

A G E N D A

JAMES CITY COUNTY PLANNING COMMISSION

OCTOBER 6, 2003 - 7:00 P.M.

1. ROLL CALL
2. MINUTES
 - A. September 8, 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-18-03 & MP-7-03 - Olde Towne Timeshares
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 EIGHTH DAY OF SEPTEMBER, TWO-THOUSAND AND THREE, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

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

ALSO PRESENT

Leo Rogers, Deputy County Attorney
John T. P. Horne, Acting Director General Services
O. Marvin Sowers, Jr., Planning Director
Toya Ricks, Administrative Services Coordinator
Karen Drake, Senior Planner
Christopher Johnson, Senior Planner
Sarah Weisiger, Planner

2. MINUTES

The Commission approved the minutes of the June 24, 2003 and August 4, 2003 meetings with a unanimous voice vote.

3. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. John Hagee, Chairman of the Development Review Committee, presented the report. The Committee heard six cases at its last meeting. The first case was Colonial Heritage Phase 1, Section 4. This case was deferred from the August meeting due to staff concerns about the impact of roads on steep slopes in natural areas. Those concerns were resolved by the applicant and the case was approved. The next two cases were septic system waivers. The first was for a lot off Lake Powell Road which is part of a five lot subdivision. Four of those lots were able to use conventional systems while the other needed an alternate system. The other cases involved three lots in Chickahominy Haven. These were all basic, clear cases which were approved. The next three cases were in Ford's Colony and involved a possible need for a Master Plan amendment. Two of the cases involved the elimination of a pool in one section and the enhancement of the pool and recreation area in another section. All of these were approved by the Homeowner's Association and were approved by the Committee. The third Ford's Colony case was a request to allow for the development of a 49 lot subdivision on a Hotel and Conference site in the community. Although the Homeowner's Association had approved this request the Committee felt it was too complex and needed a Master Plan amendment. The case was denied.

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

B. OTHER COMMITTEES

Mr. Joe McCleary, Chairman of the Comprehensive Plan Steering Committee, recently attended the open house of the Senior Center at the Wellsprings Methodist Church. This was a case previously heard by the Commission. Mr. McCleary stated that they have done a magnificent job with the facility.

4. PUBLIC HEARINGS

A. CASE NO. SUP-16-03 Williamsburg Winery – Gabriel Archer Tavern

Ms. Sarah Weisiger stated that Mr. Vernon Geddy, on behalf of Patrick Duffeler, has requested the case be deferred until the October 6th meeting of the Planning Commission to resolve outstanding issues.

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

Hearing no other requests to speak, Mr. Poole, III deferred the case until the October 6th meeting of

the Planning Commission.

B. CASE NO. Z-6-03 & MP-4-03 New Town Sec. 2 & 4 Amended Master Plan & Proffers

Ms. Karen Drake stated that Mr. Alvin Anderson, on behalf of New Town Associates, LLC, has applied to amend the Master Plan, Proffers and New Town Design Guidelines for approximately 85.6 acres of New Town Section 2 & 4 that is currently zoned MU, Mixed Use, with proffers. The application also proposes to rezone approximately 2.9 acres of land to MU with proffers that is currently in New Town Section 9, zoned M-1, Limited Business & R-8, Rural Residential with proffers to be incorporated into Section 2 & 4, zoned MU with proffers. If approved, proposed construction for Section 2 & 4 would include approximately 620,000 square feet of retail space, approximately 122,000 square feet of office and commercial space, and approximately 525 residential units. There is no proposed change to the overall New Town Residential/Non-Residential Cap.

Ms. Drake stated that staff finds the proposal generally consistent with the adopted 1997 New Town Master Plan and Design Guidelines. Staff further finds the proposed development compatible with surrounding zoning and development and consistent with the 2003 Comprehensive Plan recommendations. Staff also finds the proposed proffers sufficiently mitigate anticipated impacts, including traffic through the right-in only entrance on Monticello Avenue. Staff therefore recommends the Planning Commission approve the rezoning application and acceptance of the voluntary proffers.

Mr. Kale asked if the 620,000 square feet of retail and 122,000 square feet office relate specifically to sections 2 & 4 and not the remainder of New Town project.

Ms. Drake stated that this was correct and referenced page 28 of the staff report for details of the maximum density for the overall New Town project compared to Sections 2 & 4.

Mr. Kale asked if the WindsorMeade project will have any bearing on this project or vice versa.

Ms. Drake stated that to the best of her knowledge it would not.

Mr. Billups asked if there was an impact statement from the Fire or Police Department to ensure that we have a comprehensive look as to how this will impact the entire community.

Ms. Drake stated that this rezoning it is only a restatement of the proffers and a small land addition and that the original rezoning, approved by the Board Of Supervisors in 2001, would have included a review of the impact statements from Fire and Police. This case only shifts 3 acres to be included into Sections 2 & 4.

Mr. Sowers stated that the overall amount of development does not change. Mr. Sowers also stated that this was an excellent question but perhaps more suitable to the next case.

Mr. Poole, III opened the public hearing.

