

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
JUNE 3, 2009 - 7:00 p.m.

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

1. ROLL CALL

Planning Commissioners

Present:

Deborah Kratter

George Billups

Joe Poole III

Reese Peck

Rich Krapf

Chris Henderson

Jack Fraley

Staff Present:

Allen Murphy, Director of Planning/Assistant
Development Manager

Angela King, Assistant County Attorney

Dave German, Senior Planner

Leanne Reidenbach, Senior Planner

Stephanie Luton, Director, Purchasing &
Management Services

Sara Propst-Worthley, Planner

Jason Purse, Senior Planner

Brian Elmore, Development Management Assistant

Christy Parrish, Acting Zoning Administrator

Ned Cheely, Director of Parks and Recreation

John Carnifax, Deputy Director of Parks and
Recreation

John McDonald, Manager of Financial &
Management Services

Bill Cain, Chief Civil Engineer

2. PUBLIC COMMENTS

Mr. Rich Krapf opened the public comment period.

There being none, Mr. Krapf closed the public comment period.

3. MINUTES - APRIL 1, 2009

Ms. Deborah Kratter moved for approval of the minutes, with a second from Mr. Joe Poole.

In a unanimous voice vote, the minutes were approved (6-0; Absent: Henderson).

4. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee (DRC)

Mr. Poole stated the DRC had reviewed several cases. At special meeting on April 14 with the CVS at Norge applicant, the DRC reviewed exterior elevations. The DRC emphasized making the exterior compatible with the Norge community – including a sloped roof, a brick base and accents, light-colored siding, a unique entry feature, no neon sign, and a white and green color pallet overall. The applicant returned to the regular meeting on April 29 after addressing these concerns, and supplied additional information. Also at the April 29 DRC meeting, the Villages at Whitehall asked for modified language to their design guidelines to allow increased sidewalk layout flexibility. Applicants for the Moss Creek Commerce Center also requested sidewalk language modifications along Route 30 and adjacent properties. The DRC concurred with these requests.

Mr. Jack Fraley moved for approval of the DRC minutes, with a second from Mr. George Billups.

In a unanimous voice vote, the DRC minutes were approved (6-0; Absent: Henderson).

B. Policy Committee

Mr. Krapf stated that since Mr. Chris Henderson would arrive late to the Commission meeting, he would delay the Policy Committee report until the Commission discussion phase.

C. Steering Committee

Mr. Fraley stated the Steering Committee was considering the Economic Opportunity designation for the Comprehensive Plan. He said the Committee made final decisions on all but two Land Use applications. The next meeting will complete these and also include discussions on Community Character.

5. PRESENTATION – SHAPING OUR SHORES

Ms. Stephanie Luton presented the Shaping Our Shores proposals. She said the proposals for Jamestown Beach Campground (JBC), Jamestown Marina and Yacht Basin (JYB), and Chickahominy Riverfront Park (CRP) represented 20-year, realistic master plans for each park. The proposals are not intended as site plans. The process involved a variety of public inputs, including surveys, meetings, manned booths, TV48, and the web. Meetings were held with citizens, advocacy groups, regulatory agencies, and adjacent property owners. Plans were prepared with four primary goals in mind: feasibility, matching community vision, maximizing benefits for users, and offsetting operating expenditures. All three sites shared some features, including green space, open space, grant funding, water access, recreational opportunities, and protecting cultural and natural resources. JBC is intended as a signature park, with the ability to attract tourists and maintain beach access. JYB is intended for redevelopment with commercial

uses, in order to make the property self-sustaining. At CRP, existing facilities will be renovated, water access will be increased, and provisions will be made to host events like the County Fair. VHB consultants attempted to find fatal flaws and constraints in the proposals. Constraints include CRP's distance from the Primary Service Area, JBC's grant boundaries, and JYB's small size. Economic returns were one of several considerations. A VHB sub-consultant performed a market analysis and a pro-forma for each park and their main proposals.

As a signature park, JBC is expected to include an enhanced beach, camping, and a renovation of the Vermilion House. Other upgrades to the park include restrooms, camping cabins, pavilions, gardens, and traffic and bike improvements. The marina will be upgraded and contain one of two mixed use intensities, while providing additional water access for residents. The difference between the intensities is the amount of mixed use and the location of dry boat storage. The most intense use plan includes condos, hotel, retail, restaurants, waterfront promenade, small craft launch, and a renovated marina. The less intense scenario retains the restaurant and small craft launch. CRP's main features are water-based recreation, diversified camping, and increased usage. Wood docks would be added, along with related concessions and pavilions. Boat ramp parking would be more organized. The small craft launch would move to Gordon's Creek. Cabins and an RV loop would be added, while primitive sites would be reduced and spread out. The aesthetic vision for CRP is more rustic than other County parks.

Ms. Luton stated that citizen concerns included increased traffic and loss of historic and green space at JBC; water quality and intensity at the JYB; and a loss of primitive camping at CRP. She said phasing of the three plans was popular with citizens. The Jamestown-Yorktown Foundation and National Park Service voiced concerns about the Jamestown Island view shed and surrounding environments. Several local citizens' groups were amenable to partnerships formed with the County at JBC. The 4-H Club had security concerns. Board guidance for Shaping Our Shores included a signature park at Jamestown, non-residential mixed use at the JYB, while enhancing the environment and other park; and increased water recreation, camping, and use at CRP. At a previously held worksession, the Board asked for a review of a wide range of funding options and refurbishment plans for the JYB.

Ms. Luton stated public comments were included as part of the Shaping Our Shores process. She said early in the process, there were listening sessions. A first draft of each plan was submitted for another round of public feedback. After the second public round, staff began making specifics on the proposals, including building setbacks and footprints. Another public meeting was held based on those specifics. Before Shaping Our Shores is presented to the Board for final consideration, a priority matrix, funding options, and expanded pro forma will be developed.

Ms. Luton stated the boating and fishing communities both stated their desire for expanded water access and support facilities at CRP. She said there were comments to take notice of the power-boating and tournament communities.

Mr. Tim Hogan, VHB Consulting, stated that to attract fishing tournaments, CRP would require additional infrastructure, including overnight moorings, fuel services, a larger store, and additional parking. The proposed upgrades would cater to transient boaters.

Ms. Luton stated that although time shares were not included in the less-intense narrative, a boutique hotel with 48 rooms was included. She said the Board did not want residential units at the marina. Removing the residential units completely changes the property's economic outlook.

Mr. Hogan stated time-shares were considered early in the process during discussions with the Board.

Mr. Henderson stated the market value of time-shares would be considerably more than residential units.

Ms. Luton stated time-shares were reviewed during the real estate analysis. She said Chickahominy's inclusion in the Primary Service Area was also discussed, and several challenges were noted. In the realm of reasonable vision, the Board decided to focus on water access and camping-based recreation at the site, although many types of uses were discussed.

Mr. Poole stated that in previous comprehensive plans, the community signaled its desire to have water access. He said he appreciated the Shaping Our Shores proposals not altering the character of the County.

6. PRESENTATION - PARKS AND RECREATION MASTER PLAN

Mr. Mark Wenger, Chair of the Parks and Recreation Advisory Commission (PRAC), presented the Parks and Recreation Master Plan. He said the plan has been undergoing a revision, with the last revision being in 1993. Public input had been received during the previous 14 months, including public meetings, hearings, focus groups, phone surveys, and online surveys. As the PRAC reviewed needs assessments, it became apparent that metrics were needed to measure the County's performance against other communities. Two standards emerged: the National Recreation and Park Association standards and the Virginia Outdoors Plan. The availability of private recreation facilities gives the County additional flexibility in meeting its recreation needs. The goal of the master plan is to create a framework for addressing needs. The plan will also provide linkages between conceptual and master planning, as well as special plans, such as Shaping Our Shores. Based on national and local standards, the County is deficient in youth baseball fields, soccer fields, and soft surface trails, but many other surveyed localities are also deficient in many areas. The master plan was modified to include Parks and Recreation's extensive programming, along with cooperative programming with York County, the City of Williamsburg, state, and national parks. Neighborhood pools, tennis courts, and other private facilities are also leveraged in the plan through proffer guidelines. Challenges include non-mandated services and the recovery rate. Localities vary greatly in how they calculate their recovery rates, but the County's 45% recovery rate is expected to drop as new non-revenue generating parks come online. Examples to increase recovery rates include events, tournaments, and non-profit funding.

