

## A G E N D A

### JAMES CITY COUNTY PLANNING COMMISSION

JULY 14, 2003 - 7:00 P.M.

1. ROLL CALL
2. MINUTES
  - A. June 2, 2003
  - B. June 10, 2003
3. COMMITTEE AND COMMISSION REPORTS
  - A. Development Review Committee Report
  - B. Other Committees
4. PUBLIC HEARINGS
  - A. Review of the *Vision for Our Future 2003 Comprehensive Plan for James City County*.
  - B. Z-04-03. Minachiello – 3840 Ironbound Road.
  - C. Z-03-03. Pocahontas Square.
  - D. SUP-13-03. Old Capital Lodge.
  - E. SUP-14-03. JCSA Water Treatment Facility Concentrate Main.
5. PLANNING DIRECTOR'S REPORT
6. ADJOURNMENT

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

1. ROLL CALL

A. Joe Poole, III  
John Hagee  
Donald Hunt  
Peggy Wildman  
Joseph McCleary  
George Billups

ALSO PRESENT

Leo Rogers, Deputy County Attorney  
O. Marvin Sowers, Jr., Planning Director  
Matthew Arcieri, Planner  
Sarah Weisiger, Planner  
Darryl Cook, Environmental Division Director  
Mike Woolson, Engineer  
Trey Davis, Development Management Assistant

2. MINUTES

The Commission approved the minutes of the May 5, 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 five cases heard at the last meeting. The DRC recommended approval of alternate septic systems for 9537 Barnes Road and 3436 North Riverside Drive. The DRC also passed a resolution to streamline this process. It will allow staff to approve or deny alternate septic systems on existing lots as long as the systems meet all applicable Health Department standards. For Longhill Grove Apartments, the DRC recommended preliminary approval subject to resubmittal of the plans addressing all outstanding agency comments. The DRC recommended approval of an off-site parking plan for the Jamestown Island Collections facility. The DRC also recommended approval of a waiver to the off-street parking requirements for the William E. Wood office building to be located in New Town.

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 of the work of the Comprehensive Plan Steering Committee (SC), which concluded its meetings on May 28, 2003 with unanimous approval of the draft Comprehensive Plan. He thanked all parties including members of the SC, the Community Participation Team, citizens, and staff for their continuing efforts. Mr. McCleary noted that this update of the Comprehensive Plan had seen a record high level of citizen input and that the final product accurately reflects the desires of County residents. He congratulated the CPT and staff on winning a statewide award from the Virginia Chapter of the American Planning Association for outstanding citizen education and participation. Mr. McCleary then outlined the remaining steps for final approval of the Comprehensive Plan by the Planning Commission and Board of Supervisors. Joint work sessions will be held June 10 and 24, 2003. The bodies will discuss all elements of the plan up to Land Use on June 10 and will resume on June 24 to discuss the Land Use section. On July

14, 2003, the Planning Commission will consider the Comprehensive Plan for final approval. He stated that the BOS would consider approval of the plan in August. Mr. Poole thanked all participants for their hard work and for making this update of the Comprehensive Plan one of the most participatory and inclusive yet. He invited continued participation from all parties.

4. PUBLIC HEARINGS

A. CASE NO. Z-2-03/MP-1-03 Hidden 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 Hidden 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. This case was deferred at the May 5, 2003 meeting of the PC pending the submittal of further traffic studies. The resulting evidence submitted by the applicant notes that age-restricted communities create about 2/3 of the traffic that would result from a more traditional single family development. The application is consistent with Zoning and Comprehensive Plan Land Use designation for that area, as well as the Powhatan Creek Watershed Study. Mr. Arcieri noted that Darryl Cook and Mike Woolson of the Environmental Division were available to answer any questions. Staff recommends approval of this case.

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

Mr. Vernon Geddy spoke on behalf of the applicant. He noted that Mr. Rich Costello of AES Consulting Engineers had obtained two additional sources of traffic information for similar communities that confirmed the results of previous studies. He noted that traffic generation would only be 2/3 of what it would be for a development of single-family homes. Mr. Geddy stated that an extrapolation of the studies done for Williamsburg Landing provided the same conclusion. He read a list of benefits of the 400-unit proposal that included less water usage than originally proposed, slightly higher daily trip generation offset by fewer peak-hour trips, and a better fiscal impact.

Mr. Poole noted that the proposed changes would create 2,256 trips per day as opposed to the 2,051 that would be generated under the previously approved plan. He also stated that the traffic during peak hours was lower under the proposed plan according to numbers presented by the applicant

Mr. McCleary asked whether this would be a gated community.

Mr. Geddy replied that it would.

Ms. Wildman asked how many families would be housed in a multi-family unit under this proposal.

Mr. Costello said the number varies.

Ms. Wildman asked for a range.

Mr. Costello said it would be between 4 and 10 families per building, but that it could be higher if the units were three stories tall.

Mr. Billups asked if the height of the proposed units was three stories.

Mr. Costello replied that the height would be 35 feet or less, roughly 2 ½ stories.

Mr. Billups asked how the density of this development would compare with James City County as a whole.

Mr. Costello replied that the net density would be 3.7 units/acre and that cluster developments can go up to 4 units/acre under the existing ordinance.

Ms. Wildman asked whether the road layout would limit Fire Department access.

Mr. Costello said the Fire Department must approve the plans.

Mr. Poole asked whether VDOT would require new traffic studies for this project.

Mr. Costello said the need for a traffic light would be re-examined at 70% build-out but expressed confidence that no traffic light would be needed.

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

Mr. Hagee made a motion to approve the request. Mr. Billups seconded this motion.

Ms. Wildman expressed concerns over how the influx of senior citizens into the County affects the need for and availability of services. She also worried how this demographic shift might be affecting the youth in the County. She said that the most recent age-restricted communities approved for development will bring in many people age 55 and over. This means there are more people to take care of and that there are important health issues to consider. She read a list of services needed by the elderly including senior centers, Meals on Wheels, doctors, fire, EMS, and Social Services. She said it was important to realize that the elderly population is already outpacing the growth of the younger population in the County and that it was important to consider where the community will go in the coming years.

Mr. Poole said he appreciated the provisions the applicant had made for this case, but that he had had no time to study any of the traffic information in advance of the meeting. He said the benefits of the development were not enough to warrant approval without better proffers. He wants to ensure that the appropriate infrastructure is in place and noted that the applicant did not provide this information in a sufficiently timely manner. He said he would not support approval of this case.

Mr. Billups said he saw this as a short-range growth pattern and felt there would be problems down the road with the transfer of property to heirs and the exclusion of those under 55. He said he was not sure this proposal or Colonial Heritage by U.S. Homes met the standards of fair housing laws and expressed his wish to abstain from voting.

Mr. Hunt said he remembered a previous conversation about the transfer of property to heirs.

Mr. McCleary clarified the provisions for people under 55 living in such communities with an older spouse, or owning the property and renting it out until they reach that age.

Mr. Hagee said the applicant had done well to provide extra benefits in the way of environmental protections, cash proffers, and buffers. He said this was an exemplary submission. While he expressed concern over the age-restricted nature of the community, he said he would not deny the case because of it. He noted that it was important to allow all types of people to move into the County and that this proposal provided more open space than a traditional development.

Mr. McCleary seconded Mr. Hagee's comments but said this may be the last time he ever approved an age-restricted development. He said people need to find other ways to develop.

Ms. Wildman said that despite grave concerns about the implications of this age-restricted development, the applicant had done a good job with the application. She said she could not support it just because this type of development is cheaper for the developers.

In a roll call vote, motion to approve passed (4-2). AYE: McCleary, Hagee, Hunt, Billups (4); NAY: Wildman, Poole (2).

B. CASE NO. SUP-11-03 AJC Woodworks.

Ms. Sarah Weisiger presented the staff report. She stated that Mr. Tony Casanave had applied for a special use permit for the manufacture and sale of wood products at 8305 Richmond Road. His purchase of the property is conditional upon approval of this request. No showroom or retail business would be allowed on the property, its hours of operation would be limited, and the building would be insulated for noise reduction. The property is zoned A-1, General Agricultural. The properties to the rear are undeveloped. Residential properties are adjacent on the north and south sides while Hickory Neck Church is located across Route 60 to the east. The property is designated General Industry in the Comprehensive Plan and would generate few additional vehicle trips. Ms. Weisiger noted that VDOT would require the applicant to provide an entrance for commercial vehicles. Staff recommends approval of this case.

Mr. McCleary asked for clarification that Mr. Casanave would not operate a retail establishment.

Ms. Weisiger replied that retail was not permitted under the conditions of the case.

Mr. Poole asked whether the applicant was comfortable with these conditions.

Ms. Weisiger replied that he was.

Mr. Hunt asked how much of an upgrade to the entrance was needed.

Ms. Weisiger said the master plan for the property shows the relocated commercial entrance and the removal of the existing driveway.

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

Mr. Burt Geddy of 8297 Richmond Road, said that he and his wife both supported this application as neighbors to the property.

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

Ms. Wildman said she supported the application and that it was an appropriate use with appropriate conditions placed upon it.

Ms. Wildman moved to approve the SUP.

Mr. McCleary seconded the motion.

Mr. Poole said he also supported approval and that he liked the fact that the residential unit was remaining on the property.

In a roll call vote, motion to approve passed (6-0).

5. PLANNING DIRECTOR'S REPORT

Mr. Marvin Sowers thanked the Steering Committee for all their hard work on the 2003 Comprehensive Plan update. He requested that the Planning Commission recess until June 10, 2003 at 4PM to attend a joint worksession with the Board of Supervisors on the Comprehensive Plan Update.

6. RECESSMENT

There being no further business, the June 2, 2003, meeting of the Planning Commission was recessed at 8:50PM until June 10, 2003 at 4PM.

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A. Joe Poole, III, Chairman

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O. Marvin Sowers, Jr., Secretary

A JOINT WORKSESSION OF THE PLANNING COMMISSION AND BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE TENTH DAY OF JUNE, TWO-THOUSAND AND THREE, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. **ROLL CALL**

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

**BOARD OF SUPERVISORS**

Jay T. Harrison, Sr., Chairman, Berkeley District  
Bruce C. Goodson, Vice Chairman, Roberts District  
John J. McGlennon, Jamestown District  
Michael J. Brown, Powhatan District  
James G. Kennedy, Stonehouse District  
Sanford B. Wanner, County Administrator  
Frank A. Morton, III, County Attorney

**ALSO PRESENT**

John T. P. Horne, Director Development Management  
O. Marvin Sowers, Director Planning Division  
Don Davis, Principal Planner  
Karen Drake, Senior Planner  
Milton Herd, Consultant  
Jeff Barra, Chair, Community Participation Team

2. **BOARD DISCUSSION**

A. **Draft 2003 Comprehensive Plan Discussion with the Planning Commission and Members of the Comprehensive Plan Steering Committee**

1. **Introductions**

Mr. Joe Poole, Chair of the Planning Commission, introduced members of the Comprehensive Plan Steering Committee and Planning Commission.

2. **Presentation of the Draft 2003 Comprehensive Plan as unanimously adopted by the Steering Committee**

Mr. Joe McCleary, Vice Chair of the Planning Commission, provided the Board with an overview of the Methodology for the Comprehensive Plan, Community Participation Team input, the Community Conversations, and the Steering Committee's work that were all part of the development of the Draft 2003 Comprehensive Plan.

Mr. McCleary continued reviewing the Draft 2003 Comprehensive Plan (Draft) with discussions on the following.

a. **Population**

The Board and Mr. McCleary discussed the demographic changes within the County.

b. **Youth**

The new element of the Comprehensive Plan includes a stand-alone section on youth to address transportation, recreation facilities, economic development, child care and health care from the

perspective of youth.

c. Economic Development

The Economic Development trends in the County indicate that the County prospered in the 1990s, and that efforts are being made to develop the County's workforce and promote efficient use of water resources.

The Board and Mr. McCleary discussed the citizen input concerning redevelopment issues in areas such as the Lightfoot and the Mooretown Road area; the retention of agricultural and forestal industries and options for farmers and their children; home-occupations by-right and their impact on neighbors; what role the County would play in providing fiber-optic cable service to residents; modification suggestions for language usage within the Draft that are action specific rather than suggestive of action; encouragement of the County to support and utilize locally minority-owned, and small businesses and services; the role of the Williamsburg/Jamestown Airport; workforce training; and the County's Enterprise Zone.

d. Public Facilities

The public facilities list has been updated to include facilities completed since 1997 and language has been added to promote the effort for new facilities to accommodate joint utilization by County and other agencies.

The Board and Mr. McCleary discussed the County's view of "fair share" in consideration of funding the development of public facilities, meeting or exceeding State standards for public facilities, modification of specific language in the Draft, and pre-school classrooms in the elementary schools.

e. Parks and Recreation

The County continues to seek partnerships to develop facilities to meet community needs.

f. Environmental

The Draft has been updated to be consistent with Chesapeake Bay Local Assistance Department (CBLAD) requirements by addressing issues such as shoreline erosion and water quality, and the Draft encourages and promotes water efficiency and mitigation of adverse environmental impacts.

The Board and Mr. McCleary recommended the inclusion of language for the encouragement of conservation of water, enforcement of the RPA, and use of gray water.

g. Transportation

Transportation in the County and Greater Williamsburg Area has improved over the past few years through the Williamsburg Area Transport and development of greenways including alternative transportation such as bikeways.

The Board and Mr. McCleary discussed service of the Williamsburg Area Transport for the older residents, and sidewalk planning to connect the pathways and ensure maintenance.

3. Public Comment

Mr. Dick Jones complimented the work that has gone into the Draft and stated concerns that although leaking underground storage tanks are noted in the Draft, the plan lacks action items for the Department of Environmental Quality to correct the environmental damage and notify citizens of the contamination. In addition he requested additional maps in the Land Use section of the Draft to aid in identifying the parcels in question.



Mr. Jones also commented on the lack of information in the Draft regarding Homeland Security.

**3. RECESS**

There being no further business, the June 10, 2003, meeting of the planning commission, was recessed at 6:14PM until June 24, 2003 at 4PM.

