

AGENDA
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
July 12, 2016
6:30 PM

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Bethany Taylor, a rising 6th grade student at Toano Middle School and a resident of the Stonehouse District

E. PUBLIC COMMENT - Until 7 p.m.

F. PRESENTATIONS

G. CONSENT CALENDAR

1. Minutes Adoption - June 28, 2016 Regular Meeting
2. Contract Award - Land Development and Asset Management Software System - \$622,219
3. Master Services Agreement for Telecommunications services - Cox Communications Hampton Roads, LLC

H. PUBLIC HEARING(S)

1. SUP-0009-2016, 7206 Merrimac Trail Rental of Rooms
2. SUP-0006-2016, 8766 Pocahontas Trail, Dollar General

I. BOARD CONSIDERATION(S)

J. BOARD REQUESTS AND DIRECTIVES

K. REPORTS OF THE COUNTY ADMINISTRATOR

1. County Administrator's Report

L. PUBLIC COMMENT

M. CLOSED SESSION

1. Appointment to the Clean County Commission
2. Williamsburg Regional Library Board of Directors Appointment
3. Social Services Advisory Board Appointment

N. ADJOURNMENT

1. Adjourn until 1:30 pm on July 26, 2016 for the Work Session

ITEM SUMMARY

DATE: 7/12/2016

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Administrative Coordinator

SUBJECT: Pledge Leader - Bethany Taylor, a rising 6th grade student at Toano Middle School and a resident of the Stonehouse District

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	7/5/2016 - 3:04 PM

ITEM SUMMARY

DATE: 7/12/2016
TO: The Board of Supervisors
FROM: Teresa J. Fellows, Administrative Coordinator
SUBJECT: Minutes Adoption - June 28, 2016 Regular Meeting

ATTACHMENTS:

	Description	Type
▣	062816 BOS	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	7/5/2016 - 3:07 PM

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
June 28, 2016
6:30 PM

A. CALL TO ORDER

B. ROLL CALL

John J. McGlennon, Vice-Chairman, Roberts District
Ruth M. Larson, Berkeley District
Kevin D. Onizuk, Jamestown District
P. Sue Sadler, Stonehouse District
Michael J. Hipple, Chairman, Powhatan District

Bryan J. Hill, County Administrator
Adam R. Kinsman, County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Dominick Wijaya Munoz, a rising 3rd-grade student at Matthew Whaley and a resident of the Jamestown District.

E. PUBLIC COMMENT - Until 7 p.m.

1. Ms. Marjorie Ponziani, 4852 Bristol Circle, addressed the Board in regard to Housing and Urban Development (HUD) and Community Development Block Grants (CDBG) policies and regulations that go along with accepting those grants.
2. Ms. Rosanne Reddin, 4700 Presidents Court, addressed the Board in regard to the eight arms of governmental programs including HUD and CDBG funds.
3. Mr. Ed Oyer, 139 Indian Circle, addressed the Board in regard to the lack of shoulders along Route 60 in the Grove area and the concern for the ability of the Fire/EMS vehicles to get through when traffic is backed up along Route 60.
4. Ms. Betty Walker, 101 Locust Place, addressed the Board in regard to test data being used to develop Common Core and the breakdown of individualistic responsibility and moving toward group thought.
5. Mr. Greg Davis, Kaufman & Canoles, addressed the Board in regard to the New Town Proffer Amendment on the Agenda this evening. He stated that his client took the recommendations of the Board at the previous meeting and has submitted revised proffers for the Board's consideration tonight.

At 6:54 p.m., Mr. Hipple recessed the Board of Supervisors in order to conduct the Board of Directors meeting.

At 6:57 p.m., Mr. Hipple reconvened the Board of Supervisors.

F. PRESENTATIONS

1. Communications Department - Jody Puckett

Ms. Puckett, Director of Communications, addressed the Board presenting a video presentation of the work done by the Communications team over the last year.

2. Veteran's Association - Bill Truax

Mr. Bill Truax addressed the Board as the representative of the Veteran's Association in regard to their proposal to rename a County Park and/or to install a Veterans Memorial Garden in one of the County's Parks.

Ms. Sadler thanked Mr. Truax for his presentation and for the thoroughness in answering questions via email.

Mr. Hipple thanked the Association for its efforts and service.

Mr. Hill recommended that the proposal be remanded to the Parks & Recreation Advisory Commission for the proposal to work through the process, if the Board so agreed.

The Board agreed.

G. CONSENT CALENDAR

A motion to Approve was made by Ms. Larson and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

1. Resolution of Appointment to Hampton Roads Transportation Accountability Commission

2. Staff Appointment to Colonial Community Criminal Justice Board

3. Contract Award – Best Management Practice Renovations for Various Locations in the Berkeley, Jamestown and Powhatan Districts - \$113,195

4. Contract Award - Jolly Pond Convenience Center Site Improvements - \$263,450 - Powhatan District

5. Resolutions of Appreciation - Dr. J. Blaine Blayton, Abram Frink, Jr. and Joshua C. Palmer, Sr.

H. PUBLIC HEARING(S)

1. ZO-0005-2016. Planned Unit Development Amendments to Allow for the Manufacture of Food, Beverages and Food Products

A motion to Approve was made by Ms. Larson and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Ms. Roberta Sulouff, Planner I, addressed the Board giving an overview of the staff report included in the Agenda Packet.

Mr. Chris Basic, Planning Commission representative, addressed the Board stating that this item was approved unanimously by the Planning Commission.

As there were no questions for staff, Mr. Hipple opened the Public Hearing.

As there were no registered speakers, Mr. Hipple closed the Public Hearing.

I. BOARD CONSIDERATION(S)

1. Proposed Departmental and Division Name Changes

A motion to Approve was made by Ms. Larson and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Mr. Jason Purse, Assistant County Administrator, addressed the Board giving an overview of the memorandum included in the Agenda Packet.

The Board applauded the effort to streamline departments for greater efficiency and to better serve the citizens.

2. Z-0004-2016/MP-0001-2016. New Town Proffer and Master Plan Amendment

A motion to Approve was made by Mr. Onizuk and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Ms. Sulouff addressed the Board giving an overview of the memorandum included in the Agenda Packet. With the recommendations of the Board at the June 14 meeting, the applicant has submitted revised voluntary proffers for approval.

Mr. Onizuk stated that it seems the majority of the residents of New Town are in favor of the revised voluntary proffers. He stated that the playground requirement is still in effect unless approved by the New Town Design Review Board and the Resident Advisory Board. He stated that the majority of the residents seem to be satisfied by the revision of these voluntary proffers.

3. Changes Related to New Residential Rezoning Applications

A motion to Approve was made by Mr. Onizuk and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Mr. Adam Kinsman, County Attorney, addressed the Board giving an overview of the memorandum included in the Agenda Packet. He stated that it is his recommendation that the Board cease to accept voluntary proffers for new residential rezoning applications.

Mr. McGlennon stated that the proffer system began because developers were running into opposition from local governments because they felt that they could not afford to provide the additional public services that those new developments would result in. In some communities, the proffer system has been applied in some rather creative ways, but by in large it has been a system that has allowed for a more orderly process that expects developments to pay for some share of the impact that it is having on a community. Now, the Board will no longer have the option to accept any voluntary proffers to mitigate the impacts of developments on the

community. He stated that it will be hard for him to justify new developments when they would be a drain on existing services and would require current residents to pick up the tab.

Mr. Hipple echoed the sentiments expressed by Mr. McGlennon. He is concerned for the current residents having to bear the burden of new residential development.

4. Modification of Amended and Restated Revenue Bond (Christopher Newport University (CNU) Project)), Series 2001, of Economic Development Authority of James City County, Virginia

A motion to Approve was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Mr. Kevin White, Kaufman & Canoles, Bond Counsel for CNU, addressed the Board giving an overview of the memorandum included in the Agenda Packet.

Ms. Larson stated that there were no questions or comments at the recent Economic Development Authority meeting regarding this item.

Mr. Kinsman stated that the County's bond counsel has reviewed the documents and found everything to be in order.

5. 800-MHz Radio System Upgrade

A motion to Approve was made by Ms. Larson and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Mr. Hill addressed the Board giving an overview of the memorandum included in the Agenda Packet.

J. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon congratulated all of the recent high school graduates, and stated that he was pleased to attend the graduation ceremonies.

Ms. Larson thanked staff for all of their work behind the scenes. She also thanked the Veteran's Association for coming forward tonight and thanked them for their service.

Mr. Onizuk gave a brief update on the recent Williamsburg Area Destination Marketing Committee meeting. He urged the citizens to tune in to WMBG to hear weekly updates from Board members and to also hear Mr. Hill's sports show.

Ms. Sadler thanked the Veteran's Association for coming forward this evening and for their service. She wished everyone a happy and safe 4th of July.

Mr. Hipple stated that he attended the opening of Murdoch's Restaurant in Ford's Colony with Mr. Hill. He also informed the Board that he was appointed as Vice-Chairman of Hampton Roads Transportation Accountability Committee and Planning District Commission. He praised the Board for how well it has been working together.

K. REPORTS OF THE COUNTY ADMINISTRATOR

1. County Administrator's Report

Holiday Closings:

County Offices, Recreation Centers, Convenience Centers and Courts will be closed in observance of July 4. The Libraries will be closed July 3 and 4.

Abram Frink Jr. Community Center:

The Abram Frink Jr. Community Center will be closed June 17 - Aug. 21 for roof repairs. The Center, which adjoins James River Elementary School, is part of the overall school maintenance plan.

Powhatan Creek Trail Trailhead at Clara Byrd Baker Closed June 20 - Aug. 22:

Due to planned summer maintenance projects at Clara Byrd Baker Elementary School, 3131 Ironbound Road, all access and parking to the trailhead for Powhatan Creek Trail will be closed June 20 - Aug. 22. Other access points to the trail are open.

L. PUBLIC COMMENT

M. CLOSED SESSION

1. Appointments to Colonial Behavioral Health Board

A motion to Enter a Close Session was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

2. Social Services Advisory Board Appointments

The Board entered Closed Session at 8 p.m.

The Board re-entered Open Session at 8:03 p.m.

3. Certification

A motion to Certify the Close Session was made by Ms. Larson and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

A motion to Appoint Individuals to Boards and Commissions was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Mr. McGlennon made a motion to reappoint Rebecca Vinroot, John Kuplinski and June Hagee to the Colonial Behavioral Health Board for three-year terms expiring on June 30, 2019; and to reappoint Lynne Allison to the Social Services Advisory Board for a four-year term expiring on June 30, 2020.

N. ADJOURNMENT

1. Adjourn until 6:30 p.m. on July 12, 2016, for the Regular Meeting

A motion to Adjourn was made by Ms. Sadler and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

At 8:05 p.m., Mr. Hipple adjourned the Board.

Bryan J. Hill
County Administrator

ITEM SUMMARY

DATE: 7/12/2016

TO: Board of Supervisors

FROM: Patrick Page, Information Resources Management Director

SUBJECT: Contract Award - Land Development and Asset Management Software System - \$622,219

ATTACHMENTS:

	Description	Type
▣	Cover Memo	Cover Memo
▣	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Information Resources	Page, Patrick	Approved	7/5/2016 - 8:10 AM
Financial Management	Mellen, Sue	Approved	7/5/2016 - 10:50 AM
Publication Management	Boles, Amy	Approved	7/5/2016 - 10:55 AM
Legal Review	Kinsman, Adam	Approved	7/5/2016 - 2:33 PM
Board Secretary	Fellows, Teresa	Approved	7/5/2016 - 2:39 PM
Board Secretary	Purse, Jason	Approved	7/5/2016 - 4:08 PM
Board Secretary	Fellows, Teresa	Approved	7/5/2016 - 4:10 PM

MEMORANDUM

DATE: July 12, 2016

TO: The Board of Supervisors

FROM: Patrick N. Page, Director of Information Resources Management

SUBJECT: Contract Award - Land Development and Asset Management Software System - \$622,219

The FY 17 Capital Improvements Program (CIP) budget includes funds for the purchase of Enterprise Resource Software for Land Development and Asset Management. This system was budgeted to replace multiple systems, some as old as 22 years, that can neither be upgraded nor maintained.

This project is designed to replace multiple applications and databases used for land development and asset management. This land development and asset management system will provide interactive services to businesses, developers, contractors and citizens in a web-accessible package. The implementation will involve several County offices including Building Safety & Permits, Engineering & Resource Protection, Zoning, Planning, Stormwater, Facilities Maintenance, GIS/Mapping and Information Resources Management. Representatives from these departments worked together with the Purchasing Department as an evaluation team to establish requirements, research products, review requests for proposals and to attend demonstrations.

James City County received eight proposals through a Request for Proposal process. After a review of written proposals, Tyler Technologies was selected to provide a three-day demonstration to review its product on-site under the supervision of the evaluation team. Those on-site demonstrations were followed by field visits to Virginia and North Carolina localities using the system.

The evaluation team has determined that Tyler Technologies is the vendor that presents the best solution to meet the needs of the County. This system is in use in the Virginia locality of Prince William County and the City of New Bern, North Carolina. Prince William County and the City of New Bern provided positive references, and field visits allowed County staff to see the product in operation and ask questions about its use and the implementation process.

The contract was negotiated on a fixed-cost basis with the implementation of the Land Development Software as Phase 1 of the project costing \$622,219. This is within the County's approved FY17 CIP adopted budget. Phase 2 of the project will be the implementation of the Asset Management Software and will await adoption of the FY18 CIP budget.

Staff recommends adoption of the attached resolution authorizing contract award to Tyler Technologies in the amount of \$622,219 for Phase 1 of a Land Development and Asset Management Software System.

PNP/nb
CA-SftwreSystem-mem

Attachment

RESOLUTION

CONTRACT AWARD - LAND DEVELOPMENT AND

ASSET MANAGEMENT SOFTWARE SYSTEM - \$622,219

WHEREAS, a Request for Proposals (RFPs) for a Land Development and Asset Management Software System was publicly advertised and staff reviewed proposals from eight firms interested in providing the solution; and

WHEREAS, funds are available in the FY 17 Capital Improvements Program budget for the purchase of the Land Development Software System; and

WHEREAS, upon evaluating the proposals, staff determined that Tyler Technologies was the most fully qualified and submitted the solution that best suited the County's needs as presented in the RFPs and negotiated a price of \$622,219 with Tyler Technologies for Phase 1 of the Land Development and Asset Management Software System.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract with Tyler Technologies for Phase 1 of a Land Development and Asset Management Software System in the amount of \$622,219.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	___	___	___
LARSON	___	___	___
ONIZUK	___	___	___
SADLER	___	___	___
HIPPLE	___	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of July, 2016.

