion of the property. Staff finds the revised proffers and master plan are consistent with surrounding development and zoning and the Comprehensive Plan. Staff believes that the cash proffers proposed sufficiently address impacts, including water, of the additional fifty units. Finally, the proposal has addressed the recommendations of the Powhatan Creek Watershed Study and the environmental protections afforded by this proposed plan exceed that provided under the current approved plan. Staff recommends approval of this case.

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

Mr. Vernon Geddy spoke on behalf of the owner. He explained how he and the owner felt this was a win-win situation for both the County and the owner. He went through a comparison of the old master plan proffers to the new ones that were being presented, and how this proffer agreement would be setting a good precedent in regards to environmental protection.

Mr. Wilford Kale asked how the road way was going to cross over the area of wetlands, and if the Chesapeake Bay Act had any play in the new proffers.

Mr. Vernon Geddy replied an arched bridge crossing would be constructed and yes, the Bay Act had a lot of influence on the new proffers. One example was the addition of RPA extensions.

Mr. Joe Poole asked if there was any other data available other than the Heritage Hunt community in regards to the traffic study. He also wanted to know why the owner wanted to change from time-shares to an age-restricted community.

Mr. Vernon Geddy replied that the data for Heritage Hunt was the only one available. He explained Mr. Waltrip, the owner, wanted the change in order to make the project viable.

Mr. Joe McCleary asked Mr. Geddy if he had visited the Heritage Hunt age-restricted community. When Mr. Geddy replied no, Mr. McCleary explained that in Heritage Hunt, they have every amenity available to them with in the community, so they are not likely to leave as frequently. He felt the two communities, Heritage Hunt and the Hiden property, were nothing alike and couldn't be used as a comparison in regards to the traffic study.

Mr. Geddy explained there will be extensive amenities also in the Hiden community, and made the point that even if traffic doubled it still would only be 50% of ITE rates.

Mr. Hampton Jesse of 3500 Hunter's Ridge stated several concerns regarding the age-restricted community and amended proffers and his opposition to this development. He also mentioned that the development must have strict and tight controls to make sure it turns out correctly, since Mr. Waltrip had a history of BMP problems on other properties he developed. He stated that the BMP in Powhatan Crossing does not work, that this project has the same developer, and he should post a bond and fix Powhatan Crossing's BMP first.

Mr. David Fuss of 3008 Chelsford Way, speaking on behalf of the Friends of Powhatan Creek, stated they were very pleased with the amended proffers and their attention to the Powhatan Creek watershed, and that they set a good precedent for future development proffers. He also stated that they hoped the developer would adhere to better site design principles.

Mr. Geoff Tobey of 4477 Powhatan Crossing spoke about his concerns regarding the increased density and asked that voting be deferred.

Ms. Julie Leverenz of 3313 Running Cedar Way, speaking on behalf of the Historic Route 5 Association, expressed her appreciation of the County and the owner working closely together to mitigate impacts. She also stated her concerns regarding guarantees in the number of multi-family housing units and potential access to Powhatan Springs Road.

Hearing no other requests to speak, Mr. Joe Poole, III, closed the public hearing.

Mr. Donald Hunt stated he was of the opinion the amendments are a positive move, and was in favor of it.

Mr. John Hagee asked if any of the provisions in the prior submission have been included in the amendments.

Mr. Marvin Sowers stated that yes, the Powhatan Creek Watershed Study stricter guidelines and recommendations have been incorporated.

Mr. John Hagee stated his opinion that the County should spend the money to closely monitor this project to make sure it is done correctly.

Mr. Wilford Kale asked Mr. Geddy questions concerning the density changes and whether or not the Development Review Committee would have the final review of the site plan.

Mr. Vernon Geddy stated the standards would have to remain the same and it would depend on what would physically fit on the land. Also, the DRC would have the final review.

Mr. Joe McCleary asked about the number of entrances.

Mr. Vernon Geddy replied that in regards to a southern entrance, the owner has deeded that land to Powhatan Crossing, so an entrance in that area could not occur..

Mr. Joe McCleary stated his concern about letting another age restricted community be developed, especially when it comes to future support for the schools and school children. He reserved the right to change his mind in the future.

Mrs. Peggy Wildman seconded Mr. McCleary's statements and listed her concern regarding available medical care for Medicaid patients that move into the County and environmental issues.

Mr. Joe Poole, III, stated his preference for a one month deferral. He listed some of his concerns that he wanted further time to look into.

Mr. Joe McCleary made a motion to defer.

Mrs. Peggy Wildman seconded the motion.

Mr. Wilford Kale stated his support for approval of the proposed amendments. He wanted it to go on record he would vote for approval of this case, since he would not be able to attend the Planning Commission meeting in June.

Mr. John Hagee stated he was not fond of age restricted communities.

Mr. Joe Poole, III, stated his preference to defer the case to have more time to review it and address some of the issues that were discussed, including traffic, number of multi-family units and entrances.

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

5. PLANNING DIRECTOR'S REPORT

Mr. Marvin Sowers mentioned the Virginia American Planning Association (VAPA) award that was presented to the Comprehensive Plan Community Participation Team and staff recently. He mentioned it was the first time the County had won an award from the VAPA.

6. ADJOURNMENT

There being no further business, the May 5, 2003, meeting of the Planning Commission was adjourned at 8:13 p.m.

A. Joe Poole, III, Chairman

O. Marvin Sowers, Jr., Secretary

**JAMES CITY COUNTY
DEVELOPMENT REVIEW COMMITTEE REPORT**

FROM: 5/1/2003 THROUGH: 5/31/2003

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-009-02	Hairworks Beauty Salon Parking Space Addition
SP-027-02	120' Stealth Tower--3900 John Tyler Highway
SP-061-02	Powhatan Plantation Recreation Bldg Amd
SP-088-02	Colonial Heritage, Phase 1 Section 2
SP-112-02	Ford's Colony Recreation Park
SP-129-02	Storage Trailer at Landfill
SP-133-02	Busch Corporate Center - Wheat Center
SP-001-03	Colonial Heritage 13th Hole Irrigation Pond
SP-005-03	Hankins Farm Water and Sewer Extension
SP-009-03	Energy Services Group Metal Fabrication Shop
SP-020-03	Jolly Pond Veterinary Hospital
SP-021-03	Colonial Heritage, Cross Country Sewer Mains
SP-030-03	Old Capitol Lodge Site Plan Amendment
SP-033-03	The Colonies at Williamsburg Entrance Road
SP-044-03	Longhill Grove Apartment Complex
SP-045-03	Noah's Ark Vet Hospital SP Amendment
SP-050-03	Wmbg-Jamestown Airport T-Hanger & Parking Exp.
SP-051-03	Ford's Colony Country Club Golf Academy
SP-052-03	Kingsmill Access Ramp for Pool Access Bldg.
SP-053-03	George Nice & Sons Fill Project
SP-056-03	Shell Building - James River Commerce Center
SP-057-03	New Town - William E. Wood Building
SP-060-03	Williamsburg Plantation Sec 9,10,11 Units 184-251
SP-062-03	Patriots Colony Assisted Living Additions
SP-063-03	District Sports Complex Parking Lot Expansion
SP-065-03	Historic Jamestown Collection Building
SP-066-03	Colonial Heritage Phase I, Section I SP Amendment
SP-067-03	Alltel Lightfoot Co-location

Tuesday, May 27, 2003

Page 1 of 4

SP-068-03 Colonial Heritage - 10th Hole and Driving Range
 SP-069-03 Mt. Gilead Playground
 SP-070-03 Williamsburg Landing Deck Addition
 SP-071-03 Busch Gardens - Maintenance Shop Addition
 SP-072-03 Fire Department Storage Building

B. PENDING FINAL APPROVAL

EXPIRE DATE

SP-019-02	Williamsburg Plantation Sec 9,10,11 Units 184-251	5/ 5/2004
SP-050-02	New Town Sec 2 & 4 - Road/Utility Infrastructure	8/22/2003
SP-062-02	WindsorMeade Way Road Construction Plan	6/ 4/2003
SP-084-02	Colonial Heritage, Phase 1, Section 1	11/25/2003
SP-102-02	Powhatan Creek Access Park	9/30/2003
SP-104-02	Colonial Heritage, Phase 1, Section 3 & 3A	12/ 2/2003
SP-110-02	Ewell Station - Phase II	10/ 7/2003
SP-113-02	Ready Mixed Concrete Storage Yard Expansion	10/ 7/2003
SP-142-02	George Nice & Sons	2/12/2004
SP-144-02	J.W. Crossing, Phase II	2/20/2004
SP-002-03	Colonial Heritage Phase 2, Massie Farm Pond Rehab.	2/21/2004
SP-010-03	Colonial Heritage Residence Clubhouse	3/ 3/2004
SP-015-03	Monticello Woods Community Center	4/10/2004
SP-018-03	St. Bede Catholic Church SP Amendment	4/10/2004
SP-025-03	New Town Block 2	4/ 9/2004
SP-026-03	Schmidt Landscaping	4/10/2004
SP-029-03	SunTrust Building Amendment	4/25/2004
SP-034-03	Colonial Heritage Sewer Lift Station & Force Main	4/24/2004
SP-035-03	Prime Outlets, Ph. 5-A & 5-B - SP Amendment	4/30/2004
SP-038-03	Jamestown High School Temp. Classroom Trailers	4/23/2004
SP-039-03	Stonehouse Elementary Temp. Classrooms Trailer	4/23/2004
SP-040-03	Lafayette High School Temp. Classrooms Trailers	4/23/2004
SP-041-03	Clara Byrd Baker Temp. Classroom Trailer	4/23/2004
SP-043-03	Ford's Colony Section 7, Sewer Upgrade	5/13/2004
SP-047-03	JCSA Well Facilities Erosion Repairs	5/ 7/2004
SP-049-03	James River Commerce Center Columbia Drive	5/19/2004

C. FINAL APPROVAL

DATE

SP-140-02	Jamestown Area Water System Improvement	5/ 8/2003
SP-013-03	Williamsburg Business Center, Phs. 3, SP Amendment	5/ 7/2003
SP-032-03	Greensprings Apts. & Condos. SP Amendment	5/ 7/2003
SP-061-03	Pottery Farmer's Market	5/ 7/2003
SP-064-03	Faith Fellowship Assembly of God SP Amend.	5/12/2003

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-110-99 George White & City of Newport News BLA
S-091-00 Greensprings West, Plat of Subdv Parcel A&B
S-032-01 Subdivision and BLE Plat of New Town AssociatesLLC
S-008-02 James F. & Celia Ann Cowles Subdivision
S-031-02 Bruce's Super Body Shop, Lot 2 subdivision
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-099-02 Ford's Colony Section 30 - Sanitary Sewer Amend.
S-100-02 Richardson's Mill Sec. 1
S-113-02 Martin Farm Estates
S-008-03 Norge-Fenton Mill BLA
S-019-03 Lake Powell Pointe Phase 4
S-020-03 114 Howard Drive 2 Lot Subdivision
S-024-03 Ellis Property BLA
S-026-03 P.W. Development, Inc.
S-029-03 Wexford Hills Phase 3B
S-033-03 Fenwick Hills, Section 2
S-034-03 Green Mount Associates Lots 3A, 3B & 3C BLA
S-037-03 Bush Neck Farm BLA
S-038-03 182 Saddleton Subdivision
S-039-03 Ford's Colony - Golf Academy BLA
S-041-03 Williamsburg Physicians Center - Parcel D
S-042-03 Sheppard Estates
S-043-03 Better Buy Building
S-044-03 Fenwick Hills, Section 3

