

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
JUNE 6, 2007 - 7:00 pm.

1. ROLL CALL

2. PUBLIC COMMENT

3. COMMITTEE AND COMMISSION REPORTS
 - A. Development Review Committee (DRC) Report
 - B. Other Committee/Commission Reports

4. PUBLIC HEARINGS
 - A. SUP-12-07 Verizon Co-location at Brick Bat Road
 - B. Z-10-06/MP-12-06/SUP-37-06 The Candle Factory
 - C. SUP-15-07 Precious Moments Playhouse Renewal
 - D. SUP-14-07 Anderson's Corner Animal Care Facility
 - E. Z-3-07 3435 Old Stage Rezoning
 - F. ZO-4-07 Zoning Ordinance Amendment – Public Land Ordinance

5. PLANNING DIRECTOR'S REPORT

6. ADJOURNMENT

SPECIAL USE PERMIT CASE NO. SUP-12-07 Verizon Tower Co-location at Brick Bat Road

Staff Report for the June 6, 2007 Planning Commission Public Hearing

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS	Building F Board Room; County Government Complex	
Planning Commission:	May 2, 2007 (deferred)	7:00 PM
	June 6, 2007	7:00 PM
Board of Supervisors:	July 10, 2007 (tentative)	7:00 PM

SUMMARY FACTS

Applicant:	Ms. Jessica Wright, Verizon Wireless
Land Owner:	Ms. Donna M. Morgan
Proposal:	To construct a 30 foot extension on an existing 185 foot tower-mounted wireless communication facility.
Location:	3470 Brick Bat Road
Tax Map/Parcel:	(44-2)(1-18)
Parcel Size:	8.083 acres
Existing Zoning:	A-1, General Agricultural
Comprehensive Plan:	Rural Lands
Primary Service Area:	Outside

STAFF RECOMMENDATION

The applicant has requested deferral of this case to the July 11, 2007 Planning Commission meeting. Staff concurs with the request.

Staff Contact: Leanne Reidenbach

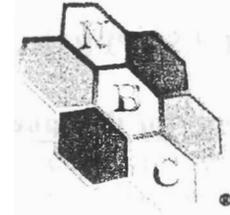
Phone: 253-6685

Leanne Reidenbach

ATTACHMENTS:

1. Deferral request letter

**NETWORK
BUILDING &
CONSULTING, LLC**



May 25, 2007

James City County
101-A Mounts Bay Road
Williamsburg, VA 23187
ATTN: Leanne Reidenbach

RE: SUP-12-07, Verizon Wireless Collocation at Brick Bat Rd/Amend JCC SUP-11-96

Dear Ms. Reidenbach,

Verizon Wireless respectfully requests that its case, JCC Case Number SUP-12-07, please be deferred to the July 11, 2007 planning commission meeting.

If you should have any questions please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jessica Wright', written over a white background.

Jessica Wright
Consultant to Verizon Wireless
Network Building & Consulting, LLC
1831 Rady Court
Richmond, VA 23222
804-201-3264



**REZONING CASE NO. Z-10-06/MASTER PLAN CASE NO. MP-12-06/ The Candle
Factory
Staff Report for the June 06, 2007 Planning Commission Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

Planning Commission:	March 07, 2007	7:00 p.m. (Applicant deferral)
Planning Commission:	April 04, 2007	7:00 p.m. (Applicant deferral)
Planning Commission:	May 02, 2007	7:00 p.m. (Applicant deferral)
Planning Commission:	June 06, 2007	7:00 p.m. (Applicant deferral)
Board of Supervisors:	August 14, 2007	7:00 p.m. (Tentative)

Building F Board Room; County Government Complex

SUMMARY FACTS

Applicant: Mr. Vernon Geddy, III, Geddy, Harris, Franck & Hickman, L.L.P

Land Owner: Candle Development, LLC

Proposal: To rezone approximately 64.45 acres of land from A-1, General Agricultural District, M-1, Limited Business/Industrial District, and MU, Mixed Use zoning district to MU, Mixed Use zoning district, with proffers. The development proposed with this rezoning application will allow the construction of up to 219 residential units and up to 18, 9000 square feet of commercial uses.

Location: 7551 and 7567 Richmond Road

Tax Map/Parcel: (23-2)(11-1D) and (23-2)(11-1E)

Parcel Size: 64.45 acres

Existing Zoning: A-1, General Agricultural District, M-1, Limited Business/Industrial District, and MU, Mixed Use District

Comprehensive Plan: Low Density Residential, Mixed Use, and Limited Industry

Primary Service Area: Inside

STAFF RECOMMENDATION

The applicant has requested deferral of this case until the Planning Commission next meeting on July 11, 2007, in order to resolve various issues associated with the case. Staff concurs with this request.

Staff Contact: Jose Ribeiro, Planner Phone: 253-6685

Attachments:

1. Letter of Deferral by the Applicant

**SPECIAL USE PERMIT-SUP-37-06: KTP Development, LLC (The Candle Factory)
Staff Report for the June 06, 2007 Planning Commission Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

Building F Board Room; County Government Complex

Planning Commission:	March 07, 2007	7:00 p.m. (Applicant deferral)
Planning Commission:	April 04, 2007	7:00 p.m. (Applicant deferral)
Planning Commission:	May 02, 2007	7:00 p.m. (Applicant deferral)
Planning Commission:	June 06, 2007	7:00 p.m. (Applicant deferral)
Board of Supervisors:	August 14, 2007	7:00 p.m. (Tentative)

SUMMARY FACTS

Applicant: Mr. Vernon Geddy, III, Geddy, Harris, Franck & Hickman, L.L.P

Land Owner: KTP Development, LLC

Proposal: To allow the construction of two mixed use, commercial buildings totaling 45,000 square feet.

Location: 7521 Richmond Road

Tax Map/Parcel: (23-2)(11-1C)

Parcel Size: 14.34 acres

Existing Zoning: M-1, Limited Business/Industrial District

Comprehensive Plan: Mixed Use

Primary Service Area: Inside

STAFF RECOMMENDATION

The applicant has requested deferral of this case until the Planning Commission next meeting on July 11, 2007, in order to resolve various issues associated with the case. Staff concurs with this request.

Staff Contact: Jose Ribeiro, Planner Phone: 253-6685

Attachments:

1. Letter of Deferral by the Applicant

GEDDY, HARRIS, FRANCK & HICKMAN, L.L.P.

ATTORNEYS AT LAW

1177 JAMESTOWN ROAD

WILLIAMSBURG, VIRGINIA 23185

TELEPHONE: (757) 220-6500

FAX: (757) 229-5342

MAILING ADDRESS:

POST OFFICE BOX 379

WILLIAMSBURG, VIRGINIA 23187-0379

email: vgeddy@ghfhllaw.com

VERNON M. GEDDY, JR. (1925-2005)
STEPHEN D. HARRIS
SHELDON M. FRANCK
VERNON M. GEDDY, III
BUGANNA B. HICKMAN
RICHARD H. RIZK
ANDREW M. FRANCK

May 29, 2007

Mr. Jose Ribeiro
James City County Planning Department
101-A Mounts Bay Road
Williamsburg, Virginia 23185

Re: Candle Factory – Z-10-06/MP-12-06/SUP-37-06

Dear Jose:

I am writing on behalf of the applicants, Candle Development, LLC and KTP Development, LLC, to request that the Planning Commission defer these cases until its July meeting to give Staff additional time to review our revised submission and resolve any outstanding issues..

Thanks for your help.

Sincerely,



Vernon M. Geddy, III

Cc: Mr. Peter V. Henderson
Mr. Alex Perkins
Mr. Arch Marston

GEDDY, HARRIS, FRANCK & HICKMAN, L.L.P.

ATTORNEYS AT LAW

1177 JAMESTOWN ROAD

WILLIAMSBURG, VIRGINIA 23185

TELEPHONE: (757) 220-6500

FAX: (757) 229-5342

VERNON M. GEDDY, JR. (1926-2006)
STEPHEN D. HARRIS
SHELDON M. FRANCK
VERNON M. GEDDY, III
SUSANNA B. HICKMAN
RICHARD H. RIZK
ANDREW M. FRANCK

MAILING ADDRESS:
POST OFFICE BOX 379
WILLIAMSBURG, VIRGINIA 23187-0379

email: vgeddy@ghfrllaw.com

May 29, 2007

Mr. Jose Ribeiro
James City County Planning Department
101-A Mounts Bay Road
Williamsburg, Virginia 23185

Re: Candle Factory – Z-10-06/MP-12-06/SUP-37-06

Dear Jose:

I am writing on behalf of the applicants, Candle Development, LLC and KTP Development, LLC, to request that the Planning Commission defer these cases until its July meeting to give Staff additional time to review our revised submission and resolve any outstanding issues..

Thanks for your help.

Sincerely,



Vernon M. Geddy, III

Cc: Mr. Peter V. Henderson
Mr. Alex Perkins
Mr. Arch Marston

SPECIAL USE PERMIT-0015-2007. Precious Moments Playhouse, Inc. SUP Renewal Staff Report for the June 6, 2007, Planning Commission Public Hearing

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

Building F Board Room; County Government Complex

Planning Commission: June 6, 2007 7:00 p.m.
Board of Supervisors: July 10, 2007 (Tentative) 7:00 p.m.

