

A G E N D A

JAMES CITY COUNTY PLANNING COMMISSION

AUGUST 4, 2003 - 7:00 P.M.

1. ROLL CALL
2. MINUTES
 - A. July 14, 2003
3. COMMITTEE AND COMMISSION REPORTS
 - A. Development Review Committee Report
 - B. Other Committees
4. PUBLIC HEARINGS
 - A. SUP-16-03 Williamsburg Winery – Gabriel Archer Tavern
 - B. SUP-15-03 Custom Culinary Connection – Barnes Road
 - C. Z-05-03 Windsor Meade Marketplace
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 FOURTEENTH DAY OF JULY, 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
Peggy Wildman
Donald Hunt
Joseph McCleary
George Billups
Wilford Kale

ALSO PRESENT

Leo Rogers, Deputy County Attorney
O. Marvin Sowers, Jr., Planning Director
Donald Davis, Principal Planner
Christopher Johnson, Senior Planner
Tammy Rosario, Senior Planner
Karen Drake, Senior Planner
Matthew Arcieri, Planner
David Anderson, Planner
Sarah Weisiger, Planner
Lee Schappinger, Landscape Planner
Darryl Cook, Environmental Division Director
Mike Woolson, Engineer
Trey Davis, Development Management Assistant
Toya Ricks, Administrative Services Coordinator

2. MINUTES

The Commission approved the minutes of the June 2, 2003 and June 10, 2003 meetings with a 6-0 voice vote (Mr. Kale abstained as he was not present June 2, 2003).

3. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. John Hagee presented the DRC report. One case was heard at the last meeting for the replacement of the James City County Fire Station #2. Fire Station #2 is located in the Roberts District in the Grove section on Pocahontas Trail. The DRC recommended approval of the replacement of the fire station.

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

B. OTHER COMMITTEES

4. PUBLIC HEARINGS

A. Consideration of the *Vision for Our Future 2003 Comprehensive Plan for James City County*

Mr. Joe McCleary, Chairman of the Comprehensive Plan Steering Committee, (CPSC) presented the committee's and staff's comments. He stated that the plan has been moving forward for nearly 18 months, including a Citizen Survey, the Community Participation Team, Steering Committee and two work sessions held with the Board of

Supervisors. The joint work sessions produced an errata sheet.

Mr. Kale stated Ms. Wildman had provided some additional comments and urged the Commission to consider Ms. Wildman's revisions to the errata sheet along with the other documents.

Mr. Joe Poole, III concurred as the changes do not change anything substantially to the errata sheet.

Mr. Poole opened the public hearing.

Mr. Bill Pearson, Director of Real Estate for BASF Corporation, spoke about the barriers to returning their former industrial site to the stream of commerce. Mr. Pearson stated that BASF has tried unsuccessfully for 10 years to market the property as an industrial site. He said that Mixed Use designation would generate four (4) times the amount of revenue generated by a warehouse and fifty (50) times the amount currently paid by BASF to James City County.

Chuck Lincoln, Peninsula Housing and Builders Associations (PHBA) submitted comments based on the May 28, 2003 draft on the Comprehensive Plan. Mr. Lincoln stated that PHBA's recommendations are based on a "Statement of Smart Growth Principles." He stated that the PHBA's major issues with the Comprehensive Plan as it relates to those principles are: Adequate public facilities, primary service areas and inclusionary housing.

Linda Rice, President of Friends of Forge Road, stated that the organization is countering proposals to increase densities. Ms. Rice urged the Planning Commission and Board of Supervisor's to consider the importance of maintaining some of the rural character of the County. Ms. Rice commended the Steering Committee's efforts to obtain public comment and holding sessions throughout the County.

Mr. Poole clarified that only four Planning Commission members, Mr. Hagee, Ms. Wildman, Mr. McCleary, and Mr. Billups were on the Steering Committee and the remaining three, Mr. Hunt, Mr. Poole, and Mr. Kale were on the Community Participation Team.

Julie Leverenz, President Historic Route 5 Association, urged the Commission to adopt the 2003 Vision for Our Future. Ms. Leverenz stated the Comprehensive Plan is the result of a comprehensive process that has been inclusive and actively solicited, heard, and considered input from all segments of the community. The organization is pleased to see the inclusion of a Vision Statement, and that the boundary of the Primary Service Area remained unchanged. Ms. Leverenz stated that the plan is a good plan that deserves the Planning Commission's support.

Caren Schumacher, Executive Director Williamsburg Land Conservancy, stated that it was important for her organization to become involved in the comprehensive planning process. She stated that it was a great opportunity for their members and their board to become better educated about what was in the plan. Ms. Schumacher commended the Steering Committee for the inclusive job and the Comprehensive Plan that was created. The Williamsburg Land Conservancy supported the plan as presented.

R. M. Hazelwood, Jr. applauded the Steering Committee. Mr. Hazelwood passed out composites showing boundary lines of the Primary Service Area that cut across his property. Mr. Hazelwood referred to Milton Herd's comments about the parcels being a single continuous tract of land under common ownership as the strongest argument supporting treating the three parcels as one. Mr. Hazelwood also spoke about his property located within the PSA that is zoned B-1. Mr. Hazelwood stated that no one can afford to buy B-1 property within the PSA and build houses on it. He feels it should be changed from low density residential to some type of commercial designation.

Mr. Tom Gillman, President of ESG International, supported BASF's application for Mixed Use designation. Mr. Gillman stated that re-designation does not green light a particular plan but would allow BASF to find a plan that perhaps works and then bring it before the commission for consideration based on its own merits.

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

Mr. Hagee questioned the use of the names of specific organizations in the Comprehensive Plan, referring to Parks and Recreation Action #28.

Mr. Kale suggested alternate language that could be used.

Mr. Hagee stated that in prior discussions the Commission had decided not to use language that appeared to discourage three acre sites in the rural lands tools section of the plan.

Mr. Don Davis noted that the errata sheet reflected that decision.

Mr. Kale moved to include Ms. Wildman's errata recommendations with the original errata sheet dated July 10, 2003.

Mr. McCleary seconded the motion.

In a unanimous roll call vote the motion to include the recommendation was passed.

Mr. Kale expressed concern that some environmental sections were not shown on the land use map.

Mr. McCleary explained that due to the scale of the map and size of those areas some of the smaller areas do not show up but they are there.

Mr. Kale asked for an explanation of the BASF decision.

Mr. McCleary explained that several factors went into the CPSC's decision. Both planning staff and the IDA recommended retaining the site for industrial use. The same recommendation was made by an independent consultant. No suggestions could be given on ways to divide the site into partial industrial and partial mixed use. Full mixed use would not mix well into this area particularly because of the railroad spur and road access limitations.

Mr. Poole stated that the process has been very inclusive and takes into account all views in the community. He supported maintaining the boundaries of the Primary Service Area. As a community we need to understand that resources are very finite as he did not expect large sums of money from the State. Mr. Poole was impressed with the work of the Steering Committee, staff and the public.

Mr. Hunt expressed concern about the arbitrary boundary line regarding Mr. Hazelwood's property.

Mr. McCleary recognized Mr. Brown of the Board of Supervisors as an active participant on the Steering Committee.

Mr. Hagee recognized that this is not a perfect plan but agreed with Mr. Poole's comments. He stated that he supported many of the suggestions by the PHBA but after much debate the voice of the community had been heard with everyone having their shot.

Mr. Kale commended colleagues for an extraordinary document. There has never before been such an open process. The public had an opportunity to speak. He commended the process.

Ms. Wildman commended Mr. McCleary for work done as the Steering Committee chair. She was glad to be a part of the process.

Ms. Wildman moved to approve the 2003 Comprehensive Plan with Mr. Hagee's changes to page 42, item number 28, changes per the July 1, 2003 errata sheet and per the adopted changes she had recommended.

Mr. Hagee seconded the motion.

In a unanimous roll call vote the motion was passed by a vote of 7-0.

Mr. Marvin Sowers thanked the Planning Commission, Steering Committee, and Community Participation Team on behalf of the staff.

B. CASE NO. Z-04-03 Minachiello – 3480 Ironbound Road

Mr. David Anderson presented the staff report. He stated that Mr. Vernon Geddy, III on behalf on VMF2, L.L.C. has applied to rezone the property located at 3840 Ironbound Road from R-8, Rural Residential to R-2, General Residential with Proffers. The application proposes subdividing the 2.63 acre single family residential lot into a total of 4 single family residential lots. The proposal is consistent with the surrounding Meadows II subdivision. Staff recommended approval of the application with the attached proffers.

Ms. Wildman asked Mr. Anderson to point out the house that is landlocked on the map.

Mr. Anderson clarified that the house was not landlocked.

Mr. Hagee noted that the updated ordinance mandates a 75 ft. setback and asked if the proposed 50 ft. setback was consistent with the surrounding Meadows area.

Mr. Anderson confirmed that the 50 ft. setback is consistent with the remainder of Ironbound Road to the East of the property.

Mr. Joe Poole, III opened the public hearing at 7:15 p.m.

Mr. Vernon Geddy III, representing the applicant agreed with the staff report. Mr. Geddy stated that this is a classic infill development and is consistent with the surrounding area. The proposed parcels will be somewhat larger than surrounding parcels.

Mr. Billups asked if the County would be responsible for maintaining the driveways.

Mr. Geddy said that the homeowners would be responsible.

Mr. Robert S. Leadbetter of 4804 Mildren Road opposed part of the proposal regarding Lot #2. Mr. Leadbetter indicated that Lot #2 is virtually landlocked. He also sees no benefit to the community by developing this lot and feels it will decrease the value of surrounding properties. Mr. Leadbetter asked for a buffer at the rear of the property adjacent to his if development is approved.

Mr. David Glass of 3752 Cherry Walk opposed part of the proposal regarding Lot #2. Mr. Glass indicated he does not want someone living in his back yard. He requested a 50 ft. buffer around the entire perimeter and assurances that that homes will be comparable to those in the neighborhood.

Mr. Hunt asked if Mr. Glass's property was clear cut.

Mr. Glass said that $\frac{1}{4}$ of his lot still has trees.

Mr. Geddy said the intentions were to maintain the buffer.

Mr. Minichiello said that he bought the property before Meadows II was developed. He does not intend to cut down any of the trees but also that he did not ask for Meadows II to be in his backyard.

Mr. Poole asked if the Development Review Committee will review the case.

Mr. Anderson confirmed that DRC will review the plans.

Mr. Leo Rogers noted that unless discussions on the buffer were a part of the proffers then the DRC may only follow the ordinance.

Mr. Kale asked if the Meadows II parcel to the southeast was treed or opened.

Mr. Geddy said it is partially treed.

Mr. Joe Poole, III closed the public hearing.

Mr. Kale asked if the Zoning Ordinance would limit the DRC.

Mr. Rogers said it would and asked applicant if statements made tonight would be included in an amended proffer.

Mr. Geddy confirmed that the applicant will be happy to work with staff on a written proffer for woodland boundaries.

