

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
DECEMBER 4, 2006 - 7:00 p.m.

1. ROLL CALL
2. PUBLIC COMMENT
3. MINUTES
 - A. November 6, 2006 Regular Meeting
4. COMMITTEE AND COMMISSION REPORTS
 - A. Policy Committee
 - B. Development Review Committee (DRC) Report
 - C. Other Committee/Commission Reports
5. PUBLIC HEARINGS
 - A. SUP-22-06 Hill Pleasant Farm
 - B. SUP-31-06 Toano Middle School Bus Entrance
 - C. SUP-27-06 Homestead Garden Center
 - D. SUP-15-06 Mann Service Station
 - E. Z-6-06 Charlie's Antiques
6. PLANNING DIRECTOR'S REPORT
7. ADJOURNMENT

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SIXTH DAY OF NOVEMBER, 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
Don Hunt

STAFF PRESENT

Marvin Sowers, Planning Director
Jenny Lyttle, Assistant County Attorney
Jason Purse, Planner
Matthew Smolnik, Planner
Darryl Cook, Environmental Director
Toya Ricks, Administrative Services Coordinator

2. PUBLIC COMMENT

Mr. Fraley opened the public comment period.

Hearing no requests; the public comment period was closed

3. MINUTES

A. October 2, 2006 Regular Meeting

Mr. Kennedy motioned to approve the minutes.

Ms. Hunt seconded the motion.

In a unanimous voice vote the minutes of the October 2, 2006 regular meeting were approved.

4. COMMITTEE AND COMMISSION REPORTS

A. Policy Committee

Mr. Billups presented the Policy Committee report stating that the Policy Committee met on October 18 but did not have a quorum. He stated that there was discussion of the consistency of granting setback reduction modifications but no action was taken.

Mr. Fraley asked Ms. Hughes if the Better Site Design committee is reviewing setbacks.

Ms. Hughes stated that a policy was being worked on with staff concerning reductions in R-1 that will be forwarded to the Policy Committee when completed.

B. Development Review Committee (DRC)

Mr. Kennedy presented the DRC report stating that there are two reports. He stated that on September 27, 2006 the Committee considered two cases: C-124-06 Chickahominy Road Utility Waiver and S-27-04/SP-119-06 Michelle Point both were approved 4-0. Mr. Kennedy stated that on November 1, 2006 the Committee considered five cases: C-110-06 Overhead Utility Waiver John Tyler Hwy; C-114-06 Brandon Woods fence; SP-104-06/S-78-06 Walnut Grove, formerly Jennings Way; SP-123-06 Hampton Roads Development – Endeavor Drive were approved 4-0; SP-124-06 New Town Block E Sentara Building was deferred due to parking concerns.

Mr. Kennedy motioned to approve the report.

Ms. Jones seconded the motion.

In a unanimous voice vote the report was approved.

5. PLANNING COMMISSION CONSIDERATION

A. ZO-2-06 Initiating Resolution Subdivision Ordinance Amendment – Final Plan Submittal Requirements

Ms. Jenny Lyttle presented the staff report for an ordinance to amend and reordain Chapter 19, Subdivisions, of the Code of the County of James City, Virginia, by amending section 19-29, Final Plan – Submittal requirements to correct an outdated citation to the James City County Chesapeake Bay Preservation Ordinance.

Mr. Billups asked if it would be renumbered or if it no longer exists.

Ms. Lyttle stated that it no longer exists. She said that Staff and developers are aware of the situation and make the correct reference on plats.

Mr. Hunt motioned to approve the initiating resolution.

Ms. Jones seconded the motion.

In a unanimous voice vote the resolution was approved.

B. Planning Commission Annual Report

Mr. Sowers presented the Planning Commission Annual Report and highlighted some of the activities including the Toano Area Study, Rural Lands and Better Site Design Committee. Mr. Sowers stated that the Division has been involved in several Landscaping projects to include Route 199, Anderson's Corner, and Jamestown Road. The Division has also been instrumental in obtaining \$7 million in funding for transportation.

In unanimous voice vote the report was approved.

Mr. Fraley stated that he would be presenting the report to the Board of Supervisors November 28.

C. Planning Commission Meeting Schedule

Mr. Fraley stated that Planning Commissioners and members of the public had requested additional time to review applications and supporting documentation as well as more time for discussions with Staff. He stated that the Commission will meet on the first Wednesday beginning in January. Mr. Fraley also mentioned that packets will continue to be distributed the Wednesday prior allowing two additional work days.

Mr. Sowers added that all deadlines will remain the same.

In a unanimous voice vote the schedule was approved

6. PUBLIC HEARINGS

A. Hill Pleasant Farm

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

Mr. Sowers said Staff concurred.

Mr. Fraley opened the public hearings.

Hearing no requests to speak the public hearings was continued to December 4, 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. The application was heard by the Planning Commission at its October meeting; however adjacent property owner were not adequately notified prior to the public hearing; therefore the Commission is again considering the case. The only changes to the proposal since the October meeting were changes recommended by the Planning Commission including the addition of boats and wheeled vehicles to the list of restricted sellable goods as well as a provision limiting operation hours from dawn until dusk. The applicant is also requesting a setback waiver along Richmond and Forge Roads to 25 ft. Staff found the proposal generally consistent with surrounding characteristics and the Comprehensive Plan and recommended approval.

Mr. Fraley opened the public hearing.

Mr. Mike Pintz with Virginia Real Estate and Development stated that his company has a contract on the adjacent property. Mr. Pintz stated his and the current property owners' concerns regarding the lack of a traffic signal or designated crossing area for access to the restroom facilities across the street, the lack of on site restroom facilities and sight distance concerns and possible entrance conflicts. He also stated their willingness to allow shared ingress and egress and parking accommodation with the applicant.

Mr. Purse stated that the intent of the applicant is to provide restroom facilities for vendors at the fire station across the street not the public. He also stated the applicant's willingness to work with Mr. Pintz on joint access if Mr. Pintz's plan moves forward.

Mr. Billups asked if this would be a stop and go market.

Mr. Purse said that was the intent.

Mr. Bill Apperson represented the James City-Bruton Volunteer Fire Department stating their willingness to work with Mr. Pintz in the future. He also stated their desire to have this application continue and not be restrained by a proposal that may or may not take place.

Mr. Billups asked if the applicant foresees any health and safety concerns as the project grows.

Mr. Apperson answered no. He stated their vision that consumers would come in, purchase their items, and leave without visiting or loitering.

Mr. Billups asked if Mr. Apperson anticipated browsing by neighbors or students.

Mr. Apperson said they did not anticipate this becoming a community gathering corner.

Mr. Purse stated that the development of the neighboring property provides flexibility for more growth since the owner is willing to offer land to add additional facilities if the flea market is more successful than anticipated.

Mr. Obadal stated his concerns about safety. He asked if the portable facilities could be installed if it becomes necessary.

Mr. Apperson stated that they will address any problems that arise.

Hearing no other requests the public hearing was closed.

Ms. Jones stated that the purpose of the market is to raise funds to continue to provide for the safety of citizens. She stated that the restroom facilities are for the vendors. She stated her support.

Ms. Jones motioned for approval.

Mr. Kennedy seconded the motion and concurred with Ms. Jones' statements that the Volunteer Fire Department provided a great service to the community and felt that the Fire Department would put similar effort in this project.

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

C. AFD-9-86 Gordon Creek Withdrawal

Mr. Jason Purse presented the staff report stating that Mr. Sanford Wanner has applied to withdraw approximately 40.285 acres from the existing Gordon Creek AFD. The withdrawal site will be used for the 8th Elementary School in W-JCC. 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 property is located at 4001 Brick Bat Road, and can further be identified as parcel (1-1) on the JCC Tax Map (36-3).

Mr. Kennedy asked if portions of the property were being returned to the AFD while other portions were being withdrawn. He also asked if there would be any taxation issues.

Mr. Purse indicated the previous and proposed boundary lines on a map. He stated that conversations were on-going with the property owners and that it was uncertain whether any of the unused portions was be returned to the AFD.

Mr. Kennedy noted that no one was present from the School Board. He stated that Commissioners had been assured previously that there was enough land for adequate road frontage and that the County owned the land. He stated he felt previous information was incorrect and key elements had been left out. Mr. Kennedy stated his concern that the unusable portion of the property would be returned to the owner to deal with and referred to the process as a disaster.

Mr. Fraley opened the public hearing.

Hearing no requests to speak the public hearing was closed.

Ms. Jones motioned for approval.

Ms. Hughes seconded the motion.

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

D. SUP-29-06 WJCC 8th Elementary School Amendment

Mr. Jason Purse presented the staff report stating that Mr. Sanford Wanner, on behalf of James City County, has applied for a Special Use Permit to amend SUP-5-06, which was for the 8th Elementary School. This project is located on approximately 40.285 acres of land, on a parcel zoned A-1, General Agricultural. The property is located at 4001 Brick Bat Road. The property is currently part of a larger parcel located off of Brick Bat Road, which can further be identified as parcel (1-1) on the JCC Tax Map (36-3). The 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. The site is shown on the 2003 Comprehensive Plan Land Use Map as Rural Lands. Recommended uses on property designated for Rural Lands areas are agricultural and forestal activities, together with certain recreational, public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings.

Ms. Jones stated her concern that the site is near two hunt clubs and asked for their locations.

Mr. Purse stated that one was located off of Busch Neck Road. He said he did not know the location of the other one.

Mr. Hunt stated that County Ordinance prohibits discharge of a firearm within 50 feet of a school.

Ms. Jones stated that this would impede the rights of the hunters.

Mr. Kennedy stated that construction had already begun on the school. He asked who reviewed the plans and why they did not realize the gymnasium was too small. Mr. Kennedy asked why the County was not made aware that a change order had been placed for a larger gymnasium. He also stated his disappointment that a representative of the School Board was not present.

Mr. Sowers said they are required to go through a site plan process and building permit review. He said he did not have the answers for Mr. Kennedy's questions tonight but would be happy to provide the information later.

Mr. Obadal asked if construction had begun.

Mr. Purse said it had begun for the portions that were already approved.

Mr. Obadal asked it was substantial.

Mr. Purse said it was everything within the yellow lines on the map shown earlier.

Mr. Kennedy motioned for approval.

Ms. Jones seconded the motion.

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

E. SUP-28-06 VFW Post 8046

Mr. Matthew Smolnik presented the staff report stating that Mr. John Worley has applied for a Special Use Permit on the parcel located at 5343 Riverview Road, which is currently zoned A-1, General Agricultural in order to construct a new meeting facility for VFW Post 8046. The property is also known as parcel (1-31) on the JCC Tax Map (15-3). Mr. Worley has filed the Special Use Permit application because the proposal is permitted by special use permit only in this zoning district. The site is designated as Rural Lands by the James City County Comprehensive Plan. Appropriate primary uses include agricultural and forestal activities, together with certain recreational, public or semi-public and institutional uses that are compatible with the natural and rural surroundings.

Mr. Kennedy recused himself stating his membership in the VFW.

Mr. Fraley opened the public hearing.

Ms. Peggy Bowman stated that the building had been purchased 30 years ago. She stated that the expansion was needed in order to increase membership and avoid the constant need for repairs.

Mr. Hunt motioned for approval.

Ms. Jones seconded the motion.

In a unanimous roll call vote the application was recommended for approval (7-0). Billups, Hunt, Obadal, Jones, Fraley, Hughes (6); NAY: (0). (Kennedy abstained).

F. Z-5-06/MP-7-06 New Town Section 7& 8

Mr. Matthew Smolnik presented the staff report stating that an application has been submitted by New Town Associates, LLC to rezone 108.1 acres of land located at 5240 and 5248 Monticello Avenue currently zoned R-8, Rural Residential to MU, Mixed Use. The property is also known as parcels (1-51) and (1-56) on the JCC Tax Map (38-4). Under the proposed Master Plan, a maximum of 62,300 square feet of commercial buildings are proposed with a maximum of 400 dwelling units. The site is designated for Mixed Use development by the James City County Comprehensive Plan. Mixed Use areas are centers within the PSA where higher density development, redevelopment and/or a broader spectrum of land uses are encouraged.

Mr. Obadal gave an overview of the history of rezonings of the New Town project.

Mr. Smolnik and Mr. Obadal discussed when various sections of the project were rezoned.

Mr. Obadal stated that in 2004 a request was made to reduce the buffer around the perennial stream in section 8 to allow more density.

Mr. Cook stated that the Chesapeake Bay Ordinance was amended in 2004 and that grandfathering was applied. He also gave an overview of the history of the environmental issues of the project.

Mr. Obadal stated that a variable buffer was allowed for 279 units. He stated his opinion that the density could have achieved without the perennial stream buffer reduction. He questioned the applicant's need for a reduction of the Community Character Corridor.

Mr. Cook deferred the question to the applicant.

Mr. Obadal and Mr. Fraley discussed the changes and amendments that have taken place with the project over time.

Mr. Obadal wanted to follow-up on the density and the prior rezonings. He stated that the buffer around the intermittent stream was one of the changes.

Mr. Billups suggested that the applicant be allowed to make his presentation before Commissioners continue their discussions.

Mr. Fraley asked for a comment on water quality

Mr. Cook stated that the variable width buffer that included buffers on both perennial and intermittent streams should result in better water quality protection than buffers on only perennial streams.

Ms. Hughes stated her concerns about steep slopes, nature trails in the reduced buffers, and lack of commitment to LID (Low Impact Design)

Mr. Cook stated that the steep slopes would not have been protected by the original buffer. He deferred the discussion of the nature trail location to the applicant.

