

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
JANUARY 10, 2005 - 7:00 p.m.

1. ROLL CALL
2. MINUTES
 - A. December 6, 2004 Regular Meeting
3. COMMITTEE AND COMMISSION REPORTS
 - A. Development Review Committee (DRC) Report
 - B. Other Committee Reports
4. PUBLIC HEARINGS
 - A. SUP-32-04 Williamsburg Place
5. PLANNING COMMISSION CONSIDERATION
 - A. Z0-005-04 - INITIATING RESOLUTION – PUBLIC WATER TANKS
6. PLANNING DIRECTOR’S REPORT
7. ADJOURNMENT

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SIXTH DAY OF DECEMBER, 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
Joe McCleary
Donald Hunt
Jack Fraley
Wilford Kale
George Billups

ALSO PRESENT

John Horne, Development Manager
Mike Drewry, Assistant County Attorney
Marvin Sowers, Planning Director
Christopher Johnson, Senior Planner
Karen Drake, Senior Planner
Matt Arcieri, Planner
Pat Foltz, Development Management Assistant

Mr. Poole gave a short presentation honoring the service of Planning Commissioner Ms. Peggy Wildman and presented her with a plaque.

2. MINUTES FOR NOVEMBER 1

Mr. McCleary noted that the address for Mr. David Fuss should be noted as “Chelmsford” way.

Mr. Fraley noted a typographical error in the minutes on page nine.

Mr. Poole suggested a change from “stressed” to “stated” in his comments on the Baylands case.

Mr. McCleary moved approval of the minutes as amended.

Mr. Fraley seconded the motion.

The commission approved the minutes for the November meeting with a unanimous voice vote.

3. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. McCleary presented the DRC report. The DRC heard six cases at its December 1st meeting. The DRC recommended approval subject to agency comments for the following cases: SP-110-04. Christian Life Center Expansion, Phase 1, S-80-04. Williamsburg Winery, SP-121-04. Williamsburg Crossing, Parcel 23, SP-127-04. New Town, Phase One Retail. The DRC recommended deferral for S-091-04, Marywood Subdivision. Additionally, the DRC found C-128-04. Greensprings Trailhead Parking in accordance with the Comprehensive Plan.

Mr. Kale moved approval of the DRC report.

Mr. Hunt seconded the motion.

The commission approved the DRC report for the November meeting with a unanimous voice vote.

B. OTHER COMMITTEE REPORTS

Mr. Kale delivered a short presentation summarizing the recent meeting of the Policy Committee. The Policy Committee discussed two ordinance amendments affecting New Town, specifically the provision to allow fast food restaurants and to permit accessory apartments in residential dwellings. Mr. Kale stated that the Policy Committee would meet again with Mr. John McCann of New Town Associates to discuss these issues next month.

4. PUBLIC HEARINGS

A. CASE NO. SUP-23-04 Action Park of Williamsburg

Mr. Arcieri delivered the withdrawal request. Mr. Bob Miller of Action Park requested withdrawal of his special use permit application. Staff concurred with the applicant's request.

Mr. Poole opened the public hearing.

Seeing no other speakers, Mr. Poole closed the public hearing and accepted the application's withdrawal.

B. CASE NO. Z-10-04 112 Ingram Road Rezoning

Mr. Arcieri delivered the indefinite deferral request. Mr. Scott Evans of Scott Evans, Inc. requested the Planning Commission indefinitely defer the case. Staff concurred with the applicant's request.

Mr. Poole credited the applicant for working with the County on this case.

Mr. Poole indefinitely deferred the case.

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

Ms. Karen Drake presented the staff report. Mr. Richard Costello of AES Consulting Engineers, on behalf of Noland Properties, applied for a rezoning of 53.24 acres located at 6601 Richmond Road from B-1, General Business with Proffers, to MU,

Mixed Use. The parcel is further identified as parcel (1-35) on James City County Tax Map (24-3). The plan proposes a mix of uses including a maximum of 144,800 square feet of commercial space on 13.5 acres along Richmond Road and a maximum of 244 multi-family residential units on the remaining 38.5 acres with a gross residential density of 6.3 units per acre. Staff recommends approval.

Mr. McCleary asked if the housing units will be “for sale” or “for rent.”

Ms. Drake affirmed that the units would be for sale.

Mr. McCleary asked if there were any limitations to keep someone from buying one and renting it out.

Ms. Drake confirmed that plan included provisions to control rental of units.

Mr. McCleary asked if the development would be seen as an improvement over the surrounding area.

Ms. Drake deferred to the applicant.

Mr. McCleary questioned the workings of the conceptual plan review proffer and asked when a conceptual plan would be submitted to for review.

Ms. Drake presented the commission with a sketch of the proposed development and confirmed that future conceptual plans connected to the case would be presented to the director of planning.

Mr. McCleary asked if the buffers would connect to each other.

Mr. Billups asked why James City Service Authority had not approved the plan.

A discussion ensued as to the process for review and potential future steps.

Mr. Poole opened the public hearing.

Mr. Rich Costello, the applicant, introduced himself, gave a short presentation on the application, and made himself and other members of the development team available for questions.

Mr. Vernon Geddy gave a short presentation as to the details of the plan and made himself available for questions.

Mr. Kale questioned the plan in terms of only having one entrance and asked the applicant if they had held discussions with others involving more than one entrance.

Mr. Geddy pointed to potential access easements reserved within the plan but pointed to the lack of feasible options at this time.

Mr. Costello stated that the single entrance located on four-lane divided road.

Mr. Kale asked about the internal traffic patterns approaching the access and if Mr. Costello had considered or tried to negotiate an additional entrance.

Mr. Poole stated that he believed the Noland Company would retain ownership over the commercial site and turn over the residential portion to a homeowners' association or similar body.

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

Mr. Kale stated that he believed the current plan is much improved and that, while he disagreed with adding more schoolchildren, he believed there were enough advantages to outweigh that concern. He urged Noland to pursue an alternate emergency vehicle access but stated his support for the plan.

Mr. Fraley stated that his concerns for this application had been addressed and that he supported the application and the benefits the project would bring.

Mr. Hunt stated his support for the application.

Mr. Poole stated that he was eager to see the redevelopment of the site but that he was not prepared to support the application due to the high ratio of residential development.

Mr. Billups stated his concerns over the 70% buildout required to trigger the future traffic study. He asked if the term "borderline" could be further clarified, if more information could be provided on water issues, and if the school redistricting could be realistically projected by the Planning Commission.

Mr. Fraley pointed out that the application passes the Adequate Public Facilities test for elementary schools and that he did not share any of the objections based on the information provided.

Mr. Billups asked where water issues connected to the case would be further examined.

Mr. McCleary stated that the DRC would review this plan for compliance with zoning and agency requirements.

Mr. Sowers stated that issues such as fire flow and pressure would be examined as part of the site plan review process.

