

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

1. ROLL CALL
2. PUBLIC COMMENT
3. MINUTES
 - A. June 2, 2010 Regular Meeting
4. COMMITTEE AND COMMISSION REPORTS
 - A. Development Review Committee (DRC)
 - B. Policy Committee
 - C. Other Committee/Commission Reports
5. PUBLIC HEARING CASES
 - A. Z-0002-2009 / MP-0002-2009 – Governor’s Grove Section III Proffer and Master Plan Amendment - Deferral Requested
 - B. Amendment to the Zoning Ordinance – Adding Section 24-24 to Article I
 - C. AFD-1-94 – Wright’s Island Agricultural and Forestal District
 - D. Z-0001-2010 – Fast Food Restaurant at 8953 Pocahontas Trail
 - E. SUP-0014-2010 – Grove Christian Outreach Center
 - F. SUP-0015-2010 - Chanco’s Grant Greensprings Trail Amendment
 - G. SUP-0016-2010 – La Tienda Virginia Packaging
6. PLANNING DIRECTOR’S REPORT
7. COMMISSION DISCUSSIONS AND REQUESTS
8. ADJOURNMENT

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SECOND DAY OF JUNE, 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
Al Woods

Staff Present:

Allen Murphy, Director of Planning/
Assistant Development Manager
Adam Kinsman, Deputy County Attorney
Chris Johnson, Principal Planner
Luke Vinciguerra, Planner
Ellen Cook, Senior Planner
Melissa Brown, Zoning Administrator
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

Mr. Peck stated that both Mr. Jack Fraley and Mr. Chris Henderson asked for points of personal privilege after roll call. He stated Mr. Adam Kinsman will update the Commission on the Autumn West case during Planning Commission Considerations. The public hearing case order will be switched to hear the Chickahominy Road Modular Home case before Courthouse Commons.

Mr. Fraley stated the community lost a great man in George Billups. He stated he attended Mr. Billups' wake, and met a young person for whom the deceased served as a father-figure and friend. Mr. Billups spoke for those who did not have a voice. It was an honor to have known Mr. Billups.

Mr. Henderson stated that he has recused himself from the Courthouse Commons case due to a personal financial interest, as defined by Section 2.2-31-01 of the Code of Virginia. He stated that before the public hearing of the case, he would restate his recusal and leave the dais.

3. MINUTES

A. May 5, 2010 Regular Meeting

Mr. Henderson stated that on page 5, Mr. Greg Davis' name was misspelled on the fifth line. He stated on page 7, line 1, there is an unneeded "of." On page 7, on the last sentence, remove the unneeded "that."

Mr. Rich Krapf moved for approved of the minutes as amended.

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

4. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee (DRC)

Mr. Krapf stated the May meeting of the Development Review Committee (DRC) was held on May 26th at 4:00 pm. The DRC reviewed S-0014-2009 Summerplace Subdivision. Summerplace is a proposed by-right residential development which will consist of 164 single-family dwelling units on 924 acres near Jolly Pond Road. On June 30, 2009 the DRC recommended preliminary approval of the construction plans, and also requested the applicant provide phased clearing and tree preservation plans. The DRC reviewed the phased clearing and tree preservation plans and, by a vote of 4-0, agreed that both items were in accordance with the June, 2009 guidance provided by the DRC. Additionally, the committee asked to review entry feature(s) for the subdivision at a future DRC meeting. The DRC also reviewed SP-0040-2010 Ironbound Water Storage & Booster Facility Upgrade. On August 14, 2001, the Board of Supervisors approved construction of two 500,000 gallon water storage tanks, a booster pumping station, and water mains on Ironbound Road adjacent to Monticello Avenue. Several minor changes mostly to the interior of the facility have been made to the approved site plan, which required DRC approval. By a vote of 4-0, the DRC found the proposed changes to the public facility to be substantially consistent with the 2009 Comprehensive Plan. The DRC also reviewed 0041-2010 New Town Block 11, Parcel B, Lots 19-22. LandTech Resources amended an approved site plan to change from 4 attached townhomes to 2 duplexes, each containing two units. The units are located in a section of the New Town master plan that permits a variety of residential unit types. The New Town Design Review Board approved the plan amendment on April 15, 2010. Six residents of units near the proposed construction area submitted a letter of objection to staff. Concerns centered on perceived decreased property values, homogenous housing clustered together, and overall aesthetics of the block. After reviewing the staff report and communications from residents, the DRC voted 4-0 to approve the revised site plan. The DRC also reviewed SP-0037-2010 Williamsburg Landing Woodhaven Expansion Phase II, a site plan for additional nursing beds, assisted living units, and independent living units for the development. This expansion will total approximately 120,000 square feet and will include three new buildings and additions to the existing Woodhaven building. The DRC voted 4-0 to grant preliminary approval subject to agency comments. Finally, the DRC reviewed C-0016-2010, Grove Christian Outreach Center, a conceptual plan for the construction of a worship center with outreach services as an accessory use. The 5,657 sq ft facility would be located on Pocahontas Trail that is zoned LB, Limited Business.

Mr. Joe Poole moved for approval of the DRC report.

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

B. Policy Committee

Mr. Fraley stated the Policy Committee met on May 12th to review proposed amendments to the sign ordinance and Subdivision and Site Plan Review Improvement Team (SSPRIT) process improvements. The Committee was generally supportive of sign amendments but asked staff to reduce sandwich board sign allowable signage from 12' to 10' square feet. The Committee also expressed its concern with sign cluttering in Mixed Use developments. The Committee was generally supportive of SSPRIT recommendations except for increasing the DRC review threshold from 30,000 to 50,000 square feet. The Committee would be comfortable with a smaller increase. At the next Committee meeting, it will review the Zoning Ordinance updates and the Commission Annual Report.

Mr. Peck stated that since the sign amendments and SSPRIT recommendations were on the agenda, the Committee report did not need to be adopted.

C. Other Committee / Commission Reports

Mr. Mike Maddocks stated that nothing substantial was discussed at the April Regional Issues Committee.

5. PLANNING COMMISSION CONSIDERATIONS

Mr. Adam Kinsman stated that the Autumn West case is still in litigation. The Autumn West applicant is prepared to bring a series of revisions, addressing many Commissioner concerns, back to the Commission. He stated the Commission should adopt a motion to reconsider the Autumn West case. If the Commission reconsiders the case, the revisions will be brought back at a later date.

Mr. Fraley asked if the case will involve a full public hearing.

Mr. Kinsman stated a public hearing was not legally required, but suggested allowing the public to speak at the hearing. He stated staff will treat the application as if it was a completely new case, with APO letters and various forms of advertising and providing public notice.

Mr. Fraley moved to reconsider the Autumn West case.

In a unanimous roll call vote, the Commission moved to reconsider Autumn West. (7-0)

A. Initiating Resolution – Amendment to add Section 24-24 to Article I of the Zoning Ordinance

Ms. Erin Wall stated that staff requests the Commission give consideration at a future meeting to add Sec. 24-24 to Article 1 of the Zoning Ordinance. Section 24-24 proposes additional requirements when someone applies for a special exception to the Zoning Ordinance. Applicants must now attach a signed statement from the County Treasurer's office stating that all real estate taxes have been paid on the proposal's properties. The Treasurer's certification is

only good for 30 days. Section 24-24 brings County code in line with existing State code.

Mr. Poole moved to approve the initiating resolution.

In a unanimous voice vote, the initiating resolution was approved (7-0).

6. PUBLIC HEARING CASES

A. Z-0002-2009 / MP-0002-2009 – Governor’s Grove Section III Proffer and Master Plan Amendment

Mr. Peck stated the applicant had requested deferral.

Mr. Allen Murphy stated staff did not object to the deferral request.

Mr. Peck continued the public hearing until the July 7, 2010 Planning Commission meeting.

B. AFD-09-86-1-2010 – 3889 News Road Gordon’s Creek Addition

Mr. Peck asked Staff and the Commissioners if they had any objection to the applicant’s request for a deferral.

Mr. Allen Murphy stated there is no objection.

Mr. Peck opened the public hearing and continued it until the September 1, 2010 Planning Commission Meeting.

C. SUP-0004-2010 Courthouse Commons

Mr. Henderson stated that he will be recusing himself pursuant to Section 2.2.3101 of the Code of Virginia.

Mr. Peck called for any Planning Commission disclosures.

Mr. Fraley stated that he and Mr. Krapf met with Kaufman and Canoles, AES Engineers, DRW Consultants on April 23, 2010 for an informational presentation. The primary reason was for a presentation on the vast traffic study. He stated that staff was aware of the meeting in advance, and there was a report issued on the matter.

Mr. Peck stated that he had a discussion with Mr. John Lawson, a member of the Development Team, concerning traffic issues, parking exceptions and the suburban nature of the development.

Mr. Poole stated that he had a phone conversation with Mr. Greg Davis concerning the

traffic issues.

Mr. Krapf stated that he had a phone conversation with Mr. Tim Trant of Kaufman and Canoles concerning traffic concerns.

Mr. Maddocks stated that he also had a conversation concerning traffic issues.

Ms. Ellen Cook, presented the staff report stating that Mr. Davis has applied on behalf of New Town Six, LLC for a commercial shopping center located at the corner of Monticello Avenue and Ironbound Road. The proposed development would include up to 83,000 square feet of office and/or commercial development. The site is zoned M-1, Limited Business/Industrial and requires a special use permit under Section 24-11 of the Zoning Ordinance as it proposes a group of buildings which exceed 10,000 square feet of floor area and are expected to generate a total of 100 or more peak hour trips. 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. Staff understands that the uses for the other four development Areas are conceptual in nature – however, both the CIS and traffic study list the uses as a restaurant and caretaker apartment, pharmacy with drive-through, bank with drive-through, and office building.

In terms of site design and design guidelines, 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. At its May 20, 2010 meeting, the DRB approved the project master plan, grocery store elevation, and preliminarily approved the Guidelines, subject to its review of all final revised language. Environmental and JCSA staffs have reviewed the Community Impact Statement and Master Plan and concur with the approach presented, while noting requirements that will need to be addressed at the site plan stage.

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. 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 a primary issue for this proposal, and considering the results presented in the applicant’s traffic study, staff does not support approving an additional significant traffic generator at this location at this time. Should the Commission wish to recommend approval of this application to the Board of Supervisors, staff recommends that the conditions listed in the staff report be attached.

Mr. Fraley thanked staff for being responsive to his questions and comments. He had asked staff to determine the traffic impacts with a by-right development on this site.

Ms. Cook wanted to make sure it was clear what development would be allowed under a by-right scenario. In M-1, there are permitted uses and specially permitted uses. What would be determined in the permitted uses is whether the development would be subject to a commercial impact SUP, just as this case is. This applies to a building or a group of buildings that are over 10,000 square feet in size, or 100 or more peak hour trips. A permitted commercial use in M-1

could still be subject to a SUP if it met these criteria. There are other uses in M-1 that are permitted, and not commercial, such as offices and industrial uses. Ms. Cook stated that these uses are typically lower traffic generators than commercial uses. She displayed some information comparing traffic generation of this project with other scenarios. These scenarios would be those uses that are not subject to a commercial SUP. She also displayed information estimating traffic if the property was subdivided in some manner and they would need to have access to the main roads. Ms. Cook stated that there are certain limitations that are in accordance with the Zoning Ordinance for by-right usage of the property.

Mr. Fraley thanked Ms. Cook for providing this information. He stated that the original thinking was that the level of service would be a “C” for Monticello Avenue.

Ms. Cook stated that when New Town was rezoned a proffer was put in place for achieving a “C” level of service for intersections along the corridor. There were provisions for turning movements with a level of ‘D’.

Mr. Fraley asked if the vision of Monticello Avenue was to be six lanes with two turning lanes.

Ms. Cook answered that the ultimate configuration was a four lane scenario. There was a desire to balance the ability to handle the traffic generated by New Town with the overall vision of New Town as a more urban area that provided for pedestrian connections, and connectivity between the North and South sides of the street.

Mr. Fraley thought that part of the original concept was to have Monticello as a six lane road with two turning lanes.

Mr. Chris Johnson stated that six lanes may have been considered at one point, but a four lane road is what was approved by the Board of Supervisors.

Ms. Cook stated that the proffer has been applied to every section of New Town.

Mr. Fraley stated that during the process of developing Settler’s Market, he recommended that the policy be changed to include other intersections, down to the area of the West Monticello Plan, and that would require proffers on rezoning on making those improvements. He asked how it was determined that Monticello Avenue is worse as far as traffic and what was originally thought and proposed. Currently the level of service is much different than the traffic study that was presented for Settler’s Market.

Ms. Cook deferred to the applicant on these comments and questions.

Mr. Al Woods stated that he was under the impression that the expectation of a “C” service level is based on the current configuration of the roads. In most recent revisions this four lane configuration has been reviewed and has been the basis of traffic studies consistently throughout.

Ms. Cook answered that the traffic studies that have been presented were based on the road system as it is.

Mr. Woods asked what the principle concern was with the tower, and what will be the status of the tower after the completion of this project.

Ms. Cook answered that the tower is located on a previously developed portion of this site. The tower was used as a two way radio communication and is approximately 140 feet high. The proposed master plan stated that the applicant would be retaining the tower on the site. It is a legally nonconforming use under the 1971 Zoning Ordinance, so any alterations to the tower would be under the review of the Zoning Administrator. She stated that staff did note that any changes to the site would make the tower more visible than it is currently.

Mr. Woods asked if there would be conditions placed on the applicant should the application be approved regarding the visibility of the tower.

Ms. Cook answered that there is no SUP condition addressing this. It would be subject to the nonconforming provisions in the Zoning Ordinance. Any changes or use would be subject to the review of the Zoning Administrator.

Mr. Woods asked about the flexibility in the setback provision.

Ms. Cook stated that in the landscape section of the Zoning Ordinance, it addresses right of way buffers and community character corridor buffers. It does have provisions for reductions but the applicant must demonstrate that certain criteria are met. These criteria were discussed in the staff report. Staff felt that the applicant met the criteria in addition to other things that were being done on the site. These would include being subject to the DRB review for site plans and elevations.

Mr. Woods asked about the deficit with regards to parking. He asked whether this was customary.

Ms. Cook answered that it is more typical that the concept plan shows the amount of parking that does match the amount of square footage. In this instance, there is a degree of uncertainty of the uses on this site. Staff wanted to make sure that minimal amount of parking that is required under the Zoning Ordinance were met.

Mr. Murphy answered that no, staff was not accustomed to this scenario. He stated that staff has had a discussion with the applicant and explained to them that the 83,000 square foot number may not be realized given the parking situation.

Mr. Poole wanted to confirm that this site has been abutting this corridor with a signaled intersection for some time.

Ms. Cook answered as far as she knew, yes.

Mr. Fraley asked about the mention in the staff report about preserving specimen trees and retaining the natural topography to the maximum extent possible. He stated that Condition #2 addresses the specimen trees. He asked if there was a condition addressing the natural topography.

Ms. Cook answered that in the staff report it states that this would be subject to Zoning Ordinance provisions. There is language in the Zoning Ordinance about grading. She stated that the forty foot buffer is an average. The Zoning Ordinance does state that there will be no grading within the buffer area.

Mr. Fraley asked if this would be better addressed in a condition to the SUP, or does the ordinance provide enough protection.

Ms. Cook answered that staff felt the Zoning Ordinance was sufficient in this instance.

Mr. Fraley asked if it were known how many stoplights were included in the New Town Master Plan.

Ms. Cook answered she did not know, but she could research it and report back.

Mr. Woods asked if it was staff's interpretation that the applicant is in agreement with the 18 conditions proposed.

Ms. Cook answered that the conditions have been discussed with the applicant. She deferred to the applicant as to whether they were in complete agreement.

Mr. Mike Maddocks asked about the projections in traffic in 2016.

Ms. Cook answered that staff had included tables in the traffic section of the staff report. These tables showed the overall level of service and the worst lanes group. The applicant did provide in their traffic study measures for improving the levels of service on Monticello Avenue. These measures include the signal optimization shown on the Monticello West Plan, and turn lane improvements.

Mr. Maddocks asked if during a worst case scenario, a long section of the road would be passable.

Ms. Cook answered that the levels of service are presented as levels "A" through "E". Each of these has a traffic definition. She suggested either the County's traffic consultant or the applicant's traffic consultant go into more detail concerning what those levels equate to.

Mr. Fraley referred back to Table Two in the staff report. He stated the projected numbers do not include any traffic that is generated from this project. He stated that his interpretation of the table is that with the applicant's proposed measures to improve traffic, the numbers look to remain generally the same.

Ms. Cook stated that in the staff report it says that the no build and build conditions are similar and show levels of service in the “D” and “E” ranges.

Mr. Peck opened the public hearing.

Mr. Greg Davis, of Kaufman and Canoles stated he was representing the applicant, New Town Six. He displayed a map of where the site was located. He stated that the applicant was in agreement with all of the conditions set forth by staff. These included adhering to design guidelines and being subject to the New Town Design Review Board. This project is architecturally consistent with New Town, it contains a buffered/tree preservation plan, and it is a redevelopment of an abandoned Verizon site. He felt that this redevelopment proposal is better than a by-right M-1 development. Mr. Davis stated that the 1997 New Town Conceptual Master Plan included development on this site. He stated that the proposal before the Commission is in complete accord with this Master Plan. He showed a diagram of proposed buildings where it is thought to have a bank and a pharmacy or restaurant. Offices and restaurant uses are under consideration for the remainder of the site. Mr. Davis stated that this plan shows a pocket park at the intersection of Monticello and Ironbound Roads. He showed an aerial view of what the proposed site would look like from Monticello Avenue.

Mr. Davis stated that according to the Traffic Study, at build-out, Monticello Avenue traffic is the same with or without Courthouse Commons. By their calculations, by-right development would produce more than 500 peak-hour trips. By-right development of the property would not produce any of the improvements that the applicant has proposed for this area. He briefly went through the different levels of service. He stated that Level “A” is not the goal. Level “C” is such that 50-70% road capacity is during the peak hour. Level “D” means that the roadway is functioning in an urban setting. The demand and capacity are matched. Mr. Davis stated that staff’s recommendation is based on technical policy on levels of service. He stated that Courthouse Commons will not materially change the traffic on Monticello Avenue.

Mr. Davis then discussed the expansion of Fresh Market from their current location at Colony Square. He stated that the new building will be more energy efficient and have a larger prepared foods section, which will in turn increase revenue (meals tax). This proposed plan also offers some architectural upgrades.

Mr. Davis stated that this is an opportunity for Fresh Market to expand in James City County offering more jobs. This application is a redevelopment in the Gateway Commercial District of New Town. This is a master planned center with Design Guidelines and DRB Review, and there is no real traffic impact. If this application is not approved, at build-out Monticello traffic is no better. A by-right development could be developed here, and Fresh Market goes elsewhere. This would be the same result for Colony Square. He requested that traffic not be the deciding factor.

Mr. Poole asked if the pharmacy may have a drive thru type scenario where the traffic generated may be different than a walk up pharmacy. He feels that a stand-alone pharmacy has different traffic generation than a walk up pharmacy.

Mr. Davis answered that conversations have led to the design where one can drive around the building. If this is not a pharmacy, the building most likely would front Monticello therefore eliminating the drive around aspect. He stated that the design team spent much time creating a walk up type pharmacy scenario for those living in New Town Sections 2, 4 and 7.

Mr. Poole commented that he felt that the elevation design for the Fresh Market was very attractive and commended the applicant on the tree preservation plan.

Mr. Krapf expressed his concerns about the lack of specificity in four out of the five areas of the development. He asked Mr. Davis about the comments that any M-1 use could be in this development.

Mr. Davis stated that there were discussions with staff on limited uses. He stated that the volume of information concerning traffic was a challenge for the applicant and for staff. He also stated that the applicant is willing to discuss with staff limiting the uses if the Planning Commission requests this for the application to move forward. Mr. Davis stated that the flexibility in the uses of these areas is attractive.

Mr. Krapf asked about the revised figures from VDOT on the West Monticello Plan. It significantly changed what the cost would be to implement those improvements. Figures proposed were based on the old numbers, and with the new figures, the dollar amount would increase significantly.

