

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
OCTOBER 2, 2006 - 7:00 p.m.

1. ROLL CALL
2. PUBLIC COMMENT
3. MINUTES
 - A. September 11, 2006 Regular Meeting
4. COMMITTEE AND COMMISSION REPORTS
 - A. Development Review Committee (DRC) Report
 - B. Policy Committee
 - C. Other Committee/Commission Reports
5. PUBLIC HEARINGS
 - A. SUP-22-06 Hill Pleasant Farm
 - B. SUP-23-06 Volunteer Fire Department Flea Market
 - C. SUP-18-06 Stuckey's Redevelopment
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 ELEVENTH DAY OF SEPTEMBER, TWO-THOUSAND AND SIX, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Don Hunt
Mary Jones
Tony Obadal
Jack Fraley
Shereen Hughes
Jim Kennedy
George Billups

STAFF PRESENT

Marvin Sowers, Planning Director
Jenny Lyttle, Assistant County Attorney
Leanne Reidenbach, Planner
Jason Purse, Planner
Toya Ricks, Administrative Services Coordinator
Scott Thomas, Chief Environmental Engineer
Michael Woolson, Senior Watershed Planner
Darryl Cook, Director Environmental Division
John Horne, Development Manager
Matthew Smolnik, Planner

2. MINUTES

A. August 7, 2006 Regular Meeting

Ms. Jones motioned to approve the minutes.

Mr. Obadal seconded the motion.

In a unanimous voice vote the minutes of the August 7, 2006 regular meeting were approved.

3. PUBLIC COMMENT

Mr. Mike Sloan, 2527 Manion, representing Alliance for Responsible Land Use asked Commissioners to consider the beneficiaries of proposed development. He also stated his concerns regarding future generations, quality of life, and cumulative impacts.

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

4. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee (DRC)

Mr. Kennedy stated that the DRC met on September 6. He stated that the Committee granted preliminary approval pending agency comments to SP-84-06 AM Tower Relocation Overhead Utility Waiver and SP-068-06, Oxford Crescent-New Town Block 17, Section 3 & 6. The Committee denied C-75-06 St. Bede Catholic Church Mausoleum Addition due to questions concerning Master Plan consistency.

Mr. Hunt motioned to approve the DRC report.

Ms. Jones seconded the motion.

In a unanimous voice vote the DRC report was approved.

B. Policy Committee

Ms. Jones stated that the Policy Committee met on August 23 to continue it's consideration of possible revisions to the residential sections of the Zoning Ordinance. She said the Policy Committee will meet every third Wednesday with the next meeting scheduled for September 20 at 9:30 AM in the Building A conference room.

Mr. Fraley asked the Policy Committee to suspend this review due to pending initiatives for proposed revisions to the Powhatan and Yarmouth Creek Watershed Management Plans and Better Site Design that might impact the Committees' recommendations.

5. PUBLIC HEARINGS

A. SUP-18-06 Stuckey's Redevelopment

B. SUP-23-06 Volunteer Fire Department Flea Market

Mr. Fraley stated that the applicants for Stuckey's Redevelopment and the Volunteer Fire Department Flea Market have requested a deferral until the October Planning Commission meeting and asked if Staff concurred.

Mr. Sowers said Staff concurred.

Mr. Fraley opened the public hearings.

Hearing no requests to speak the public hearings were continued to October 2, 2006.

C. AFD-4-86 Pate's Neck Renewal

D. AFD-1-02 Carter's Grove Renewal

Ms. Leanne Reidenbach presented the staff report stating the State's requirement for the Renewal of Agricultural and Forestal Districts (AFD). She stated that the Pate's Neck AFD is located on approximately 624 acres of land located at 1945 and 1955 Little Creek Dam Road. She also stated that the Carter's Grove AFD is located on approximately 320.36 acres of land located at 8797 Pocahontas Tr., 8766 Pocahontas Tr. and adjoining the James River. The Carter's Grove includes all the land on the above properties with the exception of all land within 50 feet of the road right of way as those properties have been excluded from the district to allow for possible road and/or drainage improvements. Additionally, the Colonial Williamsburg Foundation has requested to withdraw 2.26 acres, leaving 318.1 acres to be renewed in the AFD. Staff requested renewal of the Carter's Grove District for 4 years and 1 month to align renewal dates of all AFDs with the exception of the Pate's Neck District. The applicant for the Pate's Neck District has requested renewal for 6 years. On August 29 the AFD Advisory Committee voted unanimously to approve the renewals (6-0).

Mr. Kennedy asked if a proposal was under consideration for Carter's Grove necessitating the need for road widening.

Ms. Reidenbach stated that no request had been submitted and deferred the question to the applicant.

Mr. Fraley asked for explanation of the 6 year renewal request for the Pate's Neck District.

Ms. Reidenbach stated that it was in keeping with previous renewals for the district based on the applicant's request.

Mr. Hunt added that the property owners have continuously maintained that they have no desire to change the use of the property.

Mr. Fraley opened the public hearings.

Mr. Keith Johnson representing the Colonial Williamsburg Foundation, owners of Carter's Grove, stated he was available for questions.

Mr. Kennedy asked if there were plans to re-open the facility and why the land area along the entrance road was being excluded.

Mr. Johnson said there are no plans at this time. He stated that exclusion of land at this time allows for flexibility in the future should a proposal be developed.

Hearing no other requests to speak the public hearings were closed.

Mr. Hunt motioned to recommend approval of both applications.

Mr. Obadal seconded the motion.

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

6. PLANNING COMMISSION CONSIDERATION

A. Revisions to Powhatan Creek and Yarmouth Creek Watershed Management Plans

Mr. Scott Thomas and Mr. Michael Woolson presented the recommendations stating that after two work sessions with the Board of Supervisors, staff was directed to present their proposals to the Planning Commission for feedback prior to drafting final recommendations for Board adoption.

Mr. Thomas presented the history of developing the current Watershed Management Plans along with suggestions for revisions.

Mr. Woolson stated that the main efforts toward implementation are through legislative acts. He stated that Rezoning and Special Use Permit requests are reviewed for consistency with the Watershed Management Plans' priorities and recommendations. Mr. Woolson detailed the recommended revisions.

Mr. Kennedy stated that in 2002 the Board of Supervisors adopted the articles they had been asked by staff to approve. He stated that there was no request to adopt the three remaining articles.

Mr. Woolson stated that the three articles were deferred pending additional development of them by staff.

Mr. Kennedy asked if other stakeholders would be involved drafting the revisions.

Mr. Horne stated that the Board had not made any specific request. He said the two public work sessions were well attended and well publicized.

Mr. Kennedy said that in 2002 stakeholders were notified individually by mail.

Mr. Horne said there were no mailed notices to individual land owners.

Mr. Kennedy stated that ultimately the decision lies with the Board of Supervisors. He questioned why the Planning Commission was being asked to review the recommendations.

Mr. Fraley stated that he was pleased that the Board asked for Planning Commissioners' input because there is no requirement to do so.

Mr. Obadal thanked the Board for the opportunity to provide input. He stated his concerns that Staff did not have time to fully consider any suggestions from the Commission. Mr. Obadal suggested an overlay ordinance that would exclude existing uses and site plans that had been finalized through a "grandfather clause" in an effort to address some of the concerns previously expressed by members of the Board. He presented suggestions by himself and Ms. Hughes and suggested including in both studies specific language protecting intermittent streams in addition to the proposed credit inducement.

Mr. Woolson commented that ordinance requirements for RPA buffers are 100 feet and that the proposal under consideration is for 50 feet for intermittent streams.

Mr. Obadal said they are open to any language or alternative that fully protects intermittent streams. He continued his comments suggesting inclusion of language that would protect non-RPA (Resource Protection Area) wetlands, the keeping of priority #11 perhaps stating that impervious cover should be minimized and watershed management practices maximized in order to assure recharge.

Mr. Thomas read aloud proposed priority #11.

Mr. Obadal stated that their proposal is broader.

Mr. Horne clarified the proposal relative to intermittent streams and isolated wetland buffers.

Mr. Obadal stated that with respect to buffers and staff recommendations for three zones they recommend allowing expansion of the second zone into the outer zone in order to reflect individual needs.

Mr. Fraley clarified that the Board has asked for Commissioners' suggestions and that it should not effect staff's presentation or how they decide to move forward.

Mr. Obadal stated that it was his hope the staff would take the recommendations into consideration.

Mr. Fraley noted that with regard to the three buffer zones the Board directed staff to allow for flexibility in order to best protect the water quality. He stated that he did not see that reflected in the proposal.

Mr. Woolson and Mr. Thomas explained that this was the same presentation with Board comments noted.

Ms. Hughes asked what changes have been proposed that are outside the Watershed Management Plan that Mr. Kennedy now felt required another process.

Mr. Kennedy stated that his concern was that when changes are made the government is obligated to notify those affected and allow them the opportunity to respond.

Ms. Hughes stated her agreement with eliminating reference to the RPA extension and with incorporating intermittent streams and unconnected wetland buffers into the 10 point BMP (Best Management Practices) approval system. She said she would like to see a move away from only encouraging stormwater basins and towards recharging water back into the groundwater system. Ms. Hughes stated that a three zone buffer system with specific goals is mentioned in the Powhatan Creek Watershed Management Report and suggested sticking with that.

