

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
AUGUST 16, 2004 - 7:00 p.m.

1. ROLL CALL
2. Minutes
 - A. July 12, 2004 Regular Meeting
3. COMMITTEE AND COMMISSION REPORTS
 - A. Development Review Committee (DRC) Report
 - B. Other Reports
4. PUBLIC HEARINGS
 - A. SUP-14-04 John Tyler Monopole Tower
 - B. Z-11-03 / MP-11-03 Stonehouse Modifications
 - C. Z-6-04 / MP-06-04 Lightfoot Mixed Use
 - D. Z-02-04 Air Tight Storage / Oaktree Office Park Expansion
 - E. Z-05-04 / MP-05-04 Rezoning and Master Plan
MP-08-04 New Town Section 3 & 6
 - F. SUP-13-04 Williamsburg Farm Country Inn
 - G. Z-04-04 / MP-07-04 Ironbound Village Proffer Amendment
 - H. SO-002-04 Subdivision Ordinance Amendment - Utility Inspection Fee
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 TWELFTH DAY OF JULY, 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
Donald Hunt
Joseph McCleary
Wilford Kale

ALSO PRESENT

Leo Rogers, Deputy County Attorney
John Horne, Development Manager
O. Marvin Sowers, Jr., Planning Director
Pat Foltz, Development Management Assistant
Christopher Johnson, Senior Planner
Karen Drake, Senior Planner
Sarah Weisiger, Planner
Matthew Arcieri, Planner

2. ROLL CALL

3. MINUTES

Mr. Joe McCleary proposed three changes to the minutes. First, he suggested a change to the discussion of the DRC report, specifically to amend Mr. McCleary's comments regarding the possibility of skate boarders to read "Mr. McCleary spoke to concerns about the path, including skate boarders using the path." Second, he proposed a correction to the title of SUP-13-04 to read "Williamsburg-Jamestown Airport." Third, he proposed that Mr. Fraley's motion on page 6 be changed to read "Mr. Fraley moved an ordinance amendment to permit the manufacture of previously prepared stone."

Mrs. Wildman proposed a change to the roll call vote on page 5.

Mr. McCleary motioned to approve the minutes with corrections.

Mr. Kale seconded the motion.

In a unanimous voice vote the Commission approved the minutes with corrections.

4. COMMTTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. McCleary delivered the DRC report. The DRC heard eight cases at its July 7th meeting and recommended preliminary approval for the following: S-037-04/SP-056-04 – Michelle Point; SP-072-04 ECC Building; SP-080-04 - EOC Building; SP-069-04 - New Town, Block 5, Parcels D+E; C-007-03 - New Town Parking Overview; and SP-051-04 - Druid Hills, Section D.

The DRC recommended deferral of SP-059-04 - Norge Neighborhood. The DRC also ruled that for SP-014-04 - Go-Karts Plus Ride, the application could not proceed under the conditions of SUP-03-89 – Go-Karts Plus/Action Park.

Mr. Poole inquired into the specific environmental issues and commented that they were not extraordinary for Norge Neighborhood and Michelle Point.

Mr. McCleary responded that applicants for both plans were proceeding to resolve their issues.

Mr. Poole complimented the DRC on their decision in the Go-Karts Plus Ride case.

Mr. Kale moved to approve the DRC report.

Mr. McCleary seconded the motion.

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

5. PUBLIC HEARINGS

A. CASE NO. SUP-14-04 John Tyler Monopole Tower

Mr. Arcieri presented the deferral. Mr. Nathan Holland, the applicant, requested deferral in order to address several outstanding issues. Staff concurred with the applicant's request.

Mr. Kale stated that he would be opposed to the application if the proposed tower were visible from Jamestown Island.

Mr. Sowers responded that a balloon test had shown that it would be visible in that direction but that he did not know whether it would be visible from Jamestown Island at its proposed height. He stated that staff would look into the matter.

Mr. McCleary spoke to the relative visibility of the tower as indicated by the balloon test, and that it was visible well to the south of Greensprings Road.

Mr. Kale stated that, in light of the upcoming 2007 Jamestown quadcentennial, the historic importance of the location is more important than the relative service improvement represented by the tower.

Mr. McCleary added that he would prefer to see alternative tower plans, such as smaller towers and stealth towers, which did not create negative visual impacts.

Mr. Hunt agreed that Mr. McCleary was correct in his assessment of the benefits of smaller towers.

Mr. Poole opened the public hearing.

Hearing no requests to speak, Mr. Poole deferred the case until the August 16th meeting.

B. CASE NO. Z-06-04/MP-06-04 Lightfoot Mixed Use Area

Ms. Sarah Weisiger presented the deferral. Mr. James Bennett of AES Engineering has applied to rezone approximately 52.0 acres of undeveloped land at **6601 Richmond Road** from B-1, General Business with proffers, to MU, Mixed Use with proffers. The property is also known as parcel (1-35) on JCC Tax Map (24-3). Proposed uses include: commercial, wholesale and warehouse, and/or office uses along Richmond Road. Commercial space is proposed to be 141,000 square feet of floor area. Residential structures containing two to four dwelling units and/or more than four dwelling units are proposed to be located on private streets. A maximum of 244 dwelling units are proposed with a gross density of 6.3 units per acre. The property is designated as Mixed Use Area on the Comprehensive Plan Land Use Map. The principal suggested uses in the Mixed Use Area are moderate density housing, commercial developments and office developments. The applicant had requested deferral. Staff concurred with the deferral request.

Mr. Fraley pointed out a date inconsistency.

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

Hearing no requests to speak, Mr. Poole deferred the case until the August 16 meeting.

C. Z-11-03/MP-011-03 Stonehouse Modifications

Ms. Karen Drake presented the deferral. The applicant, Mr. Alvin Anderson of Kaufman and Canoles,

requested that the Planning Commission defer the case in order to work out several outstanding issues. Staff concurred with the applicant's request. .

Mr. Poole inquired into the deferral status of the application.

Mr. Sowers responded that staff was still working to resolve the outstanding issues.

Mr. Poole opened the public hearing.

Hearing no requests to speak, Mr. Poole deferred the case until the August 16 meeting.

D. Z-002-04 – Zoning Ordinance Amendment Manufacture of Stone Products

Ms. Christy Parrish presented the staff report. The amendment proposes to amend the JCC Code by amending Section 24-411, Permitted Uses; Section 24-436, Permitted Uses; Section 24-437, Uses Permitted by Special Use Permit Only; to add the permitted use of manufacture of previous prepared stone products; and by adding clarifying language to the current use of manufacture of cement, lime, gypsum, bricks and stone products. Staff recommended approval of the ordinance amendment.

Mr. Poole asked if the Economic Development Department had been consulted in this amendment.

Ms. Parrish responded that the Economic Development had worked closely with staff on this issue.

Mr. Poole opened the public hearing.

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

Ms. Wildman expressed her support for the amendment.

Mr. McCleary cited the small business-friendly nature of the amendment.

Mr. McCleary moved for approval.

In a unanimous roll call vote the application was approved 6:0; AYE: (6) Wildman, Poole, McCleary, Fraley, Hunt, Kale; NAY: (0). Not Present: Billups.

E. CASE SUP-20-04 AJC Woodworks Modifications.

Ms. Weisiger presented the staff report. Mr. Tony Casanave has applied to amend a special use permit for a woodworking shop at **8305 Richmond Road** in Toano. The property is zoned A-1, General Agricultural. Mr. Casanave seeks to amend two conditions to an existing SUP. He proposes to amend a condition to allow a structure approximately nineteen feet in height. The applicant also proposes to change a condition to narrow the width of a landscape buffer along the northern property line. The property is designated General Industry on the Comprehensive Plan Land Use Map. Staff recommended approval of the application.

Mr. McCleary confirmed that the only SUP conditions to be changed were a four-foot height expansion of the facility and a narrowed buffer.

Ms. Weisiger responded that those were the only changes.

Mr. Hunt related the experience of an adjacent property owner who contacted him that did not support narrowing the buffer.

Mr. Kale asked when this case had been originally considered by the Planning Commission.

Mr. Poole responded that Planning Commission had considered the case in 2003.

Mr. Kale asked what the purpose of the structure in front of the workshop was.

Ms. Weisiger responded that it was for residential use.

Mr. Poole opened the public hearing.

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

Mr. Poole said that he was comfortable with the application when it was first considered in 2003, and that the changes in the application did not change the overall use.

Mr. McCleary stated his support for the application, and noted that the landscape buffer would be approved by a separate landscape plan.

McCleary moved to approve the application.

Ms. Wildman seconded the motion.

Ms. Wildman asked if there had been any concerns about noise.

Mr. Sowers responded that he was not aware of any complaints.

Mr. McCleary noted that condition 7 of the SUP restricted noise and operating hours of the business.

Mr. Kale asked what prompted the proposed changes to the SUP.

Mr. Tony Casanave, the applicant, responded that site layout requirements had dictated a narrowing of the buffer.

Mr. Hunt suggested that Mr. Casanave meet with the aforementioned adjacent property owner.

Mr. Kale confirmed that Mr. Casanave had not received any complaints.

In a unanimous roll call vote the application was approved 6:0; AYE: (6) Wildman, McCleary, Fraley, Hunt, Kale, Poole NAY (0). Not Present: Billups.

F. CASE NO. SUP-20-04 Precious Moments Playhouse

Ms. Karen Drake presented the staff report. Ms. Evangelina Crump has applied to amend the existing Special Use Permit for Precious Moments Playhouse to increase the number of allowable children in the day care center from 15 to 30 and extend the operating hours from 7am to 5pm to 7am to 6pm. Precious Moments Playhouse is located at **103 Indigo Terrace** on .51 acres of land zoned R-2 General Residential and designated Low Density Residential on the 2003 Comprehensive Plan Land Use Map. The parcel is located in the Jamestown District and can be further identified as parcel (2-2) on JCC Tax Map (38-4). Staff recommended approval of the application.

Mr. Fraley requested clarification of the maximum occupancy of the playhouse presented in the staff report.

Ms. Drake responded that, due to changes in ownership, the maximum permitted occupancy had changed.

Ms. Crump stated that changes in designation had also changed occupancy.

Mr. Fraley requested further clarification.

Mr. McCleary noted that, since the facility at one time had been approved for 56 children, the new occupancy of thirty seemed acceptable to him.

Mr. Kale verified that the SUP renewal carried the same conditions as the previous SUP.

Ms. Crump made herself available for questions.

Mr. Poole closed the public hearing.

Mr. McCleary credited the applicant for including a petition from the adjacent property owners who supported the application.

Mr. Kale moved to approve the application.

Mr. Hunt seconded the motion.

Ms. Wildman stated her support for the application.

In a unanimous roll call vote the application was approved 6:0; AYE: (6) Wildman, McCleary, Fraley, Hunt, Kale, Poole NAY (0). Not Present: Billups.

G. CASE NO. Z-2-04. Oaktree Office Park and Airtight Self Storage.

Mr. Johnson delivered the staff report. Ms. Jeanette Brady has applied to rezone approximately 1.4 acres from R-8, Rural Residential, to B-1, General Business, with proffers. The applicant proposes to develop approximately 6,400 square feet of office space and approximately 60,000 square feet of warehouse storage adjacent to the existing Oaktree development just north of the Five Forks intersection at **3292 Ironbound Road** in the Berkeley District. The property can be further identified as Parcel No. (1-24) on James City County Real Estate Tax Map No. (47-1). The Comprehensive Plan Land Use Map designates this parcel as Mixed Use. Staff recommended deferral of the case.

Mr. Kale asked Mr. Johnson to elaborate on the traffic patterns existing at the current entrance to the Oaktree site.

Mr. Johnson responded that the current left hand turn lane on south Ironbound Road had always been intended as an entrance to both sites and that the only proposed traffic addition would be a right hand taper.

Mr. Kale asked if the application addressed the number of users that would be using the warehouse site, and the possible traffic impacts on the Five Forks Area.

Mr. Johnson related the consultant's conclusion that the proposed use would not adversely affect the traffic situation.

Mr. Kale spoke to the potential traffic problem posed by warehousing in relation to offices.

Mr. Johnson stated that the traffic report showed that the warehouse use would actually generate fewer trips than a comparable number of offices.

Mr. Kale reiterated the possible traffic problems.

Mr. Johnson stated that neither VDOT nor the consultant had cited a traffic problem with the application.

Mr. Fraley spoke to concerns of traffic around Five Forks and asked if staff had any figures for total square footage in JCC dedicated for mini-storage.

Mr. Johnson responded that staff had no independent study tracking total warehouse space and

clarified that the application will not negatively impact the current level of traffic service at the Five Forks intersection.

Mr. Fraley asked if staff had any more information on the height of the building.

Mr. Johnson responded that the grade would be similar to the existing office building, and smaller than several other existing buildings.

Ms. Wildman asked how often customers for the mini-storage would utilize the facility.

Ms. Brady responded that typical customers travel to a storage space infrequently. As to the height of the building, Ms. Brady added that a ballet school tenant had been advising the Brady's as to the need for adequate building height for dance.

Mr. Kale asked Mr. Horne where funding for the improvements would be found.

Mr. Horne responded that any private investment must be made as a proffer during the rezoning process. If the entrance directly at the site were in question, then the site plan process would address these concerns. All off-site improvements, if not addressed through a proffer, would be sponsored out of county/state funding.

Mr. Kale confirmed that a right-turn lane into the development would be privately invested.

Mr. Horne responded that, if warranted, site changes could be made, but that traffic analysis had not demonstrated the need for a turn lane. If these projections later change, however, improvements would become a public investment.

Mr. Poole asked if the buffer on Ironbound Road would remain undisturbed.

Mr. Johnson responded that the ordinance requires a fifteen-foot construction setback and that staff can work with applicant to create a landscaping plan that will utilize as much as the existing cover as possible.

Mr. Poole stated that he would like to see this plan embrace as much natural character as possible.

Mr. Fraley noted that many of the dance times are scheduled at 5 o'clock, a heavy traffic period for Five Forks.

Mr. Poole opened the public hearing.

Mr. Wayne Brady related that his company had paid for all the traffic improvements in the initial rezoning and that their traffic engineer was present to answer questions.

Mr. Hampton Jesse, of 3500 Hunters Ridge, requested more information into the number of proposed storage units and asked the Planning Commission to be conscious of the height of the building and the landscape buffering. He also urged the need for architectural consistency with the rest of Five Forks.

Mr. Blair Wilson, design consultant for the project, related the trip generation statistics for the facility, which would generate 7 trips on average in the morning and 10 in the afternoon.

Mr. Aaron Williams of 3456 Hunters Ridge credited the Bradys for their willingness to meet with the community and related that the Powhatan Crossing residents were not opposed to the application.

Hearing no other requests to speak, Mr. Poole deferred the case till the August 16th meeting of the Planning Commission.

Mr. McCleary spoke to the need for this application to be held, as other applications for this area have been, to await the results and guiding principles from the Five Forks Area Study.

Mr. Fraley expressed his concern that two members of the PC will be absent for the August meeting and complimented Ms. Brady for her work with the Chamber Ballet studio.

Mr. McCleary said that the applicant should consider deferring the case, not because of the anticipated absences on the PC next month, but to bring it into accordance with the guiding principles of the Five Forks Area Study.

Mrs. Brady urged the Planning Commission to keep this case on a timeline.

Mr. Rogers informed the Planning Commission that action would need to be taken by its October meeting, or 100 days after the first public hearing on the case.

