

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
JUNE 6, 2012 - 7:00 p.m.

1. ROLL CALL
2. PUBLIC COMMENT
3. MINUTES

May 2, 2012 Regular Meeting
4. COMMITTEE / COMMISSION REPORTS
 - A. Development Review Committee (DRC)
 - B. Policy Committee
 - C. Regional Issues Committee / Other Commission Reports
5. PLANNING COMMISSION CONSIDERATIONS
 - A. ZO-0003-2012, Initiating Resolution, Sec. 24-13, Amendment of Chapter, Sec. 24-20, Amendments and Variations of Conditions, Sec. 24-23, Submittal Requirements
 - B. Z-0006-2012, Stonehouse Conservation Easement Proffer Amendment
6. PUBLIC HEARING CASES
 - A. Z-0003-2012/MP-0001-2012, New Town Section 12
 - B. Z-0007-2012, Walnut Grove Proffer Amendment, Anderson-Hughes House
 - C. Z-0005-2012/SUP-0006-2012, Fire Station #4 Replacement
 - D. AFD-04-86-2-2012, Pates Neck Agricultural and Forestal District Renewal
6. PLANNING DIRECTOR'S REPORT
7. COMMISSION DISCUSSIONS AND REQUESTS
8. ADJOURNMENT

SPEAKER'S POLICY

The Commission encourages public participation, but also wants to remind speakers to use decorum when speaking during the public comment or during public hearings.

Please keep in mind the following when speaking:

1. Courtesy between the speaker and the audience is expected at all times.
2. Speakers shall refrain from obscenity, vulgarity, profanity, cursing, or swearing.
3. Every petition, communication, or address to the Commission shall be in respectful language and is encouraged to be submitted in writing.
4. Public comments should be for the purposes of allowing members of the public to present planning or land use related matters, which, in their opinion, deserve attention of the Commission.
5. The public comment period shall not serve as a forum for debate with staff or the Commission.
6. Citizens should refrain from using words or statements, which from their usual construction and common acceptance are orchestrated as insults, personal attacks, or a breach of peace.
7. The public comment section at the beginning of meetings are provided as a courtesy by the Planning Commission for citizens to address the Commission regarding items not scheduled for public hearing. These public comment sections are not required by law.

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

Rich Krapf
Tim O'Connor
Chris Basic
Mike Maddocks
George Drummond
Al Woods
Robin Bledsoe

Staff Present:

Allen Murphy, Acting Development Manager
Adam Kinsman, Deputy County Attorney
Jose Ribeiro, Senior Planner
Leanne Reidenbach, Senior Planner

Mr. Tim O'Connor called the meeting to order at 7:00 p.m.

Mr. O'Connor welcomed Ms. Robin Bledsoe to the Planning Commission.

2. PUBLIC COMMENT

Mr. O'Connor opened the public comment period.

There being none, Mr. O'Connor closed the public comment period.

3. MINUTES

A. March 7, 2012 Regular Meeting

Mr. Rich Krapf moved to approve the minutes.

In a unanimous voice vote, the minutes were approved.

4. COMMITTEE/COMMISSION REPORTS

A. Development Review Committee (DRC)

Mr. Krapf stated that on January 4, 2012, the DRC had previously recommended preliminary approval for New Town Section 7, Phase 10. Mr. Bob Cosby from AES Consulting Engineers submitted a conceptual plan proposal for consideration at the April 25 DRC meeting to revise an area of the original road and add one additional lot, for a total of 62 lots. The proposed alternative would change the intersection of Rollison Drive and Olive Drive, alter the widths and locations of 4 lots and add one additional lot. As a result of the proposed road change, there would no longer be an opportunity to extend Olive Drive to the Eastern State property in the future. The

applicant expressed concern not knowing how the Eastern State parcel will develop. The DRC, applicant, and staff discussed several scenarios, including making the lot at the end of Olive Drive an HOA greenspace and allowing future connection. The applicant will review DRC feedback.

Mr. O'Connor made a motion to approve the DRC report.

In a unanimous voice vote, the report was approved.

B. Policy Committee

Mr. Krapf stated there was no April Policy Committee meeting.

C. Other Commission Reports

Mr. Mike Maddocks stated the Regional Issues Committee met on April 24. He stated the Committee was briefed on Arts Month in September, the coordinated Comprehensive Plan review, the Historic Triangle collaborative, and Greater Williamsburg Chamber and Tourism Alliance proceedings.

In a unanimous voice vote, the report was approved.

6. PUBLIC HEARING CASES

A. Z-0007-2012, Walnut Grove Proffer Amendment, Anderson-Hughes House

Mr. Jose Ribeiro stated staff requested deferral until the next Planning Commission meeting.

Mr. O'Connor opened the public hearing.

Mr. O'Connor continued the public hearing until the June Planning Commission meeting.

B. ZO-0011-2011, Procedural Descriptions, ZO-0012-2011, Submittal Requirements, ZO-0013-2011, Nonconformities

Mr. Jose Ribeiro stated that staff reviewed ordinance language for broad topics under Procedural Descriptions, Submittal Requirements, and Administrative Items. Under Article I – In General, staff proposes removing the fee schedule from the Ordinance and creating a more comprehensive legislative case submittal list, including two new policies and fiscal guidelines. Under Article III – Site Plan, staff proposes changes to enhance the readability and better comprehension of submittal information requirements. For Article VII – Nonconformities, the term ‘structure’ and its definition were added to clarify nonconforming status. Staff’s Traffic Impact Analysis (TIA) policy more clearly defines the required elements and expected results of a TIA for legislative applications. The Environmental Constrains policy provides-a clearer understanding as to the type of information expected to be submitted with legislatively reviewed applications. Staff has also developed a set of fiscal impact guidelines to standardize review of fiscal impact studies, although applicants will be able to submit additional materials. Mr. Ribeiro stated staff recommends

approval of the two ordinance updates, the proposed policies and the fiscal impact guidelines.

Mr. O'Connor asked how to address disparities between the County's fiscal impact worksheet and an applicant's supplement fiscal analysis.

Mr. Ribeiro stated the intent the fiscal impact worksheet is to standardize information across different developments. He stated there are different methodologies for fiscal impacts, and the ordinance allows applicants to submit additional materials. The guidelines are not intended as a pass-or-fail test for the applicant. Staff will present both sets of information to the Commission.

Mr. Adam Kinsman stated these are policies, and staff is giving a suggested set of guidelines an applicant can use. He stated applicants are free to provide their own version. It is up to the Commission's and the Board's discretion to determine how much weight to give either one.

Mr. O'Connor opened the public comment session.

There being none, Mr. O'Connor closed the public comment session.

Mr. Maddocks moved for approval of the Zoning Ordinance amendments.

In a unanimous roll call vote, the Commission recommended approval of the zoning ordinance amendments (7-0).

C. ZO-0014-2011 Exterior Signs

Ms. Reidenbach stated after the Commission approved an earlier version of the amended sign ordinance in October 2011, a request was made to consult more of the business community. She stated suggestions from a March 2012 roundtable meeting are incorporated into the proposed ordinance changes. The ordinance clarifies definitions for 'backlit' or 'channeled-letter' signs and flashing signs and includes graphics for gross sign area calculations. New provisions allow shopping centers to split signage on either side of the main entrance and tenant names on shopping center signs in Mixed Use areas governed by design guidelines and a design review board. These signs could be increased up to 42 square feet. Community Character Corridor and Area language has been amended to allow sign-mounted lighting. A height limit for directional signage has been established. A current practice through an agreement with the Virginia Department of Transportation regarding the removal of and penalties for signs in the right-of-way has been codified. Staff also proposes adding an additional figure to clarify the gross sign area calculation for free-standing signs based on Commissioner comments received earlier in the afternoon. Ms. Reidenbach stated staff recommends approval of the proposed sign ordinance with the addition of the extra figure.

Mr. Maddocks asked if the changes have made the ordinance more or less stringent.

Mr. Reidenbach stated the changes have added flexibility for the business community and opened up new options for signage in certain areas.

Mr. Allen Murphy stated it would be less stringent.

Mr. Al Woods asked how the County compared to other local jurisdictions.

Ms. Reidenbach stated that she had only researched areas where changes were proposed – primarily for including tenant names on signage. She noted that most other localities allow tenant names on signs and allow even larger signage than currently proposed. The proposed changes would allow designs similar to the freestanding signs at the entrance to High Street in Williamsburg, which is about 45 square feet.

Mr. O'Connor opened the public comment session.

Mr. Vernon Geddy, representing FCP Settler's Market, stated his client was in support of the tenant name provision in Mixed Use areas with design review, which would apply to his client. He stated the stores in mixed use areas are not visible from the thoroughfare, and it is helpful for customers to see names at entrances. Major retail tenants want to know they have a presence on the main road. He showed the Commission a graphic of proposed tenant signage.

Mr. Jim Castillo, Development Director for Settler's Market, stated that signage is part of the decoration of a commercial product. He stated most people seem to dislike signage, but the ordinance language gives the New Town Design Review Board (DRB) final say in whether the sign is appropriate. The proposed signage provisions will be a useful tool to direct people to where they want to go within the development. The New Town development is inwardly focused and has its back to the traffic on the main roads. Tenant signage, such as that showed by Mr. Geddy, would be informational and not distracting. The signage would direct passers-by to the struggling New Town retail industry.

Mr. Maddocks asked Mr. Castillo if the ordinance amendments would help New Town businesses.

Mr. Castillo stated he liked the ordinance a lot and believed that it would be a benefit.

Mr. O'Connor closed the public hearing.

Mr. Krapf stated that the addition of illustrations go a long way to clarify the ordinance.

Mr. Krapf moved for approval of the sign ordinance amendments.

Mr. Chris Basic stated he had some concerns. He stated that business visibility is good, but the Commission is not a design review board. It serves the entire County. The size of the font required to allow drivers to see the sign depends on the number of lanes and speeds of the road. Based on Monticello Ave., the signs would have to be larger to be able to be visible and otherwise could add visual clutter without adding the desired benefit of visibility.

Mr. George Drummond stated it was difficult to find businesses in New Town. He stated the signage will help New Town businesses, especially with the current economic climate. He said

would support the amendments.

