

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
NOVEMBER 6, 2006 - 7:00 p.m.

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

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

STAFF PRESENT

Ellen Cook, Senior Planner
Jenny Lyttle, Assistant County Attorney
Jason Purse, Planner
Jose Ribeiro, Planner
Toya Ricks, Administrative Services Coordinator

ABSENT

Don Hunt

2. PUBLIC COMMENT

Mr. Fraley opened the public comment period.

Hearing no requests; the public comment period was closed

3. MINUTES

A. September 11, 2006 Regular Meeting

Mr. Kennedy motioned to approve the minutes.

Ms. Jones seconded the motion.

In a unanimous voice vote the minutes of the September 11, 2006 regular meeting were approved.

4. COMMITTEE AND COMMISSION REPORTS

A. Policy Committee

Ms. Jones presented the Policy Committee report stating that the Policy Committee met on September 20 to review language and implementation of recreational requirements in the R-1 and R-2 Zoning Districts. She said Staff was asked to submit a setback amendment to the Better Site Design for their input. Scott Thomas met with members of the Committee to continue the review of Section 19-32 of the Subdivision Ordinance. Ms. Jones stated that in response to Board of Supervisor and Planning Commission concerns regarding inconsistencies in parking requirements staff was asked to draft a new parking ordinance to provide consistency in calculating parking requirements for planned shopping centers and outlet malls. The next Policy Committee meeting will be held on October 18 at 9:30 a.m. in Conference A of the County Complex.

B. Development Review Committee (DRC)

Mr. Fraley stated that the DRC report was deferred until the November 6 meeting.

5. PUBLIC HEARINGS

A. Hill Pleasant Farm

Mr. Fraley stated that the applicants requested deferral until the November Planning Commission meeting and asked if Staff concurred.

Ms. Cook said Staff concurred.

Mr. Fraley opened the public hearings.

Hearing no requests to speak the public hearings was continued to November 6, 2006.

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

Mr. Purse presented the staff report stating that 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 property can further be identified as Parcel No. (1-8) on the JCC Tax Map No. (12-3). The site is shown on the 2003 Comprehensive Plan Land Use Map as Moderate Density Residential. Recommended uses on property designated for Moderate Density Residential areas are townhouses, apartments, recreation areas, and may also include very limited commercial and community-oriented facilities. Staff found the proposal generally consistent with surrounding characteristics and the Comprehensive Plan and recommended approval.

Mr. Fraley asked for the locations and distances where setback modifications have been requested.

Mr. Purse indicated the locations on a display map.

Mr. Fraley asked about the parking requirement waiver for the rear of the parcel.

Mr. Purse said no request had been made. He stated that a determination of the parking requirement will be made during the Site Plan process.

Mr. Obadal asked if parking will be allowed up to the property line.

Mr. Purse said the minimum screening buffer is 10 feet from the property line.

Mr. Obadal asked if that was the location of the intended 35 foot buffer.

Mr. Purse said yes.

Mr. Obadal asked who would be responsible for granting the modification.

Mr. Purse said it would be the Planning Director.

Mr. Obadal asked if the structure would be an open building without walls.

Mr. Purse said yes.

Mr. Obadal expressed concerns about the types of items that would be allowed for sale.

Mr. Purse explained how the list of permitted items was created.

Mr. Obadal said there has been discussion about boats and automobiles being offered for sale and about limiting the hours of operations.

Mr. Purse stated that automobiles were not included in the list of permitted items and that Staff did not think such items would match with the intended use of the property. He said Staff could specifically restrict automobiles if the Commission desired.

Mr. Obadal asked that boats and automobile sales be restricted.

Mr. Purse stated that the applicant was present and agreed to the addition of a stipulation limiting the hours of operation to between dawn until dusk.

Mr. Fraley asked if the list of permitted items offered enough protections or if every undesirable item should be listed.

Mr. Purse stated that Staff felt the current list offered enough specificity. He also stated that items of particular concern could be excluded.

Mr. Billups asked about the criteria for excluding coins, books, and antiques.

Mr. Purse stated that the intent is for a farmer's market rather than a flea market.

Mr. Billups asked if there were any Health Department conditions for the sale of food items.

Mr. Purse stated that Department of Agriculture and Health Department approvals would be required during the site plan process.

Mr. Kennedy asked if the Volunteer Fire Department would be allowed to hold special fundraising events on the property under the proposal.

Mr. Purse answered no.

Ms. Hughes stated her concerns about the limited landscaping along Richmond and Forge Roads.

Mr. Purse said the landscape modifications do not effect the location or number of trees that are required according to the ordinance.

Ms. Hughes asked if the landscaping would be enhanced to look more attractive.

Mr. Purse said the applicant's intent is to have a pedestrian friendly landscape along the street.

Ms. Hughes asked if the reduced 10 foot buffer in the rear would be enhanced also as other applicants have been required to do.

Mr. Purse said it was not a condition. He said it could be added if the commission desired.

Ms. Hughes said she would like to see that included.

Mr. Fraley opened the public hearing.

Mr. Jesse Rowe, 117 Tom Taylor Road, stated that the Volunteer Fire Department receives most funds from donations. He stated that the intent is for a Farmer's Market where food will be purchased by the consumer and taken home to prepare. Mr. Rowe also stated that the location of the 10 foot reduced buffer is already heavily treed.

Mr. Fraley asked if the applicant would be comfortable restricting the sale of boats and automobiles and limiting the operation to daylight hours.

Mr. Rowe said he was.

Mr. Billups asked if the applicant anticipated a seasonal slowdown in September or October.

Mr. Rowe stated that he envisioned that farmers and waterman would sell their products so that he anticipated a 9 month operation.

Mr. Billups confirmed that space would be available for rent 12 months of the year.

Mr. Obadal asked how parking would be addressed if use on the adjacent property changed.

Mr. Rowe said he did not envision a lot of traffic.

Mr. Obadal asked if they would operate primarily on weekends.

Mr. Rowe said they would probably be busier on the weekends.

Mr. Billups asked how the operation would differ from the business across the street from the Pottery.

Mr. Rowe said he was not aware of what products the other business sold. He stated that this project would offer a more central location for people to gather to sell their products.

Mr. Kennedy stated his support of the Volunteer Fire Department and encouraged Commissioners to visit Fire Station #1.

Mr. Rowe stated that the Fall Fish Fry would be held in October.

Mr. Rich Krapf, 2404 Forge, represented the Friends of Forge Road and Toano and recommended approval. He urged Commissioners to require landscaping on Richmond and Forge Roads.

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

Mr. Fraley clarified that Commissioners are not being asked to consider the 10 foot reduced buffer at the rear of the site.

Mr. Purse said that was correct. He also stated that all Landscape Ordinance requirements would be met.

Ms. Jones motioned to approve the application and amended conditions.

Mr. Fraley clarified with the other Commissioners their recommendations restricting the sale of boats and automobiles and the hours of operation.

Mr. Billups asked if patrons would be allowed to use the convenience facilities across the street at the fire station.

Mr. Purse said yes.

Ms. Hughes seconded the motion.

In a unanimous roll call vote approval was recommended (6-0). AYE: Hughes, Jones, Obadal, Fraley, Kennedy, Billups (6); NAY (0). (Hunt Absent).

C. SUP-18-06 Stuckey's Redevelopment

Mr. Jose Ribeiro presented the staff report stating that Mr. Vernon M. Geddy, III has applied for a commercial Special Use Permit on the parcel located at 9220 Old Stage Rd, which is currently zoned B-1, General Business in order to operate a 40 seat restaurant, convenience store, and gas station with 14 gas and 2 diesel fueling pumps. The property is also known as parcel (1-16) on the JCC Tax Map (4-4). Mr. Geddy has filed for the Special Use Permit application as a requirement to operate a convenience store that dispenses fuel within the B-1 district. The site is designated as Mixed Use by the James City County Comprehensive Plan and is located along a Community Character Corridor.

Mr. Billups confirmed that the request for setback modification has been withdrawn.

Mr. Fraley stated that the applicant had submitted a revised plan that does not include the setback modification.

Mr. Obadal asked when the revised plan was received.

Mr. Ribeiro said it was received today at approximately 4:00 p.m..

Mr. Fraley opened the public hearing.

Mr. Vernon M. Geddy, III represented the applicant. He outlined the proposal to rehabilitate and renovate the Stuckey's site. Mr. Geddy showed pictures of the site currently. He detailed the LID (Low Impact Design) features and stated the impervious surface cover would be reduced.

Mr. Fraley clarified that if a sidewalk waiver request is made at a later date it would require DRC and Planning Commission approval.

Mr. Kennedy asked for an explanation of the restriction on pumps that could service tractor-trailers. He asked if such fueling stations had been previously proposed.

Mr. Geddy said the original proposal did include pumps to service 18-wheelers.

Mr. Kennedy asked why they were removed from the proposal.

Mr. Geddy stated that it was staff's opinion that the pumps would classify the operation as a truck stop which is not a permitted use in the zoning district.

Mr. Kennedy asked if tractor-trailer fueling pumps existed there in the past.

Mr. Geddy said there had been a diesel pump where the trucks had fueled in the past however; this proposal had been for pumps specifically designed for tractor-trailers.

Mr. Kennedy stated that James City County has a lot of trucking businesses. He stated that the location is ideal for them to refuel their trucks. Mr. Kennedy said he had previously stated his concerns to Mr. Horne that the County embraces the industry but that they have to refuel in nearby localities.

Mr. Obadal asked if there was a home across the street from the site.

Mr. Geddy said he thought it belonged to Mr. Sam Hazelwood who supports the application.

Mr. Obadal said he was concerned with the numbers of pumps but that he felt it was within the applicants' right to have them. He asked what was being done to improve the character of the area in addition to adding the restaurant.

Mr. Geddy stated that the applicant proposed enhanced landscaping in buffer areas, renovation of the building, repainting of the blue roof, and removing 15% of impervious cover.

Mr. Obadal asked about the location of the BMPs(Best Management Practices).

Mr. Geddy showed the locations on a display map.

Mr. Obadal asked if one of them had been relocated to accommodate the gas pumps.

Mr. Geddy said the plan was conceptual and that the final location may be adjusted some during the site plan process.

Mr. Obadal asked if the Environmental Division had reviewed the plan.

Mr. Geddy stated that they had reviewed previous submittals showing the layout of the pumps.

Mr. Obadal stated that he was concerned that Environmental had not approved the current layout.

Mr. Geddy said that previous submittals showed the pumps and BMP in even closer proximity.

Mr. Fraley stated that Ms. Hughes would have additional comments on that during the public hearing.

Ms. Hughes thanked the applicant for responding to the Commissioners concerns about the location of the stormwater facilities in the buffer area, and for the proposed reduction in impervious cover. She stated that citizens had expressed concerns that the late submission of plans did not allow them time to review them.

Mr. Billups asked what brand of fuel the applicant would be selling given the proximity to the Shell station across the street.

The applicant said that although they have not signed a contract it would be a major oil company. He said it would not be with Shell as long as the one remained across the street.

Mr. Billups asked if the mature trees along the front of the property would be maintained.

Mr. Geddy said yes.

Mr. Billups asked if there was a problem with standing water at the site.

The applicant said the only problem was potholes that they would repair.

Mr. Billups asked if there was a gully at the rear of the property.

The applicant said there are many protected areas along the rear of the site and that they would not be disturbing any of them.

Mr. Fraley said he was pleased with the architectural review provided for in the application. He also explained that there were mitigating circumstances that resulted in late submissions of plans.

Mr. Fraley opened the public hearing

Ms. Caroline Lott, 9804 Loblolly Court, requested deferral until citizens have had a chance to review the latest revision. She also stated her concerns about another fuel station within a mile radius of one another.

Ms. Linda Rice, 2394 Forge Road, expressed the need for various neighborhood associations to work together to make sure that the rural quality of the area is maintained. She talked about the importance of the consideration being given to the type of landscaping used and a reduction in grassy areas. She was also concerned about the amount of impervious cover that will remain. Ms. Rice stated that she would like to see some mention of green building in future proposals and urged developers to consider accommodations for alternative fuel vehicles.

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

Ms. Jones asked how the granting of a sidewalk waiver would impact the long-term plan for the area.

Mr. Fraley explained that the applicant was not requesting a waiver because the ordinance requires one. He explained that the applicant is requesting that the requirement to install sidewalks be removed from the SUP conditions in order to preserve their right to request a waiver in the future.

Ms. Jones expressed her appreciation for the applicant's efforts for removing the need for a setback reduction. She stated her agreement with Mr. Kennedy on the need to provide refueling pumps for trucks. She stated her support for the project.

Mr. Fraley stated that a truck stop would not be consistent with the zoning. He also explained that the delay in submittal of revised plans included change in staff responsibility of the proposal and the applicant's cooperation in responding to concerns of Staff and Commissioners. He gave his reasons for supporting the project.

Mr. Kennedy recommended the applicant meet with concerned citizens and staff prior to the Board of Supervisors meeting. He clarified his comments on trucks and fuel. Mr. Kennedy said he was not suggesting a traditional truck stop just the ability for them to refuel. He asked that the Board of Supervisors look at the number of trucking firms in James City County and consider providing opportunities for them to refuel here. Mr. Kennedy stated his concern that more time be allowed to review submitted plans and Planning Commission packets. He stated his support for the application and the need for conservation and green building efforts.

Ms. Hughes stated her agreement with Mr. Kennedy's comments. She stated that her concerns regarding location of the LID facilities had been eased by the Environmental staff. She also said water conservation measures have been included in the conditions.

Mr. Billups stated that he too agreed with Mr. Kennedy on including the possibility for fueling trucks. He said the applicant might want to include those changes prior to the Board of Supervisors meeting. Mr. Billups questioned the need for and location of the sidewalk.

Mr. Obadal asked if the Commission was being asked to consider placement of truck fueling pumps at the site.

Mr. Fraley said they were not. He said that those were comments from Mr. Kennedy and Mr. Billups.

Mr. Obadal thanked Mr. Fraley for negotiating the removal of the setback modification request prior to the Planning Commission Meeting. He stated the need for a deadline for submitting revised proposals. Mr. Obadal also asked Ms. Rice for an outline from the meeting she attended earlier in the day regarding environmental issues.

Mr. Fraley said that receiving last minute submittals occurs for different reasons. He stated that Commissioners have the option of deferring the public hearing. He also stated the applicant's request to remove the condition requiring sidewalks. Mr. Fraley asked staff to include in the staff report forwarded to the Board of Supervisors a statement about the Planning Commission's opinion that it is important to have fueling sites in the County given the industries we have and the economic development implications.

Mr. Kennedy asked staff to investigate including proffers or conditions requiring applicants to install sidewalks in off – site areas where they are necessary, when it is determined that sidewalks are not desirable for the application under consideration. .

The Commissioners agreed to the removal of the sidewalk condition.

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

Ms. Jones seconded the motion.

In a unanimous roll call vote the application was recommended for approval. AYE: (Obadal,

Jones, Hughes, Fraley, Kennedy, Billups (6); NAY: (0). (Hunt Absent)

6. PLANNING DIRECTOR'S REPORT

Ms. Ellen Cook presented the Planning Director's Report stating that Luke Vinciguerra has joined the Division as a Planner. She also stated that the James City County Division of Parks and Recreation is currently revising their Master Plan. She said there are a variety of opportunities for citizens to get involved.

Mr. Fraley asked for a status on update of the Greenways Master Plan.

7. Adjournment

There being no further business; at 8:40 p.m. the Planning Commission recessed until October 28th at 8 a.m. for a joint work session with the Board of Supervisors at Towne Bank Conference Room on Monticello Avenue.

Jack Fraley, Chairman

O. Marvin Sowers, Jr., Secretary

**JAMES CITY COUNTY
DEVELOPMENT REVIEW COMMITTEE REPORT**

FROM: 10/1/2006 THROUGH: 10/31/2006

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-033-06	Chickahominy Riverfront Park
SP-041-06	Prime Outlets Ph. 6 Lighting
SP-044-06	James River Baptist Church
SP-054-06	Prime Retail Phase 8 Expansion
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-085-06	Settler's Market at New Town Sec. 9, Phase 2
SP-087-06	Romack Expansion
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 Settlers Market
SP-103-06	Starling Gutters Site Plan
SP-104-06	Walnut Grove
SP-105-06	White Hall North Off-Site Utilities

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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-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
SP-124-06	Weatherly at White Hall
SP-125-06	Sentara Bldg New Town Sec 3 & 6, Block 14 Parcel E
SP-126-06	New Town Sec 2 & 4, Blk 3, Parcel C
SP-127-06	Tewing Road Commerical Park Lots 11 & 12
SP-128-06	Warhill Sports Complex
SP-129-06	Massie Corp Parking Lot Expansion Building #4
SP-132-06	New Town Sec 3 & 6 Roadways Ph. 4 Amend.
SP-133-06	Liberty Crossing SP Amendment

B. PENDING FINAL APPROVAL

EXPIRE DATE

SP-103-05	Colonial Heritage Ph. 4	11/7 /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-040-06	New Town Sec. 3 & 6, Ph. 6 Infrastructure	10/18/2007
SP-068-06	New Town Section 3 & 6 Block 17, Oxford Apartments	9 /11/2007
SP-077-06	Williamsburg Landing Woodhaven Expansion	8 /7 /2007
SP-092-06	Greensprings, Wmbg. Nat'l Golf Maintenance Bldg.	9 /29/2007

C. FINAL APPROVAL

DATE

SP-131-05	Ironbound Square Road Improvements Ph. 1	10/11/2006
SP-055-06	New Town Sec. 3 & 6, Block 15, Parcel D	10/2 /2006
SP-057-06	Two Rivers Country Club Addition	10/16/2006
SP-062-06	Jeanne Reed's Parcel 4A, James River Commerce Cntr	10/12/2006
SP-065-06	Williamsburg Landing Amendment	10/18/2006
SP-072-06	New Zion Baptist Church SP Amend.	10/27/2006

SP-080-06	7839 & 7845 Richmond Rd	10/13/2006
SP-084-06	AM Tower Relocation on Centerville Rd	10/23/2006
SP-089-06	Powhatan Plantation Phase 8A, Bldg 84	10/16/2006
SP-091-06	Powhatan Plantation Ph 9 Bldg 90 - 91	10/27/2006
SP-095-06	JCC Landfill Tower Replacement-Site Plan Amendment	10/17/2006
SP-102-06	VEPCO Pole	10/16/2006
SP-115-06	New Town Landscaping H&M Building	10/2 /2006
SP-130-06	New Town Blk 8 Sec.2&4 Carports	10/27/2006
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-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-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-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
S-087-06	120 Carriage Rd BLA
S-088-06	Heath Properties lots 1-4
S-089-06	Heath Property Lots 5-8
S-090-06	Fenwick Hills Section 4
S-091-06	Whittaker BLA
S-092-06	Gregg Klich BLA
S-94-06	Pierce Subdivision

B. PENDING FINAL APPROVAL

EXPIRE DATE

S-101-03	Ford's Colony - Sec. 35	2 /2 /2007
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.L.C Prop. Conveyance	3 /20/2007
S-053-05	Kingsmill-Spencer's Grant	6 /15/2007
S-078-05	Fairmont Subdivision Sec. 1- 4 (Stonehouse)	10/3 /2007
S-079-05	Colonial Heritage Ph. 4	11/7 /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-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

DATE

S-083-05	Curry Revocable Trust	10/9 /2006
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S-034-06	9727 Old Stage Rd.	10/3 /2006
S-051-06	West Subdivision BLE	10/9 /2006
S-077-06	Ida C Sheldon Estate BLA	10/25/2006
S-086-06	111 Warrens Pond Rd	10/3 /2006
D. EXPIRED		EXPIRE DATE

MEMORANDUM

DATE: November 6, 2006

TO: The Planning Commission

FROM: Adam R. Kinsman, Assistant County Attorney

SUBJECT: Initiation of Consideration to Update a Certain Code Reference Within the Subdivision Ordinance

On November 23, 2003, the County's Chesapeake Bay Preservation Ordinance (CBPO) was comprehensively revised to bring it into compliance with State regulations. As part of the revision, many of the original CBPO sections were renumbered. Staff recently discovered that a section of the County's Subdivision Ordinance incorrectly refers to a section of the CBPO that no longer exists.

Section 19-29 of the County's Subdivision Ordinance sets forth the submittal requirements for a final subdivision plan. Subsection (g) requires that property containing wetlands and/or resource protection areas include a statement on the final plat indicating that these areas will remain undisturbed "except for those activities permitted by section 23-9(c)(1) of the James City County Code." On November 23, 2003, Section 23-9(c)(1) was revised and recodified as Section 23-7(c)(1); consequently, the above-quoted reference to the old section of the CBPO must also be revised.

Staff recommends adoption of the attached resolution initiating consideration of this change.


Adam R. Kinsman

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Attachment

RESOLUTION

INITIATION OF CONSIDERATION TO UPDATE A CERTAIN CODE REFERENCE

WITHIN THE SUBDIVISION ORDINANCE

WHEREAS, the Planning Commission of James City County, Virginia, is charged by Virginia Code §15.2-2253 to prepare and recommend to the Board of Supervisors amendments to the Subdivision Ordinance; and

WHEREAS, the Planning Commission is of the opinion that in order to assure the orderly subdivision of land and its development, periodic consideration of amendments to the Subdivision Ordinance is warranted.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, does hereby request staff to initiate review of Section 19-29 of the Subdivision Ordinance for the consideration of updating the reference to the Chesapeake Bay Protection Ordinance contained in subsection (g). The Planning Commission shall hold at least one public hearing on the consideration of amendments of said Subdivision Ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with law.

Jack Fraley
Chair, Planning Commission

ATTEST:

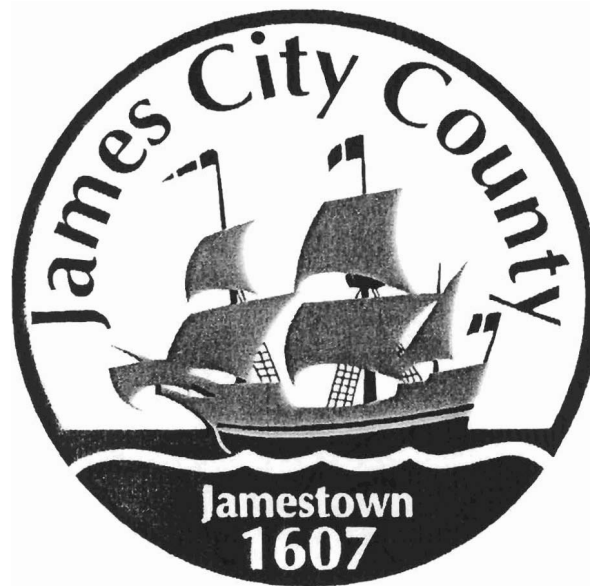
O. Marvin Sowers, Jr.
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 6th day of November, 2006.

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***JAMES CITY COUNTY
PLANNING COMMISSION
ANNUAL REPORT***

FY 2005-2006



October, 2006

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MESSAGE FROM PLANNING COMMISSION CHAIRMAN

“Enclosed is a report of the activities of the James City County Planning Commission for Fiscal Year 2006. The seven appointed members of the Commission, with the assistance of County staff and input from citizens, applicants and other interested parties reviewed a number of development cases and other matters for recommended action to the Board of Supervisors. Several initiatives were taken by the Planning Commission to streamline the development review process and stimulate attractive development. We consider citizen commentary critical to our work and encourage all citizens to be actively engaged in the planning and development of our County.”

Jack Fraley, Chairman

July, 2006

Introduction

The James City County Planning Commission is composed of 7 members, one member from each of the County's magisterial districts (Powhatan, Roberts, Stonehouse, Jamestown, Berkeley) and two members at-large. Members are appointed by the Board of Supervisors to 4 year terms. The Commission's primary purpose is to serve as an advisory body to the Board of Supervisors to promote the orderly development of James City County and its environs.

The Virginia State Code requires the Planning Commission to prepare an annual report to the Board of Supervisors concerning its activities and the status of planning activities in the community. During Fiscal Year 2005-2006, Planning Commission and staff activities primarily consisted of major projects, development review, and participation in a variety of community events and committee studies. Items contained in this report include a message from the Chairman of the Planning Commission, brief descriptions of each of the Planning Commission members and information regarding the Planning Division staff. The report also contains summaries of the work of the Planning Commission and Division, including a list of major projects and major cases processed.

The Planning Commission is responsible for the preparation of the County's Comprehensive Plan and its submission for approval to the Board of Supervisors. This document contains the plan for the physical development of James City County and includes policy statements on growth, economic development, public facilities, parks and recreation, environment, transportation, community character, housing and land use. The Comprehensive Plan is updated every 5 years and involves wide public participation.

The Planning Commission conducts public hearings and makes recommendations to the Board of Supervisors on developmental cases requiring the rezoning of land and special use permits. Uses designated as "special" are conditional uses which may or may not be appropriate in a particular location depending on the nature of the proposed use, its relation to surrounding land use, its impact on traffic conditions and potential environmental effects. Under the subdivision regulations, the Commission has responsibility for approving or denying both preliminary and final subdivision plats. Guidelines to carry out that responsibility are provided by design standards set out in the regulations and the Comprehensive Plan. The Commission reviews certain site plans and recommends changes of zoning and subdivision regulations to the Board of Supervisors. The Planning Commission is also responsible for the preparation and submission of the County's annual Capital Improvement Program to the Board of Supervisors. A detailed description of Planning Commissioner duties can be found in Title 15.2 of the Code of Virginia.

The Planning Division provides staff support to the Planning Commission and its subcommittees: the Development Review Committee, which reviews certain major development plans, and the Policy Review Committee, which reviews specific planning related topics and Capital Improvement Program (CIP) requests and makes recommendations to the Commission. Staff also regularly provides support for a number of other ongoing committees such as the New Town Design Review Board, Historical Commission, Historic Triangle Bicycle Advisory Committee, Corridor Enhancement Steering Committee, Development Roundtable, and other special project committees. Additionally, staff makes planning-related policy recommendations to the Planning Commission, administers and enforces the Zoning Ordinance, implements landscaping and bikeway projects, and acts as a liaison to a variety of other Board-appointed committees, community organizations and government entities. These include

the Hampton Roads Planning District Commission, Virginia Department of Transportation, Pedestrian and Bicycle Advisory Committee, Virginia Organizing Project, 2007 Community Activities Task Force and Public Private Transportation Act Committee.

Some of the ongoing planning initiatives undertaken in FY06 represent new services and programs to better serve customers and implement the Comprehensive Plan. Major initiatives have taken place this year. The Planning Division has completed Phase I of the Jamestown Road Project and continues to work on Phase II. Staff has implemented a web page that provides the public the ability to check the status of development cases and agencies will soon be able to post comments online allowing easy access by all County citizens, developers and owners. Staff also has been assisting with the Better Site Design Committee, the Rural Lands Study Committee and Toano Community Character Area Study.

PLANNING COMMISSION MEMBERS AND PLANNING DIVISION STAFF

Jack Fraley, Chairman (Roberts District Representative) Jack graduated from the University of California (UCLA) with a Bachelors' Degree in Economics. He held several managerial positions with Shell Oil Company before starting up a new high technology venture for Shell in 1984, Rampart Packaging, located in the Busch Corporate Center. He retired from the business in 1998 to spend more time with his family and contribute to the community. Jack was appointed to the Planning Commission in January 2004, was elected Vice-Chairman of the Commission in 2005, and became chairman in 2006. He is past Chairman and continues to serve as a member of the Commission's Development Review Committee. Jack is a past four-time elected Chairman of the James City County Board of Zoning Appeals and continues to serve as a member of this Board. He is also a member of the Design Review Board for the James River Commerce Center. Jack's first term on the Planning Commission expires on 1/31/08.

James Kennedy, Vice-Chairman (At-Large) Jim has been a resident of James City County for 22 years. After serving in the United States Navy he attended optician's school at Yorktown Naval Weapons Station where he earned his degree in opticianry. Currently he is the co-owner of Victor's Deli and Pizzeria in Williamsburg. Jim has served on many boards and commissions over the past several years. Most notably he served as Chairman of the Board of Supervisors in 2002 and was also the co-founder of the Stonehouse District Citizens Association. In addition to the Planning Commission, Jim also currently serves as chairman of the Development Review Committee. Jim's first term on the Planning Commission expires on 1/31/09

Donald Hunt (Stonehouse District Representative) Don is a James City County native and has served on the Planning Commission since 1991. He received his Bachelor's degree in Horticulture from Virginia Tech and is the owner and operator of Hill Pleasant Farm, Inc., a fourth generation family business. In addition to the Planning Commission, he also serves on the Development Review Committee and was a member of the 2003 Comprehensive Plan Community Participation Team. Don's fourth term on the Planning Commission expires on 1/31/07.

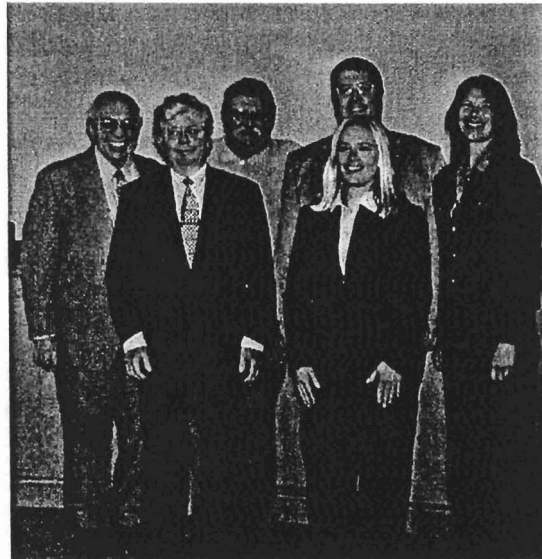
George Billups (At-Large) George was re-appointed to the James City County Planning Commission for his second term in February 2006. He graduated from Virginia State College with a Bachelor of Science in Industrial Vocational Education and Science. He earned his Master's degree and Certificate of Advanced Studies from the State University of New York in the fields of Education and School Administration and Supervision. A retired high school principal and community activist, George has served on numerous local, state and federal boards which worked to create positive public policy and civil rights legislation. In addition to his service on the Planning Commission, George also currently chairs the Policy Committee, serves on the Regional Issues Committee, and was a member of the 2003 Comprehensive Plan Steering Committee. George's second Planning Commission term expires on 1/31/2010.

