

A G E N D A  
JAMES CITY COUNTY PLANNING COMMISSION  
JUNE 2, 2010 - 7:00 p.m.

1. ROLL CALL
2. PUBLIC COMMENT
3. MINUTES
  - A. May 5, 2010 Regular Meeting
4. COMMITTEE AND COMMISSION REPORTS
  - A. Development Review Committee (DRC)
  - B. Policy Committee
  - C. Other Committee/Commission Reports
5. PLANNING COMMISSION CONSIDERATIONS
  - A. Initiating Resolution – Amendment to add Section 24-24 to Article I of the Zoning Ordinance
6. PUBLIC HEARING CASES
  - A. Z-0002-2009 / MP-0002-2009 – Governor’s Grove Section III Proffer and Master Plan Amendment – Deferral requested by applicant until July 7, 2010
  - B. AFD-09-86-1-2010 – 3889 News Road Gordon’s Creek Addition – Deferral requested by applicant until Sept 1, 2010
  - C. SUP-0014-2010 – Courthouse Commons
  - D. SUP-0013-2010 – Chickahominy Road Manufactured Home
  - E. ZO-0001-2010 – Zoning Ordinance Amendment – Pedestrian Orientated Signage
  - F. ZO-0002-2010 / SO-0001-2010 – Zoning and Subdivision Ordinance Amendments – Plan Review Criteria and Procedures
7. PLANNING DIRECTOR’S REPORT
8. COMMISSION DISCUSSIONS AND REQUESTS
9. ADJOURNMENT

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FIFTH DAY OF MAY, TWO-THOUSAND AND TEN, 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:

Jack Fraley  
Reese Peck  
Joe Poole  
Chris Henderson  
Mike Maddocks  
Rich Krapf

Absent:

Al Woods

Staff Present:

Allen Murphy, Director of Planning/  
Assistant Development Manager  
Adam Kinsman, Deputy County Attorney  
Chris Johnson, Principal Planner  
Jason Purse, Senior Planner  
Leanne Reidenbach, Senior Planner  
Kate Sipes, Senior Planner  
Scott Thomas, Environmental Director  
Brian Elmore, Development Management Assistant

Mr. Reese Peck called the meeting to order at 7:00 p.m.

2. PUBLIC COMMENT

There were no public comments.

3. MINUTES

A. MARCH 3, 2010 REGULAR MEETING

Mr. Rich Krapf motioned for approval of the minutes.

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

B. APRIL 7, 2010 REGULAR MEETING

Mr. Chris Henderson stated that on page 35, the references to “Mr. Whitfield” being the owner should be “Mr. Whitt Richardson”.

Mr. Henderson moved for approval of the minutes as amended.

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

4. COMMITTEE AND COMMISSION REPORTS

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. Krapf stated the May meeting of the DRC was held on April 28<sup>th</sup> at 4:00 p.m. The DRC reviewed a proposed 57 lot subdivision for S-0048-2009 Stonehouse Tract 12. The DRC previously reviewed and endorsed a conceptual plan layout for this tract in June 2008. The DRC granted preliminary approval by a vote of 3-0 subject to agency comments, and added a recommendation that staff review all applicable proffers and the applicant is in compliance with those proffers. The DRC also reviewed SP-0028-2010, Pavilion at Williamsburg Place. This addition will include 40 beds for acute psychiatric treatment as well as adult and older psychiatric inpatient services. By a vote of 3-0, the DRC granted preliminary approval subject to agency comments.

Mr. Fraley moved for approval of the report.

In a unanimous voice vote, the action report was approved (6-0; Absent: Woods).

B. POLICY COMMITTEE

Mr. Fraley stated that the Policy Committee did not meet in April. The next meeting will be May 12<sup>th</sup> at 6 p.m. Sign Ordinance amendments and Subdivision and Site Plan Review Improvement Team (SSPRIT) recommendations will be discussed. The Committee may meet May 25<sup>th</sup> if more discussion is necessary.

C. OTHER COMMITTEE / COMMISSION REPORTS

There were no other reports.

5. PUBLIC HEARINGS

A. Z-0002-2009 / MP-0002-2009 – GOVERNOR’S GROVE SECTION III PROFFER AND MASTER PLAN AMENDMENT

Mr. Peck opened the public hearing.

Mr. Peck stated the applicant had requested a deferral until the June Planning Commission meeting.

Mr. Peck continued the public hearing until the June Planning Commission meeting.

B. SUP-0004-2010 – COURTHOUSE COMMONS

Mr. Henderson stated that he had a conflict of interest and recused himself from discussion of the application.

Mr. Peck opened the public hearing.

Mr. Peck stated that staff recommended deferral.

Mr. Grey Davis, representing New Town Six, the applicant, stated he did not object to staff recommending deferral.

Mr. Peck continued the public hearing until the June Planning Commission meeting.

C. Z-0001-2009 / MP-0001-2009 / SUP-0007-2010 – COLONIAL HERITAGE DEER LAKE

Mr. Jason Purse stated Mr. Greg Davis, on behalf of Lennar Corporation, applied to rezone 130.3 acres of the 731.5 acre Deer Lake parcel at 499 Jolly Pond Road from A-1, General Agricultural, with Proffers, to MU, Mixed Use with Amended Proffers. A special use permit is also requested to extend public utilities to the site. The applicant is no longer requesting a special use permit for the residential cluster, since Mixed Use zoning would allow the cluster's density and yard requirements. The proposal has been amended since the last Planning Commission public hearing to allow for private streets. Schools proffers have been withdrawn after the cluster was revised from workforce housing to age-restricted housing. Park proffers will develop an on-site trail rather instead of payments to the County. Access points have been moved, resulting in the removal of the Jolly Pond traffic study proffer. Staff finds the proposal contrary to the Comprehensive Plan and violates the Primary Service Area (PSA). The proposed 90 acre open space area shows no distinct environmental benefit compared to the rural cluster. The development's 4.6 dwelling units per acre exceed the 0.33 units per acre for rural lands without public utilities. Staff recommends denial of master plan amendment, rezoning, and special use permit.

Mr. Krapf asked if staff had received inquiries about extending the PSA to new or existing developments since the April Commission meeting.

Mr. Purse stated that at least one developer has contacted JCSA staff regarding requirements to connect to public water.

Mr. Krapf asked about the proposal's net environmental benefits.

Mr. Scott Thomas stated Colonial Heritage has a 10-Point Stormwater Master Plan. He stated the system uses BMP's, open space, and low-impact development throughout the area. Deer Lake itself serves as BMP. Different points are awarded for different types of open space. More points are earned for buffers beside existing resource protection areas (RPA's). The reconfigured proposal layout reduces additional RPA buffering. Although 90 acres of open

space is added, only 8.25 additional acres can be added to the stormwater system. Open space areas have to be natural and undisturbed.

Mr. Krapf stated the previous proposal used distributed impacts for its impervious cover. The current proposal uses concentrated impervious cover with stormwater passing through forebay treatments and into Deer Lake.

Mr. Thomas stated there were positives and negatives to each proposal. The rural cluster fits the natural topography better. Clearing could be minimized during both utilities installation and construction. The Mixed Use cluster would have to be mass cleared and would concentrate pollutants in Deer Lake.

Mr. Fraley asked about the benefits of the area being subject to the Yarmouth Creek Watershed Management Plan.

Mr. Thomas stated that the Yarmouth management plan's application was beneficial.

Mr. Fraley stated that newly proposed blocked open space was agreeable due to the parcel's large size. He stated the new proposal preserves high-permeable Types A & B soils.

Mr. Thomas stated the elimination of septic drain fields would be a positive environmental impact.

Mr. Fraley stated that distributed stormwater runoff was preferable to concentrated stormwater runoff. He asked if there would be discharge into Yarmouth Creek under the rural cluster design.

Mr. Thomas stated that either proposal would have some impact on Yarmouth Creek. He stated that under the residential cluster, the road could impact multiple headwater streams. The rural cluster, following a ridgeline, would avoid most of the intermittent streams. Under the residential cluster, the runoff only pours into a small section of Deer Lake.

Mr. Peck asked if incremental development was a major source of watershed pollution over the past decade.

Mr. Thomas stated that non-point source pollutions, including urban development, agriculture, and transportation, impact the watershed.

Mr. Peck stated the large yards use large amounts of fertilizer outside County control. He asked if those fertilizers are a significant source of pollution.

Mr. Thomas stated that fertilizers were a source of pollution, but that the County has several fertilizer use educational programs. He stated he was unsure if smaller lots lead to less fertilizer usage.

Mr. Peck asked about the primary policy goals of the PSA. He stated the PSA should

reduce of cost of public utilities and reduce sprawl-driven environmental impacts.

Mr. Purse stated that the PSA is one of the County Comprehensive Plan tools. Staff expects development to occur in the PSA and tries to guide growth there. The rural cluster will not be a part of the PSA.

Mr. Peck asked if the rural cluster wells would have a unified rate structure.

Mr. Purse stated that they would have a unified rate structure.

Mr. Peck stated that individual groundwater systems are costly compared to using central water systems. He stated the services were being extended one way or another, in violation of PSA policy. Current ratepayers would pay for this extension of the PSA.

Mr. Purse stated that the PSA and central wells were growth-management tools for the rural lands. He stated central wells were very cost prohibitive, and few of those developments have taken place. Densities in A-1 have also been reduced to lessen growth.

Mr. Peck asked Mr. Purse to elaborate on the use of the PSA to sequence the provision of County services.

Mr. Purse stated that one current school and two under construction were built outside of the PSA. Their locations were selected in part to place them in proximity to the most users. The School Selection also considered land availability.

Mr. Peck stated that schools, a major sports complex, a major park, a recycling center, a new police station, and fire station were all in the PSA near the proposal.

Mr. Purse stated that no public facilities were lacking in that area, and that staff attempts to direct all growth inside the PSA. He stated incremental development outside the PSA ultimately causes the need for more facilities.

Mr. Peck stated that denying the proposal would not achieve PSA policy goals to reduce JCSEA costs or reduce pollution.

Mr. Purse stated that Planning staff would not support a suburban residential development outside of the PSA. Suburban development is considered between one and four units per acre. By-right developments outside of the PSA include the 1 unit per 3 acres density.

Mr. Fraley stated that staff was receiving by-right rural lands proposals with central wells that were not subject to public hearings. He stated central wells and higher densities were not cost-prohibitive enough.

Mr. Purse stated that that as part of the Zoning Ordinance update, several actions can be taken to remedy those types of situations.

Mr. Fraley stated the Comprehensive Plan contained three action items on PSA boundary review.

Mr. Purse stated the approval of the proposal could result in many more units in the area, with a proposed density of 4.6 units per acre.

Mr. Purse stated that proposed units are within the Colonial Heritage master plan limit.

Mr. Henderson asked if the trigger for Planning Commission review of the proposal was private roads being prohibited in R-2 zoning.

Mr. Purse stated that due to the proposed change in zoning, staff had to re-advertise the proposal, and it essentially became a new application.

Mr. Henderson stated that the applicability of private roads in R-2 should be considered during Zoning Ordinance updates.

Mr. Krapf stated that if any part of an application is returned to the Planning Commission, the entire application is subject for discussion. He stated the Deer Lake case was one of the most significant cases ever before the Commission. The Commission has an obligation to clarify all aspects of a returned case.

Mr. Peck stated that most of the County's water comes from groundwater. He stated the JCSA does not expect the State to grant any withdrawal increase since the aquifer is stressed.

Mr. Allen Murphy stated that the County has an agreement with Newport News for supplemental groundwater. He stated the aquifer is stressed at certain times of the year. The Newport News contract was based on surface water.

Mr. Peck stated that the State was monitoring the peninsula's aquifer for stress. He stated the Hampton Roads Planning Commission discussed the State tightening groundwater withdrawals. Central groundwater systems are mandated under current rural cluster policy. Those policies are mandating additional aquifer stress.

Mr. Peck opened the public hearing.

Mr. Greg Davis, representing the applicant, stated the case had gone through minor technical changes since last month's meeting and approval. He stated that since the Commission recommended the development become part of Colonial Heritage, the proposed access to Jolly Pond Road has been eliminated. Private Colonial Heritage roads will be used. The cluster design and benefits are retained, with only minor changes to access. There will be no additional units or traffic impact. The age-restricted development would create a positive fiscal impact due to creating very few school children. Dispensing with central wells would benefit JCSA.

Mr. Krapf asked if the applicant agreed with the staff position that neither the rural or residential cluster proposals result in positive fiscal impacts for the County.

Mr. Davis stated that the age-restricted proposal would provide a positive fiscal impact of \$89,000 annually. He stated if the Commission had guided the development as workforce or market rate housing, the fiscal impact would be negative due to students.

Mr. Purse stated that age-restricted housing has a better fiscal impact than other forms. Colonial Heritage has a positive fiscal impact due to large commercial spaces.

Mr. Krapf stated that the school proffers had been withdrawn in violation of the Board of Supervisors policy that age-restricted communities should pay school proffers.

Mr. Davis stated the age-restricted development will place no burden on County schools. He stated the Board proffer policy does not exempt age-restricted housing, but mandates “reasonableness and rough proportionality.” Colonial Heritage, with 580 homes, has generated 2 school kids total. Colonial Heritage’s positive fiscal impact improves with the approval of the Deer Lake cluster. Elimination of the Jolly Pond access will cost the applicant another \$400,000 to connect to Colonial Heritage.

Mr. Arch Marston stated that the \$400,000 in traffic costs was the net sum from moving access from Jolly Pond Road to Colonial Heritage.

Mr. Jacob Hostetter, 6323 Glen Wilton, stated that workforce housing was needed in the area, but has been removed from the proposal. He stated a road to the existing highway would make sense environmentally and financially.

Ms. Sarah Kadec, 3504 Hunters Ridge, stated that she expects the Commission to follow its own Comprehensive Plan. The Comprehensive Plan should prohibit expansion of the PSA. The proposal’s school proffer removal and environmental impacts are negative.

Mr. Craig Metcalf, 4435 Landfall Drive, stated the Commission has gone against staff recommendations on the proposal. He stated he supported staff recommendations.

Mr. Bob Spencer, , Vice-President of the James City County Concerned Citizens (J4Cs), 9123 Bush Hill Drive, stated the newly adopted Comprehensive Plan was already being discarded. Staff recommendations are also ignored. The J4Cs recommended no expansion of the PSA during the Comprehensive Plan process. Proposed proffers should take effect immediately.

Mr. Peck closed the public hearing.

Mr. Joe Poole stated the application has gone from bad to worse since the last meeting. The density increase from .33 to 4.6 is unacceptable in an area designated Rural Lands by the Comprehensive Plan. Removed school proffers are also unacceptable. Moving outside the PSA sets a dangerous precedent. If the application is approved, proposals outside of the PSA will increase.



Mr. Krapf stated this case represents a litmus test of whether the Comprehensive Plan will be enforced. He stated if the proposal is approved, there will be heavy development pressure outside the PSA. The applications benefits are mostly hollow and already used for other requirements. Converting rural lands to Mixed Use outside the PSA is not the answer to growth.

Mr. Henderson stated if the PSA line were drawn topographically, and not arbitrarily, Deer Lake would already be in the PSA. He stated he would be prepared to support the applicant, but had wished to see additional restrictions. Colonial Heritage will not create a fiscal impact on Schools.

Mr. Fraley stated the proposal's benefits are substantial. He stated the proposal's Mixed Use areas extended too far. SUPs and rezoning are exceptions by nature, and will not set precedent for future PSA discussions.

Mr. Peck stated the Comprehensive Plan makes the PSA a tool; it does not make the PSA inflexible. Positive proposed benefits compensate for extending the PSA. Both County water and rural lands policies should be reviewed comprehensively. The project is in the best interest of the County.

Mr. Poole stated he wished the issue of PSA expansion had been thoroughly discussed during the Comprehensive Plan process.

Mr. Peck stated the proposal's facts lead him to believe it follows the Comprehensive Plan.

Mr. Henderson moved for approval of the rezoning, special use permit, and master plan.

In a roll call vote, the Commission recommended approval (4-2: Yes: Maddocks, Fraley, Henderson, Peck; No: Poole, Krapf; Absent: Woods).

#### D. SUP-0008-2010 – Busch Gardens Griffon Theatrical Lighting

Ms. Leanne Reidenbach stated that Ms. Suzy Cheely of SeaWorld Parks and Entertainment, LLC has applied to amend Condition #3 of the existing special use permit and height waiver for the Griffon roller coaster in Busch Gardens to allow 4 upwardly-directed LED theatrical lights. No changes to the height of the coaster are proposed. The property is currently zoned M-1, Limited Business Industrial and designated Limited Industry on the 2009 Comprehensive Plan. Originally, the special use permit and height waiver for the Griffon were combined in one resolution. The condition related to upward lighting is linked to the height waiver, which will be evaluated by the Board of Supervisors on May 11<sup>th</sup>, but because the height waiver conditions were combined with the special use permit resolution, the SUP amendment is required to be reviewed by the Planning Commission as well. With this application, staff proposed to separate the two applications to clarify the conditions related to each and to simplify any future amendments. The applicant conducted a lighting demonstration on April 14. The lighting was not visible until after 8:30 pm and due to the Griffon's location within the park, had

limited impacts on surrounding areas. Planning staff has reviewed this application and finds it to be consistent with the Zoning Ordinance, Comprehensive Plan, and adjacent development. Staff recommends approval of this special use permit amendment and forwarding the height waiver application to the Board of Supervisors for review.

