

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
JUNE 6, 2005 - 7:00 p.m.

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A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS CONTINUED TO THE SIXTH DAY OF APRIL, 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. | <u>ROLL CALL</u> | <u>ALSO PRESENT</u> | <u>ABSENT</u> |
| | Jack Fraley | Christopher Johnson, Senior Planner | Jim Kennedy |
| | Ingrid Blanton | Matthew Arcieri, Senior Planner | |
| | Donald Hunt | Toya Ricks, Administrative Services Coordinator | |
| | George Billups | | |
| | Wilford Kale | | |
| | Mary Jones | | |

2. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

The DRC heard 5 cases at its April 6th meeting. Three cases were unanimously recommended for preliminary approval subject to agency comments: S-116-03 Stonehouse Glen Section 2, SP-141-04 Carolina Furniture, and SP-016-05 Newtown Retail Phase 2. SP-150-04 Abe's Mini Storage was deferred at the applicant's request due to Environmental issues. S-015-05 Colonial Heritage Phase 3 Section 2 was unanimously deferred by the DRC without objection from the applicant for resolution of Environmental issues.

Mr. Kale motioned to approve the report.

Ms. Jones seconded the motion.

In a unanimous voice vote the report was approved. (6-0, Kennedy absent)

3. PLANNING COMMISSION CONSIDERATION

A. ZO-3-05 Zoning Ordinance Amendment – Administrative Fees

Mr. Matt Arcieri distributed a draft statement to be forwarded to the Board of Supervisors regarding a proposed increase in administrative fees for the purpose of funding a new half-time Development Management position. At its April 4th meeting, the Commission voted 6-0 against raising certain fees and requested staff to draft a statement to the Board.

Mr. Fraley asked for clarification on the Commission's position regarding paragraph 2, increasing the site plan fee levied on new residential units. Mr. Fraley said he thought there could be other ways through the budget process to fund the new position.

Ms. Blanton recalled making the comment that perhaps a position that had a greater effect on residential aspects of development was the best source of fees. She also stated that she was persuaded during discussions that sources other than fees should be considered.

Mr. Kale stated that he was not present at the April 4th meeting and would abstain on the vote.

Mr. Billups said the new position should be funded through the County as a regular budgetary personnel item.

Mr. Hunt agreed with Mr. Billups. He stated that some alternative funding source should be found other than imposing specific fees on targeted areas.

Mr. Fraley suggested language recommending the Board of Supervisors utilize the normal budgeting process as a means to support this position.

Mr. Billups agreed. He also stated his thoughts on the process for establishing new positions.

Mr. Arcieri suggested striking the second half of the sentence starting with “or increase...”

Ms. Blanton wanted to add language making a specific recommendation that this position be funded through the ordinary budgetary process.

There was a general discussion.

Ms. Jones stated her support for the person chosen for the new position. Ms. Jones said she has worked with Tammy Rosario on several occasions. She stated that although she finds Ms. Rosario to be hard working and dedicated she is uncomfortable as a Planning Commissioner making personnel decisions.

Mr. Arcieri read the statement as amended.

Mr. Fraley moved to accept the statement.

Ms. Jones seconded the motion.

In a unanimous voice vote the statement was accepted. (6-0, Kale abstained)

4. ADJOURNMENT

There being no further business the meeting was adjourned at 7:15 p.m. until May 2, 2005 at 7:00 p.m.

Donald Hunt, Chairman

O.Marvin Sowers, Jr., Secretary

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SECOND DAY OF MAY, 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

Jack Fraley
Ingrid Blanton
Donald Hunt
George Billups
Jim Kennedy
Mary Jones
Wilford Kale

ALSO PRESENT

Marvin Sowers, Planning Director
Michael Drewry, Assistant County Attorney
Trey Davis, Planner
Ellen Cook, Planner
Toya Ricks, Administrative Services Coordinator

2. MINUTES

Mr. Fraley corrected pages 5, 6, 9, 10, 12 and 14 of the minutes of the April 4, 2005 Planning Commission meeting.

Mr. Kennedy motioned to approve the minutes as amended.

Mr. Fraley seconded the motion.

Mr. Kale abstained because he was not present at the April 4th meeting.

The Planning Commission approved the minutes as amended with a unanimous voice vote. (6-0, Kale abstained)

3. COMMITTEE AND COMMISSION REPORTS

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. Fraley presented the report. The DRC considered 5 cases at its April 27th meeting. A Site Plan for Abe's Mini Storage and a Conceptual Master Plan for Olde Towne Timeshares were deferred at the applicants' requests. Colonial Heritage Phase 3 Section 2 Subdivision, Oaktree Office Park and Airtight Self-Storage Expansion, and Wedmore Place at The Williamsburg Winery were recommended for preliminary approval pending agency comments.

Mr. Kale motioned the approved the report.

Mr. Kennedy seconded the motion.

The Planning Commission approved the report with a unanimous voice vote. (7-0)

B. OTHER COMMITTEE REPORTS - None

4. PUBLIC HEARINGS

- A. Z-4-05/SUP-7-05 New Town, Langley Federal Credit Union
- B. SUP-4-05 Christian Life Center Tower
- C. Z-7-05/MP-5-05 Jamestown Retreat

Mr. Hunt stated that the applicants requested deferral of these cases until the June 6th meeting.

Mr. Hunt opened the public hearing.

Mr. Reid Weir asked for clarification of the applicants' requests.

Mr. Hunt explained the procedure for a deferral request.

Mr. Weir wanted to be notified when the Jamestown Retreat case is brought before the Commission. He also asked that the same density be allowed for his property should this application be approved.

Hearing no requests to speak, the public hearings were continued to June 6, 2005.

D. SUP-16-05 Treleaven Warehouse and Nursery

Mr. Trey Davis presented the staff report. Mr. Stanley B. Treleaven of T&S Associates, Inc. has applied for a special use permit to allow for an existing structure to be used as a contractor's warehouse. The property, located at 4191 Rochambeau Drive, is currently zoned A-1, General Agricultural, and is designated Rural Lands on the 2003 Comprehensive Plan Land Use Map. The parcel may be further identified as Parcel No. (1-9B) on James City County Real Estate Tax Map No. (13-4).

Staff recommended approval.

Mr. Fraley asked for more information regarding the sight distance waiver that may be required prior to final Site Plan approval.

Mr. Davis explained that the Virginia Department of Transportation (VDOT) asked that the sight distance be reviewed at the site plan stage. If it is determined that there is not enough sight distance the property owner will be required to submit a deed for recordation stating awareness of the condition.

Mr. Kale verified that the driveway currently exists.

Mr. Billups asked if distinct differences existed between the current and the proposed uses.

Mr. Davis stated that the existing use is considered non-conforming. He further stated that although both uses pertain to the construction trade and that traffic and car trips would be similar; the SUP process allows the County to add some conditions to the site.

Mr. Kale inquired as to whether the SUP would apply to the nursery only or the entire site.

Mr. Davis answered that the SUP would apply to the contractor's warehouse only. He said the nursery is allowed by right.

Mr. Hunt opened the public hearing.

Ms. Jones asked whether the applicant was comfortable with the conditions.

Mr. Treleven, the applicant, answered yes.

Hearing no requests to speak, the public hearing was closed.

Mr. Kennedy motioned to approve the application.

Ms. Blanton seconded the motioned.

In a unanimous roll call vote the application was approved 7-0. AYE: Billups, Kale, Fraley, Blanton, Jones, Kennedy, Hunt (7); NAY: (0).

E. SUP-36-04 Farm Fresh Gas Pumps

Ms. Jones recused herself stating that a family member worked for the firm representing the applicant.

Mr. Trey Davis presented the staff report. Mr. Thomas C. Kleine of Troutman and Sanders has applied on behalf of Farm Fresh, Inc. for a special use permit to allow for a 4-pump, self-service gas station to be constructed in the parking lot of the existing Farm Fresh grocery store in Norge. The property, located at 115 Norge Lane, is currently zoned B-1, General Business, and is designated Community Commercial on the 2003 Comprehensive Plan Land Use Map. The parcel may be further identified as Parcel No. (1-71F) on James City County Real Estate Tax Map No. (23-2).

Staff recommended approval.

Ms. Blanton wanted to know the final outcome on the number of parking spaces.

Mr. Davis stated that the number of parking spaces would be reduced by thirty-two for a total of 176 spaces.

Mr. Kennedy wanted to know if school buses would continue to be allowed to park at the store. He also asked for enforcement of the fire lanes including proper signage.

Mr. Davis referred questions regarding school bus parking to the applicant. He said he would inform the Fire Department of the issues with the fire lanes.

Mr. Billups asked for clarification of the recommendations listed in item #7 regarding the outside display and sale of merchandise.

Mr. Davis stated that the second sentence specified some of the items that the applicant would not be allowed to display for sale.

Mr. Kale said that he also thought the language was confusing.

Mr. Davis stated that new language could be drafted to clarify the intent of the recommendation.

Mr. Hunt opened the public hearing.

Mr. R.J. Nutter, Troutman and Sanders, represented the applicant. Mr. Nutter stated that Farm Fresh customers would receive discounted gas purchases based upon the amount of in-store purchases. He also stated that Farm Fresh was in the process of adding this feature to most of its stores in the Southeast. He said the application proposed no new curb cuts and offered enhanced landscaping.

Mr. Kennedy asked the applicant to work to enforce the fire lanes and inquired about the affect of school bus parking.

Mr. Nutter stated that during peak hours about 50 spaces remained empty so that school buses should not be a problem. Mr. Nutter agreed to work with Staff during site plan review to address the fire lanes.

Mr. Rich Krape, 2404 Forge Road, represented Friends of Forge Road and Toano. Mr. Krape stated that the application was not consistent with the James City County 2006 Budget statement or the County's Comprehensive Plan. He also recommended denial of the application.

Hearing no requests to speak, the public hearing was closed.

Mr. Billups stated that he was in favor of the application. He said the gas pumps would offer a convenience to Farm Fresh customers. Mr. Billups also stated that the greenway would be protected by the additional landscaping.

Mr. Kennedy stated his appreciation of Mr. Krape's statement. He also said the competition would be good. Mr. Kennedy stated that he was in favor of the application.