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A. Joe Poole, III, Chairman

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O. Marvin Sowers, Jr., Secretary

**JAMES CITY COUNTY  
DEVELOPMENT REVIEW COMMITTEE REPORT**

**FROM: 5/29/2003 THROUGH: 7/9/2003**

**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 Ph. 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-088-02	Colonial Heritage, Ph. 1 Sec. 2
SP-112-02	Ford's Colony Recreation Park
SP-001-03	Colonial Heritage 13th Hole Irrigation Pond
SP-009-03	Energy Services Group Metal Fabrication Shop
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-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-060-03	Williamsburg Plantation Sec 9,10,11 Units 184-251
SP-063-03	District Park Sports Complex Parking Lot Expansion
SP-065-03	Historic Jamestown Collection Building
SP-075-03	James City County Fire Station No.2
SP-076-03	JCSA Five Forks WTF Concentrate Main
SP-077-03	JCC Courthouse Bioretention Demonstration Project
SP-078-03	Amend. To Powhatan of Williamsburg Recreation Site
SP-079-03	Tequila Rose Walk-in Cooler
SP-082-03	Williamsburg Winery-Gabriel Archer Tavern
SP-085-03	St. Bede's Site Plan Amendment
SP-086-03	Colonial Heritage Golf Course
SP-087-03	Busch Gardens Maintenance Storage Building
SP-088-03	Marketplace Shoppes Final Phase
SP-089-03	Ford's Colony - Country Club Redevelopment Plans
SP-090-03	Longhill Gate SP Amendment

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SP-091-03	Colonial Heritage Ph. 1, Sec. 5
SP-092-03	Ford's Colony - Recreation Park Amendment
SP-093-03	New Town - WindsorMeade Way
SP-094-03	Christmas Mouse SP Amendment
SP-095-03	KTR Stonemart

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

#### **EXPIRE DATE**

SP-019-02	Williamsburg Plantation Sec 9,10,11 Units 184-251	5 /5 /2004
SP-027-02	120' Stealth Tower--3900 John Tyler Highway	6 /13/2004
SP-050-02	New Town Sec 2 & 4 - Road/Utility Infrastructure	8 /22/2003
SP-061-02	Powhatan Plantation Recreation Bldg Amd	6 /18/2004
SP-102-02	Powhatan Creek Access Park, Ph. 2 Improvements	9 /30/2003
SP-104-02	Colonial Heritage, Ph. 1, Sec. 3 & 3A	12/2 /2003
SP-110-02	Ewell Station - Ph. 2	10/7 /2003
SP-144-02	J.W. Crossing, Ph. 2	2 /20/2004
SP-002-03	Colonial Heritage Ph. 2, Massie Farm Pond Rehab.	2 /21/2004
SP-005-03	Hankins Farm Water and Sewer Extension	5 /27/2004
SP-010-03	The Colonial Heritage Club	3 /3 /2004
SP-015-03	Monticello Woods Community Center	4 /10/2004
SP-020-03	Jolly Pond Veterinary Hospital	6 /30/2004
SP-025-03	New Town Block 2	4 /9 /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-044-03	Longhill Grove Apartment Complex	6 /2 /2004
SP-047-03	JCSA Well Facilities Erosion Repairs	5 /7 /2004
SP-049-03	James River Commerce Center Columbia Drive	5 /19/2004
SP-057-03	New Town - William E. Wood Building	5 /29/2004
SP-062-03	Patriots Colony, Alzheimer Unit Addition	7 /3 /2004
SP-066-03	Colonial Heritage Ph. 1, Sec.1, SP Amendment	6 /20/2004
SP-068-03	Colonial Heritage - 10th Hole and Driving Range	6 /9 /2004

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

#### **DATE**

SP-084-02	Colonial Heritage, Ph. 1, Sec. 1	6 /11/2003
SP-113-02	Ready Mixed Concrete Storage Yard Expansion	6 /13/2003
SP-133-02	Busch Corporate Center - Wheat Center	7 /1 /2003
SP-142-02	George Nice & Sons	6 /27/2003
SP-018-03	St. Bede Catholic Church SP Amendment	6 /6 /2003
SP-026-03	Schmidt Landscaping	5 /29/2003
SP-043-03	Ford's Colony Sec. 7, Sewer Upgrade	7 /7 /2003
SP-067-03	Alltel Lightfoot Co-location	6 /18/2003
SP-069-03	Mt. Gilead Playground	6 /2 /2003
SP-070-03	Williamsburg Landing Deck Addition	6 /3 /2003
SP-071-03	Busch Gardens - Maintenance Shop Addition	6 /1 /2003

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SP-073-03	Busch Gardens - Operation Salute Tent	7 /8 /2003
SP-074-03	Busch Gardens Oktoberfest Storage Sheds	6 /23/2003
SP-080-03	Jamestown 4-H Camp	6 /27/2003
SP-081-03	NEED Center Playground Shelter (Norge Elem.)	6 /24/2003
SP-083-03	Busch Gardens - Globe Theater Storage Sheds	7 /3 /2003
SP-084-03	Governor's Green - Riverside Dialysis Facility	6 /30/2003
<b>D. EXPIRED</b>		<b>EXPIRE DATE</b>
SP-062-02	WindsorMeade Way Road Construction Plan	6 /4 /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, Sec. 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-068-02	Forrest Lee Hazelwood BLA
S-086-02	The Vineyards Ph. 3 BLA Lots 1, 5-9, 52
S-099-02	Ford's Colony Sec. 30 - Sanitary Sewer Amend.
S-100-02	Stonehouse, Richardson's Mill Sec. 1
S-113-02	Martin Farm Estates
S-008-03	Norge-Fenton Mill BLA
S-029-03	Wexford Hills Ph. 3B
S-033-03	Fenwick Hills, Sec. 2
S-034-03	Green Mount Associates Lots 3A, 3B & 3C BLA
S-037-03	Bush Neck Farm BLA
S-042-03	Sheppard Estates
S-046-03	Drewry Family Subdivision
S-047-03	Greensprings West Ph. 4C
S-050-03	New Town - Sec. 3, 5, 6, Lot 13
S-051-03	Villages at Powhatan Ph. 5
S-052-03	Hickory Neck Church BLA
S-053-03	Hollinger Family Subdivision
S-054-03	James River Commerce Center BLA
S-055-03	Colonial Heritage Ph. 1, Sec. 5
S-056-03	Colonial Heritage Ph. 1, Sec. 4
S-057-03	Ford's Colony - Sec. 34
S-058-03	Ford's Colony - Sec. 10, 171-172
S-059-03	Green Cove
S-060-03	Garrett Family Subdivision

### B. PENDING FINAL APPROVAL

	EXPIRE DATE	
S-058-00	Powhatan Secondary, Ph. 7-A	10/2 /2003
S-101-01	Greensprings West, Ph. 4A	12/17/2003
S-037-02	Village Housing at the Vineyards, Ph. 3	5 /5 /2004
S-039-02	Powhatan Secondary, Ph. 6-C	5 /8 /2004
S-045-02	The Pointe at Jamestown Sec. 2-A	5 /30/2004

S-052-02	The Retreat--Fence Amendment	6 /18/2004
S-063-02	Colonial Heritage, Ph. 1, Sec. 2	12/2 /2003
S-073-02	Colonial Heritage, Ph. 1, Sec. 3 & 3A	12/2 /2003
S-076-02	Marion Taylor Subdivision	10/3 /2003
S-091-02	Williamsburg Landing BLA	11/3 /2003
S-094-02	Powhatan Secondary Ph. 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, Ph. 3-C	4 /18/2004
S-108-02	Scott's Pond, Sec. 3	1 /13/2004
S-112-02	Kensington Woods	2 /6 /2004
S-015-03	Season's Trace Winter Park Lots 51-74	4 /15/2004
S-020-03	114 Howard Drive 2 Lot Subdivision	6 /9 /2004
S-021-03	Stonehouse Sec. 2-C Easements	5 /2 /2004
S-027-03	Stonehouse - Parcel A Plat	5 /8 /2004
S-039-03	Ford's Colony - Golf Academy BLA	6 /18/2004
S-041-03	Williamsburg Physicians Center - Parcel D	6 /25/2004
S-043-03	Better Buy Building	6 /23/2004
S-044-03	Fenwick Hills, Sec. 3	6 /25/2004
S-048-03	Powhatan Plantation Ph. 10	7 /7 /2004
S-049-03	Peleg's Point, Sec. 5	7 /3 /2004

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

#### **DATE**

S-057-02	Colonial Heritage, Ph. 1, Sec. 1	6 /13/2003
S-083-02	Toano Auto Parts BLA	6 /3 /2003
S-084-02	Skiffes Creek BLE Lots 2 & 3	6 /13/2003
S-001-03	Ford's Colony Sec 1 Block D Lots 2A, 2B, 2 & 3 BLE	6 /25/2003
S-019-03	Lake Powell Pointe Ph. 4	7 /2 /2003
S-022-03	New Town - Block 2, Parcel B	6 /13/2003
S-026-03	P.W. Development, Inc.	6 /24/2003
S-028-03	Wexford Hills Ph. 1-I, Lots 27, 28 & 32	5 /29/2003
S-038-03	182 Saddletown Subdivision	6 /26/2003
S-045-03	Casey BLE	6 /25/2003

#### **D. EXPIRED**

#### **EXPIRE DATE**

S-034-00	The Pointe at Jamestown, Ph. 2	6 /5 /2003
S-037-01	Wellington Sec. 2 & 3 Construction Plans	5 /7 /2003

**DEVELOPMENT REVIEW COMMITTEE ACTION REPORT**  
**Meeting of July 9, 2003**

**Case No. SP-075-03      James City County Fire Station #2**

Mr. Bernie Farmer, on behalf of James City County, submitted a site plan for a fire station at 8421 Pocahontas Trail. The parcels are further identified as parcels (1-1) and (1-1A) on James City County Tax Map (52-3). New County facilities require DRC/Planning Commission approval according to state code.

**Action: The DRC recommended by a unanimous voice vote for preliminary approval be granted for only two entrances and granted a modification so that sidewalks were not constructed in front of the fire station.**



**Case No. S-42-03.      Sheppard Estates Septic System Waiver Request**

The applicant withdrew the case.

# MEMORANDUM

DATE: July 14, 2003

TO: The Planning Commission and Board of Supervisors

FROM: Joe McCleary, Steering Committee Chairman   
Don Davis, Principal Planner 

SUBJECT: *Vision for Our Future* 2003 Comprehensive Plan

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During the past 12 months, various facets of the community have come together to share their vision of the future and to fashion it into a document of goals, strategies, and actions for implementation. The culmination of this work, the *Vision for Our Future* 2003 Comprehensive Plan, was presented to the Planning Commission and Board of Supervisors at work sessions on June 10<sup>th</sup> and June 24<sup>th</sup>. Attached you will find the errata prepared after the two worksessions. You already have the draft plan text and land use map.

The 2003 Comprehensive Plan reflects extensive contributions from the citizens of James City County, many community organizations, the Community Participation Team, the Steering Committee, a network of consultants, and County staff. While the 2003 Comprehensive Plan remains largely based upon the 1997 Comprehensive Plan, its amendments are noteworthy. Each section of the plan contains updated facts and figures. Revisions in policies and the land use map respond to changes in the community over the past five years. The plan features two new sections, the vision statement and youth. Finally, initiatives in nearly every topic area build upon the successes of the previous plan. Detailed study and debate support these broad areas of change.

## RECOMMENDATION:

The Steering Committee and staff recommends approval of the *Vision for Our Future* 2003 Comprehensive Plan.





**Errata Sheet**  
*July 1, 2003*

**RECOMMENDED CHANGES TO THE 2003 COMPREHENSIVE PLAN AS  
APPROVED BY THE STEERING COMMITTEE ON MAY 28, 2003**

**BASED ON DISCUSSIONS AND COMMENTS FROM:**

- ♦ JUNE 10<sup>TH</sup> JOINT BOARD OF SUPERVISORS & PLANNING COMMISSION  
WORKSESSION
  - ♦ JUNE 24<sup>TH</sup> JOINT BOARD OF SUPERVISORS & PLANNING COMMISSION  
WORKSESSION
  - ♦ CBLAD REVIEW
- 

**Population Section**

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1. Page 11

Heading: Population Trend Summary & Implications

Add new sentence at the end of summary:

James City County needs to recognize the special needs of the growing retiree population.

**Youth Section**

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2. Page 15

Amend Action #7 to read as follows:

Ensure that children and youth have adequate and safe facilities in which to participate in programs and services, *including day care and where appropriate, home based day care businesses.*

**Economic Development Section**

---

3. Page 19

Heading: Consideration of Economic Issues

First sentence in first paragraph after bullets

Amend to read:

Although quality-of-life in the County is improving, development and population growth are straining ~~the water supply~~ *usage* and public expenditures.

4. Page 19

Heading: Consideration of Economic Issues

Delete second sentence in first paragraph after bullets reading:

A growing retiree population places ~~new~~ *different* demands on public facilities.

5. Page 21

Heading: Home Occupation Activity and “Last Mile”

Second Paragraph

Add new sentence after first sentence:

The increase in number of home-based businesses in part illustrates the effect of technology and the Internet on James City County. *James City County seeks to promote new home based businesses that are non-intrusive and do not create new traffic problems. As businesses increasingly utilize and rely on the Internet, ....*

6. Page 23

Strategy #6

Amend to Read:

Support public and private entities that help to develop the James City County workforce and encourage a variety of commercial, ~~and~~ *industrial, research and technology* development that provides locally-based employment opportunities, *such as the future Discovery Center*, and reinforces the ability of County citizens to attain self-sufficiency through full-time, year-round employment with higher wages.

7. Page 23

Action #2

Delete Action #2 as a stand-alone action. Instead, combine Action #2 as part of Action #7 on Page 24

7. Continue to encourage the development and coordination of transportation systems with the location of industrial and commercial uses in a manner that maximizes the County’s economic potential while supporting the policies of the Comprehensive Plan.

- a. Continue emphasis on master planning I-64 interchanges, specifically the Croaker Road and Barhamsville Road interchange areas.
- b. Plan for passenger rail/light rail service and stations.
- c. Work with the appropriate jurisdictions/groups/businesses to promote alternate transportation to economic/business centers.
- d. Continue to push for the implementation of Phase I of the Route 60 East relocation connecting the lower Grove area to the Fort Eustis interchange.
- e. Continue to support transportation initiatives involving planning and funding for improved highway access to industrial properties.
- f. Support rail/interstate highway nodes to facilitate commercial freight access to and from local industries.
- g. *Encourage the continued vitality of the Williamsburg-Jamestown Airport and utilize it in promotional efforts conducted by the County Office of Economic Development. Continue to support improved air service between the regional commercial airports and major U.S. and Canadian destinations*

8. Page 24

Action #5

Add the new sub-action #g that supports Strategy #6:

5. Support those public and private entities that can help to develop, train and/or retrain the James City County workforce to satisfy our present and future employers' 21<sup>st</sup> Century job needs by:
  - a. Promoting exposure, internships and training of high school and college students in vocational or technical fields as well as continuing vocational education and retraining for adults.
  - b. Developing a mentor program between elderly retirees and youth.
  - c. Supporting the development of a permanent satellite campus for Thomas Nelson Community College.
  - d. Promoting full time employment, adequate wages and a full range of benefits that make housing and health insurance affordable.
  - e. Promoting the resources of local colleges and universities to companies seeking technical and research assistance and job training.
  - f. Supporting the growing elderly population by developing economic opportunities for elderly people retiring from their first career but who are still working.
  - g. *Consider establishing a workforce training center within the County for employment opportunities within the County, such as at the future Discovery Center in the Research & Development portion of New Town.*

9. Page 25

Action #9

Amend Action 9 to read:

Promote the location of new business and industry within the County's Enterprise Zone. Actively assist in the hiring through training and retraining of target populations living in neighborhoods within the Enterprise Zone.

10. Page 25

Action #12

Clarify the County's role in high-speed digital infrastructure installation by amending the Action to read:

12. Ensure that County residents and businesses have access to high speed digital services faster than ten megabits per second, and other advanced communications technology by:
  - a. Conducting education programs to help prevent disparity between those who are and are not computer literate.
  - b. Updating the Zoning Ordinance/Proffer Policy accordingly to make reasonable provisions for infrastructure installation during the development stage *by the developer. Investigate the options available for retrofitting older established neighborhoods by the County and Private Contractors.*

11. Page 25

Action #13d and #13e

Amend to read:

13. With strong community input, address specific redevelopment issues in the following areas:
  - a. Lightfoot Area, including addressing impacts of the Williamsburg Community Hospital relocation.
  - b. Route 60 East road widening/realignment through the lower part of the County and the resulting impact on the Grove Community.
  - c. Eastern State Hospital, if closed or portions sold by the State, and its access needs.
  - d. Jamestown Road, prepare for economic impact of 2007 events and plan for long-term uses for this area after the events.
  - e. New Town/Crossroads area, *consider implementing the recommendations of the "Crossroads" study.*

## **Public Facilities Section**

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12. Page 27

Heading: Existing and Proposed Public Facilities,  
*Public Education, Public Schools*

Amend to Read:

- #1. Public Schools (*Operated by Williamsburg James City County Public Schools*)
- #4. Library Services (*Operated by jointly by Williamsburg & James City County Williamsburg Regional Library*)

13. Page 29

Heading: Design of New Public Facilities

First sentence of third paragraph under heading

Amend to read:

Since renovating or expanding a facility may be less costly than constructing a new building, plans for new facilities should accommodate future additions *where appropriate.*

14. Page 30

Heading: Public Facility and Service Standards, *Overview*

Last sentence of second paragraph under heading

Amend to read:

Managing these challenges will be a concern of local government employees. ~~for some time.~~

15. Page 30

Heading: Public Facility and Service Standards

Third bullet

Amend to read:

- The location of public facilities should be close to the greatest number of people, in a quantity related to the number of people served *where appropriate*.