Mr. Peck opened the public hearing.

Mr. Neil Delorenzo, 101 Jefferson's Hundred, stated that his property is directly west of this site. He stated he was unaware of the lighting demonstration that was done. He asked when the case involving the height waiver involving the new attraction at Busch Gardens would be heard.

Ms. Reidenbach stated that the application for the height waiver for the new attraction will be heard by the Board of Supervisors on June 8, 2010. There will be a balloon test for this application done but it has not been scheduled yet. The date will be shared with Kingsmill residents and adjacent property owners.

Mr. Delorenzo stated that he and his neighbors have had issues with the noise in that area. He expected the height waiver will be an issue also. He expressed his concerns about how the lighting will affect the area since he can view the Griffon coaster from his home.

Mr. Peck closed the public hearing.

Mr. Fraley stated he was a resident of Kingsmill, and asked about the light test. He stated that it was mentioned that the lighting was not visible from Kingsmill.

Ms. Reidenbach stated that she and the Planning Director drove around Wareham's Pond and Jefferson's Hundred. She stated that the Griffon is not visible from Wareham's Pond, even when illuminated.

Mr. Fraley asked how the Kingsmill residents would be notified of any lighting or balloon test.

Ms. Reidenbach stated that generally with a cell tower application, adjacent property notifications are sent and it is advertised in the newspaper. That similar advertisement is not required for any kind of demonstrations or balloon tests that are conducted for height limitations and waivers. This test had not been advertised and was not required to be advertised.

Mr. Fraley recommended to Mr. Allen Murphy that some consideration be given to the residents concerning items that affect them. He suggested that notifications could be sent to the Kingsmill Community Services Association. He stated that height waivers go directly to the Board.

Mr. Henderson asked if the height waiver request was for the new attraction.

Ms. Reidenbach stated that the new attraction is a separate application that will be

reviewed by the Board of Supervisors on June 8, 2010. The reason for the height waiver for the Griffon is that this rollercoaster had originally received a height waiver to exceed the sixty foot limit. She stated that because the resolutions were grouped together both applications are before the Planning Commission. Prior approval was being reinstated.

Mr. Poole stated he supports tourism and realizes Busch Garden's importance. He stated he is also very concerned about aesthetic quality in this community. Mr. Poole wanted to emphasize that it is his expectation that these lights proposed shine on the rollercoaster itself. He stated that the ride is already above the tree line but that he does not want any lights in the sky. He emphasized the importance of Condition #4 which places a time limit on this of one year with the potential for the Director of Planning to extend the timeline barring unforeseen impacts. He is willing to support this application.

Mr. Peck closed the public hearing.

Mr. Henderson moved for approval of the application.

In a unanimous roll call vote, the application was approved (6-0; Yes: Fraley, Maddocks, Krapf, Poole, Henderson, Peck; Absent: Woods).

E. SUP-0012-2010 – Camp Road Tower Development Corporation Wireless Tower

Mr. Purse stated that Ms. Gloria Fry of McGuire Woods has applied for a special use permit for a 199' wireless communications tower to be built at 126 Camp Road. The parcel is zoned A-1, General Agricultural. The tower will occupy 1.22 acres of a 78.2 acre parcel, which currently holds an active farm as well. The property is in the Mill Creek Agricultural and Forestal District (AFD). AFD rules allow up to 5 acres to be used as a tower site. Staff finds the tower meets Board guidelines for wireless communications facilities, collocation analysis, location and design, and buffering. Staff finds the proposal generally consistent with the Comprehensive Plan and surrounded land uses and recommends approval. The tower will have minimum visual impact, only visible from the rear section of Camp Road.

Mr. Peck opened the public hearing.

Mr. Gloria Fry, representing the applicant, stated Tower Development Corporation has applied for the special use permit on behalf of Ntelos. She stated Ntelos needs to expand coverage along Route 60 to the New Kent County line. If the tower is approved, cell signals would be good enough for indoor reception in the area. Other towers in the vicinity were too far away for collocation. The 100' tower buffer will be in place on three of four sides of the tower. The balloon test revealed the tower would not be visible from any major roads. Three adjacent property owners responded. One property owner, Ms. Howard, had concerns about visible. The applicant would discuss adding tree buffering to the property when it could contact Ms. Howard. A Ms. Phillips had concerns about health effects, and safety regulations were discussed with her. Ms. Phillips also had property value concerns, but local assessors do not account for tower proximity. A Ms. Moore noticed a 400' setback from a tower to an existing residence. She was informed that the setback only applies to the tower, not her property. The proposal has met all

performance standards for a wireless communications facility.

Mr. Henderson asked if collocation would be offered and if the height was the maximum allowed.

Ms. Fry stated that collocation would be offered. She stated the height was the maximum allowed without a light. Lights would increase the tower's visibility.

Mr. Peck closed the public hearing.

Mr. Henderson moved for approval of the application.

In a unanimous roll call vote, the Commission recommended approval (6-0; Yes: Maddocks, Poole, Krapf, Fraley, Henderson, Peck; Absent: Woods).

F. SUP-0009-2010 – USA Waste of Virginia Borrow Pit Renewal

G. SUP-0010-2000 – Branscome Borrow Pit Renewal

Ms. Kate Sipes stated that Mr. Vernon Geddy has applied on behalf of Branscome Incorporated and USA Waste of Virginia Landfills Incorporated to renew their special use permits to continue borrow pit operations at 700 & 750 Blow Flats Road. An SUP renewal has been filed for both sites. Separate applications were submitted but were prepared under a single staff report. Both parcels are zoned M-2, General Industrial and designated General Industry on the Comprehensive Plan. A borrow pit creates noise, dust, truck traffic, and can be an environmental hazard if not regulated. Staff feels the area is well suited to accommodate the use. The original borrow pits were approved by the Board in 1992, with continued sunset provisions. The applicant has requested renewal without any time limit. Staff recommends a time limit due to constantly evolving environmental regulation, and is comfortable extending the limit from 5 to 8 years. Staff recommends approval of both SUP renewals subject to the attached conditions.

Mr. Poole asked if the applicant was comfortable with the 8-year renewal term.

Ms. Sipes stated the applicant was happier with 8 years than 5 years.

Mr. Vernon Geddy, representing the applicant, stated that the 8-year period allows the companies better long-term business planning. The firms know over longer terms what projects are available to them and on what terms.

Mr. Peck opened the public hearing.

Mr. Henderson asked Mr. Geddy to describe the operation's on-site activities.

Mr. Geddy stated that gravel and clay were mined at the sites. He stated the USA Waste site has investigated mining the pits down to below sea level, and then creating tidal wetlands for

mitigation purposes.

Mr. Peck closed the public hearing.

Mr. Fraley moved for approval of the USA Waste of Virginia Landfill SUP renewal.

In a unanimous roll call vote, the Commission recommended approval (6-0; Yes: Maddocks, Poole, Krapf, Fraley, Henderson, Peck; Absent: Woods).

Mr. Fraley moved for approval of the Branscome Inc. SUP renewal.

In a unanimous roll call vote, the Commission recommended approval (6-0; Yes: Maddocks, Poole, Krapf, Fraley, Henderson, Peck; Absent: Woods).

9. PLANNING DIRECTOR'S REPORT

There were no Planning Director comments.

10. COMMISSION DISCUSSIONS AND REQUESTS

Mr. Maddocks stated he was the Regional Issues Committee representative.

Mr. Poole asked for future updates from the Regional Issues Committee.

11. ADJOURNMENT

Mr. Henderson moved to adjourn.

The meeting was adjourned at 9:10 p.m.

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Reese Peck, Chairman

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Allen J. Murphy, Secretary

**Development Review Committee Actions Report**  
**May 26, 2010**

<b>S-0014-2009</b>	<b>Summerplace</b>
<b>DRC Action:</b>	This application was before the DRC to clarify if a clearing phasing plan and a tree protection plan submitted by the applicant per the request of the DRC were adequate. The DRC voted 4-0 to approve these materials.
<b>SP-0040-2010</b>	<b>JCSA Ironbound Water Storage &amp; Booster Facility Upgrades</b>
<b>DRC Action:</b>	This application was before the DRC to determine if it was substantially consistent with the 2009 Comprehensive Plan. The DRC voted 4-0 to determine that this application was substantially consistent with the 2009 Comprehensive Plan.
<b>SP-0041-2010</b>	<b>New Town Block 11, Parcel B, Lots 19-22</b>
<b>DRC Action:</b>	This application was before the DRC due to unresolved issues between the applicant and adjacent property owners. The DRC voted 4-0 to approve this site plan.
<b>SP-0037-2010</b>	<b>Williamsburg Landing Woodhaven Expansion, Phase II</b>
<b>DRC Action:</b>	This application was before the DRC due to in excess of 30,000 square feet being proposed on the site. The DRC voted 4-0 to recommend preliminary approval of the site plan to the Planning Commission.
<b>C-0016-2010</b>	<b>Grove Christian Outreach Center</b>
<b>DRC Action:</b>	No Action was taken. The DRC reviewed elevations and a site plan and gave suggestions. An SUP application has not yet been submitted.
<b>SUP-0004-2010</b>	<b>Courthouse Commons</b>
<b>DRC Action:</b>	Mr. Chris Henderson introduced Mr. John Hopke to give an update on the Courthouse Commons special use permit application, which was not on the DRC's agenda for discussion. No DRC action was taken.

## MEMORANDUM

DATE: June 2, 2010  
TO: The Planning Commission  
FROM: Erin Waugh, Law Extern  
SUBJECT: Initiation of Zoning Ordinance Amendment

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Staff is recommending consideration of an amendment to add Section 24-24 to Article I of the Zoning Ordinance. This amendment would pertain to any applicant requesting a special use permit, variance, erosion and sediment permit, building permit, and any other land disturbance or re-zoning measure. The applicant must submit an additional document from the County Treasurer, which certifies that real estate taxes for all properties listed on the application have been paid. The County Treasurer's certification would be valid for 30 days. The intent of the proposal is to ensure compliance with state law.

Staff recommends the Planning Commission adopt the attached resolution to initiate consideration of this amendment to the Zoning Ordinance.

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Erin Waugh  
Law Extern

CONCUR:

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Adam R. Kinsman  
Deputy County Attorney

## **RESOLUTION**

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

WHEREAS, the Planning Commission of James City County, Virginia, is charged by Virginia Code Section 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 Section 15.2-2286; and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia does hereby request staff to initiate review of Article I, In General, Section 24-23, Submittal requirements, for the consideration of adding Section 24-24, Additional requirements for submittal. Section 24-24 would require applicants requesting a special use permit, variance, erosion and sediment permit, building permit, and any other land disturbance or rezoning measure, to submit a certification from the County Treasurer that all real estate taxes on the property listed on the application have been paid in full. 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.

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Mr. Reese Peck  
Chair, Planning Commission

ATTEST:

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Allen J. Murphy, Jr.  
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 2<sup>nd</sup> day of June, 2010.



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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, ARTICLE I, IN GENERAL, OF THE CODE OF JAMES CITY COUNTY, VIRGINIA, BY ADDING SECTION 24-24, ADDITIONAL REQUIREMENTS FOR SUBMITTAL

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, Article I, In General, is hereby amended and reordained by adding Section 24-24, Additional requirements for submittal.

Chapter 24. Zoning  
Article I. In General

***Section 24-24. Additional requirements for submittal .***

*Each person or entity submitting an application for consideration under the provisions of section 24-23 including a special use permit, variance, erosion and sediment permit, building permit, and any other land disturbance or re-zoning measure, shall attach to such application a signed statement from the county treasurer certifying that for property listed in the application all real estate taxes owed to the county have been paid in full. The statement of certification from the county treasurer shall be valid for 30 days. Should the application be submitted more than 30 days after the treasurer has certified payment of taxes, a new certification from the treasurer shall be required.*

\_\_\_\_\_  
James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**REZONING-0002-2009 / MP-0002-2009: Governor's Grove Section III: Proffer and Master Plan Amendment  
Staff Report for the June 2, 2010 Planning Commission Public Hearing**

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

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**PUBLIC HEARINGS**

Planning Commission:

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

July 1, 2009	(applicant deferral)
August 5, 2009	(applicant deferral)
September 9, 2009	(applicant deferral)
December 2, 2009	(applicant deferral)
January 13, 2010	(applicant deferral)
April 7, 2010	(applicant deferral)
May 5, 2010	(applicant deferral)
June 2, 2010	(applicant deferral)

Board of Supervisors:

T.B.D.

**SUMMARY FACTS**

Applicant:

Mr. Vernon Geddy, III, on behalf of Jard Properties

Land Owner:

Five Forks II, LLC and Five Forks III, LLC

Proposal:

To modify the proffers and master plan approved with rezoning Z-0009-2005 / MP-0006-2005 to allow for the applicant's desired roadway entrance configuration for the Section III Commercial Parcel of the Governor's Grove development.

Location:

4399 and 4365 John Tyler Highway (Route 5)

Tax Map/Parcel No.:

4710100115 and 4620100014A, respectively

Parcel Size:

2.965 acres and 5.121 acres, respectively (8.086 acres in total)

Existing Zoning:

MU, Mixed Use, with Proffers

Proposed Zoning:

MU, Mixed Use, with amended Proffers

Comprehensive Plan:

Low Density Residential and Moderate Density Residential on the 4399 John Tyler Highway (Section 3 / commercial) parcel, and Moderate Density Residential on the 4365 John Tyler Highway (Section 2 / open space) parcel

Primary Service Area:

Inside

**STAFF RECOMMENDATION**

The applicant has requested that this case be deferred until July 7, 2010. Planning staff concurs with this decision on the part of the applicant, and recommends that the Planning Commission defer this case as requested.

Staff Contact: Kathryn Sipes

Phone: 253-6685

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Kathryn Sipes, Senior Planner

Attachment:

Deferral request from 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

VERNON M. GEDDY, JR. (1926-2009)

STEPHEN D. HARRIS

SHELDON M. FRANCK

VERNON M. GEDDY, III

SUSANNA B. HICKMAN

RICHARD H. RIZK

ANDREW M. FRANCK

May 20, 2010

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

Ms. Kate Sipes  
James City County  
101-A Mounts Bay Road  
Williamsburg, Virginia 23185

Re: Governor's Grove Section 3 - Z-0002-2009 and MP-0002-2009

Dear Kate:

I am writing on behalf of the applicant to request that the Planning Commission defer consideration of this application until its July meeting.

Very truly yours,

GEDDY, HARRIS, FRANCK & HICKMAN, LLP



Vernon M. Geddy, III

VMG/

cc: Mr. James Jard

**Agricultural and Forestal District 9-86-2010-1. Gordon Creek AFD (3889 News Road Addition)  
Staff Report for June 2, 2010 Planning Commission meeting**

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*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.*

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**PUBLIC HEARINGS**

Planning Commission

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

June 2, 2010

7:00 p.m.

**SUMMARY FACTS**

Applicant:	Ms. Martha McMurran
Land Owner:	Ms. Martha McMurran
Location:	3889 News Road
Tax Map/Parcel No.:	3730100004
Primary Service Area:	Inside
Parcel Size:	179.2 acres total
Existing Zoning:	R-4, Residential Planned Community
Comprehensive Plan:	Low-Density Residential
Surrounding AFD Land:	One parcel, adjacent to the western boundary of this parcel, is currently enrolled in the Gordon Creek AFD.
Staff Contact:	Jason Purse, Senior Planner - Phone: 253-6685

**STAFF RECOMMENDATION:**

The applicant has requested deferral of this application until the Gordon Creek AFD renewal in September. Staff concurs with this request and recommends the Planning Commission accept the deferral request until the September 2010 Planning Commission meeting.

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Jason Purse, Senior Planner

**SPECIAL USE PERMIT – 0004 - 2010. Courthouse Commons**  
**Staff Report for the June 2, 2010, Planning Commission Public Hearing**

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

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**PUBLIC HEARINGS**

Planning Commission:	May 5, 2010	7:00 p.m. Staff recommended deferral with concurrence from the applicant
	June 2, 2010	7:00 p.m.
Board of Supervisors:	June 22, 2010	7:00 p.m.

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

**SUMMARY FACTS**

Applicant:	Gregory R. Davis, on behalf of New Town Six, LLC
Land Owner:	New Town Six, LLC
Proposal:	Up to 83,000 square feet of commercial/office development
Location:	5223 and 5227 Monticello Avenue, 4023 and 4025 Ironbound Road, and 113 New Quarter Drive
Tax Map/Parcel Nos.:	3840100003G, 3840100003E, 3840100003F, 3840100004, 3840100004B, and 3840100004A
Parcel Size:	9.06 acres total
Zoning:	M-1, Limited Business/Industrial District
Comprehensive Plan:	MU, Mixed Use – New Town
Primary Service Area:	Inside

**STAFF RECOMMENDATION**

Based upon the Comprehensive Plan Mixed Use Land Use Designation, commercial/mixed-use development is appropriate for this location, contingent upon the availability and timing of adequate facilities such as roads. Staff notes the following, based on the traffic study prepared by DRW Consultants, LLC:

- The traffic study presents 2010 Monticello Avenue intersection level of service (LOS) results that are worse even today than forecasted in previous traffic studies for this corridor (most recently, the study prepared for New Town Section 9, which assumed a build-out of Sections 7, 8, and 9 by 2015). Staff would note that these lower service levels with current conditions are without most of New Town Sections 7, 8 and 9 being constructed.
- The traffic study presents projected 2016 Monticello Avenue intersection LOS results at build-out of Courthouse Commons that are worse than had been presented in previous traffic studies.
- The traffic study presents 2016 intersection LOS projections that fall below the overall LOS C (with allowance for LOS D lane groups) standard consistently expected and accepted for New Town development at project build-out on this corridor.
- Even with signal optimization (i.e. modifications to traffic signal timing and phasing) or configuration improvements (the West Monticello Plan) explored in the applicant's traffic study, five of the ten intersections included in this study are projected to have an overall LOS D at project build-out in 2016.