Mr. Kale moved to approve the application with the understanding that amended proffers would be submitted to the Board of Supervisors, with a provision that the buffers be approved by the DRC.

Mr. Hunt seconded the motion.

Mr. McCleary noted that this was an example of infill, using land to the greatest good to the community and commended the applicant.

Mr. Poole echoed Mr. McCleary's statement. He also noted that the DRC will look at the final plans.

Mr. Billups stated that the applicant should not have too much imposition placed on him, and noted that applicant has already given much in consideration of his neighbors.

In a unanimous roll call vote the motion was approved by a vote of 7-0.

C. CASE NO. Z-03-03 Pocahontas Square

Ms. Sarah Weisiger presented the staff report. Mr. Vernon Geddy, III has applied on behalf of RML III to rezone approximately 14 acres at 8814, 8838, and 8844 Pocahontas Trail from LB, Limited Business and R-8, Rural Residential to R-5, Multifamily Residential with Proffers. The applicant further proposes to construct 96 townhomes to be sold for less than \$110,000. Staff found the proposal to have residential density consistent with the surrounding area and the housing policies of the Comprehensive Plan. Staff also found that the additional benefit of affordable housing will meet an important need in James City County. Staff therefore recommended approval of the rezoning. Ms. Weisiger maintained that there is a technical inconsistency between proffer 8 and the Master Plan that needs to be corrected prior to the Board of Supervisors meeting.

Mr. Poole confirmed that the density will be approximately 8.2 units per acre with 96 units.

Ms. Wildman asked why the applicant was not proffering a paved walking trail.

Ms. Weisiger suggested that the applicant answer that question.

Mr. Poole opened the public hearing.

Mr. Vernon Geddy representing the applicant agreed with staff's recommendations. This project

would meet the County's needs for affordable housing for sale. Mr. Geddy stated that the proposal is consistent with surrounding areas and is an infill parcel. He also stated that the applicant is willing to amend the proffers to include asphalt paving on the walking trail.

Mr. McCleary asked Mr. Geddy to point out the location of the walking trail on the Master Plan.

Mr. Mike Perry, with MSA P.C., indicated that the trail would be sited in the buffer around the perimeter. He also stated that they will maintain as many specimen trees as possible.

Ms. Patty McKenzie of 1021 Sycamore Landing representing Grove Outreach Ministry pointed out the need for affordable housing in the Grove area. Ms. McKenzie stated that she works with homeless in the area. She handed out statistics from the Census Bureau. Ms. McKenzie commended this application.

Mr. Joe Poole, III closed the public hearing.

Mr. McCleary commended the applicant on the well-needed proposal. He also agreed with the need for the paved surface walking trail.

Mr. McCleary moved to approve the application with modifications of proffers 8 & 11.

Ms. Wildman seconded the motion.

Ms. Wildman thanked the applicant for a wonderful job. She felt the project would boost the Grove area.

Mr. Poole complimented the applicant for providing affordable housing in a much needed area.

In a unanimous roll vote of 6-0 (Mr. Kale previously left the meeting) the motion was passed.

D. CASE NO. SUP-13-03 Old Capital Lodge

Ms. Karen Drake presented the staff report. Mr. Terry White on behalf of the trustees of Old Capital Lodge has applied to amend their existing Special Use Permit to allow for a second story expansion to the lodge. The first floor of the lodge would be used for community youth activities, neighborhood events or rented for special events. The second floor expansion will serve as a meeting room for lodge members. Staff recommended approval of the application with conditions listed in the staff report.

Mr. Joe Poole, III opened the public hearing at 9:05 p.m.

Mr. Terry White, applicant and 26-year member, stated the expansion will improve the appearance of the building. Mr. White feels that improving the face of the building will repay older members and attract younger members.

Mr. McCleary asked about the location of the placement of the second floor addition.

Mr. White indicated that addition will be placed front to back over the first floor.

Mr. Joe Poole, III closed the public hearing.

Mr. McCleary moved to approve the application.

Mr. Hunt seconded the motion.

Mr. Poole complimented Mr. White and his brothers for service to the community and supported the application.

In a unanimous roll call vote the motion passed by a vote of 6-0 (Mr. Kale absent).

E. CASE NO. SUP-14-03 JCSA Water Treatment Facility Concentrate Main

Mr. Christopher Johnson presented the staff report. Mr. Larry M. Foster on behalf of the James City Service Authority has applied to amend SUP-3-03 to eliminate the greenway trail condition. Following the approval of SUP-22-01 in June 2002, negotiations for the purchase of the Armistead property ended without an agreement. The County was unsuccessful in later attempts to negotiate an easement and initiated condemnation proceedings to acquire them. The owners have objected to the placement of a trail across their property and construction would not likely occur within the next five years. Given these factors and the higher cost of condemnation for an easement for the trail the decision was made to remove the greenway trail condition. Staff recommended approval of the application.

Mr. Joe Poole, III opened the public hearing at 9:15 p.m.

Ms. Penny Lukakis, a resident of Chanco's Grant, expressed concern that the project keeps changing. She wanted to know if it will ever go through. She would also have liked to see the Greenway Trail installed.

Mr. Leo Rogers stated that the County and the JCSA had been working with the property owners for three years. The final result was condemnation and the Board only authorized condemnation for the underground discharge line. He confirmed that the project is moving forward and expects all permits within eight days.

Mr. Sowers stated that the water treatment plant is under construction.

Mr. Joe Poole, III closed the public hearing.

Mr. McCleary moved to approve the application.

Ms. Wildman seconded the motion.

In a unanimous roll call vote the motion passed by a vote of 6-0 (Mr. Kale absent).

5. PLANNING DIRECTOR'S REPORT

Mr. Marvin Sowers reminded the members that the Board of Supervisors will hold a worksession on July 22nd at 4 p.m. on the Comprehensive Plan. Mr. Sowers also introduced Toya Ricks, the new Administrative Services Coordinator.

Mr. Poole announced he will not be attending the August 4th meeting; Mr. McCleary will chair that meeting. He also commended the hard work of staff, the Steering Committee, the Community Participation Team, and Citizens on the Comprehensive Plan.

6. RECESSMENT

There being no further business, the July 14th, 2003, meeting of the Planning Commission was adjourned at 9:20 p.m.

A. Joe Poole, III, Chairman

O. Marvin Sowers, Jr., Secretary

JAMES CITY COUNTY
DEVELOPMENT REVIEW COMMITTEE REPORT
FROM: 7/1/2003 THROUGH: 7/29/2003

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-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-063-03	District Park Sports Complex Parking Lot Expansion
SP-065-03	Historic Jamestown Collection Building
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-086-03	Colonial Heritage Golf Course
SP-087-03	Busch Gardens Maintenance Storage Building
SP-088-03	Marketplace Shoppes Phase 4
SP-089-03	Ford's Colony - Country Club Redevelopment Plans
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-095-03	KTR Stonemart
SP-096-03	Water Production Facility W-4 Upgrade

SP-097-03	Colonial Heritage Boulevard, Phase 2
SP-098-03	Governor's Land - Golf Facility SP Amendment
SP-099-03	Fence at Foxfield
SP-100-03	Kingsmill East Rivers Edge Phase 4 SP Amend.
SP-101-03	Alltel Williamsburg 2
SP-102-03	Busch Gardens Photo Awning
SP-103-03	CoreSix Precision Glass

B. PENDING FINAL APPROVAL

EXPIRE DATE

SP-027-02	120' Stealth Tower--3900 John Tyler Highway	6/13/2004
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-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-050-03	Wmbg-Jamestown Airport T-Hanger & Parking Exp.	7/29/2004
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-075-03	James City County Fire Station No.2	7/14/2004
SP-076-03	JCSA Five Forks WTF Concentrate Main	7/ 3/2004

C. FINAL APPROVAL

DATE

SP-019-02	Williamsburg Plantation Sec 9,10,11 Units 184-251	7/16/2003
SP-050-02	New Town Sec 2 & 4 - Road/Utility Infrastructure	7/18/2003
SP-133-02	Busch Corporate Center - Wheat Center	7/ 1/2003
SP-043-03	Ford's Colony Sec. 7, Sewer Upgrade	7/ 7/2003
SP-060-03	Williamsburg Plantation Sec 9,10,11 Units 184-251	7/16/2003
SP-068-03	Colonial Heritage - 10th Hole and Driving Range	7/11/2003
SP-073-03	Busch Gardens - Operation Salute Tent	7/ 8/2003
SP-083-03	Busch Gardens - Globe Theater Storage Sheds	7/ 3/2003
SP-085-03	St. Bede's Site Plan Amendment	7/10/2003

SP-094-03 Christmas Mouse SP Amendment
D. EXPIRED

7/17/2003
EXPIRE DATE

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-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-046-03	Drewry Family Subdivision
S-047-03	Greensprings West Ph. 4C
S-050-03	New Town - Sec. 3, 5, 6, Lot 13
S-052-03	Hickory Neck Church BLA
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
S-062-03	Hicks Island - Hazelwood Subdivision
S-063-03	102 Lands End BLA + BLE
S-064-03	Wellington Sec. 3 - BLE between Lot 85 and COS 1
S-065-03	903 Penniman and 700 Maupin BLA

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-021-03	Stonehouse Sec. 2-C Easements	5/ 2/2004
S-039-03	Ford's Colony - Golf Academy BLA	6/18/2004
S-041-03	Williamsburg Physicians Center - Parcel D	6/25/2004
S-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
S-051-03	The Villages at Powhatan, Ph. 5	7/ 7/2004
S-053-03	Hollinger Family Subdivision	6/18/2004
S-061-03	P.W. Development, Inc., Sec. 2	7/30/2004

C. FINAL APPROVAL

DATE

S-099-02	Ford's Colony Sec. 30 - Sanitary Sewer Amend.	7/29/2003
S-113-02	Martin Farm Estates	7/16/2003
S-019-03	Lake Powell Pointe Ph. 4	7/ 2/2003
S-020-03	114 Howard Drive 2 Lot Subdivision	7/15/2003
S-027-03	Stonehouse - Parcel A Plat	7/22/2003
S-037-03	Bush Neck Farm BLA	7/ 9/2003
S-042-03	Sheppard Estates	7/28/2003
S-043-03	Better Buy Building	7/10/2003

D. EXPIRED

EXPIRE DATE

DEVELOPMENT REVIEW COMMITTEE ACTION REPORT

Meeting of July 30, 2003

Case No. S-057-03 Ford's Colony Section 34

Mr. Charles Records, on behalf of Realtec Inc., submitted a site plan proposing 9 single-family residential lots. The parcel is located off Ford's Colony Drive and is further identified as parcel (2-2) on James City County Tax Map (31-4). DRC review is required because the submission proposes the creation of single family lots instead of condominium-style units as reflected in the Ford's Colony Master Plan.

Action: The Development Review Committee voted 3-0 to approve DRC case number S-57-03, Ford's Colony Section 34. Approval of this case determines that the proposed subdivision is consistent with the adopted Ford's Colony Master Plan and the case can proceed towards final approval without amendment of the master plan.

