

A G E N D A  
JAMES CITY COUNTY PLANNING COMMISSION

\*\*\* FEBRUARY 7, 2005 - **6:30** p.m. \*\*\*

1. ROLL CALL
2. Closed Session
  - A. Consideration of the Appointments of Individuals to County Boards and/or Commissions, Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
3. ANNUAL ORGANIZATION MEETING
  - A. Election of Officers
  - B. Committee Appointments
4. PRESENTATION – RECOGNITION OF MR. A. JOE POOLE, III
5. MINUTES
  - A. January 10, 2005
6. COMMITTEE AND COMMISSION REPORTS
  - A. Development Review Committee Report
  - B. Other Reports
7. PUBLIC HEARINGS
  - A. Z-13-04 & MP-10-04 & SUP-31-04 Monticello at Powhatan North
  - B. Z-15-04 & MP-11-04 & SUP-34-04 Villas at Jamestown
  - C. Z-14-04 Pocahontas Square Proffer Amendment
  - D. ZO-05-04 Zoning Ordinance Amendment – Public Water Storage Facilities
  - E. ZO-01-04 Zoning Ordinance Amendment – Rural Residential Height Limits
  - F. SUP-36-04 Farm Fresh Gas Pumps
  - G. SUP-37-04 115 Winston Drive
8. PLANNING DIRECTOR’S REPORT
9. ADJOURNMENT

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE TENTH DAY OF JANUARY, TWO-THOUSAND AND FIVE, 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  
Ingrid Blanton  
Donald Hunt  
George Billups  
Wilford Kale

ALSO PRESENT

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

2. MINUTES

Mr. Poole memorialized Mr. Joe McCleary and the Planning Commission observed a moment of silence.

Mr. Poole welcomed Mrs. Ingrid Blanton to the Planning Commission. She will represent the Jamestown district.

Mr. Sowers introduced Mr. Matthew Smolnick, a new planner with James City County.

Mr. Poole noted that on page 6, the paragraph needed adjustments to clarify his position.

Ms. Blanton noted several typographical errors in the minutes on pages 2, 7, and 8.

Mr. Hunt moved approval of the minutes with corrections.

The Planning Commission approved the minutes as adjusted.

3. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. Hunt presented the DRC report. The DRC heard six cases at its December 1<sup>st</sup> 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.

Ms. Blanton seconded the motion.

The Planning Commission approved the DRC report with a unanimous voice vote.

B. OTHER COMMITTEE REPORTS

Mr. Kale presented the progress of the Policy Committee, and presented their upcoming schedule of meetings.

4. PUBLIC HEARINGS

A. CASE NO. SUP-32-04 Williamsburg Place

Ms. Drake presented the staff report. Mr. Greg Davis and Mr. Dustin DeVore have applied on behalf of Diamond Healthcare of Williamsburg, Inc for a special use permit to expand the existing Williamsburg Place facility located at 5477 and 5485 Mooretown Road by adding 12 outpatient units and enlarging the existing dining room, office space and parking lot. The property is zoned M-1, Limited Business/Industrial and can be further identified as part of parcels (1-11B) and (1-11C) on the James City County Real Estate Tax Map (33-3). The property is designated Limited Industry on the 2003 Comprehensive Plan Land Use Map. Staff recommended approval of the application.

Mr. Billups asked if the Chairman of the Board of Zoning Appeals had been consulted during the review process.

Ms. Drake responded that Mr. Allen Murphy, the Zoning Administrator, supported the application.

Mr. Sowers clarified that a request for a parking waiver, instead of being heard by the Board of Zoning Appeals, could be granted by the Planning Commission.

Mr. Billups stated that a waiver granted in this case could extend into consideration of other cases.

Mr. Hunt stated that he believed the parking waiver would work on this site and that it would be appropriate for the Planning Commission to grant it.

Mr. Kale stated that the privacy controls surrounding the facility were stringent and he stated that he felt the additional parking spots would not be warranted.

Mr. Poole opened the public hearing.

Mr. Greg Davis of Kaufman and Canoles gave a short presentation outlining the operations of Williamsburg Place. Mr. Davis stated that the special use permit would not change the number of patients treated as stated in the original conditions, only change the number of residential units used to treat them. He made himself and his staff available for questions.

Mr. Poole asked if the parking bays shown on the map were already in place.

Mr. Davis reviewed the currently placed and future parking lots.

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

Mr. Hunt commended Diamond Healthcare as an asset to the community and offered his support.

Mr. Kale stated that the company has a well-deserved reputation and asked that the parking spots be reduced in order to preserve the campus feel to the facility. He stated his support.

Ms. Blanton stated that she supported the application and that, with regard to a parking waiver, that the facility would need fewer parking spots than presented.

Mr. Poole stated his support for the application.

Mr. Hunt moved to approve the application and the waiver.

Ms. Blanton seconded the motion.

The Planning Commission recommended approval of the application by a vote of 5-0: AYE (5) Poole, Billups, Blanton, Hunt, Kale.

## 5. INITIATION OF ZONING ORDINANCE AMENDMENTS

Ms. Drake presented the initiating amendments. The amendments would permit water storage tank uses and provide height restrictions for those uses. Staff will submit reports and a draft amendment to the policy committee for review.

Mr. Hunt asked if tentative site locations had been identified.

Ms. Drake identified possible sites in Season's Trace and in Stonehouse.

Mr. Kale asked if these would replace existing water tanks.

Ms. Drake responded that these new facilities would replace the existing tanks.

Mr. Kale moved approval of the initiating amendments.

Mr. Hunt seconded the motion.

The Planning Commission approved the initiating amendment with a unanimous voice vote.

6. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented the report. Mr. Sowers noted that the February meeting of the Planning Commission would be the organizational meeting where a chairman would be selected and committee assignments would be decided. Mr. Sowers recommended delaying that activity in recognition of the Board of Supervisors' upcoming appointments to the Planning Commission.

Mr. Hunt concurred with Mr. Sowers in delaying the organizational meeting until appointments had been completed. He suggested a tentative date in March for the meeting.

Mr. Kale stated that the bylaws of the Planning Commission did not provide a mechanism to reorganize in such a way. He recommended that a DRC chairman be appointed by a motion.

Mr. Poole stated that the three members of the DRC should appoint a chairman among their own members.

Mr. Billups suggested that the Vice Chairman take over the capacity of Chairman of the DRC to encourage an orderly transition.

Mr. Kale stated that he didn't mind waiting but cautioned that the delay might cause problems. Mr. Kale recommended moving forward in February.

Mr. Drewry suggested that the Planning Commission set a date to decide the appointment of committee members. He added that the chairman of a committee should likely be selected by the committee members.

Mr. Sowers added that the DRC chair is selected by the committee members.

Ms. Blanton recommended that the committee delay until a later date.

Mr. Billups asked to delay the organizational meeting because of the impending appointment of two members of the Planning Commission.

Mr. Hunt stated that he thought he would, as the vice chairman, serve as chairman until the Commission had 7 members, whereby the chairman would be selected by the Commission.

Mr. Kale stated that he believed the Commission should move forward at the next Planning Commission.

Mr. Billups recommended a motion to proceed with the vice chair moving into the chairman position. He moved the ascension of Mr. Hunt, the Vice-chairman, to the chairmanship until such time as the commission is filled.

Mr. Kale seconded the motion.

Ms. Blanton confirmed that the motion on the floor did not address the eventual date of the organizational meeting.

Mr. Sowers added that the Policy Committee may convene prior to the organizational meeting, and that an additional member would need to be appointed to the policy committee.

Mr. Kale clarified that the transfer of the chairmanship, according to the motion, would be effective February 1.

Mr. Poole stated that, as the exiting chairman, that he would refrain from making additional appointments and that the responsibility would fall to Mr. Hunt as the vice chairman.

Mr. Hunt proposed appointing himself to the Policy Committee so as to achieve a quorum.

Mr. Kale stated that the Capital Improvements Program would not proceed until the committee had been selected.