Mr. Fraley stated that he was pleased with the clarification given to the traffic numbers and asked Mr. Costello to clarify some of the questions presented.

Mr. Costello stated that, while no final drawings had been completed, he was sure that adequate fire flow was available to protect the buildings. As for traffic, Mr. Costello stated that, when 70% of the development has been permitted, a traffic study would be completed to verify the need for further improvements.

Mr. Hunt stated that the current signal location of Richmond Road would ensure regular intervals for access onto the road, thus not requiring a new signal.

Mr. Costello stated that the County did have the ability to require a signal addition if the traffic study dictated it.

Mr. Hunt moved approval of the application.

Mr. Fraley seconded the motion.

The Planning Commission recommended approval of the application by a vote of 5-1: AYE (5) McCleary, Fraley, Hunt, Kale, Billups. NO (1) – Poole.

D. CASE NO. Z-12-04/SUP-29-04 JCSA, Cardinal Acres Duplex

Mr. Johnson presented the staff report. Mr. Mike Putt applied for a rezoning and special use permit for 0.46 acres of land located at 1899 Jamestown Road. The parcel is to be rezoned from R-8, Rural Residential, to R-2, General Residential with proffers. The parcel is further identified as parcel (1-3) on James City County Tax Map (46-1). The application proposes a two-family dwelling. Staff recommended approval of the case.

Mr. Poole opened the public hearing.

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

Mr. Hunt moved approval of the case.

Mr. Kale seconded the motion.

Mr. McCleary credited the applicant for his use of in-fill property.

The Planning Commission recommended approval of the application by a vote of 6-0. AYE: (6) Poole, McCleary, Fraley, Hunt, Kale, Billups. NO: (0).

E. CASE NO. SUP-27-04 Williamsburg Community Chapel Expansion

Mr. Johnson presented the staff report. Mr. John A. Rhebergen of Gossen Livingston Associates, Inc., applied for a special use permit to expand the church currently located at 3899 John Tyler Highway. The parcel is further identified as parcel (1-2A) on James City County Tax Map (46-1). Staff recommended approval of the case.

Mr. McCleary recommended that the DRC not receive the site plan due to their previous review of the first site plan.

Mr. Poole asked Mr. Johnson as to how the expansion would affect the surrounding land uses.

Mr. Johnson deferred to the applicant on the matter.

Mr. Kale remarked that the traffic plan presented would present a unique problem to drivers and requested a way to clarify traffic flow at the “right in right out” parking lot.

Mr. Johnson stated that the issue would be best addressed during the site plan process but that there were many ways to make left turns prohibitive from a site design standpoint.

Mr. McCleary added that safety and environment were the two main issues concerning the DRC.

Mr. Poole opened the public hearing.

Mr. David Otey of the Williamsburg Community Chapel stated that the church would hold Sunday school classes but that there would not be a functioning school on site, in compliance with condition seven.

Mr. Ken Sobsilurgen showed the intended configuration of the parking lot. He also showed sketches of the intended buildings and stated that the major entrance to the facility would be in the rear of the property.

Mr. Poole asked how the design of the building related to the surrounding residential uses.

Mr. Campbell, administrator for the church, stated that the church enjoyed a good relationship with adjacent property owners and that he did not see any evidence that the expansion would adversely impact surrounding uses.

Mr. McCleary added that the side access routes between the church and the school had been added to provide for potential school evacuations.

Mr. Kale moved approval of the application and stated his support for the application.

Mr. McCleary seconded the motion and also stated his support for the application.

Mr. Poole stated that he appreciated the conditions and stated his support for the case.

The Planning Commission recommended approval of the application by a vote of 6-0. AYE: (6) Poole, McCleary, Fraley, Hunt, Kale, Billups. NO: (0).

F. CASE NO. SUP-30-04 JCSA Riverview Plantation Water System Improvements

Mr. Johnson presented the staff report. Mr. Larry Foster of James City Service Authority applied for a special use permit to allow the installation of approximately 8,000 linear feet of 8-inch water lines to serve Riverview Plantation. The water main would connect to an existing water main at the intersection of Beech Road and Wrenfield Drive in the Wexford Hills subdivision, proceed in a northerly direction along the west side of Newman Road and in an easterly direction along the north side of Riverview Road to the intersection of Greenway Drive and Riverview Plantation Drive in the Riverview Plantation subdivision. Staff recommended approval of the application.

Mr. McCleary asked if extending the water line had been presented as the only alternative.

Mr. Johnson deferred the questions to Mr. Foster, the applicant.

Mr. Larry Foster, the applicant, stated that the aquifer underlying Riverview Plantation was not producing enough water to serve the subdivision. Extending a new water line is the most cost effective alternative to remedy the situation.

Mr. Billups asked if James City County operated the current water system.

Mr. Foster confirmed that JCSA operated the current water system.

Mr. Kale asked if a BOS resolution prohibiting additional hookups would hold up under legal scrutiny.

Mr. Mike Drewry stated that any new development would have to undergo a similar application process and that, while the question would require more research, he believed that a resolution would be legally defensible.

Mr. Sowers added that, in previous instances of extending water lines beyond the Primary Service Area (PSA), applications to connect outside the PSA had been denied by the County.

Mr. Hunt stated that, while adjacent property owners would have the right to develop their properties under the current ordinance, they would not have the right to demand service.

Mr. Kale questioned if recommending approval to the application would encourage future Boards to expand the PSA.

Mr. Foster stated that current water use levels would prevent JCSA from supporting for any large-scale development of the area around Riverside plantation.

Mr. Poole opened the public hearing.

Ms. Nancy MacNelly, 203 Riverview Drive, spoke on behalf of the Riverview Plantation Homeowners Association. She stated that Riverview had been ordered more than once to not use the water due to contamination. Residents contributed to purchase the water system so that it could be dedicated to JCSA and are prepared to also contribute to capital improvements.

Mr. Jerry Long, 8265 Wrenfield Drive, spoke on behalf of the Wexford Hills Homeowners Association and commended Mr. Foster for his work to repair the water situation. He empathized with the Riverview Plantation residents but also stated his concerns for the future of water service as a result of this application.

Ms. Pat Beck, 8251 Wrenfield Drive stated that she and the Wexford Hills directors had been verbally assured that this new water main would not decrease water service or quality. She requested a written statement guaranteeing this eventuality.

Mr. Kale asked Ms. Beck how many lots in Wexford Hills were currently occupied.

Ms. Beck responded that 33 were occupied and that 60 had been sold.

Mr. Albert Beck of 8251 Wrenfield Drive asked if another well would be drilled and expressed his concern for future water quality.

Mr. Rich Costello, 10020 Sycamore Road, verified that no other applications to extend waterlines past the PSA boundary had been successful.

Mr. Poole closed the public hearing.

