AGENDA
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
March 14, 2017
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Campbell Daniel, a 2nd grade student at Clara Byrd Baker and a resident of the Jamestown District

E. PUBLIC COMMENT

F. PRESENTATIONS

G. CONSENT CALENDAR

1. Proposed Street Name Changes - ‘Danderfield Court’ to ‘Dangerfield Court’ and ‘Pilgrams Circle’ to ‘Pilgrims Circle’
2. Hampton Roads Hazard Mitigation Plan Adoption
3. Dedication of the Streets in Phase1B, 2 and 3 of the Stonehouse Tract 12 Subdivision

H. PUBLIC HEARING(S)

1. LU-0002-2014, 8491 Richmond Road (Taylor Farm) Land Use Designation Change
2. SUP-0012-2016, Chickahominy Summerplace
3. SUP-0009-2016, 7206 Merrimac Trail Rental of Rooms

I. BOARD CONSIDERATION(S)

1. Virginia Department of Transportation Project No. UPC 100921 Longhill Road Widening, Phase 1 and UPC 108805 Olde Towne Road at Longhill Road Turn Lane - Establishment of an Underground Utility District

J. BOARD REQUESTS AND DIRECTIVES

K. REPORTS OF THE COUNTY ADMINISTRATOR

1. County Administrator's Report

L. CLOSED SESSION

1. Historical Commission Appointment
2. Appointment to the Community Action Agency Board of Directors

M. ADJOURNMENT

1. Adjourn until 9 a.m. on March 17, 2017 for the Joint Meeting with W-JCC School Board and Williamsburg City Council

AGENDA ITEM NO. D.1.

ITEM SUMMARY

DATE:	3/14/2017
TO:	The Board of Supervisors
FROM:	Teresa J. Fellows, Administrative Coordinator
SUBJECT:	Pledge Leader - Campbell Daniel, a 2nd grade student at Clara Byrd Baker and a resident of the Jamestown District

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REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	3/7/2017 - 10:08 AM

AGENDA ITEM NO. G.1.

ITEM SUMMARY

DATE: 3/14/2017

TO: The Board of Supervisors

FROM: Tori Haynes, Community Development Assistant

SUBJECT: Proposed Street Name Changes - ‘Danderfield Court’ to ‘Dangerfield Court’ and ‘Pilgrams Circle’ to ‘Pilgrims Circle’

ATTACHMENTS:

	Description	Type
🗋	Staff Memo	Cover Memo
🗋	Resolution	Resolution
🗋	Location Map	Backup Material
🗋	Letter of Request	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	2/24/2017 - 10:49 AM
Development Management	Holt, Paul	Approved	2/24/2017 - 10:50 AM
Publication Management	Burcham, Nan	Approved	2/24/2017 - 11:39 AM
Legal Review	Kinsman, Adam	Approved	2/24/2017 - 11:41 AM
Board Secretary	Fellows, Teresa	Approved	2/24/2017 - 2:25 PM
Board Secretary	Purse, Jason	Approved	3/7/2017 - 1:37 PM
Board Secretary	Fellows, Teresa	Approved	3/7/2017 - 1:52 PM

MEMORANDUM

DATE: March 14, 2017

TO: The Board of Supervisors

FROM: Tori Haynes, Community Development Assistant

SUBJECT: Proposed Street Name Changes - ‘Danderfield Court’ to ‘Dangerfield Court’ and ‘Pilgrams Circle’ to ‘Pilgrims Circle’

Mr. Edward Fiscella, representing Peleg’s Point Section Six, LLC, has requested that the Board of Supervisors rename ‘Danderfield Court’ and ‘Pilgrams Circle’ in Peleg’s Point Section Six subdivision to ‘Dangerfield Court’ and ‘Pilgrims Circle,’ respectively. The purpose of the request is to correct misspellings in the original street names. The proposed changes will affect the following parcels: 4741300147, 4741300148, 4741300149, 4741300186, 4741300187 and 4741300188. Section 19-54(b) of the James City County Subdivision Ordinance requires street name changes be reviewed and approved by the Board of Supervisors.

The Real Estate Assessments Division, Police Department, Fire Department and Williamsburg Post Office have approved the proposed street name changes. The Planning Division has not received any public objections.

Staff Recommendation:
Staff recommends approval of the attached resolution to rename ‘Danderfield Court’ to ‘Dangerfield Court’ and ‘Pilgrams Circle’ to ‘Pilgrims Circle.’

TH/nb
PropstNameCh-mem

Attachments:
1. Resolution
2. Location Map
3. Letter of Request

R E S O L U T I O N

PROPOSED STREET NAME CHANGES –

‘DANDERFIELD COURT’ TO ‘DANGERFIELD COURT’ AND

‘PILGRAMS CIRCLE’ TO ‘PILGRIMS CIRCLE’

WHEREAS, an application has been received requesting that the Board of Supervisors change the names of ‘Danderfield Court’ to ‘Dangerfield Court’ and ‘Pilgrams Circle’ to ‘Pilgrims Circle’; and

WHEREAS, Section 19-54(b) of the James City County Subdivision Ordinance provides for street names to be changed upon approval by the Board of Supervisors; and

WHEREAS, the proposed street name changes have been reviewed with the Real Estate Assessments Division, Police Department, Fire Department, Williamsburg Post Office and Planning Division and these agencies have found them acceptable.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve renaming the streets ‘Danderfield Court’ to ‘Dangerfield Court’ and ‘Pilgrams Circle’ to ‘Pilgrims Circle.’

Kevin D. Onizuk
Chairman, Board of Supervisors

ATTEST:

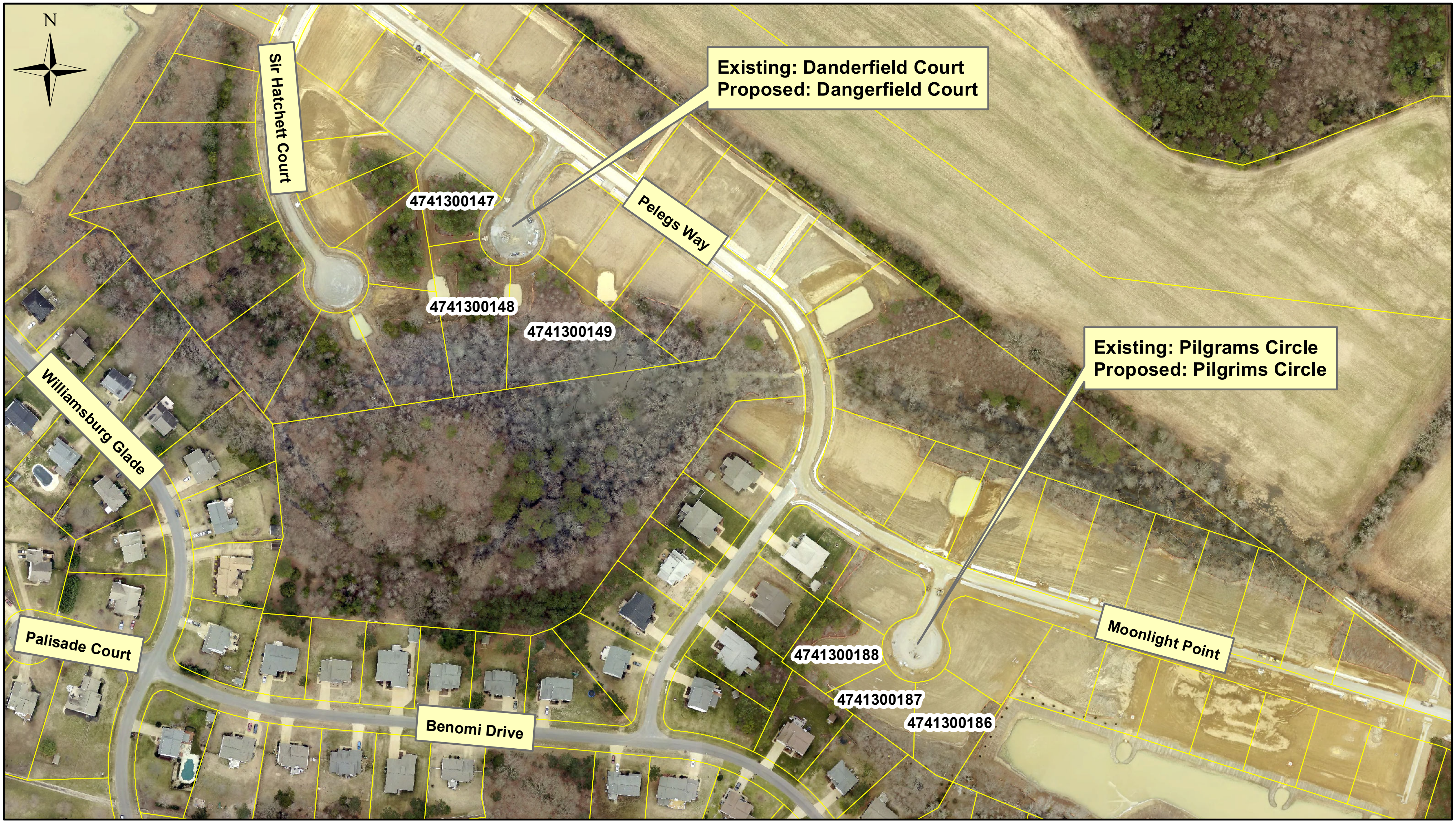
Bryan J. Hill
Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____
ONIZUK	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of March, 2017.

PropStNameCh-res

Peleg's Point Section Six
Proposed Street Renaming



Peleg's Point Section Six, LLC
600 Thimble Shoals Blvd, Suite 220
Newport News, VA 23606

January 5, 2017

Ellen Cook
Principal Planner
James City County

Ms. Cook,

Please accept this letter as our formal request to correct the spelling on two recorded streets names in the Peleg's Point subdivision, section VI. The corrections are as follows: *Pilgrams* Circle should be spelt Pilgrims Circle and *Danderfield* Court should be spelt Dangerfield Court.

It is our hope that these corrections may be made with a plat of correction for the purpose of addressing these typographical errors.

Regards,

Edward Fiscella
Managing Member
Peleg's Point Section Six, LLC

AGENDA ITEM NO. G.2.

ITEM SUMMARY

DATE: 3/14/2017

TO: The Board of Supervisors

FROM: Ryan Ashe, Fire Chief

SUBJECT: Hampton Roads Hazard Mitigation Plan Adoption

ATTACHMENTS:

	Description	Type
🗋	Memo	Cover Memo
🗋	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Fire	Ashe, Ryan	Approved	2/24/2017 - 7:01 AM
Publication Management	Burcham, Nan	Approved	2/24/2017 - 7:30 AM
Legal Review	Kinsman, Adam	Approved	2/24/2017 - 7:55 AM
Board Secretary	Fellows, Teresa	Approved	2/24/2017 - 2:26 PM
Board Secretary	Purse, Jason	Approved	3/7/2017 - 1:38 PM
Board Secretary	Fellows, Teresa	Approved	3/7/2017 - 1:51 PM

MEMORANDUM

DATE: March 14, 2017

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT: Hampton Roads Hazard Mitigation Plan Adoption

The Disaster Mitigation Act of 2000 requires localities to adopt a hazard mitigation plan to be eligible for pre- and post-disaster mitigation funding from the Federal Emergency Management Agency (FEMA). The Disaster Act of 2000 also requires localities to update their hazard mitigation plans every five years.

To comply James City County, along with 21 Hampton Roads localities, formed committees and with regional grant funding retained a consultant to assist with creating the 2017 Hampton Roads Hazard Mitigation Plan. The entire 2011 plan was reformatted and reorganized to develop the initial Hampton Roads Hazard Mitigation Plan.

The 2017 plan includes a hazard and risk assessment for the region, as well as community-specific profiles for each of the participating localities. The plan includes regional hazard mitigation goals and objectives, with mitigation recommendations prioritized by each locality. As such, the plan is both a mitigation plan for the region and an individualized mitigation plan for each participating locality.

The final 2017 Hampton Roads Hazard Mitigation Plan has been tentatively approved by the Virginia Department of Emergency Management and FEMA pending adoption.

Staff recommends approval of the attached resolution.

RTA/nb
HRMitigationPln-mem

Attachment

RESOLUTION

HAMPTON ROADS HAZARD MITIGATION PLAN ADOPTION

WHEREAS, James City County Fire Department is seeking the Federal Emergency Management Agency (FEMA) approval of a Hazard Mitigation Plan that recognizes the threat that natural hazards pose to people and property within our community; and

WHEREAS, undertaking hazard mitigation actions will reduce the potential for harm to people and property from future hazard occurrences; and

WHEREAS, an adopted Hazard Mitigation Plan is required as a condition of future funding for mitigation projects under multiple FEMA pre- and post-disaster mitigation grant programs; and

WHEREAS, James City County Fire Department fully participated in the FEMA-prescribed mitigation planning process to prepare this Hazard Mitigation Plan; and

WHEREAS, the Virginia Department of Emergency Management and Federal Emergency Management Agency, Region III officials have reviewed the "2017 Hampton Roads Hazard Mitigation Plan Update" and approved it contingent upon the official adoption of the participating governments and entities.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the "2017 Hampton Roads Hazard Mitigation Plan" as an official plan.

BE IT FURTHER RESOLVED that the James City County Fire Department will submit this Adoption Resolution to the Virginia Department of Emergency Management and Federal Emergency Management Agency, Region III officials to enable the Plan's final approval.

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Kevin D. Onizuk
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill
Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____
ONIZUK	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of March, 2017.

HRMitigationPln-res

AGENDA ITEM NO. G.3.

ITEM SUMMARY

DATE: 3/14/2017

TO: The Board of Supervisors

FROM: Scott J. Thomas, Director of Engineering and Resource Protection

SUBJECT: Dedication of the Streets in Phase 1B, 2 and 3 of the Stonehouse Tract 12 Subdivision

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ATTACHMENTS:

	Description	Type
🗋	Memo	Cover Memo
🗋	Resolution	Resolution
🗋	Phase 1B AM-4.3	Exhibit
🗋	Phase 2 AM-4.3	Exhibit
🗋	Phase 3 AM-4.3	Exhibit
🗋	Map	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Engineering & Resource Protection	Thomas, Scott	Approved	2/28/2017 - 12:33 PM
Development Management	Holt, Paul	Approved	2/28/2017 - 1:26 PM
Publication Management	Burcham, Nan	Approved	3/3/2017 - 10:04 AM
Legal Review	Kinsman, Adam	Approved	3/7/2017 - 11:29 AM
Board Secretary	Fellows, Teresa	Approved	3/7/2017 - 1:51 PM
Board Secretary	Purse, Jason	Approved	3/7/2017 - 1:54 PM
Board Secretary	Fellows, Teresa	Approved	3/7/2017 - 1:59 PM

M E M O R A N D U M

DATE: March 14, 2017

TO: The Board of Supervisors

FROM: Scott J. Thomas, Director of Engineering and Resource Protection

SUBJECT: Dedication of the Streets in Phase 1B, 2 and 3 of the Stonehouse Tract 12 Subdivision

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Attached is a resolution requesting acceptance of the streets in Phase 1B, 2 and 3 of the Stonehouse Tract 12 Subdivision which are proposed as public right-of-ways into the State Secondary Highway System. The streets proposed for acceptance are Lytham Court, Ashwood Court, Mosswood Circle and Briarhill Way and are shown in red on the attached map. The streets have been inspected and approved by representatives of the Virginia Department of Transportation (VDOT) as meeting the minimum requirements for secondary roadways.

VDOT's Secondary Street Acceptance Requirements (SSAR), effective March 2009 and updated December 2011, outline processes on how streets are designed, constructed and officially accepted for maintenance as part of the secondary system of state highways. Upon the satisfactory completion of construction of streets, VDOT advises and coordinates with the local governing body of the street's readiness for acceptance through the use of VDOT's Form AM-4.3. As part of the initial acceptance process, the County Board of Supervisors must request by resolution that VDOT accept the street for maintenance as part of the secondary system of state highways. Administrative procedures outlined in the SSAR/24VAC30-92-70 lists criteria for street acceptance and what information is required on the local resolution. Once the resolution is approved, the signed Form AM-4.3 and the resolution are returned to VDOT. VDOT then officially notifies the locality of the street's acceptance into the secondary system of state highways and the effective date of such action. This notification serves as the start of VDOT maintenance responsibility. As part of the process, the County will hold an appropriate amount of subdivision or public improvement surety for the roadway, as required by local ordinances, until the acceptance process is complete. Also, within 30 days of the local governing body's request (resolution), VDOT requires a maintenance surety to be posted by the developer to guarantee performance of the street for one year from the date of acceptance.

Staff recommends adoption of the attached resolution.

SJT/nb
DedSts-StnehseTr12-mem

Attachments

RESOLUTION

DEDICATION OF THE STREETS IN PHASE 1B, 2 AND 3

OF THE STONEHOUSE TRACT 12 SUBDIVISION

WHEREAS, the streets described on the attached AM-4.3s for Phases 1B, 2 and 3 of the Stonehouse Tract 12 Subdivision, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Residency Administrator for the Virginia Department of Transportation (VDOT) advised the Board that the streets meet the requirements established by the Subdivision Street Acceptance Requirements of VDOT; and

WHEREAS, the County and VDOT entered into an agreement on July 1, 1994, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests VDOT to add the streets described in the attached Additions Form AM-4.3s for Phases 1B, 2 and 3 of the Stonehouse Tract 12 Subdivision to the secondary system of state highways, pursuant to §33.2-705 of the Code of Virginia and the Virginia Department of Transportation's Subdivision Street Acceptance Requirements.

BE IT FURTHER RESOLVED the Board guarantees clear and unrestricted rights-of-way, as described and any necessary easements for cuts, fills and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Residency Administrator for VDOT.

____

Kevin D. Onizuk
Chairman, Board of Supervisors

ATTEST:

____

Bryan J. Hill
Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____
ONIZUK	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of March, 2017.

In the County of James City

By resolution of the governing body adopted March 14, 2017

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee *Signed (County Official):* ______________________________

Report of Changes in the Secondary System of State Highways

Project/Subdivision Stonehouse , Tract 12 Phase 1B

Type Change to the Secondary System of State Highways: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: §33.2-705

Street Name and/or Route Number

◆ **Lytham Court, State Route Number 1093**

Old Route Number: 0

- From: Route 1279 Stonehouse Glen

  To: Cul de sac, a distance of: 0.09 miles.

  Recordation Reference: Inst. 110024489

  Right of Way width (feet) = 40

In the County of James City

By resolution of the governing body adopted March 14, 2017

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee *Signed (County Official):* ____

Report of Changes in the Secondary System of State Highways

Project/Subdivision Stonehouse , Tract 12, Phase 2

Type Change to the Secondary System of State Highways: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: §33.2-705

Street Name and/or Route Number

◆ **Ashwood Court, State Route Number 1094**

Old Route Number: 0

- From: Mosswood Circle (Route 1095)

  To: Cul de sac, a distance of: 0.09 miles.

  Recordation Reference: Inst. 120022150

  Right of Way width (feet) = 40

Street Name and/or Route Number

◆ **Ashwood Court, State Route Number 1094**

Old Route Number: 0

- From: Route 1220 Fieldstone Parkway

  To: Mosswood Circle (Route 1095), a distance of: 0.04 miles.

  Recordation Reference: Inst. 120022150

  Right of Way width (feet) = 40

Street Name and/or Route Number

◆ **Mosswood Circle, State Route Number 1095**

Old Route Number: 0

- From: Ashwood Court (Route 1094)

  To: Ashwood Court (Route 1094), a distance of: 0.06 miles.

  Recordation Reference: Inst. 120022150

  Right of Way width (feet) = 0

Street Name and/or Route Number

◆ **Ashwood Court, State Route Number 1094**

Old Route Number: 0

- From: Mosswood Circle (Route 1095)

  To: Mosswood Circle (Route 1095), a distance of: 0.03 miles.

  Recordation Reference: Inst. 120022150

  Right of Way width (feet) = 40

In the County of James City

By resolution of the governing body adopted March 14, 2017

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee *Signed (County Official):* ______________________________

Report of Changes in the Secondary System of State Highways

Project/Subdivision Stonehouse, Tract 12, Phase 3

Type Change to the Secondary System of State Highways: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: §33.2-705

Street Name and/or Route Number

◆ **Briarhill Way, State Route Number 1096**

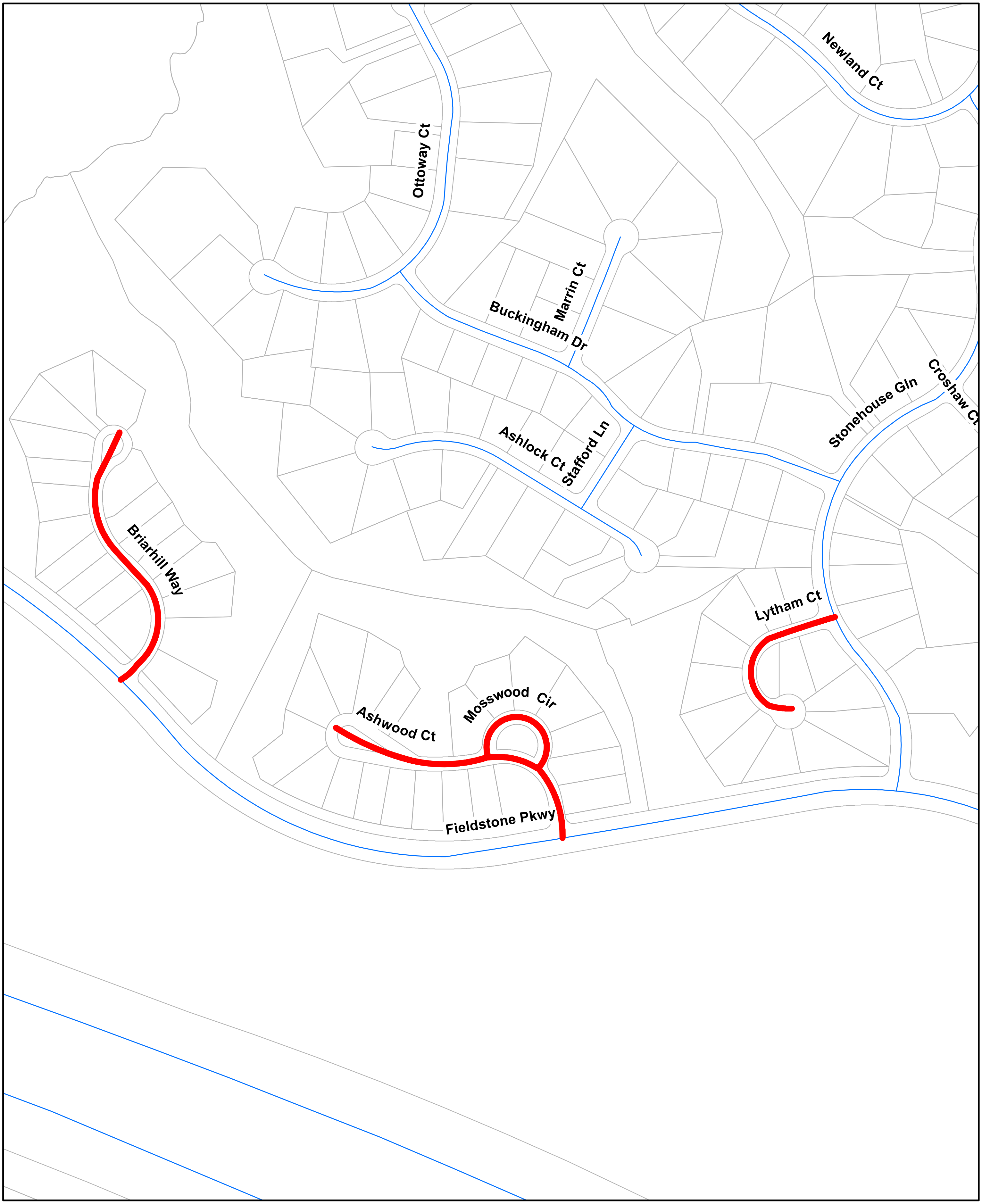
Old Route Number: 0

- From: Route 1220 Fieldstone Parkway

  To: Cul de sac, a distance of: 0.13 miles.

  Recordation Reference: Inst. 130028171

  Right of Way width (feet) = 40



Dedication of the Streets in Phase 1B, 2 and 3 of the Stonehouse Tract 12 Subdivision

Legend

🟥 Streets to be Dedicated

1 inch = 350 feet

N

AGENDA ITEM NO. H.1.

ITEM SUMMARY

DATE: 3/14/2017

TO: The Board of Supervisors

FROM: Ellen Cook, Principal Planner and Tammy Rosario, Principal Planner

SUBJECT: LU-0002-2014, 8491 Richmond Road (Taylor Farm) Land Use Designation Change.

ATTACHMENTS:

	Description	Type
🗋	Staff Report	Staff Report
🗋	Attachment 1 Land Use Designation Evaluation Table	Backup Material
🗋	Attachment 2 Draft Economic Opportunity Language	Backup Material
🗋	Attachment 3 Applicant Mixed Use Justification	Backup Material
🗋	Attachment 4 Staff Report (November 20, 2014)	Backup Material
🗋	Attachment 5 Applicant Economic Opportunity Justification	Backup Material
🗋	Attachment 6 Staff Memorandum to the Planning Commission Working Group, December 12, 2014	Backup Material
🗋	Attachment 7 Anderson's Corner Mixed Use Area Designation Description Language	Backup Material
🗋	Attachment 8 Case-Related Public Comments	Backup Material
🗋	Attachment 9A Resolution to Deny Application	Resolution
🗋	Attachment 9B Resolution to Approve Application	Resolution
🗋	Attachment 9C Resolution to Remand Application	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	2/24/2017 - 11:40 AM
Development Management	Holt, Paul	Approved	2/24/2017 - 11:40 AM

Publication Management	Burcham, Nan	Approved	2/24/2017 - 11:44 AM
Legal Review	Kinsman, Adam	Approved	2/24/2017 - 11:50 AM
Board Secretary	Fellows, Teresa	Approved	2/24/2017 - 2:26 PM
Board Secretary	Purse, Jason	Approved	3/7/2017 - 1:38 PM
Board Secretary	Fellows, Teresa	Approved	3/7/2017 - 1:51 PM

MEMORANDUM

DATE: March 14, 2017

TO: The Board of Supervisors

FROM: Ellen Cook, Principal Planner and Tammy Mayer Rosario, Principal Planner

SUBJECT: Case No. LU-0002-2014. 8491 Richmond Road (Taylor Farm) Land Use Designation Change

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At the Board meeting on June 23, 2015, the Board adopted the Comprehensive Plan “Toward 2035: Leading the Way”. As part of its consideration of the Plan, the Board reviewed Case No. LU-0002-2014, 8491 Richmond Road (Taylor Farm) Land Use Designation Change. During the discussion of this application, the Board members noted the outstanding Department of Environmental Quality (DEQ) groundwater withdrawal permit, a possible future discussion of the Primary Service Area (PSA) generally and the opportunity to further examine the possible land use designations for this parcel. Following this discussion, the Board postponed the Taylor Farm application to its December 8, 2015 meeting. At its December 8, 2015 meeting, the Board postponed the application to the March 8, 2016 meeting, at the request of the applicant. At its March 8, 2016 meeting, the Board postponed the application to the March 14, 2017 meeting at the request of the applicant.

