

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
APRIL 4, 2007 - 7:00 pm.

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A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SEVENTH DAY OF MARCH, TWO-THOUSAND AND SEVEN, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Planning Commissioners

Present:

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

Staff Present:

Marvin Sowers, Planning Director
Jennifer Lyttle, Assistant County Attorney
David German, Planner
Jose Ribeiro, Planner
Michael Woolson, Senior Watershed Planner
John Horne, Development Manager
Kathryn Sipes, Planner
Luke Vinciguerra, Planner
Toya Ricks, Administrative Services Coordinator
Ellen Cook, Acting Principal Planner
Darryl Cook, Environmental Director

Absent:

None

2. PUBLIC COMMENT

Mr. Kennedy opened the public comment period.

Mr. Gerald Johnson, 4513 Wimbledon Way, spoke about how the changes in the landscape due to cutting and filling for Phase II of Settlement at Powhatan Creek will not preserve forest cover. He also stated his concerns about the handling of storm water run off.

Ms. Donna Hale, 99 Castle Lane, spoke about the flooding St. George's Hundred during Hurricane Floyd. She stated that the County determined the solutions to be cost prohibitive. Ms. Hale said the flooding is related to upstream development.

Mr. Bill Unaitis, 221 Charleston Place, spoke about the inadequacy of water run off management in St. George's Hundred.

Ms. Mary Smallwood, 1102 London Company, represented the Jamestown 1607 Homeowners' Association and spoke about the drainage issues there.

Ms. Sarah Kadec, 3504 Hunters Ridge, represented the Concerned Citizens Group. Ms. Kadec requested money be appropriated in the Fiscal Year 2008 budget to assist with

the flooding problems in St. George's Hundred and Jamestown 1607.

Hearing no other requests the public comment period was closed.

Mr. Kennedy stated that the Planning Commission does not set the County's budget and recommended citizens speak to the Board of Supervisors.

3. MINUTES

A. February 7, 2007 Regular Meeting

Mr. Obadal motioned to approve the minutes.

Ms. Jones seconded the motion.

In a unanimous voice vote the minutes of the February 7, 2007 regular meeting were approved (7-0).

4. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee (DRC) Report

Ms. Jones stated that there were no cases on the February 28, 2007 agenda. She stated that the cases that were deferred at the January 31 meeting are still under review and will be considered at the March 28 meeting at 4pm in the Conference Room in Building A at the County Complex.

B. Policy Committee Report

Mr. Fraley stated that the Policy Committee met several times in February to complete its review of the James City County Capital Improvements Program for fiscal years 2008-2012. He stated that the role of the Planning Commission is to make recommendations to the Board of Supervisors concerning funding levels and priorities for County programs. Mr. Fraley thanked Staff for their assistance and said the Committee's recommendations will be presented to the Commission later in the meeting. The Committee also reviewed the Mixed Use Ordinance to clarify language concerning setback modification requests. Mr. Fraley stated that the proposed amendment will also be presented later tonight. The Committee considered a citizen request to amend the A-1 and R-8 Ordinances to permit direct discharge sewer systems for single family lots under certain conditions. The Committee identified four areas for staff to take under advisement.

5. PLANNING COMMISSION CONSIDERATION

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

Ms. Ellen Cook presented the staff report stating that the Initiating Resolution is necessary for consideration of an amendment to the Zoning Ordinance. She stated that adoption of the resolution does not approve the amendment. Staff recommended adoption of the resolution.

Mr. Obadal asked that the Commission be allowed to discuss the proposed resolution prior to adoption. He stated his intent to motion for deferral.

Ms. Jones stated that only the initiating resolution is currently under consideration and suggested holding the public hearing on the proposed amendment prior to making any recommendations.

Mr. Sowers requested the Commission act on the initiating resolution which only gives notice of the intent to discuss an amendment. He stated that discussion on the amendment will take place later on the agenda.

Mr. Obadal stated his concern that approval of the initiating resolution may limit the amendment that might be offered later.

Ms. Jones stated the initiating resolution would have to be adopted with discussion taking place after the public hearing on the matter is opened.

Mr. Sowers stated that Staff must reference the section of Code to be discussed. He added that if the Commission chose to expand the scope then another initiating resolution would be brought forth at a later date.

In a unanimous voice vote the Initiating Resolution was adopted (7-0).

6. PUBLIC HEARINGS

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

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

Mr. Kennedy stated that the applicants for both cases requested deferral.

Staff concurred with the requests.

The public hearings were opened.

Hearing no requests the public hearings were continued to the April 4, 2007 meeting.

C. Capital Improvements Program (CIP)

Mr. David German presented the staff report stating that Staff was forwarding recommendations for the 2008-2012 CIP. He said that following discussions with the Policy Committee, each program was given a numerical ranking based on how well it met current and future needs, matched Comprehensive Plan goals, or supported other County initiatives. Based on the numerical scores provided by Staff, presentations from applicants, and discussions held by the Policy Committee, priority rankings of high, medium, or low were assigned to each application by the Policy Committee members. Mr. German stated that items in a new category, Maintenance, were not ranked since they were not seeking to create a new asset or fund a new program, but were, instead, to provide for maintenance of existing County programs and facilities.

Mr. Billups asked for clarification of the concept “new” and how priority rankings were decided.

Mr. German stated that each program was evaluated on its own merit and the category “new” referred to items completely new to the CIP program.

Mr. Obadal asked that the drainage improvements requested by citizens earlier in the meeting be added to the list.

Mr. Kennedy stated that Board of Supervisors action would be required, but asked that the minutes reflect the request.

Mr. Obadal stated his desire that the citizen-requested drainage improvements be added to CIP recommendations as well as reflected in the minutes.

Mr. Kennedy stated that Ms. Kadec’s letter requesting funding for storm water management would be made a part of the record.

Mr. Billups suggested that the drainage improvements be included in the new category, Maintenance.

Mr. Sowers stated that he thought it best that the request be forwarded to the Board with an explanation that it was not submitted in time for representatives of the various departments to review or for the Policy Committee to rank.

Mr. Billups stated that the Commissions’ recommendations are tentative in nature anyway and suggested they be added to the list for the appropriate agency.

Ms. Jones stated her frustration that citizens’ requests be necessary for County action to be taken. She stated that she lives in Jamestown 1607, and has previously been flooded and had to move out during repairs to her home.

Mr. Obadal said he was okay with letters being forwarded along with the CIP; however, he wanted to be certain that the citizen-requested drainage improvements issue is highlighted for the Board, along with the other CIP recommendations.

Mr. Sowers agreed to do so.

Mr. Obadal recommended high ranking for the citizen-requested drainage improvements as well, as did Ms Jones and Mr. Billups.

Mr. Kennedy opened the public hearing.

Mr. Bill Geib, 104 Alwoodley, suggested that the accompanying visual aides be larger and easier to read.

Mr. Sowers stated that the information is available on the County's website and in the Planning office.

Hearing no other requests the public hearing was closed.

Mr. Krapf motioned to approve the recommendations as amended.

Ms. Jones seconded the motion.

In a unanimous voice vote the recommendations were approved (7-0).

D. SUP-34-06 Rawls Byrd Elementary School Parking and Bus Loop

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

Ms. Hughes asked if Mr. Vinciguerra had an opportunity to observe bus loading at Mathew-Whaley Elementary.

Mr. Vinciguerra stated that the buses line up in single file adjacent to a public road. He stated that it was a different situation.

Mr. Fraley stated that Commissioners were not informed of the public meeting held as they had requested.

Mr. Vinciguerra stated that Staff was also not made aware of the meeting until afterwards.

Mr. Billups said there was a lot of emphasis on child safety and asked if there have been any incidents relative the child safety.

Mr. Vinciguerra deferred to the question to the applicant.

Mr. Krapf asked if a sidewalk will be added to separate the bus parking lot from the bus loop.

Mr. Vinciguerra said there were no plans to add a sidewalk.

Ms. Hughes asked if a fence will be installed around the new parking area.

Mr. Vinciguerra stated that a proposed SUP condition has been drafted should the Commission desires to add it.

Mr. Obadal asked about overnight bus parking.

Mr. Sowers said that was a question for the applicant.

Mr. Kennedy opened the public hearing.

Mr. Robertson represented the Schools and asked that Mr. Billups' question be repeated.

Mr. Billups restated his question.

Mr. Robertson stated that there has been no specific incident and that the students are not currently in intimate danger.

Mr. Billups confirmed that the audit criteria were the only driving factors.

Mr. Robertson said it was the thought that a better way exists.

Mr. Obadal asked if it is better to anticipate or wait until something occurs.

Mr. Robertson stated that from a standpoint of liability prudence in action ahead of time must be shown.

Ms. Jones asked how long the current method has been in place.

Mr. Robertson stated at least the 15 years he was been with the school system.

Ms. Jones asked if over 30 years, as she has heard, is possible.

Mr. Robertson answered yes.

Mr. Jones asked if any parents had expressed concern.

Mr. Robertson stated that parents are on the audit committee.

Ms. Jones stated that she attended a PTA meeting where parents and teachers did not appear to be clear what aspect the audit committee determined was unsafe.

Mr. Robertson explained that teachers were upset at the perception that the current situation is unsafe. He stated that the aspects of concern are lack of visibility and walking between buses.

Mr. Obadal asked how far apart the busses are when parked next to each other.

Mr. Earl Powell, Director of Transportation said they park parallel and are staggered with approximately 10-12 ft. of space between.

Mr. Obadal confirmed that it would be difficult for the front bus driver to see behind his/her bus.

Mr. Powell said that was correct. He said they would have to depend on their mirrors.

Mr. Kennedy asked if any of the buses departed before all of the students are loaded and the area is cleared.

Mr. Powell said no.

Mr. Kennedy asked if there are monitors watching while the children are being loaded onto the buses.

Mr. Powell said yes.

Mr. Krapf stated that he observed the bus loading the previous Monday and stated that the loading process was very orderly with staff escorting students. He also stated that he considered the additional parking spaces a separate issue from the bus loop. Mr. Krapf referenced comments from neighbors and a teacher from a Hampton school with a similar loading arrangement that questioned if a safety issue truly exists.

Mr. Obadal asked how long the buses would be parked if they are allowed to park overnight.

Mr. Robertson stated that although there are no plans to park buses overnight the school division did not want to give up the possibility completely should the need arise.

Mr. Obadal suggested defining conditions that would warrant overnight parking on a temporary basis in lieu of prohibiting it entirely.

Mr. Powell stated that drivers are allowed to take their buses home and will park them in nearby school lots if they cannot park them at their homes. He stated that the operations center is a long distance from many routes so that this cuts down on fuel and operations costs.

Mr. Obadal stated that citizens are correct to be concerned that a number of buses will be parked at the school when none have been parked there before.

Mr. Powell stated that buses can be parked overnight at the school now although to his knowledge it is not currently being done.

Mr. Kennedy suggested adding a condition prohibiting overnight parking of buses if Mr. Obadal desired.

Mr. Obadal said he would like a provision that would allow overnight parking in cases of emergency or specific exceptions. He stated the need to be sensitive to residents.

Mr. Kennedy asked Ms. Lyttle to prepare a draft condition prior to Board of Supervisors consideration of the case.

Ms. Hughes asked if a safety audit had been performed with the buses parked end along the sidewalk in the loop instead of parallel. She suggested trying other solutions

before moving forward with a plan that significantly impacts the community. Ms. Hughes said she would not like to have a bus parking lot in front of her house and that the green space that would be removed is used by the school and the community

Mr. Robertson stated that the school system is the final arbitrator of safety and discussed the different groups and agencies that were consulted prior to moving forward with the current recommendation. He stated that the applicant considers the current proposal to be the better option.

Mr. Fraley stated he did not receive notice of the community meeting as he had requested.

Mr. Robertson apologized stating that he had communicated with Staff but not the Planner responsible for the case.

Mr. Fraley stated that he also observed the bus loading at the school and complimented staff on a very orderly process with everyone being alert and concerned for the students. He stated that he does not see a direct link between the safety protocol audit and current request.

Mr. Robertson stated that the committee has the freedom to make additional comments and that someone noted concerns with parallel parking and recommended diagonal style parking like other schools. He stated that based on that comment meetings were held with the Principal and the Director of Transportation. Mr. Robertson stated the applicant's opinion that although there is no eminent danger this proposal represents a better way.

Mr. Billups asked about the possibility of separating the parking lot addition from the bus loop expansion. He stated that the current situation does not rise to the level of foreseeable danger but a matter of supervision and administration assignment.

Mr. Robertson stated that they must look forward to the possibility of a problem. He also stated that the applicant was not opposed to separating the two issues with both moving forward for Board of Supervisor consideration.

Mr. Jack Marahens, 113 Laurel Lane, stated that he lives across the street from the school. He stated that it is more likely that a plane from the nearby airport would crash into the school than a child to be injured stating that for 20 years the buses parked nose to tail and in the past 10 years have been staggered and parallel all with no incident. Mr. Marahens stated that safety audit produced one comment recommending restructuring to eliminate students walking between buses and that money was allocated 2 years ago but nothing was done. He stated that on President's Day he observed that the only schools without parked buses were Mathew-Whaley and Rawls Byrd which are the only schools without a bus parking lot.

Mr. Franco Triolo, 100 Laurel Lane, referred the Commission to an email he sent to each Commissioner outlining his objections. He suggested the schools try something different and questioned who decided to parallel park the buses. Mr. Triolo stated that there

is no need to create what in his mind is a bus depot and recommended denial of the bus parking aspect of the request.

Mr. Ed Qualtrough Supervisor of Maintenance, 119 Shore Drive, stated that the present situation is not unsafe but questioned whether it can be done safer. He compared the scenarios to difference between dial-up internet and high speed internet stating that both work but asked which achieves W-JCC School's high standard. Mr. Qualtrough stated that concerning the airport, airplanes must change from their normal flight pattern so they do not fly over the school.

Ms. Jones asked if the buses will face the school under the proposed method.

Mr. Robertson said yes.

Hearing no other requests to speak the public hearing was closed

Mr. Kennedy stated that the Commission had the option of separating the two requests. He also asked Commissioners to consider Comprehensive Plan General Land Use Standard #1 and Land Use Goals, Strategies, and Actions, Strategies #1 and #2 in evaluating the application.

Ms. Hughes motioned to separate the two requests. She stated that she can support the parking lot addition and encouraged the school system to consider all the parking needs and traffic flow completely. She also referenced Section 24-9 Special Use Permits outlining items to be considered when evaluating a special use permit request in stating her concerns about the bus loop expansion.

Mr. Sowers passed out a list of the SUP conditions separated according to each issue. He also stated that a condition requiring fencing off the play area could be added if Commissioners desired.

Mr. Kennedy asked about a condition concerning overnight bus parking.

Mr. Sowers said it could also be added.

Mr. Obadal asked that it be added with the modifications he discussed earlier.

Mr. Kennedy asked that Staff draft such a condition.

Mr. Billups questioned the legality of prohibiting overnight bus parking.

Mr. Kennedy said it could be added as a condition.

Ms. Jones seconded the motion.

In a unanimous voice vote the motion was approved (7-0).

Mr. Obadal motioned to approve the rear parking addition with amending the SUP conditions to included conditions concerning fencing and overnight bus parking.

Ms. Jones seconded the motion.

Mr. Billups confirmed that the conditions distributed tonight matched those in the packet with the exception of the fence.

Mr. Sowers said that was correct.

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

Ms. Jones motioned to deny the request for bus loop expansion.

Mr. Billups seconded the motion.

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

Mr. Sowers suggested forwarding to the Board of Supervisors a recommendation that should the Board choose to approve the bus loop that the condition be added restricting overnight bus parking.

Ms. Hughes suggested also recommending a condition requiring a traffic analysis of the area.

In a unanimous roll call vote the Commission agreed to forward both recommendations to the Board of Supervisors and made the following statement:

“The Planning Commission wished to state its rejection of the use of the diagonal bus parking area for overnight parking of school busses; however, it agrees that overnight parking could be allowed in unusual or in emergency circumstances such as those involving weather stating that adjacent property owners should not have to bear the burden of having a bus parking lot during non-school hours within view of their property.”

The Planning Commission subsequently added Comprehensive Plan Goals, Strategies, and Action, Strategy #5 as reason for its denial of the bus loop expansion and overnight bus parking.

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

Ms. Ellen Cook presented the staff report stating that Staff has recognized the need to amend and reordain JCC Code, Chapter 24, Zoning, Article V, Districts, Division 15, Mixed Use, MU, 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. Ms Cook stated that the amendment is necessary to eliminate ambiguity between the terminology used in the title of the section and the terminology used in the first sentence and to permit setback waiver modification requests in Mixed Use Districts regardless of Comprehensive Plan Designation. Ms. Cook also noted several other proposed amendments. She stated that on February 27, 2007 the Policy Committee voted to forward the recommendations to the Planning Commission.

Mr. Obadal asked if the intent of adding the word “external” to paragraph A is to totally eliminate setbacks that are interior.

Ms. Cook stated that specifying the word “external” means setbacks would be from external roads and there would be no setbacks from internal roads in a Mixed Use District.

Mr. Sowers added that Mixed Use Districts have to go through rezoning and that during either the rezoning or development plan process is when setbacks are established. He stated that this amendment allows more flexibility.

Mr. Obadal asked where that authority is given.

Mr. Sowers said the authority would be given under the section of the Ordinance being considered.

Mr. Obadal stated that the effect then would be to eliminate internal setbacks entirely.

Mr. Kennedy asked Ms. Lyttle to comment on Mr. Obadal’s statement.

Ms. Lyttle asked for a moment to research the answer.

Mr. Obadal asked Ms. Cook to repeat her earlier reference to Cluster developments.

Ms. Cook stated there was an error in the memorandum and that R-4 should have been used, instead of Cluster, along with PUD in comparing Districts with large master planned communities that have flexible setbacks internal to the District.

Mr. Obadal stated his thoughts that setbacks included an interior setback.

Mr. Kennedy stated that he would entertain a motion to defer this item due to the complexity of the issues.

Mr. Obadal said that would be acceptable.

Mr. Billups asked if the application sought to exclude external setbacks and asked if that would be on a case by case basis.

Ms. Cook clarified that the setback would for roads external to the Mixed Use District.

Mr. Billups asked what would happen with a development that runs parallel to a Corridor road.

Ms. Cook stated that they would need to have the setback from that external road unless they applied for a waiver.

Mr. Billups referenced the term "Planning Director or designee" and asked what authority a designee would have without Board approval.

Ms. Cook stated that the term "or designee" had been removed per the Policy

Committee's comment.

Mr. Billups motioned to defer the application.

Ms. Jones seconded the motion.

Mr. Kennedy asked that Commissioners forward their questions and concerns to Staff to be research prior to the case being considered again.

Mr. Kennedy opened the public hearing.

Hearing no requests the public hearing was continued.

In a unanimous voice vote the application was deferred (7-0).

Mr. Fraley thanked Ms. Cook for her work on the application.

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

Mr. Sowers explained that the current plan depends upon the previously proposed Ordinance Amendment and stated that staff would like to present the application and have it considered but that final decision would have to be deferred until the April meeting.

Ms. Jones asked if the Ordinance was being changed for this case.

Mr. Sowers explained that certain aspects of the master plan would require waivers that would be permitted under the amendment.

Mr. Obadal asked if the case could proceed by waiver rather than Ordinance change.

Mr. Sowers stated that the current configuration of the master plan for this case and the Pottery case later on the agenda would require an Ordinance Amendment.

Mr. Obadal asked if the proposal could go through legislative processing and be evaluated by Ordinance requirements current at the time of site plan approval rather than the Ordinance established at the time of Master Plan approval.

Mr. Sowers said no.

Ms. Jones asked for clarification that three cases depend upon the Ordinance being changed for them to be consistent.

Mr. Sowers said that the master plans currently under consideration are not consistent with the Ordinance.

Mr. Obadal asked if a change in waiver criteria rather a setback change might be a solution.

Mr. Sowers answered yes.

Mr. Jose Ribeiro presented the staff report stating that 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 zoning district, with proffers. The development proposed with this rezoning will create up to 51 single-family affordable and mixed-income residential lots and three new streets. The properties are designated Low Density Residential on the 2003 Comprehensive Plan Land Use Map and can be further identified as Parcel Nos. (1-105), (1-104), (1-103), (1-102), (1-101), (1-99), (1-97), (1-96), (1-95), (1-94), (1-93), (1-92), (1-90), (1-89), (1-88), (1-87), (1-86), (1-85), (1-84), (1-83), (1-82), (1-81), (1-80), (1-79), (1-78), (1-77), (1-76), (1-75), (1-75A), (1-75B), (1-74), (1-73), (1-72), (1-71), (1-70), (1-69), (1-68), (1-67), (1-66), and (1-65), on JCC RE Tax Map No. (39-1). Low Density Residential areas are suitable for development with gross densities of one to four dwelling units per acre. This phase of the proposed development would have a gross density of approximately 5.4 dwelling units per acre. The gross density of the entire development will be 3.6 dwelling units per acre.

Mr. Fraley said he had difficulty reading the master plan and asked for confirmation that phase 2 has less open space than required but that taken in totality with Phase 1 and 3 the application exceeded open space requirements.

Mr. Ribeiro said that was correct.

Mr. Fraley asked for the location of the 1.32 acres of open space.

Mr. Ribeiro showed the parcel on the location map stating that it is not labeled on the plan.

Mr. Fraley said he did not notice any LID (Low Impact Design features).

Mr. Ribeiro said they are not labeled but are included on the master plan.

Mr. Fraley asked if they need to be labeled to be compliant.

Mr. Ribeiro said Staff will ask the applicant to label them.

Ms. Jones asked why LID was not proffered.

Mr. Ribeiro said they have not been proffered but are provided as part of the master plan.

Mr. Obadal stated that the plan is totally residential and asked how it fit into Mixed Use.

Mr. Ribeiro said that although there are no commercial venues the plan provides a variety of housing styles and densities and open space.

Mr. Sowers added that this proposal is phase 2 of a larger revitalization plan and that phase 1 has a variety of different housing types such as single-family and assisted living, and office space.

Mr. Obadal state that he felt the apartment still fit in the category of residential.

Mr. Sowers stated that to some degree the proposal is similar to New Town where there are specific residential sections that include single-family, multi-family and mixed areas.

Mr. Obadal said the statement that the plan is consistent with the Mixed Use Ordinance and Comprehensive Plan is not accurate because the Ordinance would need to be amended.

Mr. Ribeiro said it is consistent with the exception of setbacks.

Mr. Obadal stated that he felt there is a provision that might come close to allowing a waiver of some sort. He said it would be worthwhile to consider in order to move the case forward.

Ms. Hughes asked if LID measures are only going to be proposed if the regional storm water basin is not used.

Mr. Ribeiro said they will remain regardless of utilization of the regional storm water basin.

Ms. Hughes asked about the rezoning of five homes where signatures were not obtained.

Mr. Sowers said that 5 of the 40 properties owners in this particular phase were unwilling to sign onto the rezoning so the Board initiated the rezoning of them.

Mr. Kennedy asked if the increase from 40 to 52 lots is a result of condemnation.

Mr. Sowers deferred to the applicant.

Mr. Fraley asked the difference between master planned items and proffered items.

Mr. Sowers stated that proffers do not give as much flexibility as something shown on the master plan. He stated that the DRC can permit changes to development plans under certain circumstances.

Mr. Fraley asked which have more legal standing.

Mr. Sowers said master plans have the ability to be more flexible.

Mr. Kennedy opened the public hearing.

Mr. Rick Hanson represented the applicant and detailed the history of the project. He stated that the County received a total of \$1,384,000 in Community Development Block grants towards the revitalization. Mr. Hanson also stated that a redevelopment concept plan was created with community input. He stated that 39 new single family homes in addition to 5 new homes built by Habitat for Humanity and Housing Partnership will be affordable and made available to the workforce community. He also stated that the applicant will proffer that 20 of the 39 will be restricted to be sold to low and modern income households with the others being available to varying incomes in order to created a mixed income community.

Mr. Hanson detailed the applicant's participation in the Earthcraft House Certification Program, a voluntary green building program.

Mr. Kennedy asked if the affordable concept was a change from original proposal.

Mr. Hanson said it was consistent.

Mr. Kennedy asked if all the homes had been expected to be affordable previously.

Mr. Hanson said it had not been specified in redevelopment plan. He said the revitalization plan designated 36 as the target for the number of affordable units. He stated that the Community Block Grant application designated 36 homes as affordable which includes Ironbound Village.

Mr. Fraley asked if the affordable homes will be spread throughout the community not isolated in one section.

Mr. Hanson answered yes and stated that all the homes will be similar in construction.

Mr. Kennedy asked if they would be rental housing.

Mr. Hanson stated that all the homes will be sold through Housing and Community Developments Housing Incentive Program which can provide financing for above the low or moderate levels.

Ms. Jones asked if the affordable homes will be available to people with higher incomes.

Mr. Hanson explained that 20 of 39 homes will be sold to families with low to moderate incomes. He stated that the other 19 may also be sold to people who would qualify as low to moderate; however the guarantee is that at least 50% will be.

Mr. Obadal asked if this is similar to a soft mortgage that would prevent resale.

Mr. Hanson stated that 20 homes are projected to sell for under \$160,000 and that all 39 sold will be sold through the affordable housing incentive program whose objective is to provide assistance primarily to first time buyers.

Mr. Kennedy informed the applicant that he was over the time limit.

Mr. Hanson completed his presentation and invited questions.

Mr. Obadal asked the project to prevent homebuyers from receiving a windfall by selling.

Mr. Hanson stated that all or a portion of the funding provided is repaid if property is sold.

Ms. Jones asked Mr. Hanson to address issue regarding residents currently living in the neighborhood.

Mr. Hanson stated within phase 2, 29 homes were acquired by Williamsburg Redevelopment and Housing Authority and 9 were retained in private ownership. He stated that of those 9 privately owned 4 signed the rezoning application and 5 did not. Mr. Hanson went on to say that of the 5, they are still in purchase negotiations with 3 and that the other 2 have chosen not to sell.

Ms. Jones stated she thought this was a matter of rezoning not purchasing of property and asked if this is part of a condemnation.

Mr. Hanson stated that 2 of the 3 properties will require the purchase of some of their property in order to construct the cul-de-sac.

Ms. Jones asked the location of those homes.

Mr. Hanson indicated the lots on a location map stating that they are negotiating the purchase of portions of the rear of the 3 properties. He stated that it was determined that one of the homes was not suitable for redevelopment so they will purchase the entire parcel.

Ms. Jones asked how much of the rear properties they are trying to purchase.

Mr. Hanson said approximately 50 feet of the rear of the properties.

Mr. Kennedy asked if the homeowners were limited to selling to the County or face condemnation.

Mr. Hanson stated that Certificates of Condemnation had been acquired for 3 properties.

Mr. Kennedy asked if they intended to seek redevelopment of the homes.

Mr. Hanson said they will redevelop the one house.

Mr. Kennedy asked if this was more of a taking than voluntary.

Mr. Hanson stated that although they were negotiating with the property owners they are required to move quickly because the redevelopment plans have a termination period.

Mr. Kennedy recalled when the original case was before the Board of Supervisors in 2002 due to condemnation, and asked if condemnation is how the applicant is creating 50 lots from the 42 existing.

Mr. Hanson said the 2002 plan did not specify the exact number of lots. He stated that the 3 lots in question are not being subdivided into additional lots. He said those will remain intact minus the portion used for the roadway.

Mr. Kennedy asked if the number of lots was an increase from the proposal in 2002.

Mr. Hanson said the 2002 proposal designated land use but did not specify the number of units.

Mr. Kennedy said he believed the number of lots was part of the proposal.

Mr. Hanson stated that the revitalization plan submitted prior to the redevelopment did include the number of lots which was proposed as 49.

Mr. Kennedy asked what percentage of James City County citizens will purchase in this development.

Mr. Hanson said priority is given to those who live or work in the County with no distinction made between the two.

Mr. Kennedy asked what percentage would be made up of people who live or work in the County.

Mr. Hanson said nearly all.

Mr. Kennedy stated that with 90% availability that would address the need for housing for people who live or work in the County. He also stated his concerns about condemnation aspects facing homeowners.

Mr. Billups asked about the racial make-up of the people property was being taking from.

Mr. Hanson said the homeowners include minorities.

Mr. Billups asked the racial composition of the 3 homeowners whose property was been taken.

Mr. Hanson stated that they are minorities. He also stated that many of the residents whose properties were purchased were investors and not minority.

Mr. Billups stated his concern with the use of taxpayer dollars to condemn and take away property from individuals to build houses for others.

Mr. Hanson stated that of the 5 that did not sign the rezoning application only 1 lot was being taking as a whole and that the others will retain some of their property. He added that portions of the rear of 2 properties were being bought and that the other 2 will retain their land.

Ms. Jones asked if the cul-de-sac could be moved down to lot 11 rather than hurt current residents.

Mr. Hanson said the house that is located on lot 13 is right on the boundary of parcel 11 which would cause a problem.

Ms. Jones asked if the problem is that a house could not be built on it.

Mr. Hanson stated that moving the street down would interfere with the house going on lot 13.

Ms. Jones asked if a house was going on lot 11.

Mr. Hanson stated if the street were moved to where lot 11 is the house would be

right on the edge of lot 13.

Ms. Jones said she did not understand the rationale of taking property from homes that already exist instead of moving the street and taking property from lot 11 which does not currently exist.

Mr. Kennedy reminded Commissioners that the matter before them is the issue of rezoning and asked Commissioners' thoughts on the rezoning aspect.

Mr. Hanson said that lot 13 has a house on it and moving the road will impact that house.

Mr. Jones said the road will be next to a house regardless.

Mr. Billups noted that the lots will be approximately 5,000 sq. ft. or 50x 100 and that in order to increase the number of lots property was being taken from existing lots to create additional homes.

Mr. Horne noted that the Commissioners had not heard from the public and advised continuing with any other factual questions and deferring comments until the public has had an opportunity to speak.

Ms. Jones pointed out that the master plan Commissioners received differed from the plan being shown. She stated that the lot she identified as number 11 is actually number 12.

Mr. Fraley asked why LID was not proffered in the proposal.

Mr. Hanson said he was not aware of the need to do so and that he thought master plan notation was sufficient.

Mr. Aaron Small of AES Consulting Engineers stated that his experience has shown that if it was shown on the master plan and specifically labeled they are required to use it. He also stated their intent to do so regardless of the use of a regional storm water basin. Mr. Small said they have an alternate plan for storm water management if the basin is not adequate stating that storm water management is non-existent on site currently.

Ms. Carolyn Boyd-Tucker, 116 Carriage Road, stated that her deceased father was the original owner of the property. She stated that she did not sign the rezoning application saying they were offered and told many different things. Ms. Boyd-Tucker said she just wanted to keep what she had.

Mr. Douglas Canady, 4356 Ironbound Road, stated that although he has not received any offers to buy his home he has had surveyors on his property without his permission. He said he was only told that he will no longer have access to his property from Ironbound Road. Mr. Canady added that the salary structure in the community will not accommodate the mortgages which he expects will be \$900 per month for the new homes. Mr. Canady also stated the impact of dust from the construction at New Town.

Mr. Obadal asked Mr. Canady if he had been offered any money for his home.

Mr. Canady said no

Mr. Obadal asked if he had been offered a trade for one of the new homes.

Mr. Canady answered no.

Mr. Collins Tucker, 116 Carriage Road, stated that two women came to his home and that he told them did not want to sell. He said they were pushy and he had to ask them to leave. Mr. Tucker stated that he is against rezoning and that the proposed road will come right by his property. Mr. Tucker also questioned how older, current residents will get along with the residents of the new homes.

Mr. William Jones, 4363 Ironbound Road, stated that he is a member of the Ironbound Square Neighborhood Association. He stated that they will do anything they can to make the neighborhood better. Mr. Jones stated that residents have expressed dissatisfaction with the widening of Ironbound Road as opposed to the rezoning itself.

Mr. James Peters, 17 Magruder, of AES Consulting Engineers stated that fronting the homes on Ironbound with rear access was desired by the community members who attended the public meetings.

Hearing no other requests to speak Mr. Kennedy continued the public hearing.

Ms. Jones stated that Ironbound Road could have been very easily widened in the other direction. She stated that she felt it unfortunate that it was widened in this manner significantly impacting families that have been there a number of years.

Mr. Fraley stated that the area does need rezoning. He stated that the manner chosen hurts people.

Mr. Billups motioned to defer the application.

Ms. Jones seconded the motion.

In a unanimous voice vote the application was deferred (7-0).

G. SUP-32-06/MP-11-06 Prime Outlets 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. The properties can be identified as JCC RE Tax Map Nos. 3310100028, 3310100029, 3310100033A, 3310100033D, 3310100033E, 3310100033F, 3310100033G, and 3330100002. The property is zoned B-1, General Business, with proffers and is designated Community Commercial on the Comprehensive Plan Land Use Map. Lands designated 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 the amount of impervious surface proposed.

Ms. Sipes answered 74%.

Mr. Obadal stated that the Ordinance calls for no more than 60 %.

Ms. Sipes stated that that is a current Ordinance requirement and that some of the site was constructed prior to that requirement.

Mr. Obadal stated that if it is considered a redevelopment it should meet the current Ordinance requirements.

Ms. Sipes deferred the question to Mr. Cook, Environmental Director.

Mr. Obadal restated his question and asked if the applicant received an exception.

Mr. Cook stated that a large part of the site was developed prior to the Ordinance requirement.

Mr. Obadal said that does not mean they should be over 60% in this new area which is going to be torn up and re-done anyway.

Ms. Sipes stated that the overall site will be a total of 74% impervious surface cover which includes both the new and older sections.

Mr. Obadal asked the amount of impervious cover in the new area

Mr. Cook stated that an exhibit prepared by applicant shows 73%.

Mr. Obadal stated that the last two phases were approved at 60% impervious cover and came in at over 90%

Mr. Cook said that was incorrect. He stated that they were approved at 60% and came in at 66%.

Mr. Obadal confirmed that that is 6% over.

Mr. Cook said that according to the applicant's exhibit that is correct.

Mr. Obadal asked why that occurred.

Mr. Cook deferred the question to the applicant. He stated his belief that the project was constructed according to the site plan which showed 60%.

Mr. Obadal asked if the site plan did not accurately state the amount of impervious surface cover.

Mr. Cook stated that according to the exhibits submitted that is correct.

Mr. Obadal asked if Staff checked.

Mr. Cook said Staff does not have the ability to check and relies on the certification of the professionals preparing the plan.

Mr. Obadal said the professionals are employees of the applicant.

Mr. Cook said they also have professional responsibilities as well.

Mr. Obadal asked what the parking would be for the new site if it were calculated at the stated ordinance level.

Ms. Sipes and Mr. Obadal discussed the calculation of the parking requirements based on gross square footage compared to net square footage and the Zoning Administrator's interpretation.

Ms. Sipes stated that using gross square footage 4.3 spaces per 1,000 square feet would be provided with this proposal and using net square footage 5.5 spaces per 1,000 square feet would be provided with this proposal.

Mr. Krapf asked for clarification if the issue is the amount of square footage not related to retail operations such as for storage.

Ms. Sipes stated that non-retail square footage does not contribute to the parking demand.

Mr. Obadal stated that his opinion is that the words of the Ordinance should still be followed.

Ms. Jones asked if the Ordinance allows a 20% reduction at the discretion of the Zoning Administrator.

Mr. Kennedy asked the Commissioners to reserve additional comments until the public hearing was opened.

Mr. Fraley thanked Ms. Sipes for a very well written staff report.

Ms. Hughes asked if a food court as discussed previously has been included. She also asked if provisions for off-site parking and green building techniques had been proffered. Ms. Hughes asked if LEED measures will be provided.

Ms. Sipes said the food court is included and showed the proposed location on the location map. She said no condition had been included for off-site parking and noted a letter provided by the applicant explaining measures taken during highest peak day last year, the Friday after Thanksgiving, and their verbal agreement to continue to use similar measures.

Mr. Kennedy stated that success can be measured in different ways. He stated that there was still off-site parking on the sides of the road in Chisel Run and in the parking lot where he rents space. Mr. Kennedy also asked about traffic mitigation to address traffic concerns on the night in question when the mall was open at midnight.

Ms. Sipes deferred Mr. Kennedy's question to the applicant and stated that Staff discussions determined that there was no other demand on the roads at that time so that only Prime customers were involved in the traffic congestion.

Mr. Sowers stated there are no provisions in the current application to make any changes pursuant to that issue.

Mr. Kennedy stated that emergency services needing access to homes in that area would have had difficulty. He said the proposal is an improvement over what has happened before but needs more work.

Ms. Sipes stated that traffic concerns were not expressed by other agencies such as the Fire Department. She also answered Ms. Hughes stating that the proposal does not include a condition requiring green building techniques.

Mr. Billups asked if any recommendations were made by the Fire or Police Departments concerning measures that they would like to have included in the plan.

Ms. Sipes said they had the opportunity to make comments and had not replied with any recommendations.

Mr. Billups asked if it was necessary for those agencies to make such a request when the need is obvious.

Mr. Kennedy said he heard that there were a few physical altercations at two stores where only a limited number of customers were allowed in at a time due to staffing constraints. He asked if Staff had received any similar reports.

Ms. Sipes said Staff did not receive a report from the police department that indicated those were not isolated incidents.

Ms. Hughes asked if the bio-retention areas in the previous SUP that would have been in a buffer remain.

Mr. Cook said it is no longer there. He stated that a number of bio-retention trenches are proposed in locations outside proposed buffers.

Ms. Hughes asked if he had a chance to study and approve the proposed rain tanks.

Mr. Cook said he had researched the products and saw no reason to deny them. He stated his only concern is that pre-treatment of the water is critical so that he is requiring at least two pre-treatment features.

Ms. Hughes asked if the funds being provided for the clean-up in Chisel Run were adequate.

Mr. Cook stated that the amount is based on the length of stream to be restored.

Ms. Hughes asked if Mr. Cook had any reservations about the pervious concrete being proposed.

Mr. Cook stated that he is not very familiar with the product. He stated that based on his research he determined that it would be appropriate in the areas proposed.

Mr. Obadal asked if the light purple areas shown on the map are all pervious cover for the most part.

Mr. Cook showed the three primary locations of pervious pavement.

Mr. Obadal said he was not familiar with the third area.

Mr. Cook said the third location proposes that drive aisles between the parking spaces will be normal pavement while the parking spaces themselves will be pervious.

Mr. Obadal asked if the feature will run the full length of the L-shaped building in the area.

Mr. Cook answered yes and showed the entire area on the map.

Mr. Obadal stated that he knew Mr. Cook worked a long time on this proposal and commended him on the final product.

Mr. Kennedy opened the public hearing.

Mr. Gregory Davis with Kaufman and Canoles represented that applicant and presented the proposal. Mr. Davis stated that the plan was innovative and progressive in addressing impacts and the Commissioners' previously stated concerns. He stated that the most notable features are the addition of promenades in the largest parking lots for pedestrian walkability that will include pervious concrete for aesthetics and environmental sensitivity. Mr. Davis noted that Commissioners received a demonstration in the lobby of how the system works. He also highlighted other features of the plan including overall reduction in the percentage of the project that will be impervious, improvements to the BMP along the road, the use of LID techniques, the SUP condition providing \$200,000 for stream restoration which represents the total cost of restoration not just Prime's share, LEED certification, and improved landscaping along the Community Character Corridor to include Ewell Station and the Comfort Inn sites, and the provision of approximately 5.95 parking spaces per 1,000 square feet of retail. Mr. Davis presented the applicants Peak Day Parking Plan and stated that they are amenable to the addition of a condition requiring LEED certification.

Ms. Hughes stated she was pleased with a lot of the changes such as LID, pervious pavement, promenades, interconnectivity within facility, and the food court. She stated her concerns that even with off-site parking they are still impacting residents of Chisel Run and asked how the applicant proposed to address that.

Mr. Davis stated that they only had anecdotal evidence of the problems. He stated they have increased the amount of parking with each application. Mr. Davis stated that the applicant proposes to address parking concerns with an off-site parking plan, use of police officers, a signage plan included in the SUP conditions, and the possible closing of some entrances including those nearest neighborhoods. He added that they cannot add an SUP condition for the off-site parking plan because the plan relies on continued permission of the owners of those off-site facilities.

Mr. Fraley asked about internal signage discussed previously and asked if there are plans to provide additional signage.

Mr. Davis answered yes. He showed the areas of proposed internal signage and stated that the signage is subject to Staff approval.