Mr. McCleary again urged the applicant to defer to the completion of the Five Forks area study.

Ms. Brady expressed her belief that, since the property is located between two commercial properties, the Five Forks committee was unlikely to change that designation.

Mr. Kale asked staff to work with the applicant to directly address the potential problems of traffic around the site and urged the Commission to consider the possibility that this application could aggravate the traffic situation around Five Forks in a way that is not at this time foreseen.

H. CASE NO. SUP-19-04. Williamsburg Winery – Gabriel Archer Tavern.

Mr. Matt Arcieri presented the staff report. Mr. Vernon Geddy has applied for a special use permit on behalf of Williamsburg Farms, Inc., to permit the continued operation of the restaurant Gabriel Archer Tavern which is operated by and in conjunction with the Williamsburg Winery. The existing special use permit for the tavern expired on April 30, 2004. A restaurant is a specially permitted use in the R-8, Rural Residential district in which the property is located. The property is at **5800 Wessex Hundred** and can be further identified as Parcel (1-10B) on the JCC Real Estate Tax Map (48-4). Staff recommended approval of the application.

Mr. McCleary confirmed with Mr. Arcieri that the tavern was still operation even though the permit had expired.

Mr. Fraley stated that, to him, it did not seem that the requirements had been sufficiently met.

Mr. Arcieri stated that two of the conditions were contingent on other deadlines.

Mr. McCleary asked what would happen if the SUP expired.

Mr. Arcieri stated that the continued operation of the tavern would then become an enforcement issue.

Mr. Rogers gave some background to the case, that the County is working with the applicant to continue the use, and that injunction against the business would be a final alternative should the SUP expire. That injunction would only apply to the use and the County could not force the applicant to obtain the SUP approval necessary to continue the current use.

Mr. Patrick Duffeler, the business owner, spoke to the issues surrounding the Tavern and the steps the he and the County had taken to resolve them. He re-iterated his desire to continue to work with staff to meet the conditions necessary to continue operation and that he had given his best efforts as quickly as possible to do so.

Mr. Poole opened the public hearing.

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

Mr. Hunt motioned to approve the application.

Mr. McCleary seconded the motion.

Mr. Poole recognized the recommendation of staff and the importance of supporting small business in James City County.

Mr. McCleary expressed his concerns regarding the application and, though stating that he would vote in favor of the application, that he had serious reservations.

Mr. Kale stated that he would not vote in favor of the application until the necessary requirements had been met.

Ms. Wildman stated that she would not vote in favor of the application as the conditions had not been met.

Mr. Duffeler stated that the timeline set forth during the initial SUP process was unreasonable due to plan preparation and approval processes.

Mr. Fraley asked Mr. Sowers to provide more insight into staff's recommendation of approval.

Mr. Sowers responded he could not add to Mr. Arcieri's comments other than to say that staff believes the applicant is making reasonable progress and is trying to be supportive of this valuable business.

Mr. Vernon Geddy, the applicant, related that the initial deadlines had been considered reasonable at the time but that the process had taken longer than anticipated due to the site planning process, project scope, and weather.

Mr. Fraley stated that, despite serious reservations, he would support the case.

In a roll call vote the Planning Commission approved the application by a 5-1 vote; AYE: (5) Wildman, McCleary, Fraley, Hunt, Poole NAY: Kale (1). Not Present: Billups.

I. CASE NO. AFD-1-093 Williamsburg Farms Withdrawal

Mr. Arcieri delivered the staff report. Mr. Vernon Geddy has applied to withdraw seventy-five acres from the existing Williamsburg Farms AFD. This acreage will be combined with existing property not in an AFD to create four single family lots on Jockey's Neck Trail. The property is at **5800 Wessex Hundred** and can be further identified as Parcel (1-10B) on the JCC Real Estate Tax Map (48-4). Staff recommended approval.

Mr. Vernon Geddy, the applicant, made himself available for questions and noted that Mr. Duffeler himself was a member of an adjacent subdivision.

Mr. Poole asked for background information on the withdrawal.

Mr. Geddy responded that the acreage number was increased to avoid a policy debate but that a minimum withdrawal of seventy-five acres would open the area to development questions that were not intended.

Mr. Kale asked if rollback taxes would be paid on the withdrawal.

Mr. Geddy responded that they would be paid.

Mr. Poole opened the public hearing.

Ms. Susan Miller of the Vineyards Homeowners Board (VHB) related an earlier proposal presented to the VHB where Mr. Duffeler proposed splitting two lots rather than the current proposal of four lots. She stated that the VHB would like to see a study of environmental setbacks and easements included in the application.

Mr. Geddy stated that he was aware of the said issues but that they were largely unconnected to the AFD withdrawal itself.

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

Mr. McCleary noted that, if the lots were developed, the next step in the process would be a rezoning.

Mr. Arcieri responded that the next step would be an administrative subdivision but that the DRC would hear the case if adjacent property owners had any concerns.

Mr. Fraley stated that the public was welcome to attend and comment on cases at DRC meetings.

Mr. Kale requested clarification whether the applicant was considering four or seven lots.

Mr. Geddy replied that the project consisted of four anticipated lots.

Mr. McCleary moved to approve.

Ms. Wildman seconded the motion.

In a unanimous roll call vote the application was approved 6:0; AYE: (6) Wildman, McCleary, Fraley, Hunt, Kale, Poole NAY (0). ABSENT: Billups.

J. CASE NO. SUP-13-04 Williamsburg Country Inn

Mr. Arcieri delivered the staff report. Mr. Patrick Duffeler has submitted a special use permit application to construct and operate a 36-room inn at 5800 Wessex Hundred Road. The property is further identified as parcel (1-10) on James City County Tax Map (48-4). Staff recommended approval for the case.

Mr. Kale asked for clarification as to the VDOT prediction that traffic along Lake Powell Road would decrease across the next ten years.

Mr. Arcieri responded that this projection was part of a VDOT study.

Mr. Kale expressed his skepticism as to the traffic projections.

Mr. Poole posited the theory that the traffic study still counted the connection from Lake Powell onto Neck o'Land Road, which no longer exists.

The committee briefly discussed the statistics presented in the staff report.

Mr. Poole opened the public hearing.

Mr. Patrick Duffeler stated that the proposed hotel had always been a planned part of the Winery but that construction had been deferred until further studies could be undertaken. The condition regarding limited gatherings to 1000 people had been supported by the applicant as a reasonable condition to the country hotel. Overall, Mr. Duffeler stated his belief that the completion of the hotel would add something rather unique to the community.

Christine Payne, 2689 Jockey's Neck Trail, expressed her concerns regarding the traffic and the dangerous conditions currently existing on the road for pedestrians. Increased vehicular traffic would

exacerbate the situation and pose a safety hazard.

Ms. Susan Miller, of the Vineyards HOA, requested clarification on several points including proposed utility locations and expected impacts, future residential development, and the requirement of a construction entrance.

Mr. Arcieri responded that, in regards to the comments of the property owner, that the specific utility impacts would be considered during the site plan process.

Mr. Poole closed the public hearing.

Mr. Geddy stated that some traffic numbers in the staff report were derived from HRPDC study numbers and that the others were taken from VDOT traffic studies.

Mr. Poole said that the details of the plan had not been sufficiently clarified to gain his immediate support for the application.

Mr. Fraley expressed his support for the concept of the plan but believed that the traffic data was skewed and unreliable.

Mr. Hunt said that clarification of the traffic study was needed.

Mr. McCleary recommended a deferral of the case so that certain outstanding issues could be resolved.

Mr. Geddy requested more information into the Commission's areas of concern.

Mr. Fraley responded that these concerns could be best addressed by consulting adjacent property owner concerns.

Mr. Wildman asked if grinder pumps were currently used in the surrounding area.

Mr. Geddy responded that these would be the only pumps in the area.

Mr. McCleary motioned to defer the case.

Mr. Fraley seconded the motion.

In a unanimous voice vote the case was deferred till the August 16th meeting of the Planning Commission.

6. PLANNING COMMISSION CONSIDERATION

A. Initiation of Consideration of Amendments to the Subdivision Ordinance.

Mr. Sowers presented the following resolution. An amendment to Section 19-15(2), Fees; and Section 19-62, Inspection of Public Water and Sewer Systems: to change the time for collecting the JCSA utility inspection fee imposed pursuant to Virginia Code §15.2-5136 from the issuance of the land disturbance permit to the issuance of the certificate to construct. There is no change in the amount of the fee assessed.

Mr. McCleary moved approval of the initiating resolution.

Mr. Hunt seconded the motion.

The motion passed with a unanimous voice vote.

7. PLANNING DIRECTOR'S REPORT

Mr. Marvin Sowers presented the report. He highlighted the next meeting of the Builders of the Bay, on August 5, at 8 a.m. Mr. Sowers also mentioned the next two meetings of the Five Forks Area Committee, scheduled for July 28, at 7:00 p.m. and August 11th, at 4:00 p.m. The August Planning Commission meeting also has a potentially long agenda and Mr. Sowers recommended that a fallback date be set.

The committee discussed possible dates for the August meeting. They reached a consensus that the next meeting should be scheduled for August 16th, with an alternate meeting schedule for the 18th.

Mr. Kale moved that the meeting be rescheduled for the new dates.

Mr. Hunt seconded the motion.

The motion passed with a unanimous voice vote.

8. ADJOURNMENT

There being no further business, the July 12, 2004, meeting of the Planning Commission was recessed at approximately 9:47 p.m.

A. Joe Poole, III, Chairman

O. Marvin Sowers, Jr., Secretary

**JAMES CITY COUNTY
DEVELOPMENT REVIEW COMMITTEE REPORT**

FROM: 7/1/2004

THROUGH: 7/31/2004

I. SITE PLANS

A. PENDING PRELIMINARY APPROVAL

SP-087-01	The Vineyards, Ph. 3
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-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-006-04	Williamsburg Christian Retreat Center Amend.
SP-014-04	Action Park of Williamsburg Ride
SP-016-04	Richardson Office & Warehouse
SP-025-04	Carter's Cove Campground
SP-041-04	Ford's Colony - Country Club Redevelopment SP Amd.
SP-047-04	Villages at Westminster Drainage Improvements
SP-050-04	AJC Woodworks
SP-054-04	Milanville Kennels
SP-059-04	Norge Neighborhood
SP-067-04	Treyburn Drive Courtesy Review
SP-072-04	ECC Building
SP-077-04	George Nice Adjacent Lot SP Amend.
SP-078-04	First Advantage Federal Credit Union
SP-082-04	New Town - Sec. 2 & 4 Roadway Improvements
SP-084-04	Old Chickahominy House - Handicapped Ramp Addition
SP-085-04	Busch Gardens - Facility Shed
SP-087-04	Busch Gardens - Oktoberfest Expansion Ph. 2
SP-089-04	W-29 Racefield Water Facility
SP-090-04	Colonial Heritage Mass Grading
SP-091-04	Mid County Park Trail

B. PENDING FINAL APPROVAL

	EXPIRE DATE
SP-056-03	Shell Building - James River Commerce Center
SP-091-03	Colonial Heritage Ph. 1, Sec. 5
SP-092-03	Ford's Colony - Westbury Park, Recreation Area #2
SP-108-03	Fieldstone Parkway Extension

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SP-116-03	Kingsmill - Armistead Point	11/19/2004
SP-136-03	GreenMount Industrial Park Road Extension	3 /15/2005
SP-138-03	New Town - Prudential-McCardle Office Building	12/29/2004
SP-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-015-04	New Town - Sec. 4, Ph. 2 Infrastructure	4 /5 /2005
SP-017-04	Settlement at Monticello - Community Club	4 /6 /2005
SP-018-04	New Town - Block 8, Ph. 1B	6 /7 /2005
SP-023-04	Williamsburg Landing SP Amend.	4 /2 /2005
SP-027-04	Greensprings Condominiums SP Amend.	6 /7 /2005
SP-045-04	Powhatan Co-Location Monopole Tower	4 /29/2005
SP-051-04	Druid Hills, Sec. D - Braddock Court	7 /12/2005
SP-056-04	Michelle Point	7 /12/2005
SP-057-04	The Archaearium at Historic Jamestowne	6 /15/2005
SP-060-04	New York Deli	6 /10/2005
SP-064-04	Eckerd's at Powhatan Secondary	6 /17/2005
SP-069-04	New Town - Block 5, Parcel D & E, Mixed Use Bldgs.	7 /12/2005
SP-070-04	Godspeed Animal Care	7 /13/2005
SP-074-04	Chesapeake Bank at Lightfoot	7 /19/2005
SP-076-04	Stonehouse Recreational Vehicle Storage Area	7 /19/2005
SP-079-04	Norge Railway Station	7 /23/2005
SP-088-04	Wal-Mart Distribution Center - Ph. 2	7 /29/2005

C. FINAL APPROVAL

DATE

SP-049-03	James River Commerce Center Columbia Drive	7 /6 /2004
SP-050-03	Wmbg-Jamestown Airport T-Hanger & Parking Exp.	7 /27/2004
SP-134-03	Ironbound Center 4	7 /21/2004
SP-080-04	JCC Communications Tower - EOC	7 /13/2004
SP-081-04	McDonald's - Outdoor Playplace	7 /13/2004
SP-083-04	Brandon Woods	7 /16/2004
SP-086-04	Rain Shelter at JCPD Firing Range	7 /22/2004

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-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-116-03	Stonehouse Glen, Sec. 2
S-003-04	Monticello Ave. ROW plat for VDOT
S-022-04	ROW Conveyence for Rt. 5000 & Rt. 776 Abandonment
S-034-04	Warhill Tract BLE / Subdivision
S-046-04	ARGO Ph. 2
S-047-04	ARGO Ph. 3
S-048-04	Colonial Heritage - Open Space Easement
S-055-04	117 Winston Terrace
S-056-04	603 and 604 Dogleg BLA
S-059-04	Greensprings West Ph. 6
S-062-04	2400 Little Creek Dam Road
S-063-04	123 Welstead Street BLE
S-064-04	Jamestown Hundred Lots 10-41
S-065-04	133 Magruder Avenue - Sadie Lee Taylor Prop.
S-066-04	Hickory Landing Ph. 1
S-067-04	Hickory Landing Ph. 2
S-068-04	123 Indigo Dam Road
S-070-04	Wexford Hills Ph. 2A

B. PENDING FINAL APPROVAL

		EXPIRE DATE
S-037-02	The Vineyards, Ph. 3	5 /4 /2005
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

Friday, July 30, 2004

Page 3 of 4

S-044-03	Fenwick Hills, Sec. 3	6 /25/2005
S-049-03	Peleg's Point, Sec. 5	7 /3 /2005
S-055-03	Colonial Heritage Ph. 1, Sec. 5	8 /4 /2005
S-056-03	Colonial Heritage Ph. 1, Sec. 4	9 /8 /2005
S-057-03	Ford's Colony - Sec. 34	8 /19/2004
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-092-03	Plat of Subdivision and BLA Ford's Colony	11/4 /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-007-04	Druid Hills, Sec. D Resubdivision	3 /12/2005
S-009-04	Colonial Heritage Public Use Site B	3 /18/2005
S-029-04	BLA Lots 1A & 1B Longhill Gate	4 /8 /2005
S-033-04	2011 Bush Neck Subdivision	5 /4 /2005
S-035-04	Colonial Heritage Blvd. Ph. 2 Plat	4 /28/2005
S-036-04	Subdivision at 4 Foxcroft Road	6 /15/2005
S-037-04	Michelle Point	7 /12/2005
S-038-04	Greensprings West Ph. 4B & 5	6 /9 /2005
S-039-04	Governor's Land - Wingfield Lake Lots 27, 28	6 /14/2005
S-041-04	6199 Richmond Road Subdivision	6 /14/2005
S-042-04	Eckerd's at Powhatan Secondary	6 /17/2005
S-044-04	8715 Pocahontas Trail BLE	5 /20/2005
S-045-04	ARGO Ph. 1	6 /28/2005
S-049-04	Norge Neighborhood	6 /18/2005
S-051-04	WindsorMeade Marketplace	6 /17/2005
S-052-04	The Villages at Powhatan, Ph. 7	6 /15/2005
S-053-04	The Colonial Heritage Club	6 /21/2005
S-057-04	Boughsprings Resubdivision of Lot 22B	7 /6 /2005
S-058-04	New Town - Block 2, Parcel D	7 /16/2005

C. FINAL APPROVAL

DATE

S-008-04	Lake Powell Forest Ph. 6	7 /1 /2004
S-021-04	Varble Subdivision	7 /8 /2004
S-027-04	Lake Powell Forest Ph. 7	7 /1 /2004
S-050-04	Colonial Heritage - Golf Maintenance ROW	7 /23/2004
S-054-04	6096 Centerville Road Subdivision	7 /14/2004
S-060-04	Williamsburg Jamestown Airport	7 /27/2004
S-069-04	Stonehouse Sec. 1C, Parcel 2 BLA	7 /27/2004

DEVELOPMENT REVIEW COMMITTEE ACTION REPORT
Meeting of July 28, 2004

Case No. C-85-04

**10101 Sycamore Landing Road Overhead
Utility Waiver**

Mr. William Armstrong of 10101 Sycamore Landing Road applied for an overhead utility waiver for his property. The site of the waiver is 10101 Sycamore Landing Road, further identified as parcel (2-1A) on James City County Tax Map (7-2). Section 19-33 of the Subdivision Ordinance requires all utilities to be placed underground unless a waiver is granted by the DRC.