Mr. Kale asked Mr. Foster if the James City Service Authority had any doubts about this application affecting future water quality.

Mr. Foster affirmed that JCSA could ensure a continued high level of service.

Mr. McCleary stated his support for the application. He moved approval of the application.

Mr. Kale seconded the motion.

Mr. Fraley asked if the County could offer any more guarantees to the residents of Wexford Hills to ensure the quality of their water service.

Mr. Fraley asked if the Board of Directors of the James City Service Authority would ensure the work.

Mr. Billups spoke of the need to continue improving the water system to encompass potential future buildout of the area.

Mr. Poole spoke to the effect of the PSA and stated his support for the application.

The Planning Commission recommended approval of the application by a vote of 6-0. AYE: (6) Poole, McCleary, Fraley, Hunt, Kale, Billups. NO: (0).

G. CASE NO. Z-3-04 Mixed Use – Accessory Apartments

H. CASE NO. Z-4-04 Mixed Use – Fast Food Restaurants

Mr. Arcieri presented the staff report. Staff is considering changes to the Mixed Use Ordinance to allow fast food restaurants and accessory apartment uses.

The Planning Commission discussed the changes, citing what accessory apartments comprised and in which residential areas they would be most suited.

Mr. Kale related to the Commission the deliberations of the Policy Committee, and recommended that the Planning Commission hold off on action until the Policy Committee had been further briefed on the changes. He suggested the February 4th meeting of the Planning Commission as an appropriate time to re-consider the amendments.

The Planning Commission approved an initiating resolution for the changes and deferred consideration till its meeting of February 4th, 2005.

6. PLANNING DIRECTOR'S REPORT

Mr. Sowers delivered the report. He took the opportunity to wish the Planning Commission a Happy Holiday season.

7. ADJOURNMENT

There being no further business, the December 6, 2004, meeting of the Planning Commission was recessed at approximately 9:30 p.m.

A. Joe Poole, III, Chairman

O. Marvin Sowers, Jr., Secretary

**JAMES CITY COUNTY
DEVELOPMENT REVIEW COMMITTEE REPORT**

FROM: 12/1/2004 THROUGH: 12/31/2004

I. SITE PLANS

A. PENDING PRELIMINARY APPROVAL

SP-052-03	Kingsmill Access Ramp for Pool Access Bldg.
SP-063-03	Warhill Sports Complex, Parking Lot Expansion
SP-132-03	Windy Hill Market Gas Pumps & Canopy SP Amend.
SP-006-04	Williamsburg Christian Retreat Center Amend.
SP-016-04	Richardson Office & Warehouse
SP-025-04	Carter's Cove Campground
SP-047-04	Villages at Westminster Drainage Improvements
SP-067-04	Treyburn Drive Courtesy Review
SP-077-04	George Nice Adjacent Lot SP Amend.
SP-082-04	New Town - Sec. 2 & 4 Roadway Improvements
SP-093-04	Powhatan Plantation Ph. 9
SP-104-04	Williamsburg Community Chapel Second Entrance
SP-107-04	Noah's Ark Vet Hospital Conference Room
SP-108-04	Williamsburg Office Complex
SP-113-04	Williamsburg Landing SP Amend.
SP-116-04	The Station at Norge
SP-129-04	ADA Handicap Ramp to KM Resort & Spa Pool
SP-130-04	New Town - Court Square
SP-131-04	New Town - Towne Bank
SP-132-04	St. Bede Catholic Church, Rectory Building
SP-133-04	Haynes Distribution Center, Green Mount Indus Park
SP-134-04	Oktoberfest Expansion Ph. 2 Amend.
SP-135-04	Williamsburg Landing Parking Addition
SP-136-04	Fieldstone Glen Townhomes
SP-138-04	Nextel Collocation Lake Powell
SP-139-04	Colonial Heritage Ph. 3, Sec. 1
SP-140-04	Monticello Woods Clubhouse Modification
SP-141-04	Carolina Furniture Warehouse
SP-142-04	Lafayette H.S. - Drainage System
SP-143-04	Portable 1000 Gallon Diesel Fuel Tank
SP-144-04	Riverview Plantation Water Main Extension
SP-145-04	Colonial Heritage Ph. 2, Sec. 1
SP-146-04	Settlement at Monticello Temp Sales Office
SP-147-04	Prime Outlets Ph. 5A and 5B Amend.
SP-148-04	Cookes Garden Center Storage Building
SP-149-04	Strawberry Plains Center
SP-150-04	Abe's Mini Storage

B. PENDING FINAL APPROVAL

		EXPIRE DATE
SP-056-03	Shell Building - James River Commerce Center	3 /4 /2005
SP-091-03	Colonial Heritage Ph. 1, Sec. 5	8 /4 /2005
SP-108-03	Fieldstone Parkway Extension	2 /26/2005
SP-136-03	GreenMount Industrial Park Road Ext. Ph. 1	3 /15/2005
SP-141-03	Colonial Heritage - Ph. 2, Sec. 3	1 /12/2005
SP-003-04	WindsorMeade Villas	3 /1 /2005
SP-004-04	WindsorMeade - Windsor Hall	3 /1 /2005
SP-023-04	Williamsburg Landing SP Amend.	4 /2 /2005
SP-027-04	Greensprings Condos SP Amend. (Braemar Creek)	6 /7 /2005
SP-050-04	AJC Woodworks	10/13/2005
SP-056-04	Michelle Point	7 /12/2005
SP-057-04	The Archaearium at Historic Jamestowne	6 /15/2005
SP-079-04	Norge Railway Station	7 /23/2005
SP-088-04	Wal-Mart Distribution Center - Ph. 3	7 /29/2005
SP-092-04	Columbia Drive Waterline Extension	8 /18/2005
SP-096-04	First Colony Subdivision Clubhouse	9 /2 /2005
SP-098-04	Warhill Green	10/4 /2005
SP-106-04	Anderson's Corner Sewer + Water Ext.	10/15/2005
SP-110-04	Christian Life Center Expansion Ph. 1	12/6 /2005
SP-112-04	Wythe-Will Distribution Center Landscaping Amend.	10/21/2005
SP-121-04	Williamsburg Crossing - Parcel 23	12/6 /2005
SP-124-04	J.W. Crossing, Ph. 2	12/13/2005
SP-125-04	GreenMount Industrial Park Road Ph. 2	12/2 /2005
SP-126-04	New Town, Section 2, Block 3	12/22/2005
SP-127-04	New Town, Retail Ph. 1	12/1 /2005

C. FINAL APPROVAL

		DATE
SP-005-04	WindsorMeade - Villa Entrance & Sewer Const.	12/22/2004
SP-114-04	Busch Gardens - Wolf/Eagle Exhibit	12/8 /2004
SP-137-04	Action Park of Williamsburg Ride	12/20/2004