Mr. Billups asked if all store entrances are internal.

Mr. Davis said yes they are internal to the site and not adjacent to the road.

Mr. Obadal asked if the area in front of the Food Lion will be repaved.

Mr. Davis said some areas will be replaced with pervious pavement.

Mr. Kennedy stated his concern that security be tightened with convenience facilities provided and monitoring of off-site parking.

Mr. Davis said that during the midnight opening on Black Friday the left lane of Richmond Road was open for emergency vehicles.

Mr. Kennedy read a statement from Ms. Sarah Kadec, of James City County Concerned Citizens group commending the applicant on the planned environmental features and proposed stream restoration. She stated that the impervious surface cover is still excessive and urged the use of water reuse systems and green roof technology. Ms. Kadec recommended approval.

Ms. Diana Luzinski, 110 Alwoodley, commended the Commissioners concerns with the lack of adequate landscaping proposed by the Williamsburg Pottery Factory. She expressed the importance of the landscaping along Richmond Road and stated that clear cutting contributes to water problems and destroys the beauty.

Mr. Doug Gebhardt of the James City County Economic Development Authority stated that Prime Outlets represents the eighth largest tax payer in the County. He stated that the planned improvements, increase in sales tax revenue, and architectural unification of the Corridor are positives for the County. Mr. Gebhardt stated their support of the proposal.

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

Mr. Fraley stated his pleasure with the environmental features and traffic mitigations measures proposed by the plan. He also thanked Ready-Mix representatives for their work on the proposal.

Ms. Jones noted the positive fiscal impacts. She said she will support the project.

Mr. Obadal congratulated the applicant on a superb job.

Ms. Hughes encouraged more applicants to come forward early in their design in order to generate better solutions early in the process. She stated that the proposal is the poster child for hard work by Staff and the applicant.

Mr. Billups thanked Ms. Sipes for her work on the project as well as the applicant and other County Staff. He thanked Ready-Mix for their osmosis demonstration.

Mr. Fraley motioned to approve the application as amended to include a condition requiring LEED certification.

Mr. Obadal seconded the motion.

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

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

Mr. Kennedy stated that the applicant has requested deferral until the April 4, 2007 meeting.

Mr. Sowers stated that Staff concurred.

Mr. Kennedy opened the public hearing

Hearing no requests the public hearing was continued.

In a unanimous voice vote the application was deferred (7-0).

7. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented the report in the Commissioners' packet.

8. ADJOURNMENT

There being no further business the Planning Commission was adjourned at 11:35 p.m.

James Kennedy, Chairman

O. Marvin Sowers, Jr., Secretary

**JAMES CITY COUNTY
DEVELOPMENT REVIEW COMMITTEE REPORT**

FROM: 3/1/2007 THROUGH: 3/31/2007

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-041-06	Prime Outlets Ph. 6 Lighting
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-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
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

Wednesday, March 28, 2007

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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-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-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-103-05	Colonial Heritage Ph. 4	1 /22/2009
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-031-06	Shell Building - James River Commerce Center	4 /26/2007
SP-074-06	Settlers Market at New Town Sec 9	12/4 /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-033-06	Chickahominy Riverfront Park	3 /20/2007
SP-147-06	Cell Tower 6489 Richmond Rd Ewell	3 /21/2007
SP-003-07	George Nice and Sons	3 /7 /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-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-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-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-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-064-06	Colonial Heritage Ph. 3 Sec. 2	12/1 /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-036-06	Vineyards at Jockeys Neck Ph 3	3 /8 /2007
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D. EXPIRED

EXPIRE DATE

AT A REGULAR MEETING OF THE DEVELOPMENT REVIEW COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD IN THE BUILDING A CONFERENCE ROOM AT 4:00 P.M. ON THE 28th DAY OF MARCH TWO THOUSAND SEVEN.

ROLL CALL

Mr. Jack Fraley
Ms. Mary Jones
Ms. Shereen Hughes
Mr. George Billups

ABSENT

Mr. Jim Kennedy

ALSO PRESENT

Mr. Matthew Smolnik
Mr. Jose Ribeiro

MINUTES

Following a motion by Ms. Jones and seconded by Mr. Billups, the DRC approved the minutes from the January 31, 2007 meeting without correction by a unanimous voice vote.

PUBLIC COMMENT

CASES AND DRC DISCUSSION

C-1-07: New Town Section 2 & 4 Shared Parking Update

Mr. Smolnik presented the case stating that the DRC deferred action on the shared parking update at their January 2007 meeting due to concerns between New Town Associates, LLC and several business owners and the location of several permanent carports within the Block 8 parking lot. Mr. Smolnik stated that Mr. Larry Salzman had met with the business owners of New Town and their issues have been resolved as outlined in the letter attached to the staff report. Staff indicated that the locations of the carports were an issue that the DRC had to vote on as Staff did not have any objection to their current location. At this point, Mr. Smolnik recommended that the DRC approve the shared parking update, the locations of the carports and requested that the next shared parking update be heard at the September 5th DRC meeting. Mr. George Billups asked staff who participated in the shared parking agreement. Mr. Smolnik stated that all those who park within Sections 2 & 4 of New Town participate in this agreement. Mr. Salzman presented his case with a brief history of the shared parking concept and discussed the resolution with the business owners of New Town. Mr. Jack Fraley then followed up with a short overview of how the DRC reviews the shared parking updates to two of the newest appointees to the DRC. Mr. Fraley explained what was discussed at the January DRC meeting and how the locations of the carports had changed from what the DRC had previously approved. He confirmed that the private matter between New Town Associates, LLC and the business owners had been resolved. Mr. Fraley asked Mr. Salzman to explain on record what the final solution

was, as outlined in his letter. Mr. Salzman stated that the DRC should ask New Town Associated, LLC and Mr. John Hagee if there is still adequate parking within Block 8 before any plans of development are approved for Block 11 in Section 2 & 4. Mr. Billups expressed his concern that there may not be adequate parking at the time of build out. At this time Ms. Mary Jones asked if there was anyone from the public who would like to speak. A citizen asked Mr. Salzman that if a parking deck was needed in the Town Center, when would it be needed and who would pay for this feature? Mr. Salzman stated that he was very confident that a parking deck would not be needed in his lifetime and that if it was ever needed that the merchants and Commercial Association would be responsible for the cost. Mr. Andy Piplico, owner of the carports mentioned that the New Town Design Review Board, New Town Associates and James City County had all approved the location of the carports in their current location. A motion was made by Ms. Jones for approval of the shared parking update, the relocation of the carports and for a deferral of the next shared parking update until the September 5th DRC meeting, which was seconded by Mr. Fraley. The motion passed by a voice vote of 4-0.

SP-007-07: Williamsburg Community Chapel Nursery Wing

Mr. Ribeiro presented the case stating that a site plan for a 3,300 square feet expansion to an existing nursery wing at the Williamsburg Community Chapel site was before the DRC for a determination of Master Plan consistency. Mr. Ribeiro outlined the proposal and stated that staff believed that the 3,300 square feet addition to the exiting nursery wing was consistent with the intent of the original and approved master plan and that it did not altered the character of the approved Master Plan for the church. Mr. Billups inquired as to the purposes of the expansion. Mr. Rob Campbell, executive administrator for the church responded that the expansion would mainly allowed for additional interior space facilitating the internal traffic flow of parents dropping children in and out during church services. Ms. Hughes asked if the applicant was aware that approval of this proposed expansion would affect and potentially compromise approval of subsequent expansion to the church site. Mr. Grimes of AES, responded that the applicant was aware of this fact. Mr. Billups asked if the current expansion could in the future become a multi-use space structure. Mr. Frye, representing the church, responded that the expansion is intended only to better organize internal space of the existing nursery and other uses are being considered at the moment. Ms Hughes noted her concern with the high degree of impervious surface already existent on the site and if there were any impervious surfaces addition to the site in the future that it should require more scrutiny from plan reviewers. Ms. Jones concurred with Ms. Hughes and further expressed that the Williamsburg Community Chapel has been an asset to James City County. There being no further discussion, and following a motion by Mr. Billups and a second by Ms. Jones, the DRC voted to recommend approval of a finding of Master Plan consistency by a vote of 3-0.

ADJOURNMENT

Ms. Mary Jones, Chairman

O. Marvin Sowers, Jr., Secretary

RESOLUTION

**INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING AND
SUBDIVISION 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 Section 24-7 of the Zoning Ordinance to increase the fees charged for rezonings, appeals to the Board of Zoning Appeals, application for administrative variance, to add fees for public hearing applicant deferral request, conceptual plan review, zoning verification request, site plan fee for additional review after the second submission and Section 19-15 of the Subdivision Ordinance to add a fee for additional review of a subdivision plan after the second submission. 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:

O. Marvin Sowers, Jr.
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 4th Day of April, 2007.

MEMORANDUM

DATE: April 4, 2007

TO: The Planning Commission

FROM: Tamara A. M. Rosario, Senior Planner II

SUBJECT: 2008 Comprehensive Plan Methodology and Timeline

Section 15.2-2230 of the Code of Virginia states, “[a]t least once every five years the comprehensive plan shall be reviewed by the local planning commission to determine whether it is advisable to amend the plan.” Accordingly, the Planning Commission will soon be undertaking the task to update the James City County 2003 Comprehensive Plan. This process has taken 12 to 24 months in the past; staff has identified specific milestones associated with the progress of this task and has incorporated them into a proposed timeline (Attachment A).

Additionally, the Regional Issues Committee (RIC) has recommended a simultaneous comprehensive plan review process for the jurisdictions of York County, James City County and the City of Williamsburg. This concept has been endorsed by the Planning Commissions of all three jurisdictions and a tentative schedule has been established allowing for a 2010 joint review. This timeline incorporates a series of discussion forums, starting mid-year 2007, to identify those areas requiring coordination and, potentially, joint decision-making between the three localities. Staff has taken this process into consideration in the development of the timeline for the James City County 2008 Comprehensive Plan update.

The original intention of staff was to begin the 2008 update process with the adoption of the Comprehensive Plan methodology in spring 2007. The proposed methodology is attached for consideration at this time (Attachment B); however, staff now believes the official “kick-off” of the 2008 update should take place in fall 2007. The primary reason for this shift is that the 2008 update will likely be a process that lasts 18 to 22 months, followed immediately by initiation of the regional update. This will result in comprehensive planning tasks from 2007 through much of 2010. Given the required focus of staff during this time, staff believes the immediate six months could best be spent on projects already in progress and finalizing various projects from a variety of sources, including the Board of Supervisors, the Strategic Management Plan, the Planning Commission, and the General Assembly. A proposed project list is attached (Attachment C) which identifies these items, many of which are substantial and time sensitive in nature. Additionally, Attachment C identifies preliminary projects associated with the 2008 update that are proposed for completion between now and October 2007, including the adoption of the methodology and timeline, the development and completion of citizen surveys, preliminary transportation discussions, and the initiation of regional forums. It also identifies projects that would be deferred until after the 2008 Comprehensive Plan update.

Staff recommends the Planning Commission approve the attached methodology and timeline, in recognition of the Planning Division's work program. At its meeting on March 21, 2007, the Policy Committee endorsed the proposed methodology and timeline as presented by a vote of 4 to 0. Staff anticipates presenting the documents for the Board of Supervisors' consideration at its April 24, 2007 meeting.



Tamara A. M. Rosario

Attachments:

1. Comprehensive Plan Review Timeline (Attachment A)
2. 2008 Comprehensive Plan Methodology (Attachment B)
3. Planning Division Work Program (Attachment C)
4. Policy Committee Meeting Minutes, March 21, 2007 (Attachment D)

COMPREHENSIVE PLAN REVIEW TIMELINE

April 7, 2007

TASK	Apr-07 to Sep-07	Oct-07	Nov-07	Dec-07	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	
WORK ON PRELIMINARY TASKS	X																					
PC - Review and approve methodology	X																					
Conduct citizen surveys	X																					
Complete background transportation elements	X																					
Hold regional discussion forums*	X																					
KICKOFF OFFICIAL REVIEW PROCESS		X																				
Assemble communications team		X																				
Develop and refine communications plan		X	X																			
Assemble CPT		X	X																			
CPT - Plan for community input		X	X	X	X	X	X	X	X	X												
Hold 1st round of public meetings						X																
Prepare technical reports and GSAs			X	X	X		X	X	X													
Hold 2nd round of public meetings										X												
Receive land use applications							X															
Internal review of land use applications								X	X			X	X	X								
SC - Review sections and land use applications										X	X	X	X	X	X	X	X					
SC - Review and approve final text and maps																			X	X		
PC - Review and approve Comp Plan																					X	
BOS - Review and approve Comp Plan																						X

* Subject to discussions with York County and City of Williamsburg staffs regarding the best timing of the forums given the needs of the jurisdictions

- PC = Planning Commission
- BOS = Board of Supervisors
- CPT = Community Participation Team
- SC = Steering Committee

- GSAs = Goals, Strategies, and Actions

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2008 Comprehensive Plan Methodology

Introduction

Section 15.2-2230 of the Code of Virginia states, “[a]t least once every five years the comprehensive plan shall be reviewed by the local planning commission to determine whether it is advisable to amend the plan.” Accordingly, the Planning Commission will soon be undertaking this task to update the 2003 Plan. Additionally, as recommended by the Regional Issues Committee (RIC) and endorsed by the Planning Commissions of York County, the City of Williamsburg, and James City County, the three jurisdictions will sponsor a series of discussion forums throughout 2007. The forums will allow the Planning Commissions to exchange ideas and to hear from the public. They are also intended to identify any areas which require coordination and, potentially, joint decision making among the localities. After completion of the 2008 James City County Comprehensive Plan review all three jurisdictions will undertake a simultaneous comprehensive plan review process in 2010.

Groundwork

Much of the groundwork has already been laid for the upcoming Comprehensive Plan review. The previous Comprehensive Plans of 1991, 1997 and 2003 have enjoyed much success and provided important building blocks for the future. The following highlights provide a basic understanding of the processes used in the past:

- ☐ A timeline, extending less than two years and completed largely in-house by County staff.
- ☐ A heavy community participation effort led by a ten-member citizen Community Participation Team (CPT) comprised of three Planning Commission members and seven citizens at-large, and staff; multiple rounds of community meetings; a citizen survey; and Internet, newspaper, FYI Newsletter, television, and call-in input opportunities.
- ☐ Policy development, goals and actions approval, land use decisions, and drafts of plan considered first by a six-member Steering Committee (four Planning Commission members, a Board of Supervisors liaison, and an elected member of the CPT) and acted upon by the Planning Commission and Board of Supervisors.

Components

The Comprehensive Plan review process can be broken down into several components. Staff proposes that the 2008 Comprehensive Plan review process combine the most successful elements from past Comprehensive Plan methodologies with several new initiatives which are highlighted below.

Community Participation

Through its community participation efforts in the 1991, 1997 and 2003 Comprehensive Plan reviews, James City County was able to garner a significant amount of public support for the Comprehensive Plan. Consequently, the community as a whole places great value on the

document and built expectations about its role in the plan's development. For these reasons, staff proposes using many of the same elements of community participation for the 2008 review.

Community Participation Team

With guidance from the Board of Supervisors, the Planning Commission will appoint various leaders in the community to serve on this team which is comprised of three Planning Commission members and seven citizens. In their primary role as the Comprehensive Plan review "cheerleaders," working to mobilize residents and local business owners alike to become involved in the process, the members will encourage, publicize, facilitate, and report citizen participation.

Direct Public Input Opportunities

Public input is envisioned to remain the guiding force of the Comprehensive Plan. To this end, there will continue to be a wide range of opportunities for public input. The main input opportunities will be:

1. Facilitated Public Meetings, "Community Conversations"

Community Conversations will be utilized once again to receive specific feedback from the public. Location of meetings will vary throughout James City County with various start times to make participation easier and more convenient. In the past, a typical format included a staff presentation to start the meeting, followed by citizens breaking into small groups to answer questions and brainstorm on topics. Citizen volunteers were trained to serve as facilitators of the small groups. All input was then documented and made available at public locations. Additional meeting formats may be employed as well.

2. Stronger Internet Presence

A focus on Internet presence was one of the innovations during the last Comprehensive Plan review and staff is proposing to expand its use during this review. In addition to posting information and advertising the meetings, the Internet site will solicit public comment directly, poll citizens on particular topics, and may take applications for land use map changes.

3. Other Opportunities

A myriad of other opportunities for public data and input collection were utilized in the previous reviews and will undoubtedly be used during this review. They include newspaper mail-ins, calls to the office, letters to the office, a video call-in program, and public hearings, among others.

Communications

Planning, Neighborhood Connections, and Communications staff will establish an internal team to manage all aspects of communicating the Comprehensive Plan, from publicizing the process to making final documents available. Staff has already outlined a communications plan to include use of the FYI Newsletter, Neighborhood Connections monthly mailings, press releases, and the video center. Other avenues of publicity will be flyers, articles, editorials, direct mailings, and email subscription lists. Documents will be placed in centralized locations, such as the Planning office, the libraries, and the

County website. A carryover from the last review will be publication of the land use applications in the paper and/or on the Internet.

Staffing Innovations

Planning staff is responsible for ensuring that the methodology adopted by the Planning Commission is adhered to throughout the process. An innovation staff proposes this year allows staff in other County departments to volunteer to be involved in the process. We believe this new involvement will substantially improve the quality of our product by enabling designated staff members to maintain focus on particular issues throughout the process. Volunteers will benefit from this methodology, in that this represents a significant cross-training opportunity. It provides direct hands-on experience in developing the Comprehensive Plan and helps staff volunteers to build a new skill set that may be utilized in their current positions once the update effort has been completed.

Staff will ask the County Administration to identify 10 employee volunteers who will work on the Comprehensive Plan a maximum of not more than eight hours each week for the duration of the Comprehensive Plan update process. Planning staff will initially identify each volunteer "advocate" on a designated topic area which is considered to be a vital item to address during the update. Advocates will gather information on their assigned topics, attend most meetings related to the Comprehensive Plan, and report back as needed. An advocate will be assigned a strategic planning goal (e.g. affordable housing) and will be responsible for learning about how affordable housing is addressed in other jurisdictions, talking to local citizens and organizations involved in or seeking affordable housing opportunities, and working with others who generate provisions which might lead to creation of more affordable housing policy in the Comprehensive Plan.

Benefits of this proposal include increased interaction, coordination with other departments, and a better final product that all James City County staff can stand behind. It also allows for the opportunity for cross-training, and will provide skills that will readily translate to other projects.

Policy and Plan Development

Working hand in hand with the community participation component of the process is the development of policies and the creation of the actual plan. Each section of the Comprehensive Plan (e.g., Economic Development, Parks and Recreation, Land Use) has traditionally undergone a similar review process whereby staff gathers statistics, prepares a background report assessing current conditions and citizen comments, researches policy initiatives, recommends goals and objectives, processes land use changes, and revises the section's current language. The information is presented first to the Steering Committee, then to the Planning Commission, and finally to the Board of Supervisors for final approval. These steps are described in more detail below.

Steering Committee

The Steering Committee is composed of six members: a liaison from the Community Participation Team, four Planning Commissioners, and a Board member. Staff prepares

technical reports; a compilation of public comments; and goals, strategies, and actions for each topical area for the Steering Committee's consideration. The Steering Committee typically meets for an intensive period of time to revise each section of the plan. An opportunity for additional public input may exist during this period.

 **Gathering of Statistical Information**

Staff is already in the process of gathering statistical information which will be compiled into a number of technical reports on demographics, economics, and housing. This statistical information is used in conjunction with the background reports to lend a more thorough understanding of the topic. Additionally, as recommended by RIC and envisioned by the Board of Supervisors and the Planning Commission, this year staff will begin coordinating the kinds and presentations of data it collects with the staffs of York County and Williamsburg with a goal of making all information directly compatible for the 2010 collective update.

 **Preparation of Background Reports**

Background reports are prepared on each section to inform the Steering Committee of any history, current conditions, and public comment for that section. Trends are analyzed and comparisons are made to other jurisdictions in the region. In many instances, companion documents and technical analyses such as a Level of Service study, are included in the background reports.

 **Research and Development of Policy Recommendations**

After examining statistical information and background reports, the Steering Committee holds policy discussions for certain sections. Staff researches and presents material, including any new initiatives, for these discussions, and makes only needed recommendations to the Committee.

 **Recommendation of Goals, Strategies and Actions**

Staff develops a series of goals, strategies, and actions for each section based upon the public input and policy direction for the section. The Steering Committee reviews and approves these goals, strategies, and actions before they are incorporated into the plan text.

 **Land Use Application Process**

An important part of the development of the land use section is the revision of the land use map. Although staff reviews the land use map and initiates some changes, the majority of requests come from landowners seeking to redesignate their properties. Landowners are requested to complete an application early in the process. These requests are then advertised, public comment is solicited, staff reviews the application, and recommendations are passed onto the Steering Committee. The Steering Committee evaluates each request, and passes the recommendations onto the Planning Commission and Board of Supervisors for final approval.

 **Revision of Plan Document Sections**

The actual text of the Comprehensive Plan document is revised for each section. The text includes a brief history, important statistics and/or maps, pertinent policy

discussion, a summary of citizen input, and the goals, objectives, and strategies and actions. The land use map and other miscellaneous maps are physically revised as well. The draft plan document is approved first by the Steering Committee, and then presented in a public hearing to the Planning Commission and Board of Supervisors for final approval.

☐ Publication of the Document

Once the Board has approved the draft document, the work effort then shifts to publishing the document. This involves collecting photographs, using publishing software, polishing the land use map, making final edits, and bidding the job to a printer. With the last revision, the document was also posted to the Internet and available on CD. Through these methods, far fewer "paper copies" are produced, making them cost-efficient and environmentally-friendly options.

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PLANNING DIVISION WORK PROGRAM - PROPOSED AND DEFERRED PROJECTS

April 7, 2007

A. Tasks - Next Six Months

1. Rural Lands Ordinances (residential)
A) Finish technical ordinance writing & B) ordinance illus. and other finishing work related to Phase I
2. Better Site Design Implementation (Street Width Reduction Policy Review, Residential Ordinance Review (R-1 setback change), brochures, other ordinance changes, etc.)
3. Corridor Enhancement - Jamestown Rd. Phase 2 Grants, Concept Plan, Landscaping
4. Landscape Other Corridors
5. Multi-Jurisdictional Enhancement Project
6. Update/coordinate Information on Planning & Economic Development Websites
7. Ordinance Amendments: a. Update ordinances to incorporate General Assembly changes
b. Public Use District Ordinance Amendment
c. Discharge Sewer Systems Ordinance Amendment
d. Fee Revisions Ordinance Amendment
8. Toano Area Study Implementation - Historic District, Streetscape Plan, Matching & Enhancement Grants
9. Biannual Traffic Counts
10. CCC Buffers in Non-Residential Districts (reference document)
11. Adequate Public Facilities - Schools (cumulative data policy)
12. School Cash Proffer Update
13. Rural Lands Phase II (non-residential)
14. Traffic Impact Study Improvements
15. Deadlines for Revised Proffers and Master Plans
16. Online Comment Database Phase II 1/2
17. Comp Plan Methodology and Timeline Documents
18. Comp Plan Surveys
19. Comp Plan Transportation (Staff and PC training, Evaluation of 2030 plan)
20. Comp Plan - Regional Forums*

B. Tasks - Later (Six Months and Beyond)

A. Comprehensive Plan - Main Process
B. Other Tasks
1. Cash Proffers for Transportation and Other Facilities
2. Adequate Public Facilities Policy: transportation, water
3. Subarea Plans
4. Ordinance Amendments: a. Affordable housing fee waivers
b. Family Subdivisions (legacy)
c. Truck stops
d. Agricultural uses in buffers
e. Bike lanes for by-right development
f. Residential density calculations in conservation areas (may be examined by Comprehensive Plan)
g. Curb and Gutter Cluster Density Bonus
h. Outlet mall parking
5. Affordable Housing Policy
6. Development Potential Analysis
7. Sidewalk Agreements/Alternative Arrangements
8. Fiscal Impact Study Changes - standards, JCC prepared reports

* Subject to discussions with York County and City of Williamsburg staffs regarding the best timing of the forums given the needs of the jurisdictions

POLICY COMMITTEE MEETING

Setbacks in Mixed-Use Districts, Comprehensive Plan Methodology and Timeline
March 21, 2007, 10:00AM, Building A Large Conference Room

A. Roll Call

PRESENT:

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

OTHERS PRESENT:

Ms. Tamara Rosario, Senior Planner II
Ms. Kate Sipes, Planner
Ms. Ellen Cook, Senior Planner
Ms. Melissa Brown, Acting Zoning Administrator
Mr. John Horne, Development Manager
Mr. Marvin Sowers, Planning Director
Mr. Jose Ribeiro, Planner
Ms. Jennifer Lyttle, Assistant County Attorney

D. New Business – Comprehensive Plan Methodology and Timeline

Ms. Sipes provided for review the methodology and timeline for the 2008 Comprehensive Plan. The timeline identifies tasks with the kickoff to occur in October 2007, which recognizes the work program for staff during the next six months. It is an approximately twenty-month long process that will incorporate staff and citizen input. There will also be a regional effort with York County and City of Williamsburg that will begin late 2007 with public forums and end in 2010 with a synchronized Comprehensive Plan review process.

Ms. Rosario focused on certain elements such as the Community Participation Team (CPT) and Steering Committee. This methodology and timeline is based on previous experience although there is room for modifications. During the CPT and Steering Committee meetings the public is welcomed and comments are encouraged.

Ms. Jones suggested general information sessions for the public before the citizen meetings are held. Mr. Krapf added to that with the idea of having informal seminars, and short segments on the Channel 48 to state the issues and the elements that go into updating the Comprehensive Plan.

Mr. Fraley had suggested having smaller focus groups with emphasis on certain issues instead of having more generalized citizen input meetings.

Ms. Rosario explained that the two rounds of public meetings serve different purposes. The first round of meetings is generally broad in nature in order to understand the most important issues to citizens and to come up with a vision as to where the County is headed. The second round would define the vision and determine citizen support for various ways to implement the vision.

Ms. Jones stated that last time through the Community Conversations public meetings, citizens met as a whole, and then broke up into smaller groups. It might be helpful this time to separate into smaller groups based on topics of interest.

Mr. Fraley offered time for public comments. Several citizens spoke in support of topical public meetings to provide the community with more background on various Comprehensive Plan subjects and requested that they be well advertised. Mr. Krapf motioned to approve the methodology and timeline as presented by staff. Ms. Jones seconded the motion, and it passed 4 to 0.

E. Other Business

Mr. Fraley stated the Land Conservancy has volunteered to map the non-developable and sensitive areas in the County. This is an undertaking that intern from William and Mary is doing for a project. This project would include categories such as wetlands, historic sites, undeveloped land, etc. Mr. Fraley questioned whether this would be helpful to staff and would want to be involved. Ms. Rosario said that staff would want some role to help ensure the accuracy of the information and to offer suggestions.

F. Adjournment

The meeting was adjourned at 12:25pm.

Jack Fraley
Chairman

**SPECIAL USE PERMIT-35-06. Kenneth Brooks' Contractor's Warehouse
Staff Report for the April 4, 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.

<u>PUBLIC HEARINGS</u>	<u>Building F Board Room; County Government Complex</u>	
Planning Commission:	January 10, 2007	7:00 p.m.
	February 7, 2007	7:00 p.m.
	March 7, 2007	7:00 p.m.
	April 4, 2007	7:00 p.m.
Board of Supervisors:	(N/A)	

SUMMARY FACTS

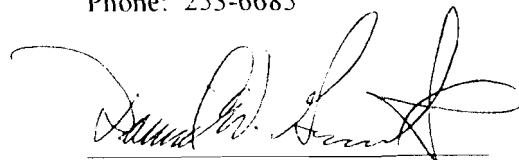
Applicant:	Mr. Timothy Trant of Kaufman & Canoles, on behalf of Kenneth and Diana Brooks
Land Owner:	Kenneth and Diana Brooks
Proposal:	To allow for, and properly permit, an already constructed contractor's warehouse/office. Contractors' warehouses, sheds and offices are specially permitted uses in the 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 withdrawn his application for a Special Use Permit for this case. Staff acknowledges this action by the applicant, and recommends that the Planning Commission close its public hearing and ends its consideration of this application.

Staff Contact: David W. German

Phone: 253-6685



David W. German, Planner

ATTACHMENTS:

1. Applicant letter withdrawing SUP application

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

March 28, 2007

VIA HAND DELIVERY

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

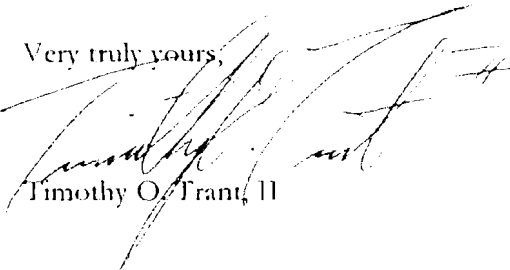
RE: *Kenneth Brooks Contractor's Warehouse*
JCC Case No. SUP-035-06
Our Matter No. 122112

Dear David:

This firm represents Kenneth Brooks (the "Applicant") in connection with the above-referenced application. Please be advised that our client, Kenneth Brooks, hereby withdraws the application from consideration by James City County. Accordingly, please remove this application from inclusion on the agenda of and from consideration at any future Planning Commission and/or Board of Supervisors meetings, and any public hearing notices therefore.

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

Very truly yours,



Timothy O. Trant, II

TOT/emj

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

Staff Report for the April 04, 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

Building F Board Room; County Government Complex

Planning Commission:	March 07, 2007	7:00 p.m. (Applicant deferral)
Planning Commission:	April 04, 2007	7:00 p.m. (Applicant deferral)
Board of Supervisors:	April 10, 2007	7:00 p.m.

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 May 02, 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 April 04, 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

Building F Board Room; County Government Complex

Planning Commission:	March 07, 2007	7:00 p.m. (Applicant deferral)
Planning Commission:	April 04, 2007	7:00 p.m. (Applicant deferral)
Board of Supervisors:	April 10, 2007	7:00 p.m.

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 May 02, 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@ghflaw.com

VERNON M. GEDDY, JR. (1924-2005)
STEPHEN D. HARRIS
SHELDON M. FRANCK
VERNON M. GEDDY, III
SUBANNA B. HICKMAN
RICHARD H. RIZK
ANDREW M. FRANCK

March 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 May 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.

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March 28, 2007

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Thanks for your help.

Sincerely,



Vernon M. Geddy, III

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

**SPECIAL USE PERMIT CASE NO. SUP-1-07 A-Stat Restoration Services
Staff Report for the April 4, 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 **7:00 p.m.; Building F Board Room; County Government Complex**
Planning Commission: April 4, 2007 7:00 PM
Board of Supervisors: May 8, 2007 7:00 PM (tentative)

SUMMARY FACTS

Applicant: Mr. Mark Kaisand, Powhatan Springs, LLC
Land Owner: Powhatan Springs, LLC.
Proposal: To construct approximately 12,000 sq. ft. of office buildings and 6,800 sq. ft. of outdoor storage.
Location: 133 Powhatan Springs Road
Tax Map/Parcel: (46-2) (1-9)
Parcel Size: 2.13 +/- acres
Existing Zoning: R-8, Rural Residential
Comprehensive Plan: Low-Density Residential
Primary Service Area: Inside

STAFF RECOMMENDATION

The applicant has requested deferral of this case until May 2, 2007 in order to resolve various issues associated with the case. Staff concurs with this request.

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

Agricultural and Forestal District 2-86-2. Croaker AFD (5325 & 5375 Riverview Road Addition)

Staff Report for April 4, 2007, Planning Commission meeting

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

PUBLIC HEARINGS

Building F Board Room; County Government Complex

AFD Advisory:	March 19, 2007	4:00 p.m.
Planning Commission:	April 4, 2007	7:00 p.m.
Board of Supervisors:	May 8, 2007 (tentative)	7:00 p.m.

SUMMARY FACTS

Applicant:	Mr. Thomas Ballard
Land Owner:	Mr. Thomas Ballard
Location:	5325 & 5375 Riverview Road
Tax Map/Parcel No.:	(15-3) (1-32) & (15-3) (1-35a)
Primary Service Area:	Outside
Parcel Size:	21.13 acres total
Existing Zoning:	A-1, General Agricultural
Comprehensive Plan:	Rural Lands
Surrounding AFD Land:	The two parcels are surrounded on the west and south by other parcels located in the Croaker AFD.
Staff Contact:	Jason Purse, Planner - Phone: 253-6685

STAFF RECOMMENDATION:

Staff recommends that the AFD Advisory Committee recommend approval of the addition to the Croaker AFD to the Planning Commission and Board of Supervisors.

At their March 19, 2007 meeting the AFD Advisory Committee concurred with staff and voted 8-0 to recommend approval of the Croaker AFD addition.

Project Description

The two parcels are wooded with approximately 800 feet of combined frontage along Riverview Road. The parcels have not been developed and there are steep slopes and wetlands along the rear of the property. This area is best protected by its current land use and approval of this AFD would aid in the protection of this environmentally sensitive portion of the site. The property is outside of the Primary Service Area (PSA).

History

This property was added to the Croaker AFD in 1993; however, the property was not renewed as a part of the 1994 Croaker AFD District renewal process due to a clerical error made by the staff at that time. The owner of the properties wishes to include these parcels in the AFD program, as he desires to leave the properties undeveloped and benefit from the tax breaks he receives as a part of the land use taxation. Mr. Ballard currently has another property totaling 53.170 acres enrolled in the Croaker AFD.

Surrounding Land Uses and Development

This parcel is zoned A-1, General agricultural, and is surrounded by both wooded and farmed land that is a part of the Croaker AFD. There are smaller residential lots across Riverview Road from this parcel, but a majority of the parcels are over 5 acres. The forestal use on this parcel is compatible with the surrounding land uses and development in the area.

Comprehensive Plan

The Comprehensive Plan designates this parcel as Rural Lands. One Comprehensive Plan objective calls for protecting and preserving the County's agricultural and forestal lands and activities. The Agricultural and Forestal District program supports this objective.

Soils

The site is composed of soils that are considered Prime Farmland. The site also consists of soil types which are suited to support the growth of woodlands and the property is wooded.

Analysis

The proposed addition meets the minimum area and proximity requirements for inclusion into an AFD. The existing Croaker AFD contains 1,048.5 acres. If the 21.13-acre addition is approved, the district will have 1,069.63 acres. On July 25, 2006, the Board of Supervisors approved a renewal of the Croaker AFD for a period of four years and three months. The district will be up for renewal in October 2010. This addition would be subject to the conditions of the existing district which are:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to 5 acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided, a.) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b.) The subdivision does not result in a remnant parcel of less than 25 acres.
2. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the

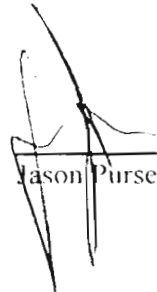
expiration of the district. Land inside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996.

3. No special use permit shall be issued except for agricultural, forestal or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

RECOMMENDATION:

Staff recommends that the AFD Advisory Committee recommend approval of the addition to the Croaker AFD to the Planning Commission and Board of Supervisors.

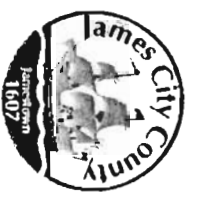
At their March 19, 2007 meeting the AFD Advisory Committee concurred with staff and voted 8-0 to recommend approval of the Croaker AFD addition.



Jason Purse, Planner

1. Location Maps
2. AFD Advisory Committee Minutes

AFD-2-86-2 Croaker AFD Ballard Addition

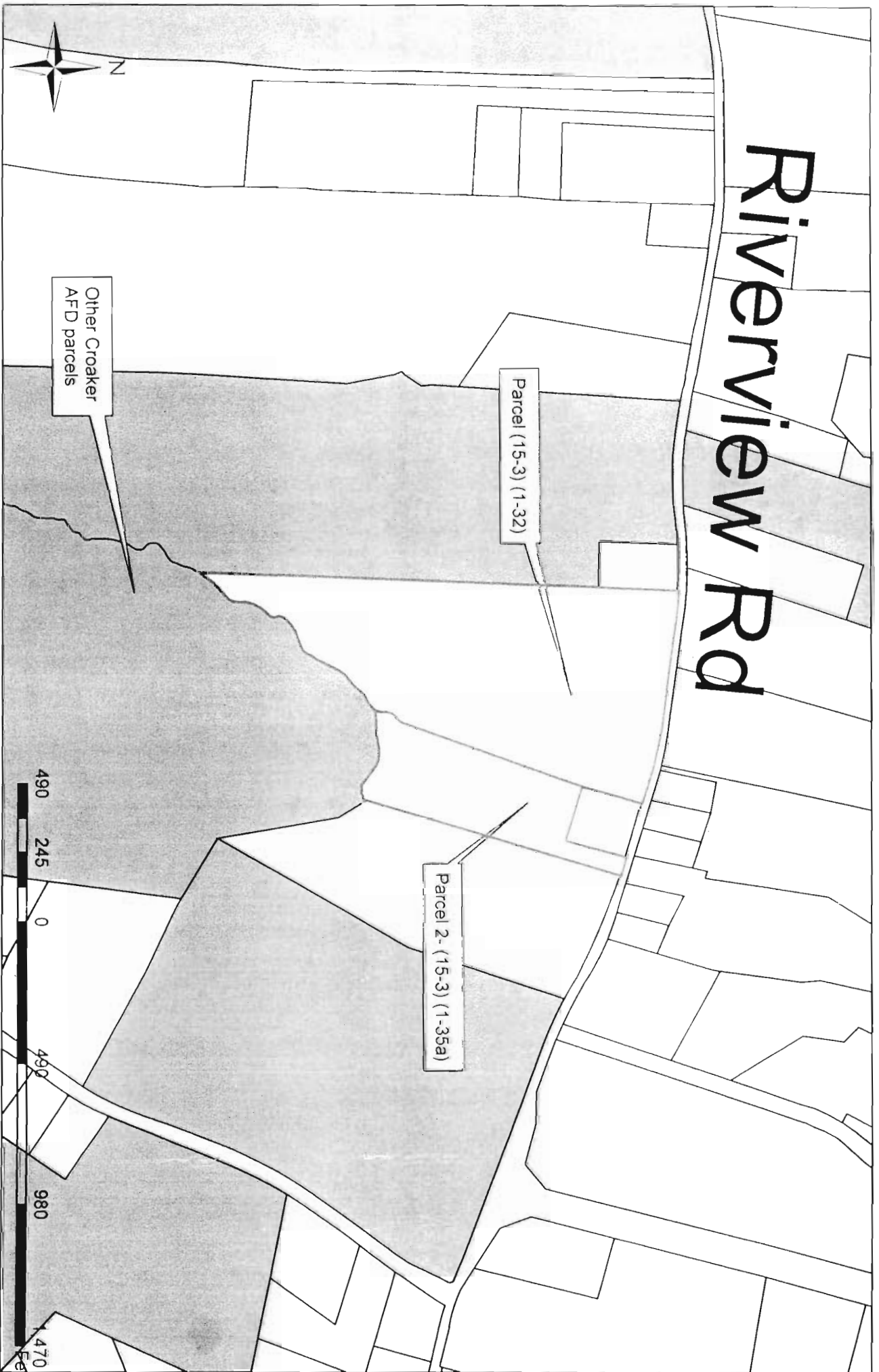


Riverview Rd

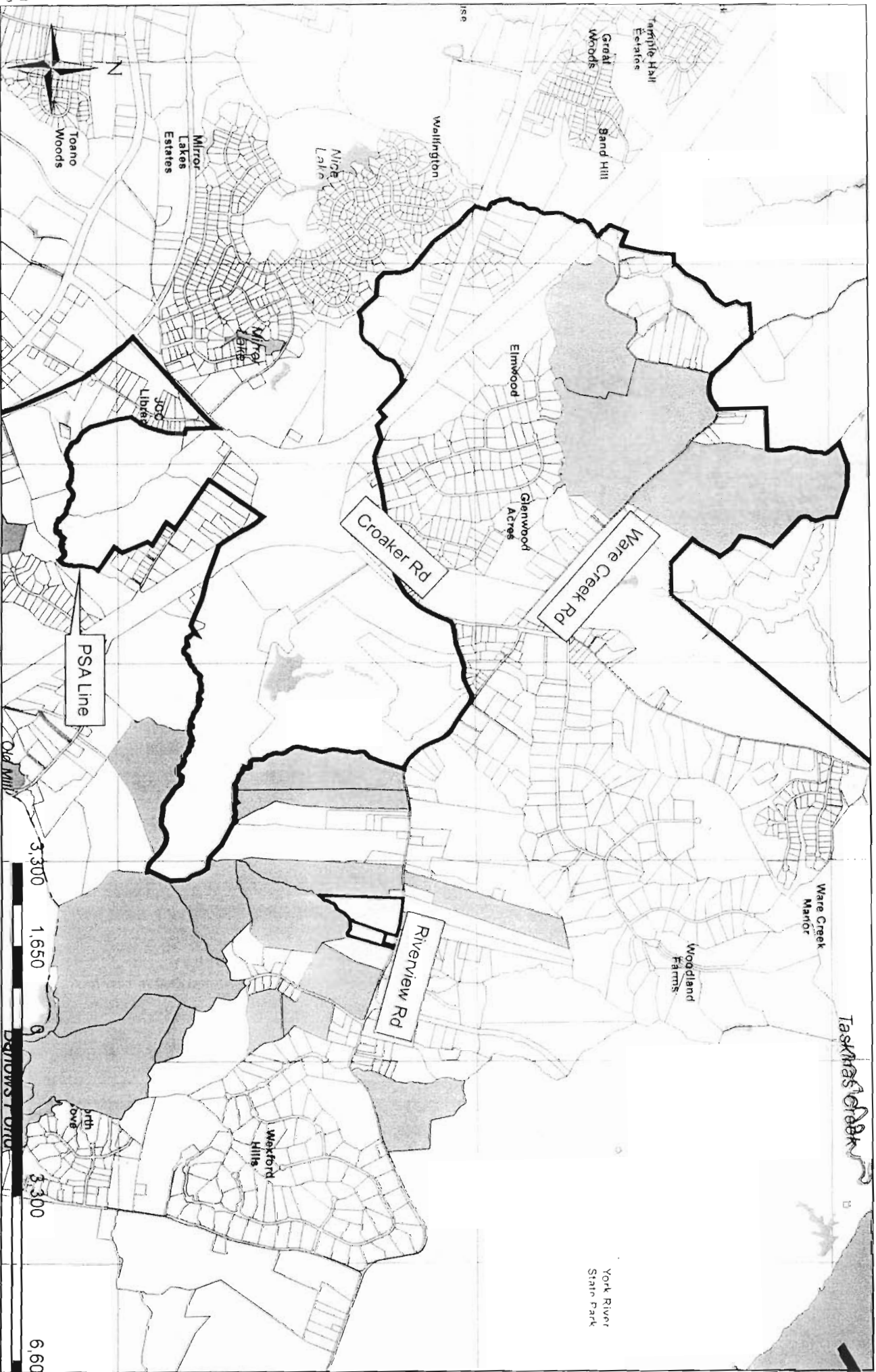
Parcel (15-3) (1-32)

Parcel 2. (15-3) (1-35a)

Other Croaker
AFD parcels



AFD-2-86 Croaker AFD



AT THE MEETING OF THE AGRICULTURAL AND FORESTAL ADVISORY COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 19TH DAY OF MARCH, TWO THOUSAND SEVEN, AT 4:00 P.M. AT THE HUMAN SERVICES BUILDING, 5249 OLDE TOWNE ROAD, WILLIAMSBURG, VIRGINIA.