The results of the traffic study indicate a picture of the corridor where intersection and arterial LOS is lower in the near-term than had previously been expected. This raises uncertainties about the timing at which intersection and arterial LOS on the corridor will fall below LOS that had been expected fifteen to twenty years in the future (Ds and even some Es) given the more urban nature of the corridor, whether levels of service below that (such as Es and Fs) would therefore occur in that time frame, and whether as a result, additional unidentified improvements would be needed. This is also coupled with the uncertainty of funding known improvements such as the West Monticello Plan (to which staff finds the applicant's current contribution unacceptable). Staff acknowledges that the LOS results are not solely due to the proposed Courthouse Commons project, but as stated in the Comprehensive Plan, maintaining an acceptable level of service for the roads should control the timing and intensity of adjacent development – and this evaluation should look at the cumulative development picture. Considering these factors, staff does not support approving an additional traffic generator at this location at this time. Given that this SUP is an "impact SUP" triggered under the ordinance by size (amount of square footage) and traffic generation, staff considers traffic impacts as the primary issue for this proposal, and therefore cannot support approval of this application at this time. Should the Commission wish to recommend approval of this application to the Board of Supervisors, staff recommends that the conditions listed at the end of the staff report be attached.

Staff Contact: Ellen Cook

Phone: 253-6685

### **PROJECT DESCRIPTION**

The proposed development would include up to 83,000 square feet of office and/or commercial development. The development site is zoned M-1, Limited Business/Industrial District and would require a special use permit under Section 24-11 of the Zoning Ordinance due to being comprised of a building or group of buildings which exceed 10,000 square feet of floor area and which are expected to generate a total of 100 or more peak hour trips. While part of the site has been previously developed as a telephone switching station, approximately 65% of the 9.06 acres is currently undeveloped and wooded.

The binding sheet of the Master Plan indicates five development Areas. Area 1 shows the footprint and general use (commercial) associated with the proposed Fresh Market grocery store and retail uses. It is staff's understanding that the uses for the other four development Areas are conceptual in nature (restaurant and caretaker apartment, pharmacy with drive-through, bank with drive-through, and office were the conceptual uses listed in the CIS and traffic study). The binding Master Plan Sheet 3 had previously had a note stating that the uses in the other areas were limited to retail, office, medical office, restaurant, or banking, but that note was subsequently removed from the Master Plan. The applicant appears willing to restrict some permitted M-1 uses (i.e. automobile sales and service, kennels, heavy equipment sales and service, etc.) from being built on the property; however, to date a means for achieving this that is acceptable to the County Attorney's office has not been identified. Therefore, at this time, any permitted M-1 use that was allowed by the general Zoning Ordinance categories of commercial or office could locate in Areas 2 – 5 of the Master Plan. Binding Master Plan Sheet 3 does include the building envelop location for these four Areas. Staff would note that the layout shown on Sheet 3 of the Master Plan indicates a potential deficit (up to approximately 80 spaces) in ordinance-required parking spaces under the maximum amount of square footage shown in the Development Tabulation on Sheet 3. While staff would ensure that each proposed use met ordinance minimum parking requirements at the site plan level, this situation lends uncertainty as to the project's ultimate layout and design, or dependency on the expectation for parking waivers during site plan review by the Development Review Committee/Planning Commission.

Staff would note that since the inception of this project, staff has recommended to the applicant that a rezoning application would allow the applicant maximum flexibility to address the impacts of the proposal. However, the decision was made by the applicant to pursue the proposal as a Special Use Permit. In addition, staff would note that the uses proposed for this project, or uses similar to them, could likely locate elsewhere on this corridor under existing zoning approvals.

### *Site History and Surrounding Development*

A portion of this site (tax parcel 3840100004) was developed by C&P Telephone (subsequently Bell Atlantic and then Verizon) in the 1970s as a telephone switching station. This parcel has access from New Quarter Drive, which is a private road, and has historically been considered a part of New Quarter Industrial Park. Use of this site by Verizon ceased several years ago. In the 1990's, the other undeveloped parcels included in this proposal were shown on the overall New Town Master Plan as New Town Section 10, along with the current Post Office and AVI sites. The original New Town Design Guidelines include Section 10 guidance. However, the property owners at the time did not commit to including these parcels in the original rezoning of New Town to R-8 with proffers, or to any subsequent rezoning to Mixed Use. In terms of surrounding development, the site is across Monticello Avenue from the MU, Mixed Use zoned New Town development, is adjacent to M-1, Limited Business/Industrial zoning to the east and south, and borders property zoned B-1, General Business to the west where the JCSA water storage tanks and the land rezoned in 2000 for the not-yet-constructed 15,667 square foot New Town Office building are located.

### *Architecture/Site Design & Design Guidelines*

During project review, staff requested that the applicant provide building elevations and/or design guidelines, in accordance with the Board's Supplemental Submittal Requirements for Special Use Permits and Rezoning Policy, and so that staff could evaluate compliance with the Comprehensive Plan. This project is in the New Town Community Character Area, and has a land use designation as part of the New Town Mixed Use area. Both the Mixed Use designation description and the Character Area description emphasize consistency of development with the New Town Master Plan and Design Guidelines.

Staff has reviewed the Design Guideline document submitted by the applicant and finds that the guidelines are not entirely consistent in theme and material with the Section 10 guidelines in a number of respects, primarily with regard to the placement of buildings in relation to typical Monticello Avenue build-to lines (which should occur at major intersections such as Monticello/Settler's Market and Monticello/Ironbound Road), minimum amount of building facades along Monticello Avenue, and similarly, in the positioning of parking lot between buildings and the street right-of-way. Instead, the master plan orients most of the buildings to the internal drive, which does provide an alternative way to form an ordered relationship to each other, but results in a suburban shopping style layout more so than the urban layout elsewhere along the corridor. As has been expressed to the applicant, the Guidelines could also be enhanced with some general descriptions/concept layouts for the pocket parks, more information about recommended landscaping adjacent to buildings, clarification in the sign section on the signage allowed in M-1 (as opposed to MU), and more information about how the building in Area 2 would effectively provide a "front" elevation to the internal drive.

Since the initial submittal of the project, staff had also suggested that should design guidelines be developed, the guidelines, and review of plans and elevations against the design guidelines, should be subject to binding New Town Design Review Board (DRB) review. The applicant presented the project and the grocery store elevation to the DRB at their February 18, 2010 meeting. The applicant subsequently presented the Design Guidelines to the DRB at their May 20, 2010 meeting. At that meeting, the DRB approved the project master plan, grocery store elevation, and preliminarily approved the Guidelines, subject to their review of all final revised language. SUP condition #16 has been included which commits the applicant to submitting the final design guideline language to the DRB for approval, and to binding review of all project site plans, building elevations, signage and other site elements by the DRB, and would operate through recorded covenants on the property.

### *Zoning Ordinance Consideration Items*

Tower. The Master Plan and CIS indicate that the existing tower would remain on site, in its current location. This tower was constructed in conjunction with the original C&P switching station use, and was used for two-way radio communication to company vehicles in the field. Based on staff measurements, the tower is approximately 140-150 feet tall, with a self-supporting lattice design. Based on staff's research, the tower is legally nonconforming under the 1971 Zoning Ordinance. The applicant has, to date, not submitted verifiable written documentation confirming the current tower height, and the current and planned use of the tower. It is

important to note that nonconforming uses and nonconforming structures may not be expanded or relocated unless such expansion or relocation is approved by the Zoning Administrator. Based on the submitted Master Plan, clearing, grading and site work associated with the proposed project would likely make this tower more visible from Monticello Avenue and Ironbound Road than it is currently.

Building Setback Reduction: The applicant submitted a letter notifying staff that building setback reductions for one or more buildings might be sought under Section 24-415 of the Zoning Ordinance. Should this proposed development move forward, the applicant would have the ability to request DRC approval for specific reduction requests at the plan of development stage when presentations are informed by known building uses, and known building, parking and landscaping layout and design. Therefore, no action on this matter has been requested at this time.

Right-of-Way Landscape Buffer: The applicant has indicated that they are seeking a reduction in the average width of the Monticello Avenue Community Character Corridor buffer. The current status of the buffer is wooded, with a deciduous overstory containing some diseased/dying trees, but many other viable and healthy mature oaks, beech and other species. The current understory also includes some desirable species, such as hollies. Section 24-96, requires that an average 50 foot landscape area be provided for properties that are adjacent to Community Character Corridors. The Master Plan shows a 40 foot average width landscape area, which equates to a 10 foot reduction. In order for the applicant to receive a reduction of 10' the proposal would need to meet the standards contained in Section 24-96(d)(1), which are as follows (staff comments are in bold):

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 (i.e. decorative brick walls);  
**The largest parking field shown on the master plan is in front of the proposed grocery/retail building. A row of parking previously shown between the building in Area 2 and Monticello Avenue has been removed (although the drive aisle is located between the building and street). A hedge (which is required by Section 24-97 of the Zoning Ordinance) is proposed for screening purposes (staff does not consider this an architectural feature).**
- b. Innovative use of grading and topography to minimize visual impacts of parking and other unsightly features (i.e. dumpsters, HVAC equipment, loading areas);  
**The applicant has not presented information that this criteria has been pursued; however, it is the case that the existing topography of the site to the left of the entrance Monticello Avenue (which is elevated somewhat above street level) would help screen parking and the potential drive-through lanes in Area 5. Retaining this natural topography to the maximum extent possible would help meet this criteria.**
- c. Provision of pedestrian amenities beyond what the ordinance requires. Examples may include brick pavers to connect existing and planned pedestrian walkways, lighting, and benches; or  
**Based on the Design Guidelines, sidewalks would be provided in accordance with the ordinance requirements along Ironbound Road and Monticello Avenue. Sidewalk would also be provided along at least one side of the internal drive - adjacent to Areas 2 and 3, it would be provided on both sides, but it would not be provided on both sides of the Monticello Ave. entrance, as was done for Settler's Market across the street. The Design Guidelines also show sidewalk connections from the internal drive to each of the proposed buildings, as well as a sidewalk connection from Monticello Avenue to the building in Area 2. Finally, a pedestrian connection would be provided between Monticello Avenue and an internal pocket park. The Design Guidelines discuss and depict the use of special pavers for certain pedestrian areas, and mention the use of street lighting and benches (page 21).**
- 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 use of wood, brick, or other natural features is recommended.



**The design guidelines specify the use of building face signs and monument signage. The monument signage is depicted as using brick as the sign material.**

Unlike many parcels on the north side of Monticello Avenue within Settler's Market, this parcel is zoned M-1, Limited Business/Industrial. Both the adjacent Post Office and AVI building which are not a part of New Town have provided the 50 foot average width buffer, as have other shopping center style developments along the Monticello Avenue corridor (WindorMeade Marketplace, Monticello Marketplace). Fifty-foot buffers allow the greatest degree of tree survival since trees in the middle 25 – 30 feet of the buffer benefit from the stability and wind protection afforded by trees on the outer edges. However, based on several of the criteria above (particularly c and d), and based on commitments to binding DRB review of site plans/building elevations and provision of two pocket parks, staff finds that some degree of flexibility in the 50 foot average width standard is warranted. The forty-foot average buffer provides this flexibility; however, staff finds that this flexibility should be matched with a commitment to preserving specimen trees in the area between the 40 foot line and the 50 foot line, given that the uses on the site other than the Fresh Market are conceptual and therefore presumably retain design flexibility. Also, the Master Plan shows the parking lot drive aisle adjacent to the buffer wider than the minimum width required in the Zoning Ordinance. In addition, based on an initial version of the tree preservation plan (see Attachment 6) which showed the trees outside the 40' line and on field observations, it appears that there is the potential for preservation of additional specimen trees. Finally, staff also finds that this flexibility should be matched with a commitment to using the natural topography of the site to assist in screening parking and potential drive-through lanes, especially in Area 5 (which conceptually is the location of a bank with drive-thru lanes). For the area within the landscape buffer, the Zoning Ordinance sets limits on grading and clearing activities. Staff has included a SUP condition (#2) to address these matters, and is comfortable with the buffer reduction request based on these terms. Overall, staff would note that the ordinance provides for substantial measures to ensure that buffers which retain existing plant material can still provide a manicured and attractive appearance. The ordinance provides for removal of mature trees and understory trees below certain size thresholds; removal of mature trees and understory trees above the size threshold if they are diseased, compromise safety, or meet certain other criteria; allows understory trees to be limbed-up to a maximum height of six feet and overstory trees to be limbed-up to a maximum of ten feet; and allows the buffer to be supplemented with more formal landscape plantings.

The right-of-way buffer along Ironbound Road is depicted on the master plan as 30', which meets the ordinance requirement for non-Community Character Corridor (CCC) roads (Ironbound Road is a CCC elsewhere in the County). The master plan (Sheet 4) shows that the trees in the VDOT right-of-way would be cleared, and that the land would be graded from the property line to the new edge of the Ironbound Road curb-and-gutter section.

## **PUBLIC IMPACTS**

### **Archaeology**

The applicant's Community Impact Statement says that this area was examined as part of the original 1990 Phase I New Town Archaeology study. However, based on staff's detailed review of this study, this site does not appear to have been included within the Project Area limits.

#### **Conditions:**

- Condition #3. Preparation of a Phase I Archeology study for a portion of the site, in accordance with the County's Archaeology Policy.

**Staff Comments:** While part of the site has been previously developed as a telephone switching station, approximately 65% of the 9.06 acres is currently undeveloped and wooded, and the condition calls for preparation of a Phase I archeology study for this area.

### **Environmental**

The property as proposed would drain nearly equally to Powhatan and to Mill Creek. The proposed development will capture runoff in a series of bioretention cells located around the site. Portions of the subject parcel will not drain to a structural BMP; however, these portions will remain largely undeveloped (perimeter buffers). The planned bioretention facilities will be designed to treat the impervious surface runoff and release

either to underground infiltration or to existing downstream piping. The planned underground facilities will infiltrate, detail and release designed storm events for the portions of the site draining to Ironbound Road. For the portion of the site in the Powhatan Creek Watershed, three Special Stormwater Criteria (SSC) measures are required.

**Watershed:** Powhatan Creek and Mill Creek

**Conditions:**

- Condition #4. All stormwater run-off shall be filtered through a certified pre-treatment device prior to its entering any underground infiltration or attenuation feature.
- Condition #5. Proposed stormwater components to treat Areas 1 – 5 shall be in place and operation prior to construction of any impervious surface in those Areas.
- Condition #6. SSC shall apply to all areas of this project.

**Environmental Staff Comments:** Staff has reviewed the Community Impact Statement and Master Plan and concurs with the approach presented, while providing information that will need to be addressed at the site plan design stage. Appropriate phasing of the stormwater components should be addressed if the project moves forward. Staff also notes that additional environmental protection would be gained by filtering stormwater run-off through certified pre-treatment devices prior to entering underground infiltration or attenuation features, and by applying SSC measures site-wide, rather than just the portion of the development in the Powhatan Creek Watershed.

**Public Utilities**

Public water service is available through a JCSA 16-inch water main located along Monticello Avenue and a 12-inch water main along Ironbound Road. To develop the site, a water system loop will be provided through the development which will interconnect the water mains on Ironbound, Monticello and New Quarter Drive. The Community Impact Statement (CIS) states that previous water modeling of the 16-inch water main has demonstrated sufficient capacity to provide for the water demands in this area with no significant impact to the system.

Public sewer service is projected to be handled by two sources. The CIS states that ideally all sewage would be directed to Lift Station 1-5 (this station is located in Ford's Colony and serves a large portion of New Town as well as other development), but that due to known constraints within that system, no more than 7,395 gallons per day would be sent in that direction (this would be comprised of sewage from Master Plan Areas 2, 4 and 5). The remaining uses (in Areas 1 and 3) would be required to have self maintained sewage pump stations on-site and discharge sewer to the existing force main along New Quarter Drive.

**Conditions:**

- Condition #8. Water Conservation standards to be reviewed and approved by the JCSA.
- Condition #9. The waterline in New Quarter Drive shall be looped to the waterline in Monticello Avenue.

**Staff Comments:** Staff has reviewed the Community Impact Statement and Master Plan and concurs with the approach presented, while providing information that will need to be considered at the site plan design stage.

**Transportation**

The development as proposed would have a main entrance on Monticello Avenue across from Settler's Market Blvd, and a secondary entrance on Ironbound Road (also referred to as Old Ironbound Road in the traffic study). These entrances would be connected by an internal drive.

**2007 County Traffic Counts:** On Ironbound Road from Route 199 to Monticello Avenue, there were 2,602 trips. On Monticello Avenue from Courthouse Street to Ironbound Road, there were 19,466 trips.

**2035 Daily Traffic Volume Projected (from 2009 Comprehensive Plan):** On Ironbound Road from Longhill Connector to Monticello Avenue, 12,550 trips are projected – this is in the category of being programmed for improvement by VDOT (4 lanes). On Monticello Avenue from Route 199 to Ironbound Road, 32,202 trips are projected – this is in the category of needing improvement (6 lanes), however, Monticello Avenue is discussed more specifically in later Comprehensive Plan text.

