

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
OCTOBER 3, 2005 - 7:00 p.m.

1. ROLL CALL
2. MINUTES
 - A. September 12, 2005 Regular Meeting
 - B. May 24, 2005 Joint Work Session with Board of Supervisors
3. COMMITTEE AND COMMISSION REPORTS
 - A. Development Review Committee (DRC) Report
 - B. Other Committee Reports
4. PLANNING COMMISSION CONSIDERATION
 - A. S-91-04 Marywood Subdivision
5. PUBLIC HEARINGS
 - A. Z-6-05/MP-4-05 Warhill Tract
 - B. Z-12-05 Toano Business Center
 - C. Z-13-05 Village at Toano
 - D. Z-14-05/MP-11-05 Burnt Ordinary MP Amendment
 - E. Z-7-05/MP-5-05 Jamestown Retreat
 - F. Z-8-05 Williamsburg Wicker and Ratten
 - G. MP-9-05/SUP-21-05 Olde Towne Timeshares
 - H. SUP-28-05 New Dawn Assisted Living
6. PLANNING DIRECTOR'S REPORT
7. ADJOURNMENT

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE TWELFTH DAY OF SEPTEMBER, 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 | Marvin Sowers, Planning Director | Wilford Kale |
| | Don Hunt | Adam Kinsman, Assistant County Attorney | |
| | Jim Kennedy | Matthew Arcieri, Senior Planner | |
| | Mary Jones | Matthew Smolnik, Planner | |
| | George Billups | Toya Ricks, Administrative Services Coordinator | |

2. MINUTES

Ms. Jones corrected the spelling of “recused” on page 9.

Mr. Fraley motioned to approve the minutes as amended.

Ms. Jones seconded the motion.

In a unanimous voice vote the minutes were approved as amended (5-0). (Kale Absent)

3. COMMITTEE AND COMMISSION REPORTS

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. Fraley presented the report. The DRC considered six cases at its September 7th meeting. The Committee recommended preliminary approval, subject to agency comments for an overhead utility waiver at 3406 N. Riverside Drive, a sidewalk waiver for Phase 5 of The Villages at Powhatan, a site plan for a condominium unit building in New Town and a site plan for an aged restricted apartment complex at 4400 Ironbound Road. The DRC recommended that a subdivision plan for Stonehouse – Fairmount Sections 1 through 4 be found consistent with the Stonehouse Master Plan and recommended preliminary approval of a cul-de-sac exception for this development. A final recommendation on this case was deferred due to outstanding environmental issues. Finally the Committee deferred action on a site plan for Colonial Heritage Phase 4 due to outstanding environmental issues. The votes for all the cases were unanimous.

Mr. Kennedy motioned to approve the DRC’s report.

Ms. Jones seconded the motion.

In a unanimous voice vote the report was approved (5-0). (Kale Absent)

B. OTHER COMMITTEE REPORTS – None

4. ZO-5-05 INITIATING RESOLUTION- ZONING ORDINANCE AMENDMENT-AGED FACILITIES

Mr. Matthew Arcieri presented the staff report. He explained that an initiating resolution is required prior to the public hearing that will take place later in this meeting to consider a resolution to add facilities for the care and/or residence of the elderly to the R-8 District. Mr. Arcieri said this is a procedural matter and staff recommended approval.

Mr. Kennedy motioned to approve the resolution.

Mr. Fraley seconded the motion.

In a unanimous voice vote the resolution was approved (5-0). (Kale absent)

5. PUBLIC HEARINGS

- A. Z-6-05/MP-4-05 Warhill Tract
- B. Z-8-05 Williamsburg Wicker and Rattan
- C. MP-9-05/ SUP-21-05 Olde Towne Timeshares
- D. Z-7-05/MP-5-05 Jamestown Retreat
- E. Z-12-05 Toano Business Center

Mr. Hunt stated that the applicants for items 5-A through 5-E requested deferral of those cases until the October 3, 2005 Planning Commission meeting.

Mr. Hunt opened the public hearing.

Hearing no requests to speak, Mr. Hunt continued the public hearings to October 3rd.

F. AFD-5-86 Barnes Swamp – Toano Business Center, LLC Withdrawal

Mr. Matthew Arcieri presented the staff report. Mr. Michael Brown has applied to withdraw approximately 79.12 acres from the existing Barnes Swamp Agricultural & Forestal District (AFD). In April of 2005 a subdivision of this property into five lots was approved in conflict with the conditions of the AFD. The property is located at 11125 Old Stage Road and can be further identified as Parcels (5-1), (5-2), (5-3), (5-4) and (5-5) on the JCC Tax Map (4-1).

Staff found the proposal inconsistent with the criteria for withdrawal from AFDs outside the Primary Service Area (PSA), but did note that the use is consistent with the Comprehensive Plan and will not cause the Barnes Swamp AFD to be discontinued. Given the unusual circumstances behind the request staff had no major objections.

On September 6, 2005 the AFD Advisory Committee recommended denial of the application by a vote of 8-0 with one abstention.

Mr. Hunt opened the public hearing.

Mr. Carlye Ford, 319 Farmville Lane, represented the AFD Advisory Committee. The Committee found the proposal inconsistent with the guidelines established by the Board of Supervisors for withdrawal of property from an AFD outside the PSA. The Committee unanimously recommended denial.

Mr. Walter Dzula Jr., 12021 Old Stage Road, was concerned about the continued development in the area given the lack of public services. He said that both he and his uncle have had to install new wells. Mr. Dzula stated that overcrowded schools were another concern.

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

Mr. Billups stated that the AFD Advisory Committee was knowledgeable of the situation and that the Board of Supervisors had set forth the directions for any modifications; therefore it is up to the Board to approve or disapprove any changes. He said he will not override the AFD Committee or the Board of Supervisors.

Mr. Hunt asked when the district would come up for renewal.

Mr. Arcieri said August of 2006.

Mr. Kennedy confirmed that the property could be withdrawn at that time. He asked what steps had been taken to ensure that situations like this do not occur again.

Mr. Arcieri described the current procedure for making sure a property is not in an AFD as well as the additional measures that have been added.

Mr. Kennedy asked what financial obligations, if any, the applicant had committed to the project and if reimbursement by the County had been discussed.

Mr. Michael Brown said he had spent approximately \$3,000 to \$5,000 since Planning gave approval and that there had been no discussions about reimbursement. Mr. Brown also stated that should this case be denied he intended to develop the property next August.

Ms. Jones said that given the AFD Committee's strong recommendation for denial and that the project did not meet the full criteria for withdrawal she could not support the application.

Mr. Fraley stated that the Board of Supervisors has set a policy that discourages withdrawal of land during the term of the Districts, that the application does not meet two of the four criteria for withdrawal, and the AFD Committee gave a strong recommendation for denial. He said that for those three reasons he was unable to support the application.

Mr. Kennedy said the applicant had stated that he would still withdraw the land from the AFD in eleven months. He also said he was concerned due to the number of new planners and ensuring that mistakes like this don't happen again. Mr. Kennedy said that because of the policy that has been established he would have to say no. He also recommended that the Board of Supervisors come to some kind of financial agreement with the applicant.

Mr. Billups said that when property owners elect to be included in an AFD they should commit to the full four year term.

Mr. Ford stated that Mr. Brown did not place the property in the AFD, but that he purchased it afterwards.

Mr. Sowers stated that the motion was to recommend denial of the application.

In a unanimous roll call vote denial was recommended (5-0). AYE: (5) Hunt, Kennedy, Jones, Fraley, Billups; NAY: (0) (Kale absent)

G. SUP-27-05 Chickahominy Baptist Church Expansion

Mr. Matthew Smolnik presented the staff report. Ms. Marian J. Brown has applied for a Special Use Permit to construct a 5,800-square-foot addition to the existing Chickahominy Baptist Church building. The property is located at 2900 Chickahominy Road and may be further identified as parcel (1-9) on the JCC Tax Map (22-3). The property is zoned R-8, Rural Residential and is designated as Rural Lands by the JCC Comprehensive Plan.

Staff found the proposal consistent with the Comprehensive Plan and Land Use Map designation and compatible with surrounding zoning and development. Staff also believed the proposed conditions would sufficiently mitigate impacts and recommended approval of the application and attached conditions.

Mr. Billups asked if the proposal would trigger the need for additional parking.

Mr. Smolnik said that enough parking exists to accommodate full capacity.

Mr. Hunt opened the public hearing.

Ms. Marian Brown, 7272 Little Creek Dam Road, said the size of the existing church does not support their current ministries. Ms. Brown showed the proposed elevations and indicated the uses for the new spaces.

Mr. Corwin Hammond, 6120 Glenrose Dr., Suffolk, said the church has become a focal point in the community. He said the increased space will be used for youth and community programs.

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

Ms. Jones asked for an explanation of a Virginia Department of Transportation (VDOT) comment concerning the driveway.

Mr. Smolnik said the recommendation was made due to limited sight distance. He pointed to the current and suggested driveway locations on a location map.

Mr. Kennedy motioned to recommend approval of the application and attached conditions.

Mr. Fraley recognized church members in the audience and spoke about the good work they perform in the community. He seconded the motion.

In a unanimous roll call vote the application and attached conditions were recommended for approval (5-0). AYE: (5) Hunt, Kennedy, Jones, Fraley, Billups; NAY: (0). (Kale absent)

H. ZO-5-05 Zoning Ordinance Amendment – Aged Facilities

I. SUP-26-05 Williamsburg Landing Parking Addition

Mr. Matthew Arcieri presented the combined staff reports. Mr. Tim Trant has applied for an ordinance amendment and special use permit to permit the construction of an accessory parking lot at Williamsburg Landing. The Ordinance requires that accessory parking have the same zoning classification as the use it supports. The special use permit process allows for the ability to review and mitigate any potential negative impacts on a site specific basis. Staff found the use consistent with surrounding uses and the Comprehensive Plan and recommended approval.

Mr. Hunt opened the public hearings.

Mr. Tim Trant, Kaufman and Canoles, introduced himself, the applicant, and the engineer for the project. He made himself available for questions.

Mr. Billups questioned the appropriateness of considering the amendment request and special use permit together prior to the Board of Supervisors having an opportunity to act on the former.

Mr. Sowers explained the process. He said it is intended to save time for the applicant.

Hearing no other requests to speak, Mr. Hunt closed the public hearings.

Mr. Sowers indicated that a single motion would be made to recommend approval.

In a unanimous roll call vote ZO-5-05 Zoning Ordinance Amendment – Aged Facilities was recommended for approval (5-0). AYE: (5) Hunt, Kennedy, Jones, Fraley, Billups; NAY: (0). (Kale absent)

In a unanimous roll call vote SUP-26-05 the Williamsburg Landing Parking Addition was recommended for approval (5-0). AYE: (5) Hunt, Kennedy, Jones, Fraley, Billups; NAY: (0). (Kale absent)

6. PLANNING DIRECTOR'S REPORT

Mr. Marvin Sowers presented the report. He reminded the Commissioners of the opportunity to attend the Certified Planning Commissioners course this fall and spring.

7. ADJOURNMENT

There being no further business, the Planning Commission meeting was adjourned at 7:45 p.m.