Mr. Billups suggested that Mr. Poole step-down as chairman at the end of the current meeting so as to transfer the chairmanship immediately.

Mr. Kale urged the Planning Commission to move quickly with regard to organizational concerns.

Mr. Poole stated the motion allowed Mr. Hunt to proceed as chairman.

Mr. Kale moved that the organization meeting be scheduled for the February Planning commission.

Mr. Hunt seconded the motion.

The Planning Commission recommended approval of the application by a vote of 5-0: AYE (5) Poole, Billups, Blanton, Hunt, Kale.

Mr. Poole opened the floor to Planning Commission members to talk about Mr. Joe McCleary.

Mr. Kale, Mr. Hunt, Mr. Billups commemorated Mr. McCleary.

7. ADJOURNMENT

There being no further business, the January 10, 2005, meeting of the Planning Commission was recessed at approximately 8:10 p.m.

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Donald Hunt, Acting Chairman

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O.Marvin Sowers, Jr., Secretary

**JAMES CITY COUNTY  
DEVELOPMENT REVIEW COMMITTEE REPORT**

**FROM: 1/1/2005 THROUGH: 1/31/2005**

**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-116-03	Kingsmill - Armistead Point
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-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	Stonehouse - Fieldstone Glen Townhomes
SP-140-04	Monticello Woods Clubhouse Modification
SP-141-04	Carolina Furniture Warehouse
SP-143-04	Portable 1000 Gallon Diesel Fuel Tank
SP-146-04	Settlement at Monticello Temp Sales Office
SP-149-04	Strawberry Plains Center
SP-150-04	Abe's Mini Storage
SP-001-05	Fiesta Foul Shot Game
SP-002-05	WindsorMeade Marketplace Amend. No. 1
SP-003-05	Williamsburg National- Golf Maintenance Facility
SP-004-05	Longhill Grove, Fence Amend.
SP-005-05	St. Bede Sidewalk Improvement Plan
SP-006-05	Stonehouse - The Fairways
SP-007-05	Stonehouse - Clubhouse Point
SP-008-05	Williamsburg National Clubhouse Expansion



SP-145-04 Colonial Heritage Ph. 2, Sec. 1

**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-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-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-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
SP-132-04	St. Bede Catholic Church, Rectory Building	12/30/2005
SP-138-04	John Tyler Monopole Tower Co-location	1 /5 /2006
SP-139-04	Colonial Heritage Ph. 3, Sec. 1	1 /12/2006
SP-142-04	Lafayette H.S., Track Drainage Improvements	1 /11/2006
SP-144-04	Riverview Plantation Water Main Extension	1 /14/2006
SP-147-04	Prime Outlets Ph. 5A and 5B Amend.	1 /20/2006

**C. FINAL APPROVAL**

**DATE**

SP-050-04	AJC Woodworks	1 /26/2005
SP-106-04	Anderson's Corner Sewer + Water Ext.	1 /12/2005
SP-148-04	Cookes Garden Center Storage Building	1 /13/2005

**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
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-109-04	Scott's Pond, Sec. 3B
S-112-04	Wellington Sec. 6 & 7
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-120-04	New Town, Block 8, Parcel C
S-121-04	Wellington Public Use Site
S-001-05	Toano Business Center
S-002-05	The Pointe at Jamestown Sec. 2B
S-003-05	Waterworks & S. Clement BLA
S-004-05	New Town Block 2G, Block 3I, Block 6/7-A

### B. PENDING FINAL APPROVAL

		EXPIRE DATE
S-037-02	The Vineyards, Ph. 3	5 /4 /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 /2006
S-106-03	Colonial Heritage Ph. 2, Sec. 3	1 /12/2006
S-002-04	The Settlement at Monticello (Hiden)	3 /1 /2005
S-009-04	Colonial Heritage Public Use Site B	3 /18/2005
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-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-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-108-04	Marion Taylor Subdivision (2nd Application)	12/22/2005
S-110-04	New Town, Blocks 8B & 5F, Lots 1-20 & 25-34	1 /12/2006
S-111-04	Colonial Heritage Ph. 3, Sec. 1	1 /12/2006
S-113-04	Cardinal Acres, JCSA Well Lot BLA	1 /4 /2006
S-119-04	The Retreat Ph. 2	1 /27/2006

#### **C. FINAL APPROVAL**

#### **DATE**

S-033-03	Fenwick Hills, Sec. 2	1 /19/2005
S-033-04	2011 Bush Neck Subdivision	1 /20/2005
S-099-04	New Town Block 2 Parcel C	1 /25/2005
S-107-04	James River Commerce Center, Parcel 4	1 /5 /2005

#### **D. EXPIRED**

#### **EXPIRE DATE**

**DEVELOPMENT REVIEW COMMITTEE ACTION REPORT**  
**February 2, 2005**

**New Town Building Setback Waiver**

Staff brought a building setback modification proposal for Blocks 1-9 of New Town. At the March 31, 2004 DRC meeting, a waiver was granted for Blocks 2, 5, and 8. Plans are currently under review for buildings located in Blocks 1-9. The proposed sites are located in New Town, Sections 2 & 4 and the parcel is further identified as parcel (1-50) on James City County Tax Map (38-4). DRC review is required to grant modifications to Section 24-527 of the Zoning Ordinance, which states that structures shall be located 50 feet or more from any existing or planned public road right-of-way which is 50 feet or greater in width.

**DRC Action:** The DRC granted the modification.

**Case No. S-116-03**

**Stonehouse Glen, Section 2**

Mr. Ronnie Orsborne of LandMark Design Group submitted a subdivision plan on behalf of Stonehouse at Williamsburg, LLC, to create 62 lots in Section 2 of Stonehouse. The site is located at 9186 Six Mount Zion Road and is further identified as parcel (1-3) on James City County Tax Map (5-4). DRC review is required as the subdivision proposes more than 50 lots.

**DRC Action:** The DRC deferred the case.

**Case No. SP-150-04**

**Abe's Mini Storage**

Mr. Alistair Ramsey of LandMark Design Group, on behalf of Dr. John Matney, submitted a site plan for a mini-storage facility to be located at 5435 and 5433 Richmond Road. The parcels are further identified as parcels (1-15) and (1-59) on James City County Tax Map (33-3). DRC review is necessary because the applicant proposes a group of buildings which contain a floor area exceeding 30,000 square feet.

**DRC Action:** The DRC deferred the case.

**Rezoning 13-04, Special Use Permit 31-04, Master Plan 10-04. Monticello at Powhatan North  
Staff Report for the February 7, 2005, Planning Commission Public Hearing**

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*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.*

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**PUBLIC HEARINGS**

**Building F Board Room; County Government Center**

Planning Commission:	February 7, 2005	7:00 p.m.
	March 7, 2005 (tentative)	7:00 p.m.
Board of Supervisors:	April 26, 2005 (tentative)	7:00 p.m.

**SUMMARY FACTS**

Applicant:	Mr. Timothy O. Trant, Kaufman & Canoles
Land Owner:	Lawrence E. Beamer of Powhatan Enterprises, Inc.
Proposal:	Construction of 96 dwelling units in 24 quad buildings
Location:	4450 Powhatan Parkway Powhatan District
Tax Map/Parcel:	(38-3) (1-1)
Primary Service Area:	Inside
Parcel Sizes:	36.485 acres
Existing Zoning:	R-8, Rural Residential
Proposed Zoning:	R-2, General Residential with Cluster Overlay
Comprehensive Plan:	Low Density Residential
Staff Contact:	Tammy Rosario - Phone: 253-6685

**STAFF RECOMMENDATION**

The applicant has requested deferral of this case until the March 7, 2005, Planning Commission meeting to allow more time to resolve outstanding issues regarding the 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

January 26, 2005

## Via U.S. Mail & Email

Tammy A. Rosario

Senior Planner

James City County

101-E Mounts Bay Road

Williamsburg, VA 23185

Re: *Powhatan Enterprises, Inc.*  
*Monticello at Powhatan North (Phase III)*  
*James City County Case No's. Z-13-04, MP-10-04, & SUP-31-04*  
*Our Matter No. 79791*

Dear Ms. Rosario:

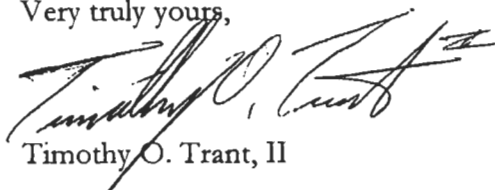
The above-referenced case is scheduled to be presented to the James City County Planning Commission at its meeting on February 7, 2005. The applicant and its consultants are working diligently to respond to the various comments received from the James City County Department of Development Management ("Staff") and to bring the application to a final, presentable form. Given the detailed nature of Staff's comments and in preparation for the presentation of the application to the Planning Commission, the applicant and its consultants are undertaking a thorough review of the submittal materials before making a resubmission to Staff.