**Road Improvements:** A number of improvements have been identified for completion by this development in the DRW Consultants, LLC traffic study. These improvements include: widening of Old

Ironbound Road northbound at Monticello Avenue to provide a northbound left turn lane and a northbound shared through/right/left turn lane; modification of the Old Ironbound Road/Monticello Ave traffic signal to account for higher turning movement volume; connection of the primary Courthouse Commons driveway at Monticello Ave/Settler's Market signalized intersection, with additions/modification of the traffic signal for vehicular traffic; addition of pedestrian signals on Monticello Ave. east of Settler's Market Blvd. to include crosswalk from curb to curb, modifications to median to provide flush pedestrian crosswalk and pushbutton controls, and modifications to curbing and/or pavement necessary for design of pedestrian features under VDOT design criteria; a right turn taper on Old Ironbound Road northbound at the Courthouse Commons secondary driveway; extension of the westbound left-turn storage bay at the intersection of Monticello Ave/Settler's Market Blvd to 275 feet to provide adequate storage capacity; and on the westbound New Quarter Drive approach to Ironbound Road, striping of a stop bar and installation of a stop sign.

**Conditions:**

- Condition #10. Completion of specified transportation improvements.
- Condition #11. Limitation on PM and AM trip generation on the site to specified caps.
- Condition #12. Signal Timing Plan Development
- Condition #13. Construction or contribution to the "West Monticello Plan"

**VDOT Comments:** VDOT issued comments on the first submittal of the traffic study indicating that the study was not compliant with VDOT Chapter 527 regulations and providing the four reasons for this finding. The study was subsequently revised to address the VDOT comments, and is under review by VDOT, but VDOT comments have not yet been received.

**Staff Comments:** Over the last twenty years or so, Monticello Avenue has been a transportation focus in the County. Substantial government funds have been committed to its construction, maintenance, and improvement. Development along the corridor has been closely scrutinized, ensuring that necessary improvements have been proffered and completed over time. The following information examines this corridor, and the proposed Courthouse Commons development in relation to it.

*New Town Sections 7,8, 9 TIA Results vs 2010 Existing Conditions according to Courthouse Commons TIA*

As each Section or Sections of New Town have gone through the rezoning approval process, specific Traffic Impact Analyses (TIAs) have been prepared. The last TIA for an approved New Town Section was the study prepared for Section 9, which also included Sections 7 & 8. The original New Town proffers included the commitment to maintaining overall Level of Service (LOS) C (with latitude for LOS D for select turning movements) at seven specified Monticello Avenue intersections at projected project build-out, through planning appropriate development intensities and timing, as well as proffering of necessary improvements. The Section 9 TIA showed that this was achieved, and that it was also achieved for one of the two other intersections examined in the study (Monticello Marketplace and News Road). The LOS deficiency at News Road was planned to be addressed by various turn lane improvements termed the "West Monticello Plan" (see description below).

The TIA analysis for Courthouse Commons indicates current 2010 Existing Conditions at lower levels of service at New Town Avenue (for lane movements), Route 199, and Monticello Marketplace than had previously been projected for 2015, even though transportation improvements proffered by Sections 7 & 8, and Section 9 have been completed, and only a portion of the development approved for these Sections has been constructed (see Table 1). (The other improvements assumed in the Sections 7 & 8, and Section 9 TIA which have not been completed are to the Ironbound Road/Monticello Avenue intersection at the Williamsburg/JCC border, which may improve LOS at other locations along the corridor.) The applicant has stated that the different LOS results are due to using different factors in the Courthouse Commons TIA than those used in the 2006 Section 9 TIA, specifically, the Peak Hour Factor (per current VDOT regulations/guidance), Lost Time Per Phase (per current VDOT regulations/guidance), and Cycle Length (per current conditions).

**Table 1. Sections 7 & 8, and 9 TIA Projected 2016 VS Courthouse Commons TIA 2010 Existing Conditions**

Monticello Ave. Corridor Signalized Intersection LOS – PM Peak Hour	New Town Sections 9, and 7 & 8 TIA Results – Projected LOS in 2015 with construction of these sections*		2010 Existing Conditions as presented in Courthouse Commons TIA	
	Overall LOS	Worst-lane group(s) LOS	Overall LOS	Worst lane group(s) LOS
Ironbound Road/Monticello	C	D	C	D
Courthouse St/Monticello	C	D	C	D
New Town Ave./Monticello	C	D	C	E
Settler’s Market Blvd/Monticello	B	D	A	D
Old Ironbound/Casey Blvd & Monticello	B	D	C	D
Route 199/Monticello	C	D	D	E
WindsorMeade Way/Monticello	B	D	B	D
Monticello Marketplace/Monticello	C	E	D	E
News Road/Monticello	D	F	D	F
Ironbound Road/Strawberry Plains	n/a	n/a	C	D

\* These LOS projections include proffered New Town improvements and Ironbound/Monticello Avenue improvements, but not the West Monticello Plan improvements (discussed below).

#### *Courthouse Commons TIA Results*

The TIA submitted by the applicant indicates significantly lower LOS between existing conditions and the projected 2016 LOS. The projected LOS situation in 2016 is similar in the “No-build” and “Build” scenarios. Improvements to be completed by this project would not result in improving the levels of service. In the Build scenario, three intersections have overall LOS D, and four intersections have overall LOS E (with LOS F lane groups), which have not been found to be acceptable levels of service for this corridor in the build-out year for past traffic studies. Staff had requested that the traffic engineer provide information as to why these projected levels of service differed so markedly from past corridor traffic studies (see Table 1 above). As stated above, the applicant has attributed the different LOS results to using different factors in the Courthouse Commons TIA than had been used in the 2006 Section 9 TIA, specifically, the Peak Hour Factor (per current VDOT regulations/guidance), Lost Time Per Phase (per current VDOT regulations/guidance), and Cycle Length (per current conditions).

**Table 2. Courthouse Commons TIA Results**

Monticello Avenue Corridor Signalized Intersection LOS – PM Peak Hour	2010 Existing Conditions		Projected 2016 without Courthouse Commons (“No-build”)		Projected 2016 with Courthouse Commons (“Build”)*	
	Overall LOS	Worst-lane group(s) LOS	Overall LOS	Worst lane group(s) LOS	Overall LOS	Worst lane group(s) LOS
Ironbound Road	C	D	D	D	C	D
Courthouse St	C	D	C	D	C	D
New Town Ave.	C	E	D	F	D	E
Settler’s Market Blvd	A	D	B	D	C	D
Old Ironbound/Casey	C	D	E	F	E	F
Route 199	D	E	E	F	E	F
WindsorMeade Way	B	D	D	E	D	D
Monticello Marketplace	D	E	E	F	E	F
News Road	D	F	E	F	E	F
Ironbound Road/Strawberry Plains	C	D	D	D	D	D

\* Includes assuming completion of improvements listed in the TIA

#### *Courthouse Commons: Proposed Ways to Address Level of Service Issues*

Given the level of service results in Table 2, the applicant included two options in the Courthouse Commons traffic study. The two ideas presented are optimization of the signals along the Monticello Avenue Corridor, and construction of the West Monticello Plan improvements, which are discussed in more detail below (see Table 3).

#### **A. Signal Optimization**

Signal optimization means adjusting the cycle length (in this case 110 seconds) and phasing (left, thru, side street movements), and modification of green time (seconds allocated from the 110 total) of movements through that intersection, and adjusting the offset timing (arrival time of a platoon of vehicles) to arrive at an optimal scenario. Restricting side street turning movements would result in giving more green time to the through (Monticello Avenue) movement along the main line. The traffic study indicates that as compared to existing conditions, side street delays would be on the order of an additional 20 to 30 seconds of wait time (delay) under an optimization scenario. The traffic study optimizes each of the nine Monticello Ave. intersections, but also adjusts to maintain overall signal coordination (as they are currently). The TIA, as shown in Table 3, projects that for the most part, signal optimization results in better levels of service for the corridor; however, four out of the nine Monticello Avenue intersections would still be at an overall LOS D, with some lane groups experiencing LOS E, and there is no improvement at Ironbound Road/Strawberry Plains intersection which is not on the corridor. Signal Optimization can be achieved in the field through data collection, preparation of optimized signal timing plans, and approval by VDOT. In order to implement the revised signal timing plans, the signal timing plans would be configured at each signal cabinet located at each signalized intersection. A SUP condition has been included (#12) which is designed to allow for all parties to check/update applicable signal timing plans at two points in the development of Courthouse Commons. Staff would note, however, that VDOT has not issued any comments regarding this proposed approach (it was not included in the initial submittal of the traffic study reviewed by VDOT), and that should VDOT concur with the approach at this time, VDOT would also need to approve a specific optimization plan in the future for it to be implemented in the field. Monitoring and adjusting signal timings to optimize the function of this corridor will need to be an on-going process for which the County and VDOT will be responsible.

## B. West Monticello Plan

The LOS deficiency at News Road noted in past New Town traffic studies was planned to be addressed by various turn lane improvements termed the “West Monticello Plan,” which includes the following elements:

- For Monticello: Exclusive right turn lane westbound at WindsorMeade Way; Adjust the westbound right turn radius and remove island at Old News Road; Re-stripe for three westbound through lanes between Old News and Monticello Marketplace; Pave 10 feet of the existing 12 foot median for a 2<sup>nd</sup> westbound left turn lane at News Road.
- For Ironbound Connector (News Road south of Monticello): Add an additional northbound through lane, and for the southbound segment, realign the median and provide a dual lane right turn onto Ironbound Road (and any associated improvements that may be necessary in terms of widening along southbound Ironbound Road to accommodate the proposed second right-turn lane).
- For News Road (north of Monticello): Add a lane to provide a dual southbound left turn.

The TIA, as shown in Table 3, projects that for the most part, the Plan results in better levels of service for the corridor; however, four out of the nine Monticello Avenue intersections would still be at an overall LOS D, with select lane groups experiencing LOS E, and there is no improvement at Ironbound Road/Strawberry Plains intersection. New Town Section 9 and Sections 7 & 8 each proffered a proportionate contribution towards this Plan, based on the best available total cost estimate for these improvements known at the time, which was \$860,000. At the time of the rezoning approval for Sections 7 & 8, the County had secured what it believed to be sufficient funding to proceed with those improvements. Since the time that these percentage contributions were proffered, VDOT has reviewed the project scope and identified a project cost for this plan of \$2,425,000 versus the \$860,000 originally estimated. It appears that at best, an additional \$1,565,000 would need to be secured in order for the improvements in the Plan to be constructed, or that the improvements would need to be done incrementally over an undetermined time period as funds were available. SUP condition #13 includes completion or pro rata share cash contribution toward the Plan; however, the applicant has only indicated a willingness to provide this share based on the old estimate (\$860,000) rather than the current known VDOT estimate (\$2,425,000), which staff does not find to be acceptable. Should the contribution be based on the current known VDOT estimate, the contribution would be \$91,908.00 versus the \$32,680.00 currently offered.

**Table 3. Proposed Options for Addressing Level of Service Issues**

Monticello Avenue Corridor Signalized Intersection LOS – PM Peak Hour	Projected 2016 with Courthouse Commons ("Build")		Projected 2016 with Courthouse Commons ("Build") and <b>Signal Optimization</b>		Projected 2016 with Courthouse Commons ("Build") and <b>West Monticello Plan</b>	
	Overall LOS	Worst- lane group(s) LOS	Overall LOS	Worst lane group(s) LOS	Overall LOS	Worst lane group(s) LOS
Ironbound Road	C	D	D	D	D	D
Courthouse St	C	D	C	E	C	E
New Town Ave.	D	E	C	D	D	E
Settler's Market Blvd	C	D	C	E	C	E
Old Ironbound/Casey	E	F	D	E	D	E
Route 199	E	F	D	E	D	E
WindsorMeade Way	D	D	C	E	A	D
Monticello Marketplace	E	F	C	E	C	E
News Road	E	F	D	E	C	E
Ironbound Road/Strawberry Plains	D	D	D	E	D	E

### *Expectations for the Monticello Avenue Corridor*

As discussed briefly above, the Monticello Avenue corridor has been analyzed by all New Town sections that have been brought forward for rezoning. The County has acknowledged that Monticello Avenue is more urban in nature and is designed to incorporate pedestrian features, and has recognized that levels of service (LOS) conditions lower than what would otherwise be acceptable may occur 15 to 20 years into the future. However, the County has also consistently held the New Town sections to the proffer put in place with the first New Town rezoning, which was that the overall LOS at section build-out achieve a C or better. With New Town Sections 7, 8 and 9, the County accepted intersection LOS that had lane movements with LOS D, as long as an overall intersection LOS C was maintained for the specified intersections. For Sections 7, 8 and 9, there was one intersection (News Road/Monticello Avenue) which was outside the scope of the original New Town proffer that achieved LOS D; these Sections provided a percentage cash contribution to a group of turn lane and other improvements prepared by DRW Consultants known as the West Monticello Plan which was designed to improve the LOS of this intersection to the C or better standard.

The traffic study prepared by DRW Consultants for Courthouse Commons presents LOS projections that fall below the standards consistently expected and accepted for development at build-out on this corridor (see Table 2). Even with signal optimization or the West Monticello Plan (for which adequate project funding is no longer secured), five of the ten intersections included in this study are projected to have an overall LOS D, which is significant proportion of the intersections on this important corridor/area. Maintaining an acceptable level of service for the roads in this area is paramount, and should control the timing and intensity of adjacent development, now and in the future. Given the results presented in the applicant's traffic study, the fact that significant additional square footage has already been approved on this corridor but not yet built, and the uncertainty of whether improvements may be warranted in order to achieve acceptable levels of service in the future, staff does not recommend approving a significant traffic generator such as this project at this location at this time.

### **COMPREHENSIVE PLAN**

#### **Land Use Map**

Designation	<p>New Town Mixed Use (Page 156): For the undeveloped land in the vicinity of and including the Route 199/Monticello Avenue interchange, the principal suggested uses are a mixture of commercial, office, and limited industrial with some residential as a secondary use. The development in this area should be governed by a detailed Master Plan which provides guidelines for street, building, and open space design and construction which complements the scale, architecture, and urban pattern found in the City of Williamsburg.</p> <p>Staff Comment: Commercial/mixed-use development of some sort, contingent upon the availability and timing of adequate facilities (such as roads), is appropriate for this location. Both the Mixed Use designation description and the Character Area description (see below) emphasize consistency of development with the New Town Master Plan and Design Guidelines. Staff has discussed the submitted layout and design guidelines in relation to the original Section 10 guidelines above. The DRB approved the master plan and preliminarily approved the design guidelines at their May 20, 2010 meeting.</p>
General Development Standards	<p>a) All developments should refer to the Residential and Commercial/Industrial Development Standards along with the Mixed Use Development Standards.</p> <p>b) Mixed Use developments should create vibrant urban environments that bring compatible land uses, public amenities, and utilities together at various scales. These developments should create pedestrian-friendly, higher-density development, and a variety of uses that enable people to live, work, play, and shop in one place, which can become a destination.</p> <p>c) Mixed Use developments require nearby police and fire protection, arterial road access, access to public utilities, large sites, environmental features such as soils and topography suitable for intense development, and proximity or easy access to large population centers. The timing and intensity of commercial development at a particular site are controlled by the maintenance of an acceptable level of service for roads and other public services, the availability and capacity of public utilities, and the resulting mix of uses in a particular area. Master Plans are encouraged to assist in the consideration</p>

	<p>of Mixed Use development proposals. The consideration of development proposals in Mixed Use areas should focus on the development potential of a given area compared to the area's infrastructure and the relation of the proposal to the existing and proposed mix of land uses and their development impacts.</p> <p>d) Mixed Use developments should focus on place-making. Developments should be designed to create a sense of place and should be seen as community destinations. Focal open spaces, community oriented gathering places, unified architectural design, and a mix of uses and design that encourages pedestrian activity are all examples of creating a sense of place.</p> <p>e) Mixed Use developments should allow for higher development intensities that create more efficient buildings and spaces, which can be less of a burden on the environment, creating a more sustainable community.</p> <p>f) Mixed Use developments should encourage the proximity of diverse uses to make it possible to reduce vehicle trips and vehicle miles traveled, providing for a greater potential for internal capture than with typical suburban development.</p> <p><b>Staff Comment:</b> While all of the standards above are important and many have been discussed elsewhere in the staff report, one of the most critical standards is (c) which states that the timing and intensity of commercial development at a particular site are controlled by the maintenance of an acceptable level of service for roads and other public services.</p>
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## Environment

General	<i>Powhatan Creek Watershed Management Plan-Page 66:</i> The Board of Supervisors adopted the eight goals and 21 priorities associated with the Powhatan Creek Watershed Management Plan by resolution dated October 10, 2006.
Goals, strategies and actions	<p><i>Action 1.1.1 -Page 77:</i> Promote development and land use decisions that protect and improve the function of wetlands and the quality of water bodies.</p> <p><b>Staff Comment:</b> A portion of this site would drain to Powhatan Creek, and Special Stormwater Criteria measures would be required in this area. As discussed above, additional environmental protection will be achieved by applying SSC measures site-wide, rather than just the portion of the development in the Powhatan Creek Watershed.</p>