Case No. SP-89-03. Ford's Colony Country Club Redevelopment/Parking Lot Improvements

Mr. Charles Records, on behalf of Realtec Inc., submitted a site plan to reconfigure and expand the existing parking lot from 200 to 397 spaces. The plan also shows two future buildings adjacent to the reconfigured lot to provide overnight hotel accommodations. This parcel is located near the Ford's Colony and St. Andrews drive and is further identified as parcel (1-46) on James City County Tax Map (31-3). Section 24-158 of the James City County Zoning Ordinance requires DRC review to determine if the proposal is consistent with the approved master plan for Ford's Colony.

Action: The DRC found the proposal consistent with the Ford's Colony Master Plan and recommended preliminary approval be granted subject to agency comments.

Case No. S-056-03 Colonial Heritage Phase 1, Section 4

Mr. Richard Smith, on behalf of Colonial Heritage LLC, submitted a subdivision plan proposing the creation of fifty-three new residential lots. The parcel is located at 6895 Richmond road and is further identified as parcel (1-32) on James City County Tax Map (24-3). DRC review is required for subdivisions proposing over fifty lots.

Action: The case was deferred until the September 3, 2003 DRC

Case No. S-055-03/SP-091-03 Colonial Heritage Phase 1, Section 5

Mr. Richard Smith, on behalf of Colonial Heritage LLC, submitted a subdivision plan proposing the creation of 84 residential lots. The parcel is located at 6895 Richmond road and is further identified as parcel (1-32) on James City County Tax Map (24-3). DRC review is required for subdivisions proposing over fifty lots.

Action: The DRC recommended preliminary approval be granted subject to agency comments and the condition that land disturbing not be released until all permitting issues have been resolved.

SPECIAL USE PERMIT-16-03. Williamsburg Winery – Gabriel Archer Tavern

Staff Report for August 4, 2003, Planning Commission Public Hearing

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

PUBLIC HEARINGS:

Building C Board Room; County Government Center

Planning Commission:

August 4, 2003, 7:00 p.m.

Board of Supervisors:

SUMMARY FACTS

Applicant:

Vernon Geddy III

Land Owner:

Patrick Duffeler

Proposed Use:

Continued operation of existing restaurant

Location:

Off of Lake Powell Road next to the Williamsburg Winery

Tax Map/Parcel No.:

(48-4)(1-10)

Primary Service Area:

Inside

Parcel Size:

283.3 acres

Existing Zoning:

R-8, Rural Residential

Comprehensive Plan:

Low Density Residential

Surrounding Zoning:

North and West: R-1, Limited Residential

South and East: R-8, Rural Residential

Staff Contact:

Sarah Weisiger, Planner

Phone: 253-6685

Staff Recommendation:

The applicant has requested a deferral of this case to allow more time to resolve outstanding issues. Staff recommends deferral until the next Planning Commission meeting on September 9, 2003.

Sarah Weisiger
Planner

Attachments:

1. Applicant deferral request

GEDDY, HARRIS, FRANCK & HICKMAN, L.L.P.

ATTORNEYS AT LAW

1177 JAMESTOWN ROAD

WILLIAMSBURG, VIRGINIA 23185

TELEPHONE: (757) 220-6500

FAX: (757) 229-5342

VERNON M. GEDDY, JR.
STEPHEN D. HARRIS
SHELDON M. FRANCK
VERNON M. GEDDY, III
SUSANNA B. HICKMAN

ANDREW M. FRANCK

MAILING ADDRESS:
POST OFFICE BOX 378
WILLIAMSBURG, VIRGINIA 23187-0378

email: vgeddy@widomaker.com

July 25, 2003

Ms. Sarah Weisiger
James City County Planning Department
101-E Mounts Bay Road
Williamsburg, Virginia 23185

Re: Case SUP-16-03/ Williamsburg Winery - Gabriel Archer Tavern

Dear Sarah:

I am writing to confirm my phone message in which I requested on behalf of the applicant that this case be deferred from the August Planning Commission meeting to allow us to meet and resolve the issues we have been discussing. Thanks.

Sincerely,



Vernon M. Geddy III

VMG:s

cc: Mr. Patrick G. Duffeler

Received via email July 24, 2003

Dear Mr. O. Marvin Sowers, Jr.,

I am writing to express my support for the Custom Culinary Connection business. I have known the Aczel family for three years. Jeff and Christy are both fabulous chefs and their business would be a wonderful addition to our community. From the onset of our friendship Christy has shown much interest and desire in running a catering business and is dedicated to this lifelong dream.

Sincerely,
Jennifer Quarles
116 Chandler Court
Williamsburg, VA 23185
229-8381

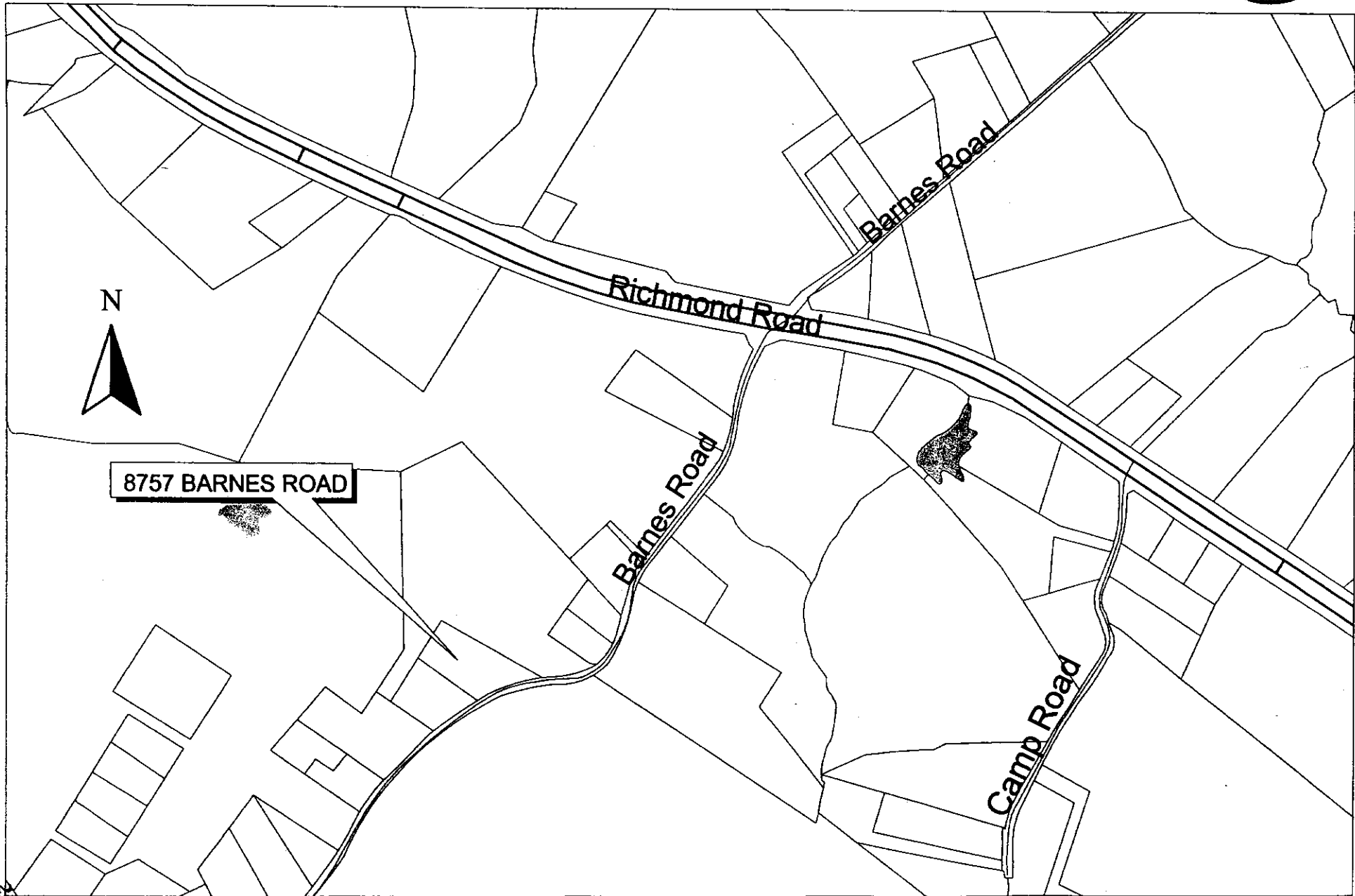
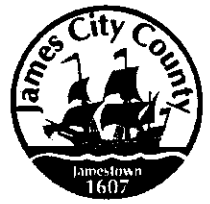
Attention: Marvin Sowers & Matthew Arcieri

We are writing in support of the proposed building and commercial use of the home at 8757 Barnes Road. We are the owners of the adjacent property 8737 Barnes Road. We live next door to Jeff & Christy Aczel and fully encourage and support their business venture. We hope there will be no difficulty in obtaining the special use they are requesting. If we can be of any help in this matter please feel free to contact us at (757) 566-2577 or email us at gallantry@aol.com.

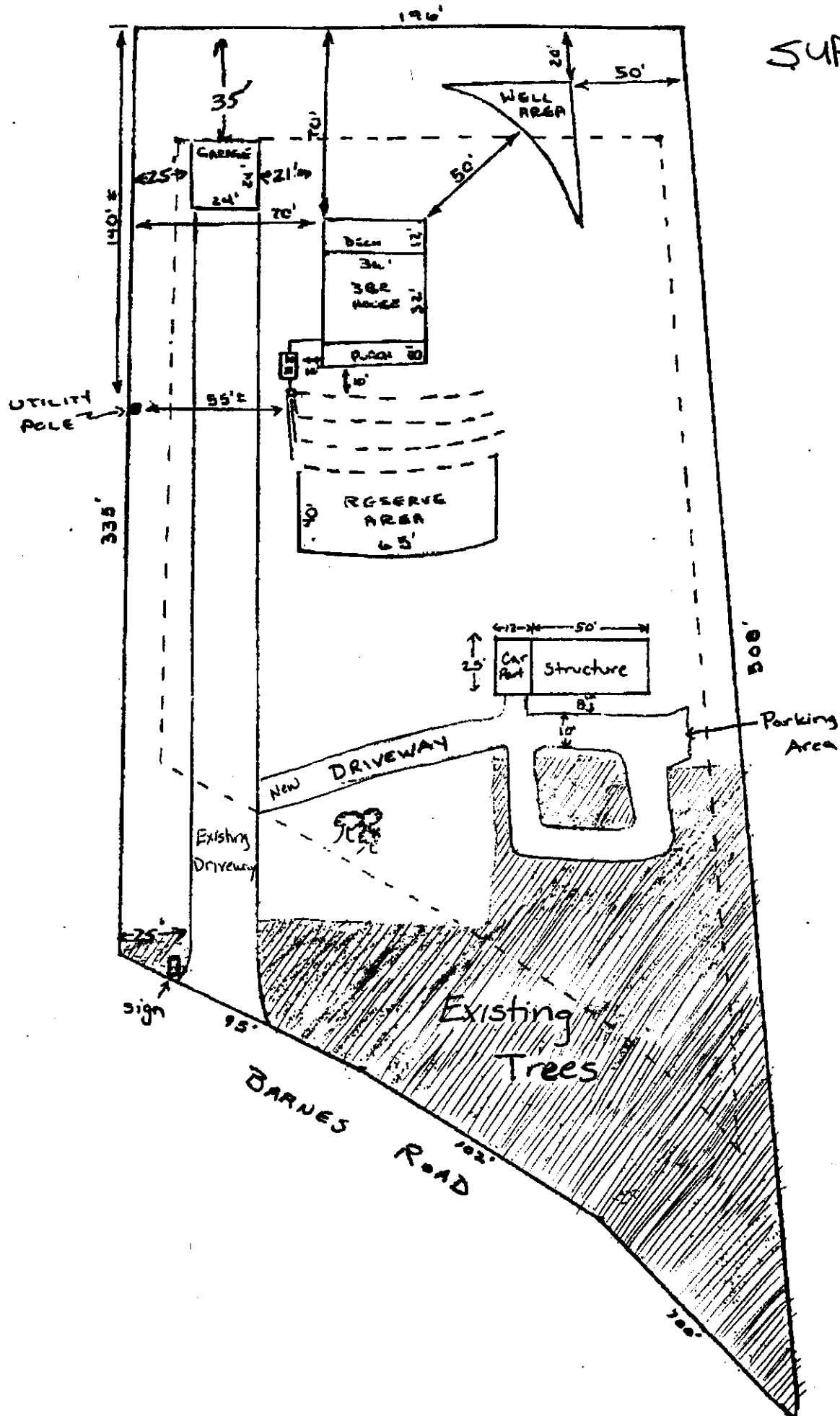
Sincerely,
Robert & Linda Gallant
8737 Barnes Road