Ms. Blanton said the proposal did not have a lot of negative impacts. She said she would support the application.

Mr. Fraley said he was support the project. He stated that the proposal would provide lower cost gasoline for customers in the area.

Mr. Hunt stated his interest in hearing that discounts would be offered to Farm Fresh customers. He also said the impacts to Route 60 would be low.

Mr. Kennedy motioned to approve the application.

Mr. Billups seconded the motion.

In a roll call vote the application was approved 6:0. AYE: Billups, Kale, Blanton, Kennedy, Fraley, Hunt (6); NAY:(0). Jones abstained.

F. Z-15-04/MP-11-04 Villas at Jamestown

Ms. Ellen Cook presented the staff report. Mr. Gregory R. Davis and Mr. Timothy O. Trant, II of Kaufman & Canoles have applied to rezone 30.36 acres of land from R-8, Rural Residential District to R-2, General Residential District, Cluster, with proffers. The applicant proposes 92 single family attached units. The property is located in the Five Forks area, and is more specifically at 248, 238, 230, and 226 Ingram Road and is further identified as Parcels (1-15), (1-11), and (1-10) on James City County Tax Map (46-2) and Parcel (1-19) on James City County Tax Maps (47-1). Staff recommended approval.

Mr. Billups asked for the cost and square footage of the units.

Ms. Cook answered that the units would be approximately 1,700 – 1,800 square feet. She deferred to the applicant for the cost.

Ms. Blanton asked for Staff's projections on fiscal impacts.

Ms. Cook said the Financial Management Services department estimated approximately \$92,000 per year in positive impacts.

Mr. Hunt opened the public hearing.

Mr. Greg Davis, Kaufman and Canoles, represented the applicant. Mr. Davis made a presentation outlining the proposed development.

Ms. Blanton asked for the location of the Low Impact Development (LID) aspects of the proposal.

Mr. Davis stated that the Storm Water Management Plan was a part of the Master Plan.

Ms. Blanton wanted to know what alternatives were being considered should the LID not be feasible.

Mr. Davis answered that the site design and storm water control principles in the County Ordinance would govern and that the applicant would be held to those standards.

Ms. Jones asked how much of the storm water run-off would be captured.

Mr. Davis said 100%.

Ms. Jones inquired about the four different price ranges.

Mr. Davis stated that there were four different models each with different square footage.

Mr. Kennedy wanted to know if data existed on the number of ambulance trips required for a similar project in York County. He stated his concern that the amount proffered for emergency services might not be adequate.

Mr. Davis did not have that data.

Mr. Hunt asked if the existing project in York County was age restricted.

Mr. Davis answered no. He stated that the concept was usually more appealing to older adults.

Mr. Kale stated his preference in funding emergency medical services rather than the costs associated with school age children. He also said he was glad the proposal followed the Five Fork Principles. Mr. Kale talked about the benefits of containing storm water run-off.

Mr. Fraley commended the applicant on the proposal. He also asked the applicant to consider removing the curb and gutters proposed in the application.

Mr. Davis stated that the curb and gutters were proffered based on the applicant's interpretation of the County's requirement. He also stated the applicant would be willing to remove them if possible.

Mr. Kale asked Mr. Sowers the procedure for removing the curb and gutter requirement.

Mr. Sowers said the Ordinance allows the DRC to make a special waiver at the development stage. Mr. Sowers also said the proffers could be amended before the Board meeting if the Commissioners wanted to act on the matter immediately.

Mr. Drewry suggested the Planning Commission make a comment concerning their recommendation on the removal of the curb and gutters and allow staff to research the procedure.

Mr. Kale agreed with Mr. Fraley concerning the curb and gutters. He stated that the Windsor Forest community benefited during recent heavy rainfall due to the absence of curb and gutters in that neighborhood.

Mr. Mark Kaisand of STAT Services, 2510 Manion Drive, discussed the possibility of a regional Best Management Pond (BMP) in this area instead of separate BMPs for his property and the subject parcel.

Mr. Hunt asked for the location of the BMP Mr. Kaisand was required to construct.

Mr. Kaisand indicated the location on the overhead map.

Mr. Kale asked Mr. Kaisand who he had talked to regarding the BMP.

Mr. Kaisand said Cornerstone Design, his Engineer, submitted plans to the County a few weeks ago and had been in contact with the developer for this proposal.

Mr. Gerald Johnson, 4513 Wimbledon Way, represented the Historic Route 5 Association. He stated that traffic continues to be a concern in the Five Forks area and expressed concerns about site access. He also stated his agreement for removal of the curb and gutters.

Mr. Ed Esposito, 4749 Bristol Circle, said that he was looking forward to the project. He recommended the Commission approve the project.

Mr. David Fuss, 3008 Chelsford Way, represented The Friends of the Powhatan Creek Watershed. He stated his preference that the parcel be developed according to its current by-right density. Mr. Fuss discussed different methods of minimizing impacts to the surrounding watershed which were not part of the proposal, including a setback from the buffer, stream stabilization and nutrient management.

Mr. Fraley informed Mr. Fuss of the provisions for public comment at the DRC meetings.

Ms. Jones asked Mr. Sowers if a process existed for coordinating the BMPs.

Mr. Sowers said Planning and Environmental Staff would work on the issue.

Ms. Jones wanted to know if the lower BMP encroached on the Resource Protection Area (RPA) buffer.

Mr. Davis said the drawing was only preliminary. He said that if the BMP needed to be in the buffer a permit and approval would be necessary.

Mr. Fraley asked Mr. Davis if the applicant would consider a buffer setback exception for building number 16 only.

Mr. Davis stated the applicant felt the Master Plan was adequate. He also stated that the applicant would be very cautious about proffering a comment for the buffer setback.

Mr. Fraley stated his frustration that the ordinances sometimes act mutually exclusive of one another and hinder innovative and creative plans.

Mr. Drewry said the applicant would be held to the Master Plan although it's not quite as strong as a proffer. He also stated that adequate legal phrasing could be added in a proffer statement.

Mr. Davis requested the Planning Commission approve the application with a comment concerning the setback allowing the applicant and Staff to provide appropriate legal language before the Board of Supervisors meeting.

Mr. Kale asked for clarification regarding the buffer setback issue.

Mr. Billups asked Mr. Davis if the applicant would be willing to work with Stat Services on Storm Water Management.

Mr. Davis stated that it was an Engineering issue that could be resolved.

Mr. Billups commented about the role of the Planning Commission in determining if a proposal is in compliance with the Comprehensive Plan and Ordinances and then forwarding a recommendation to the Board of Supervisors. He also stated his support of the project.

Hearing no other requests to speak, the public hearing was closed.

Ms. Blanton stated that her approval of the application would include an understanding that the LID aspects and the expanded buffer setbacks are integral to the Master Plan.

Ms. Jones stated her appreciation of the application. She also stated her preference for proposals that offered housing to individuals and families of all ages. Ms Jones said she supported the application.

Mr. Kale moved to approve the application along with the inclusion of comments regarding the elimination of curb and gutters and a clear statement concerning the buffer setback.

Mr. Fraley seconded the motion.

Mr. Kennedy said he liked many aspects of the proposal. He stated that although he had concerns about the proposal he would support it.

In a unanimous roll call vote the application was approved 7-0. AYE: Billups, Fraley, Kennedy, Blanton, Jones, Hunt, Kale (7); NAY (0).

5. PLANNING COMMISSION CONSIDERATION

A. ZO-3-05 Initiating Resolution – Zoning Ordinance Amendment – Zoning Fee Change

Mr. Marvin Sowers presented the request. At the April meeting the Commission considered a similar Ordinance Amendment regarding a fee proposal in order to generate additional revenues within the Development Management division. That request was unanimously recommended to the Board of Supervisors for denial. As a result the Board considered alternate proposals to generate the additional revenue, including an alternative to increase rezoning and residential site plan fees.

Mr. Sowers recommended adoption of the Initiating Resolution allowing Staff to present the alternative at the June 6th meeting.

Mr. Kennnedy motioned to approve the request.

Ms. Blanton seconded the motion.

In a unanimous voice vote the request was approved. (7-0)

6. PLANNING DIRECTOR'S REPORT

Mr. Marvin Sowers presented the Planning Director's Report. Mr. Sowers informed the Commissioners of a joint Work Session with the Board of Supervisors on May 24th at 4 p.m. He also suggested that tonight's meeting be adjourned until that time.

7. ADJOURNMENT

There being no further business, at 8:55 p.m. the May 2, 2005 Planning Commission meeting was adjourned until May 24, 2005 at 4:00 p.m.

Donald Hunt, Chairman

O.Marvin Sowers, Jr., Secretary

**JAMES CITY COUNTY
DEVELOPMENT REVIEW COMMITTEE REPORT**

FROM: 5/1/2005 THROUGH: 5/31/2005

I. SITE PLANS

A. PENDING PRELIMINARY APPROVAL

SP-063-03	Warhill Sports Complex, Parking Lot Expansion
SP-025-04	Carter's Cove Campground
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-136-04	Stonehouse - Fieldstone Glen Townhomes
SP-143-04	Portable 1000 Gallon Diesel Fuel Tank
SP-150-04	Abe's Mini Storage
SP-004-05	Longhill Grove Fence Amendment
SP-006-05	Stonehouse - The Fairways
SP-007-05	Stonehouse - Clubhouse Point
SP-008-05	Williamsburg National Clubhouse Expansion
SP-009-05	Colonial Heritage Ph. 1, Sec. 4 SP Amend.
SP-016-05	New Town- Retail Ph. 2
SP-017-05	Williamsburg Community Chapel Expansion
SP-021-05	Villages at Powhatan Ph. 5 SP Amend.
SP-022-05	James River Commerce Center Shell Building
SP-024-05	Norge Water System Improvements
SP-025-05	New Town- Sewage Lift Station and Force Main
SP-031-05	7839 & 7845 Richmond Road Office/Retail
SP-032-05	New Town, Village Square
SP-035-05	Baylands Federal Credit Union
SP-036-05	New Town, Block 6 & 7, Parcel C
SP-040-05	The Retreat Well Lot SP Amend.
SP-042-05	STAT Services, Inc.
SP-043-05	4881 Centerville Second Tower (SP Amend.)
SP-044-05	Jamestown H.S. Trailer Amend.
SP-047-05	D.J. Montague E.S. Trailer Amend.
SP-048-05	Norge E.S. Trailer Amend.
SP-051-05	Colonial Heritage Ph. 3, Sec. 3
SP-053-05	New Town Ph. 5, Sec. 4 Roadway
SP-054-05	Whitehall Restaurant, Outdoor Walk-In
SP-056-05	Norge Neighborhood SP Amend.

