

# **Planning Commission Agenda**

**March 7, 2007, 7:00 p.m.**

## **1. Roll Call**

## **2. Public Comment**

## **3. Minutes**

A. February 7, 2007, Regular Meeting

## **4. Committee and Commission Reports**

A. Development Review Committee (DRC) Report

B. Other Committee/Commission Reports

## **5. Planning Commission Consideration**

A. Initiating Resolution – Zoning Ordinance Amendment – Mixed Use Ordinance

## **6. Public Hearings**

A. SUP-35-06. Kenneth Brook's Contractor's

B. Z-1-06/MP-12-06/SUP-36-06. The Candle Factory    SUP-36--06. KTP  
Development The Candle Factory

C. Capital Improvements

D. SUP-34-06. Rawls Byrd Elementary Bus Loop

E. ZO-1-07. Zoning Ordinance Amendment – Mixed Use Ordinance

F. Z-9-06/MP-10-06. Ironbound Square Redevelopment

G. SUP-32-06/MP-11-06. Prime Outlets Master Plan Amendment

H. Z-8-06/SUP-36-06/MP-9-06. Williamsburg Pottery Factory

## **7. Planning Director's Report**

## **8. Adjournment**

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SEVENTH DAY OF FEBRUARY, TWO-THOUSAND AND SEVEN, AT 6:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Planning Commissioners

Present:

George Billups

Mary Jones

Tony Obadal

Jack Fraley

Shereen Hughes

Jim Kennedy

Rich Krapf

Staff Present:

Marvin Sowers, Planning Director

Adam Kinsman, Assistant County Attorney

Jason Purse, Planner

Jose Ribeiro, Planner

Michael Woolson, Senior Watershed Planner

John Horne, Development Manager

Kathryn Sipes, Planner

Leanne Reidenbach, Planner

Toya Ricks, Administrative Services Coordinator

Absent:

None

2. ANNUAL ELECTION OF OFFICERS AND COMMITTEE APPOINTMENTS

Mr. Sowers recommended the Commission go into Closed Session pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia to consider personnel matters, including nominations for Commission Chairman and Vice-Chairman and consideration of appointments to Commission committees.

Mr. Fraley made the motion to go into Closed Session.

Ms. Jones seconded the motion.

In a unanimous voice vote the motion was approved.

The Commission convened into closed session.

At 7:30 p.m. the Planning Commission reconvened into open session.

Mr. Sowers recommended certification of the Closed Session Resolution.

Mr. Fraley motioned for adoption of the resolution for closed session.

Ms. Jones seconded the motion.

In a unanimous roll call vote the motion was approved.

Mr. Fraley stated that the election and committee appointments would be conducted later in the meeting.

3. PRESENTATION DONALD C. HUNT

Mr. Fraley presented to Mr. Donald C. Hunt a Resolution of Appreciation and a plaque on behalf on the James City County Planning Commission acknowledging his 16 years of dedicated service to the citizens of James City County.

Mr. Hunt thanked Mr. Fraley. He stated that it has been an honor to serve with fellow Commissioners and Staff. Mr. Hunt said that he has enjoyed serving the citizens of James City County

4. ANNUAL ORGANIZATIONAL MEETING

A. Election of Officers

Mr. Sowers opened the floor for nominations for chairman.

Mr. Fraley nominated Mr. Kennedy as the new chairman.

Ms. Jones seconded the nomination.

The Planning Commission approved Mr. Kennedy as chairman with a unanimous voice vote.

Mr. Kennedy opened the floor for vice-chairman nominations.

Ms. Hughes nominated Ms. Jones.

Mr. Fraley seconded the nomination.

The Planning Commission confirmed Ms. Jones as vice-chairman with a unanimous voice vote.

5. PUBLIC COMMENT

Mr. Kennedy opened the public comment period.

Mr. Doug Gebhardt, 3609 Grey Abbey Circle, introduced himself as the Economic Development Authority's newly appointed liaison to the Planning Commission. Mr. Gebhardt stated that he looked forward to addressing the Commission in the future on cases affecting Economic Development in the County.

Hearing no other requests; the public comment period was closed

6. MINUTES

A. January 10, 2007 Regular Meeting

Ms. Jones made a spelling correction on page 7 of the minutes.

Mr. Fraley motioned to approve the minutes.

Mr. Kennedy seconded the motion.

In a unanimous voice vote the minutes of the January 10, 2007 regular meeting were approved.

7. DEVELOPMENT REVIEW COMMITTEE REPORT (DRC)

Ms. Jones presented the DRC report stating that the DRC met on January 24 for an expedited review of SP-94-06 Avid Medical and ESGI expansion. She stated that the case was approved subject to agency comments by a vote of 2-0.

Ms. Jones said the DRC held its regularly scheduled meeting on January 31 to consider four cases. She stated that SP-143-06 Whitehall Section 1 was deferred due to changes to the master plan. C-001-07 New Town Shared Parking was also deferred due to property owner concerns and inconsistency with previously approved plan. Ms. Jones said SP-146-06 Carolina Furniture and SP-150-04 Abe's Mini-Storage were approved subject to agency comments by votes of 4-0.

Mr. Fraley motioned to approve the report.

Ms. Hughes seconded the motion.

In a unanimous voice vote the DRC report was approved.



8. PUBLIC HEARINGS

A. SUP-35-06 Kenneth Brook's Contractor's Warehouse

Mr. Sowers stated that the applicant requested deferral until the March Planning Commission meeting and that Staff concurs.

Mr. Kennedy opened the public hearing.

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

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

Ms. Leanne Reidenbach 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 a new bus entrance from Richmond Road. The property is located at 7817 Richmond Road, zoned A-1, General Agriculture District, and can be further identified as Parcel (1-51) on Tax Map (12-4). The Comprehensive Plan designates this property as Federal, State, and County Land.

Ms. Hughes asked about the traffic flow for buses.

Ms. Reidenbach pointed to a diagram of car and traffic flows.

Mr. Kennedy opened the public hearing.

Mr. Bruce Abbott, AES Consulting Engineers, made himself available for questions.

Mr. Fraley stated that he attended a public meeting to review the plans. He stated that at his request a traffic consulting engineer had reviewed the plans and had made suggestions. Mr. Fraley asked if any of those suggestions had been or are anticipated to be incorporated into the proposal.

Mr. Abbott stated that based on those discussions there had been no changes to the entrance. He stated that suggestions concerning improvements to Route 60 would be addressed with VDOT (Virginia Department of Transportation) at the design stage.

Mr. Rich Costello, President AES Consulting Engineers, presented some possible layout schemes; one included showing a right turn lane in the median and another that would relocate the crossover. Mr. Costello stated that both solutions are safe but are dependant on VDOT review.

Ms. Hughes stated that her major concern is school buses being required to make U-Turns on Route 60.

Mr. Costello stated that the buses have been making U-Turns on Route 60 for 2 years. He stated that this is done in the evenings in order to avoid the congestion of cars at the main median at the front of the school. He said this will be a safer task once the traffic flow changes.

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

Mr. Fraley complimented the Schools on their approach. He also commended County Staff and AES. Mr. Fraley stated his support.

Mr. Fraley motioned to approve the proposal.

Ms. Jones seconded the motion.

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

C. SUP-30-06 Jamestown Road Service Station LLC

Mr. Jose Ribeiro presented the staff report stating that Mr. Frank Gewet with SMO Motor Fuels has applied for a special use permit to install two additional fueling stations at Jamestown Road Service Station. The property is located at 1301 Jamestown Road and is further identified as Parcel No. (48-1) on JCC Tax Map No. (9-65). The property is designated Community Commercial on the Comprehensive Plan Land Use Map. Lands indicated Community Commercial are intended to allow general business activity in areas located within the Primary Service Area while usually having a moderate impact on nearby development.

Mr. Obadal asked if the type of nozzle proposed would be to service large trucks or only automobiles.

Mr. Ribeiro stated that the proposed fuel dispensers are intended to service cars not large trucks.

Ms. Hughes noted that the Traffic Consultant suggested that traffic safety would be improved if the left turn lane to Winston Drive was extended. Ms. Hughes asked if VDOT had commented on that suggestion.

Mr. Ribeiro stated that VDOT did not support that idea as it would encourage left turns into the site and increase conflict points on Jamestown Road.

Ms. Hughes stated that left turns are already occurring.

Mr. Ribeiro said VDOT considered that.

Mr. Kennedy opened the public hearing.

Ms. Lianne Van De Ven, 104 Winston Drive, lives near the gas station and submitted a petition and letters from neighbors expressing concerns about the difficulty of exiting the neighborhood onto Jamestown Road. Ms. Van De Ven suggested closing one entrance from Jamestown Road.

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

Mr. Billups motioned to approve the proposal.

Ms. Hughes asked if there would be any other opportunity for flow of traffic to be reviewed more thoroughly if the Commission recommended approval.

Mr. Sowers stated that VDOT will review the site plan. He stated that he would not expect traffic flow to be reviewed in greater detail than customary unless the Commission added a condition requiring a specifically focused traffic analysis.

Mr. Fraley asked if Staff had had an opportunity to review the citizen's suggestions.

Mr. Ribeiro stated that he met with citizens last week where concerns were discussed.

Mr. Fraley asked Ms. Van De Ven to return to the podium.

Ms. Hughes stated that Ms. Van De Ven had suggested traffic moving in and out of the site in different ways. She asked Ms. Van De Ven if she felt her comments were heard and considered or if she felt the need to have them considered further.

Ms. Van De Ven stated she had only a small amount of time to prepare and had made her suggestions prior to reading the Traffic Analysis. She stated that having read the analysis it points to the same concerns with a Level of Service "E" on Winston Drive during peak hours. She also stated the recommendation to move the entrance onto Winston Drive would solve some of her concerns.

Mr. Fraley asked who prepared the Traffic Analysis.

Mr. Ribeiro said Fitzgerald and Halliday conducted the study but were not in attendance.

Mr. Sowers recommended getting some initial feedback from the applicant prior to making any determinations.

Mr. Fred Gewet stated that he is the supplier for the service station.

Mr. Fraley stated that the concerns relative to ingress and egress, design and safety. He asked if any alternatives were considered.

Mr. Gewet stated that there are two entrances form Jamestown Road and that vehicles enter from either of them. He stated that sometimes there are problems exiting but that most times there are not. Mr. Gewet stated customers usually exit onto Jamestown Road. He said he is not familiar with people using the side street and taking a left.

Mr. Obadal asked what day or days and times the traffic study conducted.

Mr. Steve Stuckey with SMO Motor Fuels stated that according to the report the counts were taken between 6 and 9 a.m. and 4 and 6 p.m. on January 19.

Mr. Obadal said Tuesday is the slowest day of the week. He stated his familiarity with the area and that it is very dangerous.

Mr. Stuckey stated that the proposal seeks to add two dispensers with the goal to service existing customers allowing them to move through the lines more quickly during peak hours. It is not intended to add more customers. He stated that VDOT's comments appear to support that claim.

Mr. Krapf asked about attaching a condition requiring a study of ingress and egress at the site to the SUP that would not impact the approval process but would still allow for the study.

Mr. Sowers stated that a recommended condition could be attached to the application that would allow approval of the proposal and allow Staff to draft the condition prior to Board of Supervisors' consideration.

Mr. Krapf agreed that the actual addition of the fueling pumps would have minimal impact on traffic but that the larger issue of congestion in that area probably warrants additional study of the area.

Mr. Horne, Development Manager, stated that a study was conducted of the entire Jamestown Road/ Route 199 Corridor several years ago when the intersection was re-built which looked at a variety of improvements. He stated that it was determined that a signal at that location would cause very severe congestion at Route 199. Mr. Horne said the study did not look at incremental changes such as the entrances on this property but that the lanes and width of the Jamestown Road were specifically set based on that analysis

Mr. Billups noted that the 7-11 across the street was required to remove their fueling pumps. He stated that there is a problem with that intersection. Mr. Billups also stated that the project being requested by this owner has nothing to do with the congested conditions. He stated that traffic flows are being attributed to businesses that they have no control over and they are being asked to modify something that already exists. Mr. Billups did not believe traffic conditions are going to get any better.

Mr. Fraley seconded the earlier motion to approve made by Mr. Billups.

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

D. SUP-32-06/MP-11-06 Prime Outlet Master Plan Amendment

Ms. Kathryn Sipes presented the staff report stating that Mr. Greg Davis has applied on behalf of Prime Retail, L.P. to amend the existing master plan and special use permit to incorporate the existing Comfort Inn site into Prime Retail and to allow for the construction of an additional 49,000 square feet of retail space. Ms Sipes stated that Staff and other agencies are currently reviewing supplemental traffic, parking and environmental data submitted in response to Staff comments previously issued. Ms Sipes also stated that revisions to the master plan submitted January 30<sup>th</sup> and February 2<sup>nd</sup> are still being reviewed. She stated that Staff is working with the applicant and recommends deferral of the case to ensure that previous agency comments have been adequately addressed.

Mr. Obadal stated that he was in receipt of a letter of opposition that he had been prepared to read into the record.

Mr. Sowers stated the letter will be included in the packet for the March meeting if all members had not had an opportunity to review it.

Mr. Kennedy opened the public hearing

Mr. Dustin Devore, Kaufman and Canoles, thanked Mr. Horne and Ms. Sipes for their assistance in preparing the case. He stated that the applicant looked forward to presenting the proposal at the March meeting.

Hearing no other requests to speak the public hearing was continued to the March 7 Planning Commission meeting.

In a unanimous voice vote the application was deferred until March 7, 2007.

E. Z-8-06/SUP-36-06/MP-9-06 Williamsburg Pottery Factory

Mr. Jason Purse presented the staff report stating that Mr. Vernon M. Geddy, III has applied to rezone a 18.86 acre parcel located at 6692 Richmond Road, JCC RE Tax Map No. 2430100024, from M-1, Limited Business Industrial, and A-1, General Agricultural, to M-1, Limited Business Industrial, with proffers, and with 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. The site is shown as Mixed-Use, Lightfoot Area on the 2003 Comprehensive Plan Land Use Map. Recommended uses for Mixed-Use, Lightfoot Area include transit oriented mixed-use development with a mixture of limited industry, commercial and moderate density housing. Due to inconsistencies with the Comprehensive Plan, environmental concerns, and buffer inadequacies Staff recommended denial.

Mr. Kennedy asked for a three minute recess at 8:30 p.m. to speak with legal counsel.

The Planning Commission reconvened at 8:33 p.m.

Mr. Kennedy stated that he consulted with Mr. Kinsman during the recess concerning a discussion he had approximately 1 ½ years ago expressing possible interest should the subject parcel be redeveloped. Mr. Kennedy said no monies or rental agreements were involved and that Mr. Kinsman determined no conflict exists.

Mr. Obadal asked if Staff and the applicant are currently holding conversations concerning LID (Low Impact Design) measures.

Mr. Purse said the applicant responded today to comments forwarded by the Environmental Division. He stated that Environmental Staff has not had time to review or comment on those responses.

Mr. Sowers explained that Staff is also still reviewing other documents such as design guidelines that were submitted late last week.

Ms. Jones asked the deadline to submit those documents.

Mr. Purse stated that the proffers were received on time. He said comments regarding transportation were received after that date and expressed the need for additional transportation proffers. Mr. Purse also stated that the design guidelines had not been submitted at that time although they were referenced in the proffers.

Ms. Jones asked if Staff feels more time is needed to review the additional documents.

Mr. Purse said Staff is still reviewing the Environmental responses but has not had an opportunity to review the design guidelines.

Mr. Obadal asked if it would be appropriate to ask the applicant to defer the request rather than follow Staff's recommendation to deny.

Mr. Kennedy stated that it would be appropriate to ask once the applicant has had an opportunity to speak.

Mr. Sowers explained that the applicant met the deadline for transportation proffers. He stated that the proffers were forwarded to the County's traffic consultant to review. The consultant's comments lead to the need to have further discussions with the applicant as well as residents of Colonial Heritage who would also be affected.

Mr. Obadal stated his desire to have Staff discuss LID and a pervious surface cover lid with the applicant.

Mr. Billups asked if there is space in the rear of the site to allow the buildings to be placed farther back on the parcel.

Mr. Purse stated that the buildings already abut the railroad tracks.

Ms. Hughes asked about the anticipated difference in the traffic pattern with this proposal.

Mr. Purse read the anticipated change in the number of car trips from the traffic study submitted by the applicant.

Mr. Sowers said there was a traffic summary on page 61 of the Commissioners' packets.

Mr. Kennedy asked if this project and the commercial component anticipated for Colonial Heritage across the street will be complimentary to one another.

Mr. Purse stated that there have been no discussions on the architectural features. He said that according to the Colonial Heritage proffers there will be no parking along the street frontage, all the buildings will be along the frontage of Richmond Road, and there will be a 50 foot Community Character Corridor Buffer.

Mr. Kennedy asked about the anticipated traffic if both projects were built out.

Mr. Purse deferred the question to the applicant.

Mr. Kennedy opened the public hearing.

Mr. Vernon M. Geddy, III of Geddy, Harris, Franck and Hickman LLP represented the applicant stating the history of the Williamsburg Pottery Factory. Mr. Geddy stated that redevelopment of the site offers positive environmental and fiscal impacts as well as improved corridor aesthetics, and convenience services to surrounding neighbors. He stated that the long, narrow characteristics of the site and railroad tracks in the rear offer unique design challenges. A fact, he said, that is recognized in the Comprehensive Plan. Mr. Geddy addressed environmental and traffic concerns regarding the proposal. He also stated the applicant understands that there are a number of issues Commissioners would like the applicant to continue to work with Staff on and stated the applicant's willingness to request deferral should the Commission feel it desirable.

Mr. Fraley complimented the applicant's advisors for expanding the traffic study to include the entire corridor and make recommendations to the County for its consideration. He stated his concerns with the design, suggested the applicant look at the amount of open space provided in the Pleasant Hill Station case and urged the applicant to reconsider the design so that it does not look like a strip mall.

Mr. Obadal stated that regarding Staff's recommendation for a mixed-use component he does not feel housing is appropriate for the site especially given the proximity of the railroad and Route 60. He also questioned the width of the buffer.

Mr. Geddy stated that it would be an average of 34 feet and not less than 20 feet. He also stated that a 42' fence and enhanced landscaping are proffered. Mr. Geddy stated that waiver to the 15 buffer along the railroad would allow a wider buffer on Route 60.

Mr. Obadal confirmed that the service road in the rear of the site would be shielded from the view of Route 60 and used for dumpsters, and loading docks etc. He stated his concerns with environmental aspects of the site and the applicant's rejection of recommendations for an underground retention basin and the use of pervious concrete in certain areas. Mr. Obadal stated his desire for the applicant to look again at the inclusion of some of those features in some areas of the site. He also expressed his concern that the BMP in the rear be re-done. Mr. Obadal asked about the proposed landscaping

Mr. Geddy stated that the proposal is conceptual and that there is no detailed layout of landscaping.

Mr. Obadal stated that the landscaping is very important especially considering the commercial development proposed for Colonial Heritage. He stated his appreciation of the applicant's willingness to defer the case, his support for deferral and that the County should not settle for just being better than the existing site conditions.

Mr. Geddy stated the applicant is taking the environmental issues very seriously and believes in their approach to treating the 54 acres of stormwater run off that is not currently being treated. He said the applicant will consider LID measures if they will work.

Mr. Obadal stated that the question is will they work.

Mr. Fraley stated that the DRC will review the site plan.

Ms. Jones agreed with fellow Commissioners regarding environmental issues. She said redevelopment is needed but that the design could be better so that it is less of a strip mall. She also stated her agreement with Mr. Obadal that the answer is not putting all the buildings in the front. Ms. Jones encouraged the applicant look at changes to the design to more align with the Comprehensive Plan.

Mr. Geddy stated that Commissioners should not expect to see any major changes. He called their attention to the provision in the Comprehensive Plans acknowledging of limited development options for the parcel.



Mr. Krapf asked about the possibility of putting some of the buildings back to back with a service alley that would run perpendicular to [Richmond Road](#).

Mr. Geddy said he did not know if that layout was considered. He stated that arranging the buildings in such a manner would decrease efficiency of parking and parking conveniences.

Mr. Billups stated his concerns regarding traffic safety and setbacks. He stated the applicant's inability to move the buildings farther back and cited an incident where a car veered off the road and hit a school building. Mr. Billups said he is concerned about the buildings' proximity to a major corridor.

Mr. Geddy said that should not be a concern because all of the buildings are set back quite a distance from Route 60 and the applicant is installing all the necessary turn lanes and traffic signals for traffic safety.

Mr. Kennedy asked if the residents of the homes on the western side of the parcel have been or will be assisted in relocating.

Mr. Costello said the homes are owned by the Pottery and that the residents are Pottery employees. He said they will be assisted in relocating. Mr. Costello stated that the Pottery owns other properties that have been used to house employees.

Mr. Kennedy asked that this be noted to make sure there is follow through and the residents are not displaced. Mr. Kennedy stated his concerns about project aesthetics along Route 60 and asked if there have been discussions with Colonial Heritage concerning their project to ensue complimentary developments.

Mr. Geddy answered no. He stated that property is on the market to be sold to a third party developer. Mr. Geddy said this applicant has the ability to set a high standard with this property that other developers can emulate.

Mr. Kennedy stated that a review of the Comprehensive Plan is beginning and that the Pottery represents a large part of that review. He asked if it would be advisable for the applicant to wait until the Comprehensive Plan review is complete and to then consider the redevelopment of the entire Pottery site as a whole.

Mr. Geddy stated that the small piece under consideration is unique in that it is cut off by the railroad tracks from the rest of parcels owned by the Pottery. He stated that the majority of the parcels on the other side of the railroad tracks are in York County and York's review calls for mixed use. Mr. Geddy stated that although they will be monitoring James City County's review that are currently no specific plans for the redevelopment on the other side of the railroad tracks at this time.

Mr. Obadal stated that Mr. Costello had offered to provide him with a copy of a Geo-Tech study. He said he would like to share it with Staff and other Commissioners.

Mr. Costello said he would be happy to forward the study directly to Staff and to Mr. Obadal. Mr. Costello stated that they wanted to work with LID. He also stated that that they are obligated to design things that work and cannot use LID if the soils do not allow it. Mr. Costello stated that with respect to moving the buildings forward the purposed entrances go deep into the property before anything connects to them as requested by VDOT. He said when the buildings are moved there is a problem of pedestrians trying to cross the entrances.

Mr. Obadal stated that he noticed the applicant relied on CBLAB (Chesapeake Bay Local Assistance Board) to project the direction of pollution removal, specifically phosphorus.

Mr. Arch Marston, AES Consulting Engineers, stated that when looking at redevelopment they use the CBLAB method rather than the County 10-point method to come up with the 10% reduction that is required for redevelopment sites.

Mr. Obadal stated that the CBLAB method was a draft-only method which was removed by CBLAB and is not used anymore.

Mr. Marston stated that he was not familiar with Mr. Obadal's assertion.

Mr. Obadal stated that the information in CBLAB Bulletin #3, which has to do with the measurements of pollutants, is a draft memo ultimately withdrawn by CBLAB due to criticisms of the estimates and projections made in the memo. Mr. Obadal suggested another method be used.

Mr. Kennedy stated that it seemed as though the Commissions was leaning towards a deferral and that issue could be addressed prior to the next meeting.

Mr. James Correll, 4212 St. Albans, stated his support of the proposal. He said he sees a great opportunity possibly going down the drain due to nit-picking. Mr. Correll stated that he did not want to look at the existing buildings for the next 10 years if the applicant cannot afford to design the layout according to Staff and Commission desires.

Ms. Hughes stated that while they do not want to nit-pick it is the Commissioners' job to review the details of a proposal for compliance with the Comprehensive Plan and Ordinances. She stated that all applicants should be treated equitably and that other applicants for rezoning in the area have met requirements to maintain a 50 foot Community Character Corridor buffer. She also stated that there are other types of LID measures other than retention basins. Ms. Hughes encouraged the applicant to listen to the environmental concerns that have been made.

Mr. Sam Lazarus, 7108 Pinebrook Road, encouraged the Commission to take a careful look at the current conditions that the residents of Colonial Heritage must look at everyday. He stated he saw an accident at the site earlier in the day due a driver trying to navigate through the narrow roadway.

Mr. Kennedy asked that Commissioners submit their questions to Staff to be addressed by or at the next meeting. He also welcomed the presence of the EDA representative, Mr. Gebhardt and asked for the EDA's input considering the amount of retail that will ultimately exist in such close proximity. Mr. Kennedy also stated that he was a member of the Board of Supervisors when the Colonial Heritage development was approved. He assured the residents that the process the Commission is going through, the careful consideration they are taking, and a deferral is justified. He said their project was deferred approximately 6 times and that there were many people that did not want to see the former farm change. Mr. Kennedy stated that this process is necessary to ensure the best possible project for the site.

Hearing no other requests to speak Mr. Kennedy stated he believed the public hearing should be continued to the March 7, 2007 Planning Commission meeting.

Mr. Obadal made a motion to defer the application.

Ms. Jones seconded the motion.

In a unanimous voice vote the application was deferred.

9. PLANNING DIRECTOR'S REPORT

Mr. Sowers stated that the Planning Director's report was on the last page of the packet. He said he did not have anything further unless the Commissioners had questions. Mr. Sowers also reminded Commissioners that the Policy Committee will meet on Thursday, February 8 at 10 a.m.

10. COMMITTEE APPOINTMENTS

Mr. Kennedy appointed Ms. Jones, as Chairperson, along with himself, Ms. Hughes and Mr. Billups to the Development Review Committee. He also appointed Mr. Fraley, as Chairman, along with Ms. Jones, Mr. Krapf, and Mr. Obadal to the Policy Committee.

Mr. Kennedy asked that the DRC members present at the last meeting be present at the next meeting in order to consider the two cases that were deferred at that meeting.

Mr. Sowers asked that the previous DRC membership be seated first to hear the deferred cases with the newly appointed members to be seated second for consideration of any new cases.

Mr. Kennedy agreed.

11. Adjournment

There being no further business the Planning Commission was adjourned at 9:30 p.m.

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James Kennedy, Chairman

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O. Marvin Sowers, Jr., Secretary

**JAMES CITY COUNTY  
DEVELOPMENT REVIEW COMMITTEE REPORT**

**FROM: 2/1/2007 THROUGH: 2/28/2007**

**I. SITE PLANS**

**A. PENDING PRELIMINARY APPROVAL**

SP-067-04	Treyburn Drive Courtesy Review
SP-077-04	George Nice Adjacent Lot SP Amend.
SP-107-04	Noah's Ark Vet Hospital Conference Room
SP-150-04	Abe's Mini Storage
SP-004-05	Longhill Grove Fence Amend.
SP-009-05	Colonial Heritage Ph. 1, Sec. 4 SP Amend.
SP-071-05	Merrimac Center Parking Expansion
SP-089-05	Stonehouse- Rt. 600 Utilities
SP-093-05	The Pointe at Jamestown, Ph. 2 Amend.
SP-106-05	New Town Block 5 Dumpster Relocation
SP-136-05	Colonial Heritage Ph. 5 Sec. 1
SP-140-05	Hankins Industrial Park Ph. 2 Cabinet Shop
SP-147-05	Warhill - TNCC Site Improvements
SP-001-06	5525 Olde Towne Rd
SP-012-06	New Dawn Assisted Living
SP-025-06	Prime Outlets Ph. 7 Expansion
SP-033-06	Chickahominy Riverfront Park
SP-041-06	Prime Outlets Ph. 6 Lighting
SP-044-06	James River Baptist Church
SP-054-06	Prime Retail Phase 8 Expansion
SP-069-06	Settlement at Powhatan Creek, Phase 2
SP-070-06	Williamsburg Airport, Marclay Access Rd
SP-071-06	T-Hanger Site Prep, Williamsburg Airport
SP-073-06	Settlers Market Off Site Rd Improvements
SP-074-06	Settlers Market at New Town Sec 9
SP-085-06	Settler's Market at New Town Sec. 9, Phase 2
SP-087-06	Romack Expansion
SP-094-06	Avid Medical & ESGI Expansion
SP-097-06	T-Mobile SBA Monopine Tower
SP-103-06	Starling Gutters Site Plan
SP-104-06	Walnut Grove
SP-105-06	White Hall North Off-Site Utilities
SP-106-06	Old Capitol Lodge 629
SP-107-06	NF494 Riverside Brick
SP-108-06	White Hall Roadway Improvements
SP-109-06	Strawberry Plains Road Bus Shelter
SP-110-06	Lafayette HS Bus Shelter

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SP-111-06	Longhill Rd - Lafayette Manor Apt Bus Shelter
SP-112-06	Richmond Road - Ramada Inn Bus Shelter
SP-117-06	Lake Powhatan Road Closure
SP-121-06	Hankins Industrial Park Auto Shop/Warehouse Ph II
SP-126-06	New Town Sec 2 & 4, Blk 3, Parcel C
SP-127-06	Tewing Road Commerical Park Lots 11 & 12
SP-128-06	Warhill Sports Complex
SP-133-06	Liberty Crossing SP Amendment
SP-137-06	Governors Land Nextel Tower
SP-138-06	Bus Shelter Mooretown Rd - Anvil Campground
SP-142-06	New Town Sec. 2&4 Block 2 (Bonefish Grill)
SP-143-06	White Hall Sec 1
SP-144-06	White Hall Sec 2
SP-145-06	Busch Gardens: France Restrooms & Legrande Gourmet
SP-147-06	Cell Tower 6489 Richmond Rd Ewell
SP-148-06	Wedmore Place at the Williamsburg Winery
SP-149-06	Lawrenceville Brick Lot 7 James River Commerce Ctr
SP-150-06	Hankins Industrial Park Parcel 2
SP-151-06	Busch Gardens Main Gate Restrooms
SP-152-06	New Town Sec 2 & 4 Blk13 Parcel A THAY Building
SP-154-06	TRCC Temporary Kitchen
SP-001-07	New Zion Baptist Church Amend
SP-002-07	Pocahontas Square - SP Amend
SP-003-07	George Nice and Sons
SP-004-07	RT 60 and VA-199 Gate Accesses-Kingsmill
SP-005-07	Colonial Heritage Ph. 4
SP-006-07	Fords Colony Amended Sewer Sec. 34
SP-007-07	Williamsburg Community Chapel Nursery Wing

**B. PENDING FINAL APPROVAL**

**EXPIRE DATE**

SP-133-05	Prime Outlets Ph. 6	5 /11/2007
SP-004-06	Villas at Five Forks	4 /3 /2007
SP-005-06	Governor's Grove at Five Forks	5 /1 /2007
SP-007-06	GreenMount Road Extension Ph. 2	3 /20/2007
SP-031-06	Shell Building - James River Commerce Center	4 /26/2007
SP-077-06	Williamsburg Landing Woodhaven Expansion	8 /7 /2007
SP-118-06	Thomas Nelson CC Parking Lot	12/6 /2007
SP-119-06	Michele Point renewal	11/6 /2007
SP-124-06	Weatherly at White Hall	12/3 /2007
SP-129-06	Massie Corp Parking Lot Expansion Building #4	12/4 /2007
SP-146-06	Carolina Furniture Warehouse	1 /31/2008

**C. FINAL APPROVAL**

**DATE**

SP-096-06	Office Renovation - 7840 / 7844 Richmond Rd	2 /23/2007
SP-113-06	Lafayette Square/Lafayette Family Site Plan Amend	2 /1 /2007

SP-125-06	Sentara Bldg New Town Sec 3 & 6, Block 14 Parcel E	2 /23/2007
SP-132-06	New Town Sec 3 & 6 Roadways Ph. 4 Amend.	2 /21/2007
SP-136-06	Toano Middle School Cafeteria Exp	2 /5 /2007
SP-153-06	Greensprings Trailhead	2 /15/2007

**D. EXPIRED**

**EXPIRE DATE**

## **II. SUBDIVISION PLANS**

### **A. PENDING PRELIMINARY APPROVAL**

S-104-98	Skiffes Creek Indus. Park, VA Trusses, Lots 1,2,4
S-013-99	JCSA Mission Bank ROW Acquisition
S-074-99	Longhill Station, Sec. 2B
S-110-99	George White & City of Newport News BLA
S-091-00	Greensprings West, Plat of Subdv Parcel A&B
S-086-02	The Vineyards, Ph. 3, Lots 1, 5-9, 52 BLA
S-062-03	Hicks Island - Hazelwood Subdivision
S-034-04	Warhill Tract BLE / Subdivision
S-066-04	Hickory Landing Ph. 1
S-067-04	Hickory Landing Ph. 2
S-121-04	Wellington Public Use Site
S-039-05	Hofmeyer Limited Partnership lots 1-4
S-042-05	Toano Business Center, Lots 5-9
S-044-05	Colonial Heritage Road & Sewer Infrastructure
S-059-05	Peleg's Point, Sec. 6
S-097-05	ROW Conveyance- 6436 Centerville Road
S-105-05	Stonehouse Land Bay 31
S-106-05	Colonial Heritage Ph. 5 Sec. 1
S-108-05	3020 Ironbound Rd. BLE
S-015-06	Indigo Park- Block A, Lot 1
S-026-06	Colonial Heritage, Ph. 5, Sec. 2
S-027-06	Realtec Properties BLA & BLE
S-028-06	133 & 135 Powhatan Springs BLE
S-036-06	Vineyards at Jockeys Neck Ph 3
S-038-06	3215 & 3221 N Riverside Drive BLE
S-039-06	Settlement at Powhatan Creek, Phase 2
S-055-06	Burlington Woods
S-060-06	Villas at Five Forks
S-062-06	Villas at Five Forks (abandonment)
S-064-06	Colonial Heritage Ph. 3 Sec. 2
S-065-06	Coleman Family Subdivision
S-070-06	Elise C. & Douglas C. West
S-071-06	Avid Medical & ESGI Expansion
S-073-06	Boundary Line Adjustment
S-075-06	BLA Wmsbg - Jamestown Airport
S-078-06	Walnut Grove
S-079-06	BLA Ware Road
S-081-06	Liberty Crossing/Noland
S-088-06	Heath Properties lots 1-4
S-089-06	Heath Property Lots 5-8
S-090-06	Fenwick Hills Section 4



S-092-06	Gregg Klich BLA
S-093-06	Matoaka Elementary School
S-094-06	Pierce Subdivision
S-097-06	Willow Pond Estates
S-098-06	White Hall Section 2
S-099-06	Turners Neck Estates
S-100-06	Riverview Plantation Sec 6 Parcel B
S-101-06	Additional New Town Ave. ROW
S-103-06	Liberty Crossing Phase 2
S-104-06	9447 Richmond Rd
S-001-07	Hylemon Minor Subdivision
S-002-07	Lantoa Villa Lot 3
S-003-07	
S-004-07	10140/10142 Sycamore Landing BLE
S-005-07	Leighton-Herrmann Subdivision
S-006-07	Thompson Family Subdivision
S-007-07	Altman Subdivision
S-008-07	Crawford Subdivision
S-009-07	Chickahominy Haven BLE
S-010-07	BLA Lot 20 Merry Oaks & 255.19 AC
S-011-07	102/104 Richneck Rd BLE
S-012-07	Richburg
S-014-07	Hofmeyer Limited Partnership Lots 5-7
S-015-07	6262 Centerville Rd
S-016-07	M&Mhz LLC Bledsoe BLA

**B. PENDING FINAL APPROVAL**

**EXPIRE DATE**

S-101-03	Ford's Colony - Sec. 35	2 /2 /2008
S-037-04	Michelle Point	11/6 /2007
S-091-04	Marywood Subdivision	12/5 /2007
S-112-04	Wellington Sec. 6 & 7	12/5 /2007
S-002-05	The Pointe at Jamestown Sec. 2B	2 /18/2008
S-012-05	Greensprings Trail ROW-Waltrip Property Conveyance	3 /20/2007
S-013-05	Greensprings Trail ROW-Ambler/Jamestown Prop. Conv	3 /20/2007
S-014-05	Greensprings Trail ROW-P L.L.L.C Prop. Conveyance	3 /20/2007
S-053-05	Kingsmill-Spencer's Grant	6 /15/2007
S-078-05	Fairmont Subdivision Sec. 1- 4 (Stonehouse)	10/3 /2007
S-091-05	Windmill Meadows	10/3 /2007
S-095-05	Landfall Village	3 /10/2007
S-117-05	Liberty Ridge	4 /3 /2007
S-040-06	Colonial Heritage 18 Hole Golf Course	7 /7 /2007
S-053-06	Blackthorn Subdivision	2 /23/2008
S-058-06	McDonald	8 /10/2007
S-067-06	New Town Sec. 3 Block 14	9 /25/2007
S-076-06	New Town Sec 2/4 Block 10 Lot 1-69	10/27/2007

S-087-06          120 Carriage Rd BLA

11/3 /2007

**C. FINAL APPROVAL**

**DATE**

S-075-05          Racefield Woods Lots 5A-5E

2 /20/2007

S-076-05          Racefield Woods Lots 5E-5I

2 /20/2007

S-082-06          New Town Sec 9 Parcel B

2 /8 /2007

**D. EXPIRED**

**EXPIRE DATE**

## RESOLUTION

### INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE

WHEREAS, the Planning Commission of James City County, Virginia, is charged by Virginia Code §15.2-2286 to prepare and recommend to the Board of Supervisors various land development plans and ordinances, specifically including a zoning ordinance and necessary revisions thereto as seem to the Commission to be prudent; and

WHEREAS; in order to make the Zoning Ordinance more conducive to proper development, public review and comment of draft amendments is required, pursuant to Virginia Code §15.2-2286; and

WHEREAS; the Planning Commission is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of amendments.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, does hereby initiate review of the Zoning Ordinance to consider amending Code Section 24-527 Setback requirements, to clarify the following: when a setback is required, the conditions of when a setback can be modified, and the procedure to request a modification. The Planning Commission shall hold at least one public hearing on the consideration of amendments of said Ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with law.

---

James Kennedy  
Chair, Planning Commission

ATTEST:

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O. Marvin Sowers, Jr.  
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 7<sup>th</sup> Day of March, 2007.

**SPECIAL USE PERMIT-35-06. Kenneth Brooks' Contractor's Warehouse  
Staff Report for the March 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.

March 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 April 4, 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

February 22, 2007

**VIA HAND DELIVERY and EMAIL**

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

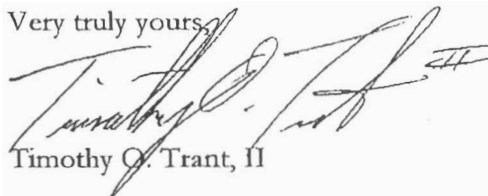
**Re: *Kenneth Brooks Contractor's Warehouse***  
***JCC Case No. SUP-035-06***  
***Our Matter No. 122112***

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 April 4, 2007. My client continues to evaluate and address the comments received at the January 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

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

#6139327v2

Chesapeake

Hampton

Newport News

Norfolk

Richmond

Virginia Beach

**REZONING CASE NO. Z-10-06/MASTER PLAN CASE NO. MP-12-06 The Candle  
Factory**

**Staff Report for the March 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:

**Building F Board Room; County Government Complex**

March 07, 2007

7:00 p.m. (Applicant deferral)

Board of Supervisors:

April 10, 2007

7:00 p.m. (Tentative)

**SUMMARY FACTS**

**Applicant:**

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

**Land Owner:**

Candle Development, LLC

**Proposal:**

To rezone approximately 64.45 acres of land from A-1, General Agricultural District, M-1, Limited Business/Industrial District, and MU, Mixed Use zoning district to MU, Mixed Use zoning district, with proffers. The development proposed with this rezoning application will allow the construction of up to 219 residential units and up to 18, 9000 square feet of commercial uses.

**Location:**

7551 and 7567 Richmond Road

**Tax Map/Parcel:**

(23-2)(11-1D) and (23-2)(11-1E)

**Parcel Size:**

64.45 acres

**Existing Zoning:**

A-1, General Agricultural District, M-1, Limited Business/Industrial District, and MU, Mixed Use District

**Comprehensive Plan:**

Low Density Residential, Mixed Use, and Limited Industry

**Primary Service Area:**

Inside

**STAFF RECOMMENDATION**

The applicant has requested deferral of this case until the Planning Commission next meeting on April 04, 2007, in order to resolve various issues associated with the case. Staff concurs with this request.

Staff Contact:

Jose Ribeiro, Planner

Phone: 253-6685

**Attachments:**

1. Letter of Deferral by the Applicant

**SPECIAL USE PERMIT-SUP-37-06: KTP Development, LLC (The Candle Factory)**  
**Staff Report for the March 07, 2007 Planning Commission Public Hearing**

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*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.*

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**PUBLIC HEARINGS**

**Building F Board Room; County Government Complex**

Planning Commission:

March 07, 2007

7:00 p.m. (Applicant deferral)

Board of Supervisors:

April 10, 2007

7:00 p.m. (Tentative)

**SUMMARY FACTS**

**Applicant:**

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

**Land Owner:**

KTP Development, LLC

**Proposal:**

To allow the construction of two mixed use, commercial buildings totaling 45,000 square feet.

**Location:**

7521 Richmond Road

**Tax Map/Parcel:**

(23-2)(11-1C)

**Parcel Size:**

14.34 acres

**Existing Zoning:**

M-1, Limited Business/Industrial District

**Comprehensive Plan:**

Mixed Use

**Primary Service Area:**

Inside

**STAFF RECOMMENDATION**

The applicant has requested deferral of this case until the Planning Commission next meeting on April 04, 2007, in order to resolve various issues associated with the case. Staff concurs with this request.

Staff Contact:

Jose Ribeiro, Planner

Phone: 253-6685

**Attachments:**

1. Letter of Deferral by the Applicant

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

ATTORNEYS AT LAW

1177 JAMESTOWN ROAD

WILLIAMSBURG, VIRGINIA 23185

TELEPHONE: (757) 220-6500

FAX: (757) 229-5342

MAILING ADDRESS:

POST OFFICE BOX 379

WILLIAMSBURG, VIRGINIA 23187-0379

email: [vgeddy@ghfhllaw.com](mailto:vgeddy@ghfhllaw.com)

VERNON M. GEDDY, JR. (1926-2005)

STEPHEN D. HARRIS

SHELDON M. FRANCK

VERNON M. GEDDY, III

SUBANNA B. HICKMAN

RICHARD H. REEK

ANDREW M. FRANCK

February 28, 2007

Mr. Jose Ribeiro  
James City County Planning Department  
101-A Mounts Bay Road  
Williamsburg, Virginia 23185

Re: Candle Factory – Z-10-06/MP-12-06/SUP. 37-06

Dear Jose:

I am writing on behalf of the applicants, Candle Development, LLC and KTP Development, LLC, to request that the Planning Commission defer these cases until its April meeting.

Thanks for your help.