1. Roll Call

Members Present

Mr. Ford
Ms. Garrett
Mr. Richardson
Mr. Abbott
Mr. Richard Bradshaw
Mr. Meadows
Ms. Smith
Mr. Andy Bradshaw

Members Absent

Mr. Gilley
Mr. Harcum

Also Present

Mr. Purse (Planning)

A. AFD Addition (Ballard-5325 and 5375 Riverview Road)

Mr. Purse presented the case for the addition of two parcels to the Croaker AFD. Mr. Purse stated that the two parcels were located at 5325 and 5375 Riverview Road and totaled 21.13 acres. He also stated that Mr. Ballard had another parcel enrolled in the Croaker AFD currently. The parcels were originally added to the AFD program in 1993, but were not renewed as a part of the 1994 renewal due to a clerical error made by the staff at that time.

Mr. Ford asked if Mr. Ballard was required to pay an application fee this time, and Mr. Purse stated that he did not. Mr. Abbott asked if the applicant had been receiving land use taxation. Mr. Richard Bradshaw stated that he should not be receiving it, but this correction should fix the problem and allow him to receive it from here on out.

The members voted 8-0 in a roll call vote to approve the addition on a motion by Mr. Abbot, which was seconded by Ms. Garrett.

MEMORANDUM

Date: April 4, 2007
To: The James City County Planning Commission
From: Melissa Brown, Acting Zoning Administrator
Subject: Case No. ZO-02-07 Zoning and Subdivision Fee Changes

In April, the Board of Supervisors will review the County Administrator's proposed FY 08 budget. The budget public hearing is on April 10, 2007, and the budget adoption is scheduled for April 24, 2007. During the budget process, it has been recommended by staff to increase selective fees within the Zoning and Subdivision Ordinances. Staff has proposed four new fees. These increases and additions will help offset operating expenses. The revenue and expenditures associated with these fee increases are included in the County Administrator's proposed budget.

The proposed zoning ordinance amendments will adjust the fees for appeals to the Board of Zoning Appeals, administrative variances and adjust the acreage fees associated with rezoning requests. In addition to these adjustments, staff is requesting the approval of new fees for deferral of public hearing cases at the applicant's request, zoning verification letters, conceptual plans and review of site and subdivision plans after the second resubmission. These fee changes represent an effort to satisfy Pathways 1-a and 1-d of the Strategic Management Plan by evaluating service and delivery costs and promoting revenue alternatives to the increase of property taxes. The changes are estimated to generate \$60,000 in additional revenue.

In preparing this proposal staff surveyed several local governments including: Albemarle, Chesterfield, Fauquier, Hampton, Hanover, Henrico, Newport News, Prince George, Loudon, Williamsburg and York. Staff's recommended increases are based on a general comparison with these jurisdictions. Even with these proposed increases, the Division will only recoup a portion of the County's actual operating costs which include advertising, copying and postage costs which have increased over the last several years. In addition, proposed increases in the complexity of the zoning and subdivision ordinances will also place new demands on staff time associated with review of all case types.

Variance Fees

Increases are proposed for application fees for both Administrative variances and appeals to the Board of Zoning Appeals. These increases represent an effort to capture costs related to each case such as advertising, copying and mailing which have increased over the last several years. This fee was last revised on August 18, 1998.

Administrative / BZA Variance & Appeals

	Administrative Variance	BZA / Variance or Appeal
JCC	\$ 100	\$ 250
Proposed JCC	\$ 250	\$ 500
Albemarle	\$ 120	\$ 120
Chesterfield	\$ 200-\$ 600	\$1,200
Franklin	\$ 0	\$ 200
Fauquier	\$ 500	\$ 500
Hampton	\$ 200	\$ 200
Hanover	\$ 500	\$ 500
Henrico	\$ 0	\$ 300
New Kent	\$ 450	\$ 750
Newport News	\$ 0	\$ 100
Suffolk	\$ 60	\$ 500
Williamsburg	\$ 100	\$ 300
York	\$ 0	\$ 250
Loudoun Co	\$ 350	\$ 350

Rezoning Acreage Fees

The acreage fee is proposed to increase from \$50 to \$75 per acre. This fee is charged in addition to the base fee of \$1200 per application.

Rezoning

Base	Acreage		5 acre commercial rezoning	50 acre commercial rezoning	50 acre residential rezoning	150 acre residential rezoning
\$1,200	\$50	JCC	\$1,450	\$ 3,700	\$ 3,700	\$ 8,700
\$1,200	\$75	JCC Proposed	\$ 1,575	\$ 4,950	\$ 4,950	\$ 12,450
\$1020-1570 (advertising fees are additional)		Albemarle	\$ 1,020	\$ 1,570	\$ 1,570	\$1,570
\$2,800	\$95	Chesterfield	\$ 3,275	\$ 7,550	\$ 7,550	\$ 17,050
\$500	\$120 (commercial)/ \$60 (residential)	Fauquier	\$ 1,100	\$ 6,500	\$ 3,500	\$ 9,500
\$1,200	\$50	Gloucester	\$1,450	\$ 3,700	\$ 3,700	\$ 8,700
\$1,600	\$40	New Kent	\$ 1,800	\$ 3,600	\$ 3,600	\$ 7,600
\$1,200	\$45	Hanover	\$1,425	\$ 3,450	\$ 3,450	\$ 7,950
\$2,000	\$25	Stafford	\$ 2,125	\$ 3,250	\$ 3,250	\$ 5,750
\$5,000	\$100	Leesburg	\$ 5,500	\$ 10,000	\$ 10,000	\$ 20,000
\$5,000	\$100	Spotsylvania	\$ 5,500	\$ 10,000	\$ 10,000	\$ 20,000

Fee for Zoning Verification Letter

A Zoning Verification Letter is typically requested and sometimes required by the financial lender or purchaser at the time of sale of property or at the time of refinance of an existing loan. The lending agent may request that staff verify in writing the conformity or nonconformity of structures and uses currently located on the property. Additionally, the letter may be requested to verify that a particular structure or use is permissible on a particular property prior to commencement of construction. Staff typically spends considerable time, researching records from records management, the attorney's office and sometimes the courthouse as well as conducting site inspections for this type of request. Copies of proffers, special use permits, subdivision plat and site plans are usually required to be provided along with the letter of zoning verification.

Please note that this fee is only applicable to formal requests in writing for zoning verification and certification. This fee will not be triggered by requests for informal meetings or basic information at the Planning counter.

Zoning Verification Letters

Proposed JCC	\$ 100	Suffolk	\$ 90
Albemarle	\$ 75	Williamsburg	\$ 100
Chesapeake	\$ 75	Portsmouth	\$ 25
Chesterfield	\$ 75	Prince George	\$ 25
Franklin	\$ 75	VA Beach	\$ 50
Fauquier	\$ 100	Spotsylvania	\$ 75-150
Hampton	\$ 25	Leesburg	\$ 60
Hanover	\$ 25	New Kent	\$ 50
Henrico	\$ 25	York County	\$ 0

Fee for Deferral of Public Hearing at Applicant's Request

This fee would only be applied when a deferral is requested by the applicant from a scheduled and advertised public hearing. Should staff or the Planning Commission recommend the deferral, there will be no assessed fee. This fee will be assessed each time an applicant requests deferral for a public hearing that has been advertised.

Public Hearing Deferral

Proposed JCC	\$ 350	Newport News	\$ 350-400
New Kent	350	Williamsburg	\$ 0
Albemarle	\$ 35-75	York	\$ 200-300
Chesapeake	Cost of additional ad	Portsmouth	\$ 250
Chesterfield	\$ 130 - 500	Prince George	\$ 350
Franklin	\$ 250	VA Beach	\$ 450
Fauquier	\$ 450	Leesburg	\$ 250
Hampton	\$ 75 - 200	Poquoson	\$ 0
Hanover	\$ 200	Henrico	\$ 100

Fee for Additional Subdivision and Site Plan Review after second re-submittal

This fee would apply to site and subdivision plans after the second re-submittal and would be assessed for each re-submittal after the second.

Subdivision /Site Plan Review Fee After 2nd Submission

Proposed JCC	350	York	No Charge
Albemarle	35-75	Portsmouth	No Charge
Chesapeake	320-500	Prince George	350
Chesterfield	130 - 500	VA Beach	168 per sheet
Hampton	75 - 200	Spotsylvania	n/a
Hanover	100	Leesburg	250
New Kent	350	Isle of Wight	150
Newport News	350-400	Poquoson	No Charge
Williamsburg	500		

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Conceptual Review Fee

Conceptual plans are submitted for formal review prior to application for rezoning, special use permit, site plan or subdivision. Additionally, staff recommends conceptual plan review when the proposed use involves multiple permitted or specially permitted uses on one site or there are severe site constraints. These reviews are intended to address serious problems with proposed development prior to significant expenditure of funds for engineering and planning studies on the part of the applicant.

Conceptual Plan Review

Proposed JCC	\$ 25
Albemarle	\$ 0
Chesapeake	\$ 320-370
Chesterfield	\$ 290-480
Hampton	\$ 75-200
Hanover	\$ 200
Henrico	\$ 100
New Kent	\$ 350
Williamsburg	\$ 50
York	\$ 0
Prince George	\$ 350
VA Beach	\$ 0
Leesburg	\$ 2,500
Isle of Wight	\$ 300-550
Poquoson	\$ 250

RECOMMENDATION:

Staff recommends approval of the proposed fee changes.



Melissa C. Brown, CZA
Acting Zoning Administrator

Concur:



William Porter
Assistant County Administrator

Attachments:

1. Revised Ordinances

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE 1, IN GENERAL, SECTION 24-7, ADMINISTRATIVE FEES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Section 24-7, Administrative fees

Chapter 24. Zoning

Article 1. In General

Sec. 24-7. Administrative fees.

Fees shall be charged at the time of application to offset the cost of making inspections, issuing permits, advertising notices and other expenses incident to the administration of this chapter or to the filing or processing of any appeal or amendment thereto. The following fees shall be charged and collected at the time of application:

<u>Procedure</u>	<u>Fee</u>
(1) Rezoningings	\$1,200.00 plus \$50.00 \$75.00 peracre, not to exceed \$15,000.00
(2) Applications for special use permits:	
a. Generally (General special use permits processed with a rezoning shall pay a rezoning fee only)	\$1,000.00 plus \$30.00 per acre, not to exceed \$5,000.00
b. Manufactured home on an individual lot,	100.00
c. Family subdivision under section 24-214,	100.00
d. Amendment to a special use permit	400.00
e. Wireless communications facilities under division 6	1,500.00

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(3) Master plan review:

- a. Initial review of any Residential Cluster, Mixed Use or a PUD with less than 400 acres (PUD's with 400 acres or more shall pay a rezoning fee only)..... 200.00
- b. Revision of approved plan:
 - 1. Residential Cluster 75.00
 - 2. R-4, PUD, Mixed Use 150.00

(4) Site Plan Review:

a. Administrative review:

- 1. Residential structures or improvements, \$600.00, plus \$60.00 per residential unit.
- 2. Nonresidential structures or improvements, \$600.00, plus \$0.24 per sq. ft. of building area.
- 3. Mixed Use structures or improvements, \$600.00, plus \$60.00 per residential unit plus \$0.024 per sq. ft. of nonresidential building area.

b. Planning commission review:

- 1. Residential structures or improvements, \$1,800.00, plus \$60.00 per residential unit.
- 2. Nonresidential structures or improvements, \$1,800.00, plus \$0.24 per sq. ft. of building area.
- 3. Mixed Use structures or improvements, \$1,800.00, plus \$60.00 per residential unit plus \$0.024 per sq. ft. of nonresidential building area.

c. Amendment to an approved plan:

- 1. Residential structures or improvements, \$100.00, plus \$10.00 per residential unit.
- 2. Nonresidential structures or improvements, \$100.00, plus \$0.004 per sq. ft. of building area.
- 3. Mixed Use structures or improvements, \$100.00, plus \$10.00 per residential unit plus \$0.004 per sq. ft. of nonresidential building area.
- 4. Residential or nonresidential structures or improvements where the number of dwelling units or area of building area, pavement, or open space is not changed more than 15 percent, \$100.00.

d. Zoning administrator and fire department review only, \$20.00.

e. Each additional review after second submission, \$250.00

(5) Sign permits, \$5.00 per square foot of gross sign area.

(6) Appeals to the board of zoning appeals, ~~\$250.00~~ \$500.00

(7) Application for a height limitation waiver to the board of supervisors, ~~\$200.00~~

(8) Application for administrative variance, ~~\$100.00~~ \$250.00

(9) Public hearing applicant deferral request, \$350.00 per request

- (10) Conceptual plan review, \$25.00
- (11) Zoning verification request, \$100.00

John J. McGlenon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

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

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, GENERAL PROVISIONS, SECTION 19-15, FEES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Section 19-15, Fees.

Chapter 19. Subdivisions.

Article I. General Provisions

Sec. 19-15. Fees.

Fees shall be charged to offset the cost of reviewing plats and plans, making inspections and other expenses incident to the administration of this chapter. The following fees shall be charged and collected as provided below:

- (1) *General plan review.* There shall be a fee for the examination of every plan reviewed by the agent or commission. For all subdivisions that do not require public improvements, the fee for a major or minor subdivision shall be \$200.00 per plan plus \$70.00 per lot for each lot over two lots in the subdivision plat. For all subdivisions that require public improvements, the fee for a major or minor subdivision shall be \$250.00 per plan plus \$70.00 per lot for each lot over two lots in the subdivision plat. The fee for townhouse or condominium subdivisions which have undergone site plan review shall be \$50.00. The fee shall be submitted to the agent at the time of filing the plat for review. Any check shall be payable to the James City County treasurer. An additional fee of \$250.00 shall be collected for any review after the second submission.
- (2) *Inspection fee for water and sewer lines.* There shall be a fee for the inspection by the service authority of public water and sewer system installations. Such fee shall be \$1.43 per foot for every foot of sewer main or water main constructed and shall be submitted as specified by the service authority regulations.

Ordinance to Amend and Reordain
Chapter 19. Subdivisions
Page 2

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

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

**SPECIAL USE PERMIT- 02-2007. Accessory Apartment in Page Landing.
Staff Report for the April 4 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:	April 4, 2007	7:00 p.m.
Board of Supervisors:	April 24, 2007	7:00 p.m. (tentative)

Building F Board Room; County Government Complex

SUMMARY FACTS

Applicant:	Marv and Christine Evans
Land Owner:	Marv and Christine Evans
Proposal:	Marv and Christine Evans have applied for a special use permit to allow the construction of a 770 square foot accessory apartment onto their existing 2,750 square foot single family dwelling to be occupied by their elderly parents.
Location:	472 ¹ Captain John Smith
Tax Map/Parcel Nos.:	(55-1)(3-14)
Parcel Size:	0.739 acres
Zoning:	R-1, Limited Residential
Comprehensive Plan:	Low Density Residential
Primary Service Area:	Inside

STAFF RECOMMENDATION

Staff finds the proposal to be compatible with the surrounding zoning and development since the completed apartment will maintain the appearance of a single-family residence and will retain the residential character of the area. Staff also finds the proposal to be generally consistent with the 2003 Comprehensive Plan. Staff recommends the Planning Commission recommend approval to the James City County Board of Supervisors with the attached conditions.

Staff Contact: Kathryn Sipes Phone: 253-6685

PROJECT DESCRIPTION

Mr. and Mrs. Evans have applied for a special use permit to allow the expansion of their existing single family dwelling for the purpose of adding an accessory apartment to be occupied by their elderly parents. The existing structure is approximately 2,750 square feet. The applicant is proposing to add approximately 770 square feet onto the rear of the existing home. A new garage is also proposed, to be connected to the addition via an enclosed breezeway. The garage is permitted, not subject to the approval of this special use permit, and not included in the above square footage calculations.

R-1, Limited Residential, allows accessory apartments as specially permitted uses in accordance with Section 24-32 of the James City County Code. Section 24-32 states "Accessory apartments shall comply with the following requirements: (1) only one accessory apartment shall be created within a single-family dwelling; (2) the accessory apartment shall be designed so that the appearance of the building remains that of a one-family residence. New entrances shall be located on the side or rear of the building and the apartment may not occupy more than 35 percent of the floor area of the dwelling; (3) For purposes of location and design, the accessory apartment is part of the main structure and shall meet all setback, yard, and height regulations applicable to main structures in the zoning district in which it is located; and (4) off-street parking shall be required in accordance with section 24-54 of this chapter."

Staff has reviewed the proposed design and is satisfied all requirements have been met. Only one accessory apartment is proposed, with entrances on the sides of the structure. The proposed apartment addition is well below the 35% requirement. In R-1, Limited Residential, the side yard setback is 15 feet and the rear yard setback is 35 feet; both of these are met (and significantly exceeded) with the proposal. Additionally, the applicant has obtained the signatures of several adjacent property owners, as well as the current president of the Page Landing Homeowner's Association supporting the proposal. A copy of the signatures obtained is attached to this report.

Access and Parking

The existing driveway is accessed from Captain John Smith Road. Section 24-59 of the Zoning Ordinance requires single family residences with accessory apartments to provide three parking spaces. There is an existing two-car garage on the property with driveway area for additional parking. The applicant is proposing to construct a new one-car garage, further increasing the parking on the site.

Public Utilities

The project is inside the Primary Service Area. James City Service Authority staff have reviewed and approved the proposal.

Surrounding Zoning and Land Use

The property is surrounded by R-1, Limited Residential property within Page Landing and Peleg's Point subdivisions. In order to minimize potential impacts to the existing neighborhoods, staff proposes the attached conditions.

COMPREHENSIVE PLAN

Land Use Map

Designation	<p>Low Density Residential (Page 120): Suitable for developments with a gross density of up to one dwelling unit per acre. Acceptable land uses include single family homes, duplexes, cluster housing and other non-residential uses.</p> <p>Staff Comment: This proposal does not significantly increase the gross density of the Page Landing neighborhood. Although an accessory apartment is not considered a duplex, its impacts would be less due to Zoning Ordinance requirements and proposed SUP conditions.</p>
Goals, strategies and actions	<p><i>Action #1-Page 139:</i> Provide for low density and moderate density residential development in appropriate locations inside the Primary Service Area.</p> <p>Staff Comment: This proposal is for an accessory apartment inside the Primary Service Area.</p>

74

Housing

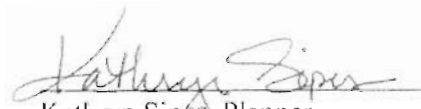
General	Affordable housing options for County employees, elderly persons, blue collar and retail workers are scarce in James City County. Staff Comment: This proposal provides affordable housing and assistance for elderly parents of the property owner.
Goals, strategies and actions	<i>Action #2-Page 107: In order to protect the character of established residential neighborhoods, installation of an accessory apartment will only be allowed with a special use permit.</i> Staff Comment: The property owner has applied for a special use permit. The proposal meets Zoning Ordinance provisions for accessory apartments and conditions are attached to provide additional protection.

The Comprehensive Plan recognizes least-cost housing as serving a significant public benefit. Staff feels the proposal, with the attached conditions, is generally consistent with the land use designation and housing strategies identified in the 2003 Comprehensive Plan.

RECOMMENDATION

Staff finds the proposal to be compatible with the surrounding zoning and development since the completed apartment will maintain the appearance of a single-family residence and will retain the residential character of the area. Staff also finds the proposal to be generally consistent with the 2003 Comprehensive Plan. Staff recommends the Planning Commission recommend approval to the James City County Board of Supervisors with the attached conditions.

1. Prior to 18 months from the issuance of this special use permit the accessory apartment shall be occupied or the permit shall become void.
2. The accessory apartment can be rented only while the primary residence is owner-occupied.
3. A door internal to the primary residence shall provide access to the accessory apartment.
4. A certified copy of the Board of Supervisors' Special Use Permit Resolution shall be recorded against the property in the Circuit Court Clerk's Office of the Courthouse.


Kathryn Sipes, Planner

 /
SUPTemplate_New.doc

ATTACHMENTS:

1. Location Map
2. Proposed Expansion Plans (5 pages)
3. Signatures from Neighbors
4. Letter from applicant requesting pre-advertisement for the April 24, 2007 BOS meeting.

N. OR F. MILL CREEK LANDING ASSOCIATES

110.00'

I.R.F. 552°54'29"E I.R.F.

LOT 11

331.82'

LOT 14
0.7398 Ac.

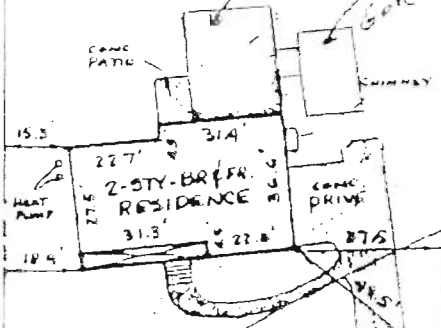
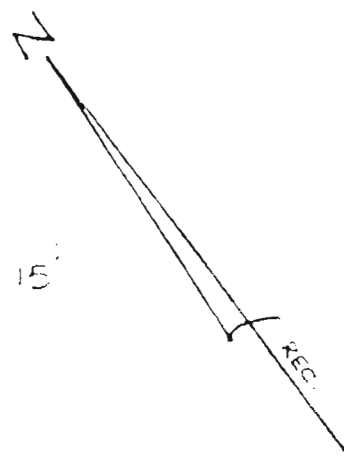
257.95'

LOT 15

LOT 12

N 37°05'31"E

S 37°05'31"W



VAR. WIDTH
UTILITY
EASEMENT

LOT 13

ARC: 53.67

RAD: 235.06
ARC: 143.56

RAD: 919.34' ARC: 132.62' I.R.F.

CAPT. JOHN SMITH ROAD
50' R/W

THIS PROPERTY IS SUBJECT TO EASEMENTS, SERVITUDES AND COVENANTS OF RECORD.

4721 CAP'T JOHN SMITH ROAD

PLAT OF THE PROPERTY OF
MARY L. & CHRISTINE A. EVANS

LOT 14

PAGE 1 LANDING AT JAMESTOWN

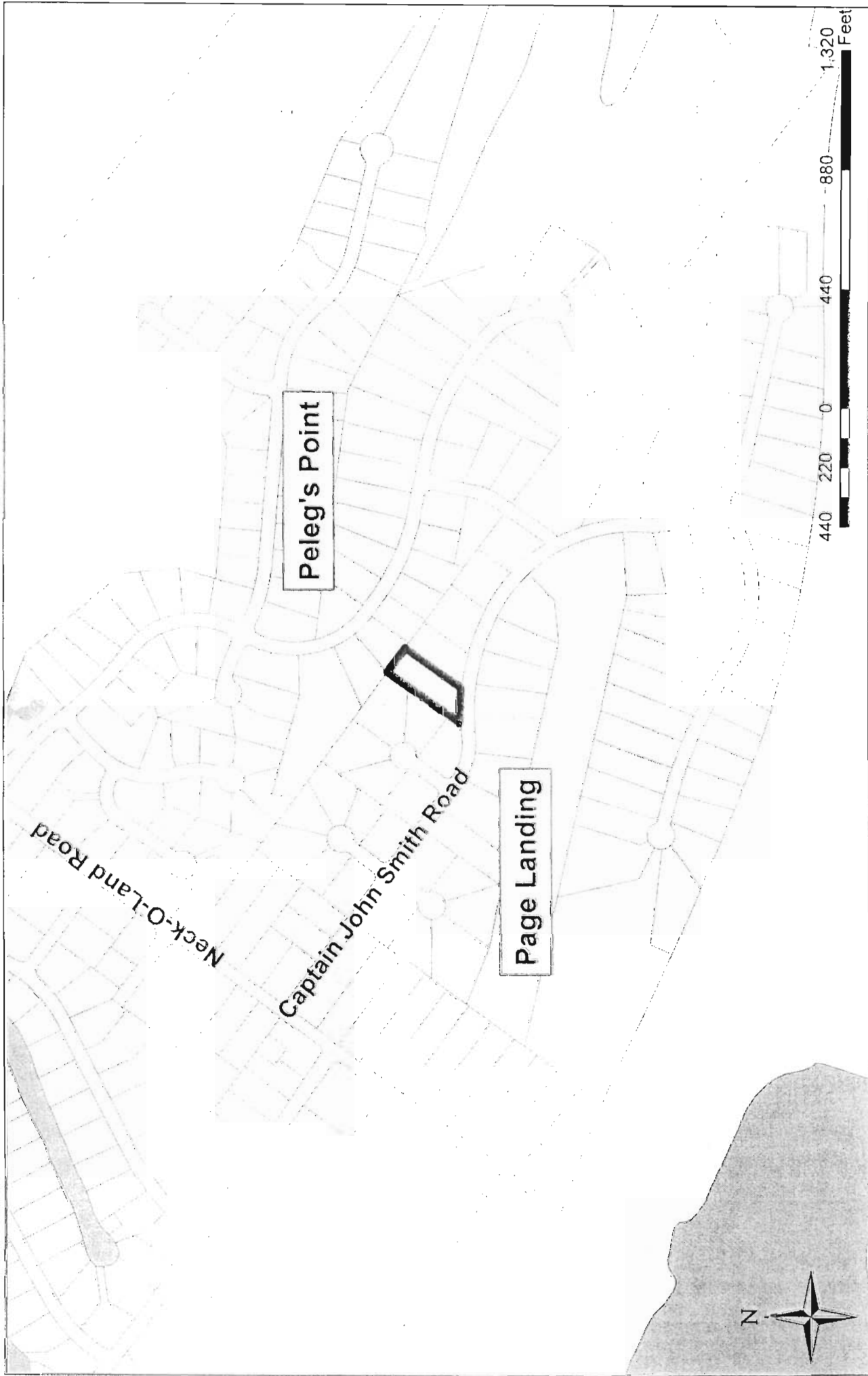
LEGEND

ROH PPE FOUND

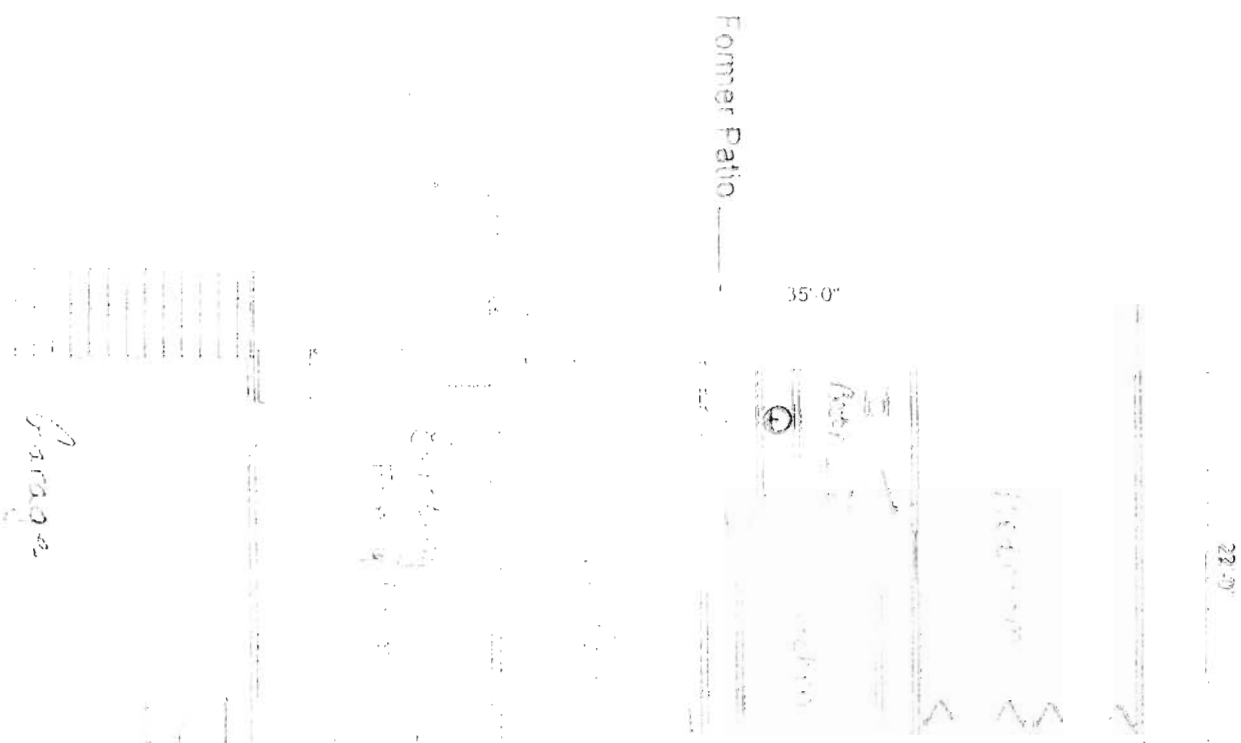


51

Accessory Apartment Page Landing



Front of Existing Home



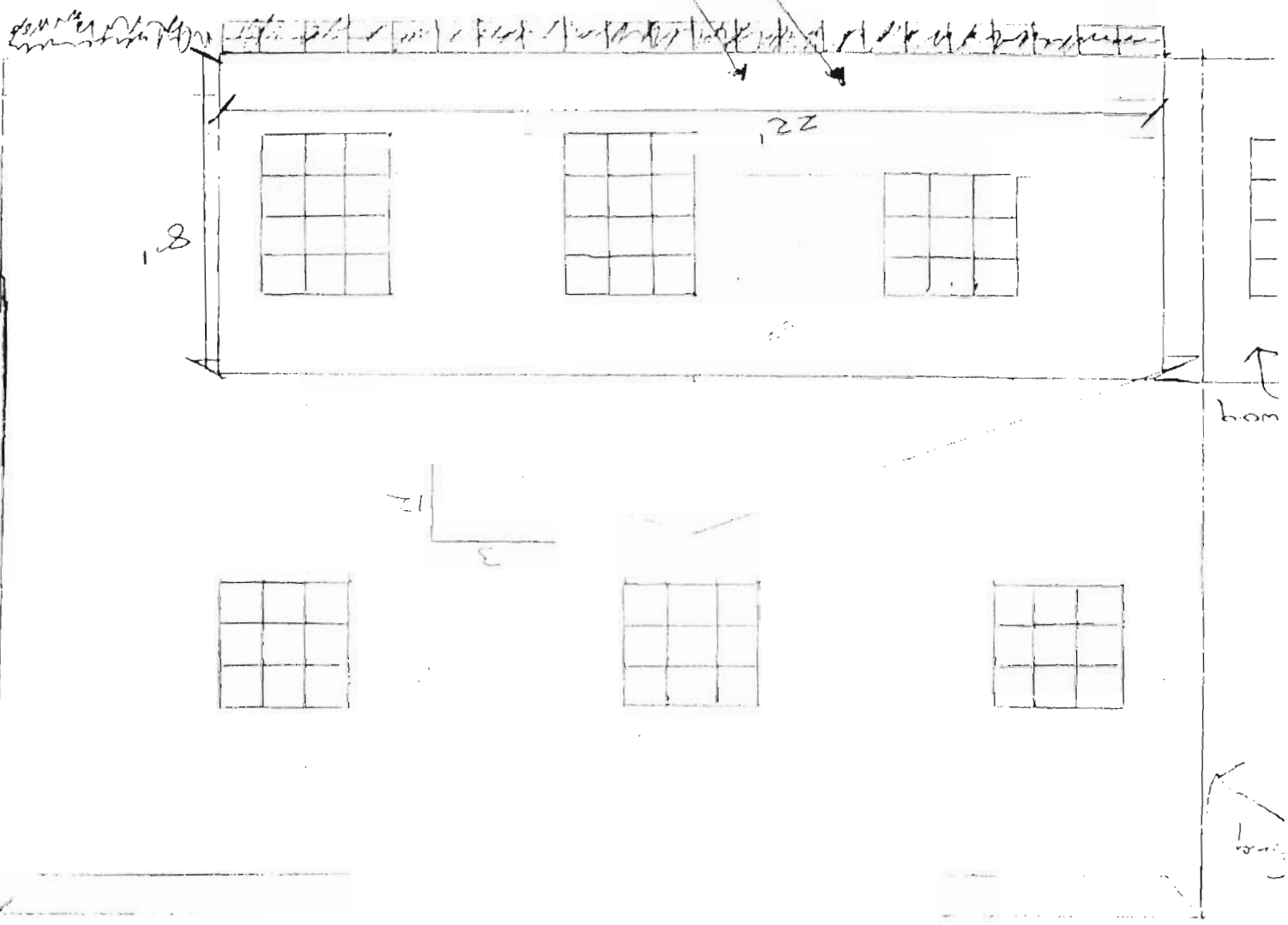
13700000 /

Handwritten notes at the bottom of the page, possibly describing the project or providing contact information.

REAR Elevation

ADDITION

Siding to match



8'

22'

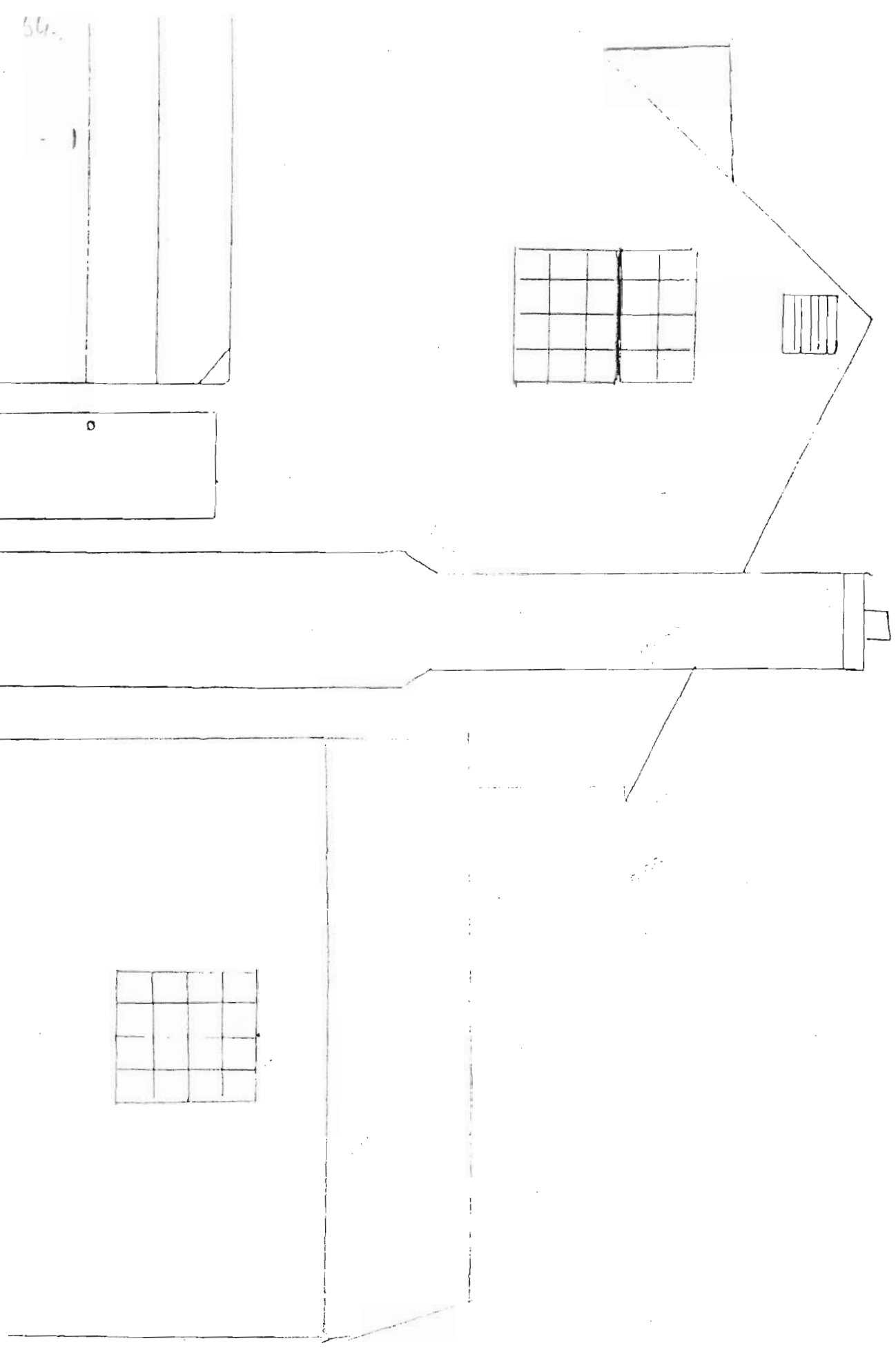
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EVANS RESIDENCE

4721 CAPT. JOHN SMITH ROAD



Existing Chimney

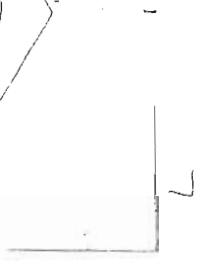
Access

2



20'

Handwritten scribbled text along the left vertical boundary.



12 feet

7

Handwritten scribbled text on the far left edge.

Marv and Christine Evans homeowners, of 4721 Capt John Smith Rd, have presented their plans for an in-law suite (accessory apartment) to the Page Landing Homeowners Association and neighbors below and received their approval.