Mr. Davis stated that they drafted a condition relating to the cash contribution for Monticello Avenue improvements. The applicant encouraged feedback from staff on these figures and did not get any until the staff report was made available.

Mr. Krapf asked for staff comments.

Ms. Cook stated that the SUP condition was based on the latest version of what staff understood to the applicant was willing to consider.

Mr. Murphy stated that staff is not in a position to negotiate this scenario. He believes that Mr. Davis was aware of the estimates involved before the staff report was issued, and based on conversations believed that Mr. Davis had difficulty with the amount. Staff is not in a position to mandate additional money from the applicant.

Mr. Peck stated he thought that the County as a condition could require certain expenditures that directly relate to the impact of the project.

Mr. Kinsman stated that requiring off-site improvements and cash contributions as a special use condition is infrequent. He would not recommend changing such conditions without the approval of the applicant.

Mr. Fraley stated that he read the condition that either the applicant pays the cash contribution or pays for the improvements.

Mr. Kinsman stated that was correct.

Mr. Fraley asked if it were known what the cost of the improvements would be.

Mr. Davis answered that it would probably be millions.

Mr. Fraley asked Mr. Davis to explain the financial impacts to the County of this project if approved.

Mr. Davis stated that the Fresh Market expansion will involve the increase of employees employed by Fresh Market. Jobs generated by Fresh Market are a number of levels. Fresh Market plans to expand their prepared food section of their store thereby increasing meals tax revenue. They calculated the increased revenue to be between \$250,000 and \$500,000.

Mr. Fraley expressed his concerns over the square footage. He felt that a reduction in square footage would enhance the proposal. He felt that there would be some impact on traffic and parking.

Mr. Davis stated that it was not uncommon in a master plan project such as this, to offer a range of allowable square feet in each area. He stated that the applicant is fully aware that the maximum square footage proposed would not be allowed given the parking available at the site. He also stated that the applicant is willing to commit to a reduction in square footage and would be willing to work with staff and the Planning Commission to achieve this goal.

Mr. Fraley asked how the applicant would propose doing this.

Mr. Davis answered that they have the ability to receive comments from Planning Commissioners as part of their recommendations which would encourage the applicant to work with staff to achieve those results that would be acceptable. He stated that a reduction of 5,000 – 7,000 square feet is not outside the parameters for this project.

Mr. Fraley hoped the applicant would consider an enhanced number for the funding.

Mr. Davis stated that his request is well received and the applicant will work toward a figure that is acceptable to staff.

Mr. Murphy spoke on the by-right development that Mr. Davis mentioned in his presentation. He stated that those uses listed may require a commercial SUP for different reasons. It is of his opinion that the commercial SUP trigger of 100 trips during the peak hour will apply to a majority of those uses that on their face are permitted by-right.

Mr. Krapf thanked Mr. Davis on their flexibility on addressing many concerns include site plan comments and traffic concerns. He stated one of his concerns is that the Comprehensive Plan encourages redevelopment as opposed to new development on new sites. He gave the example of Settler's Market across the street where the infrastructure is already in

place.

Mr. Davis commented on the idea of the County, Planning Commission and the Board of Supervisors of suggesting to businesses where to locate for their business. He stated that Trader Joe's has an exclusive in Settler's Market which would preclude Fresh Market from relocating there. He stated that Fresh Market has looked at other possible redevelopment areas.

Mr. Peck asked if any community meetings were held to obtain feedback.

Mr. Davis stated that they had not due to the fact that most of the adjacent properties are primarily businesses. They have contacted adjacent land owners and they are generally supportive.

Mr. Woods asked for clarification on the policy suggesting certain levels of service for traffic.

Mr. Davis stated that in fact it is a defacto policy since the developments in that area have been held to that standard.

Mr. Murphy stated that in general the Comprehensive Plan suggests a level of service "C". He believes it specifically references that the County achieve this in the New Town area with concessions to individual lane grouping and lane movements falling below that. The policy decision before the Commission is considering the differences in that expectation between Section 9 of New Town and today. The level of service on the roads is worse today than anticipated. During Section 9 review, it was projected that by 2015 all but one of the intersections would be functional at a level of service of "C". The County is in a position now that given current conditions are at the "D" level of service, and are at a level now with or without this proposal where half of those intersections functioning at a level of "D". The proposal before the Commission asks the question of whether you want to add to this area where the conditions exceed (in the sense of being greater or more serious than) the expectations previously.

Mr. Woods asked for Mr. Murphy's interpretation of Chart 2 on page 9 regarding the with or without scenario of Courthouse Commons.

Mr. Murphy answered that there is little difference in each level of service between building the development and not building the development. The question before the Commission is whether a significant traffic generator should be added given those levels of service, and what would that cumulative impact be further out. The County and VDOT expect the traffic conditions to worsen. There are no plans to make this area a six lane roadway nor is there any funding.

Mr. Woods questioned the economic gap if the project were to move forward, the cost to the County versus the contribution by the applicant.

Mr. Murphy stated that there is about a \$1.5 million difference for the West Monticello

Plan improvements.

Mr. Davis stated that the applicant's portion of that would be based on trip generation.

Mr. Woods asked if the applicant was in agreement with all 18 conditions.

Mr. Davis answered that there have been discussions on some of the verbiage. But if the Commission endorses this project, they would be in agreement with all of the conditions.

Mr. Fraley felt that the Commission should be looking at expectations of levels of service by areas with regard to traffic.

Mr. Dexter Williams, of DRW Consulting, stated he prepared the traffic study for this project and for New Town.

Mr. Woods expressed his concern with the concept of build-out and the data that was presented for this application. He asked about the traffic information in relation to New Town.

Mr. Williams stated that New Town encompasses both sides of Rt 199. Windsor Meade Marketplace and the Windsor Meade retirement community were all part of the master plan, as well as the Courthouse and a section of the property that is a part of this application. He stated that the last traffic calculation was done in 2007. He stated that at that time Sections 2, 3, 4, 6 and 9 did not exist at all. Mr. Williams stated the east side is probably 50% developed and the west side has a few other tracts.

Mr. Woods asked the build out of New Town.

Mr. Williams stated probably around 60% that development is complete. He also stated that when this information was gathered certain assumptions about where and what kind of development might be anticipated were made.

Mr. Woods stated that he was having trouble with the statement that at build-out with this development, and with a calculated trip generation of 800 trips per hour, this will have no impact on the intersection.

Mr. Williams stated that the comments made earlier related more to the general range of levels of service. A level of service is calculated by delay, and there is a range of delay. He stated that adding this development will add to the traffic but the numbers would most likely be within those ranges.

Mr. Woods was referring to the intersection at Settler's Market.

Mr. Williams stated that this development will use the curb cut that was put in by VDOT. A fourth leg will be added to the signal, which will create the greatest impact since it will lower the level of service overall. Three legged intersections work better than four legged ones. Changing it to a four legged intersection was planned in the New Town Master Plan.

Mr. Mike Maddocks asked for clarification on the comment that regardless of whether this development is built or not, the traffic in 2016 was essentially is the same.

Mr. Williams answered that in relation to broad levels of service that was correct.

Mr. Maddocks asked for clarification on staff's concerns.

Mr. Murphy stated that the desire would be to approve development at the appropriate time. The Comprehensive Plan speaks to the timing of development, and staff has questions as to whether this is the appropriate time.

Mr. Fraley stated that VDOT and a consultant hired by the County reviewed the applicant's traffic study and calculations. He stated that VDOT essentially agreed with the applicant's calculations.

Mr. Fraley asked how the calculations to make improvements to Montello West increased substantially, and why the results of this study were different than past New Town traffic studies.

Mr. Williams stated that the first traffic study was done in 1997. That study was done with different software before most of the development took place. The County expressed an interest of achieving a service level of "C". The only way to achieve this level was to have Monticello Avenue as six lanes. The County moved ahead with a four lane road due to money constraints. In 2005, it was decided to do actual counts of traffic. At this time, only six intersections were signalized. There was a recalibration of the forecast, using new software, and there was a need to create a system of modeling traffic for the operation out there. Mr. Williams stated that the system used created a 90 second cycle which is the time it takes for the traffic signal to go through one turn. All the systems have to run on the same cycle. With this system most intersections had a level of service of "C". Currently there are nine signalized intersections and they are not run on a 90 second cycle, but 110 second cycle. This is the cause in the drop of service level. There were also four pedestrian signals added which will also decrease the level of service. He stated that volumes of capacity ratios have not changed much since 2006.

Mr. Fraley asked about the West Monticello Avenue area.

Mr. Williams stated that the West Monticello function is not so much a factor of traffic growth as it is due to poor design. The West Monticello Plan adds traffic to News Road to the point that people turn in the shops to avoid going to News Road. Both of those left turns back up out of the turn lanes. Mr. Williams does not see the need for the six lanes yet. He feels like this road plan fits the demand for now. The analysis process may have changed but the forecast has remained the same.

Mr. Carroll Collins, of Kimley Horn & Associates, spoke as the County's traffic consultant. He spoke on some of the improvements that are mentioned in the West Montello Avenue plan. These include improvements to turn lanes, islands, curb modifications, lane extensions, and modifications to the traffic signals along the corridor. The largest section of

improvement was News Road from Monticello Road up to Ironbound Road.

Mr. Collins addressed the comments about little change if the site is developed. There will be 5800 vehicles added to this area over the course of the day. There may be a slight change within the levels of service, but adding more traffic to that area will cause more delays. Mr. Collins stated that if the traffic is added to the area, signal optimization and lane improvements would be needed or the situation will worsen.

Mr. Krapf asked when reviewing traffic, how far away from Monticello Avenue does the study address. He was concerned if any other conditions may exist as a result of this development.

Mr. Collins answered that other areas were not reviewed to see if there were any other impacts.

Mr. Robert Richardson, of 2786 Lake Powell Road, spoke on behalf of Citizens for Ethical Government. He asked what would be the vote needed to recommend approval for this case being that there were only six members present.

Mr. Kinsman answered that based on prior practice if the vote is 3-3, and unless someone agrees to reconsider their vote, it would be passed up to the Board of Supervisors with a neutral recommendation.

Mr. Richardson thanked the Commission for the numerous disclosures regarding this case. He spoke on the proposal of changing the signage on John Tyler directing traffic toward the Monticello Avenue area. This should be considered when deciding this case. He felt that the statement of the level of service not changing from a "C" does not mean that the level of service will not decrease. Mr. Richardson felt that this development will cause a detrimental decrease. He stated that 75 foot buffers were required with this type of project as opposed to 50 feet which is shown on the plan. He felt that the only positive was the expansion of Fresh Market. Mr. Richardson expressed his concerns about Planning Commissioner Chris Henderson being involved in the project.

Mr. Bill Chenail, of 185 Heritage Point, spoke on the project. He felt that there was nothing about this project that should not be approved. He felt that this project would provide jobs and work for individuals in this area. Mr. Chenail felt that the plan goes beyond what the Ordinance requires.

Mr. Fowler spoke on this application. He expressed his concerns about what will happen when Fresh Market vacates Colony Square Shopping Center. He does not feel that service jobs, such as those provided by Fresh Market, were a positive for the County.

Mr. Peck closed the public hearing.

Mr. Poole thanked staff and the applicant for some impressive information concerning traffic. He agreed that this does represent an opportunity for James City County. He questions

the timing of this project. He expressed his concerns over adjacent and not so adjacent parcels that have a lot commercial space available. Mr. Poole appreciated the plan to redevelop this site. He is very concerned about what could happen at Colony Square Shopping Center. He also felt that there was not enough clarity as to what could be located at other parts of the site. He is uncomfortable with approving a commercial use when that area is heavy with commercial uses currently.

Mr. Maddocks appreciated the design of this project. He liked the idea of the expansion of Fresh Market and the idea of a walk up pharmacy. He does not feel that the burden of additional traffic has been proved. Mr. Maddocks was prepared to support this project.

Mr. Krapf expressed his concerns regarding the cumulative impacts of this project. He is under the assumption that this project will add vehicles to the traffic situation in this area. He felt that the Comprehensive Plan emphasizes in several sections that development should occur at a pace when County infrastructure is able to accommodate that pace. Mr. Krapf felt that this area is not able to accommodate this. He expressed his concerns over the lack of detail as to what type of business may be located there. He expressed his concerns over the disparity between what the applicant has offered as contributions to improvements as opposed to VDOT's calculations. Mr. Krapf stated he cannot support this project.

Mr. Fraley stated that the concern over Colony Square Shopping Center is well founded and maybe should be addressed. He is concerned about the relocation of Fresh Market. He stated that the County should work towards retaining businesses. Mr. Fraley stated that something will be built on this site. He is more flexible because he is aware of this. If something is built by-right there could be no money committed for road improvements. The County would lose the positive financial benefit of an existing business. He felt that this plan was consistent with the New Town Master Plan. Mr. Fraley does have concerns with the square footage proposed and felt it should be reduced. He has concerns with the level of funding that was agreed upon, and the vagueness of what the other businesses could be on this site. Mr. Fraley could support this with these three concerns addressed when sent to the Board of Supervisors.

Mr. Kinsman stated that uses can be discussed but he would not recommend that they be limited or unilaterally imposed without the applicant's agreement.

Mr. Peck stated that if it were just for Fresh Market he would not have any issues. He is concerned about the traffic, and potential waivers for setbacks, buffers and parking. He felt that this corridor can sustain additional development; however, he is not ready to support this project. Mr. Peck stated that many residents in this area have issues with this project.

Mr. Woods asked Mr. Kinsman for clarifications on Mr. Fraley's three concerns.

Mr. Kinsman answered that Mr. Fraley's concerns were normally those that are included in a rezoning. These conditions are not normally included as parts of a special use permit application. He would work with Mr. Davis and his development team on these concerns, but it would ultimately need to have the applicant's approval.

Mr. Woods appreciated the work of the applicant and staff. He felt it was an outstanding project as far as what it represents and its quality. He stated that consciously the County made a decision to create a commercial corridor in this area. Mr. Woods stated that the County cannot legislate where businesses need to locate and relocate. He would feel more comfortable if there was a stronger mechanism for dealing with the concerns that Mr. Fraley listed. Mr. Woods cannot support this project as currently proposed.

Mr. Krapf moved for denial of the application.

In a roll call vote, the application was denied. (4-2, AYE: Woods, Krapf, Poole, Peck, NAY: Fraley, Maddocks)

D. Chickahominy Road Manufactured Home

Ms. Sandra Kimrey has applied for a Special Use Permit to allow for the placement of a manufactured home at 2818 Chickahominy Road. The property is outside the primary service area (PSA), is zoned R-8, Rural Residential and is designated Rural Lands on the Comp Plan. Manufactured homes not located within the 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. He stated that staff finds the proposal with the conditions attached meets the administrative criteria for a placement of a manufactured home consistent with the rural lands designation. Mr. Vinciguerra asked that the Planning Commission recommend approval of this application to the Board of Supervisors.

Mr. Henderson asked if staff has received any comments from adjacent property owners.

Mr. Vinciguerra answered that a citizen came in the office and had questions about the case but he did not object to it.

Mr. Peck opened the public hearing.

Ms. Sandra Kimrey of Oakwood Homes stated that the owners who have resided on the property all of their lives are in need of a replacement home. Their home is in need of many repairs and this was the best feasible option for them. The home will have a masonry foundation. She hopes that the Planning Commission recommends approval to the Board of Supervisors.

Mr. Fraley moved for approval with the conditions proposed by staff.

Mr. Poole noted that staff and the applicant are adhering to the 1989 Manufactured Home Guidelines.

Mr. Woods concurred.

In a unanimous roll call vote, the application was approved (7-0; AYE: Fraley, Maddocks, Woods; Krapf, Poole, Henderson, Peck.)

E. ZO-0001-2010 Zoning Ordinance Amendment – Pedestrian Orientated Signage

Ms. Melissa Brown stated that the staff received a request to consider amendments to the Sign Ordinance to address outstanding issues members of the New Town Commercial Association were experiencing. She stated at a meeting with the group, they indicated customers were having trouble both finding their way around New Town and finding specific businesses. Ordinance amendments would be required for “You Are Here” signs, larger blade signs, and additional building face signage. Staff proposes allowing increases of blade signs in Mixed Use, which do not count against total face signage, pedestrian-scaled directional signage from 16’ to 24’ square feet, 10’ square foot sandwich signs in Mixed Use and other walkable districts, and an exception for an additional building face sign when a business proves it faces a signage-related hardship. The New Town Design Review Board (DRB) was supportive of the amendment, and plans review standards for any new signage allowed. Staff recommends approval of the Sign Ordinance amendments.

Mr. Peck opened the public hearing.

Mr. Peck closed the public hearing.

Mr. Poole moved for approval of the sign amendments. He stated there should be latitude for the size and color of blade signs.

Mr. Murphy stated that staff would pass along blade sign concerns to the DRB.

In a unanimous roll call vote, the amendment was approved. (7-0)

F. ZO-0002-2010 / SO-0001-2010 – Zoning and Subdivision Ordinance Amendments – Plan Review Criteria and Procedures

Mr. Chris Johnson stated that the Commission initiated a resolution to consider amendments to the Zoning and Subdivision Ordinance review criteria and procedures for Site Plans, Conceptual Plans, and Subdivision Plats. Based on the findings of the Business Climate Task Force, County Administration organized the Subdivision Site Plan Review Improvement Team (SSPRIT) to identify process improvements during plan review. SSPRIT established five goals: increase predictability in the plan review process, establish consistency for all applicants, improve two-way communication between staff and applicants, reduce the number of submittals and achieve higher quality plans, and to empower staff to make independent decisions. SSPRIT has three recommendations requiring legislative action: amended review times to allow longer agency review to reduce the need for additional submittals; modify or eliminate DRC plan review triggers. The team also recommended Enhanced Conceptual Plan review, to reduce future submittals and allow the DRC an earlier opportunity to shape the proposal. Applicants who have submitted enhanced conceptual plans to the DRC can better decide whether to pursue fully engineering plans. Enhanced conceptual plans would be granted preliminary approval

subject to DRC conditions. Staff recommends approval of the zoning and subdivision ordinance changes.

Mr. Fraley stated he would be more comfortable with increasing the DRC threshold to 40,000 square feet, rather than the staff-recommended 50,000 square foot threshold.

Mr. Johnson stated SSPRIT determined that many projects exceeding 30,000 before the DRC for review had already seen some legislative review as part of master plans. DRC review in those cases was redundant and time-consuming but staff would support the Commission's recommendations.

Mr. Henderson asked if the language regarding elimination of DRC review for master planned areas would take care of the redundancy.

Mr. Johnson stated that not all buildings over 30,000 square feet are located in master-planned parks, so staff separated the two thresholds.

Mr. Poole stated there were large differences between master plans and site plans.

Mr. Krapf asked if language could be inserted further clarifying the situation between buildings included in master plans and those not included. He stated language added regarding those distinctions could simplify the development process.

Mr. Fraley stated he could not support elimination of DRC review in cases of a binding master plan. He stated site plans were too different from the binding master plans.

Mr. Johnson stated master plans receive extensive amounts of staff review before Board approval, and that DRC review of related administrative site plans may be redundant.

Mr. Peck opened the public hearing.

Mr. Doug Gebhardt, representing the Economic Development Authority, (EDA) stated that SSPRIT's goals were enhanced communication and predictability, which would be directly achieved through its recommendations, which includes Recommendation #6. Recommendation #6 hopes to achieve greater clarity for the DRC process. SSPRIT also recommends a DRC consent agenda for minor DRC thresholds, such as parking exceptions. The EDA found that most DRC cases had already seen master-plan legislative approval. The EDA supports approval of the recommendations.

Mr. Peck closed the public hearing.

Mr. Poole asked if any citizen groups had been included during the formation of SSPRIT recommendations.

Mr. Gebhardt was not aware of any citizen groups involved in SSPRIT. He stated there were public notices for the Business Climate Task Force hearings.

Mr. Poole stated that during the Comprehensive Plan, citizens groups expressed their desires for smart growth. He stated the inclusion of such groups could have lead to beneficial dialogue.

Mr. Henderson stated that businessmen could appreciate both financial and community interests simultaneously.

Mr. Fraley stated the DRC may still have large caseloads due to disagreement between property owners.