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SP-062-05	Greenmount-DCB LLC Storage
SP-063-05	New Town, Block 5 Amend.
SP-064-05	TGI Friday's
SP-065-05	Williamsburg Indoor Sports Complex Expansion
SP-066-05	Warhill Sports Complex Basketball Facility
SP-067-05	WindsorMeade Marketplace, Outparcels 9-11
SP-068-05	New Town Sec. 2 Block 3 SP Amend.
SP-069-05	Baseball Field Drainage for JHS- SP Amend.
SP-070-05	St. Bede Church Dam Improvement Plan
SP-071-05	Merrimac Center Parking Expansion

B. PENDING FINAL APPROVAL

EXPIRE DATE

SP-056-03	Shell Building - James River Commerce Center	3 /14/2006
SP-091-03	Colonial Heritage Ph. 1, Sec. 5	8 /4 /2005
SP-056-04	Michelle Point	7 /12/2005
SP-079-04	Norge Railway Station	7 /23/2005
SP-092-04	Columbia Drive Waterline Extension	8 /18/2005
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-125-04	GreenMount Industrial Park Road Ph. 2	12/2 /2005
SP-135-04	Williamsburg Landing Parking Addition	4 /11/2006
SP-139-04	Colonial Heritage Ph. 3, Sec. 1	2 /7 /2006
SP-141-04	Carolina Furniture Warehouse	4 /6 /2006
SP-002-05	WindsorMeade Marketplace, Amendment No. 1	3 /17/2006
SP-003-05	Williamsburg National- Golf Maintenance Facility	2 /28/2006
SP-011-05	Citizens and Farmers Bank Parking Extension	3 /1 /2006
SP-015-05	New Town - Hagee Building, Block 8	3 /22/2006
SP-026-05	Williamsburg Plantation, Sec. 10 Amendment	4 /14/2006
SP-028-05	Oaktree Office & Airtight Self Storage Expansion	5 /2 /2006
SP-030-05	Wedmore Place at Williamsburg Winery	5 /2 /2006
SP-041-05	Warhill - Third High School	5 /13/2006
SP-052-05	Jamestown Christian Fellowship Shed Addition	5 /10/2006
SP-057-05	Warhill - High School Access Road	4 /29/2006
SP-058-05	Warhill - Water and Sanitary Sewer Improvements	5 /13/2006
SP-059-05	Warhill - Storm Trunk System Improvements	5 /19/2006
SP-060-05	Warhill - Community Sports Stadium Improvements	5 /27/2006
SP-061-05	Warhill - Centerville Road Improvements, Ph. 6A	5 /13/2006

C. FINAL APPROVAL

DATE

SP-131-03	Colonial Heritage Ph. 2, Sec. 1	5 /12/2005
SP-047-04	Villages at Westminster Drainage Improvements	5 /4 /2005
SP-116-04	The Station at Norge	5 /27/2005
SP-121-04	Williamsburg Crossing - Parcel 23	5 /4 /2005
SP-126-04	New Town, Sec. 2, Block 3	5 /3 /2005
SP-014-05	New Town - Lambert Building, Blocks 6 & 7	5 /6 /2005

SP-027-05	Williamsburg Nursing and Rehab. SP Amend.	5 /4 /2005
SP-038-05	Jamestown H.S. Baseball Field Drainage Amendment	5 /16/2005
SP-039-05	Haynes Distribution Center, Amendment No. 1	5 /25/2005
SP-045-05	Lafayette H.S. Trailer Amend.	5 /24/2005
SP-046-05	Toano M.S. Trailer Amend.	5 /24/2005
SP-049-05	Clara Byrd Baker E.S. Trailer Amend.	5 /25/2005
SP-050-05	Stonehouse E.S. Trailer Amend.	5 /24/2005
SP-055-05	Globe Summer Show Modifications	5 /17/2005

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-034-04	Warhill Tract BLE / Subdivision
S-048-04	Colonial Heritage Open Space Easement
S-066-04	Hickory Landing Ph. 1
S-067-04	Hickory Landing Ph. 2
S-091-04	Marywood Subdivision
S-112-04	Wellington Sec. 6 & 7
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-002-05	The Pointe at Jamestown Sec. 2B
S-003-05	Waterworks & S. Clement BLA
S-012-05	Greensprings Trail ROW-Waltrip Property Conveyance
S-013-05	Greensprings Trail ROW-Ambler/Jamestown Prop. Conv
S-014-05	Greensprings Trail ROW-P L.L.L.C Prop. Conveyance
S-019-05	Monticello Woods Ph. 2 Lots 74-112 & 114-129
S-028-05	Elizabeth Jones Estate Family Subdivision
S-030-05	3406 N. Riverside Drive BLA
S-033-05	3918 Rochambeau Drive Family Subdivision
S-036-05	3851 & 3899 John Tyler BLA & Conserv. Easement
S-037-05	3851 & 3899 John Tyler BLA
S-038-05	Bruce's Super Auto Body
S-039-05	Hofmeyer Limited Partnership
S-042-05	Toano Business Cente, Lots 5-9
S-043-05	Colonial Heritage Ph. 3, Sec. 3
S-044-05	Colonial Heritage Road and Sewer Infrastructure
S-045-05	Greensprings West Ph. 4B and 5
S-046-05	Te-ata R. Hery, of the Te-ata R. Hery Living Trust
S-047-05	Colonial Heritage Ph. 2, Sec. 1 Lots 14-73
S-048-05	Waltrip BLA
S-049-05	Campbell Family Subdivision
S-051-05	Ripley Property Subdivision
S-052-05	2050 Bush Neck Subdivision

B. PENDING FINAL APPROVAL

		EXPIRE DATE
S-044-03	Fenwick Hills, Sec. 3	6 /25/2005
S-055-03	Colonial Heritage Ph. 1, Sec. 5	8 /4 /2005
S-073-03	Colonial Heritage Ph. 2, Sec. 2	10/6 /2005
S-098-03	Stonehouse Glen, Sec. 1	4 /5 /2006
S-099-03	Wellington Sec. 5	2 /3 /2006
S-101-03	Ford's Colony - Sec. 35	2 /2 /2006
S-106-03	Colonial Heritage Ph. 2, Sec. 3	1 /12/2006
S-116-03	Stonehouse Glen, Sec. 2	4 /6 /2006
S-002-04	The Settlement at Monticello (Hiden)	3 /1 /2006
S-037-04	Michelle Point	7 /12/2005
S-045-04	ARGO Ph. 1	6 /28/2005
S-046-04	ARGO Ph. 2	6 /28/2005
S-047-04	ARGO Ph. 3	6 /28/2005
S-059-04	Greensprings West Ph. 6	9 /13/2005
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-087-04	Dudley S. Waltrip Family Subdivision	10/12/2005
S-090-04	Minichiello Villa	10/21/2005
S-105-04	Gross Family Subdivision	11/23/2005
S-108-04	Marion Taylor Subdivision (2nd Application)	12/22/2005
S-111-04	Colonial Heritage Ph. 3, Sec. 1	2 /7 /2006
S-119-04	The Retreat Ph. 2	1 /27/2006
S-007-05	Armistead Point- Kingsmill BLA	3 /15/2006
S-015-05	Colonial Heritage Ph. 3, Sec. 2	4 /27/2006
S-017-05	Polk Estates	4 /27/2006
S-040-05	4450 Rochambeau Drive	5 /13/2006
S-041-05	Paddock Green BLE	5 /5 /2006

C. FINAL APPROVAL

		DATE
S-049-03	Peleg's Point, Sec. 5	5 /25/2005
S-056-03	Colonial Heritage Ph. 1, Sec. 4	5 /16/2005
S-100-03	Colonial Heritage Ph. 2, Sec. 1	5 /26/2005
S-108-03	Leighton-Herrmann Family Subdivision	5 /17/2005
S-109-04	Scott's Pond, Sec. 3B	5 /31/2005
S-008-05	Colonial Heritage - Ph. 1, Sec. 3A	5 /17/2005
S-011-05	New Town Blck 6 & 7 A,C,D,E Blck 3 Parcel B,C,D	5 /26/2005
S-020-05	Ward Subdivision	5 /20/2005
S-034-05	John and Mary Hogge Family Subdivision	5 /19/2005
S-035-05	Gilley Family Subdivision Amend.	5 /10/2005
S-050-05	New Town Block 2 Parcel F BLA	5 /24/2005

D. EXPIRED

EXPIRE DATE

DEVELOPMENT REVIEW COMMITTEE ACTIONS REPORT

6/1/05

Case No. C-56-05

New Town Sections 2 & 4, Neighborhood Green Relocation

Mr. Greg Davis of Kaufman and Canoles applied on behalf of New Town Associates proposing to relocate the neighborhood green eastward on Discovery Park Boulevard with a building and parking lot to be constructed in the area of the old neighborhood green site. In addition, New Town Associates proposes that a 2.3 acre archaeological site in Section 7 would become an open space park when the property is rezoned. DRC action is necessary because the proposal involves an amendment to the New Town master plan for section 2 & 4.

DRC Action: The DRC approved by a vote of 3-0 that the proposed relocation of the Neighborhood Green as illustrated in the staff report does not significantly alter the character of land uses and approves the amendment to the New Town Section 2&4 master plan.

Case No. SP-6-05

Stonehouse- The Fairways

Mr. Ryan Stephenson submitted a site plan application proposing 16 units on 3.08 acres at 9720 Mill Pond Run. The site is further identified as parcel (1-12) on James City County Tax Map (5-3). Section 24-147 (a)(2) states that a site plan shall be considered by the DRC if there are unresolved problems between the applicant, adjacent property owners or any departmental reviewing agency.

DRC Action: The DRC granted preliminary approval subject to agency comments 3-0.