Mr. Greg Davis, of Kaufman and Canoles, represented the applicant. Mr. Davis indicted that this is straight-forward application involving housekeeping related to the previously approved Sections 2 & 4 zoning. It involves the abandoned BMP and some movement of property currently in one section of New Town into another section as well as some changes to the design guidelines. Mr. Davis pointed out the site under consideration on the proposed amended Master Plan. A portion of the 2.9 acres is proposed to be shifted from Section 9 of New Town and added to Section 4. A second portion comes from a Stormwater Management Facility that has been relocated to the rear of the subject property. The application proposes no additional residential units or commercial space. The minor changes to the design guidelines relate to finalization of street names, parking, and some minor architectural standard changes. Mr. Davis stated that this plan is constant with Comprehensive Plan, the New Town Design Plan and was approved by the New Town Design Review Board.

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

Mr. Hagee stated that this is a very straight-forward case and he sees no issues.

Mr. Hunt echoed Mr. Hagee's sentiments. There appears to be no net change other than expanding onto the 2.9 acres. Mr. Hunt supported the application.

Mr. McCleary echoed the remarks of both Mr. Hagee and Mr. Hunt. Mr. McCleary commended the applicant, staff and Virginia Department of Transportation for being able to resolve the question on traffic.

Ms. Wildman stated she was pleased to see the application come before the Commission. She supported the application.

Mr. Kale moved to approve the case.

Mr. McCleary seconded the motion.

In a unanimous roll call vote the case was approved 7:0 AYE (7) Poole, Wildman, McCleary, Hagee, Hunt, Kale, Billups NAY (0)

C. CASE NO. Z-5-03 & MP-6-03 WindsorMeade Marketplace.

Mr. Christopher Johnson stated that Mr. Alvin Anderson, on behalf of C.C. Casey Limited Company, has applied to rezone approximately 34.49 acres from R-8, Rural Residential with Proffers to MU, Mixed Use with Proffers, to allow for the construction of a 200,000 square foot commercial shopping center. This application was deferred at the August 4th Planning Commission meeting to allow staff and the applicant to work with the Virginia Department of Transportation (VDOT) to resolve some outstanding issues and allow VDOT to offer a recommendation on the Traffic Impact Study submitted with this proposal. The applicant has agreed to proffer the construction of a traffic signal at the second crossover on WindsorMeade Way when and if the traffic volume on the road reaches a point where the signal becomes warranted. The applicant has also agreed to restrict turning movements at the first crossover to maintain traffic flow into the center from Monticello Avenue and mitigate traffic congestion on Monticello Avenue. VDOT has concluded that the additional 50,000 square feet of non-residential development will not negatively impact the Level of Service on Monticello Avenue or at the Monticello Avenue/WindsorMeade Way intersection. Staff believes the traffic impacts created by this development are sufficiently mitigated by the master plan and proffer revisions.

Mr. Johnson stated that staff finds the proposal consistent with the surrounding zoning and land use, consistent with the Comprehensive Plan, and consistent with the New Town Master Plan, Design Guidelines and proffers. Staff recommended that the Planning Commission recommend approval of the rezoning, master plan, and design guidelines.

Mr. Poole, III opened the public hearing.

Mr. Alvin Anderson, Kaufman and Canoles, represented S.L. Nausbaum Realty Company in this application. Mr. Anderson indicated the location of the subject property on an aerial photograph. The subject property is frequently referred to in the New Town Master Plan as the gateway commercial district. Mr. Anderson stated that the New Town Plan was ratified by the Board of Supervisor by the approval of the Comprehensive Plan. The applicant indicted the features of the plan that will enhance the character of the center, parking, small retail shops, through-ways to residential areas, green space etc. Mr. Anderson stated that the plan is consistent with the 2003 Comprehensive Plan, the New Town Plan and approved by the New Town Design Review Board. In response to Mr. Billups' question on the previous application Mr. Anderson indicated that a Community Impact Statement is included in their handouts.

Mr. Hagee asked for the square footage of the main building where Belk will be located.

Mr. Anderson stated that the building is 143,000 square feet

Mr. Hagee asked if the remaining outparcels will be primarily retail or a mix.

Mr. Jim Gresock, with S.L. Nausbaum Realty, stated that the outparcels will be a mix of office and retail space.

Mr. Hagee asked if it will be similar to Monticello Marketplace where most of the outparcels are fast food establishments.

Mr. Gresock indicated that the parking lot layout doesn't allow for individual buildings. He stated there should be fewer food establishments and perhaps one bank. This is the first project they have designed with shared parking.

Mr. McCleary noted that page 4 of the proffers makes reference the owner's association. He asked if this section, the Methodist Home, and the other residential sections will each have their own separate owner's associations.

Mr. Anderson stated there are sub-associations for each of the developments that are all part of a master association.

Mr. McCleary asked if page 44 of the handout regarding traffic lanes indicates that all 5 lanes traffic will be constructed during the initial construction phase.

Mr. Arch Marston, of AES, stated that all 5 lanes will be developed with the development of WindsorMeade Way.

Mr. McCleary stated that the Commission has received complaints over the years from residents on the end of Jester's Lane about the noise of loading and unloading at the rear of the buildings. He asked if there are planned buffers to help mitigate those types of issues.

Mr. Anderson acknowledged that this development is far removed from Jester's Lane and that deliveries will be made off of WindsorMeade Way. The parcel that remains to be developed is designated on the master plan as residential.

Mr. Kale asked for the zoning of the undeveloped parcel.

Mr. Anderson said that it is zoned R-8.