16. Page 31

Heading: Education: Public Schools

Delete the reference to Preschool classrooms in each classroom, so the Elementary School Standard would read as follows:

Elementary: At least 20 acres\* for a school with a 500-700 student design capacity.

Must be within a two-mile radius of least 80 percent of students.

~~Preschool classrooms in each school.~~

17. Page 34

New Action #11 Proposed:

11. ~~Encourage through public/private partnerships~~ preschool programs and classrooms to be provided and located throughout the County utilizing government sponsored programs, public schools, private schools, private businesses, churches and where appropriate home based pre-schools ~~where appropriate~~.

## **Environment Section**

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18. Page 67

Action #19

Amend to Read:

19. Ensure ~~that~~ the proper enforcement of RPAs protecting all perennial streams and wetlands.

19. Page 67

New Action #23

23. Encourage residential and commercial water conservation, including the reuse of grey water where appropriate.

## **Changes based on Comments Submitted by CBLAD on June 26, 2003**

20. Page 67

Action #19

Amend to Read

19. Ensure the proper enforcement of RPAs protecting all tidal wetlands, tidal shores, nontidal wetlands, perennial streams and a 100-foot wide buffer adjacent to and landward of other RPA components.

## **Transportation Section**

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21. Page 78

Action #7

Amend Action to read:

Encourage efficient use of existing and future roads, improve public safety, and minimize the impact of development proposals on the roadway system and encourage their preservation by:

22. Page 79

Action #10

Amend to Read:

10. Implement the adopted James City County Sidewalk and Trail Plan and Regional Bicycle Facilities Plan, by including bikeways and pedestrian facilities in Primary and Secondary Road Plans and projects, encouraging developments to participate in the provision of facilities, and continuing to provide County funding. *Continue to encourage providing connections to/from existing sidewalks and working with VDOT on the maintenance of existing sidewalks.*

23. Page 79

New Action #20

20. *Explore and develop new transportation opportunities for the elderly, through agencies such as WAT.*

## **Housing Section**

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24. Page 104

Action #19

Amend Action to read:

Accept cash contributions or land into the County housing development fund from developers of residential and non-residential projects.

## **Land Use Section**

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25. Page 112

Heading: Rural Lands Tools

Delete all bullets under the second paragraph

**REZONING 4-03. Minichiello Rezoning - 3840 Ironbound Road**  
**Staff Report for July 14, 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.*

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**PUBLIC HEARINGS**

Planning Commission: July 14, 2003 - 7:00 p.m. Building C Board Room  
Board of Supervisors: August 4, 2003 - 7:00 p.m. Building C Board Room (tentative)

**SUMMARY FACTS**

Applicant: Vernon M. Geddy, III

Land Owner: VMF2, L.L.C.

Proposed Use: Four single-family residential lots

Location: 3840 Ironbound Road; Berkeley District

Tax Map/Parcel No.: (38-3)(1-23)

Primary Service Area: Inside

Parcel Size: 2.63 acres

Existing Zoning: R-8, Rural Residential

Proposed Zoning: R-2, General Residential, with Proffers

Comprehensive Plan: Low Density Residential

Surrounding Zoning: East, West and South: R-2, General Residential District  
North (across Ironbound Rd): R-4, Residential Planned Community

Staff Contact: David Anderson Phone: 253-6685

**STAFF RECOMMENDATION:**

The proposed zoning designation, density, and use are all consistent with the surrounding Meadows II subdivision. Impacts to traffic, public schools, water and sewer, police, and fire are minimal due to the small nature of the proposal. In addition, the applicant has proffered a 50' landscape buffer along Ironbound Road, consistent with the property to the east, has limited the number of entrances into the property, and has offered a cash

contribution for the additional water impact created by the addition of three single-family residences. Staff believes the proposal provides a logical infill development, helps make more efficient use of land inside the PSA, creates minimal impact to surrounding development, and lessens further development pressure in this area. Staff recommends approval of the application with the attached proffers.

### **Description of Project**

Mr. Vernon M. Geddy, III has applied on behalf of VMF2, L.L.C. to rezone the property located at 3840 Ironbound Road from R-8, Rural Residential, to R-2, General Residential, with proffers. The property is comprised of 2.63 acres and is further identified as parcel no. (1-23) on James City County tax map (38-3). The parcel is currently developed as one single-family residential lot. The application proposes adding 3 additional single-family residential lots, bringing the total number of lots on the property to four.

### **Surrounding Zoning and Development**

Property to the East, West & South of 3840 Ironbound Road is zoned R-2, General Residential, consisting of single-family homes within the Meadows II subdivision. The proposed lots are slightly larger than those in the Meadows II subdivision. The property to the North, across Ironbound Road, is zoned R-4, Residential Planned Community, and is comprised of the Marketplace Shoppes, SunTrust bank, and the newly built Village Service Station. Since the proposal requests the same zoning designation and the same use as the adjacent Meadows II subdivision, Staff believes the proposal is consistent with surrounding zoning and development.

### **Comprehensive Plan**

The property is designated Low Density Residential on the James City County Comprehensive Plan Land Use Map. Land designated Low Density Residential typically has a density of one unit per acre. Although this proposal has a density of approximately 1.5 units per acre, just above the Comprehensive Plan recommended density, Staff believes the proposed density is acceptable because the proposed lots are slightly larger than the Meadows II lots and the proffered benefits (i.e. limited access and the buffer) make it generally consistent with the Comprehensive Plan. Additionally, the Comprehensive Plan encourages infill development of this type in order to make more efficient use of land within the PSA.

### **Physical Features**

The site is currently developed as a single-family lot, on which the existing residence is located in the approximate middle of the lot. The property is proposed to be subdivided into four lots, as generally shown on the master plan. The lots are proposed to range in size from 26,000 to 32,000 square feet. The average lot size of adjacent property ranges from 13,000 to 14,000 square feet.



There is an existing treeline between the proposed lots and the lots to the southeast, providing a site buffer between the existing residences and the proposed residences. Additionally, the applicant has proffered a 50' landscape buffer along the Ironbound Road frontage of the property. This landscape buffer is consistent in width to the landscape buffer to the east, providing a consistent streetscape.

## **Access**

Access to the site is currently provided by two existing driveways forming a U-shape to Ironbound Road. There is also an additional entrance into the property east of the existing driveways. The applicant has eliminated the use of this third potential entrance by proffering that there shall be no more than two shared entrances serving the property. The James City County Zoning Ordinance requires minor subdivisions to be served by one shared driveway. Therefore, this project will need to apply for a waiver from the Development Review Committee at the time of subdivision in order to permit the use of two shared driveways.

## **Traffic**

A traffic impact study is not required for this proposal since it is not expected to generate 100 or more weekday peak hour trips to and from the site during the peak hour of operation based on the application of the Institute of Transportation Engineers (ITE) traffic generation rates. In fact, the proposal is only expected to generate between 2 and 3 weekday peak hour trips. Staff feels this additional traffic impact is insignificant and will not adversely effect the overall service of the roadway.

## **Water and Sewer**

A water and sewer impact study is not required for this proposal since it is not expected to generate an average daily flow greater than 30,000 gallons per day (gpd). The three additional single-family homes are expected to generate an average daily flow of 900 gpd. In addition, the applicant has proffered a cash contribution of \$750.00 per each proposed additional residence to mitigate impacts on the County from the physical development and operation of the property.

## **Schools**

The Williamsburg - James City County School division assumes 0.6 children per dwelling unit (CPDU) are generated by the average new home. With three new residential structures proposed in the current rezoning proposal, one would expect 1.8 new school children to attend public schools. Due to the location of the proposed rezoning, the public schools in question are Clara Byrd Baker Elementary School, James Blair Middle School, and Jamestown High School. Both Clara Byrd Baker and James Blair have sufficient capacity to accommodate the increased number of school aged children. Jamestown High School is currently over capacity, but due to the minor increase in student population staff does not believe this poses any negative impacts to the school. However, due to Jamestown High

School currently being over capacity, it is important to note the proposal does not pass the Adequate Public School Facilities Test since the projected student population exceeds 100% of the design capacity.

### **Police and Fire Services**

Police and fire services are adequate to meet the additional demand generated by the proposal.

### **RECOMMENDATION:**

The proposed zoning designation, density, and use are all consistent with the surrounding Meadows II subdivision. Impacts to traffic, public schools, water and sewer, police, and fire are minimal due to the small nature of the proposal. In addition, the applicant has proffered a 50' landscape buffer along Ironbound Road, consistent with the property to the east, has limited the number of entrances into the property, and has offered a cash contribution for the additional water impact created by the addition of three single-family residences. Staff believes the proposal provides a logical infill development, helps make more efficient use of land inside the PSA, creates minimal impact to surrounding development, and lessens further development pressure in this area. Staff recommends approval of the application with the attached proffers.

---

Dave Anderson

### **Attachments:**

1. Location Map
2. Proposed Master Plan
3. Proffer Agreement

## PROFFERS

THESE PROFFERS are made this 7<sup>th</sup> day of July, 2003 by VMF2, LLC (together with its successors and assigns, the "Owner").

## RECITALS

A. Owner is the owner of a parcel of land located in James City County, Virginia, with an address of 3840 Ironbound Road, Williamsburg, Virginia containing 2.63± acres and being Tax Parcel 3830100023 (the "Property"). The Property is now zoned R-8.

B. Owner has applied to rezone the Property from R-8 to R-2, General Residential District, with proffers.

C. Buyer has submitted to the County a master plan entitled "Conceptual Plan, 3840 Ironbound Road" prepared by LandMark Design Group dated 2 June 2003 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance.

D. Owner desires to offer to the County certain conditions on the development of the Property not generally applicable to land rezoned to R-2.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2297 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the

requested rezoning is not granted by the County, these Proffers shall be null and void.

#### CONDITIONS

1. **Landscape Buffer.** There shall be a 50 foot landscape buffer along the Ironbound Road frontage of the Property generally as shown on the Master Plan. Prior to the County being obligated to grant final subdivision plat approval for the Property, a landscaping plan for the 50 foot landscape buffer along the Ironbound Road frontage of the Property consistent with this Condition shall be prepared and submitted for review and approval of the Director of Planning. The approved landscaping plan shall be implemented in the development of the Property and shall be installed or bonded prior to final subdivision plat approval.

2. **Driveways.** There shall be no more than two shared driveways serving the Property generally as shown on the Master Plan. Prior to final approval and recordation of the subdivision plat for the Property, Owner shall submit an instrument to the County Attorney for approval, setting forth provisions (i) creating the necessary easements for the shared driveways, (ii) for the permanent care and maintenance of the shared driveways, and (iii) establishing the method of assessing each lot for its share of the costs of administering, maintaining and replacing

the shared driveways. The approved instrument shall be recorded with the final subdivision plat.

3. Master Plan. The Property shall be subdivided and developed generally as shown on the Master Plan, with only minor changes thereto that the Director of Planning determines do not change the basic concept or character of the development.

4. Cash Contribution for Water System Improvements. (a) A contribution of \$750.00 for each of the three additional dwelling units developed on 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 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 the Property.

(b) 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 paragraph (a) 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.

WITNESS the following signature.

VMF2, LLC

By: 

Title: Manager

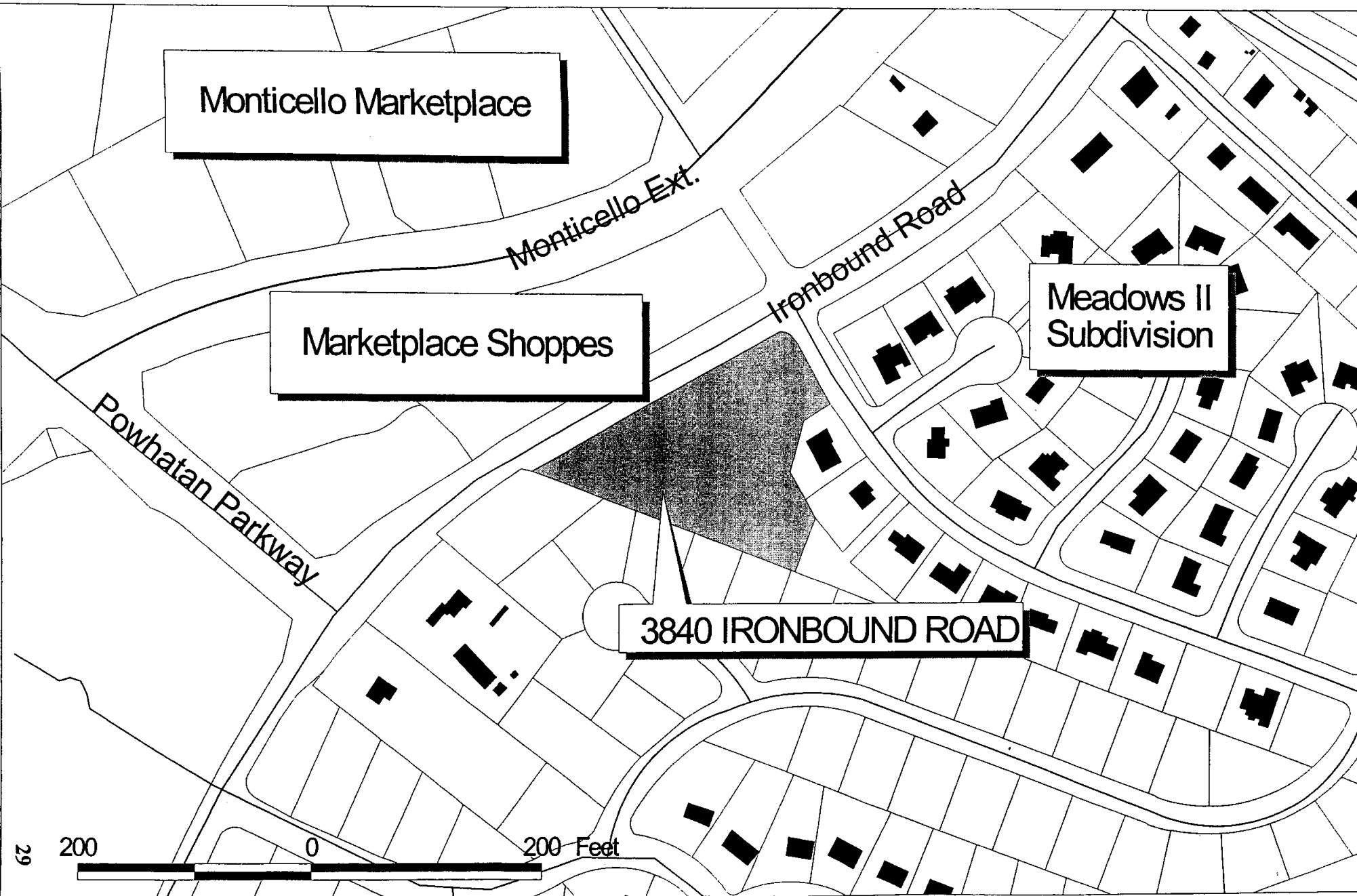
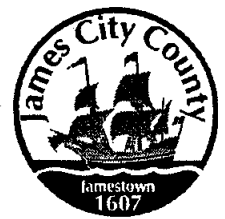
STATE OF VIRGINIA AT LARGE  
CITY/COUNTY OF WILLIAMSBURG, to-wit:

The foregoing instrument was acknowledged this 7th  
day of July, 2008, by Victor Minichiello, as Manager  
of VMF2, LLC on behalf of the company.

