

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
MAY 1, 2006 - 7:00 p.m.

1. ROLL CALL
2. PRESENTATION
 - A. In Recognition of Mr. W. Wilford Kale, Jr.
3. MINUTES
 - A. March 6, 2006 Regular Meeting
 - B. March 8, 2006 Continued Meeting of the March 6, 2006 Regular Meeting
 - C. April 3, 2006 Regular Meeting
4. COMMITTEE AND COMMISSION REPORTS
 - A. Policy Committee
 - B. Development Review Committee (DRC) Report
 - C. Other Committee/Commission Reports
5. PUBLIC HEARINGS
 - A. SUP-13-06 Unicorn Cottage
 - B. SUP-14-06 8th Elementary School Utility Extension
 - C. SUP-4-06/MP-1-06 Prime Outlets MP Amendment
 - D. Z-13-05 Village at Toano
6. PLANNING DIRECTOR'S REPORT
7. ADJOURNMENT

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SIXTH DAY OF MARCH, TWO-THOUSAND AND SIX, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Jack Fraley
Don Hunt
Anthony Obadal
Mary Jones
George Billups
Shereen Hughes
James Kennedy

ALSO PRESENT

Marvin Sowers, Planning Director
Leo Rogers, County Attorney
Toya Ricks, Administrative Services Coordinator
Jose Ribeiro, Planner
Kathryn Sipes, Planner
John Horne, Development Manager
Matthew Arceiri, Senior Planner
David German, Planner
Joel Almquist, Planner
Ellen Cook, Senior Planner
Scott Thomas, Senior Civil Engineer
Mike Woolson, Senior Watershed Planner

2. MINUTES

A. FEBRUARY 6, 2006 REGULAR MEETING

Mr. Kennedy motioned to approve the minutes of the February 6, 2006 regular meeting.

Mr. Billups seconded the motion.

In unanimous voice vote the minutes were approved (7-0).

3. COMMITTEE AND COMMISSION REPORTS

A. POLICY COMMITTEE

Mr. Billups presented the report stating that the committee held five meetings to discuss the County's Capital Improvements Program (CIP) including meetings with directors of several departments. Mr. Billups stated that the CIP report was included in the Commissioners' packets to be discussed later in the meeting. He also stated that Ms. Hughes would discuss the selection process at that time.

B. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. Kennedy presented the DRC report stating that the DRC heard 3 cases at its March 1st meeting. He stated that Prime Outlets had met their obligations to staff concerning another case

and that preliminary approval subject to agency comments was granted for the Prime Outlets subdivision as amended by a vote of 4-0. Mr. Kennedy stated that preliminary approval was also granted by a 4-0 vote for Noland Commercial Site. He said that Liberty Crossing has been deferred pending review of recreation facilities.

Mr. Billups motioned to approve the DRC report.

Mr. Hunt seconded the motion.

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

4. PLANNING COMMISSION CONSIDERATION

ZO-1-06 Initiating Resolution - Zoning Ordinance Amendment – Athletic Field Lighting

Mr. Matthew Arceiri presented the staff report stating that the intent of an initiating resolution is procedural in nature to allow staff to begin the review of the matter prior to bringing forth an ordinance amendment. Mr. Arceiri stated that staff has requested to begin consideration of a zoning ordinance to permit athletic field lighting with an approved height waiver by the Board of Supervisors. Staff recommended adoption.

Mr. Obadal motioned to adopt the initiating resolution.

Mr. Hunt seconded the motion.

In a unanimous voice vote the initiating resolution was adopted (7-0).

5. PUBLIC HEARINGS

- A. Z-13-05 Village at Toano
- B. Z-12-05 Moss Creek Commerce Center (Toano Business Center)
- C. Z-15-05/MP-12-05 Stonehouse Planned Community MP Amendment
- D. Z-13-04/MP-10-04/SUP-31-04 Monticello at Powhatan North
- E. Z-10-04 112 Ingram Road Rezoning

Mr. Fraley stated that the applicants for cases 5A-5E requested deferral of those cases for one month. Mr. Fraley also stated that the applicants for cases Z-15-05 Stonehouse Planned Community MP Amendment and Z-10-04 112 Ingram Road Rezoning have requested indefinite deferral.

Mr. Sowers said staff concurred with the requests.

Mr. Fraley opened the public hearings.

Hearing no requests to speak the public hearings continued.

F. Z-1-06 Warhill Proffer Amendment

Mr. Matthew Arcieri stated that James City County has applied to amend the proffers of the 164.71 acre Warhill Tract to modify the list of prohibited uses. The properties are currently zoned PUD-R, Planned Unit Development - Residential, with proffers and PUD-C, Planned Unit Development - Commercial, with proffers. The properties are located at 5700 Warhill Trail and 6450 Centerville Road **and** can be further identified as Parcel Nos. (1-12) and (1-13) on James City County Real Estate Tax Map No. (32-1). The Comprehensive Plan Land Use Map designates this site as Mixed Use. Mixed Use areas are centers within the PSA where a broad spectrum of land uses are encouraged. Consideration of development proposals in mixed use areas should focus on the development potential of a given area compared to the area's infrastructure and the relation of the proposal to the existing and proposed mix of land uses and their development impacts. Staff recommended approval of the application.

Mr. Fraley opened the public hearing.

Hearing no requests the public hearing was closed.

Ms. Jones motioned for approval of the application.

Mr. Hunt seconded the motion.

In a unanimous roll call vote the application was recommended for approval (7-0). AYE: Hunt, Jones, Hughes, Kennedy, Billups, Obadal, Fraley (7); NAY: (0)

G. SUP-3-06 Zion Baptist Church

Ms. Ellen Cook stated that Mr. John Morman has applied on behalf of Zion Baptist Church for a special use permit to expand the existing church by approximately 5,900 square feet. The site is zoned R-8, Rural Residential and is located at 6373 Richmond Road, at the intersection of Centerville and Richmond Roads. The property is further identified as parcel (1-47) on JCC Tax Map No. (24-3), and is designated Mixed Use on the Comprehensive Plan Land Use Map. Uses suggested by the Comprehensive Plan for this Mixed Use Area include public uses, commercial, office and limited industrial. Staff recommended approval.

Mr. Fraley opened the public hearing.

Mr. Morman represented Zion Baptist Church stating that the church needed additional space for the different activities that are held there.

Mr. David Alexick, 6436 Centerville Road, stated that citizens seated in the rear were having a difficult time hearing the speakers. Mr. Alexick stated that he did not oppose the case.

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

Mr. Kennedy motioned for approval of the application.

Ms. Jones seconded the motion.

In a unanimous roll call vote the application was recommended for approval (7-0). AYE: Hunt, Jones, Hughes, Kennedy, Billups, Obadal, Fraley (7); NAY: (0).

H. AFD-1-98 Barrett's Ferry AFD – 2006 Renewal

Ms. Cook presented the staff report stating that the existing 198.9-acre Barrett's Ferry Agricultural and Forestal District (AFD) must now be reviewed for continuance of the AFD. The single-parcel District is generally located between Route 5 and the Chickahominy River, bounded on the east and west by the Governor's Land and Barrett's Ferry subdivisions. The property is further identified as Parcel No. (1-3) on JCC Tax Map No. (43-2). The district includes all the land on the above property with the exception of all land within 50 feet of the road right-of-way of John Tyler Highway. (Rt. 5) to allow for possible road improvements. The property is zoned A-1, General Agricultural, and designated Rural Lands and Conservation Area on the Comprehensive Plan Land Use Map. This district has dropped below the required 200 acre minimum and on February 23, 2006 the AFD Advisory Committee recommended termination of the district and transfer of the parcel to the Gordon Creek AFD (8-0). Staff recommended approval of termination of the district to allow the land to be transferred and continued under AFD-9-86 Gordon Creek.

Mr. Fraley opened the public hearing.

Mr. David Dafashy, 3535 Barrett's Ferry Road, asked if the property owner retained possession of the parcel. He also asked if the AFD program protected it from development.

Ms. Cook stated that there is no change in ownership. She also stated that an AFD is a preservation program.

Mr. Hunt stated that there is a minimum acreage requirement.

Mr. Dafashy asked what would happen in the following year if the transfer and termination were approved.

Ms. Cook said the District would continue for another four year period if the owner did not withdraw the property early.

Mr. Dafashy asked when the parcel would become part of the Gordon's Creek AFD.

Ms. Hughes and Mr. Fraley explained the process.

Mr. Dafashy asked what the benefits are for property owners.

Mr. Kennedy stated that the tax benefits are substantial.

Mr. Sowers advised Mr. Dafashy to stay in contact with Ms. Cook for the progression of the case. He also gave additional information on the process and benefits of the AFD program.

Mr. Dafashy stated his interest in information on placing his property in an AFD.

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

Mr. Kennedy motioned to recommend approval of the application.

Mr. Hunt seconded the motion.

In a unanimous roll call vote the application was recommended for approval (7-0). AYE (7): Jones, Hughes, Kennedy, Billups, Hunt, Obadal, Fraley; NAY (0).

I. Z-7-05/MP-5-05 Jamestown Retreat

Mr. Matthew Smolnik presented the staff report stating that Mr. Vernon M. Geddy III has applied to rezone 16.5 acres at 1676 & 1678 Jamestown Road and 180 Red Oak Landing Road currently zoned LB, Limited Business and R-2 General Residential to R-5 Multi-Family Residential. The property is also known as parcels (1-36), (1-37), and (1-39) on the JCC Tax Map (47-3). The applicant is proposing to consolidate three properties into one and proposes to redevelop the single property with six buildings containing a total of 66 condominiums for sale units at a density of 4.0 dwelling units per acre. The site is designated for Low Density Residential development and Conservation Area by the James City County Comprehensive Plan. Recommended uses for Low Density Residential land include very limited commercial establishments, churches, single family homes, duplexes, and cluster housing with a recommended gross density of 1 unit per acre up to 4 units per acre in developments that offer particular public benefits. Examples of preferred land uses for Conservation Areas include fish and game preserves and parks. This application was first heard by the Planning Commission on November 7, 2005 at which time the Commission recommended denial by a vote of 7-0. Following that meeting the applicant made significant changes to the master plan and proffers and was therefore remanded back to the Planning Commission by the Board of Supervisors on December 13, 2005 by a vote of 5-0. Staff recommended a recommendation for approval.

Mr. Fraley asked about the availability of Limited Business (LB) zoning along the Jamestown Corridor.

Mr. Smolnik indicated the parcels that are currently zoned LB.

Mr. Fraley asked if the traffic generation report considered commercial developments that might allow people to walk.

Mr. Smolnik stated that the report did not indicate whether such developments were considered.

Mr. Fraley wanted to know the rational used in the calculations that were provided.

Mr. Smolnik stated that the calculations were provided by the applicant.

Mr. Fraley asked if the County's traffic consultant had reviewed the report.

Mr. Smolnik stated that the County did not hire a traffic consultant for the case. He stated that the Virginia Department of Transportation (VDOT) reviewed the report.

Mr. Fraley confirmed with Mr. Smolnik that VDOT did not provide the basis for their assumptions.

Ms. Jones asked how many of the LB zoned properties have not been developed.

Mr. Smolnik said he did not know.

Mr. Obadal stated that the method used for perennial stream analysis was amended by the Board of Supervisors in July 2004. He stated that according to the previous method the stream on the site that was classified as intermittent would be considered perennial under the current method.

Mr. Smolnik agreed with Mr. Obadal's statement.

Mr. Obadal asked if Bay Environmental made the field determination that the stream was intermittent.

Mr. Scott Thomas stated that he believed Mr. Obadal was correct. He also explained the procedure used by the Environmental Division for confirming the consultants' findings.

Mr. Obadal stated his disapproval with relying on information supplied by an organization that is a member of the applicant's team.

Mr. Thomas said the applicant's report was a starting point and that there was extensive field and office review before the perennial stream determination was confirmed.

Mr. Obadal asked about the run-off from the church across the street from the site. He asked if the proposal would add to the increasing levels of pollutants in the Powhatan Watershed.

Mr. Thomas stated that storm water management plans are meant to key in on certain pollutants.

Mr. Obadal asked if the development would increase the amount of run-off of fecal matter.

Mr. Thomas stated that any development could increase run-off. He also stated that the Best Management Practices (BMP) that are applied are the best the Division knows of to offset those impacts.

Mr. Obadal stated that Ms. Hughes had some concerns on whether or not the proposed BMP could be moved to preserve more of the watershed area. Mr. Obadal also commended the Environmental Division for the fine work they do.

Ms. Hughes asked if the proposed Low Impact Design (LID) techniques would be considered unusual environmental protection or necessary and part of the protection strategy of the Powhatan Creek Watershed Management Plan.

Mr. Thomas said that compared to traditional designs, they are unusual. He also stated that the LID and open space design aspects were meant to show intent to comply with the Powhatan Creek Watershed Management Plan.

Ms. Hughes asked if the proposed techniques would be considered as meeting the minimum requirements for the Powhatan Plan or if they go above and beyond the requirements especially considering the condition of the Powhatan Creek.

Mr. Thomas stated the requirement is exceptional environmental protection. He stated that approval was given because the Division felt they are above and beyond.

Mr. Fraley stated that he felt LID techniques were not extraordinary. He said they were the minimum requirement.

Mr. Thomas enumerated the goals of the Powhatan Creek Watershed Plan for the sub-watershed area that the site is a part of. Mr. Thomas also stated that LID and treatment plans were just one aspect of protection. He also stated that protections are also included in the proffers, master plan, and community impact statement.

Mr. Obadal stated that the applicant would be requesting a height increase from 35 ft. to 40 ft. for two of the buildings by reasoning that the buildings would not be visible from Jamestown Road. Mr. Obadal asked if Mr. Smolnik knew if they would be visible from Powhatan Creek.

Mr. Smolnik said he did not know.

Mr. Obadal stated that he felt the buildings would be visible from Powhatan Creek. He also asked if they would be visible from the adjoining properties.

Mr. Smolnik stated that given the tree line he believed they would.

Mr. Fraley added that they would probably be visible from Jamestown Road in the winter. He also said that he did not think there was any LB zoned property along the Jamestown Road Corridor that had not been developed.

Mr. Billups asked how rezoning the parcel benefited the public's interest.

Mr. Smolnik stated some of the public benefits that were included in the staff report.

Mr. Billups stated that in exchange for those benefits the ability to have a commercial use on the front of the property would be lost.

Mr. Smolnik said that was correct.

Mr. Billups stated his concern about the proximity of the parking lots to the wetlands.

Mr. Smolnik stated that the revised plan increased the distance over six feet from the original proposal to twenty-three feet. He stated that staff felt that was a step in the right direction and that the parking lots could be constructed without impacting the wetlands.

Mr. Billups asked about the possibility of a young child straying off twenty-three feet and venturing into the wetland.

Mr. Smolnik said that might be possible.

Mr. Fraley stated that the Planning Commission was looking for particular extraordinary public benefits. He said that a lot of the benefits cited were minimum requirements. He also stated that it would be nice to have the property redeveloped but questioned how it would be developed.

Mr. Fraley opened the public hearing.

Mr. Vernon M. Geddy III represented the applicant stating that the property owners had decided to sell the property for some type of development. Mr. Geddy presented a PowerPoint outlining the benefits of the proposal. He also highlighted some of the changes in the proposal since it was considered by the Planning Commission in November.

Mr. Obadal asked if removing the underground storage tank located on the property would be considered a benefit since it was not leaking.

Ms. Hughes stated that due to the shallow groundwater system removing the tank would be an environmental plus. She also stated that she would like to see the storm water basin relocated to preserve the wooded area.

Mr. Geddy asked what other environmental changes Ms. Hughes would like to see.

Ms. Hughes said that relocating the BMP would be significant.

Mr. Kennedy asked if the applicant expected to complete the project prior to the 2007 Commemoration.

Mr. Geddy said that it was still possible to achieve significant site clean up by that time.

Mr. Kennedy asked Ms. Hughes if relocation of the BMP would be enough for her to give support to the project. Mr. Kennedy also stated that the Commission must be careful to apply requirements across the board in making requests for extraordinary protections.

Mr. Obadal stated that his minimum would entail relocation of the BMP.

Mr. Michael Brown, the applicant, stated that environmental protections were his foremost concern. He also stated his willingness to meet expectations if he knew what those expectations were.

Mr. Fraley reminded the audience of some of the public benefits required for a rezoning according to the Comprehensive Plan.

Ms. Sarah Kadec, 3504 Hunter's Ridge, stated her support of the letters submitted by the Friends of Powhatan Creek that expressed concerns about the project. She also stated her concerns about environmental impacts and decrease in quality of life.

Ms. Betty Morie, 115 Lake Drive, stated that the Lakewood homeowners' were opposed to rezoning the parcel due to traffic and school impacts.

Ms. Kensett Teller, 1654 Jamestown Road, stated that the changes in the proposal since the Planning Commission's recommendation for denial in November 2005 were not sufficient to change the recommendation. Ms. Teller also stated her concerns regarding traffic and environmental impacts and inconsistency with surrounding buildings.

Mr. John Schmerfeld, 128 Jordan's Journey, represented the Friends of Powhatan Creek stating that the group was not in favor of the rezoning. He stated concerns about hydrology, water quality and other environmental impacts.

Mr. Gerald Johnson, 4513 Wimbledon Way, represented the Historic Route 5 Association stating that there has been further degradation of the Powhatan Creek since the Powhatan Creek Watershed study was completed. He also stated that the environmental standards were not high enough.

Ms. Kensett Teller stated that although the front of the property was ugly the back of it is beautiful with streams and hills. Ms. Teller suggested preserving it as a teaching tool or using it as park.

Mr. Geddy stated that the applicant was willing to move the BMP.

Mr. Brown asked Commissioners to consider the consequences of a by-right development on the property.

Mr. Kennedy asked if moving the BMP would preserve the tree line that was in question.

Mr. Geddy stated that he thought it would.

Mr. Kennedy asked County Attorney Leo Rogers for the procedure to make the change relocating the BMP.

Mr. Rogers explained the process.

Mr. Kennedy asked if previous speakers had additional thoughts on the proposed BMP relocation.

Mr. Schmerfeld stated that the relocation would not address his concerns.

Mr. Obadal asked Mr. Schmerfeld to repeat his earlier comments about run-off.

Mr. Schmerfeld explained the erosion issues he had talked about earlier.

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

Mr. Billups stated his concerns about health, safety and environmental impacts and the lack of public benefits and affordable housing.

Ms. Jones stated her concerns for environmental impacts, inadequate public benefits, increased density, building height, and rezoning from a business use. She also stated that the LB zoning includes uses that comply with the Comprehensive Plan designation. Ms. Jones said she would not support the project.

Mr. Kennedy stated that he was concerned with the Powhatan Creek and the LB zoning and recommended conservation activities that all citizens could participate in. He also stated that with the moving of the BMP and preservation of the tree line he could support the project.

Mr. Obadal said that some of his questions had not been answered. He said that he was inclined to reject the project primarily due to environmental concerns.

Mr. Hunt stated his support. He asked if every environmentally sensitive property should be turned into a park. Mr. Hunt also stated that half of the parcel would still remain undeveloped with the proposal.

Ms. Hughes said she was pleased with the changes made to the plan. She asked if the Environmental and Planning Divisions needed to review the changes.

Mr. Thomas stated that the changes represented a minor shift and were interior to the site. He said that he would not need to review them. Mr. Thomas also asked if the LID feature would still be included.

Mr. Hunt asked if Cypress trees could be planted in a BMP.

Mr. Thomas said Cypress trees could be used as a buffer and landscaped around the BMP.

Mr. Fraley stated that the current zoning is appropriate. He also stated that the buildings did not conform to surrounding uses.

Mr. Hunt motioned to recommend approval of the application as amended.

Mr. Kennedy seconded the motion.

In a roll call vote the motion failed (4-3). AYE: Hunt, Hughes, Kennedy (3); NAY: Jones, Billups, Obadal, Fraley (4).

J. Z-19-05/MP-16-05/SUP-32-05 Jennings Way

Mr. Joel Almquist presented the staff report stating that Mr. Jay Epstein of Health-E Communities has applied to rezone 29.81 acres of land from R-2, General Residential and B-1, General Business to R-2, General Residential with a Cluster Overlay and proffers and B-1, General Business with proffers. The applicant proposes a development of 85 units, 75 single family and 10 condominiums with a gross density of 2.85 units per acre. The property is located at 7375 and 7345 Richmond Road and is also known as Parcels (1-30) and (1-30A) on the JCC Tax Map (23-2). The site is shown on the 2003 Comprehensive Land Use Map as Low Density Residential. Recommended uses include very limited commercial establishments, single family homes, duplexes, and cluster housing with a recommended gross density of 1 unit per acre up to 4 units per acre in developments that offer particular public benefits.

Mr. Fraley opened the public hearing.

Mr. Vernon M. Geddy III represented the applicant stating the benefits of the proposal. Mr. Geddy explained the proffers for on and off site stream restoration. He also stated that the applicant specializes in energy efficient homes and mixed cost housing.

Mr. Kennedy asked why the affordable ranges for this project are higher than the ranges of the applicants' Pocahontas Square project in 2005.

Mr. Geddy stated that another developer had the project approved and later found they could not build according to the prices proffered. He also stated that the time value of money and increased cost of materials contributed to the increase.

Mr. Jay Epstein explained the cost breakdown of the Pocahontas Square project. He also stated that the cost of building is sky rocketing. Mr. Epstein also explained how the affordability aspect of the Jennings Way project would be protected.

Mr. Obadal stated that the development was impressive. He asked how the architecture of the town homes fit in with the surrounding community.

Mr. Epstein described some of the architectural elements that would be used in the project. He also stated that colonial colors would be used.

