

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
JUNE 5, 2006 - 7:00 p.m.

1. ROLL CALL
2. PUBLIC COMMENT
3. MINUTES
 - A. May 1, 2005 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. Z-2-06/MP-3-06/SUP-19-06 Mason Park
 - B. SUP-13-06 Unicorn Cottage
 - C. SUP-16-06 Hogan Homestead Day Care
 - D. SUP-17-06 8391 Richmond Road Veterinary Hospital & Indoor Kennel
 - E. SUP-4-06/MP-1-06 Prime Outlets MP Amendment
 - F. ZO-7-05 Zoning Ordinance Amendment – Sign Ordinance
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 FIRST DAY OF MAY, 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.

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|----|------------------|---|----------------|
| 1. | <u>ROLL CALL</u> | <u>ALSO PRESENT</u> | <u>ABSENT</u> |
| | Jack Fraley | Marvin Sowers, Planning Director | George Billups |
| | Don Hunt | Adam Kinsman, Assistant County Attorney | |
| | Anthony Obadal | Toya Ricks, Administrative Services Coordinator | |
| | Mary Jones | Jason Purse, Planner | |
| | Shereen Hughes | Kathryn Sipes, Planner | |
| | James Kennedy | | |

2. PRESENTATION

- A. Recognition of Mr. W. Wilford Kale, Jr.

Mr. Fraley presented Mr. Kale with a plaque and Certificate of Appreciation on behalf on the James City County Planning Commission for his eight years of invaluable service and dedication to the citizens of James City County on the Planning Commission.

Mr. Kale thanked Chairman Fraley, the Board of Supervisors, Planning Staff, and fellow Planning Commissioners both past and present. He stated that he has mostly enjoyed his service and hoped to be of further service in the future.

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

Mr. Obadal stated on page 23 of the March 8th meeting his reference was to Title 15.2-2239 of the Virginia Code.

Mr. Kennedy motioned to approve the minutes as corrected.

Ms. Jones seconded the motion.

In a unanimous voice vote the minutes were approved (6-0). (Billups absent).

4. COMMITTEE AND COMMISSION REPORTS

- A. Development Review Committee (DRC) Report

Mr. Kennedy presented the DRC report stating that the Committee heard three cases at its April 26 meeting. He stated that C-37-06 New Town Shared Parking, SP-5-06 Governor's Grove and New Town Section 3 and 6 Block 15 Parcel B Setback Modifications were approved 4-0. Mr. Kennedy also stated that SP-29-06 New Town Block 10 Parcel E and F was deferred.

Mr. Kennedy motioned to approve the report.

Ms. Jones seconded the motion.

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

5. PUBLIC HEARINGS

A. SUP-13-06 Unicorn Cottage

Mr. Fraley stated that the applicant has requested deferral until the June meeting. He asked if Staff concurred with the request.

Mr. Sowers answered yes.

Mr. Fraley opened the public hearing.

Hearing no requests to speak the public hearing was continued.

B. SUP-14-06 8th Elementary School Utility Extension

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 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 JCC Tax Map No. (36-3). Staff recommended approval of the application and attached conditions.

Mr. Kennedy asked if the lots leading into the school site could connect to water and sewer lines.

Mr. Purse said each lot that abuts water and/or sewer lines will be allowed one residential connection.

Mr. Kennedy asked how many lots there are.

Mr. Purse said one.

Mr. Kennedy asked how many lots are platted for the parcel.

Mr. Purse answered one.

Mr. Kennedy asked what happens if more lots are platted before the May 9, 2006 cut-off date.

Mr. Purse explained that due to the size of the water and sewer lines there would only be capacity for one lot.

Mr. Fraley opened the public hearing.

Hearing no requests to speak the public hearing was closed.

Mr. Kennedy motioned to approve the application and attached conditions.

Ms. Jones seconded the motion.

In a unanimous roll call vote the application was recommended for approval (6-0). (Billups absent)

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

Mr. Fraley explained that while the Planning Commission does not prefer such presentations, in a break from normal procedure, the applicant for this case would be allowed to present their case tonight although deferral has been recommended and no action will be taken. He stated that both Staff and the applicant would be given five minutes to present their sides not including comments and/or questions from Commissioners.

Ms. Kathryn Sipes presented the staff report stating that Mr. Greg Davis has applied on behalf of Prime Retail, L.P. to 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 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. The properties can be identified as parcels (1-28), (1-29), (1-33C), (1-33D), (1-33E) and (1-2) on the JCC Real Estate Tax Map. (33-1). The property is zoned B-1, General Business, with proffers and is 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. Ms. Sipes stated that there are unresolved issues concerning traffic, parking, and environmental impacts and recommended deferral to allow time for submitted data to be reviewed and additional information to be provided.

Mr. Kennedy asked if the Mikasa entrance has been slated to be closed.

Ms. Sipes said the current agreement is to close it no later than June 2009.

Mr. Kennedy asked if that was due to a leasing situation.

Ms. Sipes said that was her understanding.

Mr. Kennedy stated that they would be going into a similar leasing situation with regard to parking for Food Lion. He asked if the applicant had provided waivers from Food Lion indicating that they were fine with the proposal.

Ms. Sipes stated that the applicant told her that Food Lion had seen the plans and had not raised any concerns about their leasing agreement or parking arrangement.

Mr. Kennedy said he would like to see something in writing. He also stated his concerns about the right hand turn lane on Route 60 East.

Ms. Sipes said there have been discussions about cutting up the lane so that it would not be a continuous right turn lane.

Mr. Kennedy said his other concern was the large divided median on Route 60. He asked that Virginia Department of Transportation (VDOT) coordinate the timing of the lights in that area so that there is a time delay for cross-traffic. He also stated his concerns regarding red light running, visibility of trash receptacles, traffic near Giuseppe's entrance, the need to look at closing entrances and overflow parking infiltrating the neighborhood areas.

Ms. Hughes stated that parking lots and large expanses of impervious surface are not visually appealing in a Community Character Corridor. She said this is a perfect opportunity to consider a parking deck in order to increase parking and reduce impervious surface cover. She also stated her concerns about internal and external traffic safety and delivery truck conflicts.

Mr. Obadal agreed with Ms. Hughes' and Mr. Kennedy's comments regarding traffic. He asked if VDOT had taken a position concerning the first entrance/exit on Olde Towne Road off of Route 60.

Ms. Sipes stated that VDOT expressed concern about how close it was to Route 60 should there ever be a proposal to signalize the intersection. She also stated that Staff was awaiting comment from VDOT on which, if any, entrance should be closed.

Mr. Obadal stated his concern about traffic from that entrance crossing Olde Towne Road and turning left to access Route 60. He asked what part of the Ordinance addresses parking.

Ms. Sipes said Category C of the Parking Ordinance addresses Outlet Malls.

Mr. Obadal questioned how parking requirements were calculated. He stated that the Ordinance requires parking be calculated based on the square footage of the building.

Ms. Sipes explained that the gross square footage of the building is used with a deduction given for public spaces and a 20% deduction for non-retail space such as employee and inventory or supply areas.

Mr. Obadal asked if those deductions were permitted in the Ordinance.

Ms. Sipes stated that is a policy not an Ordinance requirement.

Mr. Obadal asked if a waiver had been requested.

Ms. Sipes said it is a policy based on precedent in other shopping centers where the 80% calculation was applied including the previously approved site plan for the Ewell Station expansion.

Mr. Obadal asked if there was a formula or was square footage simply set aside.

Ms. Sipes said that 80% of the area would be considered productive retail area.

Mr. Obadal asked if the Board of Supervisors (BOS) had adopted a special policy for outlet malls.

Ms. Sipes stated that it is a practice that has been adopted by the Division.

Mr. Obadal stated that beyond Staffs' interpretation there is no legally binding policy.

Ms. Sipes said that an argument was made previously that it was reasonable. She stated that it was approved and consistently applied to similar large retail projects.

Mr. Obadal asked for examples.

Ms. Sipes cited previous phases of Prime Outlets and Ewell Station as examples.

Mr. Obadal said he does not consider Ewell Station another project.

Ms. Sipes stated that at the time it was approved it was an independent project and not a part of Prime Outlets.

Mr. Fraley asked for Mr. Sowers' input on the matter.

Mr. Sowers stated that the Zoning Ordinance has provisions that allow Staff to make interpretations. He stated that for many years the Division has subtracted a percentage of the floor area of the plans submitted so that it is the actual retail space being measured. Mr. Sowers also stated that approval of this case is a legislative act and that the Commission is not bound by the standard if they do not feel it is appropriate.

Mr. Obadal asked for an explanation of the different requirements for different types of retail operations and the lack of a waiver for parking requirements in this case.

Mr. Sowers stated that Staff would consult with the Zoning Administrator and report back to the Commission.

Mr. Kennedy asked if parking is reconsidered when new tenants change the configuration of the stores.

Mr. Sowers said it is reconsidered if the new use falls into a different use category.

Mr. Kennedy stated his concern about the appearance of a fundamental difference in the enforcement of the sign ordinance for this establishment regarding flags and other items and wanted to know if the new sections would be permitted to do the same.

Mr. Sowers agreed to report back on that issue as well at the next meeting.

Mr. Obadal clarified that his comments regarding parking requirement calculations concerned retail category A.

Mr. Fraley asked that the County's traffic consultant be made aware of the Commissioners' concerns regarding traffic and parking. He stated that regardless of the method used for calculation it is evident that there is a parking problem and asked that it be addressed. Mr. Fraley asked if the proposal includes parking spaces in the buffer and that closing the service entrance behind the expansion on Olde Towne Road.

Ms. Sipes said the parking lot closet to Richmond Road does encroach on the 50' Community Character Corridor Buffer.

Mr. Fraley said that defeats the purpose.

Mr. Sowers explained that the Commission would have to grant a waiver to allow the parking lot.

Mr. Fraley asked for the status of the conditions established during reviews of previous expansion phases.

Ms. Sipes stated that Staff is working with LandMark on plans for the planters.

Mr. Obadal thanked Ms. Sipes stating that her work is top notch.

Mr. Fraley opened the public hearing.

Mr. Greg Davis with Kaufman and Canoles represented the applicant and presented the proposal. He stated that the benefits of the project include better traffic flow and additional sales tax revenue and jobs. Mr. Davis stated that the proposed parking increase exceeds Ordinance requirements. He also highlighted proposed traffic and lighting improvements.

Ms. Jones asked if there are more parking spaces per square foot in the new section versus the older section.

Mr. Davis said they are consistent.

Ms. Jones asked if the applicant had considered increasing the parking spaces in the new section to avoid the current parking problems of the older section.

Mr. Davis stated that establishing the number of parking spaces is a balancing act between building parking to accommodate peak shopping days when there is overflow and having acres of vacant parking pavement on off-peak day which contributes to storm water management problems. He stated that this issue led to the applicant's request for a waiver to allow parking in the Community Character Corridor Buffer.

Mr. Kennedy stated that the applicant has problems with parking 3-4 days of every week and that controlling the traffic is a concern. He also stated his concerns about the use of large generators and lights during the holiday season. Mr. Kennedy also asked if there is a provision in Food Lion's lease for reserved parking spaces.

Mr. Davis stated that Food Lion had seen the plans and had no objections. He also stated that if such a provision existed and the lessee opposed the project then it could not move forward.

Mr. Kennedy disagreed. He stated that a similar leasing provision with Mikasa has only delayed an agreement to close the entrance and exit near the store but did prevent the project from moving forward.

Mr. Davis stated that with respect to Mr. Kennedy's concerns about traffic and safety the applicant has begun to assemble data on traffic accidents and safety in the area, along with Staff's assistance, which led to tonight's deferral request.

Mr. Kennedy said he thought something could be done. He asked if employers had been surveyed employee parking needs.

Mr. Davis said no.

Mr. Kennedy stated that he had heard from several employees who complained that they could not leave the facility on break for fear of getting back late or not being able to find a parking space. He asked if there is an employee only parking area and if employee parking is factored into calculations for parking requirements. Mr. Kennedy also asked how many part-time positions the proposal would generate.

Mr. Davis said the mix of full and part-time positions would generate the equivalent of 120 full time employees and that employee parking is included in the Ordinance standard for parking spaces per square foot of retail. He added that along with this proposal the generators Mr. Kennedy spoke of would be removed in lieu of permanent lights.

Mr. Obadal asked if contractual obligations to Food Lion could be avoided or if they were binding.

Mr. Davis said they were binding.

Mr. Obadal stated that if Food Lion has a specified amount of reserved parking then those spaces could not be used to satisfy the Ordinance parking requirements.

Mr. Davis said that was not the term of the Food Lion lease. He said the lease requires parking configuration be approved by Food Lion.

Mr. Obadal asked that the specific language be supplied to him later. Mr. Obadal stated his concerns about parking and the lack of on-site restaurants. He asked the applicant's point of view on the amount of retail space used to calculate parking requirements.

Mr. Davis agreed to consider the Commission's concerns and respond back.

Mr. Fraley stated that Prime Outlets is an asset to the County and that issues need to be worked through to provide the best possible outcome.

Mr. Art Dionne, 6 Digges Court, asked that overflow parking not be allowed on side roads and in neighborhoods.

Mr. Jay Emerson, 103 Branscome Blvd, stated that interconnectivity of Prime Outlets and Ewell Station is not an asset. He stated concerns about parking and impervious surfaces and suggested scaling back buildings to add more parking.

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

At 8:25 p.m. the Commission recessed for 10 minutes.

D. Z-13-05 Village at Toano

Mr. Jason Purse presented the staff report stating that Mr. Vernon M. Geddy, III has applied to rezone approximately 20.881 acres of land near the intersection of Forge Road and Richmond Road from A-1, General Agricultural, to R-5, Multi-Family Residential, with proffers, for the development of 94 town homes. The property is also known as parcel (1-10) on the JCC Tax Map (12-3). 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, including the frontage on Forge Road, is designated Moderate Density Residential. Recommended uses on property designated for Moderate Density Residential include townhouses, apartments, and attached cluster housing, with a recommended minimum gross density of 4 dwelling units per acre, and up to a maximum of 12 dwelling units per acre in developments that offer particular public benefits. The project proposes 94 dwelling units with a density of 4.5 du/acre. Staff found the proposal inconsistent with the Toano Area Design Guidelines (Toano Guidelines) and surrounding community and recommended denial.

Mr. Kennedy asked if funding had been designated for implementation of the Toano Area Design Guidelines.

Mr. Purse said funding had not been designated at the time. He stated that a main strategy is to have developers implement part of the guidelines. Mr. Purse said County staff will undertake other measures at a later date.

Mr. Kennedy asked about roads.

