

AGENDA
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
July 9, 2024
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

E. PUBLIC COMMENT

F. CONSENT CALENDAR

G. PUBLIC HEARING(S)

1. An ordinance to amend Appendix A – Fee Schedule for Development Related Permits
2. AFD-24-0001. 2394 Forge Road, Mill Creek AFD Addition
3. AFD-24-0002. 10135 Fire Tower Road, Barnes Swamp AFD Addition
4. SUP-24-0009. Lovett 64 Commerce Center (Formerly Hazelwood Farms - The Enterprise Center) SUP Amendment

H. BOARD CONSIDERATION(S)

1. SUP-24-0001. 7146 Little Creek Dam Road Rental of Rooms

I. BOARD REQUESTS AND DIRECTIVES

J. REPORTS OF THE COUNTY ADMINISTRATOR

K. CLOSED SESSION

1. Consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions, pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia
 - a. Appointment - Colonial Community Criminal Justice Board
 - b. Appointments - Colonial Behavioral Health Board of Directors
 - c. Appointments - Williamsburg Area Arts Commission
 - d. Appointments - Social Services Advisory Board

2. Discussion of the award of a public contract involving the expenditure of public funds, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(29) of the Code of Virginia and pertaining to the contract for the joint operation of schools between the County and the City of Williamsburg.
3. Discussion of the award of a public contract involving the expenditure of public funds, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(29) of the Code of Virginia and pertaining to the contract between the County, York County, and the City of Williamsburg for the joint operation of the Williamsburg Regional Library System.
4. Certification of Closed Session

L. ADJOURNMENT

1. Adjourn until 1 pm on July 23, 2024 for the Business Meeting

MEMORANDUM

DATE: July 9, 2024

TO: The Board of Supervisors

FROM: Toni E. Small, Director of Stormwater and Resource Protection Division

SUBJECT: An Ordinance to Amend and Reordain the Code of James City County by Amending Appendix A - Fee Schedule for Development Related Permits to Amend Code Chapter References

Last month, the Board of Supervisors approved updates to Chapter 8, now called the Erosion and Stormwater Management Ordinance of James City County. This amended and reordained Appendix A will only address formatting changes to align the Code references for Stormwater and Resource Protection Division fees with the new Chapter 8 sections and numbering. There are no changes to the fees associated with this amendment.

To ensure consistency with the new Chapter 8 Code amendments, staff recommends adoption of the attached Ordinance.

TES/md
AppxA-Ch8ESC-mem

Attachment

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN APPENDIX A, FEE SCHEDULE FOR DEVELOPMENT RELATED PERMITS, CHAPTER 8, EROSION AND SEDIMENT CONTROL OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Appendix A, Fee Schedule for Development Related Permits, Chapter 8, Erosion and Sediment Control of the Code of the County of James City, Virginia is hereby amended and reordained.

STORMWATER AND RESOURCE PROTECTION		
CHAPTER 8 - EROSION AND SEDIMENT CONTROL STORMWATER MANAGEMENT		
CODE REFERENCE	DESCRIPTION	FEE
8-5 8-21	Land Disturbing Activity and Erosion <i>Control & Stormwater Management</i> Sediment Control Plans	
	Single-family residential structure	\$105.00
	Residential subdivisions	\$73.50 per lot
	All other land disturbing activities (residential site plan)	\$882.00 per acre for first 15 acres plus \$588.00 for each additional acre over 15 acres
	All other land disturbing activities (nonresidential plan)	\$630.00 per acre for first 15 acres plus \$420.00 for each additional acre over 15 acres
8-5 8-21	The permit fee shall be double for any land disturbing that has commenced before a permit is obtained.	As listed above
8-34 8-21	Fee Schedule for Registration and Issuance of General VPDES Permit for Discharge of Stormwater from Construction Activities <i>Fees for Individual Permit or Coverage Under the General Permit of Discharges of Stormwater from Construction Activities</i>	
	Chesapeake Bay Preservation Act land disturbing activity (not subject to general permit coverage; sites within designated areas of Chesapeake Bay Act localities with land disturbance acreage equal to or greater than 2,500 square feet and less than one acre)	\$304.50
	General/Stormwater Management - small construction activity/land clearing (areas within common plans of development or sale with land disturbance acreage less than one acre)	\$304.50
	General/Stormwater Management - small construction	\$2,835.00**

	activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than one acre and less than five acres)	
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than five acres and less than ten acres)	\$3,570.00
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than ten acres and less than 50 acres)	\$4,725.00
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$6,405.00
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$10,080.00
	<p>**Pursuant to amendments to the Virginia Stormwater Management Act, as amended, § 62. 1-44. 15:28 of the Code of Virginia this fee tier will be \$304.50 for small construction activity involving a single-family detached residential structure with a site or area, within or outside a common plan" of development or sale, that is equal to or greater than one acre but less than five acres. In addition, neither a registration statement nor payment of the Department's portion of the statewide permit fee shall be required for construction activity involving a single-family detached residential structure, within or outside a common plan of development or sale within this tier, and all other tiers consistent with §62. 1-44. 15:28(A)(8).</p>	
8-34 8-21	<p>Modification or Transfer of Registration Statements for the General VPDES Permit for Discharges of Stormwater from Construction Activities 9VAC25-870-825. <i>Fees for the Modification or Transfer of Individual Permits or of Registration Statements for the General Permit for Discharges of Stormwater from Construction Activities 9VAC25 - 875-1410.</i></p>	
	General/Stormwater Management - small construction activity/land clearing (areas within common plans of development or sale with land disturbance less than one acre)	\$21.00
	General/Stormwater Management - small construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than one acre and less than five acres)	\$210.00
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than five acres and less than ten acres)	\$262.50
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of	\$315.00

	development or sale with land disturbance acreage equal to or greater than ten acres and less than 50 acres)	
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$472.50
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$735.00
8-34 8-21	Fee Schedule for the Maintenance of the General VPDES Permit for Discharges of Stormwater from Construction Activities 9VAC25-870-830. Maintenance Fees 9VAC25 - 875-1420.	
	Chesapeake Bay Preservation Act Land Disturbing Activity (not subject to the general permit coverage; sites within designated areas of Chesapeake Bay Act localities with land disturbance acreage equal to or greater than 2,500 square feet and less than one acre)	\$52.50
	General/Stormwater Management - small construction activity/land clearing (areas within common plans of development or sale with land disturbance acreage less than one acre)	\$52.50
	General/Stormwater Management - small construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than one acre and less than five acres)	\$420.00
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than five acres and less than 10 acres)	\$525.00
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$682.50
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$945.00
8-34 8-21	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$1,470.00
8-34 8-21	The permit fee shall be double for any construction that has commenced before a permit is obtained.	As listed above
8-34 8-21	Certificate of Occupancy (No certificate of occupancy shall be issued until all inspection fees have been paid, includes residential and	\$52.50

Ordinance to Amend and Reordain
Appendix A - Fee Schedule for Development Related Permits
Chapter 8. Erosion and Sediment Control
Page 4

	nonresidential)	
8-34 8-21	30-day temporary certificate of occupancy - residential	\$52.50
8-34 8-21	30-day temporary certificate of occupancy - nonresidential	\$105.00
8-34 8-21	30-day temporary certificate of occupancy renewal - residential	\$105.00
8-34 8-21	30-day temporary certificate of occupancy renewal - residential	\$210.00
8-34 8-21	Reinspection	First: \$52.50 Second: \$105.00 Third and Subsequent: \$210.00
8-34 8-21	As-Built Plan Review: Small Nonresidential (up to 3 BMPs)	\$300.00
8-34 8-21	As-Built Plan Review: Large Nonresidential (> 3 BMPs)	\$500.00
8-34 8-21	As-Built Plan Review: Small Residential (less than 5 acres)	\$300.00
8-34 8-21	As-Built Plan Review: Large Residential (> 5 acres)	\$500.00
8-35 8-22	Initial Surety establishment	\$500.00
8-35 8-22	Surety Renewal: Years 1 - 2	\$-
8-35 8-22	Surety Renewal: Years 3 - 5	\$500.00
8-35 8-22	Surety Renewal: Years 6 - 9	\$700.00
8-35 8-22	Surety Renewal: Year 10	\$1,200.00
8-35 8-22	Surety Renewal: Year 11 plus each subsequent year	\$2,000.00

Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

VOTES

AYE NAY ABSTAIN ABSENT

Teresa J. Saeed
Deputy Clerk to the Board

NULL
HIPPLE
MCGLENNON
ICENHOUR
LARSON

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of June,
2024.

AppxA-Ch8ESC-ord

ORDINANCE NO. _____

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8-22	Surety Renewal: Year 10	\$1,200.00
8-22	Surety Renewal: Year 11 plus each subsequent year	\$2,000.00

AppxA-Ch8ESC-ord-final

AGRICULTURAL AND FORESTAL DISTRICT-24-0001. 2394 Forge Road, Mill Creek AFD Addition
Staff Report for the July 9, 2024, Board of Supervisors Meeting Public Hearing

SUMMARY FACTS

Applicant: Ms. Linda Rice

Landowners: Mr. John J. and Ms. Linda L. Rice Trust

Proposal: Addition of ± 16.81 acres to the Mill Creek Agricultural and Forestal District (AFD)

Location: 2394 Forge Road

Tax Map/Parcel No.: 1130100029

Project Acreage: ± 16.81 acres

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

Staff Contact: Roberta Sulouff, Senior Planner

PUBLIC HEARING DATES

AFD Advisory Committee: April 18, 2024, 4:00 p.m.

Planning Commission: June 5, 2024, 6:00 p.m.

Board of Supervisors: July 9, 2024, 5:00 p.m.

FACTORS FAVORABLE

1. Staff finds that this addition to the Mill Creek AFD would not adversely affect surrounding development and is consistent with the core of the District.

2. Staff finds the proposal consistent with the Comprehensive Plan Land Use (LU) Action 6.1.1.
3. This proposal is not anticipated to generate any impacts that require mitigation.

FACTORS UNFAVORABLE

None.

SUMMARY STAFF RECOMMENDATION

Staff finds that the proposed addition meets all state and local requirements for inclusion in the Mill Creek AFD. Staff recommends that the Board of Supervisors approve the application, subject to the proposed conditions, consistent with other properties in the District.

AFD ADVISORY COMMITTEE RECOMMENDATION

At its April 18, 2024, meeting, the AFD Advisory Committee voted 4-3 to recommend approval of the addition request to the Planning Commission and the Board of Supervisors, subject to the proposed conditions.

PLANNING COMMISSION RECOMMENDATION

At its June 5, 2024, meeting, the Planning Commission voted 6-0 to recommend approval of the addition request to the Board of Supervisors, subject to the proposed conditions.

PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

The staff report has been updated to correct a typo in one soil label on the Soil Type table below; the change is reflected on the table below, with soil type 14B being replaced with 11C and its accompanying information.

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.

AGRICULTURAL AND FORESTAL DISTRICT-24-0001. 2394 Forge Road, Mill Creek AFD Addition
Staff Report for the July 9, 2024, Board of Supervisors Meeting Public Hearing

PROJECT DESCRIPTION

- Ms. Linda Rice has applied to enroll \pm 16.81 acres of land located at 2394 Forge Road into the Mill Creek AFD. Aside from a residence on the property, a portion of the land is currently pasture used for horse grazing. The remaining property is forested and the applicant has stated that she currently has no plans to harvest timber.
- The subject parcel is within one mile of the core parcels in the Mill Creek AFD and is contiguous with other parcels currently in the District, which is consistent with the criteria listed in the *Code of Virginia* (see Attachment No. 4).
- Per the United States Department of Agriculture's (USDA) *Soil Survey of James City and York Counties and the City of Williamsburg Virginia*, the parcels consist of the following soils:

Soil Type	Erosion Hazard	Equipment Limitation	Seedling Mortality	Windthrow Hazard
34B, Uchee loamy fine sandy loam, 2-6% slopes	Slight	Moderate	Moderate	Slight
31B, Suffolk fine sandy loam, 2-6% slopes	Slight	Slight	Slight	Slight
19B, Kempsville-Emporia fine sandy loams, 2-6% slopes	Slight	Slight	Slight	Slight
11C, Craven-Uchee complex, 6-10% slopes	Slight	Moderate	Slight	Slight
15F, Emporia complex, 25-50% slopes	Moderate	Severe	Slight	Slight

DISTRICT HISTORY

- The Mill Creek AFD was created in 1986 for a term of four years and originally consisted of 28 parcels totaling \pm 3,547 acres.
- The District was renewed in 1990, 1994, 1998, 2002, 2006, 2010, 2014, 2018, and 2022 for four-year periods. Various additions and withdrawals occurred throughout these years.
- If this addition is approved, the District would consist of approximately 3,406.11 acres.

SURROUNDING ZONING AND DEVELOPMENT

All surrounding properties are zoned A-1, General Agricultural, and designated Rural Lands in the Comprehensive Plan. Existing land uses on adjacent properties include single-family residences, agricultural activities, and undeveloped forested land.

NATURAL AND CULTURAL ASSETS

The site is identified as having natural and cultural assets on the Natural & Cultural Assets Plan maps (and/or other supplemental resources such as the USDA's Natural Resources Conservation Service Web Soil Survey) (see Table on Page 3) as follows:

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.

AGRICULTURAL AND FORESTAL DISTRICT-24-0001. 2394 Forge Road, Mill Creek AFD Addition
Staff Report for the July 9, 2024, Board of Supervisors Meeting Public Hearing

ASSET	PRESENCE	IMPACT
Habitat Core	Present on Site	<p>1. All habitat cores identified in the Natural & Cultural Assets Plan are important ecologically. The core on this property is ranked as having lower ecological value compared to other cores in the County. It is not of heightened priority.</p> <p>2. The portion of this parcel is identified as habitat core is \pm 8.4 acres or approximately 50% of the property.</p>
Habitat Corridors	None Present on Site	Not Applicable
Agricultural Assets	Present on Site	\pm 10.7 acres or 63.9% of the property is rated prime farmland. All the property with prime farmland soils would be included in the AFD.

COMPREHENSIVE PLAN

The subject parcel is designated Rural Lands on the Comprehensive Plan LU Map. Appropriate uses in Rural Lands include traditional agricultural and forestal activities. LU Action 6.1.1 of the Comprehensive Plan states that the County shall “Support both the use value assessment and AFD programs to the maximum degree allowed by the Code of Virginia. Explore extending the terms of the County’s Districts.” Staff finds this application to be consistent with both the Rural Lands designation and LU Action 6.1.1.

PUBLIC IMPACTS

This proposal is not anticipated to generate any impacts that require mitigation.

STAFF RECOMMENDATION

Staff finds that the proposed addition meets all state and local requirements for inclusion in the Mill Creek AFD. Staff recommends that the Board of Supervisors approve the application, subject to the proposed conditions, consistent with other properties in the District.

RS/md
AFD24-1_2394FrgRd

Attachments:

1. Ordinance
2. Location Map
3. Mill Creek AFD Map
4. Mill Creek AFD 2022 Renewal Ordinance
5. State Code § 15.2-4305 Regarding AFD Application Criteria
6. Applicant’s Narrative
7. Unapproved Minutes from the April 18, 2024, AFD Advisory Committee Meeting
8. Unapproved Minutes from the June 5, 2024, Planning Commission Meeting

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.

ORDINANCE NO. _____

AGRICULTURAL AND FORESTAL DISTRICT-24-0001.

2394 FORGE ROAD MILL CREEK AFD ADDITION

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia, (the "Board") to add \pm 16.81 acres of land owned by the Mr. John J. and Linda L. Rice Trust located at 2394 Forge Road, further identified as James City County Real Estate Tax Map Parcel No. 1130100029, to Agricultural and Forestal District (AFD) No. 07-86, which is generally known as the "Mill Creek Agricultural and Forestal District" (the "Application"); and

WHEREAS, at its April 18, 2024, meeting, the AFD Advisory Committee voted 4-3 to recommend approval of the Application; and

WHEREAS, a public hearing was advertised and held by the Planning Commission (the "Commission") at its June 5, 2024, meeting, after which the Commission voted 6-0 to recommend approval of the Application; and

WHEREAS, a public hearing was advertised and held by the Board of Supervisors.