Mr. Obadal asked if modular housing would be included in the project.

Mr. Epstein said modular housing was more expensive to build and would not meet the energy efficiency levels they were trying to achieve.

Mr. Obadal asked if there was any way to further buffer the houses on Nina Lane.

Mr. Epstein said he could increase the tree and bush plantings.

Mr. Geddy added that a certain number of the plantings were required to be evergreens.

Ms. Beth Ann Joyal, 144 Nina Lane, stated that she would have sold her home instead of renovating had she known the project would be coming forth. She also stated her concerns about density, schools, and strains on public services.

Ms. Rebecca McDonough, 154 Nina Lane, stated her concerns about impacts to traffic, and the Yarmouth Creek Watershed and increased density.

Mr. Scott Coursen, 160 Nina Lane, represented the Kristiansand Homeowners' Association stating their concerns about density, impacts to schools and traffic, and the rate of growth in the County.

Mr. Matt Kurdziolek, 157 Nina Lane, said that the Kristiansand Homeowners' Association had not met with homeowners' to poll their opinions. He stated his support for the project.

Mr. Dave Jarman, 117 Landsdown, stated that the 2003 Comprehensive Plan supports the inclusion of affordable housing. Mr. Jarman said that approval of the project would support that goal. He also stated that the benefits to the County would be affordable housing, significant cash proffers and on and off site stream restoration.

Ms. Kay Kelley, 302 Farmville Lane, stated that she and her sister interviewed several developers before selecting Jay Epstein. She spoke of her commitment to the community and affordable housing.

Mr. William West, 102 Astrid Court, recommended approval of the proposal.

Ms. Linda Rice, 2394 Forge Road, recommended deferral of the proposal due to public concerns about the lack of cumulative data on schools, water, and traffic, and fiscal impacts to the County.

Mr. Mike Ware, stated that several community meetings had been held and that the current proposal addressed public concern. He also noted Mr. Epstein's commitment to providing affordable housing.

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

Mr. Obadal said he was impressed by the developer's position. He urged him to increase the screening between the site and the neighbors on Nina Lane. Mr. Obadal stated his support.

Mr. Hunt stated his support.

Ms. Jones stated that the Comprehensive Plan calls for affordable housing. She said she would like less density and more recreation but that she would support the plan.

Ms. Hughes said she would also like to see less density. She asked the applicant to address the negative fiscal impacts of the project.

Mr. Epstein stated that there is a price for providing affordable housing. He stated that without the affordable housing component the project would be a fiscal positive.

Mr. Hunt asked Mr. Epstein to explain his statement about shorter commutes.

Mr. Epstein said that providing affordable housings where employers are located would mean shorter commutes for residents.

Mr. Fraley asked what could be done to increase the privacy for the residents of Nina Lane.

Mr. Epstein gave several options for increasing the screening.

Mr. Obadal asked Mr. Epstein if he would provide the additional screening.

Mr. Epstein answered yes.

Mr. Kennedy stated that the affordable units were few in number and not integrated into the community. He also stated his concerns about schools, minimum standards for parks and recreation, and fiscal impacts. Mr. Kennedy said he could be supportive with a few changes.

Mr. Fraley asked Mr. Kennedy what it would take for his support.

Mr. Billups stated his support for the project. He stated that it was an infill development. He also supported its affordable component, support of the Comprehensive Plan, and that it had Staff's recommendation.

Mr. Fraley stated that if affordable housing was to be achieved that it will cost. He said he was satisfied that the applicant agreed to provide additional privacy for neighbors. Mr. Fraley motioned to recommend approval of the application with a requirement for additional buffering.

Mr. Obadal seconded the motion.

In a unanimous roll call vote approval was recommended (7-0). AYE: Hunt, Jones, Hughes, Kennedy, Billups, Obadal, Fraley (7); NAY: (0).

L. SUP-1-06 Centerville Road Tower Relocation

Mr. Matt Smolnik presented the staff report stating that Mr. John Abernathy has applied for a Special Use Permit on the parcels located at 4338 and 4346 Centerville Road, which are currently zoned A-1, General Agriculture in order to relocate the existing 400 foot tall WMBG radio tower on Monticello Avenue. The properties are also known as parcels (1-31) and (1-32) on the JCC Tax Map (36-2). The parcels are designated Low Density Residential by the James City County Comprehensive Plan. Recommended uses for Low Density Residential land include very limited commercial establishments, churches, single family homes, duplexes, and cluster housing with a recommended gross density of 1 unit per acre up to 4 units per acre in developments that offer particular public benefits.

Ms. Jones stated that the County was very involved in the creation of the master plan for New Town and should have known about the need to relocate the tower. She asked if the County had been involved in trying to locate a suitable site.

Mr. Sowers said the County had several meetings early on and had suggested sites that the owners did not find suitable.

Mr. Fraley opened the public hearing.

Mr. Vernon M. Geddy, III represented the applicant stating the need to relocate the tower is to accommodate the proposed New Town Section 9 development. Mr. Geddy stated that the constraints for locating an AM radio tower are different than those of wireless communication towers. He also stated that analyzing the proposal against the County's wireless communications facilities policy is not appropriate. He said it would be impossible for an AM facility to meet those standards.

Mr. Obadal asked when public notices were mailed.

Mr. Smolnik stated that public notices were sent out although he did not know the exact date.

Mr. Obadal stated that during the day the existing tower is hardly visible. He asked about the need for lighting.

Mr. Geddy said that the tower would have to have white lights during the day or be painted red and white and would have to have red lights at nights.

Mr. Obadal said the balloon test showed that the lights would be visible from Ford's Colony.

Mr. Smolnik stated that white lights during the day were not very visible but that they would be visible at night.

Mr. Obadal stated that although the wireless ordinance was not suitable for analyzing this project, he said that he thought the Comprehensive Plan offered some guidelines.

Mr. Smolnik stated that Staff did not find the proposal generally consistent with the strategies or actions of the Community Characters section of the Comprehensive Plan.

Mr. Hunt stated that the discussion was about the relocation of an existing tower not the addition of one so that the net change is zero.

Mr. Obadal stated that the development of Section 9 of New Town was extremely important to James City County. He also stated that that section of New Town would not be developed for some time.

Mr. Geddy said the applicant wanted to begin construction in September.

Mr. Sowers agreed with Mr. Geddy that the sections of the ordinance Mr. Geddy referred to address towers constructed for a different purpose. Mr. Sowers also stated that the County has made a judgment in the past to apply those sections to all special use permit requests for communications facilities and have even applied them to County projects.

Mr. Obadal asked if the policy was in writing.

Mr. Sowers said it was in writing.

Mr. Billups stated that the developers of New Town knew the tower existed. He said he was concerned about moving the tower from a wealthy community and placing it in someone else's backyard.

Mr. Geddy said that the only impacts would be visibility not economic.

Ms. Jones stated her concern with trying to apply a set policy to something that is unique.

Ms. Hughes asked if the impacts of the lights on surrounding wildlife in Greensprings Park had been considered.

Mr. Horne stated that Staff had not considered this.

Ms. Hughes asked if there was another suitable site within New Town.

Mr. Horne acknowledged that the standard that was being applied due to past practices was not written for this type of tower. He stated that based on the standard Staff had no choice but to recommend denial with the understanding that the Planning Commission and Board of Supervisors had broad discretion in determining how to apply the policy.

Mr. Sowers stated that Staff had not received sufficient data to determine whether the proposal could meet the standards. He stated that some information that had been requested was just supplied this evening and that other information had still not been submitted.

Mr. Hunt stated that the applicant had proffered to put the entire parcel into a conservation easement.

Mr. Fraley said the applicant had only agreed to work toward that end.

Mr. Granger stated that it is his intent and desire to place the parcel in a conservation easement. He said that the Williamsburg Conservancy recommended he proceed with the public hearing prior to their making a commitment to accept the parcel.

Mr. Kennedy asked about the possibility of the 40 acres being turned over to the Purchase of Development Rights (PDR) program.

Mr. Rogers said that such a condition could not be imposed in this process. He also stated that he was not sure that the property met the criteria of the PDR program and that the application deadline had pasted.

Mr. Kennedy asked how such a process could be done in order to ease the trepidation on the part of some Commissioners.

Mr. Fraley asked what condition could be placed on the SUP.

Mr. Rogers stated that he could not think of any.

Mr. Kennedy asked if a recommendation could be subject to the property being turned over to the Conservancy.

Mr. Hunt said the property could be placed in the Conservation Reserve Program (CRP) that runs in 10 year increments.

Mr. Granger restated his desire to preserve the property.

Mr. Ken Crumbly, 3418 News Road, stated that he would be impacted by the lights. He also stated his concern about property values and radiation impacts. He also stated that he did not receive notice of the balloon test.

Mr. Gene Burleson, 4338 Centerville Road, stated that the property had to be sold according to his brother's will. He stated his preference for a tower rather than clustered houses.

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

Mr. Fraley stated that the proposal was a land use issue. He said the existing location could be put to better use for the County. Mr. Fraley suggested deferring for 30 days to allow the applicant to work with Staff to submit the appropriate data.

Mr. Kennedy concurred with Mr. Fraley. He also stated that the additional time would allow several outstanding questions to be answered regarding electronic interference and a conservation easement.

Mr. John Melany, the applicant's consultant, stated that the facility should not cause interference to telephones and cellular phones or other electronic equipment. He also stated that WMBG is licensed as a singular tower and would require federal approval and more land to operate multiple towers.

Mr. Kennedy asked about the number of lights.

Mr. Melany stated that the closer you are to the tower the less you would notice the lights. He stated that the FAA dictates the colors and lighting.

Mr. Kennedy motioned to defer the case.

Ms. Jones seconded the motion.

Mr. Billups asked for a stipulation that all requested data be provided to the Planning Department. He also asked that notice be given to Ford's Colony residents and surrounding communities.

Mr. Smolnik said that Springhill and Ford's Colony Homeowners' Associations were notified. He also said the Balloon Test had been advertised.

Mr. Billups asked Mr. Geddy if there will be any modifications to the tower to allow co-location of cellular phones.

Mr. Geddy said there were two additional uses now and that it would be possible to allow other users.

Mr. Billups asked him to supply the maximum number possible to Mr. Sowers.

Ms. Hughes added that the possibility of a conservation easement should be explored further.

Mr. Kennedy asked how far out adjacent property owner notifications are mailed.

Mr. Smolnik stated that typically notices are sent to property owners' directly adjacent to the parcel in question. He stated that in this case notices were also mailed to the Springhill and Ford's Colony Homeowners' Association.

A CONTINUED MEETING OF THE MARCH SIXTH TWO-THOUSAND AND SIX PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON MARCH 8, 2006 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 | Don Hunt |
| | Anthony Obadal | Matthew Smolnik, Planner | Shereen Hughes |
| | Mary Jones | Geoff Cripe, Development Management Assistant | |
| | George Billups | David German, Planner | |
| | James Kennedy | Leo Rogers, County Attorney | |

5. PUBLIC HEARINGS

L. Z-16-05/MP-13-05 New Town Sec. 9 – Settler's Market

Mr. Matthew Smolnik presented the staff report stating that 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. The property is also known as parcels (1-3), (1-2), (1-52) and a portion of (24-3) on the JCC Tax Map (38-4). Under the proposed Master Plan, 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. The site is designated for Mixed Use development by the James City County Comprehensive Plan. Mixed Use areas are centers within the Primary Service Area where higher density development, redevelopment and/or a broader spectrum of land uses are encouraged. Mr. Smolnik identified outstanding traffic issues and stated staff recommends deferral.

Mr. Billups asked if there are any problems being generated that cannot be resolved.

Mr. Sowers said the main issue was traffic. He stated that there is a policy issue that must be considered by the Planning Commission and Board of Supervisors regarding application of additional standards that were not part of the 1997 proffers.

Mr. Kennedy asked how this parcel had changed since the original master plan.

Mr. Smolnik stated that there had been some density transfers but the overall plan had not changed other than this applicant's request to add the WMBG radio tower.

Mr. Kennedy asked if a density transfer had been applied to this section.

Mr. Smolnik answered yes and stated that the increased density was included in the traffic study.

Mr. Sowers said the density transfer is from land in New Town on the same side of Route 199.

Mr. Obadal asked whether the traffic data was cumulative.

Mr. Sowers said yes. He also stated that the share that should be contributed to Settler's Market had been determined.

Mr. Kennedy asked if the impact of High Street had been factored in.

Mr. Sowers said yes.

Mr. Fraley stated that he was pleased to see the project come forward. He also said he thought it was wise to consider future traffic impacts upfront. Mr. Fraley asked if the \$680,000 cost was for design modifications at Monticello Marketplace and News Roads.

Mr. Sowers stated yes and that costs were also for other improvements west of Route 199.

Mr. Fraley praised AIG Baker and John Abernathy for their roles in bringing the project forward.

Mr. Fraley opened the public hearing.

Hearing no requests the public hearing was continued.

M. SUP-2-06 Busch Gardens – New France Addition

Mr. David German presented the staff report stating that LandMark Design Group has applied, on behalf of Busch Gardens Entertainment Corporation, Williamsburg, for approval of a Special Use Permit for four buildings to support a major new expansion a new major attraction in the New France section of the Busch Gardens, Williamsburg theme park located at 7851 Pocahontas Trail. The parcel is further identified as Parcel No. (1-9) on JCC Tax Map No. (51-4).

Mr. Fraley opened the public hearing.

Mr. Larry Giles, Vice President of Engineering for Busch Gardens Williamsburg, stated that the building would be centrally located within the park. Mr. Giles also stated that the project was a redevelopment of a section of the park that had already been developed and that impervious area would be reduced.

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

Mr. Kennedy motioned for approval of the application.

Ms. Jones seconded the motion.

In a unanimous roll call vote the application was recommended for approval (5-0). AYE: Jones, Kennedy, Billups, Obadal, Fraley (5); NAY: (0).

N. Capital Improvements Program

Mr. Matthew Smolnik stated that after a series of meetings to discuss and rank the Capital Improvements Program (CIP) requests the Policy Committee and Staff are forwarding its recommendations for the fiscal years 2007-2011. The ranking system emphasizes service needs and conformance to the Comprehensive Plan. In the end 26 projects received high priority, 30 received medium priority and 23 received low priority ranking. Mr. Smolnik also highlighted changes in the procedure for assigning priority rankings.

Mr. Obadal stated that he found it troublesome that Commissioners were given the total cost of the different projects but they were not given the potential funding sources.

Mr. Smolnik stated that the major role of the Policy Committee was to evaluate each project on its conformance to the Comprehensive Plan and not the financial aspects.

Mr. Obadal asked if Title 10.2 of the Virginia Code requires the Planning Commissioner take a look at the source of the costs.

Mr. Rogers stated that when the CIP plan is reviewed by the Planning Commission there are several criteria that are identified in that section of the code, one being the source of funding. He also stated his opinion that the Planning Commission has the option.

Mr. Obadal confirmed that if the Commission decided to consider funding data as a part of the review next year that they needed to request the information in advance.

Mr. Rogers said that was correct.

Mr. Obadal asked if there were any other factors.

Mr. Rogers said there were several factors that than translates into the County's budget over the next four years.

Mr. Fraley asked Mr. Kennedy his experience on how the Board viewed the Planning Commissions' role in the CIP process.

Mr. Kennedy said the CIP projects list was always reviewed by the Board. He stated that there is a lot of competition for funds. Mr. Kennedy stated that he did not know whether it would be beneficial to request a look at the funding sources due to the many reasons and sources Board members use when considering a project.

Mr. Obadal said he would have to consider Mr. Kennedy's perspective. He said he found it difficult to set a priority without knowing where the money is going to come from.

Mr. Kennedy said that often the CIP is reviewed before the budget is released. He said the budget is prepared and the CIP projects are ranked according to the funding that is available.

Mr. Fraley confirmed with Mr. Rogers the wording of the State Code.

Mr. Fraley opened the public hearing.

Mr. Fraley commended Mr. Billups and the Policy Committee on the work.

Mr. Billups also commended Mr. Smolnik for his work in the process. Mr. Billups gave the 11 elements the Committee used in their decision making process.

Mr. Billups motioned to approve the recommendations.

Mr. Kennedy seconded the motion.

Mr. Fraley requested that Ms. Hughes' summary of the rationale for rankings be forwarded to the Board of Supervisors.

Hearing no other requests the public hearing was closed.

Ms. Jones commended Mr. Billups, Ms. Hughes and Staff for their efforts.

In a unanimous roll call vote the CIP rankings were recommended for approval (5-0).
AYE (5): Jones, Kennedy, Billups, Obadal, Fraley; NAY (0).

Mr. Sowers thanked Commissioners for their efforts as well.

6. PLANNING DIRECTORS REPORT

Mr. Sowers reminded the members of the joint work session with the Board of Supervisors on March 28th at 4 p.m. in Building F and the Environmental training on March 22nd at 9 a.m. in Building A. Mr. Sowers also stated that the final Rural Lands Committee meeting will be held on March 22nd at 4:30 p.m. at the County Library.

Mr. Fraley asked Commissioners to email him any suggestions for agenda topics for the joint work session with the Board of Supervisors within the next few days.

8. ADJOURNMENT

There being no further business, the Planning Commission meeting was recessed until March 22, 2006 at 7:45 p.m.

Jack Fraley, Chairman

O. Marvin Sowers, Jr., Secretary

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE THIRD DAY OF APRIL, TWO-THOUSAND AND SIX, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Jack Fraley
Don Hunt
Anthony Obadal
Mary Jones
George Billups
Shereen Hughes
James Kennedy

ALSO PRESENT

Marvin Sowers, Planning Director
Adam Kinsman, Assistant County Attorney
Toya Ricks, Administrative Services Coordinator
Jason Purse, Planner
Matthew Smolnik, Planner
John Horne, Development Manager
Joel Almquist, Planner
David German, Planner
Joel Almquist, Planner
Ellen Cook, Senior Planner
Darryl Cook, Environmental Director
Mike Woolson, Senior Watershed Planner

2. COMMITTEE AND COMMISSION REPORTS

A. Policy Committee

Mr. Billups presented the Policy Committee report stating that an initiating resolution for an amendment to the Sign Ordinance would be heard later in the meeting. Mr. Billups stated that upon approval of the initiating resolution the Committee would consider the proposed amendment.

B. Development Review Committee (DRC) Report

Mr. Kennedy presented the DRC report stating that the Committee heard four cases at its March 29th meeting. He stated that the Committee voted unanimously to recommend preliminary approval for Liberty Ridge, Liberty Crossing and Villas at Five Forks. Mr. Kennedy also stated that the Committee voted unanimously to recommend deferral of Governor's Grove due to Environmental issues.

Mr. Kennedy motioned to approve the DRC report.

Ms. Jones seconded the motion.

In a unanimous roll call vote the report was approved (7-0).

Mr. Fraley commended Noland Commercial Properties, Villa Development LLC, and East West Partners for submitting designs that exceed minimum standards. Mr. Fraley also stated that the Commission will be releasing their suggested design standards for new residential developments within the next few days.

3. PLANNING COMMISSION CONSIDERATION

A. ZO-7-05 Initiating Resolution – Sign Ordinance

Mr. Sowers presented the initiating resolution stating that it is customary for the Planning Commission to authorize review of a proposed ordinance amendment prior to conducting the appropriate studies and

hearings. He stated that the request is to consider an amendment to the Sign Ordinance to adopt pedestrian scale signage.

Mr. Sowers motioned to approve the resolution.

Mr. Fraley stated the proposed amendment would be considered by the Policy Committee.

Mr. Billups seconded the motion.

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

4. PUBLIC HEARINGS

A. Z-13-05 Village at Toano

B. SUP-4-06/MP-1-06 Prime Outlets MP Amendment

Mr. Fraley stated that the applicants for cases Z-13-05 Village at Toano and SUP-4-06/MP-1-06 have requested deferral until the May meeting. Mr. Fraley asked if Staff concurred.

Mr. Sowers answered yes.

Mr. Fraley opened the public hearing.

Hearing no requests to speak the public hearing was continued.

C. AFD-9-86-3 Gordon Creek Withdrawal

Mr. Jason Purse presented the staff report stating that Mr. Sanford Wanner has applied to withdraw approximately 44 acres from the existing Gordon Creek Agricultural and Forestal District (AFD). The withdrawn site will be used as the site for the 8th Elementary School in Williamsburg /James City County. The property is located at 4085 Centerville Road, which is located off of Brick Bat Road, and can further be identified as parcel (1-1) on the JCC Tax Map (36-3). The AFD Advisory Committee recommended denial of the application by a vote of 7-1.

Mr. Kennedy asked if ownership of the parcel had been conveyed to the County.

Mr. Purse stated that although the land belonged to the County compensation and property boundaries had not been established.

Mr. Kennedy asked if the County had officially taken ownership of the property.

Mr. Kinsman stated that ownership had officially been passed to the County although there were details to be worked out.

Mr. Kennedy asked if a compensation package had been worked out.

Mr. Kinsman said it had not.

Mr. Obadal asked if environmental plans had been submitted.

Mr. Purse said a conceptual storm water management plan was submitted with the Special Use Permit (SUP) application. Mr. Purse stated that the Environmental Division did not have any problems with the plan.

Mr. Obadal asked if a Best Management Plan (BMP) was included.

Mr. Purse showed the location of the BMP.

Mr. Obadal asked where the run-off collected.

Mr. Purse said it ran toward Warburton Pond.

Mr. Obadal asked if there was a holding bay beyond the BMP.

Mr. Purse stated that he did not know.

Mr. Kennedy asked if the prior owners could appeal the condemnation.