Shereen Hughes (Jamestown District Representative) Ms. Hughes has lived in James City County since 2001 and received her Bachelor's degree in Geology from James Madison University and a Certificate of Landscape Design from George Washington University. Ms. Hughes' professional experience includes over 18 years as an environmental consultant and several years as a landscape designer and small business owner. Since moving to James City County, she has taken a hiatus from consulting to spend time with her family, sing with the Williamsburg Women's Chorus and Choraliers, volunteer in the public school system, and raise community awareness of local environmental concerns. In addition to the Planning Commission, she is a member of the Policy Committee. Ms. Hughes has been appointed to complete the term of previous commissioner, Ingrid Blanton, and her first term on the Planning Commission expires on 1/31/08.

Mary Jones (Berkeley District Representative) Mary has been a James City County resident for eight years and was appointed to the Planning Commission in January 2005 to complete the unexpired term of previous Commissioner Joseph McCleary. She attended Towson State University majoring in Mass Communication Studies. Currently, Mary is a committee member for Boy Scout Troop 155, a member of the Leadership Team at Baeplex Family Martial Arts and is a Real Estate Referral Agent for Liz Moore and Associates. She is a member of the Policy Committee and Development Review Committee and was a member of the 2003 Comprehensive Plan Community Participation Team. Mary's first term on the Planning Commission expires on 1/21/09.

Anthony Obadal (Powhatan District Representative) Mr. Obadal was appointed to the Planning Commission in January 2006. He practiced law in New York and Washington, D.C. for over 45 years, retiring from

the law firm of Obadal, Filler, MacLeod and Klein of Alexandria, Virginia. Mr. Obadal was Chairman of the Board of Westminster School in Annandale, Virginia, a member of the Advisory Board of the National Legal Center for the Public Interest, a member of the Board of Transportation Road Information Program and a member of the Board and President of the Thomas More Society of America. He and his wife came to Williamsburg over three years ago. Mr. Obadal's first term on the Planning Commission expires on 1/31/10.



The James City County Planning Commission (Back from left: Anthony Obadal, Don Hunt, Jim Kennedy, Shereen Hughes; Front from left: Jack Fraley, Mary Jones; Not pictured: George Billups)

Planning Division Staff



Pictured from left: Allen Murphy, Don Davis and Marvin Sowers

Management Staff: Marvin Sowers has been Planning Director of James City County since 1987. Don Davis has been Principal Planner for Comprehensive Planning since 1989. Allen Murphy, Zoning Administrator/Principal Planner for Current Planning joined the James City County staff in 1979. Combined, these three have more than 74 years of professional planning experience with 60 of those years as planners with James City County.

Professional Planning Staff: Tammy Rosario, Senior Planner II, joined the staff in 1995 as a current planner and recently transferred positions within the Division effective July 2005 to concentrate on comprehensive planning. Ellen Cook, Planner, joined the staff in 2003 and was promoted to senior planner in August 2005. Scott Whyte was hired in 2004 as the staff's Landscape Architect. Matthew Smolnik, Planner, joined the staff in January 2005. Jason Purse, Planner, started his position in June, 2005. Jose L. Ribeiro



Pictured from left to right: Jose Ribeiro, Kate Sipes, David German and Tammy Rosario

and Joel Almquist, Planners, were hired in July, 2005. David German and Kate Sipes, Planners, both joined staff in August 2005. Leanne Reidenbach, joined the staff as an intern



in January 2005, was hired as Development Management Assistant in June 2005, and was recently promoted to Planner in May 2006.

Pictured from left back row: Jason Purse & Ellen Cook; Pictured from left front row: Leanne Reidenbach and Matt Smolnik



Pictured from left: Melissa Brown, Clifton Copley, John Rogerson

Zoning Officers: John Rogerson began working for the County in 2000 and was promoted to Senior Zoning Officer in May 2004. Melissa Brown joined the staff as a Zoning Officer in January, 2003 and was promoted to Senior Zoning Officer in January 2005. Clifton Copley joined the staff as a Zoning Officer in June 2005.

Front Desk: Toya Ricks began working for the County in 2002 and became the Administrative Services Coordinator for the Planning Division later that year. Toya now works half time in that position. Christy Parrish began working for the County in 1993, became a Zoning Officer with the Planning Division in 2001, and now works half time for the Planning Division as Administrative Services Coordinator. Rebecca Wilson, a recent graduate of Miami University (Ohio), was hired as Development Management Assistant in May 2006 after interning over several months the previous winter. Terry Costello also joined the front desk staff in June 2006 after 17 years in the County's Accounting Division.



Pictured from left: Christy Parrish, Terry Costello, Rebecca Wilson, Toya Ricks

Interns: Much to staff's delight, several internship positions with the Division were occupied during FY 2006, Jesse Contario worked through July 2005 on the Division's FY 2005 Annual Report. Josh Collins and Will Federspiel, two Masters Degree candidates from William and Mary's Thomas Jefferson Program in Public Policy worked through August 2005 with the Division on several key policy research and demographic projects. Sara Saphos, Rebecca Wilson and Mike Rodgers worked as interns between fall of 2005 and spring 2006, and Rebecca Wilson was promoted to Development Management Assistant in May 2005. Edward Moran filled an internship position between August and March contributing most of his hours toward crucial projects for the Division's Rural Lands Study. Recently, Tammy Becoat, David Gordon, and Blake Skogland all joined the staff as interns in May of 2006. Staff expects to continue utilizing the many talents of the interns to assist with major projects and other administrative duties.

Staff and Changes

Staff development continues to remain a high priority for both the Planning staff and the Planning Commission. Staff and Commission members take various planning and policy courses throughout each year. The Planning Division cross-trains its staff so that comprehensive planners are assigned current planning cases such as rezonings, special use permits, site plans and subdivisions. Likewise, current planners also assist in comprehensive planning activities such as the development and implementation of the Comprehensive Plan.

The Planning Division 2004 staff underwent several changes this year due to turnover in several planner and front desk positions. Trey Davis, Planner, left the Division in late July 2004 to attend business school at Georgetown University in Washington D.C. Karen Drake, Senior Planner, also left the Division in late July to take a supervisory planning position in the Blacksburg area of Virginia. In March of 2005, Matthew Arcieri resigned from his position as Senior Planner with the County to take a senior planner position with Prince William County in the D.C. Metropolitan area. He was replaced by Leanne Reidenbach who holds a Bachelor's of Arts in anthropology from the College of William and Mary. She was promoted from Development Management Assistant to fill the position in early May. Jason Purse, a graduate of Virginia Tech with a Bachelor of Arts in political science, filled a Planner position vacancy created when Senior Planner Chris Johnson left in June 2005. Jose Ribeiro-Linhares, a graduate of Virginia Commonwealth University with a Master's degree in urban and regional planning was hired in July 2005 to fill a second vacancy.

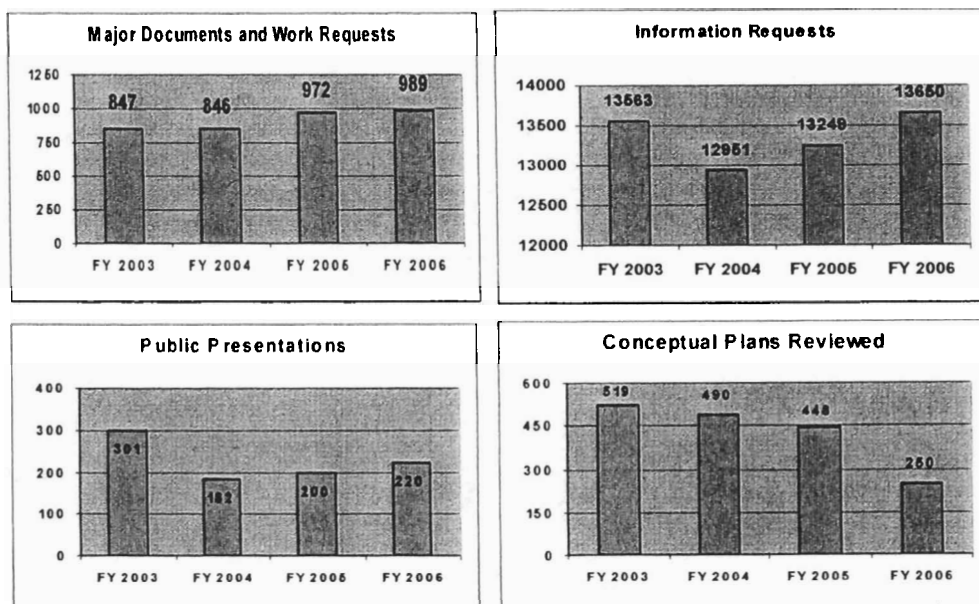
Joel Almquist was hired on as a Planner in late July 2005 to occupy a position left vacant when Tammy Rosario transferred positions within the Division. Joel graduated from Virginia Tech with a Bachelor's of Science in environmental policy and planning. Tammy now works half time as a Comprehensive Planner and half time as a Development Management Project Manager working specifically on open space acquisition. David German, a graduate of the University of Colorado with a Master's degree in urban and regional planning, was hired in mid-August 2005 to fill the fourth planner position vacancy. Finally, Kate Sipes joined staff in mid-August 2005 as a Planner to fill a new position that was created earlier in the year as a result of the increasing workload the Division had experienced over FY 2004 and 2005. Kate graduated from Ball State University in Indiana with a Bachelor's of Science in political science and planning. Rebecca Wilson, a graduate of the Miami University with a Bachelor's of Arts in urban and regional planning was hired in late May 2005 to fill the vacant Development Management Assistant position. Geoffrey Cripe, Development Management Assistant left the Division in mid-June to pursue employment elsewhere. Terry Costello, an employee with the James City County Accounting Division for 17 years, resigned her post to accept the vacant Development Management Assistant position in mid-June.

Citizen Inquiries

The Planning Division responds to over 12,000 citizen inquiries each year. The long-range and current planning sections of the Division handle a variety of questions on a daily basis. The long-range planning section is responsible for citizen's inquiries regarding the Comprehensive Plan, development issues, population, census and housing estimates, land use, transportation, and traffic issues. The number of inquiries directed to the long range planning section this year remained steady at last year's elevated level due to several major projects and developments and population growth. The current planning section responds to citizen's inquiries regarding land development cases, the Zoning and Subdivision Ordinances, site plans, landscaping, development submittal requirements and general development in James City County. The administrative staff handles questions regarding the Planning Commission and Board of Supervisors meetings, application processes, public hearing notices, development case status and other logistical and informational questions. These inquiries come from attorneys, architects, contractors, engineers, developers, landowners, and citizens at large. A substantial amount of staff time is dedicated to providing this service to keep the public informed and to provide an additional outlet for citizen response and comment.

Development Review

Development review activities consist primarily of rezonings, special use permits, site plans, subdivisions and conceptual plans. A list of major cases and a fiscal year summary appear in the appendix in this report. In May of 2004, planning staff created the Development Roundtable, a bi-monthly conceptual review meeting for applicants that need to resolve engineering issues before submitting a site plan. In addition to regular development review, the Planning Division handles a variety of other activities. Some of the activities the Planning staff handles are shown graphically below while others are described in the following sections. Moreover, staff has the responsibility of constant review and, as necessary, updating documents such as the Zoning Ordinance to assist the Planning Commission, the Board of Supervisors and citizens in development activities. The number of tasks taken on by the Planning staff remained comparable to the workload of FY 2005. In the latter part of Fiscal Year 2005, Planning Division turnover impacted staff review of development plans. However, quick hires and training resulted in completion of over 98 percent of development plans on time.



MAJOR PROJECTS

Capital Improvements Program

Each year the Planning Commission reviews projects proposed by County agencies for inclusion in the Capital Improvements Budget. Of the 36 CIP requests, the Planning Commission selected those projects listed below for high priority for the FY06 CIP:

- ☐ *Columbia Drive Improvements and Utilities*
- ☐ *Metropolitan Area Network River Ring*
- ☐ *Greenspace Acquisition*
- ☐ *Purchase of Development Rights*
- ☐ *Clara Byrd Baker Elementary School –Heating Ventilation and Air Condition (HVAC)*
- ☐ *Eighth Elementary School*
- ☐ *Jamestown High School – Catwalks*
- ☐ *Norge Elementary School – Cafeteria Expansion*
- ☐ *Norge Elementary School –Kitchen Renovation*
- ☐ *Stonehouse Elementary School – Expansion*
- ☐ *Third High School*
- ☐ *Toano Middle School – Sewage Pump Upgrade*
- ☐ *Library Chiller*
- ☐ *Voting Equipment*
- ☐ *Toano Convenience Center Relocation*
- ☐ *Emergency Operation Center Expansion*
- ☐ *New Ambulance*

Rural Lands Study

During FY06, the Board of Supervisors directed staff to investigate alternatives supporting the Comprehensive Plan's goals for residential development in rural land areas outside the Primary Service Area (PSA). As part of this process the Planning Division hired Renaissance Planning Group (RPG) to spearhead the Rural Lands Study. Staff and consultants met with a Board-appointed citizen group over a period of six months, and together held several public workshops to examine the impacts and support for different development scenarios. The committee also visited various rural clusters and residential developments in Loudon County. In May of 2006, the consultants presented the committee's findings to the Planning Commission and Board of Supervisors. The Board of Supervisors provided feedback on the committee's work and later appointed Board members Andy Bradshaw and Jim Icenhour, Planning Commission members Jack Fraley and Mary Jones, and Rural Lands Committee member Rich Costello to a technical committee to formulate the final ordinances and policies.

Planning Commission Recommendations on New Residential Development

In spring of 2006, Planning Commission Chairman Jack Fraley suggested design standards to be considered during the review process for new residential developments. These standards are in accordance with the Comprehensive Plan and are to complement the existing James City County ordinances, regulations, and policies. The following are the five categories of standards for new development: compatibility with adjacent neighborhoods in respect to lot area, lot width, and overall density; relations of buffer widths to densities of new development; environmental protections to

incorporate better site design; providing passive and active areas which exceed the minimum standards for on-site recreation; and long term traffic impacts on the surrounding roadway network should be addressed by new developments.

Transportation Impact Initiatives

The Planning Commission recommends that transportation expertise be established within the Planning Department so that the County does not have to rely solely on outside review and analysis for major projects. The Planning Division contracted for the services of Kimley Horn as the County's consultant.

During the review of the rezoning for Settler's Market in New Town, the Planning Commission recommended that new development in this area consider their traffic impacts in two additional intersections, News Road/Monticello Avenue and Monticello Marketplace. The Commission also recommended that a fund be established for the purpose of financing the capital cost of traffic improvements needed in the vicinity of The Monticello Marketplace. These recommendations were implemented.

Agricultural and Forestall Districts (AFD) Renewals

This year the Planning Division has been preparing for the renewals of Agricultural and Forestall Districts. As a part of this renewal process staff has made an effort to synchronize the districts so they will all have renewal times of November, which will make for a more fluid renewal procedure in the future. Staff also surveyed current AFD program participants to determine the potential impact of requiring longer term lengths and road buffers on forestall properties. As of this point in the renewal process, the County currently has approximately 18,078.41 acres enrolled in the AFD program, totaling 28.25 square miles of land and approximately 19.60% of total land area for the County.

Better Site Design

The Better Site Design Committee, comprised of Shereen Hughes and other staff members, has been recently created through the County's Roundtable Process. The goal of the committee is to implement model development principles outlined in the *Recommended Model Development Principles* booklet. Agencies outside of the Planning Division working on this project include James City County Environmental and Real Estate Divisions. Additionally, representatives from the development community, Peninsula Home Builders Association (PHBA), Builders for the Bay, and the Planning Commission serve on the committee. Recently, the committee has ranked principles by priority level (high, medium or low) and the time frame in which they may be adequately addressed. For instance, parking ratios and parking lot size are high priority, short-term, while street widths and rights-of-way are designated as high priority, long-term. Currently, the committee is pursuing educational efforts for the public. Principles pertaining to educating the public about buffer systems and maintenance, medium priority and medium time frame, will be addressed in cooperation with the Virginia Cooperative Extension. The public will also be able to access the principles, action minutes and draft documents on the County website in the near future.

Site Plan Review Process

Staff worked extensively with various stakeholders in the developmental community to identify ways to improve the site plan review process. This led to the creation of the bi-monthly Development

Roundtable for customers to present plans and specific questions to various departments in the County. Currently customers can obtain feedback from the Planning Division, Environmental Division, the James City County Service Authority and the Virginia Department of Transportation when they attend the meetings. These Development Roundtable meetings have provided opportunities for developers to discuss project design and development with County staff in an informal manner and receive feedback in advance of preparing development plans for submission to the County. Furthermore the Development Roundtable meetings have served to create an expedited and more efficient review process. On another recommended improvement, Planning staff continues to work with staff in the Information Technology Division to modify the existing Case Tracking database for inclusion on the County web site. With the first phase now complete, applicants and citizens can access information in case status. In the next phase the public will be able to access agency comments for every development plan under review.

Toano Area Study

In July of 2005, the Board of Supervisors initiated the Toano Community Character Area Study. The objective of the study was to develop a set of guiding principles for development in Toano. Specifically, the Board wanted the study to result in the creation of a series of tools to ensure the maintenance of the unique qualities of Toano, including a straightforward development policy, uniform design guidelines and a master streetscape plan. The County hired the Renaissance Planning Group, of Charlottesville, Virginia, to consult on the study. Additionally, the Toano Community Character Area Study Steering Committee was created to work closely with staff and the consulting firm. The Community Character section of the Comprehensive Plan provided broad guidance for this study.

The Committee held five public meetings in the latter half of 2005. In December 2005, the Committee adopted a set of design guidelines for Toano. The Planning Commission and the Board endorsed the guidelines in early 2006. The following five planning principles were included: highlight and honor the history of Toano, encourage appropriate growth that enhances Toano's unique small-town character, preserve open space and rural lands and establish communal green space, enhance the pedestrian and bicycle environment while slowing vehicular traffic, and improve streetscape and landscape to create a sense of place.

Norge Depot Relocation

Norge, originally settled by Norwegian immigrants, is home to several historical structures, including the Norge Depot. The railway station was built by the railroad in the early 1900s and served as a connector for the Norge community to the rest of the country. The station acted as a vital promoter of economic development in the surrounding area and before becoming decommissioned in the late 1960s, the Depot was adapted from a train station into an office building. Due to its inoperative status, CSX proposed that the structure be demolished. The County and Historical Commission acquired a federal grant and obtained CSX permission to transport the Depot to a new location, the Norge Library on Croaker Road. Currently, the Norge Depot rests in the Norge Library parking lot where it will be restored and remodeled into a community meeting center.

Historical Commission

The Planning Division has administrative responsibility for the Historical Commission. Responsibilities include taking minutes, preparing the budget, and assisting with projects such as "Oral Histories," acquiring highway markers, and completing the architectural survey. Specifically, the most

recent marker will commemorate Governor Berkeley, and will hopefully be placed at the intersection of Greensprings Road and John Tyler Highway. This past year the Commission, with the help of General Services, oversaw the relocation of the Norge Depot to its final resting place at the James City County Library. The Commission presented preservation awards to both the James City County Cemetery Group, as well as Ron Steffey for their continued efforts in fostering local historical awareness. Additionally, the Commission welcomed two new members: Fred Boelt, member of the JCC Cemetery Group, and Mark Wenger, Colonial Williamsburg Architectural Historian.

Architectural Assessment Project

Using a \$25,000 matching grant from the Virginia Department of Historic Resources (VDHR) to survey the County's architectural resources, a consultant completed a field study for the project and provided documentation, analysis, and recommendations to the Planning Division. Staff has forwarded all information to the County Historical Commission for consideration. The County or the Historical Commission may use the results of the survey to guide the development of a policy for the protection of historic structures and staff has developed a GIS layer that identifies the location of over 200 architecturally significant structures in the county. FY06 ended with staff and the Historical Commission finishing the review of final properties designated as significant in the assessment. The next action will be to nominate the Toano area as a historical district through the Department of Historical Resources.

Bikeway Projects

Towards the start of 2006, VDOT formally kicked off the process to begin design of bikeways along Ironbound/Sandy Bay Roads and Longhill Road. The Planning Division successfully secured federal funding for both bikeway projects, and acts as an active partner in the design and location of both projects.

Virginia Capital Trail

The Virginia Capital Trail in James City County will be a combination bikeway and pedestrian facility linking historic, cultural and scenic sites along the Route 5 corridor with Jamestown Island and Williamsburg. Upon its completion, the trail will link Colonial Williamsburg with the City of Richmond. Construction began in July 2005 with Governor Mark Warner present as the keynote speaker at the groundbreaking.

Together, the two County phases will provide a multi-use path for non-motorized transportation from Charles City to Jamestown Settlement. The Chickahominy/ Route 5 Phase extends from Chickahominy Riverfront Park to just west of Jamestown High School and should be completed by Spring 2007. From this point, the path will extend southeast in the vicinity of Greensprings Road, running through Mainland Farm to Jamestown Road. The trail will then cross Jamestown Road and join an existing multi-use path to the Colonial Parkway, forming the Greensprings Phase. Trail construction is underway and will be complete in time for the celebration of the 400th anniversary of Virginia in 2007. Trail users can access Colonial Williamsburg via the Colonial Parkway from the Jamestown Settlement. The design was completed with funding coming from a federal, state, and county partnership. Additionally, the County played a large role in right-of-way acquisition throughout FY06.

Corridor Enhancement Projects

Historic Triangle Corridor Enhancement Committee

Corridor enhancement projects have encompassed the creation of a corridor landscape plan and a grant program for businesses and neighborhoods. During FY06, the first round of open grant application, the Planning Division received 10 enhancement applications from businesses and homeowners associations along Jamestown Road. Eight of these applications were funded and by May 2006 half of the projects were completed. The Planning Division also opened a second round of grant opportunities in May. In June, the Historic Triangle Corridor Enhancement Committee approved its objectives for next year, including an enhancement program for the remainder of Jamestown Road and preliminary work for a multi-jurisdictional project. In addition, the Virginia Citizen's Planning Association awarded its Virginia Citizen Planner of the Year award to Bill Frymoyer, the Chairman of the Historic Triangle Corridor Enhancement Committee.

Route 199 Improvements

In October of 2002 VDOT signed a comprehensive agreement utilizing the Public Private Transportation Act of 1995 to complete vital improvements to Route 199 over the next several years. Planning staff collaborated with VDOT on design elements of the project. Hardscape enhancements including decorative fencing, multi-use path, and Williamsburg green poles and signage were installed as a result of collaboration among the County, City of Williamsburg, VDOT and the Corridor Enhancement Committee. The enhancements were jointly funded by James City County and the City of Williamsburg.

Revenue Sharing Landscape Projects

Revenue sharing landscape projects are funded by resources allocated to James City County and VDOT. One such project in FY06 targeted Andersons Corner. The partnership between the County and VDOT concentrated on three segments of the median and three traffic islands, from the first segment of the median north of the intersection and southwards to Hickory Neck Church. The remaining three projects were aimed at improvements along Route 199. The first project focused on the median strip between Jamestown Road and Route 5. Medians at Route 199 and Mounts Bay Road were landscaped 1200 feet out from each side of the intersection. Finally, the Route 199 and Route 60 intersection median strip was landscaped for 2,400 feet south of the intersection. Landscape projects approved for next fiscal year include the following: Route 199 at Jamestown Road, Route 199 Bridge and Sound Wall, Route 199 at Longhill, Route 199 at Route 60 (both West and East Interchange), Route 5 at Jamestown High, Brick Bat Road (for the third high school), Jamestown Road near the ferry and Route 60 East.

Transportation Grants

James City County received several significant federal funding allocations (\$7.43 million) as a result of proposals prepared by the Planning Division during FY06. The County was awarded federal funding under the Congestion, Mitigation, Air, Quality (CMAQ) grants for bikeways along Mooretown Road, Airport Road, Croaker Road and Route 60, totaling \$1.67 million. CMAQ funding was also allocated for improvements to the Five Forks Intersection (\$300,000) and Monticello Avenue corridor west of Route 199 (\$860,000). An additional \$2.6 million was allocated to the Ironbound Road widening project and an additional \$2 million was allocated to the Route 60 Relocation project.

An Enhancement grant was also awarded to James City County, in association with the Historical Commission, to obtain CSX permission to transport the Norge Depot Station to its current location, the Norge Public Library. Staff also prepared several VDOT transportation grants for the March 2006 deadline.

Five Forks Sub Area Study Update

The formal process to improve the intersection between Ironbound Road and Route 5 began in May 2006. The project has been awarded approximately \$300,000 of CMAQ funds and some changes are being proposed to transform this intersection. The proposed changes include: creating additional turn lanes, extending existing bike lanes, placing utilities underground and installing mast-arm signals. The staff continues to examine the possibility of having additional right-of-way donated which would decrease the cost of the project, thereby freeing up funds to dedicate to mast-arm signal poles. The advertisement date to collect bids for this plan is projected to be March of 2008, and the construction date would be in 2009.

2030 Regional Transportation Plan

The Planning Division was actively involved with the Hampton Roads Planning District Commission in the preparation of the 2030 Plan. This plan will serve as the starting point for the update of the County's Transportation Plan.

New Town

The New Town Design Review Board (DRB), assisted by staff, continued to review proposed developments in New Town. Throughout FY05-FY06, numerous building and site plans were approved in the Town Center (Sections 2 & 4) and the layout for several blocks in the Discovery Business Park (Sections 3 & 6) have developed within the past year.

There were two rezonings approved by the Board of Supervisors during FY05-FY06. Langley Federal Credit Union was rezoned to Mixed Use with proffers in August 2005 and Section 9 of New Town was rezoned to Mixed Use with proffers in May 2006. Section 9 will consist of a large Retail/Mixed Use area along with a couple hundred residential units. The remaining sections to be rezoned to Mixed Use with proffers in New Town are Sections 7, 8 and 12.

The Development Review Committee (DRC) has reviewed and approved quarterly shared parking updates for Sections 2 & 4 of New Town. The premise of shared parking is starting to become evident as residential units are being occupied and construction continues on Mixed Use and Office Buildings throughout the Town Center. The opening of Consolidated Theaters in the Town Center has enticed many visitors to New Town during the past year. Main Street has been under construction for some time and is scheduled to open during the fall of 2007.

Blade signs, pedestrian scale directional signage, illuminated free-standing signs and pole mounted banners are permitted in New Town following Board of Supervisors approval of a Zoning Ordinance amendment in June 2006.

Neighborhood Connections

Neighborhood Connections is a division of James City County's Community Services Department. They have a full time staff as well as 10 volunteer liaisons comprised of county employees including two from the Planning Division. Each liaison communicates with their assigned Home Owner Association (HOA). Part of liaison's responsibilities include informing the HOA offices of training opportunities provided by the county and other agencies to maintain effective HOA's. These opportunities included "Chickahominy Community improvement Organization 37th Anniversary Dinner," "Essentials of Community Association Volunteer Leadership," and "Basic Legal Aspects of Homeowner Associations."

The Planning Division has two HOA liaisons, Zoning Officer Melissa Brown and Landscape Architect Scott Whyte. Neighborhood Connections has established a point system, called Survivor on Ironbound Isle, to motivate the liaisons to stay on top of their neighborhoods' issues. Points are awarded for every meeting, phone call, e-mail or any other form of communication with the designated neighborhoods. This year Melissa Brown was awarded Sole Survivor of Ironbound Isle.

Adequate Public Facilities Policy

The current Board of Supervisors adopted adequate public facilities policy serves as a tool to measure the impact of proposed residential development in the Williamsburg-James City County Public School System. Each of the district's schools has a measured, verifiable student capacity threshold, which is based upon the infrastructure, age, physical space, condition, planned and built design, and other factors found at each facility. The policy compares the projected increase in student population to each affected facility's capacity and determines the direct impact that a new development might have. Currently, Planners incorporate the policy into their staff reports for new residential developments, excluding age restricted communities which would not increase the student population. The staff reports state whether the proposed development remains within the schools' capacities. Additionally, since a new high school is currently under construction and an elementary school has been designated in the CIP, the reports note that the capacities required for the proposed new development may be in place once the incoming facilities are completed and operational. The Planning Commission identified a need to review the policy. Future improvements to the adequate public facilities policy may include identifying if the policy should compare all approved but unbuilt new development versus actual or planned school capacity, determining whether the policy should be used to deny new development or simply identify when additional public facilities are needed, incorporating revisions to reflect current School Board Policy, and whether the policy should be applied to other public facilities such as roads, water supply, and sewage treatment capacity.

Training and Educational Opportunities

The Planning Division continues attendance at training opportunities and has extended educational opportunities to the Planning Commission. Several seminars were held by the Urban Land Institute, such as "Eminent Domain: The Legal, Political, and Economic Development Variables," which was attended by multiple staff members. During the winter, staff was present at training programs hosted by the County. Agencies such as Codes and Compliance, Economic Development, Real Estate Assessments and the Fire Department offered these sessions. Staff also attended a workshop on pedestrian and bicycle accommodation. In February of 2006, Planner Joel Almquist attended a VDOT Intersection and Arterial Capacity Analysis workshop and the Division was in attendance for at least two days of the Virginia Planning Association's Annual Conference in Portsmouth in the spring.