Sincerely,



Vernon M. Geddy, III

Cc: Mr. Peter V. Henderson  
Mr. Alex Perkins  
Mr. Arch Marston



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

ATTORNEYS AT LAW

1177 JAMESTOWN ROAD

WILLIAMSBURG, VIRGINIA 23185

TELEPHONE: (757) 220-6500

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email: [vgeddy@ghfhlaw.com](mailto:vgeddy@ghfhlaw.com)

VERNON M. GEDDY, JR. (1926-2005)  
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VERNON M. GEDDY, III  
SUBANNA B. HICKMAN  
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ANDREW M. FRANCK

February 28, 2007

Mr. Jose Ribeiro  
James City County Planning Department  
101-A Mounts Bay Road  
Williamsburg, Virginia 23185

Re: Candle Factory – Z-10-06/MP-12-06/SUP. 37-06

Dear Jose:

I am writing on behalf of the applicants, Candle Development, LLC and KTP Development, LLC, to request that the Planning Commission defer these cases until its April meeting.

Thanks for your help.

Sincerely,



Vernon M. Geddy, III

Cc: Mr. Peter V. Henderson  
Mr. Alex Perkins  
Mr. Arch Marston

# MEMORANDUM

DATE: March 7, 2007

TO: The Planning Commission

FROM: David W. German, Planner

SUBJECT: FY 2008-2012 Capital Improvements Program (CIP)

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After a series of meetings to discuss and rank Capital Improvements Program (CIP) requests, the Policy Committee, in conjunction with Planning Staff, is forwarding its recommendations for the Fiscal Years 2008-2012 Capital Improvements Program to the Planning Commission. In addition to a project's ranking, the Policy Committee includes specific recommendations and comments in some instances. These additional comments and recommendations are included in a separate addendum to this memo. In general, the Policy Committee upgraded the priority of projects related to emergency response, school safety and basic facility maintenance. By contrast, the Committee deemed the priority for several Parks and Recreation projects, parking lot expansions, and facilities requiring new public buildings as being lower overall than other projects in the FY08 Capital Improvements Program.

The Staff ranking system for CIP requests emphasizes service needs and conformance to the Comprehensive Plan and other approved County Plans and Policies (e.g., the Master Water and Sewer Plan). A sample rating sheet is attached for your reference. This ranking system generates a numerical ranking for each project, which is then provided to the Policy Committee for its analysis. This year, the decision was made that all projects that were repair, maintenance, replacement, refurbishment, functional upgrade, or safety items would not be numerically ranked by Staff, but would, instead, be designated "MAINT," (an abbreviation for "Maintenance"). Staff's numerical scores, once calculated, were provided to the Policy Committee members for their consideration, and to assist them in ranking the projects. Please note that this objective ranking system does not account for all factors that may influence a project's priority. For instance, the Policy Committee was mindful of priorities established by specific departments, as outlined in applicant presentations.

All projects receiving a high priority designation either support or implement the adopted Comprehensive Plan, are needed for necessary maintenance of existing facilities, or are related to specific safety issues. Projects receiving medium priority designations may not specifically support the Comprehensive Plan, but require particular consideration due to state or federal regulations, contractual obligations, or may be seen as complements to County policy or departmental goals and objectives. Projects receiving a low priority designation may require further scrutiny to determine their standing within the Capital Improvements Program.

The attached report contains a summary of CIP project rankings and descriptions of the proposed projects. As stated in years past, Operating Contribution category requests are for various projects that do not result directly in a physical county asset, but are major expenditures that support the Comprehensive Plan.

There have been several changes in the CIP review process from the previous year at the request of the Policy Committee and the Department of Financial and Management Services. Previously only projects requesting funds for the upcoming fiscal year received a priority ranking. This year, however, all non-JCSA projects were assigned a priority ranking. Secondly, in the past, all CIP project

priority rankings were combined in one overall master list, while this year projects are separated and ranked by division. Finally, as outlined previously, all general repair, maintenance, replacement, refurbishment, functional upgrade, or safety item projects for FY08 to FY12 are specifically denoted from all other CIP projects as "MAINT" in the *Planning Division's Score* column of the CIP Ranking Spreadsheet.

Williamsburg-James City County Public Schools projects were broken up by the School Board into four tiers which categorize the projects as *Health and Safety Issues* (Tier I), *Growth and Maintenance* (Tier II), *Projects that support and/or enhance the learning process* (Tier III), or *Other projects important to the mission of the schools* (Tier IV). Many of the School Board projects received the "MAINT" designation, as they called for refurbishments, repairs, or other maintenance or safety expenditures. All of the Tier I projects, and most of the Tier II projects received high priority rankings from the Policy Committee. Tier III and Tier IV projects saw a mixture of high, medium, and low, priority rankings.

### **RECOMMENDATION:**

The Policy Committee and Planning Staff recommend that the Planning Commission approve the Capital Improvements Program rankings as summarized in the attached report, to serve as a recommendation to the James City County Board of Supervisors.

---

David W. German, Planner

### **Attachments:**

- 1.) Policy Committee FY08-FY12 Capital Improvement Plan Rankings (Spreadsheet)
- 2.) Policy Committee Meeting Minutes – FY08-FY12 CIP (Attachments 2-A through 2-E)
- 3.) Policy Committee Comments related to FY08-FY12 CIP Projects
- 4.) Financial Management Services (FMS) Spreadsheet of FY08-FY12 CIP (excludes JCSA projects)
- 5.) Summaries of FY08-FY12 CIP Projects (excluding JCSA and WJCC Schools projects)
- 6.) CIP Rating System Sheet (JCC Planning Staff Numerical Scoring Sheet)
- 7.) Summary of JCSA FY08-FY12 CIP Projects
- 8.) JCSA FY08-FY12 CIP Project Priority Rankings
- 9.) Summaries of FY08-FY12 WJCC School Board CIP Projects (under separate cover)

## FY08 - CAPITAL IMPROVEMENT PROGRAM RANKING SPREADSHEET

ID#:	Project Name:	Applying Agency's Ranking:	Planning Division's Score:	Last Year's PC Priority:	Current PC Ranking (FY08):
#1	Warhill Gymnasium*	1 of 10	85	Low	Medium
#2	JCWCC Parking Expansion	2 of 10	70	High	High
#3	Chick River Park Infrastructure	3 of 10	60	NEW	High
#4	Mid County Park Building	4 of 10	60	Medium	Low
#5	Mid County Park Parking	5 of 10	60	Medium	Low
#6	JCWCC Field Restroom	6 of 10	50	Medium	Low
#7	JCWCC Field Playground	7 of 10	55	Medium	Low
#8	Mid-County Park Playground	8 of 10	60	Medium	High
#9	JCWCC Fitness Expansion	9 of 10	70	High	Medium
#10	Upper County Park Restroom	10 of 10	55	Medium	Low
#1	Knuckle boom Truck	1 of 17	25	NEW	High
#2	HSC Generator	2 of 17	30	NEW	High
#3	Courthouse Drainage Repairs	3 of 17	MAINT	NEW	High
#4	JCW Comm Ctr Renovation*	4 of 17	MAINT	High	High
#5	Emerg Operations Ctr HVAC	5 of 17	MAINT	NEW	High
#6	Replace Building C	6 of 17	65	NEW	High
#7	Refurb Satellite Office (DMV)	7 of 17	MAINT	NEW	High
#8	Warhill Maintenance Facility	8 of 17	50	NEW	High
#9	General Services Building	9 of 17	50	Low	Low
#10	Landfill Access/Road	10 of 17	40	NEW	Low
#11	HSC Boiler/Parking	11 of 17	MAINT	NEW	Medium
#12	JCW Comm Ctr Parking Overlay	12 of 17	MAINT	NEW	Medium
#13	Pave Gravel Lots - Parks	13 of 17	MAINT	NEW	Low
#14	JCW Comm Ctr Soccer Refurbishment	14 of 17	MAINT	NEW	Low
#15	LEC Parking Expansion	15 of 17	NO APP	NEW	Low
#16	FS # 3 HVAC System	16 of 17	MAINT	NEW	Low
#17	Building D Air Handling Unit	17 of 17	MAINT	NEW	Low

LEGEND:
PARKS AND RECREATION
GENERAL SERVICES
PUBLIC SAFETY
OTHERS
SCHOOLS

MAINT = Maintenance, Replacement, Functional Upgrade, Refurbishment, or Safety Item

NO APP = No Application Received; Planning Division Ranking Not Possible

\* = Received Funding in Prior Year(s)

Total Items This Page =	27
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ID#:	Project Name:	Applying Agency's Ranking:	Planning Division's Score:	Last Year's PC Priority:	Current PC Ranking (FY08):
#1	Mobile Data Terminals*	P 1 of 2	35	High	High
#2	Ambulance Replacement	F 1 of 5	MAINT	Low	High
#3	Ambulance Replacement	F 1 of 5	MAINT	Low	High
#4	Ambulance Replacement	F 1 of 5	MAINT	Low	High
#5	Law Enforcement Center Generator	F 5 of 5	NO APP (60)	High	High
#6	Engine Pumper/Quint Replacement	F 2 of 5	30	Low	High
#7	Fire Station No.4 Replacement	F 4 of 5	65	Medium	Medium
#8	Public Safety Building	P 2 of 2	75	High	Medium
#9	Heavy Rescue Truck and Trailer	F 3 of 5	25	Low	Low
#1	Bikeways and Multi-Use Paths	1 of 3	65	Not Ranked	High
#2	Greenspace/PDRs*	Unranked	NO APP	Not Ranked	High
#3	Water Quality*	2 of 3	65	Not Ranked	High
#4	Road Improvements	3 of 3	50	Not Ranked	Low
#5	Crossroads Youth Home*	Unranked	NO APP (60)	Medium	High
#6	M.A.N. Fiber Investment*	Unranked	NO APP (55)	Medium	Medium
#7	Personnel / FMS Payroll Software	1 of 1	MAINT	<b>NEW</b>	High
#8	Technology Upgrades*	Unranked	NO APP	Not Ranked	Medium
#9	Third Library	1 of 1	55	Low	Low
CLARA BYRD BAKER ELEMENTARY SCHOOL					
#1	HVAC	T2 - 1	MAINT	Medium	High
#2	Parking Lot Expansion	T3	50	Low	Low
#3	Roof	T2 - 5	MAINT	Medium	High
#4	Retaining Wall	T2 - 9	MAINT	<b>NEW</b>	High
D.J. MONTAGUE ELEMENTARY SCHOOL					
#5	HVAC	T2 - 2	MAINT	Medium	High
#6	Roof	T2 - 14	MAINT	Medium	High
#7	Parking Lot Expansion	T3	50	<b>NEW</b>	Low
NORGE ELEMENTARY SCHOOL					
#8	Parking Lot Resurfacing	T2 - 7	MAINT	Medium	Medium
STONEHOUSE ELEMENTARY SCHOOL					
#9	Fiber Network	T2 - 6	MAINT	<b>NEW</b>	High
#10	Sports Field Lights	T4	45	<b>NEW</b>	High
#11	Bus Loop Canopy	T2 - 15	45	Medium	Low

LEGEND:
PARKS AND RECREATION
GENERAL SERVICES
PUBLIC SAFETY
OTHERS
SCHOOLS

MAINT = Maintenance, Replacement, Functional Upgrade, Refurbishment, or Safety Item

NO APP = No Application Received; Planning

Division Ranking Not Possible

\* = Received Funding in Prior Year(s)

Total Items This Page =	29
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ID#:	Project Name:	Applying Agency's Ranking:	Planning Division's Score:	Last Year's PC Priority:	Current PC Ranking (FY08):
MATTHEW WHALEY ELEMENTARY SCHOOL					
#12	Replace Cupolas	T1 - 5	MAINT	High	High
#13	Auditorium Ceiling	T2 - 3	MAINT	Medium	High
#14	Attic Insulation	T2 - 3	MAINT	Medium	High
#15	Doors and Painting	T2 - 3	MAINT	Medium	High
#16	Refurbishment	T2 - 3	MAINT	Medium	High
BERKELEY MIDDLE SCHOOL					
#17	Auditorium	T2 - 4	MAINT	Medium	High
#18	Restrooms	T2 - 4	MAINT	Medium	High
#19	Roof	T2 - 8	MAINT	Medium	High
#20	HVAC	T2 - 12	MAINT	Medium	High
#21	Locker Rooms	T2 - 12	MAINT	Medium	High
#22	Refurbishment	T2 - 12	MAINT	Medium	High
JAMES BLAIR MIDDLE SCHOOL					
#23	Replace Fuel Tanks	T1 - 3	MAINT	NEW	High
#24	Hockey / Soccer Field Irrigation	T2 - 10	50	NEW	Medium
#25	HVAC	T2 - 13	MAINT	Medium	High
#26	Refurbishment	T2 - 13	MAINT	Medium	High
#27	Bus Parking Lot Resurfacing	T3	MAINT	Low	Low
COOLEY FIELD					
#28	Lighting	T2 - 11	50	Medium	High
#29	Renovations	T2 - 11	MAINT	Medium	High
#30	Turf Field	T4	50	NEW	High
TOANO MIDDLE SCHOOL					
#31	Field Lighting	T4	45	NEW	High
JAMESTOWN HIGH SCHOOL					
#32	Multi-Use Space	T3	50	High	High
#33	Refurbish Locker Rooms	T3	MAINT	NEW	High
#34	Gym Lighting	T1 - 4	MAINT	NEW	High
#35	A/C - Auditorium	T3	MAINT	Low	High
#36	Refurbishment	T3	MAINT	NEW	High
#37	Field Lights	T4	45	NEW	High
#38	Food Court / Kitchen Refurbishment	T4	MAINT	Low	Low

LEGEND:
PARKS AND RECREATION
GENERAL SERVICES
PUBLIC SAFETY
OTHERS
SCHOOLS

MAINT = Maintenance, Replacement, Functional Upgrade, Refurbishment, or Safety Item

NO APP = No Application Received; Planning Division Ranking Not Possible

\* = Received Funding in Prior Year(s)

Total Items This Page =	27
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ID#:	Project Name:	Applying Agency's Ranking:	Planning Division's Score:	Last Year's PC Priority:	Current PC Ranking (FY08):
LAFAYETTE HIGH SCHOOL					
#39	Multi-Use Space	T3	50	High	High
#40	Exterior Painting	T3	MAINT	NEW	High
#41	Refurbish Practice Field	T3	MAINT	NEW	High
#42	Refurbishment	T3	MAINT	Medium	High
#43	Food Court / Kitchen Refurbishment	T4	MAINT	Low	Low
#44	Science Pavilions	T4	45	Low	Low
#45	Walkway to Warhill	T4	45	NEW	High
WARHILL HIGH SCHOOL					
#46	Multi-Use Space	T3	50	NEW	High
SCHOOL DIVISION					
#47	Rapid Responder	T1 - 1	MAINT	NEW	High
#48	Elevator Panels	T1 - 2	MAINT	NEW	High
#49	Safety Issues	T1 - 6	MAINT	NEW	High
#50	ADA Doors	T1 - 7	MAINT	NEW	High
#51	Resurface Parking Lots	T3	MAINT	NEW	Medium
#52	Technology Upgrade Project	Unranked	MAINT	NEW	Medium
#53	4th High School Site	T2 - 17	45	NEW	High
#54	4th Middle School*	Unranked	60	Low	High
#55	9th Elementary School*	Unranked	60	Low	High
#56	Central Office/Student Services	Unranked	35	Medium	Low

LEGEND:
PARKS AND RECREATION
GENERAL SERVICES
PUBLIC SAFETY
OTHERS
SCHOOLS

MAINT = Maintenance, Replacement, Functional Upgrade, Refurbishment, or Safety Item

NO APP = No Application Received; Planning Division Ranking Not Possible

\* = Received Funding in Prior Year(s)

Total Items This Page =	18
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**Notes:**

- A.) Money has been set aside for the 4th Middle School and 9th Elementary school sites, but not the buildings.
- B.) The County has funded certain replacement items before (e.g., replacement ambulances) that may not be specifically funded (yet) in FY08.
- C.) The County has funded Greenspace, Bikeways / Multi-use Paths, and PDR acquisitions in previous CIP budgets (FY07 and/or earlier).

**POLICY COMMITTEE MEETING**

*CIP FY08-Review of Applications*

**February 08, 2007, 10:00AM, Building E Conference Room**

**A. Roll Call**

**PRESENT:**

Mr. Jack Fraley  
Mr. Richard Krapf  
Mr. Tony Obadal  
Ms. Mary Jones

**ABSENT:**

**OTHERS PRESENT:**

Ms. Sue Mellen, Director of Budget and Finance  
Mr. John McDonald, Manager of FMS  
Mr. John Horne, Development Manager  
Mr. Matthew Smolnik, Senior Planner  
Ms. Kate Sipes, Planner  
Mr. David German, Planner  
Mr. Don Davis, Principal Planner

**B. Minutes**

Mr. Fraley opened the meeting by introducing Mr. Krapf, a new member to the Planning Commission and to the Policy Committee ("Committee"). Mr. Fraley then turned the meeting over to Mr. German.

Mr. German asked how the Committee would like to handle the approval of the minutes from the last Policy Committee meeting (of 13 December 2006) with former members of the Committee. The Committee decided that Mr. German should E-mail the minutes to the former Committee members to review and approve.

Mr. German gave an overview of the process and of the responsibilities of the Policy Committee which included a memorandum from County Administrator Sandy Wanner outlining the responsibilities of the Capital Improvement Program Committee. Mr. German then went on to explain the ranking process for projects submitted to the Committee. It was also stated that some departments did not provide departmental rankings, and that all applicants could be asked to attend a future CIP meeting to provide insight into their requests, and to explain their priorities. Mr. German provided copies of the ranking sheets used by Staff to the Committee members. It was explained that Committee members will be tasked to consider the applications for projects, input from agencies, Staff rankings, and how well the project supports the Comprehensive Plan when making their final rankings for the projects.

Mr. German then invited Mr. McDonald to provide an overview of the County budget



process as it relates to Capital Improvement Program projects, explaining what funds are approved and appropriated.

Ms. Jones asked if everyone was on the same page this year for school enrollment projections because, in years past, the projection numbers had varied from agency to agency. Mr. McDonald expressed that everyone understood where everyone else in the process was regarding the projections, but that more work was yet to be done to reach consensus.

Mr. McDonald then described the various growth and repair projects in the current CIP cycle. He stated that the Committee did not have to consider replacement and refurbishment projects, but could instead focus solely on new projects. Mr. Horne agreed and said that new projects may be a better use of the Committee's time. The Committee members also agreed with this course of action.

Mr. German introduced the Planning Staff members who were working on the CIP with the Policy Committee. He then solicited questions or comments from the Committee regarding projects listed in the CIP packets, and asked which applicants the Committee wanted to hear from at the second or third CIP meetings. He also noted that the School District had not yet completed its budget process and had not yet formally submitted its CIP applications.

Mr. Fraley asked if the Fire Department could attend the next meeting, and where the Parks and Recreation Department was with its Master Plan. Mr. Davis responded that the Parks and Recreation Department had completed its public conversations with citizens, but had not yet contracted with a consultant.

Mr. German suggested that the Parks and Recreation Department be invited to present and to answer questions, which was agreed to by the Committee. It was also decided that the School District and Police Departments should be asked to come and present, as well. Finally, the decision was made to ask the General Services Department to reserve time in its schedule for Wednesday, February 21<sup>st</sup>, in case the Committee later decided to have the General Services Department come in and present, but that this department did not need to come forward at the present time.

To close the meeting, Mr. German confirmed back to the Committee that the Committee wished to see the Fire and Police Departments, School District, and Parks and Recreation Division for presentations, and that the current questions for the presenters included:

- (For Parks and Recreation) Please identify which projects are referendum-based/funded and which are not;
- (For Parks and Recreation) Please describe the nature of collaboration and communication with the School District with respect to the sharing/funding of facilities;
- (For School District) Please describe the nature of collaboration and communication with the Parks and Recreation Division with respect to the sharing/funding of

- facilities;
- (For Fire Department) Please describe the nature of your ranking system for the priority assigned to each project.

**C. Adjournment**

The meeting was adjourned at 11:20 AM.

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Jack Fraley  
Chairman

**POLICY COMMITTEE MEETING**

*CIP FY08-Presentations*

**February 13, 2007, 10:00AM, Building E Conference Room**

**A. Roll Call**

**PRESENT:**

Mr. Jack Fraley  
Mr. Richard Krapf  
Mr. Tony Obadal  
Ms. Mary Jones

**ABSENT:**

**OTHERS PRESENT:**

Ms. Sue Mellen, Director of Budget and Finance  
Mr. John McDonald, Manager of FMS  
Mr. John Horne, Development Manager  
Mr. Matthew Smolnik, Senior Planner  
Ms. Kate Sipes, Planner  
Mr. David German, Planner  
Mr. Don Davis, Principal Planner  
Chief Tal Luton, Fire Department  
Mr. Phil Mease, Parks and Recreation

**B. Minutes**

Mr. Fraley opened the meeting by asking for approval of the minutes from the last meeting, (February 8<sup>th</sup>). Ms. Jones had two corrections to the previous minutes, which were then approved by the Committee with her amendments on a 4-0 vote.

Immediately following the discussion about the minutes from February 8<sup>th</sup>, Mr. Fraley led a discussion about the appropriate way to handle the minutes from the Policy Committee of December 13, 2006. At issue is that the minutes prepared by Staff are in conflict with the minutes prepared by Mr. Billups, who was serving as the Chair of the Policy Committee at the December 13<sup>th</sup> meeting. Mr. Fraley indicated that he had spoken with and received guidance from Mr. Kinsman of the County Attorney's office. The resolution was that Mr. Billups' minutes would be substituted for Staff's minutes for that meeting, at that Mr. Billups' minutes should be E-mailed to the members of the Planning Commission that were seated on the Policy Committee (Ms. Hughes, Ms. Jones, Mr. Obadal, and Mr. Billups) at the time of the December 13<sup>th</sup> meeting for their consideration and ratification. Mr. German indicated that Mr. Billups' minutes would be E-mailed out, and substituted, as requested.

Mr. German then passed out handouts and school packets, and then introduced Chief Luton of the James City County Fire Department.

Chief Luton gave a presentation on the CIP needs of the Fire Department. The two highest priorities for the Fire Department are the replacement of two ambulances and a “quint” ladder / pumper truck. Also on the Fire Department list for CIP projects is the replacement of Station 4, and a fire rescue truck and trailer. The timeline for replacing the ambulances and the condition of the quint truck were questioned by the Committee. Chief Luton stated that the ambulances were on a target for their scheduled replacement and that the quint truck had had several mechanical problems to include catching on fire three times and being out of service for half of its useful life, and that the cost of repairs was exceeding the cost of replacement.

Questions were raised regarding the use of the existing Station 4 for other purposes if a new station was erected. Chief Luton indicated that the existing station building could be put to other uses, or that, if the building were to be removed, the new Station 4 could be built on the existing site. Chief Luton also mentioned that the new Station 4 could be located further west of its current site on existing county property.

Mr. German introduced Mr. Phil Mease from the Parks and Recreation Department. Mr. Mease presented the needs of the Parks and Recreation Department, the first being the gymnasium at the Warhill Sports Complex.

The Committee asked if the use of this gym would be affected if the schools built auxiliary gyms at the school sites. Mr. Mease said no, and that the gym would be used by recreation sports leagues and community groups, as well as the schools if they needed to use the space. The Committee then asked about safety at the gym, and Mr. Mease assured the group that safety was not an issue. Warhill activities are attended by adults and the complex is patrolled by a park ranger.

Another Parks and Recreation CIP project included the water tower site across from the Community Center, on which additional parking is being proposed, along with improved lighting for the existing and proposed lots, and, ultimately, the closure of Ashbury Lane for safety and pedestrian access reasons. Mr. Fraley wanted to know if improved lighting would still be installed if the additional parking portion of the project was not approved. Mr. Mease said he would prefer more parking to more lighting. Mr. McDonald said that the project was proposed as a package that included the parking, lighting, and closure of Ashbury Lane. Ms. Jones brought up the fact that JCSA owns the land at the water tower site, and that nothing was to be built at that site before 2009.

The next Parks and Recreation project discussed was a Chickahominy Riverfront Park infrastructure improvement program. Ms. Jones wanted to know if the park would be maintained as a camping facility. Mr. Horne interjected that the plans are to consider the new Jamestown site in conjunction with the Chickahominy Riverfront site in terms of the long-term facilities and services that will be provided.

Mr. McDonald asked how the Parks and Recreation Department felt about the school field lighting projects. Mr. Mease responded that the school fields needed to be lit, and

that the Warhill properties would address the problem of providing lighted sports fields to the public, and for overflow school needs.

Mr. Fraley asked Mr. McDonald why 25% of the budget was slated for public buildings. Mr. McDonald responded that there were two projects that were over \$10 million: the new public safety building and third library. He also noted that the library would have a larger ongoing operating cost than the public safety building upon completion.

Mr. Mease concluded his remarks by indicating that none of the Parks and Recreation projects were referendum-based projects. Mr. McDonald added that all of the referendum projects were already underway.

Mr. Fraley decided that the committee would need to hear from General Services. Mr. German indicated that General Services would be scheduled for the February 21<sup>st</sup> CIP Meeting. Mr. Fraley commented again regarding his concern over the amount of money being proposed for “bricks and mortar projects,” especially new buildings. Mr. Fraley asked the committee members to email specific questions for General Services to Mr. German in preparation for the February 21<sup>st</sup> meeting.

Mr. Obadal raised concerns over the real need for a third library, and the Committee decided to hear from representatives from the library regarding the proposed third library.

Mr. Krapf asked if there were requirements for “green” construction practices for county buildings. Mr. McDonald said that there were none in place. Mr. Fraley responded that the Committee would recommend the employment of green building practices, whenever it was economically feasible, for public facilities.

### **C. Adjournment**

The meeting was adjourned at 12:03pm.

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Jack Fraley  
Chairman

**POLICY COMMITTEE MEETING**

*CIP FY08-Presentations*

**February 15, 2007, 10:00AM, Building E Conference Room**

**A. Roll Call**

**PRESENT:**

Mr. Jack Fraley  
Mr. Richard Krapf  
Mr. Tony Obadal  
Ms. Mary Jones

**ABSENT:**

**OTHERS PRESENT:**

Ms. Sue Mellen, Director of Budget and Finance  
Mr. John McDonald, Manager of FMS  
Mr. John Horne, Development Manager  
Mr. Matthew Smolnik, Senior Planner  
Mr. David German, Planner  
Mr. Alan Robertson, Williamsburg-James City County Schools  
Chief Emmett Harmon, Police Department  
Lt. Jeffrey Hicklin, Police Department

**B. Minutes**

Mr. Fraley opened the meeting by asking for approval of the minutes from the last meeting. Mr. Fraley had one addition to the previous minutes, which were then approved by the Committee with his amendments on a 4-0 vote.

There was then a discussion on the memorandum distributed by Mr. German with the Policy Committee's comments from last meeting. Mr. Fraley had some changes, and Ms. Mellen had one correction.

Mr. German then introduced Mr. Robertson who then presented detailed information concerning the Schools CIP requests. He then explained the CIP process that the schools undertake, the committee that was formed and how the ranking was achieved. Mr. Robertson stated the parking issues that were listed were concerning safety issues, drop offs, and spaces allotted for parking. The standards that have been used are the ones that the State has suggested. Mr. Fraley did make the request that when addressing parking concerns to research using impervious surfaces whenever possible.

Mr. Robertson spoke of the need for lights at some of the facilities. There is a discussion that is currently ongoing concerning the use of the lights by the Schools and the County's Parks and Recreation Division. It is intended through the discussions to draft up some type of user agreement that would be agreeable to both parties. Mr. Fraley brought up the

concerns that have been voiced in the past concerning the lights glaring in the neighborhoods adjacent to these sites. Mr. Robertson stated that there is a new lighting system that might address this problem and that it will be used at the new Warhill Complex.

Mr. Robertson mentioned that, in the past, refurbishments have been done based on age of the building and history. Now the current way of thinking is to group projects for a given location and complete then all at one time. These would also be grouped in order of importance. Mr. Robertson also stated that similar projects are grouped together such as complying with ADA requirements for doors, refinishing parking lots, additional lighting, and security cameras for schools.

Discussion was then directed toward the use of Cooley Field once the New Stadium is built. Cooley Field will still be used for practices, Junior Varsity and Middle School sporting events. Mr. Robertson also stated that multi-use facilities were on the list, these were basically the same as last year, but listed as auxiliary gyms. The idea is to get away from the gym connotation and encourage all uses of the facility.

Ms. Jones questioned if it was feasible to use existing plans when building a new school as opposed to incurring new architectural and consulting fees. Mr. Robertson answered that it had been researched, but that differing needs and other site-specific factors, such as terrain, come into play.

Mr. Robertson showed the plan concerning the new cafeteria set up. It would be set up as a "food court," with several stations simultaneously serving different types of food. The idea is to encourage students to eat lunch at the schools since the food service system is self-supporting. This type of set-up will be at Warhill, and is planned for Lafayette and Jamestown when those high schools are refurbished.

Mr. Horne then explained the PDR and Greenspace Programs and the financing of these programs. It was then suggested that maybe public education about these programs would benefit the County, and well as educating the citizens.

Mr. German then introduced Chief Harmon and Lieutenant Hicklin who were present to discuss the Police Department's CIP applications. Chief Harmon explained in detail what Mobile Data Terminals (MDT) are, and how increasing the number of these units would benefit the Police Department. Mr. Fraley asked how James City County compared to other localities with regards to technology. Chief Harmon felt that with the additional terminals James City County would be in line with other localities, and would enhance communication with such localities.

Chief Harmon then discussed the need for a new building. Many of the units, such as the Task Force, are off-site at the present time. One option would be to combine facility needs with the Fire Department and have a Public Safety Building, since Fire Administration is currently leasing space. Another option would be to build a new

building just for Police, and have Fire occupy the old Police Facility. There was a committee formed to look at possible locations, two being Eastern State Hospital, once it is vacated, or somewhere in the Warhill Tract.

Mr. German then explained how the Planning Staff ranked the projects. It was with the understanding that the Policy Committee could change the order in which the projects were ranked at the Committee's discretion. The concern should be placed with level of importance and how the project falls within the Comprehensive Plan guidelines as opposed to the financing of each project.

Mr. Fraley did report back that he has visited with Human Resources to understand their software needs. He felt that the current HR software system was outdated and inefficient and that in order to attract and retain good employees it may be necessary to upgrade the system.

### **C. Adjournment**

The meeting was adjourned at 11:48pm.

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Jack Fraley  
Chairman



**POLICY COMMITTEE MEETING**

*CIP FY08-Presentations*

**February 21, 2007, 10:30AM, Building E Conference Room**

**A. Roll Call**

**PRESENT:**

Mr. Jack Fraley  
Mr. Richard Krapf  
Mr. Tony Obadal  
Ms. Mary Jones

**ABSENT:**

**OTHERS PRESENT:**

Ms. Sue Mellen, Director of Budget and Finance  
Mr. John McDonald, Manager of FMS  
Mr. Matthew Smolnik, Senior Planner  
Mr. David German, Planner  
Ms. Kate Sipes, Planner  
Mr. John Moorman, Library Board  
Mr. Steven Hicks, General Services  
Ms. Grace Boone, General Services  
Mr. Doug Powell, Manager Community Services  
Mr. Phil Mease, Parks and Recreation

**B. Minutes**

Mr. Fraley opened the meeting by asking for approval of the minutes from the last meeting. Approval was granted on a 4-0 vote.

It was then discussed that the CIP rankings would be presented to the Planning Commission on March 7, 2007, and then to the Board of Supervisors in April. The Policy Committee members felt they did not have enough time to have the ranking completed today, so they will continue their discussion on Monday, February 26<sup>th</sup>, following a presentation on another matter.

Mr. German introduced everyone present. Mr. Moorman was then introduced for the Library who was present to answer any concerns about the new library building request. Consultants have done a study and have recommended a third library to meet the growing needs of the community and to continue to provide the level of service citizens are accustomed to. The site suggested by the consultants was on John Tyler Hwy adjacent to the Greensprings Development. The numbers have shown that there have been over 425,000 visitors to the City Library, with two thirds of them being County residents, over the last calendar year. Mr. Moorman explained the library's mission, which is to provide free access to information, whether it is electronic or otherwise. The Library also

provides space, for a fee, for groups and individuals to meet and schedule programs. It is also a library and Comprehensive Plan goal for everyone to be 10-15 minutes away from a public library.

Mr. Fraley questioned the library's mission statement, stating that room rentals, (etc) are more associated with a community center role. He also felt that the 10-15 minute goal may be an unrealistic goal. Mr. Fraley also felt that making meeting rooms available to the public should not be a priority.

Mr. Obadal questioned the use of technology with regards to digital books and indexes. Mr. Moorman responded that while the Library has some of these currently available there is a cost involved and progress is slow in this area. Currently the Library has over 20 databases that citizens can access, and some may be accessed at home with citizen's library cards.

Mr. Krapf asked if there was anything being done to alleviate the congestion at the City Library. Mr. Moorman responded that there is some increase in usage at the Croaker Branch but they did not anticipate a large increase until more businesses are in the Croaker area. Thus, the traffic remains very high at the City Library.

Ms. Jones questioned whether any partnership has been pursued with William & Mary. Mr. Moorman stated that partnerships have been attempted but that the college was not interested in sharing its facilities with citizens.

The Policy Committee then thanked Mr. Moorman for his input and reiterated that they thought highly of the services that both libraries give the citizens of the community.

Mr. Hicks then gave an overview of the General Services Department and also distributed his year end report. He then gave a brief description on how General Services classified their requests as to maintenance, new requests, and facility rehabilitations and/or renovations.

Mr. Fraley questioned the knuckle-boom truck request that was ranked low on Planning's ranking, but number one on General Services ranking. The high General Services ranking was in response to a request from the Board of Supervisors. Mr. Obadal then questioned whether renting one would be more economical. The pros and cons of renting versus owning a knuckle-boom truck were then discussed.

Mr. Hicks stated that his highest priority went to the HVAC system upgrades for the Williamsburg-JCC Recreation Center, and also for money to evaluate the conditions in Building C. He also mentioned that the parking lot at the Community Center is in need of work, and at some point will cost more money down the road if it is not taken care of. Mr. Obadal stated that, whenever possible, the County needs to look at LID measures (including but not limited to pervious concrete and pervious pavers) with respect to parking lot construction for County facilities.

Mr. Hicks also expressed the need for a General Service Building to house equipment, and allow for all General Services personnel to work at the same location. The Policy Committee then thanked Mr. Hicks for the information provided.

Mr. Fraley then asked Mr. McDonald for guidance when looking at numerous requests for new buildings. Mr. Fraley indicated that he would like to broaden the Committee's mission in reviewing CIP requests. Mr. McDonald agreed to provide the Policy Committee with a priority listing for the top 10-15 CIP projects from a Financial Management Services standpoint.

Mr. Krapf asked about water quality, and Mr. McDonald explained the budget money set aside for water quality initiatives. Mr. McDonald also stated that the Chesapeake Board has approved a regional BMP and that additional County money may be needed for that.

The meeting concluded with a discussion of how Monday's Policy Meeting should be arranged, and that the CIP rankings would be concluded at the Monday Meeting, February 26, 2007.

### **C. Adjournment**

The meeting was adjourned at 12:09pm.

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Jack Fraley  
Chairman

## **POLICY COMMITTEE MEETING**

*Note: These minutes do NOT include the discussions of Setbacks in Mixed-Use Districts, or Direct Discharge Septic Systems, which were the first two items on the Policy Committee Agenda. Only the CIP FY08-Final Rankings portion of the minutes is included here. These minutes have not yet been approved by the Policy Committee.*

**February 26, 2007, 9:00AM, Building A Large Conference Room**

### **A. Roll Call**

#### **PRESENT:**

Mr. Jack Fraley  
Mr. Richard Krapf  
Mr. Tony Obadal  
Ms. Mary Jones

#### **ABSENT:**

#### **OTHERS PRESENT:**

Mr. John McDonald, Manager of FMS  
Mr. Matthew Smolnik, Senior Planner  
Mr. David German, Planner  
Mr. Mike Woolson, Senior Watershed Planner  
Ms. Ellen Cook, Senior Planner  
Ms. Leanne Reidenbach, Planner  
Melissa Brown, Acting Zoning Administrator  
Mr. John Horne, Development Manager  
Ms. Amy Pemberton, Health Department  
Mr. David Jordan, Health Department  
Mr. Trapper Davis, Private Consultant  
Ms. Clark, Applicant  
Mr. James McConathy, Department of Environmental Quality (DEQ)

### **B. Minutes (Unapproved)**

Mr. Fraley opened the meeting by asking for approval of the minutes from the last meeting. Approval was granted by the Policy Committee members on a 4-0 vote.

Mr. German distributed information regarding square foot of library space per citizen. The average was determined to be 1.2 square feet per capita, and the Comprehensive Plan calls for a standard of 0.6 square feet of library space per capita. Mr. Horne made the point that the populations of City of Williamsburg and upper York County should also be taken into account, since they use the library also.

Discussions then took place regarding Setbacks in Mixed-Use Districts, and Direct Discharge Septic Systems, (the first two items on the Policy Committee Agenda).

Upon completing these discussions, Mr. Fraley read a memo from County Administrator, Sanford Wanner, about the direction the Policy Committee should take with the rankings of the CIP projects. Mr. Fraley thanked John McDonald for his ranking and also stated that some projects are specifically directed by the Board of Supervisors.

The Policy Committee then began to prioritize the projects with low, medium and high rankings. When ranking the CIP requests, the Committee did have some comments and suggestions.

Ms. Jones stated that it would be helpful to have policy updates on the Greenspace/PDR projects.

The Committee felt that the Warhill Gymnasium did not tie in with the expansion. The Committee would like to determine first if the opening of the new YMCA may alleviate overcrowding at the existing facilities.

Mr. Obadal stated during the discussions of parking lot projects that using pervious surfaces should be strongly encouraged wherever it was feasible.

With regard to Mid-County Park, the Committee felt that they would support renovations to the rest rooms at this time, but future changes should not increase the footprint of the existing building.

The Committee felt that the Comprehensive Plan strongly encourages a Public Safety Building combining operations of the Police and Fire Departments. They would like to see this building remain on the table as a future priority for the County.

The members of the Committee felt that Bikeways are important projects in that they support the quality of life standards identified in the Comprehensive Plan.

It was stated there is an important need to improve the research capabilities of the library. When constructing a third library, the members felt certain things needed to be taken into consideration, such as online databases, expanding data search capabilities, etc. Mr. McDonald did make the point that the Library had done research as to what their users and leaders would like to see at a third facility.

Mr. Fraley would like citizens to submit their comments and concerns about the Library during the Comprehensive Plan process. The Community needs to define what the mission and composition of the Library should be. The Committee feels that a third Library is warranted but that further research needs to be done.

The Committee stated that field lighting was an important issue for community use as well as school use. They also felt that the project at Cooley Field is a high priority because of the increase in usage. Members felt that before committing school cafeterias to a "food court" arrangement, it would be beneficial to note the effectiveness and efficiency of this type of facility once it is in operation at the new (Warhill) High School.

Mr. Fraley also questioned the Committee's role with James City Service Authority's CIP requests. The members accepted their list as submitted. The Committee would, however, like for JCSA to present an overall view of water and sewer systems in the County, and what direction JCSA anticipates taking for future needs. Mr. German agreed to arrange this for the next Policy Committee meeting.

**C. Adjournment**

The meeting was adjourned at 12:25pm.

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Jack Fraley  
Chairman

### **Policy Committee Comments: FY08-FY12 Capital Improvement Program Projects**

*The following are comments documented into the record by members of the Policy Committee. Some of these comments arose during the consideration and ranking of specific projects (Project Specific Comments), while the rest came from presentation and discussion periods with CIP applicants (General Comments). The Policy Committee offers these comments to the Planning Commission and the Board of Supervisors to aid in the ongoing CIP decision-making process.*

#### **Project Specific Comments:**

**Third Library:** The Committee believes that a third library is warranted but that there is a need for further investigation into electronic media systems and databases, and that the types of research facilities and data resources contained within the library be expanded upon. The Policy Committee would like the Library Board to consider electronic mediums for the storage and dissemination of books, data, and other information, as it may increase the accessibility of library materials to members of the public, while also decreasing storage and space needs. Technology is constantly advancing, and the Library can take advantage of cell phones, iPods, and other leading-edge technologies to get books and information into the hands of people throughout the county. The two existing libraries and future Third Library require expenditure of both capital and general funds to meet and enlarge development of new information technology systems. Accesses to other databanks, use of effective indexing methods, and appropriate computer hardware and software for at-home and at-library research are essential to such an effort. An inquiry should be made as to the plans and thoughts of the Library Board of Trustees regarding this important matter and how they intend to treat it in their Strategic Plan.

**High School Cafeteria Refurbishments:** Before committing school cafeterias to the "food court" arrangement, the Policy Committee encourages the County to observe the effectiveness and efficiency of this style cafeteria at the new High School (Warhill).

**Multi-use Facilities:** The Committee recommends that this type of facility be used to fulfill the function of an auxiliary gymnasium. Further, the multi-use facilities are strongly encouraged for the three high schools.

**Purchase of Greenspace and the PDR Program:** The Committee commends the county for the work that has been done in this area, but recommends that a review of the policies be undertaken to make sure that the Greenspace and PDR programs are still on track and meeting County needs.

**Mid-County Park:** The Committee is concerned that the parking area may be expanded, or that the footprint of the current building(s) may be expanded. The Committee would recommend that the footprint of the building not be increased in size, and that impervious area at the park not be increased. Committee members noted that increasing

building footprints would eventually lead to increasing parking areas that were affected by the larger buildings to compensate. The goal at the Mid-County Park, which is small in overall size, is to maintain as much open area and usable park space as possible.

**General Comments:**

***Pervious Pavers and Concrete:*** The Policy Committee would like to see the use of pervious pavers and/or pervious concrete wherever feasible on County projects. Discussion took place regarding whether pervious pavers or pervious concrete could be used for the proposed new parking areas at the Community Center.

***Additional Pavement at the Community Center:*** The Policy Committee raised the issue of the effects of putting in large paved areas at the site of the Williamsburg-JCC Community Center water tower. Committee members were concerned about runoff, drainage, and other environmentally related impacts.

***Open Space at the Community Center:*** The Policy Committee wanted it noted that it is concerned that open space around the tower site near the Community Center could be reduced or eliminated for parking areas or other development. The Comprehensive Plan specifically references this area and recommends the following action, "Develop a passive park with open space areas on the 13-acre water tower parcel next to the Community Center." The natural and open state of this area should be preserved and protected.

***Green Building on County Projects:*** The Policy Committee would like to strongly encourage the Board of Supervisors that all buildings that are approved for construction for county uses should be constructed using green building practices, (e.g., the LEEDS (Leadership in Energy and Environmental Design) and similar programs), and other energy saving and environmentally friendly building practices, whenever this approach would be economically responsible and feasible.



