

**SPECIAL USE PERMIT 0021-2008. Jamestown Road Mediterranean Restaurant  
Staff Report for the March 10, 2009, Board of Supervisors Public Hearing**

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*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.*

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**PUBLIC HEARINGS**

Planning Commission:

Board of Supervisors:

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

January 7, 2009, 7:00 p.m. (deferred)

March 10, 2009, 7:00 p.m.

**SUMMARY FACTS**

Applicant:

Mr. Vernon Geddy, III

Land Owner:

Janice and Metin Ortalan

Proposal:

Permit for the operation of a 2,752-square-foot, sit-down restaurant in an existing building located on the property.

Location:

1784 Jamestown Road

Tax Map/Parcel No.:

4730100021

Parcel Size:

1.24 acres

Zoning:

LB, Limited Business

Comprehensive Plan:

Neighborhood Commercial

Primary Service Area:

Inside

**STAFF RECOMMENDATION**

Staff finds the proposal, with the attached conditions, to be consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. Staff recommends the Board of Supervisors approve the application with the attached conditions.

Staff Contact:

Luke Vinciguerra

Phone: 253-6685

**PLANNING COMMISSION RECOMMENDATION**

On February 4, 2009, the Planning Commission voted 7-0 to approve the landscape modification request and recommended approval of this application.

**Proposed Changes Made Since Planning Commission Meeting**

None.

## **PROJECT DESCRIPTION**

Mr. Vernon Geddy, III, on behalf of Janice and Metin Ortalan, has applied for a Special Use Permit (SUP) to allow for the operation of a sit-down restaurant at 1784 Jamestown Road. Sit-down restaurants in LB districts require SUPs. Additionally, buildings over 2,750 square feet on properties designated Neighborhood Commercial on the Comprehensive Plan Land Use Map also require an SUP.

The approximately 1.24-acre parcel located at the intersection of Sandy Bay Road and Jamestown Road is currently occupied by two existing structures formerly owned by Duke Communications. The applicant proposes to demolish the existing smaller structure and use the remaining building to house a 96-seat, Mediterranean-style restaurant. The structure is non-conforming as it does not meet current front and side setback requirements. Additionally, the plan proposes a 24-space parking lot, outdoor dining patio with fountain, and a stormwater management facility at the rear of the property. There are no plans for exterior building renovations at this time.

Adjacent properties to the east and west are zoned Limited Business and General Business and are designated Neighborhood Commercial on the Land Use Map. The rear lot lines abut property zoned Rural Residential and designated Low Density Residential on the Comprehensive Plan.

## **LANDSCAPING**

Development on this parcel is restricted by a 100-foot Resource Protection Area (RPA) buffer and an additional 50-foot Resource Management Area (RMA) buffer per the Powhatan Creek Watershed Management Plan. With the reduced buildable area, the applicant, unable to otherwise produce enough space for parking, has requested that the Commission modify the Landscape Ordinance for this case, by reducing the size of the required 15-foot side yard landscape area to the variable landscape buffer widths proposed on the master plan titled "Exhibit for Special Use Permit For Mediterranean Restaurant site" prepared by LandTech Resources Inc. dated November 13, 2008. As shown on this exhibit, the minimum width of the landscape buffer would be 7.7 feet on the east side of the site and 5.4 feet on the west side. The Planning Commission has approved the landscape modification request. The criteria for modifications are as follows (with staff comments in *italics*):

- 1) Such requirement would not promote the intent of this section.

*The intent of this section as stated in Sec. 24-86 is to promote public health, safety, and welfare by providing for the preservation, installation, and maintenance of trees and plant materials. Staff proposes SUP Condition # 2, requiring 125 percent of Ordinance size requirements for installed landscaping and enhancing screening between adjacent properties. Furthermore, the applicant intends to save many specimen trees on the perimeter of the property as shown on the master plan.*

- 2) The proposed site and landscape plan will satisfy the intent of this section and its landscape area requirements to at least an equivalent degree as compared to a plan that strictly complies with the minimum requirements of this section.

*There is significant undevelopable area because of the RMA buffer. This area can include supplemental landscaping to offset the reductions of the side yard buffer. Landscaping the RMA buffer would further reduce the visual impact from the residential area to the rear rather than property similarly zoned for commercial use which is to either side. Tree and shrubbery density requirements will not be reduced along the sides of the property.*

- 3) The proposed site and landscape plan will not reduce the total amount of landscape area or will not reduce the overall landscape effects of the requirements of this section as compared to a plan that strictly complies with the minimum requirements of this section.