CA-SftwreSystem-res

ITEM SUMMARY

DATE: 7/12/2016

TO: Board of Supervisors

FROM: Patrick Page, Information Resources Management Director

SUBJECT: Master Services Agreement for Telecommunications services - Cox Communications Hampton Roads, LLC

ATTACHMENTS:

	Description	Type
▣	Cover Memo	Cover Memo
▣	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Information Resources	Page, Patrick	Approved	7/5/2016 - 8:10 AM
Financial Management	Mellen, Sue	Approved	7/5/2016 - 8:55 AM
Publication Management	Burcham, Nan	Approved	7/5/2016 - 9:01 AM
Legal Review	Kinsman, Adam	Approved	7/5/2016 - 2:32 PM
Board Secretary	Fellows, Teresa	Approved	7/5/2016 - 2:39 PM
Board Secretary	Purse, Jason	Approved	7/5/2016 - 4:08 PM
Board Secretary	Fellows, Teresa	Approved	7/5/2016 - 4:10 PM

MEMORANDUM

DATE: July 12, 2016
TO: The Board of Supervisors
FROM: Patrick N. Page, Director of Information Resources Management
SUBJECT: Master Services Agreement for Telecommunications Services - Cox Communications Hampton Roads, LLC

County staff has evaluated and recommends the proposed agreement with Cox Communications for telecommunications services. Under the Master Services Agreement, staff intends to continue telecommunications service with expanded capacity at a reduced rate. The term of three years plus two one-year renewable extensions is ideal, as the volatility of the telecommunications business sector requires diligent reevaluation of services. This offer provides five-year pricing with only a three-year commitment.

The Master Services Agreement covers a number of offered services, including telephone and internet services. The telephone services offered meet our wireline business telephone requirements and internet services are supplied by using high speed optical technology. Furthermore, the inclusion of a Service Level Agreement in the Master Services Agreement offers an assurance of timely repair services for all services.

Staff believes that operational requirements will be better served with a Service Level Agreement. Cox is expected to provide a high quality of service, including an equivalent E911 identification for outgoing calls.

Staff has determined that there are minimal telecommunications cost saving, but internet service costs will reduce by 17% or \$7,300 per year while increasing bandwidth capacity by 150%.

County and Williamsburg-James City County (WJCC) School staff reevaluated the need for leased dark fiber and reduced the needed capacity by 70%. This allowed for a combined reduction in cost of \$95,928 annually for the County and WJCC Schools. Service previously provided by Cox Communications dark fiber is now provided by County-owned dark fiber.

Use of this contract is available to James City County, WJCC Schools, WJCC Courthouse, Williamsburg Regional Library, Virginia Peninsula Regional Jail, James City Service Authority and the Williamsburg Area Transit Authority.

Staff recommends approval of the attached resolution.

PNP/nb
MSAgmt-Cox-mem

Attachment

RESOLUTION

MASTER SERVICES AGREEMENT FOR TELECOMMUNICATIONS SERVICES -

COX COMMUNICATIONS HAMPTON ROADS, LLC

WHEREAS, County staff has evaluated and recommends the proposed agreement with Cox Communications for telecommunications services; and

WHEREAS, the telecommunications services offered meet our business requirements; and

WHEREAS, the Agreement provides a Service Level Agreement as well as \$7,300 annual cost savings to James City County, Williamsburg-James City County (WJCC) Schools, WJCC Courthouse, Williamsburg Regional Library, Virginia Peninsula Regional Jail, James City Service Authority and the Williamsburg Area Transit Authority; and

WHEREAS, the Agreement will result in a reduction of \$95,928 per year in the lease of its dark fiber network.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the Agreement with Cox Communications Hampton Roads, LLC.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of July, 2016.

MSAgmt-Cox-res

ITEM SUMMARY

DATE: 7/12/2016
TO: The Board of Supervisors
FROM: Roberta Sulouff, Planner
SUBJECT: SUP-0009-2016, 7206 Merrimac Trail Rental of Rooms

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution with staff recommended conditions	Resolution
▣	Resolution with Planning Commission recommended conditions	Resolution
▣	Unapproved Minutes of the June 1, 2016 Planning Commission Meeting	Backup Material
▣	Location Map	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	6/24/2016 - 4:38 PM
Development Management	Holt, Paul	Approved	6/24/2016 - 4:38 PM
Publication Management	Boles, Amy	Approved	6/24/2016 - 4:51 PM
Legal Review	Kinsman, Adam	Approved	7/1/2016 - 4:18 PM
Board Secretary	Fellows, Teresa	Approved	7/5/2016 - 8:02 AM
Board Secretary	Purse, Jason	Approved	7/5/2016 - 11:05 AM
Board Secretary	Fellows, Teresa	Approved	7/5/2016 - 11:06 AM

SPECIAL USE PERMIT-0009-2016. 7206 Merrimac Trail Rental of Rooms

Staff Report for the July 12, 2016, Board of Supervisors Public Hearing

SUMMARY FACTS

Applicants: Mr. and Mrs. Patrick and Shelby Dillon
Land Owners: Mr. and Mrs. Patrick and Shelby Dillon
Proposal: To allow for the rental of up to three rooms in an owner-occupied home.
Location: 7206 Merrimac Trail
Tax Map/Parcel No.: 4740200011
Project Acreage: +/-1.4 acres
Zoning: R-2, General Residential
Comprehensive Plan: Low Density Residential
Primary Service Area: Inside
Staff Contact: Roberta Sulouff, Planner

PUBLIC HEARING DATES

Planning Commission: June 1, 2016, 7:00 p.m.
Board of Supervisors: July 12, 2016, 6:30 p.m.

FACTORS FAVORABLE

1. With the proposed conditions, staff finds the proposal compatible with surrounding development and consistent with the Comprehensive Plan adopted in 2015, “Toward 2035: Leading the Way.”
2. The subject property is located on a major right-of-way which is capable of handling traffic generated by the proposed use.
3. The subject property is a corner lot which fronts on two roadways, effectively isolating it from other residential properties in the James Terrace Subdivision. While the property shares a boundary line with three adjacent residences, that shared frontage is well buffered via existing vegetation.
4. The existing driveway is of significant length, is screened from the road via vegetation and provides appropriate parking capacity.
5. The applicant has acknowledged that, should this application be granted, they will obtain the proper licensing through the County and will be subject to the appropriate use-based taxes.

FACTORS UNFAVORABLE

1. Staff has been made aware of the existence of a restrictive covenant that applies to the subject property and which may affect the rental of rooms on this property. The County Attorney has advised that because the County is not a party to this restrictive covenant, staff lacks the legal authority to interpret whether or not the covenant prohibits the proposed use. The applicant has affirmed that it does not. Any disagreement about

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.

SPECIAL USE PERMIT-0009-2016. 7206 Merrimac Trail Rental of Rooms

Staff Report for the July 12, 2016, Board of Supervisors Public Hearing

this affirmation and/or the covenant is a private matter outside of the County’s purview.

SUMMARY STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

PLANNING COMMISSION RECOMMENDATION

At its June 1, 2016 meeting, the Planning Commission recommended approval of this application by a vote of 4-3, with the recommendation of adding a condition which specifies the expiration of this SUP 24 months after approval.

Proposed Changes Made Since the Planning Commission Meeting

None.

PROJECT DESCRIPTION

- The proposal is to allow for the rental of up to three rooms in a private, owner-occupied home. Unlike the “Tourist Home” use, the “Rental of Rooms” limits rentals to a maximum of three bedrooms and requires the homeowners to continue residing at the property during the time of rentals. This use prohibits the rental of the house as a whole. While the use permits the rental of a maximum of three rooms, the applicant states that it is their intent to limit rentals to two bedrooms on a regular basis
- No changes in the size of the house or other buildings.
- The property has an existing driveway and an existing parking area sufficient to accommodate guests.

- The applicant does not intend to serve any meals to guests, therefore this is not considered a traditional Bed and Breakfast, but rather falls into an emerging category of rentals commonly known as “Home-Sharing” or “Short-term Vacation Rentals.”

PLANNING AND ZONING HISTORY

Through an anonymous complaint to the County’s Zoning Division, the house was found to be listed illegally on the popular home-sharing site “Air BnB.” The applicant subsequently submitted a conceptual plan and later this Special Use Permit application. Staff is also aware that previous owners of this home used the property as the main office for their commercial photography studio.

SURROUNDING ZONING AND DEVELOPMENT

- The zoning of surrounding properties generally to the north and east is R-2, General Residential, while properties to the west and south are zoned B-1, General Business.
- The property is a part of the James Terrace subdivision.
- The property is generally bounded by the James Terrace subdivision to the north and east, by Adams Road to the South and by Merrimac Trail to the West.

COMPREHENSIVE PLAN

The property is designated Low Density Residential on the adopted Comprehensive Plan Land Use Map, as are all of the surrounding parcels. Appropriate primary uses recommended by the Comprehensive Plan include single-family homes, duplexes and cluster housing. Limited commercial uses may also be considered

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.

SPECIAL USE PERMIT-0009-2016. 7206 Merrimac Trail Rental of Rooms

Staff Report for the July 12, 2016, Board of Supervisors Public Hearing

appropriate, should the proposal meet the following standards:

- Complements the residential character of the area. Staff finds that this use complements the residential character of the area, as this use does not propose any exterior changes and as the current owners would continue to use the home as their primary residence.
- Have traffic, noise, lighting and other impacts similar to surrounding residential uses. Given the length of the existing driveway, the size of the lots in this subdivision, and in conjunction with the attached conditions, staff finds the proposal meets this criterion.
- Generally be located on collector or arterial roads at intersections. This property is located at the corner of Merrimac Trail and Adams Road and takes access from Merrimac Trail.
- Provide adequate screening and buffering to protect the character of nearby residential areas. Staff finds that existing vegetation provides adequate screening from the road and adjacent properties. Additionally, staff notes that this use inherently retains the same visual character as nearby residences.

Staff also notes that parcels located to the direct west and south are designated as Community Commercial.

PUBLIC IMPACTS

Anticipated impact on public facilities and services: None.

Nearby and surrounding properties: No impacts anticipated.

STAFF RECOMMENDATION

Staff finds the proposal to be compatible with surrounding development and consistent with the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Board of Supervisors approve this application, subject to the attached conditions.

RS/nb

SUP09-16-7206MmacTrlRmRental

Attachments:

1. Resolution with staff recommended conditions
2. Resolution with Planning Commission recommended conditions
3. Unapproved minutes of the June 1, 2016, Planning Commission meeting
4. Location Map

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.

RESOLUTION

CASE NO. SUP-0009-2016. 7206 MERRIMAC TRAIL RENTAL OF ROOMS

WHEREAS, the Board of Supervisors of James City County, Virginia, has adopted by Ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Mr. and Mrs. Patrick and Shelby Dillon (together, the “Owner”) have applied for an SUP to allow for the rental of up to three bedrooms in their home located on property consisting of approximately 1.4 acres zoned R-2, General Residential, located at 7206 Merrimac Trail and further identified as James City County Real Estate Tax Map Parcel No. 4140200073 (the “Property”); and

WHEREAS, the Planning Commission, following its public hearing on June 1, 2016, voted 4-3 to recommend approval of this application; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-0009-2016; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2035 Comprehensive Plan Land Use Map designation for the Property and the considerations of Section 24-9 of the County Code.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the issuance of SUP-0009-2015 as described herein with the following conditions:

1. Commencement: If the Owner has not obtained a business license and provided evidence of that license to the Director of Planning within twelve (12) months from the issuance of the SUP, it shall become void.
2. Number of Rental Rooms Occupants: There shall be no more than three (3) bedrooms available for rent to visitors and no more than six (6) rental occupants total at any one time.
3. Signage: No signage shall be permitted which relates to the use of rental of rooms on the Property.
4. Lighting: Any additional exterior lighting shall be permitted in accordance with the regulations specified in Chapter 24, Zoning, Article II Special Regulations; Division 7, Outdoor Lighting.
5. Parking: No more than four (4) vehicles belonging to rental occupants shall be allowed on the Property at one time. No on-street parking shall be allowed for this use. No on-site parking shall be permitted within one hundred (100) feet of the driveway entrance. No oversized commercial vehicles, such as but not limited to buses, commercial trucks and trailers shall be allowed to park on-site.

- 6. Access: No access, including curb-cuts or driveways, shall be granted from the Property to Adams Road.
- 7. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

 Michael J. Hipple
 Chairman, Board of Supervisors

ATTEST:

 Bryan J. Hill
 Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of July, 2016.

SUP09-16-7206MmacTrIRmRent-res

RESOLUTION

CASE NO. SUP-0009-2016. 7206 MERRIMAC TRAIL RENTAL OF ROOMS

WHEREAS, the Board of Supervisors of James City County, Virginia, has adopted by Ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Mr. and Mrs. Patrick and Shelby Dillon (together, the “Owner”) have applied for an SUP to allow for the rental of up to three bedrooms in their home located on property consisting of approximately 1.4 acres zoned R-2, General Residential, located at 7206 Merrimac Trail and further identified as James City County Real Estate Tax Map Parcel No. 4140200073 (the “Property”); and

WHEREAS, the Planning Commission, following its public hearing on June 1, 2016, voted 4-3 to recommend approval of this application; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-0009-2016; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2035 Comprehensive Plan Land Use Map designation for the Property and the considerations of Section 24-9 of the County Code.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the issuance of SUP-0009-2015 as described herein with the following conditions:

1. Commencement: If the Owner has not obtained a business license and provided evidence of that license to the Director of Planning within twelve (12) months from the issuance of the SUP, it shall become void.
2. Number of Rental Rooms Occupants: There shall be no more than three (3) bedrooms available for rent to visitors and no more than six (6) rental occupants total at any one time.
3. Signage: No signage shall be permitted which relates to the use of rental of rooms on the Property.
4. Lighting: Any additional exterior lighting shall be permitted in accordance with the regulations specified in Chapter 24, Zoning, Article II Special Regulations; Division 7, Outdoor Lighting.
5. Parking: No more than four (4) vehicles belonging to rental occupants shall be allowed on the Property at one time. No on-street parking shall be allowed for this use. No on-site parking shall be permitted within one hundred (100) feet of the driveway entrance. No oversized commercial vehicles, such as but not limited to buses, commercial trucks and trailers shall be allowed to park on-site.