B. PENDING FINAL APPROVAL

		EXPIRE DATE
S-034-00	The Pointe at Jamestown, Phase 2	6/ 5/2003
S-058-00	Powhatan Secondary, Phase 7-A	10/ 2/2003
S-101-01	Greensprings West, Phase 4A	12/17/2003
S-037-02	Village Housing at the Vineyards, Phase III	5/ 5/2004
S-039-02	Powhatan Secondary, Phase 6-C	5/ 8/2004
S-045-02	The Pointe at Jamestown Section 2-A	5/30/2004
S-057-02	Colonial Heritage - Phase 1, Section 1	11/25/2003

Tuesday, May 27, 2003

Page 3 of 4

S-063-02	Colonial Heritage, Phase 1, Section 2	12/ 2/2003
S-073-02	Colonial Heritage, Phase 1, Sections 3 & 3A	12/ 2/2003
S-076-02	Marion Taylor Subdivision	10/ 3/2003
S-083-02	Toano Auto Parts BLA	10/ 9/2003
S-091-02	Williamsburg Landing BLA	11/ 3/2003
S-094-02	Powhatan Secondary Phase 7-C	12/30/2003
S-101-02	Sheldon Properties, L.L.C.	12/13/2003
S-103-02	Alex Harwood Subdivision BLA	12/15/2003
S-107-02	Greensprings West, Phase 3-C	1/13/2004
S-108-02	Scott's Pond, Section 3	1/13/2004
S-112-02	Kensington Woods	2/ 6/2004
S-001-03	Ford's Colony Sec 1 Block D Lots 2A, 2B, 2 & 3 BLE	1/16/2004
S-003-03	Ford's Colony/Realtec Properties BLA	2/21/2004
S-015-03	Season's Trace Winter Park Lots 51-74	4/15/2004
S-017-03	Lake Powell Forest Phase 5	4/11/2004
S-021-03	Stonehouse Section 2-C Easements	5/ 2/2004
S-022-03	New Town - Block 2, Parcel B	4/18/2004
S-027-03	Stonehouse - Parcel A Plat	5/ 8/2004
S-028-03	Wexford Hills Phase 1-I, Lots 27, 28 & 32	5/ 8/2004

C. FINAL APPROVAL

DATE

S-077-01	Ford's Colony - Section 32 (Lots 72-78, 93-129)	5/ 5/2003
S-007-03	Stonehouse, Richardson's Mill Sec. 2	5/ 9/2003
S-012-03	Colonial Heritage Blvd. - Private ROW	5/12/2003
S-016-03	Governor's Land Lots 12 & 13 BLA	5/ 2/2003
S-025-03	Stonehouse - Richardson's Mill, Sect. 2 Lots 34-37	5/ 9/2003
S-030-03	Stonehouse, Richardson's Mill, Sect. 2, Lt. 24-27	5/19/2003
S-031-03	Busch Properties Inc./Wilde BLA	5/20/2003
S-032-03	Greensprings Apts & Condos--JCSA Easement Plat	5/ 7/2003
S-036-03	Rash / Hazelwood BLA	5/23/2003
S-040-03	Ford's Colony - Section 12, Lots 39-40	5/19/2003

DEVELOPMENT REVIEW COMMITTEE ACTION REPORT

Meeting of May 28, 2003

Case No. C-054-03

9537 Barnes Road Septic System Waiver

Mr. Aaron Small of AES Consulting Engineers, on behalf of Mr. and Mrs. Steven Hertzler, submitted a conceptual plan requesting the approval of an alternate septic system for 9537 Barnes Road. The parcel is further identified as parcel (1-12A) on James City County Tax Map (4-3). DRC review is necessary because the Subdivision Ordinance requires lots outside the PSA to be served with a conventional septic system.

DRC Action: The DRC recommended approval of the alternate septic system.

Case No. C-053-03

3436 N. Riverside Drive Septic System Waiver

Mr. Aaron Small of AES Consulting Engineers, on behalf of Mr. and Mrs. Richard Reichelt, submitted a conceptual plan requesting the approval of an alternate septic system for 3436 N. Riverside Drive. The parcel is further identified as parcel (1-8M) on James City County Tax Map (9-4). DRC review is necessary because the Subdivision Ordinance requires lots outside the PSA to be served with a conventional septic system.

DRC Action: The DRC recommended approval of the alternate septic system.

Case No. SP-044-03

Longhill Grove Apartments

Ms. Joyce Wolfe of Eagle Construction, on behalf of Burton Woods Associates, Heritage Builders, and UPC Limited Partnership, submitted a site plan for a 170-unit apartment complex located near the intersection of Longhill Road and Centerville Road. The parcels are further identified as Tax Map # (31-3)(1-14), (31-3)(1-13) and (31-3)(1-12). DRC review is necessary because, under the Zoning Ordinance, DRC review is required for any multi-family development of 50 units or more. Additionally, the 15.82 acre site plan can only accommodate 142 apartment units by right. For this particular project the developer seeks an additional 9% increase in density and an additional 12% increase in density by providing enhanced landscaping which exceeds the minimum ordinance standards. On 4/30/03 the DRC recommended that a 20% density bonus (28 units) be granted for the provision of enhanced recreational amenities and landscaping that exceeds the minimum ordinance standards. The DRC also agreed to defer consideration of preliminary approval until plans have been resubmitted which address the core issues of the Environmental Division and JCSA review comments.

DRC Action: The DRC recommended that preliminary approval be granted subject to resubmittal of plans that address all outstanding agency comments.

Case No. C-041-03

Parking Plan - Jamestown Island Collections

Ms. Jane Jacobs of Carlton Abbot and Partners, on behalf of Elizabeth Kostelny of the Association for the Preservation of Virginia Antiquities, submitted a conceptual plan for off-site parking spaces for the proposed Jamestown Island Collections Facility. The site is located on Jamestown Island and is further identified as parcel (1-1) on James City County Tax Map # (54-2). The case requires DRC Review because under Section 24-55(b) of the Zoning Ordinance off-site parking spaces must be approved by the DRC.

DRC Action: The DRC approved the spaces.

Case No. SP-057-03

William E. Wood Building

Mr. Mark Richardson of AES Consulting Engineers, on behalf of New Town Associates, submitted a site plan for proposed William E. Wood building at 5216 Monticello Avenue in Section 2, Block 2 of New Town. The parcel is further identified as parcel (1-50) on James City County Tax Map (38-4). DRC review is necessary because the applicant has requested a waiver from the minimum off-street parking space requirements of the Zoning Ordinance.

DRC Action: The DRC recommended approval of the waiver.

**Rezoning-2-03/Master Plan-1-03. Hiden Property Proffer Amendment
Staff Report for June 2, 2003, Planning Commission Public Hearing**

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

PUBLIC HEARINGS

Planning Commission: April 7, 2003 - 7:00 p.m. Building C Board Room (deferred)
May 5, 2003 - 7:00 p.m. Building C Board Room (deferred)
June 2, 2003 - 7:00 p.m. Building C Board Room
Board of Supervisors: July 14, 2003 - 7:00 p.m. Building C Board Room (tentative)

SUMMARY FACTS

Applicant: Vernon M. Geddy, III
Land Owner: Robert M. Oliver, Powhatan Crossing, Inc.
Proposed Use: The applicant wishes to amend the existing proffers to permit 400 age restricted units in place of the 350 approved timeshares on the southern portion of the property.
Location: 4100 Monticello Avenue (South of Monticello Woods), Powhatan District
Tax Map/Parcel No.: (37-4)(1-10); (37-3)(1-9)
Primary Service Area: Inside
Parcel Size: 228.2 acres
Existing Zoning: PUD-R, Planned Unit Development, Residential
Comprehensive Plan: Low Density Residential
Conservation Area
Surrounding Zoning: North: Monticello Woods, PUD-R, Planned Unit Development, Residential
West: Greensprings, R-4, Residential Planned Community
East: Powhatan Plantation, PUD-R, Planned Unit Development, Residential
Powhatan Crossing, R-1, Limited Residential
South: R-8, Rural Residential
Staff Contact: Matthew Arcieri Phone: 253-6685

RECOMMENDATION

The Planning Commission deferred action on this case at its May 5, 2003 meeting in order to receive additional information on traffic generation at other age-restricted communities and to provide additional time to consider issues raised by Commission members regarding the number of entrances and types of units. Staff has not received any additional information since that meeting.

A copy of the previous staff report to the Planning Commission is also attached.

Attachments:

1. Location Map
2. May 5, 2003 Planning Commission Minutes
2. Staff Report from May 5, 2003
3. Proffers
3. Memo from Dexter Williams to Richard Costello dated April 30, 2003
4. Letter from the Friends of Powhatan Creek dated May 5, 2003

UNAPPROVED MINUTES TO THE MAY 5, 2003,
PLANNING COMMISSION MEETING

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Mr. Wilford Kale asked Mr. Geddy questions concerning the density changes and

whether or not the Development Review Committee would have the final review of the site plan.

Mr. Vernon Geddy stated the standards would have to remain the same and it would depend on what would physically fit on the land. Also, the DRC would have the final review.

Mr. Joe McCleary asked about the number of entrances.

Mr. Vernon Geddy replied that in regards to a southern entrance, the owner has deeded that land to Powhatan Crossing, so an entrance in that area could not occur..

Mr. Joe McCleary stated his concern about letting another age restricted community be developed, especially when it comes to future support for the schools and school children. He reserved the right to change his mind in the future.

Mrs. Peggy Wildman seconded Mr. McCleary's statements and listed her concern regarding available medical care for Medicaid patients that move into the County and environmental issues.

Mr. Joe Poole, III, stated his preference for a one month deferral. He listed some of his concerns that he wanted further time to look into.

Mr. Joe McCleary made a motion to defer.

Mrs. Peggy Wildman seconded the motion.

Mr. Wilford Kale stated his support for approval of the proposed amendments. He wanted it to go on record he would vote for approval of this case, since he would not be able to attend the Planning Commission meeting in June.

Mr. John Hagee stated he was not fond of age restricted communities.

Mr. Joe Poole, III, stated his preference to defer the case to have more time to review it and address some of the issues that were discussed, including traffic, number of multi-family units and entrances.