SUMMARY FACTS

Applicant: Ms. Evangelina B. Crump
Land Owner: Evangelina B. and Timothy F. Crump
Proposal: To renew an existing Special Use Permit (SUP-18-04), which expires on August 10, 2007, for the continued use of a children’s day care center in a residential area.
Location: 103 Indigo Terrace
Tax Map/Parcel Nos.: 3840200002
Parcel Size: 0.494 acres
Zoning: R-2, General Residential
Comprehensive Plan: Low Density Residential
Primary Service Area: Inside

STAFF RECOMMENDATION

Planning Staff finds that this proposal creates no new significant burdens on neighboring properties or uses. The proposal seeks only to continue an existing use which has been in operation since 1980 without recorded complaints or problems. Staff recommends that the Planning Commission recommend approval of this application, with the conditions listed at the end of this report, to the Board of Supervisors.

Staff Contact: David W. German Phone: 253-6685

PROJECT DESCRIPTION

Ms. Evangelina Crump has applied for a renewal of an existing Special Use Permit (SUP) to allow for the continued operation of a children’s day care facility in an existing single family detached house located at 103 Indigo Terrace. This property is zoned R-2, General Residential, which requires an SUP for the operation of a children’s day car facility. The house includes the area set aside for the operation of the day care facility, and a living space that is physically separated from the day care environment, and accessed through a separate entrance.

A day care facility has been in operation on the property since 1980. It was first authorized by the Board of Supervisors on September 6, 1980 with SUP-4-80, which allowed for the care of fifteen children at the facility. In March of 2003, the applicant purchased the property and began to run the Precious Moments Playhouse, Inc. day care at the subject property in July of 2003. On August 10, 2004, the Board of Supervisors approved a new Special Use Permit (SUP-18-04) which provided for an expansion of the operation to accommodate the care of up to thirty children at the facility. One of the conditions of approval of this SUP was that it would require renewal every thirty-six months, in keeping with the *Child Day Care*

Centers Located in the Interior of Residential Neighborhoods policy adopted by the Planning Commission's Policy Committee on June 22, 2001. This SUP application is for a renewal of the existing SUP, in accordance with this condition.

The current operation provides care for up to thirty children, (no more than nine of which may be under 2½ years old), and is staffed by four full-time adult employees. The hours of operation are from 7:00AM to 6:00PM, Monday through Friday. The applicant seeks only to renew the existing Special Use Permit approval, and does not wish to expand or amend the current operation in any fashion.

PUBLIC IMPACTS

Environmental Division

Staff Comments: Environmental staff has reviewed the application and has indicated that this proposed SUP renewal is approved by the Environmental Division with no comments or concerns. A Land Disturbing permit is not required.

Public Utilities

Staff Comments: This project lies inside the Primary Service Area (PSA), and is served with public water or sewer facilities by the James City Service Authority (JCSA). The JCSA has indicated that a condition to create a water conservation plan previously placed on this applicant (on SUP-18-04) will no longer be sought by JCSA and may be removed as a condition. The proposed SUP renewal is approved by JCSA with no further comments or concerns.

Transportation

VDOT Comments: The Virginia Department of Transportation had no concerns with the proposed SUP renewal. No traffic improvements were recommended or proposed by VDOT. VDOT noted only that a Land Use Permit would be required prior to performing any work in the State's Right-of-Way; no such work is proposed by the applicant at this time.

Staff Comments: Staff offers that, due to varying parental schedules, children will be picked-up and dropped off at varying times, thus helping to ease congestion in the morning and evening hours. Ms. Crump has noted previously that many of the children arrive together in carpools with their siblings, which also eases the traffic associated with the operation of the day care.

Virginia Department of Health (VDH)

Staff Comments: The VDH is responsible for monitoring food preparation and cleanliness standards at the day care facility. The VDH expressed no concerns with the continued operation of the facility, or with the renewal of the Special Use Permit.

Virginia Department of Social Services (DSS)

Staff Comments: The DSS is responsible for monitoring and licensing the day care facility. The DSS expressed no concerns with the continued operation of the facility, or with the renewal of the Special Use Permit. A copy of the current license for this day care facility is included as an attachment at the end of this Staff Report.

Land Use Map

Land Use Designation	<i>Low Density Residential (Page 120-121): "Low density areas are residential developments or land suitable for such developments with gross densities up to one dwelling unit per acre depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of dwelling units in the proposed development, and the degree to which the development is consistent with the Comprehensive Plan...Examples of acceptable land uses within this designation include single-family homes, duplexes, cluster housing, recreation areas, schools, churches, community oriented public facilities, and very limited commercial establishments."</i>
	Staff Comment: While a day care center is not identified as a desirable use in Low Density Residential areas, it has been in place at the subject property since 1980 without record of complaints or problems, and that it is relatively close to an Arterial Road, as recommended by the Comprehensive Plan.
Goals, strategies and actions	<i>Strategy #1 (Page 138): Promote the use of land in a manner harmonious with other land uses and the environment.</i>
	Staff Comment: The proposed use has not adversely affected adjacent properties. A day care facility provides a needed community service, and operations at this location have been a part of the subject community for nearly twenty- seven years.

RECOMMENDATION

Planning Staff finds that this proposal creates no new significant burdens on neighboring properties or uses. The proposal seeks only to continue an existing use which has been in operation since 1980 without recorded complaints or problems. Staff recommends that the Planning Commission recommend approval of this application, with the conditions listed below, to the Board of Supervisors.

1. **Day Care Capacity:** No more than thirty children shall be cared for at the child day care facility.
2. **Hours of Operation:** Hours of operation shall be limited from 7:00AM to 6:00PM, Monday through Friday.
3. **Validity of Special Use Permit:** This Special Use Permit (SUP) shall be valid for a period of thirty-six months from the date of approval during which the day care owner shall maintain (and renew or obtain as necessary) all needed County and State permits to operate the day care facility.
4. **Signage:** No additional signage shall be permitted which relates to the use of the property as a child day care facility.
5. **Lighting:** No additional exterior lighting shall be permitted which relates to the use of the property as a child day care facility.
6. **Food Preparation:** No commercial food preparation or laundry services shall be provided as part of the operation of the child day care facility. For purposes of this condition, "commercial food preparation or laundry services" shall be defined as meaning any food preparation or laundry services provided at the facility that are not directly related to, and intended to serve the needs of, the children being cared for and/or the day care center staff."
7. **Severance Clause:** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

David W. German, Planner

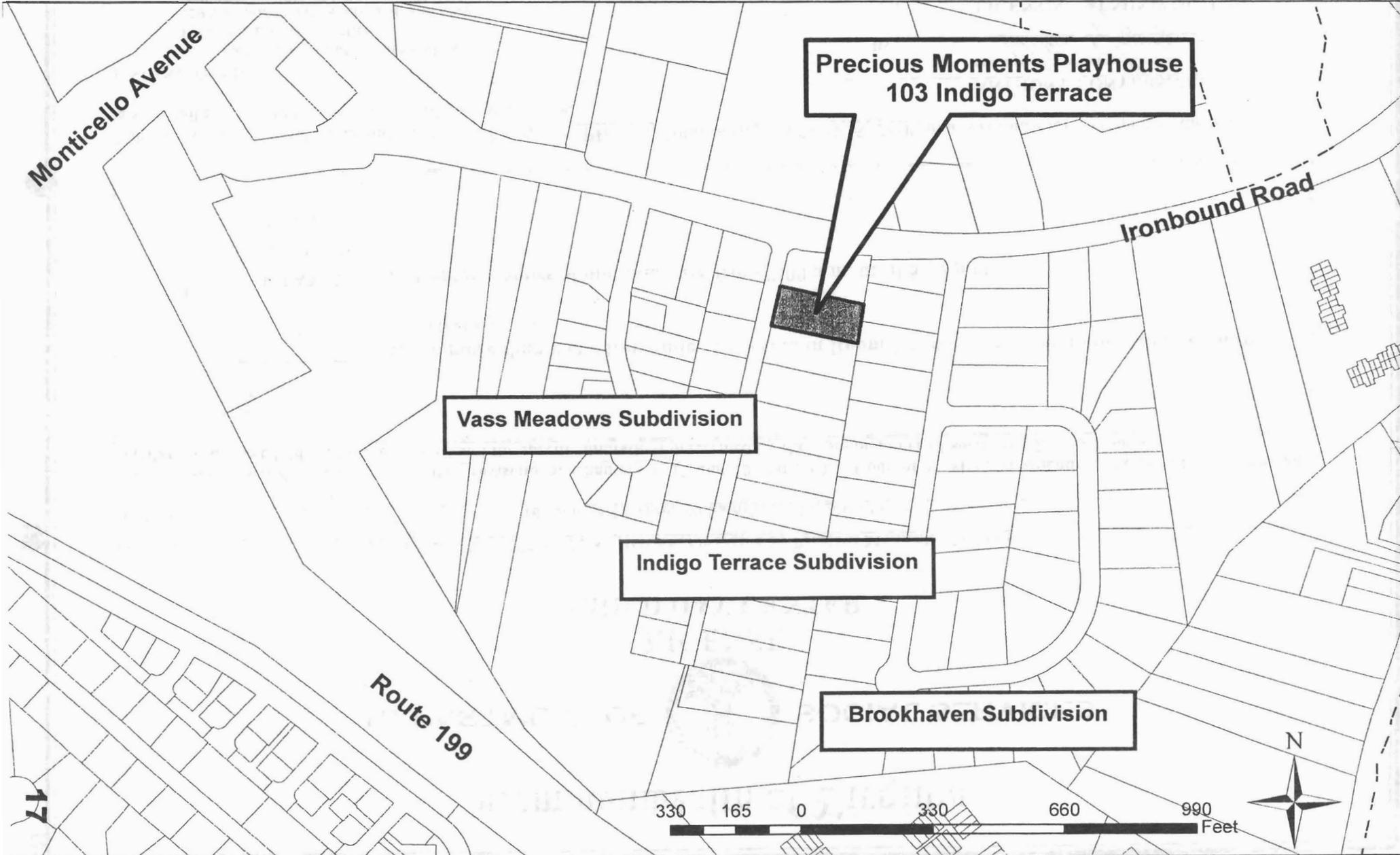
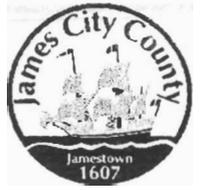
ATTACHMENTS:

1. Location Map

2. Copy of Current Day Care Center License
3. Copy of *Child Day Care Centers Located in the Interior of Residential Neighborhoods* policy adopted by the James City County Planning Commission's Policy Committee on June 22, 2001.