Mr. Johnson stated that DRC caseloads have been increasing of late and are likely to continue to do so. He stated that between the proposed consent agenda items and enhanced conceptual reviews, future DRC agendas could remain full.

Mr. Johnson stated the County Attorney's office has asked the Commission to vote on the Zoning Ordinance and Subdivision Ordinance changes separately.

Mr. Fraley stated he was very enthusiastic about enhanced conceptual plans.

Mr. Poole stated he supported the amendments with the exception of increasing the DRC square footage threshold. He stated the DRC makes substantial improvements to proposals. Thirty-thousand square feet was already a significant amount of space. He did not support elimination of review for master planned areas, due to major differences between those and site plans. Several mature trees and a cemetery had been saved due to DRC review of Greenmount area proposals.

Mr. Poole moved to approve all recommended amendments to the Zoning Ordinance, with the exception of language at the top of page 36, on the 3rd and 4th bullet points, regarding review of buildings or groups of buildings which contain a total floor area that exceeds 30,000 square feet, and elimination of proposed language to exempt buildings within in industrial or office park subject to a binding master plan.

Mr. Henderson clarified Mr. Poole's motion to reflect that all proposed language be removed and any language proposed to be stricken be retained in Section 24-147 (a)(1)(a).

Mr. Poole added that language proposed to be removed from (a)(1)b regarding two entrances on the same road was acceptable.

Mr. Murphy stated the Board has the authority to amend the SSPRIT recommendations despite the printed advertising. He stated staff will forward the original and amended SSPRIT recommendations to the Board.

Mr. Peck stated the SSPRIT recommendations were reasonable improvements to the process. He stated he was comfortable with a 40,000 floor area DRC trigger, but did not have an opinion on master plan exceptions.

Mr. Murphy stated it was incumbent on the Commission to be comfortable with the amount of detail in master plans. He stated if the master plans proposed were exempt from DRC review, the Commission should ensure new master plans have sufficient detail.

Mr. Fraley stated that applicants have balked at more detailed master plans, and wished to retain more flexibility to react to market conditions.

Mr. Murphy stated there were not many issues with master planned office parks, but there may be DRC cases involving perimeter disputes with adjacent property owners.

Mr. Peck stated that the motion was to amend the language to delete the proposed language in 24-47 (a)(1)(a), and keep existing language for “30,000” square feet and ‘strike multi-family unit development of 50 or more units, whichever is less.’”

In a roll call vote, the Commission approved the recommendations as amended (6-1; AYE: Fraley, Maddocks, Woods, Krapf, Poole, Peck; No: Henderson).

Mr. Henderson moved for approval of the Subdivision Ordinance amendments as presented.

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

7. PLANNING DIRECTOR’S REPORT

Mr. Murphy stated he had no comments. .

8. COMMISSION DISCUSSIONS AND REQUESTS

Mr. Poole stated he had concerns with open discussions at the beginning of Commission meetings. He stated many of the statements were not relative to the land use cases.

Mr. Fraley stated that comments should be related to land use cases. He stated he would like to send this issue to the Policy Committee.

Mr. Krapf stated that any vehicle that fosters citizen participation in the process is worth having. Even though many comments relate to issues not under Commission authority, it does more good than harm to allow comments.

Mr. Henderson stated that to allow groups to take advantage of the longer speaking times, speaking groups should be pre-qualified by staff.

Mr. Fraley stated the open comment for groups should be limited to three minutes as well.

Mr. Peck stated the Commission would be doing a Comprehensive Plan Progress Report

this year. The Commission should work with staff over the next few months on the report.

Mr. Fraley stated the progress report process is more important than the content.

9. ADJOURNMENT

Mr. Fraley moved to adjourn.

The meeting was adjourned at 11:10 p.m.

Reese Peck, Chairman

Allen J. Murphy, Secretary

**REZONING-0002-2009 / MP-0002-2009: Governor's Grove Section III: Proffer and Master Plan Amendment
Staff Report for the July 7, 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

Building F Board Room; County Government Complex

Planning Commission: 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)
July 7, 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 August 4, 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

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
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WILLIAMSBURG, VIRGINIA 23187-0379

VERNON M. GEDDY, JR. (1928-2009)
STEPHEN D. HARRIS
SHELDON M. FRANCK
VERNON M. GEDDY, III
SUBANNA B. HICKMAN
RICHARD H. RIZK
ANDREW M. FRANCK

June 29, 2010

vgeddy@ghfhlaw.com

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

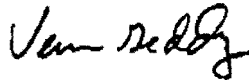
Re: Governor's Grove Section 3 – Z-0002-2009 and MP-0002-2009

Dear Kate:

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

Very truly yours,

GEDDY, HARRIS, FRANCK & HICKMAN, LLP



Vernon M. Geddy, III

VMG/


cc: Mr. James Jard

MEMORANDUM

DATE: July 7, 2010
TO: Planning Commission
FROM: Erin Waugh, Law Extern
SUBJECT: Implementation of a Zoning Ordinance Amendment Adding Certain Requirement
for Applicants Seeking Certain Permits

Staff recommends that the Zoning Ordinance be amended by adding Section 24-24, Additional Requirements for Submittal, to add a requirement that certain applicants certify that they do not owe any delinquent real estate taxes to the County prior to the County's consideration of the application. This requirement would apply to all applicants seeking a special use permit, variance, rezoning, or other land disturbing permit (including building permits and erosion and sediment control permits). The County Treasurer has indicated that this certification can be provided at the Treasurer's customer service counter quickly and without cost to the applicant.

Staff recommends the Planning Commission recommend approval of this ordinance amendment to the Board of Supervisors.



Erin Waugh
Law Extern

CONCUR:



Adam R. Kinsman
Deputy County Attorney

Attachment

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.

**AGRICULTURAL & FORESTAL DISTRICT-1-94. Wright's Island 2010 Renewal.
Staff Report for the July 7, 2010 Planning Commission Meeting.**

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

PUBLIC HEARINGS

Building F Board Room; County Government Center

Planning Commission: July 7, 2010 7:00 p.m.
Board of Supervisors: July 27, 2010 7:00 pm (tentative)

SUMMARY FACTS

| Owners | Parcel Number | Acres |
|--|----------------------|--------------|
| Wright's Island Game Assoc | 2030100001 | 1320.48 |
| Old Shipyard Landing, LLC | 2030100003 | 4.90 |
| Old Shipyard Landing, LLC | 2030100004 | 4.90 |
| Manuel & Isabell Queijo Revocable Living Trust | 2020100027 | 49.37 |
| Brian M. Menzel, et al | 2020100028 | 74.75 |

Zoning: A-1, General Agriculture

Comprehensive Plan: Rural Lands and Conservation Area

Primary Service Area: Outside

STAFF RECOMMENDATION

This AFD is consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends renewing the Wright's Island Agricultural and Forestal District for a period of eight years and two months, subject to the enclosed conditions.

On June 28, 2010 the AFD Advisory Committee recommended renewal of this district by a vote of 6-0.

Staff Contact: Kathryn Sipes, Senior Planner Phone: 253-6685

SUMMARY

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD’s) prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-1-94, Wright’s Island, which is scheduled to expire August 13, 2010.

Staff is endeavoring to synchronize the expiration dates of all districts. During the renewal process in 2006, when 13 of the 14 districts were renewed, terms of the 13 districts were adjusted to expire in October of the appropriate year. Wright’s Island is currently the only district with an eight year term, and the only district that was not renewed in 2006. As part of the 2010 renewal process staff is recommending a term of eight years and two months, making the expiration date October 2018.

DISTRICT HISTORY

The Wright’s Island AFD was adopted by the Board of Supervisors in October 1986. The district originally consisted of five parcels comprising approximately 1,495 acres and was established for a term of eight years. The originally adopted district (AFD-1-86) expired in September 1994 and a new district (AFD-1-94) was subsequently created in October 1994. The new district was established for a term of eight years. In November 1999, the Board of Supervisors approved the addition of 49.373 acres to the district. In August 2002 the District was renewed for another eight year term. As part of the 2002 renewal a 90-acre parcel was withdrawn from the district.

The Wright’s Island AFD consists of approximately 1,454.40 acres located along Little Creek Dam Road and Menzels Road between Little Creek Reservoir, Yarmouth Creek and the Chickahominy River (see attached location map). Part of the district is adjacent to the Little Creek Reservoir. Specifically, the AFD is currently comprised of the following:

| <u>Owner</u> | <u>Parcel No.</u> | <u>Acres</u> |
|---|--------------------|--------------|
| Wright’s Island Game Association | (20-3)(1-1) | 1320.48 |
| Old Shipyard Landing, LLC | (20-3)(1-3) | 4.90 |
| Old Shipyard Landing, LLC | (20-3)(1-4) | 4.90 |
| Menzel, Brian M. Et. Als | (20-2)(1-28) | 74.75 |
| Manuel J. & Isabell Queijo Revocable Living Trust | (20-2)(1-27) | 49.37 |

ANALYSIS

The bulk of the district consists of woodlands, with the remaining land being tidal wetlands. All of the land is zoned A-1, General Agricultural, and is located entirely outside the Primary Service Area (PSA). The land in the district is designated as either Rural Lands or Conservation Area on the Comprehensive Plan Land Use Map.

WITHDRAWALS

One parcel, (20-2)(1-28), is being withdrawn at the property owners’ request. The parcel is approximately 75 acres in size. After the withdrawal the district will total approximately 1379.65 acres.

CHANGE IN CONDITIONS

Staff is recommending a revision to Condition #2 to correct language that references the Board of Supervisor’s policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as well as adding a reference to the Board of Supervisor’s policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Inside the Primary Service Area, adopted September 24, 1996. Staff is also recommending language that references future amendments to those Board policies. The proposed condition is as follows, with proposed corrections and additions underlined:

“No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the

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

STAFF RECOMMENDATION:

This AFD is consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends renewing the Wright's Island Agricultural and Forestal District for a period of eight years and two months, subject to the following conditions. On June 28, 2010 the AFD Advisory Committee recommended renewal of this district by a vote of 6-0.

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a.) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b.) the subdivision does not result in a remnant parcel of less than 25 acres.
2. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended.
3. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

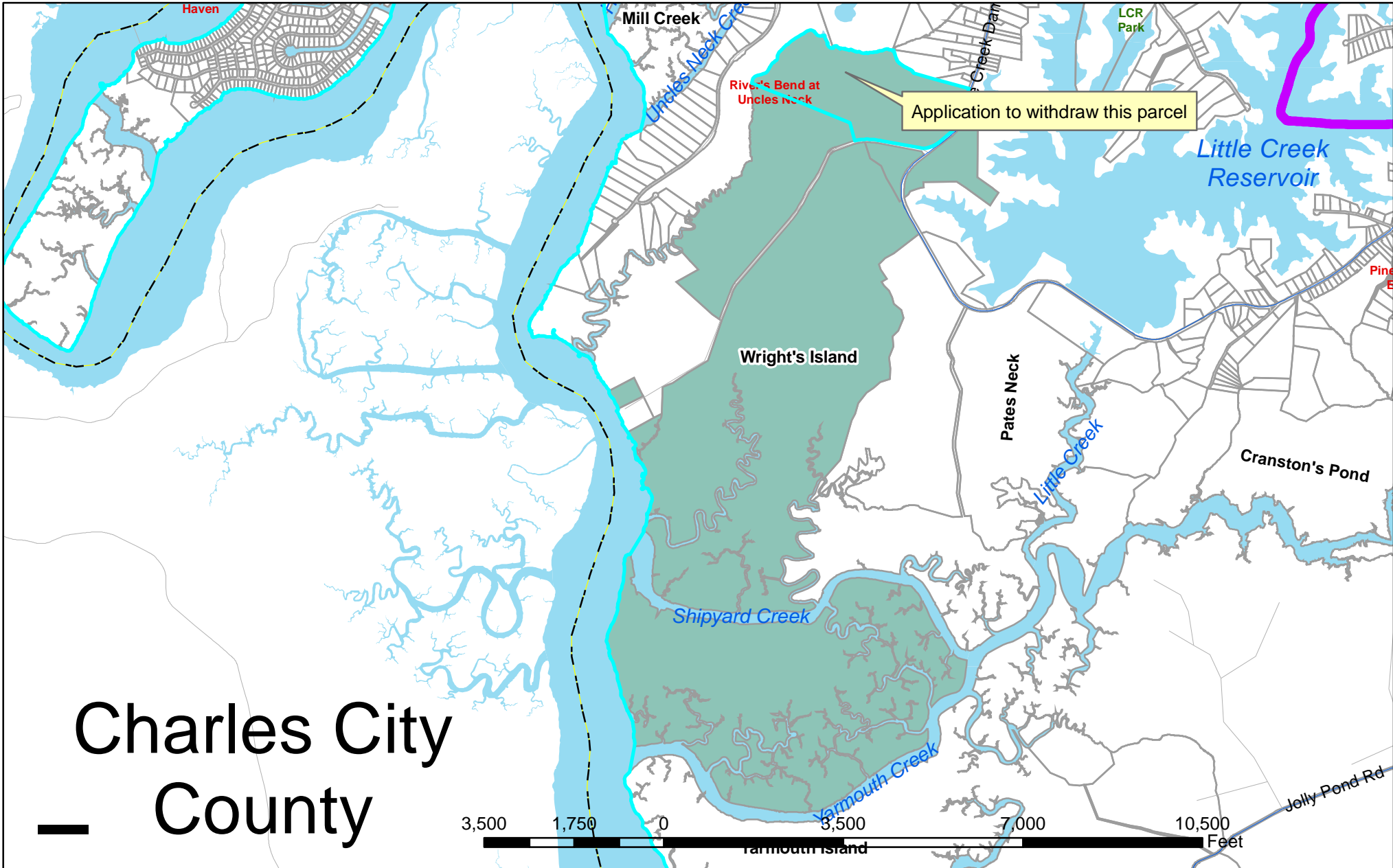
Kathryn Sipes, Senior Planner

ATTACHMENTS:

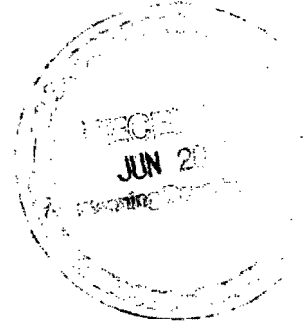
1. Location Map
2. Withdrawal Request
3. Unapproved Minutes of the June 28, 2010 ADF Advisory Committee Meeting
4. Existing ordinance and conditions, dated August 13, 2002

JCC-AFD-1-94-1-2010

Wright's Island AFD 2010 Renewal



Brian M. Menzel
724 Lora Lane
Hockessin, DE 19707
(302) 235-2625



May 18, 2010

James City County Planning Division
101-A Mounts Bay Road
Williamsburg, VA 23187-8784

We currently have property in the Wright's Island Agricultural and Forestal District (AFD-1-94) (Parcel ID 2020100028). We are requesting that this property be removed from the AFD.

If you need any additional information please contact us.

Signed

Brian M. Menzel Brian M Menzel

Barbara M. Vellrath Barbara M Vellrath

Bonnie M. Amo Bonnie M Amo

Heather Amos Heather Amos

AT THE MEETING OF THE AGRICULTURAL AND FORESTAL ADVISORY COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 28th DAY OF JUNE, TWO THOUSAND AND TEN, AT 4:00 P.M. AT THE HUMAN SERVICES BUILDING, 5249 OLDE TOWNE ROAD, WILLIAMSBURG, VIRGINIA.

1. Roll Call:

Members Present

Mr. Harcum
Mr. Bradshaw
Ms. Smith
Mr. Icenhour
Mr. Abbott
Ms. Garrett

Members Absent

Mr. Meadows
Mr. Hitchens
Mr. Richardson
Mr. Ford

Also Present

Mr. Purse (Planning)
Ms. Kate Sipes (Planning)
Ms. Terry Costello (Planning)

2. Old Business:

Approval of the May 19, 2010 Meeting Minutes

Ms. Smith moved for approval of the minutes with a second from Mr. Abbott. The Committee unaniomously approved.

3. New Business:

Wright's Island AFD-1-04 Renewal

Ms. Sipes stated that the Wright's Island AFD is scheduled to expire 8/31/2010. Staff recommends that the Committee recommend renewal of the district to expire in 8 years and 2 months. This date will align this district with the other districts that will expire in October 2018. The only change proposed is the request to withdraw one parcel which is 74.75 acres, and is identified as JCC Tax Map (20-2)(1-28). The other notation that is proposed is to amend condition #2, by referring to both policies concerning property inside and outside the Primary Service Area (PSA).

Mr. Icenhour asked if all of the properties were outside the PSA.

Ms. Sipes answered yes. She stated that staff felt the need for the referencing to both policies since some AFD's have property inside and outside the PSA.

Mr. Icenhour asked if there were any known plans for the property that is requested to be withdrawn from the AFD.

Mr. Bradshaw stated that he did received inquiries as to whether roll back taxes would be applicable in this case.

Mr. Icenhour asked how long the property has been in the AFD.

Ms Sipes answered that it has been in the AFD since the AFD's creation.

Mr. Abbott moved for approval of the renewal of the AFD to include the request for the withdrawal. Mr. Bradshaw seconded the motion. In a roll call vote, the motion was approved. (6-0)

2010 AFD Renewals update

Ms. Kate Sipes stated that the Wright's Island AFD Renewal is scheduled to be heard by the Planning Commission on July 7th, and tentatively scheduled for the Board of Supervisors on July 27th. For the remainder of the renewals she asked that the Committee consider meeting on August 11 or August 12th. The Committee decided to meet on August 12th.

BOS Work Session / Withdrawal Policies

Mr. Purse stated that at the July 27th work session there will be a discussion on AFDs and land use taxation. The Board of Supervisors will be given a history of AFDs, a listing of current properties and acreages, and withdrawal policies.

Mr. Icenhour asked how many years of roll back taxes would be applied should a property be withdrawn from the AFD.

Mr. Bradshaw answered roll back taxes include the current year and the preceding five years. This is in the situation if the use of the land changes from a qualifying use to a nonqualifying use.

Mr. Bradshaw stated he felt that it would be beneficial to separate the two programs – the AFD program and the land use taxation program. They are overlapping but independent programs.

Mr. Icenhour asked how many parcel or acres are in AFDs are in the PSA.

Mr. Purse answered approximately 1500 acres.

Mr. Bradshaw stated that it was the consensus of this Committee to have one policy, not one for property inside the PSA and one for property outside the PSA. He said the policy should be restrictive .

Mr. Abbott asked how policy changes would affect the Wright's Island AFD Renewal.

Mr. Icenhour answered that notifications would need to be mailed to all of the property owners. There would also be a public hearing if the policy were to change.

There being no further discussion and on a motion by Mr. Abbott, which was seconded by Mr. Bradshaw the members unanimously voted to adjourn.

(Adjournment at 4:40 PM)

Ms. Loretta Garrett, Chair

Kate Sipes, Senior Planner

ADOPTED

AUG 13 2002

ORDINANCE NO. 163A-3

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

WRIGHT'S ISLAND AGRICULTURAL AND FORESTAL DISTRICT (AFD-1-94)

- WHEREAS, James City County has completed a review of the Wright's Island Agricultural and Forestal District; and
- WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, property owners have been notified, public meetings have been held, public hearings have been advertised, and public hearings have been held on the continuation of the Wright's Island Agricultural and Forestal District; and
- WHEREAS, Llene B. Menzels et. al. has requested the withdrawal of 90 acres - Tax Map ID (20-3) (1-2); and
- WHEREAS, the Agricultural and Forestal District Advisory Committee, at its meeting on July 22, 2002, voted 8-0 to approve the application; and
- WHEREAS, the Planning Commission, following its public hearing on August 5, 2002, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 to renew this district with the conditions listed below.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia:

1. That the Wright's Island Agricultural and Forestal District is hereby continued for a period of eight years beginning the thirteenth day of August, 2002, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.