Donald Hunt, Chairman

O. Marvin Sowers, Jr., Secretary

A JOINT WORK SESSION OF THE PLANNING COMMISSION AND BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE TWENTY-FOURTH DAY OF MAY, TWO-THOUSAND AND FIVE, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

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

ALSO PRESENT

Michael J. Brown, Supervisor Powhatan District
Jay T. Harrison, Sr., Supervisor Berkeley District
Bruce C. Goodson, Supervisor Roberts District
John J. McGlennon, Supervisor Jamestown District
M. Bradshaw, Supervisor Stonehouse District
Sanford B. Wanner, County Administrator
Leo P. Rogers, County Attorney
Don Davis, Principal Planner

2. DISCUSSIONS

A. The Role of the Planning Commission in Development Review

The Board of Supervisors and Planning Commission members discussed the role of the Planning Commission (PC) in the development review process, increased efforts to get information to citizens and to get citizens involved with the PC.

The Board requested that the PC consider land use issues in respect to the Comprehensive Plan, adopted policies, and Code requirements; provide input to the Board on how the PC views the impacts to the community; how deferral issues should be handled by staff and the PC; and guidelines used by the PC to make decisions about land use issues.

B. Balancing Residential and Non-Residential Development

The PC and the Board discussed the pace and balance of development in the County.

C. Purchase of Development Rights

The PC and the Board discussed the Board's commitment level to the Purchase of Development Rights program, the bond referendum to be considered by voters in November, and support for the program by citizens.

D. Rural Lands Study Status

Mr. Don Davis and the Board discussed the status of the Rural Lands study and desire of the Board to have a process that citizens can provide input into.

A timeline of seven to nine months was identified for the study, the Board requested that staff develop a Request for Proposal (RFP) that could move forward, and requested staff to present information on the objectives in the RFP.

3. ADJOURNMENT

There being no further business, the Joint Work Session of the Planning Commission and Board of Supervisors was adjourned at 5:30 p.m.

Donald Hunt, Chairman

O. Marvin Sowers, Jr., Secretary

**JAMES CITY COUNTY
DEVELOPMENT REVIEW COMMITTEE REPORT**

FROM: 9/1/2005 THROUGH: 9/30/2005

I. SITE PLANS

A. PENDING PRELIMINARY APPROVAL

SP-067-04	Treyburn Drive Courtesy Review
SP-077-04	George Nice Adjacent Lot SP Amend.
SP-093-04	Powhatan Plantation Ph. 9
SP-107-04	Noah's Ark Vet Hospital Conference Room
SP-108-04	Williamsburg Office Complex
SP-150-04	Abe's Mini Storage
SP-004-05	Longhill Grove Fence Amend.
SP-008-05	Williamsburg National Clubhouse Expansion
SP-009-05	Colonial Heritage Ph. 1, Sec. 4 SP Amend.
SP-021-05	Villages at Powhatan Ph. 5 SP Amend.
SP-043-05	4881 Centerville Second Tower (SP Amend.)
SP-047-05	D.J. Montague E.S. Trailer Amend.
SP-062-05	Greenmount-DCB LLC Storage
SP-064-05	TGI Friday's
SP-066-05	Warhill Sports Complex Basketball Facility
SP-071-05	Merrimac Center Parking Expansion
SP-076-05	Warhill Multiuse Trail
SP-079-05	Warhill Water Facility Improvements
SP-080-05	Stonehouse Water Facility Improvements
SP-086-05	JCC-Toano Convenience Center
SP-088-05	New Town - Block 8 Ph. 1B Amend. #2
SP-089-05	Stonehouse- Rt. 600 Utilities
SP-091-05	Truswood Property Soil Remediation
SP-093-05	The Pointe at Jamestown, Ph. 2 Amend.
SP-094-05	Homestead Garden Center
SP-095-05	New Town, Retail Ph. 3
SP-097-05	Stonehouse Presbyterian Church
SP-099-05	Williamsburg Landing SP Amend.
SP-100-05	Bay Aging
SP-101-05	Fairmont Pump Station
SP-103-05	Colonial Heritage Ph. 4
SP-104-05	Powhatan Plantation Maintenance Building
SP-105-05	New Town, Sec. 4, Block 10, Parcel C
SP-106-05	New Town Block 5 Dumpster Relocation
SP-107-05	Warhill - Eastern Pond Dam Renovations
SP-108-05	Settlement at Monticello (Hiden)
SP-111-05	TCS Materials- Office Renovation/Addition

Tuesday, September 27, 2005

Page 1 of 6

SP-112-05	College Creek Water Main
SP-113-05	New Town Block 6 & 7 Parcel E (Dental Bldg)
SP-115-05	Farm Fresh Fuel Express
SP-116-05	Cookes Garden Center
SP-119-05	Norge Neighborhood SP Amend. 2
SP-120-05	Haynes Distrubution Center Landscape Amend.
SP-121-05	Shops at Norge Crossing
SP-122-05	Titan Concrete
SP-123-05	Michelle Point

B. PENDING FINAL APPROVAL

EXPIRE DATE

SP-063-03	Warhill Sports Complex, Parking Lot Expansion	7 /12/2006
SP-110-04	Christian Life Center Expansion Ph. 1	12/6 /2005
SP-125-04	GreenMount Industrial Park Road Ph. 2	12/2 /2005
SP-135-04	Williamsburg Landing Parking Addition	4 /11/2006
SP-136-04	Stonehouse - Fieldstone Glen Townhomes	2 /7 /2006
SP-139-04	Colonial Heritage Ph. 3, Sec. 1	2 /7 /2006
SP-141-04	Carolina Furniture Warehouse	4 /6 /2006
SP-003-05	Williamsburg National- Golf Maintenance Facility	2 /28/2006
SP-006-05	Stonehouse - The Fairways	6 /6 /2006
SP-016-05	New Town, Retail Ph. 2	4 /6 /2006
SP-017-05	Williamsburg Community Chapel Expansion	8 /1 /2006
SP-024-05	Norge Water System Improvements	4 /8 /2006
SP-026-05	Williamsburg Plantation, Sec. 10 Amend.	4 /14/2006
SP-028-05	Oaktree Office & Airtight Self Storage Expansion	5 /2 /2006
SP-031-05	7839 & 7845 Richmond Road Office/Retail	8 /23/2006
SP-035-05	Baylands Federal Credit Union	8 /1 /2006
SP-041-05	Warhill - Third High School	5 /13/2006
SP-042-05	STAT Services, Inc.	6 /6 /2006
SP-051-05	Colonial Heritage Ph. 3, Sec. 3	6 /6 /2006
SP-053-05	New Town, Ph. 5, Sec. 4 Roadway	6 /14/2006
SP-060-05	Warhill - Community Sports Stadium Improvements	5 /27/2006
SP-061-05	Warhill - Centerville Road / Route 60 Improvements	5 /13/2006
SP-068-05	New Town, Block 3 SP Amend.	6 /15/2006
SP-069-05	Baseball Field Drainage for JHS- SP Amend.	9 /6 /2006
SP-070-05	St. Bede Church Dam Improvement Plan	7 /1 /2006
SP-073-05	Jeanne Reed's Office/Warehouse	6 /7 /2006
SP-084-05	New Town - Block 8, Parcel E	9 /12/2006
SP-087-05	Archaearium at Historic Jamestowne Amend	8 /1 /2006
SP-102-05	LaGrange Pkwy and Rt 600 to Rt 606	9 /26/2006
SP-109-05	5791 Centerville Cingular Tower	9 /21/2006

C. FINAL APPROVAL

DATE

SP-007-05	Stonehouse - Clubhouse Point	9 /22/2005
SP-030-05	Wedmore Place at Williamsburg Winery	9 /23/2005

SP-032-05	New Town, Village Square	9 /19/2005
SP-067-05	WindsorMeade Marketplace, Outparcels 9-11	9 /7 /2005
SP-082-05	Warhill- Western Pond Dam Renovations	9 /19/2005
SP-110-05	Prime Outlets- Ph. 5B Sheds	9 /9 /2005
SP-117-05	5111 Dorset Mews Patio Enclosure	9 /9 /2005
SP-118-05	5350 Gardner Court Deck Enclosure	9 /9 /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-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-118-04	Jordan Family Subdivision
S-121-04	Wellington Public Use Site
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-039-05	Hofmeyer Limited Partnership
S-042-05	Toano Business Centre, Lots 5-9
S-044-05	Colonial Heritage Road & Sewer Infrastructure
S-057-05	Croaker Road Subdivision
S-059-05	Peleg's Point, Sec. 6
S-065-05	Argo Subdivision
S-066-05	8739 Richmond Rd Subdivision
S-073-05	Forest Glen Lot 4 Sec. 1
S-075-05	Racefield Woods Lots 5A-5E
S-076-05	Racefield Woods Lots 5E-5I
S-078-05	Fairmont Subdivision Sec. 1- 4 (Stonehouse)
S-079-05	Colonial Heritage Ph. 4
S-080-05	Brantley BLA
S-081-05	New Town, Sec. 6, Parcel 2 BLE
S-082-05	Fernandez BLA
S-083-05	Curry Revocable Trust
S-085-05	Haven Landing Ph. 1
S-086-05	Haven Landing Ph. 2
S-087-05	New Town, Block 9, Parcel B
S-090-05	Powhatan Secondary Ph. 7C
S-091-05	Windmill Meadows
S-092-05	8879 Barnes Road Subdivision
S-094-05	Warhill Tract Parcel 1

B. PENDING FINAL APPROVAL**EXPIRE DATE**

S-044-03	Fenwick Hills, Sec. 3	6 /25/2006
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-059-04	Greensprings West Ph. 6	9 /13/2006
S-063-04	123 Welstead Street BLE	4 /25/2006
S-074-04	4571 Ware Creek Road (Nice Family Subdivision)	12/21/2005
S-075-04	Pocahontas Square	9 /16/2006
S-080-04	Williamsburg Winery Subdivision	12/6 /2005
S-087-04	Dudley S. Waltrip Family Subdivision	10/12/2005
S-090-04	Minichiello Villa	10/21/2005
S-111-04	Colonial Heritage Ph. 3, Sec. 1	2 /7 /2006
S-115-04	Brandon Woods Parkway ROW	9 /16/2006
S-002-05	The Pointe at Jamestown Sec. 2B	2 /18/2006
S-003-05	Waterworks & S. Clement BLA	2 /23/2006
S-015-05	Colonial Heritage Ph. 3, Sec. 2	4 /27/2006
S-038-05	Bruce's Super Auto Body	5 /13/2006
S-043-05	Colonial Heritage Ph. 3, Sec. 3	6 /6 /2006
S-045-05	Greensprings West Ph. 4B & 5	6 /14/2006
S-047-05	Colonial Heritage Ph. 2, Sec. 1 Lots 14-73	6 /14/2006
S-048-05	Waltrip BLA	6 /10/2006
S-052-05	2050 Bush Neck Subdivision	6 /14/2006
S-053-05	Kingsmill-Spencer's Grant	7 /11/2006
S-054-05	Williamsburg Landing/Waltrip BLA	7 /14/2006
S-055-05	Dandridge BLE	7 /5 /2006
S-060-05	Oaktree Office Park BLE	8 /18/2006
S-062-05	New Town, Main St. Block 1, 2, & 3	8 /3 /2006
S-063-05	John Barry Davidson BLE	7 /6 /2006
S-064-05	Stonehouse Commerce Park, Sec. D, Parcels A & B	7 /21/2006
S-067-05	136 Magruder- Sadie Lee Taylor	8 /2 /2006
S-068-05	New Town - Block 10 Parcels B, C & D	7 /29/2006
S-071-05	Gordon Creek BLA	8 /2 /2006
S-074-05	James River Commerce Center Parcels 1A, 1B, 6, 9	8 /10/2006
S-077-05	Scott's Pond Sec. 3C	8 /19/2006

C. FINAL APPROVAL**DATE**

S-119-04	The Retreat Ph. 2	9 /8 /2005
S-017-05	Polk Estates	9 /12/2005
S-033-05	3918 Rochambeau Drive Family Subdivision	9 /12/2005

S-051-05	Ripley Property Subdivision
S-070-05	Benjamin Hogge Family Subdivision
S-093-05	New Town, Block 2 Parcel C

9 /8 /2005
9 /2 /2005
9 /19/2005

D. EXPIRED

EXPIRE DATE

MEMORANDUM

DATE: October 3, 2005
TO: The Planning Commission
FROM: Matthew Arcieri, Senior Planner
SUBJECT: S-91-04, Marywood

On September 27, 2005 the James City County Board of Supervisors considered the appeal of the Planning Commission decision on the above referenced case. The Board by a unanimous vote referred this matter back to the Commission with instructions to clearly identify deficiencies in the plan which cause the disapproval by reference to specific duly adopted ordinances, regulations or policies and to identify modifications or corrections that will permit approval of the plan.