*The proposed modification would not reduce the total amount of landscaped area, as the RMA buffer would also be landscaped. Additionally, staff has recommended the inclusion of SUP Condition # 2 which would further enhance the landscaping by requiring the installation of more mature vegetation at 125 percent of the Ordinance size requirement which would further screen the structure from view. This would enhance screening from both side and rear yard perspectives above the Ordinance requirements.*

- 4) Such modification, substitution, or transfer shall have no additional adverse impact on properties or public areas.

*Staff cannot identify any adverse impacts associated with the proposed modification.*

- 5) The proposed site and landscape plan as compared to a plan that strictly complies with the minimum requirements of this section shall have no additional detrimental impacts on the orderly development or character of the area, adjacent properties, the environment, sound engineering or planning practice, Comprehensive Plan, or on achievement of the purpose of this section.

*The proposal does not have any additional detrimental impacts to the area.*

As the structures are nonconforming, the proposal does not meet current Community Character Corridor setback and landscape requirements. However, the applicant has demonstrated intent to densely populate the road frontage with ornamental trees and shrubbery consistent with neighboring properties as shown on the master plan.

### **Special Provisions for Neighborhood Commercial Designated properties in the LB District**

Per Sec. 24-370 of the Zoning Ordinance, substantial conformance to the following provisions is required in this district for all uses permitted with an SUP, which in this instance is the restaurant use. Staff comments are in italics.

- 1) Large work area doors or open bays shall be screened from external roadways by fencing or landscaping.

*There are no outside work areas proposed.*

- 2) Heating, ventilating and air conditioning equipment, duct work, air compressors, and other fixed operating machinery shall be screened from adjoining property and the street right-of-way with fencing or landscaping. Large trash receptacles, dumpsters, utility meters, aboveground tanks, satellite dishes, antennas, etc. shall be similarly screened.

*Staff proposes a 125 percent landscape size requirement per proposed SUP Condition #2 to accomplish this objective.*

- 3) If used, fences in front of buildings on the site shall be landscaped.

*Fences are not proposed on the site.*

- 4) Signs shall generally have no more than three colors. Generally, pastel colors shall not be used. Freestanding signs shall be of a ground-mounted monument type and shall not be larger than 32 square feet and not erected to a height greater than eight feet.

*Proposed SUP Condition # 8 would legislatively restrict the applicant to this condition.*

5) Site landscaping shall be reviewed and approved by the Director of Planning and shall be consistent with the natural landscape and character of the surroundings. A unified landscape design shall be provided including street trees.

*During site plan review, the Planning Director will review the landscape plan to ensure compliance with Community Character Corridor landscape requirements. Street trees are not necessary as no new roads are to be built.*

Overall, staff finds the proposal consistent with the special provisions of the Neighborhood Commercial designation in the LB district.

In addition to the Zoning Ordinance specifications discussed above, the Board of Supervisors adopted a policy (the “Neighborhood Commercial Development Standards Policy”) in March of 1999 which applies to uses where the building exceeds a 2,750-square-foot footprint, which also applies to this proposal. The policy, a copy of which is attached to this report, contains standards for building appearance. Since no exterior modifications are proposed for the existing building, staff proposes SUP Condition # 6 which would obligate the owner to conform to the Neighborhood Commercial Development standards policy for any future exterior renovations.

## **PUBLIC IMPACTS**

### **Environmental**

**Watershed:** Powhatan Creek

**Staff Comments:** The Environmental Division has reviewed the proposed master plan and has determined that the proposal can meet applicable stormwater and other regulations. The applicant is providing a 50-foot RMA buffer from the adjacent intermittent stream as shown on the master plan per the Powhatan Creek Watershed Management Plan resolution dated October 10, 2006. In addition, special stormwater criteria will apply to the site, and the applicant has met with the Environmental Division to discuss several ways to meet these criteria on this site. Environmental Division staff is comfortable that appropriate measures, as noted on the Master Plan, can be achieved. The Environmental division supports the application.

### **Public Utilities**

**Proposed SUP Condition #4:** This condition would require the applicant to develop and enforce his own water conservation standards.

**Proposed SUP Condition #5:** This condition would require the applicant to design a stormwater system that can be used to collect water for outdoor irrigation.

**Staff Comments:** Public water and sewer are available to this property. The SUP conditions would restrict the applicant from drilling a well for irrigation. The JCSA supports the application with the inclusion of proposed SUP conditions.

### **Transportation**

Per ITE Use 931- the use has the ability to generate approximately 286 weekday and 26 PM peak hour trips.

**2007 Traffic Counts (Jamestown Road):** From Sandy Bay Road to Williamsburg there are approximately 9,500 daily trips.

**2026 Volume Projected (Jamestown Road):** From James River to Neck-O-Land Road there is a projected 10,000 trips per day. The road segment is designated “OK” on the 2026 Watch list.