Property Owner	Address	Signature	Date
William and Rhonda Morris	2008 Mara Park	<i>William Morris</i>	2/27/07
James and Debra Shaw	2000 Mara Park	<i>Debra Shaw</i>	1/24/07
Frank and Brenda Mastaler	4728 Capt John Smith	<i>Brenda Mastaler</i>	26 Feb 07
Russell and Nancy Evans	4725 Capt John Smith	<i>Nancy Evans</i>	2/6/07 2-26-07
John and Lisa Hopkins	4724 Capt John Smith	<i>Lisa Hopkins</i>	2-26-07
Thomas and Judith Davis	2004 Mara Park	<i>Judith Davis</i>	2/24/07
Page Landing Homeowners Association (James Bradley - President)	4765 Capt John Smith	<i>James Bradley</i>	24 FEB 07



4721 Capt John Smith Road
Williamsburg, VA 23185
mle@widomaker.com

March 22, 2007

Melissa Brown
Senior Zoning Officer
Development Management
James City County
101-A Mounts Bay Road
Williamsburg, VA 23187

Re: Special Use Permit Application SUP-2-07

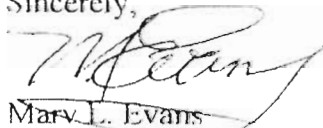
Dear Ms. Brown:

This letter is to request an accelerated schedule for the above application. We are seeking to construct living space for elderly parents. They placed a substantial deposit of their limited resources with the builder in November anticipating construction to begin in early winter and sale of their existing home while they could enjoy the benefits of the spring market. An accelerated hearing date will be helpful to placing their home on the market.

The builder is ready to begin construction immediately upon final approval of our application.

Thank you for your prompt attention to this request.

Sincerely,



Marv L. Evans

Rezoning CASE NO. Z-1-07 Sheldon Rezoning

Staff Report for the April 4th, 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 7:00 p.m.; Building F Board Room; County Government Complex

Planning Commission: April 4, 2007 7:00 PM
Board of Supervisors: May 8, 2007 7:00 PM (tentative)

SUMMARY FACTS

Applicant: Mr. Howard Sheldon

Land Owner: Mr. Howard Sheldon

Proposal: Applicant is requesting to change the zoning on his property from B-1 General Business to R-1 Limited Residential.

Location: 3425 Old Stage Road

Tax Map/Parcel: (12-2)(1-11B)

Parcel Size: 1.29 Acres

Existing Zoning: B-1, General Business

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds the proposal 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 rezoning application.

Staff Contact: Luke Vinciguerra, Planner Phone: 253-6685

Proffers: Proffers have not been offered. Staff does not believe proffers are necessary due to the limited nature of the rezoning.

PROJECT DESCRIPTION

Mr. Howard Sheldon is requesting a rezoning of his property from General Business (B-1) to Limited Residential (R-1) to build a single family house on the lot for his son. Adjacent parcels in this area of Old Stage Road are also zoned General Business and many have single family detached houses on them. The area is designated low density residential on the Comprehensive Plan and the current conditions on the ground reflect the designation, though the current zoning doesn't support it. Mr. Sheldon applied for the rezoning after he was unable to receive a mortgage for a new house because of the current zoning. Single family detached housing is not a permitted use in B-1.

Surrounding Zoning and Development

Staff notes that many properties in the section of Old Stage Road are zoned B-1 and are currently being used for Single Family detached homes and that the current zoning may be inappropriate. Staff has contacted the residents of the B-1 strip on Old Stage Road to see if other residents were interested in rezoning as well. Staff's intent was to explore whether residents were interested in having the entire B-1 strip rezoned to a residential district at once. So far only the two adjacent property owners have shown interest in the rezoning. The property behind Mr. Sheldon's lot is a portion of Whitehall (zoned R-2). The property is subject to a binding master plan and would not be affected by the rezoning.

PUBLIC IMPACTS

Environmental

Watershed: Ware Creek

Staff Comments: The Environmental Division has no comments at this time.

Public Utilities

Even though the lot is inside the PSA, public water and sewer service are not available. From the Health Departments perspective, the property can support a septic system which is adequate to serve a four bedroom house.

Staff Comments:

Virginia Health Department will regulate the well and septic field on this site.

Transportation

VDOT has not yet commented on the application, however changes to the current traffic counts will be negligible. The ITE Trip Generation Manual average rate for single family detached housing is 9.57 trips per day. Traffic counts on the section of Old Stage Rd near the applicant's property are not available. Old Stage Rd is not on the 2026 Comprehensive Plan watch list nor is there any predicted need for future improvements. Many of the commercial uses permitted under the present zoning (B-1) would generate more traffic than the proposed use.

COMPREHENSIVE PLAN

Land Use Map


Designation	<p>Low Density Residential (Page 120): 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.</p> <p>Staff Comment: Staff believes that the property meets the intent of Low Density Residential land use designation.</p>
Goals, strategies and actions	<p><i>Strategy #1-Page 138:</i> Promote the use of land in a manner harmonious with other land uses and the environment.</p> <p>Staff Comment: Rezoning the property to limited residential would be consistent with the land uses of adjacent properties and would ensure adjoining residences are not negatively impacted by commercial development. The rezoning would also make the property consistent with the Comprehensive Plan Land Use Map which designates the area Low Density Residential.</p>
Comprehensive Plan- Zoning Map Inconsistencies	<p><i>Anderson's Corner Area- Page 131:</i> The County recognizes this property's zoning and Comprehensive Plan land use designations are inconsistent. The Comprehensive Plan also states reasons why the land use map is not changed to reflect the B-1 zoning and that the parcels involved are not appropriate for commercial use.</p> <p>Staff Comment: The Comprehensive Plan acknowledges the B-1 strip and its surrounding residential uses. The Anderson's corner designation acknowledge businesses are not appropriate in this area but should they occur it recommends to "...mitigate the impacts of businesses that may relocate to this area through the SUP process." Staff believes the intent of the Comprehensive Plan is to discourage uses that would impact nearby residences. The proposed rezoning would accomplish this, therefore staff believes the rezoning is consistent with the Comprehensive Plan. The Comprehensive Plan also acknowledges there is a substantial amount of other residential uses in the surrounding area.</p>

Comprehensive Plan Staff Comments

Staff believes that this application, as proposed, is in compliance with the Comprehensive Plan. One impact of rezoning this property to residential would be to require adjacent B-1 properties, if they were ever to developed or redeveloped to accommodate a business use set forth in B-1, to comply with a 50 foot side yard setback from the Sheldon property instead of the currently required 20 feet, as it would now about a residential district. One of the two adjacent parcels is owned by a Sheldon family member and has applied to rezone their parcel to residential as well (there would be no affect on the property as soon as it is rezoned). The other adjacent parcel has a single family house on it, which is a non conforming use. There are processes that deal with reduction of setbacks for business use and expansion of a nonconforming use that can address the setback issue. To modify a nonconforming structure (such as the single family house on the neighbor's property) its status would have to be verified in writing and the Zoning Administrator would determine if there is the ability to rebuild or modify. Furthermore, if a neighbor were to start a business on their site, they would be required to construct a transitional screening buffer between the two land uses. Both neighbors have been informed of the affects of the 50' setbacks and have not expressed objections to it.

RECOMMENDATION

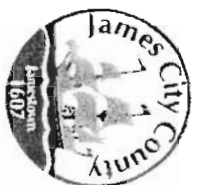
Staff finds the proposal to be consistent with the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. Staff recommends the Planning Commission recommend approval of the rezoning application.


 Luke Vinciguerra, Planner

ATTACHMENTS:

1. Location Map
2. Map of Setbacks
3. Zoning Map
4. Letter to property owners in the B-1 zoning district
5. Letter of understanding for the 50' side setback
(Signed letters have not yet been received)

JCC-Z-1-07 Sheldon Rezoning



February 12, 2007

RE: Case No. Z-1-07 Sheldon Rezoning

Dear Neighbor:

Mr. Howard Sheldon, has applied to rezone a 1.29 acre parcel from B-1, General Business, to R-1, Limited Residential to build a home on the site. The property is located at 3425 Old Stage Road, and is further identified as Parcel (12-2) on JCC Tax Map (1-11B). The property is designated Low Density Residential on the Comprehensive Plan Land Use Map. Recommended uses on property designated for Low Density Residential include very limited commercial establishments, single family homes, duplexes, and cluster housing.

The Planning Department has recognized that many properties in this section of Old Stage Road Zoned B-1 are currently being used for Single Family Detached homes and the current zoning may be inappropriate. Staff recommends discussing with your neighbors the possibility of rezoning the area designated B-1 on Old Stage Road to Residential (either R-1 or R-2). If your neighborhood is interested in a rezoning, the Planning Department would be happy to mediate the discussion. If the neighborhood finds it appropriate, staff would recommend to the Planning Commission at the same time as Mr. Sheldon's rezoning application to change the zoning of the entire B-1 segment to residential. Since the Planning Commission meeting is quickly approaching, please act quickly to discuss this with your neighbors and let the Planning Department know your intent. Please go to <http://www.jccgov.com/government/development-management/zoning.html> and click on "Zoning Ordinance under "Resources" to read about the different zoning options.

The Planning Commission of James City County, Virginia, will hold a public hearing on, April 4 at 7:00 p.m. in the County Government Center Board Room, 101-F Mounts Bay Road, James City County, at which time you may speak on the above application. Please email me at lvinciguerra@james-city.va.us if you have any questions.

Sincerely,

Luke Anthony Vinciguerra
Planner

March 26, 2007

Mr. & Mrs. Moff
3427 Old Stage Rd
Williamsburg VA 23188

RE: Z-1-07; Sheldon Rezoning

Dear Adjacent property owner:

Your Neighbor, Mr. Howard Sheldon, has applied to rezone a 1.29 acre parcel from B-1, General Business, to R-1, Limited Residential to build a home on the site. The property is located at 3425 Old Stage Road, and is further identified as Parcel (12-2) on JCC Tax Map (1-11B). The property is designated Low Density Residential on the Comprehensive Plan Land Use Map. Recommended uses on property designated for Low Density Residential include very limited commercial establishments, single family homes, duplexes, and cluster housing.

Should Mr. Sheldon's property be rezoned to R-1, your property's side setback (on his side only) would be changed from 20 feet to 50 feet as stated in Sec 24-394 of the Zoning Ordinance:

Sec. 24-394. Yard regulations.

- (a) Buildings shall be located 20 feet or more from side or rear property lines. However, the minimum side yard shall be 50 feet if the side yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum rear yard shall be 50 feet if the rear yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum side and rear yards shall be increased an additional one foot for each one foot of building height in excess of 35 feet.

Setback waivers are available as stated in section 24-395 in limited situations.

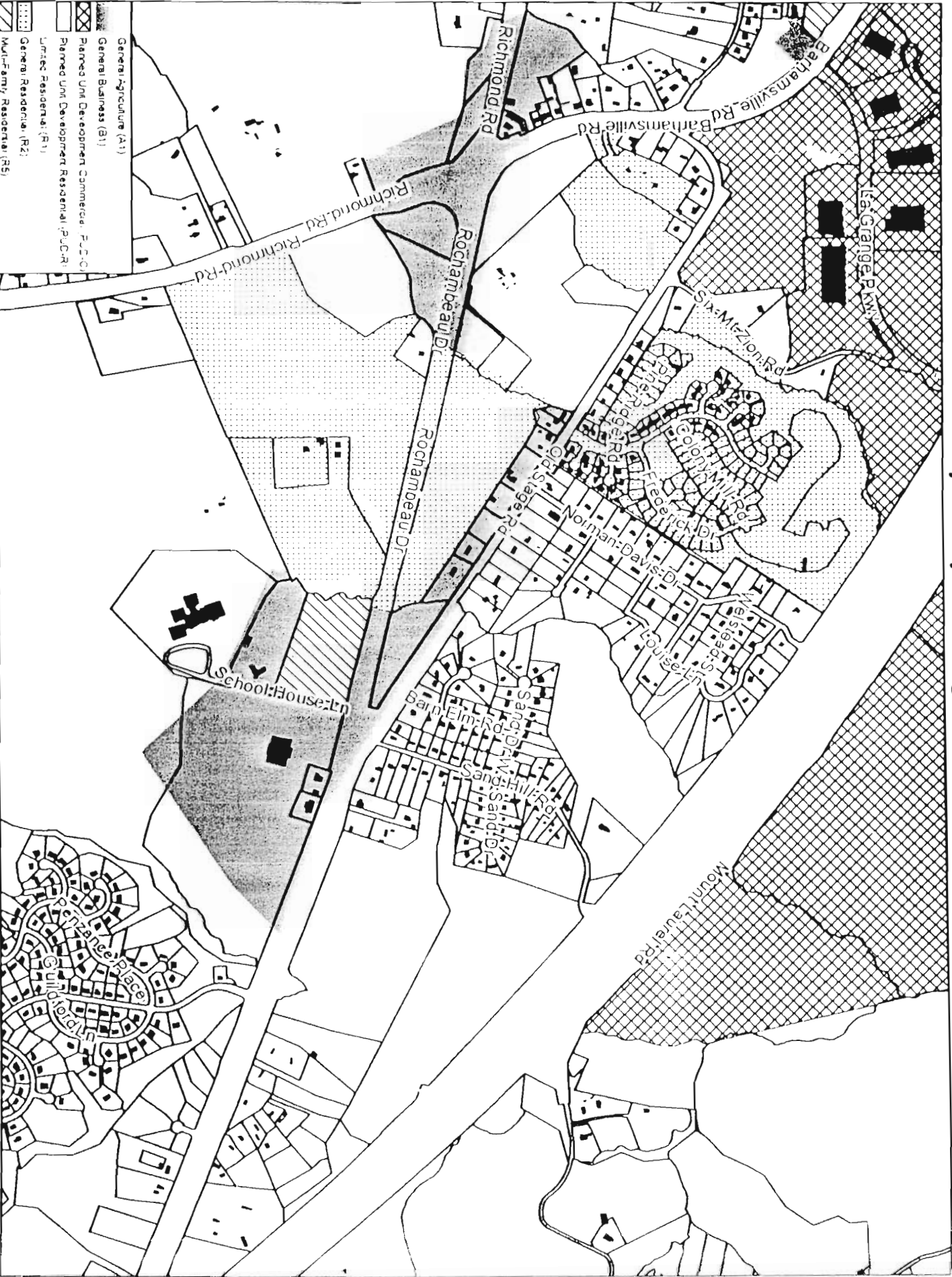
Furthermore, should you decide use your property for a business (or any use requiring a site plan) transitional screening would be required between the two land uses as stated in Sec 24-98 of the Zoning Ordinance.

The Planning Commission of James City County, Virginia, will hold a public hearing on, April 4 at 7:00 p.m. in the County Government Center Board Room, 101-F Mounts Bay Road, James City County, at which time you may speak on the above application.

Planning staff has explained to me the ramifications of the proposed rezoning from General Business (B-1) to Limited Residential (R-1) and I understand the affects of the rezoning as it relates to my property. Furthermore, I understand the Planning Commission of James City County, Virginia, will hold a public hearing on, April 4 at 7:00 p.m. in the County Government Center Board Room, 101-F Mounts Bay Road, James City County, where I may voice my concerns about the rezoning application. Should I not object in writing or in person at the public hearings associated with case Z-1-07 it shall be implicitly understood that I have no objection to the proposed rezoning and its affects on my property.

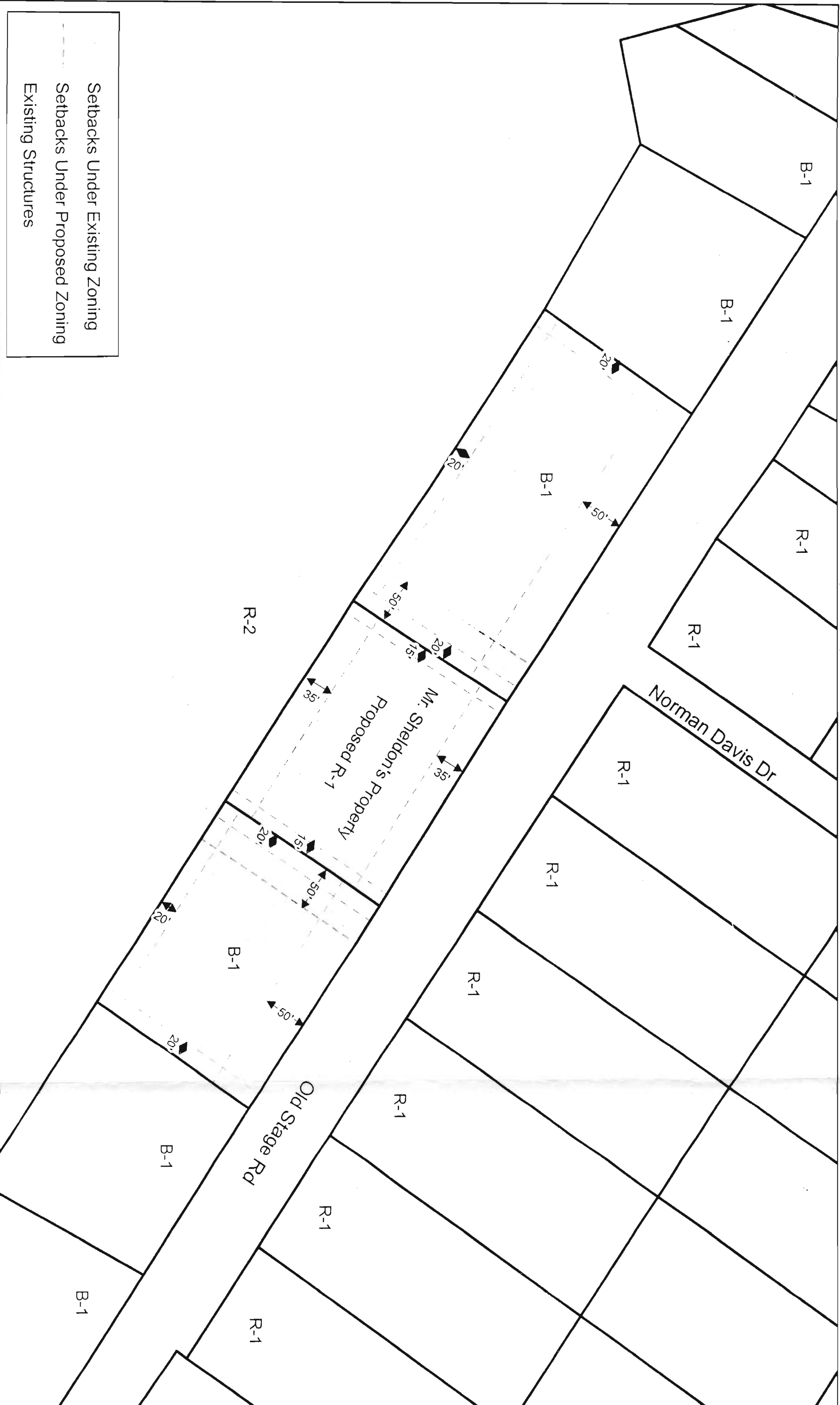
Property Owners signature

James City County - Old Stage Road Zoning Map



This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies are found, please contact the Real Estate Assessment Division of James City County, Mapping/GIS Section.

James City County - Proposed Setback Changes



Setbacks Under Existing Zoning
Setbacks Under Proposed Zoning
Existing Structures

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies are found, please contact the Real Estate Assessment Division of James City County, Mapping/GIS Section.

MEMORANDUM

Date: April 4, 2007
To: The Planning Commission
From: Ellen Cook
Subject: Case No. ZO-1-07. Mixed Use District Amendment.

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 proposed changes are listed below, and have been ordered from what staff considers to be less substantive amendments progressing on to more substantive amendments: please note that item number four below is the central issue of these proposed amendments. These changes are further illustrated in the attached revised draft ordinance.

1. 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.

2. Consolidate the description of the process of obtaining a setback modification 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”.

Please note that staff is not proposing to change the process of requesting a setback modification; the result of the amendment is to consolidate the description, but the same process would stay in place. Namely, that process is as follows (as now entirely specified within subsection d): formal

ZO-1-07. Mixed Use District Ordinance Amendment

application with specified reasons. Planning Director evaluation of the request and recommendation to the Planning Commission (the DRC first, if an application is taken at the development plan level). Planning Commission action on the request.

3. Clarify the language in subsection (a) to specify "external" existing and planned public road rights-of-way. Currently the language states "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," and does not clearly specify road rights-of-way internal to the development versus roads which are external (border) the proposed development. It is this issue that staff proposes to address.

Throughout the ordinance two different types of setbacks and/or buffers are used. The first type is a setback for a particular individual lot or parcel, consisting of a front setback from the right-of-way, as well as side and rear setbacks. For certain districts (A-1, R-6, LB, B-1, M-1, and M-2) these are the only type of setback specified. Another type of setback is the setback/buffer for a development as a whole, when that development is a group of parcels or units. These overall, or peripheral, setbacks are triggered by the scale of development, such as at the level of a development being classified a major subdivision (R-1, R-2, R-8). These overall setbacks/buffers fall into two categories: along external existing and planned arterial road rights-of-way, and adjacent to the development's perimeter property lines. Individual parcels within these developments are still required to meet certain individual lot setbacks, and these are also specified in the ordinance.

Several of the zoning districts are differentiated from the rest by requiring a legislatively approved Master Plan for any development with that zoning category to occur. These districts include Planned Unit Development (PUD), Residential Planned Community (R-4) and Mixed Use (MU). Of these, R-4 requires neither overall/external setbacks, nor any individual parcel/internal setbacks. The PUD district does specify overall setbacks, both along external existing or planned arterial road rights-of-way, and adjacent to the development's perimeter property lines. It also calls out one type of setback interior to the development: a setback of 50 feet from interior road rights-of-way for industrial uses. Other than this one internal setback, there are no requirements for any front, side or rear setbacks for parcels internal to the development. Finally, the Mixed Use district also specifies overall development setbacks along existing or planned public road rights-of-way (subsection a), and along the perimeter of the district (subsection b). Staff had suggested clarification of subsection (a) to state that this setback along the rights-of-way was intended for streets external to the Mixed Use development, rather than also applying to every right-of-way inside a Mixed Use District. The effect of this latter interpretation would be that every parcel would be required to have a fifty (or seventy-five) foot structural "front" setback from any street within the development. Subsection (c) states that except for required setbacks (referring back to subsections a and b), there are no requirements for any *front*, side or rear setbacks for parcels within a Mixed Use Development. Since a front setback is a setback from the right-of-way, this interpretation would appear to conflict with the language in subsection (c). Given the intent of the Mixed Use district which includes design flexibility, and the longstanding practice in Mixed Use of setting the structure location on a lot relative to surrounding properties and streets during development plan review, staff believes that this degree of restriction is not desirable or intended. Please note that should the Planning Commission or Board of Supervisors have particular concerns about setbacks internal to a proposed mixed use development during review of the rezoning (all mixed use developments must be approved through the rezoning

process), legislative discretion could be used to address this issue at the master plan stage. Staff recommends that this subsection be amended to specify “external” roads.

4. Section 24-527(c) specifies that “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.*” Staff had proposed amendment of this section to allow for applicants in mixed use zoned districts to apply for a setback modification without limitation by the overlying Comprehensive Plan designation, with (as currently required for areas designated Mixed Use on the Comprehensive Plan) any such modification application subject to the review and approval of the Planning Commission. At their March 14th meeting, the Policy Committee discussed whether instead of simply allowing the setback modification for all Comprehensive Plan designations equally, some distinction could continue to be made between those districts with an overlying Mixed Use designation versus districts with a overlying designation that was other than Mixed Use. The Committee considered whether the distinction could be made by requiring additional criteria be met for non-Mixed Use designated areas, noting that this distinction would be for the purpose of promoting a greater degree of scrutiny on the part of staff and the Planning Commission for non-Mixed Use designated developments given the possible greater concern over compatibility with, or potential impacts on, adjacent development in these areas. Accordingly, two additional criteria for non-Mixed Use designated areas are proposed, and the new language would read as follows (see attachment #1 for the full text):

Reduction of the width of the setbacks may also be approved for a mixed use zoning district that is not designated Mixed Use by the Comprehensive Plan upon finding that the proposed setback meets one or more of the criteria listed above and both of the following additional criteria.

(1) Properties adjacent to the properties being considered for a reduction in setback must be compatible;

(2) The proposed setback reduction has been evaluated by appropriate county, state or federal agencies and has been found to not adversely impact the public health, safety or welfare.

Please note that a proposed setback modification in a mixed use zoned district that was not designated Mixed Use by the Comprehensive Plan would still need to meet one of the three existing criteria, as well as both of the two additional criteria. Staff suggests that the first new criteria, when coupled with the already existing language in the section addressing adjacent development (“shall have no additional adverse impact on adjacent properties or public areas”) would allow the Planning Commission to adequately address any additional concerns there may be for mixed use development in areas not designated Mixed Use by the Comprehensive Plan. The second new condition is suggested to address possible issues or concerns that might arise with new mixed use development with a reduced setback adjacent to existing developments, such as maintaining adequate sight distances along roads or ensuring proper drainage is maintained.

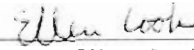
Other proposed changes to subsection (c) related to this central issue include i) simplifying the title of the subsection so that the language in the body of the subsection can be clearly understood and ii) rewording the criteria language by replacing the wording “for those areas of a mixed use district that are internal to a Mixed Use area as designated by the Comprehensive Plan” with “for

a mixed use zoning district that is designated Mixed Use by the Comprehensive Plan.” to clarify applicability.

RECOMMENDATION:

The Policy Committee considered the proposed amendments during meetings held on 3/14/2007 and 3/21/2007. At the 3/21/2007 meeting, the Policy Committee voted 3-1 to recommend approval of the proposed ordinance changes to the Planning Commission and Board of Supervisors.

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



Ellen Cook

Attachments

1. Draft Revised Ordinance
2. Copy of Existing Ordinance
3. Unapproved minutes from 3/7/2007 Planning Commission meeting
4. Unapproved minutes from 3/14/2007 Policy Committee meeting
5. Follow up document per 3/14/2007 Policy Committee meeting request
6. Unapproved minutes from 3/21/2007 Policy Committee meeting

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 a mixed use zoning district that is designated Mixed Use by the Comprehensive Plan 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.

Reduction of the width of the setbacks may also be approved for a mixed use zoning district that is not designated Mixed Use by the Comprehensive Plan upon finding that the proposed setback meets one or more of the criteria listed above and both of the following additional criteria:

- (1) Properties adjacent to the properties being considered for a reduction in setback must be compatible;*
- (2) The proposed setback reduction has been evaluated by appropriate county, state or federal agencies and has been found to not adversely impact the public health, safety or welfare.*

*(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.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th 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.

**UNAPPROVED MINUTES OF THE MARCH 7, 2007 MEETING
OF THE PLANNING COMMISSION**

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

Ms. Ellen Cook presented the staff report stating that Staff has recognized the need to amend and reordain JCC Code, Chapter 24, Zoning, Article V, Districts, Division 15, Mixed Use, MU, 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. Ms Cook stated that the amendment is necessary to eliminate ambiguity between the terminology used in the title of the section and the terminology used in the first sentence and to permit setback waiver modification requests in Mixed Use Districts regardless of Comprehensive Plan Designation. Ms. Cook also noted several other proposed amendments. She stated that on February 27, 2007 the Policy Committee voted to forward the recommendations to the Planning Commission.

Mr. Obadal asked if the intent of adding the word “external” to paragraph A is to totally eliminate setbacks that are interior.

Ms. Cook stated that specifying the word “external” means setbacks would be from external roads and there would be no setbacks from internal roads in a Mixed Use District.

Mr. Sowers added that Mixed Use Districts have to go through rezoning and that during either the rezoning or development plan process is when setbacks are established. He stated that this amendment allows more flexibility.

Mr. Obadal asked where that authority is given.

Mr. Sowers said the authority would be given under the section of the Ordinance being considered.

Mr. Obadal stated that the effect then would be to eliminate internal setbacks entirely.

Mr. Kennedy asked Ms. Lytle to comment on Mr. Obadal’s statement.

Ms. Lytle asked for a moment to research the answer.

Mr. Obadal asked Ms. Cook to repeat her earlier reference to Cluster developments.

Ms. Cook stated there was an error in the memorandum and that R-4 should have been used, instead of Cluster, along with PUD in comparing Districts with large master planned communities that have flexible setbacks internal to the District.

Mr. Obadal stated his thoughts that setbacks included an interior setback.

Mr. Kennedy stated that he would entertain a motion to defer this item due to the complexity of the issues.

Mr. Obadal said that would be acceptable.

Mr. Billups asked if the application sought to exclude external setbacks and asked if that would be on a case by case basis.

Ms. Cook clarified that the setback would for roads external to the Mixed Use District.

Mr. Billups asked what would happen with a development that runs parallel to a Corridor road.

Ms. Cook stated that they would need to have the setback from that external road unless they applied for a waiver.

Mr. Billups referenced the term "Planning Director or designee" and asked what authority a designee would have without Board approval.

Ms. Cook stated that the term "or designee" had been removed per the Policy Committee's comment.

Mr. Billups motioned to defer the application.

Ms. Jones seconded the motion.

Mr. Kennedy asked that Commissioners forward their questions and concerns to Staff to be research prior to the case being considered again.

Mr. Kennedy opened the public hearing.

Hearing no requests the public hearing was continued.

In a unanimous voice vote the application was deferred (7-0).

Mr. Fraley thanked Ms. Cook for her work on the application.

Unapproved Minutes
Policy Committee Meeting
March 14, 2007

Mr. Fraley stated that he had communicated to Ms. Cook some of the concerns the Committee has. He also noted the work that Mr. Tony Obadal had done on behalf of the Committee in preparing a memo.

Mr. Obadal said he had sent Ms. Cook a copy of the memo.

Ms. Jones stated that Planning Commissioner Shereen Hughes called her expressing her concerns about the Community Character Corridor Buffers.

Ms. Ellen Cook said she wanted start by explaining how a Mixed Use District is created.

Ms. Jones asked for confirmation that she was referring to the Zoning District not the Comprehensive Plan Land Use Designation.

Ms. Cook explained that there are no parcels in the County originally zoned Mixed Use. She stated that the parcels went to the rezoning process and received approval from the Board Supervisors. Ms. Cook said this is also true of the R-4 District as well. She stated that through the rezoning process the Planning Commission and Board of Supervisors has an opportunity determine if the use is appropriate for that area based on the Comprehensive Plan Designation and surrounding uses. She also stated that there are about ten parcels in the County zoned Mixed Use with the largest being New Town.

Mr. Fraley stated that their concern is how this proposal will affect Ironbound Square and the Candle Factory, which is a future case.

Mr. Obadal said his concern is that the districts that already exist are covered by the Ordinance.

Ms. Cook said they are existing master planned communities with proffers that must be adhered to.

Mr. Obadal asked if applicants could decide to combine the benefits of the Ordinance and alter the master plans.

Ms. Cook said changing a master plan and proffers requires legislative approval.

Mr. Fraley said that is the requirement to change proffers. He said a minor change to the master plan can be approved by the Planning Director and a major change of the master plans can be approved by the DRC (Development Review Committee).

Ms. Cook said Mr. Fraley was correct.

Mr. Fraley said part of the concern of the Planning Commission is due to the issues with the Whitehall case which has complicated the Commission's review of this proposal.

Mr. Obadal said the proposal would allow someone to request approval of a modification to the setbacks from the Planning Director and then to the Planning Commission and it could be an administrative action.

Ms. Cook stated that Staff's purpose is to clarify that the Planning Commission would approve any modifications. She stated that the Planning Director is mentioned in that section as the person formally submitting a recommendation. Ms. Cook said it is the Planning Commission that ultimately makes the decision.

Ms. Jones asked if that is a change. She asked if so that the request is made upfront and not after the case has received approval.

Ms. Cook said yes. She said the Ordinance is not consistent and in some places it says DRC and in some it says Planning Commission which usually is not an issue because the DRC is made up of 4 members of the Planning Commission. She stated that sometimes an applicant will wait until after the rezoning process and request a modification through the DRC. She said there are some cases where staff and the applicant are aware that a modification will be requested and that gets noted in the staff report so that Planning Commission can comment on that with their recommendation to the Board.

Ms. Jones asked if Ironbound Square will go to the DRC.

Mr. Ribiero said there are over 50 lots so it will go to the DRC.

Mr. Fraley asked how Staff intends to differentiate that in the language of the Ordinance.

Ms. Cook said it is not to differentiate anywhere else in the Ordinance; it is a case by case basis. She said the Planning Commission can decide whether changes to a particular case would be reviewed by the full Commission or to the DRC.

Mr. Fraley said as a housekeeping item Staff is trying to clean up the language and asked what the language will be.

Ms. Cook said this could be done by using Planning Commission instead of DRC. She also stated that when there is a comprehensive update to the Zoning Ordinance the language will be standardized.

Mr. Obadal said there is a difference. He said Planning Commission is used in paragraph "C" whereas DRC is used in either paragraph "D" or "B".

Ms. Jones said DRC is used in paragraph "D".

Mr. Obadal said paragraph C relates to zoning or rezoning. He said paragraph D would relate to modifications and rezoning.

Ms. Cook stated that it is not spelled out in the ordinance. She said that could be a possible determination of its intent but that is not traditionally how Staff interprets it. She stated that they use whatever process is most appropriate as determined by the Staff and the applicant.

Mr. Obadal said he is asking for an interpretation that follows the wording of this section of the Ordinance rather than a practice that may have occurred over a period of years and has become ingrained in the way Staff approaches it. He stated that he thinks Staff can achieve everything they propose while strictly adhering to the Ordinance.

Ms. Jones asked if the discussion is concerning paragraph D.

Mr. Fraley said C and D. He said C talks about the Planning Commission making a recommendation and D talks about requests for modifications made to the Planning Director who shall make a recommendation to the DRC. He said there is no authority grab but differentiation between the Planning Commission and the DRC and he can see those differences. Mr. Fraley said he could see a plan coming to the Planning Commission and then requesting a change later during site plan consideration. He stated that he thinks it is okay from a process standpoint but asked if it is okay in the Ordinance with the wording.

Mr. Obadal stated that he felt the drafters of the Ordinance made very subtle distinctions that indicated how they wanted the problems handled and had very specific reasons for doing it. He said they included, for example, internal road setbacks in paragraph C as part of the zoning process. Mr. Obadal stated that it was the Planning Commission that could initiate the changes to those setbacks as part of the zoning process.

Ms. Jones said that was only if it was designated for that in the Comprehensive Plan.

Mr. Obadal agreed and stated that paragraph C uses the words mixed-use areas, not mixed-use districts so you turn to the Comprehensive Plan and ask what areas are mixed use areas. The ones we traditionally look at are designated on the map. He found it extremely interesting that housing rehabilitation focus areas were intended to be in the Comprehensive Plan mixed use areas.

Mr. Fraley referred Ms. Cook to page 107 of the Comprehensive Plan.

Ms. Cook agreed that the language in the title does say mixed use area. She stated that the next section says the Planning commission may grant approval of setback modifications in Mixed Use Designated areas. She said that is the conflict Staff is trying to resolve. Ms. Cook stated that mixed use district means zoning district and mixed use area designation by the Comprehensive Plan is a land use.

Ms. Jones said that it is a reduction based on the Zoning Ordinance only to be applied to a mixed use area that is designated in the Comprehensive Plan. She stated that Mr. Obadal's thought is rather than completely take the land use designation out is it possible to add language into the Ordinance to allow for a waiver with criteria for situations where, under very close scrutiny, a setback reduction is permitted. Mr. Jones confirmed with Mr. Obadal that that was his thought.

Mr. Obadal said that was part of his approach. He suggested inserting 'included housing revitalization refocus areas'. He said that he thought that would clarify some of the confusion.

Ms. Cook asked the Policy Committee to think broadly about applying setback modifications to those areas designated mixed use and asked if by putting appropriate controls in the Ordinance if it's appropriate to allow any mixed use zoning district to have the ability to request setback modifications. She reminded the Committee that a mixed use district is only created with Planning Commission and Board of Supervisors approval that recognizes that the mixed use zone is appropriate for that area.

Ms. Jones said she did not have an issue as long as it is highly justified. She also stated her concern with defining revitalization areas.

Mr. Fraley asked that the changes that are housekeeping things be separated from the more important changes. He also asked for clarification of what is proposed to be accomplished with the other changes and how that is different from other Ordinances.

Ms. Krapf stated his agreement that it should be difficult to get a setback waiver. He said that he was also having a hard time sorting out what is purely housekeeping and what represents a substantial change to the Ordinance.

Ms. Jones said she thinks C is the substantial change.

Ms. Cook said the issue that seems to be less controversial is the proposal to tie subsections A and B to section D that talks about the kinds of setback modifications can be requested.

Mr. Fraley confirmed that A and B are the setbacks and D covers how you can apply for a modification to the setbacks. He also said D ultimately requires approval from the DRC.

Ms. Cook said that was correct as it is currently written.

Mr. Fraley asked if anyone has a concern with that part of the proposal.

Mr. Obadal stated that his thought that the original drafters were tying the setbacks to mixed-use areas to encourage development in those areas, not outside those areas. He stated that a mixed-use district is very dense and the drafters wanted them in specific areas outlined in the Comprehensive Plan.

Ms. Jones asked if Staff is trying to clarify internal and external roadways.

Ms. Cook stated that Staff's perception is that the word "internal" in subsection (c) is not necessarily talking about internal streets but internal to a mixed designated area identified on the Comprehensive Plan.

Mr. Fraley asked Ms. Cook to show those areas on the map (drawn on the whiteboard).

Ms. Cook showed the areas.

He stated that Mr. Obadal has pointed out that Mixed-use areas and mixed-use districts are used.

Ms. Cook stated that a mixed use designated area would be the Comprehensive Plan designation and a district is the Zoning District. She pointed to a parcel and explained that if the owners were successful in requesting a rezoning to mixed use zoning it would be considered a mixed-use zoned district internal to a mixed use designation area on the Comprehensive Plan and would be able to apply for a setback modification. She stated that if the parcel were successfully rezoned to a mixed use zoned district but had a different designation on the Comprehensive Plan the owners could not apply for a setback modification under the current Ordinance.

Mr. Obadal said he agreed.

Mr. Fraley stated that Mr. Obadal is suggesting that this was not an oversight but purposely.

Ms. Cook agreed.

Mr. Fraley asked what the reason could be.

Ms. Cook stated that staff is suggesting that at the time of Ordinance writing the drafters did not have specific plans. She stated that the Ordinance is there to regulate development but is not something that could never be changed as developments come forward and someone recognizes some of the implications.

Mr. Obadal stated that to him the issue is how to manage growth. He stated that they cannot assume that the drafters were unaware of the implications.

Ms. Cook stated her belief that they thought at the time it was most appropriate.

Mr. Fraley said the question is does it make sense.

Mr. Obadal agreed and stated that if the Committee feels it does not make sense then they should change the ordinance.

Mr. Fraley stated that they must consider that when a zoning request comes before them. He said the question was whether they wanted to permit more flexibility than the current ordinance allows that would provide for setback waivers in mixed-uses zoning that is not in a mixed-use designated area. Mr. Fraley also confirmed with Ms. Cook that the Board of Supervisors has already approved Phase 1 of Ironbound Square which is contrary to the current Ordinance.

Ms. Jones said the setback waivers were not necessarily based on how the Ordinance reads today.

Mr. Fraley stated that conflict did not surface during that approval process of Phase 1 and therefore the Planning Commission, Staff, and Board of Supervisors recommended approval.

Mr. Chris Basic stated that Stonehouse is PUD-R and is designated mixed use on the Comprehensive Plan. He asked how severe intentional reliance on mixed use designations apply in that situation.

Mr. Obadal stated that you can always go to a lesser density. He said the questions is can you go to a higher density in an area that's not zoned for a higher density.

Mr. Krapf and Mr. Obadal talked about the possible scenarios.

Mr. Fraley asked if the Committee wanted to consider modifying the Ordinance to permit setback modifications for mixed use districts that are not in mixed used designated areas. He asked Mr. Obadal if that was the fundamental question.

Mr. David German stated that when the Ordinance was drafted no mixed use districts existed.

Mr. Fraley asked how setback modifications work in other districts.

Ms. Cook said it varies a little by district and explained the provisions for modifications.

Mr. Fraley asked the difference between a buffer and a setback.

Ms. Cook stated that in general a setback is referring to a structural setback and buffer is undisturbed area.