SUP-15-03

Custom Culinary Connections: Barnes Road



SUP-15-03



**Special Use Permit-15-03. Custom Culinary Connections: Barnes Road
Staff Report for August 4, 2003, Planning Commission Public Hearing**

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

PUBLIC HEARINGS

Planning Commission: August 4, 2003 - 7:00 p.m. Building C Board Room
Board of Supervisors: September 9, 2003 - 7:00 p.m. Building C Board Room (tentative)

SUMMARY FACTS

Applicant: Jeff and Christy Aczel

Land Owner: Same

Proposed Use: Construct and operate a catering kitchen

Location: 8757 Barnes Road, Stonehouse District

Tax Map/Parcel No.: (10-1)(1-22C)

Primary Service Area: Outside

Parcel Size: 2 acres

Existing Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Surrounding Zoning: The site completely surrounded by land zoned A-1, General Agricultural.

Staff Contact: Matthew Arcieri Phone: 253-6685

RECOMMENDATION

Staff finds the proposal to be consistent with the surrounding zoning and development and, with the proposed conditions, consistent with the Rural Lands Development Standards of the Comprehensive Plan. Staff, therefore, recommends the Planning Commission recommend approval of this application with the attached conditions.

Project Description

Jeffrey and Christy Aczel have applied for a Special Use Permit to construct and operate a catering kitchen adjacent their existing residence on 8757 Barnes Road. The site is located approximately 0.3 miles south of Richmond Road. The property is zoned A-1, General Agricultural. In the A-1 zoning district food processing and storage (defined as the processing of food for eventual human consumption, but not consumed on the premises) is a specially permitted use. Approval of this case would allow the applicant to construct a twenty five foot by fifty foot single story commercial kitchen. All orders for the catering operation would be placed via the internet, phone or fax and delivered by the company to the client - no customers would visit the property. The new kitchen would be constructed to match the existing single family residence. Other conditions of the special use permit would limit lighting, signs and tree clearing in order to further mitigate the impacts of the new structure.

Surrounding Zoning and Development

The property is entirely surrounded by land zoned A-1, General Agricultural. Property along the west side of Barnes Road contains single family dwellings, including the adjacent properties on both sides of the proposed kitchen. Land on the east side of Barnes Road is wooded and undeveloped. Conditions are proposed to retain the residential character and use of the property.

Physical Features & Environmental Considerations

Approximately half of the site has been cleared, including the location of the existing single family residence. The front of the property is heavily wooded. The new kitchen has been located to avoid clearing of these woods. In addition the SUP would require a seventy five foot undisturbed wooded buffer along Barnes Road is a condition to further protect the existing tree buffer and minimize the appearance of the kitchen from Barnes Road.

The proposed kitchen is located approximately 500 feet from a 19th century archaeological site described as the remnants of a farm. However, due to the small size of the project, the fact that much of the site has already been disturbed and the property is not located in a "high sensitivity" area of the County, an archaeological study was not required.

Transportation/Access

Since the proposed conditions prohibit retail sales on the premise, the proposed kitchen is expected to generate few additional vehicle trips. In addition, the applicant will deliver directly to clients, eliminating any need for customers to visit the proposed kitchen. Staff finds that traffic impacts to Barnes Road will be minimal.

The proposed catering kitchen would utilize the gravel driveway serving the existing single family residence and the SUP includes a condition to prohibit additional entrances onto Barnes Road. The Virginia Department of Transportation has expressed concerns that sight distance is not suitable for a commercial entrance at this location on Barnes Road. Because the kitchen is a commercial use VDOT will require improvements during the site plan process to bring the existing driveway up to commercial standards. Given that the proposal will generate little additional

traffic, commercial entrance improvements should address potential safety issues caused by sight distances on Barnes Road

Utilities

This site is located outside the Primary Service Area and is serviced by private well and septic system. The Health Department has reviewed the proposal and recommends that a separate septic system be installed for the catering kitchen. Based on sewage flows at other local catering kitchens, the proposed kitchen will be limited to sewage flows of 450 gallons per day. Soils testing indicates that the property can accommodate a second system. The existing well produces 35 gallons per minute which is more than sufficient to accommodate the new kitchen.

Comprehensive Plan Considerations

The 1997 James City County Comprehensive Plan designates this property as rural lands. The plan states that small commercial uses may be located on the basis of a case-by-case review, provided such uses are compatible with the natural and rural character of the area, in accordance with the Development Standards of the Comprehensive Plan. These uses should be located in a manner that minimizes effects on agricultural and forestal activities, and located where public services and facilities, especially roads, can adequately accommodate them.

The Rural Lands Development Standards of the Comprehensive Plan state:

1. Preserve the natural, wooded, and rural character of the County. Particular attention should be given to locating structures and uses outside of sensitive areas; maintaining existing topography, vegetation, trees, and tree lines to the maximum extent possible, especially along roads and between uses; discouraging development on farmland; encouraging enhanced landscaping of developments located in open fields using a natural appearance or one that resembles traditional hedgerows and windbreaks; locating new roads so that they follow existing contours and old roadway corridors whenever feasible; limiting the height of structures to an elevation below the height of surrounding mature trees whenever possible; minimizing the number of street and driveway intersections along the main road by providing common driveways and interconnection of developments; and utilizing lighting only where necessary and in a manner that eliminates glare and brightness.
2. Site non-agricultural/non-forestal uses in areas designated "Rural Lands" so that they minimize impacts or do not disturb agricultural/forestal uses, open fields, and important agricultural/forestal soils and resources. Sufficiently screen the non-agricultural/non-forestal uses to preserve open spaces and minimize visual impact from public roads. Encourage the preservation of existing agricultural structures such as barns and silos.

The small scale of the proposed catering option as well as the restriction of retail sales on the site will minimize traffic and other impacts on the site. The proposal satisfies the development standards of the Comprehensive Plan by utilizing the existing entrance onto Barnes Road, by preserving the tree buffer along Barnes Road and by minimizing visual impacts through signage, lighting and architectural conditions in the Special Use Permit. Staff finds that, with the proposed

conditions, the proposal is consistent with the Rural Lands Development Standards of the Comprehensive Plan.

RECOMMENDATION

Staff finds the proposal to be consistent with the surrounding zoning and development and, with the proposed conditions, consistent with the Rural Lands Development Standards of the Comprehensive Plan. Staff, therefore, recommends the Planning Commission recommend approval of this application with the following conditions:

1. This Special Use Permit shall be valid for the operation of a detached catering kitchen of up to 2,000 square feet and accessory uses thereto. No articles shall be displayed or otherwise offered for sale upon the premises. The existing residence shall continue to be used primarily as a single-family dwelling with any exterior modifications approved by the Planning Director.
2. The property shall be developed generally in accordance with the master plan submitted with the application, with minor changes, including the location, design and landscaping of the driveway and parking in order to effectively screen it from Barnes Road, approved by the Planning Director.
3. Only one entrance shall be allowed onto Barnes Road.
4. A minimum 75-foot undisturbed buffer, free of structures and paving, shall be provided along Barnes Road with the exception of clearing necessary for improvements to the existing driveway. Tree clearing on the entire property shall be limited to the minimum necessary to accommodate the catering kitchen and related driveway, entrance improvements and facilities as determined by the Planning Director.
5. 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 with existing structures in terms of design, materials, and colors, have a residential appearance, and are designed for minimal visual impact.
6. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 15 feet in height and/or other structures and shall be recessed fixtures 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 extend outside the property lines.
7. One freestanding sign shall be permitted on the site. The sign shall be ground mounted and shall not exceed a cumulative size of sixteen square feet or a height of six feet and approved by the Planning Director. The sign shall not be illuminated.
8. Construction on this project shall commence within twenty-four (24) months from the date of approval of this special use permit or this permit shall be void. Construction shall be defined as obtaining permits for building construction and installation of footings and/or foundations.

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

Matthew D. Arcieri

Attachments:

1. Location Map
2. Proposed Site Layout
3. Email from Jennifer Quarles dated July 24, 2003

Rezoning 5-03; Master Plan 6-03; Design Guidelines. WindsorMeade Marketplace

Staff Report for the August 4, 2003, Planning Commission meeting

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

PUBLIC HEARINGS

7:00 p.m.; Building C Board Room; County Government Complex

Planning Commission:

August 4, 2003

Board of Supervisors:

October 14, 2003 (Tentative)

SUMMARY FACTS

Applicant:

Mr. Alvin Anderson of Kaufman & Canoles

Land Owner:

C.C. Casey Limited Company

Tax Map ID:

(38-3) (1-2); (38-3)(1-5); (38-3)(1-6); (38-3)(1-7); (38-3)(1-8); and (38-3)(1-34)

Proposal:

To rezone approximately 34.49 acres to allow for the construction of a 200,000 square feet commercial shopping center.