Mr. Smolnik stated that 8 acres were transferred to section 9 not 80 as he had previously indicated.

Ms. Hughes asked the basis for determining the number of school children.

Mr. Smolnik deferred the question to the applicant.

Mr. Fraley opened the public hearing.

Mr. Gregory Davis, Kaufman and Canoles, represented the applicant presenting the proposal. He highlighted the architecture, cash proffers, and affordability component.

Mr. Davis also detailed regulatory changes that have affected the project.

Ms Jones asked if the 8 acres set aside for the Small Whorled Pogonia exceeded requirement.

Mr. Davis stated that there is no specific requirement but a determination by various regulatory agencies.

Ms. Jones if that applicant was satisfied with the amount of land set aside.

Mr. Davis said that from a development stand point they are disappointed. He stated that the Army Corp of Engineers is delighted.

Mr. Hunt said they are concentrated in a small area.

Mr. Davis added that there is no impact to the Pogonia like there was with the WindsorMeade project.

Mr. Fraley asked if there is an archeological site in that area as well.

Mr. Davis said yes.

Ms Hughes asked for an explanation of the term perennial stream restoration and mediation.

Mr. Davis said it is included in the Homeowners Association requirements.

Ms. Hughes said she had not seen it.

Mr. Obadal asked if the pollutants entering the streams would be monitored.

Mr. Davis said no and stated that the applicant and staff could look into it.

Mr. Fraley supported Mr. Obadal's suggestion.

Mr. Obadal thought monitoring could be beneficial to future projects.

Mr. Fraley stated his concerns about building on steep slopes.

Mr. Robert Cosby with AES Consulting Engineers stated that the steep slopes are isolated in nature. He also stated that further review had found that most of the slopes were less than 25 %.

Mr. Fraley asked if the applicant would avoid building on slopes that are 25% or greater.

Mr. Cosby stated that in that scenario it would be discussed at site plan phase with staff.

Mr. Fraley stated his concern with the lack of commitment to LID.

| Mr. Cosby stated that New Town has been very proactive with LID measures and that they would pursue them as much as possible.

Mr. Fraley asked about water quality.

Mr. Cosby stated that within New Town state requirements regarding removal of pollutants are exceeded.

Mr. Fraley asked how many of the buffers are reduced.

Mr. Cosby said 25% are reduced to 50 ft.

Mr. Fraley asked if 100 buffers would increase water quality.

Mr. Cosby said not substantially.

Mr. Fraley said the preference would be for the trail to be taken out of the buffer.

Mr. Davis stated the goal was to provide a woodland trail with permeable surfaces.

Mr. Obadal stated that a 100 ft buffer would achieve 75% reduction in sediments and 40% reduction of nutrients.

Mr. Cosby said a larger buffer would provide more pollutant removal but not significantly when compared to other measures.

Mr. Obadal said a better method was necessary.

Mr. Cosby said the run-off is not sent across the buffer it is collected and piped to the BMP and then treated.

Mr. Cosby and Mr. Obadal discussed the percentage of sediments and pollutants removed by a BMP versus a traditional buffer.

Mr. Obadal stated that an Ordinance should be a guide for conduct without a great deal of flexibility.

Mr. Fraley said there is no Ordinance requirement relative to Community Character Corridor in Mixed Use.

Mr. Hunt stated that the goal of the Commission is to be flexible and provide elasticity when possible and appropriate.

Mr. Fraley called for a 10 minute break.

The Commission reconvened at 9:35 p.m.

Mr. Fraley opened the public hearing.

Ms. Kensett Teller, 126 Lake Drive, read a letter from the Friends of Powhatan Creek Watershed recommending denial of the project due to environmental concerns. Ms. Teller also stated concerns about noise pollution.

Ms. Sarah Kadec, 3504 Hunters Ridge, represented James City County Concerned Citizens read a letter requesting denial due to concerns regarding environmental, traffic, and public safety issues.

Mr. Jay Eversole, 103 Branscomb, stated concerns about adequate schools facilities test, density based on non-developable acreage, and environmental concerns.

Mr. Fraley clarified that the 300 ft variable buffers Mr. Cosby spoke of applies to main stem streams of which there are none in this application.

Ms. May Sly, 3829 Cluster Way, stated her support for a 100 ft buffer and increased protections for the small whorl begonia.

Mr. Fraley explained that the 100 ft buffer staff referred to was around a perennial stream.

Mr. Smolnik addressed concerns that copies of the plan were not available to the public. He stated that the application was submitted 71 days ago and that Friday was the first day anyone from the public inquired about the project.

Mr. Obadal stated that citizens should not have to pay for copies. He stated that FOIA (Freedom of Information Act) required free copies at the state level.

Mr. Kennedy explained that staff time is not charged only the cost of the copies.

Mr. Obadal asked if staff time should be charged to applicants for the considerable amount of time staff spending working on their plan.

Mr. Sowers read a letter from Mark Sexton stated his concerns about the proposal.

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

Mr. Hunt stated that provisions have been made regarding the perennial stream, and the Small Whorled Pogonia, and the provisions should be made for the Community Character Corridor.

Mr. Obadal stated his concerns about the protections offered for the perennial stream. He said he agrees with staff concerning the Community Character Corridor.

Ms. Jones stated that the project complies with the Watershed Management Plan, includes affordable housing, and is a fiscal positive. She stated that allowing a variance on the Community Character Corridor provides for a better project. Ms. Jones stated her support for the project.

Ms. Hughes stated that flexibility has already been allowed. She stated her support for the 150 ft Community Character Corridor and her concerns about school capacities. Ms. Hughes stated she will not support the project.

Mr. Kennedy said he has never supported the New Town concept. He stated that he could see the case for making an exception and stated his support for the proposal.

Mr. Billups stated his concern that the VDOT (Virginia Department of Transportation) ROW (Right-of-Way) buffer of 80 ft is combined with the applicant's required buffer. He asked what would happen should VDOT choose to exercise their right to utilize the ROW. Mr. Billups stated that he did not see a specific benefit of reducing the buffer. He also stated his concerns regarding school impacts, and the lack of confirmation of affordable housing.

Mr. Fraley stated that staff was in agreement with the proposal except the Community Character Corridor. He also stated that the adequate public facilities test was an issue for the Board of Supervisors to consider. He expressed his satisfaction with the proposed architecture. Mr. Fraley also stated his support to reducing the Community Character Corridor buffer and requested the applicant establish a program or process for the monitoring and remediation of water quality.

Mr. Davis agreed to look into it.

Mr. Fraley suggested the applicant meet with the citizens who spoke prior to the case moving forward to the Board of Supervisors.

Ms. Jones motioned to approval the proposal and suggestions for a water quality monitoring and remediation program.

Mr. Hunt seconded the motion.

In a voice vote the application was approved (4-3). AYE: Kennedy, Hunt, Jones, Fraley (4); NAY: Billups, Obadal, Hughes (3).

6. PLANNING DIRECTOR'S REPORT

Mr. Marvin Sowers presented the Planning Director's Report stating that the Parks and Recreation Master Plan Update is underway with meetings being held November 16 at 7 p.m. at Stonehouse Elementary School and on November 18 at the James River Commerce Center. Mr. Sowers also stated that the Division is participating in the County's Succession Management Program. He said Allen Murphy has assumed a temporary position in the County Administrator's office and in his place Ellen Cook is Acting Chief Planner, Current Planning and Melissa Brown is Acting Zoning Administrator.

7. Adjournment

There being no further business the Planning Commission was adjourned at 10:50 p.m.

Jack Fraley, Chairman

O. Marvin Sowers, Jr., Secretary

AGENDA
DEVELOPMENT REVIEW COMMITTEE

November 29, 2006
4:00 p.m.

JAMES CITY COUNTY GOVERNMENT COMPLEX

Conference Room, Building A

1. Roll Call
2. Minutes
 - A. November 1, 2006
3. Public Comment
4. Cases and DRC Discussion
 - A. SP-124-06 Weatherly at White Hall – Leanne Rienenbach
 - B. SP-74-06 New Town Section 9 – Matt Smolnik
 - C. **SP-129-06 Massie Parking Lot Expansion** – Jason Purse
 - D. SP-118-06 Thomas Nelson Community College Parking Lot – Jose Ribeiro
 - E. SP-125-06 Sentara at New Town – Jose Ribeiro
 - F. C-126-06 Overhead Utility Waiver – Luke Vinciguera
5. Public Comment
6. DRC Recommendations
7. Adjournment

**JAMES CITY COUNTY
DEVELOPMENT REVIEW COMMITTEE REPORT**

FROM: 11/1/2006 THROUGH: 11/28/2006

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-094-06	Avid Medical & ESGI Expansion
SP-096-06	Office Renovation - 7840 / 7844 Richmond Rd
SP-097-06	T-Mobile SBA Monopine Tower
SP-103-06	Starling Gutters Site Plan
SP-104-06	Walnut Grove
SP-105-06	White Hall North Off-Site Utilities
SP-106-06	Old Capitol Lodge 629
SP-107-06	NF494 Riverside Brick

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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-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-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
SP-134-06	Roller Coaster - Go Karts Plus Action Park
SP-135-06	Pocahonas Square SP Amend Landscape
SP-136-06	Toano Middle School Cafeteria Exp
SP-137-06	Governors Land Nextel Tower
SP-138-06	Bus Shelter Mooretown Rd - Anvil Campground
SP-139-06	Attendent Shack at Jolly Pond Rd.
SP-141-06	Lambert Building New Town
SP-142-06	New Town Sec. 2&4 Block 2 (Bonefish Grill)
SP-143-06	White Hall Sec 1
SP-144-06	White Hall Section 2

B. PENDING FINAL APPROVAL

EXPIRE DATE

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
SP-119-06	Michele Point renewal	11/6 /2007
SP-123-06	HR Development - Endeavor Drive	11/6 /2007

C. FINAL APPROVAL

SP-093-06	WindsorMeade Marketplace Outparcel 12
SP-101-06	Sales Trailer - New Town Setters Market
SP-140-06	BLA Fords Colony Country Club

DATE

11/27/2006
11/6 /2006
11/15/2006

D. EXPIRED

SP-056-04	Michelle Point
SP-022-05	James River Commerce Center Shell Building
SP-094-05	Homestead Garden Center
SP-102-05	LaGrange Pkwy and Rt 600 to Rt 606
SP-103-05	Colonial Heritage Ph. 4
SP-116-05	Cookes Garden Center
SP-123-05	Michelle Point

EXPIRE DATE

7 /12/2005
3 /4 /2005
10/13/2006
9 /26/2006
11/7 /2006
10/5 /2006
10/3 /2006

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-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-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-093-06	Matoaka Elementary School
S-094-06	Pierce Subdivision
S-096-06	Right of Way Collier Property
S-97-06	Willow Pond Estates

B. PENDING FINAL APPROVAL

EXPIRE DATE

S-101-03	Ford's Colony - Sec. 35	2 /2 /2007
S-037-04	Michelle Point	11/6 /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-091-05	Windmill Meadows	10/3 /2007
S-095-05	Landfall Village	3 /10/2007
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
S-087-06	120 Carriage Rd BLA	11/3 /2007

C. FINAL APPROVAL

S-018-06	3448 Chickahominy Road
S-052-06	New Town Block 17, Parcel A, B & Block 14 & 18
S-095-06	Colonial Heritage BLA Ph 2 Sec 3 Lot 5&6

DATE

11/8 /2006
11/1 /2006
11/28/2006

D. EXPIRED

S-076-02	Marion Taylor Subdivision
S-044-03	Fenwick Hills, Sec. 3
S-059-04	Greensprings West Ph. 6
S-015-05	Colonial Heritage Ph. 3, Sec. 2
S-043-05	Colonial Heritage Ph. 3, Sec. 3
S-063-05	John Barry Davidson BLE
S-079-05	Colonial Heritage Ph. 4

EXPIRE DATE

10/3 /2004
6 /25/2006
9 /13/2006
5 /2 /2006
6 /6 /2006
7 /6 /2006
11/7 /2006

SPECIAL USE PERMIT-22-06. Hill Pleasant Farm Cellular Tower
Staff Report for the December 4, 2006, Planning Commission Public Hearing

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

PUBLIC HEARINGS

Planning Commission:

Building F Board Room; County Government Complex

October 2, 2006 (applicant deferral)

November 6, 2006 (applicant deferral)

December 4, 2006

7:00 p.m.

Board of Supervisors:

(T.B.D.)

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 an indefinite deferral of this case. Staff concurs with the request.

Staff Contact: Ellen Cook

Phone: 253-6685

Ellen Cook

Attachment

1. Indefinite deferral request letter

....T-Mobile.

November 17th, 2006

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

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

Dear Ellen,

T-Mobile Northeast requests the indefinite deferral of case number SUP-22-06, Hill Pleasant Tower. Due to environmental issues (RPA) we request the deferral until those issues have been discussed with the County Environmental Department. If you have any questions, please feel free to contact me at 757-305-8420 or by e-mail at nathan.holland@t-mobile.com

Sincerely,

Nathan Holland

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

SPECIAL USE PERMIT-31-06. Toano Middle School Bus Entrance
Staff Report for the December 4, 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:	December 4, 2006	7:00 p.m.
Board of Supervisors:	January 9, 2006 (tentative)	7:00 p.m.