Vann M. Seedy III  
NOTARY PUBLIC

My commission expires: 12/31/04.

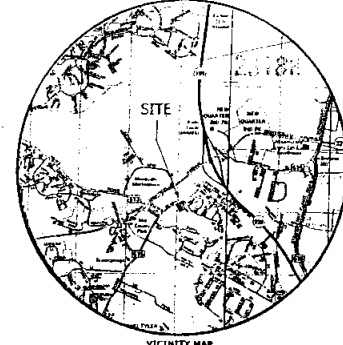
# Case No. Z-4-03, Minichiello Rezoning 3840 Ironbound Road





# ACCESS LEGEND

- EXISTING DRIVEWAY - PROPOSED TO SERVE PROPOSED LOTS 3 AND 4
- EXISTING DRIVEWAY - PROPOSED TO SERVE PROPOSED LOTS 1 AND 2
- EXISTING DRIVEWAY CULVERT - NO ACCESS PERMITTED



VICINITY MAP  
1" = 2000'  
COPYRIGHT AND THE MAP PEOPLE ©  
PERMITTED USE #2003118

## SUMMARY TABULATION

GROSS SITE AREA:	2.63 ± AC
EXISTING ZONING:	R-8
PROPOSED ZONING:	R-2
MIN. LOT AREA REQUIRED:	10,000 S.F.
AVERAGE LOT AREA PROPOSED:	28,487 S.F.
MIN. LOT WIDTH REQUIRED:	75'
MIN. LOT WIDTH PROPOSED:	110'
MIN. FRONT SETBACK REQUIRED:	25'
MIN. FRONT SETBACK PROPOSED:	50' (SEE GENERAL NOTE 5)
MIN. SIDE YARD REQUIRED:	10'
MIN. SIDE YARD PROPOSED:	10'
MIN. REAR YARD REQUIRED:	35'
MIN. REAR YARD PROPOSED:	35'
PROPOSED USE:	4 SINGLE-FAMILY DETACHED DWELLINGS
PROPOSED PHASING:	SINGLE PHASE
PROPOSED DENSITY:	1.5 D.U./AC
DENSITY OF SURROUNDING PARCELS:	2.33 D.U./AC

## GENERAL NOTES

- THE PROPERTY WHICH IS THE SUBJECT OF THIS CONCEPTUAL PLAN IS IDENTIFIED ON THE JAMES CITY COUNTY GEOGRAPHIC INFORMATION SYSTEM MAP SERIES AS (PIN # 38010002) AND IS ZONED R-8, RURAL RESIDENTIAL DISTRICT. THE PROPERTY IS FURTHER DESCRIBED AS 3840 IRONBOUND ROAD. THE COMPREHENSIVE PLAN DESIGNATION FOR THIS PARCEL IS LOW DENSITY RESIDENTIAL. THE PARCEL IS LOCATED WITHIN THE PRIMARY SERVICE AREA AND OUTSIDE THE 100 YEAR FLOODPLAIN.
- BOUNDARY INFORMATION TAKEN FROM A PLAT ENTITLED "PLAT SHOWING IMPROVEMENTS ON PARCELS 1, SUBDIVISION OF O. SEAN REAGAN FOR CONVEYANCE TO VITTORIO & TAMMY L. MARCHIELLO", PREPARED BY AEG CONSULTING ENGINEERS, DATED 4-23-93 AND REVISED THROUGH 4-30-93. THE LANDMARK DESIGN GROUP, INC. IS NOT RESPONSIBLE FOR INACCURACIES IN SAID BOUNDARY INFORMATION.
- TOPOGRAPHIC AND ADJACENT PARCEL PROPERTY LINE INFORMATION TAKEN FROM THE JAMES CITY COUNTY GEOGRAPHIC INFORMATION SYSTEM; EXISTING FEATURES INFORMATION FOR THE SUBJECT PROPERTY TAKEN FROM THE PLAT PREPARED IN NOTE 2 ABOVE. EXISTING FEATURES INFORMATION FOR THE MARKETPLACE SHOPPES TAKEN FROM A SITE PLAN PREPARED BY LANDMARK DESIGN GROUP.
- THE PROPOSED USE OF THE SUBJECT PARCEL IS FOUR (4) SINGLE FAMILY DETACHED RESIDENTIAL DWELLINGS, TO BE DEVELOPED IN A SINGLE PHASE. THE PROPERTY IS SERVED BY BOTH PUBLIC WATER AND PUBLIC SANITARY SEWER.
- IRONBOUND ROAD (STATE ROUTE 615) IS CLASSIFIED IN THE JAMES CITY COUNTY COMPREHENSIVE PLAN AS A COMMUNITY CHARACTER CORRIDOR (CCC). RELIEF FROM THE CCC REQUIREMENTS FOR THE ADJACENT MARKETPLACE SHOPPES PROJECT WAS PREVIOUSLY APPROVED BY THE DIRECTOR OF PLANNING, ACKNOWLEDGING THAT IRONBOUND ROAD CHANGED THROUGH THIS SEGMENT WHEN IT BECAME A DEAD-END ROADWAY WITH THE CONSTRUCTION OF RTE. 199. FOR THIS PROJECT, THE FRONT SETBACK ALONG IRONBOUND ROAD ONLY WILL BE INCREASED TO 50 FEET TO ACCOMMODATE A 50 FOOT LANDSCAPE BUFFER ALONG IRONBOUND ROAD. BECAUSE NO EXISTING TREES EXIST IN THE OUTBOARD 15 FEET OF THE PROPOSED LANDSCAPE BUFFER, NO CONSTRUCTION ZONE SETBACK IS PROVIDED FOR THIS PROJECT. STRUCTURES MAY BE SITED BEGINNING AT A POINT 50 FEET SET BACK FROM THE EXISTING RIGHT-OF-WAY.
- STORMWATER MANAGEMENT (BOTH WATER QUALITY AND QUANTITY) FOR THE SUBJECT PROPERTY HAS BEEN ACCOMMODATED BY THE MEADOWS, PHASE IV AND V. BEST MANAGEMENT PRACTICES FACILITIES, NO ON-SITE STORMWATER MANAGEMENT FACILITY IS REQUIRED OR PROPOSED.

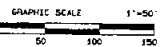
**LANDMARK**  
**DESIGN GROUP, P.C.**  
Engineers • Planners • Surveyors  
Landmark Facilities • Environmental Consultants

CONCEPTUAL PLAN  
3840 IRONBOUND ROAD

PROJECT: MGR  
DATE: 2 JUNE 2007  
SCALE: 1" = 50'  
DRAWN BY: MGR  
CHECKED BY: MGR  
PROJECT NUMBER: N00007-000  
DATE: 14 JUNE 2007  
DRAWING NUMBER: 00

REVISED: 05/07

JAMES CITY CO. - UNOFFICIAL



## **Rezoning Z-03-03. Pocahontas Square**

Staff Report for July 14, 2003, Planning Commission Public Hearing

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

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### **PUBLIC HEARINGS:**

Planning Commission:

Building C Board Room; County Government Complex

July 14, 2003, 7:00 p.m.

Board of Supervisors:

August 12, 2003 (tentative)

### **SUMMARY FACTS**

Applicant:

Vernon Geddy III of Geddy, Harris, Franck and Hickman, L.L.P

Land Owner:

Rose Marie Hall

Legal Address, Tax Map,  
Area and Existing Zoning:

8814 Pocahontas Trail (59-2)(1-4); 6.25 acres; LB/R-8

8838 Pocahontas Trail (59-2)(1-5A); 1.51; LB/R-8

8844 Pocahontas Trail (59-2)(1-5); 5.67; LB/R-8

Proposal:

To rezone approximately 14 acres among three parcels to allow for the construction of up to 96 townhomes for sale, which by proffer, are proposed to be sold for less than \$110,000.

Primary Service Area:

Inside

Proposed Zoning:

R-5, Multifamily Residential, with proffers

Comprehensive Plan:

Low Density Residential

Surrounding Zoning:

Northeast: Poplar Hall subdivision, R-2

Southwest: Carter's Grove -- Agricultural Forestal District, R-8

Southeast: Brookside Haven, R-5

Northwest: Heritage Mobile Home Village -- LB and R8

Staff Contact:

Sarah Weisiger, Planner

Phone: 253-6685

### **Staff Recommendation:**

With the submitted proffers, staff finds the proposal to have a residential density consistent with the surrounding area and the proposal will not negatively impact surrounding property. Staff also finds the proposal consistent with the housing policies of the Comprehensive Plan. Staff also finds that the added benefit of affordable housing will meet an important need in James City County.

Staff therefore recommends approval of the rezoning.

## **Description of Project**

Vernon Geddy, on behalf of the RML III Corporation of Virginia Beach, has submitted an application to rezone approximately 14 acres located on Pocahontas Trail (Route 60) from a combination of LB, Limited Business and R-8, Rural Residential, to R-5, Multifamily Residential with proffers.

The applicant proposes to use the assembled parcels to create a new affordable townhome community. The development, to be known as Pocahontas Square, is proposed to consist of approximately 96 two-story townhouses for sale to homebuyers. It would include the removal of four single-family houses in the 8800 block of Pocahontas Trail.

The RML III Corporation has applied to the Office of Housing and Community Development to participate in its Affordable Housing Incentive Program (AHIP). On its AHIP application, the developer states that the units would be between 1470 and 1570 square feet in size each with three bedrooms and two and a half baths. The townhouses would be of frame construction with vinyl siding, insulated windows and doors, and each would include a fireplace, range, dishwasher microwave and washer/dryer hook-up.

The RML III Corporation has proffered to provide affordable housing with three-quarters of the dwelling units priced below \$100,000 and with one quarter of dwelling units priced below \$110,000. Right and left turn lanes on Pocahontas Trail designed according to VDOT standards are included in the proffers for this development. A fifty foot wide landscape buffer along Route 60 has also been proffered. Existing underground storage tanks used in a former gas station would be removed prior to the issuance of the first certificate of occupancy in accordance with the proffers.

The developer has also proffered two sidewalk connections to the sidewalk along Pocahontas Trail. Design of the sidewalks adjacent to parking areas shall be approved by the Development Review Committee to ensure adequate sidewalk width inside the project. In addition to recreational areas required under the zoning ordinance, RML III Corporation has proffered a soft surface trail for the community.

Pocahontas Square is proposed to have private streets built by the developer. A proffer has been included that the internal streets shall be constructed according to County standards and maintained by the homeowners' association.

Based on the acreage in the James City County Real Estate Assessments' office records, the combined size of the three parcels is 13.43 acres. The applicant estimates that there are approximately 14 acres for the combined parcels and notes on the Master Plan that the acreage for the proposed development is approximate because there is no recent boundary survey. The actual density and number of dwelling units will be based on the surveyed acreage minus the acreage of nondevelopable area.

## **Existing Zoning and Development:**

The parcels that are the subject of this rezoning are residential properties with a total of four houses facing Pocahontas Trail. Two of the houses date back to the 1930's. Of the combined parcels, approximately five acres to the rear of the dwellings is wooded, with many mature trees. The back of the property contains 2.1 acres in a Resource Protection Area (RPA).

The existing zoning for each of the three parcels is split between LB, Limited Business and R-8, Rural Residential. The LB zoning runs along a depth of 400-450 feet from the street right-of-way of Pocahontas Trail, an area which includes the properties' existing houses. Limited Business zoning districts allow such uses as child day care centers, banks, offices, and libraries. Because these parcels are designated low density residential in the Comprehensive Plan (see below for further discussion of the Comprehensive Plan), development within the LB district must also comply with special provisions in the ordinance that address non-residential development in such areas. One of the provisions states that any building that exceeds a 2,750 square foot building footprint on a lot must have a special use permit.

The area at the rear of each of the three parcels is zoned R-8 Rural residential. Only one dwelling unit is allowed per three acres in rural residential zoning.

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

The proposed townhome development would be located on Pocahontas Trail with the Brookside Haven townhome community adjacent to the southeast and Heritage Mobile Home Village to the north. Brookside Haven has 85 townhomes with a density of approximately 8.2 dwelling units per acre. It was built in 1986 and is zoned R-5, Multifamily. Heritage Mobile Home Village has a split-zoning of LB, Limited Business along the road, and R-8, Rural Residential in the rear. The mobile home park has approximately 60 mobile homes and a density of roughly 5.6 dwelling units per acre. In comparison, the Pocahontas Square project would have 6.9 units per acre. To the southwest, across Pocahontas Trail, is Carter's Grove Agricultural and Forestal District (AFD) parcel. Poplar Hall Plantation subdivision is to the northeast at the back of the proposed development.

James River Elementary and Community Center is located on Pocahontas Trail less than a quarter of a mile to the east. Endeavor Drive, the entrance to James River Commerce Park, is approximately a half mile away, also to the east.

Staff finds the proposal for the Pocahontas Square townhome community to be generally consistent with surrounding zoning and development.

### **Proffers**

The following has been proffered by the applicant. Staff finds the voluntary proffers offset potential impacts and with some minor changes they would be acceptable. These are brief summaries of the proffers; staff comment appears in italics when warranted.

Master Plan. The property shall be developed generally in accordance with the Master Plan with only minor changes that the DRC determines does not change the basic concept or character of the development.

Owners Association. That the owners association will adopt an annual budget which shall include a reserve for the maintenance of stormwater management BMPs, recreation areas, private roads and parking areas. Governing documents also will require the association to assess members for the maintenance of all properties owned or maintained by the association.

Water Conservation. That the owner shall be responsible for developing water conservation standards submitted to and approved by the James City Service Authority prior to site plan approval. The owner and/or association shall be responsible for enforcing the standards.

Affordable Housing. That 75% of the lots shall be offered for sale at a price below \$100,000 with annual adjustments for inflation based on the Consumer Price Index. That 25 % of the lots shall be offered at below \$110,000, with similar adjustments for inflation. The owner will consult with and accept referrals of, and sell to, potential qualified buyers from the James City Office of Housing and Community Development.

Archaeology. That a Phase 1 Archaeological Study shall be submitted to and approved by the Planning Director prior to land disturbance. A treatment plan and further studies shall be submitted in accordance with James City County's adopted Archaeological Policy.

Route 60 Landscape Buffer. That a 50-foot landscape buffer along Route 60 with a landscaping plan in accordance with the Master Plan must be approved by the Director of Planning; that the landscape plan for the entire project shall require the preservation of mature/specimen trees in open space and setback areas, and mature/specimen trees that are to be preserved shall be identified on the site plan for this project.

Entrance Turn Lanes. That the entrance shall have two exiting and one entering lane, and that the owner will construct right and left turn lanes from Route 60 prior to the issuance of the first certificate of occupancy.

Underground Storage Tanks. That the existing storage tanks shall be removed in accordance with applicable laws prior to the issuance of the first certificate of occupancy.

*Note: The Master Plan notes that the underground storage tanks shall be removed prior to construction.*

Sidewalk Connections. That there shall be two connections from the project's internal sidewalks to the sidewalk adjacent to Route 60.

Sidewalk Design. That the design of the internal sidewalks are subject to approval of the DRC. *Due to the layout of the street with one loop road, prior to receiving this proffer, staff was concerned that sidewalks would not be wide enough to properly accommodate pedestrians. This proffer ensures that the design will not allow large vehicles to over hang the sidewalks.*

Pedestrian Trail. That a soft surface trail be installed on the property as shown on the Master Plan. *Staff had recommended that the developer provide a paved surface trail. A soft surface trail, in staff's experience, does not offer effective pedestrian trail systems, because they can become quickly overgrown. Also they do not offer the same level of recreational amenity as a paved trail like the one in neighboring Brookside Haven, which is well-used by children and adults.*

*Note: The master plan submitted to the office at the time of this report did not show the area of the proposed soft surface trail and will require amendment prior to Board of Supervisors' approval.*

Private Streets. That private streets in the development shall be constructed according to County standards. *Although referred to as streets in the proffers, the improvements shown on the Master Plan actually function as drive aisles.*

Architectural Elevations. That the architecture and exterior elevations of the units shall be generally consistent with the elevations in Appendix C from May 13, 2003.