2. That the district shall include the following parcels:

| <u>Owner</u> | <u>Parcel No.</u> | <u>Acres</u> |
|---|-------------------|------------------|
| Wright's Island Game Association | (20-3)(1-1) | 1,320.480 |
| Amos, Heather Alicia | (20-3)(1-3) | 4.900 |
| Menzel, Gary Est. | (20-3)(1-4) | 4.900 |
| Menzel, Llene B. et al | (20-2)(1-28) | 74.752 |
| Queijo, Manuel J. & Isabell Queijo Rev. Living Trust; G. Baxter Stanton & Francesca Stanton | (20-2)(1-27) | <u>49.373</u> |
| Total: | | <u>1,454.405</u> |

provided, however, that all land within 25 feet of the road right-of-way of Menzels Road Road (Route 659) and Little Creek Dam Road (Route 631) be excluded from the District to allow for possible road improvements.

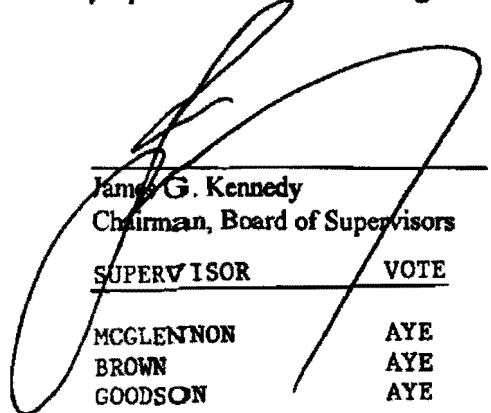
3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Wright's Island

Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

- a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of telecommunications towers and related equipment, provided, a) The subdivision does not cause the total acreage of the District to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.
- b. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996.
- c. No special use permit shall be issued except for agricultural, forestal or other activities and uses consistent with the State Code Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

ATTEST:


 Sanford B. Warner
 Clerk to the Board


 James G. Kennedy
 Chairman, Board of Supervisors

| SUPERVISOR | VOTE |
|------------|------|
| MCGLENNON | AYE |
| BROWN | AYE |
| GOODSON | AYE |
| HARRISON | AYE |
| KENNEDY | AYE |

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of August, 2002.

**REZONING Z-0001-2010. Fast Food Restaurant at 8953 Pocahontas Trail
Staff Report for the July 7, 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 Building F Board Room; County Government Complex

Planning Commission: July 7, 2010 7:00 p.m.
Board of Supervisors: August 10, 2010 (tentative) 7:00 p.m.

SUMMARY FACTS

Applicant: John Rogers III
Land Owner: John Rogers III
Proposal: Redevelop the former Spray King Truck Wash property into a drive-through fast food restaurant
Location: 8953 Pocahontas Trail
Tax Map/Parcel Nos.: (59-2) (1-19)
Parcel Size: 1 acre
Existing Zoning: M-2, General Industrial
Proposed Zoning: B-1, General Business with proffers
Comprehensive Plan: Mixed-Use
Primary Service Area: Inside

STAFF RECOMMENDATION

Staff considers this application to be a positive redevelopment project for this site, and with the Master Plan and proffers, is in conformance with some goals of the Comprehensive Plan. Considering the design limitations of the parcel shape and size, staff finds that the applicant is providing a design that maximizes the development potential of the site. The project proposes landscaping which is a significant aesthetic improvement over existing site conditions. Staff recommends the Planning Commission recommend approval of the rezoning application to the Board of Supervisors with the attached proffers. Staff also recommends that the Planning Commission approve the landscape modification requests for the building landscaping as well as the rear and side yard landscape buffer.

Staff Contact: Sarah Propst

Phone: 253-6685

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

PROJECT DESCRIPTION

Mr. John Rogers has applied to rezone a one acre parcel located at 8953 Pocahontas Trail from M-2, General Industrial, to B-1, General Business, with proffers. The application proposes redevelopment of the existing property to include a 1,680 square foot drive-through barbeque restaurant. The property formerly operated as a truck wash facility, which will be demolished. The site is shown as Mixed-Use on the 2009 Comprehensive Plan Land Use Map.

The proposed development provides 21 parking spaces and one handicap space. There are no parking requirements for a drive-through and carry out restaurant with no indoor seating but the applicant has surveyed similar uses to determine average parking needs. Queen Anne Dairy provides five parking spaces and the Short Stop Deli provides 13 parking spaces. Newer establishments without indoor seating areas include a Dairy Queen with 25 parking spaces and a Rally's with 14 parking spaces. The conceptual plan designates the 12 spaces at the rear of the site as employee parking but the applicant has been made aware that use of these spaces cannot be restricted exclusively to employees.

Proffers

The applicant has proffered to restrict the uses which will be allowed on this site in order to ensure intensity of development and traffic remain consistent with the proposed use (proffer one).

The building size and location will be approximately what is seen on the conceptual plan with a revision date of June 16, 2010 (proffer two). The building exterior will be brown brick, white siding, and a red roof (proffer three) and the sign will be a ground mounted monument sign (proffer four).

PUBLIC IMPACTS

Archaeology:

Staff Comment: The property is a previously disturbed site and is not located within an area identified as a highly sensitive area in the James City County archaeological assessment "Preserving Our Hidden Heritage: An Archaeological Assessment of James City County, Virginia." Staff believes that no archaeological studies are necessary.

Environmental

Watershed: Skiffes Creek

Staff Comments: This site is considered a redevelopment site, therefore, reduction of impervious cover by 10% on this site will satisfy stormwater management regulations. The conceptual plan indicates a 14% reduction in impervious cover from the existing conditions to the proposed development. LID features are encouraged as part of this development in order to further decrease runoff from the largely impervious site. The Environmental Division recommends approval of this rezoning request as submitted.

Public Utilities

Staff Comment: The site is located within the Primary Service Area (PSA) and will be served by public water and sewer. Water will be provided by Newport News Waterworks. JCSA staff has provided the applicant with preliminary comments to consider during the site plan process. JCSA recommends preliminary approval.

Transportation

2007 Traffic Counts: 9,226 vehicle trips per day on Pocahontas Trail Route 60) from the Newport News City Line to the Grove Interchange

2026 Volume Projections: 21,186 vehicle trips per day on Pocahontas Trail (Route 60) from the Newport News City Line to the Grove Interchange-“Watch” Category in the 2009 Comprehensive Plan.

VDOT: According to VDOT comments the proposed entrance location does not meet minimum spacing requirements in accordance with VDOT’s *Road Design Manual*; however it is eligible for a design exception. Additional road improvements such as turn lane improvements or tapers are not warranted at this time. A request for an exception will be submitted during the site plan review in order to allow a full access entrance.

The applicant does not want to have a limited access entrance and will need to apply for two waivers for the desired entrance to be a full access entrance, as is shown on the plan. One of the two existing entrances will need to be closed. The conceptual plan shows the northern site entrance will be closed upon redevelopment of the site. VDOT has indicated support for granting the waivers.

COMPREHENSIVE PLAN

Land Use Map

| | |
|---------|--|
| General | <i>Mixed Use-James River Commerce Center Area- page 156:</i> This area is located on the southwest side of Pocahontas Trail (Route 60) adjacent to James River Elementary School. Principle suggested land uses are limited industrial and office development. Public facilities are suggested as clearly secondary uses. The timing and intensity of development in this area are also conditioned on sufficient buffering and screening of adjacent residential development, if necessary. |
| | Staff Comment: The proposed restaurant is not consistent with this designation but would provide a service to the industrial park as well as the nearby residential development. The geometries of this parcel present some practical challenges for uses more consistent with the Comprehensive Plan designation. |

Economic Development

| | |
|-------------------------------|---|
| Goals, strategies and actions | <i>Goal #1.5.1-Page 30: Encourage the rehabilitation of abandoned and/or underutilized facilities by promoting them to new businesses.</i> |
| | Staff Comment: The redevelopment of this site will contribute to the economic vitality of the County through the provision of services and employment. |

Environment

| | |
|-------------------------------|---|
| Goals, strategies and actions | <i>Action # 1.1.2-Page 77: Promote the use of Better Site Design, Low Impact Development, and effective Best Management Practices (BMP’s).</i> |
| | Staff Comment: The proposed development will be an improvement over the current design due to a decrease in impervious cover. According to the binding conceptual plan, there will be a 14% reduction in impervious cover from the current conditions. |

Staff Comment: Staff finds that the proposed fast food restaurant is consistent with some recommendations set forth by the Comprehensive Plan, staff notes that the rezoning of this property is also consistent with several nearby properties which are currently zoned B-1. Staff finds that the small scale of this proposal, the positive redevelopment of the site, and the proffers associated with this request will mitigate impacts.

Request for Landscape Modification:

Two modifications are being requested by the applicant.

Section 24-95 of the Zoning Ordinance requires a minimum of ten feet of landscaped area adjacent to a building. The modification request is for the transfer of plant materials from around the building to the front and side buffers. Due to the narrow and unusual shape of the parcel, building foundation plants would interfere with the traffic flow and operation of the drive through window. The request is supported by all five of the criteria found in section 24-88(a) of the Zoning Ordinance.

Section 24-99 (c)(1) of the Zoning Ordinance states that “A landscape area adjoining all side and rear property lines shall be provided which is at least 15 feet in width.” The modification request is to reduce the required 15 foot side and rear buffers to an average of 10 feet. All plant materials that would have been required for the 15 foot buffer will still be provided in the 10 foot buffer. Due to the narrow and unusual shape of the parcel, a 15 foot buffer would interfere with traffic flow and operations. The 10 foot buffer is already provided for on the parcel, five feet of asphalt would have to be removed to provide a 15 foot buffer. This modification meets all of the criteria found in section 24-88(a) of the Zoning Ordinance.

Section 24-88(a) of the Zoning Ordinance states that “the commission or planning director may modify, permit substitution for any requirement of this section, or permit transfer of required landscaping on a site upon finding that:”

- (1) Such requirement would not promote the intent of Section 24-88 of the Zoning Ordinance;
- (2) The proposed site and landscape plan will satisfy the intent of this section and its landscape area requirements to at least an equivalent degree as compared to a plan that strictly complies with the minimum requirements of this section;
- (3) The proposed site and landscape plan will not reduce the total amount of landscape area or will not reduce the overall landscape effects of the requirements of this section as compared to a plan that strictly complies with the minimum requirements of this section;
- (4) Such modification, substitution or transfer shall have no additional adverse impact on adjacent properties or public areas; and
- (5) The proposed site and landscape plan, as compared to a plan that strictly complies with the minimum requirements of this section, shall have no additional detrimental impacts on the orderly development of character of the area, adjacent properties, the environment, sound engineering or planning practice, Comprehensive Plan, or on achievement of the purposes of Section 24-88 of the ordinance.

The Planning Director has reviewed the requests for landscape modification for this project and found them to meet the criteria listed above. Staff recommends that the Planning Commission approve the request for landscape modification concurrent with their recommendation for the overall project.

RECOMMENDATION:

Staff finds the proposal consistent with surrounding land uses, and generally consistent with the Land Use policies of the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of the rezoning application and acceptance of the voluntary proffers to the Board of Supervisors.

Sarah Propst, Planner

ATTACHMENTS:

1. Location Map with Zoning Overlay
2. Conceptual Plan (binding)
3. Proffers (binding)
4. Architectural Elevation (non binding)
5. Request for Landscape Modification

Z-01-2010, Fast Food Restaurant at 8953 Pocahontas Trail

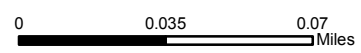


1 inch = 241 feet
1:2895

8953 Pocahontas Trail

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies are found, please contact the Real Estate Assessment Division of James City County, Mapping/GIS Section.
Aerial Imagery Copyright 2005 James City County.

1 inch = 241 feet



Return to:

Adam R. Kinsman
Deputy County Attorney
James City County
P.O. Box 8784
Williamsburg, VA 23187-8784

Tax Map No. 5920100019

PROFFERS

THESE PROFFERS are made as of this 16th day of June, 2010 by John A. Rogers, II (together with his successors and assigns, the "Owner").

RECITALS

1. The Owner is the owner of certain real property located in James City County (the "County") at 8953 Pocahontas Trail and more particularly described as James City County Real Estate Tax Map No. 5920100019 (the "Property").
2. The Property is zoned M-2, General Industrial.
3. The Owner has applied for a rezoning of the Property from M-2, General Industrial to B-1, General Business with proffers.
4. The Owner desires to offer the County certain conditions on the development of the Property not generally applicable to land zoned B-1, General Business.

NOW THEREFORE, for and in consideration of the approval of the requested zoning and pursuant to section 15.2-2303 of the *Code of Virginia*, 1950, as amended, and the James City County Code, the Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these proffers shall become null and void.

Prepared by:

Carla Brittle
JCC Business Facilitator
Palmer Lane, Building 1
Williamsburg, VA 23188
(757) 259-5412

CONDITIONS

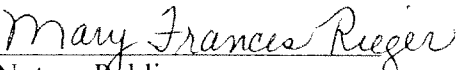
1. The property shall be used only for the following purposes: restaurant, fast food restaurant, tea room and tavern; veterinary hospital; banks and other similar financial institutions; medical clinics or offices; convenience store; tire, transmission, glass, body and fender and other automotive repair and service; vehicle rentals; and vehicle and trailer sales and services.
2. The building will be approximately 1,700 square feet, and will be located as shown on the plan by Land Tech dated June 2010.
3. The building exterior shall be brick and siding in a general color palette of brown brick, white siding and a red roof.
4. The existing pole mounted sign will be replaced with a ground mounted monument sign of thirty-two square feet or less.

WITNESS THE FOLLOWING SIGNATURE:


John A. Rogers, II

COMMONWEALTH OF VIRGINIA,
~~CITY~~/COUNTY of James City, to wit:

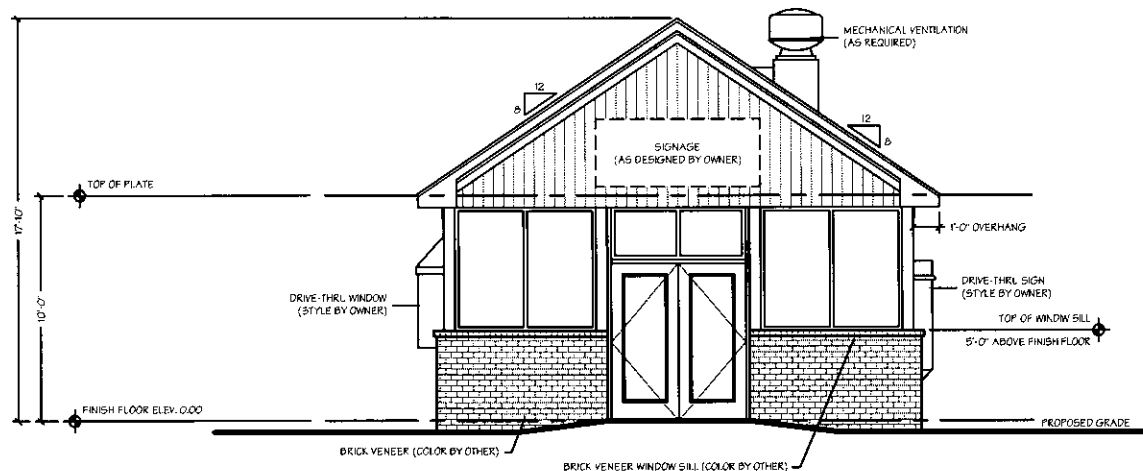
The foregoing instrument was acknowledged this 16th day of June, 2010 by John A. Rogers, II.


Notary Public

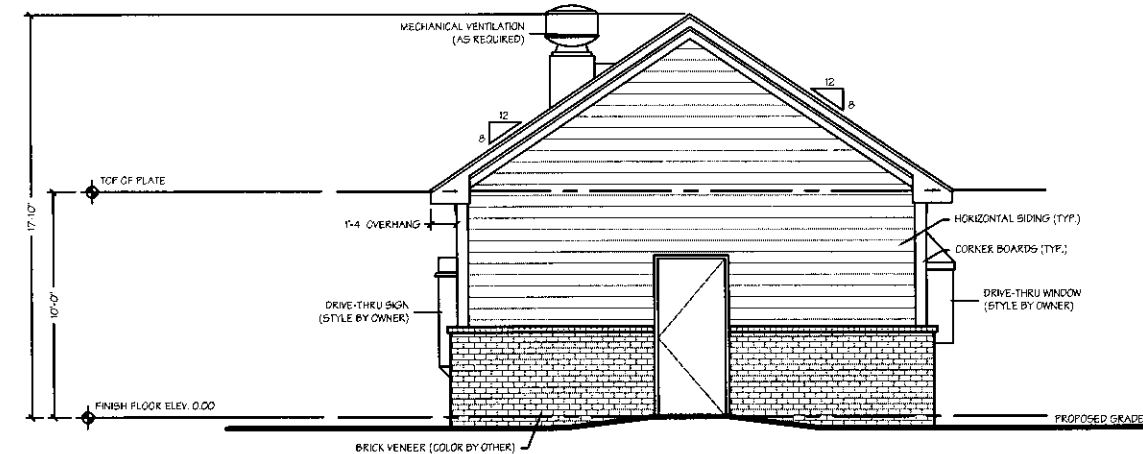
Notary No. 150638

My Commission Expires: October 31, 2013

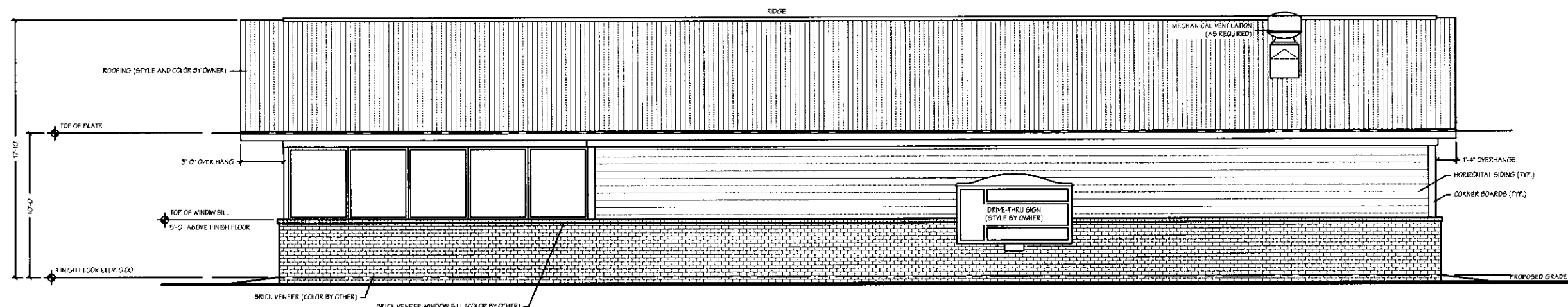
MARY FRANCES RIEGER
Notary Public
Commonwealth of Virginia
150638
My Commission Expires 10/31/2013



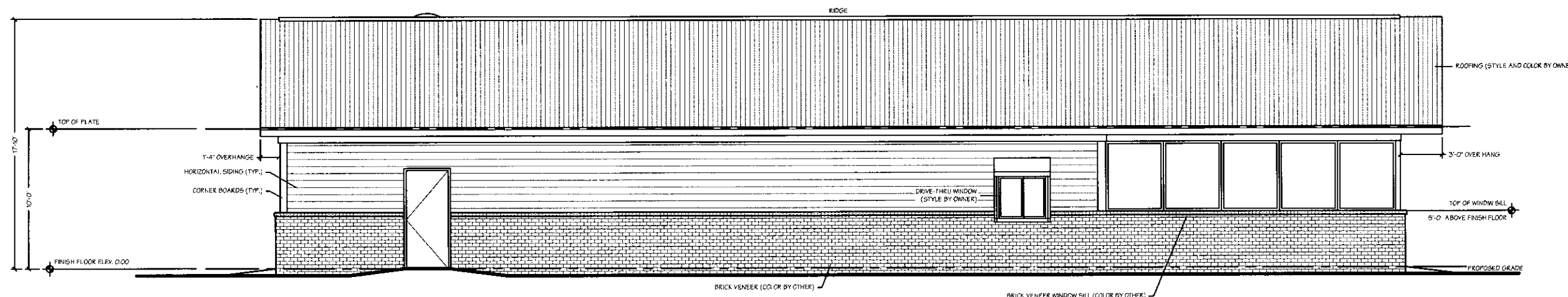
FRONT ELEVATION
SCALE 1/4" = 1'-0"



REAR ELEVATION
SCALE 1/4" = 1'-0"



RIGHT ELEVATION
SCALE 1/4" = 1'-0"



LEFT ELEVATION
SCALE 1/4" = 1'-0"

Drafting services provided by R.J.H. Drafting & Designs, Inc.
CONTACT INFORMATION:
 R.J.H. DRAFTING & DESIGNS, INC.
 P.O. BOX 3693 WILLIAMSBURG, VA 23187
 (804) 682-4444
 FAX (804) 682-4444

NOTES:
 1. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.
 2. THE CLIENT IS RESPONSIBLE FOR PROVIDING ALL NECESSARY INFORMATION AND DATA TO THE DRAFTER.
 3. THE DRAFTER IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS DOCUMENT.
 4. THE DRAFTER IS NOT RESPONSIBLE FOR ANY CONSTRUCTION COSTS OR DELAYS.
 5. THE DRAFTER IS NOT RESPONSIBLE FOR ANY CHANGES TO THIS DOCUMENT AFTER THE DATE OF ISSUE.