DRC Action: The DRC approved the waiver.

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. This case had been deferred from the July 7th DRC meeting.

DRC Action: The DRC recommended preliminary approval by a vote of 4-0. Setback modifications were approved by a vote of 4-0.

Case No. S-059-04

Greensprings West - Phase 6

Mr. Ryan Stephenson of AES Consulting Engineers, on behalf of Jamestown Development, LLC, submitted a subdivision plan proposing 57 lots on 31.09 acres. The site is located at 4001 Centerville Road and is further identified as parcel (1-22) on James City County Tax Map (36-3). Section 19-23 of the Subdivision Ordinance specifies that the DRC review any subdivisions proposing more than fifty lots.

DRC Action: The DRC recommended deferral for the case.

**SPECIAL USE PERMIT 14-04. 4311 John Tyler Monopole Tower
Staff Report for the August 16, 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

Planning Commission:

7:00 p.m.; Building F Board Room; County Government Center

May 3, 2004 (deferred)

June 7, 2004 (deferred)

July 12, 2004 (deferred)

August 16, 2004

Board of Supervisors:

September 14, 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 indefinitely defer this case. Staff concurs with the request.

Staff Contact:

Ellen Cook

Phone: 253-6685

Ellen Cook

Attachment:

1. Indefinite Deferral Request Letter

RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE

WHEREAS, the Planning Commission of James City County, Virginia, is charged by Virginia Code §15.2-2286 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; in order to make the Zoning Ordinance more conducive to proper development, public review and comment of draft amendments is required, pursuant to Virginia Code §15.2-2286; 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 Section 24-349 of the Zoning Ordinance for the consideration of permitting facilities for the residence and/or care of the aged with a special use permit in the R-8, Rural Residential District. 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.

Donald C. Hunt
Chair, Planning Commission

ATTEST:

O. Marvin Sowers, Jr.
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 12th Day of September, 2005.



July 30th, 2004

Marvin Sowers
Planning Department
County of James City

RE: Omnipoint Communications proposal at 4315 John Tyler Highway

Dear Mr. Sowers,

Omnipoint Communications would like to request an indefinite deferral regarding our scheduled case before the August 16th planning commission meeting. We have received information from SHPO (State Historic Preservation Office) that they would like us to look further into the historic implications on mainland farms. We feel this may take several months and have decided it would be in the best interest of Omnipoint Communications and the County to delay the public hearing until a later date. If you require further information, please feel free to contact myself at 757-490-7212.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ambre Blatter'.

Ambre Blatter
Omnipoint Communications
VA40118A

**Z-11-03 & MP-11-03. Stonehouse Planned Community Rezoning Amendment
Staff Report for the August 16, 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) June 7, 2004 (Deferred)
April 5, 2004, (Deferred) July 12, 2004 (Deferred)
May 3, 2004, (Deferred) August 16, 2004

Board of Supervisors: September 14, 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 September 13, 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

KAUFMAN & CANOLES

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

Timothy O. Trant, II
757 / 259-3823
totrant@kaufcan.com

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

Mailing Address:
P.O. Box 6000
Williamsburg, VA 23188

4801 Courthouse Street
Suite 300
Williamsburg, VA 23188

August 9, 2004

Via Hand Delivery & Facsimile (757) 253-6850



Karen Drake
Senior Planner
James City County
101-E Mounts Bay Road
Williamsburg, VA 23185

Re: *Stonehouse at Williamsburg, LLC*
Application for Rezoning and Master Plan Amendment of a portion of Stonehouse
James City County Case No's. Z-11-03 & MP-11-03
Our Matter No. 100281

Dear Ms. Drake:

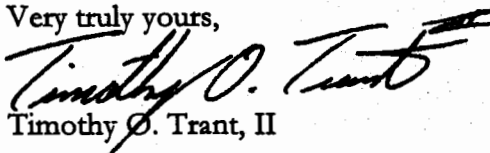
The above-referenced case is scheduled to be presented to the James City County Planning Commission at its meeting on August 16, 2004. The applicant and its consultants have been diligently working to respond to the issues raised by the James City County Department of Development Management ("Staff"). On March 26, 2004, the applicant submitted to Staff a revised set of proffers and a revised master plan. Staff has provided the applicant with a number of detailed comments on both submissions aimed at bringing the documents towards a final, presentable form.

Given the detailed nature of Staff's comments and in preparation for the presentation of these materials to the Planning Commission, the applicant and its consultants are undertaking a thorough review of the proffers and master plan before resubmitting to Staff. The applicant is not likely to have completed its review and to have prepared the documents for resubmission in time for the Staff to present the application at the August 16, 2004 Planning Commission meeting. Accordingly, the applicant recognizes that Staff will not be prepared to make a complete staff report nor make a recommendation to the Planning Commission regarding the case at the August 16, 2004 meeting. Therefore, the applicant requests that any action on the case by the Planning Commission be deferred until the September 13, 2004 Planning Commission meeting.

Karen Drake
August 9, 2004
Page 2

If you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Timothy O. Trant, II". The signature is fluid and cursive, with a large, stylized "T" at the beginning and a long, sweeping underline.

Timothy O. Trant, 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)
Susan B. Tarley, Esq. (via U.S. mail)

#6059260 v1

**REZONING -6-04 / MASTER PLAN -6-04. Lightfoot Mixed Use Development
Staff Report for the August 16, 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

Planning Commission: 7:00 p.m.; Building F Board Room; County Government Complex
July 12, 2004 (Deferred)
August 16, 2004
Board of Supervisors: September 14, 2004 (Tentative)

SUMMARY FACTS

Applicant: Richard A. Costello, AES Consulting Engineers
Land Owner: Noland Properties, Inc.
Proposed Use: A mix of commercial and residential uses
Location: 6601 Richmond Road, Stonehouse District
Tax Map/Parcel (24-3)(1-35)
Parcel Size 53.24 acres with 52.0 acres for development
Proposed Zoning: MU, Mixed Use with proffers
Existing Zoning: B-1, General Business with proffers
Comprehensive Plan: Mixed Use
Primary Service Area: Inside

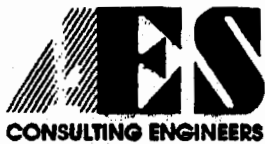
STAFF RECOMMENDATION

The applicant has requested that the case be deferred until the September Planning Commission meeting. Staff recommends that the Planning Commission defer the case.

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

Sarah Weisiger

Attachment:
Applicant deferral letter



5248 Olde Towne Road • Suite 1 • Williamsburg, Virginia 23188
(757) 253-0040 • Fax (757) 220-8994 • E-mail aes@aesva.com

August 6, 2004

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

RE: Lightfoot Mixed Use Development
Case Z-6-04/MP-6-04
AES Project No. 9353

Dear Sarah:

I am writing to request on behalf of the applicant that the referenced case be deferred from the August until the September Planning Commission meeting.

Thank you. If you have any questions or concerns, feel free to contact me at any time.

Sincerely,

AES Consulting Engineers

A handwritten signature in black ink, appearing to read 'Richard A. Costello', written over a horizontal line.

Richard A. Costello, P.E.
President
rcostello@aesva.com

cc: Ben Williams, Noland Properties, Inc.
Robert Singley, RJS Associates, Inc,
Vernon Geddy, III, Geddy, Harris, Franck & Hickman, LLP

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REZONING CASE NO. Z-2-04. Oaktree Office Park and Airtight Self Storage Expansion
Staff Report for the August 16, 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

Planning Commission:

Building F Board Room; County Government Complex

July 12, 2004 7:00 p.m. (Deferred)

August 16, 2004 7:00 p.m.

Board of Supervisors:

October 12, 2004 7:00 p.m. (Tentative)

SUMMARY FACTS

Applicant:

Ms. Jeanette Brady

Land Owner:

Jeanette Brady Decendents Trust

Proposed Use:

Approximately 6,400 square feet of office space and approximately 60,000 square feet of warehouse mini-storage

Location:

3292 Ironbound Road; Berkeley District

Tax Map/Parcel No.:

(47-1)(1-24)

Primary Service Area:

Inside

Parcel Size:

± 1.4 acres

Existing Zoning:

R-8, Rural Residential

Proposed Zoning:

B-1, General Business, with Proffers

Comprehensive Plan:

Mixed Use

STAFF RECOMMENDATION:

The applicant has requested deferral of this application until the September 13, 2004, Planning Commission meeting to allow the Five Forks Area Study Committee to complete their review and forward guiding principles to the Commission for consideration. Staff concurs with the applicants request and recommends deferral of this application until the September 13, 2004, Planning Commission meeting.

Staff Contact:

Christopher Johnson

Phone: 253-6685

Christopher Johnson

CONCUR:

O. Marvin Sowers, Jr.

Attachments:

1. Applicant letter

Planning Commission

July 13, 2004

Attn.: Chris Johnson

From: Jeanette Brady

In regards to Airtight Self Storage expansion.

I am writing to defer the Airtight Self Storage & Oaktree Office Park to September meeting to give the board more time in consideration of the project.

Thank you,



Jeanette Brady



**Case No. Z-05-04 & MP-05-04. New Town Section 3&6 Rezoning and Master Plan and MP-08-04 New Town Section 2&4 Master Plan Amendment.
Staff Report for the August 16, 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:

August 16, 2004

Board of Supervisors:

September 14, 2004 (tentative)

SUMMARY FACTS

Applicant:

Mr. Greg Davis and Mr. Tim Trant of Kaufman & Canoles

Land Owner:

New Town Associates, LLC

Proposal:

To apply Design Guidelines and rezone approximately 69.2 acres to Mixed Use (MU) with proffers to construct a maximum of 470 dwelling units with an overall density cap of 4.5 dwelling units per acre and construct a maximum of 220,000 non-residential square feet. The New Town Section 2&4 Master Plan will be amended by transferring 150 dwelling units and 70,000 non-residential square feet from Section 2&4 to Section 3&6. There is no proposed change to the overall New Town permitted residential units and non-residential square footage.

Location:

Adjacent to the Ironbound Road and located west of the intersection of Ironbound Road and Monticello Avenue,
4803 Courthouse Street and 5206 Monticello Avenue.
Berkeley District

Tax Map/Parcel:

(38-4) (1-50), (38-4) (1-57), (38-4) (24-6), (38-4) (24-1A)

Primary Service Area:

Inside

Parcel Sizes:

160.4 Acres

Existing & Proposed Zoning: Rural Residential (R-8), with proffers and an approved Master Plan and Mixed Use (MU) with proffers to MU with proffers.

Comprehensive Plan:

Mixed Use

Staff Contact:

Karen Drake - Phone: 253-6685

STAFF RECOMMENDATION

The applicant has requested deferral of this case until the September 13, 2004 Planning Commission meeting to allow more time to resolve outstanding issues regarding the proffers. Staff concurs with the request.

Attachment: 1.) Deferral Request Letter

KAUFMAN & CANOLES

— | A Professional Corporation | —

Attorneys and Counselors at Law

Timothy O. Trant, II
757 / 259-3823
totrant@kaufcan.com

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

Mailing Address:

P.O. Box 6000
Williamsburg, VA 23188

4801 Courthouse Street
Suite 300
Williamsburg, VA 23188

August 10, 2004

VIA HAND DELIVERY

Karen Drake
Senior Planner
Planning Department
James City County
101-E Mounts Bay Road
Williamsburg, VA 23185



**Re: *New Town Associates, LLC*
 Proposed Rezoning and Master Plan Amendment of Sections 3 & 6
 *Our Matter No. 102832***

Dear Karen:

The above-referenced case is scheduled to be presented to the James City County Planning Commission at its meeting on August 16, 2004. The applicant and its consultants have been diligently working to respond to the issues raised by James City County Department of Development Management ("Staff"). On July 23, 2004, the applicant submitted a revised set of proffers to Staff. The applicant recognizes that there are a number of details yet to be resolved, but the applicant feels that the proffers are responsive to the majority of Staff's concerns. The applicant is working to finalize the remaining details of its proposal and anxiously awaits clarification from Staff on a number of issues. Pending final Staff comments, the applicant intends to make a final comprehensive submittal prior to the August 16, 2004 Planning Commission Meeting.

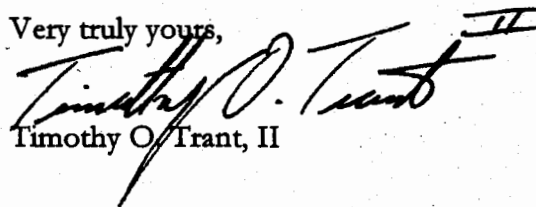
The applicant is aware that Staff will not have completed its review of such submittal prior to August 16, 2004. Accordingly, the applicant recognizes that Staff will not be prepared to make a complete staff report nor make a recommendation to the Planning Commission regarding the case at the August 16, 2004 meeting. Therefore, the applicant requests that any action on the case by the Planning Commission be deferred until the September 13, 2004 Planning Commission meeting.

The applicant looks forward to working with Staff in completing their review of the proposal and in preparing the application for consideration by the Planning Commission well in advance of its September 13, 2004 meeting. We appreciate your assistance in this regard.

August 10, 2004
Page 2

If you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Timothy O. Trant, II". The signature is stylized with a large, sweeping "T" and a distinct "II" at the end.