Mr. Kinsman said no. He stated that the County had filed its Certificate of Take and the only dispute is over compensation.

Mr. Fraley opened the public hearing.

Hearing no requests to speak the public hearing was closed.

Mr. Kennedy stated his concerns with giving special privileges to the government in allowing them to do something that citizens cannot do. He stated that allowing an early withdrawal sets a bad example. Mr. Kennedy also stated that he received phone calls urging him to vote on the case at the meeting. He stated that the process is wrong and his vote to deny the case will be based on the process and has nothing to do with the school.

Mr. Obadal stated that the request is for a public use and he could distinguish between a public need and private development and that the school is vitally needed. He also stated that early withdrawal was to allow time for construction. Mr. Obadal stated his concern with the lack of a basic environmental plan and identified some environmental protections that he would like to see incorporated.

Mr. Fraley stated that the case currently being considered was the AFD withdrawal. He stated that the SUP for the school was next on the agenda where this item could be addressed.

Mr. Billups motioned to recommend approval of the application.

Ms. Jones seconded the motion.

In a roll call vote the application was recommended for approval (5-2). AYE: Billups, Obadal, Jones, Hughes, Fraley (5); NAY: Hunt, Kennedy (2).

D. SUP-5-06 WJCC 8th Elementary School

Mr. Jason Purse presented the staff report stating that Mr. Sanford Wanner, on behalf of James City County, has applied for a Special Use Permit to allow for an elementary school, on approximately 44 acres of land, on a parcel zoned A-1, General Agricultural. The property is located on the north side of Brick Bat road, and approximately 2,150 feet west of Brick Bat's intersection with Centerville Road. The property is currently part of a larger parcel located off of Brick Bat Road, which can further be identified as parcel (1-1) on the JCC Tax Map (36-3). The site is shown on the 2003 Comprehensive Plan Land Use Map as Rural Lands. Recommended uses on property designated for Rural Lands areas are agricultural and forestal activities, together with certain recreational, public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings.

Mr. Kennedy asked if it was normal to approve an application that lacked an environmental plan.

Mr. Purse stated that the Environmental Division had reviewed the plan and was comfortable with the proposal. Mr. Purse stated that Staff believed the storm water management plan was adequate.

Mr. Billups asked if the Virginia Department of Transportation (VDOT) had agreed to provide the proposed road improvements.

Mr. Purse said the road improvements would be provided by the County. He also stated that VDOT

concurred with the proposed improvements.

Mr. Hunt asked if there would be improvements to Brick Back Road leading from the school to Route 5.

Mr. Purse showed the areas where improvements are proposed.

Mr. Fraley asked Mr. Cook to comment on the environmental concerns.

Mr. Cook stated that he did not review the plan and deferred questions to the school's representative.

Mr. Kennedy asked if the environmental plan represented a work in progress or a finished plan.

Mr. Cook said it was a work in progress. He stated that the details had not been worked out.

Mr. Obadal confirmed that there is no watershed plan for Gordon Creek.

Mr. Cook said that was correct.

Mr. Obadal asked what protections are required in the absence of a watershed plan.

Mr. Cook said the site must meet normal criteria for the Chesapeake Bay Ordinance in terms of water quality and the Erosion and Sediment Control Ordinance for storm water quantity.

Mr. Obadal asked if the major portions of the Powhatan Creek plan could be used.

Mr. Cook stated that both the Powhatan and Yarmouth Creek plans are specific to those watersheds. He stated that the principals could be transferred not the specific applications.

Mr. Obadal stated his desire to see a turf management plan and low impact (LID) techniques. He stated that such measures would be demanded of other applicants.

Mr. Fraley opened the public hearing.

Mr. Alan Robertson, facilities manager for the School Division, provided the history of the project. He discussed the meetings and preliminary work that have gone into developing the application.

Mr. Obadal asked the applicant for a general commitment to provide a basic environmental plan prior to consideration by the Board of Supervisors.

Mr. Robertson stated his intent to do so.

Mr. Kennedy asked that Mr. Obadal replace the word basic with extraordinary in order to be consistent with the requirements of other applicants.

Mr. Billups inquired about the ability to acquire additional acreage if it becomes necessary.

Mr. Robertson stated that the work that has been done so far has been site specific. He stated that only the archeology survey remained outstanding.

Ms. Jones asked if 700 students referred to the design capacity or the effective capacity for the school.

Mr. Robertson stated that the building was designed to accommodate 700 students.

Ms. Jones asked if Mr. Robertson felt parking would be adequate at the school.

Mr. Robertson pointed out the parking areas. He stated that parking would be substantially more than other schools.

Mr. Steve Kropf, 3307 Westover Ridge, stated his concerns about buffering, traffic, and property values.

Mr. Russell Atkinson, 3275 Westover Ridge, asked if the centerline for Brick Bat Road would be

adjusted to prevent encroachment upon the current Greensprings West buffer.

Mr. Steve Raugh with the Timmons Group stated that the existing buffer in Greensprings West would remain intact and the widening would come off the school site.

Mr. Kennedy asked if the buffer would be impacted by the road expansion.

Mr. Raugh said the existing edge of pavement on the Greensprings side of the road would remain. He stated that all the road improvements would be pushed toward the school.

Mr. Russell asked if the view to the school would be landscaped.

Mr. Raugh stated that the intent is to maintain the natural vegetation. He stated that the required buffer from Brick Bat Road is 50 feet.

Mr. Fraley asked if the final design would require DRC approval.

Mr. Sowers said that was correct.

Mr. Fraley concurred with Mr. Kennedy's comments regarding holding the County to same standards as private developers. He asked Mr. Kinsman to advise the Commission of the procedure to attach a recommendation or suggestion requiring unusual environmental protections.

Mr. Kinsman stated that the Commission could add a specific condition or recommendation to do so. He said the application is a public project and that adding such a condition would increase expenses. Mr. Kinsman also stated that the desire to move the project along was due to time constraints.

Mr. Kennedy stated that he understands the time sensitivity issue. He said the County has sold land in the past that could have been used for a school. Mr. Kennedy also stated that additional schools will be needed and that it would behoove the County to start identifying sites now to avoid a similar situation in the future.

Mr. Kinsman stated that he was certain that this was not a spur of the moment decision and that he understood Mr. Kennedy's position. He also stated that the County had begun looking for additional sites, adding that they follow growth patterns. Mr. Kinsman said the County has agreed to abide by all rules and regulations.

Mr. Kennedy stated that other applicants would have been required to provide more specific information. Mr. Kennedy stated that he would support the project and trust that everyone will do the right thing.

Mr. Horne stated that he did not want the audience to be left with a misimpression as to level of detail of environmental design. He stated that he met with County and Environmental Engineers yesterday regarding implementing above standard stream protection measures. Mr. Horne said the staff report does not adequately reflect the level of work being done.

Mr. Obadal asked if there would be a problem with adding a condition requiring unusual environmental protections.

Mr. Horne stated that the condition was broad. He requested a clear expression of the Commission's intent. Mr. Horne also stated that the DRC would have an opportunity to review the plan.

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

Mr. Hunt stated that he felt the environmental condition must be specific so that other applicants will understand the expectation for extraordinary and average protections.

Ms. Hughes stated that specific language had been included in two upcoming cases. She suggested using the same language in the condition.

Mr. Kinsman asked if Ms. Hughes was suggesting the language be added as a recommendation or as a

condition.

Mr. Kennedy said the government has a great opportunity to set the bar.

Ms. Hughes stated that adding the language as a recommendation would be fine.

Mr. Fraley addressed Mr. Hunt in stating that the Commission should agree on the specifics of definitions for extraordinary and unusual protections prior to advising the public.

Mr. Hunt called for the question.

Ms. Jones agreed with the other Commissioners. She stated her concerns with condemnation and locating the school outside the Primary Service Area (PSA). She also stated that she understood the reasons and needs. Ms. Jones stated that she was pleased that the effective capacity was consistent with the Comprehensive Plan and with the recreation plan. She stated her support.

Mr. Fraley asked if the motion included a recommendation for the design to contain unusual environmental protections.

Mr. Kennedy answered yes.

Mr. Kinsman advised that there had been a call for the question and that a motion to approve or deny was still needed.

Mr. Hunt motioned to recommend approval of the application with the recommendation stipulated.

Mr. Kennedy seconded the motion.

In a unanimous roll call vote the application was recommended for approval (7-0).

E. Z-12-05 Moss Creek Commerce Center (Toano Business Center)

Ms. Ellen Cook presented the staff report stating that Mr. Vernon M. Geddy, III has submitted an application to rezone 21.23 acres of land from A-1, General Agricultural to MU, Mixed Use, with proffers. The applicant proposes 3,575 square feet of bank; 4,725 square feet of convenience store with fueling; 34,630 square feet of retail; 54,000 square feet of office/warehouse space; and a mini-storage facility. The property is located at 9686 and 9690 Old Stage Road, and is further identified as parcels (1-4), and (1-34) on the JCC Real Estate Tax Map (4-4). The property is designated Low Density Residential and Mixed Use on the Comprehensive Plan Land Use Map. Recommended uses on property designated for Low Density Residential include single family homes, duplexes, cluster housing, and very limited commercial establishments with a gross density of up to 4 units per acre in developments that offer particular public benefits. Recommended uses on property designated for Mixed Use in the Stonehouse mixed use area include light industrial and office/business park, with commercial uses clearly secondary in nature.

Mr. Fraley opened the public hearing.

Mr. Vernon M. Geddy, III stated that the applicant proposes to create a high quality, mixed use business development designed to service people living and working in the Stonehouse mixed use area. Mr. Geddy highlighted the changes in the proposal since its presentation to the Planning Commission in December 2005.

Ms. Jones asked about the overhead power lines.

Mr. Geddy stated that they would be placed underground.

Mr. Obadal asked to see pictures of the storage facility and asked if they would be visible from Route 30.

Mr. Geddy pointed to the locations of a wooded area, and proffered berms and landscaping stating that those elements would screen the storage facility.

Mr. Obadal stated that he was concerned about the use of the phrase “where feasible and appropriate” in reference to the use of low impact design (LID) measurements in the proffers.

Mr. Geddy stated that the proffer will be amended by their commitment to take runoff from 30% of the site into LID.

Mr. Fraley stated that 30% should be the minimum.

Mr. Obadal asked what happens to the other 70% of runoff.

Mr. Geddy stated that there will be a storm water management pond (BMP) that will treat the water.

Mr. Obadal asked where the BMP leads.

Mr. Geddy stated that it ultimately meanders to Ware Creek.

Ms. Hughes asked if the buffer in front of the storage facility is on the applicant’s property.

Mr. Geddy showed the property line and stated that the enhanced landscaping would take place on the applicant’s side of the property line.

Ms. Hughes asked Mr. Geddy if he thought the Community Character Corridor was wooded or rural.

Mr. Geddy stated that it transitioned into one at the site and continued into the other beyond it.

Ms. Hughes asked for the locations of the archeological sites.

Mr. Geddy showed the locations.

Ms. Hughes if any of the buildings were historical.

Mr. Geddy answered no.

Mr. Fraley referred to a citizen letter that indicated that the property was for sale.

Mr. Geddy stated that Mr. Brown is the developer and that once the property is rezoned portions would be sold to businesses.

Ms. Hughes asked if the traffic study included traffic leaving Interstate 64 to use the convenience store and gas station.

Mr. Geddy said it assumes a certain level of traffic coming from that direction but not specifically from the Interstate.

Ms. Hughes asked if two lights would be necessary if access occurs off of Fieldstone Parkway into the development.

Ms. Deborah Lenceski, LandMark Design Group, stated that if the access is allowed then only the proposed light at Fieldstone Parkway and Route 30 would be required.

Mr. Obadal asked if a light would be required at the entrance to the development off of Route 30.

Mr. Geddy stated that it would not be required if access into the development at Fieldstone Parkway becomes a reality.

Mr. Obadal stated that it might be dangerous to make a left turn into the development from Route 30 without a traffic signal.

Mr. Geddy stated that there is an assumption that traffic would be lower with an entrance off of Fieldstone Parkway.

Mr. Hunt stated that signals create gaps that would allow opportunities to access the site.

Ms. Jones asked how optimistic the applicant was that access off Fieldstone Parkway will occur.

Ms. Lenceski stated that she was more optimistic than the traffic study proposed. She stated that VDOT requires certain assumptions be used in the study.

Mr. Geddy said that if the Fieldstone Parkway entrance is not allowed there will be a traffic signal at the main entrance.

Mr. Fraley asked how committed the applicant was to getting a Fieldstone Parkway entrance.

Mr. Geddy stated that it would be mutually beneficial to this project and the Stonehouse project.

Mr. Fraley asked if the applicant was pursuing it.

Mr. Geddy stated that the applicant has contacted the other developers.

Mr. Fraley asked who would pay for the signal.

Mr. Geddy stated that that would be part of the discussion.

Mr. P.J. McQuade, 3108 Windy Branch Drive, stated his support for the proposal. He also stated that the elevations were consistent with the community.

Ms. Caroline Lott, 9804 Loblolly Court, stated that she and her husband submitted letters to the Commission in support of the project. Ms. Lott also said that she was part of a three person team that met with the developer to gather facts about the proposal to distribute to residents and to share residents' concerns with the developer.

Mr. Walt Rybak, 9808 Turning Leaf Drive, concurred with Ms. Lott's comments. He stated that he was also part of the three person committee and that he supported the project 100%.

Ms. Judy Bishop, 2924 Leather Leaf Drive, stated that she and her husband supported the project. She said they submitted a letter to the Commission and that they had expected retail and commercial sections to follow shortly after they moved into the community.

Mr. John Dodge, 3107 Cider House Road, stated that he doubted that Stonehouse at Williamsburg LLC (SAW) would permit access from Fieldstone Parkway through their property. He also stated his concerns about traffic and that the buffer would be eliminated when Route 30 is widened.

Mr. Tim Trant of Kaufman and Canoles representing SAW, the adjacent property owner, stated that the traffic signal at the intersection of Route 30 and Fieldstone Parkway has been proffered by SAW. He stated that the applicant should share in its costs because the proposal will increase traffic. He also stated that there has been no coordination on an access point into this development from Fieldstone Parkway. Mr. Trant asked for assurance of a 360 degree architectural review of the buildings.

Mr. Ken Kievit, 3150 Cider House Road, stated his concerns about the mini-storage facilities and the right-of way buffer that would be utilized if Route 30 is expanded. He also stated that the proposed level of traffic should require two signals.

Mr. Fraley closed the public hearing.

Ms. Jones stated the Comprehensive Plan Land Use Map designated the site mixed use. She stated that the proposed use is consistent with the Land Use Map and the Comprehensive Plan and Zoning Ordinance.

Ms. Hughes stated her concerns about traffic impacts and inadequate integration with Stonehouse. She stated that she will not support the application without confirmation of a second access point off of Fieldstone Parkway.

Mr. Obadal stated his concerns about the need for two traffic lights, lack of financial participation in Fieldstone signal, and inclusion of the VDOT right-of way in the buffer. He stated that he would vote no.

Mr. Billups stated that a second entrance from Route 30 would be appropriate for the project.

Mr. Hunt said he would support the project. He stated that he has not seen any significant traffic back-ups in the area.

Mr. Kennedy recused himself stating prior discussions with the applicant about locating his restaurant in other developments the applicant owns.

Mr. Fraley stated that the architectural design significantly camouflaged the mini-storage facility. He also stated that the proposal exceeds minimum standards and that he would support it.

Ms. Jones motioned to recommend approval of the application.

Mr. Hunt seconded the motion.

Mr. Billups stated that he would support the project based on the level of community support for the project.

In a roll call vote the application was recommended for approval (4-2). AYE: Jones, Fraley, Hunt, Billups (4); NAY: Hughes, Obadal (2). Kennedy abstained.

F. Z-13-04/MP-10-04/SUP-31-04 Monticello at Powhatan North

Mr. Joel Almquist presented the report stating that Mr. Tim Trant of Kaufman and Canoles has applied on behalf of Powhatan Enterprises, Inc. to rezone 36.48 acres of land from R-8, Rural Residential, to R-2, General Residential with a Cluster Overlay and proffers. The applicant proposes the development of 91 condominiums at a gross density of 2.49 units per acre. The property is located at 4450 Powhatan Parkway and is also known as Parcel (1-01) on the JCC Tax Map (38-3). The site is designated as Low Density Residential on the 2003 Comprehensive Plan Land Use Map and is within the Powhatan Creek Watershed. Uses recommended by the Comprehensive Plan within the Low Density Residential designation include very limited commercial establishments, single family homes, duplexes, and cluster housing with a recommended gross density of 1 unit per acre up to 4 units per acre in developments that offer particular public benefits. Staff recommended denial due to lack of public benefit and environmental impacts. Staff also recommended denial of the applicant's deferral request stating that the revisions required to adequately address staff concerns would constitute would be a new proposal.

Mr. Fraley opened the public hearing.

Mr. Tim Trant, Kaufman and Canoles, represented the applicant stating that the time that has been expended so far was necessary to address staff and citizen concerns. He stated that the applicant now has sufficient direction from staff so that a revised plan that significantly addresses staff concerns can be submitted within 90 days. Mr. Trant presented a timeline of the history of the application and a progress plan and requested a 90 day deferral.

Mr. Kennedy stated that he would expect substantial progress in the application if a deferral is granted.

Mr. Trant said he respected Mr. Kennedy's position.

Mr. Fraley stated that the proposal contains several serious problems. He also stated that only minor changes have been made since the original submission.

Ms. Hughes said the site is located in the Powhatan Watershed and that Better Site Design Principles require that they be acknowledged and addressed at the conceptual stage. Ms. Hughes stated that a new design and new application were needed.

Mr. Billups stated that considerable effort has been made by staff to help move the project forward. Mr. Billups stated that he has no sympathy for the applicant and that the application does not meet standards. He said he will not support the proposal.

Mr. Obadal stated that too many deferrals have been granted. He stated that other parties are involved and have come ready to make their statements.

Mr. Trant stated that he has his client's commitment to make the revisions necessary to garner the support of staff. He said he is confident that it can be done in 90 days. Mr. Trant also stated that regulations have continually evolved since the original submission and asked for time to catch up.

Mr. Andy Poole, 4019 E. Providence Road, stated that residents of the Berkeley section of Powhatan Secondary opposed the proposal due to concerns about traffic, incompatibility with the Comprehensive Plan, lack of public benefit, and impacts on quality of life and schools.

Mr. Charles Grimes, 3940 Powhatan Parkway, stated his concerns about traffic.

Ms. Carrie Viciano, 3971 Powhatan Parkway, stated that Mr. Poole spoke for all the residents in attendance at the meeting tonight.

Mr. Howard Zlotnick, 3921 Powhatan Parkway, stated that the applicant has known that density was been a problem along. He also stated that the developer has not been cooperative with residents in listening to and addressing their concerns.

Mr. Gary Cosman, 3919 Cold Spring, stated that during ice storms residents on Powhatan Parkway cannot get up their drive ways and park on the streets which would create a hazard for school buses.

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

Mr. Almquist stated that within 17 months there have been no substantial changes. He also stated that substantial changes would constitute a new proposal.

Mr. Kennedy asked Mr. Kinsman about the consequences of the actions the Commission may take tonight.

Mr. Kinsman stated that the Commission could defer the application or vote on it as is and forward it to the Board of Supervisors with a recommendation for approval or denial.

Mr. Sowers added that if the Board denied the application it could not be resubmitted for a year without substantial changes.

Mr. Hunt recommended that the application be voted on tonight.

Ms. Jones motioned to recommend denial of the applications.

Mr. Kennedy seconded the motion.

In a unanimous roll call vote denial of the applications was recommend (7-0). AYE: Hunt, Obadal, Jones, Hughes, Kennedy, Billups, Fraley (7); NAY: (0).

Mr. Fraley asked that the Planning Commission's recommendation to extend the intersections for analysis to Monticello and News Roads be considered by Staff in cases such as this one.

G. Z-16-05/MP-13-05 New Town Sec. 9 – Settler's Market

Mr. Matthew Smolnik presented that staff report stating that this joint application submitted by AIG Baker Development, LLC and Developer's Realty Corporation to rezone 58.0 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 was deferred by the Commission on March 8, 2006. The property is also known as parcels (1-3), (1-2), (1-52) and a portion of (24-3) on the JCC Tax Map (38-4). Under the proposed Master Plan, a range of 401,945 to 426,342 square feet of buildings are proposed with a range of 215 to 279 condominium or townhouse units. The site is designated for Mixed Use development by the James City County Comprehensive Plan. Mixed Use areas are centers within the Primary Service Area where higher density development, redevelopment and/or a broader spectrum of land uses are encouraged. Staff found the proposal generally consistent with the New Town Master Plan, the Comprehensive Plan, and compatible with surrounding uses and recommended approval.

Mr. Fraley noted that the New Town Design Review Board (DRB) has granted an exception to the New Town Design Guidelines to allow larger retail buildings in Section 9.

Mr. Smolnik stated that staff worked with the applicant and the DRB on the overall layout. He also stated that Planning Commission must determine whether or not the design is consistent with the overall master plan.

Ms. Hughes referred to Mr. Carroll Collins' statement that as we move towards a more urban concept pedestrian and bicycle traffic will increase. She asked if the proposed design allows for that increase.

Mr. Carroll Collins with Kimley-Horn and Associates stated pedestrian and traffic have not reached a level where they can be quantified in this analysis.

Mr. Sowers added that staff is working with Virginia Department of Transportation (VDOT) to add pedestrian crossings and that the signals will have pedestrian heads, refuge island, and push buttons.

Ms. Hughes confirmed that traffic will be moving at 15-20 miles per hour and that pedestrians will be able to cross without interrupting the timing of the lights.