Mr. Sowers stated that it is also part of the New Town Master Plan.

Mr. Leo Rogers clarified that there is a difference between the zoning classification for the property of R-8 and what might ultimately be developed based on the New Town Master Plan.

Mr. Hagee noted that the Stormwater Management Pond will also serve as a buffer.

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

Mr. Kale stated that he has strong reservations when he looks at the total project at New Town. He noted that between Monticello Avenue from Richmond Road to the MarketPlace there are future proposals for at least five shopping centers in an area of approximately two miles. Three of those proposals are in James City County; the other two are in the City of Williamsburg. He stated his concern that the community and the concept of New Town cannot support this much retail business in such close proximity to one another.

Mr. Hunt stated that he does not share Mr. Kale's concerns. He sees this as a logical extension of development in this area and he supports it. Mr. Hunt noted the County has lost retail opportunities to York County. He would like to see some additional sales tax revenue in the James City County.

Mr. Poole supported the application. He is pleased with the guidelines in the provisions for retaining the aesthetics the Commission has been looking for in the Greater New Town area.

Mr. Billups appreciated the comprehensive overview given to the members to review by the applicant. Mr. Billups questioned whether the Planning Commission is reviewing each application with a 10 year or 20 year outlook.

Mr. Hagee supported the application. He thinks it is tastefully done and is an attractive center to be located in the heart of the County. Mr. Hagee also stated that he trusts that the Nausbaum Corporation's marketing studies indicate that the demand is present.

Ms. Wildman agreed with Mr. Hagee on many points. She stated that she sees this as a place to have many different types of uses such as industrial and high-tech industry. Ms. Wildman believes this is a wonderful application and that Nausbaum has done a wonderful job putting together this project.

Mr. Hunt stated that Charles City County residents are using both Monticello MarketPlace and Williamsburg Crossing on a regular basis.

Mr. McCleary agreed with Mr. Hagee that this will be a tremendous success. He liked the design. He is not however unmindful of Mr. Kale's concerns. Mr. McCleary also noted that he trusts that the developers are not planning for failure.

Mr. McCleary moved to approve this application.

Ms. Wildman seconded motion

In a roll call vote the application was approved 6:1 AYE (6) Poole, Wildman, McCleary, Hagee, Hunt, Billups NAY (1) Kale

5. PLANNING COMMISSION ANNUAL REPORT

Mr. Sowers presented the Planning Commission Annual Report for Fiscal Year 2003. The report identifies the commission members so that citizens will get to know them. Current workloads are indicated along with highlights of major projects. The Comprehensive Plan was the highlight of Fiscal Year 2003. He stated that it was a pleasure working with the Steering Committee who provided great leadership on the project. The Commission is also to be commended for their success and efforts. Some other projects of note were Bikeways construction and Landscaping projects. The Division also received a grant from the State to reimburse the County for previous green space preservation projects.

Mr. Hunt moved to approve to report.

Mr. McCleary seconded the motion.

The Commission approved the report with a unanimous voice vote.

6. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented the Planning Director's Report. On Thursday night September 11, 2003 there will be a preview of the 2026 Regional Transportation Plan conducted by Hampton Roads Planning District Commission. He noted that the Division was successful in getting additional funding for two highway projects. Over \$12 million was approved for the Route 60 relocated project and the Ironbound/Monticello intersection. Planning staff was very instrumental in putting together those proposals.

Mr. Hagee asked when the Route 60 improvements will be made.

Mr. Sowers hopes to see VDOT to purchase the right of way by 2006.

Mr. McCleary noted that great thanks should be given to staff for helping to secure those funds.

7. ADJOURNMENT

There being no further business, the September 8, 2003, meeting of the Planning Commission was adjourned approximately at 8:40 p.m.

A. Joe Poole, III, Chairman

O. Marvin Sowers, Jr., Secretary

**JAMES CITY COUNTY
DEVELOPMENT REVIEW COMMITTEE REPORT**

FROM: 9/1/2003

THROUGH: 9/30/2003

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-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-112-02	Ford's Colony Recreation Park
SP-009-03	Energy Services Group Metal Fabrication Shop
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-056-03	Shell Building - James River Commerce Center
SP-063-03	District Park Sports Complex Parking Lot Expansion
SP-077-03	JCC Courthouse Bioretention Demonstration Project
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-091-03	Colonial Heritage Ph. 1, Sec. 5
SP-095-03	KTR Stonemart
SP-097-03	Colonial Heritage Boulevard, Phase 2
SP-105-03	Colonial Heritage Construction Office
SP-108-03	Fieldstone Parkway Extension
SP-110-03	Colonial Heritage Ph. 1, Sec. 2 Parking Amendment
SP-112-03	Faith Baptist Recreation Building
SP-114-03	Thayer-Smith Self Storage
SP-116-03	Kingsmill - Armistead Point
SP-117-03	Riverside Ambulatory Healthcare Facility
SP-118-03	New Town Block 2 Amendment
SP-119-03	Spotswood Commons Parking Rehab. Plan
SP-120-03	Busch Gardens - Halloween Ferris Wheel
SP-121-03	Berkeley's Green Recreation Area SP Amendment
SP-122-03	St. Bede's Prayer Garden