Mr. Purse said an alleyway of the sort proposed would have to be provided by the developer.

Mr. Kennedy expressed his concern about the fiscal impacts of the plan. He also stated his concern with the loose terminology of the word “village” and that the Fire Department did not foresee any safety ramifications.

Mr. Purse said Staff contacted the Fire Department after concerns were expressed at the last meeting and the department again stated that they did not have any concerns about the project being across the street.

Mr. Sowers stated that although no funds were designated in the current budget money has been proposed in the up-coming budget that could be used for implementing some of the items in the Toano Study.

Mr. Kennedy asked if the fiscal impacts included the number of children.

Mr. Purse stated that Financial Management Services (FMS) concurred with the data.

Mr. Kennedy asked if the fiscal impact would be negative if the number of children were 3 higher.

Mr. Purse said he could not comment on how fiscal impacts might be affected.

Mr. Sowers said he believed the answer to be yes and suggested asking the applicant.

Mr. Obadal stated that .16 children for a three bedroom town home seemed rather low. He asked for the price range of the units.

Mr. Purse said starting at \$300,000.

Mr. Fraley said he thought the proffers were rather weak.

Mr. Purse said the developer had been working with staff to change some of them and did not resubmit in enough time to distribute them prior to tonight’s meeting.

Mr. Fraley stated that he could not comment on the case when the proffers are not clear and the applicant did not meet the timetable.

Mr. Obadal asked if the new elementary school will open over-capacity.

Mr. Purse said the expected capacity is 700 students.

Mr. Kennedy asked if the enrollment figures include students there were enrolled between now and the beginning of school.

Mr. Purse explained that the counts are done in September and approved by the School Board.

Mr. Kennedy stated he was told by an administrator at Stonehouse Elementary that even with the approved expansion the school would be requesting additional trailers. He suggested having a school representative attend Planning Commission meetings.

Mr. Obadal stated that there has to be another way to project the number of school children and asked staff to look into it.

Mr. Sowers explained how the figure is calculated stating that it is in accordance with the Board of Supervisors' proffer policy.

Mr. Kennedy stated that the problem is with the process.

Mr. Fraley encouraged staff look at how the numbers are generated.

Mr. Hunt stated that the numbers of students generated by the existing inventory of lower cost homes has probably increased.

Mr. Fraley opened the public hearing.

Mr. Vernon M. Geddy III represented the applicant. He presented the proposal and highlighted the developments' goals. He said the project would target middle income empty nesters with price ranges between \$325,000 and \$350,000. Mr. Geddy said it is intended to have a traditional character, incorporating the Toano vernacular in its architecture, and be consistent with Toano Guidelines.

Mr. Kennedy asked if an increase in the number of estimated school children by 5 would reduce the projected \$647 positive fiscal impact.

Mr. Geddy said that was correct.

Mr. Kennedy stated his concern that an increase in the number of school children by 5 would result in a negative fiscal impact. He also asked for the location and plan for the .11 acre park.

Ms. Vaughan Rinner with LandMark Design stated that it would serve as a seating area and playground.

Mr. Kennedy asked if the .55 acre park is in the setback from Forge Road.

Ms. Rinner asked yes. She stated that the setback is the distance from the road for placing a building. She also stated that the purpose for locating the park in that area is to maintain the farm character of the road.

Mr. Kennedy confirmed with Ms. Rinner the requirement that the trees in that area be maintained.

Mr. Kennedy asked how the area could be considered a park.

Ms. Rinner said the area will have trails, seating, a gazebo and possibly gardens.

Mr. Kennedy asked if a gazebo would be an encroachment into the buffer.

Ms. Rinner answered no and explained the location of the gazebo in the buffer area.

Ms. Hughes asked if the access easement on the eastern side of the property is located in the buffer.

Mr. Geddy said it was in the setback.

Ms. Hughes asked about the private, on-site water system.

Ms. Rinner explained that on the eastern side of the property there is a building setback not a buffer so that drives and alleys would be allowed. She stated the purpose of the alley is consistency with Toano Guidelines. Ms. Rinner also stated that the private water system would be maintained by the Condominium Association.

Ms. Hughes stated that the streetscapes, infrastructure, and architecture are not consistent with the Toano Guidelines and too much of an abrupt change from surrounding areas.

Mr. Kennedy asked for explanation of the well system.

Ms. Rinner explained that a condominium development receives one connection to public water and sewer so that it is necessary to have a private water system.

Mr. Kennedy asked if James City Service Authority (JCSA) would provide maintenance.

Mr. Geddy said JCSA will provide maintenance to a point but the lines serving the buildings internally will be maintained by the Condominium Association.

Mr. Kennedy, Mr. Geddy and Mr. Fraley discussed the need for the outdoor irrigation proffer.

Mr. Obadal asked if there are any other triplexes in the vicinity.

Mr. Geddy did not know.

Mr. Obadal stated his feeling that the proposal is inconsistent with the vision of the Toano Area Study and questioned the public benefit.

Mr. Geddy stated the applicant's position that the proposal complies with the study.

Mr. Obadal referred to a citizens' petition opposing the project.

Mr. Geddy stated that the Comprehensive Plan designates the parcel Moderate Density Residential. He noted there were competing petitions in 2003, one calling for Low Density Residential and the other for Moderate Density Residential, and the Board chose to leave it as is although it may not be what citizens want.

Mr. Obadal said the density should be dependant on the character and density of surrounding developments and that this project is out of scale and too dense.

Mr. Geddy said the Comprehensive Plan clearly sets the minimum density at 4 units an acre and that the things Mr. Obadal referred to should be considered when requests are sought to go beyond that. He stated that the proposal is barely above the minimum.

Mr. Obadal disagreed with Mr. Geddy's interpretation.

Mr. Geddy said that if the appropriate density was less than 4 the property would not have been designated as it is.

Mr. Obadal said the direction to take is to look at each parcel to determine how it should be classified.

Mr. Fraley encouraged the applicant and all developers to refer to the standards and commitments for the Villas at Five Forks as an example of environmental design. He stated that the general language of the environmental proffers is too weak. He also expressed concerns about the project's impact on hydrology and wildlife habitat and lack of commitment to bioretention and infiltration.

Mr. Geddy stated that the portion of the parcel to be developed is currently farmland so that no clearing is necessary. He also stated that the applicant is committed to incorporate Low Impact Design and that the proposal has no particularly sensitive issues.

Mr. Hunt stated that the previous use was a cornfield where farming chemicals are used which would cease with this proposal.

Mr. Obadal said he thought the parcel was treed.

Mr. Geddy confirmed that it is a cornfield.

Mr. Fraley thanked Mr. Hunt for his comment. He said he did not think it would remain a cornfield but that the question is whether this proposal is appropriate.

Mr. Ray Basley, 4060 N. Riverside Dr., stated his concern for traffic and safety and the need for a boulevard entrance and small scale plantings.

Mr. Rich Krapf, 2404 Forge Rd., represented the Friends of Forge Road in Toano in recommending denial of the request due to lack of public benefit and inconsistency with the Comprehensive Plan, adjacent neighborhood and Toano Guidelines. He also stated concerns about adequate buffers and traffic impacts.

Mr. Don Pearson, stated his concerns about traffic, visibility, and additional school age children.

Ms. Jones asked for the speed limit on Forge Road.

Mr. Pearson said it is 50 mph. He stated that he has asked VDOT to lower it to 35 mph.

Ms. Jones recommended lowering the speed limit to 35 mph.

Mr. Sowers agreed to contact VDOT to conduct a speed study.

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

Ms. Jones said she liked the architecture and the mixed cost feature. She stated that she did not feel the size, abrupt edges, density and scale were compatible with the surrounding community and that she would not support the project.

Ms. Hughes stated that she could not support the project. She said she felt it was too dense and massive and inappropriate for the area.

Mr. Obadal stated his concerns with inconsistency with the Toano Guidelines, type and scale of nearby development and school, traffic, and environmental impacts. He said he will vote against the proposal.

Mr. Kennedy said the proposal lacked public benefit due to impacts to schools, traffic, lack of recreation and inadequate proffers and removed the sites only treeline to a BMP. He said he will vote no.

Mr. Hunt said he did not feel the project rose to the level of unanimous denial. He stated that the needs of the many should be considered along with the needs of the few. He stated that in keeping with his track record for supporting the property rights of landowners he will vote for the project.

Mr. Fraley stated that the project does not fit. He also stated his concerns about traffic and environmental impacts.

Mr. Kennedy motioned to recommend denial of the application.

Mr. Obadal seconded the motion.

In a roll call vote denial of the application was recommended (5-1). AYE: Obadal, Jones, Fraley, Hughes, Kennedy (5); NAY: Hunt (1). (Billups absent).

6. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented the report stating that several of the recommendations for the Five Forks Study for improvement of the intersection are underway. He stated that placing utilities underground will take place this summer. VDOT is also looking at the intersection for turn lane and bikeway improvements and the County is considering sidewalk improvements. Planning Commissioner Training on transportation is scheduled May 22 10:30 a.m. and a work session with the Board of Supervisors is scheduled for 4 p.m. on May 23rd to discuss Rural Lands.

Mr. Hunt stated that he and Mr. Kennedy recently had discussions concerning programs in other localities to compensate landowners for property that can not be developed due to municipal regulations and hoped the County would consider a similar program.

Mr. Obadal discussed Supervisor James Icenhour's comments regarding including undevelopable portions of a parcel in calculations for determining density for a parcel.

7. ADJOURNMENT

There being no further business, the Planning Commission meeting was recessed at 10:25 p.m. until 10:30 a.m. May 22, 2006 for Commissioner training.

Jack Fraley, Chairman

O. Marvin Sowers, Jr., Secretary

**JAMES CITY COUNTY
DEVELOPMENT REVIEW COMMITTEE REPORT**

FROM: 5/1/2006 THROUGH: 5/30/2006

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-131-05	Ironbound Square Road Improvements Ph. 1
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-147-05	Warhill - TNCC Site Improvements
SP-156-05	Chickahominy Baptist Building Expansion
SP-001-06	5525 Olde Towne Rd
SP-012-06	New Dawn Assisted Living
SP-023-06	Eighth E.S.
SP-025-06	Prime Outlets Ph. 7 Expansion
SP-029-06	New Town, Block 10, Parcel E & F
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-043-06	Jamestown Collections Building SP Amend.
SP-044-06	James River Baptist Church
SP-045-06	Busch Gardens 2007 Expansion

Thursday, May 25, 2006

Page 1 of 6

SP-046-06	New Town, Sec. 6, Block 15, Parcel C
SP-048-06	Stonehouse- Traditions Golf Club Lighting Plan
SP-049-06	Toano M.S. Trailer Amend.
SP-050-06	D.J. Montague E.S. Trailer Amend.
SP-051-06	Rawls Byrd E.S. Trailer Amend.
SP-052-06	Stonehouse E.S. Trailer Amend.
SP-054-06	Prime Retail Phase 8 Expansion
SP-055-06	New Town Sec. 3 & 6, Block 15, Parcel D
SP-056-06	Williamsburg-Jamestown Airport SP Amend.
SP-057-06	Two Rivers Country Club Addition
SP-059-06	Longhill Road Bus Shelter
SP-060-06	Wythe-Will Fire Suppression Lines SP Amend
SP-061-06	Freedom Park Ph. 2C- 19th Century Domiciles
SP-062-06	Jeanne Reed's Parcel 4A, James River Commerce Cntr
SP-063-06	Jolly Pond Convenience Center
SP-064-06	Five Forks Shopping Center Mt. Mudd Coffee Kiosk

B. PENDING FINAL APPROVAL

EXPIRE DATE

SP-042-05	STAT Services, Inc.	6 /6 /2006
SP-094-05	Homestead Garden Center	10/13/2006
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-133-05	Prime Outlets Ph. 6	5 /11/2007
SP-142-05	Busch Gardens Market Bldg	12/7 /2006
SP-145-05	New Town, Langley Federal Credit Union	4 /13/2007
SP-148-05	Noland Commercial Site	4 /6 /2007
SP-149-05	Liberty Crossing	4 /3 /2007
SP-004-06	Villas at Five Forks	4 /3 /2007
SP-005-06	Governor's Grove at Five Forks	5 /1 /2007
SP-007-06	GreenMount Road Extension Ph. 2	3 /20/2007
SP-017-06	Longhorn Steakhouse	5 /2 /2007
SP-022-06	Volvo Rents	5 /12/2007
SP-028-06	New Town, Sec. 6, Block 15, Parcel B	5 /23/2007
SP-031-06	Shell Building - James River Commerce Center	4 /26/2007

C. FINAL APPROVAL

DATE

SP-060-05	Community Sports Facility (Stadium)	5 /25/2006
SP-100-05	Bay Aging	5 /4 /2006
SP-160-05	Stonehouse Elementary Addition	5 /4 /2006
SP-162-05	Eaglescliffe Condos	5 /5 /2006
SP-013-06	New Town Block 3 Parcel D (NNSECU Building)	5 /8 /2006
SP-020-06	JCSA Watermain Expansion / Interconnections	5 /22/2006

SP-030-06	Norge Elementary Cafeteria Addition	5 /5 /2006
SP-042-06	Crowne Hotel Brick Oven	5 /9 /2006
SP-047-06	Drachen Fire Grading Improvements	5 /11/2006
SP-053-06	Chickahominy Riverfront Park Ph. 1	5 /2 /2006
SP-058-06	GreenMount Pkwy Bus Shelter	5 /4 /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-012-06	Huss Subdivision
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-021-06	Romack BLA & BLE
S-023-06	Chickahominy Baptist BLA
S-024-06	Barnett Subdivision Ph. 1
S-025-06	Barnett Subdivision Ph. 2
S-026-06	Colonial Heritage, Ph. 5, Sec. 2
S-027-06	Realtec Properties BLA & BLE
S-028-06	133 & 135 Powhatan Springs BLE
S-029-06	2242 & 2318 Forge Road BLA
S-030-06	Braxton Family Subdivision
S-031-06	Cowles Subdivision Lots 1C & 1D
S-032-06	Village Housing at the Vineyards BLA
S-034-06	9727 Old Stage Rd.

