

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
FEBRUARY 7, 2007 - 6:30 p.m.

1. ROLL CALL
2. CLOSED SESSION
 - A. Consideration of the Appointments of Individuals to County Boards and/or Commissions, Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia 3
3. ANNUAL ORGANIZATION MEETING
 - A. Election of Officers
 - B. Committee Appointments
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10. ADJOURNMENT

RESOLUTION

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Planning Commission of James City County, Virginia, ("Commission") has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 - 3712 of the Code of Virginia requires a certification by the Commission that such closed meeting was conducted in conformity with the Virginia Freedom of Information Act.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge; (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and (ii) only such public business matters were heard, discussed, or considered by the Commission as were identified in the motion, made pursuant to Section 2.2-3711(A)(1), to consider the nomination of Chairman and Vice Chairman and consideration of appointments of Commission committees.

Jack Fraley
Chairman, Planning Commission

ATTEST:

O. Marvin Sowers, Jr.
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 7th day of February, 2007.

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A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE TENTH DAY OF JANUARY , TWO-THOUSAND AND SEVEN, 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
Matthew Smolnik, Senior Planner
David German, Planner
Michael Woolson, Senior Watershed Planner
Toya Ricks, Administrative Services Coordinator
Luke Vinciguerra, Planner
Leanne Reidenbach, Planner

2. PUBLIC COMMENT

Mr. Fraley opened the public comment period.

Hearing no requests; the public comment period was closed

3. MINUTES

A. December 4, 2006 Regular Meeting

Ms. Jones corrected the spelling of the a word on page 7 of the minutes.

Ms. Hughes corrected a word on page 8.

Mr. Kennedy motioned to approve the minutes as amended.

Ms. Jones seconded the motion.

In a unanimous voice vote the minutes of the December 4, 2006 regular meeting were approved as amended.

4. DEVELOPMENT REVIEW COMMITTEE REPORT

Mr. Kennedy stated that the DRC met on January 3, 2007 and unanimously approved C-133-06 St. Bede Church Garden Shed Addition subject to agency comments. He asked Mr. Fraley to report on the special meeting.

Mr. Fraley stated that there was an expedited meeting to consider the parking layout for Thomas Nelson Community College. The proposal was unanimously approved subject to agency comments.

The DRC report was approved.

5. PUBLIC HEARINGS

A. SUP-31-06 Toano Middle School Bus Entrance

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

Mr. Sowers stated that Staff concurred.

Mr. Fraley opened the public hearing.

Hearing no requests to speak the public hearing was continued to February 7, 2007.

B. ZO-2-06 Subdivision Ordinance Amendment – Final Plan Submittal Requirement

Ms. Jenny Lyttle presented the staff report stating that section 19-29 of the Subdivision Ordinance incorrectly references a section of the James City County Chesapeake Bay Preservation Ordinance no longer in existence. She stated that a recent revision of the Chesapeake Bay Ordinance renumbered the referenced section. Ms. Lyttle said the proposed amendment will reference the correct section number.

Mr. Fraley asked if this was a housekeeping item.

Ms. Lyttle said yes.

Mr. Fraley opened the public hearing.

Hearing no requests to speak the public hearing was closed.

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: Jones, Hughes, Kennedy, Billups, Hunt, Obadal, Fraley (7); NAY: (0).

C. AFD-6-86 Cranston's Pond AFD – Warwick Hunt Withdrawal

Mr. Matthew Smolnik presented the staff report stating that it was discovered that during the creation of the AFD in 1986 the original application regarding the parcel in question was never signed. Mr. Smolnik stated that therefore, according to State Code, it was never legally part of the AFD and no action is necessary.

Mr. Fraley confirmed that property taxes for the parcel were paid at the regular rate.

Mr. Smolnik said that was correct.

Mr. Fraley approved the request and withdrew the case from the agenda.

D. SUP-33-06 Johnny Timbers Tree Service

Mr. Matthew Smolnik presented the staff report stating that Mr. John Hull has applied for a Special Use Permit on the parcel located at 2201 Jolly Pond Road, identified as JCC Tax Map No. 2940100009, zoned A-1, General Agricultural, to bring the current contractor warehouse/office into conformance with the Zoning Ordinance. Mr. Hull has filed the SUP application because the proposal is permitted by SUP only in this zoning district. The site is designated as Rural Lands by the JCC Comp. 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.

Ms. Jones asked for the zoning of the property that borders the back of Deerwood Hills.

Mr. Smolnik said the zoning is A-1, General Agricultural and the Comprehensive Plan designation is State and County Lands

Mr. Obadal asked if it was Mr. Smolnik's opinion that the conditions attached satisfy the complaints from Ms. Rachel Cole identified in her statement included in the Planning Commission packet.

Mr. Smolnik said he believed so.

Mr. Obadal asked if Ms. Cole had expressed that view.

Mr. Smolnik stated that Ms. Coles has stated her opposition to the use with or without the inclusion of conditions.

Mr. Obadal stated that the attached conditions addressed all the concerns expressed by neighbors. He also stated that conditions 3 & 6 appear to be in conflict and suggested additional language to clarify and give item 6 precedence.

Mr. Smolnik agreed to make the suggested revision.

Ms. Hughes asked if there was a lot of forestry land and timbering land in the vicinity.

Mr. Smolnik said yes.

Ms. Hughes asked if it was reasonable to expect a lot of trucks such as delivery and logging trucks on the road.

Mr. Smolnik answered yes.

Ms. Hughes asked if there were other commercial properties or commercially used properties in the vicinity of the site.

Mr. Smolnik answered not in the direct vicinity.

Mr. Fraley opened the public hearing.

Mr. John Hull, 717 Autumn Trace, stated their willingness to comply with County regulations. Mr. Hull also stated that another property on Jolly Pond Road was granted a Special Use Permit for a similar use.

Mr. Obadal asked if lighting will be used.

Mr. Hull stated that motion lights will be used on the interior of the parcel for security.

Mr. Robert Bayton, 101 Deerwood, stated that he represented several citizens in the audience and submitted a citizens' petition and asked to view the conditions attached to the proposal. Mr. Bayton stated their opposition to the proposal due to concerns regarding noise, road safety, the dam, and open burning.

Mr. Fraley asked for a copy of the petition and asked Mr. Smolnik to highlight the conditions applicable to Mr. Bayton's concerns.

Mr. Smolnik read the pertinent conditions that addressed the citizen complaints.

Mr. Billups asked if the applicant was comfortable with condition number 6.

Mr. Smolnik explained the source of much of the noise and stated that the applicant agreed with the restrictions.

Mr. Sowers stated that the applicant is aware that the condition will prohibit some of the activities previously performed at the site.

Mr. Billups asked if the applicant understood that these activities would be excluded from his capacity to earn a living.

Mr. Sowers said the applicant was aware of how the restrictions will affect his business.

Mr. Hunt asked for the zoning of the parcel.

Mr. Smolnik answered A-1.

Mr. Hunt questioned the restriction on the operation a sawmill in A-1.

Mr. Smolnik stated that Contractor's Warehouses and Offices are a Specially Permitted Use in the A-1 District.

Mr. Kennedy and Mr. Hunt asked if the applicant would be able to operate a sawmill.

Mr. Smolnik was not sure.

Mr. Sowers asked that the public hearing continue while Staff researched the answer.

Mr. Obadal advised Mr. Bayton and other citizens who opposed the proposal that the Planning Commission's decision is advisory and that citizens would have an opportunity to address the Board of Supervisors concerning the case. Mr. Obadal noted the noise that he observed in the area. He also asked that open burning be added to the list of prohibited activities.

Mr. Bayton stated that none of the conditions addressed the safety of the road.

Ms. Hughes asked about the presence of other trucks on the road prior to the dam going out.

Mr. Bayton said the only trucks were traveling to the Refuse Center where there is a double lane road. He said that after the turn off from Centerville Road the road narrows quite a bit and he has not observed the presence of other trucks in that area.

Ms. Jones asked how the proposed conditions will change the activity levels at the site.

Mr. Hull stated that there will be no burning and that he has no desire to operate a sawmill. He explained that the source of much of the noise and resulting complaints and citation were the result of clean up operations at the site when he first purchased it. He stated that approximately 50 trees were cut down with chainsaws, and removed or burned. Mr. Hull stated that debris will no longer be brought to the site and that vehicles would leave in the morning empty and return in the evening empty, occasionally returning during the day

to pick-up equipment. He added that much of the traffic is due to the Refuse Center with most other trucks larger than his dump trucks.

Mr. Fraley asked if the access to the County dump is off the same road.

Mr. Hull stated that the access turns off just prior to his property. He stated that prior to the demise of the dam trucks bypassed his property frequently. Mr. Hull stated that another neighbor operates a contractor's warehouse, with a Special Use Permit, on the other side of the Center, who has more dump trucks that are larger than his.

Ms. Mona Richardson, 2105 Jolly Pond Road, stated her concerns regarding noise, open burning, road safety, and lack of notification. She also confirmed that another neighbor has a Special Use Permit for a landscaping business.

Mr. Ray Kirkland, 2090 Jolly Pond Road, stated his concerns about noise and road safety and detailed his motorcycle accident with a truck while on Jolly Pond.

Mr. Fraley clarified that should a Special Use Permit be granted the applicant would be bound by the conditions attached.

Mr. Paul Sisk, 3907 Grove Gate Lane, stated that he is a driver for Johnny Timbers and that safety is a concern for them also. He also stated that other, larger vehicles such as delivery trucks and school buses travel Jolly Pond Road more frequently.

Mr. Fraley read a statement of opposition from Ms. Rachel Cole, 2202 Jolly Pond Road. Ms. Cole expressed her concerns regarding noise and inconsistency with surrounding uses. She recommended denial of the request.

Mr. Smolnik stated that regarding an earlier question about sawmills; the Zoning Ordinance allows the applicant to cut trees on his own property; however the manufacture and sell of wood products requires a Special Use Permit subject to Zoning Administrator interpretation.

Mr. Fraley asked if Mr. Smolnik had any comments regarding road safety and vehicular size.

Mr. Smolnik stated that he did not observe any large vehicles during a site visit. He stated that the road is narrow in width and that the conditions attached to the proposal such as the prohibition of large logging trucks would mitigate safety concerns. He also stated that the applicant's trucks are smaller than others currently traveling on that roadway.

Mr. Kennedy confirmed that the parcel is zoned for Agricultural use and that if the applicant had farming equipment there would be no restrictions on the size of the equipment or the applicant's ability to use public roads to move them.

Mr. Smolnik agreed with Mr. Kennedy.

Mr. Kennedy stated that some farming uses could be more intrusive and not subject to regulation.

Mr. Smolnik agreed.

Mr. Kennedy stated that the County does not really have a Noise Ordinance.

Mr. Smolnik said he did not think so.

Mr. Kennedy urged citizens do address the lack of a Noise Ordinance to the Board of Supervisors.

Mr. Fraley said the County Code does address noise.

Mr. Kennedy said it is a passive Ordinance

Ms. Lyttle added that the County Code does prohibit noise in residential areas. She said it does not address industrial areas.

Mr. Kennedy said it does not address agricultural districts either.

Ms. Lyttle confirmed that it does not.

Mr. Fraley said the subject parcel is agricultural while the community across the street is residential stating an overlap between the two.

Hearing no other requests the public hearing was closed.

Mr. Kennedy said he understood citizens' concerns having a similar situation in his own neighborhood. He stated that he felt many of the restrictions were beneficial to the community compared to what could take place by right, such as stipulations on the hours of operation, and on the storage of wood products. Mr. Kennedy stated his inclination to support the project.

Ms. Jones stated her agreement with Mr. Kennedy. She stated that a lot of the noise in the past year seemed to be due to cleaning up the property. She stated her support.

Mr. Billups stated that he had no problem with the Special Use Permit. He stated that he did have concerns with restrictions being placed on this applicant that are not required of others such as school buses, delivery trucks, and farming vehicles. Mr. Billups also stated that the restrictions affect the livelihood of the applicant.

Mr. Hunt said he understands the concerns. He stated that as a farmer he has driven large vehicles on small roads and people need to slow down and that it is the residents that are intruding in A-1 areas. He stated his support.

Mr. Obadal said he thought modifying the conditions would satisfy concerns. He stated that he will reluctantly support the proposal. Mr. Obadal thanked the citizens who came out and presented their points of view.

Mr. Fraley asked for confirmation of a restriction on burning.

Mr. Smolnik said that it was not a part of the conditions but could be added.

Mr. Billups stated that burning would require a permit from the Fire Department.

Mr. Sowers agreed with Mr. Billups and stated that a condition could be added restricting burning if the Commission chose to.

Mr. Hunt, Ms. Jones, and Ms. Hughes suggested leaving the conditions as is.

Ms. Hughes stated that burning is allowed in the A-1 zoning district.

Mr. Hunt stated that if he needed to burn brush he only needed to contact the Fire Department.

Mr. Obadal said the applicant is not operating an agricultural business therefore different conditions could be included.

Ms. Jones said they will not be bringing material onto the property.

Mr. Sowers said that as the conditions are written the applicant could only burn materials from the property.

Mr. Kennedy motioned for approval.

Mr. Hunt seconded the motion.

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

E. SUP-34-06 Rawls Byrd Elementary School

Mr. Luke Vinciguerra presented the staff report stating that Mr. Bruce Abbott of AES Consulting Engineers has applied for a Special Use Permit to allow for the construction of 43 additional parking spaces and 14 bus parking spaces. The property is located at 112 Laurel Lane, identified as JCC Tax Map No. 4810600171A, zoned R-2,

General Residential District. The Comp. Plan designates this property as Federal, State, and County Land.

Ms. Hughes asked how the buses are loaded at Matthew Whaley Elementary.

Mr. Vinciguerra stated that he did not have an opportunity to observe the buses loading at the school.

Ms. Hughes agreed that there is a parking problem. She stated that her concerns given the residential nature of the school were the impacts to green space used as a neighborhood park.

Mr. Fraley opened the public hearing.

Mr. Bruce Abbott, AES Consulting Engineers, presented the proposal

Mr. Alan Robertson of Williamsburg James City County Schools outlined the creation of the proposal.

Mr. Kennedy asked if there are future plans for parking buses at the school overnight.

Mr. Robertson said that although there are no current plans they would like to keep the option open.

Mr. Kennedy stated that this is a residential neighborhood and he is concerned about the equalities of tractor-trailers and other business being restricted.

Mr. Robertson said that 35-40 buses are not parked at the central garage. He said the schools would have the flexibility of parking on school property.

Mr. Kennedy stated that County citizens own the property and that parking restrictions are placed on other businesses in restricted areas.

Mr. Robertson stated that in the future schools could be designed with parking in the back.

Mr. Fraley asked about the south parking lot.

Mr. Robertson said it is used by staff and is narrow and hard to navigate.

Mr. Fraley stated his concern about what he feels is a lack of regard to the impacts to the community. He asked if the applicant had met with neighbors.

Mr. Robertson answered no.

Mr. Fraley stated that the unsightliness and noise would disturb neighbors.

Mr. Robertson stated that this is a school activity on school property and asked that they not be limited in the use of the property.

Mr. Fraley said the request is for a Special Use Permit and that restrictions can be placed on the use of the property.

Mr. Hunt asked if employees of the school are driving the buses.

Mr. Robertson said some but not many.

Mr. Hunt asked if only a few buses would park there.

Mr. Robertson said that was correct.

Ms. Hughes stated that parking would still be problem even with the proposal. She stated that all the problems should be addressed and not be given an easy fix.

Mr. Kennedy stated that the Commission has asked other applicants to hold community meetings. He stated his experience with the strong parental participation at Rawls Byrd. Mr. Kennedy said he would suggest a motion to defer the application to allow for a meeting with the neighborhood.

Mr. Robertson stated their agreement to meeting with neighbors.

Mr. Obadal said he would support a motion to defer.

Mr. Billups asked about comments from those involved in the different stages of review within the school system.

Mr. Robertson stated that there were some reservations due to reluctance to give up the play area.

Mr. Billups asked what percentage of bus parking is occurring during the day.

Mr. Robertson said there is currently none. He stated their desire to maintain the flexibility in the event it is needed.

Mr. Billups asked if the teachers approve of the proposal.

Mr. Robertson said yes although they do not live in the neighborhood.

Mr. Billups stated that he thought it would be better if the applicant met with the community.

Mr. Robertson stated that they could also show neighbors the other options that were considered.

Ms. Jones asked about any projected change in enrollment.

Mr. Robertson said it will decrease when Motoka Elementary opens.

Mr. Hunt asked if there were plans for expansion.

Mr. Robertson said no.

Mr. Fraley was pleased with the applicant's willingness to meet with neighbors and suggested the consideration of fencing the rear play area from the parking.

Ms. Jones asked if the entire neighborhood attends Rawls Byrd. She asked if many of the students walked to school which would limit the amount of traffic.

Ms. Hughes stated that many parents would prefer walking if there were sidewalks.

Mr. Billups asked that information be provided on where the buses are coming from and to see if the parents who would most likely participate in the discussions are the ones who would be affected.

Mr. Robertson asked for a copy of the petition in order to contact the citizen petitioners.

Ms. Hughes suggested contacting the PTA President.

Mr. Fraley asked if others wished to speak.

Mr. William Moss, 41 James Square, stated his concerns regarding drainage.

Mr. Jack Marahrens, 113 Laurel Lane, stated concerns regarding the destruction of green space in front of the school. He stated that the majority of the problems occur in the afternoon. He showed pictures where it appears as though the entire bus loop is not being utilized stating that if the buses were stretched out around the loop rather double stacked, there would be enough room. Mr. Marahrens opposed expanding the bus loop and asked that the memorial to his mother be relocated if the application is approved.

Mr. Hunt asked if Mr. Marahrens parks on Laurel Lane.

Mr. Marahrens said he parks one car on Laurel Lane.

Mr. Frank Triolo, 100 Laurel Lane, stated that 12 buses can park in the loop without parallel parking or stacking if the entire bus loop was utilized and the school only needs room for 9-10 buses.

Mr. Miles Riley, 107 Laurel, stated his concerns with buses blocking the school, removal of green space, exhaust fumes, and devaluing of property.

Mr. Ed Qualtrough, Maintenance Superintendent W-JCC Schools, stated the issue is the safety of the children. He stated the difficulties of loading.

Ms. Hughes asked if previous principals had complained. She stated that the bus loop is not being used the way it was designed.

Ms. Jones questioned the children having difficulty finding their bus since there where only ten buses.

Mr. Qualtrough stated that he and a group of officials observed the buses loading just before winter break and there was chaos.

Ms. Kennedy said the students should recognize their drivers. He suggested staggering times for bus pick-up and parent pick-up. He also recommended the use of pervious surface cover.

Mr. Abbott said each teacher has 25 students and must determine where each child's bus is located and then walk each to their bus every day.

Ms. Hughes said it would be worthwhile to observe the bus loop being used as designed.

Mr. Abbott explained that buses sometimes back into their spots because another bus has arrived earlier and the driver must back in order to be in the correct spaces.

Mr. Kennedy motioned to defer the application indefinitely.

Mr. Obadal seconded the motion.

Mr. Fraley asked if the applications could be separated.

Mr. Sowers said the two requests could be separated when the Commission next considers the case. Mr. Sowers explained that with an indefinite deferral the case would have to be re-advertised when it is considered again.

In a unanimous roll call vote were indefinitely deferred until a public meeting is held (7-0). AYE: Jones, Hughes, Kennedy, Billups, Hunt, Obadal, Fraley (7); NAY: (0).

Mr. Obadal stated that with regard to impervious cover he has submitted information to the Environmental Division that might be useful in this case. He also agreed with Ms. Hughes that other systems could be employed to move the students efficiently without the cost associated of this proposal.

Mr. Hunt stated that the area around the school does not perk well and there are drainage concerns.

The Planning Commission took a 10 minute break and reconvened at 9:40 p.m.

F. SUP-35-06 Kenneth Brooks Contractor's Warehouse

Mr. David German presented the staff report Mr. Timothy Trant has applied, on behalf of Kenneth and Diana Brooks, for a Special Use Permit to allow for the conversion of a 3,840 square-foot pole barn, originally erected as an agricultural building, into a contractor's office and warehouse, located at 101 Brady Drive, identified as JCC Tax Map No. 3620100022, zoned A-1, General Agriculture. The parcel is designated as Rural Lands in the Comp. Plan. Parcels so designated are located exclusively outside the PSA and are primarily used for agricultural and forestall activities, along with certain recreational, public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings.

Mr. Obadal stated that the surrounding area is residential and that the proposal is commercial.

Mr. German said that was correct.

Mr. Obadal stated his concerns regarding runoff into what appears to be a perennial stream, and overuse of the site. He stated that had the proposal come forward prior to construction it would probably not have gained approval.

Mr. Hunt stated that a pole barn does not require a building permit.

Mr. Obadal stated that it is no longer a pole barn and is therefore in violation. He stated that the owner is a developer and is aware of regulations. Mr. Obadal also stated that he observed sediment in the stream and asked why Staff recommended approval.

Mr. German stated that granting the Special Use Permit would allow conditions to be placed on the permit to mitigate the environmental impacts.

Mr. Obadal stated that other citizens in the area are then affected. He stated that the applicant is familiar with the regulations and ignored. He also stated that the proposal should be rejected due to overuse of the land and runoff problems.

Mr. Billlups asked what accessory uses are anticipated in the reference on page 59.

Mr. German answered deliveries, well houses, and similar uses would be allowed for the continued operation of the business.

Mr. Fraley reconfirmed the facts of the case. The structure was originally built legally as a pole barn. Its use was later converted into a contractor's warehouse without the necessary permits. Mr. Fraley asked if the proposal was being considered as a completely new project or was it being considered as permitting a use already in operation.

Mr. German stated that Staff chose to look at the situation as it exists and determine the best way to approach it.

Mr. Fraley asked what kind of signal that sends to the community.

Mr. Sowers stated that the SUP allows Staff to address and control the environmental issues and assist a small business.

Mr. Kennedy stated that he was aware of a similar situation with violations where the fines were paid and the use was continued. He stated that this was an opportunity for government to work with people and establish environmental controls.

Ms. Hughes asked if the stream had been determined to be perennial.

Mr. Woolson stated that it was his opinion that the stream will be determined to be perennial; however the analysis will not be submitted until the site plan phase. He stated the Special Use Permit will allow remediation for past activities and that there was no Chesapeake Bay Ordinance in 2003 when the structure was built.

Ms. Hughes asked if there were any hazardous materials stored on the site that would be a concern.

Mr. German stated that he did not observe any and deferred the question to the applicant.

Mr. Woolson clarified that if the stream is deemed perennial Staff would not automatically require the structure be torn down.

Ms. Hughes stated that the Chesapeake Bay Board may reject the location of the BMP.

Mr. Woolson said there other BMP types that might handle the runoff from the site.

Mr. Obadal asked if the stream is determined to be perennial then the current location of the proposed BMP would be in the RPA buffer.

Mr. Woolson said yes.

Mr. Billups asked about the impacts to the septic capacity. He stated that the property is already overused due to the existing duplexes.

Mr. German stated that when the duplexes were built they were permitted by the Health Department. He stated that the contractor's warehouse is on a different system that is manually drained.

Mr. Billups asked if those types of systems are allowed and if it had been reviewed by the Health Department.

Mr. German answered no and stated that the Health Department will review the site plan.

Mr. Sowers added that Health Department approval would be a requirement in approving the site plan.

Mr. Billups stated his agreement with Mr. Obadal and his displeasure with the applicant bypassing the approval process.

Ms. Jones stated that if the stream is determined to be perennial then a Special Use Permit if approved can improve the environmental issues. She stated that if the permit is denied the structure can potentially convert back to a pole barn and the environmental concerns would still exist.

Mr. Obadal asked what type of agricultural use the applicant conducts on the site.

Mr. German deferred the question to the applicant.

Mr. Fraley opened the public hearing.

Mr. Timothy Trant, Kaufman and Canoles, represented the applicant stating that the applicant is not a developer but operated a heating and air conditioning business on Mooretown Road and lives adjacent to the site. Mr. Trant explained that the structure was initially built as a pole barn to store equipment. He stated that once the applicant entered semi-retirement he utilized his free time to enclose the structure and later he and his son began to operate the contractor's warehouse.

Mr. Hunt asked if the applicant voluntarily came forward.

Mr. Trant stated that the applicant received a notice of the need for a building permit.

Mr. Fraley asked who built the pole barn.

Mr. Trant answered Mr. Brooks.

Mr. Fraley stated that in the case Mr. Kennedy cited earlier the building had been constructed illegally but was used for its intended purpose. He stated that in this case the structure is not being used for its intended purpose. Mr. Fraley asked how the applicant conducted his business when the structure was being used as a pole barn.

Mr. Trant said he conducted a heating and air conditioning business on Mooretown Road in York County for several years prior to his semi-retirement.

Mr. Fraley stated that the applicant could have continued to legally operate his business.

Mr. Trant said the business on Mooretown was on a much larger scale and continuation would not have allowed the applicant to enter semi-retirement.

Mr. Kennedy asked if the business is licensed and if so what address was given on the application.

Mr. Brooks said his son's address at 232 Thompson Lane was given. He stated that that business is his son's and that his son operates it solely with one helper. Mr. Brooks stated that his son has property in James City County and that if necessary he would force his son from the location.

Mr. Trant added that Mr. Brooks is trying to help facilitate his son's entrance into his trade.

Mr. Fraley questioned such a small business willing to bare millions in cost to make the proposed environmental repairs.

Mr. Hunt asked where the term "millions" came from.

Mr. Fraley said the costs will be considerable.

Mr. Trant said the applicant is committed to making an investment in his son of considerable amounts of money in order to facilitate his entrance into his business.

Mr. Fraley said a one-man operation will not be able to recoup that amount of money which makes him think more is going on.

Mr. Trant said people sometimes make unwise business decisions when it comes to their family.

Mr. Kennedy asked if the Thompson Lane address given on the business license application was ever verified.

Mr. German said that business licenses were handled by a department other than planning.

Mr. Sowers confirmed that there is a process for that and offered to have Staff research the information and report back to the Commission.

Mr. Obadal and Mr. Hunt suggested a deferral of the application.

Ms. Hughes stated that as a businessman in the applicant's field he knew he needed a permit. She stated her concern that by agreeing to the environmental remediation the applicant was undertaking more than the business could support. Ms. Hughes supported the suggestion for deferral. She also advised the applicant consider a different location where the business can operate without the additional costs to an SUP.

Mr. Richard Francilla, 180 Thompson Lane, stated his concern regarding Fire Department access due to the narrowness of the road. He also asked if the business is sold would the new business require an SUP.

Mr. Fraley explained that a new SUP would not be required if the use continued and that the same conditions would still apply.

Mr. Hunt added that if a use or condition change were desired the owner would have to apply for a modification.

Mr. German said the Fire Department reviewed the SUP application and did not express any concerns regarding access.

Mr. Fraley closed the public hearing.

Ms. Jones motioned to defer the application.

Mr. Hunt seconded the motion.

Mr. Sowers confirmed that the motion is for a 30 day deferral. He also confirmed that the only information staff was being asked to submit was on the issuance of the business license.

Mr. Obadal requested the perennial stream analysis if it becomes available.

Mr. Billups requested a copy of the Health Department report.

Mr. German stated the Health Department review is usually done at the site plan phase due to cost of engineering the plans.

Mr. Fraley said the request is for historical data.

Mr. Billups, Ms. Hughes, and Mr. Kennedy detailed the type of information the Commission was seeking.

Mr. German explained that the only septic drain fields or systems the Health Department is aware of are those serving the duplexes.

Mr. Billups requested the Health Department opinion on the type of septic system in use for the contractor's office.

Mr. German confirmed that the Planning Commission members were looking for information on how the contractor's warehouse was supplied with water, what type of septic tank it had, how the tank was serviced, and whether it would be legal in James City County, and the address and name on the current business license of the business being run from the contractor's warehouse, identified as "Commercial Electrical & Mechanical, LLC."

Ms. Lyttle explained that the public hearing will need to be re-opened since the case is going to be deferred.

Mr. Fraley re-opened and continued the public hearing.

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

G. Z-7-06 New Town Sections 3 & 6 Proffer Amendment

Ms. Leanne Reidenbach presented the staff report stating that Mr. Timothy Trant of Kaufman and Canoles has applied on behalf of New Town Associates to amend the proffers for 65.4 acres located in New Town Sections 3 and 6. The request seeks to amend a 2004 proffer which required a minimum of two lanes departing Ironbound Road on Watford Lane to require only one departing lane. The property is generally located in New Town north of the intersection of Discovery Park Boulevard and Ironbound Road at 4201 Ironbound Road and is designated Mixed Use on the Comp. Plan. Examples of uses envisioned for this Mixed Use area include a mixture of commercial, office, and limited industrial, with some residential as a secondary use. The property is further identified as JCC Tax Map No. 3910100157.