Timothy O. Trant, II

cc: New Town Associates, LLC, Attn: John McCann (via hand delivery)
Gregory R. Davis, Esq. (via hand delivery)
AES Consulting Engineers, Attn: James Peters (via hand delivery)

#6059353 v1

**Special Use Permit-13-04. Williamsburg Winery – Country Inn
Staff Report for August 16, 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

Building F Board Room; County Government Center

Planning Commission:	May 3, 2004	7:00 p.m.
	June 7, 2004	7:00 p.m.
	July 12, 2004	7:00 p.m. (deferred)
	August 16, 2004	7:00 p.m.
Board of Supervisors:	September 13, 2004	7:00 p.m. (tentative)

SUMMARY FACTS

Applicant:	Mr. Vernon Geddy, III
Land Owner:	Patrick Duffeler
Proposed Use:	Construct and operate a 36 room inn.
Location:	5800 Wessex Hundred Road, Roberts District
Tax Map/Parcel No.:	(48-4)(1-10)
Parcel Size:	282.3 acres
Existing Zoning:	R-8, Rural Residential
Comprehensive Plan:	Low Density Residential
Primary Service Area:	Inside

RECOMMENDATION

Staff finds that the proposal is acceptable from a land use perspective as it will have minimal impacts on surrounding properties and is consistent with operations at the Winery. Furthermore the inn will have a minimal impact on traffic on Lake Powell Road. Staff recommends the Planning Commission recommend approval of this special use permit with the attached conditions.

Staff Contact:	Matthew Arcieri	Phone: 253-6685
----------------	-----------------	-----------------

PROJECT DESCRIPTION

Mr. Vernon Geddy, III has applied for a special use permit on behalf of Williamsburg Farms, Inc., to permit the construction and operation of a 36 room inn at the Williamsburg Winery. Hotels and motels are a specially permitted use in the R-8, Rural Residential district in which the property is located. Williamsburg Farms, Inc. was granted special use permits to construct an inn in 1988, 1990, 1991 and 1992. Each SUP became void because construction was not begun within the time limits set forth in the SUP conditions. The last SUP became void in 1994.

The inn is proposed to be approximately 15,000 square feet and contain 36 rooms. Additional gravel parking will be constructed to serve the inn. In addition, the parking lot used by visitors to the winery and tavern offers opportunities for shared parking. Inn patrons will utilize the existing entrance to the property on Lake Powell Road.

At the July 12, 2004 Planning Commission meeting the case was deferred in order for the applicant to provide more information on traffic and utility impacts.

PUBLIC IMPACTS

Water and Sewer Impacts

Utilities:	The site is served by public water and sewer.
JCSA Comments:	The JCSA has confirmed that the water line being installed to serve the Gabriel Archer Tavern has been engineered to provide water to the inn.

Traffic Impacts

Traffic :	<p>The applicant's traffic consultant has provided the attached memorandum in regards to concerns over a forecasted decrease in traffic on Lake Powell Road.</p> <p>The applicant's traffic study utilized a 10% increase in existing traffic on Lake Powell Road for its analysis.</p>
VDOT Comments:	VDOT concurs with the original traffic impact study and notes that the addition of the 36 room hotel should not cause a negative impact on current or future VDOT right of way.

CONCLUSIONS AND CONDITIONS

Staff finds that the proposal is acceptable from a land use perspective as it will have minimal impacts on surrounding properties and is consistent with operations at the Winery. Furthermore the inn will have a minimal impact on traffic on Lake Powell Road. Staff recommends the Planning Commission recommend approval of this special use permit with the following conditions:

1. This Special Use Permit shall be valid for the operation of a hotel with a 15,000 square foot building footprint, and accessory uses thereto. The hotel shall be limited to a maximum of 36 rooms.
2. The property shall be developed generally in accordance with the conceptual layout submitted with the application titled "Conceptual Layout of Country Inn and Williamsburg Winery" prepared by Patrick Duffeler, and dated March 22, 2004, with minor changes approved by the Development Review

Committee.

3. The building design shall be consistent, as determined by the Planning Director, with the building elevations submitted with this application titled "Wedmore Place at the Williamsburg Winery" prepared by Hopke and Associates, Inc., and dated December 11, 2003. The building shall not exceed 30 feet in height.
4. Prior to the issuance of a certificate of occupancy, the hotel shall be connected to the James City Service Authority public water and sewer system.
5. The applicant shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final site plan approval. The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems, the use of approved landscaping materials including the use of drought tolerant plants where appropriate, and the use of water conserving fixtures to promote water conservation and minimize the use of public water resources.
6. Any special event, party or gathering on the property, indoor or outdoor, which generates over 1,000 persons per day, shall not be permitted.
7. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles or other structures not to exceed 15 feet in height above ground level and shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher shall extend outside the property lines.
8. No outdoor amplified music or loud speakers in connection with the operation of the inn shall be audible outside the boundaries of the property.
9. Any new signage on Lake Powell Road shall be combined with the existing sign in accordance with Article II, Division 3 of the Zoning Ordinance and shall be approved by the Planning Director. The sign shall only be externally illuminated.
10. Prior to final site plan approval, the applicant shall dedicate to the County or another County approved land conservation entity a conservation easement of approximately 50 acres, identified on the drawing titled "Williamsburg Farms: Area proposed to be dedicated to Conservation Easement" and dated June 2004, substantially in the form of the County's natural open space easement as approved by the County Attorney. The exact boundaries of the conservation easement shall be shown on the site plan for the inn. The conservation easement shall remain undisturbed and in its natural state. With prior approval of the County Engineer, dead, diseased and dying trees or shrubbery or poisonous or invasive plants may be removed from the conservation area.
11. Construction on this project shall commence within thirty (36) months from the date of approval of this special use permit or this permit shall be void. Construction shall be defined as obtaining permits for building construction, installation and final inspection of footings and/or foundations.

12. 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. Memo from Dexter Williams dated July 16, 2004



MEMORANDUM

TO: Vernon Geddy, III
FROM: Dexter R. Williams
SUBJECT: Williamsburg Winery Inn – Lake Powell Road Traffic Growth
DATE: July 16, 2004

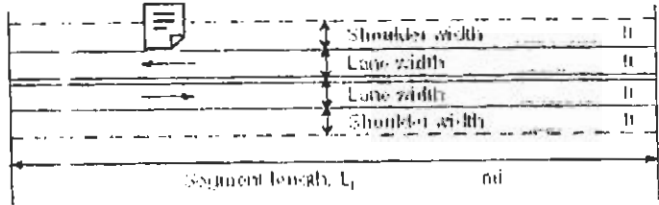

The statement in the staff report that VDOT has forecasted traffic a decrease in traffic on Lake Powell Road is a misinterpretation of data presented in my memo report dated June 13, 2004. The pertinent facts on this matter are as follows:

1. James City County does not count traffic on Brookwood Drive or Lake Powell Road. JCC daily counts on other roads are a very good source for tracking traffic trends.
2. Machine counts using hoses (the common way to count daily traffic) have inherent error problems, and any given count cannot be assumed to be reliable without some sort of correlation with other data.
3. Even the best counts can be affected by weekly or seasonal fluctuations and skew the results of a limited sample comparison.
4. VDOT counts (when conducted at all) are not nearly as thorough as the JCC counts and comparisons over time are often further skewed by variable locations of counts, factoring of peak hour counts to daily volumes and other estimating techniques.

In summary regarding historical traffic count sources, if JCC count data were available, I would have used it. Given no JCC data, I checked the VDOT counts which show a declining trend on Lake Powell Road. This result makes no sense and it is not a forecast by VDOT. It is simply a statement of fact about the data, and means that the data shouldn't be relied and was not relied no in the report. The traffic forecast used in the June 13, 2004 memo report used a 10% increase in existing traffic on Lake Powell Road (peak hour traffic was counted for the report) for analysis.

With regard to capacity on Lake Powell Road, a key criteria for two lane road capacity is width of roadway. Lake Powell Road has 18 feet of pavement width at the Williamsburg Winery, 20 feet of pavement width just south of Marclay (airport access), and 30 feet of pavement width (face of curb to face of curb) north of Marclay to Brookwood Drive. The increasing width of pavement on Lake Powell Road from the Winery north to Brookwood Drive correlates with the increasing traffic from the end of the road to the regional access via Brookwood Drive.

The highest peak hour traffic forecast on Lake Powell Road in the June 13, 2004 memo report was for the PM peak hour on the north side of the Williamsburg Winery entrance (Wessex Hundred). Enclosed is the Highway Capacity Software (HCS) level of service (LOS) results for the 2009 PM peak hour condition. There is LOS A on Lake Powell Road at the Winery entrance, meaning there is ample capacity for the relatively low traffic volumes.

TWO-WAY TWO-LANE HIGHWAY SEGMENT WORKSHEET			
General Information		Site Information	
Analyst	DRW	Highway	Lake Powell Road
Agency or Company	DRW Consultants, Inc.	From/To	At Winery North Lea
Date Performed	7/13/2004	Jurisdiction	James City County
Analysis Time Period	PM Peak Hour Total Traffic	Analysis Year	2009
Input Data			
			
		<div style="display: flex; justify-content: space-around;"> <div> Class I highway Terrain Level Two-way hourly volume 157 veh/h Directional split 55 / 45 Peak-hour factor, PHF 0.79 No-passing zone 0 % Trucks and Buses, P_T 9 % % Recreational vehicles, P_R 0% Access points/ mi 40 </div> <div> Class II highway Rolling Two-way hourly volume 157 veh/h Directional split 55 / 45 Peak-hour factor, PHF 0.79 No-passing zone 0 % Trucks and Buses, P_T 9 % % Recreational vehicles, P_R 0% Access points/ mi 40 </div> </div>	
Average Travel Speed			
Grade adjustment factor, f_G (Exhibit 20-7)		1.00	
Passenger-car equivalents for trucks, E_T (Exhibit 20-9)		1.7	
Passenger-car equivalents for RVs, E_R (Exhibit 20-9)		1.0	
Heavy-vehicle adjustment factor, f_{HV} $f_{HV} = 1 / (1 + P_T(E_T - 1) + P_R(E_R - 1))$		0.941	
Two-way flow rate 1 , v_p (pc/h) $v_p = V / (PHF * f_G * f_{HV})$		211	
v_p * highest directional split proportion ² (pc/h)		116	
Free-Flow Speed from Field Measurement		Estimated Free-Flow Speed	
Field Measured speed, S_{FM}	mi/h	Base free-flow speed, $BFFS_{FM}$	45.0 mi/h
Observer volume, V_f	veh/h	Adj. for lane width and shoulder width ³ , f_{LS} (Exhibit 20-5)	6.4 mi/h
Free-flow speed, FFS $FFS = S_{FM} + 0.00776(V_f / f_{HV})$	28.6 mi/h	Adj. for access points, f_A (Exhibit 20-6)	10.0 mi/h
		Free-flow speed, FFS $(FFS = BFFS - f_{LS} - f_A)$	28.6 mi/h
Adj. for no-passing zones, f_{np} (mi/h) (Exhibit 20-11)		0.0	
Average travel speed, ATS (mi/h) $ATS = FFS - 0.00776v_p - f_{np}$		27.0	
Percent Time-Spent-Following			
Grade Adjustment factor, f_G (Exhibit 20-8)		1.00	
Passenger-car equivalents for trucks, E_T (Exhibit 20-10)		1.1	
Passenger-car equivalents for RVs, E_R (Exhibit 20-10)		1.0	
Heavy-vehicle adjustment factor, f_{HV} $f_{HV} = 1 / (1 + P_T(E_T - 1) + P_R(E_R - 1))$		0.991	
Two-way flow rate 1 , v_p (pc/h) $v_p = V / (PHF * f_G * f_{HV})$		201	
v_p * highest directional split proportion ² (pc/h)		111	
Base percent time-spent-following, BPTSF(%) $BPTSF = 100(1 - e^{-0.000879v_p})$		16.2	
Adj. for directional distribution and no-passing zone, f_{dnp} (%)(Exh. 20-12)		0.8	
Percent time-spent-following, PTSF(%) $PTSF = BPTSF + f_{dnp}$		17.0	
Level of Service and Other Performance Measures			
Level of service, LOS (Exhibit 20-3 for Class I or 20-4 for Class II)		A	
Volume to capacity ratio v/c $v/c = v_p / 3,200$		0.07	
Peak 15-min veh-miles of travel, VMT_{15} (veh-mi) $VMT_{15} = 0.25L_1(V/PHF)$		50	
Peak-hour vehicle-miles of travel, VMT_{60} (veh-mi) $VMT_{60} = V * L_1$		157	
Peak 15-min total travel time, TT_{15} (veh-h) $TT_{15} = VMT_{15} / ATS$		1.9	
Notes			
1. If $v_p < 3,200$ pc/h, terminate analysis-the LOS is F. 2. If highest directional split $v_p \geq 1,700$ pc/h, terminated analysis-the LOS is F			

REZONING 04-04/MASTER PLAN 07-04. IRONBOUND VILLAGE
Staff Report for the August 16, 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

Planning Commission:
Board of Supervisors:

7:00 p.m.; Building F Board Room; County Government Center

August 16, 2004
September 14, 2004 (tentative)

SUMMARY FACTS

Applicant: James Peters of AES Consulting Engineers

Land Owner: George S. Jr. & Howard Hankins, and Cutting Edge Development LLC

Proposal: To amend the Master Plan by replacing approximately 4,500 square feet of office area with additional parking spaces, and to update and modify proffers related to phasing, the landscaping along Ironbound Road, and the owners association.

Location: 5300, 5304, 5320, 5324 and 5340 Palmer Lane

Tax Map/Parcel (39-1)(13-1A); (39-1)(13-2B); (39-1)(13-3); (39-1)(13-4); (39-1)(13-1B)

Parcel Size Approximately 1.4 of 7.75 total acres

Proposed Zoning: Mixed Use, with amended proffers

Existing Zoning: Mixed Use, with proffers

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

STAFF RECOMMENDATION

While the proposed master plan amendment significantly alters the character of land uses or other features and thus necessitates legislative approval, the replacement of approximately 4,500 square feet of office area with additional parking spaces will likely have little or no adverse impact on the Ironbound Village mixed use development and surrounding properties. The Ironbound Road frontage will continue to be landscaped in accordance with proffers, and the proposed change will facilitate the relocation of County divisions to Ironbound Village, complementing and reinforcing the nearby Ironbound Square Residential Revitalization Program, and ensuring that the office buildings are used and maintained. Staff finds the master plan and proffer amendment to be in accordance with the Comprehensive Plan and recommends approval with the attached proffers.

Staff Contact: Ellen Cook Phone: 253-6685

Proffers: Are signed and submitted in accordance with the James City County Proffer Policy.

PROJECT DESCRIPTION

In the Fall of 2000, the Ironbound Village property was rezoned from R-2, General Residential, to MU, Mixed Use, creating a mixed use in-fill development slated to have up to 18,250 square feet of office space, 23 single-family residential lots, four apartments, and seven townhouses; the residential units included a proffered affordable component. Since 2000 the Development Review Committee has approved a number of minor deviations from the approved master plan which did not significantly alter the character of land uses or other features or conflict with any conditions placed on the approval of the rezoning, in accordance with Section 24-518 of the JCC Zoning Ordinance. At present, all 23 single family homes have been constructed, the seven townhouses are expected to begin construction in the near future, and the office buildings are in various stages of completion.