Updates on the DEQ permit status and the land use designation possibilities are noted below.

DEQ Permit Status

As the Board is aware, over the past several years the DEQ had indicated that it might restrict the County’s permitted groundwater withdrawal to amounts below what the County currently uses, citing concerns about aquifer water levels, land subsidence and saltwater intrusion. During the 2015 Virginia General Assembly session, legislation established an Eastern Virginia Groundwater Management Advisory Committee (EVGMAC) to assist the DEQ in developing, revising and implementing a management strategy for groundwater in the Eastern Virginia Groundwater Management Area. The EVGMAC, including representation from James City County, has met multiple times and is required by the state legislation to report the results of its examination and related recommendations to the Director of DEQ and the State Water Commission no later than August 1, 2017. The regional EVGMAC group and James City County have both been examining options for a sustainable long-term water supply, and several longer term possibilities are under consideration, including a Chickahominy Riverfront Park Raw Water Intake and Treatment Facility.

With regard to the DEQ water withdrawal permit, as discussed at the February 14, 2017 Board meeting, a significant update to the permit situation is that the DEQ has issued the County a water withdrawal permit, as further summarized below.

	Water Withdrawal: Million Gallons Per Day (mgd)
Actual 2016 Water Withdrawals	5.33 mgd
DEQ Permit that was Valid January 1, 2003 - December 31, 2012 (issued August 17, 2009 and administratively continued)	8.83 mgd
DEQ Initial Permit Proposal Under Consideration	3.8 - 4.0 mgd
DEQ Permit that was just Issued	Groundwater withdrawals in accordance with the following Tiers: - Tier 1 is authorized for use as of the effective date of the permit: 6 mgd - Tiers 2 - 4 are dependent on system growth and certain DEQ approvals as specified in the permit. Tier 2 is for 6.4 mgd, Tier 3 is for 7.4 mgd and Tier 4 is for 8.4 mgd.

The James City Service Authority Water Supply Study prepared by CDM Smith in 2015 examined projected growth in the County and the resulting future water supply needs. It looked at several scenarios including possible DEQ permitted withdrawal amounts of 7.8 mgd and 8.8 mgd, and projected that water system capacity deficits would begin to occur in the years between 2022 and 2030.

The DEQ permit does not cut withdrawals to levels below what the County currently needs to serve its customers, as had initially been under consideration. The amount also appears to adequately cover planned-for growth in the County over roughly the next ten years. While longer term possibilities appear to have a good potential to address the County's water supply needs more fully, it should be noted that over the near term (ten years) the approved permit amount is limited and constrained as compared with the past withdrawal permit.

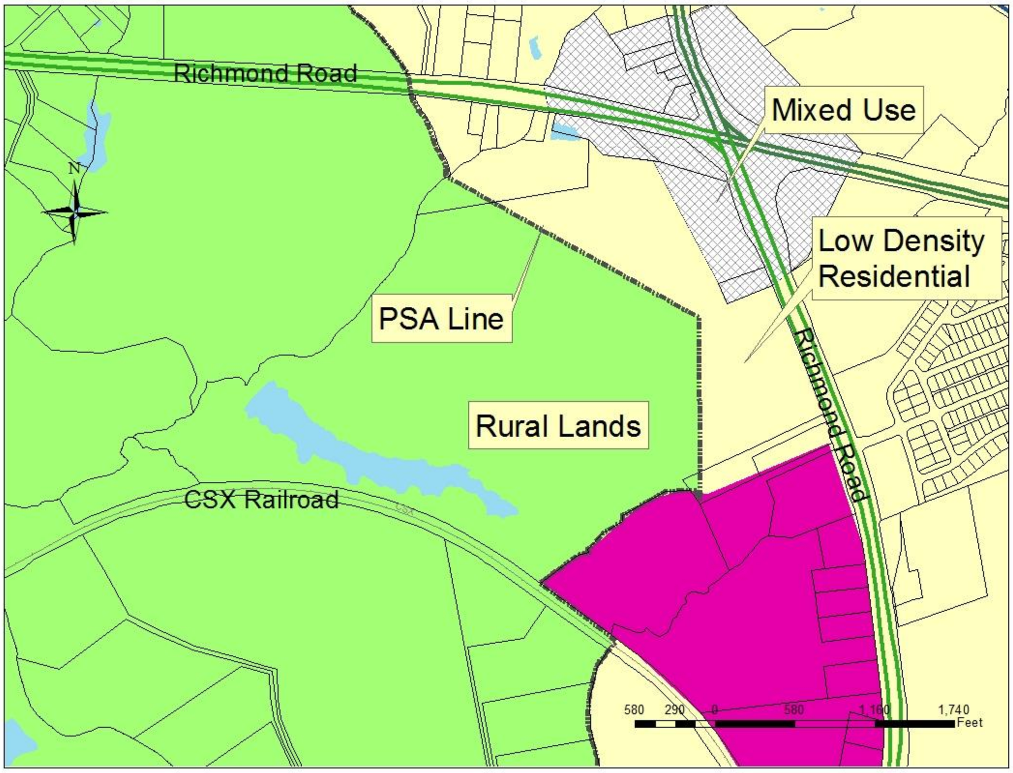
Land Use Designation Possibilities:

A. *Current Land Use Designations*

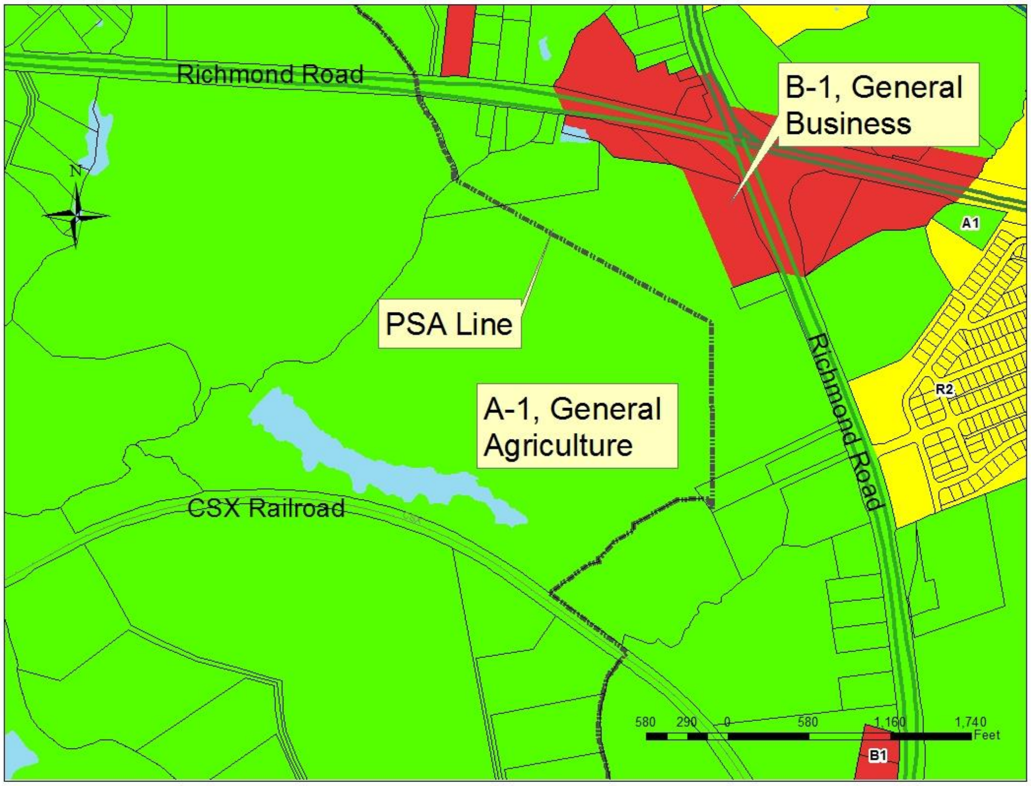
As noted on the first map below, the current Comprehensive Plan land use designations for this property are Rural Lands (approximately 141 acres), Low Density Residential (approximately 38 acres) and Mixed Use (approximately 7.5 acres). The Mixed Use designated portion is a component of the Anderson's Corner Mixed Use area, which has specific designation description language as noted in Attachment No. 7. The PSA corresponds to the divide between the Rural Lands and Low Density Residential Designations; thus, approximately 141 acres are outside the PSA and approximately 45.5 acres are inside the PSA.

In terms of the current zoning (which governs *current* permitted/specially permitted uses, lot sizes, setbacks, etc.), approximately 180 acres are zoned A-1, General Agricultural and approximately 6.2 acres are zoned B-1, General Business - see second map that follows.

Comprehensive Plan Designations



Zoning Districts



B. *Property Owner’s Initial and Subsequent Proposed Land Use Designations*

The property owner initially submitted an application to change the entire property from the existing designations to Mixed Use. In addition, the application sought to bring the approximately 141-acre portion of the property inside the PSA. The information submitted by the applicant in support of the Mixed Use/PSA change request is included as Attachment No. 3. Staff had not recommended approval of this proposed change for the reasons previously discussed in the staff report for the case (Attachment No. 4) and noted in the Land Use Evaluation Table (Attachment No. 1). The most significant of the reasons continue to be the potential loss of prime agricultural land and the significant uncertainty with which an adequate source of water would be available to James City County to serve this property considering the amount of developable land already inside the PSA as it exists today.

The applicant subsequently submitted a letter requesting that the property be re-designated to Economic Opportunity (EO), also fully within the PSA, and listing seven reasons in support of this approach as noted in Attachment No. 5. Staff’s evaluation of the request for a change to EO was provided in a memorandum to the Planning Commission Working Group dated December 12, 2014 (Attachment No. 6) and is summarized in the Land Use Evaluation Table (Attachment No. 1).

In November 2015, staff and the applicant met to further discuss this application. At the meeting the applicant shared their continued desire to change to EO and to have all of the property included in the PSA. The applicant did not have any additional information to be included with the application.

C. *Previously Considered Designation – Rural Economy Support (RES)*

After evaluating the property's physical attributes such as the prime farmland soil toward the front of the property, its location along an improved roadway but still in close proximity to the County's rural lands, and after considering the County's recently completed Strategy for Rural Economic Development, staff had recommended consideration of a new Comprehensive Plan Land Use Designation for this property, Rural Economy Support (RES). RES would allow for commercial or light industrial uses in addition to uses associated with traditional or innovative agriculture and forestry. Staff had prepared a description for this possible new designation as noted in the staff report, Attachment No. 4. From discussion at its June 23, 2015 meeting, staff understands that the Board may not wish to consider this designation due to the property owner's discomfort, so it is not included in the Land Use Designation Evaluation Table (Attachment No. 1).

Recommendation:

Staff recommends denial of this application. Given the information outlined under the DEQ Permit Status heading above, at this time staff does not recommend expansions to the PSA or re-designation of land for more intense development with potentially higher water demand. There is significant existing growth potential inside the PSA, and serving this planned-for growth with the available permitted water would be consistent with the overall Comprehensive Plan. Inherent to the DEQ's decision to limit withdrawal of groundwater is a recognition of the fact that the aquifers which provide water to James City County are still stressed. Further, the withdrawal amounts set forth in the DEQ permit are not sufficient to accommodate all growth permitted inside the PSA as it exists today; rather, withdrawal of groundwater will be on a first come, first served basis. Expanding the PSA will contribute to the total water demand expected of the JCSA.

While water is a primary factor in this analysis and recommendation, staff also recommends that the Board carefully consider the implications more generally of PSA expansion and/or adding additional growth potential within the PSA, such as greater needs for other County services and facilities (schools, emergency services, etc.). As noted in the recently adopted Strategic Plan, the expansion of the PSA may have fiscal implications and could impact Community Character, the environment and infrastructure.

However, should the Board wish to redesignate the property, staff has prepared a Land Use Designation Evaluation Table providing information about the current designations, a change to Mixed Use and a change to EO (see Attachment No. 1). In the event that the Board wishes to consider the application at this time, staff recommends the Board consider a change to EO over a change to Mixed Use. Should the Board wish to pursue this designation, staff has prepared draft EO designation description language (see Attachment No. 2). This language description is written to cover the entire the property changing to EO; however, should the Board wish to consider an EO redesignation for just the area that is within the existing PSA boundary, the language could be revised accordingly. The applicant has had an opportunity to review the draft language and has not had any comments to date.

Finally, should the Board wish to consider redesignating this property, it may also wish to consider remanding this case to the Planning Commission for review of the application and the draft designation description language.

EC/nb
LU02-14TaylorFarm-mem

Attachments:

1. Land Use Designation Evaluation Table
2. Draft Economic Opportunity language
3. Applicant's Mixed Use justification
4. Staff Report (November 20, 2014)
5. Applicant's Economic Opportunity justification
6. Staff memorandum to the Planning Commission Working Group, December 12, 2014
7. Anderson's Corner Mixed Use area designation description language
8. Case-related public comments received during the Comprehensive Plan update (Public Comment Sheet, James City County Citizens Coalition and Friends of Forge Road and Toano statements)
9. Resolutions

Land Use Designation Evaluation Table

	Possible Development Scenario	Pro	Con
Current Designations: Rural Lands, LDR, MU (See acreages for each on page 1.)	**Rural Lands**: Continue with agricultural/forestal uses, part of the rural economy. Alternatively, could potentially be developed into approx. 40 lots. **LDR**: Could potentially be rezoned to allow max. of approx. 164 lots (80-120 lot range also possible) **MU**: Potentially office or commercial building(s)	Activities on the rural lands portion and development on the mixed use portion have the potential to increase the non-residential tax base and to create jobs.	From a fiscal standpoint, an increase in the non-residential tax base might be off-set by costs associated with serving the residential development, depending on the ultimate balance of uses and a variety of other factors.
Proposed: Mixed Use for whole property	One possible scenario that would be permitted by the general Mixed Use development standards could be a shopping center (423,000+/- square feet) and approximately 1,100 dwelling units (mix of single family, townhouses and low-rise apartments). Note that the specific designation description for each Mixed Use area can influence the ultimate balance of uses reflected on a master plan through the rezoning process.	A commercial use has the potential to increase the non-residential tax base. A commercial use has the potential to create jobs.	Holding off on designating substantial new mixed use areas until already-planned development and redevelopment occurs would prioritize the County's infrastructure and service capacity for these existing areas. - Considerable vacant properties designated mixed use are located nearby in the Stonehouse Mixed Use Area, and considerable amounts of land are currently zoned for commercial uses along Barhamsville Road and in Toano. With regard to the Stonehouse Mixed Use Designation area, the Stonehouse development has a Master Plan approved for about 4,000 dwelling units and 3.8 million square feet of non-residential overall, of which about 600,000 square feet has been constructed in Stonehouse Commerce Park. There are also a substantial number of acres in the Stonehouse Mixed Use area (aside from the Stonehouse itself) that are vacant. - Also in the Upper County is the village of Toano, where the County has been encouraging redevelopment, as referenced in the Toano Community Character Area Design Guidelines. - The Upper County already has a significantly higher proportion of Mixed Use designation than the County overall (8.3% versus 4.8%), as well as the only areas of the County currently designated Economic Opportunity. Analysis done as part of the 2035 Comprehensive Plan estimated that the County had enough room within the PSA to accommodate future residential growth needs until at least 2033. Specifically, the analysis estimates that there are approximately 11,200 master planned or other vacant platted lots inside the PSA, with another approximately 4,000 undeveloped parcels inside the PSA which have residential Comprehensive Plan designations. From a fiscal standpoint, an increase in the non-residential tax base might be off-set by costs associated with serving the residential development, depending on the ultimate balance of uses and a variety of other factors. In terms of water use, a mixed use development would almost certainly have a substantially larger water demand than the existing designations.

Proposed: Economic Opportunity for whole property	One possible scenario that would be permitted by the general Economic Opportunity development standards could be industrial park (900,000+/- square feet), specialty retail (70,000 +/- square feet) and approximately 113 dwelling units (townhouses). As noted above, the specific designation description for each EO area can influence the ultimate balance of uses reflected on a master plan through the rezoning process. Please also see the separate draft EO designation description language, which as written would not include retail or residential as recommended uses.	A commercial use has the potential to increase the non-residential tax base. A commercial use has the potential to create jobs. As compared with Mixed Use, an Economic Opportunity designation would be more likely to complement and support redevelopment efforts in Toano.	See points made in the Mixed Use box above regarding the amount of already-planned development and redevelopment in the Upper County and prioritization of the County's infrastructure and service capacity for this existing planned development; much of this would apply in the case of an Economic Opportunity designation as well. In addition, while this parcel has good road access, it does not have the element of a strategic location adjacent to an interstate interchange. From a fiscal standpoint, an increase in the non-residential tax base might be off-set by costs associated with serving any residential development, depending on the ultimate balance of uses and a variety of other factors. In terms of water use, an economic opportunity development would likely have a substantially larger water demand than the existing designations.

Draft Economic Opportunity Designation Description Language

Economic Opportunity (This is the Existing General EO Language)

Lands designated as Economic Opportunity are intended primarily for economic development, increased non-residential tax base, and the creation of jobs. The lands should be at strategic locations in the County relative to transportation, utilities infrastructure, and adjacent uses, and the lands should only be developed consistent with comprehensive area/corridor master plans.

The principal uses and development form should maximize the economic development potential of the area and encourage development types that have certain attributes, principally that they have a positive fiscal contribution, provide quality jobs, enhance community values, are environmentally friendly and support local economic stability. Master planning is at the core of this designation, and no development should occur unless incorporated into area/corridor master planning efforts which should address environmentally sensitive areas, available infrastructure (roads, water, sewer, transit, etc.), community character and context, public facilities and adjacent land uses to include lands in adjacent jurisdictions. The intent of this designation is to include parcels with this designation in the PSA (where not already included) pending the outcome of the master planning efforts.

The master planning efforts may take the form of public-private or private-private partnerships; if public-private, the landowner(s) would need to make the majority of the investment. These area/corridor master planning efforts should phase development to be in step with, and provide for, adequate amounts or capacities of roads, water, sewer, transit, bicycle and pedestrian facilities, fire stations, police and general government services, parks and recreation facilities, schools, and other facilities and service needs generated by the development. The master plan for the area should also demonstrate appropriate variation in uses, densities/intensities, pattern, and design such that new development is compatible with the existing character of surrounding areas. If an individual landowner in lands designated Economic Opportunity does not wish to participate in the master planning effort, such land shall be recognized and adequate buffers provided in the master plan to protect the current use of that land.

Development should be designed to encourage trips by alternative transportation modes and should be concentrated on portions of the site to avoid sensitive environmental features and respect viewsheds from historic and Community Character areas and corridors.

Economic Opportunity – Toano/Anderson's Corner Area (This is the Possible Area Specific Description)

For the Toano/Anderson's Corner Area, the recommended uses are industrial, light industrial and office uses. Businesses that take advantage of the unique assets of the property or use agricultural or timber industry inputs are highly encouraged. In order to support Toano as the commercial center of this part of the County, retail commercial is not a recommended use unless accessory to the recommended uses. As expressed in the general Economic Opportunity language, the master plan for this area should demonstrate appropriate variation in uses, densities/intensities, pattern and design such that new development is compatible with the character of surrounding areas. In particular for this site, buffers, open space, or other similar mechanisms should be used along the south-west and western property lines in order to provide a transition to areas designated Rural Lands, and the site design and architecture should respect the local rural character and nearby historic structures. Maintaining mobility on Route 60 is also a significant consideration, so development should utilize best practices for access management.

Applicant's Mixed Use Justification

The current land use designation is Mixed Use along a small portion of the frontage along Richmond Road; Low Density Residential for the remainder of the property inside the PSA and the rear two thirds of the property is Rural Land.

A small portion (6 acres) of the frontage is zoned B-1, General Business; the remaining 210 acres of the parcel is zoned A-1, General Agricultural. Public water and sewer are available, not served at this time. If you look at the current PSA map from Williamsburg to Toano the PSA is in a straight line until you get to this property.

If you take a look at the property you will see it is INCONSISTENT with all the surrounding properties! All the properties on each side Anderson's Corner Vet, Judy Taylor, Alan Owens, James Hall, Toano Contractors, Whitehall, and Ware's all are in the PSA and zoned business or mixed used. . I would call this spot zoning and INCONSISTENT.

The rationale in the past of Planning Commission used is that Anderson's Corner is one of the few remaining areas in the PSA with significant rural agricultural vistas. To accomplish this, significant amounts of open land and farm fields should be preserved along with agricultural and rural structures in a manner that creates a traditional rural village surrounded by PERMANENTLY protected farm fields, I believe it too late!!!! Just look around you have from Toano west Greystone, Hankins Industrial Park, Toano Business Center, Nick's Lawn & Garden, Anderson's Corner Vet, Whitehall,Toano BP, Stonehouse Commerce Park and Michelle Pointe. The word PERMANENTLY means forever, to remain the same, without change, always, endures throughout so that means all my family can do is pay taxes. I have asked this many times, but who is going to farm this property in the next ten years? They are no large farms in JCC! At the present time we are leasing the farming rights to a farmer in New Kent who is in his sixties.

Please make this property at 8491 Richmond Road, Toano, CONSISTENT with the surround properties!!!!!

On behalf of the Taylor family we would greatly appreciate you putting all of this property into the PSA.

Thanks and if you need any other info or would like to discuss please give me a call

Beverly Taylor Hall

757-566-0829

LU-0002-2014
8491 Richmond Road

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission Working Group, 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.

MEETING INFORMATION

Group: Planning Commission Working Group	Date: November 20, 2014

SUMMARY FACTS

Applicant:	Beverly T. Hall
Property Owner:	Barbara T. McKown et als. (Taylor Estate)
Property Address(es):	8491 Richmond Road
Tax Map #:	1210100032
Size:	217.9 acres
Current Land Use Designation(s):	Mixed Use along a portion of the frontage along Richmond Road, Low Density Residential for the remainder of the property inside the Primary Service Area, and the rear two-thirds of the property is Rural Lands
Current Property Use (per applicant):	Agricultural production, private recreation
Owner Proposed Land Use Designation:	Mixed Use
Owner Proposed Property Use:	No specific proposal by the applicant at this time.
Owner Justification:	See attached
Zoning:	A small portion of the frontage is zoned B-1, General Business; a larger majority of the parcel is zoned A-1, General Agricultural
Inside PSA:	Partially inside (one-third of the property, along Richmond Road); Remaining two-thirds at rear of property is outside
Requesting Extension of PSA:	Yes – bring entire property into the PSA
Water or Sewer Availability:	Yes, but do not serve the property at this time
Watershed:	Diascund Creek
Staff Contact: Ellen Cook	Phone: (757) 253-6685

BACKGROUND:

The Taylor family has owned this property since 1951, and the property has been in continuous farm use during this time. Over the years, some lots were subdivided from this property for family members. The property includes wooded area, as well as area that is farmland under active cultivation (corn, soybeans, etc.).

The property is bordered on the west by rural land in agricultural and forestal use that is zoned A-1 and designated Rural Lands. To the south, a portion of the property borders the railroad line and agricultural and rural residential uses on properties that front Forge Road, while the other portion of the property borders on property inside the Primary Service Area that is designated Low Density Residential and General Industry. To the east is property that is designated Low Density Residential (Villages at Whitehall and an adjacent undeveloped property). To the north-east is the Anderson's Corner intersection which is zoned B-1 and designated Mixed Use (see designation language below). One quadrant of this intersection has an existing commercial use (gas station), a second has undeveloped land adjacent to the historic Whitehall Tavern property, and the third is currently undeveloped.

Considerable vacant properties designated mixed use are located nearby in the Stonehouse Mixed Use Area, and considerable amounts of land are currently zoned for commercial uses along Barhamsville Road and in Toano. With regard to the Stonehouse Mixed Use Designation area, the Stonehouse development has a Master Plan approved for about 4,000 dwelling units and 3.8 million square feet of non-residential overall, of which about 600,000 square feet has been constructed in Stonehouse Commerce Park. There are also a substantial number of acres in the Stonehouse Mixed Use area (aside from the Stonehouse itself) that are vacant. Also in the Upper County is the village of Toano, where the County has been encouraging redevelopment, as referenced in the Toano Community Character Area Design Guidelines. The Upper County has a significantly higher proportion of Mixed Use designation than the County overall (8.3% versus 4.8%), as well as the only area of the County currently designated Economic Opportunity.

In terms of past Comprehensive Plan activity, the Taylor farm parcel was submitted as an application in 2009 for the same Mixed Use designation/Inside the proposal as is described above. During this time, consideration was also given to changing this property to the new Economic Opportunity (EO) designation. The change in designation and PSA expansion were not approved in 2009.

AGENCY COMMENTS:

JCSA

There is an existing 20" HRSD force main at the intersection of Rochambeau Drive and Richmond Road which could provide sewer service. There is an existing 16" JCSA water main on the east side of Richmond Road (south of Rochambeau Road).

ERP

The County's general Chesapeake Bay Plan Act map shows that RPA exists along the water bodies at the northwest and southwest portions of the property. The majority of the PSA property is Prime Farmland and hydrologic unit code A/B soils. Prime farmland soils, as defined by the USDA, are those best suited for farming – to provide food, feed, forage, fiber and oilseed crops. These soils produce the highest yields with minimal input of effort and farming of these soils results in the least amount of damage to the environment.