Landscape Architect Scott Whyte renewed his Pesticide Applicator's license and attended emergency/damage assessment training. Zoning Administrator Allen Murphy gained certification from the American Certified Institute of Planners in July 2005. Planning Director Marvin Sowers fulfilled continuing education standards established by the American Planning Institute for Certified Planners. The Division's Zoning Officers attended the Virginia Association of Zoning Officers conference in Roanoke, Va. Additionally, Zoning Officer Cliff Copley received certification.

The Planning Commission also participated in a variety of training opportunities. Commission members Jack Fraley, Shereen Hughes, and Tony Obadal graduated from the Virginia Certified Planning Commissioner's Program in FY06. Additional training sessions for the Commission were provided by staff and consultants which covered environmental issues, James City Service Authority/water and sewer, transportation and legal issues.

James City County Demographics Updates

General Demographics: Population Estimates

Population estimates providing approximate counts of the population of James City County for both the present day and for past, non-census years were prepared by the Planning Division. It is the Division's policy to generate a population estimate at the end of each quarter. Staff has been working to improve our population estimates system, which is based on the number of Certificates of Occupancy that are issued by the county's Codes Compliance Department. This streamlining effort was started in recent years, and is ongoing. The main goal of the effort is to produce the most accurate estimates possible so that other internal County departments, external government agencies and private citizens can feel confident in the estimations being produced. A secondary goal is to make the efforts to improve the system as transparent as possible, so that activities dependent upon the estimates are not compromised.

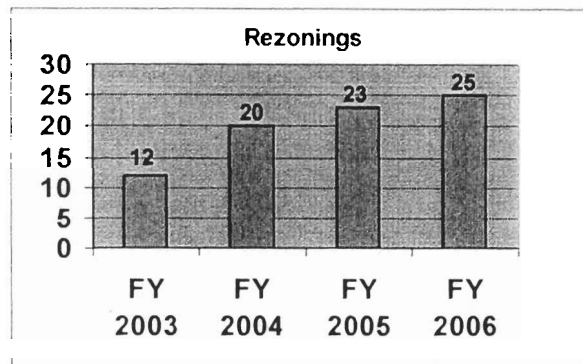
General Demographics: Population Projections

Population projections attempt to project approximate counts of the population of James City County in future years. Currently, Planning and other County staff are working with alternative population projection models in an effort to ensure as accurate projection as possible.

Applied Demographics: School Population Projections

In the last year, Planning Staff has increased its role in assisting the Williamsburg-James City County School District, and its private consultant, DeJong Inc., with school population projections. Here, the goal is to accurately anticipate how many school children will need to be accommodated in upcoming school years—both in the immediate future, and on a longer-term basis. Great strides were made between the School District, DeJong and the Planning Division to identify ways in which data generated by the Planning Division (including population estimates, population projections, and development tracking numbers) could be used to better approximate the numbers of children likely to be attending school in the short-term and long-term future. The Planning Division will provide data to the District and DeJong on a regular, annual basis, and will continue to foster strong communication and working relationships between all parties involved.

Appendix A - Major Cases – Rezoning



Z-04-05

Location:
Zoning:
District:

New Town, Langley Federal Credit Union

Monticello Avenue
M-1 to MU
Berkeley

PC: Denied- 8/1/05
BOS: Approved- 8/9/05

Z-07-05

Location:
Zoning:
District:

Jamestown Retreat

Jamestown Road
LB & R-2 to R-5
Jamestown

PC: Denied- 3/6/06
BOS: Denied- 4/11/06

Z-10-05

Location:
Rezoning:
District:

The Villages at Whitehall

Old Stage Road & Centerville Road
A-1/B-1 to R-2
Stonehouse

PC: Approved- 8/1/05
BOS: Approved- 9/13/05

Z-11-05

Location:
Rezoning:
District:

Whitehall

Rochambeau Drive
A-1/B-1 to R-2
Stonehouse

PC: Approved- 8/1/05
BOS: Approved- 9/13/05

Z-12-05

Location;
Rezoning:
District:

Moss Creek Commerce Center

Old Stage Road
A-1 to MU
Stonehouse

PC: Approved- 4/3/06
BOS: Approved- 5/9/06

Z-13-05

Location:
Rezoning:
District:

Village at Toano

Forge Road
A-1 to R-5
Stonehouse

PC: Denied- 5/1/06
BOS: Denied- 6/13/06

Z-15-05

Location:
Rezoning:
District:

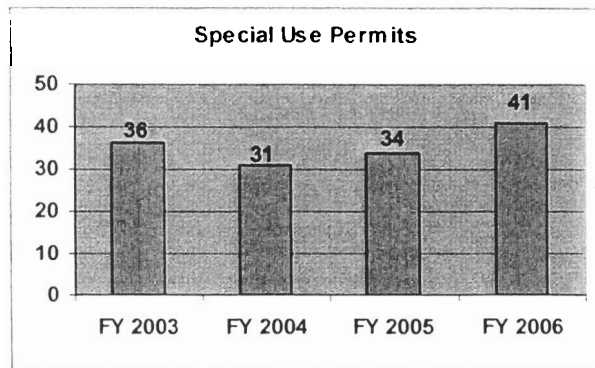
Stonehouse Master Plan Amendment

Six Mount Zion Road
PUD with amended proffers
Stonehouse

PC: Deferred Indefinitely
by Applicant

Z-16-05	New Town Section 9, Settler's Market	
Location:	Monticello Avenue	PC: Approved- 4/3/06
Rezoning:	R-8/M-1 to MU	BOS: Approved- 5/9/06
District:	Berkeley	
Z-17-05	Greensprings Master Plan Amendment	
Location:	Monticello Ave. & Centerville Rd.	PC: Approved- 2/6/06
Zoning:	R-4 with amended proffers	BOS: Approved- 3/14/06
District:	Berkeley	
Z-19-05	Jennings Way	
Location:	Richmond Road	PC: Approved- 3/6/06
Rezoning:	R-2/B-1 with amended proffers	BOS: Approved- 4/11/06
District:	Powhatan	
Z-01-06	Third High School/ TNCC	
Location:	Warhill Trail	PC: Approved- 3/6/06
Rezoning:	PUD with amended proffers	BOS: Approved- 3/14/06
District:	Powhatan	
Z-02-06	Mason Park	
Location:	Jamestown Road	PC: Approved- 8/7/06
Rezoning:	R-8 to R-2	BOS:
District:	Jamestown	
Z-03-06	Pleasant Hill Station	
Location:	Richmond Road	PC: Approved- 8/7/06
Rezoning:	A-1 to B-1	BOS:
District:	Stonehouse	

Appendix B - Major Cases – Special Use Permits



SUP-16-05

Location:

Zoning:

District:

Treleaven Warehouse & Nursery

Rochambeau Drive

A-1

PC: Approved- 5/2/05

BOS: Approved- 6/14/05

SUP-22-05

Location:

Zoning:

District:

Shops at Norge Crossing, LLC

Richmond Road

B-1

Stonehouse

PC: Approved- 8/1/05

BOS: Approved- 9/13/05

SUP-23-05

Location:

Zoning:

District:

TGI Fridays

Richmond Road

B-1

Berkeley

PC: Approved- 8/1/05

BOS: Approved- 9/13/05

SUP-24-05

Location:

Zoning:

District:

Gabriel Archer Tavern

Wessex Hundred Road

R-8

Roberts

PC: Approved- 8/1/05

BOS: Approved- 9/13/05

SUP-25-05

Location:

Zoning:

District:

Prime Outlets Special Use Permit Amendment

Richmond Road

B-1

Powhatan

PC: Approved- 8/1/05

BOS: Approved- 9/13/05

SUP-30-05

Location:

Zoning:

District:

St. Olaf Catholic Church

Norge Lane

R-8

Stonehouse

PC: Approved- 12/5/05

BOS: Approved- 12/13/05

SUP-33-05

Location:

Zoning:

District:

Chickahominy Riverfront Park

John Tyler Highway

A-1

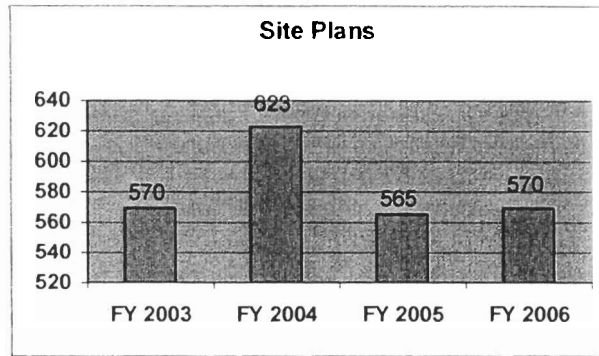
Powhatan

PC: Approved- 2/6/06

BOS: Approved- 3/14/06

SUP-02-06	Busch Gardens – New France Major Attraction	
Location:	Pocahontas Trail	PC: Approved- 3/6/06
Zoning:	M-1	BOS: Approved- 4/11/06
District:	Roberts	
SUP-04-06	Prime Retail Expansion	
Location:	Richmond Road	PC: Approved- 6/5/06
Zoning:	B-1	BOS: Approved- 7/11/06
District:	Powhatan	
SUP-05-06	Eighth Elementary School	
Location:	Centerville Road	PC: Approved- 4/3/06
Zoning:	A-1	BOS: Approved- 5/9/06
District:	Powhatan	
SUP-13-06	Unicorn Cottage	
Location:	Ironbound Road	PC: Approved- 6/5/06
Zoning:	R8	BOS: Approved- 6/13/06
District:	Berkeley	
SUP-14-06	Eighth Elementary School Utility Extension	
Location:	Brick Bat Road	PC: Approved- 5/1/06
Zoning:	A-1	BOS: Approved- 5/9/06
District:	Powhatan	
SUP-16-06	Hogan Homestead Children's Nursery	
Location:	Richmond Road	PC: Approved- 6/5/06
Zoning:	A-1	BOS: Approved- 7/11/06
District:	Stonehouse	
SUP-17-06	Veterinary Hospital	
Location:	Richmond Road	PC: Approved- 6/5/06
Zoning:	A-1	BOS: Approved- 7/11/06
District:	Stonehouse	

Appendix C -Major Cases – Site Plans



SP-006-05

Stonehouse – The Fairways

Location:

Mill Pond Run

Preliminary: 6/6/05

Zoning:

PUD-R

Final: 11/8/05

District:

Stonehouse

SP-007-05

Stonehouse – Clubhouse Point

Location:

Mill Pond Run

Preliminary: 10/4/04

Zoning:

PUD-R

Final: 3/23/05

District:

Stonehouse

SP-016-05

New Town, Retail Phase 2

Location:

Monticello Avenue

Preliminary: 4/6/05

Zoning:

MU

Final: 9/27/05

District:

Berkeley

SP-030-05

Wedmore Place at Williamsburg Winery

Location:

Wessex Hundred Road

Preliminary: 5/2/05

Zoning:

R-8

Final: 9/23/05

District:

Robert

SP-031-05

7839 & 7845 Richmond Road Office/Retail

Location:

Richmond Road

Preliminary: 8/23/05

Zoning:

A-1/B-1

Final: 11/8/05

District:

Stonehouse

SP-032-05

New Town, Village Square

Location:

Monticello Avenue

Preliminary: 4/29/05

Zoning:

MU

Final: 9/19/05

District:

Berkeley

SP-041-05

Warhill – Third High School

Location:

Opportunity Way

Preliminary: 5/13/05

Zoning:

PUD-R

Final: 1/4/05

District:

Powhatan

SP-042-05	STAT Services, Inc		
Location:	Powhatan Springs Road	Preliminary:	6/6/05
Zoning:	R-8	Final:	
District:	Berkeley		
SP-051-05	Colonial Heritage Phase 3, Section 3		
Location:	Richmond Road	Preliminary:	6/6/05
Zoning:	MU	Final:	2/17/06
District:	Stonehouse		
SP-060-05	Community Sports Facility (Stadium)		
Location:	Warhill Trail	Preliminary:	12/5/05
Zoning:	R-8	Final:	5/25/06
District:	Powhatan		
SP-062-05	Greenmount-DCB LLC Storage		
Location:	Pocahontas Trail	Preliminary:	10/3/05
Zoning:	M-2	Final:	1/19/06
District:	Roberts		
SP-064-05	TGI Friday's		
Location:	Richmond Road	Preliminary:	10/3/05
Zoning:	B-1	Final:	11/10/05
District:	Berkeley		
SP-066-05	Warhill Sports Complex Basketball Facility		
Location:	Warhill Trail	Preliminary:	6/1/05
Zoning:	R-8	Final:	12/9/05
District:	Powhatan		
SP-067-05	WindsorMeade Marketplace, Outparcels 9-11		
Location:	Monticello Avenue		
Zoning:	MU	Final:	9/7/05
District:	Berkeley		
SP-072-05	New Town, Block 3, Parcel B		
Location:	Monticello Avenue	Preliminary:	6/29/05
Zoning:	MU	Final:	8/4/05
District:	Berkeley		
SP-073-05	Jeanne Reed's Office/Warehouse		
Location:	Endeavor	Preliminary:	6/17/05
Zoning:	M-1	Final:	1/26/06
District:	Roberts		

SP-074-05	Hickory Neck Church New Worship Facility		
Location:	Richmond Road	Preliminary:	8/10/05
Zoning:	A-1	Final:	8/16/05
District:	Stonehouse		
SP-079-05	Warhill Water Facility Improvements		
Location:	Warhill Trail	Preliminary:	
Zoning:	R-8, M-1	Final:	11/9/05
District:	Powhatan		
SP-080-05	Stonehouse Water Facility Improvements		
Location:	Six Mount Zion Road	Preliminary:	
Zoning:	A-1	Final:	11/9/05
District:	Stonehouse		
SP-084-05	New Town, Block 8, Parcel E (CD&A Condos)		
Location:	Center Street	Preliminary:	9/12/05
Zoning:	MU	Final:	9/23/05
District:	Berkeley		
SP-086-05	JCC – Toano Convenience Center		
Location:	Industrial Boulevard	Preliminary:	
Zoning:	M-1	Final:	9/21/05
District:	Powhatan		
SP-087-05	Archaearium at Historic Jamestowne Amendment		
Location:	Colonial Parkway	Preliminary:	8/1/05
Zoning:	R-8	Final:	1/13/06
District:	Jamestown		
SP-089-05	Stonehouse – Route 600 Utilities		
Location:	Six Mount Zion Road	Preliminary:	
Zoning:	PUD-R	Final:	
District:	Stonehouse		
SP-095-05	New Town, Retail Phase 3		
Location:	Monticello Avenue	Preliminary:	
Zoning:	MU	Final:	10/20/05
District:	Berkeley		
SP-096-05	Norge Railway Station		
Location:	Croaker Road	Preliminary:	8/8/05
Zoning:	A-1	Final:	8/26/05
District:	Stonehouse		
SP-097-05	Stonehouse Presbyterian Church		
Location:	Fieldstone Parkway	Preliminary:	10/27/05
Zoning:	PUD-C	Final:	4/27/06
District:	Stonehouse		

SP-100-05	Bay Aging	
Location:	Ironbound Road	Preliminary: 9/12/05
Zoning:	MU	Final: 5/4/06
District:	Berkeley	
SP-102-05	LaGrange Parkway and Route 600 to Route 606	
Location:	LaGrange Parkway & Route 600	Preliminary: 9/26/05
Zoning:	PUD-C	Final:
District:	Stonehouse	
SP-103-05	Colonial Heritage Phase 4	
Location:	Centerville Road	Preliminary: 11/7/05
Zoning:	MU	Final:
District:	Powhatan	
SP-108-05	Settlement at Powhatan Creek (Hiden)	
Location:	Monticello Avenue	Preliminary:
Zoning:	PUD-R	Final: 2/24/06
District:	Berkeley	
SP-113-05	New Town Block 6 & 7 Parcel E (Dental Building)	
Location:	Courthouse Street	Preliminary:
Zoning:	MU	Final: 10/17/05
District:	Berkeley	
SP-121-05	Shops at Norge Crossing	
Location:	Richmond Road	Preliminary:
Zoning:	B-1	Final: 2/7/06
District:	Stonehouse	
SP-133-05	Prime Outlets Phase 6	
Location:	Richmond Road	Preliminary: 5/11/06
Zoning:	B-1	Final:
District:	Powhatan	
SP-137-05	Williamsburg Place Expansion	
Location:	Mooretown Road	Preliminary:
Zoning:	M-1	Final:
District:	Berkeley	
SP-145-05	New Town, Langley Federal Credit Union	
Location:	Monticello Avenue	Preliminary: 4/13/06
Zoning:	MU	Final: 8/9/06
District:	Berkeley	

SP-147-05	Warhill – TNCC Site Improvements	
Location:	Centerville Road	Preliminary:
Zoning:	PUD-R	Final:
District:	Powhatan	
SP-149-05	Liberty Crossing	
Location:	Richmond Road	Preliminary: 4/3/06
Zoning:	MU	Final: 9/12/06
District:	Powhatan	
SP-150-05	New Town, Block 11 Residential	
Location:	Center Street	Preliminary: 1/9/06
Zoning:	MU	Final: 3/22/06
District:	Berkeley	
SP-158-05	New Town, Block 10, Parcel B (McMurrin Building)	
Location:	New Town Avenue	Preliminary:
Zoning:	MU	Final: 4/12/06
District:	Berkeley	
SP-159-05	New Town Community Building, Block 10, Parcel B	
Location:	New Town Avenue	Preliminary: 2/1/06
Zoning:	MU	Final: 3/16/06
District:	Berkeley	
SP-161-05	New Town, Block 3, Parcel E (Building 900)	
Location:	Main Street	Preliminary: 1/18/06
Zoning:	MU	Final: 1/27/06
District:	Berkeley	
SP-004-06	Villas at Five Forks	
Location:	Ingram Road	Preliminary: 4/3/06
Zoning:	R-2	Final:
District:	Berkeley	
SP-005-06	Governor's Grove at Five Forks	
Location:	John Tyler Highway	Preliminary: 5/1/06
Zoning:	MU	Final:
District:	Berkeley	
SP-012-06	New Dawn Assisted Living	
Location:	Jamestown Road	Preliminary:
Zoning:	R-8/ LB	Final:
District:	Berkeley	
SP-022-06	Volvo Rents	
Location:	Pocahontas Trail	Preliminary: 5/12/06
Zoning:	M-1	Final: 7/11/06
District:	Roberts	

SP-023-06	Eighth Elementary School	
Location:	Brick Bat Road	Preliminary:
Zoning:	A-1	Final:
District:	Powhatan	
SP-025-06	Prime Outlets Phase 7 Expansion	
Location:	Richmond Road	Preliminary:
Zoning:	B-1	Final:
District:	Powhatan	
SP-031-06	Shell Building – James River Commerce Center	
Location:	Pocahontas Trail	Preliminary: 4/26/05
Zoning:	M-1	Final:
District:	Roberts	
SP-033-06	Chickahominy Riverfront Park	
Location:	John Tyler Highway	Preliminary:
Zoning:	A-1	Final:
District:	Jamestown	
SP-045-06	Busch Gardens 2007 Expansion	
Location:	Pocahontas Trail	Preliminary:
Zoning:	M-1	Final:
District:	Roberts	
SP-062-06	River Commerce Center	
Location:	Endeavor Drive	Preliminary:
Zoning:	M-1	Final:
District:	Roberts	
SP-068-06	New Town, Oxford Apartments	
Location:	Monticello Avenue	Preliminary:
Zoning:	MU	Final:
District:	Berkeley	
SP-069-06	Settlement at Powhatan Creek, Phase 2	
Location:	Croaker Road	Preliminary:
Zoning:	PUD-R	Final:
District:	Berkeley	
SP-070-06	Williamsburg Airport Access Road	
Location:	Marclay Road	Preliminary:
Zoning:	R-8	Final:
District:	Roberts	
SP-071-06	T-Hanger Site Prep, Williamsburg Airport	
Location:	Marclay Road	Preliminary:
Zoning:	R-8	Final:
District:	Roberts	

SP-077-06

Location:

Zoning:

District:

Williamsburg Landing

Williamsburg Landing Drive

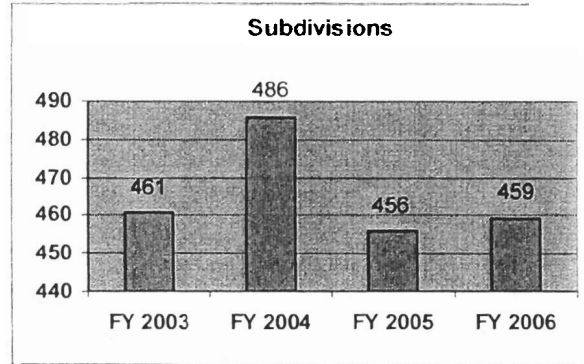
R-5

Jamestown

Preliminary:

Final:

Appendix D - Major Cases – Subdivisions



S-002-05

The Pointe at Jamestown Section 2B (53 Lots)

Location:

Sir Thomas Way

Preliminary: 2/18/06

Zoning:

R-2

Final:

District:

Jamestown

S-015-05

Colonial Heritage Phase 3, Seciton 2 (51 Lots)

Location:

Richmond Road

Preliminary: 5/2/05

Zoning:

MU

Final:

District:

Stonehouse

S-043-05

Colonial Heritage Phase 3, Section 3 (66 Lots)

Location:

Richmond Road

Preliminary: 6/6/05

Zoning:

MU

Final:

District:

Stonehouse

S-053-05

Kingsmill – Spencer’s Grant (52 Lots)

Location:

Kingsmill Road

Preliminary: 7/11/05

Zoning:

R-4

Final:

District:

Roberts

S-059-05

Pegleg’s Point, Section 6 (86 Lots)

Location:

Neck O’ Land Road

Preliminary:

Zoning:

R-1

Final:

District:

Jamestown

S-078-05

Stonehouse Fairmont Subdivision Section 1-4 (127 Lots)

Location:

Six Mount Zion Road

Preliminary: 10/3/05

Zoning:

PUD-R

Final:

District:

Stonehouse

S-079-05

Colonial Heritage Phase 4 (137 Lots)

Location:

Centerville Road

Preliminary: 11/7/05

Zoning:

MU

District:

Powhatan

S-090-05	Powhatan Secondary Phase 7C (33 Lots)	
Location:	News Road	Preliminary: 4/13/06
Zoning:	R-4	
District:	Powhatan	
S-091-05	Windmill Meadows (78 Lots)	
Location:	Centerville Road	Preliminary: 10/3/05
Zoning:	R-2	Final:
District:	Powhatan	
S-095-05	Landfall Village (16 Lots)	
Location:	Jamestown Road	Preliminary: 3/10/06
Zoning:	R-2	Final:
District:	Jamestown	
S-105-05	Stonehouse Land Bay 31 (46 Lots)	
Location:	Six Mount Zion Road	Preliminary:
Zoning:	R-PUD-R	Final:
District:	Stonehouse	
S-106-05	Colonial Heritage Phase 5 Section 1 (144 Lots)	
Location:	Richmond Road	Preliminary:
Zoning:	MU	Final:
District:	Powhatan	
S-117-05	Liberty Ridge (139 Lots)	
Location:	Centerville and Jolly Pond Road	Preliminary:
Zoning:	A-1	Final:
District:	Powhatan	
S-026-06	Colonial Heritage Phase 5, Section 2 (118 Lots)	
Location:	Richmond Road	Preliminary:
Zoning:	MU	
District:	Stonehouse	
S-046-06	Rivers Edge Phase IV (3 Lots)	
Location:	Richmond Road	Preliminary: 6/28/06
Zoning:	R-4	Final:
District:	Roberts	

MEMORANDUM

Date: November 6, 2006

To: Planning Commission

From: Marvin Sowers, Director of Planning

RE: Planning Commission 2007 Meeting Schedule

Planning Commission members have requested the meeting schedule be amended to allow more time to review staff reports and supporting materials and for more opportunity for discussions with Staff. A draft meeting schedule is attached that amends the regular meeting schedule from the 1st Monday of each month to the 1st Wednesday. As is tradition; when the regular meeting date would fall close to a holiday the meeting for that month has been pushed back one week.

Planning Commission 2007 Schedule

Meeting Dates
Jan 10
Feb 7
Mar 7
Apr 4
May 2
Jun 6
Jul 11
Aug 1
Sep 12
Oct 3
Nov 7
Dec 5

DRC 2007 Schedule

Meeting Dates
Jan 4
Feb 1
Mar 1
Mar 29
April 25
May 30
Jul 5
Jul 25
Sep 5
Sep 26
Oct 31
Nov 28

SPECIAL USE PERMIT-22-06. Hill Pleasant Farm Cellular Tower

Staff Report for the November 6, 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

Building F Board Room; County Government Complex

Planning Commission:	October 2, 2006 (applicant deferral)	7:00 p.m.
	November 6, 2006	7:00 p.m.
Board of Supervisors:	December 12, 2006 (tentative)	7:00 p.m.

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 December 4, 2006 Planning Commission meeting. Staff concurs with the request.

Staff Contact: Ellen Cook

Phone: 253-6685



Ellen Cook

SPECIAL USE PERMIT CASE NO. SUP-23-06 Volunteer Fire Department Flea Market Staff Report for the November 6, 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
	November 6, 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 and the setback modification request, with the attached conditions.

This proposal has not changed since the October 2, 2006 meeting. Adjacent property owners did not receive adequate notice of the meeting date as required by code, so to legally give ample opportunity to comment this case is coming before the Planning Commission again. However, staff would note that the changes suggested by the Planning Commission at the previous meeting have been incorporated into the plan. The limitation of uses list now includes boats and wheeled vehicles in condition #5, and condition #6 has been added to limit the hours of operation from dawn until dusk.

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.

This proposal has not changed since the October 2, 2006 meeting. Adjacent property owners did not receive adequate notice of the meeting date as required by code, so to legally give ample opportunity to comment this case is coming before the Planning Commission again. However, staff would note that the changes suggested by the Planning Commission at the previous meeting have been incorporated into the plan. The limitation of uses list now includes boats and wheeled vehicles in condition #5, and condition #6 has been added to limit the hours of operation from dawn until dusk.

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</p>

	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.
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 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.</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>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.</p>
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Transportation

General	<p><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.</p> <p>Staff Comment: This project will meet all Ordinance requirements for sidewalks.</p>
Goals, strategies and actions	<p><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.</p> <p>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.</p>

Community Character

General	<p><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.</p> <p><i>Toano Community Character Area points-Page 86:</i></p> <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. <p><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.</p> <p>Staff Comment: As this project is located in the Toano Community Character Corrdior many of the suggestions for setbacks and buffers from the Deisgn 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.</p>
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	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	<p><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.</p> <p><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.</p> <p>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.</p>

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 and the setback modification request 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, boats and wheeled vehicles.
6. Hours of operation for the market shall be limited to from dawn until dusk.
7. 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.
8. 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.
9. 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.
10. 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.
11. If construction has not commenced on this project within thirty-six (36) months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
12. This special use permit is not severable. Invalidation of any word, phrase, clause, sentences, or paragraph shall invalidate the remainder.

ATTACHMENTS:

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

[illegible]

VOLUNTEER FIRE DEPARTMENT FLEA MARKET

Tax Map: 1230100008

Note: This project will require an approved Site Plan before construction is permitted. When the Site Plan is created, the commercial entrance off of Forge Road should be shifted west as much as possible along the southern boundary of the property, per requirements of VDOT.

**AFD Withdrawal CASE NO. AFD 9-86-6—Gordon Creek Withdrawal
Staff Report for the November 6, 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:

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

November 6, 2006 7:00 PM
December 12, 2006 7:00 PM (tentative)

SUMMARY FACTS

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

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

Proposal: Withdrawal of approximately 40.285 acres to build an elementary school

Location: 4001 Brick Bat Road

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

Parcel Size 40.285+/- acres

Existing Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

STAFF RECOMMENDATION

This withdrawal request is necessary in order to adjust the boundary lines so they conform to the development plan. Staff finds the proposed withdrawal consistent with the Comprehensive Plan. Furthermore, staff finds this application meets all of the criteria for the withdrawal of lands from Agricultural and Forestal Districts outside the PSA. As a site currently zoned A-1, with the approval of a special-use-permit to allow for a public school, the site would be in conformance and consistent with zoning for General Agricultural districts. The use of the site for a public school makes the site consistent with these policies as well as consistent with the Comprehensive Plan. Therefore, based on the information available to staff at this time, staff recommends the Planning Commission recommend approval of the request to remove 40.285 acres from the Gordon Creek AFD to the Board of Supervisors.

On October 17, 2006 the AFD Advisory Committee recommended approval of this application by a vote of 5-2.

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

Project Description

Mr. Sanford Wanner, has applied on behalf of James City County, to withdraw approximately 40.285

acres from the existing Gordon Creek Agricultural and Forestal District (AFD) for the purpose of constructing the 8th Elementary School for James City County. The parcel is located at 4001 Brick Bat Road, and is further identified as Parcel No. (1-1) on the James City County Real Estate Tax Map No. (36-3). This request is being reviewed as a part of the 8th James City County Elementary School Special Use Permit amendment (ref. Case No. SUP-29-06).

A withdrawal was previously approved for a portion of this site. The previous withdrawal was for approximately 44 acres. This withdrawal will change the boundary lines of the property being withdrawn to conform to the actual development plan as shown on attachment 2. The purpose of the amendment is to adjust the boundary lines of the project so they include the turn lanes, the stormwater management facility and the baseball field as a part of the site. After the original condemnation and subsequent withdrawal, once the engineers went on site they discovered the need for the different land requirements based on the development plan.

