

**SPECIAL USE PERMIT-18-03/Master Plan-7-03. Olde Towne Timeshares
Staff Report for November 12, 2003, 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: October 6, 2003, 7:00 p.m.
Board of Supervisors: November 12, 2003, 7:00 p.m.

SUMMARY FACTS

Applicant: Richard A. Costello, AES Consulting Engineers

Land Owner: Heritage Resorts, Inc.

Proposed Use: Amendment to a previously approved special use permit (JCC Case No. SUP-18-99) allowing 365 timeshare units within a residential cluster

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)(1-26A); (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-1and RM-2, Multifamily Dwelling Districts; RS2, Single-Family Dwelling District (Piney Creek Estates)

Staff Contact: David Anderson - Phone: 253-6685

STAFF RECOMMENDATION:

Staff finds the proposed special use permit amendment consistent with surrounding zoning, single-family, multifamily, and timeshare uses. Staff also finds the proposed amendment consistent with the requirements of the residential cluster zoning ordinance and consistent with the Comprehensive Plan.

Staff believes the changes from the previously approved special use permit are generally positive in nature and recommends the Board of Supervisors approve the proposed special use permit amendment with the attached conditions. At the October 6, 2003, Public Hearing, the Planning Commission voted 4-3 to recommend approval of the application.

Project Description

Mr. Richard A. Costello of AES Consulting Engineers, has applied on behalf of Heritage Resorts, Inc., for a special use permit to amend a previously approved special use permit (JCC Case No. SUP-18-99, Olde Towne Road Timeshares). The original SUP permitted a development of 365 timeshare units in a residential cluster. This amendment proposes the same number of timeshare units but makes some changes to the layout of the Master Plan, which require a SUP amendment. It should be noted that the previously approved SUP remains valid until July 10, 2004.

This report will focus on the changes proposed for the development rather than revisiting the larger land use issue of permitting timeshares on this site. Staff believes the larger land use issue was decided along with the previously approved SUP and, since that SUP still remains valid, denial of this case would not prohibit the timeshare development from being constructed as previously approved. Therefore, staff's recommendation is based on an assessment of whether or not this amendment is a positive change over the previously approved SUP.

Summary of Changes

1. Unit Types - Approximately 25 percent of the proposed units have been changed from 4-bedroom townhouse-style units to 2-bedroom condominium-style units.

Staff supports this change because it results in a reduction in water usage, parking spaces, and traffic generation.

2. Indoor Pool - An indoor pool has been added to the clubhouse.

In association with this addition the outdoor pool has been moved further from adjacent residential uses, which will better protect adjacent residences from noise and lighting from the outdoor pool.

3. Parking and Roads - The major change to the layout is based on a central collector road (with no units fronting on it) that terminates at the clubhouse building. Clusters of units represent the 13 original colonies. Parking for the new clubhouse is designed to accommodate the expanded facilities.

These changes increase the impervious cover by .35 acres. The Environmental Division does not object to the increase in impervious cover and will address the stormwater management issues associated with this increase at the site plan level. Additionally, the applicant is requesting a waiver to reduce the parking requirement for the townhouse-style units from 2.5 spaces/unit to 2.0 spaces/unit, which has proven adequate at Williamsburg Plantation. Staff supports the reduction in the parking space requirement because it helps mitigate the increase in impervious cover caused by the collector road and clubhouse parking.

4. Stormwater Management Ponds - A two level pond system was implemented considering topographical and wetland conditions. Water will be aerated by falling from the upper to the lower pond and will then be pumped back to the upper pond as required. These ponds will also be used for irrigation.

The Environmental Division has reviewed the two-level pond system and has recommended that the upper pond be an excavated pond, one that does not contain a dam structure, and that both ponds have a dam

break analysis performed to ensure that no flooding of the adjacent residences will occur. This concern has been incorporated into a new condition.

5. Waste Management - A centralized operation consisting of residential-type trash cans at the end of each cluster of buildings will be installed. Trash is collected from these locations and placed in a compactor by the clubhouse.

Staff expressed initial concern to the applicant about the proximity of the compactor to adjacent residences. The applicant has revised the location of the compactor, moving it closer to the clubhouse and further from adjacent residences. Staff has also included a condition requiring additional berming and landscaping to screen the compactor from adjacent residences.