D. EXPIRED**EXPIRE DATE**

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-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-108-03	Leighton-Herrmann Family Subdivision
S-116-03	Stonehouse Glen, Sec. 2
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-063-04	123 Welstead Street BLE
S-066-04	Hickory Landing Ph. 1
S-067-04	Hickory Landing Ph. 2
S-087-04	Dudley S. Waltrip Family Subdivision
S-091-04	Marywood Subdivision
S-098-04	Gilley Family Subdivision
S-105-04	Gross Family Subdivision
S-110-04	New Town, Blocks 8B & 5F, Lots 1-20 & 25-34
S-111-04	Colonial Heritage Ph. 3, Sec. 1
S-112-04	Wellington Sec. 6 & 7
S-113-04	Cardinal Acres, JCSA Well Lot BLA
S-114-04	Stonehouse - Parcel B1 and Lot 1, Sec. 1A
S-115-04	Brandon Woods ROW Subdivision
S-118-04	Jordan Family Subdivision
S-119-04	The Retreat Ph. 2
S-120-04	New Town, Block 8, Parcel C
S-121-04	Wellington Parcel Exchange

B. PENDING FINAL APPROVAL

		EXPIRE DATE
S-037-02	The Vineyards, Ph. 3	5 /4 /2005
S-033-03	Fenwick Hills, Sec. 2	10/29/2005
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-073-03	Colonial Heritage Ph. 2, Sec. 2	10/6 /2005
S-098-03	Stonehouse Glen, Sec. 1	4 /5 /2005

S-099-03	Wellington, Sec. 5	2 /3 /2005
S-100-03	Colonial Heritage Ph. 2, Sec. 1	12/6 /2005
S-101-03	Ford's Colony - Sec. 35	2 /2 /2005
S-106-03	Colonial Heritage Ph. 2, Sec. 3	1 /12/2005
S-002-04	The Settlement at Monticello (Hiden)	3 /1 /2005
S-009-04	Colonial Heritage Public Use Site B	3 /18/2005
S-033-04	2011 Bush Neck Subdivision	5 /4 /2005
S-035-04	Colonial Heritage Blvd., Ph. 2	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-045-04	ARGO Ph. 1	6 /28/2005
S-059-04	Greensprings West Ph. 6	9 /13/2005
S-062-04	2400 Little Creek Dam Road	11/1 /2005
S-065-04	133 Magruder Avenue - Sadie Lee Taylor Prop.	8 /4 /2005
S-071-04	Cowles Subdivision -163 Howard Drive	9 /3 /2005
S-074-04	4571 Ware Creek Road (Nice Family Subdivision)	12/21/2005
S-075-04	Pocahontas Square	9 /16/2005
S-077-04	James River Commerce Center	10/4 /2005
S-080-04	Williamsburg Winery Subdivision	12/6 /2005
S-081-04	Subdivision for Lot 3 Norge Neighborhood	10/11/2005
S-090-04	Minichiello Villa	10/21/2005
S-095-04	3338 Racefield Drive (Leonituk Family Subdivision)	10/26/2005
S-097-04	Cowles Estate BLA	11/4 /2005
S-099-04	New Town Block 2 Parcel C	11/24/2005
S-100-04	Williamsburg National Golf Course BLA	11/4 /2005
S-102-04	New Town, Block 5, Parcel F, Lots 21-24	11/9 /2005
S-106-04	8721 Pocahontas Trail Subdivision	12/1 /2005
S-107-04	James River Commerce Center, Parcel 4	12/15/2005
S-108-04	Marion Taylor Subdivision (2nd Application)	12/22/2005
S-109-04	Scott's Pond, Sec. 3B	1 /13/2005

C. FINAL APPROVAL

DATE

S-108-02	Scott's Pond, Sec. 3A	12/21/2004
S-076-03	Wellington, Sec. 4	12/29/2004
S-078-04	Hogge Land Exchange	12/14/2004
S-103-04	Windsormeade Marketplace, Parcel 1 Resubdivision	12/17/2004
S-116-04	Williamsburg Farms 70 Acre Subdivision	12/27/2004
S-117-04	5800 Wessex Hundred BLA	12/27/2004

D. EXPIRED

EXPIRE DATE

DEVELOPMENT REVIEW COMMITTEE ACTION REPORT
January 12, 2005

Case No. S-067-03

Ford's Colony Section 33

Mr. Charles Records of AES Consulting Engineers submitted a subdivision plan on behalf of Realtec, Inc. proposing the creation of fifty new lots in Section 33 of Ford's Colony. The proposed site is located at Ford's Colony and St. Andrews Drive and is further identified as parcel (1-53) on James City County Tax Map (31-3). DRC review is required because the plan proposes more than fifty lots.

DRC Action: The DRC recommended preliminary approval subject to agency comments and a pending agreement with VDOT.

Case No. C-007-03

New Town Parking

Mr. Larry Salzman of New Town Associates submitted a conceptual plan for parking, primarily commercial and residential, in New Town. The property is further identified as parcel (1-50) on James City County Tax Map (38-4). DRC review is necessary to allow for general off-site parking and shared parking for Blocks 2-8 as part of the quarterly review of off-site and shared parking at New Town.

DRC Action: The DRC recommended approval for the case subject to agency comments.

Case No. SP-136-04

Fieldstone Glen

Mr. Ronnie Orsborne, of LandMark Design Group, submitted a site plan for a sixty-unit apartment complex at the northeast corner of Fieldstone Parkway and Mill Pond Run in the Stonehouse District. The property is further identified as parcel (1-25) on James City County Tax Map (4-4). DRC review is required because the plan proposes more than fifty units.

DRC Action: The DRC recommended preliminary approval for the project.

Case No. S-111-04/SP-139-04

Colonial Heritage Phase 3, Section 1

Mr. Richard Smith of AES Consulting Engineers submitted a subdivision plan proposing 119 lots in Phase 3, Section 1 of Colonial Heritage. The site is located at 6895 Richmond Road and is further identified as parcel (1-32) on James City County Tax Map (24-3). DRC review is required because the plan proposes more than fifty lots.

DRC Action: The DRC recommended preliminary approval for the case subject to agency comments.