Staff is prepared to help the Commission address these instructions and recommends the the Commission refer it to the Development Review Committee for consideration. This will allow time for staff, the applicant and the DRC to explore all options and to better address the instructions of the Board.

Matthew D. Arcieri

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

Staff Report for the October 3, 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

October 3, 2005 - 7:00 p.m.

November 7, 2005 - 7:00 p.m.

Board of Supervisors:

December 13, 2005 - 7:00 p.m.

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 November 7, 2005, Planning Commission meeting to allow additional time to draft amended proffers for the property and resolve outstanding master plan issues.

Staff Contact:

Matthew Arcieri

Phone: 253-6685

Matthew Arcieri

REZONING 12-05. Toano Business Center
Staff Report for the October 3, 2005, Planning Commission Public Hearing

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

PUBLIC HEARINGS

Planning Commission:

Building F Board Room; County Government Complex

August 1, 2005 (deferred) 7:00 p.m.

September 12, 2005

October 3, 2005

Board of Supervisors:

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

SUMMARY FACTS

Applicant:

Mr. Vernon Geddy

Land Owner:

Toano Business Center, L.L.C.

Proposal:

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

Location:

9686 and 9690 Old Stage Road

Tax Map/Parcel Nos.:

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

Parcel Size:

21.23 acres

Existing Zoning:

A-1, General Agricultural District

Proposed Zoning:

MU, Mixed Use, with Proffers

Comprehensive Plan:

Mixed Use and Low Density Residential

Primary Service Area:

Inside

STAFF RECOMMENDATION

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

Staff Contact: Ellen Cook

Phone: 253-6685

Ellen Cook

ATTACHMENTS:

1. Deferral Letter

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

ATTORNEYS AT LAW

1177 JAMESTOWN ROAD

WILLIAMSBURG, VIRGINIA 23185

TELEPHONE: (757) 220-6500

FAX: (757) 228-5342

MAILING ADDRESS:

POST OFFICE BOX 579

WILLIAMSBURG, VIRGINIA 23187-0579

email: vgeddy@widomaker.com

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

ANDREW M. FRANCK
RICHARD H. RIZK

September 28, 2005

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

Re: Moss Creek Commerce Centre at Stonehouse/Z-12-05

Dear Ellen:

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

Very truly yours,

GEDDY, HARRIS, FRANCK & HICKMAN, LLP



Vernon M. Geddy, III

VMG/ch

Cc: Mr. Michael C. Brown

REZONING Z-13-05, Village at Toano

Staff Report for September 12, 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

Planning Commission:

Building F Board Room; County Government Center

October 3, 2005

7:00 p.m.

Board of Supervisors:

November 8, 2005 (tentative)

7:00 p.m.

SUMMARY FACTS

Applicant:

Vernon Geddy III, Geddy, Harris, Franck & Hickman, L.L.P.

Land Owner:

Jessica D. Burden, Rose Bunting, Elsie Ferguson, and Jack Ferguson

Proposed Use:

Construction of 94 town home units

Location:

3126 Forge Road

Tax Map/Parcel:

(12-3) (1-10)

Parcel size:

20.881 acres

Existing Zoning:

A-1, General Agricultural

Proposed Zoning:

R-5, Multi-family Residential, with proffers

Comprehensive Plan:

Moderate Density Residential and Low Density Residential

Primary Service Area:

Yes


STAFF RECOMMENDATION

The applicant has requested deferral of this case until November 7, 2005 in order to resolve various issues associated with the case and proffers. Staff concurs with this request.

Staff Contact:

Jason Purse

Phone: 253-6685



Jason Purse

ATTACHMENTS:

1. Deferral Letter

LANDMARK DESIGN GROUP

September 20, 2005



Mr. O. Marvin Sowers
Planning Director
James City County
P.O. Box 8784
Williamsburg, VA 23187-8784

Re: Case No. Z-13-05
Village at Toano

Dear Marvin,

On behalf of our client, WRM Ventures, we hereby request deferral of the above referenced case from the October 3, 2005 Planning Commission meeting to the November 7, 2005 meeting. If you have any questions or need additional information, please feel free to contact me.

Sincerely,

The LandMark Design Group, Inc.

Phillip D. Merritt, L.A., ASLA
Associate

PDM/tmp

Copy: 2003077

**REZONING-14-05/ MASTER PLAN-11-05, Burnt Ordinary Master Plan Amendment
Staff Report for October 3, 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

Planning Commission:

Board of Supervisors:

Building F Board Room; County Government Center

October 3, 2005

7:00 p.m.

November 8, 2005 (tentative)

7:00 p.m.

SUMMARY FACTS

Applicant:

Vernon Geddy III of Geddy, Harris, Franck & Hickman, L.L.P.

Land Owner:

Burnt Ordinary Associates, L.P., Beverly P. Kelly, Mary Mitchell

Proposed Use:

Construction of a mixed use village style commercial center

Location:

7858 Richmond Road, 7856 Richmond Road, 7866 Richmond Road, 7848 Richmond Road, and 3290 and 3336 Toano Drive, Toano, VA

Tax Map/Parcel:

(12-4)(2-11), (12-4)(1-26C), (12-4)(1-26E), (12-4)(2-20), (12-4)(2-14), (12-4)(2-15)

Parcel size:

11 acres

Existing Zoning:
Business/

PUD (R) - Planned Unit Development Residential and M-1-Limited Industrial District.

Proposed Zoning:

Mixed Use

Comprehensive Plan:

Mixed Use

Primary Service Area:

Yes

STAFF RECOMMENDATION

The applicant has requested deferral of this case until November 7, 2005 in order to resolve various issues associated with the case and proffers. Staff concurs with this request.

Staff Contact:

Jose Ribeiro

Phone: 253-6685

Jose Ribeiro

ATTACHMENTS:

1. Deferral Letter

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

ATTORNEYS AT LAW
1177 JAMESTOWN ROAD
WILLIAMSBURG, VIRGINIA 23185
TELEPHONE: (757) 220-8500
FAX: (757) 229-5342

MAILING ADDRESS:
POST OFFICE BOX 579
WILLIAMSBURG, VIRGINIA 23187-0579

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

ANDREW M. FRANCK
RICHARD H. RIZK

September 27, 2005

Jose-Ricardo Ribeiro
James City County Planning
Division
101-A Mounts Bay Road
Williamsburg, Virginia 23185

Re: Z-14-05/MP-11-05

Dear Jose:

I am writing on behalf of the applicant to request that the Planning Commission defer consideration of this case at its October meeting to allow us to continue to work with you on outstanding issues in the case.

Very truly yours,

GEDDY, HARRIS, FRANCK & HICKMAN, LLP



Vernon M. Geddy, III

VMG/ch
Cc: Mr. Henry Stevens

REZONING-07-05. Jamestown Retreat
MASTER PLAN-05-05. Jamestown Retreat
HEIGHT WAIVER-03-05. Jamestown Retreat
Staff Report for the October 3, 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:	October 3, 2005	7:00 p.m.
Board of Supervisors:	November 8, 2005	7:00 p.m. (tentative)

Building F Board Room; County Government Complex

SUMMARY FACTS

Applicant:	Mr. Vernon Geddy, III on behalf of Michael C. Brown Ltd
Land Owner:	Edward T. and Mamie Nixon, and Hazel Richardson
Proposal:	The applicant has proposed to rezone three parcels of land and to construct seven 3-story buildings containing a total of 84 age restricted condominium units at a density of 5.6 dwelling units per acre.
Location:	1676 & 1678 Jamestown Road and 180 Red Oak Landing
Tax Map/Parcel Nos.:	(47-3) (1-36), (47-3) (1-37) and (47-3) (1-39)
Parcel Size:	16.5 acres
Existing Zoning:	LB, and R-2, Limited Business and General Residential
Proposed Zoning:	R-5, Multi-Family Residential
Comprehensive Plan:	Low Density Residential
Primary Service Area:	Inside

STAFF RECOMMENDATION

The applicant has requested that this case be deferred until the November 7, 2005 Planning Commission meeting.

Staff Contact: Matthew J. Smolnik

Phone: 253-6685

Matthew J. Smolnik

ATTACHMENTS:

1. Deferral letter from the applicant

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

ATTORNEYS AT LAW

1177 JAMESTOWN ROAD

WILLIAMSBURG, VIRGINIA 23185

TELEPHONE: (757) 220-6500

FAX: (757) 229-5342

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

ANDREW M. FRANCK
RICHARD H. RICK

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

email: vgeddy@widomaker.com

September 28, 2005

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

Jamestown Retreat/Z-007-05

Dear Matt:

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

Sincerely,


Vernon M. Geddy, III

REZONING 8-05. Williamsburg Wicker and Rattan Retail Center

Staff Report for the October 3, 2005, Planning Commission Public Hearing

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

PUBLIC HEARINGS

Planning Commission:

Building F Board Room; County Government Complex

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

July 11, 2005 (deferred)

August 1, 2005 (deferred)

September 12, 2005 (deferred)

October 3, 2005

Board of Supervisors:

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

SUMMARY FACTS

Applicant:

Mr. James Peters of AES Consulting Engineers

Land Owner:

Oscar B. and Elva W. Harrell

Proposal:

8,200+/- SF Retail; 4,500+/- SF Storage; Existing 2,400+/- SF Single Family/Caretaker Unit

Location:

7414 Richmond Road

Tax Map/Parcel Nos.:

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

Parcel Size:

1.13 acres

Existing Zoning:

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

Proposed Zoning:

B-1, General Business District, with Proffers

Comprehensive Plan:

Low Density Residential

Primary Service Area:

Inside

STAFF RECOMMENDATION

Staff finds the proposal to be compatible with surrounding land uses, and the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of the Rezoning application with the voluntary proffers.

Staff Contact: Ellen Cook

Phone: 253-6685

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
JCSA Sewer Contribution	\$1.53/Gallons Per Day - Daily Flow Calculation
Total Amount (2005 dollars)	Proffered to be calculated at development plan stage and paid prior to final site plan approval.

PROJECT DESCRIPTION

Mr. James Peters has submitted an application to rezone 1.13 acres of land from B-1, General Business District and A-1, General Agricultural District to B-1, General Business District, with proffers. The applicant proposes approximately 8,200 square feet of retail space and approximately 4,500 square feet of storage warehouse. The site already has an existing single family detached house.

PUBLIC IMPACTS

Archaeology

Proffers:

- None

Staff Comments: Due to the small size of the parcel, the likelihood of previous disturbance given the parcel's location, and the fact that the parcel is not in an archaeologically sensitive area, the applicant has not proffered adherence to the County's Archaeological Policy. Staff concurs.

Environmental

Watershed: Yarmouth Creek

Proffers:

- None

Staff Comments: Environmental Staff has no major comments on the narrative and master plan drawing as submitted for the rezoning.