Mr. Fraley asked Ms. Hughes what she meant by “sticking with that.”

Ms. Hughes explained that three zone buffering is mentioned as being a part of a good buffer system.

Mr. Fraley stated that currently there is no 300 foot buffer, that it is negotiable.

Ms. Hughes stated that the buffer can be negotiated if a larger buffer system is approved.

Mr. Fraley explained that the 300 foot variable buffer is actually only 100 feet. He said the rest is negotiable; that there is no 300 foot requirement.

Mr. Woolson concurred with Mr. Fraley.

Mr. Fraley asked who negotiates it.

Mr. Woolson stated that it depends on the parcel size and features and the project proposal. He stated that staff is proposing to negotiate a wider buffer in areas where it makes sense.

Mr. Fraley stated that negotiation has a stronger connotation for rezoning.

Mr. Woolson agreed.

Ms. Hughes suggested that the language of enhanced buffers could be used.

Mr. Horne stated that during the legislative process the Commission and the Board have the broadest prerogative and receives the broadest information as to the overall alignment of uses on the site. He said it would be difficult to write that type of flexibility into an Ordinance.

Ms. Hughes stated that in the Yarmouth Creek Watershed there are 4,876 acres in the A-1 District. She asked what happens if no one desires a rezoning.

Mr. Fraley said by-right uses would be addressed separately.

Ms. Hughes said she concurred with not dropping priorities #3, and #11 or the impervious surface goals. She said the primary reason to keep the 10 percent level is because there is increased stream and surface water degradation above that level. Ms. Hughes stated that the desire is to achieve recharge back to the groundwater system so that it can feed the wetlands and flexibility should be allowed.

Mr. Hunt stated that in order to solve the problem height limitations should be raised to allow vertical parking.

Mr. Billups stated that he wanted to see coordination and consistency and he believes staff has looked at those aspects in developing the Plans. He stated his confidence that staff would develop a plan that conforms to state and local regulations.

Ms. Jones agreed with Ms. Hughes. She also stated her approval of allowing flexibility within the previously proposed three zone riparian buffer.

Mr. Fraley stated that the Commission was not attempting to change Staff's proposal but was offering comments and feedback as requested by the Board.

Mr. Horne stated Staff's intent to incorporate Commissioner's comments during the next discussion with the Board.

Mr. Fraley asked for comments regarding application of the proposed changes to by-right uses.

Mr. Horne stated that although the Board asked staff to review options there was not much discussion with the Board about incorporating the proposed legislative changes into Ordinances.

Mr. Woolson highlighted properties on two maps that may be developed by-right within the two watersheds. He stated that possible recommendations by the Rural Lands Committee had not yet been considered.

Ms. Hughes asked if the developable properties fell under the Special Stormwater Criteria. She also asked if the three zone riparian buffer is considered a Special Stormwater Criteria feature.

Mr. Woolson answered yes for the most part. He also stated that the expanded buffer is a Special Stormwater Criteria option.

Ms. Hughes confirmed with Mr. Woolson that even in a by-right situation the Special Stormwater Criteria has to be applied in those areas.

Mr. Thomas added that it would be able to receive credit under that program.

Ms. Hughes said it does give staff some control and discretion in terms of development.

Mr. Thomas said that the criteria meet a lot of the objectives in the Powhatan Plan.

Mr. Obadal stated that the tools and goals of the two studies are similar.

Mr. Thomas stated that the initial Watershed Management Plan format was designed to be used as a template for other watersheds with each being tweaked according to different types of development and stakeholder interest.

Mr. Obadal asked if the Gordon Creek Watershed, which is substantially less developed, would still have similar tools and goals.

Mr. Woolson said it would be more similar to the Yarmouth Creek Plan because of the Primary Service Area (PSA) impact.

Mr. Thomas stated that he would agree based on Staff's historical knowledge of the terrain and features.

Mr. Obadal stated that Gordon Creek is very pristine where as the Yarmouth Creek is somewhat spoiled because of its proximity to development.

Mr. Woolson agreed.

Mr. Fraley asked for Mr. Horne view.

Mr. Horne stated that the Ordinance impact in the Yarmouth Creek Watershed is almost entirely A-1 with low-density development that will be subject to a new Rural Lands initiative. He stated that in the Powhatan Creek Watershed there are two areas of concern; the parcels on the corner of Jamestown and Neck-O-Land Roads and Eastern State. Mr. Horne stated that he did not think any of the other parcels were large enough or have enough reach of intermittent or perennial stream or wetlands to make any meaningful impact. He added that the A-1 and R-8 parcels are all inside the PSA and historically will not be developed by-right.

Mr. Hunt stated that a lot of the stormwater in the Yarmouth Creek Watershed is being absorbed by the Little Creek Reservoir.

Mr. Fraley stated that with respect to the A-1 areas outside the PSA it is apparent that densities will be lowered therefore he feels less urgency for by-right restrictions.

Mr. Hunt agreed.

Mr. Thomas thanked the Commissioners for their time. He stated his hope that the final recommendations will be trusted by the Planning Commission and the Board.

Mr. Fraley stated Staff had the Commissions confidence.

Mr. Fraley opened the discussion for public comment.

Mr. Gregory Hancock stated his expertise in Hydrology and Environmental Science and commended James City County for its outstanding efforts at watershed protection. Mr. Hancock gave suggestions to increase regulatory efforts to more aggressively preserve natural features within the watersheds.

Hearing no other requests the public comment period was closed.

Mr. Fraley stated that the Commissioners comments will be noted in the minutes. He also stated that Staff has agreed to consider them prior to the next presentation to the Board. Mr. Fraley asked for any additional recommendations.

Mr. Obadal asked to review the final recommendations early enough to comment on it.

Mr. Horne stated that Staff will present the Planning Commissions comments to the Board for feedback prior to drafting the specific language. He stated that the Commission will be included in the drafting process as well.

Ms. Jones asked if the goal is to fully adopt the final recommendations.

Mr. Horne said yes.

B. Regional Issues Committee – Comprehensive Plan Coordination

Mr. Sowers reviewed the request by the Regional Issues Committee (RIC) to coordinate the timing of the Comprehensive Plan Reviews for James City County, York County, and the City of Williamsburg. He stated that the current schedule for James City County will be followed for the 2008 update with the next review originally slated for 2012 to be pushed to 2010 and include joint forums and discussions.

Mr. Kennedy asked why efforts were not being combined for the 2008 review instead of waiting until 2010.

Mr. Horne stated that Williamsburg will be completing its current review within the next two months and that York County completed its review a year ago.

Mr. Fraley opened the discussion for public comment.

Hearing no requests the public comment period was closed.

Mr. Billups stated that there has been ongoing joint coordination with the other jurisdictions on common and important issues.

Mr. Fraley added that the Mr. Billups is the Planning Commissions representative to the RIC.

Mr. Fraley stated the Commissions' support for the request after asking if any of the Commissioners disagreed with RIC's proposal.

7. PLANNING DIRECTOR'S REPORT

Mr. Sowers called the Commissioners attention to the Planning Director's Report included in their packets and asked for any comments.

Ms. Hughes stated that Better Site Design Committee meetings are open for public attendance but does not allow for public comment.

8. Adjournment

There being no further business the Planning Commission adjourned at 9:15 PM.

Jack Fraley, Chairman

O. Marvin Sowers, Jr., Secretary

**JAMES CITY COUNTY
DEVELOPMENT REVIEW COMMITTEE REPORT**

FROM: 9/1/2006 THROUGH: 9/30/2006

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-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-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-136-05	Colonial Heritage Ph. 5 Sec. 1
SP-140-05	Hankins Industrial Park Ph. 2 Cabinet Shop
SP-147-05	Warhill - TNCC Site Improvements
SP-001-06	5525 Olde Towne Rd
SP-012-06	New Dawn Assisted Living
SP-025-06	Prime Outlets Ph. 7 Expansion
SP-032-06	9320 Merrimac Nextel Co-location
SP-033-06	Chickahominy Riverfront Park
SP-040-06	New Town Sec. 3 & 6, Ph. 6 Infrastructure
SP-041-06	Prime Outlets Ph. 6 Lighting
SP-044-06	James River Baptist Church
SP-054-06	Prime Retail Phase 8 Expansion
SP-062-06	Jeanne Reed's Parcel 4A, James River Commerce Cntr
SP-065-06	Williamsburg Landing Amendment
SP-069-06	Settlement at Powhatan Creek, Phase 2
SP-070-06	Williamsburg Airport, Marclay Access Rd
SP-071-06	T-Hanger Site Prep, Williamsburg Airport
SP-073-06	Settlers Market Off Site Rd Improvements
SP-074-06	Settlers Market at New Town Sec 9
SP-076-06	New Town, Sec 3 & 6, Block 14, Parcel C & D
SP-084-06	AM Tower Relocation on Centerville Rd
SP-085-06	Settler's Market at New Town Sec. 9, Phase 2
SP-087-06	Romack Expansion
SP-089-06	Powhatan Plantation Phase 8A, Bldg 84
SP-091-06	Powhatan Plantation Ph 9 Bldg 90 - 91
SP-092-06	Greensprings, Wmbg. Nat'l Golf Maintenance Bldg.