Location:

4692, 4696, 4700, 4704, 4710, and 4740 Old News Road

Primary Service Area:

Inside

Existing Zoning:

R-8, Rural Residential

Proposed Zoning:

Mixed Use, with proffers

Comprehensive Plan:

Mixed Use and Low Density Residential

Surrounding Zoning:

North: MU, WindsorMeade; R-4, Ford's Colony

South: R-4, Marketplace Shoppes; R-8, single-family residences

East: R-8, undeveloped portion of New Town

West: R-4, Monticello Marketplace; R-8, single-family residences

Staff Contact:

Christopher Johnson

Phone: 253-6685

STAFF RECOMMENDATION

Staff recommends deferral of these applications until the next regularly scheduled Planning Commission public hearing on September 8, 2003, in order to allow staff and the applicant to resolve any outstanding issues and to allow VDOT to offer a recommendation on the

traffic impact study submitted with this proposal. With the exception of traffic management issues, the remaining issues to be addressed are relatively minor.

Project Description

Mr. Alvin Anderson of Kaufman & Canoles 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, for a commercial shopping center. The proposed shopping center will contain up to 200,000 square feet of commercial space including the main center, out parcels along WindsorMeade Way and Monticello Avenue. WindsorMeade Way provides access to all 185 acres of this portion of New Town. It will serve the proposed shopping center, the Virginia United Methodist Homes continuing care facility and future residential uses on the remaining acreage. Submission and approval of a Master Plan and Design Guidelines are required under the adopted proffers applicable to the property. The property is located within Section 11 in the West Sector of New Town.

The West Sector was allocated a maximum of 183,700 square feet of non-residential density in the New Town Master Plan. The Virginia United Methodist Homes proposal utilized 34,100 square feet of non-residential square footage originally envisioned for office and retail space within Sections 12 and 13. With the approval of the United Methodist Homes proposal, 149,600 square feet of non-residential density remained for the West Sector. The WindsorMeade Marketplace proposal utilizes all remaining non-residential density and proposes to reduce the amount of future high-density residential square footage in Section 12 by seven units to increase the non-residential square footage for the project to 200,000 square feet.

Proffers

The applicant has submitted draft proffers as part of this project. The proffers address the following issues which will be discussed throughout the report: owner's association, development criteria, traffic and road improvements, water conservation, and a conservation study for the existence of small whorled pogonia on the property.

Surrounding Development and Zoning

The property is generally bounded by Route 199 to the east, Monticello Avenue to the south and Old News Road to the west. The site is currently zoned R-8, Rural Residential, with proffers as part of the New Town Master Plan adopted in 1997. The New Town rezoning consisted of a mixed use master plan for the entire Casey New Town site (approximately 622 acres) including binding proffers. However, each section of New Town requires a rezoning to Mixed Use.

To the north of the site are Sections 12 and 13 of the West Sector of New Town. A portion of the undeveloped property immediately to the north of the site is designated for high-

density residential uses and is zoned R-8, Rural Residential. The Virginia United Methodist Home site was rezoned to Mixed Use in 2001. Further to the north is a portion of the Ford's Colony Master Planned Community which was originally part of New Town but was purchased by Ford's Colony and rezoned to R-4 in 1998. To the east of the site, across Route 199, is the East Sector of New Town, which is currently undeveloped. To the south of the site, across Monticello Avenue, is a mix of single family residences and undeveloped land adjacent to the Marketplace Shoppes. To the west of the site is the Monticello Marketplace shopping center, zoned R-4 as part of the Powhatan Secondary master planned community. Since the property is predominantly surrounded by master planned communities, immediately adjacent to other commercial uses and part of a binding master plan which permits this development, staff finds that the proposal is consistent with the surrounding zoning and land use.

Topography and Physical Features

The property is currently heavily wooded, primarily with upland hardwoods and secondary growth. The property shows signs of having been forested in the past. Moderate slopes exist on portions of the property, specifically along the northwest boundary of the site. No evidence of endangered species or small whorled pogonia habitat exist within the project area. No portions of the property lie within the FEMA determined 100-year floodplain limits and no RPA features are present on the site.

Any rezoning of the Section 11 property would be subject to the provisions of the Powhatan Creek Watershed management Plan. The 34.49 acre site is situated in Subwatershed 209 and 210 of the Powhatan Creek watershed, more specifically catchments 209-101-1 and 210-202-1. Primary strategies for subwatershed 209 include the use of onsite stormwater management and the concentration of open space along streams and wetlands, which are identified as high quality. For subwatershed 210, primary strategies include the concentration of open space along streams and wetlands and possible stream restoration.

Utilities

The site is located inside the Primary Service Area (PSA) and public water and sewer are available.

Water Conservation

A proffer has been submitted which requires development of water conservation standards to be approved by the James City Service Authority. The standards will address such water conservation measures as limitations on installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. Staff finds this proffer acceptable since no public water will be utilized for irrigation unless approved by the James City Service Authority and additional efforts will be made to conserve water.

Traffic Impact Study

As required by the existing New Town proffers, the applicant submitted a traffic impact study that addresses the impacts this proposal will have on all intersections surrounding the New Town development area. The site will be accessed off of Monticello Avenue from WindsorMeade Way and Old News Road. The applicant has held several meetings with representatives from VDOT to clarify issues pertaining to the traffic impact study submitted with this proposal as well as the previously approved traffic study submitted with the Virginia United Methodist Home proposal in 2001. The adopted Master Plan is designed to balance transportation needs with development potential. At this point, staff and VDOT's review of the traffic impact study is not to the point where it can be concluded whether the additional 50,000 square feet of non-residential development will maintain this balance. Staff believes that the traffic impacts created by this development must be sufficiently mitigated so that there is no significant degradation in traffic operation on Monticello Avenue as compared to the approved West Sector development allowed under the adopted Master Plan. Staff will offer a recommendation with regard to traffic impacts and mitigation once a recommendation from VDOT is received. Staff intends to work diligently with VDOT and the applicant to allow for Commission action in September.

Fiscal Impact Statement

The project's Fiscal Impact Study shows the development to have a positive fiscal impact on James City County. When the New Town Master Plan was approved in 1997, the overall project site was assigned a maximum residential and maximum non-residential development level. The original New Town Fiscal Impact Study determined the overall build-out of New Town would have a positive fiscal impact for the County. Regarding the West Sector, (Sections 11, 12 and 13), the New Town Fiscal Impact Study analyzed a development potential with a mixture of single-family residences, offices, and retail square footage.

New Town Master Plan / Design Guidelines

The New Town Master Plan designates this section of New Town, Section 11, as a Gateway Commercial District. The retail centers within the town are typically located along Monticello Avenue and therefore serve as gateways and addresses to the neighborhoods beyond them. These commercial centers establish the first image and impression of the town to those who pass by or visit from other areas in the region. The buildings of these gateway centers should be architecturally compatible with those of the Southern Civic District to the west. Master Plan Section 11 serves as the front door to residential neighborhoods beyond them and should serve to transition uses from mixed use and commercial to residential.

Additionally, property in the New Town area is required to adhere to an approved set of Design Guidelines. The Design Guidelines outline issues such as street layout, building design, and architectural materials. The proffers and Design Guidelines require design approval from the New Town Design Review Board (DRB) prior to submission of a rezoning

application. The New Town DRB approved the design of this proposal on April 17, 2003. The Design Guidelines also require the approval of the Planning Commission and Board of Supervisors, and have been proffered. Staff supports the finding by the DRB and believes that the design guidelines will ensure a high quality design consistent with New Town and the quality of existing development by this developer.

Comprehensive Plan

The James City County Comprehensive Plan Land Use Map designates these properties as Mixed Use and Low Density Residential. Mixed Use areas are centers within the PSA where higher density development, redevelopment, and/or a broader spectrum of land uses are encouraged. Mixed Use areas are located at or near state interchanges and the intersections of major throughfares are intended to maximize the economic development potential of these areas by providing areas primarily for more intensive commercial, office, and limited industrial purposes. Mixed Use areas are intended to provide flexibility in design and land uses in order to protect and enhance the character of the area. Moderate to high-density residential uses could be encouraged in mixed use areas where such development would compliment and be harmonious with existing and potential development.

Mixed Use developments require nearby police and fire protection, arterial road access, access to public utilities, large sites, environmental features such as soils and topography suitable for such development, and proximity or easy access to large population centers. Master Plans are encouraged to assist in the consideration of mixed use development proposals. The consideration of development proposals in mixed use areas should focus on the development potential of a given area compared to the area's infrastructure and the relation of the proposal to the existing and proposed mix of land uses and their development impacts.

The New Town area is listed on the Comprehensive Plan as "Casey Fields Area." For the area in the vicinity of Route 199/Monticello Avenue, the principal suggested land uses are a mixture of commercial, office, and limited industrial with residential uses as secondary uses. The development in this area should be governed by a detailed Master Plan which provides guidelines for street, building, and open space design and construction which complements the scale, architecture, and urban pattern found in the City of Williamsburg.

Staff finds this proposal to be consistent with the Mixed Use designation of the Comprehensive Plan.

Recommendation:

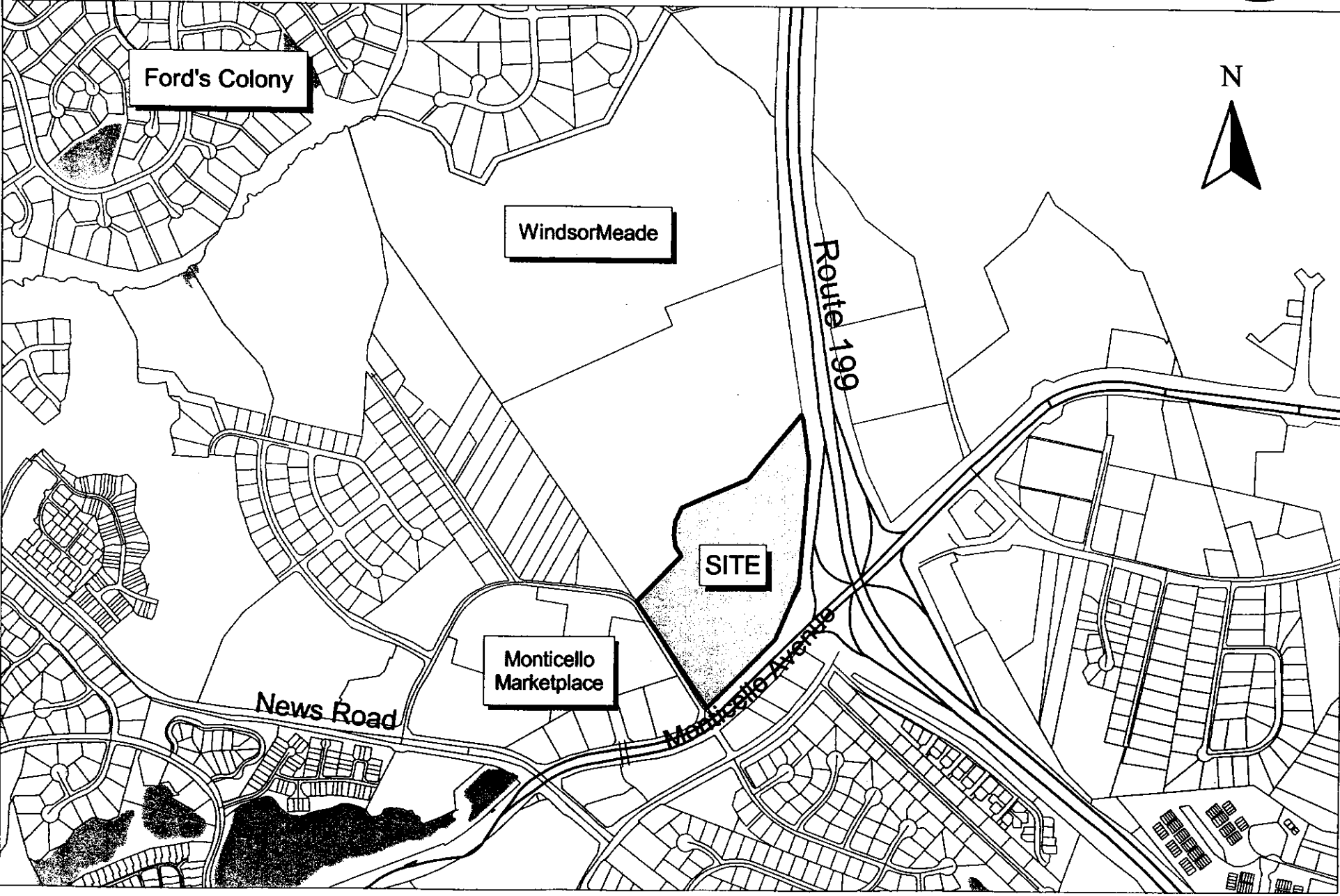
Staff recommends deferral of these applications until the next regularly scheduled Planning Commission public hearing on September 8, 2003, in order to allow staff and the applicant to resolve any outstanding issues and to allow VDOT to offer a recommendation on the traffic impact study submitted with this proposal. With the exception of traffic management issues, the remaining issues to be addressed are relatively minor.

