

**SPECIAL USE PERMIT-0025-2007. Colonial Penniman, LLC Waterline and Force Main Extensions**

**Staff Report for the October 23, 2007, 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**

Planning Commission:  
Board of Supervisors:

**Building F Board Room; County Government Complex**

October 3, 2007, 7 p.m. (approved 7-0)  
October 23, 2007, 7 p.m.

**SUMMARY FACTS**

Applicant: Mr. James Bennett

Land Owner: Williamsburg Developments, Inc., the Economic Development Authority of James City County, BASF Corporation, and Colonial Penniman, LLC

Proposal: To authorize the construction of up to a 16-inch water transmission main, and two force mains to serve adjacent parcels within the James River Commerce Center and the property and facilities owned by Colonial Penniman, LLC at the BASF complex

Location: 8925, 8961, 8963, and 8965 Pocahontas Trail

Tax Map/Parcel Nos.: 5920100045, 5940100003, 5940100004, 5940100005A

Parcel Size: 2.4 acres distributed out of the total 710 acres

Zoning: M-1, Limited Business/Industrial, and M-2, General Industry

Comprehensive Plan: Mixed Use and General Industry

Primary Service Area (PSA): Inside

**STAFF RECOMMENDATION**

Staff believes that this proposal, with the attached conditions, would not impact surrounding properties and believes it is consistent with the 2003 Comprehensive Plan. Staff recommends that the Board of Supervisors approve this application with the acceptance of the attached special use permit (SUP) conditions.

Staff Contact: Matthew J. Smolnik Phone: 253-6685

**PLANNING COMMISSION RECOMMENDATION**

On October 3, 2007, the Planning Commission voted 6-0 to recommend approval of this application with the exclusion of proposed Condition No. 3 and to allow up to a 16-inch waterline and associated force mains to be constructed on the property. Condition No. 3 stated that should the pipe alignment need to cross a previously undisturbed Resource Protection Area (RPA) or previously undisturbed RPA buffer, the waterlines and force mains shall be bored underground to avoid any aboveground disturbance, which was a condition on the original SUP from 2002. The 2002 condition was placed on the SUP to keep the waterline and force main out of the RPA. With the State required expansion of the RPA, then either the force main or waterline could remain outside the RPA without major engineering changes.

## **PROJECT DESCRIPTION**

Mr. James Bennett has applied, on behalf of Williamsburg Developments, Inc., the Economic Development Authority of James City County, BASF Corporation, and Colonial Penniman, LLC for an SUP to allow for the construction of a 16-inch waterline, a 4-inch force main, and 2-inch force main between the James River Commerce Center and the Colonial Penniman, LLC property, which is located at the BASF site in Grove. SUP-03-2002 was approved by the Board of Supervisors on April 9, 2002, for a waterline extension to the former Trusswood, LLC property, which is now the Colonial Penniman, LLC property. Condition No. 11 on SUP-03-2002 stated that a land-disturbing permit shall be obtained by the developer within 24 months of the issuance of an SUP or the permit shall be void. A land-disturbing permit was not obtained within the 24-month period, therefore, the previous SUP is void and the new landowners are applying for a new SUP for the waterline and force main extensions.

Colonial Penniman, LLC recently purchased two lots within the BASF site. The BASF property is a 649-acre parcel located off Route 60 in Grove. Most of the BASF property fronts on the James River and is currently a vacant site. Colonial Penniman, LLC intends on speculatively developing the two parcels purchased. One lot is 16 acres in size and the other is 3.2 acres in size. Both properties have existing buildings, parking lots infrastructure, and are served by a small private water and sewer line, which have been generally adequate for rest room and potable water needs. However, the existing water and sewer lines are outdated, privately owned by BASF, and are not large enough for any new industrial user requiring processed water or an automatic fire suppression system (e.g. sprinklers). Additionally, BASF is not going to allow the occupants of the Colonial Penniman, LLC property to utilize the current private water and sewer system.

The largest, closest existing water main to tap into is the 12-inch waterline located within the right-of-way of Columbia Drive. The proposed force mains will connect to existing force mains that are located near the terminus of Columbia Drive. Should the SUP be approved, Colonial Penniman, LLC would extend the water main and force mains from Columbia Drive to their two properties. The location of the proposed waterline and force mains are shown on the enclosed Master Plan and will be located entirely within the applicant's property.