Mr. Fraley and Ms. Cook discussed the specifics of Staff's proposal.

Mr. Fraley asked why Staff thinks it is necessary to modify to make it more flexible.

Ms. Cook suggested that the proposed changes did not necessarily make the ordinance more flexible, but just increased the range of applicability. Ms. Cook noted that the approval process would remain in place.

The Committee and Staff confirmed the specifics of the proposal and discussed the process for moving forward with the amendment. The Committee agreed to meet again to continue the discussion.

Mr. Fraley asked how a decision against amending the Ordinance would affect the Ironbound Square project.

Mr. Jose Ribeiro explained how Ironbound Square will be affected.

Mr. Fraley stated that he would like Staff to separate out the pure housekeeping issues and then to draw a proposed ordinance that would set the standards.

The Committee agreed.

Follow Up Document per 3/14/2007 Policy Committee Meeting (Attachment 5)

At the March 14, 2007 Policy Committee meeting, the Policy Committee requested that staff accomplish three tasks prior to the next meeting:

Task (1) Clearly separate technical “housekeeping” from substantive/policy changes.

Task (2) Address the criteria that a mixed use zoned district with an overlying Mixed Use Comprehensive Plan designation would need to meet to have a setback modification approved versus criteria a mixed use zoned district with an overlying Comprehensive Plan designation other than Mixed Use would need to meet to have a setback modification approved, with the Committee’s input that areas not designated Mixed Use should perhaps be the subject of a higher degree of scrutiny.

Task (3) Discuss setbacks internal to a mixed use district.

In addition, discussion at the Policy Committee meeting had included thoughts about whether it would be appropriate to cite “Housing Revitalization Focus Areas” as areas, along with Comprehensive Plan-designated Mixed Use areas, within which applicants could request setback waivers. A discussion of this concept is also included below.

Task 1

Staff considers the following two changes to be technical changes that do not have real policy implications and are proposed for clarity only, and reflect past practice:

A. Adding references between the different subsections to tie them together. (Adding language to subsection (c) to reference subsections (a) and (b), thereby clarifying the applicability of the setback modification process within the section. Similarly, adding language in subsection (e) to reference subsections (a) and (b), thereby clarifying which setbacks are being referenced.)

B. Consolidation of the description of the modification process in subsection (d), which then allows subsection (c) to be clearly read as the subsection focusing on eligibility and criteria. Staff would note that as part of this change, staff was suggesting simply using the term Planning Commission instead of both the term Development Review Committee and Planning Commission. At the March 14 meeting, it was suggested that perhaps the Planning Commission was cited in one subsection and the Development Review Committee in another because setback modifications might be considered at different times in the application process (rezoning versus development plan). While it is the case that setbacks modifications could be requested at various stages of the application process, staff does not feel that there is any substantive effect to solely citing the Planning Commission as the acting body (recognizing that if the request is brought at the development plan level, it will be the DRC considering the request and then forwarding their action to the Planning Commission). Regardless of when the modification is submitted, it must go through the process specified in subsection (d): formal application with specified reasons, Planning Director evaluation of the request and recommendation to the Planning Commission, Planning Commission action.

Staff considers the following two proposed changes to be substantive/policy matters:

C. Staff considers the proposed amendments to subsection (c) in relation to the circumstances under which an applicant is able to request a waiver to be a substantive/policy amendment. There is a housekeeping/technical element linked to this issue in that the title language could be more closely linked to the language in the body of the subsection. However, this element is secondary to the policy issue. This issue is discussed under Task 2 below and it is the central issue of the proposed amendments.

D. Staff had considered that clarifying that subsection (a) by specifying "external" roads was largely a housekeeping/technical change, but with subsequent questions by Policy Committee members, staff would put this in the category of items that do have some policy implications and which would benefit from clear explanations of effects. This issue is discussed under Task 3 below.

Task 2

Section 24-527(c) specifies that "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.*" Staff has proposed amendment of this section to allow for applicants in mixed use zoned districts to apply for a setback modification without limitation by the overlying Comprehensive Plan designation, with (as currently required for areas designated Mixed Use on the Comprehensive Plan) any such modification application subject to the review and approval of the Planning Commission. At their March 14th meeting, the Policy Committee discussed whether instead of simply allowing the setback modification for all Comprehensive Plan designations equally, some distinction could continue to be made between those districts with an overlying Mixed Use designation versus districts with a overlying designation that was other than Mixed Use. The Committee considered whether the distinction could be made by requiring additional or different criteria be met for non-Mixed Use designated areas, and asked staff to provide suggestions. The Committee's intention for this distinction was to promote a greater degree of scrutiny on the part of staff and the Planning Commission for non-Mixed Use designated developments given the possible greater concern over compatibility with, or potential impacts on, adjacent development in these areas. Accordingly, staff has suggested two additional criteria, as shown in yellow below. Staff suggests that the first new criteria, when coupled with the already existing language in the section addressing adjacent development ("shall have no additional adverse impact on adjacent properties or public areas") would adequately address any additional concerns there may be for mixed use development in areas not designated Mixed Use by the Comprehensive Plan. The second new condition is suggested to address possible issues or concerns that might arise with new mixed use development with a reduced setback adjacent to existing developments, such as maintaining adequate sight distances along roads or ensuring proper drainage is maintained.

(c) Setback Modifications; criteria for determination. Reduction of the width of the setbacks specified in subsections (a) and (b) above may be approved for a mixed use

zoning district that is designated Mixed Use by the Comprehensive Plan upon 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, 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 mix 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

Reduction of the width of the setbacks may also be approved for a mixed use zoning district that is not designated Mixed Use by the Comprehensive Plan upon finding that the proposed setback meets one or more of the criteria listed above and both of the following additional criteria:

- (1) Properties adjacent to the properties being considered for a reduction in setback must be compatible;
- (2) The proposed setback reduction has been evaluated by appropriate county, state or federal agencies and has been found to not adversely impact the public health, safety or welfare.

Task 3

The Policy Committee requested that staff discuss the idea of setbacks both internal and external to a mixed use district. Throughout the ordinance two different types of setbacks and/or buffers are used. The first type is a setback for a particular individual lot or parcel, consisting of a front setback from the right-of-way, as well as side and rear setbacks. For certain districts (A-1, R-6, LB, B-1, M-1, and M-2) these are the only type of setback specified. Another type of setback is the setback/buffer for a development as a whole, when that development is a group of parcels or units. These overall, or peripheral, setbacks are triggered by the scale of development, such as at the level of a development being classified a major subdivision (R-1, R-2, R-8). These overall setbacks/buffers fall into two categories: along external existing and planned arterial road rights-of-way, and adjacent to the development's perimeter property lines. Individual parcels within these

developments are still required to meet certain individual lot setbacks, and these are also specified in the ordinance.

Several of the zoning districts are differentiated from the rest by requiring a legislatively approved Master Plan for any development with that zoning category to occur. These districts include Planned Unit Development (PUD), Residential Planned Community (R-4) and Mixed Use (MU). Of these, R-4 requires neither overall/external setbacks, nor any individual parcel/internal setbacks. The PUD district does specify overall setbacks, both along external existing or planned arterial road rights-of-way, and adjacent to the development's perimeter property lines. It also calls out one type of setback interior to the development: a setback of 50 feet from rights-of-way for industrial uses. Other than this one internal setback, there are no requirements for any front, side or rear setbacks for parcels internal to the development. Finally, the Mixed Use district also specifies overall development setbacks along existing or planned public road rights-of-way (subsection a), and along the perimeter of the district (subsection b). Subsection (c) states that except for required setbacks, there are no requirements for any front, side or rear setbacks for parcels within a Mixed Use Development. Staff had suggested clarification of subsection (a) to state that this setback along the rights-of-way was intended for streets external to the Mixed Use development, rather than also applying to every right-of-way inside a Mixed Use District. The effect of this latter interpretation would be that every parcel would in effect be required to have a fifty (or seventy-five) foot structural "front" setback from any street within the development, creating a conflict with subsection (c). Given the intent of the Mixed Use district which includes design flexibility, and the longstanding practice in Mixed Use of setting the structure location on a lot relative to surrounding properties and streets during development plan review, staff believes that this degree of restriction is not desirable or intended. Staff continues to recommend that this subsection be amended to specify "external" roads.

Housing Revitalization Focus Areas Discussion

At the March 14th meeting, the Policy Committee members considered whether simply adding the phrase "Housing Revitalization Focus Areas" to the first sentence of subsection (c) would be appropriate. If this were done, the sentence would read: "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 and for Housing Revitalization Focus Areas 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 requirements of this section and...(list of additional criteria)."

The Committee had looked at page 102 of the Comprehensive Plan which shows areas of the County which are Housing Revitalization Focus Areas. Staff's interpretation of the Committee's discussion was that the Committee thought of these Focus areas in connection with the concept that perhaps these areas were intended as focus areas for growth and that higher densities are generally encouraged in areas designated for growth, and that mixed use is a zoning district which is typically considered an appropriate district for higher densities. Therefore, perhaps it could be thought that these were mixed

use areas. (If this is not a correct interpretation on the part of staff, please call or e-mail staff so we can better understand this issue.) Subsequent to the March 14th meeting, staff has discussed with Marion Paine of Housing and Community Development the intent of the Focus areas to see if Housing had any comments that would be pertinent to this issue. Ms. Paine stated that in general these Revitalization Focus areas are most directly intended for Revitalization where the primary goal is to bring existing structures or lots up to code. Ms. Paine stated that very little new growth would be intended or expected for these Revitalization Focus areas, noting that a number of them are outside the Primary Service Area. Ms. Paine also discussed the fact that Ironbound Square was unique among the Revitalization areas in proposing a higher density Mixed Use zoned development. Staff would recommend that the Policy Committee carefully consider, given this information, the addition of this specific type of area to Section 24-527. The character of these areas varies considerably, from urban, to suburban to rural. Staff believes that much more additional consideration (outside the scope of this amendment) is necessary before determining if MU zoning is general appropriate and warrants any amendments at this time.

UNAPPROVED MINUTES
POLICY COMMITTEE MEETING

Setbacks in Mixed-Use Districts, Comprehensive Plan Methodology and Timeline
March 21, 2007, 10:00AM, Building A Large Conference Room

A. Roll Call

PRESENT:

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

OTHERS PRESENT:

Ms. Tamara Rosario, Senior Planner II
Ms. Kate Sipes, Planner
Ms. Ellen Cook, Senior Planner
Ms. Melissa Brown, Acting Zoning Administrator
Mr. John Horne, Development Manager
Mr. Marvin Sowers, Planning Director
Mr. Jose Ribeiro, Planner
Ms. Jennifer Lytle, Assistant County Attorney

B. Minutes

Mr. Fraley opened the meeting by asking for approval of the minutes from the February 26, 2007 meeting. Approval was granted by the Policy Committee members on a 4-0 vote.

C. Old Business – Mixed Use Districts

Ms. Cook stated that certain tasks had been given at the last Policy Committee meeting, and that she would go through those one by one. The first task was to separate the proposed amendments that were more technical/non-policy in nature from the more substantive changes. Ms. Cook listed the two changes that staff considered more technical/non-policy: adding the references between the sections, and consolidating the description of the process in subsection (d). She noted that staff did not propose to change the process. The two more substantive changes were the proposed amendment regarding under what circumstances a setback modification could be requested, and the proposed amendment to clarify the type of right-of-way setback. Ms. Cook noted that these were further discussed in the second and third tasks.

Mr. Fraley mentioned the article in the Virginia Gazette and asked staff to clarify the internal setback situation. Ms. Cook replied that that item was discussed as part of the third task that staff had done for the Committee.

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Mr. Fraley asked if there were any questions on the first two items. The Committee discussed them briefly, but did not have major questions.

The Committee returned to the discussion of right-of-way setbacks (the third task). Mr. Krapf suggested that the information staff had put together was helpful. Mr. Fraley asked how staff had looked at this issue in the past. Ms. Cook stated that in the past staff had looked at the right-of-way setback as applying to external right-of-ways, but that in practice staff had sometimes brought modification requests to the DRC that did not specify the type of right-of-way setback that was being requested (external roads versus internal roads), just that a modification had been applied for. Mr. Krapf stated the question that was before the Committee was whether to recommend continuing with past practice or whether to recommend that the right-of-way setback be applied to both external and internal rights-of-way. Staff discussed the idea that external right-of-way setbacks are the setbacks that are most directly associated with a public purpose, which is to examine impacts on the road network and adjacent development. The Committee and staff also discussed the fact that all mixed use zoned districts go through the rezoning process and are set up under an adopted master plan.

Mr. Obadal stated that he objected to the idea that a building could be a zero lot line building without required internal setbacks. Mr. Fraley asked staff to comment on what the review process would be for building placement on lots internal to a mixed use zoned district. Staff discussed the review process, noting that any building or group of buildings that triggered DRC review, such as a building over 30,000 square feet, would be reviewed by the DRC. For other site or subdivision plans, the plan would be reviewed administratively by staff and by reviewing agencies to ensure that the siting of the building on a lot was not contrary to public safety such as interfering with sight distances along an internal roadway. Staff also discussed the fact during a rezoning, the Planning Commission and Board could examine a proposal and, if there were particular concerns, use their discretion to determine whether setting internal setbacks via the master plan or proffers were necessary in order to gain approval. Mr. Obadal questioned why it was necessary to amend the ordinance and why it was that the PC and Board could not look at the rezoning cases before them and determine the setbacks which would then be shown on the master plan or specified in the proffers. Ms. Lytle and Ms. Brown clarified that an applicant needed to meet ordinance requirements regardless, and that an applicant could proffer items that exceeded ordinance requirements, but could not replace the basic ordinance requirements with proffers. Mr. Obadal stated that he felt that any setback modifications should be brought to the legislative body, meaning the Board of Supervisors. Mr. Fraley asked staff to comment on what body approved setback modifications when they were requested, as stated in the ordinance for different districts. Staff discussed the fact that generally, the body in the ordinance that is specified is the Planning Commission. Staff discussed the idea that having the Board specified as the body that granted the setback modifications would be unusual compared to the rest of the ordinance, and that the Board was not the body that would typically examine development plans (site and subdivision plans) and consider setback modification

requests in connection with them. Mr. Krapf, Ms. Jones and Mr. Fraley generally agreed that they did not have further issues with the proposed change. Mr. Krapf noted that he thought it was important to emphasize the fact that mixed use districts were master planned districts that were reviewed by the Planning Commission and Board when initially proposed.

In relation to the item that had been set as the second task, Ms. Cook presented the proposed changes to subsection (c) dealing with the overlying Comprehensive Plan designation necessary for an applicant to request the modification. Ms. Cook reviewed the request that had been made of staff at the last Policy Committee meeting, which was to examine additional conditions for mixed use districts which were not designated Mixed Use by the Comprehensive Plan. Ms. Cook stated that these were presented in the text of the Task list document and asked if there were any questions. Mr. Fraley asked for clarification of the language in the subsection related to the word "internal". Staff and the Committee discussed that the word "internal" in subsection (c) was not referring to "internal setbacks" but rather the location of a mixed use zoning district in relation to the overlying Comprehensive Plan designation. Staff stated that this wording would be addressed to clarify the meaning. Mr. Fraley asked staff to comment on the idea of including Housing Revitalization Areas (as shown on page 102 of the Comprehensive Plan) in the ordinance as areas that could be eligible to request setback modifications. Ms. Cook stated that she had talked with the staff at Housing and Community Development and that these areas were, in general, focus areas for rehabilitation and bringing residences up to code rather than areas where a mixed use development or mixed use zoning were envisioned for the future.

Mr. Fraley offered the time for public comments: there were none. Mr. Krapf motioned to approve the changes to the ordinance staff had proposed. Ms. Jones seconded the motion. The motion was approved with a 3 – 1 vote, with Mr. Obadal dissenting.

Mr. Fraley asked for guidance from Mr. Horne in getting the correct information to the media. Mr. Fraley suggested that perhaps staff could write a press release for the ordinance changes. Several citizens spoke to the issue of desiring accurate information on the items the Planning Commission was considering.

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").

RECTALS

- 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").

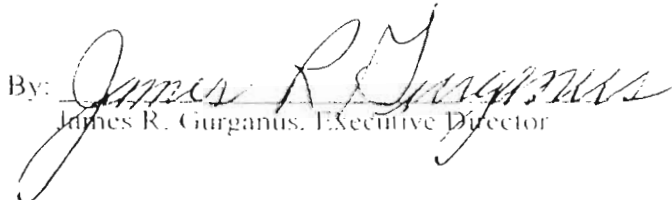
4. **Road Improvements.** Owner shall install, in accordance with Virginia Department of Transportation ("VDOT") recommendations, standards, and specifications, the following road improvements: a) curb, gutter, and paving and sidewalks on the eastern side of Watford Lane from 120 Watford Lane to Watford 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.

5. **Environmental Protections.** The project shall contain a Low Impact Development (LID) component for stormwater management purposes. LID measures shall be situated in common areas associated with the project. If a downstream, offsite regional stormwater basin is used to meet stormwater management requirements for the project, then onsite LID measures as shown on the Master Plan drawing shall be provided to further minimize water quality impacts associated with the project. If a downstream, offsite regional stormwater basin cannot be used for the project, then onsite LID measures as shown on the Master Plan drawing shall be used in order to achieve compliance under the County's 10-point system for water quality.

WITNESS the following signature:

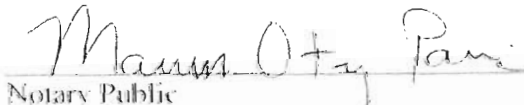
WILLIAMSBURG REDEVELOPMENT and HOUSING AUTHORITY

By: 
James R. Gurganus, Executive Director

STATE OF VIRGINIA

CITY / COUNTY OF Williamsburg to wit:

The foregoing instrument was acknowledged this 27 day of March, 2007, by James R. Gurganus, WRHA Executive Director.


Notary Public

My commission expires: July 31, 2008

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

Property Address		Property Identification Number
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

Property Address	Property Identification Number	Owner(s)
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 E. 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

* "WRHA" Williamsburg Redevelopment and Housing Authority

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

Staff Report for the April 4, 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:
Planning Commission:
Board of Supervisors:

Building F Board Room; County Government Complex

March 07, 2007 7:00 p.m. (deferred)
April 04, 2007 7:00 p.m.
May 8, 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 (thirty-seven residential parcels, two parcels are designated as "alleys", and therefore non-residential, and the remaining parcel is owned by James City County) 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 the 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 owners' names, location, tax map and parcel numbers are underlined 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, and 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 Phase II of the Ironbound Square Redevelopment Plan 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.

PLANNING COMMISSION RECOMMENDATION

On March 07, 2007, the Planning Commission voted 7-0 to defer the rezoning application for Phase II of the Ironbound Square Redevelopment Plan.

CHANGES MADE SINCE THE LAST PLANNING COMMISSION

During the March 07, 2007 meeting, members of the Planning Commission expressed concerns in several general areas pertaining to this rezoning application including: master plan inconsistency, property takings, and proffers. Staff offers the following information as means to address the concerns expressed by the Planning Commission. Please note that since the last Planning Commission meeting, Staff has added supplemental material attached to this staff report in order to further address some of the issues raised since the last Planning Commission meeting. These additional attachments are identified in the last page of the staff report as attachments No.8 through No.16. Also any additional changes to this staff report since the last Planning Commission meeting are identified in *bold italics*

a) Master Plan Inconsistency:

The Planning Commission members noted inconsistencies in some of the submitted documents; the colored plan entitled "Master Plan of Revitalization of Ironbound Square" and dated 10/26/05 included in the Community Impact Statement (CIS) binder is a copy of the original 2003 conceptual plan for Phase I and II of the Ironbound Square Redevelopment Plan. The inclusion of the conceptual plan in the CIS is for illustrative and informative purposes only. The binding Master Plan for Phase II, which requires Planning Commission and Board of Supervisors action, is the black and white version entitled "Master Plan of Revitalization Ironbound Square", dated 11/29/06, and revised on 1/22/07." The Planning Commission also requested a summary of Master Plan changes during the course of the project. This is addressed in Attachment No.10.

b) Taking Issues:

Members of the Planning Commission expressed concerns that the proposed placement of Cul-de-sac 1, as shown on the Master Plan, would negatively impact the property owners of parcels located at 4348, 4346, and 4344 Ironbound Road (shown in the master plan as Parcels Nos. 1, 2, and 3) by "taking" portions of the rear of these properties. The Planning Commission requested that alternative layouts for Cul-de-sac 1 be investigated to avoid the taking of the rear properties of the above mentioned parcels. In order to address the concerns expressed by the Planning Commission, the applicant has provided examples of two alternatives for relocating Cul-de-sac.1 along with a narrative describing its impact on adjacent parcels (Please refer to attachments No. 8 and No. 9 to this staff report.)

c) Proffers:

As recommended by the Planning Commission, the applicant has proffered to use Low Impact Development (LID) features for stormwater management purposes for this project (Please refer to proffer No. 05, Environmental Protections). The Planning Commission has also suggested that green building practices be considered as an additional proffer for this project. The Office of Housing and Community Development was not able to submit this additional material prior to the cut of date for signed proffers submittal, March 23, 2007. Therefore, this particular proffer could not be included as part of the revised proffers submitted with this staff report. However, it can be amended to the revised proffers prior to the Board of Supervisors meeting on May 8, 2007. Below is the language that has been proffered for green building practices for Ironbound Square Redevelopment Plan Phase I:

"Owner shall include use of green building practices as a criterion in evaluating builders' proposals to construct the single-family detached units within the portion of the property with a Master Plan area designation of "Phase 2 Rezoning". To meet the green building criterion, builders shall agree to obtain certification by the Earthcraft House Program or comparable certification program, as approved by the Director of Planning, of each single-family detached unit constructed. Owner shall submit a report to the Director of Planning annually during the development of the project detailing the incorporation of green building practices and the number of completed units achieving certification."

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 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 objectives 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 applicant has provided a memorandum (attachment No.10 to this staff report), which provides a history of the planning process, a summary of changes to the plan, and actions taken by County officials regarding the Ironbound Square Residential Revitalization Project.

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 Proffer: 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 remainder of the lots will be dedicated to mixed cost and sold through the County's affordable incentive program.

Affordable Housing Proffer: 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 which pertains to the entire redevelopment area (Phase I and II):

“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 thirty-seven residential 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 thirty-seven single-family parcels could provide a total of sixteen school children (37 x 0.45= 16).

The proposed re-subdivision of thirty seven residential parcels into fifty-two residential parcels is projected to generate twenty-three school children (52x 0.45= 23) or seven additional students above these generated by the existing thirty seven residential 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
Total	2779	2653	3208	<u>23</u>	3231

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's Capital Improvements Program (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 Proffer: 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. Staff also notes that according to VDOT, a traffic signal is proposed for the intersection of Watford Lane and Ironbound Road.

Please note that pedestrian crosswalks at the intersection of Ironbound Road and Watford lane and Ironbound Road and Magazine Road will be provided. The crosswalk at Magazine Road will have a pedestrian refugee in the center lane to assist with safe crossing.

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 its 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 Engineers' 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.

Environmental Protections Proffers: *The project shall contain a Low Impact Development (LID) component for stormwater management purposes. LID measures shall be situated in common areas associated with the project. If a downstream, offsite regional stormwater basin is used to meet stormwater management requirements for the project, then onsite LID measures as shown on the Master Plan drawing shall be provided to further minimize water quality impacts associated with the project. If a downstream, offsite regional stormwater basin cannot be used for the project, then onsite LID measures as shown on the Master Plan drawing shall be used in order to achieve compliance under the County's 10-point system for water quality.*

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>Low Density Residential (Page 120): 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>Staff Comments: 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 also notes 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>
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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 forestal lands...and the ability to meet the public needs of the development.</p> <p>Staff Comments: 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 14):</i> Identify target areas for infill, redevelopment, and rehabilitation within the PSA</p> <p>Staff Comments: 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

<p>Goals, strategies, and actions</p>	<p><i>Action # 5 (Page 66): Encourage the use of Better Site Design, Low Impact Development, and best management practices (BMPs) to mitigate adverse environmental impacts.</i></p> <p><i>Action # 5(h) (Page 66): To continue to encourage the development of regional best management practice (BMPs) wherever feasible.</i></p> <hr/> <p><i>Staff Comments: The applicant has proffered Low Impact Development (LID) practices for this project. The following LID practices are being considered for use in Ironbound Square Plan Phase II:</i></p> <ul style="list-style-type: none"> • <i>Dry Swale</i> • <i>Bioretention Filter/ Basin</i> • <i>Chamber Infiltration Bed</i> • <i>Bottomless and Sumped Inlets</i> • <i>Disconnected Roof Leaders (promoting infiltration and increasing time of concentration)</i> • <i>Pervious Pavement (for shared driveways)</i> <p><i>All of these are possible LID features but are subject to detailed analysis of the construction process and geotechnical engineering analysis of the soils infiltration capacity. Further, a regional best management practice (BMP) is proposed for this project.</i></p> <hr/> <p><i>Action # 23 (Page 67): Encourage residential and commercial water conservation, including the reuse of grey water where appropriate</i></p> <hr/> <p><i>Staff Comments: Water conservation standards have been proffered by the applicant.</i></p>
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Transportation

<p>General</p>	<p><i>Ironbound Road (Page 78): 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.</i></p> <hr/> <p>Staff Comment: 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 for a multi-use path and bike lanes on Ironbound Road.</p>
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Housing

<p>General</p>	<p><i>Assistance Programs (Page 103): 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 intends to provide approximately 100 additional affordable housing units including single-family homes and rental units for senior citizens.</i></p> <hr/> <p>Staff Comments: 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 as a viable single-family residential area.</p>
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Goals	<p>Goal # 2 (Page 106): Eliminate substandard housing conditions.</p> <p>Goal # 3 (Page 106): Increase the availability of affordable housing.</p> <p>Staff Comments: 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.</p>
Strategies	<p><i>Strategy # 1- Page 106: Target publicly funded or publicly sponsored housing programs toward County residents and persons employed in the County.</i></p> <p><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></p> <p>Staff Comments: 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 redevelopment strategy will minimize site development costs and maximize the development potential of the area. Further, this residential redevelopment will not contribute to sprawl since no additional land will be required for this proposal.</p>
Action	<p><i>Action #5 (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></p> <p>Staff Comments: 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.</p>

Community Character

Goals, Strategies, And actions	<p><i>Goal #1 (Page 95): Improve the overall appearance of the County's urban and rural environment.</i></p> <p><i>Strategy# 5 (Page 95): Encourage beautification of existing development to improve the overall visual quality of the County.</i></p> <p>Staff Comments: 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.</p>
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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.

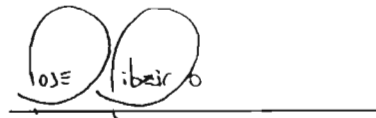
SETBACK REDUCTION REQUEST:

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 notes that the Master Plan as currently configured shows the site with the modified setbacks. Further, staff notes that a proposed amendment (ZO-01-07) to Section 24-527 of the Zoning Ordinance is currently being considered by the Planning Commission. 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.

The amendment to the setback requirements in section 24-527, Mixed Use District, has been reviewed and recommended for approval by the Policy Committee by a vote of 3-1 during its regular meeting on March 21, 2007.

RECOMMENDATION:

With the submitted 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:

Attachments No.1 through No.6 were submitted prior to the last Planning Commission meeting on March, 07, 2007 and therefore not included into this report

1. Location Map
2. Master Plan
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

ATTACHMENTS:

Attachments No.8 through No.16 are additional materials for the upcoming Planning Commission meeting on April 4, 2007.

8. *Exhibit "A" narrative and drawing of relocated Cul-de-sac1*
9. *Exhibit "B" narrative and drawing of relocated Cul-de-sac 1*
10. *Memorandum from the Office of Housing and Community Development describing the history of the planning process and actions taken by County officials regarding the Ironbound Square Residential Revitalization Project.*
11. *Copy of the Redevelopment Plan approved by the Board of Supervisors February 2002*
12. *Questions and Responses Regarding the Ironbound Square Plan*
13. *Statistical Information on Property Acquisitions*
14. *1 (one)Map showing acquisitions*
15. *2 (two) maps showing approximate planned VDOT acquisitions*
16. *Proffers(revised)*

Exhibit "A"-Narrative

This alternative shows the offset cul-de-sac being 'flipped' and shifting the road approximately 50 feet south. The north boundary of the new road is at the rear property line of the three properties being considered for condemnation. This also permits a 5 foot extension of Ms. White's property (Lot No.13 in the Master Plan), to the east of Road A, to provide adequate buffer from her existing home. Her home and shed currently encroach slightly into the adjacent property. Property acquisition is still required on 3 properties. The northwest and northeast corners of the first lot require portions of the property be taken to provide the adequate radii for Watford Lane off of Ironbound (~211 SF), and for the Road A off of Watford Lane (~83 SF). A portion of the rear of the third lot will also be taken by the cul-de-sac (~1,100 SF). The third property impacted is Ms. White's front yard to provide for adequate radii for Road A from Watford Lane (~117 SF). Under this alternative, we would have one less lot than proposed under the master plan.

While this alternative does minimize the area of the condemnation, the configuration does not meet VDOT standards for minimum separation of intersections. The distance from the Road A intersection and Watford Lane intersection is slightly less than 102 feet. VDOT requirements are as follows:

Offset intersections are discouraged. Desirable spacing between streets entering from opposing side of the major street is 250 feet. Desirable block lengths, or spacing between streets entering from the same side of the major street is 500 feet. For low volume local streets with ADT <1500vpd the minimum B-14 spacing between streets entering from opposite sides of the major street should be no less than 125 feet and block length should be no less than 250 feet. Figure 3 illustrates the desirable spacing.

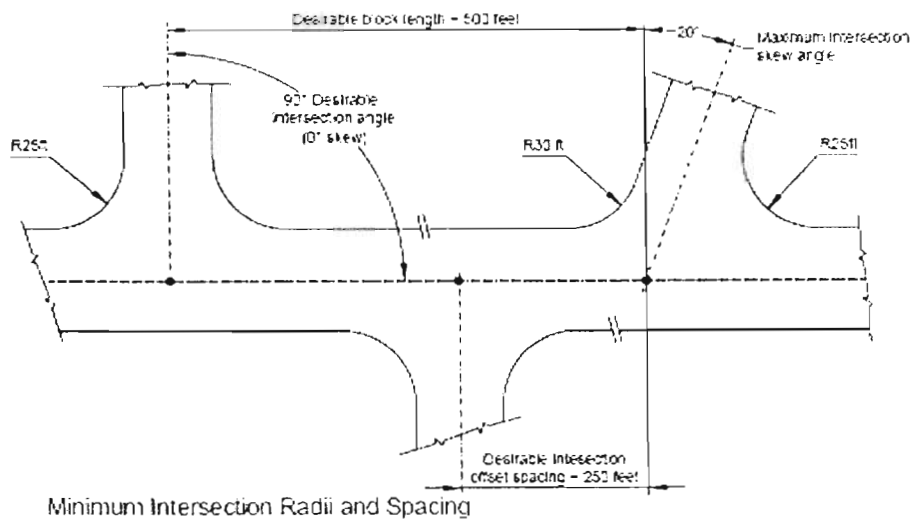


FIGURE 3 – INTERSECTION DESIGN

Exhibit A

Drawing

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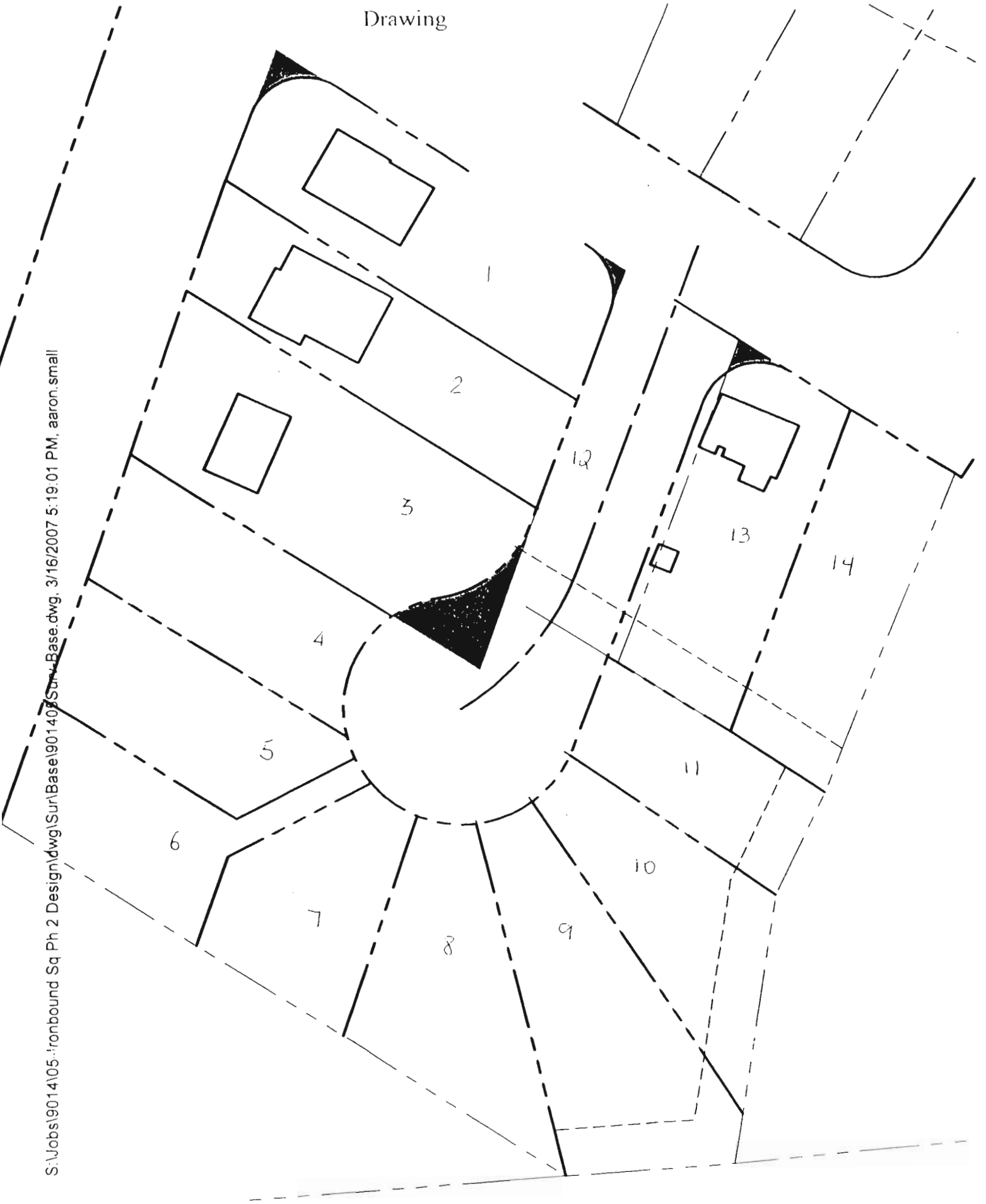


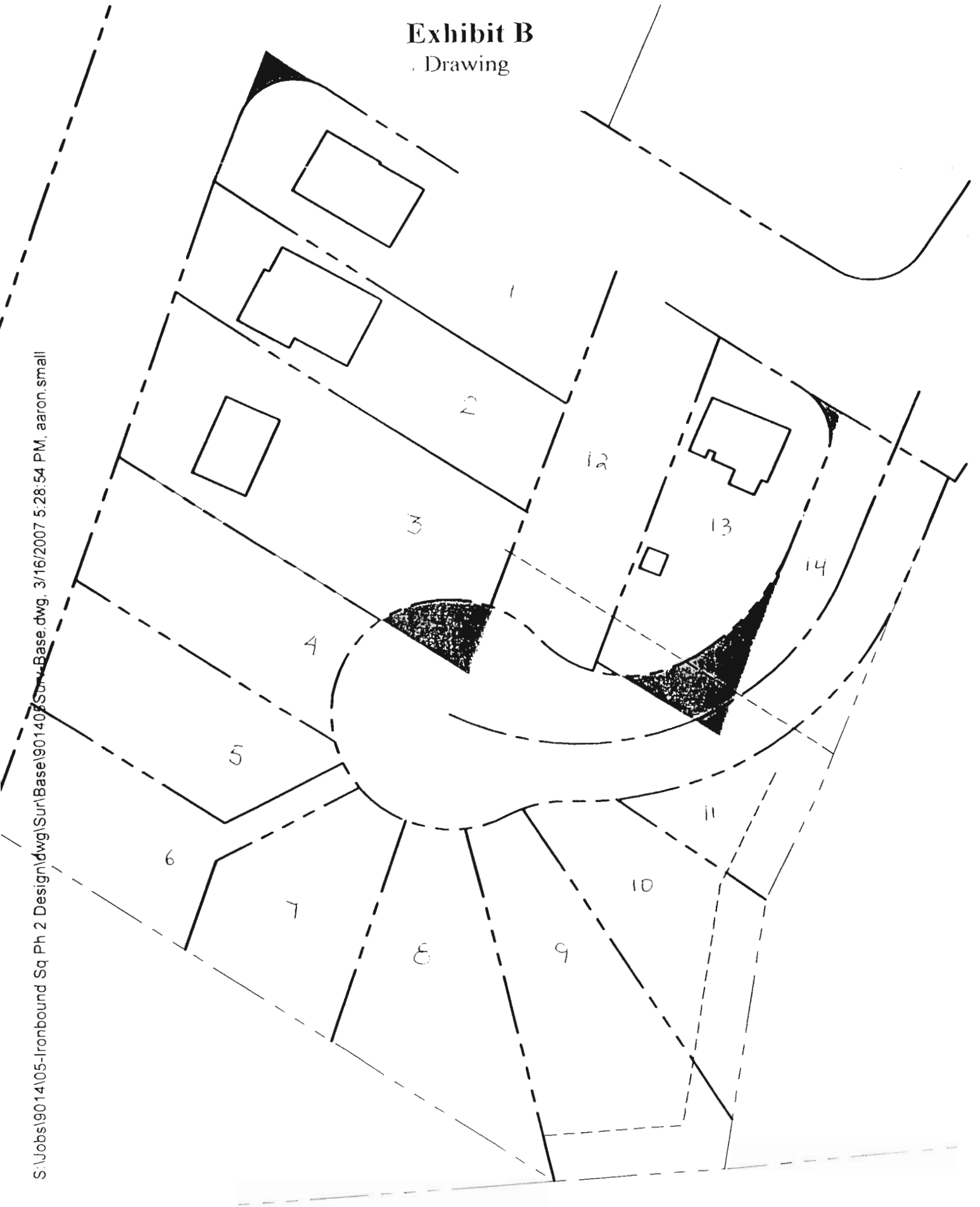
Exhibit "B"-Narrative

This alternative shows Road A shifted to the east of Ms. White's house (Lot No. 13 in the Master Plan) and would essentially be an extension of the north-south leg of Watford Lane. Again the same three properties are impacted. The Watford-Ironbound intersection requires a taking for right-of-way from the first lot (~211 SF). Ms. White's lot is severely impacted (~1,410 SF) especially in the rear yard where her garden is located and would give her road frontage essentially on 3 sides. The new lot to the west of her would have frontage on 2 streets. The middle lot that is subject to the condemnation would only be accessible from Ironbound Road. The third lot would be impacted by the cul-de-sac (~868 SF), albeit less than Alternative A. This alternative is 2 lots less than shown on the submitted master plan.

Exhibit B

Drawing

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MEMORANDUM

DATE: March 16, 2007
TO: Jose-Ricardo Ribeiro
FROM: Rick Hanson
SUBJECT: Ironbound Square Residential Revitalization Project

This memo provides a history of the planning process and actions taken by County officials regarding the Ironbound Square Residential Revitalization Project.

Development of the Residential Revitalization Project

In 1995 residents of the Ironbound Square Community reactivated a dormant neighborhood association and with assistance from the County's Neighborhood Connections Program developed a neighborhood improvement strategy. In 1997 at the request of the Ironbound Square Neighborhood Association, a housing and community development needs assessment was begun. Office of Housing and Community Development (OHCD) staff participated in a series of meetings with neighborhood residents from 1997-1999. A door-to-door survey was conducted jointly by OHCD staff and neighborhood leaders. Housing quality inspections of 46 homes were conducted. A Residential Revitalization Project Plan was prepared and presented first to the neighborhood and then to the Board of Supervisors for approval. The Board of Supervisors approved the Revitalization Project application on April, 13, 1999. This plan indicated extensive housing rehabilitation was required in the interior section of the neighborhood and identified the need for property acquisition, clearance, resubdivision, installation of public improvements, and residential redevelopment in the three blocks fronting Ironbound Road south of Magazine Road.