TRANSPORTATION IMPACTS:

While other portions of Richmond Road experience or are expected to experience capacity constraints in the future, the portions closest to the Taylor property currently operate with acceptable levels of service. Staff and Kimely Horn completed trip generation scenarios for the following four scenarios: existing designations, a change to Mixed Use for the area currently inside the PSA, a change to Mixed Use for the entire property, and a change to Economic Opportunity for the entire property. The trip generation was projected to be highest for a change to Mixed Use for the entire property (25,273 daily trips). (A trip generation scenario was not created for the new proposed Rural Economy Support ("RES") designation, but staff believes the trip generation would be less than the Mixed Use scenario.) As the highest generator, the trip generation for the change to Mixed Use was translated into the modeling software and used to calculate projected conditions for surrounding roadways. The modeling effort projects that future levels of service for the nearby portions of Richmond Road and Rochambeau Drive would operate at adequate levels of service. Kimley Horn has offered a list of other transportation considerations, including considerations of future signalization and access management (driveway location and full versus partial movement).

STAFF RECOMMENDATION:

Staff recommends denial of a change in land use designation to Mixed Use. However, staff would recommend approval of a designation change to a newly created "Rural Economy Support" (RES) designation. As part of a change in designation to RES, staff recommends expanding the PSA to include the entire parcel.

Staff recommends the following language as a new designation description for RES:

Lands designated as Rural Economy Support are intended to provide a connection between the Rural Lands areas and centers of development in the PSA, serving as an approximate mid-point in the expected intensity of development between the two. Areas with this designation should be at an appropriate location to serve rural economic development or traditional agricultural/forestry uses, and should have access to appropriate infrastructure (collector or arterial road access, water/sewer). The primary recommended uses for this designation include agricultural and forestry uses (innovative or traditional), and commercial or light industrial uses that relate to the agricultural/forestry/rural use that is on the site (or in adjacent rural lands). Examples in this latter category could include wineries, restaurants, limited-scale food and beverage processing, limited scale agricultural product storage/distribution, outdoor or nature-based activities, and equestrian uses. Such uses should be more limited in scale or impact than uses that should more appropriately be located in an industrial/light industrial park. Residential uses are only recommended as clearly secondary uses, where they serve to support the larger goals of the designation, such as family subdivisions and caretaker residences. For all commercial, light industrial, or limited residential uses, any structures should be located on the property in a manner that complements, but limits the impacts on, the primary agricultural, forestry, or other rural use. Examples include avoiding or limiting impacts on prime soils, timber stands, or wildlife management areas. Structures should also be located in a manner that minimizes impacts to adjacent rural and residential uses.

RATIONALE:

Staff does not recommend a change to the Mixed Use Designation for the entire property for the following reasons:

1. As described in detail above, considerable vacant properties designated mixed use are located nearby, and redevelopment of the Toano area is encouraged as referenced in the Toano Community Character Area Design Guidelines. Staff recommends holding off on designating substantial new mixed use areas until development and redevelopment occurs, thereby prioritizing the County's infrastructure and service capacity for these areas.
2. Analysis done as part of the 2035 Comprehensive Plan estimated that the County had enough room within the PSA to accommodate future residential growth needs until at least 2033.

Staff recommends approval of a change to a new RES Designation and inclusion of the property in the PSA for the following reasons:

1. Based on a recently-completed analysis of the County's agricultural and forestry assets, much of the area previously identified as prime soil has been developed. About 30 parcels are still identified as viable for large-scale agriculture (greater than 50 acres of prime soil) with another 270 parcels viable for smaller-scale agriculture (between 10 and 49 acres of prime soil). The Taylor farm is one of the thirty parcels identified for viable for large-scale agriculture.
2. The new RES designation and a change of this property to the new designation support the Strategy for Rural Economic Development recently completed in conjunction with the Rural Economic Development Committee (REDC) of the Economic Development Authority (EDA).
3. For this particular parcel, the prime farmland soils are located closer to Richmond Road (including the area currently designated Low Density Residential), while areas further back on the site could be suitable for the commercial or light industrial uses discussed in the RES designation description.

ATTACHMENTS:

1. Location Map
2. Applicant Justification Letter
3. Public comment
4. Transportation Evaluation Sheet

Applicant's Economic
Opportunity Justification

Property Address: 8491 Richmond Road

The property owners of 8491 Richmond Road request that the current PSA line be moved to encompass the entire property. We also request the current land use designation be changed to Economic Opportunity (EO). The EO designation fits this property for the following reasons:

1. **It would remove the Low Density Residential land use currently on a portion of the property. We believe there is enough housing in the area and more would be a drain on the school system and county utilities.**
2. **It would have the potential to increase the non-residential tax base and create jobs.**
3. **The property is at a strategic location. It is located at the major intersection of Rte. 60 and Rte. 30, both four lane highways and approximately a mile from I64 interchange 227.**
4. **A designation of EO would allow the landowner and JCC to work together to create a master plan for the property.**
5. **The property provides natural buffers by the way of swamp land and RPA between the bordering rural lands.**
6. **Allow a transition from General Industry to the south and Low Density Residential to the north.**
7. **Provide services and jobs needed by current and proposed surrounding residential areas.**

Respectfully,

Randolph W. Taylor

TOWARD 2035
LEADING THE WAY
James City County Comprehensive Plan

MEMORANDUM

DATE: December 12, 2014

TO: Members of Planning Commission Working Group

Rich Krapf
Tim O'Connor
Chris Basic
Robin Bledsoe
George Drummond
John Wright, III
Heath Richardson
Elizabeth Friel

FROM: Tammy Mayer Rosario, Principal Planner

SUBJECT: 2035 Comprehensive Plan Planning Commission Working Group

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The next meeting will be ***Thursday, December 18, 2014 at 4:00 p.m.*** in the Building F Board Room at the James City County Government Complex. This meeting will continue the focus on reviewing the Land Use Designation change applications.

Land Use Designation Change Applications

A. General Information

At the meeting on the 8th, a question was asked regarding the capacity analysis information in the Land Use Section. The capacity analysis attempts to look at the question of whether the existing PSA area is likely to have capacity (strictly from a density perspective) to absorb the amount of residential and non-residential growth that is estimated to occur over the next twenty years (the horizon year of the Comprehensive Plan). To recap the residential calculations, staff estimates that an additional 15,270 units could be built inside the current PSA limits, and that using the 5 and 15 year averages of the number of units that have been certified for occupancy annually, these 15,270 units could be built out somewhere in the range of 19-38 years. This calculation is meant to give a general sense of whether the PSA is approximately of the right dimensions from a pure residential construction historical trend standpoint. (More information about the residential and non-residential capacity analysis is available at the link here on pages LU-3 through LU-5.)

Historically, the County has tried to plan and put in place the services and resources needed to support the amount of growth that is shown on the adopted Plan's Land Use Map, such as when submitting permitting requests to DEQ for water resources. In addition, the County has used the Land Use Application process during Comprehensive Plan updates as the time period to holistically examine service and resource implications before changes are made to the amount or location of growth that is shown on the Map. In relation to the water issues discussed by Mr. Powell, please note that the potential changes in resource availability are in the early stages of discussions and negotiations with DEQ.

B. Cases – Follow-up Information

B.1. LU-0001-2014, 7809 Croaker Road. Mr. Massie's parcel (Parcel ID 1340100016D at 7809 Croaker Road) is 2.54 acres and the two additional properties under consideration (Parcel ID 1340100015 at 7819 Croaker Road and Parcel ID 1340100013 at 7901 Croaker Road) total approximately 12.12 acres. In total, the area being considered for redesignation would be 14.66 acres. Please note that Parcel ID

1340100013 adjacent to Point O Woods Road is part of a larger 67-acre property that is bisected by the road. The 9.5 acre piece under consideration is Low Density Residential, whereas the rest of the property (on the opposite side of Point O Woods) is currently designated Mixed Use.

B.2. LU-0002-2014, 8491 Richmond Road. The applicant for this case has submitted a letter requesting that their request be formally changed from Mixed Use to Economic Opportunity (see attachment 2). Staff has met with the Taylor family, and understands that they wish to have a designation that would allow a greater degree of flexibility and range of commercial uses than the proposed RES district, while noting that they do not have an immediate plan for developing the property.

Staff has previously recommended against a change of the entire property to Mixed Use, which would be a much more expansive designation than those in place currently. Staff notes that considerable vacant mixed use and commercial properties are located nearby, and redevelopment of Toano is a priority, rather than a continuous strip of commercial uses along Route 60. In the staff report, staff recommended holding off on designating substantial new mixed use areas until development and redevelopment occurs, thereby prioritizing the County's infrastructure and service capacity for these areas. Staff has similar concerns about a change to Economic Opportunity, also noting that this parcel, while it has good road access, does not have the element of a strategic location adjacent to an interstate interchange. Staff recommended the new RES designation as a more appropriate fit for this parcel as it maintains the ability to realize commercial uses at a level consistent with or perhaps greater amount than what could be associated with the 7.5 acres of Mixed Use designation currently existing on the parcel. The new designation also adds light industrial uses as a possible use, which would not have been a recommended use for the Mixed Use area (see the Anderson's Corner Mixed Use Area description for more information). The expansion of the Primary Service Area adds the ability for the commercial and light industrial uses to connect to public water and sewer, and adds 141 acres where those uses could be located on the site, which gives greater locational flexibility. In summary, the proposed RES district was intended to give the owner economic development options while at the same time acknowledging and building upon the other resources of the site.

B3. LU-0009-2014, 8961 Pocahontas Trail. In response to questions from the Planning Commission Working Group, staff consulted with the Office of Economic Development regarding the timeline for the renewal of the Enterprise Zone. OED noted that application results were scheduled to be released in October, but that no information has been announced for James City County or for any of the other localities seeking renewals. The County's Enterprise Zone expires at the end of 2015 so there is another application period beginning next year that the County will participate in if the pending application is not successful.

Please call me at 757-253-6688 if you have any questions or concerns. I look forward to seeing you on Thursday.

Tammy Mayer Rosario
Tammy Mayer Rosario

<u>Attachments:</u>

1. Draft December 8, 2014 minutes
2. Letter regarding 8491 Richmond Road Designation Request

Chart 4. Mixed Use Designation Descriptions

	Mixed Use
1. Basic Description	• Mixed Use areas are centers within the PSA where higher density development, redevelopment, and/or a broader spectrum of land uses are encouraged. Mixed Use areas located at or near interstate interchanges and the intersections of major thoroughfares are intended to maximize the economic development potential of these areas by providing areas primarily for more intensive commercial, office, and limited industrial purposes. • The other Mixed Use areas are intended to provide flexibility in design and land uses in order to protect and enhance the character of the area.
2. Recommended Uses and Intensity	• While there is no preferred mix of uses for every Mixed Use development, each development should have a mix of uses that complements the area, and as written in the specific descriptions below. James City County has examples of Mixed Use areas with minimal residential development (such as McLaw's Circle), but the mix of office, limited retail, and light industrial development creates an acceptable mixing of uses. Mixed Use developments that include residential components should have commercial or office uses that complement those residences. Residences should be encouraged to patronize those areas, and the entire development should be cohesive to create a greater potential for internal capture of vehicle trips. While mixed use buildings are not essential or desirable for all developments, they should be encouraged for those Mixed Use centers that seek to achieve higher densities and seek to create a more urban environment. The recommended FAR range will depend on the context of the specific Mixed Use area, but for all areas it is strongly encouraged that opportunities for on-street parking, shared parking, structured parking and other measures to cohesively plan development be considered that maximize the efficient use of land and achieve FARs close to, or greater than, 0.4.
3. Recommended Density	• Moderate to high density residential uses with a maximum gross density of 18 dwelling units per acre could be encouraged in Mixed Use areas where such development would complement and be harmonious with existing and potential development and offer particular public benefits to the community. In order to encourage higher quality design, a residential development of this gross density is not recommended unless it offers particular public benefits to the community. Examples of such benefits include affordable housing, workforce housing, enhanced environmental protection, a high degree of access to multi-modal/transit transportation, or development that adheres to the principles of open space development design. (See Residential Development Standards for more specific guidance on meeting these criteria.)
Mixed Use Development Standards	
4. General Language	a) All developments should refer to the Residential and Commercial/Industrial Development Standards along with the Mixed Use Development Standards. b) Mixed Use developments should create vibrant urban environments that bring compatible land uses, public amenities, and utilities together at various scales. These developments should create pedestrian-friendly, higher-density development, and a variety of uses that enable people to live, work, play, and shop in one place, which can become a destination. c) Mixed Use developments require nearby police and fire protection, arterial road access, access to public utilities, large sites, environmental features such as soils and topography suitable for intense development, and proximity or easy access to large population centers. The timing and intensity of commercial development at a particular site are controlled by the maintenance of an acceptable level of service for roads and other public services, the availability and capacity of public utilities, and the resulting mix of uses in a particular area. Master plans are encouraged to assist in the consideration of Mixed Use development proposals. The consideration of development proposals in Mixed Use areas should focus on the development potential of a given area compared to the area's infrastructure and the relation of the proposal to the existing and proposed mix of land uses and their development impacts. d) Mixed Use developments should focus on place-making. Developments should be designed to create a sense of place and should be seen as community destinations. Focal open spaces, community oriented gathering places, unified architectural design, and a mix of uses and design that encourages pedestrian activity are all examples of creating a sense of place. e) Mixed Use developments should allow for higher development intensities that create more efficient buildings and spaces, which can be less of a burden on the environment, creating a more sustainable community. f) Mixed Use developments should encourage the proximity of diverse uses to make it possible to reduce vehicle trips and vehicle miles traveled, providing for a greater potential for internal capture than with typical suburban development.
The following Mixed Use areas and their recommended priorities of land uses can be found in James City County:	
1. Stonehouse	The principal suggested uses for the Stonehouse Mixed Use area are light industrial and office/business park. Except for the area between I-64 and Old Stage Road, commercial uses should be clearly secondary in nature, should be limited in scale, comprise a small percentage of the land area of the overall mixed use area, and be oriented towards support services that employees and residents in the Stonehouse area can utilize. The commercial uses should not be developed in a "strip" commercial fashion, but rather should be internally oriented with limited and shared access to Route 30. For the area between I-64 and Old Stage Road, community-scale commercial uses (such as shopping center, hotel, restaurant, and office uses) consistent with prominent interstate interchange access and in support of surrounding residential development are envisioned. For the area between I-64 and Old Stage Road, residential is not a recommended use. With regard to the Stonehouse Planned Use Development, future development should be developed in accordance with a binding master plan which maintains the appropriate mixture of principal and secondary uses. Development in the Mixed Use area should also emphasize shared access and parking, consistent treatment for landscaping and architecture, and the preservation of environmental and cultural resources. New residential developments in the Mixed Use area as well as the surrounding existing residential developments should be buffered from the light industrial and office uses through landscaping and architecture treatment, but connected with pedestrian access where possible. Future development in the Stonehouse area will be conditioned on the provision of adequate transportation access.
2. Andersons Corner *(No. 2 continued on back page)*	Andersons Corner is one of the few remaining areas in the PSA with significant rural agricultural vistas and contains one of the few remaining rural historic structures in the County, the Whitehall Tavern. Future development should occur in a manner that maintains an appropriate historic setting for the Whitehall Tavern and preserves the rural, historic character of the area. Views from Richmond Road (Route 60) and Route 30 should receive high priority. To accomplish this, significant amounts of open land and farm fields should be preserved along with agricultural and rural structures in a manner that creates a village commercial node that is integrated with surrounding residential development and suitably transitions to the Rural Lands areas to the west.

2. Andersons Corner (continued)	The suggested principal uses are a balance of office and commercial. Residential is recommended as a supporting but not dominant use, and where it is proposed, the preferred format is integration in mixed use buildings that should be blended into the development of the principal uses for an overall village effect. Master planning of each of the Mixed Use intersection quadrants with adjacent existing and future residential development is strongly encouraged, with the use of shared access points as a primary consideration. Due to the width and traffic volumes on Routes 60 and 30, it is recognized that creation of a unified village effect that encompasses all four quadrants may be difficult, and for this reason, careful quadrant planning as described in the previous sentence will be important, and unique pedestrian connections, if feasible and appropriate, are encouraged. While greater intensities are anticipated, designs and land use patterns should reflect aspects of both appropriate PSA and Rural Lands Development Standards. Buildings and other structures should be small to moderate sized in scale, and of architectural styles that respect local rural and historic traditions. Standardized architectural and site designs should be strongly discouraged. Preservation and adaptive reuse of existing buildings is strongly encouraged as is their integration into plans for new development. Sections of Richmond Road (Route 60) east of Croaker Road are projected to be at or above capacity in the future. The extent to which development of this area contributes to traffic congestion in those sections of Richmond Road (Route 60) should be an important consideration in the review of development proposals.
3.Toano	The developed land within the vicinity of Toano is composed of smaller retail, limited industrial and moderate density residential uses. As part of the 1997 Comprehensive Plan review, the Toano Mixed Use area was expanded to include the area fronting on the southwestern side of Richmond Road (Route 60) between Chickahominy Road and Bush Springs Road. The Toano Middle School remained designated Federal, State, and County Land. Bush Springs Road is the distinct boundary between the Mixed Use and Low Density Residential designations. Further commercial development south and east of Bush Springs Road is strongly discouraged. Future development should be consistent with the design standards of the Toano CCA. The age, architecture, scale, materials, and spacing of the buildings give the community its unique character. Principal suggested uses include moderate density residential development, neighborhood scale commercial establishments, and small office developments. Limited industrial uses may be appropriate as secondary uses provided that they are set back and screened from Richmond Road (Route 60). Preservation and adaptive re-use of historic buildings are encouraged. Redevelopment of existing residential areas and commercial development are also encouraged. The following principles should guide streetscape and building designs in this area: • Highlight and honor history • Encourage appropriate growth that enhances unique small town character; • Preserve open space: establish communal greenspace; • Enhance pedestrian and bicycle environment while slowing vehicular traffic; and • Improve streetscape and landscape to create a sense of place. The land in the vicinity of the southernmost portion of Toano (north of Richmond Road and east of Bryant Contracting complex almost to the intersection of Cokes Lane and Richmond Road) consists of several residences and one general industrial use operating with a special use permit. In order to protect and promote the character of this area, future development should be of a similar scale and intensity. Principal suggested uses include offices, moderate density residential, general industry and limited industry. Secondary uses could include a limited amount of commercial development. The 2006 Toano Community Character Area Design Guidelines and Streetscape Plan recognized the special character of Historic Toano and the Transition Areas that included Forge Road, Chickahominy Road and Toano Drive. Architectural guide- lines were established for these areas and should be incorporated in any future development or redevelopment of this area. The ultimate goal is to preserve the village character of this historic community. For the area west of Richmond Road and north of Forge Road, development should follow the streetscape plan and associated recommendations of the Toano CCA Design Guidelines for creating and maintaining a sense of place in Toano. This area of Toano is located in the “Entrance Corridor From Anderson’s Corner” as described in the guidelines and should follow the design elements recommended in the study. Primary uses along Richmond Road should be commercial in nature with larger buildings closer to the road. Development of multi-use buildings, with retail on the first floor and residences above are also encouraged. Desired elements include two- and three-story buildings, windows on all floors, and first or second floor balcony. It is important to keep the scale of the building relatively small with density being reduced farther away from Richmond Road. Larger buildings should be broken down into smaller masses to give the appearance of shops or residential units. Buildings removed from Richmond Road should be limited to one and one-half and two stories. Development to the west of Richmond Road should focus more on residential development, with commercial as a clearly secondary use. Densities for this area should be to the lower end of the Moderate Density Residential scale, with building scale and massing decreasing. Vehicle parking and sidewalks should be internal rather than along the perimeter of this residential area, providing a more pleasing transitional view when traveling from Rural Lands into Toano. Buildings should have architectural treatments on the outward facing sides as well as on the front. Increased buffer sizes should be employed to help transition this area into the more rural areas outside the mixed use proposal. Enhanced buffers should be provided to preserve existing farm or agricultural uses on adjoining properties. The creation of a street network adjacent and parallel to Richmond Road allows a finer grain of density to develop and contributes to the village-like feel. Additionally, this network should begin to draw development and interest into side streets and neighborhoods. If appropriate, public open space or a village green should also be incorporated into this area. The boundaries of the Toano Mixed Use area are intended to encourage infill residential and commercial development and discourage “strip” shopping centers along Richmond Road (Route 60), thereby preserving the identity and character of Toano.
4. Norge	For the Mixed Use area in the northeast corner of the Richmond Road (Route 60) and Croaker Road intersection, a balance of office uses and moderate density residential is recommended. The office buildings should complement the adjacent future residential development in terms of size, scale, and architecture. Preferably, the Mixed Use area should be designed and developed under a unified development plan which emphasizes shared access and parking, consistent treatment for landscaping and architecture, and the preservation of environmental and cultural resources. Uses should be internally oriented with adequate buffers along Richmond Road (Route 60) and Croaker Road which preserve the visual separation between Norge and Toano. Designation of this area is not intended to promote or accommodate an extension of commercial development beyond these boundaries. For the Mixed Use area on the north side of Cokes Lane east of the Massie, Inc. property and adjacent to the CSX railroad and Mirror Lakes subdivision, a balance of small offices and warehouses and moderate density residential is recommended.

Public Comment Summary
LU-0002-2014
8491 Richmond Road

This attachment provides verbatim public comments for the specified land use designation change application collected through Community Workshops, postcards, emails, the Comprehensive Plan hotline and online input surveys.

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1. Increase PSA on all 3 L.U. applications. (Community Workshop)
2. To James City County Planning Dept. :

   We are responding to a notice we received from you dated May 16, 2014. It has come to our attention that an adjacent parcel of land located at 8491 Richmond Road is being considered for a zoning change and also for a realignment of the PSA area. This, no doubt will help James City County to reach its goals for the 2035 James City County Comprehensive Plan. In light of these developments we would like to have the same consideration given to our property which is located at 8399 Richmond Road, Williamsburg, Va. We own approximately 16 acres of wooded land and we share a common property boundary line. The shared boundary line is located on the south west corner of the property located at 8491 Richmond Road. We have owned this parcel of land for over 4 months and are at a lost as to why we are just receiving any notification of possible zoning and PSA changes. As we both know this would have an obvious impact on our property. I would hope that you will strongly consider changing our property's zoning and making PSA changes to reflect the changes made at 8491 Richmond Road. We would also like to express our support for the changes that the county, the property owners who are requesting the change, and those who want to see the Williamsburg area move forward into the future. If we can be of further support please don't hesitate to contact us. Your truly, *Anthony Jones – President of AAA Plumbing Co., Inc. P. O. Box 438 Lightfoot, Va., 23090 757-244-7664*
   (Staff note: this property is currently inside the PSA and designated General Industry.)
3. These are my thoughts on the GSAs for the 2014 comprehensive plan update. My comments will be on the area from Toano west to the Anderson corner area. This area is currently developing and most likely will continue to do so. My vision would be to tie the subdivisions into Toano via sidewalks and bike paths. On the East side of Toano this has already been done to great effect. This could help Toano become more economically robust. There are two historic properties in this area, Hickory Neck Church 1743 and White Hall Tavern 1805. There are two large tracks of land Hankins Farm and the Taylor Farm. Both most likely will develop over the next decade. Two smaller tracks the Ware and Branscome properties will do the same. I am not opposed to the rezoning request of the Taylor Farm to mixed use. I do think as this area continues to develop sensitivity to the historic sites and the rural heritage of this area should be reflected in the development standards. I think the Anderson corner area should also include Fenwick hills, and Michael point in the concepts of tying together the area via walking and biking. The speed limit should be reduced to 45 mph from the current 55 mph. *Bert Geddy, Toano.* (Email)

From: Randy Taylor [randy@toanocontractors.com]
Sent: Monday, December 08, 2014 12:54 PM
To: George Drummond; Richard Krapf; Robin Bledsoe; Chris Basic; Tim OConnor; John Wright; Heath Richardson
Cc: chris@toanocontractors.com
Subject: 8491 Richmond Rd - Land Use Designation

Planning Commission Members,

My name is Randy Taylor. I reside at 3920 Bournemouth Bend, in the Wellington subdivision, Stonehouse District. I am one of the family members that own the property at 8491 Richmond Rd. Toano.

First I would like to give you a brief history of the property and my family. The land was purchased by my grandparents, Stewart and Lonell Taylor in 1951. Stewart and Lonell had 5 children, Cliff, Barbara, Ray, Bill, and Beverly. All of the children made their homes in James City County. Barbara and Cliff lived within a couple miles of the property while, Ray, Bill, and Beverly built houses on the edges of the property. My grandfather, Stewart, raised livestock and crops on the property along with his son Ray until he passed away in 1997. Stewart also served on the Board of Supervisors in James City County for 26 years. Ray continued to raise crops on the property until his passing in 2001. After Ray's passing, Cliff who had since retired from BASF, continued the farming of the property. Cliff passed away in March of 2007, followed by my father, Bill, in November of 2007. Cliff was the last of the family members to pursue farming as a career. Since the passing of Cliff the farmland has been leased to other farmers from New Kent County.

While my brother, Chris Taylor, and I own an operate Toano Contractors, we have also decided in the last 6 months to try our hand at raising a few head of cattle. At this time we have 8 head of cattle on a small portion of the property. The bulk of the farmland is still leased to another farmer. While one day the cattle operation could grow into something more, right now it is just a hobby. It should also be known that while the entire property is 217 acres only 130 acres of the property is farmland. The rest of the property is either wooded, pond, or swamp. The land covered in trees is that way because it is either steep sloped or swamp/RPA. That being the case this property is not large enough to sustain a farmer on its own. A farmer must lease upwards of a 1000 acres to make a living solely on farming.

We have asked JCC to expand the PSA line to encompass the entire property. As you know the current PSA line cuts through the property including 45 acres of the road frontage of the property in the PSA while leaving the remainder in Rural Lands. We feel that the property should never have been cut by the PSA line. The PSA line should follow the property line as it does for the properties surrounding 8491 Richmond Rd. JCC Staff has recommended approval of the PSA expansion, yet recommended the entire property be designated as Rural Economic Support(RES). While we agree with the PSA expansion to encompass the entire property, we do not feel that the Rural Economic Support designation is the right choice for this property. We feel that the entire property should be designated Economic Opportunity(EO) or retain the current Mixed Use(MU) portion as is and designate the rest of the property Community Commercial(CC).

The EO designation fits this property for the following reasons:

1. It would remove the Low Density Residential land use currently on a portion of the property. We believe there is enough housing in the area and more would could be a drain on the school system and county utilities.
2. It would have the potential to increase the non-residential tax base and create jobs.
3. The property is at a strategic location. It is located at the major intersection of Rte. 60 and Rte. 30, both four lane highways and approximately a mile from I64 interchange 227.