JCC-SUP-0015-2007

Precious Moments Playhouse SUP Renewal



Commonwealth of Virginia

DEPARTMENT OF



SOCIAL SERVICES

LICENSE CHILD DAY CENTER

Issued to PRECIOUS MOMENTS PLAYHOUSE, Operated by Precious Moments Playhouse, Ltd.

Address 103 Indigo Terrace, Williamsburg, Virginia 23188

This license is issued in accordance with provisions of Chapters 1, 17 and 18, Title 63.2, Code of Virginia as amended, the established rules and regulations of the Child Day-Care Council and the specific limitations prescribed by the Commissioner of Social Services as follows:

Capacity 30		<ol style="list-style-type: none">1. No more than 9 children under 2 ½ years in Room 3 and 4 with an exit door directly to the exterior.2. Center's hours of operation are from 7:00 a.m. until 5:00 p.m.
Sex M/F	Age INFANCY THROUGH 5 YEARS	

This license is not transferable and will be in effect from APRIL 6, 2006 through APRIL 5, 2008 unless revoked for violations of the provisions of law, or failure to comply with the limitations stated above.

ISSUING OFFICE:

Virginia Department of Social Services
Peninsula Licensing Office
729 Thimble Shoals Boulevard, Suite 6-B
Newport News, Virginia 23606
Telephone: (757) 594-7594

ANTHONY CONYERS, JR.

COMMISSIONER OF SOCIAL SERVICES

By: *William Spitzer*

Title: LICENSING ADMINISTRATOR

Date: May 23, 2006

PLO-06-076
License Number

James City County Planning Commission's Policy Committee
Child Day Care Centers Located in the Interior of Residential Neighborhoods
June 22, 2001

Policy Committee Recommendation for Child Day Care Centers Located in the Interior of Residential Neighborhoods:

1. If planning staff determines there are significant impacts on a neighborhood as a result of a child day care center, staff shall recommend denial of any child day care center located on a residential lot in the interior of a subdivision.
2. The Policy Committee recommends that the current threshold for requiring a special use permit for a child day care center shall remain as is (more than 5 children requires a special use permit), and each application will continue to be reviewed on a case by case basis. This threshold is based upon state licensing requirements, building permit requirements, land use impacts and home occupations limitations, and the Policy Committee finds that this threshold is appropriate for Commission and Board review.
3. ~~Should the Planning Commission and Board of Supervisors choose to recommend approval of a special use permit application for a child day care center located on a residential lot in the interior of a subdivision, the Policy Committee recommends adding the following conditions:~~
 - there shall be a **three-year time limit** in order to monitor the impacts of the day care center;
 - no signage shall be permitted on the property;
 - no additional exterior lighting shall be permitted on the property, other than lighting typically used at a single-family residence.

**SPECIAL USE PERMIT- 14-07. Anderson's Corner Animal Care Facility.
Staff Report for the June 6, 2007 Planning Commission Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

Building F Board Room; County Government Complex

Planning Commission: June 6, 2007 7:00 p.m.
Board of Supervisors: July 10, 2007 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Matthew G. Burton

Land Owner: ACAH, LLC

Proposal: The applicant has applied for a special use permit (SUP) to allow for the construction of a veterinary hospital and kennel facility. This application proposes a facility approximately 12,000 square feet in size. SUP-17-06 was approved in July 2006 for a similar facility of no more than 6,200 square feet.

Location: 8391 Richmond Road

Tax Map/Parcel Nos.: 1240100001

Parcel Size: 30.12 acres

Zoning: A-1, General Agriculture

Comprehensive Plan: General Industry

Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds the proposal generally consistent with the 2003 Comprehensive Plan as outlined in the staff report. Staff believes the attached conditions will adequately mitigate impacts from this development. Staff recommends that the Planning Commission recommend approval to the James City County Board of Supervisors of this application with the attached conditions.

Staff Contact: Kathryn Sipes

Phone: 253-6685

PROJECT DESCRIPTION

Mr. Matthew Burton has applied for an SUP to allow for the construction of a veterinary hospital and kennel facility at 8391 Richmond Road. A veterinary hospital and kennel are specially permitted uses in the A-1, General Agriculture, zoning district. The applicant is proposing to remove the existing residential structure, accessory buildings, and current driveway on the property, and redevelop the north end of the parcel with a single-story 12,000 square foot veterinary hospital with indoor kennel facilities, a fenced exercise rear yard, and 35 parking spaces.

A special use permit was approved for this property for a similar facility in July 2006; at that time the applicant proposed a facility not to exceed 6,200 square feet. The additional square feet can be attributed to

expanded boarding and kenneling services and office space. According to the applicant, as design of the facility evolved it became apparent the previous proposal underestimated the need for these functions. The applicant has indicated there will be a maximum of four doctors at the hospital with a maximum of 16 employees on the largest shift; this is unchanged from the previous special use permit.

The expansion of the building is the only proposed change from SUP-17-06, approved by the James City County Board of Supervisors on July 11, 2006. This results in a proposed development area of approximately 6 acres, double the development area of the previous special use permit. All previous SUP conditions are proposed to remain.

During the public hearing for the previous application there was discussion regarding existing mature trees on the site. No condition was added to address this issue. A site plan has been submitted to the County for this project, identifying eight mature trees to be preserved. These include a 36" and 40" Oak (visible from Route 60); a 46", 38" and 20" Pecan; a 20" Maple; a 9" Apple and a 9" Cedar. The proposed plan identifies thirteen trees to be removed. These include a 36" Oak, a 28" Pecan, a 16" Maple, a 12" Holly, an 8" Magnolia, a 10" and two 5" Dogwoods, and an 18", 14", 10" and two 8" Cedars.

The property fronts on Route 60 and is located across from the approved Villages of Whitehall development. Hickory Neck Church is located across Route 60 and approximately 900 feet east of the proposed veterinary hospital and kennel. Hickory Neck Church is an eighteenth century structure and on the National Register of Historic Places. Residential properties border the site to the north, east, and south, while the main line of the CSX railroad borders the property on the west. All of the bordering residential properties are designated General Industry by the Comprehensive Plan and are all zoned A-1, General Agriculture.

PUBLIC IMPACTS

Archaeology

Condition #2 is the standard Archaeological condition.

Environmental

Watershed: Diascund Creek

Staff Comments: Environmental Staff has reviewed the application and notes all issues cited as outstanding during the public hearing for the previous SUP remain at this time. These include: a site-specific perennial stream determination, delineation of slopes greater than 25% and soil suitability for the proposed infiltration type BMP. The proposed infiltration-type BMP relies on the infiltration capacity of on-site soils. During the site plan review, should the soils be found unsuitable for an infiltration-type BMP, alternative BMP types will need to be provided. Alternative BMP types will require an outfall in the nearest receiving channel and will likely have to cross through environmentally sensitive areas, including possible RPA and steep slope impacts. Therefore, a Water Quality Impact Assessment and/or steep slope waiver may be necessary. Environmental Staff has offered one additional comment, encouraging the use of low-impact development principles and techniques to reduce and control impacts associated with increased stormwater runoff. Staff continues to believe the remaining issues can be resolved to meet environmental requirements during the site plan review and approval process.

Public Utilities

The site is served by public water and sewer.

Conditions:

Condition #5 is the standard water conservation condition.

Staff Comments: Animal waste from the outdoor fenced exercise yard shall not connect to the James City Service Authority (JCSA) system per JCSA regulations.

Transportation

The applicant has indicated that the proposed use will generate approximately 15 peak hour trips. There will be four doctors on staff with a maximum of 16 employees on the largest shift.

2005 Traffic Counts: Approximately 9,967 vehicles per day in this area of Richmond Road.

2026 Volume Projected: 24,000 vehicles per day.

Road Improvements: No road improvements are proposed.

VDOT Comments: Virginia Department of Transportation comments were not received for this application. However, VDOT staff reviewed the previous proposal and concurred with the trip generation data provided at that time and no changes are proposed. A standard entrance approved by VDOT will be required to provide access to the site from Route 60.

Staff Comments: The 2003 Comprehensive Plan states that Richmond Road’s role in inter-county travel will become more important as I-64 becomes more congested; therefore, a high degree of mobility should be maintained. Future commercial and residential development proposals along Richmond Road should concentrate in planned areas, and will require careful analysis to determine the impacts such developments would have on the surrounding road network. Minimizing the number of new signals and entrances and ensuring efficient signal placement and coordination will be crucial.

The two nearest existing crossovers to the project are located approximately 850 feet east on Route 60 and approximately 1,000 feet west on Route 60. The approved Master Plan for the Villages of White Hall indicates a crossover on Route 60 directly across from the property associated with this SUP application. Site plans submitted for both properties indicate the approved entrances are aligned as proposed. This area of Richmond Road is note in the watch category according to the 2003 Comprehensive Plan. Staff believes that this section of Route 60 does provide good mobility due to its divided nature and low number of intersections and driveways and believes this proposal supports this section of the Comprehensive Plan by being a low traffic-generator. Staff believes the proposed use will have a minimal impact on this section of Richmond Road. Staff may, during the site plan review, recommend adjusting the building site to allow single access should the remainder of the property be developed in the future.