## **Affordable Housing:**

According to the applicant, this plan offers affordable homeownership opportunities. The applicant has proffered that 75% of the dwelling units (approximately 72) shall be sold at or below \$100,000 and 25% or approximately 24 units shall be offered at or below \$110,000. The applicant proffers to work with James City County's Office of Housing and Community Development (OHCD) to find qualified buyers for the properties.

RML III Corporation has applied to James City County's Office of Housing and Community Development (OHCD) to participate in its Affordable Housing Incentive Program (AHIP) as a developer. Some of the advantages that builders derive from being in the program are the pre-qualified homebuyers and homebuyers who have low interest or no down payment loans, effectively making the price cheaper for the purchaser. The proffer regarding affordable housing relies on the incentives of the program to provide low and moderate income buyers, but does not require the developer to work only with OHCD.

According to the Office of Housing and Community Development, the application from RML III Corporation has preliminary approval. Prior to final acceptance into the program, the builder will need to provide unit plan specifications.

With a severe shortage of affordable housing for purchase in James City County, this rezoning proposal as proffered would represent a significant increase in the number of new homes available to individuals and families with low and moderate incomes.

## **Public Facilities:**

Per the "Adequate Public School Facilities Test" policy adopted by the Board of Supervisors, all special use permit or rezoning applications should pass the test for adequate public school facilities. A proposed rezoning will pass the test if the schools which would serve the future development currently have adequate design capacity to accommodate the existing student population plus the additional school children generated by the development. For purposes of this policy, the schools shall be deemed adequate if the projected student population does not exceed 100% of the design capacity at the time of the application's review.

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

Based on information from the Williamsburg - James City County Schools Enrollment History and Forecast summary published in October 2002, the following applies to the schools in the districts in which the proposed Pocahontas Square development would be located.

<u>Schools</u>	<u>9/02 Enrollment</u>	<u>Design capacity</u>	<u>Projected 2006 Enrollment</u>
James River Elementary	372	588	321
James Blair Middle	580	625	513
Jamestown High	1256	1250	1463*

\* The Projected Enrollment for 2006 at Jamestown High School shown here is 100 pupils higher than the figures given by the applicant which was taken from a previous report.

The proposed development is within the school districts for James River Elementary, James Blair Middle School and Jamestown High School. The applicant estimates that the student population from the project will be 72 elementary school pupils and 85 students in middle or high school for a total of 157 students.

The applicant maintains and staff concurs that there is capacity for the projected student population at the elementary and middle school levels, but the high school's capacity is exceeded. Therefore, this proposal does not pass the adequate public facilities schools test.

The applicant has maintained that any cash proffer to the school system to mitigate impacts would not make it economically feasible to offer the townhomes at the affordable prices proposed. The Longhill Grove apartment development at Centerville Road and Longhill Road that was approved in 2003 also did not submit a cash proffer to mitigate impacts for the schools in order to provide affordable housing.

#### **Utilities:**

Newport News Waterworks would provide water to the proposed development. James City Service Authority would provide sewer service. A sewer main is located in an easement at the rear of the property located in a Resource Protection Area.

The applicant has proffered that the owner shall be responsible for developing water conservation standards submitted to and approved by JCSA for the development prior to site plan or subdivision approval. The owner and/or homeowner association shall be responsible for enforcing these standards. JCSA works with all new developments in James City County to develop water conservation standards, not only those served by JCSA.

#### **Environmental:**

The proposed project is not within an area of natural features identified in the Natural Resources Inventory. However, some features of note are two dozen specimen trees in the front southern part of the properties along Pocahontas Trail and over five acres of mature forest in the rear of the parcels. Approximately two acres of the mature forest is within a Resource Protection Area (RPA).

The property has three abandoned underground storage tanks (UST) associated with a former convenience store and gas station at 8814 Pocahontas Trail. According to papers filed with the Virginia Department of Environmental Quality (DEQ) by the current owners of the property in 1998, there are two 1000-gallon tanks formerly used for gasoline and one 500-gallon tank formerly used for kerosene. The tanks were closed in 1986 following a fire at the convenience store. The tanks have not been removed, nor is there any evidence that the soil has been tested for possible contamination.

According to a summary overview of USTs by the US Environmental Protection Agency: "Until the mid-1980's, most USTs were made of bare steel, which is likely to corrode over time and allow UST contents to leak into the environment. Faulty installation or inadequate operating and maintenance procedures also can cause USTs to release their contents in the environment. The greatest potential hazard from a leaking UST is that the petroleum or other hazardous substance can seep into the soil and contaminate groundwater, the source of drinking water for nearly half of all Americans. A leaking UST can present other health and environmental risks, including the potential for fire and explosion." (From Overview of Federal Underground Storage Tank Program; "Why be concerned about USTs?" on <http://www.epa.gov/swerust1/overview.htm>) ]

In part, because these tanks were closed prior to 1988, when legislation was adopted regulating the removal of UST, the Virginia Department of Environmental Quality (DEQ) does not require removal unless there is evidence of leaking from the tanks. However, the statewide Fire Prevention Code which was adopted by James City County calls for the filling in place or the removal of abandoned tanks.

The applicant has proffered to remove the tanks in accordance with applicable laws, regulations and ordinances prior to the issuance of the first certificate of occupancy. Based on the staff's understanding of the current requirements related to USTs, the owner will be required to do the following:

1. Obtain a demolition permit from James City County's office of Code Compliance for the removal of all underground storage tanks.
2. Remove tanks (by a contractor who does this type of work).
3. Take soil samples from the tank pits, per Virginia Department of Environmental Quality (DEQ) standards.
4. Submit analysis/closure report to DEQ.
5. Based on levels of certain chemicals in the soils (for example the presence of TPH total petroleum hydrocarbons), DEQ will determine if a clean-up is necessary. The state has a clean-up trust fund with a \$5000 deductible for the owner.

### **Traffic Impacts/Access:**

The area of the proposed re-zoning is on Pocahontas Trail, or Route 60, between Route 199 and BASF. This section of the road has been studied by VDOT and James City County for a future roadway project that would result in the relocation of the Route 60 corridor to an area to the north, or in the widening of the existing road. Public comment on the project was last offered in 2000. Since that time, VDOT has not concluded its environmental studies of a possible realignment or roadway widening. At this time, no corridor has been chosen for the road improvements. Given the current budget situation affecting road building in the state, near term funding for improvements is highly unlikely.

According to James City County's traffic count summary, traffic volumes decreased by 15% on this section of the road between 2001 and 2002. This reduction in volumes was from the affect of the Grove interchange which was added to Route 60 around Busch Gardens. However, as Greenmount Industrial Park and other industrial areas continue to be developed, traffic, including more trucks, is expected to increase

A traffic impact assessment was prepared by Bryant Goodloe in May of 2003 for the rezoning of the property. According to the report, the existing zoning if built out would generate significantly greater traffic than the development traffic for the proposed zoning. If a shopping center with



60,000 square feet was built by right under the existing zoning, average weekday driveway volumes would amount to 2,593 trips over a 24 hour period. However, with the proposed 96 single-family attached townhomes, there would be 563 trips over a similar 24-hour period. Likewise the proposed zoning would generate fewer peak hour trips with 42 AM peak hour vehicle trips and 52 PM peak hour trips as opposed to the existing zoning at buildout which would generate 63 AM peak hour vehicle trips and 226 PM peak hour vehicle trips.

As the traffic impact assessment states, the Hampton Roads Planning District Commission (HRPDC) shows this section of Route 60 operating at a Level of Service (LOS) of "B" in both AM and PM peak hours and growing in traffic volume, but still operating at a LOS of "B" in 2006 with no improvements.

The Virginia Department of Transportation (VDOT) has reviewed the traffic impact study for the project. VDOT recommends that the development provide both right and left turn lanes. This has been proffered by the applicant and staff believes that the turn lanes would adequately address the impacts of the development.

### **Comprehensive Plan Designation:**

The Comprehensive Plan Land Use map designates the three parcels included in this proposal as Low Density Residential. Low density areas are suitable for developments with overall densities of one dwelling unit per acre. In order to encourage high quality design, development with density up to four units per acre is recommended if the development offers benefits such as mixed cost housing, affordable housing, protection of wildlife habitats, adequate recreational areas, and effective pedestrian trail systems.

The proposed development would contain approximately 6.9 dwelling units per acre. While affordable housing is not defined in the Comprehensive Plan, the proffered price of three-quarters of the units is just above the current price for affordable housing as defined by the zoning ordinance. With a severe shortage of affordable housing for purchase in James City County, this proposal would represent a significant increase in the number of new homes available to individuals and families with low and moderate incomes.

The proposal contains a proffer to identify and preserve, where possible, the mature/specimen trees in property buffers and open space areas. This would have the potential to preserve wildlife habitats in addition to the two acres at the rear of the parcel which must remain undeveloped because it is in a Resource Protection Area (RPA).

In the Housing section of the Comprehensive Plan, infill residential development is encouraged in order to minimize sprawl and order to maximize the potential of land convenient to public transportation, employment centers, recreation facilities and shopping areas. Infill refers to development of small to medium-sized parcels within built-up areas that have been passed over for various reasons during previous development activity and have remained vacant or under-utilized. The parcels on either side of the proposed rezoning are currently developed with between five and eight dwelling units per acre. (Brookside Haven is designated Moderate Density Residential and the Heritage Mobile Home Village is designated Low Density Residential.) Based on the uniqueness of this property in relation to surrounding development and infrastructure, this proposal would be considered infill.

Pocahontas Trail has been designated as a Community Character Corridor (CCC) in the Comprehensive Plan. The objective of CCCs is to ensure that James City County retains its unique character. Due to the high volume of traffic and the relatively dense development in the area, this would be considered an urban/suburban corridor. In urban/suburban CCCs, landscaping can be more formal and the built environment and pedestrian amenities more dominant. Preservation of specimen trees and shrubs can enhance the visual quality of the corridor. Off-street parking should be a minor part of the streetscape. The applicant has proffered a fifty-foot wide landscape buffer in the front of the property. Further, the applicant proposes a landscape plan that will de-emphasize the automobile, while creating pedestrian connections into the development.

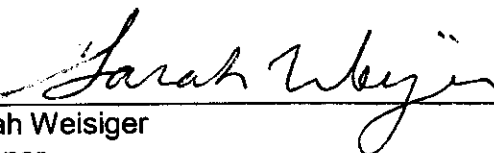
The proposed Pocahontas Square project would be affordable infill housing close to community services, transit and employment. The proffers provide for some habitat preservation, and mature/specimen tree preservation on a Community Character Corridor. While it is not designated Moderate Density Residential, and does not offer some of the recreational benefits of the neighboring project, it is generally in keeping with the Comprehensive Plan especially with regard to the provision of new affordable housing opportunities.

In addition to the provision of affordable housing, staff believes that the proffer to remove the abandoned underground storage tanks would be a positive contribution to the environmental health of the area.

### **RECOMMENDATION:**

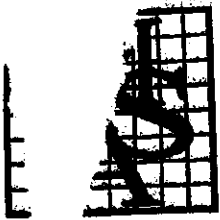
With the submitted proffers, staff finds the proposal to have a residential density consistent with the surrounding area and the proposal will not negatively impact surrounding property. Staff also finds the proposal consistent with the Housing policies of the Comprehensive Plan. Staff also finds that the added benefit of affordable housing will meet an important need in James City County.

Staff therefore recommends approval of the rezoning.

  
\_\_\_\_\_  
Sarah Weisiger  
Planner

### **Attachments:**

1. Location Map
2. Master Plan
3. Proposed building exterior elevations
4. Conceptual perspective of Pocahontas Square from Pocahontas Trail
5. Public Facilities Report
6. Proffers



**Public Facilities Report  
Pocahontas Square  
Rose Marie Hall Property  
James City County, VA  
MSA Project No. 03068**

The Rose Marie Hall Property is an existing 2.14-acre parcel located at 8344 Pocahontas Trail adjacent to the existing Brookside Haven development in James City County, Virginia. The property is currently zoned LE and R8. Rezoning Application Case No. C-013-03 proposes to rezone the property to R-5 Residential. The proposed development will consist of a 96 unit residential townhouse development with associated private roads, public utilities, and stormwater management pond.

**Water Level of Service:**

Newport News Waterworks currently has a 30" public water main located on Pocahontas Trail in the vicinity of the proposed main entrance for the Rose Marie Hall Property development. The current pressures on this line as reported by Newport News Waterworks are 75-85 psi. The proposed development of the Rose Marie Hall Property will connect to this water main with a 12" service line and 8" internal loop system to supply the required domestic and fire demands.

**Domestic Demand:**

The Virginia Department of Health recommends an average design flow of 300 gallons-per-day per residential unit. With 96 proposed residential units, the anticipated average domestic water demand will be 28,800 gpd or 20 gpm. The peak design demand will be 30 gpm. This peak capacity is available from the existing 30" public water main located on Pocahontas Trail.

**Fire Demand:**

The water distribution system will be designed in accordance with the American Water Works Association (AWWA) Manual M31 - Distribution System Requirements for Fire Protection. The needed fire flow will be computed using the Insurance Services Office Method, maintaining a minimum residual pressure of 20 psi for the required fire demand. Based on the preliminary layout of the development, it is anticipated that a 2500 gpm fire flow demand with hydrants spaced no more than 400' from any of the residential units will be the basis for design. The water distribution model will be analyzed using the peak domestic water demand concurrent with the fire demand.

**Sewer Level of Service:**

Based on the Virginia Department of Health criteria for the design of sewage systems, the proposed 96 residential units will generate an average sanitary sewer flow of 20 gpm and a peak sanitary sewer flow of 50 gpm.

The James City County Service Authority currently has a 12" public sewage gravity main crossing the Rose Marie Hall property that discharges into existing Lift Station 2-4. The pump station was designed to service the Rose Marie Hall property, and the capacity is available for this development.

## **Adequate Public School Facilities:**

The Rose Marie Hall Property is located within the James River Elementary School, James Blair Middle School and Jamestown High School districts. Under the proposed rezoning application, the number of students generated by the 96 residential townhouse units would be 157. The projected breakdown of the student population is 46% to elementary and 54% to middle/high schools.

Public records for the various schools listed above show the following:

<b>SCHOOL</b>	<b>Design Capacity</b>	<b>Projected 2006 Enrollment</b>
James River Elementary	588	333
James Blair Middle	625	490
Jamestown High	1250	1363

Although there appears to be capacity for the projected student population at the elementary and middle school levels, the high school's design capacity is exceeded. This is an existing condition that is currently being addressed by the James City County.

## **Fire Protection and Emergency Medical Services:**

There are currently five fire stations providing fire protection and Emergency Medical Services to James City County. The closest fire station to the Rose Marie Hall Property is the James City County CO2 Station. From this station the estimated response time to the proposed development would be less than four minutes.

## **Stormwater Management Drainage:**

The development of the Rose Marie Hall Property will incorporate the construction of a wet extended detention pond providing for the water quantity and quality management requirements of James City County. The Master Plan indicates a ½ acre pond intended for the purposes of quantity and quality management. The facility will be designed in accordance with the "James City County Guidelines for Design and Construction of Stormwater Management BMP's" dated October 1999 and the Virginia Stormwater Management Handbook, First Edition – 1999 (See Appendix 'A'). The wet extended detention pond will be designed to provide water quality management in accordance with the requirements of the James City County's Chesapeake Bay Preservation Ordinance (CBPO) (See Appendix 'A'). Water quantity management will be provided to detain the 1-Yr. 24-hour storm for a period of 24 hours, and safe conveyance of the 100-year storm event will be assured. The facility will be designed to incorporate screening, landscaping, buffering/setbacks, gentle side slopes, aquatic and safety benches, and a 25' natural buffer for maintenance.