Mr. Sowers answered yes.

Mr. Collins stated that as pedestrian volume increases it will become a part of the signal timing.

Mr. Kennedy asked about the anticipated decrease in levels of service (LOS) expected by 2023.

Mr. Collins stated that that predication assumed all things stayed the same in terms of background growth.

Mr. Kennedy stated that he hoped that we were not planning for the demise of New Town in 15-20 years.

Mr. Collins said there will be additions to the market place that will share the load and that bike and walking traffic will increase.

Mr. Sowers stated that the intersections with the worst LOS do not reflect proposed road improvements.

Mr. Fraley opened the public hearing.

Mr. Geddy represented the applicant stating that the New Town Master Plan was approved in 1997 and that Section 9 represents 58 acres of the entire 375 acre development. He also stated that the proceeds from the sale of the portion owned by the Williamsburg Community Hospital will be distributed to the Williamsburg Community Health Foundation to be used to fund grants for community health needs. Mr. Geddy stated that the applicant has spent 8 months studying the Monticello Corridor and that both the

applicant's consultant and the County's consultants agree that the intersections of the project will operate at an LOS of "C" or better as called for in the New Town Master Plan. He also said the applicant is willing to incorporate LID measures consistent with the surrounding New Town area.

Mr. Fraley asked about a multi-use building that had been proposed to be located in an area of wetlands.

Mr. Geddy said the building and parking lot will be moved to a different location on the site.

Ms. Hughes asked for the location of the 50' buffer that will be added to the Resource Protection Area (RPA).

Mr. Geddy indicated the location on a map.

Ms. Hughes asked for the locations of the pedestrian accesses throughout the project.

Mr. John Abernathy with AIG Baker, LLC pointed out the locations on a map.

Mr. Kennedy asked if bike paths and bike racks would be available.

Mr. Abernathy answered yes.

Mr. Smolnik stated that the pedestrian facilities Mr. Abernathy spoke of were included in the design guidelines approved by staff and that they are binding.

Mr. Sowers said that master sidewalk and pedestrian path plans will be required during the development plan stage as they have been for other New Town sections.

Mr. Kennedy asked how the recreation and open space in New Town have changed over the years.

Mr. Sowers said that the configuration and location of open spaces have changed somewhat from the original master plan.

Mr. Kennedy asked if the size has changed.

Mr. Sowers stated that he has not tracked the size. He said it is his impression that there has been some decrease. He also stated that there have been substitutions of different types of open space.

Mr. Kennedy said it would be helpful in the future to track such changes. He stated his concerns with the amount of retail and traffic and the elimination of parks, museums, and performance art theatres.

Mr. Fraley asked if the size of the retail buildings would be addressed by the architectural designs.

Mr. Geddy said that was correct. He also stated that this section of New Town has always been designated as a Commercial Corridor.

Ms. Hughes asked what LID measures have been denied by state and federal agencies.

Ms. Susan Guthrie with Williamsburg Environmental Group stated that a lot of avoidance and minimization efforts have taken place on the entire site. She also explained that the Fish and Wildlife Services preferred buffers and open space to some LID measures.

Ms. Hughes stated that the concern is a lack of water infiltration.

Ms. Guthrie said the issues she was referring to were not storm water related.

Ms. Hughes said that the Commission's request was to increase LID measures around the parking lots and impermeable surfaces.

Mr. Geddy stated the applicant has made a commitment to increase LID measures in those areas.

Ms. Hughes stated that she wanted to make the distinction between the areas where it has been hard to implement LID measures and other areas where it is necessary and appropriate.

Ms. Guthrie stated that the additional buffers and increasing impervious surfaces will help with water quality.

Ms. Hughes stated that the Army Corp of Engineers recommended the planting of native grasses and planting between the parking lots and the existing buffers.

Ms. Guthrie said the 50 ft buffers would be completely natural and that the secondary tier of buffers will have natural grasses planted.

Ms. Hughes stated that the areas where the applicant was having problems implementing LID measures are not the areas where the Commission had asked for increased measures.

Mr. Cook stated that the Environmental Division would be looking for the LID measures to be located in the parking areas, and not necessarily along the wetlands and in the buffers.

Mr. Geddy said he understood what Mr. Cook wanted.

Ms. Hughes asked if the applicant saw a problem with it.

Ms. Guthrie said she did not see a problem.

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

Ms. Jones thanked Mr. Fraley, the applicant, Staff, and Carroll Collins for their work on the traffic study. She stated that given the approval of the New Town Design Board, the positive fiscal impacts, and consistency with the Comprehensive Plan she was inclined to support proposal.

Mr. Fraley complimented DRW Consultants and the applicant for their work on the traffic study. He stated that he would support the project.

Mr. Obadal motioned to recommend approval of the application.

Ms. Jones seconded the motion.

Mr. Kinsman confirmed that the motion included the additional proffer regarding increased LID measures.

In a unanimous roll call vote the application was recommended for approval with the understanding a proffer will be provided regarding increases LID measures (7-0). AYE: Hunt, Obadal, Jones, Hughes, Kennedy, Billups, Fraley (7); NAY (0).

F. SUP-1-06 Centerville Road Tower Relocation

Mr. Matthew Smolnik presented the staff report stating that Mr. John Abernathy has applied for a Special Use Permit on the parcels located at 4338 and 4346 Centerville Road, which are currently zoned A-1, General Agriculture in order to relocate the existing 400 foot tall WMBG radio tower on Monticello Avenue. The properties are also known as parcels (1-31) and (1-32) on the JCC Tax Map (36-2). The parcels are designated Low Density Residential by the James City County Comprehensive Plan. Recommended uses for Low Density Residential land include very limited commercial establishments, churches, single family homes, duplexes, and cluster housing with a recommended gross density of 1 unit per acre up to 4 units per acre in developments that offer particular public benefits. Mr. Smolnik stated that the Commission voted to defer the case that it's last meeting due to a lack of information regarding the broadcast footprint and the issue of the conservation easement on the property. He said that since that meeting the County Attorney and applicant's attorney have agreed that the attached condition prohibiting subdivision of the parcel will protect the land from any additional development beyond the scope of this application. The applicant has also submitted information regarding the broadcast footprint for WMBG and surrounding radio stations.

Mr. Fraley opened the public hearing.

Mr. Geddy represented the applicant stated that the applicant has provided the technical information staff had requested. He also stated that Section 9 of New Town cannot be built with the tower in its current location. He said it is impossible for an AM station to meet the standards staff is applying.

Mr. Fraley opened the public hearing.

Ms. Hughes asked what was keeping the applicant from getting the conservation easement.

Mr. Geddy stated that the applicant does not own the property yet.

Mr. Obadal asked how many acres would be involved in the conservation easement.

Mr. Geddy stated that he thought it would be written so that it applies to the entire 40 acres.

Mr. Obadal asked why the applicant has to prove that no other site was suitable.

Mr. Smolnik explained the process used for wireless communications facilities applications.

Mr. Obadal stated that the applicant was being asked to prove a negative.

Mr. Smolnik stated that that is how it has been done in the past.

Mr. Sowers explained that the process is to ensure the applicant has gone through an adequate due diligence process. He also explained that this was an unusual situation and suggested that the Commission weigh the policy criteria given the uniqueness of the tower.

Mr. Obadal asked if staff had received any objections.

Mr. Sowers said he was not aware of any.

Mr. Smolnik stated that all adjacent property owners and Springhill and Ford's Colony Homeowners' Associations had been notified and no objections have been raised.

Mr. Kennedy said there was one speaker at the last meeting.

Mr. Obadal said the speaker had a question but did not object to the proposal.

Mr. Sowers said the speaker had questions about interference which are addressed in a condition.

Mr. Hunt stated that this process is for examining sites for cell phone towers. He said this is a different situation. He said the applicant was taking one down and replacing it with another.

Mr. Fraley stated that the proposal moves the tower from a place where other towers exist.

Mr. Obadal said those towers were on the other side of the road.

Mr. Fraley said they were close and this proposal would move the tower to a site where there are no other towers.

Mr. Obadal said that if the tower was painted as it is now then only red lights would have to be used making the tower hardly noticeable.

Mr. Smolnik stated that was a special use condition that limits the color of the tower to a light blue or gray which would be even less visible.

Mr. Obadal and Mr. Smolnik discussed the corresponding light colors required with each of the paint color choices.

Mr. Billups asked how much of the current site could be developed without moving the tower.

Mr. Geddy answered approximately 38 acres. He explained that although the tower uses only 10 acres it located on the Williamsburg Community Hospital's property.

Mr. Billups stated the tower would be locating from a 10 acre parcel to a 40 acre parcel. He said he did not see a gain and that the new location would be visible from 3 corridors.

Mr. Geddy stated the tower will be equally inconspicuous in the new location. He said moving it from its current location permits a commercial development that will generate 1 million dollars a year in tax revenue to the County and prevents residential development on the new site.

Ms. Jones asked the distance from the closest residents in the current location.

Mr. Geddy indicated the distance on a location map.

Ms. Jones stated her concerns about the affect of the tower on the people who will live behind it.

Mr. Geddy said a condition had been added to address that issue. He also stated that the applicants have cell phones, telephones, and clock radio in the building at the base of the tower and have no interference.

Mr. Obadal asked how the sale of the hospital property would be affected.

Mr. Geddy said the proceeds from the sale will be distributed to the Williamsburg Community Health Foundation.

Mr. Obadal asked if the \$300,000 transfer to the Williamsburg Community Health Foundation would be affected if the tower is not moved.

Mr. Geddy answered absolutely.

Mr. Obadal confirmed that the proposal allows the County to preserve 40 acres, gain the value of New Town development, and provides \$300,000 for health grants.

Mr. Obadal stated that he could not see the other towers from this towers current location.

Mr. Fraley said he could see it. He said the current location affects 3 corridors and the new location affects only 2. He also said there are other towers in the current location.

Mr. Hunt stated that the other towers are shorter.

Mr. Fraley opened the public hearing.

Mr. Obadal stated the he had already summarized the benefits for the County.

Mr. Fraley asked Mr. Obadal's opinion of the special use conditions.

Mr. Obadal said he was only concerned about the white strobe lights.

Mr. Smolnik stated that the white strobe lights would only be used during the day if the tower is not painted red and white with 3 red beacons at night regardless of the paint color.

Mr. Obadal asked if the applicant was comfortable with the proposed conditions.

Mr. Geddy said they could live with them.

Ms. Hughes asked if there was a guarantee that the parcel would be placed into a conservation easement.

Mr. Kinsman said there was no guarantee. He also stated that Mr. Geddy had given his word and that they will work out the specific language.

Mr. Geddy stated that an attached condition precludes development.

Ms. Hughes said it does not preclude disturbance of the environmentally sensitive area.

Mr. Fraley stated a condition could be attached to the recommendation.

Mr. Sowers stated that that was possible but that there are some restrictions.

Mr. Kinsman stated that it is possible for the applicant to submit evidence of an agreement between the current landowner and the Williamsburg Land Conservancy based on approval by the Board of Supervisors.

Mr. Greg Granger the tower owner said he would provide such evidence.

Ms. Jones stated that the easement is an important aspect of the case.

Mr. Fraley asked if the applicant had any suggestions on the wording of a condition.

Mr. Geddy said they could provide the affidavit Mr. Kinsman spoke of but that he did not think a condition requiring the applicant to give away land would be valid.

Mr. Granger stated that any condition should be broad enough to allow the land to be transferred to the Williamsburg Land Conservancy or an equivalent organization.

Mr. Kinsman stated that the proposed condition prohibiting subdivision of the parcel would restrict any additional uses or development on the parcel. He suggested taking Mr. Geddy at his word concerning the conservation easement.

Mr. Hunt motioned to recommend approval of the application and proposed conditions listed in the staff report.

Mr. Kennedy seconded the motion.

In a roll call vote the application and attached conditions were recommended for approval (6-1).
AYE: Hunt, Obadal, Jones, Hughes, Kennedy, Fraley (6); NAY: Billups (1).

E. ZO-1-06 Zoning Ordinance Amendment – Athletic Field Lighting

Mr. Smolnik presented the staff report stating the request for an ordinance to amend and reordain Chapter 24, Zoning, of the Code of the County of James City Virginia, by amending Article V, Districts, Division 2. General Agriculture District, A-1, Sections 24-218, Height Limits; Article V, Districts, Division 3. Limited Residential District, R-1, Sections 24-240, Height Limits; Article V, Districts, Division 4. General Residential District, R-2, Sections 24-261, Height Limits; Article V, Districts, Division 5. Residential Planned Community District, R-4, Sections 24-293, Height Limits; Article V, Districts, Division 6. Multi Family Residential District, R-5, Sections 24-314(j), Structure Height; Article V, Districts, Division 7. Low-Density Residential District, R-6, Sections 24-335, Height Limits; Article V, Districts, Division 8. Rural Residential District, R-8, Sections 24-354, Height Limits; Article V, Districts, Division 9. Limited Business District, LB, Sections 24-375, Height Limits and Height Limitation Waivers; Article V, Districts, Division 10. General Business District, B-1, Sections 24-397, Height Limits and Height Limitation Waivers; Article V, Districts, Division 11. Limited Business/Industrial District, M-1, Sections 24-419, Height Limits and Height Limitation Waivers; Article V, Districts, Division 12. General Industrial District, M-2, Sections 24-444, Height Limits and Height Limitation Waivers; Article V, Districts, Division 13. Research and Technology District, RT, Sections 24-473, Height Limits and Height Limitation Waivers; Article V, Districts, Division 14. Planned Unit Development District, PUD, Sections 24-496 Height and Spacing of Structures; and Article V, Districts, Division 15. Mixed Use, MU, Sections 24-525, Height of Structures to permit athletic field lights with an approved height waiver from the Board of Supervisors.

Mr. Fraley opened the public hearing.

Mr. Kennedy asked if the applicant, Mr. Farmer, had any comments.

Mr. Farmer introduced a lighting manufacturer and supplier. He offered to answer any questions as well as show a video or PowerPoint if the Commission desired.

Mr. Fraley asked if the Commission wanted to see the presentation.

The Commissioners declined.

Ms. Jones motioned to recommend approval.

Ms. Hughes seconded the motion.

In a unanimous roll call vote the application was recommended for approval (7-0).

**JAMES CITY COUNTY
DEVELOPMENT REVIEW COMMITTEE REPORT**

FROM: 4/1/2006 THROUGH: 4/30/2006

I. SITE PLANS

A. PENDING PRELIMINARY APPROVAL

SP-067-04	Treyburn Drive Courtesy Review
SP-077-04	George Nice Adjacent Lot SP Amend.
SP-107-04	Noah's Ark Vet Hospital Conference Room
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-071-05	Merrimac Center Parking Expansion
SP-076-05	Warhill Multiuse Trail
SP-089-05	Stonehouse- Rt. 600 Utilities
SP-093-05	The Pointe at Jamestown, Ph. 2 Amend.
SP-106-05	New Town Block 5 Dumpster Relocation
SP-107-05	Warhill - Eastern Pond Dam Renovations
SP-131-05	Ironbound Square Road Improvements Ph. 1
SP-133-05	Prime Outlets Ph. 6
SP-134-05	Windsor Hall SP Amend.
SP-136-05	Colonial Heritage Ph. 5 Sec. 1
SP-137-05	Williamsburg Place Expansion
SP-140-05	Hankins Industrial Park Ph. 2 Cabinet Shop
SP-145-05	New Town, Langley Federal Credit Union
SP-147-05	Warhill - TNCC Site Improvements
SP-156-05	Chickahominy Baptist Building Expansion
SP-001-06	5525 Olde Towne Rd
SP-005-06	Governor's Grove at Five Forks
SP-012-06	New Dawn Assisted Living
SP-017-06	Longhorn Steakhouse
SP-018-06	New Town, Block 9, Parcel A
SP-020-06	JCSA Watermain Expansion / Interconnections
SP-022-06	Volvo Rents
SP-023-06	Eighth E.S.
SP-025-06	Prime Outlets Ph. 7 Expansion
SP-028-06	New Town, Sec. 6, Block 15, Parcel B
SP-029-06	New Town, Block 10, Parcel E & F
SP-030-06	Norge Elementary Cafeteria Addition
SP-031-06	Shell Building - James River Commerce Center
SP-032-06	9320 Merrimac Nextel Co-location

SP-033-06	Chickahominy Riverfront Park
SP-034-06	Chambrel Guardhouse Relocation
SP-035-06	Ironbound Center Site Layout Amend.
SP-036-06	Zion Baptist Church Expansion
SP-037-06	Jamestown Yacht Basin Tents
SP-039-06	Prime Outlets Ph 7 Temporary Parking
SP-040-06	New Town Sec. 3 & 6, Ph. 6 Infrastructure
SP-041-06	Prime Outlets Ph. 6 Lighting
SP-042-06	Crowne Hotel Brick Oven
SP-043-06	Jamestown Collections Building SP Amend.
SP-044-06	James River Baptist Church
SP-045-06	Busch Gardens 2007 Expansion
SP-046-06	New Town, Sec. 6, Block 15, Parcel C
SP-047-06	Drachen Fire Grading Improvements
SP-048-06	Traditions Golf Club Lighting Plan

B. PENDING FINAL APPROVAL

EXPIRE DATE

SP-042-05	STAT Services, Inc.	6 /6 /2006
SP-060-05	Community Sports Facility (Stadium)	12/5 /2006
SP-094-05	Homestead Garden Center	10/13/2006
SP-097-05	Stonehouse Presbyterian Church	10/27/2006
SP-100-05	Bay Aging	9 /12/2006
SP-102-05	LaGrange Pkwy and Rt 600 to Rt 606	9 /26/2006
SP-103-05	Colonial Heritage Ph. 4	11/7 /2006
SP-104-05	Powhatan Plantation Maintenance Building	12/21/2006
SP-116-05	Cookes Garden Center	10/5 /2006
SP-123-05	Michelle Point	10/3 /2006
SP-142-05	Busch Gardens Market Bldg	12/7 /2006
SP-148-05	Noland Commercial Site	4 /6 /2007
SP-149-05	Liberty Crossing	4 /3 /2007
SP-160-05	Stonehouse Elementary Addition	4 /10/2007
SP-162-05	Eaglescliffe Condos	2 /6 /2007
SP-004-06	Villas at Five Forks	4 /3 /2007
SP-007-06	GreenMount Road Extension Ph. 2	3 /20/2007
SP-013-06	New Town Block 3 Parcel D (NNSECU Building)	3 /14/2007
SP-021-06	Warhill Sports Complex - Field 5 Lighting	4 /13/2007

C. FINAL APPROVAL

DATE

SP-115-05	Farm Fresh Fuel Express	4 /12/2006
SP-125-05	New Town, Block 10 Parcel D (Foundation Square)	4 /13/2006
SP-153-05	Ironbound Village Parking	4 /10/2006
SP-158-05	New Town, Block 10, Parcel B (McMurrin Bldg)	4 /12/2006
SP-006-06	Whythe-Will Parking Lot Expansion	4 /5 /2006
SP-009-06	Williamsburg Indoor Sports Complex SP Amend.	4 /19/2006
SP-019-06	Corner Pocket Half-Wall	4 /17/2006

SP-024-06	WindsorMeade Marketplace Parking Amend.
SP-026-06	Busch Gardens- Black Forest Gazebo
SP-027-06	Spectators Outdoor Seating Fence Addition

4 /17/2006

4 /4 /2006

4 /19/2006

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-066-04	Hickory Landing Ph. 1
S-067-04	Hickory Landing Ph. 2
S-121-04	Wellington Public Use Site
S-039-05	Hofmeyer Limited Partnership
S-042-05	Toano Business Centre, Lots 5-9
S-044-05	Colonial Heritage Road & Sewer Infrastructure
S-059-05	Peleg's Point, Sec. 6
S-075-05	Racefield Woods Lots 5A-5E
S-076-05	Racefield Woods Lots 5E-5I
S-097-05	ROW Conveyance- 6436 Centerville Road
S-100-05	Gosden & Teuton BLA
S-105-05	Stonehouse Land Bay 31
S-106-05	Colonial Heritage Ph. 5 Sec. 1
S-108-05	3020 Ironbound Rd. BLE
S-113-05	6425 & 6428 Conservancy BLA
S-117-05	Liberty Ridge
S-006-06	Ripley Family Subdivision
S-012-06	Huss Subdivision
S-013-06	Joyce G. Ward Subdivision, Lots 2 & 5 of Parcel 1
S-015-06	Indigo Park- Block A, Lot 1
S-017-06	107 Theodore Allen
S-018-06	3448 Chickahominy Road
S-019-06	Williamsburg Village at Norge BLA
S-020-06	Williamsburg Place BLA
S-021-06	Romack BLA & BLE
S-022-06	New Town, Block 15, Parcels A, C & D
S-023-06	Chickahominy Baptist BLA

B. PENDING FINAL APPROVAL

S-044-03	Fenwick Hills, Sec. 3
S-098-03	Stonehouse Glen, Sec. 1
S-101-03	Ford's Colony - Sec. 35
S-116-03	Stonehouse Glen, Sec. 2
S-002-04	The Settlement at Powhatan Creek (Hidden)

EXPIRE DATE

6 /25/2006
4 /5 /2007
2 /2 /2007
4 /6 /2007
3 /1 /2007

S-037-04	Michelle Point	10/3 /2006
S-059-04	Greensprings West Ph. 6	9 /13/2006
S-075-04	Pocahontas Square	9 /16/2006
S-091-04	Marywood Subdivision	12/5 /2006
S-111-04	Colonial Heritage Ph. 3, Sec. 1	2 /7 /2007
S-112-04	Wellington Sec. 6 & 7	12/5 /2006
S-002-05	The Pointe at Jamestown Sec. 2B	2 /18/2007
S-012-05	Greensprings Trail ROW-Waltrip Property Conveyance	3 /20/2007
S-013-05	Greensprings Trail ROW-Ambler/Jamestown Prop. Conv	3 /20/2007
S-014-05	Greensprings Trail ROW-P L.L.L.C Prop. Conveyance	3 /20/2007
S-015-05	Colonial Heritage Ph. 3, Sec. 2	5 /2 /2006
S-043-05	Colonial Heritage Ph. 3, Sec. 3	6 /6 /2006
S-053-05	Kingsmill-Spencer's Grant	7 /11/2006
S-063-05	John Barry Davidson BLE	7 /6 /2006
S-065-05	Argo Subdivision	12/23/2006
S-066-05	8739 Richmond Rd Subdivision	12/23/2006
S-078-05	Fairmont Subdivision Sec. 1- 4 (Stonehouse)	10/3 /2006
S-079-05	Colonial Heritage Ph. 4	11/7 /2006
S-083-05	Curry Revocable Trust	1 /9 /2007
S-090-05	Powhatan Secondary Ph. 7C	4 /13/2007
S-091-05	Windmill Meadows	10/3 /2006
S-095-05	Landfall Village	3 /10/2007
S-104-05	1121 Stewarts Rd.	4 /25/2007
S-114-05	Colonial Heritage Ph. 1 Sec. 5 Lots 1-30	12/15/2006
S-003-06	New Town Block 8 Parcels A, D, & E BLE & BLA	1 /13/2007
S-004-06	New Town Block 6 & 7 Parcel A & C BLA & BLE	1 /12/2007
S-009-06	Garrett BLA & BLE	3 /3 /2007
S-014-06	Cowles Subdivision	4 /5 /2007
S-016-06	Bradley Family Subdivision	4 /12/2007

C. FINAL APPROVAL

DATE

S-071-05	Realtec / Wilson BLA	4 /11/2006
S-094-05	Warhill Tank Site Lot & Associated Easements	4 /7 /2006
S-011-06	New Town, Block 15, Parcel B	4 /14/2006

D. EXPIRED

EXPIRE DATE

DEVELOPMENT REVIEW COMMITTEE ACTIONS REPORT
MEETING OF April 26, 2006

Case No. C-037-06 New Town Shared Parking

Mr. Larry Salzman of New Town Associates submitted a conceptual plan detailing updates to shared and off-site parking for a DRC quarterly review. The sites under review are identified as sections 2 & 4, blocks 2, 3, 5, 6, 7, 8, 9 and 10 in New Town, further identified as parcel (1-50) on James City County tax map (38-4).