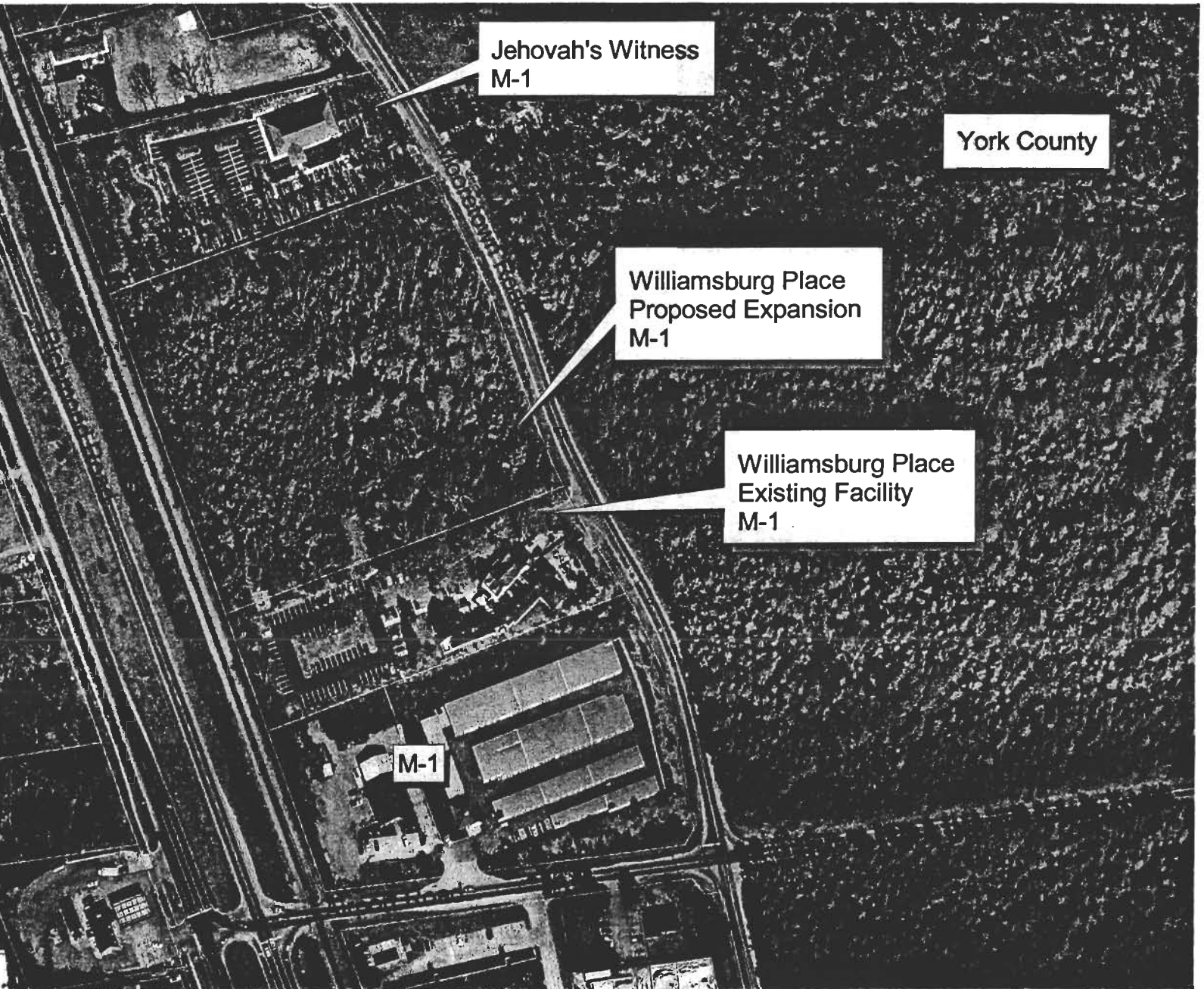
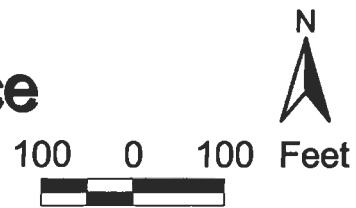
Case No. S-091-04