Mr. Billups confirmed that the second lane was included in the original proffers and asked the benefit the County will receive in allowing the reduction.

Ms. Reidenbach stated that the benefits are decreased impervious surface and fewer traffic lanes making the area more pedestrian friendly.

Mr. Billups asked for the amount of the reduction in square feet.

Ms. Reidenbach stated that it was approximately 2,000 square feet and deferred to the applicant for an exact figure.

Mr. Billups asked if that applicant's savings could be transferred elsewhere in the New Town development such as in creating low income housing.

Mr. Reidenbach said the right-of-way will remain the same even though the area being paved is being reduced.

Mr. Billups said his statement was made to generate thinking about low income housing as opposed to affordable housing which he stated is no longer adequate.

Mr. Obadal asked if the road would be public or private.

Ms. Reidenbach said it would be public.

Mr. Obadal asked if it would be the County's responsibility.

Ms. Reidenbach stated that it would be Virginia Department of Transportation's (VDOT) responsibility since after it is constructed it is likely to be accepted into the VDOT Secondary Road System.

Mr. Obadal thought it would have to have a certain amount of traffic in order be accepted into VDOT's system.

Ms. Reidenbach stated that she was not sure of the traffic level requirement.

Mr. Sowers agreed with Mr. Obadal and stated that this road would be the main entrance into Oxford Apartments.

Mr. Obadal asked who would pay for widening if it were later deemed to be necessary.

Mr. Sowers stated that Staff was comfortable that the additional entry lane will not be needed in the future.

Mr. Hunt stated that there is a finite source of traffic based on use.

Mr. Hunt and Mr. Sowers discussed the number of entrances that will exist off Ironbound Road into the complex.

Mr. Fraley opened the public hearing.

Mr. Timothy Trant, Kaufman and Canoles, represented the applicant stating the request is not a monetary issue but one of better site design. He stated that the cost to construct the additional lane is approximately \$1,500 to \$2,000 and that the applicant will spend more than that seeking the proffer amendment.

Mr. Obadal questioned the suggested cost of the additional lane.

Mr. Trant gave the dimensions of the road.

Mr. Obadal said the asphalt has to cost more than that.

Mr. Trant stated the contracts are not for a specific lane width. He explained that the incremental costs when buying large volumes of asphalt is approximately the amount stated.

Mr. Obadal again questioned the cost of installing the additional lane after all the equipment leaves the site.

Mr. Trant stated that the figure he was quoting was not for installing the additional lane. He stated that the additional lane is not expected to be required even when calculating the highest traffic projections.

Mr. Fraley closed the public hearing.

Mr. Kennedy motioned to approve the application.

Mr. Hunt seconded the application.

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

6. COMMISSION COMMENTS

Mr. Kennedy acknowledged the Mr. Hunt will be leaving the Planning Commission and thanked him for his 15 years of service. He stated his appreciation of the work Mr. Hunt has done for the County and that he will be missed.

Mr. Hunt said it has been a privilege to be on the Commission and represent agricultural interests. He said he tried to do his best and to be fair and honest. Mr. Hunt stated that he will continue to examine things from both sides and wished everyone well.

Mr. Fraley asked that a plaque of acknowledgement be prepared for presentation.

7. PLANNING DIRECTOR'S REPORT

Mr. Marvin Sowers presented the Planning Director's Report reminding Commissioners that the Rural Lands Committee will present its recommendations on January 29th at 6:30 p.m. at Legacy Hall the community building in New Town.

Mr. Fraley stated that the Commission will hold its Organizational meeting next month where officers will be elected and committee appointments made. Mr. Fraley asked if Commissioners desired to follow the same protocol as last year and hold the Organizational meeting at 6:30 and then recess until approximately 7:00 to begin the regular meeting.

The Commissioners agreed.

8. Adjournment

There being no further business the Planning Commission was adjourned at 11:10p.m. until February 7, 2007 at 6:30 p.m.

Jack Fraley, Chairman

O. Marvin Sowers, Jr., Secretary

**SPECIAL USE PERMIT-35-06. Kenneth Brooks' Contractor's Warehouse
Staff Report for the February 7, 2007, 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

January 10, 2007 7:00 p.m.

February 7, 2007 7:00 p.m.

Board of Supervisors:

(T. B. D.)

SUMMARY FACTS

Applicant:

Mr. Timothy Trant of Kaufman & Canoles, on behalf of Kenneth and Diana Brooks

Land Owner:

Kenneth and Diana Brooks

Proposal:

To allow for, and properly permit, an already constructed contractor's warehouse/office. Contractors' warehouses, sheds and offices are specially permitted uses in the A-1, General Agricultural zoning district.

Location:

101 Brady Drive

Tax Map/Parcel Nos.:

(36-2) (1-22)

Parcel Size:

5.413 acres

Zoning:

A-1, General Agricultural

Comprehensive Plan:

Rural Lands

Primary Service Area:

Outside

STAFF RECOMMENDATION

The applicant has requested deferral of this case until March 7, 2007 in order to fully evaluate and better address the comments and questions received from the Planning Commissioners at the January 10, 2007 Planning Commission Meeting. Staff concurs with this request.

Staff Contact: David W. German

Phone: 253-6685

David W. German, Planner

ATTACHMENTS:

1. Deferral Letter

KAUFMAN & CANOLES
— | A Professional Corporation | —
Attorneys and Counselors at Law

Timothy O. Trant, II
757 / 259-3823
totrant@kaufcan.com

757 / 259-3800
fax: 757 / 259-3838

Mailing Address:
P.O. Box 6000
Williamsburg, VA 23188

4801 Courthouse Street
Suite 300
Williamsburg, VA 23188

January 30, 2007

VIA HAND DELIVERY and EMAIL

David W. German, AICP
James City County Planning Department
101-A Mounts Bay Road
Williamsburg, VA 23185

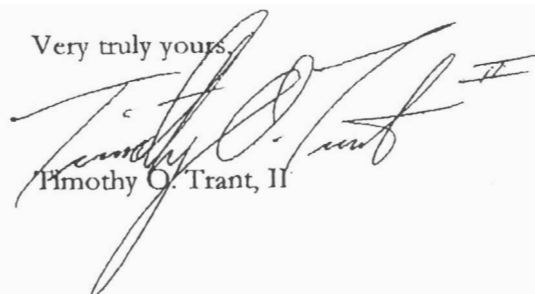
Re: *Kenneth Brooks Contractor's Warehouse*
JCC Case No. SUP-035-06
Our Matter No. 122112

Dear David:

Please be advised that our client, Kenneth Brooks, requests that any action by the Planning Commission on the above-referenced application be deferred until its next regularly scheduled meeting on March 7, 2007. My client continues to work with his project engineer to fully evaluate the comments received at the last Planning Commission meeting before bringing the case forward for their review again. We very much appreciate Staff's efforts with respect to this application.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Timothy O. Trant, II

TOT/dsg

c: Kenneth K. Brooks (via U.S. mail)
Christopher M. Johnson (via hand delivery)

#6139327

Chesapeake

Hampton

Newport News

Norfolk

Richmond

Virginia Beach

www.kaufmanandcanoles.com

**SPECIAL USE PERMIT CASE NO. SUP-31-06 Toano Middle School Bus Entrance
Staff Report for the February 7, 2007 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	Applicant Deferral
	January 10, 2007	Applicant Deferral
	February 7, 2007	7:00 PM
Board of Supervisors:	March 13, 2007	7:00 PM

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 and add additional parking spaces to close off one of the access ways between the automobile parking lot and drop off loop.

Location: 7817 Richmond Road

Tax Map/Parcel: (12-4)(1-51)

Parcel Size: 34.1 acres

Existing Zoning: A-1, General Agricultural

Comprehensive Plan: State, Federal, County Land

Primary Service Area: Inside

STAFF RECOMMENDATION

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

Staff Contact: Leanne Reidenbach, Planner Phone: 253-6685

PROJECT DESCRIPTION

Mr. Bruce Abbott, AES Consulting Engineers, has applied on behalf of Williamsburg-James City County Public Schools for a Special Use Permit to allow for a second entrance off of Richmond Road (Route 60) to Toano Middle School for bus traffic only. The property is located at 7817 Richmond Road. The need for the second entrance stems from deteriorating traffic conditions during peak morning and afternoon hours at the school and results in traffic backups onto Route 60 and unsafe student drop-off conditions. As a result of this proposal, a right turn lane on Route 60 leading into the bus entrance will also be required.

A Special Use Permit is required for this proposal because it requires changing a condition that was placed on the school's original Special Use Permit to operate in an A-1, General Agricultural District. Condition #4 of SUP-4-90 states that the school shall have no more than 1 access on Richmond Road. The construction of the proposed bus entrance would result in a total of two entrances.

The project also proposes closing one of the access points between the automobile parking lot and drop-off loop with additional green space area and approximately eleven parking spaces.

PUBLIC IMPACTS

Environmental

Watershed: Yarmouth Creek

Staff Comments: The Environmental Division has no comments at this time given the limited impact this project has; however, additional stormwater management requirements may apply to the site based on the amount of impervious area increase as compared with current site impervious area.

Public Utilities

The construction of the proposed bus entrance would not generate additional needs for the use of public utilities.

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

Transportation

The current traffic flow patterns at the school and the availability of only one entrance have resulted in significant traffic backups onto Richmond Road for both buses and cars. Both buses and cars enter through the same entrance and cars generally continue straight to utilize the drop-off loop while buses need to turn left to use the existing bus entrance to the back lot. Congestion caused by cars exiting the school backs-up into the drop-off area and obstructs the entrance to the bus parking lot. Parents also frequently allow their children to disembark before reaching the drop-off area, causing safety concerns as the children walk among circulating vehicles. This pattern is shown on the attachment titled "Toano Middle School Existing Traffic Flow." Additionally, due to delays, the buses, which are required to make two pick-up runs a morning for two different schools, are late to begin their second route.

The majority of schools that have been built recently have provisions for both a main vehicle entrance and an additional bus entrance. Alan Robertson of the Williamsburg-James City County Schools Division has stated that in looking for potential school sites, they require that two entrances be available or the site is declined. This requirement and the recommendation for a second entrance at Toano Middle School specifically have been generated by individuals at the Transportation Division of the school system, who have reviewed potential alternatives and determined that construction of a second entrance to effectively separate bus and automobile traffic is the safest and most viable solution.

Other options considered by W-JCC Schools included construction of an entrance to Chickahominy Road and the use of a joint entrance with a neighboring business and residences. Neither of these alternatives were determined to be feasible solutions by the school system due to budgetary and safety constraints. The

applicant was also willing to work with staff to test a potential alternative which involved rerouting vehicular traffic through the existing parking lot to increase area for stacking. This alternate traffic pattern was tested for one week and while this eliminated backup on Richmond Road, it caused substantial student safety problems internal to the school's lot. A traffic consultant, Dexter R. Williams and Associates, also reviewed the site and concurred that the proposed solution was the best alternative. Staff believes that since other potential options have been evaluated by the school system and consultant and determined not to be feasible, that this proposal is the best option to ameliorate current conditions.

No additional vehicle trips will be generated with the proposed bus entrance. Instead, current vehicle trips will be redistributed so that bus traffic will use the proposed entrance while automobile traffic will continue to use the existing entrance and drop-off loop at the main entrance to the school. The proposed traffic routing pattern with the second entrance is detailed on the attachment titled "Toano Middle School Proposed Traffic Flow." Bus traffic includes between 15 and 17 standard size buses within a 20 minute window in the morning and afternoon. There are two shorter handicapped buses that arrive slightly staggered from other buses and utilize the drop-off loop rather than the main bus entrance.

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

2026 Volume Projected: From Route 30 to Croaker Road there is the projection of 24,000 trips. This portion of Richmond Road is listed in the OK category.

VDOT Comments: VDOT has no objections to the proposal for the second entrance to facilitate internal circulation and to separate bus traffic from passenger cars at the school. This entrance is to serve as a right-in/right-out bus entrance only. No passenger cars should be allowed to use this entrance. Conditions # 3 and 4 have been included which require the provision of a full-width right-in turn lane and a sign restricting the entrance to busses only per VDOT's recommendations. Additionally, standard curb ramps, stop signs, and sight distance measures will be required for inclusion on the site plan submission.

COMPREHENSIVE PLAN

Land Use Map

Designation	<p>State, Federal, and County Land (Page 130): Land uses in this designation are publicly owned and include County offices and facilities in addition to larger utility sites and military installations.</p> <p>Staff Comment: Staff feels that the school meets the intent of the State, Federal, and County Land designation.</p>
Development Standards	<p><i>General Standard #4-Page 134:</i> Protect environmentally sensitive resources including... areas designated Community Character Corridors and Areas... by locating conflicting uses away from such resources and utilizing design features, including building and site design, buffers and screening to adequately protect the resource.</p> <p><i>General Standard #5-Page 134-35:</i> Minimize the impact of development proposals on overall mobility, especially on major roads by limiting access points and providing internal, on-site collector and local roads, side street access and joint entrances...Provide for safe, convenient, and inviting bicycle, pedestrian, and greenway connections to adjacent properties and developments in order to minimize such impacts and to provide adequate access between residential and nonresidential activity centers and among residential neighborhoods.</p> <p><i>General Standard #6-Page 135:</i> Provide for ultimate future road, bicycle and pedestrian improvement needs and new road locations through the reservation of adequate right-of-way, and by designing and constructing roads, drainage improvements, and utilities in a manner that accommodates future road, bicycle, and pedestrian improvements.</p> <p>Staff Comment: While this proposal does not correspond with General Standard #5 in terms of minimizing access points on major roads, current on-site traffic conditions require that some mitigating action is taken to relieve the congestion. Discussion of alternatives examined can be found in the above discussion regarding Transportation. The addition of a right turn lane and lack of a median crossover on Route 60 will minimize impacts of the additional entrance to through traffic.</p>

	The applicant has also agreed to provide an entrance which will be adequate to accommodate a shoulder bike lane and will relocate existing sidewalks to further encourage use of alternative modes of transportation to further decrease traffic.
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><i>Strategy #5-Page 138:</i> Promote pedestrian, bicycle, and automotive linkages between adjacent land uses where practical.</p> <p><i>Action #5-Page 139:</i> Plan for and encourage the provision of greenways, sidewalks, and bikeways to connect neighborhoods with retail and employment centers, parks, schools and other public facilities.</p> <p>Staff Comment: This proposal has a minimal impact on surrounding development given the nature of the project. The provision of a second entrance will serve to mitigate traffic impacts experienced by nearby residences and businesses. In this circumstance, the use of a shared entrance between the school, a neighboring business, and several residences would blend uses of different intensities and is not seen as consistent with Strategy #2. Condition 7 also addresses concerns of buffering the entrance from adjacent commercial and residential land uses.</p>

Transportation

Goals, strategies and actions	<p><i>Strategy #2-Page 80:</i> Continue to encourage landscaped roadways and roadway designs that enhance the County's image and reduce the visual impact of auto-related infrastructure.</p> <p><i>Action #2-Page 80-1:</i> Continue to encourage planning and design standards for road projects and related improvements which... increase public safety.</p> <p><i>Action #10-Page 82:</i> Implement the adopted James City County Sidewalk and Trail Plan and Regional Bicycle Facilities Plan, by including bikeways and pedestrian facilities in Primary and Secondary Road Plans and projects.</p> <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 and encourage their preservation by: a. Limiting driveway access points and providing joint entrances, side street access, and frontage roads.</p> <p>Staff Comment: The school will continue to be the dominant feature on the site and enhanced landscaping around the entrance, including shorter under-story shrubs, has been included in condition #6 of this SUP to further mitigate the visual impact of the second entrance. Additionally, the second entrance will help to alleviate potentially dangerous traffic back-ups onto a primary roadway and will foster a safer drop-off and pick-up scenario than currently exists on site. Per VDOT comments, a turn lane, shoulder bike lane, and entrance signage have been included in conditions 3 and 4 detailed below.</p>
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Community Character

General	<p><i>Richmond Road Community Character Corridor-Page 83-84:</i> 50 foot buffer requirement for non-residential uses along this road. 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 are encouraged.</p> <p><i>Toano Community Character Area-Page 86:</i> Pedestrian and bicycle access and circulation should be promoted through the provision of sidewalks, bike racks, benches, crosswalks, street trees and other design features which help accomplish this goal.</p> <p>Staff Comment: This project is located in the Richmond Road Community Character Corridor and within the Toano Community Character Area. The school currently has a 50 ft buffer consisting primarily of pine trees along the front of the property. The proposed entrance would necessitate the clearing of five 14" and two 3-4" pine trees. The location for the entrance was selected with the intention of minimizing the destruction of the existing buffer. Opportunities for enhanced landscaping exist on site along the property's frontage on Richmond Road and have been included in condition #6.</p>
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Comprehensive Plan Staff Comments

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

The limited nature of this project helps to limit the impact it has on the community. The second entrance is important to improve the overall safety and facilitate better internal traffic flow for both passenger cars and buses. Given the SUP Conditions attached to this project, staff feels that the adverse effects on the Community Character Corridor buffer have been mitigated to the extent possible. Additionally, the provision of an entrance to accommodate a shoulder bike lane is consistent with strategies in the Comprehensive Plan to encourage alternative modes of transportation, with the goal of further alleviating vehicular traffic congestion during peak morning and afternoon hours.

RECOMMENDATION

Staff finds the proposal, with the attached conditions, to be consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. Staff recommends that the Planning Commission recommend approval of the special use permit application with the following conditions. Please note that conditions 5 and 7 were conditions that were placed on the previous SUP for the operation of the school.

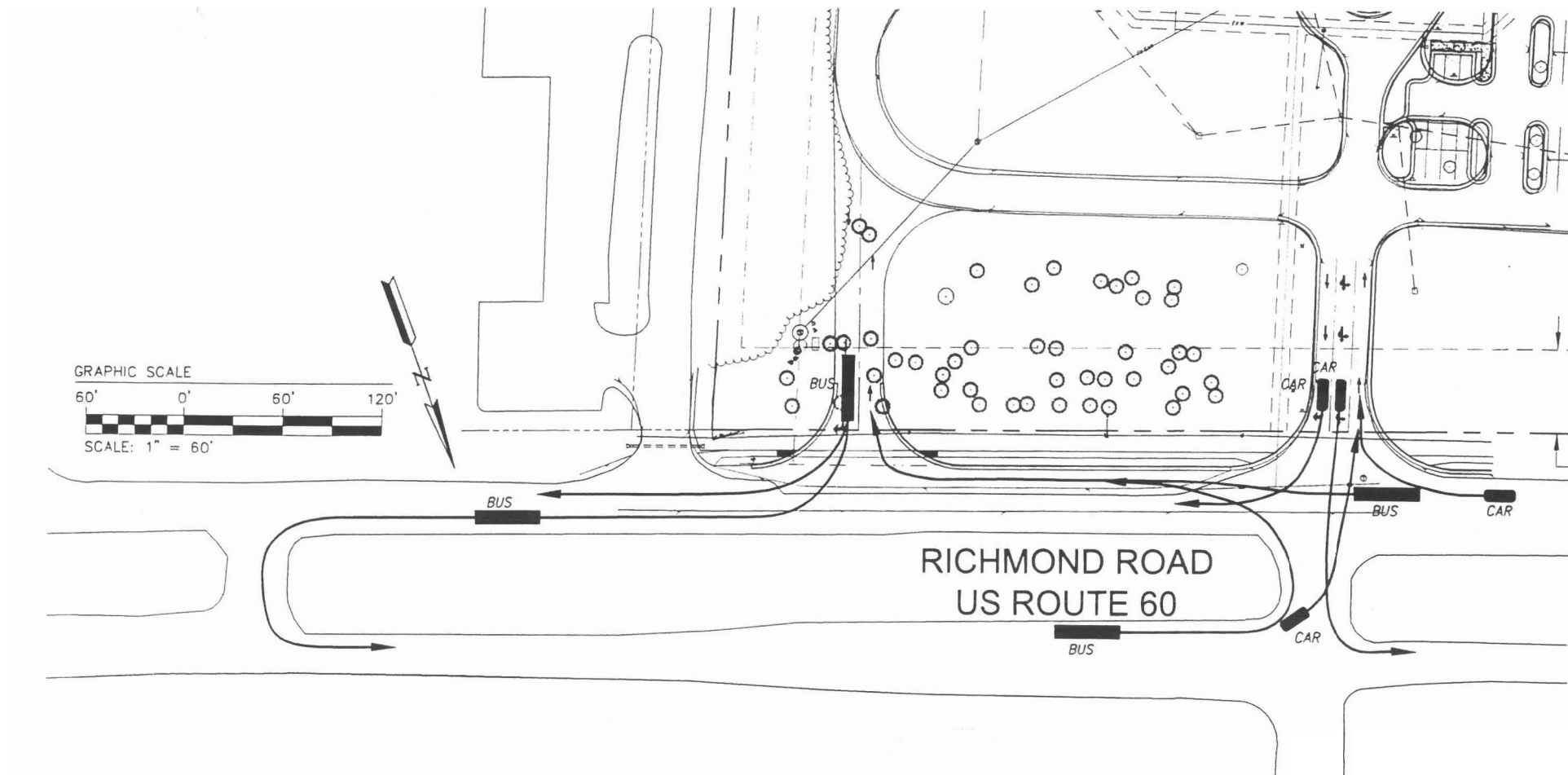
- 1) This SUP shall be valid for the construction of a bus entrance at Toano Middle School, located at 7817 Richmond Road (“Property”). This entrance shall be developed generally in accordance with the conceptual layout submitted with the application titled “Cafeteria Expansion and Bus Entrance: Toano Middle School” and dated October 23, 2006 (“Master Plan”) with only changes thereto that the Planning Director determines do not change the basic concept or character of the development.
- 2) Only two entrances shall be allowed onto Route 60, as generally shown and located on the Master Plan. The entrance labeled “Proposed Bus Entrance” on the Master Plan shall be a right-in/right-out bus entrance only.
- 3) The applicant shall provide signage which restricts the proposed entrance to bus traffic only. The location and details of the required signage shall be included on the site plan and are subject to approval by the Planning Director or his designee prior to final site plan approval.
- 4) The applicant shall construct a full width right turn lane and all other necessary entrance improvements to the Virginia Department of Transportation (VDOT) standards which shall be approved by VDOT prior to final site plan approval. The turn lane shall be constructed to include a shoulder bike lane as approved by the Planning Director.
- 5) The sidewalk located within the Route 60 right-of-way shall be maintained or adjusted if new construction interferes with its current location. If adequate right-of-way is not available to accommodate the sidewalk, it shall be donated. The sidewalk shall meet all VDOT standards.
- 6) An enhanced landscaping plan providing under-story shrubs along the area of the school’s frontage on Route 60 between the southwestern property line and the existing entrance shall be approved by the Planning Director or his designee and the Chief of Police or his designee prior to final site plan approval. Enhanced landscaping shall be defined as 125 percent of the size of the Zoning Ordinance landscape requirements. Landscaping shall be installed within six months of final site plan approval unless otherwise determined by the Planning Director or his designee.

- 7) A 50-foot buffer shall be provided adjacent to all property zoned or used for residential purposes. The buffer shall remain undisturbed and in its natural state except as approved by the Development Review Committee
- 8) Any new exterior site lighting shall have recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. Pole-mounted fixtures shall not be mounted in excess of 30 feet in height above the finished grade beneath them. No glare defined as 0.1 foot-candle or higher shall extend outside the property lines.
- 9) This SUP is not severable. Invalidation of any word, phrase, clause, sentences, or paragraph shall invalidate the remainder.

Leanne Reidenbach, Planner

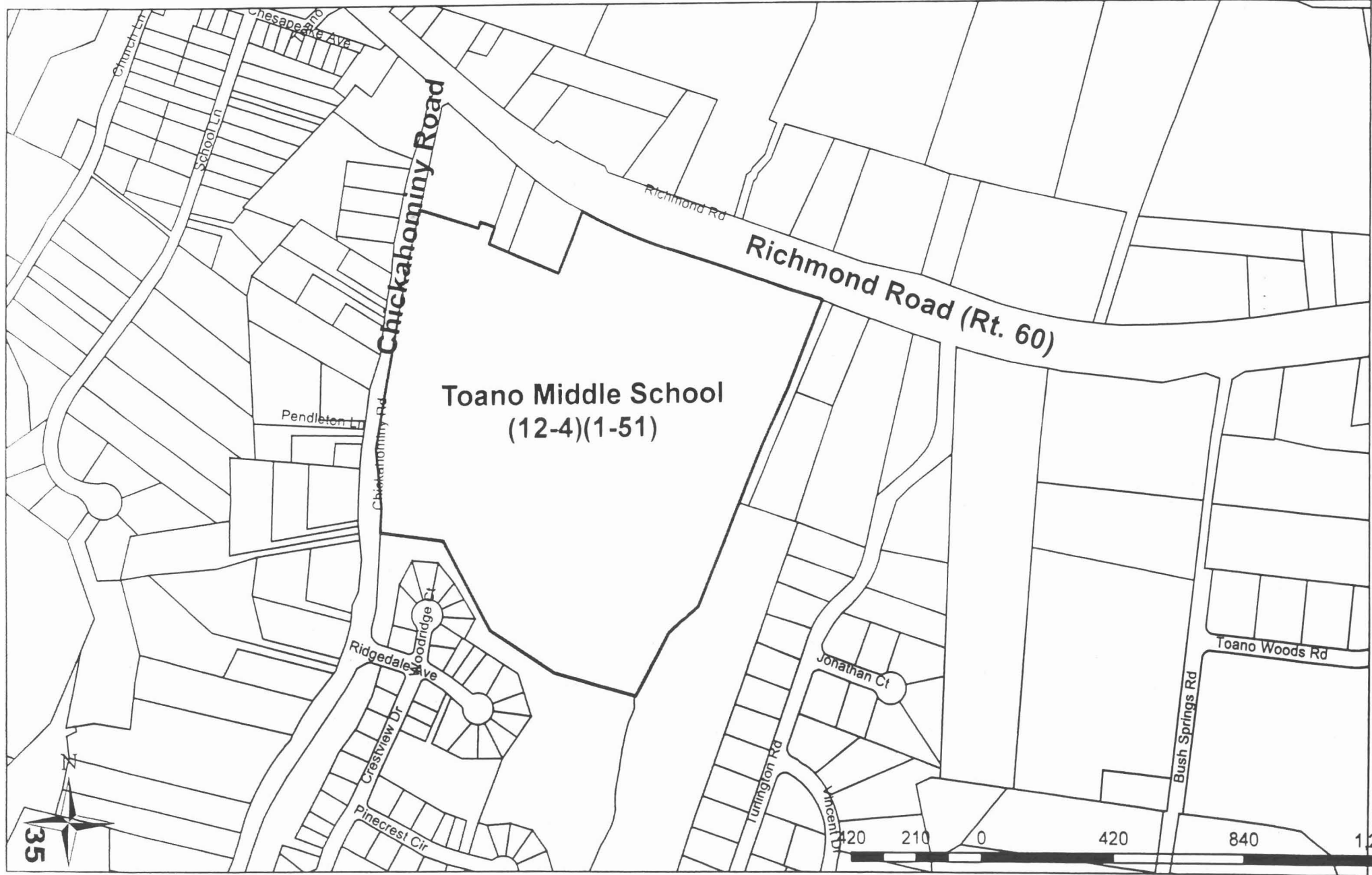
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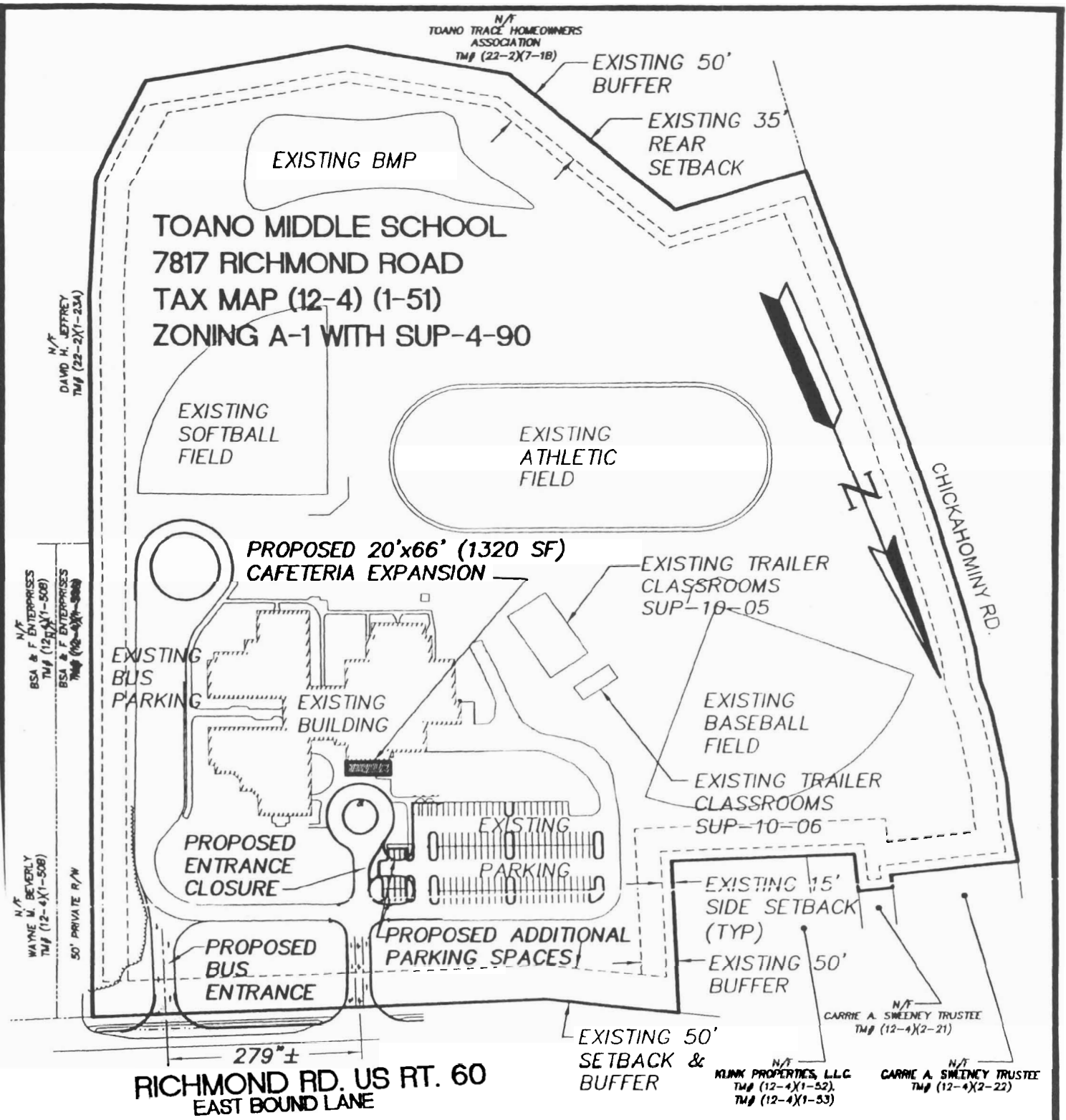
1. Location Map
2. Master Plan
3. Letter from Alan Robertson, WJCC Schools Facilities Manager
3. Schematic Diagram of Existing Traffic Flow
4. Schematic Diagram of Proposed Traffic Flow



