

SPECIAL USE PERMIT-21-05/MASTER PLAN-9-05. Olde Towne Timeshares Amendment Staff Report for the November 8, 2005, 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 F Board Room; County Government Complex

Planning Commission: July 11, 2005, (deferred) 7 p.m.
August 1, 2005 (deferred)
September 12, 2005 (deferred)
October 3, 2005, 7 p.m.
Board of Supervisors: November 8, 2005, 7 p.m.

SUMMARY FACTS

Applicant: Mr. Robert Anderson of McKinney and Company
Land Owner: Heritage Resorts, Inc.
Proposal: Timeshare Units
Location: 5380 Olde Towne Road
Tax Map/Parcel Nos.: (32-4)(1-26), (32-4)(1-26A), (32-4)(1-36), (33-3)(1-30)
Parcel Size: 130.4 acres
Zoning: R-2, General Residential District, Cluster
Comprehensive Plan: Low-Density Residential
Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds the proposed special use permit (SUP) amendment consistent with surrounding zoning, single-family, multi-family, 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 SUP generally positive in nature and recommends approval of the proposed SUP with the attached conditions.

Staff Contact: Ellen Cook Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

On October 3, 2005, the Planning Commission recommended approval of this application by a vote of 6-0.

Proposed Changes Made Since Planning Commission Meeting

A segment of the public-use trail has been realigned from the eastern portion of the property to a more western location further from City of Williamsburg neighborhoods but closer to the Chisel Run neighborhood, and trail Condition No. 10 has been changed to more closely match current Parks and Recreation standards. Parks and Recreation staff has reviewed the changes and concur, as they are in accordance with the Greenway Master Plan.

PROJECT DESCRIPTION

Mr. Robert Anderson of McKinney and Company has applied on behalf of Heritage Resorts, Inc., for a SUP to amend a previously approved SUP (JCC Case No. SUP-18-03/MP-7-03 Olde Towne Timeshares, which was itself an amendment of JCC Case No. SUP-18-99 Olde Town Road Timeshares). The last approved 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 requires an SUP amendment. It should be noted that the previously approved SUP remains valid until November 12, 2006. Since the last SUP was approved, the applicant has completed several improvements on the site including road improvements to Olde Towne Road and a berm and landscaping along the road.

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 original Olde Towne Timeshares SUP and its successor and, since the 2003 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** - All units will be four-bedroom units with lockout features that allow separate use of half of the four bedroom unit if the owner chooses to allow that. The units will be in the style of apartments (up and down units) rather than townhouse (side by side). The original SUP had all four-bedroom units, while the 2003 amendment had proposed converting approximately 25 percent of the proposed units to two-bedroom condominium style units.

Staff Comment: While this change will likely increase water usage and traffic generation over the 2003 amendment amounts (because the bedroom numbers were decreased in 2003), the overall number of bedrooms now returns to the same as what was approved by the 1999 SUP. Current traffic levels on Olde Towne Road are very similar to those in 1999 when the original SUP was approved (11,400 and 10,950 in 1999 and 2005 respectively).

2. **Recreation Facilities** - The recreation facilities have been moved to a more central location within the development, and a tot lot has been added.

Staff Comment: Staff supports this change as it will likely reduce noise and light impacts on adjacent properties and will make the facilities more accessible to timeshare users.

3. **Parking and Roads** - As with the 1999 SUP, the timeshare units are arranged in pods along a collector road (with no units fronting on it). The major change to the layout is that the pods are no longer arranged in a grid but are distributed throughout the site on a loop road.

Staff Comment: The applicant has stated that the reason for this change is to allow the development to minimize environmental impacts. While impervious cover increases by approximately 0.78 of an acre due to road and building configuration changes, wetlands and perennial stream impacts are eliminated (on the last plan, there would have been approximately 1.51 acres of wetland and Resource Protection Area impacts). The applicant is also proposing to decrease parking space numbers overall, with some spaces shifted from unit parking to the clubhouse based on the owner's experience at Williamsburg Plantation.