- 6. Access: No access, including curb-cuts or driveways, shall be granted from the Property to Adams Road.
- 7. Validity: This SUP shall be valid for a period of twenty-four (24) months from the date of approval. Should the applicant wish to renew this SUP, an application shall be submitted at least ninety (90) days prior to the date of expiration.
- 8. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

Michael J. Hipple
 Chairman, Board of Supervisors

ATTEST:

VOTES

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
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MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

Bryan J. Hill
 Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of July, 2016.

SUP09-16-7206MmacTrlRmRent-res

Unapproved Minutes of the June 1 2016 Planning Commission Meeting

SUP-0009-2016, 7206 Merrimac Trail Rental of Rooms

Ms. Roberta Sulouff, Planner, presented a report to the Commission on allow for the rental of up to three rooms in an owner-occupied home. Ms. Sulouff noted that staff considered the location of the property, the availability of parking and adequate existing screening of the property to be factors favorable to the project. Ms. Sulouff stated that the SUP conditions mitigated impacts on adjacent properties by limiting the number of guests and the number of guest vehicles allowed on site. Ms. Sulouff stated that limitations have been placed on changes to the exterior of the property that would draw attention to the use. Ms. Sulouff further stated that the property owner will be required to obtain all necessary permits and licensing and pay all required use-based taxes.

Ms. Sulouff noted that staff has been made aware of restrictive covenants that may affect the rental of rooms on the property. Ms. Sulouff stated that The County Attorney has advised that because the County is not a party to this restrictive covenant, staff lacks the legal authority to interpret whether or not the covenant prohibits the proposed use. The applicant has affirmed that it does not. Any disagreement about this affirmation and/or the covenant is a private matter outside of the County's purview.

Ms. Sulouff stated that staff finds the proposal to be compatible with surrounding development and consistent with the 2035 Comprehensive Plan and Zoning Ordinance. Ms. Sulouff stated that staff recommends that the Commission recommend approval of this application to the Board of Supervisors, subject to the proposed conditions.

Ms. Bledsoe inquired how the County will ensure that the proper licenses are obtained and taxes paid.

Ms. Sulouff stated that a clause has been added to the conditions that at the owner must obtain a business license within 12 months of the SUP being approved and must present proof of such to the Director of Planning.

Ms. Bledsoe inquired whether payment of the transient occupancy tax had been addressed.

Mr. Richard Bradshaw, Commissioner of the Revenue, stated that anyone who is set up to collect the transient occupancy tax and the \$2 per night surcharge are required to file monthly returns, whether there are sales or not, and remit at that time any taxes that have been collected.

Ms. Bledsoe inquired if there was any historical data on whether similar rental of rooms operations are actually collecting and paying the tax.

Mr. Bradshaw stated that if a business license is issued for this activity the business owner will be set up for reporting and remittance of the taxes as part of the licensing process.

Mr. O'Connor inquired if the process was handled similar to a coupon book.

Mr. Bradshaw confirmed and stated that it was similar to how sales tax is collected. Mr. Bradshaw noted that the occupancy tax and sales tax are due on the same day of the month. Mr. Bradshaw further stated that if the return is not submitted, an administrative assessment is made based on best figures that can be determined.

Ms. Bledsoe noted that the County would not necessarily be aware of these businesses unless the owners came forward through the SUP process.

Mr. Bradshaw confirmed and noted that discovery of unreported businesses is exceptionally time consuming.

Ms. Bledsoe noted that to date there are 205 properties in the County being advertised on the Airbnb site.

Mr. Bradshaw noted that unless the rooms are actually rented, there is no requirement for a license. Mr. Bradshaw noted that many of the property owners change their minds after registering with Airbnb; however, the listing remains on the site. Mr. Bradshaw further stated that to do enforcement, it is necessary to find where the property is located and confirm that the rooms are actually being rented.

Mr. Basic inquired if staff had considered a sunset clause for the SUP due to the type of use being something new for the County.

Ms. Sulouff stated that staff tries to avoid sunset clauses for SUPs in general and did not consider one for this case.

Mr. Basic requested clarification on why sunset clauses are not considered.

Mr. Holt stated that there is no policy that would require a sunset clause for an SUP. Mr. Holt noted that sunset clauses are used for some of the very unique land uses in the County such as surface mines or borrow pits; however, it has been a practice not to include them for most SUPs since the intent of an SUP is for it to run with the land rather than requiring the property owner to go through the process again.

Mr. Basic stated that he felt that the rental of rooms qualified as one of the more unique land uses.

Mr. Wright inquired about the specific language in the restrictive covenants.

Ms. Sulouff stated that the restrictive covenants limit the property to residential uses only.

Mr. Wright inquired if the language specifically barred rental of rooms.

Ms. Sulouff stated that the language is that “no lot or tract shall be used for nonresidential purposes”.

Mr. Wright inquired if it was a neighborhood covenant.

Ms. Sulouff stated that the covenants were for the James Terrace subdivision.

Mr. Richardson inquired if the HOA is currently active.

Ms. Sulouff stated that she believed the HOA is not active.

Mr. O’Connor stated that this is the same community where an SUP for a daycare was considered.

Mr. Richardson inquired whether all future applications for rental of rooms would be considered by the Commission.

Ms. Sulouff stated that rental of rooms is a specially permitted use as the Zoning Ordinance stands, so all applications will be considered by the Commission.

Mr. Richardson inquired if a policy might be developed to assist in the review of applications for this type of use.

Mr. Holt stated that there may be discussion by the Commission later in the meeting whether the Policy Committee should take up the matter.

Mr. O’Connor inquired, if, based on the language in SUP Condition 1, the applicant could rent rooms prior to obtaining a business license.

Ms. Sulouff stated that the expectation is that the applicant would operate legally. Ms. Sulouff stated that the condition was modeled off other commencement clauses and that staff believed the one year time frame was appropriate.

Mr. O’Connor inquired if the condition could be amended to add that the applicant would obtain the necessary licenses and permits prior to renting rooms.

Ms. Bledsoe noted that Mr. Bradshaw had stated that a license was not required until or unless the applicant intended to rent rooms.

Mr. Holt stated that to operate it would be necessary to have both the SUP and the business license.

Mr. O’Connor inquired if the Commissioner’s Office staff checked to determine if a business license applicant had an SUP.

Mr. Bradshaw stated that for any home based occupation, the applicant must submit a home occupation application which is reviewed by Zoning Enforcement before a business license is issued.

Mr. Holt noted that for any business, both the business license and Zoning approval are necessary.

Ms. Bledsoe requested an explanation for why the applicant for a previous SUP had been paying taxes but did not have the appropriate approvals.

Mr. Bradshaw stated that County Code is very clear that a business license cannot be issued without Zoning approval; however, it does not relieve the business of the obligation to collect and remit the appropriate taxes whether they have a business license or not.

Ms. Bledsoe noted that the previous applicant had stated that they had the business license; however, they did not have the required Zoning approval.

Mr. Bradshaw stated that the other applicant did not have a business license.

Mr. Holt noted that some of the confusion with the previous applicant was that they had received the coupon book to remit taxes and had begun the process to obtain the license but had not been issued the license because they did not have an SUP.

Mr. Bradshaw stated that as another step in the process, if an application is rejected by Zoning, all forms are returned to the applicant with notification that they need to correct those issues and reapply before a license can be issued. Mr. Bradshaw further stated that a business license for a home based business is never issued without Zoning approval.

Mr. O'Connor opened the public hearing.

Ms. Shelby Dillon, 7206 Merrimac Trail, applicant, addressed the Commission regarding the configuration of the property, historical data on guest stays and taxes remitted. Ms. Dillon affirmed that they wanted to operate in compliance with the necessary regulations going forward.

Mr. Wright noted that he understands the applicant's position and noted that the Commission is having to decide on a matter that not only affects the applicant but also sets some precedent regarding a new type of land use that has farther reaching effects.

Ms. Bledsoe inquired if the applicant had liability insurance.

Ms. Dillon stated that she has insurance through her homeowners policy and would obtain additional coverage if the SUP is approved.

Ms. Bledsoe inquired if Airbnb had requirements for insurance.

Ms. Dillon stated that Airbnb does have insurance available but it is not as comprehensive as what is provided under the homeowners policy.

Mr. Richardson inquired about requirements for ADA accessibility.

Ms. Dillon stated that it does not seem to be a focus for Airbnb; however, they are encouraging host properties to ensure that they are compliant with local zoning regulations. Ms. Dillon stated that because the host has the right to accept or refuse any guest, she does not advertise the property as accessible.

Mr. O'Connor inquired if the guests were able to use the kitchen.

Ms. Dillon confirmed.

Janice Elko, 660 Fairfax Way, addressed the Commission on safety concerns related to short term rentals. Ms. Elko stated that York County does not allow short term rentals due to safety concerns.

David Dafashy, 716 Autumn Trace, addressed the Commission on in support of providing visitors with a variety of lodging options including short term rentals. Mr. Dafashy noted that since visitors want nice places to stay these homes are generally well kept and well landscaped and enrich the community.

Ms. Dianne Scoggins, 7200 Merrimac Trail, addressed the Commission in support of the application. Ms. Scoggins noted that her one concern is that the SUP would run with the land, and that future owners may not operate the property in the same manner. Ms. Scoggins noted that the SUP should end with the sale of the property. Ms. Scoggins further stated that there should be a monitoring process in place.

Ms. Beth Singley-Hall addressed the Commission on the need for a monitoring process which does not put the responsibility on the community.

As no one else wished to speak, Mr. O'Connor closed the public hearing.

Mr. O'Connor opened the floor for discussion by the commission.

Mr. Wright inquired if there would be any action on the state legislation this year.

Mr. Max Hlavin stated that it is still under study; however, the goal is to introduce legislation by December 2016 for consideration during the next General Assembly session. Mr. Hlavin stated that there is no certainty that the legislation will go forward on that schedule.

Mr. Richardson stated that he is inclined to see what happens with the state legislation. Mr. Richardson further stated that there is a need for overarching policy guidance regarding short term rentals to assist with processing the potential influx of such applications. Mr. Richardson further noted that because we are a unique area of the country, it is necessary to carefully

consider the impact of these uses on both the community and the local hotel industry in balance with the needs of the individual entrepreneur. Mr. Richardson noted that he had supported the previous application; however, at the risk of sending mixed signals, based on further thought on the matter, he is inclined not to support the application.

Mr. Schmidt noted that the Board of Supervisors submitted a letter to the State with concerns about prohibiting local regulation of short term rentals.

Mr. Wright stated that he is also concerned about the impact of potential state legislation on both short term rental regulations and the enforceability of neighborhood covenants and he is reluctant to support these types of applications.

Mr. Hlavin stated that the two pieces of legislation that came out of the General Assembly this year would not prevent normal property law from taking effect so while localities could not regulate these matter, it would not nullify restrictive covenants.

Ms. Bledsoe stated that she believes short term rentals will be a substantial part of the tourism industry going forward; however, she has concerns about how the County will address the shared economy. Ms. Bledsoe stated that there need to be process and policies in place to ensure that it is fair and equitable to the existing hospitality industry. Ms. Bledsoe further stated that if a property is advertised, there is an intent to rent the rooms; however, it is difficult to monitor and compel the property owner to comply with the regulations. Ms. Bledsoe further stated that she believes a property owner has a right to use their property as they desire within the law, but not to the detriment of the community. Ms. Bledsoe stated that until the County can ensure that the use is fair, safe and equitable she will not support such applications.

Mr. Basic stated that under County Code, if an application is denied, there is a two year waiting period before an applicant can reapply. Mr. Basic stated that he was not fully prepared to support the application. Mr. Basic further stated that he believed a deferral would be more appropriate due to the number of questions that still need to be addressed.

Mr. Krapf stated that the Zoning Ordinance allows for specially permitted uses and he has concerns about taking a stance that the Commission will not approve SUPs for a particular type of use. Mr. Krapf noted that the issue is not Airbnb but the rental of rooms. Mr. Krapf stated that he is concerned about the idea of denying tourist homes and rental of rooms to protect the hotel industry. Mr. Krapf further noted that the free enterprise system is built on entrepreneurs coming forward with competitive options. Mr. Krapf further stated the objections raised regarding rental of rooms could easily apply to Bed and Breakfast establishments which is a different category of use but different only in that a meal is provided. Mr. Krapf further noted the existence of transient occupancy hotels in proximity to residential neighborhoods and noted that there was little the County could do to regulate who stayed at those establishments. Mr. Krapf further stated that each SUP must be considered as a separate entity in the context of its location. Mr. Krapf stated that he has concerns about the Commission indicating for this application that the use is not appropriate for the location. Mr. Krapf further stated that he has concerns about the Commission moving from considering the application from a land use perspective to an enforcement stance. Mr. Krapf stated that it is not the role of the Commission to put mechanics

in place to ensure compliance. Mr. Krapf stated that once an SUP is approved, it triggers the processes to ensure compliance with license and tax requirements. Mr. Krapf stated that he would support the application.

Mr. O'Connor noted that, under the Zoning Ordinance, rental of rooms limits the rental to three rooms and requires that the property be owner occupied. Mr. O'Connor inquired if the ability to close off the rented portion and the use of the kitchen would change staff's perspective on the application.

Ms. Sulouff stated that staff recognizes the unique configuration of the home; however, if the applicant chooses to provide kitchen access to guests it does not change staff's perspective on the compatibility of the use. Ms. Sulouff noted that if the portion of the home to be rented had more than three bedrooms, it would require a different use designation.

Mr. Basic noted that Mr. Holt had clarified that the required interval between a denial and resubmitting an SUP application is one year. Mr. Basic stated that his previous recommendation to consider deferral stands since any reapplication would carry a negative connotation from the denial.

Mr. Richardson stated that he would be inclined to concur with a deferral. Mr. Richardson stated that this is a unique land use and there are larger concerns to discuss.