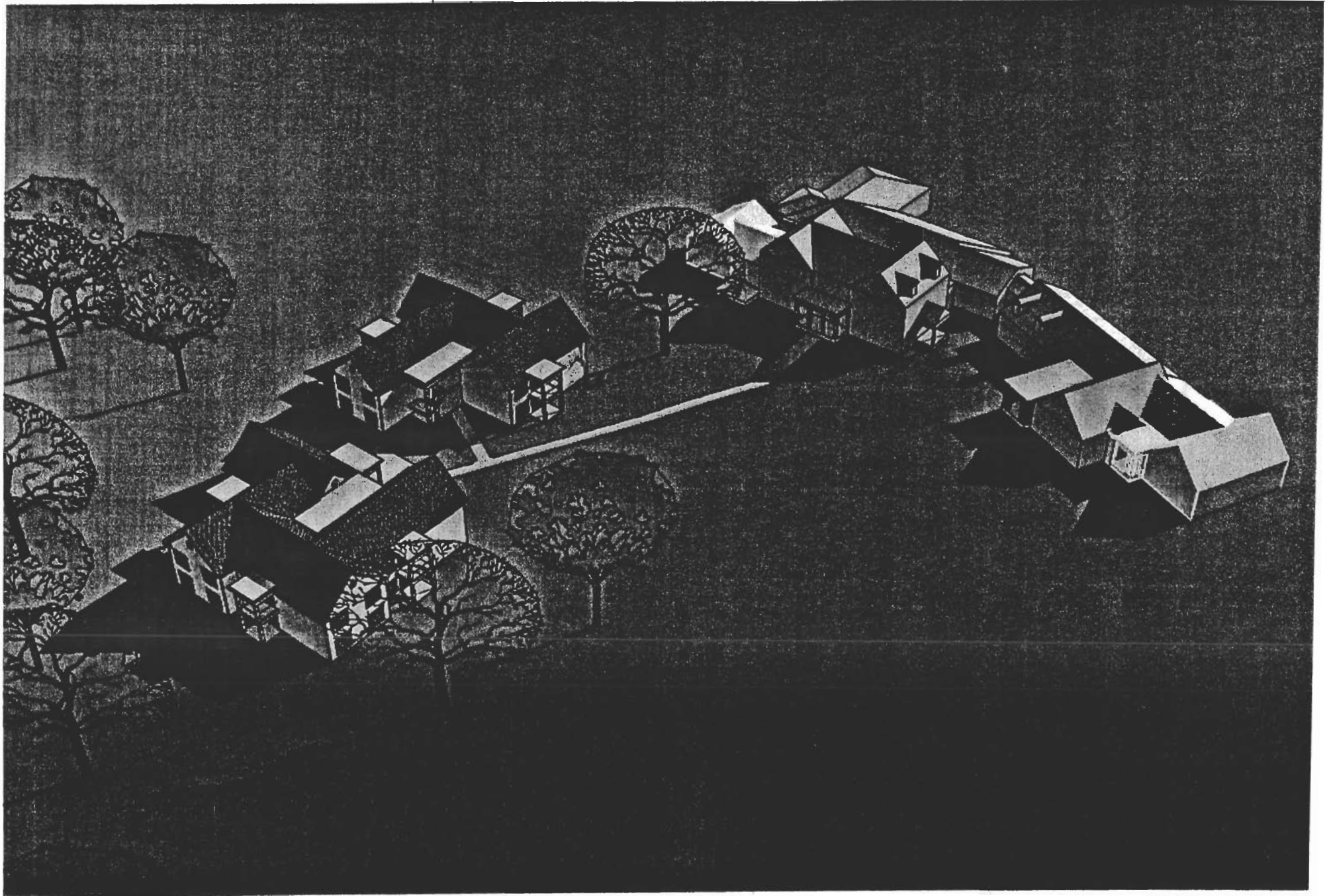
Marywood Subdivision

Mr. Jason Grimes of AES Consulting Engineers submitted a subdivision plan proposing the creation of 115 lots on property adjacent to Kingswood and Druid Hills neighborhoods. The property is further identified as parcel (1-47) on James City County Tax Map (47-2). DRC review is required as the applicant proposes a development of more than 50 lots, a cul-de-sac waiver, and a sidewalk waiver. Further, the DRC considered proposed open space to determine if it meets the requirement for conservation and recreation.

DRC Action: The DRC deferred consideration of preliminary approval. The DRC recommended approval for the sidewalk waiver and open space considerations, but recommended denial for the cul-de-sac waiver.

Diamond Healthcare--Williamsburg Place Pooretown Road









Mr. Marvin Sowers
James City County Planning Department
101-E Mounts Bay Road
Williamsburg, VA 23185

**RE: Williamsburg Place – Parking Requirements
AES Project No. 8834-02**

Dear Mr. Sowers:

Pursuant to James City County Code Section 24-59, paragraph (g) (2): Appeals and Waivers, AES respectfully requests a waiver from the minimum off-street parking requirements for Williamsburg Place and the improvements submitted with a request for a Special Use Permit on November 19, 2004.

Diamond Healthcare Corp. currently operates Williamsburg Place and cares for individuals suffering from alcohol and substance abuse problems. Per category C – Uses with unique requirements, hospitals have a parking requirement of two (2) parking spaces for every bed. Williamsburg Place currently has 30 beds and the current Special Use Permit is requesting approval for 12 outpatient units (48 beds) and 1 executive apartment. A total of 82 beds at Williamsburg Place would require 164 spaces.

The facility has been in existence since 1989 (see accompanying letter dated 11/17/04), and experience has shown that the hospital parking ratio of 2 spaces per bed far exceeds the parking needs at Williamsburg Place. This facility, when fully occupied, consists of up to 25 employees on three shifts per day (23 on the largest shift) and 30 occupied beds with an average of 10 patients using their own vehicles. Williamsburg Place treats individuals from across the country, over half of whom fly to Williamsburg to receive treatment. The current plans for Williamsburg Place propose a total of 131 spaces. The 131 proposed spaces, (33 spaces less than the 164 required by paragraph (g) (2) the subject of this waiver request), will include 23 spaces for employees and up to 1.32 spaces per bed or 1.59 spaces per bed regardless of employee numbers.

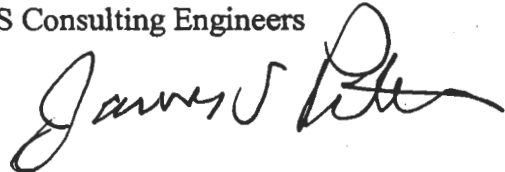
Diamond Healthcare and AES believe the current number of proposed spaces is more than adequate to serve the patients and staff at Williamsburg Place. In addition, this parking waiver would reduce unnecessary impervious surface and further Diamond's interest in creating a well landscaped "campus-like" atmosphere at Williamsburg Place-which adds value for their patients.

Mr. Marvin Sowers
November 24, 2004
Page 2 of 3

Thank you for your consideration of this request. We look forward to a positive recommendation from you and your staff to the Design Review Commission. Should you have any questions regarding this request, please don't hesitate to call.

Sincerely,

AES Consulting Engineers

A handwritten signature in black ink, appearing to read "James S. Peters". The signature is fluid and cursive, with a large initial "J" and "P".

James S. Peters, L.A.
Project Manager

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Williamsburg Place
®
The William J. Farley Center

November 17, 2004


Mr. James Peters
AES Consulting Engineers
5248 Olde Town Rd., Suite 1
Williamsburg, VA 23188

Dear Mr. Peters:

In regards to parking at the proposed Recovery Residence, we have been averaging thirty professionals who would reside in the proposed recovery residence and of those thirty on average ten will have their own vehicles. We treat impaired professionals from across the country and over half will fly to Williamsburg to receive treatment.

If you should have questions feel free to contact me at 1-800-582-6066.

Sincerely,



Thomas Brennan
Administrator

**SPECIAL USE PERMIT 32-04. Diamond Health Care--Williamsburg Place
Staff Report for January 10, 2005 Planning Commission Meeting**

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

PUBLIC HEARINGS **7:00pm, Building F Board Room; County Government Center**
Planning Commission: January 10, 2005
Board of Supervisors: February 8, 2005 (tentative)

SUMMARY FACTS

Applicant: Greg Davis and Dustin DeVore of Kaufman & Canoles

Land Owner: Diamond Healthcare of Williamsburg, Inc.

Proposed Use: Expand the existing dining room and office space, and
add twelve outpatient residential units.

Location: 5477 & 5485 Mooretown Road

Tax Map/Parcel: (33-3)(1-11B) & (33-3)(1-11C)

Parcel Size: 9.3 acres with this SUP application applying to 5.4 acres

Zoning: M-1, Limited Business/Industrial

Comprehensive Plan: Limited Industry

Primary Service Area: Yes

STAFF RECOMMENDATION

Williamsburg Place has been an existing business within James City County since 1989. Staff believes the proposed Williamsburg Place expansion to provide existing patients living accommodations on-site is a complimentary use to the surrounding properties with minimal public impacts. Staff recommends the Planning Commission approve this special use permit application and parking waiver reduction request with the conditions listed in the staff report.

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

PROJECT DESCRIPTION AND PROPOSED OPERATION

In February, 1989, the Board of Supervisors approved JCC Case No. SUP-44-88, allowing Diamond Healthcare of Williamsburg to operate a residential alcoholic treatment center on an approximate 2.6 acre parcel located on Mooretown Road. The facility would contain 40 beds, 4 offices, a lounge, and a dining/multipurpose room. The State of Virginia issued in 1989 a Medical Care Facilities Certificate of Public Need to the Diamond Healthcare Corporation (Diamond) for the establishment of an intermediate care substance abuse treatment facility to contain 20 intermediate care beds. The facility would also include an additional 10 custodial care beds to serve inpatients who have completed the program but require additional "transitional" time before leaving. In October, 1992, the Board of Supervisors approved a second SUP, JCC Case No. SUP-22-92, Diamond Healthcare—Williamsburg Place to add a 12 bed psychiatric unit and accessory outpatient facilities to the existing center.