S-035-06 4571 Ware Creek Road (Nice Family Subdivision)
 S-036-06 Vineyards at Jockeys Neck Ph 3

B. PENDING FINAL APPROVAL

EXPIRE DATE

S-044-03	Fenwick Hills, Sec. 3	6 /25/2006
S-098-03	Stonehouse Glen, Sec. 1	4 /5 /2007
S-101-03	Ford's Colony - Sec. 35	2 /2 /2007
S-116-03	Stonehouse Glen, Sec. 2	4 /6 /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-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-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-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
S-020-06	Williamsburg Place BLA	5 /8 /2007
S-022-06	New Town, Block 15, Parcels A, C & D	5 /12/2007

C. FINAL APPROVAL

DATE

S-002-04	The Settlement at Powhatan Creek (Hidden Tract)	5 /12/2006
S-065-05	Argo Subdivision	5 /24/2006
S-066-05	8739 Richmond Rd Subdivision	5 /24/2006
S-003-06	New Town Block 8 Parcels A, D, & E BLE & BLA	5 /10/2006
S-013-06	Joyce G. Ward Subdivision, Lots 2 & 5 of Parcel 1	5 /12/2006
S-033-06	7637 Cypress Drive BLE	5 /19/2006

D. EXPIRED

EXPIRE DATE

REZONING -02-06
MASTER PLAN-03-06
SPECIAL USE PERMIT-19-06, Mason Park
Staff Report for the June 05, 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

June 05, 2006

7:00 p.m.

July 11, 2006

7:00 p.m. (tentative)

SUMMARY FACTS

Applicant:

Mr. Vernon Geddy, Geddy, Harris, Frank & Hickman, L.L.P

Land Owner:

Mr. Griffin W. Fernandez

Proposal:

To rezone 9.11 acres of land from R-8, Rural Residential District to R-2, General Residential District with a request for a special use permit to allow an open space cluster development to construct 15 single family detached dwellings units with an overall density of 1.65 dwelling units per acre.

Location:

1916 Jamestown Road

Tax Map/Parcel

(46-4)(1-17)

Parcel Size

9.11 acres

Zoning:

R-8, Rural Residential District

Comprehensive Plan:

Low Density Residential

Primary Service Area:


Inside

STAFF RECOMMENDATION

The applicant has requested that this case be deferred until the July 10, 2006 Planning Commission meeting in order to resolve issues associated with this project. Staff concurs with this request.

Staff Contact: Jose L. Ribeiro

Phone: 253-6685


Jose L. Ribeiro

ATTACHMENTS:

1. Deferral letter from applicant

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

ATTORNEYS AT LAW

1177 JAMESTOWN ROAD

WILLIAMSBURG, VIRGINIA 23185

TELEPHONE: (757) 220-6500

FAX: (757) 229-5342

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

ANDREW M. FRANCK
RICHARD H. RIZK

May 24, 2006

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

email: vgeddy@ghfhllaw.com



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

Re: SUP-19-06; Z-2-06; MP-3-06

Dear Jose:

I am writing on behalf of the applicant to request that the Planning Commission defer consideration of this case until its July meeting to allow the applicant to work through issues on this project.

Very truly yours,

GEDDY, HARRIS, FRANCK & HICKMAN, LLP

Vernon M. Geddy, III

VMG/ch
Cc: Mr. Steve Miller

SPECIAL USE PERMIT – SUP-13-06. UNICORN COTTAGE
Staff Report for the June 5, 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

May 1, 2006 7:00 p.m. (applicant deferral)

June 5, 2006 7:00 p.m.

Board of Supervisors:

May 9, 2006 7:00 p.m. (applicant deferral)

June 13, 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

Staff finds the proposal consistent with the surrounding properties and uses. Staff also finds the proposal consistent with the 2003 Comprehensive Plan and the Zoning Ordinance. Therefore, staff recommends the Planning Commission vote to recommend approval of this commercial special use permit.

Staff Contact: Joel Almquist

Phone: 253-6685

PROJECT DESCRIPTION

Ms. Sharon Dennis has applied for a commercial special use permit on two adjacent parcels totaling 1.42 acres to operate a child day care facility located on Ironbound Road adjacent to the Williamsburg Unitarian Church. The applicant has been operating the same facility two houses down on the church property and would now like to separate from their facilities and operate her business from her own property. This new facility is proposed to be operated out of an existing approximately 1500 square foot single-family detached residential unit to be used for commercial uses only, and will be limited to thirty children with operating hours between 7am and 6pm. An additional 400 square foot building is proposed for construction to serve as storage for facilities maintenance equipment.

The existing residential building will be renovated in an architectural manner consistent with the Board adopted Primary Principles for the Five Forks Area. The adjacent property owner to the south has been using the Dennis property as an illegal dump site for cars, debris, junk, trash, waste materials, and scrap metals; per the Five Forks Primary Principle, the owner is intending to reuse and redevelop this blighted and under-utilized portion of the property, and has agreed as a condition for the special use permit to remove all existing junk remaining on the parcel.

The applicant has twice received special use permits from the County to operate and expand her facilities while on the church property. Her first special use permit was awarded in March of 1997 (SUP-33-96) to operate Sharon Dennis Daycare Center out of a single family residence located at the front of the Williamsburg Unitarian Church property; this center was conditionally limited to no more than thirty children. In July of 1999, Ms. Dennis received approval of SUP-12-99 to expand her facilities to include use of the church building that is located on the same property as the original day care center. This permit allowed her to expand the number of children to forty-four to be allowed in the residential unit with an additional twenty children allowed at the same time in the church nursery for an overall total of sixty-four children.

The parcel for the proposed use is bordered to the north by two residential buildings located along Ironbound Road which are owned and used by the Unitarian Church, further to the north is Clara Byrd Baker Elementary school. To the south and west is Chanco's Grant Subdivision and to the east are single-family detached residential units. The applicant is proposing to allow pedestrian access through her property to Chanco's Grant from Ironbound Road; improved pedestrian access between uses is recommended by the Primary Principles for the Five Forks Area of James City County. All surrounding and adjacent parcels are zoned R-8, Rural Residential and are all designated Low Density Residential by the 2003 Comprehensive Plan.

PUBLIC IMPACTS

Archaeology

Staff Comments: This area has been identified as not being archaeologically sensitive.

Environmental

Watershed: Powhatan Creek

Staff Comments: The Environmental Division offers no comments at this time; however, be advised that no natural defined channels or easements have either been observed or are known to exist on or adjacent to the site. It will therefore be required that either a drainage easement be obtained through Chanco's Grant subdivision with no increase in post development flows up to and including the 100-year intensity be accomplished, or that the proposed stormwater management facility infiltrate the entire runoff volume from all storms up through and including the 100-year intensity. This can be addressed during the site plan phase of development.

Public Utilities

This parcel is served by public water and sewer.

Staff Comments: Comments will need to be addressed primarily at the site plan stage of development. With the addition of a water conservation standard as a condition to the special use permit, JCSA approves of this application.

Transportation

2005 Traffic Counts: 8,336 average vehicles per day

Road Improvements: VDOT has determined that because the use is being moved two parcels down the same road with less children then is currently allowed by SUP-12-99, no road improvements are warranted by this proposal.

VDOT Comments: No additional right-of-way will need to be provided for the Ironbound Road shoulder bikeway project which is currently under design. VDOT may have additional comments at the site plan phase.

Staff Comments: Staff concurs with VDOT's findings that no road improvements are warranted by this proposal since it will generate less peak hour trips than at its current location because of the smaller size of the operation.

COMPREHENSIVE PLAN

Land Use Map Designation

This parcel is designated Low Density Residential on the 2003 Comprehensive Land Use Map. 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. Non-residential uses should not alter, but rather, compliment the residential character of the low density residential area in which they are located and should have traffic, noise, lighting and other impacts similar to surrounding or planned residential uses. This proposal will generate less traffic and noise than the use at the church site and will also include vegetated buffers to conceal it from adjacent residential units.

Other Considerations

- **Development Standards** – The existing house will be retained and renovated in a complimentary manor that reflects the character of this community as part of this proposal.
- **Community Character** – This proposed development is along the Ironbound Road Community Character Corridor and is subject to the design standards within the 2003 Comprehensive Plan, the Zoning Ordinance, and the Primary Principle for Five Forks Area Resolution adopted in September of 2004. To help meet these objectives the applicant is providing a 100 foot wide landscape buffer along Ironbound Road which will retain existing specimen trees as called for by the Five Fork Resolution. Other standards from the Five Forks Resolution that are being met include an agreement to install sidewalks along Ironbound Road at a time to be determined by the County, a proposed trail to connect the property to Chanco's Grant from Ironbound Road, the rehabilitation and adaptive reuse of a traditional Five Forks residential structure, the possible relocation of the parking to the rear of the building, and the provision of services for needy citizens.

Staff Comments:

In June 2001, the Planning Commission recommended a policy on child day care centers within neighborhoods. Although it is attached for your reference, staff does not believe it is applicable to this property for the following reasons: (1) the property is not interior to a residential neighborhood; and (2) it is located along an arterial road; therefore conditions listed below do not strictly abide by the policy.

The County has previously considered day care centers a “very limited commercial establishment” when conducted at the scale proposed here. Also, while not located at an intersection it is located on an arterial road recommended by the 2003 Comprehensive Plan and helps to achieve several of the adopted Five Forks Principles.

The applicant has agreed to enhanced perimeter landscaping, a 100 foot landscape buffer along Ironbound Road, the installation of sidewalks along Ironbound Road, and the removal of existing debris remaining on-site. Staff believes that the applicant’s proposal provides for building and lot renovations that will enhance this part of the County. Staff also believes that the proposed land use will not have a negative impact on the surrounding residential communities and is generally consistent with the Comprehensive Plan.

RECOMMENDATION

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

1. Enrollment. The proposed use shall have no more than 30 children enrolled at any one time. Additional enrollment above the number of 30 children shall require an additional special use permit.
2. Hours of Operation. Hours of operation shall be limited from 7 am to 6 pm, Monday through Friday.
3. Entrance Landscaping. A landscaping plan shall be approved by the Planning Director prior to final site plan approval for this project. The landscaping plan shall include enhanced landscaping within the one hundred foot Community Character Corridor buffer along Ironbound Road so that the required size of plants and trees equals, at a minimum, 125 percent of the requirements of the James City County Landscape Ordinance. A minimum of 50 percent of the plantings within the Community Character Corridor buffer shall be evergreen.
4. Lighting: Any new exterior site or building lighting shall have 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 are not visible from the side. Fixtures which are horizontally mounted on poles shall not exceed 15 feet in height. No glare defined as 0.1 foot-candle or higher shall extend outside the property lines.
5. Perimeter Buffer. A landscaped perimeter buffer shall be installed and maintained around the parcel so as to visibly screen the facility from adjacent property owners. Prior to final site plan approval for any section or phase of the Project the applicant shall include enhanced landscaping in the perimeter buffer areas so that the required size of plants equals at least 133 percent of the County’s Landscaping Ordinance.
6. Parking: All parking shall be located at the rear of the building. If the applicant determines that a parking lot cannot be placed at the rear of the building due to engineering constraints, such a determination shall be presented to the County Engineer for his concurrence and approval. If the County Engineer approves of such a determination, then any resulting

parking must be screened from view from Ironbound Road by both fencing and a vegetative buffer consistent with Section 24-97(c) of the James City County Zoning Ordinance. The fencing used to enclose the parking area shall be non-chain link vinyl or wood with a minimum height of 40" and shall be reviewed and approved by the Director of Planning prior to final site plan approval.

7. Architecture: Prior to approval of any new onsite building construction or alterations for the day care facilities, the Director of Planning shall review and approve the final architectural design of the building for consistency with the design guidelines outlined in the document entitled "Primary Principles for the Five Forks Area of James City County" adopted by Resolution of the James City County Board of Supervisors on September 28, 2004.
8. Water Conservation: The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final development plan approval. The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought tolerant plants where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
9. Junk Removal: The applicant shall remove all junk from the property prior to final site plan approval. "Junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material. The James City County Zoning Administrator, or his designee, shall verify, in writing, that all junk has been properly removed from the property.
10. Severance Clause: This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Joel Almquist
Planner

ATTACHMENTS:

1. Location Map
2. Sidewalk Agreement
3. Child Day Care Centers on the Interior of Residential Neighborhoods Policy
4. Master Plan (under separate cover)

SUP-13-06

Unicorn Cottage



AGREEMENT TO CONSTRUCT SIDEWALKS

This Agreement is entered into this 28 day of May, 2006, by and between James City County, Virginia, hereinafter referred to as the "County" and Sharon Dennis, hereinafter referred to as "Owner" for improvements upon the following described real property located in the County of James City, Virginia, hereinafter referred to as "The Property":
(Legal description)

3021 + 3025 Ironbound Rd
Williamsburg VA 23185

Witnesseth That:

WHEREAS, pursuant to the Code of the County of James City certain improvements may be required by the "County" as a requirement of site plan approval to promote and protect the safety and welfare of the citizens of the "County"; and

WHEREAS, the "Owner" desires approval of a site plan by the "County" for a project known as Unicorn Cottage located upon "The Property"; and

WHEREAS, the "Owner" agrees that the sidewalks required by the "County" as a requirement for the site plan is a necessary and proper requirement to promote and protect the safety and welfare of the citizens of the "County"; and

WHEREAS, the "Owner" desires to defer the requirement of the construction of sidewalks as shown on the site plan submitted to the "County" for approval.

NOW, THEREFORE, in consideration of the deferral of the requirement to construct sidewalks prior to the issuance of a Certificate of Occupancy by the "County" and other good and valuable consideration, the receipt of which is hereby acknowledged, and the mutual covenants set forth herein, the parties hereto do mutually agree as follows:

1. The "County" shall defer the requirement to build sidewalks on "The Property" as shown on the site plan entitled Unicorn Cottage prepared by DJG, Inc, dated 5/15/06 and required and approved pursuant to Code of the County of James City as a requisite for a Certificate of Occupancy
2. The Agreement shall run with "The Property" and the "Owner" and any successor or assign thereof shall construct sidewalks as shown on the approved plans referenced above at such time as directed in writing by the County Administrator of the "County" or a designee thereof.

In witness whereof, the parties hereto have made and executed this Agreement as of the day and year above written.

OWNER (S):

BY: Sharon Dennis

ATTEST:

STATE OF VIRGINIA

City/County of James City, to-wit:

The foregoing instrument was acknowledged before me this 30th day of May, 2006, by SHARON DENNIS.