Mr. Reese Peck asked if different facility standards were used for inside and outside the Primary Service Area (PSA).

Mr. Wenger stated several variables and standards had changed since the 1993 Master Plan. He said with the new Comprehensive Plan under review, it was an ideal time to introduce a new Parks and Recreation Master Plan. The 2003 Comprehensive Plan was not used as a guiding document as these standards were seen as in need of an update. The standards in the plan are intended for general guidance and not specifics.

Mr. Ned Cheely stated the Parks and Recreation Master Plan came into being as a result of requiring facilities to house programming. He said the same types of development and density that would drive the need for schools would also drive needs for park facilities. Joint development with schools will continue. Unique opportunities, such as CRP and the Warhill Sports Complex, are aggressively pursued.

Mr. Peck stated his concern was that schools and parks, such as Freedom Park, which are outside of the PSA, were being extended water service. The Commission and Planning should review park locations which *de facto* expand the PSA.

Mr. Cheely stated it was not their intention to have a different set of standards from the Comprehensive Plan. The master plan used drivers from the 2003 Comprehensive Plan and public input, and the Division worked closely with Planning staff and consultants to determine appropriate updates.

Mr. Peck asked about the fiscal impact of upgrading parks to the new standards.

Mr. Cheely stated that that information could be researched and provided if requested. He said many planned facilities from the 1993 Plan had not been completed due to a variety of factors. The Master Plan only moves as quickly as the Capital Improvements Program (CIP) can fund projects.

Mr. Billups asked if Parks and Recreation had proposed sites for the deficient trails and fields.

Mr. Cheely stated Parks and Recreation had the *Greenways Master Plan* and certain recreational corridors to place future facilities. He said parks was trying to improve capacity, and cited instances where a single child plays in multiple youth leagues on multiple fields.

Mr. Fraley stated he was interested in leveraged Parks and Recreation facilities for economic development. He said youth league growth has fostered economic development. An aquatic center would allow the County to host swimming tournaments.

Mr. Wenger stated there was tremendous support for Parks and Recreation to pursue competitive swimming facilities, tempered by their cost. Parks and Recreation would pursue a public/private partnership for that type of facility.

Mr. Henderson stated Christopher Newport University recently entered an exclusive agreement with Pepsi. He encouraged Parks and Recreation to explore selling naming rights.

Mr. Wenger stated Parks and Recreation should investigate all revenue opportunities.

Mr. Poole stated residents see Parks and Recreation as a crucial component towards quality of life.

Ms. Kratter stated Parks and Recreation should take a long-term view of planning to improve quality of life and economic outlook simultaneously.

Mr. Krapf stated that Parks capital projects still compete for annual funds as part of the budget process.

7. PUBLIC HEARINGS

A. ZO-0003-2009 Zoning Ordinance Amendment - Setback Reductions in B1, General Business & M-1, Limited Industrial

Mr. Jason Purse stated that staff received a request to amend the Zoning Ordinance to allow for front setback reductions in M-1 zoning with the approval of the Development Review Committee (DRC). He said similar language for B-1 zoning allows a setback reduction of up to 25 feet with DRC approval. Some Community Character Areas where several M-1 parcels are located recommend reduced setbacks. The recommendations for reduced setback in the Toano Design Guidelines are not currently achievable under the Zoning Ordinance. Consistency between B-1 and M-1 parcels is desirable, and the language from the B-1 district will be copied into the M-1 zoning. Only commercial uses will be affected. Setbacks of less than 20 feet will be permissible with DRC approval. As a result of the Policy Committee, language in the amendment has been worded to say 'meets and exceeds' in cases of DRC setback review. Staff recommends approval of these amendments.

Mr. Krapf asked if changing the setback language to 'meets or exceeds' would grant the DRC additional flexibility in its reviews.

Mr. Allen Murphy stated the language 'meets or exceeds' would give the DRC additional flexibility. He said the current language expresses that applicant must only meet standards. The revised language enables the DRC to upgrade expectations.

Mr. Purse stated the DRC would have full review of any requested setback reductions.

Mr. Fraley stated the language was contradictory in that an applicant could not both meet and exceed expectations.

Ms. Kratter stated that the term extraordinary was deleted because of its vagueness. She said 'meets or exceeds' may push the DRC into accepting a setback with only one of the three design criteria met. Applicants should always have to exceed development standards.

Mr. Murphy stated that when design standards were adopted, they were not intended to be

bare-minimum guidelines. He said the DRC can only make suggestions about exceeding standards. The language 'meet' would be the clearest.

Mr. Billups asked if the DRC had difficulty in setting specific standards for Community Character Areas. He said the guidelines should be specific numbers.

Mr. Murphy said the language is for specific areas where the Board has adopted additional guidelines that call for flexibility.

Mr. Krapf opened the public hearing.

There being no comments, Mr. Krapf closed the public hearing.

Mr. Poole moved for adoption, with the amended language 'meets or exceeds.'

Mr. Kratter stated the language 'meets' would be sufficient.

Mr. Murphy stated staff was agreeable to just the word 'meets,' given that design guidelines are already above the general ordinance.

Mr. Fraley stated he would favor leaving 'exceeds' in order to push applicants to present the best proposal possible.

Mr. Fraley seconded the motion for approval with amended language.

In a roll call vote, the Commission adopted the amendment (5-2; Yes: Kratter, Poole, Peck, Krapf, Fraley; No: Billups, Henderson).

B. SUP-0004-2009 Dee's Day Care

Mr. Purse stated Ms. Darlene Ingram applied for a special use permit to operate a daycare in an existing single-family home at 156 Indian Circle. The parcel is zoned R-2 and currently operates as a day care with a cap of five children. Ms. Ingram has preliminary approval from the state to allow 12 children if the SUP is approved. The hours of operation are between 6 a.m. and 6 p.m. No expansions or modifications are proposed. The applicant has obtained all needed permits and licenses and attended multiple training sessions. Applications on day care inside neighborhoods include three conditions: no signage, no exterior lighting, and a three year sunset on the SUP. The Fire Department has requested that the number of children under two and a half years old be limited to five. The size and hours of the operation reduce its impact on the surrounding community. Staff finds the proposal generally consistent with the Zoning Ordinance and Comprehensive Plan and recommends approval with attached conditions. Staff has not received any complaints regarding the existing day care. All surrounding property owners have been notified of the change.

Mr. Henderson stated there was public comment at the previous Board meeting concerned about traffic and parking for the location.

Mr. Krapf opened the public hearing.

Ms. Darlene Ingram, 156 Indian Circle, discussed her day care's community involvement. She said she currently runs the day care anticipating expansion. The day care includes annual activities such as parental dinners, Fire Department visits, and food drives. She is a member of the Family Child Care Association, with a Master's degree in Community Counseling. Certifications include Red Cross and Army. Most clients live in the Grove area. Children's ages are from six months up to five years.

Ms. Cathy Bachelor, 102 Massacre Hill Road, stated she works at home as an auditor. She said she hears kids screaming off and on during the day, and was concerned about additional children. Additional traffic on Indian Circle was a concern as well.

Mr. Ed Baker, 146 Indian Circle, stated that parents were parking on the circle and speeding down the street. He said there is no parking area and blind spots exist on the road. The streets are not capable of supporting a business in a residential area. Additional cars would make the streets even more unsafe.

Ms. Mary Oyer, 139 Indian Circle, stated she had concerns with parking in the small residential area. She said one night multiple cars parked in the circle, causing her to take a blind turn out of the intersection. Covenants signed in 1972 stated the neighborhood was to be reserved for residential purposes.