Mr. Schmidt stated that his main concern regards the issue of neighborhood covenants. Mr. Schmidt stated that he has concerns about setting a precedent by disregarding the neighborhood covenants.

Mr. O'Connor stated that he concurs that by disregarding neighborhood covenants it creates discord in the neighborhood and detracts from the sense of community; however, restrictive covenants are a contractual obligation. Mr. O'Connor stated that if it is a deed restriction, the obligation is neighbor to neighbor; if it is a restrictive covenant, it is the purview of the HOA to enforce the covenants. Mr. O'Connor further stated that there has been guidance at state level regarding home occupations that would not be in conflict with covenants restricting the property to residential uses. Mr. O'Connor stated that the County Attorney has indicated that these are private matters between the HOA and an individual owner or between property owners.

Mr. Richardson stated that neighbors need to ensure that the covenants are enforceable by maintain an active association.

Mr. Hlavin noted that if a deed restriction or covenant explicitly prohibits the use being applied for, the Commission may take that into account in making a recommendation; however, the County does not have the authority to determine what does or does not qualify as a residential use. Those determinations must be made by the Courts.

Mr. Basic noted that in an earlier SUP for a daycare where the property was restricted to residential uses, the applicant provided proof that the neighbors did not object to the land use

requested. Mr. Basic noted that with the proof provided, the Commission had a comfort level to recommend approval.

Ms. Bledsoe noted that the legislation to be considered by the General Assembly is a strong lobbying effort by the shared economy. Ms. Bledsoe noted that Airbnb is investing a great amount of money to bring Airbnb to Virginia. Ms. Bledsoe stated that she would be happy to see short term rental of rooms, but wants to ensure that when it happens, it is handled in a way that is fair, safe and equitable for everyone. Ms. Bledsoe stated that she wants to ensure having a process that is fair to everyone who is already complying with the rules Ms. Bledsoe stated that she would support a deferral so that the Commission could discuss how to proceed with developing a policy regarding short term rental of rooms. Ms. Bledsoe stated that she hopes consideration of the matter will include substantial research and thoughtful dialogue to develop the best possible process for the community. Ms. Bledsoe stated that if a reasonable policy is developed, it will encourage those properties currently operating in violation of the Zoning Ordinance to come forward to bring the use of their property into compliance.

Mr. O'Connor clarified that there are four options available: the Commission may bring the matter to a vote as currently proposed; the applicant may opt to withdraw the application; the Commission could recommend the addition of a sunset clause; or the Commission could defer the matter to a date certain.

Mr. Hlavin noted that if the matter is postponed to a date certain, the Commission must take action within 100 days.

Mr. O'Connor noted that if the matter is deferred and then action is taken to forward the matter to the Board, there is an option for the Board to defer the matter for one year.

Mr. O'Connor stated that he does not believe that a deferral would be beneficial to the applicant.

Mr. Holt noted that the Commission can add a one or two year sunset clause where the applicant will have time to address any concerns and come back through the SUP process.

Mr. Krapf stated that he believes the SUP process, followed by all the other mechanisms to ensure a business license is obtained and taxes are collected, is a satisfactory process and that he does not believe that it is necessary to change that process.

Ms. Bledsoe noted that a property owner wishing to rent up to three rooms while living in the home would apply for rental of rooms, where a property owner wishing to rent five rooms while not living in the home would apply for a tourist home.

Mr. Krapf noted that both are short term rental of rooms and both require a special use permit and that the SUP Process is the process.

Ms. Bledsoe noted that she is looking at a process to ensure that the properties comply with all regulations.

Mr. Krapf noted that there are likely many properties conducting one type of enterprise or another that is not in compliance with the Zoning Ordinance. Mr. Krapf stated that the Commission is charged with making land use recommendations, not with determining how many properties are in violation of the Zoning Ordinance.

Ms. Bledsoe stated that the Commission considers land use issues related to hotels and bed and breakfasts and the County has standard that they must comply with. Ms. Bledsoe stated that rental of rooms is not any different. Ms. Bledsoe stated that hotels and bed and breakfasts must have a business license and pay taxes.

Mr. Krapf stated that this applicant would have to comply with the same standards.

Ms. Bledsoe noted that the County does not know about all of the properties doing short term rental of rooms.

Mr. O'Connor stated that the Commission is not charged with enforcement. Mr. O'Connor further stated that he is not in favor of recommending approval where the use is contrary to covenants and restrictions. Mr. O'Connor stated that while the Commission does look at these applications individually, this application does have any of the negative aspects of the earlier application. Mr. O'Connor further stated that he does have concerns about the SUP running with the land in perpetuity which would leave uncertainty about how a future owner might operate the business. Mr. O'Connor stated that he could support the application if a sunset clause were included.

Mr. Basic inquired if the applicant would have to pay another fee if they reapplied.

Mr. Holt confirmed that the fee would have to be paid again.

Mr. Richardson inquired what benefit would come from consideration by the Policy Committee.

Mr. Holt stated that fully developing a policy and potentially amending the Zoning Ordinance could not be accomplished in time to act on the application within the 100 day limit.

Mr. Basic noted that the Commission sees uncomfortable about the enforcement component as well as the number of other properties operating under the radar. Mr. Basic stated that if an applicant does go through the land use process, the matter does go to the Commissioner of the Revenue's Office for enforcement. Mr. Basic further stated that most SUPs rely on community vigilance for enforcement when there are conditions involved.

Mr. Basic made a motion to recommend approval of the application with a sunset clause.

Mr. O'Connor inquired if it would be possible to require the SUP to be reconsidered on a recurring basis.

Mr. Hlavin stated that the clause should set the SUP to expire on a given date so that the burden is on the applicant to reapply timely to ensure that they have a continuing SUP.

Mr. O'Connor noted that two years might be sufficient to determine the effect of state legislation and to possibly have the Policy Committee take up the matter in parallel.

Mr. Richardson inquired about other cases approved with a sunset clause.

Mr. Holt stated that the most recent was for a daycare in Winston Terrace.

Mr. O'Connor noted that the daycare was part of the same neighborhood and that having a sunset clause for this application would ensure consistency.

Ms. Bledsoe noted that the state legislation will most likely not provide specific guidance for how this land use should be handled.

Mr. Basic noted that the state legislation was geared more toward taxation matters.

Mr. O'Connor stated that the sunset clause would allow an applicant who is trying to do the right thing to operate while the County considers how to address the other issues.

Ms. Bledsoe requested that the SUP conditions be amended to require proof of liability insurance for the rental portion of the home.

Mr. Hlavin stated that he would not recommend that amendment based on considering the application from a land use perspective.

Mr. O'Connor requested that Mr. Basic state his intention for term of the SUP.

Mr. Basic stated that he would want the SUP to expire after 24 months.

Mr. Richardson inquired if a vote would preclude further consideration by the Policy Committee. Mr. Richardson further stated that he would strongly recommend that the matter be taken up by the Policy Committee.

Mr. O'Connor stated that the Commission would discuss potential Policy Committee consideration at a later point in the meeting.

Mr. Holt clarified that the motion was to recommend approval of the application with the conditions attached to the staff report with an additional condition for the SUP to expire 24 months from the date of approval by the Board of Supervisors.

Mr. O'Connor inquired if the additional condition was acceptable to the applicant.

Ms. Dillon confirmed that the condition was acceptable.

Mr. Holt clarified that a “yes” vote would approve the application with the conditions attached to the staff report with an additional recommendation that the Board add a condition for the SUP to expire 24 months from the date of approval.

On a roll call vote, the Commission voted to recommend approval of 2. SUP-0009-2016, 7206 Merrimac Trail Rental of Rooms (4-3).

SUP-0009-2016

7206 Merrimac Trail Rental of Rooms



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ITEM SUMMARY

DATE: 7/12/2016
TO: The Board of Supervisors
FROM: Roberta Sulouff, Planner
SUBJECT: SUP-0006-2016, 8766 Pocahontas Trail, Dollar General

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Unapproved Minutes of the June 1, 2016 Planning Commission Meeting	Minutes
▣	Location Map	Backup Material
▣	Master Plan Exhibit	Backup Material
▣	Elevations	Backup Material
▣	Color Renderings	Backup Material
▣	Neighborhood Commercial Development Standards Policy	Backup Material
▣	Zoning Ordinance Section 24-369	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	6/24/2016 - 4:40 PM
Development Management	Holt, Paul	Approved	6/24/2016 - 4:41 PM
Publication Management	Burcham, Nan	Approved	6/24/2016 - 4:46 PM
Legal Review	Kinsman, Adam	Approved	7/1/2016 - 4:18 PM
Board Secretary	Fellows, Teresa	Approved	7/5/2016 - 8:02 AM
Board Secretary	Purse, Jason	Approved	7/5/2016 - 10:13 AM
Board Secretary	Fellows, Teresa	Approved	7/5/2016 - 11:06 AM

SPECIAL USE PERMIT-0006-2016. 8766 Pocahontas Trail, Dollar General

Staff Report for the July 12, 2016, Board of Supervisors Public Hearing

SUMMARY FACTS

Applicant: Mr. Rich Smith, Par 5 Development, LLC
Land Owner: Colonial Williamsburg, Inc.
Proposal: To construct a +/-9,100-square-foot Dollar General variety store.
Location: 8766 Pocahontas Trail
Tax Map/Parcel No.: 5910100021
Project Acreage: +/-1.6 acres
Zoning: LB, Limited Business
Comprehensive Plan: Neighborhood Commercial
Primary Service Area: Inside
Staff Contact: Roberta Sulouff, Planner

PUBLIC HEARING DATES

Planning Commission: June 1, 2016, 7:00 p.m.
Board of Supervisors: July 12, 2016, 6:30 p.m.

FACTORS FAVORABLE

1. With the proposed conditions, staff finds the proposal compatible with surrounding development and consistent with the recommendations of the Comprehensive Plan adopted in 2015, "Toward 2035: Leading the Way."
2. With the proposed conditions, staff finds the proposal generally consistent with the Board adopted "Neighborhood Commercial Development Standards Policy" as well as Section 24-369 of the Zoning Ordinance "Special Provisions for Areas within the Limited Business District, LB, Designated Neighborhood Commercial or Low-Density Residential on the adopted Comprehensive Plan."
3. As shown on the proposed Master Plan Exhibit, the proposal includes substantial screening to adjacent residential properties and is consistent with Community Character Corridor (CCC) buffer requirements.

FACTORS UNFAVORABLE

With the attached conditions, staff finds no unfavorable factors.

SUMMARY STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

PLANNING COMMISSION RECOMMENDATION

At its June 1, 2016 meeting, the Planning Commission recommended approval of this application by a vote of 7-0.

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.

SPECIAL USE PERMIT-0006-2016. 8766 Pocahontas Trail, Dollar General

Staff Report for the July 12, 2016, Board of Supervisors Public Hearing

Proposed Changes Made Since the Planning Commission Meeting

At the request of the Planning Commission, a condition has been added stipulating that the applicant shall provide additional evergreen screening to the Richmond Road frontage, subject to the approval of the Director of Planning.

PROJECT DESCRIPTION

- The applicant is requesting a Special Use Permit (SUP) to construct a +/-9,100-square-foot Dollar General variety store. The proposal includes 30 parking spaces to serve customers of the store.
- The property is located within a CCC, as designated by the adopted Comprehensive Plan.
- An SUP is required for any building exceeding 5,000 square feet in the LB, Limited Business District, which is also designated Neighborhood Commercial by the adopted Comprehensive Plan.

PLANNING AND ZONING HISTORY

This parcel was removed by the property owner from the Carter’s Grove Agricultural and Forestal District in May 2015 (James City County Case No. AFD-01-02-01-2015). The applicant submitted a site plan concurrently with this SUP application in March 2016; approval of that site plan is subject to approval of this application and the fulfillment of any proposed conditions.

SURROUNDING ZONING AND DEVELOPMENT

- Properties on either side of this parcel are zoned LB, Limited Business, while property adjacent to the rear is zoned R-5, Multi-Family Residential and property located directly across Pocahontas Trail is the Carter’s Grove Plantation which is zoned R-8, Rural Residential.
- The subject property is currently undeveloped. It fronts onto Pocahontas Trail and abuts Wisteria Garden Drive, a privately owned street.

COMPREHENSIVE PLAN

The property is designated Neighborhood Commercial on the adopted Comprehensive Plan Land Use Map. The Neighborhood Commercial Development Standards Policy, adopted by the Board of Supervisors on March 23, 1999, lists seven criteria for use in the evaluation of SUP applications for properties zoned LB and designated Neighborhood Commercial by the adopted Comprehensive Plan. Staff used the submitted elevations and site layouts to evaluate the application’s conformance to the following provisions:

- “Long, monotonous façade designs shall be avoided including, but not limited to, those characterized by unrelieved repetition of shape, form, architectural details or by unbroken extension of line.” Staff finds the proposed elevations generally in conformance with this provision.

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.

SPECIAL USE PERMIT-0006-2016. 8766 Pocahontas Trail, Dollar General

Staff Report for the July 12, 2016, Board of Supervisors Public Hearing

- *“Brick, natural wood siding or other materials with similar texture and appearance are considered most appropriate. Reflective surfaces are generally not considered acceptable exterior material:”* Staff finds the proposed elevations generally in conformance with this provision.
- *“Generally no more than three colors shall be used per building. Generally, bright hues shall not be used:”* Staff finds that the proposed elevations demonstrate conformance with this provision.
- *“No portion of a building constructed of barren and unfinished concrete masonry unit (cinderblock) or corrugated material or sheet metal shall be visible from any adjoining property or public right-of-way. This shall not be interpreted to preclude the use of architectural block as a building material:”* Staff finds that the proposed elevations demonstrate conformance with this provision.
- *“Building design that reflects local, historical or architectural themes and styles is encouraged. Replication of standard building design is discouraged:”* Staff finds the proposed elevations generally in conformance with this provision.
- *“The use of articulation shall be employed to reduce the overall size of large buildings. Articulation may be expressed through building massing and architectural elements, such as rooflines, windows, doors, etc. Buildings with large profiles shall be designed to appear smaller by articulating the overall massing as a collection of composite masses. Architectural elements shall be incorporated to the extent practical including, but not limited to, bays, balconies, porches, loggias and/or arcades. Roof architectural elements shall be incorporated to the extent*

practical including, but not limited to, features such as dormers, widow watches and/or other rooftop elements:” Staff finds the proposed elevations generally in conformance with this provision.