COMPREHENSIVE PLAN

Land Use Map

Designation	<p><i>General Industry - Page 123:</i> Suitable for industrial uses which, because of their potential for creating dust, noise, odors, and other adverse environmental effects, require buffering from adjoining uses, particularly residential uses. General industrial uses usually require access to interstate and arterial highways, public water and sewer, adequate supply of electric power and other energy sources, access to a sufficient labor supply, and moderate to large sized sites with natural features such as soils, topography, and buffering suitable for intense development. Secondary uses may include office uses and a limited amount of commercial development generally intended to support the needs of employees and other persons associated with an industrial development.</p> <p>Staff Comment: The proposed use is less intense than the primary uses identified for General Industry designations. The Comprehensive Plan recognizes the importance of the rail service as a viable transportation mode and supports the continued maintenance of existing and potential industrial rail access to the County’s designated industrial sites. This parcel was designated General Industry due to its proximity to the CSX railroad on the west end of the property. As was noted in the staff report for the previous SUP, due to significant RPA buffers paralleling the railroad, direct access to the property from the railroad is not possible without encroaching into a RPA buffer. It continues to be the belief of staff and the Office of Economic Development that although this parcel is designated for General Industry, it would not be economically or environmentally practical to develop this parcel for industrial uses requiring rail access. Staff finds this site consistent with the secondary uses identified for this designation.</p>
Development Standards	<p><i>General Standard #1-Page 134:</i> Permit new development only where such developments are compatible with the character of adjoining uses and where the impacts of such new developments can be adequately addressed.</p> <p><i>General Standard #5 – Page 134-35:</i> Minimize the impact of development proposals on overall mobility, especially on major roads, by limiting access points and providing internal, on-site collector and local roads, side street access and joint entrances.</p> <p><i>Commercial and Industrial Land Use Standard #4 –Page 136:</i> Provide landscaped areas and</p>

	trees along public roads and property lines, and develop sites in a manner that retains or enhances the natural, wooded character of the County.
	Staff Comment: Staff believes the proposal is compatible with adjoining uses. The entrance to the approved veterinary clinic is aligned with the entrance to the approved White Hall development across Route 60 from the project property. Condition #7 provides enhanced landscaping in the CCC buffer.
Goals, strategies and actions	<p><i>Strategy #1 – Page 138:</i> Promote the use of land in a manner harmonious with other land uses and the environment.</p> <p><i>Strategy #2-Page 138:</i> Ensure development is compatible in scale, size, and location to surrounding existing and planned development. Protect uses of different intensities through buffers, access control, and other methods.</p> <p>Staff Comment: With appropriate architectural design, staff finds the proposed use to be consistent with the surrounding area. Staff further believes the location across Route 60 from the approved White Hall development maximizes access control.</p>

Community Character

General	<p><i>Richmond Road Community Character Corridor-Page 83-84:</i> 50 foot buffer requirement for commercial uses along this road. This also includes parking and other auto-related areas clearly as a secondary component of the streetscape. Providing enhanced landscaping, preservation of specimen trees and shrubs, berming, and other desirable design elements which complement and enhance the visual quality of the urban corridor.</p> <p>Staff Comment: A 50-foot setback and landscaped buffer was approved with the previous SUP and is proposed to remain with this proposal. An approved condition requires a minimum of 125 percent of the size required in the ordinance for landscaping in this buffer.</p>
Goals, strategies and actions	<p><i>Strategy #2 – Page 95:</i> Ensure that development is compatible in scale, size, and location to surrounding existing and planned development.</p> <p><i>Strategy #3 – Page 95:</i> Ensure that development along CCC areas protects the natural views of the area, promotes the historic, rural, or unique character of the area, maintains greenbelt networks and establishes entrance corridors that enhance the experience of residents and visitors.</p> <p><i>Strategy #6 - Page 95:</i> Ensure that all new development blends carefully with the topography and surrounding vegetation, preserving unique formations, greenery, and scenic views.</p> <p><i>Action #11-Page 96:</i> Continue to require underground utilities in all new developments.</p> <p><i>Action #24(g) – Page 98:</i> Encourage development to occur in a manner that does not require changing the character of roads that enhance the small town, rural, and natural character of the County.</p> <p>Staff Comment: Staff finds the proposed expanded single-story structure with an extensively landscaped CCC buffer will be compatible with the surrounding existing structures on Route 60 and protect the view from Route 60 onto the property. Staff also finds the preservation of several large trees visible from Route 60 protects natural and scenic views. The site plan will require that all new utilities be placed underground, and the trips generated from this expansion are not projected to increase from the approved SUP.</p>

Staff believes the proposed use, with the attached conditions, is generally consistent with the secondary uses for land designated General Industry in the Comprehensive Plan. The property associated with this application is located on the northern edge of the General Industry land use designation and the adjacent properties are residential dwellings, which are neither primary nor secondary uses for land designated as General Industry. Considering the entire area designated General Industry, which include the 157 acre Hankins Industrial Park and the 7 acre Toano Business Center, the proposed use constitutes only a small portion of the industrially designated area. The proposed use also helps retain the transportation objectives of the Comprehensive Plan. Staff believes that given the surrounding uses and land use designations, the proposed veterinary hospital will not have any adverse impacts on the surrounding properties.

RECOMMENDATION

Staff finds the proposal generally consistent with the 2003 Comprehensive Plan as outlined in the staff report.

Staff believes the attached conditions will adequately mitigate impacts from this development. Staff recommends that the Planning Commission recommend approval to the James City County Board of Supervisors of this application with the following conditions:

1. This Special Use Permit shall be valid for a 12,500 square-foot veterinary hospital and kennel facility. Development of the site shall be generally in accordance with the submitted master plan as determined by the Development Review Committee of the James City County Planning Commission. Minor changes may be permitted by the DRC, as long as they do not change the basic concept or character of the development.

2. A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon.

3. Prior to final site plan approval, architectural elevations, building materials and colors shall be submitted to the Director of Planning for review and approval for compatibility with Hickory Neck Church and the Village of Toano in terms of design, scale, materials, and colors.

4. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 15 feet in height and/or other structures and shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare defined as 0.1 footcandle or higher shall extend outside the property lines.

5. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final development plan approval. The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought tolerant plants where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.

6. If construction has not commenced on this project within thirty-six (36) months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.

7. A landscaping plan shall be approved by the Director of Planning prior to final site plan approval for this project. The landscaping plan shall include enhanced landscaping within the fifty-foot Community Character Corridor buffer along Richmond Road so that the required size of plants and trees equals, at a

minimum, 125 percent of the landscaping otherwise required in Chapter 24, Article II, Division 4 of the James City County Code. A minimum of fifty percent of the plantings within the Community Character Corridor buffer shall be evergreen.

8. Only one entrance shall be allowed onto Route 60.

9. All parking shall be located either behind the proposed building or to the side, behind the front building face line with a 42 inch non-chain link vinyl or wood fence.

10. The BMP shall be designed to enhance the removal of coliform bacteria in addition to the standard water quality provisions in accordance with the Powhatan Creek Stormwater Master Plan, pages 69 to 71.

11. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

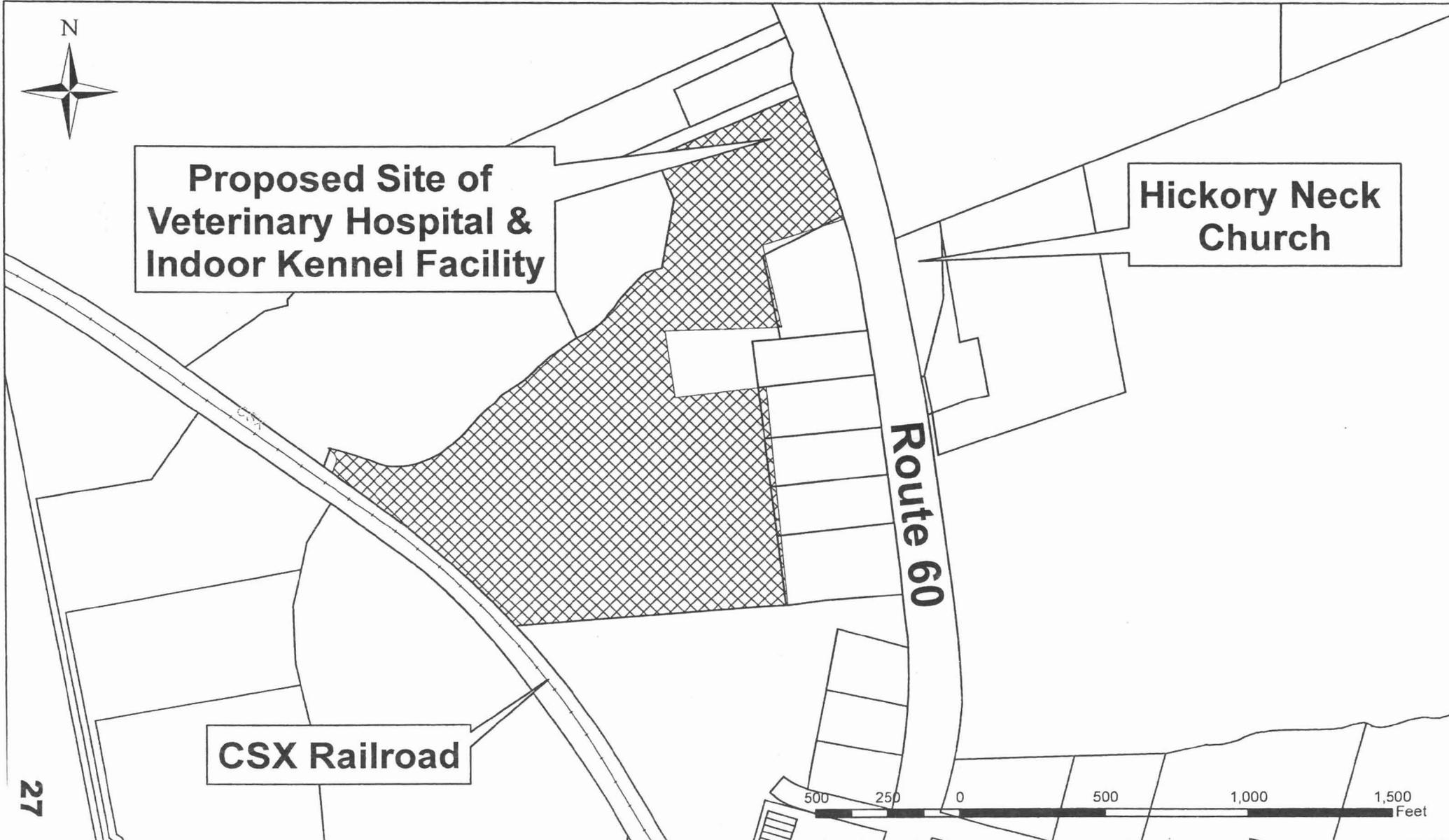
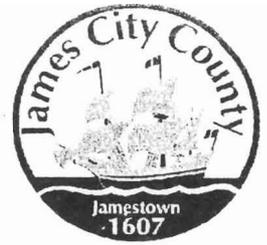
Kathryn Sipes