As a part of the acquisition process the Board of Supervisors adopted a resolution at their October 10, 2006 meeting finding that the acquisition of land in this District will not have an adverse effect on the remainder of the Gordon Creek AFD.

Property Description

The site is predominantly wooded with some open area near the middle of the original property. This parcel is a part of the eastern most main section of Gordon Creek, but will not have an adverse effect on outlying pieces of this AFD. Originally the piece was a part of the 163.880 acres placed in the AFD by the previous owner. The rest of that parcel will remain part of the AFD, and is up for renewal this August.

Surrounding Land Uses and Development

A majority of the property to be withdrawn is surrounded by other properties located inside the Gordon Creek AFD along Brick Bat Road. The parcel is zoned A-1 and designated rural lands on the 2003 Comprehensive Plan Land Use Map. On the south side of Brick Bat, and off of Centerville Road, the parcel is adjacent to the Greensprings West subdivision, which is zoned R-4.

Comprehensive Plan

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

Utilities

The entire parcel requesting the withdrawal is outside the primary service area and is not currently served by public water and sewer. Once built, the new school would be connected to public water and sewer from an extension from the Greensprings facilities adjacent to this property.

Analysis

On September 24, 1996, The Board of Supervisors adopted a policy and withdrawal criteria for AFD parcels that are outside the Primary Service Area. The policy and criteria are as follows:

1. It is the policy of the Board of Supervisors to discourage the withdrawal of properties from Agricultural and Forestal Districts during the terms of those districts.
1. The criteria for withdrawal during the terms of the districts are as follows:

In order to establish “good and reasonable cause,” any request by a landowner to withdraw property from an Agricultural and Forestal District must submit written information to demonstrate compliance with the following criteria:

- A. The request is caused by a change in circumstances that could not have been anticipated at the time application was made for inclusion in the district.
- B. The request would serve a public purpose, as opposed to the proprietary interest of the landowner, that could not otherwise be realized upon expiration of the AFD.
- C. The request would not cause damage or disruption to the existing district.
- D. If the request for withdrawal is in conjunction with a proposal to convert the land use of a property to a different use than is currently in place on the property, the new land use would be in conformance with the Comprehensive Plan.

The Board shall weigh each of the above criteria in its deliberation, but may also use whatever other criteria as it deems appropriate for the individual case.

Each of these criteria have been evaluated by staff:

Criteria A: Unanticipated Withdrawal

With the accelerated growth of the number of school children in the County, there is an increased need for additional school sites. After the evaluation of possible sites in and around this area of the County, it was felt that this site provided the best opportunity for construction of the eighth elementary school. Areas were compared both inside and outside of the Primary Service Area, but in the end this site provided the best option for the County. The section of the parcel was only recently evaluated and selected as an appropriate site for the elementary school. There was no way of forecasting that this specific parcel would be chosen as the school site during the last AFD renewal period in 2002. **The application meets this criteria.**

Criteria B: Public Purpose

The withdrawal site will be used for a public school facility, which is a public purpose. Public elementary schools have certain specific location, transportation, and acreage needs that are unique to that use. An exhaustive study determined that this site provided for all of the necessities for a public school site. **The application meets this criteria.**

Criteria C: Damage to the existing district

The withdrawal site is internal to the largest section of the Gordon Creek AFD. The parcel can be withdrawn without adversely affecting parcels on the outside of it, because it will not cause parcels to be more than a mile away from the main body of the AFD. The additional acreage being withdrawn only totals approximately two acres on the sides of the project site. The remainder of the parent parcel is still

enrolled in the AFD program and was recently renewed for a term length of four years and three months.
The application meets this criteria.

Criteria D: Comprehensive Land Use conformance

The withdrawal site is located within a rural lands area of the Comprehensive Plan. In the description of possible land uses within rural lands there are provisions for “public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings.” As this site will be used for an elementary school, and needs at least 20 acres of land to meet Comprehensive Plan criteria, this meets the provision for public uses. In actuality, public elementary schools require considerably more acreage in terms of developable land in order to fit all of the necessary elements onto the site. Many of the elementary schools in the County have sites of between 30 and 40 acres of land.

While the extension of utilities beyond the Primary Service Area (PSA) is contrary to the Comprehensive Plan, the Public Facilities section stresses that the location of new public facilities should be close to the greatest number of people served. It also stresses the need for construction of public facilities in a timely manner to meet the needs of the County. A public school is needed in this area of the County in order to meet current demand. The withdrawal is consistent with the public facility goals of the Comprehensive Plan. The James City County Board of Supervisors reviewed a number of sites in and outside of the PSA and choose this site as best meeting all of the criteria for construction of the eighth elementary school.

The application meets this criteria.

Recommendation:

This withdrawal request is necessary in order to adjust the boundary lines so they conform to the development plan. Staff finds the proposed withdrawal consistent with the Comprehensive Plan. Furthermore, staff finds this application meets all of the criteria for the withdrawal of lands from Agricultural and Forestal Districts outside the PSA. As a site currently zoned A-1, with the approval of a special-use-permit to allow for a public school, the site would be in conformance and consistent with zoning for General Agricultural districts. The use of the site for a public school makes the site consistent with these policies as well as consistent with the Comprehensive Plan. Since the school site has an opening date of Fall of 2007, the applicant cannot wait for the renewal period for this district in August. Waiting for withdrawal during the renewal period will preclude the ability to complete the project during the allotted time frame. Therefore, based on the information available to staff at this time, staff recommends the Planning Commission recommend approval of the request to remove 40.285 acres from the Gordon Creek AFD to the Board of Supervisors.

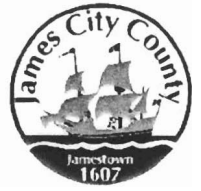
Jason Purse

Attachments:

1. Location map
2. Boundary Line Exhibit
3. Minutes of the October 17, 2006 AFD Advisory Committee Meeting
4. Letter from Sandy Wanner dated October 11, 2006

AFD-9-86-6

Gordon Creek AFD withdrawal



Warburton
Pond

Approximate Site of 40.285 acre AFD withdrawal



Brick Bat Road

Greensprings West 0

Greenville Road

750

1,500

Ne



TIMMONS GROUP
 2001 Southern Freeway, Suite 300
 Richmond, VA 23261
 Tel. 804.355.5500
 Fax 804.355.5501
info@timmons.com

MOSELEYARCHITECTS
A PROFESSIONAL CORPORATION

601 SOUTH LAM BOULEVARD, RICHMOND, VIRGINIA 23274
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MOBILEARCHITECTS.COM

AT THE MEETING OF THE AGRICULTURAL AND FORESTAL ADVISORY COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 17TH DAY OF OCTOBER, TWO THOUSAND SIX, AT 4:00 P.M. AT THE HUMAN SERVICES BUILDING, 5249 OLDE TOWNE ROAD, WILLIAMSBURG, VIRGINIA.

1. Roll Call

Members Present

Mr. Gilley
Mr. Ford
Ms. Garrett
Ms. Smith
Mr. Richardson
Mr. Abbott
Mr. Bradshaw

Members Excused

Mr. Icenhour
Mr. Meadows

Also Present

Ms. Milly Story
Mr. Jason Purse
Mr. Leo Rogers

2. Minutes

Minutes from August 29, 2006 were approved on a motion by Mr. Ford and seconded by Ms. Garrett.

3. Old Business

No old business was discussed.

A. AFD Renewals

Mr. Purse stated that the reason for the Gordon Creek withdrawal being presented again was due to a boundary line adjustment. Committee members questioned the exact location of the new boundary lines and the time frame for the completion of the school. Mr. Purse went over the map showing that the turn lanes, stormwater management facility and part of a playing field were outside of the originally withdrawn area and stated that it was still scheduled to be open in the Fall of 2007. Ms. Smith asked about the legality of process. Mr. Leo Rogers joined the meeting to explain why there was a boundary line change with the property. The acreage changed from 44 to 40.2 acres. Mr. Rogers also discussed the need for the school in this area and future schools in the county, and the counties process for finishing the condemnation process. He further stated that the Board of Supervisors had approved the take of the new acreage. Mr. Ford expressed concern over the process, but stated that Mr. Rogers had answered most of his questions. Mr. Gilley inquired about the compensation for the land owners and Mr. Rogers stated that it was still being worked out with the appraiser. Mr. Abbott inquired about the acreage that was already withdrawn and not being used and whether it could be returned to the District. Mr. Rogers stated that it could once the process was completed, which would not be for some time though.

The members voted 5-2 in a roll call vote to approve the withdrawal on a motion by Mr. Ford, which was seconded by Mr. Abbott.

4. New Business

A. Mr. Jason Purse opened the discussion regarding the applicants to fill the vacancy on the committee. Two very strong candidates stood out among the committee members, discussion took place on the merits of each candidate. Mr. Gilley initiated the discussion and the possibility of sending both candidates to the Board of Supervisors. Mr. Ford noted that the committee was fortunate to have such a quality number of applications. Mr. Ford moved that both Mr. Thomas Hitches and Mr. Payton Harcum be recommended to the Board of Supervisors for their inclusion on the AFD Advisory Committee, and Mr. Abbott seconded the motion. The committee unanimously voted to recommend Mr. Thomas Hitchens and Mr. Payton Harcum to the Board of Supervisors. Mr. Jason Purse ended the discussion with a commitment to research the regulations and see if it was possible for the AFD Board to send two candidates to the Board of Supervisors.

5. Adjournment

Mr. Gilley adjourned the meeting at 4:40 p.m.

Mr. R.E. Gilley, Chairman

Jason Purse, Planner

Milissa Story, Development Management Assistant



COUNTY ADMINISTRATION

101-C MOUNTS BAY ROAD, P.O. BOX 8784, WILLIAMSBURG, VIRGINIA 23187-8784
(757) 253-6728

E-MAIL: cadm@james-city.va.us
Fax: (757) 253-6833

October 11, 2006

Mr. Jason Purse, Planner
James City County
101-A Mounts Bay Road
Williamsburg VA 23185

RE: WJCC Elementary School Site Withdrawal from the Gordon Creek AFD

Dear Mr. Purse:

I am writing on behalf of James City County to apply to withdraw approximately 40.285 acres from the Gordon Creek AFD for the purpose of constructing the County's 8th Elementary School.

A withdrawal was previously approved for a portion of this site. This withdrawal will change the boundary lines of the property being withdrawn to conform to the actual development plan. The purpose of the amendment is to fix the boundary lines of the project so they include the turn lanes, the stormwater management facility, and the playing field as a part of the site.

The property in question is outside the Primary Service Area (PSA) and is designated Rural Lands on the 2003 Comprehensive Plan Land Use Map. The property is zoned A-1 and is now part of a parcel of approximately 164 acres in the Gordon Creek AFD, known as the "Jacksons" tract. Originally the piece was a part of the 163.880 acres placed in the AFD by the previous owner. The rest of that parcel is still a part of the AFD and is up for renewal this August.

The James City County Board of Supervisors previously adopted a resolution delineating criteria for withdrawal from an AFD outside the PSA. Given this sites use as a public elementary school owned by the County, this request conforms to all of the criteria stated in the enclosed Board of Supervisors resolution for withdrawal of land from an AFD outside the PSA.

This request is being filed jointly with an SUP amendment application, which will amend the boundary lines for this parcel in order to have it more closely conform to the actual development plan for the project. This withdrawal is necessary in order for the completion of this project to occur within the desired time frame for opening the school in the fall of 2007. Please let me know if you need any further information.

Sincerely,

Sanford B. Wanner
County Administrator

SBW/eb
JPurse.ltr

**SPECIAL USE PERMIT CASE NO. SUP-29-06 W-JCC 8th Elementary School Amendment
Staff Report for the November 6, 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:

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

November 6, 2006

7:00 PM

December 12, 2006

7:00 PM (tentative)

SUMMARY FACTS

Applicant:

Mr. Sanford Wanner, James City County County Administrator

Land Owner:

Mr. Sanford Wanner, James City County County Administrator

Proposal:

To construct an elementary school in A-1.

Location:

4001 Brick Bat Road

Tax Map/Parcel

(36-3) (1-1)

Parcel Size

40.285+/- acres

Existing Zoning:

A-1, General Agricultural

Comprehensive Plan:

Rural Lands

Primary Service Area:

Outside

STAFF RECOMMENDATION

Staff finds the proposal, with the attached conditions, to be consistent with surrounding land uses, and because it is a public use site, consistent with the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of the special use permit amendment application, with the attached conditions, to the Board of Supervisors.

Staff Contact:

Jason Purse, Planner

Phone: 253-6685

Project Description

Mr. Sanford Wanner, on behalf of James City County, has applied for a Special Use Permit to allow for an elementary school, on approximately 44 acres of land, on a parcel zoned A-1, General Agricultural. The parcel is located at 4001 Brick Bat Road, which is northwest of the Centerville and Brick Bat Road intersection and is further identified as Parcel No. (1-1) on the James City County Real Estate Tax Map No. (36-3). The site is shown on the 2003 Comprehensive Plan Land Use Map as Rural Lands.

A special use permit was previously approved for a portion of this site. This SUP amendment will include the land that the Board of Supervisors recently approved to be condemned, mostly along the frontage of the property. This amendment will change the boundary lines of the property receiving the special-use-permit to conform to the actual development plan. The purpose of the amendment is to adjust the boundary lines of the project so they include the turn lanes, the stormwater management facility and a playing field as a part of the site. After the original condemnation, once the engineers went on site they discovered the need for the different land requirements based on the development plan. The conditions for this case remain the same as the previously approved conditions.

Surrounding Zoning and Development

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

PUBLIC IMPACTS

1. Environmental Impacts

Watershed: Gordon Creek

Environmental Staff Conclusions: The Environmental Division has reviewed the proposal and concurs with the Master Plan and conditions as proposed.

2. Public Utilities

The site is located outside the Primary Service Area, but will be served by public water and sewer through a connection with Greensprings West.

Conditions:

- 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.
- Irrigation from the JCSA water distribution system and the installation of irrigation wells will not be permitted, unless approved by the JCSA General Manager.

JSCA Staff Conclusions: The James City County Service Authority has reviewed the proposal and concurs with the Master Plan and conditions as proposed.

3. Traffic

The applicant used the ITE manual for Elementary Schools to determine traffic generation for the site, and determined that there would be 294 total AM Peak trips and 196 total PM Peak trips generated. Using 2004 VDOT traffic count data and HCS two-lane capacity analysis software, the applicant determined Brick Bat Road is currently operating at a LOS “A”. In 2005, for the Monticello to Brick Bat Road section of Centerville Road, the Traffic Count survey indicated there were 5,060 trips daily, and from the Brick Bat Road to News Road section there were 5,719 trips daily. The 2026 projected Traffic Counts indicate an increase to 9,500 trips for the Monticello to Brick Bat interchange, along with listing this section of Centerville Road as an “ok” area.

Conditions:

- All traffic improvements required by the Virginia Department of Transportation (VDOT) around the Centerville Road (Route 614) and Brick Bat Road (Route 613) intersection, as well as shoulder strengthening/widening of Brick Bat Road (Route 613) between Centerville Road (Route 614) and the school site, shall be installed or bonded by James City County prior to issuance of a certificate of occupancy for any structure on the site. All frontage improvements required by VDOT along the school site, including the widening of Brick Bat Road (Route 613) to accommodate appropriate turn lanes, shall be installed or bonded by the developer, and the appropriate right of way dedicated to VDOT, prior to issuance of a certificate of occupancy for any structure on the site.

VDOT Conclusions: VDOT has reviewed the proposal and concurs with the Master Plan and conditions as proposed.

COMPREHENSIVE PLAN

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

Staff Conclusions: The project site is located within a rural lands area of the Comprehensive Plan. In the description of possible land uses within rural lands, there are provisions for “public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings.” As this site will be used for an elementary school and needs at least 20 acres of land to meet Comprehensive Plan criteria, this meets the provision for public uses. In actuality, public elementary schools require considerably more acreage in terms of developable land in order to fit all of the necessary elements onto the site. Many of the elementary schools in the County have sites of between 30 and 40 acres of land. One of the main reasons this site was chosen was because of its capacity for playing fields and accessory play areas for the community. The Parks and Recreation section of the Comprehensive Plan suggests that there continue to be efficient utilization of athletic facilities between the Williamsburg-James City County Public Schools and the Parks and Recreation Division. This site, as a public use, meets not only the County’s school needs, but also Parks and Recreation’s ability to meet the community’s need for additional recreation fields. When looking at the Strategies section of the Public Facilities section of the Comprehensive Plan, this site enables the County to have maximum site utilization while providing optimum service to, and compatibility with, the surrounding community.

While the Comprehensive Plan does not suggest that utilities be extended beyond the PSA, the Public Facilities section stresses that the location of new public facilities should be close to the greatest number of people served and located so that accessibility is maximized with minimum neighborhood effects. The extension of utilities to the school site required an SUP and was approved by the Board of Supervisors on May 9, 2006. A condition was added to that SUP to limit connections to the service which will reduce the impact that this project has on lands outside of the PSA. For the purpose of a public use, this site provides more ability for the County to meet community needs than any available parcel in the area that was inside the PSA. The Comprehensive Plan also stresses the need for construction of public facilities in a timely manner to meet the needs of the County. A public school is needed in this area of the County in order to meet current demand. This use is consistent with the public facility goals of the Comprehensive Plan. With the approval of an SUP to allow for a public school, the site would be in conformance and consistent with zoning for General Agricultural districts, and consistent with surrounding uses. The James City County Board of Supervisors reviewed a number of sites in and outside of the PSA and chose this site as best meeting all of the criteria for construction of the eighth elementary school.

RECOMMENDATION:

Staff finds the proposal, with the attached conditions, to be consistent with surrounding land uses, and because it is a public use consistent with the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of the special use permit application, to the Board of Supervisors, with the following conditions:

1. The Property shall be developed generally as shown on the master plan entitled "New Elementary School" and dated March 7, 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. There shall be a fifty-foot (50') perimeter buffer generally as shown on the Master Plan. The buffer shall be exclusive of any structures or paving and shall be undisturbed, except for the entrances and sidewalks shown generally on the Master Plan, and with the approval of the Director of Planning, for lighting, entrance features, fencing and signs. Dead, diseased and dying trees or shrubbery, invasive or poisonous plants may be removed from the buffer area with the approval of the Director of Planning. With the prior approval of the Director of Planning, utilities may intrude into or cross the perimeter buffer, provided however, that such crossings or intrusions are generally perpendicular to the perimeter buffer and are given prior approval from the Director of Planning
3. 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 30 feet in height. No glare defined as 0.1 foot-candle or higher shall extend outside the property lines. The height limitation provided in this paragraph shall not apply to athletic field lighting provided that proper permits are issued under the James City County Zoning Ordinance.
4. All traffic improvements required by the Virginia Department of Transportation (VDOT) around the Centerville Road (Route 614) and Brick Bat Road (Route 613) intersection, as well as shoulder strengthening/widening of Brick Bat Road (Route 613) between Centerville Road (Route 614) and the school site, shall be installed or bonded by James City County prior to issuance of a certificate of occupancy for any structure on the site. All frontage improvements required by VDOT along the school site, including the widening of Brick Bat Road (Route 613) to accommodate appropriate turn lanes, shall be installed or bonded by the developer, and the appropriate right of way dedicated to VDOT, prior to issuance of a certificate of occupancy for any structure on the site.

5. A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for his 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 being 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.

6. The Williamsburg-James City County School Board shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (the "JCSA") 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.

7. 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.

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

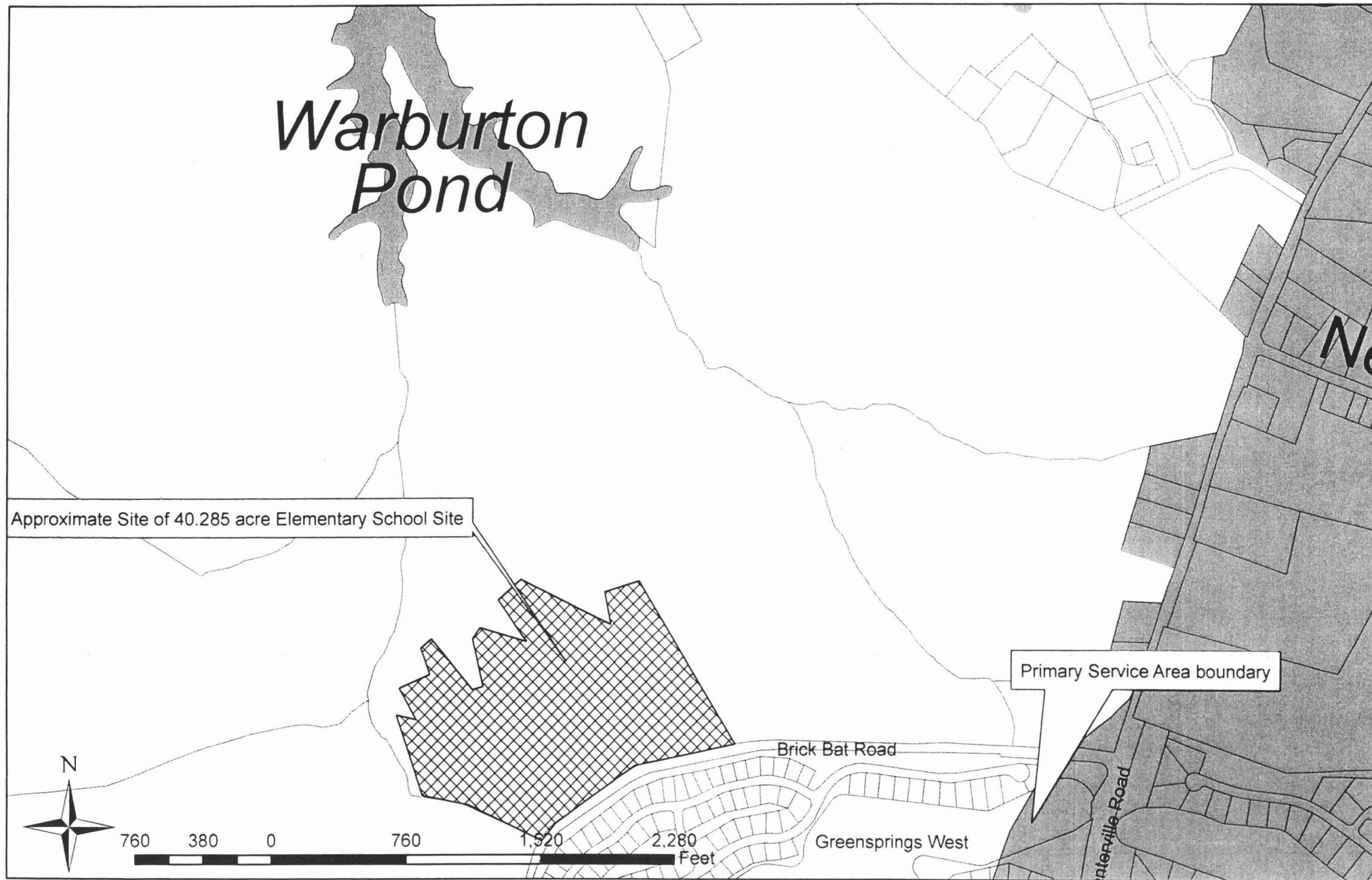
Jason Purse

Attachments:

1. Location map
2. Master Plan (under separate cover)

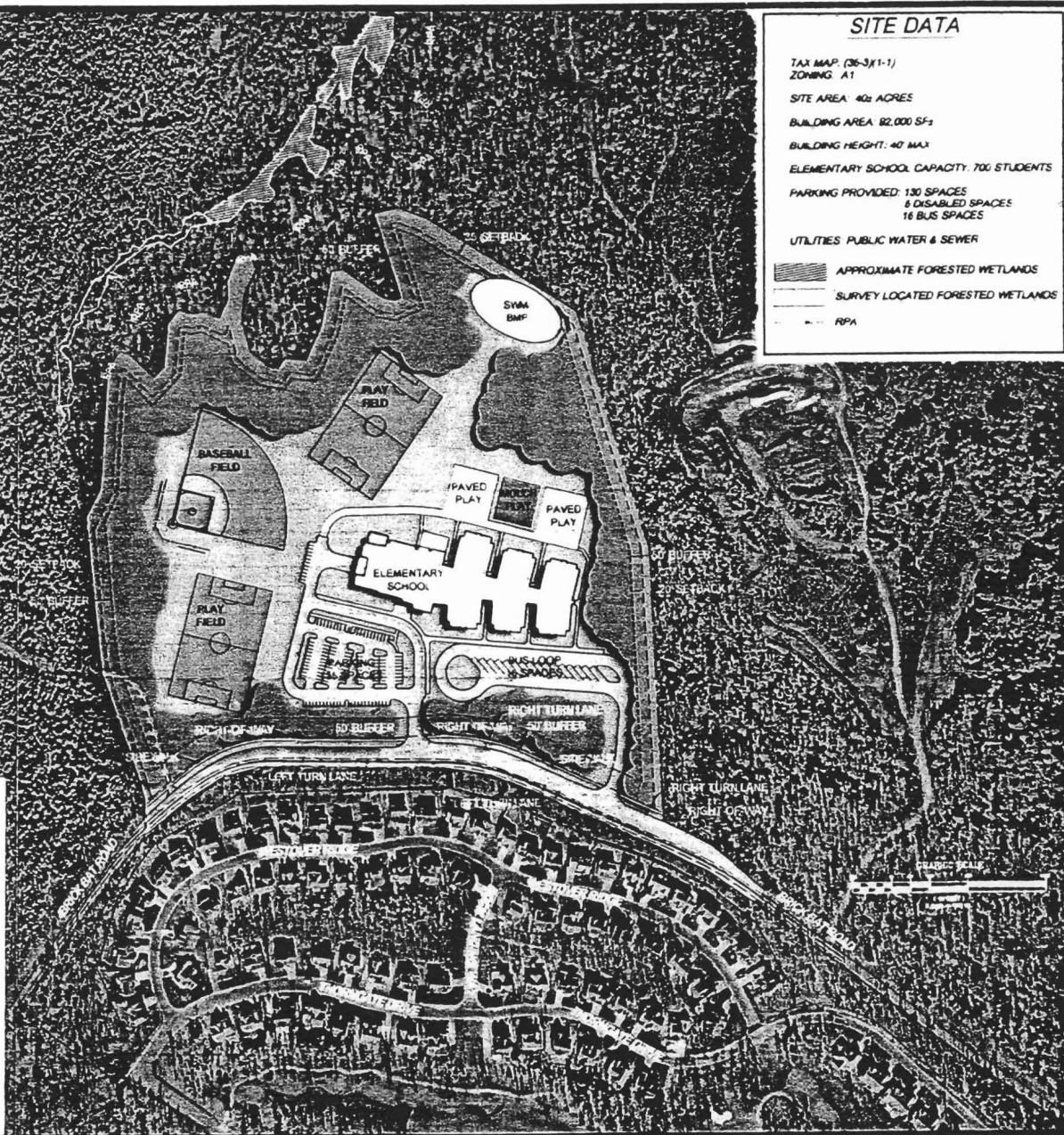
SUP-29-06

W-JCC Elementary School Amend.





VICINITY MAP
SCALE 1" = 2,000'



SITE DATA

TAX MAP: (26-3)(1-1)
ZONING: A1
SITE AREA: 40+ ACRES
BUILDING AREA: 82,000 SF±
BUILDING HEIGHT: 40' MAX.
ELEMENTARY SCHOOL CAPACITY: 700 STUDENTS
PARKING PROVIDED: 130 SPACES
8 DISABLED SPACES
16 BUS SPACES
UTILITIES: PUBLIC WATER & SEWER
APPROXIMATE FORESTED WETLANDS
SURVEY LOCATED FORESTED WETLANDS
RPA

NEW ELEMENTARY SCHOOL

SD# NO. 131-18A
WILLIAMSBURG - JAMES CITY COUNTY PUBLIC SCHOOLS
WILLIAMSBURG - JAMES CITY COUNTY, VIRGINIA



MOSELEY ARCHITECTS



SPECIAL USE PERMIT-28-06. VFW Post 8046 Meeting Facility
Staff Report for the November 6, 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:	November 6, 2006	7:00 p.m.
Board of Supervisors:	December 12, 2006	7:00 p.m. (tentative)

Building F Board Room; County Government Complex

SUMMARY FACTS

Applicant:	Mr. John Worley
Land Owner:	Veterans of Foreign Wars Post 8046
Proposal:	To replace their current meeting facility with a new building at their current location. Lodges, civic clubs, fraternal organizations or services clubs are specially permitted uses in the A-1, General Agricultural zoning district.
Location:	5343 Riverview Road
Tax Map/Parcel Nos.:	(15-3) (1-31)
Parcel Size:	0.993 acres
Zoning:	A-1, General Agricultural
Comprehensive Plan:	Rural Lands
Primary Service Area:	Outside

STAFF RECOMMENDATION

Staff believes that this proposal is generally consistent with the Comprehensive Land Use Map designation and is compatible with surrounding zoning and development. Staff believes that the proposed conditions will sufficiently mitigate the impacts created by the proposed development. Based on this information, staff recommends that the Planning Commission recommend approval of this application to the James City County Board of Supervisors with the attached SUP conditions.