Colonial Penniman, LLC will not actually need the amount of water that is delivered by a 16-inch waterline. Therefore, should the SUP be approved, the new waterline would have excess capacity to serve the remaining property within the James River Commerce Center. The incremental costs of installing the larger size pipe are relatively small given the total project costs, with the benefits going to the undeveloped land. The 2-inch force main will serve the Colonial Penniman, LLC property while the 4-inch force main will serve the remaining properties within the James River Commerce Center.

## **PUBLIC IMPACTS**

### **Archaeology**

- Condition No. 2 - The standard County archaeological condition has been placed on this SUP application.

### **Environmental**

**Watershed:** College Creek

**Staff Comment:** The Environmental Division does not have any further comments on this SUP application. Previously approved site plans for this project may result in the project being grandfathered under the previous Chesapeake Bay Ordinances.

**Public Utilities**

The Colonial Penniman, LLC properties will be served by public water and sewer. The Planning Commission and Board should note that the water being supplied to this pipeline extension will come from Newport News Water Works, while the properties will connect to the James City Service Authority (JCSA) sanitary sewer system.

**Conditions:**

- Condition No. 3 - Any crossing of the BASF sanitary sewer line and/or pump station shall be reviewed and approved by the JCSA.
- Condition No. 4 - The JCSA shall review and approve implementation and time lines on how the Colonial Penniman, LLC parcels will be served prior to the issuance of a preliminary site plan approval.
- Condition No. 5 - All required permits and easements, including the necessary approvals from the Newport News Water Works, shall be obtained prior to the start of construction.
- Condition No. 6 - Construction, operation, and maintenance shall comply with all local, State, and Federal requirements, including all Newport News Water Works requirements.

**Staff Comment:** There is currently a 16-inch waterline within the right-of-way for Endeavor Drive, which splits into two 12-inch lines at the Endeavor Drive/Columbia Drive intersection. The 12-inch section of waterline within the Columbia Drive right-of-way was originally intended to be a 16-inch diameter waterline, but Newport News Water Works would only approve a 12-inch waterline for this area. Although not ideal, the connection of a 16-inch waterline to an existing 12-inch waterline should not create any issues to provide adequate water service to all intended customers.

**Transportation**

**2005 Traffic Counts:** 10,402

**2026 Volume Projected (Pocahontas Trail):** 8,000

**2026 Volume Projected (Route 60 Relocation):** 25,000

**Staff Comment:** The Comprehensive Plan traffic model suggests the need for Pocahontas Trail to be a four-lane facility in both the section extending from the York County line to BASF Road, and the section extending from BASF Road to the Newport News City line, unless the existing road is widened to four lanes. The project has been split into two phases with the intent to relocate the section from BASF Road to the Newport News City line first, and then assess the need for widening or relocating the upper section at that time. Careful coordination of transportation and development is extremely important along this road. Staff believes that the waterline and force main extensions will lead to additional traffic along Pocahontas Trail. However, the waterline will serve currently zoned industrial land and help reuse an existing industrial facility all of which are in the James River Enterprise Zone, an area that was deliberately designated for economic and commercial development.

**COMPREHENSIVE PLAN**

**Land Use Map**

Designation	<p><i>General Industry- (Page 123):</i> General Industry describes areas within the PSA that are suitable for industrial uses which, because of their potential for creating dust, noise, odor, and other adverse environmental effects, require buffering from adjoining uses, particularly residential uses. General industrial uses usually require access to interstate and arterial highways and public water and sewer.</p> <p><i>James River Commerce Center Mixed Use (Page 129):</i> Principle suggested land uses are limited industrial and office development.</p> <p><b>Staff Comment:</b> Staff believes the waterline and force main extensions will encourage commercial growth in an appropriate area of the County and will encourage new businesses to locate in the James River Enterprise Zone on what is a primarily vacant site.</p>
Development Standards	<p><i>Commercial and Industrial Land Use Standard No. 1 - Page 136:</i> Locate proposed commercial and industrial developments adjacent to compatible uses.</p> <p><b>Staff Comment:</b> The proposed waterline and force mains will encourage commercial and light industrial growth within the James River Enterprise Zone.</p>