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

**Rezoning-2-03/Master Plan-1-03. Hiden Property Proffer Amendment
Staff Report for May 5, 2003, Planning Commission Public Hearing**

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

PUBLIC HEARINGS

Planning Commission: April 7, 2003 - 7:00 p.m. Building C Board Room (deferred)
May 5, 2003 - 7:00 p.m. Building C Board Room
Board of Supervisors: June 10, 2003 - 7:00 p.m. Building C Board Room (tentative)

SUMMARY FACTS

Applicant: Vernon M. Geddy, III
Land Owner: Robert M. Oliver, Powhatan Crossing, Inc.
Proposed Use: The applicant wishes to amend the existing proffers to permit 400 age restricted units in place of the 350 approved timeshares on the southern portion of the property.
Location: 4100 Monticello Avenue (South of Monticello Woods), Powhatan District
Tax Map/Parcel No.: (37-4)(1-10); (37-3)(1-9)
Primary Service Area: Inside
Parcel Size: 218.3 acres
Existing Zoning: PUD-R, Planned Unit Development, Residential
Comprehensive Plan: Low Density Residential
Conservation Area
Surrounding Zoning: North: Monticello Woods, PUD-R, Planned Unit Development, Residential
West: Greensprings, R-4, Residential Planned Community
East: Powhatan Plantation, PUD-R, Planned Unit Development, Residential
Powhatan Crossing, R-1, Limited Residential
South: R-8, Rural Residential
Staff Contact: Matthew Arcieri Phone: 253-6685

RECOMMENDATION

Staff finds the revised proffers and master plan are consistent with surrounding development and zoning and the Comprehensive Plan. Staff believes that the cash proffers proposed sufficiently address impacts, including water, of the additional fifty units. Finally, the proposal has addressed the recommendations of the Powhatan Creek Watershed Study and the environmental protections afforded by this proposed plan exceed that provided under the current approved plan. Staff therefore recommends approval of this case.

Description of Project

Mr. Vernon Geddy, III on behalf of Powhatan Crossing, Inc. has applied for a Master Plan Amendment and rezoning for the Hiden Property site from PUD-R, Planned Unit Development, Residential, with proffers, to PUD-R, Planned Unit Development, Residential, with amended proffers. Approval of the proposal would permit the development of 400 age restricted units on the southern portion of the property in place of the approved 350 timeshares. Of the 400 units, 275 would be single family units and the remaining 125 would be multi-family units. The proposed overall density for the southern property under this proposal is increased from 3.46 dwelling units per acre to 3.7 dwelling units per acre.

No changes are proposed for the northern portion of the property and, unless otherwise noted, descriptions and analysis throughout the remainder of this report deal only with the southern property.

History

On November 12, 1997, the Board of Supervisors approved rezoning the 388 acre Hiden property from R-8, Rural Residential, to PUD-R, Planned Unit Development, Residential, with proffers. Construction of Monticello Avenue extended bisected the property into a northern portion of approximately 170 acres and a southern portion of approximately 218 acres. On the northern portion, the approved proffers allow the development of 150 single family detached units. The approved proffers allow for construction of 350 timeshare units on the southern property. Since approval, development of the Hiden property has occurred only on the northern portion known as the Monticello Woods community.

This case was deferred by the Planning Commission at the April 7, 2003, meeting in order to allow time for staff and the applicant to address outstanding issues regarding this proposal.

Proffers

The following has been proffered by the applicant. Staff finds that the voluntary proffers offset potential impacts of the additional fifty units. Staff comments on specific proffers appear when warranted and are further evaluated throughout the rest of this report.

1. Density: The northern portion of the property (Monticello Woods) remains unchanged from the approved proffers and will contain 150 single family dwelling units. The southern portion of the property will contain 400 dwelling units rather than 350 timeshares. These units will be age restricted to persons fifty-five years of age or older.
2. Road Improvements: The owner will contribute \$2,800 for each of the first 250 lots or units on both the northern and southern property for a total contribution of \$700,000. This proffer remains unchanged from the approved proffers and the owner has currently paid this proffer for 52 lots in Monticello Woods.
3. Traffic Signal: The owner will install a traffic signal at the request of VDOT and the County. This proffer remains unchanged from the approved proffers. In addition, the owner will conduct an updated traffic signal warrant analysis at 75% buildout.
4. Monticello Avenue Greenbelt: A 150 foot greenbelt is designated along both sides of Monticello Avenue. This proffer remains unchanged from the approved proffers.
5. Environment Protections: The owner will grant, free of charge, a conservation easement on 147.8 acres (68% of the property) to the Williamsburg Land Conservancy or the County. This proffer remains

unchanged from the approved proffers although the percent of the property protected by the easement has increased in order to satisfy the recommendations of the Powhatan Creek Watershed Management Plan. Stormwater runoff from all paved areas or buildings over 150 square feet must go into a BMP.

6. **Greenway:** As under the approved plan, the owner will grant the County an easement as shown on the Master Plan for the County to construct a greenway. As part of this proposal, the owner will grant the County parking opportunities for the general public to access the greenway.
7. **Recreation:** As under the approved plan, the owner will provide recreational areas of at least 2.5 acres with the location and design subject to review and approval by the Development Review Committee. Upon final subdivision or site plan approval of 235 units, the owner will contribute \$19,600 to the County for recreation capital improvements. Upon final subdivision or site plan approval of 100 lots on the northern property (Monticello Woods), the owner will contribute \$14,200 to the County for recreation capital improvements. These monies may be used toward construction of the proffered greenway.
8. **Cash Contributions for Community Impacts:**
 - a. **Water:** The owner will contribute \$750 for each of the first 50 lots on the southern property for a total contribution of \$37,500.
 - b. **General Impacts :** The owner will contribute \$700 for each of the first 50 lots on the southern property for a total contribution of \$35,000.
 - c. **Powhatan Creek Impacts :** The owner will contribute \$500 for each of the first 50 lots on the southern property for a total contribution of \$25,000.

A total of \$97,500 is proffered to mitigate the impacts of the additional fifty units and impacts on Powhatan Creek.

9. **Water Conservation:** As part of the revised proffers, the owner will develop and enforce water conservation standards to be submitted and approved by the JCSEA.

Surrounding Zoning and Development

The surrounding property has a variety of residential uses. Directly north is Monticello Woods, which is part of the original Hiden rezoning and is zoned PUD-R, Planned Unit Development, Residential. Powhatan Plantation timeshares are due east of the property in an area zoned PUD-R, Planned Unit Development, Residential. Powhatan Crossing subdivision is on the southern end of the property's eastern boundary. It is a low density residential subdivision zoned R-1, Limited Residential. The property to the west across the mainstem of Powhatan Creek is part of Greensprings Plantation and contains a golf course, timeshares and single family homes. Greensprings across the mainstem of Powhatan Creek is zoned R-4, Residential Planned Community. The southern portion of the property is adjacent to undeveloped R-8, Rural Residential Property. These parcels have access onto Powhatan Springs Road, Ingram Road and John Tyler Highway.

Properties zoned PUD-R, Planned Unit Development, Residential are required to maintain a fifty foot perimeter buffer with adjacent properties. In addition, the owner has proffered a 100 foot buffer between the southern property and the Powhatan Crossing community.

Physical Features and Environmental Considerations

The 218.3 acre southern portion of the Hiden Property is bordered on the west by Powhatan Creek. While there

are timbered upland areas suitable for development, much of the site contains broad, forested wetlands and areas subjected to periodic inundation by the creek. These features plus areas of steep slopes render 111.2 acres or 50.9% of the property non-developable. Most of the environmentally sensitive areas would be placed in a conservation easement and conveyed to the County or another approved land conservation entity.

Of the remaining 107.1 acres, 54.5 will be developed for residential use. This represents 25% of the total property. The remainder of the developable area will be part of buffers along Powhatan Creek, Monticello Avenue and adjacent properties. By definition, projects in the PUD-R, Planned Unit Development, Residential district must leave 35% of the gross area as open space. This proposal leaves 75% of the property as open space.

A phase one archaeological study of the property has been conducted and accepted by the County per the conditions of the existing proffers. Although the study noted the “extremely high likelihood” that a number of prehistoric campsites are located along the edge of Powhatan Creek, these areas have been protected by the 100 foot resource protection area (RPA) buffer. The expanded RPA buffer proposed by the applicant as part of the amended master plan will offer further protection to any sites.

Powhatan Creek Watershed Study

The 22 square mile Powhatan Creek watershed, which discharges into James River near Jamestown Island, is a state and national treasure with its historic past and present biodiversity. It was recently ranked as having the greatest significance in biodiversity among natural areas in the Lower Peninsula of Virginia. Rare, threatened, and endangered plants such as the small whorled pogonia and Virginia least trillium are found here. The creek is a bald eagle habitat and an important heron nesting area. Continued development pressures, however, threaten the vitality of the watershed. In November 2001, Development Management completed a watershed study for Powhatan Creek to help prevent further degradation of water quality and maintain the high quality of streams and sensitive areas using land use, conservation tools, and stormwater management. The James City County Board of Supervisors approved, in concept, adoption of the eight goals and 21 priorities associated with the draft Powhatan Creek Watershed Management Plan by resolution dated February 26, 2002.

Recommendations of the Powhatan Creek Watershed Management Plan for this property (located along the non-tidal mainstem of the Powhatan Creek) are:

- Increase the width of mainstem buffers to 300 feet to preserve contiguous forest and prohibit invasive species;
- Allow for clustering - maintaining the same density to increase preservation of the mainstem contiguous forest without reducing the number of units built by the developer; and
- Limit impervious cover.

The applicant states that this proposal addresses the requirements of the Powhatan Creek Watershed Management Plan by offering the following benefits:

- The incorporation of stormwater management facilities/best management practice designed to honor James City County’s stormwater management goals, and maintain high stream quality;
- Reserving 100 foot RPA buffers along Powhatan Creek; and
- Reserving buffers adjacent to headwater streams of the Powhatan Creek (RPA extensions).

In addition the proposal provides expanded RPA buffers along Powhatan Creek where possible. Providing the full 300 foot expanded buffer along Powhatan Creek would severely limit the owner’s ability to develop this property. Working with Development Management, the owner has provided an expanded buffer along much of the site. One critical area on the property for an expanded buffer is along the northern reaches of Powhatan Creek

where developable areas come close to open water. Here the expanded buffer is vital to providing additional forested habitat at times when water levels in the Creek are high. The proposal includes expanded buffers in these areas varying from an average of 200 feet to an average of 300 feet.

The applicant has proffered a cash contribution of \$25,000 (\$500 for the first fifty units) to be used for off-site stream restoration and stormwater management to help offset the impact of not being able to implement the full 300 foot buffer along Powhatan Creek. This proffer money may be used toward restoration of a 3,000 foot long offsite stream channel which is upstream of the project but in severe need of restoration. While \$25,000 will not fully fund the restoration, staff believes it is a reasonable pro rata contribution.

The James City County Environmental Division has reviewed the amended proffers and Master Plan and agree that the proposal meets the objectives of the Powhatan Creek Watershed Study. In summary, the environmental protections afforded by this proposed plan exceed that provided under the current approved plan.

Traffic Impacts

According to the traffic study submitted by the applicant, the 350 timeshares approved for the southern portion of the property would generate 2,051 vehicle trips per day. The 400 proposed residential units would generate 3,828 vehicle trips, an increase of 87%. Despite this increase, the traffic study shows that the through lanes on Monticello Avenue will operate at a Level of Service B.

The applicant's traffic study also states these trip generation numbers are high given that the development will be age restricted. This is based on a comparison with Ford's Colony which, with its older residential character, has shown approximately 60% of conventional single family trip generation. At a 60% trip generation rate, the increase in traffic from 350 timeshares to 400 age-restricted units is 12%. The Virginia Department of Transportation has reviewed this analysis and does not accept the 60% reduction. VDOT has also noted they will require a new traffic impact study be submitted with subdivision plans.