The applicant is not likely to have completed its review and to have prepared materials for resubmission in time for the Staff to present the application at the February 7, 2005 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 February 7, 2005 meeting. Therefore, the applicant requests that any action on the case by the Planning Commission be deferred until the March 7, 2005 Planning Commission meeting.

Tammy A. Rosario  
January 26, 2005  
Page 2

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

Very truly yours,



Timothy O. Trant, II

xc: Lawrence E. Beamer (via facsimile 757-258-2824)  
Bradley Waitzer (via U.S. mail)  
Alvin P. Anderson, Esq. (via hand delivery)  
Gregory R. Davis, Esq. (via hand delivery)  
Stephen A. Romeo (via facsimile 757-229-0049)  
J. David Fuss (via U.S. mail)  
Drew R. Mulhare (via U.S. mail)  
Linda A. Taylor (via U.S. mail)  
Ronald H. Dunn (via U.S. mail)  
Andrea L. Freeland (via U.S. mail)

#6064137 v2

**REZONING-15-04/MASTER PLAN-11-04/SPECIAL USE PERMIT-34-04. VILLAS AT JAMESTOWN**

**Staff Report for the February 7, 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.

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**PUBLIC HEARINGS**

Planning Commission:

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

February 7, 2005

Board of Supervisors:

March 8, 2005 (tentative)

**SUMMARY FACTS**

Applicant:  
P.C.

Mr. Gregory R. Davis and Mr. Timothy O. Trant, II, Kaufman and Canoles,

Land Owner:

Mr. Cowles M. Spencer

Proposed Use:

92 single family attached residential units

Location:

248, 238, 230, and 226 Ingram Road

Tax Map and Parcel No.:

(46-2)(1-15), (46-2)(1-11), (46-2)(1-10), (47-1)(1-19)

Parcel Size:

30.36 acres

Proposed Zoning:

R-2, General Residential District, Cluster, with Proffers

Existing Zoning:

R-8, Rural Residential District

Comprehensive Plan:

Low Density Residential and Mixed Use

Primary Service Area:

Inside

**STAFF RECOMMENDATION:**

The applicant has requested that the Planning Commission defer this case until the March 7, 2005 Planning Commission Meeting in order to allow more time to resolve outstanding issues. Staff concurs with the request.

Staff Contact:

Ellen Cook

Phone: 253-6685

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Ellen Cook

Attachments:

1. Deferral Letter



# KAUFMAN & CANOLES

— | A Professional Corporation | —

Attorneys and Counselors at Law

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757 / 259-3800  
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*Mailing Address:*

P.O. Box 6000  
Williamsburg, VA 23188

4801 Courthouse Street  
Suite 300  
Williamsburg, VA 23188

January 26, 2005

Via U.S. Mail & Email

Ellen G. Cook

Planner

James City County  
101-E Mounts Bay Road  
Williamsburg, VA 23185

Re: *Villa Development Company, LLC*  
*Villas at Jamestown*  
*James City County Case No's. Z-15-04, MP-11-04, & SUP-34-04*  
*Our Matter No. 84455*

Dear Ms. Cook:

The above-referenced case is scheduled to be presented to the James City County Planning Commission at its meeting on February 7, 2005. The applicant and its consultants are working diligently to respond to the various comments received from the James City County Department of Development Management ("Staff") and to bring the application to a final, presentable form. Given the detailed nature of Staff's comments and in preparation for the presentation of the application to the Planning Commission, the applicant and its consultants are undertaking a thorough review of the submittal materials before making a resubmission to Staff.

The applicant is not likely to have completed its review and to have prepared materials for resubmission in time for the Staff to present the application at the February 7, 2005 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 February 7, 2005 meeting. Therefore, the applicant requests that any action on the case by the Planning Commission be deferred until the March 7, 2005 Planning Commission meeting.

Chesapeake

Hampton

Newport News

Norfolk

Richmond

Virginia Beach

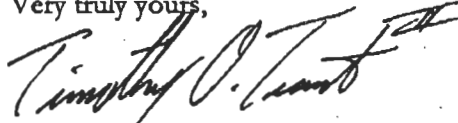
[www.kaufmanandcanoles.com](http://www.kaufmanandcanoles.com)

January 26, 2005

Page 2

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

Very truly yours,



Timothy O. Trant, II

xc: Cowles M. Spencer (via U.S. Mail)  
Sheila Byers (via facsimile 757-659-0188)  
Alvin P. Anderson, Esq. (via hand delivery)  
Gregory R. Davis, Esq. (via hand delivery)  
Richard A. Costello (via facsimile 757-220-8994)  
Thomas W. Derrickson (via facsimile 757-220-8994)  
J. David Fuss (via U.S. mail)  
Gerald H. Johnson (via U.S. mail)  
Judith C. Fuss (via U.S. mail)

#6065423 v1

**REZONING-14-04. POCAHONTAS SQUARE PROFFER AMENDMENT**  
**Staff Report for the February 7, 2005, Planning Commission Public Hearing**

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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.

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**PUBLIC HEARINGS**

Planning Commission:  
Board of Supervisors:

7:00 p.m.; Building F Board Room; County Government Complex  
February 7, 2005  
March 8, 2005 (tentative)

**SUMMARY FACTS**

Applicant: Mr. Jay Epstein  
  
Land Owner: Mr. Robert Letchworth.  
  
Proposed Use: 96 townhouse units  
  
Location 8814, 8838, and 8844 Pocahontas Trail  
  
Tax Map and Parcel No.: (59-2)(1-4), (59-2)(1-5A), (59-2)(1-5)  
  
Parcel Size: Total of 13.43 acres  
  
Proposed Zoning: R-5, with amended Proffers  
  
Existing Zoning: R-5, with Proffers  
  
Comprehensive Plan: Low Density Residential  
  
Primary Service Area: Inside

**STAFF RECOMMENDATION:**

The applicant has requested that the Planning Commission defer this case until the March 7, 2005 Planning Commission Meeting in order to allow more time to resolve outstanding issues. Staff concurs with the request.

Staff Contact: Ellen Cook Phone: 253-6685

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Ellen Cook

Attachments:

1. Deferral Letter

January 28, 2005

Mr. Jay E. Epstein  
3606 Acorn Avenue, Suite 200  
Newport News, VA 23607

RE: Jay Epstein  
Pocahontas Square Proffer Amendment  
James City County Case No. Z-14-04

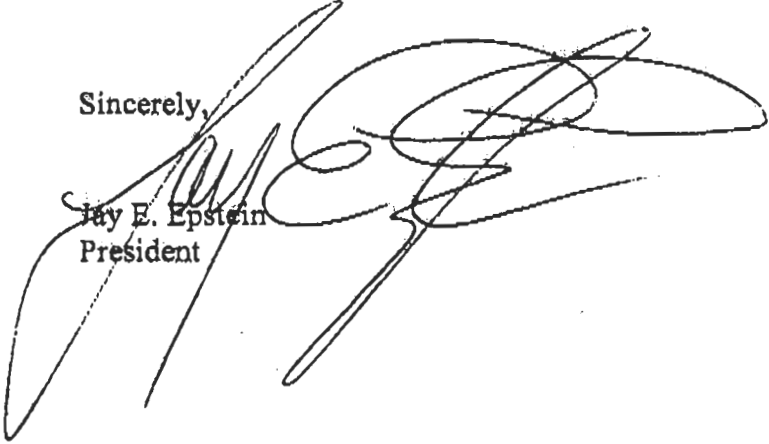
Dear Ms Cook:

The above referenced case is scheduled to be presented to James City County Planning Commission at its meeting on February 7<sup>th</sup> 2005. The applicant and James City County Housing and Planning are working together to bring the application to final presentable form. All parties are undertaking a thorough review of the submittal material and have an understanding of what all parties foresee in the proffers.