Goals, strategies and actions	<p><i>Goal No. 2 - Page 138:</i> Direct growth into designated growth areas in an efficient and low-impact manner.</p> <p><i>Strategy No. 4 - Page 138:</i> Encourage commercial and industrial uses to develop in compact nodes in well-defined locations within the PSA.</p> <p><i>Action No. 11 - Page 139:</i> Extend water and sewer service in the PSA according to a predetermined phased plan as set forth in this plan and the County's master water and sewer plans.</p>
	<p><b>Staff Comment:</b> Staff believes the extension of the waterline and force mains will encourage commercial growth in an appropriate area inside of the PSA.</p>

### **Economic Development**

Goals, strategies and actions	<p><i>Strategy No. 2 - (Page 20):</i> Continue to maintain a supportive economic environment for existing industry and business and undertake public actions and cooperate in private actions that support and promote desirable commercial and industrial development.</p> <p><i>Action No. 7c - Page 21:</i> Utilize the JCSA and Newport News Water Works to promote desirable economic growth through the provision of water and sewer infrastructure consistent with the Comprehensive Plan policies and the regulations governing utility service.</p> <p><i>Action No. 8 - Page 21:</i> Promote the location of new business and industry within the County's Enterprise Zone.</p>
	<p><b>Staff Comment:</b> The James River Commerce Center is currently developing as an industrial park. The Colonial Penniman, LLC properties are redeveloping and the BASF property should redevelop in the future. The installation of the waterline and force mains should encourage industrial growth on these properties that all lie within the James River Enterprise Zone.</p>
Goals, strategies and actions	<p><i>Strategy No. 2 - (Page 138):</i> Ensure development is compatible in scale, size, and location to surrounding existing and planned development. Protect uses of different intensities through buffers, access control, and other methods.</p> <p><i>Strategy No. 4 - Page 138:</i> Encourage commercial and industrial uses to develop in compact nodes in well-defined locations within the PSA.</p>
	<p><b>Staff Comment:</b> The James River Commerce Center is currently developing as an industrial park. The Colonial Penniman, LLC properties are redeveloping and the BASF property should redevelop in the future. The installation of the waterline and force mains should encourage industrial growth on these properties that all lie within the James River Enterprise Zone.</p>

### **Environment**

Goals, strategies and actions	<p><i>Strategy No. 2 - Page 65:</i> Assure that new development minimizes adverse impacts on the natural and built environment.</p>
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### **Transportation**

Goals, strategies and actions	<p><i>Strategy No. 3 - Page 80:</i> Encourage commercial and industrial development patterns that maintain or improve the planned function and character of County roadways.</p>
	<p><b>Staff Comment:</b> Staff acknowledges Route 60's current traffic limitations. However, this site and the area are planned for continuing industrial use and development. Route 60 is planned to be relocated in the southern end of the County, which should accommodate additional traffic from commercial and industrial development in this part of the County. Partial funding has been obtained and the County is pursuing the remaining funds necessary for construction.</p>

### **Comprehensive Plan Staff Comment**

Staff believes the waterline and force main extensions will provide a needed utility to support investment, development, redevelopment, and expansion within the James River Commerce Center, Colonial Penniman, LLC and BASF sites. Therefore, staff believes the proposal is consistent with the Comprehensive Plan.

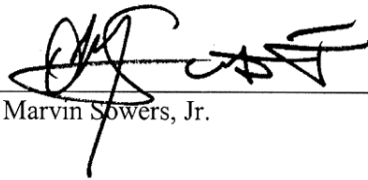
**RECOMMENDATION**

Staff believes that this proposal, with the attached conditions, would not impact surrounding properties and believes it is consistent with the 2003 Comprehensive Plan. Staff recommends that the Board of Supervisors approve this application with the acceptance of the attached SUP conditions.

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Matthew J. Smolnik

CONCUR:



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O. Marvin Sowers, Jr.

MJS/gs  
sup-0025-2007

**ATTACHMENTS:**

1. Unapproved Planning Commission Minutes from October 3, 2007
2. Location Map
3. Master Plan dated September 14, 2007
4. Resolution