

**SPECIAL USE PERMIT-18-99. Olde Towne Road Timeshares
Staff Report for the July 10, 2001, Board of Supervisors 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 C Board Room; County Government Complex
 Planning Commission: August 2, 1999, 7:00 p.m. (Deferred)
 September 8, 1999, 7:00 p.m. (Denied)
 July 5, 2000, 7:00 p.m. (Approved)
 Board of Supervisors: November 23, 1999, 7:00 p.m. (Deferred)
 August 8, 2000, 7:00 p.m. (Deferred)
 May 8, 2001, 7:00 p.m. (Deferred)

SUMMARY FACTS

Applicant: Mr. Richard Costello, AES Consulting Engineers
 Land Owner: Mr. Philip Richardson and Philip Richardson Company, Inc.
 Proposed Use: 365 timeshare units within a residential cluster and one single-family lot, at a density of 2.80 dwelling units per acre. Residential clusters with a density greater than one dwelling unit per acre require a special use permit in the R-2, General Residential District.
 Location: 5295, 5350, and 5380 Olde Towne Road, adjacent to Route 199; Berkeley District
 Tax Maps and Parcel Nos.: (32-4)(1-26); (32-4)(1-26-A); (32-4)(1-36); (33-3)(1-30)
 Primary Service Area: Inside
 Parcel Size: 130.40 acres
 Existing Zoning: R-2, General Residential District
 Comprehensive Plan: Low-Density Residential
 Surrounding Zoning: North, West: R-2, General Residential
 South: R-5, Multifamily Residential (The Mews)
 East (JCC): R-2; R-5 (Chisel Run)
 East (Williamsburg): RM-1 and RM-2, Multifamily Dwelling Districts; RS2, Single-Family Dwelling District (Piney Creek Estates)
 Staff Contact: Jill E. Schmidle - Phone: 253-6685

STAFF RECOMMENDATION:

Staff continues to find the revised proposal consistent with the surrounding zoning and single-family, multifamily, and timeshare uses. Staff also finds the proposal consistent with the requirements of the residential cluster zoning ordinance and consistent with the Comprehensive Plan. On July 5, 2000, the Planning Commission voted 4-3 to approve this project with the attached conditions. Staff recommends the Board of Supervisors approve the proposal with the attached conditions.

Project Revision and Update

At its May 8, 2001, meeting, the Board of Supervisors voted to defer this case in order to obtain additional information regarding the Powhatan Creek watershed study, updated traffic figures for Olde Towne Road, and the greenway trail.

Powhatan Creek

Regarding this project's impact on Powhatan Creek, staff has reviewed the draft information in the Powhatan Creek Management Plan that deals with the watershed that would drain this project. The consultant recommends that the current County stormwater management practices be continued in this catchment area. The County's plan review process will ensure that this is done if the project is approved. There are other areas in other portions of the County where the consultant recommends additional or enhanced stormwater practices, but not in this area.

Traffic Counts

Updated traffic counts have been taken at Olde Towne Road. In 1999, the average daily traffic count on Olde Towne Road was 11,400 vehicle trips per day. In 2000, the number decreased to 8,418. Counts taken in mid-June 2001 reveal the figure to be 9,433 vehicle trips per day.

Greenway Trail

The Board requested additional information on the proposed greenway trail. The 1996 Virginia Outdoors Plan addresses the issues of trail width and crime. The width of a multiuse trail is recommended to be a minimum of 12 feet wide to prevent conflicts between trail users. A minimum 12-foot width is recommended for multiuse trails that connect communities, parks, and/or schools. The document also states that there is no evidence that trails cause an increase in crime. Additionally, the document states that most trails have a positive effect on wildlife and promote conservation areas and environmental education. The applicant has proposed a revision to the trail condition which would reduce the width of the paved trail to 8 feet and would require the construction of the trail only with written approval of the Board of Supervisors. While Parks and Recreation staff continue to recommend a 12-foot wide trail, an 8-foot wide trail will provide acceptable public access to guarantee a public benefit to this private development. Based on anticipated use in the next ten years and existing use of the James City/Williamsburg Community Center multiuse trail, 8-feet is adequate and the County could always widen in the future if the need was identified. In staff's opinion, this Greenway Trail is a significant public benefit and an important component of the "package" that makes this project preferable to a conventional development.