Toano Middle School
Proposed Traffic Flow

Toano Middle School Bus Entrance





CONSULTING ENGINEERS
 WILLIAMSBURG • RICHMOND • GLOUCESTER

5248 Olde Towne Road, Suite 1
 Williamsburg, Virginia 23188
 (757) 253-0040 Fax (757) 220-8994

CAFETERIA EXPANSION AND BUS ENTRANCE
TOANO MIDDLE SCHOOL
WILLIAMSBURG/JAMES CITY COUNTY SCHOOLS

STONEHOUSE DISTRICT

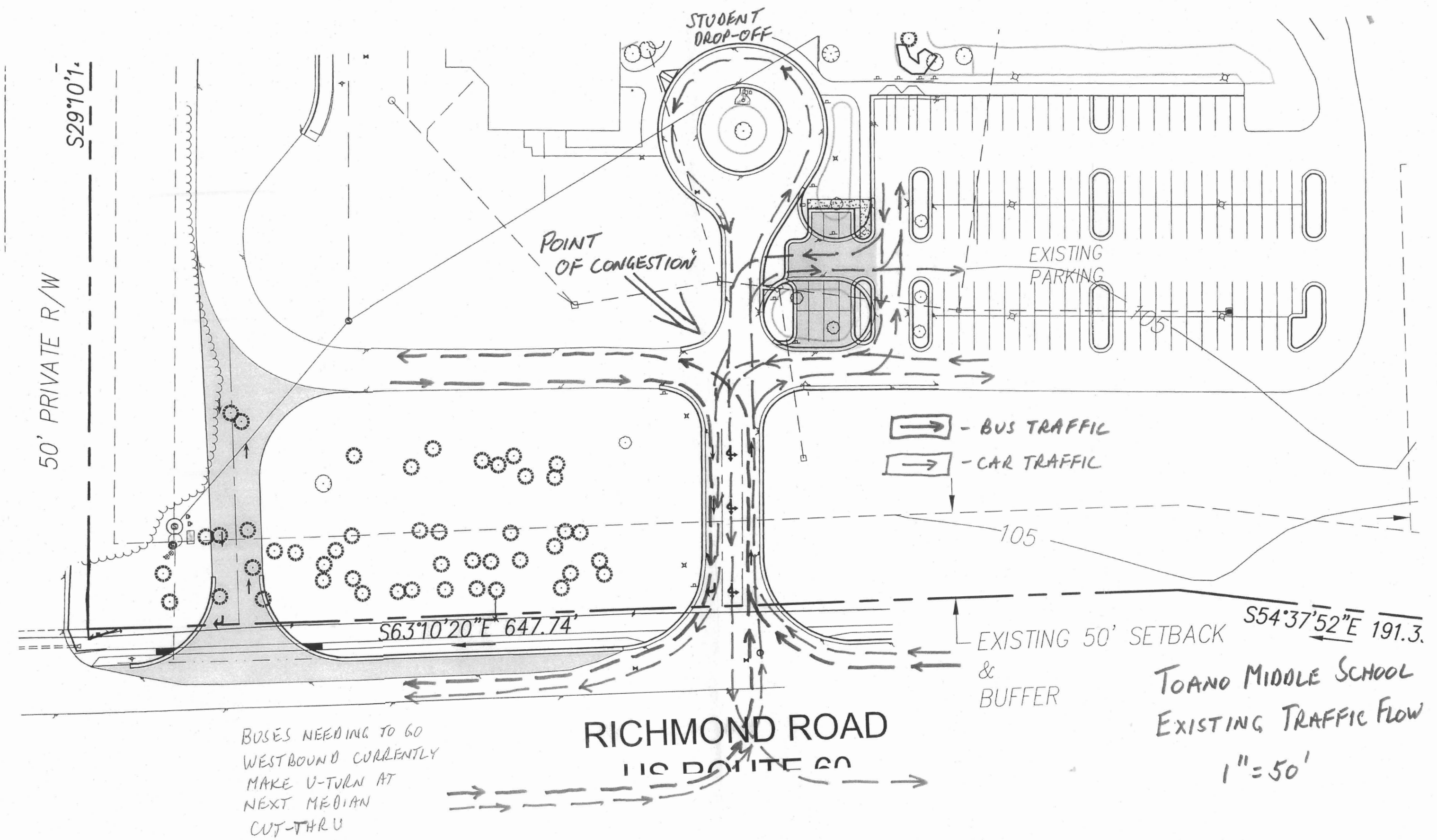
JAMES CITY COUNTY, VIRGINIA

Drawn By: LBA

Scale: N.T.S.

Date: 10/23/06

Job No: 9763-00



50' PRIVATE R/W

S29°10'1"

STUDENT
DROP-OFF

POINT
OF CONGESTION

EXISTING
PARKING

→ - BUS TRAFFIC
→ - CAR TRAFFIC

105

S63°10'20"E 647.74'

EXISTING 50' SETBACK
&
BUFFER

S54°37'52"E 191.3'

TOANO MIDDLE SCHOOL
EXISTING TRAFFIC FLOW

1"=50'

BUSES NEEDING TO GO
WESTBOUND CURRENTLY
MAKE U-TURN AT
NEXT MEDIAN
CUT-THRU

RICHMOND ROAD
IS ROUTE 60



Williamsburg-James City County Public Schools

Superintendent
Gary S. Mathews, Ph.D.

Assistant Superintendent
Robert T. Becker, Jr.

October 23, 2006

OPERATIONS

597 Jolly Pond Road
Williamsburg, Virginia 23188-7328
757-565-3838
Fax: 757-565-1462

Mr. Jason Purse
James City County Planning
P.O. Box 8784
Williamsburg, Virginia 23185

Re: Toano Middle School Bus Loop Alternatives

Dear Mr. Purse:

This letter is to reiterate the discussions and alternatives that were considered during our recent meeting concerning the Toano Middle School vehicular traffic improvements. The driving force behind this redesign of the bus entrance is a major concern for student safety, which was brought to our attention by Transportation more than a year ago. The main problem is a huge traffic tie up at arrival and dismissal as both buses and cars try to use the same entrance road. In addition to slowing down the students getting to school, many parents allow students to exit early and walk through other vehicles and even cross Richmond Road.

1. First and top choice was for the bus entrance to come straight out from the existing loop to Richmond Road and to cut through the median. We discussed this with VDOT and were told that the entrance could be constructed, but that no new crossovers would be permitted.
2. We looked at using the road next to the site, by Pops Marine, and access our bus loop through that road without any cutout. We discovered it was a private road and decided that this alternative brought up too many side issues of negotiations and maintenance.
3. We looked at creating a second entrance for public parking at the other end of the property fronting Richmond Road. This would allow buses to use the same entrance but redirect all other traffic. We looked hard at this one; however, we believe that the public would still try to come in the bus entrance since it was the only one with a direct cut over and was directly across from the true front entrance to the school.
4. We looked at running the bus loop entrance all the way around the rear of the school out to Chickahominy Road. The cost factor here was too high and Chickahominy Road was less desirable as a main avenue for bus traffic.
5. We looked at installing a new entrance for the public from Chickahominy Road, running between the buffer and baseball field. Again, we believe that most of the public use would continue to come in the main front entrance and that Chickahominy Road is not a good road for major traffic.

In conclusion, we have asked AES Consulting Engineers to submit an SUP and Development Plans for a new bus entrances off of Richmond Road and additional parking. The additional parking is being added in anticipation of a new drop-off zone to be added in the future as discussed at our meeting of October 10th, 2006. Both of these additions are expected to improve student safety.

Sincerely,

A handwritten signature in dark ink, appearing to read "Alan T. Robertson", is written over a light gray rectangular background.

Alan T. Robertson
Facilities Manager
WJCC Schools

**SPECIAL USE PERMIT CASE NO. SUP-30-06 Jamestown Road Service Station LLC
Staff Report for the February 07, 2007 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

February 07, 2007

7:00 p.m.

March 13, 2007

7:00 p.m. (tentative)

SUMMARY FACTS

Applicant:

Mr. Frank B. Gewet

Land Owner:

Mr. Melvin Washington

Proposal:

To install two fueling dispensers and relocate two existing fueling dispensers within existing canopy area

Location:

1301 Jamestown Road

Tax Map/Parcel:

(48-1) (9-65)

Parcel Size:

1.04 acres

Existing Zoning:

B-1, General Business

Comprehensive Plan:

Community Commercial

Primary Service Area:

Inside

STAFF RECOMMENDATION

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

Staff Contact:

Jose Ribeiro, Planner

Phone: 253-6685

PROJECT DESCRIPTION

Mr. Frank B. Gewet, of SMO, Inc, has applied on behalf of Mr. Melvin Washington, for a special use permit to allow for the expansion of fueling capacity under the existing canopy by: installing two fueling dispensers in addition to five fueling dispensers already in place at the service station; relocating two existing fueling dispensers to new positions; and extending (4' x 4' concrete extension) two of the concrete fueling islands in order to accommodate the desired number of fueling dispensers. This property is surrounded by commercial properties zoned B-1, General Business, to the north and northeast (across Winston Drive), to the east and south (across Jamestown Road), and to the west (Colony Square). Properties northwest of the service station are zoned R-2, General Residential and the nearest adjacent residence is approximately 181 feet northwest of the existing fuel canopy.

Jamestown Road Service Station is a compact commercial site located off of Jamestown Road at the intersection of Winston Drive. The Service Station serves motorists by primarily providing the sale of fuel, gasoline and diesel, through its existing five fuel dispensers and by providing mechanical services and maintenance of vehicles.

Currently, the service station is a “legally existing non-conforming use” since the station was built in 1965, prior to the enactment of zoning regulations that govern commercial special use permits. Section 24-11 of the Zoning Ordinance requires issuance of a special use permit for automobile and gasoline service stations. Further, a nonconforming activity or use is defined by the Zoning Ordinance as: “The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this chapter for the district which it is located.” Section 24-631 of the Zoning Ordinance states that: “A non-conforming use may be changed, altered, repaired, restored, replaced, relocated or expanded only in accordance with the provision of this article and subject to the appropriate approvals.” As such, a special use permit is necessary to allow this proposed expansion to the existing service station facility.

In 1982, under different ownership, a site plan, which proposed the renovation and expansion of the service station (i.e. replacement of the existing canopy, addition of one service bay area to the existing service station building, and expansion of the parking lot area), was submitted for County review. In order to obtain final site plan approval, the applicant requested variances to three Zoning Ordinance requirements necessary to address issues pertaining to the existing service station building (located at approximately 38 feet from the front property line while the minimum front set back line at the time was 50 feet) and to the parking lot (a 10 foot perimeter landscaping area required by the Zoning Ordinance could not be provided between the front parking area and the property line).

On May 27, 1982, the James City County Board of Zoning Appeals approved an application for this property (ZA-4-82) requesting variances to Section 20-84, Setback Requirements; Section 20-107, Expansion or Enlargement, and Section 20-12.A 1 (b), Minimum Off-Street Parking General Provision of the Zoning Ordinance. The variance granted to Section 20-84 allowed the proposed fueling canopy to be replaced and relocated at the same place and distance from the property line as the previous canopy (seven feet) and within the existing front setback area. The variance granted from Section 20-107 allowed the expansion of the service station building (an additional service bay to the building). The variance granted from Section 20-12.A.1 (b) allowed the expansion of the parking lot. If approved, the issuance of a special use permit for this service station will not void the existing, approved variances.

PUBLIC IMPACTS

Environmental

Watershed: Mill Creek

Staff Comments: Environmental staff has reviewed the application and has no further comments on the special use permit application at this time.

Public Utilities

This site is currently served by public water and sewer

Staff Comments: JCSA staff has reviewed the application and believes all issues can be worked out at the site plan stage of development.

Fire

Staff Comments: The Fire Department has reviewed the application and has no further comments on the special use permit application at this time

Transportation

The service station is located off of Jamestown Road at the intersection of Winston Drive. Winston Drive is a residential street that serves a small area and has no outlet. According to data provided by the Institute of Transportation Engineers (ITE) *Trip Generation Manual* and the Traffic Analyses Study

prepared for this service station, traffic currently generated by this site during AM peak hours is approximately 60 trips and for PM peak hours is approximately 70 trips. The two additional fueling dispensers are projected to add 32 trips during AM peak hours and 36 trips during PM peak hours.

2005 Traffic Counts (Jamestown Road): Winston Drive Road (Route 706) to Olde Colony Lane-15,201 trips.

2026 Volume Projected (Jamestown Road): From Neck O Land to WCL Williamsburg 25,000 trips are projected. This route is listed in the watch category on the 2003 Comprehensive Plan.

VDOT: VDOT concurs with the trip generation and the distribution of traffic as presented within the submitted Traffic Impact Analysis for the proposed two additional fueling positions. Increases in traffic on Jamestown Road will be minimal with the addition of the two fueling positions (less than 0.5% increase northbound approaching the site and less than 2% southbound approaching the site.) VDOT notes that the left turn movement onto Jamestown Road operates below the desirable Level of Services (LOS) C. However, this condition exists under the current traffic conditions and is therefore not a direct result of the addition of the two fueling positions. The delay is associated with the traffic volumes on Jamestown Road creating lack of mainline gaps. A traffic signal is not justified at this location and therefore VDOT has no recommendation for roadway improvements to mitigate the delay experienced on the side street approach to Jamestown Road. VDOT also finds that the current entrances appear to be in conformance with VDOT's *Minimum Standards of Entrances to State Highways* and therefore no entrance improvements are required for this site. VDOT suggests that in order to enhance entrance operation and sight distance, vehicles parking onsite must not park near the entrances.

Staff Comments: Staff concurs with VDOT findings and believes that the addition of the two fueling positions to the service station will have a minimal impact on traffic generation onto Jamestown Road. Further, special use permit No.3 was design to restrict vehicular parking to areas that are marked for vehicular parking only, therefore, enhancing entrance operation sight distance for the site, as suggested by VDOT.

COMPREHENSIVE PLAN

Land Use Map

General	<p><i>Community Commercial- page 122:</i> General business activities located within the PSA and usually having a moderate impact on nearby development are designated Community Commercial. Location criteria for Community Commercial uses are access to arterial streets, preferably at intersections with collector and arterial streets; moderate to large sized sites; public water and sewer service; environmental features such as soils and topography suitable for compact development; and adequate buffering by physical features or adjacent uses to protect nearby residential development. Suggested uses are community scale commercial; professional and office uses...service establishments, shopping centers, restaurants, and theaters.</p> <p>Staff Comment: Staff finds that the existing service station located along the commercial corridor of Jamestown Road to be consistent with the Comprehensive Plan suggested uses (service establishments) and with the intent of the Community Commercial Comprehensive Plan designation.</p>
---------	---

Economic Development

Goals, strategies and actions	<i>Action #01-Page 20: Continue to maintain an active and effective Economic Development strategy which includes existing business retention and expansion, the formation of and assistance to new business, and new business recruitment.</i>
	Staff Comment: Staff finds that the addition of the two fueling dispensers to Jamestown Road Service Station conforms with the James City County Economic Development strategies of retaining and expanding existing business.

Transportation

General	<i>Jamestown Road-Page 76: Residential or commercial development that adds significant traffic along this corridor beyond that currently planned is strongly discouraged.</i>
	Staff Comment: Staff finds that the addition of the two fueling dispensers to Jamestown Road Service Station will not generate significantly more traffic to the existing traffic conditions along Jamestown Road (less than 0.5 percent increase northbound approaching the site and less than 2 percent southbound approaching the site.)

Community Character Corridor

General	<i>Jamestown Road-Community Character Corridor-Page 83-84: The Comprehensive Plan suggests a 50 foot buffer requirement for commercial uses along this road. Further, the Comprehensive Plan suggests the provision of enhanced landscaping, preservation of specimen trees and shrubs, berming, and other desirable design elements which complement and enhance the visual quality of the urban corridor.</i>
	Staff Comment: Jamestown Road is designated a Community Character Corridor by the 2003 Comprehensive Plan. Presently, the existing site does not conform to the 50-foot buffer suggested by the Comprehensive Plan for commercial properties located along Community Character Corridors. Further, due to the site compactness, additional or enhanced landscaping, particularly at the front of the property along Jamestown Road is not viable. However, special use permit condition No.4 proposes to mitigate part of these deficiencies by providing an additional vegetative buffer to screen the rear of the existing service station building and parking areas from adjacent properties and from Jamestown Road.

Staff Comments

Staff finds that this application, as proposed, is generally in compliance with the Comprehensive Plan. Jamestown Road Service Station is located in an area surrounded by diverse commercial properties, nearby an important intersection (Jamestown Road and Route 199) and easily accessed from Jamestown Road. The existing site will not be physically expanded therefore minimizing any negative land and environmental impacts on the site or adjacent properties. While the addition of the two fueling stations to the service station will generate additional vehicular traffic onto Jamestown Road, staff finds that its affect on Jamestown Road to be minimal. Further, Staff believes that special use permit conditions No. 3 and No. 4 will enhance the safety and aesthetics of the property by prohibiting on site vehicular parking in areas that are not designated for parking and by providing additional landscaped areas behind the service station building and the rear parking area of the site.

RECOMMENDATION

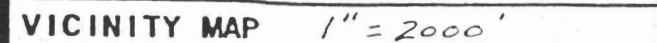
Staff finds the proposal, with the attached conditions, to be consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. Staff recommends the Planning Commission recommends approval of this special use permit application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

1. This Special Use Permit (SUP) shall be valid for the operation of a gasoline and service station and for the expansion of fueling capacity under the existing canopy area. Expansion is hereby defined as the installation of two new gasoline dispensers, the relocation of two existing gasoline dispensers to new positions under the canopy area, and for the extension of the concrete fueling islands necessary to accommodate these changes. There shall be no more than a total of seven vehicle fueling stations permitted on the property. The fueling stations shall be arranged in a configuration generally consistent with the attached conceptual site layout entitled "Exhibit for Special Use Permit-Jamestown Road Service Station" dated January 9, 2007, herein after referred to as the "Master Plan".
2. Prior to final site plan approval the existing sixteen parking spaces, as shown on the Master Plan, shall be restriped.
3. Parking shall only be allowed in the areas designated for vehicular parking as shown on the Master Plan.
4. The owner shall submit a landscape plan prepared by a professional landscape designer to the Planning Director for his review and approval. The landscape plan shall include landscaping that will screen the back of the service station building and service bay areas from Jamestown Road and the rear parking area from Winston Terrace Drive. The plant materials shall comply with the current landscape zoning ordinances for plant sizes. The plant materials shall be native evergreen species that can thrive in this area. The landscape design must be approved by the Planning Director or his designee during the site plan process and the landscaping must be installed or bonded prior to final site plan approval
5. If construction has not begun on the property within thirty-six months of the issuance of the SUP, it shall become void.
6. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Jose Ribeiro, Planner

ATTACHMENTS:

1. Master Plan
2. Traffic Analysis Study
3. Location Map
3. Proposed fueling dispensers diagram



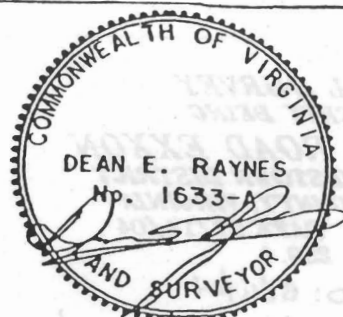
FLOOD CERTIFICATION
THE PROPERTY SHOWN HEREON IS IN FLOOD ZONE "X" (AREA
DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD PLAIN) AS
SHOWN ON COMMUNITY PANEL # B10201 0045B, DATED 2/6/91
AS PREPARED BY FEMA.

Site Data:

Site Address: 1301 Jamestown Road, Williamsburg VA 23185
Tax Map Parcel No. (48-1)(9-65)
Zoning: B-1, General Business
Comprehensive Plan Designation: Community Commercial
This parcel is served by public water and sewer

Index of Sheets

Sheet number	Description
1	Existing site lay-out
2	Proposed site lay-out



HIS LAND SURVEYING, INC.
P.O. BOX 100
PROVIDENCE FORGE VIRGINIA 23140
(804) 966-7017

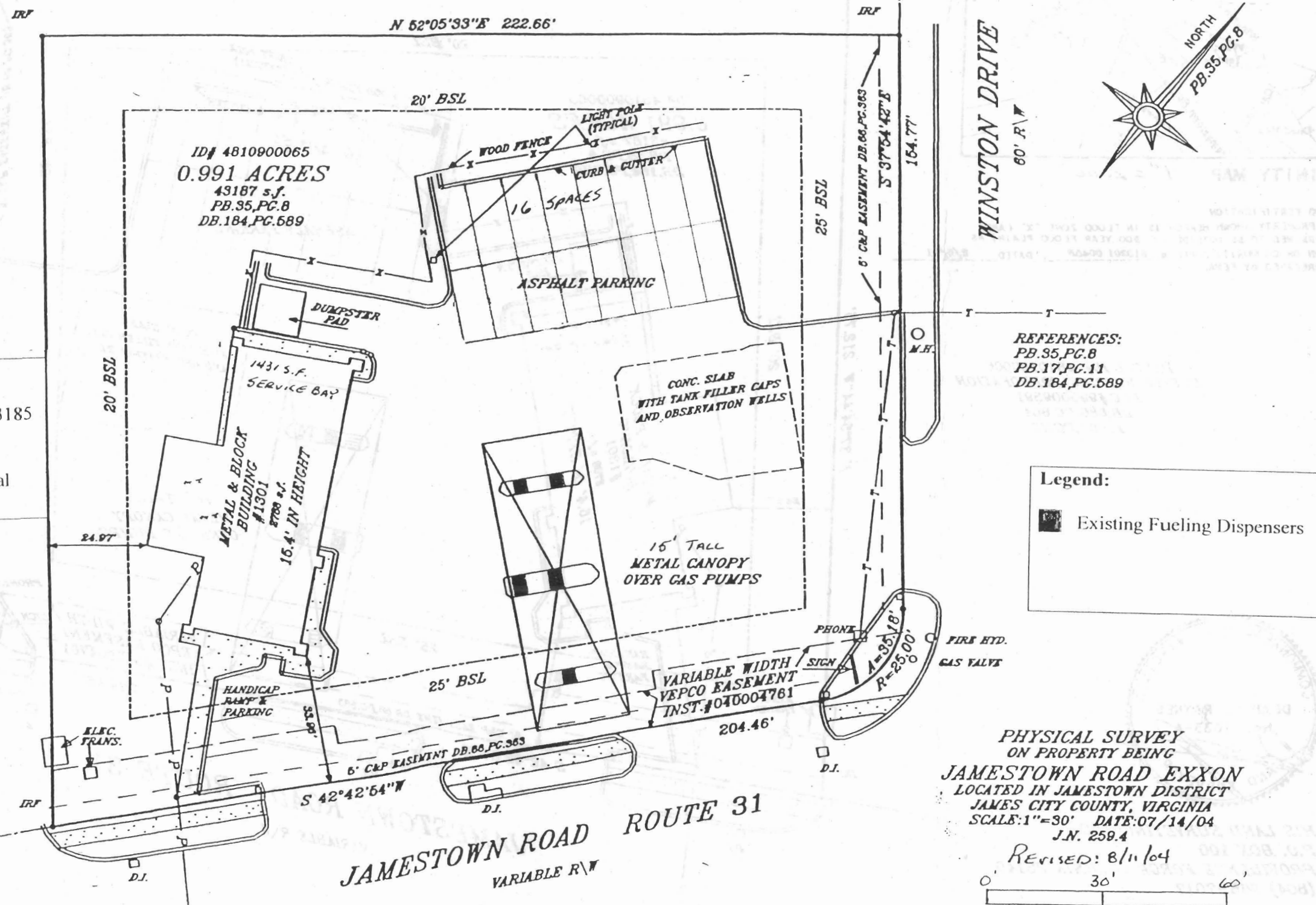


Exhibit for Special Use Permit Jamestown Road Service Station

January 09, 2007

Existing site lay out with five fueling dispensers

Technical Memorandum

TRAFFIC IMPACT STUDY

JAMESTOWN ROAD SHELL STATION

James City County, VA

Prepared for:

**Frank Gewet
at SMO Motor Fuels**

By:

**Charles Smith, P.E., PTOE
FITZGERALD & HALLIDAY, INC.
22400 Harbor Towne Drive
Carrollton, VA 23314**



January 2007

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4.0	Traffic Analyses
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Table 4	Jamestown and Winston – Delay and LOS
Table 5	Drive A – Delay and LOS
Table 6	Drive B – Delay and LOS
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TECHNICAL APPENDICES

Appendix A	Count Data
Appendix B	Trip Generation Worksheets
Appendix C	HCS Worksheets – Existing
Appendix D	HCS Worksheets – Build
Appendix E	Turn Lane Worksheets

1.0 PROJECT OVERVIEW

This technical memorandum summarizes the work effort undertaken by Fitzgerald & Halliday, Inc. (FHI) for SMO Motor Fuels (SMO) to document the traffic impacts of the proposed addition at the Jamestown Road Shell Station (Shell Station) in James City County, Virginia. The parcel is on Jamestown Road on the southwest corner of Winston Drive.

This study is based on the physical survey and information provided by SMO (SMO has provided the same data to the County). The proposal is to add two additional gasoline dispensers to the site, plus relocating some of the existing dispensing facilities. As there are currently six gasoline dispensers on site, the proposed improvement would increase the number of dispensers to eight. In addition, the Shell Station currently has four bays to service vehicles. No changes are proposed regarding this part of the operation. The site is currently served by three access locations – one on Winston Drive and two on Jamestown Road. SMO is not proposing any changes to the current access.

This study includes traffic counts, evaluation of trip generation of the proposed improvement, evaluation of the Winston Drive intersection for level of service impacts, and evaluation of the three site entrances for turn lane requirements and level of service impacts.

A vicinity map is provided in Figure 1.

2.0 BACKGROUND

The proposed development is located off of Jamestown Road at the intersection of Winston Drive (located in the southwest quadrant). Winston Drive is a residential street that serves a small area and has no outlet. Jamestown Road is a north/east to south/west facility that connects Williamsburg to the Jamestown settlement area. In the area of the Shell Station, Jamestown is a two lane road with turn lanes and a posted speed limit of 35 mph. Winston Drive is STOP controlled at the intersection. Sight distance is adequate at the intersection and at the Shell Station access locations.