## CAPITAL IMPROVEMENT PROGRAM

## REQUESTS

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## PARKS AND RECREATION

		FY2008	FY2009	FY2010	FY2011	FY2012	TOTAL	
# 1	Warhill Gymnasium	\$1,300,000	\$1,700,000				\$3,000,000	Low
# 2	JCWCC Parking Expansion	\$500,000					\$500,000	High
# 3	Chick River Park Infrastructure		\$500,000				\$500,000	<b>NEW</b>
# 4	Mid County Park Building	\$200,000	\$400,000				\$600,000	Medium
# 5	Mid County Park Parking	\$80,000					\$80,000	Medium
# 6	JCWCC Field Restroom		\$430,000				\$430,000	Medium
# 7	JCWCC Field Playground		\$280,000				\$280,000	Medium
# 8	Mid County Park Playground			\$450,000			\$450,000	Medium
# 9	JCWCC Fitness Expansion				\$690,000		\$690,000	High
# 10	Upper County Park Restroom			\$250,000			\$250,000	Medium

## GENERAL SERVICES

# 1	Knuckle boom Truck	\$125,000					\$125,000	<b>NEW</b>
# 2	HSC Generator	\$253,000					\$253,000	<b>NEW</b>
# 3	Courthouse Drainage Repairs	\$100,000					\$100,000	<b>NEW</b>
# 4	JCW Comm Ctr Renovation	\$720,000	\$500,000				\$1,220,000	High
# 5	Emerg Operations Ctr HVAC	\$150,000					\$150,000	<b>NEW</b>
# 6	Replace Building C	\$30,000	\$1,352,000	\$938,000			\$2,320,000	<b>NEW</b>
# 7	Refurb Satellite Office		\$50,000				\$50,000	<b>NEW</b>
# 8	Warhill Maintenance Facility	\$300,000					\$300,000	<b>NEW</b>
# 9	General Services Building	\$220,000	\$2,780,000				\$3,000,000	Low
# 10	Landfill Access/Road	\$50,000	\$60,000				\$110,000	<b>NEW</b>
# 11	HSC Boiler/Parking		\$145,000				\$145,000	<b>NEW</b>
# 12	JCW Comm Ctr Parking Overlay		\$375,000				\$375,000	<b>NEW</b>
# 13	Pave Gravel Lots - Parks		\$475,000	\$350,000			\$825,000	<b>NEW</b>
# 14	JCW Comm Ctr Soccer Refurb	\$60,000					\$60,000	<b>NEW</b>
# 15	LEC Parking Exp		\$50,000				\$50,000	<b>NEW</b>
# 16	FS # 3 HVAC System			\$50,000			\$50,000	<b>NEW</b>
# 17	Building D Air Handling Unit				\$70,000		\$70,000	<b>NEW</b>

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		FY2008	FY2009	FY2010	FY2011	FY2012	TOTAL	
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## PUBLIC SAFETY

# 1	Mobile Data Terminals	\$1,105,000	\$688,000				\$1,793,000	High
# 2	Ambulance Replacements	\$185,000	\$194,250	\$204,000			\$583,250	Low
# 3	LEC Generator	\$165,000					\$165,000	High
# 4	Engine Pumper Replacements		\$600,000				\$600,000	Low
# 5	Fire Station No.4 Replacement		\$1,300,000	\$2,000,000			\$3,300,000	Medium
# 6	Public Safety Building	\$1,305,000	\$14,550,000				\$15,855,000	High
# 7	Heavy Rescue Truck			\$600,000			\$600,000	Low

## OTHERS

# 1	Greenspace/PDRs	\$1,242,000	\$1,414,000	\$998,000	\$1,891,000	\$2,099,000	\$7,644,000	Not Ranked
# 2	Water Quality	\$270,000	\$900,000	\$900,000	\$900,000	\$900,000	\$3,870,000	Not Ranked
# 3	Crossroads Youth Home	\$200,000					\$200,000	Medium
# 4	M.A.N. Fiber Investment	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$2,500,000	Medium
# 5	Personnel/Payroll Software	\$350,000					\$350,000	<b>NEW</b>
# 6	Technology Upgrades	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$500,000	Not Ranked
# 7	Third Library				\$2,200,000	\$9,368,601	\$11,568,601	Low

**NON-SCHOOLS \$ 9,510,000 \$ 29,343,250 \$ 7,340,000 \$ 6,351,000 \$ 12,967,601 \$ 65,511,851**

## SCHOOLS

BAKER ES	HVAC	\$150,000	\$2,192,000				\$2,342,000	Medium
	Parking		\$126,000				\$126,000	Low
	Roof	\$431,000					\$431,000	Medium
	Retaining Wall		\$50,000				\$50,000	<b>NEW</b>
DJ MONTAGUE ES	HVAC	\$105,000	\$2,276,000				\$2,381,000	Medium
	Roof			\$365,000			\$365,000	Medium
	Parking		\$126,000				\$126,000	<b>NEW</b>
NORGE ES	Parking	\$251,000					\$251,000	Medium
STONEHOUSE ES	Fiber	\$95,000					\$95,000	<b>NEW</b>
	Sports Field Lights		\$350,000				\$350,000	<b>NEW</b>
	Bus Loop Canopy			\$229,000			\$229,000	Medium

## CAPITAL IMPROVEMENT PROGRAM

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		FY2008	FY2009	FY2010	FY2011	FY2012	TOTAL	
M WHALEY ES	Cupolas	\$122,000					\$122,000	High
	Auditorium Ceiling	\$186,000					\$186,000	Medium
	Attic Insulation	\$183,000					\$183,000	Medium
	Doors and Painting	\$302,500					\$302,500	Medium
	Refurbishment	\$594,000					\$594,000	Medium
BERKELEY MS	Auditorium	\$220,500					\$220,500	Medium
	Restrooms	\$299,000					\$299,000	Medium
	Roof		\$437,000				\$437,000	Medium
	HVAC			\$180,000	\$2,005,000		\$2,185,000	Medium
	Locker Rooms			\$779,000			\$779,000	Medium
	Refurbishment			\$1,315,218			\$1,315,218	Medium
BLAIR MS	Replace Fuel Tanks	\$117,190					\$117,190	<b>NEW</b>
	Field Irrigation		\$175,500				\$175,500	<b>NEW</b>
	HVAC		\$180,000	\$2,700,000			\$2,880,000	Medium
	Refurbishment		\$1,005,000				\$1,005,000	Medium
	Bus Parking		\$135,000				\$135,000	Low
COOLEY FIELD	Lighting		\$316,000				\$316,000	Medium
	Renovations		\$350,000				\$350,000	Medium
	Turf Field					\$800,000	\$800,000	<b>NEW</b>
TOANO MS	Field Lighting		\$350,000				\$350,000	<b>NEW</b>
JAMESTOWN HS	Multi-Use Space		\$2,132,913				\$2,132,913	High
	Refurbish Locker Rooms				\$258,870		\$258,870	<b>NEW</b>
	Gym Lighting	\$60,000					\$60,000	<b>NEW</b>
	A/C - Auditorium	\$75,000					\$75,000	Low
	Refurbishment				\$1,310,000	\$1,310,000	\$2,620,000	<b>NEW</b>
	Field Lights		\$405,000				\$405,000	<b>NEW</b>
	Food Court			\$326,349			\$326,349	Low
LAFAYETTE HS	Multi-Use Space				\$2,373,932		\$2,373,932	High
	Exterior Painting			\$175,000			\$175,000	<b>NEW</b>
	Refurbish Practice Field		\$150,000				\$150,000	<b>NEW</b>
	Refurbishment			\$1,163,000	\$1,163,000		\$2,326,000	Medium
	Food Court			\$276,000			\$276,000	Low
	Science Pavilions			\$196,000			\$196,000	Low
	Walkway to Warhill			\$50,000			\$50,000	<b>NEW</b>

## CAPITAL IMPROVEMENT PROGRAM

## REQUESTS

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		FY2008	FY2009	FY2010	FY2011	FY2012	TOTAL	
WARHILL HS	Multi-Use Space					\$2,492,628	\$2,492,628	NEW
DIVISION	Rapid Responder	\$107,000					\$107,000	NEW
	Elevator Panels	\$74,000					\$74,000	NEW
	Safety Issues	\$145,060					\$145,060	NEW
	ADA Doors	\$56,000					\$56,000	NEW
	Resurface Parking Lots	\$100,000	\$139,000	\$93,000	\$90,000		\$422,000	NEW
	Technology	\$2,033,200	\$2,335,700	\$2,173,000	\$218,865	\$218,865	\$6,979,630	NEW
	4th High School Site					\$1,000,000	\$1,000,000	NEW
	4th Middle School	\$27,342,750	\$24,660,727				\$52,003,477	Low
	9th Elementary School	\$17,017,250	\$14,118,235				\$31,135,485	Low
	Central Office/Student Services			\$5,400,000			\$5,400,000	Medium

**SCHOOLS \$ 50,066,450 \$ 52,010,075 \$ 15,420,567 \$ 7,419,667 \$ 5,821,493 \$ 130,738,252**

**TOTAL REQUESTS \$ 59,576,450 \$ 81,353,325 \$ 22,760,567 \$ 13,770,667 \$ 18,789,094 \$ 196,250,103**

NOTE - Parks and Recreation Master Plan will generate additional capital spending requests for Chickahominy RF Park, Warhill Sports Complex, Freedom Park and Jamestown Beach Campground/Marina, probably in years FY2010- FY2012.

## **JAMES CITY FY08-FY12 COUNTY CAPITAL IMPROVEMENT PROGRAM PROJECT DESCRIPTIONS AND SUMMARIES**

### **PARKS AND RECREATION**

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#### **Warhill Sports Complex Community Multi-Purpose Gymnasium Facility**

*FY08 Request: \$1,300,000*

*Proposed 5-Year Project Total: \$3,000,000*

*Department Ranking: 1 of 10*

Funds are requested in FY08 and FY09 to construct a field house design, multi-use space for a variety of sports and athletic programs. Because indoor gymnasium space is at a premium, many teams receive inadequate practice time and space. This facility will provide a viable alternative to using school space as school teams continue to expand in their needs.

#### **James City/Williamsburg Community Center Park Tower Site – Parking Expansion/ Lighting**

*FY08 Request: \$500,000*

*Proposed 5-Year Project Total: \$500,000*

*Department Ranking: 2 of 10*

Funds are requested in FY08 to expand the parking lot and upgrade the lighting for the existing parking lot. Additional parking is essential for public use of the facilities on the property. Building and field use is restricted numerous times throughout the year due to the lack of parking. Amenities such as the Skate Park continue to increase the need for parking.

#### **Chickahominy Riverfront Park – CRP Infrastructure**

*FY08 Request: \$0*

*Proposed 5-Year Project Total: \$500,000*

*Department Ranking: 3 of 10*

Funds are requested in FY09 for boat trailer parking lot improvements and campsite improvements. Specifically, this will include restoring water and sewer to desired sites. Currently, the natural surface provided for boat trailer parking is insufficient.

#### **Mid-County Park Building Replacement**

*FY08 Request: \$200,000*

*Proposed 5-Year Project Total: \$600,000*

*Department Ranking: 4 of 10*

Funds are requested in FY08 to demolish the old building and construct a new building to include restrooms, storage, meeting rooms and a small office. The current building is insufficient for the amount of and type of user.

**Mid-County Park Parking Lot**

*FY08 Request: \$80,000*

*Proposed 5-Year Project Total: \$80,000*

*Department Ranking: 5 of 10*

Funds are requested in FY08 to construct 80 additional parking spaces. Parking reaches overflow proportions most evenings and weekends due to high use. Some users are denied access during busy times due to the parking shortage.

**James City/Williamsburg Community Center Park Restroom Facility**

*FY08 Request: \$0*

*Proposed 5-Year Project Total: \$430,000*

*Department Ranking: 6 of 10*

Funds are requested in FY09 to construct restroom/storage facilities for outdoor park users. The current use of portable toilets is inadequate and unsanitary.

**James City/Williamsburg Community Center Playground**

*FY08 Request: \$0*

*Proposed 5-Year Project Total: \$80,000*

*Department Ranking: 7 of 10*

Funds requested for FY09 will be used to purchase a pre-fabricated playground structure, a border and fill material. The playground would address the needs of the park users and their children that participate in activities on the Community Center Park property.

**Mid-County Park Playground Replacement**

*FY08 Request: \$0*

*Proposed 5-Year Project Total: \$450,000*

*Department Ranking: 8 of 10*

Funds are requested in FY10 to rebuild Kidsburg using approved materials for compliance with ADA standards. Aging lumber needs to be replaced and the use of man-made materials will reduce the maintenance costs and will have a longer life.

**James City/Williamsburg Community Center Expansion**

*FY08 Request: \$0*

*Proposed 5-Year Project Total: \$690,000*

*Department Ranking: 9 of 10*

Funds requested for FY11 will be used for the expansion of the current building to house additional fitness equipment and program space. The continued increase in fitness room users requires additional space to increase capacity and additional space is needed for a variety of activities. The proposed 2-story expansion is approximately 2,300 square feet in size.

**Upper County Park Restrooms**

*FY08 Request: \$0*

*Proposed 5-Year Project Total: \$350,000*

*Department Ranking: 10 of 10*

Funds are requested in FY10 to demolish the existing restroom/shower building and replace it with a 1000 square foot restroom/storage facility. Portable toilets are no longer acceptable as there has been a marked increase in park use as a result of new amenities.

**GENERAL SERVICES**

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**Knuckle Boom Truck**

*FY08 Request: \$135,000*

*Proposed 5-Year Project Total: \$135,000*

*Department Ranking: 1 of 17*

The requested funds in FY08 will allow for the purchase of a knuckle boom truck to pick up debris throughout the County. This specialized equipment will safely and efficiently clear large amounts of debris that needs to be removed.

**Human Services Center Generator Installation**

*FY08 Request: \$165,000*

*Proposed 5-Year Project Total: \$165,000*

*Department Ranking: 2 of 17*

Funds are requested in FY08 to purchase and install a 200 KW diesel Genset generator with above ground fuel tank. This generator will be used to power the Human Services Center in the event of an emergency that necessitates its use.

**Courthouse Storm Drainage Repairs**

*FY08 Request: \$99,877*

*Proposed 5-Year Project Total: \$99,877*

*Department Ranking: 3 of 17*

(No application received.)

**JCW Community Center Renovation**

*FY08 Request: \$720,000*

*Proposed 5-Year Project Total: \$1,220,000*

*Department Ranking: 4 of 17*

Funds are requested in FY08 and FY09 to make various replacements and renovations throughout the community center. Plan will replace the highly used pump room equipment and dehumidification system, and make upgrades to kitchens, restrooms, floor tile, doors and windows. These changes are necessary if the facility wants to stay competitive with local businesses.

**Emergency Operations Center HVAC System**

*FY08 Request: \$150,000*

*Proposed 5-Year Project Total: \$150,000*

*Department Ranking: 5 of 17*

These funds in FY08 are requested to replace the 40 year-old HVAC system in the original building. Currently, replacement parts are not available for this system, and needs to be upgraded to maintain a healthy working environment.

**Building C**

*FY08 Request: \$30,000*

*Proposed 5-Year Project Total: \$2,320,000*

*Department Ranking: 6 of 17*

Funds are requested in FY08, FY09, and FY10 to completely renovate Building C. Funds in FY08 will be used to conduct a feasibility study on the project. At current, the building is not within code should there be a need for HVAC and significant structural work.

**Satellite Services Relocation within the Government Facilities-Toano**

*FY08 Request: \$45,000 - \$75,000*

*Proposed 5-Year Project Total: \$45,000 - \$75,000*

*Department Ranking: 7 of 17*

This CIP request is being made in conjunction with the replacement of the HVAC system in the original Emergency Operations Center building. Following an independent efficiency study of the Satellite Services/DMV Select office, a move to the "old" EOC "war room" was recommended to handle the increase in citizen demand for services, in addition to the need for more storage and updated equipment. This move will give the office an additional 400 square feet of space.

**District Sports Park Maintenance Building**

*FY08 Request: \$235,000*

*Proposed 5-Year Project Total: \$300,000*

*Department Ranking: 8 of 17*

Funds are requested in FY08 to begin construction on a 2400 square foot maintenance building to be equipped with heat, electricity, restrooms, and a surrounding fence. Currently, there is a lack of sufficient covered storage to protect expensive investments in electronic-start grounds equipment (\$15,000 - \$50,000). This facility will help protect such equipment from deterioration caused by weather and eliminate possible vandalism.

**General Services Building**

*FY08 Request: \$220,000*

*Proposed 5-Year Project Total: \$3,000,000*

*Department Ranking: 9 of 17*



Funds are requested in FY08 and FY09 to plan, design and construct an 11,000 square foot general services building at the Tewning Road Operations Center. The building would allow for the consolidation of General Services functions with adequate space for Facilities Management and Capital Projects; and would release existing facilities at Tewning Road for use by the JCSA.

**Landfill Access and Range Road**

*FY08 Request: \$50,000*

*Proposed 5-Year Project Total: \$50,000*

*Department Ranking: 10 of 17*

The funds requested in FY08 will upgrade the current access roads to the landfill and police shooting range (total length of approximately 1 mile). These roads must be upgraded to ensure safe travel to and from the storm debris collection site, metal disposal site, and the police shooting range. All construction is set to be done with County owned equipment and personnel. Fulfilling this request will enable the County to safely fulfill the Comprehensive Plan's waste management goals.

**Human Services Center Boiler Replacement and Parking Lot Overlay**

*FY08 Request: \$0*

*Proposed 5-Year Project Total: \$145,000*

*Department Ranking: 11 of 17*

(No application received.)

**James City Williamsburg Community Center Repair / Overlay**

*FY08 Request: \$0*

*Proposed 5-Year Project Total: \$375,000*

*Department Ranking: 12 of 17*

(No application received.)

**Paving - Gravel Parking Lots - Upper County, Little Creek, Powhatan Creek, Chickahominy Riverfront Park Entrance / Boat Ramp Access**

*FY08 Request: \$0*

*Proposed 5-Year Project Total: \$825,000*

*Department Ranking: 13 of 17*

(No application received.)

**Soccer Field Refurbishment**

*FY08 Request: \$0*

*Proposed 5-Year Project Total: \$60,000*

*Department Ranking: 14 of 17*

Funds are requested in FY09 to refurbish soccer fields in the County. Due to the high usage of these fields, they need to be refurbished in order to maintain a safe playing surface. This maintenance would be completed after the new fields at Warhill are installed.

**Law Enforcement Center Added Parking**

*FY08 Request: \$0*

*Proposed 5-Year Project Total: \$50,000*

*Department Ranking: 15 of 17*

(No application received.)

**Fire Station #3 HVAC System**

*FY08 Request: \$0*

*Proposed 5-Year Project Total: \$50,000*

*Department Ranking: 16 of 17*

(No application received.)

**Building D Air Handling Unit**

*FY08 Request: \$0*

*Proposed 5-Year Project Total: \$70,000*

*Department Ranking: 17 of 17*

(No application received.)

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**PUBLIC SAFETY**

**JAMES CITY COUNTY FIRE DEPARTMENT:**

**Ambulance Replacement**

*FY08 Request: \$185,000*

*Proposed 5-Year Project Total: \$185,000*

*Department Ranking: Not Available – Will be explained to the Policy Committee by Chief Luton*

Funds are requested in FY08 (previously adopted by the BOS) to replace an existing 2000 light-duty ambulance with a new medium-duty ambulance. This replacement request is consistent with the Department's policy of replacement vs. rehabilitation of the ambulances. This medium-duty ambulance will provide a longer service life than the light-duty unit currently in service. No additional staffing will be required, as current personnel would be assigned to the new unit.

**Ambulance Replacement**

*FY08 Request: \$0*

*Proposed 5-Year Project Total: \$194,250*

*Department Ranking: Not Available – Will be explained to the Policy Committee by Chief Luton*

Increased funds are requested in FY09 to replace an existing 2002 light-duty ambulance with a new medium-duty ambulance. This replacement request is consistent with the Department's policy of replacement vs. rehabilitation of the ambulances. This medium-duty ambulance will provide a longer service life than the light-duty unit currently in service. No additional staffing will be required, as current personnel would be assigned to the new unit.

#### **Ambulance Replacement**

*FY08 Request: \$0*

*Proposed 5-Year Project Total: \$204,000*

*Department Ranking: Not Available – Will be explained to the Policy Committee by Chief Luton*

Increased funds are requested in FY10 to replace an existing 2003 light-duty ambulance with a new medium-duty ambulance. This replacement request is consistent with the Department's policy of replacement vs. rehabilitation of the ambulances. This medium-duty ambulance will provide a longer service life than the light-duty unit currently in service. No additional staffing will be required, as current personnel would be assigned to the new unit.

#### **Engine / Pumper Replacement**

*FY08 Request: \$0*

*Proposed 5-Year Project Total: \$600,000*

*Department Ranking: Not Available – Will be explained to the Policy Committee by Chief Luton*

Funds are requested in FY09 to replace an existing 1997 fire pumper/quint apparatus that has been plagued with service problems. The apparatus, which is housed in Station #2, is the primary engine for the Grove area. Mechanical problems have caused the vehicle to be out of service for almost half of its life span, and its continued useful life is doubtful.

#### **Fire Station 4 Replacement**

*FY08 Request: \$0*

*Proposed 5-Year Project Total: \$3,300,000*

*Department Ranking: Not Available – Will be explained to the Policy Committee by Chief Luton*

Funds are requested in FY10 and FY11 (previously adopted by the BOS) to construct a new fire station utilizing previous JCC designs or concepts (similar to Fire Station 5 and Fire Station 2 replacement). Current Fire Station #4 is hampered by space issues, and has suffered water leaks and other physical problems as the building has aged.

#### **Heavy Rescue Truck**

*FY08 Request: \$0*

*Proposed 5-Year Project Total: \$600,000*

*Department Ranking: Not Available – Will be explained to the Policy Committee by Chief Luton*

Funds (previously adopted by the BOS) are requested to purchase a heavy rescue truck and trailer in FY10. The truck shall be designed so that the Department can consolidate its special rescue equipment onto a single piece of apparatus. The Department will be able to replace a

1984 International truck with extremely limited compartment space that was donated by Virginia Power. The proposed new truck will be equipped with a telescopic halogen light boom for improved lighting and safety at nighttime incidents.

### **JAMES CITY COUNTY POLICE DEPARTMENT:**

#### **Mobile Data System**

*FY08 Request: \$1,105,000*

*Proposed 5-Year Project Total: \$1,793,000*

*Department Ranking: 1 of 2*

Decreased funds (over what was previously adopted by the BOS for funding in FY09) are requested in FY09, while funds previously adopted by the BOS for FY08 remain unchanged. The system will provide in-vehicle rugged laptop computers and necessary system hardware, software, and software licensing. System will utilize the new 800 MHz radio system.

#### **New Public Safety Building**

*FY08 Request: \$1,305,000*

*Proposed 5-Year Project Total: \$15,855,000*

*Department Ranking: 2 of 2*

Increased Funds are requested for FY08 and FY09 to purchase the land for, plan, design, build, equip, and furnish a new Public Safety Building. This proposal constructs a 58,000 square foot facility on roughly five acres, which will accommodate future growth and staffing needs for the Police Department and the Fire Department.

### **HUMAN RESOURCES/FINANCIAL MANAGEMENT SERVICES**

#### **Software Replacement Project**

*FY08 Request: \$350,000*

*Proposed 5-Year Project Total: \$350,000*

*Department Ranking: 1 of 1*

Funds are requested in FY08 to upgrade / replace software used by HR / FMS to manage and administer payroll, benefits, training programs, and application processing.

### **WILLIAMSBURG / JAMES CITY COUNTY LIBRARY BOARD**

#### **Third Library**

*FY08 Request: \$0*

*Proposed 5-Year Project Total: \$11,568,601*

*Department Ranking: 1 of 1*

(No application received.)

## **OPERATING CONTRIBUTION PROJECTS**

---

### **Bikeways and Multi-Use Paths**

*FY08 Request: \$390,000*

*Proposed 5-Year Project Total: \$1,390,000*

*Department Ranking: 1 of 3*

Funds are requested in FY08, FY09, and FY10 for the construction of bikeways and multi-use paths for both pedestrians and cyclists, with primary emphasis on facilities that leverage non-County funds or meet critical needs.

### **Water Quality**

*FY08 Request: \$270,000*

*Proposed 5-Year Project Total: \$3,870,000*

*Department Ranking: 2 of 3*

The funds requested in FY08 will be used to complete regional stormwater management projects. Specifically, remedial projects are currently needed in the Powhatan Creek Watershed Management Plan. The amount of FY08 funds requested assumes a re-payment of up to \$900,000 from Stormwater Utility fees.

### **Road Improvements**

*FY08 Request: \$60,000*

*Proposed 5-Year Project Total: \$300,000*

*Department Ranking: 3 of 3*

The funds requested in FY08 will serve to enhance and maintain landscaping along a variety of County roadways. Replacing and rehabilitating landscaping in high-traffic areas supports the Comprehensive Plan's goal of providing a safe and attractive transportation system for pedestrians and bicyclists.

### **CAPITAL IMPROVEMENTS PROGRAM RATING SYSTEM**

This is the rating system which will be used by the Planning Division in ranking all CIP projects. CIP project funding requests will become part of the Five Year Capital Improvements Program plan based on their conformity with the strategies and policies of the adopted Comprehensive Plan.

**Rating Category:****Points:**

<b>1. Implements Comprehensive Plan</b> ( <i>Circle all that apply</i> )		
A.	Implements specific action:	+ 20
B.	Implements specific strategy / goal:	+10
<b>2. Project / Service Location</b> ( <i>Circle A or B, or assign zero points if not applicable</i> )		
A.	Encourages development or service provision in <b><i>appropriate</i></b> areas as delineated by the Comprehensive Plan:	+10
B.	Encourages development or service provision in <b><i>inappropriate</i></b> areas as delineated by the Comprehensive Plan:	-10
<b>3. Service Needs</b> ( <i>Circle A, B, or C</i> )		
A.	Meets service needs which are totally unmet as suggested by the Comprehensive Plan (particularly the public facilities and service standards, if applicable):	+10
B.	Meets service needs which are inadequate as suggested by the Comprehensive Plan (particularly the public facilities and service standards, if applicable):	+5
C.	Commits the County to an entirely new service not addressed by the Comprehensive Plan, or duplicates an existing community service:	-10
<b>4. Project Timing / Urgency</b> ( <i>Circle A, B, or C</i> )		
A.	Cannot be reasonably postponed due to mandate or service / facility need:	+10
B.	Necessary within five years for anticipated needs:	+5
C.	Can be postponed for at least five years without detriment:	0
<b>5. Project Funding</b> ( <i>Circle A, B, A and B, or C</i> )		
A.	Partially funded as part of previous fiscal year CIP:	+10
B.	Project will utilize Federal, State, Non-County, or Private funding sources, and / or cost will be shared as part of a regional agreement:	+5
C.	Not previously funded and does not utilize any non-County funds:	0
<b>6. Project Site Characteristics (If Applicable)</b> ( <i>Circle A or B, or assign zero points if not applicable</i> )		
A.	Utilizes an existing County-owned or controlled site or facility:	+10
B.	Preserves the only potentially available, and/or most appropriate, non-County-owned site or facility for the project's future use:	+5
<b>7. Project Relationships</b> ( <i>Circle A or B, or assign zero points if not applicable</i> )		
A.	Supports or improves existing facilities or services <b><i>not</i></b> addressed by the Comprehensive Plan (e. g., addressed by Tactical Plan, Master Water and Sewer Plan, Recreation Master Plan, etc.):	+10
B.	Contrary to County policy or negatively impacts other programmed projects:	-10
<b>TOTAL SCORE:</b>		<div style="border: 1px solid black; width: 50px; height: 20px; display: inline-block;"></div>

*This scoring sheet will produce a Total Score number between 0 and 95 (count any score less than zero as zero). Projects with higher scores do a better job of supporting the Comprehensive Plan.*

DESCRIPTION	Projected FY08	Projected FY09	Projected FY10	Projected FY11	Projected FY12	Total FY08-12
<b>WATER SUPPLY</b>						
King William Reservoir Project	2,052,640	611,960	2,210,360	2,248,360	2,498,360	9,621,680
Conversion to Chloramines	250,000	250,000				500,000
Stonehouse (W-25) Improvements	75,000	350,000				425,000
Stonehouse (W-26) Improvements	15,000	100,000				115,000
Route 199 (B-32) Booster	100,000	600,000				700,000
<b>Water Supply Subtotal</b>	<b>2,492,640</b>	<b>1,911,960</b>	<b>2,210,360</b>	<b>2,248,360</b>	<b>2,498,360</b>	<b>11,361,680</b>
<b>WATER DISTRIBUTION</b>						
Kingswood Area			400,000	400,000		800,000
White Oaks System Replacement	400,000	400,000				800,000
Riverview Plantation	300,000	100,000				400,000
Mooretown Road	104,000					104,000
W-2 Monitoring	75,000					75,000
<b>Water Distribution Subtotal</b>	<b>879,000</b>	<b>500,000</b>	<b>400,000</b>	<b>400,000</b>	<b>0</b>	<b>2,179,000</b>
<b>WATER STORAGE</b>						
Tank Demolition		200,000				200,000
<b>Water Storage Subtotal</b>	<b>0</b>	<b>200,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>200,000</b>
<b>WATER ACQUISITION</b>						
Water Acquisition	0	0	0	0		0
<b>WATER TRANSMISSION</b>						
Neck-O-Land Transmission					300,000	300,000
<b>Water Transmission Subtotal</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>300,000</b>	<b>300,000</b>
<b>Water CIP Totals</b>	<b>3,371,640</b>	<b>2,611,960</b>	<b>2,610,360</b>	<b>2,648,360</b>	<b>2,798,360</b>	<b>14,040,680</b>
<b>SEWER IMPROVEMENTS</b>						
Flextran Inceptor Rehab/Replace	150,000	1,000,000	1,000,000	1,000,000	1,000,000	4,150,000
Kingswood Sewer Rahab	74,000					74,000
DEQ Consent Order Sewer System Improvements	0	500,000	500,000	500,000	500,000	2,000,000
LS 1-1 Service Area Interceptor Rehabilitation	155,000					155,000
DEQ Consent Order Surveys	200,000	100,000	100,000	100,000	100,000	600,000
Lift Station Upgrades (Air ejector stations)	200,000	0	0	200,000	200,000	600,000
Evergreen Way	70,000					70,000
Blow Flats				150,000		150,000
Indigo Park/White Oaks Sewer Rehab	77,000					77,000
James Terrace Sewer Rehabilitation	250,000	250,000	250,000			750,000
LS 3-8 Control Building			220,000			220,000
LS 4-2 Upgrade	65,000					65,000
LS 4-7 Control Building					250,000	250,000
LS 5-4 Control Building				250,000		250,000
<b>Sewer Improvements Subtotal</b>	<b>1,241,000</b>	<b>1,850,000</b>	<b>2,070,000</b>	<b>2,200,000</b>	<b>2,050,000</b>	<b>9,411,000</b>
<b>OTHER PROJECTS</b>						
JCSA Administrative Facility	500,000					500,000
Heavy Equipment	200,000	210,000	300,000	300,000	300,000	1,310,000
Bldg E Rehab		90,000				90,000
<b>Other Projects Subtotal</b>	<b>700,000</b>	<b>300,000</b>	<b>300,000</b>	<b>300,000</b>	<b>300,000</b>	<b>1,900,000</b>
<b>GRAND TOTAL</b>	<b>5,312,640</b>	<b>4,761,960</b>	<b>4,980,360</b>	<b>5,148,360</b>	<b>5,148,360</b>	<b>25,351,680</b>

## #ORDER

#	Project	Score	Dep't
1	Environmental Protection	50	DM
2	Regional Drainage Basins	65	DM
3	Sidewalks	65	DM
4	Dirt Streets	30	DM
5	Road Match	60	DM
6	Highway Landscaping	45	DM
7	Economic Development Grants to the IDA	55	DM
8	Industrial Shell Building	60	DM
9	Industrial Areas Improvement Fund	55	DM
10	District Park	55	PARKS
11	Recreation Center	65	PARKS
12	Greenways & Open Space	55	PARKS
13	Upper County Park	45	PARKS
14	Riverfront Park	50	PARKS
15	Little Creek Reservoir	45	PARKS
16	Community Networking	35	GS
17	Thomas Nelson Community College	35	GS
18	PC Replacement Program	40	GS
19	Mini Computer Improvements	40	GS
20	GIS/Digital Orthophotography	50	GS
21	Courthouse	65	CS
22	Housing Development Fund	50	CS
23	Historic Triangle	50	CS
24	Tourist Shuttle	45	CS
25	New Library (south west)	45	CS
26	Williamsburg Community Hospital	45	CS
27	Enterprise Zone Day Care	40	CS
28	Fire Equipment	65	FIRE
29	Radio System Improvements	40	FIRE
30	New Fire Station	45	FIRE
31	Fire Training Facility	25	FIRE
32	New High School	60	ED
33	Norge Elementary Improvements	55	ED
34	Lafayette Renovation - Phase I	55	ED
35	Rawls Byrd Elementary School	55	ED
36	James Blair Middle School	50	ED
37	Technology Infrastructure	50	ED
38	School Buses	65	ED
39	Lafayette Phase II	50	ED
40	Matthew Whaley Roof	55	ED
41	New Elementary School	45	ED
42	Berkeley Middle School Expansion	55	ED
43	DJ Montague Elementary	50	ED



**FY 08-12 Capital Improvements Program Priority Ranking****High Priority Projects**

King William Reservoir Water Supply  
Well Water Disinfectant Conversion to Chloramines  
Route 199 (B32) Booster Station Transmission Improvements  
Lift Station (LS 1-1) Powhatan Creek Interceptor Sewer Main Rehabilitation  
DEQ Consent Order Sewer Surveys  
DEQ Consent Order Sewer System Improvements  
Flextran Interceptor Sewer Main Rehabilitation  
Lift Station Upgrades (Air Ejector Stations)  
Riverview Plantation Distribution Water Line Replacements  
Lift Station (LS 4-2) Upgrade (224 Alesa Drive)

**Medium Priority Projects**

James Terrace Sewer Line Rehabilitation  
Evergreen Way Sewer Line Replacement  
Heavy Equipment Replacement  
JCSA Administration Facility  
White Oaks Water Line Replacement  
White Oaks/Indiago Park Sewer Line Replacement  
Stonehouse Well (W-25) Improvements  
Stonehouse Well (W-26) Improvements

**Low Priority Projects**

Mooretown Road Water Line Improvements  
Well (W-2) Monitoring (7869 Church Lane)  
Water Storage Tank Demolition  
Neck-O-Land Water Transmission Line Replacement  
Blow Flats Sewer Line Improvements  
Kingswood Area Water Line Replacement  
Kingswood Sewer Line Replacement  
Lift Station (LS 3-8) Control Building (4888 John Tyler Highway)  
Lift Station (LS 4-7) Control Building (4604 John Tyler Highway)  
Lift Station (LS 5-4) Control Building (7213 Merrimac Trail)  
Bldg E Heat Pump Replacement

**SPECIAL USE PERMIT CASE NO. SUP-34-06 Bus Loop Rawls Byrd Elementary School  
Staff Report for the March 7, 2007 Planning Commission Public Hearing**

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*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.*

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

Planning Commission:	January 10, 2007 (deferred)	7:00 PM
	March 7, 2007	7:00 PM
Board of Supervisors:	March 27, 2007	7:00 PM

**SUMMARY FACTS**

**Applicant:** Mr. Bruce Abbott, AES Consulting Engineers

**Land Owner:** Williamsburg-James City County Public Schools

**Proposal:** Applicant is requesting to modify the island in front of the school to create 14 bus parking spaces and extending the side parking lot adding 43 parking spaces.

**Location:** Rawls Byrd Elementary School- 112 Laurel Lane

**Tax Map/Parcel:** (48-1)(6-171A)

**Parcel Size:** 12.63 Acres

**Existing Zoning:** R-2, General Residential District

**Comprehensive Plan:** State, Federal, County Land

**Primary Service Area:** Inside

**STAFF RECOMMENDATION**

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

Staff Contact: Luke Vinciguerra, Planner

Phone: 253-6685

## **PROJECT DESCRIPTION**

Mr. Bruce Abbott, on behalf of Williamsburg and James City County Public Schools (WJCC), has applied for a special use permit for the existing public school located at 112 Laurel Lane. In 1999, the R-2 district was amended to make schools a specially permitted use making the school a legally non-conforming use. Under the zoning ordinance, non-conforming uses cannot be expanded; therefore a SUP is needed in order for the proposed parking spaces to be added. The current configuration only allows buses to park parallel to the curbing. Buses currently stack in parallel lines, thus forcing students to enter and exit their bus while walking in-between other buses. There is very limited visibility for drivers and staff to watch students load/unload. This safety concern was cited by the School Safety Audit last year, highlighted by the school Principal. The project is strongly supported by the School District's Director of Transportation and the WJCC Review Committee, which reviews safety and capital improvement cases. The new design will allow buses to park diagonally giving staff, drivers and students much better visibility and access. The change will also allow emergency vehicles to access the school without being blocked by buses. The 43 additional parking spaces will be created in an area that is currently a paved play area and is also used as an overflow lot. Staff's site visit during school operating hours revealed a congested parking lot and vehicles parked in the play area. The plan would solely designate this area for parking and provide a new area for play, preventing children from playing in a parking lot.

### **Changes since the January 10<sup>th</sup> PC meeting**

This case was heard at the January 10<sup>th</sup>, 2007 Planning Commission meeting and deferred indefinitely to give the applicant time to meet with the neighborhood and discuss the plan at the Planning Commission's request. The applicant has met with neighbors concerned about the project. The Planning Commission raised the following questions/comments during the January 10<sup>th</sup> meeting:

- Is it possible to fence off the rear play area from the parking lot?
- If information could be provided where the buses are coming from?
- If the parents who participate in the discussion of the proposed project are the ones who would be affected?
- Is the entire bus loop predicted to be utilized for loading/unloading?
- Can times for unload/pick up be staggered?

These questions have been sent to the applicant and their reply will be forwarded to the Planning Commission when received. The Commission also recommended the use of pervious pavement; however the Environmental Division does not believe that pervious pavement would be a good application at this site.

Staff has received complaints regarding stormwater from the school flowing into adjacent properties. The County engineer is unable to verify this claim and recommends an SUP condition requiring the school to hire an engineer to examine the stormwater patterns on the site. This new condition is SUP condition # 5.

The County Administrator has agreed to schedule the case at the 2<sup>nd</sup> Board of Supervisors meeting in March.

## PUBLIC IMPACTS

### Environmental

**Watershed:** Mill Creek

**Staff Comments:** The Environmental Division has no comments at this time. Stormwater management will be addressed at the site plan stage.

### Public Utilities

The construction of additional parking spaces 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 into or out of the site will not be impacted. Furthermore, no additional vehicle trips will be generated by the proposed changes.

### Traffic Counts:

Currently unavailable at this location.

## COMPREHENSIVE PLAN

### Land Use Map

Designation	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.
	<b>Staff Comment:</b> Staff believes that the school meets the intent of the State, Federal, and County Land designation.
Development Standards	<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.
	<b>Staff Comment:</b> While this proposal does not necessarily 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 high demand for parking spaces, especially during arrival and dismissal of school. Additional parking spaces should help alleviate this problem.
Goals, strategies and actions	<i>Strategy #6-Page 138:</i> Promote the use of land consistent with the capacity of existing and planned public facilities and services and the County's ability to provide such facilities and services.
	<b>Staff Comment:</b> As the demand for the facility increases, (i.e. more parents driving their children to school and to attend school functions) the need for parking spaces increases.

## Transportation

Goals, strategies and actions	<i>Strategy #2-Page 80:</i> Continue to encourage landscaped roadways and roadway designs that enhance the County's image and reduce the visual impact of auto-related infrastructure.
	<b>Staff Comment:</b> The school will continue to be the dominant feature on the site. A landscaping plan would be required by ordinance (if the expansion is permitted) for the island in front of the school. Proposed SUP condition #4 will require additional landscape screening of the bus area. This will further mitigate the visual impact of parked buses and cars in front of the school. As of current, there is no screen between the Laurel Lane and the bus loop.

### Comprehensive Plan Staff Comments

Overall, staff believes that this application, as proposed, is in compliance with the Comprehensive Plan. Given the SUP Conditions attached to this project, staff believes that the adverse effects on the community have been mitigated to the extent possible.

## RECOMMENDATION

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

1. This Special Use Permit (SUP) shall be valid for the operation of a public school and accessory uses thereto, as shown on the conceptual plan titled "Conceptual Plan Rawls Byrd Elementary Bus Loop and Additional Parking for WJCC Public Schools" dated 12/21/06, and prepared by AES Consulting Engineers (Master Plan). Development of this property shall be generally in accordance with the Master Plan as determined by the Development Review Committee of the James City County Planning Commission (DRC). Minor changes may be permitted by the DRC as long as they do not change the basic concept or character of the development.
2. Any new exterior site or building lighting shall be comprised of recessed fixtures with no bulb, lens, or globe extending below the fixture housing. The housing shall be opaque and shall completely enclose the light source in such a manner that all light is directed downward, and that the light source is not visible from the side of the fixture. Pole-mounted fixtures shall not be mounted in excess of 15 feet in height above the finished grade beneath them. Light trespass, defined as light intensity measured at 0.1 foot-candle or higher extending beyond any property line, shall be prohibited.
3. If construction has not commenced on this project within thirty-six (36) months from the issuance of this SUP, this SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
4. Existing perimeter vegetation along the south property line shall not be removed (except where necessary for construction of the project) unless prior written approval has been obtained from the Planning Director. Dead, diseased, and dying trees or shrubbery or poisonous or invasive plants may be removed if approved by the Planning Director and a plan to replace said vegetation is submitted to the Planning Director for his approval. Prior to final site plan approval, the Planning Director shall review and approve the proposed landscaping plan for the project and surrounding area. Enhanced landscaping shall be provided that screens the bus parking area with evergreen trees that are no less than eight feet tall. The evergreen trees shall be planted in a manner in which at maturity will completely screen the bus parking from the street. Vegetation along the south property line that was damaged or removed during construction shall be replaced unless written approval has been obtained from the Planning Director to do otherwise.

5. An Engineer ("Engineer") shall be hired to analyze the topography of the site and to identify stormwater drainage patterns. The Engineer's findings shall be submitted to the County Engineer prior to final site plan approval. A stormwater management plan shall be developed and implemented if deemed necessary by the County Engineer after reviewing the Engineer's findings.

6. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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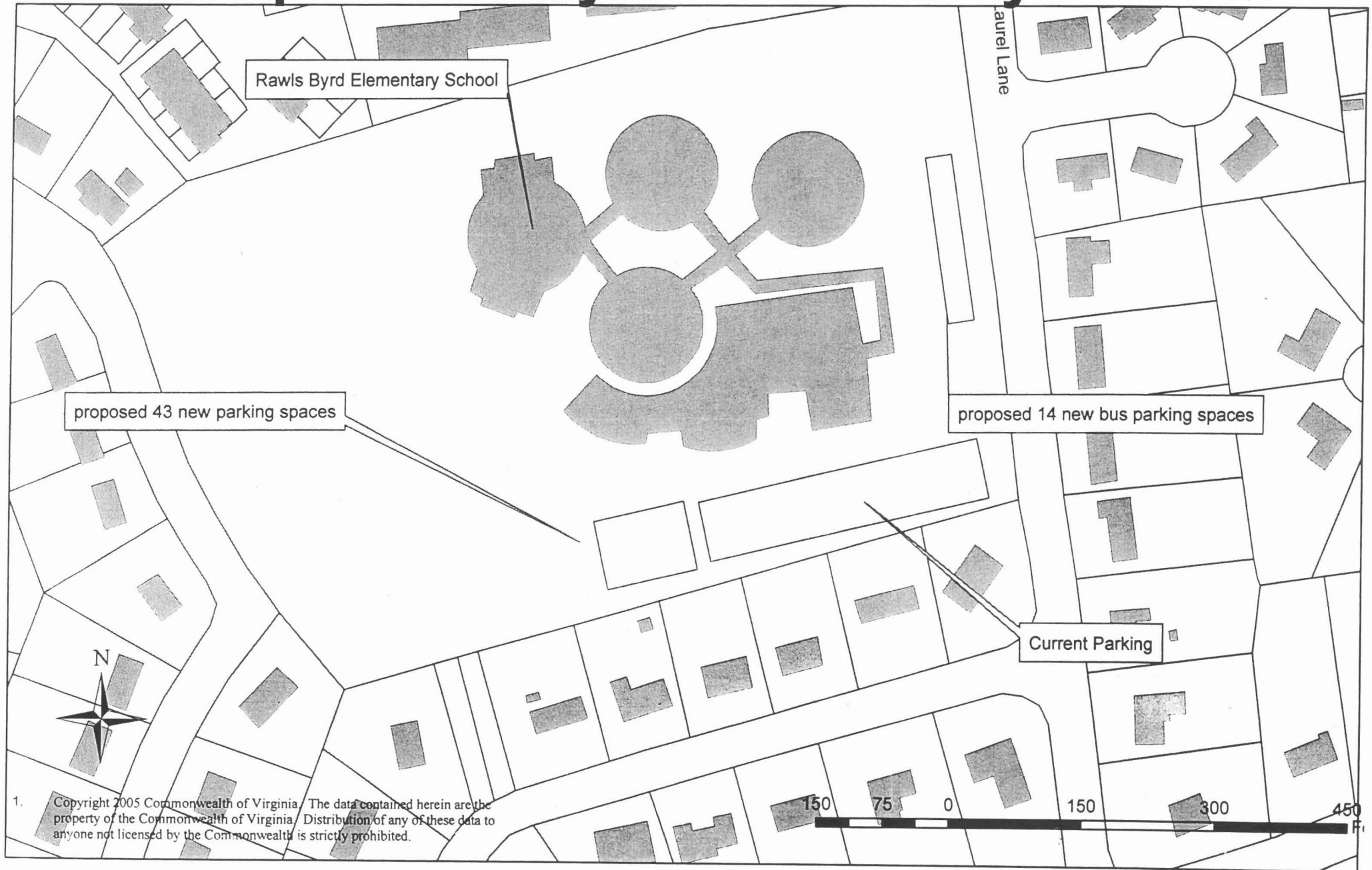
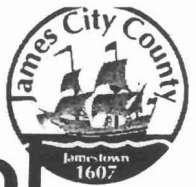
Luke Vinciguerra, Planner

ATTACHMENTS:

1. Location Map
2. Conceptual Plan

# JCC--SUP-34-06

## Bus Loop Rawls Byrd Elementary School



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## MEMORANDUM

Date: March 7, 2007

To: The Planning Commission

From: Ellen Cook

Subject: Case No. ZO-1-07. Mixed Use District Amendment.

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Section 24-527 of the Zoning Ordinance regulates setback requirements in the Mixed Use District. Two different types of setbacks are specified, a right-of-way setback, and a perimeter setback. In general, setback and buffer language are included in the different Districts of the Ordinance, including the Mixed Use District, to address such planning considerations as impacts of proposed development on surrounding areas and uses, and preservation of trees or natural features, among many others.

Within the last few months' public hearing case submission cycle, the Planning Division has received several applications that propose a mixed use zoning, and in reviewing these applications – and thinking of future cases – staff has identified several items in Section 24-527 that staff believes could benefit from amendment to enhance the clarity of the language and enhance accurate application. The changes would be as follows (these are further illustrated in the attached revised draft ordinance).

1. Clarify the language in subsection (a) to specify “external” existing and planned public road rights-of-way. Staff proposes to amend this language as a “housekeeping” item simply to clarify the applicability of the setback: that the setback applies to roads external to the proposed development, rather than both external and internal. Adding the phrasing “external” brings this language in line with other Ordinance sections such as PUD and Cluster. It also eliminates any possible conflicting interpretation between this section and subsection (e) which clearly indicates that “there shall be no minimum *front*, side, or rear yard requirements for any lot within a Mixed Use Development District.” Should the 50 foot setback have been applied to internal roads (in addition to external), all internal lots would in effect need a 50 foot front setback. While this amendment does not change the intent of the Ordinance or application, staff believes that this change improves the Ordinance by adding clarity.

2. Clarify the conditions under which a setback modification can be granted by replacing the title of sentence of subsection (c) to state “Setback Modifications; criteria for determination” instead of “Lesser setback requirements for mixed use area internal to mixed use districts; criteria for determination” and eliminating the phrase “for those areas of a mixed use district that are internal to a Mixed Use area as designated by the Comprehensive Plan” from the first sentence of subsection (c). Staff proposes to amend these items for two reasons. The first is a “housekeeping” reason: to eliminate the

ZO-1-07. Mixed Use District Ordinance Amendment



potential uncertainty created by the terminology used in the title of the subsection which states “for mixed use area internal to mixed use districts” versus the terminology used in the first sentence which states “for those areas of a mixed use district that are internal to a Mixed Use area.” The language in the first sentence currently indicates that only those Mixed Use Districts that are internal to areas designated Mixed Use by the Comprehensive Plan are eligible to apply for the setback reduction. Staff recommends that Ordinance language be clarified and that the setback modification request process be available to Mixed Use zoned districts without limitation by Comprehensive Plan designation. Staff believes that what appears to be the intent of limiting the setback modification process to certain Comprehensive Plan designations was likely put in place to address concerns about adjacent development. However, staff believes that the criteria and process outlined in subsections (c) and (d) would adequately allow for concerns to be raised and addressed before any modification request could be approved by the Planning Commission. Staff also believes that the conditions that are listed in subsection (c) could be present for any Mixed Use District, such as the goal of integrating the district with adjacent development, and that the case by case review of setback modification requests by the Planning Commission allowed by this section would therefore be appropriate for all land use designations.

3. Add language to subsection (c) to reference subsections (a) and (b), thereby clarifying the applicability of the setback modification process within the section. Similarly, add language in subsection (e) to reference subsections (a) and (b), thereby clarifying which setbacks are being referenced. Staff proposes to amend these items simply to tie the Ordinance sections together. Staff does not believe that these changes affect the intent or application of this section of the Ordinance, only clarify the existing language.

4. Consolidate the description of the process of obtaining a waiver in subsection (d), rather than including language in both subsections (c) and (d). Specifically, the changes would be:

I. In subsection (c), eliminating the phrases “the planning commission may recommend approval of a setback of less than 50 feet,” and “the planning commission shall find that one or more of the following criteria are met” and replacing them, respectively, with the phrases “Reduction of the width of the setbacks specified in (a) and (b) above may be approved” and “a request for a setback modification must meet one or more of the following criteria.”

II. In subsection (d), adding the phrase “Requests for modifications pursuant to subsection (c) above” and replacing “development review committee” with “planning commission”.

Again, staff believes that this is a “housekeeping” item that clarifies, but does not change the intent or application of the Ordinance.

Staff believes that the proposed amendments listed above are consistent with the intent of the Mixed Use Ordinance, and that the amendments would clarify application of the Ordinance for the current pending submissions, as well as future proposals and existing mixed use development. On February 28, 2007, the Policy Committee voted to pass

ZO-1-07. Mixed Use District Ordinance Amendment

consideration of this amendment on to the Planning Commission, with the suggestion that the staff-proposed phrase “or his designee” be eliminated from the sentence “The Planning Director *or his designee* shall make a recommendation to the planning commission to approve, deny or conditionally approve the request and shall include a written statement certifying that one or more of the above criteria are met” in subsection (d) of the draft ordinance in order for this section to be more consistent with the rest of the Zoning Ordinance. This Policy Committee suggestion is reflected in the revised draft ordinance (the phrase now appears as it has in the existing ordinance, with no change).

**RECOMMENDATION:**

Staff recommends that the Planning Commission recommend approval of the attached draft ordinance.

Attachments

1. Draft Revised Ordinance
2. Copy of Existing Ordinance

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24 ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 15, MIXED USE, MU, SECTION 24-527, SETBACK REQUIREMENTS.**

**BE IT ORDAINED**, by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, Article V, Districts, Division 15, Mixed Use, MU, is hereby amended and reordained by amending Section 24-527, Setback requirements.

**Chapter 24. Zoning**

**Article V. Districts**

**Division 15. Mixed Use, MU**

**Section 24-527. Setback requirements.**

(a) *Location of structures.* Structures shall be located 50 feet or more from any **external** existing or planned public road right-of-way which is 50 feet or greater in width. Where the **external** existing or planned public road right-of-way is less than 50 feet in width, structures shall be located 75 feet or more from the centerline of the **external** existing or planned public road.

(b) *Required set back from mixed use districts.* For commercial, industrial, office, residential and mixed uses a setback of 50 feet shall be maintained from the perimeter of a mixed use district. The setback shall be left in its natural undisturbed state and/or planted with additional or new landscape trees, shrubs and other vegetative cover such

that the setback serves to minimize the visual intrusion and other negative impacts of new development or redevelopment on adjacent development.

(c) ~~Lesser setback requirements for mixed use area internal to mixed use districts; criteria for determination.~~ **Setback Modifications; criteria for determination.** ~~The planning commission may recommend approval of a setback of less than 50 feet.~~ **Reduction of the width of the setbacks specified in subsections (a) and (b) above may be approved** for those areas of a mixed use district that are internal to a Mixed Use area as designated by the Comprehensive Plan upon finding **demonstration** that the proposed setbacks, by substitution of technique or design, will achieve results which clearly satisfy the overall purposes and intent of the setback requirements of this section and the intent of section 24-86 (Landscaping and Tree Preservation Requirements), shall have no additional adverse impact on adjacent properties or public areas, and will not result in detrimental impacts to the orderly development or character of the area, the environment, sound engineering or planning practice, or the goals, objectives, strategies and policies of the Comprehensive Plan. In addition, ~~the planning commission shall find that one or more of the following criteria are met~~ **a request for a setback modification must meet one or more of the following criteria:**

- (1) The proposed setback is for the purpose of integrating proposed mixed use development with adjacent development;
- (2) The proposed setback substantially preserves, enhances, integrates and complements existing trees and topography;
- (3) The proposed setback is due to unusual size, topography, shape or location of the property, or other unusual conditions, excluding the proprietary interests of the developer.

(d) *Requests for modification.* ~~Requests for modifications to the 50-foot setback~~ **Requests for modifications pursuant to subsection (c) above** shall be filed in writing

with the planning director and shall identify the reasons for such requests together with the proposed alternative. The planning director shall make a recommendation to the **planning commission** ~~development review committee~~ to approve, deny or conditionally approve the request and shall include a written statement certifying that one or more of the above criteria are met.

(e) No minimum lot size or yard requirements. Except for required setbacks ***specified in (a) and (b) above***, there shall be no minimum lot size nor minimum front, side or rear yard requirements for any lot within a Mixed Use Development District other than as specified in approved final plans.

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John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this  
10<sup>th</sup> day of April, 2007.

## Existing Ordinance Language (Attachment 2)

### **Sec. 24-527. Setback requirements.**

(a) *Location of structures.* Structures shall be located 50 feet or more from any existing or planned public road right-of-way which is 50 feet or greater in width. Where the existing or planned public road right-of-way is less than 50 feet in width, structures shall be located 75 feet or more from the centerline of the existing or planned public road.

(b) *Required set back from mixed use districts.* For commercial, industrial, office, residential and mixed uses a setback of 50 feet shall be maintained from the perimeter of a mixed use district. The setback shall be left in its natural undisturbed state and/or planted with additional or new landscape trees, shrubs and other vegetative cover such that the setback serves to minimize the visual intrusion and other negative impacts of new development or redevelopment on adjacent development.

(c) *Lesser setback requirements for mixed use area internal to mixed use districts; criteria for determination.* The planning commission may recommend approval of a setback of less than 50 feet for those areas of a mixed use district that are internal to a Mixed Use area as designated by the Comprehensive Plan upon finding that the proposed setback, by substitution of technique or design, will achieve results which clearly satisfy the overall purposes and intent of the setback requirement of this section and the intent of section 24-86 (Landscaping and Tree Preservation Requirements), shall have no additional adverse impact on adjacent properties or public areas, and will not result in detrimental impacts to the orderly development or character of the area, the environment, sound engineering or planning practice, or the goals, objectives, strategies and policies of the Comprehensive Plan. In addition, the planning commission shall find that one or more of the following criteria are met:

- (1) The proposed setback is for the purpose of integrating proposed mixed use development with adjacent development;
- (2) The proposed setback substantially preserves, enhances, integrates and complements existing trees and topography;
- (3) The proposed setback is due to unusual size, topography, shape or location of the property, or other unusual conditions, excluding the proprietary interests of the developer.

(d) *Requests for modifications.* Requests for modifications to the 50-foot setback shall be filed in writing with the planning director and shall identify the reasons for such requests together with the proposed alternative. The planning director shall make a recommendation to the development review committee to approve, deny or conditionally approve the request and shall include a written statement certifying that one or more of the above criteria are met.

(e) *No minimum lot size or yard requirements.* Except for required setbacks, there shall be no minimum lot size nor minimum front, side or rear yard requirements for any lot within a Mixed Use Development District other than as specified in approved final plans.

(f) *Uses prohibited.* Setbacks shall not be used for streets or for parking except for entrances and driveways which may penetrate the setback.

**REZONING CASE NO. Z-09-06/MASTER PLAN CASE NO. MP-10-06 Ironbound Square  
Redevelopment**

**Staff Report for the March 07, 2007 Planning Commission Public Hearing**

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*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.*

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**PUBLIC HEARINGS**

Planning Commission:

**Building F Board Room; County Government Complex**

March 07, 2007

7:00 p.m.

Board of Supervisors:

April 10, 2007

7:00 p.m. (tentative)

**SUMMARY FACTS**

**Applicant:**

Mr. Rick Hanson, James City County Office of Housing and  
Community Development

**Land Owner:**

Williamsburg Redevelopment Housing Authority (WRHA);

Ms. Beatrice Banks Bailey;

Ms. Rhoda Brown;

Mr. and Mrs. Kenrick Williams and Joan P. Williams;

Mr. and Mrs. Cecil Collier and Delores Collier;

Mr. and Mrs. Douglas F. Canaday and Ivy Canaday;

Mr. and Mrs. Robert White and Louise White;

Ms. Gloria Merritt;

Ms. Inez White;

Mr. William L. Jones;

James City County

**Proposal:**

To rezone approximately 9.34 acres from R-2, General Residential, to MU, Mixed use, with proffers. The site of this request consists of forty existing parcels and it is located within the Ironbound Square Redevelopment Area. If approved this rezoning application will allow the (re) subdivision of the existing forty parcels to create a total of fifty-two parcels and three new streets. Because James City County Office of Housing and Community Development was unable to obtain signatures from the owners of five of the parcels located in the site, the Board of Supervisors approved a resolution on February 13, 2007, initiating the rezoning process for the five parcels within the Ironbound Square Redevelopment Area. The rezoning of the five parcels will be considered concurrently with the James City County Office of Housing and Community Development rezoning application. The property owner's names, location, tax map and parcel numbers are identified in underlined italics in the Staff Report and are further illustrated in Attachment No.5 to this report.

**Location:**

105, 107, & 109 Carriage Road, 4338, 4340, 4342, 4344, 4346, 4348, 4352, 4354, 4356, 4358, 4362, 4364, 4366, 4368, 4370, 4372, 4374, 4376, 4378, 4380, 4382, 4384, 4386, & 4388 Ironbound Road, 99, 100, 101, 102, 104, 106, 113, 117, 119, 121, 123, 125, 7 125A Watford Lane.

**Tax Map/Parcel:**

(39-1) (1-72), (39-1) (1-73), (39-1) (1-74), (39-1) (1-97), (39-1) (1-96), (39-

1)

(1-95), (39-1) (1-94), (39-1) (1-93), (39-1) (1-92), (39-1) (1-90A),  
(39-1) (1-90B), (39-1) (1-89), (39-1) (1-88), (39-1) (1-81), (39-1) (1-80),  
(39-1) (1-79), (39-1) (1-78), (39-1) (1-77), (39-1) (1-76), (39-1) (1-75B),  
(39-1) (1-75), (39-1) (1-75A), (39-1) (1-70), (39-1) (1-68), (39-1) (1-67),  
(39-1) (1-66), (39-1) (1-65), (39-1) (1-99), (39-1) (1-103), (39-1) (1-86),  
(39-1) (1-104), (39-1) (1-105), (39-1), (1-102), (39-1) (1-85), (39-1) (1-84),  
(39-1) (1-83), (39-1) (1-82), (39-1), (1-87), (39-1) (1-69), & (39-1) (1-71).

**Parcel Size:** 9.34 acres

**Existing Zoning:** R-2, General Residential

**Comprehensive Plan:** Low Density Residential

**Primary Service Area:** Inside

### STAFF RECOMMENDATION

With the submitted proffers, staff finds the proposal will not negatively impact surrounding property. Staff finds the proposal, as part of the overall Ironbound Square Redevelopment Area, consistent with surrounding land uses, the Land Use and Housing policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. Staff recommends the Planning Commission recommend approval of the Rezoning application for the existing forty parcels located within the Ironbound Square Redevelopment Area and the acceptance of the voluntary proffers.

Staff Contact: Jose Ribeiro, Planner Phone: 253-6685

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

### PROJECT DESCRIPTION

Mr. Rick Hanson of the James City County Office of Housing and Community Development has applied to rezone approximately 9.34 acres of land along Ironbound Road from R-2, General Residential, to MU, Mixed Use for the development of fifty-two single-family residential parcels and three new streets. The area subject to this rezoning covers two blocks fronting on Ironbound Road south of Carriage Road and is located in a portion of the section of the Ironbound Square Neighborhood designated as the Ironbound Square Redevelopment Area. Properties located to the north (Phase I of the Ironbound Square Redevelopment) and west (New Town parcels) of this area are zoned mixed use. Properties located to the east are zoned R-2. Properties to the south are located within the limits of the City of Williamsburg.

In February of 2000, the James City County Board of Supervisors authorized a multi-year Community Development Block Grant (CDBG) Agreement with the Virginia Department of Housing and Community Development (VDHCD) to undertake the Ironbound Square Residential Revitalization CDBG Project. The agreement is known as the Ironbound Square Revitalization Agreement. On February 26, 2002, to advance the objectives of the Revitalization Agreement, the Board of Supervisors adopted the Ironbound Square Redevelopment Plan to reduce or eliminate various blighted, unsanitary, unsafe, and substandard housing conditions within the Ironbound Redevelopment Area. The Redevelopment Plan included among its objective to “develop sites for additional housing for families and senior citizens” and included among



its authorized undertakings “clearance of areas acquired and installation, construction, or reconstruction of streets, utilities, and sites for use in accordance with the Redevelopment Plan.”

The Ironbound Square Redevelopment Area consists of approximately 19.34 acres of land master planned as a mixed-use development with various residential types and a recreational area. On May 10, 2005, the James City County Board of Supervisors approved the rezoning of Phase I of the Ironbound Square Redevelopment (Z-02-05/MP-03-05) from R-2, General Residential, to MU, Mixed Use which allowed for the construction of a sixty-seven unit age-and-income restricted apartment facility, five single-family residential lots and a park on approximately 6.04 acres of land.

Phase II of the Ironbound Square Redevelopment proposes to rezone the remaining lands within the Redevelopment Area (approximately 9.34 acres) and is proposed as a re-subdivision of the existing forty parcels into a total of fifty-two parcels. There are currently thirteen single-family units located within the Phase II redevelopment area and they will remain on the property. According to voluntary proffers submitted by the applicant, a minimum of twenty of the new single family units developed on the property and designated single-family parcels will be sold to households with incomes no greater than eighty percent (80%) of the Area Median Income (AMI) adjusted for household sizes as determined by the U.S. Department of Housing and Urban Developments (HUD). This maximum qualifying income for a household of four is currently computed to be \$48,250.

The site of Phase II of the Ironbound Square Redevelopment is designated by the 2003 Comprehensive Plan as Low Density Residential. Further, the site is located within the New Town Community Character Area and Ironbound Road is designated as a Community Character Corridor.

## **PUBLIC IMPACTS**

### **Archaeology Impacts:**

**Staff Comments:** The subject property has been previously disturbed and is not located within an area identified as a highly sensitive area in the James City County archaeological assessment. Staff believes that given the size and nature of the site, no archaeological studies are necessary.

### **Fiscal Impacts:**

**Staff Comments:** A fiscal impact analysis was not required for this project. The applicant did submit a community impact statement and has acknowledged that the net fiscal impact of the proposal will be negative. However, the proposal addressed goals of the Housing section of the Comprehensive Plan specifically related to the Ironbound Square neighborhood by providing affordable housing. Staff concurs that this analyses was not required and that the nature of the project is consistent with the Comprehensive Plan.

### **Public Utilities:**

**Staff Comments:** The site is located within the Primary Service Area (PSA) and will be served by public water and sewer. Water conservation measures have been proffered and shall be submitted to and approved by JCSA prior to final subdivision or site plan approval. The JCSA staff has provided the applicant with preliminary comments to consider during the site plan process and guidelines for developing the water conservation standards. Since this is an affordable housing project, JCSA has not requested water system reimbursements.

*Water Conservation Proffers:* Water conservation standards for the Property shall be submitted to and approved by the James City Service Authority. The owner shall be responsible for enforcing these standards. The standards shall address such conservation measures as limitations on the installation and use of irrigation systems and irrigations 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. The standards shall be approved by the James City Service Authority prior to final subdivision or site plan approval.

### **Housing:**

Phase II of the Ironbound Square Redevelopment consists of the re-subdivision of forty existing parcels into a total of fifty-two parcels. A minimum of twenty of the new single-family units to be developed on the property shall be dedicated to affordable housing. The reminder of the lots will be dedicated to mixed cost and sold through the County's affordable incentive program.

*Affordable Housing Proffers:* A minimum of twenty (20) of the Single Family Units developed on the Property shall be used to house sold to households with incomes no greater than 80 % of the Area Median Income (AMI) adjusted for household size as determined by the U.S Department of Housing and Urban Development (HUD).

All new homes within the Redevelopment Area will be quality built, energy efficient homes. These homes will be built by competitively selected private builders as well as by non profit housing organizations, including Peninsula Area Habitat for Humanity and Housing Partnerships Inc. The Office of Housing and Community Development (OHCD) will select house plans and solicit builders to construct homes designed to meet the needs of work force home buyers and to qualify for a variety of work force housing financing products. Among these programs is the County's Employer Assisted Home Ownership Program which is currently available to county employees with incomes at or below 110% of area median income adjusted for family size. The use of non-profit building partners as well as the use of low interest mortgages and down payment assistance will enable OHCD to meet and most likely exceed the proffer of a minimum of 20 homes to be sold to low and moderate income households whose incomes are at or below 80% of the area median income adjusted for family size. Staff finds that this proposal is consistent with the 2003 Comprehensive Plan affordable housing goals.

### **Public Facilities:**

According to the Public Facilities section of the Comprehensive Plan, Action No. 4 encourages through the rezoning, special use permit or other development processes (1) evaluation of the adequacy of facility space and needed services when considering increasing development intensities and (2) encouraging the equitable participation by the developer in the provision of needed services. With respect to item (1), the Board of Supervisors has adopted the adequate public school facilities policies for schools, recreation and water supply facilities.

The Ironbound Square Area is located within the Clara Byrd Baker Elementary, Berkeley Middle School, and Jamestown High School districts. Under the proposed Master Plan, a maximum of fifty-two single-family units are proposed for this project. Per the adequate public school facilities policy adopted by the Board of Supervisors, all special use permit or rezoning applications should meet the policy for adequate public school facilities. The policy adopted by the Board uses the design capacity of a school, while the Williamsburg - James City County schools recognize the effective capacity as the means of determining student capacities. With respect to the policy, the applicant offers the following information:

*The Impact of the development subject to this rezoning will have a negligible impact on the Williamsburg James City County School system. Few, if any students will be added to the population because the majority of the development is limited to households with at least one member being 62 years of age, and the single family lots will be marketed to persons who currently reside or work in James City County, Williamsburg, and the upper Brutton section of York County*

The site of Phase II of the redevelopment consists of forty parcels with thirteen of the parcels currently occupied by single-family homes. The average student generation rate for single-family houses is 0.45 students per single-family unit. The existing forty single-family parcels could provide a total of eighteen school children ( $40 \times 0.45 = 18$ ).

The proposed re-subdivision of forty parcels into fifty-two parcels is projected to generate twenty-three school children ( $52 \times 0.45 = 23$ ) or five additional students above these generated by the existing forty parcels. The expected distribution of the twenty-three school children are listed below on Table 1:

**Table 1**  
**Schools serving Ironbound Square**

School	Design Capacity	Effective Capacity	Current 2006 Enrollment	Projected Students Generated	Enrollment plus Projected Students
Clara Byrd Baker Elementary School	804	660	752	<u>10</u>	762
Berkeley Middle School	725	816	865	<u>6</u>	871
Jamestown High School	1250	1177	1591	<u>7</u>	1598
<b>Total</b>	<b>2779</b>	<b>2653</b>	<b>3208</b>	<b><u>23</u></b>	<b>3231</b>

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

**Transportation:**

**2005 Traffic Counts:** From Monticello Avenue to Watford Lane, 10,764 average daily trips.

**2026 Volume Projected:** From Monticello Avenue to Williamsburg CL, projected 14,000 average daily trips

*Road improvements Proffers:* Owner shall install, in accordance with Virginia Department of Transportation (“VDOT”) recommendations, standards and specifications the following road improvements: a) curb, gutter, and paving, and sidewalks on the eastern side of Watford Lane at 120 Watford to Watford Lane’s turn to the west; and on the northern side of Watford Lane from the turn to its

intersection with Ironbound Road, and b) curb, gutter, and paving along three new roads, all as shown on the Master Plan. The preceding road improvements and dedications shall be (i) completed or (ii) the contract for the construction of these improvements shall have been approved by the James City County Board of Supervisors prior to issuance of any certificates of occupancy for dwelling units on rezoned parcels fronting on Watford Lane.

**VDOT comments:** VDOT staff concurs with the trip generation, distributions, and turn lane analysis as provided in the submitted traffic study. The study concludes that left-turn lanes are warranted on Ironbound Road at Watford Lane, Carriage Road, and Magazine Road. However, VDOT notes that these left-turn lanes are included in VDOT's Ironbound Road widening project, which is currently scheduled to be advertised for construction in mid-2008. Further, it is worth noting that all driveways that currently have access on Ironbound Road will be shifted to internal access from the proposed cul-de-sac streets. This shift in vehicular access will promote improvements on road capacity and overall traffic safety.

**Staff Comments:** Staff concurs with VDOT findings and believes that with the Ironbound Road widening project traffic improvements will be adequately mitigated. Further, Staff would also like to point out that according to VDOT, a traffic signal is proposed for the intersection of Watford Lane and Ironbound Road. Pedestrian safety features such as crosswalks are under consideration for Watford Lane and Magazine Road but at this time Staff is unsure of the status of such pedestrian safety features.

#### **Environmental:**

Watershed: College Creek

The applicant has provided two scenarios for treatment of stormwater runoff from the site: a regional BMP and integrated practices within the development. A regional stormwater management pond is planned immediately downstream of the Phase 1 Watford Lane BMP. Because of its impacts on perennial streams and Resource Protection Buffer, the regional pond required approval from James City County Chesapeake Bay Board. The Board approved the BMP at their regular meeting on February 14, 2007. This regional facility would modify the Phase 1 BMP to act as a sediment forebay and this pond would be designed to provide adequate water quality volume for the entire development and upstream drainage from Ironbound Road. If the regional stormwater management pond is delayed beyond the construction of the neighborhood or not constructed, combined Low Impact Development (LID) measures and the use of the two dry detention basins in series will provide stormwater treatment for the proposed development.

**Environmental Comments:** Staff acknowledges that the proposed regional BMP east of the County Type F-1 BMP has received regulatory approval from the James City County Chesapeake Bay Board under Chesapeake Bay Exception CBE-07-033. This approval, along with previous Army Corps of Engineer's approval and imminent Virginia Department of Environmental Quality approval, suggests the regional BMP may now be feasible. Under this regional stormwater management approach, and similar to that for the Bay Aging portion of the project Z-02-05/SP-100-05, a Land-Disturbing permit cannot be issued for this project (Ironbound Square Redevelopment Phase 2) until the downstream regional stormwater management facility is in place and functional.

**Staff Comments:** Staff concurs with the Environmental Division findings. In the event that the regional BMP project does not come to full fruition prior to issuance of land disturbance permits for Phase II of the project, the applicant will utilize a combination of proposed LID measures, as shown on the master plan, and dry detention basins to provide adequate stormwater treatment for the proposed development.

## COMPREHENSIVE PLAN

### Land Use Map

Designation	<p><b>Low Density Residential (Page 120):</b></p> <p>Low density areas are residential developments or land suitable for such developments with gross densities up to one dwelling unit per acre depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of dwellings in the proposed development, and the degree to which the development is consistent with the Comprehensive Plan. In order to encourage higher quality design, a residential development with gross density greater than one unit per acre and up to four units per acre may be considered only if it offers particular public benefits to the community. Examples of such benefits include mixed-cost housing, affordable housing, unusual environmental protection, or development that adheres to the principles of open space development design. The location criteria for low density residential require that these developments be located within the PSA where utilities are available. Examples of acceptable land uses within this designation include single-family homes, duplexes, cluster housing, recreation areas, schools, churches, community-oriented public facilities, and very limited commercial establishments.</p>
	<p><b>Staff Comment:</b> This phase of the redevelopment area creates a gross density of 5.4 dwelling units per acre. However the overall Ironbound Square Revitalization Area, exclusive of Ironbound Village, encompasses approximately 57.54 acres with a total of 215 existing and planned units, thus creating a total gross density of 3.8 dwelling units per acre. Furthermore, staff finds that Phase II of the redevelopment area will offer a specific public benefit to the community by providing affordable and mixed-cost housing. Staff would also like to point out that Phase I and II of the redevelopment area will provide approximately 3.32 acres of open space, which includes 1.6 acres of parkland.</p>
Development Standards	<p><i>General Land Use Standards #5-Page 134:</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...integrate sidewalks into the design of streets so that pedestrian movement is safe, comfortable and convenient. Pedestrian activity should be given an equal priority to motor vehicle activity.</p> <p><i>Residential Land Use Standards #1 Page 137:</i> Ensure that gross densities are compatible with the local environment, the scale and capacities of public services, facilities and utilities available or planned, and the character of development in the vicinity...When evaluating development proposals, permit gross densities at the higher end of the allowed range based on the degree to which the proposed development achieves the goals, strategies, actions, and standards of the Comprehensive Plan. During such evaluations emphasis would be placed on mixed cost housing; affordable housing; provision of open space; protection of the environment and historical and archaeological resources; preservation of farm and forestall lands...and the ability to meet the public needs of the development.</p>

	<p><b>Staff Comment:</b> All lots that currently have access on Ironbound Road are being shifted to internal access (through access easements) from the three proposed new cul-de-sac streets improving road capacity and traffic safety. Sidewalks will be provided on one side of Watford Lane and Carriage Road abutting the property. A multi-use path will be proposed along Ironbound Road as part of VDOT's project. No sidewalks are proposed on the three new cul-de-sacs. However, a pedestrian trail will connect Cul-de-sac 2 to Cul-de-sac 3 and a second trail will connect to the proposed multi-use path at Ironbound Road. Staff believes that the 5.4 gross density proposed for Phase II of the redevelopment is consistent with the intent of Ironbound Square Revitalization plan, comparable with adjacent residential developments (New Town and Phase I of the Redevelopment Area) and justifiable considering the public benefits that it will offer to the County.</p>
Goals, strategies and actions	<p><i>Action #16-Page 140:</i> Identify target areas for infill, redevelopment, and rehabilitation within the PSA</p>
	<p><b>Staff Comment:</b> The Ironbound Square Area was designated a "Community Development Focus Area" by the 2003 Comprehensive Plan. Focus areas, such as Ironbound Square are slated for consideration for neighborhood rehabilitation and blight removal.</p>

### Environment

Goals, strategies, and actions	<p><i>Action # 23- Page 67:</i> Encourage residential and commercial water conservation, including the reuse of grey water where appropriate</p>
	<p><b>Staff Comment:</b> Water conservation standards have been proffered by the applicant.</p>

### Transportation

General	<p><i>Ironbound Road-Page 78:</i> Since traffic volumes are projected to increase to 14,000 vehicle trips per day by 2026, Ironbound Road will be improved to four lanes in the section from Strawberry Plains Road to just north/west of the Longhill Connector Road. This section is planned to be widened to four lanes.</p>
	<p><b>Staff Comment:</b> This segment of Ironbound Road is included in the Six-Year Secondary Road Plan with a bid date of 2008 for widening to four lanes. Left hand turn lanes from Ironbound Road will be provided for all intersections included in this Phase II at that time as well as a multi-use path and bike lanes on Ironbound Road.</p>

### Housing

General	<p><i>Assistance Programs-Page 103:</i> The Ironbound Square Revitalization Project is located in one of the James City County Housing Revitalization Focus Areas. This is a multi-million dollar project designed to improve housing conditions and eliminate blight, and to preserve Ironbound Square as a viable single-family residential neighborhood. In addition to the rehabilitation of existing homes, this project intendeds to provide approximately 100 additional affordable housing units including single-family homes as well as rental units for senior citizens.</p>
	<p><b>Staff Comment:</b> Staff believes that Phase II of the redevelopment plan is consistent with the goals of the Housing Revitalization Focus Areas by increasing the number of affordable housing available to the residents of the County and by maintaining Ironbound Square Neighborhood a viable single-family residential area.</p>

Goals	Goal # 2-Page 106: Eliminate substandard housing conditions
	Goal # 3-Page 106: Increase the availability of affordable housing
	<b>Staff Comment:</b> Since the fall of 1999 the James City County Office of Housing and Community Development has used Community Development Block Grants (CDBG) to assist with the implementation of a redevelopment effort in Ironbound Square to rehabilitate existing and remove blighted structures from the area. Phase I of this redevelopment area will add sixty-seven multi-family, affordable units to the County's housing stock. Phase II of the redevelopment plan will add a minimum of twenty affordable single family units to the County's housing stock.
Strategies	<i>Strategy # 1- Page 106: Target publicly funded or publicly sponsored housing programs toward County residents and persons employed in the County</i>
	<i>Strategy # 11-Page 107: Promote infill residential development to minimize site development costs and unnecessary sprawl, and maximize the development potential of land convenient to public facilities and services</i>
	<b>Staff Comment:</b> The Ironbound Square Redevelopment Plan will provide affordable housing for County residents and also for the persons who work in James City County, the Bruton section of York County, and the City of Williamsburg. Phase II of the redevelopment plan will re-subdivide and modify the layout of the existing forty parcels and create a total of fifty-two single family residential parcels. Staff finds that this (re) development strategy will minimize site development costs and maximize the development potential of the area. Further, this residential (re) development will not contribute to sprawl since no additional land will be required for this proposal.
Action	<i>Action #05-Page 107: Allow increased densities in development proposals that address the need for housing determined to be affordable to families with low and moderate incomes.</i>
	<b>Staff Comment:</b> Phase II of the Ironbound Square Redevelopment Plan will provide a residential density of 5.57 dwelling units per acre, slightly higher than what is recommended by the Comprehensive Plan. However, staff believes that this proposal will accomplish a necessary public benefit to the County by offering twenty affordable residential units to low and moderate-income households.

### Community Character

Goals, Strategies. And actions	<i>Goal #1-Page 95: Improve the overall appearance of the County' urban and rural environment.</i>
	<i>Strategy# 5-Page 95: Encourage beautification of existing development to improve the overall visual quality of the County</i>
	<b>Staff Comment:</b> According to the 2003 Comprehensive Plan, Ironbound Road is designated as a Community Character Corridor. Currently many vacant and blighted lots front along this section of the Ironbound Road. Staff finds that this proposal will enhance the aesthetic of this segment of Ironbound Road corridor by rehabilitating blighted lots and allowing for the construction of new single-family units. Staff notes that substantial improvements are occurring across Ironbound Road in New Town and that the improvements proposed by Phase II of the Redevelopment Plan will compliment these efforts.

### Staff Comments

Because of the project's mixed-cost and affordable housing components, staff finds the proposal, as part of the

overall Ironbound Square Redevelopment Plan, consistent with the Land Use section and Housing policies of the Comprehensive Plan. Further, staff finds that the proposed infill development is consistent with the objectives of the Housing Revitalization Focus Areas as described in the Housing Section of the Comprehensive Plan

#### **SETBACK REDUCTION REQUEST:**

The applicant is proposing a request for modifications to the setback requirements in sections 24-527 (a) and (b), as amended, and the landscape requirements in Section 24-96(a) of the Zoning Ordinance. These requests are pursuant to Section 24-527, paragraphs (c)(1) and (d), as amended, and according to the applicant are necessary to integrate the proposed development with the surrounding neighborhood. The request for modification to the setback requirements will be considered by the Planning Commission (Development Review Committee) when development plans are submitted. The Planning Division is supportive of these modifications and believes that this project meets the criteria for a modification. This is an infill project and is consistent with surrounding neighborhood and the New Town development across Ironbound Road. Staff would note that the Master Plan as currently configured shows the site with the modified setbacks. Further, Staff would note that a proposed amendment (ZO-01-07) to Section 24-527 of the Zoning Ordinance is currently being considered by the Planning Commission after being reviewed by the Policy Committee during its meeting on February 26, 2007. This amendment intends to clarify the circumstances and the process whereby a setback waiver from Mixed Use Districts can be granted by the Planning Commission.

#### **RECOMMENDATION:**

With the submittal proffers, staff finds the proposal will not negatively impact surrounding property. Staff also finds the proposal, as part of the overall Ironbound Square Redevelopment, consistent with the surrounding lands uses, the Land Use and Housing policies of the Comprehensive Plan, and with the Comprehensive Plan Land Use Map designation. Staff also finds that the added benefit of affordable and mixed cost housing will meet an important need in James City County. Staff recommends the Planning Commission recommend approval of the Rezoning and Master Plan applications for the entire Phase II of the Ironbound Square Redevelopment Plan.

---

Jose Ribeiro, Planner

#### **ATTACHMENTS:**

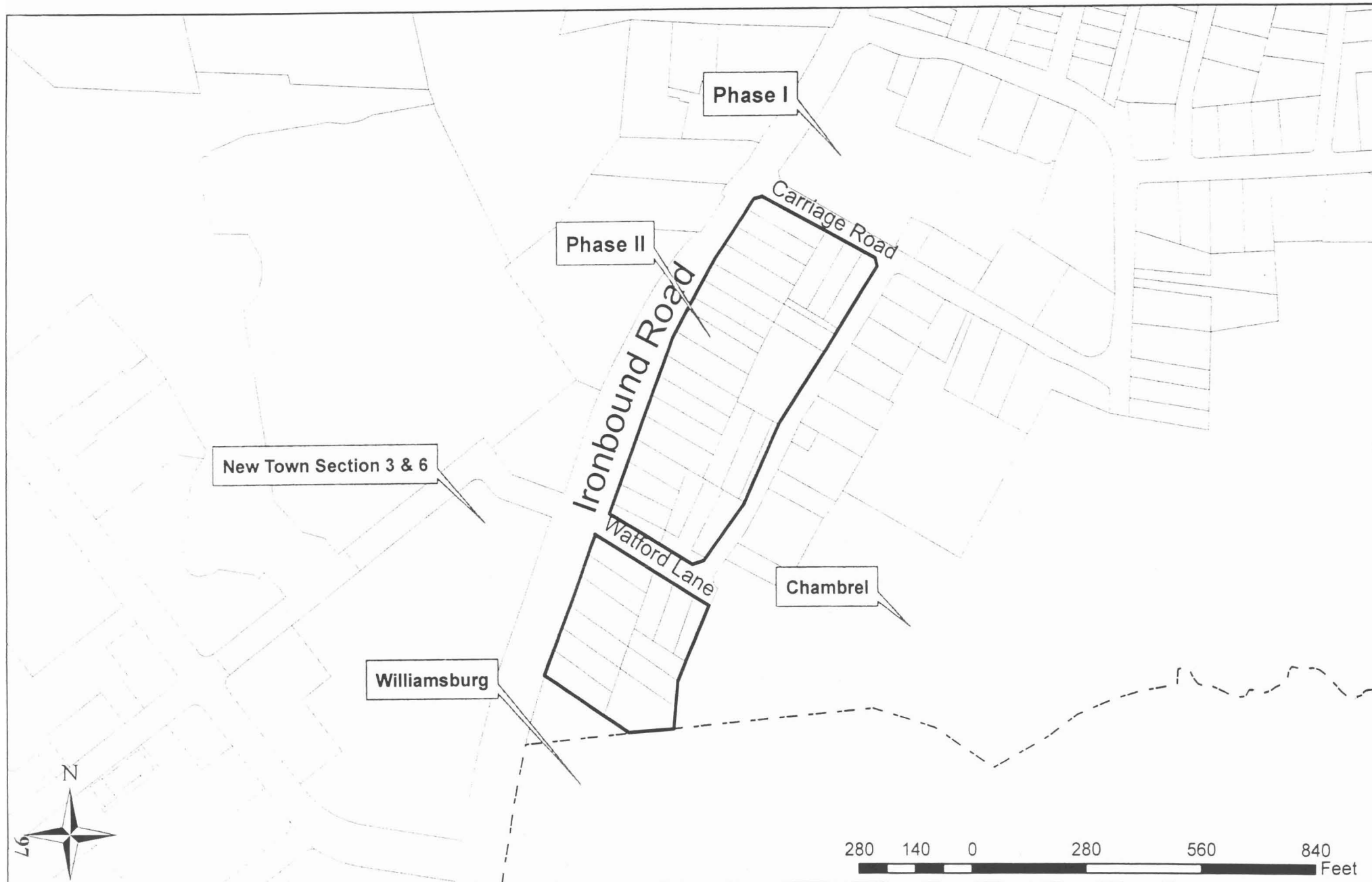
1. Location Map
2. Master Plan (under separate cover)
3. Community Impact Statement
4. Traffic Impact Analysis
5. Master Location Map Titled: Ironbound Square Redevelopment Phase 2- Rezoning
6. Resolution Approved by the Board of Supervisors on February 13, 2007 Titled: Initiation of the Rezoning of Five Parcels Within the Ironbound Square.”
7. Proffers





# JCC-Z-09-06/MP-10-06

## Ironbound Square Redevelopment Plan





## MEMORANDUM

TO: James Peters, AES  
FROM: Dexter R. Williams  
SUBJECT: Traffic Analysis For Ironbound Square Access On Ironbound Road  
DATE: February 11, 2005

The AES Ironbound Square plan is shown on Exhibit 1. Ironbound Square consists of existing and planned single family housing units and a planned senior housing apartment building. Ironbound Square is part of a larger residential neighborhood referred to as the Watford residential areas in this analysis. Exhibit 2 shows the full extent of the Watford residential areas located on the County's tax map.