Diana B. Cusling

Notary Public

My Commission Expires May 31, 2008

My commission expires: _____

COUNTY OF JAMES CITY

ATTEST:

BY: _____

Sanford B. Wanner
County Administrator

STATE OF VIRGINIA

City/County of _____, to wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by _____

Notary Public

My commission expires: _____

APPROVED AS TO FORM:

County Attorney

James City County Planning Commission's Policy Committee
Child Day Care Centers Located in the Interior of Residential Neighborhoods
June 22, 2001

Policy Committee Recommendation for Child Day Care Centers Located in the Interior of Residential Neighborhoods:

1. If planning staff determines there are significant impacts on a neighborhood as a result of a child day care center, staff shall recommend denial of any child day care center located on a residential lot in the interior of a subdivision.
2. The Policy Committee recommends that the current threshold for requiring a special use permit for a child day care center shall remain as is (more than 5 children requires a special use permit), and each application will continue to be reviewed on a case by case basis. This threshold is based upon state licensing requirements, building permit requirements, land use impacts and home occupations limitations, and the Policy Committee finds that this threshold is appropriate for Commission and Board review.
3. ~~Should the Planning Commission and Board of Supervisors choose to recommend~~ approval of a special use permit application for a child day care center located on a residential lot in the interior of a subdivision, the Policy Committee recommends adding the following conditions:
 - there shall be a **three-year time limit** in order to monitor the impacts of the day care center;
 - no signage shall be permitted on the property;
 - no additional exterior lighting shall be permitted on the property, other than lighting typically used at a single-family residence.

**SPECIAL USE PERMIT –16-06, Hogan Homestead Children’s Nursery
Staff Report for the June 05, 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

June 05, 2006 at 7:00 p.m.
July 11, 2006 at 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant:	Ms. Cathrine Hogan
Land Owner:	Mr. John Hogan and Ms. Cathrine Hogan
Proposal:	The applicant has applied for a special use permit to operate a child day care center for 12 children with operating hours from 8 a.m. to 2 p.m. Monday through Friday
Location:	9219 Richmond Road
Tax Map/Parcel Nos.:	(10-1) (4-3)
Parcel Size:	3.50 acres
Zoning:	A-1, General Agricultural District
Comprehensive Plan:	Rural Lands
Primary Service Area:	Outside

STAFF RECOMMENDATION

Staff recommends the Planning Commission approve this special use permit application with the conditions listed in the staff report.

Staff Contact: Jose L. Ribeiro Phone: 253-6685

PROJECT DESCRIPTION

Ms. Cathrine Hogan has applied for a special use permit to operate a child day care center out of her home located at 9219 Richmond Road. Ms. Hogan proposes to serve 12 children, ranging in age from 18 months old to 5 years old. Hours of operation would be 8:00 a.m. to 2:00 p.m. Monday through Friday. The property is zoned A-1, General Agricultural District, which requires a special use permit for a child day care center.

In 2001, Ms. Hogan applied for a special use permit (SUP-08-01) to operate a child day care center serving eight children out of her existing home located at 233 Nina Lane. On July 10, 2001, the Board of Supervisors unanimously approved the special use permit request. One of the conditions attached to the SUP-08-01, established a period of validation for the permit of thirty-six (36) months from the date of issuance of the special use permit; therefore, in 2004, Ms. Hogan applied for a special use permit amendment (SUP-12-04) to continue to operate the child day care center out of residency at Nina Lane. On June 8, 2004, the Board of Supervisors voted 5-0 to approve the special use permit.

Ms. Hogan is currently building a new residence located at 9219 Richmond Road, where she proposes to move with her family, relocating her child day care center operations and upgrading care services from eight to twelve children. Ms. Hogan proposes to utilize approximately 800 square feet of the new house's basement and a 1,000 square foot fenced playground as the main areas for the operation of the day care center. Ms. Hogan's new residence is located on a 3.5 acre flag lot which is surrounded by other large parcels that are mainly rural residential in character. A shared gravel driveway of approximately 900 foot long is the only means of access connecting the site to a main public road, Richmond Road. Improvements to the site such as parking, utility improvements and stormwater management may be required during the site plan stage.

Ms. Hogan is fully licensed by the State of Virginia Department of Social Services to operate a child day care center for 12 children.

PUBLIC IMPACTS

Archaeology

Staff Comments: This area has not been identified as being archaeologically sensitive.

Environmental

Watershed: Diascund Creek

Environmental Comments: The Environmental Division offers no comments at this time; comments pertaining to stormwater management and erosion and sediment control may be issued after review of the proposed plan of development.

Public Utilities

This parcel is not served by public water and sewer.

Health Department Comments: Applicant must apply to the Virginia Department of Health for a Septic System Permit. Since this is a commercial building and sewage flows will be other than residential, the applicant will have to contact an Authorized Onsite Soil Evaluator (AOSE) to prepare the septic system permit package. The water supply and food service for the day care must also be evaluated to determine if they will be permitted by the Virginia Department of Health.

Staff Comments: Health Department comments will need to be addressed primarily at the site plan stage of development. The day care facility will provide no food or laundry services. Conditions number four (4) and nine (9) listed under the special use conditions have been added to address these issues.

Transportation

Traffic: The traffic impact study requirement for this application was waived given the low amount of traffic generation expected for this use, as permitted in the zoning ordinance

2003 Traffic Counts: Approximately 5,054 vehicles per day in this area of Richmond Road.

2026 Volume Projected: 9,000 vehicles per day on a four lane divided road.

Road Improvements: There have been no road improvements proposed.

VDOT Comments: A standard entrance, approved by VDOT, onto Richmond Road is required to provide access to this site.

Staff Comments: According to the Transportation Section of the Comprehensive Plan, page 77, this section of Route 60 provides goods mobility due to the absence of either existing or planned intense development and its divided nature and low number of intersections and driveways. Additionally, this segment of Richmond Road is not in the watch category according to the 2003 Comprehensive Plan. Staff believes the proposed use will have a minimal impact on this section of Richmond Road

COMPREHENSIVE PLAN

Land Use Map Designation

Rural Lands 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 are not planned for the future. Appropriate primary uses include agricultural and forestall 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. Retail and other commercial uses serving Rural Lands are encouraged to be located at planned commercial locations on major thoroughfares inside the PSA. However, a few of the smaller direct agricultural or forestall-support uses, home-based occupations, and certain uses which require very low intensity settings relative to the site in which it will be located may be considered on the basis of a case-by-case review, provided such uses are compatible with the natural and rural character of the area, in accordance with the Development Standards of the Comprehensive Plan. These uses should be located in a manner that minimizes effects on agricultural and forestall activities, and located where public services and facilities, especially roads, can adequately accommodate them. Rural Land Use Development Standards speak to siting non-agricultural, non-forestal uses in areas where they minimize impacts or do not disturb agricultural/forestall uses or open fields.

Other Considerations

- **Community Character** – This proposed development is along the Richmond Road Community Character Corridor and is subject to the design standards within the 2003 Comprehensive Plan and Zoning Ordinance. However, staff believes that due to the internal location of the parcel and its distance in relation to Richmond Road, a landscaped buffer is not required.

Staff Comments:

In June 2001, the Planning Commission recommended a policy on child day care centers within neighborhoods. Although it is attached for your reference, staff does not believe it is applicable to this property for the following reasons: (1) the property is not interior to a residential neighborhood; and (2) it is located along an arterial road; therefore conditions listed below do not strictly abide by the policy.

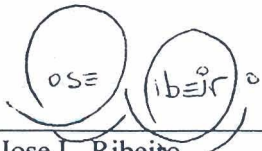
Staff believes the proposed use, with the attached conditions, will not be a detriment to surrounding uses. Although surrounded by single-family detached homes, the parcel size is fairly large. Restrictions on exterior lighting, signage associated with the proposed day care center and playground screening, will help minimize impacts and allow the proposed use to blend effectively and remain consistent with the rural residential character of the area. Staff believes the limited hours of operation and the relatively low number of children served by the day care center will ensure the proposed use will have a minimal impact on the generation of additional traffic. Furthermore, VDOT indicates that this particular segment of Richmond Road has

adequate capacity to handle the use without improvements. While non-agricultural or non-forestal uses are not generally encouraged in Rural Lands, staff finds the proposed use acceptable given these considerations and the combined residential/limited commercial nature of the proposed use.

RECOMMENDATION

Staff finds the proposed child day care facility acceptable given its minimal impacts and consistency with the surrounding uses and zoning. Staff recommends the Planning Commission approve this special use permit with the conditions listed below. Staff believes the conditions sufficiently address impacts to the site.

1. The owner of the child day care center shall reside on the property.
2. No more than 12 children other than the owner's children shall be cared for on the property.
3. A site plan shall be submitted to the James City County Planning Division and shall be approved by the Planning Director.
4. Prior to final site plan approval, the applicant shall receive full approval from the Virginia Department of Health for water supply and septic tank and drain field capacity in an amount sufficient to handle the child day care center operation.
5. If a certificate of occupancy has not been obtained for the project within thirty-six months from the issuance of the special use permit, the permit shall become void.
6. Hours of operation for the child day care center shall be limited from 8:00 a.m. to 2:00 p.m. Monday through Friday.
7. One sign related to the child day care center shall be permitted on the property. The sign shall not exceed four square feet; it must be attached to the dwelling and it shall not be illuminated.
8. No additional exterior lighting shall be permitted on the property, other than lighting typically used at a single-family residence.
9. No food preparation or laundry services shall be provided as part of the operation of the child day care center unless approved by the Health Department.
10. Any playground equipment shall be landscaped or fenced so as to screen the playground equipment from adjacent property owners. The landscaping plan and/or fencing material shall be reviewed and approved by the Planning Director prior to final site plan approval.
11. Any exterior modification to the building or any new structure added to the house must be approved by the Planning Director.
12. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



Jose L. Ribeiro

ATTACHMENTS:

1. Location Map
2. Building Floor Plan
3. Master Plan
4. Child Day Care Center Policy

JCC-SUP-16-06

Hogan Homestead Children's Nursery



SUP-16-06



EGRESS
TO PLAYGROUND

30'-0"

ENTRANCE

23'-1 1/2"

Master Plan for Hogan Homestead Children's Nursery

SUP-16-06

Address: 9219 Richmond Road

Tax Map/ Parcel Number: (10-1)(4-3)

Zoning District: A-1, General Agricultural

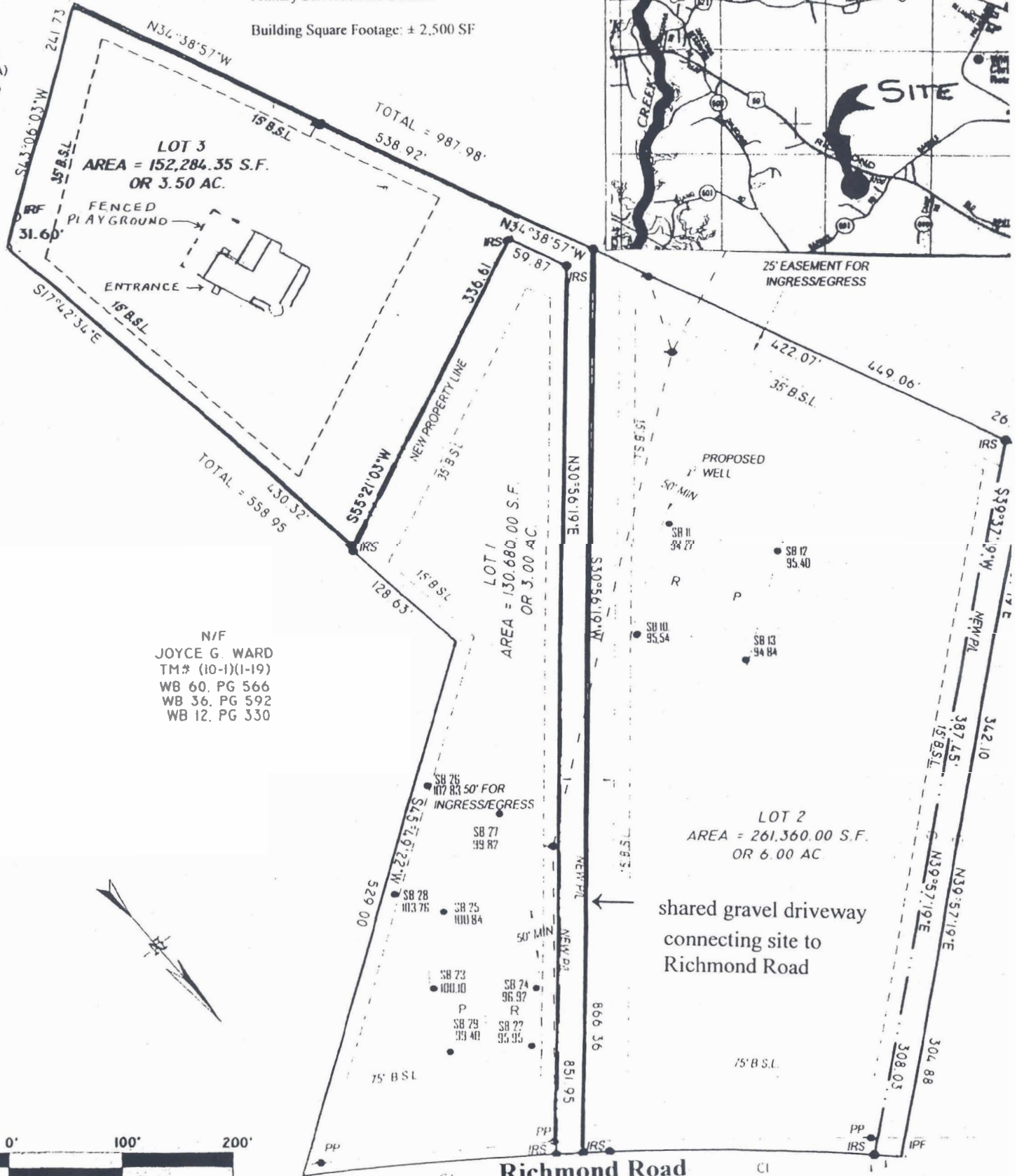
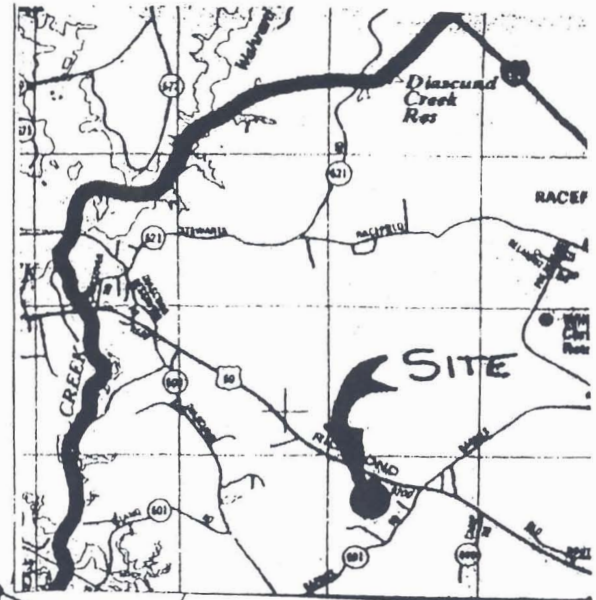
Comprehensive Plan Designation: Rural Lands

Primary Service Area: Outside

Building Square Footage: \pm 2,500 SF

N/F
LEONITUK
(1-21 & 21A)
970019755

(1-21A)



N/F
JOYCE G. WARD
TM# (10-1)(1-19)
WB 60. PG 566
WB 36. PG 592
WB 12. PG 330

James City County Planning Commission's Policy Committee
Child Day Care Centers Located in the Interior of Residential Neighborhoods
June 22, 2001

Policy Committee Recommendation for Child Day Care Centers Located in the Interior of Residential Neighborhoods:

- ¹ If planning staff determines there are significant impacts on a neighborhood as a result of a child day care center, staff shall recommend denial of any child day care center located on a residential lot in the interior of a subdivision.
2. The Policy Committee recommends that the current threshold for requiring a special use permit for a child day care center shall remain as is (more than 5 children requires a special use permit), and each application will continue to be reviewed on a case by case basis. This threshold is based upon state licensing requirements, building permit requirements, land use impacts and home occupations limitations, and the Policy Committee finds that this threshold is appropriate for Commission and Board review.