Now Mr. Greg Davis and Mr. Dustin Devore of Kaufman and Canoles have applied for a third special use permit to expand the existing dining room and office space and add 12 additional outpatient units to house 48 patients, some of which are currently living in apartments throughout the County, and add one additional unit for non-patient guests such as visiting physicians or patient family members. A Special Use Permit is necessary to operate a hospital on property zoned M-1, Limited Business/Industrial district.

The need for on-site outpatient units at Williamsburg Place has become particularly acute due to changes in Federal law brought about in response to the events of September 11, 2001. Since its opening, Diamond Healthcare has utilized a number of area apartment complexes to house outpatients of the facility without incident. Due to the requirements of the Patriot Act and associated FBI memoranda, however, many area apartment complexes are no longer leasing to Diamond on a corporate basis without identification of individual tenants. The apartment complexes are now requiring background checks on individual residents as a condition of leasing the apartments. At the same time, the privacy protections afforded to Diamond's patients by Federal Law (42 C.F.R. §2.11 *et seq.*) stipulate that Diamond cannot release the names of its patients to the apartment complexes. This has led to Diamond's request for another special use permit to construct the on-campus units generally illustrated in the attached conceptual plan.

Over the past year, Williamsburg Place averaged 56 patients, 20 inpatients and 36 outpatients. Inpatients at the facility are under 24-hour supervision by the staff and require a much higher level of care than outpatients. Outpatients are free to come and go as they please and are not under continual supervision by the staff. The total number of inpatients permitted at the facility is capped at 40 per the existing SUP conditions and at 30 by the State Public Certificate of Need. The number of in-patients is not proposed to change with this application. The number of outpatients served by Williamsburg Place would be restricted directly by the availability of the proposed 48 bed outpatient housing units and indirectly by the Patriot Act. The number of outpatients is not regulated by the State Public Certificate of Need and could fluctuate if accommodations were found at a local hotel or if a patient lived in Hampton Roads. Diamond Healthcare employs approximately 60 full or part-time employees.

PUBLIC IMPACTS

Environmental Impacts

♦ Watershed: Powhatan Creek

The site is relatively flat and wooded with the existing entrance proposed to be converted to a service entrance only. A new main entrance is proposed that would serve the existing site, proposed expansion, as well as future development on the remainder of the property.

♦ Environmental Staff Comments:

Current information from the Environmental Division indicates that this project is located within

the Powhatan Creek Watershed and is subject to the eight goals and 21 priorities associated with the Powhatan Creek Watershed Management Plan adopted by the James City County Board of Supervisors February 26, 2002. Staff expects these goals and priorities such as stormwater retrofitting and onsite stormwater management to be addressed at the development plan stage, as indicated by the note on the conceptual plan.

Public Utilities

- ◆ The site is served by public water and sewer.
- ◆ Water conservation measures are proposed in a recommended condition.
- ◆ **JCSA Staff Comments:** There are no immediate concerns regarding the proposed expansion, however a further detailed review will be required at the development plan stage

Traffic

- ◆ **Proposed Traffic:** Williamsburg Place fronts on Mooretown Road which is located in York County. An estimated 385 vehicle trips per day would be generated by the expansion and does not trigger the 1,000 vehicle trips per day requirement for a complete traffic study submitted with the special use permit application.
- ◆ **2002 VDOT Traffic Count:** 4,400 vehicle trips per day.
- ◆ **James City County 2003 Comprehensive Plan:** A two lane collector road with left turn lanes has a capacity of 14,000 vehicles per day.
- ◆ **VDOT Comments:** VDOT concurs with the trip generation analysis for this site. The development as proposed will have no adverse impact on State right-of-way or the adjacent road network.
- ◆ **Staff Comments:** Staff concurs with VDOT considering that the overall number of patients at Williamsburg Place is not increasing but would be relocating should this application be approved.

Regarding parking, the applicant has requested a waiver from the Planning Commission to reduce the number of required parking spaces provided on site. The Zoning Ordinance requires two parking spaces for every hospital bed or 164 spaces if this application is approved. Williamsburg Place proposes constructing 131 spaces with this expansion. The waiver request to not construct 33 required spaces is based upon Williamsburg Place's experience that the required two parking spaces per bed exceeds their parking needs. Williamsburg Place when fully occupied consists of 25 employees on three shifts per day and 30 occupied beds with an average of 10 patients using their own vehicles with other patients having flown to Williamsburg.

Staff supports the parking waiver request. It would reduce the impervious surface area on the property and would aid Williamsburg Place's goal of a well landscaped campus-like atmosphere. Staff recommends the Planning Commission approve the parking waiver reduction request with the landscaping material that would have been planted around the additional parking spaces be transplanted to the main entrance. (See Condition #6).

COMPREHENSIVE PLAN

Land Use Map Designation: Limited Industry

Limited Industry designates sites within the Primary Service Area for warehousing, office, service industries, light manufacturing plants, and public facilities that have moderate impacts on the surrounding area. Limited industry ordinarily requires access to arterial roads or major collector streets, public water and sewer, nearby police and fire protection, small to moderate sized sites, environmental features such as soils and topography suitable for intense

development, and adequate buffers for nearby residential development. Secondary uses in Limited Industry areas may include office uses and a limited amount of commercial development generally intended to support the needs of employees and other persons associated with an industrial development. The maintenance of an acceptable level of service of roads and other public services and the availability and capacity of public utilities control the timing and intensity of limited industrial development. In the consideration of acceptable land uses for Limited Industry areas, dust, noise, odor, and other adverse environmental effects, not size, are primary location considerations.

Staff Comments: When the first SUP for this site was first reviewed in 1989, staff noted that while the property is designated as Limited Industry, hospitals are not addressed as a use. Staff also noted at that time that the proposed development would have the same economic impact development benefits to James City County as an office development of the same size. Today, staff acknowledges that Williamsburg Place has been an existing business within James City County since 1989 and that hospitals have some similar characteristics and impacts to limited industrial uses. Additionally, the character of Mooretown Road is changing with the relocation of Williamsburg Community Hospital to the area. Williamsburg Place is a complimentary zoning use to the future hospital and to its adjacent neighbor, the Kingdom Hall of Jehovah's Witnesses. Adjacent property to Williamsburg Place on the opposite side of Mooretown Road is located in York County and is designated industrial by the York County Comprehensive Plan. At writing, no comments have been forwarded from York County regarding this expansion.