The applicant's traffic consultant has provided additional traffic generation counts from the Heritage Hunt age-restricted community in Prince William County. At the time the counts were taken 745 units had been occupied on this project. The traffic counts taken for this project indicated that Heritage Hunt generated about 25% of conventional single family trip generation.

Although the applicant has proffered installation of a traffic signal if required by VDOT and the County, given that Monticello Avenue is a major east-west thoroughfare, installation of a signal would be detrimental to traffic flow on this road and impair intercounty mobility. The traffic signal warrant analysis submitted by the applicant shows that signal warrants are met only by 100% percent trip generation and only for the peak hour warrant. Using the 60% rate, the traffic counts do not come close to warranting a traffic signal nor is a signal likely to be warranted under the approved timeshares. Given the uncertainty surrounding these counts, the applicant has proffered conducting a traffic signal warrant analysis at 75% buildout using actual traffic counts. However, development could still proceed beyond that point, resulting in the need for a signal should traffic generation be higher than the 60% rate.

Based on the information provided by the applicant regarding traffic generation at other age restricted communities, staff accepts that the proposal will generate less traffic than a non age-restricted development and is not likely to require installation of a traffic signal.

Public Utilities

The property is located inside the Primary Service Area and will be served by public water and sewer. Water service would be provided by the 12 inch water main located along Monticello Avenue. An interconnection with the existing water system of Powhatan Crossing is also planned. The water models submitted with this application indicate there is sufficient water capacity for this proposal. Sewer connections will be made into the existing 21 inch gravity sewer paralleling the eastern bank of Powhatan Creek. This sewer line terminates at Lift Station 1-2. Renovations already underway to this station as well as the completion of the 30 inch Monticello Avenue force main will provide adequate sewer capacity.

The applicant’s analysis of the water demand for 350 timeshares versus 400 age-restricted units identifies a 10% reduction in water demand. This is due to each housing unit using 225 gallons per day (based on the usage assumed with the Colonial Heritage project) versus the 300 gallons per day used by a timeshare. The proposal also assumes that all single family lots will be irrigated. The applicant has proffered water conservation measures to be approved by JCSA prior to subdivision or site plan approval.

The applicant is also proffering \$37,500 (\$750 for the first fifty units) to mitigate the impacts on the water supply of developing the additional fifty units on the property. This proffer amount of \$750 per unit is identical to the amount proffered by Colonial Heritage.

Fiscal Impacts

Based on the fiscal impact analysis submitted by the applicant, the proposed age restricted community, primarily due to the lack of school age children, would result in a net fiscal benefit to the County. In addition, the project would provide a higher fiscal benefit than the approved 350 timeshares. A comparison of total positive benefits through the eight year projected buildout is as follows:

Net Fiscal Impacts - Age Restricted versus Timeshare

	Year 2	Year 4	Year 6	Year 8
400 Age Restricted Units	\$287,000	\$618,000	\$962,000	\$1,039,000
350 Time Share Units	\$169,000	\$506,000	\$514,000	\$524,000

On a per unit basis, after buildout a timeshare will generate a positive \$1,500 net fiscal impact while the proposed age- restricted units generate a positive \$2,600 net fiscal impact. James City County Financial and Management Services has reviewed the Fiscal Impact Statement submitted with these applications and agrees that lack of school children results in a positive fiscal benefit.

The applicant is also proffering \$35,000 (\$700 for the first fifty units) to mitigate impacts on County emergency, library and other services generated by developing an additional fifty units on the property. This proffer amount per unit is generally based on the amount proffered by Colonial Heritage.

Comprehensive Plan

The majority of the Hiden Property is designated Low Density Residential on the Comprehensive Plan Land Use Map. Low density areas are residential developments on land suitable for such developments with overall densities up to one dwelling unit per acre depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of dwellings in the proposed development, and the degree to which the development is consistent with the Comprehensive Plan. In order to encourage higher quality design,

a residential development with greater density than one unit per acre is not recommended unless it offers particular benefits to the community. Examples of such benefits include mixed-cost housing, affordable housing, unusual environmental protection, or development that adheres to the principles of open space development design. Such design may include maintaining open fields, retaining natural vegetative buffers around water bodies or wetlands, preserving historic sites, creating adequate recreational areas, designing effective pedestrian circulation to include trail systems, and ensuring that the common land adjoins open space on adjacent parcels. Examples of acceptable land uses within this designation include single-family homes, duplexes, cluster housing, recreation areas, schools, churches, community-oriented public facilities, and very limited commercial establishments.

The applicant states that this proposal meets the criteria for a density higher than one dwelling unit per acre by offering the following benefits:

- A development that provides large areas of open space throughout the development;
- A development that retains natural vegetative buffers around water bodies and wetland environments;
- A development that provides recreational amenities for this community;
- A development that provides common lands that neighbor open spaces located on adjacent parcels;
- A development that is harmonious with surrounding land developments; and
- A development which meets the definition of a “residential cluster development.”

Portions of the property adjacent to the Powhatan Creek are designated as Conservation Area. Conservation areas are critical environmental areas where ordinary development practices would likely cause significant environmental damage. Lands surrounding or adjacent to conservation areas can also be sensitive, and development of these lands should consider negative impacts and methods to mitigate or eliminate these impacts. Wetlands, marshes, flood hazard areas, steep slopes, critical plant and wildlife habitats, and stream banks are types of conservation areas. Lands designated for conservation are intended to remain in their natural state. Examples of preferred land uses include hunting and fishing clubs, fish and game preserves, parks, and other open space that complement the natural environment.

The Comprehensive Plan also designates Monticello Avenue as a Community Character Corridor. Through proffers, this proposal provides the recommended 150' greenbelts along both sides of the road.

Staff finds this proposal consistent with the Low Density Residential and Conservation Area designation of the Comprehensive Plan.

Recommendation

Staff finds the revised proffers and master plan are consistent with surrounding development and zoning and the Comprehensive Plan. Staff believes that the cash proffers proposed sufficiently address impacts, including water, of the additional fifty units. Finally, the proposal has addressed the recommendations of the Powhatan Creek Watershed Study and the environmental protections afforded by this proposed plan exceed that provided under the current approved plan. Staff therefore recommends approval of this case.

Attachments:

1. Location Map
2. Proffers
3. Memo from Dexter Williams to Richard Costello dated April 30, 2003
4. Master Plan (separate)



MEMORANDUM

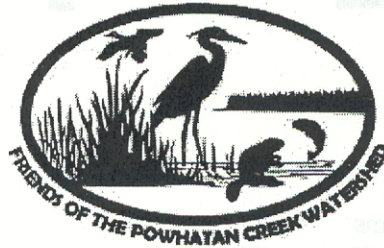
TO: Rich Costello
FROM: Dexter R. Williams
SUBJECT: Hiden Property – Heritage Hunt Trip Generation
DATE: April 30, 2003

Heritage Hunt is the age-restricted U. S. Home development in Prince William County that is the model for Colonial Heritage. Heritage Hunt has one main access for all residential traffic. VETTRA, a traffic consulting firm, counted hourly directional traffic on December 11, 2002 from 6 AM to 7 PM on the Heritage Hunt access. The VETTRA counts were undertaken to evaluate signal warrants for access to Heritage Hunt.

Mike Dillard of U. S. Home provided a housing count of 745 housing closings as of November 30, 2002. This provides an 11 day window for occupancy after closing.

Enclosed Exhibit A shows the results of VETTRA 13 hour counts with trip rates using 745 units. The average trip rates for the AM and PM peak hours are no more than 27% of ITE values for two-way traffic. The 13 hour trip rate of 1.81 trip per unit probably equates to a daily trip rate of no more than 2.5 trips per day per unit, or approximately 25% of the VDOT 10 daily trip standard.

The Heritage Hunt results are substantially lower than the Ford's Colony trip generation cited in previous forecasts for the Hiden property. With this type of age-restricted trip rate, there will be no possibility of meeting traffic signal warrants with 400 units on the Hiden property.



May 5, 2003

Mr. A. Joe Poole, III
Chair, James City County Planning Commission
Williamsburg, VA

Dear Chairman Poole:

The Friends of the Powhatan Creek Watershed respectfully submit this statement to the James City County Planning Commission concerning the Hiden Property Amended Proffers and Master Plan (Z-02-03/MP-1-03). As an organization dedicated to the preservation of the unique resources of the Powhatan Creek Watershed, the Friends are pleased that the applicant has addressed several elements of the Powhatan Creek Watershed Management Plan, namely Resource Protection Area extensions along tributary streams and expanded riparian buffers along the mainstem of Powhatan Creek. We are delighted that these and other conservation areas will be afforded a high level of protection by placing them under conservation easements and excluding them from platted lots. Furthermore, we view the establishment of restoration plans for timbered and temporary disturbance areas and the cash proffers for implementing the Powhatan Creek Watershed Management Plan (e.g. off-site stream restoration) as positive developments. The attention that this project pays to the implementation of the Powhatan Creek Watershed Management Plan is an excellent precedent for imminent growth and development in the watershed.

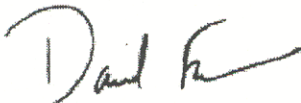
The Friends do express some concerns about this Planned Unit Development. The Powhatan Creek Watershed Management Plan recommends a 300-foot buffer along the mainstem of the creek and the amended proffers fall short of this goal. The Amended Master Plan offers a higher density development (400 units) than the original plan (350 units) with a result of more impervious surface and higher stormwater runoff. Since the full 300-foot buffer is not proposed, we recommend that the applicant incorporate better site design principles that limit impervious cover, such as: limiting clearing of forests and native vegetation to the minimum necessary to build lots, allow access, and provide fire protection; narrower roads with grassy swales and vegetated islands in cul-de-sacs; limiting parking to the minimum needed and using bioretention areas and filter strips to treat parking lot runoff; shared and shorter driveways; and limiting sidewalks to one side of the street.

Mr. A. Joe Poole, III
James City County Planning Commission
May 5, 2003
Page Two

We urge close monitoring and inspection of this project as it unfolds. If a success, this project could set an excellent precedent for lower-impact development in the watershed. If a failure, it could lead to further degraded water quality and habitat for the ecologically diverse Powhatan Creek.

In closing, the Friends of the Powhatan Creek Watershed applaud the applicant for consistency with the Powhatan Creek Watershed Management Plan and look forward to its successful implementation that will preserve the integrity and character of the watershed and its communities.