4. A designation of EO would allow the landowner and JCC to work together to create a master plan for the property.

Another choice we would like the commission and staff to consider is leaving the portion of the property currently designated MU and changing the remainder of the property to Community Commercial(CC). The following is the rational behind this request:

Leave the current portion MU

1. The property currently designated MU corresponds to the surrounding property. If you look at the current land use map in coincides with the properties across Rte. 60 and the property to the North.
2. The property is at a strategic location. It is located at the major intersection of Rte. 60 and Rte. 30, both four lane highways and approximately a mile from I64 interchange 227.
3. Staff has stated that there is an abundance of vacant MU property nearby and that this property is not needed as MU. However I did not see where staff recommended changing the land use designation on the two parcels adjacent to this property which are owned by JCC and currently designated MU.

Change the remainder of the property to CC

1. Allow general business but have a low impact on the nearby developments.
2. Potential for increased non-residential tax base.
3. Allow a transition from General Industry(GI) to the south to low density residential to the north.
4. Provide services and jobs needed by current and proposed surrounding residential areas.
5. The north and west boundaries of the property have natural buffer to protect the adjacent Rural Lands(RL). There is a swamp that runs along the entire property line between the property and all adjacent RL as well as the railroad to the southwest which creates an added buffer for the property along Forge Road.

We appreciate your consideration on this matter. Please let it be known that we do not have any plans for development of this property at this time. However, we would like to have a land use designation in place that would best serve our family and James City County in the years to come.

If any Commission or Staff members would like to further discuss this matter, I would be glad to. Please contact me at 757-342-7602.

Respectfully,

Randolph W. Taylor, V.P.
Toano Contractors, Inc.
8589 Richmond Rd.
Toano, Va. 23168
randy@toanocontractors.com
(O) 757-566-0097
(F) 757-566-8874

STATEMENT BY LINDA RICE
FEBRUARY 19, 2015
PLANNING COMMISSION WORKING GROUP
LAND USE APPLICATION – LU-0002-2014, 8491 RICHMOND ROAD and LU-0006-2014

Members of the Planning Commission Working Group:

As a follow up to my comments on November 15, 2015, I am submitting the following comments as an individual homeowner. I understand that you have deferred action on the Land Use applications of Taylor and Hazelwood which involve an expansion of the PSA. I understand that you are awaiting a report from the DEQ with regard to the groundwater (GW) permit which they will issue specifying the amount of GW which will be allowed for withdrawal.

Here are several reasons for requesting that you **oppose** further PSA expansion until the county and its citizens determine if we can make the long term financial and environmental commitment required for access, purchase, and infrastructure costs related to expanding water needs. Aquifers are finite and the county cannot ignore the demands that other localities and industrial users will place on these same GW sources.

- **DEQ Permit Restrictions**: Virginia's Department of Environmental Quality issued James City a permit to withdraw up to 8.8 million gallons a day from one of two underground aquifers. The county uses an average of 5.4 million gallons daily. James City's next permit is likely to permit no more than 4 million gallons a day. That estimate of water usage of course does not account for the water needs required by expanding the PSA in the upper county by over 340 acres or the construction of at least 15,000 homes already approved throughout the county.

- **Reliance on City of Newport News**: James City must rely on other sources of water, since all of the surface freshwater sources in the county – Little Creek and Diascund reservoir – are owned by Newport News Waterworks. The Board of Supervisors signed an agreement in 2008 that would allow the county to buy water from Newport News. With it came a second payment of $25 million, but with inflation, the cost will now be about $33 million. James City County relies on GW for its water more than any other Virginia county.

- **Cost of Access and Purchase**: With the additional payment, the county would access up to 5 million gallons per day. James City would still buy the water at a daily rate of $1.22 per 1,000 gallons. Accessing the entire 5 million gallons would cost $6,100 a day, or more than $2.2 million a year.

- **Cost of Infrastructure Construction and Maintenance**: Buying additional water requires millions of dollars worth of infrastructure improvements. It will require $4.5

million if James City buys just 2 million gallons a day, and between $16 million and $18 million if the county buys the full 5 million gallons.

LU-0002-2014 and LU-0006-2014 will have major implications if it they are approved. I ask that you, as members of the Planning Commission Working Group join me and other members of the Community in recommending denial to the full Planning Commission and Board of Supervisors of these land use applications.

Respectfully Submitted:

Linda Rice

2394 Forge Road

Toano

NOTE: Some of my comments are extracted from the VA Gazette Editorial on Feb 3, 2015.

RESOLUTION

CASE NO. LU-0002-2014. 8491 RICHMOND ROAD (TAYLOR FARM)

LAND USE DESIGNATION CHANGE

WHEREAS, at its June 23, 2015 meeting, the Board of Supervisors of James City County adopted the James City County Comprehensive Plan *Toward 2035: Leading the Way*; and

WHEREAS, at the June 23, 2015 meeting, the Board of Supervisors postponed one component of the Comprehensive Plan, which was a land use designation change request submitted as Case No. LU-0002-2014, 8491 Richmond Road (James City County Real Estate Tax Map Parcel No. 1210100032); and

WHEREAS, the request was to change the property Rural Lands, Low Density Residential and Mixed Use to Economic Opportunity and to expand the Primary Service Area (PSA) to encompass the entire property; and

WHEREAS, at its January 15, 2015 meeting, the Planning Commission Working Group voted 7-1 to defer this case pending further discussions between the County and the Virginia Department of Environmental Quality on the County's groundwater withdrawal permit; and

WHEREAS, at its April 1, 2015 meeting, the Planning Commission voted 7-0 to adopt the Comprehensive Plan, including accepting the recommendation of deferral of the Planning Commission Working Group for this case; and

WHEREAS, the Board of Supervisors remains concerned about the adequacy of the future water supply to serve the existing PSA; and

WHEREAS, the Board of Supervisors finds changing the land use designations to accommodate a higher intensity of development and to expand the area served by public water and sewer to be inconsistent with prudent planning at this time.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby denies Case No. LU-0002-2014.

Kevin D. Onizuk
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	VOTES AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____
ONIZUK	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of March, 2017.

LU02-14TaylorFrm-res1

RESOLUTION

CASE NO. LU-0002-2014. 8491 RICHMOND ROAD (TAYLOR FARM)

LAND USE DESIGNATION CHANGE

WHEREAS, at its June 23, 2015 meeting, the Board of Supervisors of James City County adopted the James City County Comprehensive Plan *Toward 2035: Leading the Way*; and

WHEREAS, at its June 23, 2015 meeting, the Board of Supervisors postponed one component of the Comprehensive Plan, which was a land use designation change request submitted as Case No. LU-0002-2014 8491 Richmond (James City County Real Estate Tax Map Parcel No. 1210100032); and

WHEREAS, the request was to change the property from Rural Lands, Low Density Residential and Mixed Use to Economic Opportunity (EO) and to expand the Primary Service Area to encompass the entire property; and

WHEREAS, at its January 15, 2015 meeting, the Planning Commission Working Group voted 7-1 to defer this case pending further discussions between the County and the Virginia Department of Environmental Quality on the County's groundwater withdrawal permit; and

WHEREAS, at its April 1, 2015 meeting, the Planning Commission voted 7-0 to adopt the Comprehensive Plan, including accepting the recommendation of the Planning Commission Working Group for this case; and

WHEREAS, the Board of Supervisors finds that the change to EO will provide the opportunity for beneficial job growth and non-residential tax revenue; and

WHEREAS, the Board of Supervisors finds changing the land use designations to accommodate a higher intensity of development and to expand the area served by public water and sewer to be consistent with prudent planning.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves Case No. LU-0002-2014 and associated EO description language and directs that the James City County Comprehensive Plan Land Use Map and description be updated accordingly.

Kevin D. Onizuk
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____
ONIZUK	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of March, 2017.

LU02-14TaylorFarm-res2

RESOLUTION

CASE NO. LU-0002-2014. 8491 RICHMOND ROAD (TAYLOR FARM)

LAND USE DESIGNATION CHANGE

WHEREAS, at its June 23 2015 meeting, the Board of Supervisors of James City County adopted the James City County Comprehensive Plan *Toward 2035: Leading the Way*; and

WHEREAS, at its June 23, 2015 meeting, the Board of Supervisors postponed one component of the Comprehensive Plan, which was a land use designation change request submitted as Case No. LU-0002-2014 8491 Richmond (James City County Real Estate Tax Map Parcel No. 1210100032); and

WHEREAS, the request was to change the property from Rural Lands, Low Density Residential and Mixed Use to Economic Opportunity (EO) and to expand the Primary Service Area to encompass the entire property; and

WHEREAS, at its January 15, 2015 meeting, the Planning Commission Working Group voted 7-1 to defer this case pending further discussions between the County and the Virginia Department of Environmental Quality on the County's groundwater withdrawal permit; and

WHEREAS, at its April 1, 2015 meeting, the Planning Commission voted 7-0 to adopt the Comprehensive Plan, including accepting the recommendation of the Planning Commission Working Group for this case; and

WHEREAS, the Board of Supervisors finds that the change to EO may provide the opportunity for beneficial job growth and non-residential tax revenue and may be consistent with prudent planning; and

WHEREAS, the Board of Supervisors wishes the Planning Commission to review the EO designation description language and specifically provide a recommendation on a change to EO.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby remands Case No. LU-0002-2014 to the Planning Commission.

____
Kevin D. Onizuk
Chairman, Board of Supervisors

ATTEST:

____
Bryan J. Hill
Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____
ONIZUK	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of March, 2017.

LU02-14TaylorFarm-res3

AGENDA ITEM NO. H.2.

ITEM SUMMARY

DATE: 3/14/2017

TO: The Board of Supervisors

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: SUP-0012-2016, Chickahominy Summerplace

ATTACHMENTS:

	Description	Type
🗋	Staff report	Staff Report
🗋	Resolution	Resolution
🗋	Master Plan	Exhibit
🗋	Unapproved Minutes from the Feb. 1 Planning Commission meeting	Minutes
🗋	Layout of original subdivision as proposed under S-0014-2009	Exhibit
🗋	Section 24-214 of the Zoning Ordinance with staff analysis	Exhibit
🗋	Community Impact Statement	Exhibit
🗋	Letter from Kimley-Horn re: traffic analysis	Exhibit
🗋	Pedestrian Accommodation Master Plan	Exhibit
🗋	Regional Bikeway Master Plan	Exhibit
🗋	E-mail from citizen and citizen comments received at the Feb. 1 Planning Commission meeting	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	2/24/2017 - 11:37 AM
Development Management	Holt, Paul	Approved	2/24/2017 - 11:37 AM
Publication Management	Burcham, Nan	Approved	2/24/2017 - 11:45 AM
Legal Review	Kinsman, Adam	Approved	2/24/2017 - 11:49 AM
Board Secretary	Fellows, Teresa	Approved	2/24/2017 - 2:26 PM
Board Secretary	Purse, Jason	Approved	3/7/2017 - 1:38 PM
Board Secretary	Fellows, Teresa	Approved	3/7/2017 - 1:52 PM

SPECIAL USE PERMIT-0012-2016. Chickahominy Summerplace

Staff Report for the March 14, 2017, Board of Supervisors Public Hearing

SUMMARY FACTS

Applicant:	Mr. Jason Grimes of AES Consulting Engineers
Land Owner:	Chickahominy Summerplace, LLC
Proposal:	A request to reduce the minimum lot size to less than three acres to allow a rural cluster development of up to 150 lots at the proposed Summerplace subdivision.
Location:	1613 Jolly Pond Road
Tax Map/Parcel No.:	2920100004
Project Acreage:	+/- 767 acres out of 924 acres
Zoning:	A-1, General Agricultural
Comprehensive Plan:	Rural Lands
Primary Service Area:	Outside

PUBLIC HEARING DATES

Planning Commission:	December 7, 2016, 7:00 p.m. (deferred by the applicant) January 4, 2017, 7:00 p.m. (deferred by the applicant) February 1, 2017, 7:00 p.m.
Board of Supervisors:	March 14, 2017, 5:00 p.m. (tentative)
Staff Contact:	Jose Ribeiro, Senior Planner II

FACTORS FAVORABLE

1. The proposal is compatible with surrounding zoning and development.
2. The proposal is consistent with the Comprehensive Plan adopted in 2015, “Toward 2035: Leading the Way.”
3. The proposed cluster development will provide larger areas of open space and protect environmentally sensitive areas.

FACTORS UNFAVORABLE

1. The proposal will contribute to higher student enrollment levels exceeding the effective capacity at Warhill High School and Blayton Middle School.
2. Citizens have expressed concerns regarding residential development outside the primary service area.

SUMMARY STAFF RECOMMENDATION

Approval, subject to the conditions in the attached resolution.

PLANNING COMMISION RECOMENDATION

At its February 1, 2017 meeting, the Planning Commission recommended approval of this application by a vote of 7-0.

Proposed Changes Made Since the Planning Commission Meeting

None.

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.

PLANNING AND ZONING HISTORY

- The Development Review Committee granted preliminary approval of the construction plans for Summerplace (S-0014-2009) and approved a cul-de-sac exception and a sidewalk waiver request on June 30, 2009.

- The Development Review Committee approved a clearing phasing plan and a tree protection plan associated with development of Summerplace (S-0014-2009) on May 26, 2010.

PROJECT DESCRIPTION

Mr. Jason Grimes of AES Consulting Engineers, on behalf of Chickahominy Summerplace, LLC, has submitted a Special Use Permit (SUP) application requesting the reduction of the minimum lot size to allow for a rural cluster development for a portion of the proposed Summerplace subdivision.

In 2009, the applicant submitted plans for the development of Summerplace which consists of 164 single-family lots and areas of common open space on ± 924 acres of land (S-0014-2009). A total of four vehicular access points were planned along the frontage with Jolly Pond Road. The entire subdivision is located outside the Primary Service Area (PSA) and will be served by a central well and individual septic systems.

Preliminary approval for the project was granted on June 30, 2009, by the Development Review Committee (DRC). Under the County's Subdivision Ordinance, once preliminary approval for a plan is granted it is valid for a period of five years, as long as a plat has been submitted within one year of preliminary approval being granted. However, based on State Code §15.2-2209.1, which was enacted to extend plan validities during the recession period, preliminary approval for the plan was extended to July 1, 2017. Subdivision/construction plans for Phase 1 of the development (consisting of 46 lots) were approved on March 25, 2011. However, no lots have been recorded to date.

The SUP request proposes to reduce the minimum lot size of up to 150 residential lots from three acres to one acre which would permit the majority of the subdivision to be developed as a rural cluster. The remaining 14 lots (identified on the Master Plan by a hatched area), are not subject to this SUP application and will retain their minimum lot size of three acres. Other changes proposed by this SUP request include:

- The reduction of vehicular access points located along Jolly Pond Road from four to two.

- An increase in open space area. A total of 514 acres of open spaces will be provided out of the 767 acre area.

In regards to the minimum lot size reduction request, Section 24-214(c) of the Zoning Ordinance states that upon issuance of an SUP, a subdivision may be approved with a minimum lot size of less than three acres, provided that it complies with criteria set forth by the ordinance. Attachment No. 6 lists the ordinance criteria with staff's comments.

SURROUNDING ZONING AND DEVELOPMENT

- Located along the north side of Jolly Pond Road (State Route 611), west of Cranston's Mill Pond Road (State Route 632) and to the west of Centerville Road (State Route 614).

- Surrounding zoning designations include:

a. A-1, General Agricultural to the north and east (vacant lands and Yarmouth Creek).

b. PL, Public Land to the south (James City County Landfill) and west (Hornsby Middle School and Freedom Park).

COMPREHENSIVE PLAN

1. The 2035 Comprehensive Plan Land Use Map designates this property as Rural Lands. The 2035 Comprehensive Plan defines Rural Lands as areas containing farms, forests and scattered houses, exclusively outside of the PSA, where a lower level of public service delivery exists or where utilities and urban services do not exist and are not planned for in the future. Rural clusters should develop in accordance with the following guidelines (with staff comments in *italics*):

   a. Minimize the impact of residential development by retaining a substantial amount (at least two-thirds) of the site in large, undivided blocks of land for permanent open space, farming, timbering and/or rural economic uses.

   Staff finds that this application meets this criteria. Approximately 514 acres of land, or 67% of the entire area subject to this SUP will be dedicated as open space. The open space area is configured in large blocks.

   b. Appropriate goals for open space and lot layout include preservation of farmland, open fields, scenic vistas, woodland, meadows, wildlife habitats and vegetation; protection of environmentally sensitive land including wetlands, stream corridors and steep slopes; and roadway buffers.

   Staff finds that this application meets this criteria. As proposed, the area designated as open space will protect open fields, environmentally sensitive areas (wetlands and Resource Protection Area) and archaeological sites.

   c. The goals of the open space and for lot layout should be shown on a conceptual plan and the design should support these goals.

   Staff finds that this application meets this criteria. The open space design will allow for the preservation of a large developable tract of natural wooded open space (± 70 acres of developable area). The design also removes the most environmentally sensitive areas from the proposed development and places it within a conservation easement.

   d. The open space should be placed in a conservation easement or the equivalent to ensure that the land will remain undeveloped.

   Staff finds that this application meets this criteria. All common open space areas will be dedicated to the County.

   e. The visibility of the development from the main road should be minimized. It is recommended that lots be placed along an access road rather than along the main route so that the view from the main route still appears rural in nature.

   Staff finds that this application meets this criteria. Of the 150 residential lots proposed as part of this rural cluster subdivision, 13 lots are located along, but do not front on Jolly Pond Road. The applicant proposes to establish a buffer area between these lots and the public right-of-way *ranging from a minimum of 75 feet to 200 feet. In addition, all structures will be set back 150 feet from Joly Pond Road.*

Staff finds that the overall design of the proposed rural cluster and the intent to preserve open space area to be consistent with the Rural Residential Cluster development guidelines of the Comprehensive Plan.

Staff notes that in terms of scale, the Comprehensive Plan states: "in terms of desired scale of Rural Lands development, very low density development, significantly lower than currently permitted, or rural clusters on a small scale which meet the design guidelines of the Rural Lands Development Standards are encouraged, while large concentrations of residential development are strongly discouraged as such subdivisions interrupt rural qualities and significantly increase demand for urban services and transportation facilities."

Staff notes that, although the proposed subdivision is not fully compatible with the "small scale" standard within Rural Land areas, its size and the number of residential lots would remain generally the same as proposed by the original subdivision layout (S-0014-2009).

2. Surrounding Comprehensive Plan designations include:

   a. Rural Lands to the north and west.
   b. Federal, state and County land to the south and east.
   c. Open space or recreation to the east.

PUBLIC IMPACTS

1. Anticipated Impact on Public Facilities and Services:

   a. *Streets.* A Traffic Impact Analysis (TIA) associated with S-0014-2009, was submitted to the Virginia Department of Transportation (VDOT) for review on March 27, 2009. The analysis indicated that no roadway improvements were warranted and that all intersections included in the analysis would maintain desirable levels of service at build-out of the site. VDOT staff concurred with the conclusions of the 2009 TIA.

      For this SUP application, VDOT staff re-evaluated the 2009 Summerplace TIA and found that its recommendations were still applicable and a new TIA would not be required. Kimley-Horn and Associates conducted a review of the 2009 Summerplace TIA, the 2011 Hornsby Middle School TIA and historic average daily traffic volumes along Jolly Pond Road, and determined that the roadway and intersection improvements proposed to support traffic operations at the two Summerplace site access driveways are still valid (Attachment No. 8).

   b. *Schools/Fire/Utilities.* With regards to schools, the project is located within the Hornsby Elementary, Blayton Middle and Warhill High School districts. A total of 61 new students are projected to be generated by Summerplace. These numbers are generated by the Department of Financial and Management Services in consultation with Williamsburg-James City County (WJCC) Public Schools and based on historic attendance data gathered from other households in James City County. Table 1.0 (below) illustrates the expected number of students being generated by Summerplace and overall student capacity for Hornsby Elementary, Blayton Middle and Warhill High Schools:

Table 1.0 - Student enrollment and school capacity for WJCC schools 2016

School	*Effective Capacity*	*Enrollment*	*Projected Students Generated*	*Enrollment + Projected Students*
Hornsby Elementary	971	942	± 27	969
Blayton Middle	483	513	± 14	527
Warhill High	1,297	1,295	± 20	1,315

Source: WJCC Public School Official Student Enrollment Report November 2016

Based on this analysis, the 61 students projected to be produced from the new development would not cause the enrollment levels for Hornsby Elementary School to exceed effective capacity. However, it would contribute to higher enrollment levels exceeding the effective capacity in Blayton Middle and Warhill High Schools.

If physical improvements have been programed through the County Capital Improvements Project (CIP) then the applicant will meet the adequate public schools policy. Staff notes that a new middle school is in the CIP for the next five years (FY 15). Improvements to Warhill High School were also considered as part of the CIP FY15 process; however, these improvements did not increase effective capacity for the school.

With regards to utilities, Summerplace will be served by a central water system which will be dedicated to the James City Service Authority after the facility is constructed. All on-site wastewater will be treated by an on-lot septic drain field system which will be evaluated by the Virginia Department of Health. Prior to final development plan approval for the proposed improvements, the applicant must submit a Water Conservation Plan (SUP Condition No. 8).

A Fiscal Impact Analysis was submitted along with this SUP application. The analysis indicated the projected residential fiscal impact to be positive at ± $59,000 at build-out. The Financial and Management Services staff has reviewed and concurs with the calculations.

c. *Environmental/Cultural/Historic.* Development of the proposed subdivision will be subject to the Yarmouth Creek Watershed Management Plan. A revised Master Stormwater Management Plan will be required to be submitted at the development plan review stages. Engineering & Resource Protection staff found this application to be consistent with regulations and the Yarmouth Watershed Management Plan and requested that a Nutrient Management Plan be included as one of the SUP conditions. (SUP Condition No. 6).

The Yarmouth Creek Conservation site is located within two miles of the project site and according to the Department of Conservation and Recreation, the natural heritage resources of concern at this site are the Sensitive Joint-vetch (an annual bushy-branched herb) and the Tidal Freshwater Marsh. In addition, there is a potential for small whorled pogonia to occur in the project area. SUP Condition No. 5 requires the applicant to comply with the County’s adopted Natural Resource Policy.

The area subject to this SUP is located within a “high sensitivity” area as shown on the Archaeological Sensitive

Areas map on the Comprehensive Plan. A Phase I Cultural Resources Investigation at the Summerhouse Tract was submitted to the Department of Historic Resources (DHR) for review. The DHR concurred with the consultant's recommendation that these sites on the property (44JC1214, 44JC0236 and 44JC1213) are potentially eligible for the National Register. SUP Condition No. 2 requires the applicant to comply with the County's adopted Archaeological Policy. The three sites are either entirely or largely located within the open space portion of the master plan.

d. *Nearby and Surrounding Properties.* The proposed cluster development design allows for additional open space areas that naturally function as a buffer area from adjacent properties.

CUL-DE-SAC EXCEPTION AND SIDEWALK MODIFICATION

On June 30, 2009, the DRC reviewed and approved a request from the applicant to allow a total of six cul-de-sac streets in excess of 1,000 feet in length. As the layout of the subdivision has been modified to accommodate a rural cluster design, five cul-de-sac streets in excess of 1,000 feet in length remain as part of this proposal. The applicant also requested a sidewalk modification along Jolly Pond Road and proposed a 3.3-mile multi-use trail throughout the development as an alternative. In 2009, staff supported that application and the DRC approved the request and accepted the multi-use trail substitution.

Staff notes that since 2009, the County's Pedestrian Accommodation Master Plan (Attachment No. 9) was adopted by the Board of Supervisors (2011) and revisions to the Regional Bikeways Map (Attachment No. 10) were approved by the Board of Supervisors (2013). Staff further notes that the ordinance section (Section 24-35) under which the sidewalk modification was granted by the DRC was revised in 2012 to read "pedestrian accommodations shall be required for the subject property along all public roads as shown on the pedestrian accommodation master plan." According to the Pedestrian Accommodation Master Plan a sidewalk is proposed along part of Jolly Pond Road. A bike lane is also proposed along a small portion of Jolly Pond Road in accordance with the Regional Bikeways Master Plan. Staff finds that this proposal is subject to the criteria established by the recommendations set forth by Pedestrian Accommodation Master Plan and by the Regional Bikeway Maps (SUP Condition No. 9).

PROPOSED CONDITIONS

- The full text of the proposed conditions are provided in the attached resolution (Attachment No. 1).

STAFF RECOMMENDATION

Staff finds the proposal to be compatible with surrounding zoning and development and that it is consistent with the Comprehensive Plan adopted in 2015, "Toward 2035: Leading the Way." Staff recommends the Board of Supervisors approve this application subject to the attached conditions.

JR/nb
SUP12-16CSummerplace

Attachments:

1. Resolution
2. Location Map
3. Cluster development Master Plan
4. Unapproved minutes from February 1, 2017, Planning Commission meeting
5. Layout of the subdivision as proposed under S-0014-2009
6. Section 24-214 of the Zoning Ordinance with comments from staff
7. Community Impact Statement
8. Letter from Kimley-Horn regarding TIA
9. Pedestrian Accommodation Master Plan
10. Regional Bikeways Map
11. E-mail from citizen dated 2/1/2017

RESOLUTION

CASE NO. SUP-0012-2016. CHICKAHOMINY SUMMERPLACE

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, Chickahominy Summerplace (the "Owner") owns property located at 1613 Jolly Pond Road further identified as James City County Real Estate Tax Map Parcel No. 2920100004; and

WHEREAS, on behalf of the owner, Mr. Jason Grimes, of AES Consulting Engineers has applied for an SUP to reduce the minimum lot size to less than three acres to allow a rural cluster development of up to 150 lots at the proposed Summerplace subdivision as shown on the master plan titled "A-1 Cluster Master Plan Summerplace Subdivision" and dated November 12, 2016; and

WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Case No. SUP-0012-2016; and

WHEREAS, the Planning Commission, following its public hearing on February 1, 2017, recommended approval of this application by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve Case No. SUP-0012-2016, as described herein with the following conditions:

1. _Master Plan:_ This SUP shall be valid for the development of a rural cluster subdivision of up to 150 residential lots (the "Project"). The Project is located at 1613 Jolly Pond Road, and is further identified as James City County Real Estate Tax Map No. 2920100004 (the "Property"). Development of the Project shall be completed in accordance with the "A-1 Cluster Master Plan for Summerplace Subdivision," dated 11/11/2016 (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance. No lot shall be less than one acre in size.