Traffic Volumes

Manual peak hour turning movement counts were conducted at the Winston Drive intersection and at the Shell Station driveways on Tuesday, January 9, 2007. The counts were conducted from 7:00 – 9:00 AM and from 4:00 – 6:00 PM. Figure 2 illustrates the existing peak hour turning movement volumes. The raw count data is provided in Appendix A.

3.0 TRIP GENERATION AND DISTRIBUTION

Typically, the trip generation potential of a proposed development is determined using data published in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual* (7th Edition, 2003). In this case, the Shell Station currently operates six fueling dispensers so the actual trip generation of the current site was compared to the ITE data as a check. Table 1 compares the ITE data to the actual site data for the current use of six dispensers.



JAMESTOWN ROAD SHELL STATION TRAFFIC IMPACT STUDY



Figure 1

Vicinity Map



JAMESTOWN ROAD SHELL STATION TRAFFIC IMPACT STUDY

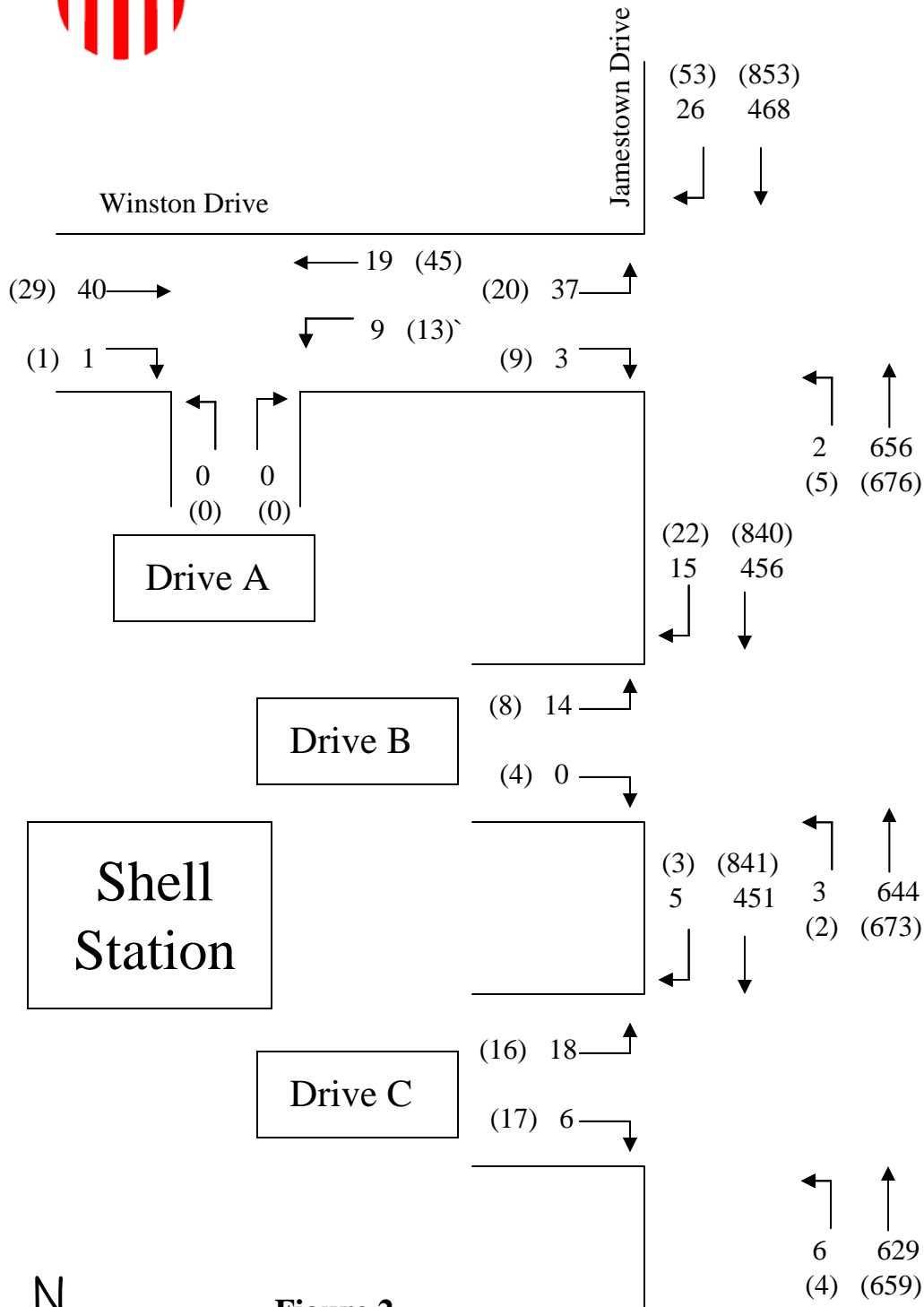


TABLE 1
Site Generated Traffic
Comparison of ITE Data to Actual Data
For Current Use of Six Dispensers
(Vehicles Per Hour)

METHOD	AM PEAK		PM PEAK	
	IN	OUT	IN	OUT
ITE (Land Use Code 944)	36	36	42	42
Actual Data for Current Site	39	38	45	45

Source: ITE Trip Generation Manual and Fitzgerald & Halliday, Inc.

The ITE data and actual data are extremely close. Since the actual data provides for a slightly higher trip generation, the actual data was used to determine the projected trip generation resulting in the addition of two additional dispensers. Table 2 illustrates this trip generation projection.

TABLE 2
Site Generated Traffic
For Two Additional Dispensers
(Vehicles Per Hour)

USE	AM PEAK		PM PEAK	
	IN	OUT	IN	OUT
Two additional dispensers	13	13	15	15

Source: ITE Trip Generation Manual and Fitzgerald & Halliday, Inc.

With the addition of only two dispensers, the projected trip generation is relatively low. The trip generation worksheets are provided in Appendix B.

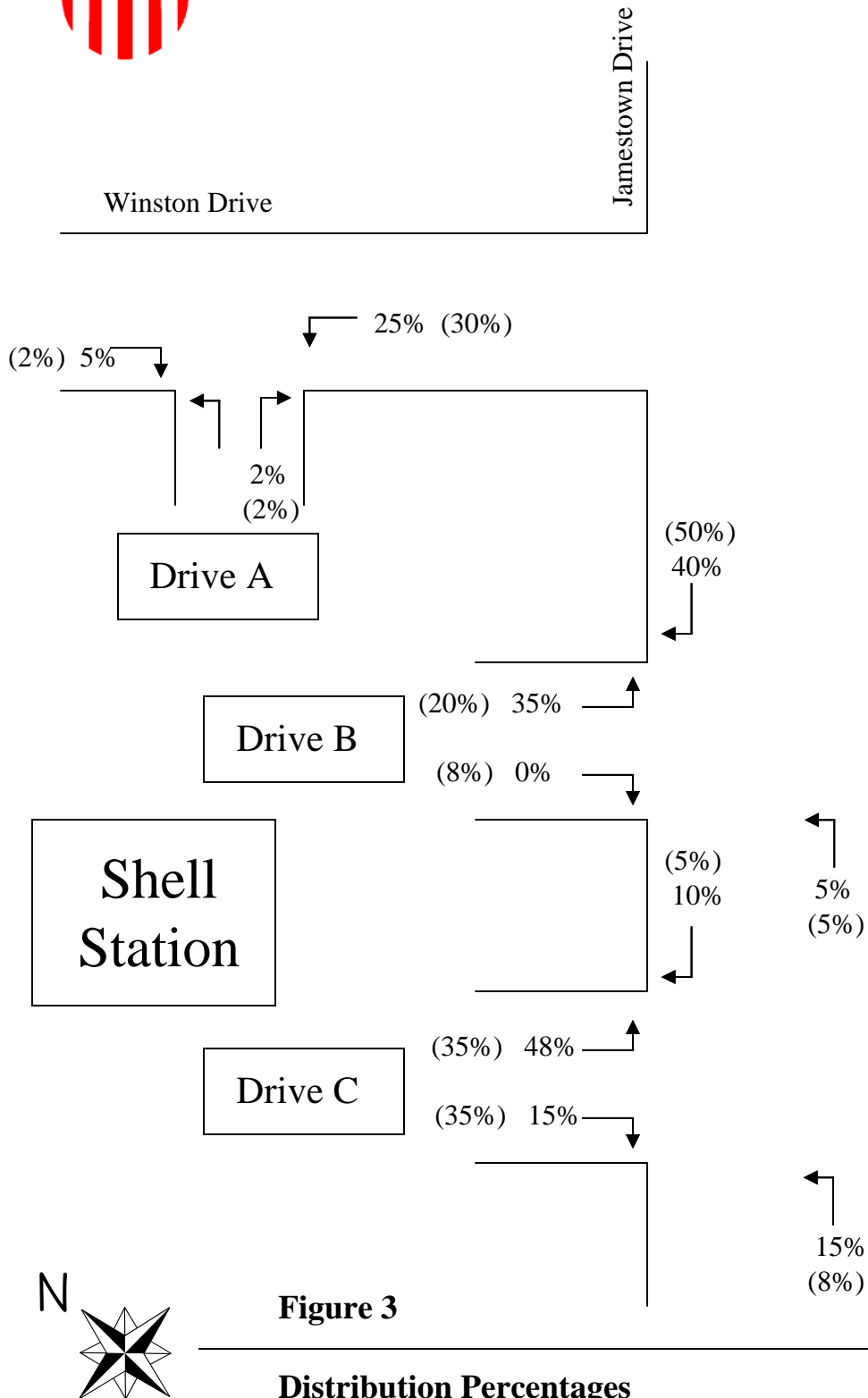
Traffic Distribution

The projected traffic volumes generated by the proposed development were assigned to the driveways, Winston Drive and Jamestown Road based on existing traffic patterns. Figure 3 illustrates the traffic distribution percentages. Figure 4 illustrates the resulting trip generation. Figure 5 illustrates the projected year 2007 build traffic volumes.

Given that the expected trip generation is relatively low and the trips are distributed to three different access locations, the volume increase at each individual entrance is also relatively low. The highest volume increase movement is the southbound right turn at Drive B with five new trips during the AM peak and seven new trips during the PM peak. The remaining movements from Jamestown Road are all expected to increase by two or fewer trips (see Figure 4 for an illustration).

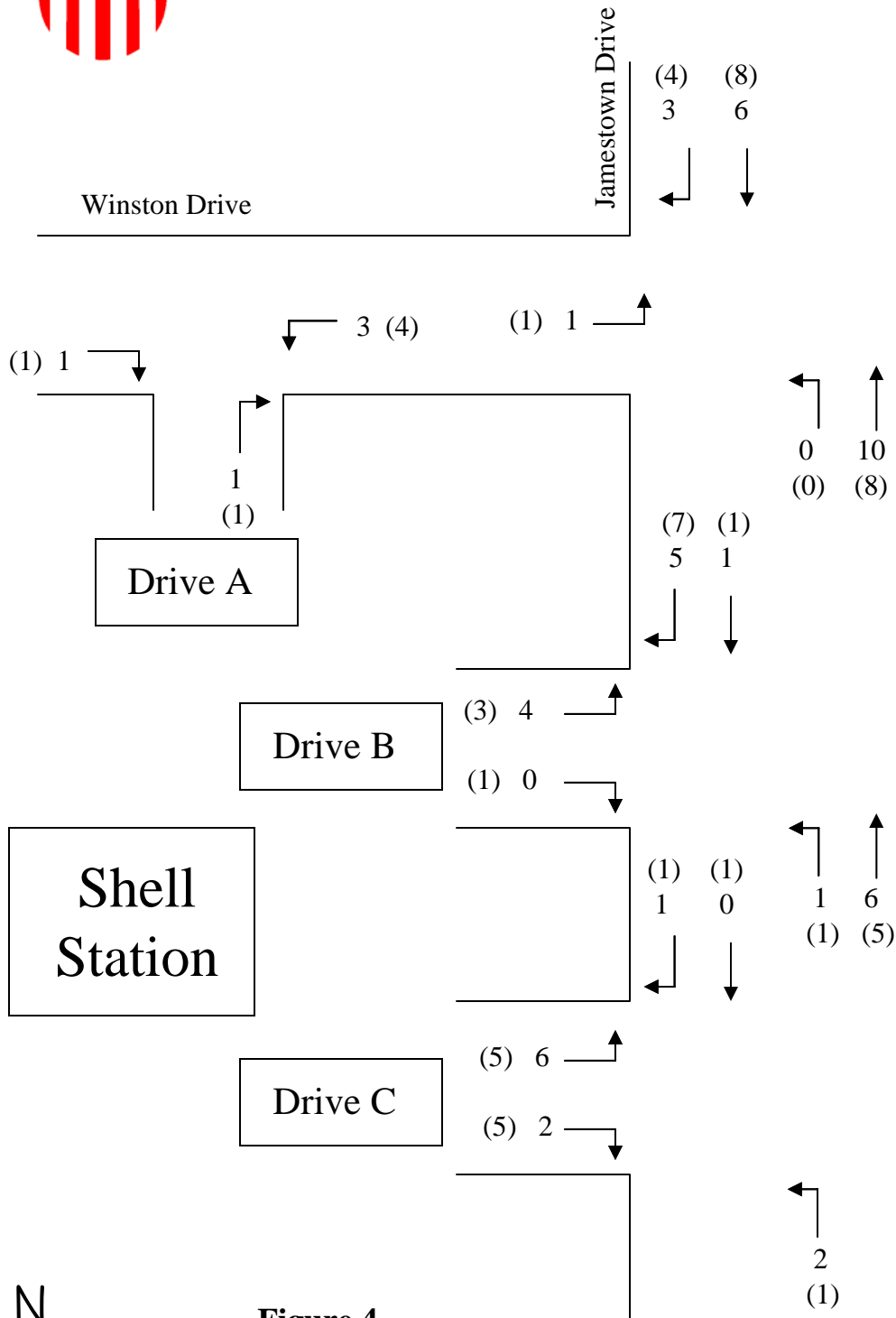


JAMESTOWN ROAD SHELL STATION TRAFFIC IMPACT STUDY





JAMESTOWN ROAD SHELL STATION TRAFFIC IMPACT STUDY





JAMESTOWN ROAD SHELL STATION TRAFFIC IMPACT STUDY

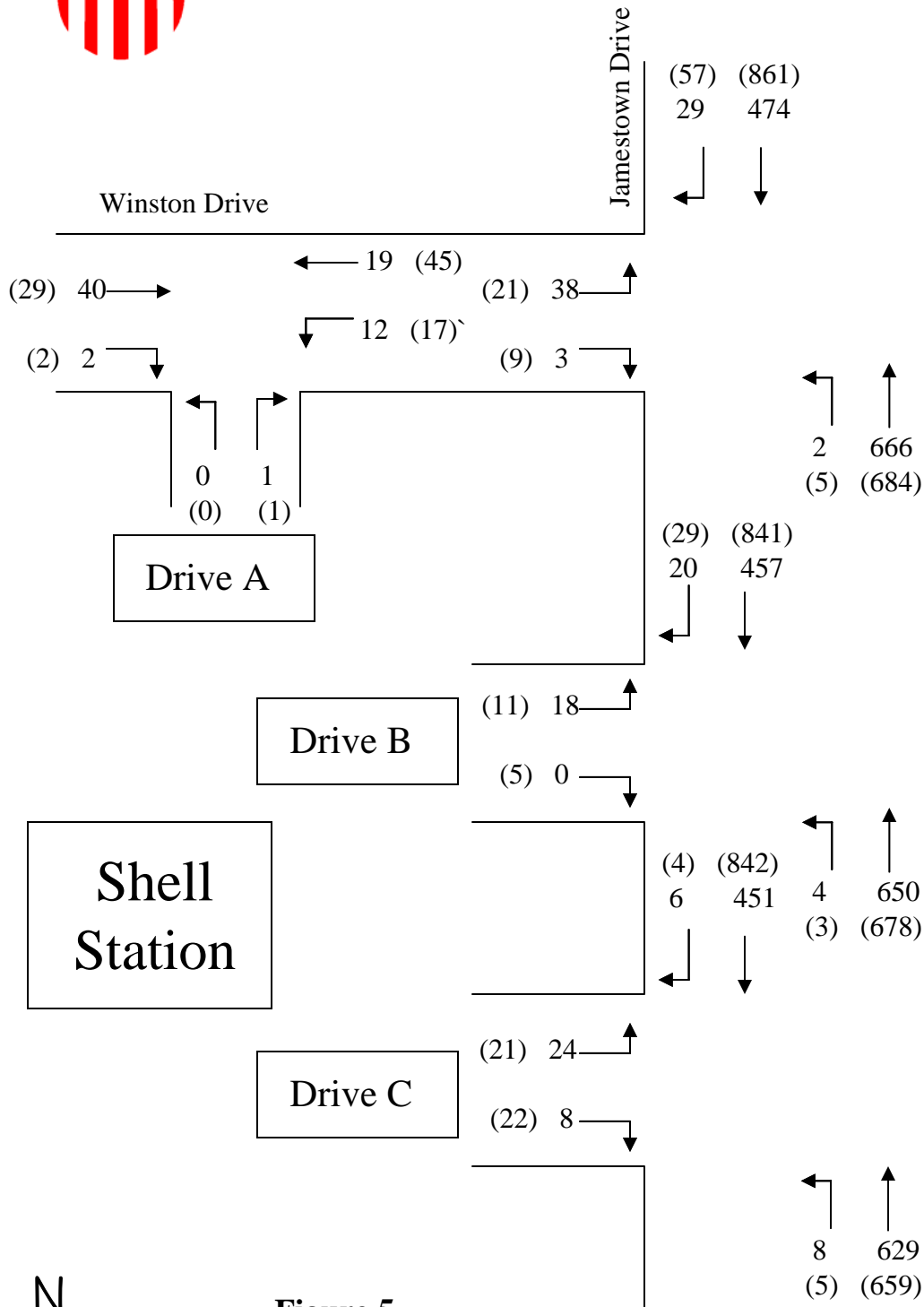


Figure 5

Build (Year 2007)
Peak Hour Volumes

xxx(xxx) = am(pm) Peak Hour Volumes

4.0 TRAFFIC ANALYSES

The intersection capacity analyses were performed using the Highway Capacity Software (HCS) per the methodology documented in the Highway Capacity Manual (HCM 2000) (Transportation Research Board, Special Report #209, Revised 2000). The HCM based calculations are provided in this report.

Capacity analyses are utilized to determine a Level of Service (LOS) for a given intersection operating under either signalized or unsignalized control. The LOS is based on estimated delay and range from LOS A, the best, to LOS F, the worst. In general LOS A and LOS B indicate little or no delay, LOS C indicates average delay, LOS D indicates delay is increasing and noticeable, LOS E indicates the limit of acceptable delay and LOS F is characteristic of over saturated conditions. The actual delays associated with these levels of service are identified in Table 3.

TABLE 3
LOS and Delay Thresholds

LOS	UNSIGNALIZED INT. DELAY (secs)	SIGNALIZED INT. DELAY (secs)
A	0 – 10	< 10
B	> 10 – 15	> 10 – 20
C	> 15 – 25	> 20 – 35
D	> 25 – 35	> 35 – 55
E	> 35 – 50	> 55 – 80
F	> 50	> 80

Source: Highway Capacity Manual

Intersection capacity analyses were conducted for the study intersection as well as the Shell Station driveways and the results are summarized in the next section. The driveways are referenced as follows:

- Drive A – access on Winston Drive;
- Drive B – access on Jamestown Road (closest to Winston Drive); and
- Drive C – access on Jamestown Road (furthest from Winston Drive)

Note that for STOP controlled intersections, only the movements that are required to stop are evaluated; therefore, the HCS methodology does not provide for an overall intersection level of service.

Intersection Capacity Analyses

The intersection capacity analysis (for the Winston Drive intersection and for each of the three driveway access locations) results are summarized in Tables 4 – 7 below.

TABLE 4
Jamestown and Winston
Delay (sec/veh) and LOS

	Existing		2007 Build	
	AM	PM	AM	PM
Jamestown Road NB Left	8.5 A	10.2 B	8.5 A	10.3 B
Winston Drive EB (all movements)	28.2 D	42.0 E	29.2 D	44.3 E

TABLE 5
Drive A
Delay (sec/veh) and LOS

	Existing		2007 Build	
	AM	PM	AM	PM
Winston Drive WB (all movements)	7.3 A	7.3 A	7.3 A	7.3 A
Drive A Left	8.9 A	9.1 A	9.0 A	9.1 A
Drive A Right	8.5 A	8.4 A	8.5 A	8.4 A

TABLE 6
Drive B
Delay (sec/veh) and LOS

	Existing		2007 Build	
	AM	PM	AM	PM
Jamestown Road NB Left	8.4 A	10.0 A	8.4 A	10.0 B
Drive B Left	24.9 C	42.9 E	25.9 D	45.4 E
Drive B Right	11.4 B	16.4 C	11.4 B	16.5 C

TABLE 7
Drive C
Delay (sec/veh) and LOS

	Existing		2007 Build	
	AM	PM	AM	PM
Jamestown Road NB Left	8.4 A	9.9 A	8.4 A	9.9 A
Drive B Left	24.9 C	45.8 E	25.8 D	49.2 E
Drive B Right	11.4 B	16.8 C	11.4 B	17.0 C

As expected, the projected trip generation of the proposed project has limited impact on existing intersection operations. All operations under the build condition are the same as the existing condition.

1. The Winston Drive intersection is expected to operate the same given the build condition with the Jamestown movements operating at LOS A or B and the side street movement operating at LOS E during the PM peak period. The delay is associated with a lack of mainline gaps as the side street volume is not expected to exceed 38 vehicles per hour (vph).
2. The Drive B and Drive C entrances are expected to operate the same given the build condition with the Jamestown Road movements operating at LOS A or B and the left turn out of the entrance operating at LOS E during the PM peak period. The delay is associated with a lack of mainline gaps as the exiting left turn volumes are not expected to exceed 24 vph.
3. All movements at the Drive A entrance are expected to operate at LOS A.

The HCS worksheets are provided in Appendices C and D (Existing in Appendix C and Build in Appendix D).

Turn Lane Evaluations

Right and left turn lane warrants were evaluated per VDOT requirements for the three access locations.

Right Turn Lane Evaluations

The minimum threshold to require a right turn lane is 40 vehicles per hour (vph). None of the entrances are expected to reach this threshold so right turn lanes are not warranted. A right turn lane worksheet is provided in Appendix E.

Left Turn Lane Evaluations

Left turn lane evaluations were completed for each of the three entrances. Drive A does not meet the left turn lane warrants. However, both Drives B and C on Jamestown Road meet the warrant. Again, this is a result of the mainline volume and insufficient gaps as the entering left turn volume is not expected to exceed eight vehicles per hour (vph).

5.0 FINDINGS AND OBSERVATIONS

The traffic movements are expected to operate the same as existing under build conditions with the Jamestown Road movements operating satisfactorily while the side street / entrance left turn movements onto Jamestown Road are low volume but experience delay due to a lack of mainline gaps.

The left turn movements into the site (Drives B and C) from Jamestown Road meet the VDOT left turn lane warrants (again due to a lack of mainline gaps). Adjacent to the Shell Station, Jamestown Road is a two lane road with a left turn lane at Winston Drive. However, there is

additional pavement as the roadway is transitioning at this block from a widened cross section at the intersection downstream. Adjacent to the Shell Station there is a section of painted median with lanes wider than 12 feet as a result of the lane transitioning. It appears that it would be possible to re-stripe the pavement markings to extend the left turn lane at Winston Drive to the south such that there is a center left turn lane that serves the Shell Station as well as Winston Drive. Field observations indicate that several motorists currently use the pavement in this manner. Right turn lanes are not warranted based on the projected traffic volumes.

Appendix A

Count Data

Fitzgerald & Halliday
Mid Atlantic Region

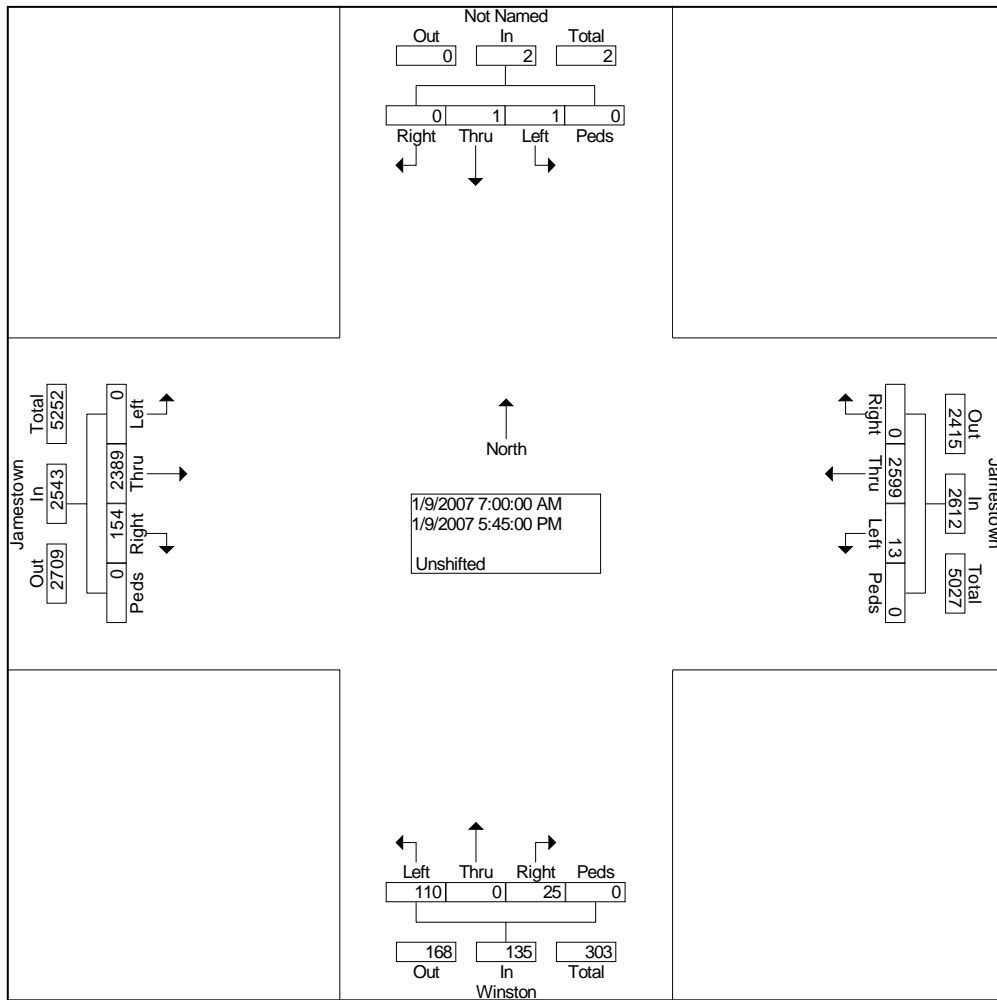
File Name : Jamestown and Winston
Site Code : 00013358
Start Date : 01/09/2007
Page No : 1

Groups Printed- Unshifted

	From North					Jamestown From East					Winston From South					Jamestown From West					
Start Time	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total	Int. Total
Factor	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		
07:00 AM	0	0	0	0	0	0	170	1	0	171	4	0	6	0	10	5	65	0	0	70	251
07:15 AM	0	0	0	0	0	0	192	0	0	192	0	0	6	0	6	5	75	0	0	80	278
07:30 AM	0	0	0	0	0	0	171	0	0	171	1	0	5	0	6	9	73	0	0	82	259
07:45 AM	0	0	0	0	0	0	121	1	0	122	2	0	10	0	12	8	61	0	0	69	203
Total	0	0	0	0	0	0	654	2	0	656	7	0	27	0	34	27	274	0	0	301	991
08:00 AM	0	0	0	0	0	0	171	0	0	171	1	0	10	0	11	11	117	0	0	128	310
08:15 AM	0	0	0	0	0	0	160	2	0	162	0	0	6	0	6	3	101	0	0	104	272
08:30 AM	0	0	0	0	0	0	146	0	0	146	1	0	9	0	10	5	92	0	0	97	253
08:45 AM	0	0	0	0	0	0	179	0	0	179	1	0	12	0	13	7	158	0	0	165	357
Total	0	0	0	0	0	0	656	2	0	658	3	0	37	0	40	26	468	0	0	494	1192
*** BREAK ***																					
04:00 PM	0	0	0	0	0	0	155	0	0	155	0	0	5	0	5	12	213	0	0	225	385
04:15 PM	0	0	0	0	0	0	177	3	0	180	5	0	6	0	11	12	179	0	0	191	382
04:30 PM	0	1	1	0	2	0	190	1	0	191	4	0	3	0	7	8	208	0	0	216	416
04:45 PM	0	0	0	0	0	0	154	1	0	155	0	0	3	0	3	14	205	0	0	219	377
Total	0	1	1	0	2	0	676	5	0	681	9	0	17	0	26	46	805	0	0	851	1560
05:00 PM	0	0	0	0	0	0	187	0	0	187	2	0	3	0	5	20	218	0	0	238	430
05:15 PM	0	0	0	0	0	0	145	3	0	148	3	0	11	0	14	11	222	0	0	233	395
05:30 PM	0	0	0	0	0	0	153	0	0	153	0	0	9	0	9	17	206	0	0	223	385
05:45 PM	0	0	0	0	0	0	128	1	0	129	1	0	6	0	7	7	196	0	0	203	339
Total	0	0	0	0	0	0	613	4	0	617	6	0	29	0	35	55	842	0	0	897	1549
Grand Total	0	1	1	0	2	0	259 9	13	0	2612	25	0	110	0	135	154	238 9	0	0	2543	5292
Apprch %	0.0	50. 0	50. 0	0.0		0.0	99. 5	0.5	0.0		18. 5	0.0	81. 5	0.0		6.1	93. 9	0.0	0.0		
Total %	0.0	0.0	0.0	0.0	0.0	0.0	49. 1	0.2	0.0	49.4	0.5	0.0	2.1	0.0	2.6	2.9	45. 1	0.0	0.0	48.1	