ATTACHMENTS:

1. Location Map
2. Master Plan (under separate cover)

SUP-14-07

Anderson's Corner Animal Care



REZONING-0003-2007 3435 Old Stage Road

Staff Report for the June 6th, 2007 Planning Commission Public Hearing

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS 7:00 p.m.; Building F Board Room; County Government Complex

Planning Commission: June 6, 2007 7:00 PM

Board of Supervisors: July 10, 2007 7:00 PM (tentative)

SUMMARY FACTS

Applicant: Mr. Todd Koob

Land Owner: Mr. Todd Koob

Proposal: Applicant is requesting to change the zoning on his property from B-1 General Business to R-1 Limited Residential.

Location: 3435 Old Stage Road

Tax Map/Parcel: 1220100011A

Parcel Size: 1.23 Acres

Existing Zoning: B-1, General Business

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds the proposal to be generally consistent with the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. Staff recommends the Planning Commission recommend approval of the rezoning application.

Staff Contact: Luke Vinciguerra, Planner

Phone: 253-6685

Proffers: Proffers have not been offered. This is discussed later in this report.

PROJECT DESCRIPTION

Mr. Todd Koob is requesting a rezoning of his currently vacant property from General Business (B-1) to Limited Residential (R-1) to build up to two single family detached housing units on the parcel. The parcels in this area of Old Stage Road are zoned General Business but many have single family detached houses on them. The area is designated low density residential on the Comprehensive Plan and the current conditions on the ground reflect the designation, though the current zoning doesn't support it. Single family detached housing is not a permitted use in B-1. The adjacent parcel to the right of Mr. Koob's property was rezoned to R-1 in May.

Surrounding Zoning and Development

Staff notes that many properties in this section of Old Stage Road are zoned B-1 and are currently being used for Single Family detached homes and that the current zoning may be inappropriate. Staff has contacted the residents of the B-1 strip on Old Stage Road to see if other residents were interested in rezoning as well. Mr. Koob is the second property owner to file for a rezoning on the B-1 strip. Others have shown interest but have yet to apply. The property behind Mr. Koob's lot is a portion of Whitehall (zoned R-2). The property is subject to a binding master plan and would not be affected by the rezoning.

PUBLIC IMPACTS

Environmental

Watershed: Ware Creek

Staff Comments: The Environmental Division has no comments at this time.

Public Utilities

Even though the lot is inside the PSA, public water and sewer service are not currently available. From the Health Departments perspective, the property can support a septic system which is adequate to serve a single three bedroom house.

Staff Comments:

The applicant has told staff that he has an agreement with White Hall to provide water and sewer to the property. Until these utilities are available the Virginia Health Department will regulate the well and septic field on this site.

Transportation

VDOT has not yet commented on the application, however changes to the current traffic counts will be negligible. The ITE Trip Generation Manual average rate for single family detached housing is 9.57 trips per day. Traffic counts on the section of Old Stage Rd near the applicant's property are not available. Old Stage Rd is not on the 2026 Comprehensive Plan watch list nor is there any predicted need for future improvements. Many of the commercial uses permitted under the present zoning (B-1) would generate more traffic than the proposed use.

COMPREHENSIVE PLAN

Land Use Map

<p>Designation</p>	<p>Low Density Residential (Page 120): Low density areas are residential developments or land suitable for such developments with gross densities up to one dwelling unit per acre depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of dwellings in the proposed development, and the degree to which the development is consistent with the Comprehensive Plan. Residential development with gross density greater than one unit per acre and up to four units per acre may be considered only if it offers particular public benefits to the community.</p> <p>Staff Comment: Staff believes that the property meets the intent of Low Density Residential land use designation. While not recognized by the Comprehensive Plan, a public benefit of this proposal would be the restrictions associated with R-1. The R-1 zoning district would prohibit many of the more intense land uses associated with B-1. This would help insure that the character of the area would not be disturbed by businesses permitted in B-1.</p>
<p>Goals, strategies and actions</p>	<p><i>Strategy #1-Page 138:</i> Promote the use of land in a manner harmonious with other land uses and the environment.</p> <p>Staff Comment: Rezoning the property to limited residential would be consistent with the land uses of adjacent properties and would ensure adjoining residences are not negatively impacted by commercial development. The rezoning would also make the property consistent with the Comprehensive Plan Land Use Map which designates the area Low Density Residential.</p>
<p>Comprehensive Plan- Zoning Map Inconsistencies</p>	<p><i>Anderson’s Corner Area- Page 131:</i> The County recognizes this property’s zoning and Comprehensive Plan land use designations are inconsistent. The Comprehensive Plan also states reasons why the land use map is not changed to reflect the B-1 zoning and that the parcels involved are not appropriate for commercial use.</p> <p>Staff Comment: The Comprehensive Plan acknowledges the B-1 strip and its surrounding residential uses. The Anderson’s corner designation acknowledges businesses are not appropriate in this area but should they occur it recommends to “...mitigate the impacts of businesses that may relocate to this area through the SUP process.” Staff believes the intent of the Comprehensive Plan is to discourage uses that would impact nearby residences. The proposed rezoning would accomplish this, thereby contributing to a public goal. Therefore staff believes the rezoning is generally consistent with the Comprehensive Plan. The Comprehensive Plan also acknowledges there is a substantial amount of other residential uses in the surrounding area.</p>

Comprehensive Plan Staff Comments

Staff believes that this application, as proposed, is in general compliance with the Comprehensive Plan. One impact of rezoning this property to residential would be to require the adjacent B-1 property, if it were ever to be developed or redeveloped to accommodate a business use set forth in B-1, to comply with a 50 foot side yard setback from the Koob property instead of the currently required 20 feet, as it would now abut a residential district. The adjacent B-1 parcel has a single family house on it, which is a non conforming use. There are processes that deal with reduction of setbacks for business use and expansion of a nonconforming use that can address the setback issue. To modify a nonconforming structure (such as the single family house on the neighbor’s property) its status would have to be verified in writing and the Zoning Administrator would determine if there is the ability to rebuild or modify. Furthermore, if the neighbor were to start a business on their site, they would be required to construct a transitional screening buffer between the two land uses. The neighbor has been informed of the affects of the 50’ setbacks.

Mr. Koob has an agreement with White Hall to provide water and sewer to his property. If and when water and sewer become available, Mr. Koob would have the ability to subdivide his parcel into two lots since minimum lot sizes are smaller for properties with those amenities. Mr. Koob has expressed interest in subdividing his parcel creating two lots. The Comprehensive Plan designation of Low Density Residential recommends a density of one unit per acre and up to four units per acre if particular public benefits are offered.

Should Mr. Koob take advantage of water and sewer from White Hall, the density on this lot could become

higher than the base density recommendation of the Comprehensive Plan without providing certain public benefits. Even though staff understands that the final density of this parcel may become higher than what the Comprehensive Plan recommends as a base density, staff recommends approval of the rezoning. While this case does not provide the specific public benefits as outlined in the Comprehensive Plan to go above 1 dwelling unit per acre, it does provide other public and community benefits. The development impacts of uses permitted in R-1 are substantially less than those in its current zoning of B-1. Many by-right uses in B-1 may not fit with the residential character of this area. Reduced impacts are a benefit to the surrounding residential community and to the traveling public using Old Stage Rd. In addition, the proposed rezoning addresses a Comprehensive Plan/Zoning inconsistency.