Case No. SP-41-05

W-JCC Third High School

Mr. Steve Rough submitted a site plan for the proposed third high school at 5700 Warhill Trail and 6750 Centerville Road. The site is further identified as parcels (1-12) and (1-13) respectively, on James City County Tax Map (32-1). DRC action is necessary because section 15.2-22.32 of the Virginia State Code requires Planning Commission review of this project. This code section states that no changes at a public facility shall be allowed unless the Planning Commission finds the changes "substantially" consistent with the adopted Comprehensive Plan. In addition, the proposed school facility exceeds 30,000 square feet.

DRC Action: The DRC found the proposal substantially consistent with the 2003 Comprehensive Plan and recommended preliminary site plan approval subject to agency comments. The DRC expressed concerns over the ability to expand the facility in the future and the limited number of on-site athletic facilities. The DRC requested that a meeting be scheduled with members of the W-JCC School Division and Moseley Architects to discuss these concerns prior to the public hearings for the rezoning and master plan for the site.

Case No. SP-42-05

Stat Services

Mr. Kenneth Jenkins submitted a site plan application proposing 12,000 square feet of office and warehouse space at 133 Powhatan Springs Road. The site is further identified as parcels (1-9) and (1-9A) on James City County Tax Map (46-2). DRC action is necessary because the proposed site plan varies from the original master plan for these parcels. Condition #2 for the special use permit associated with this development states that the development of the site plan shall be generally in accordance with the master plan with such minor changes as "the Development Review Committee determines does not change the basic concept or character of the development."

DRC Action: DRC found the proposal consistent with the master plan by a vote of 3-0.

Case No. SP-65-05**Williamsburg Indoor Sports Complex Expansion**

Mr. Marc Richardson of AES submitted a site plan application proposing a 24,600 square foot expansion of the existing WISC building at 5720 Warhill Trail. The site is further identified as parcel (1-12A) on James City County Tax Map (32-1). DRC action is necessary because the conditions for SUP-17-03 require DRC review of proposed changes to the Warhill Sports Complex Master Plan.

DRC Action: The DRC found the proposal to be consistent with the adopted Warhill Sports Complex Master Plan.

Case No. SP-66-05**Warhill Sports Complex, Basketball Facility**

Mr. Paul Tubach of the James City County Parks and Recreation Department, submitted a site plan proposing three outdoor basketball courts at 5700 Warhill Trail. The site is further identified as parcel (1-12) on James City County tax map (32-1). DRC review is necessary in accordance with Section 15.2-2232 of the Virginia State Code which requires Planning Commission review of any public area, facility, or use not shown on the adopted Comprehensive Plan. This code states that no facility shall be allowed unless the commission determines that the location, character, and extent of the facility is “substantially” in accord with the adopted Comprehensive Plan.

DRC Action: The DRC found the plan substantially in accordance with the Comprehensive Plan.

Case No. S-43-05/SP-51-05**Colonial Heritage Phase 3, Section 3**

Mr. Richard Smith, AES, submitted a site plan proposing 66 lots in Phase 3, Section 3 of Colonial Heritage at 6895 Richmond Road. The site is further identified as parcel (1-32) on James City County tax map (24-3). DRC action is necessary because more than 50 lots are proposed.

DRC Action: DRC recommended preliminary approval subject to agency comments and approval of the revised Colonial Heritage stormwater master plan by the Environmental Division.

**REZONING 4-05/SPECIAL USE PERMIT 7-05. Langley Federal Credit Union at New Town
Staff Report for the June 6, 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

Building F Board Room; County Government Center

Planning Commission: April 4, 2005, 7:00 p.m. (deferred)
May 2, 2005, 7:00 p.m. (deferred)
June 6, 2005, 7:00 p.m.
July 11, 2005, 7:00 p.m.

Board of Supervisors: July 26, 2005, 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant: Mr. Tom Horner, Langley Federal Credit Union

Land Owner: Philip Richardson Company, Inc.

Proposed Use: A 16,000 square-foot, two-story bank and office building with drive-through lanes

Location: 5220 Monticello Avenue
Berkeley District

Tax Map/Parcel: (38-4) (1-55)

Parcel Size: 2 acres

Existing Zoning: M-1, Limited Business/Industrial

Proposed Zoning: MU, Mixed Use

Comprehensive Plan: Mixed Use

Primary Service Area: Inside

Staff Contact: Tamara A. M. Rosario, Senior Planner

Phone: 253-6685

STAFF RECOMMENDATION

The applicant has requested deferral of this case to the July 11, 2005, Planning Commission meeting to allow the applicant more time to resolve proffer issues. Staff concurs with the request.

ATTACHMENT:

1. Deferral Request Letter

Jones, Blechman, Woltz & Kelly, P.C.
ATTORNEYS AND COUNSELORS AT LAW

May 31, 2005

Herbert V. Kelly

B. M. Millner

Ralph M. Goldstein

John T. Tompkins, III

Conway H. Sheild, III

Steven J. Lassen

David W. Otey

Herbert V. Kelly, Jr.

Richard B. Donaldson, Jr.

David W. Otey, Jr.

Michael B. Ware

Robyn H. Hansen

Leonard C. Heath, Jr.

Raymond H. Suttle, Jr.

Bryan H. Schenpf

Matthew W. Smith

Helena S. Mock

Daniel R. Quarles

Matthew D. Meadows

Lauren C. Baddar

Rebecca L. Shwayder

Steven C. Miller

Via Facsimile 253-6822

and First Class Mail

Tamara Rosario, Senior Planner

James City County Planning

Post Office Box 8784

Williamsburg, VA 23187

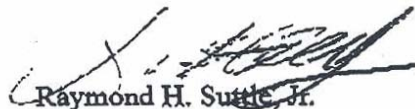
Re: Langley Federal Credit Union/New Town Development

Dear Tamara:

Pursuant to our telephone call and based upon the fact that there are still some outstanding issues with the proffers, we are hereby asking for a deferral from the June 6th Planning Commission meeting to the next Planning Commission meeting on July 11, 2005 with a Board of Supervisors meeting for July 26, 2005. Once again, I appreciate your cooperation and I am hopeful that we will be able to resolve the proffers within the next few days.

Very truly yours,

JONES, BLECHMAN, WOLTZ & KELLY, P.C.


Raymond H. Suttle, Jr.

RHSjr/acl

c: Thomas K. Horner via fax 825-7543

Alex Stern via fax 873-2525

Richard Costello via fax 220-8994

347796

Newport News Law Office
701 Town Center Drive
Suite 800

Newport News, VA 23606

phone: 757-873-8006

fax: 757-873-8103

email: raysuttle@jwbwk.com

www.jwbwk.com

100 Year Anniversary

REZONING CASE NO. Z-07-05: Jamestown Retreat
MASTER PLAN CASE NO. MP-05-05: Jamestown Retreat
Staff Report for the June 6, 2005, Planning Commission Public Hearing

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

PUBLIC HEARINGS

Planning Commission:

Building F Board Room; County Government Complex

May 2, 2005 at 7:00 pm (Deferred)

June 6, 2005 at 7:00 pm

July 11, 2005 at 7:00 pm

Board of Supervisors:

July 12, 2005 at 7:00 pm (Tentative)

SUMMARY FACTS

Applicant:

Tom Derrickson

Land Owner:

Norman and Helen Nixon Estate, Edward F. and Mamie Nixon,
and Helen N. Norman

Proposal:

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

Location:

1676 & 1678 Jamestown Road and 180 Red Oak Landing

Tax Map/Parcel

Parcels (1-36), (1-37), and (1-39) on tax map (47-3).

Parcel Size

16.5 acres

Proposed Zoning:

R-5, Multi-Family Residential

Existing Zoning:

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

Comprehensive Plan:

Low Density Residential

Primary Service Area:

Inside

STAFF RECOMMENDATION:

The applicant has requested deferral of this case until July 11, 2005 to further address comments and to submit proffers.

Staff Contact: Matthew Smolnik, Planner

Phone: 253-6685

Matthew J. Smolnik

Attachment:

1. Deferral letter

May 24, 2005
Via Hand Delivery

Matthew Smolnik
JCC Development Management
101-A Mounts Bay Rd
Williamsburg, VA 23187-8784

RE: Jamestown Retreat
AES Job No. 9462
JCC Case No. Z-07-05 and MP-05-05



Dear Mr. Smolnik:

The above referenced case is scheduled to be presented to the James City County Planning Commission at its public hearing scheduled for June 6, 2005. The applicant and its consultants are working diligently to respond to the various comments and provide proffers for your review. Accordingly, the applicant recognizes it is not likely to have addressed all comments in time to meet the June 6th, Planning Commission public hearing. Therefore, the applicant requests that any action on this case by the Planning Commission be deferred until the July 11th, 2005 Planning Commission meeting.

If you have any further questions, Please do not hesitate to call me at 757-253-0040.

Sincerely,
AES Consulting Engineers



Thomas W. Derrickson L.A.
Landscape Architect
tderrickson@aesva.com

cc: Vernon Geddy III (via fax)
Mike Brown (via fax)
James Peters
J. David Fuss (via mail)

S:\Jobs\9462\00-Jamestown Rd Condos\Wordproc\Document\946200-L02-def2.TWD.doc

REZONING-9-05/MASTER PLAN-6-05. Governors Grove at Five Forks
Staff Report for the November 1, 2004, Planning Commission Public Hearing

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

PUBLIC HEARINGS

Planning Commission:

Building F Board Room; County Government Complex

June 6, 2005, 7:00 p.m.

Board of Supervisors:

July 12, 2005, 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant:

Mr. Eric Nielsen, National Housing Corporation

Land Owner:

Five Forks Virginia, Inc. and E.H. Saunders, Trustee

Proposed Use:

Construction of 132 condominium units and 25,000 square feet of office/commercial

Location:

4310 and 4360 John Tyler Highway; 3181 and 3191 Ironbound Road

Tax Map and Parcel No.:

(46-2)(1-14), (46-2)(1-37), (47-1)(1-35), (47-1)(1-36)

Primary Service Area:

Inside

Parcel Size:

23.26 acres

Existing Zoning:

R-8, Rural Residential and B-1, General Business

Proposed Zoning:

MU, Mixed Use, with proffers

Comprehensive Plan:

Moderate Density Residential

Staff Contact:

Matthew D. Arcieri - Phone: 253-6685

STAFF RECOMMENDATION:

With the submitted proffers, staff finds the proposal will not negatively impact surrounding property. Staff also finds the proposal generally consistent with surrounding land uses, the Comprehensive Plan and the Primary Principles for Five Forks Area of James City County. Staff recommends the Planning Commission recommend approval of the rezoning and master plan applications and acceptance of the voluntary proffers.