- *“Convenience stores shall have limited hours of operation. Twenty-four hour convenience stores shall not be permitted:”* This provision is not applicable to subject application.

Staff and the applicant have not resolved all architectural details at the SUP stage of this application. Should the SUP be approved, staff is proposing a condition to ensure that further architectural detailing be provided at the site plan stage.

PUBLIC IMPACTS

Agencies including the Engineering and Resource Protection Division, James City Service Authority, the Fire Department and the Virginia Department of Transportation have all reviewed this application and have issued comments which must be addressed during the administrative site plan review stage. Staff has not received any requests for additional SUP conditions from these agencies.

PROPOSED SUP CONDITIONS

- Draft text of the proposed conditions is provided as Attachment No. 2.

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.

SPECIAL USE PERMIT-0006-2016. 8766 Pocahontas Trail, Dollar General

Staff Report for the July 12, 2016, Board of Supervisors Public Hearing

STAFF RECOMMENDATION

Staff finds the proposal to be compatible with surrounding development and consistent with the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends the Board of Supervisors approve this application, subject to the conditions listed in the attached resolution.

RS/nb

SUP06-16-8766PocahontasTr

Attachments:

1. Resolution
2. Unapproved Minutes from the June 1, 2016, Planning Commission Meeting
3. Location Map
4. Master Plan Exhibit and Elevations
5. Neighborhood Commercial Development Standards Policy, adopted March 23, 1999
6. Zoning Ordinance Section 24-369, Special Provisions for Areas within the Limited Business District, LB, Designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan

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.

RESOLUTION

CASE NO. SUP-0006-2016. 8766 POCAHONTAS TRAIL, DOLLAR GENERAL

WHEREAS, the Board of Supervisors of James City County, Virginia, has adopted by Ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Mr. Richard Smith, on behalf of Colonial Williamsburg, Incorporated (the "Owner"), has applied for an SUP to allow for the construction of an approximately 9,100 square-foot Dollar General variety store on property consisting of approximately 1.6 acres zoned LB, Limited Business, located at 8766 Pocahontas Trail and further identified as James City County Real Estate Tax Map Parcel No. 5910100021 (the "Property"); and

WHEREAS, the Planning Commission, following its public hearing on June 1, 2016, voted 7-0 to recommend approval of this application; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-0006-2016; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2035 Comprehensive Plan Land Use Map designation for the Property and the considerations of Section 24-9 of the County Code.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the issuance of Case No. SUP-0006-2016 as described herein with the following conditions:

1. **Master Plan:** This SUP shall be valid for the construction of an approximately 9,100 square-foot retail variety store as generally located and shown on the exhibit titled "Master Plan Exhibit for SUP-0006-2016, Roberts Magisterial District, Dollar General, James City County-Virginia" prepared by Engineering Concepts, Inc., and dated May 24, 2016 (the "Master Plan"). The site plan for the Development shall be generally consistent with the Master Plan, as determined by the Director of Planning, with any deviations considered per Section 24-23(a)(2) of the James City County Zoning Ordinance, as amended.
2. **Architectural Review:** Buildings constructed on the Property shall generally be consistent with the architectural elevations titled "Dollar General Pocahontas Trail (James County) VA-Exterior Elevations and Finish Schedule," and substantially consistent with the Neighborhood Commercial Development Standards Policy, as adopted by the James City County Board of Supervisors on March 23, 1999. Prior to final site plan approval, the Director of Planning, or his designee, shall review and approve the final building elevations, signage design, and architectural design for all buildings shown on the Master Plan for such consistency.
3. **Bicycle and Pedestrian Facilities:** A multi-use path shall be provided along the Property's frontage on Pocahontas Trail in accordance with the Regional Bikeways Map and the Pedestrian Accommodation Master Plan. However, this requirement may

be waived by the Director of Planning should the Owner demonstrate that existing pavement width or section, drainage, or other engineering constraints would restrict the ability of the Owner to install the multi-use path in a manner that would meet the Virginia Department of Transportation requirements. Such analysis shall be submitted prior to or concurrent with the site plan submission and shall address opportunities for the provision of alternative bike and pedestrian accommodations constructed on the Property that would serve the community as well as, if not better than, a multi-use path. In the event that the Director of Planning disapproves the waiver, the applicant may appeal the decision to the Development Review Committee, which shall forward a recommendation to the Planning Commission. Pedestrian and bike accommodations shall be installed or bonded prior to final site plan approval. If the Director of Planning finds, based on review of development plans for the Property, that the proposed location of the multi-use path is found to be inconsistent with multimodal improvements planned for the Route 60 corridor, the Director of Planning may grant an exemption to this requirement

4. **Williamsburg Area Transit Authority Facilities:** Any change or relocation of existing Williamsburg Area Transit Authority facilities shall be subject to approval by the Director Planning prior to final site plan approval.
5. **Screening of Site Features:** Dumpsters that are adjacent to buildings shall be screened with a brick enclosure or other materials similar in type and color to the building façade. Exterior cart corrals are prohibited. All cart corrals shall be located inside the building. Exterior display of merchandise is prohibited.
6. **Richmond Road Landscaping:** The Owner shall provide evergreen plantings along the Richmond Road frontage of the Property either in addition to, or as a substitute for, the deciduous plantings shown on the Master Plan, subject to the approval of the Director of Planning.
7. **Signage:** Exterior freestanding signs shall be limited to one freestanding, externally illuminated, monument style sign not to exceed eight (8) feet in height. The base of the sign shall be brick or shall use materials similar in type and color with the site architecture. All building face signage shall be externally illuminated only.
8. **Archaeology:** A Phase I historic and archaeological study for the entire Property shall be submitted to the Director of Planning, or his designee, 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, II and 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 Property and the clearing, grading or construction activities thereon.

- 9. **Commencement:** If construction has not commenced on this project within thirty-six (36) months from the issuance of an 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.
- 10. **Severability:** This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of July, 2016.

SUP06-16-8766PocahontasTr-res

Unapproved Minutes of the June 1 2016 Planning Commission Meeting

SUP-0006-2016, 8766 Pocahontas Trail Dollar General

Ms. Roberta Sulouff, Planner, presented a report on the request to construct a Dollar General variety store at 8766 Pocahontas Trail. Ms. Sulouff noted that the proposal is subject to policies governing the Limited Business, LB District and properties designated as Neighborhood Commercial. Ms. Sulouff stated that the proposed conditions have been developed to ensure that the proposal is consistent with those policies. Ms. Sulouff stated that staff finds the proposal compatible with surrounding development and consistent with the recommendations of the 2035 Comprehensive Plan. Ms. Sulouff stated that staff recommends that the Commission recommend approval of the application to the Board of Supervisors, subject to the attached conditions.

Mr. O'Connor opened the public hearing.

Mr. Richard Smith, 2860 B NC Highway, Aberdeen NC, stated that he represents Par 5 Development Group. Mr. Smith further stated that it is the intention to comply with all conditions of the Special Use Permit to ensure that the proposed use fits well in the community.

Mr. Michael W. Lynch, 20 S. Roanoke Street, Fincastle, VA, stated that he represents Engineering Concepts Inc. Mr. Lynch noted that he is available to answer any technical questions related to the proposal.

Mr. Wright inquired how the visual impacts on the adjacent residential areas would be mitigated.

Mr. Lynch stated that the site would be landscaped.

Mr. O'Connor inquired about landscaping along the road frontage.

Mr. Lynch stated that they would be working with a certified landscape architect to ensure that the proposed landscape plan would be acceptable.

Mr. O'Connor noted that his interest stems from the subject property being directly opposite the entrance to Carter's Grove.

Mr. Krapf inquired whether a new location had been found for the bus stop.

Mr. Lynch stated that they are working with VDOT on the access management and the final location of the bus stop.

Mr. Basic inquired if the applicant would be amenable to modifying the landscape plan so that evergreens would be substituted for some of the deciduous trees.

Mr. Lynch stated that the applicant is more than willing to make modifications that would make the project acceptable to the County.

Mr. Basic requested that staff work toward formalizing that modification.

Mr. Wright inquired if the proposed project was on the table at the time the parcel was withdrawn from the AFD.

Mr. Lynch stated that it was not.

As no one else wished to speak, Mr. O'Connor closed the public hearing.

Mr. O'Connor opened the floor for discussion by the Commission

Ms. Robin Bledsoe stated that she believes the proposed development will bring needed services to the Grove community.

Mr. Wright noted that there were citizen concerns about another Dollar General store proposed for the Norge area. Mr. Wright inquired if there had been any citizen feedback about this proposal. Mr. Wright noted that it was an important distinction for the public to understand why this case was being heard and the other was not.

Ms. Sulouff stated that no negative feedback has been received. Ms. Sulouff noted that there had been some initial concern about a private drive being used to provide access to the property; however, the private drive is not being used. Ms. Sulouff noted that the difference between the two proposals is that the store proposed in Norge is actually part of a master plan for a rezoning that occurred in 2004. Ms. Sulouff stated that because that property is subject to a master plan and the proposed location for the store is designated as commercial, a legislative application is not required.

Mr. Wright inquired if the property in Norge was rezoned to commercial. Ms. Sulouff stated that the property was rezoned to mixed use.

Ms. Bledsoe clarified that the one in Norge does not require further legislative action, whereas this proposal does.

Mr. Schmidt stated that he is appreciative of the concern for the Carter's Grove property and preserving the scenic quality around the historic property. Mr. Schmidt stated that he would support the application.

Mr. Wright noted that he was concerned about the future of this parcel when it was removed from the AFD and noted that he might be more cautious in the future when voting on such matters. Mr. Wright further noted that absent any community concerns, it makes sense to approve the application.

Mr. Krapf moved to approve the application subject to the recommended conditions and the additional condition proposed to modify the landscape plan to substitute evergreens for some of the deciduous trees along the road frontage.

Mr. O'Connor inquired if the applicant is agreeable to the additional conditions.

Mr. Smith confirmed.

Mr. Basic noted that his intention was not to screen a new business but to have an emphasis on evergreen trees in the landscaping plan.

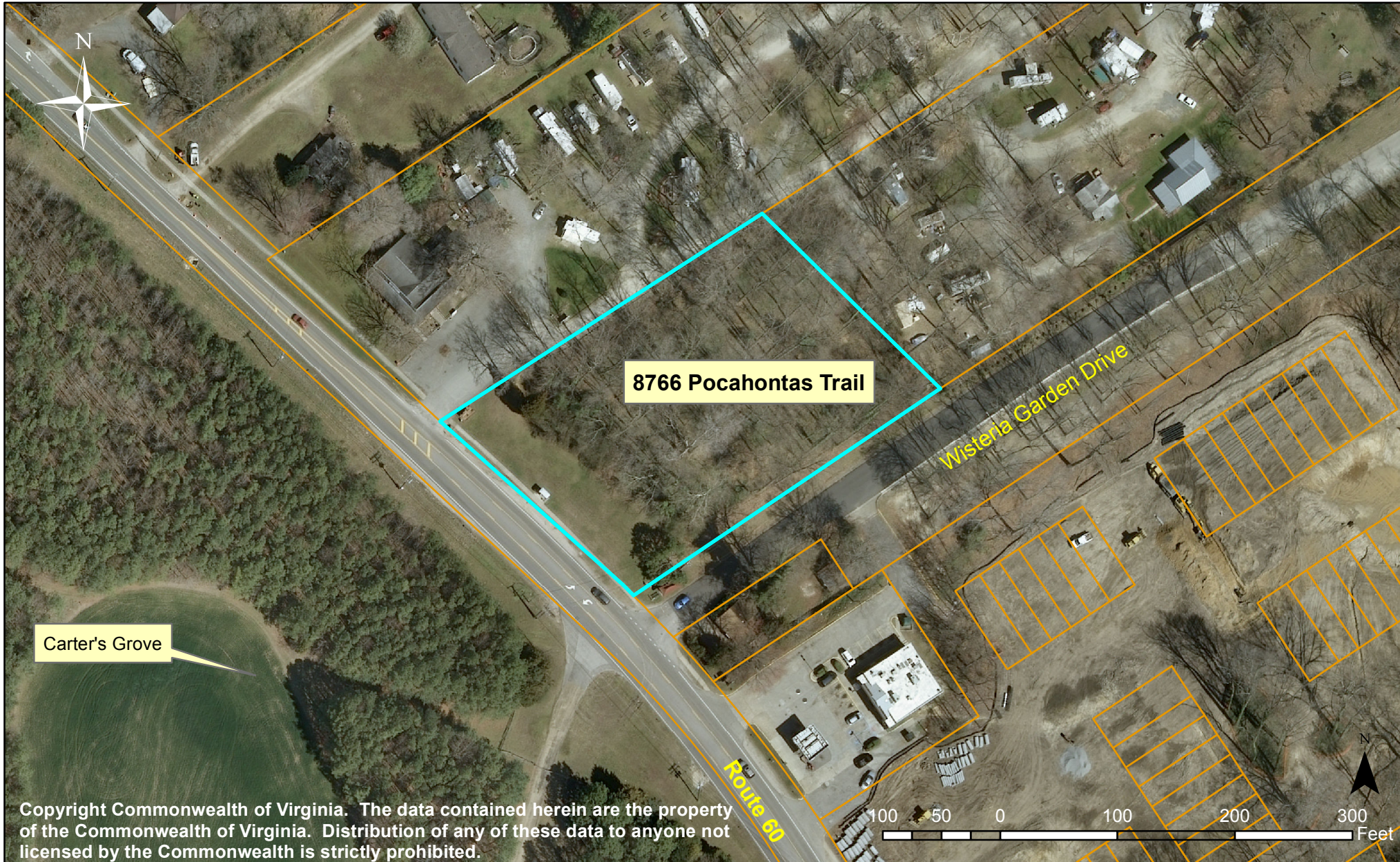
Mr. Holt inquired if the intent was to translate the request into an SUP condition or to rely on staff to ensure the matter is handled at site plan stage.

Mr. Basic stated that it would be preferable to include it as an SUP condition before the case is considered by the Board of Supervisors.