2. _Archaeology:_ A Phase I Archaeological Study was prepared and previously submitted to and reviewed by the Virginia Department of Historic Resources (VDHR). A treatment plan shall be submitted to 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 DHR's 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. This condition shall be interpreted in accordance with the County's Archaeological Policy adopted on September 22, 1998.

3. *Buffer:* A minimum 75-foot natural vegetative buffer shall be maintained along the Property's frontage on Jolly Pond Road. This buffer shall remain undisturbed with the exception of breaks for the entrance to the well site, roadways and pedestrian connections, utilities, walking and hiking trails, landscaping, and other uses specifically approved by the Development Review Committee.

4. *Setback Along Jolly Pond Road:* All structures shall maintain a minimum setback of 150 feet from Jolly Pond Road. The 150-foot front setback shall be shown on all plats submitted to the County for review and approval.

5. *Natural Heritage Resource:* A natural resource inventory of suitable habitats for S1, S2, S3, G1, G2 or G3 resources in the Project area shall be submitted to the Director of Planning for review and approval prior to land disturbance. If the inventory confirms that a natural heritage resource either exists or could be supported by a portion of the site, a conservation management plan shall be submitted to and approved by the Director of Planning for the affected area. All inventories and conservation management plans shall meet the standards of the Virginia Department of Conservation and Recreation's Division of Natural Heritage ("DCR/DNH") for preparing such plans, and shall be conducted under the supervision of a qualified biologist as determined by the DCR/DNH or the United States Fish and Wildlife Service. All approved conservation management plans shall be incorporated into the plan of development for the Property, and the clearing, grading or construction activated thereon, to the maximum extent possible. Upon approval by the Director of Planning, a mitigation plan may be submitted for the incorporation of the conservation management plan into the plan of development for the Property.

6. *Nutrient Management Plan:* A Nutrient Management Plan for the Project shall be submitted to the Director of Engineering & Resource Protection Division for review and approval prior to the issuance of a Certificate of Occupancy for any dwelling unit shown on the subdivision plat.

7. *Conservation Easement:* Conservation easement(s) shall be dedicated over the open spaces of the project to James City County or an agency acceptable to the County and recorded prior to final subdivision approval by the County for any lot within the Project. The area within the conservation easement(s) shall be available for stormwater management structures and facilities, required open space, trails, required impervious/pervious cover calculations and watershed protection measures for the Project as approved by the Director of Planning.

8. *Water Conservation Plan:* Prior to final construction plan approval, water conservation standards shall be submitted to and approved by the James City Service Authority. The standards shall include, but 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 resistant native and other adopted low water use landscaping materials and warm season turf where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.

9. *Jolly Road Pedestrian and Bike Improvements:* Improvements shall be provided along a portion of the Property's Jolly Pond Road frontage consistent with the Regional Bikeways Map and Pedestrian Accommodation Master Plan. The improvements shall be installed and/or bonded prior to issuance of Certificate of Occupancy for any lot within the Project.

10. *Severability:* This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

11. *Commencement of Construction:* If construction has not commenced on the Project within 36 months from issuance of this 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.

____
Kevin D. Onizuk
Chairman, Board of Supervisors

ATTEST:

____
Bryan J. Hill
Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____
ONIZUK	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of March, 2017.

A-1 CLUSTER MASTER PLAN

FOR

SUMMERPLACE SUBDIVISION

POWHATAN DISTRICT
JAMES CITY COUNTY VIRGINIA

INDEX OF SHEETS

SHEET NUMBER	DESCRIPTION
C-01	COVER SHEET
C-02	CONCEPTUAL LAYOUT OF LOTS, ROADS AND COMMON OPEN SPACE
C-03	STEEP SLOPES, TOPO, WETLANDS AND RPA BUFFER
C-04	OVERALL ENVIRONMENTAL INVENTORY PLAN

LEGEND

EXISTING		PROPOSED
EX. WATER	WATER	
EX. SAN.	SANITARY SEWER	
	STORM SEWER	
EX. FORCEMAIN	FORCE MAIN	
Ⓢ	SANITARY MANHOLE	●
ST	STORM MANHOLE	●
	CURB DROP INLET	
	YARD DROP INLET	
	FLARED END SECTION	
	VALVE	
	FIRE HYDRANT ASSEMBLY	
	BLOW-OFF VALVE	
⊗	AIR RELEASE ASSEMBLY	●
○ SCO	CLEAN OUT	●
⊞ WM	WATER METER	■
◎	STREETLIGHT	⊙
	CENTERLINE/BASELINE	
	RIGHT OF WAY	
	PROPERTY LINE	
	℄ DITCH/SWALE	
	CONCRETE LINED DITCH	
	EXISTING TREELINE	
	LIMITS OF CLEARING	
	RIP RAP	
	CURB	
	CURB AND GUTTER	
	REVERSE GUTTER PAN	
	EDGE OF PAVEMENT	
×25.1	EXISTING GROUND ELEVATION	
	PROPOSED SPOT GRADE	TC0.00
80	CONTOUR	80

LAND USE SUMMARY TABLE

PROPOSED LOTS, RIGHT OF WAY AND COMMON OPEN SPACE PER THIS SPECIAL USE APPLICATION

TOTAL AREA OF SUP AREA 33,972,713± SQ.FT. / 779.91± AC. (100.00% OF OVERALL SITE)

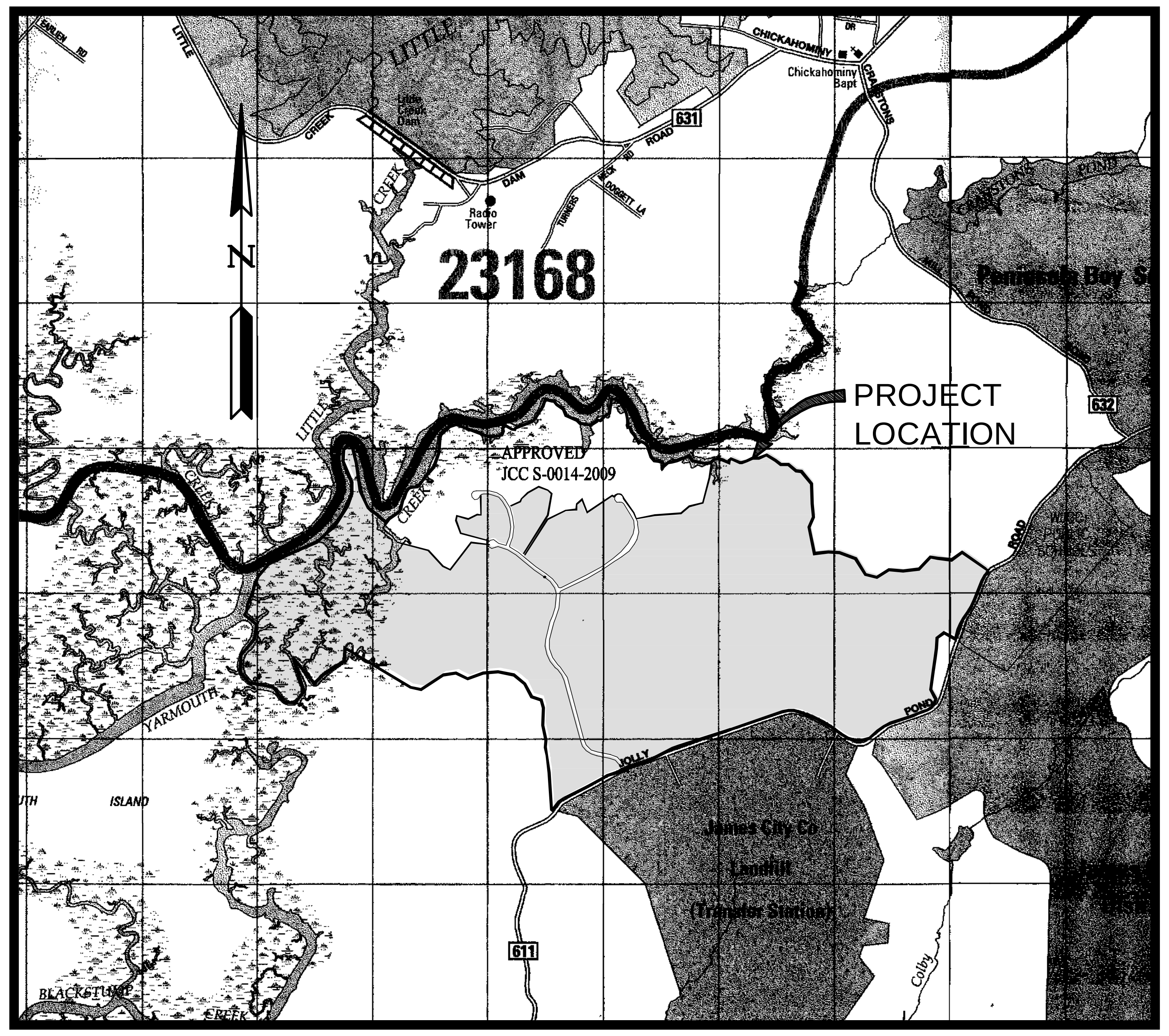
DENSITY = 150 LOTS = 1 LOT/5.20 AC.= 0.19 LOTS PER ACRE

TOTAL AREA OF 150 LOTS = 10,084,881± SQ.FT. / 231.52± AC. (29.69% OF SUP SITE)

TOTAL AREA OF R/W = 1,057,413± SQ.FT. / 24.27± AC. (03.11% OF SUP SITE)

TOTAL AREA OF APPROVED WELL LOT = 68,304± SQ.FT. / 1.57± AC. (00.20 OF SUP SITE)

TOTAL AREA OF COMMON OPEN SPACE = 22,762,115± SQ.FT. / 522.55± AC. (67.00% OF SUP SITE)



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VICINITY MAP (APPROX. SCALE 1"=2,000')

ORIGINAL SUBMITTAL DATE: NOVEMBER 2016
AES PROJECT NO.: 9998-00
JCC CASE #: SUP-0012-2016

SITE DATA / GENERAL NOTES

1. OWNER/DEVELOPER: CHICKAHOMINY SUMMERPLACE, LLC
   14700 VILLAGE SQUARE PLACE
   MIDLOTHIAN, VIRGINIA 23112-2253
   CONTACT: DEAN VINCENT
   PHONE: (757) 638-9100 EXT. 22; FAX: (757) 638-9141; EMAIL: dvincent@eastwestp.com
2. TAX MAP PARCEL NO. A PORTION OF 2920100004
3. SITE ADDRESS: 1613 JOLLY POND ROAD, JAMES CITY COUNTY, VIRGINIA 23188-7529
4. SITE IS CURRENTLY ZONED A1 GENERAL AGRICULTURAL.
   SETBACKS:
   FRONT – 75 FT. (150 FT. MIN. WIDTH FOR LOTS 1-3 AC IN ACCORDANCE WITH SECTION 24-14c OF THE JAMES CITY COUNTY SUBDIVISION ORDINANCE)
   SIDE – 15 FT.
   REAR – 35 FT.
5. THIS PROPERTY LIES WITHIN ZONES X AND AE AS SHOWN ON F.I.M.A. FLOOD MAP 51095C0104D, DATED 12/16/15. THE BASE FLOOD ELEVATION OF 7-8 FEET IS BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) WHICH CORRESPONDS TO ELEVATION 8-9 FEET ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD29) WHICH THIS PROJECT TOPOGRAPHY IS BASED. NO LOTS PROPOSED BY THIS APPLICATION ARE WITHIN THE FLOOD PLAIN.
6. SURVEY DATA PROVIDED BASED UPON JAMES CITY COUNTY GEODETIC CONTROL NAD-83 ESTABLISHED FROM MONUMENT 309.
7. THIS SITE IS SITUATED WITHIN TIDAL MAINSTEM AND SUB-WATERSHED 106 OF YARMOUTH CREEK.
8. ALL LOTS TO BE SERVED BY ON-LOT SEPTIC DRAINFIELDS AND A PRIVATE WELL FACILITY (WITH THE EXCEPTION OF LOT 165 WHICH WILL BE SERVICED BY THE PROPOSED JCSA WATERLINE ALONG JOLLY POND ROAD).
9. THERE ARE NO WATER QUALITY REQUIREMENTS FOR THIS SUBDIVISION. THIS PROJECT IS NOT REQUIRED TO COMPLY WITH SPECIAL STORMWATER CRITERIA (SSC).
10. WETLANDS AND RESOURCE PROTECTION AREA BUFFERS HAVE BEEN CONFIRMED BY ARMY CORPS OF ENGINEERS AND MIKE WOOLSON, JCC ENVIRONMENTAL. DELINEATION PROVIDED BY WILLIAMSBURG ENVIRONMENTAL GROUP.
11. WETLAND PERMIT, GROUNDWATER WITHDRAW PERMIT, AND SEPTIC DRAINFIELD ACCEPTANCE PERMIT WILL BE REQUIRED PRIOR TO FINAL PLAN APPROVAL. A LAND DISTURBING PERMIT AND VSMP WILL BE REQUIRED PRIOR TO CONSTRUCTION.
12. WAIVERS FOR THE FOLLOWING WILL BE REQUIRED PRIOR TO SUBDIVISION PLAN APPROVAL: STEEP SLOPE WAIVER, WATER QUALITY IMPACT ANALYSIS, CUL-DE-SAC LENGTH WAIVER, AND SIDEWALK WAIVER (SEE ITEM 14).

13. ALL STORM SYSTEMS TO OUTFALL INTO RIP-RAP STILLING BASINS LOCATED AT THE TOE OF SLOPE.

13. A WAIVER WILL BE REQUESTED TO SECT. 24-35(a)(4) OF THE SUBDIVISION ORDINANCE REQUIRING SIDEWALK ALONG THE ROAD FRONTAGE. TO OFFSET THE SIDEWALK, AN INTERNAL TRAIL SYSTEM IS PROPOSED THROUGHOUT THE SUBDIVISION.

14. ALL INTERNAL STREETS ARE PUBLIC.
15. ALL NEW UTILITIES SHALL BE PLACED UNDERGROUND IN ACCORDANCE WITH SECTION 19-33 OF THE JAMES CITY COUNTY SUBDIVISION ORDINANCE.
16. NEW MONUMENTS SHALL BE SET IN ACCORDANCE WITH SECTIONS 19-34 THRU 10-36 OF THE JAMES CITY COUNTY SUBDIVISION ORDINANCE.
17. ALL NEW STREET SIGNS SHALL BE INSTALLED IN ACCORDANCE WITH SECTION 19-55 OF THE JAMES CITY COUNTY SUBDIVISION ORDINANCE.
18. UNLESS OTHERWISE NOTED, ALL DRAINAGE EASEMENTS DESIGNATED ON THE PLAT SHALL REMAIN PRIVATE.
19. WETLANDS AND LAND WITHIN RESOURCE PROTECTION AREAS SHALL REMAIN IN A NATURAL UNDISTURBED STATE EXCEPT FOR THOSE ACTIVITIES PERMITTED BY SECTION 23-7(c) (1) OF THE JAMES CITY COUNTY CODE.
20. SEPTIC TANK AND SOILS INFORMATION SHOULD BE VERIFIED AND REEVALUATED BY THE HEALTH DEPARTMENT PRIOR TO ANY NEW CONSTRUCTION.

Rev.	Date	Description	Revised By
1	12/20/16	REVISED PER COUNTY COMMENTS	LBA

AES CONSULTING ENGINEERS
5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
Phone: (757) 253-0040
Fax: (757) 220-8994
www.aesva.com
Hampton Roads | Central Virginia | Middle Peninsula

A-1 CLUSTER MASTER PLAN
SUMMERPLACE SUBDIVISION
POWHATAN DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts:	JAG
Project Number:	9998
Scale: AS NOTED	Date: 11/11/2016

Sheet Title:
COVER SHEET

Sheet Number
C-01

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Rev.	Date	Description	Revised By
1	12/20/16	REVISED PER COUNTY COMMENTS	LBA

AES
CONSULTING ENGINEERS
5248 Olde Towne Road, Suite 1
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www.aesva.com
Hampton Roads | Central Virginia | Middle Peninsula

A-1 CLUSTER MASTER PLAN

SUMMERPLACE SUBDIVISION

POWHATAN DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts:	JAG
Project Number:	9998
Scale: 1"=400'	Date: 11/11/2016

Sheet Title:
CONCEPTUAL LAYOUT OF LOTS, ROADS AND COMMON OPEN SPACE

Sheet Number
C-O2

:\JOBS\9998\00-Summerplace\dwg\Pln\Master Planning\SUP revisions per planning comments\999800c02- display Lots-Roads-buffer 2016-11-03.dwg, 12/22/2016 3:01:50 PM

SOIL CHARACTERISTICS

SOIL#	SOIL NAME	TYPICAL SLOPES	EROSION FACTOR (K)	EROSION FACTOR (T)
8B	CAROLINE FINE SANDY LOAM	2–6%	0.32–0.43	5
10B	CRAVEN FINE SANDY LOAM	2–6%	0.32–0.37	3
11C	CRAVEN–UCHEE COMPLEX	6–10%	0.32–0.37	3
14B	EMPORIA FINE SANDY LOAM	2–6%	0.20–0.28	4
14C	EMPORIA FINE SANDY LOAM	6–10%	0.20–0.28	4
15E	EMPORIA COMPLEX	15–25%	0.20–0.28	4
15F	EMPORIA COMPLEX	25–50%	0.20–0.28	4
17	JOHNSTON COMPLEX	RELATIVELY FLAT	0.17–0.20	5
19B	KEMPSVILLE–EMPORIA FINE SANDY LOAMS	2–6%	0.20–0.32	3–4
21	LEVY SILTY CLAY	RELATIVELY FLAT	0.32	5
25B	NORFOLK FINE SANDY LOAM	2–6%	0.17–0.24	5
27	PEAWICK SILT LOAM	RELATIVELY FLAT	0.24–0.37	4
29A	SLAGLE FINE SANDY LOAM	0–2%	0.24	3
29B	SLAGLE FINE SANDY LOAM	2–6%	0.24	3
34B	UCHEE LOAMY FINE SAND	2–6%	0.20–0.28	5

INFORMATION TAKEN FROM "SOIL SURVEY OF JAMES CITY AND YORK COUNTIES AND THE CITY OF WILLIAMSBURG, VIRGINIA" ISSUED IN APRIL, 1985 BY THE UNITED STATES DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE IN COOPERATION WITH VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY.

SOIL SUSCEPTIBILITY TO EROSION CLASSIFICATION (K)
0.23 AND LOWER – LOW ERODIBILITY
0.23 – 0.36 – MODERATE ERODIBILITY
0.36 AND UP – HIGH ERODIBILITY

THE MAP SHOWN IS A "BEST FIT MODEL" OF THE SCS MAPS WITH EXISTING BASE INFORMATION.

ENVIRONMENTAL INVENTORY IMPACTS

	TIDAL WETLANDS:	NONE ON SITE
	TIDAL SHORES:	NONE ON SITE
▦	NON–TIDAL WETLANDS IN RPA:	<0.10 AC
▨	100 FT RPA BUFFER:	0.5 AC
	NON–TIDAL WETLANDS IN RMA:	NONE IMPACTED
☒	IMPACTED 25% SLOPES:	0.25 AC

LEGEND

▭	REPRESENTS AREAS OF 25% SLOPE OR GREATER
▬ ▬	REPRESENTS SOIL LIMITS
— · — · —	REPRESENTS LIMITS OF WETLANDS
▬ ▬ ▬	REPRESENTS RPA BUFFER LIMITS
— — —	REPRESENTS APPROX. LOCATION OF 100 YEAR FLOOD ELEVATION=7–8' (NGVD 29)
━━━	REPRESENTS APPROVED LOTS, R/W AND WELL SITE APPROVED PER S–0012–2009

E & S CONTROL NARRATIVE

PROJECT DESCRIPTION

THIS PLAN OF DEVELOPMENT IS ENTITLED SUMMERPLACE. THE PROJECT ENCOMPASSES THE DEVELOPMENT OF A SINGLE FAMILY SUBDIVISION FOR THE CONSTRUCTION OF ROADWAYS, WATER AND ASSOCIATED STORMWATER IMPROVEMENTS FOR THE DEVELOPMENT OF 150 LOTS AND ROADS LOCATED ALONG JOLLY POND ROAD, IN ADDITION TO THE ALREADY APPROVED 14 LOTS AND ROAD R/W PER S–0012, 2009 IN JAMES CITY COUNTY, VIRGINIA. THIS PROJECT IS SITUATED ON APPROXIMATELY 924 ACRES. A CENTRAL WATER SYSTEM AND SEPTIC SEWER DRAIN FIELDS WILL SERVE THIS PROPERTY.

EXISTING/PROPOSED SITE CONDITIONS

THE EXISTING SUBDIVISION AREA IS ROLLING WITH ELEVATIONS RANGING FROM 2 TO 103 FEET. A MAJORITY OF THE SITE DRAINS NATURALLY TOWARDS THE NORTH/NORTHEAST INTO YARMOUTH CREEK THROUGH A WETLAND AND CREEK SYSTEM. THE SITE IS BOUNDED BY UNDEVELOPED, WOODED LOTS.

ADJACENT PROPERTIES

THE PROPERTY IS BORDERED BY YARMOUTH CREEK TO THE NORTH, YARMOUTH CREEK AND AGRICULTURAL ZONED PROPERTY TO THE WEST, JOLLY POND ROAD AND JAMES CITY COUNTY PUBLIC LANDS TO THE EAST AND THE JAMES CITY COUNTY LANDFILL TO THE SOUTH.

SOILS

THE ENVIRONMENTAL INVENTORY SHEET IDENTIFIES THE SOILS OF SUMMERPLACE, AS WELL AS THE SURROUNDING AREA.

CRITICAL EROSION AREAS

AREAS OF HIGHLY ERODIBLE SOILS AND SLOPES IN EXCESS OF 25% ARE IDENTIFIED ON THE ENVIRONMENTAL INVENTORY SHEET. EROSION AND SEDIMENT CONTROL MEASURES ARE PROPOSED IN AREAS WHICH REQUIRE GRADING OPERATIONS.

EROSION AND SEDIMENT CONTROL MEASURES

UNLESS OTHERWISE INDICATED, ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK (VESCH). THE MINIMUM STANDARDS OF THE VESCH SHALL BE ADHERED TO UNLESS OTHERWISE WAIVED OR APPROVED BY THE ON–SITE E&S CONTROL INSPECTOR. THESE MEASURES SHALL INCLUDE STONE CONSTRUCTION ENTRANCES, SEDIMENT BASINS, STANDARD AND SUPER SILT FENCE, DIVERSION DIKES, ROCK CHECK DAMS, AND BOTH STANDARD AND CULVERT INLET PROTECTION.

MANAGEMENT STRATEGIES

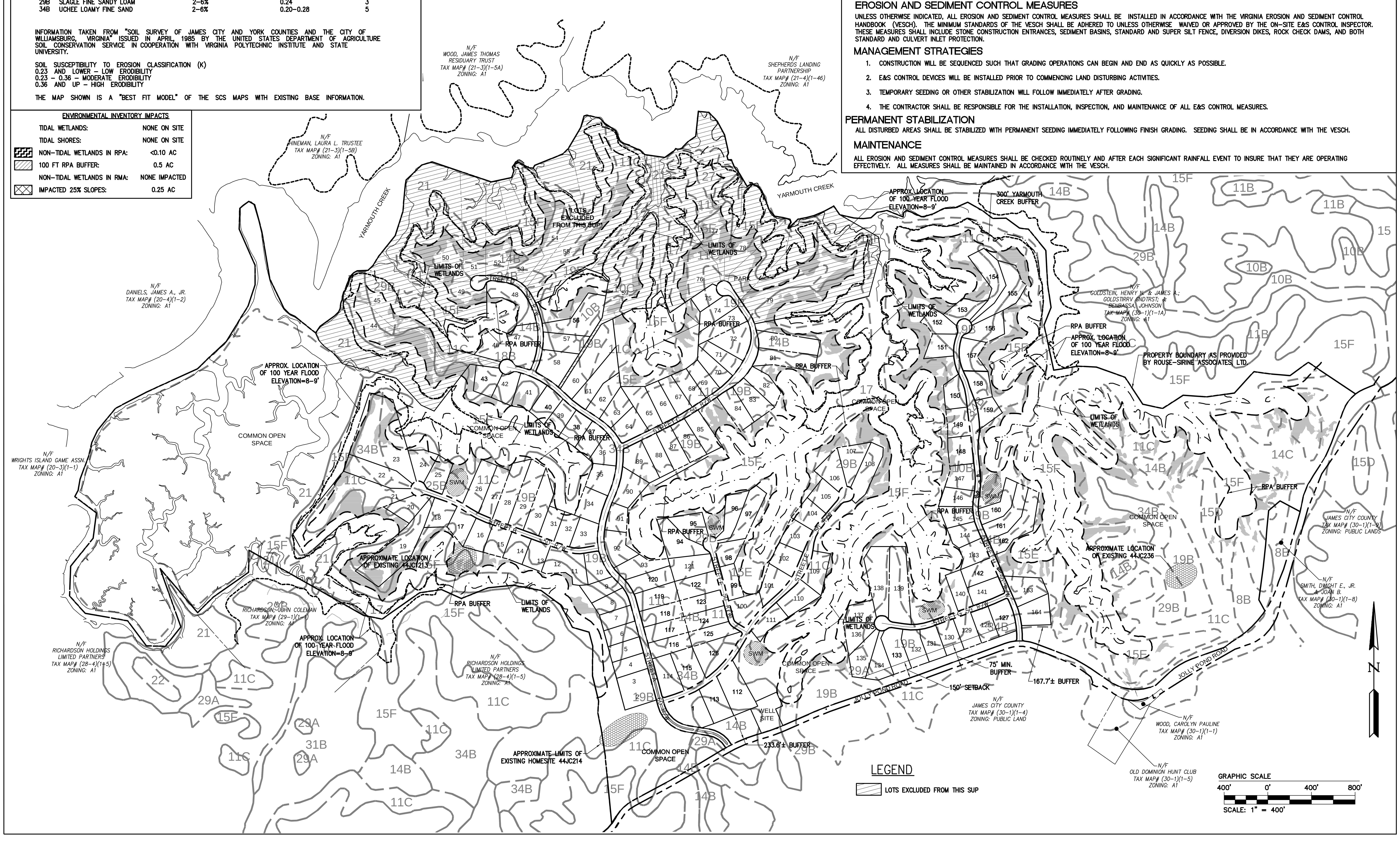
1. CONSTRUCTION WILL BE SEQUENCED SUCH THAT GRADING OPERATIONS CAN BEGIN AND END AS QUICKLY AS POSSIBLE.
2. E&S CONTROL DEVICES WILL BE INSTALLED PRIOR TO COMMENCING LAND DISTURBING ACTIVITIES.
3. TEMPORARY SEEDING OR OTHER STABILIZATION WILL FOLLOW IMMEDIATELY AFTER GRADING.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE INSTALLATION, INSPECTION, AND MAINTENANCE OF ALL E&S CONTROL MEASURES.