Should the Planning Commission and Board of Supervisors choose to recommend approval of a special use permit application for a child day care center located on a residential lot in the interior of a subdivision, the Policy Committee recommends adding the following conditions:

- there shall be a **three-year time limit** in order to monitor the impacts of the day care center;
- no signage shall be permitted on the property;
- no additional exterior lighting shall be permitted on the property, other than lighting typically used at a single-family residence.

**SPECIAL USE PERMIT-17-06: 8391 Richmond Road Veterinary Hospital and Kennel Facility
Staff Report for the June 5, 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

June 5, 2006 at 7:00 p.m.

July 11, 2006 at 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant:

Mr. Matthew G. Burton

Land Owner:

Ms. Patricia Stewart and Mr. Walter Owens

Proposal:

The applicant has applied for a special use permit to allow for the construction of a veterinary hospital and kennel facility.

Location:

8391 Richmond Road

Tax Map/Parcel Nos.

(12-4) (1-1)

Parcel Size

34.26 acres

Existing Zoning:

A-1, General Agriculture

Comprehensive Plan:

General Industry

Primary Service Area:

Inside

STAFF RECOMMENDATION

Staff finds the proposal generally consistent with the 2003 Comprehensive Plan as outlined in the staff report. Staff believes the attached conditions will adequately mitigate impacts from this development. Staff recommends that the Planning Commission recommend approval of this application to the James City County Board of Supervisors with the acceptance of the following special use permit conditions.

Staff Contact:

Matthew J. Smolnik, Planner

Phone: 253-6685

PROJECT DESCRIPTION

Mr. Matthew Burton has applied for a special use permit to allow for the construction of a veterinary hospital and kennel facility at 8391 Richmond Road. A veterinary hospital and kennel are specially permitted uses in the A-1, General Agriculture zoning district. The applicant is proposing to remove the existing residential structure, accessory buildings and the current driveway on the property and redevelop the north end of the parcel with a single-story 6,000 square foot veterinary hospital with indoor kennel facilities, a fenced exercise rear yard and 35 parking spaces. The applicant has indicated that there will be a maximum of four doctors at the hospital with a maximum of 16 employees on the largest shift.

The applicant has proposed a 50 foot building setback and Community Character Corridor landscaped buffer. The property fronts on Route 60 and is located across from the approved Villages of Whitehall development. Hickory Neck Church is located across Route 60 and approximately 900 feet east from the proposed veterinary hospital and kennel. Hickory Neck Church, an eighteenth century structure, is on the National Register of Historic Places. Residential properties border by the site to the north, east and south while the main line of the CSX railroad borders the property to the west. All of the bordering residential properties are designated General Industry by the Comprehensive Plan and are all zoned A-1, General Agriculture. The proposed development area is approximately 3.0 acres of the 34.26 acre parcel. Staff requested building elevations, however they were not submitted by the applicant; therefore the architecture of the proposed structure is unknown at this time.

PUBLIC IMPACTS

Archaeology

Staff is proposing the standard archaeological condition.

Environmental

Watershed: Diascund Creek

Staff Comments: Environmental staff has reviewed the application and believes all remaining issues can be resolved at the site plan stage. Comments that will need to be addressed include: a site-specific perennial stream determination, delineation of slopes greater than 25% and soil suitability for the proposed infiltration type BMP. The proposed infiltration-type BMP relies on the infiltration capacity of on-site soils. During the site plan review, should the soils be found unsuitable for an infiltration-type BMP, alternative BMP types will need to be provided. Alternative BMP types will require an outfall in the nearest receiving channel and will likely have to cross through environmentally sensitive areas, including possible RPA and steep slope impacts. Therefore, a Water Quality Impact Assessment and/or steep slope waiver may be necessary. As presented, the proposed use and site layout meets the minimum environmental requirements.

Public Utilities

The site is served by public water and sewage.

Conditions: Staff is proposing the standard water conservation condition.

JCSA Staff Comments: Animal waste from the outdoor fenced exercise yard shall not connect to the JCSA system per JCSA regulations.

Transportation

Proposed Traffic: The applicant has indicated that the proposed use will generate approximately 15 peak hour trips. There will be 4 doctors on staff with a maximum of 16 employees on the largest shift.

2003 Traffic Counts: Approximately 9,966 vehicles per day in this area of Richmond Road.

2026 Volume Projected: 24,000 vehicles per day on a four lane divided road.

Road Improvements: There have been no road improvements proposed.

VDOT Comments: VDOT has reviewed the proposal and concurs with the trip generation data provided by the applicant. A standard entrance approved by VDOT will be required to provide access to the site from Route 60.

Staff Comments: As referenced in the Transportation Section on page 77 of the Comprehensive Plan, this section of Route 60 provides goods mobility due to the absence of either existing or planned intense development and its divided nature and low number of intersections and driveways. The Comprehensive Plan states that Richmond Road's role in inter-County travel will become more important as I-64 becomes more congested; therefore a high degree of mobility should be maintained. Future commercial and residential development proposals along Richmond Road should concentrate in planned areas, and will require careful analysis to determine the impacts such developments would have on the surrounding road network. Minimizing the number of new signals and entrances and ensuring efficient signal placement and coordination will be crucial.

The two nearest current crossovers to the proposed use are located approximately 850 feet east on Route 60 and approximately 1000 feet west on Route 60. The approved Master Plan for the Villages of White Hall indicates a crossover on Route 60 directly adjacent to the property associated with the special use permit application. If approved, staff will work with the applicant and VDOT at the site plan stage to determine the most appropriate location for the driveway so that it will align with the future White Hall crossover on Route 60. This area of Richmond Road is not in the watch category according to the 2003 Comprehensive Plan. Staff believes that this section of Route 60 does provide good mobility due to its divided nature and low number of intersections and driveways and believes this proposal supports this section of the Comprehensive Plan by being a low traffic generator. Staff believes the proposed use will have a minimal impact on this section of Richmond Road.

Land Use Plan Designation

The James City County Comprehensive Plan Land Use Plan designates this property as General Industry. General Industry describes areas within the PSA that are suitable for industrial uses which, because of their potential for creating dust, noise, odor and other adverse environmental effects, require buffering from adjoining uses, particularly residential uses. Secondary uses in General Industry areas may include office uses and a limited amount of commercial development generally intended to support the needs of employees and other persons associated with an industrial development.

Other Considerations

Community Character: The Comprehensive Plan designates Richmond Road as a Community Character Corridor, which are roads that promote the rural, natural or historic character of the County. The County acknowledges that views along these roads can have a significant impact on how citizens and visitors perceive the character of the area and believes these roads warrant a high level of protection. This section of Richmond Road is considered a Suburban Community Character Corridor. The objective of this type of Community Character Corridor is to ensure that the County retains a unique character and does not become simply another example of standard development. The predominant visual character of the Suburban Community Character Corridor should be the built environment and natural landscaping, with parking and other auto-related areas clearly a secondary component of the streetscape. Development in Suburban Community Character Corridors should not replicate standardized designs commonly found in other communities, but rather reflect nearby historic structures, a sensitivity to the history of the County in general and an emphasis on innovative design solutions. The scale and placement of buildings in relation to each other, the street and parking areas should be compatible. In these areas the Community Character Corridor designation suggests enhanced landscaping, preservation of specimen trees and shrubs, berming and other desirable design elements which complement and enhance the visual quality of the corridor.

Staff Comments:

On page 72 of the Comprehensive Plan, the main line of the CSX Railroad is discussed as to how it relates to the County's designated industrial sites. The railroad plays an important role in moving freight and passengers to and from James City County. The Comprehensive Plan recognizes the importance of the rail service as a viable transportation mode and supports the continued maintenance of existing and potential industrial rail access to the County's designated industrial sites. Staff has conversed with the Office of Economic Development regarding this application and the current Land Use designation. The

parcel was designated General Industry due to its proximity to the CSX railroad on the west end of the property. However, due to significant resource protection area buffers paralleling the railroad, direct access to the property from the railroad is not possible without encroaching into a RPA buffer. The northern and southern section of the property are also separated by a RPA buffer; therefore it is staff's belief and the belief of the Office of Economic Development that although this parcel is designated for General Industry, it would not be economically or environmentally practicable to develop this parcel for industrial uses requiring rail access.

The applicant is proposing a 50 foot Community Character Corridor setback with a landscaped buffer. Staff is proposing the standard landscape condition for a Community Character Corridor that will provide a minimum of 125 percent of the landscaping required in the zoning ordinance. In accordance with the Commercial and Industrial Land Use Standard No. 4 on page 136 of the Comprehensive plan, staff believes that with the proposed conditions, the proposed veterinary hospital will be adequately landscaped and buffered from Route 60 given the proposed 50 foot Community Character Corridor buffer. Staff believes the following strategies and actions under the Community Character section of the Comprehensive Plan are met with this application:

- Strategy #2: Ensure that development is compatible in scale, size and location to surrounding existing and planned development (page 95). Staff believes that the proposed single-story structure with an extensively landscaped Community Character Corridor buffer will be compatible with the surrounding residences on Route 60.
- Strategy #3: Ensure that development along Community Character Corridors and Areas protects the natural views of the area, promotes the historic, rural or unique character of the area, maintains greenbelt networks and establishes entrance corridors that enhance the experience of residents and visitors (page 95). The applicant has proposed an appropriate buffer along Route 60 and staff has included a special use permit condition that will require at a minimum, 125 percent of the landscaping otherwise required in the Zoning Ordinance. A condition providing for architectural review is also provided to address the proximity of the Hickory Neck Church.
- Strategy #6: Ensure that all new development blends carefully with the topography and surrounding vegetation, preserving unique formations, greenery and scenic views (page 95). The applicant has proposed an appropriate buffer along Route 60 and staff has included a special use permit condition that will require at a minimum, 125 percent of the landscaping otherwise required in the Zoning Ordinance.
- Action #11: Continue to require underground utilities in all new developments. (page 96). The site plan will require that all new utilities be placed underground.
- Action # 24(g): Encourage development to occur in a manner that does not require changing the character of roads that enhance the small town, rural, and natural character of the County (page 98). Staff believes the trip generation for the proposed veterinary hospital will not have an adverse impact on the traffic on Route 60.

Staff believes the proposed use, with the attached conditions, is generally consistent with the secondary uses for land designated General Industry in the Comprehensive Plan. The property associated with this application is located on the northern edge of the General Industry land use designation and the adjacent properties are residential dwellings, which are neither primary nor secondary uses for land designated as General Industry. Considering the entire area designated General Industry, which include the 157 acre Hankins Industrial Park and the 7 acre Toano Business Center, the proposed use constitutes only a small portion of the industrially designated area. The proposed use also helps retain the transportation objectives of the Comprehensive Plan. Staff believes that given the surrounding uses and land use designations, the proposed veterinary hospital will not have any adverse impacts on the surrounding properties.

STAFF RECOMMENDATION

Staff finds the proposal generally consistent with the 2003 Comprehensive Plan as outlined in the staff report. Staff believes the attached conditions will adequately mitigate impacts from this development. Staff recommends that the Planning Commission recommend approval of this application to the James City County Board of Supervisors with the acceptance of the following special use permit conditions.

1. This Special Use Permit shall be valid for a 6,200 square foot veterinary hospital. Development of the site shall be generally in accordance with the submitted master plan as determined by the Development Review Committee of the James City County Planning Commission. Minor changes may be permitted by the DRC, as long as they do not change the basic concept or character of the development.

2. A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon.

3. Prior to final site plan approval, architectural elevations, building materials and colors shall be submitted to the Director of Planning for review and approval for compatibility with Hickory Neck Church and the Village of Toano in terms of design, scale, materials, and colors.

4. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 15 feet in height and/or other structures and shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare defined as 0.1 footcandle or higher shall extend outside the property lines.

5. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final development plan approval. The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought tolerant plants where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.

6. If construction has not commenced on this project within thirty-six (36) months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.

7. A landscaping plan shall be approved by the Director of Planning prior to final site plan approval for this project. The landscaping plan shall include enhanced landscaping within the fifty-foot Community Character Corridor buffer along Richmond Road so that the required size of plants and trees equals, at a

minimum, 125 percent of the landscaping otherwise required in Chapter 24, Article II, Division 4 of the James City County Code. A minimum of fifty percent of the plantings within the Community Character Corridor buffer shall be evergreen.

8. Only one entrance shall be allowed onto Route 60.

9. All parking shall be located either behind the proposed building or to the side, behind the front building face line with a 42 inch non-chain link vinyl or wood fence.