NOW, THEREFORE, BE IT ORDAINED that the Board of Supervisors of James City County, Virginia, hereby adds \pm 16.81 acres located at 2394 Forge Road and identified as James City County Real Estate Tax Map Parcel No. 1130100029, (the "Property") to AFD-07-86, which is generally known as the "Mill Creek Agricultural and Forestal District" (the "District") with the following conditions:

1. That pursuant to Sections 15.2-4309 of the Act, the Board of Supervisors requires that any parcel in the District shall not, without the prior approval of the Board of Supervisors, be developed to any more intensive use, other than uses resulting in more intensive agricultural or forestal production. Specifically, the following restrictions shall apply:
 - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCFs), provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
 - b. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.

- c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.

Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

NULL
HIPPLE
MCGLENNON
ICENHOUR
LARSON

VOTES

AYE NAY ABSTAIN ABSENT

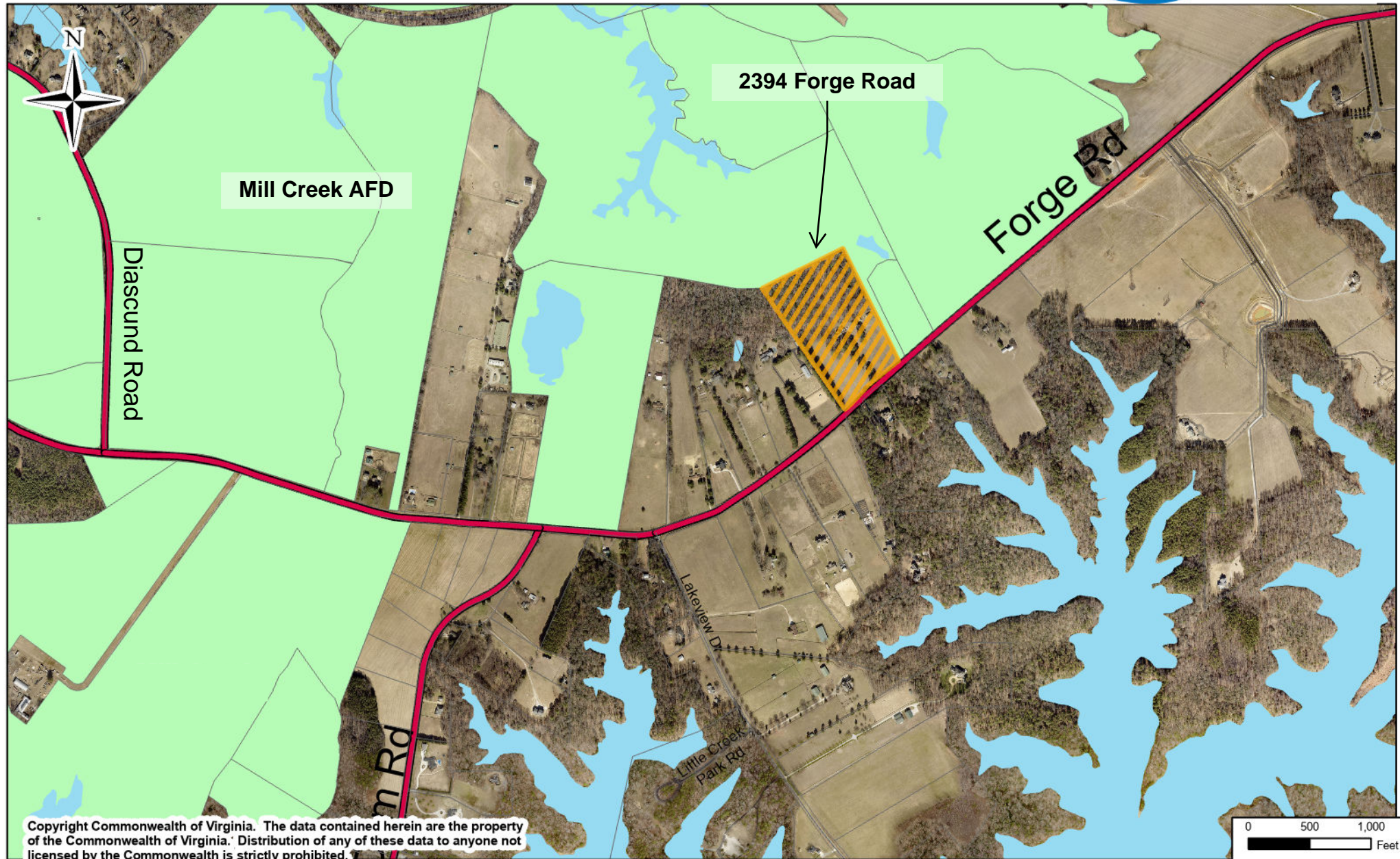
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_____	_____	_____	_____
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_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of July, 2024.

AFD24-1_2394FrgRd-ord

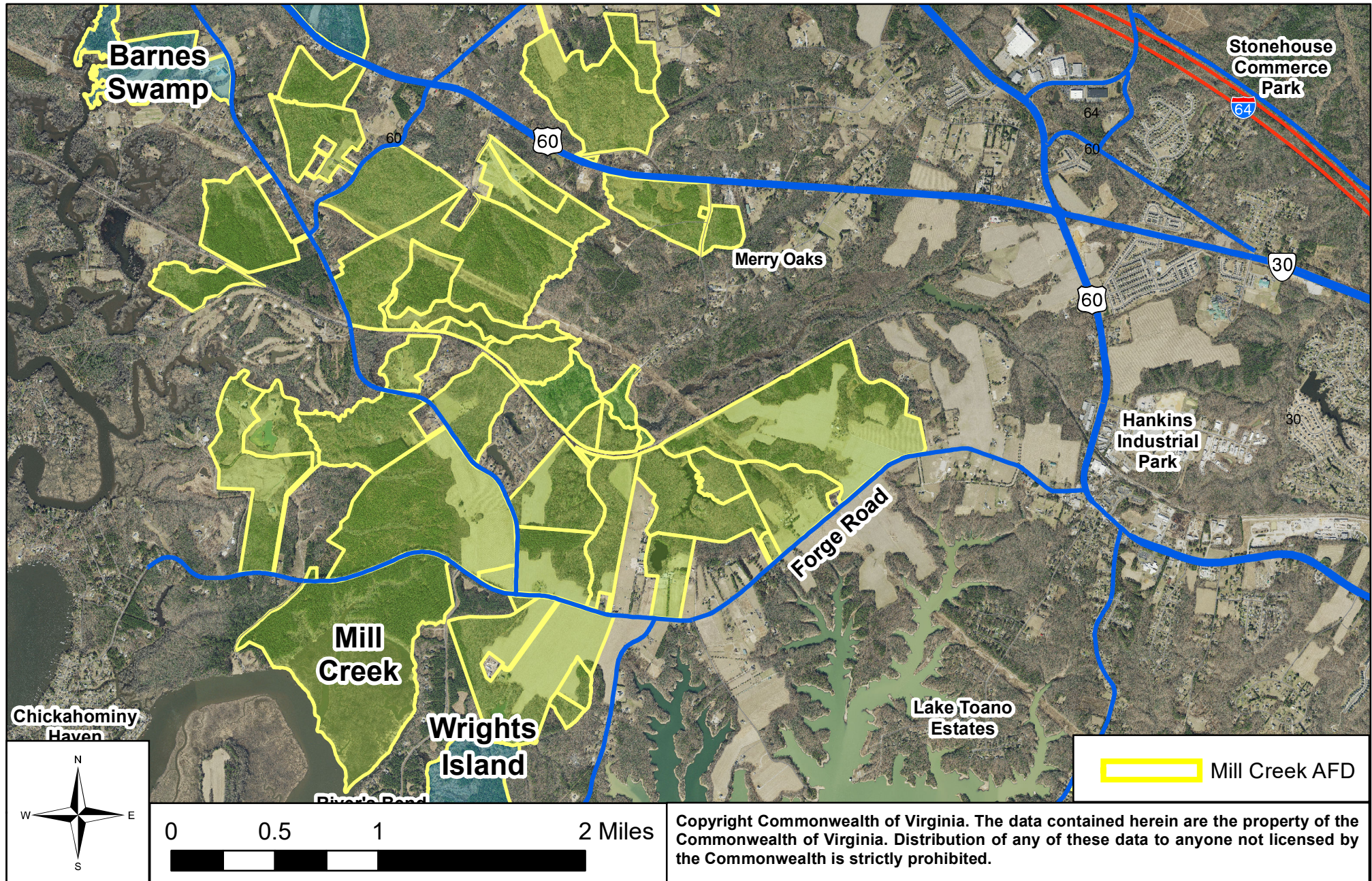
AFD-24-0001

2394 Forge Road Mill Creek Addition



JCC AFD-22-0011

Mill Creek Agricultural Forestal District



ADOPTED

SEP 13 2022

ORDINANCE NO. 169A-21

Board of Supervisors
James City County, VA

AGRICULTURAL AND FORESTAL DISTRICT-22-0011

MILL CREEK 2022 RENEWAL

WHEREAS, James City County has completed a review of the Mill Creek Agricultural and Forestal District (the "District"); and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code"), property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the District; and

WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee at its meeting on July 21, 2022, voted 6-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission following its public hearing on August 3, 2022, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to recommend renewal of the District with the conditions listed below.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:


1. The Mill Creek Agricultural and Forestal District (the "District") is hereby continued to October 31, 2026, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").
2. That the District shall include the following parcels, provided, however, that all land within 25 feet of road rights-of-way is excluded from the District:

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>ACRES</u>
8700 Barnes Road LLC	1010100037	104.00
Abbitt, M.W. Family Partnership	920100040	95.51
Albert T. & Joan Lloyd Slater	1010100028	69.69
Christopher M. Ware	920100036	39.13
Cowles-Cowlesville LLC	1040100005	249.89
Cowles-Cowlesville LLC	1040100006	124.77
Cowles-Cowlesville LLC	2010100002	2.00
Cowles-Lobbs LLC	2020100006	352.96
Dale Cowles Henderson & John Cowles Dozier, et al.	2020100001	8.76
Dale Cowles Henderson & John Cowles Dozier, et al.	2020100003	102.67
Daniel R. Winall & Marion Virginia	1030100019	97.59
Dennis P. and Christine A. Weygand	1030100013	34.03
Edwards' Mill Pond, LLC	1030100003	45.80
Ivy Hill LLC & Barbara L. Silverman c/o Ellen Lightman	1110100013	100.18


Ivy Hill LLC c/o Ellen Lightman	1110100024	1.18
J. Michael Sim	1040100003	103.26
J. Michael Sim	1040100001A	10.00
John E. & Elaine M. Sharp	0940100008N	57.81
John G. & Marie Antionette Findlay	0940100008H	118.29
John M. L. Barnes Estate	1110100001	29.00
John M.L. Barnes Estate & James F. Cowles	1020100004	215.77
Mark M. & Michelle B. Massie	1130100028B	29.43
Martha Ware Trust	2020100002	57.41
Mary M. Selph	1010100007	50.00
Mayes D. & Cheryl M. Matthews	2110100005	46.01
Nancy Cottrell Kruse & M. Anderson Bradshaw	1140100002	153.00
Pamaka LLC	1020100017	242.70
Pamela C. & Steve L. Massie	1130100028	102.06
Ralph Benjamin Dozier, Charles Norris Dozier III & Mary Elizabeth Sink	2020100005	178.44
Ralph Benjamin Dozier, Charles Norris Dozier III & Mary Elizabeth Sink	2020100007	16.50
Ralph Benjamin Dozier, Charles Norris Dozier III & Mary Elizabeth Sink	2020100008	12.00
Randolph G. & Michelle H. Gulden	1020100012	62.20
Randolph G. & Michelle H. Gulden	1020100032	25.00
Richard W. & Margaret Krapf	1140100006	4.73
Sarah Armistead	1010100038	50.00
Walter Nelson Marshall, III Trustee	1140100005	79.95
WGJ Land Holdings LLC	1040100004	43.07
WGJ Land Holdings LLC	1130100011	14.85
WGJ Land Holdings LLC	1130100011A	2.81
TOTAL ACRES		<u>3,132.45</u>

3. That pursuant to Section 15.2-4309 of the Act, The Board of Supervisors requires that any parcel in the District shall not, without the prior approval of the Board of Supervisors, be developed to any more intensive use, other than uses resulting in more intensive agricultural or forestal production. Specifically, the following restrictions shall apply:
 - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCF), provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

- b. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.
- c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.


John J. McGlennon
Chairman, Board of Supervisors

ATTEST:


Teresa J. Saeed
Deputy Clerk to the Board

	VOTES			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
ICENHOUR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of September, 2022.

AFD22-11MillCrkRen-res

§ 15.2-4305. Application for creation of district in one or more localities; size and location of parcels

On or before November 1 of each year or any other annual date selected by the locality, any owner or owners of land may submit an application to the locality for the creation of a district or addition of land to an existing district within the locality. Each district shall have a core of no less than 200 acres in one parcel or in contiguous parcels. A parcel not part of the core may be included in a district (i) if the nearest boundary of the parcel is within one mile of the boundary of the core, (ii) if it is contiguous to a parcel in the district the nearest boundary of which is within one mile of the boundary of the core, or (iii) if the local governing body finds, in consultation with the advisory committee or planning commission, that the parcel not part of the core or within one mile of the boundary of the core contains agriculturally and forestally significant land. No land shall be included in any district without the signature on the application, or the written approval of all owners thereof. A district may be located in more than one locality, provided that (i) separate application is made to each locality involved, (ii) each local governing body approves the district, and (iii) the district meets the size requirements of this section. In the event that one of the local governing bodies disapproves the creation of a district within its boundaries, the creation of the district within the adjacent localities' boundaries shall not be affected, provided that the district otherwise meets the requirements set out in this chapter. In no event shall the act of creating a single district located in two localities pursuant to this subsection be construed to create two districts.

1977, c. 681, § 15.1-1511; 1979, c. 377; 1981, c. 546; 1984, c. 20; 1985, c. 13; 1987, c. 552; 1993, cc. 745, 761; 1997, c. 587; 1998, c. [833](#); 2011, cc. [344](#), [355](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Addendum – Application for Addition to AFD-24-0001 -Mill Creek

The purpose of this application is to add approximately 16.5 acres of property located at 2394 Forge Road in Toano to the Mill Creek AFD. Approximately half of the acreage is in pasture, used for horse grazing, and the other half of the acreage is in timber. I have no plans for harvesting the timber. I want the timber to remain as an ecological resource for plant and wildlife.

Property Owner – John J. and Linda L. Rice Trust

2394 Forge Rd, Toano

Tax Map and Parcel ID - 1130100029

MINUTES
JAMES CITY COUNTY AFD ADVISORY COMMITTEE
REGULAR MEETING
BUILDING A LARGE CONFERENCE ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
April 18, 2024
4:00 PM

A. CALL TO ORDER

Mr. Bruce Abbott called the Agricultural and Forestal District (AFD) Advisory Committee meeting to order at approximately 4 p.m.

B. ROLL CALL

Present:

Bruce Abbott, Vice Chair
Barbara Null
Richard Bradshaw
Sandy Wanner
Loretta Garrett
Payten Harcum
Will Harcum
William McElfresh

Absent:

Chris Taylor
David Hogue

Staff:

Josh Crump, Principal Planner
Tess Lynch, Planner II
Roberta Sulouff, Planner I

C. MINUTES

1. Minutes of the January 18, 2024, Regular Meeting

Ms. Garrett made a motion to Approve the minutes.

On a voice vote, the Committee voted to approve the minutes of the January 18, 2024, Regular Meeting by a vote of 8-0.

D. OLD BUSINESS

There was no old business.

E. NEW BUSINESS

Mr. Crump welcomed Mr. William McElfresh to the Committee.

1. AFD-24-0002. 10135 Fire Tower Road Barnes Swamp AFD Addition

Ms. Tess Lynch, Planner II, provided an overview of the application.

Mr. Bradshaw stated that he would recuse himself from the discussion and vote since he was related to the applicant.

Ms. Garrett made a motion to recommend approval of the application.

Mr. Wanner seconded the motion.

On a roll call vote, the Committee voted to recommend approval of the application by a vote of 6-2-0 with Mr. Bradshaw and Ms. Null abstaining.

2. AFD-24-0001, 2394 Forge Road, Mill Creek Addition

Ms. Roberta Sulouff, Planner I, provided an overview of the application.

The Committee discussed whether the property was eligible for inclusion in the AFD.

It was noted that a property could be enrolled in an AFD without any associated land use valuation.

Mr. Wanner made a motion to recommend approval of the application.

Ms. Garrett seconded the motion.

On a roll call vote, the Committee voted to recommend approval of the application by a vote of 4-1-3 with Ms. Null abstaining.

F. DISCUSSION ITEMS

The Committee discussed the process for notifying property owners about their options during the renewal process.