Building F Board Room; County Government Complex

SUMMARY FACTS

Applicant:	Mr. Bruce Abbott, AES Consulting Engineers
Land Owner:	Williamsburg-James City County Public Schools
Proposal:	To construct a second right-in/right-out entrance onto Richmond Road (Route 60) for Toano Middle School to be used solely for bus traffic.
Location:	7817 Richmond Road
Tax Map/Parcel Nos.:	(12-4)(1-51)
Parcel Size:	34.1 acres
Zoning:	A-1, General Agricultural
Comprehensive Plan:	State, Federal, County Land
Primary Service Area:	Inside

STAFF RECOMMENDATION

The applicant has requested deferral of this case to the January 2007 Planning Commission meeting. Staff concurs with the request.

Staff Contact: Leanne Reidenbach

Phone: 253-6685

Leanne Reidenbach

**SPECIAL USE PERMIT CASE NO. SUP-27-06 Homestead Garden Center
Staff Report for the December 4, 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

December 4, 2006, 7:00 PM
(T.B.D.)

SUMMARY FACTS

Applicant:

Mr. Stanley Treleaven, T&S Associates, Inc.

Land Owner:

Commonwealth of Virginia Group

Proposal:

To use approximately 3,450 square feet of greenhouse space for the retail sale of plant and garden supplies in conjunction with the existing commercial greenhouse.

Location:

4109 Rochambeau Drive

Tax Map/Parcel

(13-4)(1-9B)

Parcel Size

4.74 acres

Existing Zoning:

A-1, General Agricultural

Comprehensive Plan:

Rural Lands

Primary Service Area:

Outside

STAFF RECOMMENDATION

It is staff's opinion that this proposal is generally inconsistent with the Comprehensive Plan Land Use Designation because the proposed use is neither agricultural nor forestal in nature. However, Staff believes the proposal to be generally consistent with the previous uses of the existing structures on the site as well as with the Rural Land Use Standards of the Comprehensive Plan. In making this recommendation, Staff is taking into consideration the continued use of existing structures on the property, the relatively low percentage of impervious cover, traffic usage, and the minimal additional impacts on open space and other factors. Staff recommends that the Planning Commission recommend approval of the special use permit application with the attached conditions with the understanding that future applications for expansions may not be approved for this site.

Staff Contact:

Melissa Brown

Phone: 253-6685

Project Description

Mr. Stanley Treleaven of T&S Associates, Inc., has applied for a special use permit to allow the retail sale of plant and garden supplies in conjunction with the existing commercial greenhouses located on the site. This property is located at 4109 Rochambeau Drive and is zoned A-1, General Agriculture. It is designated Rural Land on the 2003 Comprehensive Plan Land Use Map and can be further identified as parcel number (1-9B) on James City County Tax Map page (13-4).

There is an existing approved special use permit for the operation of a 6,500 square foot contractor's warehouse located on the property. Portions of the contractor's warehouse structure have been converted for use as a commercial greenhouse, which is permitted by-right in the A-1 Zoning District because the plants are grown on site. Additionally, 3,450 square feet of commercial greenhouse space is also located on the property in three separate buildings and utilized by the tenant for growing plant material to be offered for sale. The applicant wishes to offer retail products for sale from these three structures (i.e. plant containers, tools, etc.) No additional impervious cover is being added to accommodate the retail use.

The tenant began construction of the commercial greenhouse space prior to making application for a site plan because they were unaware that site plan approval was necessary prior to construction. At the time that application was made for the site plan, it was noted that a special use permit for retail sale of plant and garden supplies would also be required for the material offered for sale on site that the tenant regularly purchased from other wholesalers in the area. An additional special use permit to allow for retail sale of plant and garden supplies would enable the applicant to continue operating the retail portion of the nursery business currently located on the property. Staff notes that were this application denied, the applicant would be able to continue operating the commercial greenhouse portion of the business with site plan approval.

Surrounding Zoning and Development

The site is bordered by undeveloped rural land to the south and west and Faith Baptist Church to the northwest. The property to the east includes a residence and other rural land. All surrounding properties are zoned A-1, General Agricultural. The site is bordered by the Primary Service Area on the east and the property on that side is designated Mixed Use on the 2003 Comprehensive Plan Land Use Map. Directly across Rochambeau Drive is Interstate 64.

PUBLIC IMPACTS

Environmental

Watershed: Ware Creek

Staff Comments: The Environmental Staff has no comments at this time with respect to the SUP; however, prior to final site plan approval, it must be demonstrated that the required 10 water quality points have been obtained for the site and that the site is less than 60% impervious. Additionally, any newly installed plant staging areas, greenhouses and nursery stations must be shown on the site plan.

Public Utilities

The site is located outside the Primary Service Area and is served by a private well and septic system.

Staff Comments: The applicant shall submit the plan to the local Virginia Department of Health for review and approval verifying the existing well, septic tank and drainfield are adequate to serve the intended use of the site. The Virginia Department of Health has since reviewed and approved the proposed site plan as it relates to these items.

Transportation

A traffic impact statement is not required for this project as the ITE trip generation rates are below 100 trips per day. ITE trip generation for the garden center is 44 daily trips. ITE trip generation for the approved warehouse is 51 daily trips for a cumulative total of 95 daily trips for the site. There is an existing stop sign at the exit onto Rochambeau Drive as well as an existing speed bump located approximately 100 feet from the entrance into the site.

Road Improvements: None

Conditions:

- Condition 3. Hours of Operation: Hours of operation shall be limited to the hours between 7:00 a.m. and 9:00 p.m.
- Condition 4. Deliveries: The daily hours for deliveries shall be limited to the hours between 7:00 a.m. and 7:00 p.m.

VDOT Comments: As it appears from the plans that there will be no work performed within the State Right of Way, a Land Use Permit from this office will not be required. VDOT also believes that there will be no adverse impacts on the existing VDOT roadway network with regards to level of service.

Staff Comments: Staff agrees with VDOT's finding that no traffic improvements would be needed for this project and staff recommends the attached conditions to ensure traffic impacts are not significantly different from current projections.

Comprehensive Plan

Land Use Map

Designation	<p><i>Rural Lands (Page 119-120):</i></p> <p>Land uses in this designation include farms, forests and scattered house, exclusively outside of the Primary Service Area, where there exists a lower level of public service delivery or where utilities and urban services do not exist and are not planned for the future. Appropriate primary uses include agricultural and forestal activities, and certain recreational, public or semipublic and institutional uses. Retail and other commercial uses serving Rural Lands are encouraged to be located at planned commercial locations on major thoroughfares inside the PSA. However, a few of the smaller direct agricultural and forestal uses, home-based occupations and certain uses which require very low-intensity settings relative to the site in which it will be located may be considered provided such uses are compatible with the natural and rural character of the area, in accordance with the Development Standards of the Comprehensive Plan.</p> <p>Staff Comment: The proposal for retail sale of plant and garden supplies in conjunction with the commercial greenhouses, while not consistent with the intended land uses in the Comprehensive Plan, is consistent with many of the Rural Land Use Standards as set forth in the Development Standards Section of the Comprehensive Plan. The retail use would occupy a small portion of the existing commercial greenhouses, a use permitted by right, and would not add significant additional impacts.</p>
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Development Standards	<p><i>Rural Standard #1-Page 135:</i> Preserve the natural, wooded, and rural character of the County. Particular attention should be given to locating structures and uses outside sensitive areas; maintaining topography, vegetation, trees, and tree lines to the maximum extent possible, especially along roads and between uses; encourage enhanced landscaping to screen development located in open fields using a natural appearance or one that resembles traditional hedgerows and windbreaks. Limiting the height of structures to an elevation below the height of surrounding mature trees.</p> <p><i>Rural Standard #2-Page 135:</i> Site non-agricultural/non-forestal uses in areas designated Rural Lands so that they minimize impacts or do not disturb agricultural /forestal uses, open fields, and important agricultural/forestal soils and resources. Sufficiently screen the nonagricultural/non-forestal uses to preserve open space and rural character and to minimize visual impact from the public roads.</p>
	<p>Staff Comment: The proposal for retail sale of plant and garden supplies in conjunction with the commercial greenhouses, while not consistent with the Rural Land use designation description, is generally consistent with County policies related to commercial development in the A-1 zoning district and with the Rural Land Use Standards set forth in the Comprehensive Plan. Structures utilized for this venture are existing on site and situated in a way that no mature trees on the property are disturbed sustaining a dense tree line along the south-eastern and south-western property lines. The utilization of existing structures without additional clearing also aids in maintaining this undeveloped openspace.</p>
Goals, strategies and actions	<p><i>Strategy #2-Page 138:</i> Ensure development is compatible in scale, size, and location to surrounding existing and planned development. Protect uses of different intensities through buffers, access control, and other methods.</p>
	<p>Staff Comment: This project has a minimal impact on surrounding development due to the utilization of existing structures and the relatively impervious area on the site (25%). Additionally, the applicant has agreed to relocate foundation plantings to the west and north sides of the property to provide increased screening from the adjacent church parcel. The east and south sides of the property are shielded by existing mature trees.</p>

Transportation

Goals, strategies and actions	<p><i>Action #7 – Page 81:</i> Encourage efficient use of existing and future roads, improve public safety, and minimize the impact of development proposals on the roadway system by limiting driveway access points and providing joint entrances...</p>
	<p>Staff Comment: The applicant plans to use the existing entrance to serve both the warehouse and the greenhouse/retail garden supply thereby minimizing the impact of the proposed use on the roadway by maintaining the number of existing entrances onto Rochambeau Drive.</p>

RECOMMENDATION:

It is staff's opinion that this proposal is generally inconsistent with the Comprehensive Plan Land Use Designation because the proposed use is neither agricultural nor forestal in nature. However, Staff believes the proposal to be generally consistent with the previous uses of the existing structures on the site as well as with the Rural Land Use Standards of the Comprehensive Plan. In making this recommendation, Staff is taking into consideration the continued use of existing structures on the property, the relatively low percentage of impervious cover, traffic usage, and the minimal additional impacts on open space and other factors. Staff recommends that the Planning Commission recommend approval of the Special Use Permit application with the attached conditions:

1. Master Plan: The plan of development shall be generally consistent with the Master Plan of Development titled "Homestead Garden Center" prepared by Mitchell-Wilson and Associates, P.C. sealed and dated July 3, 2006 and revised on November 11, 2006, as determined by the Director of Planning.
2. Lighting: Any new exterior site or building lighting shall be comprised of recessed fixtures

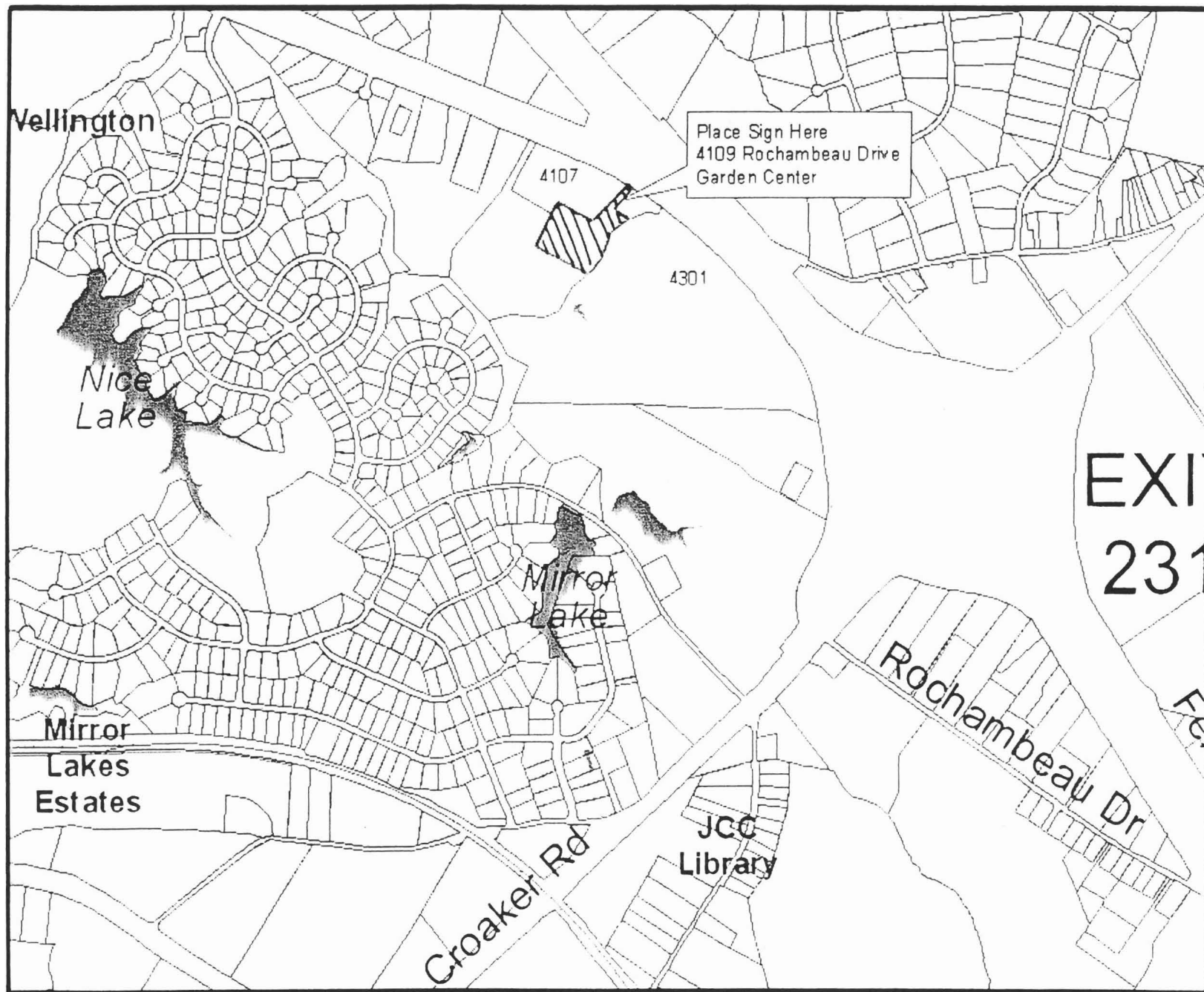
with no bulb, lens, or globe extending below the fixture housing. The housing shall be opaque and shall completely enclose the light source in such a manner that all light is directed downward, and that the light source is not visible from the side of the fixture. Pole-mounted fixtures shall not be mounted in excess of 15 feet in height above the finished grade beneath them. Glare, defined as light intensity measured at 0.1 foot-candle or higher extending beyond any property line, shall be prohibited.