There are three intersections on Ironbound Road serving Ironbound Square: Watford Lane, Carriage Road and Magazine Road. Four Watford residential areas have been defined for traffic assignment to these three intersections:

1. Watford South: 16 single family lots south of and fronting on Watford Lane off of Ironbound Road.
2. Watford Parallel: 41 single family lots with access on the section of Watford Lane lying parallel to Ironbound Road.
3. Carriage: 18 single family lots and a 67 unit seniors apartment building fronting on Carriage Road from Ironbound Road through the first part of the Carriage Road dogleg.
4. Magazine: 50 single family lots fronting on Magazine Road and the eastern part of the Carriage Road dogleg.

Ironbound Square units have been aggregated into the larger Watford residential areas. The Watford residential areas provide a more complete assessment of traffic potential in this area.

There are no peak hour counts available for the existing three intersections on Ironbound Road. Exhibit 3 shows the most recent 2015 PM peak hour forecast on Ironbound Road as presented in the New Town Sections 3 & 6 traffic study addendum dated August 24, 2004. This forecast provides a means of measuring requirements at these three intersections with committed development in the area. PM peak hour traffic is used because PM is the period for the largest volumes of traffic turning off of Ironbound Road into the Watford residential areas and because the PM peak hour traffic is higher than the AM peak hour traffic.

The previous 2015 forecasts prepared for New Town have included an estimate of traffic for Watford Lane, but no estimate for Carriage Road or Magazine Road. Exhibit 4 shows the adjustment to the 2015 forecast to remove this previous estimate before assigning traffic for the Watford residential areas.

James Peters, AES  
February 11, 2005

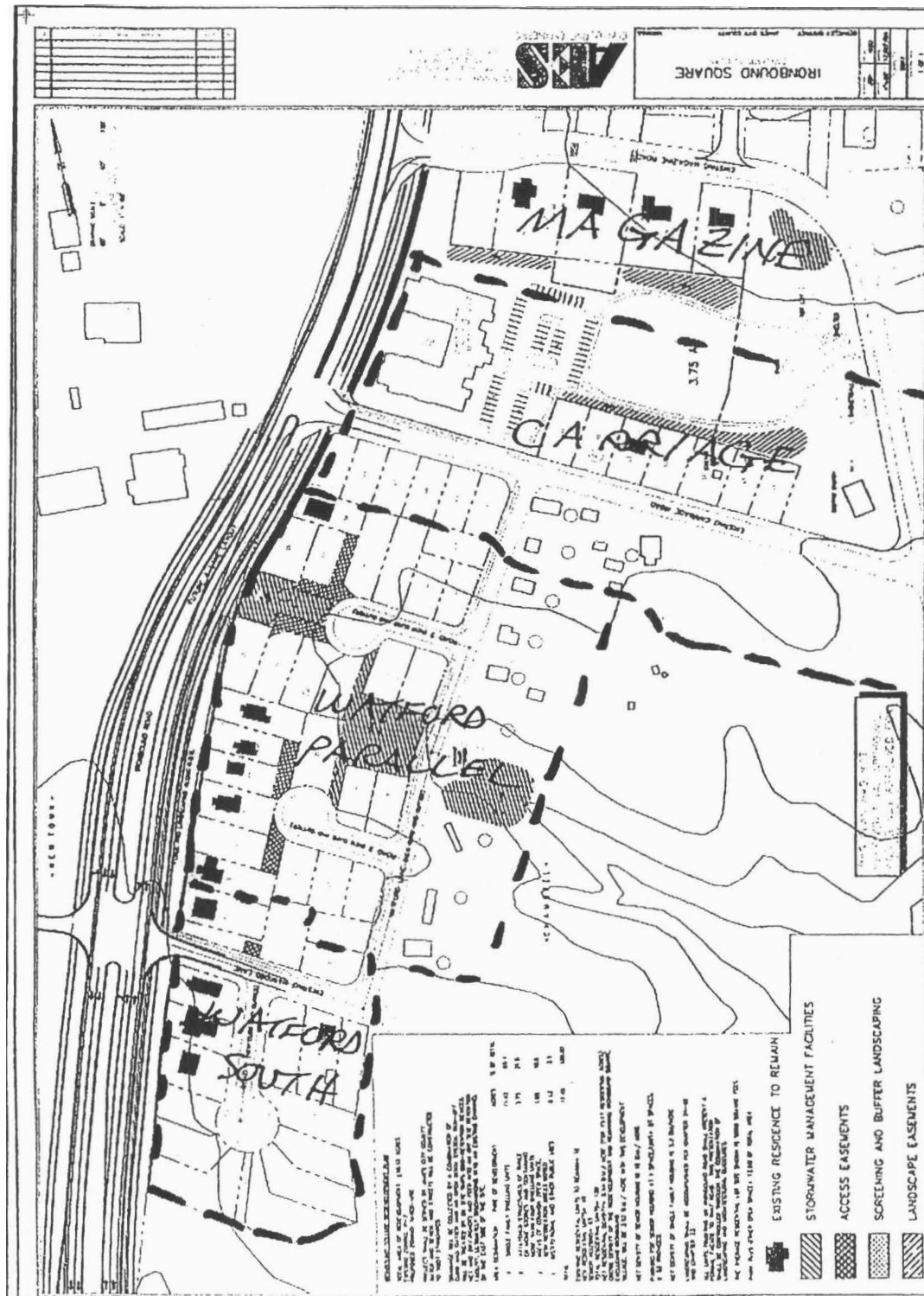
Exhibit 5 shows trip generation and distribution for the four Watford residential areas. Exhibits 6a through 6d show PM peak hour traffic assignments for the four residential areas, and total traffic assignments for the Watford residential areas are shown on Exhibit 6e.

Exhibit 7 shows 2015 total PM peak hour traffic with all of the Watford residential areas.

Exhibit 8 shows VDOT right turn lane warrants at all intersections. All three locations warrant only a right turn lane radius northbound on Ironbound Road. Because the Watford Lane intersection is planned to be signalized, VDOT policy may require a northbound right turn lane on Ironbound Road at this intersection.

Exhibit 9 shows VDOT left turn lane warrants at all intersections. All three locations warrant a left turn lane southbound on Ironbound Road.

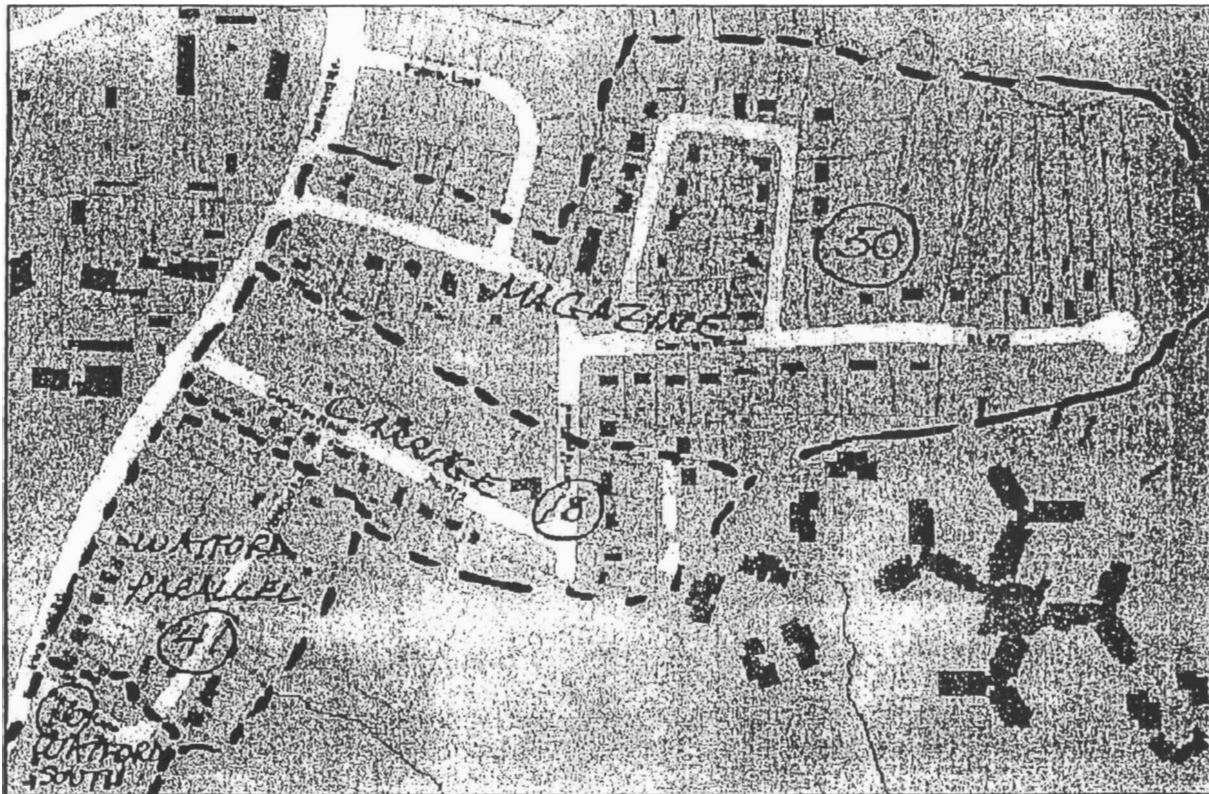
Please advise if you need additional information.



WATFORD RESIDENTIAL AREAS  
AES Site Plan

DRW Consultants, LLC  
804-794-7312

Exhibit 1



WATFORD RESIDENTIAL AREAS & SINGLE FAMILY UNITS  
County Tax Maps

DRW Consultants, LLC  
804-794-7312

Exhibit 2

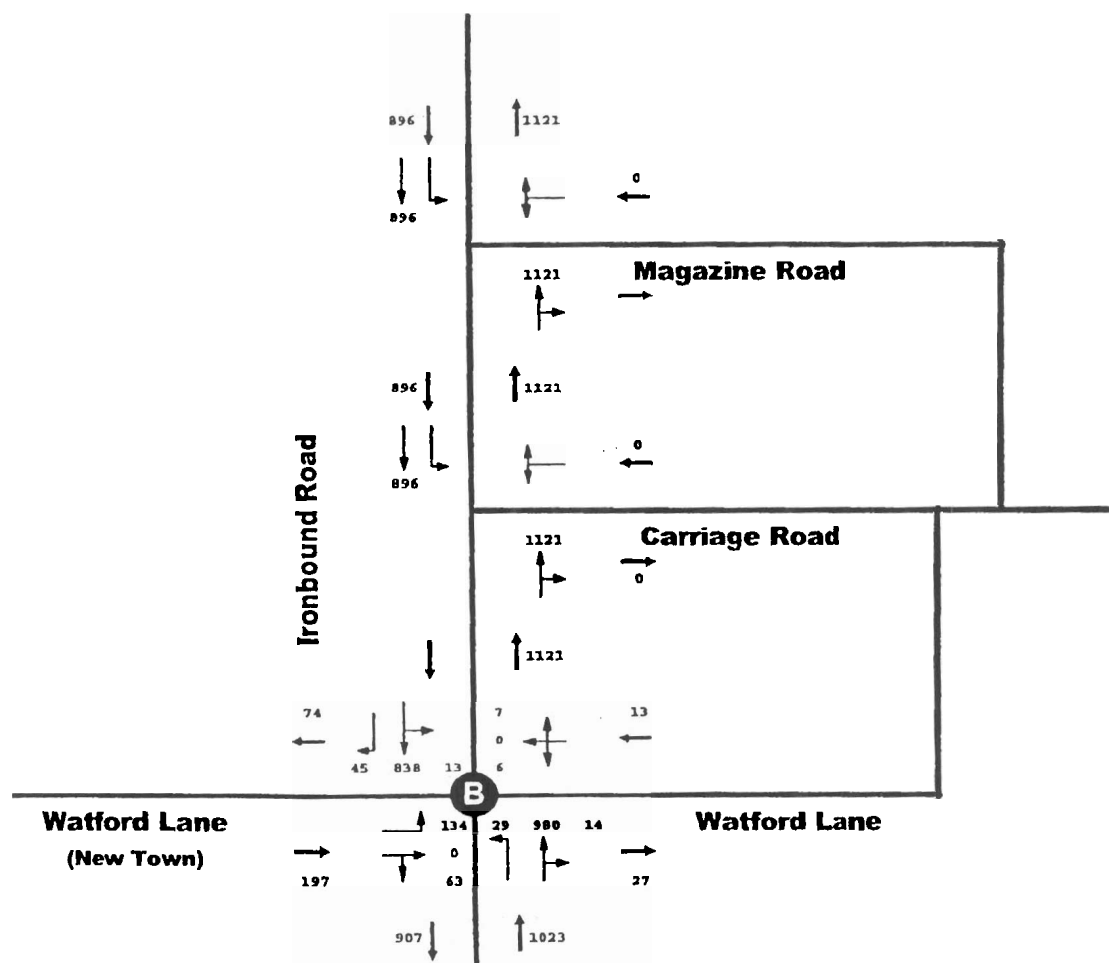


Exhibit  
Reference

2015 PM PEAK HOUR TOTAL TRAFFIC  
FROM NEW TOWN SECTION 3 & 6 TRAFFIC STUDY ADDENDUM DATED  
AUGUST 26, 2004

DRW Consultants, Inc.  
804-794-7312

Exhibit 3

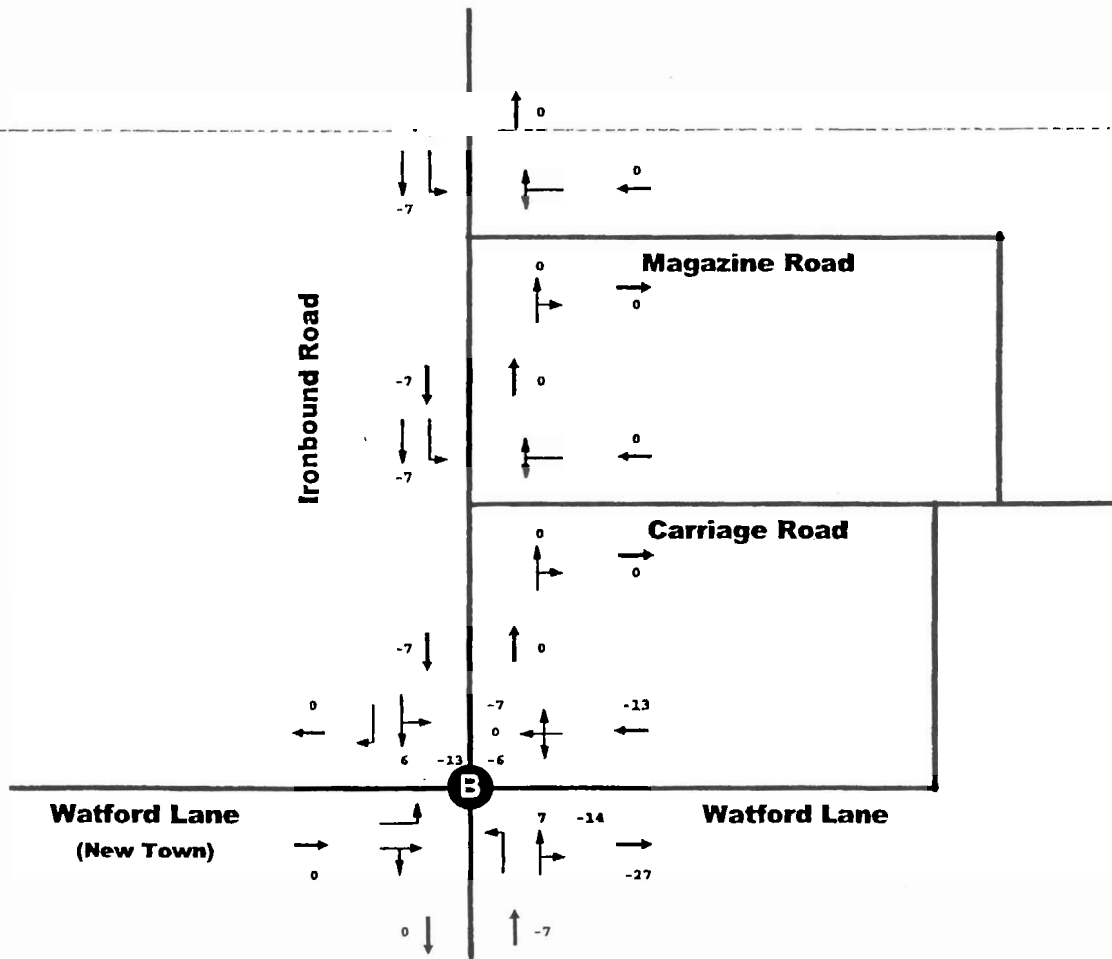


Exhibit  
Reference

REDUCTION TO EXHIBIT 3 TRAFFIC FORECAST  
TO REMOVE PREVIOUS ASSIGNMENT FOR WATFORD LANE RESIDENTIAL  
AREA

DRW Consultants, Inc.  
804-794-7312

Exhibit 4



		LAND USE CODE	SQ.FT., OTHER UNITS	WEEKDAY TRIP GENERATION						
				AM PEAK HOUR			PM PEAK HOUR			DAILY
TRACT	LAND USE			Enter	Exit	Total	Enter	Exit	Total	

**TABLE 1 - MAGAZINE ROAD AREA TRIP GENERATION AND DISTRIBUTION**

avg. rate-adj. st.	Single-Family	210	50 units		10	28	38	32	19	51	479	
Direction		AM Peak Hour				PM Peak Hour						
		Entering Traffic		Exiting Traffic		Entering Traffic		Exiting Traffic				
		% Dist.	Trips	% Dist.	Trips	% Dist.	Trips	% Dist.	Trips			
		North	50%	5	50%	14	50%	16	50%	10		
		South	50%	5	50%	14	50%	16	50%	10		
		100%	10	100%	28	100%	32	100%	20			

**TABLE 2 - CARRIAGE ROAD AREA TRIP GENERATION AND DISTRIBUTION**

TABLE 1. OVERALL ROAD TRAFFIC GENERATION AND DISTRIBUTION										
avg. rate-adj. st.	Single-Family	210	18 units	4	10	14	11	7	18	172
avg. rate-adj. st.	Sr. Adult Attached	252	67 units	2	3	5	4	3	7	233
				6	13	19	15	10	25	405
		AM Peak Hour				PM Peak Hour				
		Entering Traffic		Exiting Traffic		Entering Traffic		Exiting Traffic		
Direction		% Dist.	Trips	% Dist.	Trips	% Dist.	Trips	% Dist.	Trips	
North		50%	3	50%	7	50%	8	50%	5	
South		50%	3	50%	7	50%	8	50%	5	
		100%	6	100%	14	100%	16	100%	10	

**TABLE 3 - WATFORD LANE PARALLEL AREA TRIP GENERATION AND DISTRIBUTION**

avg. rate-adj. st.	Single-Family	210	41 units	8	23	31	26	15	41	392
		AM Peak Hour				PM Peak Hour				
		Entering Traffic		Exiting Traffic		Entering Traffic		Exiting Traffic		
Direction	% Dist.	Trips	% Dist.	Trips		% Dist.	Trips	% Dist.	Trips	
North	50%	4	50%	12		50%	13	50%	8	
South	50%	4	50%	12		50%	13	50%	8	
	100%	8	100%	24		100%	26	100%	16	

**TABLE 4 - WATFORD LANE SOUTH AREA TRIP GENERATION AND DISTRIBUTION**

TABLE 7. WYTHAM LINE SOUTHWARD AND SEPARATION AND DISTRIBUTION											
avg. rate-adj. st.	Single-Family	210	16 units		3	9	12	10	6	16	153
		AM Peak Hour				PM Peak Hour					
		Entering Traffic		Exiting Traffic		Entering Traffic		Exiting Traffic			
Direction	% Dist.	Trips	% Dist.	Trips		% Dist.	Trips	% Dist.	Trips		
North	50%	2	50%	5		50%	5	50%	3		
South	50%	2	50%	5		50%	5	50%	3		
	100%	4	100%	10		100%	10	100%	6		

Trip generation rates from Trip Generation, 7th Edition (TG7) by the Institute of Transportation Engineers (ITE)

WATFORD RESIDENTIAL AREA  
TRIP GENERATION AND DISTRIBUTION

DRW Consultants, LLC  
804-794-7312

Exhibit 5

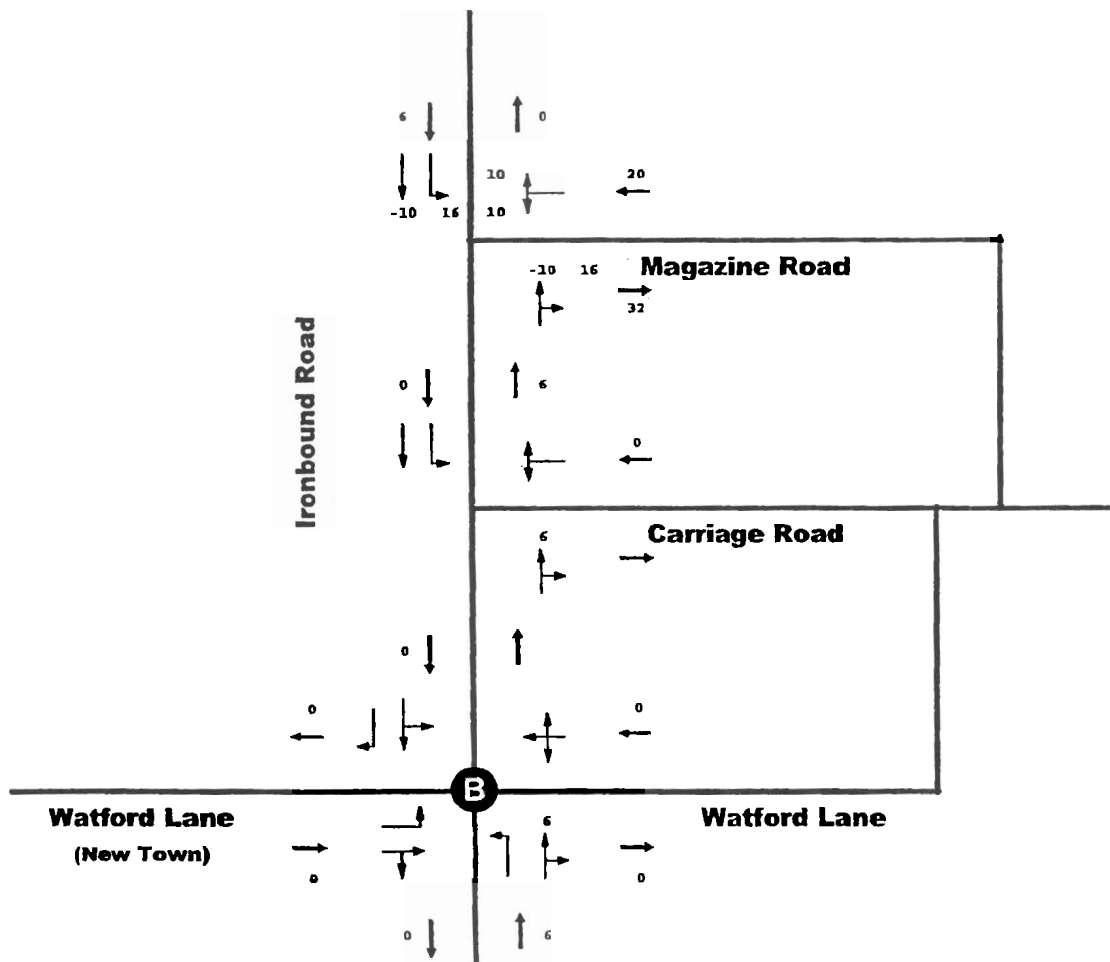


Exhibit  
Reference

MAGAZINE ROAD RESIDENTIAL AREA  
PM PEAK HOUR TRIP ASSIGNMENT

DRW Consultants, Inc.  
804-794-7312

Exhibit 6a

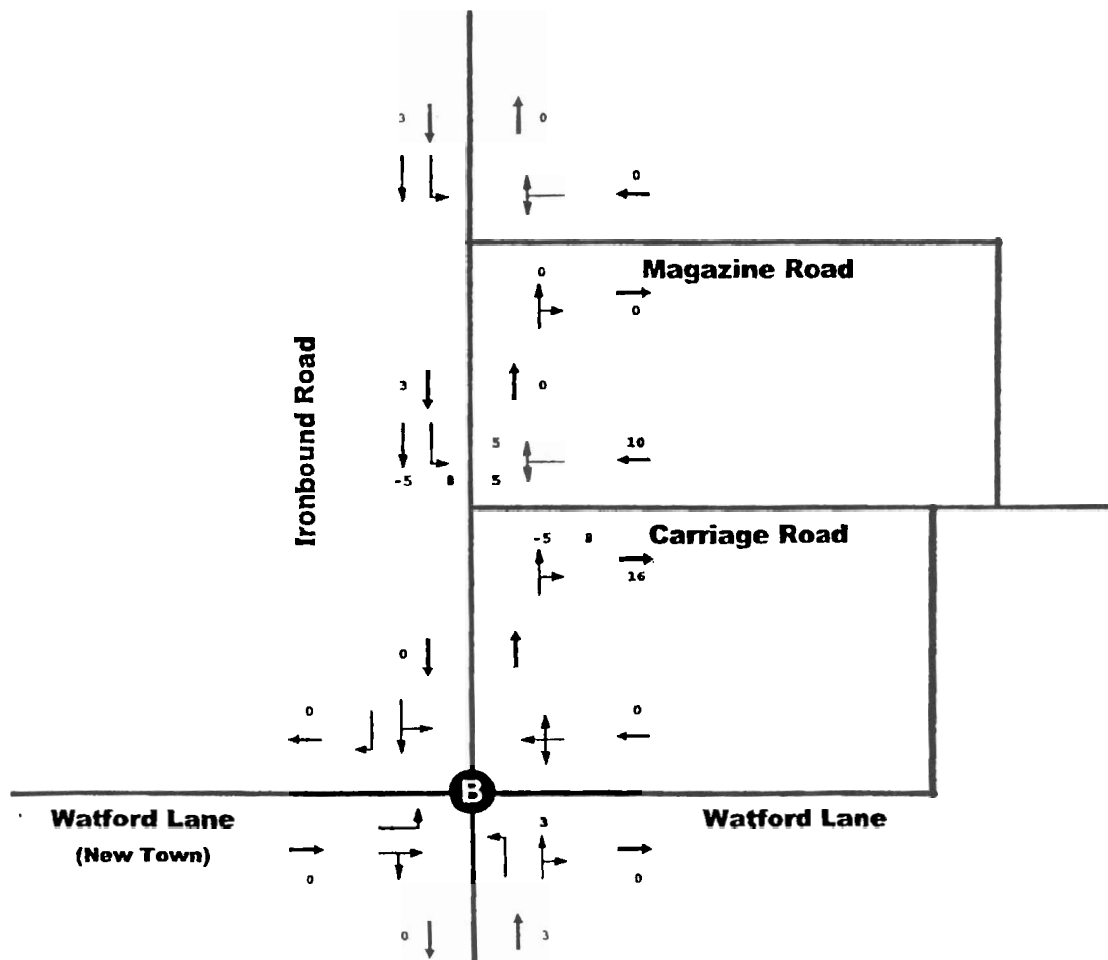
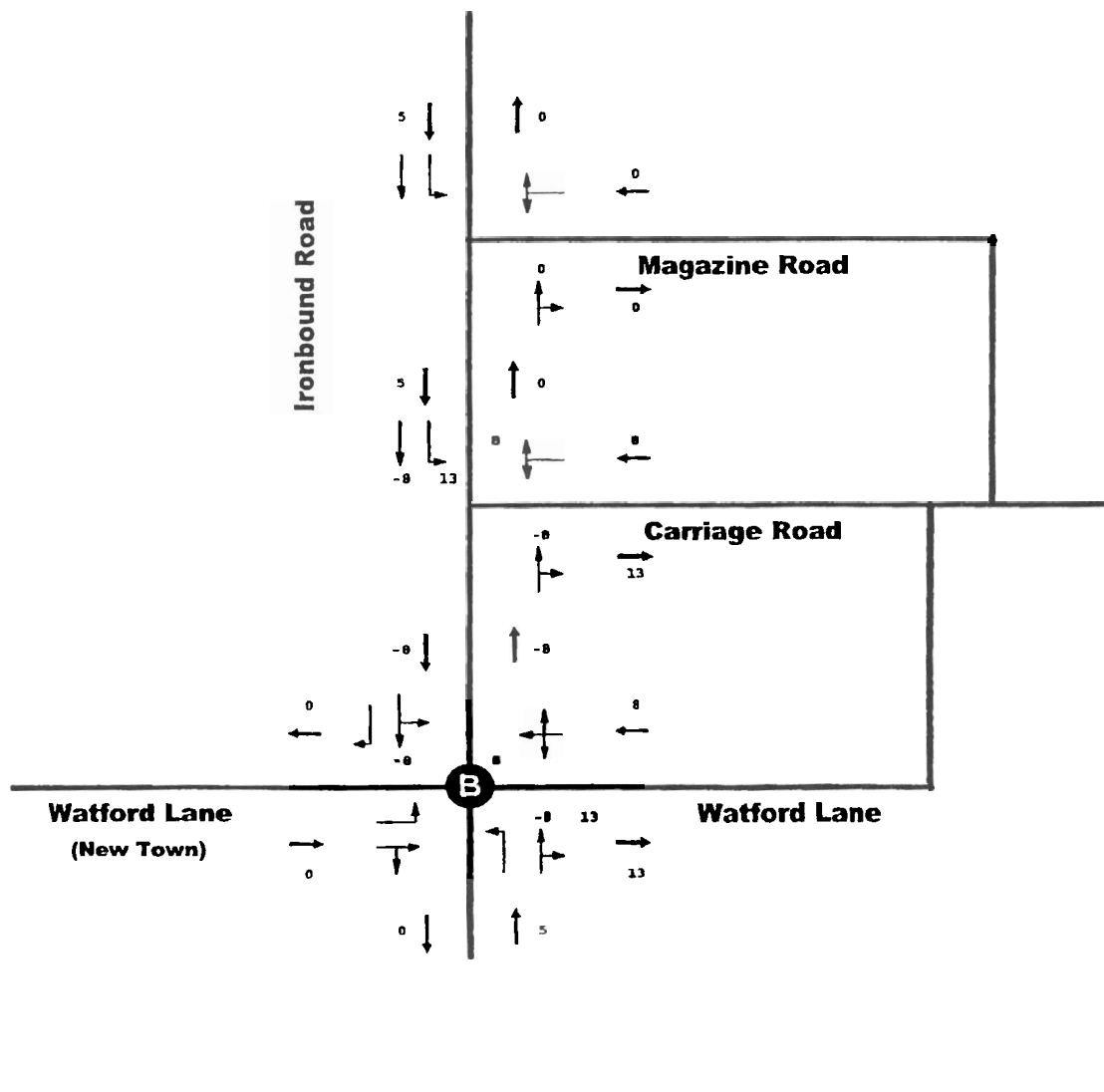


Exhibit  
Reference

CARRIAGE ROAD RESIDENTIAL AREA  
PM PEAK HOUR TRIP ASSIGNMENT

DRW Consultants, Inc.  
804-794-7312

Exhibit 6b



WATFORD LANE PARALLEL RESIDENTIAL AREA  
PM PEAK HOUR TRIP ASSIGNMENT

DRW Consultants, Inc.  
804-794-7312

Exhibit 6c

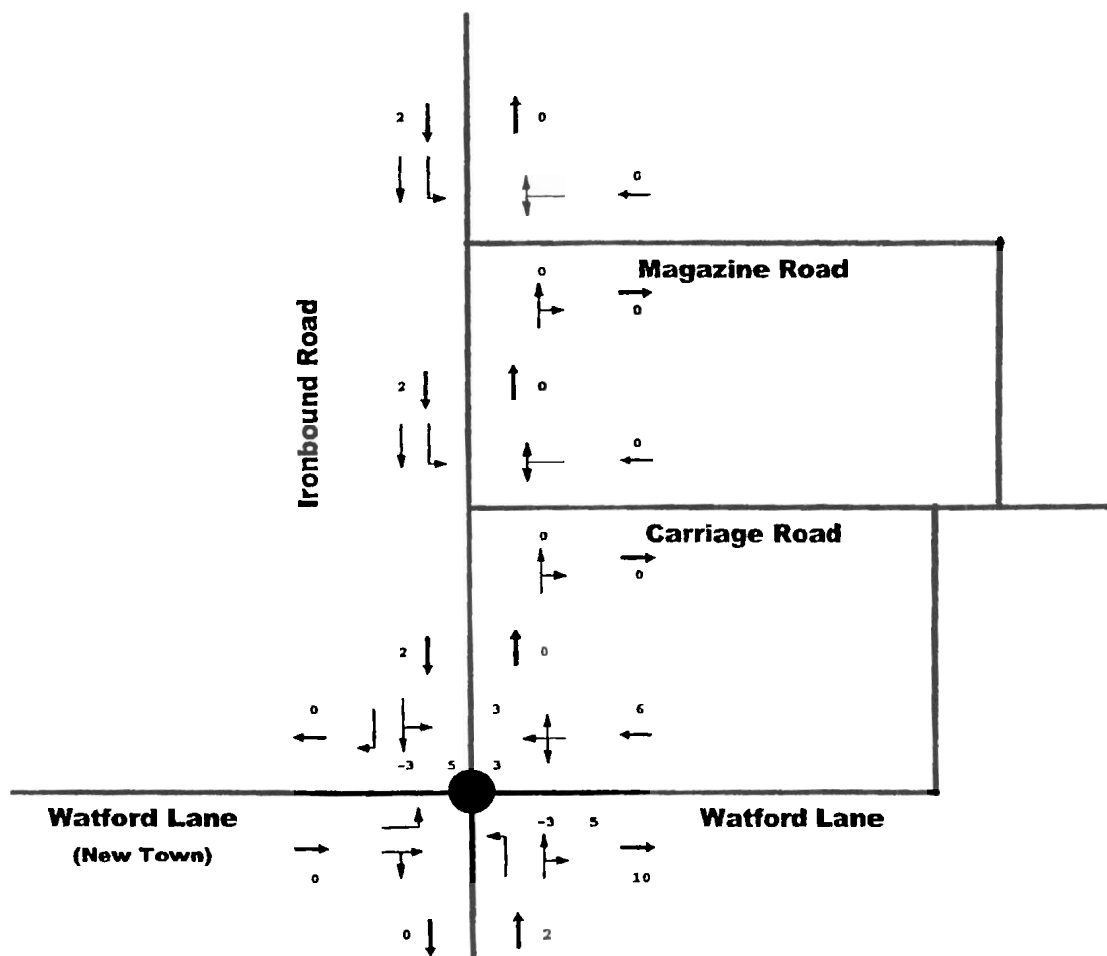
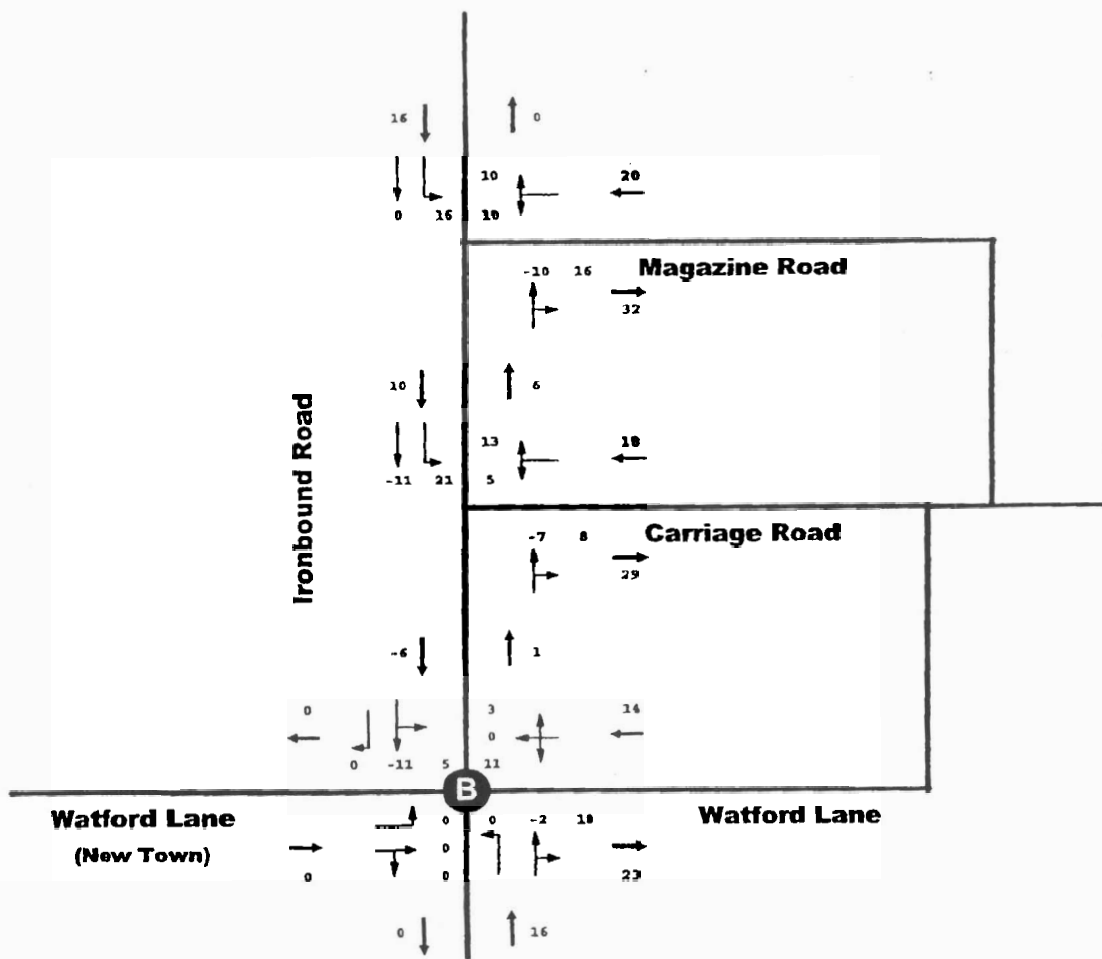


Exhibit  
Reference

WATFORD LANE SOUTH RESIDENTIAL AREA  
PM PEAK HOUR TRIP ASSIGNMENT

DRW Consultants, Inc.  
804-794-7312

Exhibit 6d



ALL WATFORD RESIDENTIAL AREA  
PM PEAK HOUR TRIP ASSIGNMENT

DRW Consultants, Inc.  
804-794-7312

Exhibit 6e

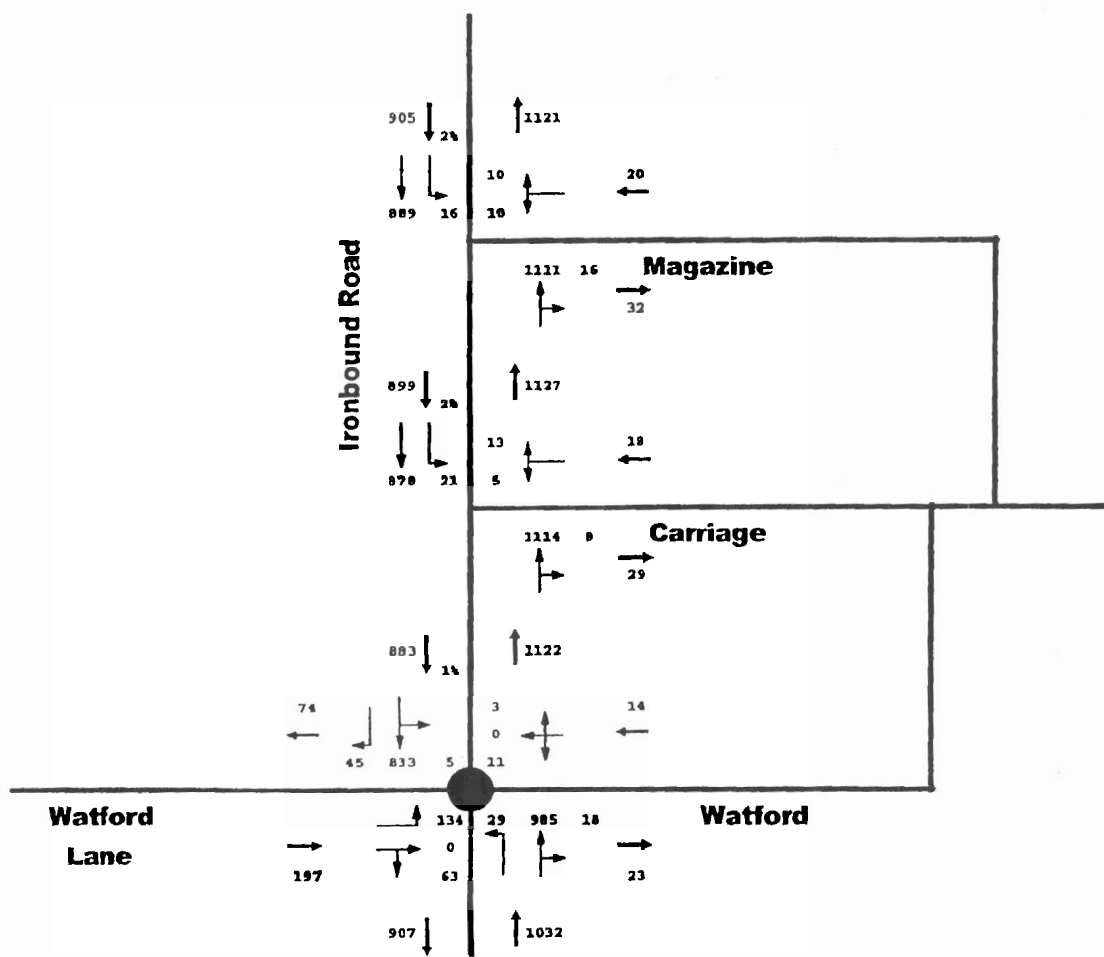
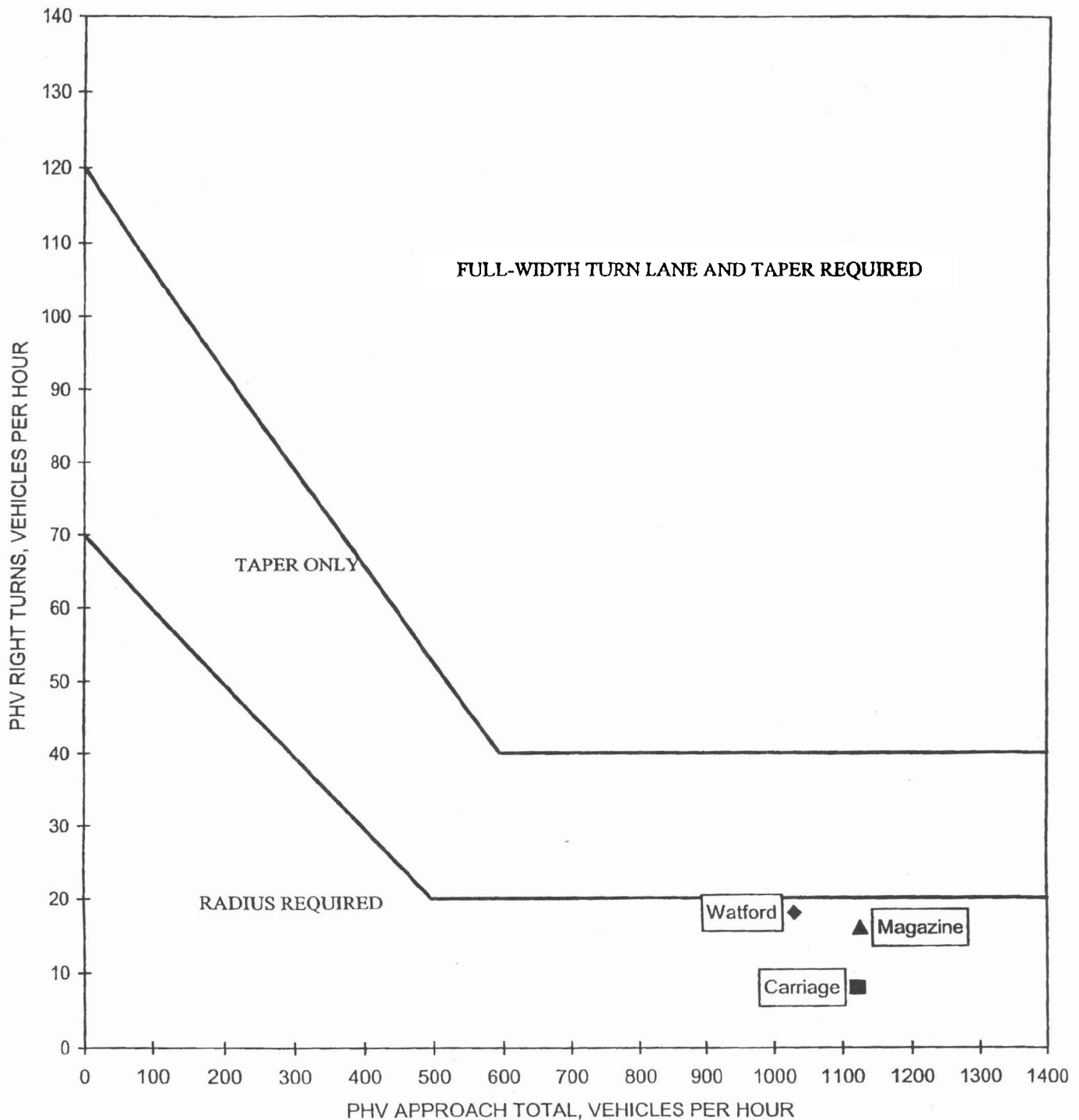