Wednesday, October 01, 2003

Page 1 of 4

SP-123-03 Propane Tank at JCC Animal Control

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-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-005-03	Hankins Farm Water and Sewer Extension	5/27/2004
SP-015-03	Monticello Woods Community Center	4/10/2004
SP-021-03	Colonial Heritage, Cross Country Sewer Mains	8/22/2004
SP-035-03	Prime Outlets, Ph. 5-A & 5-B - SP Amendment	4/30/2004
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-053-03	George Nice & Sons Fill Project	8/ 8/2004
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-089-03	Ford's Colony - Country Club Redevelopment Plans	8/ 4/2004
SP-092-03	Ford's Colony - Westbury Park, Recreation Area #2	9/ 8/2004
SP-093-03	New Town - WindsorMeade Way	9/24/2004
SP-100-03	Kingsmill East Rivers Edge Phase 4 SP Amend.	8/25/2004
SP-101-03	Alltel Williamsburg 2	8/14/2004
SP-103-03	CoreSix Precision Glass	8/27/2004
SP-106-03	Williamsburg Christian Retreat Center-Pavilion	9/10/2004
SP-107-03	Colonial Heritage Golf Maintenance Facility	9/24/2004
SP-113-03	Penske Maintenance and Service Center	9/26/2004

C. FINAL APPROVAL

DATE

SP-102-02	Powhatan Creek Access Park, Ph. 2 Improvements	9/ 2/2003
SP-020-03	Jolly Pond Veterinary Hospital	9/ 9/2003
SP-065-03	Historic Jamestown Collection Building	9/ 8/2003
SP-076-03	JCSA Five Forks WTF Concentrate Main	9/ 5/2003
SP-104-03	Colonial Heritage 10th Hole Amendment	9/12/2003
SP-111-03	Busch Gardens - Drachen Fire Group Area SP Amend.	9/16/2003
SP-115-03	Shouse-Manning Construction Shed Amendment	9/12/2003

D. EXPIRED

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-086-02	The Vineyards Ph. 3 BLA Lots 1, 5-9, 52
S-008-03	Norge-Fenton Mill BLA
S-033-03	Fenwick Hills, Sec. 2
S-034-03	Green Mount Associates Lots 3A, 3B & 3C BLA
S-056-03	Colonial Heritage Ph. 1, Sec. 4
S-058-03	Ford's Colony - Sec. 10, 171-172
S-062-03	Hicks Island - Hazelwood Subdivision
S-063-03	102 Lands End BLA + BLE
S-065-03	903 Penniman and 700 Maupin BLA
S-066-03	Stonehouse, BLA & BLE Parcel B1 and Lot 1, Sec. 1A
S-067-03	Ford's Colony Sec. 33, Lots 1-49
S-068-03	Williamsburg Farms
S-070-03	Colonial Williamsburg Parcels BLA
S-071-03	Fire Station 2 BLE
S-073-03	Colonial Heritage Ph. 2, Sec. 2
S-076-03	Wellington, Sec. 4
S-077-03	James Terrace, Sec. 10, Lots 4-6
S-078-03	Monticello Woods - Ph. 2
S-079-03	Richardson's Mill - Sec. 1, Lots 32 and 33
S-080-03	Richardson's Mill - Sec. 2, Lot 14
S-082-03	Monticello Woods - Lots 6-18, 31-38, 113 & 130
S-083-03	Columbia Drive Subdivision
S-084-03	Stonehouse Commerce Park BLA
S-085-03	Wythe-Will Distributing
S-86-03	James River Commerce Center - Stormwater Mgt.

B. PENDING FINAL APPROVAL

		EXPIRE DATE
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-073-02	Colonial Heritage, Ph. 1, Sec. 3 & 3A	12/ 2/2003

S-076-02	Marion Taylor Subdivision	10/ 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-047-03	Greensprings West Ph. 4C	8/ 6/2004
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-055-03	Colonial Heritage Ph. 1, Sec. 5	8/ 4/2004
S-057-03	Ford's Colony - Sec. 34	8/19/2004
S-059-03	Colley Avenue Associates, LLC (Green Cove)	9/ 8/2004

C. FINAL APPROVAL

DATE

S-058-00	Powhatan Secondary, Ph. 7-A	9/29/2003
S-029-03	Wexford Hills Ph. 3B	9/26/2003
S-052-03	Hickory Neck Church BLA	9/10/2003
S-054-03	James River Commerce Center, Parcel 10B	9/12/2003
S-081-03	Stonehouse - Parcel A Easement	9/26/2003

D. EXPIRED

EXPIRE DATE

DEVELOPMENT REVIEW COMMITTEE ACTION REPORT
Meeting of October 1, 2003

Case No. SP-121-03 Berkeley's Green Recreation Area

Mr. Jim Donohoe, on behalf of the Berkeley's Green Homeowners' Association, submitted a site plan amendment proposing the reconfiguration and expansion of the existing recreation area to include space for new playground equipment and an addition to the pool house. The parcel is located within Berkeley's Green and is further identified as parcel (11-1A) on James City County Tax Map (45-2). DRC review is necessary to satisfy the conditions of SUP-19-92, which require a site plan be approved by the Planning Commission prior to the construction of any recreational facilities.

DRC Actions: The DRC recommended approval of the site plan amendment.