The applicant is not likely to have completed its changes to the proffers as agreed to with planning and housing for resubmission in time for staff to present the application at the February 7<sup>th</sup>, 2005 Planning Commission meeting. Accordingly, the applicant recognizes that staff will no be prepared to make a complete staff report nor make a recommendation to the Planning Commission regarding the case at the February 7<sup>th</sup>, 2005 meeting, therefore the applicant requests that any action on this case by the Planning Commission be deferred until the March 7<sup>th</sup>, 2005 Planning Commission Meeting.

Sincerely,

Jay E. Epstein  
President



**To: The Planning Commission**

**From: Karen Drake, Senior Planner**

**Re: Public Water Storage Facilities Zoning Ordinance Amendment**

**Date: February 7, 2005**

---

The James City Service Authority (JCSA) currently has three working elevated water storage facilities or tanks within their system. The three tanks are as follows:

1. ES-1. Toano Water Storage Tank was built prior to 1974 and is approximately 125' tall with no antennas.
2. ES-2. Season's Trace Water Storage Tank located behind the Winter Park subdivision within Season's Trace was built around 1973. The tallest of the three tanks, it is approximately 140' tall and with antennas to 160'.
3. ES-3. Eastern State Water Storage tank was built around 1949. The tank is approximately 130' tall with antennas mounted around the tank on hand rails instead of on top of the tank.

All three of the tanks were designed independently of each other to serve the needs of the immediate surrounding area. Since JCSA's charter on July 9, 1969, the three tanks were dedicated at different times to JCSA and incorporated into the present day water system.

Now, JCSA is proposing the construction of two elevated water tanks that would be designed to meet future water demands and enhance water pressure throughout the entire JCSA system. One tank is proposed within the Stonehouse Commerce Park and the other behind the existing Season's Trace water tank on County property. Once these two elevated water tanks are constructed and operational, JCSA plans to dismantle the three existing water tanks.

Water storage facilities and the associated transmission lines are a specially permitted use in the majority of zoning districts. The SUP applications for the two proposed tanks and associated transmission mains are tentatively scheduled for the March 7<sup>th</sup> Planning Commission meeting. Balloon tests will be conducted prior to the meeting.

However, in the majority of the zoning districts, there is a height restriction of 100' for water storage facilities and other structures with an approved height waiver. While the final design of the tanks has not been completed, for the two tanks to function efficiently within the JCSA system from an engineering perspective, the tanks would need to be between 150' and 175' tall. The attached table details all the zoning districts, whether a SUP is required for a water tank and the current height restriction.

#### **Staff Recommendations:**

Staff recommends the following amendments be made to the Zoning Ordinance to consistently make all public water storage facilities a specially permitted use in all zoning districts and to eliminate a maximum height of public water storage tanks that can be permitted with a height waiver approved by the Board of Supervisors. The proposed changes are as follows:

1. In R-4, Residential Planned Community Districts, there is not a special use permit ordinance section similar to other zoning districts nor are water facilities listed as a permitted use. To make this zoning district consistent with other sections, staff proposes adding the following language found in other zoning districts to Section 24-289:
  - d. *Water facilities (public) and sewer facilities (public), including but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions shall be a permitted only after the issuance of a special use permit by the board of supervisors. However the following are permitted generally and shall not require a special use permit:*
    1. *Private connections to existing mains, that are intended to serve and individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;*
    2. *Distribution lines and local facilities within a development; including pump stations.*
2. In PUD, Planned Unit Development zoning districts, there is not a special use permit ordinance section nor are water facilities listed as a permitted use. To make this zoning district consistent with other sections, staff proposes adding the following language found in other zoning districts to Section 24-499 (c):
  - (2) *Water facilities (public) and sewer facilities (public), including but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However the following are permitted generally and shall not require a special use permit:*
    - a. *Private connections to existing mains, that are intended to serve and individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;*
    - b. *Distribution lines and local facilities within a development; including pump stations.*
3. Regarding the height restriction of 100' for water storage tanks found in many zoning sections, staff proposes amending Section 24-200. Public Utilities, to supercede the height restriction listed in individual zoning districts for public water storage facilities so long as the height waiver restrictions are adhered to. For example as listed in the attached table, in R-8, Rural Residential zoning district, a water storage facility can be up to 60' in height with a SUP or up to 100' with a SUP and an approved height waiver from the Board of Supervisors. The intent of this amendment is to still require a SUP for public water storage facilities up to 60' in height or a SUP and approved height waiver from the Board of Supervisors for any public water tanks of any height over 61'. The proposed amendment is as follows:

**Section 24-200. Public utilities.**

- (a.) Except where a public utility requires a special use permit, public utilities shall be allowed as a permitted use in each zoning district. Public utilities include poles, power lines, distribution transformers or substations, pipes, meters, telephone exchanges and other facilities necessary for the provision and maintenance of utilities, including water and sewer facilities, water storage ~~tanks~~ facilities, pumping or regular stations.

(b.) *The height of public water storage facilities may exceed the height limits specified by a zoning district upon the issuance of a special use permit and a height waiver by the Board of Supervisors. The height waiver shall meet the requirements for a height waiver of the zoning district in which the public water storage facility is located.*

(c.) ~~(b.)~~ The location of all utilities and utility easements shall be shown on the site plans, or subdivisions plats, as appropriate. New utilities are to be placed underground except for required transformers, switching equipment, meter pedestals, outdoor lighting poles and meter and service connections to buildings. In consideration of voltage requirements, existing overhead service, existing tree cover and physical features of the site and the surrounding area, the planning commission may waive requirements for underground utilities upon a favorable recommendation from the development review committee. Waivers in subdivisions must comply with section 19-18 of the subdivision ordinance.

On January 31<sup>st</sup>, the Planning Commission Policy Committee recommended approval of the proposed Zoning Ordinance amendments. Staff recommends the Planning Commission approve the above referenced Zoning Ordinance amendments. Please note that this case has been pre-advertised for the February 22, 2005 Board of Supervisors Meeting.

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Karen Drake  
Senior Planner

CONCUR:

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O. Marvin Sowers, Jr.  
Planning Director

Attachment:

Table 1. Public Water Storage Facility Zoning Ordinance Requirements

**Table 1. PUBLIC WATER STORAGE FACILITY ZONING ORDINANCE REQUIREMENTS**

Zoning District		Water Tanks: Permitted or SUP	Height Restrictions
A-1	General Agriculture	SUP	SUP to 60' or up to 100' with Height Waiver that meets requirements
R-1	Limited Residential	SUP	SUP to 60' or up to 100' with Height Waiver that meets requirements
R-2	General Residential	SUP	SUP to 60' or up to 100' with Height Waiver that meets requirements
R-4	Residential Planned Community	Public Utilities are a Permitted Use but water storage facilities are not referenced.	SUP to 60' or up to 100' with Height Waiver that meets requirements
R-5	Multi Family	SUP	SUP to 35' or no restriction with Height Waiver that meets requirements
R-6	Low-Density Residential	SUP	SUP to 60' or up to 100' with Height Waiver that meets requirements
R-8	Rural Residential	SUP	SUP to 60' or up to 100' with Height Waiver that meets requirements
LB	Limited Business	SUP	SUP to 60' or up to 100' with Height Waiver that meets requirements
B-1	General Business	SUP	SUP to 60' or up to 100' with Height Waiver that meets requirements
M-1	Limited Business/Industrial	SUP	SUP to 60' or no restriction with Height Waiver that meets requirements
M-2	General Industrial	SUP	SUP to 60' or no restriction with Height Waiver that meets requirements
RT	Research & Technology	SUP	SUP to 60' or no restriction with Height Waiver that meets requirements
PUD	Planned Unit Development	Public Utilities are a Permitted Use but water storage facilities are not referenced.	SUP to 60' or up to 100' with Height Waiver that meets requirements
MU	Mixed Use	SUP	SUP to 60' or up to 100' with Height Waiver that meets requirements



**Date:** February 7, 2005  
**To:** The Planning Commission  
**From:** Christopher Johnson, Senior Planner  
**Re:** Rural Residential, Height Limits, Zoning Ordinance Amendment

---

Following a comprehensive review by a committee comprised of Planning Commissioners, members of the development community, and County citizens, the R-1, Limited Residential, and R-2, General Residential, zoning districts were amended by the Board of Supervisors on May 25, 1999. Revisions were made to the list of permitted and specially permitted uses, area and setback requirements, height limits, open space and buffer requirements.

