

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
JUNE 7, 2004 - 7:00 p.m.

1. ROLL CALL
2. Minutes
 - A. May 3, 2004 Regular Meeting
3. COMMITTEE AND COMMISSION REPORTS
 - A. Development Review Committee (DRC) Report
 - B. Other Reports
4. PUBLIC HEARINGS
 - A. SUP-13-04 Williamsburg Farm Country Inn
 - B. SUP-14-04 John Tyler Monopole Tower
 - C. Z-11-03 / MP-11-03 Stonehouse Modifications
 - D. SUP-16-04 – Waltrip Airport
 - E. SUP-17-04 – JCC Tower – Forge Road
 - F. SUP-17-03 / MP-5-03 – Warhill Sports Complex Master Plan
 - G. SUP-11-04 / MP-3-04 – Freedom Park Master Plan
5. Planning Commission Consideration
 - A. Initiating Resolution – Zoning Ordinance Amendment
6. PLANNING DIRECTOR’S REPORT
7. ADJOURNMENT

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE THIRD DAY OF MAY, TWO-THOUSAND AND FOUR, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

A. Joe Poole, III
Peggy Wildman
Jack Fraley
Joseph McCleary
Donald Hunt
Wilford Kale
George Billlups

ALSO PRESENT

Leo Rogers, Deputy County Attorney
O. Marvin Sowers, Jr., Planning Director
John Horne, Development Manager
Pat Foltz, Development Management Assistant
Sarah Weisiger, Planner

2. MINUTES

Mr. Kale moved to approve the minutes of the April meeting.

Mr. McCleary seconded the motion. The motion passed by a unanimous voice vote.

3. COMMTTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. McCleary, chairman of the DRC, presented the DRC report. The committee heard five cases at its April 28th meeting. The DRC recommended the Planning Commission grant preliminary approval for case SP-035-03, Prime Outlets Phases V-A+B. For cases SP-018-04, New Town Block 8, Phase IB Residential, and SP-027-04, Greensprings Condominiums, the DRC deferred action until their June meeting. Additionally, the DRC granted an overhead utility waiver for case C-050-04, 7456 Little Creek Dam, and ruled that the proposed conceptual layout in C-050-04, Clubhouse Point, was consistent with the overall Stonehouse master plan.

With regard to the Prime Outlet plan, Mr. Kale inquired into whether the plan addressed access issues, specifically if the new plan would solve the current problem of customers using the service roads to access the stores.

Mr. McCleary responded that this problem had been partially addressed in the plan and that additional signage could offer an eventual solution.

Mr. Poole asked if SP-014-04, Action Park of Williamsburg, had been deferred again.

Mr. McCleary stated that staff had been working on this issue and that it had been deferred again.

Ms. Wildman moved to approve the DRC report.

Mr. Hunt seconded. In a unanimous voice vote the Planning Commission adopted the DRC report.

4. PUBLIC HEARING CASES

A. CASE NO. Z-11-03 & MP-12-03 Stonehouse Modifications

Ms. Weisiger stated that the applicant, Mr. Alvin Anderson, of Kaufman and Canoles, requested deferral to the June meeting of the Planning Commission in order to resolve outstanding issues concerning the Stonehouse master plan and proffers. Staff concurred with the request.

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

Hearing no requests to speak, Mr. Poole deferred the case until the June 7th meeting.

B. CASE NO. Z-01-04/MP-02-04 New Town Section 5

Ms. Sarah Weisiger presented the staff report. Mr. Alvin P. Anderson has applied on behalf of New Town Associates, LLC, to amend the master plan and proffers for approximately 8.8 acres currently zoned R-8, Rural Residential with proffers and M-1, Limited Business/Industrial with proffers and to rezone approximately 7.1 acres, currently zoned R-8 with proffers to M-1 with proffers to allow construction of 63,358 square feet of wholesale, warehouse and/or industrial uses. The Comprehensive Plan Land Use Map designates this property for Mixed Use development; the principal suggested uses are a mixture of commercial, office and limited industrial with some residential secondary uses. This property is located at 152 and 155 Tewning Road and is more specifically identified as a portion of Parcels (1-3) and (1-4) on the JCC Real Estate Tax Map No. (38-2). Staff recommended approval of the application.

Mr. McCleary noted that, though the parcel will not be considered as part of New Town if approved, that it will still come before the DRC through the site plan process.

Mr. Poole opened the public hearing.

Mr. Greg Davis, representing the applicant, New Town Associates, gave a short presentation summarizing of the proposal. Mr. Davis spoke to the access of the site, the relation of Section 5 to the overall layout of New Town, and to the topography of the site, specifically dealing with environmental concerns. Mr. Davis stressed that any light industrial or warehouse uses on this property would be screened visually from the remainder of New Town and would preserve the environmentally sensitive features of the site.

Mr. McCleary confirmed the precise dimensions of the developable area on the parcel.

Mr. Kale inquired into an acreage discrepancy between the plan and the listed statistics.

Mr. Davis explained the difference as a result of the inclusion of portions of Sections 3 and 4 of New Town in the calculations.

Seeing no other speakers, Mr. Poole closed the public hearing.

Mr. McCleary asked Mr. Leo Rogers if language could be added to future proffers requiring developers to replace scenic buffers if they were destroyed due to accident or a natural disaster.

Mr. Rogers responded that, practically, it would be very difficult for the County to define and enforce such a proffer.

Mr. Hunt concurred with Mr. Rogers.

Mr. Poole voiced his support for the application as a whole.

Mr. McCleary motioned to approve. Ms. Wildman seconded.

In a unanimous roll call vote the motion passed 7:0. AYE: Poole, McCleary, Fraley, Wildman, Hunt, Kale, Billups (7). NAY: (0).

C CASE NO. SUP-130-04 Williamsburg Farms Country Inn

Ms. Weisiger presented the deferral. Mr. Patrick Duffeler has applied for a special use permit to construct and operate a 36-room inn. The site is at **5800 Wessex Hundred Road**, and can be further identified as Parcel (1-10) on James City Real Estate Tax Map (48-4). The property is zoned R-8, Rural

Residential and is designated Low Density Residential on the Comprehensive Plan Land Use Map. The applicant had asked for a deferral to resolve outstanding issues. Staff concurred with his request.

Mr. Hunt asked Ms. Weisiger to elaborate on the nature of the outstanding issues.

Ms. Weisiger responded that VDOT required more detailed traffic analysis.

Mr. Poole opened the public hearing.

Ms. Christine Payne, a resident of the Vineyards, spoke to the traffic issues surrounding the application, specifically that a critical traffic level has been reached on Lake Powell Road.

Mr. Roger Eschelman, also a resident of the Vineyards, seconded Ms. Payne's concerns over the traffic that will be generated by the inn. Additionally, Mr. Eschelman raised the issue of public utility burden that will be placed on the infrastructure by this additional proposal.

Hearing no other requests to speak, Mr. Poole deferred the case until the June 7th meeting.

Mr. Sowers offered the assistance of the Planning Division staff to help answer the citizens' questions.

Mr. Billups suggested setting up meetings with neighborhoods potentially affected by this application.

D. CASE NO. SUP-12-04 Hogan Daycare

Ms. Weisiger presented the staff report. Ms. Catherine Hogan has applied for a special use permit amendment for the continued operation of a child day care center at 233 Nina Lane. The existing special use permit for the day care expires on July 10, 2004 and must be renewed. The property is zoned R-2, General Residential and is more specifically identified as Parcel No. (3-203) on JCC Tax Map No. (23-4). The parcel is designated as Low Density Residential on the Comprehensive Plan Land Use Map. Staff recommended approval of the renewal of the special use permit.

Mr. Billups asked if the application conforms to the state regulations for daycare facilities.

Ms. Weisiger responded that the Hogans have a state license to operate a day care.

Mr. Poole opened the public hearing.

Mr. John Hogan, the applicant, delivered a short presentation, stressing that the business has yet to receive a complaint or negative response from the residents of Kristiansand. Mr. Hogan also responded to Mr. Billups's question, responding that the daycare operates well within state standards and routinely passes state inspections.

Mr. McCleary inquired into the possibility of Mr. Hogan's moving to another home and how that eventuality would affect the daycare.

Mr. Hogan responded that, if he were to move, that he would relocate to another neighbourhood. He and his family are currently investigating options.

Mr. Kale inquired if, at any point, the daycare had reached its care capacity.

Mr. Hogan responded that it currently operates at capacity.

Ms. Cindy Hogan of 208 Bruton Drive, spoke to the overall quality and benefits offered by the Daycare Center. She voiced her support for the renewal application.

Mr. Poole closed the public hearing.

Mr. Kale moved to approve the application. Ms. Wildman seconded.

Ms. Wildman thanked the Hogans for their quality daycare work and voiced her support for their application. Ms. Wildman also credited the Policy Committee for crafting an effective policy.

Mr. Poole voiced his support for the application.

In a unanimous roll call vote the motion passed 7:0. AYE: Poole, McCleary, Fraley, Wildman, Hunt, Kale, Billups (7). NAY: (0).

E. CASE NO. SUP-14-04 4311 John Tyler Highway Monopole Tower.

Ms. Weisiger presented the deferral. Mr. Nathan Holland has applied on behalf of Omnipoint Communications for a special use permit to add a 38-foot extension to an existing 112-foot tall communications tower. The site is at 4311 John Tyler Highway, and can be further identified as Parcel (1-20) on James City Real Estate Tax Map (46-2). The property is zoned R-8, Rural Residential District, and is designated as Low Density Residential on the Comprehensive Plan Land Use Map. The applicant requested a deferral in order to address several outstanding issues. Staff concurred with the applicant's request.

Mr. Poole opened the public hearing.

Hearing no requests to speak, Mr. Poole, III deferred the case until the June 7th meeting.

5. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented the report. He highlighted the next meeting of the Builders by the Bay roundtable meeting on Friday, May 7, and the Board of Supervisors worksession, where staff, Planning Commissioners, and the Supervisors discussed the Adequate Public Facilities test.

Mr. Poole asked for the number of people in attendance at the Builders by the Bay meetings.

Mr. McCleary responded that about seventy-five people typically attended.

Mr. Poole addressed the Adequate Public Facilities test worksession. He found the previous discussion very helpful in forming an eventual policy, and stressed the value of the Adequate Schools Facility as an analysis tool rather than a pass or fail test.

Mr. McCleary stressed that each case must be reviewed on its overall merits and cannot be judged on a single criteria.

Mr. Poole addressed the necessity for new facilities to be coordinated with public need.

Mr. Hunt spoke to the negative media portrayal of school trailers and spoke to the quality and comfort provided by the facilities.

Mr. Kale voiced his concern that the Planning Commission not have a “compound effect” on the current generation of schoolchildren, and that a more insightful analysis of projects in the pipeline would give us a more accurate idea of the future enrolment trends.

Mr. McCleary supported Mr. Kale’s concern that these projects be further analyzed.

Mr. Billups stressed the distinction between program capacity and physical capacity, and the possibility that future schools be better designed according to intended educational programs.

Mr. Fraley stated that he will closely monitor these statistics, as public sentiment feels very strongly about the issue.

6. ADJOURNMENT

There being no further business, the May 3, 2004, meeting of the Planning Commission was adjourned at approximately 8:00 p.m.