Case No. S-073-03 Colonial Heritage, Phase 2, Section 2

Mr. Chris Mulligan, on behalf of Colonial Heritage LLC, submitted a subdivision plan proposing 54 new lots on 19.03 acres within Colonial Heritage. The parcel is identified as 6895 Richmond Road and is further identified as parcel (1-32) on James City County Tax Map (24-3). The Zoning Ordinance requires that major subdivisions of fifty or more lots be reviewed by the DRC.

DRC Action: The DRC recommended that preliminary approval be granted subject to compliance with agency comments and stipulating that no land disturbance occur pending receipt of appropriate wetlands permits.

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

Staff Report for October 6, 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. (Deferred)
September 8, 2003, 7:00 p.m. (Deferred)
October 6, 2003, 7:00 p.m.

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 November 3, 2003.

Sarah Weisiger

Attachments:

1. Applicant deferral request

**Special Use Permit-18-03/Master Plan-7-03. Olde Towne Timeshares
Staff Report for the October 6, 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: October 6, 2003 - 7:00 p.m. Building C Board Room
Board of Supervisors: November 11, 2003 - 7:00 p.m. Building C Board Room (tentative)

SUMMARY FACTS

Applicant: Richard A. Costello, AES Consulting Engineers

Land Owner: Heritage Resorts, Inc.

Proposed Use: Amendment to a previously approved special use permit (JCC Case No. SUP-18-99) allowing 365 timeshare units within a residential cluster

Location: 5295, 5350, and 5380 Olde Towne Road, adjacent to Route 199; Berkeley District

Tax Map/Parcel No.: (32-4)(1-26); (32-4)(1-26A); (32-4)(1-36); (33-3)(1-30)

Primary Service Area: Inside

Parcel Size: 130.40 acres

Existing Zoning: R-2, General Residential District

Comprehensive Plan: Low-Density Residential

Surrounding Zoning: North, West: R-2, General Residential
South: R-5, Multifamily Residential (The Mews)
East (JCC): R-2; R-5 (Chisel Run)
East (Williamsburg): RM-1 and RM-2, Multifamily Dwelling Districts;
RS2, Single-Family Dwelling District (Piney Creek Estates)

Staff Contact: David Anderson Phone: 253-6685

STAFF RECOMMENDATION

Staff finds the proposed special use permit amendment consistent with surrounding zoning and single-family, multi-family and timeshare uses. Staff also finds the proposed amendment consistent with the requirements of the residential cluster zoning ordinance and consistent with the Comprehensive Plan. Staff believes the changes from the previously approved SUP are generally positive in nature and recommends the Planning Commission recommend approval of the proposed special use permit amendment with the attached conditions.

PROJECT DESCRIPTION

Mr. Richard A. Costello of AES Consulting Engineers has applied on behalf of Heritage Resorts, Inc. for a special use permit to amend a previously approved special use permit (JCC Case No. SUP-18-99, Olde Towne Road Timeshares). The original SUP permitted a development of 365 timeshare units in a residential cluster. This amendment proposes the same number of timeshare units but makes some changes to the layout of the master plan which require an SUP amendment. It should be noted that the previously approved SUP remains valid until July 10, 2004.

This report will focus on the changes proposed for the development rather than revisiting the larger land use issue of permitting timeshares on this site. Staff believes the larger land use issue was decided along with the previously approved SUP and, since that SUP still remains valid, denial of this case would not prohibit the timeshare development from being constructed as previously approved. Therefore, staff's recommendation is based on an assessment of whether or not this amendment is a positive change over the previously approved SUP.

SUMMARY OF CHANGES

1. Unit Types - Approximately 25% of the proposed units have been changed from 4 bedroom townhouse-style units to 2 bedroom condominium-style units.

Staff supports this change because it results in a reduction in water usage, parking spaces, and traffic generation.

2. Indoor Pool - An indoor pool has been added to the clubhouse.

In association with this addition the outdoor pool has been moved further from adjacent residential uses, which will better protect adjacent residences from noise and lighting from the outdoor pool.

3. Parking and Roads - The major change to the layout is based on a central collector road (with no units fronting on it) that terminates in a clubhouse building. Clusters of units represent the 13 original colonies. Parking for the new clubhouse is designed to accommodate the expanded facilities.

These changes increase the impervious cover by .35 acres. The Environmental Division does not object to the increase in impervious cover and will address the stormwater management issues associated with this increase at the site plan level. Additionally the applicant is requesting a waiver to reduce the parking requirement for the townhouse-style units from 2.5 spaces/unit to 2.0 spaces/unit which has proven adequate at Williamsburg Plantation. Staff supports the reduction in the parking space requirement because it helps mitigate the increase in impervious cover caused by the collector road and clubhouse parking.

4. Stormwater Management Ponds - A two level pond system was implemented considering topographical and wetland conditions. Water will be aerated by falling from the upper to the lower pond and will be then pumped back to the upper pond as required. These ponds will also be used for irrigation.

The Environmental Division has reviewed the two level pond system and has recommended

that the upper pond be an excavated pond, one that does not contain a dam structure, and that both ponds have a dam break analysis performed to insure that no flooding of the adjacent residences will occur. This concern has been incorporated into a new condition.

5. Waste Management - A centralized operation consisting of residential-type trash cans at the end of each cluster of buildings will be installed. Trash is collected from these locations and placed in a compactor by the clubhouse.