## Transportation

General	<p><i>Road Capacity and Level of Service – Page 178-179:</i> Among other issues weighed in previous development proposals, the County is generally supportive of projects that do not degrade surrounding streets and intersections below a LOS “C.” In practical terms, this means that the signalized intersection providing access to the development can not cause more than 35 seconds of delay and development generated traffic does not destabilize the traffic flow on the surrounding streets...New Town is an example where the Board has accepted a LOS of less than “C” <u>for lane groups</u> to allow a more urban, pedestrian-friendly environment.</p> <p><i>Monticello Avenue Plan-Page 181:</i> Currently, access is strictly limited onto this roadway. Given very limited funding, strong efforts should be taken to avoid widening Monticello Avenue to four lanes in any additional locations through coordinated development and continued access management. For the segment from Route 199 to News Road, efforts should be made to maximize capacity through geometric improvements and signal coordination. The addition of new traffic signals is discouraged.</p> <p><b>Staff Comment:</b> As discussed above, intersection levels of service presented in the traffic study are lower than the LOS C (with LOS D lane groups) standard, both for overall intersections, and for lane groups. While geometric improvements have been identified for the segment from Route 199 to News Road (the “West Monticello Plan”), these improvements are not adequately addressed in the current proposal, and there is currently a significant funding shortfall for this project that will likely result in implementation delays in the future.</p>
Goals, strategies and actions	<p><i>Action 1.3.4 – Page 188:</i> Encourage pedestrian circulation by providing safe, well-lit, and clearly marked crosswalks and unobstructed sidewalks. Encourage the use of accessible design and provision of shade benches, attractive landscaping, and scenic vistas along pedestrian routes.</p> <p><b>Staff Comment:</b> This proposal would provide sidewalks along Ironbound Road and retain the sidewalk along Monticello Avenue, as required by the Zoning Ordinance. The Design Guidelines include additional pedestrian amenities that will be provided interior to the development, such as specialized pavers and benches.</p>



## Community Character

General	<p><i>Monticello Avenue Community Character Corridor (CCC)-Page 86:</i> 50 foot average width buffer 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 corridor.</p> <p><i>New Town Community Character Area (CCA) – Page 88:</i> In 1997 the Board of Supervisors adopted design guidelines for New Town and has amended them several times as new sections have been developed. The document was prepared by Cooper, Robertson &amp; Partners, and the New Town Design Review Board was created to review all development plans within New Town for compliance with the guidelines. Both the guidelines and master plan establish standards for different areas of New Town. Many of the original design features are now taking shape, and the New Town Design Review Board has been instrumental in adhering to the design guidelines, thus ensuring that the original concept is realized.</p>
Goals, strategies and actions	<p><i>Action 1.1.1-Page 97:</i> Expect that development along Community Character Corridors protects the natural views of the area, promotes the historic, rural or unique character of the area, maintains greenbelt network, and establishes entrance corridors that enhance the experience of residents and visitors.</p> <p><i>Action 1.2.2 – Page 99:</i> Expect that development along Community Character Areas protects the natural views of the area, promotes the historic, rural or unique character of the area, maintains greenbelt network, and establishes entrance corridors that enhance the experience of residents and visitors.</p> <p><b>Staff Comment:</b> With regard to the CCC landscape buffer, the applicant has requested an average width reduction, as discussed above. Staff finds that the proposal meets the Zoning Ordinance criteria for the reduction. With regard to the CCA, staff has reviewed the design guidelines submitted by the applicant and found that they are in some ways not thematically and materially consistent with the original New Town Section 10 Design Guidelines (as discussed above), but which do provide an overall framework for the development that should ensure some consistency with the character of the New Town area. The applicant presented the proposed development to the DRB which approved the master plan and grocery store elevation, and preliminarily approved the design guidelines. The applicant has also committed to binding DRB review of future site plans and building elevations.</p>

## Economic Development

General	<p><i>Community Sustainability Spotlight - Page 27:</i> Economic sustainability requires an adaptive, resilient, diverse and vibrant economy that provides high quality jobs and stability for County residents. A diverse employment base is, for instance, one of the features which can be used to gauge the sustainability of James City County's economy.</p>
Goals, strategies and actions	<p><i>Goal – Page 28:</i> Encourage a balanced 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, fiscal health, and environmental quality.</p> <p><b>Staff Comment:</b> When asked to provide information about how the applicant believes this proposal fits in the Economic Development text and goals, strategies and actions, the applicant provided the following information:</p> <p>“The development of this property with the mix of proposed uses represents the highest and best use of the subject property and it will ensure retention of an important member of the County’s business community (i.e., Fresh Market) which would otherwise have abandoned its current location in the County for more suitable sites in adjacent jurisdictions. The development will also attract new businesses to the area and the project will generate significant construction dollars and fees to design professionals which will help in stabilizing this sector of our local economy which is still recovering from the recent economic downturn. The opening of new businesses will entail the hiring of new employees with a broad range of skill levels from retail staff to professional service providers. The location of this project in what is the center of the County’s emerging commercial/business district helps to contribute to the synergy and diversity of business needed to establish a preeminent business district with long-term viability. The project will also be a significant enhancement to the County’s real estate tax base.”</p>

### **Comprehensive Plan Staff Comments**

In terms of Land Use designation and Community Character, staff finds that this proposal is generally consistent with the Comprehensive Plan. However, staff does not find that the proposal is consistent with elements of the Transportation section, and elements of the Land Use Development Standards.

### **RECOMMENDATION**

Based upon the Comprehensive Plan Mixed Use Land Use Designation, commercial/mixed-use development is appropriate for this location, contingent upon the availability and timing of adequate facilities such as roads. Staff notes the following, based on the traffic study prepared by DRW Consultants, LLC:

- The traffic study presents 2010 Monticello Avenue intersection level of service (LOS) results that are worse even today than forecasted in previous traffic studies for this corridor (most recently, the study prepared for New Town Section 9, which assumed a build-out of Sections 7, 8, and 9 by 2015). Staff would note that these lower service levels with current conditions are without most of New Town Sections 7, 8 and 9 being constructed.
- The traffic study presents projected 2016 Monticello Avenue intersection LOS results at build-out of Courthouse Commons that are worse than had been presented in previous traffic studies.
- The traffic study presents 2016 intersection LOS projections that fall below the overall LOS C (with allowance for LOS D lane groups) standard consistently expected and accepted for New Town development at project build-out on this corridor.
- Even with signal optimization (i.e. modifications to traffic signal timing and phasing) or configuration improvements (the West Monticello Plan) explored in the applicant's traffic study, five of the ten intersections included in this study are projected to have an overall LOS D at project build-out in 2016.

The results of the traffic study indicate a picture of the corridor where intersection and arterial LOS is lower in the near-term than had previously been expected. This raises uncertainties about the timing at which intersection and arterial LOS on the corridor will fall below LOS that had been expected fifteen to twenty years in the future (Ds and even some Es) given the more urban nature of the corridor, whether levels of service below that (such as Es and Fs) would therefore occur in that time frame, and whether as a result, additional unidentified improvements would be needed. This is also coupled with the uncertainty of funding known improvements such as the West Monticello Plan (to which staff finds the applicant's current contribution unacceptable). Staff acknowledges that the LOS results are not solely due to the proposed Courthouse Commons project, but as stated in the Comprehensive Plan, maintaining an acceptable level of service for the roads should control the timing and intensity of adjacent development – and this evaluation should look at the cumulative development picture. Considering these factors, staff does not support approving an additional traffic generator at this location at this time. Given that this SUP is an “impact SUP” triggered under the ordinance by size (amount of square footage) and traffic generation, staff considers traffic impacts as the primary issue for this proposal, and therefore cannot support approval of this application at this time. Should the Commission wish to recommend approval of this application to the Board of Supervisors, staff recommends that the following conditions be attached:

**1. Master Plan:** This Special Use Permit (“SUP”) shall be valid for the construction of commercial/office uses located at 5223 and 5227 Monticello Avenue, 4023 and 4025 Ironbound Road, and 113 New Quarter Drive, also known as tax parcels 3840100003G, 3840100003E, 3840100003F, 3840100004, 3840100004B, and 3840100004A (the “Property”). The Property shall be developed generally as shown on the master plan drawn by AES Consulting Engineers entitled “Master Plan for Special Use Permit for Courthouse Commons” and date stamped 5/27/10 (the “Master Plan”). Minor changes may be permitted by the DRC, as long as they do not change the basic concept or character of the development.

**2. Community Character Corridor Buffer:** A Community Character Corridor right-of-way landscape area of no less than an average of forty feet in width shall be provided along the Monticello Avenue frontage. In addition, between the forty and fifty-foot from the right-of-way lines, any specimen trees, as defined in the Zoning Ordinance, will be identified on any landscape plans for Areas 1, 2 and 5, and shall be incorporated into the site design of the project and preserved to the maximum degree practicable, as determined by the Planning

Director. Street trees to be located along the Monticello Avenue frontage, as described in the Design Guidelines, shall be located outside of the right-of-way landscape area, and shall not be used to meet the plant quantity or size and mixture requirements in the Zoning Ordinance for right-of-way landscape areas.

3. Archaeology: A Phase I Archaeological Study for the entire Property, other than previously developed parcels 3840100004, 3840100004A, and 3840100004B, shall be submitted to the Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the Property and the clearing, grading or construction activities thereon.

4. Stormwater Pre-Treatment: All stormwater run-off shall be filtered through a Hanson Stormceptor pre-treatment device or other comparable manufactured device, provided that it has been certified by Technology Acceptance and Reciprocity Partnership ("TARP") or New Jersey Corporation for Advanced Technology ("NJCAT") prior to its entering any underground infiltration or attenuation feature.

5. Stormwater Component Phasing. Prior to construction of any impervious areas in Areas 1- 5 as shown on the Master Plan Sheet 3, all proposed and approved stormwater components designed to treat said area(s) shall be in place and operational.

6. Special Stormwater Criteria: The County's Special Stormwater Criteria Policy adopted by the Board of Supervisors on December 14, 2004 shall apply to all areas of the Property, including areas in which stormwater is directed to the Mill Creek watershed.

7. Lighting: Any new exterior site lighting (excluding building lighting, which shall be similar in type and character to that permitted or in use within the New Town development) shall be comprised of recessed fixtures with no bulb, lens, or globe extending below the fixture housing. The housing shall be opaque and shall completely enclose the light source in such a manner that all light is directed downward, and that the light source is not visible from the side of the fixture. Pole-mounted, pedestrian scaled light fixtures shall not be mounted in excess of 15 feet in height above the finished grade beneath them. Light trespass, defined as light intensity measured at 0.1 foot-candle or higher extending beyond any property line, shall be prohibited.

8. Water Conservation: The owner of the Property ("Owner") shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (the "JCSA") prior to final development plan approval. The standards shall include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought resistant native and other adopted low water use landscaping materials and warm season turf where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.

9. Waterline Loop: The existing dead-end waterline in New Quarter Drive shall be looped to the waterline in Monticello Avenue. Such waterline loop shall be shown on the development plans for, and shall be

constructed prior to issuance of a Certificate Occupancy for, buildings in Master Plan Area 1.

10. Traffic: The following transportation improvements shall be constructed/completed to VDOT standards:

- a. Widening of Old Ironbound Road northbound at Monticello Avenue to provide a northbound left turn lane and a northbound shared left/through/right turn lane.
- b. Connection of primary New Town Six driveway at Monticello Avenue/Settler's Market signalized intersection with additions/modifications to traffic signal for vehicular traffic.
- c. Addition of pedestrian signal on Monticello Avenue east of Settler's Market Boulevard to include crosswalk from curb to curb, modifications to median to provide flush pedestrian crosswalk, median pedestrian pushbutton, and modifications to curbing and/or pavement necessary for design of pedestrian facilities under VDOT design criteria.
- d. Extension of full width westbound left turn lane on Monticello Avenue at New Town Six driveway to 275 feet to provide adequate storage capacity.
- e. Connection of secondary New Town Six driveway to Old Ironbound Road at Ironbound Cul De Sac to include a 200 foot right turn taper on Old Ironbound Road northbound at New Town Six secondary driveway.
- f. Addition of stop bar and stop sign on New Quarter Road approach to Old Ironbound Road.

These improvements shall be shown on the initial plan of development for the Property and installed prior to issuance of a final certificate of occupancy for any structure on the Property.

11. Trip Generation Cap: Total trip generation from the Property shall not exceed 839 trips in the PM peak hour, and 417 trips in the AM peak hour. PM and AM peak hour information shall be submitted for each proposed use on the Property prior to preliminary site plan approval, including a calculation of the total site peak hour trips based on built or other proposed uses. Trip generation may be based on calculations used in DRW Consultants, LLC Courthouse Commons traffic study dated May 15, 2010 for the specific uses included in the traffic study. For any other types of uses proposed for this Property, trip generation shall be based on the most recent edition of the Institute of Traffic Engineers Trip Generation manuals, unless otherwise approved by the Director of Planning and VDOT.

12. Signal Optimization: The Owner of the Property shall provide to the Director of Planning and VDOT verification from a professional engineer licensed in the Commonwealth of Virginia and specializing in the area of transportation planning and traffic operations that the signal timing and signal coordination for those traffic signals along the Monticello Avenue corridor from Ironbound Road to News Road is optimized in accordance with VDOT policy and regulation. Such verification shall be provided within twelve months of issuance of a final certificate of occupancy for the commercial building in Area 1 of the Master Plan. Such verification shall be at the expense of the Owner of the Property and shall be based on the defined PM peak period (4 to 6 PM) travel time run (left and right through lanes [or left and center through lanes for three through lane sections] on westbound Monticello Avenue between Ironbound Road and News Road on a Tuesday, Wednesday or Thursday) performed/supervised by the Owner's traffic consultant or such other methods as may be requested by the Owner and approved by the Director of Planning and VDOT. If the travel time run or other methods used reflect that the signal timing and coordination is not optimized, then the Owner shall provide to the Planning Director and VDOT with a proposed signal optimization and coordination timing plan prepared in connection with this Special Use Permit. To fulfill the defined requirement, the signal timing plans must be approved and accepted by VDOT for field implementation. In addition, no sooner than twelve months after issuance of a final certificate of occupancy for 50,000 square feet on the Property, and no later than July 1, 2016, the Owner shall submit a supplemental document that reflects and evaluates corridor conditions at that time and either re-affirms or amends the signal optimization and coordination timing plan, which shall also be at the expense of the Owner of the Property. Should amendments be indicated by the evaluation, they shall be approved by the Director of Planning and VDOT, and shall be implemented along the corridor. The timing of the signal optimization plan and supplement listed above can be modified with prior approval of the Planning Commission.

### 13. West Monticello Plan Transportation Improvements:

A. The following transportation improvements shall be constructed/completed to VDOT standards:

- Monticello Avenue: Exclusive right-turn lane westbound at WindsorMeade Way; Adjust westbound right turn radius and remove island at Old News Road; Re-stripe for three westbound through lanes between Old News and Monticello Marketplace; Pave 10 feet of the existing 12 foot median for a second westbound left-turn lane at News Road.
- Ironbound Connector (News Road south of Monticello): Add an additional northbound through lane, and for the southbound segment, realign the median and provide a dual right-turn lane onto Ironbound Road (and any associated improvements that may be necessary in terms of widening along southbound Ironbound Road to accommodate the proposed second right-turn lane).
- News Road (north of Monticello): Add a lane to provide a double southbound left turn.

These improvements shall be shown on the initial plan of development for the Property and installed prior to issuance of a final certificate of occupancy for any structure on the site.

B. Alternatively, the Owner shall provide a cash contribution toward completion of the improvements listed in Section A above. Such contribution would constitute 3.79% of \$860,000, or \$32,680. Such contribution shall be provided to the County prior to the issuance of a final certificate of occupancy for any structure on the Property.

14. Natural Resources Policy: A natural resource inventory of the Property, other than previously developed parcels 3840100004, 3840100004A, and 3840100004B, of suitable habitats for S1, S2, S3, G1, G2, or G3 resources in the project area shall be submitted to the Director of Planning for his/her review and approval prior to land disturbance. If the inventory confirms that a natural heritage resource either exists or could be supported by a portion of the Property, a conservation management plan shall be submitted to and approved by the Director of Planning for the affected area. All inventories and conservation management plans shall meet the Department of Conservation and Recreation Natural Heritage Program ("DCR-DNH") standards for preparing such plans, and shall be conducted under the supervision of a qualified biologist as determined by the DCR-DNH or the United States Fish and Wildlife Service. All approved conservation management plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon, to the maximum extent possible. Upon approval by the Director of Planning, a mitigation plan may substitute for the incorporation of the conservation management plan into the plan of development for the Property.

15. Shared Maintenance of Site Improvements: Prior to final site plan approval for the initial site plan for the Property, Owner shall submit documentation demonstrating that all shared site improvements (including, but not limited to, utilities, stormwater facilities, landscaping, roads and parking lots, and lighting) are subject to appropriate shared maintenance agreements ensuring that the site improvements will be maintained continuously. Such documents shall be subject to review and approval of the County Attorney or his designee.

### 16. Design Review:

A. The Property shall be developed generally in accordance with the design guidelines (the "Design Guidelines") prepared by AES Consulting Engineers and Hopke & Associates, Inc. entitled "Design Guidelines for Courthouse Commons" date stamped 5/27/2010, subject to these Guidelines receiving final approval from the DRB (which shall occur prior to submission of the first site plan for the Property). All architectural elevations, building materials, colors, signage and other project elements shall be submitted to the Planning Director and the New Town Design Review Board ("DRB"), for the DRB's review and approval for consistency with the Design Guidelines.