A. Joe Poole, III, Chairman

O. Marvin Sowers, Jr., Secretary

**JAMES CITY COUNTY
DEVELOPMENT REVIEW COMMITTEE REPORT**

FROM: 5/1/2004

THROUGH: 5/31/2004

I. SITE PLANS

A. PENDING PRELIMINARY APPROVAL

SP-087-01	The Vineyards, Ph. 3
SP-116-01	Powhatan Secondary - Ph. 7, Sanitary Sewer Ext.
SP-112-02	Ford's Colony Recreation Park
SP-035-03	Prime Outlets, Ph. 5-A & 5-B - SP Amend.
SP-045-03	Noah's Ark Vet Hospital SP Amend.
SP-052-03	Kingsmill Access Ramp for Pool Access Bldg.
SP-063-03	District Park Sports Complex Parking Lot Expansion
SP-079-03	Tequila Rose Walk-in Cooler
SP-082-03	Williamsburg Winery-Gabriel Archer Tavern
SP-086-03	Colonial Heritage Golf Course
SP-095-03	KTR Stonemart
SP-131-03	Colonial Heritage Ph. 2, Sec. 1
SP-132-03	Windy Hill Market Gas Pumps & Canopy SP Amend.
SP-145-03	Williamsburg National 13 Course Expansion
SP-001-04	Strawberry Plains Center
SP-006-04	Williamsburg Christian Retreat Center Amend.
SP-014-04	Action Park of Williamsburg Ride
SP-016-04	Richardson Office & Warehouse
SP-017-04	Settlement at Monticello - Community Club
SP-018-04	New Town - Block 8, Ph. 1B
SP-025-04	Carter's Cove Campground
SP-027-04	Greensprings Condominiums SP Amend.
SP-028-04	Shiloh Baptist of Croaker
SP-041-04	Ford's Colony - Country Club Redevelopment SP Amd.
SP-042-04	Dream Catchers Therapeutic Riding Center
SP-047-04	Villages at Westminster Drainage Improvements
SP-050-04	AJC Woodworks
SP-051-04	Druid Hills, Sec. D
SP-054-04	Milanville Kennels
SP-056-04	Michelle Point
SP-057-04	The Archaearium at Historic Jamestowne
SP-058-04	Dominion Power - Maintenance Building
SP-059-04	Norge Neighborhood
SP-060-04	New York Deli
SP-063-04	Merrimac Center Project Greenhouse
SP-064-04	Eckerd's at Powhatan Secondary
SP-065-04	Jamestown High School PTSA Sign

Wednesday, June 02, 2004

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SP-067-04 Treyburn Drive Courtesy Review
 SP-068-04 Owens-Brockway - Concrete Slab

B. PENDING FINAL APPROVAL

EXPIRE DATE

SP-061-02	Powhatan Plantation Recreation Bldg Amd	6/18/2004
SP-009-03	Energy Services Group Metal Fabrication Shop	11/14/2004
SP-050-03	Wmbg-Jamestown Airport T-Hanger & Parking Exp.	7/29/2004
SP-056-03	Shell Building - James River Commerce Center	3/ 4/2005
SP-091-03	Colonial Heritage Ph. 1, Sec. 5	8/ 4/2004
SP-092-03	Ford's Colony - Westbury Park, Recreation Area #2	9/ 8/2004
SP-108-03	Fieldstone Parkway Extension	2/26/2005
SP-116-03	Kingsmill - Armistead Point	11/19/2004
SP-127-03	New Town - Old Point National Bank	3/26/2005
SP-134-03	Ironbound Center 4	12/15/2004
SP-136-03	GreenMount Industrial Park Road Extension	3/15/2005
SP-138-03	New Town - Prudential-McCardle Office Building	12/29/2004
SP-139-03	New Town - Block 8, Ph. 1	2/25/2005
SP-140-03	Pocahontas Square	3/ 1/2005
SP-141-03	Colonial Heritage - Ph. 2, Sec. 3	1/12/2005
SP-143-03	New Town - United Methodist Church	1/12/2005
SP-150-03	WindsorMeade Marketplace	2/ 3/2005
SP-003-04	WindsorMeade Villas	3/ 1/2005
SP-004-04	WindsorMeade - Windsor Hall	3/ 1/2005
SP-005-04	WindsorMeade - Villa Entrance & Sewer Const.	3/ 3/2005
SP-009-04	Colonial Heritage - Ph. 1, Sec. 3 & 3A	3/ 1/2005
SP-013-04	Gabriel Archer - Williamsburg Winery - Amend.	3/22/2005
SP-015-04	New Town - Sec. 4, Ph. 2 Infrastructure	4/ 5/2005
SP-023-04	Williamsburg Landing SP Amend.	4/ 2/2005
SP-045-04	Powhatan Co-Location Monopole Tower	4/29/2005
SP-046-04	Williamsburg Cancer Treatment Center SP Amend.	5/ 3/2005

C. FINAL APPROVAL

DATE

SP-130-03	Wythe-Will Distributing Company, LLC	5/ 7/2004
SP-021-04	New Town - Block 2, Parcel F Office Building	5/14/2004
SP-026-04	New Town - Block 2, Parcel E, Office Building	5/17/2004
SP-029-04	HRSD Wmbg. Plant Electrical Shop Addition	5/ 4/2004
SP-030-04	JCC Communications Tower - Regional Jail	5/10/2004
SP-031-04	JCC Communications Tower - JCC Landfill	5/20/2004
SP-032-04	JCC Communications Tower - Hankins	5/10/2004
SP-036-04	D.J. Montague ES Trailer Addition	5/14/2004
SP-055-04	Busch Gardens - Stroller Rental Deck Expansion	5/ 3/2004
SP-061-04	Unitarian Universalists Landscape Amend.	5/21/2004
SP-062-04	Miller's Greenhouse at Basketville	5/24/2004

D. EXPIRED

EXPIRE DATE

Wednesday, June 02, 2004

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II. SUBDIVISION PLANS

A. PENDING PRELIMINARY APPROVAL

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-086-02	The Vineyards, Ph. 3, Lots 1, 5-9, 52 BLA
S-058-03	Ford's Colony - Sec. 10, 171-172
S-062-03	Hicks Island - Hazelwood Subdivision
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-083-03	Columbia Drive Subdivision
S-094-03	Brandon Woods Parkway ROW
S-100-03	Colonial Heritage Ph. 2, Sec. 1
S-101-03	Ford's Colony - Sec. 35
S-107-03	Stonehouse Conservation Easement Extinguishment
S-108-03	Leighton-Herrmann Family Subdivision
S-115-03	Eagle Tree Farm Lot 12
S-116-03	Stonehouse Glen, Sec. 2
S-003-04	Monticello Ave. ROW plat for VDOT
S-008-04	Lake Powell Forest Ph. 6
S-021-04	Varble Subdivision
S-022-04	ROW Conveyence for Rt. 5000 & Rt. 776 Abandonment
S-027-04	Lake Powell Forest Ph. 7
S-029-04	BLA Lots 1A & 1B Longhill Gate
S-034-04	Warhill Tract BLE / Subdivision
S-036-04	Subdivision at 4 Foxcroft Road
S-037-04	Michelle Point
S-038-04	Greensprings West Ph. 4B & 5
S-039-04	Governor's Land - Wingfield Lake Lots 27, 28
S-041-04	6199 Richmond Road Subdivision
S-042-04	Eckerd's at Powhatan Secondary
S-045-04	ARGO Ph. 1
S-046-04	ARGO Ph. 2
S-047-04	ARGO Ph. 3
S-048-04	Colonial Heritage - Open Space Easement
S-049-04	Norge Neighborhood
S-050-04	Colonial Heritage - Golf Maintenance ROW
S-051-04	WindsorMeade Marketplace
S-052-04	The Villages at Powhatan, Ph. 7

S-053-04 The Colonial Heritage Club

B. PENDING FINAL APPROVAL

EXPIRE DATE

S-037-02	The Vineyards, Ph. 3	5/ 4/2005
S-052-02	The Retreat--Fence Amend.	6/18/2004
S-076-02	Marion Taylor Subdivision	10/ 3/2004
S-094-02	Powhatan Secondary Ph. 7-C	12/30/2004
S-108-02	Scott's Pond, Sec. 3	1/13/2005
S-033-03	Fenwick Hills, Sec. 2	10/31/2004
S-044-03	Fenwick Hills, Sec. 3	6/25/2004
S-049-03	Peleg's Point, Sec. 5	7/ 3/2004
S-055-03	Colonial Heritage Ph. 1, Sec. 5	8/ 4/2004
S-056-03	Colonial Heritage Ph. 1, Sec. 4	9/23/2004
S-057-03	Ford's Colony - Sec. 34	8/19/2004
S-063-03	102 Lands End BLA & BLE	4/30/2005
S-073-03	Colonial Heritage Ph. 2, Sec. 2	10/ 6/2004
S-076-03	Wellington, Sec. 4	11/ 3/2004
S-078-03	Monticello Woods - Ph. 2	11/ 3/2004
S-098-03	Stonehouse Glen, Sec. 1	4/ 5/2005
S-099-03	Wellington, Sec. 5	2/ 3/2005
S-106-03	Colonial Heritage Ph. 2, Sec. 3	1/12/2005
S-001-04	Ironbound Village Ph. 2, Parcel 2	2/17/2005
S-002-04	The Settlement at Monticello (Hiden)	3/ 1/2005
S-006-04	Colonial Heritage - Ph. 1, Sec. 3 & 3A	3/ 1/2005
S-007-04	Druid Hills, Sec. D Resubdivision	3/12/2005
S-009-04	Colonial Heritage Public Use Site B	3/18/2005
S-017-04	Green Mount Lot 1A	3/26/2005
S-024-04	161 Old Stage Road Subdivision	4/19/2005
S-033-04	2011 Bush Neck Subdivision	5/ 4/2005
S-035-04	Colonial Heritage Blvd. Ph. 2 Plat	4/28/2005
S-044-04	8715 Pocahontas Trail BLE	5/20/2005

C. FINAL APPROVAL

DATE

S-039-02	Powhatan Secondary, Ph. 6-C	5/ 6/2004
S-012-04	New Town - Block 2, Parcel E (CD&A)	5/13/2004
S-015-04	170 Racefield Drive Subdivision	5/ 5/2004
S-023-04	New Town - Block 5, Parcel F; Block 8, Parcels ABC	5/21/2004
S-030-04	Villages at Powhatan, Ph. 6	5/25/2004
S-032-04	Forge Road Dye Subdivision	5/18/2004
S-040-04	Ford's Colony Sec. 10 Lots 56/57 BLA	5/ 6/2004
S-043-04	Viall/Halligan BLA	5/17/2004

D. EXPIRED

EXPIRE DATE

DEVELOPMENT REVIEW COMMITTEE ACTION REPORT
Meeting of June 2, 2004

Case No. C-055-04

Mid-County Park, Trail Addition

Mr. Paul Tubach of James City County Parks and Recreation submitted a conceptual plan proposing approximately 3500 linear feet of 10' multi-use trail at Mid-County Park. The property is further identified as 3793 Ironbound Road, or parcel (1-10) on James City County Tax Map (38-3). DRC Review is required by Virginia State Code, which states that no changes at a public facility shall be allowed unless the Planning Commission finds the changes "substantially" consistent with the adopted Comprehensive Plan.

DRC Action: The DRC unanimously recommended that the Planning Commission find the proposed multi-use trail around Mid County Park substantially consistent with the 2003 Comprehensive Plan.

Case No. SP-057-04

Archaearium at Historic Jamestown

Ms. Jane Jacobs of the Association for the Preservation of Virginia Antiquities (APVA) has submitted a site plan proposing off-site parking spaces to be shared with National Park Service visitors. The site is located on Jamestown Island and is further identified as parcel (1-1) on James City County Tax Map (54-2). DRC review is necessary to obtain permission for off-site parking.

DRC Action: The DRC recommended approval of off-site parking for the Archaearium.

Case No. SP-27-04

Greensprings Condominiums

Mr. Ralph Simmons of Greensprings Plantation, Inc. submitted a site plan proposing 282 condominiums to be located on the Monticello Avenue extension between Centerville Road and Greensprings Plantation Drive. The parcel is further identified as parcel (1-6) on James City County Tax Map (37-3). DRC review is necessary for any site plan proposing fifty or more residential units.

DRC Action: The DRC recommended preliminary approval be issued for the site plan subject to agency comments being addressed.