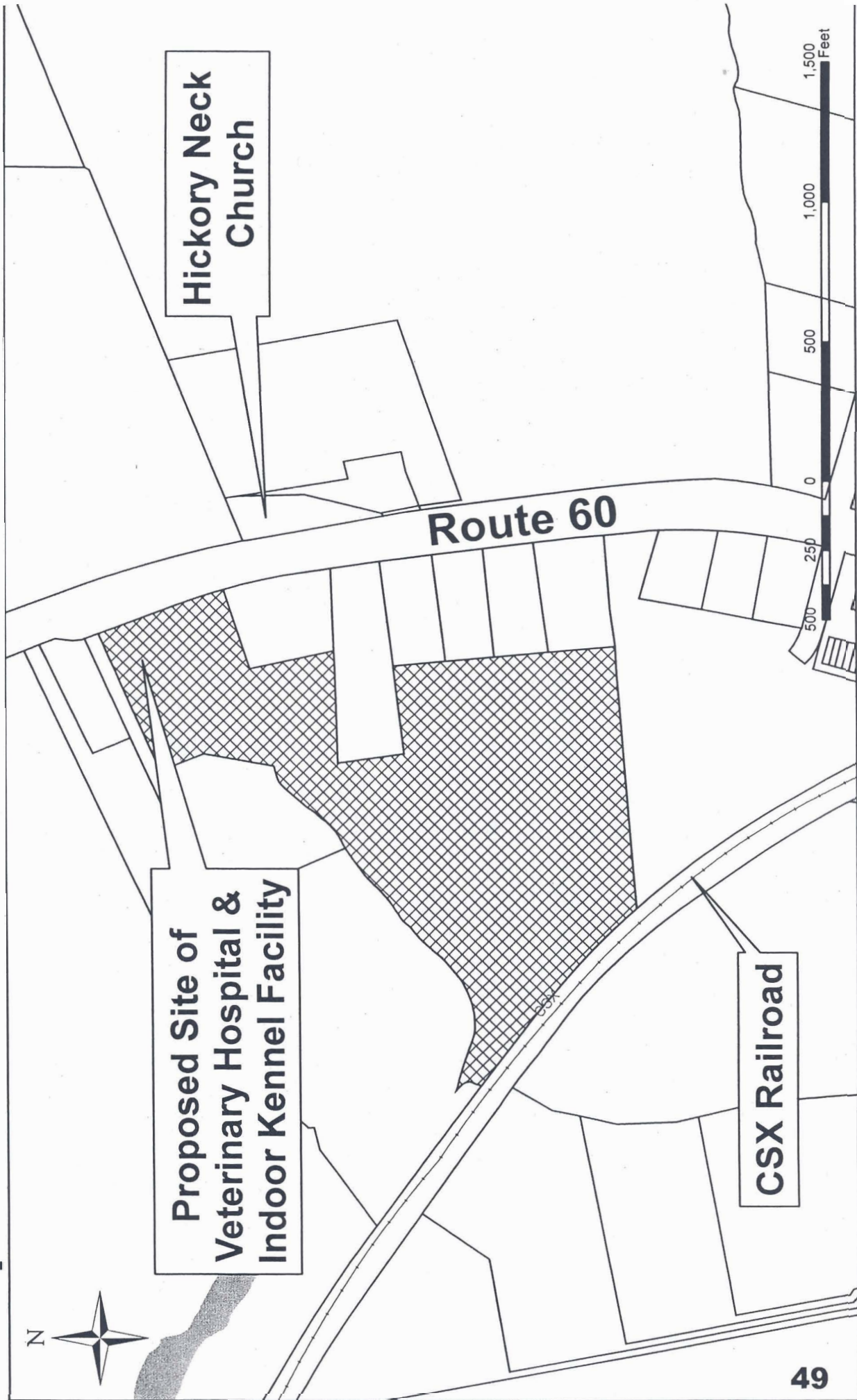
10. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

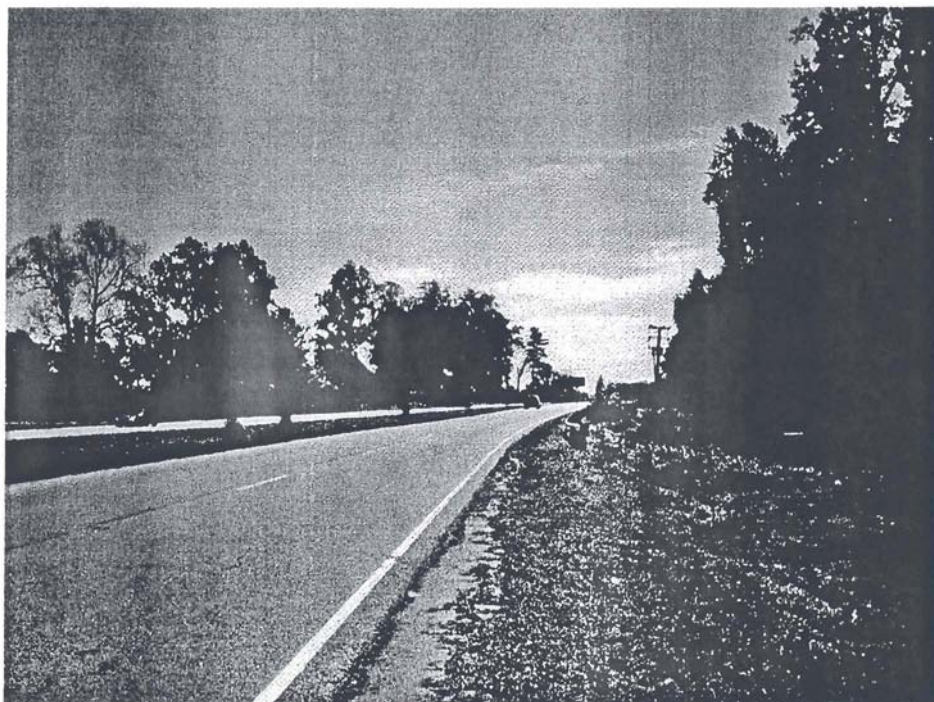
Matthew J. Smolnik

ATTACHMENTS:

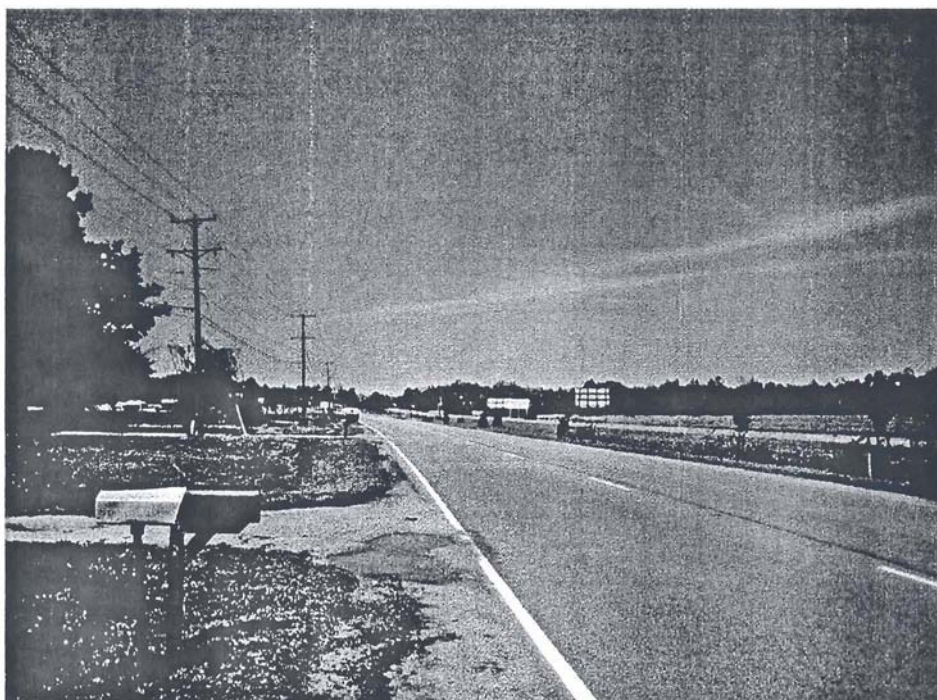
1. Location Map
2. Master Plan (provided under separate cover)
3. Photographs of the site

8391 Richmond Road Veterinary Hospital & Indoor Kennel Facility

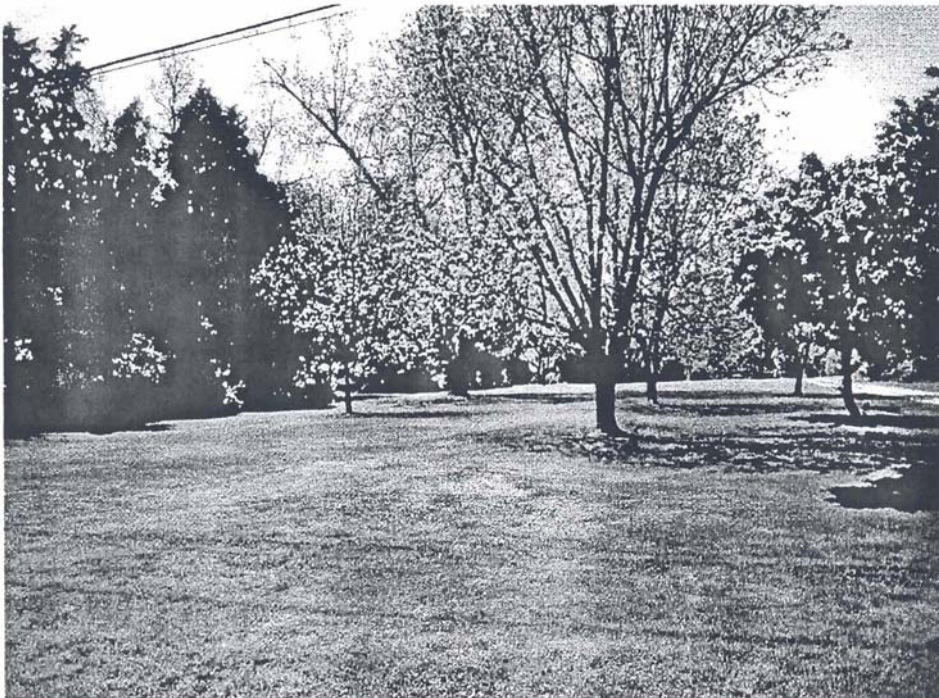
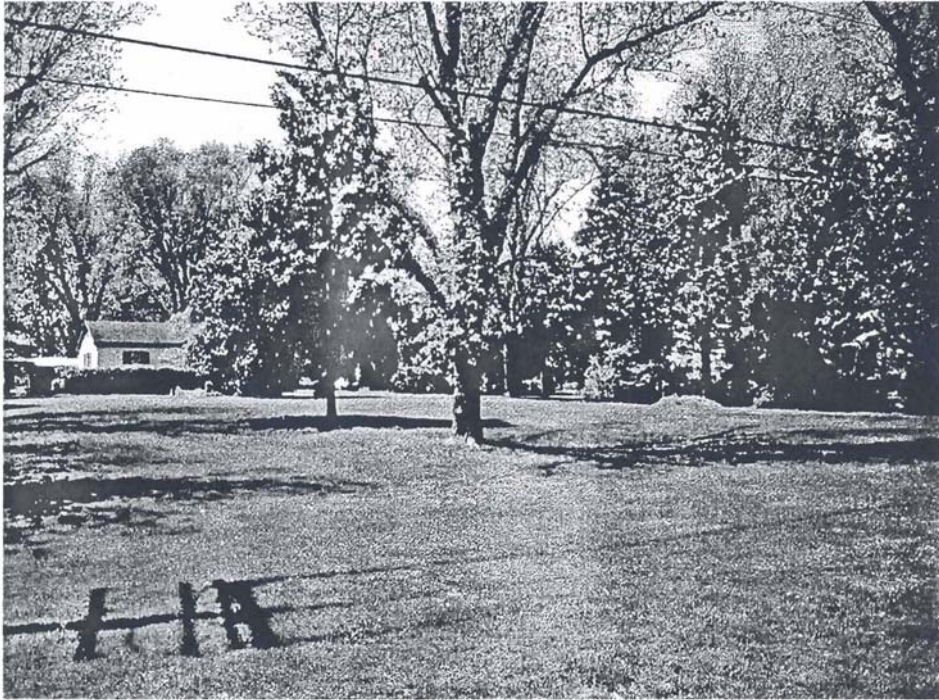




Sight line of Eastbound Richmond Road (Route 60) from approximate new entrance location.



Sight line of Westbound Richmond Road (Route 60) from approximate new entrance location. Existing entrance in foreground to be removed.



Existing cleared area of site for proposed new development.



Existing woods beyond to remain.

**SPECIAL USE PERMIT-4-06/MASTER PLAN-01-06. Prime Outlets Expansion.
Staff Report for the June 5, 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 Deferred

June 5, 2006 7:00 p.m.

Board of Supervisors:

June 27, 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 an expansion of approximately 81,000 square feet on existing and adjacent sites.

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

With the attached conditions, staff believes the proposal substantially mitigates the concerns previously expressed. Staff recommends that the Planning Commission recommend approval of this application to the James City County Board of Supervisors, with the condition that the master plan be revised to reflect accurate figures as calculated by staff.

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 Prime Outlets to allow an expansion of approximately 81,000 square feet on existing and adjacent sites (Phases 7 and 8). Currently, Phases 1-6 of Prime Outlets exist or are already approved, comprised of 359,330 square feet of net retail area. 1,439 parking spaces currently exist, for a parking ratio of 1:200. If Phases 7 & 8 are approved, the net retail area would equal approximately 403,366 square feet. Based on this net figure, 2,017 parking spaces are required per the parking ordinance. Including 237 additional spaces proposed over existing BMPs, 2,306 total parking spaces are proposed, for a parking ratio of 1:175.

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.

ISSUES RAISED AT THE MAY 1, 2006 PLANNING COMMISSION MEETING

At its May 1 meeting, the Planning Commission voted to defer the case and cited the following issues: environmental impacts relative to stormwater management, adequacy of parking, traffic impacts, and the need for aesthetic improvements. Following is a summary of how these concerns have been addressed:

Environmental impacts relative to stormwater management

Not all of the existing conditions on the overall site meet current standards, as both the Prime Outlets and Ewell Station developments have occurred prior to current regulations. Furthermore, an approved site plan (SP-110-02) for the Ewell Station site allows expansion on that site to occur that would not bring the entire site to meet current standards (per the zoning ordinance, approved site plans are valid for a period of 5 years). Environmental staff has worked to balance potential future improvements without causing undue burden on the property owner. The following improvements are proposed:

- BMP ID# 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.
- BMP ID# 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.
- BMP ID# PC-036 (behind the existing Food Lion): Shall be retrofitted to incorporate water quality treatment as approved by the Environmental Director.
- Pre-treatment measures shall be incorporated into development plans as approved by the Environmental Director.
- BMP ID# PC-055 (along Richmond Road): Shall be modified to incorporate water quality and increased water quantity control as approved by the Environmental Director.
- BMP ID# PC-066 behind LL Bean, adjacent to Scott's Pond: Proposed improvements include modifications to meet the County requirements for both water quality and channel protection, subject to conditions related to Parking.

Staff Comments:

As both sites were developed over a period of time, the overall sites do not meet current standards for water quality or water quantity control. However, with the current proposal the sites will meet current criteria and also address the Powhatan Creek Watershed Management Plan recommendations. This will result in a positive improvement for the environment in terms of a higher level of treatment for the stormwater runoff leaving site and an increase in the amount of stormwater infiltrated onsite resulting in less overall stormwater discharge from the site.