B. Prior to final approval of a site plan for any development of the Property, a declaration of restrictive

covenants shall be (i) submitted to and approved by the County Attorney for consistency with this condition and (ii) recorded among the records of the office of the Clerk of the Circuit Court for the City of Williamsburg and County of James City (the "Clerk's Office") relating to design review. The declaration shall provide that all items listed in "A" above proposed for the Property shall be subject to review and approval by the New Town Design Review Board ("DRB") as comprised and described in the New Town Proffers, dated December 9, 1997, and recorded in the Clerk's Office as Instrument Number 980001284.

17. Commencement of Construction: If construction has not commenced on this project within thirty-six (36) months from the issuance of a special use permit, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.

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

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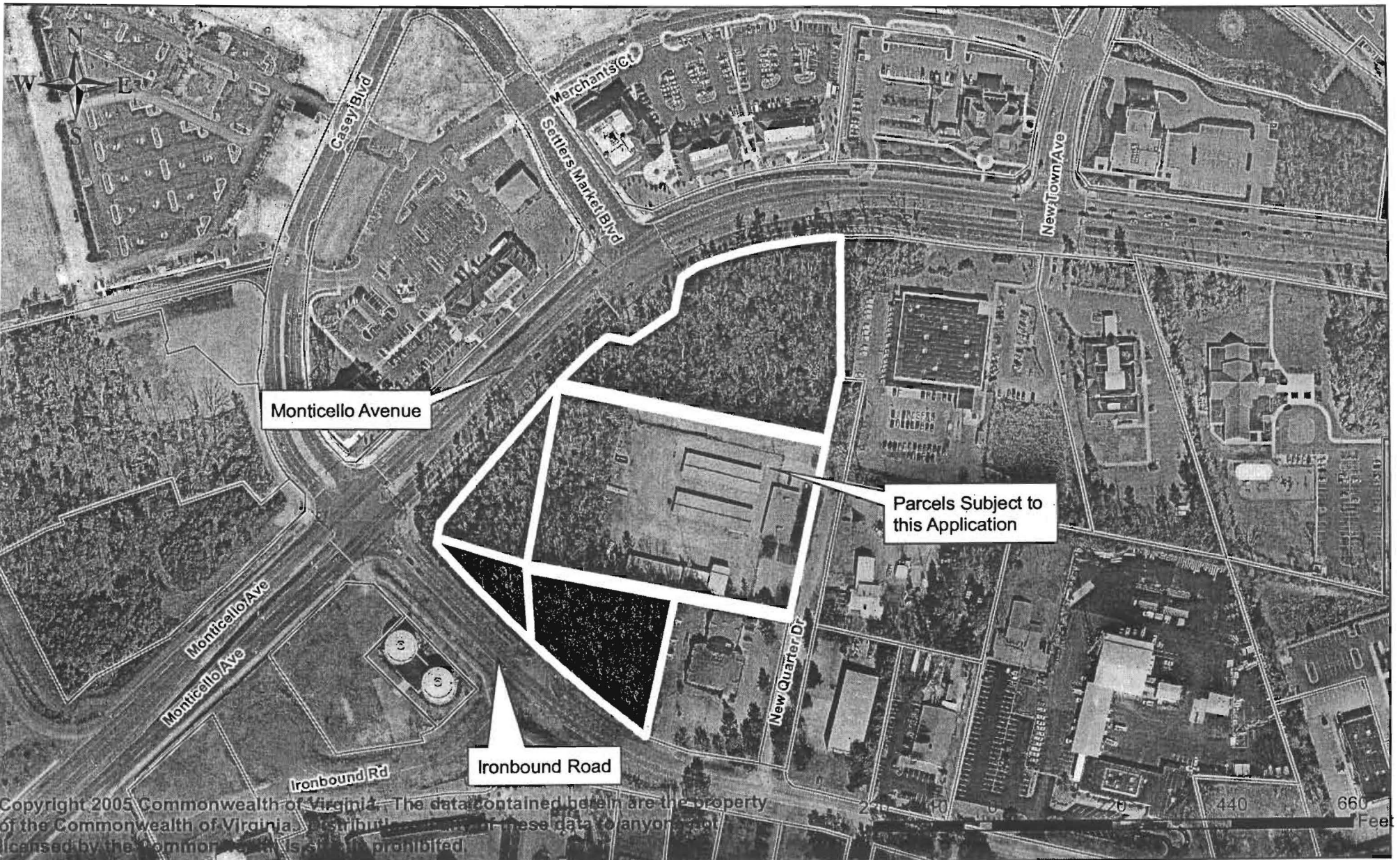
Ellen Cook

ATTACHMENTS:

1. Location Map
2. Master Plan
3. Community Impact Statement
4. Design Guidelines for Courthouse Commons document
5. Traffic Study
6. Tree Preservation Plan

# JCC-SUP-0004-2010

## Courthouse Commons



**SPECIAL USE PERMIT-0013-2010 Chickahominy Road Manufactured Home  
Staff Report for the June 2, 2010 Planning Commission Public Hearing**

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

**PUBLIC HEARINGS**

Planning Commission  
Board of Supervisors:

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

June 2, 2010 7:00 PM  
July 13, 2010 7:00 PM (tentative)

**SUMMARY FACTS**

Applicant: Sandra Kimrey, Oakwood Homes  
  
Land Owner: Martha Walker Estate  
  
Proposal: To allow the placement of a manufactured home.  
  
Location: 2818 Chickahominy Road  
  
Tax Map/Parcel: 2230100002  
  
Parcel Size: 0.57 acres  
  
Existing Zoning: R-8, Rural Residential  
  
Comprehensive Plan: Rural Lands  
  
Primary Service Area: Outside

**STAFF RECOMMENDATION**

Staff finds the proposal, with the attached conditions, meets the administrative criteria for placement of a manufactured home and consistent with the Comprehensive Plan Land Use designation. Staff recommends the Planning Commission recommend approval of the application subject to the conditions attached to the staff report.

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

  
Luke Vinciguerra, Planner



## **PROJECT DESCRIPTION**

Ms. Sandra Kimrey has applied for a Special Use Permit to allow for the placement of a manufactured home at 2818 Chickahominy Road. Manufactured homes not located within the Primary Service Area (PSA) in the R-8, Rural Residential District require a Special Use Permit (SUP). The proposal is to demolish the existing residential structure and replace it with a manufactured home. The applicant has informed staff that the current structure is leaking and is in poor condition. The proposed manufactured home would be a double-wide, roughly 60' by 28' 2010 Oxford model manufactured home (attachment 3).

## **PUBLIC IMPACTS**

### **Environmental**

**Watershed:** Yarmouth Creek

**Staff Comments:** The Environmental Division has no comments on the SUP application at this time.

### **Public Utilities and Transportation**

The property has access to public water, should the SUP be approved, the manufactured home would have the option to connect; no additional impacts should result from the proposal.

### **Regulations for manufactured homes requiring a special use permits.**

The Zoning Ordinance requires the following conditions to be met for manufactured homes with a SUP (staff comments in *italics*):

1. An application and vegetative screening plan shall be submitted to the administrator.

*The applicant has provided a plat showing the proposed location of the manufactured home and the existing tree line. As the proposed manufactured home location does not interfere with the existing tree line, staff finds the provided documentation adequate to screen the manufactured home.*

2. No manufactured homes shall be placed within 300 feet of any of the following interstate highways, principal or minor arterial streets or major collector streets: I-64, Richmond Road, John Tyler Highway, Route 30, Croaker Road, Centerville Road and Greensprings Road.

*The proposed manufactured home exceeds 300 feet from the aforementioned roads.*

## COMPREHENSIVE PLAN

### Land Use

Rural Lands Development Standards	<p>a) Uses in Rural Lands should preserve the natural, wooded, and rural character of the County. Particular attention should be given to the following:</p> <ul style="list-style-type: none"><li>i. locating structures and uses outside of sensitive areas</li><li>ii. maintaining existing topography, vegetation, trees, and tree lines to the maximum extent possible, especially along roads and between uses</li><li>iii. discouraging development on farmland, open fields and scenic roadside vistas</li><li>iv. encouraging enhanced landscaping to screen developments located in open fields using a natural appearance or one that resembles traditional hedgerows and windbreaks</li><li>v. locating new roads so that they follow existing contours and old roadway corridors whenever feasible</li><li>vi. limiting the height of structures to an elevation below the height of surrounding mature trees</li><li>vii. minimizing the number of street and driveway intersections along the main road by providing common driveways and interconnection of developments</li><li>viii. utilizing lighting only where necessary and in a manner that eliminates glare and brightness</li></ul> <p>b) Site non-agricultural/non-forestal uses in areas designated Rural Lands so that they minimize impacts or do not disturb agricultural/forestal uses, open fields, and important agricultural/forestal soils and resources.</p> <p>c) Encourage the preservation and reuse of existing agricultural structures such as barns, silos and houses.</p>
	<p><b>Staff Comment:</b> Manufactured homes are not specifically mentioned in Rural Lands; however, the use is not in conflict with any Rural Lands development standard.</p>

### Comprehensive Plan

Staff finds this application, as proposed, consistent with the Rural Lands Development Standards recommended in the Comprehensive Plan.

### Manufactured Home Placement Guidelines Policy

In 1989 the manufactured home placement guidelines were created as minimum standards for administrative review by staff (staff comments in *italics*):

Access: From a public health and safety standpoint, manufactured homes should be located on a public road which is part of the VDOT system or on a private road built to an acceptable standard. If the use is located on a private road, an absolute minimum acceptable standard should be set for an all-weather road in cases where there are less than three homes served by that private road.

*Access will be provided by an existing driveway with a previously recorded access easement.*

Landscaping/buffering: Section 20-10 of the Zoning Ordinance requires that a vegetative screening plan be submitted by the SUP applicant. Staff has a standard landscaping plan which we require with lots that are entirely open. If a lot is wooded, staff has been recommending that a minimum 20 foot strip be left undisturbed adjoining property lines. A larger strip has been recommended with larger properties.

*The surrounding vicinity and the subject property are heavily wooded by mature trees. Additionally, the proposed manufactured home will be over 500 feet away from Chickahominy Road. Given the current tree density, staff finds that the home would be well screened from the road and adjacent properties. Staff has proposed SUP condition 4 to ensure adequate screening continues to exist in the future.*

Adjacent Uses: It has been the staff practice over the past several years to recommend approval of manufactured homes in areas where manufactured homes already exist. It has not been staff practice to recommend the placement of manufactured homes in areas where there are no other manufactured homes nearby or where they are near established single family residential subdivisions. According to manufactured home placement guidelines, which have been used historically, manufactured homes should be permitted where two other existing, appropriately located manufactured homes are within 2,000 feet of property measured along all abutting rights-of-way.

*Staff has identified three manufactured homes within 1,000 feet and six within 2,000 feet of the property.*

Utilities: It has been the staff practice to require a "permit to install a septic system and well" from the Health Department with the application for an SUP or evidence from the Health Department that an existing system is acceptable. The Division of Code Compliance does not release electrical service until the system is installed and an operational permit is obtained from the Health Department.

*The property has an existing functioning septic system and a positive recommendation from the Health Department. The property is attached to public water.*

Topography and Soils: Adequate soils and topography should be available for locating a manufactured home on a given site.

*The topography and soils do not appear problematic for the placement of a manufactured home.*

### **RECOMMENDATION**

Staff finds the proposal, with the attached conditions, meets the administrative criteria for placement of a manufactured home and consistent with the Comprehensive Plan Land Use designation. Staff recommends the Planning Commission recommend approval of the application subject to the conditions listed below:

1. This permit shall be valid for the 2010 Oxford Model double-wide unit ("Double-wide") applied for or newer/similar unit as determined by the Planning Director.
2. A certificate of occupancy must be obtained for the Double-wide within 24 months from the date of approval of this SUP or the permit shall become void.
3. The Double-wide shall be placed on a permanent concrete foundation and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.
4. The Double-wide shall be placed so as to comply with all current setback and yard requirements in the R-8, Rural Residential Zoning District.
5. The existing residential dwelling shall be demolished before the issuance of a final Certificate of Occupancy for the Double-wide.
6. To ensure adequate screening, no existing trees shall be removed within 20 feet of the property

7. A single (1) connection is permitted to the adjacent watermain on Chickahominy Road with no larger than a 3/4" water meter. Any lots created by a subdivision of the parent parcel will not be permitted to connect unless the Primary Service Area is extended to incorporate the parent parcel.

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

**ATTACHMENTS:**

1. Plat
2. Areal and location map
3. Example Oxford model home

## MEMORANDUM

DATE: June 2, 2010  
TO: The James City County Planning Commission  
FROM: Melissa C. Brown, Zoning Administrator  
SUBJECT: Case No. ZO-01-10. Amendments to Chapter 24, Zoning, Article II, Special Regulations, Division 3, Exterior Signs Way-Finding Signage

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### **Proposal:**

Upon receiving a request by Town Management representing the commercial owners association for New Town, and after suitable corresponding research, staff is proposing to amend Article II, Special Regulations, Division 3, Exterior Signs of the Zoning Ordinance. The proposed changes are as outlined in the attached draft ordinance.

### **Background and Analysis:**

The development community working in the New Town Mixed Use District has requested several changes to the current provisions of Chapter 24, Zoning, Article II, Special Regulations, Division 3, Exterior Signs. Cited was the special nature of New Town (and possible future similar developments), and the unique opportunities and challenges that this type of development fosters.

The intention in New Town is to create a pedestrian-oriented development, with higher residential densities and a broader spectrum of mixed commercial land uses than one would normally expect to see in a traditional downtown. The Planning Division recognized the need to amend the current sign ordinance to allow for types of signage that would support this development, and future, similar Mixed-Use developments like New Town. Currently, permitted signs are geared toward helping motorists locate a business rather than pedestrians. In contrast, pedestrians looking for a business in urban areas have different needs due to more limited sight distances and the location of buildings behind street trees. To facilitate the development of a suitable amendment to the current Ordinance, the Planning staff worked with the senior Development Management staff, the planning departments of other localities, the New Town Design Review Board, and the James City County Attorney's Office. Site visits were conducted

and documented to provide examples of appropriate signage for pedestrian-oriented Mixed-Use development.

The amendment that was formulated consists of several parts (that are shown in their entirety in the attached draft document). The net effects of these various changes are as follows:

- Blade signs currently permitted in Mixed-Use districts will no longer count against the total allowable building face signage for a particular unit. Instead, each unit is permitted one 12 square foot blade sign and additional signage in accordance with current building face sign limits of 1 square foot of signage per linear foot of store frontage up to 60 square feet;
- Pedestrian-scale directional sign area would be increased from 16 square feet to 24 square feet to better accommodate maps and way-finding information on the sign board;
- Sandwich board signs displaying daily specials will now be permitted in Mixed Use districts and other areas that are included in binding area studies with design guidelines approved by the Board of Supervisors. There are limitations on the size and locations of such signs and all sign material must be removed each day at close of business.
- An exception clause is proposed to provide one additional building face sign per unit when the applicant can prove that due to location, topography, separation of grade or the location of driveways in relation to the location of businesses and traffic flow patterns, a hardship is imposed on the business. Such businesses must be located within a Mixed-Use district.

**Recommendation:**

The goal of this proposed amendment is to create an ordinance that permits pedestrian-scale signage that acts as an enhancement to the current sign ordinance by creating a system of way-finding signs that promotes the flow of visitor traffic from adjacent streets into the development and to their final destination. Planning staff believes that the changes to the Zoning Ordinance contained in this proposed amendment will help to facilitate and enhance the types of development being sought in New Town and in similar projects within James City County.

The Policy Committee recommended at its May 12, 2010 meeting to forward the proposed amendment to the full Commission for consideration. In addition, on May 20, 2010 the Newtown Design Review Board reviewed the proposal and granted support as written. The DRB stated that they would draft additional guidelines for approval location and style of such signs as sandwich boards and directional signs. Staff

recommends that the Planning Commission recommend approval for the attached Zoning Ordinance amendment to the Board of Supervisors.

Attachment:

1. Draft Ordinance

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 3, EXTERIOR SIGNS; SECTION 24-73, SPECIAL REGULATIONS FOR CERTAIN SIGNS; AND SECTION 24-77, EXCEPTIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, Article II, Special Regulations, Division 3, Exterior Signs, is hereby amended and reordained by amending Section 24-73, Special regulations for certain signs; and Section 24-77, Exceptions.

Chapter 24. Zoning

Article II. Special Regulations

Division 3. Exterior Signs

Section 24-73. Special regulations for certain signs.

(j) Blade signs in mixed-use districts. Blade signs are permitted in mixed-use districts, as long as the project is regulated by a design review board, governed by specific architectural and design standards, and guided by an approved master plan of development, all of which shall be approved by the board of supervisors. Blade signs must adhere to the following limitations and requirements:

- (1) There shall be no more than one sign per public entrance to any given building;
- (2) The sign(s) shall be positioned at the public entrance(s) of the building;
- (3) An individual blade sign shall be no more than 12 square feet in area;



- ~~(4) The total square footage of all blade signs and all building face signs shall not exceed one square foot of signage per linear foot of store frontage, with a maximum of 60 square feet. Only one side of a double faced blade sign shall be included in a computation of sign area;~~
- (5) The sign shall be mounted such that the bottom edge of the sign is not less than eight feet from the finished grade directly underneath it;
- (6) Blade signs shall be unlit, or externally illuminated in such a way that bulbs, lenses, and globes shall not be visible from the right-of-way, and light shall not be directed in such a way as to cause glare for passing motorists or pedestrians;
- (7) Blade signs that extend over a public right-of-way are subject to the prior approval of the controlling public entity. If approved, the developer shall provide positive proof of insurance for each sign mounted over the public right-of-way, or an alternate liability instrument deemed suitable by the controlling public entity;
- (8) All blade signs shall obtain the prior approval of the design review board for the mixed-use project before they are installed.