DRC Action: The DRC unanimously recommended approval of the April 2006 quarterly update for shared parking in New Town, Section 2&4, Blocks 2, 3, 5, 6, 7, 8, 9 and 10 as well as continuation of quarterly parking update presentations to the DRC.

Case No. SP-005-06 Governor's Grove at Five Forks

Mr. Wayne Powers of AES Consulting Engineers has applied on behalf of Five Forks Virginia, Inc. for 132 condominium units on 15 acres at 4360 John Tyler Highway. The property can be further identified as parcel (1-14B) on James City County tax map (46-2). DRC action is necessary for any project proposing more than 50 residential units.

DRC Action: The DRC voted unanimously to recommend preliminary approval subject to agency comments.

Case No. SP-28-06 New Town Section 3 & 6, Block 15, Parcel B Setback Modifications

Mr. Kenny Jenkins of LandTech Engineering has applied on behalf of Mr. Andy Piplico of CD & A Inc. for a setback waiver to section 24-527 (a) of the James City County Zoning Ordinance to allow structural encroachment within the required 50 foot setback from right-of-way for properties in the mixed use zoning district. The property is located North of the New Town Avenue- Discovery Park Boulevard intersection and can be further identified as parcel (1-57) on James City County tax map (39-1). DRC action is necessary on any ordinance exception.

DRC Action: The DRC voted unanimously to recommend approval of the setback modification request for Parcel B, Block 15, Section 3 & 6 New Town.

Case No. SP-29-06 New Town Block 10, Parcels E & F

Mr. Bob Cosby of AES Consulting Engineers has applied on behalf of Atlantic Homes, LLC for 69 townhouse units on 5 acres at 5228 Foundation Street and 4330 Casey Boulevard. The property can be further identified as parcels (24-13) and (24-14) respectively, on James City County tax map (38-2). DRC action is necessary for any project proposing more than 50 residential units.

DRC Action: The DRC voted unanimously to recommend deferral of the case to the May 31, 2006 DRC meeting.

SPECIAL USE PERMIT – SUP-13-06. UNICORN COTTAGE

Staff Report for the May 1, 2006, Planning Commission Public Hearing

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

PUBLIC HEARINGS

Planning Commission:

Board of Supervisors:

Building F Board Room; County Government Complex

May 1, 2006

7:00 p.m.

May 9, 2006

7:00 p.m.

SUMMARY FACTS

Applicant:

Sharon Dennis

Land Owner:

Sharon Dennis

Proposal:

Child Daycare Center

Location:

3021 & 3025 Ironbound Road

Tax Map/Parcel Nos.:

(47-1) (1-67 & 1-67A)

Parcel Size:

1.42 acres

Zoning:

R-8, Rural Residential

Comprehensive Plan:

Low Density Residential

Primary Service Area:

Inside

STAFF RECOMMENDATION

The applicant has requested deferral of this case until June 5, 2006 in order to resolve various issues associated with the case and SUP conditions. Staff concurs with this request.

Staff Contact: Joel Almquist

Phone: 253-6685

SPECIAL USE PERMIT CASE NO. SUP-14-06 8th Elementary School Utility Extension
Staff Report for the May 1, 2006 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

	<u>7:00 p.m.; Building F Board Room; County Government Complex</u>
Planning Commission:	May 1, 2006 7:00 PM
Board of Supervisors:	May 9, 2006 7:00 PM (tentative)

SUMMARY FACTS

Applicant: Mr. Sanford Wanner, James City County County Administrator

Land Owner: Mr. Sanford Wanner, James City County County Administrator

Proposal: To construct approximately 880 linear feet of a gravity sewer line and 1474 linear feet of a waterline from existing services located in Greensprings West.

Location: 4001 Brick Bat Road

Tax Map/Parcel: (36-3) (1-1)

Parcel Size: 40+/- acres

Existing Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

STAFF RECOMMENDATION

While extending utilities beyond the PSA boundaries is contrary to the Comprehensive Plan, the Public Facilities section stresses that the location of new public facilities should be closest to the greatest number of people served, and located so that accessibility is maximized with minimal neighborhood effects. A public school is needed in this area of the County in order to meet current demand generated by residential development. The James City County Board of Supervisors reviewed a number of sites in and outside of the PSA and chose this site as best meeting all of the criteria for construction of the eighth elementary school. A condition has been added to this application that limits connections to the service from this site, thus prohibiting further encroachment of utilities outside the PSA. Staff recommends the Planning Commission recommend approval of the special use permit application with the attached conditions to the Board of Supervisors.

Staff Contact: Jason Purse, Planner Phone: 253-6685

Project Description

Mr. Sanford Wanner, on behalf of James City County, has applied for an SUP to allow for the extension of approximately 880 linear feet of 8" gravity sanitary sewer line and 1474 linear feet of 12" waterline from existing services located in the Greensprings West subdivision to serve the proposed W-JCC 8th Elementary School site at 4001 Brick Bat Road. The property can be identified as Parcel No. (1-1) on the James City County Real Estate Tax Map No. (36-3).

Surrounding Zoning and Development

The parcel is zoned A-1 and designated rural lands on the 2003 Comprehensive Plan Land Use Map. On the north side of Brick Bat Road, and adjacent to the east and west of the project site, the parcels are all zoned A-1, General Agricultural as well. On the south side of Brick Bat Road, and off of Centerville Road, the parcel is adjacent to the Greensprings West subdivision, which is zoned R-4.

Public Utilities

The site is located outside the Primary Service Area, but is proposed to be served by extending public water and sewer from the Greensprings West subdivision. The sanitary sewer line will connect to the Greensprings West system, cross to the north side of Brick Bat Road, and continue westerly some 880 linear feet into the school site. The water line will cross to the north side of Brick Bat Road and extend east approximately 1474 linear feet into the school site.

Proposed Conditions:

- No connections shall be made to the water main which would serve any property located outside the Primary Service Area (PSA) except for connections of the 8th Elementary School project and existing structures located on property outside the PSA adjacent to the proposed water main. In addition, for each platted lot recorded in the James City County Circuit Court Clerk's office as of May 9, 2006, that is vacant, outside the PSA and adjacent to the water main, one connection shall be permitted with no larger than a 3/4" service line and 3/4" water meter.
- No connections shall be made to the gravity sanitary sewer main which would serve any property located outside the PSA except for connections of the 8th Elementary School project and existing structures located on property outside the PSA adjacent to the proposed mains. In addition, for each platted lot recorded in the James City County Circuit Court Clerk's Office as of May 9, 2006, that is vacant, outside the PSA and adjacent to the main, one connection shall be permitted with no larger than a 4-inch service line.

JSCA Staff Conclusions: The James City County Service Authority has reviewed the proposal and concurs with the water and sewer extension with the attached conditions as proposed. Restrictions are included in the condition to preclude connections to more than one dwelling unit per parcel. The conditions placed on the utility extensions are similar to those that have been approved in the past. This special use permit is being reviewed concurrently with the site plan for the elementary school, which contains the specific details concerning the construction requirements. None of JCSA staff's comments for the site plan propose significant changes to the off-site water/sewer extension, and staff is comfortable with the applicant's ability to meet all required regulations for this project.

Comprehensive Plan

The project area is designated as Rural Lands on the 2003 Comprehensive Plan. Rural Lands areas are areas containing farms, forests and scattered houses, exclusively outside of the Primary Service Area, where a lower level of public service delivery exists or where utilities and urban services do not exist and are not planned for in the future. Appropriate primary uses include agricultural and forestal activities, together with certain recreational, public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings.

Staff Conclusions: The project site is located within a Rural Lands area of the Comprehensive Plan. In the description of possible land uses within Rural Lands there are provisions for “public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings.”

As this site will be used for an elementary school, and needs at least 20 acres of land to meet Comprehensive Plan criteria, this meets the provision for public uses. In actuality, public elementary schools require considerably more gross acreage so as to have enough developable land for all of the necessary elements on the site. Many of the elementary schools in the County have sites of between 30 and 40 acres of land. When examining against the strategies in the Public Facilities section of the Comprehensive Plan, this site enables the County to have maximum site utilization while providing optimum service to, and compatibility with, the surrounding community.

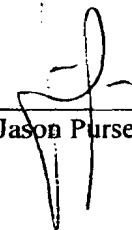
While the Comprehensive Plan does not suggest that utilities be extended beyond the Primary Service Area (PSA), the Public Facilities section stresses that the location of new public facilities should be close to the greatest number of people served, and located so that accessibility is maximized with minimum neighborhood effects. A condition has been added to the special-use-permit to limit connections to the service which will reduce the impact that this project has on lands outside of the Primary Service Area. This site is immediately adjacent to the existing PSA line, and the lines are configured in such a manner as to minimize the number of properties (one additional property) adjacent to the extension of the lines. For the purpose of a public use, this site provides more ability for the County to meet community needs than any available parcel in the area that was inside the Primary Service Area. The Comprehensive Plan also stresses the need for construction of public facilities in a timely manner to meet the needs of the County. A public school is needed in this area of the County in order to meet current demand generated by residential development. This use is consistent with the public facility goals of the Comprehensive Plan. The James City County Board of Supervisors reviewed a number of sites in and outside of the PSA and chose this site as best meeting all of the criteria for construction of the eighth elementary school.

RECOMMENDATION:

While extending utilities beyond the PSA boundaries is contrary to the Comprehensive Plan, the Public Facilities section stresses that the location of new public facilities should be closest to the greatest number of people served, and located so that accessibility is maximized with minimal neighborhood effects. A public school is needed in this area of the County in order to meet current demand. The James City County Board of Supervisors reviewed a number of sites in and outside of the PSA and chose this site as best meeting all of the criteria for construction of the eighth elementary school. A condition has been added to this application that limits connections to the service from this site, thus prohibiting further encroachment of utilities outside the PSA. Staff recommends the Planning Commission recommend approval of the special use permit application with the attached conditions to the Board of Supervisors.

1. If construction has not commenced on this project within thirty-six (36) months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as clearing, grading and excavation of trenches necessary for the water and sewer mains.

2. No connections shall be made to the water main which would serve any property located outside the Primary Service Area (PSA) except for connections of the 8th Elementary School project and existing structures located on property outside the PSA adjacent to the proposed water main. In addition, for each platted lot recorded in the James City County Circuit Court Clerk's office as of May 9, 2006, that is vacant, outside the PSA and adjacent to the water main, one connection shall be permitted with no larger than a 3/4" service line and 3/4" water meter.
3. No connections shall be made to the gravity sanitary sewer main which would serve any property located outside the PSA except for connections of the 8th Elementary School project and existing structures located on property outside the PSA adjacent to the proposed mains. In addition, for each platted lot recorded in the James City County Circuit Court Clerk's Office as of May 9, 2006, that is vacant, outside the PSA and adjacent to the main, one connection shall be permitted with no larger than a 4-inch service line.
4. All permits and easements shall be acquired prior to the commencement of construction for the water and sewer transmission mains.
5. For water and sewer main construction adjacent to existing residential development, adequate dust and siltation control measures shall be taken to prevent adverse effects on adjacent property.
6. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.



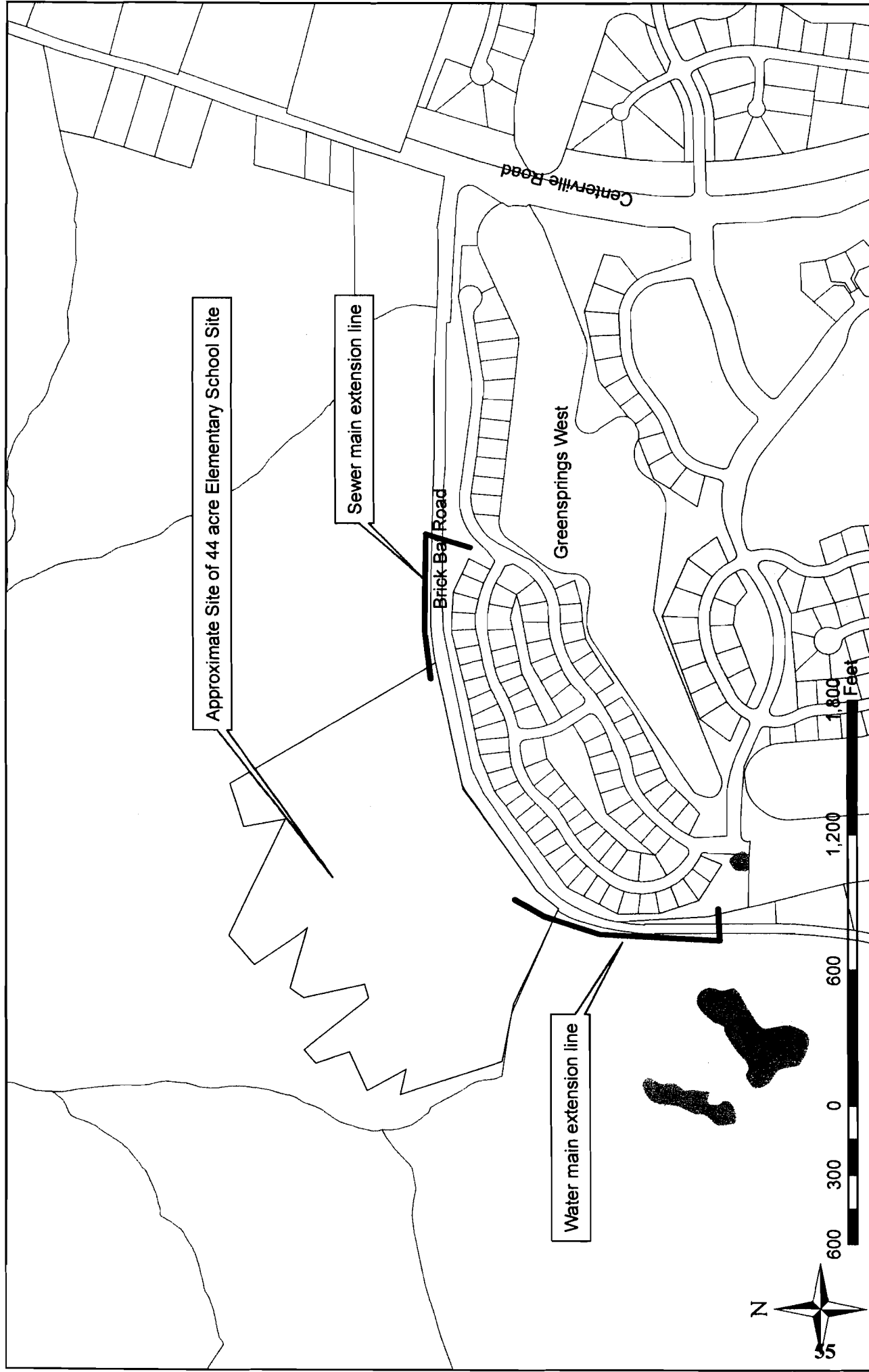
Jason Purse

Attachments:

1. Location map/Master Plan

SUP-14-06

8th Elementary School Utility Extension



SPECIAL USE PERMIT-4-06/MASTER PLAN-01-06. Prime Outlets Expansion.
Staff Report for the May 1, 2006, 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

April 3, 2006 Deferred.

May 1, 2006 7:00 p.m.

Board of Supervisors:

June 13, 2006 (tentative) 7:00 p.m.

SUMMARY FACTS

Applicant:

Greg Davis, Kaufman and Canoles

Land Owner:

Prime Retail, L.P.

Proposal:

Amend the existing master plan and special use permit to allow for a 7,000± square foot expansion of Prime Outlets on their existing site, as well as to incorporate the existing Ewell Station shopping center (68,000 square feet) into Prime Retail and to allow for the construction of an additional 74,000 square feet of retail space adjacent to the existing Ewell Station shopping center.

Location:

Richmond Road

Tax Map/Parcel Nos.:

Parcels (1-28), (1-29), (1-33C), (1-33D) and (1-33E) on the JCC Real Estate Tax Map. (33-1), and Parcel (1-2) on the JCC Real Estate Tax Map. (33-3)

Parcel Size:

The existing Ewell Station is 13.2 acres, for a total site area of 50.8 acres

Zoning:

B-1, General Business (existing Ewell Station) and B-1, General Business, with Proffers (existing Prime Outlets)

Comprehensive Plan:

Community Commercial

Primary Service Area:

Inside

STAFF RECOMMENDATION

At the time of the writing of this report, Staff was awaiting additional traffic and parking information from the applicant and final review of it from our traffic consultant, as well as the revised Master Plan to attach to this report. Additionally, environmental issues have been identified. Staff recommends deferral of this case until additional data is submitted and reviewed and VDOT and environmental comments can be addressed. Please note, however, staff also recommends that they and the applicant be permitted to make presentations of the available information, and that the Planning Commission be provided an opportunity to ask questions and raise issues for further staff and applicant consideration.

Staff Contact: Kathryn Sipes

Phone: 253-6685

- Condition 5 under *Conditions Specific to the Phases 7 & 8 Expansions* requires the applicant to submit water conservation standards for review and approval by the James City Service Authority prior to final approval of any development plan for the Phase 7 and 8 expansions.

Staff Comments: JCSA Staff has reviewed and approved the condition language.

Transportation

The existing Prime Outlets site is accessed off Richmond Road by five entrances. Two are one-way service roads, accessible from eastbound Richmond Road only. A third (near the Mikasa store) is accessible from both eastbound and westbound Richmond Road but is not signalized; this entrance/exit, including the existing left turn lane and crossover from westbound Richmond Road, is scheduled to be eliminated in the future and is not shown on the master plan on hand as of the writing of this report, but can be seen on the Location Map attached to this report. The fourth and fifth entrances/exits are signalized intersections accessible from eastbound and westbound Richmond Road, with left turn lanes provided for westbound traffic. A right turn lane is provided the entire length of the site for eastbound traffic.

Currently, Ewell Station is accessible via three entrances/exits. One is right-in/right-out off Richmond Road, accessible to eastbound traffic only; a right turn lane on Richmond Road extends from the Prime Outlets site to the intersection of Richmond Road and Olde Towne Road, and serves this entrance. Two additional points of access are off of Olde Towne Road. Both are served by left turn lanes for northbound traffic on Olde Towne Road. None of these three are signalized. A fourth entrance to the Ewell Station site is proposed per the master plan revision; this is a non-signalized, right-in/right-out service road off Richmond Road.

2005 Traffic Counts: Olde Towne Road (from King William Drive to Chisel Run Road): 9,671 vehicle trips per day

Richmond Road (from Lightfoot Road to Old Towne Road): 20,697 vehicle trips per day

2026 Volume Projected: Richmond Road (between Route 199 and the City of Williamsburg line): 31,000 vehicle trips per day. This is listed in the “watch” category; the recommended daily capacity for four lane roads is 30,000 vehicle trips per day. There are no projections for Olde Towne Road.

Road Improvements: Comments from VDOT indicate the need for improvements to the left turn lane from westbound Richmond Road onto Olde Towne Road. The applicant has also previously contributed to the coordination of the signals along Richmond Road, and that project is in progress by VDOT, scheduled for completion Spring 2006. Additionally, as previously mentioned, the entrance closest to the Mikasa store (between the two signalized entrances from Richmond Road) is scheduled to be closed no later than June 1, 2009.