Public Utilities

Proffers:

- Development of Water Conservation Standards
- Cash Contribution for Sewer System Improvements

Staff Comments: JCSA Staff has noted minor technical comments to be addressed at the time of development plan submittal.

Schools

There is one existing house on the site. According to the applicant's information this house may generate a total of 0.5 schoolchildren.

Transportation

The applicant proposes to take access to the development from Peninsula Street.

2005 Traffic Counts: The 2005 Traffic Count for the section of Richmond Road between Croaker Road and Lightfoot Road was 18,770; this represents a .31% decrease since the last count in 2003.

2026 Volume Projected: The projected 2026 volume for Richmond Road between Croaker Road and Centerville Road is 33,500.

Road Improvements: No improvements are proposed.

Proffers:

- None

VDOT Comments: VDOT Staff find that the traffic generated by the proposed rezoning will not adversely impact the existing roadway network, and that no improvements to the existing roadway are warranted at this time.

COMPREHENSIVE PLAN

Land Use Map Designation

The property is designated Low Density Residential by the Comprehensive Plan. Examples of acceptable land uses within this designation include single family homes, duplexes, and cluster housing, recreation areas, schools, churches, community-oriented public facilities, and very limited commercial establishments. Non-residential uses should not alter, but rather, complement the residential character of the low-density residential area in which they are located.

Other Considerations

Community Character

The property is within the Norge Community Character Area and is located on Richmond Road, a Community Character Corridor. The Comprehensive Plan lists specific design standards for the Norge Community Character Area which include: the architecture, scale, materials and color of buildings should complement the historic character of the area; building setbacks should be consistent with nearby historic buildings; and parking should be located to the rear of buildings.

Proffers and/or Master Plan Elements

- Certain uses that would otherwise be permitted by-right in B-1 have been “proffered-out”; these proffered-out uses are typically associated with greater impacts such as high traffic generation, and greater noise and lighting impacts.
- Final architectural plans shall be in accordance with the elevations prepared and submitted with this application.
- A landscape plan approved by the Planning Director.
- Preservation of the Henry Home, a structure at the heart of historic Norge.
- Screening of dumpsters and mechanical equipment.
- Provision of sidewalks and other pedestrian features.

Staff Comments: In terms of the Land Use Designation, staff finds that the primary proposed use (retail) would currently be permitted by-right under the existing B-1 zoning designation. The rear of the site, which is currently zoned A-1, is the only portion of the site receiving a new zoning designation through this rezoning application. This rear portion is proposed to retain the existing single family house and to add a storage warehouse. Staff finds that overall the proposed non-residential uses, with the proposed proffers, would not significantly alter, but rather, complement the residential character of the area in which they are located. The site is primarily surrounded by existing nonresidential uses. Site layout, building design and retention of the Henry Home reduce impacts on nearby residences. Staff therefore finds that the proposal is generally compatible with the Low Density Residential Designation. In terms of Community Character, staff finds that with the proposed proffers and binding Master Plan, the applicant has satisfactorily addressed many of the specific design standards for the Norge Community Character Area and that the proposed retail building will be an enhancement to the Richmond Road frontage of the Norge Community Character Area.

SETBACK MODIFICATIONS

In conjunction with the rezoning application, the applicant has submitted a letter requesting setback modifications from Section 24-393 of the Zoning Ordinance. Specifically, the applicant is proposing a reduced front setback from Richmond Road, from Peninsula Street Northeast, and from Peninsula Street Northwest.

Staff Comments: The ordinance states that the Development Review Committee (rather than the Planning Commission as specified in other districts) is the body which can grant the setback reductions. Staff believes the setback reductions are necessary to achieve the Community Character Area objectives stated above and recommends that they be approved by the DRC. This case is scheduled for consideration at the September 28, 2005 DRC meeting; should the DRC grant the setback reductions, staff has recommended that these be contingent upon Planning Commission and Board of Supervisors approval of the rezoning application. A copy of the DRC report is attached, and staff will provide an update at the Planning Commission meeting.

RECOMMENDATION

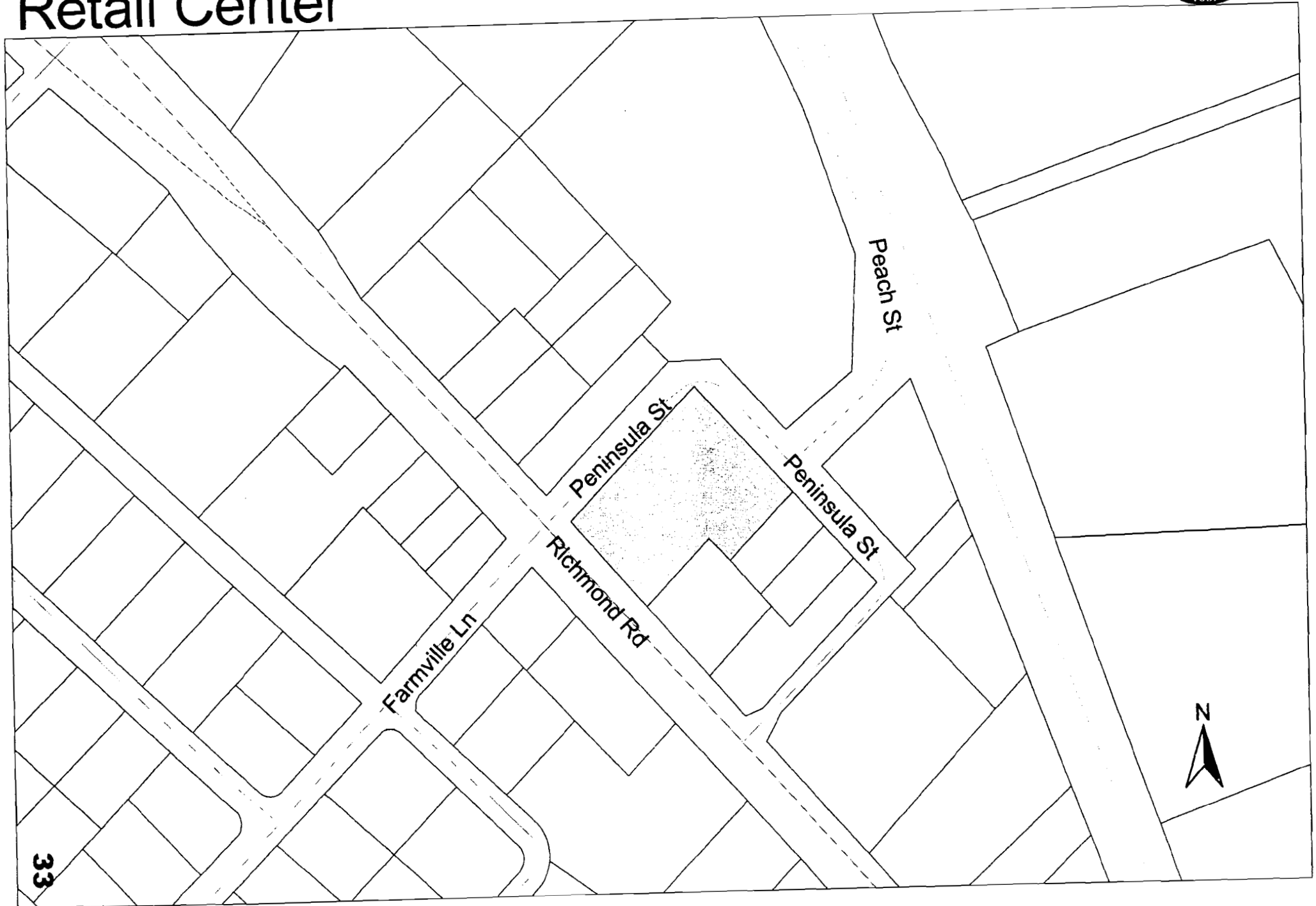
Staff finds the proposal to be compatible with surrounding land uses, and the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of the Rezoning application with the voluntary proffers.

Ellen Cook

ATTACHMENTS:

1. Location Map
2. Elevations
3. DRC Report
4. Proffers
5. Master Plan (Separate Cover)

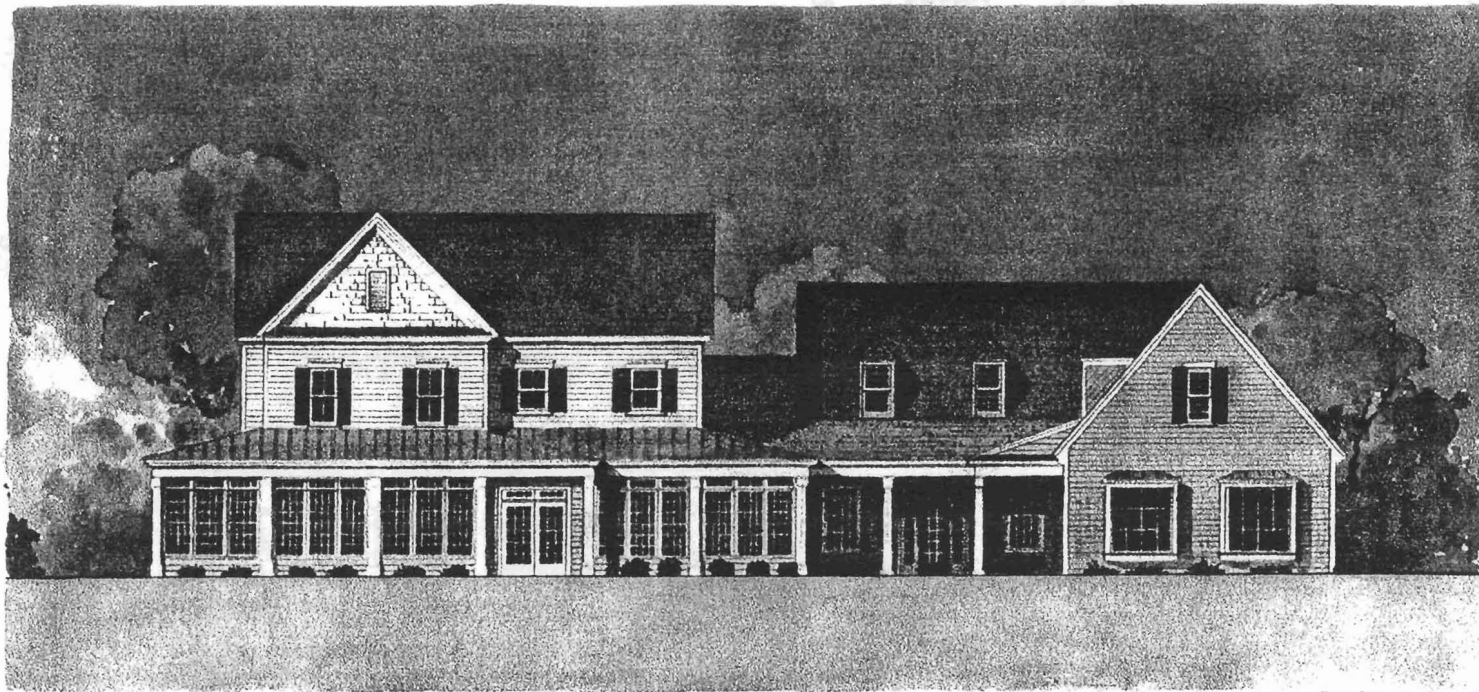
Z-08-05 Williamsburg Wicker and Kallan Retail Center





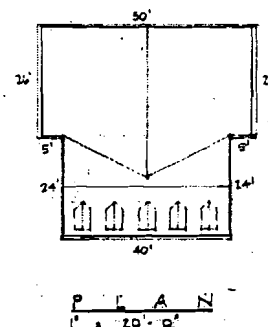
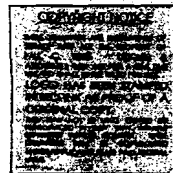
RETAIL SPACE ELEVATION - PENINSULA STREET Rt. 676





RETAIL SPACE ELEVATION - RICHMOND ROAD U.S. Rt. 60 N RICHMOND ROAD U.S.