3. Hours of Operation: Hours of operation shall be limited to the hours between 7:00 a.m. and 9:00 p.m.
4. Deliveries: The daily hours for deliveries shall be limited to the hours between 7:00 a.m. and 7:00 p.m.
5. Outdoor Speakers: No outdoor loud speakers in connection with the operation of the Garden Center shall be audible outside the boundaries of the garden center property.
6. Waste Disposal: Dead plant material and containers must be disposed of through trash collection and shall not be stock piled on the garden center property.
7. Plant Material: At any given time, a minimum of 75% of the plant material offered for sale must be grown on the Site and limited to 3,450 square feet of retail sale area.
8. Severance Clause: This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Melissa C. Brown

Attachments:

1. Location map
2. Master Plan



**SPECIAL USE PERMIT- SUP-15-06, Mann Service Station Conversion
Staff Report for the December 4, 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

December 4, 2006 7:00 p.m.
(T.B.D.)

SUMMARY FACTS

Applicant: Mr. Joseph Kniatt

Land Owner: Mr. William Mann

Proposal: To convert an existing unused building (formerly an *Esso* service station) into a contractor's warehouse and office.

Location: 9447 Richmond Road

Tax Map/Parcel Nos.: (2-4) (1-48)

Parcel Size: Project will apply to 1.43 acres of a 4.46-acre parcel

Zoning: A-1 (General Agriculture)

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

STAFF RECOMMENDATION

Planning Staff considers this application to be of positive benefit to James City County, as it provides an adaptive reuse of an existing unused commercial building, results in the clean-up of a site, and creates no new significant burdens on neighboring properties or uses. Further, Staff finds the proposal to be in accordance with the 2003 James City County Comprehensive Plan, and recommends that the Planning Commission recommend approval of this application, with the conditions listed at the end of this report, to the James City County Board of Supervisors.

Staff Contact: David W. German

Phone: 253-6685

PROJECT DESCRIPTION

Mr. Joseph Kniatt has applied for a Special Use Permit to convert an existing unused building (formerly used as an *Esso* service station) into a contractor's warehouse and office, which is a Specially Permitted Use in the A-1 Zoning District. The *Esso* service station was taken out of operation in September of 1972. At that time, the underground fuel storage tanks utilized by the service station were drained. To facilitate the redevelopment of the property, the empty underground fuel storage tanks were removed and disposed of on November 8, 2005. Plans for the conversion of the property include (i) subdividing a 1.43-acre parcel from the existing 4.46-acre parcel; this new parcel will be home to the new operation, (ii) clearing accumulated rubbish and debris from the property, (iii) converting the fuel island apron into a five-vehicle parking-lot to serve the new operation, (iv) installing a 3,000 square-foot screened-in outdoor storage yard with access driveway, toward the rear of the site, for the parking of two work trucks and a backhoe, and (v) renovating the service station building into a small warehouse and office structure. This renovation will utilize the existing building, and will not require the construction of any new structures. The project is located at 9447

Richmond Road, also identified as Parcel No. (1-48) on Tax Map No. (2-4), southeast of the intersection of Diascund Road (Route 603) and Richmond Road (Route 60).

PUBLIC IMPACTS

Environmental

Watershed: Diascund Creek

Conditions:

- Junk / debris removal (Condition #6)

Staff Comments: The James City County Environmental Division worked closely with the applicant and with Planning Staff to ensure that the fuel tanks that were removed from the site did not previously or currently pose an environmental hazard to the site. When the fuel tanks were removed from the site, it was noted that the tanks and the soil appeared and smelled clean. The fuel tanks were taken out of service at a time prior to any Underground Storage Tank (UST) regulations being in place, but the applicant had the soil tested anyway as a precautionary measure. The results of these tests were submitted to the Environmental Protection Agency (by the applicant) and to the Department of Environmental Quality (by the Planning Division). In addition to the fuel tank issue, the Environmental Division noted a large quantity of assorted rubbish and debris stored on the property, and has recommended that all such material be properly removed from the property as a condition of approval of this application. Finally, the Environmental Division shall work with the applicant to develop a suitable stormwater management / drainage plan for the property should this application be approved. After completing its preliminary evaluation of the project, the Environmental Division expressed no concerns regarding the completion of stormwater management efforts at the site plan stage, again assuming that this application is approved.

Public Utilities

As this project lies outside of the Primary Service Area (PSA) of the James City Service Authority (JCSA), no public facilities will be used to serve the proposed use. Preliminary work performed by an independent Authorized Onsite Soil Evaluator indicates that (i) the existing septic system and well that serve the site are in good working order, and that (ii) suitable locations exist for the placement of new primary and reserve septic fields, should the need arise. If this application is approved, the applicant will retain the services of a Professional Engineer to develop formal documentation for the review and approval of the Commonwealth of Virginia Department of Health.

Transportation

At the location of the subject site, Richmond Road (Route 60) is a divided highway separated by a center median. A center median cut faces the entrance to the property and, currently, there is a large section of driveway / shoulder that attaches the property to the active roadway. While no turn lanes exist at this location, the center median is approximately 45 feet wide, and can accommodate a waiting, turning vehicle that is pulling a trailer (such as a truck pulling a backhoe on a trailer). The posted speed limit on Richmond Road at this location is 55mph. The level of roadway service at this location is rated as "A" by the Hampton Roads 2026 Regional Transportation Plan. Under the ITE Trip Generation Manual (7th Edition), the proposed use is projected to generate less than one trip per weekday peak hour (0.203 trips, Code 150, Warehousing). Due to this low impact, a traffic study was not required for this application.

2005 Traffic Counts: (Richmond Road, from New Kent County Line to Barnes Road (Route 601)): 5,708 Average Daily Trips (A.D.T.);

2026 Volume Projected: (Richmond Road, from New Kent County Line to Barhamsville Road (Route 30)): 9,000 Average Daily Trips (A.D.T.); (Road segment in the "Okay" status category).

Road Improvements: None needed or required.

Conditions:

- Modified parking area / entryway plan, subject to the approval of the Planning Director (Condition #7)

VDOT Comments: The Commonwealth of Virginia Department of Transportation (VDOT) identified no concerns with the proposed development, and anticipated no measurable impact from its operation.

Staff Comments: A condition is recommended for this project that requires modification of the existing entryway to the site, which is largely a reduction in impervious surface, while maintaining an access that meets all VDOT standards, and helps to ensure that no motorists attempt to back up or turn around using any part of the Richmond Road (Route 60) right-of-way. By reducing the amount of pavement at the site entrance, more room for the Community Character Corridor planting buffer is created, and the speed at which vehicles would access the site is reduced.

COMPREHENSIVE PLAN

Land Use Map

Designation	<i>Rural Lands (Page 119-120): Suitable for a mixture of farms, forests, and scattered homes...with commercial activity limited to very low intensity uses that are compatible with the natural and rural character of the area.</i>
	Staff Comment: The current application proposes a very low intensity use that will not generate dust, noise, or vibration, and which avoids disturbing the current fabric of the area by utilizing an already-existing building. The level of intensity of the proposed use is compatible with surrounding uses and will not adversely affect adjacent properties. While the Comprehensive Plan stresses that commercial activity should be minimized outside of the Primary Service Area, this application is acceptable given that it places a low-intensity, low-impact use on an existing commercial site.
General	<i>Rural Land Uses should be located in a manner that minimizes effects on agricultural and forestal activities, and located where public services and facilities, especially roads, can adequately accommodate them. (Page 120):</i>
	Staff Comment: The application under consideration adds no additional impact to public water or sewer facilities, and no significant impact to the public road system. No agricultural or forestal activities will be disrupted by the proposed use, given that this is an existing commercial site.
Development Standards	<i>Rural Land Use Standard #2-Page 135: ...Encourage the preservation and reuse of existing agricultural structures such as barns silos and houses.</i>
	Staff Comment: While this proposal does not purport to preserve an agricultural structure, it does directly advocate reusing an existing structure, rather than destroying it or letting it fall into disrepair or becoming a blighted property. Further, the proposal will not lead to the clearing of existing forest land or the reduction of agricultural land in the county.
Goals, strategies and actions	<i>Strategy #10-Page 139: Protect farming and forestry uses from conflicting activities and promote their economic viability as industries.</i>
	Staff Comment: By locating extremely-low impact development in existing-but-underutilized sites, (infill) forest and farmland may be protected, thus contributing to the survival of farming and forestry industries.

Environment

Goals, strategies and actions	<i>Strategy #2-Page 65: Assure that new development minimizes adverse impacts on the natural and built environment.</i>
	Staff Comment: Adaptive reuse means that fewer spent materials go into landfills, fewer new road cuts are needed for roadways, less new infrastructure needs to be constructed or provided, and less green, undisturbed land needs to be developed—all of which contributes to the overall health and character of the County, and specifically, of the Rural Lands area.

Community Character

General	<i>Richmond Road Community Character Corridor-Page 83-84: 50-foot buffer requirement for commercial uses along this road. This also includes parking and other auto-related areas clearly as a secondary component of the streetscape. Providing enhanced landscaping, preservation of specimen trees and shrubs, berming, and other desirable design elements which complement and enhance the visual quality of the urban corridor.</i>
	Staff Comment: This project represents a non-conforming use, in that the building on the site was constructed before the Community Character Corridor policy was in place. However, a proposed condition of approval requires that a 50-foot buffer be established where possible along the Richmond Road frontage, and that this buffer be planted to 125% of the size requirements of the Zoning Ordinance. This condition further specifies that 50% of the plantings in this buffer area will be

	evergreen, and that the buffer plan will need to be approved by the Planning Director (Condition #4). An additional condition specifies that the Planning Director shall review the architectural plans for renovating the building to ensure that it will be renovated as shown in the color rendition provided by the applicant (Condition #5). The goal of these two conditions is to achieve the best possible appearance for this proposed development, due to its location along a Community Character Corridor.
Goals, strategies and actions	<p><i>Strategy #3-Page 95: Ensure that development along Community Character Corridors and Areas protects the natural views of the area, promotes the historic, rural or unique character of the area, maintains greenbelt networks, and establishes entrance corridors that enhance the experience of residents and visitors.</i></p> <p><i>Action #4-Page 96: Identify vistas and other scenic resources that should be protected and encourage building, site, and road designs that enhance the natural landscape and preserve valued vistas. These designs should also minimize any potential negative impacts with regard to noise and light pollution and other quality of life concerns.</i></p> <p>Staff Comment: A series of conditions is proposed for this application that cover lighting, buffering, architectural review, a modification to the entryway that allows for increased landscaping, and junk removal (Conditions #2, 4, 5, 6, and 7). All of these conditions have an eye toward creating a positive and attractive look for a site that is positioned along a Community Character Corridor, as well as a James City County entrance corridor.</p>

Comprehensive Plan Staff Comments: While the Comprehensive Plan stresses that commercial uses be located within the Primary Service Area whenever possible, Staff finds this application to be acceptable because an existing commercial site is being used, and because no farm, residential, or undisturbed land is being converted for the proposed use. This adaptive reuse of this property helps to improve the appearance of a major entry corridor as well as an identified Community Character Corridor, and represents little to no impact to surrounding properties.

STAFF RECOMMENDATION

Planning Staff considers this application to be of positive benefit to James City County, as it provides an adaptive reuse of an existing unused commercial building, results in the clean-up of a site, and creates no new significant burdens on neighboring properties or uses. Further, Staff finds the proposal to be in accordance with the 2003 James City County Comprehensive Plan, and recommends that the Planning Commission recommend approval of this application, with the conditions listed below, to the James City County Board of Supervisors.