Staff Contact: Matthew J. Smolnik

Phone: 253-6685

PROJECT DESCRIPTION

VFW Post 8046 currently utilizes meeting facilities located at 5343 Riverview Road. Lodges, civic clubs, fraternal organizations or services clubs are specially permitted uses in the A-1, General Agricultural zoning district. The site consists of a grass yard with a few mature trees on the east side of the property, a one-story dwelling which currently serves as their meeting hall, a wood frame shed near the rear of the property and a trailer. There is no clearly defined parking lot on site, which is currently served by two driveways off Riverview Road. The site is bordered by a few residences and wooded lots. The current meeting facility of approximately 900 square feet is outdated, and on behalf of Post 8046, the applicant proposes to remove the three existing structures on the property and construct a new 60 foot by 60 foot building to be used by the Post and Ladies Auxiliary for monthly business meetings and occasional fellowship activities. There are approximately 80 members of Post 8046 with an additional 60 members in the women's auxiliary. Post 8046 holds its monthly business meeting on the third Monday of every month, with the meeting starting at 7:30 pm

and lasting approximately three hours. The applicant has indicated that attendance at the monthly business meetings is typically between 12-15 total individuals. The Junior Girls Club meets on the fourth Sunday of every month for approximately one hour. In addition to the regular monthly business meetings and Junior Girls Club meetings, the Post occasionally hosts dinners, dances and other fellowship events throughout the year. The applicant has indicated to Staff that the meeting facility for Post 8046 is a non-alcoholic and non-smoking place of gathering.

Environmental

Watershed: York River Watershed

Staff Comments: Environmental staff has reviewed the application and believes all remaining issues can be resolved at the site plan stage. A land disturbing permit may be required and comments pertaining to stormwater management may be issued upon review of the improvement plans.

Public Utilities

This site is served by private well and septic systems.

Proposed Condition:

- Staff is proposing a condition that the applicant shall receive full approval from the Health Department for septic tank and drain field capacity prior to final site plan approval. (Condition # 6)

Staff Comments: The Health Department has reviewed the proposal and has no further comments at this time.

Transportation

Road Improvements: No road improvements are proposed for Riverview Road. There are currently no turn lanes or tapers and there are two existing entrances to the site from Riverview Road.

Proposed Condition:

- Staff is proposing a condition to allow only one entrance onto Riverview Road. One of the existing entrances shall be permanently closed to vehicular traffic (Condition #7), which limits access points on Riverview Road.

VDOT Comments: VDOT has reviewed the proposal and believes that all issues can be worked out at the site plan stage of development.

Staff Comments: Staff believes the proposal will have minimal traffic impacts on Riverview Road. The Post 8046 meeting facility is currently in operation and Staff has not received any traffic concerns on Riverview Road. Membership is relatively small and activities generally occur during off peak traffic hours.

COMPREHENSIVE PLAN

Land Use Map

Designation	Rural Lands (Page 119): Primary uses include agricultural and forestal activities, together with certain recreational, public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings.
	Staff Comment: While this is considered an institutional use, Staff does not believe that it fully meets the intent of this section. However, it is an existing small scale use that with the attached conditions will remain small in scale and be more consistent with the intent of the Comprehensive Plan. The proposed meeting facility will only be in use a few days every month and Staff believes the surrounding residential dwellings will be minimally affected by the continued use of the property as a home to VFW Post 8046.
Rural Land Use Standards	Standard # 1 (page 135): Preserve the natural, wooded, and rural character of the County. Particular attention should be given to ...encouraging enhanced landscaping to screen developments located in open fields using a natural appearance or one that resembles traditional hedgerows and windbreaks...minimizing the number of street and driveway intersections along the main road by providing common driveways and utilizing lighting only where necessary and in a manner that eliminates glare and brightness. Staff Comment: Through special use conditions # 3, 7 and 9 Staff believes any impacts created by

	the proposal will be mitigated through the use of specific lighting fixtures and limiting the time when the property can be illuminated, by limiting access points onto Riverview Road and by providing an enhanced landscape buffer between the building / parking and road.
Goals, strategies and actions	<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.
	Staff Comment: Through special use conditions # 2, 7 and 9 Staff believes the use will be compatible with the size and scale of surrounding development and any impacts created by the proposal will be mitigated through the use of architectural and color review and approval by the Planning Director, by limiting access points onto Riverview Road and by providing enhanced landscape buffers.

RECOMMENDATION

Staff believes that this proposal is consistent with the Comprehensive Land Use Map designation and is compatible with surrounding zoning and development. Staff believes that the proposed conditions will sufficiently mitigate the impacts created by the proposed development. Based on this information, staff recommends that the Planning Commission recommend approval of this application to the James City County Board of Supervisors with the attached SUP conditions.

1. This Special Use Permit shall be valid for the construction of a 3,800 square foot meeting facility and accessory uses thereto as shown on the Master Plan titled "VFW Post 8046 Meeting Facility" dated September 25, 2006. Development of the site shall be generally in accordance with the above referenced 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. Prior to final site plan approval, architectural elevations, building materials and colors shall be submitted to the Planning Director for review and approval for general consistency with the building schematics and color charts submitted to the County and dated stamped October 23, 2006.
3. Should new exterior site or building lighting be installed for the new Post 8046 meeting facility, such fixtures 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. When the meeting facility in not in use, all lights are to remain off except for one security light.
4. 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.
5. Free standing signage shall be limited to one monument style sign. For purposes of this condition, a "monument" style sign shall be defined as a free standing sign with a completely enclosed base not to exceed 16 square feet in size and not to exceed six feet in height from grade.
6. The applicant shall receive full approval from the Health Department for septic tank and drain field capacity prior to final site plan approval.
7. Only one entrance shall be allowed onto Riverview Road (Route 606).
8. All parking shall be located at least 50 feet from Riverview Road and no closer than 20 feet from all side and rear property lines. The amount of parking and design and location of the parking lot shall be approved by the Planning Director.

9. A landscaping plan shall be approved by the Planning Director or his designee prior to final site plan approval to effectively screen the parking and meeting facility from Riverview Road. This shall include a 50 foot landscape buffer along Riverview Road and a 20 foot landscape buffer along both side property lines. The owner shall provide enhanced landscaping 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 in the buffers mentioned above.

10. All existing structures shall be removed from the property prior to final site plan approval for the proposed meeting facility.

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

Matthew J. Smolnik

ATTACHMENTS:

1. Location Map
2. Master Plan
3. Building Schematic and Color Chart

JCC-SUP-28-06

VFW Post 8046 Meeting Facility

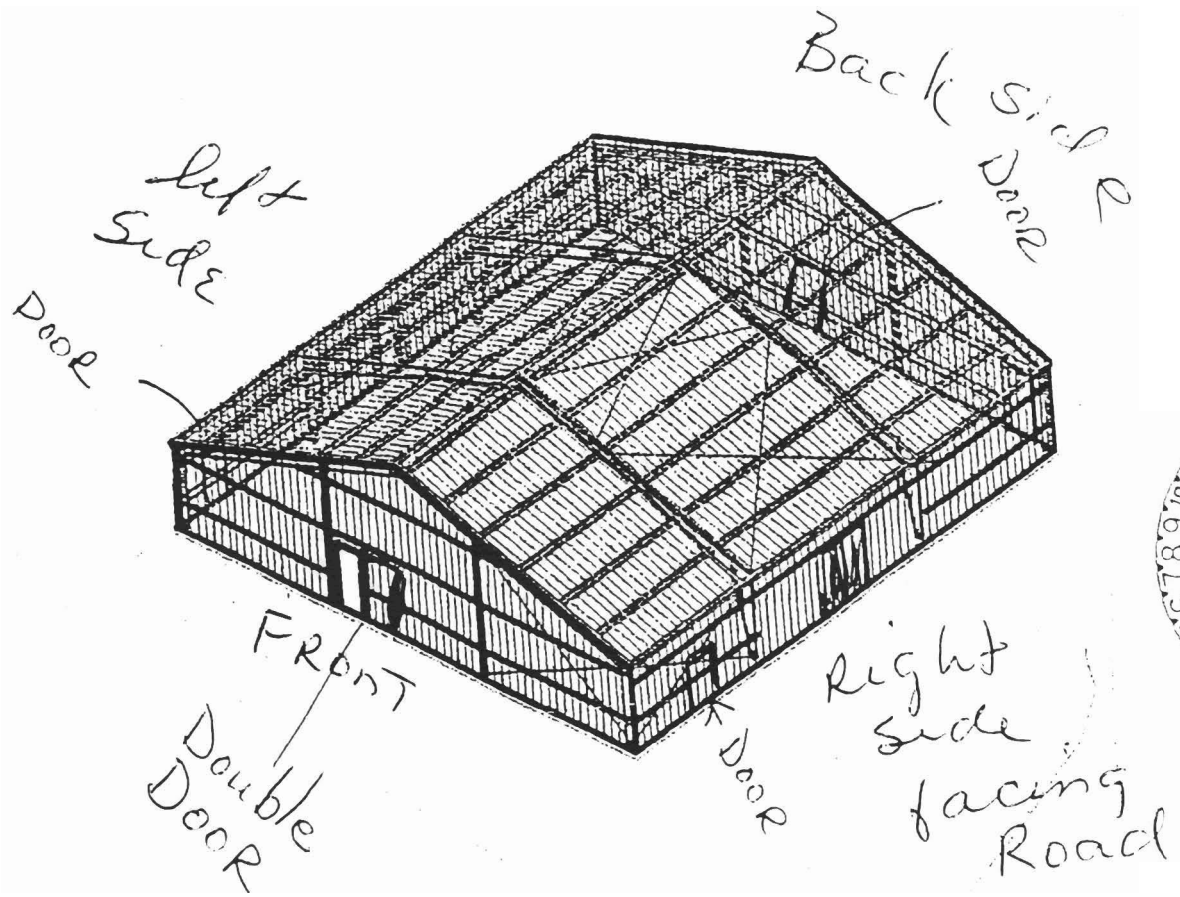


Riverview Road

Site



110 55 0 110 220 330 Feet



REZONING-5-06. New Town Sections 7 & 8
MASTER PLAN-7-06. New Town Sections 7 & 8

Staff Report for the November 6, 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

November 6, 2006 7:00 p.m.
December 12, 2006 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant: Mr. Gregory Davis on behalf of New Town Associates, LLC

Land Owner: New Town Associates, LLC

Proposal: To apply Design Guidelines and rezone 108.1 acres to MU, Mixed Use, with proffers. If approved, the property will be primarily developed with residential development of up to 400 units and may also include 62,300 square feet of non-residential development.

Location: North of the intersection of Monticello Avenue and Route 199

Tax Map/Parcel Nos.: (38-4) (1-51) and (38-4) (1-56)

Parcel Size: 108.1 acres

Existing Zoning: R-8, Rural Residential with proffers and an approved Master Plan

Proposed Zoning: MU, Mixed Use, with proffers

Comprehensive Plan: Mixed Use

Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds this proposal for New Town Sections 7 & 8 is generally consistent with the adopted 1997 New Town Master Plan and Design Guidelines, with the exception of the Community Character Corridor buffer (formerly known as a greenbelt), which is depicted as a 150 foot open space greenbelt road easement on the original Master Plan and Section 6.9 on page 121 of the original Design Guidelines, which references a 150 foot greenbelt buffer along Route 199. The proposed development is compatible with surrounding zoning and development; however the proposal is not consistent with the 2003 Comprehensive Plan recommendations, specifically the section pertaining to width of Community Character Corridor buffers. The inconsistencies with the Comprehensive Plan, original Design Guidelines and Master Plan and previously approved residential development in New Town are outlined in the staff report. Staff recommends the Planning Commission recommend denial of this case to the James City County Board of Supervisors.

Staff Contact: Matthew J. Smolnik

Phone: 253-6685

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

Cash Proffer Summary (See staff report narrative and attached proffers for further details)	
Use	Amount
Water	\$820 per single-family attached dwelling unit \$1,093 per single-family detached dwelling unit
Recreation	\$109 per dwelling unit
School Facilities	\$4,011 per single-family detached dwelling unit
Library Facilities	\$61 per dwelling unit
Fire / EMS Facilities	\$71 per dwelling unit
Road Improvement Contribution	\$12,728
Total Amount (2006 dollars)	\$1,091,098.00

BRIEF HISTORY AND DESCRIPTION OF NEW TOWN

In August 1995, James City County and the C.C. Casey Limited Company sponsored parallel design competitions for a Courthouse and Town Plan, respectively, to be located on approximately 600 acres known as the “Casey” Property. The winning town plan, chosen from among 99 entries worldwide, was submitted by Michel Dionne, Paul Milana and Christopher Stienon of New York City. The program included several civic facilities, 600,000 square feet of regional and community retail, 400,000 square feet of office space and 2,000 residential units of varying types. The plan locates a civic green at the southeast corner of the site where it becomes central to the larger Williamsburg region and an urban gateway to the town. A retail square is the focus of the mixed-use town center with research and development corporations along Discovery Boulevard. The neighborhoods are composed of a simple urban street and block pattern that accommodates alleys, and permits a variety of lot sizes and housing types. The public spaces of the plan connect to the regional system of public open space so that the new town becomes an urban extension and center for the region.

Using the winning town plan as a launching pad, on December 22, 1997, the Board of Supervisors approved rezoning applications (Case Nos. Z-4-97 & Z-10-97) that set forth the New Town binding master plan and Design Review Guidelines by rezoning 547 acres of the Casey Tract to R-8 with proffers. The purpose of the R-8 zoning was to bind the property to the Proffers and Master Plan, which set maximum densities, major roads, major open spaces and types of uses. The rezoning also established Monticello Avenue and Ironbound Road through New Town as major urban arterials with design and operating standards more reflective of urban rather than suburban roads. Under the proffers, the R-8 area could not actually be developed until further rezoning to MU. The purpose for this was to gradually implement the full development. Also, by rezoning areas separately, the Planning Commission and Board will have the opportunity to gauge proposed development against current situations (in an attempt to best mitigate impacts) and to evaluate the proposed development against the Master Plan, the proffers and the design guidelines.

To allow for initial and immediate construction, 27.5 acres of the Plan (Section 1) was rezoned to Mixed Use in 1997. Section 1 approved uses included 146,000 square feet for institutional and public use (80,000 square feet for the Courthouse and 66,000 square feet for the Williamsburg United Methodist Church); 60,000 square feet for office space, Institutional/Office Mixed Use, or Office/Commercial Mixed Use; and 3.5 acres for Open Space.

On what is commonly referred to as the west side of New Town due to its location west of Route 199, the Windsor Meade Retirement Community rezoning application (Case Z-02-01/MP-02-01) was approved by the Board of Supervisors on October 23, 2001. Windsor Meade Retirement Community will provide 300 residential units of various levels of continuous health care and have a maximum of 19,500 square feet of commercial office space. Windsor Mead Marketplace (Case Z-05-03/MP-06-03) was approved on October

14, 2003 and will include approximately 200,000 square feet of commercial and retail space fronting Monticello Avenue.

On the east side of New Town, Section 2 & 4, or the New Town Center, was rezoned to Mixed Use with proffers on December 11, 2001 (Case No. Z-03-01) and amended on October 14, 2003 when approximately 3 acres were added on October 14, 2003. (Case No. Z-06-03/MP-4-03) Section 2 & 4 borders both Ironbound Road and Monticello Avenue and contains the initial development opened in New Town.

Accessed from Tewning Road and separated by wetlands from the core of New Town East, Section 5 was rezoned to M-1, Limited Business/Industrial with proffers on June 8, 2004. (Case No. Z-1-04/MP-2-04).

Encompassing approximately 70 acres to the north of Section 2 & 4 is New Town Section 3 & 6, which was rezoned from R-8, with proffers, to MU, with proffers on October 26, 2004 (Case No. Z-05-04/MP-05-04). Section 3 & 6 is bounded by Ironbound Road to the east, Discovery Boulevard to the south and west, the lands of Eastern State Hospital to the north and east and an industrial neighborhood (Section 5 and Tewning Road) directly to the north. Section 3 & 6 will consist of a maximum of 470 dwelling units with an overall density cap of 4.5 dwelling units per acre and a maximum of 220,000 non-residential square feet.

Encompassing approximately 58 acres, Section 9 was rezoned from R-8, with proffers to MU, with proffers on May 9, 2006 (Case No. Z-16-05/MP-13-05). Section 9 of New Town was master planned as the Gateway Commercial District in the New Town Master Plan. The proposed mixed-use development includes well-appointed residential condominiums and townhomes, office uses, nationally recognized retail tenants and specialty shops to serve the daily needs of the residents and workers within New Town. Section 9 will consist of residential dwellings in the range of 215 to 279 units and between 401,945 and 426,342 square feet of non-residential square footage.

In each of the subsequent rezonings, the cases were evaluated to ensure consistency with the original New Town vision as set out in the master plan, proffers and design guidelines. The cases were also evaluated to ensure their impacts were consistent with the other standards and impacts envisioned in the original rezoning especially in regard to traffic, fiscal and environmental impact.

PROJECT DESCRIPTION

The current request is to rezone approximately 108 acres in Sections 7 & 8 from R-8, with proffers, to MU, with proffers. The project area for Section 7 & 8 is located in the northwestern corner of New Town, which is west of Section 3 & 6, north of Section 9 (Settler's Market), and east of State Route 199. Section 7 & 8 will be primarily residential development with up to 400 dwelling units made up of a mixture of single-family attached and single-family detached dwelling units. The attached fiscal impact study indicates Section 7 & 8 will be evenly balanced between single-family attached and single-family detached units. Section 7 & 8 may also include up to 62,300 square feet of non-residential development.

Plan Flexibility

When New Town was originally rezoned in 1997, rather than set finite square footages and dwelling uses for each use in each section, the adopted master plan establishes certain uses for each section and then describes in tables the maximum and minimum square footages and dwelling units which would occur under two market scenarios.

The 1997 results for the entire east side of New Town development (Sections 1-10) is summarized below:

EAST SIDE OF NEW TOWN, SECTIONS 1-10		
	<u>Maximum Residential Scenario</u>	<u>Maximum Non- Residential Scenario</u>
Residential	1,972 dwelling units	1,171 dwelling units
	4.5 du/acre overall cap	4.5 du/acre overall cap
Non-residential	1,361,157 square feet	2,008,657 square feet

The original land use tabulations for Section 7 & 8 from 1997:

SECTION 7& 8		
	<u>Maximum Residential Scenario</u>	<u>Maximum Non- Residential Scenario</u>
Residential	596 dwelling units	596 dwelling units
Non-residential	62,300 square feet	62,300 square feet

The revised land use tabulations for Section 7 & 8 are proposed as follows:

PROPOSED SECTION 7& 8		
	<u>Maximum Residential Scenario</u>	<u>Maximum Non- Residential Scenario</u>
Residential	400 dwelling units	400 dwelling units
Non-residential	62,300 square feet	62,300 square feet

Design Guidelines

Design guidelines were adopted with the original rezoning to ensure the vision of the winning town plan and establish the New Town Design Review Board and a process from which to review and approve proposed developments. The Design Guidelines for Section 7& 8 address street design, streetscape, parking, block design, architecture, landscaping and suggested greenbelt buffers. The original Design Guidelines recommend the depth of the greenbelt buffer along Route 199 be 150 feet. The New Town Design Review Board has reviewed the proposed Master Plan and revised Design Guidelines for Section 7 & 8 and has approved them for conformance with the adopted Master Plan and original New Town Design Guidelines.

Master Plan

Staff believes that the proposed submitted Master Plan is compatible with surrounding zoning and development and is generally consistent with the approved 1997 New Town Master Plan. The 1997 Master Plan suggests residential development types A, B, C and D for both Section 7 & 8, which are single-family detached, 2-family house / townhouse, 2-story apartment building and 3-story apartment building respectively. In general, Section 8 is comprised of all residential development and Section 7, while mainly residential, is projected to have a minimal amount of nonresidential development. Material submitted by the applicant indicates that there will be a total of 334 dwelling units for Section 7 & 8 and approximately 28,800 square feet of non-residential development in Section 7. The proposed residential and non-residential densities are both consistent with the original 1997 Master Plan. The Master Plan and Design Guidelines are designed to work together to ensure that the overall project achieves the design objectives. The original 1997 Master Plan depicts a 150 foot open space greenbelt easement along Route 199, which is inconsistent with the submitted Master Plan for Section 7 & 8.

PUBLIC IMPACTS

Archaeology

Proffers:

- The applicant has proffered that prior to any final site plan or subdivision plan approval for development in Section 7 & 8, a treatment plan for the Archaeological Interpretive Park shown on the Master Plan shall be reviewed and approved by the Director of Planning.
- The archaeological site in Section 8 will be encompassed by the Small Whorled Pogonia preserve, protecting the site from future development.

Staff Comments: There are two archeological preserves located within Section 7 & 8. The site in Section 8 is encompassed by the Small Whorled Pogonia preserve, while the site in Section 7 will be preserved as an interpretative park. Staff believes that the preserve and submitted proffers are consistent with the County's archaeological policy.

Environmental

Watershed: Powhatan Creek

Proffers:

- The binding master plan shows a variable width buffer around environmentally sensitive areas. The applicant has proffered that no building or impervious cover shall be constructed or installed within 15 feet of this buffer, except in areas shown as COMM on the Master Plan.
- The applicant has proffered to preserve as natural open space the area including and surrounding the Small Whorled Pogonia colony in Section 8.
- The applicant has proffered a nutrient management plan for the Residential Association and Commercial Association of New Town.
- The applicant has proffered to upgrade BMP #53 to a wet pond which shall be in service prior to the issuance of a land disturbance permit for development on Section 8.
- For a period of five years after build-out for Sections 2, 4, 7, 8 & 9 the applicant will monitor the stream located between Section 7 & 8 as depicted on the master plan. Annual visual inspections will be conducted by a third-party environmental monitoring company for the purpose of evaluating channel stability.

Staff Comments: The buffers around the wetlands are consistent with the updated Powhatan Creek Watershed Management Plan adopted on October 10, 2006.

Fiscal

Proffers: Cash contributions for various public facilities have been proffered to offset the project's fiscal impact. In addition, a Fiscal Impact Study has been submitted in accordance with Zoning Ordinance Requirements.

Staff Comments: At buildout (assumed to be in the year 2011) the proposal for just Section 7 & 8 provides a net positive annual fiscal impact of approximately \$418,300. The residential sections of New Town were programmed in 1997 with a balanced mix in both timing and dollar investment with non-residential sections. The non-residential development has exceeded expectations, from a fiscal standpoint, while the residential development has lagged from the initial schedule. The fiscal benefits of the New Town development, originally planned as a break-even, are positive and will continue to be with the completion of Sections 7 and 8.

Housing

Proffers:

- A minimum of twelve (12) units constructed on the Property will be initially offered for sale for a period of nine continuous months after the issuance of a building permit for such residential units at a price at or below \$154,000 subject to the Marshall Swift Index price adjustment

Staff Comments: Staff has reviewed this proffer. The price meets the County criteria for affordable housing and the percentage of affordable units proffered by the applicant is consistent with previous rezonings for New Town.

Fire and EMS:

Proffers: A cash contribution of \$71 per residential unit is proffered for fire and rescue equipment and facilities.

Staff Comments: This figure is consistent with the need indicated by the Fire Department and consistent with other recent rezonings.

Libraries

Proffers: A contribution of \$61 for each residential unit is proffered for library needs.

Staff Comments: In the near future, another library facility will need to be considered to adequately service demands. The proffered amount helps offset building construction costs but does not provide sufficient funds for the opening day collection needs.

Public Utilities

Proffers:

- A cash contribution of \$820 for each single-family attached dwelling unit and \$1,093 for each single-family detached dwelling unit on the property shall be made to the James City Service Authority in order to mitigate impacts on the County from the physical development and operation of the property.
- Appropriate water conservation measures will be developed and submitted to the JCSA for review and approval prior to any site plan approval.

Staff Comments: This site is served by public water and sewer. The proffered dollar amount is consistent with the need indicated by the JCSA and other recent rezonings with adjustments made for inflation.

Public Facilities

Proffers:

- Total contributions of \$1,061 per single-family attached dwelling unit and \$5,345 per single-family detached dwelling unit are proffered to the County (\$0 per single-family attached dwelling unit and \$4,011 per single-family detached dwelling unit for schools, which are in accordance with the Board adopted cash proffer policy for schools).

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

New Town Sections 7 & 8 are located within the Clara Byrd Baker Elementary School, Berkeley Middle School and Jamestown High School districts. Under the proposed Master Plan, a maximum of 400 units are proposed while the concept plan included in the Design Guidelines and Table C in the Fiscal Impact Study indicate that Section 7 & 8 will consist of a total of only 334 units. Per the adequate public school facilities policy adopted by the Board of Supervisors, all special use permit or rezoning applications should meet the policy for adequate public school facilities. The policy adopted by the Board uses the design capacity of a school, while the Williamsburg - James City County schools recognize the effective capacity as the means of determining student capacities. In Table B on page ii of the attached Fiscal Impact Study, the applicant has indicated that the development will produce 47 school-aged children. According to Financial and Management Services, the breakdown of students in the Williamsburg James City School District is as follows: approximately 44% elementary (21 students), 24% middle school (11 students) and 32% high school (15 students). With respect to the policy, the following information is offered by the applicant:

School	Design Capacity	Effective Capacity	Current Enrollment (Sept 2005)	Projected Students Generated	Enrollment + Projected Students
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Clara Byrd Baker	804	660	752	21	773
Berkeley Middle	725	816	876	11	887
Jamestown High	1,250	1,177	1,524	15	1,539
Total	2,779	2,653	3,152	47	3,199

There is design capacity for this development at Clara Byrd Baker; therefore this development meets the policy guidelines at the elementary school level. Both design and effective capacities are exceeded at Berkeley Middle School and Jamestown High School. Although the design capacity of Jamestown High School is clearly exceeded, the adequate public school facilities policy states that if physical improvements have been programmed through the County CIP then the application will meet the policy guidelines. On November 2, 2004, voters approved the third high school referendum and the new high school is scheduled to open in September 2007; therefore, this proposal meets the policy guidelines for the high school level. The proposal does not meet the policy guidelines at the middle school level.

Staff would like to note that the proposed number of schoolchildren presented by the applicant takes into account that 50 of the proposed 147 condominium units will be age-restricted; however the applicant has not proffered any age-restricted dwelling units. If the additional 50 dwelling units were used to calculate the proposed number of schoolchildren, an additional 4 school-aged children would be produced by the development, taking the total number of predicted new students to 51.

The cash amount proffered for schools for Section 7 & 8 varies from previous New Town rezonings. To offset project-wide impacts, the 1997 proffers state that New Town and the County “acknowledge that it is the expectation of the County that at the time of approval of rezoning for residential development that significantly contributes to the need for a new public school, New Town will either contribute an elementary school site, or make cash contributions to the County in the amount and upon terms agreed to.” New Town has chosen to make cash contributions. Therefore, the proffered amount used in all previous New Town residential rezonings was based on the number of units likely to be constructed in all of New Town and the cost needed to acquire a new elementary school site off-site (approximately \$240,000 based on the 1997 Comprehensive Plan standards for acreage and the cost per acre of acquiring the Stonehouse elementary site).

On September 13, 2005, the Board of Supervisors adopted a cash proffer policy for schools that the Board will use to guide its decision in residential zoning applications received after November 13, 2005. The cash proffer amounts for school construction are:

\$4,011 per Single-Family Detached Unit
\$0 per Single-Family Attached Unit
\$4,275 per Multi-Family Unit

The applicant for Section 7 & 8 has proffered cash for school construction in accordance with this Board adopted policy.

Parks and Recreation

Proffers:

- The proffers provide for several community spaces referred to as “Community Space” which are also shown and labeled on the master plan as “Open Space” and “Median/Urban Parks”.
- The applicant has proffered to construct on the property: one playground, one pool, one urban park associated with the pool, one archaeological interpretive park, one urban park in Section 8 and a system of pedestrian/jogging paths.
- The proffers provide for a cash contribution of \$109 for each residential unit developed on the property.

Staff Comments: In addition to the items depicted on master plan, the Design Guidelines call for sidewalks along all public roads and bikeways along Casey Boulevard. Given this is an urban

development the proffered recreational facilities are different than those provided by suburban developments. Based on previous New Town rezonings, the proffers are acceptable.

Transportation

2005 Traffic Counts on Monticello Avenue (Ironbound Road to State Route 199): 23,662 vehicles/day

2005 Traffic Counts on Monticello Avenue (State Route 199 to News Road): 36,548 vehicles/day

2005 Traffic Counts on Ironbound Road (Monticello Avenue to Watford Lane): 10,157 vehicles/day

A traffic impact study was submitted to the County in accordance with the requirements of Section 4 of the original New Town proffers. Staff did not require the applicant for Section 7 & 8 to submit a traffic impact analysis as their property was included in the traffic impact analysis for the Section 9 rezoning during the spring of 2006. The Planning Commission recommended approval of the Section 9 rezoning on April 3, 2006 and the Board of Supervisors approved the Section 9 rezoning on May 9, 2006. A number of road improvements were proffered as part of the rezoning as well as cash for a prorated share of the improvements west of Route 199. The results of the traffic study completed in the spring of 2006, which included Section 7 & 8 indicates that all New Town intersections are in compliance with the original traffic proffers from 1997.

Proffers:

- A cash contribution of \$12,728 to be used towards the conceptual road improvements on the west side of Route 199. This proffer includes funds for roadway construction and utility relocation.
- One bus pull-off area and bus shelter are to be constructed on the property.