Ms. Robin Bledsoe stated she lives in New Town and is continually asked directions to locate businesses. She stated she would support the amendments.

Mr. Krapf asked if the number of monument signs allowed were related to the number of site entrances.

Ms. Reidenbach stated the ordinance would allow one sign per entrance. She stated there are no restrictions on which tenant signs could be at which entrances or how many tenant names could be on one sign. That was left up to the developer/owner and tenant. One-third of the sign must be the development name.

Mr. Krapf asked if staff discussed font size relative to the number of traffic lanes.

Ms. Reidenbach stated staff researched legibility issues and findings about sign size varied widely. She stated that signs on Monticello - with its four lanes, median, and 45 mile per hour speed limit - would require a large font and significantly larger sign size than proposed in the ordinance. Staff felt it was a good situation to allow a slightly larger sign than the normal 32 square foot sign permitted to improve legibility given the addition of more text.

Mr. Krapf stated the assumption is that drivers in the two rightward lanes closest to the shopping center would be able to read the signage and would be in a position to actually be able to navigate to turn into the appropriate entrance.

Mr. Woods asked if there was a restriction regarding the number of nameplates. He asked if a shopping center has 16 tenants, could the sign list them all.

Ms. Reidenbach stated all 16 tenants could be on the sign if it could fit them.

Mr. Woods asked if the signs employed a standard font.

Ms. Reidenbach stated each store name could have a different font. She stated the ordinance leaves approval of the sign design and font up to the design review board.

Mr. Woods asked about the trends on those types of controls. He asked what is considered best practices when there are multiple colors and fonts.

Ms. Reidenbach stated most the research she came across focused on color coordination, without finding anything on using different fonts. She noted that the County Attorney's office recommended limiting regulation dealing with aesthetics, which is why the proposed ordinance was crafted to pertain to areas with design review boards.

Mr. Basic stated while the tenant sign presented by Mr. Geddy was attractive, there could be a future sign with 16 tenant names crammed into a 42 square foot sign.

Mr. Maddocks stated there was plenty of structure in the ordinance through both staff and design review board sign reviews.

Ms. Bledsoe asked if the signs were proportional to the number of businesses in an area.

Ms. Reidenbach stated the ordinance sets the maximum sign size as 42 square feet. She stated it is up to the property owner or developer to decide the sign's content.

Mr. Woods stated in New Town, the majority of businesses still would not have signage at the entrances. He stated that was normal in retail development. It was a negotiation with the developer.

Mr. Murphy stated not all the businesses in New Town are in *bona fide* shopping centers.

Mr. Woods stated he was less worried about New Town than other areas.

Ms. Reidenbach stated the tenant signs would only apply in areas zoned and designated Mixed Use with controlling design guidelines.

Mr. Woods asked how many areas qualified.

Ms. Reidenbach stated currently just New Town.

Mr. Basic stated he could imagine complaints from other shopping centers that the changes would only apply to New Town.

Mr. O'Connor stated the difference is that New Town has a design review board while a shopping center may not.

Mr. O'Connor asked how shopping centers would direct shoppers without these signs.

Ms. Reidenbach stated New Town uses generic directional signage and vehicle- and pedestrian-scale signage and directories. These options were open to traditional shopping centers as well.

Mr. Murphy stated there is also building face signage on each individual unit frontage and the potential to use blade signs.

Ms. Reidenbach stated there are sandwich board signs as well.

Mr. Woods stated that in an inwardly focused development, with commercial elements and retail that depends on traffic, it becomes difficult for large organizations to be comfortable not having any identity. He asked if the ordinance represented a balancing act.

Mr. Murphy stated yes.

Mr. O'Connor stated the alternative would be more monuments and directional signage, which would be greater clutter.

Mr. Basic asked if WindsorMeade Marketplace was zoned Mixed Use.

Mr. Murphy stated yes.

Mr. Basic stated that would mean that this area could take advantage of the proposed provision to allow tenants on signage.

Ms. Reidenbach stated WindsorMeade Marketplace was also subject to the DRB.

Mr. O'Connor asked if the language stating the shopping center sign would be 1/3 of the total signage actually limited the shopping center name to 1/3 of the total signage.

Mr. Kinsman stated that the way it was written appeared to limit the shopping center signage to 1/3. He stated language 'at least one-third of the sign area...the remaining sign area may be used for individual tenants' could be added.

Ms. Reidenbach stated staff would make that change before the Board meeting.

In a roll call vote, the Commission recommended approval as amended (6-1; Yes: Bledsoe, Drummond, Woods, Maddocks, Krapf, O'Connor; No: Basic).

7. PLANNING DIRECTOR'S REPORT

Mr. Murphy noted the annual Planning Commission and Board of Supervisors joint work session is on May 22. He stated staff suggested a follow-up on items from the joint Planning Commission meeting on April 30. If any Commissioners had additional discussion items, staff would be happy to forward them to the Board.

8. COMMISSION DISCUSSIONS AND REQUESTS

Mr. O'Connor thanked staff and the Commission for the input and feedback regarding the joint Planning Commission meeting on April 30.

Mr. O'Connor stated Ms. Bledsoe would now take Mr. Maddocks' place on the Policy Committee. The Policy Committee will now consist of Mr. O'Connor, Mr. Krapf, Mr. Woods, and Ms. Bledsoe. The DRC is now Mr. Basic, Mr. Krapf, Mr. Drummond, and Mr. Maddocks.

9. ADJOURNMENT

Mr. Drummond moved to adjourn.

The meeting was adjourned at 7:50.

Tim O'Connor, Chairman

Allen J. Murphy, Jr., Secretary

MEMORANDUM

DATE: June 6, 2012

TO: The Planning Commission

FROM: Adam R. Kinsman, Deputy County Attorney

SUBJECT: Applications to Amend Proffers

The County Code treats applications to rezone property and applications to amend existing proffers similarly: both require a public hearing before the Planning Commission and the Board of Supervisors and both require the submission of comprehensive information for staff's review (e.g., stormwater management plan, fiscal impact analysis, etc.). Staff has received a request to implement procedures recently set forth in the Virginia Code which would allow the governing body of a locality to waive the requirement for a public hearing for applications to amend existing proffers which do not affect use or density. Staff will also consider whether certain application materials may be waived for these types of applications.

I recommend that the Planning Commission adopt the attached Resolution to initiate staff's review of this request.

RESOLUTION

**INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE:
SECTION 24-13 AMENDMENT OF CHAPTER, SECTION 24-20 AMENDMENTS AND
VARIATIONS OF CONDITIONS, AND SECTION 24-23 SUBMITTAL REQUIREMENTS**

ZO-0003-2012

WHEREAS, the Planning Commission of James City County, Virginia, is charged by Virginia Code § 15.2-2223 to prepare and recommend to the Board of Supervisors various land development plans and ordinances, specifically including a zoning ordinance and necessary revisions thereto as seem to the Commission to be prudent; and

WHEREAS, public review and comment of draft amendments is required, pursuant to Virginia Code § 15.2-2285; and

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

NOW THEREFORE BE IT RESOLVED, that the Planning Commission of James City County, Virginia, does hereby request staff to initiate review of Chapter 24, Zoning, Division I, In General, Section 24-13, Amendment of chapter, 24-20, Amendments and variations of conditions, and 24-23, Submittal requirements, to waive the requirement for a public hearing before the Planning Commission and the Board of Supervisors for applications to amend existing proffers which do not affect use or density and to waive the requirement to submit certain, otherwise-required documents with such applications.

Mr. Tim O'Connor
Chairman, Planning Commission

ATTEST:

Christopher Johnson
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 6th day of June, 2012.

MEMORANDUM

DATE: June 6, 2012

TO: The Planning Commission

FROM: Ellen Cook, Senior Planner II

SUBJECT: Z-0006-2012 Stonehouse Development Proffer Amendment – Conservation Easement Dedication

In 2007, GS Stonehouse Green Land Sub LLC received approval of a master plan and proffer amendment (Case Nos. Z-0004-2007/MP-0004-2007) for the Stonehouse development. The amended proffers include several that relate to environmental protection, including one subsection on conservation easements. The amended proffers include several that relate to environmental protection, including one subsection on conservation easements. Vernon M. Geddy III, on behalf of GS Stonehouse Greenland Sub LLC, is seeking approval of an amendment to this proffer to eliminate the obligation to grant conservation easements to the Williamsburg Land Conservancy (WLC) or other land conservation organization, in addition to the County. The existing language is as follows:

Existing Proffer Language

10.4 Conservation Easements. Owner shall grant a conservation easement to the Williamsburg Land Conservancy or some other County approved land conservation organization over all portions of the Property over which the Owner has granted a natural open space easement to the County for Chesapeake Bay Preservation Ordinance purposes. The terms of the conservation easement shall be consistent with the terms of the County standard natural open space easement required for Chesapeake Bay Preservation Ordinance purposes.

Instead, the applicant proposes to amend the proffers to strike this subsection altogether. As described in the applicant's letter (Attachment 1), the owner is seeking this amendment as the WLC indicated that it does not wish to hold conservation easements over the areas required by the proffer due to time and resource constraints. While not mentioned in the applicant's letter, the applicant has indicated to staff that several other conservation organizations were approached as possible third-party easement grantees, but that these other organizations had similar constraints. The County will still be granted the conservation easements for Chesapeake Bay Preservation Ordinance purposes, but since this will happen as part of a standard practice and procedure during the administrative review process, including this in the proffers would not be necessary.

The applicant's inclusion of WLC (or other third party) in the original proffer language was not at the County's request, and staff has no objection to the proposed proffer amendment since the County's status as easement grantee is preserved. Further, staff is in receipt of an email from the Williamsburg Land Conservancy concurring with the proposed amended proffer language.

Staff Recommendation

The Board of Supervisors, as communicated to the County Attorney's Office, has waived the public hearing requirement for this application, as provided for in *Virginia Code* Section 15.2-2302. Staff recommends that the Planning Commission recommend approval of the proposed proffer amendment to the Board of Supervisors.