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

Cash Proffer Summary (See staff report narrative and attached proffers for further details)	
Use	Amount
Water (CIP contribution)	\$790 per lot
CIP projects (including schools)	\$1,000 per lot
Powhatan Creek Restoration	\$500 per lot
Total Amount (2005 dollars)	\$302,280
Total Per Lot	\$2,290 per lot

Project Description

National Housing Corporation, has submitted an application to rezone 23.26 acres located on John Tyler Highway from R-8, Rural Residential and B-1, General Business, to MU, Mixed Use, with proffers. The property is bisected by John Tyler Highway into a northern portion of 14.93 acres and a southern portion of 8.33 acres.

If approved, the developer would construct a new multifamily housing complex on the northern portion. The development, to be known as Governor's Grove, would consist of up to 132, one, two- and three-bedroom condominiums. These units would be a for-sale product, sold at market rates. On the southern portion the developer proposes preserving 5.33 acres as permanent open space. The remaining two acres would be reserved for 25,000 square feet of office/commercial with access exclusively from Ironbound Road adjacent to the Zoom's Convenience Store.

Public Impacts

Archaeology

The County archaeological policy is proffered.

Environmental Impacts

Watershed: Powhatan Creek

Environmental

Proffers: Conservation Area: The applicant will preserve 5.33 acres of the property as permanent open space. This constitutes the entire southern frontage of John Tyler Highway. This piece of property will remain undisturbed in a permanent natural state. While normally preservation would be accomplished through a conservation easement dedicated to the County, the applicant has stated, for tax purposes, they do not wish to provide an easement. The open space is protected by the master plan and proffers.

Master Stormwater Management Plan: In order to address the recommendations of the Powhatan Creek Watershed Management Plan, the applicant has proffered to develop and implement a master stormwater management plan for the property.

Cash Contribution for Stream Restoration: For each unit a cash contribution of \$500 is proffered to be used for off-site stream restoration and stormwater management.

Staff Comments: The Environmental Division finds xxx

Public Utilities

Primary Service
Area (PSA): The site is inside the PSA and served by public water and sewer.

Public Utility
Proffers: Cash Contribution: For each unit a cash contribution of \$790 is proffered.

Water Conservation: Water conservation measures will be developed and submitted to the JCSA for review and approval prior to any site plan approval.

JCSA Comments: The JCSA has reviewed the proposal and concurs with the proffers and master plan as proposed.

Fiscal Impact

The applicant has provide a fiscal impact statement which is included as an attachment to this report. In summary, at buildout this project is expected to have an annual positive fiscal impact of \$24,400.

Proffers: Cash Contribution: For each unit a cash contribution of \$1,000 is proffered.

Staff Comments: The Department of Financial and Management Services concludes that annual revenues from the residential units would appear to cover projected annual revenue. Adding the modest projected fiscal benefit of the commercial/office the annual impact is projected to be positive or, at a minimum, break even.

Schools

Per the Adequate Public School Facilities Test policy adopted by the Board of Supervisors, all special use permit or rezoning applications should pass the test for adequate public school facilities. With respect to this test, the following information is offered by the applicant:

<i>School</i>	<i>Design Capacity</i>	<i>Program Capacity</i>	<i>Current Enrollment (9/30/2004)</i>	<i>Projected Students Generated</i>	<i>Enrollment + Projected Students</i>
Clara Byrd Baker Elementary	804	691	772	10	782
James Blair Middle	625	621	583	5	588
Jamestown High	1,250	1,250	1,451	6	1,457

Staff Comments: The applicant has proffered that 20% of the units will contain only one bedroom and therefore performed the above calculations based on 106 two and three bedroom units.

Although program capacity is exceeded at the elementary school, the adequate public schools facility test is based on design capacity. In addition, as part of the FY06 budget the Board of Supervisors approved construction of and eight elementary school. Therefore, the proposal passes the adequate public school test at the elementary school. The proposal passes for the middle school.

Although the capacity of Lafayette High School is clearly exceeded, the Adequate Public School Facilities Test states that if physical improvements have been programmed through the County CIP then the application will be deemed to have passed the test. On November 2, 2004 voters approved the third high school referendum and the new high school is scheduled to open in September 2007; therefore staff believes that this proposal passes for the high school.

Impacts to the John Tyler Highway Community Character Corridor

Overall this project proposes to preserve a significant portion of the Community Character Corridor through preservation of the southern portion of the site as permanent open space and through a 150 foot buffer along the northern portion of the site.

Early on in the rezoning staff identified preservation of the John Tyler Highway tree canopy as a primary concern for any development of this property. Staff has evaluated the impacts of the proposed turn lanes on the tree canopy. The right turn lane will be constructed on already cleared right-of-way and should not impact the adjacent tree canopy on the north side of John Tyler Highway. The left turn lane has been designed to impact the tree canopy on the south side of John Tyler in order to avoid exposing the power lines along the north side of John Tyler. Staff believes that the loss of trees along the southern property is acceptable as all of the adjoining site will not be developed and the proposal prevents the visual exposure of the power lines.

Traffic

According to the applicants traffic study, the residential portion of this property with access onto John Tyler Highway will generate approximately 1,452 trips per day with 110 a.m. peak hour vehicle trips and approximately 134 p.m. peak hour vehicle trips. The commercial portion with access onto Ironbound Road will generate approximately 330 trips per day with 47 a.m. peak hour vehicle trips and approximately 45 p.m. peak hour vehicle trips.

2003 Traffic

Counts: Ironbound Road: 8,336 vehicles per day; John Tyler Highway: 10,821 vehicles per day

2026 Volume

Projected: John Tyler Highway shows 12,000 vehicles per day on a two-lane road and is listed in the “watch” category in the 2003 Comprehensive Plan as the capacity for such roads is 13,000 vehicles. This portion of Ironbound Road is not listed in the 2003 Comprehensive Plan although the portion north of the intersection with John Tyler Highway is listed on the “watch” category.

Road

Improvements: The residential component of the property will require the construction of a 150' right turn lane with a 150' right turn taper and a 200' left turn lane with a 200' left turn taper. No improvements are required for the commercial property's entrance on Ironbound Road.

Traffic Proffers: Private Driveways: Roads internal to the project shall remain as private driveways - not VDOT streets.

Road Improvements: The proffers provide for the road improvements listed above and for only one entrance on the adjoining roads.

Cash Contribution to the Five Forks Intersection Improvements: The applicant has proffered their pro-rata share of the costs of the intersection improvements (\$36,341) recommended in the Primary Principles for the Five Forks Area adopted by the Board of Supervisors on September 28, 2004.

Limits on Commercial Development The applicant has proffered that no use will be permitted on the commercial property that exceeds the traffic projected in the traffic study. If a use with higher traffic is proposed, the applicant must provide an updated traffic study for review and approval by the County and VDOT. If the additional traffic exceeds the traffic caps adopted as part of the Primary Principles for Five Forks, the use would not be approved. The applicant has also proffered additional cash to compensate for the additional traffic.

VDOT Comments: VDOT concurs with the recommendations of the applicant's traffic study including recommended entrance improvements to the residential portion of the development. At the time of the writing of this report, VDOT continues to object to the commercial entrance and will limit it to a right in right out only.

Comprehensive Plan

The James City County Comprehensive Plan Land Use Map designates this property for Moderate Density Residential development. Moderate density areas are residential developments or land suitable for such developments with a minimum density of four dwelling units per acre, up to a maximum of twelve dwelling units per acre, depending on the character and density of surrounding development, physical attributes of the property, buffers, and the degree to which the development is consistent with the Comprehensive Plan. The location criteria for moderate density residential require that these developments be located within the PSA where utilities are available. Optimum sites are near the intersections of collector streets, have natural characteristics such as terrain and soil suitable for compact residential development, and provide sufficient buffering so that the higher density development is compatible with nearby development and the natural and wooded character of the County. These moderate density residential areas may serve as transitional uses, primarily to neighborhood commercial, general commercial, or mixed-use areas. The timing and density of development for a Moderate Density Residential site may be conditioned on the provision of least cost housing or the provision of open space. Suggested land uses include townhouses, apartments, attached cluster housing, and recreation areas.

Staff Comments: The proposal is consistent with the Land Use policies of the Comprehensive Plan.

Primary Principles for Five Forks

On September 28, 2004 the Board of Supervisors adopted the Primary Principles for the Five Forks Area of James City County. The Principles set forth specific recommendations for the Five Forks Area. This proposal addresses the following principles as follows:

Pedestrian Improvements: The proposal provides sidewalk connections on the northern property along John Tyler Highway to existing commercial property and to Ingram Road in conformance with the Five Forks sidewalk inventory. The proposal also proffers a 35 foot easement through the southern property. The Greenway Master Plan calls for the construction of a multi use trail in this easement eventually connecting Jamestown High School to Five Forks.

New Trip Thresholds: Trip generation thresholds presented in the Five Forks Area Study indicate the maximum number of vehicle trips that should be allowed within the Five Forks Area during either the AM or PM peak hours – with or without geometric improvements. The introduction of 157 new trips during the

AM peak results in the use of approximately 44.9% of the new trip threshold without geometric improvements and approximately 31.4% with geometric improvements. The introduction of 179 new trips during the PM peak results in the use of approximately 35.8% of the new trip threshold without geometric improvements and approximately 27.5% with geometric improvements.

Currently two other proposals have been reviewed or approved in the Five Forks Area (Oaktree Expansion, Ingram Road Office Building). When combined with the Governor's Grove proposal 42.9% of the intersection capacity (without improvements) has been used.

Environmental: The proposal sets aside 5.33 acres of the southern property as permanent open space. The applicant has proffered a stormwater master plan to implement the recommendations of the Powhatan Creek Watershed Management Plan.