Wednesday, September 27, 2006

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SP-093-06	WindsorMeade Marketplace Outparcel 12
SP-094-06	Avid Medical & ESGI Expansion
SP-096-06	Office Renovation - 7840 / 7844 Richmond Rd
SP-097-06	T-Mobile SBA Monopine Tower
SP-101-06	Sales Trailer - New Town Setters Market
SP-102-06	VEPCO Pole
SP-103-06	Starling Gutters Site Plan
SP-104-06	Walnut Grove
SP-105-06	White Hall North Off-Site Utilities
SP-106-06	Old Capitol Lodge 629
SP-107-06	NF494 Riverside Brick
SP-108-06	White Hall Roadway Improvements
SP-109-06	Strawberry Plains Road Bus Shelter
SP-110-06	Lafayette HS Bus Shelter
SP-111-06	Longhill Rd - Lafayette Manor Apt Bus Shelter
SP-112-06	Richmond Road - Ramada Inn Bus Shelter
SP-113-06	Lafayette Square/Lafayette Family Site Plan Amend
SP-114-06	Titan Concrete
SP-115-06	New Town Landscaping H&M Building
SP-117-06	Lake Powhatan Road Closure
SP-118-06	Thomas Nelson CC Parking Lot
SP-119-06	Michele Point renewal
SP-120-06	Eaglecliffe Condos SP Amend.
SP-121-06	Hankins Industrial Park Auto Shop/Warehouse Ph II
SP-122-06	Medical Arts Bldg Handicap Parking
SP-123-06	HR Development - Endeavor Drive

B. PENDING FINAL APPROVAL

EXPIRE DATE

SP-094-05	Homestead Garden Center	10/13/2006
SP-103-05	Colonial Heritage Ph. 4	11/7 /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-148-05	Noland Commercial Site	4 /6 /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-031-06	Shell Building - James River Commerce Center	4 /26/2007
SP-036-06	Zion Baptist Church Expansion	7 /7 /2007
SP-055-06	New Town Sec. 3 & 6, Block 15, Parcel D	6 /8 /2007
SP-057-06	Two Rivers Country Club Addition	7 /28/2007
SP-068-06	New Town Section 3 & 6 Block 17, Oxford Apartments	9 /11/2007
SP-072-06	New Zion Baptist Church SP Amend.	9 /26/2007
SP-077-06	Williamsburg Landing Woodhaven Expansion	8 /7 /2007
SP-080-06	7839 & 7845 Richmond Rd	8 /24/2007

SP-095-06	JCC Landfill Tower Replacement-Site Plan Amendment	8 /17/2007
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C. FINAL APPROVAL

DATE

SP-149-05	Liberty Crossing/Noland	9 /12/2006
SP-035-06	Ironbound Center Site Layout Amend.	9 /9 /2006
SP-039-06	Prime Outlets Ph 7 Temporary Parking	9 /7 /2006
SP-081-06	HRSD Williamsburg Intercept Force Mn Contr "A" Rep	9 /20/2006
SP-086-06	County Tower	9 /25/2006
SP-090-06	Lorikeet Winter Housing	9 /20/2006
SP-098-06	Victoria's Patio Seating	9 /14/2006

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 Center, 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-105-05	Stonehouse Land Bay 31
S-106-05	Colonial Heritage Ph. 5 Sec. 1
S-108-05	3020 Ironbound Rd. BLE
S-117-05	Liberty Ridge
S-015-06	Indigo Park- Block A, Lot 1
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-030-06	Braxton Family Subdivision
S-036-06	Vineyards at Jockeys Neck Ph 3
S-037-06	Bertrand E. Geddy, Jr. Living Trust
S-038-06	3215 & 3221 N Riverside Drive BLE
S-039-06	Settlement at Powhatan Creek, Phase 2
S-043-06	6601 Richmond Rd Parcel A
S-045-06	Toano Business Centre Lots 5-9
S-050-06	Governors Grove at Five Forks
S-051-06	West Subdivision BLE
S-052-06	New Town Block 17, Parcel A, B & Block 14 & 18
S-053-06	Blackthorn Subdivision
S-055-06	Burlington Woods
S-059-06	2889, 2851 Ironbound Road
S-060-06	Villas at Five Forks
S-062-06	Villas at Five Forks (abandonment)

S-064-06	Colonial Heritage Ph. 3 Sec. 2
S-065-06	Coleman Family Subdivision
S-070-06	Elise C. & Douglas C. West
S-071-06	Avid Medical & ESGI Expansion
S-072-06	BLA Riverview Plant. Lots 8 & 9, Blk C Sec 1
S-073-06	Boundary Line Adjustment
S-075-06	BLA Wmsbg - Jamestown Airport
S-076-06	New Town Sec 2/4 Block 10 Lot 1-69
S-077-06	Ida C Sheldon Estate BLA
S-078-06	Walnut Grove
S-079-06	BLA Ware Road
S-081-06	Liberty Crossing/Noland
S-082-06	New Town Sec 9 Parcel B
S-083-06	Rivers Edge Ph 4
S-084-06	Village Housing Vineyards at Jockeys Neck Ph 4
S-085-06	Fords Colony Sec 7 Lots 119 120

B. PENDING FINAL APPROVAL

EXPIRE DATE

S-101-03	Ford's Colony - Sec. 35	2 /2 /2007
S-037-04	Michelle Point	10/3 /2006
S-075-04	Pocahontas Square	9 /16/2007
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.C Prop. Conveyance	3 /20/2007
S-043-05	Colonial Heritage Ph. 3, Sec. 3	6 /6 /2008
S-053-05	Kingsmill-Spencer's Grant	6 /15/2007
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-091-05	Windmill Meadows	10/3 /2006
S-095-05	Landfall Village	3 /10/2007
S-018-06	3448 Chickahominy Road	6 /19/2007
S-020-06	Williamsburg Place BLA	5 /8 /2007
S-034-06	9727 Old Stage Rd.	8 /10/2007
S-040-06	Colonial Heritage 18 Hole Golf Course	7 /7 /2007
S-049-06	Village Housing - The Vineyards Jockeys Neck Ph 4	9 /1 /2007
S-057-06	220 Peach Street BLA	8 /15/2007
S-058-06	McDonald	8 /10/2007
S-067-06	New Town Sec. 3 Block 14	9 /25/2007

C. FINAL APPROVAL

S-100-05	Gosden & Teuton BLA
S-047-06	Lake Powell Rd, BLA
S-068-06	Chickahominy Haven Sec. 8 BLE

DATE

9 /12/2006
9 /14/2006
9 /22/2006

D. EXPIRED**EXPIRE DATE**

SPECIAL USE PERMIT-22-06. Hill Pleasant Farm Cellular Tower
Staff Report for the October 2, 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:	October 2, 2006	7:00 p.m.
Board of Supervisors:	November 14, 2006 (tentative)	7:00 p.m.

Building F Board Room; County Government Complex

SUMMARY FACTS

Applicant:	Nathan Holland, T-Mobile NE, LLC
Land Owner:	Hill Pleasant Farm, Inc.
Proposal:	140 foot tall cellular tower
Location:	7152 Richmond Road
Tax Map/Parcel Nos.:	(24-1)(1-5)
Parcel Size:	403 acres
Zoning:	A-1, General Agricultural
Comprehensive Plan:	Rural Lands
Primary Service Area:	Outside

STAFF RECOMMENDATION

The applicant has requested deferral of this case to the November 6, 2006 Planning Commission meeting. Staff concurs with the request.

Staff Contact: Ellen Cook

Phone: 253-6685

Ellen Cook

ATTACHMENTS:

1. Deferral Letter

.....T-Mobile.

September 21st, 2006

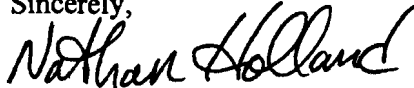
Ellen Cook
Senior Planner
County of James City
101-A Mounts Bay Road
Williamsburg, VA 23187

RE: Case No. SUP-22-06 – Hill Pleasant Farm

Dear Ellen,

T-Mobile request a deferral of case SUP-22-06 from the October 2nd, 2006 Planning Commission Agenda. We are currently in the process of revising our application to meet the current staff recommendations. If you have any questions, please feel free to contact me at 757-305-8420 or by e-mail at nathan.holland@t-mobile.com

Sincerely,



Nathan Holland
Consultant
T-Mobile Northeast
VA50180A – Hill Pleasant Farm

SPECIAL USE PERMIT CASE NO. SUP-23-06 Volunteer Fire Department Flea Market Staff Report for the October 2, 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 7:00 p.m.; Building F Board Room; County Government Complex

Planning Commission:	September 11, 2006 (applicant deferred)	7:00 PM
	October 2, 2006	7:00 PM
Board of Supervisors:	November 14, 2006	7:00 PM (tentative)

SUMMARY FACTS

Applicant: Mr. Bill Apperson, James City-Bruton Volunteer Fire Department

Land Owner: James City-Bruton Volunteer Fire Department

Proposal: To construct a wood frame flea market to sell produce and other goods on B-1 property.