Fitzgerald & Halliday
Mid Atlantic Region

File Name : Jamestown and Winston
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Fitzgerald & Halliday Mid Atlantic Region

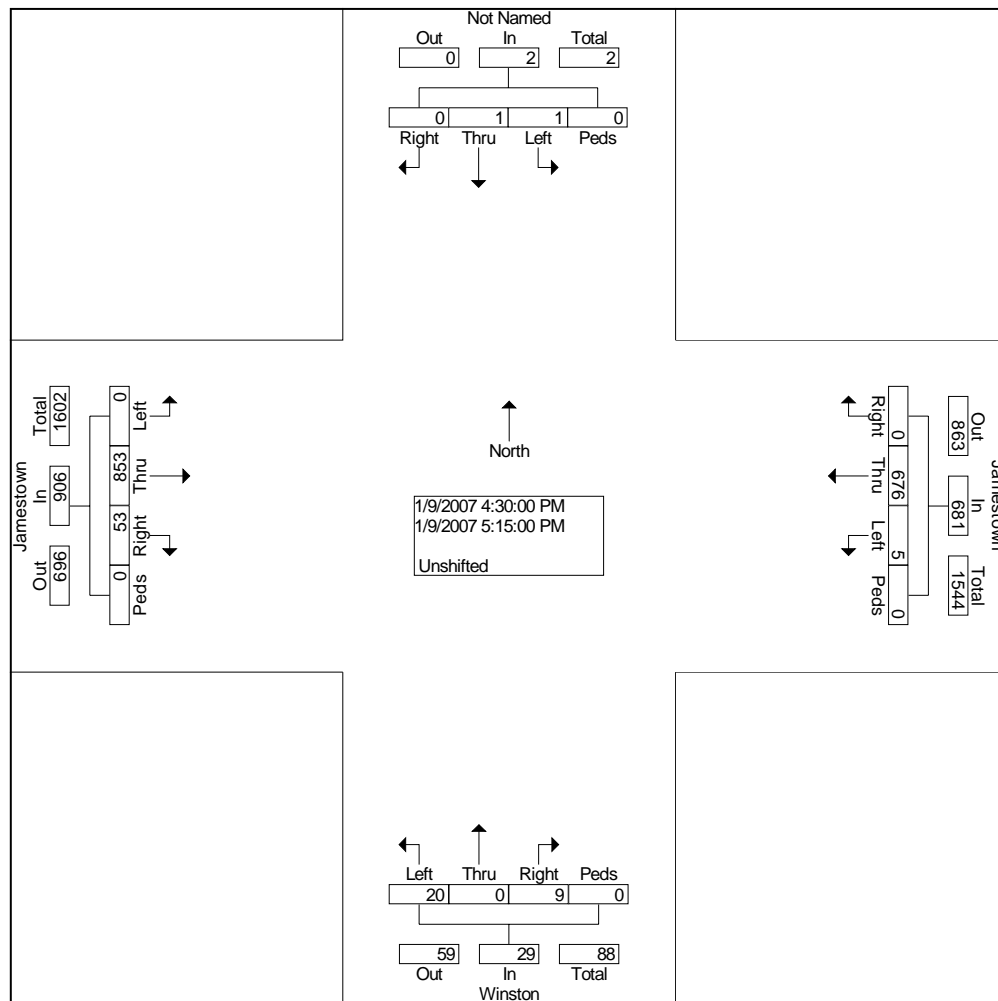
File Name : Jamestown and Winston
Site Code : 00013358
Start Date : 01/09/2007
Page No : 3

	From North					Jamestown From East					Winston From South					Jamestown From West						
Start Time	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total	Int. Total	
Peak Hour From 07:00 AM to 11:45 AM - Peak 1 of 1																						
Intersection	08:00 AM																					
Volume	0	0	0	0	0	0	656	2	0	658	3	0	37	0	40	26	468	0	0	494	1192	
Percent	0.0	0.0	0.0	0.0		0.0	99. 7	0.3	0.0		7.5	0.0	92. 5	0.0		5.3	94. 7	0.0	0.0			
08:45 Volume	0	0	0	0	0	0	179	0	0	179	1	0	12	0	13	7	158	0	0	165	357	
Peak Factor																					0.835	
High Int.	6:45:00 AM					08:45 AM					08:45 AM					08:45 AM						
Volume	0	0	0	0	0	0	179	0	0	179	1	0	12	0	13	7	158	0	0	165		
Peak Factor						0.919					0.769					0.748						

Fitzgerald & Halliday Mid Atlantic Region

File Name : Jamestown and Winston
Site Code : 00013358
Start Date : 01/09/2007
Page No : 4

	From North					Jamestown From East					Winston From South					Jamestown From West					
Start Time	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total	Int. Total
Peak Hour From 12:00 PM to 05:45 PM - Peak 1 of 1																					
Intersection	04:30 PM																				
Volume	0	1	1	0	2	0	676	5	0	681	9	0	20	0	29	53	853	0	0	906	1618
Percent	0.0	50.0	50.0	0.0		0.0	99.3	0.7	0.0		31.0	0.0	69.0	0.0		5.8	94.2	0.0	0.0		
05:00 Volume	0	0	0	0	0	0	187	0	0	187	2	0	3	0	5	20	218	0	0	238	430
Peak Factor																					0.941
High Int. Volume	04:30 PM					04:30 PM					05:15 PM					05:00 PM					
Peak Factor	0	1	1	0	2	0	190	1	0	191	3	0	11	0	14	20	218	0	0	238	
	0.250					0.891					0.518					0.952					



Appendix B

Trip Generation Worksheets

Summary of Trip Generation Calculation
For 2 Vehicle Fueling Positions of Gasoline Service Station
January 17, 2007

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	168.56	71.19	1.00	337
7-9 AM Peak Hour Enter	6.04	0.00	1.00	12
7-9 AM Peak Hour Exit	6.04	0.00	1.00	12
7-9 AM Peak Hour Total	12.07	4.29	1.00	24
4-6 PM Peak Hour Enter	6.93	0.00	1.00	14
4-6 PM Peak Hour Exit	6.93	0.00	1.00	14
4-6 PM Peak Hour Total	13.86	6.69	1.00	28
Saturday 2-Way Volume	0.00	0.00	1.00	0
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.00	0.00	1.00	0

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

Summary of Trip Generation Calculation
 For 6 Vehicle Fueling Positions of Gasoline Service Station
 January 17, 2007

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	168.56	71.19	1.00	1011
7-9 AM Peak Hour Enter	6.04	0.00	1.00	36
7-9 AM Peak Hour Exit	6.04	0.00	1.00	36
7-9 AM Peak Hour Total	12.07	4.29	1.00	72
4-6 PM Peak Hour Enter	6.93	0.00	1.00	42
4-6 PM Peak Hour Exit	6.93	0.00	1.00	42
4-6 PM Peak Hour Total	13.86	6.69	1.00	83
Saturday 2-Way Volume	0.00	0.00	1.00	0
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.00	0.00	1.00	0

Note: A zero indicates no data available.
 Source: Institute of Transportation Engineers
 Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

Appendix C
HCS Worksheets
Existing Conditions

TWO-WAY STOP CONTROL SUMMARY

Analyst: CTS
 Agency/Co.: FHI
 Date Performed: 1/18/2007
 Analysis Time Period: AM Peak
 Intersection:
 Jurisdiction:
 Units: U. S. Customary
 Analysis Year: Existing
 Project ID: Shell Station
 East/West Street: Winston Drive
 North/South Street: Drive A
 Intersection Orientation: EW

Study period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street:	Approach	Eastbound				Westbound		
	Movement	1	2	3		4	5	6
		L	T	R		L	T	R
Volume			40	1		9	19	
Peak-Hour Factor, PHF			0.90	0.90		0.90	0.90	
Hourly Flow Rate, HFR			44	1		10	21	
Percent Heavy Vehicles			--	--		0	--	--
Median Type/Storage		Undivided			/			
RT Channelized?								
Lanes			1	0		0	1	
Configuration				TR			LT	
Upstream Signal?			No				No	

Minor Street:	Approach	Northbound				Southbound		
	Movement	7	8	9		10	11	12
		L	T	R		L	T	R
Volume		0		0				
Peak Hour Factor, PHF		0.90		0.90				
Hourly Flow Rate, HFR		0		0				
Percent Heavy Vehicles		0		0				
Percent Grade (%)			0				0	
Flared Approach: Exists?/Storage					/			
Lanes		1		1				
Configuration		L		R				

Delay, Queue Length, and Level of Service

Approach	EB	WB	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Config		LT	L		R			
v (vph)		10	0		0			
C(m) (vph)		1576	915		1032			
v/c		0.01	0.00		0.00			
95% queue length		0.02	0.00		0.00			
Control Delay		7.3	8.9		8.5			
LOS		A	A		A			
Approach Delay								
Approach LOS								

TWO-WAY STOP CONTROL SUMMARY

Analyst: CTS
 Agency/Co.: FHI
 Date Performed: 1/18/2007
 Analysis Time Period: PM Peak
 Intersection:
 Jurisdiction:
 Units: U. S. Customary
 Analysis Year: Existing
 Project ID: Shell Station
 East/West Street: Winston Drive
 North/South Street: Drive A
 Intersection Orientation: EW

Study period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street:	Approach	Eastbound			Westbound		
	Movement	1	2	3	4	5	6
		L	T	R	L	T	R
Volume			29	1	13	45	
Peak-Hour Factor, PHF			0.90	0.90	0.90	0.90	
Hourly Flow Rate, HFR			32	1	14	50	
Percent Heavy Vehicles			--	--	0	--	--
Median Type/Storage		Undivided			/		
RT Channelized?							
Lanes			1	0		0	1
Configuration				TR		LT	
Upstream Signal?			No			No	

Minor Street:	Approach	Northbound			Southbound		
	Movement	7	8	9	10	11	12
		L	T	R	L	T	R
Volume		0		0			
Peak Hour Factor, PHF		0.90		0.90			
Hourly Flow Rate, HFR		0		0			
Percent Heavy Vehicles		0		0			
Percent Grade (%)			0			0	
Flared Approach: Exists?/Storage					/		/
Lanes		1		1			
Configuration		L		R			

Delay, Queue Length, and Level of Service

Approach	EB	WB	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Config		LT	L		R			
v (vph)		14	0		0			
C(m) (vph)		1592	884		1048			
v/c		0.01	0.00		0.00			
95% queue length		0.03	0.00		0.00			
Control Delay		7.3	9.1		8.4			
LOS		A	A		A			
Approach Delay								
Approach LOS								

TWO-WAY STOP CONTROL SUMMARY

Analyst: CTS
 Agency/Co.: FHI
 Date Performed: 1/18/2007
 Analysis Time Period: AM Peak
 Intersection:
 Jurisdiction:
 Units: U. S. Customary
 Analysis Year: Existing
 Project ID: Shell Station
 East/West Street: Drive B
 North/South Street: Jamestown Road
 Intersection Orientation: NS

Study period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street:	Approach	Northbound			Southbound		
	Movement	1	2	3	4	5	6
		L	T	R	L	T	R
Volume		3	644			456	15
Peak-Hour Factor, PHF		0.90	0.90			0.90	0.90
Hourly Flow Rate, HFR		3	715			506	16
Percent Heavy Vehicles		0	--	--		--	--
Median Type/Storage		Undivided			/		
RT Channelized?							
Lanes		1	1			1	0
Configuration		L	T			TR	
Upstream Signal?			No			No	

Minor Street:	Approach	Westbound			Eastbound		
	Movement	7	8	9	10	11	12
		L	T	R	L	T	R
Volume					14		0
Peak Hour Factor, PHF					0.90		0.90
Hourly Flow Rate, HFR					15		0
Percent Heavy Vehicles					0		0
Percent Grade (%)			0			0	
Flared Approach: Exists?/Storage					/		
Lanes					1	1	
Configuration					L	R	

Delay, Queue Length, and Level of Service

Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Config	L					L		R
v (vph)	3					15		0
C(m) (vph)	1055					196		564
v/c	0.00					0.08		0.00
95% queue length	0.01					0.25		0.00
Control Delay	8.4					24.9		11.4
LOS	A					C		B
Approach Delay							24.9	
Approach LOS							C	

TWO-WAY STOP CONTROL SUMMARY

Analyst: CTS
 Agency/Co.: FHI
 Date Performed: 1/18/2007
 Analysis Time Period: PM Peak
 Intersection:
 Jurisdiction:
 Units: U. S. Customary
 Analysis Year: Existing
 Project ID: Shell Station
 East/West Street: Drive B
 North/South Street: Jamestown Road
 Intersection Orientation: NS

Study period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street:	Approach	Northbound			Southbound		
	Movement	1	2	3	4	5	6
		L	T	R	L	T	R
Volume		2	673			840	22
Peak-Hour Factor, PHF		0.90	0.90			0.90	0.90
Hourly Flow Rate, HFR		2	747			933	24
Percent Heavy Vehicles		0	--	--		--	--
Median Type/Storage		Undivided			/		
RT Channelized?							
Lanes		1	1			1	0
Configuration		L	T			TR	
Upstream Signal?			No			No	

Minor Street:	Approach	Westbound			Eastbound		
	Movement	7	8	9	10	11	12
		L	T	R	L	T	R
Volume					8		4
Peak Hour Factor, PHF					0.90		0.90
Hourly Flow Rate, HFR					8		4
Percent Heavy Vehicles					0		0
Percent Grade (%)			0			0	
Flared Approach: Exists?/Storage					/		
Lanes					1	1	
Configuration					L	R	

Delay, Queue Length, and Level of Service

Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Config	L					L		R
v (vph)	2					8		4
C(m) (vph)	727					103		320
v/c	0.00					0.08		0.01
95% queue length	0.01					0.25		0.04
Control Delay	10.0-					42.9		16.4
LOS	A					E		C
Approach Delay							34.0	
Approach LOS							D	

TWO-WAY STOP CONTROL SUMMARY

Analyst: CTS
 Agency/Co.: FHI
 Date Performed: 1/18/2007
 Analysis Time Period: AM Peak
 Intersection:
 Jurisdiction:
 Units: U. S. Customary
 Analysis Year: Existing
 Project ID: Shell Station
 East/West Street: Drive C
 North/South Street: Jamestown Road
 Intersection Orientation: NS

Study period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street:	Approach	Northbound			Southbound		
	Movement	1	2	3	4	5	6
		L	T	R	L	T	R
Volume		6	629			451	5
Peak-Hour Factor, PHF		0.90	0.90			0.90	0.90
Hourly Flow Rate, HFR		6	698			501	5
Percent Heavy Vehicles		0	--	--		--	--
Median Type/Storage		Undivided			/		
RT Channelized?							
Lanes		1	1			1	0
Configuration		L	T			TR	
Upstream Signal?			No			No	

Minor Street:	Approach	Westbound			Eastbound		
	Movement	7	8	9	10	11	12
		L	T	R	L	T	R
Volume					18		6
Peak Hour Factor, PHF					0.90		0.90
Hourly Flow Rate, HFR					20		6
Percent Heavy Vehicles					0		0
Percent Grade (%)			0			0	
Flared Approach: Exists?/Storage					/		
Lanes					1	1	
Configuration					L	R	

Delay, Queue Length, and Level of Service

Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Config	L					L		R
v (vph)	6					20		6
C(m) (vph)	1069					201		572
v/c	0.01					0.10		0.01
95% queue length	0.02					0.33		0.03
Control Delay	8.4					24.9		11.4
LOS	A					C		B
Approach Delay							21.8	
Approach LOS							C	

TWO-WAY STOP CONTROL SUMMARY

Analyst: CTS
 Agency/Co.: FHI
 Date Performed: 1/18/2007
 Analysis Time Period: PM Peak
 Intersection:
 Jurisdiction:
 Units: U. S. Customary
 Analysis Year: Existing
 Project ID: Shell Station
 East/West Street: Drive C
 North/South Street: Jamestown Road
 Intersection Orientation: NS

Study period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street:	Approach	Northbound			Southbound		
	Movement	1	2	3	4	5	6
		L	T	R	L	T	R
Volume		4	659			841	3
Peak-Hour Factor, PHF		0.90	0.90			0.90	0.90
Hourly Flow Rate, HFR		4	732			934	3
Percent Heavy Vehicles		0	--	--		--	--
Median Type/Storage		Undivided			/		
RT Channelized?							
Lanes		1	1			1	0
Configuration		L	T			TR	
Upstream Signal?			No			No	

Minor Street:	Approach	Westbound			Eastbound		
	Movement	7	8	9	10	11	12
		L	T	R	L	T	R
Volume					16		17
Peak Hour Factor, PHF					0.90		0.90
Hourly Flow Rate, HFR					17		18
Percent Heavy Vehicles					0		0
Percent Grade (%)			0			0	
Flared Approach: Exists?/Storage					/		
Lanes					1	1	
Configuration					L	R	

Delay, Queue Length, and Level of Service

Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Config	L					L		R
v (vph)	4					17		18
C(m) (vph)	739					105		324
v/c	0.01					0.16		0.06
95% queue length	0.02					0.55		0.18
Control Delay	9.9					45.8		16.8
LOS	A					E		C
Approach Delay							30.9	
Approach LOS							D	

TWO-WAY STOP CONTROL SUMMARY

Analyst: CTS
 Agency/Co.: FHI
 Date Performed: 1/18/2007
 Analysis Time Period: AM Peak
 Intersection:
 Jurisdiction:
 Units: U. S. Customary
 Analysis Year: Existing
 Project ID: Shell Station
 East/West Street: Winston
 North/South Street: Jamestown Road
 Intersection Orientation: NS

Study period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street:	Approach	Northbound			Southbound		
	Movement	1	2	3	4	5	6
		L	T	R	L	T	R
Volume		2	656			468	26
Peak-Hour Factor, PHF		0.90	0.90			0.90	0.90
Hourly Flow Rate, HFR		2	728			520	28
Percent Heavy Vehicles		0	--	--		--	--
Median Type/Storage		Undivided			/		
RT Channelized?							
Lanes		1	1			1	0
Configuration		L	T				TR
Upstream Signal?			No			No	

Minor Street:	Approach	Westbound			Eastbound		
	Movement	7	8	9	10	11	12
		L	T	R	L	T	R
Volume					37		3
Peak Hour Factor, PHF					0.90		0.90
Hourly Flow Rate, HFR					41		3
Percent Heavy Vehicles					0		0
Percent Grade (%)			0			0	
Flared Approach: Exists?/Storage					/		Yes /1
Lanes					0		0
Configuration						LR	

Delay, Queue Length, and Level of Service

Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Config	L						LR	
v (vph)	2						44	
C(m) (vph)	1032						202	
v/c	0.00						0.22	
95% queue length	0.01						0.80	
Control Delay	8.5						28.2	
LOS	A						D	
Approach Delay							28.2	
Approach LOS							D	

TWO-WAY STOP CONTROL SUMMARY

Analyst: CTS
 Agency/Co.: FHI
 Date Performed: 1/18/2007
 Analysis Time Period: PM Peak
 Intersection:
 Jurisdiction:
 Units: U. S. Customary
 Analysis Year: Existing
 Project ID: Shell Station
 East/West Street: Winston
 North/South Street: Jamestown Road
 Intersection Orientation: NS

Study period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street:	Approach	Northbound			Southbound		
	Movement	1	2	3	4	5	6
		L	T	R	L	T	R
Volume		5	676			853	53
Peak-Hour Factor, PHF		0.90	0.90			0.90	0.90
Hourly Flow Rate, HFR		5	751			947	58
Percent Heavy Vehicles		0	--	--		--	--
Median Type/Storage		Undivided			/		
RT Channelized?							
Lanes		1	1			1	0
Configuration		L	T				TR
Upstream Signal?			No			No	

Minor Street:	Approach	Westbound			Eastbound		
	Movement	7	8	9	10	11	12
		L	T	R	L	T	R
Volume					20		9
Peak Hour Factor, PHF					0.90		0.90
Hourly Flow Rate, HFR					22		10
Percent Heavy Vehicles					0		0
Percent Grade (%)			0			0	
Flared Approach: Exists?/Storage					/		Yes /1
Lanes					0		0
Configuration						LR	

Delay, Queue Length, and Level of Service

Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Config	L						LR	
v (vph)	5						32	
C(m) (vph)	697						140	
v/c	0.01						0.23	
95% queue length	0.02						0.84	
Control Delay	10.2						42.0	
LOS	B						E	
Approach Delay							42.0	
Approach LOS							E	

Appendix D
HCS Worksheets
Build Condition

TWO-WAY STOP CONTROL SUMMARY

Analyst: CTS
 Agency/Co.: FHI
 Date Performed: 1/18/2007
 Analysis Time Period: AM Peak
 Intersection:
 Jurisdiction:
 Units: U. S. Customary 7
 Analysis Year: 2008 Build
 Project ID: Shell Station
 East/West Street: Winston Drive
 North/South Street: Drive A
 Intersection Orientation: EW

Study period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street:	Approach	Eastbound			Westbound		
	Movement	1	2	3	4	5	6
		L	T	R	L	T	R
Volume		40	2		12	19	
Peak-Hour Factor, PHF		0.90	0.90		0.90	0.90	
Hourly Flow Rate, HFR		44	2		13	21	
Percent Heavy Vehicles		--	--		0	--	--
Median Type/Storage	Undivided				/		
RT Channelized?							
Lanes		1	0		0	1	
Configuration			TR			LT	
Upstream Signal?		No				No	

Minor Street:	Approach	Northbound			Southbound		
	Movement	7	8	9	10	11	12
		L	T	R	L	T	R
Volume		0					
Peak Hour Factor, PHF		0.90		0.90			
Hourly Flow Rate, HFR		0		0			
Percent Heavy Vehicles		0		0			
Percent Grade (%)			0			0	
Flared Approach: Exists?/Storage					/		/
Lanes		1		1			
Configuration		L		R			

Delay, Queue Length, and Level of Service

Approach	EB	WB	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Config		LT	L		R			
v (vph)		13	0		0			
C(m) (vph)		1575	905		1031			
v/c		0.01	0.00		0.00			
95% queue length		0.02	0.00		0.00			
Control Delay		7.3	9.0		8.5			
LOS		A	A		A			
Approach Delay								
Approach LOS								

TWO-WAY STOP CONTROL SUMMARY

Analyst: CTS
 Agency/Co.: FHI
 Date Performed: 1/18/2007
 Analysis Time Period: PM Peak
 Intersection:
 Jurisdiction:
 Units: U. S. Customary
 Analysis Year: 2008 Build
 Project ID: Shell Station
 East/West Street: Winston Drive
 North/South Street: Drive A
 Intersection Orientation: EW

Study period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street:	Approach Movement	Eastbound			Westbound		
		1	2	3	4	5	6
		L	T	R	L	T	R
Volume			29	2		17	45
Peak-Hour Factor, PHF			0.90	0.90		0.90	0.90
Hourly Flow Rate, HFR			32	2		18	50
Percent Heavy Vehicles			--	--		0	--
Median Type/Storage			Undivided			/	
RT Channelized?							
Lanes			1	0		0	1
Configuration			TR			LT	
Upstream Signal?			No			No	

Minor Street:	Approach	Northbound			Southbound		
	Movement	7	8	9	10	11	12
		L	T	R	L	T	R
Volume		0		1			
Peak Hour Factor, PHF		0.90		0.90			
Hourly Flow Rate, HFR		0		1			
Percent Heavy Vehicles		0		0			
Percent Grade (%)			0			0	
Flared Approach: Exists?/Storage					/		
Lanes		1		1			
Configuration		L		R			

Delay, Queue Length, and Level of Service

Approach	EB	WB	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Config		LT	L		R			
v (vph)		18	0		1			
C(m) (vph)		1591	872		1046			
v/c		0.01	0.00		0.00			
95% queue length		0.03	0.00		0.00			
Control Delay		7.3	9.1		8.4			
LOS		A	A		A			
Approach Delay		8.4						
Approach LOS		A						

TWO-WAY STOP CONTROL SUMMARY

Analyst: CTS
 Agency/Co.: FHI
 Date Performed: 1/18/2007
 Analysis Time Period: AM Peak
 Intersection:
 Jurisdiction:
 Units: U. S. Customary 7
 Analysis Year: 2008 Build
 Project ID: Shell Station
 East/West Street: Drive B
 North/South Street: Jamestown Road
 Intersection Orientation: NS

Study period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street:	Approach	Northbound			Southbound		
	Movement	1	2	3	4	5	6
		L	T	R	L	T	R
Volume		4	650			457	20
Peak-Hour Factor, PHF		0.90	0.90			0.90	0.90
Hourly Flow Rate, HFR		4	722			507	22
Percent Heavy Vehicles		0	--	--		--	--
Median Type/Storage		Undivided			/		
RT Channelized?							
Lanes		1	1			1	0
Configuration		L	T			TR	
Upstream Signal?			No			No	

Minor Street:	Approach	Westbound			Eastbound		
	Movement	7	8	9	10	11	12
		L	T	R	L	T	R
Volume					18		0
Peak Hour Factor, PHF					0.90		0.90
Hourly Flow Rate, HFR					20		0
Percent Heavy Vehicles					0		0
Percent Grade (%)			0			0	
Flared Approach: Exists?/Storage					/		
Lanes					1	1	
Configuration					L	R	

Delay, Queue Length, and Level of Service

Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Config	L					L		R
v (vph)	4					20		0
C(m) (vph)	1048					192		562
v/c	0.00					0.10		0.00
95% queue length	0.01					0.34		0.00
Control Delay	8.4					25.9		11.4
LOS	A					D		B
Approach Delay							25.9	
Approach LOS							D	

TWO-WAY STOP CONTROL SUMMARY

Analyst: CTS
 Agency/Co.: FHI
 Date Performed: 1/18/2007
 Analysis Time Period: PM Peak
 Intersection:
 Jurisdiction:
 Units: U. S. Customary ⁷
 Analysis Year: 2008 Build
 Project ID: Shell Station
 East/West Street: Drive B
 North/South Street: Jamestown Road
 Intersection Orientation: NS

Study period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street:	Approach	Northbound			Southbound		
	Movement	1	2	3	4	5	6
		L	T	R	L	T	R
Volume		3	678			841	29
Peak-Hour Factor, PHF		0.90	0.90			0.90	0.90
Hourly Flow Rate, HFR		3	753			934	32
Percent Heavy Vehicles		0	--	--		--	--
Median Type/Storage		Undivided			/		
RT Channelized?							
Lanes		1	1			1	0
Configuration		L	T			TR	
Upstream Signal?			No			No	

Minor Street:	Approach	Westbound			Eastbound		
	Movement	7	8	9	10	11	12
		L	T	R	L	T	R
Volume					11		5
Peak Hour Factor, PHF					0.90		0.90
Hourly Flow Rate, HFR					12		5
Percent Heavy Vehicles					0		0
Percent Grade (%)			0			0	
Flared Approach: Exists?/Storage					/		
Lanes					1	1	
Configuration					L	R	

Delay, Queue Length, and Level of Service

Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Config	L					L		R
v (vph)	3					12		5
C(m) (vph)	721					101		318
v/c	0.00					0.12		0.02
95% queue length	0.01					0.39		0.05
Control Delay	10.0+					45.4		16.5
LOS	B					E		C
Approach Delay							36.9	
Approach LOS							E	

TWO-WAY STOP CONTROL SUMMARY

Analyst: CTS
 Agency/Co.: FHI
 Date Performed: 1/18/2007
 Analysis Time Period: AM Peak
 Intersection:
 Jurisdiction:
 Units: U. S. Customary
 Analysis Year: 200~~8~~⁷ Build
 Project ID: Shell Station
 East/West Street: Drive C
 North/South Street: Jamestown Road
 Intersection Orientation: NS