Exhibit  
Reference

DRW Consultants, Inc.  
804-794-7312

Exhibit 7

# Guidelines for Right Turn Treatments 4 - Lane Highway



Source: VDOT Road Design Manual, Vol. 1, Page C-16, Figure C-1-9

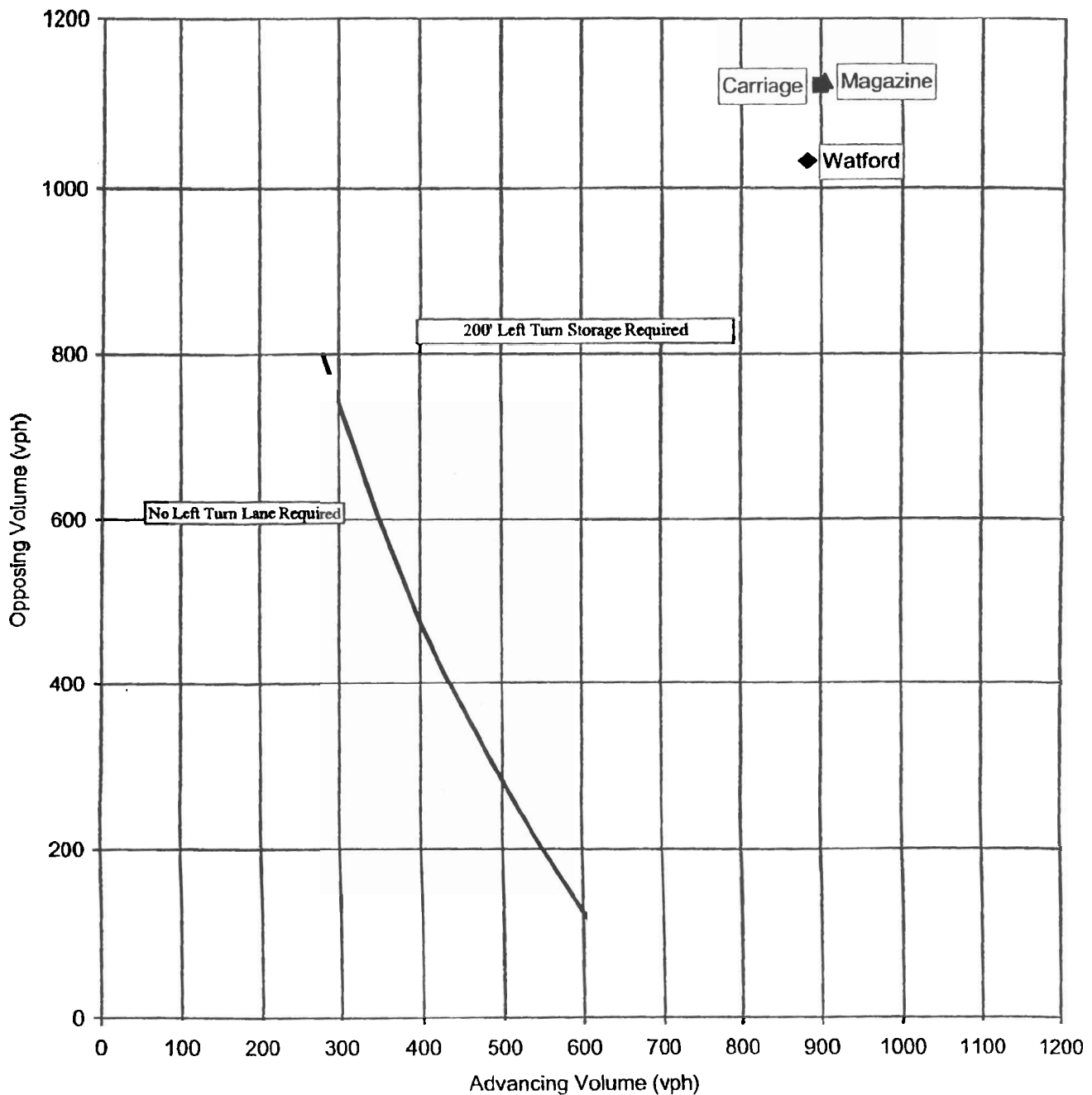
VDOT RIGHT TURN LANE WARRANT  
TWO LANE ROAD, PM PEAK HOUR  
WATFORD RESIDENTIAL AREA ACCESS ON IRONBOUND ROAD

DRW Consultants, Inc.  
804-794-7312

Exhibit 8



**LEFT TURN LANE WARRANT**  
**50 mph Design Speed**  
**% Left Turns = 5%**



Source: VDOT Road Design Manual, Appendix C, derived from Highway Research Record Number 211

VDOT LEFT TURN LANE WARRANTS  
 PM PEAK HOUR  
 WATFORD RESIDENTIAL AREA ACCESS ON IRONBOUND ROAD

*DRW Consultants, Inc.*  
 804-794-7312

**Exhibit 9**

## Public Hearing Case Checklist

Case Number: Z-09-06/MP-10-06 Ironbound Square Redevelopment

The staff report and the required attachments associated with the staff report have been reviewed by the undersigned and we believe that it is in a complete state that is presentable to the Planning Commission or Board of Supervisors.

<u>Jose R. Berto</u> Planner	<u>Ellen Look (see comments)</u> Principal Planner
<u>[Signature]</u> Planning Director	<u>[Signature]</u> Development Manager

*- would like to see latest plan & proffers.*  
*- We need to give a good explanation why it is necessary, why it is compatible with the zoning. See notes!*  
*all of the remaining Re*  
*out of IR 57*

The front desk staff has received all associated items with the above referenced case and has verified that all necessary items and attachments have been provided by the Planner.

Front desk staff member

- ☐ Staff Report
- ☐ PC Minutes (Board only)
- ☐ Resolution for rezoning and master plan, if applicable (Board only)
- ☐ Resolution for special use permit, if applicable (Board only)
- ☐ Proffers (Rezoning only)
- ☐ All other attachments listed in the staff report

☐ Date and time material was delivered to Building C (Board only)



## RESOLUTION

### INITIATION OF THE REZONING OF FIVE PARCELS WITHIN THE IRONBOUND SQUARE

#### REVITALIZATION AREA

WHEREAS, on February 26, 2002, the Board of Supervisors adopted the Ironbound Square Redevelopment Plan (the "Redevelopment Plan"), which enabled the Division of Housing and Community Development ("HCD") to implement the Ironbound Square Residential Revitalization Program (the "Revitalization Program"); and

WHEREAS, in furtherance of the Revitalization Program, HCD has submitted an application to rezone a number of parcels within the Ironbound Square redevelopment area from R-2, General Residential, to MU, Mixed Use (the "HCD Rezoning Application"); and

WHEREAS, because HCD was unable to obtain signatures from the owners of five parcels within the Ironbound Square redevelopment area, these five parcels were omitted from the HCD Rezoning Application; and

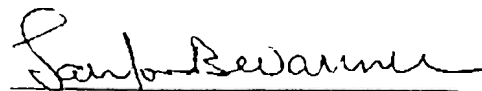
WHEREAS, these five parcels are included in the Redevelopment Plan and allowing them to retain their current R-2 zoning designation while rezoning all of the surrounding parcels to MU will complicate implementation of the Redevelopment Plan and is inconsistent with sound planning principles.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City, Virginia, that the rezoning of the following five parcels from their current R-2, General Residential, zoning designation to MU, Mixed Use, shall be initiated and shall be considered concurrently with the HCD Rezoning Application:

- a. 4344 Ironbound Road, James City County Real Estate Tax Map No. 3910100094
- b. 4346 Ironbound Road, James City County Real Estate Tax Map No. 3910100093
- c. 4348 Ironbound Road, James City County Real Estate Tax Map No. 3910100092
- d. 4354 Ironbound Road, James City County Real Estate Tax Map No. 3910100090B
- e. 4356 Ironbound Road, James City County Real Estate Tax Map No. 3910100089

  
John J. McGlennan  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

SUPERVISOR	VOTE
HARRISON	AYE
BRADSHAW	AYE
GOODSON	AYE
ICENHOUR	AYE
MCGLENNON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of February, 2007.

IronbndSqRzon.r

## PROFFERS

THESE PROFFERS are made this 22nd day of February 2007 by the WILLIAMSBURG REDEVELOPMENT AND HOUSING AUTHORITY (together with their successors and assigns, the "Owner").

## RECITALS

- A. Owner is the owner of thirty (30) tracts or parcels of land located in James City County, Virginia, described on the attached Exhibit A.
- B. Owner has applied to rezone the property on the attached Exhibit B (the "Property") from R-2 to MU Mixed Use District, with proffers.
- C. Owner has submitted to the County of James City, Virginia, (the "County") a master plan entitled, "Master Plan of Revitalization IRONBOUND SQUARE Project Number JCC-Z-09/MP-10-06," prepared by AES Consulting Engineers dated November 29, 2006, (the "Master Plan") for the Property in accordance with the County Zoning Ordinance.
- D. Owner desires to offer to County certain conditions on the development of the Property not generally applicable to land zoned MU.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2297 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 County, these Proffers shall be null and void.

## CONDITIONS

- 1. **Density.** There shall be no more than fifty-two (52) single-family dwelling detached units ("Single Family Units") located in the portion of the Property with a Master Plan area designation of "Phase 2 Rezoning."
- 2. **Water Conservation.** Water conservation standards for the Property shall be submitted to and approved by the James City Service Authority. Owner shall be responsible for enforcing these standards. The standards shall address such 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. The standards shall be approved by the James City Service Authority prior to final subdivision or site plan approval.



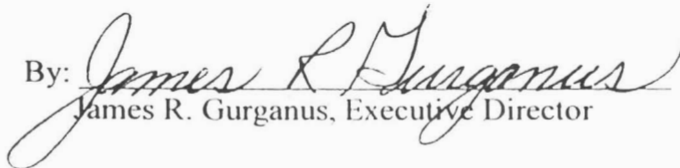
3. **Affordable Housing.** A minimum of twenty (20) of the single-family detached units developed on the Property shall be sold to households with incomes no greater than 80% of the Area Median Income ("AMI") adjusted for household size, as determined by the US Department of Housing and Urban Development ("HUD").
4. **Road Improvements.** Owner shall install, in accordance with Virginia Department of Transportation ("VDOT") recommendations, standards, and specifications, the following road improvements: a) curb, gutter, and paving and sidewalks on the eastern side of Watford Lane from 120 Watford Lane to Watford Lane's turn to the west; and on the northern side of Watford Lane from the turn to its intersection with Ironbound Road, and b) curb, gutter, and paving along three (3) new roads, all as shown on the Master Plan.

The preceding road improvements and dedication shall be (i) completed or (ii) the contract for the construction of these improvements shall have been approved by the James City County Board of Supervisors prior to issuance of any certificates of occupancy for dwelling units on rezoned parcels fronting on Watford Lane.

WITNESS the following signature:

WILLIAMSBURG REDEVELOPMENT and HOUSING AUTHORITY

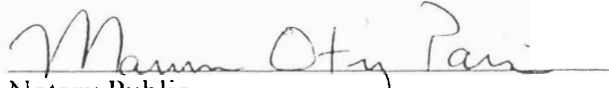
By:

  
James R. Gurganus, Executive Director

STATE OF VIRGINIA

CITY / ~~COUNTY~~ OF Williamsburg, to wit:

The foregoing instrument was acknowledged this 23 day of Feb 2007, by James R. Gurganus, WRHA Executive Director.

  
Notary Public

My commission expires: 7-31-08

Prepared by the James City County Office of Housing and Community Development, 5320 Palmer Lane, Suite 1A, Williamsburg, VA 23188; (757) 259-5340.

**EXHIBIT A**  
**Property Owned by the**  
**Williamsburg Redevelopment and Housing Authority**  
**Included in the Phase 2 Rezoning Area of the Ironbound Square**  
**Redevelopment Project**

<b>Property Address</b>	<b>Property Identification Number</b>
-------------------------	---------------------------------------

105	CARRIAGE	3910100072
107	CARRIAGE	3910100073
109	CARRIAGE	3910100074
4338	IRONBOUND	3910100097
4340	IRONBOUND	3910100096
4342	IRONBOUND	3910100095
4366	IRONBOUND	3910100079
4368	IRONBOUND	3910100078
4370	IRONBOUND	3910100077
4372	IRONBOUND	3910100076
4374	IRONBOUND	3910100075B
4376	IRONBOUND	3910100075
4378	IRONBOUND	3910100075A
4380	IRONBOUND	3910100070
4382	IRONBOUND	3910100068
4384	IRONBOUND	3910100067
4386	IRONBOUND	3910100066
4388	IRONBOUND	3910100065
99	WATFORD	3910100099
100	WATFORD	3910100103
101	WATFORD	3910100086
104	WATFORD	3910100105
106	WATFORD	3910100102
113	WATFORD	3910100085
117	WATFORD	3910100084
119	WATFORD	3910100083
121	WATFORD	3910100082
123	WATFORD	3910100087
125	WATFORD	3910100069
125 A	WATFORD	3910100071

## EXHIBIT B

### All Property in the Phase 2 Rezoning Area of the Ironbound Square Redevelopment Project

<b>Property Address</b>	<b>Property Identification Number</b>	<b>Owner(s)</b>
105 Carriage Road	3910100072	WRHA*
107 Carriage Road	3910100073	WRHA
109 Carriage Road	3910100074	WRHA
4338 Ironbound Road	3910100097	WRHA
4340 Ironbound Road	3910100096	WRHA
4342 Ironbound Road	3910100095	WRHA
4344 Ironbound Road	3910100094	Beatrice Banks Bailey
4346 Ironbound Road	3910100093	Rhoda Brown a/k/a Roda Brown
4348 Ironbound Road	3910100092	Kenrick Williams & Joan P. Williams
4352 Ironbound Road	3910100090A	James City County
4354 Ironbound Road	3910100090B	Cecil Collier & Delores Collier
4356 Ironbound Road	3910100089	Douglas F. Canaday & Ivy Canaday
4358 Ironbound Road	3910100088	Gloria Merritt
4362 Ironbound Road	3910100081	Robert White & Louise White
4364 Ironbound Road	3910100080	William L. Jones
4366 Ironbound Road	3910100079	WRHA
4368 Ironbound Road	3910100078	WRHA
4370 Ironbound Road	3910100077	WRHA
4372 Ironbound Road	3910100076	WRHA
4374 Ironbound Road	3910100075B	WRHA
4376 Ironbound Road	3910100075	WRHA
4378 Ironbound Road	3910100075A	WRHA
4380 Ironbound Road	3910100070	WRHA
4382 Ironbound Road	3910100068	WRHA
4384 Ironbound Road	3910100067	WRHA
4386 Ironbound Road	3910100066	WRHA
4388 Ironbound Road	3910100065	WRHA
99 Watford Lane	3910100099	WRHA
100 Watford Lane	3910100103	WRHA
101 Watford Lane	3910100086	WRHA
102 Watford Lane	3910100104	Inez White
104 Watford Lane	3910100105	WRHA
106 Watford Lane	3910100102	WRHA
113 Watford Lane	3910100085	WRHA



117	Watford Lane	3910100084	WRHA
119	Watford Lane	3910100083	WRHA
121	Watford Lane	3910100082	WRHA
123	Watford Lane	3910100087	WRHA
125	Watford Lane	3910100069	WRHA
125A	Watford Lane	3910100071	WRHA

\* “WHRA” Williamsburg Redevelopment and Housing Authority

**SPECIAL USE PERMIT- 32-06/MASTER PLAN-11-06. Prime Outlets Expansion.  
Staff Report for the March 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.*

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**PUBLIC HEARINGS**

Planning Commission:

**Building F Board Room; County Government Complex**

February 7, 2007

Deferred

March 7, 2007

7:00 p.m.

Board of Supervisors:

April 10, 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 49,402 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**

Staff finds the proposal to be generally consistent with the Comprehensive Plan. With the attached conditions, staff believes the proposal substantially mitigates the associated impacts of the development. Staff recommends that the Planning Commission recommend approval of this application to the James City County Board of Supervisors.

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 5,531 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 an additional 81,000 square feet, 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 54,933 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.

After deducting public spaces and other non-retail space, the net building area would equal approximately 441,385 square feet. Based on this net figure, 2,207 parking spaces are required per the parking ordinance (1 space per 200 square feet); 2,458 parking spaces are proposed, representing a ratio of 1 space per 179.5 square feet). A ratio of 1 space per 175 square feet was approved in July 2006 under the existing master plan and special use permit. The number of parking spaces currently existing for Phases 1 through 5 represents a ratio of 1 space per 200 square feet.

## **PUBLIC IMPACTS**

### **Environmental**

**Watershed:** Powhatan Creek

**Conditions:** Specifically, the following improvements must be included with the Phase 7 expansion: Condition #12 under *Conditions Specific to the Phases 7 & 8 Expansions* requires the following improvements to be included with Phase 7 (Buildings C, D, and E as shown on the Master Plan):

- (a) Infiltration capacity shall be added to existing 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) Existing 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) Existing 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. At least two pre-treatment systems shall be used for PC-036 and PC-066 (adjacent to Scott's Pond subdivision).

Condition #13 under *Conditions Specific to the Phases 7 & 8 Expansions* requires the existing stormwater facility PC-055 (along Richmond Road) to be modified to incorporate water quality and increased water quantity control.

Condition #14 under *Conditions Specific to the Phases 7 & 8 Expansions* requires the existing stormwater management facilities PC-066 (adjacent to Scott's Pond) to be modified to meet the current County requirements for both water quality and channel protection and the existing stormwater facility PC-036 to be modified to incorporate water quality protection.

Condition #15 under *Conditions Specific to the Phases 7 & 8 Expansions* require pervious concrete to be used as the finish material above PC-036 and PC-066, and in other locations as shown on the Master Plan.

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

Furthermore, the site does not currently meet Chesapeake Bay Preservation Ordinance requirements regarding impervious cover. Specifically, the existing conditions represent approximately 72.9% impervious cover (including the existing Phases 1-5 of Prime Outlets, existing Comfort Inn, and existing Ewell Station, much of which was developed prior to the ordinance being adopted). The projected impervious cover for MP-1-06, approved in July 2006, is 78.4%. While the actual amount of impervious cover was not quantified at that time, the approval represented a balance between the desire to maximize parking on the site and the opportunity to improve existing stormwater facility performance. Additionally, the applicant had offered to contribute cash to an off-site channel restoration project identified by Environmental Staff.

The current proposal represents 74.2% impervious cover, which is a decrease from the approved Master Plan due to the use of pervious concrete on a significant portion of the proposed development. Other mitigation measures include improvements to onsite BMPs along Richmond Road; incorporation of multiple pre-treatment systems for the storm drains leading to PC-066 and PC036 (interior to storm drain system, as well as end of system); increased use of infiltration/bioretention in parking lots of Phases 7 & 8; achievement of one-year, twenty-four hour detention for the entire site; compliance with the County's 10-point BMP evaluation procedures and channel protection criteria for the entire site; and an additional cash contribution of \$200,000 for offsite channel improvements identified by Environmental staff.

### **Public Utilities**

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

#### **Conditions:**

- Condition #9 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.
- Condition #10 under *Conditions Specific to the Phases 7 & 8 Expansions* prohibits the use of irrigation wells unless approved by the JCSA General Manager.
- Condition #11 under *Conditions Specific to the Phases 7 & 8 Expansions* requires the applicant to submit Record Drawings for the expansions prior to the water and sanitary sewer system improvements being accepted by JCSA.

**Staff Comments:** JCSA Staff has reviewed and approved the condition language.

### **Transportation**

The existing Prime Outlets site is accessed off Richmond Road by six entrances. 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. A third access from Olde Towne Road exists; this is a service road behind the existing Ewell Station shopping center and accommodates two-way traffic in order to provide access to the adjacent business.

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 three off Olde Towne Road. The SUP condition requiring

future study of the Olde Town Road entrances is recommended 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 are included in the attached conditions:

**Conditions:**

- 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.
- Condition #16 under *Conditions Specific to the Phases 7 & 8 Expansions* requires the applicant to make the following improvements prior to the issuance of any Certificate of Occupancy for Buildings B, C, D or E:
  - Install dual exclusive left-turn lanes on westbound Richmond Road at Olde Towne Road;
  - Widen southbound section of Olde Towne Road from Richmond Road to first shopping center entrance (“Bowling Alley entrance”) to two (2) full width lanes, creating two receiving lanes for the dual left-turn lanes referenced in condition (a) above. The outside lane will be a right-turn “drop” lane and the inside lane shall serve as a through travel lane;
  - Install an exclusive left-turn lane on eastbound Richmond Road at Olde Towne Road to accommodate U-turn movement from eastbound Richmond Road to westbound Richmond Road. Install necessary traffic signal equipment to accommodate the U-turn movement with a protected left-turn phase at the intersection, and install appropriate signage, subject to VDOT approval;
  - Provide a signal timing plan and necessary traffic signal equipment at the Richmond Road/Olde Towne Road intersection to accommodate proposed lane configurations and identified new traffic movements; and
  - Remove sections of asphalt or otherwise modify the existing continuous right turn lane on eastbound Richmond Road, subject to approval by VDOT and the Planning Director.
- Condition #17 under *Conditions Specific to the Phases 7 & 8 Expansions* requires the applicant to remove the existing inside exclusive left-turn lane serving the Mikasa entrance at the same time this entrance is eliminated. This condition further requires shortening the existing left-turn from westbound Richmond Road at the western signalized entrance, if deemed appropriate by VDOT and the Planning Director.
- Condition #18 under *Conditions Specific to the Phases 7 & 8 Expansions* requires a signal timing plan and intersection level of service analysis for the Richmond Road corridor to best optimize traffic progression. Said study shall be submitted between six and twelve months after the road improvements above are completed.
- Condition #19 under *Conditions Specific to the Phases 7 & 8 Expansions* requires a Signal Warrant Analysis for the Olde Towne Road/shopping center entrances prior to issuance of any Certificate of Occupancy representing approximately 75% of the entire expansion if this Certificate of Occupancy is requested within 30 months of the approval of this special use permit. Should development proceed more slowly than anticipated, the condition also allows the Planning Director to require a signal warrant analysis 24 months after the approval of this special use permit, and again at occupancy of 75% of the expansion.
- Condition #21 under *Conditions Specific to the Phases 7 & 8 Expansions* requires installation of the

vehicular access between Phases 2 & 4 to provide access from the existing parking lot to the expanded parking behind the shopping center, as shown on the Master Plan, prior to any Certificate of Occupancy being issued for Phase 7 (Buildings C, D, and E as shown on the Master Plan).

- Condition #22 under *Conditions Specific to the Phases 7 & 8 Expansions* requires the vehicular access between Phases 1 and 5B to provide access from the existing site to the expansion, as shown on the Master Plan, be provided no later than six months after the first Certificate of Occupancy is issued for Building D, as shown on the Master Plan.

**VDOT Comments:** VDOT staff has reviewed the Traffic Impact Study submitted with this application and the attached condition language. VDOT staff continues to believe the interconnectivity between the existing Prime Outlets and Ewell Station sites will have dramatic impacts on future traffic patterns.

**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. Both VDOT and the County's third-party traffic consultant reviewed the revised information.

The Traffic Impact Study presented the overall Level of Service (LOS) for six intersections: Richmond Road/Airport Road, Richmond Road/Olde Towne Road, Richmond Road/eastern signalized Prime entrance, Richmond Road/western signalized Prime entrance, Olde Town Road/Bowling Alley entrance and Olde Town Road/Chisel Run entrance. Under existing conditions, all are a LOS C or above for both weekday PM peak and Saturday mid-day peak hours. The study presents projections for these intersections for 2011 with build-out both of the approved Master Plan and the current proposal to remain at a LOS C or above, with one exception. The Richmond Road/Airport Road intersection is projected at a LOS D for the Saturday mid-day peak hour under the current proposal.

The Traffic Impact Study also presented overall arterial Level of Service for northbound Olde Towne Road, westbound Richmond Road and eastbound Richmond Road. Under existing conditions and both build-out scenarios all operate at a LOS C or above for both weekday PM peak and Saturday mid-day peak hours, with one exception. Eastbound Richmond Road is projected at a LOS D for 2011 build-out of the approved Master Plan for the weekday PM peak hour; the projection under the 2011 build-out of the proposal is LOS C.

The applicant also submitted a series of aerial photographs taken of Prime Outlets and other shopping facilities in the area, including Patrick Henry Mall, Yankee Candle Factory, Williamsburg Outlet Mall, Monticello Marketplace, and Williamsburg Marketplace, at various times of the day on Friday, November 11, Friday, November 24 ("Black Friday") and Saturday, December 9. The photographs indicate that while parking seems to be near capacity at these peak times traffic on Route 60 is not impeded in any way.

Planning staff believes our recommended conditions address the need to review traffic patterns after a portion of the expansion is developed, and make ensure necessary adjustments. The County's third-party traffic consultant concurs.

### **Parking**

Staff and the County's third-party traffic consultant reviewed the Parking Study submitted by the applicant and offered comments, including a request for additional information. The study provides information on the number of days per year parking demand exceeds supply for three scenarios: the existing Prime site; the Master Plan approved in July 2006; and the proposed Master Plan. This data is shown assuming 100% of the spaces are occupied and assuming 90% are occupied. The applicant believes a 100% occupancy ratio is an appropriate measure of parking adequacy. The County's third-party consultant requested calculations be provided using a 90% measure, citing the industry definition of "Effective Parking Supply" which states "a parking facility will be perceived as full at somewhat less than its actual capacity, generally in the range of 85-95 percent occupancy" (*Planning and Urban Design Standards*, American Planning Association, 2006). When subsequent data was submitted, the results were as follows:

	<b>Existing Prime</b>		<b>MP-1-06</b>		<b>MP-11-06</b>	
	# Cars	# Days Exceeded	# Cars	# Days Exceeded	# Cars	# Days Exceeded
100%	1438	54	2282	18	2458	24
90%	1294	85	2054	53	2212	58

### **Staff Comments**

The applicant revised the proposal since the original submission in October 2006 to include two pedestrian promenades on the proposed expansion. This revision was in response to feedback from staff and Planning Commission members regarding the large amounts of asphalt and the resulting negative impacts on both aesthetics and impervious surface calculations. The applicant has indicated their success in utilizing off-site parking facilities on “Black Friday 2006”, the Friday after Thanksgiving which is traditionally the highest sales day of the year in retail. Furthermore, the applicant has indicated they are very likely to utilize this strategy on other peak days.

Staff maintains the position that while parking availability should be maximized, it is not in the best interest of the public to require large amounts of parking that are underutilized the majority of the time. In an effort to balance parking needs and environmental goals, staff supports the addition of the pedestrian promenades provided a formal off-site parking strategy is implemented. To this end, staff requested the applicant provide said strategy in writing. If provided prior to this staff report being distributed it will be attached to the report.

Staff notes the current proposal would result in 58 days of the year the parking lot would be perceived as fully occupied, using the 90% standard, indicating the number of days such an off-site parking strategy would be needed. In comparison, the existing Prime site would be perceived as occupied on 85 days using a 90% standard.

## **COMPREHENSIVE PLAN**

### **Land Use Map**

Designation	<p><b>Community Commercial</b> (Page 122): General business activities located within the PSA and usually having a moderate impact on nearby development.</p> <p><b>Staff Comment:</b> 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 are intended to mitigate the additional square footage associated with this 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><b>Strip Commercial</b> (Page 77 &amp; 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> <ol style="list-style-type: none"> <li>Street frontage parking lots</li> <li>No provisions for pedestrian access between individual uses</li> <li>Usually only one-store deep</li> </ol>

	<ul style="list-style-type: none"> <li>d. Buildings are arranged linearly rather than clustered</li> <li>e. No design integration among individual uses</li> <li>f. Multiple access points</li> </ul> <p><b>Staff Comment:</b> This project meets 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. Street frontage parking is adequately mitigated by wide 50' buffers that will contain enhanced landscaping and by interspersing buildings along the road. While the rear of the buildings will face Route 60, they will be given attractive architectural treatment and screening. 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 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><b>Staff Comment:</b> 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 proposed 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.</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</p>



	the recommendations of such studies be adequately addressed prior to preparation of development plans....
	<b>Staff Comment:</b> 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 and Olde Towne Roads. The proposed development results in fewer access points off Richmond Road than currently exist.

## Environment

General	<i>Powhatan Creek Watershed Management Plan-Page 47:</i> A final watershed management plan with recommendations on preserving this watershed was completed in 2002.
	<b>Staff Comment:</b> The plan identifies improvements to existing BMP facilities on the proposed site. These improvements are included in the current and proposed SUP conditions.
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><i>Action #22, Page 67:</i> Promote the use of LEED (Leadership in Energy and Environmental Design).</p>
	<b>Staff Comment:</b> Previously approved SUP conditions address the quality and quantity of stormwater on this site and those conditions remain with this proposal. Additionally, the applicant is installing pervious concrete in proposed new parking areas and other locations as identified on the Master Plan. The applicant is also applying for LEED (Leadership in Energy and Environmental Design) Certification for the expanded portion of the site (please see related attachment(s) to this staff report). If approved, this project would represent the first site in the County to achieve such certification.

## Transportation

General	<i>Richmond Road Plan-Page 77:</i> Minimize the number of new signals and entrances and ensuring efficient signal placement and coordination.
	<b>Staff Comment:</b> This proposal reduces the number of access points into the overall site from Richmond Road from eight entrances to five.
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.
	<b>Staff Comment:</b> Previous and current SUP conditions allow for the retention of a transfer point for Williamsburg Area Transport on the existing Ewell Station site.

## 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	<p><i>Strategy #3-Page 95:</i> Ensure that development along Community Character Corridors and Areas protects the natural views of the area, promotes the historic, rural or unique character of the area, maintains greenbelt networks, and establishes entrance corridors that enhance the experience of residents and visitors.</p>
	<b>Staff Comment:</b> The applicant has provided the 50' Community Character Buffer on the Master Plan. Previous and current SUP conditions also require increased landscaping along the entire Richmond Road frontage of the Prime Outlets site, enhancing the visual quality of the corridor. New condition language also requires the landscaping along Richmond Road to include a hedgerow in those places where existing parking encroaches on the 50' Community Character Buffer. 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. Under this proposal those parking areas are removed and replaced with the required buffer.
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Overall, staff feels that this application meets many of the goals of the Comprehensive Plan. The reduction in access points, enhanced corridor landscaping, internal pedestrian provisions, and unified architectural themes are all consistent with the Comprehensive Plan. Additionally, improvements to existing BMP facilities and extensive use of pervious concrete further environmental goals identified in the Comprehensive Plan. This proposal also provides the opportunity to develop a comprehensive layout for the overall site.

### **RECOMMENDATION**

Staff finds the proposal to be generally consistent with the Comprehensive Plan. With the attached conditions, staff believes the proposal substantially mitigates the associated impacts of the development. Staff recommends that the Planning Commission recommend approval of this application to the James City County Board of Supervisors.

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Kathryn Sipes, Planner

### **ATTACHMENTS:**

1. Location Map
2. SUP Conditions
3. Letter from Paul Reed dated February 27, 2007 re: off-site parking strategy
4. Letter from Greg Davis dated February 27, 2007 and related attachments re: LEEDS Certification application
5. Master Plan and Chesapeake Bay Preservation Plan dated February 20, 2007 (under separate cover)

## Prime Outlets Expansion Comfort Inn



*Conditions Applicable to all Phases of Prime Retail*

1. This Special Use Permit shall be valid for the approximately 134,743 square feet expansion of Prime Retail Phases 7 and 8. The total gross building area shall not exceed 567,666 sq. ft. as shown on Master Plan Titled "Prime Retail Phases I-VIII" dated February 20, 2007 and prepared by LandMark Design Group (The "Master Plan").
2. Development of the site shall be generally in accordance with the above referenced Master Plan and any questions as to compliance shall be determined by the Development Review Committee (DRC). Minor changes may be permitted by the DRC, as long as they do not change the basic concept or character of the development. This Special Use Permit and these conditions shall supersede the existing conditions of approval of James City County Case No. SUP-4-06 and prior SUP conditions affecting the Prime Retail development.
3. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 30 feet in height and/or other structures and shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher, shall extend outside the property lines (with the exception of entrance lighting required herein). The use of temporary flood lighting shall be prohibited unless written approval is obtained by the Planning Director for use during a special event.
4. Prior to any final site plan approval for future expansion, all new and existing dumpsters shall be (a) in locations approved by the Planning Director, and (b) screened by landscaping or fencing as approved by the Planning Director. Said information shall be submitted on a single plan.
5. Prior to issuance of any Certificate of Occupancy for any expansion, the owner shall complete the following: (1) internal driveways shall be designated as "One Way" traffic only, where applicable; (2) fire lane shall be properly marked in accordance with the Virginia Statewide Fire Prevention Code as modified by Chapter 9 of the James City County Code; and (3) the owner shall install signage for the rear parking lots and service drives clearly indicating the existence of additional parking spaces for customers and employees. Prior to installation of any new signage, the owner shall prepare and submit a comprehensive signage plan for review and approval by the Planning Director.
6. Permanent lighting shall be maintained for all entrances, as shown on the Master Plan, from the property onto Richmond Road and Olde Towne Road. The specific location, adequacy, and design of all lighting fixtures shall be approved by the Planning Director. No lighting fixture shall exceed a height of 30 feet from existing grade.
7. If construction has not commenced on this project within thirty-six (36) months from the issuance of this special use permit, the special use permit shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
8. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

#### *Conditions Specific to the Phase 5A Expansion*

1. Landscaping planters (the type and size of planters to be specified by the landscaping plan) along the entire store frontage of the Phase 5A Expansion as shown on the Master Plan, shall be approved by the Planning Director or his designee prior to final site plan approval for any future expansion. The planters shall be installed prior to issuance of any final Certificate of Occupancy for any future expansion.
2. Owner has installed a 35-foot-wide transitional buffer planted along the northern most property line adjacent the 5A expansion. This area has been planted and shall be maintained at 133 percent of the numerical standards found in Section 24-94 of the James City County landscape ordinance, and with an emphasis on evergreen shade and understory trees as determined by the Planning Director. The fence installed in this area shall be a maximum of eight feet high and shall be maintained with a vinyl coating and shall be either black or green in color. Furthermore, the fence shall be maintained with a setback from the property line of at least three feet.

#### *Conditions Specific to the Phases 7 & 8 Expansions*

1. Prior to any final site plan approval for the Phase 7 and 8 expansions (Building B, C, D or E as shown on the Master Plan), a mass transit plan in accordance with Section 25-59(f) of the James City County Code shall be approved by the Planning Director for Prime Retail. The plan, at a minimum, shall include a replacement bus transfer stop for Williamsburg Area Transit, or its successor, currently located in the Ewell Station shopping center. Installation of all bus stops, shelters and other items approved as part of the mass transit plan shall be completed prior to issuance of any temporary or final Certificate of Occupancy for the Phase 7 and 8 expansions.
2. Prior to any final site plan approval(s) for the Phase 7 and 8 expansions (Building B, C, D or E as shown on the Master Plan), the Planning Director shall review and approve the final architectural design of the building(s) prepared as part of the Phase 7 and 8 expansions, including exterior architectural modifications to the existing Ewell Station Shopping Center. Such building(s) shall be reasonably consistent, as determined by the Planning Director, with the architectural elevations titled, "Concept Elevations, Drawings #1, 2, and 3," submitted with this special use permit application dated October 23, 2006 and associated designs shall include a screening plan for exterior items identified by the Planning Director, including but not limited to mechanical systems, utility meters, and condenser units.
3. Prior to any final site plan approval(s) for the Phase 7 and 8 expansions (Building B, C, D or E as shown on the Master Plan), a landscape plan for the existing Ewell Station building, including foundation landscaping in accordance with Section 24-94 of the James City County Code and consistent with existing Phases 1 through 3, shall be approved by the Planning Director or his designee. Such landscaping shall be installed or bonded prior to any Certificate of Occupancy being issued for Building B (as shown on the Master Plan).
4. Site plans for the Phase 7 and 8 expansions (Buildings B, C, D and E as shown on the Master Plan) shall include landscape plans in accordance with Section 24-94 of the James City County Code and consistent with existing Phases 1 through 3, subject to the approval of the Planning Director.

Landscaping shall be installed or bonded, prior to issuance of any Certificate of Occupancy for Building D (as shown on the Master Plan), along the entire Richmond Road frontage of the existing and expanded Prime property that exceeds plant material size requirements in Section 24-90 of the James City County Code by 125%. Additionally, landscaping along Richmond Road shall include a hedgerow a minimum of 42" in height to screen those existing parking areas that encroach on the fifty-foot Community Character Corridor buffer per Sections 24-96 and 24-97 of the James City County Code. Such landscaping shall be included on the site plan for Building, D, as shown on the Master Plan), and subject to approval by the Planning Director.

6. Landscaping shall be installed or bonded prior to any Certificate of Occupancy for Building B (as shown on the Master Plan), along the Olde Towne Road frontage that meets Sections 24-95 and 24-96 of the James City County Code. Such landscaping shall be included on the site plan for Building B (as shown on the Master Plan), and subject to approval by the Planning Director.

The owner shall install two pedestrian promenades with landscaping, as generally shown on the Master Plan. A detailed landscaping plan for the promenades shall be included on the site plan for the parking lot immediately surrounding each promenade and be subject to the review and approval of the Planning Director. The pedestrian promenade and the landscaping for the promenade generally connecting the existing Ewell Station to proposed Building B (as shown on the Master Plan) shall be installed prior to any Certificate of Occupancy being issued for Building B (as shown on the Master Plan). The pedestrian promenade and the landscaping for the promenade generally connecting proposed Buildings D and E (as shown on the Master Plan) shall be installed prior to any Certificate of Occupancy being issued for Building D (as shown on the Master Plan).

8. Prior to the issuance of any final Certificate of Occupancy for the Phase 7 and 8 expansions (Building B, C, D or E as shown on the Master Plan) lighting shall be installed for the existing entrances from the property onto Olde Towne Road as shown on the Master Plan. The specific location, adequacy, and design of all lighting fixtures shall be approved by the Planning Director. No lighting fixture shall exceed a height of 30 feet.
9. Prior to any final site plan approval for the Phase 7 and 8 expansions (Building B, C, D or E as shown on the Master Plan), the owner shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority (JCSA) 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 including the use of drought tolerant plants where appropriate, and the use of water conserving fixtures and appliances to promote the intent of this condition which is to conserve water and minimize the use of public water resources to the greatest extent possible, per the Water Conservation Guidelines approved by the Board of Supervisors June 25, 2002.
10. Irrigation wells shall be prohibited for the development, unless approval is granted by the JCSA General Manager. In the event such approval is granted, wells shall only withdraw from the Aquia or the Potomac Aquifers.
11. Prior to issuance of any final Certificate of Occupancy for the Phases 7 & 8 expansions,

the owner shall submit Record Drawings to the James City Service Authority for acceptance of the water and sanitary sewer system improvements.

12. The approved site plan for the Phase 7 expansion shall reflect the following stormwater management facility improvements:
  - a. PC-186 (located along Olde Towne Road): Infiltration capacity shall be added in accordance with approved JCC site plan SP-110-02, or equivalent measures provided as approved by the Environmental Director;
  - b. PC-124 (located along Olde Towne Road): Shall be retrofitted to improve water quality in accordance with approved JCC site plan SP-110-02, or equivalent measures provided as approved by the Environmental Director;
  - c. PC-036 (behind the existing Food Lion): Shall be retrofitted to incorporate water quality treatment as approved by the Environmental Director; and
  - d. Pre-treatment measures shall be incorporated into development plans as approved by the Environmental Director. At least two pre-treatment systems shall be used for PC-036 and PC-066.