PERMANENT STABILIZATION

ALL DISTURBED AREAS SHALL BE STABILIZED WITH PERMANENT SEEDING IMMEDIATELY FOLLOWING FINISH GRADING. SEEDING SHALL BE IN ACCORDANCE WITH THE VESCH.

MAINTENANCE

ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE CHECKED ROUTINELY AND AFTER EACH SIGNIFICANT RAINFALL EVENT TO INSURE THAT THEY ARE OPERATING EFFECTIVELY. ALL MEASURES SHALL BE MAINTAINED IN ACCORDANCE WITH THE VESCH.



Rev.	Date	Description	Revised By
1	12/20/16	REVISED PER COUNTY COMMENTS	LBA

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A-1 CLUSTER MASTER PLAN

SUMMERPLACE SUBDIVISION

POWHATAN DISTRICT
JAMES CITY COUNTY
VIRGINIA

Project Contacts:	JAG
Project Number:	9998
Scale: 1"=400'	Date: 11/11/2015

Sheet Title:

OVERALL ENVIRONMENTAL INVENTORY PLAN

Sheet Number

C-04

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
February 1, 2017
7:00 PM

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1. PUBLIC HEARINGS

1. SUP-0012-2016, Chickahominy Summerplace

Mr. José Ribeiro, Senior Planner II, presented a report to the Commission on the request to requesting a reduction of the minimum lot size to allow for a rural cluster development for a portion of the proposed Summerplace subdivision. Mr. Ribeiro stated that the property is located outside the Primary Service Area at 1613 Jolly Pond Road, zoned A-1, General Agricultural and designated Rural Lands by the Comprehensive Plan.

Mr. Ribeiro stated that in 2009, the applicant submitted plans for the development of Chickahominy Summerplace which, at the time, consisted of 164 single-family lots. Mr. Ribeiro stated that the subdivision was reviewed by staff as a by-right development and preliminary approval for the project was granted by the Development Review Committee.

Mr. Ribeiro stated that the SUP request proposes to reduce the minimum lot size of up to 150 residential lots from three acres to one acre which would permit the majority of the subdivision to be developed as a rural cluster. Mr. Ribeiro stated that the remaining 14 lots are not subject to this SUP application and would retain the minimum lot size of three acres.

Mr. Ribeiro stated that the proposed rural cluster will be served by a central water system which will be dedicated to the James City Service Authority after the facility is constructed. Mr. Ribeiro stated that all on-site wastewater will be treated by an on-lot septic drain field system which will be evaluated by the Virginia Department of Health.

Mr. Ribeiro stated that a Traffic Impact Study was submitted for review in 2009. Mr. Ribeiro stated that the study indicated no roadway improvements and that all intersections included in the analysis would maintain desirable levels of service at build-out of the site. Mr. Ribeiro further stated that for this SUP application, Virginia Department of Transportation (VDOT) staff re-evaluated the 2009 Summerplace TIA and found that its recommendations were still applicable.

Mr. Ribeiro stated that a Fiscal Impact Analysis was submitted along with this SUP application. Mr. Ribeiro stated that the analysis indicated the projected residential fiscal impact to be positive at ± $59,000 at build-out.

Mr. Ribeiro stated that although the proposed subdivision is not fully compatible with the "small scale" standard within Rural Land areas, its size and the number of residential lots would remain generally the same as proposed by the original subdivision layout. Mr. Ribeiro further stated that staff finds the proposal to be compatible with surrounding zoning and development and that it is consistent with the Comprehensive Plan. Mr. Ribeiro stated that staff recommends the Planning Commission recommend approval of this application to the Board of Supervisors subject to the attached conditions.

Mr. O'Connor opened the floor for questions from the Commission.

Mr. Krapf inquired about if the conservation easement on the property is a permanent easement or if it has an expiration date.

Mr. Ribeiro confirmed that the conservation easement is in perpetuity.

Mr. Krapf noted that previously community wells were not favored and requested that staff provide an update on how community wells are currently viewed.

Mr. Ribeiro stated that there are currently eight independent systems in the County. Mr. Ribeiro stated that all eight have been constructed to James City Service Authority (JCSA) standards. Mr. Ribeiro stated that these facility are robust and are built with long-term use in mind.

Mr. Holt clarified that once these systems are constructed, they are turned over to the JCSA.

Mr. Wright inquired about ownership of the septic fields.

Mr. Holt stated that the septic fields would be privately owned by the owner of the individual lot. Mr. Holt further stated that each lot is required to have a primary and a reserve drain field.

Mr. Ribeiro stated that the drain fields would be appropriately reviewed by the Virginia Department of Health.

Ms. Bledsoe inquired if the water use is the same as what was factored into the original subdivision application and whether there was any concern over the amount of water that would be drawn.

Mr. Ribeiro stated that water usage projections would not change and that the JCSA does not have any concerns.

Mr. Schmidt inquired if the permit has been issued for Chickahominy Summerplace to withdraw water.

Mr. Ribeiro stated that he would defer to the applicant; however, he believes a draft permit has been issued.

Mr. O’Connor inquired if there was already a by-right subdivision option in place.

Mr. Ribeiro stated that preliminary approval was given for a plan for the entire parcel, but final approval has not been granted. Mr. Ribeiro noted that final approval has been given just for the Phase 1 subdivision but no lots have been recorded.

Mr. O’Connor opened the Public Hearing.

Mr. Tim Trant, Kaufman and Canoles, 4801 Courthouse Street, applicant’s representative, made a presentation to the Commission on the project. Mr. Trant noted that with the rural cluster, the amount of open space would increase by 118 acres. Mr. Trant further noted that infrastructure needs would also be reduced.

Mr. Schmidt inquired about the water withdrawal permit.

Mr. Trant stated that the Department of Environmental Quality (DEQ) requires the facilities to be installed and functioning before the permit is issued; however, developers are hesitant to invest in facilities until there is assurance that the permit will be granted, so the DEQ issues a draft permit to provide certain rights and assurances. Mr. Trant stated that the draft permit has been issued for Chickahominy Summerplace. Mr. Trant stated that the development team feels assured that the final permit will be issued.

Ms. Bledsoe inquired when the draft permit was issued.

Mr. Trant stated that the draft permit was issued in 2012.

Mr. Krapf inquired about the depth of the communal well and which aquifer the water will be drawn from. Mr. Krapf further inquired if there was a point where the water table would drop and the subdivision at risk of not having a water source.

Mr. Branch Lawson, East – West Partners, LLC, stated that the production well is installed to the depth of 228 feet and has been described as very robust. Mr. Lawson noted that required tests indicated that the draw down will be minimal. Mr. Lawson noted that the well will draw from the Chickahominy aquifer.

Mr. Wright inquired how the impacts on schools and services was calculated and how accurate the calculations are.

Mr. Holt stated that the figures are standard and based on the County's Fiscal Impact Analysis and are generated in conjunction with the County's Financial and Management Services Department.

Mr. Wright inquired if the developer had any input in the calculations.

Mr. Holt stated that the numbers are generated by the County's formula based on the number of homes.

Ms. Bledsoe inquired about emergency response time.

Mr. Trant stated that the rural cluster would allow better access for emergency vehicles.

Mr. Schmidt inquired about the location of the acreage that would be added to the open space.

Mr. Trant stated that the bulk of the additional open space is on the east side of the property.

Mr. Jack Haldeman inquired if the previously approved plan would remain in force if this application were not approved.

Mr. Trant confirmed.

Mr. Richardson stated that his questions had been answered. Mr. Richardson stated that he hoped the additional open space would be preserved for the future.

Mr. O'Connor inquired if there was an opportunity for connectivity such as trails or bike paths between the two developable portions of the neighborhood.

Mr. Lawson stated that there are plans for trails in the development.

Mr. Frank Polster, 420 Hempstead Road, County Resident, addressed the Commission on growth management and the impacts of future growth on the schools and public services. Mr. Polster noted concerns about the increase in service calls and a corresponding increase in response time. Mr. Polster recommended that the County consider limiting growth until a plan was developed to mitigate impacts on public services.

Ms. Judy Fuss, 3509 Hunter's Ridge, County Resident, addressed the Commission on growth management and requested that the Commission support the Strategic Plan by limiting growth outside the PSA.

As no one else wished to speak, Mr. O’Connor closed the Public Hearing.

Mr. O’Connor called for disclosures from the Commission.

Mr. O’Connor stated that he spoke with Mr. Jason Grimes of AES for clarification on several items.

Mr. Krapf stated that he spoke with Mr. Trant to have several questions answered.

Ms. Bledsoe stated that she spoke with Mr. Trant to have a question answered.

Mr. Wright stated that he spoke with Mr. Trant about the application in general.

Mr. Schmidt stated that he spoke with Mr. Trant and discussed the same questions brought forth at this meeting.

Mr. Haldeman stated that he spoke with Mr. Trant.

Mr. Richardson stated that he did not speak with Mr. Trant.

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

Mr. Schmidt stated that of the three archaeological sites identified in the area, two will no longer be impacted by the development and the remaining one will be far less impacted. Mr. Schmidt further stated that the rural cluster will provide a greater buffer for the watershed.

Mr. Wright stated that he has concerns over any development impact on water, schools and public services. Mr. Wright stated that if this were an application for a new development, he would be concerned about approving it. Mr. Wright stated that it would be necessary to address the water issues, public facilities and services impacts and funding issues before approving any new applications.

Ms. Bledsoe stated that the County has made commitments through the Comprehensive Plan and the Strategic Plan. Ms. Bledsoe stated that she is not in favor of expanding outside the PSA; however, this development could be built under a by-right use. Ms. Bledsoe stated that she appreciates that the applicant has found a way to improve the development to minimize impacts on the environment and reduce the need for infrastructure. Ms. Bledsoe stated that under the rural cluster, the development would have a positive fiscal impact.

Mr. Krapf stated that his one concern had been the communal well; however, that concern has been addressed. Mr. Krapf stated that this is an improvement to an approved plan with no change in the number of lots. Mr. Krapf stated that under the rural cluster, the development would be less intense and would preserve more open space. Mr. Krapf stated that he would support the application.

Mr. Haldeman stated that the application is a substantial improvement over the approved by-right plan. Mr. Haldeman stated that he would support the application.

Mr. Richardson stated he concurs with concerns over growth outside of the PSA and that issues of water supply and availability of public services must be addressed going forward. Mr. Richardson stated that that permitting the development of the rural cluster will improve the marketability of the development and enhance the rural charter of the development. Mr. Richardson stated that he would support the application.

Mr. O'Connor stated that he appreciates that the proposed cluster removes lots from sensitive areas and increases the openspace. Mr. O'Connor stated that the proposal will be a benefit to the homeowners, the developer and the County.

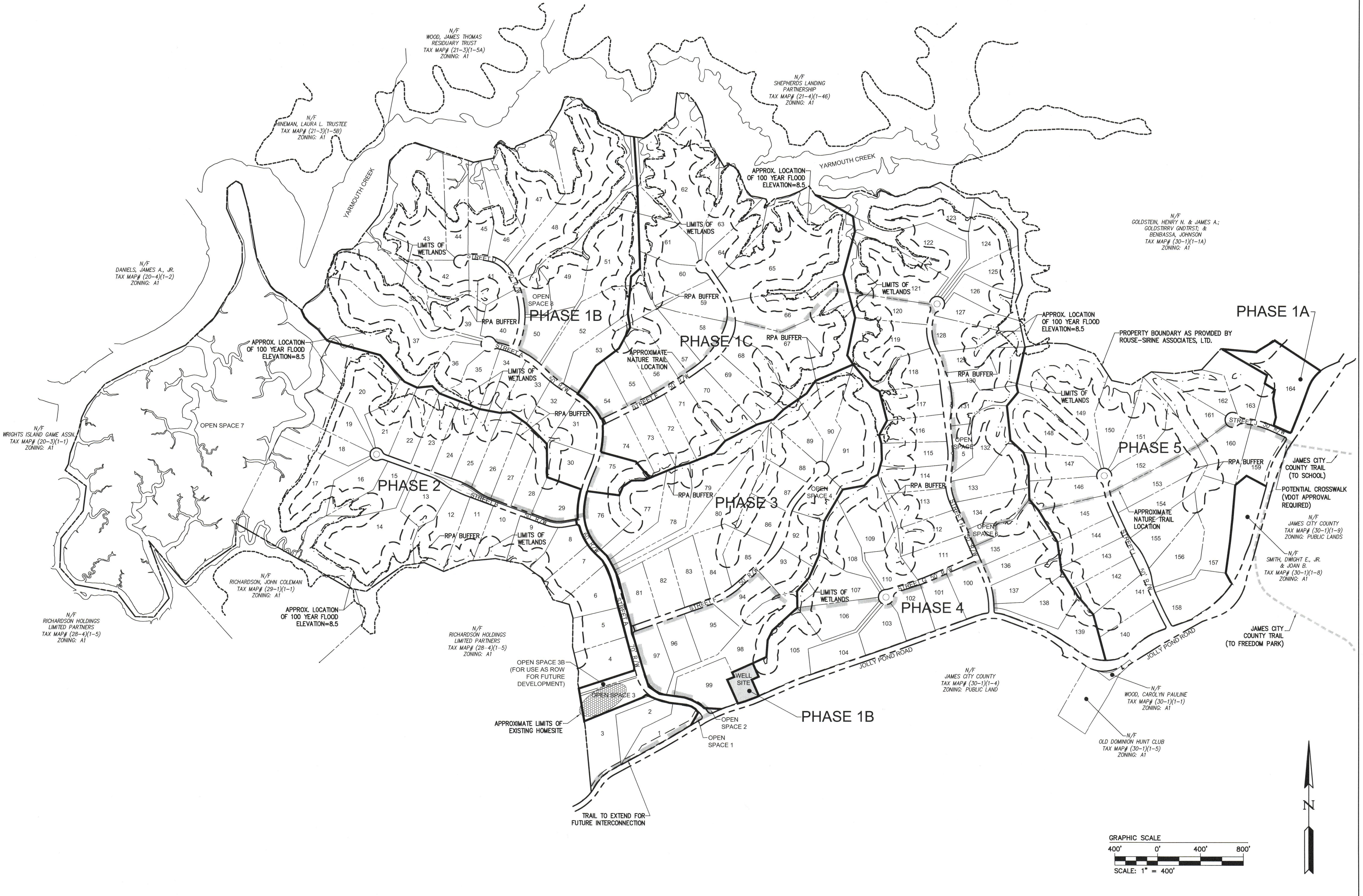
Ms. Bledsoe made a motion to recommend approval of SUP-0012-2016.

On a roll call vote the Planning Commission voted to approve SUP-0012-2016, Chickahominy Summerplace (7-0).

2. ADJOURNMENT

Mr. Wright made a motion to adjourn.

The meeting was adjourned at approximately 8:27 p.m.



No.	DATE	REVISION / COMMENT / NOTE	REVISED BY	REVIEWED BY

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OVERALL DEVELOPMENT PLAN

SUMMERPLACE SUBDIVISION

POWHATAN DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts:	JAG
Project Number:	9998
Scale: 1"=400'	Date: 11/02/2015

Sheet Title:
CURRENT APPROVED PLAN OF DEVELOPMENT (2009)

Sheet Number
I

S:\JOBS\9998\00-Summerplace\dwg\Pln\Master Planning\999800-overall display preliminary approved.dwg, 11/18/2016 9:58:16 AM

Attachment No. 6

Section 24-214 (c) -Area Requirements (with staff's response in *italics*):

(c) Purpose of area requirements; conditions for subdivisions with approved special use permits. It is the purpose of the area requirements in this district to discourage urban residential developments, but at the same time to encourage careful design of low-density residential subdivisions in order to make best use of the land, reduce development costs and preserve natural amenities and open space. To this end, the minimum lot size may be reduced in subdivisions which are approved by special use permit in accord with the general standards of article I and the special standards of this district. Upon issuance of a special use permit, a subdivision may be approved with a minimum lot size of less than three acres; provided, that all of the following conditions are met:

1. The overall gross density of the subdivision shall not exceed one dwelling unit per two acres (0.5 units per acre);
   Staff finds that this application meets this standard. The proposed density of the development will be 0.2 units per acre (150 lots on 767 acres).

2. There shall be at least three residential lots in the subdivision.
   Staff finds that this application meets this standard. A total of 150 lots are proposed.

3. No lot shall be less than one acre in area.
   Staff finds that this application meets this standard. All lots are proposed to be a minimum of one acre in area.

4. The subdivision shall only be for single-family detached dwellings.
   Staff finds that this application meets this standard. All lots are proposed as single-family detached dwellings.

5. All lots shall front on an approved public street created by the subdivision and no lot shall have direct access to a street not a part of the subdivision. This condition shall not apply to subdivisions of less than five lots.
   Staff finds that this application meets this standard. All lots are designed to front on internal streets.

6. Provision shall be made in subdivision plats and lot conveyances to ensure that lot purchasers have adequate notice regarding limitations on resubdivision of parcels and no resubdivision or sale by any means shall be permitted which would in any way create a violation of this chapter.
   Staff finds that this application meets this standard. According to the applicant, a restrictive covenant will be recorded outlining the requirements of this section of the ordinance ensuring that all purchasers are aware that no further subdivision of lots will be allowed.

7. The general design standards of this section shall be complied with.
   Staff finds that this application meets the general design standard of this section of the ordinance.

8. The subdivision design shall provide good building sites and at the same time make best use of topography and minimize grading and destruction of natural vegetation.

At the master plan level of review, staff finds that this application meets this standard. Lots are generally located on higher ground outside wetlands and RPA areas. Natural vegetation shall be protected as part of a conservation easement submitted by the applicant.

9. The subdivision design shall provide for protection of conservation areas as specified in the Comprehensive Plan or other sections of this chapter.

   Staff finds that this application meets this standard. Common Open Space areas will be protected by a conservation easement provided by the applicant (SUP condition No. 7). The subdivision design allows for large and contiguous blocks of open space to be provided.

10. No more than 30 percent of any lot shall be located in a floodplain area as defined in this chapter; provided, however, that up to 50 percent of the area of any lot may be covered by the waters of a lake, pond or canal planned and approved as a part of and wholly within the subdivision.

    Staff finds that all lots subject to this SUP application are located outside the flood plain area.

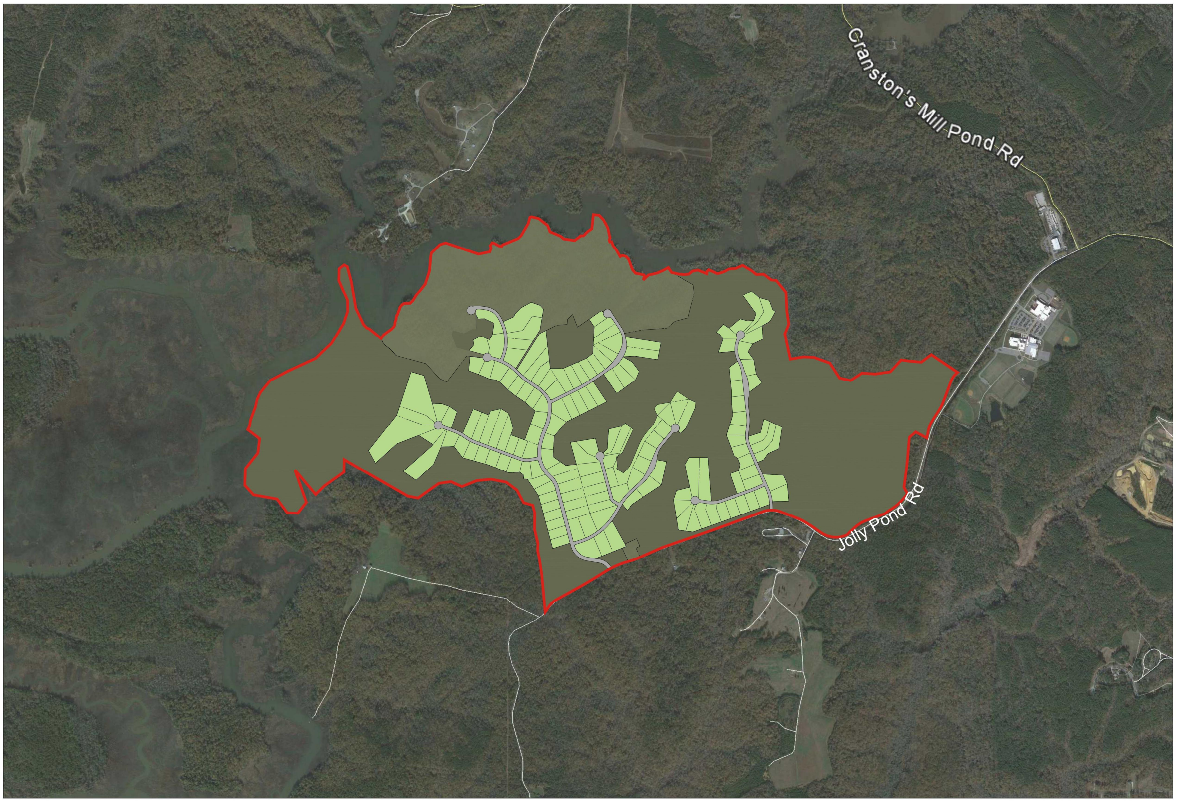
11. Maintenance of any common open space shall be assigned to a homeowners' association or other approved entity.

    Staff finds that this application meets this standard. According to the applicant, the developer will create a Homeowners' Association which will be responsible for the maintenance of common open spaces. Section 19-70 of the Subdivision Ordinance requires establishment of Homeowners Association for all major subdivisions.

12. Lots shall be arranged and building sites shall be designated so as to promote harmonious relationships with the environment and existing public streets and roads; and to this end, the design shall employ such techniques as may be appropriate to a particular case, including location of lots of various sizes, location of building sites with respect to project boundary lines, location of open space and buffer areas and maintenance of vegetation. Unless the subdivision is less than five lots, all structures shall be located a minimum of 150 feet from all roads existing prior to the platting of the subdivision.

    Staff finds that this application meets this criteria. All proposed structures will be set back a minimum of 150 feet from Jolly Pond Road. Lots are designed along internal public roads and avoiding environmentally sensitive area such as RPAs. The provision of open space and buffer areas will ensure that vegetation is protected and maintained (SUP Condition Nos.3, 4 and 7)

Community Impact Statement
Special Use Permit
for
Summerplace Subdivision
Prepared For
Chickahominy Summerplace, LLC



December 2016
JCC Case Number: SUP–0012-2016
AES Project Number: W9998-00

Prepared by:

AES
CONSULTING ENGINEERS
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Williamsburg, Virginia 23188
Phone (757) 253-0040
Fax (757) 220-8994

TABLE OF CONTENTS

<u>Supplemental Drawings</u>

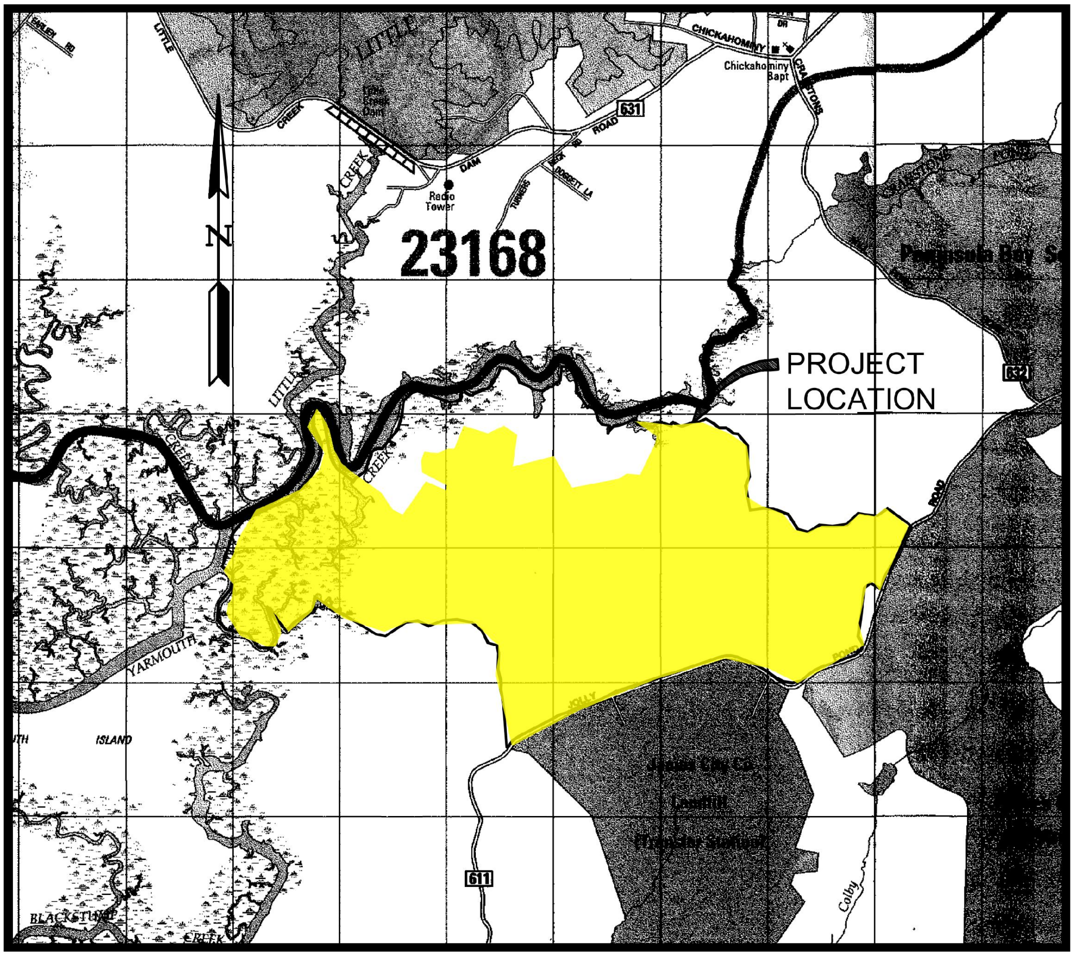
I. BACKGROUND AND INTRODUCTION

AES Consulting Engineers working on behalf of Chickahominy Summerplace, LLC, submitted a subdivision application in March of 2009 to develop the roughly 924 acres of property along Jolly Pond Road in James City County. The property was zoned A-1, Agricultural and located outside of the James City County Primary Service Area (PSA). Per the requirements for the A-1 zoning this project was proposed to have lots of a minimum 3 acres each served by a septic drainfield and served by a central well system (designed and built by the developer and dedicated to JCSA for operation). The Summerplace subdivision was granted preliminary approval by the James City County Planning Commission on July 1, 2009 (S-0014-2009) for 164 lots in the A-1 zoning district. The approved 164 lots were an average size of 4.5 acres and were located on approximately 5 miles of proposed roadway. Following the preliminary approval AES Consulting Engineers received the construction approval of the first phase of development (lots 30-75; lot 164 and a well lot) and final plat recordation is pending final approval of the well facility.