(k) Pedestrian-scale directional signs in mixed-use districts. Small, free-standing signs designed to direct pedestrian traffic to locations of interest within the development may be placed in mixed-use districts, as long as the project is regulated by a design review board, governed by specific architectural and design standards, and guided by an approved master plan of development, all of which shall be approved by the board of supervisors. Pedestrian-scale directional signs must adhere to the following limitations and requirements:

- (1) Such individual signs shall be no more than ~~16-~~ 24 square feet in total area, and may not have more than two faces. Only one side of a double-faced sign shall be included in a computation of sign area;

*(n) Sandwich board signs – Sandwich board signs may be permitted in areas designated for commercial use located in mixed – use districts, as long as the project is regulated by a Design Review Board, governed by specific architectural and design standards, and guided by an approved Master Plan of development, all of which shall be approved by the Board of Supervisors. Alternatively, such signs may be located in other areas where there exists approved design guidelines adopted by the Board of Supervisors when such signs comply with said guidelines.*

*Sandwich board signs must comply with the following requirements:*

- 1. One sandwich board sign displaying menu items or daily specials on the premises shall be permitted at each public entrance of a business location.*
- 2. Such sign(s) shall not exceed ten (10) square feet in area and five (5) feet in height,*
- 3. Sign(s) shall be located on premises or no more than ten feet from the seating area or access door and shall not block the flow of pedestrian traffic. Any such sign shall be removed at close of business each day.*

#### **Sec. 24-77. Exceptions.**

(a) Upon application, the administrator or his designee may grant an on-premises sign limitation waiver which may allow:

*(6) One additional building face sign not to exceed the building unit's front façade or sixty square feet, whichever is smaller, when the unit is located in a Mixed-Use district and an area designated for commercial uses on the binding master plan as long as the project is regulated by a Design Review Board, governed by specific architectural and design standards, and guided by an approved binding Master Plan of development, all of which shall be approved by the Board of Supervisors. The size and scale of the sign and proportion of lettering, characters, and figures shall complement the design, scale, size,*

*and materials of the building as well as the distance of the building from adjacent public right-of-ways. The scale of the sign in proportion to the building should be balanced so that the sign is not the dominant visual feature of the structure.*

(b) Such on-premises sign limitation waivers shall only be granted in unusual circumstances where it can be demonstrated to the administrator or his designee that:

- (1) Unusual topography, vegetation, distance of the business or parcel from the road right-of-way, distance between driveways, separation of grade or the location of the driveway in relation to the location of the business and traffic patterns would impose a substantial hardship upon the business by making the advertising signs unreadable from vehicles on the adjoining roadway; or
- (2) The waiver would allow the business to post signs that are consistent with the majority of other businesses located on the same parcel; or
- (3) In addition to the provisions for granting sign limitation waivers under (b)(1) and (2) of this subsection, if the facade of the building is so designed that a building face sign cannot be placed upon it, and a roof sign would be the only reasonable and practical solution consistent with good design, a sign consistent with subsection (a)(4) above shall be permitted, provided that the sign is not within 200 feet of residentially zoned property; and
- (4) That in subsections (b)(1), (2), and (3) above such waiver is consistent with traffic safety and all other provisions of this article.

## MEMORANDUM

DATE: June 2, 2010

TO: The James City County Planning Commission

FROM: Christopher Johnson, Principal Planner

RE: Case Nos. ZO-0002-2010 and SO-0001-2010. Amendments to Chapter 24, Zoning, Article III, Site Plan, Sections 24-142 through 24-160 and Chapter 19, Subdivisions, Article II, Procedures and Documents to be Filed, Sections 19-19 through 19-31 - Review Criteria and Procedures for Administrative and Commission Review of Conceptual Plans, Site Plans and Subdivisions

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### **Background:**

In February 2006, the James City County Economic Development Authority recommended that the Board of Supervisors appoint an interdisciplinary Business Climate Task Force (BCTF) to help identify how the County could be a more value-added partner to the business and industrial community, identify potential business partners and assess the needs of those potential partners. The BCTF Report was presented to the Board of Supervisors in January 2008. The report identified qualities, characteristics, and categories of businesses preferred in James City County and proposed policies, programs and ordinance changes that will attract, retain, and expand those businesses.

The report included the following recommendations for development plan review process improvements:

1. *“Amend site plan ordinance and site plan review to make the process more predictable. Use internal and external historical review data to set adequate review time for full comments, extending the timeline, if needed.”*
2. *“Change ordinance to reduce the number and types of projects that require Development Review Committee and Planning Commission consideration.”*
3. *“Promote site plan pre-application and Development Roundtable meetings to include outside agencies.”*

Following Board acceptance of the BCTF report, County Administration charged Development Management staff with organizing a committee to review the County’s development plan review process identify issues at every level of the process and make recommendations to fulfill the BCTF action items. The Subdivision/Site Plan Review Improvement Team (SSPRIT) was comprised of members from all aspects of the development community as well as County staff from several plan reviewing departments. The team established the following goals for their work:

- *Increase predictability within the plan review process*
- *Establish consistency for all applicants*
- *Improve two-way communication between applicants and staff*
- *Reduce the number of plan submittals and achieve better quality plans*
- *Empower staff to make decisions independent of management, the DRC or Planning Commission*

After much discussion and research, the following recommendations were developed to improve the development plan review process for all involved parties and to fulfill the recommendations of the Business Climate Task Force.

1. Development Guide

*Design and publish a comprehensive “Development Guide” with an overview, step-by-step process and submittal requirements for all development services.*

2. Development Checklists

*Have all plan review agencies review, revise and publish up-to-date checklists to ensure development plans address ordinance requirements and help reduce overlapping requirements.*

3. Response Letter Guide

*Design a “Response Letter” template/guide to improve communication between agencies and applicants throughout the submittal process, ensure all comments are addressed and promote fewer re-submittals.*

4. Roundtable Process Improvements

*Develop and implement guidelines promoting the Roundtable meetings associated with complex subdivision and site plans. The guidelines would encourage two-way communication during all stages of development plan review.*

5. Plan Review Timelines

*Standardize agency review times to provide predictability for all applicants.*

6. DRC Modifications

*Examine, research and process potential Zoning Ordinance modifications to clarify responsibilities of the Development Review Committee and development plan review triggers.*

7. Enhanced Conceptual Plan Process

*Implement an optional “Enhanced Conceptual Plan” process to allow the development community to obtain input from PC members at DRC meetings in the early stages of the project design process.*

Recommendation Nos. 1-4 can be implemented administratively and staff has already begun work on these three tasks. Recommendations Nos. 5-7 require amendments to the zoning and subdivision ordinances and approval by the Board of Supervisors.

**Analysis:**

Recommendation No. 5

The Team examined review times crucial to provide predictability and consistency of all plans. Currently, Section 24-150, Procedures for administrative review of site plans, states, “the planning division shall transmit county staff comments to the applicant within 30 days of submittal of plans meeting all applicable submittal criteria.” The Team discussed various cases and situations that prevented review agencies from meeting the 30-day deadline. After agency input and research, the Team recommends the following change:

Comment Response Deadlines

First Submittal	45 days
Second Submittal	30 days
Third and Subsequent Submittal(s)	21 days (if needed)

The recommended changes will allow agencies additional time to complete the initial plan review thoroughly and reduce oversights that cause additional comments during the second or third submittal stage. This will result in improved predictability for the development community.

Recommendation No. 6

The Team discussed and researched DRC plan review triggers in detail and found evidence to recommend the following changes:

- Adding a consent item section to the DRC meeting agenda. This will allow an opportunity for quick and efficient consideration of minor and non-controversial items such as parking exceptions, minor master plan amendments and cul-de-sac exceptions.
- Encourage attorneys and applicants to write proffers that do not send plans to the DRC as the primary means of measuring compliance with adopted master plans.
- Amend the Zoning Ordinance to modify current triggers that require plans be reviewed and approved by the DRC and that may lengthen plan review process for projects.

- Eliminate “multi-family development of 50 or more units.” In most cases, developments of this nature are part of an approved and binding master plan that has already gone through legislative approval process.
- Eliminate “two entrances on the same road. This type of item should be a planning staff / VDOT review issue.
- Increase “building or groups of buildings over 30,000 square feet” to buildings over 50,000 square feet.
- Eliminate all industrial and office buildings in an approved and binding master planned industrial or office park.

#### Recommendation No. 7

Enhanced Conceptual Review will improve the review process for both the development community as well as James City County citizens through the extension of the DRC. The applicant submitting Enhanced Conceptual Review plans will receive input earlier in the review process that will potentially reduce the number of re-submittals and costly changes in engineered plans, and the DRC will be further enabled to engage in shaping the substantive design and layout components of the development plan early in the process.

A progression in the review process which includes DRC review of an enhanced conceptual plan and moves to more detailed, engineering-related plans for staff review will benefit applicants by creating greater efficiency and aide in the predictability of the process. By creating a two-phased approach to plan reviews, the role of the DRC in guiding development plans will become more strategic as their input is received at a time when the plan is more adaptable. By voluntarily submitting to Enhanced Conceptual Review, once DRC approval is granted, applicants can more comfortably commit to the costly task of generating fully engineered plans for further staff review. The Enhanced Conceptual Review will benefit the citizens of James City County by creating plans that are guided by applicable ordinances and sound planning principles and at the same time improving the review process for the business community. However, should an applicant choose not to utilize this process, the existing ordinance requirements and policies would be followed. Enhanced conceptual plans would be granted preliminary approval subject to conditions recommended by the DRC and administrative review and approval of subsequently submitted engineered site plans and subdivisions.

#### **Staff Recommendation:**

Staff recommends that the Planning Commission recommend approval of the attached ordinance amendments to the Board of Supervisors.

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Christopher Johnson

Attachment:

1. Draft Ordinances

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, PROCEDURES AND DOCUMENTS TO BE FILED, SECTION 19-22 PROCEDURE FOR REVIEW OF MINOR SUBDIVISIONS, TOWNHOUSE OR CONDOMINIUM SUBDIVISIONS; AND SECTION 19-23, PROCEDURE FOR PRELIMINARY PLAN REVIEW FOR MAJOR SUBDIVISIONS; AND CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, SITE PLAN, SECTION 24-147, CRITERIA FOR REVIEW; AND 24-148, PROCEDURE FOR COMMISSION REVIEW OF SITE PLANS; AND 24-150, PROCEDURES FOR ADMINISTRATIVE REVIEW OF SITE PLANS; AND 24-153, SUBMITTAL OF REVISED SITE PLAN GENERALLY.

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 Article II, Procedures and Documents to be Filed, Section 19-22, Procedure for review of minor subdivisions, townhouse or condominium subdivisions; Section 19-23, Procedure for preliminary plan review for major subdivisions; and Article III, Site Plan, 24-147, Criteria for review; 24-148, Procedure for commission review of site plans; 24-150, Procedures for administrative review of site plans; and 24-153 Submittal of revised site plan generally.

Chapter 19. Subdivisions

Article II. Procedures and Documents to be Filed

**Sec. 19-22. Procedure for review of minor subdivisions, townhouse or condominium subdivisions.**

(a) The subdivider shall submit to the agent one reproducible copy plus eight prints of a final plan for a minor, townhouse or condominium subdivision. If a preliminary plan is submitted, the number of copies of the preliminary plans required shall be determined by the agent. Upon submittal, the subdivider shall pay the appropriate subdivision plan review fee.

(b) Upon meeting all submittal requirements, the plan shall be reviewed by the agent and other agencies of the county and state as deemed necessary by the agent. The agent shall transmit county staff



review comments to the subdivider within ~~30~~ 45 days. *Eight copies of a revised plan shall be submitted to the agent who shall within 30 days review the second submittal of plans for compliance with applicable county regulations, the requirements for final approval and any conditions of the preliminary approval. The agent shall review each subsequent submittal of revised plans within 21 days.* The agent shall within 90 days approve or deny the subdivision plan and notify the subdivider of the action in writing. If a final plan is approved, such approval shall be in accordance with section 19-30. The agent shall certify such approval by signing the record plat. If a preliminary plan is approved, the agent shall include in the notification of preliminary approval all conditions required for final approval. If disapproved, the agent shall state in the notification to the subdivider the specific reasons for denial. The reasons for denial shall identify deficiencies in the plan which cause the disapproval by reference to specific duly adopted ordinances, regulations or policies, and shall generally identify such modifications or corrections as will permit approval of the plan.

**Sec. 19-23. Procedure for preliminary plan review for major subdivisions.**

(a) The subdivider shall submit to the agent twelve copies of the preliminary subdivision plan for a major subdivision and pay the appropriate subdivision plan review fee.

(b) Upon meeting all submittal requirements, the plan shall be reviewed by the agent and other agencies of the county and state as deemed necessary by the agent. The agent shall prepare a composite report on the proposed subdivision to determine if it meets the requirements of this chapter and the zoning ordinance. The report shall include review requirements by other agencies. The preliminary plan and the agent's composite report shall be reviewed by the development review committee when it meets to make its recommendation to the commission. *In order for subdivision plans to be considered by the DRC at one of its regularly scheduled monthly meetings, such plans shall be received by the planning division at least five weeks in advance of the respective DRC meeting.*

(c) The commission shall consider the plan and either grant preliminary approval or disapprove it within 90 days of submittal. The plan may be granted preliminary approval with conditions. The agent shall notify the applicant of the commission's findings in writing within seven days of the commission meeting. Such notice shall state any actions, changes, conditions or additional information that shall be required to secure final approval of the subdivision. If disapproved, the notice shall state the specific reasons for disapproval. The reasons for denial shall identify deficiencies in the plan which cause the disapproval by reference to specific duly adopted ordinances, regulations or policies, and shall generally identify such modifications or corrections as will permit approval of the plan.

(d) *The subdivider may, at their discretion, submit an enhanced conceptual plan for review by the agent, other agencies of the county and state deemed necessary by the agent and the DRC in advance of preparation of fully engineered plans. The agent shall prepare a composite report on the proposed subdivision to determine its consistency with the requirements of this chapter and the zoning ordinance. The report shall include review requirements by other agencies. The enhanced conceptual plan and the agent's composite report shall be reviewed by the DRC when it meets to make its recommendation to the commission. The commission shall consider the recommendation of the DRC and either grant preliminary approval, defer or disapprove the plan. The plan may be granted preliminary approval with conditions. The agent shall notify the subdivider of the commission's findings within seven working days of the commission meeting. Such notice shall state any actions, changes, conditions or additional*

information that shall be required to secure final approval of the subdivision. If disapproved, the notice shall state the specific reasons for disapproval. The reasons for denial shall identify deficiencies in the plan which cause the disapproval by reference to specific duly adopted ordinances, regulations or policies, and shall generally identify such modifications or corrections as will permit approval of the plan. Plans granted preliminary approval by the commission at the conceptual stage can move forward into full design for further review administratively by the agent. In order for enhanced conceptual plans to be considered by the DRC at one of its regularly scheduled monthly meetings, such plans shall be received by the planning division at least five weeks in advance of the respective DRC meeting.