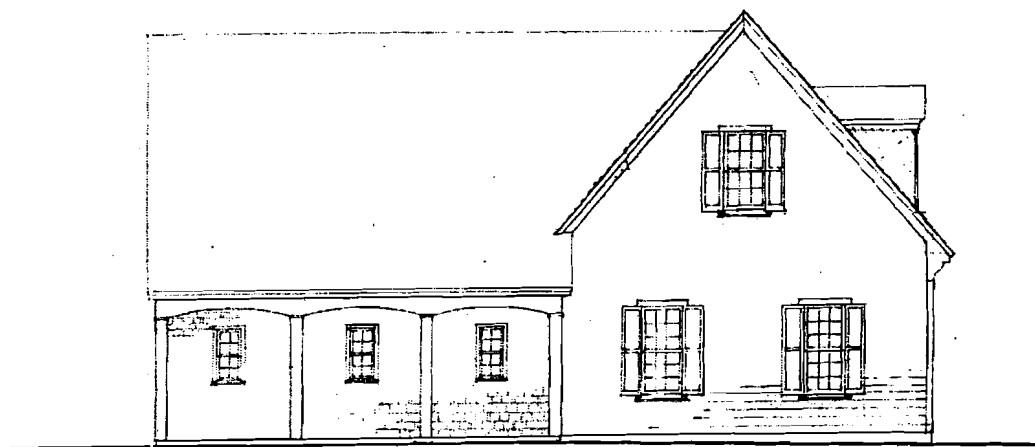


FRONT EXTERIOR ELEVATION

1/16" = 1' 0"

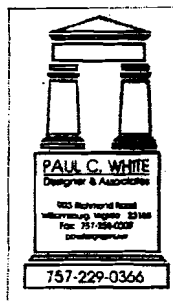


2-8-05



LEFT SIDE EXTERIOR ELEVATION

3/16" = 1' 0"



A-1

REZONING 8-05. Williamsburg Wicker and Rattan Retail Center
Staff Report for the September 28, 2005, Development Review Committee Meeting

SUMMARY FACTS

Applicant: Mr. James Peters of AES Consulting Engineers

Land Owner: Oscar B. and Elva W. Harrell

Proposed Use: 8,200+/- SF Retail; 2,500+/- SF Storage; 2,400+/- SF Single Family/Caretaker Unit

Location: 7414 Richmond Road

Tax Map/Parcel No.: (23-2)(2D-1A)

Primary Service Area: Inside

Parcel Size: 1.13 acres

Zoning: Current: A-1, General Agricultural District and B-1, General Business District
Proposed with pending Rezoning: B-1, General Business District, with Proffers

Comprehensive Plan: Low Density Residential

Reason for DRC Review: The applicant is requesting setback reductions in accordance with Section 24-393 of the Zoning Ordinance. The applicant has requested the following setback reductions:

- Richmond Road: 25' from right-of-way line instead of 50' from right-of-way line;
- Peninsula Street Northeast: 50' from centerline instead of 75' from centerline;
- Peninsula Street Northwest: 50' from centerline instead of 75' from centerline.

Project History:

- Planning Commission: This case is tentatively scheduled for the October 3, 2005 Planning Commission meeting.

Staff Contact: Ellen Cook

Phone: 253-6685

STAFF RECOMMENDATION

Section 24-393 of the Zoning Ordinance states specifically that the development review committee (rather than the Planning Commission as in other districts) is the body which can consider setback reductions for developments in the B-1, General Business District. While the Master Plan is part of a pending rezoning application, staff recommends that the DRC act on the setback request at this time in order that the Planning Commission and Board of Supervisors can feel that the proposed Master Plan would be approvable in its current form, and in order to move this case through the development review process in a timely manner.

The ordinance states that the development review committee can consider a reduced setback if the setback reduction will still satisfy the intent of Section 24-86 of the Landscape Ordinance and will not negatively impact adjacent property, and if one of three listed criteria are met. These three criteria are: the site is located on a Community Character Corridor and the proposed setbacks will better complement the design standards of the Corridor; adjacent properties have setbacks that are non-conforming and the proposed setbacks will better complement the established setbacks of adjacent properties; or the applicant has offered extraordinary site design that better meets the Development Standards of the Comprehensive Plan. Staff finds that the proposal can meet the intent of Section 24-86 Landscape Ordinance and would not negatively impact adjacent property. In addition, staff finds that the proposed development, with reduced setbacks, would meet all three additional criteria: the site is located on a Community Character Corridor and would complement the design standards of the Corridor; adjacent properties (such as the existing Williamsburg Wicker Shop) do have non-conforming setbacks, and the proposed setbacks would better complement these setbacks; and the applicant has offered extraordinary site design which includes parking to the rear of the structure.

Staff recommends that the DRC approve the setback reductions conditioned upon approval of the rezoning application by the Planning Commission and Board of Supervisors.

Ellen Cook
Ellen Cook

Attachments:

1. Plan (under separate cover)

PROFFERS

THESE PROFFERS are made this ___ day of September, 2005 by OSCAR B. HARRELL and ELVA W. HARRELL, husband and wife (together with their respective successors in title and assigns, the "Owners").

RECITALS

A. Owners are the owners of those certain parcels or pieces of land located in James City County, Virginia, with an address of 7414 Richmond Road and being Tax Parcel 23202D0001A and being more particularly described on Exhibit A hereto (the "Property").

B. The Property is now zoned B-1 and A-1. The Owners have applied to rezone the Property from B-1 and A-1 to B-1, with proffers.

C. Owners have submitted to the County (i) a plan entitled "Rezoning Plan, Williamsburg Wicker & Rattan Shoppe Center" prepared by AES Consulting Engineers and dated April 25, 2005 (the "Rezoning Plan"), (ii) a plan entitled "Conceptual Landscape Plan, Williamsburg Wicker & Rattan Shoppe Center" prepared by AES Consulting Engineers and dated July 7, 2005 (the "Landscape Plan") and (iii) architectural elevations prepared by Paul White and submitted herewith (the "Architectural Elevations").

D. Owners desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned B-1.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2298 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owners agree that they shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1. **Rezoning Plan.** The Property shall be developed generally in accordance with the Rezoning Plan, with only minor changes thereto that the Development Review Committee determines do not change the basic concept or character of the development.

2. **Water Conservation.** The Owners shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority and subsequently for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. Irrigation wells shall be shallow wells of 100 feet or less. The standards shall be approved by the James City Service Authority prior to final site plan approval.

3. **Prohibited Uses.** The following uses, otherwise permitted by right in the B-1 district, shall not be permitted on the Property:

- adult daycare centers;
- automobile service stations;
- fire stations;
- health clubs, exercise clubs, fitness centers;
- hotels, motels, tourist homes and convention centers;
- indoor sports facilities
- indoor theaters
- marinas, docks, piers, yacht clubs, boat basins, and servicing, repair and sale facilities for the same;
- marine or waterfront businesses;
- public billiard parlors, arcades, pool rooms, bowling alleys, dance halls, and other indoor centers of amusement
- radio and television stations and accessory antenna or towers or tower mounted wireless communication facilities, which are 60 feet or less in height; and
- fast food restaurants.

4. **Architectural Review.** Prior to the County being obligated to grant final development plan approval, there shall be prepared and submitted to the Director of Planning for approval final architectural plans for the Director of Planning to review and approve for general consistency with the Architectural Elevations. The Director of Planning shall review and either approve or provide written comments setting forth changes necessary to obtain approval within 30 days of the date of submission of the plans in question. Decisions of the

Director of Planning may be appealed to the Development Review Committee, whose decision shall be final. Completed buildings shall be consistent with the approved plans. No building on the Property shall exceed thirty-five (35) feet in height.

5. **Landscape Plans.** Prior to final site plan approval, the Owners shall have submitted to the Director of Planning a landscaping plan for the entire Property for the Director of Planning to review and approve for general consistency with the Landscape Plan and landscape ordinance requirements.

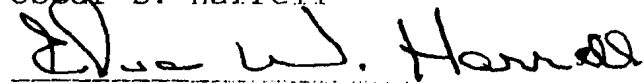
6. **Henry Home.** Owner shall retain the Henry Home house located on the Property.

7. **Cash Contributions to James City Service Authority.** A contribution for each non-residential building on the Property in an amount equal to \$1.53 per gallon per day of average daily sanitary sewage flow as determined by the James City Service Authority ("JCSA") based on the use of the building(s) shall be made to the JCSA at the time of final site plan approval in order to mitigate impacts on the County from the physical development and operation of the Property.

8. **Screening.** All dumpsters and heating and cooling units, whether ground or roof mounted, shall be screened by landscaping, fencing, walls or other alternative features providing adequate screening as determined by the Director of Planning at the time of final site plan approval.

WITNESS the following signatures.

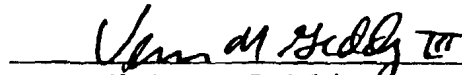

Oscar B. Harrell


Elva W. Harrell

STATE OF VIRGINIA

CITY/~~COUNTY~~ OF WILLIAMSBURG

The foregoing instrument was acknowledged before me this 23rd day of ~~August~~ September, 2005, by Oscar B. Harrell and Elva W. Harrell, husband and wife.


Notary Public

My commission expires: 12/31/09

Exhibit A

LEGAL DESCRIPTION

All those certain lots, pieces or parcels of land situate, lying and being in the County of James City, Virginia, known and designated as Lots Numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and Lot 15, in Block D, as shown on that certain plat entitled, "A SURVEY FOR CONVEYANCE TO OLD COLONY BANK & TRUST COMPANY", made by L. V. Woodson and Associates, dated March 9, 1973, and recorded in the Clerk's Office of the Circuit Court for the County of James City, Virginia, in Deed Book 143 at page 672, to which plat reference is here made.

Together with all the grantors right title and interest in and to Parcel A and the 20 foot alley adjoining the above described lots as shown and set forth on the aforementioned plat.

Together with all and singular, the buildings and improvements thereon, rights and privileges, hereditaments and tenements thereunto belonging or in anywise appertaining, and any easements or rights of way for the use thereof.

Subject, however, to all easements, rights of way, agreements, conditions and restrictions affecting the said property.

SPECIAL USE PERMIT-21-05 / MASTER PLAN-9-05. Olde Towne Timeshares Amendment Staff Report for the October 3, 2005, Planning Commission Public Hearing

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

PUBLIC HEARINGS

Planning Commission:

Building F Board Room; County Government Complex

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

August 1, 2005 (deferred)

September 12, 2005 (deferred)

October 3, 2005

Board of Supervisors:

November 8, 2005 (tentative) 7:00 p.m.

SUMMARY FACTS

Applicant:

Mr. Robert Anderson of McKinney and Company

Land Owner:

Heritage Resorts, Inc.

Proposal:

Timeshare Units

Location:

5380 Olde Towne Road

Tax Map/Parcel Nos.:

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

Parcel Size:

130.4 acres

Zoning:

R-2, General Residential District, Cluster

Comprehensive Plan:

Low Density Residential

Primary Service Area:

Inside

STAFF RECOMMENDATION

Staff finds the proposed special use permit amendment consistent with surrounding zoning, single-family, multi-family, and timeshare uses. Staff also finds the proposed amendment consistent with the requirements of the residential cluster zoning ordinance and consistent with the Comprehensive Plan. Staff believes the changes from the previously approved special use permit are generally positive in nature and recommends that the Planning Commission recommend approval of the proposed special use permit with the attached conditions.