The Committee also discussed the relationship between being enrolled in an AFD and receiving land use valuation. The Committee indicated that it would like to see more information made available on the website and in the AFD brochure.

Mr. Crump stated that staff would work on updating the website and the brochure.

G. ADJOURNMENT

Mr. Wanner made a motion to Adjourn.

Ms. Garrett seconded the motion.

The meeting was adjourned at approximately 4:15 p.m.

Susan Istenes, Secretary

Bruce Abbott, Vice Chair

**Unapproved Minutes of the June 5, 2024,
Planning Commission Regular Meeting**

AFD-24-0001. 2394 Forge Road, Mill Creek Addition

Ms. Roberta Sulouff, Senior Planner, stated that Ms. Linda Rice has applied on behalf of the Mr. John J. and Ms. Linda L. Rice Trust to add approximately 16.81 acres of land to the Mill Creek Agricultural and Forestal District (AFD). Ms. Sulouff stated that the property is located outside of the Primary Service Area at 2394 Forge Road, zoned A-1, General Agricultural, and designated Rural Lands on the 2045 Comprehensive Plan Land Use Map. Ms. Sulouff stated that a portion of the land is currently used as pasture for horse grazing while most of the remaining property is forested and proposed to stay as such. Ms. Sulouff stated that the parcel is located within one mile of the core parcels of the AFD and is contiguous with other parcels currently in the district. Ms. Sulouff stated that if the application is approved the Mill Creek AFD will consist of approximately 4,306 acres.

Ms. Sulouff stated that based on email correspondence, the soils information chart in the staff report will be updated before the Board of Supervisors' hearing, however the prime farmland calculations in the staff report were accurate.

Ms. Sulouff stated that at its April 18, 2024, meeting, the AFD Advisory Committee voted 4-3 to recommend approval of the application.

Ms. Sulouff stated that staff finds that the proposed addition meets all state and local requirements for inclusion in the Mill Creek AFD and recommends that the Planning Commission recommend approval of the proposed addition to the Board of Supervisors, subject to the adopted Conditions for the Mill Creek AFD.

Mr. Everson asked about the reason for the 3 votes against the application in the April 18, 2024, AFD Advisory Committee.

Ms. Sulouff stated that the three members cast their votes based on a discussion regarding whether the applicant would pursue a land use taxation program that is separate from the AFD program. Ms. Sulouff further stated that the land use taxation program has no bearing on AFD regulations in the Virginia code.

Mr. O'Connor opened the Public Hearing.

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

Mr. Everson made a motion to recommend approval of the AFD addition.

On a roll call vote the Planning Commission voted to recommend approval of AFD-24-0001. 2394
Forge Road, Mill Creek Addition. (6-0)

AGRICULTURAL AND FORESTAL DISTRICT-24-0002. 10135 Fire Tower Road, Barnes Swamp AFD Addition
Staff Report for the July 9, 2024, Board of Supervisors Public Hearing

SUMMARY FACTS

Applicant: Ms. Nancy Bradshaw

Landowners: Ms. Nancy E. Bradshaw and Mr. Charles A. Sheppard

Proposal: Addition of \pm 50.14 acres to the Barnes Swamp Agricultural and Forestal District (AFD)

Location: 10135 Fire Tower Road

Tax Map/Parcel No.: 0420100012C

Project Acreage: \pm 50.14 acres

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

Staff Contact: Tess Lynch, Planner II

PUBLIC HEARING DATES

AFD Advisory Committee: April 18, 2024, 4:00 p.m.

Planning Commission: June 5, 2024, 6:00 p.m.

Board of Supervisors: July 9, 2024, 5:00 p.m.

FACTORS FAVORABLE

1. Staff finds that this addition to the Barnes Swamp AFD would not adversely affect surrounding development and is consistent with the core of the District.
2. Staff finds the proposal consistent with the 2045 Comprehensive Plan Land Use (LU) Action 6.1.1.
3. This proposal is not anticipated to generate any impacts that require mitigation.

FACTORS UNFAVORABLE

None.

SUMMARY STAFF RECOMMENDATION

Staff finds that the proposed addition meets all state and local requirements for inclusion in the Barnes Swamp AFD. Staff recommends that the Board of Supervisors approve the application, subject to the proposed conditions, consistent with other properties in the District.

AFD ADVISORY COMMITTEE RECOMMENDATION

At its April 18, 2024, meeting, the AFD Advisory Committee voted to recommend approval of the application by a vote of 6-2-0 with Mr. Bradshaw and Ms. Null abstaining.

PLANNING COMMISSION RECOMMENDATION

At its June 5, 2024, meeting, the Planning Commission voted to recommend approval of the application by a vote of 6-0.

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

AGRICULTURAL AND FORESTAL DISTRICT-24-0002. 10135 Fire Tower Road, Barnes Swamp AFD Addition
Staff Report for the July 9, 2024, Board of Supervisors Public Hearing

CHANGES SINCE PLANNING COMMISSION MEETING

There have been no changes since the Planning Committee meeting.

PROJECT DESCRIPTION

- Ms. Nancy Bradshaw has applied to enroll \pm 50.14 acres of land located at 10135 Fire Tower Road into the Barnes Swamp AFD. There is a residence on the property. Much of the property is forested.
- The subject parcel is within one mile of the core parcels in the Barnes Swamp AFD and is contiguous with other parcels currently in the District, which is consistent with the criteria listed in the *Code of Virginia* (see Attachment No. 4).
- Per the United States Department of Agriculture's (USDA) *Soil Survey of James City and York Counties and the City of Williamsburg Virginia*, the parcels consist of the following soils:

Soil Type	Erosion Hazard	Equipment Limitation	Seedling Mortality	Windthrow Hazard
29B, Slagle fine sandy loam, 2 to 6% slopes	Slight	Moderate	Slight	Slight
31B, Suffolk fine sandy loam, 2-6% slopes	Slight	Slight	Slight	Slight
17, Johnston complex	Slight	Severe	Severe	Moderate
11C, Craven-Uchee complex, 6-10% slopes	Slight	Moderate	Slight	Slight
15F, Emporia complex, 25-50% slopes	Moderate	Severe	Slight	Slight

DISTRICT HISTORY

- The Barnes Swamp AFD was created in 1986 for a term of four years and originally consisted of 29 parcels totaling \pm 1,838.71 acres.
- The District was renewed at four-year intervals again in 1990, 1994, 1998, 2002, 2006, 2010, 2014, 2018, and 2022 with various additions and withdrawals taking place during those periods.
- If this addition is approved, the District would consist of approximately 1,911.96 acres.

SURROUNDING ZONING AND DEVELOPMENT

Most surrounding properties are zoned A-1, General Agricultural, and designated Rural Lands in the 2045 Comprehensive Plan. The property is bordered to the north by New Kent County. Existing land uses on adjacent properties include single-family residences and undeveloped forested land.

NATURAL AND CULTURAL ASSETS

The site is identified as having natural and cultural assets on the Natural & Cultural Assets Plan maps (and/or other supplemental resources such as the USDA's Natural Resources Conservation Service (NRCS) Web Soil Survey) (see Table on Page 3) as follows:

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.

AGRICULTURAL AND FORESTAL DISTRICT-24-0002. 10135 Fire Tower Road, Barnes Swamp AFD Addition
Staff Report for the July 9, 2024, Board of Supervisors Public Hearing

ASSET	PRESENCE	IMPACT
Habitat Core	Present on site	<p>1. All habitat cores identified in the Natural & Cultural Assets Plan are important ecologically. The core on this property is ranked as having lower ecological value compared to other cores in the County. It is not of heightened priority.</p> <p>2. The portion of this parcel identified as habitat core is 38.7 acres or approximately 77.2% of the property.</p>
Habitat Corridors	None present on the site	Not Applicable
Agricultural Assets	Present on site	± 26.89 acres or 53.6% of the property is rated prime farmland. All the property with prime farmland soils would be included in the AFD.

COMPREHENSIVE PLAN

The subject parcel is designated Rural Lands on the 2045 Comprehensive Plan LU Map. Appropriate uses in Rural Lands include traditional agricultural and forestal activities. LU Action 6.1.1 of the Comprehensive Plan states that the County shall “Support both the use value assessment and AFD programs to the maximum degree allowed by the Code of Virginia. Explore extending the terms of the County’s Districts.” Staff finds this application to be consistent with both the Rural Lands designation and LU Action 6.1.1.

PUBLIC IMPACTS

This proposal is not anticipated to generate any impacts that require mitigation.

STAFF RECOMMENDATION

Staff finds that the proposed addition meets all state and local requirements for inclusion in the Barnes Swamp AFD. Staff recommends that the Board of Supervisors approve the application, subject to the proposed conditions, consistent with other properties in the District.

TL/ap
 AFD24-2_10135FreTwr

Attachments:

1. Ordinance
2. Location Map
3. Barnes Swamp AFD Map
4. Barnes Swamp AFD 2022 Renewal Ordinance
5. State Code § 15.2-4305 Regarding AFD Application Criteria
6. Unapproved Minutes from the April 18, 2024, AFD Advisory Committee Meeting
7. Unapproved Minutes of the June 5, 2024, Planning Commission Meeting

ORDINANCE NO. _____

AGRICULTURAL AND FORESTAL DISTRICT-24-0002.

10135 FIRE TOWER ROAD BARNES SWAMP AFD ADDITION

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia, (the "Board") to add \pm 50.14 acres of land owned by Ms. Nancy E. Bradshaw and Mr. Charles A. Sheppard located at 10135 Fire Tower Road, further identified as James City County Real Estate Tax Map Parcel No. 0420100012C, to Agricultural and Forestal District (AFD) No. 07-86, which is generally known as the "Barnes Swamp Agricultural and Forestal District" (the "Application"); and

WHEREAS, at its April 18, 2024, meeting, the AFD Advisory Committee voted 6-2 to recommend approval of the Application; and

WHEREAS, a public hearing was advertised and held by the Planning Commission (the "Commission") at its June 5, 2024, meeting, after which the Commission voted 6-0 to recommend approval of the Application; and

WHEREAS, a public hearing was advertised and held by the Board of Supervisors.

NOW, THEREFORE, BE IT ORDAINED that the Board of Supervisors of James City County, Virginia, hereby adds \pm 50.14 acres located at 10135 Fire Tower Road and identified as James City County Real Estate Tax Map Parcel No. 0420100012C, (the "Property") to AFD-07-86, which is generally known as the "Mill Creek Agricultural and Forestal District" (the "District") with the following conditions:

1. That pursuant to Sections 15.2-4309 of the Act, the Board of Supervisors requires that any parcel in the District shall not, without the prior approval of the Board of Supervisors, be developed to any more intensive use, other than uses resulting in more intensive agricultural or forestal production. Specifically, the following restrictions shall apply:
 - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCFs), provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
 - b. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.

- c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.

Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

NULL
HIPPLE
MCGLENNON
ICENHOUR
LARSON

VOTES

AYE NAY ABSTAIN ABSENT

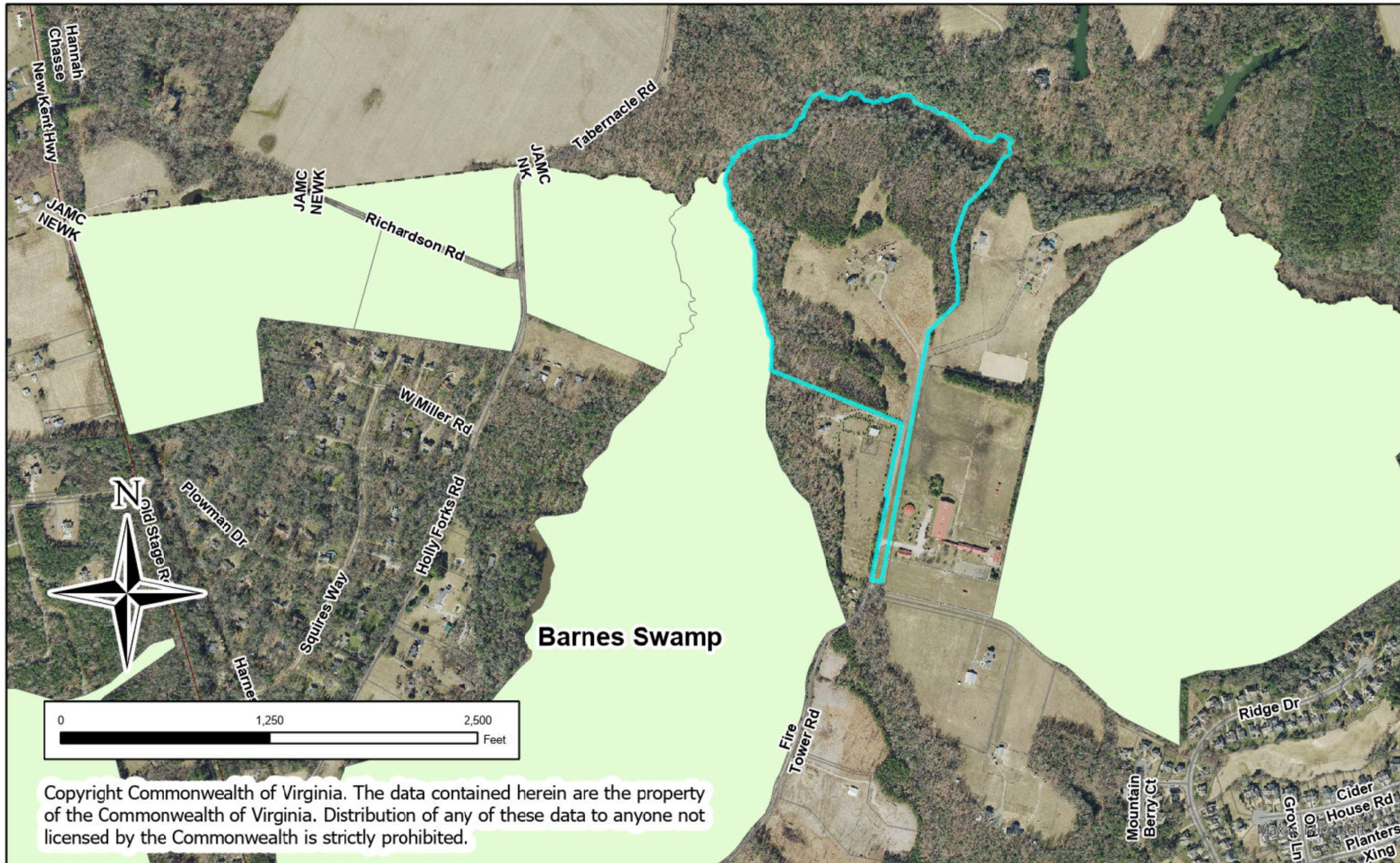
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_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
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Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of July, 2024.