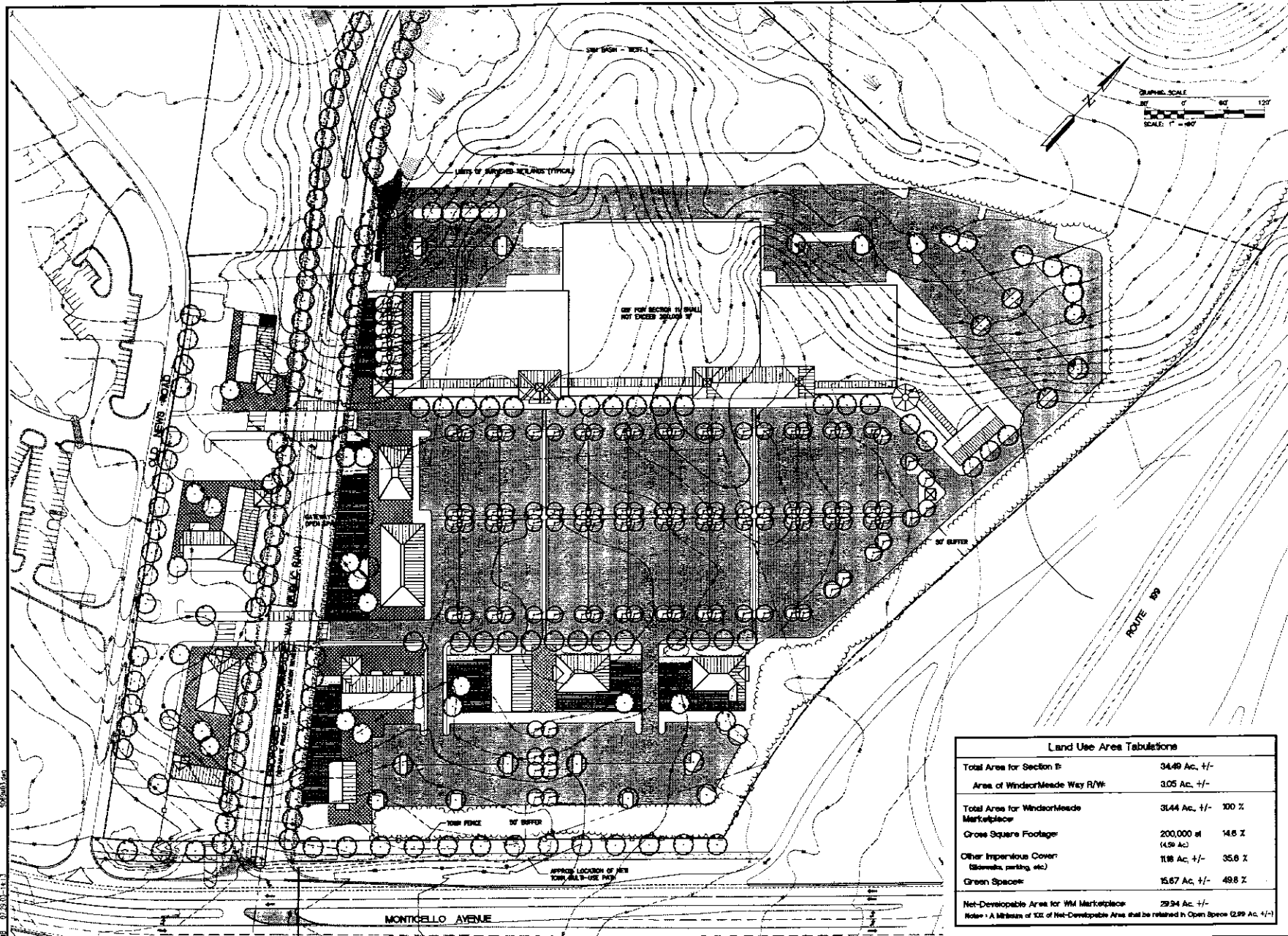
Attachments:

1. Location map
2. Conceptual site plan
3. Design Guidelines (separate cover)
4. Master Plan (separate cover)
5. Proffers

Z-05-03

WindsorMeade Marketplace





Land Use Area Tabulations			
Total Area for Section II:	34.49 Ac. +/-		
Area of Windbormeade Way R/W:	3.05 Ac. +/-		
Total Area for Windbormeade Marketplace	31.44 Ac. +/-	100 %	
Gross Square Footage:	200,000 sf (4.59 Ac.)	14.6 %	
Other Impervious Cover: (Roofs, parking, etc.)	11.98 Ac. +/-	35.6 %	
Green Space:	15.67 Ac. +/-	49.8 %	
Net-Developable Area for WM Marketplace	29.34 Ac. +/-		
Note: A Minimum of 5% of Net-Developable Area shall be retained in Open Space (2.99 Ac. +/-)			

CONCEPTUAL SITE PLAN FOR REZONING
WINDBORMEADE MARKETPLACE
 SECTION II, NEW TOWN WEST
 OWNER: C.C. CHARTER LIMITED CO.
 PREPARED BY: JAMES CITY COUNTY



2548 Old Town Road, Suite 1
 Williamsburg, Virginia 23188
 (757) 230-0040
 Fax: (757) 230-8864

DATE	REVISION / COMMENTS / USER

WINDSORMEADE MARKETPLACE PROFFERS

THESE PROFFERS are made as of this 4th day of July, 2003 by C. C.

CASEY LIMITED COMPANY, a Virginia limited liability company (together with its successors and assigns, "Casey") (index as a "grantor"); VIRGINIA DEPARTMENT OF TRANSPORTATION ("VDOT") (index as a "grantor"); and the COUNTY OF JAMES CITY, VIRGINIA (the "County") (index as the "grantee").

RECITALS

R-1. Casey is the owner of certain real property in James City County, Virginia, being more particularly described on EXHIBIT A attached hereto and made a part hereof (the "Property").

R-2. VDOT is the owner of certain real property in James City County, Virginia, being more particularly described on EXHIBIT B attached hereto and made a part hereof (the "VDOT Property").

R-3. VDOT joins in these proffers solely to show that VDOT consents to the rezoning, but VDOT does not guarantee or warrant performance of any proffer by Casey.

R-4. The real property described on Exhibits A and B inclusive shall be referred to collectively herein as the "Property."

R-5. The Casey Property is subject to the New Town Proffers (the "New Town Proffers"), dated December 9, 1997, of record in the Clerk's Office of the Circuit Court for the

City of Williamsburg and County of James City, Virginia (the "Clerk's Office") as document no. 980001284.

R-6. The New Town Proffers provide for development of the Property in accordance with (i) a conceptual master land use plan entitled, "NEW TOWN PLAN" prepared by Cooper, Robertson & Partners and AES Consulting Engineers, dated July 23, 1997, and revised December 8, 1997 (the "New Town Master Plan"), and (ii) design guidelines entitled "NEW TOWN DESIGN GUIDELINES, JAMES CITY COUNTY, VIRGINIA" prepared by Cooper, Robertson & Partners dated September 3, 1997 (the "New Town Design Guidelines").

R-7. In furtherance of the vision embodied in the New Town Master Plan and New Town Design Guidelines, Casey has applied for a rezoning of the Property from R-8, Rural Residential, with proffers to MU, Mixed-Use, with proffers. The rezoning of the Property to MU, with proffers, is in fact consistent both with the land use designation for the Property on the County's Comprehensive Plan and the statement of intent for the MU zoning district set forth in Section 24-514 of the County's Zoning Ordinance in effect on the date hereof (the "Zoning Ordinance").

R-8. Casey has submitted an update to the Community Impact Statement previously filed with the County's Director of Planning which satisfies the requirements of Section 24-515(c) of the Zoning Ordinance and the New Town Proffers, which update to the Community Impact Statement includes, without limitation, an updated Fiscal Impact Study which has been reviewed and accepted by the County in connection with the rezoning request referenced above. The update to the Community Impact Statement, as well as the Community Impact Statement, are on file with the County's Director of Planning.

R-9. Pursuant to subsection 2(b) of the New Town Proffers, there has been established a Design Review Board ("DRB") for development of the property subject to the New Town Proffers.

R-10. Pursuant to the New Town Proffers, the DRB is charged with the responsibility of rendering a written advisory recommendation to the County's Planning Commission and to the County's Board of Supervisors as to the general consistency with the New Town Master Plan and the New Town Design Guidelines of any proposed master plans and guidelines in future rezonings of the property subject to the New Town Proffers.

R-11. Casey has previously submitted to the DRB, and the DRB has previously approved in writing, as consistent with both the New Town Master Plan and the New Town Design Guidelines, a master plan entitled "Master Plan for Rezoning of WindsorMeade Marketplace", dated January 30, 2003 (the "Marketplace Master Plan") and design guidelines entitled "WindsorMeade Marketplace Design Guidelines", dated May 1, 2003 (the "Marketplace Guidelines") for the Property, copies of which Marketplace Master Plan and Marketplace Guidelines are on file with the County's Director of Planning.

R-12. Pursuant to the New Town Proffers, a Phase I Archaeological Study recommending no further treatment or further study for the Property, entitled "A Phase I Archaeological Survey of the Casey Property, James City County, Virginia", dated July 30, 1990, prepared for the Casey Family c/o Virginia Landmark Corporation by the William and Mary Archaeological Project Center, has been submitted to, and reviewed and approved by, the County Director of Planning.