The height limits for the R-1 and R-2 zoning districts, Sections 24-240 and 24-261, restrict the height of structures to two stories and 35 feet. Provisions are included that allow a dwelling height to be increased to three stories and 45 feet, upon meeting certain conditions, as well as allowing vertically oriented structures such as church spires, cupolas, monuments, water towers, chimneys, flagpoles, television and radio antennae and wireless communications facilities to a height of 60 feet from grade with the issuance of a height limitation waiver from the Board of Supervisors.

When the R-1 and R-2 zoning districts were amended in 1999, the following provision was added to Sections 24-240 and 24-261:

- (2) *A public and semipublic building such as a school, church or library may be erected to a height of 60 feet from grade, provided that the required front, rear and side yards shall be increased one foot for each one foot in height above 35 feet.*

The Board adopted a series of amendments to the R-8, Rural Residential, zoning district on December 21, 1999. The minutes for Board of Supervisors and Planning Commission public hearings and the Residential Zoning Ordinance Update Committee meetings focusing on the R-8 zoning district do not reference any discussion of height limits or consideration of the language which had been added to the R-1 and R-2 zoning districts earlier in the year. In hindsight, staff has concluded that it was an administrative oversight that the height limit language adopted for the R-1 and R-2 zoning districts was not also considered in the R-8 zoning district.

During this same review process, schools, houses of worship and libraries were moved from the list of permitted uses in the R-1, R-2 and R-8 zoning districts to the list of uses permitted only with the issuance of a special use permit by the Board of Supervisors. Given the Board's ability to grant approval subject to the imposition of special requirements or conditions in addition to those expressly stipulated in the zoning ordinance, it was determined that there was no need to require a height waiver for structures such as schools, churches and libraries under 60 feet in height. Church spires, belfries and cupolas over 60 feet continue to require the issuance of a height limitation waiver from the Board of Supervisors.

#### **Staff Recommendation**

Staff recommends that Section 24-354 of the Zoning Ordinance be amended to permit public or semipublic buildings such as schools, churches or libraries to be erected to a height of 60 feet from grade, provided that the required front, side and rear yards are increased one foot for each foot in height over 35 feet.

On January 1, 2005, the Policy Committee recommended approval of the proposed zoning ordinance amendment.

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Christopher Johnson

CONCUR:

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O. Marvin Sowers, Jr.

## **SPECIAL USE PERMIT CASE NO. SUP-36-04 FARM FRESH GAS PUMPS**

### **Staff Report for the February 7, 2005, Planning Commission Public Hearing**

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*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.*

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#### **PUBLIC HEARINGS**

Planning Commission:

Board of Supervisors:

#### **7:00 p.m.; Building F Board Room; County Government Complex**

February 7, 2005, 7:00 PM

March 8, 2005, 7:00 PM (tentative)

#### **SUMMARY FACTS**

**Applicant:**

Mr. Thomas C. Kleine, Troutman Sanders, LLP

**Land Owner:**

Norge Plaza, Inc.

**Proposal:**

To place 4 gasoline pumps and a canopy in the existing Farm Fresh parking lot.

**Location:**

115 Norge Lane

**Tax Map/Parcel**

(23-2)(1-71F)

**Parcel Size**

6.27 acres

**Existing Zoning:**

B-1, General Business, with proffers

**Comprehensive Plan:**

Community Commercial

**Primary Service Area:**

Inside

#### **STAFF RECOMMENDATION**

With the attached conditions, staff finds the proposal will not negatively impact surrounding property. Staff also finds the proposal, with the attached conditions, to be consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. Staff recommends the Planning Commission recommend approval of the Special Use Permit application with the attached conditions.

Staff Contact:

Trey Davis, Planner

Phone: 253-6685

## **Project Description**

Mr. Thomas C. Kleine of Troutman Sanders, LLP, has applied on behalf of Farm Fresh, Inc. for a special use permit to allow for the placement of 4 gas pumps (8 fuel service positions) and a canopy in the parking lot of the Farm Fresh in Norge. This property is located at 115 Norge Lane and is zoned B-1, General Business, with proffers. It is designated as Community Commercial on the 2003 Comprehensive Plan Land Use Map and can be further identified as parcel number (1-71F) on James City County Tax Map page (23-2). The fueling area would provide discount gas for Farm Fresh customers, and would also be available for use by the general public.

The canopy would be constructed to compliment the character of the Norge community. Other conditions of the special use permit would limit the type of lighting and signage and would provide for enhanced landscaping along Norge Lane.

## **Surrounding Zoning and Development**

The site is surrounded by commercial property adjacent to Richmond Road. The property across Norge Lane is zoned A-1, Agricultural and the nearest adjacent residence is approximately 475 feet south east of the proposed gas pumps. Staff believes that the proposed use is consistent with surrounding zoning and development.

## **PUBLIC IMPACTS**

### **1. Environmental Impacts**

**Watershed:** Yarmouth Creek

**Environmental Staff Conclusions:** The Environmental Staff has noted that the existing stormwater management facilities for the shopping center are infiltration BMPs. Per appendix F of the County BMP Manual, vehicle fueling stations are considered to be “hot spot” activities and infiltration BMPs may not be used to control runoff from “hot spot” activities. An alternate BMP or filtration system must be included to accept drainage from the fueling area. A special use permit condition has been proposed which would ensure compliance.

The Environmental Staff has also suggested that the additional 19 parking spaces shown on the master plan may unnecessarily increase the impervious area. The additional parking is not required by the Zoning Ordinance. Staff is working with the applicant to come to an agreement prior to the hearing before the Board of Supervisors as to how much, if any, additional parking should be constructed. Staff does not feel that the parking issue is significant enough to recommend deferral at this time.

### **2. Public Utilities**

The site is located within the Primary Service Area and will be served by public water and sewer.

**JSCA Staff Comments:** The JSCA Staff has no major comments relating to the special use permit application as submitted.

### 3. Traffic

The applicant submitted a traffic impact assessment prepared by Bryant B. Goodloe, P.C. The 8 fuel service positions would generate 97 AM peak hour trips and 111 PM peak hour trips. The assessment found that there will be minimal traffic impacts and that no traffic improvements would be needed for Richmond Road or Norge Lane as a result of this project.

**VDOT Comments:** VDOT Traffic Engineering has reviewed the Traffic Impact Study and has found that the existing roadway improvements are sufficient to accommodate the proposed pumps. There will be no adverse impacts on the signalized intersection on Richmond Road or the right-in/right-out entrance on Richmond Road with regards to level of service. No improvements are needed in association with this special use request at this time.

**Staff Comments:** Staff agrees with the applicant's traffic impact assessment and VDOT's finding that no traffic improvements would be needed for this project.

### Comprehensive Plan

The property is designated Community Commercial on the Comprehensive Plan Land Use Map. The property is also adjacent to the Richmond Road Community Character Corridor. The Community Character sections of the 2003 Comprehensive Plan reads in part:

The County acknowledges that views along these roads can have a significant impact on how citizens and visitors perceive the character of an area and feels these roads warrant a higher level of protection. Additional sections of Richmond Road (Route 60 West) have been added to the list of CCCs to include the segment from Anderson's Corner to the City of Williamsburg line to assist in regional beautification efforts.