AFD24-2_10135FreTwr-ord

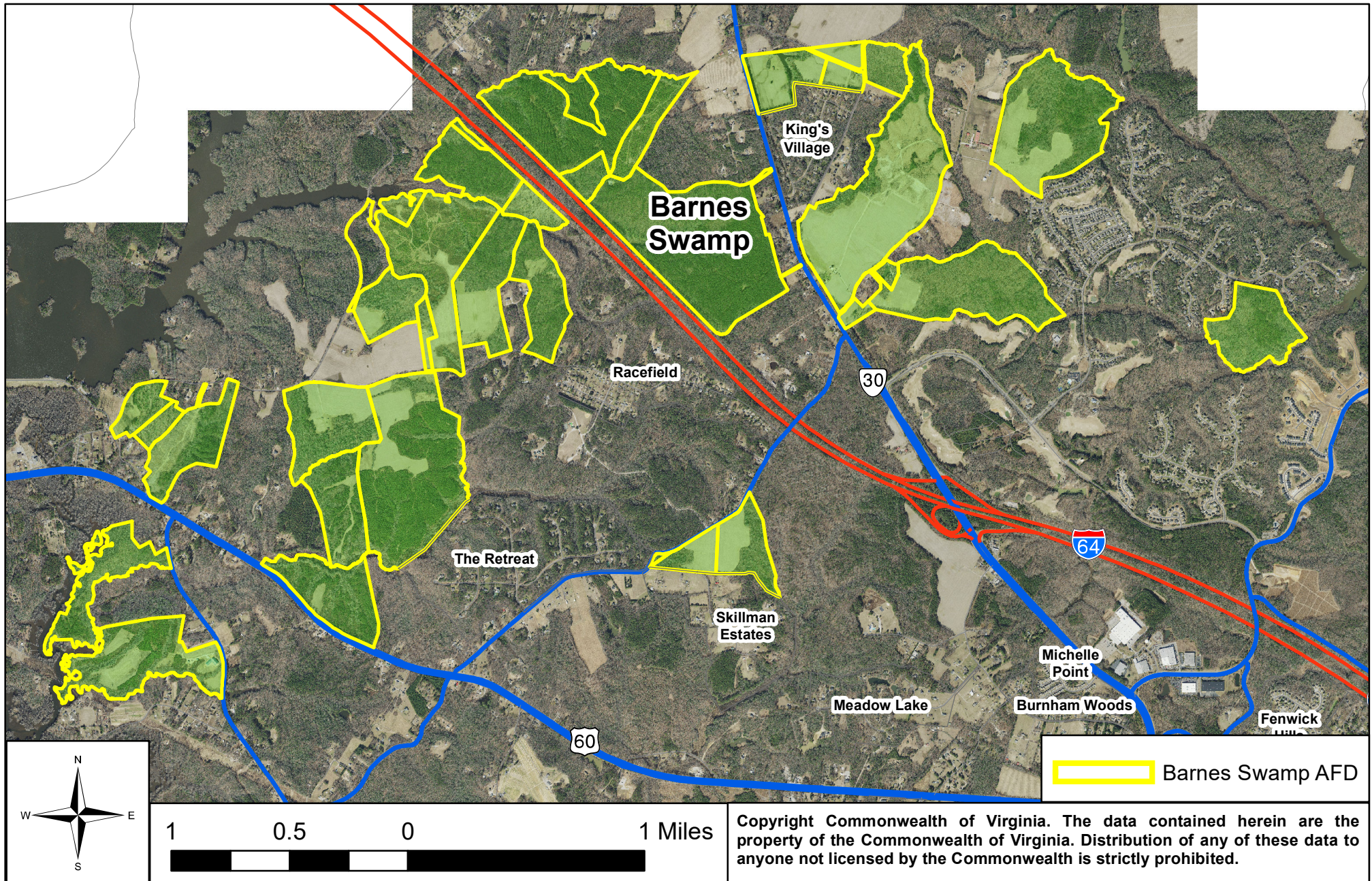
AFD-24-0002

10135 Fire Tower Road Barnes Swamp AFD Addition



JCC AFD-24-0002

Barnes Swamp Agricultural Forestal District



ADOPTED

SEP 13 2022

ORDINANCE NO. 167A-18

Board of Supervisors
James City County, VA

AGRICULTURAL AND FORESTAL DISTRICT-22-0003

BARNES SWAMP 2022 RENEWAL

WHEREAS, James City County has completed a review of the Barnes Swamp Agricultural and Forestal District (the "District"); and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code"), property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the District; and

WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee at its meeting on July 21, 2022, voted 6-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission following its public hearing on August 3, 2022, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to recommend renewal of the District with the conditions listed below.


NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:

1. The Barnes Swamp Agricultural and Forestal District (the "District") is hereby continued to October 31, 2026, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").
2. That the District shall include the following parcels, provided, however, that all land within 25 feet of road rights-of-way is excluded from the District:


<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Arline H. Bowmer Estate	0240100012	62.19
Berta L. Bowmer Estate	0240100013	18.90
Berta L. Bowmer Estate	0240100014	25.84
Alex L. Penland	0240100029	55.90
Maynard P. Phelps & Joy L. Barnes	0310100001	108.47
Leah R. Fry & Craig A. Beck	0310100001A	10.00
Maynard P. Phelps	0310100001B	10.23
Timothy & Joan Mills	0310100002	23.84
Katherine L. Hockaday, Ann Blair Hall Martin, & Justin Ray Martin	0310100003	39.26
Elizabeth O. Harwood	0320100001	43.53
Stephen E. & Rebecca Murphy, Trustee	0320100002	13.86
Frederick C. Johnson, Trustee	0320100002A	17.20
Betty Johnson & Lynn Fischer	0320100003	19.08
Betty Johnson & Lynn Fischer	0320100003A	93.99

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Robert M. Dzula	0320100004	28.08
Jane Farmer & Betty Rady	0330100003	70.00
Jane Farmer & Betty Rady	0330100004	70.00
Arline H. Bowmer, Estate	0330100006	96.75
Steven & Michelle Johnson	0340800003	52.63
Steven & Michelle Johnson	0340800005	68.43
John A. Richardson	0410100005	42.00
John A. Richardson	0410100006	10.00
Jonathan C. Kinney, Trustee	0410100010	196.30
Niceland Farm, LLC	0420100008	188.68
Cherri U. Spellmeyer, Trustee	0420100014	134.00
Donald A Hazelwood	0420100018	4.77
Pamaka, LLC	0420100020	112.44
Pamaka, LLC	0430100014A	1.12
Pamaka, LLC	0430100015	19.99
Pamaka, LLC	0430100016	36.84
Donald A. Hazelwood	0440100001	6.12
David K. & Karen P. Hogue	0540100001	60.77
Charles & Dianne Hasbrouck	0920100001	97.50
Shelton & Jennifer Daniels	1010100001	61.62
Total:		<u>1,838.71</u>

3. That pursuant to Sections 15.2-4309 of the Act, the Board of Supervisors requires that any parcel in the District shall not, without the prior approval of the Board of Supervisors, be developed to any more intensive use, other than uses resulting in more intensive agricultural or forestal production. Specifically, the following restrictions shall apply:
- a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCFs), provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
 - b. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.
 - c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.


John J. McGlennon
Chairman, Board of Supervisors

ATTEST:


Teresa J. Saeed
Deputy Clerk to the Board

	VOTES			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
ICENHOUR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of September, 2022.

AFD22-3BnsSwpRen-res

§ 15.2-4305. Application for creation of district in one or more localities; size and location of parcels

On or before November 1 of each year or any other annual date selected by the locality, any owner or owners of land may submit an application to the locality for the creation of a district or addition of land to an existing district within the locality. Each district shall have a core of no less than 200 acres in one parcel or in contiguous parcels. A parcel not part of the core may be included in a district (i) if the nearest boundary of the parcel is within one mile of the boundary of the core, (ii) if it is contiguous to a parcel in the district the nearest boundary of which is within one mile of the boundary of the core, or (iii) if the local governing body finds, in consultation with the advisory committee or planning commission, that the parcel not part of the core or within one mile of the boundary of the core contains agriculturally and forestally significant land. No land shall be included in any district without the signature on the application, or the written approval of all owners thereof. A district may be located in more than one locality, provided that (i) separate application is made to each locality involved, (ii) each local governing body approves the district, and (iii) the district meets the size requirements of this section. In the event that one of the local governing bodies disapproves the creation of a district within its boundaries, the creation of the district within the adjacent localities' boundaries shall not be affected, provided that the district otherwise meets the requirements set out in this chapter. In no event shall the act of creating a single district located in two localities pursuant to this subsection be construed to create two districts.

1977, c. 681, § 15.1-1511; 1979, c. 377; 1981, c. 546; 1984, c. 20; 1985, c. 13; 1987, c. 552; 1993, cc. 745, 761; 1997, c. 587; 1998, c. [833](#); 2011, cc. [344](#), [355](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

**Unapproved Minutes
of the
April 18, 2024
Agricultural and Forestal District Advisory Committee**

AFD-24-0002. 10135 Fire Tower Road Barnes Swamp AFD Addition

Ms. Tess Lynch, Planner II, provided an overview of the application.

Mr. Bradshaw stated that he would recuse himself from the discussion and vote since he was related to the applicant.

Ms. Garrett made a motion to recommend approval of the application.

Mr. Wanner seconded the motion.

On a roll call vote, the Committee voted to recommend approval of the application by a vote of 6-2-0 with Mr. Bradshaw and Ms. Null abstaining.

**Unapproved Minutes of the June 5, 2024,
Planning Commission Regular Meeting**

AFD-24-0002. 10135 Fire Tower Road Barnes Swamp AFD Addition

Ms. Tess Lynch, Planner II, stated that Ms. Nancy Bradshaw has applied to enroll approximately 50.14 acres of land located at 10135 Fire Tower Road into the Barnes Swamp AFD. The parcel is zoned A-1, General Agricultural and is designated Rural Lands on the 2045 Comprehensive Plan. The parcel is located within one mile of the core of the Barnes Swamp AFD and is directly adjacent to other parcels in the district. Ms. Lynch further stated that much of the property is forested, and there is a residence on the property.

Ms. Lynch stated that the AFD Advisory Committee recommended approval of the application by a vote of 6-2-0, with Mr. Bradshaw and Ms. Null abstaining, at its April 18, 2024, meeting.

Ms. Lynch stated that staff finds that the proposed addition meets all state and local requirements for inclusion in the Barnes Swamp AFD and recommends that the Planning Commission recommend approval of the proposed addition to the Board of Supervisors.

Mr. O'Connor opened the Public Hearing.

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

Mr. Rodgers made a motion to recommend approval of the AFD addition.

On a roll call vote the Planning Commission voted to recommend approval of AFD-24-0002. 10135 Fire Tower Road Barnes Swamp AFD Addition. (6-0)

**SPECIAL USE PERMIT-24-0009. Lovett 64 Commerce Center (Formerly Hazelwood Farms - The Enterprise Center) SUP Amendment
Staff Report for the July 9, 2024, Board of Supervisors Public Hearing**

SUMMARY FACTS

Applicant: Mr. Ben Swift, Lovett Industrial

Landowner: LI Hazelwood Farms VA Investor, LP

Proposal: To amend the existing Special Use Permit (SUP) condition as it applies to proposed for Building 6. This would change the parking layout to place the employee parking lot between the building and Leisure Road and the loading docks and semi-trailer parking to be interior to the industrial development.

Location: 275 Old Stage Road

Tax Map/Parcel No.: 0440100013

Property Acreage: ± 193.75

Zoning: EO, Economic Opportunity

Comprehensive Plan: Economic Opportunity

Primary Service Area: Inside

Staff Contact: Tess Lynch, Planner II

PUBLIC HEARING DATES

Planning Commission: June 5, 2024, 6:00 p.m.

Board of Supervisors: July 9, 2024, 5:00 p.m.

FACTORS FAVORABLE

1. With the proposed conditions, staff finds the proposal will not impact the surrounding zoning and development.
2. The proposed use of the site is consistent with the Economic Opportunity (EO) Designation within the Comprehensive Plan.
3. Impacts: See Impact Analysis on Page 3.

FACTORS UNFAVORABLE

1. As proposed, the building alignment is not entirely consistent with the design guidelines of the Comprehensive Plan.
2. Impacts: See Impact Analysis on Page 3.

SUMMARY STAFF RECOMMENDATION

Staff recommends approval subject to the proposed conditions.

PLANNING COMMISSION RECOMMENDATION

At its June 5, 2024, meeting, the Planning Commission voted to recommend approval of the application by a vote of 6-0.

PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

No changes have been made since the Planning Commission meeting.

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

SPECIAL USE PERMIT-24-0009. Lovett 64 Commerce Center (Formerly Hazelwood Farms - The Enterprise Center) SUP Amendment Staff Report for the July 9, 2024, Board of Supervisors Public Hearing

PROJECT DESCRIPTION

Mr. Ben Swift, of Lovett Industrial, has applied for an amendment to the existing SUP, specifically Condition No. 14 (see Attachment No. 4), as it applies to proposed Building 6. This would change the parking layout to place the employee parking lot between the building and Leisure Road and loading docks and the semi-trailer parking to be interior to the industrial development. As currently adopted, Condition No. 14 requires that no more than 25% of the required parking in Land Area 6 be located between the building and Leisure Road. This meant that the semi-trailer parking had to be placed between the building and Leisure Road, as the semi-trailer parking was fewer in number than the employee parking. The applicant is requesting this change to the condition to ensure less of a visual impact on Leisure Road by placing semi-trailer parking behind the building.

PLANNING AND ZONING HISTORY

- On February 8, 2022, the Board of Supervisors approved Z-19-0006 for the rezoning of approximately 328 acres, including this parcel, from A-1, General Agricultural and B-1, General Business to EO, Economic Opportunity with Proffers to allow for up to 3,220,000 square feet of warehouse/industrial/office use and up to 75,000 square feet of commercial.
- At the same meeting, the Board approved SUP-19-0005, which allowed for various special permitted uses in the EO District including fast food restaurants, the manufacture and processing of textiles and textile products, heavy equipment sales and service and other commercial uses (see Attachment No. 4).

SURROUNDING ZONING AND DEVELOPMENT

	ZONING DESIGNATION	EXISTING LAND USE	FUTURE LAND USE DESIGNATION
NORTH	B-1, General Business; A-1, General Agricultural; and EO, Economic Opportunity	Interstate 64, undeveloped land, and small buildings	Mixed Use, Rural Lands, and Economic Opportunity
SOUTH	PL, Public Lands and A-1, General Agricultural	County park and Single-family housing	Community Character Corridor and Rural Lands
EAST	B-1, General Business	Business buildings and undeveloped land	Mixed Use and Rural Lands
WEST	A-1, General Agricultural and EO, Economic Opportunity	Single-family housing and undeveloped land	Rural Lands and Economic Opportunity

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

SPECIAL USE PERMIT-24-0009. Lovett 64 Commerce Center (Formerly Hazelwood Farms - The Enterprise Center) SUP Amendment Staff Report for the July 9, 2024, Board of Supervisors Public Hearing

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Public Transportation: Vehicular</u>	<u>No Mitigation Required</u>	- This proposed amendment is not anticipated to impact this category, which is mitigated by the approved Master Plan, Proffers, and SUP conditions.
<u>Public Transportation: Bicycle/Pedestrian</u>	<u>No Mitigation Required</u>	- This proposed amendment is not anticipated to impact this category, which is mitigated by the approved Master Plan, Proffers, and SUP conditions.
<u>Public Safety</u>	<u>No Mitigation Required</u>	- This proposed amendment is not anticipated to impact this category.
<u>Public Schools</u>	<u>No Mitigation Required</u>	- This proposed amendment is not anticipated to impact this category.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	- This proposed amendment is not anticipated to impact this category.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	- This proposed amendment is not anticipated to impact this category.
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	- This proposed amendment is not anticipated to impact this category, which is mitigated by the approved Master Plan, Proffers, and SUP conditions.
<u>Watersheds, Streams, and Reservoirs</u>	<u>No Mitigation Required</u>	- This proposed amendment is not anticipated to impact this category, which is mitigated by the approved Master Plan, Proffers, and SUP conditions.
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	- This proposed amendment is not anticipated to impact this category, which is mitigated by the approved Master Plan, Proffers, and SUP conditions.
<u>Nearby and Surrounding Properties</u>	<u>No Mitigation Required</u>	- This proposed amendment is not anticipated to impact this category, which is mitigated by the approved Master Plan, Proffers, and SUP conditions.
<u>Community Character</u>	<u>No Mitigation Required</u>	- This proposed amendment is not anticipated to impact this category, which is mitigated by the approved Master Plan, Proffers, and SUP conditions.
<u>Covenants and Restrictions</u>	<u>No Mitigation Required</u>	- This proposed amendment is not anticipated to impact this category.

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

SPECIAL USE PERMIT-24-0009. Lovett 64 Commerce Center (Formerly Hazelwood Farms - The Enterprise Center) SUP Amendment Staff Report for the July 9, 2024, Board of Supervisors Public Hearing

COMPREHENSIVE PLAN

The site is designated Economic Opportunity on the Comprehensive Plan Land Use Map. The purpose of this district is to facilitate economic development, increase the nonresidential tax base, and create jobs. The principal uses and development form should optimize the economic development potential of the area and encourage development types that have attributes that offer a positive fiscal contribution, provide quality jobs, enhance community values, are environmentally friendly, and support economic stability.

Staff finds the proposed use is consistent with the Comprehensive Plan, though it is not fully consistent with the County's Character Design Guidelines. The Character Design Guidelines state that "site layout for Industrial lots shall prioritize placing parking on the rear or side." Due to the nature of this industrial use, the building proposes two parking lots; one for semi-trailers and one for cars. The applicant is proposing the car parking lot be located along the front of the building facing Leisure Road. Staff has proposed additional condition language to ensure this design protects neighboring properties and the character of the area. Staff has proposed the following addition to the condition: "For any proposed development in Land Area 6 that includes exterior parking in its site design, the landscape plan for the Land Area shall increase the evergreen requirement for trees and shrubs mixture to 50%, with at least 50% of evergreen trees achieving a minimum height at maturity of 40 feet." This addition will provide additional screening to lessen the visual impact of the parking lot located along Leisure Road.