Study period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street:	Approach	Northbound			Southbound		
	Movement	1	2	3	4	5	6
		L	T	R	L	T	R
Volume		8	629			451	6
Peak-Hour Factor, PHF		0.90	0.90			0.90	0.90
Hourly Flow Rate, HFR		8	698			501	6
Percent Heavy Vehicles		0	--	--		--	--
Median Type/Storage		Undivided			/		
RT Channelized?							
Lanes		1	1			1	0
Configuration		L	T			TR	
Upstream Signal?			No			No	

Minor Street:	Approach	Westbound			Eastbound		
	Movement	7	8	9	10	11	12
		L	T	R	L	T	R
Volume					24		8
Peak Hour Factor, PHF					0.90		0.90
Hourly Flow Rate, HFR					26		8
Percent Heavy Vehicles					0		0
Percent Grade (%)			0			0	
Flared Approach: Exists?/Storage					/		/
Lanes					1	1	
Configuration					L	R	

Delay, Queue Length, and Level of Service

Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Config	L					L		R
v (vph)	8					26		8
C(m) (vph)	1068					199		572
v/c	0.01					0.13		0.01
95% queue length	0.02					0.44		0.04
Control Delay	8.4					25.8		11.4
LOS	A					D		B
Approach Delay							22.4	
Approach LOS							C	

TWO-WAY STOP CONTROL SUMMARY

Analyst: CTS
 Agency/Co.: FHI
 Date Performed: 1/18/2007
 Analysis Time Period: PM Peak
 Intersection:
 Jurisdiction:
 Units: U. S. Customary ⁷
 Analysis Year: 2008 Build
 Project ID: Shell Station
 East/West Street: Drive C
 North/South Street: Jamestown Road
 Intersection Orientation: NS

Study period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street:	Approach	Northbound			Southbound		
	Movement	1	2	3	4	5	6
		L	T	R	L	T	R
Volume		5	659			842	4
Peak-Hour Factor, PHF		0.90	0.90			0.90	0.90
Hourly Flow Rate, HFR		5	732			935	4
Percent Heavy Vehicles		0	--	--		--	--
Median Type/Storage		Undivided			/		
RT Channelized?							
Lanes		1	1			1	0
Configuration		L	T			TR	
Upstream Signal?			No			No	

Minor Street:	Approach	Westbound			Eastbound		
	Movement	7	8	9	10	11	12
		L	T	R	L	T	R
Volume					21		22
Peak Hour Factor, PHF					0.90		0.90
Hourly Flow Rate, HFR					23		24
Percent Heavy Vehicles					0		0
Percent Grade (%)			0			0	
Flared Approach: Exists?/Storage					/		
Lanes					1	1	
Configuration					L	R	

Delay, Queue Length, and Level of Service

Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Config	L					L		R
v (vph)	5					23		24
C(m) (vph)	738					104		324
v/c	0.01					0.22		0.07
95% queue length	0.02					0.79		0.24
Control Delay	9.9					49.2		17.0
LOS	A					E		C
Approach Delay							32.7	
Approach LOS							D	

TWO-WAY STOP CONTROL SUMMARY

Analyst: CTS
 Agency/Co.: FHI
 Date Performed: 1/18/2007
 Analysis Time Period: AM Peak
 Intersection:
 Jurisdiction:
 Units: U. S. Customary
 Analysis Year: 2008 Build
 Project ID: Shell Station
 East/West Street: Winston
 North/South Street: Jamestown Road
 Intersection Orientation: NS

Study period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street:	Approach	Northbound			Southbound		
	Movement	1	2	3	4	5	6
		L	T	R	L	T	R
Volume		2	666			474	29
Peak-Hour Factor, PHF		0.90	0.90			0.90	0.90
Hourly Flow Rate, HFR		2	740			526	32
Percent Heavy Vehicles		0	--	--		--	--
Median Type/Storage		Undivided			/		
RT Channelized?							
Lanes		1	1			1	0
Configuration		L	T				TR
Upstream Signal?			No			No	

Minor Street:	Approach	Westbound			Eastbound		
	Movement	7	8	9	10	11	12
		L	T	R	L	T	R
Volume					38		3
Peak Hour Factor, PHF					0.90		0.90
Hourly Flow Rate, HFR					42		3
Percent Heavy Vehicles					0		0
Percent Grade (%)			0			0	
Flared Approach: Exists?/Storage					/		Yes /1
Lanes					0		0
Configuration						LR	

Delay, Queue Length, and Level of Service

Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Config	L						LR	
v (vph)	2						45	
C(m) (vph)	1023						196	
v/c	0.00						0.23	
95% queue length	0.01						0.86	
Control Delay	8.5						29.2	
LOS	A						D	
Approach Delay							29.2	
Approach LOS							D	

TWO-WAY STOP CONTROL SUMMARY

Analyst: CTS
 Agency/Co.: FHI
 Date Performed: 1/18/2007
 Analysis Time Period: PM Peak
 Intersection:
 Jurisdiction:
 Units: U. S. Customary
 Analysis Year: 2008⁷ Build
 Project ID: Shell Station
 East/West Street: Winston
 North/South Street: Jamestown Road
 Intersection Orientation: NS

Study period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street:	Approach	Northbound			Southbound		
	Movement	1	2	3	4	5	6
		L	T	R	L	T	R
Volume		5	684			861	57
Peak-Hour Factor, PHF		0.90	0.90			0.90	0.90
Hourly Flow Rate, HFR		5	760			956	63
Percent Heavy Vehicles		0	--	--		--	--
Median Type/Storage		Undivided			/		
RT Channelized?							
Lanes		1	1			1	0
Configuration		L	T				TR
Upstream Signal?			No			No	

Minor Street:	Approach	Westbound			Eastbound		
	Movement	7	8	9	10	11	12
		L	T	R	L	T	R
Volume					21		9
Peak Hour Factor, PHF					0.90		0.90
Hourly Flow Rate, HFR					23		10
Percent Heavy Vehicles					0		0
Percent Grade (%)			0			0	
Flared Approach: Exists?/Storage					/		Yes /1
Lanes					0		0
Configuration						LR	

Delay, Queue Length, and Level of Service

Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Config	L						LR	
v (vph)	5						33	
C(m) (vph)	689						133	
v/c	0.01						0.25	
95% queue length	0.02						0.92	
Control Delay	10.3						44.3	
LOS	B						E	
Approach Delay							44.3	
Approach LOS							E	

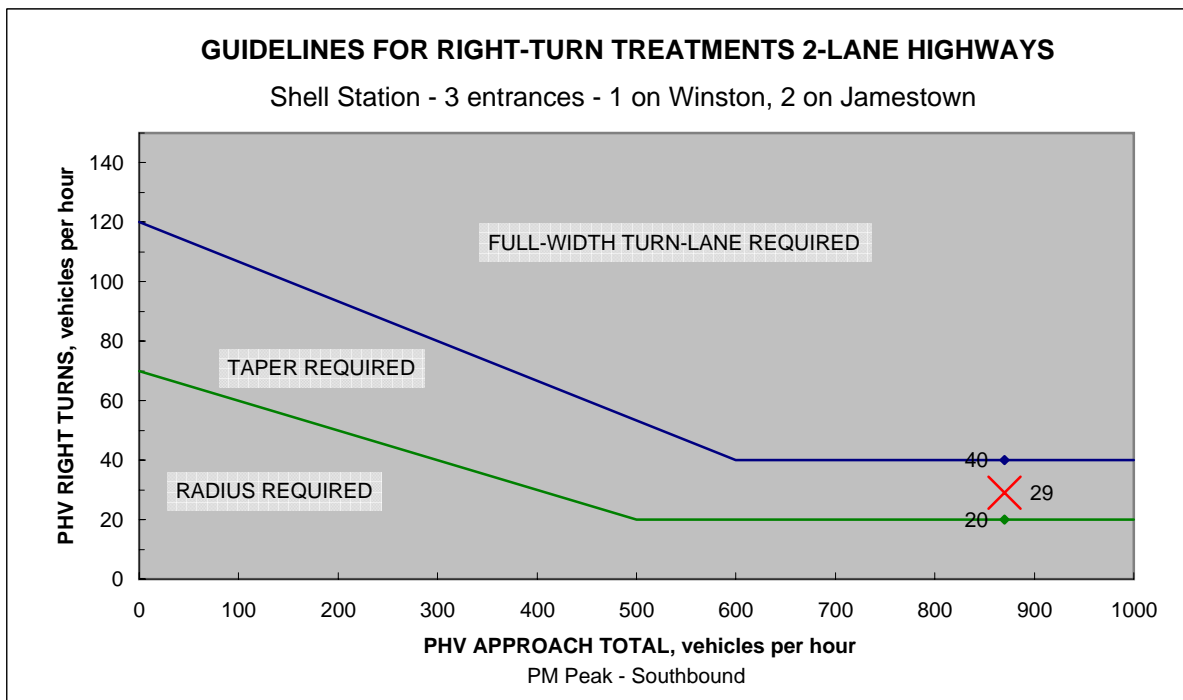
Appendix E

Turn Lane Worksheets

GUIDELINES FOR RIGHT-TURN TREATMENTS ON 2-LANE HIGHWAYS

Project:	Shell Station		
Intersection:	3 entrances - 1 on Winston, 2 on Jamestown		
Approach Direction:	Southbound	Analysis Date:	01/17/08
Peak Hour:	PM Peak	Data Date:	1/2008
PHV Right Turns:	29 vph	Projection Year:	2008
PHV Approach Total:	870 vph		

CONCLUSION: **RIGHT-TURN TAPER REQUIRED**



Source: VDOT Minimum Standards of Entrances to State Highways - Figure 5

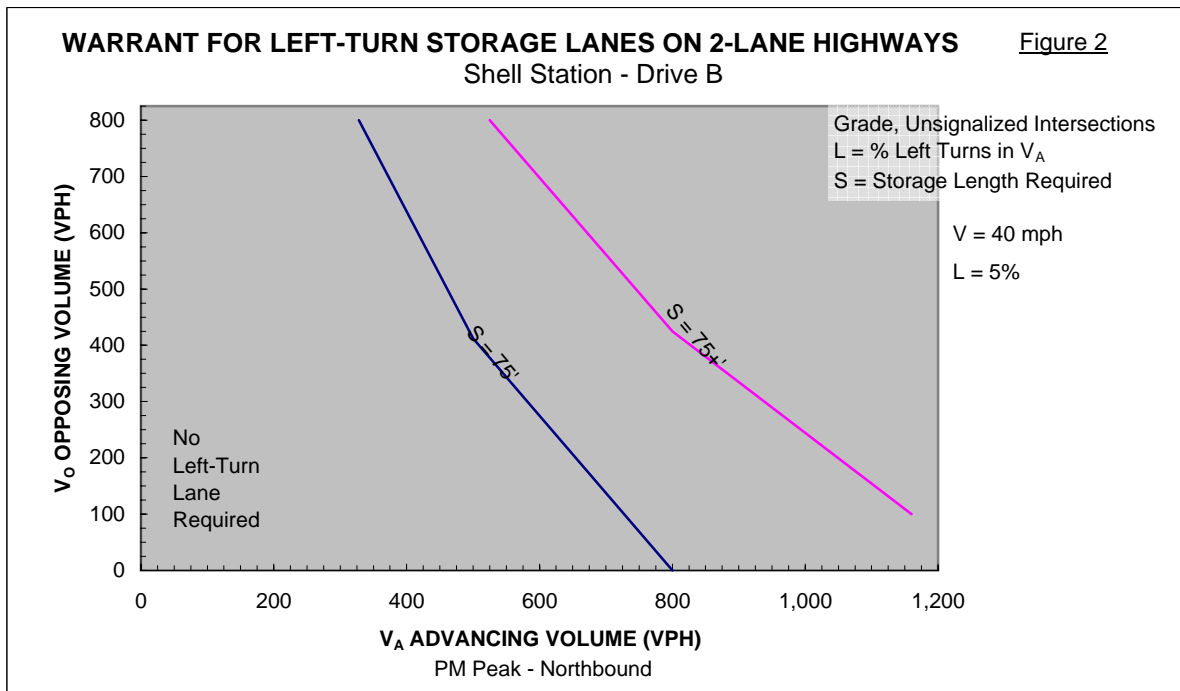
WARRANT FOR LEFT-TURN STORAGE LANES ON TWO-LANE HIGHWAYS

Project:	Shell Station	Analysis Date:	1/08
Intersection:	Drive B	Data Date:	1/08
Approach Direction:	Northbound	Projection Year:	2008
Peak Hour:	PM Peak		
Peak Hour Left Turns (V_L):	3	vph	
Advancing Volume (V_A):	681	vph (Northbound Approach)	
Opposing Volume (V_O):	870	vph (Southbound Approach)	
Operating/Design Speed (V):	40	mph	

% Left Turns in V_A (L):	5%	(Calculated Value: 0.4%)
Optional % Left Turn Override:		

% Trucks in V_L :	0%	(75+' storage required based on chart)
		(0' additional storage for trucks)

CONCLUSION: 75+' LEFT-TURN STORAGE REQUIRED



Source: Highway Research Record Number 211 - Figure 2

WARRANT FOR LEFT-TURN STORAGE LANES ON TWO-LANE HIGHWAYS

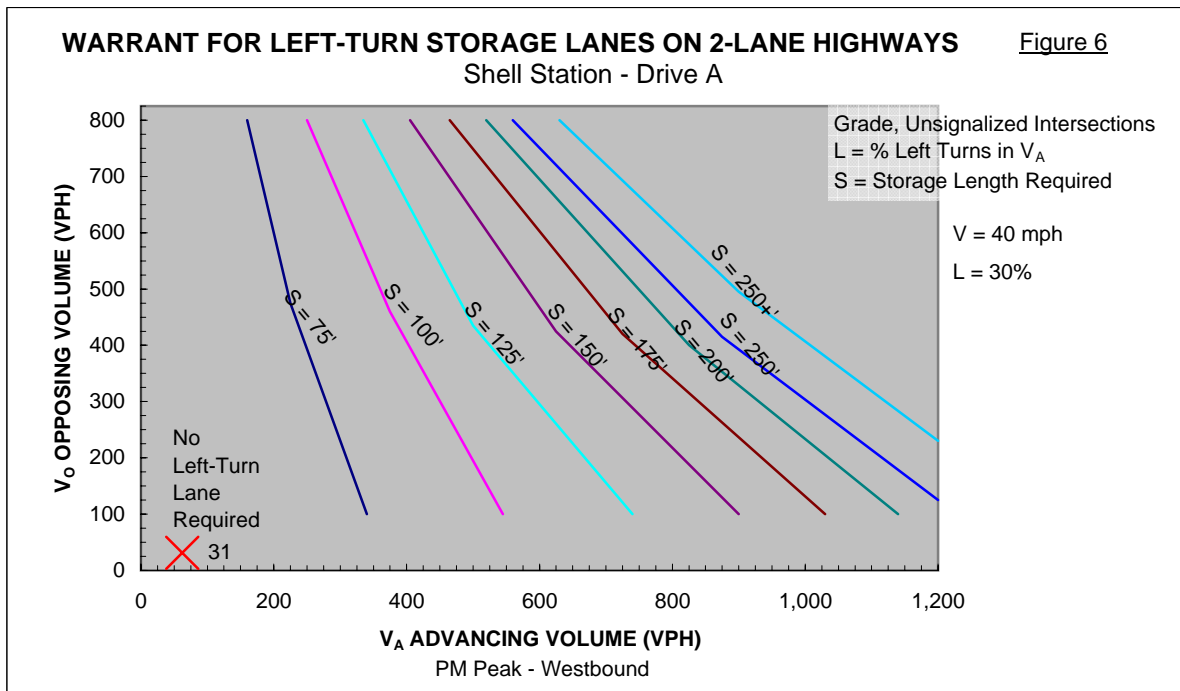
Project:	Shell Station	Analysis Date:	1/08
Intersection:	Drive A	Data Date:	1/08
Approach Direction:	Westbound	Projection Year:	2008
Peak Hour:	PM Peak		
Peak Hour Left Turns (V_L):	17	vph	
Advancing Volume (V_A):	62	vph (Westbound Approach)	
Opposing Volume (V_O):	31	vph (Eastbound Approach)	
Operating/Design Speed (V):	40	mph	

% Left Turns in V_A (L):	30%	(Calculated Value: 27.4%)
Optional % Left Turn Override:		

(0' storage required based on chart)

% Trucks in V_L :	0%	(0' additional storage for trucks)
---------------------	----	------------------------------------

CONCLUSION: No Left-Turn Lane Required



Source: Highway Research Record Number 211 - Figure 6

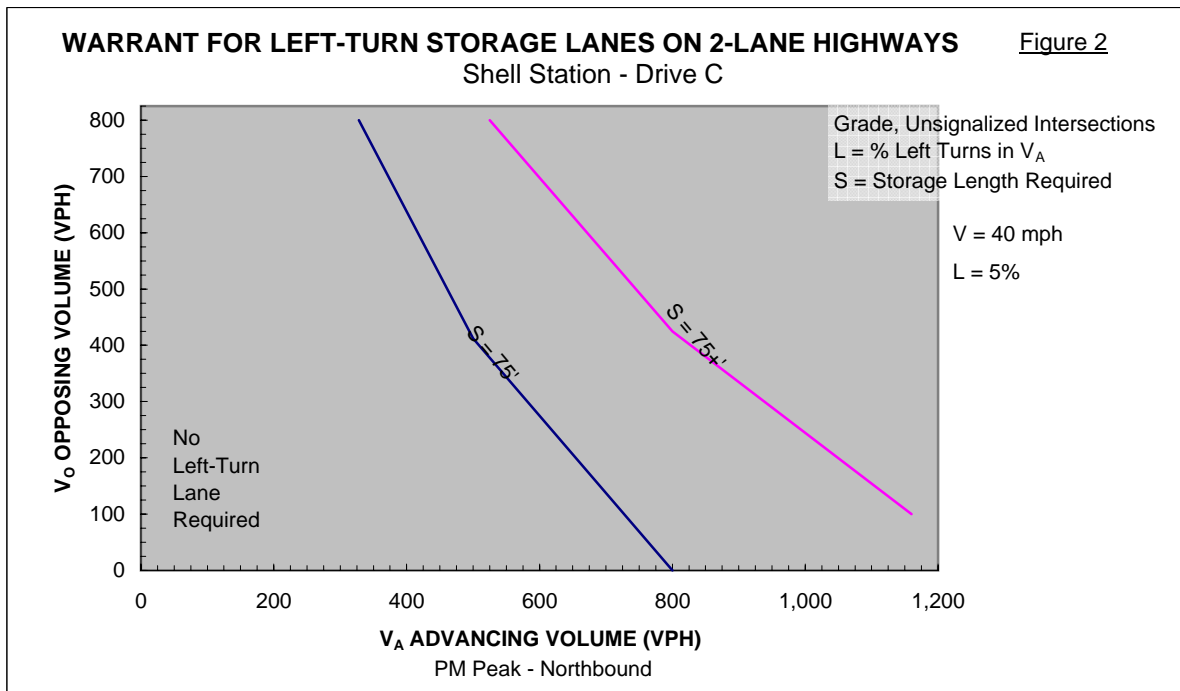
WARRANT FOR LEFT-TURN STORAGE LANES ON TWO-LANE HIGHWAYS

Project:	Shell Station	Analysis Date:	1/08
Intersection:	Drive C	Data Date:	1/08
Approach Direction:	Northbound	Projection Year:	2008
Peak Hour:	PM Peak		
Peak Hour Left Turns (V_L):	5	vph	
Advancing Volume (V_A):	664	vph (Northbound Approach)	
Opposing Volume (V_O):	846	vph (Southbound Approach)	
Operating/Design Speed (V):	40	mph	

% Left Turns in V_A (L):	5%	(Calculated Value: 0.8%)
Optional % Left Turn Override:		

% Trucks in V_L :	0%	(75+' storage required based on chart) (0' additional storage for trucks)
---------------------	----	--

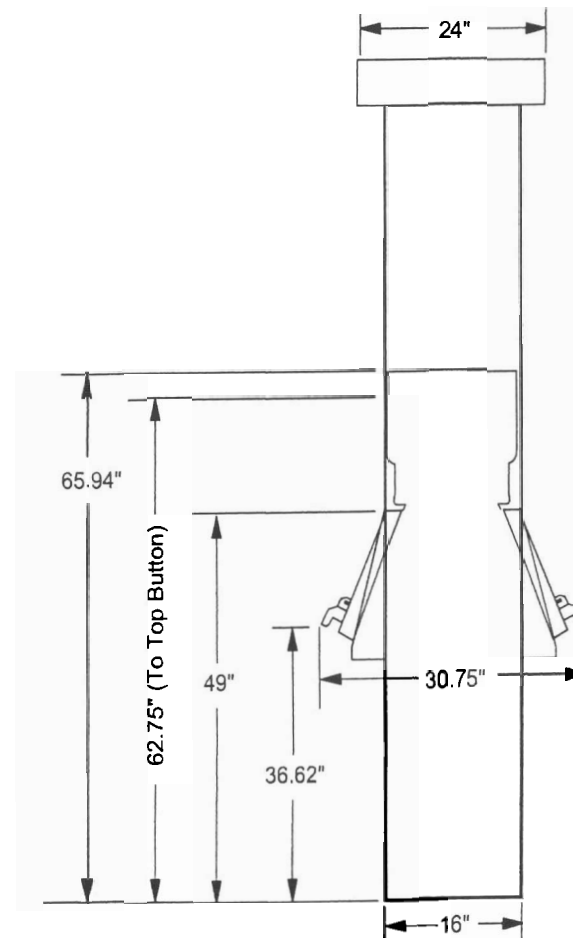
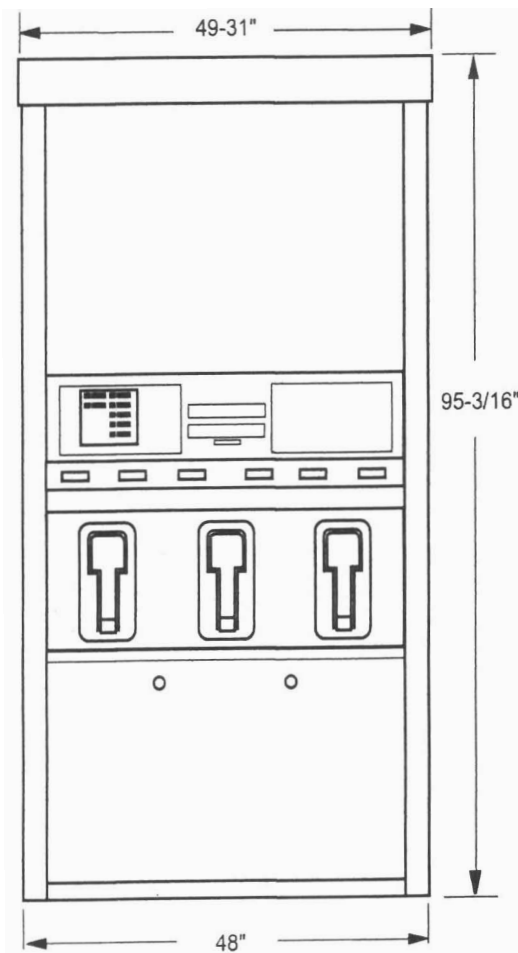
CONCLUSION: 75+' LEFT-TURN STORAGE REQUIRED



Source: Highway Research Record Number 211 - Figure 2

Remanufactured MPD™-2/C Dispensers

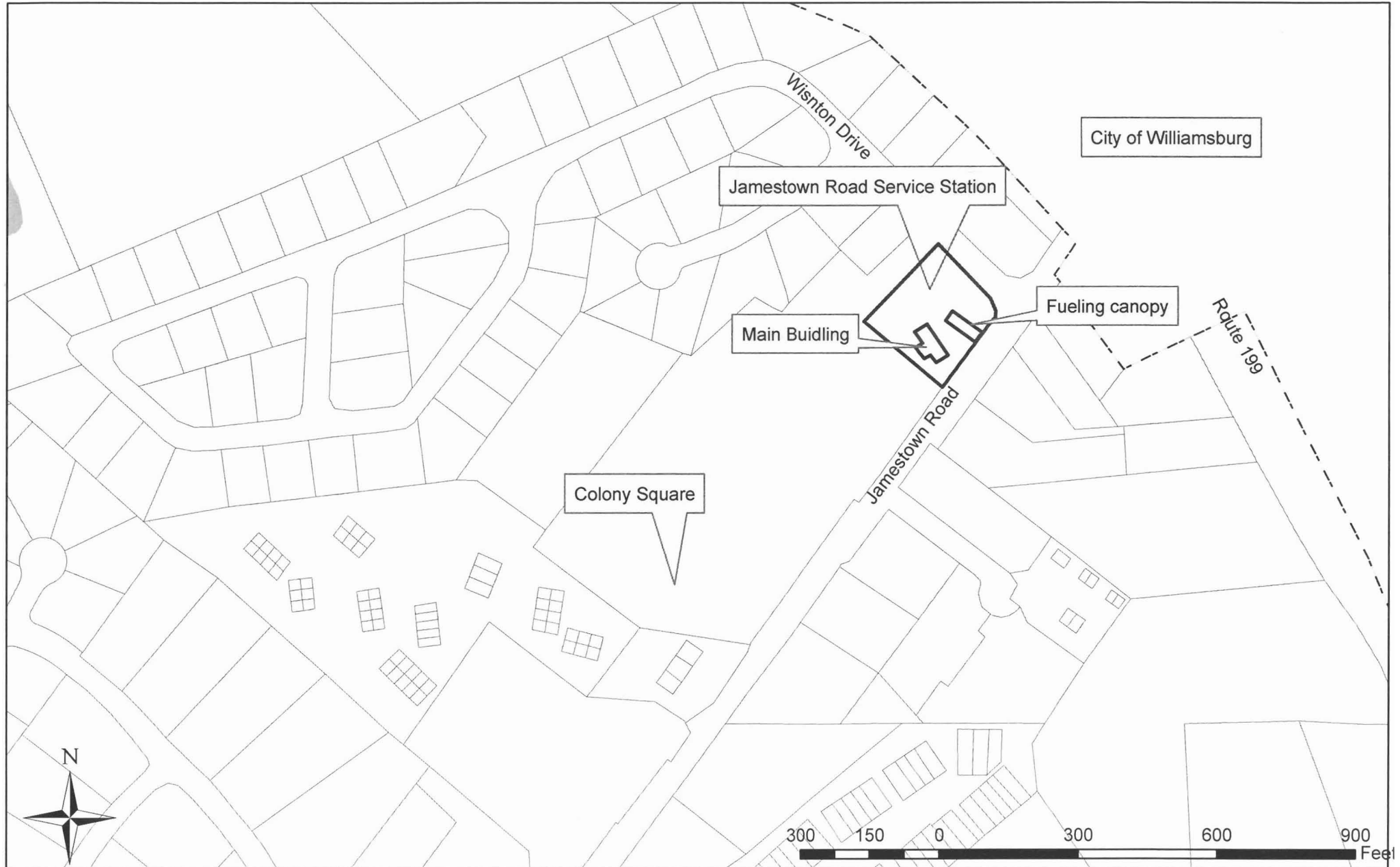
Elevation Diagrams



S0000237

SUP-30-06

Jamestown Road Service Station



**SPECIAL USE PERMIT- 32-06/MASTER PLAN-11-06. Prime Outlets Expansion.
Staff Report for the February 7, 2007, 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

February 7, 2007 7:00 p.m.
March 13, 2007 (tentative) 7:00 p.m.

SUMMARY FACTS

Applicant: Greg Davis, Kaufman and Canoles

Land Owner: Prime Retail, L.P.

Proposal: Amend the existing master plan and special use permit to allow for the construction of an additional 49,000 square feet of retail space and to expand onto the existing Comfort Inn site.

Location: 5731, 5715, 5711, 5707, 5699, 5675, 5611, and 5601 Richmond Road

Tax Map/Parcel Nos.: Parcels (1-28), (1-29), (1-33A), (1-33D), (1-33E), (1-33F) and (1-33G) on the JCC Real Estate Tax Map (33-1), and Parcel (1-2) on the JCC Real Estate Tax Map. (33-3)

Parcel Size: The existing Comfort Inn site is 3.36 acres, for a total site area of 54.18 acres

Zoning: B-1, General Business (existing Comfort Inn) and B-1, General Business, with Proffers (existing Prime Outlets)

Comprehensive Plan: Community Commercial

Primary Service Area: Inside

STAFF RECOMMENDATION

At the time of the writing of this report, Staff had just received additional traffic and parking information from the applicant and was awaiting final review of it from the County's third-party traffic consultant and VDOT. Additionally, a revised master plan was received in our office January 30 and is still under review. SUP conditions approved with the previous amendment are anticipated to change; additional conditions may also be applied to satisfy agency concerns. Staff recommends deferral of this case until additional data can be reviewed to determine if previous agency comments have been adequately addressed.