Location: 3140 Forge Road

Tax Map/Parcel: (12-3) (1-8)

Parcel Size: .5 +/- acres

Existing Zoning: B-1, General Business

Comprehensive Plan: Multi-Family Residential

Primary Service Area: Inside

STAFF RECOMMENDATION

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

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

PROJECT DESCRIPTION

Mr. Bill Apperson, on behalf of the James City-Bruton Volunteer Fire Department, has applied for a Special Use Permit to allow for a flea market, on approximately .5 acres of land, on a parcel zoned B-1, General Business. The property is located on the north side of the corner of Forge and Richmond Road. The flea market is to consist of a wood framed 2,800 sq. foot pole structure for vendors to park underneath and have their goods for sale under the cover of the structure. Proposed goods include vegetables, fruits, seafood, seasonal goods (pumpkins or other holiday decorations), and the like. Tenants will rent space from the fire department, and will not be allowed to just pull up and use the facilities.

For this proposal the Vol. Fire Dept. needed to apply for a flea market based on the nature of what they wanted to sell. In the Zoning Ordinance the definition of farmer's market limits saleable goods to only produce grown and sold by the same person. The Fire Department envisions people having fish, crabs, and other seafood at this market which would be prohibited by farmer's market standards. Flea markets provide the flexibility to sell other goods, but even though this application is for a flea market the intent of project is more closely related to a farmer's market.

PUBLIC IMPACTS

Environmental

Watershed: Ware Creek

Staff Comments: The Environmental Division has no comments at this time given the limited impact this project has; however, prior to final site plan approval, it must be demonstrated that the required 10 water quality points have been obtained for the site or that the site is less than 10% impervious.

Public Utilities

Public utilities will not be utilized for this project. The Health Department also reviewed this proposal and offered no comments at this time. They did note that unprocessed produce did not require having water services available on-site. However, if pre-packaged or processed food was sold there would be requirements for on-site water and this could be determined at the site plan level.

Staff Comments: JCSA Staff does not have any comments as this project will not require any service.

Transportation

No improvements are proposed for this project other than conforming to VDOT standards for a commercial entrance along Forge Road. For safety reasons the entrance has been pushed back as far as possible to allow as much room for entering and exiting the property. ITE does not have any specific traffic generation figures for a flea market. Predictions for a "specialized retail center", the only generally comparable use for which trip generation rates are readily available, estimate trip generation to be approximately 19 AM and 14 PM peak hour weekday daily trips for this project. This estimate is based on 2,800 square feet of retail space. The total size will be between 9 and 11 booths.

Twelve parking spaces are proposed. However, there are no specific Ordinance parking requirements for flea markets or farmer's markets. Given the varying size and location of similar markets in the area staff was not able to determine what would best serve this project. There is a condition on the SUP that triggers a parking study to take place after the market is open for 60 days. The Director of Planning will evaluate the adequacy of parking and determine if additional parking will be required to serve the 11 proposed booths. If no other parking can be provided then the number of booths will be required to be reduced based on the findings of the study. This will allow staff to determine parking requirements based on actual needs based on this project's specific characteristics.

2005 Traffic Counts (Richmond Road): From Route 30 to Forge Road there were 9,966 trips. From Forge Road to Croaker Road there were 15,211 trips.

2026 Volume Projected: From Route 30 to Croaker Road there is anticipation of 24,000 trips, but it is listed in the OK category.

VDOT Comments: VDOT concurs with the Master Plan and Conditions as proposed; and notes that it appears that the location of the entrance as shown on the drawing is acceptable for the proposed scope of construction and activities of the flea market. However, construction plans showing details of the commercial entrance, geometric data, traffic control sign(s), site distances, and other related information should be provided before final site plan approval is given.

COMPREHENSIVE PLAN

Land Use Map

Designation	<p>Moderate Density Residential (Page 121): Suggested land uses include townhouses, apartments, attached cluster housing, recreation areas, and may also include very limited commercial and community-oriented facilities generally intended to serve and support the residential community in which they are located.</p> <p>Staff Comment: Given the limited nature of this commercial development, and that it will serve many of the farmers and other people in the northern part of the County, staff feels that it meets the intent of the limited commercial aspect of the description of Moderate Density Residential.</p>
Development Standards	<p><i>General Standard #1-Page 134:</i> Permit new development only where such developments are compatible with the character of adjoining uses and where the impacts of such new developments can be adequately addressed.</p> <p><i>General Standard #5-Page 134-35:</i> Minimize the impact of development proposals on overall mobility, especially on major roads by limiting access points and providing internal, on-site collector and local roads, side street access and joint entrances...Provide for safe, convenient, and inviting bicycle, pedestrian, and greenway connections to adjacent properties and developments in order to minimize such impacts and to provide adequate access between residential and nonresidential activity centers and among residential neighborhoods.</p> <p><i>Commercial & Industrial Standard #3:</i> Mitigate objectionable aspects of commercial or industrial uses through an approach including performance standards, buffering, and special setback regulations.</p> <p><i>Commercial & Industrial Standard #4:</i> Provide landscaped areas and trees along public roads and property lines, and develop sites in a manner that retains or enhances the natural, wooded character of the County.</p> <p>Staff Comment: Although the Comprehensive Plan suggests this area for Moderate Density Residential Development, the Toano Design Guidelines suggest the following language: "...encourage a mix of commercial and residential uses, but predominantly neighborhood commercial on the highway frontage." Because of this supplementation, the commercial aspect of this development is acceptable to this project.</p> <p>This project does not have direct access to Richmond Road, but does plan to have sidewalks along the frontage of the property. This meets the General Standards listed above. The requested lessened setbacks meet the requirements of the Toano Design Guidelines, however, this development does not plan on landscaping along the frontage of the parcel. This will require that a modification request be submitted with the site plan. The "market" and picnic tables and benches will serve as the dominant visual feature, and provide the unique character discussed in the Comprehensive Plan. While this development does not meet the Commercial Standard #4, the very limited nature of this development does not require the visual screening that most commercial projects do, as the scale for this "market" is much smaller than other uses.</p>
Goals, strategies and actions	<p><i>Strategy #2-Page 138:</i> Ensure development is compatible in scale, size, and location to surrounding existing and planned development. Protect uses of different intensities through buffers, access control, and other methods.</p> <p>Staff Comment: This project has a minimal impact on surrounding development given the nature of project. Currently, there is very limited development along this block of Richmond Road. There are undeveloped parcels, as well as an antique toy store, along the strip of B-1 zoned parcels in</p>

	this area of Toano. This limited commercial development will serve as a unique project that can help promote the historic agricultural nature of Toano. Currently along Forge Road there is a mix of farms and undeveloped parcels. Across Richmond Road there are industrial uses.
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Environment

Goals, strategies and actions	<i>Strategy #2-Page 65:</i> Assure that new development minimizes adverse impacts on the natural and built environment.
	Staff Comment: The proposed wood framed structure will have minimal environmental impacts. The applicant has provided space for a possible BMP area should the site plan dictate that one is necessary.

Transportation

General	<i>Sidewalks and Bikeways-Page 69-70:</i> Strongly recommends development of sidewalks and related pedestrian facilities to connect residential to nonresidential areas, as well as construction of bike facilities and ensuring all new facilities and future plans meet the public's desires and needs.
	Staff Comment: This project will meet all Ordinance requirements for sidewalks.
Goals, strategies and actions	<i>Strategy #2-Page 80:</i> Continue to encourage landscaped roadways and roadway designs that enhance the County's image and reduce the visual impact of auto-related infrastructure.
	Staff Comment: The market structure will be the dominant visual feature of this development. The parking will be in the rear of the project. While there will be limited landscaping there are possibilities of including a sitting area for the development that should enhance the visual quality of the project and allow for a more pedestrian friendly area in Toano.