Ellen Cook

Ellen Cook

Attachments

1. Applicant Request Letter dated May 23, 2012
2. Amended Proffer
3. Email from Williamsburg Land Conservancy

Prepared by: Geddy, Harris, Franck & Hickman, LLP
1177 Jamestown Road
Williamsburg, Virginia 23185

Return to: James City County Attorney's Office
101-C Mounts Bay Road
Williamsburg, Virginia 23185

FIRST AMENDMENT TO
AMENDED AND RESTATED STONEHOUSE PROFFERS

This First Amendment to Amended and Restated Stonehouse Proffers is made this ___ day of _____, 2012 by GS STONEHOUSE GREEN LAND SUB LLC, GS STONEHOUSE GREEN LAND SUB 2 LLC and GS STONEHOUSE GREEN LAND SUB 3 LLC, each being a Delaware limited liability company (together with their respective successors and assigns, the "Owner").

RECITALS

A. Owner is the owner of certain real property in James City County, Virginia within the Stonehouse planned community now zoned PUD-R and PUD-C, and subject to Amended and Restated Stonehouse Proffers dated November 27, 2007, which Proffers are recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City as Instrument No. 080007838 (the "Existing Proffers").

B. Owner desires to amend the Existing Proffers as set forth below.

AMENDMENTS TO CONDITIONS

1. Condition 10.4 Natural Open Space Easements of the Existing Proffers is hereby deleted.

2. Except as hereby amended the Existing Proffers remain unchanged and in full force and effect.

Witness the following signatures.

GS STONEHOUSE GREEN LAND SUB LLC

By: _____

Title:

STATE OF _____

CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 2011 by _____, _____ of GS STONEHOUSE GREEN LAND SUB LLC, a Delaware limited liability company, on behalf of the company.

NOTARY PUBLIC

My commission expires: _____

Registration No.: _____

GS STONEHOUSE GREEN LAND SUB 2 LLC

By: _____

Title:

STATE OF _____

CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 2011 by _____, _____ of GS STONEHOUSE GREEN LAND SUB 2 LLC, a Delaware limited liability company, on behalf of the company.

NOTARY PUBLIC

My commission expires: _____

Registration No.: _____

GS STONEHOUSE GREEN LAND SUB 3 LLC

By: _____

Title:

STATE OF _____

CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 2011 by _____, _____ of GS STONEHOUSE GREEN LAND SUB 3LLC, a Delaware limited liability company, on behalf of the company.

NOTARY PUBLIC

My commission expires: _____

Registration No.: _____

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

ATTORNEYS AT LAW

1177 JAMESTOWN ROAD

WILLIAMSBURG, VIRGINIA 23185

TELEPHONE: (757) 220-6500

FAX: (757) 229-5342

MAILING ADDRESS:

POST OFFICE BOX 379

WILLIAMSBURG, VIRGINIA 23187-0379

VERNON M. GEDDY, JR. (1926-2005)
STEPHEN D. HARRIS
SHELDON M. FRANCK
VERNON M. GEDDY, III
SUSANNA B. HICKMAN
RICHARD H. RIZK
ANDREW M. FRANCK

vgeddy@ghflaw.com

May 23, 2012

Ms. Ellen Cook
James City County Planning Department
101-A Mounts Bay Road
Williamsburg, VA 23185

Re: Stonehouse Proffer Amendment

Dear Ellen:

On behalf of our clients, the GS Stonehouse entities, I am writing to amend the proffer amendment application filed last April by the GS Stonehouse companies and to request that the amendment be placed on the earliest possible agendas for Planning Commission and Board consideration.

As you know, Section 10.4 of the existing Stonehouse proffers requires the owner to grant to the Williamsburg Land Conservancy ("WLC"), or other county approved land conservation organization, a conservation easement over all portions of the property over which the owner has granted the County a natural open space easement, with the conservation easement to be on terms consistent with the standard County natural open space easement.

We have had several discussions about this proffer with WLC. WLC has indicated that it does not wish to hold conservation easements over the areas required by the proffer. Being the easement holder imposes annual inspection requirements and other obligations on WLC that they do not have the time or resources to undertake. The easement areas are often small, isolated parcels and even the larger parcels are not readily accessible. WLC has reviewed the terms of the standard County conservation easement and is satisfied that the land in question will be protected by the conservation easements granted to the County.

Accordingly, we propose to amend the Proffers to eliminate the requirement that a conservation easement be granted to WLC in addition to the County natural open space easement.

Please let me know if you need anything further. Thanks for your help.

Sincerely,

A handwritten signature in black ink, appearing to read 'Vern', written in a cursive style.

Vernon M. Geddy, III

VMGIII/rlc

Enclosures

Cc: Mr. Mike Etchemendy (w/enclosure)

Ellen Cook

From: Liz Friel [liz@williamsburglandconservancy.org]
Sent: Wednesday, May 23, 2012 11:42 AM
To: Ellen Cook; 'Vernon Geddy'
Subject: Conservancy Executive Committee OKs proffer change
Attachments: Stonehouse Proffers050812.doc

Approved Motion:

The Executive Committee of the Williamsburg Land Conservancy supports a revision to the proffers for the overall Stonehouse property with the intent that the Williamsburg Land Conservancy shall not be required to hold, maintain or provide stewardship for natural open space areas within the Stonehouse development.

Let me know if you need anything further.

Elizabeth R. Friel
Assistant Executive Director
Williamsburg Land Conservancy
757.565.0343

PLANNING DIRECTOR'S REPORT
June 2012

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

- **New Town.** The Design Review Board did not hold a meeting in May. The DRB considered two items electronically – floor plan and elevations for a new single-family home model and revised design guidelines, elevations and master plan for the Section 12 rezoning.
- **Ordinance Update.** Staff has been preparing final ordinances for the remaining non-priority items. The sign ordinance amendments, administrative/procedural items, and nonconformities will be considered by the Board on June 12. Staff expects to bring forward the residential and mixed use districts as well as definitions and illustrations for Planning Commission review in July.
- **Regional Comprehensive Planning Effort.** A joint Planning Commission and Board of Supervisors work session was held on May 22, which was an opportunity for the Planning Commission to share the discussion items from the joint meeting of the Planning Commissions.
- **Rural Lands.** There is a Board of Supervisors work session pertaining to the ordinance changes for rural lands scheduled for June 26.
- **Historical Commission.** The Historical Commission recently dedicated a new historic highway marker and plaque commemorating the blockhouses near Jamestown. The marker is on Jamestown Road near the Jamestown-Surry Ferry and Jamestown Settlement and the plaque is adjacent to the Vermillion house. The Commission also released the first issue of its newsletter – Focus on History – which can be viewed online at <http://www.jamescitycountyva.gov/pdf/planning/2012documents/spring2012.pdf>. Finally, the Commission is currently looking for new members. If you know of any County residents that would be interested, please encourage them to submit an application.
- **Monthly Case Report.** For a list of all cases received in the last month, please see the attached document.
- **Board Action Results** – May 8th and May 22nd 2012 –
- **SUP-0003-2012 David Nice Building Expansion** – Approved 5-0
- **SUP-001-2012 Williamsburg Seventh Day Adventist Church Expansion** – Approved 5-0
- **Resolution Approving the FY 13-18 Secondary Six-Year Program** – Approved 5-0
(Also, Approved 5-0 a motion to Amend Resolution to Change the Priorities)



Christopher Johnson

REZONING-0003-2012 / MASTER PLAN-0001-2012: New Town Section 12

Staff Report for the June 6, 2012 Planning Commission Public Hearing

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

PUBLIC HEARINGS Building F Board Room; County Government Complex
Planning Commission: June 6, 2012 7:00 p.m. (deferral request)
July 11, 2012 7:00 p.m. (tentative)
Board of Supervisors: August 14, 2012 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant: Mr. Gregory Davis, Kaufman and Canoles
Land Owner: C.C. Casey Limited Company
Proposal: Construct 274 for-rent townhome-style units.
Location: 3950 Windsormeade Way
Tax Map/Parcel No.: 3831800005
Parcel Size: 34.2 Acres
Existing Zoning: R-8, Rural Residential with proffers
Proposed Zoning: MU, Mixed Use with proffers
Comprehensive Plan: Mixed Use – New Town area.
Primary Service Area: Inside

STAFF RECOMMENDATION

The applicant has requested deferral of this application to the July 11, 2012 Planning Commission meeting so that staff and the applicant can jointly continue to discuss outstanding items related to density and traffic and continue dialogue with the adjacent Windsormeade community. Staff supports the applicant's request.

Staff Contact: Leanne Reidenbach

Phone: 253-6685



Leanne Reidenbach, Senior Planner

Attachments:
1. Deferral request letter

**REZONING-0004-2012. Walnut Grove Proffer Amendment.
Staff Report for the June 6, 2012 Planning Commission Public Hearing**

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

PUBLIC HEARINGS

Planning Commission:

Building F Board Room; County Government Complex

May 2, 2012 (deferred by applicant) 7:00 p.m.

June 6, 2012 7:00 p.m.

Board of Supervisors:

July 10, 2012 (tentative) 7:00 p.m.

SUMMARY FACTS

Applicant:

Jay E. Epstein of Health E Community Enterprises

Land Owner:

Richmond Norge LLC

Proposal:

Amend the adopted proffers to allow the existing Anderson Hughes house to be demolished and the construction of a new structure of similar size and scale.

Location:

7375 Richmond Road

Tax Map/Parcel Nos.:

2320100030

Parcel Size:

1.156 acres

Zoning:

B-1, General Business, with proffers

Proposed Zoning:

B-1, General Business, with amended proffers

Comprehensive Plan:

Low Density Residential

Primary Service Area:

Inside

Staff Contact:

Ellen Cook

Phone: 253-6685

STAFF RECOMMENDATION

Staff recommends the Planning Commission recommend approval of this proposal to the James City County Board of Supervisors with the amended and restated proffers. Staff finds the proposal to be compatible with the surrounding zoning and development and consistent with the 2009 Comprehensive Plan.