Case No. C-055-04

New Town Block 8, Phase IB Residential

Mr. Bob Cosby of AES Consulting Engineers, on behalf of Mr. Bob Ripley of GCR, submitted a site plan proposing sixty-six townhomes and four single family homes in Phase IB of New Town. The property is located at 5216 Monticello Avenue adjacent to Center Street and Casey Boulevard and is further identified as parcel (1-50) on James City County Tax Map (38-4). DRC review is necessary because the site plan propose more than fifty residential units.

DRC Action: The DRC voted unanimously to recommend preliminary approval for this site plan subject to staff's recommendations detailed in the June 2nd staff report.

Case No. S-038-04**Greensprings West, Phases 4B and 5**

Mr. Rick Smith of AES Consulting Engineers, on behalf of Lewis Waltrip of Jamestown Development, submitted a subdivision plan proposing 65 lots on 33.52 acres located at 4001 Centerville Road. The property is further identified as parcel (1-22) on James City County Tax Map (36-3). DRC review is necessary because the plan proposes a subdivision greater than fifty lots.

DRC Action: The DRC unanimously voted to recommend preliminary approval be issued subject to agency comments being addressed.

Case No. S-037-04 / SP-056-04**Michelle Point**

Mr. Jay Epstien of Michelle Point LLC submitted subdivision and site plans proposing the creation of single-family and townhouse units in Michelle Point. The property is located at 9001 Barhamsville Road and is further identified as parcel (1-3) on James City County Tax Map (12-1). DRC review is necessary for the following reasons: That the proffers for this development state that there shall be a variable width, undisturbed buffer along Route 30 frontage subject to approval by the DRC; that the proffers also state that the owner shall provide recreational facilities subject to the approval of the DRC; and that the project proposes more than fifty residential units.

DRC Action: The DRC deferred action on the case.

Case No. SP-59-04**Norge Neighborhood**

Mr. Jason Grimes of AES Consulting Engineers, on behalf of Norge Neighborhood LLC, submitted a site plan proposing 80 multi-family units to be located on 7101, 7145, and 7147 Richmond Road, 126 Rondane Place, and 75 Nina Lane. The parcels are further identified, respectively, as parcels (1-50), (1-50C), (1-49), and (1-51) on James City County Tax Map (23-2) and parcel (1-8) on Tax Map (24-1). DRC review is necessary for any site plan proposing fifty or more residential units.

DRC Action: The DRC deferred action on the case.

Case No. SP-51-04**Druid Hills, Section D**

Mr. Kenneth Jenkins of LandTech Resources, on behalf of Andy Piplico of CD&A, submitted a site plan proposing the construction of a road within existing right-of-way in the Druid Hills subdivision. The road will provide access to parcels (7-83), (7-84), (7-85), and (7-86) on James City County Tax Map (47-2). DRC review is necessary due to unresolved problems between the applicant and adjacent property owners.

DRC Action: The DRC deferred action on the case.

SPECIAL USE PERMIT 13-04 Williamsburg Farms Country Inn
Staff Report for June 7, 2004 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

Planning Commission:

Building F Board Room; County Government Center

May 3, 2004 7:00 p.m.

June 7, 2004 7:00 p.m.

July 12, 2004 7:00 p.m.

Board of Supervisors:

August 10, 2004 (tentative) 7:00 p.m.

SUMMARY FACTS

Applicant:

Patrick G. Duffeler

Land Owner:

Williamsburg Farms, Inc.

Proposed Use:

Construction and operation of a 36 room inn

Location:

5800 Wessex Hundred Road

Tax Map/Parcel:

(48-4)(1-10)

Zoning:

R-8, Rural Residential

Comprehensive Plan:

Low Density Residential

Primary Service Area:

Yes

STAFF RECOMMENDATION

The applicant is preparing a traffic study to address VDOT concerns and has requested deferral of this special use permit until July 12, 2004. Staff concurs with this request.

Staff Contact:

Matthew Arcieri

Phone: 253-6685

**SPECIAL USE PERMIT 14-04. 4311 John Tyler Monopole Tower
Staff Report for the June 7, 2004 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 **7:00 p.m.; Building F Board Room; County Government Center**
Planning Commission: May 3, 2004 (deferred)
 June 7, 2004
Board of Supervisors: July 13, 2004 (tentative)

SUMMARY FACTS

Applicant: Nathan Holland, T Mobile

Land Owner: Axel L. Nixon and Sheila F. Nixon

Proposed Use: Extend existing 112 foot communications tower to 150 feet.

Location: 4311 John Tyler Highway

Tax Map/Parcel: (46-2)(1-20)

Zoning: R-8, Rural Residential District

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

STAFF RECOMMENDATION

The applicant has requested that the Planning Commission defer this case until the July 12, 2004 Planning Commission Meeting in order to allow more time to resolve outstanding issues. Staff concurs with the request.

Staff Contact: Ellen Cook Phone: 253-6685

Ellen Cook

Attachment:
1. Deferral Request Letter

... T-Mobile

May 24th, 2004

Ellen Cook
Planning Department
County of James City

RE: Omnipoint Communications proposal at 4315 John Tyler Highway

Dear Ellen,

Omnipoint Communications would like to request another one-month deferral regarding our scheduled case before the June 7th planning commission meeting. We are still waiting on SHPO (State Historic Preservation Office) to return their determination on the proposed extension and would like to make that available to staff and commission members before a final decision is made. Since the process should take no more than 30-45 days we expect a determination by the 3rd week in June. I wish to thank-you in advance for your cooperation in this matter and if you require further information or assistance please feel free to contact me at 757-490-7214 or 757-305-8420.

Sincerely,

Nathan Holland

Nathan Holland
Omnipoint Communications
VA40118A

T-Mobile USA, Inc.
Office: (757) 490-7200
Fax: (757) 490-6195
5029 Corporate Woods Dr., Suite 225
Virginia Beach, VA 23462
email: tania.boyer@t-mobile.com@t-mobile.com

**Z-11-03 & MP-11-03. Stonehouse Planned Community Rezoning Amendment
Staff Report for the June 7, 2004, 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

**7:00 p.m.; Building F Board Room; James City County
Government Complex unless otherwise noted:**

Planning Commission: December 8, 2003, 5:30 p.m. Building C Board Room (Deferred)
January 12, 2004, 5:30p.m. (Deferred)
February 2, 2004, (Deferred)
March 1, 2004, (Deferred)
April 5, 2004, (Deferred)
May 3, 2004, (Deferred)
June 7, 2004
Board of Supervisors: July 13, 2004 (Tentative)

SUMMARY FACTS

Applicant: Mr. Greg Davis, Kaufman & Canoles

Land Owner: Ken McDermott of Stonehouse Capital, LLC and Stonehouse at Williamsburg, LLC for Stonehouse Glen, LLC, Fieldstone Investment, LLC, Mount Laurel, LLC, Fairmont Investment, LLC, Six Hundred North, LLC, Tymar Capital, LLC and Commerce Park at Stonehouse, LLC.

Proposal: To amend the master plan and proffers for the Stonehouse Planned Community by realigning Fieldstone Parkway, shifting residential densities and rezoning some landbays to residential. There is no proposed increase to the total number of approved residential units within the Stonehouse Planned Community.

Location: 9235 Fieldstone Parkway, 9760 Mill Pond Road,
9186 & 9600 Mount Zion Road and 9501 Sycamore Landing Road
Stonehouse District

Tax Map/Parcel: (4-4)(1-25), (4-4)(1-26), (4-4)(1-27), (4-4)(1-28), (4-4)(1-29)
(5-3)(1-10), (6-3)(1-1), (6-4)(1-1), (7-4)(1-20) and (12-1)(1-47)

Primary Service Area: Inside

Parcel Sizes: 4,684 Acres

Existing & Proposed Zoning: Planned Unit Development Residential & Commercial with Proffers

Comprehensive Plan: Low Density Residential & Mixed Use

Staff Contact: Karen Drake - Phone: 253-6685

STAFF RECOMMENDATION

The applicant has requested deferral of this case until the July 12, 2004 Planning Commission meeting to allow more time to resolve outstanding issues regarding the Stonehouse master plan and proffers. Staff concurs with the request.

Attachment:

1.) Deferral Request Letter

— | A Professional Corporation | —
Attorneys and Counselors at Law

757 / 259-3800
fax: 757 / 259-3838

www.kaufmanandcanoles.com

O. Marvin Sowers, Jr.

June 1, 2004

Page 2

We appreciate Staff providing timely comments and working to finalize the application for Planning Commission review as quickly as possible. If you have any questions, please do not hesitate to contact me.

Very truly yours,


Timothy O. Grant II

xc: Kenneth G. McDermott (via facsimile 908-234-9508)
Mark Rinaldi (via facsimile 757-229-0049)
Alvin P. Anderson, Esq. (via hand delivery)
Gregory R. Davis, Esq. (via hand delivery)
Brian R. Marron, Esq. (via U.S. mail)
Susan B. Tarley, Esq. (via U.S. mail)

#6056655 v1

**SPECIAL USE PERMIT 16-04, Williamsburg-Jamestown Airport – SUP Amendment
Staff Report for June 7, 2004, 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

Planning Commission:

Board of Supervisors:

7:00 PM Building C Board Room; County Government Center

June 7, 2004

June 8, 2004

SUMMARY FACTS

Applicant:

Larry Waltrip, Williamsburg-Jamestown Airport

Land Owner:

Mary S. Waltrip

Proposed Use:

Airport facilities, including T- Hangars as shown on previously approved master plan

Location:

100 Marclay Road off of Lake Powell Road

Tax Map/Parcel:

(48-2) (1-5A) and (1-6) and the addition of the part of (1-12) which is located south of Marclay Road.

Parcel Size:

116.0 acres, 8.6 acres, and approximately 14.6 acres

Zoning:

R-8, Rural Residential

Comprehensive Plan:

Airport

Primary Service Area:

Inside

STAFF RECOMMENDATION

This SUP amendment will allow for the development of the airport property in accordance with the master plan approved with Special Use Permit SUP-23-97. As no additional facilities are being proposed in the updated master plan, and as the property is designated Airport on the Comprehensive Plan Land Use Map, staff recommends approval of this SUP amendment.

Staff Contact:

Sarah Weisiger, Planner

Phone: 253-6685

PROJECT DESCRIPTION AND PROPOSED OPERATION

Mr. Larry Waltrip of the Williamsburg-Jamestown Airport has applied on behalf of Mary Waltrip to amend Special Use Permit 23-97. A special use permit is required for airports and accessory uses in the R-8, Rural Residential zoning district in which the property is located. In 1997, SUP-23-97 was approved for property on Marclay Drive also identified as parcel numbers (1-5A) and (1-6) on tax map number (48-2). However, the approved master plan in SUP-23-97 showed airport development including T-hangars located on both parcel (1-5A) and parcel (1-12). Because the original SUP did not include portions of parcel (1-12) in the Board of Supervisors' resolution or in the public hearing advertisements, the parcel cannot be developed unless this SUP amendment is granted.

The SUP amendment will allow for the construction of the proposed T-hangars on parcel (1-12) in an area located south of Marclay Road and adjacent to the airport. The conditions of SUP-23-97 will be carried over with no changes made for this SUP amendment. Also, staff finds that no additional facilities, other than those originally proposed and approved with SUP-23-97, have been proposed with the master plan.

Airport History

The airport officially opened in 1970 as a privately owned airport operated for use by the general public. In 1986, a special use permit application (SUP-26-85) was approved by the Board of Supervisors which made the airport use a legal conforming use in the R-8 zoning district. In 1997, the Board of Supervisors approved SUP-23-97, which permitted phased development of the airport over a 20 year period.

Updated Master Plan

The applicant has updated the master plan to show all existing and proposed airport uses. Since 1997, an aviation fuel farm and an apron expansion including 25 tie-downs have been constructed. A site plan has been approved for a corporate hangar and an Aircraft Rescue and Firefighting building; these have not been constructed.