CONCLUSIONS AND CONDITIONS

Williamsburg Place has been an existing business within James City County since 1989. Staff believes the proposed Williamsburg Place expansion to provide existing patients living accommodations on-site is a complimentary use to the surrounding properties with minimal public impacts. Staff recommends the Planning Commission approve this special use permit application and parking waiver reduction request with the conditions listed below that shall replace conditions of SUP-44-88 and SUP22-92:

1. This special use permit shall allow the establishment and/or continued operation of a forty bed intermediate care substance abuse treatment facility and transitional domiciliary facility; a 12 bed psychiatric unit; a 48 bed outpatient unit and a 4 bed residential unit for visitors. The facility shall maintain at all times a current Certificate of Public Need from the Commission of Health of the Commonwealth of Virginia.
2. Construction on this project shall commence within twenty-four (24) months from the date of approval of this special use permit or this permit shall be void. Construction shall be defined as obtaining building permits and an approved footing inspection and/or foundation inspection.
3. As determined by the Planning Director, the plan of development shall be in accordance with the "Williamsburg Place Conceptual Plan" prepared by AES Consulting Engineers and dated November 18, 2004. Access to the two parcels shall be limited to the two entrances depicted, the shared main entrance and the service entrance.
4. Prior to final site plan approval, the common property line between parcels (1-11B) & (1-11C) on the James City County Real Estate Tax Map (33-3) shall be extinguished to create one parcel or relocated as shown on the conceptual plan referenced in Condition #3.

5. All exterior lighting on the property 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. Modifications to this requirement may be approved by the Planning Director if it is determined that the modifications do not have any negative impact on the property or surrounding properties.
6. A landscaping plan shall be approved by the Planning Director prior to final site plan approval for this project. The landscaping plan shall include enhanced landscaping 10 feet in width along the first 200 feet along both sides of the new proposed main entrance and enhanced landscaping 10 feet in width along the first 100 feet on both sides of the service entrance to help screen service activities from Mooretown Road. Enhanced landscaping shall be defined so that the required number of plants and trees equals, at a minimum, 125 percent of the requirements of the James City County Landscape Ordinance. A minimum of fifty (50) percent of the trees within the landscape buffers shall be evergreen.
7. 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.
8. Signage for the site shall be limited to one main entrance sign and "Service Only" entrance signage. The number, size and design of the "Service Only" signs will be approved by the Planning Director prior to final site plan approval. The Planning Director shall approve the location of all signage prior to final site plan approval that shall be in accordance with the James City County Zoning Ordinance.
9. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

Karen Drake

ATTACHMENTS:

1. Location Map
2. Proposed Conceptual Plan
3. Conceptual Elevations
4. Parking Waiver Request

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 §15.2-2204; 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 all sections of the Zoning Ordinance for the consideration of public water storage facilities as a specially permitted use in all zoning districts, and for the consideration of the height restrictions of elevated public water storage facilities in all zoning districts. The Planning Commission shall hold at least one public hearing on the consideration of amendments of said Ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with law.

A. Joe Poole, III
Chairman, Planning Commission

ATTEST:

O. Marvin Sowers, Jr.
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 10th day of January, 2005.

PLANNING DIRECTOR'S REPORT

January 2005

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

1. Planning Commission Appointments. On December 14, 2004, the Board of Supervisors appointed Ingrid Blanton to fill the remainder of Peggy Wildman's term. Ms. Blanton is a graduate of Brown University and holds a law degree from the College of William Mary. She is currently employed by the Colonial Williamsburg Foundation and was formerly the Executive Director of the Williamsburg Land Conservancy. The Board will consider two additional appointments in January 2005 involving Joe Poole's and Joe McCleary's positions.
2. Annual Organizational Meeting. The Commission is scheduled to hold its annual meeting on February 7, 2005 to elect officers and make committee appointments.
3. Virginia Capital Trail and Green Springs Trail Projects. Staff continued to work with VDOT and adjacent property owners on the design and location of the trail, screening for adjacent properties, and other issues. Meetings were held with individual property owners and will continue. The location of both trails has been staked and can be viewed from Route 5 and Greensprings Road. Construction is scheduled for 2005.
4. 2007 Community Activities Task Force. The Task Force continued to meet in December to plan and coordinate community activities and beautification efforts.
5. Cooridor Steering Committee. The Committee met in December to continue work on the Jamestown Road demonstration project. Detailed landscape plans have been completed for two areas by Planning Division staff and planting is expected to take place this season. The Committee also continued to discuss a draft grant incentive program to encourage property owners to enhance their buildings and grounds.
6. Division Staffing. Matt Smolnik is the newest addition to the Planning Division staff. Matt and his wife Cricket moved to James City County during the Christmas holiday. Matt completed his undergraduate degree from the University of Pittsburgh in ecology and criminal justice. Matt also holds his Masters in Geography from the University of West Virginia in Morgantown. Matt was a forest ranger for Virginia State Parks prior to joining our staff. Matt replaces Sarah Weisiger. We are pleased to report that Senior Planner Tammy Rosario has re-joined our staff in a full time capacity replacing senior planner Dave Anderson (who left us to join the Commonwealth of Virginia Department of Planning and Budget.) As most of you know, Tammy has worked for the division since earning her graduate degree in urban and environmental planning at the University of Virginia in 1995. Tammy is our most senior planner and has held highly responsible roles in the development of both the 1997 and 2003 James City County Comprehensive Plan.
7. New Town Case. The DRB heard the following cases at its November 18 meeting:
 - Windsor Meade Marketplace Subdivision Plat and Building Elevations Buildings VII and VIII **approved**
 - Newton of Williamsburg, VA LLC Residential Subdivision Plats for –**approved for Phases 1A and 1B**
 - Entrance I.D. Sign, Replacement Streetlight Pole and Fixture and Two Neighborhood Parks for Residential Phase 1 **approved**
 - Old Point National Bank Signage – **disapproved**
 - William E. Wood follow up to letter for December DRB

8. Up-Coming Public Hearing Cases.

Case No. SUP-33-04 John Hogge Family Subdivision. Request for a Special Use Permit to allow for a family subdivision in A-1 at 2669 Jolly Pond Road to create two new lots of approximately two acres each.

Case Nos. Z-15-04/MP-11-04/SUP-34-04. The Villas at Jamestown. Spencer Brothers proposal to rezone 30 acres from R-8 to R-2 for a 92 unit town home cluster in the Five Forks area off Ingram Road.

Case Nos. Z-16-04/SUP-35-04/MP-12-04. Burlington Woods. Proposal to rezone 17 acres from R-8 to R-2 for a 26 single-family home cluster development at 3931 Longhill Road adjacent to Ford's Colony and Longhill Grove Apts.

Case No. SUP-36-04. Farm Fresh at Norge, Gas Pumps. Proposed four pump gas station in the existing parking lot of the Farm Fresh at the corner of Richmond Road and Croaker Road. 115 Nina Lane

Case No. SUP-37-04. Winston Terrace Duplex. Existing, undeveloped lot at 117 Winston Drive in the Winston Terrace subdivision proposing to construct a two-family dwelling (duplex).

O. Marvin Sowers, Jr.