Ms. Cathy Dietrich, 110 Massacre Hill, stated the neighborhood was generally elderly individuals, and that if the children were coming from the surrounding neighborhood, traffic would be an issue. She said she had almost been struck by speeding cars in the neighborhood. Fire safety in a home with twelve children was also a concern.

Mr. Keith Ingram, co-applicant, stated he wished neighbors would have expressed their concerns before the meeting. He said recent parking issues were due to contractor trucks. Parents do not park on the streets. The driveway allows four cars to park at once. Several clients are from the new condominium units. Very unruly children are referred to counseling to help reduce noise in the neighborhood. Parents arrive to pick up their children at staggered times.

Ms. Ingram stated that the state requires an assistant for twelve children. She said her day care holds monthly fire drills. The last child leaves daily at 5:45pm. Some of her clients are siblings, further reducing traffic.

Mr. Baker stated the neighbors did not want a commercial venture in the community.

Mr. Krapf closed the public hearing.

Mr. Purse stated the three-year SUP limit would require the applicant to return to the Commission at the end of three years, in order to measure impacts on the neighborhood. He said the Virginia Department of Transportation stated that the traffic generated by the proposal would

not require additional improvements.

Mr. Billups stated any parking issues were a police matter.

Mr. Murphy stated he believed Ms. Oyer's covenant may been signed by the Clerk of the Court. Covenants are normally enforced by the homeowner's association.

Mr. Fraley stated the Fire Department has already made its input regarding the safety of the operation.

Mr. Billups moved for approval, with a second from Ms. Kratter.

Mr. Henderson stated day care access was an important objective in the Comprehensive Plan. He said he also wanted to protect residential neighborhoods from non-residential uses. Three years was a long period of time for a potential detriment to the neighborhood with review. He asked if the applicant would accept less than 12 children, with possible full expansion later.

Ms. Ingram stated she feels more comfortable with ten children, aided by an assistant. She said the children's playground was fenced-in. Twelve could be reexamined, but there is a need for day care in the community. Some parents prefer a home-like environment for their day cares. Having worked with mental challenged and juvenile offenders, she can handle a dozen children.

Mr. Billups stated that the impact on the surrounding neighborhood may be overstated. He said the services provided for residents outweighed any noise created. He also expressed his concerns over comments made that this was a detriment to the community, especially since it was a minority family providing services for minorities. Mr. Billups felt that denying this application would be denying the applicant's ability to make a livelihood. He expressed his opinion over the type of tactic that he felt was present in Williamsburg stems from a colonial mentality that has existed over many years. He felt that the sensitivities expressed were not toward the issues and the situation. He felt there was a need for daycare in this area, especially since affordable housing was nearby. Mr. Billups felt that police matters should be police matters, and that daycare issues should be daycare issues. He felt that some of the concerns mentioned were not pertinent but were used to justify Caucasian individuals who have complained.

Mr. Krapf asked the Commission to focus strictly on the SUP application.

Ms. Kratter stated she had sympathy on both sides of the issue. She said the Low Density Residential designation would include schools, churches, and community recreation areas, and that day cares would be within that expectation. If there are serious issues before the three year renewal, the police could notify the Commission. She supported adoption of the measure as proposed.

Mr. Poole stated that he was not convinced of the appropriateness of the project's location. He said that although it may be minimally intrusive, it was located in an older

community, off the main road. He said if the property fronted Pocahontas Trail, he would reconsider his vote. Although child care is needed, commercial projects should not be in residential areas.

Mr. Peck stated there was a method established to enforce covenants. He said he was not prepared to determine what constitutes 'too noisy' and that the neighbors had other methods of recourse outside the Commission.

Mr. Krapf stated issues should be differentiated, such as police matters. He said the applicant is an existing business with no previous issues. The staggered pick-up and drop-off times minimize the impact. He said he would support the applicant.

Mr. Fraley stated he wished the applicants and the neighbors had met to discuss their concerns in advance. He said he hated to see communities split.

In a roll call vote, the Commission approved the motion 5-2 (Yes: Kratter, Billups, Peck, Krapf, Fraley; No: Poole, Henderson).

C. SUP-0008-2009 CVS at Norge

Ms. Sarah Propst stated that the applicant has requested a one-month deferral. Staff confers with the request. Staff has provided hard copies of additional architectural revisions for review by the Commission.

Mr. Fraley stated that the previous Walgreens plan included a notation about limited hours of operation. He said he asked the applicant to consider restrictions and to include the sign proposal to the Commission. The DRC wanted the sign to be as subtle as possible.

Mr. Krapf opened the public hearing.

Ms. Maria Fuentes-Sherman, 5413 Mary Lane, stated she had no issue with the CVS, but objected to the razing of the Candle Light Kitchen building. She said there is no comparable restaurant in the area. She asked for an alternate plan to return the restaurant to that area.

Mr. Tim Trant stated that the Candle Light Kitchen's fate was in the hands of the shopping center's owner. He said that CVS agents understood there was an attempt to relocate the restaurant within the strip, although no deal has been reached. Light green façade was a concern for the applicant on the grounds of the color being associated with Christmas and a competitor's firm. The applicant has instead proposed an earth-tone burgundy.

Mr. Krapf continued the public hearing to the June 3, 2009 Planning Commission meeting.

D. SUP-0010-2009 Michael J. Hipple Contractor's Warehouse

Mr. David German stated that Mr. Michael J. Hipple has applied for a special use permit

on a parcel zoned A-1, inside the PSA. The property is comprised of three lots at 7424, 7426, and 7428 Richmond Road, totaling 1.03 acres. The contractor's office and parking area will be confined to the rear parcels, furthest from Richmond Road. Two small homes on the properties will be used for residential purposes. The parcel is designated Low Density Residential on the Comprehensive Plan Land Use Map, which specifies that only limited commercial undertakings should be permitted. Compacted gravel, in conjunction with the structures onsite, makes the site 42% impervious. One condition of approval is a reduction of the impervious area (to approximately 23%) of the site. The project consists of a 1,600 square foot garage building, (which includes an office, and storage areas inside two garage bays), and associated parking areas both in front of and across from the garage. A six foot privacy fence and landscaping will help conceal one of the residential homes, the office/garage, and the parking area. Staff finds the proposal generally consistent with the Comprehensive Plan, and with the surrounding zoning and neighboring land uses. The conditions recommended for approval with the SUP will further mitigate any impacts, especially those associated with stormwater management, parking, and irrigation. Staff recommends approval.

Mr. Fraley asked about the irrigation via stormwater collection provision and the use of the term "impoundments" in the condition related to onsite stormwater collection devices.

Mr. German stated that the James City Service Authority instituted that condition, and that the term "impoundments" was being used to refer to rain barrels, cisterns, and similar water catchment devices.

Mr. Murphy stated that the impoundment application was a universal standard, whereas this particular development would not be subject to an impoundment plan for either stormwater or environmental concerns.

Mr. Bill Cain stated there were no traditional stormwater impoundments proposed for the project.

Mr. German stated all standard notification protocols were followed. No comments or concerns have been received by staff. The current operation will not change with an SUP approval. The applicant and his neighbor to the rear (Mr. A. G. Bradshaw) had reached an agreement about the landscaping that would be installed along their mutual property line, and that this agreement was reflected in the recommended landscaping and fencing condition of approval.

Mr. Cain agreed that "impoundment" in this case referred to rain barrels and similar devices for the collection of rainwater runoff.

Mr. Fraley stated he would prefer that more specific language be used in place of impoundment.

Mr. Krapf opened the public hearing.

Mr. Michael Hipple stated that he understood "impoundments" to mean rain barrels and

similar devices. He said he added barrels, at JCSA's request, to ensure the landscaping would not have to be watered. The rear buffers had been discussed with Mr. Bradshaw, who had requested a landscape buffer and the relocation of a fence.

Mr. Krapf closed the public hearing.

Mr. Poole stated that based on the zoning and Comprehensive Plan, he was prepared to support the application.

Mr. Poole moved for approval, with a second from Mr. Fraley.

In a unanimous roll call vote, the Commission approved the motion (7-0).