Parking

The number of parking spaces proposed by the applicant in May was 2,042. Concerns were expressed over the adequacy of parking provided and proposed. The ordinance requires, per the interpretation of the Zoning Administrator, 2,017 spaces for the proposed square footage (representing 1:200). Staff has since field verified the existing number of parking spaces and reviewed a revised proposal. Based on staff calculations, the applicant is now proposing 2,306 parking spaces (representing 1:175), including 237 spaces on existing BMPs. This would bring the current proposal to 289 spaces (or approximately 14%) over the ordinance requirement.

The additional 237 spaces would be provided by modifying two existing stormwater facilities (PC-036, behind Food Lion and PC-066 adjacent to Scott's Pond). These facilities would be placed underground, at considerable expense to the applicant, and parking would be provided on a surface of partially pervious stone pavers. These proposed modifications would also result in improved performance of the facilities. A required maintenance plan would be noted on the site plan and enforced by the Environmental Division per current County BMP guidelines.

This proposal is outlined in one of the attached SUP conditions. Should the engineering not meet approval by the Environmental Director, the Applicant will provide a parking study to identify the existing parking inventory, identify the occupancy rate of parking spaces at peak and normal usage, provide an analysis of employee parking, and recommend improvements. Said study is subject to approval by the Board of Supervisors, upon recommendation of the Planning Commission, prior to final site plan approval for the two smaller buildings identified on the Master Plan on Phase 7 (Building B) and Phase 8 (Building C).

Staff Comments:

Environmental staff is confident that the proposed solution to place additional parking over the two BMPs is feasible and will work with the applicant to reach a favorable outcome. Underground detention of stormwater is a fairly common practice in many locations around the country and it has been employed on several sites within the county. Planning staff believes the applicant's efforts to provide additional parking on site will substantially mitigate current parking inadequacies.

Traffic Impacts

The Planning Commission expressed concern over potential future traffic impacts on both Richmond Road and Olde Towne Road, as well as the consideration of closing one or more access points on Richmond Road or Olde Towne Road. The applicant has agreed to the following traffic improvements to address these concerns:

Install dual left-turn lanes from westbound Richmond Road to Olde Towne Road;

- Widen southbound Olde Towne Road from Richmond Road to the first shopping center entrance to two full width lanes, creating two receiving lanes for the dual left turn lanes referenced above;
- Install a left-turn lane on eastbound Richmond Road at Olde Towne Road to accommodate U-turn movements from eastbound Richmond Road to westbound Richmond Road;
- Modify traffic signal timings and necessary traffic signal equipment at the Richmond Road/Olde Towne Road intersection to accommodate the new traffic movements;
- Modify traffic signal timings along the Richmond Road corridor to optimize the coordinated system from Airport Road to the westernmost signalized entrance to the property; and
- Remove sections of asphalt or otherwise modify the existing continuous right turn lane on eastbound Richmond Road.

Additionally, a condition has been added requiring the applicant to conduct two Signal Warrant Analyses at two different stages of proposed development to provide further information on whether traffic signals should be installed at entrances along Olde Towne Road, as well as an implementation plan. The first analysis is to be conducted after Building A and the connection between the sites and parking lot behind the hotel are completed, but before site plan approval for Buildings B and C is granted, all as shown on the master plan. The second analysis is to be conducted six months after the final Certificate of Occupancy is issued. VDOT requested the timing of this analysis to be after all proposed tenant spaces are occupied.

Furthermore, a condition has been added requiring the applicant to conduct an evaluation of potential access management strategies and driveway closures along Richmond Road and Olde Towne Road to further analyze potential access improvements.

Staff Comments:

VDOT believes these studies will be most meaningful if conducted after a portion of the proposed development has been completed, in order to provide a clear picture of impacts created by the expansion. Specifically, VDOT staff believes the interconnectivity between the existing Prime Outlets and Ewell Station sites will have dramatic impacts on future traffic patterns. Planning staff believes our recommended conditions address this need, and the County's third-party traffic consultant concurs.

Aesthetic Improvements

The Planning Commission expressed concern regarding the overall attractiveness of the current developments. The applicant has agreed to the following improvements:

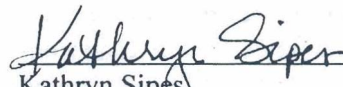
- Additional landscaping along the entire Richmond Road frontage of the site. This will be provided at 125% of the plant material size requirement found in the ordinance, in an effort to enhance Richmond Road, which is a designated Community Character Corridor. This improvement will be in conjunction with the modifications to PC-055, as outlined in the Environmental section, as this stormwater facility is located along this Richmond Road frontage.
- Landscaping shall be provided along the Olde Towne Road frontage that meets current ordinance requirements.
- All new and existing dumpsters shall be placed in locations approved by the Planning Director and screened by landscaping or fencing.

Staff Comments:

Staff believes these improvements will greatly contribute to the enhanced appearance of the property.

RECOMMENDATION

With the attached conditions, staff believes the proposal substantially mitigates the concerns previously expressed. Staff recommends that the Planning Commission recommend approval of this application to the James City County Board of Supervisors, with the condition that the master plan be revised to reflect accurate figures as calculated by staff.


Kathryn Sipes

ATTACHMENTS:

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

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. Landscaping 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 of 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, Guernsey 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 any 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 Williamsburg Area Transit, or its successor, 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(s) 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. Prior to final site plan approval(s) for the Phase 7 and 8 expansions, a landscape plan including foundation landscaping in accordance with James City County Code Chapter 24, shall be approved by the Planning Director or his designee.
4. Landscape waivers are necessary for the approval of parking and stormwater facilities in the Community Character Corridor landscape area along Richmond Road, as shown on the Master Plan. Such waivers shall be subject to the approval of the Development Review Committee.
5. Landscaping shall be installed or bonded, prior to any Certificate of Occupancy for Phase 8, as shown on the Master Plan, along the entire Richmond Road frontage of the existing and expanded Prime property that exceeds plant material size requirements in Section 24-90 of the James City County Code by 125%. Such landscaping shall be included on the site plan for Phase 8, as shown on the Master Plan, and subject to approval by the Planning Director.
6. Landscaping shall be installed or bonded prior to any Certificate of Occupancy for Phase 8, as shown on the Master Plan, along the Olde Towne Road frontage that meets current ordinance requirements. Such landscaping shall be included on the site plan for Phase 8, as shown on the Master Plan, and subject to approval by the Planning Director.
7. 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 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.
8. 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 site 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.
9. Approved site plans 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.

The sequence of construction shall be approved by the Environmental Director, but under no circumstances shall the aforementioned stormwater facilities be completed later than the first Certificate of Occupancy being issued for the final building to be constructed as part of the Phases 7 and 8 expansions.

10. Stormwater facility PC-055 (along Richmond Road) shall be modified to incorporate water quality and increased water quantity control as approved by the Environmental Director as part of the site plan for Phase 7 (Building A), as shown on the Master Plan.
11. The existing stormwater management facilities PC-066 and PC-036 serving the property, subject to the limitations hereinafter provided, shall be reconstructed to permit ground level parking of approximately 237 spaces co-located in, atop and around such facility, as generally depicted on the Master Plan. The reconstruction of PC-066 shall be reflected on the site plan and completed as part of Phase 7 (Building A) as shown on the Master Plan. The site plan for Phase 7 (Building A) shall also reflect the reconstruction of PC-036; however, the completion date of PC-036 shall be approved by the Environmental Director, but under no circumstances shall said reconstruction be completed later than the first Certificate of Occupancy being issued for the final phase of expansion (either Building B or Building C) as shown on the Master Plan. Reconstruction shall be in accordance with all applicable stormwater management ordinances and regulations, and subject to approval by the Environmental Director. Specifically, PC-066 shall be modified to meet the current County requirements for both water quality and channel protection, and PC-036 shall be modified to incorporate water quality protection. The parking reconstruction shall be implemented unless the Environmental Director determines that it cannot be achieved (a) due to engineering constraints, (b) due to environmental, stormwater management or other regulations, ordinances or laws, or (c) that the reconstruction cannot be achieved using soil-covered RainTank (R) devices and Eco-Stone Pavers or equivalent underground stormwater storage units and pervious cover approved by the Environmental Director.

In the event the parking reconstruction is not implemented as described above, the Applicant shall perform and submit a Parking Study, the methodology and parameters of which are subject to approval of the Planning Director. Said study shall be approved by the Board of Supervisors, upon recommendation of the Planning Commission, prior to final site plan approval for Phase 7 (Building B) and Phase 8 (Building C) as shown on the Master Plan. Specific elements of the study shall include: the identification of the existing parking inventory for Prime Outlets at the time of analysis, the occupancy rate of parking inventory for Prime Outlets for identified periods of analysis, an employee parking analysis, and improvement recommendations. Said site plans shall incorporate approved improvement recommendations.

12. The following road improvements, subject to approval by VDOT and the Planning Director, shall be made prior to the issuance of any Certificate of Occupancy for any of the proposed additional buildings in the Phase 7 & 8 Expansions as shown on the Master Plan:
 - a) Install dual exclusive left-turn lanes with 250 feet of storage and 200-foot tapers on westbound Richmond Road at Olde Towne Road.
 - b) Widen southbound section of Olde Towne Road from Richmond Road to first shopping center entrance ("Bowling Alley entrance") to two (2) full width lanes, creating two receiving lanes for the dual left-turn lanes referenced in condition (a) above. The outside lane will be a right-turn "drop" lane and the inside lane will serve as a through travel lane.
 - c) Install an exclusive left-turn lane with 200 feet of storage and 200 foot taper on

eastbound Richmond Road at Olde Towne Road to accommodate U-turn movement from eastbound Richmond Road to westbound Richmond Road. Install necessary traffic signal equipment to accommodate the U-turn movement with a protected left-turn phase at the intersection, and install appropriate signage, subject to VDOT approval.

- d) Modify traffic signal timings and necessary traffic signal equipment at the Richmond Road/Olde Towne Road intersection to accommodate proposed laneage configurations and identified new traffic movements.
 - e) Modify traffic signal timings along the Richmond Road corridor to optimize the coordinated system from Airport Road to the western signalized entrance to the property.
 - f) Remove sections of asphalt or otherwise modify the existing continuous right turn lane on eastbound Richmond Road, subject to approval by VDOT and the Planning Director.
13. A Signal Warrant Analysis for the Olde Towne Road/shopping center entrances must be submitted for approval by VDOT and the Planning Director within eighteen (18) months of issuance of the demolition permit for the vehicular access through the existing Phase I building, and prior to final site plan approval for Phase 7 (Building B) and/or Phase 8 (Building C) as shown on the Master Plan. A second Signal Warrant Analysis must be submitted for approval by VDOT and the Planning Director six months after issuance of the final Certificate of Occupancy for the final phase of expansion (either Building B or Building C, as shown on the Master Plan). The analyses shall include turning movement count data for a minimum of eight hours to satisfy VDOT Standard Signal Warrant Analysis requirements, subject to approval by VDOT and the Planning Director. Should traffic signal warrants be met, Applicant shall provide traffic signal(s), and necessary traffic signal equipment (including that associated with cross-coordination of traffic signals) at the Olde Towne Road shopping center entrance(s) in a manner acceptable to VDOT and the Planning Director. Furthermore, Applicant shall provide signal timing plans (AM, Mid-Day, PM, seasonal peak period, Saturday Mid-Day) such that the potential traffic signal(s) shall be coordinated with the Richmond Road/Olde Towne Road traffic signal, subject to the approval of VDOT and the Planning Director. Applicant shall also provide traffic signal timing plans (AM, Mid-Day, PM, seasonal peak period, Saturday Mid-Day) for the identified Richmond Road study area traffic signals to best optimize traffic progression, subject to approval of VDOT and the Planning Director. Such signal(s) and coordination improvements shall be guaranteed by surety prior to issuance of the building permit for the final phase of expansion (either Building B or Building C, as shown on the Master Plan).
14. Upon completion of Phase 7 (Building A), and the vehicular access through the existing Phase I, and the parking area behind the adjacent hotel, as shown on the Master Plan, Applicant shall provide an evaluation of potential access driveway closures or implementable access management strategies along Richmond Road and Olde Towne Road. Said evaluation shall be subject to the approval of VDOT, the Planning Director, and the Development Review Committee prior to site plan approval for the final phase of expansion (either Building B or Building C, as shown on the Master Plan). Such improvements shall be guaranteed by surety prior to issuance of a building permit for the final phase, as described above.

Conditions Applicable to all Phases of Prime Retail

1. This Special Use Permit shall be valid for the approximately 81,000 square feet expansion of Prime Retail Phases 7 and 8. The total gross building area shall not exceed 516,650 sq. ft. as shown on Master Plan Titled "Prime Retail Phases I-VIII" dated May 25, 2006 and prepared by LandMark Design Group (The "Master Plan").

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 (DRC). 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 (with the exception of entrance lighting required herein). 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. Prior to any final site plan approval for future expansion, all new and existing dumpsters shall be (a) in locations approved by the Planning Director, and (b) screened by landscaping or fencing as approved by the Planning Director.
5. Prior to issuance of any Certificate of Occupancy for any expansion, the applicant shall complete the following: (1) internal driveways shall be designated as "One Way" traffic only, where applicable; (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. Invalidity of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

PRIME OUTLETS PARKING CALCULATIONS

EXISTING PRIME PHASES I-VI:

Gross Building Area: 369,562 (per LandMark Exhibit Showing Public Areas and confirmed by Steve Romeo 5/22)

Less Public Area: 10,232 (approx. 2.8%)

Adjusted Gross Building Area: 359,330

Adjustment Factor for Non-Retail Area within Tenant Spaces: 80%

Net Building Area: 287,464

Required Parking: 1437 (1:200)

Existing Parking: 1439 (1:200)

EXISTING EWELL STATION:

Gross Building Area: 68,131 (based on SP-110-02)

Adjustment Factor for Non-Retail Area within Tenant Spaces: 80%

Net Building Area: 54,505

Required Parking: 272 (1:200)

Existing Parking: 306 (1:178)

PROPOSED PHASES VII & VIII:

Gross Building Area: 86,205 less demolition of 7,248 = 78,957

Less Public Area (based on 2.8% of gross): 2,211

Adjusted Gross Building Area: 76,746

Adjustment Factor for Non-Retail Area within Tenant Spaces: 80%

Net Building Area: 61,397

ENTIRE SITE:

Total Proposed Gross Building Area: 516,650

Total Proposed Net Building Area, Phases I-VIII, including Ewell Station: 403,366

Required Parking (5 spaces/1000 square feet): 2,017 (1:200)

Proposed Parking as shown on Master Plan: 2,306 (1:175)

MEMORANDUM

DATE: June 5, 2006
TO: The James City County Planning Commission
FROM: David W. German, Planner and Melissa C. Brown, Senior Zoning Officer
SUBJECT: Case No. ZO-07-05. Amendments to Chapter 24, Zoning, Article II, Special Regulations, Division 3, Exterior Signs

Proposal:

Upon receiving a request by Kaufman and Canoles representing the development community in New Town, and after suitable corresponding research and review by the New Town Design Review Board and the Policy Committee of the James City County Planning Commission, Planning Staff is proposing to amend three sections of the Zoning Ordinance, all related to the placement of exterior signs. The proposed changes may be viewed in the attached Ordinance Amendment.