PROJECT DESCRIPTION

The James City County Board of Supervisors approved case number Z-0019-2005/MP-0016-2005/SUP-0032-2005, Jennings Way, on April 11, 2006. This development is currently referred to as Walnut Grove. The rezoning included two parcels. The first 7345 Richmond Road, was rezoned from R-2 to R-2, Cluster overlay with proffers. The second, 7375 Richmond Road, was rezoned from B-1 to B-1, with proffers. Included on the subject properties was the Anderson-Hughes house which was determined to have some architectural and historical value. For this reason, the applicant proffered to retain and preserve the residential appearance of the structure as part of the commercial development on the B-1 parcel. The existing house was planned to be moved on site to accommodate the location of the entrance road.

The approved proffers dated March 22, 2006 make reference to the Anderson-Hughes house in Proffer 15 which states the following:

15. The Anderson-Hughes House located on the portion of the property zoned B-1 shall be retained in a manner that preserves the existing residential appearance of the building.

Subsequently, in late 2007, the owner commissioned a Property Condition Assessment of the house that determined that it would not be feasible to repair or relocate the building since moisture and materials failure had compromised some if not all of the support structure. In 2011, the existing structure has deteriorated to the point that it was deemed by the Building Official to pose a significant threat to public safety, and a notice was issued to remove the structure.

Because the house cannot be relocated or refurbished, the applicant has submitted an application to amend the proffers such that the original Anderson-Hughes house may be demolished, and a new structure constructed. The new structure would reconstruct the main structure of the Anderson-Hughes house, and add some one-story space (approximately 900 square feet) in the rear of the structure that is the approximate size of the attached kitchen that had existed previously and had dated back to the early 1900's.

The applicant has proffered several items in connection with this re-construction. The applicant proposes:

- To demolish the existing structure within thirty days, to address the public safety concerns.
- To build the new structure with green building features that conserve energy and water, among other things. A full list is included as an attachment to the proffers.
- To include elements that make the structure more consistent with the house as it existed in the early 1900's time period (the period of greatest historical significance for Norge), based on pictures of the structure. The most prominent element in this regard is a full width porch rather than the portico which is thought to have been built in the 1960's. The applicant has produced building elevations showing the proposed reconstructed house, which are referenced in the proffers. The applicant has also proffered to salvage intact historic elements from the interior of the existing building.
- To limit the possible B-1 uses to a greater degree than the original master plan and proffers. Previously, any permitted commercial use in B-1 would have been allowed. The applicant now proposes to limit the uses to retail, office or restaurant.

Surrounding Zoning and Land Use

The properties to the north and across Richmond Road are zoned B-1, General Business. The remainder of the adjacent parcels are zoned R-2, General Residential. The B-1 parcel to the north is developed as a motel structure and the parcel across the street is medical offices. The R-2 properties are mostly developed as single-family homes. When the Walnut Grove development is built, it will include both single family homes and townhouses.

COMPREHENSIVE PLAN

This site is designated Low Density Residential on the 2009 Comprehensive Plan Land Use Map. Recommended uses include single-family homes, duplexes, accessory units, cluster housing, recreation areas, churches, very limited commercial facilities, timeshares, and retirement and care facilities/communities. The following standards are given for uses such as very limited commercial that are located in Low Density Residential areas:

1. Complement the residential character of the area;
2. Have traffic, noise, lighting, and other impacts similar to surrounding residential uses;
3. Generally be located on collector or arterial roads at intersections; and
4. Provide adequate screening and buffering to protect the character of nearby residential areas.

In terms of complementing the residential character of the area, the applicant proposes constructing a new house modeled on the existing one, with the attached outbuilding area included. As such, the reconstructed building is residential in scale and will complement the residential character of the area, while accommodating a commercial use under the existing B-1, General Business zoning. The impacts for traffic, noise, and lighting are not anticipated to differ from the impacts of the use as it had been approved previously as a part of the Walnut Grove rezoning. The site is also immediately adjacent to Richmond Road and the beginning of the Walnut Grove entrance road, so traffic is not required to drive through any existing neighborhoods. Finally, when the master plan and proffers were originally developed, the SUP conditions included provisions for enhanced landscaping along Richmond Road and in the perimeter buffers, and fencing and street trees along the entrance road.

Norge is designated as a Community Character Area. The Comprehensive Plan states that the architecture, scale, materials, spacing and color of buildings should complement the historic character of the area. Retaining and rehabilitating the existing house would more ideally have met this goal. However, the applicant's proposal to model the new house structure on the existing one, with some features that more closely link the house to its original historic appearance, should complement the historic character of the Norge village. Staff has spoken informally to a representative of the William and Mary Center for Archeological Research who has concurred that since the building is to be built anew, making the new structure more consistent with the original appearance is more supportive of the Norge historical area.

Finally, the residential development standards for Low Density Residential includes, under enhanced environmental protection, the idea of adhering to green building measures. The applicant has now included green building measures as part of rebuilding the structure.

The proposal, with the amended proffers, is consistent with the land use designation and community character goals identified in the 2009 Comprehensive Plan.

RECOMMENDATION

Staff recommends the Planning Commission recommend approval of this proposal to the James City County Board of Supervisors with the amended and restated proffers. Staff finds the proposal to be compatible with the surrounding zoning and development and consistent with the 2009 Comprehensive Plan.



Ellen Cook

ATTACHMENTS:

1. Location map
2. Proffers
3. Elevations, building and site layout sheets

JCC-Z-00004-2012

Walnut Grove Proffer Amendment



AMENDED AND RESTATED PROFFERS

THESE AMENDED AND RESTATED PROFFERS are made this 22nd day of May, 2012, by RICHMOND NORGE, LLC, a Virginia limited liability company, successor to Myrtle H. Jennings and Sandra Key H. Kelley (together with its successors and assigns, the "Owner" or "Grantor") for the benefit of JAMES CITY COUNTY, VIRGINIA ("Grantee").

RECITALS

WHEREAS, Richmond Norge, LLC, is the Owner of a tract or parcel of land located in James City County, Virginia, with an address of 7375 Richmond Road, Williamsburg, Virginia, being Tax Parcel 2320100030, and a second address of 7345 Richmond Road, Williamsburg, Virginia, being Tax Parcel 2320100030A (together the "Property"); and

WHEREAS, said property is subject to Proffers dated March 22, 2006 (the "Existing Proffers"); and

WHEREAS, Owner has applied to amend and restate paragraph "15" of Existing Proffers; and

WHEREAS, Owner desires to amend and restate the Existing Proffers in order to offer to the Grantee certain amended conditions on the relocation/reconstruction of the Anderson-Hughes House in the B-1 zoning as set forth in paragraph 15 of the Existing Proffers.

NOW, THEREFORE, for and in consideration of the approval of the requested amendment, and pursuant to Section 15.2-2303 of the Code of Virginia, 1950, as

amended, and the County Zoning Ordinance, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property.

AMENDED PROFFER NO. 15

15. Anderson-Hughes House.

a. Removal. The Anderson-Hughes House located on the property shall be demolished within 30 days of approval of this Proffer Amendment.

b. Reconstruction. A reconstructed building shall be located on the Property in the general location as shown on the drawing entitled "Site Plan Anderson Hughes House," dated May 18, 2012 and prepared by Bay Design. The residential appearance of the reconstructed building shall be consistent with the architectural elevations shown on the drawings entitled "Anderson Hughes House," dated May 18, 2012, prepared by Bay Design (the "Elevations"). Any deviations from the location and/or Elevations shall be approved by the Planning Director so long as the basic character is not altered. Any appeals to the Planning Director's determination shall be made to the Planning Commission.

c. Use of Salvageable Building Elements. The reconstructed building shall include any salvageable building elements from the existing Anderson-Hughes House. Examples could include, but are not limited to, doors, stairway banisters, and window sashes. A list of the elements to be salvaged shall be provided to the Planning Director for review and approval prior to demolition of the existing Anderson-Hughes House.

d. Size. The reconstructed building shall be equal to or less than 2856 square feet.

e. Green building techniques. The reconstructed building shall incorporate the Health-E-Community Green Building techniques set forth in Exhibit A, attached hereto. Upon request from the James City County Proffer Administrator, the owner shall provide to the County written certification that the reconstructed building has, in fact, been built according to these standards or their reasonable equivalent.

f. Use. The reconstructed building may only be used for retail, office and/or restaurant use.

ALL OTHER PROFFERS, RECITALS, AND CONDITIONS SHALL REMAIN THE SAME.

WITNESS the following signatures:

RICHMOND NORGE, LLC

By: *N Saville*
Norman B. Saville, Managing Member

STATE OF VIRGINIA
City/County of Henrico, to wit:

The foregoing instrument was acknowledged this 29th day of May, 2012, by Norman B. Saville, as Managing Member of Richmond Norge, LLC.

Anna Ann Costen
Notary Public

My commission expires: July 31, 2013
My registration number: 2A1661

Exhibit A
Attachment to Anderson Hughes Proffer

Building to be inspected by Health-E-Community

Building to be designed by Architect to meet the following standards:

Meet ASHRAE Standard 62.1-2007, Ventilation for Acceptable Indoor Air Quality

Exhaust Rates and Locations consistent with ASHRAE Standard 62.1-2007

Locate outside air intakes away from contaminant sources

No paper faced drywall or unprotected ductwork installed until building dried in

Ductwork protected until all sanding, grinding and polishing activities are complete

Building Designed for Positive Pressure (with all air moving equipment in operation

Balance supply, return, exhaust and outside air flow rates.

Range Hoods Include Dampened Make-up Air (for range hoods greater than 500 cfm)

Low-VOC Paints & Finishes

Low-VOC Adhesives

Carpet Systems are certified free of Formaldehyde

Insulation at Slab Edges and Foundation Walls (R-4 continuous insulation at perimeter)

Caulk and seal all exterior penetrations prior to sheet rock being installed

Seal Drywall Penetrations prior to final trim

Complete Insulation Coverage

* Insulation application (minimum Grade II quality)

* Loose-fill attic insulation (card and rulers must be present)

* Band/rim joists shall be sealed and caulked

Air Barrier Penetrations are Sealed and Airtight

Meet ASHRAE Standard 90.1-2007 for HVAC

All Ductwork within Building Thermal Envelope

Provide Heating and Cooling Load Calculations

Meet ASHRAE Standard 90.1-2007 for Interior Lighting

Meet ASHRAE Standard 90.1-2007 for Interior Lighting

Minimum Water Heater Efficiencies (electric ≥ 0.92 EF and gas ≥ 0.62 EF)

Water Fixture Minimum Efficiency

* Standard Toilet (max 1.45 gpf)

* Dual-flush Toilet (max 1.2 gpf / 1.6 gpf - OR - equivalent average of 1.45 gpf or less)

* Urinals (max 0.5 gpf)

* Lavatory Faucets (max 0.5 gpm/un-metered or 0.25gpc)

EDUCATION AND OPERATIONS (EO)

Energy Star Utility Information for Operation of Building to increase efficiency

Anderson Hughes House
Date May 18, 2012
Prepared By Bay Design



Anderson Hughes House

Building Size 2856 sq. ft.