**Staff Comments:** The proposed gas pumps are consistent with the Community Commercial designation for this area. With the attached conditions, staff finds the proposal to be appropriate for this Community Character Corridor. Special use permit conditions are included which give the Planning Director control over the architectural features of the canopy and limit the amount of signage.

## RECOMMENDATION:

Staff finds the proposal, with the attached conditions, to be consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. Staff recommends the Planning Commission recommend approval of the special use permit application with the following conditions:

- 1.) The architecture of the canopy shall be generally compatible with the roof structure of historic buildings in Norge and newer buildings including Noah's Ark Veterinary Hospital, as determined by the Planning Director. The canopy shall contain architectural features, colors, and materials that compliment the surrounding architecture and character of the community. The architectural design, color, and materials for the canopy shall be approved by the Planning Director prior to final site plan approval.
- 2.) There shall be no more than 4 gas pumps (a total of 8 vehicle fueling stations) permitted on the property. The pumps shall be arranged in a configuration generally consistent with the attached conceptual site layout titled "Exhibit for Special use Permit", prepared by MSA, P.C. and dated 12/23/04.
- 3.) Now more than two signs shall be allowed on the canopy. Gas pricing signs may be allowed on a monument type sign in the parking area or the columns of the canopy. Signage shall be consistent with current zoning and sign regulations.
- 4.) An enhanced landscaping plan shall be provided for the landscaped area along Nina Lane. Unless reduced or waived by the Planning Director, the enhanced landscaping to be included with the site plan shall include a quantity of planting materials that is a minimum of 133% of the minimum ordinance requirements. A minimum of 50% of all trees and 50% of all shrubs used shall be evergreen.
- 5.) The lighting for the site, to include canopy lighting, shall be reviewed and approved by the Planning Director prior to final site plan approval. The plan shall indicate no glare outside the boundaries of the additional parking area and fueling facility. All lights, including any canopy lighting, shall have recessed fixtures with no bulb, lens, or globe extending below the casing or canopy ceiling.
- 6.) No outside display, sale, or storage of merchandise shall be permitted at the fueling facility. Merchandise shall include but not be limited to ice, soda, candy, and/or snack machines.
- 7.) Intercom and other speaker systems shall operate in such a manner that they shall not be audible by adjacent property owners.
- 8.) The area beneath the fuel area canopy shall not drain directly into the existing infiltration BMPs for the shopping center. An alternate BMP or a separation system to accept drainage from this project shall be shown on the site plan and shall be approved by the Environmental Division prior to final site plan approval.
- 9.) If construction has not begun on the project within thirty-six (36) months of the issuance of the special use permit, it shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.

- 10.) The applicant shall design access ways, drive aisles, curbing, pavement markings and landscape islands in such a way as to provide for the safe flow of traffic in and around the fueling facility as determined by the Planning Director.
- 11.) This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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Trey Davis

CONCUR:

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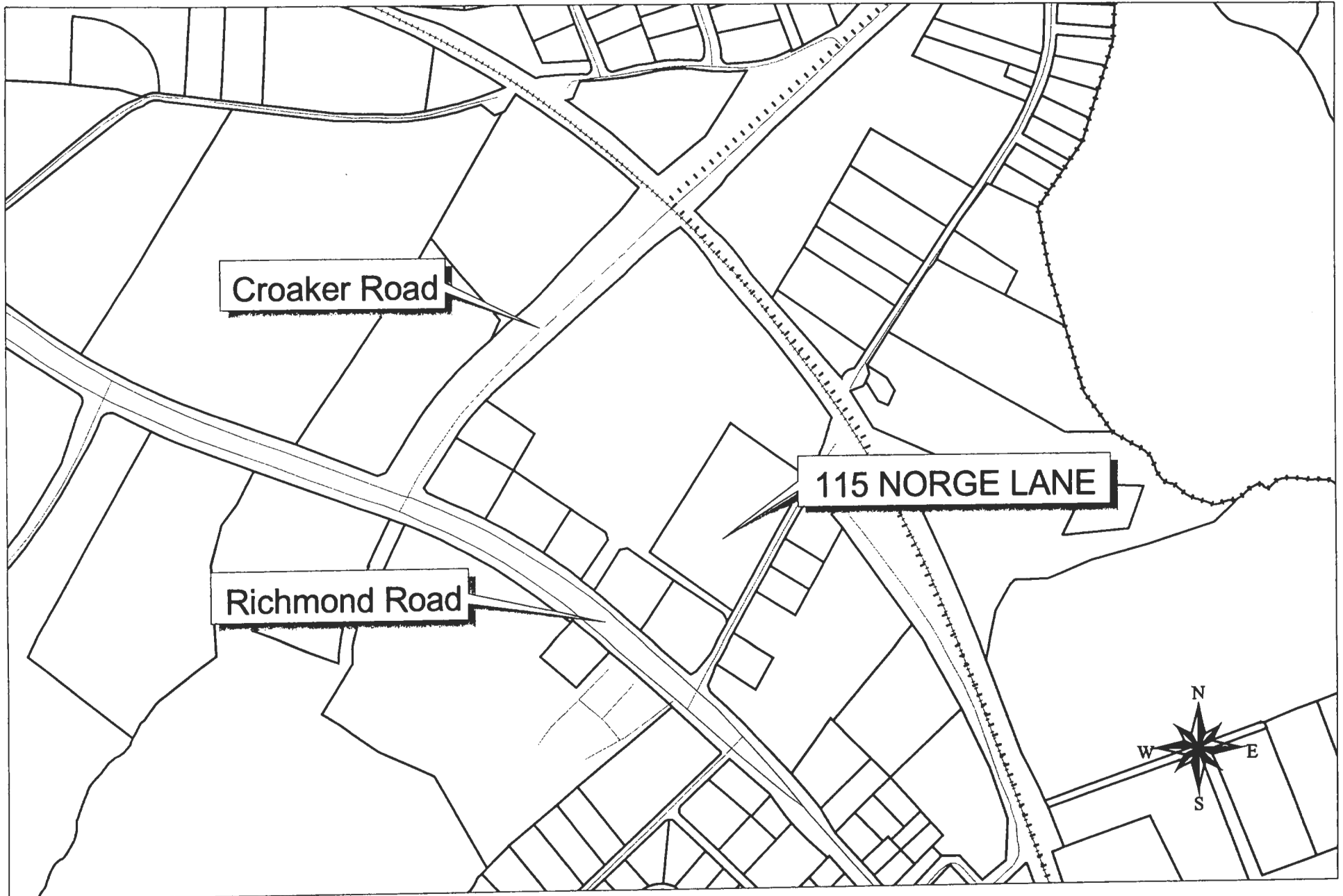
O. Marvin Sowers, Jr.

Attachments:

1. Location map
2. Master Plan

# SUP-36-04

## Farm Fresh Gas Pumps





**SPECIAL USE PERMIT 37-04. JCSA, 115 Winston Drive Duplex  
Staff Report for February 7, 2005, Planning Commission Public Hearing**

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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.

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**PUBLIC HEARINGS**

Planning Commission:

Building F Board Room; County Government Center

February 7, 2005 7:00 p.m.

Board of Supervisors:

March 8, 2005 7:00 p.m. (Tentative)

**SUMMARY FACTS**

**Applicant:**

Peter Bunai

**Land Owner:**

Peter Bunai and Jeff Drake

**Proposed Use:**

Two Family Dwelling

**Location:**

115 Winston Drive; Jamestown District

**Tax Map/Parcel:**

(48-1)(9-5B)

**Parcel Size:**

0.309 acres

**Existing Zoning:**

R-2, General Residential

**Comprehensive Plan:**

Low Density Residential

**Primary Service Area:**

Inside

**STAFF RECOMMENDATION**

Staff finds the proposed use inconsistent with surrounding zoning and development and inconsistent with the Comprehensive Plan. Staff recommends the Planning Commission recommend denial of this Special Use Permit application.