PROPOSED SUP CONDITIONS

Proposed conditions are provided in Attachment No. 1.

STAFF RECOMMENDATION

Staff finds the proposal compatible with surrounding zoning and development and recommended use within the Comprehensive Plan, though it is not fully consistent with the County's Character Design Guidelines. However, staff has proposed an amendment to the SUP condition to mitigate this lack of consistency that would require an increased evergreen percentage in the landscape buffer to shield the view of the cars from Leisure Road.

Therefore, staff recommends the Board of Supervisors approve this application, subject to the proposed conditions (Attachment No. 1).

TL/md
SUP24-9_Lovett64

Attachments:

1. Resolution
2. Location Map
3. Adopted Design Guidelines
4. SUP-19-0005 Conditions
5. Applicant Narrative
6. Layout Exhibit
7. Z-19-0006/SUP-19-0005 Staff Report
8. Unapproved Minutes of the June 5, 2024, Planning Commission Meeting
9. Citizen Comment

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

RESOLUTION

CASE NO. SUP-24-0009. LOVETT 64 COMMERCE CENTER

(FORMERLY HAZELWOOD FARMS - THE ENTERPRISE CENTER)

SPECIAL USE PERMIT AMENDMENT

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. Ben Swift, of Lovett Industrial, has applied for an SUP to amend the existing SUP condition (Condition No. 14) specifically on the property at 275 Old Stage Road and further identified as James City County Real Estate Tax Map Parcel No. 0440100013 (the “Property”), also including the properties located at 301 Old Stage Road, 9211 Old Stage Road, and the portion of 9400 Barnes Road located south of Interstate 64, further identified, respectively, as James City County Real Estate Tax Map Parcel Nos. 0440100015, 0440100014, and that portion of 0430100017 lying south of Interstate 64 (collectively the “Properties”) and

WHEREAS, the Planning Commission, following its public hearing on June 5, 2024, recommended approval of the application by a vote of 6-0; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-24-0009; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with good zoning practices and the 2045 Comprehensive Plan Land Use Map designation for the Property.

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 (the “County Code”), does hereby approve the issuance of Case No. SUP-24-0009 as described herein with the following conditions:

1. *Master Plan.* This SUP shall be valid for approximately 328 acres of property located at 301 Old Stage Road, 9211 Old Stage Road, 275 Old Stage Road, and the portion of 9400 Barnes Road located south of Interstate 64, further identified, respectively, as James City County Real Estate Tax Map Parcel Nos. 0440100015, 0440100014, 0440100013, and the portion of 0430100017 lying south of Interstate 64 (collectively the “Property”). Development of the Property shall be generally in accordance with the Master Plan entitled “Master Plan for Rezoning of Enterprise Center at Hazelwood Farms” prepared by AES Consulting Engineers, dated 12/07/21 (the “Master Plan”) and the design guidelines entitled “Design Guidelines for Hazelwood Farms Enterprise Center,” prepared by Hopke & Associates, dated 12/08/21 (the

“Design Guidelines”), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.

2. *Specially Permitted Uses*. This SUP shall be valid for the following specially permitted uses under the James City County Code, as amended (“County Code”):

A. In accordance with Section 24-536.4 of the County Code:

- A Fast Food Restaurant (see Condition No. 24);
- Manufacture and processing of textiles and textile products in structures more than 10,000 square feet (see Condition No. 22);
- Heavy equipment sales and service with major repair under cover or screened with landscaping and fencing from adjacent property (see Condition No. 23);
- Machinery sales and service with major repair under cover (see Condition No. 23); and
- Water facilities (public), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions (see Condition No. 25).

B. This SUP shall also be valid for one convenience store pursuant to Section 24-11(a)(1) (see Condition No. 21), any commercial building or group of buildings that exceeds 10,000 square feet of floor area pursuant to Section 24-11(a)(2) of the County Code, and any commercial building or group of buildings, not including office uses, which generates, or would be expected to generate, a total of 100 or more additional trips to and from the site during the peak hour of the operation pursuant to Section 24-11(a)(3) of the County Code, and buildings, additions, and expansions requiring a special use permit pursuant to Section 24-11(b) of the County Code; however, such commercial building, group of buildings, and additions or expansions thereto shall be limited to any permitted uses under Section 24-536.4 of the County Code, as amended, and those special uses permitted by this SUP. Furthermore, the uses authorized in this condition by 24-11(a)(2), 24-11(a)(3), and 24-11(b) shall not exceed a total of 75,000 square feet of commercial as referenced on the Master Plan. The use limitations within Condition No. 2 are not applicable to those uses not subject to 24-11(a)(2) and 24-11(a)(3). The uses within such square footage are further subject to the following restrictions:

- i. There shall be no more than one fast food restaurant, one convenience store, and one bank with drive-through on the Property without amendment of these conditions and proffers.
- ii. The uses identified in subsection (i) shall be located within the Frontage Retail Area, as shown on the Master Plan.
- iii. Drive-through windows for the uses identified in subsection (i) shall be screened from Route 30 and Old Stage Road (Route 746) with

landscaping and/or fencing as determined by the Director of Planning.

- iv. Any fast food restaurant within the approved commercial square footage on the Property shall also be subject to Condition No. 24 of this SUP.
3. Square Footage Limitations. Development of the Property shall not exceed the following: (i) 3,220,000 square feet of combined warehouse, industrial, or office use; and (ii) 75,000 square feet of commercial use. In order to accurately track the progression of the development of the Property and requirements of this condition, each site plan or subdivision plan for any development within the Property shall include a then-current accounting of the square footage of development that has previously been approved by the County and that is proposed by the plan being submitted for review. Such accounting shall be in a form reasonably acceptable to the Director of Planning.
4. Conservation and Irrigation. The developer and designing engineer shall take into consideration the design of stormwater systems that can be used to collect stormwater for outdoor water use for the entire development. Prior to development plan approval, the General Manager of the James City Service Authority (JCSA) and the Director of the Stormwater and Resource Protection Division or their designees shall confirm in writing that such design has been considered. Only surface water collected from surface water impoundments, or water taken from an underground cistern, may be used for irrigation on the Property. In no circumstances shall the JCSA public water supply be used for irrigation. If the Owner demonstrates to the satisfaction and approval of the JCSA General Manager through drainage area studies and irrigation water budgets that the impoundments cannot provide sufficient water for all irrigation, the General Manager may, in writing, approve a shallow (less than 100 feet) irrigation well to supplement the water provided by the impoundments or cisterns.
5. Street Trees. Street trees shall be planted along the entirety of the spine road and placed in such a way as to establish a streetscape effect. The initial development plan for the spine road shall include a landscape plan showing the proposed street trees, subject to approval by the Director of Planning or designee. The street trees shall be guaranteed prior to approval of the spine road construction plan and each development plan adjacent to the spine road shall include the required plantings. The required street tree plantings for each development plan shall be installed prior to issuance of any Certificate of Occupancy, unless another timeline for planting has been approved by the Director of Planning.
6. Route 30 and Route 746 Buffer. Prior to final approval of any site plan in Land Area 3, the Director of Planning or designee shall review and approve a landscape plan for the entirety of Land Area 3. The landscape plan for Land Area 3 shall provide a 50-foot vegetated Community Character Corridor buffer along the right-of-way for Route 30 and the right-of-way for Route 746 in accordance with Section 24-98 of the Zoning Ordinance. Any disturbance or grading into this area shall be the minimum necessary and shall require additional plantings consisting of no less than 125% of the required

plantings per the Ordinance or as may be otherwise approved by the Director of Planning, such that at maturity the plantings match or exceed the mature height and density of trees and shrubs within the buffer. In areas of the buffer that are currently comprised of mature forest, as defined in Section 24-98 of the Zoning Ordinance, the buffer shall be left undisturbed in its natural state. In areas of the buffer that are not completely comprised of mature forest, as defined in Section 24-98 of the Zoning Ordinance, supplemental evergreen shrubs and trees shall be required. In areas of the buffer where little or no vegetation exists, as determined by the Director of Planning or designee, the buffer shall be landscaped to the provisions of Section 24-96 of the Zoning Ordinance for General Landscape Areas. The landscaping detailed in this condition shall be shown as part of the initial site plan or shall be submitted as a separate plan concurrent with the initial site plan in Land Area 3. All landscaping on the landscape plan shall be guaranteed prior to site plan approval. The landscaping shown on the approved landscape plans for Land Area 3 shall be installed within 12 months of the final site plan approval, unless another timeline for planting has been approved by the Director of Planning.

7. Interstate 64 Buffer. Prior to final approval of any site plan in Land Area 1, Land Area 2, or Land Area 3, the Director of Planning or designee shall review and approve a landscape plan for the Land Area(s). The landscape plan for the Land Area shall provide a 50-foot vegetated buffer along the Interstate 64 right-of-way and be landscaped to the provisions of Section 24-98 of the Zoning Ordinance, except that the required tree and shrubs mixture be modified to require 45% of all proposed trees and shrubs within the 50-foot-wide vegetated buffer to be evergreen, with at least 45% of evergreen trees achieving a minimum height at maturity of 40 feet. Any disturbance or grading into this area shall be the minimum necessary and shall require additional plantings consisting of no less than 125% of the required plantings per the Ordinance or as may be otherwise approved by the Director of Planning, such that at maturity the plantings match or exceed the mature height and density of trees and shrubs within the buffer. In areas of the buffer that are currently comprised of mature forest, as defined in Section 24-98 of the Zoning Ordinance, the buffer shall be left undisturbed in its natural state. In areas of the buffer that are not completely comprised of mature forest, as defined in Section 24-98 of the Zoning Ordinance, supplemental evergreen shrubs and trees shall be required. In areas of the buffer where little or no vegetation exists, as determined by the Director of Planning or designee, the buffer shall be landscaped to the provisions of Section 24-96 of the Zoning Ordinance for General Landscape Areas. The landscaping detailed in this condition shall be shown as part of the initial site plan or shall be submitted as a separate plan concurrent with the initial site plan in Land Area 1, Land Area 2, or Land Area 3. All landscaping on the landscape plan shall be guaranteed prior to site plan approval. The landscaping shown on the approved landscape plans(s) for the relevant Land Area shall be installed within 12 months of the final site plan approval, unless another timeline for planting has been approved by the Director of Planning.
8. Barnes Road and Leisure Road Buffer. Prior to final approval of any site plan in Land Area 1, Land Area 4, or Land Area 6, the Director of Planning or designee shall review and approve a landscape plan for the Land Area(s). The landscape plan for the Land Area shall provide a 100-foot vegetated buffer

along the Barnes Road right-of-way or Leisure Road right-of-way and be landscaped to the provisions of Section 24-98 of the Zoning Ordinance, except that the required tree and shrubs mixture be modified to require 45% of all proposed trees and shrubs within the 100-foot-wide vegetated buffer to be evergreen, with at least 45% of evergreen trees achieving a minimum height at maturity of 40 feet. Any disturbance or grading into this area shall be the minimum necessary and shall require additional plantings consisting of no less than 125% of the required plantings per the Ordinance or as may be otherwise approved by the Director of Planning, such that at maturity the plantings match or exceed the mature height and density of trees and shrubs within the buffer. In areas of the buffer that are currently comprised of mature forest, as defined in Section 24-98 of the Zoning Ordinance, the buffer shall be left undisturbed in its natural state. In areas of the buffer that are not completely comprised of mature forest, as defined in Section 24-98 of the Zoning Ordinance, supplemental evergreen shrubs and trees shall be required. In areas of the buffer where little or no vegetation exists, as determined by the Director of Planning or designee, the buffer shall be landscaped to the provisions of Section 24-96 of the Zoning Ordinance for General Landscape Areas. The landscaping detailed in this condition shall be shown as part of the initial site plan or shall be submitted as a separate plan concurrent with the initial site plan in Land Area 1, Land Area 4, or Land Area 6. All landscaping on the landscape plan shall be guaranteed prior to site plan approval. The landscaping shown on the approved landscape plans(s) for the relevant Land Area shall be installed within 12 months of the final site plan approval, unless another timeline for planting has been approved by the Director of Planning.

9. Bicycle and Pedestrian Accommodations.

A. Route 30 and Route 746. A multiuse path shall be constructed along Route 30 and Route 746, as shown on the Master Plan. Prior to the issuance of a land disturbance permit for either Land Area 3 or Land Area 6, the multiuse path shall be guaranteed in a manner acceptable to the County Attorney. The multiuse path shall be constructed in its entirety prior to issuance of the first commercial Certificate of Occupancy.

B. Leisure Road. As shown on the Master Plan, a multiuse path shall be constructed along the property line abutting Leisure Road. The multiuse path shall be guaranteed prior to issuance of a land disturbance permit within Land Area 6 and shall be installed in its entirety prior to issuance of the first Certificate of Occupancy within the Land Area. A connection from this multiuse path to the interior of Upper County Park shall be provided.

10. Vehicular Access Restriction. Access to the Property from Route 30 and Route 746 shall be restricted to "South Entrance #1" and "South Entrance #2" as shown on the Master Plan. No vehicular access shall be provided to the Enterprise Center from Barnes Road, except for emergency access, as determined by the Director of Planning. Such emergency access shall be designed to cross the Barnes Road Buffer at or near a perpendicular angle to the property line, with clearing kept to the minimum necessary to accommodate the access.

11. Lighting. All new exterior light fixtures on the Property, including building lighting, shall have recessed fixtures with no lens, bulb, or globe extending below the casing and a lighting plan shall be submitted to and approved by the Director of Planning or designee prior to final site plan approval for each development plan that includes new lighting. Each site plan shall include a lighting plan meeting the requirements of this condition. All light poles must not exceed 20 feet in height and the lighting plan must indicate no glare outside the boundary lines of the Property unless otherwise approved in writing by the Director of Planning or designee. "Glare" is defined as more than 0.1 foot-candle at the boundary of the Property or any direct view of the lighting source from adjoining properties.
12. Sustainable Design Initiatives.
 - A. Construction of all commercial buildings within Land Area 3 and any office or institutional building in Land Areas 1, 2, 4, 5, or 6 on the Master Plan shall achieve the equivalent of those credits that would be required to achieve the "Certified" level in the Leadership in Energy and Environmental Design (LEED) 2009 Certification program or whatever is equivalent from the LEED for New Construction and Major Renovations (based on the most current guidelines) (the "Credits") for each building. This shall include completion of all prerequisite items, except that for the Energy and Atmosphere category prerequisite No. 1, the Owner may choose to pursue Energy Star designation or such other energy systems verification process as is approved in advance by the Director of Planning. In addition, for up to a maximum of 10% of the points needed to reach the LEED "Certified" level, the Owner may request that initiatives equivalent to, but not included on the LEED checklist as credits, be pursued instead. Any request for equivalent initiatives shall be submitted in writing as part of the process specified in (B) below, together with supporting documentation for review and approval by the Director of Planning. Documentation of the building energy performance shall be provided by a mechanical engineer to the Director of Planning before the Certificate of Occupancy for the initial building to demonstrate an improvement in efficiency of the building's thermal envelope, mechanical systems, and electrical systems over code-required baseline performance.
 - B. Application for formal LEED certification by the United States Green Building Council (USGBC) is at the discretion of the Owner and is not required. If formal LEED certification is not pursued, compliance with this condition shall be monitored and verified to the County by a LEED Accredited Professional engaged by the Owner. The strategies to achieve the Credits will be incorporated into the construction documents either as part of the design, or as requirements for the contractor to substantiate during the course of construction. Compliance with the Credit requirements will be validated in a straightforward way through methods such as, but not limited to, review of contractor submittals, submission of design calculations, and letters certifying that requirements have been met. This validation will be overseen by a LEED- accredited professional and approved by the Director of Planning or designee with Credits related to the design of the project approved prior to issuance of the final site plan approval, and Credits

related to the construction of the project approved prior to issuance any Certificate of Occupancy.