Scale: AS NOTED
 Date: 06/08/10
 File Name: 10003

| NO. | BY | REVISION | APP. | DATE |
|-----|----|----------|------|------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Oinkers Barbecue
8453 POCAHONTAS TR

JAMES CITY COUNTY
 VIRGINIA

ELEVATIONS

Job Number: 10041
 Sheet No.: 1



Request for Landscape Modification

PLANNING DEPARTMENT

Please complete all sections of the application. Call (757) 253-6685 if you have any questions, or go online to www.jccegov.com/resources/devmgmt/dept_devmgmt_planning.html

1. Project Information

| | | | |
|----------------------|------------------------|---------|---------------|
| Project Name: | Oinkers BBQ Restaurant | | |
| Address: | 8953 Pocahontas Trail | Zoning: | Rezoned to B1 |
| | Williamsburg Va. 23185 | | |
| Tax Map & Parcel ID: | 5920100019 | | |

2. Applicant/Contact Information

| | | | |
|----------|--------------------------|--------|--------------|
| Name: | Kenneth Jenkins | | |
| Company: | Landtech Resources, Inc. | Phone: | 757-565-1677 |
| Address: | 205-E Bulifants Blvd | Fax: | 565-0782 |
| | Williamsburg Va. 23188 | | |
| E-mail: | | | |

3. Modification Information

Section of the Landscape Ordinance: 24-95 & 24-99 (c) (1)

Justification (use additional paper as necessary):

There are two modifications requested.

The first is to transfer all plant materials from around the building to the front and side buffers. Due to the narrow and unusual shape of the parcel, building foundation plants would interfere with traffic flow and operation of the drive through window. This request is supported by all 5 of the criteria found in ordinance 24-88(a).

The second request is to reduce the required 15' side and rear buffers to an average of 10'. All plant materials that would have been required for the 15' buffer will still be provided in the 10' buffer. Again due to the narrow and unusual shape of the parcel having a 15' buffer would interfere with traffic flow and operations. The 10' buffer exists now and 5' of existing asphalt would have to be removed to provide the 15'. This request also meets all the criteria found in ordinance 24-88 (a).

4. Signature of Applicant: Kenneth Jenkins Date: 6/17/10

For Planning Office Use Only

Approved: YES Signature of Planning Director: _____

NO Date: _____ JCC Case No. _____

Notes:

SPECIAL USE PERMIT-0014-2010, Grove Christian Community Church and Outreach Center

Staff Report for the July 07, 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

Building F Board Room; County Government Complex

Planning Commission:

July 07, 2010

7:00 p.m.

Board of Supervisors:

August 10, 2010

7:00 p.m. (tentative)

SUMMARY FACTS

Applicant:

Mr. Vernon Geddy, III of Geddy, Harris, Franck & Hickman, LLP

Land Owner:

Thomas McCormick of Grove Christian Outreach Center

Proposal:

To allow a house of worship and accessory uses in excess of 2,750 square feet.

Location:

8798 and 8800 Pocahontas Trail, Roberts District

Tax Map/Parcel:

5910100026 and 5910100027

Parcel Size:

Parcels Combined Acreage-1.95 acres

Existing Zoning:

LB, Limited Business District

Comprehensive Plan:

Neighborhood Commercial

Primary Service Area:

Inside

STAFF RECOMMENDATION

Staff finds this proposal consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of this application with the conditions listed in the staff report.

Staff Contact:

Jose Ribeiro, Planner

Phone: 253-6685

PROJECT DESCRIPTION

Mr. Vernon Geddy has applied for a special use permit to allow the construction of a house of worship with outreach services as an accessory use on two parcels located along Pocahontas Trail in the Grove area of James City County. The property is zoned Limited Business, LB, and designated Neighborhood Commercial by the 2009 Comprehensive Plan. A house of worship is a by-right use in the Limited Business Zoning District; however, Section 24-370(d) of the Zoning Ordinance, requires a SUP for any building that exceeds 2,750 square feet of building footprint in areas that are designated Neighborhood Commercial on the Comprehensive plan.

Grove Ministry has served the Grove community since 2000 and currently operates from a leased space in front of Windy Hill Mobile Home Park. As interest and support for the charitable aspects of the ministry grew overtime, Grove Christian Outreach Center was established as a separate non-profit corporation. Both the church and the Outreach Center have continued to partner to meet the needs of the community.

The proposed site is designed to accommodate the needs of Grove Community Church as the main use of the property and the needs of the Outreach Center as an accessory use. The Zoning Ordinance defines accessory use as: *"A subordinate use customarily incidental to and located upon the same lot occupied by the main use or building."* Church services will be held on every Sunday from 10:00 a.m. to 12:00 p.m. The Outreach Center will provide services to the community which will include food, clothing, financial assistance, school supplies and Christmas gifts distribution. Access to the food pantry, clothes closet, and financial assistance will be available 3 days a week for a total of 14 hours each week. A community food distribution (Bread Day) will take place on Wednesday from 11a.m. to 1 p.m. Two seasonal events will include a "Back to School Celebration" in September and "Shoe Box Gifts for Kids" distribution in December.

In addition to the 5,628 square-foot building and associated parking spaces, a building expansion identified on the master plan as "Future Expansion" is also proposed as part of this Special Use Permit request. According to the applicant, it is expected that the future expansion will be used as either a sanctuary or educational space for the church. However, the Outreach Center may use a small portion of the building on occasion. Staff has designed a SUP condition (SUP condition No. 1-Master Plan) which ensures that development of the future building area will occur in compliance with Zoning Ordinance requirements, and be of similar scale, use, and architectural style as the 5,628 square-foot building.

Areas to the north and south of the property are zoned Limited Business, LB and designated by the Comprehensive Plan as Neighborhood Commercial and Low Density Residential, respectively. Areas to the east are zoned Rural Residential, R-8 and designated as Low Density Residential. The property fronts on Pocahontas Trail which is designated as a Community Character Corridor by the 2009 Comprehensive Plan. Carter's Grove, an 18th century plantation property, is located across Pocahontas Trail.

PUBLIC IMPACTS

Archaeology Impacts:

The subject properties are located within an area identified as a highly sensitive area in the James City County Archaeological Assessment *"Preserving our Hidden Heritage: An Archaeological Assessment of James City County, Virginia."* A Phase I Archaeological Survey was conducted on the site by Circa, Cultural Resource Management, LLC on July of 2007 on a parcel located at 8800 Pocahontas Trail and on October of 2009 on a parcel located at 8798 Pocahontas Trail. These reports are included in the Community Impact Statement (CIS) and conclude that no further archaeological testing(s) on the site is necessary.

Staff Comments: The Virginia Department of Historic Resources (VDHR) has reviewed both archaeological surveys and found that neither meets the Secretary of the Interior's Standards and Guidelines for the Documentation of Archaeological Sites or the VDHR's Survey Guidelines and has recommended that the studies be revised to meet VDHR's requirements. SUP condition No. 5-Archaeology ensures that the County's standard Archaeological Survey Policy is observed and will be completed with VDHR requirements.

Public Utilities:

Staff Comments:

This site is inside the PSA; public water is provided by Newport News Water Works and public sewer is provided by the James City County Service Authority (JCSA). JCSA staff has reviewed the special use permit application and has issued comments which will be addressed during the site plan review process.

Transportation:

2007 Traffic Counts for Pocahontas Trail, Route 60-Plantation Road (Route 1301) to Church Street (Route 655): 10,653 daily trips

2035 Traffic Counts for Pocahontas Trail, Route 60-NewportNews County Line to Grove Interchange: 9,226 daily trips (listed in the "Watch Category")

Route 60 in this area is a two lane undivided roadway. According to information provided by the applicant (refer to Page No. 4 and 5 of the Community Impact Statement) it is estimated that the Church will generate approximately 60 vehicles per day (total of both directions) during peak hour on a Sunday based on its planned seating capacity of 96 seats. A four week study was conducted at the current facility approximately 2,850 feet south from the proposed site. Traffic was counted from the hours of 9 a.m. to 12 p.m. on Wednesdays (Bread Day) in order to determine left and right turn volumes. Additionally, traffic counts in both directions along Route 60 in the area of Chestnut Grove (approximately 850 feet north from the propose Grove Christian Outreach Center) from March of 2007 were obtained. Based on information provided by the applicant, no offsite roadway improvements are warranted by this development.

VDOT comments: VDOT concurs with the traffic assessment provided as part of this application. Left or right-turn lanes or tapers are not warranted for this proposed use. VDOT has indicated that this project will not meet the minimum spacing requirements for entrances in accordance with the 2007 Access Management Regulations and has recommended the applicant pursue a design exception to the minimum spacing requirements. According to VDOT, the Access Management Regulations for arterials and for minor arterials, collectors, and local streets identify potential exceptions to the spacing standards for commercial entrances. Exceptions to the spacing standards include entrances or intersection located on an older, established business section of an urban highway corridor where existing entrances and intersections did not meet the spacing standards prior to October 14, 2009.

Staff Comments: Staff concurs with VDOT's findings and notes that the design exception process will occur during the site plan review and that VDOT has indicated support for this request.

Parking: Section 24-59(17) of the Zoning Ordinance states that for places of public assembly one parking space per five seats is required based upon the planned seating capacity. The planned seating capacity for the church is 96 seats; therefore, the total number of parking spaces required is 20 spaces. The additional 48 spaces (which include 18 spaces for overflow parking) are planned to accommodate the parking needs for services provided by the Outreach Center, in particular, during food distribution day (Bread Day) which will occur on every Wednesday from 11 a.m. to 1 p.m.

Environmental Division: The Environmental Division staff has reviewed this SUP application and has issued comments that will be addressed during the site plan review process. The proposed impervious area for this project at build-out will be approximately 41% while almost 59% of the site will be retained as open space areas. The proposed wet pond located at the eastern edge of the property will capture most of the stormwater run off from the site. According to the applicant, the BMP has already been sized to handle the impervious area at final build out conditions. There are no water or wetland features on the site or adjacent to it. This property is not located in the 100-year floodplain.

COMPREHENSIVE PLAN

Land Use Map

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| <p>Designation</p> | <p><i>Neighborhood Commercial (Page 154):</i> Located in the PSA, serving residents of the surrounding neighborhoods in the immediate area and having only a limited impact on nearby development...The total building area within any area designated Neighborhood Commercial should generally be no more than 40,000 square feet in order to retain a small-scale neighborhood character. Recommended uses are: neighborhood scale commercial, professional, and office uses such as individual medical offices, branch banks, small service establishments, day care centers, churches, convenience stores with limited hours of operation, small restaurants, and smaller public facilities.</p> <p>Staff Comment: Grove Christian Community Church/Outreach Center will primarily serve residents of the Grove area in James City County and will have a limited impact on the local traffic and environment. Staff notes that the size of the entire building is capped at less than 8,500-square feet (refer to SUP condition No.1), in keeping with the desired small-scale neighborhood character recommended by the Comprehensive Plan. A house of worship is one of the recommended uses in Neighborhood Commercial areas.</p> |
| <p>Development Standards</p> | <p><i>Compatibility</i> (a) Locate proposed commercial and industrial developments adjacent to compatible uses (public or other similar uses, etc.). Where a commercial or industrial development desires a location near a sensitive area, the site should be designed so that transitional uses such as offices and/or buffers are located between conflicting uses. During such evaluation, emphasis would be placed on the provision of open space; protection of the environment and historical and archaeological resources; preservation of farm and forestal lands, agricultural structures, and rural and scenic vistas....</p> <p>(b) Commercial uses, and particularly Neighborhood Commercial areas, will have a limited impact on adjacent residential areas especially in terms of visible parking areas, lighting, signage, traffic, odor, noise, and hours of operation.</p> |

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| | <p><i>Environmental Protection</i></p> <p>(b)Protect environmentally sensitive resources including high-ranking Natural Areas and significant natural heritage resources, the Powhatan Creek watershed, historic and archaeological resources, designated Community Character Corridors and Areas, and other sensitive resources by locating conflicting uses from such resources and utilizing design features, including building and site design, buffers and screening to adequately protect the resource.</p> <p>Staff Comment: The proposed house of worship will be located adjacent to residential uses south and east of the property and commercial uses north of the property. The perimeter of the property will be landscaped providing a natural buffer from adjacent areas. Pocahontas Trail is a Community Character Corridor; a 50-foot vegetative buffer from the right-of-way, as required by the 2009 Comprehensive Plan for non-residential uses along Community Character, is observed by this application. Parking areas will be screened from the right-of-way by the 50-foot vegetative buffer. SUP conditions concerning the architecture of the building, lighting, and signage (SUP condition Nos. 4, 6, and 1) were designed to ensure compliance with the Zoning Ordinance and design guidelines for properties located in LB zoning district areas.</p> |
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Community Character

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| <p>Goals, Strategies and Actions</p> | <p><i>Action# 1.3.3-Page 99:</i> Expect illustrative drawings, including streetscape, architecture, and perspectives as a binding component for appropriate rezoning and special use permit applications.</p> <p><i>Action# 1.3.7-Page 99:</i> Expect new developments to employ site and building design techniques that reduces their visual presence and scale, Design techniques include berms, buffers, landscaping, building designs that appear as collections of a smaller buildings rather than a single large building, building colors and siting that cause large structures to blend in with the natural landscape, and low visibility parking locations.</p> <p><i>Action# 1.6.1-Page 101:</i> Expect archaeological studies for development proposals requiring legislative approval on lands identified by the James City County staff as warranting such study and require their recommendations to be implemented. In making the determination, staff will consult archaeological studies and seek the recommendation of representatives of the County Historical Commission or other qualified archaeologists if necessary.</p> |
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| | <p>Staff Comment: Architectural elevations showing the proposed design of the building have been submitted as part of this SUP application and can be found in the last page of the Community Impacts Statement. Staff finds that the size, scale, mass and colors of the proposed building are in accordance with the Design Standards for areas within the Limited Business District (Section 24-370 of the Zoning Ordinance) and with the County's Neighborhood Commercial Development Standards Policy. SUP condition No. 5 ensures compliance with the County's Archaeological Policy.</p> |
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Staff Comments

Staff finds that the proposed development compatible with adjacent uses and in accordance with the 2009 Comprehensive Plan Land Use Map. Staff finds that this proposal will have limited impacts on local traffic and on the environment while providing needed services to the community and enhancing the visual character of the Grove area.

Section 24-370- Special provisions for areas within the Limited Business District, LB, designated Neighborhood Commercial on the Comprehensive Plan.

The Comprehensive Plan defines Neighborhood Commercial areas as limited business activity areas located within the PSA, serving residents of the surrounding neighborhoods in the immediate area, and shall be compatible with surrounding development in terms of scale, building design, materials and color. A special use permit application shall demonstrate to the Planning Director substantial conformance to this chapter's Design Guidelines (see below) and the county's Neighborhood Commercial Development Standard Policy (*with staff's comments in italics*):

Section 24-370 Design Guidelines.

- 1) Large work area doors or open bays shall be screened from external roadways by fencing or landscaping.
Large work area doors or open bays are not features proposed as part of this proposal.

- 2) Heating, ventilating and air conditioning equipment, duct work, air compressors, and other fixed operating machinery shall be screened from adjoining property and the street right-of-way with fencing or landscaping. Large trash receptacles, dumpsters, utility meters, above ground tanks, satellite dishes, antennas, etc. shall be similarly screened.
SUP condition No. 1 ensures compliance with Section 24-370 of the Zoning Ordinance.

- 3) If used, fences in front of buildings on the site shall be landscaped.
A fence in front of the building is not proposed as part of this proposal.

- 4) Signs shall generally have no more than three colors. Generally, pastel colors shall not be used. Free-standing signs shall be of a ground-mounted type and shall not be larger than 32 square feet not erected to a height greater than eight feet.
SUP condition No. 1 ensures compliance with Section 24-370 of the Zoning Ordinance.
- 5) Site landscaping shall be reviewed and approved by the Planning Director and shall be consistent with the natural landscape and character of the surroundings. A unified landscape design shall be provided, including street trees.
SUP condition No. 1 ensures compliance with Section 24-370 of the Zoning Ordinance.
- 6) Compliance with the provision of this subsection shall be evidenced by the submission to the Planning Director of a site plan, in accordance with the requirements of section 24-145, site plan submittal requirements.
A site plan for this project must be submitted in accordance with Section 24-145 of the Zoning Ordinance for County's review and approval.

County's Neighborhood Commercial Development Standard Policy

- 1) Long, monotonous façade designs shall be avoided, including, but not limited to, those characterized by unrelieved repetition of shape, form, architectural details, or by unbroken extension of line.
Staff finds that, in general, the façade of the proposed building is characterized by certain architectural features (e.g. roof lines, windows, etc) that add visual interest to the building.
- 2) Brick, natural wood siding, or other materials with similar texture and appearance are considered most appropriate. Reflective surfaces are generally not considered acceptable exterior material.
According to the applicant, Fiber Cement siding will be used for the exterior finish, in association with either Fiber Cement or Solid PVC Trim and clad wood or vinyl windows. The roof will be made of architectural shingles.
- 3) Generally no more than three colors shall be used per building. Generally, bright hues shall not be used.
According to the applicant, the siding color is proposed to be of a deep red similar to Nicholson Shop Red, and the trim of a similar tan color as is used on the Nicholson Shop as well (from Duke of Gloucester in Colonial Williamsburg). The door and window color would be similar to the trim color. The roof will be in a "weathered wood" color.
- 4) No portion of a building constructed of a barren and unfinished concrete masonry unit (cinder block) or corrugated material or sheet metal shall be visible from any adjoining property or public right-of-way. This shall not be interpreted to preclude the use of architectural block as a building material.
The above materials will not be used as part of the building's construction.

- 5) Building design that reflects local, historical or architectural themes and style is encouraged. Replication of standard building design is discouraged.

According to the applicant, the overall building massing has a kind of "bungalow" feel, and the windows will contribute to the early 20th century theme by using 2 panes of glass over 2 panes of glass. There is also a historical precedent for the use of small, high, square windows as are indicated for the north building elevation-in some of the connecting elements of houses in the restored area of Colonial Williamsburg.

- 6) The use of articulation shall be employed to reduce the overall size of large buildings. Articulation may be expressed through building massing and architectural elements such as rooflines, windows, door, etc. Buildings with large profiles shall be designed to appear smaller by articulating the overall massing as a collection of component masses. Architectural elements shall be incorporated to the extent practical, including but not limited to, bays, balconies, porches, loggias, and/or arcades. Rooftop architectural elements shall be incorporated to the extent practical, including, but not limited to, features such as dormers, widow watches, and/or other rooftop elements.

According to the applicant, the overall building has been broken into two masses with a "connecting" element in order to reduce the overall length of the building. Extensive porches have been used both to accommodate functional needs and to break up building massing, providing a welcoming, shaded entry/interaction area for the community. Porch elements in particular are often used in the historical architecture of our area to provide shade and fulfill a similar function to what is being proposed for this building.

- 7) Convenience stores shall not have limited hours of operation. Twenty-four hour convenience stores shall not be permitted.

This standard is not applicable to this project.