II. THE PROJECT TEAM

The following organizations are involved in the planning and development of the property.

Owner & Developer	Chickahominy Summerplace, LLC
Legal Counsel	Kaufman & Canoles, P. C. - Williamsburg, Virginia
Civil Engineer	AES Consulting Engineers, Inc. - Williamsburg, Virginia



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VICINITY MAP (APPROX. SCALE 1"=2,000')

(EXHIBIT 1)

III. PROJECT DESCRIPTION

The current application proposes a Special Use Permit on the 767 acres of the total 924 acres of property within the Summerplace development to permit the minimum lot size to be reduced from 3 acres to 1 acre per the Section 24-214(c) of the James City County Ordinance. The SUP application covers the entire property with the exception of the previously approved lots **44, 45, 49-55, 59, 76-79**, the associated roadways and the well lot previously approved under **JCC S-0014-2009**. The developer continues to cap the overall proposed development at 164 lots and to set aside two thirds of the land subject to the SUP in dedicated open space. The modification for a 1 acre minimum lot size will significantly reduce the impervious cover and clearing required for the development. The reduction in lot size provides for large amounts of open space/ undeveloped land to be set aside and for a reduction of over 1.25 mile of roadway. Additionally the development will have phased clearing restrictions and entrance signage architectural review as set forth in the original Planning Commission approval. By allowing the reduction in lot size, the development will have reduced overall infrastructure required for construction and long term maintenance.

The environmental benefits include the consolidation of the development to maintain larger areas of open space and reduced impervious cover. The proposed development will set aside approximately 514 acres of open space. Included in that total is approximately 118 acres of land at the eastern end of the development closest to Blayton/Hornsby that contains approximately 70 developable acres. The total length of the roadway will be reduced by approximately 25% thereby reducing the impervious cover of the areas that could be developed by almost 5 acres of pavement. By allowing the reduction in the lot size you are preserving the developable area and reducing the overall runoff from the site.

Per Section 24-214(c) of the JCC Ordinance all the following conditions are being met:

(1) The overall gross density of the subdivision shall not exceed one dwelling unit per two acres.

- **The overall density of the development will be maintained not to exceed one lot per 2 acres. The proposed density will be 0.20 units per acres (150 lots on 767 acres out of the original 924 acres).**

(2) There shall be at least three residential lots in the subdivision.

- **There are 150 lots proposed with this Special Use Application and 164 lots total.**

(3) No lot shall be less than one acre in area.

- **All lots are to be a minimum of 1 acre and meet the setback requirements as outlined in the A-1 ordinance.**

(4) The subdivision shall only be for single-family detached dwellings.

- **All lots are proposed for single family designations.**

(5) All lots shall front on an approved public street created by the subdivision and no lot shall have direct access to a street not a part of the subdivision. This condition shall not apply to subdivisions of less than five lots.

- **All lots subject to this SUP are designed to front proposed internal roadways.**

(6) Provision shall be made in subdivision plats and lot conveyances to ensure that lot purchasers have adequate notice regarding limitations on resubdivision of parcels and no resubdivision or sale by any means shall be permitted which would in any way create a violation of this chapter.

- **The developer will create and record a Restrictive Covenant which will outline the requirements of this section and ensure all purchasers are aware that no further subdivision of lots will be allowed.**

(7) The general design standards of this section shall be complied with.

- **A subdivision development plan will be prepared in accordance with the A-1 cluster ordinance and other JCC ordinance requirements.**

(8) The subdivision design shall provide good building sites and at the same time make best use of topography and minimize grading and destruction of natural vegetation.

- **While the development reduces the lots sizes, we have maintained the strategic area for building sites, to comply with these criteria.**

(9) The subdivision design shall provide for protection of conservation areas as specified in the Comprehensive Plan or other sections of this chapter.

- **This application proposes over 514 acres of dedicated open space which represents two-thirds of the proposed area within the application.**

(10) No more than 30 percent of any lot shall be located in a floodplain area as defined in this chapter; provided, however, that up to 50 percent of the area of any lot may be covered by the waters of a lake, pond or canal planned and approved as a part of and wholly within the subdivision.
- **All the lots included in this application are outside of the floodplain.**

(11) Maintenance of any common open space shall be assigned to a homeowners' association or other approved entity.
- **The developer will create a Homeowners' Association which will be responsible for the limited maintenance of the open spaces.**

(12) Lots shall be arranged and building sites shall be designated so as to promote harmonious relationships with the environment and existing public streets and roads; and to this end, the design shall employ such techniques as may be appropriate to a particular case, including location of lots of various sizes, location of building sites with respect to project boundary lines, location of open space and buffer areas and maintenance of vegetation. Unless the subdivision is less than five lots, all structures shall be located a minimum of 150 feet from all roads existing prior to the platting of the subdivision.
- **All the proposed homes will be set a minimum of 150-ft from Jolly Pond Road, which is the only public road associated with the development.**

IV. ANALYSIS OF PUBLIC FACILITIES AND SERVICES

A. WATER

There shall be no changes in the impacts to the preliminary approved subdivision plan. The proposed development, being outside of the PSA, will be served by a privately built well water facility which will be turned over to James City Service Authority (JCSA) for final operation. The new system is being designed to serve the project with both potable water and fire protection. The nearest JCSA public water system is located at the adjoining Blayton Middle school. It would be possible to make upgrades to the existing facilities to provide public water to the development should that be desired.

B. SANITARY SEWER

There shall be no changes in the impacts to the preliminary approved subdivision plan. All on-site wastewater will be treated by on lot septic drainfield systems which are the responsibility of the individual homeowners and not JCSA.

C. SCHOOLS

There shall be no changes in the impacts to schools from the preliminary approved subdivision plan. For reference, the proposed 164 lots would produce approximately 67 school children (based on the published 0.41 multiplier) within the within the Hornsby Elementary, Blayton Middle, and Warhill High School districts.

D. FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES (EMS)

There shall be no changes in the impact because the number of lots will be the same. However an improvement is made due to the time to travel for the fire protection and EMS from the originally preliminary approved subdivision plan based upon the reduced length of roadway.

E. SOLID WASTE

There shall be no changes in impact on the solid waste disposal from the original study, because there are no changes to the total number of lots.

F. GAS AND ELECTRICITY

There will be changes in the impact on the gas and the electricity from the original study because there will be less wiring and piping to serve the same number of lots.

G. ROADS

There will be a reduction of 1.25 miles, or approximately 5 acres, of pavement creating less impervious area with road coverage.

V. ENVIRONMENTAL CONSTRAINTS ANALYSIS

A. ENVIRONMENTAL INVENTORY

Williamsburg Environmental Group conducted detailed studies on the 924 acre property at the time of the initial subdivision plan submission. The results of that investigation were detailed on the preliminary approved plans and the limits of steep slopes and wetland buffers are indicated by a bold line on the proposed 1 acre master plan drawing (See overall environmental inventory plan).

The proposed development is located within the Yarmouth Creek watershed. The proposed flexibility on lot size allows for environmentally sensitive areas to be avoided to the greatest extent practical with only minor impacts anticipated for stormwater and Best Management Practice outfalls. Additionally the revised development seeks to minimize lots containing steep slope areas, RPA buffers and wetlands. By reducing lot size from 3 acres to 1 acre, the developer is able to minimize having environmentally protected areas on individual lots and instead has placed those areas in open space.

B. STORMWATER MANAGEMENT

As with the original proposed development, this project seeks be at the forefront of environmentally friendly development and will require compliance with Virginia Stormwater Requirements; which may incorporate on-lot capture and treatment of stormwater from the residential lots. Additional ponds are anticipated to treat roadway drainage to minimize the impacts on the downstream channels. Also the reduction in development area and the setting aside of open space will greatly benefit the environment over the already environmentally conscious development as originally approved.

VI. CONCLUSION

The developers' request to reduce the lot size from 3 acres to 1 acre for 150 of the original 164 lots within the Summerplace development should be seen as a beneficial request. The development meets all the requirements of Section 24-214(c) of the ordinance and by allowing the reduction in the lot size the project footprint is reduced. This reduced footprint provides environmental benefits as well as economic benefits for; the developer, VDOT and JCSA by reducing the ongoing maintenance costs of the infrastructure in the future.

- Reduced Road Length of over 1.25 miles
- Impervious Cover reduced by approximately 5 acres
- A minimum of 514 acres of dedicated open space
- Reduction of environmental sensitive areas on individual lots
- No increase in school children over the currently approved by-right use

Based on the above reasons, we believe that there will be no increased impact on the community with this project and would suggest that this project, as now presented, is a net positive for the community as a whole over the currently approved plan of development.

s:\jobs\9998\00-summerplace\admin\reports\pln\cis text rev11-3-16.doc

Kimley»Horn

October 13, 2016

Mr. Jose Ribeiro
Senior Planner II
James City County Planning Division
101-A Mounts Bay Road
Williamsburg, VA 23187

RE: ***Summerplace Residential Cluster Development Traffic Operations Assessment***

Dear Mr. Ribeiro:

Per the request of the James City County Planning Division and the Virginia Department of Transportation (VDOT), Kimley-Horn and Associates (KHA) has conducted a cursory review of the previous traffic study prepared for the Summerplace residential subdivision, the traffic analysis prepared for the Hornsby Middle School Special Use Permit (SUP), and historical average daily traffic volumes along Jolly Pond Road. We are very familiar with the Jolly Pond Road study area (i.e., western property boundary of the Summerplace residential subdivision to the Jolly Pond Road/Centerville Road intersection in the east).

Based on our familiarity with the study area it has been determined that no new development has occurred and that there have not been any notable changes in travel patterns along Jolly Pond Road or at key intersections along the corridor since either of the two previous traffic studies were prepared and approved by VDOT and/or the County. Additionally, since no new development has occurred and no new travel patterns have been established with the study area, we believe that the roadway and intersection improvements proposed to support traffic operations at the two Summerplace site access driveways are still valid. Turn-lane and geometric improvements that were constructed at the Jolly Pond Road/Centerville Road intersection as a part of the Hornsby Middle School (MS)/Blayton Elementary School (ES) project continue to be adequate for accommodating existing and future traffic volumes. It is recommended that VDOT continue monitoring traffic operations at the Jolly Pond Road/Centerville Road intersection and determine when the installation of a traffic signal is appropriate based on traffic signal warrants being met and funding availability.

Proposed improvements at the Summerplace residential subdivision consist of the following:

Jolly Pond Road (SR 611)/Street A (West Site Access Driveway)

- Provide “STOP” control on outbound (Street A) approach.
- Construct one inbound and one outbound lane 16 feet in width in each direction.
- Construct an approximate 45 - foot westbound right-turn taper.
- Construct a 15 - foot median that stretches to Street F (internal street).
- Curb radii at the access driveway intersection should be a minimum of 25 feet.

Jolly Pond Road (SR 611)/Street H (East Site Access Driveway)

- Provide “STOP” control on outbound (Street H) approach.
- Construct Street H with a 24 - foot width to meet VDOT Private Subdivision Street Standards.
- Construct an approximate 45 - foot westbound right-turn taper.
- Curb radii at the access driveway intersection should be a minimum of 25 feet.

Previous improvements constructed at the Centerville Road/Jolly Pond Road intersection as a part of the Hornsby MS/Blayton ES project consist of:

Centerville Road (SR 614)/Jolly Pond Road (SR 611)

<u>Northbound Centerville Road</u>

- Construct an exclusive left-turn lane with 250 feet of storage and a 200 foot taper.

<u>Southbound Centerville Road</u>

- No turn-lane improvements are recommended.

<u>Eastbound Jolly Pond Road</u>

- Construct an exclusive left-turn lane with 250 feet of storage and a 200 foot taper.

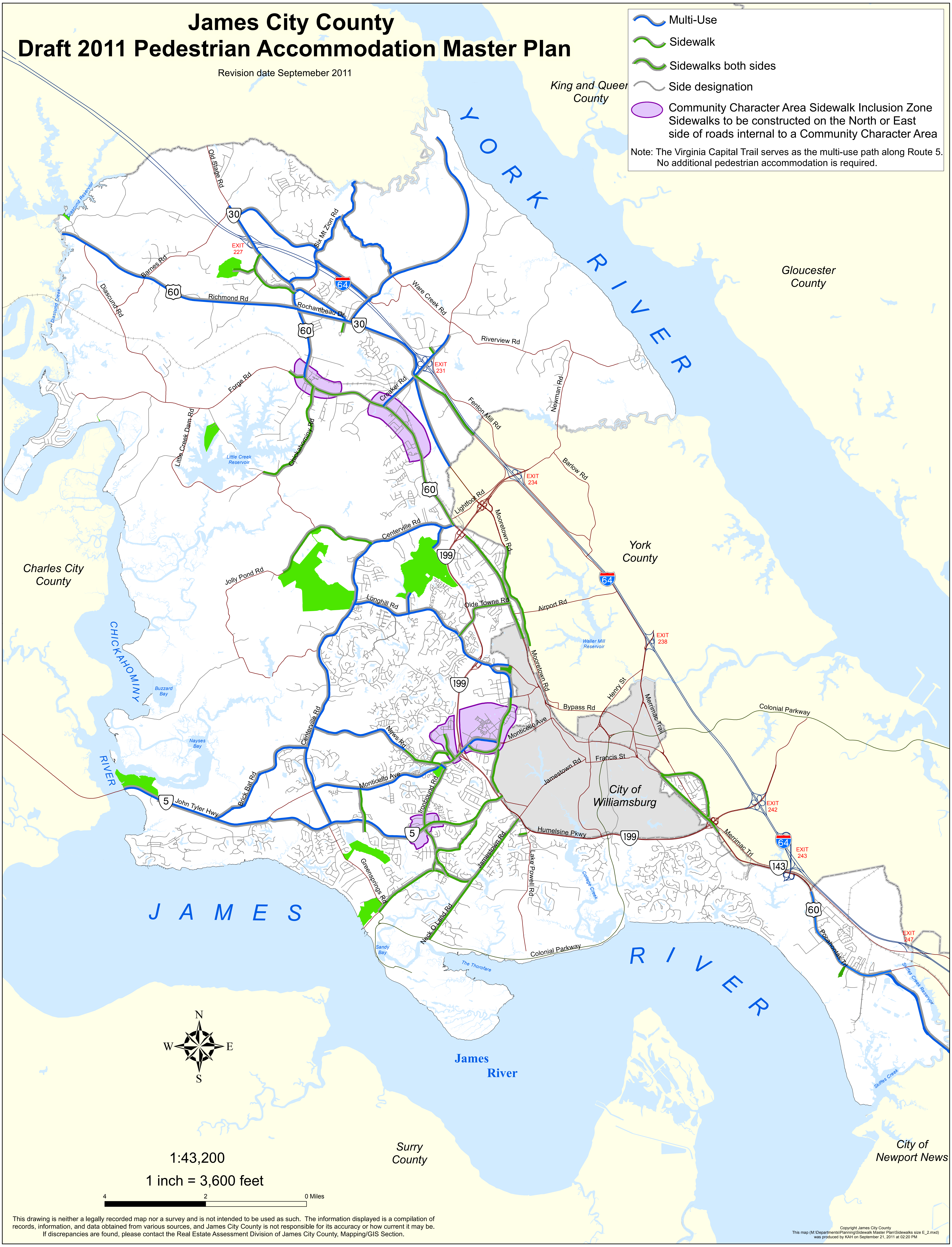
Thank you for the opportunity to be of service. If there are any questions, if we can provide additional analysis or review, or if further guidance is necessary, please don’t hesitate to contact me directly at carroll.collins@kimley-horn.com or (757) 213-8616.

KIMLEY-HORN AND ASSOCIATES, INC.

Carroll E. Collins, AICP
Transportation Planner

James City County
Draft 2011 Pedestrian Accommodation Master Plan

Revision date Septemeber 2011



Note: The Virginia Capital Trail serves as the multi-use path along Route 5.
No additional pedestrian accommodation is required.

1:43,200

1 inch = 3,600 feet

4 2 0 Miles

This map (M:\Departments\Planning\Sidewalk Master Plan\Sidewalks size E_2.mxd)
was produced by KAH on September 21, 2011 at 02:20 PM

Regional Bikeways

James City County, Williamsburg, and York County, Virginia

Adopted by City of Williamsburg City Council 6/10/93
Adopted by York County Board of Supervisors 6/17/93
Adopted by James City County Board of Supervisors 6/21/93

Revised by City of Williamsburg City Council 11/12/98, 10/12/06, **1/10/13**
Revised by York County Board of Supervisors 10/6/99, 12/6/05, **9/3/13**
Revised by James City County Board of Supervisors 11/10/98, **9/10/13**

- Mountain Bike Trail
- P Parking Area
- Parks
- Schools
- National Park Service Responsible Facility
- Shared Roadway
- Existing Multi-Use Path
- Proposed Multi-Use Path
- Existing Bike Lane
- Proposed Bike Lane
- Municipal Boundaries

0 0.5 1 2 3
Miles

York County
VIRGINIA
America's Future Since 1781
GEOGRAPHIC INFORMATION SYSTEMS
Division of Computer Support Services
Department of Finantial & Managment Services
WWW.YORKCOUNTY.GOV

Printed on April 21, 2015

Revised for field accuracy on April 02, 2015

Z:\Maps\Regional\Regional_Bikeways_4000.mxd

Planning Commission Public Hearing
Chickahominy Summerplace
2/1/2017

Mr. Chairman, Commission Members:

The Strategic Plan, developed through broad-based citizen input, coupled with our Comprehensive Plan, draws the blueprint for what citizens want this county to look like now and into the future. The foundation of that structure is managed growth.

Virginia has granted counties limited tools to do that job. One of those, proffers, has now been severely curtailed by the General Assembly leaving us the Primary Service Area (PSA).

Presentations at the Supervisor's Work Session last week outlined the county resources needed to follow the Strategic Plan blueprint in the face of decreasing funding from the state and federal levels. This makes it more important than ever that we manage our growth here as effectively as possible.

The Supervisors have placed a moratorium on new residential permits within the PSA while staff deals with our new growth management environment. I ask that you support our Strategic Plan goals by, during the same timeframe, not adding to growth outside the PSA where delivery of strained county services is more costly.

Frank Polster 420 Hempstead Rd – Summerplace

"Whether I favor no growth, moderate growth or rapid growth it really doesn't matter because we are going to have growth. We have 15,000 pre-approve lots within the PSA, alone and therefore it is about how we manage it and if we want to add on to it."

I agree with that statement and this SUP "adds onto it" and we are still not managing growth.

The context for that statement was a discussion by board members on their recent budget work session where the impacts on schools and level of service for public safety are impacted by current and future growth trends in the county and the near-term budgetary challenges they or their predecessors will face.

The current population growth rate is 1.7% and the 15,000 already approve homes will add, when built out, 36 thousand plus new county residents to 73 thousand that live here now. Citizen's calls for Police services has increased 13% over the last 4 years with response time increasing by a minute over that same period to 7min .29sec. For Fire and EMS over the same period, there is a 23% increase in calls to 11,375 in 2017 with a corresponding increase in response time to 6min.02sec breaking the standard level of service. This response time is an average for the county. But when viewed by voting district residents outside of the 6-min standard vary widely and here are the percentage of residents outside of the 6min standard by districy Powhatan - 37%, Stonehouse 55%, Jamestown 5%, Roberts -25%, and Berkley 13%.

For the period 2009-2017 school population has grown by 11.5% to 11,450 students in 2017 while the county's contributing dollars increased by 15.3% and the state contribution decreased by a minus 3.4%

The county's steady 1.7% growth rate will continue to exasperate the declining quality of services levels for county residents. My sensing is that the Supervisors see this issue as a near-term need to maintain quality levels of services for public safety, school services, and finding ways to manage growth in a fiscally responsible way.

In the meantime, this SUP will add 368 new citizens to the county population at build out. A total of 61 new students are projected to be generated by Summerplace and would contribute to higher enrollment levels exceeding the effective capacity in Blayton Middle and Warhill High Schools with no improvements to increase effective capacity for the schools in the current CIP budget. Levels of service for public safety will be impacted.

It would be unfair to think current and past members of the Planning Commission are unaware of the adverse impacts growth has in the county and you have attempted to mitigate the issue with the tools that you have. To your credit, you continue to work with staff to develop a better set of tools like the cumulative impact analysis toolkit, for cumulative fiscal, infrastructure, community character,

environmental impact and analysis of expanding Primary Services Area (PSA), and the scenario planner tool for land use and fiscal evaluation of proposed large land use changes all which are contained in the 2035 Strategic Plan's Operational Initiatives.

In closing as I said at the beginning I am not against growth; it is about how we manage it. Summerplace is just the most recent issue of adding current residents outside of the PSA - Ford's Colony Westport at 102, River Bend at Uncles Neck at 35, Liberty Ridge at 139 and now Summerplace at 154 for a total of 430 new homes adding potentially another 1,484 new citizens to a county population projected at build out at 110,000. Until we figure out how to maintain quality public safety and school services, and manage growth please consider placing a moratorium on SUPs in the same way the county has placed a moratorium on new residential permits inside of the PSA.

Thank You.

AGENDA ITEM NO. H.3.

ITEM SUMMARY

DATE:	3/14/2017
TO:	The Board of Supervisors
FROM:	Lauren White, Planner
SUBJECT:	SUP-0009-2016, 7206 Merrimac Trail Rental of Rooms

ATTACHMENTS:

	Description	Type
🗋	staff rep	Staff Report
🗋	res 2	Resolution
🗋	Resolution with Planning Commission recommended conditions added	Resolution
🗋	Approved minutes of the July 12, 2016 Board of Supervisors Meeting	Minutes
🗋	Location Map	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Rejected	2/24/2017 - 12:10 PM
Planning	White, Lauren	Approved	2/24/2017 - 2:15 PM
Planning	Holt, Paul	Approved	2/24/2017 - 3:20 PM
Development Management	Holt, Paul	Approved	2/24/2017 - 3:20 PM
Publication Management	Burcham, Nan	Approved	2/24/2017 - 3:40 PM
Legal Review	Kinsman, Adam	Approved	2/24/2017 - 3:42 PM
Board Secretary	Fellows, Teresa	Approved	3/7/2017 - 9:30 AM
Board Secretary	Purse, Jason	Approved	3/7/2017 - 1:38 PM
Board Secretary	Fellows, Teresa	Approved	3/7/2017 - 1:52 PM

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

Staff Report for the March 14, 2017, 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. (deferred) March 14, 2017 5:00 p.m.

SUMMARY OF JULY 12, 2016 BOARD OF SUPERVISORS DEFERRAL ACTION

At its July 12, 2016 Regular Meeting, the Board of Supervisors voted to defer this application to its March 14, 2017 meeting, to allow time for the Virginia General Assembly to study and address short-term rentals at the state level. A summary of activities at the state level has been included as Attachment No. 5.

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. Any disagreement about 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 twenty-four months after approval (see Condition No. 7 in Attachment 2).

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 appropriate, should the proposal meet the following standards:

- <u>Complements the residential character of the area</u>. 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.

- <u>Have traffic, noise, lighting and other impacts similar to surrounding residential uses</u>. 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.

- <u>Generally be located on collector or arterial roads at intersections</u>. This property is located at the corner of Merrimac Trail and Adams Road and takes access from Merrimac Trail.

- <u>Provide adequate screening and buffering to protect the character of nearby residential areas</u>. 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

- <u>Anticipated impact on public facilities and services</u>: None.

- <u>Nearby and surrounding properties</u>: 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
SUP09-16MTrailRms

<u>Attachments</u>:
1. Resolution with staff recommended conditions
2. Resolution with Planning Commission recommended conditions added
3. Approved minutes of the June 1, 2016, Planning Commission meeting
4. Location Map
5. Summary of Virginia General Assembly Actions

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-0009-2016 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 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 bedrooms available for rent to visitors and no more than six 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 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 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.

____
Kevin D. Onizuk
Chairman, Board of Supervisors

ATTEST:

____
Bryan J. Hill
Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____
ONIZUK	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of March, 2017.

SUP09-16MTrailRms-res2

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-0009-2016 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 bedrooms available for rent to visitors and no more than six 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 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 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.

____

Kevin D. Onizuk
Chairman, Board of Supervisors

ATTEST:

____

Bryan J. Hill
Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____
ONIZUK	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of March, 2017.

SUP09-16MTrailRms-res

MINUTES
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

ADOPTED
JUL 26 2016
Board of Supervisors
James City County, VA

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

Adam R. Kinsman, County Attorney
Jason E. Purse, Assistant County Administrator

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

1. Mr. Ed Oyer, 139 Indian Circle, addressed the Board in regards to desalination plants and the traffic on Route 60.

As there were no other speakers, Mr. Hipple closed the Public Comment session.

Mr. Hipple recommended that the Board move to the Closed Session items listed on the Agenda.

F. PRESENTATIONS

G. CONSENT CALENDAR

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

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

A motion to Postpone 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. Roberta Sulouff, Planner I, addressed the Board giving an overview of the staff report included in the Agenda Packet.

Mr. Rich Krapf, Planning Commission Representative, addressed the Board giving an overview of the Planning Commission's recommendation including the sunset clause added to the resolution.

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

1. Ms. Shelby Dillon, 7206 Merrimac Trail, addressed the Board as the applicant in this case. She presented several pictures to the Board that shows the circular driveway for parking, the trees that allow for screening the property from the road and showing the entrances to the separate parts of the home. She stated that she lives on one side of the home, with its own entrance, and the other side of the home is used for rental of the rooms.