On the proposed plan, the applicant has provided a table showing how many units are proposed for each corporate hangar and T-hangar. In 1997, these hangars were approved and units were limited to the numbers allowed under SUP condition #9. The applicant has updated the dates of the four development stages to Stage I: 1998-2002; Stage II: 2003-2007; Stage III: 2008-2017; and Ultimate: Beyond 2017.

The stage of development referred to as "Ultimate" is shown on the approved and proposed master plans but is not allowed under SUP condition #10. A note has been added to the proposed plan stating that no approval of the Ultimate stage is being sought at this time. Also, no GPS "straight-in" approach is being proposed at this time and is prohibited by SUP condition. A paved safety overrun is shown on the master plan; this is not a runway extension; a paved safety overrun is striped and has lights placed across the width of the runway.

COMPREHENSIVE PLAN

The Comprehensive Plan Land Use Map designates the properties as Airport. The principal suggested uses include aviation, with airport-related commercial and office development as clearly secondary uses.

Staff Comments: The proposed amendment is consistent with the Comprehensive Plan.

CONCLUSIONS & CONDITIONS

Staff finds that the proposed amendment is in accordance with the Comprehensive Plan, and believes that this SUP amendment will accomplish what the Board of Supervisors had intended when SUP-23-97 was approved in 1997. The conditions of SUP-23-97 are included without any changes. Staff recommends approval of this special use permit with the conditions in the attached resolution.

1. No extension of the existing runway shall be permitted. A paved safety overrun adjacent to Runway 13 (western end of runway), not to exceed 900 feet may be constructed in accordance with FAA standards. The paved safety overrun shall be marked appropriately and lights shall be installed and maintained across the width of the runway to delineate the runway and safety overrun.
2. The Williamsburg-Jamestown Airport Special Operating Procedures shall be amended such that Condition No. 5 under General Procedures which states that, "the calm wind runway (less than five knots) will be Runway 13, weather and traffic permitting" shall be deleted. The existing Williamsburg-Jamestown Airport Special Airport Operating Procedures, with the above revision noted, shall remain in effect.
3. The Williamsburg-Jamestown Airport shall review, revise, and publish, as necessary, the description of the airport and associated local rules, procedures, and warnings in the following industry publications:
 - a. Airport Facility Directory
 - b. VDOA (5010) Inspection Form - Remarks/Runway section.
 - c. Permanent NOTAM (Class II)

These publications shall indicate the established flight patterns and procedures and notify all pilots of the special established patterns to avoid the surrounding residential neighborhoods and Rawls Byrd Elementary School. This condition shall be satisfied prior to the issuance of a building permit for any of the proposed improvements contained within the Master Plan. Documentation shall also be submitted to the Community Airport Committee.

Also the following steps shall be taken:

- a. Report the basic pertinent information by UNICOM when pilots check in for takeoff and landing operations.
 - b. Identify/distribute information through a published set of "Airport Rules and Regulations."
 - c. Post/display Special Operating Procedures in the flight planning area and other conspicuous areas of the terminal building.
4. The Airport Procedures shall be amended to require runway preference for runway 31 for all arriving aircraft, not just twin-engine aircraft as stated in the current Airport Procedures.
5. Signs shall be erected at both ends of the runway which read as follows:

For departures on Runway 31: "Remember to turn left to avoid flying over the Elementary School."

For departures on Runway 13: "Remember to make right turn for noise abatement."

6. A Community Airport Committee shall be established. The Committee's purpose is to provide a formal setting for an on-going dialogue between all interested parties (i.e., the citizens, the County, the Airport owners and operators, pilots, WJCC Schools, and business community). It shall be the

responsibility of the Airport owners to establish the Committee. The Committee shall be a balanced representation of the following interest groups: airport owners/operators, citizens, the County, WJCC Schools, and pilots. The Committee shall be comprised of no fewer than five persons and no more than 10 persons. The Airport owners shall submit a list of committee members to the County for approval within six months of the approval of this Special Use Permit application. The Committee shall meet at least four times per year in open session.

7. Approval of the facilities contained in the Master Plan in no way obligates the County to approving the construction of these facilities. The proposed facilities shall undergo the typical site plan and building plan review process and receive County approval before construction of these facilities and improvements shall commence.
8. A lighting plan shall be prepared and approved by the Planning Director for each site plan submittal that contains outdoor lighting. All outdoor lighting, exclusive of lights for the runway, taxiways, and other required safety lighting, shall have recessed lenses.
9. The following size limitations shall apply to the planned facilities:

T-Hangar Units	63 units* maximum
Corporate Hangar Units	14 units* maximum
Apron Parking Tie-Downs	49 spaces maximum
Terminal Building Expansion	2,500 square feet maximum --
Total size of building shall not exceed 7,327 square feet (4,327 + 2,500)	
Flight Management Building	2,500 square feet maximum

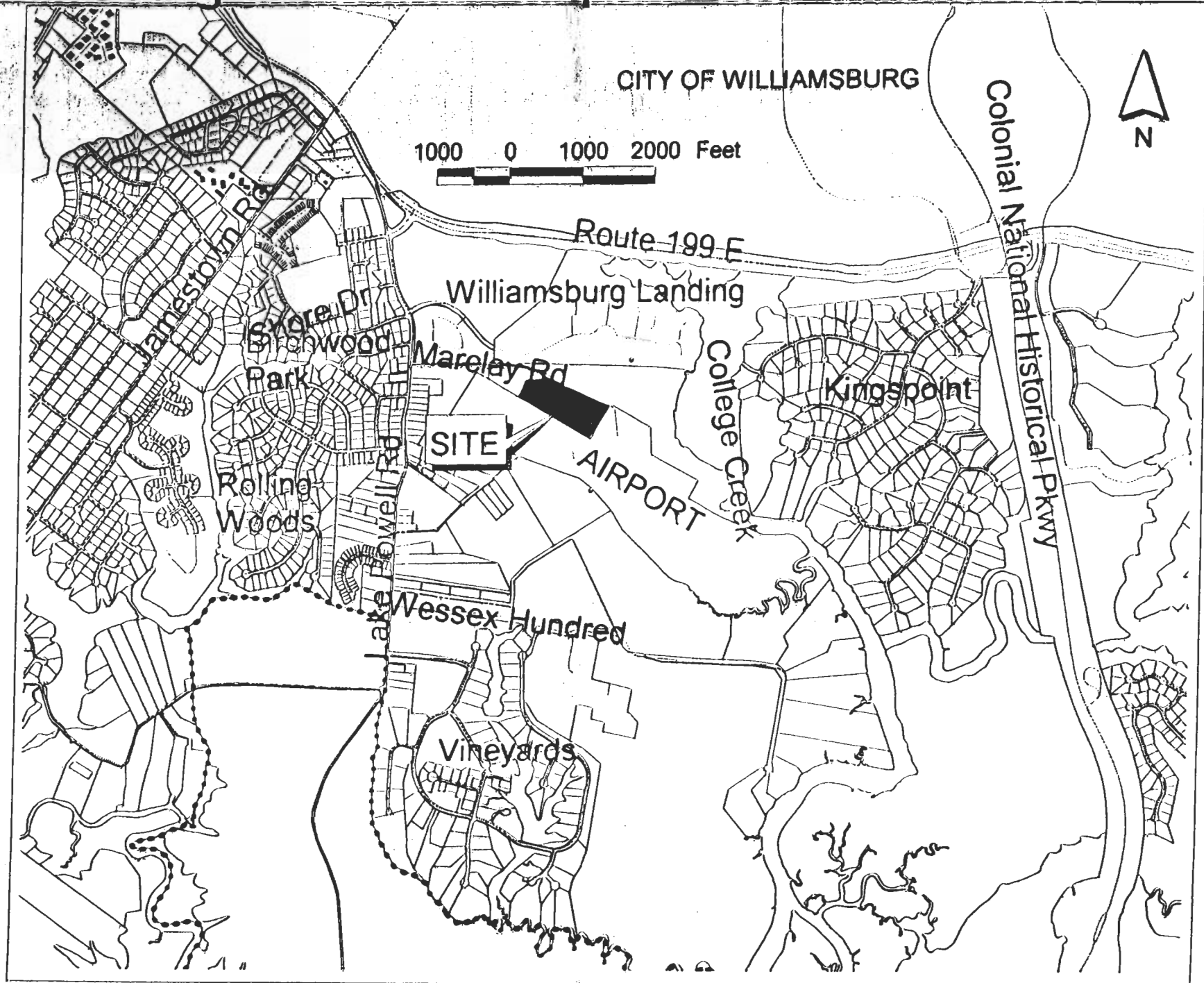
*For T-Hangars and Corporate Hangars - 1 unit is equivalent to 1 aircraft parking space.
10. The improvements labeled as “Ultimate” on the Master Plan are not approved as part of this application. A 25-foot wide paved apron shall be permitted between the helipads (Stage III) and Hangar 14 (Stage I). The purpose of this paved apron would be to provide access to hangars on the west side of the airport.
11. No GPS “straight-in” approach procedure shall be permitted at the Airport.
12. The corporate hangars may include attached accessory office space that is exclusive of the airplane storage area. The office area shall be used/occupied by the owners or tenant of the corporate hangar to which the office/storage area is attached. The use of the office space shall be strictly limited to airport-related activities. The cumulative amount of office space attached to corporate hangars shall not exceed 5,000 square feet (i.e., five corporate hangars with 1,000 square feet office space OR two corporate hangars with 2,500 square feet -- the other three shall contain no office space, or any combination thereof not to exceed 5,000 square feet).
13. A landscaped buffer around the perimeter of the site shall be maintained or established which accomplishes the goal of screening the proposed airport improvements from adjacent properties. The Planning Director shall determine whether additional landscaping is needed to screen future improvements from adjacent properties at the time of site plan review.

ATTACHMENTS:

1. Location Map
2. Photo Map of Airport
3. Proposed master plan – Airport Layout Plan (under separate cover)

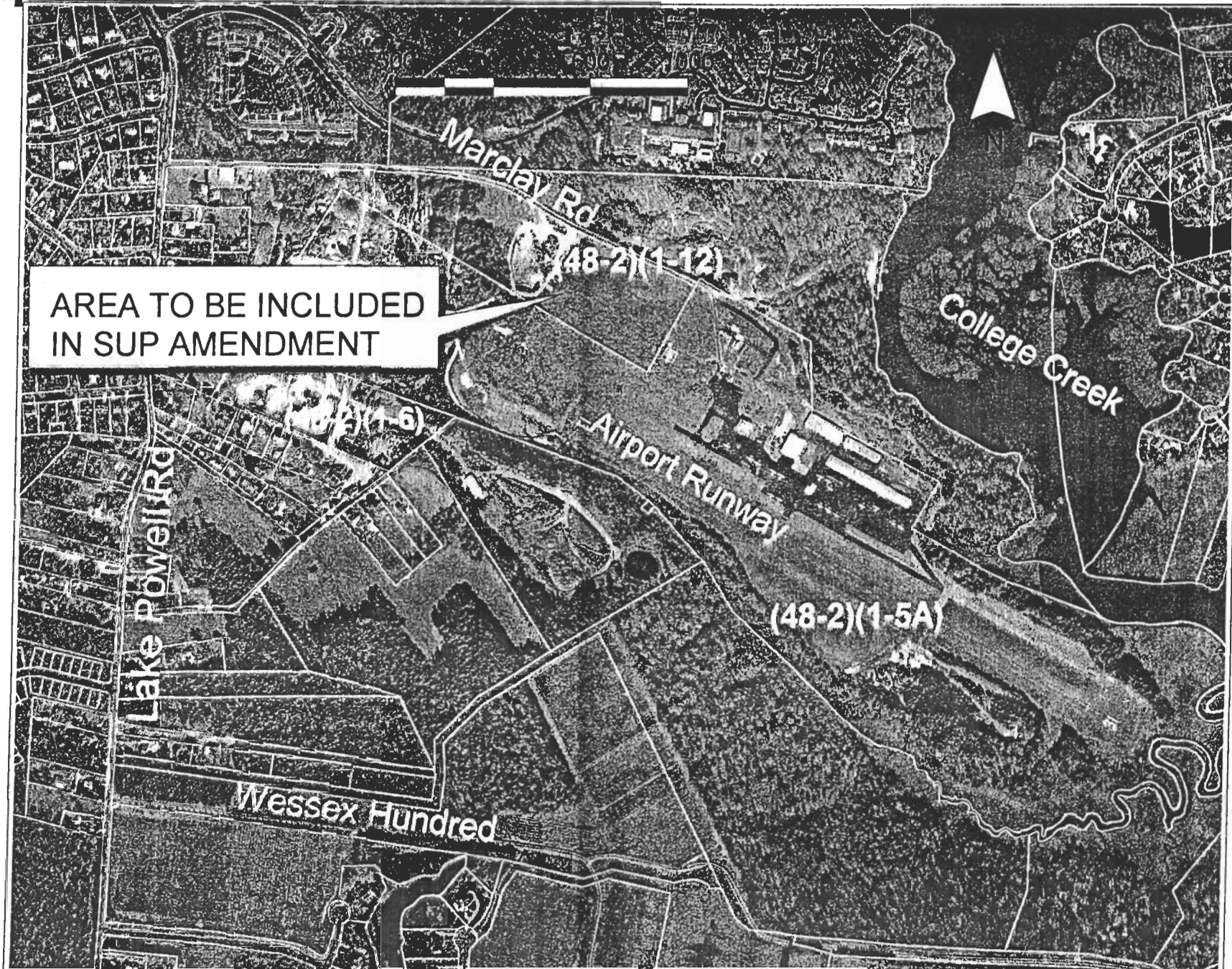
Case No. SUP-16-04. Location Map

Williamsburg Jamestown Airport - SUP amendment



Case No. SUP-16-04. Williamsburg - Jamestown Airport - SUP amendment

Photo Copyright 2002 State of Virginia



SPECIAL USE PERMIT 17-04 JCC Communications Tower – Forge Road
Staff Report for June 7, 2004 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

Planning Commission:

Board of Supervisors:

Building F Board Room; County Government Center

June 7, 2004 7:00 p.m.

June 8, 2004 (tentative) 7:00 p.m.

SUMMARY FACTS

Applicant:

Richard Miller, James City County Fire Chief

Land Owner:

James City County

Proposed Use:

SUP Amendment to increase the height of the communication tower serving as part of the JCC 800-MHz trunked radio system from 140 to 160 feet.

Location:

3135 Forge Road

Tax Map/Parcel:

(12-3)(1-27)

Zoning:

B-1, General Business

Comprehensive Plan:

Federal, State & County Land

Primary Service Area:

Yes

STAFF RECOMMENDATION

Staff finds the proposal generally consistent with the 2003 Comprehensive Plan and notes that, despite the increase in height, the tower will be thirty feet shorter than the existing tower and thus will still reduce the existing tower's negative visual impacts. Staff recommends the Planning Commission recommend approval of the special use permit application with the attached conditions.

Staff Contact:

Matthew Arcieri

Phone: 253-6685

PROJECT BACKGROUND

On April 27, 2004 the Board of Supervisors approved SUP-24-03, permitting a 140 foot self supported communication tower as part of the new 800-MHz. trunked radio system. In early May, staff was notified by the microwave contractor through Motorola that they had completed their microwave path study. The study found a line of trees in the vicinity of the EOC was blocking the microwave signal between the EOC and the tower at the James City County landfill. The only solution is to increase the tower height of the EOC tower from 140 to 160 feet.

The location of the tower at the EOC will not change.

PUBLIC IMPACTS

Visual Impacts

- ◆ Based on visual observations of the existing 190 foot tall tower, portions of the new tower will be visible from surrounding residences as well as from Richmond Road and Forge Road.
- ◆ The new tower will be relocated adjacent to a new central dispatch facility; the SUP amendment does not change the location of the tower. Despite the twenty foot increase in height, the tower will be thirty feet shorter than the existing tower.
- ◆ The new tower is 14 feet wide at its base, the same as the existing tower. The new tower will be mounted with two six foot wide microwave dishes.

COMPREHENSIVE PLAN

- ◆ The site is designated State, Federal and County Land.
Staff Comments: The proposed tower is consistent with this designation.
- ◆ By developing a regional system with York County, the proposal also satisfies goal four of the Public Facilities element, “Emphasize efficient facilities and service delivery systems and develop public facilities as components of regional systems where feasible.”

CONCLUSIONS & CONDITIONS

Staff finds the proposal generally consistent with the 2003 Comprehensive Plan and notes that, despite the increase in height, the tower will be thirty feet shorter than the existing tower and thus will still reduce the existing tower’s negative visual impacts. Staff recommends the Planning Commission recommend approval of the special use permit application with the following conditions:

1. This Special Use Permit shall be valid for a total of one (1) tower. The maximum height of the tower shall not be greater than 160 feet. The tower site shall be developed generally in accordance with the site layout titled “Special Use Permit Plan for 140’ Cellular Tower on the James City County Property” dated December 1, 2003, with the exception that the tower height may be increased to 160 feet. Additional minor changes may be approved by the Director of Planning.
2. Final building design, location, orientation and construction materials for any supporting structures, such as equipment sheds and huts, shall be approved by the Director of Planning prior to final site plan approval.
3. A final Certificate of Occupancy from the James City County Codes Compliance Division shall be obtained within 24 months of approval of this special use permit, or the permit shall become void.
4. Within 30 days of the issuance of a final Certificate of Occupancy by the James City County Codes Compliance Division, certification by the manufacturer, or an engineering report by a Virginia-registered structural engineer, shall be filed by the applicant indicating the tower height, design, structure, installation and total anticipated capacity of the structure, including number and type of antennas which could be accommodated, demonstrating to the satisfaction of the building official that

all structural requirements and other safety considerations set forth in the 2000 International Building Code, or any amendment thereof, have been met.

5. The tower shall have a finish that is grey in color as approved by the Director of Planning. No additional lighting beyond the minimum required by the FAA or FCC shall be allowed on the tower.
6. No advertising material or signs shall be placed on the tower.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Matthew D. Arcieri

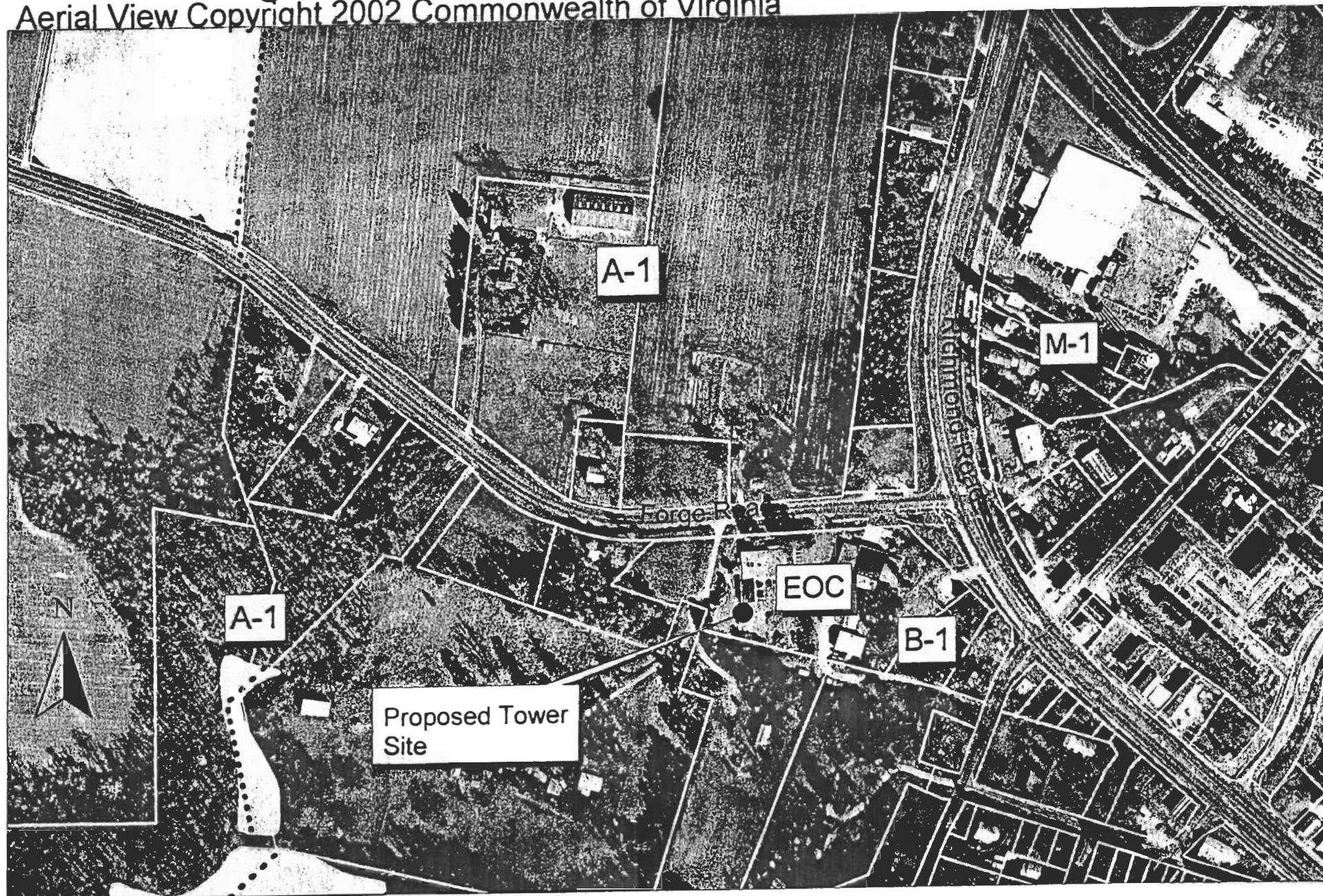
ATTACHMENTS:

1. Location Map
2. Pictures of Existing Tower
3. Contract Design Review, Motorola, November 2003

SUP-17-04, JCC Communication Tower JCC Emergency Operations Center (Forge Road)