- 1.) ***Master Plan and Use:*** This Special Use Permit (SUP) shall be valid for the operation of contractors' warehouses, sheds, and offices, and accessory uses thereto. Development of the site shall be generally in accordance with, and as depicted on, the SUP Master Plan drawing, entitled "Master Plan for Joseph Kniatt, Revised 10-27-06," that was submitted as part of the application for this SUP, as determined by the Planning Director of James City County. Minor changes may be permitted by the Planning Director, as long as they do not change the basic concept or character of the development. Tree clearing and land disturbance shall be done at the minimum level necessary to accommodate the uses shown on the Master Plan as determined by the Planning Director.
- 2.) ***Lighting:*** Any new exterior site or building lighting shall be comprised of recessed fixtures with no bulb, lens, or globe extending below the fixture housing. The housing shall be opaque and shall completely enclose the light source in such a manner that all light is directed downward, and that the light source is not visible from the side of the fixture. Pole-mounted fixtures shall not be mounted in excess of 15 feet in height above the finished grade beneath them. Light spillage, defined as light intensity measured at 0.1 foot-candle or higher extending beyond any property line, shall be prohibited;
- 3.) ***Site Plan Approval Required:*** Final site plan approval, for the use proposed in this application, must be obtained within two years of the issuance of this Special Use Permit, or

the Special Use Permit shall become void;

- 4.) ***Landscape Plan:*** A landscaping plan shall be approved by the Planning Director prior to final site plan approval for this project. The landscaping plan shall include enhanced landscaping within the fifty-foot Community Character Corridor buffer along Richmond Road (Route 60 West), (except for the paved driveway / parking area) so that the required size of plants and trees equals, at a minimum, 125 percent of the requirements of the James City County Landscape Ordinance. A minimum of fifty percent of the plantings within the Community Character Corridor buffer shall be evergreen;
- 5.) ***Building Elevation:*** The architectural drawings / plans for the renovation of the existing building shall be consistent, as determined by the Planning Director, with “Exhibit A, Mann Service Station Architectural Elevation Drawing,” a color building rendition submitted by the Applicant on 29 August 2006 as part of this Special Use Permit application. Minor changes to the architectural drawings / plans, which shall be turned in with the Site Plan, may be approved by the Planning Director provided that they are generally in keeping with the elevation depicted in Exhibit A.
- 6.) ***Junk Removal:*** The applicant shall remove all junk from the property prior to final site plan approval. “Junk” shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, wood, lumber, concrete or construction debris, pallets, tires, waste, junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old scrap ferrous or nonferrous material. This junk shall be properly disposed of in a state-approved facility. The James City County Zoning Administrator shall verify, in writing, that all junk has been properly removed from the property;
- 7.) ***Entrance and Parking Area:*** A plan showing that the entryway is reduced in width to meet VDOT standards, and that the parking stalls are realigned such that no backing or turning maneuvers are performed in the VDOT right-of-way to enter or exit from a parking space, shall be submitted and approved by the Planning Director prior to final site plan approval. The modifications depicted in this plan, once approved, shall be in place prior to the issuance of any Certificate of Occupancy for the site;
- 8.) ***Screening of Fenced Storage Area:*** A plan for the landscape screening of the fenced rear vehicle storage area shall be submitted to the Planning Director for review and approval prior to final site plan approval for the property.
- 9.) ***Severance Clause:*** This Special Use Permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

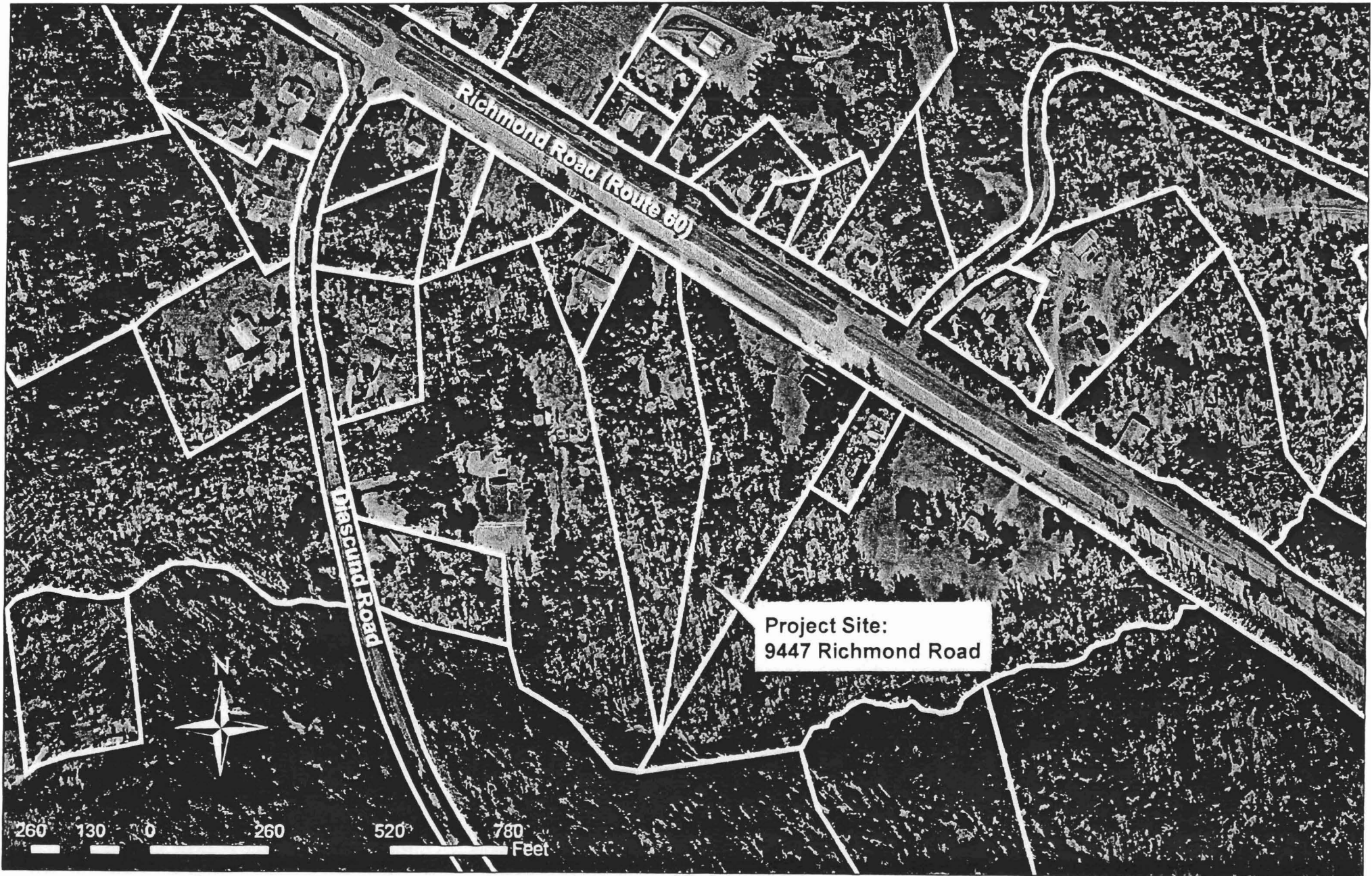
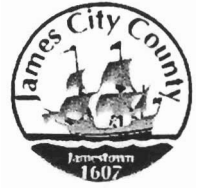
David W. German, Planner

ATTACHMENTS:

1. Location Map
2. Architectural Elevation Drawing (“Exhibit A”)
3. Master Plan (under separate cover)

JCC-SUP-015-06

Mann Service Station Conversion



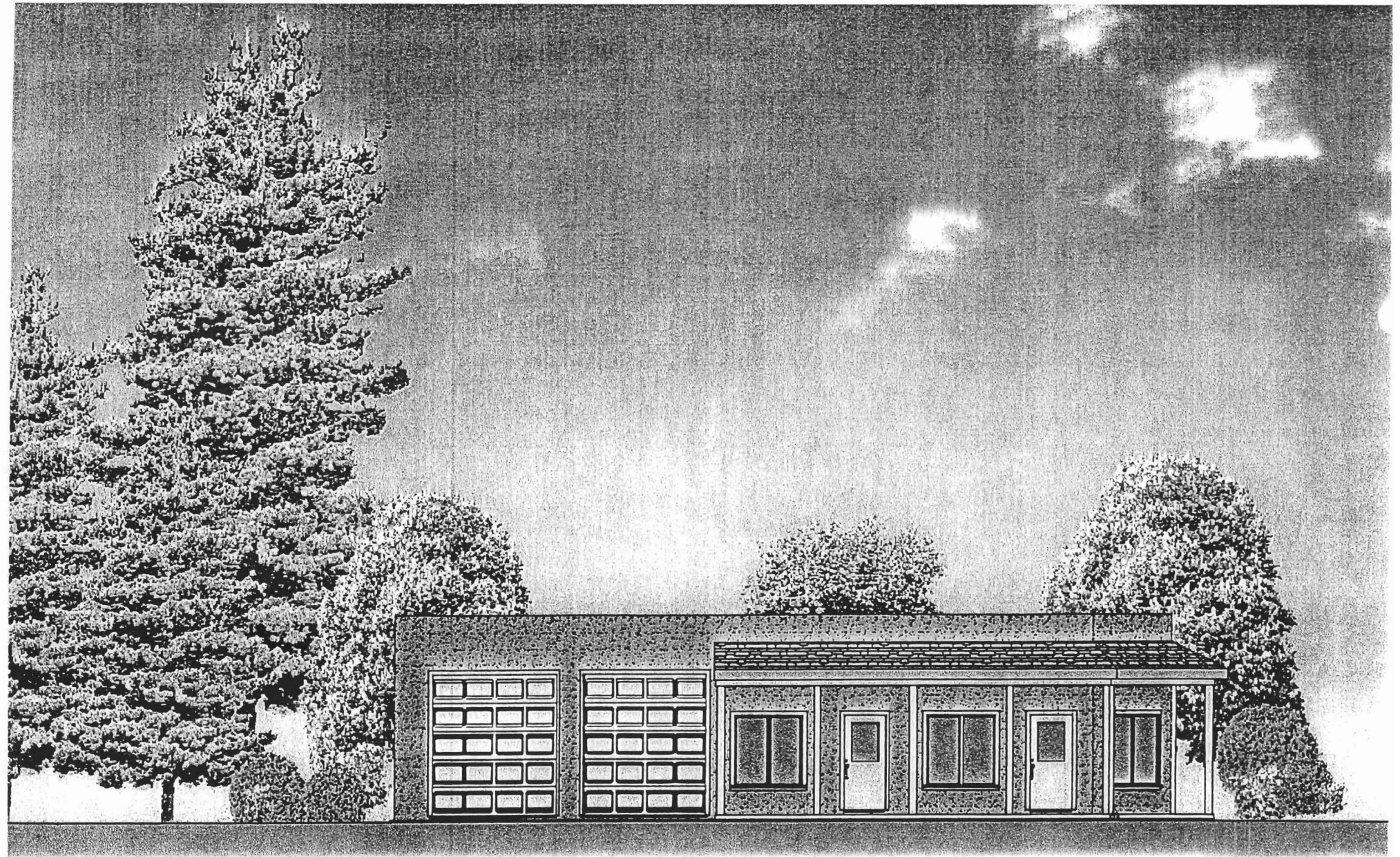


EXHIBIT A:
MANN SERVICE STATION
ARCHITECTURAL ELEVATION DRAWING
SUP-15-06
AUGUST 29, 2006

REZONING Z-06-06 / MP-08-06, Charlie's Antiques
Staff Report for the December 4, 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

December 4, 2006 7:00 p.m.

(T. B. D.)

SUMMARY FACTS

Applicant: Timothy O. Trant, II, on behalf of Charles D. and Susan L. Crawford

Land Owner: Charles D. and Susan L. Crawford

Proposal: To rezone a portion of the subject property from A-1 (General Agriculture), to B-1 (General Business), to allow for the construction and operation of a retail store and garden center with outdoor displays and onsite storage.

Location: 7709 Richmond Road (Route 60)

Tax Map/Parcel Nos.: (A portion of) (13-3) (1-3)

Parcel Size: Total parcel size: 22.65 acres; Portion to be rezoned: 7.60 acres

Existing Zoning: A-1, General Agriculture

Proposed Zoning: B-1, General Business, with Proffers

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

STAFF RECOMMENDATION

Planning Staff finds the proposal to rezone a portion of the subject parcel from A-1 to B-1 to be inconsistent with the James City County 2003 Comprehensive Plan, as outlined in this staff report. While Staff finds the proposal for the new Charlie's Antiques store to meet a number of the policies and strategies in the Comprehensive Plan, Staff recommends that the Planning Commission recommend denial of this application to rezone to the James City County Board of Supervisors because of its inconsistency with its land use designation.

Staff Contact: David W. German

Phone: 253-6685

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

PROJECT DESCRIPTION

Mr. Timothy O. Trant, II, on behalf of the property owners, Mr. Charles D. and Mrs. Susan L. Crawford, has applied to rezone a portion (approximately 7.60 acres) of the subject property located at 7709 Richmond Road from A-1, General Agriculture to B-1, General Business, with Proffers, for the purpose of relocating the Charlie's Antiques operation from its current location to this new site. The subject property is a total of 22.65 acres in size, and is also known as Parcel Number (1-3) on Tax Map Number (13-3).

The use would include, once constructed, a 6,000 square-foot rectangular retail building, a 7,500 square-foot rectangular warehouse building, a gravel surface parking lot, an access driveway, an outdoor screened stone storage area, and an outdoor garden display area, that will feature statuary, ponds and fountains, walking paths, plantings and landscaping, benches, and a gazebo. This outdoor garden display area is designated as open space on the Master Plan. The Zoning Ordinance defines open space as *"space suitable for recreation, gardens or landscaping which may include areas left in their natural state, trails, ponds, stream banks, recreation areas, areas of excessive slopes, low-lying areas and marshes, and landscaped areas required by [the Ordinance]. Such space must be free of automobile traffic and parking and be readily accessible to all those for whom it is required."* The use will be contained, in its entirety, on the area to be zoned B-1. The applicant has proffered that a subdivision process will be undertaken, in the event that this rezoning application is approved, to legally make the B-1 zoned area a separate lot. A Special Use Permit will not be needed for this application, as the B-1 zoning designation allows for the type of retail and garden center that is being proposed. The applicant has indicated that there are no current development plans for the balance of the site, and that this residual land (approximately 15.05 acres) will remain in agricultural use for the immediate future.

PUBLIC IMPACTS

Environmental

Watershed: Yarmouth Creek, Sub-watershed 102

Proffers:

- A nutrient management plan for the B-1 parcel approved by the Environmental Director.