1997 Proffer Criteria: The 1997 proffers require an updated traffic impact study to be submitted with the rezoning of each section from R-8 to MU. These proffers also specify operational standards for the Monticello Avenue and the methodology and criteria for the studies. The 1997 proffers require the provision of road improvements to maintain an overall level of service (LOS) C for the design year of 2015 at all New Town intersections. Of note, however, is a relaxed level of service standard in the 1997 proffers that permits lane groups to have LOS D if they are part of a coordinated traffic signal system and the overall intersection maintains LOS C. Although LOS C for all lane groups is the accepted standard for most roads in the County by both staff and VDOT, it is a very suburban type standard that produces very wide roads. An overall LOS D is an accepted urban standard and produces narrow more pedestrian-friendly design and traffic movement and is used in most cities. In an effort to reduce the scale of the road network and the related improvements (i.e., dual left-turns) so that the streets would fit the vision of New Town, the relaxed standard was accepted by James City County and VDOT for some lane groups in 1997 and has been accepted in all subsequent rezonings.

Traffic Study Findings: The updated traffic impact study for this rezoning is based on existing peak p.m. hour traffic and counts compiled by VDOT and DRW Consultants, LLC. The nine intersections along Monticello Avenue that were analyzed for this study include; Ironbound Road, Courthouse Street, New Town Avenue, Settler's Market Boulevard (proposed), Old Ironbound Road (Casey Boulevard), State Route 199, WindsorMeade Way, Monticello Marketplace and News Road. It should be noted that the intersections at Monticello Marketplace and News Road were not included in the 1997 proffers, but were analyzed for this traffic impact study at the County's request. While these two intersections were designed by VDOT as part of the Route 199 project, the other seven intersections were designed by New Town's traffic consultant. Three scenarios were analyzed in the applicant's traffic impact study: 2015 traffic conditions without Section 9, 2015 traffic conditions with Section 9; and 2015 traffic conditions with Sections 7, 8 and 9.

The results of the traffic impact study indicate that the seven intersections included under the 1997

proffers (Ironbound Road to WindsorMeade Way) will operate in accordance with the original proffers. An overall LOS C is projected as is a LOS D for some lane groups for these seven intersections for all three scenarios in 2015; therefore the proposal meets the standards of the original New Town proffers.

It was also demonstrated that the other intersections not part of the 1997 proffers will also meet the 1997 proffer standards except at the News Road intersection for 2015. The News Road intersection is projected to achieve an overall LOS D for all three scenarios. Both the Monticello Marketplace intersection and News Road intersection have individual turning lane movements that do not achieve a LOS D. Although these intersections were not included in the original New Town proffers, these intersections are vital in regards to the movement of traffic along the Monticello Avenue corridor. These intersections will require upgrades to achieve the 2015 LOS of the other seven intersections along this corridor. The applicant for the Section 9 rezoning submitted conceptual plans for recommended road improvements on the west side of Monticello Avenue. Staff and Kimley-Horn have reviewed the conceptual road improvement plans and with some minor engineering adjustments, both believe the conceptual road improvements will allow for smoother traffic flow along the west side of Monticello Avenue.

Kimley-Horn has provided staff with cost estimates for the conceptual road improvements and for underground utility relocation, which total \$860,000. DRW Consultants estimated that Section 7 & 8 will contribute approximately 1.48% of the traffic to the two most problematic intersections along Monticello Avenue, News Road and Monticello Marketplace. The developers of Section 7 & 8 have proffered to contribute 1.48%, or \$12,728 towards the total cost of upgrading the road system along the west side of Monticello Avenue. This is a cost sharing funding mechanism similar to that adopted by the Board of Supervisors for Five Forks.

VDOT Comments: VDOT concurred with the initial traffic study for Section 7 & 8 earlier this year during the rezoning for Section 9 of New Town. With the current proposal, there are a few road alignments and layouts internal to Section 7 & 8 that do not meet VDOT criteria to become accepted into the VDOT system. Specific comments pertaining to these areas were passed on to the applicant and the applicant may revise the current proposal. If not, VDOT recommends that these particular areas be privately maintained.

Staff Comments: Staff is working with VDOT and the applicant to reduce or eliminate the need for private streets. Private streets may be permitted upon approval by the Board of Supervisors and shall be coordinated with existing or planned streets. Staff concurs with the traffic impact study that included Section 7 & 8 from the spring of 2006. In addition to cash proffered for the road improvements west of Route 199 by the current and previous applicants, the County has secured VDOT funding totaling \$860,000 with \$200,000 becoming available in FY09 and \$660,000 becoming available in FY10 to be used towards improving the road system east of Route 199.

COMPREHENSIVE PLAN

Land Use Map

Designation	<i>Mixed Use – New Town (Page 127):</i> For the undeveloped land in the vicinity of and including the Route 199/Monticello Avenue interchange, the principal suggested uses are a mixture of commercial, office, and limited industrial with some residential as a secondary use. The development in this area should be governed by a detailed Master Plan which provides guidelines for street, building, open space design and construction which complements the scale, architecture and urban pattern found in the City of Williamsburg.
	Staff Comment: Staff believes the proposal is consistent with the Mixed Use designation and in accordance with the original 1997 Master Plan for New Town.

Development Standards	<p><i>General Land Use Standards No.01 (Page 134):</i> To permit new development only where such developments are compatible with the character of adjoining uses and where the impact of such new developments can be adequately addressed.</p> <p><i>General Land Use Standards No.04 (Page 134):</i> To ensure protection of sensitive resources areas such as watersheds, historic, and archaeological resources, through the use of better site design, buffers and screening.</p> <p><i>General Land Use Standards No.05 (Page 134):</i> To minimize the impact of development proposals on overall mobility, especially on major roads by limiting access points and providing internal, on-site collector roads, side street access and joint entrances. When developing large master planned communities, provide new public collector and arterial roads that will mitigate traffic impacts on existing public collector and arterial roads.</p> <p><i>Residential Land Use Standards No.03 (Page 137):</i> To preserve sensitive areas as open space, maintain trees and vegetation...respect these areas while creating a usable, distinct urban form within the built environment.</p> <p><i>Residential Land Use Standards No.06 (Page 137):</i> To encouraged residential developments to be located on internal roads. Garages are encouraged to be located at the rear or side of dwellings, in order to de-emphasize the prominence of the garage and associated driveway.</p> <p>Staff Comment: Staff believes the proposal adequately protects environmentally and historically sensitive areas and preserves other important open spaces while promoting vehicular traffic patterns that minimize the effect on the existing road network in this part of the County.</p>
Goals, strategies and actions	<p><i>Strategy No. 02 (Page138):</i> To ensure development is compatible in size, scale and location to surrounding existing and planned development.</p> <p><i>Strategy No. 05 (Page138):</i> To promote pedestrian, bicycle, and automotive linkages between adjacent land uses where practical.</p> <p><i>Action No. 04 (Page 139):</i> To encourage developments which provide true mixed use development within the PSA.</p> <p><i>Action No. 05 (Page 139):</i> To plan for and encourage the provision of greenways, sidewalks and bikeways to connect neighborhoods with retail and employment centers, parks, schools, and other public facilities.</p> <p>Staff Comment: Staff believes the proposed development is comparable in terms of size and scale to surrounding and planned development. The development of Section 7 & 8 is primarily residential and constitute the only single-family detached units in the development and it is part of the larger New Town mixed use development. A network of trails, sidewalks and bike lanes are provided to promote a pedestrian friendly environment.</p>

Parks and Recreation

Goals, Strategies and Actions	<p><i>Strategy No.09 (Page 39):</i> To encourage new developments to proffer neighborhood and community park facilities and trails as outlined in the parks and Recreation Master plan.</p> <p><i>Action No.5 (Page 40):</i> To encourage new developments to proffer public recreational facilities consistent with the standards in the Parks and Recreation Master Plan. New developments should have neighborhood parks with trails, bikeways, playgrounds, practice fields, open spaces and make provisions to</p>
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	develop nearby community parks that meet service demands.
	Staff Comment: The applicant has proffered several community recreational amenities including a playground, pool, urban park associated with the pool, archaeological interpretative park, urban park in Section 8 and a network of trails/jogging paths.

Environment

General	<p><i>Low Impact Development (Page 46):</i> To combine hydrologically functional site design with pollution prevention measures to reduce site and development impacts and compensate for the degradation of water quality.</p> <p><i>Natural Resources Protection and Management, Powhatan Watershed Management Plan (Page 47) Action No.18 (Page 67):</i> To fully implement the watershed protection and restoration goals and priorities identified in the Powhatan Creek Watershed Management Plan originally adopted by the Board of Supervisors in 2002 and re-adopted in 2006.</p> <p>Staff Comment: The application meets the criteria established in the revised Powhatan Creek Watershed Management Plan and per the approved stormwater master plan for New Town, the owner is obligated to treat a total of 17 acres with LID features on the east side of New Town, including Section 7 & 8.</p>
Goals, strategies and actions	<p><i>Strategy No. 02 (Page 65):</i> To assure that new development minimizes adverse impacts on the natural and built environment.</p> <p><i>Action No. 02 (Page 65):</i> To continue to develop and enforce zoning regulations and other County ordinances that ensure the preservation to the maximum extent possible of rare, threatened and endangered species.</p> <p><i>Action No. 05 (Page 66):</i> To encourage the use of Better Site Design, Low Impact Development, and Best Management Practices (BMPs) to mitigate adverse environmental impacts by reducing the rate of increase of impervious cover.</p> <p><i>Action No. 13 (Page 66):</i> To minimize the negative effects of urban development on water quality through sound policies such as Watershed Planning, erosion control measures and stream bank buffers.</p> <p><i>Action No.23 (Page 67):</i> To encourage residential and commercial water conservation.</p> <p>Staff Comment: The applicant has proffered to monitor the perennial stream feature between Section 7 & 8 for a period of five years after buildout of the project. Monitoring by a third-party environmental monitoring firm will visually inspect this area for channel stability. The Small Whorled Pogonia preserve has been delineated by the US Army Corp of Engineers and Staff believes the buffer around the Casey Colony will adequately protect this particular endangered species. Water conservation measures have been proffered by the applicant to encourage residential and commercial water conservation.</p>

Transportation

Goals, strategies	<p><i>Strategy No. 05 (Page 80):</i> To support the provision of sidewalks and bikeways in appropriate areas and increased use of public</p>
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and actions	<p>transportation methods.</p> <p><i>Strategy No. 08 (Page 80):</i> To coordinate the pedestrian, bicycle, automobile and transit modes of travel with each other and with the land use patterns they help create.</p> <p><i>Action No. 06 (Page 81):</i> To assure that private land developments adequately provide transportation improvements which are necessary to serve such developments.</p> <p><i>Action No. 07-f (Page 81):</i> To develop and implement mixed-use land strategies that encourages shorter automobile trips and promotes walking, bicycling and transit use.</p> <p><i>Action No. 09 (Page 82):</i> To include bikeways and/or pedestrian facilities within major developments connecting residential and non-residential areas.</p> <p><i>Action No. 14 (Page 82):</i> To encourage pedestrian circulation by providing safe, well-lit and clearly marked crosswalks.</p> <p><i>Action No. 15 (Page 82):</i> To encourage the design of roads that allows automobiles, public transit, pedestrians and bicyclists to coexist safely on roads and streets in residential and commercial areas.</p> <p>Staff Comment: Staff believes that the proposed development will encourage shorter automobile trips and the necessary amenities, such as sidewalks, bike lanes and trails are provided to promote a pedestrian and bicycle friendly atmosphere and promote non-vehicular modes of travel. Additionally the development will encourage the use of public transit with the proffered bus stop and shelter.</p>
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Community Character

General	<p><i>Community Character Corridors (Page 83):</i> The proposed development fronts Route 199, a Community Character Corridor.</p> <p><i>Width of Recommended Buffer (Page 145):</i> The preferred buffer width for new residential developments along Community Character Corridors is 150 feet.</p>
	<p>Staff Comment: The applicant has submitted a narrative on the Route 199 Community Character Corridor buffer which states their reasoning why a reduction of this buffer to a variable width of 100 feet to 126 feet is warranted with this development. In addition to the narrative, Exhibit A depicts a 150 foot Community Character Corridor buffer and shows the single-family detached lots that the applicant claims will be lost with a 150 foot buffer. The applicant has indicated to Staff that the proposed lots along Route 199 will be 120 feet deep with rear-loading garages. The original Design Guidelines call for lot depths for medium and large single family lots of 100 feet -120 feet and 130 feet respectively. To the extent that there are garages on the rear of the lots abutting Route 199, residents will be better protected from noise and visual intrusion from the adjacent roadway. This design feature is not typically associated with other developments.</p> <p>The applicant states the loss of approximately 16 single-family lots would be regained through additional multi-family structures, which the applicant believes would significantly change both the character of the residential community and the original vision set forth by Cooper Robertson & Partners. Section 7 & 8 were envisioned to be predominantly single-family detached dwellings, but the original Design Guidelines and Master Plan from 1997 did not exclude other dwelling types, such as single-family attached, townhomes and multi-family dwellings from Section 7 & 8. The</p>

	<p>applicant has indicated in the fiscal impact study that 169 single-family detached dwelling units are proposed in Section 7 & 8 and the conversion of 16 single-family lots represents only 9.5 percent of the proposed single-family detached dwellings and only 4.8 percent of the total dwelling units proposed in Section 7 & 8. Staff does not believe that in a development of 334 dwelling units the conversion, not the loss, of approximately 16 lots, will have a significant impact on the overall development of this property or the original New Town vision as stated by the applicant.</p> <p>Exhibit B depicts the variable width buffer proffered by the applicant and how it relates to the proposed lot layout in Section 8. The minimum and maximum depths of the buffer are shown along with the total distance including the VDOT right-of-way between the edge of pavement and property line for Section 8. Additionally, the applicant has provided Staff with color photographs showing different scenarios with respect to buffer depth along Route 199.</p> <p>The VDOT right-of-way width between this property and Route 199 is unusual in character to other roads in the County because it extends upwards of 80 feet beyond the edge of pavement. This area is partially vegetated with patches of young loblolly pine, which may aid as a screen in addition to the mature trees as you move further away from Route 199 towards the New Town property. It has not been the practice of Staff in the past to count VDOT right-of-way in the buffer width calculation. The buffer is calculated from the edge of the right-of-way because the property owners can not guarantee that trees and land in the VDOT right-of-way will always remain in place or will not be developed. In the Route 199 narrative the applicant states, “As there are no plans for widening Route 199 in the foreseeable future, this additional 50 feet can be considered an additional layer to the buffer”. While this is true, it should be noted that the 2030 projected level of service for Route 199 is a LOS D.</p> <p>Staff does not believe that the proposal is consistent with the Community Character Corridor section of the Comprehensive Plan, which recommends a 150 foot buffer for all new residential developments. The original Master Plan from 1997 depicts a 150 greenbelt buffer along Route 199 and Section 6.9 on page 121 of the original Design Guidelines calls for a 150 foot buffer along Route 199 for residential development. The applicant has proffered a variable width buffer with enhanced landscaping along Route 199 with an average depth of 110 feet, minimum depth of 100 feet and a maximum depth of 126 feet. Case No. Z-2-01/MP-2-01, Section 13 of New Town, WindsorMeade Retirement Community was previously approved as a residential development in New Town whose property also abuts the VDOT right-of-way along Route 199. Section 13 is located directly across Route 199 from Section 8 and the Master Plan for Section 13 indicates a 150 foot Community Character Corridor along 199 in addition to the VDOT right-of-way. The Section 13 Master Plan depicts a distance of approximately 220 between the edge of pavement and the property line for the WindsorMeade retirement community. In addition to providing a 150 foot Community Character Corridor buffer the applicant for Section 13 proffered to enhance the 150 foot buffer with additional landscaping and/or berms to provide an enhanced visual and sound buffer between the development and Route 199.</p> <p>The 150 buffer along Community Character Corridors is a long standing County policy that Staff utilizes when giving their recommendation of a rezoning case to the Planning Commission and Board of Supervisors. Staff is unable to recommend approval of the proposed buffer reduction because the recommendations set forth in the Comprehensive Plan regarding the Community Character Corridor buffers have not been achieved, the proposed variable width buffer is inconsistent with the original Master Plan and Design Guidelines from 1997 and the only other residential development in New Town that abuts Route 199 (Section 13, WindsorMeade) provided the County with a 150 foot buffer with enhanced landscaping.</p> <p>In order to merit a reduction Staff believes there should be some distinguishing aspects of the case to merit the reduction. Staff recognizes that developable area has been lost due to environmentally sensitive areas, however Staff does not believe that the full buffer width has a significant impact on the ability to achieve the original New Town vision as less than five percent of the units proposed in Section 7 & 8 are impacted and the overall mix of attached versus detached units is not substantially changed. Should the Planning Commission and Board of Supervisors wish to approve the proposed</p>
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	<p>variable width buffer; Staff recommends that the distinguishing characteristics of this case be identified to distinguish it from future cases.</p> <p><i>Community Character Areas (Page 87):</i> The proposed development is located within the New Town Community Character Area. The Community Character Area generally calls for a superior design which provides a balanced mixture of businesses, shops, and residences in close proximity to one another in an urban environment. It also describes more specific design standards to which development in that area should adhere.</p> <p>Staff Comment: Staff believes the area is consistent with the Community Character Area section of the Comprehensive Plan. The applicant has submitted Design Guidelines for Section 7 & 8 as part of the rezoning.</p>
Goals, Strategies And actions	<p><i>Action No. 8 (Page 96):</i> To continue to require or encourage the planting of street/curb side streets.</p> <p>Staff Comment: The proposed Design Guidelines indicate a streetscape package for all streets within Section 7 & 8.</p>

STAFF RECOMMENDATION

Staff finds this proposal for New Town Sections 7 & 8 is generally consistent with the adopted 1997 New Town Master Plan and Design Guidelines, with the exception of the Community Character Corridor buffer (formerly known as a greenbelt), which is depicted as a 150 foot open space greenbelt road easement on the original Master Plan and Section 6.9 on page 121 of the original Design Guidelines, which references a 150 foot greenbelt buffer along Route 199. The proposed development is compatible with surrounding zoning and development; however the proposal is not consistent with the 2003 Comprehensive Plan recommendations, specifically the section pertaining to the width of Community Character Corridor buffers. The inconsistencies with the Comprehensive Plan, original Design Guidelines and Master Plan and previously approved residential development in New Town have been outlined in the staff report. Staff recommends the Planning Commission recommend denial of this case to the James City County Board of Supervisors.

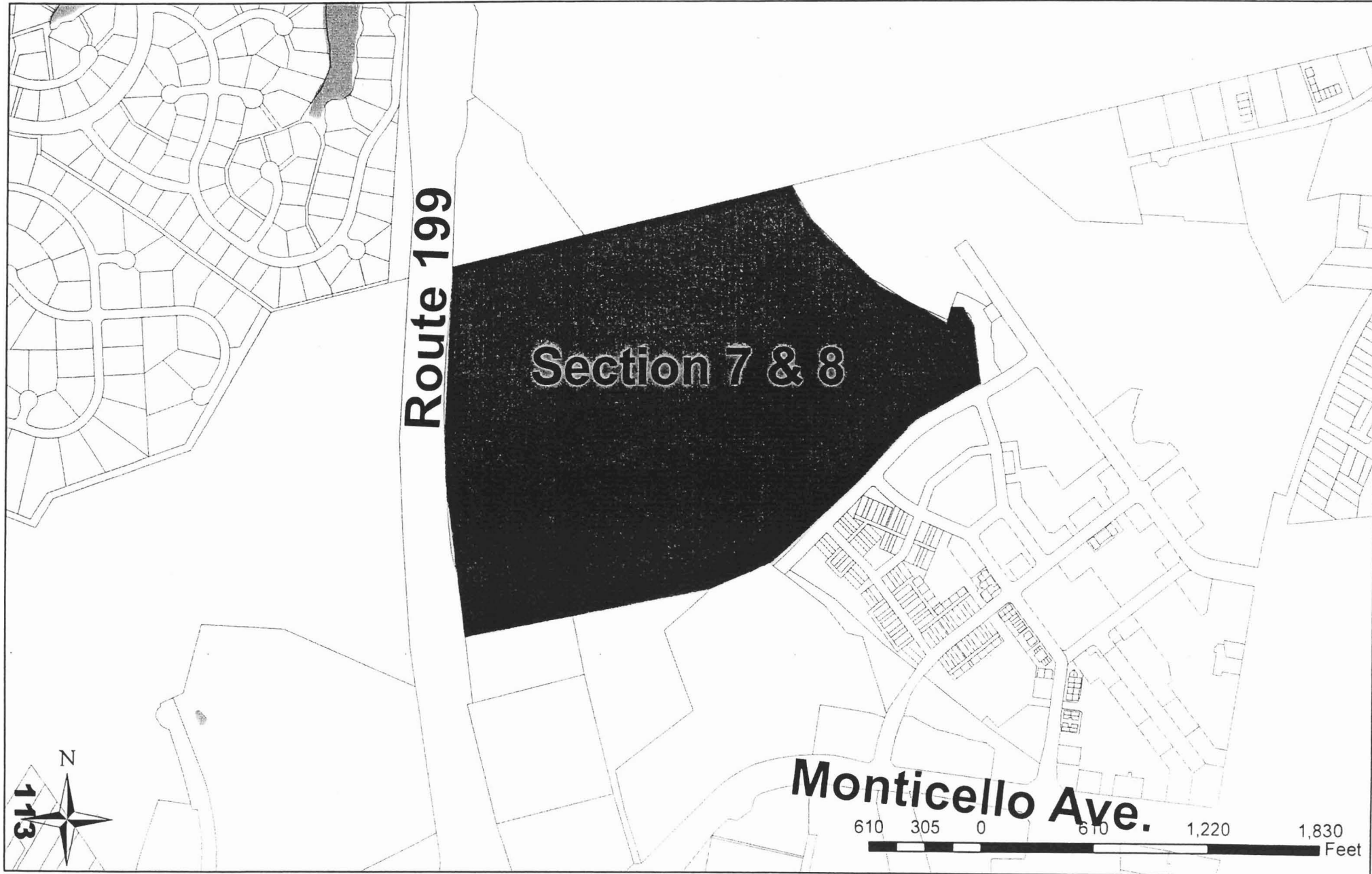
Matthew J. Smolnik

ATTACHMENTS:

1. Location Map
2. Master Plan
3. Community Impact Statement
4. Fiscal Impact Study
5. Design Guidelines
6. Route 199 Community Character Corridor narrative and photographs
7. Executive Summary of Traffic Study
8. Proffers

JCC-Z-5-06 / MP-7-06

New Town Section 7 & 8





New Town Sections 7 and 8

**Fiscal Impact in James City County, Virginia
Revised October 2006**



Prepared for:

New Town Associates, LLC

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New Town Sections 7 and 8
Fiscal Impact in James City County, Virginia

EXECUTIVE SUMMARY

As part of a rezoning application submitted to James City County by **New Town Associates, LLC**, this report from *The Wessex Group, Ltd.* (TWG) presents estimates of the fiscal impact of developing New Town Sections 7 and 8 located near the intersection of Highway 199 and Monticello Avenue. This proposed development includes a mix of residential units totaling 334 homes and a daycare center which will cover approximately 108 acres. Development plans are presented in Table A below.

Table A
New Town Sections 7 and 8 Development Plans

Development Components	Number of Homes and Square Feet	Construction Costs	Average Market Value
Affordable Condominiums	6 units (900 square feet)	\$94,500	\$115,000
	22 units (1,020 square feet)	\$107,100	\$155,000
Garden Style Condominiums	119 units of which 50 are age-restricted (1,400 square feet)	\$175,000	\$287,000
Town Homes with Garages	18 units (1,800 square feet)	\$207,000	\$342,000
Single-Family Homes	61 (45') Lots (2,000 square feet)	\$230,000	\$380,000
	61 (50') Lots (2,500 square feet)	\$287,500	\$462,500
	47 (60') Lots (3,000 square feet)	\$345,000	\$540,000
Community Amenities	Community Park and Pool	\$350,000	
	Roper Homestead Interpretive Park	\$175,000	
	Small Pocket Parks (4 parks)	\$240,000	
	Wetland Trails	\$90,000	
	Small Whorled Pogonia Buffer Area	\$35,000	n/a
Daycare Center	10,000 square feet	\$1,150,000	n/a
Infrastructure	Road and Utility Infrastructure	\$6,125,000	n/a

Development Schedule and Construction Investment: The developer anticipates construction will begin in 2007 and end in 2010 with buildout in 2011. Road and utility infrastructure is expected to total about \$6.1 million, residential investment including community amenities will total more than \$75.3 million, and the daycare center construction costs will total nearly \$1.2 million. In total, construction investment for New Town Sections 7 and 8 is estimated at approximately \$82.6 million using the estimates described in Table A. As provided by the developer, Table B on the following page depicts the development and construction plans for this project.

Table B
New Town Sections 7 and 8 Development Schedule and Construction Investment

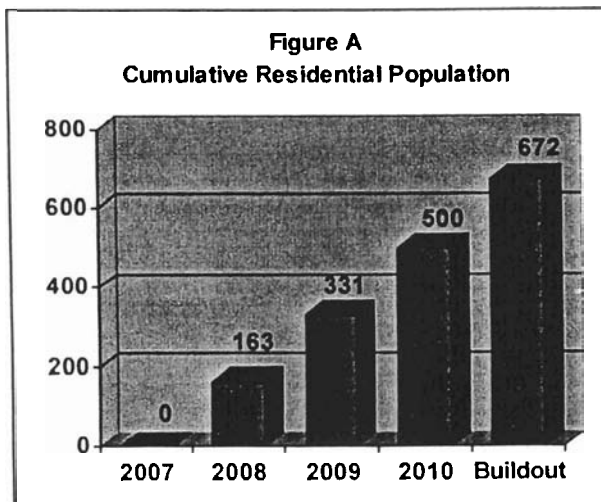
Development Components	2007	2008	2009	2010	Buildout
Cumulative Residential Units	82	166	250	334	334
Cumulative Residential Population	0	163	331	500	672
Cumulative School-Aged Children	0	11	23	35	47
Cumulative Commercial Square Feet	0	10,000	10,000	10,000	10,000
Construction Investment (\$Millions)					
Infrastructure and Community Amenities	\$1.5	\$3.7	\$1.8	\$0.0	\$0.0
Commercial	0.0	1.2	0.0	0.0	0.0
Residential	18.5	18.3	19.1	18.5	0.0
Total Construction Investment	\$20.0	\$23.1	\$20.9	\$18.5	\$0.0
Cumulative Total Investment	\$20.0	\$43.1	\$64.1	\$82.6	\$82.6

Residential Population: The residential population of this development is estimated at 672 persons at buildout. To arrive at this estimate, TWG referenced the U.S. Census Bureau and researched a comparable development called Port Warwick located in Newport News. Using the data collected from the research, the following average household sizes were used per type of dwelling unit:

Table C
New Town Sections 7 and 8 Residential Population Assumptions

Type of Housing	# of Units	People/HH	Total	Source
Condominium (not age-restricted)	97	1.98	192.1	(1.9 adults - U.S. Census Bureau; 0.08 children - JCC)
Condominium (age-restricted)	50	1.7	85.0	TWG's research of comparable age-restricted communities
Town Homes	18	1.98	35.6	(1.9 adults - U.S. Census Bureau; 0.08 children - JCC)
Single-Family	169	2.125	359.1	(1.9 adults - U.S. Census Bureau; 0.225 children - JCC)
Total	334	n/a	671.8	n/a

Port Warwick is an up-scale, mixed-use new urban village and is comparable to that of New Town in Williamsburg. To estimate the likely number of children generated by each type of housing in this analysis, TWG contacted United Property Associates, the management company overseeing Port Warwick. Out of 196 single-family and duplex residential homes, approximately 10 children reside in the units (196 homes/10 children=0.05 kids per home). Using this comparable information and to be conservative, TWG has estimated only one half of James City County's average number of children per type of housing for this development. As suggested by the comparable data, it is likely that fewer children than estimated in this study will be generated by Sections 7 and 8 of New Town. Figure A depicts the cumulative residential population of this development.



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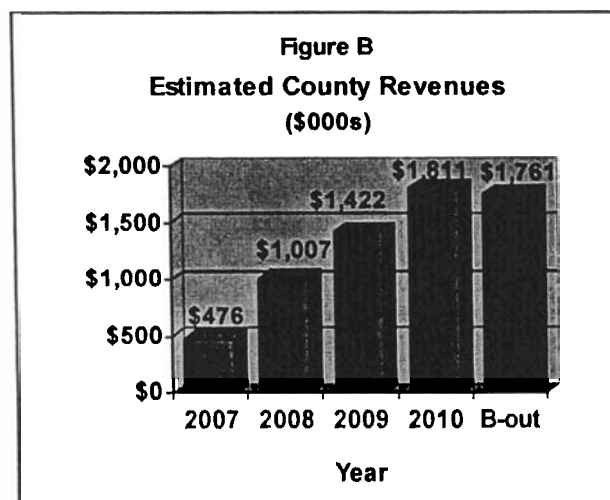
Estimated Employees and Payroll: Table D contains employment and payroll estimates for construction of New Town Sections 7 and 8 and the ongoing operations of the daycare center. Assuming that payroll is 40% of construction costs and that construction workers earn an average of \$38,592 (source: Virginia Employment Commission), the construction efforts will provide jobs for an average of 161 employees per year. It has been assumed that 50% of construction workers are full-time and 50% part-time.

On a Full Time Equivalent (FTE) basis, the construction employment estimate starts off at 155 positions and permanent employment at the daycare center will total about 11 positions. Annual payroll is expected to average \$6.6 million during construction, and nearly \$590,000 at buildout and beyond for the daycare center workers.