On July 13, 2004, the Board of Supervisors adopted a resolution approving the purchase agreements for five parcels in Ironbound Village. The purchase will include the parcels for the three existing office buildings, the fourth office building pad site, and the interior parking area. The memorandum preceding the resolution stated that: "Several administrative divisions will be relocated from the Human Services Building. The new office space will also be used to create a new business incubator... The three buildings will provide space for approximately 60 employees."

At the time of property negotiations, County staff determined that additional parking spaces were necessary to accommodate the expected number of employees and visitors, based on the divisions which will be relocating to Ironbound Village and other potential uses. Accordingly, the amended master plan proposes the following:

- ◆ Eliminate approximately 4,500 square feet of un-built office space and replace it with a parking area providing a net gain of nine additional parking spaces. The parking spaces will be accessed from the existing interior parking area.

To accompany this proposed master plan amendment, and to reflect the changed use circumstances, the following proffers are proposed to be updated and modified:

- ◆ The Owners Association, originally proffered in 2000 to include all parcels in Ironbound Village, is proposed to not include the owner of the five parcels (to be purchased by the County) described in the proffer recitals. This will not prevent the County from entering into other legal arrangements for such items as recreation area and BMP maintenance.
- ◆ The Phasing proffer included in the 2000 document is proposed to be removed. This proffer, tying the issuance of certificates of occupancy for the residential lots to the completion of infrastructure for the office buildings, was originally intended to help offset the service costs of the residential development.
- ◆ The Ironbound Road Buffer proffer included in the 2000 document is proposed to be modified to eliminate references to a "50" foot setback along Ironbound Road. As originally proffered, and as the Planning Commission and Board acknowledged when the Ironbound Village project was originally approved, thirty feet of reserved right-of-way for the widening of Ironbound Road have been shown on the development plans leaving a 20 foot setback, and updating and modifying this proffer will bring it in line with the plats and site plans. The remaining setback along the Ironbound Road frontage will be landscaped in accordance with a landscape plan approved by the Planning Director, as stated in the proffer. The proffer will also continue to contain language ensuring that the setback and landscaping will be visually compatible with the larger New Town area, and compatible with the Ironbound Road expansion which calls for sidewalks and street trees.

These modified proffers will apply only to the five parcels included in this application; all other original Ironbound Village proffers have been restated.

PUBLIC IMPACTS

1. Environmental Impacts

Watershed: College Creek

Environmental Staff Comments: The Environmental Division has no major comments pertaining to the proffers or master plan amendment.

2. Public Utilities

The site is served by public water and sewer.

JSCA Staff Comments: None pertaining to the proffers or master plan amendment.

3. Fiscal Impact

A Fiscal Impact Analysis was submitted in the Fall of 2000 for the original Ironbound Village rezoning which found that the development as a whole had a net negative fiscal impact, and that the degree of negative impact was reduced by the mixed use nature of the development, specifically the inclusion of the office buildings which would produce tax revenue. With County purchase, these buildings would now be public, rather than private, and thus be tax exempt.

Staff Comments: No new residential units are proposed and a fiscal impact study was not required.

4. Traffic

Proposed Traffic: A traffic study was conducted in the Fall of 2000 for the original Ironbound Village rezoning. The study estimated that the Ironbound Village development would generate an additional 465 average daily trips. In addition, it found that traffic from Ironbound Village would cause a minimal increase in delay at the nearest signalized intersections. All movements at the intersection of Ironbound Road and Longhill connector would remain at Level of Service "C" or better. The a.m. peak hour at Ironbound Road and Monticello would also remain at a Level of Service "C" or better on all movements. Although some movements at this intersection were expected to operate at less than desirable levels in the p.m. Peak Hour (Level of Service "D"), the movements with the lowest level of service were already operating at or near Level of Service "D," and had already been identified as needing improvements as part of on-going design efforts. An updated traffic study was not required for this master plan and proffer amendment, and its impacts should be similar to the original project.

Proposed Road Improvements: No road improvements are proposed with this master plan and proffer amendment. A project in VDOT's Six Year Plan includes the construction of Ironbound Road to four traffic lanes. The anticipated date of construction is Fall 2008 with completion in 2010. As originally proffered in 2000, thirty feet of right-of-way to be dedicated to VDOT have been shown on the development plans for the property and excluded from the office building parcels.

VDOT Comments: VDOT concurs with the proposed master plan amendment.

Comprehensive Plan

The Comprehensive Plan Land Use Map designated this property as Low Density Residential. Ironbound Road is designated as a Community Character Corridor.

Staff Comments: The proposed master plan and proffer amendment do not significantly alter any characteristics of the Ironbound Village development approved in 2000 with respect to Comprehensive Plan designations.

RECOMMENDATION:

While the proposed master plan amendment significantly alters the character of land uses or other features and thus necessitates legislative approval, the replacement of approximately 4,500 square feet of office area with additional parking spaces will likely have little or no adverse impact on the Ironbound Village mixed use development and surrounding properties. The Ironbound Road frontage will continue to be landscaped in accordance with proffers, and the proposed change will facilitate the relocation of County divisions to Ironbound Village, complementing and reinforcing the effect of the nearby Ironbound Square Residential Revitalization Program, and ensuring that the office buildings are used and maintained. Staff finds the master plan and proffer amendment to be in accordance with the Comprehensive Plan and recommends approval with the attached proffers.

Ellen Cook

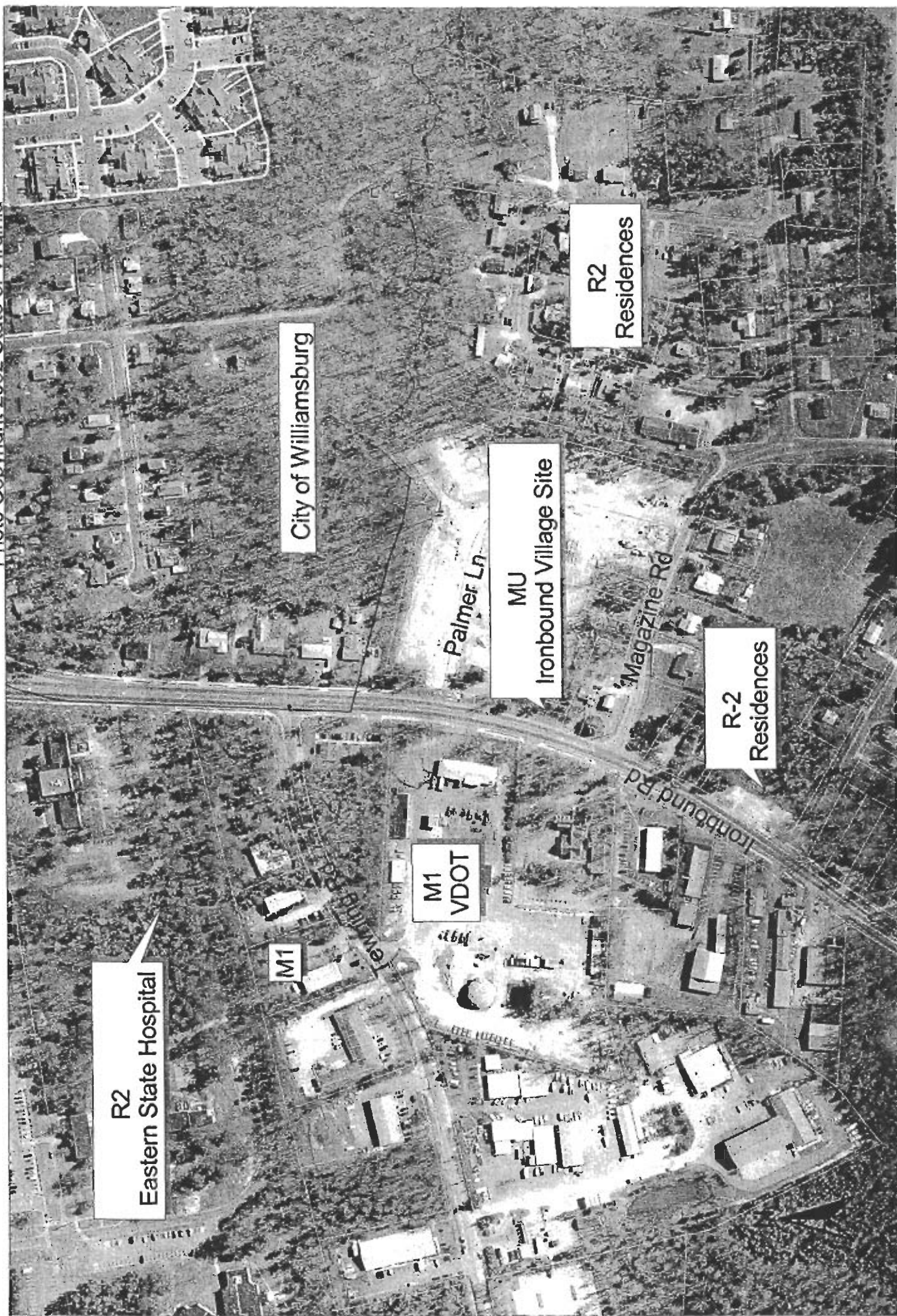
Attachments:

1. Location map
2. Master Plan (separate cover)
3. Proffers



Z-4-04/MP-7-04 Ironbound Village

Photo Copyright 2002 State of Virginia



AMENDED PROFFER AGREEMENT

THESE AMENDED PROFFERS are made this 5th day of August, 2004 by CUTTING EDGE DEVELOPMENT, L.L.C., a Virginia Limited Liability Corporation, GEORGE S. HANKINS, JR. and HOWARD B. HANKINS (together with their successors and assigns, the "Owner").

RECITALS

A. Owner is collectively the owner of five tracts or parcels of land located in James City County, Virginia, described as follows and hereinafter referred to as the "Property":

<u>Address</u>	<u>Tax Parcel ID No.</u>	<u>Approximate Acreage</u>
1) 5300 Palmer Lane	3911300001A	.163 acres
2) 5304 Palmer Lane	3911300001B	.203 acres
3) 5324 Palmer Lane	3911300002B	.543 acres
4) 5320 Palmer Lane	3911300003	.121 acres
5) 5340 Palmer Lane	3911300004	.354 acres

B. James City County, Virginia and / or assigns ("Buyer") has contracted to purchase the Property.

C. The Property is now zoned MU Mixed Use District, with proffers and is subject to a Master Plan approved by the County. The existing proffers are dated October 25, 2000 and recorded in the Circuit Court of the City of Williamsburg and James City County on February 2, 2004 as Instrument No. 040003422.

D. Owner has applied to rezone the Property from MU Mixed Use District, with proffers, to MU Mixed Use District with amended proffers.

E. Owner has submitted to the County a master plan entitled "Master Plan 7.75 + -Acres Ironbound Village Zoning Mixed Use" prepared by AES Consulting Engineers dated 5/29/04 (the "Master Plan") for the Property in accordance with Section 24-515 of the County Zoning Ordinance.

D. Owner desires to offer to the County certain conditions on the development of the Property not generally applicable to land zoned MU.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2297 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance and the granting of modifications to the setback requirements of Section 24-527 of the Zoning Ordinance to those set shown on the Master Plan pursuant to Section 24-527 of the Zoning Ordinance, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void. The Existing Proffers are hereby amended and restated as follows:

CONDITIONS

1. Amendment. These amended proffers shall only apply to the Property described in "Recital A".

2. Use. The three buildings designated on the Master Plan for office use shall be used only for office or day care facility use. In no event shall any portion of the buildings be put to a retail use.

3. **Owners Association.** There shall be organized an owner's association or associations (the "Association") in accordance with Virginia law in which all property owners in the development, except the owners of the Property described in "Recital A", by virtue of their property ownership, shall be members. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing the Association shall be submitted to and reviewed by the County Attorney for consistency with this Proffer. The Governing Documents shall grant the Association the power to file liens on members' properties for the cost of remedying violations of, or otherwise enforcing, the Governing Documents. The Property exempted from the Association membership requirement are further described as tax parcel nos. 3911300001A, 3911300001B, 3911300002B, 3911300003, and 3911300004.

4. **Water Conservation.** The Association shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority and subsequently for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The standards shall be approved by the James City Service Authority prior to final subdivision approval.

5. **Affordable Housing.** A minimum of five lots in Ironbound Village with houses or townhomes shall be reserved and offered for sale at a price at or below \$95,000.00 subject to adjustment as set forth herein. A minimum of an additional ten lots with houses or townhomes shall be reserved and offered for sale at a price at or below \$100,000.00 subject to adjustment as set forth herein. The maximum prices set forth herein shall be adjusted by increasing such prices by the cumulative rate of inflation as measured by the Consumer Price Index - Urban, U.S. City Average annual average change for the period from January 2001 until the date of the sale contract for the lot with house or townhome in question. The annual increase shall not exceed five percent (5%). The Director of Planning shall be provided with a copy of the settlement statement for each sale at a price at or below the maximum prices set forth above. Owner shall consult with and accept referrals of, and sell to, potential qualified buyers from the Department of Housing and Community Development on a non-commission basis.

6. **Recreation.** In lieu of providing active recreational facilities on the Property, Owner shall make a contribution to the County of \$250.00 for each residential lot or unit shown on a final development plan for the Property at the time of final development plan approval for use by the County for capital improvements to or equipment for Ironbound Square Park.

7. **Streetscapes.** The Owner shall provide and install streetscape improvements along both sides of the internal street shown on the Master Plan in accordance with the County's Streetscape Guidelines Policy. The streetscape improvements shall be shown on development plans for the Property and submitted to the Director of Planning for approval.

8. **Design Review.** Prior to the County being obligated to grant final development plan approval for any of the office/daycare buildings on the Property, there shall be prepared and submitted to the Director of Planning for approval design guidelines based generally on the design principals set forth in Section VII of the New Town Design Guidelines but recognizing that the Property is not within the New Town Development, which guidelines shall apply only to the three office/daycare buildings shown on the Master Plan. There shall be submitted to the Director of Planning with each development plan for the office/daycare buildings conceptual architectural plans, including architectural elevations, for the Director of Planning to review and approve for consistency with the approved design guidelines. Final architectural plans and completed buildings shall be consistent with the approved conceptual plans.

9. **Ironbound Road Buffer.** Prior to the County being obligated to grant final development plan approval for any of the office buildings on the Property, a landscaping plan for the setback along the Ironbound Road frontage of the Property consistent with this Condition 9 shall be prepared and submitted for review and approval of the Director of Planning. The landscaping plan shall at a minimum meet the landscaping requirements of the Zoning Ordinance and, where possible shall require that existing trees and groups of trees be protected and preserved to promote a sense of maturity to the landscape. To provide a consistent treatment along Ironbound Road and particularly to enhance the entrance character of this road as it relates to the New Town area, the area of the setback shall be landscaped with lawns and varied shrubs and tree plantings to establish front yards for the adjacent uses. When the final cross section for the expansion of Ironbound Road is established, two alternating species of shade trees shall be planted 50' on center across the Ironbound Road frontage of the Property in accordance with the recommendations of the New Town Design Guidelines or an equivalent treatment consistent with the streetscape design of Ironbound Road and approved by the Director of Planning shall be provided. The approved landscaping plan shall be implemented in the development of the Property and may be bonded prior to actual installation.

10. **Ironbound Road Bikeway.** If a bikeway is not included in the Ironbound Road expansion project within the road right-of-way along the Ironbound Road frontage of the Property, at the request of the County Administrator, the Owner of the Property or successors and assigns, shall grant the County an easement of sufficient width for a bike way immediately adjacent to the right-of-way of Ironbound Road along the Ironbound Road frontage of the Property.