Land Use: The proposal proffers architectural review by the Planning Director in accordance with the architectural guidelines contained in the principles. The project's overall residential density is 6.5 dwelling units per acres in accordance with the recommended maximum density for areas designated moderate density residential. Finally, the proposal protects the John Tyler Highway community character corridor through preservation of the property on the south side and the provision of a 150 foot buffer on the north property.

Staff finds that this proposal is consistent with the Primary Principles for Five Forks.

Buffer Waivers

The applicant has requested modification to perimeter setback requirements for the commercial parcel. Mixed Use districts require a fifty foot perimeter setback from all adjacent properties. Setbacks shall be left in an undisturbed state and/or planted with additional or new landscape trees, shrubs and other vegetative cover. It is possible to get a modification granted by the Planning Commission during the rezoning process if one or more of the criteria are met:

1. The proposed setback is for the purpose of integrating proposed mixed use development with adjacent development;
2. the proposed setback substantially preserves, enhances, integrates and complements existing trees and topography;
3. the proposed setback is due to unusual size, topography shape or location of the property or other unusual conditions, excluding proprietary interests of the developer.

The applicant's requests for setback modifications are summarized below:

1. Reduce the buffer adjacent the Zooms Convenience Store to 25 feet; and
2. Reduce the buffer adjacent to the open space parcel to 25 feet.

The reduced buffers will still substantially preserve existing vegetation on the site. In addition, the applicant has proffered architectural and landscape review by the Planning Director of any structures built on the site. With these provisions, staff recommends the Planning Commission approve the buffer reductions as proposed.

Conclusions

With the submitted proffers, staff finds the proposal will not negatively impact surrounding property. Staff also finds the proposal generally consistent with surrounding land uses, the Comprehensive Plan and the

Primary Principles for Five Forks Area of James City County. Staff also finds that the proposed open space will provide significant protection to the John Tyler Highway Community Character Corridor. Staff recommends the Planning Commission recommend approval of the rezoning and master plan applications and acceptance of the voluntary proffers.

Matthew D. Arcieri

Attachments:

1. Location map
2. Master Plan (under separate cover)
3. Community Impact Statement
4. Proffers
5. Primary Principles for the Five Forks Area of James City County

REZONING-9-05/MASTER PLAN-6-05. Governors Grove at Five Forks
Staff Report for the June 6, 2005, Planning Commission Public Hearing

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

PUBLIC HEARINGS

Planning Commission:

Building F Board Room; County Government Complex

June 6, 2005, 7:00 p.m.

July 11, 2005, 7:00 p.m.

Board of Supervisors:

August 9, 2005, 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant:

Mr. Eric Nielsen, National Housing Corporation

Land Owner:

Five Forks Virginia, Inc. and E.H. Saunders, Trustee

Proposed Use:

Construction of 132 condominium units and 25,000 square feet of office/commercial

Location:

4310 and 4360 John Tyler Highway; 3181 and 3191 Ironbound Road

Tax Map and Parcel No.:

(46-2)(1-14), (46-2)(1-37), (47-1)(1-35), (47-1)(1-36)

Primary Service Area:

Inside

Parcel Size:

23.26 acres

Existing Zoning:

R-8, Rural Residential and B-1, General Business

Proposed Zoning:

MU, Mixed Use, with proffers

Comprehensive Plan:

Moderate Density Residential

Staff Contact:

Matthew D. Arcieri - Phone: 253-6685

STAFF RECOMMENDATION:

The applicant is working to resolve outstanding proffer issues. Revised proffers were not submitted in accordance with County proffer policy and staff recommends deferral of this case until July 11, 2005.

Matthew D. Arcieri

REZONING-08-05. Williamsburg Wicker and Rattan Retail Center
Staff Report for the June 6, 2005, Planning Commission Public Hearing

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

PUBLIC HEARINGS

Planning Commission:

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

June 6, 2005

Board of Supervisors:

July 12, 2005 (tentative)

SUMMARY FACTS

Applicant:

Mr. Tom Derrickson of AES Consulting Engineers

Land Owner:

Oscar B. And Elva W. Harrell

Proposed Use:

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

Location:

7414 Richmond Road

Tax Map and Parcel No.:

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

Parcel Size:

1.13 acres

Proposed Zoning:

B-1, General Business District, with Proffers

Existing Zoning:

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

Comprehensive Plan:

Low Density Residential

Primary Service Area:

Inside

STAFF RECOMMENDATION:

The applicant has requested that the Planning Commission defer this case until the July 11, 2005 Planning Commission Meeting in order to allow more time to resolve outstanding issues. Staff concurs with the request.

Staff Contact:

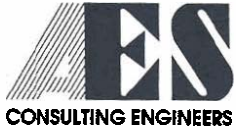
Ellen Cook

Phone: 253-6685

Ellen Cook

Attachments:

1. Deferral Letter



5248 Olde Towne Road, Suite 1, Williamsburg, VA 23188
614 Moorefield Park Drive, Richmond, VA 23236

(757) 253-0040

(804) 330-8040

www.aesva.com

May 12, 2005
Via Hand Delivery



Ms. Ellen Cook
JCC Development Management
101-A Mounts Bay Rd
Williamsburg, VA 23187-8784

RE: Williamsburg Wicker and Rattan Retail Center
AES Job No. 9556
JCC Case No. Z-08-05

Dear Ms. Cook:

The above referenced case is scheduled to be presented to the James City Planning Commission at its public hearing scheduled for June 6, 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. We are waiting for comments from James City Service Authority and the Virginia Department of Transportation. Without receiving all comments by today, the applicant recognizes it is not likely to have addressed all comments and produce draft proffers by the county submission deadline of May 17th for the June Planning Commission public hearing. Therefore, the applicant requests that any action on this case by the Planning Commission be deferred until the July 11, 2005 Planning Commission meeting to allow sufficient time to respond to all comments and draft suitable proffers.

If you have any further questions, Please do not hesitate to call me at 757-253-0040.

Sincerely,
AES Consulting Engineers

Thomas W. Derrickson L.A.
Landscape Architect
tderrickson@aesva.com

cc:
Vernon Geddy III (via fax)
Oscar Harrell (via fax)
James Peters

S:\Jobs\9556\00-7414 Richmond Rd\Wordproc\Document\95560-L02-def1.TWD.doc

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

Staff Report for the June 6, 2005, Planning Commission Public Hearing

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

PUBLIC HEARINGS

Planning Commission:

County Government Complex

June 6, 2005 - 7:00 p.m., Building F Board Room

Board of Supervisors:

August 1, 2005 - 7:00 p.m., Building F Board Room (Tentative)

SUMMARY FACTS

Applicant / Landowner: James City County

Proposed Use:

Williamsburg - James City County Third High School, Thomas Nelson Community College, and Future Commercial Development

Location:

6450 Centerville Road and 5700 Warhill Trail; Powhatan District

Tax Map and Parcel Nos.:

(32-1)(1-12) and (32-1)(1-13)

Primary Service Area:

Inside

Parcel Size:

± 155 acres

Existing Zoning:

PUD-C, Planned Unit Development - Commercial and M-1, Limited Business/Industrial, with Proffers

Proposed Zoning:

PUD-R, Planned Unit Development - Residential, and PUD-C, Planned Unit Development - Commercial, with amended Proffers

Comprehensive Plan:

Mixed Use

STAFF RECOMMENDATION:

Staff recommends deferral of the above referenced cases until the July 11, 2005, Planning Commission meeting to allow additional time to draft amended proffers for the property and resolve outstanding master plan issues.

Staff Contact:

Christopher Johnson

Phone: 253-6685

Christopher Johnson

Christy Parrish

From: Matthew Arcieri
Sent: Tuesday, May 31, 2005 4:14 PM
To: Christy Parrish
Subject: FW: Deferral Request

-----Original Message-----

From: Clarence Forehand [mailto:CForehand@sbsite.com]
Sent: Tuesday, May 31, 2005 4:02 PM
To: Matthew Arcieri
Subject: RE: Deferral Request

Matt:

Hopefully you can use this response as a request for deferral. Please defer indefinitely our application for a stealth tower site at the Christian Life Center on Longhill Road. Thank You.

C. E. Forehand
SBA Network Services

SPECIAL USE PERMIT 4-05. Christian Life Center Tower
Staff Report for June 6, 2005, Planning Commission Public Hearing

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

PUBLIC HEARINGS

Planning Commission:

Building F Board Room; County Government Center

April 4, 2005 7:00 p.m. (Deferred)

May 2, 2005 7:00 p.m. (Deferred)

June 6, 2005 7:00 p.m.

SUMMARY FACTS

Applicant:

C.E. Forehand, SBA Network Services

Land Owner:

Christian Life Center

Proposed Use:

Construction and operation of a 160 foot tall wireless communications facility.

Location:

4451 Longhill Road; Powhatan District

Tax Map/Parcel:

(32-3)(1-3)

Parcel Size:

18.87 acres

Existing Zoning:

R-8, Rural Residential

Comprehensive Plan:

Low Density Residential

Primary Service Area:

Inside

STAFF RECOMMENDATION

The applicant is pursuing by-right options for this tower and has requested indefinite deferral of this case.

Staff Contact:

Matthew Arcieri

Phone: 253-6685

Matthew D. Arcieri

Attachment:

1. Deferral Letter

Agricultural and Forestal District 7-86. Mill Creek – Andrews Addition
Staff Report for the June 6, 2005 Planning Commission Public Hearing

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

PUBLIC HEARINGS

Planning Commission: Building F Board Room; County Government Complex
June 6, 2005, 7:00 p.m.
Board of Supervisors: July 12, 2005, 7:00 p.m.

SUMMARY FACTS

Applicant: Eugene C. and Mary Andrews
Land Owner: Same
Tax Map ID: (9-4)(1-8N)
Area: 102.85 acres
Existing Zoning: A-1, General Agricultural
Proposal: Addition of 102.85 acres to the existing Mill Creek AFD
Location: 3408 North Riverside Drive
Comprehensive Plan: Rural Lands
Primary Service Area: Outside

STAFF RECOMMENDATION

The proposed addition meets the minimum area and proximity requirements for inclusion into an AFD and is consistent with surrounding zoning and development and the 2003 Comprehensive Plan. Staff recommends the Planning Commission recommend approval of the Andrews addition to the Mill Creek AFD subject to the conditions of the existing district. On May 26, 2005 the AFD Advisory Committee recommended approval of this application by a vote of 7-0.