The sequence of construction shall be approved by the Environmental Director, but under no circumstances shall the aforementioned stormwater facilities be completed later than the issuance of any Certificate of Occupancy representing approximately 75% occupancy of the Phase 7 expansion (Buildings C, D and E as shown on the Master Plan).

13. Stormwater facility PC-055 (along Richmond Road) shall be modified to incorporate water quality and increased water quantity control as approved by the Environmental Director as part of the site plan reflecting improvements to PC-066.
14. The existing stormwater management facilities PC-066 and PC-036 serving the property shall be reconstructed to permit ground level parking of approximately 493 spaces co-located in, atop and around such facility, as generally depicted on the Master Plan.

The reconstruction of PC-066 shall be reflected on the site plan for and be completed as part of Phase 7 (Buildings C, D, and E) as shown on the Master Plan. Said site plan shall also reflect improvements to PC-055 as described in Condition #13.

Prior to issuance of any Certificate of Occupancy for Building D, the above referenced stormwater facilities/parking reconstruction shall be completed or surety shall be provided in an amount acceptable to the Environmental Director and in a form acceptable to the County Attorney. Said amount shall include any related engineering costs necessary to produce final approval of plans and to complete construction of said project.

Reconstruction shall be in accordance with all applicable stormwater management ordinances and regulations, and subject to approval by the Environmental Director. Specifically, PC-066 shall be modified to meet the current County requirements for both water quality and channel protection, and PC-036 shall be modified to incorporate water quality protection. The parking reconstruction shall be implemented unless the Environmental Director determines that it cannot be achieved (a) due to engineering constraints, (b) due to environmental, stormwater management or other regulations, ordinances or laws, or (c) that the reconstruction cannot be achieved using soil-covered RainTank (R) devices and pervious concrete or equivalent underground stormwater storage units and pervious cover approved by the Environmental Director.

In the event the parking reconstruction is not implemented as described above, the Owner shall perform and submit a Parking Study, the methodology and parameters of which are subject to approval of the Planning Director. Said study shall be approved by the Board of Supervisors, upon recommendation of the Planning Commission, prior to any site plan approval for the last three buildings to be constructed (Building B, C or E as shown on the Master Plan). Specific elements of the study shall include: the identification of the existing parking inventory for Prime Outlets at the time of analysis, the occupancy rate of parking inventory for Prime Outlets for identified periods of analysis, an employee parking analysis, and improvement recommendations. Said site plans shall incorporate approved improvement recommendations and be constructed or bonded prior to any Certificate of Occupancy being issued for Buildings B, C, or E (as shown on the Master Plan).

15. Pervious concrete shall be used as the finish material above PC-036 and PC-066, and in all other locations shown on the Master Plan. Furthermore, pervious concrete may be used in place of turf-stone surfaces as identified on the Master Plan, subject to approval by the Environmental and Planning Directors. Installation of said material in all locations shall include at least six inches of gravel underlayment; all other design specifications are subject to the approval of the Environmental Director.
16. The following road improvements are subject to approval by VDOT and the Planning Director, and shall be made prior to the issuance of any Certificate of Occupancy for any of the proposed additional buildings in the Phase 7 & 8 expansions (Building B, C, D or E as shown on the Master Plan):
  - a) Install dual exclusive left-turn lanes with 350 feet of storage and a 400-foot taper on westbound Richmond Road at Olde Towne Road.
  - b) Widen southbound section of Olde Towne Road from Richmond Road to first shopping center entrance ("Bowling Alley entrance") to two (2) full width lanes, creating two receiving lanes for the dual left-turn lanes referenced in condition (a) above. The outside lane will be a right-turn "drop" lane and the inside lane shall serve as a through travel lane.
  - c) Install an exclusive left-turn lane with a minimum of 200 feet of storage and 200-foot taper on eastbound Richmond Road at Olde Towne Road to accommodate U-turn movement from eastbound Richmond Road to westbound Richmond Road. Install necessary traffic signal equipment to accommodate the U-turn movement with a protected left-turn phase at the intersection, and install appropriate signage, subject to VDOT approval.
  - d) Provide a signal timing plan and necessary traffic signal equipment at the Richmond Road/Olde Towne Road intersection to accommodate proposed lane configurations and identified new traffic movements.
  - e) Remove sections of asphalt or otherwise modify the existing continuous right turn lane on eastbound Richmond Road, subject to approval by VDOT and the Planning Director.
17. Concurrent with the closing of the existing Mikasa entrance (pursuant to a separate agreement between the Owner and the County), the existing inside exclusive left-turn lane from westbound Richmond Road at the Mikasa entrance shall be removed by the owner and the existing left-turn lane from westbound Richmond Road at the western Prime entrance shall be modified by the owner such that the outside westbound left turn lane consists of a minimum of 350 feet of storage and a 200-foot taper, subject to review



and approval by VDOT and the Planning Director.

18. The Owner shall provide signal timing plans (AM, Mid-Day, PM, seasonal peak period, Saturday Mid-Day) and intersection level of service analysis for the Richmond Road corridor from Airport Road to the western signalized entrance to the property to best optimize traffic progression. Such plans shall be subject to the review and approval of the Planning Director and VDOT and shall be submitted no earlier than six months and no later than twelve months after the completion of all road improvements set forth in sub-sections (a) through (e) of Condition #16 and approved prior to the issuance of the Certificate of Occupancy representing approximately 90% occupancy of Phase 7 (Buildings C, D and E, as shown on the Master Plan). The Owner shall construct any improvements identified in such plans prior to any Certificate of Occupancy being issued for Phase 8 (Building B as shown on the Master Plan).
19. A Signal Warrant Analysis for the Olde Towne Road/shopping center entrances shall be submitted and approved by VDOT and the Planning Director prior to issuance of any Certificate of Occupancy representing approximately 75% occupancy of the entire expansion (Buildings B, C, D and E as shown on the Master Plan), provided said Certificate of Occupancy is requested within thirty (30) months of the approval of this special use permit. The Planning Director may require said analysis twenty-four (24) months after the approval of this special use permit and again prior to issuance of the Certificate of Occupancy representing approximately 75% occupancy of the entire expansion (Buildings B, C, D and E as shown on the Master Plan). The analysis shall satisfy VDOT Standard Signal Warrant Analysis requirements, subject to approval by VDOT and the Planning Director. Should traffic signal warrants be met, Owner shall provide a signal timing plan, traffic signal(s) and necessary traffic signal equipment (including that associated with cross-coordination of traffic signals and pedestrian equipment and facilities) at the Olde Towne Road shopping center entrance(s) in a manner acceptable to VDOT and the Planning Director. Furthermore, Owner shall provide signal timing plans (AM, Mid-Day, PM, seasonal peak period, Saturday Mid-Day) such that the potential traffic signal(s) shall be coordinated with the Richmond Road/Olde Towne Road traffic signal, subject to the approval of VDOT and the Planning Director. Such signal(s) and coordination improvements shall be guaranteed by surety prior to issuance of any building permit for the final phase of expansion (Building B, C, D or E as shown on the Master Plan).
20. Upon completion of the first building to be constructed (Building B, C, D or E as shown on the Master Plan), and the vehicular access through the existing Phase I, as shown on the Master Plan, Owner shall provide an evaluation of potential access driveway closures or implementable access management strategies along Richmond Road and Olde Towne Road. Said evaluation shall be subject to the approval of VDOT, the Planning Director, and the Development Review Committee prior to any Certificate of Occupancy for the final phase of expansion (Building B, C, D and E as shown on the Master Plan). Such improvements shall be guaranteed by surety prior to issuance of a building permit for the final phase, as described above.
21. Prior to any Certificate of Occupancy being issued for Phase 7 (Buildings C, D and E as shown on the Master Plan), the Owner shall install the vehicular access identified on the site plan submitted for the previous Phase 6 expansion (SP-133-05 or subsequent approved amendments to said plan). Two-way traffic shall be accommodated between this vehicular access and the expanded parking above reconstructed PC-066.

22. The demolition of a portion of Phase 1 behind the proposed Building D, as shown on the Master Plan, shall be completed and vehicular access provided between the existing Prime property and the proposed expansion (identified as Phases 7 & 8 on the Master Plan) no later than six months after the first Certificate of Occupancy is issued for Building D, as shown on the Master Plan.
23. The Owner shall, prior to final site plan approval, pay to the County the sum of \$200,000.00 representing costs to be incurred by the County in engineering, design and construction work for stream restoration and mitigation of impacts of storm water runoff into the Chisel Run tributary of Powhatan Creek. The restoration and/or mitigation work necessary shall be determined in the discretion of the County Environmental Director, and may include but not may not be limited to the following:
  - a) restoration of degraded stream channel and stabilization of the channel for a distance of approximately 250 linear feet adjacent to the Scott's Pond subdivision, which channel degradation and instability may be attributed in part to BMP PC-069, and
  - b) restoration of degraded stream channel and stabilization of the channel for a distance of approximately 250 linear feet in an area located off Chisel Run Road, which channel degradation and instability may be attributed in part to BMP outfalls and unregulated outfalls downstream from the Prime Outlets site but upstream from the site of stream damage.
24. Approval of this special use permit shall not invalidate the Ewell Station shopping center phase two site plan titled "SP-110-02". SP-110-02 shall be invalidated when construction is commenced pursuant to any site plan associated with this special use permit. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.

February 27, 2007

Ms. Kathryn Sipes, Planner  
James City County Planning Division  
101-A Mounts Bay Road  
P.O. Box 8784  
Williamsburg, VA 23187-8784

Re: Prime Outlets at Williamsburg

Dear Kate:

Pursuant to our meeting on January 31, 2007, the purpose of this letter is to confirm the willingness of the Owners of Prime Outlets at Williamsburg, Prime Retail, L.P. ("Prime") to continue to utilize means and measures similar to those employed during the 2006 "Black Friday" weekend in order to alleviate parking and traffic concerns during future high-volume weekends. These measures have included the following:

1. **Use of Off-Site Parking.** Our use of the AMF Bowling Center parking lot (primarily by employees) during the 2006 Black Friday weekend helped to relieve the parking congestion experienced in years past. It is our belief that the current owner of the bowling alley will continue to allow us to use the parking lot on certain occasions and we plan to do so, as the situation requires. In addition, if the bowling alley lot is not available we will work with JCC staff to identify alternate off-site parking opportunities;
2. **Security Guards and Off-Duty Police Officers.** In the past, we have utilized off-duty police, sheriffs deputies, and patrol officers for traffic control and will continue to do so in the future;
3. **Trolley.** The trolley was used on the Black Friday weekend as necessary and we will continue to do so on high volume weekends, and high volume holidays. The trolley will circulate throughout the entire site with the intent of reducing the amount of intra-parking lot trips. In the event that off-site parking is necessary, we will operate a trolley between the Property and the off-site parking location;
4. **Incentives for employees to use Off-Site Parking.** We have determined that an incentive program, combined with an efficient trolley

*The power of passionate shopping*

system, significantly increases employee participation. We will make this a part of our annual Black Friday parking program;

5. **Midnight Opening - Black Friday.** While the industry is still experiencing growing pains with regard to the Midnight Opening, we feel it ultimately will benefit our Tenants, our Shoppers and James City County, and will provide for a more enjoyable and manageable shopping experience. We feel it will be an important component in the overall management of our traffic and parking for the Black Friday weekend;

6. **Coordination with County Staff and Police.** As we have in the past, we will continue to seek the input of County Staff and law enforcement personnel prior to high volume weekends on an as-needed basis.

As we discussed, as the new master plan creates a significant number of new parking spaces, we anticipate that the supply of parking spaces will exceed demand on most occasions. As traffic and parking demands evolve and as new tenants open for business, Prime will continue explore and implement creative means and methods to address our parking and traffic requirements, in consultation with County Staff and the County Police

Very truly yours,

A handwritten signature in dark ink, appearing to read 'W. Paul Reed', is written over a horizontal line.

W. Paul Reed  
Senior Vice President  
Prime Retail

cc: Gregory R. Davis, Esq.  
Dustin H. DeVore, Esq.

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

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4801 Courthouse Street  
Suite 300  
Williamsburg, VA 23188

February 27, 2007

**VIA HAND DELIVERY AND EMAIL**

Ms. Kathryn Sipes, Planner  
James City County Planning Division  
101-A Mounts Bay Road  
Williamsburg, VA 23187-8784

***Re: Prime Retail, L.P.  
Prime Outlets Expansion  
JCC Case Nos. SUP-32-06 & MP-11-06  
Our Matter No. 122092***

Dear Kate:

As part of Prime Retail's proposed expansion of its retail space and associated parking on the existing site and adjacent Comfort Inn Property, Prime is dedicated to creating an environmentally responsible, profitable and healthy place to shop and work. In furtherance of this goal, we are pleased to report that Prime has met with officials of the U.S. Green Building Council (USGBC), and using its Leadership in Energy and Environmental Design (LEED) Green Building Rating System, we have received assurances that the buildings comprising **Prime's Phase 7 & 8 expansion will be certified as a "Green Building" under the LEED criteria.** To our knowledge, this will make Prime the only such development in James City County to be LEED certified.

The USGBC is a non-profit coalition of building industry leaders working to promote sustainability and environmentally and socially responsible practices in the building industry. LEED certification is the USGBC's nationally recognized verification that a building meets the highest environmental performance standards. Since 2000, over 45 million square feet of new construction space has been certified.

The LEED Rating System provides criteria for design, construction and major renovations of commercial and institutional buildings in several areas: (1) site selection and development, (2) water and energy use, (3) environmentally preferred materials, (4) waste stream management, (5) indoor environmental quality and (6) sustainable design. A building earns points based on its achievements in these six areas. The total number of points earned by a project determines the level of certification that it receives.

Ms. Kathryn Sipes  
February 27, 2007  
Page 2

LEED certification has a wide array of benefits for Prime, James City County, and the residents and visitors who shop in the Prime Retail establishments. In addition, LEED certification for this project is consistent with Environmental Action No. 22 from the 2003 James City County Comprehensive Plan to "Promote the use of LEED (Leadership in Energy and Environmental Design) "green building" techniques as a means of developing energy and water efficient buildings and landscapes."


It is our hope that this important step will help demonstrate Prime's commitment to an environmentally and socially responsible expansion. Although certification will not be completed until after construction, Prime has taken the initial step of having their plans reviewed by an LEED consultant. The enclosed letter confirms that, if completed in accordance with the plans, the expansion will be eligible for certification.

For your review, enclosed please find the following:

1. Fact Sheet -- About LEED for New Construction. (USGBC)
2. Info Sheet -- About LEED for New Construction. (USGBC)
3. Letter from Tom Liebel, AIA, LEED Accredited Professional, dated February 19, 2007.

Thank you for your attention to this matter. Please do not hesitate to contact us with any questions or concerns. We look forward to working with you on this project.

Very truly yours,



Gregory R. Davis

GRD/cmj

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# FACT SHEET

## About LEED® for New Construction

### What is LEED for New Construction?

The LEED for New Construction Rating System provides criteria for the design, construction and major renovations of high-performance commercial and institutional buildings. LEED produces quantifiable benefits for occupants, owners and the environment and has emerged as the leading market transformation tool for the commercial sector. In addition to providing strategies for achieving a green building, LEED certification offers a marketable advantage over competitors and third-party validation of your sustainable accomplishments.

### What are the benefits of LEED for New Construction?

LEED certified projects blend environmental, economic, and occupant-oriented performance. As more projects become certified, the benefits of certification are increasingly clear. While benefits can vary according to building type, they include:

- Reduced operating costs  
Increased building valuation and return on investment
- Enhanced occupant well-being and comfort
- Reduced environmental impact
- Marketing advantage
- Reduced absenteeism and employee turnover
- Increased retail sales

### How does LEED for New Construction work?

LEED for New Construction addresses the environmental and health impacts of site and materials selection, energy and water use, and demolition and construction. LEED facilitates and encourages project teams to use an integrated design approach from start to finish. Using this integrated approach, LEED promotes improved practices in:

- Site selection and development
- Water and energy use
- Environmentally preferred construction materials, finishes, and furnishings
- Waste stream management
- Indoor environmental quality
- Exemplary performance and innovation in sustainable design and construction

To become certified, projects must meet all prerequisites and a minimum number of points within the credit areas listed above. The number of points the project earns determines the level of LEED certification the project receives.

### When should I register my project?

Project registration is the first step toward earning LEED certification for your building and is best done at the project outset. Once you register, you'll have access to **LEED-Online** and the **LEED credit interpretations database**. USGBC encourages you to keep your project profile up-to-date in LEED-Online. LEED-Online provides you with an interactive project management tool, and the information you supply will help us track your project, answer credit interpretation

## Fact Sheet

### About LEED for New Construction

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requests, and prepare project case studies upon certification. Aggregate data for all registered projects will be used to expand the growing knowledge base of green building costs and trends.

#### How much does it cost to register a project?

The project registration fee is \$450 for USGBC members and \$600 for non-members.

#### Where can I learn more about LEED for New Construction?

USGBC has a variety of resources for you to get started with LEED for New Construction:

- **Visit the Web site:** Go to [www.usgbc.org/leed](http://www.usgbc.org/leed) to learn more about the LEED for New Construction Rating System, download case studies and more.
- **Attend a LEED workshop:** LEED workshops provide a detailed exploration of the rating system, case studies and effective strategies for the design and construction of high-performance green buildings. A complete schedule of LEED workshops and other educational programs can be found at [www.usgbc.org/education](http://www.usgbc.org/education).
- **Become a member:** Encourage your company to join USGBC. USGBC members are not only recognized leaders in supporting a better built environment; member company employees have access to USGBC resources, can participate in committees and member circles, and enjoy a wide array of discounts on USGBC publications, programs and services.
- **Corresponding Committee:** USGBC members can receive periodic updates, announcements and meeting minutes by participating in the LEED for New Construction Corresponding Committee. Sign up for the listserv in the 'Your Account' section of the USGBC Web site.
- **Get involved with your local chapter:** USGBC chapters routinely host informative presentations and are a great way to connect with other professionals in your region who have experience implementing LEED for New Construction. Find the USGBC chapter nearest you at [www.usgbc.org/chapters](http://www.usgbc.org/chapters).
- **Become a LEED Accredited Professional:** LEED professional accreditation is a distinguished pursuit among those aspiring to demonstrate their abilities in applying the LEED Rating System to green building projects.
- **Contact USGBC:** For questions related to LEED, workshops, accreditation, membership, or chapters, e-mail [info@usgbc.org](mailto:info@usgbc.org) or call 202-828-7422.



The LEED® for New Construction Rating System (LEED-NC) defines the leadership position for designing and building commercial, institutional and government buildings in a way that produces quantifiable benefits for occupants, the environment and their owners. It has emerged as the national leader in market transformation of the commercial sector, making a convincing value proposition for building green.

Designed for use during the design and construction phases of a building, LEED-NC addresses the environmental impacts of site and materials selection, demolition, and construction. LEED facilitates and encourages project teams to use an integrated design approach from start to finish, resulting in buildings with lower impact on occupants and the environment, and a positive economic impact for owners.

## LEED-NC: RECOGNIZED VALUE

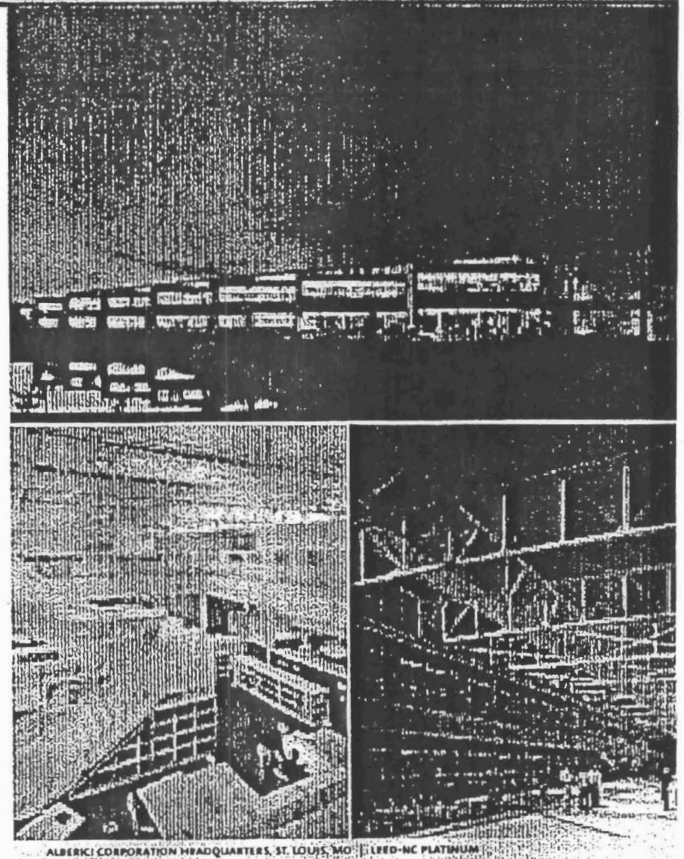
Since its launch in 2000, over 2000 building projects have registered for LEED-NC in the United States and internationally, and over 45 million square feet of space has been LEED-NC certified. Companies and individuals throughout the building industry understand that LEED-NC certification brings value to their projects, and they are adapting their services and products to help owners obtain certification. Numerous recent cost studies show that LEED certification can be gained for minimal to no additional cost when compared to traditional, non-green building.

## RECOGNIZED LEADERSHIP

Companies and organizations are finding they can do well by doing good. As the nationally recognized voluntary rating system for green buildings, LEED-NC certification showcases your environmental commitment and leadership, sending a strong message to employees and the wider community that you care about their health.

The LEED-NC Rating System promotes improved practices in:

- Site selection and development
- Water and energy use
- Environmentally preferred construction products, finishes and furnishings
- Waste stream management
- Indoor environmental quality
- Innovation in sustainable design and construction



## REALIZE THE BENEFITS OF LEED-NC CERTIFICATION

- Enhanced occupant well-being and comfort
- Reduced operating costs
- Reduced environmental impact
- Increased building valuation and return on investment
- Marketing advantage
- Reduced absenteeism and employee turnover
- Increased retail sales

Based on recent analysis, the aggregate total return of publicly held companies affiliated with the USGBC outperformed the Dow Jones Industrial Average by over 18% from 2000 to 2004. This may indicate well-managed, progressive companies are looking to build and operate green as an opportunity to differentiate themselves as leaders in the marketplace.



LEED-NC

Build green. Everyone profits.

## LEED-NC CERTIFICATION LEVELS

Points	Levels
26 - 32	Certified
33 - 38	Silver
39 - 51	Gold
52 - 69	Platinum

### Sustainable Sites 14 points

- Goals**
- Develop only appropriate sites
  - Reuse existing buildings and/or sites
  - Protect natural and agricultural areas
  - Reduce need for automobile use
  - Protect and/or restore natural sites

### Water Efficiency 5 points

- Goals**
- Reduce the quantity of water needed for the building
  - Reduce municipal water supply and treatment burden

### Energy & Atmosphere 17 points

- Goals**
- Establish energy efficiency and system performance
  - Optimize energy efficiency
  - Encourage renewable and alternative energy sources
  - Support ozone protection protocols

### Materials & Resources 13 points

- Goals**
- Use materials with less environmental impact
  - Reduce and manage waste
  - Reduce the amount of materials needed

### Indoor Environmental Quality 15 points

- Goals**
- Establish good indoor air quality
  - Eliminate, reduce and manage the sources of indoor air pollution
  - Ensure thermal comfort and systems controllability
  - Provide for occupant connection to the outdoor environment

### Innovation in Design up to 5 additional points

- Goals**
- Recognize exceptional performance in any achieved LEED-NC credit
  - Recognize innovation in green building categories not specifically addressed by LEED-NC credits

## ABOUT LEED® (LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN)

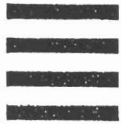
The LEED Green Building Rating System™ is the industry-recognized, voluntary standard that defines high performance green buildings — which are healthier, more environmentally responsible and more profitable structures. In addition to providing strategies for achieving a green building, LEED certification offers a marketable advantage over competitors and third-party validation of your sustainable accomplishments. The U.S. Green Building Council (USGBC) has developed rating systems for all aspects of the built environment:

- LEED for New Construction (NC)
- LEED for Existing Buildings (EB)
- LEED for Commercial Interiors (CI)
- LEED for Core and Shell (CS) in pilot
- LEED for Homes (H) in pilot
- LEED for Neighborhood Development (ND) pilot in 2006

## HOW TO GET STARTED WITH LEED-NC

- **Visit the Web site** — Go to [www.usgbc.org/LEED/nc](http://www.usgbc.org/LEED/nc) to learn more about LEED-NC, review the rating system, download case studies and check out the FAQs.
- **Attend a LEED-NC Workshop** — Workshops provide a detailed exploration of the rating system, case studies and effective strategies for greening your building operations. A complete schedule of LEED workshops is available at [www.usgbc.org/workshops](http://www.usgbc.org/workshops).
- **Become a Member** — Encourage your company to join the USGBC. Not only are USGBC members recognized leaders in supporting a better built environment, they also receive a wide array of discounts on project registration and certification, accreditation, workshops and resource materials.
- **Attend Greenbuild** — Greenbuild International Conference and Expo is the premier conference on everything related to green building. Sponsored by the USGBC, Greenbuild hosts thousands of building industry professionals and is the annual place for learning, networking and exploring the latest advancements in green building design, construction, financing, operations and maintenance. [www.greenbuildexpo.org](http://www.greenbuildexpo.org)
- **Get involved with your local chapter** — USGBC Chapters routinely host informative presentations and are a great way to connect with other professionals in your region who have experience implementing LEED-NC. Find your local USGBC chapter at [www.usgbc.org/chapters](http://www.usgbc.org/chapters).
- **Become a LEED Accredited Professional** — LEED Professional Accreditation is a distinguished pursuit among those aspiring to demonstrate their ability to apply the LEED Rating System to green building projects and facilitate and encourage the integrated design process.

**Contact the USGBC** — For questions related to LEED, workshops and the accreditation exam, e-mail [leed-nc@usgbc.org](mailto:leed-nc@usgbc.org). For questions about membership, chapters or the USGBC in general, e-mail [info@usgbc.org](mailto:info@usgbc.org) or call 202-828-7422.



MARKS THOMAS ARCHITECTS

February 19, 2007

Mr. Thomas K. Bauley  
Director of Design  
Prime Retail  
217 East Redwood Street, 21<sup>st</sup> Floor  
Baltimore, MD 21202

Re: Supplemental Information  
Sustainability Analysis – Prime Outlets at Williamsburg  
MT Project Number 07205

Dear Tom,

The following supplemental information relates to the sustainability analysis prepared by me for the above referenced project, dated February 19, 2007.

In preparing a preliminary LEED Scoresheet for the Williamsburg project it appears that the project could very easily qualify for LEED Certification under LEED Core & Shell v2.0. My initial estimates indicate 23 probable points, 22 possible points and only 16 points that cannot or should not be pursued. In addition to the items referenced in the previous letter, I would like to present to you some additional options you may want to consider:

- A. Tenant Design and Construction Guidelines – these could either be suggested practices or mandatory, depending on how Prime's work letters are written.
- B. Enhanced Refrigerant Management – utilizing non-HCFC based refrigerants for the HVAC systems. Most manufacturers now offer alternative refrigerants – this could be easy to implement if you provide the rooftop mechanical units, more logistically challenging if the rooftop units are the responsibility of the tenants.
- C. Construction Waste Management, Recycled Content and Regional Materials were not addressed in the previous letter, but are all very easy to achieve at their respective initial levels of qualification and relatively easy to achieve at the higher level of qualification.
- D. Certified Wood – as we discussed in our meeting last week, given the relatively small quantity of lumber used in the type of construction used for Prime Retail projects the incremental cost to achieve this point would be relatively modest and potentially provide positive publicity opportunities for the project.
- E. Low Emitting Materials - low-VOC Adhesives & Sealants, Paints and Carpets are all readily available with minimal to no cost premium, and will improve the indoor environmental quality of your facilities.
- F. Innovation Credits – in getting to the 23 probable LEED points, I assumed that the project could achieve two innovation credits. I would suggest implementing a green housekeeping program, which in essence suggests that the housekeeping staff use environmentally preferable cleaning products for one point, and a public education program for the second point. The education program could be a nice, "touchie-feelie" kind of thing, preparing a flyer to distribute to visitors, touting the green features of the complex, and perhaps some signage around the site calling attention to specific green features.

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All of the options listed above could, in my opinion, be readily achieved with minimal impact to the project schedule, scope and budget. I can provide supplemental data and/or information on additional credits if you so desire.

Please do not hesitate to contact me if you should have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'Tom Liebel', with a long horizontal line extending to the right.

Tom Liebel, AIA, LEED AP  
Associate Principal

**REZONING Z-8-06, SUP-36-06, MP-9-06. Williamsburg Pottery Factory  
Staff Report for the March 7, 2007, Planning Commission Public Hearing**

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*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.*

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**PUBLIC HEARINGS**

Planning Commission:

**Building F Board Room; County Government Complex**

February 7, 2007 (deferred by the Commission) 7:00 p.m.

March 7, 2007 7:00 p.m.

Board of Supervisors:

April 10, 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. After discussing layout options with the applicant it became apparent that at least some strip-commercial characteristics are necessary, given the applicant's desire to accommodate at least one large retailer; however, the applicant would not agree to a number of specific architectural guideline modifications to help mitigate this or overcome other design issues.

While appreciative of this application as a redevelopment project with site with design limitations, staff is not comfortable recommending approval of an application that features a reduced CCC buffer, mainly strip commercial features, and few specific assurances for site layout or architectural mitigation. Environmental staff also notes that the applicant has failed to meet expectations to provide adequate Low Impact Development techniques on the site, and the project fails to meet the standards other legislatively approved projects have been held to. In addition, the traffic signal installation discussion between the applicant and Colonial Heritage has still not taken place at the time of this report. Without guarantees that make this project responsible for a signal should it be warranted, staff would recommend denial solely on that basis as a public safety issue. Staff recommends that the Planning Commission recommend denial of the Rezoning and Special Use Permit applications to the James City County Board of Supervisors.

**Proffers:** The proffers were signed and submitted in accordance with the James City County Proffer Policy.

### **CHANGES MADE SINCE THE LAST PLANNING COMMISSION MEETING**

The applicant submitted architectural guidelines, revised proffers, and a new master plan. The applicant also submitted a series of drawings containing a non-binding illustrative plan page (page 4) that shows a proposed building and parking layout, a 15' rear setback, and an average buffer of 34'. Another page in the set, the "Binding Master Plan" page (page 3), shows a 7' rear setback and an increased average buffer of approximately 37'. The binding master plan page proposes a 7' rear landscape yard, which would require DRC approval at the site plan level. Staff would note that the proffers also address this issue, but only provide for a buffer with an average width of 30' and a minimum of 15', which is not currently allowed in the Zoning Ordinance (a reduction with a minimum of 20' can be approved). The numbers on all three of these documents are conflicting.

*Staff has noted changes to the staff report since last month in bolded italics.*

### **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
- ***Inclusion of two filter boxes to treat .5 acres of the redirected stormwater into the Skimino Creek Watershed***

**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.
- *Two standard size tree box filters capable of treating stormwater from approximately one-half acre or 3.5% of impervious cover in the parking lot of the property.*

**Staff Comments:** *The Chesapeake Bay Ordinance criteria for a redevelopment site are met by the .8 acre reduction in site impervious cover and proposed upgrades to the existing farm pond. Previous environmental comments had suggested inclusion of LID measures to the site design. Since the last meeting the applicant has agreed to include LID measures to help treat some new impervious cover being added to the Skimino Creek watershed. The Environmental Division has determined that this would result in the treatment of 1/2 acre of the 14 acres of proposed impervious cover for the site, which constitutes 3.5% of the impervious area. Recently approved legislative cases have included 30-40% impervious cover treated by LID features. One possible additional measure would be the addition of more filter boxes covering more of the impervious area.*

### **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 use the existing signalized intersection or 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 (included in the Colonial Heritage proffers), 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, and more traffic from the site.***

**Proffers:**

- ***Traffic improvements including: Maintenance of existing signalized entrance or 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:** 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. ***In the event that a signal is warranted by this development staff believes it is necessary for the signal to be installed before a majority of the shopping center is operating. Even though Colonial Heritage is currently required to install the signal as a part of their proffers for their commercial section, staff believes that discussions about the timing of the installation and possible cost-sharing between the Pottery and Colonial Heritage need to take place to ensure the safe functioning of the intersection once the development is operating. Without guarantees that make this project responsible for a signal, staff does not believe that this project would adequately mitigate possible onsite traffic impacts and would recommend denial solely on these grounds. Staff's recommended condition requiring a signal should it be warranted helps mitigate potential project impacts. However, still unaddressed is the possible need for signal coordination of site entrances or with other signals in the corridor, as is customary in other projects.***

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>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>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. <i>Staff would note, however, that this area, as well as the balance of the Pottery across the RR tracks in JCC, 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.</i> 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>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. <i>This was recognized in the plan and proffers for Colonial Heritage commercial area. 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.</i> 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>
General	<p>Strip Commercial (Page 77 &amp; 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"> <li>a. Street frontage parking lots</li> <li>b. No provisions for pedestrian access between individual uses</li> <li>c. Usually only one-store deep</li> <li>d. Buildings are arranged linearly rather than clustered</li> <li>e. No design integration among individual uses</li> <li>f. Multiple access points</li> </ul> <p><b>Staff Comment:</b> 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"> <li>a. Landscaped parking lots, including trees and landscaped island separation between bays.</li> <li>b. Peaked roofs, rather than flat ones.</li> <li>c. Limited and shared access</li> <li>d. Wide sidewalks abutting the storefronts with canopy or roof overhangs over pedestrian areas.</li> <li>e. Benches, sculpture, or pedestrian oriented open spaces to help make the overall development more attractive.</li> <li>f. Buildings arranged in clusters, rather than oriented linearly.</li> </ul> <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. <i>The applicant has provided information stating why other design alternatives are not possible, and staff has had the opportunity to review them. The main impediment to placing a large portion of the retail store area along the frontage of the property is due to the type of intended primary use which is a grocery store. Staff understands that this use would not be conducive to being located along the</i></p>

	<p><i>frontage of the property given the need a rear service area. Staff offered specific recommendations to the applicant on ways to amend their proposal to ensure adequate visual mitigation and further mitigate the potential strip commercial nature, but the applicant did not chose to adequately incorporate them in the guidelines or the proffers. Staff will discuss these further in the Community Character section of this report. Given the fact that the parking is in the front and will be the main visual feature seen from Richmond Road, and adequate assurances mitigating the projects visual impacts were not provided, staff believes this project contains too many strip commercial characteristics and does not adequately address this section of the Comprehensive Plan .</i></p>
Development Standards	<p><i>General Standard #1-Page 134: 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.</i></p> <p><i>General Standard #6-Page 135: 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.</i></p> <p><i>Commercial Standard #3-Page 136: Mitigate objectionable aspects of commercial or industrial uses through an approach including performance standards, buffering, and special setback regulations.</i></p> <p><i>Commercial Standard #5-Page 136: 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 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.</i></p> <p><b>Staff Comment:</b> 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 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. <i>Staff would note that although this project is redevelopment it will not be compatible in character with surrounding development as referenced in General Standard #1. Colonial Heritage has proffered out many of the negative design aspects that this project is promoting directly across the street. Standard #5 was added to the Comprehensive Plan to encourage retail developers to incorporate design features such as those displayed by Monticello Marketplace in order to give JCC a unique look and avoid standard suburban commercial patterns found in other localities. After reviewing the design guidelines staff commented to the applicant about providing the following items to address standard #5 and strip-commercial issues, but they were not incorporated:</i></p> <ol style="list-style-type: none"> <li><i>limiting the one-story buildings to &lt;25% of building frontage to limit the strip nature of the development, as was done in other recent developments, such as Windsormeade Marketplace, so as to visually draw attention away from the large parking field.</i></li> <li><i>committing more firmly to the amount of bricking and glazing on the buildings to ensure avoidance of the “big-box” look, as was done at Windsormeade and Monticello Marketplaces.</i></li> <li><i>inclusion of a provision that the buffer fence will be at least 50% opaque with hedge to significantly reduce the visual impact of the parking.</i></li> <li><i>inclusion of more complete elevations showing specifics about the building frontages similar to note “b”, as is generally customary in rezonings, in order to ensure architectural guidelines will be present on all of the storefronts, rather than just select building sections as shown in the photographs.</i></li> <li><i>inclusion of the statement that no more than 25% of storefronts shall be stucco or EIFS to ensure quality and a unique appearance.</i></li> <li><i>deletion of certain types of pavers (asphalt) from the “special pavement treatment”.</i></li> <li><i>inclusion of specifications of number and size of shade trees to be included in the guidelines and the proffers.</i></li> <li><i>inclusion of a provision requiring 25% more trees in the parking area than</i></li> </ol>

	<p><i>Ordinance requirements, in order to ensure visual breakup of the parking areas.</i></p> <p>i. <i>inclusion of a provision requiring landscaping the Route 60 median consistent with landscaping proffered by Colonial Heritage along the frontage of the property.</i></p> <p><i>Staff would like to see these specifics be added to the guidelines to ensure that the structures will adequately mitigate the other negative visual aspects of this development. Staff would note that the applicant did provide a proffer to include a fence of 42” in the proffers. They also put provisions for ornamental and shade trees along the pedestrian walk-way along the promenade, and included pedestrian scale lighting along this area and the entrance ways to the property. Additionally, the applicant has proffered to include 125% of landscaping Ordinance requirements in the CCC buffer along the frontage of the property. And as is previously mentioned, will be retaining the bus shelter as well.</i></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>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><b>Staff Comment:</b> Staff feels that given the existing structures and development along Richmond Road that this project is in scale with surrounding development. <i>However, given the Colonial Heritage proffers prohibiting strip-commercial development and its Master Plan which provides a 50’ CCC buffer, the proposed development will likely be out of character with the future Colonial Heritage commercial area.</i> 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><b>Staff Comment:</b> 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><b>Staff Comment:</b> 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. <i>The applicant will also be providing two filter boxes in order to treat the stormwater for .5 acres of the redirected Skimino Creek Watershed impervious area. The Environmental Division has determined that this would result in the treatment of only ½ acre of 14.0 acres of proposed impervious cover for the site, which only constitutes 3.5% of the impervious area. The Division notes that although redevelopment criteria would be met by a .8 acre reduction in site impervious cover and proposed upgrades to the existing farm pond, the LID comment has not been addressed in a satisfactory manner.</i></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><b>Staff Comment:</b> 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	<p><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 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><b>Staff Comment:</b> <i>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 37 feet.</i> 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> <b>As noted in the transportation section, staff does not believe the application ensures adequate mitigation of transportation impacts due to the lack of signal coordination guarantees.</b></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><b>Staff Comment:</b> 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><b>Staff Comment:</b> 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: 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.</i></p> <p><b>Staff Comment:</b> The applicant has provided a buffer with an average depth of 37 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. <i>Staff understands the need for some of the strip commercial characteristics, given the characteristics of the site, but believes other aspects of the project should be improved to mitigate any objectionable designs. The inclusion of specific architectural guidelines would help ensure that visual superiority of the project, as well as meeting some of the criteria in the Zoning Ordinance for obtaining a reduced CCC buffer. Staff would point out that other recent projects have adequately addressed these issues. For example, Prime Outlets expansion site (including the redevelopment of the Comfort Inn portion), the Colonial Heritage commercial areas and Lightfoot Mixed-Use developments all have 50' CCC buffers. The Pleasant Hill Station project does as well, plus a bermed and buffered open space "orchard" across approximately 800 feet of their frontage, despite being considerably narrower than the Pottery Parcel. Regardless of whether this is a redevelopment project staff is not comfortable recommending approval of an application that features a reduced CCC buffer, mainly strip commercial features, and inadequate assurances for architectural and landscape mitigation.</i></p>
Goals, strategies and actions	<p><i>Strategy #3-Page 95: Ensure that development along Community Character Corridors and Areas protects the natural views of the area, promotes the historic, rural or unique character of the area, maintains greenbelt networks, and establishes entrance corridors that enhance the experience of residents and visitors.</i></p> <p><b>Staff Comment:</b> <i>Staff believes that the design guidelines provide a good example of architectural characteristics for the buildings, but believe they lack the comprehensiveness that will ensure all of the buildings and frontages will be of high quality. With the reduced buffer and the dominant nature of the parking, staff believes that it is imperative that the buildings make up the dominant visual features in the project.</i> Staff does not think that the overall project represents "unique character," in fact, strip-commercial development is often considered contrary to community character.</p>

### **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 is willing to accept some of the strip-commercial characteristics of the project given the site limitations, but believes that because of the lack of assurances with respect to architectural design guideline changes and additional site design features, along with the reduced CCC buffer, the project does not provide the "unique-character" that the Comprehensive Plan suggests. When all three are taken into account staff does not feel this project meets the design standards that other projects have been held to.* 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. 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. 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. After discussing layout options with the applicant it became apparent that at least some strip-commercial characteristics are necessary, given the applicant's desire to accommodate at least one large retailer; however, the applicant would not agree to a number of specific architectural guideline modifications to help mitigate this or overcome other design issues.