Sincerely,



David Fuss
Vice-President, Friends of the Powhatan Creek Watershed
3008 Chelsford Way
Williamsburg, VA 23185

cc: George Billups
Wilford Kale
John Hagee
Peggy Wildman
Joe McCleary
Matt Arcieri

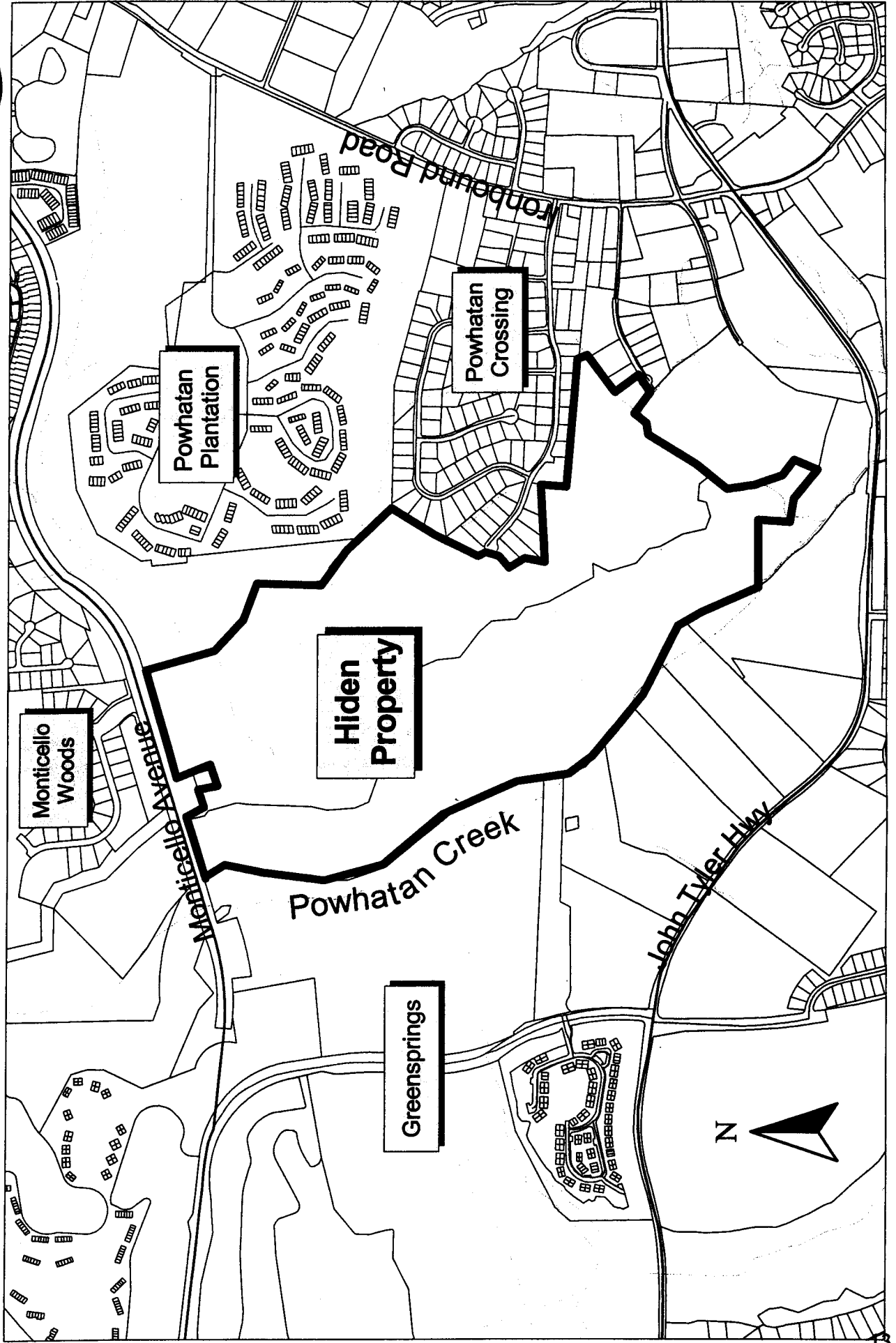
Exhibit A

All that certain piece, or parcel of land described as the "Thomas & Martin Tract" containing 390.69 acres, more or less, but said land is sold in gross and not by the acre. The subject property is bordered by the Powhatan Swamp, Powhatan Crossing Subdivision, Powhatan Plantation and Powhatan Secondary Subdivision, as shown on that certain plat, entitled "P.W. Hiden Estate, Plat of Survey of the Thomas & Martin Tracts, Being Part of Powhatan Plantation, situated in Jamestown District, James City County, Virginia, Surveyed, November, 1944...", a copy of which plat is attached hereto and incorporated herein by reference, for a more complete description of the property sold herein.

Subject however to all easements, restrictions and conditions of record affecting the Property or apparent on the ground.

Z-2-03/MP-1-03

Hidden Property Proffer Amendment



AMENDED AND RESTATED
HIDEN PROPERTY PROFFERS

THESE AMENDED AND RESTATED PROFFERS are made as of this 23 day of April, 2003, by POWHATAN CROSSING, INC., a Virginia corporation, (together with its successors and assigns, the "Owner").

RECITALS

A. Owner is the present or former owner of certain real property (the "Property") in James City County, Virginia consisting of approximately 403.7 acres more particularly described on Exhibit A attached hereto and made a part hereof.

B. In 1997 the Owner applied for and James City County (the "County") granted a rezoning of the Property from R-8, Rural Residential District, to PUD-R, Planned Unit Development-Residential District, with proffered conditions as set forth in Hiden Property Proffers dated October 29, 1997 and recorded in the Clerk's Office for the Circuit Court for the City of Williamsburg and County of James City as Instrument No. 97019406 (the "Original Proffers"). In connection with the rezoning, Owner submitted and the County approved a Master Plan in accordance with the County Zoning Ordinance entitled "Master Plan Hiden Property" and dated September 10, 1997 and revised October

15, 1997 (the "Original Master Plan").

C. Owner has now applied for an amendment to the approved Original Master Plan for the Property pursuant to the County Zoning Ordinance and, in connection therewith, desires to amend and restate the Original Proffers.

NOW, THEREFORE, for and in consideration of the approval by the Board of Supervisors of James City County of the applied for amendment to the Original Master Plan and the Original Proffers and pursuant to Section 15.2-2297, et seq. of the Code of Virginia, 1950, as amended, and Section 24-16, et seq. of Chapter 20 of the Code of James City County, Virginia, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the applied for amendments are not granted by the County, these Amended and Restated Proffers shall thereupon be null and void and the Original Proffers and Original Master Plan shall remain in full force and effect.

CONDITIONS

1. Owners Association. All owners of lots or units within the Property by virtue of ownership of their lot or unit shall be members of a property owners association with the power to levy mandatory assessments. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents")

creating and governing the association(s) shall be submitted to and reviewed by the County Attorney. The Governing Documents shall require that the association adopt an annual maintenance budget, which shall include a reserve for maintenance of stormwater management BMPs, private roads and parking areas, and shall require that the association (i) assess all members for the maintenance of all properties owned or maintained by the association and (ii) file liens on members' properties for non-payment of such assessments and for the cost of remedying violations of, or otherwise enforcing, the Governing Documents.

2. Density. (a) There shall be no more than 150 single family lots permitted in Area 1 on the Property.

(b) There shall be no more than 400 dwelling units permitted in Area 2 on the Property. All dwelling units developed in Area 2 shall be age restricted to persons fifty-five (55) years of age or older ("Restricted Units") in accordance with the following parameters:

(i) It is the intent of the parties that Restricted Units shall be occupied by persons fifty-five (55) years of age or older and that no Restricted Units shall be occupied by a person under the age of eighteen (18). In some instances, persons under the age of fifty-five (55) but over the age of eighteen

(18) shall be entitled to occupy Restricted Units, subject, at all times, to the laws and regulations governing age fifty-five (55) and over restricted housing as more particularly set forth and described in subparagraph (ii) below.

(ii) Each Restricted Unit within the Property shall be developed and operated in compliance with applicable federal and state laws and regulations regarding housing intended for occupancy by persons fifty five (55) years of age or older, including but not limited to: the Fair Housing Act, 42 U.S.C. §3601 et seq. and the exemption therefrom provided by 42 U.S.C. §3607(b)(2)(C) regarding discrimination based on familial status; the Housing for Older Persons Act of 1995, 46 U.S.C. §3601 et seq.; the Virginia Fair Housing Law Va. Code §36-96.1 et seq.; any regulations adopted pursuant to the foregoing; any judicial decisions arising thereunder; any exemptions and/or qualifications thereunder; and any amendments to the foregoing as now or may hereafter exist. Specific provisions of the age restriction described above and provisions for enforcement of same shall be set forth in a declaration of restrictive covenants and property owners' association documents applicable to the Restricted Units and each deed to a Restricted Unit shall make reference to such provisions.



(c) Any accessory commercial uses located in Area 2, such as bank offices, beauty salons and barbershops, shall be located and designed to serve residents of Area 2. Commercial uses shall not be advertised from any public right-of-way.

3. Road Improvements. (a) Monticello Avenue. (i) Owner shall make a contribution of \$2,800.00 to the County for each of the first 250 lots or units shown on subdivision plats or site plans of the Property. Such contributions shall be made available by the County for use by the District for the construction of Monticello Avenue or used by the County for any other project included in the County's capital improvement program, the need for which is generated in whole or in part by the development of the Property. Such contributions shall be made at the time of final subdivision plat or site plan approval for such lots or units.

(ii) There shall be no more than two entrances into the Property from Monticello Avenue, one into the portion of the property south of Monticello Avenue and one into the portion of the property north of Monticello Avenue. The two entrances shall be aligned. Owner shall construct right and left turn lanes on both approaches at the entrances to the Property from Monticello Avenue at the time such entrances are constructed.

(iii) At the request of the County, Owner shall install a traffic signal at the intersection of Monticello Avenue and the entrances to the Property at the earlier of (i) when Virginia Department of Transportation ("VDOT") signal warrants are met or (ii) when development has commenced on either side of Monticello Avenue and the County has issued certificates of occupancy for more than 55 lots or dwelling units utilizing the entrances onto Monticello Avenue; provided that VDOT and the County approves the installation of the traffic signal at that time. When certificates of occupancy for 412 dwelling units on the Property have been issued and if the traffic signal has not been installed at that time, Owner shall cause an updated traffic signal warrant analysis using actual traffic counts shall be submitted to VDOT and the County.

(b) All road improvements proffered hereby shall be constructed in accordance with VDOT standards.

(c) Unless otherwise approved by the Director of Planning, Owner shall reserve a public right-of-way to provide a pedestrian connection from the Powhatan Secondary development to the Property and shall dedicate such right-of-way to the County upon the written request of the County Administrator.

4. Monticello Avenue Greenbelt. At the time of the

conveyance of the Monticello Avenue right-of-way to the County or the District, the Owner shall designate 150-foot greenbelt buffers along the Property's Monticello Avenue frontage measured from a right-of-way line assuming a 120 foot right-of-way for Monticello Avenue (measured 60 feet on either side of the centerline of the right-of-way). The greenbelt buffers shall be exclusive of any lots or units and shall be undisturbed, except for, with the approval of the Development Review Committee, utilities, drainage improvements, community entrance roads as shown generally on the Master Plan, pedestrian/bicycle trails, lighting, entrance features and signs.

5. Archaeology. A Phase I Archaeological Study for Master Plan area shall be submitted to the Director of Planning for his review and approval prior to land disturbance. A treatment plan shall be submitted to, and approved by, the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation, and/or identified as being eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National

Register of Historic Places and/or those sites that require a Phase III study. If in the Phase II study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study area. All Phase I, Phase II and Phase III studies shall meet the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standard and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the site and shall be adhered to during the clearing, grading and construction activities thereon.