8. PLANNING DIRECTOR'S REPORT

Mr. Murphy stated he had no further discussion.

9. COMMISSION DISCUSSIONS AND REPORTS

A. Policy Committee

Mr. Henderson stated the Policy Committee reviewed the reduced M-1 and B-1 setbacks and the Capital Improvements Program.

Ms. Kratter moved to approve the report, with a second from Mr. Billups.

In a unanimous voice vote, the Policy Committee report was approved (7-0).

B. Parks and Recreation Master Plan Discussion

Mr. Peck stated that if the County had difficulties using the Comprehensive Plan as a tool, it sends a negative signal to the private sector. He said he keeps seeing policy inconsistencies, such as policies to have JCSA expand operations outside the PSA. The County mandates one policy but subsidizes another. Although Parks and Recreation should have to place as many parks as possible inside the PSA, the Parks and Recreation Master Plan does not include this policy. Parks and Recreation used state and national standards, but did not use the Comprehensive Plan. The Master Plan is still a working document. The Comprehensive Plan should guide master plans, and master plans should not push the Comprehensive Plan. A resolution was drafted to officially send the Commission's concerns to the Board and staff.

Mr. Fraley stated there was a history of boards and committees being unaware of the Comprehensive Plan. He said this point in the Comprehensive Plan process allows the Commission to address many of Mr. Peck's concerns. When the Comprehensive Plan arrives at the Commission, they will see a different recommendation on community wells. The Commission should consider the degree to which Comprehensive Plan standards should be held, as well as standards for change. Mr. Fraley stated the Commission could address some of Mr.

Peck's concerns when the Comprehensive Plan comes before the entire Commission.

Ms. Kratter stated the Commission has a chance to create a stronger process by inserting language into the Comprehensive Plan stating that all master plans must comply with the Comprehensive Plan. The Commission could review more specific language in the plans.

Mr. Fraley asked for Mr. Murphy's comments on whether it would be appropriate to address some of these concerns when the Comprehensive Plan comes before the Commission.

Mr. Murphy stated that this would be an appropriate forum to discuss matters of policy with respect to consideration to other plans against the Comprehensive Plan. He stated a policy statement to that effect may be an appropriate outcome during the update process. He stated that at a minimum he would expect the Commission to measure any project against the Comprehensive Plan. Mr. Murphy did express his concerns about strict adherence since the Comprehensive Plan is a general guide.

Mr. Fraley stated he would like a standards proposal to come before the Comprehensive Plan.

Mr. Murphy stated that staff would help draft any Comprehensive Plan standards language. Staff would however, request some guidance from either the Planning Commission or Steering Committee on suggestive language.

Mr. Krapf stated that in the past 18 months, service standards from the 2003 Comprehensive Plan have been reevaluated and voted on by the Steering Committee. He stated all County agencies should consult the plan before starting their own master plans. The standards proposal would carry more weight going alongside the draft Comprehensive Plan to the Board.

Mr. Billups stated that the Commission should remain close to its own responsibilities. He said the Commission should stick to issues of health, safety, and welfare. The length of a citizen's residency should not affect community needs. The Commission should not revisit old issues which may cause ill feelings.

Mr. Poole stated the Comprehensive Plan was a general document, and did not have the specificity some of the Commissioners would prefer. He said the public entities should move at a different pace than private entities since they assure quality of life issues.

Mr. Peck stated commercial dollars follow the unintended policies of County policies.

Mr. Henderson stated there is a healthy tension between the interests behind the Comprehensive Plan. He said each of those interests should be able to pursue their own processes. The Comprehensive Plan is a guide, not a manual. Impacts on adjacent property owners are within the Commission's purview.

Mr. Peck stated there should be a debate on the specificity of standards.

Mr. Billups stated any inflexible statement made by the Commission was illegal.

Ms. Kratter stated the Comprehensive Plan should have its own enforcement standards.

10. ADJOURNMENT

Mr. Fraley moved for adjournment, with a second from Ms. Kratter.

The meeting was adjourned at 10:02pm.

Rich Krapf, Chairman

Allen J. Murphy, Secretary

Development Review Committee Actions Report
May 27, 2009

SP-0034-2009 New Town Section 3 & 6, Block 18 Entrance

Mr. Bob Cosby, AES Consulting Engineers, requested that the required 50 foot setback around the perimeter of the New Town Mixed Use area be reduced to approximately 16 feet along the northeastern and northern property lines of Block 18 to accommodate a new entrance to the parcel from Ironbound Road and an internal road to Oxford Apartments. DRC approval for perimeter setback reductions is required by Section 24-527(c) and (d).

DRC Action: The DRC approved the buffer reduction from 50 feet to 16 feet for the entrance and the first 160 feet of the internal road (as measured from the Ironbound Road right-of-way) and conditionally approved the reduction for the full internal road subject to DRC approval of the internal site plan, exploration of other options for connectivity to adjacent properties, and enhanced landscaping in the buffer.

SP-0060-2007 Pleasant Hill Car Wash

Mr. Doug Harbin, Wayne Harbin Builders Inc., has requested a modification to DRC approved elevations for a proposed carwash at 7152 Richmond Road. The applicant is proposing a roof color of silver, rather than hunter green as originally approved by DRC. As the original elevations were not approved administratively, the proposed modifications were brought back to the DRC for a consistency determination.

DRC Action: The DRC deferred action until accurate elevations and material samples are provided. The DRC noted that a special meeting could be arranged when the applicant provides the requested materials.

SUP-0008-2009 CVS at Norge

Mr. David Todd, Rebkee Company, has applied for an SUP for the construction of a CVS at 7521 Richmond Road. The applicant has requested that the DRC review the architectural elevations prior to being presented to the Planning Commission. No action was required on this item.

DRC Action: The DRC approved the architectural elevations with the conditions that the exterior material, where the signage will be located, will be the same type of siding found on the rest of the building; also the monument sign will match the materials and colors of the building.

S-0014-2009

Summerplace

In response to suggestions made by staff and committee members during the conceptual plan review, revised construction plans for Summerplace Subdivision were presented to the DRC.

DRC Action: The DRC was not required to act on this case at this time.

SPECIAL USE PERMIT-0011-2009: 7708/7710 Cedar Drive
Staff Report for the June 3, 2009, 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:	June 3, 2009	7:00 p.m.
Board of Supervisors	July 14, 2009	7:00 p.m. (tentative)

SUMMARY FACTS

Applicant: Mr. Mark Kin of Electric Eagle, Ltd

Land Owner: Mr. Mark Kin

Proposed Use: The applicant has applied for a special use permit to allow for the construction of a 3,000 square-foot contractor's warehouse

Location: 7708 and 7710 Cedar Drive

Tax Map and Parcel No.: 0930900010 and 0930900011

Parcel Size: 0.94 acre (0.47 acre each parcel)

Existing Zoning: A-1, General Agricultural District

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

STAFF RECOMMENDATION:

The applicant has requested a deferral of this case until the next Planning Commission meeting in order to resolve outstanding issues. Staff concurs with this request.

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

ATTACHMENTS:

1. Letter of deferral by the applicant.

Jose Ribeiro

To: Mark Kin-Electric Eagle
Subject: RE: Letter of Deferral

From: Mark Kin-Electric Eagle [mailto:electric eagle@verizon.net]
Sent: Wednesday, May 27, 2009 9:37 AM
To: Jose Ribeiro
Subject: Re: Letter of Deferral

I would like to defer our case until the next planning commission on July 1st for 7708/7710 Cedar Drive.

Thank You
Mark Kin
Electric Eagle Ltd

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SPECIAL USE PERMIT CASE NO. SUP-0008-2009, CVS at Norge
Staff Report for the June 3, 2009 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:	May 6, 2009	(Applicant Deferral)
	June 3, 2009	7:00 p.m.
Board of Supervisors:	July 14, 2009	7:00 p.m.