Recommendation

Staff continues to find the revised proposal consistent with the surrounding zoning and uses. Staff also finds the proposal consistent with the requirements of the residential cluster zoning ordinance and the Comprehensive Plan. Staff finds that this project provides more benefits than a conventional, by-right subdivision, including the following: water conservation, fiscal impact, no school children, right-of-way berms, opportunity to realign Olde Towne Road, reserved lot for adjacent property owner, increased buffers, archaeological study, sidewalks on internal streets, increased recreational facilities including a greenway connection, curb and gutter streets, enhanced landscaping internal to the site, and increased open space. At its July 5, 2000, meeting, the Planning Commission voted 4-3 to approve the revised application. Staff recommends the Board of Supervisors approve the revised application, with the following conditions, with the revised condition highlighted:

1. 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 first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation. Construction does not include land preparation such as clearing, grading, or filling.
2. The Master Plan of development required under Section 24-554 of the Zoning Ordinance shall be generally consistent with the Conceptual Plan "Olde Towne Road Timeshares" prepared by AES Consulting Engineers, Revised May 10, 2000, as determined by the Director of Planning. Development of the site shall be generally in accordance with the Master Plan, with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
3. The property shall be developed as a timeshare project. There shall be not more than 365 timeshare units in addition to associated recreation facilities on the property and one single-family residential lot, its location identified on the Master Plan.
4. The applicant shall implement the road improvements recommended by the traffic study "Traffic Analysis for Olde Towne Road Timeshares on Olde Towne Road" prepared by DRW Consultants, Inc., September 9, 1998, prior to issuance of the first Certificate of Occupancy for any structure on the site.
5. Prior to preliminary site plan approval, an engineering study shall be submitted to and approved by the James City Service Authority confirming the sanitary sewer system capacity.
6. All dumpsters and heating and cooling units shall be screened by landscaping or fencing approved by the Planning Director prior to final site plan approval.
7. Free-standing signs shall be ground-mounted, monument style, and shall be approved by the Planning Director prior to final site plan approval.
8. The landscape plan shall be approved by the Planning Director prior to final site plan approval for any section or phase of this project and shall include enhanced landscaping around the perimeter of each timeshare building, so that the required number of plants equals at least 133 percent of the County's Landscaping Ordinance requirements with a minimum of 33 percent of the required number of trees being evergreen. The landscape plan shall also contain landscape screening and berms with a minimum 8-foot height along the Olde Towne Road and Route 199 frontage, at the location shown on the Master Plan.
9. Four-foot Class II bikeways shall be provided on both sides of Olde Towne Road at the location shown on the Master Plan prior to the issuance of the first Certificate of Occupancy for any structure on this site. A 4-foot sidewalk shall be provided at the location shown on the Master Plan on the eastern side of Olde Towne Road prior to the issuance of the first Certificate of Occupancy for any structure on this site.
10. All exterior light fixtures on the property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. A lighting plan shall be submitted to, and approved by, the Planning Director which indicates the fixture type and that no glare will occur 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 a public street or adjoining residentially designated property.
11. *An 8-foot wide paved public use path with 4-foot wide mulched shoulders and a 6-foot wide public use mulched path as shown generally on the Master Plan shall be constructed prior to the issuance*

of a certificate of occupancy for no more than 200 timeshare units if the Board of Supervisors has approved construction of this path and requested it in writing. If the Board of Supervisors has not approved construction of this path and requested it in writing within seven years of the approval of this Special Use Permit, the applicant and/or its successors shall have no obligation to construct this path. The path shall be located no closer than 80-feet from the nearest property line. The applicant shall fully maintain the paths and bridge during the period of time the developer is constructing the timeshare units.

12. The applicant shall work out an arrangement with the Virginia Department of Transportation to address traffic issues and safety concerns on Olde Towne Road. The applicant shall provide documentation of the agreed upon arrangement prior to final site plan approval.
13. The applicant shall dedicate to the County, by conservation easement for the purpose of providing public access to the public-use paths, 44.94 acres of the Chisel Run Swamp, identified on the Master Plan as "Protected and Preserved Natural Area, RMA Wetlands, and Buffers," in a form approved by the County Attorney prior to final site plan approval for any structure on the site.
14. The applicant shall provide water for irrigation utilizing surface water collection from the two surface water impoundments as shown on the Master Plan and shall not use JCSA water or well water for irrigation purposes. This irrigation system shall be included with the site plan for the project and shall be approved by the Director of Planning. The system shall be in place and operational prior to issuance of a certificate of occupancy for any structure on the site. This requirement prohibiting the use of well water may be waived by the County Engineer if the applicant demonstrates to the County Engineer that there is insufficient water for irrigation in the surface water impoundments, and the applicant may apply for a waiver for a shallow (less than 100 feet) well only.
15. In order to mitigate the fiscal impact of the road improvements on Olde Towne Road caused in part by this project, for a period of 15 years from the issuance of this special use permit, the area shown on the Master Plan as "Reserved Lot" may be used as one residential lot if needed by the County or the Virginia Department of Transportation ("VDOT") to relocate a family displaced due to the Olde Towne Road improvements. A subdivision creating the "Reserved Lot" shall be permitted only in connection with a conveyance to the County or VDOT for the purpose identified in this paragraph. In the event the "Reserved Lot" is not used for the purpose allowed in this paragraph, the "Reserved Lot" shall remain open space.
16. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Jill E. Schmidle

CONCUR:

O. Marvin Sowers, Jr.

JES/tlc
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Attachments:

1. 1996 Virginia Outdoors Plan - Space Standards
2. Community petition
3. Resolution