Staff Contact: Ellen Cook

Phone: 253-6685

PROJECT DESCRIPTION

Mr. Robert Anderson of McKinney and Company has applied on behalf of Heritage Resorts, Inc., for a special use permit to amend a previously approved special use permit (JCC Case No. SUP-18-03/MP-7-03 Olde Towne Timeshares, which was itself an amendment of JCC Case No. SUP-18-99 Olde Town Road Timeshares). The last approved SUP permitted a development of 365 timeshare units in a residential cluster. This amendment proposes the same number of timeshare units but makes some changes to the layout of the Master Plan, which require a SUP amendment. It should be noted that the previously approved SUP remains valid until November 12, 2006. Since the last SUP was approved, the applicant has completed several improvements on the site including road improvements to Olde Towne Road and a berm and landscaping along the road.

This report will focus on the changes proposed for the development rather than revisiting the larger land use issue of permitting timeshares on this site. Staff believes the larger land use issue was decided along with the original Olde Towne Timeshares SUP and its successor and, since the 2003 SUP still remains valid, denial of this case would not prohibit the timeshare development from being constructed as previously approved. Therefore, staff's recommendation is based on an assessment of whether or not this amendment is a positive change over the previously approved SUP.

Summary of Changes

1. Unit types - All units will be 4-bedroom units with lockout features that allow separate use of half of the four bedroom unit if the owner chooses to allow that. The units will be in the style of apartments (up and down units) rather than townhouse (side by side). The original SUP had all 4 bedroom units, while the 2003 amendment had proposed converting approximately 25 percent of the proposed units to 2-bedroom condominium style units.

While this change will likely increase water usage and traffic generation over the 2003 amendment amounts (because the bedroom numbers were decreased in 2003), the overall number of bedrooms now returns to the same as what was approved by the 1999 SUP. Current traffic levels on Olde Towne Road are very similar to those in 1999 when the original SUP was approved (11,400 and 10,950 in 1999 and 2005 respectively).

2. Recreation Facilities – The recreation facilities have been moved to a more central location within the development, and a tot lot has been added.

Staff supports this change as it will likely reduce noise and light impacts on adjacent properties and will make the facilities more accessible to timeshare users.

3. Parking and Roads – As with the 1999 SUP, the timeshare units are arranged in pods along a collector road (with no units fronting on it). The major change to the layout is that the pods are no longer arranged in a grid but are distributed throughout the site on a loop road.

The applicant has stated that the reason for this change is to allow the development to minimize environmental impacts. While impervious cover increases by approximately 0.78 of an acre due to road and building configuration changes, wetlands and perennial stream impacts are eliminated (on the last plan, there would have been approximately 1.51 acres of wetland and Resource Protection Area impacts). The applicant is also proposing to decrease parking space numbers overall, with some spaces shifted from unit parking to the clubhouse based on the owner's experience at Williamsburg Plantation.

4. Stormwater Management – The 2003 SUP proposed a two level pond system. The current proposal eliminates the two ponds and makes extensive use of Low Impact Design (LID) features which are outlined in

a Stormwater Narrative submitted with this application and are shown on the Master Plan. These features include bio-infiltration areas and grass swales.

Environmental staff supports the use of LID techniques as proposed. Note that to achieve the LID practice of grass swales, the applicant is requesting a modification of Section 24-549 of the Cluster Ordinance. This Section states that curb and gutter is required for all streets within a development in order to achieve a density above two units an acre. The Section further states, however, that the Planning Commission may waive or modify the curb and gutter requirement along those segments of road, including the entrance road, where structures are not planned. The central loop collector road does not have structures fronting on it, and the applicant is requesting a waiver of the curb and gutter requirement for this road. The applicant would retain curb and gutter for all parking and access areas adjacent to structures in accordance with Section 24-549. Staff supports the waiver request as it would allow for greater use of Low Impact Design features.

RECOMMENDATION

Staff finds the proposed special use permit amendment consistent with surrounding zoning, single-family, multi-family, and timeshare uses. Staff also finds the proposed amendment consistent with the requirements of the residential cluster zoning ordinance and consistent with the Comprehensive Plan. Staff believes the changes from the previously approved special use permit are generally positive in nature and recommends that the Planning Commission recommend approval of the proposed special use permit with the following conditions.

The conditions are largely unchanged from the previously approved conditions. Substantial changes include the following: 1) a Water Conservation Condition has been added; 2) the Archaeological Policy has been added; and 3) the previous stormwater management condition has been eliminated and replaced by a LID condition. Generally any time limitations placed on the previously approved conditions have been renewed.

1. Construction on this project shall commence within 36 months from the date of approval of this special use permit or this permit shall be void. Construction shall be defined as the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation. Construction does not include land preparation, such as clearing, grading, or filling.
2. The Master Plan of development required under Section 24-554 of the zoning ordinance shall be generally consistent with the "Master Plan SUP-21-05/MP-09-05 Olde Towne Timeshares" prepared by McKinney and Company, dated January 2004, as determined by the Director of Planning. Development of the site 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.
3. The property shall be developed as a timeshare project. There shall be not more than 365 timeshare units in addition to associated recreation facilities on the property and one single-family residential lot, its location identified on the Master Plan.
4. The applicant shall implement the road improvements recommended by the traffic study "Traffic Analysis for Olde Towne Road Timeshares on Olde Towne Road" prepared by DRW Consultants, Inc., September 9, 1998 prior to issuance of the first Certificate of Occupancy for any structure on the site.
5. All dumpsters and heating and cooling units shall be screened by landscaping or fencing approved by the Planning Director prior to final site plan approval.

6. Free-standing signs shall be ground-mounted, monument style and shall be approved by the Planning Director prior to final site plan approval.
7. The landscape plan shall be approved by the Planning Director prior to final site plan approval for any section or phase of this project and shall include enhanced landscaping around the perimeter of each timeshare building, so that the required number of plants equals at least 133 percent of the County's Landscaping Ordinance requirements with a minimum of 33 percent of the required number of trees being evergreen. The landscape plan shall also contain landscape screening and berms with a minimum eight-foot height along the Olde Towne Road and Route 199 frontage, at the location shown on the Master Plan. Additionally, the landscape plan shall address the landscaping along the Route 199 right-of-way berm. In order to ensure the adequacy of the reduced buffer, the landscaping shall include the total number of trees required for a 150-foot buffer. Landscaping should also be designed in a manner that provides the appearance of a natural forested area.
8. Four-foot paved shoulder bikeways shall be provided on both sides of Olde Towne Road at the location shown on the Master Plan prior to the issuance of the first Certificate of Occupancy for any structure on this site. A four-foot sidewalk shall be provided at the location shown on the Master Plan on the eastern side of Olde Towne Road prior to the issuance of the first Certificate of Occupancy for any structure on this site.
9. All exterior light fixtures on the property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. A lighting plan shall be submitted to, and approved by, the Planning Director which indicates the fixture type and that no glare will occur outside the property lines. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from a public street (except at street connections where up to 2.0 foot candles is permitted) or adjoining residentially designated property.
10. An eight-foot wide paved public use path with four-foot wide mulched shoulders and a six-foot wide mulched path as shown generally on the Master Plan shall be constructed prior to the issuance of a certificate of occupancy for no more than 200 timeshare units if the Board of Supervisors has approved the construction of this path and requested it in writing. If the Board of Supervisors has not approved construction of this path and requested it in writing within seven years of the approval of this Special Use Permit, the applicant and/or its successors shall have no obligation to construct this path. The path shall be located no closer than 80 feet from the nearest residential property line. The applicant shall fully maintain the paths and bridge during the period of time the developer is constructing the timeshare units.
11. The applicant shall work out an arrangement with the Virginia Department of Transportation to address traffic issues and safety concerns on Olde Towne Road. The applicant shall provide documentation of the agreed upon arrangement prior to final site plan approval.
12. The applicant shall dedicate to the County, by conservation easement for the purpose of providing public access to the public-use paths, 44.94 acres of the Chisel Run Swamp, identified on the master plan as "Protected and Preserved Natural Area, RMA Wetlands, and Buffers," in a form approved by the County Attorney prior to final site plan approval for any structure on the site.
13. If the applicant desires to have outdoor watering they shall provide water for irrigation utilizing surface water collection from the surface water impoundments as shown on the master plan and shall not use JCSA water or well water for irrigation purposes. This irrigation system shall be included with the site plan for the project and shall be approved by the JCSA General Manager. This requirement prohibiting the use of well water may be waived by the JCSA General Manager if the applicant demonstrates to the JCSA General Manager that there is insufficient water for irrigation in the surface water impoundments, and the applicant may apply for a waiver for a shallow (less than 100 feet) well only.

14. In order to mitigate the impact of the road improvements on Olde Towne Road caused in part by this project, for a period of 15 years from the issuance of this special use permit, the area shown on the Master Plan as "Reserved Lot" may be used as one residential lot if needed by the County or the Virginia Department of Transportation to relocate a family displaced due to the Olde Towne Road improvements. In the event the "Reserved Lot" is not used for the purpose allowed in this paragraph, the "Reserved Lot" shall remain open space.
15. Owner shall submit to the County a master stormwater management plan as a part of the initial site or development plan submittal for the Property, including the stormwater management BMP ponds, methods and measures to reduce fecal bacteria, low impact design techniques where appropriate and feasible for review and approval by the Environmental Division. The master stormwater management plan may be revised and/or updated during the development of the Property with the prior approval of the Environmental Division. The County shall not be obligated to approve any final development plans for development on the Property until the master stormwater management plan has been approved. The approved master stormwater management plan, as revised and/or updated, shall be implemented in all development plans for the Property.
16. Additional berming and landscaping shall be provided between the compactor and the adjacent Chisel Run residential property to mitigate any noise impacts produced by the compactor operation. A landscape plan showing the additional berming and landscaping shall be included with the site plan for the phase of the project containing the compactor and shall be approved by the Planning Director prior to final site plan approval.
17. A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon.
18. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final development plan approval. The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought tolerant plants where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
19. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

Ellen Cook

ATTACHMENTS:

1. Location Map
2. Plan (Under Separate Cover)

PROFFERS

THESE PROFFERS are made this ___ day of September, 2005 by OSCAR B. HARRELL and ELVA W. HARRELL, husband and wife (together with their respective successors in title and assigns, the "Owners").

RECITALS

A. Owners are the owners of those certain parcels or pieces of land located in James City County, Virginia, with an address of 7414 Richmond Road and being Tax Parcel 23202D0001A and being more particularly described on Exhibit A hereto (the "Property").

B. The Property is now zoned B-1 and A-1. The Owners have applied to rezone the Property from B-1 and A-1 to B-1, with proffers.

C. Owners have submitted to the County (i) a plan entitled "Rezoning Plan, Williamsburg Wicker & Rattan Shoppe Center" prepared by AES Consulting Engineers and dated April 25, 2005 (the "Rezoning Plan"), (ii) a plan entitled "Conceptual Landscape Plan, Williamsburg Wicker & Rattan Shoppe Center" prepared by AES Consulting Engineers and dated July 7, 2005 (the "Landscape Plan") and (iii) architectural elevations prepared by Paul White and submitted herewith (the "Architectural Elevations").