Conditions:

- Condition 1 under *Conditions Specific to the Phases 7 & 8 Expansions* specifies a mass transit plan shall be approved by the Planning Director. Improvements per this plan shall be completed prior to the issuance of any final Certificate of Occupancy for the Phase 7 & 8 Expansions.
- Condition 7 under *Conditions Specific to the Phases 7 & 8 Expansions* require the applicant to lengthen the left turn lane from westbound Richmond Road onto Olde Towne Road prior to the issuance of any final Certificate of Occupancy for the Phase 7 & 8 Expansions.

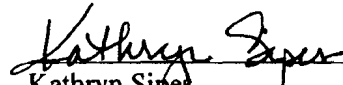
VDOT Comments: VDOT staff reviewed the Traffic Impact Study submitted on February 21, 2006 and requested additional analysis. Specifically, VDOT expressed concern about the number of entrances to the site off of Richmond Road and the need for additional data. At a meeting with VDOT, County staff, and the applicant held on April 6, 2006, the applicant agreed to expand their analysis to four intersections on Richmond Road, those being the two signalized entrances into the Prime Outlet site, Richmond Road and Old Towne Road, and Richmond Road and Airport Road. VDOT counts were scheduled for later in April on all four intersections and VDOT agreed to provide those counts to the applicant to be used in further analysis. This supplemental information was not complete at the time of the writing of this staff report, and VDOT comments are, therefore, outstanding.

Conditions

Conditions 2, 3, and 4 under *Conditions Specific to the Phases 7 & 8 Expansions* provide for architectural review, improved landscaping along Richmond Road for the Ewell Station frontage, and entrance lighting, respectively.

RECOMMENDATION

At the time of the writing of this report, Staff was awaiting additional traffic and parking information from the applicant and final review of it from our traffic consultant, as well as the revised Master Plan to attach to this report. Additionally, environmental issues have been identified. Staff recommends deferral of this case until additional data is submitted and reviewed and VDOT and environmental comments can be addressed. Please note, however, staff also recommends that they and the applicant be permitted to make presentations of the available information, and that the Planning Commission be provided an opportunity to ask questions and raise issues for further staff and applicant consideration.


Kathryn Sipes

ATTACHMENTS:

1. Location Map
2. Master Plan (under separate cover)
3. SUP Conditions

**SPECIAL USE PERMIT-4-06/MASTER PLAN-01-06. Prime Outlets Expansion.
Staff Report for the May 1, 2006, 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

April 3, 2006 Deferred.

May 1, 2006 7:00 p.m.

Board of Supervisors:

June 13, 2006 (tentative) 7:00 p.m.

SUMMARY FACTS

Applicant:

Greg Davis, Kaufman and Canoles

Land Owner:

Prime Retail, L.P.

Proposal:

Amend the existing master plan and special use permit to allow for a 7,000± square foot expansion of Prime Outlets on their existing site, as well as to incorporate the existing Ewell Station shopping center (68,000 square feet) into Prime Retail and to allow for the construction of an additional 74,000 square feet of retail space adjacent to the existing Ewell Station shopping center.

Location:

Richmond Road

Tax Map/Parcel Nos.:

Parcels (1-28), (1-29), (1-33C), (1-33D) and (1-33E) on the JCC Real Estate Tax Map. (33-1), and Parcel (1-2) on the JCC Real Estate Tax Map. (33-3)

Parcel Size:

The existing Ewell Station is 13.2 acres, for a total site area of 50.8 acres

Zoning:

B-1, General Business (existing Ewell Station) and B-1, General Business, with Proffers (existing Prime Outlets)

Comprehensive Plan:

Community Commercial

Primary Service Area:

Inside

STAFF RECOMMENDATION

At the time of the writing of this report, Staff was awaiting additional traffic and parking information from the applicant and final review of it from our traffic consultant, as well as the revised Master Plan to attach to this report. Additionally, environmental issues have been identified. Staff recommends deferral of this case until additional data is submitted and reviewed and VDOT and environmental comments can be addressed. Please note, however, staff also recommends that they and the applicant be permitted to make presentations of the available information, and that the Planning Commission be provided an opportunity to ask questions and raise issues for further staff and applicant consideration.

Staff Contact: Kathryn Sipes

Phone: 253-6685

PROJECT DESCRIPTION

Mr. Greg Davis has applied on behalf of Prime Retail, L.P. to amend the existing approved master plan and special use permit for the Prime Outlets to allow for a 7,000± square foot expansion of Prime Outlets on their existing site (proposed Phase 8), as well as to incorporate the existing Ewell Station shopping center (68,000 square feet) into Prime Retail and to allow for the construction of an additional 74,000 square feet of retail space adjacent to the existing Ewell Station shopping center (proposed Phase 7). Currently, Phases 1-6 of Prime Outlets are existing or already approved. If Phases 7 & 8 are approved, the gross building area for Prime Outlets would equal 517,411 square feet. After deducting public spaces and other non-retail space, the net building area would equal approximately 401,511 square feet. Based on this net figure, 2008 parking spaces are required per the parking ordinance; 2042 parking spaces are proposed.

In 2004, prior to Prime Outlets acquiring the Ewell Station property, a site plan was approved for the Ewell Station parcel. This approved plan, SP-110-02, provided for a Phase II expansion of an additional 69,000 square feet. This would bring the Ewell Station site to a total of 137,000 square feet of retail. Prime Outlets Phase 7 expansion proposes to construct 74,000 square feet on the Ewell Station property, transferring the already approved 69,000 square feet to this project.

PUBLIC IMPACTS

Environmental

Watershed: Powhatan Creek

Conditions:

- Condition 6 under *Conditions Specific to the Phases 7 & 8 Expansions* specifies the following stormwater management facility improvements shall be made prior to approval of the development plans for Phases 7 and 8:
 - (a) Infiltration capacity shall be added to stormwater facility PC-186 (along Olde Towne Road) in accordance with approved JCC site plan SP-110-02, or equivalent measures provided as approved by the Environmental Director;
 - (b) Stormwater facility PC-124 (along Olde Towne Road) shall be retrofitted to improve water quality in accordance with approved JCC site plan SP-110-02, or equivalent measures provided as approved by the Environmental Director;
 - (c) Stormwater facility PC-036 (behind the existing Food Lion) shall be retrofitted to incorporate water quality treatment as approved by the Environmental Director; and
 - (d) Pre-treatment measures shall be incorporated into development plans as approved by the Environmental Director.

Staff Comments: The above conditions were drafted to clarify improvements proposed on the already-approved site plan (SP-110-02) that would extend to this proposal (items a and b), from measures that will be required to reflect current stormwater standards (items c and d). Environmental Staff has reviewed and approved the condition language for Phases 7 and 8 and finds the proposal consistent with the Powhatan Creek Watershed Management Plan. A site plan for proposed phase 7 has been submitted by the applicant; the Environmental Division has reviewed the site plan and comments have been prepared and provided to the applicant. Environmental Staff believes it cannot be determined at this time whether the proposed expansion project meets or exceeds ordinance requirements, including the Chesapeake Bay Ordinance, and cooperation is on-going between the applicant and the Environmental Division to resolve outstanding issues. Additionally, a landscape modification waiver would be required to accommodate the site design, specifically to permit a BMP inside the Richmond Road buffer. Finally, Staff would like to note that the applicant has volunteered to contribute to a portion of the costs associated with off-site stormwater improvements along Chisel Run Road. Exact contribution amounts will be negotiated between the applicant and Environmental staff. Please note, however, this is not a condition of the SUP and is, therefore, not guaranteed.

Public Utilities

Public water and sewer are available for all proposed phases of development.

Conditions:

- Condition 5 under *Conditions Specific to the Phases 7 & 8 Expansions* requires the applicant to submit water conservation standards for review and approval by the James City Service Authority

prior to final approval of any development plan for the Phase 7 and 8 expansions.

Staff Comments: JCSA Staff has reviewed and approved the condition language.

Transportation

The existing Prime Outlets site is accessed off Richmond Road by five entrances. Two are one-way service roads, accessible from eastbound Richmond Road only. A third (near the Mikasa store) is accessible from both eastbound and westbound Richmond Road but is not signalized; this entrance/exit, including the existing left turn lane and crossover from westbound Richmond Road, is scheduled to be eliminated in the future and is not shown on the master plan on hand as of the writing of this report, but can be seen on the Location Map attached to this report. The fourth and fifth entrances/exits are signalized intersections accessible from eastbound and westbound Richmond Road, with left turn lanes provided for westbound traffic. A right turn lane is provided the entire length of the site for eastbound traffic.

Currently, Ewell Station is accessible via three entrances/exits. One is right-in/right-out off Richmond Road, accessible to eastbound traffic only; a right turn lane on Richmond Road extends from the Prime Outlets site to the intersection of Richmond Road and Olde Towne Road, and serves this entrance. Two additional points of access are off of Olde Towne Road. Both are served by left turn lanes for northbound traffic on Olde Towne Road. None of these three are signalized. A fourth entrance to the Ewell Station site is proposed per the master plan revision; this is a non-signalized, right-in/right-out service road off Richmond Road.

2005 Traffic Counts: Olde Towne Road (from King William Drive to Chisel Run Road): 9,671 vehicle trips per day

Richmond Road (from Lightfoot Road to Old Towne Road): 20,697 vehicle trips per day

2026 Volume Projected: Richmond Road (between Route 199 and the City of Williamsburg line): 31,000 vehicle trips per day. This is listed in the “watch” category; the recommended daily capacity for four lane roads is 30,000 vehicle trips per day. There are no projections for Olde Towne Road.

Road Improvements: Comments from VDOT indicate the need for improvements to the left turn lane from westbound Richmond Road onto Olde Towne Road. The applicant has also previously contributed to the coordination of the signals along Richmond Road, and that project is in progress by VDOT, scheduled for completion Spring 2006. Additionally, as previously mentioned, the entrance closest to the Mikasa store (between the two signalized entrances from Richmond Road) is scheduled to be closed no later than June 1, 2009.

Conditions:

- Condition 1 under *Conditions Specific to the Phases 7 & 8 Expansions* specifies a mass transit plan shall be approved by the Planning Director. Improvements per this plan shall be completed prior to the issuance of any final Certificate of Occupancy for the Phase 7 & 8 Expansions.
- Condition 7 under *Conditions Specific to the Phases 7 & 8 Expansions* require the applicant to lengthen the left turn lane from westbound Richmond Road onto Olde Towne Road prior to the issuance of any final Certificate of Occupancy for the Phase 7 & 8 Expansions.

VDOT Comments: VDOT staff reviewed the Traffic Impact Study submitted on February 21, 2006 and requested additional analysis. Specifically, VDOT expressed concern about the number of entrances to the site off of Richmond Road and the need for additional data. At a meeting with VDOT, County staff, and the applicant held on April 6, 2006, the applicant agreed to expand their analysis to four intersections on Richmond Road, those being the two signalized entrances into the Prime Outlet site, Richmond Road and Old Towne Road, and Richmond Road and Airport Road. VDOT counts were scheduled for later in April on all four intersections and VDOT agreed to provide those counts to the applicant to be used in further analysis. This supplemental information was not complete at the time of the writing of this staff report, and VDOT comments are, therefore, outstanding.

Staff Comments:

A Traffic Impact Study was submitted and reviewed by staff, as well as the County’s third-party traffic consultant. The Traffic Impact Study presented the existing overall Level of Service (LOS) for the

Richmond Road/Olde Towne Road intersection as LOS B, with A being the best performance rating possible. Specifically, six traffic movements were analyzed at this intersection and none received less than a LOS C. The study presents projections for this intersection remaining at an overall LOS B for 2007 with proposed Phase 7, and shifting to an overall LOS C in 2011 with proposed Phases 7 & 8. Two movements decline to LOS D for both the 2007 and 2011 projections.

The following additional traffic information was requested of the applicant per a memo dated March 8, 2006, and a summary of the corresponding applicant's responses are provided in italics:

1. A written and graphic analysis further detailing how traffic patterns will be affected by the shift of this shopping center from local shopping center to outlet mall. *An increased amount of traffic will access the outlet center from the Richmond Road entrances and from the "main" entrance off Olde Towne Road (across from the bowling alley). Fewer trips will utilize the Chisel Run entrance off Olde Towne Road (closest to Guiseppe's). In addition, there will be more right hand turns than left hand turns into the existing Ewell Station off Olde Towne Road.*
2. An evaluation of safety impacts of the project's Olde Towne Road entrances and the potential impacts of closing one or both of entrances to Ewell Station off of Olde Towne Road. *If either driveway is closed, the left turning traffic exiting the center would need to yield to a greater number of entering vehicles. This would increase delay for traffic leaving the center and increase the likelihood of accidents resulting from driver impatience. The recommendation is to not close any entrances along Olde Towne Road.*
3. A queuing, weave, and arterial level of service analysis for Richmond Road. *This information required additional traffic counts and was being completed as this report was being prepared.*
4. A queuing analysis for all existing left turn lanes on Olde Towne Road. *The left turn movements from Olde Towne Road into the existing Ewell Station property do not exceed the capacity of the existing left turn lanes, nor are they projected to through 2011.*
5. An analysis of existing and potential off-site parking impacts on adjacent property, with a focus on seasonal, weekend and other times of peak parking usage. *This information had not yet been received as this report was being prepared.*

Given the additional information requested but not yet received at the writing of this report, Staff believes additional time is needed for the County's consultant and VDOT to evaluate traffic impacts.

COMPREHENSIVE PLAN

Land Use Map Designation

Prime Outlets and Ewell Station are designated Community Commercial on the Comprehensive Plan Land Use Map. Lands designated Community Commercial are intended to allow general business activity in areas located within the Primary Service Area while usually having a moderate impact on nearby development.

Other Considerations

- **Community Character:** The expansion of Prime Outlet is located along Richmond Road, a Community Character Corridor. This designation calls for a 50' buffer for commercial properties. Current conditions show undeveloped area along the Richmond Road frontage of the existing Ewell Station site that well exceeds this 50' requirement, but as shown the proposed parking area closest to Richmond Road is within 25' of the right-of-way. As proposed, a landscape modification waiver would be required to reduce the landscape area from the required 50 feet. As previously mentioned, an additional landscape modification waiver would be needed to allow a BMP facility to be located within this landscape area.

Conditions

Conditions 2, 3, and 4 under *Conditions Specific to the Phases 7 & 8 Expansions* provide for architectural review, improved landscaping along Richmond Road for the Ewell Station frontage, and entrance lighting, respectively.

RECOMMENDATION

At the time of the writing of this report, Staff was awaiting additional traffic and parking information from the applicant and final review of it from our traffic consultant, as well as the revised Master Plan to attach to this report. Additionally, environmental issues have been identified. Staff recommends deferral of this case until additional data is submitted and reviewed and VDOT and environmental comments can be addressed. Please note, however, staff also recommends that they and the applicant be permitted to make presentations of the available information, and that the Planning Commission be provided an opportunity to ask questions and raise issues for further staff and applicant consideration.

Kathryn Sipes

ATTACHMENTS:

1. Location Map
2. Master Plan (under separate cover)
3. SUP Conditions

SUP-04-06/MP-01-06

Prime Retail Expansion Phases 7 & 8



CASE NO. SUP-4-06/ MP-1-06 PRIME RETAIL MASTER PLAN AMENDMENT

Conditions Specific to the Phase 5A Expansion

1. Planters (the type and size of planters to be specified by the landscaping plan) along the entire store frontage of the Phase 5A Expansion as shown on the Master Plan, shall be approved by the Planning Director or his designee prior to final site plan approval for any future expansion. The planters shall be installed prior to issuance of any final Certificate of Occupancy for any future expansion.
2. Applicant has installed a 35-foot-wide transitional buffer planted along the northern most property line adjacent the 5A expansion. This area has been planted and shall be maintained at 133 percent of the numerical standards found in Section 24-94 of the James City County landscape ordinance, and with an emphasis on evergreen shade and understory trees as determined by the Planning Director. The fence already installed in this area shall be a maximum of eight feet high and shall be maintained with a vinyl coating and shall be either black or green in color. Furthermore, the fence shall be maintained with a setback from the property line at least three feet.

Conditions Specific to the Phase 6 Expansion

1. Prior to final site plan approval for the Phase 6 expansion, the Planning Director shall review and approve the final architectural design of the building(s) prepared as part of the Phase 6 expansion. Such building shall be reasonably consistent, as determined by the Planning Director, with the architectural elevations titled, Prime Outlets Phase 6 expansion, submitted with this special use permit application dated, July 6, 2005, and drawn by Gary S. Bowling, Guemsey Tingle Architects.
2. Prior to the issuance of any final Certificate of Occupancy for the Phase 6 expansion, lighting shall be installed for all three entrances from the property onto Richmond Road as shown on the Master Plan. In addition, adequate parking lot lighting shall be installed in the new 43-space parking lot as shown on the Master Plan behind Phase 6 which will be re-stripped from existing parking for buses to parking for cars. The specific location, adequacy, and design of all lighting fixtures shall be approved by the Planning Director. No lighting fixture shall exceed a height of 30 feet.
3. A landscaping plan for the Phase 6 expansion, including foundation landscaping in accordance with James City County Code Section 24, shall be approved by the Planning Director or his designee prior to final site plan approval.
4. Prior to submission of any development plan for the Phase 6 expansion, the applicant shall submit a water and sanitary sewer master plan and hydraulic analyses for the expansion space for review and approval by the James City Service Authority.

Conditions Specific to the Phases 7 & 8 Expansions

1. Prior to final site plan approval for the Phase 7 and 8 expansions, a mass transit plan in accordance with Section 25-59(f) of the James City County Code shall be approved by the Planning Director for Prime Retail. The plan, at a minimum, shall include a replacement bus transfer stop for the Williamsburg Area Transport purple and blue line currently located in the Ewell Station shopping center. Installation of all bus stops, shelters and other items approved as part of the mass transit plan shall be completed prior to issuance of any final Certificate of Occupancy for the Phase 7 and 8 expansions.

2. Prior to final site plan approval for the Phase 7 and 8 expansions, the Planning Director shall review and approve the final architectural design of the building(s) prepared as part of the Phase 7 and 8 expansions, including exterior architectural modifications to the existing Ewell Station Shopping Center. Such building shall be reasonably consistent, as determined by the Planning Director, with the architectural elevations titled, Prime Outlets Phase 7 and 8 Expansion, submitted with this special use permit application dated, February 20, 2006, and drawn by Gary S. Bowling, Guernsey Tingle Architects.
3. A landscaping plan for the Phase 7 and 8 expansions, including foundation landscaping in accordance with James City County Code Section 24, shall be approved by the Planning Director or his designee prior to final site plan approval. Landscaping shall be provided along Richmond Road that exceeds plant material size requirements in Section 24-90 of the James City County Code by 125%.
4. Prior to the issuance of any final Certificate of Occupancy for the Phase 7 and 8 expansions lighting shall be installed for the existing entrances from the property onto Richmond Road and Olde Towne Road as shown on the Master Plan. The specific location, adequacy, and design of all lighting fixtures shall be approved by the Planning Director. No lighting fixture shall exceed a height of 30 feet.
5. 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 any final development plan approval for the Phase 7 and 8 expansions. 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 the intent of this condition which is to conserve water and minimize the use of public water resources to the greatest extent possible.
6. Development plan approval for the Phase 7 and 8 expansions shall reflect the following stormwater management facility improvements:
 - a. PC-186 (located along Olde Towne Road): Infiltration capacity shall be added in accordance with approved JCC site plan SP-110-02, or equivalent measures provided as approved by the Environmental Director;
 - b. PC-124 (located along Olde Towne Road): Shall be retrofitted to improve water quality in accordance with approved JCC site plan SP-110-02, or equivalent measures provided as approved by the Environmental Director;
 - c. PC-036 (behind the existing Food Lion): Shall be retrofitted to incorporate water quality treatment as approved by the Environmental Director; and
 - d. Pre-treatment measures shall be incorporated into development plans as approved by the Environmental Director.

All stormwater management facility improvements shown on the approved development plans for the Phase 7 and 8 expansions shall be installed prior to the issuance of any final Certificate of Occupancy for the Phase 7 and 8 expansions unless expressly permitted by the Environmental Director.

7. Improvements, as specified by VDOT, must be made to the left turn lane from westbound Richmond Road onto Olde Towne Road prior to the issuance of any final Certificate of Occupancy for the Phase 7 & 8 Expansions.