R-13. The provisions of the Zoning Ordinance, Section 24-1, et seq., may be deemed inadequate for protecting and enhancing orderly development of the Property. Accordingly,

Casey, in furtherance of its application for rezoning, desires to proffer certain conditions which are specifically limited solely to those set forth herein in addition to the regulations provided for by the Zoning Ordinance for the protection and enhancement of the development of the Property, in accordance with the provisions of Section 15.2-2296 *et seq.* of the Code of Virginia (1950), as amended (the "Virginia Code") and Section 24-16 of the Zoning Ordinance.

R-14. The County constitutes a high-growth locality as defined by Section 15.2-2298 of the Virginia Code.

NOW, THEREFORE, for and in consideration of the approval by the Board of Supervisors of the County of the rezoning set forth above and the Marketplace Master Plan, the Marketplace Guidelines and all related documents described herein, and pursuant to Section 15.2-2296, et seq., of the Virginia Code, Section 24-16 of the Zoning Ordinance and the New Town Proffers, Casey agrees that all of the following conditions shall be met and satisfied in developing the Property.

PROFFERS:

1. Application of New Town Proffers, Master Plan and Design Guidelines. Unless otherwise specifically noted herein, these Proffers shall supercede and amend and restate in their entirety the New Town Proffers, the New Town Master Plan and the New Town Design Guidelines, but only as to the Property.

2. New Town Owner's Association. Casey shall (i) organize an owner's association or associations in accordance with Virginia law in which all owners of the Property, by virtue of their property ownership, shall be members of an association, or (ii) execute a

supplemental declaration and record it in the Clerk's Office submitting all or a portion of the Property to an existing owner's association comprised of owners of property within the New Town Master Plan and amendments thereto. Any articles of incorporation, bylaws, declarations, or supplemental declarations (together, the "Governing Documents") creating and governing such association(s) shall be submitted to and reviewed by the County Attorney for consistency with this Proffer.

3. Development Process and Land Use.

(a) Development. The Property shall be developed in one or more phases generally in accordance with the Marketplace Master Plan and the Marketplace Design Guidelines, including, but not limited to, the land uses, densities and design set forth therein; however, all of such development shall be expressly subject to such changes in configuration, composition and location as required by all other governmental authorities having jurisdiction over such development.

(b) DRB Authority, Duties and Powers. All subdivision plats, site plans, landscaping plans, architectural plans and elevations and other development plans for the Property shall be submitted to the DRB for review and approval in accordance with the manual entitled "NEW TOWN DESIGN PROCEDURES JAMES CITY COUNTY", as the same may be amended by the DRB from time to time, and such other rules as may be adopted by the DRB from time to time, for general consistency with the Marketplace Master Plan and Marketplace Guidelines. Evidence of DRB approval of plans required to be submitted to the County for approval shall be provided with any submission to the County Department of Development Management of such plans. The County shall not be required to review any subsequent development plans not receiving the prior approval of the DRB. In reviewing applications,

development plans and specifications, the DRB shall consider the factors set forth in the Marketplace Master Plan and/or the Marketplace Guidelines. The DRB shall advise of either (i) the DRB's recommendation of approval of the submission, or (ii) the areas or features of the submission which are deemed by the DRB to be materially inconsistent with the applicable Marketplace Guidelines and/or the Marketplace Master Plan and the reasons for such finding and suggestions for curing the inconsistencies. The DRB may approve development plans that do not strictly comply with the Marketplace Master Plan and/or the Marketplace Guidelines, if circumstances, including, but not limited to, topography, natural obstructions, hardship, economic conditions or aesthetic or environmental considerations, warrant approval. All structures and improvements and open space, wetlands and other natural features on the Property shall be constructed, improved, identified for preservation, left undisturbed or modified, as applicable, substantially in accordance with the plans and specifications as finally approved by the DRB.

(c) Procedures for Changes to Marketplace Master Plan and Marketplace Guidelines. Applications to change the Marketplace Master Plan and/or the Marketplace Guidelines are to be made to the Planning Commission or the Board of Supervisors, as appropriate, as hereinafter provided and in accordance with the Zoning Ordinance.

In accordance with Section 24-518 of the Zoning Ordinance, all of such amendments shall be subject to the approval of the County Planning Commission if, after reviewing written confirmation from the County's Director of Planning, the Planning Commission concludes that the changes do not significantly alter the character of the land uses or other features or conflict with any conditions placed on the approval of the rezoning.

No amendment of the Marketplace Master Plan and/or Marketplace Guidelines which significantly alters the character of land uses or other material features or conflicts with any conditions placed on approval of the rezoning as determined by the County's Director of Planning, and, if applicable under Section 24-518 of the Zoning Ordinance, the Planning Commission, shall be effective unless approved by the County Board of Supervisors.

Any change or amendment shall apply after its effective date but shall not require modification or removal of any previously approved construction.

(d) Limitation of Liability. Review of and recommendations with respect to any application and plans by the DRB is made on the basis of aesthetic and design considerations only and the DRB shall not have any responsibility for ensuring the structural integrity or soundness of approved construction of modifications, nor for ensuring compliance with building codes or other governmental requirements, or ordinances or regulations. Neither the Casey, the County, the DRB nor any member of the DRB shall be liable for any injury, damages or losses arising out of the manner or quality of any construction on the Property.

(e) Land Use. As a result of the rezoning sought in connection with these Proffers, "Table 1, Land Use and Density Tabulation: Residential, West Side" and "Table 2, Land Use and Density Tabulation: Non-Residential, West Side" shown on page 2 of the New Town Master Plan are hereby amended to reflect the densities and land uses specified in EXHIBIT C attached hereto. Except as hereby amended, the Tables and Charts on page 2 of the New Town Master Plan shall remain unchanged.

4. Traffic Study and Road Improvements.

(a) In accordance with the requirements of Section 4 of the New Town Proffers, Casey has submitted to the County an updated traffic study entitled "TRAFFIC STUDY

FOR PROPOSED S. L. NUSBAUM SHOPPING CENTER AT MONTICELLO AVENUE/WINDSORMEADE WAY, JAMES CITY COUNTY, VIRGINIA", dated May 28, 2003, prepared by DRW Consultants, Inc., Midlothian, Virginia (the "Traffic Study"), which is on file with the County's Director of Planning.

(b) The following entrance and road improvements shall be completed (or bonded pursuant to the County Code) for the Monticello Avenue/WindsorMeade Way intersection when warranted as determined by VDOT:

- (i) A second eastbound left turn lane on Monticello Avenue
- (ii) A westbound right turn lane on Monticello Avenue
- (iii) On WindsorMeade Way, a minimum of three lanes approaching Monticello Avenue (two left turn lanes and one right turn lane) and two lanes departing Monticello Avenue.

A traffic signal shall be designed and installed (or bonded pursuant to the County Code) when warranted as determined by VDOT at the Monticello Avenue/WindsorMeade Way intersection, which traffic signal shall include, subject to VDOT approval, traffic signal preemption equipment meeting VDOT design standards and acceptable to the James City County Fire Department. Any costs incurred in designing, installing, or bonding the aforementioned traffic signal shall be less the \$10,000.00 previously proffered in paragraph 5 of the "WindsorMeade Proffers" recorded in the Clerk's Office at Instrument No. 010020618.

5. Water Conservation. The owner's association to be established pursuant to paragraph 2 shall be responsible for establishing, as to the Property, water conservation standards to be submitted to and approved by James City Service Authority (the "JCSA"). The standards shall address such water conservation measures as limitations on installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public

water resources. Design features, including the use of drought tolerant grasses and plantings, a water conservation plan, and drought management plan shall be implemented to reduce the total irrigated area of the Property in order to accomplish the limitation on use of public water and groundwater. The standards shall be approved by the JCSA prior to approval of the first site plan for development of the Property or any portion thereof.

6. Small Whorled Pogonia. Casey shall cause a survey to be conducted of the Property for small whorled pogonias. The location of any small whorled pogonias located on the Property shall be shown on all subdivision or other development plans of the Property. Before any land disturbing activity is allowed in the vicinity of the small whorled pogonias identified, if any, on the Property, a conservation plan shall be prepared by the Casey in accordance with state and federal laws applicable to the Property at the time of development of the conservation plan and said conservation plan shall be submitted for information purposes to the County's Director of Planning. Casey shall be deemed to have complied with this proffer if satisfactory evidence is submitted to the County's Director of Planning that the required survey has been performed and that no small whorled pogonia habitat has been found.

7. Notwithstanding anything in these Proffers to the contrary, the failure by Casey to comply with one or more of the conditions of these Proffers in developing the Property which failure does not specifically apply to portions of the Property transferred to a bona fide transferee for value ("Transferred Portions") will not affect the right of such subsequent owner or owners of Transferred Portions of the Property to develop such Transferred Portions owned by them, in accordance with these Proffers and other applicable provisions of the County's Zoning Ordinance.

MISCELLANEOUS PROVISIONS

8. Successors and Assigns. This Proffer Agreement shall be binding upon and shall inure to the benefit of the Casey and the County, and their respective heirs, successors and/or assigns. Any obligation(s) of Casey hereunder shall be binding upon and enforceable against any subsequent owner or owners of the Property or any portion thereof.

9. Severability. In the event that any clause, sentence, paragraph, section or subsection of these Proffers shall be judged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Property or to any government agency is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, section or provision hereof.

10. Conflicts. In the event there is a conflict between: (1) these Proffers, the Marketplace Guidelines, and/or the Marketplace Master Plan; and (2) the New Town Proffers, the New Town Master Plan and/or the New Town Guidelines, then these Proffers, the Marketplace Guidelines and the Marketplace Master Plan shall govern. In the event that there is any conflict between these Proffers and the Zoning Ordinance, the conflict shall be resolved by the County's Zoning Administrator subject to the appeal process to the Board of Supervisors and the Courts or as otherwise provided by law.

11. Signature by the County. The County's Director of Planning has executed these Proffers solely for purpose of confirming the filings and submissions described herein and

confirming approval by the Board of Supervisors of the rezoning of the Property with these Proffers by resolution dated _____, 20__.

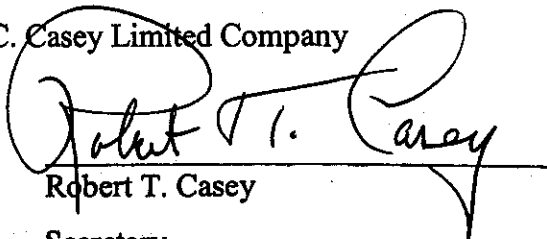
12. Headings. All section and subsection headings of Conditions herein are for convenience only and are not a part of these Proffers.

13. Conditions Applicable Only To The Property. Notwithstanding anything in these Proffers to the contrary, the failure to comply with one or more of the conditions herein in developing the Property shall not affect the rights of Casey and its successors in interest to develop its other property in accordance with the other applicable provisions of the County Zoning Ordinances.