Mr. O'Connor clarified that the motion is to recommend approval with the additional condition.

On a roll call vote, the Commission voted to recommend approval of SUP-0006-2016, 8766 Pocahontas Trail Dollar General (7-0).

SUP-0006-2016/ 8766 Pocahontas Trail Dollar General



Carter's Grove

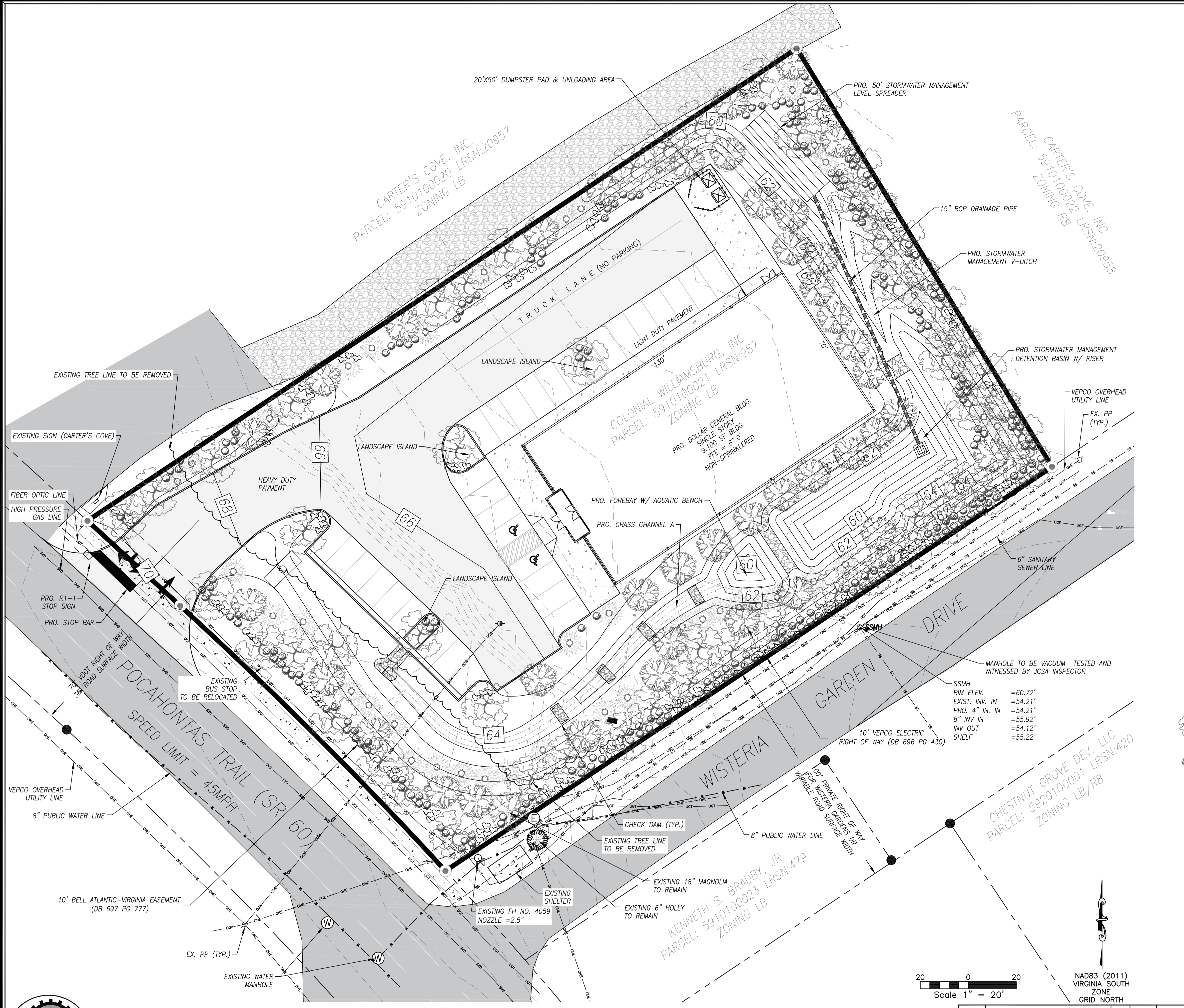
8766 Pocahontas Trail

Wisteria Garden Drive

Route 60

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100 50 0 100 200 300 Feet



PARCEL ADDRESS & CURRENT OWNER
 COLONIAL WILLIAMSBURG, INC.
 8766 POCAHONTAS TRAIL
 WILLIAMSBURG, VA 23185
PARCEL ID NO.
 5910100021

MINIMUM REQUIREMENTS
 MINIMUM LOT AREA NONE
 LOT AREA 1.56 AC
 SIDE SETBACK = 20'
 FRONT SETBACK = 50' (WHEN R/W < 50')
 75' (WHEN R/W > 50')
 REAR SETBACK = 20'

AREA OF DEVELOPMENT
 1.534 AC

CURRENT ZONING
 LIMITED BUSINESS (LB)

CURRENT USE
 VACANT LOT

PROPOSED USE
 DOLLAR GENERAL
 COMMERCIAL RETAIL

UTILITIES
 WATER: NEWPORT NEWS WATERWORKS
 SEWER: JAMES CITY COUNTY
 ELECTRIC: VEPCO
 CABLE: COX

OPEN SPACE DATA
 TOTAL SITE ACREAGE = 1.534 AC
 IMPERVIOUS ACREAGE = 0.712 AC (46.4%)
 PERVIOUS ACREAGE = 0.822 AC (53.6%)
 DISTURBED ACREAGE = 1.356 AC

PROPOSED BUILDING DATA
 TOTAL FLOOR AREA = 9,100 SF
 TOTAL SALES AREA = 7,310 SF
 HEIGHT OF BUILDING = 18.5'
 SINGLE STORY
 TYPE = CLASSIFICATION 3, CONSTRUCTION B-2

SPECIAL USE PERMIT REQUIRED FOR A BUILDING LARGER THAN 5,000 SF PER ARTICLE V, DIVISION 9, SECTION 24-368 OF THE JAMES CITY COUNTY ZONING ORDINANCE

LANDSCAPE REQUIREMENTS

PARKING (INTERIOR):
REQUIRED: 1 SPACE PER 250 SF OF RETAIL = 7,310 SF/250 SF = 30 SPACES
PROVIDED: 33 @ (9'W X 18'L)

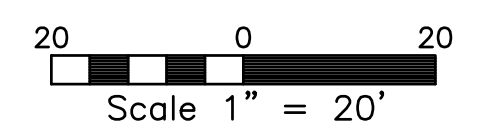
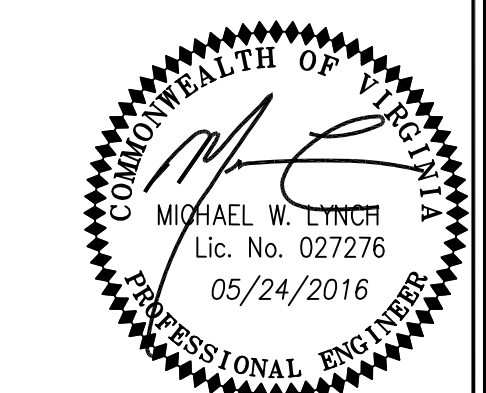
BUFFER:
REQUIRED: 1 TREE AND 3 SHRUBS FOR EVERY 450 SF OF LANDSCAPING
 1 ORNAMENTAL OR 5 SHRUBS FOR EVERY 200 SF OF PLANTING AREA NEXT TO BUILDING
 15' WIDE BUFFER ALONG R/W AND PROPERTY LINE (30' NEXT TO RESIDENTIAL)
PROVIDED: SEE BELOW

CATEGORY	COMMON NAME	BOTANICAL NAME	MIN. SIZE	TOTAL NO.
LARGE SHADE TREE (deciduous)	RED MAPLE	Acer rubrum	2.5' CALIPER	51
ORNAMENTAL TREE (deciduous understory)	AMERICAN DOGWOOD	Cornus florida	1.5' CALIPER 8' HEIGHT	40
SMALL EVERGREEN SHRUB	WAX MYRTLE	Myrica cerifera	18" HEIGHT	119
DECIDUOUS SHRUB	WITCH HAZEL	Hamamelis virginiana	22" HEIGHT	216
EVERGREEN TREE	EASTERN REDCEDAR	Juniperus virginiana	8' HEIGHT	40

MIXTURE REQUIREMENTS

	REQUIRED		PROVIDED
	MIN.	MAX.	
ORNAMENTAL	15%	25%	18% (20 TREES*)
EVERGREEN	35%	35%	38% (40 TREES)
DECIDUOUS SHADE	40%	40%	46% (51 TREES)
EVERGREEN SHRUBS	35%	35%	36% (119 E/G SHRUBS)
DECIDUOUS SHRUBS	35%	35%	68% (216 DEC SHRUBS)

*20 ORNAMENTAL TREES ADJACENT TO BLDG. NOT USED IN OVERALL CALCULATIONS



NAD83 (2011)
 VIRGINIA SOUTH ZONE
 GRID NORTH

ENGINEERING CONCEPTS, INC.
 20 S. ROANOKE ST., PO BOX 619
 FINCASTLE, VIRGINIA 24090
 540.473.1253 FAX: 540.473.1254

No.	Revision	By	Appd.	Date	Drawn	Designed	Checked	Approved
					MSMj	BRF	MWL	MWL

MASTER PLAN EXHIBIT FOR SUP-0006-2016
ROBERTS MAGISTERIAL DISTRICT
DOLLAR GENERAL
JAMES CITY COUNTY - VIRGINIA

SCALE: 1"=20'
 DATE: MAY 24, 2016
 PROJECT: 16004

ISSUED FOR:	
PERMIT	-
BID	-
CONSTRUCTION	-
RECORD	-

PROJECT MANAGER	DESIGNER
MAR	CDL

JOB NO.
2016423.06

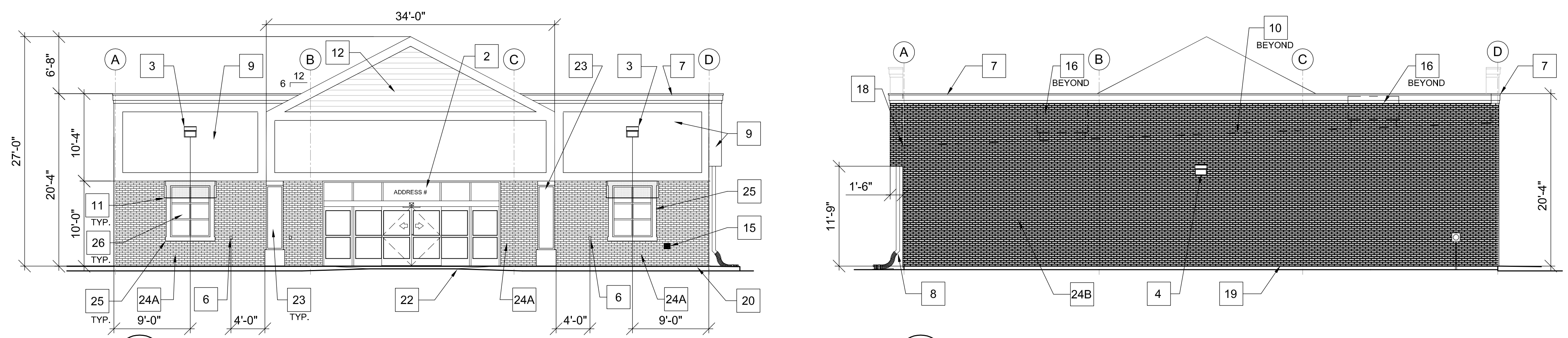
A-2

ELEVATION KEYED NOTES

- 1 SIGNAGE (NOT USED)
- 2 ADDRESS ABOVE DOOR MOUNTED ON CENTER PANE OF GLASS. ADDRESS TO BE 10"-12" VINYL CUT NUMBERS. COLOR: BLACK W/WHITE OUTLINES.
- 3 WALL PACK. 16'-6" A.F.F. TO TOP OF WALL PACK. REFER TO ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION.
- 4 WALL PACK 12'-0" A.F.F. TO TOP OF WALL PACK. REFER TO E-2 FOR ADDITIONAL INFORMATION.
- 5 PRE-ENGINEERED METAL BUILDING ICE GUARD FULL LENGTH.
- 6 RECEPTACLE. REFER TO E-1 FOR ADDITIONAL INFORMATION.
- 7 EIFS CORNICE. COLOR: WHITE.
- 8 GUTTER AND DOWNSPOUT - SEE THIS SHEET FOR COLOR, SEE DETAILS SHEET A-5. USE SPLASH BLOCKS WHERE NO SIDEWALK IS PROPOSED.
- 9 VINYL/COMPOSIT EXTERIOR GRADE PANEL, COLOR: WHITE.
- 10 STANDING SEAM METAL ROOF. GALVALUME FINISH.
- 11 PEMB FRAMED AWNING WITH ALUMINUM COVER; COLOR: BLACK. REFER TO SHEET A-3B FOR DETAILS.
- 12 PRE-ENGINEERED METAL PANEL
- 13 VENT FOR BATHROOM EXHAUST. REFER TO M1 FOR ADDITIONAL INFORMATION.
- 14 DOOR BUZZER. REFER TO E-1 FOR ADDITIONAL INFORMATION.
- 15 WALL HYDRANT. REFER TO P-1 FOR ADDITIONAL INFORMATION.
- 16 HVAC UNITS MOUNTED ON ROOF. REFER TO MECHANICAL SHEET M-1 FOR MORE INFORMATION.
- 17 OUTSIDE AIR TEMP. SENSOR MOUNTED OVER RECEIVING DOORS @ 8'-0" A.F.F.
- 18 MINIMUM EAVE HEIGHT IS 14'-0" A.F.F.
- 19 FINISHED GRADE AT EXTERIOR WALLS SHALL BE A MINIMUM OF 6" BELOW FINISHED FLOOR AT ALL NON PAVED AREAS.
- 20 HARD SURFACE AT EXTERIOR WALLS SHALL BE A MINIMUM OF 2" BELOW FINISHED FLOOR AT PAVED AREAS.
- 21 CONCRETE SPLASHBLOCKS.
- 22 SLOPE CONCRETE AT ENTRANCE AND EXIT LOCATION.
- 23 DECORATIVE VINYL PILLAR. COLOR: WHITE.
- 24A 4" SMOOTH FACED ECONOMY SIZED BRICK. GENERAL SHALE. COLOR: RED VELOUR.
- 24B 4" SMOOTH FACED ECONOMY SIZED BRICK. GENERAL SHALE. COLOR: TAN.
- 25 6" WHITE VINYL TRIM AROUND WINDOWS.
- 26 4'-8"W x 6'-0"T BLACK SPANDREL GLASS WINDOWS. FRAME COLOR :DARK BRONZE.