Community Character

General	<i>Richmond Road Community Character Corridor-Page 83-84:</i> 50 foot buffer requirement for commercial uses along this road. This also includes parking and other auto-related areas clearly as a secondary component of the streetscape. Providing enhanced landscaping, preservation of specimen trees and shrubs, berming, and other desirable design elements which complement and enhance the visual quality of the urban corridor. <i>Toano Community Character Area points-Page 86:</i> <ul style="list-style-type: none"> • Building setbacks should be consistent with nearby historic character of the area. • Where possible, parking should be located to the rear of buildings. • Pedestrian and bicycle access and circulations should be promoted through the provision of sidewalks, bike racks, benches, etc. which help accomplish this goal. <i>Toano Community Character Area Study:</i> Page 4 suggests the following: 1) buildings in the transition area should be setback 15-25 feet from the right-of-way. 2) Predominant exterior materials should be of high quality, including wood, and brick.
	Staff Comment: As this project is located in the Toano Community Character Corridor many of the suggestions for setbacks and buffers from the Design Guidelines need to be taken into account. The setbacks for businesses in this area are suggested to be 15-25 feet from the right-of-way. Staff feels this is more appropriate for this parcel than the 50 foot buffer stated in the Comprehensive Plan. Staff would also note that the project is proposing a sitting area and open space for the parcel which is in line with the "open space" shown in this area of the Toano Design Guidelines.
	With the architectural features to be approved by the Planning Director staff feels that the character of the project will be consistent with the Guidelines and the Comprehensive Plan as well.
Goals, strategies and actions	<i>Goal #2-Page 95:</i> Enhance and preserve the County's scenic, cultural, rural, farm, forestall, natural, and historic resources as being essential to the County's rural and historic character, economic vitality, and overall quality of life. <i>Strategy #3-Page 95:</i> 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, and establishes entrance corridors that enhance the experience of residents and visitors.
	Staff Comment: Staff feels that the nature of this project and that it serves local farmers will

	benefit the unique character of the area as stated in <i>Goal #2</i> . With the addition of the sitting area and the wood frame structure staff also feels that the development along a Community Character Corridor will enhance the experience of residents and visitors as well.
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Comprehensive Plan Staff Comments

Overall, staff feels that this application, as proposed, is generally in compliance with the Comprehensive Plan.

The proposed use is in scale with surrounding development, and the community market helps to promote the historically agricultural nature of Toano. The limited nature of this project helps to limit the impact it has on the community. Given the SUP Conditions attached to this project, including the architectural approval and the limitation of saleable goods, staff does not feel this market will have a detrimental impact on the character of the area. In fact, given the request for decreased setbacks, and adherence to the Toano Design Guidelines through the provision for a sitting area, staff feels that this project will help to further the Guidelines and the overall character of the area.

SETBACK MODIFICATION REQUEST

With the approval of the Planning Commission setbacks may be reduced to 25 feet along Community Character Corridors, down from the normal 50 feet required in Section 24-393 of the Zoning Ordinance if the Planning Commission determines that the setbacks do not negatively impact adjacent property owners; and if one or more of the following criteria are met:

- a. The site is located on a Community Character Corridor or is designated a Community Character Areas on the Comprehensive Plan Land Use Map, and proposed setbacks will better complement the design standards of the Community Character Area.
- b. The adjacent properties have setbacks that are non-conforming with this section, and the proposed setbacks will better complement the established setbacks of adjacent properties, where such setbacks help achieve the goals and objectives of the Comprehensive Plan.
- c. The applicant has offered extraordinary site design which better meets the Development Standards of the Comprehensive Plan.

Staff Comments: Staff feels that the setback modification request is in keeping with the requirements listed in the Zoning Ordinance. The setback also conforms to the Toano Community Character Area Design Guidelines which call for reduced setbacks in this area of Toano. Staff recommends that the Planning Commission approve the setback modification request for this project.

RECOMMENDATION

Staff finds the proposal, with the attached conditions, to be consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. Of particular note are the project's contributions toward promoting the historic agricultural characteristics of the Toano Community and implementing open space recommendations in the Toano Sub-area Study. Staff recommends the Planning Commission recommend approval of the special use permit application with the following conditions:

1. The Property shall be developed generally as shown on the master plan entitled "Volunteer Fire Department Flea Market" and dated August 2006 (the "Master Plan"), with only changes thereto that the Director of Planning determines do not change the basic concept or character of the development.
2. The main market structure shall consist of a wood framed structure, similar to the structure shown in the photograph which is attached as exhibit "A", with design, materials, and colors to be approved by the Director of Planning.
3. One freestanding sign shall be permitted on the site. The sign shall be ground mounted and shall not exceed a cumulative size of 16 square feet in size and shall not be taller than six feet and approved by the Planning Director. The sign shall not be illuminated.

4. Any and all merchandise to be sold at the Volunteer Fire Department Flea Market shall be sold underneath or behind (between the parking area and the structure) the wood frame structure, designated as the "market" on the Master Plan. No merchandise shall be sold within 25' of the front or sides of the property or 50' from the rear of the property.
5. The following items may not be sold as a part of this "flea market": Antiques/statuary, books, carpet, coins, furniture, hardware/building supplies, automobile parts, home appliances, household items, paint, animals, shoes, sporting goods, upholstery, wearing apparel, used goods.
6. Parking shall only be on the areas designated as "parking area" on the Master Plan. Such parking areas shall be graveled or paved. All non-paved areas shall be flagged and shall be labeled with "No-parking" signs.
7. After the market has been open for 60 operating days, in coordination with the County, a parking analysis shall be performed to determine the adequacy of the parking area, which will require the approval of the Director of Planning. If parking is deemed insufficient by the Director of Planning, additional parking spaces shall be provided or the number of booths in the market shall be reduced based on the findings of the study.
8. The site plan shall include a landscaping plan in accordance with the County Ordinance, or shall include equivalent design features such as a combination of landscaping, picnic tables, benches and a sitting area, with the design to be approved by the Director of Planning.
9. Should new exterior lighting be installed for the flea market, such fixtures shall have recessed fixtures with no lens, bulb, or globe extending below the casing. A lighting plan shall be submitted to, and approved by, the Planning Director which indicates no glare outside the property lines. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from the street or adjoining residentially designated property.
10. 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.
11. This special use permit is not severable. Invalidation of any word, phrase, clause, sentences, or paragraph shall invalidate the remainder.

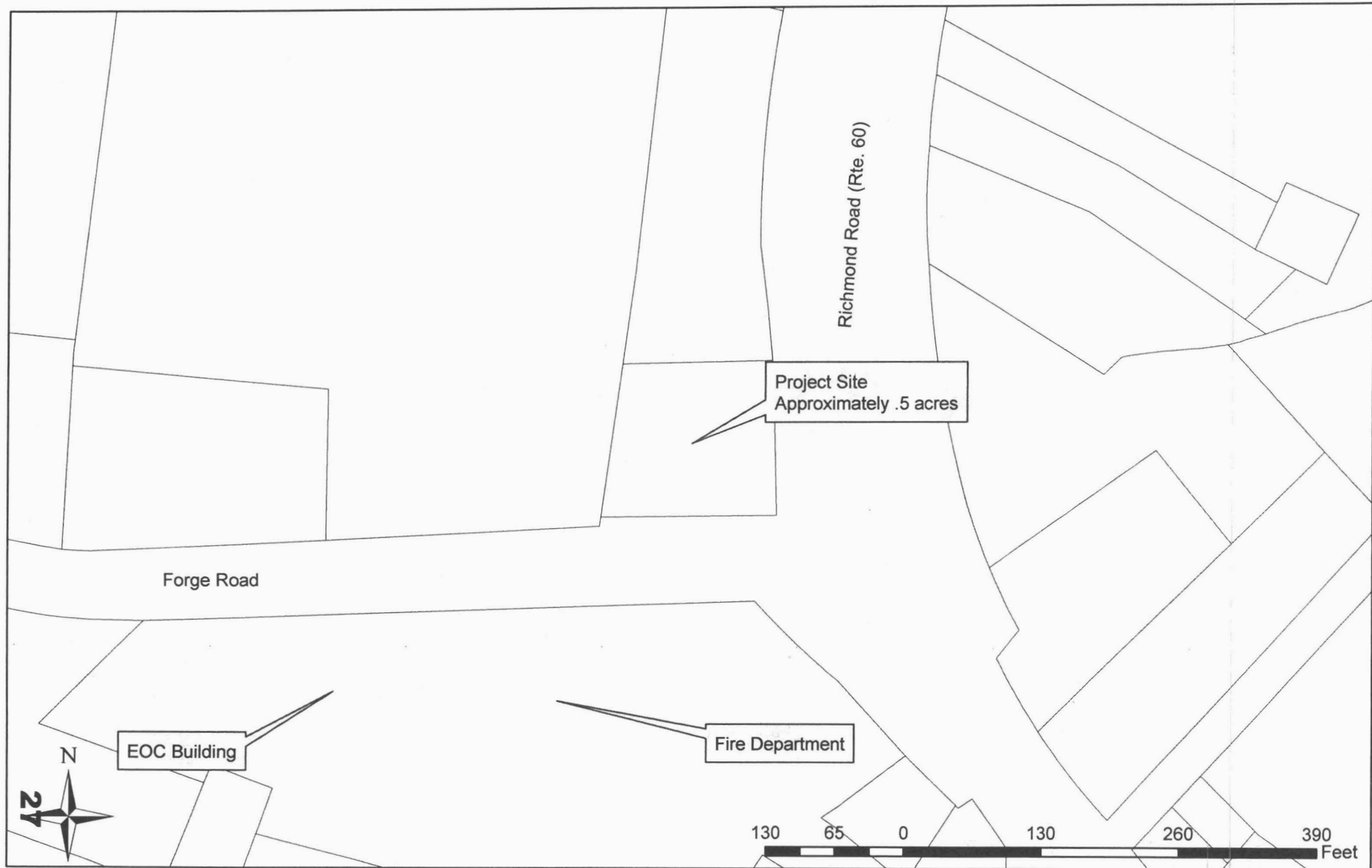
Jason Purse, Planner

ATTACHMENTS:

1. Location Map
2. Master Plan
3. Architectural exhibit

SUP-23-06

Vol. Fire Dept. Flea Market



**SPECIAL USE PERMIT CASE NO. SUP-18-06 Stuckey's Redevelopment
Staff Report for the October 2, 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:	August 7, 2006	7:00 p.m. (Applicant deferral)
	September 11, 2006	7:00 p.m. (Applicant deferral)
	October 02, 2006	7:00 p.m.
Board of Supervisors:	November 14, 2006	7:00 p.m. (Tentative)

Building F Board Room; County Government Complex

SUMMARY FACTS

Applicant: Mr. Vernon Geddy, III

Land Owner: Mr. Ray Souder and Mr. Paul Treolo

Proposal: To redevelop an existing fuel and restaurant facility and allow the operation of a forty-seat restaurant, convenience store and motor vehicle fuel dispensing with eight fueling islands on the site.