WITNESS the following signatures, thereunto duly authorized:

C. C. Casey Limited Company

By:


Robert T. Casey

Its: Secretary

COMMONWEALTH OF VIRGINIA

~~CITY~~/COUNTY OF James City, to wit:

The foregoing instrument was acknowledged before me this 14th day of July, 2003 by Robert T. Casey as Secretary of C. C. Casey Limited Company, a Virginia limited liability company, on its behalf.


NOTARY PUBLIC

My commission expires: 2/28/2005

Virginia Department of Transportation

By: _____
Oliver Warren Williams

Its: District Right of Way and Utilities Manager

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____, to wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by Oliver Warren Williams as District Right of Way and Utilities Manager for the Virginia Department of Transportation, on its behalf.

NOTARY PUBLIC

My commission expires: _____

THE COUNTY OF JAMES CITY, VIRGINIA

By: _____
O. Marvin Sowers

Its: Director of Planning

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____, to wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by O. Marvin Sowers as Director of Planning for the County of James City, Virginia, on its behalf.

NOTARY PUBLIC

My commission expires: _____

APPROVED AS TO FORM:

By: _____
Leo P. Rogers

Its: Deputy County Attorney

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____, to wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by Leo P. Rogers as Deputy County Attorney for the County of James City, Virginia.

NOTARY PUBLIC

My commission expires: _____

EXHIBIT A

(The Casey Property)

All those certain lots, parcels or tracts of land, situate and lying in the Powhatan District of James City County, Virginia, containing 34.13 acres more or less and being a portion of the same property as shown on a map entitled "Master Plan For Rezoning, Windsormeade Marketplace, Section 11, New Town West, Owner: C. C. Casey Limited Company", prepared by AES Consulting Engineers and dated June 02, 2003.

Said parcels are more particularly described by metes and bounds as follows:

Beginning at a point on the northerly right-of-way line of Monticello Avenue Extended, State Route #321, said point being S28°41'04"W, 358.65' from the intersection of the westerly right-of-way line of State Route #199 and the northerly right-of-way line of said Monticello Avenue Extended, State Route #321, a corner to the property described hereon and the property now or formerly standing in the name of the Commonwealth of Virginia; thence leaving said corner of the property now or formerly standing in the name of the Commonwealth of Virginia and lying along the right-of-way line of Monticello Avenue Extended, State Route #321, S46°23'51"W, 530.33' to a point; thence along a curve to the right, having a radius of 869.93' and an arc length of 91.40' to a point; said point being at the intersection of the northerly right-of-way line of said Monticello Avenue Extended, State Route #321 and the easterly right-of-way line of what is now known as Old News Road; thence leaving said right-of-way line of Monticello Avenue Extended, State Route #321 and lying along the easterly right-of-way line of what is now known as Old News Road, N34°54'22"W, 480.33' to a point; thence N33°17'29"W, 275.90' to a point; thence along a curve to the left, having a radius of 400.00' and an arc length of 62.99' to a point; thence N42°18'49"W, 9.79' to a point; thence along a curve to the left, having a radius of 251.53' and an arc length of 40.04' to a point; said point being a corner to the properties described hereon and the remaining portion of James City Tax Map Parcel #(38-3)(1-34) now or formerly standing in the name of C. C. Casey Limited Company; thence along the line of the remaining portion of James City Tax Map Parcel #(38-3)(1-34) now or formerly owned by C. C. Casey Limited Company and an existing 40' private right-of-way, N43°12'19"E, 178.71' to a point; thence leaving said 40' private right-of-way and continuing along the line of the remaining portion of James City County Tax Map Parcel #(38-3)(1-34), now or formerly owned by C. C. Casey Limited Company, N36°30'08"W, 123.42' to a point; thence along a curve to the right, having a radius of 790.50' and an arc length of 214.79' to a point; thence along a curve to the right, having a radius of 587.50' and an arc length of 101.13' to a point; thence N11°04'18"W, 34.77' to a point; thence along a curve to the right, having a radius of 787.50' and an arc length of 246.68' to a point; thence along a curve to the right, having a radius of 1387.50' and an arc length of 46.69' to a point; thence N89°13'21"E, 746.48' to a point; thence N63°40'56"E, 565.00' to a point on the westerly right-of-way line of State Route #199, a corner to the properties described hereon and the remaining portion of James City County Tax Map Parcel #(38-3)(1-34) now or formerly owned by C. C. Casey Limited Company; thence leaving said corner of the remaining portion of James City Tax Map Parcel #(38-3)(1-34) now or formerly

standing in the name of C. C. Casey Limited Company and lying along the westerly right-of-way line of State Route #199, S08°18'36"E, 171.61' to a point; thence S04°50'02"W, 654.04' to a point; thence along a curve to the left, having a radius of 903.51' and an arc length of 235.65' to a point, said point being a corner to the property described hereon, the property now or formerly standing in the name of the Commonwealth of Virginia and the intersection of the right-of-way line State Route #199 and Monticello Avenue Extended, State Route #321; thence along the line of the property now or formerly owned by the Commonwealth of Virginia, S28°41'04"W, 358.65' to the aforesaid point of beginning. The properties described above contain an aggregate area of 34.13 acres more or less.

Less and except any portion of that certain piece or parcel of land contained within the above metes and bounds description and designated as "PROPOSED RIGHT-OF-WAY 471,733 S.F. 10.83 Ac. ±" on that plat entitled "CASEY PROPERTY, NEW TOWN, PROPOSED WEST SIDE SUBDIVISION OWNER/DEVELOPER: C.C. CASEY LIMITED COMPANY, BERKELEY DISTRICT JAMES CITY COUNTY VIRGINIA", dated 2/2/98, last revised 1/19/01, prepared by AES Consulting Engineers, a copy of which is on file with the James City County Director of Planning.

EXHIBIT B

(The VDOT Property)

All that certain lot, parcel or tract of land, situate and lying in the Powhatan District of James City County, Virginia, containing 0.35 acres more or less and being a portion of the same property as shown on a map entitled "Master Plan For Rezoning, Windsormeade Marketplace, Section 11, New Town West, Owner: C. C. Casey Limited Company", prepared by AES Consulting Engineers and dated June 02, 2003.

Said parcel is more particularly described by metes and bounds as follows:

Beginning at a point at the intersection of the westerly right-of-way line of State Route #199 and the northerly right-of-way line of Monticello Avenue Extended, State Route #321; thence lying along the northerly right-of-way line of said Monticello Avenue Extended, State Route #321, S46°23'51"W, 276.71' to a point, a corner to the property described hereon and the properties now or formerly owned by C. C. Casey Limited Company; thence leaving said corner of the properties now or formerly owned by C. C. Casey Limited Company and lying along the property owned by the Commonwealth of Virginia, N28°41'04"E, 358.65' to a point, said point being on the westerly right-of-way line of State Route #199; thence lying along the westerly right-of-way line of State Route #199, S13°36'06"E, 71.92' to the aforesaid point of beginning. The property described above contains an area of 0.35 acres more or less.

EXHIBIT C

CASEY NEW TOWN WEST SIDE
REVISED RESIDENTIAL LAND USE AND DENSITY TABULATION
(INCLUDES BERRY PROPERTY)

SECTION	PERMITTED USE	SECTION AREA IN ACRES	DEVELOPABLE AREA	MAXIMUM DWELLING UNITS (D.U.)	DENSITY D.U./ACRE
11	E, G, C, D, M (CE) (CG) (GI), I, J	34.49	33.00	0	0
12	A, B, C, D, I, J	44.10	39.50	209	4.7
VUMH	A, B, C, D, M, (I D C E), E, I, J	105.93	85.20	343	3.2
Subtotal		184.52	157.70	552	

CASEY NEW TOWN WEST SIDE
REVISED NON-RESIDENTIAL LAND USE AND DENSITY TABULATION
(INCLUDES BERRY PROPERTY)

SECTION	PERMITTED USE	SECTION AREA	DEVELOPABLE AREA	MAXIMUM NON-RESIDENTIAL SQUARE FOOTAGE	DENSITY SF/ACRE
11	E, G, C, D, M (CE) (CG) (GI), I, J	34.49	33.00	200,000	5,799
12	A, B, C, D, I, J	44.10	39.50	0	0
VUMH	A, B, C, D, M, (I D C E), E, I, J	105.93	85.20	34,100	322
Subtotal		184.52	157.70	234,100	

NOTE: RESIDENTIAL UNITS AND NON-RESIDENTIAL SQUARE FOOTAGE NOT UTILIZED WITHIN THE PARTICULAR SECTIONS INDICATED, MAY BE TRANSFERRED TO OTHER SECTIONS OF THE NEW TOWN MASTER PLAN IF APPROVED BY THE DRB AND THE OWNERS OF THE AFFECTED SECTIONS.

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 14th and June 24th, 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 14th meeting, the Population, Youth, Economic Development, Public Facilities, Parks and Recreation, Environment, and Transportation sections were discussed. At the June 24th 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 14th.
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 10th 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).

O. Marvin Sowers, Jr.

PLANNING DIRECTOR'S REPORT
AUGUST 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 case at its July 2003 meeting: Corner Pocket Signage.
2. Comprehensive Plan Update. Comprehensive Plan Update. On July 22nd the Board of Supervisors held a worksession to consider the final draft Comprehensive Plan text and map. Addition changes were made which will be added to the errata sheet which was compiled during joint worksessions held by the Planning Commission and BOS on June 14 and June 24 as well as changes incorporated by the Planning Commission during their July 14 public hearing and unanimous vote of approval for the Comprehensive Plan. The BOS is scheduled to conclude worksessions on the draft Comprehensive Plan on August 12th. Afterward, at their regular meeting, the BOS is scheduled to conduct a public hearing on the Comprehensive Plan followed by a final vote.
3. Greensprings Interpretative Trail. Staff continued to work with VDOT on an 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.
4. Job Swap. From time to time, the County develops opportunities to cross-train its' employees. Effective September 1, 2003 and for the next 6 months, John Horne will head up a newly-formed Department of General Services supervising Fleet, Facilities Management, and CIP construction and related contracts. As manager of this new department, John will remain on the County's Executive Staff while gaining experience managing general services operations. He will continue to work on 2007 Jamestown planning and New Town. Assistant County Administrator Bill Porter will assume John's role as Manager of Development Management. Doug Powell, Assistant Manager of Community Services, will assume Mr. Porter's role in County Administration.
5. 2003 Traffic Counts. Traffic counts are complete and are available on the County's web site. A memo summarizing some of the key changes has also been provided to the Planning Commission. In general, new road improvements such as Monticello Avenue, Route 199 Extension and Grove Interchange continue to take traffic off of some of the secondary roads. However, volumes remain high in several areas such as portions of Route 5, Ironbound Road, and Longhill Road.
6. Upcoming Cases. New cases that are tentatively scheduled for the September 8th, Planning Commission meeting include:

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.

O. Marvin Sowers, Jr.