Conditions Applicable to all Phases of Prime Retail

1. This Special Use Permit shall be valid for the approximately 7,000 sq. ft. expansion of Prime Retail, the incorporation of the existing Ewell Station shopping center into the Prime Retail and to allow the construction of an additional 74,000± square foot of retail space adjacent the existing Ewell Station shopping center, and accessory uses thereto. The total gross building area shall not exceed 517,411 sq. ft.
2. Development of the site shall be generally in accordance with the above referenced master plan and any questions as to compliance shall be 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. This Special Use Permit and these conditions shall supersede the existing conditions of approval of James City County Case No. SUP-25-05 and prior SUP conditions affecting the Prime Retail development.
3. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 30 feet in height and/or other structures and shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher, shall extend outside the property lines. The use of temporary flood lighting shall be prohibited unless written approval is obtained by the Planning Director for use during a special event.
4. No dumpsters shall be allowed on any portion of the service road located behind the buildings along the northern property line where the service road is 20 feet in width or less. All new and existing dumpsters shall be screened by landscaping or fencing approved by the Planning Director.
5. Prior to issuance of any final Certificate of Occupancy plan for any expansion, the applicant shall complete the following: (1) internal driveways shall be designated as "One Way" traffic only, as shown on the Master Plan; (2) fire lane shall be properly marked in accordance with the Virginia Fire Code; and (3) the applicant shall install signage for the rear parking lots and service drives clearly indicating the existence of additional parking spaces for customers and employees. Prior to installation of any new signage, the applicant shall prepare and submit a comprehensive signage plan for review and approval by the Planning Director.
6. If construction has not commenced on this project within thirty-six (36) months from the issuance of this 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.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

REZONING Z-13-05, Village at Toano

Staff Report for May 1, 2006 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 (applicant deferral)

November 7, 2005 (deferred)

December 5, 2005 (applicant deferral)

January 9, 2006 (applicant deferral)

February 6, 2006 (applicant deferral)

March 6, 2006 (applicant deferral)

April 3, 2006 (applicant deferral)

May 1, 2006

7:00 p.m

Board of Supervisors:

June 2006 (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 91 town home units

Location:

3126 Forge Road

Tax Map/Parcel:

(12-3) (1-10)

Parcel size:

20.74 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 project's proposed density is consistent with the current Comprehensive Plan Land Use Map designation for this area. However, staff would note that this parcel is part of a key section inside the Toano Community Character area whose eventual development as part of a whole will be vital to the success of the ultimate vision of Toano. Based on the current configuration of parcels in this section of the Community Character Area, and this project's focus on design characteristics specific to its own development rather than the adjoining Community Character Areas, staff does not believe that this project meets the criteria set forth in the Toano Community Character Area Study with respect to joint development or character. As proposed, the project will decrease the ability to develop this area of Toano according to the vision of the Toano Design Guidelines. Even with the submitted proffers, staff finds that this project will negatively impact the surrounding parcel's ability to develop according to the Toano Community Character Area Guidelines. Also the scale of the structures is not in keeping with the neighboring development in Toano. Once built out, and without the benefit of development on the parcels along Richmond Road, these buildings would be the

dominant visual features of the area, and not in scale with what is presented in the design guidelines or nearby historic residential structures. For these reasons, staff recommends that the Planning Commission recommend denial of this rezoning and master plan application for the Village at Toano.

Staff Contact:

Jason Purse

Phone: 253-6685

Proffers: Proffers were not submitted in accordance with the County's proffer policy. They were submitted without all of the necessary signatures, as well as after the 10 day proffer cut-off deadline. While proffers were received before the PC packets went out, the reviewing agencies did not have time to fully review and make comments on all of the proffers. Any suggested changes in language will be reflected in the subsequent Board of Supervisors report.

Cash Proffer Summary (See staff report narrative and attached proffers for further details)	
Use	Amount
Water (CIP contribution)	\$796 per lot
Sewer (CIP contribution)	\$628 per lot
CIP projects (including schools)	\$1,000 per lot
Parks and Recreation (for courts and fields)	\$89 per lot
Total Amount (2005 dollars)	\$228,683
Total Per Lot	\$2,513

PROJECT DESCRIPTION

Mr. Vernon Geddy III. has submitted an application on behalf of WRM Enterprises to rezone approximately 20.74 acres of land at 3126 Forge Road from A-1, General Agricultural, to R-5, Multi-Family Residential, with proffers, for the development of 91 town homes under condominium ownership. The project proposes a density of 4.4 du/acre. Approximately two-thirds of the homes are planned to be duplex units, with the balance triplex units.

Proffers

- Master Plan for the 91 unit proposal
- Owner's Association documents for condominium development
- Water Conservation standards to be approved by the JCSA
- Cash Contributions for Community Impacts
- Low Impact Development techniques and Turf Management protection
- Buffers along the western boundary of the site of 35' with enhanced landscaping. Buffers along the Forge Road frontage in accordance with proffered design guidelines.
- Streetscape Guidelines in accordance with County streetscape policy.
- Recreation amenities including a paved walking/fitness trail, playground, and park in the front of the development.
- Archeology proffers for a Phase I study and Phase II and III study if warranted.
- Traffic Improvements of a right turn radius and traffic signal at the interchange of Richmond Road and Forge Road if warranted. Crosswalks and sidewalks along Forge Road and Richmond Road if deemed acceptable by VDOT.
- Sidewalks throughout the development.
- Architectural Review and design guidelines submitted for approval to the Director of Planning.

- Mixed-cost housing (at the \$175,000 level) for four units.
- An access easement to be shared with the adjacent parcels along Richmond Road.

Staff Comment: The proffers are discussed in the relevant sections of this report.

PUBLIC IMPACTS

Archaeology

Proffers:

- The County archaeological policy is proffered.

Staff Comments: A preliminary Phase I cultural resource assessment of the total 20 acres has been completed and will be forwarded to the Virginia Department of Historic Resources (DHR) when the full assessment summary is finished. The archeology firm studying the property, the James River Institute for Archeology, recommends a Phase II archeological investigation for a 150 feet by 200 feet portion of the site, but anticipates that it will not be eligible for the National Register of Historic Places.

Regarding architectural resources, an intensive Phase II examination of the existing house at 3126 Forge Road was completed. Based on the study, the firm found that because much of the original design was changed through the years it is highly unlikely that the house could gain nomination to the National Register for its architectural merit. This structure would be demolished as part of this development.

Environmental

Watershed: Diascund Creek (majority) and Ware Creek (front right corner)

Proffers:

- **Turf Management Plan:** The applicant has proffered a Turf Management Program to be implemented in the proposed development. The HOA will be authorized to develop, implement and enforce the program, which will apply to common areas under HOA control and may be enforced by either the County or the HOA.
- **LID Measures:** The Owner will use where feasible based on soil conditions civic spaces, common areas, parking islands and other landscaped areas as water quality enhancement features to treat stormwater runoff generated from impervious surfaces and to maximize infiltration. The Owner shall work with the JCC Environmental Division to determine the most appropriate locations and techniques for LID. Unless otherwise approved by the Environmental Director, all piped stormwater outfalls will be directed to a best management practice (BMP). All stormwater basin components will be provided in compliance with federal, state, and local regulations including, but not limited to, aquatic benches, landscaping, buffers, and setbacks.

Staff Comments: The Environmental Division has reviewed the proposal and concurs with the Master Plan as proposed, but has not had the opportunity to fully review the proffers. The conceptual stormwater management plan has been approved by the Environmental Division, and similar to other applications final site design, including stormwater management and BMP design, will be determined at the site plan stage. The proffer language for the LID section of this development has not been reviewed by the Environmental Division. While the applicant is committed to achieving Low-Impact Development on this site, final proffer language has not been established at this time. Staff has been working on drafting standard LID language, but has not yet approved any definitive version. Staff will continue to work with the applicant in achieving a more comprehensive LID proffer.

Fiscal

The applicant has provided a fiscal impact statement which was reviewed by the Department of Financial Management Services. In summary, at buildout the Department of Financial and Management Services concludes that there will be a modest annual positive impact on the County operating budget of \$58,877 total (or \$647 per unit).

Proffers:

- A cash contribution of \$1,000 per unit will be made to the County to mitigate the impacts from physical development. This money can be used as a part of the County's capital improvement plan.

Staff Comments: The Department of Financial and Management Services has reviewed the project's fiscal impact statement and concludes there will be a positive impact on the County operating budget, but discounts the fiscal benefits projected during the two-year construction period.

Housing

Proffers:

- A minimum of four of the 91 residential units constructed on the Property shall be initially offered for sale for a period of nine (9) continuous months (if not earlier sold pursuant to such offer) after the issuance of a building permit for such residential units at a price at or below One Hundred Seventy-Five Thousand Dollars (\$175,000.00) subject to adjustment as set forth herein. The County Planning Director and Department of Housing and Community Development shall be provided with a copy of the listing agreement and sales literature for each residential unit offered for sale at a price at or below the adjusted price set forth above, and with respect to the sale of such residential units, consultation shall be made with, and referrals of qualified buyers shall be accepted from, the County Department of Housing and Community Development.

Staff Comments: The applicant has volunteered to provide mixed-cost housing as a condition of his development proposal. The mixed-cost restricted units will be sold and given priority to citizens in conjunction with James City County Housing and Community Development. At the time of this report the Department of Housing and Community Development had not reviewed and approved the proffer language for the mixed-cost units. While this provision for lower than market-value priced homes does provide a public benefit, it is also a very small percentage of units proposed in this development. Staff cannot determine the true advantage from these units until such a time when the Department of Housing and Community Development can adequately review this language.

Public Utilities

The site is inside the PSA and served by public water and sewer.

Proffers:

- Cash Contribution: For each unit, a cash contribution of \$796 for water improvements and \$628 for sewer improvements is proffered.
- Water Conservation: Water conservation measures will be developed and submitted to the JCSA for review and approval prior to any site plan approval. To include the provision:

If the Owner desires to have outdoor watering it shall provide water for irrigation utilizing surface water collection from the surface water pond that is shown on the Master Plan and shall not use JCSA water for irrigation purposes. This requirement prohibiting the use of well water may be waived or modified by the General Manager of JCSA if the Owner demonstrates to the JCSA General Manager that there is insufficient water for irrigation in the surface water impoundments, and the Owner may apply for a waiver for a shallow (less than 100 feet) well to supplement the surface water impoundments.

Staff Comments: The JCSA has reviewed the proposal and concurs with the proffers and master plan as proposed. The water conservation standards will include language to limit the use of JCSA water for irrigation in the development. All irrigation will come from surface water or the stormwater management facility on-site. All other water conservation standards will be reviewed and approved by the JCSA, according to the review guidelines for such standards.

Schools

According to the Public Facilities section of the Comprehensive Plan, Action number four encourages through the rezoning, special use permit or other development processes (1) evaluation of the adequacy of facility space and needed services when considering increasing development intensities and (2) encouraging the equitable participation by the developer in the provision of needed services. With respect to item (1), the Board of Supervisors has adopted the adequate public school facilities policy. With respect to item (2), the County has identified methods for calculating cash proffer amounts for schools, recreation and water supply facilities.

The Village at Toano is located within the Stonehouse Elementary School, Toano Middle School and Lafayette High School districts. Under the proposed Master Plan, 91 units are proposed. Per the adequate public school facilities test adopted by the Board of Supervisors, all special use permit or rezoning applications should meet the standards for adequate public school facilities. The test adopted by the Board uses the design capacity of a school, while the Williamsburg - James City County schools has since begun to recognize the effective capacity as the means of determining student capacities. The following information is offered by the applicant:

School	Design Capacity	Effective Capacity	Current Enrollment	Projected Students Generated	Enrollment + Projected Students
Stonehouse Elementary	588	524	605	7	612
Toano Middle School	775	822	831	4	835
Lafayette High School	1,250	1,230	1,624	4	1,628

The student generation rate for townhouses is 0.16 students per unit. This number used by the applicant is generated by the Department of Financial and Management Services in consultation with WJCC Public Schools based on historical attendance data gathered from other townhouse complexes in James City County.

Staff Comments: The adequate public schools facility test is based on design capacity. The proposal passes the adequate public school guidelines at the elementary school level, based on the construction of the 8th Elementary School, but does not pass for the middle school.

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

Parks and Recreation

Proffers:

- This project proposes a paved fitness and walking trail around the entire development, as well as a playground of .11 acres and a park at the front of the development of .51 acres. The exact locations of the facilities and the equipment provided are subject to the approval of the Development Review Committee.
- A contribution of \$86.00 for each dwelling unit shall be made to the County in lieu of the provision of courts and playing fields.

Staff Comments: Staff finds that the project is consistent with the Parks and Recreation Master Plan and is comfortable with the proffered recreation amenities. When communities are not large enough to necessitate on-site courts and playing fields the Parks and Recreation Master Plan suggests contributions be made in lieu of actual construction. Based on the number of units in this proposal this was the amount that the Parks and Recreation Master Plan suggested for this proffer.

Transportation

The applicant's traffic study determined there would be 52 AM peak hour and 60 PM peak hour trips generated by this project; altogether there would be 642 total weekday daily trips in and out of the community. The study calculated current traffic volumes for Richmond Road at 10,147 vehicles per day and 2,984 vehicles per day for Forge Road. The existing level of service conditions at these two intersections are 'A' for both north and southbound Richmond Road and 'B' for eastbound Forge Road.

2005 Traffic Counts (for Richmond Road): Route 30 to Forge Road: 9,966 average daily trips.

Forge Road to Croaker Road: 15,211 average daily trips.

2030 Volume Projected: Route 30 to Croaker Road: 24,000 average daily trips.

Road Improvements: The applicant has proffered to put in a right turn radius at the entrance of the property along Forge Road, as well as a traffic signal at the Richmond Road/Forge Road interchange as warranted by VDOT. In addition, as a part of the Master Plan there are crosswalks and sidewalks leading to and crossing Forge and Richmond Road at their intersections that will also be provided.

Proffers:

- A right turn radius from westbound Forge Road into the project site shall be installed or bonded prior to the issuance of building permits.
- There shall be installed or bonded a traffic signal at the intersection of Forge Road and Richmond Road prior to the issuance of 75 building permits, or earlier if warranted.
- The applicant has proffered sidewalks internal to the development, as well as sidewalks along Forge Road to connect with Richmond Road. This was done to try and provide connectivity for the area as described in the Toano Community Character Area Study.
- The applicant has proffered to build along the Richmond Road entrance any improvements required by VDOT. The additional access point along Richmond Road was acquired as a way to provide additional connectivity for the area as described in the Toano Community Character Area Study.

VDOT Comments: VDOT has reviewed and concurs with the proffers and the proposed master plan. VDOT concurs with the applicant's traffic study, as well as their recommendation for improvements. VDOT concurs with the addition of an access point to Richmond Road. However, the applicant has not yet turned in a turn lane analysis for that access point. The additional access is guaranteed through the Master Plan. However, it has not yet been determined what traffic improvements would need to be made to accommodate the additional entrance. Should there be a turn lane or turn radius required the applicant has proffered to install any improvements required by VDOT.

Staff has also contacted the Fire Department to ensure that no negative impact will occur from having a development of this size in such close proximity to a fire station. Representatives from the Fire Department believe that this development will not inhibit their continued safe operation.

COMPREHENSIVE PLAN

Land Use Map Designation

The site is shown on the 2003 Comprehensive Plan Land Use Map with two different designations. The rear of the property (approximately four acres) is designated low-density residential, while the balance of the site (approximately 16 acres), including the frontage on Forge Road, is designated moderate-density residential.

Low-density residential developments are residential developments or land suitable for such developments with gross densities up to one dwelling unit per acre depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of dwelling units in the proposed development, and the degree to which the development is consistent with the Comprehensive Plan. Examples of 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.

Moderate density areas are residential developments or land suitable for such developments with a minimum gross density of four dwelling units per acre, up to a maximum of twelve dwelling units per acre, depending on the character and density of surrounding development, physical attributes of the property, buffers, and the degree to which the development is consistent with the Comprehensive Plan. Suggested land uses include townhouses, apartments, attached cluster housing, and recreation areas.

Based on these designations and gross density as defined by the Comprehensive Plan, a range of 68 to 208 dwelling units are suggested for this site.

Other Conditions

- This project fronts on Forge Road, which is a Community Character Corridor.
- This project is also located in the Toano Community Character Area. This project site and the character area are at the edge of the Toano “Village”. Some of the main standards for this area, as described in the Comprehensive Plan, are: architecture, scale, materials, spacing, and color of buildings should complement the historic character of the area; existing specimen trees and shrubs should be preserved to the extent possible; new landscaping should be of a type, size, and scale to complement and enhance the building and site design; native plant and tree species are encouraged; pedestrian and bicycle access and circulation should be promoted through the provision of sidewalks and crosswalks; mixed use development which provides residential, commercial, and office uses in close proximity are encouraged; shared parking and access are encouraged; and efforts to maintain Toano’s boundaries are encouraged.
- Development Standards as described in the Comprehensive Plan Residential Land Use Standards include and suggest that: housing and nearby development densities must be compatible with local environment capacities of public services; provide usable open space and protect the County’s natural wooded character and resources; designing residential developments that foster a sense of place and community and avoids suburban sprawl; creating well defined focal public gathering places; blending units of various types and prices; avoid repetition by varying setbacks, façade treatments and orientation; using compact design patterns that rely on higher density and strong pedestrian and transit linkages; encourage garages to be located at the rear or side of dwellings; encourage adequate off-street parking area for multi-family residential developments; and locate residential uses immediately adjacent to non-residential uses, major roads, railroads,

etc, only where the conflicts between such uses can be adequately addressed while recognizing impacts from these with adequate screening or buffering; in mixed-use areas, single and multi-family units are encouraged to be integrated with non-residential uses to promote a synergy of uses.

- The Toano Community Character Area Design Guidelines were adopted by the James City County Board of Supervisors on February 14, 2006, and provide guidelines for development within the Community Character Area. They suggest creating a street network adjacent and parallel to Richmond Road, to allow for a finer grain of density to develop. Additionally, the guidelines call for joint development where *“it will be very difficult to develop on a small scale and still achieve the study’s goals... Where there are key parcels surrounded by small or uniquely shaped parcels that, unless developed simultaneously, do not lend themselves to the vision of the study (interconnected roadways, rear-access parking areas), those parcels should be planned jointly, in order to achieve the goals presented in the design guidelines.”* Development of a parcel in a manner that would preclude development of another parcel consistent with these goals should be discouraged.

Staff Comments: While a portion of the property is designated low-density residential the majority of the property is designated for moderate-density residential development. The low-density section of the property is near the back of the property, and will mostly consist of a stormwater management facility and existing trees. The few units that are located in this portion of the site are subject to additional setbacks from adjacent property. Overall, the dwelling units per acre are at the very bottom of the possible range for moderate-density residential development at 4.4 du/acre. Even with the split designation of this parcel, staff finds that, because of the low number of units proposed relative to the Comprehensive Plan designation, this project is compatible with the Comprehensive Plan Land Use densities.

Staff feels that this project meets some of the development standards set forth in the Comprehensive Plan. The James City County Service Authority projected water flow for this site is well in excess of what this development is proposing to need. In terms of environmental impacts the stormwater management facility in the rear of the property was designed much larger than the anticipated need for the site, and will most likely be able to be used for irrigation of lawns and plants. The applicant has proffered to include a Low Impact Development proffer to help mitigate environmental impacts on the site beyond ordinance requirements. The development will be maintaining many of the existing trees on-site, particularly on the north side of the property. The applicant has proffered a 35 foot landscaped buffer area, which includes berming, on the west side of the development. This area constitutes 35 of the 50 feet of the required building setback for that side of the property. While there are no minimum area requirements for landscaped screening this side of the development represents the edge of the Toano “Village” area, and must serve as an adequate screen for the adjacent Rural Lands that continue down Forge Road. Many of the garages in the development are located to the rear of the houses and are not the dominant visual feature on the front of the house. The project has proffered a walking trail for the community and sidewalks along the development as well as connecting to the adjacent properties along Richmond Road. The developer has also proffered to include four units at a mixed-cost housing rate. These four units will be sold at the \$175,000 level, but at the time of this report the Department of Housing and Community Development had not yet commented on this proffer. The railroad track off of the rear of the property will not negatively impact the community as most of the rear of the property is going to be wooded (and taken up by the stormwater management facility). Despite meeting these Comprehensive Plan standards, staff believes the project inadequately addresses other standards. These include inadequate focal public gather places, inadequate blend of unit type and price, and sufficient assurances that the streetscapes will be varied.

This project falls under the scope of the Toano Community Character Area Study. This area near the Forge Road and Richmond Road intersections encompasses both residential and commercial components. While the study does not have parcel specific designations, there are over-arching themes that deal

directly with this area. The study suggests that new structures should not be out of scale with surrounding development. The massing of these buildings is out of scale with the existing buildings in the Toano area. The tri-plex units along the outside of this project represent buildings with 4,000 square feet of first floor building square footage, that when constructed will become the dominant visual features of the area. In some instances these buildings represent larger structures than what is proposed on the illustrative plan for the development of the Richmond Road parcels. Staff does not believe that the structures on this parcel should be larger than the commercial parcels along Richmond Road. The Toano guidelines suggest this language for buildings in a transition area: "Buildings should be of a lesser scale than those directly along the historic Toano corridor...Building density and massing should decrease as well." These structures do include architectural characteristics that fit with historic buildings of the area, particularly with respect to porches and second story windows. The developer has proffered design guidelines and principles to try and help promote architectural design and community integration to fit with existing and future structures. However, the units along the Richmond Road side of the property all have their rear sides as well as their garages facing Richmond Road. Staff believes that the scale of these buildings will give the area the appearance of a much higher density development.

There are multiple pieces of property in this section that surround the project parcel, including an additional moderate-density residential designated section to the west of the project and the commercial uses to the east. Since this project is only able to provide design characteristics for its own specific parcel, the futures of the adjacent parcels will be constrained by whatever vision is approved for this large piece of land. The plan for the Richmond Road parcels and additional residential parcel will be determined by the creation of this project, and it is staff's belief that the internally oriented nature of this development's buildings and most open spaces will preclude development of the adjacent parcels in a way consistent with the vision of the Toano Guidelines. Staff recognizes the connection to Richmond Road and open space as measures to better integrate with adjoining areas. Overall, however, this proposed plan is dominated by its residential characteristics, and is orientated in a way that when completed will have the appearance of a residential development merely adjacent to any development along Richmond Road rather than interconnected with or related to adjacent uses. The rows of houses that line both the eastern and western boundaries of the property serve as an impediment to connectivity, and act as an enclosure to keep activities internal to the project site. Staff believes that this is not the interconnection of uses that the Toano Area Study envisions. There should be a seamless feel between developments for the two uses. The applicant has provided access to Richmond Road through one of the Richmond Road parcels, and has proffered an access easement along the east end of the property to allow for possible future shared access with development along Richmond Road. However, staff feels that when constructed, exclusive of future development along Richmond Road, this alley way may be considered solely part of the condominium project and additional access by other uses will be met with resistance from an already established community.