Background and Analysis:

The development community working in the New Town Mixed Use District has requested several changes to the current provisions of Chapter 24, Zoning, Article II, Special Regulations, Division 3, Exterior Signs. Cited was the special nature of New Town (and possible future similar developments), and the unique opportunities and challenges that this type of development fosters.

The intention in New Town is to create a pedestrian-oriented development, with “higher densities and a broader spectrum of land uses.”¹ The Planning Division recognized the need to amend the current Exterior Sign Ordinance to allow for types of signage that would support this development, and future, similar Mixed-Use developments like it. Currently permitted signs are geared toward helping motorists locate a business rather than pedestrians. In contrast, pedestrians looking for a business in urban areas have different needs due to more limited sight distances and the location of buildings behind street trees. To facilitate the development of a suitable amendment to the current Ordinance, the Planning Staff worked with the senior Development Management staff, the planning departments of other localities, the New Town Design Review Board, and the James City County Attorney’s Office. Site visits were

conducted and documented to provide examples of appropriate signage for pedestrian-oriented Mixed-Use development.

The amendment that was formulated consists of several parts (that are shown in their entirety, in the attached Ordinance Amendment). The net effects of these various changes are as follows:

- Blade signs would now be permitted in Mixed-Use districts that are regulated by a design review board, governed by specific architectural and design standards, and guided by a master plan of development. (Currently, only New Town meets this requirement.) Such signs are used in Colonial Williamsburg, and project from the building face. They are typically used in urban shopping areas to assist pedestrians in locating businesses;
- Freestanding signs could be illuminated with ground-mounted or sign-mounted lights. (Currently, ground-mounted lights are the only option);
- Setbacks could be lessened for freestanding signs in Mixed-Use districts to allow for greater placement flexibility; (this accommodates the shallower setbacks found in New Town);
- The use of blade signs would be subject to specific limitations, as set-forth in the amendment;
- Pedestrian-scale directional signs would now be permitted in Mixed-Use districts that are regulated by a design review board, governed by specific architectural and design standards, and guided by a master plan of development. (Again, only New Town currently meets this requirement);
- The use of pedestrian-scale directional signs would be subject to specific limitations, as set-forth in the amendment;
- Pole-mounted banners (with limitations prescribed by the amendment) would now be permitted in Mixed-Use districts and shopping centers.
- Definitions for *blade signs* and *shopping centers* would be added to Ordinance. The definition for *shopping center* was necessary because this amendment would allow seasonal and/or holiday light-pole-mounted banners to be placed in mixed-use districts and shopping centers. The definition created for *shopping center* includes a size threshold of 25,000 square feet. This threshold was selected to differentiate a *shopping center* from a smaller “strip-mall” or neighborhood-convenience-scale commercial or retail area. It was felt that banners are acceptable and appreciated by the general public when the size and scale of the development makes the placement of banners appropriate. The size threshold attempts to encourage aesthetically pleasing developments where the visual impact of light-standard

banners is balanced with the associated mass, size, and scale of the buildings, parking areas, other signage, and landscaping.

The New Town Design Review Board reviewed and approved the amendment to the Sign Ordinance that was proposed by Planning Staff on March 16, 2006. On April 11, 2006, the Policy Committee of the James City County Planning Commission met to consider, and offer feedback on, the amendment. At that meeting, Planning Staff was instructed to address several questions concerning the proposed amendment, and to report back to the Policy Committee at a subsequent meeting. That follow-up meeting was held on May 8, 2006. At the conclusion of this meeting, the Policy Committee voted 3-0 to recommend approval of the proposed Sign Ordinance amendment to the full Planning Commission, with the condition that the County Attorney's office further review the definition of *shopping center*, as set-forth in the amendment. The County Attorney's office provided a further review of the *shopping center* definition, which was then reviewed and discussed by the senior Development Management staff. The final version of the proposed amendment can be found as an attachment to this document.

Recommendation:

Planning Staff believes that the changes to the Zoning Ordinance contained in this proposed amendment will help to facilitate and enhance the types of development being sought in New Town and in similar projects within James City County, and recommends that the Planning Commission recommend approval for the attached Zoning Ordinance amendment.

David W. German, Planner

Melissa C. Brown, Senior Zoning Officer

CONCUR:

O. Marvin Sowers, Jr.

¹"Mixed Use" section of the 2003 James City County Comprehensive Plan, page 124.

Attachments:

1. Ordinance Amendment

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 3, EXTERIOR SIGNS, SECTION 24-66, DEFINITIONS; SECTION 24-70, FREESTANDING SIGNS; SECTION 24-73, SPECIAL REGULATIONS FOR CERTAIN SIGNS; AND SECTION 24-75, PROHIBITED SIGNS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, Article II, Special Regulations, Division 3, Exterior Signs, is hereby amended and reordained by amending Section 24-66, Definitions; Section 24-70, Freestanding signs; Section 24-73, Special regulations for certain signs; and Section 24-75, Prohibited signs.

Chapter 24. Zoning

Article II. Special Regulations

Division 3. Exterior Signs

Section 24-66. Definitions.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Blade sign. A two-sided flat sign that projects more than 18" from, and that is mounted perpendicularly to, a vertical building wall. Such sign may be suspended from an arm or bracket, or may be directly mounted to a building wall or the underside of a canopy or awning.

Shopping center. A group of three or more commercial establishments having a minimum combined total square footage of 25,000 square feet, planned, constructed, and/or managed as a single entity, with customer and employee parking provided onsite, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan.

Section 24-70. Freestanding signs.

Freestanding signs shall only be permitted on properties having street frontage and shall be in compliance with the following regulations:

(d) Sign lighting.

(2) Illuminated signs within community character areas and along community character corridors, as defined above in (d)(1) a. and b. shall be signs ~~composed of~~:

- a. *composed of* back-lit or lighted channeled letters as approved by the planning director in accordance with the criteria outlined in section 24-72. An applicant may appeal the decision of the planning director to the DRC. The appeal shall be in writing and shall document the reasons and justifications for such request. The DRC shall approve, deny, or conditionally approve the applicant's exception request based on the review criteria outlined in section 24-72; or

- b. ~~shall be~~ externally illuminated either by ground-mounted horizontal light bars, *light strips*, or ground-mounted spotlights in such a way that bulbs, lenses, or globes shall not be visible from the right of way. ~~The ground-mounted lights shall be concealed by landscaping.~~ *spotlights, which shall be concealed by landscaping, or by sign-mounted lighting. With either ground-mounted or sign-mounted lighting, bulbs, lenses, and globes shall not be visible from the right-of-way, and light shall not be directed in such a way as to cause glare for passing motorists or pedestrians.*

Section 24-73. Special regulations for certain signs.

(i) Setback reductions in mixed-used districts. In cases where the applicant can demonstrate that the location of a sign does not obstruct adequate sight distance, and good visibility is maintained for all motorists and pedestrians traveling the intersection, the zoning administrator or his designee may permit setbacks of less than 5' on any lot in a mixed-used district.

(j) Blade signs in mixed-use districts. Blade signs are permitted in mixed-use districts, as long as the project is regulated by a design review board, governed by specific architectural and design standards, and guided by an approved master plan of development, all of which shall be approved by the board of supervisors. Blade signs must adhere to the following limitations and requirements:

(1) There shall be no more than one sign per public entrance to any given building;

(2) The sign(s) shall be positioned at the public entrance(s) of the building;

(3) An individual blade sign shall be no more than 12 square feet in area;

(4) The total square footage of all blade signs and all building face signs shall not exceed one square foot of signage per linear foot of store frontage, with a maximum of 60 square feet.

Only one side of a double-faced blade sign shall be included in a computation of sign area;

(5) *The sign shall be mounted such that the bottom edge of the sign is not less than eight feet from the finished grade directly underneath it;*

(6) *Blade signs shall be unlit, or externally illuminated in such a way that bulbs, lenses, and globes shall not be visible from the right-of-way, and light shall not be directed in such a way as to cause glare for passing motorists or pedestrians;*

(7) *Blade signs that extend over a public right-of-way are subject to the prior approval of the controlling public entity. If approved, the developer shall provide positive proof of insurance for each sign mounted over the public right-of-way, or an alternate liability instrument deemed suitable by the controlling public entity;*

(8) *All blade signs shall obtain the prior approval of the design review board for the mixed-use project before they are installed.*

(k) Pedestrian-scale directional signs in mixed-use districts. Small, free-standing signs designed to direct pedestrian traffic to locations of interest within the development may be placed in mixed-use districts, as long as the project is regulated by a design review board, governed by specific architectural and design standards, and guided by an approved master plan of development, all of which shall be approved by the board of supervisors. Pedestrian-scale directional signs must adhere to the following limitations and requirements:

(1) *Such individual signs shall be no more than 16 square feet in total area, and may not have more than two faces. Only one side of a double-faced sign shall be included in a computation of sign area;*

(2) *The top edge of a pedestrian-scale directional sign shall be no more than seven feet above finished grade;*

(3) Any lighting that is used shall be externally mounted and either supported solely from the sign structure, or ground-mounted. The ground-mounted lights shall be concealed by landscaping. Lighting shall be directed only onto the sign's face. Bulbs, lenses, and globes shall not be visible from the right-of-way, and light shall not be directed in such a way as to cause glare for passing motorists or pedestrians;

(4) Signs shall generally include elements such as the name and logo of the overall development, maps, and the business names, logos, and directional information for businesses that are located within the development;

(5) The number, relative positioning, and placement of each sign in a given mixed-used development shall be subject to the prior approval of the design review board and the planning director, or his designee.

(l) Pole-mounted banners. Seasonal and/or holiday banners that are affixed to light poles that generally identify a season and/or holiday and advertise or promote the development as a whole (by including only the development name and/or logo), rather than individual enterprises, are permitted, subject to the prior approval of the zoning administrator, or his designee. Banners shall be mounted such that the bottom edge of any given banner is not less than eight feet from the finished grade directly beneath it. Banners are permitted only in shopping centers, (as defined in section 24-66), or in mixed-use districts.

Section 24-75. Prohibited signs.

The following signs are specifically prohibited:

(11) Pennants, banners, flags and other displays used for marketing or advertising except as provided in Sections 24-73 (b)- ~~and 24-73 (l).~~

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 _____ day of _____, 2006.

PLANNING DIRECTOR'S REPORT

June 2006

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

- Rural Lands Study. A joint meeting of the Planning Commission and Board of Supervisors was held on May 23. At that meeting Staff and the County's consulting team presented the findings of the Rural Lands Committee. The Board of Supervisors provided specific directions on how they expect certain issues to be dealt with generally and announced the formation of a committee (2 PC members, 2 BOS members, and 1 member of Rural Lands Committee) to work out specifics to bring back for final action. Citizens are invited to follow the progress of the rural lands project at www.jccegov.com.
- New Town Design Review Board. The Board reviewed 7 projects, all which were resubmissions of previously reviewed projects.
- Planning Commissioner Training. The County Attorney's Office conducted a training program for Commissioners on May 22.
- Transportation Grants. Staff submitted several federal transportation grant applications which included road and intersection improvements and bikeways.
- Corridor Enhancement Program. The Jamestown Road Enhancement Demonstration Project is now offering a second round of grant opportunities to businesses and neighborhoods. At its monthly meeting, the Corridor Enhancement Committee approved its objectives for the next year. These include an enhancement program for the remainder of Jamestown Road and beginning efforts to undertake a multi-jurisdictional project.
- Better Site Design. A working team was formed to lead in the implementation of findings made by the Better Site Design Committee which includes representatives of the homebuilders association, county staff and Planning Commissioner Shereen Hughes. The new team had its' first meeting on May 17 and met again on May 31.
- Summer Interns. This summer three interns will be working for us full time. Blake Skogland is a native of Ohio and is in the final year of the joint JD/MPP program at the College of William and Mary. Blake will be supervised by Matt Smolnik. Tammy Becoat, a native of Virginia, is completing her MPP also at William and Mary and will be supervised by Joel Almquist. David Gordon is a native of New Jersey and an undergraduate at William and Mary. He will be working for Tammy Rosario.
- Online Database Training. During the week of June 12, staff will conduct a series of training sessions for members of the development community. The purpose of this training is to demonstrate how they can best and most effectively access our new online database of development review information. This will allow them to track cases throughout the development review process.
- Commissioner GIS Access. At the request of the Commission staff has made access available to the Commissioners. Some of the installations have been completed.
- Street Width Reduction Request. On May 9, the Board of Supervisors approved a street reduction request for Watford Lane as part of the CDBG project for the Ironbound Square Project. In doing so the Board directed staff to consider making some revisions to the Street Width Reduction Policy.
- Virginia Certified Planning Commissioners Program Graduates. Staff would like to congratulate Jack Fraley, Shereen Hughes, and Tony Obadal on completion and graduation from the program.
- Board Action/Results for May 9 and 23.

1. Subdivision-17-06. Forest Glen, Lot 30, Plat Vacation **Adopted 5-0**
2. Case No. AFD-9-86-3. Gordon Creek Withdrawal **Adopted 5-0**
3. Case No. SUP-5-06. Williamsburg-James City County 8th Elementary School **Adopted 5-0**

4. Case No. SUP-14-06. 4001 Brick Bat Road – 8th Elementary School Utility Extension **Adopted 5-**
5. Consideration of an amended resolution to condemn 44± acres of a 164± acre parcel of land, known as 4085 Centerville Road and designated on James City County Real Estate Tax Map as Parcel No. 3630100001, for a school, in order to update property ownership and code section references (continued from April 25, 2006) **Adopted 5-0**
6. Case No. SUP-1-06. Centerville Road Tower Relocation **Adopted 5-0**
7. Case No. Z-16-05 and MP-13-05. New Town Section 9 - Settler's Market **Adopted 5-0**
8. Case No. Z-12-05. Moss Creek Commerce Center (Toano Business Center) **Adopted 5-0**
9. Case No. SUP-13-06. Unicorn Cottage Child Day-Care Center **Continued to June 13, 2006**

O. Marvin Sowers, Jr.