Approval and Financing of the Residential Revitalization Project

On April 13, 1999, the Board of Supervisors reviewed the activities and budget proposal for the revitalization project. The Board passed a resolution which authorized application for a \$1 million Community Development Block Grant (CDBG) to assist in financing the project. Furthermore, the resolution indicated that an additional, "\$1,196,625 in local funds are allocated to the project, and \$526,050 in state and other federal funds, and \$400,000 in private funds will be expended on this project." The application requested CDBG funds: to improve housing conditions of 44 neighborhood households with housing rehabilitation, replacement housing assistance, and relocation assistance; to assist 6 households through individual development accounts to purchase new homes or for improvements and maintenance of their homes and property; and to demolish dilapidated and substandard structures. The local and other non-CDBG funds were committed for acquisition of 9.25 acres of property within the three-block redevelopment area; resubdivision of the redevelopment area into 64 lots; installation of new streets in the redevelopment area; improvement of existing streets in the redevelopment area including curb, gutter, sidewalks, and necessary drainage facilities; and upgrades to the neighborhood park.

The Virginia Department of Housing and Community Development approved a multi-year award of CDBG funds for the Revitalization Project. On December 13, 1999, the Board of Supervisors approved several resolutions related to the CDBG funding, including authorization to execute the grant agreement. The Board also appointed a Community Development Neighborhood Advisory Committee to assist in providing on-going citizen participation in implementation of the project.

The Redevelopment Plan

The scope of the property acquisition and blight removal activities required that a Redevelopment Plan be prepared in accordance with Title 36 of the Virginia Code. Meetings were held, and a series of tours were scheduled to involve the Neighborhood Advisory Committee in development of the Redevelopment Plan. On May 22, 2001, the Board of Supervisors approved a land use planning and engineering contract with AES Consulting Engineers for the project. The Neighborhood Advisory Committee agreed that the addition of a housing facility for senior citizens within the redevelopment area would be highly beneficial. A Redevelopment Plan was prepared by OHCD, reviewed by the Neighborhood Advisory Committee, and then presented to the community in December 2001. All owners of property within the redevelopment area were notified and invited to attend these meetings.

The Board of Supervisors reviewed the Redevelopment Plan at a work session in January 2002. A public hearing was held, and the Board approved the Redevelopment Plan on February 26, 2002. The Redevelopment Plan's goal was the same as the Revitalization Project which was to improve housing conditions, eliminate blight, and preserve Ironbound Square as a viable residential neighborhood. The Redevelopment Plan identified seven specific objectives, a list of authorized undertakings and actions proposed including property acquisition, clearance, relocation assistance, site improvements, rehabilitation, and land disposition. The plan included a map which identified specific properties which were authorized to be acquired, as well as the allowed uses of acquired property--single family homes, a senior citizen living facility, and non-profit institutional, and open space/recreation. The Redevelopment Plan did not indicate specific numbers of residential units to be developed but did state that, "It is anticipated that redevelopment of the acquired property will also require approval by the County Board of Supervisors of special use permit(s) and or rezoning . . ."

The Redevelopment Concept Plan

In September 2002 a three-day Community Design Workshop, also known as a "charette," was held in the neighborhood. At the conclusion of the workshop, a concept plan was created and reviewed by the neighborhood residents and other stakeholders in attendance. This concept plan indicated the location of the multi-story senior housing facility, as well as 61 single family lots within the three-block area. The Concept Plan was submitted for review by the Planning Department, C-134-02, in October 2002, and a comment memo was issued by Planning on November 27, 2002. Property acquisition began in early 2003.

A Board of Supervisors work session was held on May 27, 2003, to review the Redevelopment Concept Plan and to discuss plans for acquiring property for the purpose of development of a HUD Section 202 Supportive Housing for the Elderly development. Discussion included the need to rezone the acquired property to enable redevelopment for the senior housing facility and new single family lots.

Redevelopment Area Master Plan and Phase 1 Rezoning

On May 24, 2004, the Board of Supervisors endorsed the application by Bay Aging for a HUD Section 202 Supportive Housing for the Elderly grant to develop 67 units of senior citizen housing on a site as indicated in the Redevelopment Concept Plan. The site included County-owned property, as well as property which had been acquired by the Williamsburg Redevelopment and Housing Authority. The Board authorized transfer of the County-owned property to enable WRHA to option the site to Bay Aging. In November 2004 Bay Aging was notified by HUD of award of the Section 202 Grant. In February 2005 an application to rezone 6.03 acres in the northern block of redevelopment area from R-2 to MU, Mixed Use, was submitted along with a Master Plan which showed the planned development of the northern block, as well as the two blocks south of Carriage Road. The Planning Commission approved the rezoning of the northern block on April 4, 2005, and the Board of Supervisors approved the rezoning on May 10, 2005. The site plan for the 67-unit senior citizen apartment development was approved by the Planning Commission in October 2005. The Board of Supervisors approved the Subdivision Street Width Reduction Request for Watford Lane on May 9, 2006.

Current Status of the Revitalization Project and Redevelopment Plan

On February 22, 2005, the Board of Supervisors reviewed information prepared by OHCD which summarized the status of actions taken to meet the seven objectives of the Redevelopment Plan and approved a resolution to reaffirm the Redevelopment Plan. On March 22, 2005, the Board of Supervisors reviewed and approved submission of an application for a Community Development Block Grant to assist in financing site improvements including an offsite drainage detention basin and storm sewer system required for the senior citizen apartment development, as well as funds to redevelop a surplus JCSA property into three single family lots. CDBG funds were awarded for the project, and the Board of Supervisors approved acquisition of property for the storm water detention basin in October 2005. On December 13, 2005, the Board of Supervisors approved several resolutions related to this project including authorization to enter into the grant agreement. The contract for the \$384,000 CDBG grant for the Ironbound Square Elderly Housing Development was signed in March 2006. In October of 2006, the Board of Supervisors approved a construction contract for the CDBG-funded storm drainage improvements, and local and state funded improvements to Watford Lane. In October of 2006 the last of the CDBG funded activities under the multi-year Residential Revitalization Project were completed, including provision of housing rehab and replacement or relocation assistance to 43 Ironbound Square households.

Between 2003 and 2006, 40 parcels were acquired, as authorized in the Redevelopment Plan. Ten of the parcels had vacant structures located on them which have been demolished. Thirteen parcels had occupied homes: one owner occupied, five occupied by an heir with a partial ownership interest, and seven tenant occupied. Residents of these homes have been provided replacement housing and/or relocation assistance, and these homes have been demolished. Six new homes have been built within the Redevelopment Area to date, of which four are replacement homes for Redevelopment Area households, one was sold to an individual who had lived elsewhere in the Ironbound Square neighborhood, and the sixth home was sold to a low and moderate income WJC School employee who had been renting an apartment nearby. Construction of a seventh new home for a low and moderate income household is scheduled to start in April 2007. Portions of three parcels needed for the new roads proposed in the Redevelopment Area and a fourth parcel needed in part for road right-of-way and designated for acquisition in full remain to be acquired.

The Revitalization Project included a commitment to provide new homeownership opportunities for 35 low and moderate income [LMI] households in addition to the existing Ironbound Square households provided CDBG assistance. To date, 14 low and moderate income households have been assisted with purchasing homes in Ironbound Village, and two additional LMI households have purchased in the Redevelopment Area. The affordable housing proffer for the Phase 1 rezoning plus the proposed affordable housing proffer for Phase 2 will guarantee a minimum of 23 additional single family homes to be sold to low and moderate income households plus the 67 apartment units, all of which will be rented to lower income households.

As indicated in this memo, the proposed Phase 2 rezoning is consistent the Revitalization Project and Redevelopment Plan and other related actions of the Board of Supervisors.

This is the second review of this project by the Planning Commission. This Master Plan shows three more lots in the Phase II area primarily due to the assumption that the onsite drainage pond can be eliminated based on expected construction of the offsite Regional Drainage Basin. As discussed in my memo, the primary revision of the project from its original approval in 1999 by the Board of Supervisors was the addition of the multifamily senior housing facility land use in the Redevelopment Plan adopted in 2002.

**IRONBOUND SQUARE
REDEVELOPMENT PLAN**

February 26, 2002

**IRONBOUND SQUARE
REDEVELOPMENT PLAN**

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I. Boundaries

The Ironbound Square Redevelopment Area (hereinafter sometimes referred to as the Redevelopment Area) is located within the Ironbound Square neighborhood within the Berkley District of James City County. The Redevelopment Area is generally bounded by Ironbound Road on the West, Magazine Road on the North, Carriage Road and Watford Lane on the East, and the Chambrel Retirement Community and The College of William and Mary's North College Woods property on the South. The Redevelopment Area Boundary and Property Acquisition Map, shown on Exhibit 1, is described as follows:

Beginning at the point of the intersection of the eastern right of way of Ironbound Road (State Route 615) and the southern right of way of Magazine Road.

Thence, from said point proceeding in an easterly direction along said right of way for approximately 600 feet and then crossing that right of way and intersecting the property identified by the parcel identification number (PIN) 3910400001, 200 Alesa Drive then proceeding north along said property line to include the western boundary of the property identified by the PIN 3910400014, 202 Alesa Drive continuing along this property's boundary as it turns east and then south along the Alesa Drive right of way.

Thence west crossing the Carriage Road right of way and to its intersection with the western right of way of Carriage Road.

Thence, in a southerly direction along said right of way of Carriage Road as it curves and proceeds westward to the intersection of Carriage Road and Watford Lane until a point

defined by the intersection of the southern property lines of the lot who's PIN is 39110800002, 116 Carriage Road and the eastern line of the lot identified by it's PIN 3910800001, 112 Carriage Road. Continuing from this point in a westerly direction for approximately 40 ft along said line.

Thence turning 90 degrees in a southerly direction to form a line perpendicular to the path previously described and congruent to the easterly boundary of Watford Lane and those properties whose lines lay along it to a point where said right of way abuts the western property line of PIN 3910100131, 3800 Treyburn Drive. Continuing in a southerly direction along this line following the eastern Watford Lane right of way until it intersects the property identified by it PIN as 3910100105, 104 Watford Lane.




Thence continuing southward along this property's eastern property line until intersecting the eastern property line of the lot identified as PIN 3910100102, 106 Watford Lane.

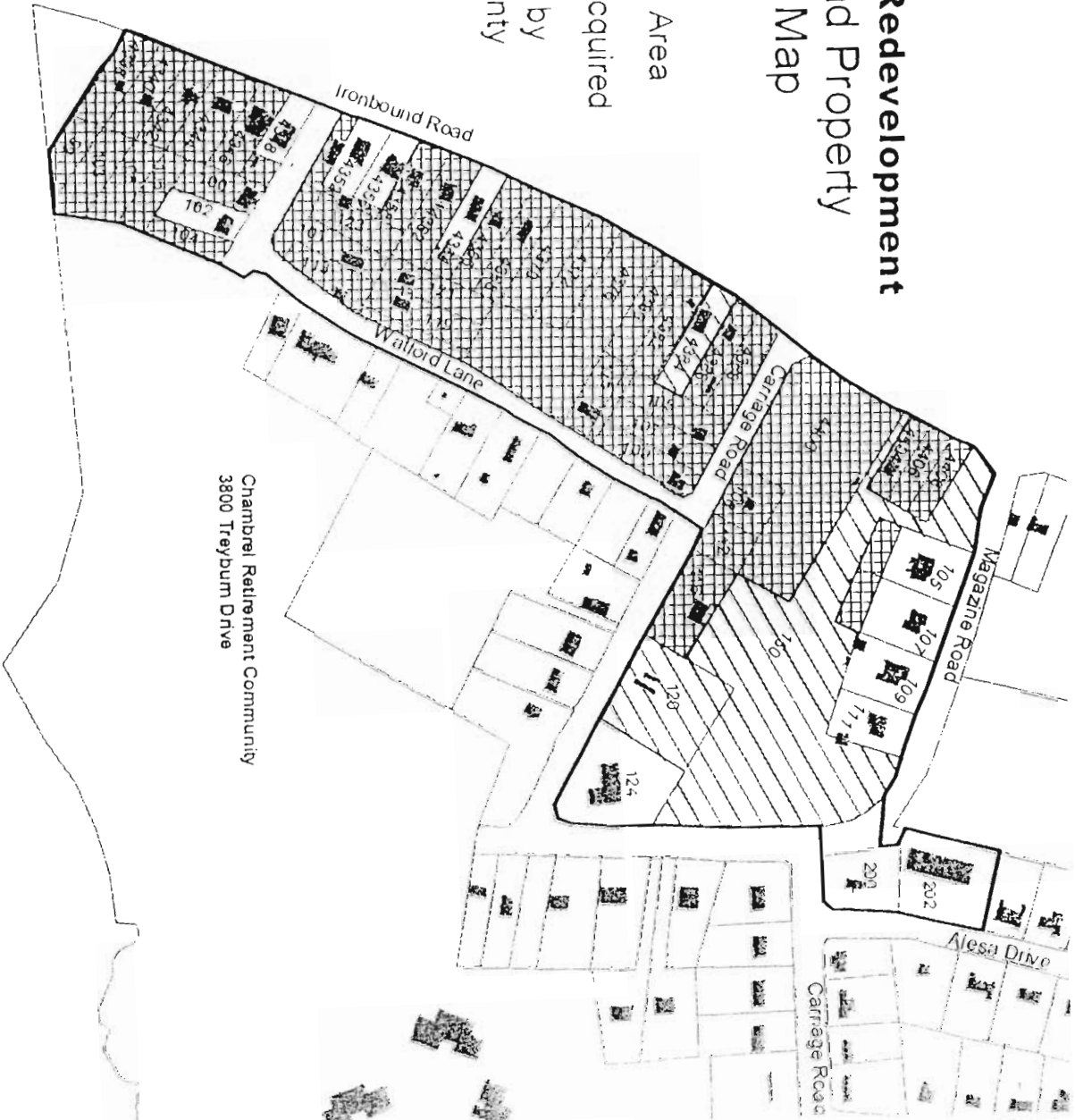
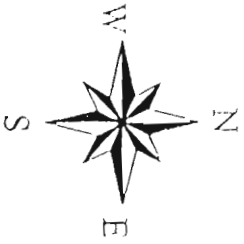
Thence continuing along the eastern property lines of that lot who's PIN is 3910100101, 105 Watford Lane and that lot identified as PIN 3910100100, 103 Watford Lane and continuing to the point defined by its intersection with the municipal boundary of James City County and the City of Williamsburg;

Thence heading west along this line for approximately 110 feet and then in a northwesterly direction along the southern boundaries of the two properties identified by the PIN's 3910100099, 99 Watford Lane and 3910100097, 4338 Ironbound Road until

Exhibit 1

Ironbound Square Redevelopment Area Boundary and Property Acquisition Map

-  Redevelopment Area
-  Property to be acquired
-  Property owned by James City County



intersecting with the eastern edge of the right of way of Ironbound Road (State Route 615);

Thence turning in a northerly direction and following along this right of way until intersecting the point defined by the intersection of the eastern right of way of Ironbound Road (State Route 615) and the southernmost right of way of Magazine Road.

II. Existing Conditions and Reasons for Selection

A. Existing Conditions

The Redevelopment Area contains 55 parcels totaling 18 +/- acres of land. Within the northeastern section of the Redevelopment Area are located three parcels occupied by two churches. Adjacent to the three church owned parcels are two parcels owned by James City County. Located upon these County owned parcels are a neighborhood park and a production well, above ground water storage tank and a pump house. The James City Service Authority has projected the closing of this well site within approximately five years assuming completion of JCSA's new major water production facility. The remainder of the Redevelopment Area consists of residential lots and vacant parcels.

Property conditions in the Redevelopment Area have been studied and classified as either blighted or standard by James City County. These

classifications were made based on a windshield survey of each parcel supplemented by review of records of interior inspections conducted on seventeen of the homes. These property conditions are summarized on the Redevelopment Area Property Condition Map, Exhibit 2. There are 36 homes located in the redevelopment area. Nearly all of these homes are over forty years old. Six of these homes are vacant dilapidated structures. Four of these structures have been vacant for ten or more years. Only one of these derelict structures is boarded up to prevent trespassing.






Neighborhood residents have expressed concerns related to threats posed by these derelict structures to public health and safety. In addition to these six vacant dilapidated homes, 12 other homes in the Redevelopment Area are classified as blighted. Four of the 18 homes classified in standard condition have been rehabilitated within the last two years with assistance provided from the Ironbound Square Community Development Block Grant project.

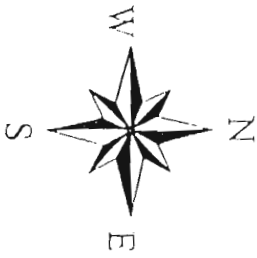
There are sixteen vacant parcels in the Redevelopment Area in addition to the six parcels upon which are located vacant dilapidated homes. These vacant parcels are scattered throughout the redevelopment area. Half of these vacant lots including the two largest are categorized as being in blighted condition. Three of these blighted lots have abandoned vehicles and other discarded items on them. Two vacant lots have piles of household trash located on them. Additionally half of the lots are

Exhibit 2

Ironbound Square Redevelopment

Property Condition Map

-  Redevelopment Area
- Property Conditions**
 -  Standard Structure
 -  Blighted Structure
 -  Standard Lot
 -  Blighted Lot



overgrown. The layout, diverse ownership and dispersal of the vacant properties and properties with derelict structures has deterred residential development of these properties.

B. Reasons for Selection of the Project Area

Approximately seven years ago residents of the Ironbound Square Community reactivated a dormant neighborhood association. The neighborhood association with assistance from the County's Neighborhoods Connections Program developed a neighborhood improvement strategy, initiated neighborhood improvement and cleanup drives, and requested assistance from County officials to reduce crime, improve the condition of the neighborhood park, eliminate blighted property conditions and to improve housing conditions. Neighborhood Association members attended Community Development Block Grant public hearings to request assistance in addressing community development and housing needs within the Ironbound Square neighborhood. In 1997 the Office of Housing and Community Development undertook with Neighborhood Association participation a door to door survey to determine specific resident needs. During the next two years a number of public meetings were held to further identify community needs and to design a residential revitalization program. Also, during this period housing quality inspections of 46 homes, including 17

within the Redevelopment Area, were conducted by the staff of the Office of Housing and Community Development. The residential revitalization program indicated extensive housing rehabilitation as being required in the sections of the Ironbound Square neighborhood located to the east of the Redevelopment Area, while identifying the need for property acquisition, clearance, resubdivision, installation of public improvements and residential redevelopment within the Redevelopment Area. The residential revitalization program was incorporated into a Community Development Block Grant (CDBG) application authorized by the James City County Board of Supervisor's in March 1999. A two phase multi-year CDBG was awarded by the Virginia Department of Housing and Community Development and the first phase grant contract was executed in February 2000.

III. Goals and Objectives

The goal of the Ironbound Square Redevelopment Plan is to improve housing conditions, eliminate blight, and to preserve Ironbound Square as a viable residential neighborhood. The specific objectives to meet this goal include:

1. Eliminate existing blight and deterioration in the area.
2. Strengthen the area as a residential neighborhood by removing and preventing incompatible non-residential intrusions.

3. Develop sites for additional housing for families and senior citizens.
4. Assure through the provision of relocation assistance that families relocated from blighted areas obtain decent, safe and sanitary housing.
5. Provide improved streets, pedestrian walkways, improve transit service to aid circulation and access for the redevelopment area and surrounding Ironbound Square community.
6. Provide for maintenance of environmentally sensitive areas within and adjacent to the redevelopment area.
7. Maintain an ongoing process of citizen participation to ensure active community involvement and effective citizen county cooperation in the planning process and project implementation.

IV. Undertakings of a Redevelopment Plan

James City County will contract with a qualified Redevelopment and Housing Authority (hereinafter referred to as the Authority) to implement the Redevelopment Plan after its approval by the Board of Supervisors.

All undertakings and actions under the power of eminent domain authorized in this Redevelopment Plan shall be deemed to be public purposes as stipulated in Title 36 of the Code of Virginia. The Authority may delegate certain undertakings and actions under the Redevelopment Plan to appropriate County agencies. This Plan has been prepared in accordance with the requirements of the Code of Virginia.

A. Authorized Undertakings

Within the Project Area, the powers of the Authority to carry out the work or undertaking as called for in the Redevelopment Plan, as set forth in Title 36 of the Code of Virginia, include but are not limited to the following:

1. Acquisition of blighted or deteriorated areas which are detrimental to the safety, health, morals, or welfare of the community.
2. Acquisition of other real property to remove, prevent, or reduce blight, blighting factors, or cause of blight, or where conditions prevent proper development of the property;

3. Acquisition of real property necessary to carry out a redevelopment plan;
4. Clearance of areas acquired and installation, construction, or reconstruction of streets, utilities, and site improvements essential to the preparation of sites for use in accordance with the redevelopment plan;
5. Rehabilitation to project standards as stated in the redevelopment plan of structures within the project area where such rehabilitation is feasible and consistent with project objective;
6. Disposition of acquired land through sale, lease, or other conveyance to private enterprise or public agencies in accordance with the redevelopment plan; and
7. The exercise of all other powers set forth in Title 36 of the Code of Virginia.

As specified in Section 36-50 of the Code of Virginia (in part), the Authority, in undertaking a redevelopment project, shall have all the rights, powers, privileges, and immunities that such Authority has in connection with undertaking slum clearance and housing projects (including, without limiting

the generality of the foregoing, the power to make and execute contracts, to issue bonds and other obligations, and give security therefor, to acquire real property by eminent domain or purchase, and to do any and all things necessary to carry out redevelopment projects).

B. Types of Actions Proposed

1. Acquisition and Clearance of Land - The Authority shall acquire all or a portion of the property shown as property to be acquired on the Boundaries/Acquisition Map. All permanent structures presently existing on land to be acquired shall be demolished or rehabilitated to comply with this Plan.
2. Relocation - Occupants of properties which are acquired shall be relocated as prescribed under the Federal and Virginia Uniform Relocation Acts and in accordance with the provisions of Section VIII of this Plan.
3. Site Improvements - New streets and utilities shall be provided within the Project Area in accordance with detailed plans to be prepared by the County.

4. Property Disposition - The County shall plan and arrange for the disposition of property acquired under the Plan. Responsibilities of the County shall include obtaining architectural, engineering and design services necessary to prepare detailed development plans, prequalification of home buyers, identification of builders and developer(s) to construct individual homes and housing for senior citizens, and identification of appropriate permanent financing. It shall be the further responsibility of the County to ensure that housing opportunities are made available to low and moderate income families. The Authority will transfer the property in accordance with the County's plan for disposition.

V. Relationship to Local Objectives

The general development strategy for James City County has been set forth in the Comprehensive Plan revised in 1997. Among the goals and objectives included in the Comprehensive Plan are the following:

A. HOUSING DEVELOPMENT

GOAL: Eliminate substandard housing in James City County.

OBJECTIVES: Ensure, to the extent possible, that an adequate supply of properly designated, buildable land is provided moderate density housing development. Encourage self-sufficiency, pride in home-ownership, and a sense of community responsibility in all neighborhoods.

GOAL: Achieve a range of choice in housing types, densities, and price ranges.

OBJECTIVES: Encourage diversity and innovation in housing and subdivision design.

Encourage residential development that provides a balance of units types, open space preservation and recreational amenities, and supports pedestrian and bicycle travel.

GOAL: Preserve and revitalize, where needed, the character of County Neighborhoods.

OBJECTIVES: Identify areas for rehabilitation projects and neighborhood or area plans





Maintain and increase public and private efforts to improve the condition, availability and accessibility of the County's housing stock.

GOAL: Ensure that an adequate supply of decent, safe, and sanitary housing exists for County citizens.

OBJECTIVES: Promote a scale and density of residential development compatible with adjacent and surrounding land uses supporting infrastructure, and environmental conditions.

Encourage adequate housing opportunities for physically and mentally handicapped and elderly citizens with low and moderate incomes.

B. ENVIRONMENT

GOAL: Maintain and improve the high level of environmental quality in James City County.

OBJECTIVES: Protect the environmental and conserve resources for future use.

GOAL: Promote the continuation of a viable agricultural and forest industry and resource base.

OBJECTIVES: Assure that new development minimizes adverse impacts on the natural or built environment.

C. TRANSPORTATION

GOAL: Develop a transportation system which facilitates a variety of transportation modes in order to reduce congestion, pollution, and energy consumption, including the provision of sidewalks and bikeways in appropriate areas and increased use of public transportation services.

OBJECTIVE: Assign land use densities and intensities to various areas of the County in recognition of the capacities of existing and proposed roads.

GOAL: Encourage the development of landscape roadways designed to enhance the County's image.

OBJECTIVES: Continue to encourage planning and design standards for road improvements which will allow innovation, promote an efficient transportation system, increase public safety, and improve visual quality; and require development proposals to incorporate these standards.

D: RECREATION

GOAL: Consider the particular needs of teens, youth at risk, seniors, and persons with disabilities when planning for recreational facilities and programs

OBJECTIVES: Support the development and improvement of neighborhood parks through:
Improvement of County-owned neighborhood parks and play lots and development of neighborhood volunteer groups to assist with continued maintenance.

Encourage the provision of recreation facilities in new developments consistent with the standards in the Parks and Recreation Master Plan.

E. PUBLIC-FACILITIES AND SERVICES

GOAL: Ensure that development occurs consistent with the adequacy and accessibility of existing facilities and is phased in accordance with the provision of new facilities and services.

OBJECTIVES: Locate new facilities to provide convenient service to the greatest number of County residents or service consumers.

Design facilities to allow for maximum site utilization while providing optimum service to, and compatibility with, the surrounding community.

The Redevelopment Plan supports definite local objectives as to appropriate land use and improved traffic, public utilities and other public improvements. The Redevelopment Plan directly addresses the residential development, housing, environment, and transportation goals and objectives of the Comprehensive Plan.

The land use proposed in the Redevelopment Plan is consistent with the Comprehensive Plan land use map. Additionally, the Redevelopment project will provide improved access for residents within the Redevelopment area and surrounding community.

VI. Proposed Land Use

A. Land Use Plan

Land uses to be developed on properties acquired by the Authority may include residential, non-profit institutional and public uses as indicated on the Redevelopment Area Land Use Map, Exhibit 3. Residential uses shall be limited to single family dwellings or buildings and facilities designed for occupancy by senior citizens. Accessory structures and uses permitted by James City County's Zoning Ordinance in residential zones shall be permitted.

B. Land Use Provisions and Regulations

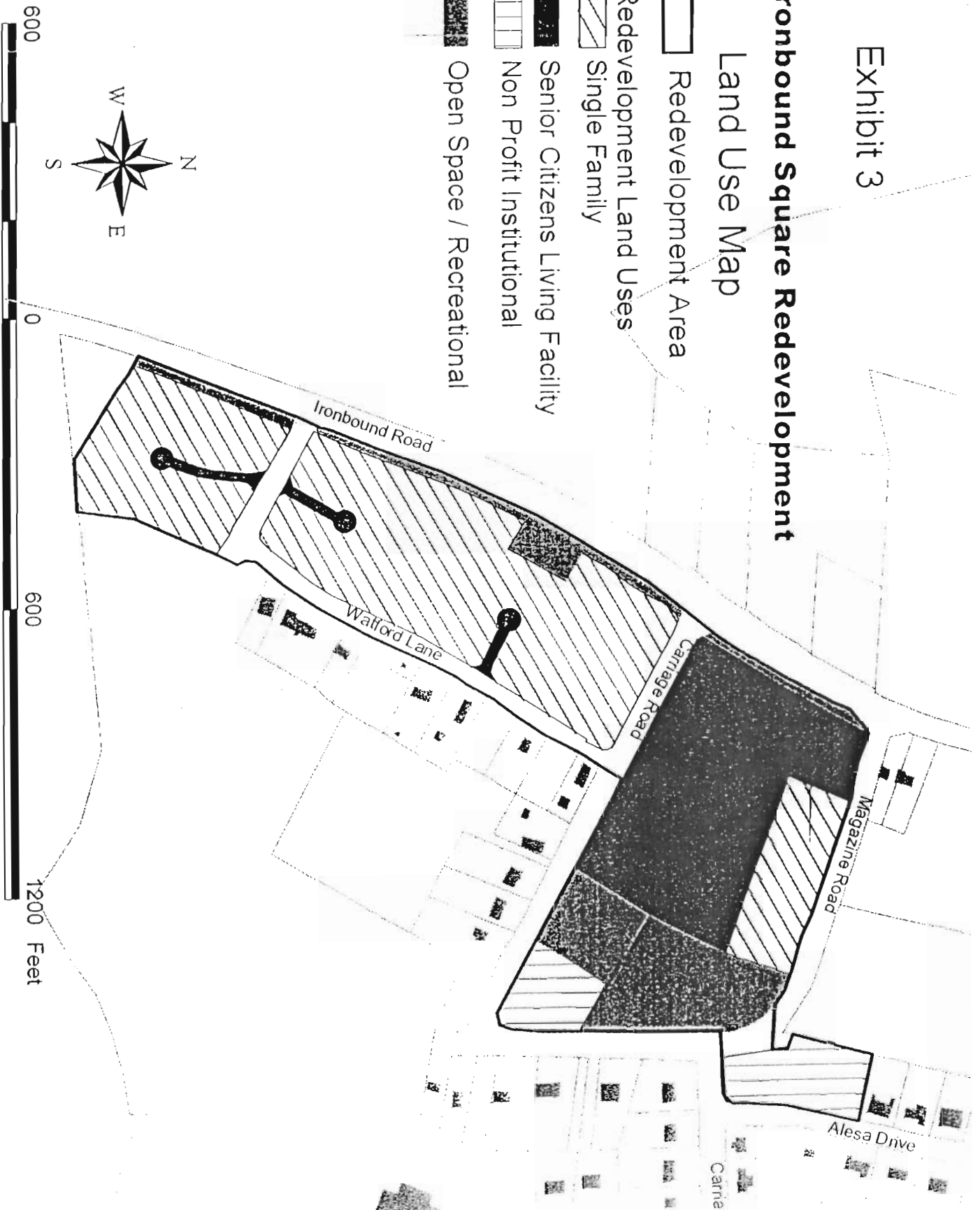
County policies and regulations governing land use and building requirements will provide guidelines for the redevelopment of the project. The County Administrator shall review and approve all proposals for redevelopment of acquired property after receipt of recommendations from the County staff and the Ironbound Square

Exhibit 3

Ironbound Square Redevelopment

Land Use Map

- Redevelopment Area
- Redevelopment Land Uses
 - Single Family
 - Senior Citizens Living Facility
 - Non Profit Institutional
 - Open Space / Recreational



Neighborhood Advisory Committee. Proposals for development shall be evaluated based on the following criteria:

1. The degree to which the proposed development meets the plan's objectives;
2. The quality of the specific site and building design, and harmony of design through the redevelopment area;
3. The adequacy of vehicular access, circulation and off-street parking;
and
4. Financial capability and responsibility of the parties involved in the development proposal.

It is anticipated that redevelopment of the acquired property will also require approval by the County Board of Supervisors of special use permit(s) and/or rezoning of all or part of the property from its current zoning designation.

VII. Property Acquisition and Disposition

A. General Provisions

The Authority shall acquire the property as shown on the Acquisition map upon adoption of this Plan by the James City Board of Supervisors. The Authority shall comply with applicable provisions of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, the Virginia Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1973, as amended, and Title 36 of the Code of Virginia in carrying out its acquisitions under the Redevelopment Plan.

In the acquisition of real property, the Authority shall:

1. Make every reasonable effort to acquire property by negotiating the purchase at an approved acquisition price before instituting eminent domain proceedings against the property:
2. Not require an owner to surrender the right to possession of the property until the Authority pays, or causes to be paid, to the owner the approved acquisition price, or in any case where the amount of payment is in dispute, not less than one hundred percent of the maximum acquisition price established by the Authority (or such lesser amount as may be allowed by law) which shall serve as a deposit until a final price is established so that redevelopment may proceed; and
3. Not require any person lawfully occupying property to surrender possession without at least 90 days written notice of the date on which possession will be required, or such other time period as may be allowed by law.

B. Disposition of Acquired Properties

The Authority may dispose of property and improvements which have been acquired under the provision of this Plan through sale, lease, or other conveyance. All Land acquired may be dispose of for redevelopment by either private or public enterprise or a partnership involving both private and public enterprise. In all instances, all land disposed of shall be subjected, by covenants running with the land, to such controls as are

reasonably required to ensure the development and maintenance of such land in accordance with this Plan. The covenants shall include, but not be limited to, controls to ensure that:

1. The parcel or parcels acquired shall be used for the purpose designated for such property in this Plan;
2. The purchaser shall not execute any covenant, agreement, lease conveyance, or other instrument whereby use of the land purchased or leased within the project is restricted in any way upon the basis of race, color, creed, national origin, religion, sex, or marital status; and
3. The purchaser shall begin the building of any improvements within a period of time which the County determines as reasonable.

VIII. Relocation Policy

A. General Policy

Any displacement of persons or businesses located within the project boundaries resulting from the acquisition and development of property under this Plan shall be carried out in compliance with all applicable provisions of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act

of 1970, as amended, and the Virginia Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1973, as amended.

B. Administration and Procedures

The County Office of Housing and Community Development shall institute and administer a relocation program for all persons and families affected by the acquisition of property under this Plan. No person or family shall be required to vacate acquired property until such time that decent, safe and sanitary accommodation is made available at rents or prices that are within their financial means. Every effort shall be made to maintain good communications with all displaced persons and families, advising them of the availability of housing accommodations and insuring that all references are made to decent, safe and sanitary dwelling units. Housing referrals shall be made only after a duly authorized representative of the County has inspected the premises and determined that the dwelling units are safe, decent, sanitary and adequate in size to meet the needs of the individuals and families affected. Suitability shall be determined by compliance with federal Housing Quality Standards under the Section 8 Housing Assistance Payments program, as well as accessibility to community services, facilities and places of employment. Assistance shall be given to families and individuals in relocating to suitable housing within their respective financial capabilities, and counseling services will be provided to aid in

that effort, including assistance in securing financing for homeownership as appropriate.

Neither the Authority nor the County shall undertake premature action to evict site occupants from the Project Area after acquisition, and in any case eviction shall be pursued only as a last resort. Occupants shall be forcibly evicted only in the case of their failure to pay rent, maintenance of a nuisance or use of the premises for illegal purposes, a material breach of the rental agreement, refusal to accept adequate accommodations offered for permanent relocation, failure of the occupant to move within a reasonable period of time after receipt of a written notice, or if an eviction is required by state law or local ordinance. The requirements of special situations shall be recognized to the greatest extent possible.

All site occupants shall be informed of all relocation payments and other forms of assistance available under applicable laws and the conditions of eligibility, which must be met before they can receive such payments and assistance. The Office of Housing and Community Development shall maintain close contact with all affected site occupants and shall make every effort to alleviate relocation problems to the greatest feasible extent. There shall be no discrimination on the basis of race, creed, color, national origin, religion, sex or marital status in the relocation program. Every effort shall be made to find relocation sites within the Project Area for any displaced person.

C. Temporary Relocation

1. Temporary relocation will be utilized when necessitated by an emergency or excessive hardships as a result of continued occupancy.
2. Temporary relocation may be utilized in order to permit a resident to obtain permanent housing within the Redevelopment Area or surrounding neighborhood.
3. If a person is temporarily relocated, all increased housing cost plus moving expenses will be compensated by James City County.
4. Temporary relocation resources will be offered only after they have been determined to be decent, safe and sanitary.
5. Residents who are temporarily relocated will be given written assurance that they will be provided permanent standard housing within twelve months of the date of the temporary move.

IX. Procedures for Rehabilitation

James City County operates a Housing Rehabilitation Loan and Grant Program within the Ironbound Square Community to provide assistance to homeowners to repair their dwellings. Residents of dwellings within the Redevelopment Area which are not located on land to be acquired shall continue to be eligible to apply for housing rehabilitation assistance. Housing rehabilitation assistance shall be provided subject to the provisions of the Housing Rehabilitation Policies and Procedures as adopted by the Board of Supervisors and subject to the availability of funds allocated for this purpose by the Board of Supervisors.

X. Procedure for Plan Amendment

All proposed amendments to the Redevelopment Plan shall be submitted to the Ironbound Square Neighborhood Advisory Committee for their review and then to the Board of Supervisors for their consideration and approval.

XI. Time Limitations

No sooner than thirty months or later than thirty-six months following the date of the James City County's approval of the redevelopment plan (hereinafter called the "approval date"), James City County shall review and determine by resolution whether to reaffirm the redevelopment plan. The regulations and standards in Section VI of this plan shall be applicable to all new construction and rehabilitation within the Project area for a period of twenty years from the date of

approval of this plan by the Board of Supervisors. Any controls imposed in disposition documents relating to those properties acquired from the Authority shall run for their stated time period.

XII. Program Funding

Federal, state, local, and private funding for property acquisition, relocation assistance and property redevelopment within the Redevelopment Area are outlined in the Ironbound Square Residential Revitalization Community Development Block Grant application. The Board of Supervisors may appropriate additional funds for this project as it may see fit from other sources as are allowable under Virginia law. Priority ranking shall be established by the County for property acquisition by the Authority in order to assure that the most critical parcels are purchased during the initial phase of the redevelopment project, and that sufficient funds are available for required relocation assistance.

**Questions and Responses Regarding Ironbound Square Revitalization Project
Rezoning Case # Z -9-06/MP-10-06**

In a March 2007 meeting, the Planning Commission raised the following concerns regarding the Ironbound Square rezoning.

1. What are the differences between the project as approved by the BOS in 2002 and the Master Plan now proposed?

a. Number of lots.

The Redevelopment Plan adopted by the Board in February 2002 limited land uses in the three-block Redevelopment Area to single family dwellings, senior citizens living facilities, non-profit institutional (i.e., churches), and open space/recreational. The Redevelopment Plan did not specify the number of single-family lots to be created. The 1999 Residential Revitalization Project endorsed by the Board proposed redevelopment of the three-block area to include a total of 64 lots (18 for existing residents and 46 for new residents). The 67 unit senior citizen apartment development was not included in the 1999 Revitalization Plan. Addition of the senior citizen apartment building was based on strong support from neighborhood residents and the Board of Supervisors. The Master Plan for the Redevelopment Area (substantially the same as currently proposed) was presented to the Board prior to the Board's reaffirmation of the Redevelopment Plan in February of 2005.

b. Did Redevelopment plan specify all lots would be affordable?

The 2002 Redevelopment Plan, on page 13, at paragraph IV.B.4, states that the county is responsible to, "ensure that housing opportunities are made available to low and moderate income families." The Plan does not specify the housing will be exclusively for low to moderate-income families. The 1999 Residential Revitalization Project committed to the addition of 35 new units for low and moderate-income households (80% of area median) within the Ironbound Square Revitalization Area. New housing has already been sold to 15 low to moderate-income households.

c. Did the 2002 Redevelopment Plan address rezoning?

The Redevelopment Plan, on page 20, beneath paragraph VI.E.4., states, "It is anticipated that redevelopment of the acquired property will also require approval by the County Board of Supervisors of special use permit(s) and/or rezoning of all or part of the property from its current zoning designation."

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2. Has the damage to the remaining property owners been minimized?

The adopted Redevelopment Plan authorized acquisition of more properties than have or will be acquired. Of the four properties that remain to be acquired, the Redevelopment Plan, as approved by the Board in 2002 and reaffirmed in 2005, designated three for acquisition of the entire properties and one as a partial acquisition. The collective effects were minimized by reducing the number of properties to be acquired as a whole. Acquisition of one property was avoided by building a new replacement home for the owners on their own lot. This reduced the acquisition from a whole to a partial acquisition. A second property is believed to be in adequate condition to avoid having to acquire the entire property. The decision was made to acquire only a portion, minimizing the effects on the owners.

The proposed Master Plan balances sound design principals, economic considerations, and community interests with the need to acquire property and attempts to minimize the effect on the existing property owners. Alternative designs for the roadway for the southern block indicate that every alternative requires acquisition of private property. In addition, each alternate design requires acquisition of property not authorized in the Redevelopment Plan.