## **Traffic Impact Analysis:**

A Traffic Impact Assessment has been performed for this development and included with this submittal.

## PROFFERS

THESE PROFFERS are made this \_\_ day of \_\_\_\_, 2003 by ROSE MARIE HALL (together with her successors and assigns, the "Owner") and RML III CORPORATION.

## RECITALS

A. Owner is the owner of three contiguous tracts or parcels of land located in James City County, Virginia, one with an address of 8814 Pocahontas Trail, Williamsburg, Virginia and being Tax Parcel 5920100004, the second with an address of 8838 Pocahontas Trail, Williamsburg, Virginia and being Tax Parcel 5920100005A, and the third with an address of 8844 Pocahontas Trail, Williamsburg, Virginia and being Tax Parcel 5920100005 (together, the "Property"). A portion of the Property is now zoned LB and a portion is now zoned R-8.

B. RML III Corporation and/or assigns ("Buyer") has contracted to purchase the Property conditioned upon the rezoning of the Property.

C. Owner and Buyer have applied to rezone the Property from LB and R-8 to R-5, Multifamily Residential District, with proffers.

D. Buyer has submitted to the County a master plan entitled "Master Plan of Pocahontas Square" prepared by MSA, P.C. dated 05/13/2003 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance.

E. Owner and Buyer desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned R-5.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2297 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

#### CONDITIONS

1. **Master Plan.** The Property shall be subdivided and developed generally as shown on the Master Plan, with only minor changes thereto that the Development Review Committee determines do not change the basic concept or character of the development.

2. **Owners Association.** There shall be organized an owner's association or associations (the "Association") in accordance with Virginia law in which all property owners in the development, by virtue of their property ownership, shall be members. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing the Association shall be submitted to and reviewed by the County Attorney for consistency with this Proffer. The Governing Documents shall require that the Association adopt an

annual maintenance budget, which shall include a reserve for maintenance of stormwater management BMPs, recreation areas, 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. The Governing Documents shall grant the Association the power to file liens on members' properties for the cost of remedying violations of, or otherwise enforcing, the Governing Documents.

3. **Water Conservation.** The Owner shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority and Owner and/or the Association shall be responsible 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. The standards shall be approved by the James City Service Authority prior to final site plan or subdivision approval.

4. **Affordable Housing.** A minimum of 75 percent of the lots with dwelling units shall be reserved and offered for sale at a price at or below \$100,000.00 subject to adjustment as set forth

herein. The balance of the lots with dwelling units shall be reserved and offered for sale at a price at or below \$110,000.00 subject to adjustment as set forth herein. The maximum prices set forth herein shall be adjusted annually as of January 1 of each year by increasing such prices by the cumulative rate of inflation as measured by the Consumer Price Index - Urban, U.S. City Average annual average change for the period from January 1, 2004 until January 1 of the year in question. The annual increase shall not exceed five percent (5%). The Director of Planning shall be provided with a copy of the settlement statement for each sale at a price at or below the maximum prices set forth above. Owner shall consult with and accept referrals of, and sell to, potential qualified buyers from the James City County Office of Housing and Community Development on a non-commission basis.

5. **Archaeology.** A Phase I Archaeological Study for the entire Property shall be submitted to the Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted 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 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 III 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 areas. 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 *Standards 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 Property and the clearing, grading or construction activities thereon.

6. **Route 60 Landscape Buffer.** There shall be a 50 foot landscape buffer along the Route 60 frontage of the Property measured from the edge of right-of-way after the installation of

the proffered turn lanes generally as shown on the Master Plan. Prior to the County being obligated to grant final development plan approval for the Property, a landscaping plan for the 50 foot landscape buffer along the Route 60 frontage of the Property consistent with this Condition shall be prepared and submitted for review and approval of the Director of Planning. The landscaping plan shall include additional shrubs to supplement the trees in the buffer and to buffer the adjacent parking areas generally as shown on the Master Plan and, where possible shall require that existing mature/specimen trees and groups of trees be protected and preserved to promote a sense of maturity to the landscape. In addition, the landscape plan for the entire project where possible shall require that existing mature/specimen trees and groups of trees located in setback or other open space areas be protected and preserved to promote a sense of maturity to the landscape. Mature/specimen trees to be preserved shall be identified on the site plan for the development. The approved landscaping plan shall be either (i) implemented in the development of the Property or (ii) bonded in form satisfactory to the County Attorney prior to the issuance of any certificates of occupancy.

7. **Entrance/Turn Lanes**. There shall be one entrance into the Property from Pocohantas Trail. The entrance shall have two exiting lanes and one entering lane. Owner shall construct right

and left turn lanes and tapers at the entrance to the Property from Route 60 at the time the entrance is constructed. The right turn lane shall have 150 feet of storage and a 150 foot taper and the left turn lane shall have 200 feet of storage and a 200 foot taper. The turn lanes and tapers proffered hereby shall be constructed in accordance with Virginia Department of Transportation standards and shall be completed prior to the issuance of the first certificate of occupancy.

8. **Underground Storage Tanks.** The existing underground storage tanks on the Property (which were taken out of service in June 1986) shall be removed in accordance with applicable laws, regulations and ordinances prior to the issuance of the first certificate of occupancy.

9. **Sidewalk Connections.** There shall be two sidewalk connections from the internal sidewalks in the development to the sidewalk adjacent to Route 60 generally as shown on the Master Plan. These connections shall be installed prior to the issuance of the first certificate of occupancy.

10. **Sidewalk Design.** The design of the sidewalks adjacent to parking areas shall be subject to the approval of the Development Review Committee to ensure adequate sidewalk width to provide for pedestrian circulation.

11. **Pedestrian Trail.** There shall be a soft surface walking trail installed on the Property generally as shown on the

Master Plan with the exact location of the trail to be approved by the Development Review Committee. The trail shall be either (i) installed or (ii) bonded in form satisfactory to the County Attorney prior to the issuance of any certificates of occupancy.

**12. Private Streets.** The private streets in the development shall be constructed in accordance with applicable County standards for private streets.

**13. Architectural Elevations.** The architecture and exterior elevations of the dwelling units on the Property shall be generally consistent with the Proposed Typical Elevations for Pocahontas Square dated 5/13/03 submitted as a part of the Community Impact Statement as determined by the Director of Planning.

WITNESS the following signature.

\_\_\_\_\_  
Rose Marie Hall

RML III Corporation

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

Title: \_\_\_\_\_

STATE OF VIRGINIA AT LARGE

CITY/COUNTY OF \_\_\_\_\_, to-wit:

The foregoing instrument was acknowledged this \_\_\_\_\_ day of \_\_\_\_\_, 2003, by Rose Marie Hall.

\_\_\_\_\_  
NOTARY PUBLIC

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

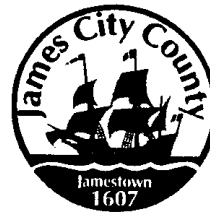
STATE OF VIRGINIA AT LARGE

CITY/COUNTY OF \_\_\_\_\_, to-wit:

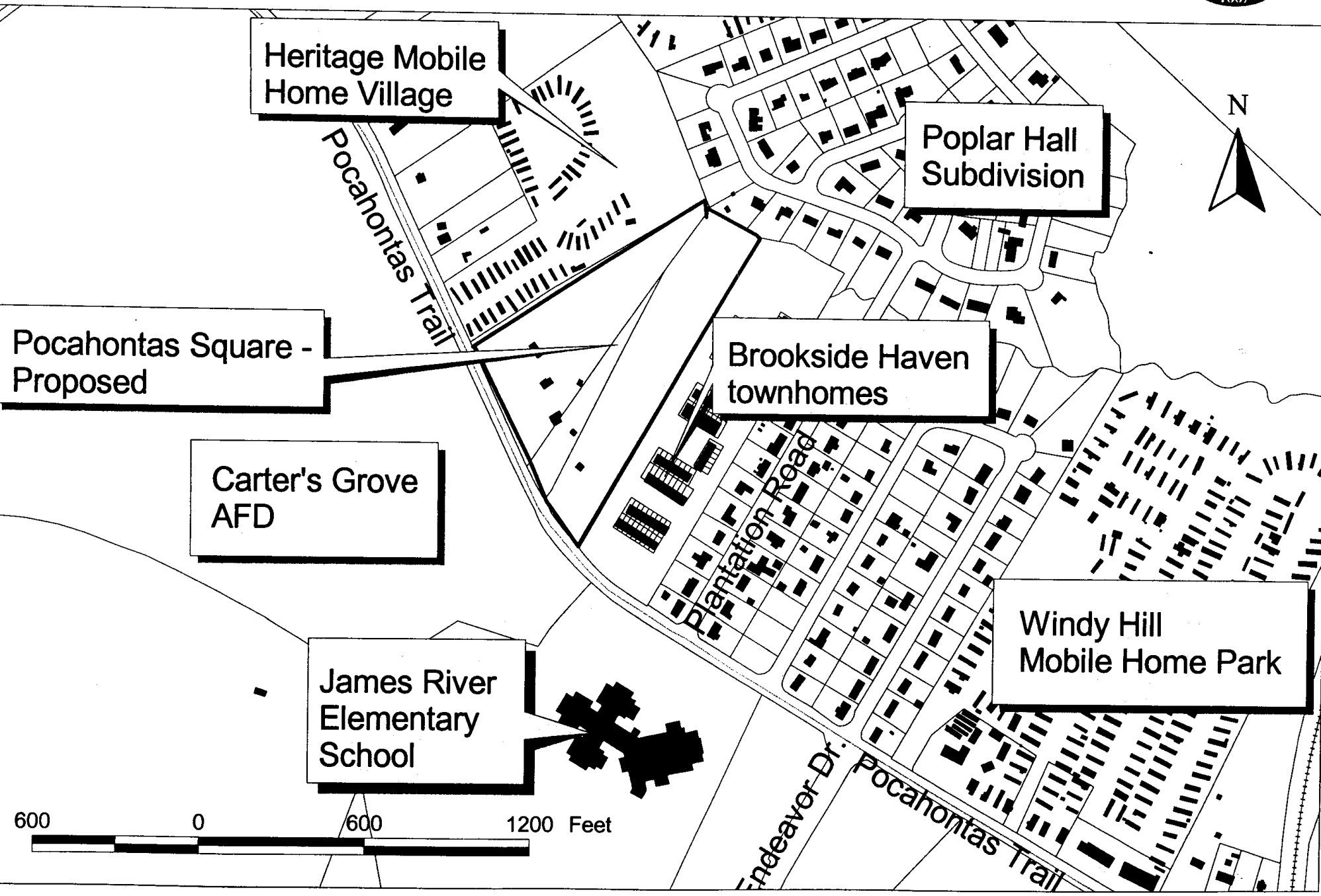
The foregoing instrument was acknowledged this \_\_\_\_\_  
day of \_\_\_\_\_, 2000, by \_\_\_\_\_, as \_\_\_\_\_  
\_\_\_\_\_ of RML III Corporation on behalf of the corporation.

\_\_\_\_\_  
NOTARY PUBLIC

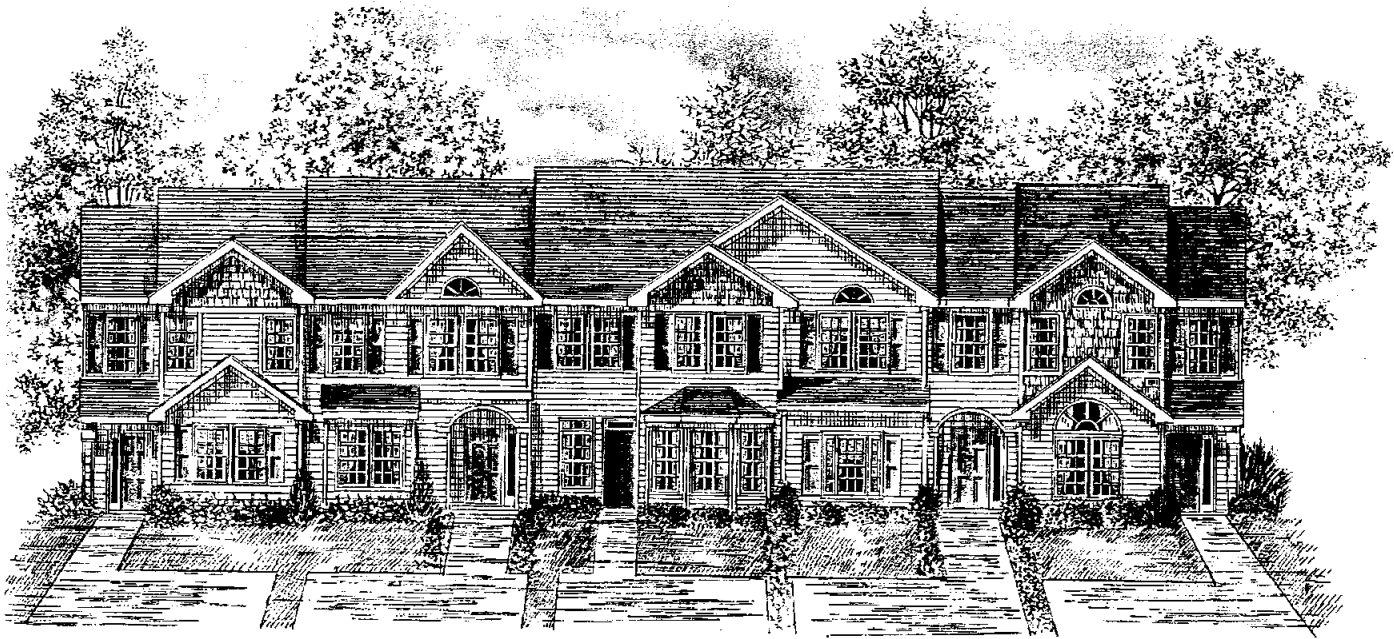
My commission expires: \_\_\_\_\_.