Staff Contact: Matthew Arcieri Phone: 253-6685

History

In August of 2002 the Board of Supervisors renewed the Mill Creek AFD for a period of four years. The Andrews property is proposed to be added to the Mill Creek AFD. It is comprised of one parcel totaling 102.85 acres and further identified as Tax Map No. (9-4)(1-8N). The parcel is located off of North Riverside Drive. The existing Mill Creek AFD contains 3,187.43 acres. If the 102.85-acre addition is approved, the district will have 3,290.28 acres.

Public Impacts**Surrounding Zoning and Development**

The property is entirely surrounded by land zoned A-1, General Agricultural. While the property is adjacent the Eagle Tree Farms subdivision, a majority of the adjacent properties are wooded and undeveloped. The proposal is consistent with surrounding zoning and development.

Environmental

The parcel is a mix of woods and cultivated fields and includes one residence and one farm structure.

Utilities

Public water and sewer is unavailable.

Comprehensive Plan

The 2003 Comprehensive Plan designates this parcel as Rural Lands.

Staff Comments: The majority of parcels within the Mill Creek AFD are also designated Rural Lands. The first Comprehensive Plan rural land use standard calls for preserving the County's natural, wooded and rural character of the County. The Agricultural and Forestal District program supports this objective.

RECOMMENDATION:

The proposed addition meets the minimum area and proximity requirements for inclusion into an AFD and is consistent with surrounding zoning and development and the 2003 Comprehensive Plan. On May 26, 2005 the AFD Advisory Committee recommended approval of this application by a vote of 7-0. Staff recommends the Planning Commission recommend approval of the Andrews addition to the Mill Creek AFD subject to the conditions of the existing district which are as follows:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to 5 acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided, a). The subdivision does not result in the total acreage of the District to drop below 200 acres; and b). The subdivision does not result in a remnant parcel of less than 25 acres.
2. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land inside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996.

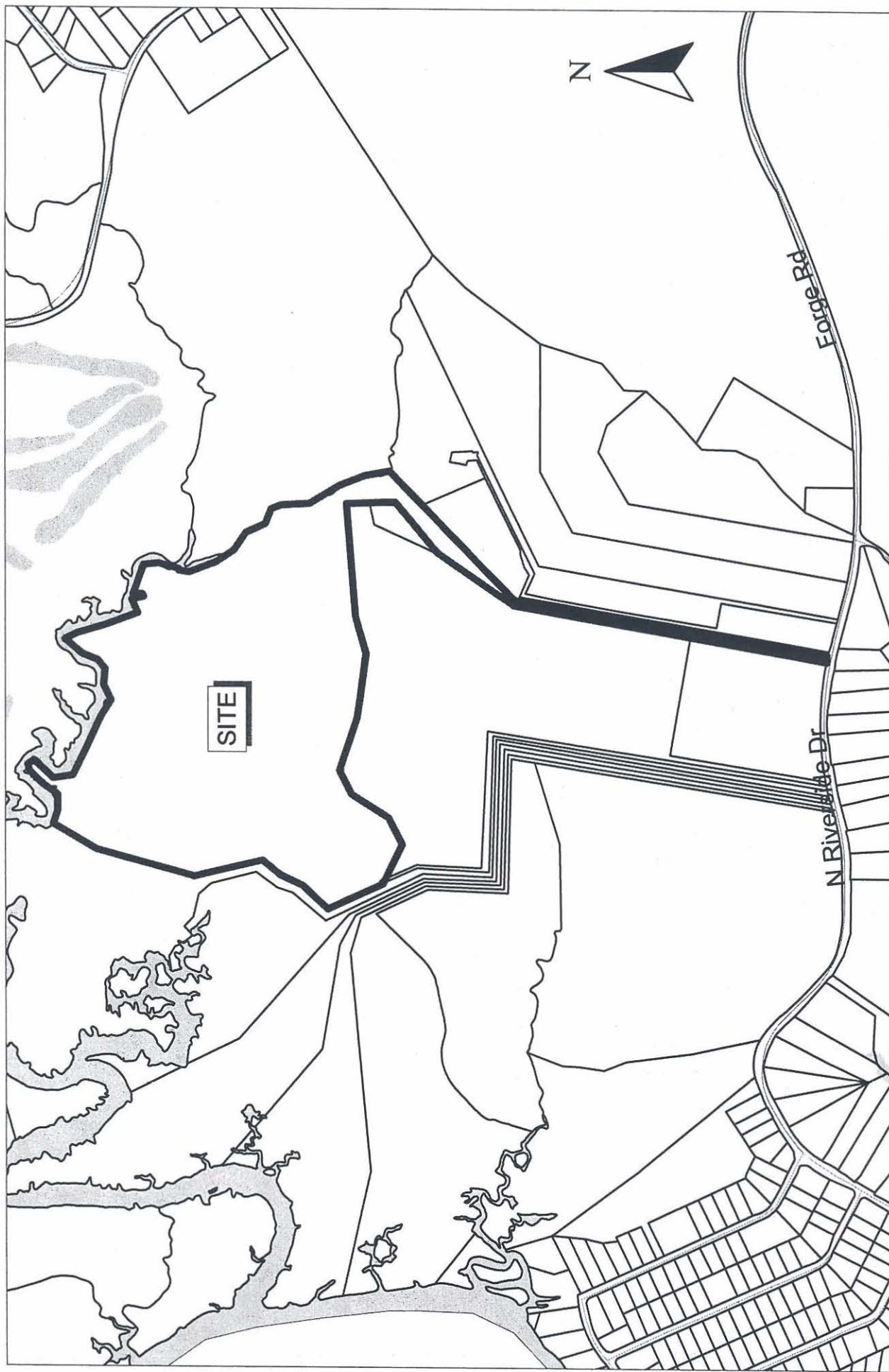
3. No special use permit shall be issued except for agricultural, forestal or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

Matthew D. Arcieri

Attachments:

1. Location Map
2. Minutes of the May 26, 2005 AFD Advisory Committee Meeting

AFD-7-86; Mill Creek: Andrews Addition



AT A MEETING OF THE AGRICULTURAL AND FORESTAL ADVISORY COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 26TH DAY OF MAY, TWO THOUSAND FIVE, AT 4:00 P.M. AT THE HUMAN SERVICES BUILDING, 5249 OLDE TOWNE ROAD, WILLIAMSBURG, VIRGINIA.

1. Roll Call

Members Present

Mr. Gilley
Mr. A. Bradshaw
Mr. Ford
Ms. Garrett
Ms. Lowe
Mr. Richardson
Ms. Smith

Members Excused

Mr. Meadows
Mr. Hunt
Mr. R. Bradshaw

Also Present

Mr. Matthew Arcieri
Mrs. Ellen Cook
Mr. Geoffrey Cripe

2. Minutes

Minutes from July 6, 2004 were approved on a motion by Mr. Andy Bradshaw, seconded by Mr. Ford.

3. Old Business

No old business was discussed.

4. Case Discussion

AFD-7-86 Mill Creek Agricultural and Forestal District- Andrews Addition

Mr. Arcieri gave the staff report and staff's recommendation of approval. Ms. Garrett inquired about the status of 3406 N. Riverside, the neighboring parcel to the south also owned by Mr. Andrews. Mr. Arcieri noted that the boundary line adjustment bringing the total acreage of that parcel up to 73.25 acres was approved but that the property had not yet been sold. Ms. Garrett asked if the property proposed for addition into the AFD was landlocked. Mr. Arcieri responded that there was 25 ft. of road frontage. Mr. Bradshaw asked for clarifications of the property's boundaries. Ms. Lowe clarified the amount of land proposed to be added as 102.85, not 87 acres. Ms. Garrett again inquired about the purpose of the boundary line adjustment of 3406. Mr. Arcieri summarized the approved adjustment noting that a smaller parcel fronting N. Riverside was combined with a larger parcel behind it. Ms. Garrett asked if 3406 N. Riverside could be subdivided. Mr. Arcieri answered that it can't be subdivided under minor subdivision requirements. There being no further discussion, and following a motion for approval by Mr. Ford and a second by Ms. Garrett, the Committee recommended approval by a vote of 7-0.

To: The Planning Commission
From: Matthew Arcieri, Senior Planner
Re: Permitting Fast Food Restaurants in Mixed Use Districts
Date: June 6, 2005

During its review of several recent mixed use cases, it has come to staff's attention that fast food restaurants are neither permitted nor specially permitted in the MU, Mixed Use Zoning District.

The James City County Zoning Ordinance Section 24-2 defines fast food restaurants as:

Any establishment whose principal business is the sale of pre-prepared and rapidly prepared food directly to the customer in a ready-to-consume state for consumption either at the restaurant or off premises.

Fast food restaurants are currently permitted by-right in the R-4, Residential Planned Community and B-1, General Business District. The James City County Zoning Ordinance Section 24-147 also requires that fast food restaurants be reviewed by the Development Review Committee.

Recommendations

1. The Policy Committee met on December 2, 2004 to review this matter in greater detail and on December 6, 2004 at the Policy Committee's recommendation, an initiating resolution was adopted by the Planning Commission to add this use as a special use permit in the mixed use district. The ordinance amendment has been advertised and prepared to reflect this action.
2. Staff recommends that the Zoning Ordinance be amended to permit fast food restaurants in the Mixed Use Zoning District with a special use permit. The purpose of the mixed use district is to promote a broad spectrum of land uses in more intensive development of lands. The mixed use district is designed to provide flexibility, unity and diversity in land planning and development resulting in convenient and harmonious groupings of uses, structures, and common facilities; varied type design and layout of residential, employment and social centers; and appropriate relationships of open spaces to intended uses and structures which include attractive and usable open space linked by pedestrian walkways and/or bicycle paths.

Staff believes that fast food restaurants are appropriate for inclusion in the mixed use district. The mixed use district is intended for more intensive development of the land. In addition, inclusion of this use satisfies the intention of the district to provide flexibility in land planning and development.

Given the higher traffic generation and other potential impacts of fast food restaurants (noise, lighting, late night operating hours), it is appropriate to include this use in the mixed use district with a special use permit. Through the special use permit process, the Planning Commission and Board of Supervisors will have a greater ability to review and mitigate these potential impacts on a site specific basis.