Location: 9220 Old Stage Road

Tax Map/Parcel: (4-4) (1-16)

Parcel Size: 2.76 acres

Existing Zoning: B-1, General Business

Comprehensive Plan: Mixed Use

Primary Service Area: Inside

STAFF RECOMMENDATION

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

Staff Contact: Jose Ribeiro, Planner

Phone: 253-6685

PROJECT DESCRIPTION

Mr. Vernon Geddy III, on behalf of 6430 Associates L.L.C, has applied for a Special Use Permit to allow for the redevelopment of an existing fuel station/restaurant facility known as “Stuckey’s”. Located at the southeast quadrant of the Route 30 interchange (Exit 227) on interstate 64, Stuckey’s initiated its commercial activities in 1984 as a business selling fuel, food and snacks to the motoring public until closing in 2004. This proposal plans to redevelop the site by refurbishing the existing six thousand square foot, one-story brick building to accommodate a forty seat restaurant, a convenience store, and an office/information center. Additionally, as part of the redevelopment proposal, the existing fuel bay area with canopy will be removed from its original location west of the building and replaced by parking areas. A new and larger fuel bay area with canopy will be placed at the south side of the building near the entrance to the proposed convenience store.

The subject property is located on approximately 2.76 acres of land, on a parcel zoned B-1, General Business District. Neighboring parcels north of the site and directly across Interstate I-64 are zoned Planned Unit Development Commercial (PUD-C). The two adjoining parcels located east and south of the site are property of 6430 Associates L.L.C and Zoned B-1. Parcels located west of the property are also zoned B-1. The 2003 Comprehensive Plan designates this parcel as Mixed-Use and it is located within the Stonehouse Mixed-Use area. This parcel fronts Route 30, and it is designated as a Community Character Corridor by the 2003 Comprehensive Plan and therefore subject to special considerations.

PUBLIC IMPACTS

Environmental

Watershed: Ware Creek

Staff Comments: According to the Environmental Division, this site appears to fall under redevelopment criteria in accordance with 23-7(a)(2) and 23-9(b)(4), (5) and (8) of the County’s Chesapeake Bay Preservation ordinance. Based on impervious cover tabulations as provided on the concept plan (i.e. 12.8 percent reduction), this site will not be required to have a water quality component for stormwater management compliance purposes. However, if at any time a 10 percent or more reduction in impervious cover is not achieved, onsite BMP’s may be necessary to meet redevelopment-water quality criteria. This will also need to be verified at the time of final plan of development.

The current concept plan shows use of two infiltration systems (gravel strip, grass filter strip and infiltration basins) that can be considered to be implementation of Low Impact Development (LID) on the site beyond basic regulatory requirements. One of the infiltration systems is located in the northeast corner of the site and the second is in the southeast corner of the site. The southeast infiltration system must not conflict with the existing septic drainfield as shown on the west part of Parcel A. Separations per the County BMP manual and the Virginia Stormwater Management Handbook; Minimum Standard & Spec. 3.10 will apply at the time of plan of development. The design of the infiltration systems will need to meet current County BMP manual criteria for Group C Infiltration facilities, including Appendix E (geotechnical) requirements.

The County BMP manual designates vehicle fueling stations as “hotspot” activities. In general, infiltration BMPs are not to be used to control runoff from “hotspot” land uses. However, if it can be adequately shown during the plan of development that there is no stormwater contact with the fueling area (due to canopies) and a stormwater pollution prevention plan (special use permit condition No.11) is being implemented for capture and treatment of area within the fueling station areas, the LID-infiltration basins will be allowed as they would not be considered as primary water quality devices. Further, an erosion and sediment control plan, drainage plan and stormwater management plan (for quality control) will be necessary for the project at the time of final plan of development. Overall, the Environmental Division supports this Special Use Permit application.

Public Utilities

Public utilities will not be utilized for this project as this project is not currently served by public water and sewer.

Staff Comments: The applicant shall receive VDH approval verifying the existing source of water is acceptable and the existing septic tank and drainfield are functioning properly for this site (special use permit condition No.03.)

Virginia Department of Health:

Staff Comments: The Virginia Department of Health overall supports this Special Use Permit application. The Department of Health Staff notes that there is need to increase septic system capacity to support the number of employees and visitors/customers. Initial septic system approval on this site was for a 40-seat restaurant and six employees. The proposed stormwater infiltration basin appears to be about 7 feet from the existing septic distribution box and drainlines. This basin appears as if it will be directing significant volumes of storm water into the drainfield area, when what needs to happen is directing all surface water away from drainfield areas. Further evaluation of this will occur at the site plan stage.

Transportation

This site fronts Route 30, a minor arterial road with four lanes and an existing right turn lane at the site entrance. The site has access to Route 30 through a VDOT frontage road (F-287.) The ITE Trip Generation Manual projects a total of 4,441 trips per day generated by this redevelopment with 364 vehicles per hour during AM peak hour and 353 vehicles per hour during PM peak hour. This estimate is based on numbers calculated based on ITE estimates for a service station with 13 fueling positions, a 24 hour convenience market and high turn over sit down restaurant.

2005 Traffic Counts (Richmond Road): From Barnes Road (Route 601) to Barhamsville (Route 30)-Anderson's Corner there were approximately 5,836 trips.

2026 Volume Projected (Barhamsville Road): From Interstate I-64 to Route 60,18,000 trips are projected. This route is listed in the OK category on the 2003 Comprehensive Plan.

VDOT: VDOT concurs with the traffic impact analysis submitted by the applicant, in that the development will have a minimal impact on the surrounding roadway network. No major improvements are proposed for this project; however, the existing right and turn left turn lanes must be upgraded to meet the current VDOT standards.

Staff Comments: Barhamsville Road has adequate capacity to handle the projected traffic. In addition, "no parking" signs have been posted to prevent parking along Barhamsville Road. Staff is also recommending a condition to prevent off-site parking (special use permit condition No. 17.)

COMPREHENSIVE PLAN

Land Use Map

Designation	Mixed Use (Page 124): Mixed Use areas are centers within the PSA where higher density development, redevelopment, and/or a broader spectrum of land uses are encouraged. Mixed Use areas located at or near interstate interchanges and the intersections of major thoroughfares are intended to maximize the economic development potential of these areas by providing
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	<p>areas primarily from more intensive commercial, office, and limited industrial purposes.</p> <p>Stonehouse Mixed Use Area (Page 124): This property is located within the Stonehouse Mixed Use area. Future development for all of the Mixed Use Interchange quadrants should be developed in accordance with a binding master plan, where possible, which maintains the appropriate mixture of principal and secondary uses. Further, for lands within the vicinity of the Barhamsville Interchange, the principal suggested uses are light industrial and office/business park. Commercial development should be limited in scale, comprise a small percentage of the land area of the overall development, and be oriented towards support services that employees and residents in the Stonehouse Area can utilize</p>
	<p>Staff Comment: Staff believes that this proposed commercial redevelopment has the potential to bring some benefits to the County and more specifically, to the residents of the Stonehouse Mixed Use Area by providing commercial services and employment. Although the Comprehensive Plan suggests other primary land uses for this area, this commercial redevelopment appears to be in compliance with the secondary commercial uses suggested by the Comprehensive Plan as it is limited in scale and it has the potential to provide services. Although the Comprehensive Plan recognizes the desirability to develop the interchange quadrants under a binding Master Plan, Staff considers this proposal a redevelopment project.</p>
Development Standards	<p><i>Commercial & Industrial Standard #4-Page 13:</i> Provide landscaped areas and trees along public roads and property lines, and develop sites in a manner that retains or enhances the natural, wooded character of the County.</p>
	<p>Staff Comment: Given its redevelopment nature, this proposal will not increase its existing impervious coverage area, therefore minimizing any impacts to the natural environment that surrounds the property.</p>
Goals, strategies and actions	<p><i>Action #16-Page 140:</i> Identify target areas for infill, redevelopment, and rehabilitation within the PSA</p>
	<p>Staff Comment: Staff believes that the proposed redevelopment will positively impact the Mixed Use Area by rehabilitating a site that is currently sitting idle and bringing it to better economic potential.</p>