11. **Right-of-Way Dedication.** The Owner of the Property, and their respective successors, heirs and assigns, upon the request of the County Administrator following approval by the County of any development plans for development of the Property, shall dedicate free of charge to the County or the Virginia Department of Transportation ("VDOT") up to an additional thirty (30) feet of right-of-way measured from the existing right-of-way line of Ironbound Road as necessary for the widening of Ironbound Road as shown on final road plans approved by VDOT for the Ironbound Road widening project. The thirty (30) foot reserved area shall be shown on the development plans for the Property.

12. **Entrance Design.** The entrance into the Property from Ironbound Road shall be designed so that no drop inlets, fire hydrants, streetlights, transformers or similar major utility structures will be located within thirty (30) feet of the existing right-of-way line of Ironbound Road.

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Signatures Begin On Next page

STATE OF VIRGINIA

CITY/COUNTY OF Newport News, to wit:

The foregoing Agreement was acknowledged before me this 5th day of August, 2004,
by George S. Hankins, Jr.

My commission expires: 8/21/06

Marian H. Leagere
Notary Public

STATE OF VIRGINIA

CITY/COUNTY OF Newport News, to wit:

The foregoing Agreement was acknowledged before me this 5th day of August, 2004,
by Howard B. Hankins.

My commission expires: 8/21/06

Marian H. Leagere
Notary Public

Prepared by:

Michael H. Drewry, Esquire
James City County, Virginia
101-C Mounts Bay Road
Williamsburg, VA 23187
(757) 253-6832

MEMORANDUM

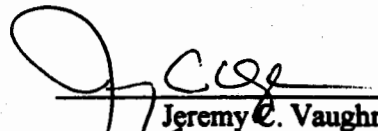

DATE: August 16, 2004
TO: The Planning Commission
FROM: Jeremy C. Vaughn, Law Clerk for James City County Attorney's Office
SUBJECT: Case No. SO-002-04 – Subdivision Ordinance Amendment: Utility Inspection Fees

Attached is a proposed ordinance amendment in response to a Planning Commission initiating resolution dated July 12, 2004 requesting a change to when utility inspection fees are collected in James City County.

The current ordinance requires that a "*Certificate to Construct*" be issued from the JCSA before a "*Land Disturbance Permit*" can be issued by the Environmental Division to begin a project. A "*Certificate to Construct*" cannot be calculated until a utility infrastructure plan has been approved by the JCSA. Land disturbance for a project can commence weeks or months before the JCSA has approved the utility plan or the need for a "*Certificate to Construct*" arises. The proposed amendment would streamline the process by eliminating the need for the County's Environmental Division to coordinate the "*Certificate to Construct*" from the JCSA, thereby changing when the certificate is issued and when the fees are collected.

In addition to the proposed ordinance, the JCSA regulations shall be amended so that the "*Land Disturbance Permit*" process is separate from the "*Certificate to Construct*" process. These changes will allow the JCSA to change when the fee is assessed to later in the construction process, thus simplifying the development process. There is no change to the amount of the inspection fee.

I recommend approval of the proposed ordinance.


Jeremy C. Vaughn
Concur: 
Leo P. Rogers

Attachment: Ordinance Amendment

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, GENERAL PROVISIONS, SECTION 19-15(2) FEES; AND ARTICLE III, REQUIREMENTS FOR DESIGN AND MINIMUM IMPROVEMENTS, SECTION 19-62 INSPECTION OF PUBLIC WATER AND SEWER SYSTEMS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Section 19-15(2) Fees and Section 19-62 Inspection of public water and sewer systems.

Chapter 19. Subdivisions Article I. General Provisions

Sec. 19-15. Fees.

Fees shall be charged to offset the cost of reviewing plats and plans, making inspections and other expenses incident to the administration of this chapter. The following fees shall be charged and collected as provided below:

(1) *General plan review.* There shall be a fee for the examination of every plan reviewed by the agent or commission. For all subdivisions that do not require public improvements, the fee for a major or minor subdivision shall be \$105.00 per plan plus \$60.00 per lot for each lot over two lots in the subdivision plat. For all subdivisions that require public improvements, the fee for a major or minor subdivision shall be \$135.00 per plan plus \$60.00 per lot for each lot over two lots in the subdivision plat. The fee for townhouse or condominium subdivisions which have undergone site plan review shall be \$50.00. The fee shall be submitted to the agent at the time of filing the plat for review. Any check shall be payable to the James City County treasurer.

(2) *Inspection fee for water and sewer lines.* There shall be a fee for the inspection by the service authority of public water and sewer system installations. Such fee shall be \$1.43 per foot for every foot of sewer main or water main constructed and shall be submitted at the time of filing an application for a land disturbance permit as specified by the service authority regulations.

Article III. Requirements for Design and Minimum Improvements

Sec. 19-62. Inspection of public water and sewer system.

Inspection of public water or sewer system installations shall be the responsibility of the service authority. Any subdivider of a subdivision shall obtain a certificate to construct sewer or water lines and facilities from the ~~environmental division~~ James City Service Authority prior to either extending existing facilities or building new facilities. Certificates to construct shall not be issued until the subdivider has paid to the ~~JCSA~~ county inspection fees in accord with section 19-15 of this chapter. A certificate to construct shall be required prior to final approval of the subdivision plat.

**Ordinance to Amend and Reordain
Chapter 19. Subdivisions
Page 2**

**Bruce C. Goodson
Chairman, Board of Supervisors**

ATTEST:

**Sanford B. Wanner
Clerk to the Board**

**Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of October,
2004.**

REZONING 6-05/Master Plan 4-05. Warhill Tract

Staff Report for the September 12, 2005, 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:	County Government Complex September 12, 2005 - 7:00 p.m., Building F Board Room October 3, 2005 - 7:00 p.m., Building F Board Room
Board of Supervisors:	November 8, 2005 - 7:00 p.m., Building F Board Room (tentative)

SUMMARY FACTS

Applicant / Landowner:	James City County
Proposed Use:	Williamsburg - James City County Third High School, Thomas Nelson Community College, and Future Commercial Development
Location:	6450 Centerville Road and 5700 Warhill Trail; Powhatan District
Tax Map and Parcel Nos.:	(32-1)(1-12) and (32-1)(1-13)
Primary Service Area:	Inside
Parcel Size:	∇ 155 acres
Existing Zoning:	PUD-C, Planned Unit Development - Commercial and M-1, Limited Business/Industrial, with Proffers
Proposed Zoning:	PUD-R, Planned Unit Development - Residential, and PUD-C, Planned Unit Development - Commercial, with amended Proffers
Comprehensive Plan:	Mixed Use

STAFF RECOMMENDATION:

Staff recommends deferral of the above referenced cases until the October 3, 2005, Planning Commission meeting to allow additional time to draft amended proffers for the property and resolve outstanding master plan issues.

Staff Contact:	Matthew Arcieri	Phone: 253-6685
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Matthew Arcieri

REZONING 8-05. Williamsburg Wicker and Rattan Retail Center
Staff Report for the September 12, 2005, 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:

Building F Board Room; County Government Complex

June 6, 2005 (deferred) 7:00 p.m.

July 11, 2005 (deferred)

August 1, 2005 (deferred)

September 12, 2005

Board of Supervisors:

October 11, 2005 (tentative) 7:00 p.m.

SUMMARY FACTS

Applicant:

Mr. James Peters of AES Consulting Engineers

Land Owner:

Oscar B. and Elva W. Harrell

Proposal:

5,000+/- SF Furniture Store; 3,300+/- SF Retail; 3,000+/- SF Storage;
2,400+/- SF Caretaker Unit

Location:

7414 Richmond Road

Tax Map/Parcel Nos.:

(23-2)(2D-1A)

Parcel Size:

1.13 acres

Existing Zoning:

A-1, General Agricultural District and B-1, General Business District

Proposed Zoning:

B-1, General Business District, with Proffers

Comprehensive Plan:

Low Density Residential

Primary Service Area:

Inside

STAFF RECOMMENDATION

The applicant has requested a one month deferral in order to allow more time to resolve outstanding issues. Staff concurs with the request.

Staff Contact: Ellen Cook

Phone: 253-6685

Ellen Cook

ATTACHMENTS:

1. Deferral Letter

**SPECIAL USE PERMIT-21-05 / MASTER PLAN-9-05. Olde Towne Timeshares Amendment
Staff Report for the September 12, 2005, 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:

Building F Board Room; County Government Complex

July 11, 2005 (deferred) 7:00 p.m.

August 1, 2005 (deferred)

September 12, 2005

Board of Supervisors:

October 11, 2005 (tentative) 7:00 p.m.

SUMMARY FACTS

Applicant:

Mr. Robert Anderson of McKinney and Company

Land Owner:

Heritage Resorts, Inc.

Proposal:

Timeshare Units

Location:

5380 Olde Towne Road

Tax Map/Parcel Nos.:

(32-4)(1-26), (32-4)(1-26A), (32-4)(1-36), (33-3)(1-30)

Parcel Size:

130.4 acres

Zoning:

R-2, General Residential District, Cluster

Comprehensive Plan:

Low Density Residential

Primary Service Area:

Inside

STAFF RECOMMENDATION

The applicant has requested a one month deferral in order to allow more time to resolve outstanding issues. Staff concurs with the request.

Staff Contact: Ellen Cook

Phone: 253-6685

Ellen Cook

ATTACHMENTS:

1. Deferral Letter

Staff Report for the September 12, 2005 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:

Board of Supervisors:

Building F Board Room; County Government Complex

September 12, 2005

October 11, 2005

7:00 p.m.

7:00 p.m.

SUMMARY FACTS

Applicant:

Mr. Vernon Geddy, III on behalf of Michael Brown

Land Owner:

Edward T. and Mamie Nixon, and Hazel Richardson

Proposal:

The applicant has proposed to rezone three parcels of land and to construct seven 3-story buildings containing a total of 84 age-restricted condominium units at a density of 5.6 dwelling units per acre.

Location:

1676 & 1678 Jamestown Road and 180 Red Oak Landing

Tax Map/Parcel Nos.:

(1-36) (47-3), (1-37) (47-3) and (1-39) (47-3)

Parcel Size:

16.5 acres

Proposed Zoning:

R-5, Multi-Family Residential

Existing Zoning:

LB, LB, and R-2, Limited Business and General Residential

Comprehensive Plan:

Low Density Residential

Primary Service Area:

Inside

STAFF RECOMMENDATION

The applicant has requested that the above referenced case be deferred until the October 3, 2005 Planning Commission meeting to allow additional time to meet with surrounding property owners to discuss the proposal.

Staff Contact:

Matthew J. Smolnik, Planner

Phone: 253-6685

Matthew J. Smolnik

ATTACHMENTS:

1. Deferral letter from applicant

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

ATTORNEYS AT LAW

1177 JAMESTOWN ROAD

WILLIAMSBURG, VIRGINIA 23185

TELEPHONE: (757) 220-6500

FAX: (757) 220-5342

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

ANDREW M. FRANCK
RICHARD H. RIZK

MAILING ADDRESS:
POST OFFICE BOX 379
WILLIAMSBURG, VIRGINIA 23187-0379

email: vgeddy@widomaker.com

September 1, 2005

Mr. Matt Smolnik
James City County Planning Department
101-A Mounts Bay Road
Williamsburg, Virginia 23185

Jamestown Retreat/7-007-05

Dear Matt:

I am writing on behalf of the applicant to request this case be deferred until the October 2005 Planning Commission meeting. Thanks for your help.

Sincerely,


Vernon M. Geddy, III

REZONING 12-05. Toano Business Center

Staff Report for the September 12, 2005, 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:

Building F Board Room; County Government Complex

August 1, 2005 (deferred)

7:00 p.m.

September 12, 2005

Board of Supervisors:

October 11, 2005 (tentative)

7:00 p.m.

SUMMARY FACTS

Applicant:

Mr. Vernon Geddy

Land Owner:

Toano Business Center, L.L.C.

Proposal:

3,575 SF Bank; 4,725 SF Convenience Store; Mini-Storage Facility; 34,630 SF Retail; 54,000 SF Office/Warehouse

Location:

9686 and 9690 Old Stage Road

Tax Map/Parcel Nos.:

(4-4)(1-34), (4-4)(1-4)

Parcel Size:

21.23 acres

Existing Zoning:

A-1, General Agricultural District

Proposed Zoning:

MU, Mixed Use, with Proffers

Comprehensive Plan:

Mixed Use and Low Density Residential

Primary Service Area:

Inside

STAFF RECOMMENDATION

The applicant has requested a one month deferral in order to allow more time to resolve outstanding issues. Staff concurs with the request.

Staff Contact: Ellen Cook

Phone: 253-6685

Ellen Cook

ATTACHMENTS:

1. Deferral Letter

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

ATTORNEYS AT LAW
1177 JAMESTOWN ROAD
WILLIAMSBURG, VIRGINIA 23185
TELEPHONE: (757) 220-6300
FAX: (757) 229-5342

MAILING ADDRESS:
POST OFFICE BOX 379
WILLIAMSBURG, VIRGINIA 23187-0379

email: vgeddy@widomaker.com

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

ANDREW M. FRANCK
RICHARD H. RIZK

September 1, 2005

Ms. Ellen Cook
James City County Planning Dept.
101-A Mounts Bay Road
Williamsburg, Virginia 23185

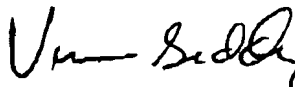
Re: Toano Business Center/7-12-05

Dear Ellen:

I am writing to request that the Planning Commission defer consideration of this case until its October 2005 meeting.

Very truly yours,

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



Vernon M. Geddy, III

VMG/ch
Cc: Mr. Michael C. Brown

Staff Report for the September 12, 2005, Board of Supervisors Public Hearing

PUBLIC HEARINGS

Building F Board Room; County Government Complex

October 11, 2005 7:00 p.m.

Michael Brown

Toano Business Center LLC

Withdrawal of 79.12 acres from the existing Barnes Swamp AFD

Old Stage Road

(4-1)(5-1), (4-1)(5-2), (4-1)(5-3), (4-1)(5-4) and (4-1)(5-5)

79.12 acres

A-1, General Agricultural

Rural Lands

Outside

Phone: 253-6685

PROJECT DESCRIPTION

In August of 2002 the Board of Supervisors renewed the Barnes Swamp AFD for a period of four years. Mr. Michael Brown has requested a withdrawal of 79.12 acres from the Barnes Swamp AFD. It is comprised of five parcels identified as Tax Map Nos. (4-1)(5-1), (4-1)(5-2), (4-1)(5-3), (4-1)(5-4) and (4-1)(5-5). The property to be withdrawn is accessed from Old Stage Road.

In April of 2005 the James City County Planning Division approved a subdivision dividing the original 79 acre parcel into five lots. This subdivision was approved in error as the conditions of the AFD district prohibit subdivisions of less than 25 acres. The applicant has also filed a second subdivision to resubdivide parcel (4-1)(5-5) into an additional four lots bringing the total number of lots for this parcel to nine, the maximum permitted for a minor subdivision. The second subdivision can not be approved as long as the parcel remains in the AFD.

PUBLIC IMPACTS

Surrounding Zoning and Development

The parcel is zoned A-1, General Agricultural, and are surrounded by similarly zoned property. The parcel is entirely wooded.

Public Utilities

Public water and sewer is unavailable.

COMPREHENSIVE PLAN

Land Use Map Designation

The 2003 Comprehensive Plan designates this parcel as Rural Lands.