33' - 8 1/2"

4' - 7 1/8"

26' - 0"

3' - 1 1/2"

Main building setback approved by BZA. All other Building Dimensions conform with existing setbacks

**Prepared by Bay Design
May 18th 2012**

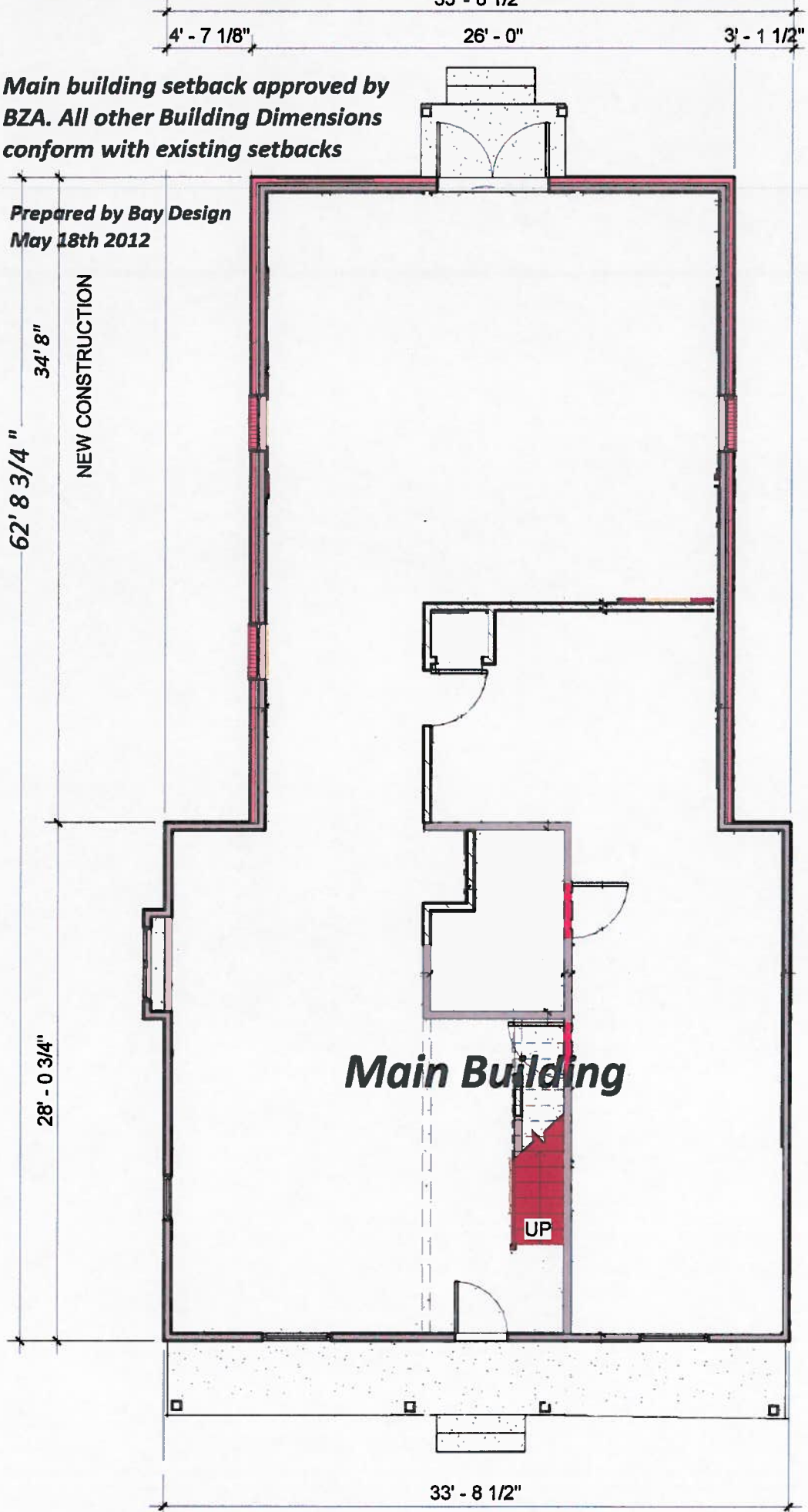
62' 8 3/4"
34' 8"
NEW CONSTRUCTION

28' - 0 3/4"

Main Building

UP

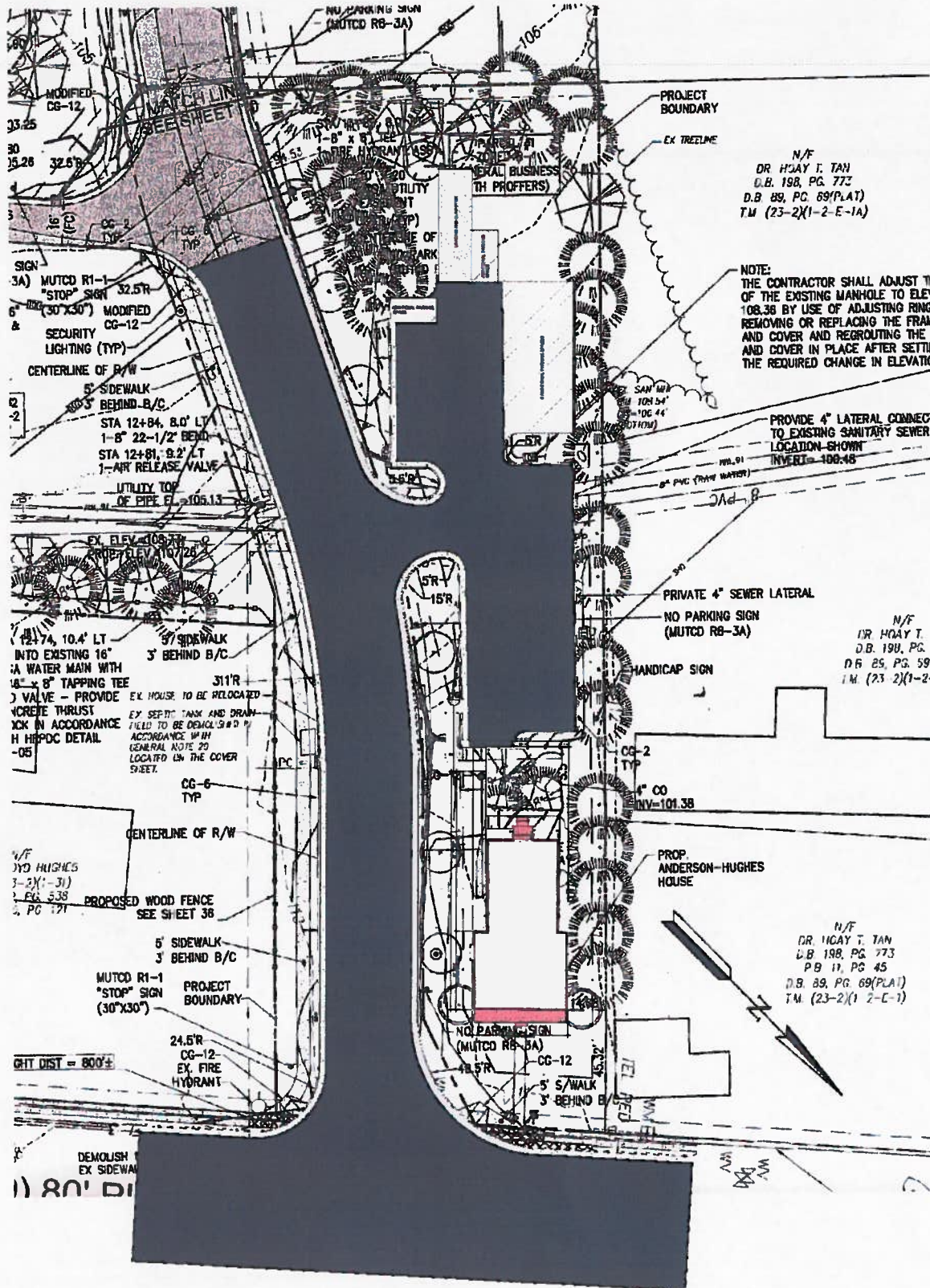
33' - 8 1/2"



Site Plan Anderson Hughes House

Dated 5/18/2012

Prepared by Bay Design



N/F
DR HOAY T. TAN
D.B. 198, PG. 773
D.B. 89, PG. 69(PLAT)
T.M. (23-2)(1-2-E-1A)

NOTE:
THE CONTRACTOR SHALL ADJUST THE
OF THE EXISTING MANHOLE TO ELE
108.36 BY USE OF ADJUSTING RING
REMOVING OR REPLACING THE FRAM
AND COVER AND REROUTING THE
AND COVER IN PLACE AFTER SETTLE
THE REQUIRED CHANGE IN ELEVATI

PROVIDE 4" LATERAL CONNECT
TO EXISTING SANITARY SEWER
LOCATION SHOWN
INVERT = 108.46

N/F
DR HOAY T. TAN
D.B. 198, PG.
D.B. 89, PG. 59
T.M. (23-2)(1-2-

N/F
DR HOAY T. TAN
D.B. 198, PG. 773
P.B. 11, PG. 45
D.B. 89, PG. 69(PLAT)
T.M. (23-2)(1-2-E-1)

SIGN -
3A) MUTCD R1-1
"STOP" SIGN
(30'X30") MODIFIED
CG-12
SECURITY
LIGHTING (TYP)

CENTERLINE OF R/W
5' SIDEWALK
3' BEHIND B/C
STA 12+84, 8.0' LT
1-8" 22-1/2' BEND
STA 12+81, 9.2' LT
1-AIR RELEASE VALVE

12+74, 10.4' LT
INTO EXISTING 16"
A WATER MAIN WITH
8" B" TAPPING TEE
VALVE - PROVIDE
CRETE THRUST
CK IN ACCORDANCE
H HIPCOC DETAIL
-05

N/F
HOUGHES
3-2)(1-31)
PG. 538
PG. 171

MUTCD R1-1
"STOP" SIGN
(30'X30")

CG-12
EX. FIRE
HYDRANT

DEMOLISH
EX SIDEWALK

**Z-0005-2012/SUP-0006-2012, Fire Station #4 Replacement
Staff Report for the June 6, 2012 Planning Commission Public Hearing**

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

PUBLIC HEARINGS

Planning Commission:
Board of Supervisors:

Building F Board Room; County Government Complex

June 6, 2012 7:00 p.m.
July 10, 2012 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant: Mr. Bernie Farmer, Capital Projects Coordinator, James City County

Land Owner: James City County and Philip Richardson Company Inc
(parcel 3240100026D)

Proposal: To rezone the Richardson property to Public Lands and to allow a special use permit for the construction of a new fire station on the combined sites.