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


Matthew Arcieri

Attachment:

1. Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24 ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 15, MIXED USE DISTRICT, MU, SECTION 24-522, USES PERMITTED BY SPECIAL USE PERMIT ONLY.

BE IT ORDAINED, by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning is hereby amended and reordained by amending Section 24-522, Uses permitted by special use permit only.

Division 15. Mixed Use, MU

Section 24-522. Uses permitted by special use permit only.

Fast food restaurants

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of July, 2005.

MEMORANDUM

Date: June 6, 2005
To: The Planning Commission
From: Matthew D. Arcieri, Senior Planner
Subject: Case No. ZO-3-05, Zoning Fee Change

Attached for consideration is a proposed ordinance to increase the acreage fee for rezonings from \$50 to \$100 per acre, remove the \$15,000 cap on rezoning fees and to increase the fee for residential site review from \$60 to \$70 per unit. The changes are estimated to generate the \$30,000 in additional revenue included in the FY06 budget adopted by the Board of Supervisors to support Planning Division operations. A more detailed explanation of the fee increases, including a cost comparison for the rezoning fee change is attached.

RECOMMENDATION:

Staff recommends the Commission recommend approval of the proposed fee change.

Matthew D. Arcieri

Attachments:

1. Revised Ordinance
2. Alternate Fee Proposal Details

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-7, ADMINISTRATIVE FEES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Section 24-7, Administrative fees.

Chapter 24. Zoning

Article I. In General

Sec. 24-7. Administrative fees.

Fees shall be charged at the time of application to offset the cost of making inspections, issuing permits, advertising notices and other expenses incident to the administration of this chapter or to the filing or processing of any appeal or amendment thereto. The following fees shall be charged and collected at the time of application:

<u>Procedure</u>	<u>Fee</u>
(1) Rezoning.....	\$1,200.00 plus \$50.00 100.00 per acre, not to exceed \$15,000.00
(2) Applications for special use permits:	
a. Generally (General special use permits processed with..... a rezoning shall pay a rezoning fee only)	\$1,000.00 plus \$30.00 per acre, not to exceed \$5,000.00
b. Manufactured home on an individual lot.....	100.00
c. Family subdivision under section 24-214.....	100.00
d. Amendment to a special use permit.....	400.00
e. Wireless communications facilities under division 6	1,500.00

(3) Master plan review:

- a. Initial review of any Residential Cluster, R-4, Mixed Use or a PUD with less than 400 acres (PUD's with 400 acres or more shall pay a rezoning fee only) 200.00
- b. Revision of approved plan:
 - 1. Residential Cluster 75.00
 - 2. R-4, PUD, Mixed Use 150.00

(4) Site Plan Review:

a. Administrative review:

- 1. Residential structures or improvements, \$600.00, plus ~~\$60.00~~ **\$70.00** per residential unit.
- 2. Nonresidential structures or improvements, \$600.00, plus \$0.024 per sq. ft. of building area.
- 3. Mixed Use structures or improvements, \$600.00, plus ~~\$60.00~~ **\$70.00** per residential unit plus \$0.024 per sq. ft. of nonresidential building area.

b. Planning commission review:

- 1. Residential structures or improvements, \$1,800.00, plus ~~\$60.00~~ **\$70.00** per residential unit.
- 2. Nonresidential structures or improvements, \$1,800.00, plus \$0.024 per sq. ft. of building area.
- 3. Mixed Use structures or improvements, \$1,800.00, plus ~~\$60.00~~ **\$70.00** per residential unit plus \$0.024 per sq. ft. of nonresidential building area.

c. Amendment to an approved plan:

- 1. Residential structures or improvements, \$100.00, plus \$10.00 per residential unit.
- 2. Nonresidential structures or improvements, \$100.00, plus \$0.004 per sq. ft. of building area.
- 3. Mixed Use structures or improvements, \$100.00, plus \$10.00 per residential unit plus \$0.004 per sq. ft. of nonresidential building area.
- 4. Residential or nonresidential structures or improvements where the number of dwelling units or area of building area, pavement, or open space is not changed more than 15 percent, \$100.00.

d. Zoning administrator and fire department review only, \$20.00.

(5) Sign permits, \$5.00 per square foot of gross sign area.

(6) Appeals to the board of zoning appeals, \$250.00

(7) Application for a height limitation waiver to the board of supervisors, \$200.00

(8) Application for administrative variance, \$100.00

State law reference - Code of Va. § 15.2-2886(6).

Michael J. Brown
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of June, 2005.

Feeord2.ord

Alternate Proposal

A) Increase rezoning acreage fee from \$50 to \$100.

- Yields \$25,000 in additional revenue
- Based on rezoning of 500 acres in FY04
- Eliminates \$15,000 cap on rezonings

Rezoning: Current and Proposed Fee with Comparison to other Jurisdictions

Base	Acreage		10 acre rezoning	50 acre rezoning	150 acre rezoning
\$1,200	\$50	JCC	\$1,700	\$3,700	\$8,700
\$1,200	\$100	<i>Proposed JCC</i>	\$2,200	\$6,200	\$16,200
Flat Fee		Albemarle	\$1,020	\$1,570	\$1,570
\$2,800	\$95	Chesterfield	\$3,750	\$7,550	\$17,050
\$650	\$100	Hampton	\$1,650	\$5,650	\$15,650
\$1,200	\$45	Hanover	\$1,650	\$3,450	\$7,950
\$800	\$50	Henrico	\$1,300	\$3,300	\$8,300
\$200	\$150	Newport News	\$1,700	\$7,700	\$22,700
\$8,000	\$100	Stafford	\$9,000	\$13,000	\$23,000
\$500	\$20	Williamsburg	\$700	\$1,500	\$3,500
\$450	\$5	York	\$500	\$700	\$1,200

Current JCC fee: \$1200 + \$50/acre

Proposed fee: \$1200 + \$100/acre

B) Increase SP fee for residential units from \$60 to \$70.

- Yields \$5,000 in additional revenue
- Based on review of 500 units in FY04
- JCC currently charges \$70 per lot for subdivisions.

PLANNING DIRECTOR'S REPORT

June 2005

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

- Ordinance Amendments. The Planning Commission considered two ordinance amendments at its April 4, 2005 meeting. Case number ZO-2-05, which was approved, set forth in greater specificity the procedure to have a decision of the Zoning Administrator reviewed by the Board of Supervisors which pertains to conditions attached to a rezoning or zoning map amendment. This amendment was approved by the Board of Supervisors on April 26, 2005. Case number ZO-3-05, which was not approved by the Commission, raised site plan fees for nonresidential projects. This amendment was withdrawn and staff will be presenting a revised fee proposal at the May 2, Planning Commission meeting.
- Cash Proffers. The Board of Supervisors' appointed Cash Proffer Committee continued to meet throughout May and completed a draft policy. The Board will conduct a work session on the draft policy on June 28.
- Rural Lands. Staff continued to develop a methodology for assessing challenges to rural lands and specifically addressing rural residential clusters and minimum lot sizes outside the County's Primary Service Area (PSA). At a joint Planning Commission/Board of Supervisors work session on May 24, the Board confirmed its interest to amend the A-1 zoning ordinance.
- Virginia Capital Trail: Green Springs and Chickahominy River Phases. Staff continued to work with VDOT to move both projects forward. Bids are being sought for the Greensprings phase. Construction of both phases is targeted for summer/fall 2005. County staff were actively involved in right of way issues including securing the necessary Board of Supervisors and School Board approvals in May.
- 2007 Community Activities Task Force. The Task Force continued to meet in April to plan and coordinate community activities and beautification efforts.
- Corridor Steering Committee. The Committee continued to meet in May on the Jamestown Road demonstration project. The Committee held a kick-off event on May 17 for its grant incentive program to encourage property owners to enhance their buildings and grounds.
- Route 5 Chickahominy River Bridge Replacement. VDOT conducted a public information meeting at Jamestown High School on April 28 where it discussed its preferred alternative north of the exiting bridge. VDOT plans to advertise for bids August 2006.
- Route 60 Pocahontas Trail Relocation. VDOT conducted the Location Public Hearing on May 11 at James River Elementary School. VDOT presented two alternatives for the project: "No-Build" and "Corridor A." Corridor A consists of a new road that extends through the Greenmount Industrial Park, crosses Skiffs Creek into Newport News, then traverses the Oakland Industrial park and then connects to the Fort Eustis Boulevard/Route 60 interchange.
- Staffing. We are experiencing considerable transition as the summer begins. Chris Johnson, who has worked for the Planning Division for 8.5 years has accepted the newly created position of Senior Land Use Coordinator with the law firm of Kaufman and Canoles here in the greater Williamsburg Area. Chris will have his final day with us on June 17. Trey Davis, who has worked for the Division for 3 years has been accepted in the McDonough School of Business at Georgetown University where he will pursue his MBA. Trey will depart company with us in mid-August.

Leanne Reidenbach has started her new responsibilities as Development Management Assistant with the Planning Division. Leanne previously worked for the Division as an intern and she is a 2005 Phi Beta Kappa graduate of the College of William and Mary.

Cliff Copley has started his new job as Zoning Officer with the Division. Cliff is a lifetime resident of the Virginia Peninsula, a former star football player, and a 2004 graduate of James Madison University.

- New Town Cases. The New Town Design Review Board considered the following cases at its April 21st meeting:

Landscaping Resolution – Approved

William E. Wood panel color – 2x2 sample in selected color will be created

William E. Wood signage – Approved

Signage – Mixed Use Bank of American Building, Block 2 Tenant – Deferred

Lambert Corvette Building Resubmission – Approved

Resubmission GCR Mixed – Building materials approved; mechanical screening/fencing and landscaping plans to be resubmitted

Resubmission H & M Building – Approved

CD&A Multi-family Building Concept Plan, Block 8 – Approved

Resubmission Langley Federal Credit Union – Approved

Newport News Shipbuilding Employees Credit Union Building Concept Plan – Plans will be further developed and resubmitted

Resubmission Windsor Meade Marketplace 3 out parcel buildings and sign – Approved

New Town Phase V – Approved

Civic Green Concept Plan – Will be resubmitted

O. Marvin Sowers, Jr.