Staff Contact: Kathryn Sipes

Phone: 253-6685

PROJECT DESCRIPTION

Mr. Greg Davis has applied on behalf of Prime Retail, L.P. to amend the existing approved master plan and special use permit for the Prime Outlets to expand onto the existing Comfort Inn site and allow for the construction of an additional 49,000 square feet of retail space. Currently, Phases 1-5 of Prime Outlets are existing, for a total of 364,031 square feet. Phase 6, proposing approximately 5,500 square feet, was approved in September 2005. In July 2006 a special use permit and master plan amendment were approved, allowing for the expansion of Prime onto the adjacent Ewell Station site (Phases 7 & 8). That approved master plan allows for a total of 518,264 square feet of retail space, including the existing Ewell Station shopping facility. The current proposal increases Phases 7 & 8 by approximately 55,000 square feet and eliminates the previously approved Phase 6. If this proposal is approved, the total gross building area for Prime Outlets would equal 567,666 square feet.

A revised master plan was submitted to the Planning office on January 30. This revised plan reflects a modified parking layout and staff is proceeding with the review, including verifying square footage and parking information provided as part of that plan. Information in this report is based on the original master plan submitted and reviewed, dated October 2006.

PUBLIC IMPACTS

Environmental

Watershed: Powhatan Creek

Conditions: Previous condition #6 under *Conditions Specific to the Phases 7 & 8 Expansions* specifies the following stormwater management facility improvements shall be made prior to approval of the development plans for Phases 7 and 8:

- (a) Infiltration capacity shall be added to stormwater facility PC-186 (along Olde Towne Road) in accordance with approved JCC site plan SP-110-02, or equivalent measures provided as approved by the Environmental Director;
- (b) Stormwater facility PC-124 (along Olde Towne Road) shall be retrofitted to improve water quality in accordance with approved JCC site plan SP-110-02, or equivalent measures provided as approved by the Environmental Director;
- (c) Stormwater facility PC-036 (behind the existing Food Lion) shall be retrofitted to incorporate water quality treatment as approved by the Environmental Director; and
- (d) Pre-treatment measures shall be incorporated into development plans as approved by the Environmental Director.

Staff Comments: Environmental Staff believes it cannot be determined at this time whether the proposed project meets or exceeds ordinance requirements. Staff is in the process of evaluating impervious cover for the proposed development compared to existing and approved development, and identifying potential mitigation measures should they be necessary. Additional or revised conditions may be applied. Staff would like to note that the applicant has volunteered to contribute \$100,000 as cash contribution to mitigate off-site impacts. Please note, however, these cash contributions cannot be included as SUP conditions.

Public Utilities

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

Conditions:

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

Staff Comments: JCSA Staff has reviewed and approved the previous condition language and no significant changes are anticipated.

Transportation

The existing Prime Outlets site is accessed off Richmond Road by six entrances; two of these serve right and left turns and four serve only right turns, one of which will be eliminated. One is a one-way out service road, allowing only a right turn onto eastbound Richmond Road. A second is a one-way in service road, accessible from eastbound Richmond Road only. A third entrance (near the Mikasa store) provides for public right in and out turns for eastbound traffic on Richmond Road, and left turns from westbound Richmond Road into the site; this entrance/exit is scheduled to be eliminated in the future. The fourth and fifth entrances/exits are signalized intersections accessible from eastbound and westbound Richmond Road, with left turn lanes provided for westbound traffic. A right turn lane is provided the entire length of the site for eastbound traffic. The sixth entrance is right-in/right-out only from eastbound Richmond Road into the Ewell Station property acquired by Prime Outlets in 2006. Under SUP-4-06/MP-1-06, approved in July of last year, an additional one-way out only service road was proposed. The existing entrance into the Comfort Inn site was unaffected and would remain. Two entrances into the Ewell Station property exist off Olde Towne Road, both allowing for right and left turns in and out of the property. Under SUP-4-06/MP-1-06 those two entrances were to remain; a future traffic study is required under the current SUP conditions to monitor future needs.

Currently, the Comfort Inn site has a separate access from Richmond Road. Under the current proposal this access would be eliminated, as well as the additional one-way out only service road that was proposed under SUP-4-06/MP-1-06. If the current proposal is approved, there would be six access points off of Richmond Road into the expanded Prime Outlets site and two off Olde Town Road. The SUP condition requiring future study of the Olde Town Road entrances is expected to remain in force. The Mikasa entrance off Richmond Road remains scheduled to close between December 2008 and June 2009, resulting in five access points off Richmond Road in the long-term; two signalized main entrances, one unsignalized main entrance (into Ewell Station), one in-only service road, and one out-only service road.

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

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

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

Road Improvements: The applicant had previously contributed to the coordination of the signals along Richmond Road, and that project was completed by VDOT this past year. Additionally, the following improvements were included in previously approved conditions:

Conditions:

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

VDOT Comments: VDOT staff has reviewed the Traffic Impact Study submitted with this application and has requested additional data relative to potential improvements to the left turn lane from westbound Richmond Road onto Olde Towne Road for the current proposal.

Staff Comments: Comments were provided to the applicant after completion of the review of the Traffic Impact Study submitted with this application. Additional data was requested, including parking data, Saturday turning movement and traffic counts, corridor level of service for weekdays and Saturdays, and impacts to the Route 199/Route 60 intersection. A revised Traffic Impact Study was submitted by the applicant on January 22, while this staff report was in progress. Both VDOT and the County’s third-party traffic consultant are in the process of reviewing the revised information. Staff anticipates modified language for previous condition #7 as described above to allow for a longer left turn taper, but believes additional review time is needed to allow for thorough analysis of traffic impacts. Furthermore, additional parking data was requested and this information was submitted by the applicant on January 22,

while this staff report was in progress. Staff believes additional time is needed for review of this information.

COMPREHENSIVE PLAN

Land Use Map

Designation	<p>Community Commercial (Page 122): General business activities located within the PSA and usually having a moderate impact on nearby development.</p> <p>Staff Comment: Staff notes the Community Commercial designation is the most intense commercial designation offered by the Comprehensive Plan. While a limitation of 200,000 square feet is noted, the Comprehensive Plan acknowledges this may be exceeded if appropriate measures are taken. The SUP conditions previously approved were intended to mitigate the additional square footage associated with that project.</p> <p>The Prime Outlets area is specifically discussed in the Comprehensive Plan (Page 123), noting a re-designation in 1997 from Low Density Residential to Community Commercial for the parcels then including Prime Outlets Mall, Comfort Inn, Ewell Station Shopping Center, and the former Jehovah's Witness Church, all zoned B-1. Staff finds this proposal consistent with this language, as the proposed expansion does not extend commercial development beyond these boundaries.</p>
General	<p>Strip Commercial (Page 77 & 117): The Comprehensive Plan encourages commercial developments to develop in an attractive and convenient manner while avoiding "strip" commercial characteristics. Incremental development that allows inherent traffic congestion, non-centralized commercial activity, and reliance on automobile dependency are all discouraged. The Comprehensive Plan also recognizes the need to minimize new entrances from a traffic perspective, a design feature that is often not present in strip commercial development. Strip commercial development is characterized by some combination of the following characteristics:</p> <ul style="list-style-type: none"> a. Street frontage parking lots b. No provisions for pedestrian access between individual uses c. Usually only one-store deep d. Buildings are arranged linearly rather than clustered e. No design integration among individual uses f. Multiple access points <p>Staff Comment: While still under review, this project seems to meet some of the criteria for avoiding strip commercial development including landscaped street frontage parking areas, sidewalks in front of storefronts, and pedestrian linkages between buildings. Additionally, the current proposal reduces the number of access points off Richmond Road and allows for a more comprehensive development of the overall site. Both the current and proposed master plans provide a layout of more than one store deep, allowing on-site traffic circulation in an effort to minimize off-site traffic impacts. The incorporation of the Comfort Inn site provides additional opportunity to improve on-site circulation and reduce off-site impacts. It also results in improved internal circulation due to clustering of some buildings.</p>
Development Standards	<p><i>General Standard #1, Page 134:</i> Permit new development only where such developments are compatible with the character of adjoining uses and where the impacts of such new developments can be adequately addressed.</p> <p><i>General Standard #5, Page 134-35:</i> Minimize the impact of development proposals on overall mobility, especially on major roads, by limiting access points and providing internal, on-site collector and local roads, side street access and joint entrances...Provide for safe, convenient, and inviting bicycle, pedestrian, and greenway connections to adjacent properties and developments in order to minimize such impacts and to provide adequate access between residential and nonresidential activity centers and among residential neighborhoods.</p> <p><i>Commercial Standard #1, Page 136:</i> Locate proposed commercial and industrial developments adjacent to compatible uses.</p> <p><i>Commercial Standard #4, Page 136:</i> Provide landscaped areas and trees along public roads and property lines.</p> <p><i>Commercial Standard #5, Page 136-137:</i> Large retail establishments should be an integral and indivisible component of a larger retail and business enterprise, located close to major arterial roads with adequate buffering from, but also strong pedestrian linkages to, residential areas. Other</p>

	<p>considerations should include combining large establishments with smaller retail merchants and smaller commercial structures in a well designed and coordinated shopping and business center in a manner that visually reduces their bulk, size, and scale. A unified theme of design, materials, and facades, along with shared parking, should complement local architecture and aesthetics.</p>
	<p>Staff Comment: This project expands a current use on adjacent parcels, reduces the number of access points from Richmond Road from what currently is existing or approved, and improves internal vehicular circulation of the site. The approved SUP conditions ensure improved landscaping and buffers along Richmond Road. The site is currently served by sidewalks along Richmond Road, which provide pedestrian connections to adjacent parcels. Pedestrian linkages are also provided internal to the site. The bus transfer station serving Williamsburg Area Transit will remain under the new proposal. Current SUP conditions call for architectural renderings and façade designs to be approved by the Planning Director, and the current proposal allows for unified themes and materials. However, staff cannot determine if the full impacts of the proposal can be adequately addressed until a thorough review can be completed and additional SUP conditions can be considered.</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><i>Strategy #4-Page 138:</i> Encourage commercial and industrial uses to develop in compact nodes in well-defined locations within the PSA.</p> <p><i>Strategy #5, Page 138:</i> Promote pedestrian, bicycle, and automotive linkages between adjacent land uses where practical.</p> <p><i>Action #9a, Page 139:</i> Through the development process, reinforce clear and logical boundaries for commercial...property within the PSA by providing sufficient buffering and open space from nearby residential uses.</p> <p><i>Action #14, Page 140:</i> Expect developments subject to ...special use permit review to mitigate their impacts through requiring sufficient documentation to determine the impacts...and requiring the recommendations of such studies be adequately addressed prior to preparation of development plans....</p> <p>Staff Comment: This proposal is an expansion of an existing use, allowing for the improvement of internal circulation and overall site layout. Increased landscaping, as outlined in approved SUP conditions, enhances the buffer along Richmond Road. The increased square footage, when coupled with already approved development, may represent a scale that introduces significant impacts to surrounding streets and neighborhoods, and staff will review the revised studies in an attempt to determine this. Additional SUP conditions may be necessary to adequately address these issues.</p>

Environment

General	<p><i>Powhatan Creek Watershed Management Plan-Page 47:</i> A final watershed management plan with recommendations on preserving this watershed was completed in 2002.</p> <p>Staff Comment: The plan identifies improvements to existing BMP facilities on the proposed site. These improvements are included in the approved SUP conditions for SUP-4-06/MP-1-06.</p>
Goals, strategies and actions	<p><i>Goal #4, Page 65:</i> Promote development and land use decisions that protect and improve the water quality of the Chesapeake Bay and the bodies of water that discharge into the Bay.</p> <p><i>Goal #5, Page 65:</i> Protect the availability, quantity, and quality of all surface and groundwater resources.</p> <p><i>Strategy #2, Page 65:</i> Assure that new development minimizes adverse impacts on the natural and built environment.</p> <p>Staff Comment: Previously approved SUP conditions address the quality and quantity of stormwater on this site. Staff is in the process of determining if additional mitigation will be required per this proposal.</p>

Transportation

General	<i>Richmond Road Plan-Page 77:</i> Minimize the number of new signals and entrances and ensuring efficient signal placement and coordination.
	Staff Comment: While still under review, this proposal does reduce the number of access points into the overall site from Richmond Road.
Goals, strategies and actions	<i>Strategy #4, Page 80:</i> Develop a transportation system that facilitates a variety of transportation modes in order to reduce congestion, pollution, and energy consumption.
	Staff Comment: Previously approved SUP conditions allow for the retention of a transfer point for Williamsburg Area Transport on the existing Ewell Station site. The proposed site layout may also allow for increased transit service to the Prime site; staff has not completed their review and may have additional recommended conditions.

Community Character

General	<i>Richmond Road Community Character Corridor-Page 83-84:</i> 50 foot buffer requirement for commercial uses along this road. This also includes parking and other auto-related areas clearly as a secondary component of the streetscape. Providing enhanced landscaping, preservation of specimen trees and shrubs, berming, and other desirable design elements which complement and enhance the visual quality of the urban corridor.
Goals, strategies and actions	<i>Strategy #3-Page 95:</i> Ensure that development along Community Character Corridors and Areas protects the natural views of the area, promotes the historic, rural or unique character of the area, maintains greenbelt networks, and establishes entrance corridors that enhance the experience of residents and visitors.
	Staff Comment: The applicant has provided the 50' Community Character Buffer on the Master Plan. Previously approved SUP conditions also require increased landscaping along the entire Richmond Road frontage of the Prime Outlets site, enhancing the visual quality of the corridor. While still under review, Staff notes the existing Comfort Inn site does not accommodate the 50' Community Character Buffer and allows parked cars to face Richmond Road, rather than building frontage.

While several components of the proposal seem to comply with the Comprehensive Plan, without complete review of all revised information Staff is unable to evaluate overall conformance. Thorough analysis of the revised site layout, traffic and parking studies, and environmental calculations will be conducted, and results will be available for the next meeting of the Planning Commission.

RECOMMENDATION

At the time of the writing of this report, Staff had just received additional traffic and parking information from the applicant and was awaiting final review of it from the County's third-party traffic consultant and VDOT. Additionally, a revised master plan was received in our office January 30 and is still under review. SUP conditions approved with the previous amendment are anticipated to change; additional conditions may also be applied to satisfy agency concerns. Staff recommends deferral of this case until additional data can be reviewed to determine if previous agency comments have been adequately addressed.

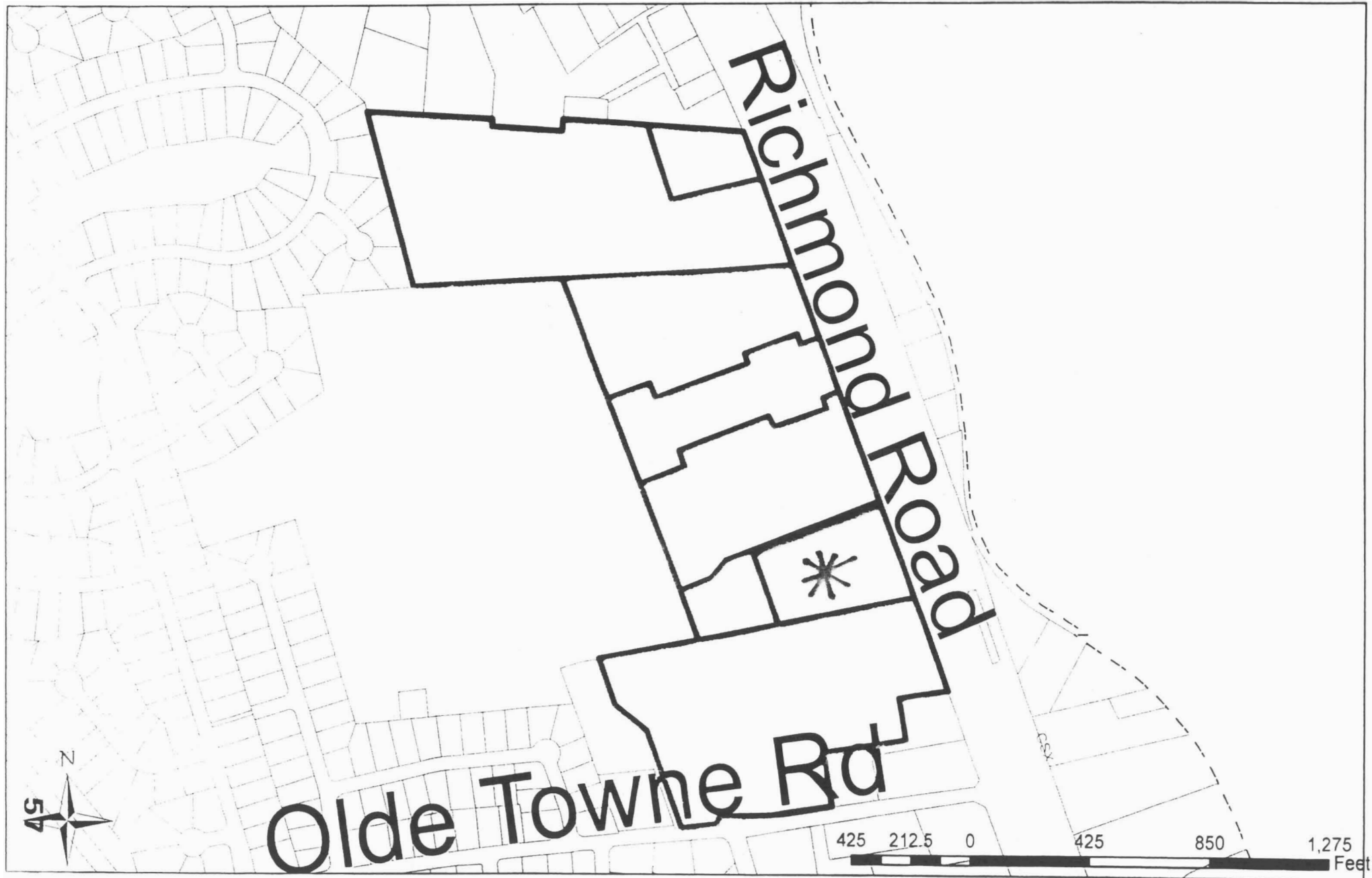
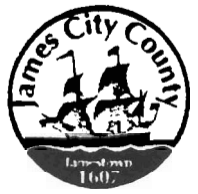
Kathryn Sipes, Planner

ATTACHMENTS:

1. Location Map
2. Master Plan dated October 2006 (under separate cover)
3. Revised Master Plan and Chesapeake Bay Preservation Plan dated January 2007 (under separate cover)

JCC-SUP-32-06/MP-11-06

Prime Outlets Expansion Comfort Inn



**REZONING Z-8-06, SUP-36-06, MP-9-06. Williamsburg Pottery Factory
Staff Report for the February 7, 2007, 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

February 7, 2007

7:00 p.m.

Board of Supervisors:

March 13, 2007 (tentative)

7:00 p.m.

SUMMARY FACTS

Applicant:

Vernon Geddy, Geddy, Harris, Franck & Hickman, L.L.P.

Land Owner:

Williamsburg Pottery Factory, Inc.

Proposal:

Redevelop the property as 161,000 sq. ft. retail shopping center

Location:

6692 Richmond Road

Tax Map/Parcel Nos.:

(24-3) (1-24)

Parcel Size:

18.86 acres

Existing Zoning:

M-1, Limited Business Industrial & A-1, General Agricultural

Proposed Zoning:

M-1, Limited Business Industrial with proffers

Comprehensive Plan:

Mixed-Use

Primary Service Area:

Inside

STAFF RECOMMENDATION

Staff finds the proposal meets some of the goals of the Comprehensive Plan in terms of economic development and land use designation but is inconsistent with other sections of the plan, most notably the Community Character section, as outlined in the staff report. Staff is in favor of this proposal as a redevelopment project, but has major concerns over the strip-commercial nature of this development and the lack of the recommended 50 foot community character area buffer. Staff would also note that given the complexity of the transportation issues, an application like this would generally not move forward so quickly.

Staff and the applicant usually spend more time discussing a project of this magnitude prior to proceeding to the Planning Commission in order to review potential problems and get solutions incorporated into the project. Given the applicants desire to proceed and have action taken on this case, staff has prepared this report with the best available information, but there was not enough time to incorporate all of the necessary components into the proffers or further evaluate some issues. Staff recommends that the Planning Commission recommend denial of the Rezoning and Special Use Permit applications to the James City County Board of Supervisors.

Staff Contact: Jason Purse

Phone: 253-6685

Proffers: The proffers were signed and submitted in accordance with the James City County Proffer Policy. Given the complexity of the transportation issues surrounding this section of the Richmond Road

corridor staff did not have adequate time to complete work with the applicant or our traffic consultant on the necessary revisions. Staff would also note that the design guidelines referenced in the proffers were not received in time for staff to review them before this report was written.

PROJECT DESCRIPTION

Mr. Vernon Geddy has applied to rezone a 18.86 acre parcel located at 6692 Richmond Road from M-1, Limited Business Industrial, and A-1, General Agricultural, to M-1, Limited Business Industrial, with proffers, in addition to a commercial Special Use Permit. The rezoning proposes redevelopment of the existing property to include 161,000 square feet for a new retail shopping center; there is currently 173,014 square feet of retail development located on the site. The property is also known as parcel (1-24) on the JCC Tax Map (24-3). The site is shown as Mixed-Use, Lightfoot Area on the 2003 Comprehensive Plan Land Use Map.

Proffers

- Master Plan for the property
- Water Conservation standards to be approved by the JCSA
- Architectural Review, including submitted conceptual renderings and design guidelines
- Retention of the Williamsburg Area Transit stop and the pedestrian tunnel and railroad crossing
- Transportation improvements including: relocation of the signalized entrance from Route 60 and closing of the existing signalized entrance; a new entrance from Route 60 at the Colonial Heritage east crossover, as well as pedestrian signals when the future signal is completed; 4 foot shoulder bike lanes; and all required turn lanes will be constructed as a part of the intersections as well
- Lighting to be reviewed and approved by the Director of Planning
- A variable width Community Character Corridor buffer along the front of the property; including an average of 30 feet and a minimum of 15 feet. The buffer will also include an enhanced landscaped section (125% of Ordinance requirements) along the frontage, and will include a 42 inch fence
- Redirection of stormwater away from Yarmouth Creek Watershed, with the exception of the features associated with entrances and sidewalks that drain into VDOT right-of-way.
- Upgrade of the existing pond, including necessary channel improvements

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

PUBLIC IMPACTS

Environmental

Watershed: Skimino Creek Watershed currently receives the majority of site drainage. Of the approximately 4.5 acres draining towards Yarmouth Creek, 3.60 acres including the majority of the impervious cover is proposed to be redirected towards Skimino Creek.

Proffers:

- Drainage from approximately 4 acres of existing developed land will be removed from the Yarmouth Creek Watershed and added to the Skimino Creek Watershed
- Upgrade of the existing farm pond to County standards as a BMP pond, including any necessary channel improvements leading into it.

Staff Comments: The Environmental Division has reviewed the proposal and concurs with the Master Plan and proffers as proposed. During early meetings between the applicant and Environmental Division staff discussed providing LID measures on-site, but none were offered in the proffers. The conceptual stormwater management plan has been approved by the Environmental Division and similar to other

applications, final site design, including stormwater management and BMP design, will be determined at the site plan stage. Staff would also note that this project proposes .8 acres or 4% less impervious area on the site than currently exists.

Public Utilities-

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

Proffers:

- Water Conservation standards to be reviewed and approved by the JCSA. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.

Staff Comments: JCSA Staff has reviewed the proposal and concurs with the Master Plan and proffers as proposed. Similar to other rezoning cases, at the site plan processing level the applicant will work with JCSA staff to finalize the water conservation standards.

Transportation

The applicant's traffic study determined there would be 208 AM weekday peak hour and 857 PM weekday peak hour trips generated by a shopping center; altogether there would be 9,255 total weekday daily trips in and out of the project. According to the applicant's traffic study, on Exhibit 2a, the existing Williamsburg Pottery Factory generates 284 PM weekday peak hour trips.

2005 Traffic Counts (for Richmond Road): Croaker Road to Lightfoot Road: 18,770 average daily trips. Lightfoot Road to Centerville Road: 24,883 average daily trips.

2026 Volume Projected: Croaker Road to Centerville Road: 33,500 average daily trips. This is listed in the "watch" category.

Road Improvements: The applicant has proffered to close the existing crossover for the main entrance and put in a new crossover and traffic signal approximately 300 feet west of that entrance to include an eastbound left turn lane and westbound right turn lane. They will also include a new driveway to align with the proposed traffic signal at the Colonial Heritage east crossover, with eastbound left turn lane and westbound right turn lane. Finally, they will add two right turn only driveways with the westbound right turn lanes into the project site. While the total number of entrances and exits will be the same there will be more turn lanes involved with the intersections.

Proffers:

- Traffic improvements including: Relocation of the signalized entrance from Route 60 and an eastbound left turn lane and westbound right turn lane. A new entrance from Route 60 at the Colonial Heritage east crossover, including a westbound right turn lane and eastbound left turn, as well as pedestrian signals when the future signal is completed. A right-in, right-out entrance will also be constructed as a part of this development.
- Closing of the existing entrance and relocation of the traffic signal to a new entrance further west on Richmond Road, including an eastbound left turn lane and westbound right turn lane
- Right-in right-out entrance, as shown on the Master Plan, including a westbound right turn lane
- New entrance at the Colonial Heritage east crossover, including a westbound right turn lane and eastbound left turn lane. This will also include installation of crosswalks, median refuge islands, signage and pedestrian signal heads at the intersection
- Right-out at the far end of the property
- Four foot shoulder bike lanes along turn lanes and entrances

VDOT Comments: With some minor revisions, VDOT concurs with the traffic study and Master Plan as proposed.

Staff believes that additional provisions in the proffers are necessary to ensure all of the required improvements will be accounted for. Staff forwarded these recommendations, as determined by VDOT and the County's traffic consultant, on January 30, 2007. Some of these recommendations include specific geometric information for on-site lane and intersection improvements needs to be provided. Similarly, prior to site plan submission, staff believes a Saturday peak hour traffic analysis for on-site intersections is necessary to ensure the adequacy of those improvements. Finally, in order to mitigate intersection concerns staff believes the applicant needs to submit a traffic signal warrant analysis at the Colonial Heritage east crossover prior to site plan submission. In the event that a signal is warranted by this development but the trigger for Colonial Heritage's installation of this signal has not been met, the Pottery development would need to install this signal in order to ensure safe functioning of this intersection. The applicant has expressed willingness to comply with these requests, but there was not enough time to amend the proffers before the packets went out. If these recommendations are not met staff does not believe that this project would adequately mitigate possible onsite traffic impacts and would recommend denial solely on these grounds.

The traffic analysis did acknowledge corridor deficiencies at off-site intersections, including the Lightfoot Road, Centerville Road, and the Route 199 intersections. The study determined that in 2017 these intersections would be functioning at or below a LOS 'D' based on all of the traffic traveling this corridor. Staff would note that those intersections would be functioning at those levels regardless of this development. Staff is currently employing Kimley-Horn, the County traffic consultant, to conduct a corridor analysis similar to the Monticello study in order to get a better understanding of needed improvements. Given that this is a redevelopment project and that even at build out this project will only constitute 3.6% of traffic at these points, staff does not believe that this project should be held solely responsible for additional off-site improvements. Staff will keep the Planning Commission and Board of Supervisors up-to-date on the study as we learn more.