The Community Impact Statement shows the area along Richmond Road with three possible development patterns; however, they suggest scenarios that are not possible under the current B-1 zoning. If all of the parcels were to be rezoned concurrently to a mixed-use designation, then the lesser setbacks could be achieved with a setback modification. If the parcels along Richmond Road are going to develop as shown, it is more preferable the whole area be rezoned. Once this development is established it will likely hinder any chances for completing the vision of this Forge Road transition, and integrate an alley between uses at a later date. Staff believes that its independent development will constrain future options by reducing land assembly and site layout options, thereby making independent development of parcels along Richmond Road more likely. Staff believes that to realize the vision of an interconnected village atmosphere all parcels in this area should be designed in unison and not with the hope that future development will agree to do pieces at different times, under more constrained conditions.

The best scenario is to be presented with a plan that incorporates not just this parcel, but also includes the majority of properties on the frontage of Richmond Road and the parcel to the west of this property under a combined master plan. Through this, all of the parcels would be able to develop in a way that would

maximize their ability to be interconnected and integrated, and also allow more flexibility to work through their inherent size and shape limitations. For the County to receive the best development of this area in Toano, one that integrates both residential and commercial uses for this area, a joint developed master plan is necessary that is not reliant on possible future development, but rather, an area that is master planned and constructed jointly and concurrently.

RECOMMENDATION

The project's proposed density is consistent with the current Comprehensive Plan Land Use Map designation for this area. However, staff would note that this parcel is part of a key section inside the Toano Community Character area whose eventual development as part of a whole will be vital to the success of the ultimate vision of Toano. Based on the current configuration of parcels in this section of the Community Character Area, and this project's focus on design characteristics specific to its own development rather than the adjoining Community Character Areas, staff does not believe that this project meets the criteria set forth in the Toano Community Character Area Study with respect to joint development or character. As proposed, the project will decrease the ability to develop this area of Toano according to the vision of the Toano Design Guidelines. Even with the submitted proffers, staff finds that this project will negatively impact the surrounding parcel's ability to develop according to the Toano Community Character Area Guidelines. Also the scale of the structures is not in keeping with the neighboring development in Toano. Once built out, and without the benefit of development on the parcels along Richmond Road, these buildings would be the dominant visual features of the area, and not in scale with what is presented in the design guidelines or nearby historic residential structures. For these reasons, staff recommends that the Planning Commission recommend denial of this rezoning and master plan application for the Village at Toano.

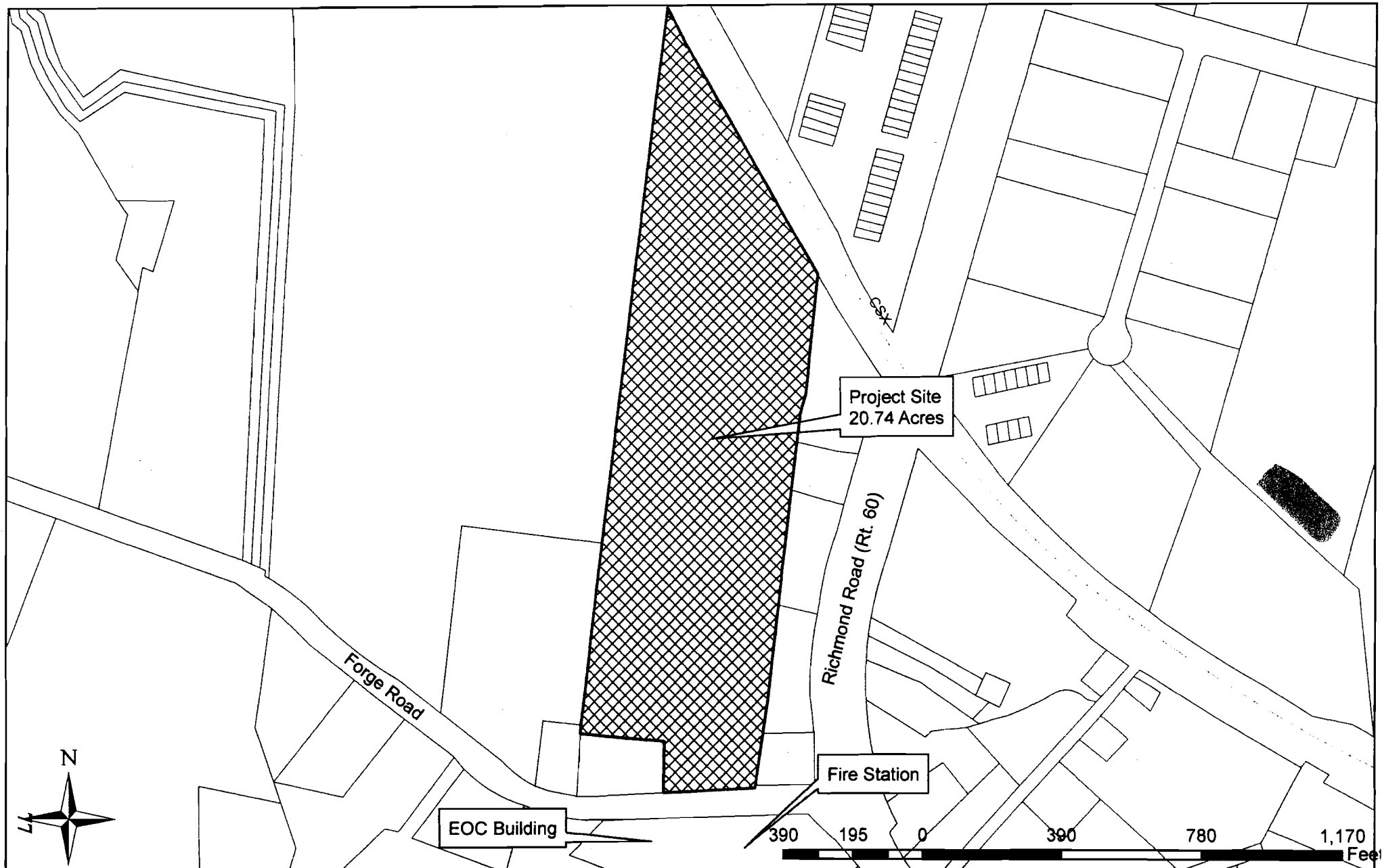
Jason Purse

ATTACHMENTS:

1. Location Map
2. Master Plan (under Separate cover)
3. Community Impact Statement (under separate cover)
4. Toano Design Guidelines (under separate cover)
5. Proffers

Z-13-05

Village at Toano



PROFFERS

THESE PROFFERS are made this 24th day of April, 2006 by **JESSICA D. BURDEN, ELSIE FERGUSON, JACK A. FERGUSON** and **ROSE F. BUNTING**, together with their respective successors in title and assigns, (the "Owners").

RECITALS

A. Owners are the Owners of a tract or parcel of land with an address of 3126 Forge Road and as Tax Parcel 1230100010 containing approximately 20.881 acres, being more particularly described on Schedule A hereto, (the "Property").

B. Approximately three fourths of the Property is designated moderate density residential and the balance of the Property is designated low density residential on the County's Comprehensive Plan Land Use Map. The Property is now zoned A-1. Owners have applied to rezone the Property from A-1 to R-5, with proffers.

C. Owners have submitted to the County a Master Plan entitled "Village at Toano" prepared by LandMark Design Group dated April 11, 2006 (the "Master Plan").

D. Owners desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned R-5.

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 and developing of Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1. **Master Plan.** The Property shall be developed generally in accordance with the Master Plan, with only minor changes thereto that the development review committee determines do not change the basic concept or character of the development. There shall be a maximum of 91 dwelling units on the Property. All dwelling units on the Property shall be developed as a condominium project pursuant to the Virginia Condominium Act.

2. **Owners Association.** There shall be organized a condominium owner's association as required by the Virginia Condominium Act (the "Association") in accordance with Virginia law in which all condominium unit owners in the Property, by virtue of their property ownership, shall be members. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing the Association shall be submitted to and reviewed by the County Attorney for consistency with this Proffer. The Governing Documents shall require that the Association adopt an annual

maintenance budget, which shall include a reserve for maintenance of private streets, stormwater management BMPs, recreation areas, sidewalks, and all other common areas (including open spaces) under the jurisdiction of each Association, and shall require that the Association (i) assess all members for the maintenance of all properties owned or maintained by the Association and (ii) file liens on members' properties for non-payment of such assessments. The Owner shall make a deposit of \$1,900 to the maintenance reserve. The County shall be provided evidence of the deposit of such amount at the time of final site plan approval by the County for development. The Governing Documents shall grant each Association the power to file liens on members' properties for the cost of remedying violations of, or otherwise enforcing, the Governing Documents.

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

Authority prior to final subdivision or site plan approval.

(b) If the Owner desires to have outdoor watering it shall provide water for irrigation utilizing surface water collection from the surface water pond that is shown on the Master Plan and shall not use JCSA water for irrigation purposes. This requirement prohibiting the use of well water may be waived or modified by the General Manager of JCSA if the Owner demonstrates to the JCSA General Manager that there is insufficient water for irrigation in the surface water impoundments, and the Owner may apply for a waiver for a shallow (less than 100 feet) well to supplement the surface water impoundments.

(c) The Association shall be responsible for developing and implementing a turf management plan ("Turf Management Plan") for the maintenance of lawns and landscaping on the Property in an effort to limit nutrient runoff into Ware Creek and Diascund Creek and their tributaries from the Property. The Turf Management Plan shall include measures necessary to manage yearly nutrient application rates to turf. The Turf Management Plan shall be prepared by a landscape architect licensed to practice in Virginia and submitted for review to the County Environmental Division for conformity with this proffer. The Nutrient Management Plan shall include terms permitting enforcement by either the Association or the County. The Turf

Management Plan shall be approved by the Environmental Division prior to final subdivision or site plan approval.

4. Cash Contributions for Community Impacts. (a) A contribution of \$796.00 for each dwelling unit on the Property shall be made to the James City Service Authority ("JCSA") in order to mitigate impacts on the County from the physical development and operation of the Property. The JCSA may use these funds for development of alternative water sources or any project related to improvements to the JCSA water system in the County's capital improvement plan, the need for which is generated in whole or in part by the physical development and operation of the Property.

(b) A contribution of \$628.00 for each dwelling unit on the Property shall be made to the JCSA in order to mitigate impacts on the County from the physical development and operation of the Property. The JCSA may use these funds for any project related to improvements to the JCSA sewer system in the County's capital improvement plan, the need for which is generated in whole or in part by the physical development and operation of the Property.

(c) A contribution of \$1,000.00 for each dwelling unit on the Property shall be made to the County in order to mitigate impacts on the County from the physical development and operation of the Property. The County may use these funds for

any project in the County's capital improvement plan, the need for which is generated in whole or in part by the physical development and operation of the Property, including, without limitation, for emergency services, off-site sidewalk and road improvements, library uses, and public use sites.

(d) The contributions described above shall be payable for each dwelling unit on the Property at the time of final subdivision plat or site plan approval for such unit.

(e) The per unit contribution(s) paid in each year pursuant to this Section and the Proffered price limit under Condition 12 shall be adjusted annually beginning January 1, 2006 to reflect any increase or decrease for the preceding year in the Marshall and Swift Building Costs Index (the "Index") prepared and reported monthly by the U.S. Bureau of Labor Statistics of the United States Department of Labor. In no event shall the per unit contribution be adjusted to a sum less than the amounts set forth in paragraphs (a) through (c) of this Section. The adjustment shall be made by multiplying the per unit contribution for the preceding year by a fraction, the numerator of which shall be the Index as of December 1 in the year preceding the calendar year most currently expired, and the denominator of which shall be the Index as of December 1 in the preceding year, In the event a substantial change is made in the method of establishing the Index, then the per unit contribution

and maximum purchase price shall be adjusted based upon the figure that would have resulted had no change occurred in the manner of computing the Index. In the event that the Index is not available, a reliable government or other independent publication evaluating information heretofore used in determining the Index (approved in advance by the County Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the per unit contribution and maximum purchase price to approximate the rate of annual inflation in the County.

5. Buffers. (a) Along the Property's western boundary, landscaping shall be planted within the 35' buffer as set forth herein to provide a visual buffer between the Property and the properties to the west and from Forge Road through a reforestation plan. This plan may include some berming and shall include a seeding and planting plan as recommended by the State of Virginia's Department of Forestry and approved by the Director of Planning as being generally consistent with the landscaping standards set forth in the design guidelines proffered by Section 11. The planting mix shall include at least two types of evergreen trees and a variety of deciduous trees including Oak, Maple and Gum as well as native understory trees including Redbud and Dogwood. The buffer shall be planted or the planting bonded prior to the County being obligated to

issue certificates of occupancy for dwelling units on the Property.

(b) Along the Property's southern boundary along Forge Road, landscaping shall be provided within the buffer in accordance with a landscaping plan approved by the Director of Planning as being generally consistent with the landscaping standards set forth in the design guidelines proffered by Section 11. The buffer shall be planted or the planting bonded prior to the County being obligated to issue certificates of occupancy for any dwelling units on the Property.

(c) With the prior approval of the Development Review Committee, trails and sidewalks may be located in the buffer. Dead, diseased and dying trees or shrubbery, invasive or poisonous plants, windfalls and deadfalls may be removed from the buffer area.

6. **Streetscape Guidelines.** The Owner shall provide and install streetscape improvements in accordance with the applicable provisions of the County's Streetscape Guidelines policy. The streetscape improvements shall be shown on development plans for the Property and submitted to the Director of Planning for approval during the development plan approval process.

7. **Recreation.** (a) Prior to the County being obligated to issue building permits for more than 46 units on the Property,

Owner shall provide the recreation facilities shown on the Master Plan, including the playground, trails and park, generally in the location shown on the Master Plan. The exact locations of the facilities proffered hereby and the equipment to be provided at such facilities shall be subject to the approval of the Development Review Committee.

(b) A contribution of \$86.00 for each dwelling unit on the Property shall be made to the County in lieu of the provision of courts and playing fields. The contributions described above shall be payable for each dwelling unit on the Property at the time of final subdivision plat or site plan approval for such unit. This per unit amount shall be adjusted annually in accordance with Section 4(e).

8. **Archaeology**. A Phase I Archaeological Study for the entire Property 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 Property and the clearing, grading or construction activities thereon.

9. **Traffic Improvements.** (a) There shall be installed or bonded in form acceptable to the County Attorney prior to issuance of any building permits on the Property a right turn radius from westbound Forge Road into the Forge Road entrance to the Property.

(b) There shall be installed or bonded in form acceptable to the County Attorney prior to issuance of any building permits on the Property at the Richmond Road entrance to the Property such turn lanes or tapers, if any, as may be required by VDOT.

(c) If approved by the Virginia Department of Transportation ("VDOT"), there shall be installed or bonded in form acceptable to the County Attorney prior to the earlier of (i) issuance of building permits for more than 75 units on the Property or (ii) upon a determination by VDOT that the traffic signal is warranted under VDOT signal warrants a traffic signal meeting VDOT requirements at the intersection of Forge Road and Route 60. If VDOT signal warrants have not been met and VDOT has not approved installation of the traffic signal by the first anniversary of the issuance of the 91st certificate of occupancy for a dwelling unit on the Property, all obligations of Owner with respect to installation of and/or payment of the costs of the traffic signal shall terminate and all bonds for the signal posted by Owner shall be released.

10. Sidewalks. There shall be sidewalks five feet in width installed within the Property generally as shown on the Master Plan. In addition, there shall be sidewalks and pedestrian crosswalks installed off-site in the locations shown on the Master Plan. Such sidewalks and pedestrian crosswalks shall be installed or bonded in a form acceptable to the County

Attorney prior to issuance of building permits for more than 25 units on the Property

11. **Architectural Review.** Prior to the County being obligated to grant final development plan approval for any of the buildings shown on any development plan for any portion of the Property, there shall be prepared and submitted to the Director of Planning for approval architectural and landscaping plans, including architectural elevations, for the Director of Planning to review and approve for general consistency with the design guidelines, architectural elevations and landscape guidelines and renderings submitted herewith in the Community Impact Statement prepared by Guernsey Tingle Architects and LandMark Design Group. 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. Final plans and completed buildings shall be consistent with the approved conceptual plans.

12. **Mix of Housing Types.** A minimum of four residential units constructed on the Property shall be initially offered for sale for a period of nine (9) continuous months (if not earlier sold pursuant to such offer) after the issuance of a building

permit for such residential units at a price at or below One Hundred Seventy-Five Thousand Dollars (\$175,000.00) subject to adjustment as set forth herein. The County Planning Director and Department of Housing and Community Development shall be provided with a copy of the listing agreement and sales literature for each residential unit offered for sale at a price at or below the adjusted price set forth above, and with respect to the sale of such residential units, consultation shall be made with, and referrals of qualified buyers shall be accepted from, the County Department of Housing and Community Development.

13. Use of LID Measures. The Owner will use where feasible based on soil conditions civic spaces, common areas, parking islands and other landscaped areas as water quality enhancement features to treat stormwater runoff generated from impervious surfaces and to maximize infiltration. The Owner shall work with the JCC Environmental Division to determine the most appropriate locations and techniques for LID. Unless otherwise approved by the Environmental Director, all piped stormwater outfalls will be directed to a best management practice (BMP). All stormwater basin components will be provided in compliance with federal, state, and local regulations including, but not limited to, aquatic benches, landscaping, buffers, and setbacks.

14. **Access Easement.** Owner shall grant for the benefit of the parcels located between the Property and Route 60 an access easement over the portion of the private road on the Property designated as "Access Easement" on the Master Plan for use by the owners of such parcels and their respective successors, assigns, tenants, invitees and guest for access to and from each of such parcels to each other parcel and to and from Forge Road. Owners obligation to grant the easement shall be subject to Owner and the owner of each such parcel reaching an equitable agreement on sharing the costs of maintenance of the Access Easement area.

WITNESS the following signatures.

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JESSICA D. BURDEN

ELSIE FERGUSON

JACK A. FERGUSON

ROSE F. BUNTING

STATE OF _____
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged this _____
day of _____, 2005, by _____.

NOTARY PUBLIC

My commission expires: _____.

STATE OF _____
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged this _____
day of _____, 2005, by _____.

NOTARY PUBLIC

My commission expires: _____.

STATE OF
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged this _____
day of _____, 2005, by _____.

NOTARY PUBLIC

My commission expires: _____.

STATE OF
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged this _____
day of _____, 2005, by _____.

NOTARY PUBLIC

My commission expires: _____.

Schedule A

PLANNING DIRECTOR'S REPORT

May 2006

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

- Rural Lands Study. Staff and the County's consulting team are compiling the Rural Lands Committee's final recommendations for presentation to the Planning Commission and Board for a joint work session on May 23, 2006 at 4:00 PM. Citizens are invited to follow the progress of the committee at www.jccgov.com.
- New Town Design Review Board. The Board reviewed 10 projects, five of which were new projects. Projects included office buildings, parks and parking areas.
- Planning Commissioner Training. Staff conducted a training program for Commissioners on the James City Service Authority and its water and sewer services on April 19. A transportation training session led by the Hampton Roads Planning District Commission is tentatively scheduled for May 22 at 10:30.
- Transportation grants. Staff submitted several federal transportation grant applications which included road and intersection improvements and bikeways.
- Corridor Enhancement Program. Four of the eight projects that received grants as part of the Jamestown Road Enhancement Demonstration Project have been completed. A second round of grants available to businesses and neighborhoods along Jamestown Road is now open for applications.
- Virginia Citizen Planner Award. The Virginia Citizen's Planning Association awarded its Virginia Citizen Planner of the Year award to Bill Frymoyer, a James City County resident on March 31. Bill is the Chairman of the Historic Triangle Corridor Enhancement Committee. As Chair, he led efforts to enhance Jamestown Road through projects such as the creation of a corridor landscape plan and a grant program for businesses and neighborhoods.
- Commissioner GIS Access. At the request of the Commission staff has made access available to the Commissioners and are setting up dates for installation.
- Commission Suggestions for Residential Development. The Planning Commission created list of suggestions for new residential development has been made available to the public. It has been posted on the County web site, sent to those on the Planning Division's mailing list and distributed as a press release.
- Five Forks Road Improvements. The formal process to improve the Route 5/Ironbound Road intersection as recommended in the Commission and Board adopted Five Forks Study has begun, with VDOT and County representatives holding a scoping meeting to outline project details and schedule. Construction is planned for spring 2008.

O. Marvin Sowers, Jr.

RESOLUTION

CHILD CARE PROVIDER APPRECIATION DAY

WHEREAS, James City County and other organizations nationwide are recognizing Child Care Providers on this day; and

WHEREAS, of the 21 million children under age 6 in America, 13 million are in child care at least part time. An additional 24 million school-age children are in some form of child care outside of school time; and

WHEREAS, by calling attention to the importance of high-quality child care services for all children and families within our community, these groups hope to improve the quality and availability of such services; and

WHEREAS, our future depends on the quality of the early childhood experiences provided to young children today; high-quality early child care services represent a worthy commitment to our children's future.

NOW, THEREFORE, BE IT RESOLVED I, Bruce C. Goodson, Chairman of the James City County Board of Supervisors, hereby proclaim Friday, May 12, 2006, as Child Care Provider Appreciation Day in James City County, Virginia, and urge all citizens to recognize Child Care Providers for their important work.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of May, 2006.

ChildCareDay.res