The first alternate, attached as Exhibit A, reduces the acquisition area for two lots. However, part of a lot where the Redevelopment Plan does not authorize acquisition would be needed. In addition, the Exhibit A plan would eliminate one new lot. Exhibit B also reduces the acquisition area for two lots, but requires substantial acquisition of property not authorized in the Redevelopment Plan. In addition, one property would require a driveway onto Ironbound Road and two new lots would be lost.

Further, all options for Cul-de-sac 1 require acquisition of some property the Williamsburg Redevelopment and Housing Authority currently does not own. The routing shown on the Master Plan requires acquisition of property from the rears of 4348, 4346, and 4344 Ironbound (labeled on the Master Plan as Lot Nos.1, 2, and 3). The alternate routings would require acquisition from the rears of at least two of the three properties along Ironbound Road, as well as property from the front and side of 102 Watford Lane (labeled on the Master Plan as Lot No. 13). Also, the adopted Redevelopment Plan does not designate any property acquisition from 102 Watford Lane

4. Are the Low Impact Development (LID) measures sufficiently marked on the Master Plan, and can they be proffered?

The LIDs will be included in the proffers.

Statistical Information on Property Acquisitions in the Ironbound Redevelopment Area

The following statistics cover both the Phase I and Phase II rezoning areas:

- Forty (40) parcels have been acquired to date. All have been acquisition of the entire parcel.
- Of the 40 acquisitions:
 - Twenty-six (26) were purchased without filing condemnation.
 - Of the 14 condemnations filed: 10 were settled prior to trial; two were “friendly” condemnations in which the owners asked for condemnation to be filed so the court would settle their dispute on how the proceeds were to be divided among the owners; and two were decided by the court, but the owners did not make an appearance or file an objection with the court.
- Of the 40 parcels, 13 included occupied structures.
 - Of the 13 with occupied homes, one was owner/occupied, five were occupied by heirs who owned only a fraction of the property, and seven were occupied by tenants.
 - A new replacement house was built on Ironbound Road for the one owner/occupant.
 - Of the five houses occupied by heirs, condemnation was filed on one house, and a settlement agreement was negotiated prior to trial. New replacement homes in Ironbound Square were built for two heir/owners, one chose to purchase a house outside of the neighborhood, and one relocated to a rental property.
 - Of the seven occupied by tenants, condemnation was filed on five properties. (There were only three different owners for those five properties.) Settlement agreements were negotiated on all prior to trial.
- Fourteen (14) households were relocated from the acquired substandard houses to decent, safe, and sanitary housing. (Two of the 12 acquired properties had two households living in the structure.)
- Twenty-seven (27) homes within the Ironbound Square Revitalization Area have been rehabilitated to housing quality standards. Six new homes have been built in Ironbound Square Redevelopment Area. Five families from the Ironbound Square neighborhood received those new homes, and the sixth home was sold to a low- to-moderate income family that lived in rental housing, whose head-of-household works in a Williamsburg-James City County school.
- All parcels condemned or purchased to date have been acquisitions of the entire parcel. Pending condemnations include one entire parcel and three partial acquisitions. The four pending condemnations are the only parcels that still need to be acquired, and are needed for construction of roads.



- PURCHASED PROPERTIES CONDEMNATION NOT FILED
- CONDEMNATIONS SETTLED PRIOR TO TRIAL
- FRIENDLY CONDEMNATIONS THAT WENT TO TRIAL
- CONDEMNATIONS BY COURT ORDER OWNERS DID NOT APPEAR IN COURT OR ANSWER THE PETITION
- PARCELS TO BE ACQUIRED
- VACANT HOUSES
- OCCUPIED HOUSES

IRONBOUND SQUARE REDEVELOPMENT AREA
 PROPERTIES ACQUIRED OR TO BE ACQUIRED
 MARCH 14, 2007

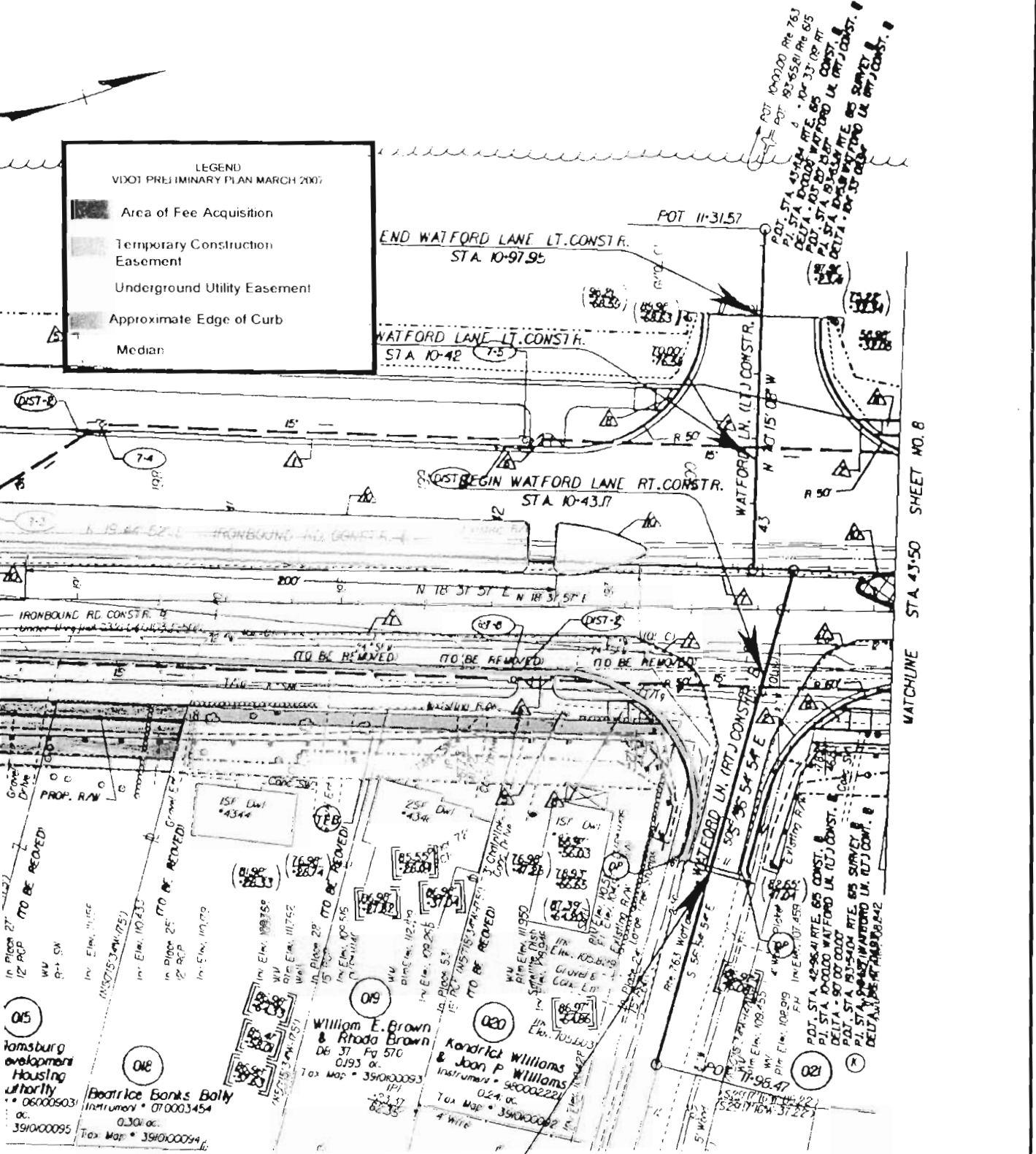
DESIGN ARE UNFINISHED
NOT TO BE USED FOR
OF CONSTRUCTION.

DESIGN FEATURES RELATING TO CONSTRUCTION
OR TO REGULATION AND CONTROL OF TRAFFIC
MAY BE SUBJECT TO CHANGE AS DEEMED
NECESSARY BY THE DEPARTMENT

REMARKS	STATE	FEDERAL NO PROJECT	ROUTE	STATE PROJECT	SHEET NO.
	VA.		615	0615-047-169, PE-101, RW-201, C-501	7

LEGEND
VIOT PRELIMINARY PLAN MARCH 2007

- Area of Fee Acquisition
- Temporary Construction Easement
- Underground Utility Easement
- Approximate Edge of Curb
- Median



MATCHLINE STA 43+50 SHEET NO. 8

26 RECD.
% RECD.

Denotes Construction Limits In Care
 Denotes Construction Limits In File

END WATFORD LANE RT. CONSTR.
STA 11+9.47

William E. Brown & Rhoda Brown
 DE 37 PG 570
 0193 ac.
 Tax Map = 391000093

Konrad Williams & Joan P. Williams
 Instruments = 980002221
 024 ac.
 Tax Map = 391000092 E

Please See James City County Ironbound Square
 Redevelopment Plans For Property Access

SCALE
25' = 1"

PLAN NO.	PROJECT	FILE NO.	SHEET NO.
	0615-047-169		7

UTILITY OWNERS
 Virginia Power
 Verizon Virginia Inc.
 Cox Communications
 Va. Natural Gas
 Newport News Waterworks
 Hampton Roads San. Dept.
 James City Service Auth.

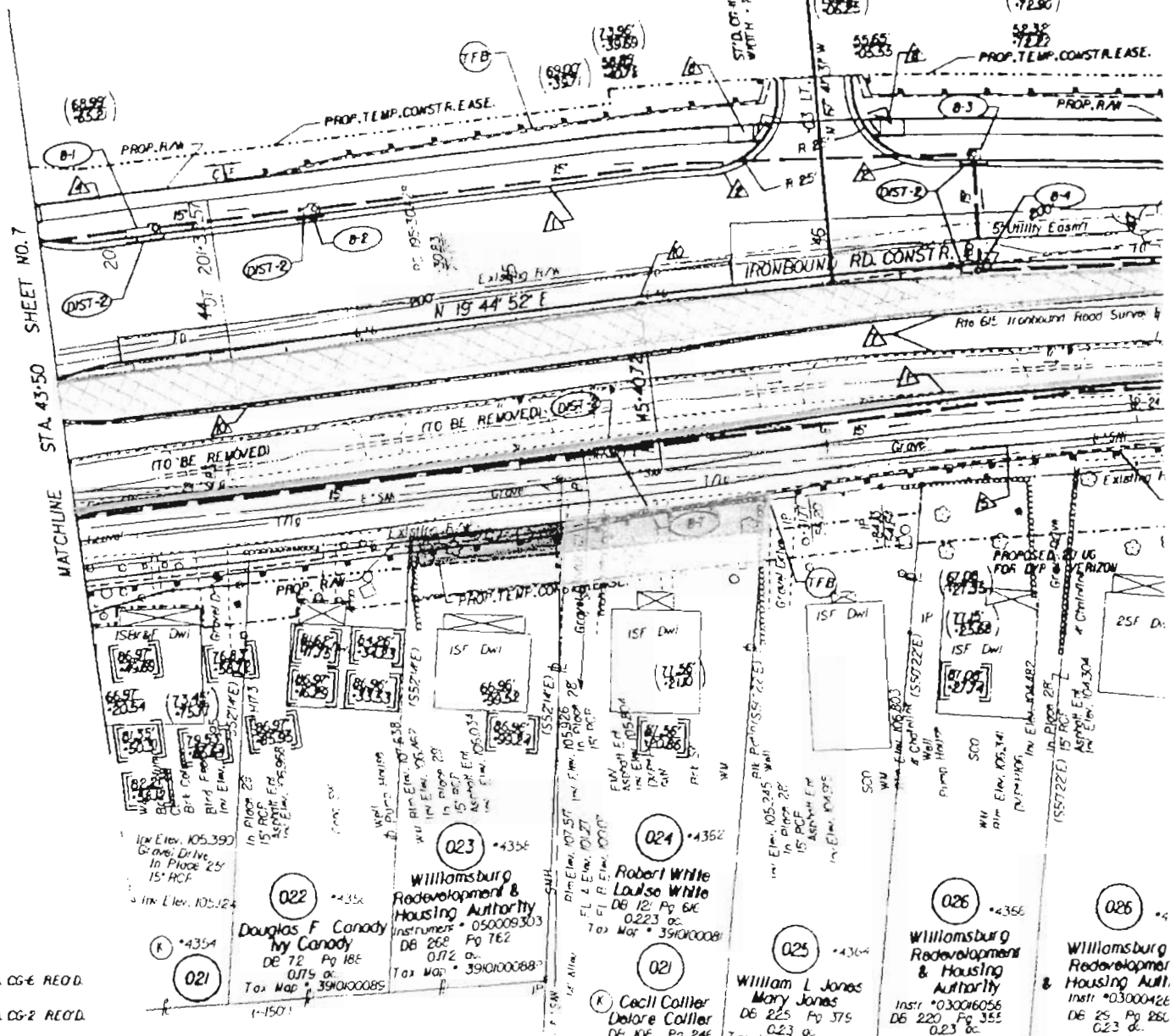
REFERENCES
 (PROFILES, DETAIL & DRAINAGE DESCRIPTION SHEETS, ETC.)
 MAINLINE PROFILE BA
 DRAINAGE DESCRIPTIONS 2G(1)
 DRAINAGE DESCRIPTIONS CONT. 2G(2)
 CONCRETE STAKING DETAIL 2H(10)

LEGEND
 VDOT PRELIMINARY PLAT MARCH 2007

- No Fee Acquisition Needed
- Temporary Construction
- Underground Utility Easement
- Approximate Edge of Curb
- Median

THESE PLANS ARE UNFINISHED
 AND ARE NOT TO BE USED FOR
 ANY TYPE OF CONSTRUCTION.

036
 Newtown Associate
 Instr. #030005065
 PE BS Pg 4384
 69,65 ac
 Tax Map # 3910001



- ST'D. CG-6 RECD.
- ST'D. CG-2 RECD.
- 5' CONCRETE SIDEWALK RECD.
- 8' ASPHALT SHARED USE PATH RECD.
- SAN CUT
- STD. U.S. BENCH.

See General Notes for E&S Logging
 Hatched Areas Denote Demolition of Pavement.
 Figures without parenthesis or brackets and solid lines denote Proposed Right of Way.
 Figures in parenthesis and dot-dash lines denote Temporary Easements.
 Figures in brackets and dot-dashed lines denote Permanent Easements.
 Figures in double brackets and dot-dashed lines denote Permanent Utility Easements.
 [---] Denotes Constr. [---] Denotes Constr.

**REZONING Z-8-06, SUP-36-06, MP-9-06. Williamsburg Pottery Factory
Staff Report for the April 4, 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

Building F Board Room; County Government Complex

Planning Commission:	February 7, 2007 (deferred by the Commission)	7:00 p.m.
	March 7, 2007 (applicant deferral)	7:00 p.m.
	April 4, 2007	7:00 p.m.
Board of Supervisors:	May 8, 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

Overall, staff believes that this application provides a positive redevelopment project for this area of the County, and with the revised Master Plan, design guidelines, and proffers is in conformance with many goals of the Comprehensive Plan. Staff notes that this project still presents some strip-commercial characteristics, as well as a reduced CCC buffer. The applicant has provided many positive features to the development that help mitigate these design flaws, which include: enhanced buffer landscaping and fence, Rt. 60 median landscaping, five pocket parks at the entrances to draw attention away from parking areas and break up what would otherwise be a long parking field along Rt. 60, a row of shade trees in the parking lot, and architectural design guidelines. Staff weighed these features with the fact that this is a redevelopment project, but would note that this evaluation is very subjective. The applicant maintains that the project would not be feasible if required to fully meet Comprehensive Plan objectives due to its redevelopment. Other projects in the area have provided similar features as well as providing the full 50' buffer and more unique building orientation although also constrained by site shape and redevelopment challenges. Considering this is a redevelopment project, and the design limitations of the parcel shape and size, staff feels that the applicant is providing the best overall design given the type of uses and intensity. The project also is a significant visual improvement over existing site conditions. Staff recommends the Planning Commission recommend approval of the Rezoning and Special Use Permit applications to the James City County Board of Supervisors with the attached condition.

Staff also recommends that the Planning Commission approve the landscape modification requests for the Community Character Corridor buffer, as well as the rear landscape yard.

Staff Contact: Jason Purse

Phone: 253-6685

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 revised architectural guidelines, proffers, and master plan. The applicant has corrected the issues with the Master Plan, the non-binding illustrative plan, and the proffers. The applicant is asking for a reduced Community Character Corridor buffer with an average width of 37' and a minimum of 20', as well as a reduced rear buffer of 7'.

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, which include details about site design, building elevations, and landscaping
- 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 37 feet and a minimum of 20 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 six filter boxes to treat 1.5 acres of the redirected stormwater into the Skimino Creek Watershed*
- *Landscaping of the Route 60 median along the frontage of the property (that is not already landscaped by Colonial Heritage)*

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.
- *Six standard size tree box filters capable of treating stormwater from approximately one and a half acres or 10% 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 1.5 acres of the 14 acres of proposed impervious cover for the site, which constitutes 10% of the impervious area. Environmental staff believes the proffer for four additional filter boxes (for a total of six) meets the previous comment to provide more LID measures to the site.*

Public Utilities-

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

Proffers:

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

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

Transportation

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

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

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

Road Improvements: The applicant has proffered to close the existing crossover for the main entrance and put in a new crossover and traffic signal approximately 300 feet west of that entrance to include an eastbound left turn lane and westbound right turn lane. They will also include a new driveway to align with the proposed traffic signal at the Colonial Heritage east crossover (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: 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.
- 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, with the possibility of a shared access with Go Karts Plus should an agreement with the owner be reached.*
- Four foot shoulder bike lanes along turn lanes and entrances.

Condition

- 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 120,000 sq. ft. of buildings located on the property, as shown on the Binding Master Plan.

VDOT Comments: VDOT concurs with the traffic study, Master Plan, and proffers as proposed.

In the event that a signal is warranted by this development staff believes it is necessary for the signal to be installed when warranted. Even though Colonial Heritage is currently required to install the signal as a part of their proffers for their commercial section, staff believes that an agreement about the timing of the installation and cost-sharing between the Pottery and Colonial Heritage needs 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 SUP condition requiring a signal should it be warranted helps mitigate potential project impacts. At the time of this report, the applicant and Colonial Heritage were in cost-sharing discussions, but a solution has not been reached as of yet. The applicant has proffered to pay a pro rata share of the signal coordination for the corridor.

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

180

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. 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. 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. 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. 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 & 117): The Comprehensive Plan encourages commercial developments to develop in an attractive and convenient manner while avoiding "strip" commercial characteristics. Incremental development that allows inherent traffic congestion, non-centralized commercial activity, and reliance on automobile dependency are all discouraged. The Comprehensive Plan also recognizes the need to minimize new entrances from a traffic perspective, a design feature that is often not present in strip commercial development. Strip commercial development is characterized by some combination of the following characteristics:</p> <ul style="list-style-type: none"> a. Street frontage parking lots b. No provisions for pedestrian access between individual uses c. Usually only one-store deep d. Buildings are arranged linearly rather than clustered e. No design integration among individual uses f. Multiple access points <p>Staff Comment: Some ways of reducing the "strip" commercial design would be to incorporate at least some of the following suggestions:</p> <ul style="list-style-type: none"> a. Landscaped parking lots, including trees and landscaped island separation between bays. b. Peaked roofs, rather than flat ones. c. Limited and shared access d. Wide sidewalks abutting the storefronts with canopy or roof overhangs over pedestrian areas. e. Benches, sculpture, or pedestrian oriented open spaces to help make the overall development more attractive. f. Buildings arranged in clusters, rather than oriented linearly. <p>This project meets some of the criteria for avoiding strip commercial development in that it provides landscaped parking areas and sidewalks in front of storefronts; however, the buildings are arranged in a linear, one-store deep, non-clustered orientation and the parking is entirely in front of the buildings along the street frontage. <i>The applicant has provided information indicating 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 and the site's shape. Staff understands that this use would not be conducive to being located along the frontage of the property given the need for a rear service area. Staff has worked with the applicant to provide additional</i></p>

	<p><i>measures to offset the strip nature of this development. The applicant has agreed to specific provisions in the design guidelines that ensure superior architectural design including a 1 and ½ story building expression, as well as providing five "pocket parks" at the entrances to the development, median landscaping in Rt. 60, enhanced front buffer landscaping and fence, and a row of trees in the parking lot are also guaranteed. Staff feels the design elements of these features will help draw attention away from the parking fields in front of the buildings, break up what would otherwise be a long parking field along Rt. 60, and mitigate much of the sites visual strip commercial character. The strip commercial nature of the building/parking relationship is still not desirable, but the design is being driven by the large retail anchor. Assuming that use is vital to the development staff believes that the developer is providing acceptable mitigation for those design shortcomings.</i></p>
<p>Development Standards</p>	<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>Staff Comment: <i>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 the applicant is still working on trying to attain permission to have joint accesses. 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. With the inclusion of the most recent set of design guidelines staff is confident that the architectural features of this development will complement the character of the surrounding area, as described in General Standard #1. The developer has ensured that there will be a unified design theme that will incorporate various architectural techniques to prevent monotonous building design. The design guidelines call for features such as articulated roof lines, storefront glazing and display windows, and side walls with decorative pilaster, watertables and bandings. Staff would also note that the applicant did provide a proffer to include a fence of 42" along the frontage of the property 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. Staff feels all of these features will help to break up the large retail component of this project and help to ensure this project's unique character and visually aesthetic design.</i></p>
<p>Goals, strategies and actions</p>	<p><i>Strategy #2-Page 138: 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.</i></p> <p><i>Strategy #4-Page 138: Encourage commercial and industrial uses to develop in compact nodes in well-defined locations within the PSA.</i></p> <p><i>Actions #14-Page 140: Expect developments subject to zoning to mitigate their impacts through the following means: require sufficient documentation to determine the impacts of a proposed</i></p>

	<p>development including but not limited to studies of traffic impact...require that the recommendations of such studies be adequately addressed prior to preparation of rezoning applications.</p> <p><i>Action #16-Page 140:</i> Identify target areas for infill, redevelopment, and rehabilitation within the PSA. Analyze opportunities and obstacles in advance of private and/or public action. Pursue developing those areas most suitable for public action, and encourage developers to pursue those areas best suited for private action.</p>
	<p>Staff Comment: <i>Staff feels that given the existing structures and development along Richmond Road that this project is in scale with surrounding development. Staff would also note that as a redevelopment project, this will provide the County the ability to revitalize a retail center, substantially improve the Community Character Corridor's visual quality, and attract new merchants. For any redevelopment project it is important to balance the redevelopment costs versus the goals presented by the Comprehensive Plan with respect to community character (buffers, strip-commercial development and the like). Across the street, Colonial Heritage has proffered to include the 50' CCC buffer, as well as prohibiting strip commercial design. Buildings and landscaping are intended to be the primary visual features along Rt. 60 rather than the parking. Staff feels that design limitations of the Pottery project site, along with the applicant's proposal to include a large retailer or grocery store, prevent this parcel from developing with the same characteristics of the Colonial Heritage property. Staff believes that with the enhanced landscaping, the open space provided by the five pocket parks the entrances and the architectural design guidelines this applicant has substantially improved the character of the area and substantially improved the compatibility of this development with the Colonial Heritage site and the Comprehensive Plan's goals. This project also clearly meets Action #16, which encourages redevelopment along Richmond Road.</i></p>

Environment

General	<p><i>Yarmouth Creek Watershed Management Plan-Page 47:</i> A final watershed management plan with recommendations on preserving this watershed was completed in 2003.</p> <p>Staff Comment: A majority of the 4 acres that currently drain into the Yarmouth Creek Watershed will be redirected in the Skimino Creek Watershed. The remaining area will constitute only about .75 acres near the VDOT right-of-way along the frontage of the property.</p>
Goals, strategies and actions	<p><i>Action #5-Page 66:</i> Encourage the use of Better Site Design, Low Impact Development, and best management practices (BMPs) to mitigate adverse environmental impacts.</p> <p><i>Action #23-Page 67:</i> Encourage residential and commercial water conservation, including the reuse of grey water where appropriate.</p> <p>Staff Comment: The farm pond on-site will be upgraded to support this site as a BMP pond to help mitigate adverse environmental impacts. Staff would note that the overall impervious area is being reduced by 4% or .8 acres as well. <i>The applicant will also be providing six filter boxes in order to treat the stormwater for 1.5 acres of the redirected Skimino Creek Watershed impervious area. The Environmental Division has determined that this would result in the treatment of one and a ½ acre of 14.0 acres of proposed impervious cover for the site, which constitutes 10% of the impervious area. The Division notes that this additional stormwater treatment would meet the need of providing LID for this site.</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>Staff Comment: The applicant has provided both pedestrian and bicycle improvements along Richmond Road. The applicant has also provided traffic signal relocation for the main entrance of this development, as well as aligning another entrance across from Colonial Heritage to be coordinated with their future development. The applicant is also providing fencing and pedestrian scale lighting along the entrance roads to the property, along with pedestrian open space areas at the frontage of the</p>
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	development.
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>Staff Comment: <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. 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 Strategy #2. The applicant has provided features to help mitigate that visual impact, and those include the pedestrian open spaces, a row of shade trees in the parking lot, and enhanced landscaping and fence in the buffer.</i></p>

Economic Development

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

Community Character

General	<p><i>Richmond Road Community Character Corridor-Page 83-84:</i> 50 foot buffer standard for commercial uses along this road. This also includes parking and other auto-related areas clearly as a secondary component of the streetscape. Providing enhanced landscaping, preservation of specimen trees and shrubs, berming, and other desirable design elements which complement and enhance the visual quality of the urban corridor.</p> <p>Staff Comment: The applicant has provided a buffer with an average depth of 37 feet, which is an increase over the existing buffer of 9.40 feet.</p>
Goals,	<i>Strategy #3-Page 95:</i> Ensure that development along Community Character Corridors and Areas

strategies and actions	<p>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> <p>Staff Comment: <i>Staff believes that the new design guidelines and the open space parks at the front of the development help to offset the negative impacts of the strip commercial nature of this project. Enhanced landscaping, as well as a row of shade trees in the parking area will also help to alleviate some of dominant visual impact of the parking area.</i></p>
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Comprehensive Plan Staff Comments

Overall, staff believes that this application provides a positive redevelopment project for this area of the County, and with the revised Master Plan, design guidelines, and proffers is in conformance with many goals of the Comprehensive Plan. Staff notes that this project still presents some strip-commercial characteristics, as well as a reduced CCC buffer. The applicant has provided many positive features to the development that help mitigate these design flaws, which include: enhanced buffer landscaping and fence, Rt. 60 median landscaping, five pocket parks at the entrances to draw attention away from parking areas and break up what would otherwise be a long parking field along Rt. 60, a row of shade trees in the parking lot, and architectural design guidelines. Staff weighed these features with the fact that this is a redevelopment project, but would note that this evaluation is very subjective. The applicant maintains that the project would not be feasible if required to fully meet Comprehensive Plan objectives due to its redevelopment. Other projects in the area have provided similar features as well as providing the full 50' buffer and more unique building orientation although also constrained by site shape and redevelopment challenges. Considering this is a redevelopment project, and the design limitations of the parcel shape and size, staff feels that the applicant is providing the best overall design given the type of uses and intensity. The project also is a significant visual improvement over existing site conditions.

SETBACK MODIFICATION REQUEST

Along with this application the applicant has submitted a landscape modification request for both the Community Character Corridor Buffer along the frontage of the property and the rear landscape buffer. Basic Ordinance requirements call for a 50' CCC buffer and a 15' rear landscape area. The applicant is requesting a front buffer reduction to an average of 37' with a minimum of 20'. The rear landscape buffer would be reduced to 7'. The applicant has also submitted a conceptual landscape plan in order to help the Commission review the request at this time. The applicant has requested the Planning Commission to review this request and make a ruling on it along with sending a recommendation to the Board of Supervisors. If the request is approved the application can move forward to the Board. If the request is not granted at this time and is postponed until the site plan stage the applicant has concerns that the project could be approved legislatively and then denied at the site plan level because the modification request may be denied. Staff would also note that the Master Plan approved by the BOS should be in conformance with the Zoning Ordinance.

With the approval of the Planning Commission, Community Character Corridor buffers may be reduced by 10 or 15 feet, and by meeting a combination of criteria from both sections may achieve a reduction of up to but not exceeding 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: *The applicant's request outlines many of the criteria for approval that they believe are met. Those criteria include monument style signage, unique architecture and materials, pedestrian amenities beyond Ordinance requirements, and enhanced landscaping. Staff would also point out two additional features that should be evaluated with the reduction request: the Rt. 60 landscaped median proffer and the pocket parks along the entrances. Staff believes that the parks help to draw attention away from the parking areas and would help limit the impact of the reduced buffer. Staff also believes that the median landscaping provides aesthetically pleasing features to the corridor in general. Staff believes that with the new proffers, Master Plan, and design guidelines that this project would meet the criteria for receiving a landscape modification.*

RECOMMENDATION

Overall, staff believes that this application provides a positive redevelopment project for this area of the County, and with the revised Master Plan, design guidelines, and proffers is in conformance with many goals of the Comprehensive Plan. Staff notes that this project still presents some strip-commercial characteristics, as well as a reduced CCC buffer. The applicant has provided many positive features to the development that help mitigate these design flaws, which include: enhanced buffer landscaping and fence, Rt. 60 median landscaping, five pocket parks at the entrances to draw attention away from parking areas and break up what would otherwise be a long parking field along Rt. 60, a row of shade trees in the parking lot, and architectural design guidelines. Staff weighed these features with the fact that this is a redevelopment project, but would note that this evaluation is very subjective. The applicant maintains that the project would not be feasible if required to fully meet Comprehensive Plan objectives due to its redevelopment. Other projects in the area have provided similar features as well as providing the full 50' buffer and more unique building orientation although also constrained by site shape and redevelopment challenges. Considering this is a redevelopment project, and the design limitations of the parcel shape and size, staff feels that the applicant is providing the best overall design given the type of uses and intensity. The project also is a significant visual improvement over existing site conditions. Staff recommends the Planning Commission recommend approval of the Rezoning and Special Use Permit applications to the James City County Board of Supervisors with the attached condition. Staff also recommends that the Planning Commission approve the landscape modification requests for the Community Character Corridor buffer, as well as the rear landscape yard.

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 120,000 sq. ft. of buildings located on the property, as shown on the Binding Master Plan.

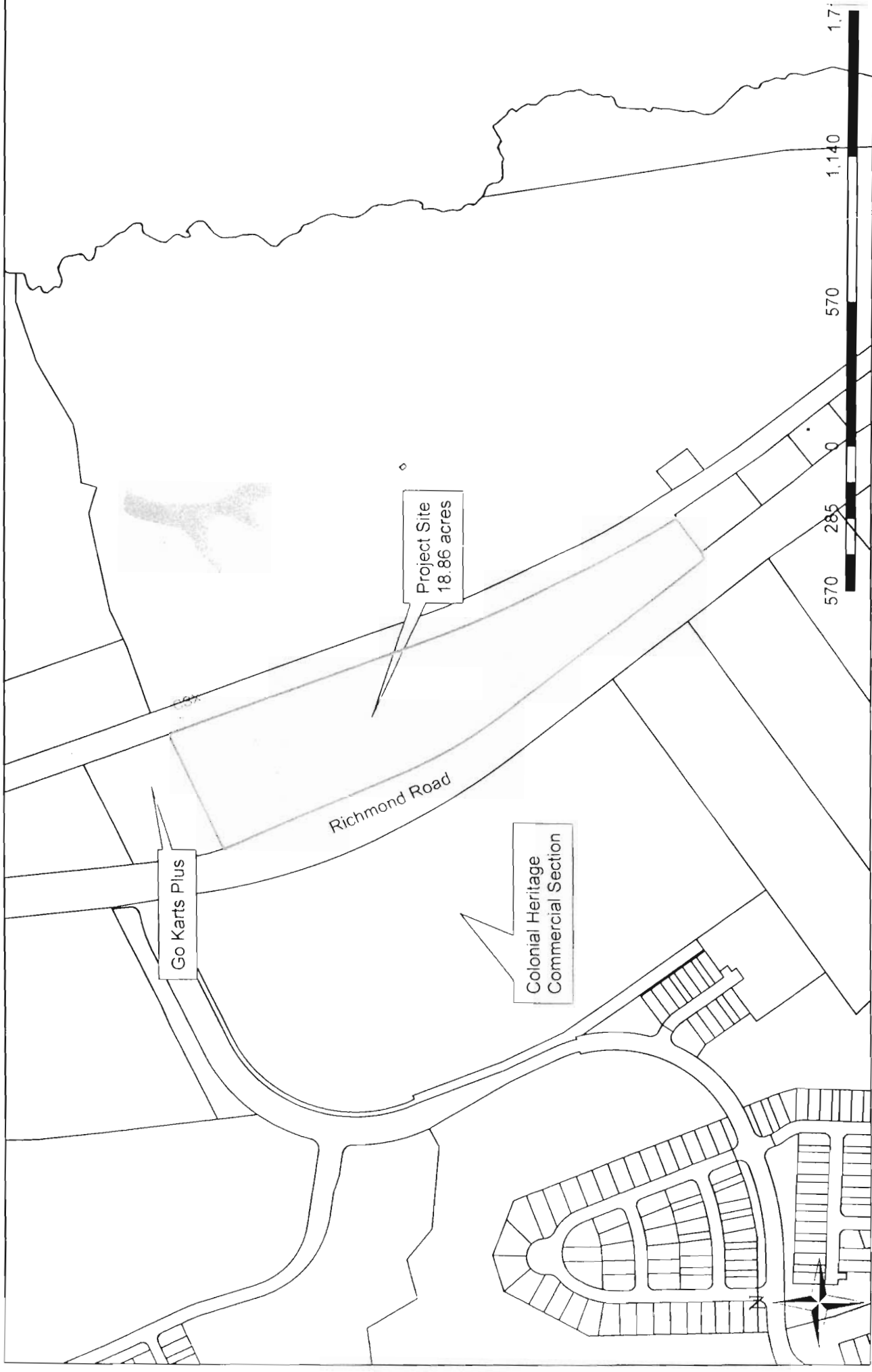


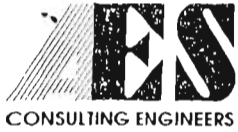
Jason Purse, Planner

ATTACHMENTS:

1. Location Map
2. Master Plan (Under separate cover)
3. Landscape Modification Request
4. Design Guidelines
5. Colonial Heritage Letter
6. Proffers

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





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614 Moorefield Park Drive, Richmond, VA 23236
6632 Main Street, Gloucester, VA 23061

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(804) 693-4450
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March 19, 2007



Mr. O. Marvin Sowers Jr.
Planning Director
James City County Department of Planning
P.O. Box 8784
Williamsburg, Virginia 23187-8784

**RE: Request for Modification, The Promenade at The Williamsburg Pottery
AES Project No. 9510-01**

Dear Mr. Sowers:

On behalf of our client, Williamsburg Pottery Factory, Inc., AES is requesting a modification to the Community Character Corridor (C.C.C.) landscape area along Richmond Road in accordance with Sections 24-88 and 24-96(a)(1) of the James City County ordinance. To help offset the impact of the modification, AES is also requesting a modification to the rear landscape area.

AES is proposing a reduction of the average width for the Community Character Corridor landscape area from 50' to an average width of 37' and a minimum width of 20' along the Richmond Road right-of-way. Much of the existing parking lots, loading areas, and buildings, are currently encroaching into the C.C.C. landscape areas, which according to Sec. 24-628 (b) is defined as a non-conforming use. **The existing average width of the C.C.C. area is approximately 9' wide and is less than 3' at its narrowest point.** With this redevelopment that average would be increased to a minimum of 37' and be consistent with Sec. 24-631.

According to Sec. 24-88 (a)(1), strict adherence to the requirements of a full 50' C.C.C. area would not promote the intent of this section because it would severely limit the economic viability of the project, and thus, would not be consistent Sec. 24-86 (1), which states "Ensure development consistent with the goals of the Comprehensive Plan*", specifically *Economic Development* Goal #1 which is to "Promote economic vitality . . ."

(* Sec. 24-86 (1) actually references the *Land Use* section of the Comprehensive Plan, but Land Use Goal #1 cross-references *Economic Development*.)

From the standpoint of redevelopment, Sections 24-88 (a)(2-5) are addressed by providing a plan that meets the intent of Division 4 with improved aesthetics to the Route 60 corridor, provides a positive impact on adjacent properties, a buffer planted with enhanced (defined as 125% of Ordinance size requirements) landscaping, and a positive impact on the environment by providing additional greenspace.

The project site is approximately 2,000 feet long but only averages 340' (+/-) in depth and is less than 200' deep at its narrowest point which results in an unusual shape. Thus, according to Section 24-88(b)(3), this request for modification is justified.

According to the criteria set forth in Section 24-96 (1)(c) and (d) and 24-96 (2)(a), (b) and (c), this reduction in width is further justified. As indicated in the attached plans, renderings, and design guidelines, the use of monument-style signs that incorporate pedestrian amenities (which include specialty paving, lighting, and benches) are proposed with this project. The materials will be consistent with those incorporated in the architecture, which will be unique and will not replicate standard or conventional prototypes.

As mentioned above, AES is also requesting a modification to the rear landscape area of Parcel 1 by reducing the required area from 15' to seven (7) feet. The goal is to increase the C.C.C. buffer by "sliding" the proposed buildings and associated parking closer to the rear property line. There would be no adverse impacts to the adjacent property as it is a railroad. Beyond the railroad tracks is property also owned by the WPF which is currently undeveloped.

In closing we feel that the above referenced request for modification is in conformance with the criteria set forth in the James City County zoning ordinance and we thank you for your consideration. Should you have any questions or require additional information, please do not hesitate to contact our office.

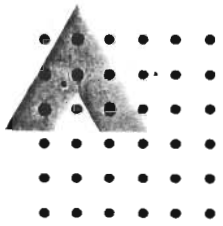
Sincerely,

AES Consulting Engineers



Christopher M. Basic, L.A.
Landscape Architect
cbasic@aesva.com

cc: Vernon M. Geddy, III (GHF&H)



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, *Revised 23 March 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 (approximately 25 feet tall) 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, avoid monotony, 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 and will be architecturally treated. 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, watertables and bandings to give them a more pedestrian scale.

In order to minimize unattractive views for shoppers traveling back and forth to the Pottery itself, the rear of the buildings at Parcel 1 which are adjacent to and visible from Parcel 2 will also be architecturally treated, or fenced, for a minimum of 150 feet in length.

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, articulated & architecturally treated, integrally colored and water-proofed
- 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 (nothing below door head height), as approved by the Landlord

- k) The use of bold and/or dark color schemes will be encouraged, particularly at stucco and EIFS areas, to minimize apparent size

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. At outparcel buildings, dumpsters and wall or ground mounted mechanical and/or electrical equipment will be screened by walls or fences and landscaping.

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 Promenade will unite the buildings, landscape, and pedestrian and vehicular areas. 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.

D. Entrances to the project will incorporate a pedestrian space into the entry signage and monumentation package. *For larger areas (Parcels 1 & 3)*, free-standing signs surrounded only by shrubs and annuals will be discouraged. The concept of the Promenade will be repeated in the space by using benches, planters (raised, free-standing containers or in-ground), and pedestrian-scale lighting. Materials used in the space will be consistent with those used on the buildings. The space will be defined by the use of vertical elements such as walls and/or fences anchored with decorative piers, columns, etc. [] The entrance at Parcel 2 will be shared by the Williamsburg Pottery Factory and the Promenade. *Thus*, signage and monumentation for Parcel 2 will be architecturally compatible with that of the Promenade, and may include pedestrian-oriented design elements and a free-standing sign. *See Master Plan for approximate locations and boundaries.*

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 (i.e. not asphalt) 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.

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

C. Parking lot planting will be designed to break down large parking lots into smaller areas by primarily using shade trees. 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. Species selection for shade trees shall be generally consistent with those normally considered as acceptable street trees and may include but are not limited to:

Acer rubrum	Red Maple
Fraxinus pennsylvanica	Green Ash
Gingko biloba	Gingko (male sp. only)
Platanus x acerfolia	London Planetree
Quercus phellos	Willow Oak
Tilia cordata	Littleleaf Linden
Zlekova serrata	Japanese zelkova

The use of ornamental trees in the parking lot shall be secondary to the shade trees and serve as accents for variety and interest. Evergreen trees may be used to a lesser extent than normally required by the Ordinance, upon approval of the Planning Director.