D. Owners desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned B-1.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2298 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owners agree that they shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1. **Rezoning Plan.** The Property shall be developed generally in accordance with the Rezoning Plan, with only minor changes thereto that the Development Review Committee determines do not change the basic concept or character of the development.

2. **Water Conservation.** The Owners shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority and subsequently for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. Irrigation wells shall be shallow wells of 100 feet or less. The standards shall be approved by the James City Service Authority prior to final site plan approval.

3. **Prohibited Uses.** The following uses, otherwise permitted by right in the B-1 district, shall not be permitted on the Property:

- adult daycare centers;
- automobile service stations;
- fire stations;
- health clubs, exercise clubs, fitness centers;
- hotels, motels, tourist homes and convention centers;
- indoor sports facilities
- indoor theaters
- marinas, docks, piers, yacht clubs, boat basins, and servicing, repair and sale facilities for the same;
- marine or waterfront businesses;
- public billiard parlors, arcades, pool rooms, bowling alleys, dance halls, and other indoor centers of amusement
- radio and television stations and accessory antenna or towers or tower mounted wireless communication facilities, which are 60 feet or less in height; and
- fast food restaurants.

4. **Architectural Review.** Prior to the County being obligated to grant final development plan approval, there shall be prepared and submitted to the Director of Planning for approval final architectural plans for the Director of Planning to review and approve for general consistency with the Architectural Elevations. The Director of Planning shall review and either approve or provide written comments setting forth changes necessary to obtain approval within 30 days of the date of submission of the plans in question. Decisions of the

Director of Planning may be appealed to the Development Review Committee, whose decision shall be final. Completed buildings shall be consistent with the approved plans. No building on the Property shall exceed thirty-five (35) feet in height.

5. **Landscape Plans.** Prior to final site plan approval, the Owners shall have submitted to the Director of Planning a landscaping plan for the entire Property for the Director of Planning to review and approve for general consistency with the Landscape Plan and landscape ordinance requirements.

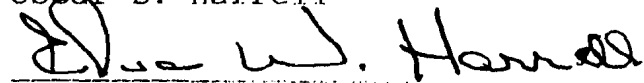
6. **Henry Home.** Owner shall retain the Henry Home house located on the Property.

7. **Cash Contributions to James City Service Authority.** A contribution for each non-residential building on the Property in an amount equal to \$1.53 per gallon per day of average daily sanitary sewage flow as determined by the James City Service Authority ("JCSA") based on the use of the building(s) shall be made to the JCSA at the time of final site plan approval in order to mitigate impacts on the County from the physical development and operation of the Property.

8. **Screening.** All dumpsters and heating and cooling units, whether ground or roof mounted, shall be screened by landscaping, fencing, walls or other alternative features providing adequate screening as determined by the Director of Planning at the time of final site plan approval.

WITNESS the following signatures.


Oscar B. Harrell


Elva W. Harrell

STATE OF VIRGINIA

CITY/~~COUNTY~~ OF WILLIAMSBURG

The foregoing instrument was acknowledged before me this 23rd day of ~~August~~ September, 2005, by Oscar B. Harrell and Elva W. Harrell, husband and wife.


Notary Public

My commission expires: 12/31/09

Exhibit A

LEGAL DESCRIPTION

All those certain lots, pieces or parcels of land situate, lying and being in the County of James City, Virginia, known and designated as Lots Numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and Lot 15, in Block D, as shown on that certain plat entitled, "A SURVEY FOR CONVEYANCE TO OLD COLONY BANK & TRUST COMPANY", made by L. V. Woodson and Associates, dated March 9, 1973, and recorded in the Clerk's Office of the Circuit Court for the County of James City, Virginia, in Deed Book 143 at page 672, to which plat reference is here made.

Together with all the grantors right title and interest in and to Parcel A and the 20 foot alley adjoining the above described lots as shown and set forth on the aforementioned plat.

Together with all and singular, the buildings and improvements thereon, rights and privileges, hereditaments and tenements thereunto belonging or in anywise appertaining, and any easements or rights of way for the use thereof.

Subject, however, to all easements, rights of way, agreements, conditions and restrictions affecting the said property.

SUP-21-05/MP-09-05 Olde Towne Timeshares



SPECIAL USE PRMIT- 028-05. New Dawn Assisted Living Facility
Staff report for the October 3, 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

Building F Board Room; County Government Complex

Planning Commission	October 3, 2005	7:00 p.m.
Board of Supervisors	October 25, 2005	7:00 p.m. (Tentative)

SUMMARY FACTS

Applicant: Brian D. May, Dewberry & Davis, Inc.

Land Owner: Erin C. Ibele, Health Care REIT, Inc.

Proposal: To construct (3) 10,000 square foot assisted living units.

Location: 1807 Jamestown Road

Tax Map/Parcel Nos.: (47-3) (1-70A)

Parcel Size: 6.1 acres

Zoning: R-8 Rural Residential, LB Limited Business

Comprehensive Plan: Low Density Residential

Primary Service Area: Yes

STAFF RECOMMENDATION

Staff believes the proposed assisted living facility is a complimentary use to the surrounding community, and is consistent with the Comprehensive Plan. Based on this information, staff recommends that the Planning Commission recommend approval of this application to the James City County Board of Supervisors with the attached SUP conditions.

Staff Contact: Joel Almquist, Planner Phone: 253-6685

PROJECT DESCRIPTION

Brian May is proposing to amend SUP-7-99 to allow the construction of an assisted living facility no larger than 30,000 square feet with a design that will consist of three buildings with approximately 9500 square feet each. Most patients are in varying stages of Alzheimer's and will be provided with 24 hour nursing care in a gated community that includes walking trails and flower and/or vegetable gardens.

An SUP was approved in 1998 (SUP-8-98) for a skilled nursing facility no greater than 50,000 square feet and an office development no greater than 20,000 square feet (the skilled nursing facility has been built and is operating). An SUP amendment (SUP-7-99) and rezoning (Z-3-99) were approved in 1999. The amendment allowed 22,000 square feet of assisted living facility in lieu of the 20,000 square feet office development. At that time a subdivision was approved which created two lots from the one original lot.

The proposed SUP amendment covers only the portions of SUP-7-99 that applies to the parcel (1-70A) where the assisted living facility is to be located. The new conditions for SUP-28-05 will be for the master plan titled "New Dawn Assisted Living Facility" and is a combination of the previous applicable conditions with the new conditions requested by staff. All of the conditions of SUP-7-99 will still apply to the existing skilled nursing facility.

PUBLIC IMPACTS

Environmental

Watershed: This project is situated in the tidal main-stem portion of the Powhatan Creek watershed and is subject to the Board approved Powhatan Creek Watershed Management Plan.

Conditions:

- Condition 10 Stormwater Management: The applicant is required to submit a stormwater management plan for approval by the Environmental Division during the site plan stage. The plan will detail drainage, low impact design features, and BMP design conditions.

Environmental Staff Comments: Environmental Division has no major issues associated with this SUP application.

Public Utilities

This site is served by public water and sewer; water conservation measures are proposed and reflected with the attached conditions.

Conditions:

- Condition 9 Water Conservation: The applicant is responsible for developing and enforcing water conservation standards; these are to include features such as drought resistant landscaping, limitations on irrigation, and water conserving fixtures.

JCSA Staff Comments: Staff has noted minor changes that can be addressed during the site plan development stage.

Transportation

The applicant's traffic consultant evaluated ITE trip generation information for the proposed land use and determined that the proposed assisted living facility will generate approximately 26 peak hour trips and 210 daily trips. This number is below the 100 peak hour trips threshold for requiring a traffic impact study.

2005 Traffic Counts: Approximately 7,072 vehicles per day in this area of Jamestown Road.

2026 Volume Projected: 10,000 vehicles per day on a two lane road.

Road Improvements: There are no proposed roadway improvements.

VDOT Comments: VDOT concurs with the trip generation and distribution as presented by the applicant's consultant and believes that this proposal will not adversely impact the existing roadway network. VDOT also concluded that no road improvements are necessary neither for this project nor to accommodate traffic from both this project and the existing on-site use.

COMPREHENSIVE PLAN

Land Use Map Designation

The 2003 James City County Comprehensive Plan Land Use Map designates this property as Low density Residential. *Acceptable land uses within this designation include single-family homes, duplexes, cluster housing, recreation areas, schools, churches, community-oriented public facilities, and very limited commercial establishments. Non-residential uses should not alter, but rather, complement the residential character of the low-density residential area in which they are located and should have traffic, noise, lighting and other impacts similar to surrounding or planned residential uses.*

Other Considerations

- **Community Character:** The parcel is located on Jamestown Road within a Community Character Corridor. The portion of the parcel that fronts on Jamestown Road is held in a County open space easement to preserve the rural and natural character of the Jamestown Road Corridor.

Conditions

- Condition 2 Architecture: Prior to final site plan approval, the Planning Director shall review and approve the final architectural design of the building.
- Condition 6 Archeology: The applicant is required to comply with the County's archeology policy.
- Condition 7 Buffer Enhancement: The applicant is required to seed the natural open space easement along Jamestown Road with a native woodland mix to enhance the buffer.
- Condition 9 Enhanced Landscaping: The applicant is required to submit a landscaping plan with the number of plants equaling at least 133 percent of the County's Landscaping Ordinance with a minimum of 33 percent of the required trees being evergreen.

Staff Comments

The applicant has proposed landscape buffers, open space easements, and enhanced landscaping and lighting to reduce the impact of their business on the surrounding community. Preservation of the front of the parcel in an open space easement was a significant public benefit of SUP-8-98. Staff believes that some vegetative restoration is needed and has provided a condition to address this. Staff also believes that the proposed assisted living facility will not have a negative effect on the surrounding residential areas and with the SUP conditions is consistent with the Comprehensive Plan.

A comparative analysis of the traffic generated, amount of impervious surface and open space shows that the additional 8,000 square feet will not have a significant impact on the surrounding community.

- Peak Hour Trips Generated:
22,000 sq/ft = 17 peak hour trips
30,000 sq/ft = 26 peak hour trips

- Impervious Surface:
22,000 sq/ft building and parking = 43,700 square feet or 16 %
30,000 sq/ft building and parking = 45,206 square feet or 17 %
- Percentage of Open Space:
22,000 sq/ft = 84 %
30,000 sq/ft = 83 %

RECOMMENDATION

Staff believes the proposed assisted living facility is a complimentary use to the surrounding businesses, and believes that this use meets the intent of the Low Density Residential Land Use of the Comprehensive Plan for acceptable non-residential uses. Based on this information, staff recommends that the Planning Commission recommend approval of this application to the James City County Board of Supervisors with the following SUP conditions:

1. Master Plan: This Special Use Permit shall be valid for thirty-six (36) months. It shall apply only to the development of a 30,000 square foot assisted living facility and accessory uses thereto. Development of the site shall be generally in accordance with the master plan titled "New Dawn Assisted Living Facility," dated August 22, 2005 as determined by the Development Review Committee of the James City County Planning Commission. Minor changes may be permitted by the DRC, as long as they do not change the basic concept or character of the development.
2. Architecture: Prior to final site plan approval, the Director of Planning shall review and approve the final architectural design of the building. Such building shall be generally consistent, as determined by the Director of Planning, with the architectural elevations titled "New Dawn Assisted Living Facility" submitted with this special use permit application, dated August 22, 2005 and drawn by Dewberry and Davis, Inc.
3. Buffers. There shall be a minimum 50-foot undisturbed wooded buffer between the proposed assisted living facility and the residential properties to the east as shown on the master plan titled "New Dawn Assisted Living Facility," dated August 22, 2005. The construction of a trail within the landscape buffer as shown on the master plan is permitted provided no trees are removed before, during or after construction. There shall also be a 10-foot building setback line from all natural open space conservation easements as shown on the master plan titled "New Dawn Assisted Living Facility," dated August 22, 2005.
4. Lighting: Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 15 feet in height and/or other structures and shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare defined as 0.1 footcandle or higher shall extend outside the property lines.
5. Dumpsters. All dumpsters and heating and cooling units, whether on the ground or affixed on the rooftop, shall be screened from view by landscaping, fencing or other alternative that provides similarly adequate screening, as determined and approved by the Director of Planning prior to final site plan approval.
6. Archaeology: A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I