Aerial View Copyright 2002 Commonwealth of Virginia



Existing EOC Tower



From Entrance to Burnt Ordinary



Facing EOC across Richmond Road

Existing EOC Tower



From entrance to Hankins Industrial Park



From Forge Road

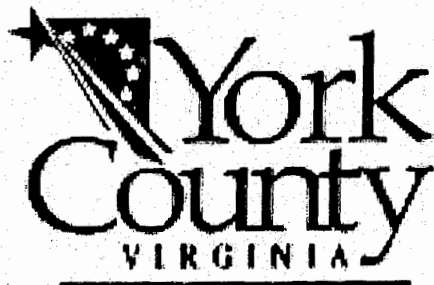


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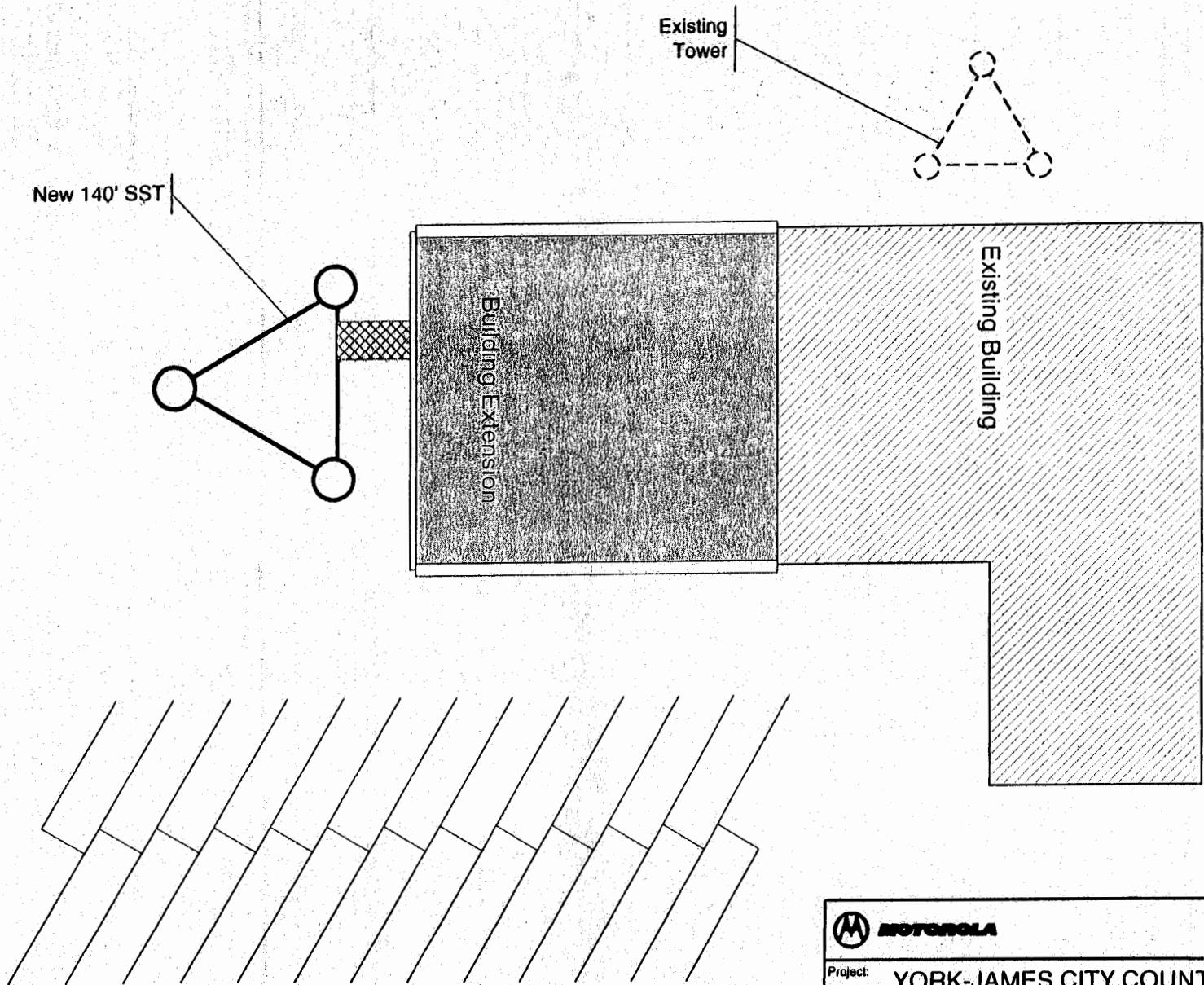
York County/James City County


**800 MHz Trunked
Simulcast Radio
System**

**Contract Design
Review**



November 2003



 MOTOROLA	
Project: YORK-JAMES CITY COUNTY	
Title: James City ECC	
Designed by: KM	Date: 11/17/2003

**SPECIAL USE PERMIT 17-03; MASTER PLAN 5-03. Warhill Sports Complex Master Plan
Staff Report for the June 7, 2004, 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 F Board Room; County Government Center
Planning Commission: June 7, 2004 7:00 p.m.
Board of Supervisors: July 13, 2004 7:00 p.m. (Tentative)

SUMMARY FACTS

Applicant: James City County, Division of Parks & Recreation
Land Owner: James City County
Proposed Use: District Park
Location: 5700 Warhill Trail; Powhatan District
Tax Map/Parcel: (32-1)(1-12)
Parcel Size: \pm 406 acres out of 521.7 total acres
Zoning: R-8, Rural Residential
Comprehensive Plan: Park, Public, or Semi-Public Open Space
Primary Service Area: Inside

STAFF RECOMMENDATION

Staff recommends the Planning Commission recommend approval of these applications. Staff finds the proposed use consistent with surrounding zoning and development and consistent with the Comprehensive Plan. Staff believes that the amended conditions will sufficiently mitigate the impacts created by the proposed development.

Staff Contact: Christopher Johnson Phone: 253-6685

PROJECT DESCRIPTION

Mr. Ned Cheely, on behalf of the James City County Division of Parks & Recreation, proposes to amend the existing master plan for Warhill Sports Complex (formerly District Park Sports Complex) and amend and restate the existing Special Use Permit conditions for the park. Public or private community recreation facilities are a specially permitted use in the R-8, Rural Residential, zoning district. The 406 acre park is generally located north of Longhill Road (Route 612), east of Centerville Road (Route 614) and west of Route 199 and can be further identified as Parcel (1-12) on James City County Real Estate Tax Map No. (32-1).

The amended master plan for Warhill Sports Complex proposes the addition of a lacrosse/field hockey complex, a multi-purpose field complex, an indoor sports/basketball facility, picnic areas, greenway access to Centerville Road, a paved multi-use trails, a controlled secondary park access to Centerville Road, a BMX park and un-programmed open space. The area where these facilities would be located are generally located on the west side of Warhill Trail and are labeled as areas E, F G2, H, I, J, K2, L, M, O and Q on the Master Plan.

HISTORY

In July 1987, Mr. W.J. Scruggs applied on behalf of Virginia International Finance and Development, Inc. to rezone approximately 616 acres of the Warhill Tract from A-2, Limited Agricultural, to R-4, Residential Planned Community; M-1, Limited Industrial; and B-1, General Business. That rezoning proposal, which was approved by the Board of Supervisors, would have allowed 475 single-family dwelling units and 493 multifamily dwelling units on the portion of the site zoned R-4 (484 acres); 210,000 square feet of development on the M-1 portion of the site (94 acres); and 300,000 square feet of commercial development on the B-1 portion of the site (38 acres). Portions of the M-1 and B-1 property have subsequently been rezoned to other industrial and business districts and a small handful of homes were developed on the R-4 property (59 approved lots in Mallard Hill).

The district park concept, originally approved by voter referendum in 1994, was originally intended for the Horwater-Cole Tract located west of the intersection of Longhill Road and Centerville Road. The Warhill site was purchased by the County in 1996. Due primarily to site development costs, the Board subsequently approved the transfer of the athletic program facilities from Horwater-Cole (Freedom Park) to Warhill. Since the adoption of the original master plan and approval of the special use permit for the park (Case No. SUP-4-98), a baseball complex, soccer complex, concession stands, parking facilities, the indoor soccer complex (WISC), and entrance road (Warhill Trail) have been completed.

PUBLIC IMPACTS

Environmental Impacts

Watershed:

Powhatan Creek

Environmental Comments:

Environmental impacts will be minimized through the implementation of a strict erosion and sediment control plan that will include immediate soil and slope stabilization, temporary sediment basins, silt fencing, diversion dikes, and sediment forebays. The entire project will be developed in accordance with the guiding principles of the Powhatan Creek Watershed Management Plan. A perennial stream evaluation will be required so that the Resource Protection Area (RPA) can be determined. This allows for more cost effective future site planning once the

site constraints are known. Some of the proposed facilities (B-Softball complex; D-Stadium complex; E-Sports Field complex; F-Multipurpose fields; H/A-Picnic Areas; and P-Maintenance Area) have the potential to be affected by the RPA determination. If perennial streams are present, a 100-foot buffer will be required around them and any wetlands contiguous and connected by surface flow to the stream. Staff has added a condition which requires that a perennial stream evaluation be approved by the Environmental Director prior to preliminary approval being granted for any site plan involving the potentially affected facilities mentioned above.

Public Impacts

Utilities: The site is served by public water and sewer.
JCSA Comments: With the exception of concession stands and bathroom facilities, the extension of public utilities within the site will be minimal.

Traffic Impacts

2003 Traffic Counts: 9,361 vehicle trips per day on Longhill Road from Centerville Road to Route 1530 (entrance to Season's Trace); 16,937 vehicle trips per day on Longhill Road from Route 1530 to Olde Towne Road

Road Capacity: A two lane collector road with turn lanes has a capacity of 14,000 vehicle trips per day; A four lane road with turn lanes has a capacity of 30,000 vehicle trips per day

VDOT Comments: A traffic impact study will be required in the future to determine necessary roadway improvements. Some low traffic generating facilities may be allowed prior to the submission of an updated traffic impact study and/or construction of required roadway improvements. This determination will be at the sole discretion of the Virginia Department of Transportation.

Staff Comments: Development of the proposed facilities is entirely dependant on funding through future Capital budgets. Because of this fact, full build-out of the sports complex may take many years. Because a current traffic study would not be valid at the time development is begun and since recreational facilities normally generate traffic on evenings and on weekends, staff is proposing a condition which will require a traffic study within three years from the date the application is approved, unless required by VDOT prior to that date. The condition will allow the Development Manager the authority to delay requiring the amended traffic study for a period of two additional years if construction of the proposed facilities at Warhill Sports Complex occurs at a slower pace than expected. The master plan identifies two options for providing for a secondary park access to Centerville Road for park expansion, stadium and future high school development. Vehicular control is needed to prevent cut-through traffic to Centerville Road, but can be opened for secondary emergency access in accordance with an agreement with VDOT.

COMPREHENSIVE PLAN

The site is located North of Longhill Road and east of Centerville Road. Both Longhill Road and Centerville Road are listed as suburban Community Character Corridors (CCC) in the 2003 Comprehensive Plan.

- The predominant visual character of the suburban CCC should be the built environment and natural landscaping, with parking and other auto-related areas clearly a secondary component of the streetscape. The CCC designation will help preserve the existing wooded buffer and enable staff to recommend desirable design elements to help compliment and enhance the visual quality of the corridor.

The property is designated Park, Public, and Semi-Public Open Space

- Large, undeveloped areas owned by institutions or the public and used for recreation or open space. These areas serve as buffers to historic sites, as educational resources, and as areas for public recreation and enjoyment.

Staff Comments: With the amended conditions, staff believes that the proposed future development at the Warhill Sports Complex is consistent with the Park, Public, or Semi-Public Open Space designation.

CONCLUSIONS AND CONDITIONS

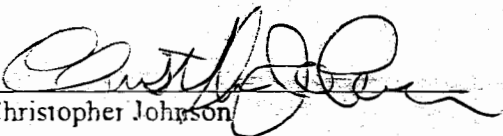
Staff finds the proposed development consistent with surrounding zoning and development and consistent with the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of this Special Use Permit application with the following conditions:

NOTE: Conditions 1, 3, 4 and 5 are existing conditions which have been modified to reflect the current application. Conditions 2 and 6 are existing conditions with no changes. Conditions 7, 8 and 9 are new conditions.

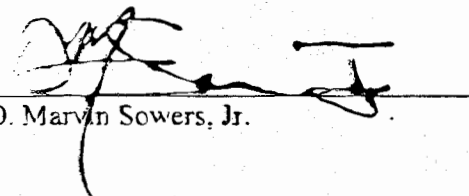
1. Development of the site shall be generally in accordance with the Warhill Sports Complex Master Plan dated April 2004 with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
2. Prior to issuance of a land disturbing permit for any portion of the site, the applicant shall provide written evidence to the County which demonstrates that the recommendations of a professional archaeologist have been implemented in a manner consistent with the preservation objectives of the Board of Supervisors Archaeological Policy, as determined by the Planning Director or his designee.
3. A minimum 150-foot buffer shall be maintained along all property lines of the park site. That buffer shall remain undisturbed with the exception of breaks for roadways and pedestrian connections, utilities, walking and hiking trails, and other uses specifically approved by the Development Review Committee.
4. All road improvements recommended by a traffic study approved by both the Planning Director and VDOT shall be constructed prior to the facilities requiring the improvements being utilized.
5. A lighting plan shall be reviewed and approved by the Director of Planning for any lighting proposed adjacent to any athletic fields. This plan shall indicate that no glare, as determined by the Planning Director or his designee, is cast onto adjacent properties. For all parking lot luminaries and building

mounted luminaries, mounted recessed fixtures shall be used with no lens, bulb, or globe extending below the casing or otherwise unshielded by the case so that the light is visible from the side of the fixture. This condition shall not apply to streetlights.