13. Architectural Review. Prior to each site plan approval for development within the Property, the Director of Planning shall review and approve the final architectural design of each proposed building to be consistent with the Design Guidelines. Each site plan shall include the final architectural design for all buildings shown and include general elevations of the buildings, as well as the view of the building for all sides visible from Old Stage Road (Route 30 and Route 746) or Leisure Road. A determination of substantial architectural consistency shall be required from the Director of Planning or designee. In the event the Director of Planning finds the design to be inconsistent with the Design Guidelines, the applicant may appeal the decision of the Director of Planning to the Development Review Committee which shall forward a recommendation to the Planning Commission.
14. Site Design.
 - A. For Land Areas 3 and 6, any building façade facing a road shall be designed in appearance as a front façade. The intent of this condition is to ensure that the side and rear of buildings, when visible from a roadway, achieve the standards put forward within the Design Guidelines for the front façade.
 - B. No more than 25% of the required parking in Land Area 3 shall be located in between the building and Old Stage Road (Route 30).
 - C. For any proposed development in Land Area 6 that includes exterior parking in its site design, the landscape plan for the Land Area shall increase the evergreen requirement for the trees and shrubs mixture to 50%, with at least 50% of evergreen trees achieving a minimum height of 40 feet at maturity.
 - D. Any drive-through element for a use on the Property shall be located to the side or at the rear of the building and shall not face Route 30.
 - E. All warehouse storage units operated as mini-storage shall be designed as a single footprint building. Warehouse storage units whereby individual storage units have an exterior access door are prohibited.
15. Freestanding Signage. All freestanding signage, including entrance signage located at the Property's two entrances as shown on the Master Plan, shall be externally illuminated monument-style signs, not to exceed 8 feet in height. The base of the signs shall be brick or shall use materials similar in type and color with the site architecture. The design of the signs shall be approved by the Director of Planning prior to final site plan approval for consistency with this condition.
16. Screening of Site Features. All dumpsters, ground-mounted HVAC, mechanical units, and cart corrals which are adjacent to buildings shall be screened by an enclosure composed of masonry, closed-cell PVC, prefinished metal or cementitious panels, in detail and colors to blend with adjacent building materials. Where present, such features shall be shown on the site

plan for the adjacent building and shall be reviewed and approved by the Director of Planning for consistency with this condition.

17. Internal Traffic Signage Plan. An internal signage plan indicating the location of internal traffic signs and the orientation of vehicular flow within the Property shall be included along with the materials submitted for the initial site plan review process. The internal signage plan shall be reviewed and approved by the Director of Planning or designee, prior to final approval of the initial site plan for the Property. Thereafter, the internal signage plan may be amended with review and approval by the Director of Planning or designee.
18. Shared Maintenance of Site Improvements. All shared site improvements (including, but not limited to, utilities, stormwater facilities, landscaping, roads and parking lots, and lighting) shall be subject to appropriate shared maintenance commitments ensuring that the site improvements will be maintained continuously. Compliance with this condition as to the existence of such shared maintenance documentation shall be subject to review and approval of the County Attorney or designee prior to initial site plan approval.
19. Internal Pedestrian Accommodations. Internal pedestrian connections shall be provided on the Property, including, but not limited to, wherever sidewalks enter a parking area or cross any entrance to the Property or drive-through lane, and shall provide safe connections from any existing Williamsburg Area Transit Authority (WATA) bus stop. The connections shall be clearly delineated by use of a different color of pavement, brick pavers, or some other method determined to be acceptable by the Director of Planning.
20. Master Stormwater Management Plan. Development of the Property shall be governed by one or more Master Stormwater Management Plans (MSWMP). Each MSWMP shall address, at minimum, a Land Bay Area within the Property and shall be approved prior to the first site plan submittal for any such area. Furthermore, each MSWMP shall adhere to the following:
 - A. Each Land Bay Area will include a stormwater management facility designed to the standards and specifications current at the time of area development design. Furthermore, each Land Bay Area as shown on the Master Plan will include no fewer than two treatment trains as part of the area master stormwater approach. Each of these trains will be required to contain at least three low impact development features, such as those noted on the submitted plan set (*i.e.*, vegetated filter strip, permeable pavement, bioretention basin, dry swale, manufactured treatment device).
 - B. The MSWMP shall comply with the standards of any adopted watershed management plan in place at time of submittal.
 - C. If required by the watershed management plan adopted at the time of submittal, Special Stormwater Criteria (SSC) measures may not also be used to achieve required water quality requirements. At the time of an MSWMP submittal, specific SSC measures may be deemed unsuitable for the type of development as determined by the Director of Stormwater or designee.

21. Convenience Stores with Fuel Sales.

- A. Outside Display, Sale, or Storage. Unless otherwise stated in this condition, no outside display, sale, or storage of merchandise shall be permitted at the Property. As used for this condition, the term “merchandise” includes, but is not limited to ice, soda, candy, and/or snack machines. For the convenience store, only two outside vending machines and one outside ice chest shall be permitted and, if used, shall be situated against the exterior wall not facing Route 30 and screened with building materials similar in type and color with the site architecture to minimize visual impacts from adjacent road rights-of-way. Final screening design shall be approved by the Director of Planning as part of the initial site plan submittal.
- B. Use Design. The convenience store shall not be designed as a truck stop, as defined within the Zoning Ordinance.
- C. Intercom and Speaker Noise. All intercom and other speaker systems on the Property shall operate in such a manner that they shall not be audible from adjacent developments within the same Land Area.
- D. Fueling Islands. There shall be no more than six fueling islands associated with the convenience store.
- E. Landscaping. Prior to final site plan approval, a landscape plan shall be submitted showing adequate screening of the fuel islands from internal uses and/or external properties through the use of landscaped islands and/or medians. The islands and/or medians shall be a minimum of 5 feet wide in order to accommodate landscaping adjacent to the boundaries of the site. Evergreen plantings with a minimum of 3 feet tall shall be planted in these medians to adequately screen the fuel islands. The Director of Planning shall determine whether the screening is adequate prior to final site plan approval. Landscaping for the islands/medians shall be installed and/or bonded prior to the issuance of a temporary Certificate of Occupancy.
- F. Architectural Review. The architecture of any canopy, including any columns, shall match the primary colors, design, and exterior building materials of the convenience store. The canopies shall have a mansard roof design, as determined by the Director of Planning. Any canopy shall have a maximum height of 15 feet measured from the finished grade to the underside of the canopy. The Canopy shall not include signage that involves backlighting or electronic lettering. There shall be no more than two signs on the canopy.
- G. Spill Prevention, Control and Countermeasures (SPCC) Plan. Prior to the issuance of a Land Disturbing Permit, an SPCC Plan shall be reviewed and approved by the Director of Stormwater and Resource Protection. The SPCC Plan shall address chemical handling, including, but not limited to, oil, diesel, and gasoline.

22. Manufacturing and Processing of Textiles.

- A. Outside Storage of Materials. No outside display, sale, or storage of materials shall be permitted at the Property. For the purpose of this condition, “materials” shall include, but not be limited to, chemicals, dyes, fabrics, etc. Off-chassis shipping containers, storage barrels, and other containers are prohibited.
- B. Location. All facilities for the manufacturing and processing of textiles shall be located in either Land Areas 1, 2, or 5. There shall be a minimum setback of 1,000 feet from the Barnes Road right-of-way for any structure for this use proposed in Land Area 1. An additional landscape plan showing enhanced buffering and landscaping to accomplish screening consistent with Section 24-100 of the Zoning Ordinance shall be submitted for review and approval by the County Director of Planning prior to site plan approval. The purpose of the enhanced buffering and landscaping plan is to demonstrate that the use is fully screened from roadways external to the Property and any residential uses.
- C. Spill Prevention, Control and Countermeasures (SPCC) Plan. Prior to the issuance of a Land Disturbing Permit, an SPCC Plan shall be reviewed and approved by the Director of Stormwater and Resource Protection. The SPCC Plan shall address chemical handling, including, but not limited to, oil, diesel, dyes, and gasoline.
- D. Limitation on Use. Any such manufacturing and processing of textiles use shall be conducted within a fully enclosed building, with no outside evidence of dust, noise, odor, or other objectionable effect.

23. Heavy Equipment Sales and Service and Machinery Sales and Services.

- A. Location. All facilities for heavy equipment sales and service or machinery sales and service shall be located in either Land Areas 1, 2, or 5. There shall be a minimum setback of 1,000 feet from the Barnes Road right-of-way for any structure for this use proposed in Land Area 1. An additional landscape plan showing enhanced buffering and landscaping to accomplish screening consistent with Section 24-100 of the Zoning Ordinance shall be submitted for review and approval by the Director of Planning prior to site plan approval. The purpose of the enhanced buffering and landscaping plan is to demonstrate that the use is fully screened from roadways external to the Property and any residential uses.
- B. Spill Prevention, Control and Countermeasures (SPCC) Plan. Prior to the issuance of a Land Disturbing Permit, an SPCC Plan shall be reviewed and approved by the Director of Stormwater and Resource Protection. The SPCC Plan shall address chemical handling, including, but not limited to, oil, diesel, and gasoline.
- C. Outside Storage of Materials. Except as described in subsection D below, no outside storage of materials or merchandise shall be permitted at the Property without being fully screened via landscaping or fencing, which is to be shown on the site plan and reviewed and approved by the

Director of Planning. Materials and merchandise include, but not be limited to, off-chassis shipping containers and equipment utilized for repair and servicing.

- D. Outside Display, Sale. The outside display or sale (wholesale, retail, or otherwise) of merchandise shall be permitted only on the locations on the Property detailed on the site plan accompanying this proposal. The site plan shall show all adequate features needed, as determined by the Director of Planning, to mitigate visual impacts of this display or sale on adjacent properties. These features include, but are not limited to, landscaping, berming, buffering, vehicular display pad spacing requirements, etc.
- E. Fencing. Except as described in subsection D above, on-site fencing shall be of sufficient height and design to screen all vehicles and material related to the use on the Property from view of the spine road right-of-way and all adjacent rights-of-way. Fencing shall be shown on the site plan and approved by the Director of Planning prior to site plan approval.
- F. Maintenance to be Enclosed. All maintenance is to occur only within a fully enclosed building. All noise, dust, and odor effects from any maintenance work shall be limited to a fully enclosed building.

24. Fast Food Restaurant.

- A. Signage. All building face signage shall be externally illuminated or use back-lit or channeled lettered lighting as defined in Section 24-67 of the Zoning Ordinance. For any back-lit or channeled lettered signs, the sign shall meet the criteria listed in Section 24-72 of the Zoning Ordinance, or successor section.
- B. Screening. The food order board(s) and drive-through pick-up window(s) shall be screened from Route 30 with landscaping and/or fencing, as determined by the Director of Planning or designee.
- C. Outside Display, Sale, or Storage. No outside display, sale, or storage of merchandise shall be permitted on the Property.
- D. Intercom and Speaker Noise. All intercom and other speaker systems on the Property shall operate in such a manner that they shall not be audible from adjacent developments.
- E. Architectural Review - Fast Food Canopy. The architecture of any canopy accessory to a fast food restaurant shall match the design and exterior building materials of the fast food restaurant, in accordance with the "Design Guidelines for Hazelwood Farms Enterprise Center" and dated December 8, 2021. Final design of the canopy shall be reviewed and approved by the Director of Planning prior to site plan approval.

25. Water and Sewer Facilities.

- A. Use. This SUP shall be valid for the installation of a force main and water main, each a diameter of 4 inches or greater, within the VDOT right-of-way for Barhamsville Road (Route 30) from the intersection of La Grange Parkway and Barhamsville Road (Route 30) north along Barhamsville Road to the intersection of Old Stage Road (Route 746), then extending south along Old Stage Road (Route 746) to then extend along the proposed public road to serve the Property. A water main loop may be installed from the proposed public road on the Property under Interstate 64 to serve parcels to the north of the interstate.
- B. Construction Hours. The hours of construction of the water and sewer facilities shall be limited to daylight hours, Monday through Friday. Limited night and weekend work may be approved by the Director of Planning if requested in advance and it is determined that such work will not negatively affect surrounding properties.
- C. Replanting. Prior to issuance of a Land Disturbing Permit, a plan addressing the replanting of disturbed vegetation within the right-of-way shall be submitted and approved by the Director of Planning or designee. The intent of the plan is to restore the area to pre-land disturbing conditions.
- D. Lighting. Unless required by safety codes, there shall be no new permanent lighting associated with the water and sewer facilities.

26. Commencement for Construction. Construction of one of these uses authorized within the SUP, excluding the public water and sewer facilities, shall commence within 60 months from the date of approval of this SUP or the SUP shall be void. Construction shall be defined as the first placement of permanent construction of a structure on the Property, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation. Construction does not include land preparation such as clearing, grading, or filling.

27. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

BE IT FURTHER RESOLVED that the SUP conditions set forth herein shall supersede and replace all conditions set forth in Case No. SUP-19-0005.

Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

	VOTES			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
_____ Teresa J. Saeed Deputy Clerk to the Board	NULL	_____	_____	_____
	HIPPLE	_____	_____	_____
	MCGLENNON	_____	_____	_____
	ICENHOUR	_____	_____	_____
	LARSON	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of July, 2024.

SUP24-9_Lovett64-res

SUP-24-0009 Conditions Strikethrough Version

1. *Master Plan.* This SUP shall be valid for approximately 328 acres of property located at 301 Old Stage Road, 9211 Old Stage Road, 275 Old Stage Road, and the portion of 9400 Barnes Road located south of Interstate 64, further identified, respectively, as James City County Real Estate Tax Map Parcel Nos. 0440100015, 0440100014, 0440100013, and the portion of 0430100017 lying south of Interstate 64 (collectively the “Property”). Development of the Property shall be generally in accordance with the Master Plan entitled “Master Plan for Rezoning of Enterprise Center at Hazelwood Farms” prepared by AES Consulting Engineers, dated 12/07/21 (the “Master Plan”) and the design guidelines entitled “Design Guidelines for Hazelwood Farms Enterprise Center,” prepared by Hopke & Associates, dated 12/08/21 (the “Design Guidelines”), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.
2. *Specially Permitted Uses.* This SUP shall be valid for the following specially permitted uses under the James City County Code, as amended (“County Code”):
 - A. In accordance with Section 24-536.4 of the County Code:
 - A Fast Food Restaurant (see Condition No. 24);
 - Manufacture and processing of textiles and textile products in structures more than 10,000 square feet (see Condition No. 22);
 - Heavy equipment sales and service with major repair under cover or screened with landscaping and fencing from adjacent property (see Condition No. 23);
 - Machinery sales and service with major repair under cover (see Condition No. 23); and
 - Water facilities (public), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions (see Condition No. 25).
 - B. This SUP shall also be valid for one convenience store pursuant to Section 24-11(a)(1) (see Condition No. 21), any commercial building or group of buildings that exceeds 10,000 square feet of floor area pursuant to Section 24-11(a)(2) of the County Code, and any commercial building or group of buildings, not including office uses, which generates, or would be expected to generate, a total of 100 or more additional trips to and from the site during the peak hour of the operation pursuant to Section 24-11(a)(3) of the County Code, and buildings, additions, and expansions requiring a special use permit pursuant to Section 24-11(b) of the County Code; however, such commercial building, group of buildings, and additions or expansions thereto shall be limited to any permitted uses under Section 24-536.4 of the County Code, as amended, and those special uses permitted by this SUP. Furthermore, the uses authorized in this condition by 24-11(a)(2), 24-11(a)(3), and 24-11(b) shall not exceed a total of 75,000 square feet of commercial as referenced on the Master Plan. The use limitations within Condition No. 2 are not applicable to those uses not subject to 24-11(a)(2) and 24-11(a)(3). The uses within such square footage are further subject to the following restrictions:
 - i. There shall be no more than one fast food restaurant, one convenience store, and one bank with drive-through on the Property without amendment of these

conditions and proffers.