- study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon.
7. Buffer Enhancement: Prior to the issuance of a certificate of occupancy for the assisted living facility, the natural open space easement along Jamestown Road as designated on the master plan titled "New Dawn Assisted Living Facility," dated August 22, 2005, shall be seeded with a native woodland mix to enhance the buffer. The composition of this mix shall be indicated on the site plan and shall be approved by the Director of Planning prior to final site plan approval.
 8. Enhanced Landscaping. The landscape plan shall be approved by the Director of Planning prior to final site plan approval for any section or phase of this project and shall include enhanced landscaping around the perimeter of each building, so that the required number of plants equals at least 133 percent of the County's Landscaping Ordinance requirements with a minimum of 33 percent of the required number of trees being evergreen.
 9. Water Conservation: The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final development plan approval. The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought tolerant plants where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
 10. Stormwater Management: Owner shall submit to the County a master stormwater management plan as a part of the initial site or development plan submittal for the Property, including the stormwater management BMP ponds, methods and measures to reduce fecal bacteria, low impact design techniques where appropriate and feasible for review and approval by the Environmental Division. The master stormwater management plan may be revised and/or updated during the development of the Property with the prior approval of the Environmental Division. The County shall not be obligated to approve any final development plans for development on the Property until the master stormwater management plan has been approved. The approved master stormwater management plan, as revised and/or updated, shall be implemented in all development plans for the Property.
 11. Construction. 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.
12. Access: Access to the property shall be limited to a driving connection to the existing single entrance onto Jamestown Road. There shall be no access to the property from Sandy Bay Road. The entrance drive shall not have a median strip.
 13. Severance Clause: This special use permit is not severable. Invalidity of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

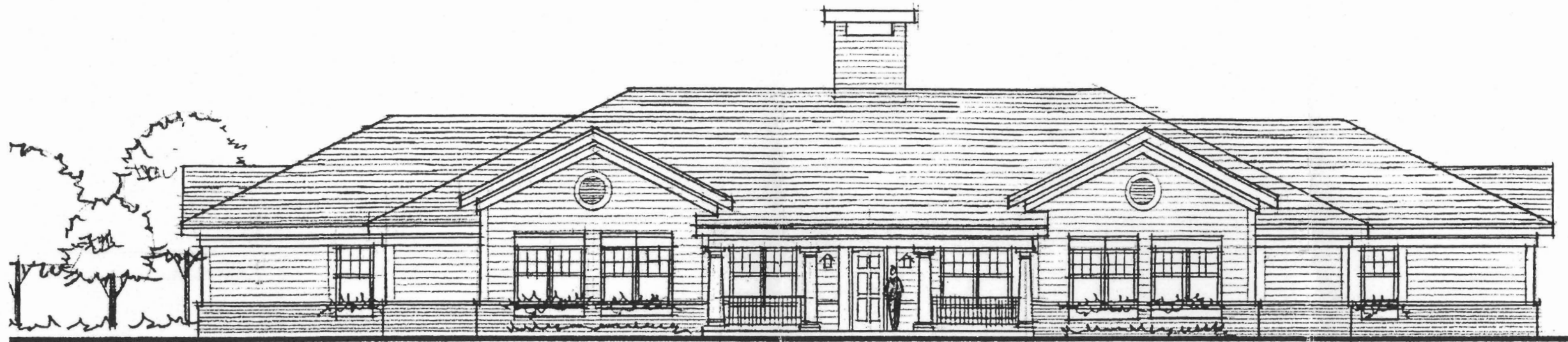
Joel Almquist

ATTACHMENTS:

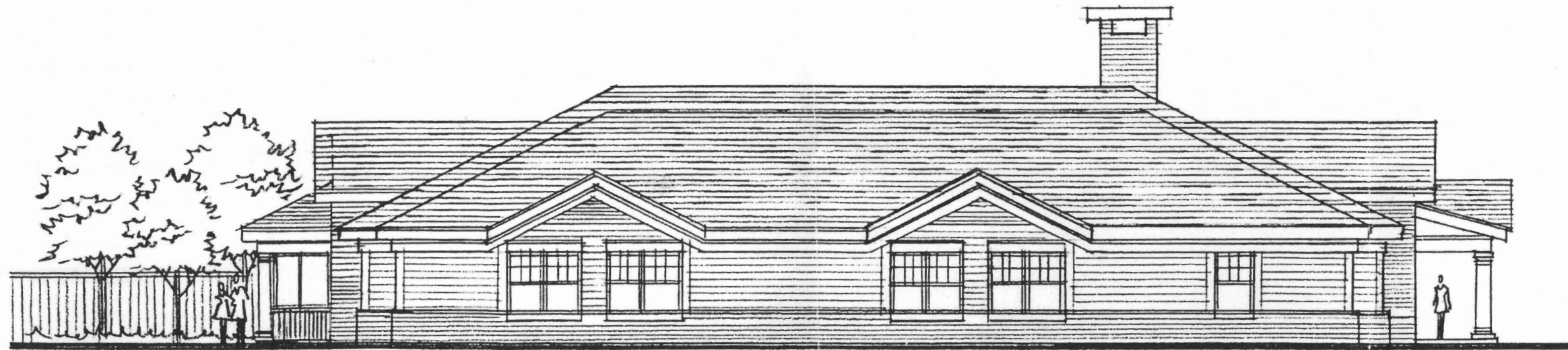
1. Location Map
2. Architectural Elevations
3. Master Plan (under separate cover)

SUR-20-03 NEW DAWN ASSISTED Living Facility

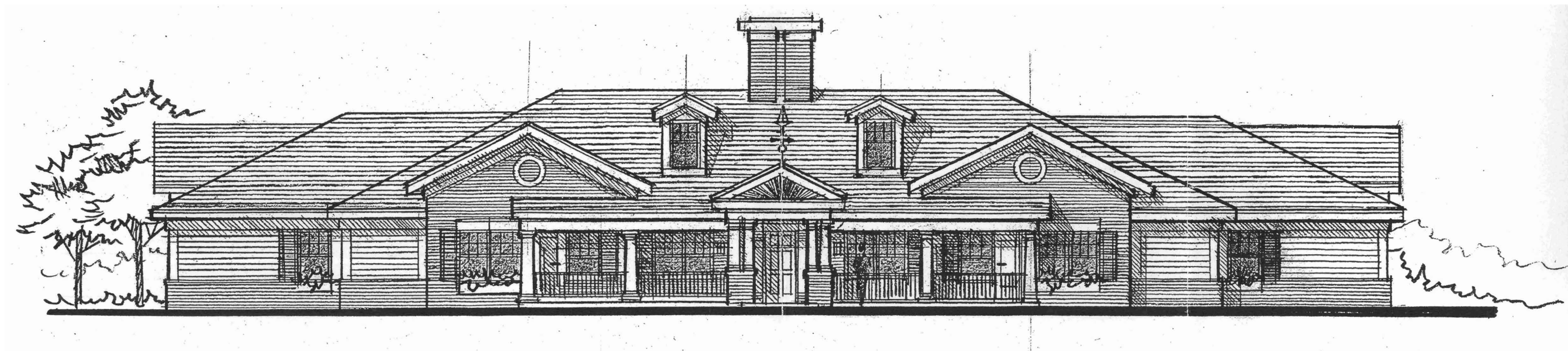




NEW DAWN ASSISTED LIVING
 REAR BUILDING ELEVATION
 1/4" = 1'-0" 3 JUNE 05 LBA



NEW DAWN ASSISTED LIVING
 SIDE BUILDING ELEVATION
 1/4" = 1'-0" 3 JUNE 05 LBA



PLANNING DIRECTOR'S REPORT
October 2005

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

1. Rural Lands Study. We have hired a consultant firm from Charlottesville, Virginia to assist us in our work efforts. In closed session, the Board of Supervisors appointed a nine member citizen committee to oversee the project. The first meeting of the committee will be held at 4 pm on Wednesday, October 5 in the EOC.
2. Historic Triangle Corridor Enhancement Committee. The Committee received a total of 10 enhancement grant applications from businesses and homeowners associations along Jamestown Road
3. Toano Community Character Area Study. We are presently negotiating a contract to hire a consultant for the Toano area study. The Board of Supervisors appointed a five member citizen committee to oversee the project. The first meeting of this committee will be set as soon as we have signed a contract with the consultants.
4. Cash Proffer Policy. The Board of Supervisors adopted a cash proffer policy for schools on September 13 by a vote of 3-2. The policy sets out the following amounts: single family detached- \$4011; single family attached- \$0; multi-family- \$4225.
5. Ordinance Amendment: Facilities for the Aged. On September 12 the Planning Commission recommended approval of an ordinance amendment to allow facilities for the residence and/or care of the aged with a special use permit in the R-8 Rural Residential District.
6. New Town Cases. The New Town Design Review Board considered the following cases at its August 18 meeting:
 - William E. Wood building panels – The Board will notify building owner that they must repaint the panels
 - Town Center Urban Building Landscape Guidelines – deferred
 - Langley Federal Credit Union – will support 4 drive thru lanes & 1 ATM drive thru lane
 - Ironbound Square Senior Housing – approved building, site, and landscape plans
 - Prudential McCardle signage – deferred
 - Court Square signage – approved
 - First Advantage signage – approved directional with flat lettering
 - Main Street Retail Phase 3 Site Plan w/Civic Green – approved
 - Block 10, Foundation Square, Mixed Use Buildings – approved
 - Windsor Mead Marketplace street clock and bus shelter – street clock approved, bus shelter deferred
 - Block 11, Residential Phase 2, Conceptual Plan - approved
7. Upcoming Public Hearing Cases:
Case No. Z-16-05/MP-13-05. New Town Section 9 – Settler's Market. A joint application has been submitted by AIG Baker Development, LLC and Developer's Realty Corporation to rezone 50.3 acres of land located at 5224, 5244 and 5246 Monticello Avenue currently zoned R-8, Rural Residential and M-1, Limited Business/Industrial to MU, Mixed Use. A range of 330,000 to 350,000 square feet of

buildings are proposed with a range of 57 to 118 condominium or townhouse units.
Case No. Z-13-04/MP-10-04/SUP-31-04. Monticello at Powhatan North.
Timothy Trant with Kaufman and Canoles has submitted an amended application to rezone a 36 acre lot behind the Monticello Shopping from R-8 Rural Residential to R-2 General Residential with a Cluster Overlay. The intent is to construct 91 condominium units in a 24 building cluster.

Case No. Z-15-04/MP-12-05 Stonehouse MP Amendment. Mr. Gregory Davis and Mr. Tim Trant have submitted a revised rezoning and master plan application to amend the master plan and proffers to rezone approximately 4,684 acres currently zoned PUD-C, Planned Unit Development Commercial with Proffers to PUD-R, Planned Unit Development Residential with Proffers, redesignate commercial uses on PUD-C zoned property with proffers and redesignate residential uses on PUD-R zoned property with proffers. There is no proposed increase to the total number of approved residential units within the Stonehouse Planned Community.

O. Marvin Sowers, Jr.