Staff Comments: The majority of parcels within the Barnes Swamp AFD are also designated Rural Lands. One Comprehensive Plan objective calls for protecting and preserving the County's agricultural and forestal lands and activities. The Agricultural and Forestal District program supports this objective.

ANALYSIS

On September 24, 1996, The Board of Supervisors adopted a policy and withdrawal criteria for AFD parcels that are outside the Primary Service Area. That policy and criteria are as follows:

1. It is the policy of the Board of Supervisors to discourage the withdrawal of properties from Agricultural and Forestal Districts during the terms of those districts
2. The criteria for withdrawal during the terms of the districts are as follows:
 - A. The request is caused by a change in circumstances that could not have been anticipated at the time application was made for inclusion in the district.
 - B. The request would serve a public purpose, as opposed to the proprietary interest of the landowner, that could not otherwise be realized upon expiration of the AFD.
 - C. The request would not cause damage or disruption to the existing district.
 - D. If the request for withdrawal is in conjunction with a proposal to convert the land use of a property to a different use than is currently in place, the new land use would be in conformance with the Comprehensive Plan.

The Board shall weigh each of the above criteria in its deliberation, but may also use whatever criteria it

deems appropriate for the individual case.

Each of these criteria have been evaluated by staff:

Criteria 2A: Change in Circumstances

Staff believes that both the applicant and staff, with proper due diligence, should have been aware that the property was in an AFD when the application to subdivide was made. There has not been a change in circumstances that would merit withdrawal. **The application does not meet this criteria.**

Criteria 2B: Request Would Serve a Public Purpose

The withdrawal is not for any public purpose. **The application does not meet this criteria.**

Criteria 2C: No Damage or Disruption to District

Should this withdrawal be approved, the size of the Barnes Swamp AFD would be 1,805 acres and will still meet minimum acreage requirements for Agricultural and Forestal Districts. In addition the withdrawal is a small part of a large AFD so that the district should not be significantly disrupted if some other property owners withdraw during the August 2006 renewal. **The application meets this criteria.**

Criteria 2D: Conformance with the Comprehensive Plan

The parcel is being subdivided under the provisions of the A-1 subdivision (3 acre lot minimum). The proposed and platted lots range in size from 5.01 acres to 24.585 acres, exceeding ordinance minimums. Staff finds that the proposed residential lots would be consistent with the Comprehensive Plan's Rural Lands designation. **The application meets this criteria.**

RECOMMENDATION

Should this withdrawal be approved, the size of the Barnes Swamp AFD would be 1,805 acres and will still meet minimum acreage requirements for Agricultural and Forestal Districts. Staff finds the proposed withdrawal is not consistent with all of the criteria for the withdrawal of lands from Agricultural and Forestal Districts outside the PSA. However, staff does note that the ultimate use of this property is consistent with the Comprehensive Plan and the withdrawal will not cause the Barnes Swamp AFD to be discontinued. Given the unusual circumstances behind this request staff has no major objections should the Board wish to approve this withdrawal. On September 6, 2005 the AFD Advisory Committee recommended denial of this application by a vote of 8-0 with one abstention.

Matthew D. Arcieri

:

ATTACHMENTS:

1. Location Map
2. Minutes of the July 18, 2005 AFD Advisory Committee Meeting

UNAPPROVED MINUTES OF THE SEPTEMBER 6, 2005 MEETING OF THE AGRICULTURAL AND FORESTAL ADVISORY COMMITTEE

AFD-5-86 Barnes Swamp: Toano Business Centre, L.L.C. Withdrawal

Mr. Arcieri gave a summary of the staff report. He explained the Board of Supervisor's adopted policy and listed the withdrawal criteria for AFD parcels outside the Primary Service Area that were established. He further stated that staff had no objections to the withdrawal. Mr. Ford asked for the County Attorney's opinion on the matter in accordance with what the Code says and stated that if the Board of Supervisors approved this withdrawal there would not be anything to stop them from approving any withdrawal proposed outside of the PSA.

Mr. Kinsman stated that there were provisions to get out of an AFD with good and reasonable cause. He noted that the Board of Supervisors adopted a resolution in 1996 that contains a set of four general policy reasons that suggest a parameter for defining good and reasonable cause. He further stated that the policy also permitted additional criteria to determine the definition of good and reasonable cause. Mr. Kinsman then stated that the Committee could recommend withdrawal if they determined that any one of the criteria were sufficient to establish good and reasonable cause.

Mr. Kinsman added that any time a staff error is made in derogation of the Ordinance, the mistake is a nullity from its inception. He explained that this means the subdivision never happened and ceases to have been legally approved, as errors like this do not become law. He stated that staff's decision cannot go against the Ordinance and that there are ways to prevent that from occurring. He added that if the AFD Committee, Planning Commission, and Board of Supervisors did not approve the withdrawal, then the deed could be amended along with an affidavit stating that the property could not be subdivided given current land use and tax status and did not happen.

Mr. Ford stated that the Board of Supervisors set the policy for withdrawing property outside the Primary Service Area and that the AFD Committee should not approve it because if their recommendation was upheld by the Board, they would essentially be nullifying the policy, therefore setting a precedent for future cases with similar merits.

Mr. Kinsman restated that the four criteria can be used as well as additional criteria that the Committee felt pertained to establishing good and reasonable cause for the individual case. Mrs. Lowe asked how the decision would weigh in future applications for additions or withdrawals from a public perception standpoint. Mr. Kinsman stated he could not determine whether it would increase applications or not but that it would set a precedent in the public eye to the extent that the public could factor in the Committee's decision in their own decision to withdraw. Mr. Arcieri noted that precedent in this case would require staff error. Mr. Kinsman agreed. Mr. Arcieri stated that a decision would weigh in staff error and that it would be a defining characteristic in any precedent established. Mr. Abbott noted

that this was only the second mistake in nine years. Mr. Abbott expressed that he was surprised that it only happened twice during the period.

Mr. Abbott asked if the applicant would be held responsible for any tax penalties if the subdivision was upheld, given the source of the mistake. Mr. Ford responded that the land owner had to pay the taxes back for the period of time elapsed between the changes in the use of the land. He noted that the Commissioner of the Revenue could set a larger penalty for not being notified of the change in the use of land that was in an AFD and under land use taxation. He further stated that the tax books showed lower assessed value of AFD land. Mr. Abbott asked if there was a layer on Real Estate's property information system that showed land in an AFD and land in conservation easements, and if that mechanism was readily apparent and available to any user. Mr. Richard Bradshaw replied that a planner had access using GIS, but that he was unsure if a citizen could obtain that information on the Real Estate website.

Mr. Abbott noted that if the application for withdrawal was turned down, the applicant could come back in August when the renewal period was up to withdraw the piece he wished to subdivide. He asked for confirmation that if the Committee and Board of Supervisors turned the proposal down, that the applicant would have to wait until next August to obtain approval for a subdivision. Mr. Ford concurred and stated that if he withdrew next August, rollback taxes would still apply. Mr. Richard Bradshaw confirmed that the applicant would pay rollback taxes on the current year and preceding five years.

Mr. Gilley asked if there were any more questions before they voted. Mrs. Garrett stated that she felt criteria 2C could not be met, because she saw the withdrawal as inflicting damage to the district. She restated that in allowing it, the Committee would be letting the applicant out a year in advance of the renewal period. Mr. Ford noted that criteria 2C which stated that, "The request would not cause damage or disruption to the existing district," was meant to protect other landowners in the AFD that would suffer the consequence of losing AFD status if the district fell below 200 acres due to a withdrawal.

Mr. Gilley asked for a roll call vote. Mr. Andy Bradshaw stated that he would abstain from voting because of his role on the Board of Supervisors. He further noted that the Board would value the opinion of the AFD Committee.

Mr. Arcieri noted that the Planning Commission would consider the request at its Monday, September 12 meeting.

Mr. Ford stated that if the Committee approved it, no teeth would be left in the AFD policy. Mrs. Lowe responded that the AFD Committee should not make a decision it would later regret, especially considering all the land in the County that is already being rapidly lost to development.

Mr. Gilley asked for questions before voting. Mr. Ford made a motion to deny the request for withdrawal and Mrs. Garrett seconded. The motion passed unanimously with Mr. Andy Bradshaw abstaining.

SPECIAL USE PERMIT-27-05: Chickahominy Baptist Church Expansion
Staff Report for the September 12, 2005 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:
Board of Supervisors:

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

September 12, 2005 at 7:00 p.m.
October 11, 2005 at 7:00 p.m. (Tentative)

SUMMARY FACTS

Applicant:

Ms. Marion J. Brown

Land Owner:

Chickahominy Baptist Church

Proposal:

The applicant has proposed to construct a 5,800 square foot addition to the existing church

Location:

2900 Chickahominy Road

Tax Map/Parcel

Parcels (1-8), (1-9) and (1-9A) on tax map (22-3).

Parcel Size

1.75 combined acres for all three parcels

Existing Zoning:

R-8, Rural Residential

Comprehensive Plan:

Rural Lands

Primary Service Area:

Outside

STAFF RECOMMENDATION

Staff believes that this proposal is consistent with the Comprehensive Land Use Map designation and is compatible with surrounding zoning and development. Staff believes that the proposed conditions will sufficiently mitigate the impacts created by the proposed development. Based on this information, staff recommends that the Planning Commission recommend approval of this application to the James City County Board of Supervisors with the attached SUP conditions.

Staff Contact:

Matthew J. Smolnik, Planner

Phone: 253-6685

Project Description

Ms. Marion J. Brown of Chickahominy Baptist Church has applied for a special use permit to allow for an expansion of the church's facilities. A special use permit is required for houses of worship in R-8, Rural Residential Districts. Located at 2900 Chickahominy Road, the Chickahominy Baptist Church is currently a one-story building with a gross floor area of 3,912 square feet and seats 190 persons. There are two gravel parking lots on the property which can accommodate a total of 70 vehicles. The proposed one-story expansion is approximately 5,700 square feet in size and will accommodate classrooms, a kitchen, a choir room, restrooms, administrative offices and a fellowship hall. A portico is also proposed along the front entrance to the church. The three parcels to be used for the church operation will be combined into one larger parcel totaling 1.75 acres.

On September 1, 2005 the James City County Board of Zoning Appeals approved a variance to Section 24-

251, Setback Requirements, for the Chickahominy Baptist Church. This variance reduces the required front yard setback from 35 feet to 3 feet at the most extreme point with no additional encroachment into the required setback and is to allow for the construction of a raised patio and portico on the front of the church and an addition on the left side of the church.

PUBLIC IMPACTS

1. Environmental Impacts

Watershed: Yarmouth Creek

Environmental Staff Comments: The Environmental Division staff has reviewed the proposal and finds the locations of the stormwater management infiltration trenches acceptable. Further environmental issues will be handled at the site plan stage.

2. Public Utilities

The site is served by public water. Sewage is handled through an on-site septic system.

JSCA Staff Comments: JSCA has reviewed the proposal and has no comments at this time.

Health Department Comments: The Health Department has recommended that the applicant consult with an Authorized On-site Soil Evaluator (AOSE) for the development of an on-site sewage disposal system.

Staff Comments: Staff has informed the applicant that additional information will need to be submitted prior to final site plan approval ensuring that the soils on the property are sufficient for an on-site sewage disposal system. Water conservation measures will be placed on the church through the SUP conditions.

3. Traffic

Road Improvements: No road improvements are proposed for Chickahominy Road.

VDOT Comments: The speed limit along this section of Chickahominy Road is 45 mph and 490 feet of sight distance would be needed to sufficiently accommodate this speed. VDOT has noted severe sight distance limitations in both directions at the existing access to the 30-space gravel parking area. Sight distance is limited by a combination of the horizontal alignment of the road, embankments and the church sign. VDOT recommends moving this entrance and relocating the access point to Browns Drive.

Staff Comments: Staff waived the traffic impact study for this application given the amount of traffic generation expected for this use and the favorable capacity conditions on Chickahominy Road. Staff concurs with VDOT and notes that these geometric issues can be addressed at the site plan stage. According to Section 24-59 (a)(c)(17) of the Zoning Ordinance, one parking space is required for every five seats based upon the seating capacity for places of public assembly; therefore the existing sanctuary would require 38 parking spaces. In instances where an event may occur concurrently in the fellowship hall with a church service in the sanctuary at full capacity, staff believes the remaining 32 (from the 70 total) parking spaces are sufficient to accommodate the parking demands. If the entire 5,800 foot addition was placed in the *Category A -High Demand* parking requirements according to Section 24-59 (a)(1)(b) of the Zoning Ordinance, then one parking space would need to be provided for every 200 square feet of floor area. This scenario would require 29 parking spaces, which are provided with the current parking lot design. In summary, concurrent use of the existing sanctuary and proposed addition would require 67 spaces while 70 spaces are currently provided. Based on this information, staff believes that the total number of parking spaces on the property can accommodate the uses at the church.

Comprehensive Plan

- ◆ The James City County Comprehensive Plan Land Use Map designates this property as Rural Lands. Rural Lands are areas containing farms, forests and scattered houses, exclusively outside of

the Primary Service Area (PSA), where a lower level of public service delivery exists or where utilities and urban services do not exist and are not planned for in the future. Appropriate primary uses include agricultural and forestal activities, together with certain recreational, public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings. Rural Land use Development Standards speak to siting non-agricultural and non-forestal uses in areas where they minimize impacts or do not disturb agricultural/forestal uses or open fields.

Staff Comments:

Staff believes the proposed use, with the attached conditions, is consistent with the Land Use designation of the Comprehensive Plan. The site is not suitable for agricultural or forestal use and is largely surrounded by single-family detached homes on similarly zoned, non-agricultural land. While non-agricultural or non-forestal uses are not encouraged in Rural Lands, staff finds the proposed use acceptable given the use's minimal impact to the surrounding area and the existing on-site and surrounding uses.

CONCLUSIONS AND CONDITIONS

The United States government enacted the Religious Land Use and Institutionalized Persons Act of 2000 (the "Act"). The Act prohibits imposing a substantial burden on the free exercise of religion through land use regulations unless there is a compelling government interest. It is staff's opinion that the conditions contained in this special use permit are reasonably related to the impacts caused by the use of the property and do not constitute a substantial burden on the free exercise of religion.

Staff believes that this proposal is consistent with the Comprehensive Land Use Map designation and is compatible with surrounding zoning and development. Staff believes that the proposed conditions will sufficiently mitigate the impacts created by the proposed development. Based on this information, staff recommends that the Planning Commission recommend approval of this application to the James City County Board of Supervisors with the SUP conditions listed below.

1. This Special Use Permit shall be valid for a church expansion not to exceed 5,900 square feet in size and accessory uses thereto. Development of the site shall be generally in accordance with the above referenced master plan as determined by the Development Review Committee of the James City County Planning Commission. Minor changes may be permitted by the DRC, as long as they do not change the basic concept or character of the development.
2. Prior to final site plan approval, the planning director shall review and approve the final architectural design of the building. Such building shall be reasonably consistent, as determined by the Director of Planning, with the architectural elevations titled Chickahominy Baptist Church Conceptual Design Elevations submitted with this special use permit application, dated March 4, 2005 and drawn by Louis W. Johnson, Jr.
3. If construction has not commenced on this project within thirty-six (36) months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining permits for building construction, and footings and foundation have passed required inspections.
4. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 15 feet in height and/or other structures and shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher shall extend outside the property lines.