COMPREHENSIVE PLAN

Land Use Map

Designation	<p data-bbox="373 1163 1453 1251">Lightfoot Mixed Use (Page 127): Recommended uses for Mixed-Use, Lightfoot Area include transit oriented mixed-use development with a mixture of limited industry, commercial and moderate density housing.</p> <p data-bbox="373 1283 1453 1528">Staff Comment: Staff finds that the use as proposed meets the land use designation for this area as the principle proposed uses are commercial in nature. Staff would note, however, that this area is still designated for Mixed-Use and would hope that the Pottery, should it ever fully redevelop, take into consideration other uses as well as commercial. Staff believes given the potential for rail access, that this area would be appropriate for a mix of residential, commercial, and possibly light industrial uses. Staff recognizes this parcel's limitations for providing all of those uses, but would recommend that a future Master Plan for the entire Pottery development possess better Mixed-Use characteristics.</p> <p data-bbox="373 1560 1453 1770">The description of this area in the Comprehensive Plan on the west side of Richmond Road (opposite from this project) suggests that commercial uses should not be developed in a "strip" commercial fashion, and while there is no specific language for the east side, staff would note that "strip commercial" development is addressed in the Comprehensive Plan both in general and as a part of the Lightfoot Mixed-Use area. While evaluation for "strip commercial" development is not paramount to this Land Use designation, it must be considered as a factor in the overall application of the Comprehensive Plan.</p>
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General	<p>Strip Commercial (Page 77 & 117):</p> <p>The Comprehensive Plan encourages commercial developments to develop in an attractive and convenient manner while avoiding “strip” commercial characteristics. Incremental development that allows inherent traffic congestion, non-centralized commercial activity, and reliance on automobile dependency are all discouraged. The Comprehensive Plan also recognizes the need to minimize new entrances from a traffic perspective, a design feature that is often not present in strip commercial development. Strip commercial development is characterized by some combination of the following characteristics:</p> <ul style="list-style-type: none"> a. Street frontage parking lots b. No provisions for pedestrian access between individual uses c. Usually only one-store deep d. Buildings are arranged linearly rather than clustered e. No design integration among individual uses f. Multiple access points <p>Staff Comment: Some ways of reducing the “strip” commercial design would be to incorporate at least some of the following suggestions:</p> <ul style="list-style-type: none"> a. Landscaped parking lots, including trees and landscaped island separation between bays. b. Peaked roofs, rather than flat ones. c. Limited and shared access d. Wide sidewalks abutting the storefronts with canopy or roof overhangs over pedestrian areas. e. Benches, sculpture, or pedestrian oriented open spaces to help make the overall development more attractive. f. Buildings arranged in clusters, rather than oriented linearly. <p>This project meets some of the criteria for avoiding strip commercial development in that it provides landscaped parking areas and sidewalks in front of storefronts; however, the buildings are arranged in a linear, one-store deep, non-clustered orientation and the parking is entirely in front of the buildings along the street frontage. The Master Plan contains multiple driveways, and no vehicular connections to adjoining properties. These are four of the most dominate aspects of a “strip commercial” development. However, staff finds that given the shape of the parcel, the applicant is somewhat limited in their ability to arrange the buildings. The applicant asserts that there are not any other alternatives with respect to building orientation to avoid this “strip commercial” pattern. Since Richmond Road is a community character corridor staff believes that at least presenting some alternate solutions would be beneficial. Given the fact that the parking is in the front and will be the main visual feature seen from Richmond Road this projects contains many strip commercial characteristics.</p>
Development Standards	<p><i>General Standard #6-Page 135:</i> Provide for ultimate future road, bicycle and pedestrian improvement needs and new road locations through the reservation of adequate right-of-way, and by designing and constructing roads, drainage improvements, and utilities in a manner that accommodates future road, bicycle and pedestrian improvements.</p> <p><i>Commercial Standard #3-Page 136:</i> Mitigate objectionable aspects of commercial or industrial uses through an approach including performance standards, buffering, and special setback regulations.</p> <p><i>Commercial Standard #5-Page 136:</i> Large retail establishments should be an integral and indivisible component of a larger retail and business enterprise, with adequate buffering from, but also strong pedestrian linkages to, residential areas. Other considerations should include combining large establishments with smaller retail merchants and smaller commercial <i>structures</i> in a well designed and coordinated shopping and business center in a manner that visually reduces their bulk, size, and scale. A unified theme of design materials, and facades, along with shared parking, should complement local architecture and aesthetics.</p> <p>Staff Comment: This project provides both sidewalks and shoulder bike lanes along the front of the property, including connections for crosswalks across Richmond Road when this intersection becomes signalized. Staff did request that possible reserved rights-of-way to and from adjacent properties be</p>

	proffered to limit access to Richmond Road, but none were provided. Staff also has concerns over the buffering along the frontage of the property, as the full 50 foot community character corridor buffer was not proffered, but will discuss that in more detail in coming sections. As far as integration of the large retail aspect of this project is concerned, information submitted thus far is insufficient for staff to make a determination.
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><i>Strategy #4-Page 138:</i> Encourage commercial and industrial uses to develop in compact nodes in well-defined locations within the PSA.</p> <p><i>Actions #14-Page 140:</i> Expect developments subject to zoning to mitigate their impacts through the following means: require sufficient documentation to determine the impacts of a proposed development including but not limited to studies of traffic impact...require that the recommendations of such studies be adequately addressed prior to preparation of rezoning applications.</p> <p><i>Action #16-Page 140:</i> Identify target areas for infill, redevelopment, and rehabilitation within the PSA. Analyze opportunities and obstacles in advance of private and/or public action. Pursue developing those areas most suitable for public action, and encourage developers to pursue those areas best suited for private action.</p> <p>Staff Comment: Staff feels that given the existing structures and development along Richmond Road that this project is in scale with surrounding development. Staff would also note that as a redevelopment project, this will provide the County the ability to revitalize a retail center and attract new merchants. For this redevelopment project it will be important to balance the redevelopment costs versus the goals presented by the Comprehensive Plan with respect to community character corridor buffers, strip-commercial development and the like.</p>

Environment

General	<p><i>Yarmouth Creek Watershed Management Plan-Page 47:</i> A final watershed management plan with recommendations on preserving this watershed was completed in 2003.</p> <p>Staff Comment: A majority of the 4 acres that currently drain into the Yarmouth Creek Watershed will be redirected in the Skimino Creek Watershed. The remaining area will constitute only about .75 acres near the VDOT right-of-way along the frontage of the property.</p>
Goals, strategies and actions	<p><i>Action #5-Page 66:</i> Encourage the use of Better Site Design, Low Impact Development, and best management practices (BMPs) to mitigate adverse environmental impacts.</p> <p><i>Action #23-Page 67:</i> Encourage residential and commercial water conservation, including the reuse of grey water where appropriate.</p> <p>Staff Comment: The farm pond on-site will be upgraded to support this site as a BMP pond to help mitigate adverse environmental impacts. Staff would note that the overall impervious area is being reduced by 4% or .8 acres as well. The Environmental Division did ask the applicant to provide LID features on the site, but none were provided as a part of the proffers.</p>

Transportation

General	<p><i>Sidewalks and Bikeways-Page 69-70:</i> Strongly recommends development of sidewalks and related pedestrian facilities to connect residential to nonresidential areas, as well as construction of bike facilities and ensuring all new facilities and future plans meet the public's desires and needs.</p> <p><i>Richmond Road Plan-Page 77:</i> Minimize the number of new signals and entrances and ensuring efficient signal placement and coordination.</p> <p>Staff Comment: The applicant has provided both pedestrian and bicycle improvements along Richmond Road. The applicant has also provided traffic signal relocation for the main entrance of this development, as well as aligning another entrance across from Colonial Heritage to be coordinated with their future development. Staff did ask for better pedestrian connectivity internal to the site, including sidewalks throughout the parking area, similar to what is present at Monticello Marketplace; however, none are present on the Master Plan.</p>
Goals, strategies and actions	<i>Strategy #1-Page 80:</i> Plan and coordinate land use development and transportation improvements at the regional and local levels for all modes of transportation in such a manner as to

	<p>establish and maintain acceptable levels of service throughout the County.</p> <p><i>Strategy #2-Page 80:</i> Continue to encourage landscaped roadways and roadway designs that enhance the County's image and reduce the visual impact of auto-related infrastructure.</p> <p><i>Strategy #5-Page 80:</i> Support the provision of sidewalks and bikeways in appropriate areas...</p> <p><i>Action #5-Page 81:</i> Encourage land use densities, intensities, and development patterns that recognize the capacities, roadway functional classification, and scenic corridor designations of existing and proposed roads.</p> <p><i>Action #6-Page 81:</i> Assure that private land developments adequately provide transportation improvements which are necessary to serve such developments, or that these developments do not occur in advance of necessary improvements or compromise the ability to provide such facilities.</p> <p><i>Action #7 (a)-Page 81:</i> Limiting driveway access points and providing joint entrances, side street access, and frontage roads.</p>
	<p>Staff Comment: The buffer along the front of the property would be larger than it currently is, as the existing average would increase from approximately 10 to approximately 35 feet. While the proposed buffer is wider than the existing one there is a much larger parking area fronting on Richmond Road that intensifies the visual impact of auto-related infrastructure as described in <i>Strategy #2</i>.</p>

Economic Development

General	<p><i>Redevelopment-Page 18:</i> The Lightfoot Corridor is in a period of transition as it adapts to new regional access via Route 199 and its position in the commercial market with the opening of large retail stores.</p> <p>Staff Comment: This area is directly addressed in the Comprehensive Plan as an area to be redeveloped and staff is certainly in favor of seeing this part of the County revitalized. This rezoning will hopefully be the first in what will trigger many improvements along this section of Richmond Road, as well as a step in the direction of having a Master Planned Pottery property that will more closely mirror the vision of the Comprehensive Plan.</p>
Goals, strategies and actions	<p><i>Strategy #4-Page 20:</i> Encourage a mixture of commercial, industrial, and residential land uses in a pattern and at a pace of growth supportive of the County's overall quality-of-life...and actively promoting redevelopment where needed.</p> <p><i>Action #6-Page 21:</i> Continue to encourage the development and coordination of transportation systems with the location of industrial and commercial uses in a manner that maximizes the County's economic potential while supporting the policies of the Comprehensive Plan.</p> <p>Staff Comment: Staff believes this is an important project to the overall Pottery property. While realizing the limitations of this parcel's ability to comprehensively provide Mixed-Use characteristics, staff would recommend a more integrated Mixed-Use project for the area. Staff believes these sites have the potential to be very integrated, especially given the railway running through the property and the pedestrian tunnel, as this could provide not only industrial transportation, but residential commuter light-rail transportation as well over the long term.</p>

Community Character

General	<p><i>Richmond Road Community Character Corridor-Page 83-84:</i> 50 foot buffer standard for commercial uses along this road. This also includes parking and other auto-related areas clearly as a secondary component of the streetscape. Providing enhanced landscaping, preservation of specimen trees and shrubs, berming, and other desirable design elements which complement and enhance the visual quality of the urban corridor.</p> <p>Staff Comment: The applicant has provided a buffer with an average depth of 34.08 feet, which is an increase over the existing buffer of 9.40 feet. While this represents a significant improvement, staff still has concerns given the inadequacy compared to the Comprehensive Plan suggestion. While this is a redevelopment project, staff would like to see more design go into orientation of buildings and has major concerns over the strip nature of this development and with of the community character corridor buffer. For instance, staff would be more willing to accept a smaller CCC buffer should design elements reduce the parking in front of the buildings or a different orientation was presented that negates some of the negative impacts from the auto-related nature of this development. As it stands now there would be both a reduced buffer as well as having parking as the dominant visual feature from Richmond Road.</p>
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	It is the applicants assertion that almost 100 parking spaces would be lost by having the recommended buffer, and subsequently 20,000 square feet of retail space would be lost due to that decrease. Staff asked about other possible parking arrangements, including having employees park in the lot behind this parcel across the CSX tracks, but the applicant did not wish to pursue that option. Staff believes that there are other design alternatives that could allow a better mix of reduced buffer while still providing increased visual quality of the corridor.
Goals, strategies and actions	<i>Strategy #3-Page 95:</i> Ensure that development along Community Character Corridors and Areas protects the natural views of the area, promotes the historic, rural or unique character of the area, maintains greenbelt networks, and establishes entrance corridors that enhance the experience of residents and visitors.
	Staff Comment: The applicant has stated that they will be providing architectural guidelines along with elevations for the buildings; however, at the time this staff report was issued staff had not yet received them. Staff believes that the limited elevations provided as a part of the Community Impact Statement are a good start as an example of architectural characteristics of the buildings, but would like to see the entire guidelines, including multiple views of the buildings and other architectural features before making overall judgments on the acceptability of those guidelines. Staff believes that the building should play a more dominant visual role in the project, but as it stands now the buildings are clearly secondary to the parking areas. Staff does not think that the overall project represents “unique character,” in fact, strip-commercial development is often considered contrary to community character.

Comprehensive Plan Staff Comments

Overall, staff feels that this application provides a positive redevelopment project for this area of the County, but as proposed is also contrary to many of the goals of the Comprehensive Plan. Staff believes that the strip commercial nature of the development, along with the reduced CCC buffer does not provide the “unique-character” that the Comprehensive Plan suggests. While the proposed buildings are a visual improvement over the current buildings on this site, staff believes that the project as a whole should meet more of the goals of the Comprehensive Plan. The applicant has provided many proffers that help to improve this project including architectural design guidelines, enhanced landscaping and fencing, road improvements, along with increased pedestrian and bicycle facilities. However, in the proffers for the commercial section of Colonial Heritage the applicant provided assurances against developing in a strip commercial fashion, and included prohibitions against having a one unit deep row of buildings and a majority of parking spaces between the buildings and Richmond Road. They also stated that the “street frontage along Richmond Road shall primarily consist of buildings and open space;” these are all characteristics that would be present across the street of this development. Given the fact that this is one of the larger frontage parcels along the Lightfoot section of Richmond Road, staff recommends that it not be dominated by a strip-commercial development. Being close to the Route 199 interchange staff recommends the best possible visual character be provided for both residents and visitors alike.

SETBACK MODIFICATION REQUEST

With the approval of the Planning Director, Community Character Corridor buffers may be reduced by 10 or 15 feet but in no instances below 20 feet, down from the normal 50 feet required in Section 24-96 of the Zoning Ordinance if a combination of the following criteria are met:

The applicant may achieve a maximum reduction of 10 feet by providing superior site design with a combination of elements such as:

- a. Parking located away from public view behind buildings or screened by other architectural features
- b. Innovative use of grading and topography to minimize visual impacts of parking and other unsightly features
- c. Provision of pedestrian amenities beyond what the ordinance requires.
- d. The use of monument style signs that are of a scale and type that complement the positive

features of the surrounding architecture and streetscape

The applicant may achieve a maximum reduction of 15 feet by providing superior architecture and building materials that meet the following standards:

- a. The building architecture and materials complement the positive features of nearby existing or planned development and/or the character of Colonial Williamsburg and James City County
- b. Architecture and materials should be unique and not replicate standard and/or conventional prototypes
- c. The proposed location of the building and parking areas shall not require the removal of specimen trees or large stands of viable mature trees.

Staff Comments: At the site plan level the Planning Director will evaluate the reduction request against this above referenced criteria and make a determination to acceptability of the buffer. Based on the available information at this time staff does not believe that this request would be supported under current Zoning Ordinance requirements. Buildings along street frontages and parking in the rear of buildings are two of the main determinants of reduction requests, and these two features are not present in this application.

RECOMMENDATION

Staff finds the proposal meets some of the goals of the Comprehensive Plan in terms of economic development and land use designation but is inconsistent with other sections of the plan, most notably the Community Character section, as outlined in the staff report. Staff is in favor of this proposal as a redevelopment project, but has major concerns over the strip-commercial nature of this development and the lack of the recommended 50 foot community character area buffer. Staff would also note that given the complexity of the transportation issues, an application like this would generally not move forward so quickly.

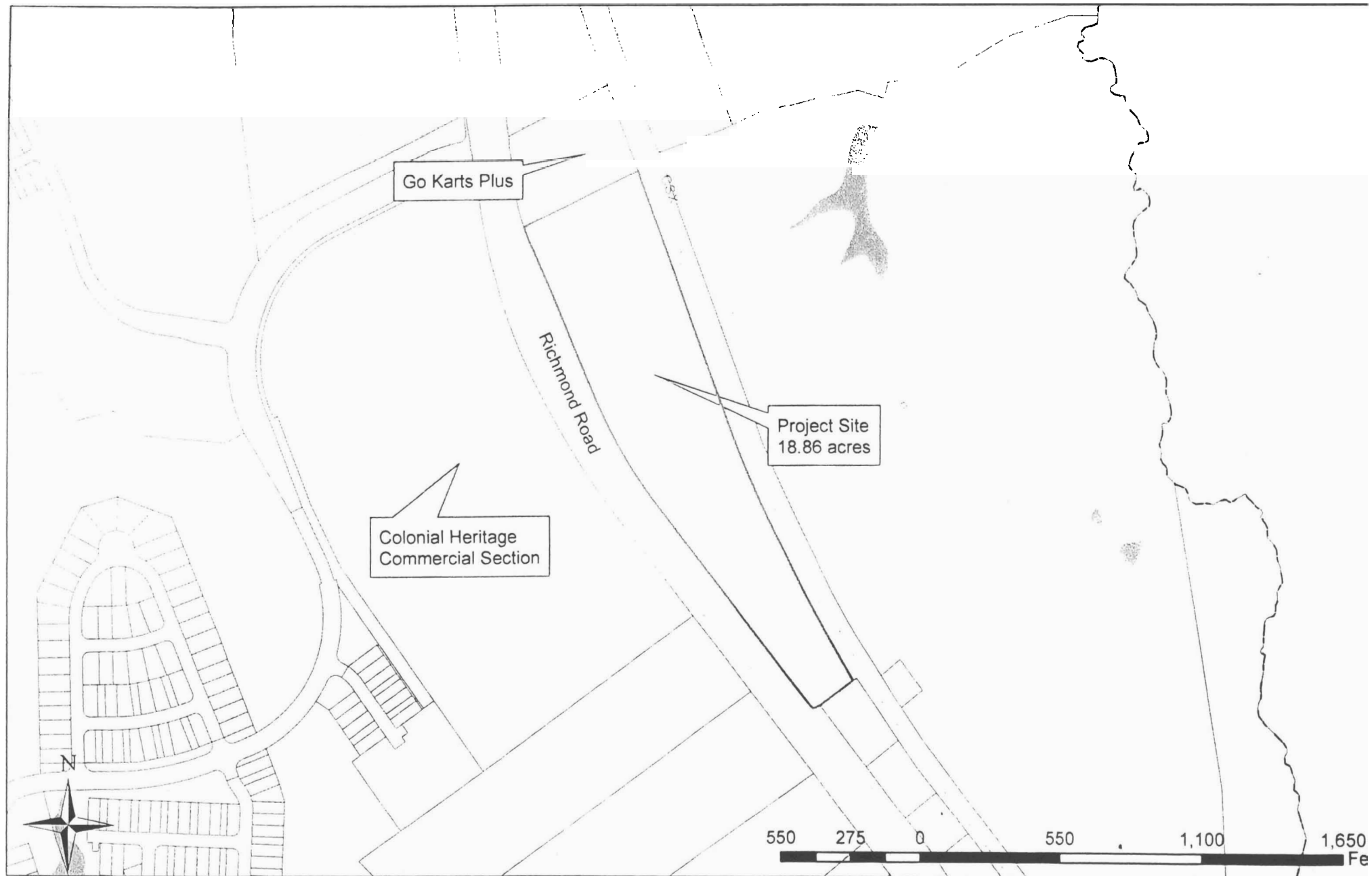
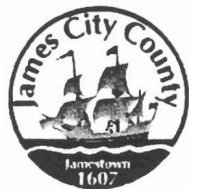
Staff and the applicant usually spend more time discussing a project of this magnitude prior to proceeding to the Planning Commission in order to review potential problems and get solutions incorporated into the project. Given the applicants desire to proceed and have action taken on this case, staff has prepared this report with the best available information, but there was not enough time to incorporate all of the necessary components into the proffers or further evaluate some issues. Staff recommends that the Planning Commission recommend denial of the Rezoning and Special Use Permit applications to the James City County Board of Supervisors.

Jason Purse, Planner

ATTACHMENTS:

1. Location Map
2. Master Plan (Under separate cover)
3. Community Impact Statement
4. Traffic Study
5. Proffers

Z-8-06, SUP-36-06, MP-9-06 Williamsburg Pottery Factory



PROFFERS

THESE PROFFERS are made this 26th day of January, 2007 by WILLIAMSBURG POTTERY FACTORY, INC., a Virginia corporation (together with its successors and assigns, the "Owner").

RECITALS

A. Owner is the owner of a tract or parcel of land located in James City County, Virginia, with an address of 6692 Richmond Road, Williamsburg, Virginia, being Tax Parcel 2430100024, and containing 18.9± acres, being more particularly described on Exhibit A attached hereto (the "Property"). The Property is now zoned A-1 and M-1.

B. Owner has applied to rezone the Property from A-1 and M-1 to M-1, with proffers, and for a special use permit to construct a shopping center on the Property.

C. Owner has submitted to the County a master plan entitled "Rezoning and Special Use Permit for the Promenade at the Williamsburg Pottery for the Williamsburg Pottery Factory Inc", prepared by AES Consulting Engineers dated November 29, 2006, (the "Master Plan") for the Property in accordance with the County Zoning Ordinance.

E. Owner desires to offer to the County certain conditions on the development of the Property not generally applicable to land zoned M-1.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2298 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1. **Master Plan.** The Property shall be developed generally as shown on the Master Plan, with only minor changes thereto that the Development Review Committee determines do not change the basic concept or character of the development.

2. **Water Conservation.** The Owner shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority and subsequently for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. Irrigation wells shall only draw water from the Upper Potomac or Aquia Aquifers and shall be subject to the approval of the General Manager of James City Service Authority. The standards shall be approved by the James City Service Authority prior to final site plan approval.

4. **Road Improvements/Entrances.** (a) The existing entrance from Route 60 into the Williamsburg Pottery Factory shall be closed and the existing crossover labeled on the Master Plan as “Signalized Crossover to be Relocated” shall be closed within 30 days of the completion of the new entrance proffered in paragraph (b) of this Section.

(b) Owner shall install a signalized entrance to the Property from Route 60 into the Property in the approximate location shown on the Master Plan as “Relocated Signalized Crossover” and an eastbound left turn lane and a westbound right turn lane shall be constructed at this entrance. Construction shall be completed or bonded in form

satisfactory to the County Attorney prior to the County being obligated to issue certificates of occupancy for any building in the phase of the development served by this entrance.

(c) Owner shall install a right in, right out entrance to the Property from Route 60 in the approximate location shown on the Master Plan connecting to the existing Pottery access road. When this entrance is installed, a westbound right turn lane from Route 60 into this entrance shall be constructed. Construction shall be completed or bonded in form satisfactory to the County Attorney prior to the County being obligated to issue certificates of occupancy for any building in the phase of the development served by this entrance.

(d) Owner shall install a new entrance from Route 60 into the Property at the Colonial Heritage east crossover in the approximate location shown on the Master Plan as "Proposed Traffic Signal at Crossover per Colonial Heritage Rezoning Conditions". When this entrance is constructed, a westbound right turn lane and an eastbound left turn lane shall be constructed. At such time as a traffic signal is installed at this intersection, Owner shall install or pay the costs of installation of crosswalks, median refuge islands, signage and pedestrian signal heads at the intersection. Construction shall be completed or bonded in form satisfactory to the County Attorney prior to the County being obligated to issue certificates of occupancy for any building in the phase of the development served by this entrance.

(e) Owner shall construct a right out only exit from the Property onto westbound Route 60 at the western end of the Property in the approximate location shown on the Master Plan. Construction shall be completed or bonded in form satisfactory to the

County Attorney prior to the County being obligated to issue certificates of occupancy for any building in the phase of the development served by this entrance.

(f) The turn lanes and entrances, crosswalks, median refuge islands, signage and pedestrian signal heads proffered hereby shall be constructed in accordance with Virginia Department of Transportation (“VDOT”) standards, shall have the dimensions shown on the Master Plan and shall be approved by VDOT.

(g) The turn lanes and entrances proffered hereby shall include four foot shoulder bike lanes.

5. **Lighting.** All light poles on the Property shall not exceed 30 feet in height. All external lights on the Property shall be recessed fixtures with no globe, bulb or lens extending below the casing or otherwise unshielded by the case so that the light source is visible from the side of the fixture. No glare defined as 0.1 footcandle or higher shall extend outside the property lines of the Property unless otherwise approved by the Director of Planning. Owner shall submit a lighting plan to the Director of Planning for review and approval for consistency with this Proffer prior to final site plan approval.

6. **Route 60 Buffer.** There shall be a variable width community character corridor buffer with an average width of 30 feet and a minimum width of 15 feet along the Route 60 frontage of the Property generally as shown on the Master Plan. The buffer shall contain enhanced (defined as 125% of Ordinance size requirements) landscaping as shown on the Master Plan and a fence at least 42 inches in height approved by the Director of Planning. A landscape plan for the entire buffer shall be submitted to the Director of Planning with the initial site plan for development on the Property for his review and approval for consistency with this proffer. The buffer shall be planted or the

planting bonded in a form satisfactory to the County Attorney prior to the County being obligated to issue certificates of occupancy for buildings located on the Property.

7. Environmental. (a) Stormwater from the Property will be directed away from the Yarmouth Creek watershed to reduce existing negative impacts to that watershed; provided, however, drainage from the community character corridor buffer area adjacent to the VDOT right-of-way and up to 15,000 square feet of impervious cover associated with entrances, sidewalks or similar features may drain to the VDOT right-of-way and thus will continue to drain to the Yarmouth Creek watershed.

(b) Owner shall upgrade the existing farm pond shown on the Master Plan as “Proposed Regional SWM Facility for the Williamsburg Pottery Factory Complex” to County standards to function as a Group A wet pond generally consistent with the provisions contained in the James City County Guidelines for the Design and Construction of Stormwater Management BMP’s, including any necessary channel improvements leading into the pond prior to the County being obligated to issue any certificates of occupancy for building on the Property . The pond shall receive the redirected stormwater flows from the Property in addition to the existing flows from the Williamsburg Pottery Factory complex.

8. Architectural Review. (a) Owner has submitted to the County conceptual architectural renderings and Architectural Guidelines for the entire Property (the “Guidelines”) prepared by Dayton & Thompson, PC and dated January 26, 2007. All buildings on the Property shall be consistent with the Guidelines. No building on the property shall exceed thirty-five (35) feet in height.

(b) Prior to the County being obligated to grant final site plan approval for development of the Property, Owner shall submit to the Director of Planning conceptual architectural plans, including architectural elevations, for the buildings and any associated structures for the Director of Planning to review and approve for consistency with the Guidelines and this Proffer. Decisions of the Director of Planning may be appealed to the Development Review Committee, whose decision shall be final. Completed buildings shall be consistent with the approved plans.

9. **WAT Stop.** Owner shall retain the Williamsburg Area Transit (“WAT”) bus stop on the Property with a pull-off per VDOT standards in a location approved by Owner, WAT, the Director of Planning and VDOT. The location shall be shown on the site plan for the Property and approved prior to final site plan approval.

10. **Existing Railroad Crossing and Pedestrian Tunnel.** The existing railroad crossing and pedestrian tunnel under the railroad tracks shall be retained

Witness the following signatures.

WILLIAMSBURG POTTERY FACTORY INC.

By: [Signature]
Title: President

STATE OF VIRGINIA

CITY/COUNTY OF WILLIAMSBURG

The foregoing instrument was acknowledged before me this 26th day of January, 2007, by Kim A. Maloney as President of Williamsburg Pottery Factory, Inc. on behalf of the corporation.

[Signature]
Notary Public

My commission expires: 12/31/09

Exhibit A
Property Description

PLANNING DIRECTOR'S REPORT

February 2007

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

- Rural Lands Study. The Rural Lands Technical Committee held a public forum on the draft narrative ordinance on Monday, January 29. Approximately 100 people were in attendance to hear a presentation on the various development options and to provide feedback on the proposal. Additional information and opportunities for comment can be found on the County's website at www.jccegov.com/rurallands. The Technical Committee will meet again in late February to review the comments and make final revisions to the narrative ordinance.
- New Town. The rezoning for Section 7 & 8 was heard at the January 9, 2007 Board of Supervisors public hearing. Some of the key items discussed were the proffers for stream monitoring and stormwater management, affordable housing and the Community Character Corridor buffer along State Route 199. The board voted 5-0 to defer the case to the February 13, 2007 meeting. Staff also reviewed the quarterly shared parking update for Section 2 & 4, which will be heard at the January 31, 2007 DRC meeting.
- Virginia Capital Trail. Staff continued to work with VDOT on right of way issues.
- Better Site Design. The Committee met on January 24th to discuss Principle 10, Open Space Development. Via e-mail, the Committee continues to work on the draft document summarizing the Committee's work to-date on the Principles.
- Online Comment Database. Five training sessions have been held for internal Planning staff and commenting agencies to learn to use the new program. CaseTrak will be released for limited use to individuals on the County computer network on February 5 so staff can further refine the program prior to public release.
- Parks & Recreation Master Plan Update. Parks and Recreation staff is currently securing a consultant to conduct the remainder of the master plan update.
- Direct Discharge Septic Systems. Staff plans to schedule a Policy Committee meeting for the middle of February to discuss the pending ordinance amendment proposal and research that has been conducted thus far.
- Planning Commission Annual Organization Meeting. Under the Bylaws, the annual meeting for the election of officers (Chair and Vice Chair) is to be held at the Commission's regular monthly meeting in February. The newly elected officers then preside over the February meeting.
- Board Action Results January 9.

1. Case No. Z-5-06/MP-7-06. New Town Sections 7 & 8 (Public Hearing Continued to February 13)
2. Case No. Z-6-06. Charlie's Antiques Adopted 5-0
3. Case No. SUP-15-06. Mann Service Station Adopted 5-0
4. Case No. SUP-27-06. Homestead Garden Center Adopted 5-0

O. Marvin Sowers, Jr.