6. All public address speakers used on the site shall be oriented generally towards the interior of the property and away from exterior property lines.
7. The applicant shall submit a traffic impact study to the County within three years of the date of approval of this application, unless a study is required by VDOT prior to that date. The Development Manager shall have the authority to delay requiring the traffic study to be submitted for a period of an additional two years if construction of the proposed facilities at Warhill Sports Complex occurs at a slower pace than expected.
8. The applicant shall conduct a perennial stream evaluation and receive approval from the Environmental Director prior to preliminary site plan approval being granted for any of the following uses proposed for the site: B-Softball complex; D-Stadium complex; E-Sports Field complex; F-Multipurpose fields; H/I-Picnic Areas; or P-Maintenance Area. If perennial streams are present on the site, a 100-foot buffer will be required around them and any wetlands contiguous and connected by surface flow to the stream.
9. This special use permit is not severable. Invalidity of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.


Christopher Johnson

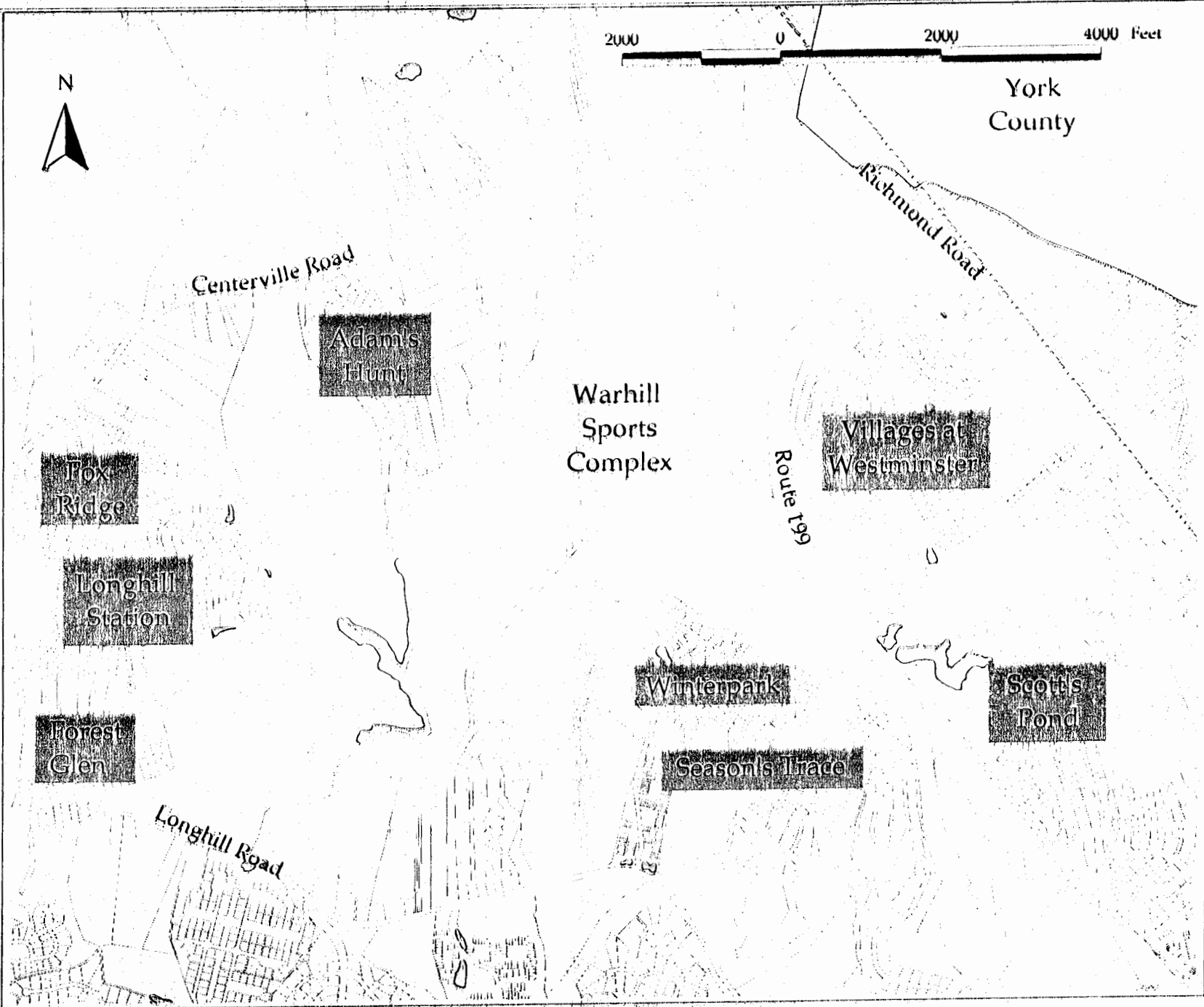
CONCUR:


O. Marvin Sowers, Jr.

ATTACHMENTS:

1. Location Map
2. Master Plan (separate attachment)

SUP-17-03/MP-05-03 Warhill Sports Complex



**SPECIAL USE PERMIT 11-04; MASTER PLAN 3-04. Freedom Park Master Plan
Staff Report for the June 7, 2004, 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

Planning Commission: Building F Board Room; County Government Center
June 7, 2004 7:00 p.m.
Board of Supervisors: July 13, 2004 7:00 p.m. (Tentative)

SUMMARY FACTS

Applicant: James City County, Division of Parks & Recreation
Land Owner: James City County
Proposed Use: District Park
Location: 5535, 5537 and 5981 Centerville Road; Powhatan District
Tax Map/Parcel: (31-3)(1-6); (31-3)(1-9); and (31-3)(1-10)
Parcel Size: ± 689.71 acre site
Zoning: A-1, General Agricultural and LB, Limited Business
Comprehensive Plan: Park, Public, or Semi-Public Open Space
Primary Service Area: Outside (A small portion of the site bordering Centerville Road is located inside the PSA)

STAFF RECOMMENDATION

Staff recommends the Planning Commission recommend approval of these applications. Staff finds the proposed use consistent with surrounding zoning and development and consistent with the Comprehensive Plan. Staff believes that the amended conditions will sufficiently mitigate the impacts created by the proposed development.

Staff Contact: Christopher Johnson Phone: 253-6685

PROJECT DESCRIPTION

Mr. Ned Cheely, on behalf of the James City County Division of Parks & Recreation, proposes to amend the existing master plan for Freedom Park and amend and restate the existing Special Use Permit conditions for the park. Public or private community recreation facilities are a specially permitted use in the A-1, General Agricultural, zoning district. The 690 acre park is generally located west of the intersection of Centerville Road (Route 614) and Longhill Road (Route 612) and east of Jolly Pond Road (Route 611) and can be further identified as Parcels (1-6), (1-9), and (1-10) on James City County Real Estate Tax Map No. (38-3).

The amended master plan for Freedom Park is the result of a series of public meetings which were scheduled to solicit feedback from County citizens and civic groups to help guide the development of the park. These public meetings demonstrated the importance of the site from a historical perspective and highlighted the need to develop historic interpretive areas to create educational opportunities within the park. Development of Freedom Park is planned to occur in five phases. Phase One saw the construction of the entrance road, 33 parking spaces, landscaping, hiking trails and mountain bike trails. Phase Two will develop the core park facilities, continue archaeological work in proposed development areas and prepare a water feasibility study to assess water features within the park. Phase Three will develop passive recreational facilities and several picnic areas with shelters and additional parking areas. Phase Four will develop active recreation facilities including basketball, tennis, and volleyball courts, an open meadow for special events, an amphitheater and an aquatic facility. The final phase of construction will focus on water-based recreation facilities pending approval of the lake by permitting agencies. Other park facilities such as an environmental education center and a dog park may be built through public/private partnerships, grants, and/or donations. Staff has amended existing condition #1 to refer to the amended Freedom Park master plan dated April 2004.

HISTORY

In March 1994, voters authorized general revenue bonds for financing several initiatives. Among the initiatives was \$3,100,000 earmarked for the purchase of a large parcel to be used for a future district park. The acquisition of the Hotwater-Cole Tract for use as a district park was completed in April 1994. Master planning and design of the park facility was approved in subsequent Capital budgets. Master planning of the Hotwater-Cole tract for both passive and active uses was nearly complete when the County agreed to purchase the Warhill Tract in 1996. The acquisition of the Warhill Tract was not anticipated when the Hotwater-Cole site was acquired or planned. The Warhill tract terrain was better suited than Hotwater-Cole for active sports facilities so revised master plans were prepared that moved the active sports components to Warhill. The passive and less land intrusive components for a district park remained planned for the Hotwater-Cole tract in the future. On January 23, 2001, the Board of Supervisors adopted a resolution for the development of a district park on the Hotwater-Cole Tract (Case No. SUP-26-00). The initial phase of development at Freedom Park was completed in August 2002. Archaeological assessments conducted within the site during the initial phase of development revealed the presence of twenty seven sites. Phase Two archaeological assessments are ongoing in several of these significant sites at the present time.

PUBLIC IMPACTS

Environmental Impacts

Watershed:

Gordon Creek

Environmental Comments:

Environmental impacts will be minimized through the implementation of a strict erosion and sediment control plan that will include immediate soil and slope stabilization, temporary sediment basins, silt fencing, diversion dikes, and sediment forebays. The entire project is located outside the 100-year

floodplain. A perennial stream evaluation will be required so that the Resource Protection Area (RPA) can be determined. This allows for more cost effective future site planning once the site constraints are known. Some of the proposed facilities (Historical areas 1,2 and 3; Active recreation area; "Hotwater Lake" as shown; and the Environmental Education Center) have the potential to be affected by the RPA determination. If perennial streams are present, a 100-foot buffer will be required around them and any wetlands contiguous and connected by surface flow to the stream. Staff has added a condition which requires that a perennial stream evaluation be approved by the Environmental Director prior to preliminary approval being granted for any site plan involving the potentially affected facilities mentioned above.

Public Impacts

- Utilities:** The vast majority of the site is located outside the Primary Service Area (PSA) and will not be served by public water or sewer.
- JCSA Comments:** Any unused wells on the site shall be abandoned in accordance with State Private Well Regulations and the James City County Code. Water and sanitary sewer service connections and/or extensions to JCSA infrastructure will be limited to those areas within the PSA (i.e.: aquatic recreation area adjacent to Centerville Road)

Traffic Impacts

- 2003 Traffic Counts:** 5,073 vehicle trips per day on Centerville Road from Longhill Road to News Road; 8,281 vehicle trips per day on Centerville Road from Jolly Pond Road to Longhill Road
- Road Capacity:** A two lane collector road with turn lanes has a capacity of 14,000 vehicle trips per day; A four lane road w/ turn lanes has a capacity of 30,000 vehicle trips per day
- VDOT Comments:** A traffic impact study will be required in the future to determine necessary roadway improvements to Centerville Road and when a traffic signal will be triggered. Some low traffic generating facilities may be allowed prior to the submission of an updated traffic impact study and/or construction of required roadway improvements. This determination will be at the sole discretion of the Virginia Department of Transportation.
- Staff Comments:** A traffic impact study was submitted with the previous Special Use Permit application (SUP-26-00) and subsequently reviewed by VDOT, which concurred with the results. Staff and VDOT recognize that Freedom Park will develop only as quickly as funding becomes available in future Capital budgets. The applicant will continue to engage VDOT in their planning for the facilities proposed on the amended Master Plan. Staff has amended existing condition #5 which requires the applicant to construct all road improvements required by the 2000 traffic study. The changes to this condition require the applicant to submit an updated traffic impact study within three years of the approval of the special use permit, unless required by VDOT prior to that date. The condition allows the Development Manager the authority to delay requiring the amended traffic study for a

period of two additional years if construction of the proposed facilities at Freedom Park occurs at a slower pace than expected.