6. Environmental Protections. (a) The Owner and/or the owners association shall grant, free of charge, to the Williamsburg Land Conservancy, another County approved land

conservation entity and/or the County a conservation easement with terms consistent with these Proffers over the area designated on the Master Plan as Conservation Area generally in the locations shown on the Master Plan. The exact boundaries of the Conservation Area shall be shown on subdivision plats and/or site plans of the Property based on the buffer line and Conservation Area shown and set out on the map entitled "Master Plan Amendment for Hiden Property for Jamestown, LLC" made by AES Consulting Engineers, Project No. 9254, dated 2/24/03, revised 4/25/03. The conservation easement over the Conservation Area shown on each individual subdivision plat or site plan shall be granted at the time of final approval thereof by the County. The Conservation Area shall remain undisturbed and in its natural state, preserving indigenous vegetation except as set forth below. With the prior approval of the Environmental Division or his designee on a case by case basis, (i) dead, diseased and dying trees or shrubbery and invasive or poisonous plants may be removed from the Conservation Area; (ii) select hand clearing and pruning of trees shall be permitted in the Conservation Area to permit sight lines or vistas, and (iii) utilities, roads, pedestrian paths, trails and bridges may intrude into or cross the Conservation Area. No stormwater best management practices

("BMPs") shall be permitted in the 100 foot Resource Protection Area ("RPA") imposed by County ordinance along the main stem of Powhatan Creek. With the prior approval of the County Environmental Division on a case by case basis, BMPs may be located in other RPAs and elsewhere in the Conservation Area, including RPA extensions shown on the Master Plan, but shall not be located in nor impact the channel flow unless specifically approved by the Environmental Division. The greenway proffered in Proffer 7 below and County trails and passive recreational facilities and structures located therein shall be permitted within the Conservation Area. If vegetation is removed from the Conservation Area it shall be replaced by indigenous vegetation that is equally or more effective in retarding runoff, preventing erosion and filtering nonpoint source pollution. Owner, at the request of the County, shall retain an environmental consultant acceptable to the County to prepare a three tiered restoration plan for the areas indicated on the "Revised Environmental Constraints Map Hiden Property" made by Williamsburg Environmental Group, Inc. and dated 8/1/97 and revised 9/16/97 where timbering operations resulted in the removal of trees from or land disturbance within the Conservation Area to provide for the restoration of ground cover, shrubs and trees for that

portion of the Conservation Area as determined to be necessary by the consultant. If temporary stormwater BMP's are located in the Conservation Area, the restoration plan shall include a replanting plan for such BMP areas. The restoration plan shall include a phasing plan to ensure areas of the Conservation Area being restored have been stabilized prior to the commencement of development on adjacent developable areas. The restoration plan shall be submitted to the Environmental Division for review and approval. Owner shall implement the recommendations of the approved restoration plan. Road and utility crossings shall be generally perpendicular through the Conservation Area and Owner shall endeavor to design utility systems that do not intrude into the Conservation Area. The Conservation Area shall be maintained by Owner unless the Williamsburg Land Conservancy, the other County approved land conservation entity or the County assumes responsibility therefor under its easement or the Conservation Area is conveyed to an owners association, at which time the association shall assume responsibility for its maintenance. The Conservation Area shall be exclusive of Lots.

(b) All stormwater runoff from paved parking areas or roads and from all building structures over 150 square feet in Area 2 of the Property shall be directed into BMPs unless otherwise

approved by the Environmental Division

7. Greenway. Owner shall grant the County an easement within the Conservation Area for a greenway through the Property in the general location shown on the Master Plan as "James City County Greenway Trail" as subdivision plats or site plans for adjacent Property are approved and/or recorded. The County shall be entitled to construct a trail with a minimum 10' wide travel path (which will be open to the general public during daylight hours only), including necessary bridges, if any, through the James City County Greenway Trail and to install passive amenities such as benches, tables, gazebos, educational or descriptive markers or individual fitness stations. The location of the "James City County Greenway Trail" shall be varied within the Conservation Area by the Environmental Division to ensure the ability to construct a viable trail network. Owner shall grant the County suitable parking opportunities (through shared use of parking facilities required by site improvements) to the general public using the trail.

8. Recreation. (a) Owner shall provide the recreational facilities listed below in Area 1 shown on the Master Plan and make the cash contributions to the County described below before the County is obligated to approve final subdivision plats for

more than 100 lots in Area 1:

- Parkland, including one playground of at least 1.9 acres.
- Cash contribution of \$9,900 in lieu of multi-purpose courts.
- Cash contribution of \$4,300 in lieu of playing fields.

(b) Owner shall provide the recreational facilities listed below in Area 2 shown on the Master Plan and make the cash contributions described below to the County before the County is obligated to approve final subdivision plats or site plans for more than 235 dwelling units in Area 2:

- Recreation areas of at total of least 2.5 acres.
- Cash contribution of \$13,650 in lieu of multi-purpose court.
- Cash contribution of \$5,950 in lieu of playing fields.

The recreational facilities in Area 2 may be open only to owners in Area 2.

(c) All cash contributions proffered by this Proffer 8 shall be used by the County for recreation capital improvements, which may include trails within the greenway proffered in Proffer 7. The exact locations of the facilities proffered hereby and the equipment to be provided at such facilities shall be subject to the approval of the Development Review Committee. All recreational facilities proffered hereby shall be conveyed to and maintained by the owners association and shall be open to all

members of the association in good standing.

(d) Owner shall construct a shoulder lane bikeway in accordance with VDOT standards along both sides of the main public collector roads within the Property north of Monticello Avenue.

9. Entrance Signs. The entrance signs, lighting, landscaping and entrance features at the entrances to the Property from Monticello Avenue shall be subject to the review and approval of the Director of Planning before a sign permit for such signs is issued. The entrance signs shall be monument type signs.

10. Powhatan Crossing Buffer. The Owner shall maintain a buffer along the Property's common boundary line with the Powhatan Crossing subdivision with the width and in the locations shown on the Master Plan. This buffer shall be exclusive of any lots and shall be undisturbed, except for, with the approval of the Development Review Committee, berms, landscape features, walls or fences or utility easements.

11. Cash Contributions for Community Impacts. (a) A contribution of \$750.00 for each of the first 50 dwelling units developed on Area 2 of the Property shall be made to the James City Service Authority ("JCSA") in order to mitigate impacts on

the County from the physical development and operation of Area 2 of the Property. The JCSA may use these funds for development of alternative water sources or any project related to improvements to the JCSA water system, the need for which is generated by the physical development and operation of Area 2 of the Property.

(b) A contribution of \$700.00 for each of the first 50 dwelling units developed on Area 2 of the Property shall be made to the County in order to mitigate impacts on the County from the physical development and operation of Area 2 of the Property. The County may use these funds for any project in the County's capital improvement plan, the need for which is generated by the physical development and operation of Area 2 of the Property, including, without limitation, for emergency services equipment replacement and supply, traffic signal preemption equipment, library uses, and public use sites.

(c) A contribution of \$500.00 for each of the first 50 dwelling units developed on Area 2 of the Property shall be made to the County in order to mitigate impacts on the County from the physical development and operation of Area 2 of the Property. The County may use these funds for any project in the County's capital improvement plan, the need for which is generated by the physical development and operation of Area 2 of the Property,

including, without limitation, stream stabilization or other stormwater management projects in the Powhatan Creek watershed.

(d) The contributions described above, unless otherwise specified, shall be payable for each of the dwelling units developed within Area 2 of the Property at the time of final subdivision plat or final site plan approval by the County for the particular phase or section of dwelling units.

(e) The per unit contribution(s) paid in each year pursuant to this Section shall be adjusted annually beginning January 1, 2004 to reflect any increase or decrease for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI-U) All Items (1982-84 = 100) (the "CPI") prepared and reported monthly by the U.S. Bureau of Labor Statistics of the United States Department of Labor. In no event shall the per unit contribution be adjusted to a sum less than the amounts set forth in paragraphs (a) and (b) of this Section. The adjustment shall be made by multiplying the per unit contribution for the preceding year by a fraction, the numerator of which shall be the CPI as of December 1 in the year preceding the calendar year most currently expired, and the denominator of which shall be the CPI as of December 1 in the preceding year, In the event a substantial change is made in the method of establishing the CPI,

then the per unit contribution shall be adjusted based upon the figure that would have resulted had no change occurred in the manner of computing CPI. In the event that the CPI is not available, a reliable government or other independent publication evaluating information heretofore used in determining the CPI (approved in advance by the County Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the per unit contribution to approximate the rate of annual inflation in the County.

12. No Access to Powhatan Crossing. Prior to final approval of the first subdivision plat or site plan for development on the Property, Owner shall (i) convey to the Powhatan Crossing Homeowners Association by quitclaim deed all its right, title and interest in and to the access easement from Powhatan Crossing Drive to the Property adjacent to the recreational lot in Powhatan Crossing, (ii) install a permanent cul de sac at the end of Powhatan Crossing Drive, and (iii) convey to the Powhatan Crossing Homeowners Association by quitclaim deed a strip of land between the permanent cul de sac and the Property such that the public road and the Property are no longer adjacent.

13. Water Conservation. The Owner and/or the owners association shall be responsible for developing water conservation standards to be submitted to and approved by the JCSA and subsequently for enforcing these standards. The standards shall address such water conservation measures as limitations on the 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, including groundwater. The standards shall be approved by the JCSA prior to final subdivision or site plan approval.

14. Height Limitation. There shall be no building greater than two and one-half stories in height located within 300 feet of the Powhatan Crossing subdivision.

15. Headings. All section and subsection headings of Conditions herein are for convenience only and are not a part of these Proffers.

16. Severability. If any condition or part thereof set forth herein shall be held invalid or unenforceable for any reason by a court of competent jurisdiction, the invalidity or unenforceability of such condition or part thereof shall not invalidate any other remaining condition contained in these Proffers.

WITNESS the following signatures and seals:

POWHATAN CROSSING, INC. 11

By: [Signature]

Title: Pres.