Location: 5312 Olde Town Road and 5616 Olde Towne Road

Tax Map/Parcel: 3240100027 and 3240100026D

Parcel Size: Combined 2.599 acres

Existing Zoning: PL, Public Lands, and R-2, General Residential

Comprehensive Plan: Federal, State and County Land and Low Density Residential

Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds the proposal, with the attached conditions, to be generally consistent with surrounding land uses, as well as the Comprehensive Plan. This fire station provides a valuable service to the County and its central location makes it more convenient for the community. Staff recommends the Planning Commission recommend approval of the special use permit application with the attached conditions to the Board of Supervisors.

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

PROJECT DESCRIPTION

Mr. Bernie Farmer, of the General Services Division of James City County, has applied to rezone a 1.1 acre property located at 5316 Olde Towne Road from R-2, General Residential, to PL, Public Lands. Together with the adjacent property, already zoned PL, located at 5312 Olde Towne Road, Mr. Farmer has also applied for a special use permit to allow for the construction of a replacement fire station on the properties.

The site of the current fire station consists of 1.5 acres. The existing fire station is 4,700 square feet and houses apparatus and provides office and living quarters for a staff of six. The staff of six works on 24-hour shifts, responding to an average of six calls per 24-hour day. In order to allow continued use on-site, the existing fire station will remain in use while the new building is constructed.

The replacement station will be a 12,500 square foot building for a projected staff of twelve, with an expanded apparatus bay, dormitory space, office spaces for the captain and patrol officer, kitchen, watch room, decontamination room, and hose tower.

The current site has ten parking spaces, which has been sufficient parking for the staff assigned to the station. The new fire station proposes 26 spaces, which will help to accommodate the additional staff, as well as provide parking for occasional visitors at the site (current eight visitors per day).

PUBLIC IMPACTS

Engineering and Resource Protection:

The site currently does not have any facilities for stormwater management or stormwater water quality improvements. The planned site improvements for the replacement station include provisions for runoff control (an underground storage system), and if soil conditions permit, infiltration of a portion of the site's runoff into the subsoil at the site.

In 2012 the County adopted a Sustainable Building Policy, which recommends that new County buildings incorporate a variety of practices to demonstrate a commitment to environmental, economic, social stewardship, and to reduce energy costs. The new fire station has implemented multiple strategies in the design and is striving for silver certification under LEED standards. While site and building design work is still in the early stages, the designers anticipate utilizing the following categories for meeting LEED Silver certification:

- Under Sustainable Sites: Facilities for alternative transportation; stormwater designs for quantity control and quality improvement; possible groundwater recharge
- Under Water Efficiency: Low water consumption/ drought tolerant landscaping, low consumption water fixtures
- Under energy and atmosphere: Heating and ventilation management/technology, zone management; lighting controllability

Staff comments: The Engineering and Resource Protection Division concurs with the master plan and conditions as proposed. A more complete stormwater management plan will be

required at the site plan stage.

Public Utilities:

The entire site is served by public water and sewer. A Water Conservation Agreement (SUP condition no. 6) will be reviewed and approved by the James City County Service Authority prior to final site plan approval.

Staff comments: JCSA Staff has reviewed the master plan application and concurs with information provided by the applicant.

Transportation:

Currently, the site has two site accesses with Olde Towne Road, one for the staff and the other for the apparatus. Under the new proposal, the apparatus entrance will be relocated. The applicant has also approached the owners of the private drive to the west of the property and has agreed to share the private drive, which will serve as the public entrance to the fire station. The shared drive is currently aligned with Westmoreland Drive, and will provide better ingress/egress movements to and from the site

- **2010 County Traffic Counts:** On Olde Towne Road from King William Drive to Longhill Road there were 8,100 trips.
- **2035 Daily Traffic Volume Projected (from 2009 Comprehensive Plan):** On Olde Towne Road between Richmond Road and Longhill Road 8,517 average daily trips (AADT) are projected. This road segment is not in the category of warranting improvement.

VDOT Staff comments: VDOT staff is currently still reviewing the application at this time. No comments were received at this time this report was completed. However, given that this application reduces the number of entrances on Olde Towne Road, and realigns the public entrance with Westmoreland Drive, staff is comfortable bringing the application forward at this time, as no major design comments are anticipated. Final comments will be able to be addressed during the site plan review process for this application. Minor alignment changes are allowed in the conditions to this application, so any outstanding comments can be addressed, either prior to the Board of Supervisors, or through the site plan review process.

COMPREHENSIVE PLAN

The Comprehensive Plan designates these properties as Low Density Residential (LDR) and Federal, State, and County lands. Recommended uses for LDR include single-family homes, duplexes, cluster housing, schools, churches, very limited commercial and community-oriented facilities. The primary uses for Federal, State, and County land include County offices and facilities. According to the Public Facility Standards of the Comprehensive Plan, fire protection and emergency medical services should only meet the following standards (Page 98):

- Provide response times of six minutes or less within service areas that generate 365 or more emergency incidents per year.
- Provide a fire station for areas that generate 365 or more emergency incidents per year in order to provide an eight minute or less response time in areas not currently meeting the response time standard.

- Provide an additional response unit for any existing unit that is not available for more than five hours per day (on an annual average).

Public Safety: Goals, Strategies, and Actions (page 104):

- PF 1.2-Acquire land for, efficiently design, and construct new public facilities in a manner that facilitates future expansion and promotes the maximum utility of resources to meet future capacity needs.
- PF 1.4-Design facilities and services for efficient and cost-effective operations over the expected life of the facilities or programs.
- PF 4.2-Strive toward constructing new County buildings and facilities to meet or exceed Silver LEED standard wherever applicable.

Staff finds that this application meets the recommendations of the Comprehensive Plan. The existing fire station is located on a site that is central to a large population in the County. As this area has grown it is anticipated that the fire protection service must be expanded. Along with the newly acquired property, this site will be adequate for proposed expansion, as well as any needed expansion in the future. The new station will meet the standards for response time, and the building is striving for Silver LEED certification as well.

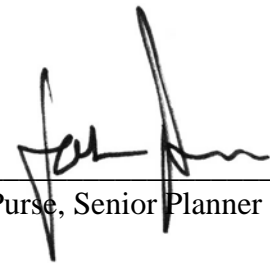
RECOMMENDATION

Staff finds the proposal, with the attached conditions, to be generally consistent with surrounding land uses, as well as the Comprehensive Plan. This fire station provides a valuable service to the County and its central location makes it more convenient for the community. Staff recommends the Planning Commission recommend approval of the special use permit application with the attached conditions to the Board of Supervisors.

1. Master Plan: This SUP shall be valid for the development of the JCC Fire Station #4 and accessory uses thereto as shown on the Master Plan titled “Fire Station No. 4” dated March 27, 2012 (the “Master Plan”), with such minor changes as the Director of Planning determines does not change the basic concept or character of the development. The Fire Station shall be located at 5312 and 5316 Olde Towne Road, further identified as JCC Real Estate Tax Map Nos. 3240100026D and 3240100027 (“Properties”).
2. Commencement of Use: If construction has not commenced on the development within thirty-six (36) months from the issuance of the special use permit, the permit shall become void. Construction shall be defined as obtaining permits for building construction and a final framing inspection of the addition.
3. Architectural Review: Prior to final site plan approval, the Planning Director, shall review and approve final building elevations and architectural design for the new brick structure to assure general consistency with the architectural elevation and accompanying drawings titled “James City County, VA Fire Station #4” submitted with this application and prepared by HVC Chenault date stamped May 21, 2012.
4. Boundary Line Adjustment: Prior to the issuance of a final certificate of occupancy for the building a boundary line extinguishment shall be reviewed, approved, and

recorded for the two project parcels (5312 and 5316 Olde Towne Road).

5. Water Conservation: The Owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (JCSA) 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 and irrigation wells, the use of approved landscaping materials including the use of drought tolerant plants, warm season grasses, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
6. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



Jason Purse, Senior Planner

ATTACHMENTS:

1. Master Plan
2. Color Illustrative Plan
3. Architectural Rendering
4. Project Narrative
5. Location Map

Z-0005-2012/SUP-0006-2012 Fire Station #4 Replacement



Interoffice Memorandum

DATE: April 24, 2012

TO: Jason Purse, James City County Development Management

FROM: Marc Bennett

SUBJECT: Narrative of Site Particulars
James City County Fire Station #4
AES Project Number W10119-E-10

James City County has authorized design consultants to provide engineering and architectural services for the replacement of James City County Fire Station #4, located on the south side of Olde Towne Road, west of the Olde Towne Road overpass of Route 199.

The site of the current Fire Station consists of 1.5 acres. With the need to provide an expanded, replacement station, yet retaining the current facility to be in service during the construction period, the size of the current property is inadequate to accommodate the project's program. To increase the size of the site, James City County is negotiating with the eastern adjacent property owner, Philip Richardson Company, for the purchase of the entire 0.68 acres of the adjacent site.