COMPREHENSIVE PLAN

The site is located west of the intersection of Centerville Road and Longhill Road. Both Centerville Road and Longhill Road are listed as suburban Community Character Corridors (CCC) in the 2003 Comprehensive Plan.

- The predominant visual character of the suburban CCC should be the built environment and natural landscaping, with parking and other auto-related areas clearly a secondary component of the streetscape. The CCC designation will help preserve the existing wooded buffer and enable staff to recommend desirable design elements to help compliment and enhance the visual quality of the corridor.

Staff Comments: With the amended conditions, staff believes that development of facilities adjacent to Centerville Road will be adequately screened and buffered from adjacent residences and will be consistent with the Community Character Corridor guidelines. Condition #3 has been amended so that development of facilities along Jolly Pond Road will be screened and buffered from adjacent development and residences. Previously, this condition only required a 150' buffer along the property lines bordering Centerville Road and those properties with frontage along Centerville Road.

The property is designated Park, Public, and Semi-Public Open Space

- Large, undeveloped areas owned by institutions or the public and used for recreation or open space. These areas serve as buffers to historic sites, as educational resources, and as areas for public recreation and enjoyment.

Staff Comments: With the amended conditions, staff believes that the proposed future development of Freedom Park is consistent with the Park, Public, or Semi-Public Open Space designation.

CONCLUSIONS AND CONDITIONS

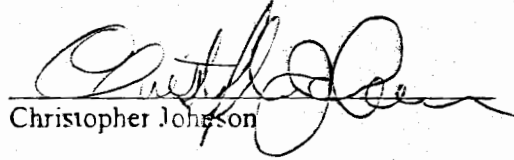
Staff finds the proposed development consistent with surrounding zoning and development and consistent with the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of this Special Use Permit application with the following conditions:

NOTE: Conditions 1 and 3 are existing conditions which have been modified to reflect the current application. Condition 2 and 4 are existing conditions with no changes. Conditions 5, 6 and 7 are new conditions.

1. Development of the site shall be generally in accordance with the Freedom Park Master Plan dated April 2004 with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
2. Prior to issuance of a land disturbing permit for any portion of the site, the applicant shall provide written evidence to the County which demonstrates that the recommendations of a professional archaeologist have been implemented in a manner consistent with the preservation objectives of the

Board of Supervisors Archaeological Policy, as determined by the Planning Director or his designee.

3. A minimum 150-foot buffer shall be maintained along all property lines of the park site. That buffer shall remain undisturbed with the exception of breaks for roadways and pedestrian connections, utilities, walking, hiking and biking trails, and other uses specifically approved by the Development Review Committee.
4. All road improvements recommended by a traffic study conducted by Buchart-Horn, Inc. in January 2000 shall be constructed in accordance with development plans approved by the Virginia Department of Transportation (VDOT).
5. The applicant shall submit an updated traffic impact study to the County within three years of the date of approval of this application, unless a study is required by VDOT prior to that date. The Development Manager shall have the authority to delay requiring the amended traffic study to be submitted for a period of an additional two years if construction of the proposed facilities at Freedom Park occurs at a slower pace than expected.
6. The applicant shall conduct a perennial stream evaluation and receive approval from the Environmental Director prior to preliminary site plan approval being granted for any of the following uses proposed for the site: Historical areas 1, 2 and 3; Active recreation area; "Hotwater Lake" as shown; and the Environmental Education Center. If perennial streams are present on the site, a 100-foot buffer will be required around them and any wetlands contiguous and connected by surface flow to the stream.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.


Christopher Johnson

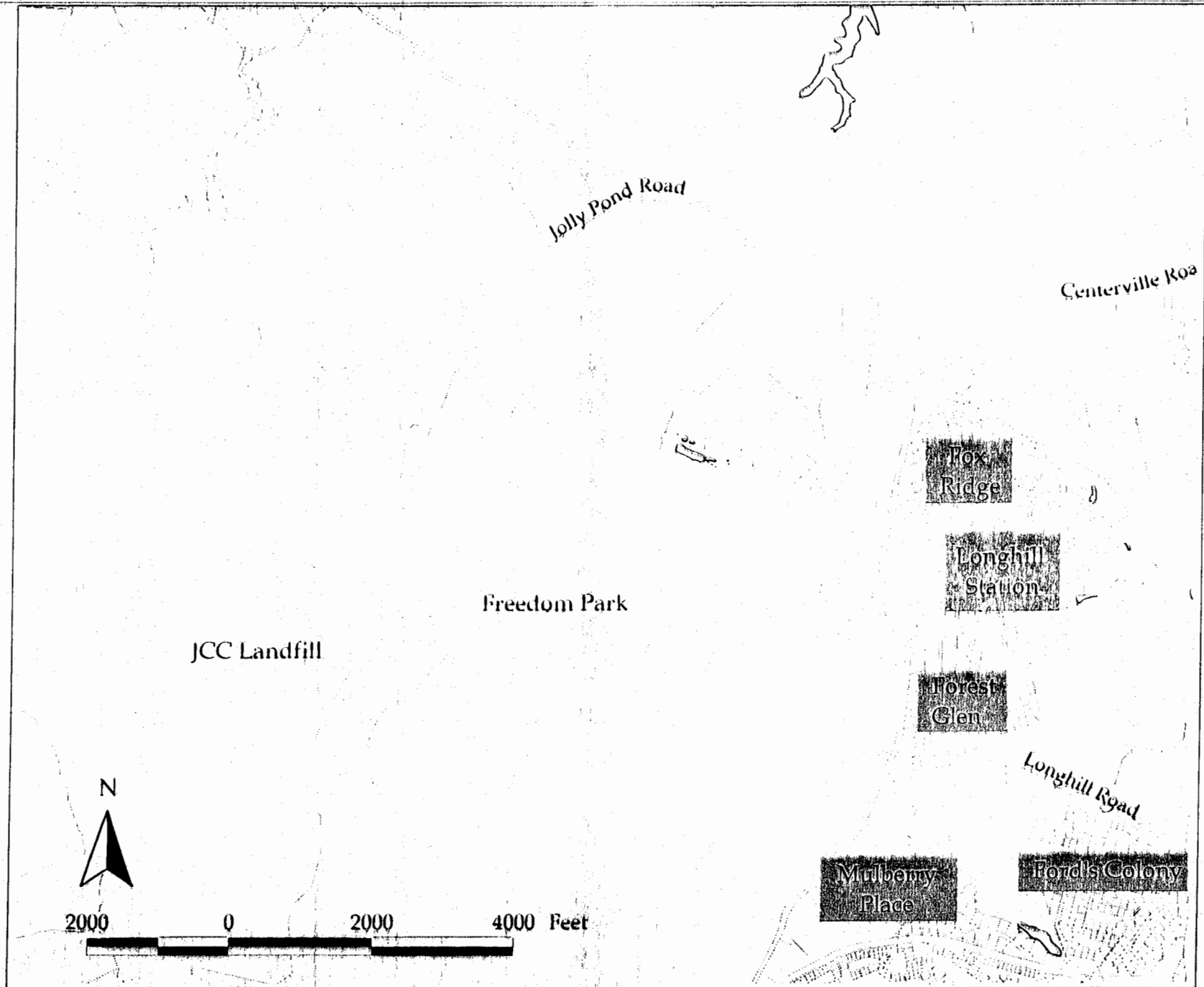
CONCUR:


O. Martin Sowers, Jr.

ATTACHMENTS:

1. Location Map
2. Master Plan (separate attachment)

SUP-11-04 / MP-03-04 Freedom Park



RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE

WHEREAS, the Planning Commission of James City County, Virginia, is charged by Virginia Code §15.2-2223 to prepare and recommend to the Board of Supervisors various land development plans and ordinances, specifically including a zoning ordinance and necessary revisions thereto as seem to the Commission to be prudent; and

WHEREAS, on August 12, 2003, the Board of Supervisors adopted the 2003 Comprehensive Plan; and

WHEREAS, in order to make the Zoning Ordinance more consistent with the Comprehensive Plan, public review and comment of draft amendments is required, pursuant to Virginia Code §15.2-2285; and

WHEREAS, the Planning Commission is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of amendments.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, does hereby request staff to initiate review of Article V, Districts, Division 11, Limited Business/Industrial District, M-1, and Division 12, General Industrial District, M-2 of the Zoning Ordinance for the consideration of adding the use of manufacture of previously prepared stone products as a permitted use. The Planning Commission shall hold at least one public hearing on the consideration of amendments of said Ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with law.

A. Joe Poole, III
Chair, Planning Commission

ATTEST:

O. Marvin Sowers, Jr.
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 7th day of June,
2004.

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PLANNING DIRECTOR'S REPORT

June 2004

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

1. Site Plan Review Process. The team that conducted the review of the site plan process received an Outstanding Team Award from the County in May. The Team was composed of members of the development community (Richard Costello, Steve Romeo, Henry Stephens) and representatives from VDOT and four County Departments.
2. Site Plan Roundtable. The three committees met in early May to continue their work in the Builders for the Bay project to review County ordinances. The next committee meetings will occur in late June.
3. Five Forks Study. The Board of Supervisors will consider a methodology to involve the public at its June 8 meeting. Included in the proposal is creation of a five-member citizen committee, objectives and a meeting schedule. The citizen committee will be charged with developing guiding principals for future development in the Five Forks Area.
4. 2007 Host Committee. Staff continued to participate on the Community Activities Task Force, a subcommittee of the 2007 Host Committee. The Task Force met in May to continue its efforts to coordinate community activates and beautification.
5. Corridor Enhancement Committee. In May the Committee created a design team to develop recommended enhancement plans for selected areas along Jamestown Road and explore funding options.
6. Virginia Capital Trail/Greensprings Trail. County staff and VDOT continued in May to develop both trails. VDOT is tentatively planning to hold a public information/input meeting this summer.
7. Treyburn Drive Extension. Staff have the site for Treyburn Drive under review.
8. Ironbound Road Improvements. VDOT completed the improvement of Ironbound Road between Jamestown Road and Sandy Bay Road. The project, which involved widening and removing the road's high crown, was done using a technique new to the area which both reduced costs and avoided major disturbance and tree clearing.
9. Barrett's Ferry/Route 5 Bridge. Staff attended a meeting sponsored by State legislative representatives, VDOT and Charles City County to receive public input on plans to replace this bridge. The County recently learned that VDOT is now pursuing a down river crossing due to Federal environmental regulations and intends to begin construction in late 2005.
10. Staff Changes. Lee Schnappinger as resigned her position as Senior Planner after five years of service to the County. She has accepted a position with a private firm in Maryland within minutes of her family's home. In the coming weeks we will be seeking to fill her position with another landscape architect and we will be hiring for the new planner position recently approved by the Board of Supervisors.
11. Upcoming Cases. New cases that are tentatively scheduled for the April 5th Planning Commission meeting include:

SUP-18-04 Precious Moments SUP Renewal. Evangelina Crump has applied to amend the existing SUP for Precious Moments Playhouse to increase the allowable number of children in daycare from 15 to 30. Precious Moments is located at 103 Indigo Terrace and the case is tentatively scheduled for the July Planning Commission Meeting.

O. Marvin Sowers, Jr.