SUMMARY FACTS

Applicant: Mr. David Todd of The Rebkee Company

Land Owner: KTP Development, LLC

Proposal: To construct a drive-thru pharmacy/retail store building of approximately 13,225 square feet. A Special Use Permit (SUP) is required in accordance with Section 24-11 of the Zoning Ordinance.

Location: 7521 Richmond Road

Tax Map/Parcel: 2321100001C

Parcel Size: 14.36 acres. The parcel will be subdivided to accommodate the proposed pharmacy/retail store on an area of approximately 2.09 acres.

Existing Zoning: M-1, Limited Business/Industrial District

Comprehensive Plan: Mixed Use

Primary Service Area: Inside

STAFF RECOMMENDATION

The proposal is generally consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. Further, the special use permit conditions associated with this case will mitigate any impact on adjacent properties and along Richmond Road. This proposal achieves significant objectives of the Norge Design Guidelines of the Comprehensive Plan. Staff recommends that the Planning Commission recommend approval of SUP-0008-2009 with the attached landscape modification request and special use permit conditions.

Staff Contact:

Sarah Propst, Planner

Phone: 253-6685

PROJECT DESCRIPTION

Mr. David Todd of The Rebkee Company has applied on behalf of KTP Development, LLC for a special use permit to allow the construction of a drive-thru pharmacy/retail store (the “CVS”) on a property located at 7521 Richmond Road. The 14.36-acre property, formerly known as the site for the Williamsburg Soap and Candle Factory Company, will be subdivided to accommodate the proposed CVS on a 2.09 acre-parcel.

The Williamsburg Soap and Candle Factory Company was founded in 1964 by John Barnett. The commercial complex consisted of a restaurant, a manufacturing plant, and many smaller shops. The manufacturing plant became famous over the years for making quality candle and soap. However, in 2005, the plant closed its doors. Currently, only a small portion of the commercial complex is operating.

In 2008 a special use permit application was received from AES Consulting Engineers for the construction of a Walgreen’s drive through pharmacy/retail building (SUP-0016-2008).

The special use permit was approved by the Planning Commission in October 2008 but the project was withdrawn per the applicant’s request prior to being considered by the James City County Board of Supervisors.

Like the 2008 SUP application, this current request allows for the construction of a drive-through pharmacy/retail building (the CVS store). Once subdivided from the parent parcel, the property will be bounded on the east by the remaining Soap and Candle Factory parcel, to the north by Richmond Road and directly across Richmond Road by areas zoned B-1, General Business district. Property to the west is zoned Mixed Use (i.e. the Cross Walk Community Church parcel) and areas to the south are currently zoned A-1, General Agriculture. The property is located within the Norge Community Character Area and is therefore subject to the Norge Design Guidelines of the Comprehensive Plan. The site fronts on Richmond Road, which is designated by the 2003 Comprehensive Plan as a Community Character Corridor.

The entire Soap and Candle Factory commercial complex occupies a building area of approximately 183,300 square feet. The proposed development will replace three existing uses along the west end of the commercial complex, one vacant building, one restaurant (Candle Light Kitchen) and one public restroom.

The existing parking lot area will be modified to accommodate a 50 foot landscape buffer along Richmond Road and a 30 foot landscape buffer along Croaker Road Extended. There is an existing 5-foot wide sidewalk along the entire northern property line and parallel to Richmond Road.

PUBLIC IMPACTS

Archaeology:

Staff Comment: This project will be located on a previously disturbed site and is not located within an area identified as highly sensitive in the James City County archaeological assessment "Preserving Our Hidden Heritage: An Archaeological Assessment of James City County, Virginia."

Environmental:

Watershed: Within Subwatershed 103 of the Yarmouth Creek Watershed

Environmental Staff Comments:

According to information provided by the applicant, the proposed 2.09 acre-site has approximately 0.98 acres of impervious coverage or 47% of the entire site. This number is expected to rise to 1.31 acres or 63% of the site upon development of the CVS project. To mitigate the proposed impacts the site design will include measures to improve stormwater quality and attenuate runoff rates leaving the site such as mechanical filtration units, sumped or bottomless inlets, dry detention, and/or a bioretention basin. These structures will be designed to ensure the quality of the stormwater leaving the site is equivalent to a site with 60% or less impervious cover.

Further, the master plan indicates a bioretention basin or dry extended detention basin located at the southern part of the property. The Environmental Division has indicated that a receiving drainage system may be required to provide proper outlet for the basin; connection to an offsite system may require offsite drainage easements.

Planning Division Comments: Staff has provided a special use condition (please refer to Condition No. # 10) requiring the applicant to demonstrate compliance with Section 23-9 (b)(1)(b) of the County's Chesapeake Bay Preservation Ordinance-Impervious Coverage, prior to site plan approval. A special use condition has also been written (please refer to Condition No. #8) to ensure that all necessary drainage easements for the site are secured.

Public Utilities:

The site is located within the Primary Service Area (PSA) and will be served by public water and sewer.

James City Service Authority (JCSA) comments: Staff has provided the applicant with preliminary comments to consider during the site plan process and guidelines for developing the water conservation standards. Water Conservation and Irrigation standards are part of the SUP conditions for this proposal (please refer to conditions Nos. 5 & 6).

Transportation:

Access:

This site will mainly be accessed through the signalized intersection of Richmond and

Croaker Roads. An existing off-site right-in and right-out driveway at the Candle Factory Commercial Complex Parcel located approximately 560 feet east of the Richmond and Croaker Roads intersection will serve as a secondary access to the site (please refer to condition No. # 14). The two existing access points on Croaker Road will be closed as part of this development and will be relocated to one full movement access point located approximately 400 feet south of the Richmond Road and Croaker Road intersections, and aligned across from the existing Crosswalk church entrance west of the Croaker Road.

Traffic Counts:

2007 Traffic Counts: From Croaker Road (Route 607) to Lightfoot Road (Route 646), 21,892 average daily trips.

2026 Volume Projected: From Croaker Road (Route 607) to Centerville Road – 33,500 average daily trips is projected. This segment of Richmond Road is listed on the “watch” category in the Comprehensive Plan.

Traffic impact Assessment (TIA):

According to the TIA, this development is expected to generate 933 daily new trips onto the local roadway network, including 29 in the a.m. peak hour and 111 in the p.m. peak hour.

The Level of Service for the intersection of Richmond and Croaker Roads is currently at level B for a.m. and C for p.m. peak hours. At the same intersection, the Level of Service is projected to decline to Level C for a.m. peak hours and Level D for p.m. peak hours for the 2015 “No-Build” scenario. Levels of Service are projected to be maintained at Level C for both a.m. and p.m. peak hours for the 2015 “Build-Out” scenario, with planned improvements.

Study Recommendations:

The TIA created by Kimley-Horn assumes that the Candle Factory Development will be approved and proffered improvements will be in place. Below are the recommendations for road improvements as identified by the Traffic Impact Analysis for CVS:

❖ **Intersection of Route 60 and the Candle Factory Parcel Entrance:**

- An eastbound right-turn full-width storage taper (100 foot storage/200 foot taper) is recommended to serve the existing shared right-in/right-out entrance on Richmond Road.

Virginia Department of Transportation (VDOT) comments:

The Williamsburg VDOT Residency has reviewed the materials received with the SUP application. The Residency concurs with the trip generation, trip assignments and distributions and with the turn lane analysis for CVS. In addition to the road improvement recommended by the TIA, VDOT recommends the following improvements at the intersection of Richmond Road (Route 60) and Croaker Road (Route 607):

- (i) Extend the existing eastbound Route 60 left-turn lane to include 200 feet of storage and a 200 foot taper to address the existing deficiency.
- (ii) Extend the eastbound Route 60 right-turn lane to include a minimum 200 foot taper to accommodate site traffic. The design should include bicycle accommodations.

At the intersection of Richmond Road (U.S Route 60) and the Candle Factory Center entrance:

- (i) A 200 foot right turn storage lane with a 200 foot taper on eastbound Richmond Road shall be provided at this entrance.