The Fire Station site is the home of a current 4,700 square foot station, housing apparatus and providing office and living quarters for a staff of six. The staff of six work on 24-hour shifts, responding to an average of six call per 24-hour day.

The replacement station will be a 12,500 square foot building for a projected staff of twelve, with an expanded apparatus bay, dormitory space, office spaces for the captain and patrol officer, kitchen, watch room, decontamination room, and hose tower. Future expansion, should it be needed, would likely be with the apparatus bay for newer, replacement of enhanced firefighting equipment.

Currently, the site has two site accesses with Olde Towne Road, one for the staff and the other for the apparatus. With the planned acquisition of the adjacent property, total number of site accesses would grow to three. A current private drive access, located to the west of the fire station, creates a fourth access to Olde Towne Road within a 360 length of this roadway. In a planning desire to reduce the number of accesses to the road in this short stretch of roadway, James City County staff is negotiating with the adjacent owners of the private drive to have the rights of use of this drive for fire station staff and returning firefighting apparatus to the station. Positive efforts would provide an opportunity to align a site entrance with a roadway intersection

(Westmoreland Drive). The net efforts are to reduce the number of entrances along this portion of the Olde Towne Road to two.

The current site has sufficient parking for the staff assigned to the station. With the growth of the station to twelve staff members in the future, staff parking will have to increase. Parking at the site is planned to increase to allow adequate parking at shift change, and to provide parking for the occasional visitors at the site (current eight visitors per day).

Currently the site has inadequate facilities for trailers and trailered, mobile units. These vehicles are usually stored on grassy areas. With the planned site improvements, accommodations are provided for these vehicles.

The site of the Fire Station exists on a gently sloping gradient, sloping generally downhill towards the east. No components denoting a Resource Protection Area are found on the site, thus, there will be not impacts to wetlands, RPA buffers, tidal shores, or tidal wetland.

The site currently does not have any facilities for stormwater management or stormwater water quality improvements. The planned site improvements for the replacement station include provisions for runoff control (an underground storage system), and if soil conditions permit, infiltration of a portion of the site's runoff into the subsoil at the site.

**Agricultural and Forestal District 04-86-2-2012 Pates Neck AFD Renewal
Staff Report for the June 6, 2012 Planning Commission Public Hearing**

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

<u>PUBLIC MEETINGS</u>	Building F Board Room; County Government Complex
AFD Advisory Committee	May 7, 2012 4:00 p.m.
Planning Commission	June 6, 2012 7:00 p.m.
Board of Supervisors	July 10, 2012 7:00 p.m. (tentative)

SUMMARY FACTS

Owners	Parcel Number	Acres
Pates Neck Timber Company	2040100001	408.859
Pates Neck Timber Company	2040100002	215.438

TOTAL.....624.3

Zoning: A-1, General Agriculture

Comprehensive Plan: Rural Lands/Conservation Area

Primary Service Area: Outside

STAFF RECOMMENDATION

Staff recommends that the Commission recommend the continuation of the district for six years with the conditions listed at the end of the report.

At its May 7th meeting, the AFD Advisory Committee recommended the continuation of the district for six years by a vote of 9-0.

Staff Contact: Luke Vinciguerra Phone: 253-6783

Project Description

The Pates Neck AFD consists of 624 acres of land and is generally located south of Little Creek Dam Road and east of Menzels Road. There are two properties in the AFD, both owned by the Pates Neck Timber Company. These properties have been in the AFD since 1986 without withdrawals or additions.

As required by State Code, the County must review all established Agricultural and Forestal Districts prior to their expiration. During this review, districts must be continued, modified, or terminated. The Pates Neck AFD is scheduled to expire in September, 2012. The applicant has requested terms of six years.

The district includes all the land on the above mentioned properties (attachment 1) with the exception of all land within 25 feet of the road rights of way. This area has been excluded to allow for possible road and/or drainage improvements.

Surrounding Land Uses and Development

This section of the County is largely undeveloped and heavily wooded. Surrounding properties to the west are part of the Wright's Island AFD.

Comprehensive Plan

The Comprehensive Plan designates these parcels as Rural Lands and Conservation Area. Land Use Action 6.1.1 of the 2009 Comprehensive Plan states the County shall "support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*."

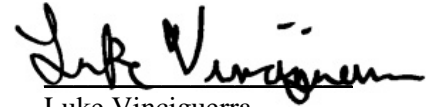
Analysis

The AFD continues to meet the minimum area requirements for an AFD. Since the last renewal, the Board of Supervisors has updated their AFD withdrawal policy (attachment 2) which is reflected in the proposed conditions listed below:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to 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 AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, 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.

RECOMMENDATION:

Staff recommends that the Commission recommend the continuation of the district for six years with the conditions listed above.



Luke Vinciguerra

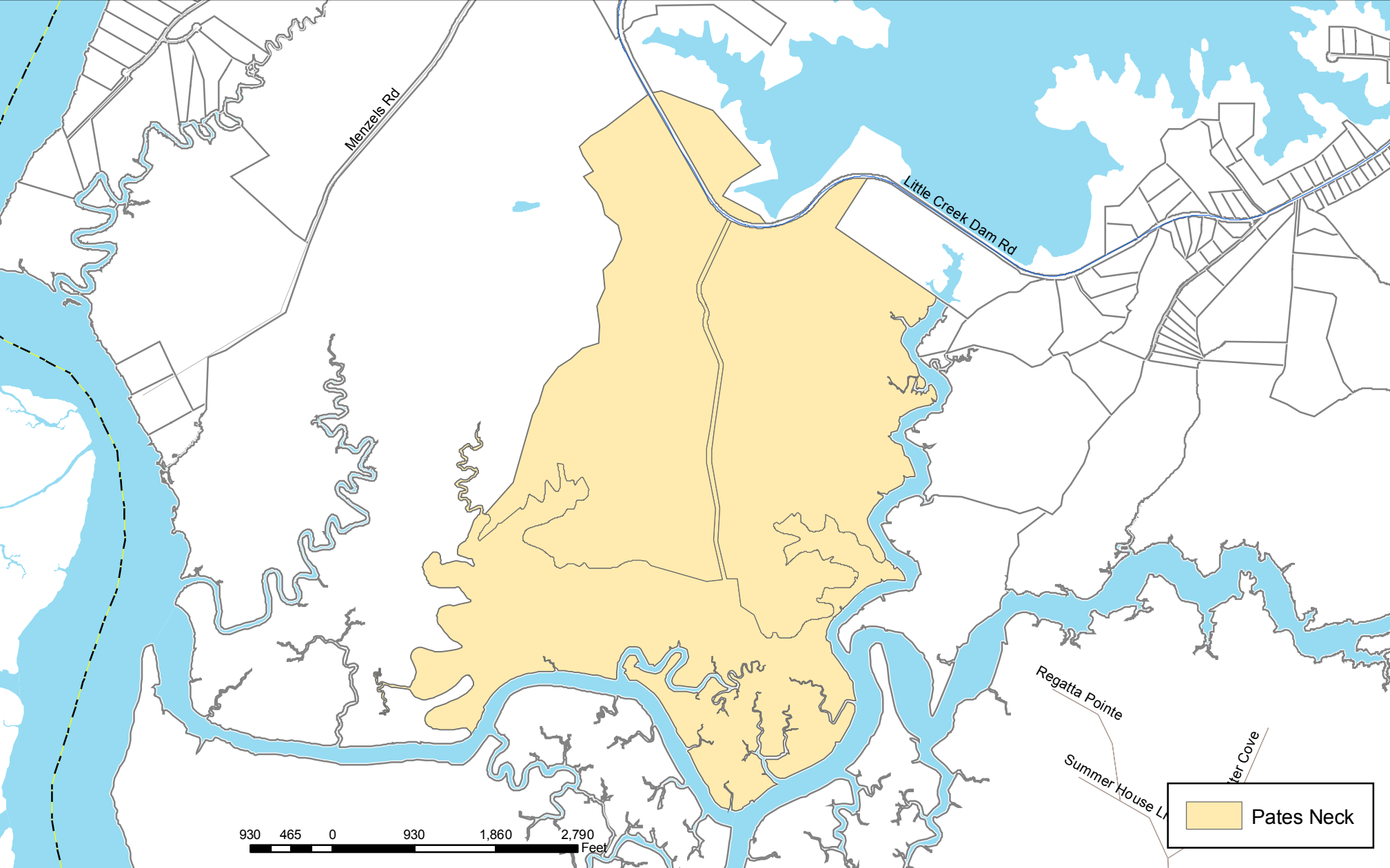
Attachments:

1. Location Map
2. AFD Withdrawal Policy
3. Unapproved AFD Advisory Committee minutes

Agricultural and Forestal District 04-86-2-2012 Pates Neck AFD Renewal

AFD-04-86-2-2012

Pates Neck AFD



RESOLUTION

**POLICY GOVERNING THE WITHDRAWALS OF PROPERTY FROM AGRICULTURAL
AND FORESTAL DISTRICTS (AFDs)**

WHEREAS, the Board of Supervisors has determined that Agricultural and Forestal Districts (AFDs) are a valuable tool to help protect the agricultural and forestal lands and industry in James City County; and

WHEREAS, premature withdrawals of land from the Districts is contrary to the intent of the Board in allowing the establishment of these Districts.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes the following policy relating to the withdrawal of lands from AFDs during the terms of those Districts. This policy in no way supersedes the provisions for withdrawal by right under Sections 15.2-4311 or 15.2-4314D of the Code of Virginia.

1. It is the policy of the Board of Supervisors to discourage the withdrawal of properties from AFDs during the terms of those districts.
2. The criteria for withdrawal during the terms of the districts are as follows:

In order to establish "good and reasonable cause," a landowner requesting to withdraw property from an AFD must submit written information to demonstrate compliance with the following criteria:


- A. The request is caused by a change in circumstances that could not have been anticipated at the time application was made for inclusion in the district.
- B. The request would serve a public purpose, as opposed to the proprietary interest of the landowner that could not otherwise be realized upon expiration of the AFD.
- C. The request would not cause damage or disruption to the existing district.
- D. If the request for withdrawal is in conjunction with a proposal to convert the land use of a property to a different use than is currently in place on the property, the new land use would be in conformance with the Comprehensive Plan.