The current cash proffer policy commonly used by the Board to guide its decisions in residential zoning applications is \$4,011.00 (2005 dollars) per Single Family Detached housing unit. As stated earlier, cash proffers have not been offered to offset public impacts. Given the public benefits and the very limited scope of this proposal staff is willing to recommend approval without cash proffers. Staff believes that the Board of Supervisors adopted cash proffer policy provides flexibility to determine the need for cash proffers as a case by case basis. The policy states that “The County will continue to consider any unique circumstances about a proposed development that may change the way that staff and the Board view the need for cash proffers for schools. Unique circumstances may include, but not limited to, a demonstrable effort to meet the objectives of the County’s Comprehensive Plan related to affordable housing.” The policy also states “proffering a set amount is in no way a requirement to obtaining a positive decision on a residential rezoning application.”

RECOMMENDATION

Staff finds the proposal to be generally consistent with the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. Staff recommends the Planning Commission recommend approval of the rezoning application and offer a recommendation to the Board whether the Commission believes cash proffers are warranted.

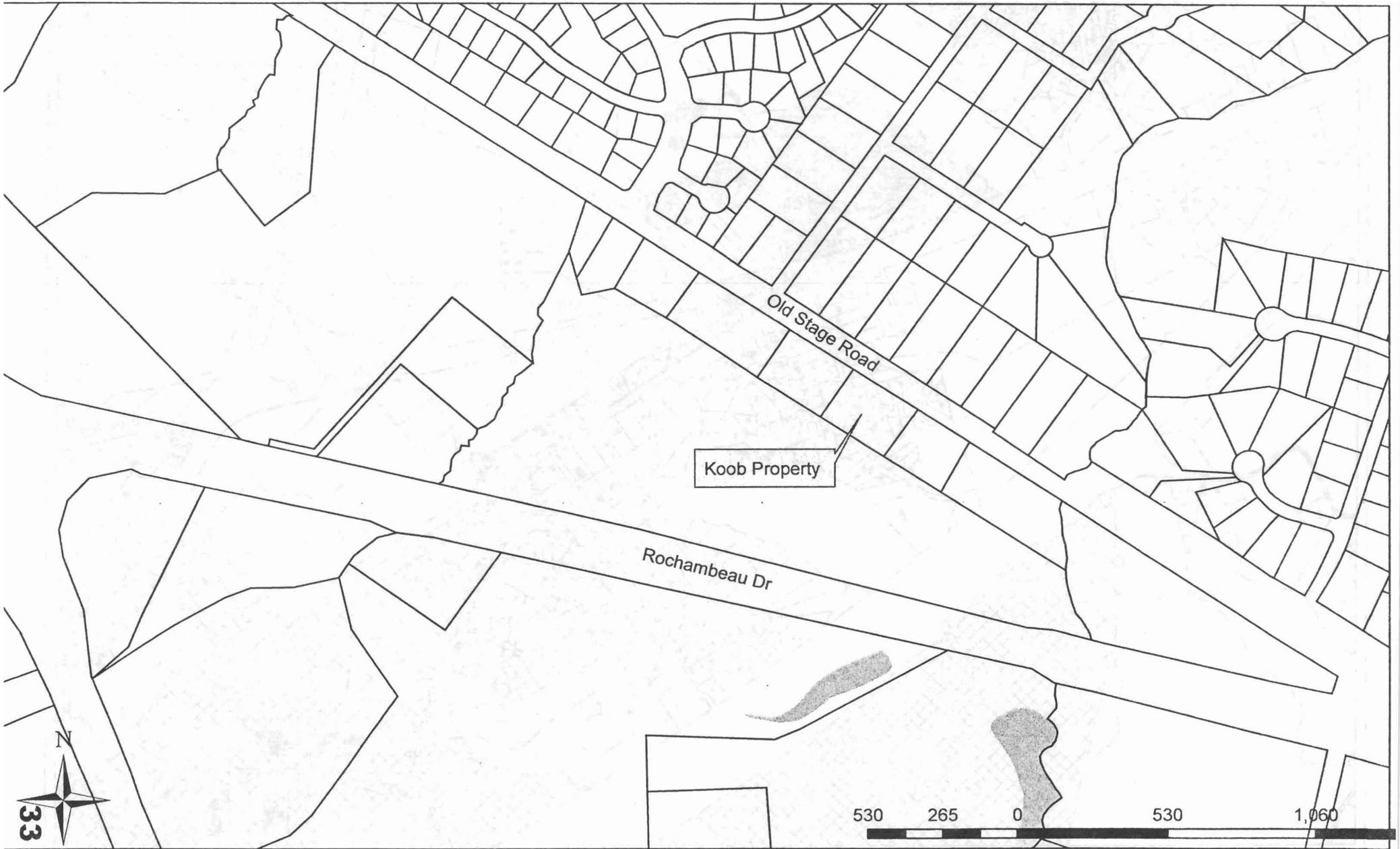
Luke Vinciguerra, Planner

ATTACHMENTS:

1. Location Map
2. Map of Setbacks
3. Zoning Map
4. Letter of understanding for the 50’ side setback
(The signed letter has not yet been received)

JCC-Z-3-07

Koob Rezoning



May 14, 2007

Michael & Pamela Ashley
24126 The Trail
Mattaponi VA 23110

RE: Z-3-07; 3435 Old Stage Road Rezoning

Dear Adjacent property owner:

Your Neighbor, Mr. Todd Koob, has applied to rezone a 1.23 acre parcel from B-1, General Business, to R-1, Limited Residential to build a home on the site. The property is located at 3435 Old Stage Road, and is further identified as JCC Tax Map # 1220100011A. The property is designated Low Density Residential on the Comprehensive Plan Land Use Map. Recommended uses on property designated for Low Density Residential include very limited commercial establishments, single family homes, duplexes, and cluster housing.

Should Mr. Koob's property be rezoned to R-1, your property's side setback (on his side only) would be changed from 20 feet to 50 feet as stated in Sec 24-394 of the Zoning Ordinance:

Sec. 24-394. Yard regulations.

- (a) Buildings shall be located 20 feet or more from side or rear property lines. However, the minimum side yard shall be 50 feet if the side yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum rear yard shall be 50 feet if the rear yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum side and rear yards shall be increased an additional one foot for each one foot of building height in excess of 35 feet.

Setback waivers are available as stated in section 24-395 in limited situations.

Furthermore, should you decide to use your property for a business (or any use requiring a site plan) transitional screening would be required between the two land uses as stated in Sec 24-98 of the Zoning Ordinance.

The Planning Commission of James City County, Virginia, will hold a public hearing on June 6 at 7:00 p.m. in the County Government Center Board Room, 101-F Mounts Bay Road, James City County, at which time you may speak on the above application. Please call Luke Vinciguerra at the JCC Planning Department at 253-6685 if you have any questions or concerns. Please sign and return the attached form which states you understand the affects of the rezoning and where and when you can object to Mr. Koob's rezoning proposal.

Regards,



Luke Vinciguerra
Planner

Planning staff has explained to me the ramifications of the proposed rezoning from General Business (B-1) to Limited Residential (R-1) and I understand the affects of the rezoning as it relates to my property. Furthermore, I understand the Planning Commission of James City County, Virginia, will hold a public hearing on June 6 at 7:00 p.m. in the County Government Center Board Room, 101-F Mounts Bay Road, James City County, where I may voice my concerns about the rezoning application. Should I not object in writing or in person at the public hearings associated with case Z-3-07 it shall be understood that I have no objection to the proposed rezoning and its affects on my property.

Property Owners signature

MEMORANDUM

DATE: June 6, 2007

TO: Planning Commission

FROM: Jason Purse, Planner
Leanne Reidenbach, Planner

SUBJECT: ZO-4-07 Ordinance Amendment for Public Land District

Based on direction from County Administration and their discussions with members of the Board of Supervisors, Planning Division staff has drafted an Ordinance to create a Public Land District. The purpose of this District is to establish a special classification for all significant publicly owned land which is used for a public purpose. Currently, publicly owned parcels are spread throughout all of the established Zoning Districts as either permitted or specially permitted uses.

A Public Land District will make the Zoning Ordinance more consistent with the Comprehensive Plan and more clearly identify on the Zoning Map the intended uses for a property. With the creation of a specific District for these parcels, the County can facilitate full utilization of the property for the public benefit. Because the current zoning of most public use sites also allows a wider range of uses, a Public Land District can also permit the greatest certainty regarding the character of potential uses of those parcels based on the Comprehensive Plan and surrounding land uses.

Currently, the majority of the public use parcels are designated either *Federal, State, County Land or Park, Public or Semi-public Open Space* on the 2003 Comprehensive Plan Land Use Map. These designations are not intended to include parcels anticipated for commercial or residential development but are rather meant to be utilized for the development of parks, schools, government facilities and institutions, and other uses which fulfill the needs of the general public. Currently, $\frac{3}{4}$ of existing public use sites fall into zoning districts that are commercial or residential in nature, and thus not necessarily consistent with their aforementioned Comprehensive Plan designations. Having a Public Land District will provide the County with the ability to create appropriate assimilation between residential and commercial uses and the public uses that accompany those areas. Permitted and specially permitted uses, setbacks, and buffer requirements are typically tailored to meet the needs of the residential and commercial Districts in which they are located. The Public Land District will allow for the better integration of public uses based on their size, scale, and impacts.

If a Public Land District is created all publicly owned land of a size and use which could have notable impacts to adjacent properties will need to be rezoned to come into compliance with the Ordinance. If the Ordinance is approved, this will mean that a Board initiated rezoning of all relevant parcels will need to take place shortly after its adoption. If a parcel is no longer publicly owned or used for a public purpose it must be rezoned before other private uses are allowed, providing opportunity to more carefully review proposed changes.