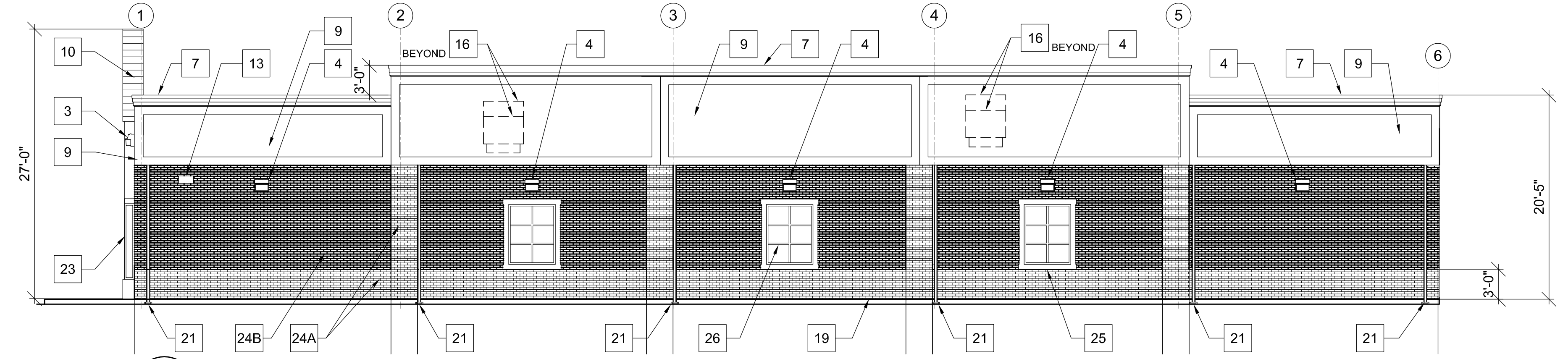
GENERAL NOTES

1. G.C. TO CAULK AND SEAL ALL PENETRATIONS
2. G.C TO CAULK ALL DISSIMILAR MATERIALS AND GAPS.
3. G.C. TO INSTALL ADDRESS NUMBERS ON TRANSOM GLASS ABOVE MAIN DOOR ENTRY.
4. G.C. TO INSTALL KNOX BOX PER LOCAL JURISDICTIONAL REQUIREMENTS. SURFACE OR FLUSH MOUNT.

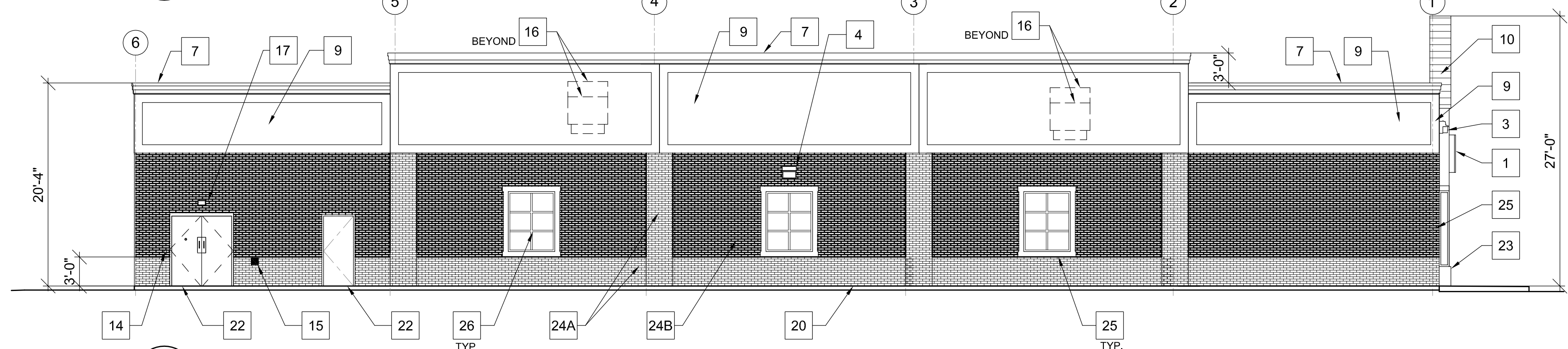


1 FRONT ELEVATION
A-2 1/8" = 1'-0"

2 REAR ELEVATION
A-2 1/8" = 1'-0"



3 RIGHT ELEVATION
A-2 1/8" = 1'-0"



4 LEFT ELEVATION (TRUCK SIDE)
A-2 1/8" = 1'-0"

EXTERIOR FINISHES

EXTERIOR FINISHES ARE TO MATCH OR BE EQUAL TO LIBERTY METAL BUILDING SYSTEM'S FINISH SELECTION.

GUTTERS	•																		
DOWN SPOUTS	•																		
TRIM, RECEIVING & EMERGENCY EXIT DOORS.	•																		
FRONT, SIDE AND REAR ELEVATION		SEE ELEVATIONS AND KEYNOTES				SEE ELEVATIONS AND KEYNOTES				SEE ELEVATIONS AND KEYNOTES				SEE ELEVATIONS AND KEYNOTES					
FLAT METAL SOFFIT AT STOREFRONT VESTIBULE.				•				•				•						•	
BUILDING PARAPET WALL		PER A-2 KEYNOTES						•				•						•	
STANLEY STOREFRONT SYSTEM			•				•				•					•			
STANDING SEAM METAL ROOF PANELS					•				•				•						•
STANDARD BRICK - GENERAL SHALE		RED VELOUR				RED VELOUR				RED VELOUR				RED VELOUR					
STANDARD BRICK - GENERAL SHALE		TAN				TAN				TAN				TAN					
VINYL COMPOSITE PANEL		WHITE				WHITE				WHITE				WHITE					
EIFS DECORATIVE CORNICE		WHITE				WHITE				WHITE				WHITE					

PEMB VENDOR	VP BUILDING SYSTEMS	STAR BUILDING SYSTEMS	NUCOR BUILDING SYSTEMS	BIG BEE STEEL BUILDING, INC.
	ATTN: DAVID ENGLISH (877) 505-4596	ATTN: JEFF HORN 866-664-8899	ATTN: BOB BARRY 315-622-4440 or 260-837-7891	ATTN: KEVIN BUSLER 800-633-3378

ISSUED FOR:	
PERMIT	-
BID	-
CONSTRUCTION	-
RECORD	-

PROJECT MANAGER	DESIGNER
MAR	CDL

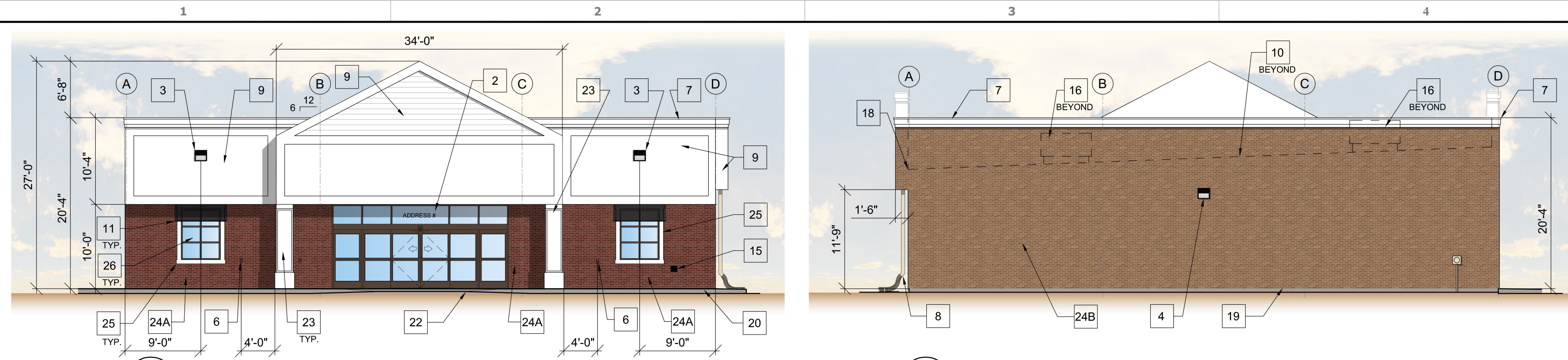
JOB NO.
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- 5 PRE-ENGINEERED METAL BUILDING ICE GUARD FULL LENGTH.
- 6 RECEPTACLE. REFER TO E-1 FOR ADDITIONAL INFORMATION.
- 7 EIFS CORNICE. COLOR: WHITE.
- 8 GUTTER AND DOWNSPOUT - SEE THIS SHEET FOR COLOR, SEE DETAILS SHEET A-5. USE SPLASH BLOCKS WHERE NO SIDEWALK IS PROPOSED.
- 9 VINYL/COMPOSIT EXTERIOR GRADE PANEL, COLOR: WHITE.
- 10 STANDING SEAM METAL ROOF. GALVALUME FINISH.
- 11 PEMB FRAMED AWNING WITH ALUMINUM COVER; COLOR: BLACK. REFER TO SHEET A-3B FOR DETAILS.
- 12 PRE-ENGINEERED METAL PANEL
- 13 VENT FOR BATHROOM EXHAUST. REFER TO M1 FOR ADDITIONAL INFORMATION.
- 14 DOOR BUZZER. REFER TO E-1 FOR ADDITIONAL INFORMATION.
- 15 WALL HYDRANT. REFER TO P-1 FOR ADDITIONAL INFORMATION.
- 16 HVAC UNITS MOUNTED ON ROOF. REFER TO MECHANICAL SHEET M-1 FOR MORE INFORMATION.
- 17 OUTSIDE AIR TEMP. SENSOR MOUNTED OVER RECEIVING DOORS @ 8'-0" A.F.F.
- 18 MINIMUM EAVE HEIGHT IS 14'-0" A.F.F.
- 19 FINISHED GRADE AT EXTERIOR WALLS SHALL BE A MINIMUM OF 6" BELOW FINISHED FLOOR AT ALL NON PAVED AREAS.
- 20 HARD SURFACE AT EXTERIOR WALLS SHALL BE A MINIMUM OF 2" BELOW FINISHED FLOOR AT PAVED AREAS.
- 21 CONCRETE SPLASHBLOCKS.
- 22 SLOPE CONCRETE AT ENTRANCE AND EXIT LOCATION.
- 23 DECORATIVE VINYL PILLAR. COLOR: WHITE.
- 24A 4" SMOOTH FACED ECONOMY SIZED BRICK. GENERAL SHALE. COLOR: RED VELOUR.
- 24B 4" SMOOTH FACED ECONOMY SIZED BRICK. GENERAL SHALE. COLOR: TAN.
- 25 6" WHITE VINYL TRIM AROUND WINDOWS.
- 26 4'-8"W x 6'-0"T BLACK SPANDREL GLASS WINDOWS. FRAME COLOR :DARK BRONZE.

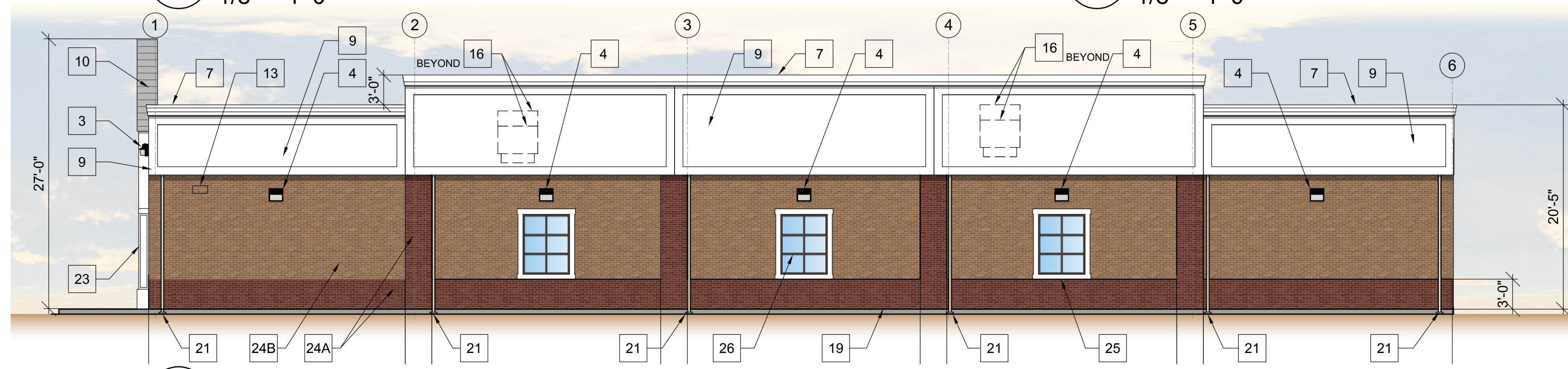
GENERAL NOTES

1. G.C. TO CAULK AND SEAL ALL PENETRATIONS
2. G.C. TO CAULK ALL DISSIMILAR MATERIALS AND GAPS.
3. G.C. TO INSTALL ADDRESS NUMBERS ON TRANSOM GLASS ABOVE MAIN DOOR ENTRY.
4. G.C. TO INSTALL KNOX BOX PER LOCAL JURISDICTIONAL REQUIREMENTS. SURFACE OR FLUSH MOUNT.