(e) The enhanced conceptual plan shall at a minimum contain:

- (1) Project title, title block, legends, north arrows and plan scale labeled
- (2) Vicinity and location maps and site address
- (3) Site owner and developer information
- (4) County tax parcel number, site boundary and parcel size information
- (5) Setbacks (Building, Landscape) and Buffers (RPA, Community Character)
- (6) Adjacent property information
- (7) Existing site features such as property lines, roads, buildings, roads, driveways, and utilities
- (8) Existing topography using County base mapping (5 foot contours) or other mapping sources or surveys. Spot Elevations shall be shown at topographical low or high points
- (9) Existing and proposed rights-of-ways and easements
- (10) Layout of proposed improvements showing design placement, circulation, parking spaces, handicapped parking spaces, loading spaces, parking islands, recreation areas, and streetlights
- (11) Landscape plan identifying general location of plantings and buffer/perimeter screening plantings
- (12) Narrative indicating the purpose of the project and compliance with any proffer and master plan requirements
- (13) Location and size of existing water mains and proposed connection point(s)
- (14) Proposed location of water meters, waterlines, and fire hydrants
- (15) Proposed building usage and number of floors
- (16) Preliminary water demands based on proposed use and required fire flow
- (17) Fire Flow test performed to determine adequate capacity
- (18) Location or all existing or proposed private wells
- (19) Location and size of existing sanitary sewer lines and manholes and proposed connection point(s)
- (20) Proposed sanitary sewer, pump or lift stations, and grinder pump(s)
- (21) Verification of sewer flow acceptance
- (22) Location of primary and secondary onsite disposal system
- (23) Narrative description of project, including usage and size to determine appropriate ITE code(s) and compliance with Chapter 527 Traffic Impact Analysis Regulations and Access Management Regulations
- (24) Proposed entrance location(s) and distance to nearest existing intersections, crossovers, and/or adjacent intersections
- (25) Proposed build out year and phasing information

- (26) *Typical road sections including street widths, curb type, shoulders, sidewalks, bike lanes, planting strips, right-of-way lines, proposed utility locations, centerline curve data*
- (27) *Traffic Impact Study for projects that propose 100 or more lots, uses that generate in excess of 100 peak hour trips*
- (28) *Proposed design features or elements for which waivers will be sought*
- (29) *Project site area, disturbed area, impervious cover and percent impervious estimates*
- (30) *Applicable FEMA FIRM panel information and zone designations*
- (31) *County watershed, subwatershed and catchment*
- (32) *Identify if the site is subject to the County's Special Stormwater Criteria (SSC*
- (33) *Overall soils map for the site along with general soil descriptions for each soil mapping unit present on the site, including preliminary locations of highly erodible, hydric, permeable and Hydrologic Soil Group A and B soils*
- (34) *Full Environmental Inventory consistent with Section 23-10(2) of the County's Chesapeake Bay Preservation ordinance containing a perennial stream assessment, delineated wetlands confirmed by applicable federal and/or state agencies, limits of work, a table listing all inventory components, whether they are present on the site and quantified impacts, and offsite work areas, if proposed*
- (35) *Demonstration that the project complies with Section 23-9(b)(1), (2) and (3) of the County's Chesapeake Bay Preservation ordinance to limit land disturbing, preserve existing vegetation and minimize impervious cover consistent with the proposed land use or permitted development*
- (36) *Locations of existing and proposed stormwater management/BMP facilities, with County BMP ID Code numbers and labels to show intended BMP type in accordance with designations in the County BMP manual*
- (37) *Identify location of areas intended to be dedicated in conservation easement for natural open space, BMP worksheet or stormwater compliance purposes*
- (38) *Demonstration that the project complies with the County's 10-point system for water quality and stream channel protection, and Minimum Standard #19 of the Virginia Erosion and Sediment Control regulations by provision of a worksheet for BMP Point System*
- (39) *Demonstration that storm drainage systems and BMP outfalls must outlet into adequate, defined natural or man-made receiving channels*
- (40) *Identify preliminary location of primary proposed stormwater drainage system conveyances such as inlets, storm drainage piping, culverts and stormwater conveyance channels for primary systems*
- (41) *List of all known federal, state and local permits that are required for the project as well as any exceptions, variances or waivers that must be obtained or pursued*

Chapter 24. Zoning

Article III. Site Plan

**Sec. 24-147. Criteria for review.**

(a) Upon application and review, the development review committee (DRC) and the commission, or the commission's designee(s), shall consider site plans if any of the following conditions are present:

(1) The site plan proposes:

- a. a single building or group of buildings which contain a total floor area that exceeds ~~30,000~~ 50,000 square feet *not located within an industrial or office park subject to a binding master plan* ~~or a multifamily unit development of 50 or more units, whichever is less;~~ or
- b. ~~two entrances on the same road;~~ or
- c. a fast food restaurant; or
- d. a shopping center; or

(2) There are unresolved problems between the applicant, adjacent property owners or any departmental reviewing agency.

(b) Site plans which meet any of the conditions listed above shall generally be reviewed by the DRC and the commission in accordance with section 24-148. However, the commission's designee may consider and review, pursuant to section 24-149, any site plan which the development manager determines, creates or significantly expands a use which contributes to the achievement of the economic development goals of the Comprehensive Plan.

(c) If site plans do not qualify for review by the commission or its designees under this section, they may be considered and reviewed administratively by the zoning administrator.

**Sec. 24-148. Procedure for commission review of site plans.**

(a) The applicant shall submit to the planning director, or his designee, ten copies of the site plan and pay the appropriate application fee. Site plans shall first be reviewed by the DRC who shall forward a recommendation to the commission. In order for site plans to be considered by the DRC at one of its regularly scheduled monthly meetings, such site plans shall be received by the planning division at least five weeks in advance of the respective DRC meeting.

(b) Upon meeting all submittal requirements, the site plan shall be reviewed by the planning division and other agencies of the county, state and/or federal governments as deemed necessary by the planning director. The planning division shall prepare a composite report on the proposed site plan which shall include review requirements by other agencies. The DRC shall consider the composite report and the site plan and make a recommendation to the commission.

(c) The commission shall consider the recommendation of the DRC and either grant preliminary approval, defer or disapprove the site plan. The site plan may be granted preliminary approval with conditions that must be satisfied prior to final approval by the zoning administrator. The planning division shall notify the applicant of the commission's findings within ten working days of the commission meeting. Such notice shall state any actions, changes, conditions or additional information that shall be required to secure preliminary or final approval. If disapproved, the notice shall state the specific reasons for disapproval.

*(d) The applicant may, at their discretion, submit an enhanced conceptual plan for review by the planning division, other agencies of the county, state and/or federal government as deemed necessary by the planning director and the DRC in advance of preparation of fully engineered plans. The planning division shall prepare a composite report on the proposed plans which shall include review requirements by other agencies and determine consistency with all applicable zoning ordinance requirements, policies and regulations. The enhanced conceptual plan and the planning division's composite report shall be reviewed by the DRC when it meets to make its recommendation to the commission. The commission shall consider the recommendation of the DRC and either grant preliminary approval, defer or disapprove the plan. The plan may be granted preliminary approval with conditions that must be satisfied prior to final approval by the zoning administrator. The planning division shall notify the applicant of the commission's findings within ten working days of the commission meeting. Such notice shall state any actions, changes, conditions or additional information that shall be required to secure preliminary or final approval. If disapproved, such notice shall state the specific reasons for disapproval. Plans granted preliminary approval by the commission at the conceptual stage can move forward into full design for further review administratively by the planning division. In order for enhanced conceptual plans to be considered by the DRC at one of its regularly scheduled monthly meetings, such plans shall be received by the planning division at least five weeks in advance of the respective DRC meeting.*

*(e) The enhanced conceptual plan shall at a minimum contain:*

- (1) Project title, title block, legends, north arrows and plan scale labeled*
- (2) Vicinity and location maps and site address*
- (3) Site owner and developer information*
- (4) County tax parcel number, site boundary and parcel size information*
- (5) Setbacks (Building, Landscape) and Buffers (RPA, Community Character)*
- (6) Adjacent property information*
- (7) Existing site features such as property lines, roads, buildings, roads, driveways, and utilities*
- (8) Existing topography using County base mapping (5 foot contours) or other mapping sources or surveys. Spot Elevations shall be shown at topographical low or high points*
- (9) Existing and proposed rights-of-ways and easements*
- (10) Layout of proposed improvements showing design placement, circulation, parking spaces, handicapped parking spaces, loading spaces, parking islands, recreation areas, and streetlights*
- (11) Landscape plan identifying general location of plantings and buffer/perimeter screening plantings*
- (12) Narrative indicating the purpose of the project and compliance with any proffer and*

*master plan requirements*

- (13) *Location and size of existing water mains and proposed connection point(s)*
- (14) *Proposed location of water meters, waterlines, and fire hydrants*
- (15) *Proposed building usage and number of floors*
- (16) *Preliminary water demands based on proposed use and required fire flow*
- (17) *Fire Flow test performed to determine adequate capacity*
- (18) *Location of all existing or proposed private wells*
- (19) *Location and size of existing sanitary sewer lines and manholes and proposed connection point(s)*
- (20) *Proposed sanitary sewer, pump or lift stations, and grinder pump(s)*
- (21) *Verification of sewer flow acceptance*
- (22) *Location of primary and secondary onsite disposal system*
- (23) *Narrative description of project, including usage and size to determine appropriate ITE code(s) and compliance with Chapter 527 Traffic Impact Analysis Regulations and Access Management Regulations*
- (24) *Proposed entrance location(s) and distance to nearest existing intersections, crossovers, and/or adjacent intersections*
- (25) *Proposed build out year and phasing information*
- (26) *Typical road sections including street widths, curb type, shoulders, sidewalks, bike lanes, planting strips, right-of-way lines, proposed utility locations, centerline curve data*
- (27) *Traffic Impact Study for projects that propose 100 or more lots, uses that generate in excess of 100 peak hour trips*
- (28) *Proposed design features or elements for which waivers will be sought*
- (29) *Project site area, disturbed area, impervious cover and percent impervious estimates*
- (30) *Applicable FEMA FIRM panel information and zone designations*
- (31) *County watershed, subwatershed and catchment*
- (32) *Identify if the site is subject to the County's Special Stormwater Criteria (SSC)*
- (33) *Overall soils map for the site along with general soil descriptions for each soil mapping unit present on the site, including preliminary locations of highly erodible, hydric, permeable and Hydrologic Soil Group A and B soils*
- (34) *Full Environmental Inventory consistent with Section 23-10(2) of the County's Chesapeake Bay Preservation ordinance containing a perennial stream assessment, delineated wetlands confirmed by applicable federal and/or state agencies, limits of work, a table listing all inventory components, whether they are present on the site and quantified impacts, and offsite work areas, if proposed*
- (35) *Demonstration that the project complies with Section 23-9(b)(1), (2) and (3) of the County's Chesapeake Bay Preservation ordinance to limit land disturbing, preserve existing vegetation and minimize impervious cover consistent with the proposed land use or permitted development*
- (36) *Locations of existing and proposed stormwater management/BMP facilities, with County BMP ID Code numbers and labels to show intended BMP type in accordance with designations in the County BMP manual*
- (37) *Identify location of areas intended to be dedicated in conservation easement for natural open space, BMP worksheet or stormwater compliance purposes*
- (38) *Demonstration that the project complies with the County's 10-point system for water quality and stream channel protection, and Minimum Standard #19 of the Virginia*

*Erosion and Sediment Control regulations by provision of a worksheet for BMP Point System*

- (39) *Demonstration that storm drainage systems and BMP outfalls must outlet into adequate, defined natural or man-made receiving channels*
- (40) *Identify preliminary location of primary proposed stormwater drainage system conveyances such as inlets, storm drainage piping, culverts and stormwater conveyance channels for primary systems*
- (41) *List of all known federal, state and local permits that are required for the project as well as any exceptions, variances or waivers that must be obtained or pursued*

**Sec. 24-150. Procedures for administrative review of site plans.**

(a) The applicant shall submit to the planning director, or designee, ten copies of the site plan and pay the appropriate application fee. Upon meeting all submittal requirements, the site plan shall be reviewed by the planning division and other agencies of the county, state and/or federal governments as deemed necessary by the planning director. The planning division shall transmit county staff comments to the applicant within ~~30~~ 45 days of *the initial* submittal of plans meeting all applicable submittal criteria. No plan shall be approved until all staff and other agency comments are satisfied.

(b) The site plan may be granted preliminary approval by the planning division or deferred. It may also be approved or disapproved by the zoning administrator. The site plan may be granted preliminary approval with conditions that must be satisfied prior to final approval by the zoning administrator. The planning division shall notify the applicant of any action taken on the site plan within ten working days of such action. Such notice shall state any actions, changes, conditions or additional information that shall be required to secure preliminary or final approval. If disapproved, the notice shall state the specific reasons for denial.

**Sec. 24-153. Submittal of revised site plan generally.**

Ten copies of a revised site plan shall be submitted to the planning director or his designee who shall within ~~60~~ 30 days review the *second submittal of* plans for compliance with applicable county regulations, the requirements for final approval and any conditions of the preliminary approval. *The planning director or his designee shall review each subsequent submittal of revised plans within 21 days.* The planning director shall provide a set of all submittals to relevant agencies or departments for their review and written comments. The revised site plan shall be submitted on separate sheets or overlays as appropriate for accurate representation of the project. Insufficient submittals may be returned to the applicant with written notification of deficiencies from the planning director or his designee. The revised site plan shall at a minimum contain those items set forth in subsection 24-145(a)(1) through (17).

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James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of June,  
2010.



PLANNING DIRECTOR'S REPORT  
June 2010

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 several landscaping and sign permit applications and one single-family home elevation. The DRB also reviewed and discussed changes to the Courthouse Commons master plan and design guidelines and approved the plan subject to several amendments. Finally, the DRB supported the proposed ordinance amendments pertaining to signage in Mixed Use districts.
- **Policy Committee Meetings.** The Policy Committee held a meeting on May 12<sup>th</sup> to discuss amendments to the sign ordinance and amendments tied to recommendations of the Subdivision and Site Plan Review Improvement Team. The meeting originally scheduled for May 25<sup>th</sup> has been cancelled.
- **Comprehensive Plan.** The 2009 Comprehensive Plan public input process received the Virginia Chapter of the American Planning Association's Public Outreach and Engagement Award. Staff members presented information about the outreach process during the annual conference in May.
- **Ordinance Update.** The Board of Supervisors endorsed the methodology at its May 11, 2010 meeting. Staff will be working to prepare for the joint Planning Commission/Board of Supervisors work session that will kick-off the process later in the summer.
- **Training.** Staff is taking advantage of webinars that are available from the American Planning Association. June's topics include Urban Design and Presentation and Planning Law Review. Several staff members attended the Virginia Chapter of the American Planning Association annual conference in early May.
- **Monthly Case Report.** For a list of all cases received in the last month, please see the attached document.
- **Board Action Results** – May 11<sup>th</sup> and May 25<sup>th</sup>  
Zoning and Subdivision Ordinance Update Methodology – Adopted 3 - 2  
HW-0001-2010 / SUP-0008-2010, Busch Gardens Griffon Theatrical Lighting – Adopted 5 -0  
SUP-0005-2010, Hogge Family Subdivision – Adopted 5 - 0  
Z-0003-2009 / SUP-0017-2009, Freedom Market – Adopted 5 - 0  
SUP-0028-2009, Ingram Road Pegasus Wireless Communications Facility – Deferred to June 22, 2010  
Z-0003-2008/MP-0003-2008, The Candle Factory – Indefinitely deferred  
SUP-0002-2010, CVS and Food Lion at Soap and Candle Factory Site – Adopted 3 - 2

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Allen J. Murphy, Jr.

New Case Information for May  
2010

Case Type	Case Number	Case Title	Address	Description	Planner	District
Conceptual Plans	C-0014-2010	Resubdivision Sadie Lee Taylor Subdivision	8745 POCAHONTAS TR	Minor Subdivision of 4 lots.	Luke Vinciguerra	Roberts
	C-0015-2010	Chestnutt Lawn Mower Sales	7787 RICHMOND ROAD	To determine if the proposed use (sale and repair of lawn mowers) is allowable under current ZO District	Jose Ribeiro	Stonehouse
	C-0016-2010	Grove Christian Outreach Center	8800 POCAHONTAS TR	Conceptual site plan for Grove Christian Outreach Center, a worship center with outreach services on two parcels. An SUP will be required.	Sarah Propst	Roberts
	C-0017-2010	Liberty Ridge Arbor Place	5365 CENTERVILLE RD	Revision to lot layout and alignment of Arbor Place	Jose Ribeiro	Powhatan
Height Waivers	HW-0002-2010	Busch Gardens Germany Attraction	7851 POCAHONTAS TR	Application requests a waiver to height restrictions and proposes a "thrill attraction of a single tower not to exceed 260 feet above ground level."	Leanne Reidenbach	Roberts
Site Plan	SP-0038-2010	Busch Gardens Remote Control Cars	7851 POCAHONTAS TR	Proposes paved area between the Griffon and Three Rivers Snacks in New France for a remote control truck game	Leanne Reidenbach	Roberts
	SP-0039-2010	Regency at Longhill Community Center Addition	5302 LANE PLACE DRIVE	Small 270 square foot addition to the existing Community Center	Sarah Propst	Berkeley
	SP-0040-2010	JCSA Ironbound Water Storage & Booster Fac Upgrades	4015 IRONBOUND ROAD	This site plan ammends SP-0008-2002. This ammendment proposed changes to the site waterline, interior building piping, controls, and generator improvements.	Jose Ribeiro	Berkeley
	SP-0041-2010	New Town Blk Sec. 2 & 4, Blk 11. Parcel B Lots 19-22 SP Amend	4301 CASEY BLVD	Site plan amendment to change 4 townhomes to 2 duplexes (for a total of 4 units). Previously approved under plan SP-0150-2005.	Leanne Reidenbach	Berkeley
Site Plan	SP-0042-2010	Child Dev Resources - SP Amendment Tent Structure	150 POINT O'WOODS	This site plan is for the addition of a permanent tent structure.	Terry Costello	Stonehouse
	SP-0043-2010	Ireland Compactor Pad	7851 POCAHONTAS TR	This application is to enlarge the single pad dumpster pad in the England Parking Lot to allow for a second dumpster/compactor unit.	Terry Costello	Roberts
	SP-0044-2010	Freedom Park Interpretive Center	5537 CENTERVILLE RD	Project includes interpretive center building and additional parking	Luke Vinciguerra	Powhatan
	SP-0045-2010	New Town, Sections 2 and 4, Block 10, SP Amend		Revision to building unit configurations/ footprint layout (Lots 5-8, 9-12, 24-27, 28-33).	Jason Purse	Berkeley
Subdivision	S-0018-2010	Greensprings West Access Easement		Plat to modify location of access easement to maintain BMP (off St. James Park). See SP-0072-2009.	Kate Sipes	Powhatan
	S-0019-2010	Colonial Heritage Phase III Section 3A	6799 RICHMOND ROAD	This plat is for 20 lots on 14.63 acres, plats for SP-0005-2009.	Sarah Propst	Stonehouse
	S-0020-2010	Police Building & Fire Station 3 BLE	5231 JOHN TYLER HGWY	Boundary line extinguishment between the Police Building and Fire Station #3 on John Tyler Highway	Jason Purse	Jamestown