- ii. The uses identified in subsection (i) shall be located within the Frontage Retail Area, as shown on the Master Plan.
 - iii. Drive-through windows for the uses identified in subsection (i) shall be screened from Route 30 and Old Stage Road (Route 746) with landscaping and/or fencing as determined by the Director of Planning.
 - iv. Any fast food restaurant within the approved commercial square footage on the Property shall also be subject to Condition No. 24 of this SUP.
3. *Square Footage Limitations.* Development of the Property shall not exceed the following: (i) 3,220,000 square feet of combined warehouse, industrial, or office use; and (ii) 75,000 square feet of commercial use. In order to accurately track the progression of the development of the Property and requirements of this condition, each site plan or subdivision plan for any development within the Property shall include a then-current accounting of the square footage of development that has previously been approved by the County and that is proposed by the plan being submitted for review. Such accounting shall be in a form reasonably acceptable to the Director of Planning.
4. *Conservation and Irrigation.* The developer and designing engineer shall take into consideration the design of stormwater systems that can be used to collect stormwater for outdoor water use for the entire development. Prior to development plan approval, the General Manager of the James City Service Authority (JCSA) and the Director of the Stormwater and Resource Protection Division or their designees shall confirm in writing that such design has been considered. Only surface water collected from surface water impoundments, or water taken from an underground cistern, may be used for irrigation on the Property. In no circumstances shall the JCSA public water supply be used for irrigation. If the Owner demonstrates to the satisfaction and approval of the JCSA General Manager through drainage area studies and irrigation water budgets that the impoundments cannot provide sufficient water for all irrigation, the General Manager may, in writing, approve a shallow (less than 100 feet) irrigation well to supplement the water provided by the impoundments or cisterns.
5. *Street Trees.* Street trees shall be planted along the entirety of the spine road and placed in such a way as to establish a streetscape effect. The initial development plan for the spine road shall include a landscape plan showing the proposed street trees, subject to approval by the Director of Planning or designee. The street trees shall be guaranteed prior to approval of the spine road construction plan and each development plan adjacent to the spine road shall include the required plantings. The required street tree plantings for each development plan shall be installed prior to issuance of any Certificate of Occupancy, unless another timeline for planting has been approved by the Director of Planning.
6. *Route 30 and Route 746 Buffer.* Prior to final approval of any site plan in Land Area 3, the Director of Planning or designee shall review and approve a landscape plan for the entirety of Land Area 3. The landscape plan for Land Area 3 shall provide a 50-foot vegetated Community Character Corridor buffer along the right-of-way for Route 30 and the right-of-way for Route 746 in accordance with Section 24-98 of the Zoning Ordinance. Any disturbance or grading into this area shall be the minimum necessary and shall require additional plantings consisting of no less than 125% of the required

plantings per the Ordinance or as may be otherwise approved by the Director of Planning, such that at maturity the plantings match or exceed the mature height and density of trees and shrubs within the buffer. In areas of the buffer that are currently comprised of mature forest, as defined in Section 24-98 of the Zoning Ordinance, the buffer shall be left undisturbed in its natural state. In areas of the buffer that are not completely comprised of mature forest, as defined in Section 24-98 of the Zoning Ordinance, supplemental evergreen shrubs and trees shall be required. In areas of the buffer where little or no vegetation exists, as determined by the Director of Planning or designee, the buffer shall be landscaped to the provisions of Section 24-96 of the Zoning Ordinance for General Landscape Areas. The landscaping detailed in this condition shall be shown as part of the initial site plan or shall be submitted as a separate plan concurrent with the initial site plan in Land Area 3. All landscaping on the landscape plan shall be guaranteed prior to site plan approval. The landscaping shown on the approved landscape plans for Land Area 3 shall be installed within 12 months of the final site plan approval, unless another timeline for planting has been approved by the Director of Planning.

7. *Interstate 64 Buffer.* Prior to final approval of any site plan in Land Area 1, Land Area 2, or Land Area 3, the Director of Planning or designee shall review and approve a landscape plan for the Land Area(s). The landscape plan for the Land Area shall provide a 50-foot vegetated buffer along the Interstate 64 right-of-way and be landscaped to the provisions of Section 24-98 of the Zoning Ordinance, except that the required tree and shrubs mixture be modified to require 45% of all proposed trees and shrubs within the 50-foot-wide vegetated buffer to be evergreen, with at least 45% of evergreen trees achieving a minimum height at maturity of 40 feet. Any disturbance or grading into this area shall be the minimum necessary and shall require additional plantings consisting of no less than 125% of the required plantings per the Ordinance or as may be otherwise approved by the Director of Planning, such that at maturity the plantings match or exceed the mature height and density of trees and shrubs within the buffer. In areas of the buffer that are currently comprised of mature forest, as defined in Section 24-98 of the Zoning Ordinance, the buffer shall be left undisturbed in its natural state. In areas of the buffer that are not completely comprised of mature forest, as defined in Section 24-98 of the Zoning Ordinance, supplemental evergreen shrubs and trees shall be required. In areas of the buffer where little or no vegetation exists, as determined by the Director of Planning or designee, the buffer shall be landscaped to the provisions of Section 24-96 of the Zoning Ordinance for General Landscape Areas. The landscaping detailed in this condition shall be shown as part of the initial site plan or shall be submitted as a separate plan concurrent with the initial site plan in Land Area 1, Land Area 2, or Land Area 3. All landscaping on the landscape plan shall be guaranteed prior to site plan approval. The landscaping shown on the approved landscape plans(s) for the relevant Land Area shall be installed within 12 months of the final site plan approval, unless another timeline for planting has been approved by the Director of Planning.
8. *Barnes Road and Leisure Road Buffer.* Prior to final approval of any site plan in Land Area 1, Land Area 4, or Land Area 6, the Director of Planning or designee shall review and approve a landscape plan for the Land Area(s). The landscape plan for the Land Area shall provide a 100-foot vegetated buffer along the Barnes Road right-of-way or Leisure Road right-of-way and be landscaped to the provisions of Section 24-98 of the Zoning Ordinance, except that the required tree and shrubs mixture be modified to require 45% of all proposed trees and shrubs within the 100-foot-wide vegetated buffer to be evergreen, with at least 45% of evergreen trees achieving a minimum height at maturity of 40 feet. Any disturbance or grading into this area shall be the minimum

necessary and shall require additional plantings consisting of no less than 125% of the required plantings per the Ordinance or as may be otherwise approved by the Director of Planning, such that at maturity the plantings match or exceed the mature height and density of trees and shrubs within the buffer. In areas of the buffer that are currently comprised of mature forest, as defined in Section 24-98 of the Zoning Ordinance, the buffer shall be left undisturbed in its natural state. In areas of the buffer that are not completely comprised of mature forest, as defined in Section 24-98 of the Zoning Ordinance, supplemental evergreen shrubs and trees shall be required. In areas of the buffer where little or no vegetation exists, as determined by the Director of Planning or designee, the buffer shall be landscaped to the provisions of Section 24-96 of the Zoning Ordinance for General Landscape Areas. The landscaping detailed in this condition shall be shown as part of the initial site plan or shall be submitted as a separate plan concurrent with the initial site plan in Land Area 1, Land Area 4, or Land Area 6. All landscaping on the landscape plan shall be guaranteed prior to site plan approval. The landscaping shown on the approved landscape plans(s) for the relevant Land Area shall be installed within 12 months of the final site plan approval, unless another timeline for planting has been approved by the Director of Planning.

9. *Bicycle and Pedestrian Accommodations.*

- A. *Route 30 and Route 746.* A multiuse path shall be constructed along Route 30 and Route 746, as shown on the Master Plan. Prior to the issuance of a land disturbance permit for either Land Area 3 or Land Area 6, the multiuse path shall be guaranteed in a manner acceptable to the County Attorney. The multiuse path shall be constructed in its entirety prior to issuance of the first commercial Certificate of Occupancy.
- B. *Leisure Road.* As shown on the Master Plan, a multiuse path shall be constructed along the property line abutting Leisure Road. The multiuse path shall be guaranteed prior to issuance of a land disturbance permit within Land Area 6 and shall be installed in its entirety prior to issuance of the first Certificate of Occupancy within the Land Area. A connection from this multiuse path to the interior of Upper County Park shall be provided.

10. *Vehicular Access Restriction.* Access to the Property from Route 30 and Route 746 shall be restricted to “South Entrance #1” and “South Entrance #2” as shown on the Master Plan. No vehicular access shall be provided to the Enterprise Center from Barnes Road, except for emergency access, as determined by the Director of Planning. Such emergency access shall be designed to cross the Barnes Road Buffer at or near a perpendicular angle to the property line, with clearing kept to the minimum necessary to accommodate the access.

11. *Lighting.* All new exterior light fixtures on the Property, including building lighting, shall have recessed fixtures with no lens, bulb, or globe extending below the casing and a lighting plan shall be submitted to and approved by the Director of Planning or designee prior to final site plan approval for each development plan that includes new lighting. Each site plan shall include a lighting plan meeting the requirements of this condition. All light poles must not exceed 20 feet in height and the lighting plan must indicate no glare outside the boundary lines of the Property unless otherwise approved in writing by the Director of Planning or designee. “Glare” is defined as more than 0.1 foot-candle at the boundary of the Property or any direct view of the lighting source from adjoining properties.

12. *Sustainable Design Initiatives.*

- A. Construction of all commercial buildings within Land Area 3 and any office or institutional building in Land Areas 1, 2, 4, 5, or 6 on the Master Plan shall achieve the equivalent of those credits that would be required to achieve the “Certified” level in the Leadership in Energy and Environmental Design (LEED) 2009 Certification program or whatever is equivalent from the LEED for New Construction and Major Renovations (based on the most current guidelines) (the “Credits”) for each building. This shall include completion of all prerequisite items, except that for the Energy and Atmosphere category prerequisite No. 1, the Owner may choose to pursue Energy Star designation or such other energy systems verification process as is approved in advance by the Director of Planning. In addition, for up to a maximum of 10% of the points needed to reach the LEED “Certified” level, the Owner may request that initiatives equivalent to, but not included on the LEED checklist as credits, be pursued instead. Any request for equivalent initiatives shall be submitted in writing as part of the process specified in (B) below, together with supporting documentation for review and approval by the Director of Planning. Documentation of the building energy performance shall be provided by a mechanical engineer to the Director of Planning before the Certificate of Occupancy for the initial building to demonstrate an improvement in efficiency of the building’s thermal envelope, mechanical systems, and electrical systems over code-required baseline performance.
- B. Application for formal LEED certification by the United States Green Building Council (USGBC) is at the discretion of the Owner and is not required. If formal LEED certification is not pursued, compliance with this condition shall be monitored and verified to the County by a LEED Accredited Professional engaged by the Owner. The strategies to achieve the Credits will be incorporated into the construction documents either as part of the design, or as requirements for the contractor to substantiate during the course of construction. Compliance with the Credit requirements will be validated in a straightforward way through methods such as, but not limited to, review of contractor submittals, submission of design calculations, and letters certifying that requirements have been met. This validation will be overseen by a LEED- accredited professional and approved by the Director of Planning or designee with Credits related to the design of the project approved prior to issuance of the final site plan approval, and Credits related to the construction of the project approved prior to issuance any Certificate of Occupancy.

13. *Architectural Review.* Prior to each site plan approval for development within the Property, the Director of Planning shall review and approve the final architectural design of each proposed building to be consistent with the Design Guidelines. Each site plan shall include the final architectural design for all buildings shown and include general elevations of the buildings, as well as the view of the building for all sides visible from Old Stage Road (Route 30 and Route 746) or Leisure Road. A determination of substantial architectural consistency shall be required from the Director of Planning or designee. In the event the Director of Planning finds the design to be inconsistent with the Design Guidelines, the applicant may appeal the decision of the Director of Planning to the Development Review Committee which shall forward a recommendation to the Planning Commission.

14. *Site Design.*

A. For Land Areas 3 and 6, any building façade facing a road shall be designed in appearance as a front façade. The intent of this condition is to ensure that the side and rear of buildings, when visible from a roadway, achieve the standards put forward within the Design Guidelines for the front façade.

~~B.~~ No more than 25% of the required parking in ~~these areas~~ Land Area 3 shall be located in between the building and Old Stage Road (Route 30) ~~and Route 746) or Leisure Road.~~

C. For any proposed development in Land Area 6 that includes exterior parking in its site design, the landscape plan for the Land Area shall increase the evergreen requirement for trees and shrubs mixture to 50%, with at least 50% of evergreen trees achieving a minimum height at maturity of 40 feet.

~~B.~~ D. Any drive-through element for a use on the Property shall be located to the side or at the rear of the building and shall not face Route 30.

~~C.~~ E. All warehouse storage units operated as mini-storage shall be designed as a single footprint building. Warehouse storage units whereby individual storage units have an exterior access door are prohibited.

15. *Freestanding Signage.* All freestanding signage, including entrance signage located at the Property's two entrances as shown on the Master Plan, shall be externally illuminated monument-style signs, not to exceed 8 feet in height. The base of the signs shall be brick or shall use materials similar in type and color with the site architecture. The design of the signs shall be approved by the Director of Planning prior to final site plan approval for consistency with this condition.

16. *Screening of Site Features.* All dumpsters, ground-mounted HVAC, mechanical units, and cart corrals which are adjacent to buildings shall be screened by an enclosure composed of masonry, closed-cell PVC, prefinished metal or cementitious panels, in detail and colors to blend with adjacent building materials. Where present, such features shall be shown on the site plan for the adjacent building and shall be reviewed and approved by the Director of Planning for consistency with this condition.

17. *Internal Traffic Signage Plan.* An internal signage plan indicating the location of internal traffic signs and the orientation of vehicular flow within the Property shall be included along with the materials submitted for the initial site plan review process. The internal signage plan shall be reviewed and approved by the Director of Planning or designee, prior to final approval of the initial site plan for the Property. Thereafter, the internal signage plan may be amended with review and approval by the Director of Planning or designee.

18. *Shared Maintenance of Site Improvements.* All shared site improvements (including, but not limited to, utilities, stormwater facilities, landscaping, roads and parking lots, and lighting) shall be subject to appropriate shared maintenance commitments ensuring that the site improvements will be maintained continuously. Compliance with this condition as to the existence of such shared maintenance documentation shall be subject to review and approval of the County Attorney or designee prior to initial site plan approval.

19. *Internal Pedestrian Accommodations.* Internal pedestrian connections shall be provided on the Property, including, but not limited to, wherever sidewalks enter a parking area or cross any entrance to the Property or drive-through lane, and shall provide safe connections from any existing Williamsburg Area Transit Authority (WATA) bus stop. The connections shall be clearly delineated by use of a different color of pavement, brick pavers, or some other method determined to be acceptable by the Director of Planning.
20. *Master Stormwater Management Plan.* Development of the Property shall be governed by one or more Master Stormwater Management Plans (MSWMP). Each MSWMP shall address, at minimum, a Land Bay Area within the Property and shall be approved prior to the first site plan submittal for any such area. Furthermore, each MSWMP shall adhere to the following:
- A. Each Land Bay Area will include a stormwater management facility designed to the standards and specifications current at the time of area development design. Furthermore, each Land Bay Area as shown on the Master Plan will include no fewer than two treatment trains as part of the area master stormwater approach. Each of these trains will be required to contain at least three low impact development features, such as those noted on the submitted plan set (*i.e.*, vegetated filter strip, permeable pavement, bioretention basin, dry swale, manufactured treatment device).
 - B. The MSWMP shall comply with the standards of any adopted watershed management plan in place at time of submittal.
 - C. If required by the watershed management plan adopted at the time of submittal, Special Stormwater Criteria (SSC) measures may not also be used to achieve required water quality requirements. At the time of an MSWMP submittal, specific SSC measures may be deemed unsuitable for the type of development as determined by the Director of Stormwater or designee.
21. *Convenience Stores with Fuel Sales.*
- A. *Outside Display, Sale, or Storage.* Unless otherwise stated in this condition, no outside display, sale, or storage of merchandise shall be permitted at the Property. As used for this condition, the term “merchandise” includes, but is not limited to ice, soda, candy, and/or snack machines. For the convenience store, only two outside vending machines and one outside ice chest shall be permitted and, if used, shall be situated against the exterior wall not facing Route 30 and screened with building materials similar in type and color with the site architecture to minimize visual impacts from adjacent road rights-of-way. Final screening design shall be approved by the Director of Planning as part of the initial site plan submittal.
 - B. *Use Design.* The convenience store shall not be designed as a truck stop, as defined within the Zoning Ordinance.
 - C. *Intercom and Speaker Noise.* All intercom and other speaker systems on the Property shall operate in such a manner that they shall not be audible from adjacent developments within the same Land Area.
 - D. *Fueling Islands.* There shall be no more than six fueling islands associated with the

convenience store.

- E. *Landscaping.* Prior to final site plan approval, a landscape plan shall be submitted showing adequate screening of the fuel islands from internal uses and/or external properties through the use of landscaped islands and/or medians. The islands and/or medians shall be a minimum of 5 feet wide in order to accommodate landscaping adjacent to the boundaries of the site. Evergreen plantings with a minimum of 3 feet tall shall be planted in these medians to adequately screen the fuel islands. The Director of Planning shall determine whether the screening is adequate prior to final site plan approval. Landscaping for the islands/medians shall be installed and/or bonded prior to the issuance of a temporary Certificate of Occupancy.
- F. *Architectural Review.* The architecture of any canopy, including any columns, shall match the primary colors, design, and exterior building materials of the convenience store. The canopies shall have a mansard roof design, as determined by the Director of Planning. Any canopy shall have a maximum height of 15 feet measured from the finished grade to the underside of the canopy. The Canopy shall not include signage that involves backlighting or electronic lettering. There shall be no more than two signs on the canopy.
- G. *Spill Prevention, Control and Countermeasures (SPCC) Plan.* Prior to the issuance of a Land Disturbing Permit, an SPCC Plan shall be reviewed and approved by the Director of Stormwater and Resource Protection. The SPCC Plan shall address chemical handling, including, but not limited to, oil, diesel, and gasoline.