The Board shall weigh each of the above criteria in its deliberation, but may also use whatever other criteria as it deems appropriate for the individual case.


James G. Kennedy
Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCGLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

ATTEST:


Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2010.

UNAPPROVED MINUTES OF THE AGRICULTURAL AND FORESTAL ADVISORY COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 7th DAY OF MAY, TWO THOUSAND AND TWELVE, AT 4:00 P.M. AT THE HUMAN SERVICES BUILDING, 5249 OLDE TOWNE ROAD, WILLIAMSBURG, VIRGINIA.

1. Roll Call:

Members Present

Mr. Hitchens
Ms. Smith
Mr. Ford
Mr. Bradshaw
Ms. Garrett
Mr. Icenhour
Mr. Harcum
Mr. Abbott
Mr. Richardson

Also Present

Mr. Luke Vinciguerra (Planning)
Mr. Bill Sally (HRSD)

Absent

Mr. Meadows

2. New Business:

• **Pates Neck Renewal**

Mr. Vinciguerra presented the staff report stating the Pates Neck AFD is set to expire September, 2012 and recommended the committee recommend the continuation of the district for six years with the conditions listed in the staff report.

Mr. Icenhour asked if this renewal would put Pates Neck's renewal cycle in sync with other districts. Mr. Vinciguerra responded affirmatively.

Mr. Bradshaw noted the property owner specifically requested 6 year terms.

On a motion made by Mr. Ford, the Committee voted 9-0 recommending the continuation of the district for a period of six years.

May 2012

Case Type	Case Number	Case Title	Address	Description	Planner	District
Conceptual Plans	C-0017-2012	Etta Lee Estate	7259 MERRIMAC TRAIL	Review of what redevelopment uses can be made of the Etta Lee Estate properties.	Jose Ribeiro	05-Roberts
	C-0018-2012	Mageras Richmond Road Subdivision	6059 RICHMOND ROAD	Applicant requests information regarding development potential of 6059 Richmond Road.	Jason Purse	02-Powhatan
	C-0019-2012	Gulden Camp Road Subdivision	126 CAMP ROAD	Subdivide 25 acres from a 87 acre tract.	Jason Purse	02-Powhatan
	C-0020-2012	Sprint Exit 227 Cell Tower Antennas	NO ADDRESS	Replacing antennas at the Exit 227 Sprint cell tower.	Luke Vinciguerra	01-Stonehouse
	C-0021-2012	New Town Ph. 7 Sec. 2 Parcel B Townhomes	4400 CASEY BLVD	Construction of 18 townhomes located on Parcel B adjacent to Center Street and the Roper Homestead Park.	Leanne Reidenbach	04-Jamestown
	C-0022-2012	Humphreys Longwood Drive Subdivision	3539 LONGWOOD DRIVE	Proposed subdivision of 3539 Longwood Drive.	Jose Ribeiro	01-Stonehouse
	C-0023-2012	Williamsburg Montessori School	4210 LONGHILL ROAD	Applicant requests clarification on process for various expansion proposals	Jason Purse	02-Powhatan
Rezoning	Z-0005-2012	Fire Station #4 Replacement	5316 OLDE TOWNE ROAD	This parcel will be incorporated into the adjacent fire station property to be used as open space/buffer and land for possible future expansion as part of a new Fire Station #4.	Jason Purse	04-Jamestown
Site Plan	SP-0037-2012	The Settlement at Powhatan Creek Ph. 3	4101 MONTICELLO AVENUE	Construction of 29 townhouse units with roads, utilities, and stormwater management.	Luke Vinciguerra	03-Berkeley

SP-0038-2012	New Town Sec. 9 (Settler's Market) Walmart	4541 CASEY BLVD	Walmart proposes to build a new 41,785 SF Walmart Market (Grocery Store/Retail) and create an adjoined outparcel for another general retail building up to 20,000 SF	Leanne Reidenbach	04-Jamestown
SP-0039-2012	Stonehouse Elementary School Stormwater Facility Retrofit/Repair	3651 ROCHAMBEAU DRIVE	The project involves the repair of a failed stormwater management facility. The repair also involves retrofitting the facility so that its water quality treatment capabilities are improved. The pipe spillway system will be extended 160 feet to repair the eroded discharge channel.	Jose Ribeiro	01-Stonehouse
SP-0041-2012	Emergency Operations Center Generator SP Amend.	3135 FORGE ROAD	Replacement of existing interior generator with an exterior one. Located inside existing fence structure.	Jason Purse	01-Stonehouse
SP-0042-2012	Grove Christian Outreach Center SP Amend.	8800 POCAHONTAS TR	Adding 709 square feet to building area, adding a grease interceptor, and relocating a waterline connection.	Jose Ribeiro	05-Roberts
SP-0043-2012	Building Expansion, David Nice Builders, SP Amend.	4571 WARE CREEK ROAD	Applicant proposes 800 square foot conference room addition on existing two story office space.	Jason Purse	01-Stonehouse
SP-0044-2012	Candle Factory Parking Improvements SP Amend.	7521 RICHMOND ROAD	Parking lot improvements, handicap ramps, striping, and minor sidewalks.	Jose Ribeiro	01-Stonehouse

Special Use Permit	SUP-0005-2012	Parks Marywood Drive Accessory Apartment	170 MARYWOOD DR	Accessory apartment at 170 Marywood Drive. Per the request of the applicant this SUP application has been withdrawn. Please refer to File for documentation.	Jose Ribeiro	03-Berkeley
	SUP-0006-2012	Fire Station #4 Replacement	5316 OLDE TOWNE ROAD	Application to construct a new 12,500 sq. ft. fire station to replace the existing building.	Jason Purse	04-Jamestown
Subdivision	S-0015-2012	The Settlement at Powhatan Creek Ph. 3	4101 MONTICELLO AVENUE	Subdivision of 54 new single family residential lots.	Luke Vinciguerra	03-Berkeley
	S-0016-2012	Graham Hicks Island Road BLE	8926 HICKS ISLAND RD	Boundary line extinguishment between 8916 & 8926 Hicks Island Road.	Jose Ribeiro	02-Powhatan
	S-0017-2012	Chickahominy Haven Sec. 8 Lot 23 & 24 BLE	7196 CANAL STREET	This case was previously submitted under case number S-0039-2010. The applicant did not record it within 180 days.	Allen Murphy	02-Powhatan
	S-0018-2012	Ford's Colony Sec. 1 Lots 12 and 13 BLE	3 HAMLIN COURT	Boundary line extinguishment between 2 lots in Fords Colony on Hamlin Court.	Leanne Reidenbach	02-Powhatan
	S-0019-2012	Gulden Camp Road Subdivision	126 CAMP ROAD	Subdividing a single 25 acre parcel from 126 Camp Road.	Jason Purse	02-Powhatan
	S-0020-2012	White Hall Sec. 2 Ph. K	3401 ROCHAMBEAU DR	Subdivision of 55 new lots on 10.05 acres.	Luke Vinciguerra	01-Stonehouse
	S-0021-2012	Palmer Ron Springs Drive Subdivision	122 RON SPRINGS DR	Creating two additional lots.	Jason Purse	05-Roberts
Zoning Appeal (Variance)	ZA-0002-2012	8428 Croaker Road	8428 CROAKER ROAD	Addition of a 16' x 24' room to the existing house on the eastern end and an attached 20' x 24' garage on the southeastern corner.	John Rogerson	01-Stonehouse

ZA-0003-2013	3492 Frederick Drive	3492 FREDERICK DR	To allow continued placement of existing deck located in rear yard setback.	John Rogerson	01-Stonehouse
--------------	----------------------	----------------------	---	---------------	---------------

MEMORANDUM

DATE: June 6, 2012

TO: The Planning Commission

FROM: Ellen Cook, Senior Planner II

SUBJECT: Z-0006-2012 Stonehouse Development Proffer Amendment – Conservation Easement Dedication

In 2007, GS Stonehouse Green Land Sub LLC received approval of a master plan and proffer amendment (Case Nos. Z-0004-2007/MP-0004-2007) for the Stonehouse development. The amended proffers include several that relate to environmental protection, including one subsection on conservation easements. The amended proffers include several that relate to environmental protection, including one subsection on conservation easements. Vernon M. Geddy III, on behalf of GS Stonehouse Greenland Sub LLC, is seeking approval of an amendment to this proffer to eliminate the obligation to grant conservation easements to the Williamsburg Land Conservancy (WLC) or other land conservation organization, in addition to the County. The existing language is as follows:

Existing Proffer Language

10.4 Conservation Easements. Owner shall grant a conservation easement to the Williamsburg Land Conservancy or some other County approved land conservation organization over all portions of the Property over which the Owner has granted a natural open space easement to the County for Chesapeake Bay Preservation Ordinance purposes. The terms of the conservation easement shall be consistent with the terms of the County standard natural open space easement required for Chesapeake Bay Preservation Ordinance purposes.

Instead, the applicant proposes to amend the proffers to strike this subsection altogether. As described in the applicant's letter (Attachment 1), the owner is seeking this amendment as the WLC indicated that it does not wish to hold conservation easements over the areas required by the proffer due to time and resource constraints. While not mentioned in the applicant's letter, the applicant has indicated to staff that several other conservation organizations were approached as possible third-party easement grantees, but that these other organizations had similar constraints. The County will still be granted the conservation easements for Chesapeake Bay Preservation Ordinance purposes, but since this will happen as part of a standard practice and procedure during the administrative review process, including this in the proffers would not be necessary.

The applicant's inclusion of WLC (or other third party) in the original proffer language was not at the County's request, and staff has no objection to the proposed proffer amendment since the County's status as easement grantee is preserved. Further, staff is in receipt of an email from the Williamsburg Land Conservancy concurring with the proposed amended proffer language.

Staff Recommendation

The Board of Supervisors, as communicated to the County Attorney's Office, has waived the public hearing requirement for this application, as provided for in *Virginia Code* Section 15.2-2302. Staff recommends that the Planning Commission recommend approval of the proposed proffer amendment to the Board of Supervisors.

Ellen Cook

Ellen Cook

Attachments

1. Applicant Request Letter dated May 23, 2012
2. Amended Proffer
3. Email from Williamsburg Land Conservancy