RECOMMENDATION:

Staff finds the proposal consistent with surrounding zoning and development and with the Comprehensive Plan. Staff also finds this proposal consistent with the Design Standards of the Limited Business Zoning District and the County's Neighborhood Commercial Development Standards Policy. Further, staff finds that this proposal will positively impact residents of the County's Grove area. Staff recommends the Planning Commission recommend approval of SUP-0014-2010 with the following conditions:

1. **Master Plan:** This special use permit shall be valid for the construction of building(s) totaling approximately 5,700-square feet and associated future building expansion of approximately 2,700-square feet on the property located at 8798 and 8800 Pocahontas Trail and further identified as JCC Parcel Number Nos. 5910100026 and 5910100027 (together, the "Property"). Development of the Property shall be generally in accordance with the Master Plan entitled "Master Plan for Grove Christian Outreach" prepared by AES Consulting Engineers dated May 26, 2010 and revised on June 21, 2010 (the "Master Plan") with such minor changes as the Planning Director or his designee determines does not change the basic concept or

character of the development. Development of the building area labeled in the master plan as future expansion shall comply with all requirements of the Zoning Ordinance and shall be of similar use, scale, and architectural style as the proposed 5,700-square foot building and as determined by the Planning Director. Development of the Property, including development of the future expansion, as shown on the Master Plan, shall occur in accordance with the design standards of Section 24-370 of the Zoning Ordinance and with the Neighborhood Commercial Development Standards Policy adopted by the Board of Supervisors of James City County on March 23, 1999 and as determined by the Planning Director.

2. **Land Use:** The land uses of the Property shall include a house of worship and outreach services and other permitted accessory uses as determined by the Planning Director.
3. **Boundary Line Extinguishment (BLE):** Prior to final site plan approval, a plat showing the extinguishment of the common property line between the parcels located at 8798 and 8800 Pocahontas Trail must be submitted to the Planning Director for County review and approval.
4. **Architectural Review:** Prior to final site plan approval, the Planning Director, or his designee, shall review and approve the final building elevations and architectural design for Grove Christian Outreach Center. Such building shall be reasonably consistent, as determined by the Planning Director or his designee, with the architectural elevations titled "Grove Christian Outreach Center, Williamsburg, Virginia" submitted with this special use permit application and prepared by Guernsey Tingle Architects, date stamped April 13, 2010.
5. **Archaeology:** A Phase I Archeological Study for the entire site shall be submitted to the Planning Director for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Planning Director 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 Planning Director and a treatment plan for said sites shall be submitted to, and approved by, the Planning Director 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 Planning Director 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.

6. **Lighting:** All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Planning Director or his designee, which indicates no glare outside the property lines. All light poles shall not exceed 20 feet in height unless otherwise approved by the Planning Director prior to final site plan approval. "Glare" shall be defined as more than 0.1 foot-candle at the boundary of the Property or any direct view of the lighting source from the adjoining properties.
7. **Commencement of Construction:** Construction on this project shall commence within 36 months from the date of approval of this special use permit or this permit shall be void. Construction shall be defined as the obtaining of permits for the construction of foundations and/or footings.
8. **Severance Clause:** This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Jose Ribeiro, Planner

ATTACHMENTS:

1. Master Plan
2. Location Map
3. Community Impact Statement (CIS)

JCC-0014-2010

Grove Christian Church & Outreach Center



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**SPECIAL USE PERMIT-0015-2010. Chanco’s Grant Greensprings Trail Amendment
Staff Report for the July 7, 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

Building F Board Room; County Government Complex

Planning Commission: July 7, 2010 7:00 p.m.
Board of Supervisors: August 10, 2010 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant: Mr. Bernard Farmer, James City County General Services

Land Owner: James City Service Authority

Proposal: Amend an existing special use permit (SUP-0014-2003) to permit construction of a JCC Parks and Recreation trail within a required 300 foot undisturbed buffer.

Location: 3123 Ironbound Road

Tax Map/Parcel Nos.: 4620100034

Parcel Size: 18.639 acres

Zoning: R-8, Rural Residential

Comprehensive Plan: Federal, State, and County Land

Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds the proposal consistent with surrounding zoning and development and consistent with the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of this special use permit application to the Board of Supervisors with the included conditions.

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

Project Description

Mr. Bernard Farmer of James City County General Services has applied on behalf of Parks and Recreation for an amendment to an existing special use permit (SUP-0014-2003) to allow for the construction of an eight-foot-wide paved trail segment through a required 300 foot undisturbed buffer between the Five Forks Groundwater Treatment Facility and the Chanco’s Grant neighborhood. When the Five Forks Groundwater Treatment Facility was originally constructed, it was required to get a special use permit. The original SUP (SUP-0022-2001) allowed construction of a Water Treatment Facility in the Five Forks area behind Clara Byrd Baker Elementary School and included provisions for the construction of a concentrate discharge main, water main, and six production wells. A condition was included that required the JCSA to construct a greenway trail over a portion of the discharge main alignment. There was also a condition to provide a 300 foot undisturbed buffer along the southern property line of the facility adjacent to the Chanco’s Grant neighborhood, but the condition specifically allowed for clearing necessary for construction of the greenway trail within this buffer area. This condition was initially put in place to provide a buffer between the unknown potential noise and visual impacts of the Groundwater Treatment Facility from the adjacent residential area.

On March 25, 2003, the Board of Supervisors approved an amendment to SUP-0022-2001 which changed the limits of

clearing and location of a portion of the water main proposed along Route 5. All other conditions, including the provision for the greenway trail, remained the same as in SUP-0022-2001.

On August 12, 2003, the Board of Supervisors approved another amendment (SUP-0014-2003) to eliminate the greenway trail condition. The condition was removed because negotiations at that time to purchase or acquire an easement to allow a discharge main and trail over an adjacent property were unsuccessful. Instead, the JCSA had to acquire that easement through condemnation proceedings. In the process, the owners of the adjacent property that the discharge main and trail were expected to cross over, objected to having a greenway trail placed on their property. Furthermore, the County did not have the funding or plans to construct the trail within the 5-year Capital Improvement Program. Due to the lack of funding and the adjacent property owners' objections, the condition requiring the greenway trail was removed.

Since that time, the County has acquired additional properties in the vicinity of the Groundwater Treatment Facility, making construction of the trail possible. Additionally, a Parks and Recreation bond referendum was passed in 2005 which allocated \$1.5 million for greenways and trails. The overall trail will be funded through a combination of bond referendum funds and a State grant.

The trail is proposed to provide a connection between the Greensprings Trail network/Mainland Farm area and Clara Byrd Baker Elementary School/Five Forks area. Overall, the trail connection is approximately 1 ¼ miles long; however, only about 700 feet of the trail is located on the Five Forks Groundwater Treatment Facility property. This connection was identified as a priority project in the 2002 Greenways Master Plan and was reaffirmed as a top priority during public meetings regarding the 2005 bond referendum. Trail construction details are included as part of the attached master plan and will be eight feet in width and paved to accommodate multiple user groups and reduce required ongoing maintenance.

Surrounding Zoning and Development

The parcel is zoned R-8, Rural Residential and designated as Federal, State, and County Land on the 2009 Comprehensive Plan Land Use Map. Properties to the north are designated Moderate Density Residential, zoned MU, Mixed Use, and master planned as part of the Governor's Grove development. Properties to the west are designated Low Density Residential and Park, Public, or Semi-Public Open Space and are largely undeveloped. Properties to the south are designated Low Density Residential, zoned R-8, Rural Residential, and include the Chanco's Grant subdivision. Clara Byrd Baker Elementary School is immediately to the east and is zoned PL, Public Land. The applicant held a public meeting on June 15th to discuss the overall trail route with adjacent residential neighborhoods and discuss the reasoning and benefits of the proposal.

PUBLIC IMPACTS

1. Environmental Impacts

Watershed: Powhatan Creek

Environmental Staff Conclusions: The Environmental Division has reviewed the proposal and concurs with the master plan and conditions as proposed. James City County has contracted with the Williamsburg Environmental Group to create the trail design and alignment to have the least impact on the surrounding natural environment as possible while still designing a trail that is ADA compliant. The proposed general trail alignment was selected because it avoided steep slopes as much as possible. This enables builders to keep the trail at a handicap-accessible grade (no more than 5% grade) without having to extensively grade existing steep slopes or use multiple switchbacks, which would involve additional clearing and increase visibility to neighborhoods. Furthermore, the wooded area where the trail is proposed on the Groundwater Treatment Facility property has a relatively clear understory, allowing the trail to meander between existing mature trees without the need for significant clearing. The proposed trail alignment was also chosen in order to avoid adjacent property that is not owned by the County and to keep a buffer between the trail/trailhead and the Groundwater Treatment Facility to minimize security concerns.

2. Utilities

The site is located inside the Primary Service Area and does not propose any utility connections.

JSCA Staff Conclusions: The James City County Service Authority has reviewed the master plan and is supportive of the trail construction.

3. Traffic

No traffic impacts are anticipated with this greenway trail proposal.

Comprehensive Plan

Land Use Map

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| Designation | <p>Federal, State, and County Land (Page 159): Publicly owned lands included in this category are Eastern State Hospital, military installations, County offices and facilities, and larger utility sites such as the Hampton Roads Sanitation District treatment plant. Development in these areas should follow applicable development standards listed in the charts.</p> |
| | <p>Staff Comment: The Five Forks Groundwater Treatment Facility is run by the James City Service Authority and is consistent with this designation. The proposed greenway trail would also be open to use by the public and would be maintained by the Parks and Recreation Division.</p> |
| Development Standards | <p><i>Residential Development Standard #4a-Page 153:</i> Permit new development only where such developments are compatible with the character of adjoining uses and where the impacts of such new developments can be adequately addressed.</p> <p><i>Residential Development Standard #6a-Page 153:</i> Basing design on a use of land reflecting topographic and other physical features and natural boundaries of the site rather than imposing a layout intended solely to satisfy minimum ordinance requirements.</p> <p><i>Residential Development Standard #6k-Page 153:</i> Designing effective pedestrian circulation to include trail systems.</p> <p><i>Residential Development Standard #8d-Page 153:</i> Providing for safe, convenient, and inviting bicycle, pedestrian, and greenway connections to adjacent properties and developments, with a special focus on providing adequate access between residential and nonresidential activity centers and among residential neighborhoods.</p> <p>Staff Comment: While the proposed trail falls within the 300 foot buffer with Chanco’s Grant, its closest point to the neighborhood is approximately 100 feet with the majority of the trail falling more than 200 feet from the rear property line. The area is heavily wooded and select tree clearing for the trail’s construction will further limit the visual impacts of the trail to adjacent residential areas. Also, the final trail alignment is flexible so it can be routed to avoid specimen trees, which provide increased buffer opportunities. There will also be no lighting, further reducing the trail’s nighttime visual impacts. The trail is designed to compliment the topography so that it remains handicap accessible without significant grading. Finally, the trail is a top priority of the Greenways Master Plan as it provides an important connection between several residential neighborhoods and an elementary school, providing walking opportunities that do not exist on the main roads that currently connect the neighborhoods to the school.</p> |
| Goals, strategies and actions | <p><i>Action 1.2.1-Page 164:</i> Plan for and encourage the provision of greenways, sidewalks, and bikeways to connect neighborhoods with retail and employment centers, parks, schools, and other public facilities, and to effectively connect buildings and activities within individual sites.</p> <p>Staff Comment: As noted earlier, the proposed trail segment is a top priority project and provides connections between residences, a retail center, and a public facility.</p> |

Environment

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| Goals, strategies and actions | <p><i>Action 1.1.2.8-Page 77:</i> Continuing to promote the protection of trees.</p> <p><i>Action 1.1.3-Page 78:</i> Through the Chesapeake Bay Preservation Ordinance, enforce Resource Protection Areas (RPAs) protecting all tidal wetlands, tidal shores, non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow, perennial streams and a 100-foot-wide buffer adjacent to and landward of other RPA components.</p> <p><i>Action 1.3.7-Page 81:</i> Site development projects, including those initiated by the County, to be consistent with the protection of environmentally sensitive areas and the maintenance of the County’s overall environmental quality so that development projects do not exacerbate flooding in flood prone</p> |
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| | areas. |
| | Staff Comment: As noted earlier, the project proposes to retain as many trees as possible, particularly those that are greater than 8” in diameter, and use flexible trail routing to preserve large specimen trees. New language has been incorporated into conditions 13 and 14 to reflect these commitments. The trail is located in a portion of the 100 foot RPA buffer, but significant work has gone into evaluating the impacts of the trail in the area and ensuring that minimal disturbances are created. Also, the applicant has completed modeling of the stream system to make sure crossings are built to a sufficient height so that accumulated debris will not impact bridges or create flooding. |

Parks and Recreation

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| Goals, strategies and actions | <p><i>Strategy 1.2-Page 112:</i> Continue to develop an integrated network of linear parks, trails, bikeways, sidewalks and greenways with connections to a regional greenway system that allow foot or bike access to destinations and that preserve the diverse natural, cultural, scenic, and environmental resources of the community that contribute to recreation activities.</p> <p><i>Strategy 1.3-Page 114:</i> Research and pursue alternative methods for funding park development and recreation programs that create a positive cash flow to offset expenditures, including private sector partnerships, establishment of a park foundation, citizen volunteers, grants, and revenue producing facilities.</p> <p>Staff Comment: This trail segment is a top priority of the 2002 Greenway Master Plan and was reaffirmed as such during the 2005 Parks and Recreation bond referendum. The wider paved trail will provide transportation and recreational opportunities for both pedestrians and bicyclists. As noted earlier, the project will be funded through methods alternative to the general operating fund – a portion of the 2005 bond referendum has been allocated for the project and a grant from the Department of Conservation and Recreation will be used for connecting portions of the trail.</p> |
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Comprehensive Plan Staff Comments

The proposal to add permission to construct the greenway trail within the 300 foot buffer on the Groundwater Treatment Facility property will provide additional pedestrian and bicycle connections between neighborhoods, a retail center, and a school. The trail will also provide recreational access to scenic areas and a larger trail network that is either already in place or in the process of being constructed. The use is compatible with surrounding uses and additional tree protection will reduce any potential visual and noise impacts. Staff finds the proposal, with the below conditions, to be generally consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation.

RECOMMENDATION:

Staff finds the proposal, with the attached conditions, to be generally consistent with surrounding land uses, and the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of the special use permit application to the Board of Supervisors with the conditions below. Please note that most conditions are carrying over unchanged from SUP-0014-2003. The only conditions that are amended or are new are numbers 7 and 13 (amended), and number 14 (new). The amended conditions are shown below in strikethrough format to more easily see the changes.

1. Construction. Start of Construction on the Groundwater Treatment Facility, as defined in the Zoning Ordinance, shall commence within 36 months of approval of this special use permit, or the permit shall become void.
2. Compliance. Construction, operation, and maintenance of the Groundwater Treatment Facility, water transmission main, production wells, and concentrate discharge main shall comply with all local, State, and Federal requirements.
3. Permits. All permits and easements shall be acquired prior to the commencement of construction for the water transmission main and concentrate discharge main.
4. Erosion and Sediment Control. The project shall comply with all Virginia erosion and sediment control regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook as amended.
5. Development Plan. Development and land clearing of the site shall be generally in accordance with the

“Preliminary Plan, Brackish Groundwater Desalinization Facility” prepared by AES Consulting Engineers, March 19, 2002, with such accessory structures and minor changes as the Development Review Committee determines does not change the basic concept or character of the development.

6. Spill Containment. Prior to the issuance of a Certificate of Occupancy, a spill containment plan which addresses the chemical handling and storage areas shall be submitted to the Environmental Director and Fire Department for their review and approval.
7. Archaeology: ~~Prior to the issuance of a land-disturbing permit for this project, an archaeological survey shall be conducted for the project area for the water treatment facility and along the recommended alignment for the concentrate discharge main in accordance with the adopted Board of Supervisors policy. The results shall be submitted to the Director of Planning for review and approval.~~ *A Phase I Archaeological Study for the any areas to be disturbed shall be submitted to the Director of Planning for review and approval prior to land disturbance for that area. 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 site and the clearing, grading or construction activities thereon.*
8. Lighting. All exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, prior to final site plan approval, a lighting plan shall be submitted to, and approved by, the Director of Planning or his designee which indicates no glare outside the property lines. “Glare” shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from the adjoining residential properties.
9. Architecture. Prior to final site plan approval, architectural elevations, building materials, and colors shall be submitted to the Director of Planning for review and approval for all structures on the site. The intent of this condition is to ensure that all future buildings on the site are uniform and compatible in terms of design, materials and colors, have a residential appearance, and are designed for minimal visual impact.
10. Landscaping. Any accessory structures on the site, such as storage tanks and production well structures, shall be screened with enhanced landscaping or constructed with materials and colors matching the treatment facility. Enhanced landscaping shall be defined as either 133% of evergreen trees required by the Zoning Ordinance or 125% of general planting required by the Zoning Ordinance as determined by the Director of Planning.
11. Utilities. The water main shall be located within the limits of clearing for the access driveway to the site from John Tyler Highway, the existing JCSA easement or within VDOT right-of-way.
12. Route 5 Buffer. A 250-foot undisturbed wooded buffer shall be maintained along John Tyler Highway with the exception of the clearing necessary for the driveway providing access to the site and any portion of the existing JCSA utility easement along John Tyler Highway. The driveway shall be curved in such a way to minimize views of the site from John Tyler Highway to the greatest extent possible, as determined by the Director of

Planning.

13. Chanco's Grant Buffer: A 300 foot wooded buffer shall be maintained along the southern property line of the treatment facility site adjacent to the Chanco's Grant subdivision ~~with the exception of the clearing necessary for the construction of the concentrate discharge main.~~ *The buffer shall remain undisturbed with the exception of breaks for pedestrian connections, utilities, pedestrian walking and hiking trails, and other uses specifically approved by the Director of Planning. Any approved breaks shall avoid any major disturbance and clearing or impacts on any trees larger than 8" in breast height diameter.*
14. Greenway Trail: *The trail shall be generally located as shown on the plan titled "Project Location Map: Powhatan Creek Trail" dated June 2010 and drawn by the Williamsburg Environmental Group, Inc. with the ability to adjust the precise alignment to avoid specimen trees. The trail shall be built generally consistent with the design details shown on the plan titled "Cross Section Detail: Powhatan Creek Trail" dated June 2010 and drawn by Williamsburg Environmental Group, Inc.*
15. Community Character. The applicant shall avoid removing trees, bushes and shrubs along the water main and concentrate discharge main corridors along Route 5, 4-H Club Road, and Jamestown Road. Trees, bushes, and shrubs damaged during construction shall be replaced with a tree, bush, or shrub of equal type as approved by the Director of Planning.
16. Dust and Siltation Control. For water main or concentrate main construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on adjacent property. It is intended that the present and future results of the proposed water transmission main and concentrate discharge main do not create adverse effects on the public health, safety, comfort, convenience, or value of the surrounding property and uses thereon.
17. Access. Vehicular access to residences within the effected right-of-ways shall be maintained at all times.
18. Construction Time. All construction activity for the concentrate discharge main and the water main extension adjacent to existing residential development shall occur between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.
19. Vehicle and Equipment Storage. Construction vehicles and equipment shall not be parked or stored along Route 5, 4-H Club Road, or Jamestown Road between the hours of 5:00 p.m. and 8:00 a.m.
20. Severability. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