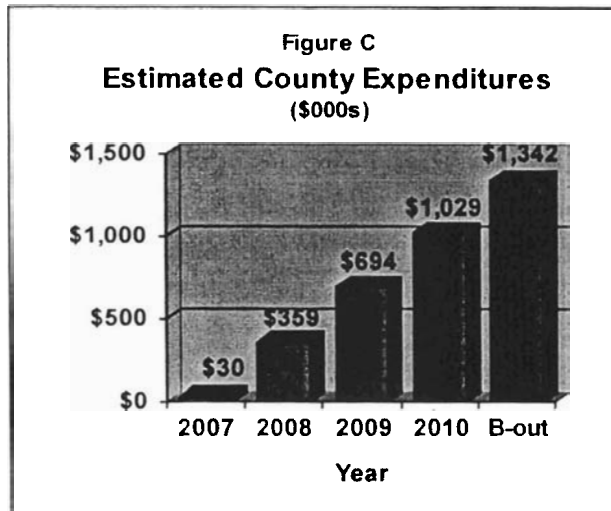
Table D
New Town Sections 7 and 8 Employment and Payroll Schedule

	2007	2008	2009	2010	Buildout
Annual Construction Employment					
Annual Full Time Jobs	104	120	108	96	0
Annual Part Time Jobs	104	120	108	96	0
Total Annual Construction Jobs	155	180	163	144	0
Annual Permanent Employees					
Annual Full Time Jobs	0	4	4	4	4
Annual Part Time Jobs	0	13	13	13	13
Annual Total Permanent Jobs	0	18	18	18	18
Annual FTE Employment	155	191	174	155	11
Annual Payroll (\$Millions)	\$6.0	\$7.5	\$6.9	\$6.1	\$0.6

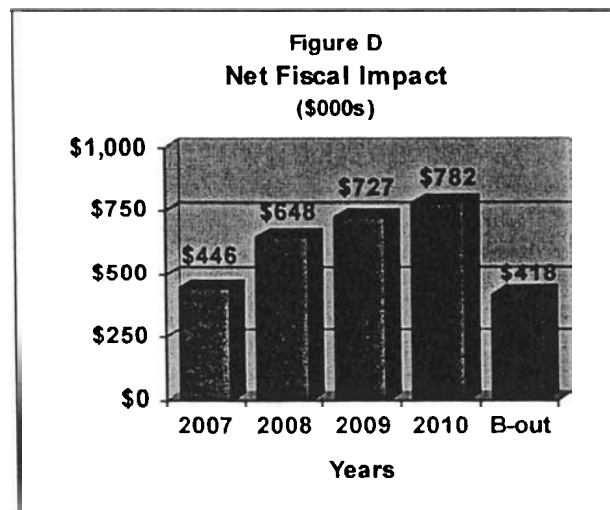
Estimated Fiscal Revenues: Residential developments in James City County generate several types of revenues just as the non-residential development. These revenues include real estate tax, personal property tax, and retail sales tax. During the development phase of this proposed project, it is estimated that the county's revenues will total more than \$4.7 million. At buildout and beyond, New Town Sections 7 and 8 will provide an estimated \$1.8 million in new annual revenues for the county. Figure B illustrates the annual government revenues the county can expect from this development.



Estimated Fiscal Expenditures: In turn, the services that the county will provide to this community include general government administration, public works, police protection, fire protection and public education for the children residing in the development. Throughout construction, the development is estimated to cost the county almost \$2.1 million. Once fully developed and occupied, this proposed development is estimated to incur costs for county services of more than \$1.3 million per year. The estimated annual government expenditures are presented in Figure C.



Net Fiscal Impact: The net fiscal impact is calculated by subtracting estimated expenditures from estimated revenues. Figure D shows that the annual net cash flows from this project is likely to be quite positive during development, at buildout and thereafter. During years one through four in this scenario, the cumulative net fiscal impact to the county is estimated to be more than \$2.6 million. As shown in Figure D, it is projected that the county will realize a net gain of approximately \$418,300 annually at buildout and beyond.



Projected Cumulative Fiscal Impact: In an effort to illustrate the net fiscal benefit or cost of this development to the county, *The Wessex Group* has calculated the net present value based only on the ongoing revenues and expenditures of this development starting at buildout (\$418,300). Beginning this calculation at buildout excludes the short term revenues and expenditures incurred by the construction activity of Sections 7 and 8 of New Town such as building permit fees and BPOL taxes collected from developers based on the value of the construction. Carried over a 20-year period and discounted at 5%, the net present value of this development is nearly \$5.4 million.

New Town Sections 7 and 8
Fiscal Impact in James City County, Virginia

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New Town Sections 7 and 8

Fiscal Impact in James City County, Virginia

As part of a rezoning application submitted to James City County by **New Town Associates, LLC**, this report from *The Wessex Group, Ltd.* (TWG) presents estimates of the fiscal impact of a development consisting of a mix of residential units totaling 334 homes and a daycare center planned for a 108-acre site in James City County, Virginia. The proposed development would be located near the intersection of Highway 199 and Monticello Avenue. For the purpose of this report, the site will be referred to as “New Town Sections 7 and 8.”

Introduction to the Study

The purpose of this report is to describe estimates of the **fiscal** revenues and expenditures that this development will generate for the local government of James City County. Fiscal impacts are those that directly affect a municipality’s budget. Any new development that attracts new county residents generates the need for public services, such as emergency medical services, police, and fire protection. In turn, the development generates additional tax revenue for the county. The major portion of the county’s revenues from residential development is derived from real estate taxes and local household spending. The commercial developments involved in this development will generate revenues in several ways such as retail, meals, real property and personal property taxes. All dollar figures contained in this report are expressed in 2006 dollars, and all fiscal impact estimates are based on James City County’s FY 2007 Adopted Budget. No attribution for economic inflation has been made.

The plans and estimates included in this report cover the development and sales schedules, construction investment, the employment directly associated with the construction of this development, and the local spending of new residents in the development. Employment estimates are used to calculate the marginal cost of government services and no attribution is made as to the residence location of any employees. The **fiscal** impacts that flow from the development efforts and new residents are the new revenues that James City County will collect and the new expenditures that James City County will incur to provide government services to Sections 7 and 8 of New Town.

Development Plans and Construction Investment

The proposed development plans for Sections 7 and 8 are detailed in Table 1 on the following page. The developer proposes a total of 334 residential dwelling units consisting of 28 affordable condominium units, 119 market value condominium units of which 50 will be age-restricted, 18 town homes with garages, 169 single-family homes, and a 10,000 square foot daycare center. A large variety of community amenities are being proposed in this development including a community park and pool, Homestead Interpretive Park, Small Pockets Parks (4 parks), trails along the wetlands on the property, and a small Whorled Pogonia buffer area. In this analysis, no off-site improvements have been included.

Table 1
New Town Sections 7 and 8 Development Plans

Development Components	Number of Homes and Square Feet	Construction Costs	Average Market Value
Affordable Condominiums	6 units (900 square feet)	\$94,500	\$115,000
	22 units (1,020 square feet)	\$107,100	\$155,000
Garden Style Condominiums	119 units of which 50 are age-restricted (1,400 square feet)	\$175,000	\$287,000
Town Homes with Garages	18 units (1,800 square feet)	\$207,000	\$342,000
Single-Family Homes	61 (45') Lots (2,000 square feet)	\$230,000	\$380,000
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	47 (60') Lots (3,000 square feet)	\$345,000	\$540,000
Community Amenities	Community Park and Pool	\$350,000	n/a
	Roper Homestead Interpretive Park	\$175,000	
	Small Pocket Parks (4 parks)	\$240,000	
	Wetland Trails	\$90,000	
	Small Whorled Pogonia Buffer Area	\$35,000	
Daycare Center	10,000 square feet	\$1,150,000	n/a
Infrastructure	Road and Utility Infrastructure	\$6,125,000	n/a

Table 2 presents the development schedule and estimated construction investment for Sections 7 and 8 of New Town. Development is planned to begin in 2007 and conclude in 2010 with buildout in 2011. Road and utility infrastructure is expected to total about \$6.1 million, residential investment including community amenities will total more than \$75.3 million, and the daycare center construction costs will total nearly \$1.2 million. Using these assumptions, cumulative construction investment for this development is estimated at approximately \$82.6 million.

Table 2
New Town Sections 7 and 8 Development Schedule and Construction Investment

Development Components	2007	2008	2009	2010	Buildout
Cumulative Residential Units	82	166	250	334	334
Cumulative Residential Population	0	163	331	500	672
Cumulative School-Aged Children	0	11	23	35	47
Cumulative Commercial Square Feet	0	10,000	10,000	10,000	10,000
Construction Investment (\$Millions)					
Infrastructure and Community Amenities	\$1.5	\$3.7	\$1.8	\$0.0	\$0.0
Commercial	0.0	1.2	0.0	0.0	0.0
Residential	18.5	18.3	19.1	18.5	0.0
Total Construction Investment	\$20.0	\$23.1	\$20.9	\$18.5	\$0.0
Cumulative Total Investment	\$20.0	\$43.1	\$64.1	\$82.6	\$82.6

It is estimated that approximately 50% of construction investment will be construction materials and that 20% of the materials will be purchased in James City County, resulting in average sales of nearly \$2.0 million a year for county businesses during the construction phase of this scenario.

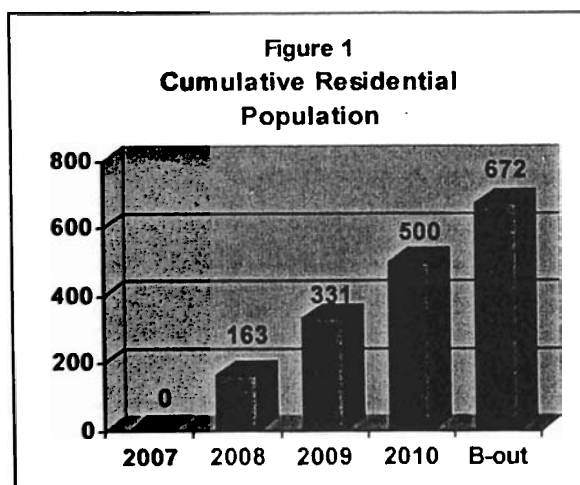
Cumulative Population

The residential population of New Town Sections 7 and 8 is estimated at 672 persons at buildout as shown in Figure 1. To arrive at this estimate, TWG referenced the U.S. Census Bureau and researched a comparable development called Port Warwick located in Newport News. Using the data collected from the research, the following average household sizes were used per type of dwelling unit.

Table 3
New Town Sections 7 and 8 Residential Population Assumptions

Type of Housing	# of Units	People/HH	Total	Source
Condominium (not age-restricted)	97	1.98	192.1	(1.9 adults - U.S. Census Bureau; 0.08 children - JCC)
Condominium (age-restricted)	50	1.7	85.0	TWG's research of comparable age-restricted communities
Town Homes	18	1.98	35.6	(1.9 adults - U.S. Census Bureau; 0.08 children - JCC)
Single-Family	169	2.125	359.1	(1.9 adults - U.S. Census Bureau; 0.225 children - JCC)
Total	334	n/a	671.8	n/a

Port Warwick is an up-scale, mixed-use new urban village and is comparable to that of New Town in Williamsburg. To estimate the likely number of children generated by each type of housing in this development, TWG contacted United Property Associates, the management company overseeing Port Warwick. Out of 196 single-family and duplex residential homes, approximately 10 children reside in the units (196 homes/10 children=0.05 kids per home). Using this comparable information and to be conservative, TWG has estimated only one half of James City County's average number of children per type of housing for this development. As suggested by the comparable data, it is likely that fewer children than estimated in this study will be generated by Sections 7 and 8 of New Town. Figure 1 presents the cumulative residential population of this development.



Employment and Payroll

The number of incremental FTE employees is included in this fiscal impact analysis because it is one basis of local government expenditure estimates attributed to new construction activity. It is assumed that 50% of all construction workers are part time and that part time employees work half time. Assuming that payroll is 40% of construction costs and that construction workers earn an average of \$38,592 (Virginia Employment Commission), the construction efforts should provide jobs for an average of 161 workers per year, as indicated in Table 4.

Table 4
New Town Sections 7 and 8 Employment and Payroll Schedule

	2007	2008	2009	2010	Buildout
Annual Construction Employment					
Annual Full Time Jobs	104	120	108	96	0
Annual Part Time Jobs	104	120	108	96	0
Total Annual Construction Jobs	155	180	163	144	0
Annual Permanent Employment					
Annual Full Time Jobs	0	4	4	4	4
Annual Part Time Jobs	0	13	13	13	13
Annual Total Permanent Jobs	0	18	18	18	18
Annual FTE Employment	155	191	174	155	11
Annual Payroll (\$Millions)	\$6.0	\$7.5	\$6.9	\$6.1	\$0.6

Permanent jobs also will be generated directly by the daycare center in this development. In this analysis, it is assumed that 100% of the daycare center employment is net new to the county. This analysis assumes all 11 permanent employees will begin work in Year 2008 once the center is constructed.

On a Full Time Equivalent (FTE) basis, the construction and permanent employment start off at 155 positions and is estimated to level off at approximately 11 positions at buildout and beyond once all construction is complete. Annual payroll is expected to average \$6.6 million during construction, and total about \$590,000 at buildout and thereafter when all construction is complete and only the 11 daycare center employees are working.

Local Government Revenues

Residential developments in James City County generate several types of revenues, including real estate tax, personal property tax, and retail sales tax. Also, commercial development generates revenues such as business personal property tax, meals tax, and business and professional license tax. Figure 2 illustrates the annual revenue streams that the county can expect from this development, including the ongoing annual revenue at buildout. The annual line-item estimates are contained in Table 5 and assumptions associated with the various components of the revenue stream follow.

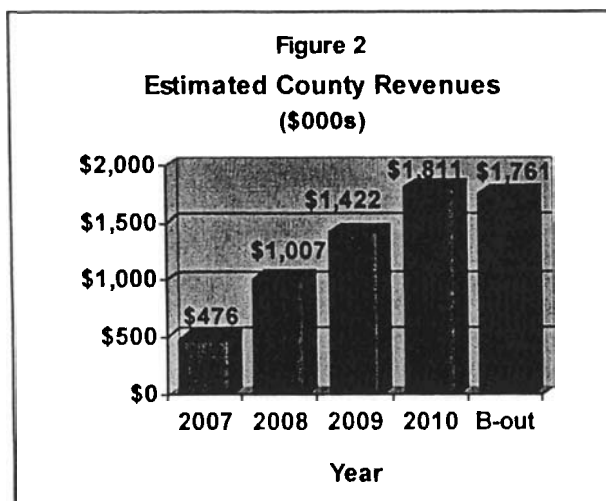


Table 5
New Town Sections 7 and 8 Local Government Revenues

Revenue Component	2007	2008	2009	2010	Buildout
Real Property Taxes	\$239,900	\$534,000	\$811,500	\$1,073,500	\$1,102,000
Personal Property Taxes	0	58,100	113,500	169,000	224,400
Meals Tax	4,300	10,500	15,300	20,100	21,300
Retail Sales Tax	0	16,300	32,900	49,600	66,200
Business & Professional License Tax	32,000	41,500	42,500	42,000	15,700
Building Permits	46,000	53,000	48,000	45,000	0
Recordation Tax	24,000	107,600	114,500	104,600	101,100
Miscellaneous Revenues	6,400	36,000	64,400	92,600	116,300
Proffers	123,300	123,300	123,300	129,600	0
Education Contribution from the Commonwealth	0	26,600	55,600	84,600	113,600
Total Annual Revenues	\$475,900	\$1,006,900	\$1,421,500	\$1,810,600	\$1,760,700

- Real Property Taxes:** James City County's Fiscal Year 2007 Adopted Budget indicates that the current real estate tax rate is \$0.785 per hundred dollars of assessed value, and no change in this rate is assumed for this analysis. To determine real estate taxes, the following market values as provided by the developer have been used: (6) \$115,000 affordable condominium units, (22) \$155,000 affordable condominium units, (119) \$287,000 market value condominium units, (18) \$342,000 town homes, (61) \$380,000 single-family homes (2,000 square feet), (61) \$462,500 single-family homes (2,500 square feet), and (47) \$540,000 single-family homes (3,000 square feet). Also, *The Wessex Group* researched comparable properties located in James City County which indicated it would be appropriate to apply 3% of annual real appreciation to these homes. The value of the daycare center is assumed to be the total construction cost plus the value of the land with no appreciation in value. The real estate tax estimates have been adjusted to exclude the real estate tax the county currently receives for the site. At buildout, real property taxes are estimated to be greater than \$1.1 million and stay at that level.

Personal Property Tax: James City County collects about \$21.6 million in personal property taxes. The county tax rate is \$4.00 per \$100 of assessed value and no increase is anticipated in this study. Assuming that 80% of this revenue category is generated by residential households for individual personal property, the household estimate is \$659.92. For the daycare center space, a conservative estimate of \$10/square foot has been used to estimate business personal property. Applying these estimates, the county can expect to collect about \$224,000 annually in personal property taxes.

- Meals Tax:** James City County levies a four-cent tax on restaurant food and beverages. The county anticipates that approximately 30% of its meals tax revenues will be generated by local residents rather than by tourists. Therefore, of the \$5.5 million in meals taxes budgeted in the current fiscal year, nearly \$1.7 million is expected to come from local residents dining out in restaurants located in the county, a per household average of \$62.93. Also, the construction and permanent employees will generate meals tax revenue for the county. To account for these dollars, TWG has used the following conservative estimate: 200 working days * 35% of the Full-Time Equivalent construction and permanent employees * \$10 per meal * \$0.04 meals tax rate. Using these estimates by buildout, Sections 7 and 8 will generate about \$21,000 in meals tax revenues annually.
- Retail Sales Tax:** Typically, approximately one third of a household's income is spent on local retail sales (Bureau of Business Research). The household income of the residents living in New Town Sections 7 and 8 is assumed to be the median household income in the county (reported to be \$66,082

by the U.S. Census Bureau). The county will realize 1% of retail sales, which is returned by the State of Virginia. By buildout, the residents of the development should be generating approximately \$66,000 annually in retail sales tax revenue.

- **Business License Tax:** The estimated business license tax is based on the value of construction on the site, the incremental retail sales that this development will generate, and the revenues of the daycare center that are assumed to be net new to the county. Contractors doing business in James City County pay a rate of \$0.16 per \$100 of the total construction investment. The county's tax rate for retailers is \$0.20 per \$100. For the daycare center, the county's tax rate of \$0.36 per \$100 has been applied to the estimated \$850,000 annual sales.

In this analysis, 80% of the daycare center sales are assumed to be net new to the county. The cumulative revenue from the business license taxes collected from this development from 2007 through 2010 will total about \$158,000. Once all construction is complete, the county can expect an ongoing \$16,000 per year in this tax created by this development.

- **Building Permits:** Building permit fees are estimated at \$600 per condominium and town home unit, \$1,000 per single-family home, and \$0.50 per square foot of non-residential development. Also, an estimated \$47,900 in rezoning and application fees have been included in this analysis only in Year one. During the construction phase of this scenario, the county can expect a total of approximately \$192,000 in building permit fees.
- **Recordation Tax:** James City County collects recording taxes on real estate transfers. These include a deed recording tax of \$0.33 per \$100 of the selling price and a deed of trust recording tax of \$0.33 per \$100 of selling price or of the face value of the mortgage, which ever is greater. The land for this development was purchased in 2000 for more than \$4.1 million. To account for the recordation taxes collected on this land transfer, TWG has included this transaction in the first year of this analysis. Next, the major roads and parks will be constructed and the partially developed residential land is assumed to be sold in thirds for the following amounts as provided by the developer: \$2,885,000 in 2007, \$1,830,000 in 2008, and \$2,975,000 in 2009. The daycare center land also is estimated to sell for \$250,000 in 2007. For the residential homes, this tax has been applied at the time the homes are originally sold. In total, the county can expect an estimated \$452,000 in recordation taxes collected from the transactions described above.
- **Miscellaneous Taxes and Revenues:** Other taxes and revenues collected by James City County include public service taxes, a variety of licenses, permits and fees, fines and forfeitures, revenues from the use of money and property, revenues from the Commonwealth and the Federal government (excluding dedicated public education revenues), and charges for services. As can be seen in Table 6, the county budget shows that miscellaneous revenue sources are expected to total about \$11.6 million. For this analysis, 90% of these revenues are attributed to county residents at a per capita figure of \$172.45 and applied to the estimated 672 residents residing in this development. The remaining 10% has been attributed to employees in the county. The Virginia Employment Commission's most recent data indicates that there are 28,016 people working within the county. On a per employee basis, 10% of the listed revenues total \$41.51. This figure has been applied to the incremental employees generated by the construction and the permanent employment generated by the daycare center. During the construction phase of this development, these taxes should total nearly \$199,000. At buildout and beyond, the county should realize an estimated \$116,000 in miscellaneous taxes and revenues.

Table 6
James City County Miscellaneous Taxes and Revenues

County Budget Line Items	Budget Amount
Public Service	\$1,325,000
Bank Franchise Tax	260,000
Telecommunications Tax	640,000
Motor Vehicle Licenses	135,000
License Tax – Utilities	330,000
Dog Licenses	15,000
Cable TV Franchise Fee	400,000
Fine and Forfeitures	320,000
Interest on Short-Term Investments	850,000
HB 599 Payments	1,562,820
ABC Profits	28,199
Wine Tax	29,558
Rolling Stock Tax	43,204
Shared Expenses (excluding Sales Tax for Education)	1,858,713
Categorical Aid	122,746
Revenue from Federal Government	5,868
Charges for Current Services	3,602,215
Miscellaneous Revenues	102,100
TOTAL	\$11,630,423

- **Proffers:** As suggested by the developer, proffers are being provided for each of the residential units except for the six affordable units to be sold for \$115,000 and 12 of the 22 affordable units to be sold for \$155,000. The specific proffers include \$812 for water system improvements, \$109 for recreation, \$528 for education costs, \$61 for library services, and \$71 for fire and emergency services. In total, the county can expect nearly \$500,000 in proffers (316 residential units * \$1,581 = \$499,600).
- **Education Contribution from the Commonwealth:** In the county's current budget, the Commonwealth of Virginia provides James City County with nearly \$24.6 million in revenue to the county for public education. To arrive at a per pupil amount, \$24.6 million has been divided by the number of children within the public school system (10,172 pupils, source: Williamsburg/James City County Public School System) to reach \$2,417.38 per pupil. A total of 47 children are expected to reside in this development by using the following estimates: 0.08 children per condominium (excluding the age-restricted units), 0.08 children per town home, and 0.225 per single-family home. By buildout, the 47 children multiplied by \$2,417.38 will generate nearly \$114,000 in this revenue stream.

Local Government Expenditures

The county's estimated costs for providing public services to Sections 7 and 8 of New Town are shown in Figure 3. The data reflected in the figure can be seen in Table 7 below. Cumulative expenditures in Year one through four are estimated to be almost \$2.1 million. By buildout, the development will generate estimated county expenditures exceeding \$1.3 million each year.

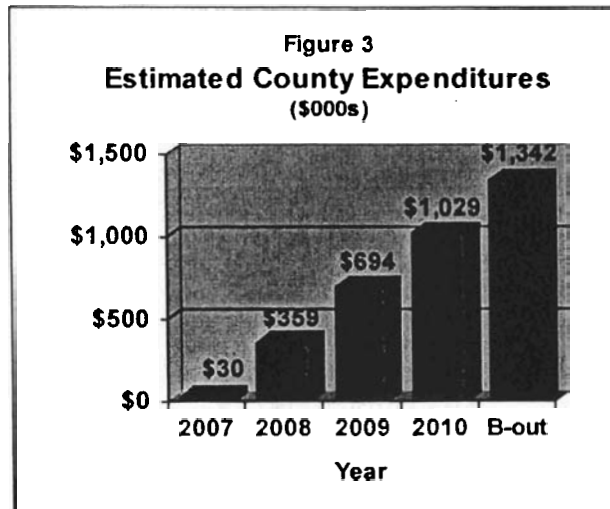


Table 7
Local Government Expenditures

Expenditures	2007	2008	2009	2010	B-out
General Government	\$600	\$22,500	\$44,900	\$67,200	\$89,500
Public Safety and Corrections	14,500	75,900	134,800	193,600	241,800
Public Works	1,400	37,400	73,900	110,400	146,500
Health and Welfare	0	6,700	13,700	20,700	27,800
Recreation and Culture	1,400	31,000	59,700	88,300	116,400
Non-Education: Debt Service	4,400	22,100	38,600	55,100	68,400
Statutory and Unclassified	8,100	40,800	71,400	101,900	126,500
Education	0	106,500	222,600	338,800	454,900
Education: Debt Service	\$0	\$16,500	\$34,600	\$52,600	\$70,600
Total Annual Expenditures	\$30,400	\$359,400	\$694,200	\$1,028,600	\$1,342,400

To estimate the incremental expenditures that this development will generate for James City County's government (excluding capital improvements for schools and education operating costs), the current per capita costs, as reported in the county's budget, have been applied to the estimated population for the households in this scenario. Based on the county's projected population of 60,698, the per capita costs of government are presented in Table 8.

Table 8
Per Capita Expenditures

Expenditure Category	Per Capita Budget
General & Administrative	\$133.03
Public Safety	359.14
Health & Welfare	41.34
Recreation & Culture	171.04
Public Works	217.64
Statutory & Unclassified	100.93
Non-Education: Debt Service	186.81

The construction of this development and the supporting infrastructure will generate some incremental county expenditures. Dr. Robert W. Burchell's Employment Anticipation Method has been used on a per FTE employee basis. This is a method of marginal costing that is based on an extensive study of the increase in a locality's government costs generated by new, non-residential development. The Employment Anticipation Method predicts the change in municipal costs by using the coefficients developed in the study by Dr. Burchell, the per capita cost of government, and the number of incremental FTE employment positions.

To calculate education costs for this development, the capital improvement costs for education (\$15,289,753), and education operating costs (\$98,455,621) as reported in the budget have been divided by the estimated 10,172 children in the public school system to arrive at a per pupil cost. Using these estimates, the estimated per pupil cost for capital improvements is \$1,503.12, and the per pupil cost for education operating costs is \$9,679.08 totaling \$11,182.20 per pupil in county education costs. As previously described, 47 children are assumed to be generated by this development.

As indicated in Table 7 on the previous page, the operating costs associated with public education will generate the largest single expenditure, estimated to be almost \$455,000 at buildout and beyond. The next largest category of expenditures is expected to be for police and fire protection, which is estimated at almost \$242,000 annually at buildout.

Net Fiscal Impact

The **net** fiscal impact of a development on the local government is calculated by subtracting government expenditures from government revenues. The annual estimated net fiscal impacts during the development period and at buildout are illustrated in Figure 4. The county should realize a cumulative net fiscal impact of about \$2.6 million from 2007 through 2010. Once buildout occurs, it is estimated that this development will provide an annual net fiscal impact to the county of almost \$418,300. This data is shown in more detail in Table 9.

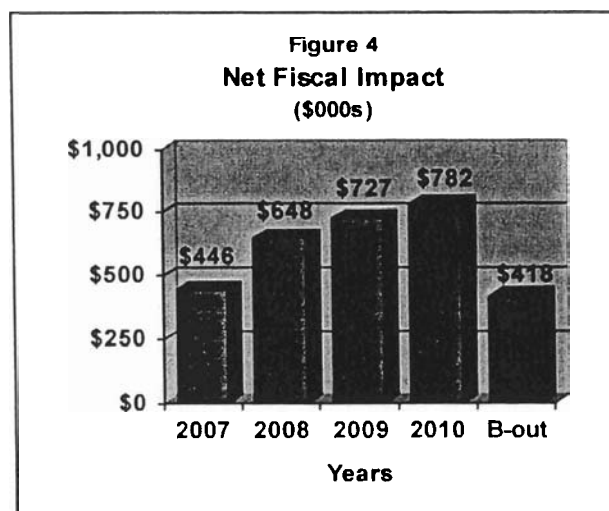


Table 9
Net Fiscal Impact

Cash Inflow and Outflow	2007	2008	2009	2010	B-out
Total Annual Revenues	\$475,900	\$1,006,900	\$1,421,500	\$1,810,600	\$1,760,700
Total Annual Expenditures	30,400	359,400	694,200	1,028,600	1,342,400
Net Fiscal Impact	\$445,500	\$647,500	\$727,300	\$782,000	\$418,300

Projected Cumulative Fiscal Impact: In an effort to illustrate the net fiscal benefit or cost of this development to the county, *The Wessex Group* has calculated the net present value based only on the ongoing revenues and expenditures of this development starting at buildout (\$418,300). Beginning this calculation at buildout excludes the short term revenues and expenditures incurred by the construction activity of this development such as building permit fees and BPOL taxes collected from developers based on the value of the construction. Carried over a 20-year period and discounted at 5%, the net present value of this development is nearly \$5.4 million.

INTRODUCTION

The Casey property and the New Town Master Plan were approved by the James City County Board of Supervisors in December 1997. The general location of the Casey property (as defined in the original 1997 traffic studies) with respect to regional roads is shown on Exhibit 1. The Casey property is divided by Rt. 199 generally referred to as the east and west areas of New Town.

The 1997 approval by the James City County Board of Supervisors included rezoning only for Section 1 of New Town (location shown on Exhibit 2). The following sections of New Town have been rezoned since 1997 (for corresponding traffic studies):

- Section 13, (WindsorMeade), July 24, 2000
- Sections 2 & 4, July 10, 2001
- Section 11 (WindsorMeade Marketplace), May 28, 2003
- Section 5, January 19, 2004
- Sections 3 & 6, May 28, 2004

Sections 7, 8, 9 and 12 have not been rezoned to date. Exhibit 2 also shows other existing developments on Monticello Avenue:

- Monticello Marketplace
- Monticello Shoppes
- U. S. Post Office and AVI site

This traffic study has been prepared for the proposed rezoning of Section 9 of New Town, which is to be called Settler's Market at New Town. Section 9 consists of two properties controlled by AIG Baker and Developers Realty Corporation.