All existing uses will remain in the other Districts, but public uses will only be permitted in the Public Land District. For instance, private schools, libraries, and community recreation facilities will still be listed and permitted in the other Districts as they currently stand as long as they are privately owned and operated.

At their meeting on May 22, 2007 the Policy Committee voted 4-0 to recommend approval of this Ordinance, subject to conversations with the County Attorney. As of the writing of this staff report, these conversations are ongoing.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of this Ordinance to the Board of Supervisors.

Attachments:

1. Draft Ordinance
2. Unapproved minutes from the Policy Committee meeting on 5/8/2007
3. Unapproved minutes from the Policy Committee meeting on 5/22/2007

Chapter 24
ARTICLE V. DISTRICTS
DIVISION 16. PUBLIC LAND DISTRICT, PL

Sec. 24-535.1. Statement of intent.

The purpose of this district is to establish a special classification for certain parcels of publicly owned property which are used for a public purpose. It is intended to identify significant publicly owned parcels in order to facilitate full utilization of the property for the public benefit and to permit the greatest certainty regarding the character of potential uses of those parcels based on the Comprehensive Plan and surrounding land uses. In order to operate in harmony with this plan, the Public Land District should include publicly owned land of a size and use which could have notable impacts to adjacent properties. The District is generally not intended to include publicly owned parcels with limited public impacts including, but not limited to, pump stations, well lots, land intended for economic development and other lands not meant for a public purpose, and certain residential and commercial accessory uses.

Sec. 24-535.2. Permitted uses.

In the Public Land District, PL, structures to be erected or land to be used shall be for the following public uses:

Accessory buildings and structures.

Accessory uses, as defined in section 24-2 and including privately owned uses that are either limited to a fully enclosed building and encompassing less than 25% of the floor area of the public use or are a free-standing building or area covering less than 10% of the overall land area.

Communication towers and tower mounted wireless communication facilities, up to a height of 35 feet.

General Agriculture, dairying, forestry, general farming and specialized farming, excluding the raising of hogs, but not commercial livestock or poultry operations which require a special use permit in the General Agricultural District, A-1.

Governmental or non-profit offices under 30,000 square feet.

Neighborhood Resource Centers.

Non-profit medical clinics or offices under 30,000 square feet.

Off-street parking as required by section 24-53.

Petroleum storage on a farm as an accessory use and not for resale.

Preserves and conservation areas for protection of natural features and wildlife.

Public meeting halls under 30,000 square feet.

Rest homes for fewer than 15 adults.

Storage and repair of heavy equipment as accessory use to a farm.

Timbering in accordance with section 24-43.

Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.

Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.

Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.

Sec. 24-535.3. Uses permitted by special use permit only.

In the Public Land District, PL, structures to be erected or land to be used for the following public uses shall be permitted only after the issuance of a special use permit approved by the board of supervisors in accordance with the procedures, guides and standards of sections 24-9 and 24-10 and such other guides and standards as may be contained in this chapter:

Adult day care centers.

Airports and landing fields, helistops or heliports and accessory uses.

Campgrounds.

Cemeteries and memorial gardens, not accessory to a church or other place of worship.

Communication towers over 35 feet in height.

Community recreation facilities, public, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts, and other similar recreation facilities.

Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.

Farmers markets, temporary or seasonal.

Fire stations or rescue squad stations, volunteer or otherwise.

Flea markets, temporary or seasonal.

Golf courses and country clubs.

Governmental institutions.

Governmental or non-profit offices over 30,000 square feet.

Horse show areas, polo fields.

Hospitals.

Marinas, docks, and waterfront recreation facilities.

Mental Health Facilities.

Non-profit medical clinics or offices over 30,000 square feet.

Nursing homes and facilities for the residence and/or care of the aged.

Post offices.

Public meeting halls over 30,000 square feet.

Publicly owned operational centers including equipment storage/warehouses.

Radio and television stations or towers.

Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines, which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways, and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a special use permit.

Rest homes for 15 or more adults.

Retreat facilities.

Riding stables.

Sanitary landfills in accordance with section 24-40, waste disposal or publicly owned solid waste container sites.

Schools, libraries, museums and similar institutions.

Solid waste transfer stations.

Telephone exchanges and telephone switching stations.

Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 feet in height.

Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.

Utility substations.

Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:

- (a) private connections to existing mains that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;
- (b) distribution lines and local facilities within a development, including pump stations.

Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.

Wayside stands for sale of agricultural products over 500 square feet in area.

Yacht clubs and marinas and commercial and service facilities accessory thereto.

Sec. 24-535.4. Area requirements.

Minimum lot size. The minimum lot size shall be one acre.

Sec. 24-535.5. Setback requirements.

Structures shall be located a minimum of 35 feet from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located a minimum of 60 feet from the centerline of the street. This shall be known as the "setback line," all subdivisions platted and recorded prior to March 1, 1969, with building setback lines shown on their recorded plat, shall be allowed to adhere to these established setback lines.

Sec. 24-535.6. Minimum lot width.

- (a) Lots of up to 43,560 square feet shall have a minimum width at the setback line of 100 feet.
- (b) Lots of 43,560 square feet or more shall have a minimum width at the setback line of 150 feet.

Sec. 24-535.7. Yard regulations.

(a) *Side.* The minimum side yard for each main structure shall be 15 feet. The minimum side yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum side yard of 15 feet.

(b) *Rear.* Each main structure shall have a rear yard of 35 feet or more. The minimum rear yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum rear yard of 15 feet.

Sec. 24-535.8. Special provisions for corner lots.

- (a) For corner lots, the front of the lot shall be the shorter of the two sides fronting on streets.
- (b) No structures shall be located closer than 35 feet to the side street.
- (c) Each corner lot shall have a minimum width at the setback line of 125 feet or more.

Sec. 24-535.9. Special provisions for the modification of area, setback, lot width, or yard requirements.

(a) *Modifications; criteria for determination.* Reduction of the width of the setbacks, area requirements, lot width, yard regulation, or corner lot provisions (secs. 24-535.4 through 24.535.8) for areas in a public land district may be approved upon finding that the proposed reduction, by substitution of technique or design, will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (Landscaping and Tree Preservation Requirements), shall not result in additional adverse impacts on adjacent properties or public areas, and will not result in detrimental impacts to the orderly development or character of the area, the environment, sound engineering or planning practice, or the goals, objectives, strategies and policies of the Comprehensive Plan. In no instance shall a modification be approved that is less restrictive than what is required by the adjacent zoning districts. In addition, a request for a modification must meet one or more of the following criteria:

- (1) The proposed modification is for the purpose of integrating proposed public land development with adjacent development;
- (2) The proposed modification substantially preserves, enhances, integrates and complements existing trees and topography;
- (3) The proposed modification is due to unusual size, topography, shape or location of the property, or other unusual conditions, excluding the proprietary interests of the developer.

(b) *Requests for modifications.* Requests for modifications from sec. 24-535.4 through 24-535.8 shall be filed in writing with the planning director and shall identify the reasons for such requests together with the proposed alternative. The planning director shall make a recommendation to the planning commission to approve, deny or conditionally approve the request and shall include a written statement certifying that one or more of the above criteria are met.

Sec. 24-535.10. Height limits.

Structures may be erected up to two stories and shall not exceed 35 feet in height from grade, except that:

- (1) The height limit for buildings may be increased to 60 feet, provided that the required front, rear and side yards shall be increased one foot for each foot in height above 35 feet.
- (2) Spires, belfries, cupolas, monuments, water towers, athletic field lighting, chimneys, flues, flagpoles, home television antennas, home radio aerials, silos and other structures normally associated with and accessory to farming operations and accessory and non accessory wireless communications facilities that utilize alternative mounting structures or are building mounted in accordance with division 6, Wireless Communications Facilities, may be erected to a total height of 60 feet from grade and camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade. Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for these structures to exceed 60 feet in height but not to exceed 100 feet, from grade to the top of the structure, and for wireless communications facilities that utilize alternative mounting structures or are building mounted to exceed 60 feet in height but not to exceed 120 feet in grade to the top of the structure, upon finding that:
 - a. Such structure will not obstruct light to adjacent property;
 - b. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
 - c. Such structure will not impair property values in the surrounding area;
 - d. Such structure is adequately designed and served from the standpoint of safety, and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and
 - e. Such structure will not be contrary to the public health, safety and general welfare.
- (3) No accessory building which is within 15 feet of any lot line shall be more than one story high. All accessory buildings shall be less than the main building in height; provided, however, the height of an accessory building may exceed the height of the main building if the grade of the lot is such that the elevation of the main building exceeds the elevation of the accessory building. The elevation of the main building and accessory building shall be measured from the level of the curb or the established curb grade opposite the middle of the main building. In no case shall an accessory building be more than 45 feet in height; except that silos, barns and other structures normally associated with and accessory to farming operations are controlled by subsection (3) above and may exceed the height of the main structure and may exceed 45 feet in height.
- (4) Communication towers permitted by a special use permit by the board of supervisors may be in excess of 35 feet in height.

Sec. 24-535.11. Sign regulations.

To assure an appearance and condition which is consistent with the purposes of the Public Land District, PL, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.

Sec. 24-535.12. BMP requirements.

To assure an appearance and condition which is consistent with the purpose of the Public Land District, PL, structural BMPs serving the properties within the district shall comply with the landscaping regulations in article II, division 4 of this chapter.

Secs. 24-536 - 24-537. Reserved.