Environment

Goals, strategies and actions	<p><i>Strategy #2-Page 65:</i> Assure that new development minimizes adverse impacts on the natural and built environment.</p> <p><i>Action #8-Page 66:</i> Identify existing or potential sources of surface and groundwater pollution and take action to prevent or control the effect of the sources.</p>
	<p>Staff Comment: The proposed redevelopment will refurbish existing structures located on the site, therefore minimizing any adverse impacts on the natural and built environmental. Further, this redevelopment proposes a reduction of its impervious coverage of 15.6 percent As part of the special use permit conditions for this application, condition number # 10, Spill prevention and Control Plan, and condition number #11, Stormwater Pollution Prevention Plan, shall be prepared and submitted to the Environmental Division Director in order to address potential water pollution caused by fuel handling and/or containment.</p>

Economic Development

General	<p><i>Actions#7(a)-Page 21:</i> Promote water conservation among new and existing business.</p>
	<p>Staff Comment: As part of the special use permit conditions for this application, condition number # 4, Water Conservation, encourages strategies for water conservation for this proposed redevelopment.</p>

Community Character Corridor

General	<i>Barhamsville Road-Community Character Corridor-Page 83-84: The Comprehensive Plan suggests a 50 foot buffer requirement for commercial uses along this road. Further, the Comprehensive Plan suggest the provision of enhanced landscaping, preservation of specimen trees and shrubs, berming, and other desirable design elements which complement and enhance the visual quality of the urban corridor.</i>
	Staff Comment: As part of the special use permit conditions for this application, condition number #2, Landscaping, will ensure enhanced landscaping treatment on the property, particularly in areas fronting Route 30 and areas designed for vehicular parking.

Staff Comments

Overall, staff feels that this application, as proposed, is generally in compliance with the Comprehensive Plan. Staff believes that the proposed commercial redevelopment, although not a primary use as designated by the Comprehensive Plan for the Stonehouse Mixed Use Area, conforms to the requirements for commercial developments for this particular area. Further, given the nature of this proposal, staff believes that the redevelopment of the existing site will help improve the Stonehouse Mixed Use Area.

SETBACK REDUCTION REQUEST

The applicant is requesting the Planning Commission to consider a setback reduction of the required fifty foot setback along the property's frontage onto Old Stage Road/ Barhamsville Road to twenty-five feet. The setback reduction would ensure that part of the proposed fueling canopy located in the southwestern area of the site would be placed within the Building Setback Line.

Section 24-393. Setback requirements, of the Zoning Ordinance, states that setbacks may be reduced from fifty feet to twenty-five feet upon approval of the Planning Commission. The Planning Commission will consider a setback reduction only if the setback reduction will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (Landscaping and tree Preservation Requirements); if the setbacks do not negatively impact adjacent property owners; and if one of the following criteria are met:

- a. The site is located on a Community Character Corridor or is designated a Community Character Area on the Comprehensive Plan Land Use Map, and proposed setbacks will better complement the design standards of the Community Character Corridor.
- b. The adjacent properties have setbacks that are non-conforming with this section, and the proposed setbacks will better complement the established setbacks of adjacent properties, where such setbacks help achieve the goals and objectives of the Comprehensive Plan.
- c. The applicant has offered extraordinary site design which better meets the development Standards of the Comprehensive Plan.

Staff Comments: Staff finds that this redevelopment project meets the requirements set forth by Section 24-393. The reduction of the setback line from fifty feet to twenty-five feet will not negatively affect existing vegetation since the proposed setback area to be reduced is currently paved. Further, an enhanced landscaping plan (125 percent of the Zoning Ordinance landscape size requirements) along the property frontage on Old Stage and Barhamsville Road, and along areas designated on the Master Plan for parking shall be provided by the property owner (special use permit No.2.) Staff also believes that the proposed reduction of the setback will not negatively impact neighboring property owners, particularly since the majority of adjacent parcels are currently undeveloped. Further, Staff believes that the proposed setback reduction will not negatively affect the landscape area along the Community Character Corridor and the overall plan will compliment the Community Character Corridor landscape area by providing much more overall area in which to plant the required landscaping along the right of way. Staff believes that this redevelopment project meets the requirements set forth by Section 24-393 of the Zoning Ordinance and supports the applicant's request for

setback reduction.

RECOMMENDATION

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

1. Master Plan and Use: This Special Use Permit shall be valid for the “Stuckey’s Redevelopment” Master Plan, prepared by LandMark Design Group, and dated June 1, 2006 (the “Master Plan”) and accessory uses thereto. The site shall only be used for a forty seat restaurant, convenience store, an office/information center, and eight fueling islands as shown on Master Plan. The site shall not contain any shower or laundry facility, vehicle wash facilities or scales.
2. Landscaping: Prior to final site plan approval, a landscaping plan shall be approved by the Planning Director or his designee. The owner shall provide enhanced landscaping for the area along the property frontage on Old Stage and Barhamsville Road, and along areas designated on the Master Plan for parking. Enhanced landscaping shall be defined as 125 percent of the Zoning Ordinance landscape size requirements. Should the applicant wish to pursue any removal or trimming of trees within VDOT right-of-way, the Planning Director shall be notified thirty days in advance of the applicant’s contacting VDOT and at that time provide a plan for the tree removal or trimming.
3. Health Department Review: The applicant shall receive full approval from the Health Department for septic tank and drain field capacity prior to final site plan approval. A capacity analysis of existing water lines and septic facilities to the site shall be performed and the results of that analysis shall be submitted with the site plan application. The Director of Planning shall approve the study, and its recommendations shall be incorporated into the site plan prior to site plan approval.
4. 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 material 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.
5. Erosion and Sediment Control: An erosion and sediment control and runoff management plan shall be approved by the Environmental Director prior to final site plan approval.
6. Stormwater: The area beneath the fuel area canopy shall not drain directly into the infiltration BMPs for the commercial areas. An alternate BMP or a separation system to accept drainage from this project shall be shown on the site plan and shall be approved by the Environmental Division prior to final site plan approval.
7. Boundary Line Adjustment and Right-Of-Way Vacation: Prior to final site plan approval, the variable width right-of-way for use by Parcels A, B, and C, located at the southern boundary of the parcel, shall be vacated, and adjustments made to the lot line such that the canopy and all fuel islands are located within the Building Setback Line. This condition excludes any structures granted a setback reduction by the DRC.

8. Existing Fueling Islands: Prior to obtaining a Certificate of Occupancy, the owner shall remove the existing gasoline and diesel pumps, canopy, and underground fuel tanks from the property.
9. Proposed Fueling Islands: There shall be no more than fifteen gasoline pumps and one low-pressure diesel pump located on eight fueling islands on the property. The fueling islands shall be arranged in a configuration generally consistent with the "Stuckey's Redevelopment" Master Plan, prepared by LandMarK Design Group and dated June 1, 2006. None of the fueling pumps shall be of a design previously intended to refuel tractor trailers as determined by the Planning Director.
10. Spill Prevention and Control Plan: Prior to issuance of a Certificate of Occupancy, a spill containment plan which addresses the chemical handling and storage areas shall be submitted to the Environmental Director and Fire Department for the review and approval.
11. Stormwater Pollution Prevention Plan: Prior to issuance of a Certificate of Occupancy, a stormwater pollution prevention plan shall be submitted to the Environmental Division Director for the review and approval.
12. Architectural Review: All buildings on the site including outdoor covered areas such as the pump island canopies shall be architecturally integrated by the use of similar materials, color and architectural detailing and shall be generally consistent with the rendering dated June 2, 2006 made by W.E.bowman construction, inc. on file with the Planning Department. Prior to final site plan approval, the planning director shall review and approve the final architectural design, colors and materials of all structures on the site for consistency with the rendering.
13. Fueling Island Canopies: The maximum height of the two pump island canopies shall not exceed 20' from grade. The clearance height of the canopies shall be clearly indicated on the structures.
14. Lighting: Any new exterior site or building lighting, including canopy 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 unless otherwise approved by the Planning Director. No glare defined as 0.1 foot-candle or higher shall extend outside the property lines.
15. Signage: No more than one sign shall be allowed on each canopy unless otherwise mentioned here. One gas pricing sign may be allowed on a monument type sign in the parking area or the columns of one of the canopies. All signage in the property shall be in accordance with the current zoning and sign regulations.
16. Overnight Vehicular Parking: No overnight vehicular parking shall be allowed on the property or on its premises.
17. Off-site Vehicular Parking: Fencing or other features shall be provided along both sides of the access road to prevent parking of motor vehicles. The location and design of the fence or other features shall be approved by the Planning Director.
18. Sidewalks: Sidewalks shall be provided along Old Stage and Barhamsville Road, built in accordance to the standards listed in the James City County Zoning Ordinance and incorporated into the enhanced landscaping, as approved by the Planning Director.