Planning Division Comments:

Staff concurs with VDOT's findings. Staff notes that the additional road improvements recommended by VDOT do not take into consideration road improvements proffered by Candle Factory. Given the uncertainty of approval of the rezoning case for Candle Factory staff has designed road improvement conditions (please refer to Condition No. 13) which addresses VDOT's comments.

Vehicular and Pedestrian Connectivity with Adjacent Properties:

Pedestrian access to and from the site will be facilitated by the proposal to construct a eight foot wide, shared use path along the entire length of the northwestern property line (please refer to Condition No. 16). Once constructed, the path will provide pedestrian connectivity with the proposed mixed-use development to the south of the property (The Candle Factory development) by connecting to a proposed eight foot wide shared use path proffered as part of the Candle Factory Mixed Use project development. Further, a 5 foot wide concrete sidewalk along the northern and southern perimeter of the proposed CVS building and a 5 foot wide concrete sidewalk placed perpendicularly from the property line connecting with the existing sidewalk along Route 60 are proposed.

COMPREHENSIVE PLAN

Land Use Map

General	<i>Mixed Use-page 124:</i> Mixed Use areas are centers within the PSA where higher density development, redevelopment, and/or a broader spectrum of land uses are encouraged. Mixed Use areas located at or near interstate interchanges and the intersections of major thoroughfares are intended to maximize the economic development potential of these areas by providing areas primarily for more intensive commercial, office, and limited industrial purposes.
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	Staff Comment: Staff finds the proposed commercial development to be in keeping with the intent and land use recommendations for mixed use areas located at or near major transportation corridors, as indicated by the Land Use Section of the 2003 Comprehensive Plan.
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Environment

Yarmouth Creek Watershed Management Plan Area	<i>Description-Page 47:</i> Yarmouth Creek is a predominantly forested watershed of about 12 square miles located in the lower James River Basin in James City County. The Creek drains into the Chickahominy River, which in turn discharges into James River.
	Staff Comment: Because of its location, this property is subject to Special Stormwater Criteria (SSC) established for developments located within the Yarmouth Creek Watershed Area.
Goals, Strategies and Actions	<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.
	Staff Comment: According to information provided by the applicant, the following methods will be considered for implementation and compliance with the requirements set forth by Special Stormwater Criteria (SSC) for the Yarmouth Creek Watershed Management Plan Area: (i) a bioretention pond, (ii) manufactured BMP systems, and (iii) grass swales. Staff is encouraged by the proposed use of such Low Impact Designs (LIDs) methods on the property. Staff notes that such methods are being used as means to comply with the Special Stormwater Criteria (SSC).

Transportation:

Richmond Road	<i>Description-Page 77:</i> The Hampton Roads Metropolitan Planning Organization (MPO) traffic model assumes that Interstate 64 (I-64) is going to be improved to a six-lane facility. Funding is not currently available, however, nor is it likely to be available in the near to mid-range future. If I-64 does not get widened, Richmond Road will absorb a significant amount of local traffic as I-64 becomes increasingly congested. Even with the assumption of widening I-64, traffic volumes are expected to increase from an average of 24,000 vehicle trips per day to an average of 31,000 to 33,500 vehicle trips per day in 2026 on its most heavily traveled sections.
	Staff Comment: According to the Traffic Engineer's traffic analysis conclusions and with VDOT's concurrence, the traffic generated by this proposal will not adversely impact the local roadway network.

Goals, Strategies and Actions	<p>Strategies # 5-Page 80: Support the provision of sidewalks and bikeways in appropriate areas.</p> <p>Action # 9-Page 82: Include bikeways and/or pedestrians facilities within major developments and elsewhere in the County, especially connecting residential and non-residential areas.</p> <p>Action # 14-Page 82: Encourage pedestrian circulation by providing safe, well-lit, and clearly marked crosswalks</p> <p>Staff Comment: According to the James City County, Williamsburg, and York County Regional Bikeway Map this Section of Route 60 should include a shoulder bike lane. The applicant has agreed to provide accommodations for a bicycle lane to meet VDOT standards along the frontage of the property adjacent to Route 60 (please refer to Condition No. 15). In order to facilitate internal pedestrian access and connectivity with adjacent parcels, the applicant will provide an eight-foot shared use path along the entire northwestern side of the property (please refer to Condition No. 16). Further, crosswalks located within the parking lot area are provided in order to encourage a safe interaction between pedestrians and motor vehicles at the site.</p>
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Community Character Corridor (CCC):

Suburban and Urban CCC	<p><i>Description-Page 84:</i> A suburban or urban CCC is characterized as an area that has moderate to high traffic volumes, moderate to high levels of existing or planned commercial or moderate-density residential uses, and may contain some wooded buffer along roads. The predominant visual character of these CCCs should be the built environment and natural landscaping, with parking and other auto-related areas clearly a secondary component of the streetscape.</p> <p>Development in urban and suburban CCCs should not replicate standardized designs commonly found in other communities, but rather reflect nearby historic structures, a sensitivity to the history of the County in general, and an emphasis on innovative design solutions.</p> <p>Staff Comment: Staff notes that the applicant proposes to increase the width of the existing buffer fronting the property and along Richmond Road from existing 15 feet to 50 feet (please refer to Condition No. 8) by deleting an existing parking lot area.</p>
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Community Character Area (CCA)

Norge Area	<p><i>Description-Page 86:</i> Norge has been significantly impacted by recent commercial development along Richmond Road. While Norge continues to have a unique, very identifiable residential component located off</p>
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	Richmond Road and some pedestrian-oriented storefronts, the early 20 th century ‘village’ character of its business and residential areas along Richmond Road has been significantly impacted by infill automobile-oriented development.
	Staff Comment: Staff notes that enhanced and increased landscaping along Richmond and Croaker Road Extended are proposed. The applicant has provided architectural elevations (please refer to attachment No. 6) for the proposed building. Staff has written a SUP condition ensuring the final architecture of the building will be similar to the architectural elevations presented during the SUP request (please refer to Condition No. 2). Staff further discusses the architecture of the proposed building in a later section in this report.

Staff Comment:

Overall, staff believes that this proposal meets the zoning and Comprehensive Plan requirements for this area in Norge. Staff is particularly sensitive to promoting a balance between two important elements concerning land development in Norge, the economic benefits for the area (i.e. generation of employment and revenues, expansion of services and amenities, etc) and the desire to preserve the “village style” character of Norge.

The Comprehensive Plan (page 86) outlines very specific design standards intended to guide future development and redevelopment in the Norge area. Staff finds that the applicant has addressed some of the Norge design guidelines primarily by providing measures to (i) screen parking areas from adjacent right-of-way and properties; (ii) design new landscape areas which complement and enhance the proposed building and site design, and (iii) provide pedestrian and bicycle circulation through the provision of crosswalks, sidewalks, a shared use path, and a bike lane.

Staff further notes that, according to the Norge Design Guidelines, design elements such as the architecture, scale, materials, spacing, and colors for buildings should complement the historic character of the area. On April 14, 2009, the Development Review Committee (DRC) met to discuss the architectural elevations proposed for the CVS store. The Committee offered the following comments to be considered by the applicant:

- Preference for a peaked roof to a flat roof;
- Fewer plain walls would make the building feel more pedestrian scale;
- The architecture, exterior materials, and color scheme of the CVS should fit with the character of surrounding development; and
- A covered entry would be a positive design feature.

The second set of elevations addressed several of the comments of the DRC. The roofline included some peaks. The windows were moved lower to the ground to give the building a more pedestrian scale feel. White siding was incorporated into the design, a material more fitting to the surrounding development. This elevation was

taken to the DRC on April 29, 2009 and the Committee offered the following direction:

- Preference for additional variation in the roofline (peaked roof elements);
- Removal of some of the signage which will not meet ordinance requirements; and
- Consideration of a different color palette away from the bright red and possibly changing the siding to a gray or a sand color.

The applicant submitted a third set of elevations to the Planning Commission on May 6, 2009. The case was deferred at the request of the applicant, to allow additional time for the Planning Commission and public to view the elevations. The applicant held a public meeting at the Women's Club of Toano on May 20, 2009 at which various issues were discussed; however, elevations were not brought up. The fourth set of elevations, which will be submitted to the Planning Commission upon receipt, are scheduled for review by the DRC at the May 27, 2009 meeting.