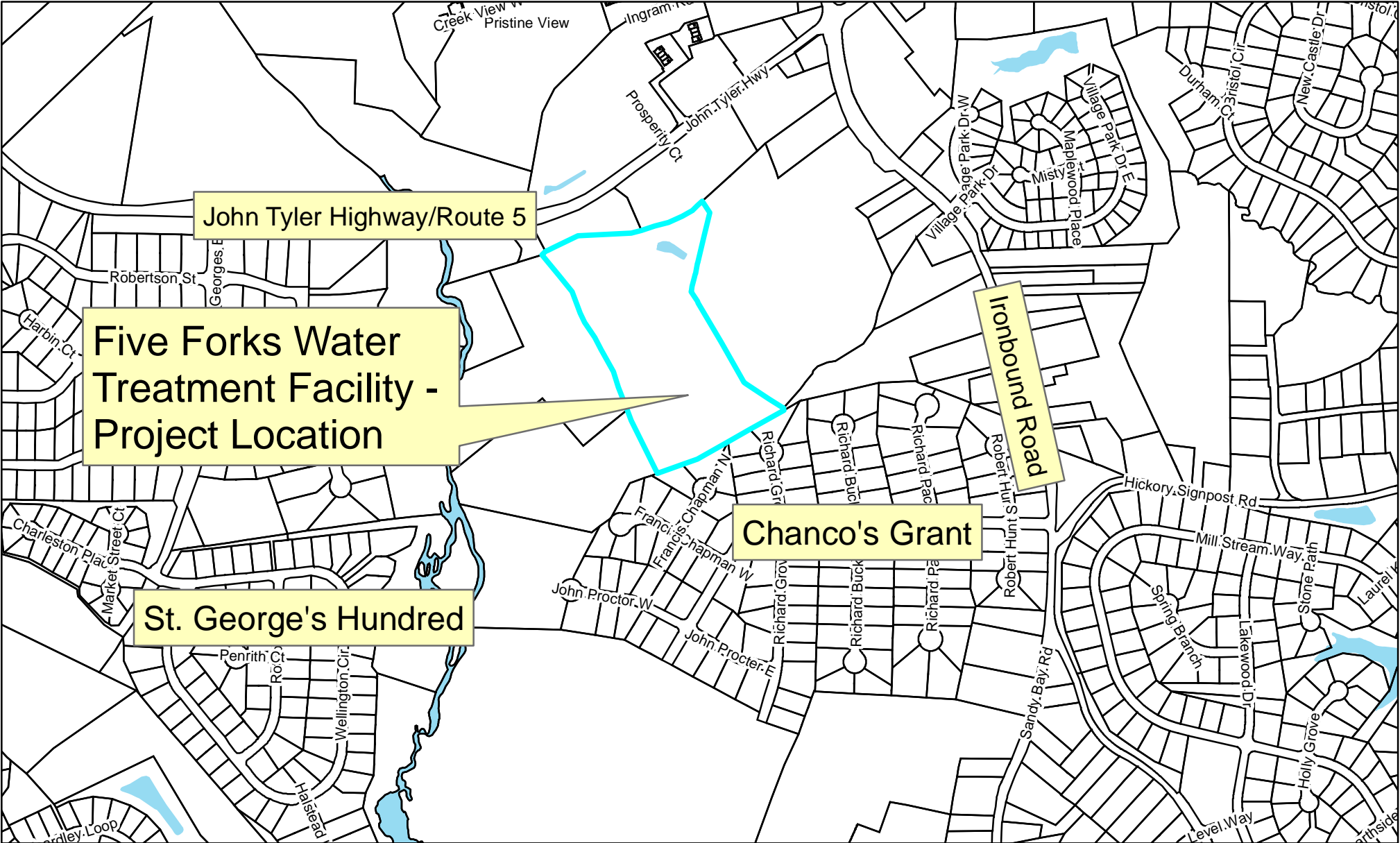
Leanne Reidenbach, Senior Planner

ATTACHMENTS:

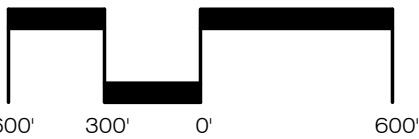
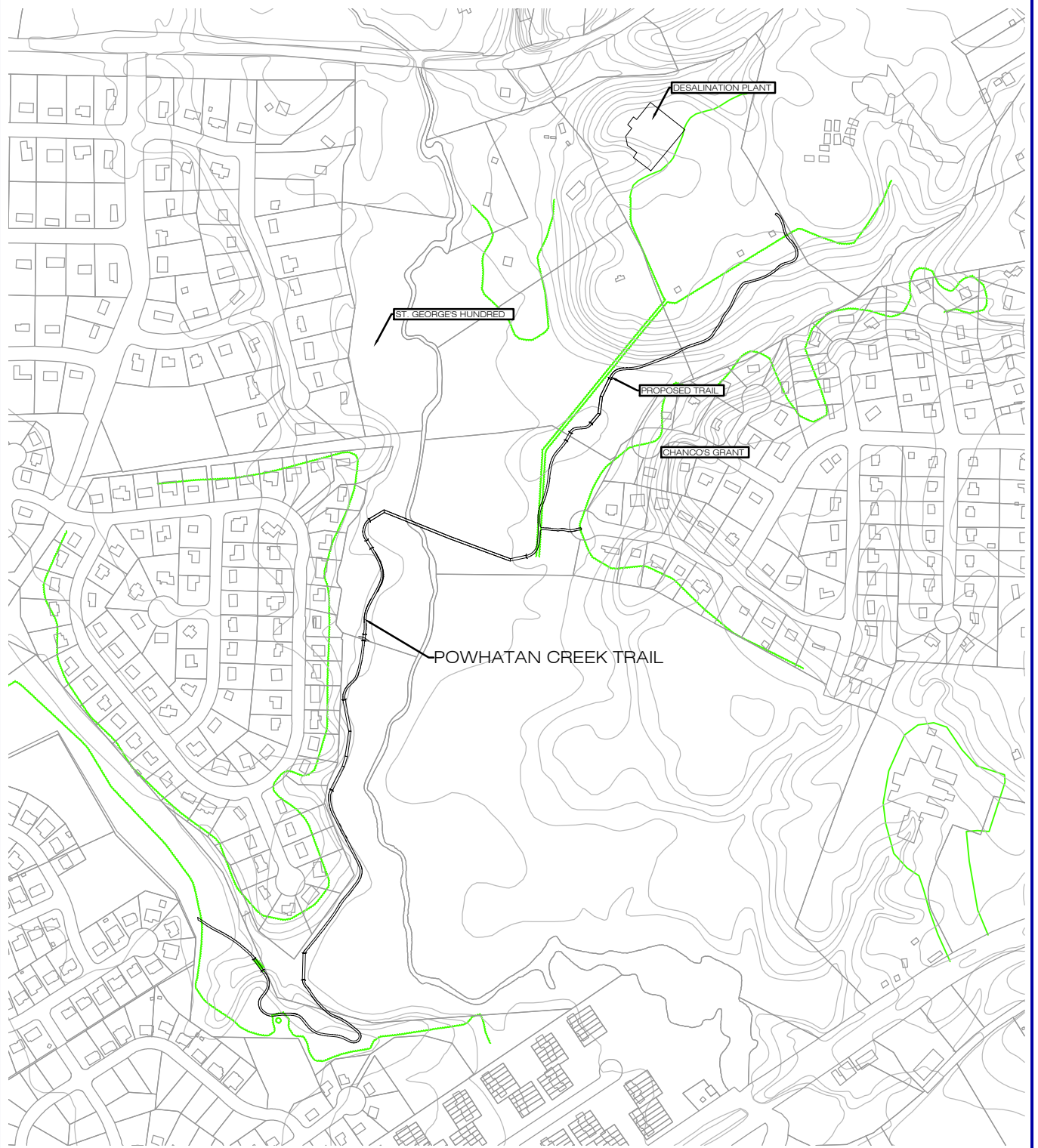
1. Location map
2. Master Plan dated June 2010
3. Overall trail route map

JCC-SUP-0015-2010

Chanco's Grant Greensprings Trail Amendment



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SCALE: 1 INCH = 600 FEET



LATITUDE: 37°14'35.19"N
LONGITUDE: 76°46'19.57"W

SOURCE: USGS 7.5 MINUTE SERIES TOPOGRAPHIC MAP,
SURRY, VA QUADRANGLE, 1983



WILLIAMSBURG
ENVIRONMENTAL
GROUP, INC.

FIGURE 3
TRAIL ROUTE MAP
POWHATAN CREEK TRAIL

JAMES CITY COUNTY, VIRGINIA

JUNE 2010

JCC SUP-0015-2010: Chanco's Grant Greensprings Trail Amendment

Plan amends: SUP-0014-2003

Site Address: 3123 Ironbound Road

Property Owner:

James City Service Authority

P.O. Box 8784

Williamsburg, VA 23188

Tax Map ID: 4620100034

Parcel Size: 18.639 acres

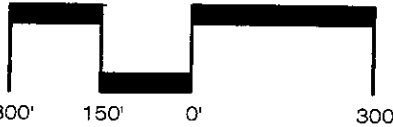
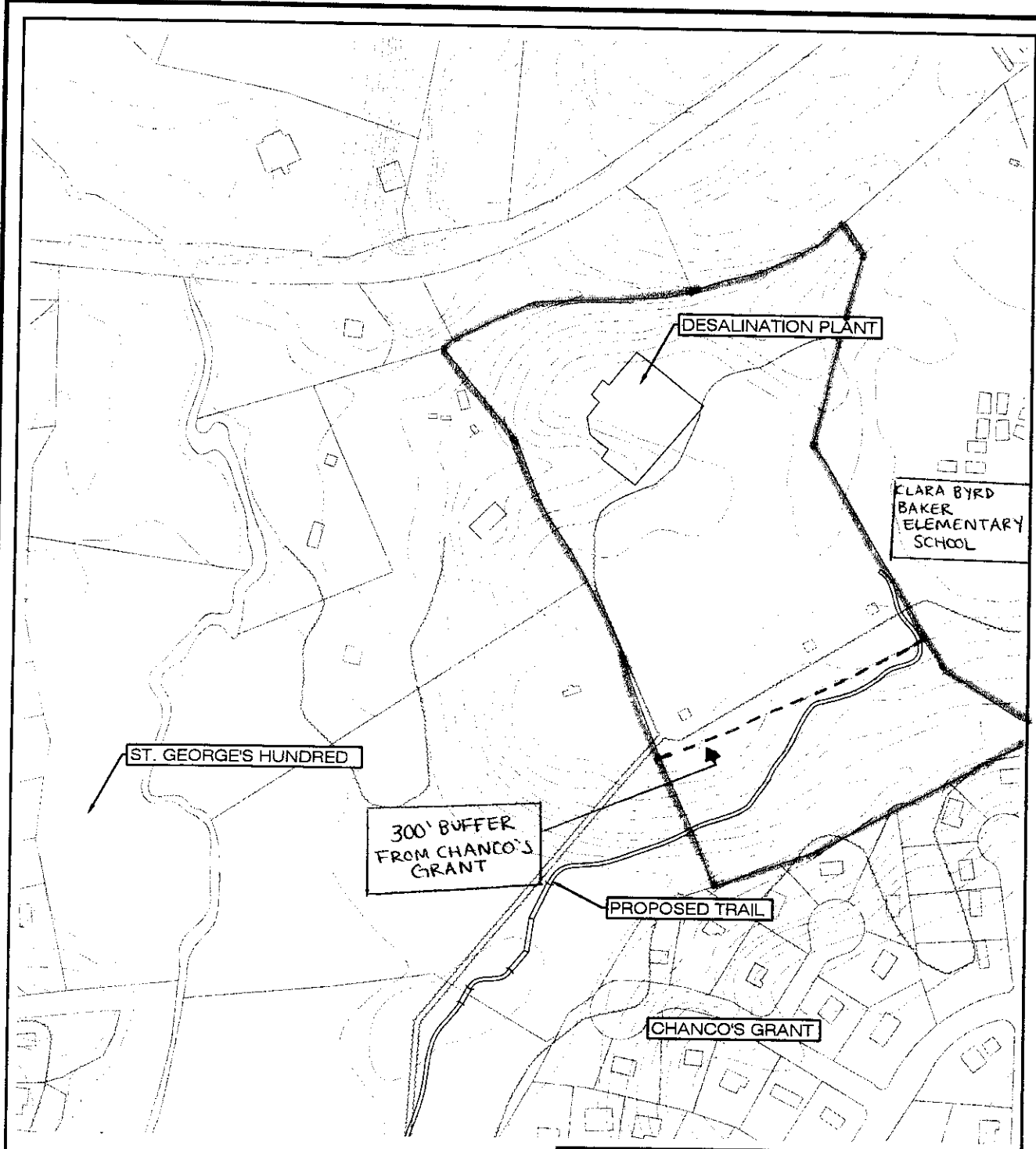
Zoning: R-8, Rural Residential

Comprehensive Plan Land Use Designation: Federal, State, and County Land

Sheet Index:

1. Cover Sheet
2. Project Location Map
3. Trail Cross Section Detail

I:\42005\4267 - POWHATAN CREEK TRAIL - ENGINEERING SERVICES\LOC & VIC MAPS\4267 LOC&VIC (06-03-10).DWG



SCALE: 1 INCH = 300 FEET



LATITUDE: 37°14'35.19"N
LONGITUDE: 76°46'19.57"W

SOURCE: USGS 7.5 MINUTE SERIES TOPOGRAPHIC MAP,
SURRY, VA QUADRANGLE, 1983



**WILLIAMSBURG
ENVIRONMENTAL
GROUP, INC.**

**FIGURE 2
PROJECT LOCATION MAP
POWHATAN CREEK TRAIL**

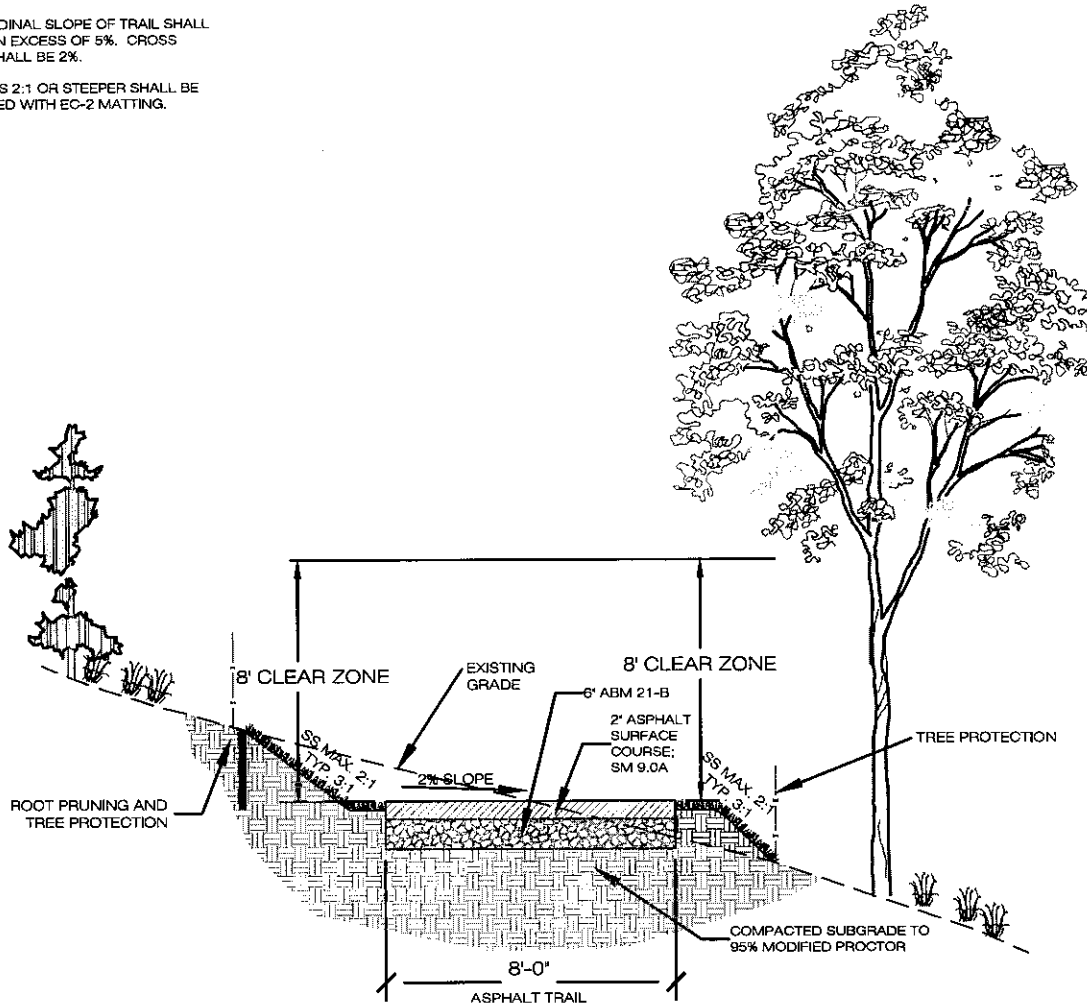
JAMES CITY COUNTY, VIRGINIA

JUNE 2010

NOTE:

LONGITUDINAL SLOPE OF TRAIL SHALL NOT BE IN EXCESS OF 5%. CROSS SLOPE SHALL BE 2%.

2. SLOPES 2:1 OR STEEPER SHALL BE STABILIZED WITH EC-2 MATTING.



○ **DETAIL: TYPICAL CUT AND FILL TRAIL CROSS-SECTION**

NTS

**CROSS SECTION DETAIL
POWHATAN CREEK TRAIL
JAMES CITY COUNTY, VIRGINIA**

DATE: JUNE 2010
JOB NUMBER: 4267
SCALE: NTS

MFC
WILLIAMSBURG
ENVIRONMENTAL
GROUP, INC.

10000 Center Road
Suite 100
Hampton, Virginia 23111
(757) 427-5000

1400 Business View Drive
P.O. Box 1000
Pinebluff, Virginia 22409
(800) 987-1874

Environmental Consultants

**SPECIAL USE PERMIT-0016-2010. La Tienda – Virginia Packaging
Staff Report for the July 7, 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

Building F Board Room; County Government Complex

Planning Commission: July 7, 2010 7:00 p.m.
Board of Supervisors: July 27, 2010 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant: Mr. Jonathan Harris, Virginia Packaging, L.L.C.

Land Owner: JSRS Associates, L.L.C.

Proposal: Sausage and ham slicing, packaging, and processing operation.

Location: 8105 Richmond Road Units 101, 102, and 103 (Toano Business Center)

Tax Map/Parcel Nos.: 1240600101, 1240600102, and 1240600103

Parcel Size: 7.269 (however, special use permit will only apply to approximately 0.15 acres or 6,000 square feet of the parcel)

Zoning: M-1, Limited Business Industrial, with proffers (Z-0007-1997)

Comprehensive Plan: General Industry

Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds the proposal consistent with surrounding zoning and development and consistent with the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of this special use permit application to the Board of Supervisors with the included conditions.

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

Project Description

Mr. Jonathan Harris of Virginia Packaging, LLC has applied for a special use permit to allow for development of a food processing operation in the Toano Business Center. The proposed facility would be located in existing units in the Toano Business Center on Richmond Road. Initially, the facility would operate out of two units (approximately 4,000 square feet) with the intention to expand into a third unit for a total of approximately 6,000 square feet. It would include slicing and packaging of meats (mainly ham and sausage), production of artisan sausages, and repackaging of gourmet food from Spain primarily to serve the needs of Tienda, Inc. which currently has three properties located in James City County and has been in operation in the County for over 15 years. There will not be a retail component to this facility.

The facility would employ six people within the next two years and would operate 6 a.m. to 6 p.m. Monday through Sunday. Estimated investment in build out and machinery to expand the facility is expected to be \$340,000. Truck traffic to the facility is proposed to be relatively minimal with 2 trips per day by a small refrigerated truck and 2-4 deliveries per week by a larger delivery trucks. These deliveries can be accommodated through the existing facilities, loading areas, and docks provided adjacent to the units. Similar to truck accommodations, parking was also established with the original rezoning and site plan for the Toano Business Center. The owner of the Center has confirmed that there

is sufficient existing parking to accommodate the approximately six spaces requested by the applicant.

Surrounding Zoning and Development

The parcel is zoned M-1, Limited Business Industrial and designated as General Industry on the 2009 Comprehensive Plan Land Use Map. The units proposed to be occupied by Virginia Packaging are within the middle of Toano Business Center and surrounded by similar industrial uses such as storage warehouses and a cabinet shop. The Toano Business Center is bordered by CSX rail tracks to the southwest, M-1 and M-2 properties in Hankins Industrial Park to the east, A-1 properties to the north east and west, and B-1 properties to the north. The majority of these properties are designated General Industry on the 2009 Comprehensive Plan, with the exception of the A-1 land to the northeast which is designated Low Density Residential.

PUBLIC IMPACTS

1. Environmental Impacts

Watershed: Diascund Creek

Environmental Staff Conclusions: The Environmental Division has reviewed the proposal and concurs with the master plan and conditions as proposed. Additional review will occur when development plans are submitted.

2. Utilities

The site is located inside the Primary Service Area and will be served by existing infrastructure established to serve the Toano Business Center.