Staff Comments: After review of the project, the Environmental Division found no significant concerns or problems with the proposal as it was laid out. The Environmental Division determined that all needed protective measures and efforts could be safely enacted at the site plan level of review for this project, which is extensively governed by the Yarmouth Creek Watershed Master Plan. Further, the Environmental Division stipulated that the configuration of the stormwater management basin may need to be modified within the open space area for better effectiveness, and that a drainage easement may need to be created across the larger (15.05-acre) residual parcel, at the time the proposed subdivision is created. With respect to the Yarmouth Creek Watershed Master Plan, the Environmental Division offered the following explanation and comments to the applicant:

Yarmouth Creek: This project is situated in the Yarmouth Creek watershed, sub-watershed 102. Please note the James City County Board of Supervisors, by resolution dated October 14, 2003, adopted six (6) goals and fourteen (14) priorities associated with the contents of that plan. The owner, applicant, developer and plan preparer should be advised of and completely review the goals, priorities (tools) and entire contents of this study, including sub-watershed maps, as layout and design of the proposed project could be affected by and should remain consistent with these items. Refer to the draft watershed management plan and the associated sub-watershed maps for environmentally sensitive areas, features and/or recommendations that may apply to the sub-watershed in which the project area is situated. The specific item that applies is Special Stormwater Criteria (SSC). On October 10, 2006, the James City County Board of Supervisors modified the Yarmouth Creek Watershed Management plan to include intermittent stream and increased mainstem buffers in legislative cases. The parcel being rezoned is neither adjacent to the mainstem nor contains intermittent streams; therefore, the revised buffer revisions do not apply.

Public Utilities

This site is inside the PSA and will be served by public water and sewer.

Proffers:

- A water conservation plan for the B-1 lot approved by the County Attorney and the James City Service Authority Director;
- A contribution to James City Service Authority for improvements to the sewer line that will be used to serve this property. This contribution shall be calculated as follows: \$1.50 per Gallons Per Day (GPD) which equals \$2,070 for this project. This amount, (in Year 2000 dollars), will be adjusted to the current year when it is paid, using the Marshall and Swift Building Cost Index.

Staff Comments: After review of the project, The James City Service Authority (JCSA) determined that the project could be served with public water and sewer service. A sewer force main and a water line both run along the northern boundary of the property. JCSA did specify that a contribution of \$2,070, (adjusted to current year dollars), would be appropriate to support sewer line upgrades for the line that would serve the property. JCSA did not anticipate any problems with providing an appropriate level of service for the subject property or the intended use.

Transportation

The subject property in this application fronts on Richmond Road (Route 60) at a location that features 45-mph travel lanes separated by a median. The entrance for the proposed use would be positioned at the south side of an existing median break that currently serves Massie Lane on the north side of Richmond Road.

Planning Staff has classified Charlie's Antiques under ITE Traffic Generation Code 817, "Nursery / Garden Center," which generates 30 PM Peak Hour trips per day, in combination with ITE Traffic Generation Code 150, "Warehouse," which generates 4 PM Peak Hour trips per day, for a total expected PM Peak Hour generation rate of 34 trips per day. This calculation was shared with Khoi Nguyen of the Virginia Department of Transportation (VDOT), who confirmed that this was an accurate measure of performance for this site. The "Nursery / Garden Center / Warehouse" designation was chosen because the existing Charlie's Antiques business is not intensive enough to warrant a pure "Retail" designation, and because the chosen designation best reflects the varied uses being proposed for the property.

Proffers: The applicant has proffered that numerous uses that are permitted in the B-1 Zoning District would be prohibited upon this site if this rezoning application is approved. These uses, including service stations, hotels / motels, houses of worship, indoor theaters, restaurants, fast food restaurants and taverns, among others, were excluded from the site to reduce the potential for traffic generation in the event that the proposed operation was replaced by a new use in the future.

2005 Traffic Counts (for Richmond Road (Route 60)): Forge Road to Croaker Road: 15,211 Average Daily Trips

2026 Volume Projected (for Richmond Road (Route 60)): Route 30 to Croaker Road: 24,000 Average Daily Trips (Listed in the "Okay" category)

Road Improvements: No improvements to Richmond Road (Route 60), beyond the installation of appropriate signage and a standard commercial entrance with right-turn radius, were recommended by VDOT.

VDOT Comments:

1. A standard commercial entrance should be constructed, and a STOP sign and STOP bar at the proposed entrance should be provided;
2. Based on the proposed peak hour trip generation rate for the site using ITE methodology, a left-turn lane into the site is not warranted, and only a right-turn radius into the site is warranted;
3. ONE WAY signs should be installed within the Route 60 median in accordance with the Manual on Uniform Traffic Control Devices;
4. Sight distances at the entrance and crossover should be specified.

Staff Comments: No significant impacts are anticipated from this development. The requirements recommended by VDOT will be incorporated into the project at the Site Plan phase, should the proposal be approved. It should be noted that a typical single-family home will generate approximately ten trips per day. The proposed use has a projected lower impact than four single-family homes might have, while up to twenty-eight single-family homes could be constructed on the subject parcel if it were developed residentially under its Low Density Residential Comprehensive Plan Designation. Finally, the proposal, as laid out, appears to “land-lock” the 15.05-acre residual parcel, but access to this parcel can be achieved through the neighboring lot (Parcel (13-3) (1-4), 7691 Richmond Road which is also owned by Mr. and Mrs. Crawford), and / or via Toano Woods Road to the south. The applicant has represented that the future access will likely be established through the neighboring lot, rather than off of Toano Woods Road.

COMPREHENSIVE PLAN

Land Use Map

Designation	<p><i>Low Density Residential (Page 120):</i> The key features of the Comprehensive Plan description are the principle suggested uses, which include cluster housing and the allowance for higher densities, up to four units per acre, in exchange for public benefits to the community.</p> <p><i>Toano (Page 125):</i> The Comprehensive Plan identifies Bush Springs Road (at Richmond Road (Route 60) as the distinct boundary between the Mixed-Use and Low-Density Residential land use designations.</p> <p>Staff Comment: The proposed use is not consistent with this land use designation, which primarily calls for low density residential developments. Low Density Residential areas may also feature only “very limited commercial establishments,” whereas the proposed use is a retail operation of relatively significant size and scope. Additionally, “further commercial development south and east of Bush Springs Road [between Toano and Norge] is strongly discouraged” by the Comprehensive Plan (Page 125). While Staff is encouraged by the use of buffering and open space in the proposal, this direct conflict with the Comprehensive Plan is the compelling factor leading to Staff’s recommendation of denial for this application.</p>
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. 02 (Page 134):</i> Permit the location of new uses only where public services, utilities, and facilities are adequate to support such uses.</p> <p><i>General Land Use Standards No. 02 (Page 134):</i> Minimize the impact of development proposals on overall mobility, especially on major roads by limiting access points...”</p> <p>Staff Comment: Staff finds that the proposed use is not consistent with its neighboring uses. Surrounding the subject Property on all sides are residential lots, including the Toano Woods subdivision. Directly across Richmond Road from the subject Property are industrial areas involved with gravel handling and concrete making, which are well screened from Richmond Road (Route 60). The next nearest businesses to the subject Property are located within the Toano Community Area boundary to the west. Staff finds that adequate public services and utilities are in place to serve the subject Property and its proposed use. Because the use proposes using an existing median cut on Route 60 (Richmond Road), Staff feels that the proposed use minimizes the impact on overall mobility. While the buffers proffered for the case exceed what is required by the ordinance and will help to lessen any visual impacts of the use, noise and dust may still be generated by delivery trucks and equipment (e.g., forklifts moving pallets of rock) that may impact surrounding properties and neighborhoods.</p>
Goals, strategies and actions	<p><i>Action No. 08 (Page 139):</i> Accomplish rezonings for commercial and light industrial uses with sites of five acres or more under a binding Master plan.</p> <p>Staff Comment: Staff finds that the proposed use is compatible with Action No. 08.</p>

Environment

General	<p><i>Natural Resources Protection and Management, Yarmouth Creek Watershed Management Plan (Page 47) and Action No.18 (Page 67):</i> To fully implement the watershed protection and restoration goals and priorities identified in the Yarmouth Creek Watershed Management Plan adopted by the Board of Supervisors in 2003.</p> <p>Staff Comment: The Environmental Division did not identify any significant concerns with the proposed use, in terms of its potential impact upon the Yarmouth Creek Watershed. Staff is satisfied that any negative impacts generated by the proposed use will be very minor and properly mitigated by the protections built into current Environmental ordinances (e.g., Chesapeake Bay Ordinance, Yarmouth Creek Watershed Management Plan, etc.) The Environmental Division has indicated that sufficient review and analysis will be achieved at the Site Plan phase to properly protect the Yarmouth Creek Watershed.</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. 05 (Page 66, item g):</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> Minimize negative effects of urban development and agricultural practices on water quality through increased education and sound policies such as Watershed Planning, Agricultural Best Management Practices (BMPs), erosion control measures, stream bank buffers, and other nonpoint source controls.</p> <p><i>Action No.23 (Page 67):</i> To encourage residential and commercial water conservation.</p> <p>Staff Comment: The applicant will use Special Stormwater Criteria (SSC) measures and Best Management Practices (BMP) as required by ordinance, and nutrient management testing and control measures, (Proffers #10). The applicant has taken steps to reduce impervious cover and to increase open space, which is also of benefit.</p>

Community Character

General	<p><i>Community Character Corridors (Page 83):</i> The proposed development fronts Richmond Road (Route 60), a Community Character Corridor.</p> <p>Staff Comment: The applicant has submitted a design with unusual but positive design elements to address the site's location on Richmond Road (Route 60) Community Character Corridor. By proposing much of the road frontage as open space, extending the landscape buffer along the entire length of the frontage of the subject Property, enhancing the landscape buffer with a decorative rock wall and/or larger plantings, using architecture that is attractive and generally compatible to the area, hiding parking areas from the Route 60 viewshed, employing proper screening techniques for the outdoor storage areas, and including visually stimulating elements in the development (gazebos, landscaping, ponds and waterfalls, etc.), the applicant has gone well beyond the minimum standard for Community Character Corridors. Of particular note is the open space which can provide an equivalent-or-better buffer than a standard 50' Community Character Corridor buffer, and the design of the site and building which is done in a way that reduces the commercial appearance of the site.</p>
	<p><i>Community Character Areas (Page 87):</i> The proposed development is located between the Toano and Norge Community Character Areas. The following development standards would assist in the preservation of the integrity of the area:</p> <ul style="list-style-type: none"> ▪ The architecture, scale, materials, and color of buildings should be complementary and reflect the historic character of James City County. ▪ All development should be well-screened from Richmond Road. ▪ Existing specimen trees and shrubs should be preserved to the extent possible ▪ Signage should be of scale, size, color, and materials to complement the architecture and scale of buildings. <p>Staff Comment: The applicant proposes screening, buffering, lighting, and signage measures that exceed Zoning Ordinance requirements (Proffers #4, 5, 6, 7, 8, 12, and 13). In addition, the applicant has also agreed to subject buffer and planting plans, and screening, lighting, signage, and architectural</p>

	plans to the review and approval of the Planning Director, to help ensure that the subject Property represents an attractive “bridge” between the two Community Character Areas.
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Comprehensive Plan Staff Comments: While this project is not in compliance with the Land Use Designation section of the Comprehensive Plan, it does go a long way toward meeting or even exceeding other Comprehensive Plan goals and objectives.