Staff expressed initial concern to the applicant about the proximity of the compactor to adjacent residences. The applicant has revised the location of the compactor, moving it closer to the clubhouse and further from adjacent residences. Staff has also included a condition requiring additional berming and landscaping to screen the compactor from adjacent residences.

6. Modification of Buffer Adjacent to Route 199 - The applicant has requested a 20' reduction of the buffer from 150' to 130' where it is adjacent to the existing and planned berm along Route 199.

Staff believes the large berm adjacent to Route 199 provides good screening of the proposed development from Route 199 and can largely compensate for the 20' reduction of the buffer. In order to ensure the reduced buffer's adequacy, staff has added a condition requiring the buffer include the total number of trees required for a 150-foot buffer, despite its reduced width, and that the buffer be designed in a manner that provides the appearance of a natural forested area.

STAFF RECOMMENDATION

Staff finds the proposed special use permit amendment consistent with surrounding zoning and single-family, multi-family and timeshare uses. Staff also finds the proposed amendment consistent with the requirements of the residential cluster zoning ordinance and consistent with the Comprehensive Plan. Staff believes the changes from the previously approved SUP are generally positive in nature and recommends the Planning Commission recommend approval of the proposed special use permit amendment with the attached conditions.

The conditions are largely unchanged from the previously approved conditions, which are included on the cover of the revised master plan. Substantial changes include the following: 1) original Condition No. 5 has been deleted because it has been completed, 2) additional language has been added to Condition No. 7 (original Condition No. 8) addressing landscaping within the buffer adjacent to Route 199, 3) Condition No. 15 was added to address the Environmental Division's concerns about stormwater management, 4) Condition No. 16 was added to help mitigate any negative impacts to adjacent residences of the compactor operation. Generally any time limitations placed on the previously approved conditions have been renewed.

7. Construction on this project shall commence within 36 months from the date of approval of this special use permit or this permit shall be void. Construction shall be defined as the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation. Construction does not include land preparation, such as clearing, grading, or filling.

8. The Master Plan of development required under Section 24-554 of the zoning ordinance shall be generally consistent with the "Master Plan Amendment for The Colonies at Williamsburg" prepared by AES Consulting Engineers, revised September 29, 2003, as determined by the Director of Planning. Development of the site shall be generally in accordance with the Master Plan, with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
3. The property shall be developed as a timeshare project. There shall be not more than 365 timeshare units in addition to associated recreation facilities on the property and one single-family residential lot, its location identified on the Master Plan.
4. The applicant shall implement the road improvements recommended by the traffic study "Traffic Analysis for Olde Towne Road Timeshares on Olde Towne Road" prepared by DRW Consultants, Inc., September 9, 1998 prior to issuance of the first Certificate of Occupancy for any structure on the site.
5. All dumpsters and heating and cooling units shall be screened by landscaping or fencing approved by the Planning Director prior to final site plan approval.
6. Free-standing signs shall be ground-mounted, monument style and shall be approved by the Planning Director prior to final site plan approval.
7. The landscape plan shall be approved by the Planning Director prior to final site plan approval for any section or phase of this project and shall include enhanced landscaping around the perimeter of each timeshare building, so that the required number of plants equals at least 133 percent of the County's Landscaping Ordinance requirements with a minimum of 33 percent of the required number of trees being evergreen. The landscape plan shall also contain landscape screening and berms with a minimum eight-foot height along the Olde Towne Road and Route 199 frontage, at the location shown on the Master Plan. Additionally, the landscape plan shall address the landscaping along the Route 199 right-of-way berm. The landscaping shall include the total number of trees required for a 150-foot buffer, despite its reduced width, effectively increasing the buffers density. Landscaping should also be designed in a manner that provides the appearance of a natural forested area.
8. Four-foot paved shoulder bikeways shall be provided on both sides of Olde Towne Road at the location shown on the Master Plan prior to the issuance of the first Certificate of Occupancy for any structure on this site. A four-foot sidewalk shall be provided at the location shown on the Master Plan on the eastern side of Olde Towne Road prior to the issuance of the first Certificate of Occupancy for any structure on this site.
9. All exterior light fixtures on the property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. A lighting plan shall be submitted to, and approved by, the Planning Director which indicates the fixture type and that no glare will occur outside the property lines. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from a public street (except at street connections where up to 2.0 foot candles is permitted) or adjoining residentially designated property.
10. An eight-foot wide paved public use path with four-foot wide mulched shoulders and a six-foot wide mulched path as shown generally on the Master Plan shall be constructed prior to the issuance of a certificate of occupancy for no more than 200 timeshare units if the Board of Supervisors has approved

the construction of this path and requested it in writing. If the Board of Supervisors has not approved construction of this path and requested it in writing within seven years of the approval of this Special Use Permit, the applicant and/or its successors shall have no obligation to construct this path. The path shall be located no closer than 80 feet from the nearest residential property line. The applicant shall fully maintain the paths and bridge during the period of time the developer is constructing the timeshare units.