**VDOT:** VDOT has no objection to the proposed use, but requests that the entrance be located as far away from Jamestown Road as possible on Sandy Bay Road.

**Staff Comments:** The applicant has moved the entrance to Sandy Bay Road per VDOT request. Based on VDOT comments, no other improvements are necessary.

## COMPREHENSIVE PLAN

### Land Use Map

Designation	<p><b>Neighborhood Commercial (Page 121):</b>            Limited business activity areas located within the PSA, serving residents of the surrounding neighborhoods in the immediate area and having a limited impact on nearby development. Total building area should generally be no more than 40,000 square feet in order to retain a small scale character.</p> <p><b>Jamestown/Sandy Bay Road Area (Page 122):</b>            The neighborhood commercial land use designation is sought to recognize existing uses, zoning, and the future development of adjacent parcels while limiting negative impacts on the traffic capacity of Jamestown Road. Additional commercial development beyond the boundaries of the proposed Neighborhood Commercial designation would further impede traffic flow along this road. Principle suggested uses for the Jamestown Road area are very limited commercial uses. Future development is to be of a type and nature that is consistent with the neighborhood commercial designation. In addition, future development will consist of only low traffic generating uses due to the limited road capacity on Jamestown Road; the extent of parking will be minimal; uses will provide service to local nearby neighborhoods, as opposed to the larger community; the site will develop as a pedestrian oriented environment with designs compatible with nearby residential area; a master development plan for the full area is encouraged; and driveways will be limited. There is to be full adherence to the County’s Community Character Corridor policy and land use development standards along the entire frontage of all properties along Jamestown Road.</p> <p><b>Staff Comment:</b> As the restaurant is only 2,752 square feet with a peak hour traffic generation of 26 vehicles, staff finds the proposal consistent with the small-scale commercial, pedestrian-oriented recommendations of the designation.</p>
Development Standards	<p><i>Commercial &amp; Industrial Standard #4-Page 136:</i> Provide landscaped areas and trees along public roads and property lines, and develop sites in a manner that retains or enhances the natural, wooded character of the County.</p> <p><b>Staff Comment:</b> This proposal, through the RPA, RMA, and SUP conditions, would enhance the community by retaining existing specimen trees and extensively landscaping the entire perimeter of the site.</p>
Goals, strategies and actions	<p><i>Action #16-Page 140:</i> Identify target areas for infill, redevelopment, and rehabilitation within the PSA.</p> <p><b>Staff Comment:</b> The proposed development will positively impact the Jamestown/Sandy Bay area by revitalizing a vacant structure.</p>

### Environment

Goals, strategies and actions	<p><i>Strategy #2-Page 65:</i> Assure that new development minimizes adverse impacts on the natural and built environment.</p> <p><i>Action #2-Page 65:</i> Enforce Zoning and other County Ordinances that ensure the preservation to the maximum extent possible of rare, threatened and endangered species, wetlands, flood plains, shorelines, wildlife habitats, natural areas, perennial streams, groundwater resources and other environmentally sensitive areas.</p> <p><b>Staff Comment:</b> The RPA and RMA buffers preserve the nearby perennial stream and act to minimize the impacts of the proposed development on the environment.</p>
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### Economic Development

General	<p><i>Actions#7(a)-Page 21:</i> Promote water conservation among new and existing business.</p> <p><b>Staff Comment:</b> As part of the SUP conditions for this application, Condition # 4, Water Conservation, encourages strategies for water conservation for this proposed redevelopment.</p>
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**Community Character Corridor**

General	<i>Jamestown Road-Community Character Corridor-Page 83-84:</i> The Comprehensive Plan suggests a 50-foot buffer requirement for commercial uses along this road. Further, the Comprehensive Plan suggest the provision of enhanced landscaping, preservation of specimen trees and shrubs, berming, and other desirable design elements which complement and enhance the visual quality of the corridor.
	<b>Staff Comment:</b> As part of the special use permit conditions for this application, Condition #2, Enhanced Landscaping, will help preserve the visual quality of the corridor. Furthermore, staff will work with the applicant to preserve specimen trees on the property.

**Staff Comments:** Overall, this application as proposed is in compliance with the Comprehensive Plan. Staff finds that the proposed development meets the small-scale commercial recommendations for this particular area.

**RECOMMENDATION**

Staff finds the proposal, with the attached conditions, to be consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. Staff recommends that the Board of Supervisors approve the application with the attached conditions.

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Luke Vinciguerra

CONCUR:

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Allen J. Murphy, Jr.

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**ATTACHMENTS:**

1. Location Map
2. Master Plan
3. Neighborhood Commercial Development Standards Policy
4. Resolution
5. Planning Commission minutes