**Staff Contact:**

Matthew Arcieri

Phone: 253-6685

## **PROJECT DESCRIPTION**

Mr. Peter Bunai has applied for a special use permit to allow the construction of a two family dwelling on a portion of the property located at 115 Winston Drive. A duplex is a specially permitted use in the R-2, General Residential, zoning district. The 0.309 acre site is located in the Winston Terrace subdivision off of Jamestown Road near the intersection with Route 199. The property is bordered by existing single family homes on both sides and an undeveloped outparcel of the Williamsburg Crossing Shopping Center along the rear boundary.

In November 2004, Mr. Bunai received administrative subdivision approval to create a new lot (Parcel 5B) out of an existing lot (Parcel 5A) at 117 Winston Drive. If this new lot were developed as a by-right use, one single family residence could be constructed on Parcel 5B. Prior to final site plan approval, the owner shall receive approval of and record a subdivision plat which adjusts the lot line separating Parcels 5A and Parcel 5B so that Parcel 5A is no less than 10,000 square feet in area and Parcel 5B is no less than 15,000 square feet in area.

## **PUBLIC IMPACTS**

### **Environmental Impacts**

**Watershed:** Mill Creek

**Environmental Comments:** The proposed construction of a duplex raises serious concerns with respect to the size of the proposed structure, limitations for drainage on the property, the required gradient on the proposed driveways, and the ability to safely route stormwater through the site. Prior to the issuance of site plan approval, it shall be demonstrated that stormwater can be safely routed around the structure with no flooding on the property consistent with all local, state, and federal regulations.

### **Public Impacts**

**Utilities:** The site is served by public water and sewer.

**JCSA Comments:** If the Commission wishes to recommend approval of this case, staff has included a condition which requires the development of Water Conservation Standards for the proposed development.

### **Traffic Impacts**

**Proposed Traffic:** 20 vehicle trips per day  
**2003 Traffic Counts:** 15,466 vehicle trips per day (Jamestown Road)  
**2026 Volume Projections:** 25,000 vehicle trips per day (Jamestown Road)

**Staff Comments:** While the addition of a duplex on the last available lot within the Winston Terrace subdivision should not have any appreciable negative impact on the overall traffic flow in the surrounding area, the proposal would produce twice the traffic of one single family home permitted by-right for this lot. This section of Jamestown Road is listed as a "watch" in the 2003 Comprehensive Plan but is not

recommended for widening..

## **COMPREHENSIVE PLAN**

The property is designated Low Density Residential

- Low Density Residential areas are residential developments on land suitable for such developments with overall densities up to one dwelling unit per acre depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of dwellings in the proposed development, and the degree to which the development is consistent with the Comprehensive Plan. Recommended uses on property designated for Low Density Residential include very limited commercial establishments, single family homes, duplexes, and cluster housing.

**Staff Comments:** Staff believes that the proposed in-fill development of a duplex on the last available lot in the Winston Terrace subdivision is inconsistent with surrounding development and therefore inconsistent with the Comprehensive Plan.

General Land Use Standard 1 (pg. 134 of the Comprehensive Plan) states that new development should be permitted only where compatible with the character of adjoining uses paying particular attention to impacts such as incompatible development intensity, design, height and scale. These ideas are repeated in Residential Land Use Standard 1 (pg. 137 of the Comprehensive Plan). The Winston Terrace neighborhood consists entirely of single-family homes. While staff believes a SUP condition can be created to address issues related to compatibility of the duplex's design with the surrounding neighborhood, the development of a duplex in a neighborhood consisting entirely of single family residences is incompatible with the existing neighborhood.

While the Comprehensive Plan is generally supportive of efforts to encourage and promote infill within the Primary Service Area, staff believes that the applicant, through the creation of the new lot to construct a single family home, has already utilized the zoning ordinance to achieve the maximum desirable development intensity for this property. Placing a duplex on the proposed site would increase its density from 3.2 to 5.8 dwelling units per acre.

## **CONCLUSIONS AND CONDITIONS**

Staff finds the proposed use inconsistent with surrounding zoning and development and inconsistent with the Comprehensive Plan. Staff recommends the Planning Commission recommend denial of this Special Use Permit application. Should the commission wish to recommend approval, staff would recommend the following conditions:

1. 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/or foundation has passed required inspections.

2. Prior to final site plan approval, the owner shall receive approval of and record a subdivision plat which adjusts the lot line separating Parcels 5A and Parcel 5B on James City County Real Estate Tax Map No. (48-1) so that Parcel 5A is no less than 10,000 square feet in area and Parcel 5B is no less than 15,000 square feet in area.
3. Prior to the issuance of site plan approval it shall be demonstrated, to the satisfaction of the Environmental Director, that stormwater can be safely routed around the structure with no flooding on the property consistent with all local, state, and federal regulations.
4. 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 within perimeter buffers so that the required number of plants and trees equals, at a minimum, 133 percent of the requirements of the James City County Landscape Ordinance. A minimum of fifty percent of the plantings within the buffers shall be evergreen.
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 issuance of a building permit for the duplex. 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. Prior to final site plan approval, the Planning Director shall review and approve the final building elevations and architectural design of the duplex. Such approval shall ensure that the design, building materials, and placement and design of the entrances and driveways of the duplex and any future building additions are compatible with the surrounding residential area.
7. This special use permit is not severable. Invalidity of any word, phrase, clause, sentence or paragraph shall not invalidate the remainder.

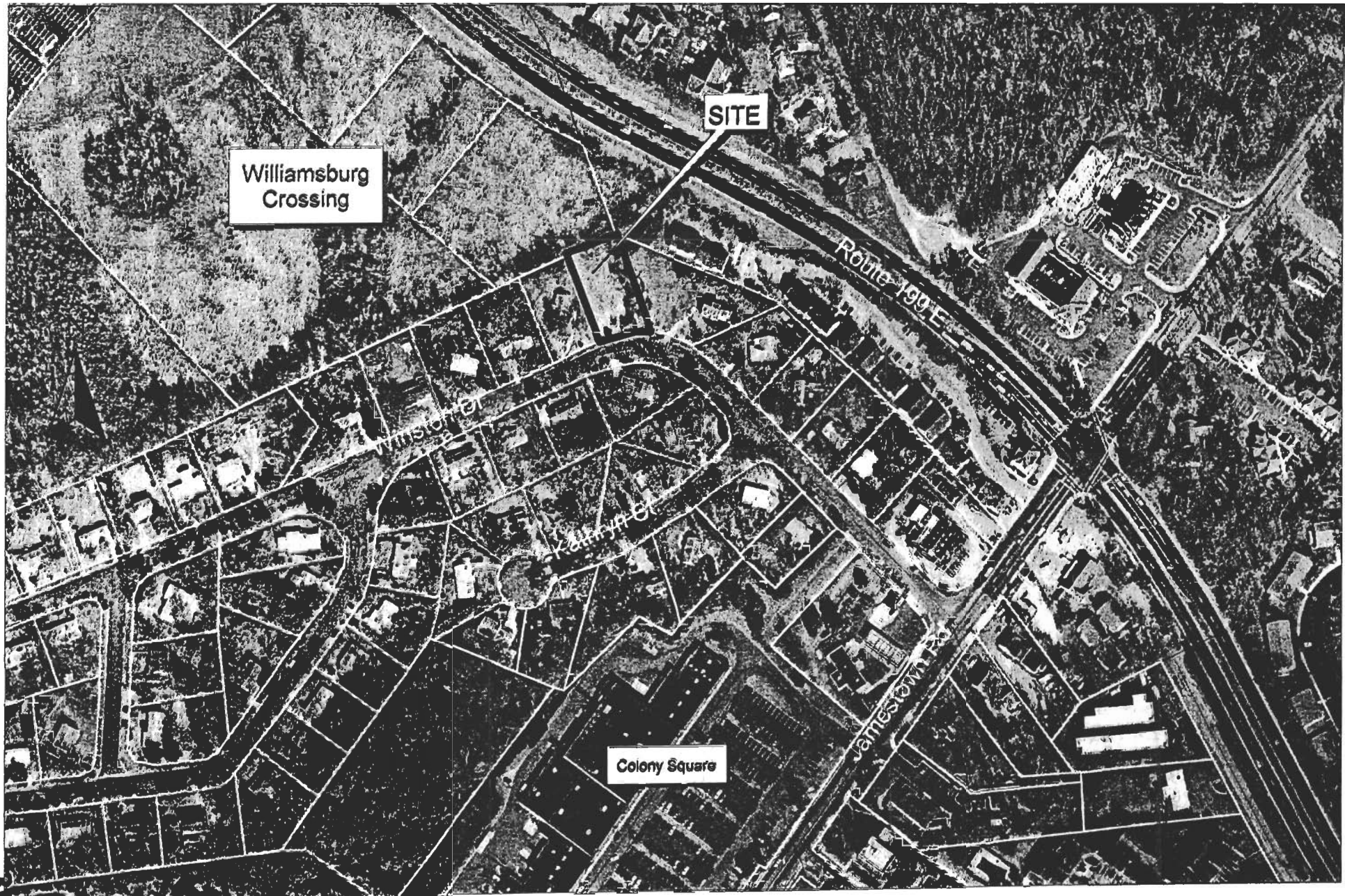
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Matthew D. Arcieri