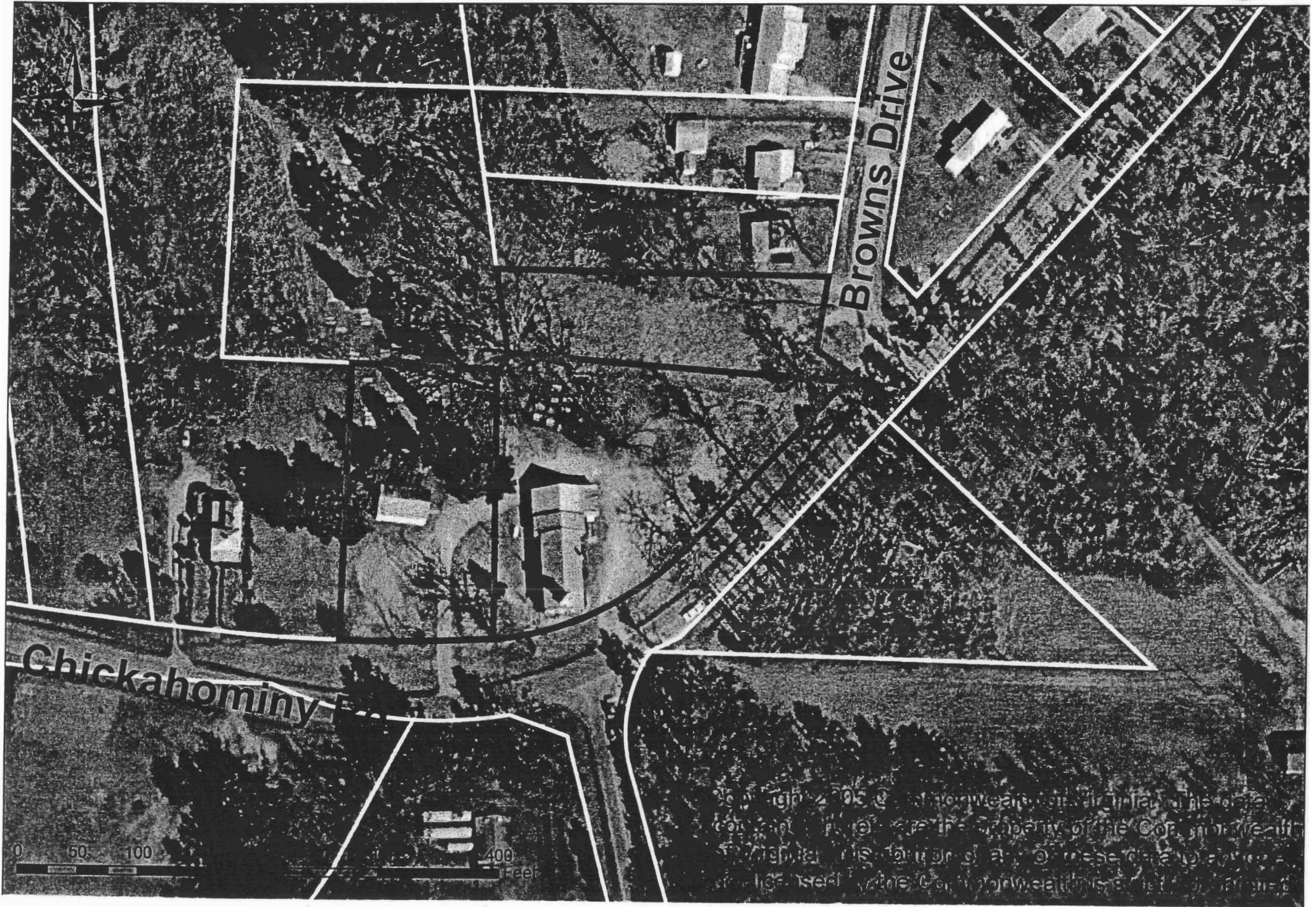
5. A Phase I Archaeological Study for the area to be disturbed by the expansion shall be submitted to the Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon.
6. Free standing signage shall be limited to one monument style sign. For purposes of this condition, a "monument" style sign shall be defined as a free standing sign with a completely enclosed base not to exceed thirty-two square feet in size and not to exceed eight feet in height from grade.
7. The applicant shall receive full approval from the Health Department for septic tank and drain field capacity prior to final site plan approval.
8. The applicant shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final site plan approval. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems, the use of approved landscaping materials including the use of drought-tolerant plants where appropriate, and the use of water-conserving fixtures to promote water conservation and minimize the use of public water resources.
9. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Matthew J. Smolnik

Attachments:

1. Location Map
2. Architectural Elevations (under separate cover)

SUP-27-05: Chickahominy Baptist Church Expansion



MEMORANDUM

TO: The Planning Commission

FROM: Matthew Arcieri, Senior Planner

RE: Permitting Facilities for the Residence and/or Care of the Aged in the R-8 Zoning District

DATE: September 12, 2005

Williamsburg Landing has requested that the R-8, Rural Residential zoning ordinance be amended to permit “facilities for the residence and/or care of the aged” with a special use permit. The specific reasons for this request can be found in the staff report for the accompanying special use permit application (Case No. SUP-26-05); therefore this report only addresses the proposed ordinance amendment.

Currently the R-8 district only permits nursing homes with an approved special use permit. A nursing home is defined as a facility that provides nursing services on a continual basis. The Williamsburg Landing does offer nursing services but, due to its residential component, is classified as a “facility for the residence and/or care of the aged”. Therefore it is not permitted in the R-8 district.

Nursing Homes and facilities for the residence and/or care of the aged are currently a specially permitted use in the R-5, Multifamily Residential District and the PUD, Planned Unit Development District.

RECOMMENDATION

Staff recommends that the Zoning Ordinance be amended to permit facilities for the residence and/or care of the aged in the R-8 Zoning District with a special use permit. Staff notes that nursing homes are already a specially permitted use. Other similar currently permitted facilities include rest homes for fewer than 15 adults (permitted by-right) and rest home for 15 or more adults (SUP required). This language will permit facilities with similar impacts as those already allowed. Through the special use permit process, the Planning Commission and Board of Supervisors will have the ability to review and mitigate any potential negative impacts on a site specific basis.

Staff recommends the Planning Commission recommend approval of the attached ordinance.

Matthew Arcieri

Attachment:

1. Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 8, RURAL RESIDENTIAL DISTRICT, R-8, SECTION 24-349, USES PERMITTED BY SPECIAL USE PERMIT ONLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Section 24-349, Uses permitted by special use permit only.

Article V. Districts

Division 8. Rural Residential District, R-8

Section 24-349. Uses permitted by special use permit only.

Nursing homes and facilities for the residence and/or care of the aged.

Michael J. Brown, Chairman
Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of October, 2005.

sect24_349amend.ord

SPECIAL USE PERMIT-26-05. Williamsburg Landing Parking Addition
Staff Report for the September 12, 2005, 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:
Board of Supervisors:

Building F Board Room; County Government Complex

September 12, 2005 7:00 p.m.
October 11, 2005 7:00 p.m.

SUMMARY FACTS

Applicant: Paul Gerhardt, Kaufman and Canoles

Land Owner: Mary S. Waltrip

Proposal: Construct an accessory parking lot to serve a facility for the residence and/or the care of the aged and future shared parking for the airport.

Location: 20 Marclay Road

Tax Map/Parcel Nos.: (48-2)(1-12)

Parcel Size: 1.57 acres

Zoning: R-8, Rural Residential

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds the proposal to be consistent with the surrounding zoning and development and, with the proposed conditions, consistent with the Comprehensive Plan. Staff recommends approval of this application.

Staff Contact: Matthew D. Arcieri Phone: 253-6685

PROJECT DESCRIPTION

Mr. Paul Gerhardt of Kaufman and Canoles has applied for a special use permit to permit the construction of an accessory parking lot to be owned and operated by the Williamsburg Landing. Note that this case is being processed concurrently with a zoning ordinance amendment to make facilities for the residence and/or care of the aged a specially permitted use in the R-8 zoning district. Please refer to that staff report for discussion of the proposed zoning ordinance change.

The applicant is proposing subdividing 1.57 acres current owned by Mary Waltrip and constructing a 100 space accessory parking lot to be constructed and operated by the Williamsburg Landing. A special use permit is required in accordance with Sec. 24-55(b)(2) of the parking ordinance which states that accessory parking must have a zoning classification that permits the use the parking will serve. Since facilities for the residence and/or care of the aged will be a specially permitted use in R-8 it is necessary for the Williamsburg Landing to receive a special use permit for the parking lot.

A site plan and subdivision associated with this case have already been processed administratively and will receive final approval pending approval by the Board of Supervisors of this SUP and its associated zoning ordinance amendment.

PUBLIC IMPACTS

Environmental

Watershed: College Creek

Staff Comments: The Environmental Division has approved the site plan associated with this case.

Public Utilities

Staff Comments: JCSA has two minor technical corrections to be made to the site plan prior to final approval.

Transportation

The parking lot will be accessed from Williamsburg Landing Drive. The lot also includes future gated emergency access onto Marclay Road. The applicant has indicated that this lot may serve as shared parking with the Williamsburg Jamestown Airport in the future. In accordance with Sec. 24-55(b) off-site parking for this facility would require approval by the Development Review Committee.

COMPREHENSIVE PLAN

Land Use Map Designation

This property is designated low density residential. Non-residential uses should complement the residential character of the low density area and should have traffic, noise, lighting and other impacts similar to surrounding or planned residential uses.

Conditions

Staff is proposing the standard lighting condition and a fencing condition to mitigate any potential negative visual impacts.

Staff Comments: Staff believes that, with the proposed conditions to mitigate any potential negative impacts, the parking lot is consistent with the Comprehensive Plan.

RECOMMENDATION

Staff finds the proposal to be consistent with the surrounding zoning and development and, with the proposed conditions, consistent with the Comprehensive Plan. Staff recommends approval of this application with the following conditions:

1. This Special Use Permit shall be valid for the construction and operation of a 100 space parking lot

serving as an accessory use to a nursing and/or care of the aged facility and an airport.

2. Prior to final approval of the site plan for the parking lot, a boundary line adjustment plat shall be approved and recorded that adjusts the property line of James City County Real Estate Tax Map No. (48-2) Parcel No. (1-2) to include the portion of what is now Parcel No. (1-12) on which the parking lot is to be constructed.
3. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 30 feet in height and/or other structures and shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare defined as 0.1 footcandle or higher shall extend outside the property lines as adjusted per condition 2 above.
4. The fencing used to enclose the parking area shall be vinyl-coated and shall be dark green or black in color and shall be reviewed and approved by the Director of Planning prior to final site plan approval. An alternative style and/or type of fencing may be substituted with the approval of the Director of Planning.
5. 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. Exhibit Showing Boundary Line Adjustment

PLANNING DIRECTOR'S REPORT
September 2005

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

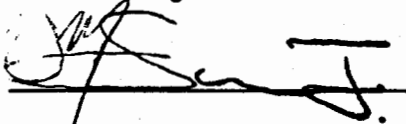
1. Rural Lands Study. We have hired a consulting firm out of Charlottesville, Virginia to assist in conducting our Rural Lands Study. The firm has met several times with staff over the past month and continues to assemble necessary data in preparation for beginning a large scale public input process.
2. Virginia Capital Trail: Chickahominy River Phase. Staff continued to work with VDOT to move the Chickahominy phase forward, including securing necessary easements on several properties to accommodate the trail.
3. Historic Triangle Corridor Enhancement Committee. The Committee continued to meet in August on the Jamestown Road demonstration project to put together its fall enhancement program. The Committee has received a number of enhancement grant applications from businesses and homeowners associations along Jamestown Road and will begin meeting in September to award the grants.
4. Planning Commissioner Training. The Virginia Citizens' Planning Association will hold its next certified training program for Planning Commissioners on October 9-11, 2005 in Roanoke. Commissioners who have not yet attended this seminar are encouraged to do so.
5. New Town Cases. The New Town DRB considered the following cases at its July 21 meeting:
 - Subdivision Plat for Block 10, Parcels B, C and D was approved
 - Subdivision Plat for Block 9, 10 and 11, Right-of-Ways and Lift Station Lot was approved
 - Urban Building Perimeter Landscape Guidelines – No action taken
 - Resubmission Ironbound Square Senior Housing Development - Conceptual Approval of site and building plans
 - Resubmission Settler's Market – Discussion
 - Resubmission CD&A Residential Condos, Blck 8, Building & Site Plans Conceptual Approval of elevation drawings/Approval Site Plan
 - Resubmission CD&A Office Condos – Resubmission Requested
 - Resubmission C.C. Casey Windsor Meade Way Streetscape Plan & Temporary Signage – Approved
 - Conceptual Plan - Foundation Square Mixed Use Buildings, Blck 10 – Will be presented in August/September
6. Toano Sub-area Study. Staff has prepared a request for proposals (RFP) for consultant services pertaining to the Toano area and that RFP had been advertised and targeted to specific firms capable of performing the work. The goal is to have a completed study to the Planning Commission in November and to the Board of Supervisors in December.

O. Marvin Sowers, Jr.

PLANNING DIRECTOR'S REPORT
August 2004

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

1. Five Forks Area Study. The Five Forks Area Study Committee met twice in July. At their first meeting, the committee gathered public opinion on Five Forks. At the second meeting, the Committee reviewed the first draft of the principles for development and will continue to work on these at their third meeting. All meetings are open to the public and have been well attended by residents, business and property owners of the Five Forks Area. It is anticipated that the committee will meet one final time before forwarding a recommended set of principles to the Planning Commission in September.
2. Builders for the Bay Roundtable. The three subcommittees held a joint meeting on August 5, 2004 to present their recommendations on revisions to the County's ordinances to improve water quality. Futures meeting will be scheduled to further discuss their recommendations.
3. Corridor Enhancement Committee. The Committee received a presentation of a conceptual landscape plan for Jamestown Road between Lake Powell and the ferry dock. A subcommittee was created to work with property owners, VDOT and the County to implement the plan.
4. Greensprings Multi-Use Trail. VDOT held its location and design public hearing on the proposed trail on August 5. The Commonwealth Transportation Board is expected to take action on the project in the fall. If approved construction could begin in 2005.
5. Route 199/Jamestown Road Enhancements. VDOT, the City of Williamsburg and the County have agreed on a package of hardscape enhancements that will be included in this intersection improvement project. The enhancements include removal of the existing chainlink fence where not needed, replacement of the existing chainlink fence with decorative fencing where fencing is required, and stamped concrete medians where landscaping is not permissible. Work on a landscaping plan will proceed in the future.
6. New Town. The New Town Design Review Board heard the following cases at the July meeting: 1st Advantage Federal Credit Union – Architectural review and site plan review, New Town Associates Master Plan, Sections 3 and 6 zoning to MU with proffers, Towne Bank – Review of conceptual site plan and architectural, and Consolidated Theaters – Blocks 6,7 and 3 guidelines.
7. Personnel Updates. **Scott Whyte** has replaced Lee Schnappinger as our Landscape Planner. Scott is a life-long resident of James City County. He graduated Virginia Tech in 1981 with a degree in Horticulture and was most recently the greenhouse supervisor at the College of William and Mary. **Tammy Rosario** returned from maternity leave earlier this month after the birth of a son. **Leo Rogers** has been appointed to the position of County Attorney as of September 1. He replaces Frank Morton who is retiring.


O. Marvin Sowers, Jr.