11. The applicant shall work out an arrangement with the Virginia Department of Transportation to address traffic issues and safety concerns on Olde Towne Road. The applicant shall provide documentation of the agreed upon arrangement prior to final site plan approval.
12. The applicant shall dedicate to the County, by conservation easement for the purpose of providing public access to the public-use paths, 44.94 acres of the Chisel Run Swamp, identified on the master plan as "Protected and Preserved Natural Area, RMA Wetlands, and Buffers," in a form approved by the County Attorney prior to final site plan approval for any structure on the site.
13. If the applicant desires to have outdoor watering they shall provide water for irrigation utilizing surface water collection from the surface water impoundments as shown on the master plan and shall not use JCSA water or well water for irrigation purposes. This irrigation system shall be included with the site plan for the project and shall be approved by the JCSA General Manager. This requirement prohibiting the use of well water may be waived by the JCSA General Manager if the applicant demonstrates to the JCSA General Manager that there is insufficient water for irrigation in the surface water impoundments, and the applicant may apply for a waiver for a shallow (less than 100 feet) well only.
14. In order to mitigate the impact of the road improvements on Olde Towne Road caused in part by this project, for a period of 15 years from the issuance of this special use permit, the area shown on the Master Plan as "Reserved Lot" may be used as one residential lot if needed by the County or the Virginia Department of Transportation to relocate a family displaced due to the Olde Towne Road improvements. In the event the "Reserved Lot" is not used for the purpose allowed in this paragraph, the "Reserved Lot" shall remain open space.
15. The proposed stormwater management upper pond shall be an excavated pond, that is one that doesn't contain a dam structure that could fail and flood adjacent residences, and both ponds shall have a dam break analysis performed to insure that no flooding of the adjacent residences will occur.
16. Additional berming and landscaping shall be provided between the compactor and the adjacent residential property to mitigate any noise impacts produced by the compactor operation. A landscape plan showing the additional berming and landscaping shall be included with the site plan for the phase of the project containing the compactor and shall be approved by the Planning Director prior to final site plan approval.
17. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

Dave Anderson

CONCUR:

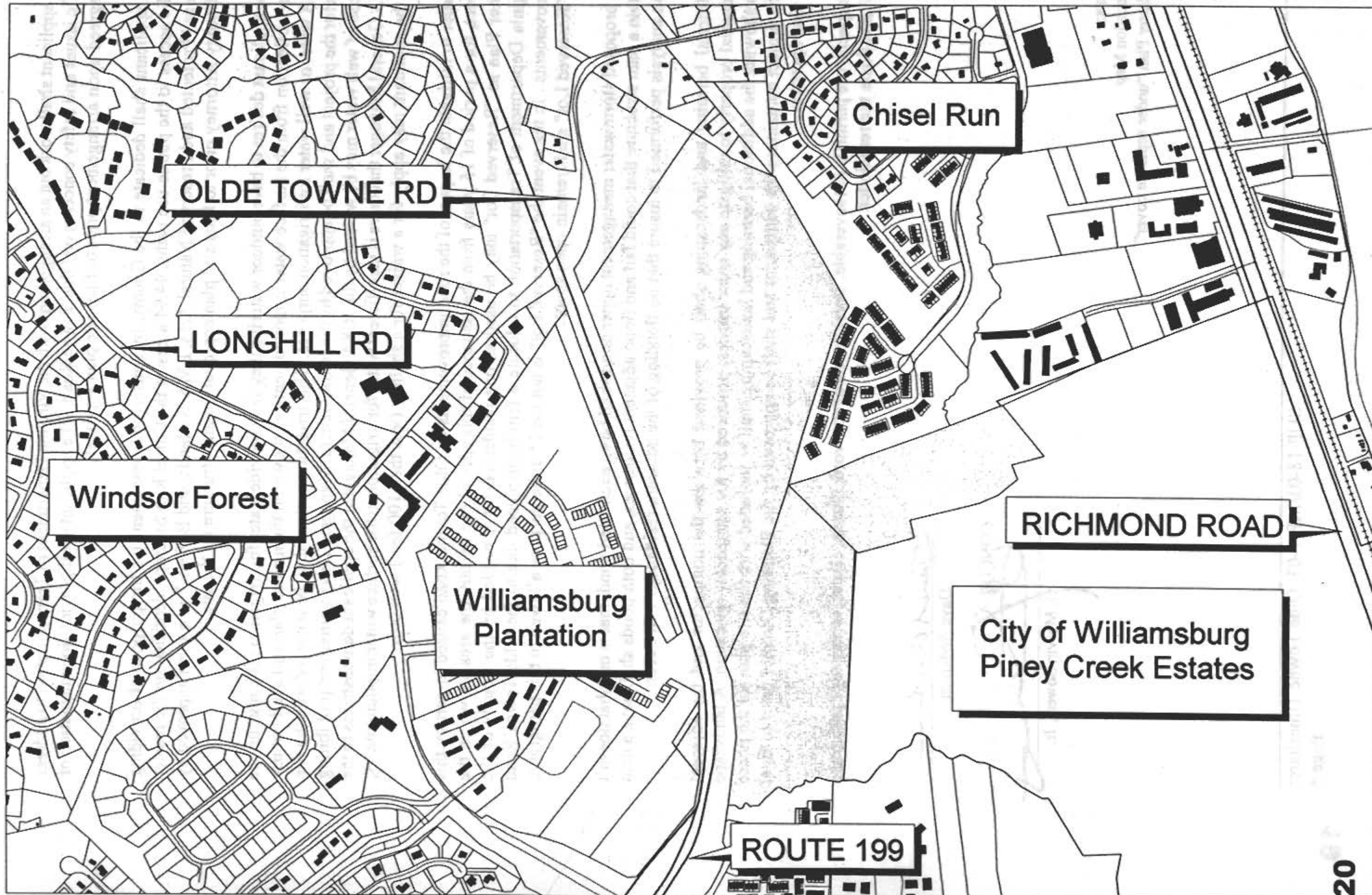
O. Marvin Sowers, Jr.