ATTACHMENTS:

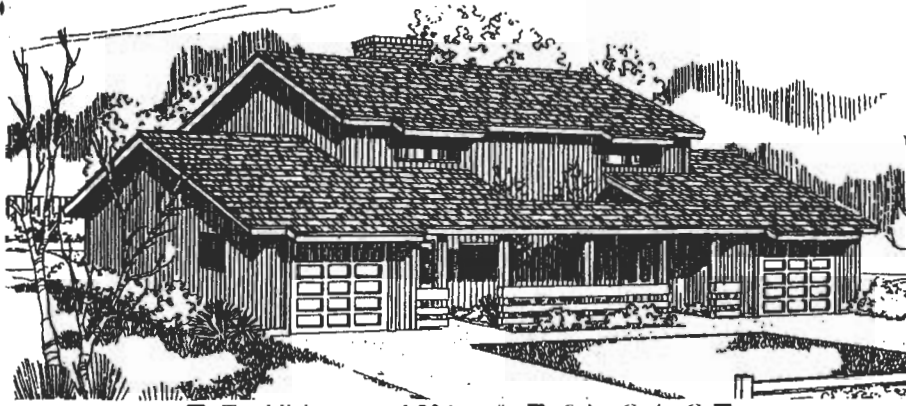
1. Location Map
2. Conceptual Duplex Layout

# SUP-37-04; 115 Winston Drive Duplex



# The Town House

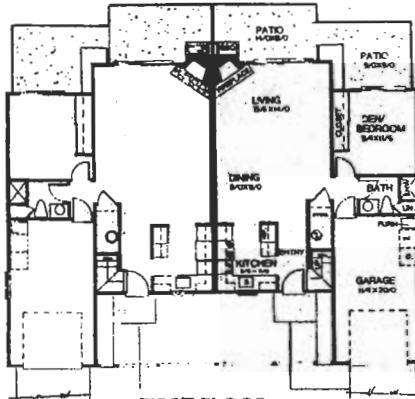
**No. 91325**



■ Total living area 1,234 sq. ft. ■ Price Code G ■

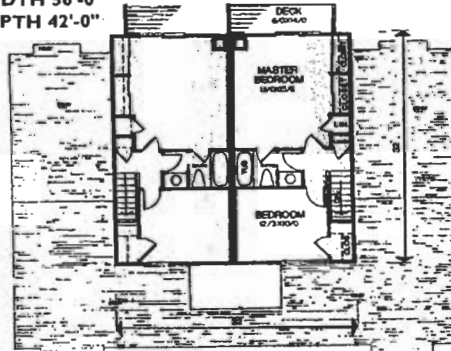
**■ This plan features (per unit):**

- Two or three bedrooms
- One full and one three-quarter baths
- Sheltered entrance leads to spacious Living/Dining Area
- Living area enhanced by a corner fireplace and sliding glass door to Patio with built barbecue
- Efficient, U-shaped Kitchen easily serves Dining Area
- Den/Bedroom with a large closet and easy access to Patio and full Bath
- Spacious Master Bedroom offers three closets, a private Deck and full Bath access
- Secondary Bedroom with a large closet and easy access to a full Bath
- This home comes with a slab foundation



**FIRST FLOOR**

**WIDTH 56'-0"**  
**DEPTH 42'-0"**



**SECOND FLOOR**

First floor — 722 sq. ft.  
Second floor — 512 sq. ft.

130 . .

## PLANNING DIRECTOR'S REPORT

February 2005

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

1. Planning Commission Appointments. In January 2005, the Board of Supervisors appointed Jim Kennedy (At-large member) and Mary Jones (Berkeley District representative) to the Planning Commission.
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. The locations of both trails have 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 January to plan and coordinate community activities and beautification efforts.
5. Cooridor Steering Committee. The Committee met in January to continue work on the Jamestown Road demonstration project and made a presentation to the Board of Supervisors. Detailed landscape plans have been completed for two areas by Planning Division staff and planting has been completed in one of the areas. The Committee also approved a grant incentive program to encourage property owners to enhance their buildings and grounds.
6. Secondary Roads Program. The Board of Supervisors held its annual work session on January 25<sup>th</sup>. The top two priority projects continue to be Ironbound Road and Croaker Road. The Board also considered several new projects to place on the program.
7. Policy Committee. The Policy Committee met on January 31 to review two Zoning Ordinance amendments regarding public water storage tanks and the height of buildings on R-8, Rural Residential zoned property. A full report will be made at the Planning Commission meeting. In February, the Policy Committee will meet on the 8<sup>th</sup>, 14<sup>th</sup>, 16<sup>th</sup>, and 23<sup>rd</sup> to review the Capital Improvements Program. The rankings will then be forwarded to the Planning Commission for its March 7 meeting.
8. Division Office Relocation. Building A the new home of the Planning Division is now vacant. Several new walls are being constructed and building is underway. Over the coming weeks we will be preparing ourselves for the move scheduled to take place on February 11, 2005. Effective Valentine's Day, the Planning Division along with John Horne, Wayland Bass, and Cheryl Waldren will be housed in Building A. Later this year we hope to be more "furnished" and will schedule an after-work opportunity for members of the James City County community to visit our new space.
9. New Town Cases. The New Town Design Review Board considered the following cases at the December 16 meeting:  
Windsor Meade Marketplace Building Elevation Plans- unanimously approved Buildings 1-8  
1<sup>st</sup> Advantage Credit Union – approved building changes except for the roof material and color  
Corvette Lambert Professional Building, Block 7 – applicant submitted conceptual drawings for discussion, plans will be resubmitted at a later meeting  
Developers Realty Corporation – unanimously approved the Retail Phase 1 site plan as submitted  
William E. Wood Block 2 status – Mr. Magoon will send a letter regarding remaining issues

10. Other Up-coming Public Hearing Cases: **SUP-02-05/HW-01-05 and SUP-03-05/HW-02-05. JCSA Elevated Water Storage Facilities** JCSA has applied for a Special Use Permit and a Height Waivers to locate two new elevated water storage facilities or water tanks to be located in the Stonehouse Commerce Park and behind Seasons Trace on County property. The tanks will be 150' to 175' in height depending on the final engineering and will hold a total of 2.5 million gallons of water. The two new tanks would replace the three existing JCSA water tanks that are currently located in Toano, behind Seasons Trace (Winter Park) and at Easter State Hospital (Williamsburg/James City Recreation Center). The SUP applications are scheduled for the March 7th Planning Commission meeting. Balloon tests are scheduled for February 16th from 1-4pm and in case of bad weather on February 23rd from 1-4pm.

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O. Marvin Sowers, Jr.