STAFF RECOMMENDATION

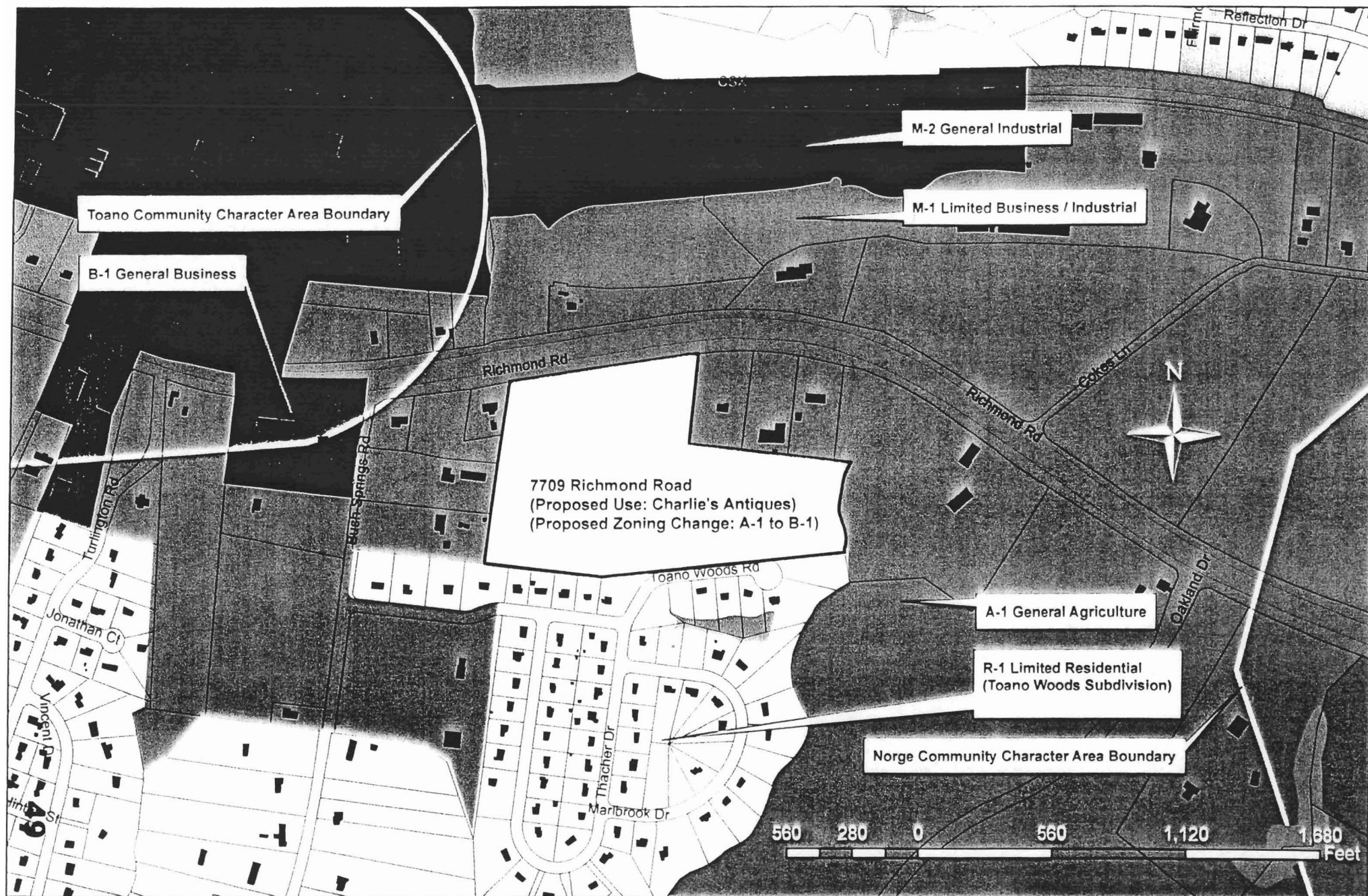
Planning Staff finds the proposal to rezone a portion of the subject parcel from A-1 to B-1 to be inconsistent with the James City County 2003 Comprehensive Plan, as outlined in this staff report. While Staff finds the proposal for the new Charlie’s Antiques store to meet a number of the policies and strategies in the Comprehensive Plan, Staff recommends that the Planning Commission recommend denial of this application to rezone to the James City County Board of Supervisors because of its inconsistency with its land use designation.

David W. German, Planner

ATTACHMENTS:

1. Current Zoning Map
2. Comprehensive Plan Map
3. Proffers
4. Applicant’s Architectural Analysis
5. Master Plan (under separate cover)

JCC-Z-06-06: Charlie's Antiques: Current Zoning Map (Proposed Rezoning: A-1 to B-1)



JCC-Z-06-06: Charlie's Antiques: Comprehensive Plan Map



Tax Parcel I.D. Number: a portion of 1330100003

PROFFERS

CHARLIE'S ANTIQUES

Prepared by:
Kaufman & Canoles, P.C.
4801 Courthouse Street, Suite 300
Williamsburg, Virginia 23188

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CHARLIE'S ANTIQUES – PROFFERS

THESE PROFFERS are made as of this 30th day of October, 2006, by **CHARLES D. CRAWFORD** and **SUSAN L. CRAWFORD** (collectively, "Owner") (index as the Grantor), and the COUNTY OF JAMES CITY, VIRGINIA, a political subdivision of the Commonwealth of Virginia (the "County") (index as the Grantee).

RECITALS

R-1. Owner is the owner of certain real property (the "Property") located in James City County, Virginia, being more particularly described on EXHIBIT A attached hereto and made a part hereof.

R-2. Owner has filed a rezoning application and master plan application (collectively, the "Application") with the County requesting a change in the zoning of the Property from A-1, Agricultural, to B-1, General Business, with proffers. The Application has been designated by the County as case number Z-06- 06 / MP-08-06. The rezoning of the Property to B-1, with proffers, is consistent both with the land use designation for the Property on the County Comprehensive Plan and the statement of intent for the B-1 zoning district set forth in Section 24-389 of the County Zoning Ordinance, Section 24-1 *et seq.* of the County Code of Ordinances, in effect on the date hereof (the "Zoning Ordinance").

R-3. A conceptual plan of development ("Master Plan") entitled "REZONING EXHIBIT FOR CHARLIE'S ANTIQUES 7709 RICHMOND ROAD PARCEL ID: 1330100003", dated October 19, 2006, prepared by LandTech Resources, Inc., has been submitted to the County Planning Director for review by the County in connection with the Application. The Master Plan is on file in the office of the County Planning Director.

R-4. Conceptual architectural elevations ("Elevations") of the buildings proposed for construction on the Property entitled "REZONING EXHIBIT FOR CHARLIE'S ANTIQUES 7709 Richmond Road, James City County, Virginia", dated October 20, 2006, prepared by Paul C. White, has been submitted to the County Planning Director for review by the County in connection with the Application. The Elevations are on file in the office of the County Planning Director.

R-5. The provisions of the Zoning Ordinance may be deemed inadequate for protecting and enhancing the character of the Property. Accordingly, Owner, in furtherance of its application for rezoning, desires to proffer certain conditions which are limited solely to those set forth herein in addition to the regulations provided for by the Zoning Ordinance for the protection and enhancement of the development of the Property, in accordance with the provisions of Section 15.2-2296 *et seq.* of the Code of Virginia (1950), as amended (the "Virginia Code") and Section 24-16 of the Zoning Ordinance.

NOW, THEREFORE, for and in consideration of the approval by the Board of Supervisors of the County of the rezoning set forth above and all related documents described herein, and pursuant to Section 15.2-2296, *et seq.*, of the Virginia Code, Section 24-16 of the Zoning Ordinance, Owner agrees that all of the following conditions shall be met and satisfied in developing the Property.

PROFFERS

1. Master Plan. The Property shall be developed generally in accordance with the Master Plan with only minor changes thereto that the County Development Review Committee determines do not change the basic concept or character of the development. The Master Plan is a conceptual plan for proposed development on the Property and provides only for the general

location of buildings, parking, drainage facilities, areas of open space, garden areas, outdoor storage and display areas, setbacks, and buffer areas. All of such development shall be expressly subject to such changes in configuration, composition and location as required by all other governmental authorities having jurisdiction over such development.

2. Limitation on B-1 Permitted Uses. The following uses which are generally permitted in the General Business, B-1 zoning district, unless otherwise approved by the County Planning Director, are hereby prohibited on the Property:

- a. Automobile service stations;
- b. Drug stores;
- c. Dry cleaners and laundries;
- d. Houses of worship;
- e. Hotels and motels;
- f. Health clubs, exercise clubs, and fitness centers;
- g. Indoor sport facilities;
- h. Indoor theater;
- i. Parking lots and garages;
- j. Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other indoor centers of amusement;
- k. Radio and television stations and accessory antenna or towers and tower mounted wireless communication facilities, which are 60 feet or less in height;
- l. Retail food stores, restaurants, fast food restaurants and taverns; and
- m. Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communication Facilities.

3. Landscape Buffer. Prior to issuance of a building permit for any building located on the Property, Owner shall establish or guarantee ("Guarantee") in a form acceptable to the County Attorney and in accordance with Section 15.2-2299 of the Virginia Code (or such successor provision) and the applicable provisions of the County Code of Ordinances (such performance assurances to be hereinafter referred to variously as a "Guarantee", as "Guarantees", or as being "Guaranteed") the establishment of a fifty (50) foot landscape buffer

in the area shown as “50’ MINIMUM LANDSCAPE BUFFER” on the Master Plan comprised of (i) a minimum of fifty percent (50%) native, evergreen trees and shrubs with all plantings exceeding existing ordinance requirements by a minimum of twenty-five percent (25%) in terms of size of the plantings, (ii) fencing, or (iii) a combination of landscaping and fencing that achieves the same or greater effect, all in accordance with a landscape plan (the “Buffer Plan”) designed to enhance the visual buffer from adjacent properties and development on the Property. The Buffer Plan shall be prepared by a landscape architect licensed in the Commonwealth of Virginia and submitted to the County Planning Director for review and approval with any site plan for development on the Property.

4. Community Character Corridor Setback and Buffer. No building shall be constructed within one hundred (100) feet of the northerly boundary line of the Property adjacent to Virginia Route 60. Prior to issuance of a building permit for any building located on the Property, Owner shall establish or Guarantee the establishment of a fifty (50) foot Community Character Corridor Buffer in area shown as “50’ COMMUNITY CHARACTER CORRIDOR LANDSCAPE BUFFER” on the Master Plan comprised (i) landscaping that consists of predominately native trees and shrubs and that exceeds existing ordinance requirements by twenty-five percent (25%) in terms of size of the plantings, (ii) fencing and/or stone walls, or (iii) a combination of landscaping and fencing and/or stone walls that achieves the same or greater effect, all in accordance with a landscape plan (the “CCC Plan”) designed to enhance the building and site design of the development on the Property. The CCC Plan shall be prepared by a landscape architect licensed in the Commonwealth of Virginia and submitted to the County Planning Director for review and approval with any site plan for development on the Property.

5. Garden/Display Area. Prior to issuance of a building permit for any building located on the Property, the area shown as "GARDEN/DISPLAY AREA" on the Master Plan shall be established or Guaranteed to be established as "open space" (as such term is currently defined in the Zoning Ordinance) in accordance with an open space plan (the "Open Space Plan") designed to reinforce the boundaries of Norge and Toano. The Open Space Plan shall include one or more garden area, walking path, pond, landscaping, gazebo, statuary, stone wall, and/or fence, or such other elements as may be approved by the County Planning Director. The Open Space Plan shall be submitted to the County Planning Director for review and approval with any site plan for development on the Property.

6. Building Supplies. The outdoor storage of building materials shall be limited to the area shown as "STONE STORAGE" on the Master Plan. A plan for the screening of outdoor storage areas shall be submitted to the County Planning Director for review and approval prior to final site plan approval for development on the Property.

7. Building Design. The building shall be designed and constructed generally in accordance with Elevations or such other design as may be approved by the County Planning Director. Colors and materials shall be submitted to and approved by the County Planning Director for consistency with the Comprehensive Plan and the Toano Community Character Area Design Guidelines prior to final site plan approval for development on the Property.

8. Water Conservation. Owner shall be responsible for developing and enforcing, as to the Property, water conservation standards to be submitted to and approved by James City Service Authority ("JCSA"). The standards shall address such water conservation measures as limitations on use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation

and minimize the use of public water resources. Design features, including the use of drought tolerant grasses and plantings, a water conservation plan, and drought management plan shall be implemented to accomplish the limitation on use of public water and groundwater. The standards shall be submitted to and reviewed by the County Attorney for general consistency with this proffer and shall be approved by JCSA prior to final site plan approval for development on the Property.

9. Nutrient Management Plan. Owner shall be responsible for contacting an agent of the Virginia Cooperative Extension Office ("VCEO") or, if a VCEO agent is unavailable, a soil scientist licensed in the Commonwealth of Virginia or other qualified professional to conduct soil tests and to develop, based upon the results of the soil tests, a customized nutrient management plan ("Nutrient Management Plan") for the Property. The Nutrient Management Plan shall be submitted to the County Environmental Director for his review and approval prior to the issuance of any certificate of occupancy for any building located on the Property. Upon approval, Owner shall be responsible for ensuring that any nutrients applied to the Property be applied in accordance with the applicable Nutrient Management Plan or any updates or amendments thereto as may be approved by the County Environmental Director.

10. Signage. The color scheme, design, and building materials for all freestanding and building mounted signs located on the Property shall be submitted to the County Planning Director for review and approval for (i) consistency with the buildings to be constructed on the property, (ii) consistency with the site design, and (iii) compatibility with the historic character of the area, prior to final site plan approval for development on the Property.

11. Lighting. A lighting plan that depicts the styles, models, mounting heights, and photometric footcandle diagrams of all exterior light fixtures to be used on the Property shall be

submitted to the County Planning Director for review and approval prior to final site plan approval for development on the Property. All exterior light fixtures on the Property, including building lighting, shall be directed so as not to produce glare on adjacent residential properties or public right-of-way. All exterior lighting, except for ground-mounted pedestrian lighting, shall be mounted horizontally and shall have recessed fixtures with no lens, bulb, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in a manner that all light will be directed downward and the light source is not visible from the side. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from the adjoining residential properties.

12. Subdivision. Owner shall subdivide the Property from its existing parent tract. Owner shall submit the appropriate subdivision plan to the County for review and approval prior to or simultaneously with the submission of any site plan for development on the Property.

13. Sewer Contribution.

a. A one-time, sewer facilities contribution shall be made to the James City Service Authority in the amount of Two Thousand Seventy and 00/100 Dollars (\$2,070.00) *[THIS FIGURE IS TO BE ADJUSTED TO 2006 DOLLARS IN ACCORDANCE WITH THE MARSHALL AND SWIFT BUILDING COST INDEX]* prior to final site plan approval for development on the Property.

b. The aforementioned cash contribution amount shall be adjusted annually, until paid, beginning January 1, 2007 to reflect any increase or decrease for the preceding year in the Marshall and Swift Building Cost Index (the "MSI"). In no event shall the cash contribution amount be adjusted to a sum less than the amount initially established by these Proffers. The adjustment shall be made by multiplying the cash contribution amount for the preceding year by

a fraction, the numerator of which shall be the MSI as of December 1 in the year preceding the calendar year most currently expired, and the denominator of which shall be the MSI as of December 1 in the preceding year. In the event a substantial change is made in the method of establishing the MSI, then the cash contribution amount shall be adjusted based upon the figure that would have resulted had no change occurred in the manner of computing the MSI. In the event that the MSI is not available, a reliable government or other independent publication evaluating information heretofore used in determining the MSI (approved in advance by the County Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the cash contribution amount to approximate the rate of annual inflation in the County.