STATE OF VIRGINIA
CITY/COUNTY OF WILLIAMSBURG, to-wit:

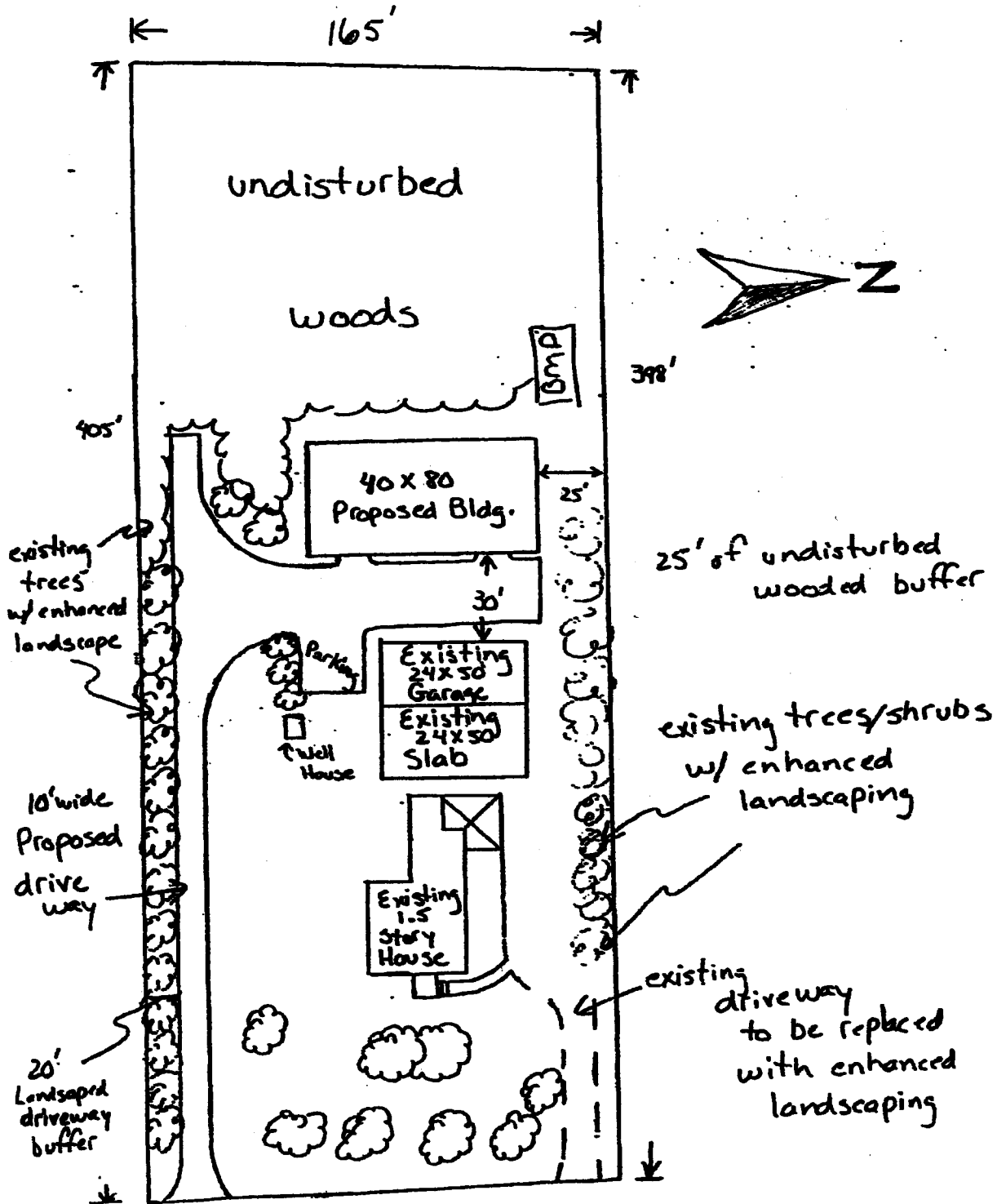
The foregoing instrument was acknowledged before me
this 23rd day of April, 2003 by C. LEWIS WALTRIP, II as
President/Owner of Powhatan Crossing, Inc.

Patricia M. Conner
NOTARY PUBLIC

My commission expires:
Dec. 21, 2006

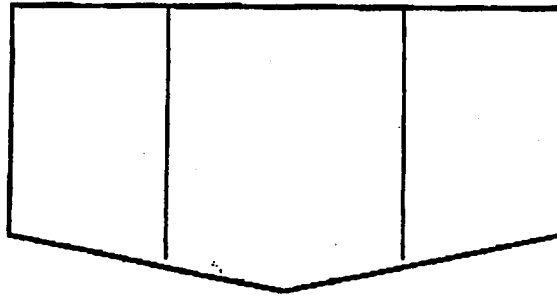
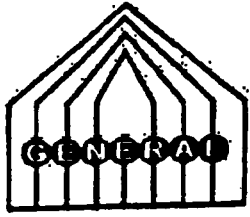


AJC Woodworks Master Plan for 8305 Richmond Rd SUP 11-03

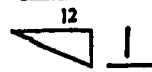
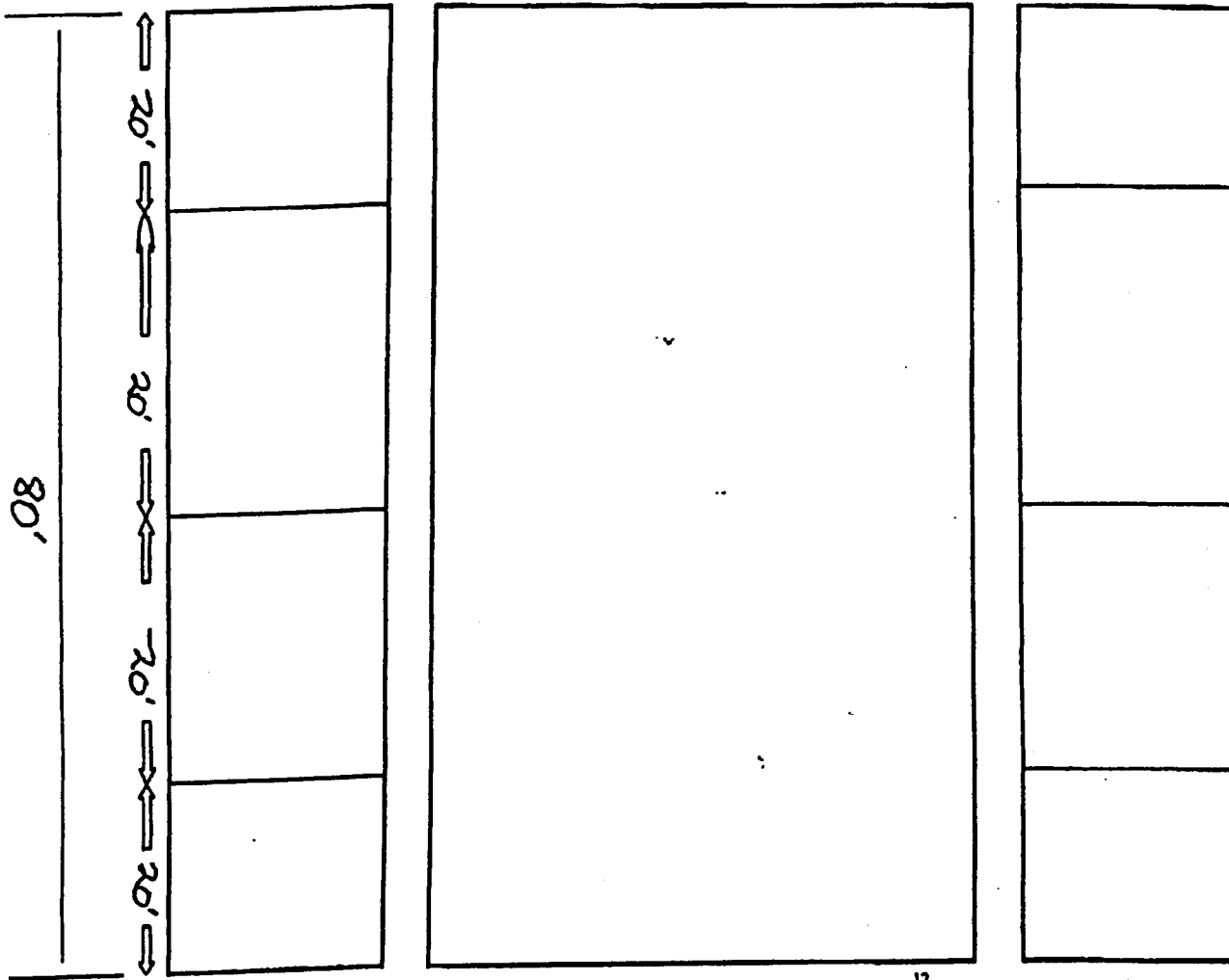


Buyer Name: Anthony Casanave

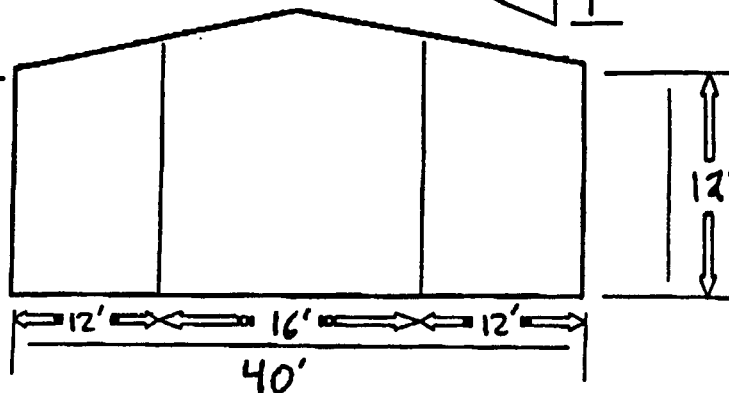
Attention: Tony



40' x 80' x 12'



Clearance Under Haunch is Critical



Please Show Dimensions for Size & Locations of Framed Openings

Factory Gutters, Ridge Vents (For Ventilation), and Vapor Barrier (Prevents building from Sweating) are all **HIGHLY** Recommended.

SPECIAL USE PERMIT-11-03. AJC Woodworks Building
Staff Report for June 2, 2003, Planning Commission Public Hearing

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

PUBLIC HEARINGS: Building C Board Room; County Government Center

Planning Commission: June 2, 2003, 7:00 p.m.
Board of Supervisors: July 8, 2003 (tentative)

SUMMARY FACTS

Applicant: Tony Casanave

Land Owner: Arneata Denise Lynch

Proposed Use: A woodworking shop for the manufacture of furniture and cabinetry

Location: 8305 Richmond Road, between Anderson's Corner and Toano, Virginia

Tax Map/Parcel No.: (12-4)(1-3)

Primary Service Area: Inside

Parcel Size: 1.5 acres

Existing Zoning: A-1, General Agricultural

Comprehensive Plan: General Industry

Surrounding Zoning: A-1, General Agricultural

Staff Contact: Sarah Weisiger, Planner Phone: 253-6685

Staff Recommendation:

Staff finds this proposal, with conditions, to be compatible with the main use of the property and generally consistent with the surrounding property and the Comprehensive Plan. With the proposed conditions, staff believes any impacts on nearby historic and residential properties will be mitigated. Staff recommends the Planning Commission approve this special use permit application with the attached conditions.

Description of Project

Mr. Tony Casanave has applied for a special use permit to construct and operate a woodworking shop behind an existing dwelling and garage at 8305 Richmond Road, Toano, Virginia. The manufacture and sale of wood products is a specially permitted use in the A-1, General Agricultural, zoning district in which the property is located. Mr. Casanave has a contract to purchase the property depending on the outcome of this special use permit application. He proposes to build a 40' x 80' x 13'8" low-pitched metal roof building and to use it to manufacture custom wood products. The applicant, Mr. Casanave, currently operates a woodworking business, AJC Woodworks, Inc., off-site. He builds furniture, cabinetry, and other custom wood products. He currently has a one man operation with a part-time helper. He visits the homeowners or jobsites to transact business. He hopes to expand his business and possibly have one or two full-time employees.

Mr. Casanave does not intend to operate a retail business or to set up a showroom at this location. The house is to remain as a dwelling unit with an office in the existing garage. The operation will be strictly for the manufacture of wood products. The hours of operation will be limited in order to reduce the impact to surrounding residential properties. The proposed building, both walls and doors, will be insulated for noise reduction. All of these restrictions have been set forth in the proposed conditions of this special use permit.