4. **Stormwater Management** - The 2003 SUP proposed a two level pond system. The current proposal eliminates the two ponds and makes extensive use of Low Impact Design (LID) features which are outlined in a Stormwater Narrative submitted with this application and are shown on the Master Plan. These features include bio-infiltration areas and grass swales.

Staff Comment: The Environmental staff supports the use of LID techniques as proposed. Note that to achieve the LID practice of grass swales, the applicant is requesting a modification of Section 24-549 of

the Cluster Ordinance. This Section states that curb and gutter is required for all streets within a development in order to achieve a density above two units an acre. The Section further states, however, that the Planning Commission may waive or modify the curb and gutter requirement along those segments of road, including the entrance road, where structures are not planned. The central loop collector road does not have structures fronting on it, and the applicant is requesting a waiver of the curb and gutter requirement for this road. The applicant would retain curb and gutter for all parking and access areas adjacent to structures in accordance with Section 24-549.

RECOMMENDATION

Staff finds the proposed SUP 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 SUP are generally positive in nature and recommends approval of the proposed SUP with the attached conditions.

The conditions are largely unchanged from the previously approved conditions. Substantial changes include the following: 1) a Water Conservation Condition has been added; 2) the Archaeological Policy has been added; 3) the previous stormwater management condition has been eliminated and replaced by a LID condition; and 4) the trails for Condition No. 10 has been changed to more closely match current Parks and Recreation standards. Generally, any time limitations placed on the previously approved conditions have been renewed.

1. If construction has not commenced on this project within 36 months from the issuance of a SUP, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
2. The master plan of development required under Section 24-554 of the zoning ordinance shall be generally consistent with the “Master Plan SUP-21-05/MP-09-05 Olde Towne Timeshares” prepared by McKinney and Company, dated October 20, 2005, 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. 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-~~

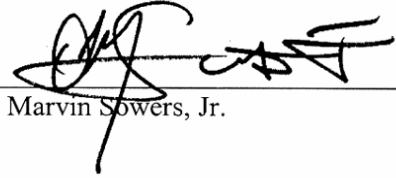
of-way berm. In order to ensure the adequacy of the reduced buffer, the landscaping shall include the total number of trees required for a 150-foot buffer. Landscaping should also be designed in a manner that provides the appearance of a natural forested area.

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 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 (except at street connections where up to 2.0 foot candles is permitted) or adjoining residentially designated property.
10. An ten-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. Any bridge(s) will have two feet of clearance on either side and shall meet the Virginia Department of Transportation (VDOT) standards (for conveyance of pedestrians and bicyclists only). 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 SUP, the applicant and/or its successors shall have no obligation to construct this path. The applicant shall fully maintain the paths and bridge(s) during the period of time the developer is constructing the timeshare units.
11. The applicant shall work out an arrangement with the 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 a conservation easement for 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 SUP, 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 Owner shall submit to the County a master stormwater management plan as a part of the initial site or development plan submittal for the Property, including the stormwater management BMP ponds, methods and measures to reduce fecal bacteria; low impact design techniques where appropriate and feasible for review and approval by the Environmental Division. The Master Stormwater Management Plan may be revised and/or updated during the development of the Property with the prior approval of the Environmental Division. The County shall not be obligated to approve any final development plans for development on the Property until the Master Stormwater Management Plan has been approved. The approved Master Stormwater management plan, as revised and/or updated, shall be implemented in all development plans for the Property.
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. A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading, or construction activities thereon.
18. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to, and approved by, the James City Service Authority prior to final development 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 where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
19. This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

Ellen Cook

CONCUR:



O. Marvin Sowers, Jr.

EC/gs
sup21-05MP9-05

ATTACHMENTS:

1. Planning Commission Minutes
2. Location Map
3. Master Plan (Separate Cover)
5. Resolution