# Case No. Z-03-03. Pocahontas Square



Proposed Typical Elevation Of  
**Pocahontas Square**  
(Rose Marie Hall Property)  
Pocahontas Trail  
James City County, Virginia



DATE:05/13/03  
Exhibit For Rezoning

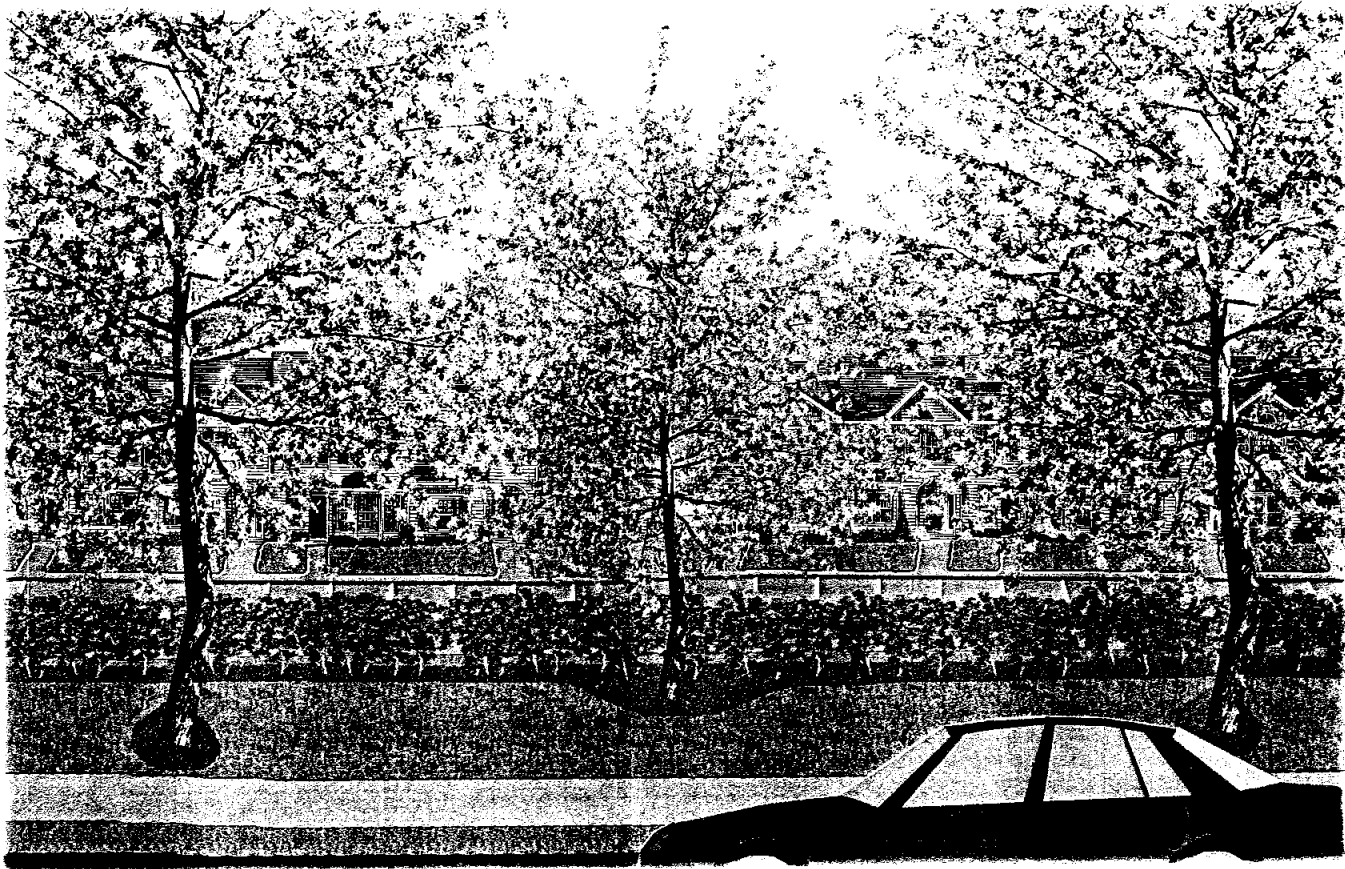
Conceptual Perspective Of

# Pocahontas Square

(Rose Marie Hall Property)

Pocahontas Trail

James City County, Virginia



DATE: 07/07/03  
Exhibit For Rezoning



**MSA, P.C.**  
Landscape Architecture  
Planning  
Surveying  
Engineering  
Environmental Sciences  
MSA PROJ. # 03066



## **SPECIAL USE PERMIT-13-03. Old Capital Lodge**

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

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**PUBLIC HEARINGS**  
**Planning Commission:** Building C Board Room; County Government Center  
July 14, 2003 7:00 p.m.  
**Board of Supervisors:** August 13, 2003 (Tentative) 7:00 p.m.

#### **SUMMARY FACTS**

**Applicant:** Mr. Terry White on behalf of the trustees of Old Capital Lodge

**Land Owner:** Old Capital Lodge #629

**Proposed Use:** To amend the existing SUP conditions to allow the construction of a 2400 square foot, second floor expansion.

**Location:** 105 & 107 Howard Drive, Williamsburg, VA  
Roberts District

**Tax Map/Parcel:** (52-3)(1-43) and (52-3)(1-44)

**Primary Service Area:** Inside

**Parcel Size:** 2.72± acres

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

**Comprehensive Plan:** Low Density Residential

**Surrounding Zoning:** R-2, General Residential

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

#### **STAFF RECOMMENDATION**

The Old Capital Lodge is an existing establishment within James City County that is seeking to broaden its community service orientation in a manner that is compatible with the surrounding zoning and Comprehensive Plan Land Use Designation. Due to its location internal to the neighborhood, close proximity to an existing bus stop and available land for the over-flow parking, staff is satisfied that shared parking can be provided on the site. Staff recommends that the Planning Commission approve the special use permit application for the two-story expansion of the Old Capital Lodge with conditions listed in the staff report.

### Project History & Description

In 1996, the Old Capital Lodge at 105 & 107 Howard Street was rezoned from R-2, General Residential to R-8, Rural Residential to make the lodge a conforming use with the James City County Ordinance (JCC Case No. Z-8-96). A special use permit was also issued (JCC Case No. SUP-21-96) to allow for a one story expansion to the Lodge. Lodges, civic clubs and fraternal organizations are a specially permitted use in R-8, Rural Residential zoned property. Now, Mr. Terry White, on behalf of the Trustees of the Old Capital Lodge #629, has applied to amend the existing Special Use Permit to allow for a second story expansion to the Old Capital Lodge.

The proposed expansion would consist of adding a 40' x 60', two story metal building to the rear of the existing Lodge. The first floor of the lodge, containing a meeting hall, kitchen and restroom facilities, would be used for community youth activities, neighborhood events and rented for events such as wedding receptions. The second floor expansion would be used as a meeting room for Lodge Members.

The existing Lodge is 2,562 square feet and the current SUP-21-96 allows for a 2,400 square foot, one story addition for an approximate building total of 5,000 square feet. Construction of the first story expansion began in 1998, but is temporarily on hold pending the Board of Supervisors decision on this application. SUP-13-03, under review now, would allow for the construction of an additional second story, 2,400 square foot expansion, for a building total of approximately 7,500 square feet. A site plan is required for the expansion.

### Surrounding Zoning and Development

The Old Capital Lodge is located on Howard Street, near Richmond Road. A bus stop is located at the intersection of Richmond Road and Howard Street that is within walking distance of the Old Capital Lodge. The Lodge is surrounded by single family residences zoned R-2, General Residential. There are six existing mobile homes located behind the Old Capital Lodge on property owned by the Trustees. Located at the rear of Old Capital Lodge is the Dominion Virginia Power Line Easement that is adjacent to the railroad tracks, Merrimac Trail and Interstate-64.

The property is located inside the Primary Service Area with water supplied by the Newport News Waterworks and sewer services by JCSA.

### The Site

The Old Capital Lodge owns two parcels of property which are the subject of this request. One parcel contains the existing lodge building and six manufactured homes at the rear of the property which the Old Capital Lodge owns and rents out as single family residences. These manufactured homes are a non-conforming use within the R-8 zoning and will continue to be non-conforming if this special use permit is approved. This non-conforming status of the manufactured homes may continue in accordance with Article VII, Section 20-630 of the Zoning Ordinance.

The other parcel owned by the Old Capital Lodge is immediately southeast of the existing lodge building. It is currently vacant and used for parking. The property line separating the two parcels will be extinguished to make the property one parcel is a proposed condition of this SUP.

Additionally, the Old Capital Lodge is requesting a waiver to the James City County Zoning Ordinance Parking Requirements for the second story addition to the lodge and proposes shared parking facilities. For the existing lodge and the first floor expansion, there are 27 parking spaces provided, meeting the ordinance requirements. For the existing lodge and the two story expansion, a total of 37 spaces is required, a difference of ten spaces.

However, the applicant states in the attached letter dated March 11, 2003, that the first floor of the lodge hours of operation will only be Thursday through Sunday for community activities. The second floor expansion will be used for monthly lodge meetings for the current 33 members. The

applicants notes that at no time will the Lodge hold functions at the same time for the first and second floor of the facility.

If this SUP is approved, Staff notes that the fundamental use of the Old Capital Lodge will expand from just a private lodge to become more of a civic and service oriented club with an associated change in parking requirements to be more similar to that of a community center, church or religious organization. Considering the close proximity of the Lodge to an existing Williamsburg Area Transport bus stop, the lodge's location internal to an existing residential neighborhood and the informal parking area in the rear of the property available in case of overflow and the proposed different use schedule, staff believes that shared parking can be orchestrated on this site.

#### Access

The lodge building and manufactured homes are accessed from an entrance on Howard Drive. VDOT has recommended that a commercial entrance be installed for the site. Staff will not require an upgrade to this entrance because the proposed expansion will not constitute a significant increase in the amount of traffic that is already generated by the Old Capital Lodge facility and the manufactured homes. Furthermore, the current driveway is of sufficient width to accommodate simultaneous ingress and egress of vehicles. Access to the manufactured homes will be from a separate, existing driveway adjacent to the lodge facility. The proposed expansion will not impede access to the manufactured homes.

#### Comprehensive Plan

The 1997 Comprehensive Plan Land Use Map designates this property as Low Density Residential. Nonresidential uses should not alter, but rather, complement the residential character of the low-density residential area in which they are located. Very limited commercial establishments, schools, churches, and community-oriented facilities should generally be located on collector roads at intersections where adequate buffering and screening can be provided to protect nearby residential uses and the character of the surrounding area.

Lodges, fraternal organizations and civic clubs are not specifically listed as suggested land uses within this designation. The Old Capital Lodge provides somewhat similar services and facilities as would a Community Oriented Public Facility, which is a suggested use within the Low Density Residential designation. However, it also serves non-residents and is not under the ownership or control of the surrounding community. The proposed expansion would provide a significant upgrade to the existing facility and, therefore, provide a larger and newer facility available to the residents and the community. Technically, the use and proposed expansion is not consistent with the Comprehensive Plan since the Old Capital Lodge is a privately owned organization within a predominantly residential community. However, the Old Capital Lodge has existed in the community for years, and to the best of its knowledge, staff has not received any complaints about the Old Capital Lodge or its activities. The applicant indicated to staff that security and traffic management is provided during events held at the facility to minimize disruption of the day-to day activities of the surrounding neighborhood. Staff is satisfied that the Old Capital Lodge will continue to be an accepted use in the neighborhood.

#### **RECOMMENDATION**

The Old Capital Lodge is an existing establishment within James City County that is seeking to broaden its community service orientation in a manner that is compatible with the surrounding zoning and Comprehensive Plan Land Use Designation. Due to its location internal to the neighborhood, close proximity to an existing bus stop and available land for the over-flow parking, staff is satisfied that shared parking can be provided on the site. Staff recommends that the Planning Commission approve the special use permit application for the two-story expansion of the Old Capital Lodge with the following conditions:

1. The size of the of proposed expansion shall be limited to a two story 5,000 square foot addition to the existing Old Capital Lodge that is approximately  $\pm 2,562$  square feet in size. The Development Review Committee shall approve any development plans for minor alternations to the site that do not require additional parking spaces.
2. If construction has not commenced on the property within 24 months of the issuance of the special use permit it shall become void. Construction shall be defined as the obtaining of any permits required for building construction of the two story expansion.
3. An approved site plan is required for the proposed expansion of the Old Capital Lodge. Prior to final approval of the site plan for expansion, a subdivision plat shall be approved and recorded that extinguishes the property line between parcels Parcel (1-43) and (1-44) on the JCC Real Estate Tax Map (52-3).
4. All exterior light fixtures on the property shall be recessed fixture with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher shall occur outside the property lines.
5. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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Karen Drake  
Senior Planner

ATTACHMENTS:

1. Site Map
2. Shared Parking Request

# Harry Bowman General Contractor

3105 Iron bound Road Williamsburg, Va 23815  
(757 715-2127)

James City County Zoning Administrator  
101-E Mount Bay Road, P.O Box 8784  
Williamsburg, Virginia 23187

March 11, 2003

Attn: Mr. Allen Murphy  
Ref: Old Capitol Lodge 629 / Shared Parking

Dear Mr. Murphy:

Mr. Murphy Old Capitol Lodge respectfully request to SHARE PARKING for the new addition to the lodge with the approved parking of the existing structure.

- (1). Mr. Murphy the first floor of this lodges hours of operation will only be Thursday-Sunday for community activities.
- (2). Mr. Murphy the second floor of this lodges hours of operation will be from 6pm to 10pm every first Tuesday of each month for lodge members activities such as meetings, initiations . At no time will the Lodge hold functions at the same time for the first and second floor of this facility.

We respectfully request that this request be granted.

Regards:

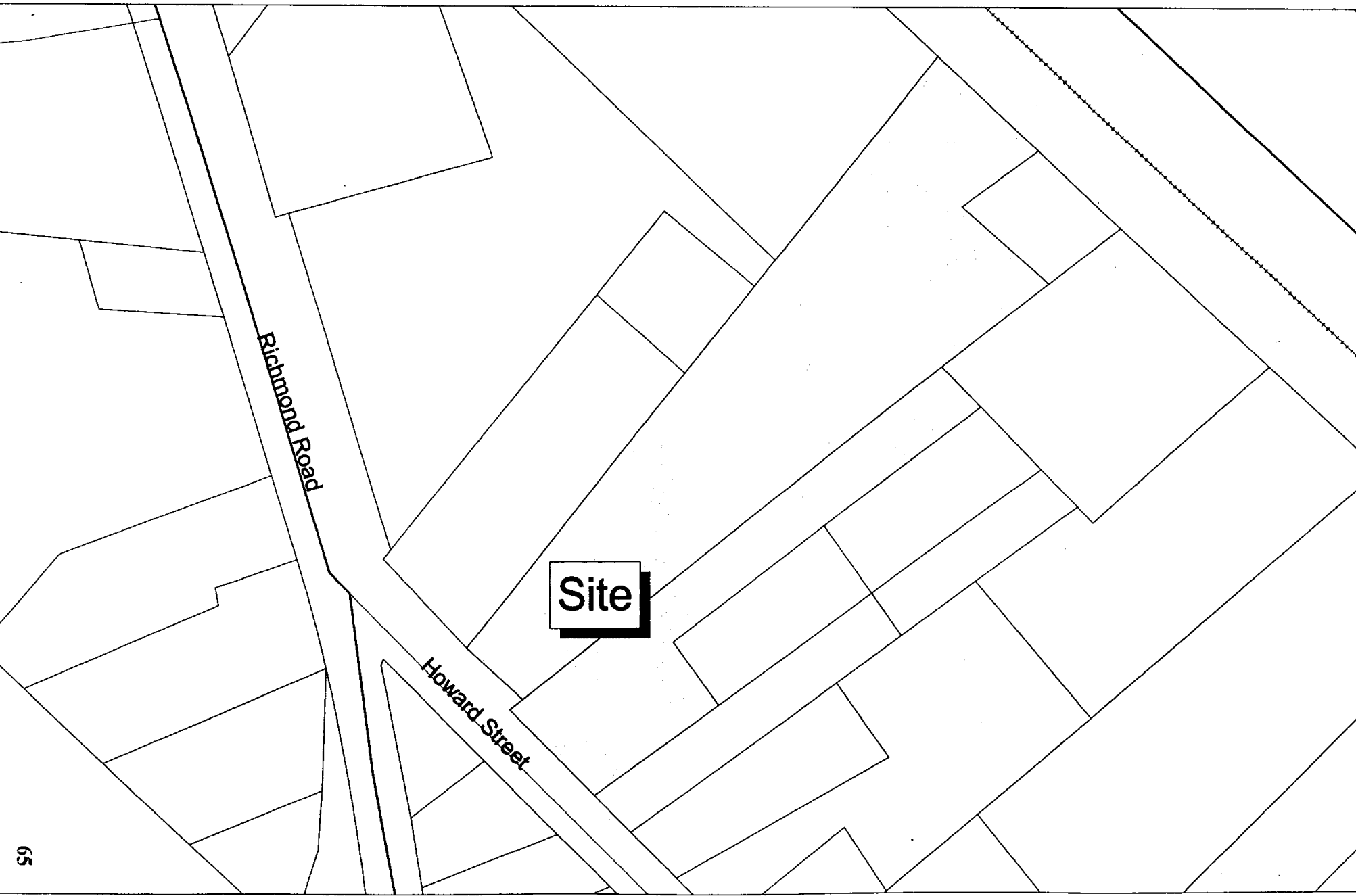
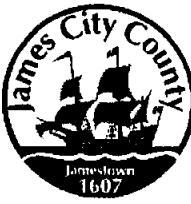


Harry Bowman  
General Contractor

# SUP-13-03. Old Capital Lodge

## 105 Howard Street

200 0 200 Feet



Site

Richmond Road

Howard Street

**SPECIAL USE PERMIT 14-03. JCSA Five Forks Water Treatment Facility Concentrate Main  
Staff Report for the July 14, 2003, Planning Commission Public Hearing**

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

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**PUBLIC HEARINGS**

Building C Board Room; County Government Center  
Planning Commission: July 14, 2003, 7:00 p.m.  
Board of Supervisors: August 12, 2003, 7:00 p.m. (Tentative)

**SUMMARY FACTS**

Applicant: Larry Foster, General Manager of the James City Service Authority

Proposal: Delete the greenway trail condition of SUP-3-03

Location: 1821 Jamestown Road; Berkeley District

Tax Map and Parcel No.: (46-2)(1-24)

Primary Service Area: Inside

Parcel Size: ± 47.8 acres

Existing Zoning: R-8, Rural Residential and LB, Limited Business

Comprehensive Plan: Low Density Residential and Conservation Area

Surrounding Zoning: East: Chanco's Grant (R-8); Tandem property (R-8/LB)  
West: St. George's Hundred (R-1); Powhatan Creek  
North: JCSA Five Forks Water Treatment Facility (R-8)  
South: Jamestown 1607 (R-2)

Staff Contact: Christopher Johnson - Phone: 253-6685

**STAFF RECOMMENDATION:**

Staff recommends the Planning Commission recommend approval of this application to delete the greenway trail condition approved with Case No. SUP-3-03.