As there were no questions for the applicant, and no other speakers registered, Mr. Hipple closed the Public Hearing.

Mr. Onizuk stated that as the County does not have a policy regarding AirBnB, and considering that the General Assembly is considering legislation regarding AirBnB, he believes it would be better to postpone this decision. He stated that staff should develop a policy for these short-term rental of rooms, so that the Board can review these applications on a fair and consistent basis.

The Board generally discussed timelines and how long it can be postponed.

Mr. Kinsman stated that the Board can postpone a decision for one year after the recommendation of the Planning Commission. If the Board is looking to see what the General Assembly is going to do, then he would recommend waiting until after beginning of the year.

Mr. Hipple recommended waiting until first meeting in March.

Mr. Onizuk amended his motion to postpone to include the deferment date of March 14, 2017.

Mr. McGlennon thanked the applicant for her presentation, which he feels like the Board has an adequate idea of what is transpiring on her property. He believes it is necessary to wait until the General Assembly makes their decision.

2. SUP-0006-2016, 8766 Pocahontas Trail, Dollar General

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

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

Mr. McGlennon asked about how this will impact traffic and future transportation plans for Route 60 in this area.

Ms. Sulouff stated that the Route 60 multi-modal project is in the engineering phase and currently shows a multi-modal path going across the front of the subject property. The applicant has agreed to be flexible regarding this area based on the plans that come from the multi-modal project.

Mr. McGlennon asked if there is a WATA bus stop in the area.

Ms. Sulouff stated yes.

Mr. McGlennon asked if there was a plan to have the stop off the road, so that the bus is not stopping traffic on Route 60.

Ms. Sulouff stated that any changes to the WATA bus stop would be done in conjunction with WATA.

Mr. Holt, Planning Director, stated that there is not any public right-of-way available in that area for the bus to pull over out of the flow of traffic, nor is there an area for the bus to turn around. He stated that if there is a desire to come up with a solution prior to the implementation of the Route 60 multi-modal project, then staff will work with WATA to that end and hopefully come up with a solution.

Mr. McGlennon stated that he did not want to hold up the approval of this case, but he definitely wanted to draw attention to this and hopefully a solution can be reached.

Mr. Krapf addressed the Board giving an overview of the Planning Commission's recommendation.

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

1. Mr. Michael Lynch, 2860 B NC Highway 5, Aberdeen, NC, addressed the Board as the applicant. He stated that he will definitely will work with the County on any possible changes to accommodate the request. He stated the site is very tight and currently meeting all the requirements. Any changes to the front of the site would then require a waiver of the setback requirements.

Mr. McGlennon stated that meeting some other significant need might be a very good reason for requesting a waiver.

Mr. Hipple agreed with Mr. McGlennon.

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

I. BOARD CONSIDERATION(S)

J. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon offered his condolences to Ms. Peg Boarman on the loss of her husband. He thanked VDOT for their work in Lake Powell Point.

Ms. Larson thanked the County's first responders for everything they do for our community.

Mr. Onizuk thanked the residents of Powhatan Secretary for participating in a community meeting to discuss a proposal for a senior housing development behind Powhatan Secondary. He also expressed his condolences to Mr. Hipple on the loss of his father.

Ms. Sadler announced the Grand Opening of Harris Teeter at the new Lightfoot Marketplace, which will take place July 13. She offered her condolences to Ms. Boarman and Mr. Hipple.

Mr. Hipple thanked the first responders for everything they do for our community. He thanked the community for their outpouring of support during his recent loss.

Mr. McGlennon stated that he has received questions from residents about what the County is doing about mosquitos and the Zika virus. Unfortunately, this is one situation where the County is not very effective. He stated that the best defense is for individuals to remove any and all items that allow pooling of water, to wear bug spray and long sleeves and long pants when in the woods.

K. REPORTS OF THE COUNTY ADMINISTRATOR

1. County Administrator's Report

James City County is pleased to announce that Harley Boone will perform July 22 at Fourth Fridays at Jamestown Beach Event Park. Harley Boone merges country, bluegrass and rock elements into a sharp contemporary sound and is from the Richmond area. Admission is free, gates open at 5:30 p.m. and Harley Boone will take the stage at 6:30 p.m. Fourth Friday Concerts take place on a grassy field within Jamestown Beach Event Park, 2205 Jamestown Road. Free parking is available on site.

At 6:55 p.m., Mr. Hipple recessed the Board for a brief break.

At 7:00 p.m., Mr. Hipple reconvened the Board.

L. PUBLIC COMMENT

M. CLOSED SESSION

A motion to Enter a Closed Session was made by Mr. Onizuk and the motion result was Passed.

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

The Board entered Closed Session at 6:37 p.m.

1. Appointment to the Clean County Commission

2. Williamsburg Regional Library Board of Directors Appointment

3. Social Services Advisory Board Appointment

4. Closed Session Certification

The Board re-entered Open Session at 6:42 p.m.

A motion to Certify the Closed Session 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

A motion to Reappoint Peg Boarman, and Charles Louderman, and Appoint Andrew Netzel to the Clean County Commission, for terms expiring on July 31, 2019, 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

A motion to Appoint Sharon Cornelius to the Social Services Advisory Board, for a term expiring on June 30, 2020, 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 Barry Marten to the Williamsburg Regional Library Board of Directors, for a term expiring on June 30, 2019, 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

N. ADJOURNMENT

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

A motion to Adjourn 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. Hipple adjourned the Board at 7:32 p.m.

Bryan J. Hill
County Administrator

SUP-0009-2016
7206 Merrimac Trail Rental of Rooms

James City County
VIRGINIA
Jamestown
1607

AGENDA ITEM NO. I.1.

ITEM SUMMARY

DATE: 3/14/2017

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Virginia Department of Transportation Project No. UPC 100921 Longhill Road Widening, Phase 1 and UPC 108805 Olde Towne Road at Longhill Road Turn Lane - Establishment of an Underground Utility District

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ATTACHMENTS:

	Description	Type
🗋	Staff Memorandum	Cover Memo
🗋	res	Resolution
🗋	ord	Ordinance
🗋	Exhibit showing locations and photos of existing overhead utility infrastructure in the corridor	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Development Management	Holt, Paul	Approved	2/24/2017 - 10:59 AM
Publication Management	Burcham, Nan	Approved	2/24/2017 - 11:43 AM
Legal Review	Kinsman, Adam	Approved	2/24/2017 - 11:50 AM
Board Secretary	Fellows, Teresa	Approved	2/24/2017 - 2:26 PM
Board Secretary	Purse, Jason	Approved	3/7/2017 - 1:38 PM
Board Secretary	Fellows, Teresa	Approved	3/7/2017 - 1:52 PM

MEMORANDUM

DATE: March 14, 2017

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Virginia Department of Transportation Project No. UPC 100921 Longhill Road Widening, Phase 1 and UPC 108805 Olde Towne Road at Longhill Road Turn Lane - Establishment of an Underground Utility District

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On Tuesday, December 6, 2016, the Virginia Department of Transportation (VDOT) held a Design Public Hearing at Lafayette High School for the above referenced project. VDOT presented the preliminary design to relieve congestion on Longhill Road by widening it from two lanes to four lanes.

The plans are consistent with both the Board adopted Longhill Road Corridor Study and the County's submission for funding through VDOT's SmartScale prioritization tool.

The roadway design will maintain and/or implement desirable access management strategies, with improved full-movement intersections at seven intersections, while constructing partial access intersections at several locations consisting of right-in/right-out/channelized left-turn lanes, right-in/right-out only site driveways or channelized U-turns in the median. The improvements would also include a roundabout at one location (Longhill Road and Williamsburg Plantation Drive), signal system wireless interconnects, construction of bus pull-off areas and pedestrian improvements (the multi-use path and crosswalks and pedestrian push buttons).

An additional important aspect of this project - both as included in the adopted Longhill Road Corridor Study and in the County's Commonwealth Transportation Board (CTB) approved SmartScale application - is the undergrounding of existing utilities in the corridor.

The policy basis for undergrounding existing utilities has been contained in the Comprehensive Plan since 1997. In the 2015 update to the Comprehensive Plan, and in those prior, a Community Character action item (CC1.5) calls for prioritizing Community Character Corridors (CCC) for the funding of the placement of existing utilities underground.

The 2015 update to the Comprehensive Plan further notes that "placing existing utilities underground can be costly and difficult. Often the most efficient way to accomplish the burial of utility lines is in conjunction with transportation projects where the County does not have to bear all the costs." Additional Community Character actions reflect this: CC1.3 – "Continue to explore opportunities and cost-sharing arrangements to bury overhead utilities in CCC's and Community Character Areas (CCAs) through transportation initiatives" and CC3.6 – "Require underground utilities in all new developments. Continue to require screening and buffering of existing above-ground utilities and their placement below ground," with this same language also being found in the Comprehensive Plan's Residential Development Standards.

One of the most recent examples where existing overhead utility lines were placed underground was as part of the Ironbound Road reconstruction project. Past projects include Jamestown Road and Route 5.

Longhill Road has been identified as a CCC since 1997 and it was identified a Greenbelt Road in the Comprehensive Plans prior to that starting in 1982-1987. Undergrounding of utilities is an important aspect of Community Character, but also helps to improve reliability since underground utilities are less susceptible to damage during storm events and vehicle accidents. In the recently adopted Strategic Plan there is also a long-term goal of undergrounding utilities, in general, as an important aspect of Goal 4: Protecting Community Character and Enhancing the Built Environment.

In June 2016, the Commonwealth Transportation Board approved funding to design and construct the Longhill Road, Phase I improvements with underground utilities as a feature.

Staff was recently informed by VDOT, however, that SmartScale funds cannot be used to underground utilities. While the VDOT funding would cover relocating existing overhead lines as part of the project, the relocated utilities would remain above ground. Relocation of existing overhead utilities with undergrounding is called a “betterment” and VDOT requires the additional incremental cost be paid for by other funds.

For the Longhill Road corridor project, the preliminary estimate to relocate existing overhead electric, telephone and cable TV lines and leave them overhead is $1.7 million. The preliminary estimate to relocate these same lines and place them underground is $4.1 million, a difference of approximately $2.4 million.

In June 2016, the Commonwealth Transportation Board also approved Revenue Sharing funding to construct a right-turn lane on Olde Towne Road at Longhill Road. For the Olde Towne Road turn lane project, the preliminary estimate to relocate existing overhead utilities and place them underground is $462,000.

In order for the County to underground utilities as part of these projects, VDOT requires the adoption of an ordinance designating the Longhill Road project limits and the Olde Towne Road turn lane project limits as an underground utility district and the adoption of a resolution committing to fund the actual cost difference between relocating the utilities overhead versus underground.

In the James City County adopted budget for FY 2000, the County began a new initiative to fund relocation of existing overhead utilities to underground along CCCs. Funding for this initiative continued and was included in County adopted budgets from FY 00 through FY 08 (no funds allocated since FY 08).

However, the County does currently have a Capital Improvements Plan (CIP) budget item titled “Transportation Match.” The purpose of the account is to provide a local match/local funding for any needed transportation improvement costs not covered by VDOT. Funding available and programmed in the CIP is expected to be sufficient to cover the expected costs of relocating utilities underground as part of these projects.

Recommendation

Consistent with the policy recommendations of the Comprehensive Plan, the County’s efforts to relocate existing overhead utilities as part of previous major road widening and improvement projects and the adopted Longhill Road Corridor Study and subsequent SmartScale application, staff recommends the Board of Supervisors adopt the attached Ordinance and Resolution.

PDH/nb
LnghillRdWide-mem

Attachments:

1. Ordinance designating the Longhill Road Corridor project limits and the Olde Towne Road turn lane at Longhill Road project limits an Underground Utility District.
2. Resolution committing to fund the actual cost difference between relocating utilities overhead vs. underground.
3. Exhibit showing locations and photos of existing overhead utility infrastructure in the corridor.

R E S O L U T I O N

VIRGINIA DEPARTMENT OF TRANSPORTATION PROJECT NO. UPC 100921, LONGHILL ROAD WIDENING, PHASE 1 AND PROJECT NO. UPC 108805 OLDE TOWNE ROAD AT LONGHILL ROAD TURNLANE UNDERGROUND UTILITIES

WHEREAS, on October 14, 2014, the Board of Supervisors adopted the Longhill Road Corridor Study Report (the "Study"); and

WHEREAS, the Study consisted of a thorough technical analysis of existing roadway conditions, environmental and historic features and existing pedestrian, bicycle and transit facilities and operations to give a broad assessment of the conditions along the corridor; and

WHEREAS, the adopted Study analyzed land uses and market conditions to forecast future traffic volumes on the corridor and determined areas where levels of service may decline and become deficient; and

WHEREAS, throughout development of the Study, extensive public input was sought and received; and

WHEREAS, based on the extensive public input and thorough technical analysis, the Study proposed typical sections for the corridor, an access management plan, intersection design plans and project phasing plans; and

WHEREAS, an important design component of the Study included relocating existing overhead utilities underground as part of the project; and

WHEREAS, undergrounding of utilities is an important aspect of Community Character and helps to improve utility service reliability; and

WHEREAS, the policy basis for undergrounding existing utilities as part of major roadway projects is contained within the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby endorses and approves the proposed Virginia Department of Transportation (VDOT) Project No. UPC 100921 Longhill Road, Phase I widening and improvements, as presented at the Design Public Hearing in concept, and in accordance with Section 15.6 of VDOT's Utility Manual, 11th edition, requests that VDOT underground all existing overhead utilities within the project scope area that are less than 40KV, and commits to fund the actual cost difference.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, requests, in accordance with Section 15.6 of VDOT's Utility Manual, 11th edition, that VDOT also underground existing overhead utilities within the project scope area that are less than 40KV for VDOT Project No. UPC 108805 Olde Towne Road at Longhill Road turn lane, and commits to fund the actual cost difference.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to enter into and execute all those documents necessary for the utility relocation and undergrounding.

____
Kevin D. Onizuk
Chairman, Board of Supervisors

ATTEST:

____
Bryan J. Hill
Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____
ONIZUK	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of March, 2017.

LnghillRdWide-res

ORDINANCE NO. ___________

VIRGINIA DEPARTMENT OF TRANSPORTATION PROJECT NO. UPC 100921, LONGHILL ROAD WIDENING, PHASE 1 AND PROJECT NO. UPC 108805 OLDE TOWNE ROAD AT LONGHILL ROAD TURN LANE UNDERGROUND UTILITY DISTRICT

WHEREAS, on October 14, 2014, the Board of Supervisors adopted the Longhill Road Corridor Study Report (the "Study"); and

WHEREAS, the Study consisted of a thorough technical analysis of existing roadway conditions, environmental and historic features and existing pedestrian, bicycle and transit facilities and operations to give a broad assessment of the conditions along the corridor; and

WHEREAS, the adopted Study analyzed land uses and market conditions to forecast future traffic volumes on the corridor and determined areas where levels of service may decline and become deficient; and

WHEREAS, throughout development of the Study, extensive public input was sought and received; and

WHEREAS, based on the extensive public input and thorough technical analysis, the Study proposed typical sections for the corridor, an access management plan, intersection design plans and project phasing plans; and

WHEREAS, an important design component of the Study included relocating existing overhead utilities underground as part of the project; and

WHEREAS, undergrounding of utilities is an important aspect of Community Character and helps to improve utility service reliability; and

WHEREAS, the policy basis for undergrounding existing utilities as part of major roadway projects is contained within the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby endorses and approves the proposed Virginia Department of Transportation (VDOT) Project No. UPC 100921 Longhill Road, Phase I widening and improvements, as presented at the Design Public Hearing in concept, and in accordance with Section 15.6 of VDOT's Utility Manual, 11th edition, hereby establishes an Underground Utility District consistent with the limits of the project scope area ("the Longhill Road, Phase I Underground Utility District").

BE IT FURTHER RESOLVED that the Longhill Road, Phase I Underground Utility District shall also include the limits of the project scope area for the VDOT Revenue Sharing Project No. UPC 108805 Olde Towne Road at Longhill Road turn lane.

BE IT FURTHER RESOLVED that within the Longhill Road, Phase I Underground Utility District, all new and relocated utility facilities, publicly or privately owned, shall be installed underground.

BE IT FURTHER RESOLVED that within the Longhill Road, Phase I Underground Utility District, future utility facilities required for any proposed improvement, including street lighting, shall not be permitted to be placed overhead within any section of a street or roadway where utilities were placed underground as part of either the Longhill Road widening project (VDOT Project No. UPC 100921) or the Olde Towne Road at Longhill Road turn lane project (VDOT Project No. UPC 108805).

____

Kevin D. Onizuk
Chairman, Board of Supervisors

ATTEST:

____

Bryan J. Hill
Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____
ONIZUK	____	____	____

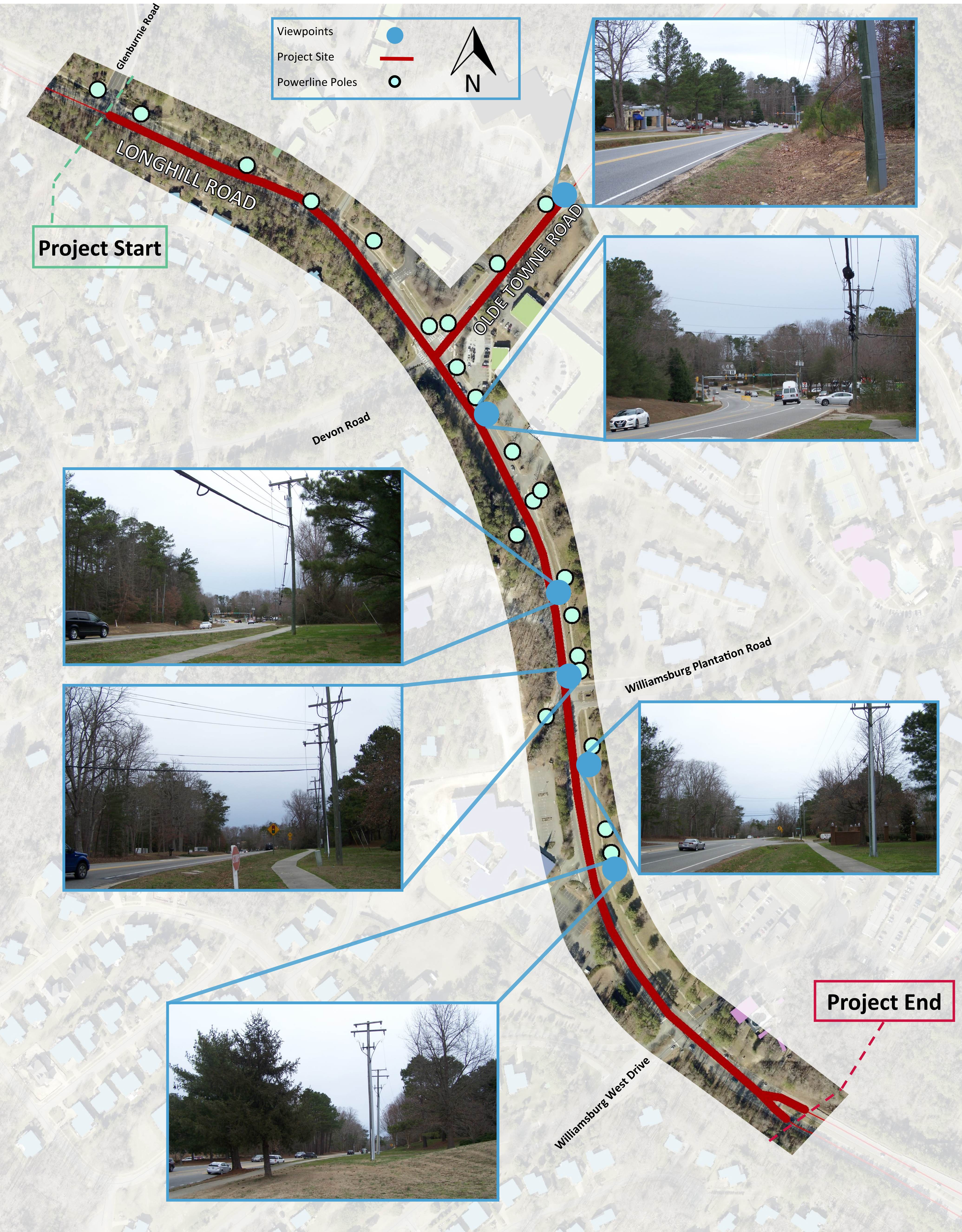
Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of March, 2017.

LnghillRdWide-res2

LONGHILL ROAD PHASE 1

Underground Utility District

James City County
VIRGINIA
Jamestown
1607



AGENDA ITEM NO. K.1.

ITEM SUMMARY

DATE: 3/14/2017

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	3/7/2017 - 4:16 PM

MEMORANDUM

DATE: March 14, 2017

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 February 8, 2017 through March 7, 2017:

February 9, 2017 (Thursday)

- Met with Jody Puckett, Communications Director and Laura Messer, Tourism Coordinator

February 10, 2017 (Friday)

- Speaking engagement: Matoaka 5th-grade students
- Budget meeting: General Services

February 13, 2017 (Monday)

- Budget meeting: Fire
- Budget meeting: JCSA
- Met with Dr. Bill Berg, Interim Director of Peninsula Health District
- Met with Sue Mellen, FMS Director
- Met with Patrick Teague, HR Director

February 14, 2017 (Tuesday)

- Budget meeting: Capital Improvements Projects
- Budget meeting: Parks & Recreation
- Attended Board of Supervisors meeting

February 15, 2017 (Wednesday)

- Attended Virginia Peninsula Regional Jail meeting
- Met with Jody Puckett, Communications Director and Laura Messer, Tourism Coordinator
- Conference call with Larry Saltzman; property transfer request
- Met with Jason Purse, Assistant County Administrator and Timothy Trant, Kaufman & Canoles, P.C
- Met with Larry Foster, United Way Interim Director and Katie Schubert, Resource Development Manager

February 16, 2017 (Thursday)

- Attended New Employee Orientation
- Attended James City County Black History Month Celebration
- Attended Executive Leadership meeting

February 17, 2017 (Friday)

- Budget meeting: Social Services
- Budget meeting: Community Development

February 21, 2017 (Tuesday)

- Met with Jody Puckett, Communications Director and Renee Dallman, Senior Communications Specialist
- Met with Jason Purse, Assistant County Administrator
- Met with Renee Dallman, Senior Communications Specialist; podcast

February 22, 2017 (Wednesday)

- Met with Latara Branch, Civic Engagement Coordinator
- Met with Jody Puckett, Communications Director
- Met with Sue Mellen, FMS Director
- Spoke to John McArthur; Business in Focus
- Met with Paul Holt, Community Development Director and Tom Coghill, Building Safety & Permits Director
- Attended Fort Eustis JLUS Policy Committee tour with Supervisor John McGlennon and Paul Holt, Community Development Director

February 24, 2017 (Friday)

- Met with Randy Wheeler, Poquoson City Manager

February 24, 2017 (Friday)

- Attended Coffee with County Administrator, staff event
- Met with Tristan Aiken, Budget Management Specialist
- Met with Paul Holt, Community Development Director
- Budget meeting: Commonwealth's Attorney
- Budget meeting: Circuit Court
- Interview with Robert Hoshowsky; *Business in Focus*

February 27, 2017 (Monday)

- Attended Historic Triangle Collaborative meeting
- Met with Ryan Ashe, Fire Chief and Dominion Virginia Power staff
- Budget meeting: outside agencies
- Met with Patrick Teague, HR Director
- Budget meeting: Sheriff's Office

February 28, 2017 (Tuesday)

- Met with resident Gwen Schatzman
- Attended Agenda meeting
- Met with Diane Williams

- Attended Work Session and Board of Supervisor meeting

March 1, 2017 (Wednesday)

- Attended New Employee Orientation
- Attended Hampton Roads Planning District Commission, Chief Administrative Officers meeting
- Met with Paul Holt, Community Development Director and Tom Coghill, Building Safety & Permits Director
- Met with Grace Boone, General Services Director
- Met with potential Economic Development Director candidate

March 2, 2017 (Thursday)

- Met with John Carnifax, Parks & Recreation Director
- Met with Adam Kinsman, County Attorney and Jason Purse, Assistant County Administrator
- Radio sport show
- Met with Sue Mellen, FMS Director

BJH/nb
CAReport031417-mem

AGENDA ITEM NO. L.1.

ITEM SUMMARY

DATE: 3/14/2017

TO: The Board of Supervisors

FROM: Lauren White, Planner

SUBJECT: Historical Commission Recommendation for Appointment

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ATTACHMENTS:

Description	Type

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	2/24/2017 - 11:38 AM
Development Management	Holt, Paul	Approved	2/24/2017 - 11:39 AM
Publication Management	Burcham, Nan	Approved	2/24/2017 - 11:45 AM
Legal Review	Kinsman, Adam	Approved	2/24/2017 - 11:48 AM
Board Secretary	Fellows, Teresa	Approved	2/24/2017 - 2:27 PM
Board Secretary	Purse, Jason	Approved	3/7/2017 - 1:38 PM
Board Secretary	Fellows, Teresa	Approved	3/7/2017 - 1:51 PM

AGENDA ITEM NO. L.2.

ITEM SUMMARY

DATE:	3/14/2017
TO:	The Board of Supervisors
FROM:	Teresa J. Fellows, Administrative Coordinator
SUBJECT:	Appointment to the Community Action Agency Board of Directors

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ATTACHMENTS:

Description	Type

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	3/7/2017 - 9:36 AM
Board Secretary	Purse, Jason	Approved	3/7/2017 - 1:39 PM
Board Secretary	Fellows, Teresa	Approved	3/7/2017 - 1:50 PM
Publication Management	Burcham, Nan	Approved	3/7/2017 - 1:59 PM
Legal Review	Kinsman, Adam	Approved	3/7/2017 - 2:35 PM
Board Secretary	Fellows, Teresa	Approved	3/7/2017 - 2:36 PM
Board Secretary	Purse, Jason	Approved	3/7/2017 - 2:40 PM
Board Secretary	Fellows, Teresa	Approved	3/7/2017 - 2:40 PM

AGENDA ITEM NO. M.1.

ITEM SUMMARY

DATE: 3/14/2017

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Administrative Coordinator

SUBJECT: Adjourn until 9 a.m. on March 17, 2017 for the Joint Meeting with W-JCC School Board and Williamsburg City Council

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REVIEWERS:

Department	Reviewer	Action	Date
Economic Development Authority	Fellows, Teresa	Approved	3/7/2017 - 10:09 AM