Surrounding Zoning and Development:

The property is located between Anderson's Corner and Toano on the southwest side of Route 60, a four-lane divided highway. All of the adjacent property is zoned A-1, General Agricultural. The parcel that is the subject of this SUP application has a dwelling as do the lots on either side of it. The lots behind the existing house and garage are wooded and undeveloped back to the CSX railroad tracks. Hickory Neck Church is located approximately 400 feet across Route 60 from the house and garage. Hickory Neck Church, an eighteenth century structure, is on the National Register of Historic Places. The church and church hall are currently surrounded by open farm land. The applicant has submitted a Phase 1 archaeological study to staff for the area of the proposed woodworking shop. According to the study, no artifacts were recovered to indicate the presence of cultural resources and no further studies were recommended.

This SUP contains conditions restricting the height of the proposed woodworking building and requiring enhanced landscaping to buffer views from the church as well as adjacent properties. Other conditions have been added to ensure the residential use and character of the site to preserve a residential setting across from Hickory Neck Church. This type of use would serve as a buffer between the church and any possible industrial development of the vacant property to the West.

Comprehensive Plan Designation:

The west side of Route 60 on which the proposed use is to be located is designated as General Industry on the Comprehensive Plan Land Use Map. All of the adjoining parcels on the same side of Route 60 are also designated as General Industry. General industry is designated for areas within the PSA that are suitable for industrial uses that require buffering from adjoining uses, because of their potential for creating dust, noise,

odor, and other adverse environmental effects. The area across Route 60, surrounding the church, is designated Low Density Residential on the Comprehensive Plan Land Use Map.

Utilities:

The dwelling on the site is served by a private well and septic system. The site is located within the Primary Service Area (PSA). Currently, only public water would be available to the site. The applicant is not proposing a water connection as part of this master plan, but intends on connecting to public water in the future and to public sewer if it becomes available.

Traffic Impacts/Access:

The property of the proposed use is located on a four-lane divided section of Route 60. As the applicant, will not be able to use the location as a retail business under the proposed conditions, the property is expected to generate very few additional vehicle trips. However, due to the need for delivery trucks to access the property, the Virginia Department of Transportation requires that the applicant provide a commercial entrance for the proposed use. This type of entrance will reduce the likelihood of large vehicles damaging the highway and tracking gravel and soil on to the road.

According to the 2002 James City County Greenway Master Plan, a shoulder bike lane is proposed for both sides of Route 60 between Anderson's Corner and Toano in the area of the applicant's property. Staff prefers that any commercial entrance for this property be designed in a way that would allow for the construction of the proposed shoulder bike lane without necessitating the demolition and reconstruction of the commercial entrance and associated improvements.

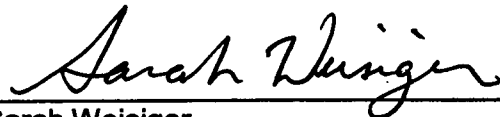
The applicant proposes to replace the current driveway on the north side of the existing house and garage with an entrance and driveway on the south side of the property. It would be aligned with a crossover in the highway right-of-way. The conditions in this SUP would allow such a driveway provided it was in accordance with VDOT standards and replaces any other entrance way. Only one entrance from Route 60 would be permitted.

RECOMMENDATION:

Staff finds this proposal generally compatible with existing development 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. The property shall be developed generally in accordance with the master plan titled, "AJC Woodworks Master Plan for 8305 Richmond Rd SUP-11-03", dated May 19, 2003, with minor changes approved by the Development Review Committee.
2. This special use permit is for the use as a woodworking shop for the manufacture of wood products. The property shall not be used as a retail store or shop.
3. A site plan shall be submitted to and approved by the Planning Director.

4. A minimum twenty-five foot wide undisturbed wooded buffer as shown in the master plan shall remain along the property line to the north, parallel to the area of the proposed workshop and parking area. In addition, enhanced landscaping consisting of evergreen shrubs to be planted ten feet on center shall be provided along the edge between the disturbed area and the undisturbed wooded buffer. Along the property line to the south, landscaping shall provide transitional screening of a total width of twenty-five feet, parallel to the area of the proposed workshop and proposed parking area. Additional landscaping is required to sufficiently buffer views of the workshop from Hickory Neck Church. The landscaping plan shall be submitted with the site plan and must be approved by the Planning Director.
5. Only one entrance shall be allowed on to Route 60. The property shall have a commercial entrance that is designed to accommodate a shoulder bike lane as approved by the Planning Director.
6. Hours of operation including the operation of power tools and truck deliveries and pick-ups shall be limited to 7:30AM to 7:00PM, Monday through Saturday.
7. All walls and doors shall have insulation for noise reduction. Plans and specifications shall be approved by the Planning Director prior to issuance of a building permit. Workshop doors and windows shall be closed while power tools are in operation.
8. One freestanding sign shall be permitted on site. The sign shall be limited to no larger than 16 square feet with a maximum height of 7 feet. The sign may only be externally illuminated by ground mounted lights concealed by landscaping. The sign shall be approved by planning director.
9. The height of the proposed building shall not exceed 15 feet over natural grade.
10. The existing residence shall continue to be used primarily as a single family dwelling but may contain an accessory office for the woodworking shop. Any exterior modifications to the dwelling shall be approved by the Planning Director.
11. The special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

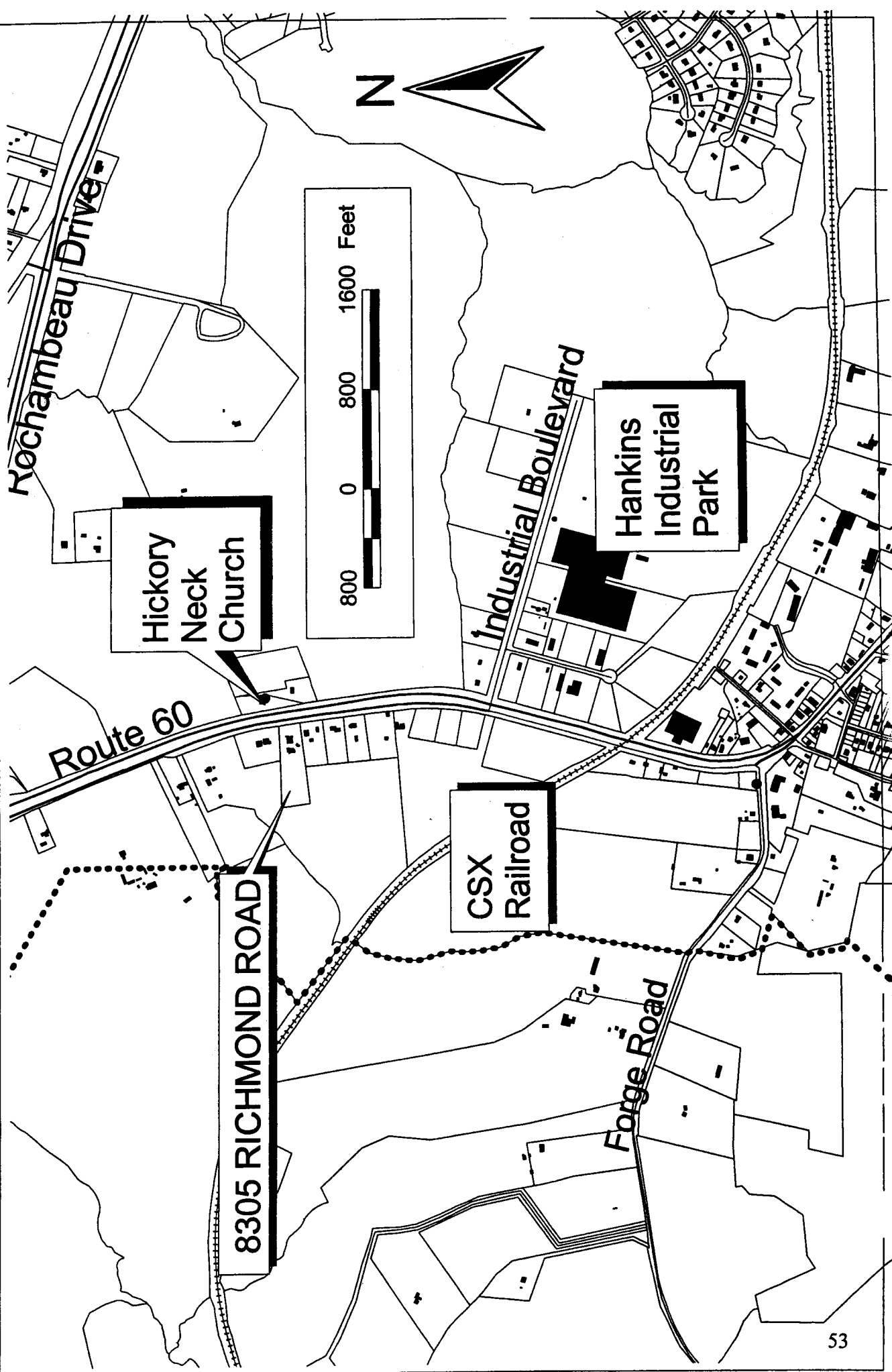
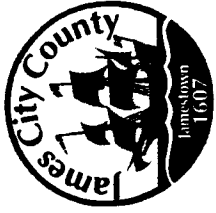


Sarah Weisiger
Planner

Attachments:

1. Location Map
2. Master Plan
3. Proposed building specifications

SUP-11-03. AJC Woodworks



PLANNING DIRECTOR'S REPORT
JUNE 2003

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

1. New Town DRB Cases. The Design Review Board considered the following cases at its May 2003 meeting: New Town Streetscape Design Guidelines, conceptual residential designs for Blocks 5 and 8 (northwest of the SunTrust Bank Building which is currently under construction), and revised plans for the Olde Point Bank Building (corner of Monticello Avenue and Ironbound Road).
2. Comprehensive Plan Update. On May 5th, the CPSC voted on its recommendations for the Land Use Designation Change Applications and staff recommendations. On May 12th, the CPSC completed its review of the Land Use Goals, Strategies and Actions. Mr. Milton Herd, the Comprehensive Plan consultant, was present at both of these meetings. The Final Text was delivered to the CPSC on May 22nd. At the May 28th meeting, the CPSC voted on its recommendation of the Final Text. The PC and the BOS will consider the final text during joint work sessions on June 10th and 24th.
3. RSTP and CMAQ Funding Proposals. Staff submitted proposals for additional funding for the Monticello Avenue/Ironbound Road intersection improvements and the Relocation of Route 60/Pocahontas Trail (section from the Wal-Mart Distribution Center to Newport News).
4. VDOT Subdivision Street Standards Review. VDOT has initiated a review of its subdivision street standards with a series of state-wide workshops. Staff attended and made a number of suggested revisions.
5. 2026 Regional Transportation Plan. The update of the 2026 Plan continued to move forward, with the Hampton Roads Planning District Commission and member jurisdictions involved in selection of road projects to be included in the Plan. Since the 2026 Plan is required to be financially constrained, not all regional road needs can be included. Consequently, a number of major projects will remain on-hold. Finalization of the list of projects to be included is expected in June.
6. Other Board Action. At its May 13th meeting, the Board of Supervisors opened the public hearing for and continued both Case No. SUP-10-03, Leighton-Herrmann Subdivision, and Case No. SUP-02-03, Hankins Industrial Park Ready Mix Concrete Plant, until June 10th.
7. Upcoming Cases. None at this time.

O. Marvin Sowers, Jr.