6. Modification of Buffer Adjacent to Route 199 - The applicant has requested a 20-foot reduction of the buffer from 150 feet to 130 feet where it is adjacent to the existing and planned berm along Route 199.

Staff believes the large berm adjacent to Route 199 provides good screening of the proposed development from Route 199 and can largely compensate for the 20-foot reduction of the buffer. In order to ensure the reduced buffer's adequacy, staff has added a condition requiring the buffer include the total number of trees required for a 150-foot buffer, despite its reduced width, and that the buffer be designed in a manner that provides the appearance of a natural forested area.

Recommendation

Staff finds the proposed special use permit amendment consistent with surrounding zoning, single-family, multifamily, and timeshare uses. Staff also finds the proposed amendment consistent with the requirements of the residential cluster zoning ordinance and consistent with the Comprehensive Plan. Staff believes the changes from the previously approved special use permit are generally positive in nature and recommends the Board of Supervisors approve the proposed special use permit amendment with the attached conditions. At the October 6, 2003, Public Hearing, the Planning Commission voted 4-3 to recommend approval of the application.

The conditions are largely unchanged from the previously approved conditions, which are included on the cover of the revised Master Plan. Substantial changes include the following: 1) original Condition No. 5 has been deleted because it has been completed; 2) additional language has been added to Condition No. 7 (original Condition No. 8) addressing landscaping within the buffer adjacent to Route 199; 3) Condition No. 15 was added to address the Environmental Division's concerns about stormwater management; and 4) Condition No. 16 was added to help mitigate any negative impacts to adjacent residences of the compactor operation. Generally any time limitations placed on the previously approved conditions have been renewed.

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 "Master Plan Amendment for The Colonies at Williamsburg" prepared by AES Consulting Engineers, revised September 29, 2003, 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 no 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. 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.
6. Free-standing signs shall be ground-mounted, monument style, and shall be approved by the Planning Director prior to final site plan approval.
7. 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 eight-foot height along the Olde Towne Road and Route 199 frontage, at the location shown on the Master Plan. Additionally, the landscape plan shall address the landscaping along the Route 199 right-of-way berm. The applicant has requested a 20-foot reduction in the width of the buffer adjacent to Route 199 from 150 feet to 130 feet in order to allow development of this property as shown on the Master Plan. In order to ensure the adequacy of the reduced buffer, the landscaping shall include the total number of trees required for a 150-foot buffer, despite its reduced width, effectively increasing the buffer’s density. Landscaping should also be designed in a manner that provides the appearance of a natural forested area.
8. Four-foot paved shoulder 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 four-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.
9. 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, indicating 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 (except at street connections where up to 2.0 footcandles is permitted) or adjoining residentially designated property.
10. An eight-foot-wide paved public use path with four-foot-wide mulched shoulders and a six-foot-wide 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 the 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 residential property line. The applicant shall fully maintain the paths and bridge during the period of time the developer is constructing the timeshare units.
11. The applicant shall work out an arrangement with the Virginia Department of Transportation (VDOT) 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.
12. 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.
13. If the applicant desires to have outdoor watering they shall provide water for irrigation utilizing surface water collection from the 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 JCSA General Manager. This requirement prohibiting the use of well water may be waived by the JCSA General Manager if the applicant demonstrates to the JCSA General Manager 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.

14. In order to mitigate the 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 VDOT to relocate a family displaced due to the Olde Towne Road improvements. In the event the "Reserved Lot" is not used for the purpose allowed in this paragraph, the "Reserved Lot" shall remain open space.
15. The proposed stormwater management upper pond shall be an excavated pond; that is one that doesn't contain a dam structure that could fail and flood adjacent residences, and both ponds shall have a dam break analysis performed to ensure that no flooding of the adjacent residences will occur.
16. Additional berming and landscaping shall be provided between the compactor and the adjacent residential property to mitigate any noise impacts produced by the compactor operation. A landscape plan showing the additional berming and landscaping shall be included with the site plan for the phase of the project containing the compactor and shall be approved by the Planning Director prior to final site plan approval.
17. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Dave Anderson

CONCUR:

O. Marvin Sowers, Jr.

DA/gs
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Attachments:

1. Planning Commission Minutes
2. Location Map
3. Master Plan "under separate cover"
4. Resolution