Traffic studies for previous rezonings of New Town sections were prepared in accordance with the 1997 proffers in the New Town Master Plan approval. After discussion with James

City County and VDOT staff, traffic studies for Section 9 have been revised in a number of respects as follows:

1. The regional model forecast used in previous studies has been replaced with a traffic count-based forecast for traffic on the Monticello Avenue corridor.
2. The traffic study focus is on the Monticello Avenue corridor, and two intersections (Monticello Market Place and News Road/Ironbound Road) outside of the New Town proffer area have been included for analysis.
3. Traffic for existing built out development is based on existing counts, and trip distribution for new development is derived from existing counts.
4. Traffic analysis for the Monticello Avenue corridor is performed using Synchro versus the Highway Capacity Software used in previous traffic studies.

A traffic study dated December 9, 2005 was submitted that addressed the development of all New Town to date with Section 9. A February 1, 2006 study was prepared to include two additional future scenarios: only New Town approved to date (i.e., without Section 9), and with Section 7, 8 and 9 in addition to New Town to date. Technical change from the December 9, 2005 traffic study included:

- HCS signals printouts as well as Synchro printouts.
- Average trip generation rates for New Town retail.
- Inclusion of hotel trips in commercial component.
- Signal phase minimums obtained from VDOT.
- HCS weave analysis on Monticello Avenue and Rt. 199 ramps.

This study has been revised from the February 1, 2006 version to include revised signal timing for the Monticello Avenue corridor and to include SimTraffic queuing and blocking reports and HCM arterial reports using Synchro.

2005 PM PEAK HOUR TRAFFIC COUNTS

Previous traffic studies were based on a regional model forecast of background traffic. For this study, the forecast is based on existing peak hour traffic. PM peak hour turning movement traffic counts were conducted on Monticello Avenue in October 2005 as follows:

- Ironbound Road (at City line) by DRW (see Appendix Exhibit A1)
- Courthouse Street by DRW (see Appendix Exhibit A2)
- New Town Avenue by DRW (see Appendix Exhibit A3)
- Old Ironbound Road by DRW (see Appendix Exhibit A4)
- Rt. 199 by VDOT (see Appendix Exhibit A5)
- WindsorMeade Way by VDOT (see Appendix Exhibit A6)
- Monticello Marketplace/Monticello Shoppes by VDOT (see Appendix Exhibit A8)
- News Road by VDOT (see Appendix Exhibit A9)

PM peak hour traffic counts are compiled without balance on Appendix Exhibit A10. Traffic for existing development in the east area is separated on Appendix Exhibit 11, 11a and 11b. Traffic for existing development in the west area is separated on Appendix Exhibit 13, 13a and 13b. The remaining existing background traffic (without Monticello Avenue development traffic) without balance is shown Appendix Exhibit A14. and existing background traffic with balance is shown on Appendix Exhibit A15.

All existing PM peak hour traffic on Monticello Avenue (with balance between intersections) is shown on Exhibit 3. This includes existing development traffic on Monticello Avenue. Existing roads are shown as solid lines and planned roads in the east area of New Town are shown as dashed lines.

MONTICELLO AVENUE DEVELOPMENT TRAFFIC FORECAST

The approach to development traffic differs by the development status of each development section.

For Monticello Marketplace, Monticello Shoppes and the Post Office/AVI site, development is complete and existing counts for these developments will be used for the forecast.

For Section 1 of New Town (includes the courthouse and other existing developments), existing counts will be used for existing development. The remaining planned development for Section 1 consists of a 12,000 square foot office addition and a 62,000 square foot church (information provided by JCC). Trip generation and distribution for this future development will be added to the forecast as new development traffic, and existing count are included for existing development.

At the time of the PM peak hour counts, WindsorMeade Market Place (Section 11) had 148,899 square feet of retail space open out of 200,000 square feet permitted under zoning. (See Appendix Exhibit D2 for development inventory). The existing PM peak hour counts on WindsorMeade Way were less than half of calculated trip generation for existing development. Calculated trip generation for the full build out of 200,000 square feet of retail space will be used for Section 11 in the forecast as new development traffic and existing counts will not be used in the forecast.

Section 13 (WindsorMeade retirement community) has not been constructed. The development inventory used in the 2000 traffic study is also used for trip generation and included in the forecast as new development traffic.

For Section 5, there are no specific plans for most of the section. In lieu of specific plans, the development inventory used in the 2004 traffic study for Section 5 is also used for trip generation and included in the forecast as new development traffic.

For Sections 2 and 4, there are specific development plans by New Town Associates LLC for 553,828 square feet of commercial space, 338 dwelling units and a 100 room hotel. Existing development in Sections 2 & 4 at the time of the PM peak hour traffic counts includes 136,761 square feet of commercial space and 14 dwelling units. (See Appendix Exhibit D1

for development inventory). Calculated trip generation for the full build out of all planned development in Sections 2 & 4 is included in the forecast as new development traffic. Existing counts will not be used in the forecast, but existing counts for existing development in the east area is used as a guide to trip distribution.

For Sections 3 and 6, there are specific development plans by New Town Associates LLC for 481,000 square feet of office space and 215 dwelling units. Sections 3 and 6 were undeveloped at the time of the PM peak hour traffic counts. Calculated trip generation for the full build out of all planned development in Sections 3 & 6 is included in the forecast as new development traffic.

For Section 9, 426,342 square feet of retail space and 215 dwelling units are planned. Calculated trip generation for the full build out of all planned development in Section 9 is included in the forecast as new development traffic.

For Sections 7 & 8, 40,000 square feet of office space (including a 10,000 square foot daycare center) and 400 residential units (205 single family and 195 condo/townhouse) are planned. Calculated trip generation for the full build out of all planned development in Section 9 is included in the forecast as new development traffic.

NEW DEVELOPMENT TRIP GENERATION, DISTRIBUTION AND ASSIGNMENT

Trip generation for all new development is shown on Exhibit 4 using Trip Generation, 7th Edition (TG7), by the Institute of Transportation Engineers (ITE). For all three scenarios (without Section 9, with Section 9 and with Sections 7, 8 and 9), trip generation for Sections 1, 5, 11 and 13 are unchanged. Trip generation for Sections 2, 3, 4, 6, 7, 8, and 9 changes for each of the three scenarios.

Without Section 9 Scenario

Sections 2, 3, 4, and 6 internal trip capture is calculated for the aggregate development of these four sections. Appendix Exhibit L1 shows trip generation for these four sections by group and aggregate for all four sections. Internal capture is calculated on Appendix Exhibit L2 using the technique from Trip Generation Handbook, 2nd Edition, by ITE. Internal capture trips are subtracted for total trip generation to produce off site trips on Appendix Exhibit L1. Pass-by trips for retail use calculated as 15% of off-site retail trips. The remaining off-site trips are assigned as primary trips and are allocated to the various sections on Appendix Exhibit L3.

Appendix Exhibit M1 shows primary trip distribution for Sections 2 & 4 and Sections 3 & 6. Appendix Exhibit N1 and N2 respectively show PM peak hour trip assignments for Sections 2 & 4 and Sections 3 & 6. Pass by trips for Sections 2 and 4 are shown on Appendix Exhibit N8.

All Section 5 PM peak hour trip generation on Appendix Exhibit L4 is distributed as primary trips on Exhibit M2 and assigned on Appendix Exhibit N5. All Section 1 new development trip generation on Appendix Exhibit L4 is distributed as primary trips on Exhibit M2 and assigned on Appendix Exhibit N6.

For Sections 11 and 13, internal trip capture is calculated for the aggregate development of these two sections. Appendix Exhibit L4 shows trip generation for these two sections. Internal capture is calculated on Appendix Exhibit L5 using the technique from Trip Generation Handbook, 2nd Edition, by ITE. Internal capture trips are subtracted for total trip generation to produce off site trips on Appendix Exhibit L4. Pass-by trips for retail use calculated as 15% of off-site retail trips. The remaining off-site trips are assigned as primary trips.

Appendix Exhibit M3 shows primary trip distribution for Sections 11 & 13. Appendix Exhibit N7 shows trip assignments for Sections 11 & 13. Pass by trips for Section 11 are

shown on Appendix Exhibit N8. Total new development off site trip assignments (without Section 9) are shown on Appendix Exhibit N9.

With Section 9 Scenario

Sections 2, 3, 4, 6 and 9 internal trip capture is calculated for the aggregate development of these five sections. Appendix Exhibit E1 shows trip generation for these five sections by group and aggregate for all five sections. Internal capture is calculated on Appendix Exhibit E2 using the technique from Trip Generation Handbook, 2nd Edition, by ITE. Internal capture trips are subtracted for total trip generation to produce off site trips on Appendix Exhibit E1. Pass-by trips for retail use calculated as 15% of off-site retail trips. The remaining off-site trips are assigned as primary trips and are allocated to the various sections on Appendix Exhibit E3.

Appendix Exhibit F1 shows primary trip distribution for Sections 2 & 4 and Sections 3 & 6, and Appendix Exhibit F2 shows primary trip distribution for Section 9. Appendix Exhibit H1, H2 and H4 respectively show PM peak hour trip assignments for Sections 2 & 4, Sections 3 & 6 and Section 9. Pass by trips for Sections 2, 4 and 9 are shown on Appendix Exhibit H8.

All Section 5 PM peak hour trip generation on Appendix Exhibit E4 is distributed as primary trips on Exhibit F2 and assigned on Appendix Exhibit H5. All Section 1 new development trip generation on Appendix Exhibit E4 is distributed as primary trips on Exhibit F2 and assigned on Appendix Exhibit H6.

For Sections 11 and 13, internal trip capture is calculated for the aggregate development of these two sections. Appendix Exhibit E4 shows trip generation for these two sections. Internal capture is calculated on Appendix Exhibit E5 using the technique from Trip Generation Handbook, 2nd Edition, by ITE. Internal capture trips are subtracted for total trip generation to produce off site trips on Appendix Exhibit E4. Pass-by trips for retail use calculated as 15% of off-site retail trips. The remaining off-site trips are assigned as primary trips.

Appendix Exhibit F3 shows primary trip distribution for Sections 11 & 13. Appendix Exhibit H7 shows trip assignments for Sections 11 & 13. Pass by trips for Section 11 are shown on Appendix Exhibit H8.

Total new development off site trip assignments for the PM peak hour (with Section 9) are shown on Appendix Exhibit H9.

The appendix also includes an Appendix Exhibit G series for AM peak hour new development trip assignment. Appendix Exhibit H10 shows that PM peak hour traffic for new development is greater than AM peak hour traffic for new development in almost every location.

With Sections 7, 8 And 9 Scenario

Sections 2, 3, 4, 6, 7, 8 and 9 internal trip capture is calculated for the aggregate development of these seven sections. Appendix Exhibit R1 shows trip generation for these seven sections by group and aggregate for all seven sections. Internal capture is calculated on Appendix Exhibit R2 using the technique from Trip Generation Handbook, 2nd Edition, by ITE. Internal capture trips are subtracted for total trip generation to produce off site trips on Appendix Exhibit R1. Pass-by trips for retail use calculated as 15% of off-site retail trips. The remaining off-site trips are assigned as primary trips and are allocated to the various sections on Appendix Exhibit R3.

Appendix Exhibit S1 shows primary trip distribution for Sections 2 & 4 and Sections 3 & 6, and Appendix Exhibit S2 shows primary trip distribution for Section 9. Appendix Exhibit U1, U2, U3 and U4 respectively show PM peak hour trip assignments for Sections 2 & 4, Sections 3 & 6, Sections 7 & 8 and Section 9. Pass by trips for Sections 2, 4 and 9 are shown on Appendix Exhibit U8.

All Section 5 PM peak hour trip generation on Appendix Exhibit R4 is distributed as primary trips on Exhibit S2 and assigned on Appendix Exhibit U5.

All Section 1 new development trip generation on Appendix Exhibit R4 is distributed as primary trips on Exhibit S2 and assigned on Appendix Exhibit U6.

For Sections 11 and 13, internal trip capture is calculated for the aggregate development of these two sections. Appendix Exhibit R4 shows trip generation for these two sections. Internal capture is calculated on Appendix Exhibit R5 using the technique from Trip Generation Handbook, 2nd Edition, by ITE. Internal capture trips are subtracted for total trip generation to produce off site trips on Appendix Exhibit R4. Pass-by trips for retail use calculated as 15% of off-site retail trips. The remaining off-site trips are assigned as primary trips.

Appendix Exhibit S3 shows primary trip distribution for Sections 11 & 13. Appendix Exhibit U7 shows trip assignments for Sections 11 & 13. Pass by trips for Section 11 are shown on Appendix Exhibit U8.

Total new development off site trip assignments for the PM peak hour (with Section 9) are shown on Appendix Exhibit U9. The appendix also includes an Appendix Exhibit T series for AM peak hour new development assignment.

2015 TOTAL TRAFFIC FORECAST

The 2015 PM peak hour total traffic forecast consists of three components as follows:

- 2015 background traffic (without Monticello Avenue development traffic) shown on Exhibit 5. Background traffic is calculated using existing PM peak hour background traffic (Appendix Exhibit A15) and applying a 1.30 growth factor (3% per year for 10 years).
- Existing development traffic shown on Exhibit 6. This includes traffic for Monticello Marketplace, Monticello Shoppes, Post Office/AVI site and existing Section 1 (courthouse area).

- New development traffic shown on Exhibit 7 for without Section 9, Exhibit 9 with Section 9 and Exhibit 11 with Sections 7, 8 and 9. This includes all new development traffic for the various sections of New Town that have been rezoned or are proposed for consideration.

The 2015 total PM peak hour traffic forecast is shown on Exhibit 8 for without Section 9, Exhibit 10 for with Section 9 and on Exhibit 12 with Sections 7, 8 and 9.

ANALYSIS OF 2015 PM PEAK HOUR FORECAST

The appendix includes Synchro and HCM signalized intersection LOS reports, a SimTraffic queuing and blocking report and a HCM arterial report. The appendix also includes weave analyses on Monticello Avenue between the ramps from Rt. 199 and adjacent intersections.

Without Section 9 Scenario

Appendix Exhibit O shows the Synchro analysis printout for the Exhibit 8 forecast (without Section 9). The Synchro LOS results for each intersection are presented in the following table:

TABLE ONE: MONTICELLO AVENUE SIGNALIZED INTERSECTION
2015 PM PEAK HOUR LEVEL OF SERVICE AND SECOND DELAY
WITHOUT SECTION 9

	News Road	Mont. Mktpl.	Windsor Meade	Route 199	Old Ironb.	Settler's Mkt	New Town	Court- house	Iron- bound
Overall	C 33	C 22	A 9	C 30	A 6		C 26	B 16	C 28
EBL	D 47	E 62	D 36	D 54			E 74	E 61	C 25
EBT	C 35	A 8	A 2	C 27	A 2		B 16	A 2	B 17
EBR	A 8	A 1			A 1		A 3	A 1	A 1
WBL	C 22	E 65		B 17	D 50		B 18	C 34	D 52
WBT	A 2	B 14	A 8	B 16	A 5		B 17	B 12	C 32
WBR	A 1	A 1					A 43	A 1	A 5
NBL	D 41			D 54					C 35
NBT	F 134	D 42			D 44		D 53	D 45	D 44
NBR	B 15	B 13					A 4	A 9	A 6
SBL	F 100	E 68	D 54	C 33					D 51
SBT	E 71	E 60					D 39	D 43	D 50
SBR			C 24				D 52	B 18	A 7

The LOS calculations above are made using existing pavement with the addition of traffic signals at New Town Avenue and Old Ironbound Road and completion of the Monticello Avenue/Ironbound Road intersection project. The Synchro LOS analysis is based on a coordinated traffic signal system.

There is LOS C or better overall for all intersections except News Road. LOS D or better for each lane group is achieved generally except for News Road (four lane groups), Monticello Marketplace (two lane groups), and New Town Avenue (one lane group). The Appendix Exhibit O series also includes the Synchro HCM output report for signalized intersections, the SimTraffic queuing and blocking report and the Synchro HCM Arterial report.

Appendix Exhibit Q1 shows LOS E for the HCS weave analysis on eastbound Monticello Avenue between the ramp from southbound Rt. 199 and WindsorMeade Way. Appendix Exhibit Q2 shows LOS B for the HCS weave analysis on eastbound Monticello Avenue between the ramp from northbound Rt. 199 and Old Ironbound Road.

With Section 9 Scenario

Appendix Exhibit J shows the Synchro analysis printout for the Exhibit 10 forecast (with Section 9). The Synchro LOS results are presented in the following table:

TABLE TWO: MONTICELLO AVENUE SIGNALIZED INTERSECTION
2015 PM PEAK HOUR LEVEL OF SERVICE AND SECOND DELAY
WITH SECTION 9

	News Road	Mont. Mktpl.	Windsor Meade	Route 199	Old Ironb.	Settler's Mkt	New Town	Court- house	Iron- bound
Overall	D 36	C 24	B 11	C 31	B 13	B 11	C 22	B 14	C 27
EBL	D 47	E 62	C 34	D 53	D 44	C 23	D 52	D 49	C 26
EBT	C 34	B 11	A 3	C 23	A 4	A 2	B 18	A 2	B 17
EBR	A 7	A 1			A 1		A 3	A 1	A 1
WBL	C 30	E 61		C 21	D 46		C 20	C 35	D 52
WBT	A 2	C 21	B 10	C 23	A 10	A 10	B 20	B 14	C 32
WBR	A 1	A 1				A 1	A 2	A 1	A 4
NBL	D 41			D 54	D 50				D 41
NBT	F 134	D 42			D 42		D 53	D 44	D 46
NBR	B 15	B 13					A 4	A 9	A 6
SBL	F 120	E 68	D 54	C 36		D 46			D 51
SBT	F 91	E 62			D 42		D 41	D 40	D 50
SBR			C 25		C 28	D 35	C 24	B 15	B 12

These LOS results include the following improvements to existing roads:

1. Completion of the Monticello Avenue/Ironbound Road intersection project.
2. Second left turn lane eastbound on Monticello Avenue at Old Ironbound Road.
3. Third through lane/right turn lane on westbound Monticello Avenue at Old Ironbound Road, with third lane drop-off at existing westbound Monticello Avenue right turn lane to Rt. 199 north.
4. Signalization at Courthouse Street, New Town Avenue, Settler's Market Boulevard and Old Ironbound Road.
5. Second left turn lane on northbound Old Ironbound Road at Monticello Avenue.

With Section 9, there is LOS C or better overall for all intersections except News Road. This is the same general result as for the without Section 9 scenario.

With Section 9, LOS D or better for each lane group is achieved at all seven intersections on Monticello Avenue from WindsorMeade Way to Ironbound Road. LOS C overall and LOS D or better for each lane group at these seven intersections (for a coordinated signal system) was stipulated in the 1997 proffers for New Town.

With Section 9, there LOS E and F lane groups at News Road and Monticello Marketplace intersections as there are without Section 9. The Appendix Exhibit J series also includes the Synchro HCM output report for signalized intersections, the SimTraffic queuing and blocking report and the Synchro HCM Arterial report.

Appendix Exhibit K1 shows LOS E for the HCS weave analysis on eastbound Monticello Avenue between the ramp from southbound Rt. 199 and WindsorMeade Way. Appendix Exhibit K2 shows LOS B for the HCS Type A weave analysis on eastbound Monticello Avenue between the ramp from northbound Rt. 199 and Old Ironbound Road. Appendix Exhibit K3 shows LOS C for the HCS Type C weave analysis on eastbound Monticello Avenue between the ramp from northbound Rt. 199 and Old Ironbound Road.

With Sections 7, 8, & 9 Scenario

Appendix Exhibit V-90-4-1 shows the Synchro analysis printout for the Exhibit 12 forecast (with Section 7, 8, and 9). The Synchro LOS results for each intersection are presented in the following table:

**TABLE THREE: MONTICELLO AVENUE SIGNALIZED INTERSECTION
2015 PM PEAK HOUR LEVEL OF SERVICE AND SECOND DELAY
WITH SECTIONS 7, 8 & 9**

	News Road	Mont. Mktpl.	Windsor Meade	Route 199	Old Ironb.	Settler's Mkt	New Town	Court- house	Iron- bound
Overall	D 36	C 25	B 11	C 29	B 16	B 12	C 21	B 14	C 27
EBL	D 47	E 62	C 33	D 53	D 51	C 25	D 53	D 48	C 27
EBT	C 34	B 12	A 3	C 24	A 4	A 2	B 17	A 3	B 18
EBR	A 7	A 1			A 1		A 3	A 1	A 1
WBL	C 32	E 61		C 21	D 46		C 21	C 33	D 52
WBT	A 2	C 22	B 10	B 24	B 10	A 10	B 19	B 14	C 32
WBR	A 1	A 1				A 1	A 2	A 1	A 4
NBL	D 41			D 54	D 50				D 41
NBT	F 134	D 42			D 42		D 53	D 44	D 45
NBR	B 15	B 13					A 4	A 9	A 6
SBL	F 120	E 68	D 54	C 37		D 50			D 51
SBT	F 91	E 62			D 42		D 41	D 40	D 50
SBR			C 25		C 28	D 38	C 24	B 15	B 12

These LOS results with Sections 7, 8 and 9 include the same improvements as with Section 9. Any changes in LOS from the with Section 9 scenario are about one second. The Appendix Exhibit V-90-4-1 series also includes the Synchro HCM output report for signalized intersections, the SimTraffic queuing and blocking report and the Synchro HCM Arterial report.

Appendix Exhibit X1 shows LOS E for the HCS weave analysis on eastbound Monticello Avenue between the ramp from southbound Rt. 199 and WindsorMeade Way. Appendix Exhibit X2 shows LOS B for the HCS weave analysis on eastbound Monticello Avenue between the ramp from northbound Rt. 199 and Old Ironbound Road. Appendix Exhibit X3 shows LOS C for the HCS Type C weave analysis on eastbound Monticello Avenue between the ramp from northbound Rt. 199 and Old Ironbound Road.

SUMMARY AND CONCLUSIONS

In accordance with the 1997 New Town proffers, LOS C overall and LOS D for all lane groups are achieved at all seven intersections on Monticello Avenue covered under the proffers. This is true with Section 9 and with or without Sections 7 & 8.

At the News Road and Monticello Marketplace intersections on Monticello Avenue, there is LOS E and F for some lane groups. This is true for all three scenarios. Relative to New Town intersections, these intersections were not built with turn lanes recommended in the 1997 traffic studies.

LOS results (overall intersections, intersection lane groups and weaves) do not show much variation with and without Sections 7, 8 and 9.

PLANNING DIRECTOR'S REPORT

November 2006

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

- Rural Lands Study. The Rural Lands Technical Committee met twice during the month of October—first, consulting with the Fire Department and JCSA while considering changes to the central well requirements, and second, reviewing a draft narrative ordinance. The committee will meet through the month of November to review the narrative ordinance before the recommendations are written in legal ordinance form.
- New Town. The New Town Design Review Board reviewed 5 projects, 4 of which were resubmissions of previously reviewed projects and one which was a new project, and two sign applications. The new project was a mixed use building.
- Ironbound Road Widening. Discussions with VDOT on various design changes including pedestrian facilities continued throughout October. VDOT conducted a charette to address ways to make the intersections more pedestrian-friendly and is adding the recommendations to the Monticello Avenue intersection project that is currently underway.
- Virginia Capital Trail. Staff is working on an Enhancement Grant application to VDOT to replace the Trail's at-grade crossing near the Barrett's Ferry subdivision with a grade-separated crossing under the new Judith Stewart Dresser Memorial Bridge. The Board of Supervisors authorized staff to proceed with the application. Staff also continued to assist VDOT in the acquisition of the necessary easements and right of way for the VCT project.
- 2030 Regional Transportation Plan. County staff continued to work with the Hampton Roads Planning District Commission on the update of the Regional Transportation Plan. The Plan serves as a starting point for the County's update of its transportation plan which is done in conjunction with the Comprehensive Plan update. During October the Hampton Roads Planning District Commission's Metropolitan Planning Commission endorsed the road projects to be included in the 2030 Plan.
- Corridor Enhancement Program. The Jamestown Road Enhancement Demonstration Project has just completed accepting a second round of applications for beatification grants for the first phase of Jamestown Road. In October the committee continued working on hiring a consulting firm to design a master plan for Phase 2 of Jamestown Road and establish a grant program for this section as well. The committee's long term goal is to pick a multi-jurisdictional corridor in which to establish another enhancement project and a grant program involving businesses and neighborhoods located in Williamsburg, James City County, and York County.
- 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. In the last few weeks the Committee has talked with VDOT about the reduced street width policy, has worked on a model shared driveway agreement, and discussed open space design.

- Online Comment Database. Planning staff continues to work with Information Technology to develop a new version of our case tracking software that will make certain case information available to citizens from the County website. An added feature that will be available is the ability of County agencies to upload their comments to the website so that comments can be viewed by case applicants. The projected launch date is this fall.
- Zoning Ordinance Revisions. Residential Zoning Ordinance Revisions. The Policy Committee held its last meeting regarding updates to the residential portions of the Zoning Ordinance. Ordinance amendments discussed by the Committee will be brought forward in conjunction with the Better Site Design and Rural Lands processes.
- Parks & Recreation Master Plan Update. Additional Citizens Forums are scheduled in November to provide opportunities for public input into the Plan update. The forums will be held Thursday, November 16 at 7:00 PM at the Stonehouse Elementary School and Saturday, November 18 at James River Community Center.
- Succession Management. The Planning Division is taking part in this years Succession Management training program. Beginning November 1 and extending for the next 6 months, Allen Murphy will be working in County Administration. Ellen Cook will be Acting Chief of Current Planning and Melissa Brown will be acting Zoning Administrator.
- Regional Comprehensive Plan Coordination. Acting on the Planning Commissions recommendation of approval, the Board of Supervisor endorsed a Regional Issues Committee recommendation that James City County, York County and Williamsburg undertake a concurrent update of their Comprehensive Plans in 2010. The endorsement also included effort to coordinate certain data collection needs and to hold regional forums.
- Board Action Results October 10 and October 24.
Case Nos. Z-2-06/MP-3-06/SUP-19-06. Mason Park **Adopted 4-1**
Case No. HW-4-06.VEPCO Cellular Antenna Collocation - Height Waiver **Adopted 5-0**
Revisions and Re-adoptions of Watershed Management Plans **Adopted 5-0**

O. Marvin Sowers, Jr.

DEVELOPMENT REVIEW COMMITTEE ACTIONS REPORT
MEETING OF November 1, 2006

Case No. C-114-06 Case Title: Brandon Woods Fence along Ironbound Rd

Ms. Pat Jakubowski has applied on behalf of Brandon Woods Homeowners Association for approval of installation of a fence along Ironbound Road at the entrance of Brandon Woods Section 8D. The property can be further identified as a portion of (2-1c) on the James City County (47-1). DRC action is necessary for because the proffers for Brandon Woods require the Development Review Committee review and approve entry features.

DRC Action: The DRC voted 4-0 to recommend preliminary approval of Case C-114-06 Brandon Woods Fence along Ironbound Road.

Case No. SP 123-06 HR Development Endeavor Drive

Mr. Doug Coenen, Patten, Harris, Rust and Associates, has applied on behalf of Joe Ritchie, HR Development LLC for approval of light industrial business to produce banners and flags at 1709 Endeavor Drive on 5.6 acres. The property can be further identified as parcel (1-50) on the James City County Tax Map (59-2). DRC review is required for all site plans with buildings over 30,000 sq. ft.

DRC Action: The DRC voted 4-0 to recommend preliminary approval of Case SP-123-06 HR Development Endeavor Drive. Subject to agency comments and the removal of the second entrance.

Case No. C-110-06 Case Title: Overhead Utility Waiver

Mr. Jimmy Hughes has applied on behalf of Turzac Construction Corporation for the approval of an Overhead Utility Waiver for new home construction on John Tyler Highway. The parcels are approximately .48 and .485 acres, respectively. The properties area located at 5031 and 5041 John Tyler Highway and can be further identified as parcel (4-2)and (4-3c) on the James City County Tax Map (42-2).

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 4-0 to recommend preliminary approval of C-110-06.

Case No. SP-114-06/S-78-06 Case Title: Walnut Grove (formally Jenkins Way)

Mr. Richard Smith, AES Consulting Engineers, has applied on behalf of Mr. Jay Epstein for the approval of 75 single-family dwelling lots/10 town homes on 29.81 acres. The property is located at 7345 & 7375 Richmond Road (Norge) and can be further identified as parcel (1-30) and (1-30a) on the James City County Tax Map (23-2). DRC review is required for all major subdivisions of more than 50 lots. Additionally, Adopted proffer # 12 states that the exact location of the recreation facilities and the equipment to be provided shall be subject to the review and approval of the DRC.

DRC Action: The DRC voted 4-0 to recommend preliminary approval of SP-104-06/S-78-06 subject to agency comments.

Case No. SP-125-06 Case Title: New Town Section 3 & 6, Block 14, Parcel E (Sentara Building)

Mr. Bob Cosby, AES Consulting Engineers has applied on behalf Ms. Heather Medford, Sentara Medical Group, for New Town Section 3 & 6, Block 14, Parcel E (Sentara Building) located at 4201 Ironbound Road. The property further identified as parcel (1-57) on the James City County Tax Map (39-1). DRC review is required for all site plans proposing a building with a total floor area that exceeds 30,000 square feet.

DRC Action: The DRC voted 4-0 to defer this case until their next meeting.