19. Dumpsters: The dumpster pad(s) and all heating, cooling, and electrical equipment shall be screened by fencing and landscaping in a manner approved by the Planning Director prior to final site plan approval.
20. Trash Removal: Trash cans shall be available for use by customers during all operating hours and the trash cans shall be emptied and cleaned on a daily basis.
21. Hours of Operation: Both the convenience store and gas station shall be allowed to operate 24 hours a day. The daily hours of operation for the restaurant shall be limited to the hours of 5:30 a.m. to 9:00 p.m.
22. Commencement of Construction: If construction has not commenced on this project within thirty-six (36) months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining permits for building construction.
23. Severance Clause: This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

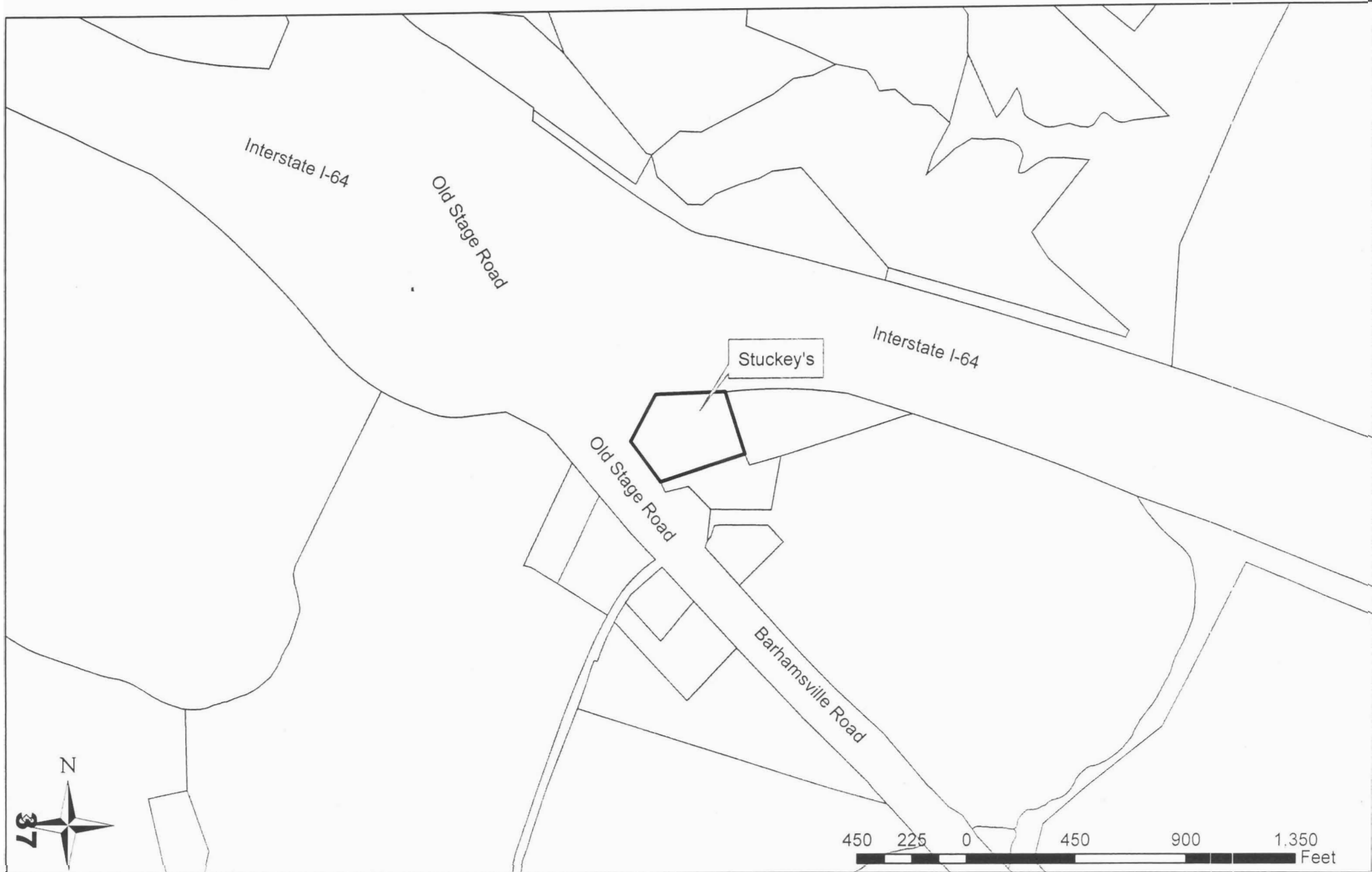
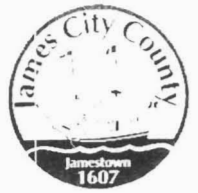
Jose Ribeiro, Planner

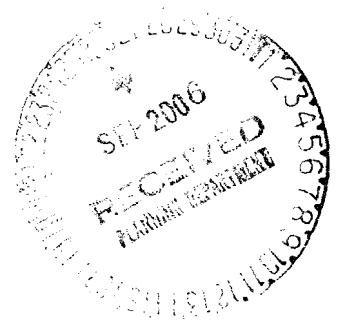
ATTACHMENTS:

1. Location Map
2. Master Plan
3. Elevations
4. Letter Requesting Setback Reduction

JCC-SUP-18-06

Stuckey's Redevelopment





PLANNING DIRECTOR'S REPORT

October 2006

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

- Rural Lands Study. The Rural Lands Technical Committee held two meetings during the month of September and completed its first major task, work on the Decision Outline. The committee reached consensus on such items as calculating density, setting base densities, requiring open space, and providing incentives. This information will serve as the basis for the committee's second major task, drafting a narrative ordinance, which will be discussed during the month of October.
- New Town. The New Town Design Review Board reviewed 6 projects, five of which were resubmissions of previously reviewed projects and one new project. The new project was improvements for the Civic Green open space at the corner of Monticello and Ironbound.
- New Staff Member. Replacing Joel Almquist on staff will be Luke Vinciguerra. Luke is a native of New York and holds his undergraduate degree in Integrated Science and Technology from James Madison University and his Masters in Public Administration from the University of North Carolina at Wilmington. For the past 15 months Luke has worked for the Town of Oak Island, North Carolina. Luke's first day on the job in James City County was October 2, 2006.
- Planning Interns. Gwen Kennedy is currently pursuing her Masters degree in Public Policy at the College of William and Mary. Gwen is interested in rural lands development, and is actively involved with the Graduate Student Association, the Graduate Policy Association, and the King of Glory New Song team.

J.T. Newberry is a Senior at the College of William and Major, majoring in public policy major. He is active in his fraternity Phi Kappa Tau Fraternity and has been involved in various activities related to men's outreach for rape education. J.T. will be assisting the division with Comprehensive Plan research.

Alexis Maxwell is a senior at the College of William and Mary, majoring in history with a minor in geology. She is co-chair of the College's Relay for Life which will be held in April. Alexis is particularly interested in GIS and will be helping the Planning Division with its Better Site Design Process.

- Residential Zoning Ordinance Revisions. The Policy Committee has held four meetings regarding updates to the residential portions of the Zoning Ordinance. The purpose of these meetings is to target areas of the Ordinance that do not align with specific goals set forth in the 2003 Comprehensive Plan and to revise the Ordinance accordingly. The next meeting is scheduled for Wednesday, October 18 at 9:30 a.m. in Building A of the JCC Government Complex.
- Better Site Design. The Better Site Design Implementation Committee has continued to meet every two weeks to work on the recommendations of the Better Site Design Roundtable. Recent areas of focus have been investigating the possibility of a joint

trench initiative, discussions of possible revisions to the reduced street width policy, and work on open space design.

- Board Action Results September 12 and September 26.
Case Nos. Z-2-06/MP-3-06/SUP-19-06. Mason Park - **Continued to October 10, 2006**
Case No. Z-3-06/SUP-21-06/MP-4-06. Pleasant Hill Station - **Adopted 5-0**
Case No. SUP-24-06. Coleman Family Subdivision - **Denied 4-1**
2006 Agricultural and Forestal District (AFD) Renewals - **Both adopted 5-0 at once**
 - a. Case No. AFD 1-02, Carter's Grove
 - b. Case No. AFD 4-86, Pate's Neck

O. Marvin Sowers, Jr.

DEVELOPMENT REVIEW COMMITTEE ACTIONS REPORT
MEETING OF September 27, 2006

Case No. C-104-06 Chickahominy Road Overhead Utility Waiver

Mr. Harvey Kelly has applied for approval of a utility extension on 0.711 acres at 3150 Chickahominy Road. The property can be further identified as parcel (1-71) on the James City County tax map (22-1). Section 24-200 of the Zoning Ordinance states that new utilities are generally to be placed underground. However, upon a favorable recommendation of the Development Review Committee, the Planning Commission may waive requirements for underground utilities, in consideration of voltage requirements, existing overhead services, existing tree cover and physical features of the site and the surrounding area.

DRC Action: The DRC voted unanimously 4-0 to recommend approval of the overhead utility waiver.

Case No. S-37-04/SP-119-06 Michelle's Point

Mr. Jay Epstein of Michelle Point, LLC for approval of 90 single family homes and 20 townhouse units on 38.704 acres at 9001 Barhamsville Road. The property can be further identified as parcel (1-3) on the James City County tax map (12-1). DRC action is necessary for any project proposing more than 50 residential units.

DRC Action: The DRC voted unanimously (4-0) to recommend preliminary approval subject to agency comments.