Request for Landscape Modification:

Section 24-99 (c)(1) of the Zoning Ordinance states that "A landscape area adjoining all side and rear property lines shall be provided which is at least 15 feet in width." Staff notes that the area to be subdivided from the parent parcel (approximately 2.09 acres) will establish a new property line adjacent to the portion of the existing Candle Factory building not slated for demolition. To prevent further demolition and to comply with the setback requirements for the existing and proposed buildings, a 15-foot side yard landscaped area is not feasible along the eastern perimeter of the property. The applicant has submitted a request to modify the landscape requirements for the eastern side yard of the property by transferring landscape materials from the eastern side yard of the property to the area along the southern (rear yard) part of the parcel (please refer to attachment No. 5).

Section 24-88 of the Zoning Ordinance states that "the commission or planning director may modify, permit substitution for any requirement of this section, or permit transfer of required landscaping on a site upon finding that a set of criteria are met. These criteria include:

- No overall reduction in total amount of landscaped area or landscaping effects;
- Satisfies the intent of the landscape requirements;
- Will not have an adverse impact on adjacent properties or the character of the area.

Staff has reviewed the request for landscape modification for this project and found it to meet the criteria listed in the ordinance. Staff recommends that the Planning Commission approve the request for landscape modification concurrent with their recommendation for the overall project.

RECOMMENDATION:

Staff finds the proposal to be generally consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. Further, staff believes that the special use permit conditions associated with this case will mitigate any impact on adjacent properties and along Richmond Road. Staff believes that this proposal achieves significant

objectives in the Norge Design Guidelines of the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of SUP-0008-2009 with the attached landscape modification request and special use permit conditions:

1. Master Plan: This Special Use Permit (the “SUP”) shall be valid for the construction of an approximately 13,225 square feet, 1-story high drive-through pharmacy/retail store building (the “CVS” store) on the property located at 7521 Richmond Road and further identified as JCC Tax Parcel Number 2321100001C (the “Property”). Development and use of the Property shall be generally in accordance with and bound by the Master Plan entitled “JCC-SUP-0008-2009”, prepared by Kimley-Horn and Associates dated stamped May 27, 2009 (the “Master Plan”) with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.

2. Architectural Review: Prior to final site plan approval, the Planning Director, or his designee, shall review and approve the final building elevations and architectural design for the CVS. Such building shall be reasonably consistent, as determined by the Planning Director or his designee, with the architectural elevations titled “CVS James City County, VA” prepared by The Rebkee Company, date stamped May 27, 2009.

3. Free-standing Sign: Prior to final site plan approval, the Planning Director, or his designee, shall review and approve the design and location of the ground-mounted sign for the Property for consistency with the Norge Community Character Area as described in the James City County Comprehensive Plan.

4. Dumpsters/HVAC Units: All dumpsters and heating and cooling units visible from any public street or adjoining property shall be screened from view with landscaping or fencing approved by the Planning Director, or his designee, prior to final site plan approval.

5. Water Conservation: The Owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final site plan approval. The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigations systems and irrigations wells, the use of approved landscaping materials including the use of drought tolerant plants, warm season grasses, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.

6. Irrigation: In the design phase, the developer and designing engineer shall take into consideration the design of stormwater systems, including rain tanks, which can be used to collect stormwater for irrigation use for the entire site. Only surface water collected from surface water impoundments (the “Impoundments”) may be used for irrigating the site.

7. Private Pump Station Maintenance Agreement: A private pump station maintenance agreement shall be submitted to and approved by the James City Service Authority prior to final site plan approval. The agreement shall address the maintenance of the proposed

pump station and guarantee access to all parcels served by the pump station.

8. BMP Discharge: Overflows from any proposed BMP(s) shall discharge to an adequate channel in accordance with State Minimum Standard #19 and shall not be conveyed through any of the adjacent parcels without an offsite drainage easement. All associated easements shall be of an appropriate width to permit access for maintenance of the channel and any associated appurtenances such as outlet protection, flow control devices, channel linings, etc. Said easement shall be in place prior to the issuance of a Land Disturbing Permit.

9. Landscape Plan: Prior to final site plan approval, the Planning Director, or his designee, shall review and approve a landscape plan for this project. The landscape plan shall meet all applicable zoning ordinance requirements and shall include at a minimum: (i) enhanced landscaping within the northern fifty-foot landscape buffer along Richmond Road, (ii) enhanced landscaping within the western thirty-foot landscape buffer along Croaker Road, and (iii) enhanced landscaping along the southern property line. Enhanced landscaping is hereby defined as 125 percent of the size requirements of the James City County Landscape Ordinance.

10. Impervious Coverage: Prior to final site plan approval, the applicant must demonstrate compliance with the provisions of Section 23-9(b)(1)(b) of the County's Chesapeake Bay Preservation Ordinance. Demonstration of equivalent water quality will be through compliance with guidelines established by the Environmental Director.

11. Exterior Lighting: All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Planning Director or his designee, which indicates no glare outside the property lines. All light poles shall not exceed 20 feet in height unless otherwise approved by the Planning Director, or his designee, prior to final site plan approval. "Glare" shall be defined as more than 0.1 foot-candle at the property line or any direct view of the lighting source from the adjoining properties.

12. Internal Traffic Signage Plan: The applicant shall include along with the materials submitted as part of the site plan review process for this project, an internal signage plan indicating the location of internal traffic signs and the orientation of vehicular flow within the Property. The internal signage plan shall be reviewed and approved by the Planning Director, or his designee, concurrently with the site plan submission for this project.

13. Roadway Improvements: Prior to issuance of any Certificate of Occupancy for the Property, the road improvements listed below shall be provided at the following intersections:

- a. At the intersection of Richmond Road (U.S. Route 60) and Croaker Road (State Route 607):

- (i) The existing eastbound Richmond Road left turn lane shall be extended to provide a 200 feet full width storage lane with a 200 feet taper;
- (ii) A right turn lane on Richmond Road eastbound with a minimum of 200 feet taper must be provided.

b. At the intersection of Richmond Road (U.S Route 60) and the Candle Factory Center entrance:

- (ii) A 200 foot right turn storage lane with a 200 foot taper on eastbound Richmond Road shall be provided at this entrance.

14. Shared Access Easement: Prior to issuance of any certificate of occupancy for the Property, the applicant shall demonstrate to the satisfaction of the County Attorney that shared access easements have been obtained and recorded, as applicable, allowing vehicular access to the Property from the existing entrances on Richmond Road (U.S. Route 60). This includes those entrances currently serving the parcel located at 7521 Richmond Road (U.S. Route 60), and the existing entrance located across from Croaker Road (State Route 607).

15. Bike Lane: Prior to issuance of any certificate of occupancy for the Property, a VDOT standard shoulder bike lane along the front of the Property adjacent to Richmond Road (U.S. Route 60) shall be provided. This bike lane shall be depicted in the site plan for the Property

16. Shared Use Path: Should the construction of the proposed CVS building start in the property prior to construction of any building at adjacent parcels located at 7551 and 7567 Richmond Road, the Rebkee Company, developers of the proposed CVS store shall provide and construct along the length of the northwestern property line a portion of the eight-foot-wide, concrete or asphalt shared use path referenced by the Master Plan titled "Master Plan for Rezoning of Candle Factory Property for Candle Development, LLC." Construction shall be hereby defined as obtaining permits for building construction and installation of footings and foundations.

17. Hours of Operation: The daily hours of operation for both the retail store and drive through shall be limited to the hours of 7:00 a.m. to 10:00 p.m.

18. Commencement of Use: Use of the Property as described in this SUP shall commence within (36) months from the date of approval of this SUP or this permit shall be void. Use shall be defined as obtaining business license(s) for permitted uses, opening for business with regular business hours and/or obtaining permits for building construction and installation of footings and foundations.