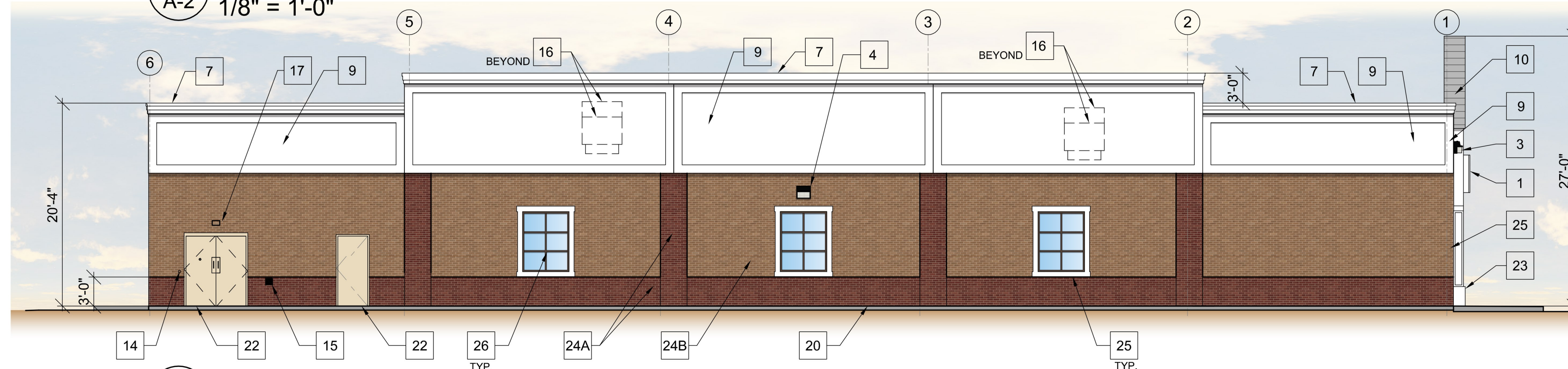


1 FRONT ELEVATION
A-2 1/8" = 1'-0"

2 REAR ELEVATION
A-2 1/8" = 1'-0"



3 RIGHT ELEVATION
A-2 1/8" = 1'-0"



4 LEFT ELEVATION (TRUCK SIDE)
A-2 1/8" = 1'-0"

EXTERIOR FINISHES

EXTERIOR FINISHES ARE TO MATCH OR BE EQUAL TO LIBERTY METAL BUILDING SYSTEM'S FINISH SELECTION.

GUTTERS	•														
DOWN SPOUTS	•														
TRIM, RECEIVING & EMERGENCY EXIT DOORS.	•														
FRONT, SIDE AND REAR ELEVATION		SEE ELEVATIONS AND KEYNOTES		SEE ELEVATIONS AND KEYNOTES		SEE ELEVATIONS AND KEYNOTES		SEE ELEVATIONS AND KEYNOTES							
FLAT METAL SOFFIT AT STOREFRONT VESTIBULE.			•						•						
BUILDING PARAPET WALL		PER A-2 KEYNOTES		•					•						
STANLEY STOREFRONT SYSTEM			•						•						
STANDING SEAM METAL ROOF PANELS				•					•						
STANDARD BRICK - GENERAL SHALE		RED VELOUR				RED VELOUR			RED VELOUR				RED VELOUR		
STANDARD BRICK - GENERAL SHALE		TAN				TAN			TAN				TAN		
VINYL COMPOSITE PANEL		WHITE				WHITE			WHITE				WHITE		
EIFS DECORATIVE CORNICE		WHITE				WHITE			WHITE				WHITE		

PEMB VENDOR	VP BUILDING SYSTEMS				STAR BUILDING SYSTEMS				NUCOR BUILDING SYSTEMS				BIG BEE STEEL BUILDING, INC.			
	ATTN: DAVID ENGLISH (877) 505-4596				ATTN: JEFF HORN 866-664-8899				ATTN: BOB BARRY 315-622-4440 or 260-837-7891				ATTN: KEVIN BUSLER 800-633-3378			

RESOLUTION

NEIGHBORHOOD COMMERCIAL DEVELOPMENT STANDARDS POLICY

WHEREAS, the task of revising the business and industrial zoning districts was undertaken by one of the four citizen committees charged with updating the Zoning Ordinance; and

WHEREAS, the Committee used the 1997 Comprehensive Plan for guidance; and

WHEREAS, the Comprehensive Plan recommends standards for development in areas designated Neighborhood Commercial on the Comprehensive Plan; and

WHEREAS, after meeting for several months to discuss the topic of Neighborhood Commercial, the Zoning Ordinance Update Committee responsible for reviewing this item recommends the following policy; and

WHEREAS, on February 1, 1999, the Planning Commission endorsed the policy by a vote of 6-1.


NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the following:

For any property zoned LB, Limited Business District, and designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan, any use requiring a special use permit shall demonstrate to the Director of Planning substantial conformance to the following provisions:


1. Long, monotonous facade designs shall be avoided, including, but not limited to, those characterized by unrelieved repetition of shape, form, architectural details, or by unbroken extension of line.
2. Brick, natural wood siding, or other materials with similar texture and appearance are considered most appropriate. Reflective surfaces are generally not considered acceptable exterior material.
3. Generally no more than three colors shall be used per building. Generally, bright hues shall not be used.
4. No portion of a building constructed of barren and unfinished concrete masonry unit (cinder block) or corrugated material or sheet metal shall be visible from any adjoining property or public right-of-way. This shall not be interpreted to preclude the use of architectural block as a building material.
5. Building design that reflects local, historical or architectural themes and styles is encouraged. Replication of standard building design is discouraged.
6. The use of articulation shall be employed to reduce the overall size of large buildings. Articulation may be expressed through building massing and architectural elements,

such as rooflines, windows, doors, etc. Buildings with large profiles shall be designed to appear smaller by articulating the overall massing as a collection of component masses. Architectural elements shall be incorporated to the extent practical, including but not limited to, bays, balconies, porches, loggias, and/or arcades. Rooftop architectural elements shall be incorporated to the extent practical, including, but not limited to, features such as dormers, widow watches, and/or other rooftop elements.

- 7. Convenience stores shall have limited hours of operation. Twenty-four hour convenience stores shall not be permitted.



 Jack D. Edwards
 Chairman, Board of Supervisors

ATTEST:


 Sanford B. Wanner
 Clerk to the Board

<u>SUPERVISOR</u>	<u>VOICE</u>
NERVITT	AY
SISK	AY
MCGLENNON	AY
BRADSHAW	AY
EDWARDS	AY

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of March, 1999.

Sec. 24-369. - Special provisions for areas within the limited business district, LB, designated neighborhood commercial or low-density residential on the comprehensive plan.

The Comprehensive Plan defines Neighborhood Commercial areas as limited business activity areas located within the primary service area, serving residents of the surrounding neighborhoods in the immediate area, and having only a limited impact on nearby development. Neighborhood Commercial development shall be compatible with surrounding development in terms of scale, building design, materials and color. The Comprehensive Plan specifies that within Low-Density Residential areas, non-residential uses should not alter, but rather, complement the residential character of the low-density residential area in which they are located. For non-residential uses in Low-Density Residential areas, measures shall be provided to protect nearby residential uses and the character of the surrounding area. The requirements of this section shall apply to areas within the Limited Business District, LB, that are designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan as determined by the planning director.

- (a) *Permitted uses.* For areas within the Limited Business District, LB, that are designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan, buildings to be erected or land to be used shall be for one or more of the uses as permitted in section 24-368.
- (b) *Uses permitted with a special use permit only.* For areas within the Limited Business District, LB, that are designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan, buildings to be erected or land to be used shall be for one or more of the uses permitted in section 24-368 only after the issuance of a special use permit by the board of supervisors. A special use permit application shall demonstrate to the planning director substantial conformance to the county's Neighborhood Commercial Development Standards policy.
- (c) *Design standards.* Development within areas designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan shall demonstrate to the planning director substantial consistency with the following provisions:
 - (1) Large work area doors or open bays shall be screened from external roadways by fencing or landscaping or oriented on the sides or rear of the proposed building.
 - (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, landscaping, parapet walls or other types of roof top screens up to four feet above the roof line, if such equipment is located upon the roof. Large trash receptacles, dumpsters, utility meters, above ground tanks, satellite dishes, antennas, etc. shall be similarly screened.
 - (3) If used, fences in front of buildings on the site shall be decorative in appearance, as determined by the planning director, and shall be landscaped in accordance with article II, division 4.
 - (4) Signs shall generally have no more than three colors. Generally, pastel colors shall not be used. Free-standing signs shall be of a ground-mounted monument type and shall not be larger than 32 square feet, not erected to a height greater than eight feet and shall employ ground mounted lighting concealed by landscaping in accordance with article II, division 4.
 - (5) Site landscaping, in accordance with article II, division 4, shall be reviewed and approved by the planning director and shall be consistent with the natural landscape and character of the surrounding properties. A unified landscape design shall be provided, including street trees.
 - (6) Compliance with the provisions of this subsection shall be evidenced by the submission to the planning director of a site plan, in accordance with the requirements of section 24-145, site plan submittal requirements.

- (d) *Building coverage limits.* For areas within the Limited Business District, LB, that are designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan, a special use permit issued in accordance with section 24-9 shall be required for any building that exceeds a 5,000 square foot building footprint. A special use permit application shall demonstrate to the planning director substantial conformance to the county's Neighborhood Commercial Development Standards policy.
- (e) *Appeals.* In the event the planning director disapproves plans submitted under the provisions of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee who shall forward a recommendation to the planning commission.

(Ord. No. 31A-187, 3-23-99; Ord. No. 31A-261, 1-10-12)

ITEM SUMMARY

DATE: 7/12/2016
TO: The Board of Supervisors
FROM: Bryan J. Hill, County Administrator
SUBJECT: County Administrator's Report

ATTACHMENTS:

	Description	Type
▣	CA Report	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	7/5/2016 - 3:08 PM

MEMORANDUM

DATE: July 12, 2016
TO: The Board of Supervisors
FROM: Bryan J. Hill, County Administrator
SUBJECT: County Administrator's Report

The following is a summary of activities that took place June 22, 2016 through July 5, 2016:

June 22, 2016 (Wednesday)

- James City County liaison meeting
- Met with Rebecca Vinroot, Community Services Director
- Attended WHC Founder's meeting at Greater Williamsburg Chamber & Tourism Alliance
- Met with John McGlennon, James City County Supervisor
- Conference call with Doug Powell, James City Service Authority Manager
- Radio Sport Show recording

June 27, 2016 (Monday)

- Met with Ryan Ashe, Fire Chief
- Attended Technical Advisory Group meeting
- Attended Strategic Planning Advisory Group meeting
- Attended ribbon cutting ceremony at Ford's Colony

June 28, 2016 (Tuesday)

- Attended Board of Supervisors work session
- Attended Board of Supervisors meeting

June 29, 2016 (Wednesday)

- Met with John Horne, General Services Director
- Berkley District drive through
- Met with Patrick Teague, Human Resources Assistant Director

June 30, 2016 (Thursday)

- Met with Chris Odle, Economic Development Authority member
- Visit at Social Services
- Attended Executive Leadership Team meeting

July 1, 2016 (Friday)

- Attended New Employee Orientation
- Met with Patrick Teague, Human Resources Assistant Director

July 4, 2016 (Monday)

- Visit at Colonial Williamsburg with Mitchell Reiss, CEO of Colonial Williamsburg Foundation

July 5, 2016 (Tuesday)

- Met with Jason Purse, Assistant County Administrator and Patrick Teague, Human Resources Assistant Director
- Speaking engagement: Ford's Colony, Middle Plantation Club Presentation
- Met with Doug Powell, James City Service Authority Manager

BJH/nb
CAReport071216-mem

ITEM SUMMARY

DATE: 6/22/2016
TO: Board of Supervisors
FROM: Dawn Oleksy, Environmental Coordinator
SUBJECT: Appointment to the Clean County Commission

ATTACHMENTS:

Description Type

REVIEWERS:

Department	Reviewer	Action	Date
General Services	Horne, John	Approved	6/22/2016 - 11:13 AM
Publication Management	Burcham, Nan	Approved	6/22/2016 - 11:46 AM
Legal Review	Kinsman, Adam	Approved	6/22/2016 - 11:49 AM
Board Secretary	Fellows, Teresa	Approved	6/27/2016 - 1:32 PM
Board Secretary	Purse, Jason	Approved	7/5/2016 - 10:12 AM
Board Secretary	Fellows, Teresa	Approved	7/5/2016 - 11:06 AM

ITEM SUMMARY

DATE: 7/12/2016
TO: The Board of Supervisors
FROM: Teresa J. Fellows, Administrative Coordinator
SUBJECT: Williamsburg Regional Library Board of Directors Appointment

ATTACHMENTS:

Description Type

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	7/5/2016 - 10:07 AM
Board Secretary	Purse, Jason	Approved	7/5/2016 - 10:19 AM
Board Secretary	Fellows, Teresa	Approved	7/5/2016 - 11:06 AM
Publication Management	Burcham, Nan	Approved	7/5/2016 - 11:13 AM
Legal Review	Kinsman, Adam	Approved	7/5/2016 - 2:32 PM
Board Secretary	Fellows, Teresa	Approved	7/5/2016 - 2:39 PM
Board Secretary	Purse, Jason	Approved	7/5/2016 - 4:08 PM
Board Secretary	Fellows, Teresa	Approved	7/5/2016 - 4:11 PM

ITEM SUMMARY

DATE: 7/12/2016
TO: The Board of Supervisors
FROM: Rebecca Vinroot, Director of Community Services
SUBJECT: Social Services Advisory Board Appointment

ATTACHMENTS:

Description Type

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	7/5/2016 - 10:07 AM
Board Secretary	Purse, Jason	Approved	7/5/2016 - 10:12 AM
Board Secretary	Fellows, Teresa	Approved	7/5/2016 - 11:06 AM
Publication Management	Boles, Amy	Approved	7/5/2016 - 11:08 AM
Legal Review	Kinsman, Adam	Approved	7/5/2016 - 2:33 PM
Board Secretary	Fellows, Teresa	Approved	7/5/2016 - 2:39 PM
Board Secretary	Purse, Jason	Approved	7/5/2016 - 4:08 PM
Board Secretary	Fellows, Teresa	Approved	7/5/2016 - 4:10 PM

ITEM SUMMARY

DATE: 7/12/2016
TO: The Board of Supervisors
FROM: Teresa J. Fellows, Administrative Coordinator
SUBJECT: Adjourn until 1:30 pm on July 26, 2016 for the Work Session

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	7/5/2016 - 3:05 PM