## History

On June 11, 2002, the Board of Supervisors unanimously approved Case No. SUP-22-01 to allow the construction of a Water Treatment Facility in the Five Forks area behind Clara Byrd Baker Elementary School. The application included approximately 14,000 feet of concentrate discharge main, 6,500 feet of water main, and six production wells. Staff included a condition in its recommendation which required the James City Service Authority (JCSA) to construct a greenway trail over a portion of the discharge main alignment. The condition was intended to provide citizens with a scenic recreational pedestrian connection between the treatment facility and the Powhatan Creek Canoe Access Park on Jamestown Road. As approved by the Board of Supervisors, Condition No. 14 states:

“Greenway Trail. The applicant shall construct a greenway trail to the specifications of the James City County Division of Parks and Recreation over the areas of construction for the concentrate discharge main between the treatment facility site and the directional drill location north of Jamestown Road. The final alignment of the concentrate discharge main and greenway trail shall generally be as shown on the plan “Brackish Groundwater Desalinization Facility, SUP Pipeline,” dated 5-21-02, prepared by Buchart Horn, Inc. and Skipper Engineering Associates, PC. The final location for both the concentrate discharge main and greenway trail shall be subject to the approval of the Planning Director.”

On March 25, 2003, the Board of Supervisors approved an amendment to Case No SUP-22-01 which changed the limits of clearing and location of approximately 350 feet of water main along Route 5. With the exception of the changes to condition Nos. 11 and 12 to allow the additional clearing, the same conditions which were adopted by Case No. SUP-22-01 were approved with Case No. SUP-3-03.

## Proposal

The JCSA submitted an application to amend the conditions of Case No. SUP-3-03 to eliminate the greenway trail condition. When Case No. SUP-22-01 was under review, the County was negotiating the purchase of the Armistead property adjacent to Powhatan Creek. Following approval of SUP-22-01 in June 2002, negotiations for the purchase of the property ended without an agreement. The County was unsuccessful in later attempts to negotiate an easement on the Armistead property and initiated condemnation proceedings in order to acquire an easement for the placement of approximately 2,000 linear feet of concentrate discharge main. The owners of the Armistead property have objected to the placement of a trail across their property and construction of the trail would not likely occur within the next five years. Given these factors, as well as the significantly higher cost of a potential condemnation for an easement for the trail, the decision was made to remove the greenway trail condition.

## Recommendation



Staff recommends the Planning Commission recommend approval of this application to delete the greenway trail condition approved with Case No. SUP-3-03 with the following remaining conditions:

1. Start of Construction on the Groundwater Treatment Facility, as defined in the Zoning Ordinance, shall commence within 36 months of approval of this special use permit, or the permit shall become void.
2. Construction, operation, and maintenance of the Groundwater Treatment Facility, water transmission main, production wells, and concentrate discharge main shall comply with all local, State, and Federal requirements.
3. All permits and easements shall be acquired prior to the commencement of construction for the water transmission main and concentrate discharge main.
4. The project shall comply with all Virginia erosion and sediment control regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook as amended.
5. Development and land clearing of the site shall be generally in accordance with the "Preliminary Plan, Brackish Groundwater Desalinization Facility" prepared by AES Consulting Engineers, March 19, 2002, with such accessory structures and minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
6. Prior to the issuance of a Certificate of Occupancy, a spill containment plan which addresses the chemical handling and storage areas shall be submitted to the Environmental Director and Fire Department for their review and approval.
7. Prior to the issuance of a land disturbing permit for this project, an archaeological survey shall be conducted for the project area for the water treatment facility and along the recommended alignment for the concentrate discharge main in accordance with the adopted Board of Supervisors policy. The results shall be submitted to the Director of Planning for review and approval.
8. All exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, prior to final site plan approval, a lighting plan shall be submitted to, and approved by, the Planning Director or his designee which indicates no glare outside the property lines. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from the adjoining residential properties.
9. Prior to final site plan approval, architectural elevations, building materials, and colors shall be submitted to the Director of Planning for review and approval for all structures on the site. The intent of this condition is to ensure that all future buildings on the site are uniform and compatible in terms of design, materials and colors, have a residential appearance, and are designed for minimal visual impact.

10. Any accessory structures on the site, such as storage tanks and production well structures, shall be screened with enhanced landscaping or constructed with materials and colors matching the treatment facility. Enhanced landscaping shall be defined as either 133% of evergreen trees required by the Zoning Ordinance or 125% of general planting required by the Zoning Ordinance as determined by the Planning Director.
11. The water main shall be located within the limits of clearing for the access driveway to the site from John Tyler Highway, the existing JCSA easement or within VDOT right-of-way.
12. A 250-foot undisturbed wooded buffer shall be maintained along John Tyler Highway with the exception of the clearing necessary for the driveway providing access to the site and any portion of the existing JCSA utility easement along John Tyler Highway. The driveway shall be curved in such a way to minimize views of the site from John Tyler Highway to the greatest extent possible, as determined by the Planning Director.
13. A 300-foot undisturbed wooded buffer shall be maintained along the southern property line of the treatment facility site adjacent to the Chanco's Grant subdivision with the exception of the clearing necessary for the construction of the concentrate discharge main.
14. The applicant shall avoid removing trees, bushes and shrubs along the water main and concentrate discharge main corridors along Route 5, 4-H Club Road, and Jamestown Road. Trees, bushes, and shrubs damaged during construction shall be replaced with a tree, bush, or shrub of equal type as approved by the Planning Director.
15. For water main or concentrate main construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on adjacent property. It is intended that the present and future results of the proposed water transmission main and concentrate discharge main do not create adverse effects on the public health, safety, comfort, convenience, or value of the surrounding property and uses thereon.
16. Vehicular access to residences within the effected right-of-ways shall be maintained at all times.
17. All construction activity adjacent to existing development shall occur between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.
18. Construction vehicles shall not be parked or stored along Route 5, 4-H Club Road, or Jamestown Road between the hours of 5:00 p.m. and 8:00 a.m.
19. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

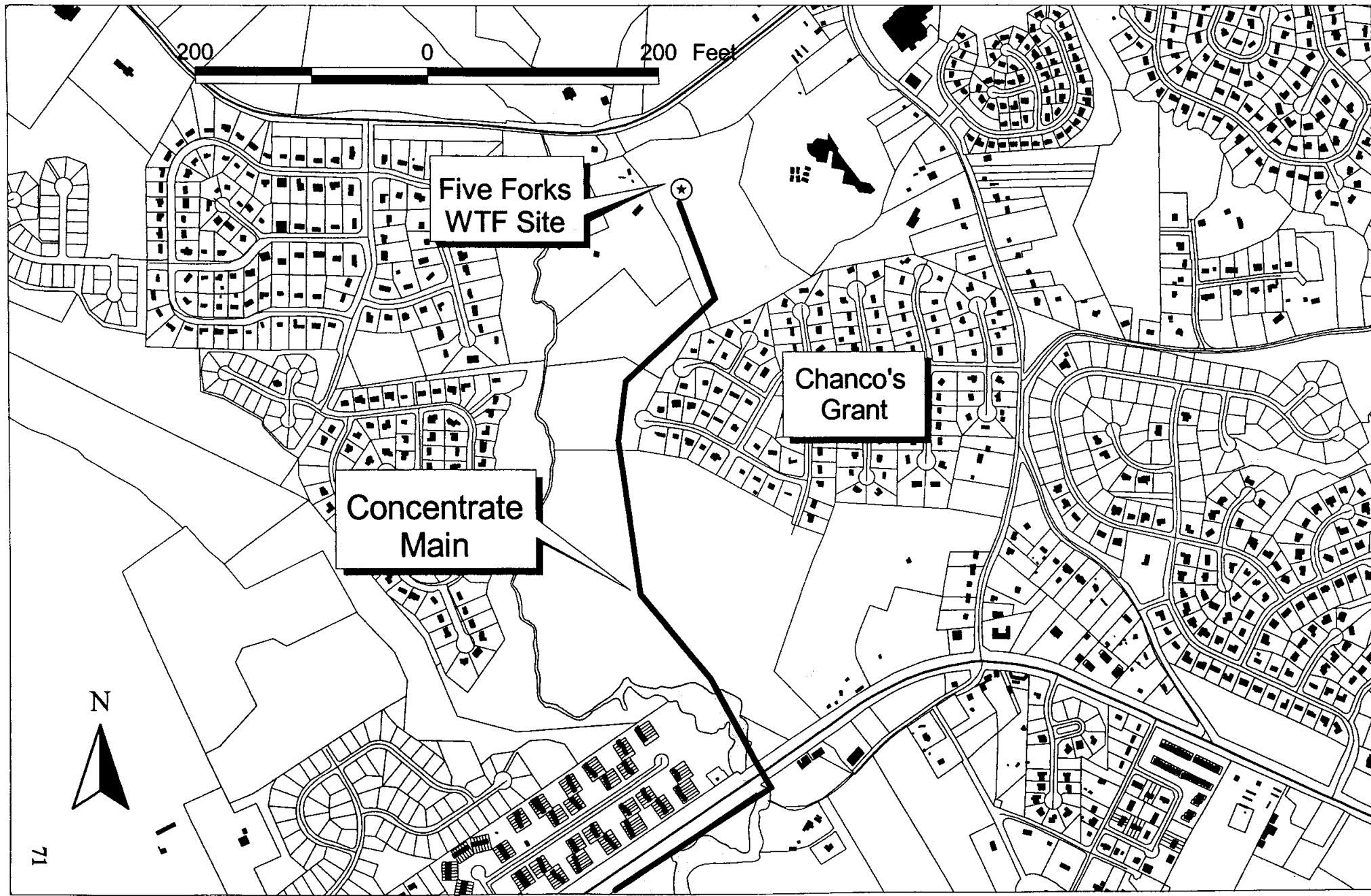
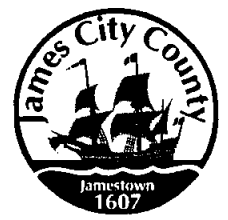
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Christopher Johnson

Attachment:

20. Location Map

# Case No. SUP-14-03. JCSA Five Forks Water Treatment Facility Concentrate Main



**PLANNING DIRECTOR'S REPORT**  
**JULY 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 June 2003 meeting: Section 2 and 4 Amendments, William E. Wood Office Building, Berkeley Pharmacy building, Olde Point Bank building; and New Town Fence Review and Streetscape Update.
2. Comprehensive Plan Update. On June 14<sup>th</sup> and June 24<sup>th</sup>, the PC and BOS held a joint worksession to consider the final text. Members of the BOS, PC and CPT were present, as well as Planning Staff. At the June 14<sup>th</sup> meeting, the Population, Youth, Economic Development, Public Facilities, Parks and Recreation, Environment, and Transportation sections were discussed. At the June 24<sup>th</sup> meeting, the Community Character, Housing and Land Use sections were discussed, as well as the Land Use Designation Change Applications. Changes to the text proposed by the PC and BOS were compiled in an errata sheet that is posted on the James City County website. Planning remains on schedule to deliver the Final Text to the PC on July 14<sup>th</sup>.
3. Light Rail Transit. Staff continued to work with Hampton Roads Transit staff on the Peninsula Light Rail project. HRT's consultant will be evaluating a first phase segment for the project, with a recommendation to the local governing bodies expected in the fall. Several alternatives were presented to County staff. However, this initial segment will not extend to James City County or Williamsburg.
4. Greensprings Interpretative Trail. Staff continued to work with VDOT on alternative for their proposed trail initiative in the vicinity of Route 5 and Greensprings Road. VDOT has developed additional alternatives which will be shared with the public this summer. VDOT hopes to construct the trail prior to 2007.
5. Other Board Action. At its June 10<sup>th</sup> meeting, the Board of Supervisors approved Case No. SUP-02-03 Hankins Industrial Park Ready Mix Concrete Plant. Case No. SUP-10-03, Leighton-Herrmann Subdivision was withdrawn.
6. Upcoming Cases. New cases that are tentatively scheduled for the August 4, 2003, Planning Commission meeting.

**CASE NO. SUP-16-03. Williamsburg Winery – Gabriel Archer Tavern.** Mr. Vernon Geddy has applied for a special use permit on behalf of Williamsburg Farms, Inc., to permit the continued operation of the restaurant Gabriel Archer Tavern which is operated by and in conjunction with the Williamsburg Winery. The property is located at 2638 Lake Powell Road. The property is zoned A-1, General Agricultural and can be further identified as Parcel (1-10) on the JCC Real Estate Tax Map (48-4).

**CASE NO. Z-6-03. New Town Sec. 2 & 4 Amended Master Plan & Proffers.** Mr. Alvin P. Anderson has applied on behalf of New Town Associates to amend the New Town Section 2 & 4 Master Plan, Proffers and Design Review Guidelines to include the former VDOT BMP located on Monticello Avenue into New Town. A local pharmacy and an office building have been proposed for the site.

**CASE NO. Z-5-03. WindsorMeade Marketplace.** Mr. Alvin P. Anderson has applied on behalf of C.C. Casey Limited Company to rezone approximately 34.49 acres from R-8, Rural Residential, with proffers, to MU, Mixed Use, with proffers, for a 200,000 square foot commercial shopping center located at 4692, 4696, 4700, 4704, 4710, and 4740 Old News Road and further identified as Parcel Nos. (1-2), (1-5), (1-6), (1-7), (1-8) and (1-34) on JCC Tax Map No. (38-3).

**CASE NO. SUP-15-03, Custom Culinary Connections – Barnes Road.** Jeffrey and Christy Aczel have applied for a special use permit to construct and operate a catering kitchen adjacent an existing dwelling at 8757 Barnes Road. The property is zoned A-1 General Agricultural and designated Rural Lands on the 1997 Comprehensive Plan Land Use Map. The property is further identified as Parcel (1-2C) on the James City County Real Estate Tax Map (10-1).

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O. Marvin Sowers, Jr.