Design Standards

The Promenade at Williamsburg Pottery – ADTA #05046

26 January 2007 Revised 23 February 2007, **Revised 23 March 2007**

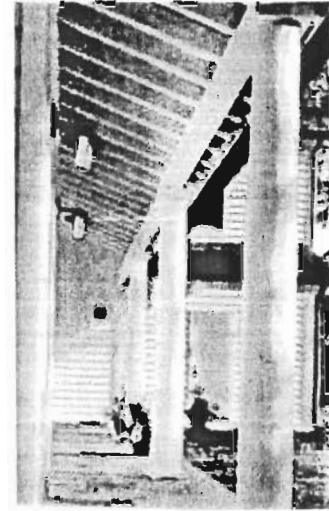
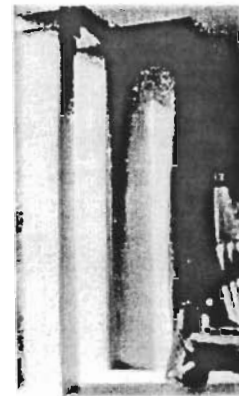
Page 6

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

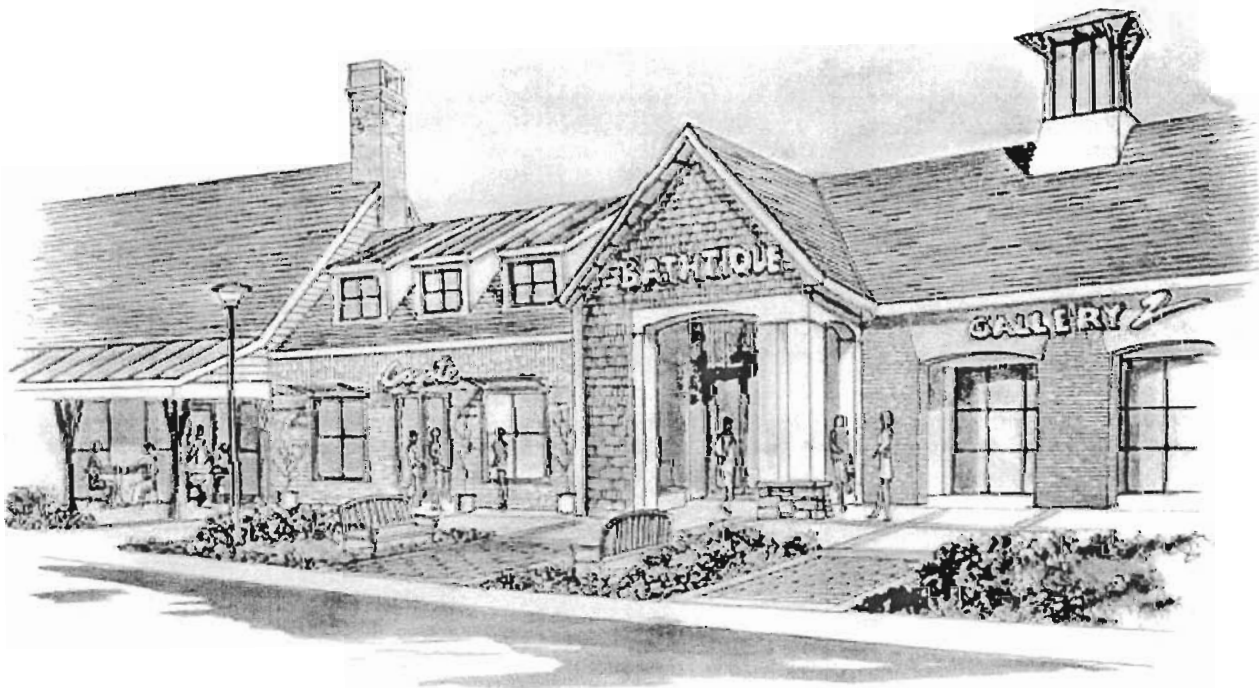
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Example of roof articulation executed with transitional or contemporary detailing.



Examples of transitional or contemporary columns.

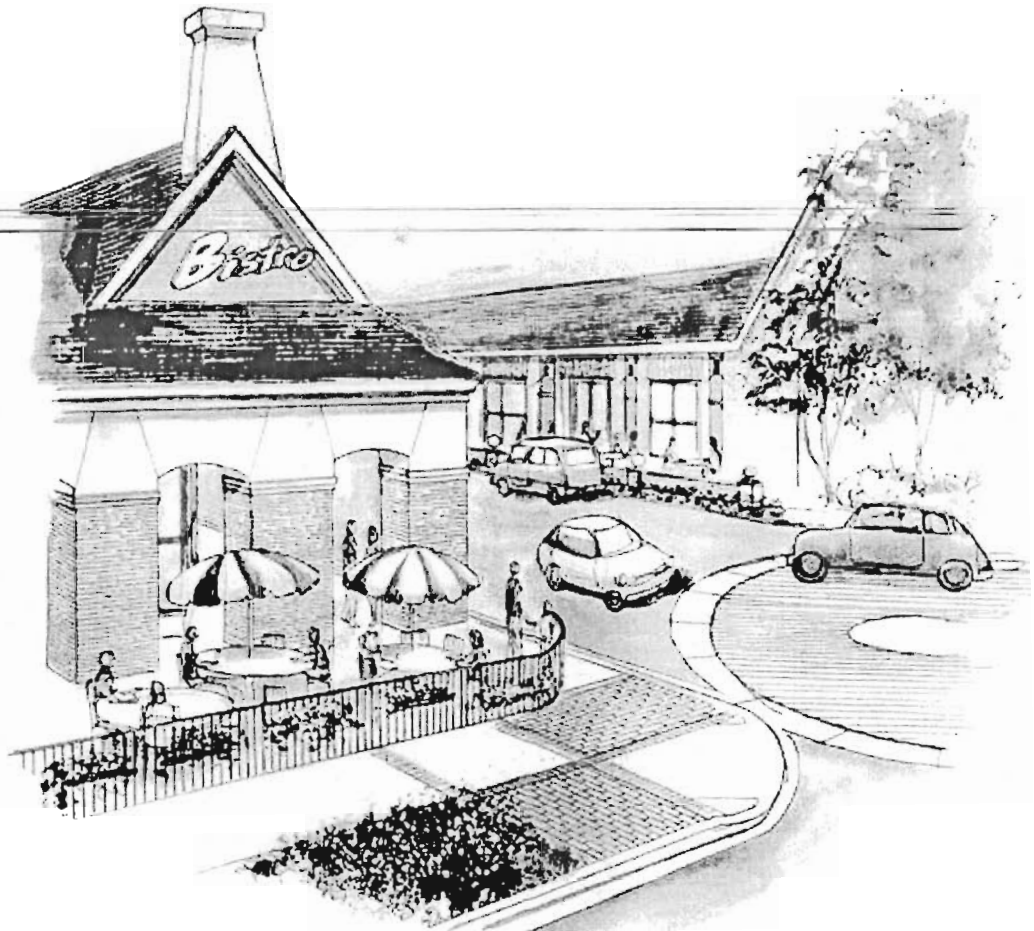
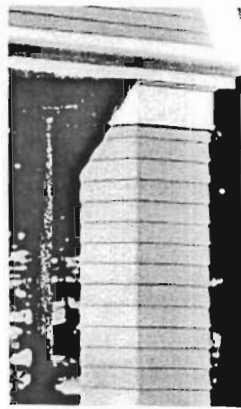


Concept sketch showing small shops, transitional or contemporary detailing, roof articulation and The Promenade pedestrian space, with landscaped areas between pedestrian walkways and vehicle travel lanes.

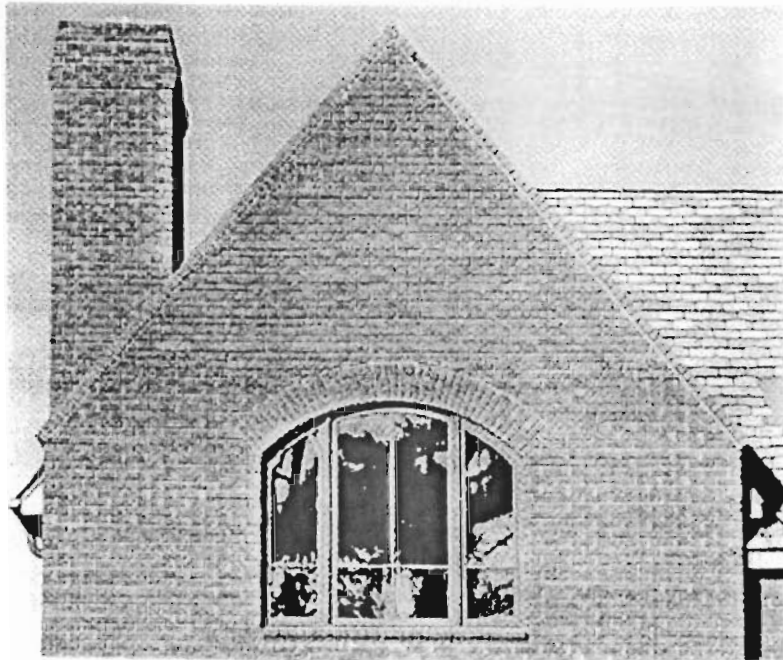
The Promenade at Williamsburg Pottery

Traditional Building Forms with Transitional or Contemporary Detailing

Examples of transitional or contemporary columns.



Concept sketch showing transitional or contemporary detailing, special pavement treatment and The Promenade pedestrian space. In the distance, articulation of the side wall is shown.

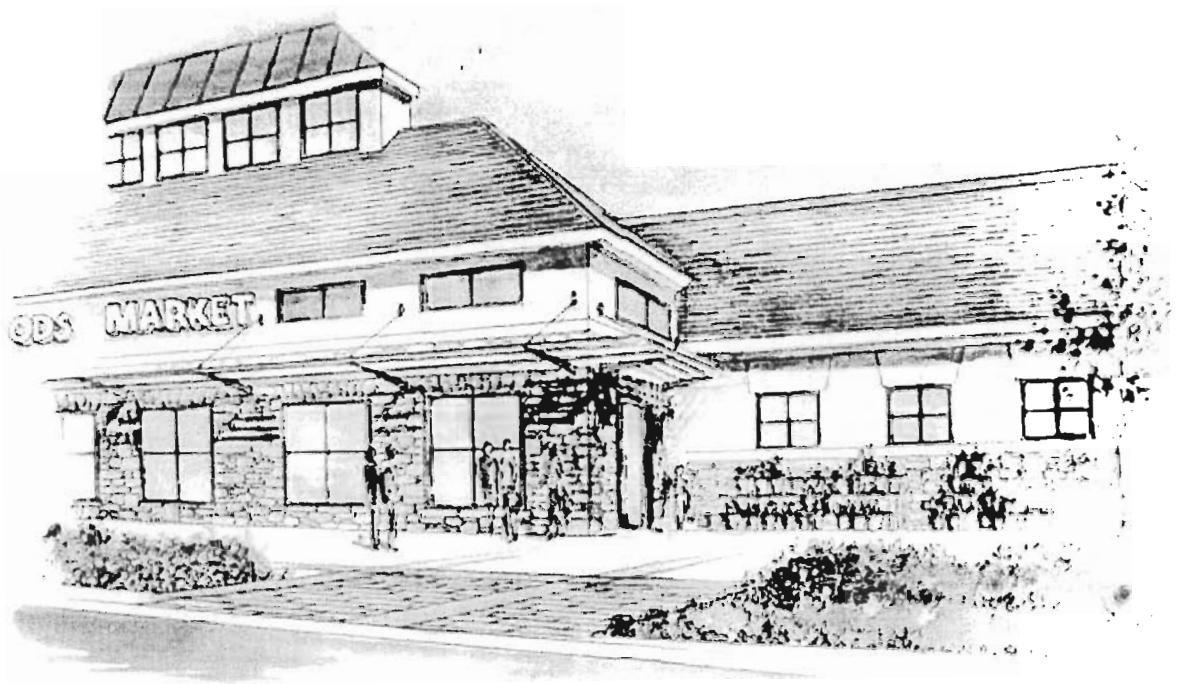


Example of transitional or contemporary gable face

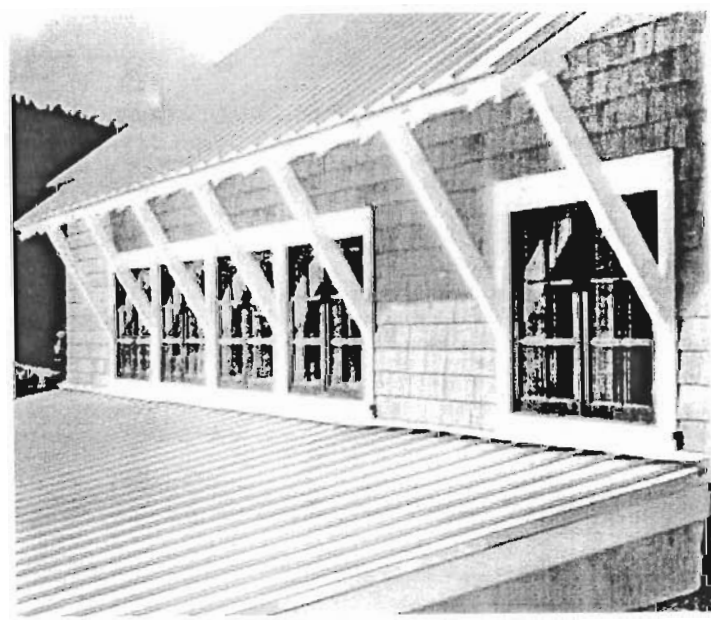
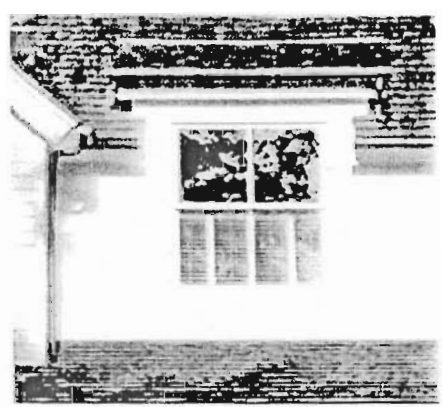


Example of transitional or contemporary column.

The Promenade at Williamsburg Pottery
Traditional Building Forms with Transitional or Contemporary Detailing

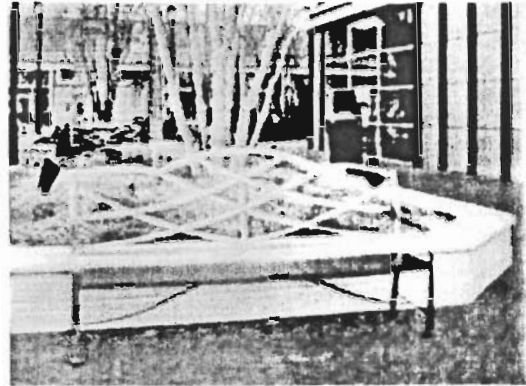
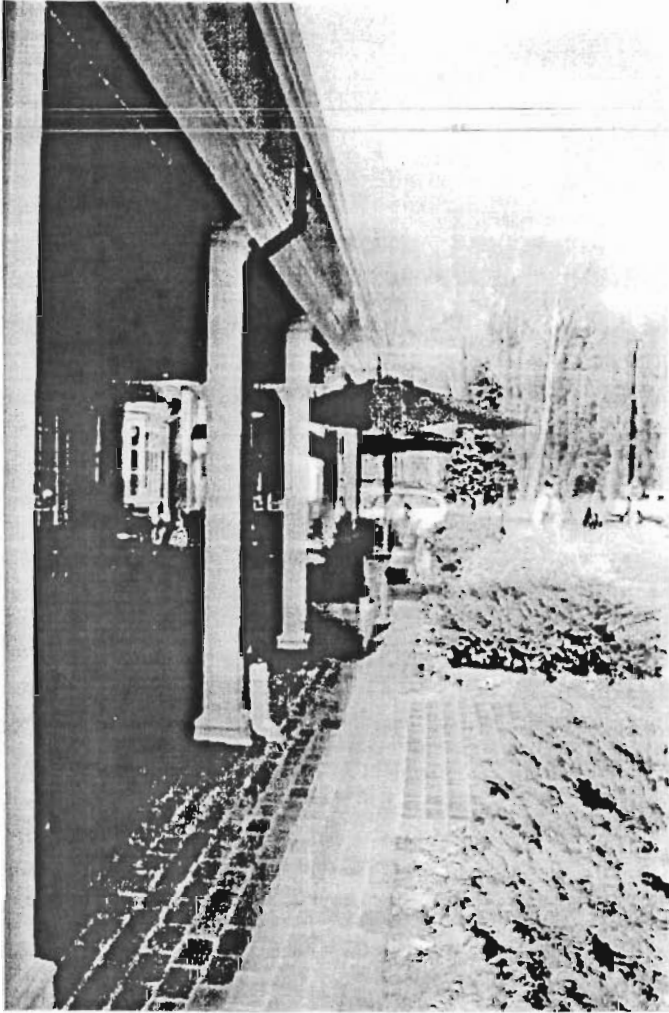


Concept sketch showing transitional or contemporary detailing, roof articulation and The Promenade pedestrian space. This example shows a portion of a possible grocery store and how areas with little display window may be broken up with color, varying materials, banding, etc.



Examples of transitional or contemporary roof articulation.

The Promenade at Williamsburg Pottery
Traditional Building Forms with Transitional or Contemporary Detailing



Examples of landscaped areas separating pedestrian and vehicular travel ways.

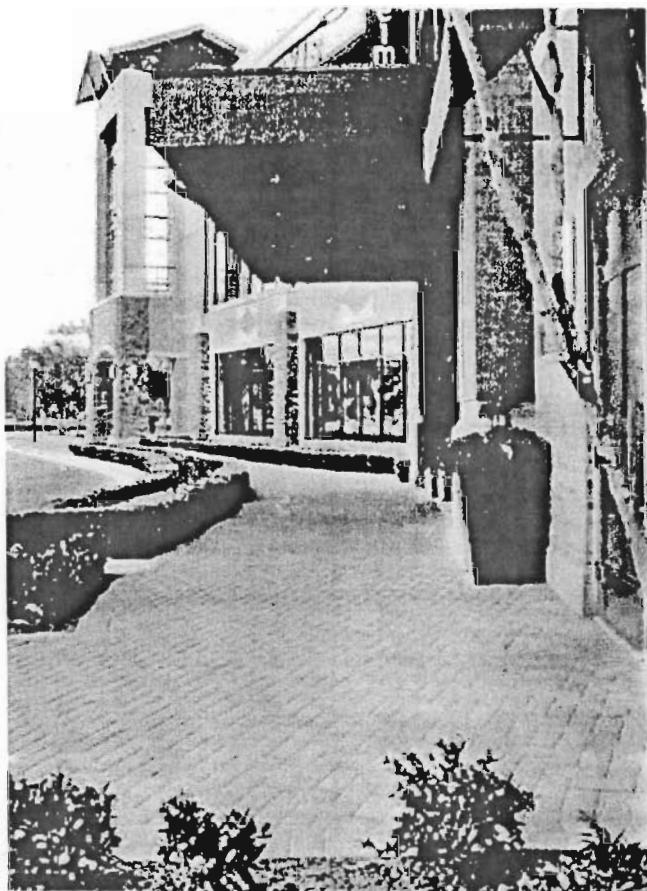
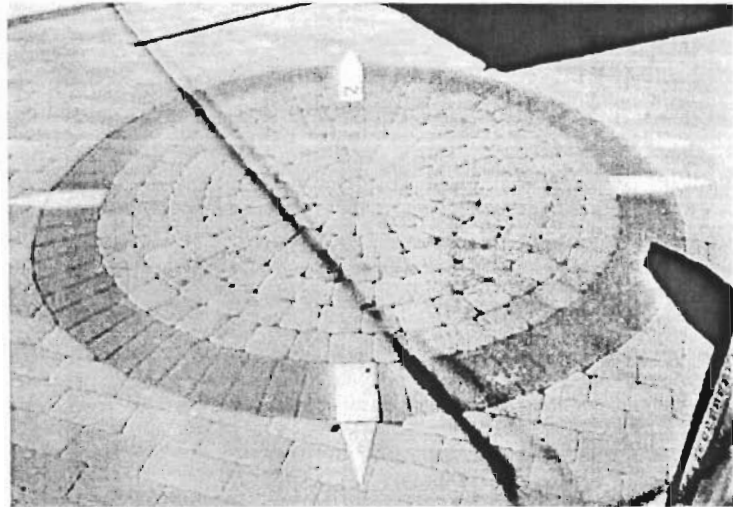


The Promenade at Williamsburg Pottery
The Promenade



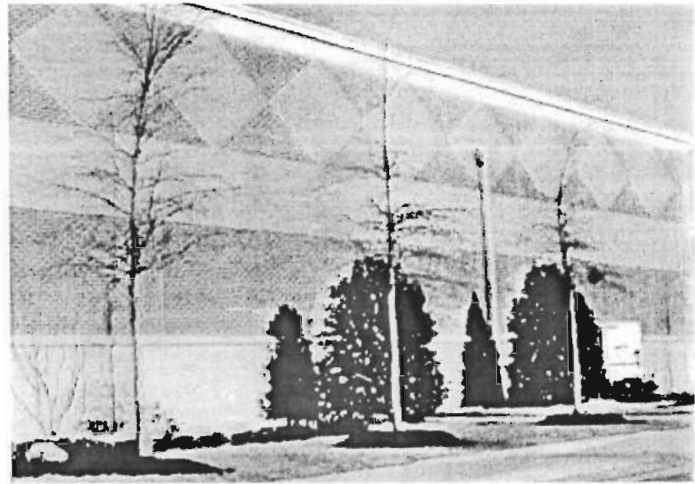
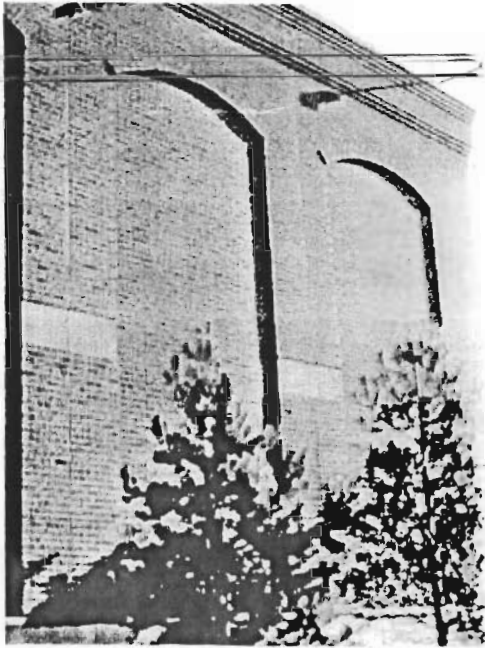
Example of transitional or contemporary detailing

Example of special pavement treatment.



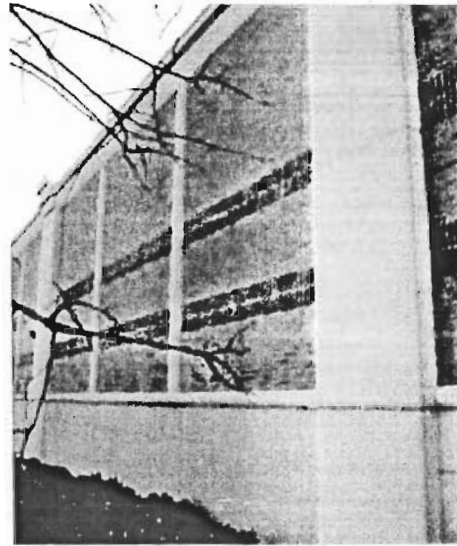
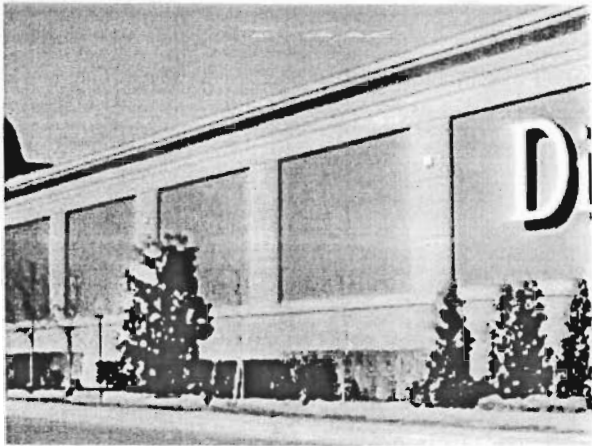
Examples of landscaped areas separating pedestrian and vehicular travel ways.

The Promenade at Williamsburg Pottery The Promenade

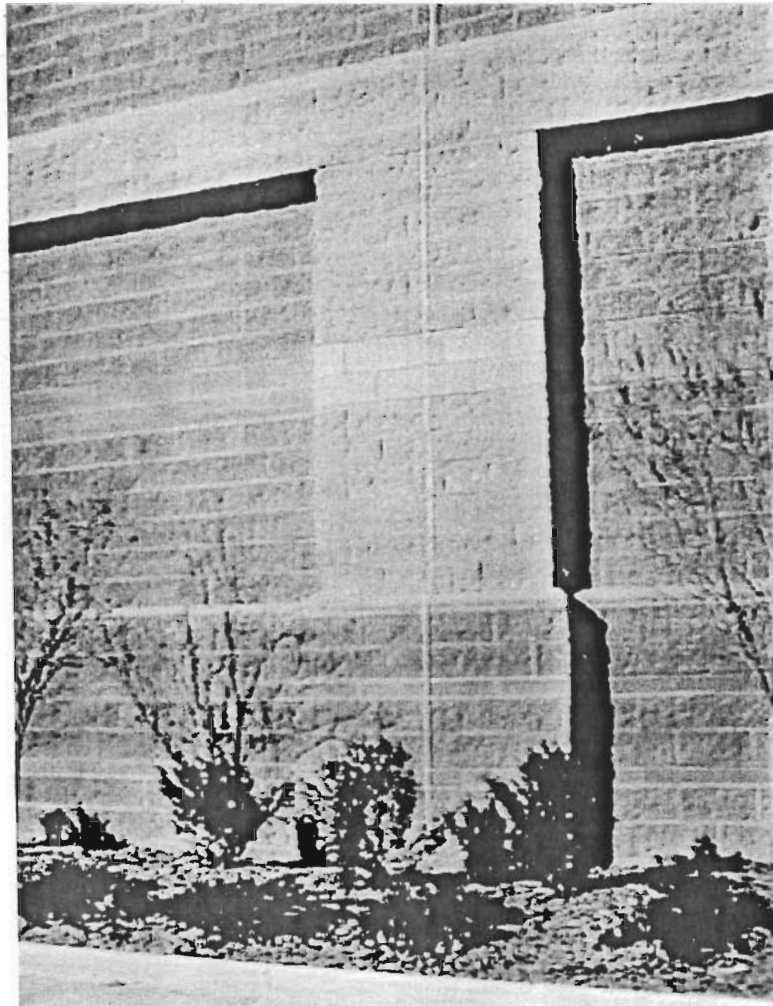


Examples of side walls subdivided with decorative pilasters, water tables and bandings.

**The Promenade at Williamsburg Pottery
Building Side Walls Architecturally Treated**



Example of use of bold color palette on stucco or synthetic stucco surface

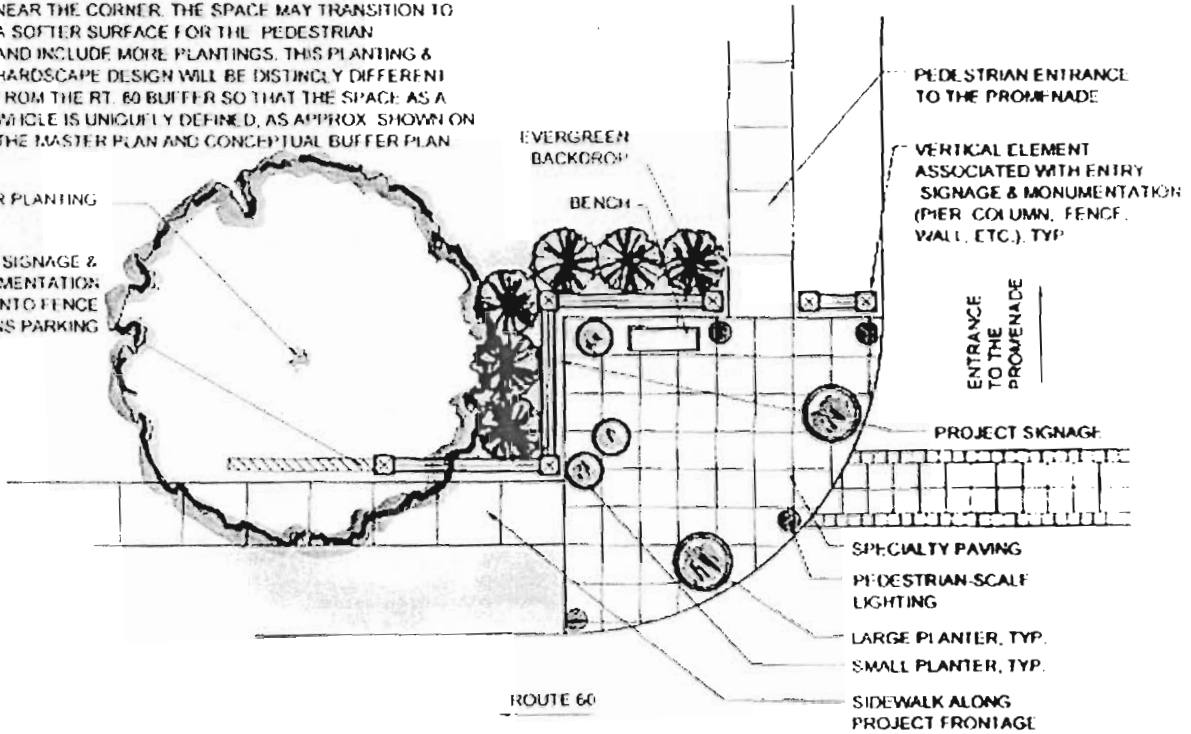


Examples of side walls subdivided with decorative pilasters, water tables and bandings.

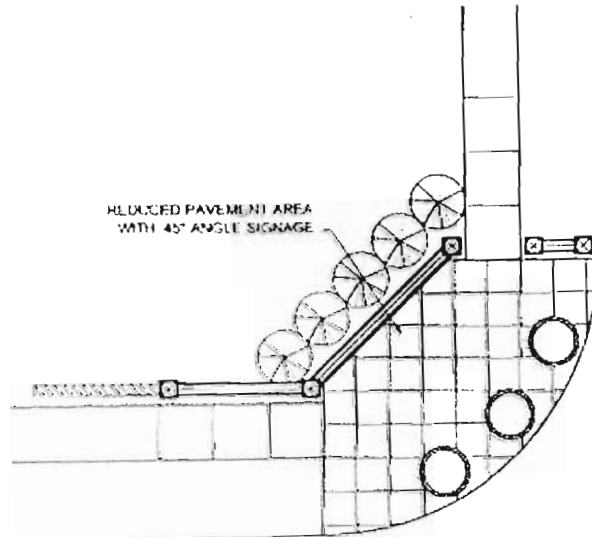
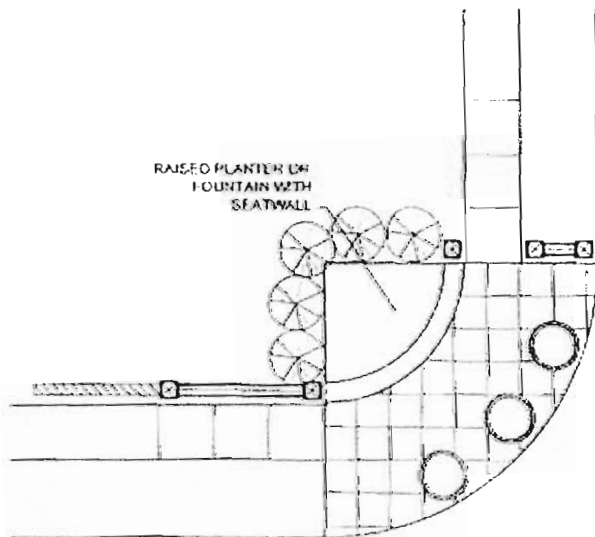
The Promenade at Williamsburg Pottery
Building Side Walls Architecturally Treated

FOR LARGER PARK SPACES, PROJECT SIGNAGE AND HARDSCAPE AREA MAY REMAIN PRIMARILY NEAR THE CORNER. THE SPACE MAY TRANSITION TO A SOFTER SURFACE FOR THE PEDESTRIAN AND INCLUDE MORE PLANTINGS. THIS PLANTING & HARDSCAPE DESIGN WILL BE DISTINCTLY DIFFERENT FROM THE RT. 60 BUFFER SO THAT THE SPACE AS A WHOLE IS UNIQUELY DEFINED, AS APPROX. SHOWN ON THE MASTER PLAN AND CONCEPTUAL BUFFER PLAN

C.C.C. BUFFER PLANTING
PROJECT SIGNAGE & MONUMENTATION MAY TIE INTO FENCE THAT SCREENS PARKING



OTHER OPTIONS



The Promenade at Williamsburg Pottery

The concept of the Promenade will be repeated at the entrances to the project



Colonial Heritage

March 21, 2007

James City County Planning Commission
P.O. Box 8784
Williamsburg, VA 23187



Subject: Williamsburg Pottery Redevelopment Plans

As a community that is, and will be, directly impacted by what happens with the Pottery, the Colonial Heritage Homeowners Association would like to provide its views on the proposed redevelopment project. Our interest in this project is driven by our desire to ensure the results ultimately compliment our community and support the continued economic development of James City County.

In general The HOA believes that the proposed redevelopment plan is a considerable improvement from what exists today. However, we do believe that the owner's proposal should be thoroughly reviewed to ensure that the result enhances the local area overall. In that light, the HOA supports the county staff's recommendation for additional study before providing a recommendation to the Planning Commission.

While the HOA does agree that additional study is required, we don't necessarily support all of the staff's recommended changes. Specifically, the HOA is of the opinion that the front of the buildings should face Richmond Road. We understand that this could require that the parking be located between the shops and Richmond Road. While we understand that the Comprehensive Plan calls for a 50 foot buffer between Richmond Road and any development, the HOA favors the developer's proposal that a 34 foot buffer should be sufficient here, especially given the limitations imposed by the railroad right-of-way at the rear of the property.

The HOA does agree with the staff's desire to move away from a monolithic storefront appearance. We believe a varied roof line and shop clusters are preferable to a "strip mall" look. However, as stated in the previous paragraph, we don't believe having the rear of the buildings face Richmond Road is a desirable alternative.

The HOA would like the traffic impacts of this redevelopment carefully considered, particularly with regard to new traffic lights. There is a potential for at least two new signals between the existing Pottery Richmond Road entrance and Colonial Heritage Boulevard. That would make three lights in a relatively short distance. We don't need another Lightfoot Road, Centerville Road, VA 199 Intersection traffic problem in front of Colonial Heritage.

Thank you for your time and consideration in this matter.

George Renault, President
Colonial Heritage Homeowners Association

PROFFERS

THESE PROFFERS are made this __ day of March, 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 redeveloped 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 be located at 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"). When the entrance is 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. At the entrance (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 and a new traffic signal shall be installed. 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. Owner shall be responsible for and shall pay the costs of any necessary modifications to the traffic signal proffered for this intersection by Colonial Heritage so the signal will serve this entrance to and from the Property. 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 in, right out only entrance 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. When this entrance is constructed, a westbound right turn lane with 150 feet of storage and a 200 foot taper shall be constructed. 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 VDOT standards 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.

(h) After approval of the first final site plan for the redevelopment of the Property and within 30 days of a request from VDOT, Owner shall pay to VDOT a pro rata share (based on 1.5 signals divided by the total number of signals included in the project) of any VDOT Route 60 signal coordination project that includes the signalized intersections at entrances into the Property. The costs of the signal coordination project may include traffic signal equipment and utility relocation within the existing right of way and easements to accommodate traffic signal equipment, but will not include any right of way acquisition expenses or road construction changes.

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 a minimum average width of 37 feet and a minimum width of 20 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 Conceptual Landscape Plan for Route 60 Buffer made by AES Consulting Engineers dated March 19, 2007 submitted herewith and on file with the County Planning Department 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 detailed 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 six standard size tree box filters capable of treating stormwater from approximately one and one-half acres of impervious cover in the parking lots on 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, revised February 23, 2007, March 16, 2007 and March 23, 2007. All buildings, landscaping and site design 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.

11. **Route 60 Median Planting.** Subject to VDOT approval, Owner shall install landscaping in the portion of the Route 60 median along the frontage of the Property not already landscaped by the Colonial Heritage project consistent with the landscaping provided by Colonial Heritage. A landscape plan for the median 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 median 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.

Exhibit A
Property Description

ADD

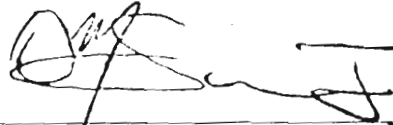
PLANNING DIRECTOR'S REPORT
APRIL 2007

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

- Rural Lands Study.--The Technical Committee held a meeting in March to discuss public comments and review final revisions to the narrative ordinance. Several changes were debated and the consultant recorded revisions to be incorporated into the technical ordinance. After a period of drafting and internal review of the technical ordinance, it will be forwarded to the Technical Committee prior to submission to the Planning Commission.
- Comprehensive Plan Methodology/Work Program. Staff presented the draft Comprehensive Plan methodology and timeline to the Policy Committee on March 21 and proposed an October 2007 kick-off for the Comprehensive Plan. Included in the package was the Division's work program of short-term and long-term tasks, which outlined several preliminary Comprehensive Plan tasks and other substantial projects such as ordinance revisions and landscape projects which would occur in the next six months prior to the kickoff. The Policy Committee unanimously endorsed the methodology and timeline.
- New Town. The Design Review Board reviewed six cases in March. Four were resubmissions, one was for improvements to the rear of the Main Street Retail buildings, and one was for height revisions to buildings in Settlers Market. The Board of Supervisors will also need to consider a height waiver for the Settler's Market buildings.
- Better Site Design. The next Better Site Design Implementation Committee meeting met on March 7, 2007. The Committee discussed the remaining principles and decided on items that remained to be completed.
- 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. Staff has been continuing to fix errors, add improvements, transfer historical data into the new application, and create reporting features. Public release is planned for early Spring of this year.
- Direct Discharge Septic Systems. A second Policy Committee meeting was held on March 26 to discuss supplemental information requested at the last meeting. Another meeting will be held shortly to discuss more specific potential conditions and expectations.
- Mixed Use Ordinance. The Policy Committee discussed this issue at two meetings in March, one on the 14th and one on the 21st. At the first meeting the Committee asked staff to provide additional recommendations and information. These items were discussed at the second meeting, after which the Policy Committee voted 3-1 to forward the proposed amendments to the Planning Commission.
- Capital Improvements Program. After a series of meetings from February 8, through February 26, 2007, Policy Committee, in conjunction with Planning Staff, prepared and forwarded its recommendations for the Capital Improvements Program for Fiscal Years 2008 to 2012. Rankings were assigned based on how well each request meets current and future service needs, conforms to the Comprehensive Plan, and / or supports other adopted County strategic plans and policies. This year, a new "Maintenance" category was created for projects that sought to maintain existing county assets by

funding maintenance work, replacing or refurbishing worn or failing facilities, providing functional upgrades to obsolete systems, or correcting potentially hazardous safety issues. This year, 130 CIP applications were received. Of these, 29 were JCSA applications not ranked by the Policy Committee, 66 applications were ranked as high priority projects, 12 applications were ranked as medium priority projects, and 23 applications were ranked as low priority projects. The Policy Committee rankings for this year placed higher priority on emergency response, school safety, and basic facility maintenance projects, and tended to place lower priority on Parks and Recreation projects, parking lot expansions, and projects requiring the construction of new public buildings.

- 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 March 13.
 1. Case No. SUP-30-06. Jamestown Road Service Station, LLC adopted 5-0
 2. Case No. SUP-31-06. Toano Middle School Bus Entrance adopted 5-0
 3. Ordinance to Authorize James City County to Join the Williamsburg Area Transit Authority adopted 5-0
 4. Employer Assisted Home Ownership Program Applications adopted 5-0
 5. Case No. HW-5-06. New Town Section 9 - Settler's Market (deferred to April 10, 2007)



O. Marvin Sowers, Jr.