JSCA Staff Conclusions: The James City County Service Authority has reviewed the master plan and a condition requiring water conservation guidelines is included upon their request. Additional review and information will be required to be submitted during the development plan phase of the project and any necessary upgrades to the existing system will be the responsibility of the applicant. Otherwise, JCSA concurred with the master plan and conditions as proposed.

3. Traffic

The proposed use did not trigger the requirement for a traffic study. Additionally, traffic generation was considered for the overall Toano Business Center when it was rezoned in 1997. The original proposal included warehouse, storage, and office uses and the anticipated traffic for the proposed Virginia Packaging use would fit within the originally planned trip generation without warranting any additional improvements.

2007 Annual Average Daily Traffic Volume (Richmond Road/Route 60): From Route 30 to Forge Road there were 10,915 trips.

2035 Volume Projected: From Rochambeau Road to Croaker Road there is the projection of 29,293 AADT. This portion of Richmond Road is listed in the “OK” category.

VDOT Conclusions: VDOT reviewed the proposed use and master plan and determined that there would be no additional impact on traffic to the Toano Business Center.

Comprehensive Plan

Land Use Map

| | |
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| Designation | General Industry (Page 154): General Industry areas are located within the PSA and are suitable for industrial uses which, because of their potential for creating dust, noise, odor, and other adverse environmental effects, require buffering from adjoining uses, particularly residential uses. General industrial uses usually require access to interstate and arterial highways, public water and sewer, adequate supply of electric power and other energy sources, access to a sufficient labor supply, and moderate to large sized sites with natural features such as soils, topography, and buffering suitable for intense development. Primary uses include uses that maximize the industrial opportunities of an area. Typical uses can be found in |
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| | <p>the M-2, General Industrial section of the Zoning Ordinance.</p> <p>Staff Comment: The development of a food processing and manufacturing facility is consistent with the Land Use description. There is ready access from the Toano Business Center to Richmond Road and La Tienda’s existing facilities in Stonehouse. Adequate buffering for these types of industrial uses were planned for in the original master plan for the Toano Business Center, though the site is largely surrounded by land zoned for similar uses. Finally, adverse impacts in terms of noise, odor, and generation of waste are minimal for the proposed facility.</p> |
| Development Standards | <p><i>Commercial/Industrial Development Standard #1a-Page 154:</i> Locate proposed commercial and industrial developments adjacent to compatible uses (public or other similar uses, etc.).</p> <p><i>Commercial/Industrial Development Standard #2a- Page 154:</i> Permit the location of new uses only where public services, utilities, and facilities are adequate to support such uses.</p> <p><i>Commercial/Industrial Development Standard #4a- Page 154:</i> Minimize the impact of development proposals on overall mobility, especially on major roads by limiting access points and providing internal, on-site collector and local roads, side street access and joint entrances.</p> <p><i>Commercial/Industrial Development Standard #4b-Page 154:</i> Industrial and commercial areas should be planned and located to avoid traffic through residential and agricultural areas except in special circumstances where residential and nonresidential areas are both part of an overall master plan and special measures are taken to ensure that the residential or agricultural uses are adequately protected.</p> <p>Staff Comment: Locating the proposed facility within the existing Toano Business Center is compatible with existing uses within the Center. The owners of two businesses located within the Center have provided letters of support for Virginia Packaging. Access to the Center is limited to one entrance off a side road which then connects to Route 60 adjacent to an existing median break. Since the Center fronts directly on Route 60, access to the facility does not interfere with residential or agricultural uses.</p> |
| Goals, strategies and actions | <p><i>Action 1.4.5-Page 165:</i> Promote infill, redevelopment, revitalization, and rehabilitation within the Primary Service Area (PSA).</p> <p><i>Action #1.4.7-Page 168:</i> Encourage commercial and industrial uses to develop in compact nodes in well-defined locations within the PSA.</p> <p>Staff Comment: The proposed facility is within the PSA and is locating in three currently vacant units of an existing business park. Together, the Toano Business Center and Hankins Industrial Park represent nodes of industrial, office, and warehouse uses, each limited to one major access point to Route 60.</p> |

Economic Development

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| Goals, strategies and actions | <p><i>Action 1.1.2-Page 28:</i> Encourage the creation of new and retention of existing small businesses.</p> <p><i>Action 1.5.1-Page 30:</i> Encourage the rehabilitation of abandoned and/or underutilized facilities by promoting them to new business.</p> <p><i>Action 1.5.2-Page 30:</i> Encourage new development and redevelopment of non-residential uses to occur mainly in areas where public utilities are either available or accessible within the Primary Service Area (PSA) and infrastructure is supportive.</p> <p>Staff Comment: Tienda Inc. has been operating in James City County for over 15 years. By encouraging the relocation of Virginia Packaging from their existing facility in Virginia Beach to James City County, they will be better able to serve La Tienda and create opportunities for the business to expand its product offering. Additionally, as referenced earlier, the use is proposed to occupy a currently vacant facility within an existing business park within the Primary Service Area.</p> |
|-------------------------------|---|

Comprehensive Plan Staff Comments

The proposal for a food manufacturing and processing facility supports diversification of the County’s economy and encourages the growth of an existing County business. The use is compatible with similar surrounding uses and is proposed to locate in an existing industrially-designated area with access to public water and sewer and a major thoroughfare. Staff finds the proposal, with the below conditions, to be generally consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation.

RECOMMENDATION:

Staff finds the proposal, with the attached conditions, to be generally consistent with surrounding land uses, and the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of the special use permit application to the Board of Supervisors with the following conditions:

1. **Use and Master Plan.** This SUP shall be valid for the operation of an approximately 6,000 square foot facility that manufactures, processes, and packages food or food products, but does not include the slaughter of animals, in units 101, 102, and 103 of the Toano Business Center (the “Property”). The Property shall be developed generally as shown on the conceptual master plan entitled “La Tienda-Virginia Packaging” and dated June 21, 2010 (the “Master Plan”).
2. **Water Conservation Guidelines.** The applicant shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority prior to final site plan approval. The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems, the use of approved landscaping materials including the use of drought tolerant plants where appropriate, and the use of water conserving fixtures to promote water conservation and minimize the use of public water resources.
3. **Commencement of Use.** If any Certificate of Occupancy has not been issued on this project within thirty-six (36) months from the issuance of a special use permit, the special use permit shall become void.
4. **Severance Clause.** This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

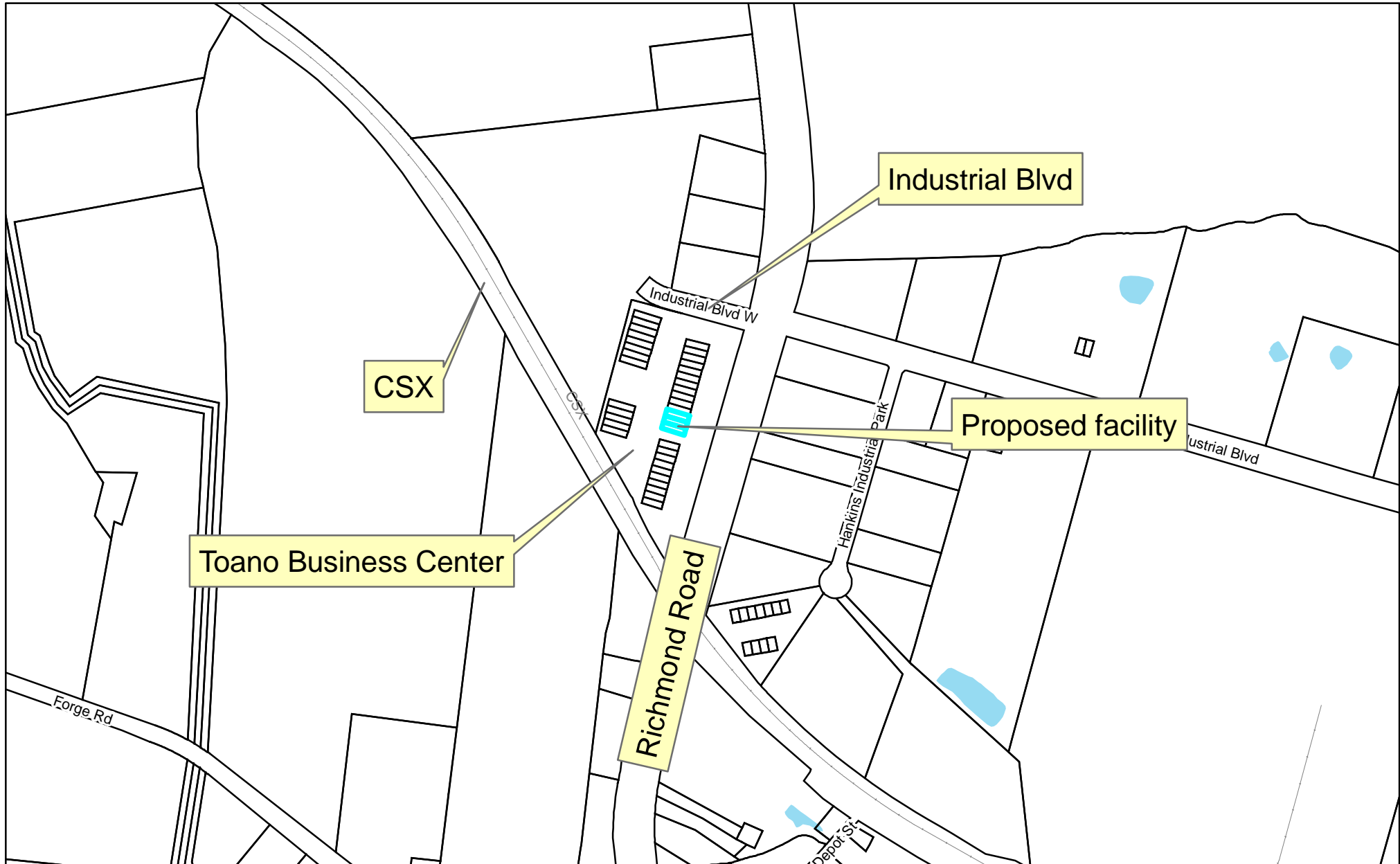
Leanne Reidenbach, Senior Planner

ATTACHMENTS:

1. Location map
2. Master Plan dated June 21, 2010 (Under Separate Cover)

JCC-SUP-0016-2010

La Tienda - Virginia Packaging



PLANNING DIRECTOR'S REPORT
July 2010

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

- **New Town.** The DRB did not hold a meeting in June but has acted via e-mail on several building footprint changes to townhomes in Section 2&4 of New Town.
- **Policy Committee Meetings.** The Policy Committee did not meet during the month of June. There is a meeting scheduled for July 20th to discuss the agenda for the Planning Commission / Board of Supervisors' joint worksession in August. There are plans also to discuss the Comprehensive Plan Annual Report.
- **Comprehensive Plan.** The 2009 Comprehensive Plan public input and education process was nationally recognized with a National Association of Counties (NACo) Achievement Award. Staff also presented information about the comprehensive plan at a training session of the Williamsburg Area Association of Realtors in June.
- **Ordinance Update.** 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. A website geared towards the ordinance update will be released on July 1st at www.jccplans.org.
- **Training.** Staff is taking advantage of webinars that are available from the American Planning Association. July's topic is land use law.
- **Monthly Case Report.** For a list of all cases received in the last month, please see the attached document.
- **Board Action Results** – June 8th and June 22nd
 - SUP-0024-2009 Hospice House Wireless Communications Facility Tower – Deferred until July 13, 2010
 - SUP-0012-2009 Camp Road Tower Development Corporation Tower – Adopted 5 – 0
 - SUP-0009-2010 USA Waste of Virginia Borrow Pit Renewal – Adopted 5 – 0
 - SUP-0010-2010 Branscome Borrow Pit Renewal – Adopted 4 – 0 (Goodson abstained)
 - HW-0002-2010 Busch Gardens Germany Attraction – Adopted 5 – 0
 - SUP-0004-2010 Courthouse Commons – Adopted 3 – 2 (McGlennon, Icenhour – no)
 - MP-0001-2009 / Z-0001-2009 Deer Lake – Colonial Heritage – Deferred until July 13, 2010
 - SUP-0013-2010 Chickahominy Road Manufactured Home – Adopted 5 - 0
 - SUP-0026-2009 Constance Ave Wireless Tower – Adopted 5 - 0
 - SUP-0028-2009 Ingram Road Tower – Referred back to the Planning Commission
 - ZO-0001-2010 Zoning Ordinance Amendment – Pedestrian Orientated Signage – Adopted with amendment 5 - 0
 - ZO-0002-2010 / SO-0001-2010 SSPRIT Recommendations – Adopted with amendment 4- 0 (Goodson – no)

Allen J. Murphy, Jr.

New Cases for June 2010

| | | | | | | |
|--------------------------------|------------------|---|----------------------|--|-------------------|------------|
| Agricultural Forestry District | AFD-01-02-1-2010 | Carter's Grove 2010 Renewal | 250 RON SPRINGS DR | Renewal of AFD District | Kate Sipes | Roberts |
| | AFD-01-89-1-2010 | Armistead 2010 Renewal | 4050 LONGHILL ROAD | Renewal of AFD District | Kate Sipes | Powhatan |
| | AFD-01-94-1-2010 | Wright's Island 2010 Renewal | 6650 MENZELS ROAD | Renewal of AFD District | Kate Sipes | Stonehouse |
| | AFD-02-86-1-2010 | Croaker 2010 Renewal | 176 SADDLETOWN ROAD | Renewal of AFD District | Kate Sipes | Stonehouse |
| | AFD-03-86-1-2010 | Hill Pleasant Farms 2010 Renewal | 6906 RICHMOND ROAD | Renewal of AFD District | Kate Sipes | Stonehouse |
| | AFD-05-86-1-2010 | Barnes Swamp 2010 Renewal | 9516 RICHMOND ROAD | Renewal of AFD District | Kate Sipes | Stonehouse |
| | AFD-10-86-1-2010 | Christenson's Corner 2010 Renewal | 6047 RIVERVIEW ROAD | Renewal of AFD District | Kate Sipes | Stonehouse |
| | AFD-11-86-1-2010 | Yarmouth Island 2010 Renewal | 1703 JOLLY POND ROAD | Renewal of AFD District | Kate Sipes | Powhatan |
| Conceptual Plans | C-0019-2010 | Ken Matthews Garden Ctr | 7790 RICHMOND ROAD | This proposal is for a garden center with 2000 sf office retail with outside plant and retail storage | Kate Sipes | Stonehouse |
| | C-0020-2010 | Barnes Road Ward Family Subdivision | 8879 BARNES ROAD | Family subdivision of one acre from 8879 Barnes Road | Jason Purse | Stonehouse |
| | C-0021-2010 | Governors Grove Townhomes Amend. | 4360 JOHN TYLER HGWY | Changing neighborhood condominium units to townhomes, while reducing the total number of units from 132 to 104. Reduction of impervious cover by 4600 sq. feet. | Luke Vinciguerra | Berkeley |
| | C-0022-2010 | Lightfoot Generator Upgrade, Cox Communications | 6489 RICHMOND ROAD | Site plan is required for application. Case materials transferred to and tracked through SP-0050-2010. Applicant proposes replacing existing generator. The generator pad will be 18' x 20' and the generator 11' 10" x 4' 2". | Leanne Reidenbach | Stonehouse |

| | | | | | | |
|-----------------------|---------------|---|----------------------------|--|-------------------|------------|
| | C-0023-2010 | Martin's Fuel Center Windsormeade Marketplace | 4820 MONTICELLO AVENUE | This plan is for a 4 or 5 island fuel center on out parcel #16 of the Windsormeade Marketplace Shopping Center | Jose Ribeiro | Powhatan |
| | C-0024-2010 | Harmonious Hardscapes | 8162 Richmond Road | This application is for a landscaping business. | Sarah Propst | Stonehouse |
| Rezoning | Z-0001-2010 | Fast Food Rest at 8953 Pocahontas Trail | 8953 POCAHONTAS TR | Applicant proposes a barbecue restaurant. | Sarah Propst | Roberts |
| Site Plan | SP-0047-2010 | Villas at Five Forks Landscaping SP Amend | 248 INGRAM ROAD | This site plan proposes landscaping changes to building eight | Scott Whyte | Berkeley |
| | SP-0048-2010 | Busch Gardens Wild Preserve Cabanas | 7851 POCAHONTAS TR | Site plan to add 4 covered cabanas and an access sidewalk to the Busch Gardens Wild Preserve | Kate Sipes | Roberts |
| | SP-0049-2010 | Courthouse Commons Shopping Center | 4023 IRONBOUND ROAD | Grocery store and attached retail stores with associated parking | Ellen Cook | Berkeley |
| | SP-0050-2010 | Lightfoot Generator Upgrade, Cox Communications | 6489 RICHMOND ROAD | Cox Communications is requesting to install upgraded back-up generators in front of their Lightfoot Data Center. Originally submitted as C- 0022-2010. | Leanne Reidenbach | Stonehouse |
| | SP-0051-2010 | Busch Gardens France Culinary Cart SP Amend | 7851 POCAHONTAS TR | This application is to add a culinary cart to the existing France Restroom Building. | Terry Costello | Roberts |
| | SP-0053-2010 | Camp Road Tower Development Corp WCF Tower | 126 Camp Road | Installation and operation of a wireless communication facility including a 199' tow | Sarah Propst | Stonehouse |
| Special Use Permit | SUP-0014-2010 | Grove Christian Outreach Ctr | 8798 POCAHONTAS TR | This application is to permit a single building footpring in excess of 2750 sf | Jose Ribeiro | Roberts |
| | SUP-0015-2010 | Chanco's Grant Greensprings Trail Amend. | 3123 IRONBOUND ROAD | This application is to amend conditions of SUP- 0014-2003 which requires an undisturbed buffer of 300 feet from any property adjacent to the Chanco's Grant Subdivision. The purpose of the amendment would be to allow a County greenway trail to be constructed within the 300 foot buffer. | Leanne Reidenbach | Berkeley |
| | SUP-0016-2010 | LaTienda - Virginia Packaging | 8105 RICHMOND ROAD #101 | Applicant proposes sausage and ham processing operations in existing units of the Toano Business Center off of Route 60. | Leanne Reidenbach | Stonehouse |

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| Subdivision | S-0022-2010 | Sadie Lee Taylor Lot 5 Subdivision | 8745 POCAHONTAS TR | Dividing Sadie Lee Taylor Lot 5 into 4 new lots, each with a single family home | Jose Ribeiro | Roberts |
| | S-0023-2010 | Colonial Heritage Ph. 4 Sec. 1 | 6175 CENTERVILLE RD | 78 single family homes in the Colonial Heritage development | Luke Vinciguerra | Powhatan |
| | S-0024-2010 | Shellbank Woods BLA, Lot 7 Phase 1 and Parcel A-1 | 08 SHELLBANK DRIV | Plat showing BLA between lot 7, phase 1 and parcel A-1 in Shellbank Woods | Kate Sipes | Jamestown |
| | S-0025-2010 | The Pavilion at Williamsburg Place BLA | 5477 MOORETOWN ROAD | Boundary line adjustment | Leanne Reidenbach | Berkeley |
| | S-0026-2010 | Haskins Estates, Oak Drive | 1365 OAK DRIVE | Subdivision for 2 lots on 1.89 acres | Sarah Propst | Roberts |
| | S-0027-2010 | Ford's Colony Lots 125 & 126 Sect XI-A | 119 MORAY FIRTH | This application is for a boundary line extinguishment, creating one lot from two | Terry Costello | Powhatan |
| | S-0028-2010 | Colonial Heritage Phase 4, Sec. 2 | 6799 RICHMOND ROAD | This plan is for 146 duplex units. | Jason Purse | Stonehouse |
| Subdivision Ordinance Amendment | SO-0001-2010 | Plan Review Criteria & Procedures | | Proposed amendments to the Zoning and Subdivision Ordinance review criteria and procedures for Site Plans, Conceptual Plans, and Subdivision Plats. | Chris Johnson | |
| Zoning Ordinance Amendment | ZO-0002-2010 | Plan Review Criteria & Procedures | | Proposed amendments to the Zoning and Subdivision Ordinance review criteria and procedures for Site Plans, Conceptual Plans, and Subdivision Plats. | Chris Johnson | |