While appreciative of this application as a redevelopment project with site with design limitations, staff is not comfortable recommending approval of an application that features a reduced CCC buffer, mainly strip commercial features, and few specific assurances for site layout or architectural mitigation. Environmental staff also notes that the applicant has failed to meet expectations to provide adequate Low Impact Development techniques on the site, and the project fails to meet the standards other legislatively approved projects have been held to. In addition, the traffic signal installation discussion between the applicant and Colonial Heritage has still not taken place at the time of this report. Without guarantees that make this project responsible for a signal should it be warranted, staff would recommend denial solely on that basis as a public safety issue. Staff recommends that the Planning Commission recommend denial of the Rezoning and Special Use Permit applications to the James City County Board of Supervisors. Should the Planning Commission wish to recommend approval, staff recommends forwarding the application with the following Special Use Permit condition:

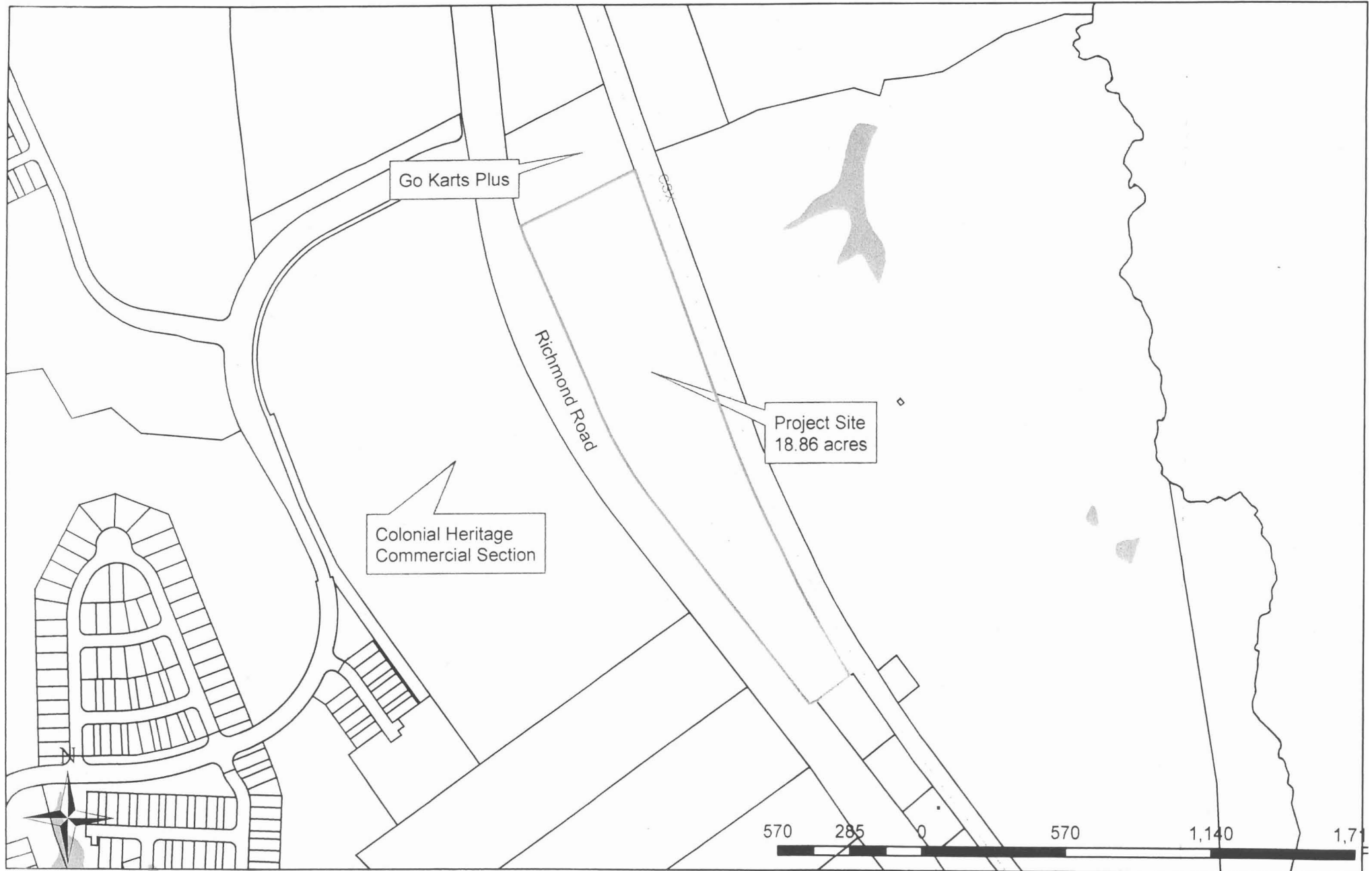
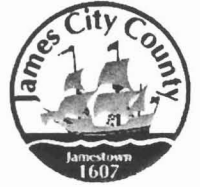
1. If the Virginia Department of Transportation (VDOT) warrants the need for a traffic signal at the Colonial Heritage crossover, as shown on the Binding Master Plan, the warranted traffic signal shall be installed prior to the issuance of certificate of occupancies for 75% of the buildings located on the property, as shown on the Binding Master Plan.

ATTACHMENTS:

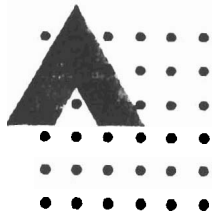
1. Location Map
2. Master Plan (Under separate cover)
3. Design Guidelines
4. Proffers

# Z-8-06, SUP-36-06, MP-9-06

## Williamsburg Pottery Factory







ARCHITECTS DAYTON & THOMPSON PC  
ASSOCIATES

## MEMORANDUM

**TO:** Bob Singley  
RJS and Associates, Inc.

**FROM:** Susan P. Lacy, AIA

**DATE:** 26 January 2007 *Revised 23 February 2007*

**PROJECT:** The Promenade at Williamsburg Pottery  
ADTA #05046

**SUBJECT:** Design Standards

### I. Introduction

A. Within the constraints of a very narrow site, the developers of the Promenade at Williamsburg Pottery intend to create a retail development which:

1. Recycles and rejuvenates a previously-developed area of Route 60
2. Appeals to quality conscious shoppers with its wide pedestrian promenade, convenient parking and richly textured village-like character
3. Appeals to tenants with its convenient parking, excellent visibility from the public way, and quality materials and design
4. Avoids outdated patterns of suburban development, such as large setback areas, large areas of undefined parking, limited pedestrian opportunities, highway scaled signage and a lack of connection to the surrounding context

B. The design character of the Promenade at Williamsburg Pottery will be that of a linear village. It will be composed principally of 1-1/2 story street-fronted buildings of varied architectural style and character. Single story and 2 story facades may be incorporated into the overall design, to meet tenants' specific functional requirements and/or to provide greater visual variety.

C. The linear organization of both the shopping center and the site will allow the parking to be conveniently located directly in front of the tenants it serves. The relatively narrow depth of the parking area in front of the stores will place the streetwall formed by the building facades close to the road. Landscaping and tree-shaded pedestrian pathways will subdivide the parking area into smaller, more pedestrian scaled parking courts. Parking which abuts front or side yards will be buffered with landscaping, hedges **and fencing** no more than 42 inches high.

## **II. Buildings**

A. Materials for the buildings will suggest quality, craftsmanship, and long term stability. Variety in materials, colors and finishes will be provided and encouraged in order to give each tenant its own identity.

B. As much as possible, each storefront will be unique and discrete, visually differentiating the boundaries of each store. Ideally, the entrance to each tenant's store will convey a strong sense of arrival and entry. In addition, ***the intent is that*** each tenant's storefront width will be devoted to display windows to the greatest extent possible. These display windows will be varied in character, and may include divided lites, transoms, door sidelites, bay windows, etc.

C. Traditional building forms ***for 1-1/2 story buildings***, such as gable ends, hipped roofs, shed roofs, dormers, cupolas, etc. will be used ***throughout***, but with transitional or contemporary detailing, rather than trying to mimic traditional or colonial architecture.

D. Roofs ***will*** be articulated to add interest and reinforce the village-like character of the center ***and may include*** chimneys, cupolas, dormers, monitors, etc.

E. Building walls on side turnings, away from the principal village street, which lead across the railroad tracks to the Pottery itself, will be treated as [ ] principal facades wherever possible. Smaller tenants, fronting onto these side streets will be encouraged. [ ] Storefront glazing and display windows will be encouraged. At a minimum, these side walls will be subdivided with decorative pilasters and bandings to give them a more pedestrian scale.

F. ***Rather than trying to mimic traditional or colonial styles, the buildings will be detailed in transitional or contemporary style, using the following materials:***

### 1. Walls:

- a) Brick (decorative coursings are encouraged)
- b) Integrally colored textured masonry (decorative coursings are encouraged)
- c) Stucco, integrally colored and waterproofed
- d) Architectural precast concrete or cast stone
- e) Glass fiber reinforced concrete
- f) Concrete plank siding
- g) Fluoropolymer painted aluminum storefront system
- h) Suitable exterior stone, such as marble, granite or limestone
- i) Metal feature elements, using metals such as brass, copper, stainless steel, wrought iron, cast iron and steel
- j) Limited use of EIFS or synthetic stucco, as approved by the Landlord

### 2. Roofs and Canopies:

- a) Flat or standing seam metal roofs, such as fluoropolymer painted metal, copper, or lead-coated copper
- b) Slate or synthetic slate
- c) Minimum 40 year architectural asphalt shingle

G. Trash and utility services will be located behind the buildings. All dumpsters, and ground mounted mechanical equipment not located behind buildings will be screened by landscaping, walls or fences.

H. All roof mounted mechanical equipment, including ductwork, will be screened from street view.

### **III. The Promenade**

**A.** Key to the aesthetic and functional success of the Promenade at Williamsburg Pottery will be the broad pedestrian space along the front of the shops. This public space will include wide, paved pedestrian walkways and landscaped areas of low-growing shrubs, colorful annuals *and ornamental trees*. The landscaped areas will generally be located between the vehicular travel lanes and the pedestrian walkways to create a visual and spatial buffer between shopper and vehicle. *Shade trees will be provided in the parking lots, see Section VII below.*

**B.** Decorative, pedestrian scaled pole lights will be located along this pedestrian way, augmenting the building lights in this area.

**C.** Street furniture will be provided along this pedestrian way. Outdoor seating will be encouraged at restaurants and cafes.

### **IV. Access & Parking**

**A.** Pedestrian access to the site is encouraged from public streets and adjacent development. A network of sidewalks, with tree planting and pedestrian lighting, will enable pedestrians to walk comfortably and safely, day or evening, from the public streets and adjacent development, through the parking areas, to the building entrances.

**B.** The use of municipal mass transportation is encouraged. Vehicular circulation will be designed to accommodate buses, and bus pull-off areas will be provided. *A bus shelter will be provided.*

**C.** Roadway nodes where side turnings, which lead across the railroad tracks to the Pottery itself, intersect with the pedestrian Promenade and the principal village street will receive special pavement treatment to accentuate these areas and break up the linearity of the travelways. *Special pavement treatment may include embossed and/or colored concrete, or traffic duty brick or concrete pavers, as outlined in D below.*

**D.** Materials for paved areas will be as follows:

1. Vehicular areas – brown or black aggregate asphalt, concrete, embossed and/or colored concrete, traffic duty brick or concrete pavers
2. Curbs, Gutters and Wheel stops – concrete, granite
3. Pedestrian areas – concrete, exposed aggregate concrete, embossed and/or colored concrete, brick, stone or concrete pavers

## **V. Signage**

- A. All signage will be compatible with the architecture of the buildings.
- B. Monument signs, designed as an architectural feature consistent with the buildings, will be provided for the center. Significant outparcel tenants may also have a monument sign, as approved by the Landlord. **Maximum height of monument signs will be 8 feet.**
- C. Principal tenant signs will be located on the exterior building walls, generally placed at a consistent height. Additional pedestrian-oriented signage is encouraged, such as blade signs, shop window signs, non-rotating post-mounted signs limited to 12 feet high, etc.
- D. Principal tenant signage may be as follows:
  - 1. Internally lit signs composed of individual letters and corporate logos
  - 2. Externally lit signs
  - 3. Backlit signs
- E. Wherever signs are visible from and located within 150 feet of the right of way of Route 60, they will be externally illuminated.

## **VI. Site Lighting**

- A. Appropriate and sufficient site lighting will be provided to insure the safety and security of pedestrian and vehicular movement throughout the center. All site lighting will be from full cut-off fixtures to keep unnecessary direct light from falling onto abutting properties or streets. In addition, site lighting fixtures used will prevent light from shining directly up. Light sources used will produce a color temperature close to daylight, such as incandescent, fluorescent or metal halide lamps.
- B. Decorative, pedestrian scaled pole lights will be located along pedestrian ways, **including along entranceways for the property**, augmenting the general illumination in these areas.
- C. The exterior illumination of special buildings, or that enhances architectural elements is encouraged **with the understanding that the illumination will not spill over onto adjoining property..**
- D. The maximum height for fixture poles will be as follows:
  - 1. Pedestrian walks, The Promenade – 16 feet
  - 2. Parking lots and vehicular access areas – 30 feet

## **VII. Landscaping**

- A. Planting will be provided in all setback areas and throughout the parking areas, meeting or exceeding the requirements of the James City County Zoning Ordinance. To the greatest extent possible, existing mature trees within planting and parking areas will be preserved.

Design Standards

The Promenade at Williamsburg Pottery – ADTA #05046

26 January 2007 ***Revised 23 February 2007***

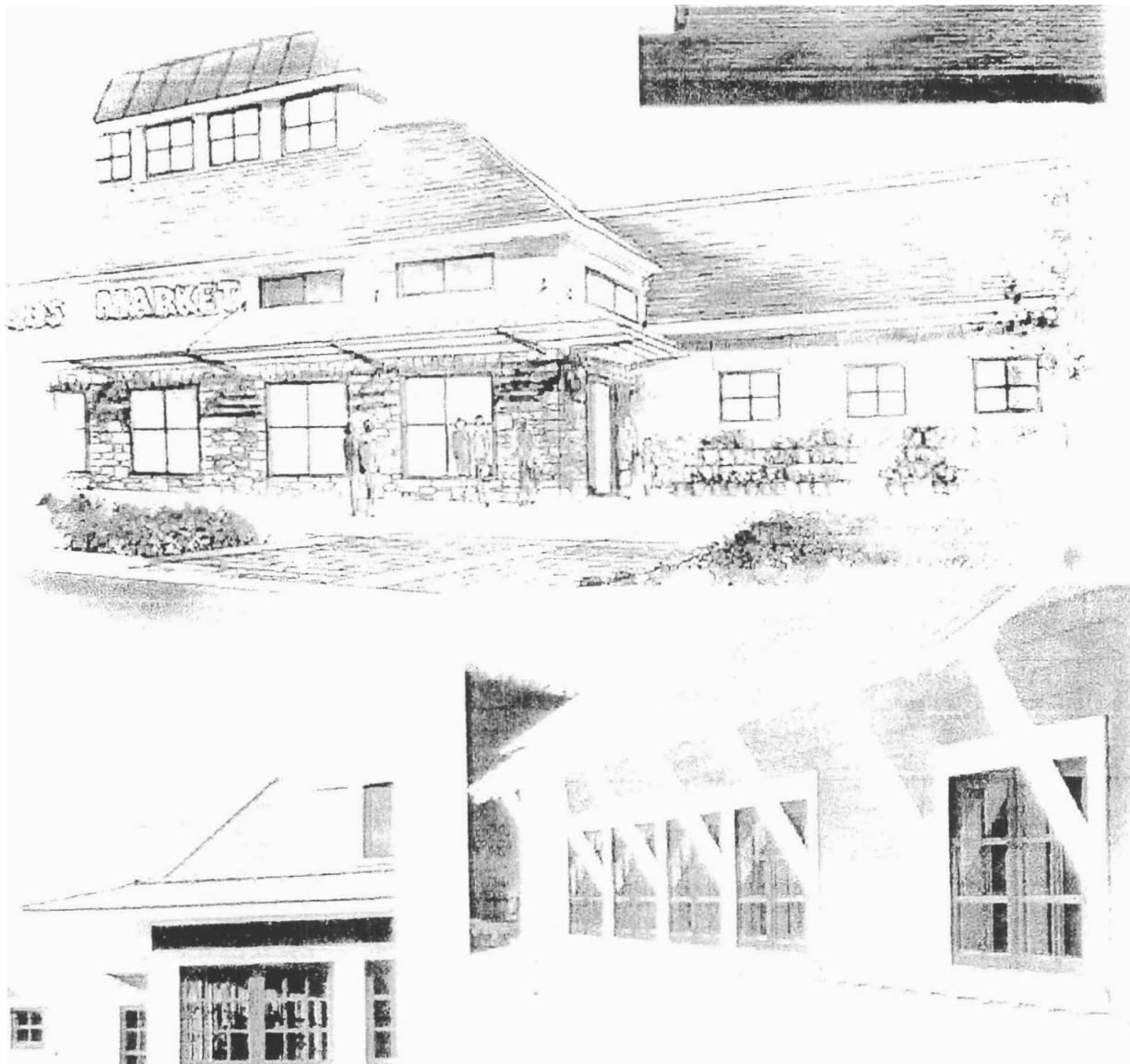
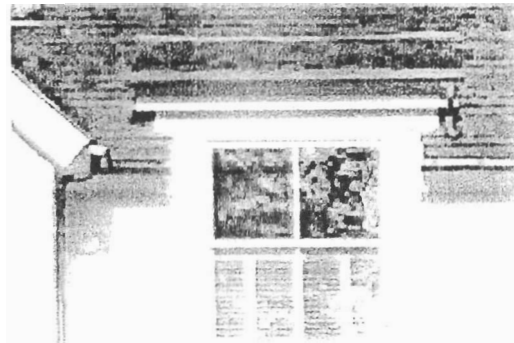
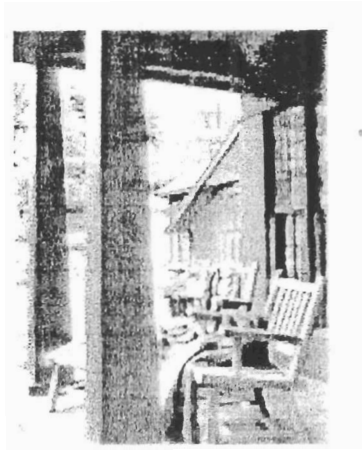
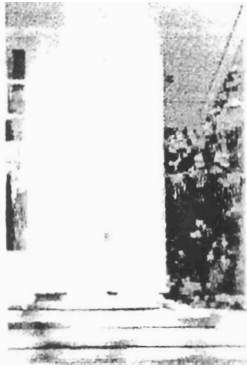
Page 5

B. The landscape treatment along the frontage of the site and at the buildings will receive the primary emphasis in the overall planting scheme. These areas will convey a more finished, urban character.

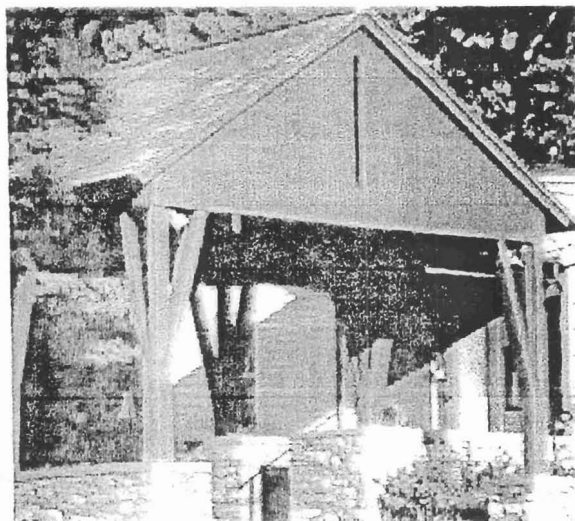
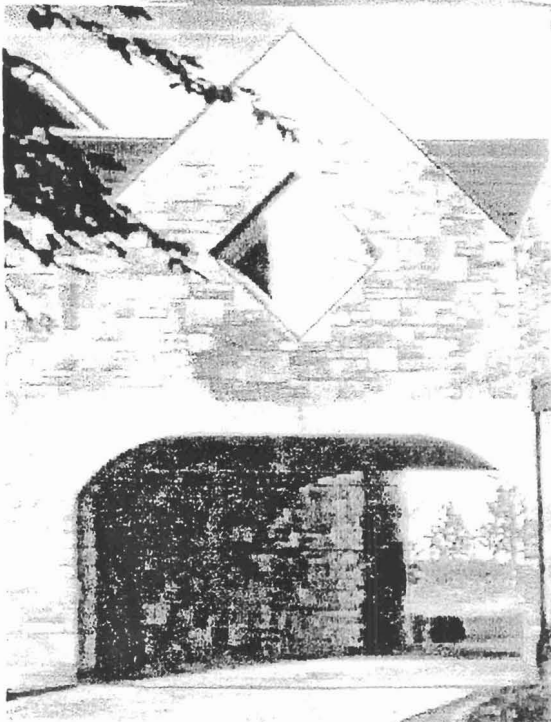
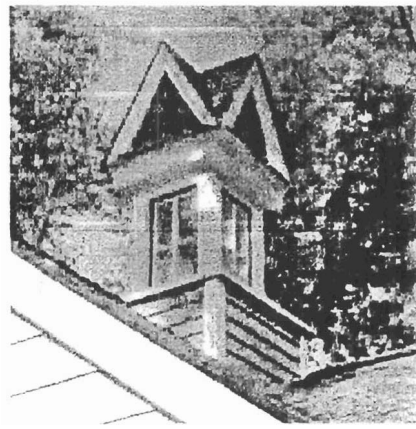
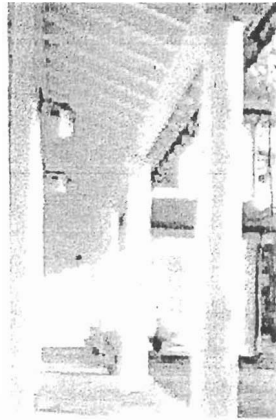
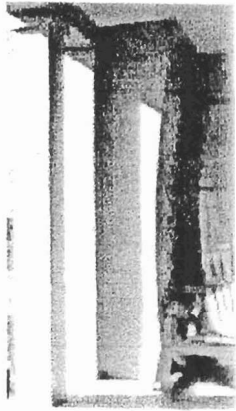
C. Within large areas of parking, planting will be designed to break down large parking lots into smaller areas. ***A row of shade trees across the center of the parking lot will be provided at Parcels 1 and 2, as generally depicted on the Master Plan.***

D. Parking which abuts front or side yards will be buffered with landscaping and hedges no more than 42 inches high.

E. Minimum sizes for planting at all new landscaping will be at least 125 percent of the minimums shown in the James City County Landscaping Ordinance.

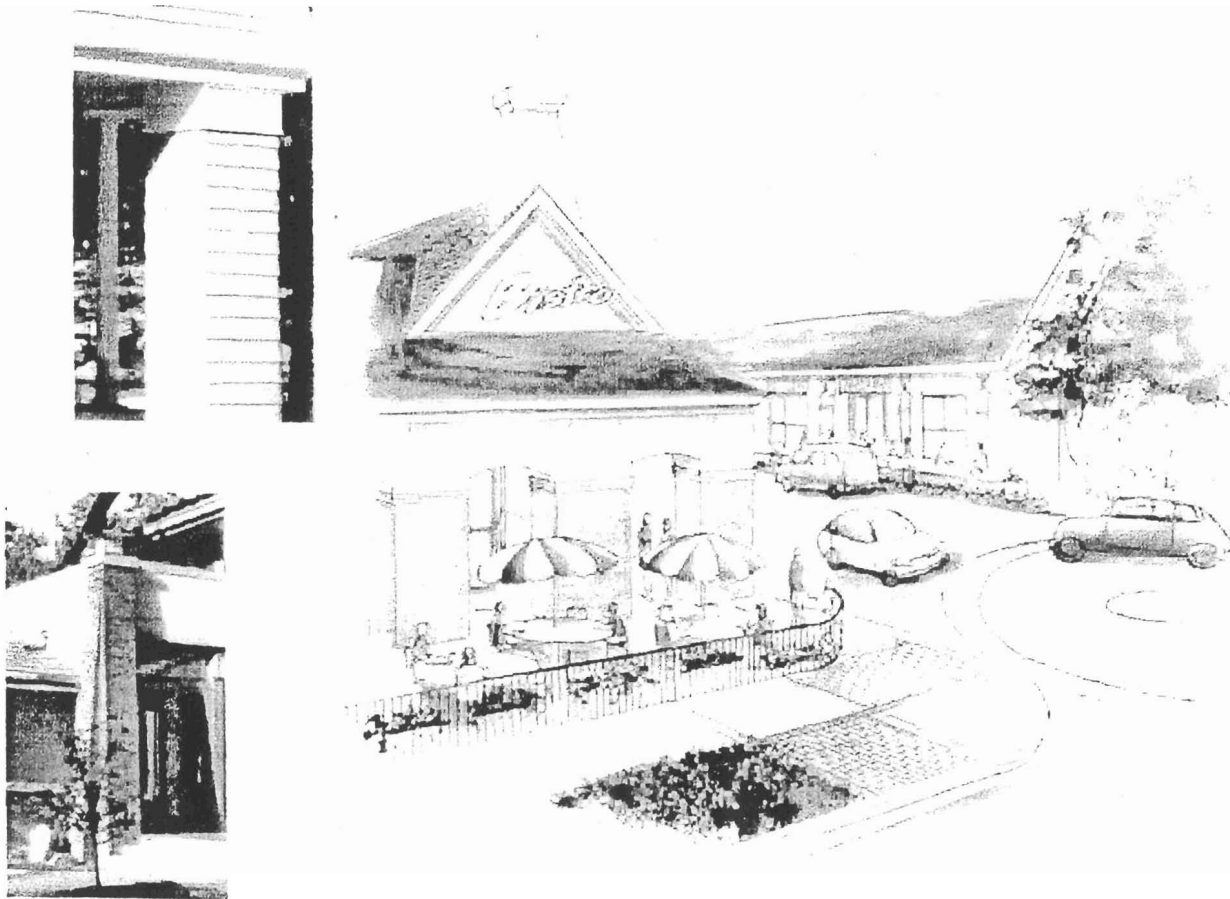


**The Promenade at Williamsburg Pottery**  
 Traditional Building Forms with Transitional or Contemporary Detailing



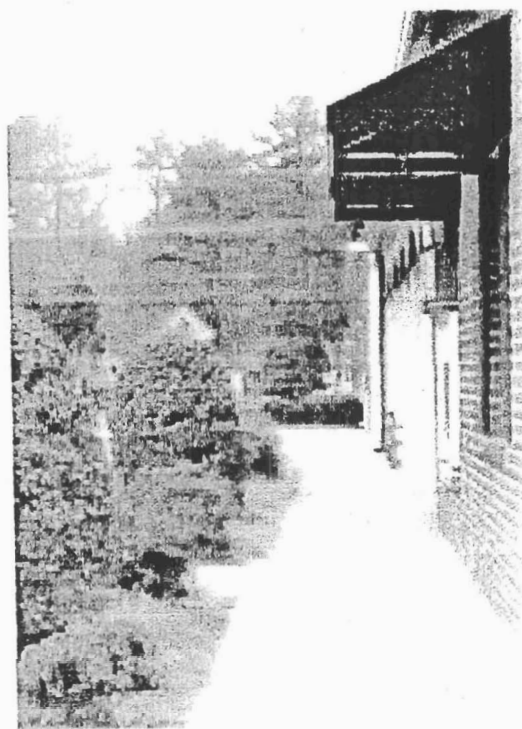
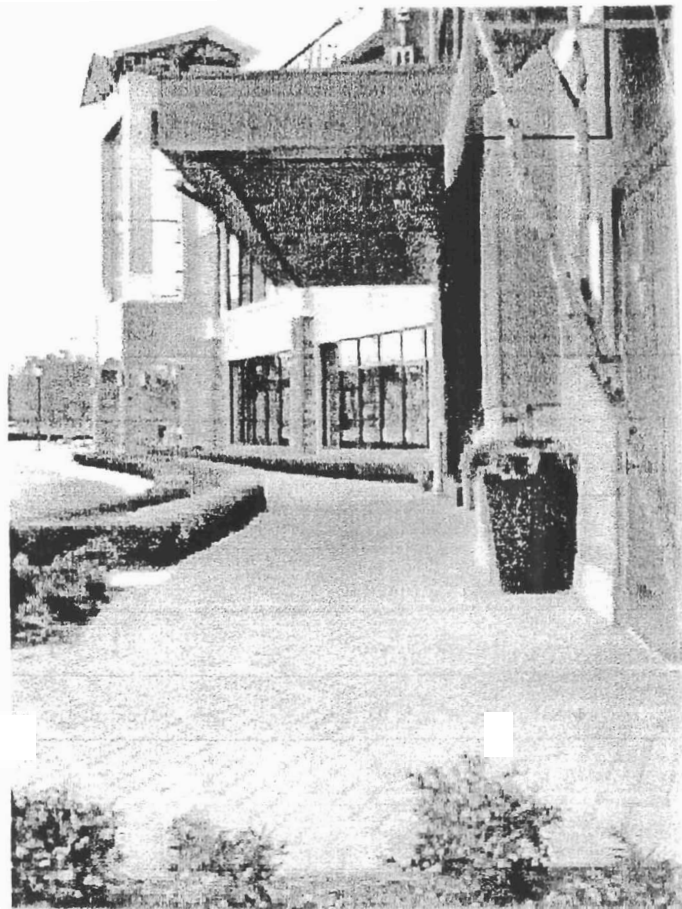
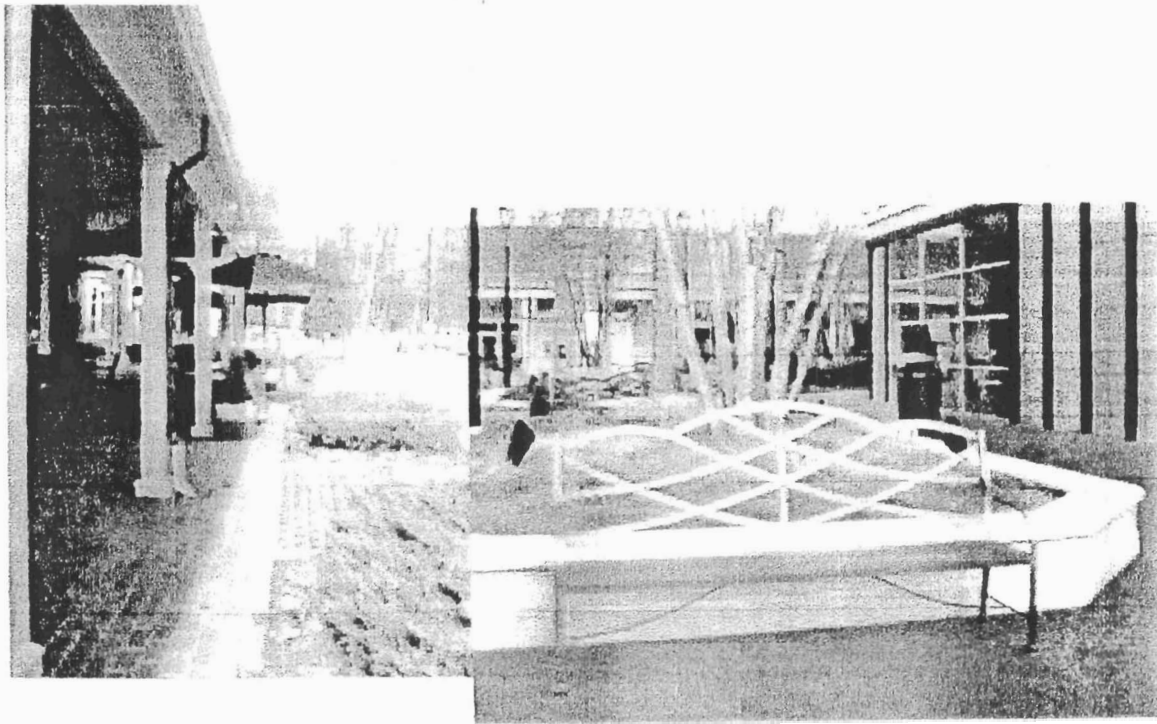
## The Promenade at Williamsburg Pottery

Traditional Building Forms with Transitional or Contemporary Detailing

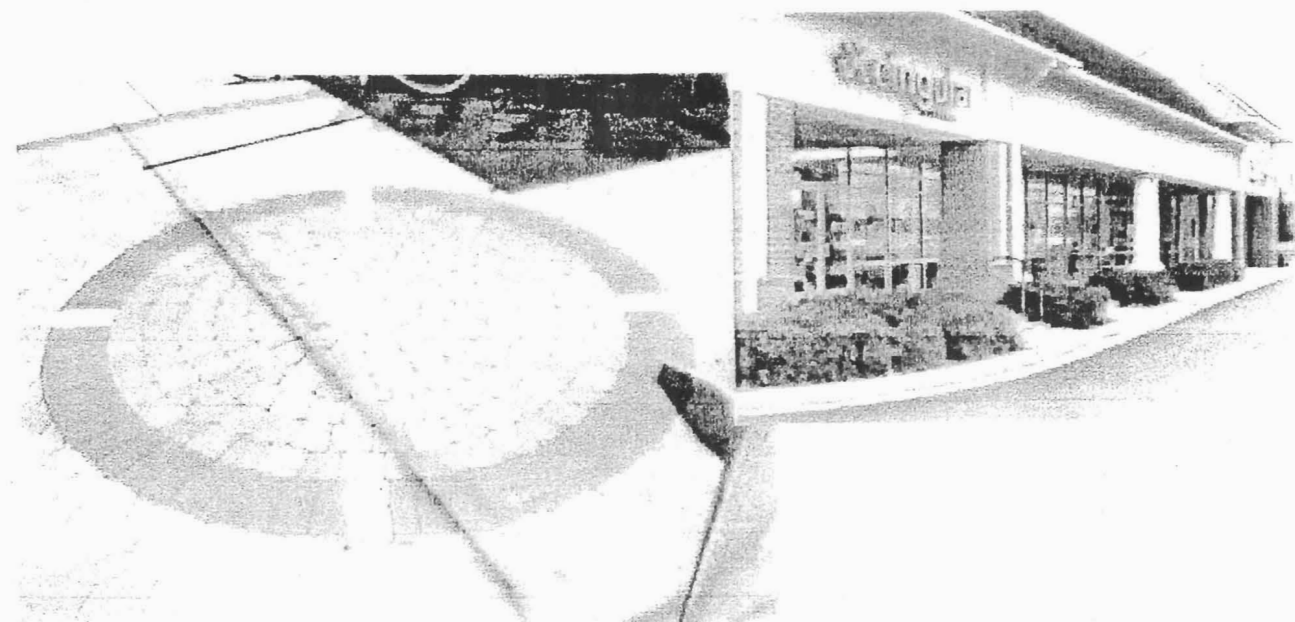
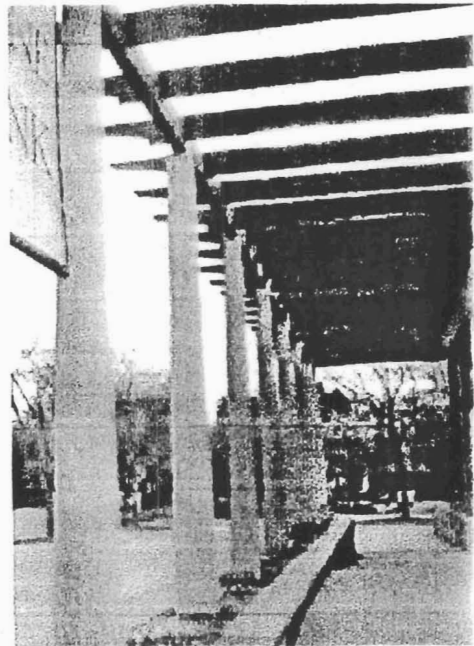
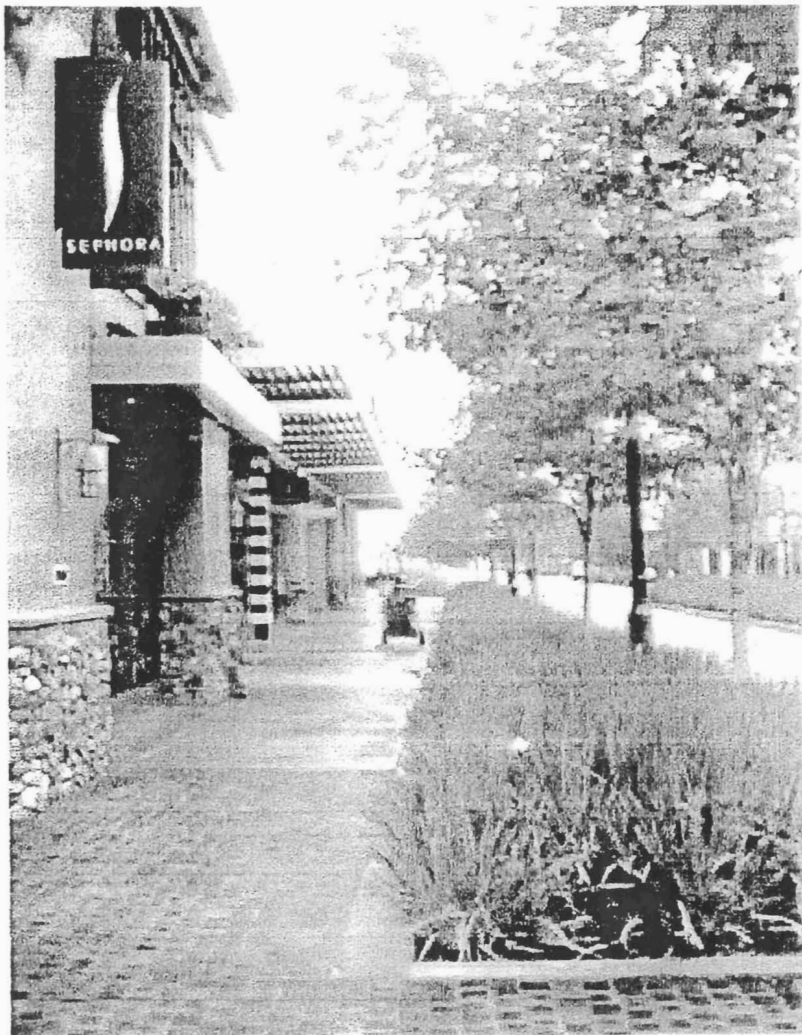


**The Promenade at Williamsburg Pottery**  
 Traditional Building Form with Transitional or Contemporary Detailing





The Promenade at Williamsburg Pottery  
The Promenade-



The Promenade at Williamsburg Pottery  
The Promenade



## PROFFERS

THESE PROFFERS are made this 24 day of February, 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, and revised January 25, 2007, (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 entrance into Parcel 3 of the Property shall either be located at (i) the existing entrance from Route 60 into the Williamsburg Pottery Factory or (ii) the approximate location shown on the Master Plan as "Relocated Signalized Crossover" and the location shall be shown on the site plan for the Property and subject to the approval of the Director of Planning and the Virginia Department of Transportation ("VDOT"). If the entrance is to be relocated, the existing entrance 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. In either location (i) an eastbound left turn lane with 200 feet of storage and a 200 foot taper; (ii) a westbound left turn lane with 200 feet of storage and a 200 foot taper and (iii) a westbound right turn lane with 150 feet of storage and a 200 foot taper shall be constructed at the entrance. Three egress lanes with at least 100 feet of storage consisting of two dedicated left turn lanes and one dedicated right turn lane shall be constructed at this entrance. Construction of these improvements shall be completed or bonded in form satisfactory to the County Attorney prior to the County being obligated to issue building permits for any building in the phase of the development served by this entrance.

(b) Owner shall install a right in, right out entrance to the Property from Route 60 on Parcel 2 of the Property 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 with 150 feet of storage and a 200 foot taper shall be constructed. One egress lane and one ingress lane with a raised channelizing island 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 building permits for any building in the phase of the development served by this entrance.

(c) Owner shall install a new entrance from Route 60 into Parcel 1 of 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 with 150 feet of storage and a 200 foot taper and an eastbound left turn lane shall be constructed.

Three egress lanes with 200 feet of storage consisting of two dedicated left turn lanes and one dedicated right turn lane and one ingress lane shall be constructed at this entrance.

At such time as a traffic signal is installed at this intersection and subject to VDOT approval, 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 building permits for any building in the phase of the development served by this entrance.

(e) Owner shall construct a right out only exit from Parcel 1 of 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 building permits 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 right turn lanes and entrances proffered hereby shall include four foot shoulder bike lanes.

(f) Prior to the County being obligated to issue building permits for more than 115,000 square feet of buildings on the Property. Owner shall conduct a traffic signal warrant study at the entrance from Route 60 into Parcel 2 of 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” and submit the study to the County and VDOT for their review and approval.

(g) At the time of site plan submittal, Owner shall submit to the County a traffic study of the Saturday peak hour traffic at the Property for the review and approval of the Director of Planning and shall incorporate any modifications to the improvements proffered in this Section that the study indicates are required.

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. The fence shall also be installed along both sides of the entrance located on Parcel 1. 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 building permits 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 or bond the upgrade in form satisfactory to the County Attorney prior to the County being obligated to issue any building permits 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.

(c) Owner shall install two standard size tree box filters capable of treating stormwater from approximately one-half acre of impervious cover in the parking lot in Parcel 3 of the property.

**8. Architectural Review.** (a) Owner has submitted to the County conceptual architectural renderings and Design Standards 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 as defined in the Zoning Ordinance.

(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: Kim A. Maloney  
Title: President

STATE OF VIRGINIA

CITY/COUNTY OF Williamsburg

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of February, 2007, by Kim Maloney as President of Williamsburg Pottery Factory, Inc. on behalf of the corporation.

James M. Sedberry Jr.  
Notary Public

My commission expires: 12/31/07

Exhibit A  
Property Description

## PLANNING DIRECTOR'S REPORT

### March 2007

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

- Rural Lands Study. Since the public forum on the draft narrative ordinance on Monday, January 29, staff has been collecting and documenting citizen comments. The Technical Committee will meet again in early March to review the comments and make final revisions to the narrative ordinance. The narrative ordinance will then be translated into specific ordinance language for the Planning Commission's and Board of Supervisor's consideration. Additional information and opportunities for comment can be found on the County's website at [www.jccegov.com/rurallands](http://www.jccegov.com/rurallands).
- New Town. The Design Review Board reviewed five cases in February. Three were resubmissions and two were new projects. The new projects included a new retail center and bank just east of Route 199 in Section 9. The resubmissions included two retail centers and an office building. One of the retail centers is also in Section 9.
- Better Site Design. The next Better Site Design Implementation Committee meeting will be March 7, 2007. The Committee has continued to work on the Principles via e-mail since the last meeting in January.
- Online Comment Database. CaseTrak was released for internal County use on February 5. Staff has been fixing errors, adding improvements, and preparing to transfer historical data into the new application. Public release is planned for early Spring of this year.
- Direct Discharge Septic Systems. An informational Policy Committee meeting was held to discuss staff's research on February 26. Staff has been directed to examine several topics more in depth and plans to bring a recommendation before the Committee for action in March.
- Planning Commission Annual Organization Meeting. The annual meeting for the election of officers (Chair and Vice Chair) was held at the Commission's February meeting. Jim Kennedy was elected Chair and Mary Jones was elected Vice-Chair. Mr. Kennedy also made committee appointments.
- Historic Triangle Corridor Enhancement. On Feb. 15 Staff meet with business owners and received feedback on the conceptual plan for phase 2 of Jamestown Road project. The Chamber of Commerce has agreed to chair the Historic Triangle Corridor Enhancement Steering Committee with the three area Economic Development Authorities administering the grant program for the multi-jurisdictional section of Route 60. James City County has already installed new landscaping in the median on Route 60 and reviewing ways to enhance/screen the railroad tracks.
- Board Action Results February 13.
  1. Case No. Z-5-06/MP-7-06. New Town Sections 7 and 8 (continued from January 9, 2007) **Adopted 4-1 (Harrison- NAY)**
  2. Case No. Z-7-06. New Town Sections 3 and 6 Proffer Amendment **Adopted 5-0**
  3. Case No. SUP-33-06. Johnny Timbers Tree Service **Adopted 5-0**
  4. Case No. HW-1-07. Warhill Sports Complex: Recreation Facilities (PPEA #2) **Adopted 5-0**
  5. Case No. ZO-02-06. Subdivision Ordinance Revision **Adopted 5-0**

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O. Marvin Sowers, Jr.