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



Sarah Propst, Planner

ATTACHMENTS (Materials revised since the May 6, 2009 Planning Commission Meeting):

1. Revised Masterplan
2. Revised Architectural Elevations

Please note, the following materials submitted for the May 6, 2009 Planning Commission Meeting have not changed and will be resubmitted only upon request:

1. Location Map
2. Community Impact Statement (CIS)
3. Traffic Impact Analysis (TIA)
4. Landscape Modification Request
5. Architectural Elevations

PLANNING DIRECTOR'S REPORT

June 2009

This report summarizes the status of selected Planning Division activities during the past month.

- **New Town.** At its May meeting, the Design Review Board discussed signage and revised elevations for Buffalo Wild Wings and internal directional signage for Langley Federal Credit Union. The DRB also discussed a proposal for an entrance on Ironbound Road and internal road for Block 18 (vacant parcel between Oxford Apartments and Trainor Rental).
- **Policy Committee Meetings.** The Policy Committee met on May 11 to discuss draft Capital Improvement Program (CIP) review criteria. The next meeting is scheduled for June 10 at 6:00 p.m. in the Building A large conference room. The Committee will be finalizing its development of proposed CIP ranking criteria.
- **Steering Committee.** The Steering Committee continues to hold regular meetings in the Board Room-Building F. During the month of May, the Steering Committee discussed Transportation, voted on all Land Use applications, and preliminarily approved the Land Use and Community Character sections. A complete schedule, blog, and all materials are available on www.jccplans.org. Two additional meetings have been scheduled on May 28 and June 4 at 3 p.m. to complete review of final text and Land Use Map for the Comprehensive Plan and forward a recommendation to the Planning Commission and Board of Supervisors.
- **Parks and Recreation Master Plan and Shaping our Shores.** The Board of Supervisors heard presentations on the Parks and Recreation Master Plan and Shaping Our Shores. Final consideration of both plans has been deferred to the Board meeting on June 9, 2009.
- **Monthly Case Report.** For a list of all cases received in the last month, please see the attached document.
- **Board Action Results** – May 12th and 26th
 - SUP-0006-2009 Sale and Repairs of Lawn Equipment/Garden Supplies - Adopted 5 - 0
 - SUP-0007-2009 Relocation of the Tewning Road Convenience Center – Adopted 5 - 0
 - ZO-0003-2006. Zoning Ordinance Amendment – Outlet Mall Parking – Adopted 5 - 0 as amended
 - ZO-0005-2008. Zoning Ordinance Amendment – Prohibition of Vehicle Sales in Certain Circumstances – Adopted 5-0 as amended
 - ZO-0006-2008. Zoning Ordinance Amendment – Review of Signage Illumination in Community Character Corridor and Community Character Area – Adopted 3 - 2, as amended
 - SUP-0010-2009 Michael J. Hipple Contractor's Office – Adopted 5 – 0

Allen J. Murphy, Jr.

Site Plan	SP-0042-2009	Longhill Connector Road Water Main Extension		Site plan is for the construction of 16" water main in place of an existing 12" water main. The new water main will run along Longhill Connector Road from Charing Cross at the Mews Subdivision to a future connection across from Plumeri Park.	Sarah Propst	
	SP-0043-2009	Farm Fresh 335 SP Amend.	115 NORGE LANE	This SP Amend proposes reallocation of a portion of existing firelane to include a 10 minute single car ADA internet express pickup.	Jennifer VanDyke	Stonehouse
	SP-0044-2009	Jacobs Industrial Center Parcel 5 SP Amend.	236 INDUSTRIAL BLVD	The project consists of an amendment to Parcel 5 in the Jacobs Industrial Center in James City County.	Leanne Reidenbach	Stonehouse
	SP-0045-2009	Busch Gardens Merchandise Chair Shed SP Amend	7851 POCAHONTAS TR	Add an unoccupied 10 x 20 prefab wood storage shed	Luke Vinciguerra	Roberts
	SP-0046-2009	Wmsbg Landing - Tanglewood Cove Enc	5700 WILLIAMSBURG LANDING DR	Enclosure of a deck	Terry Costello	Jamestown
Subdivision	S-0022-2009	Fire Tower Road Subdivision	9932 FIRE TOWER RD	This case is a subdivision of one lot into two	Jose Ribeiro	Stonehouse
	S-0023-2009	Fenwick Hills Sec 3 BLA	3544 PINE RIDGE RD	Boundary Line Adjustment/Extinguishment	Jose Ribeiro	Stonehouse
	S-0024-2009	White Hall Sec. 1 Phase B	3400 ROCHAMBEAU DR	Applicant proposes a subdivision of 9 lots in White Hall. Proposal is a cluster overlay with proffers.	Sarah Propst	Stonehouse
	S-0025-2009	Dorsey - Mowry BLA - Riverview Road	5107 RIVERVIEW ROAD	Applicant proposes a boundary line adjustment between the Dorsey and Mowry properties on Riverview Road.	David German	Stonehouse
	S-0026-2009	Kingsmill Road Subdivision	1000 KINGSMILL ROAD	Plan proposes to subdivide 1 lot for an existing single-family residence on Kingsmill Road between the Kingsmill Marina and Pettus's Ordinary.	Leanne Reidenbach	Roberts
	S-0027-2009	Michelle Point, Townhouse Plat Lots 6-15	9001 BARHAMSVILLE RD	This subdivision is proposing a residential cluster with proffers. The plan includes 10 lots	Luke Vinciguerra	Stonehouse
	S-0028-2009	Berryhill, Mt. Laurel Road	4100 MT LAUREL ROAD	One parcel subdivided into two	Jason Purse	Stonehouse

Year	Calendar 2009
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Case Type	Case Number	Case Title	Address	Description	Planner	District
Conceptual Plans	C-0021-2009	Riverview Stables Consignment Shop	4908 RIVERVIEW ROAD	Seeking to add consignment retail business to an existing stable operation	David German	Stonehouse
	C-0022-2009	White Hall Sewer Master Plan	3401 ROCHAMBEAU DR	The plan is for the overall development sanitary sewer system.	Jason Purse	Stonehouse
	C-0023-2009	Olde Towne Square Parking	4854 LONGHILL ROAD	JM Randall's - to add second restaurant in Olde Towne Square shopping center, including 80-100 seating. Looking for parking availability.	Jose Ribeiro	Powhatan
	C-0024-2009	Flag Pole Cell Tower Ironbound Road	3356 IRONBOUND ROAD	Applicant proposes a flag-pole cell tower that will be 195 feet tall	Sarah Propst	Berkley
	C-0025-2009	JCSA Operation Center Expansion	105 TEWNING ROAD	The project consists of a relocated convenience center, and 1.5 story office building (approximately 13,000 sq. ft.) for JCSA, a large vehicle parking area, a materials storage area, and the expansion of an existing parking lot.	Jason Purse	Berkley
	C-0026-2009	County Complex Tower Extension	101 MOUNTS BAY ROAD	Extension of existing tower and compound at the County complex.	Luke Vinciguerra	Roberts
Master Plan	MP-0002-2009	Governor's Grove Section 3 - Proffer and Master Plan Amendment	4399 JOHN TYLER HGWY	Applicant is seeking to amend Proffers #6 &11, and also master plan for Section 3 in Governor's Grove.	David German	Berkley
Rezoning	Z-0002-2009	Governors Grove Section 3 - Proffer and Master Plan Amendment	4399 JOHN TYLER HGWY	Applicant is seeking to amend Proffers #6 &11, and also master plan for Section 3 in Governor's Grove.	David German	Berkley
Site Plan	SP-0040-2009	Jamestown Feed & Seed SP Amendment	7348 RICHMOND ROAD	This SP amendment is for the addition of two sheds	Terry Costello	Stonehouse
	SP-0041-2009	Charlie's Antiques Garden Wall and Gazebo	7709 RICHMOND ROAD	50' long x 2' high stone wall, including steps and gazebo, to be located in future garden area of new Charlie's Antiques site.	David German	Stonehouse