14. Successors and Assigns. This Proffer Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns. Any obligation(s) of Owner hereunder shall be binding upon and enforceable against any subsequent owner or owners of the Property or any portion thereof.

15. Severability. In the event that any clause, sentence, paragraph, subparagraph, section or subsection of these Proffers shall be judged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Property or to any government agency is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, subparagraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall

not in any way affect the validity of any other clause, sentence, paragraph, subparagraph, section or provision hereof.

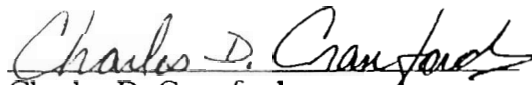
16. Void if Application not Approved. In the event that the Application is not approved by the County, these Proffers shall be null and void.

17. Headings. All paragraph and subparagraph headings of the Proffers herein are for convenience only and are not a part of these Proffers.

WITNESS the following signatures:

[SIGNATURES LOCATED ON FOLLOWING PAGES]


[SIGNATURE PAGE TO PROFFERS]


Charles D. Crawford

COMMONWEALTH OF VIRGINIA

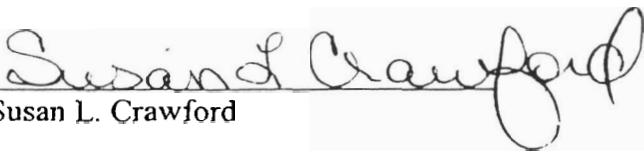
CITY/COUNTY OF James City, to wit:

The foregoing instrument was acknowledged before me this 22nd day of November, 2006
by Charles D. Crawford.


NOTARY PUBLIC

My commission expires: 2-23-2009

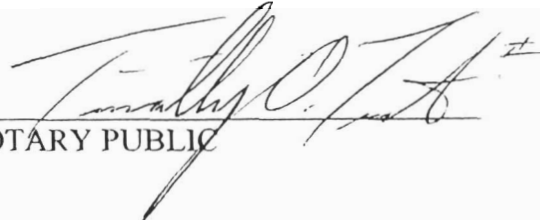
[SIGNATURE PAGE TO PROFFERS]


Susan L. Crawford

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF James City, to wit

The foregoing instrument was acknowledged before me this 22nd day of November, 2006
by Susan L. Crawford.


NOTARY PUBLIC

My commission expires: 2-28-2009

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EXHIBIT A

All that certain piece, parcel, or tract of land located in the Stonehouse Magisterial District of James City County, Virginia, containing approximately 7.60 acres shown as "AREA TO BE REZONED" on that certain conceptual plan of development entitled "REZONING EXHIBIT FOR CHARLIE'S ANTIQUES 7709 RICHMOND ROAD PARCEL ID: 1330100003", dated October 19, 2006, prepared by LandTech Resources, Inc., a copy of which is on file with the County Planning Director in connection with Case Number Z-06-06 / MP-08-06.

MEMORANDUM

(Applicant's Architectural Analysis)

TO: Timothy O. Trant, II, Esq

FROM: Nicholas H. Grainger, Esq

DATE: November 21, 2006

Re: *Charlie's Antiques - Toano Community Character Area Design Guidelines and Streetscape Plan*

The Toano Community Character Area Design Guidelines and Streetscape Plan (the "Plan") encompasses many provisions which are in line with the proposed rezoning of Charlie's Antiques property. First, the Plan states several planning principles which should guide development of Toano and which guided Charlie's plan:

- A. ***Encourage appropriate growth which encourages unique small town character.*** As addressed in the Conceptual Plan, many visitors are drawn to Toano specifically to visit Charlie's Antiques. Having been established in the area for 32 years, Charlie's is a unique and productive part of Toano's small town character. Charlie's growth is the type of growth the benefits the town both economically and from a planning perspective.
- B. ***Preserve open space; establish communal greenspace.*** Charlie's plan calls for a 100 foot building setback, a 50 foot landscape buffer, and 2.25 acre garden/display area. In addition, the remaining 15.05 acres is being left undeveloped at this time for Pumpkinville's agricultural uses. This plan calls for a wide-range of open space in a variety of forms. The gardens planned by Charlie's will provide communal open space for both customers and visitors alike.
- C. ***Improve streetscape and landscape to create a sense of place.*** As mentioned, Charlie's is a Toano institution. By allowing Charlie to move into the new commercial space, and, in turn, build the gardens, gazebo, and other open space areas, Charlie's will become an aesthetically pleasing destination for both residents and shoppers.

The plan also discusses two James City County planning policies which should help guide development of Toano. Several provisions are relevant and are accomplished by the Charlie's Antique's plan:

- A. Community Character Areas (from 2003 Comprehensive Plan)

2. ***Design and maintain appropriate landscaping.*** Charlie's landscaping buffer calls for trees and shrubs along Route 60 to lessen the visual impact of the commercial space in a largely residential/agricultural area. In addition, Charlie's has proposed a series of landscaped gardens throughout the site, a reflecting pond surrounded by landscaping, a rose garden, and a gazebo. The landscaping efforts serve to match the community character of the area as well as attract visitors to the business.
5. ***Promote mixed-use development.*** Charlie's provides a service which may not be appropriate within historic Toano, but which adds important diversity to the greater Toano retail picture. The town is able to diversify according to its mixed-use goal without adversely impacting the historic downtown. The proposal promotes development of a valuable use in an appropriate area.
6. ***Provide open space.*** Charlie's plan calls for a 100 foot building setback, a 50 foot landscape buffer, and 2.25 acre garden/display area. In addition, the remaining 15.05 acres is being left undeveloped at this time for Pumpkinville's agricultural uses. This plan calls for a wide-range of open space in a variety of forms.

B. Streetscape Guidelines Policy (Adopted April 2004)

2. ***A five foot landscape easement along a Right of Way must contain at least 1 tree per 40' or 1 shrub per 20'. Charlie's proposed buffer does provide for trees.*** No specific locations/measurements are provided, but this spacing can easily be met.
3. ***Native species or common street trees are recommended.*** Our proffers call for native evergreen trees and shrubs.

Finally, the Plan details the Proposed Streetscape Plan for Toano, dividing the area into three distinct zones. Charlie's Antiques is located within the "In Between Towns" zone, which covers the outskirts of the Community Character Area and the area between towns. The streetscape plan in this zone calls for:

- A. ***Building setbacks and buffers should increase in this section to more closely mirror the Comprehensive Plan designations for this area, as parcels in this section encompass more industrial, low-density residential, and agricultural uses.*** Once rezoned, Charlie's property will be in a B-1 General Business District. This district calls for a 50 foot setback from the road. As currently zoned, Charlie's is in an A-1 Agricultural District. This district also calls for a 50 foot setback from the road. In its proposal, Charlie's has agreed to a 100 foot setback. Any negative impacts of the commercial property being located in what is currently an agricultural district are alleviated by this generous setback provision, which exceeds county requirements.

- B. ***Building scale and density is more readily dependent on land use rather than the Toano historic district guidelines.*** The size and density of buildings outside the historic district will have little impact on the historic character of downtown. The B-1 business district has no minimum lot area requirements. The agricultural district requires at least 1 acre lots for nonresidential uses. Charlie's is located on approximately 22 acres of land, only 5 of which will be developed for this project. The rest will remain open space, gardens, and landscape buffers. Charlie's use of the land will be potentially less dense than if the rezoning is not approved.
- C. ***Dominant features inside these areas should include more extensive buffering and landscape screening of these uses from Route 60.*** As mentioned previously, Charlie's proposal includes a 100 foot setback, a 50 foot landscape buffer, and trees and shrubs to shield the building from the road. This buffer will accomplish the goal of screening the use from the road.

Because Charlie's is located outside of the Community Character Area, much of the Plan does not apply. The more general aspects of the Plan do apply, in that they address general development goals for Toano, inside and outside this Community Character Area. The main concerns addressed by the Plan are setbacks, open space, and landscape buffers. Charlie's proposal addresses all three of these concerns.

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PLANNING DIRECTOR'S REPORT

December 2006

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

- Rural Lands Study. The Rural Land Technical Committee held two meetings in November before concluding work on the draft narrative ordinance. The ordinance establishes four development options for property owners: Fixed Lot Development Option, Conventional Development Option, Low Density Cluster Option, and a Rural Conservation Development Option. The committee plans to hold a public forum in January prior to writing the final ordinance language.
- Planning Commission Annual Report. On November 6, the Commission endorsed a draft of its Annual Report. Chairman Jack Fraley presented the report to the Board of Supervisors on November 28.
- Commission Meeting Schedule. For 2007, the Commission decided to hold its monthly meeting on the first Wednesday of the month rather than the first Monday in order to provide additional time to review the meeting packet and ask staff questions.
- New Town. The New Town Design Review Board reviewed three projects, one which was a resubmission of a previously reviewed project and two which were sign applications. They also discussed improving the appearance of the rear of the buildings on Main Street.
- Virginia Capital Trail. Governor Tim Kaine conducted a ribbon cutting ceremony for the opening of the Greensprings Phase of the Virginia Capital Trail on November 21.
- Corridor Enhancement Program. Route 60 was chosen as a multi-jurisdictional project and Carlton Abbot has been hired as the consultant to design a master plan for phase two of the Jamestown Road project.
- Better Site Design. This month the Better Site Design group focused on modifications to James City County BMP manual, such as providing incentives to Low Impact Development and open spaces for Stormwater criteria. These modifications incorporate some of the environmental principles set forth by the Recommended Model Development Principles for James City County.
- Online Comment Database. A Beta version of the new case tracking software is currently undergoing internal testing by Planning and Information Technology staff. 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 accessed by case applicants and citizens online. The projected launch date is this spring.
- Parks & Recreation Master Plan Update. All Community Forums have been completed. The telephone survey conducted by Virginia Tech has been completed and results should be available by November 30, 2006.
- Board Action Results November 14.
 1. Case No. SUP-23-06. Volunteer Fire Department Flea Market **Adopted 5-0**
 2. Lakewood/Marl Hills Well Lot Plat Vacation **Adopted 5-0**
 3. Case No. SUP-18-06. Stuckey's Redevelopment **Adopted 5-0**

O. Marvin Sowers, Jr.

DEVELOPMENT REVIEW COMMITTEE ACTIONS REPORT
11/29/06

Case No. SP-124-06

Weatherly at White Hall

The applicant, Mr. Bryan Stevenson of AES Consulting Engineers has submitted a site plan application on behalf of Dan Mason of Rauch Development Company for Weatherly at White Hall located at 3225 Old Stage Road. DRC review is necessary because the project proposes a residential development with 50 or more units. Proffer #18 states that the exact locations of the recreational facilities proffered and the equipment provided at such facilities shall be subject to DRC approval. Proffer #12 states that the DRC must also approve the design guidelines prior to the granting of final site plan approval; however, these will be presented for review at a future DRC meeting.

DRC Action: The DRC recommended preliminary approval with the construction of a full field at the 3 Villages and no field contribution for the Weatherly proposal. This recommendation was subject to both agency comments and proffer interpretation by the County Attorney's office.

Case No. SP-129-06

Massie Parking Lot Expansion

The applicant, Mr. Richard Smith of AES Consulting Engineers has submitted a site plan application on behalf of Erin Massie of Massie Corporation for the Massie Parking Lot Expansion located at 3920 Cokes Lane. DRC review is necessary because it will have two entrances on the same road.

DRC Action: The DRC voted 4-0 to recommend preliminary approval of the case of SP-129-06 for the expansion of the Massie parking lot to serve existing on-site facilities and any future building on the site.

Case No. SP-118-06

Thomas Nelson Community College Parking Lot

The applicant, Mr. Jason Grimes of AES Consulting Engineers has submitted a site plan application on behalf of James City County for the Thomas Nelson Community College parking lot located at 6450 Centerville Road. DRC review is necessary because it proposes two entrances onto the same road.

DRC Action: The DRC voted 4-0 to recommend preliminary approval of the construction of two of four planned parking areas to serve Thomas Nelson Community College Campus. The total amount of proposed parking spaces for the two combined parking areas is 750 parking spaces. This project proposes two entrances from one of the parking areas onto the same road, Opportunity Way, and therefore according to section 24-147(a)(1)(b) of the Zoning Ordinance, is subject to DRC review.

Case No. SP-125-06

New Town Section 3 & 6, Block 14, Parcel E (Sentara Building)

The applicant, Mr. Robert Cosby of AES Consulting Engineers has submitted a site plan application on behalf of Sentara Medical Group proposing the Sentara Medical Building at 4201 Ironbound Road. DRC review is necessary because the proposed size of the building exceeds 30,000 square feet.

DRC Action: The DRC voted 4-0 to recommend preliminary approval of the proposed construction of a 48,800 square foot, two story medical office building to be located within the Discovery Business Park area at New Town, Section 3 & 6, Block 14, Parcel E. Section 24-147(a)(1)(a) of the Zoning Ordinance requires DRC review for buildings with a total floor area that exceeds 30,000 square feet.

Case No. C-126-06

Overhead Utility Waiver

The applicant, Mr. Howard Dandbridge has submitted a conceptual plan application for Overhead Utility Lines located at 3088 Ironbound Road. DRC review is necessary because 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 recommended preliminary approval by a vote of 4-0. The applicant is requesting a waiver to bring overhead utilities across Ironbound Road and about 70 feet onto his property; from there the utilities will travel underground for about 200 feet to his new house.