POLICY COMMITTEE MEETING
Public Land District Presentation
May 8, 2006 1:00PM, Building A Large Conference Room

A. Roll Call

PRESENT:

Mr. Jack Fraley
Mr. Richard Krapf
Mr. Tony Obadal
Ms. Mary Jones
Mr. George Billups

OTHERS PRESENT:

Ms. Leanne Reidenbach, Planner
Mr. Jason Purse, Planner
Mr. Bill Porter, Assistant County Administrator
Ms. Ellen Cook, Senior Planner
Mr. John Horne, Development Manager
Ms. Terry Costello, Development Management Assistant
Mr. Adam Kinsman, Assistant County Attorney

B. New Business

Mr. Fraley called the meeting to order.

Mr. Purse went over the statement of intent of creating the new district. Mr. Kinsman added that essentially a new district will be created by this change but will not contain any land. Then the second part of the process will be to identify those parcels and have them rezoned. This will come as a group or part of a group to the Planning Commission and then the Board of Supervisors.

Mr. Obadal questioned where the language was drawn from. Mr. Purse stated that the language was taken from the language already in the Ordinance that applied to other districts. There were numerous meetings with various members of staff to determine what already existed in the County and was appropriate to include in this district. Mr. Obadal wanted to make sure that the language was consistent with language already in the Ordinance, and Mr. Purse assured him that it was.

Mr. Fraley questioned whether the Board of Supervisors would be more involved in approving special waiver provisions. On the same note Mr. Krapf questioned whether the County would have more latitude in approving special provisions. Mr. Fraley felt that some of the uses might seem more reasonable as permitted if some of the criteria for approval were performance based.

Mr. Fraley questioned some of the uses such as flea markets. Ms. Reidenbach stated that the committee reviewed current government facilities and based their findings on what was currently in the County. Mr. Billips made the point that the perception may be that the County is purchasing property for these intended uses. Staff reiterated that the County does not actively seek property for these uses. Mr. Porter also stated that currently the County does not rent their facilities to anything other than non-profit organizations. Mr. Kinsman stated that the committee had to list in the permitted uses and those requiring a Special Use Permit what already existed on County property and was anticipated to be included in the proposed district.

Mr. Fraley questioned the permitted use of wineries. Mr. Kinsman believed that state code mandated this but will check for further clarification.

Ms. Jones felt that the list of permitted uses should be very minimal and that most uses should be listed as specially permitted unless they were clearly public uses.

Ms. Jones stated she felt uncomfortable with the uses riding stables and general agriculture. Committee members also expressed a desire to limit medical clinics to non-profit governmental entities.

Mr. Obadal questioned what would happen if the County sold land. Staff stated that the purchaser would buy it with the zoning designated for public use. The purchaser would have to go through the rezoning process to change. The parcel would also be designated as State, County, and Federal Land in the Comprehensive Plan.

Mr. Obadal listed items he wanted to see addressed, including the addition of non-profit and institutional uses (such as churches), limitations on permitted uses to make them clearly government related, re-examination of specially permitted uses, and incorporation of a waiver request based on new statutes.

Mr. Fraley also added a desire to see the incorporation of performance standards and further limits on the use list to include fewer potential uses.

Mr. Kinsman would like the Policy Committee members to review the permitted uses and those requiring Special Use Permits and report back to staff.

It was also noted that the Board of Supervisors initiated this request to create a new district and has given direction to staff and the Planning Commission to undertake this project.

The meeting was adjourned at 2:35 pm.

Jack Fraley
Chairman

POLICY COMMITTEE MEETING

Public Land District Presentation

May 22, 2006 3:00PM, Building A Large Conference Room

A. Roll Call

PRESENT:

Mr. Jack Fraley
Mr. Richard Krapf
Mr. Tony Obadal
Ms. Mary Jones

OTHERS PRESENT:

Ms. Leanne Reidenbach, Planner
Mr. Jason Purse, Planner
Ms. Ellen Cook, Senior Planner
Ms. Terry Costello, Development Management Assistant

B. Old Business

Mr. Fraley called the meeting to order.

Mr. Purse went through the changes that were made to the Public Land District Ordinance. There were some grammatical changes as well as some clarifications on medical clinics and institutions.

Ms. Jones expressed an interest in including parking lot expansions in the list of specially permitted uses. A discussion of the circumstances a parking lot would be required to be reviewed by the DRC or Planning Commission followed.

The committee agreed they were comfortable with the use list and ordinance as provided.

The list of properties that may or may not be included in the district was discussed. Ms. Reidenbach reiterated that the intent was not to include all properties listed in the District. Mr. Purse stated that the first criteria for determination will be the size of the property. The zoning classification of small parcels such lift station or well location are not intended to be rezoned.

Mr. Fraley questioned whether all federal land would be included in the District such as Camp Perry. Mr. Obadal also questioned whether a military base fits the criteria of public use. Mr. Purse stated that although the use of a military base is restrictive it would be added to the District for consistency purposes.

Mr. Fraley felt the Policy Committee should review the list after staff has reviewed what properties they felt should be included. Mr. Obadal felt the ordinance phase should

simultaneously coincide with the inventory of uses.

Mr. Fraley questioned what would happen if the Planning Commission does not want to rezone a certain parcel to governmental use. Ms. Reidenbach stated that to make it legally defensible it is important to have a standard baseline. Ms. Cook also clarified by stating that during the Comprehensive Plan update a land designation may be changed.

Mr. Fraley believed that the Policy Committee should not only look at current uses of the property but also consider future uses. Mr. Obadal felt that it might be unlawful if a private entity were to buy government land and then be restricted as to its use. Mr. Purse reiterated that the County Attorney's office has been consulted on all these issues. Staff also clarified that a private owner should not have the expectation to develop a parcel designated and zoned for public use. Mr. Obadal is to contact the County Attorney's office to verify.

A motion was made by Mr. Krapf to accept the ordinance as written subject to clarification from County Attorney's office, Ms. Jones seconded it. Staff will develop a list of properties to add, and also noted that this will be done in groups of similarly zoned parcels.

Mr. Krapf made a motion to adjourn, and Ms. Jones seconded it.

The meeting was adjourned at 3:50 pm.

Jack Fraley
Chairman

PLANNING DIRECTOR'S REPORT
June 2007

This report summarizes the status of selected Planning Division activities during the last 30 days.

- Rural Lands Study. Staff has been working with the consultant to translate the narrative ordinance into specific ordinance language for the Planning Commission's and Board of Supervisor's consideration later this year. Staff reviewed a draft ordinance and is working on revisions for the consultant to incorporate into a second draft.
- New Town. The Design Review Board reviewed seven cases in May. Four were for signage. The other cases included lighting for Langley Federal Credit Union, a conceptual layout for BMP 53 behind Towne Bank, and the site layout and architectural elevations for the DRC retail portion of Settler's Market.
- Better Site Design. The Better Site Design Implementation Committee had their last meeting on May 1. The Committee will be forwarding final items to the Committee Chair in the coming weeks. The Committee has discussed sending the final document to the Planning Commission and Board as a reading file item, with possibly other meetings or presentations to follow.
- Direct Discharge Septic Systems. Staff has been working with the Health Department, a private maintenance provider, and the County Attorney's office to develop performance standards to address concerns expressed by the Policy Committee. Another meeting will be held this month to discuss more specific potential conditions, expectations, and a recommendation for proceeding with the proposal.
- Public Land District. Based on direction from County Administration and their discussions with members of the Board of Supervisors, Planning Division staff has drafted an Ordinance to create a Public Land District. If a Public Land District is created all publicly owned land of a size and use which could have notable impacts to adjacent properties will need to be rezoned to come into compliance with the Ordinance; this process would start shortly after the Ordinance was approved.

At their meeting on May 22, 2007 the Policy Committee voted 4-0 to recommend approval of this Ordinance, subject to conversations with the County Attorney. As of the writing of this report, these conversations are ongoing.

- Historic Triangle Corridor Enhancement. Phase 2 of the Jamestown Rd Corridor Enhancement program has about 8 businesses applying for grants: Shirley Pewter, Chichahominy House, Guild House, Berkley cleaners, 7-11, White Hall restaurant, Mr. Barra, and the gas station have all sought grants. In addition Staff has met with Mike Suttle, owner of Colony Square Shopping center.
- Planning Commission Training. Commissioners Tony Obadal, George Billups and Richard Krapf attending training sponsored by the Citizens Planning Education Association of Virginia on May 7. The topic was entitled "Planning and Zoning Legal Seminar."
- Board of Supervisors/Planning Commission Work Session. The annual Board/Commission work session is scheduled for Wednesday, July 24 at 4:00 p.m.

- Board Action Results May 8.

1. Temporary Classroom Trailers (continued from April 24, 2007) (Adopted 4-1, Harrison - No)
 - a. SUP-06-07. Lafayette High School Temporary Classroom Trailers
 - b. SUP-07-07. Jamestown High School Temporary Classroom Trailers
 - c. SUP-08-07. D. J. Montague Elementary School Temporary Classroom Trailers
 - d. SUP-09-07. Clara Byrd Baker Elementary School Temporary Classroom Trailer
 - e. SUP-10-07. Rawls Byrd Elementary School Temporary Classroom Trailer
 - f. SUP-11-07. Stonehouse Elementary School Temporary Classroom Trailers
2. Case No. Z-8-06/SUP-36-06/MP-9-06. Williamsburg Pottery Factory (Adopted 5-0)
3. Case No. Z-1-07. Sheldon Rezoning (Adopted 5-0)
4. Case No. AFD-2-86-2. Croaker Agricultural and Forestal District - Ballard Addition (Adopted 5-0)
5. ZO-1-07. Mixed Use District Amendment (Deferred to May 22, 2007)

O. Marvin Sowers, Jr.