Attachments:

1. Location Map
2. Master Plan "under separate cover"

Case No. SUP-18-03/MP-7-03

Olde Towne Timeshares



PLANNING DIRECTOR'S REPORT

OCTOBER 2003

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

1. Damage Assessment. In the aftermath of Hurricane Isabel, Planning staff proved instrumental to the County's damage assessment effort. Planners and zoning officers worked quickly and efficiently, assessing over 10,000 properties within James City County within eighteen hours after the end of the storm. Staff also assisted local safety organizations by reporting blocked right-of-ways and downed power lines and also helped distribute ice and water to residents. Additionally, Planning staff members assisted in the final damage analysis and helped create a comprehensive damage report within twenty-four hours of the storm.
2. Comprehensive Plan Update. James City County has learned that it had been awarded the 2003 Virginia Municipal League (VML) President's Award for Entrepreneurial Government, VML's most prestigious award. The award, given to James City County for its work on the 2003 Comprehensive Plan, was open to all 40 cities, 155 towns, and 14 counties in the VML membership. The award's purpose is to recognize and encourage the principles of innovative and imaginative local government.
3. Historic Triangle Beautification Committee. A committee composed of businesses, Chamber of Commerce representatives, elected officials and staff has been created to encourage the beautification of major road corridors in the area. The group has begun meeting monthly, and has selected Jamestown Road as its initial project.
4. 2026 Regional Transportation Plan. The Hampton Roads Planning District Commission held a series of meetings around the region to gather input on the 2026 Plan. The meeting for the Upper Peninsula portion of the region was held on September 11 at the JCC Government Complex. Approximately 20 citizens attended.
5. Underground Utility Project. On September 9, the Board of Supervisors authorized the third project to place utilities underground. The next location will be along Rt. 5 adjacent to the Williamsburg Crossing Shopping Center. Previous projects have been completed on Rt. 5 at Jamestown High School and on Jamestown Road in the Sandy Bay Area.
6. Road Extension. County and City of Williamsburg staff and a Chambrel representative met to preview design plans for the Treyburn Drive Extension on September 12. A site visit will be set up to identify and evaluate project impacts.
7. Upcoming Cases. New cases that are tentatively scheduled for the November 3rd, Planning Commission meeting include:

CASE NO. Z-7-03 Governor's Grove. Mr. Eric Nielson has applied on behalf of National Housing Corporation to rezone approximately 23.44 acres from R-8, Rural Residential, to MU, Mixed Use, with proffers. The request seeks to develop 275 multi-family/attached units. The property is divided by John Tyler Highway and generally located at **4310 & 4360 John Tyler Highway and 3181 & 3191 Ironbound Road.** The property is further designated as Parcel (1-14) and (1-37) on James City County Tax Map (46-2) and Parcel (1-35) and (1-36) on James City County Tax Map (47-1). The Comprehensive Plan designates this site as Moderate Density Residential. Recommended uses on property designated for Moderate Density Residential include townhouses, apartments, and attached cluster housing, with a minimum density of 4 dwelling units per acre, up to a maximum of 12 units per acre, depending on the character and density of surrounding development. The development proposes an overall density of 11.7 units per acre.

CASE NO. Z-8-03 & MP-9-03 Norge Neighborhood. Mr. Marc Bennett has applied on behalf of Henderson, Inc. to rezone approximately 22.4 acres from A-1, General Agricultural, and R-2, General Residential, to MU, Mixed Use. The applicant proposes 80 multi-family units, two single family units and 15,000 square feet of commercial/office space. The property is at 7145 and 7147 Richmond Road, 75 Nina Lane and 126 Rondane Place. The property is further designated as Parcels (1-50), (1-49), (1-50C) and (1-51) on James City County Tax Map (23-2). The Comprehensive Plan designates the site as Low Density Residential. Recommended uses on property designated for Low Density Residential include very limited commercial establishments, single family homes, duplexes, and cluster housing with a gross density of up to 4 units per acre in developments that offer particular public benefits. The development proposes a density of approximately 3.9 dwelling units per acre.

CASE NO. Z-9-03 & SUP-20-03 Jamestown Hundred.

Mr. Craig Covey has applied on behalf of Williamsburg Community Chapel to rezone approximately 1.21 acres of property from R-8, Rural Residential District, to R-2, General Residential District, Cluster with proffers. The request is for the infill development of four (4) single family lots in the adjacent Jamestown Hundred Subdivision. Since the request proposes a density of more than one unit per acre, the proposal also needs to be granted a special use permit. The property is located to the rear of the Williamsburg Community Chapel site at **3899 John Tyler Highway**. The property is further identified as parcel no. (1-2A) on James City County Real Estate Tax Map (46-1). The Comprehensive Plan designates this site as Low Density Residential. The adjacent Jamestown Hundred Subdivision, which the rezoned land will be incorporated into, is also designated Low Density Residential.

O. Marvin Sowers, Jr.