22. *Manufacturing and Processing of Textiles.*

- A. *Outside Storage of Materials.* No outside display, sale, or storage of materials shall be permitted at the Property. For the purpose of this condition, “materials” shall include, but not be limited to, chemicals, dyes, fabrics, etc. Off-chassis shipping containers, storage barrels, and other containers are prohibited.
- B. *Location.* All facilities for the manufacturing and processing of textiles shall be located in either Land Areas 1, 2, or 5. There shall be a minimum setback of 1,000 feet from the Barnes Road right-of-way for any structure for this use proposed in Land Area 1. An additional landscape plan showing enhanced buffering and landscaping to accomplish screening consistent with Section 24-100 of the Zoning Ordinance shall be submitted for review and approval by the County Director of Planning prior to site plan approval. The purpose of the enhanced buffering and landscaping plan is to demonstrate that the use is fully screened from roadways external to the Property and any residential uses.
- C. *Spill Prevention, Control and Countermeasures (SPCC) Plan.* Prior to the issuance of a Land Disturbing Permit, an SPCC Plan shall be reviewed and approved by the Director of Stormwater and Resource Protection. The SPCC Plan shall address chemical handling, including, but not limited to, oil, diesel, dyes, and gasoline.
- D. *Limitation on Use.* Any such manufacturing and processing of textiles use shall be conducted within a fully enclosed building, with no outside evidence of dust, noise, odor, or other objectionable effect.

23. *Heavy Equipment Sales and Service and Machinery Sales and Services.*

- A. *Location.* All facilities for heavy equipment sales and service or machinery sales and service shall be located in either Land Areas 1, 2, or 5. There shall be a minimum setback of 1,000 feet from the Barnes Road right-of-way for any structure for this use proposed in Land Area 1. An additional landscape plan showing enhanced buffering and landscaping to accomplish screening consistent with Section 24-100 of the Zoning Ordinance shall be submitted for review and approval by the Director of Planning prior to site plan approval. The purpose of the enhanced buffering and landscaping plan is to demonstrate that the use is fully screened from roadways external to the Property and any residential uses.
- B. *Spill Prevention, Control and Countermeasures (SPCC) Plan.* Prior to the issuance of a Land Disturbing Permit, an SPCC Plan shall be reviewed and approved by the Director of Stormwater and Resource Protection. The SPCC Plan shall address chemical handling, including, but not limited to, oil, diesel, and gasoline.
- C. *Outside Storage of Materials.* Except as described in subsection D below, no outside storage of materials or merchandise shall be permitted at the Property without being fully screened via landscaping or fencing, which is to be shown on the site plan and reviewed and approved by the Director of Planning. Materials and merchandise include, but not be limited to, off-chassis shipping containers and equipment utilized for repair and servicing.
- D. *Outside Display, Sale.* The outside display or sale (wholesale, retail, or otherwise) of merchandise shall be permitted only on the locations on the Property detailed on the site plan accompanying this proposal. The site plan shall show all adequate features needed, as determined by the Director of Planning, to mitigate visual impacts of this display or sale on adjacent properties. These features include, but are not limited to, landscaping, berming, buffering, vehicular display pad spacing requirements, etc.
- E. *Fencing.* Except as described in subsection D above, on-site fencing shall be of sufficient height and design to screen all vehicles and material related to the use on the Property from view of the spine road right-of-way and all adjacent rights-of-way. Fencing shall be shown on the site plan and approved by the Director of Planning prior to site plan approval.
- F. *Maintenance to be Enclosed.* All maintenance is to occur only within a fully enclosed building. All noise, dust, and odor effects from any maintenance work shall be limited to a fully enclosed building.

24. *Fast Food Restaurant.*

- A. *Signage.* All building face signage shall be externally illuminated or use back-lit or channeled lettered lighting as defined in Section 24-67 of the Zoning Ordinance. For any back-lit or channeled lettered signs, the sign shall meet the criteria listed in Section 24-72 of the Zoning Ordinance, or successor section.
- B. *Screening.* The food order board(s) and drive-through pick-up window(s) shall be screened from Route 30 with landscaping and/or fencing, as determined by the Director of Planning or designee.

- C. *Outside Display, Sale, or Storage.* No outside display, sale, or storage of merchandise shall be permitted on the Property.
- D. *Intercom and Speaker Noise.* All intercom and other speaker systems on the Property shall operate in such a manner that they shall not be audible from adjacent developments.
- E. *Architectural Review - Fast Food Canopy.* The architecture of any canopy accessory to a fast food restaurant shall match the design and exterior building materials of the fast food restaurant, in accordance with the “Design Guidelines for Hazelwood Farms Enterprise Center” and dated December 8, 2021. Final design of the canopy shall be reviewed and approved by the Director of Planning prior to site plan approval.

25. *Water and Sewer Facilities.*

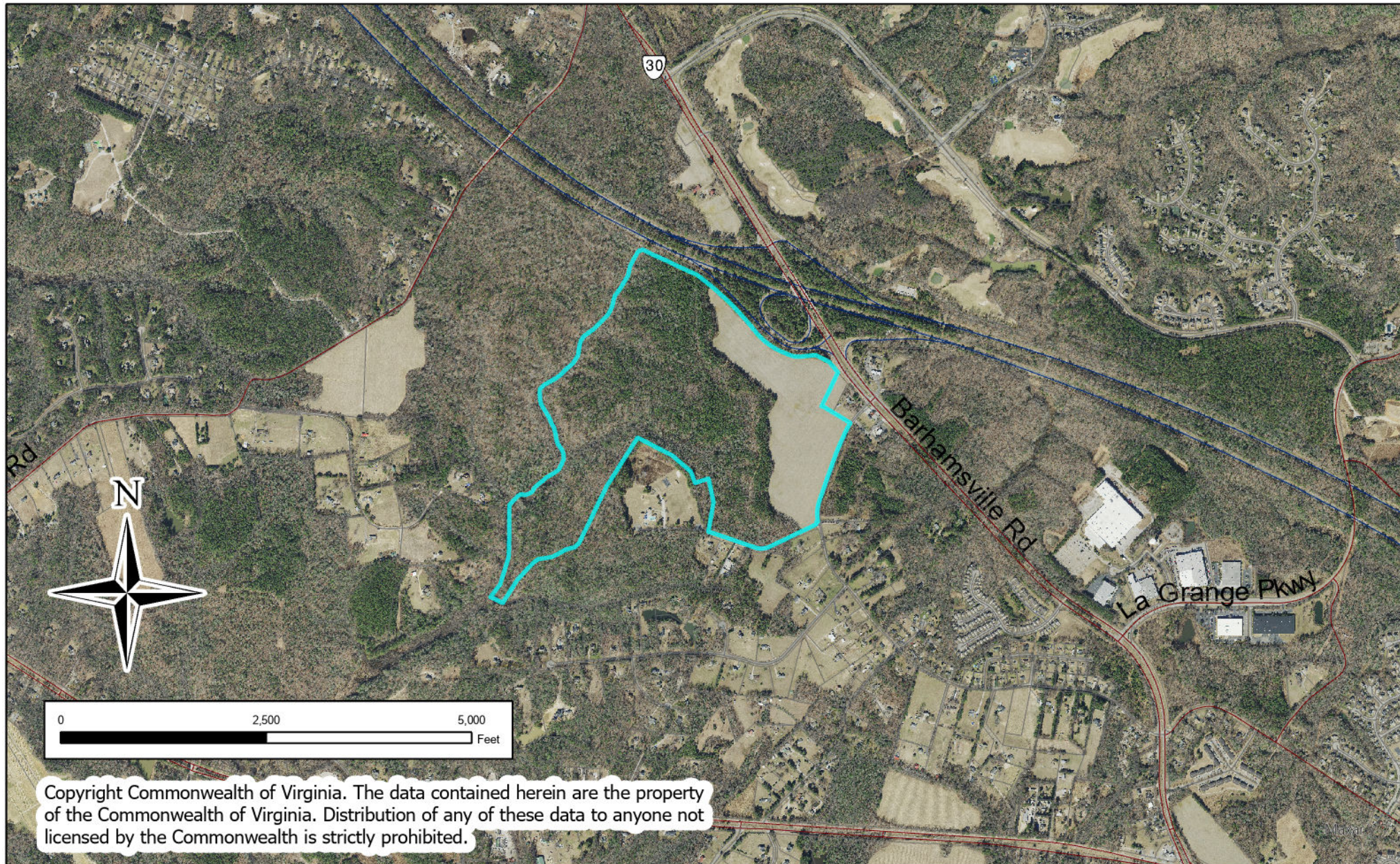
- A. *Use.* This SUP shall be valid for the installation of a force main and water main, each a diameter of 4 inches or greater, within the VDOT right-of-way for Barhamsville Road (Route 30) from the intersection of La Grange Parkway and Barhamsville Road (Route 30) north along Barhamsville Road to the intersection of Old Stage Road (Route 746), then extending south along Old Stage Road (Route 746) to then extend along the proposed public road to serve the Property. A water main loop may be installed from the proposed public road on the Property under Interstate 64 to serve parcels to the north of the interstate.
- B. *Construction Hours.* The hours of construction of the water and sewer facilities shall be limited to daylight hours, Monday through Friday. Limited night and weekend work may be approved by the Director of Planning if requested in advance and it is determined that such work will not negatively affect surrounding properties.
- C. *Replanting.* Prior to issuance of a Land Disturbing Permit, a plan addressing the replanting of disturbed vegetation within the right-of-way shall be submitted and approved by the Director of Planning or designee. The intent of the plan is to restore the area to pre-land disturbing conditions.
- D. *Lighting.* Unless required by safety codes, there shall be no new permanent lighting associated with the water and sewer facilities.

26. *Commencement for Construction.* Construction of one of these uses authorized within the SUP, excluding the public water and sewer facilities, shall commence within 60 months from the date of approval of this SUP or the SUP shall be void. Construction shall be defined as the first placement of permanent construction of a structure on the Property, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation. Construction does not include land preparation such as clearing, grading, or filling.

27. *Severance Clause.* This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

SUP-24-0009

Lovett 64 Commerce Center (Formerly Hazelwood Farms - The Enterprise Center) SUP Amend.

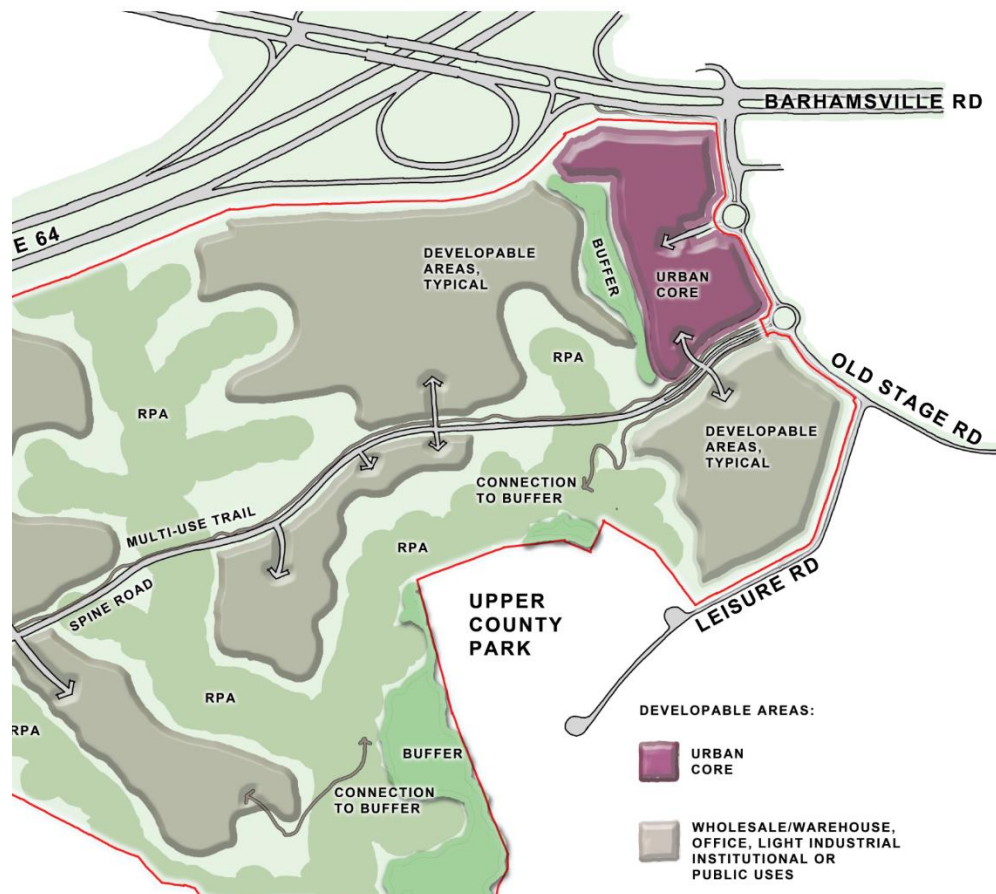


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Design Guidelines for Hazelwood Farms Enterprise Center

James City County, Virginia

December 8, 2021



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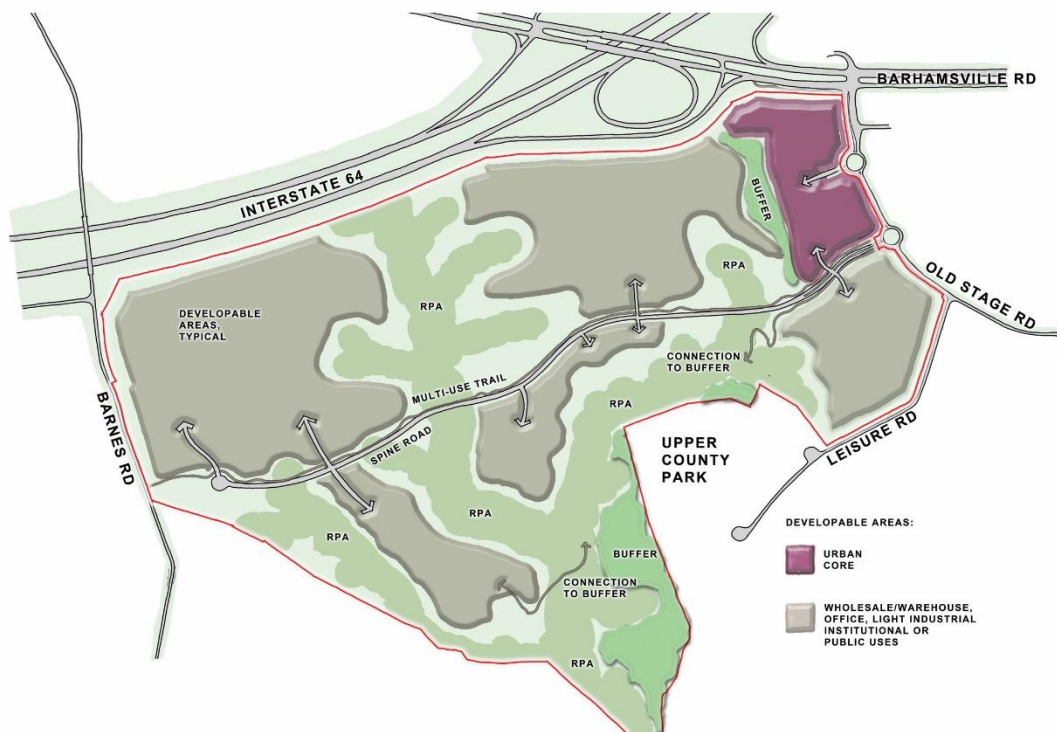
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Overview

The property is located in the Stonehouse district of James City County, Virginia, at the intersection of Interstate 64 and Route 30/Barhamsville Road. It lies entirely to the west side of Route 30/Barhamsville Road and is subdivided by Interstate 64 into two major sections. These guidelines are concerned with the south section, heretofore referred to as the “Enterprise Center.”

The Enterprise Center has easy access from the interstate for east-bound traffic and shares a major intersection with established off-interstate businesses (fast-food, fuel stations). It is bounded to its south and east by Old Stage Road, Leisure Road and the James City County Upper County Park. East of the intersection is the already master planned as the Stonehouse Industrial Park and other complementary zoned property. Thus the Enterprise Center is proposed to be master planned as a mixed use development where a large portion is devoted to manufacturing and/or research facilities with large-footprint buildings and/or a single corporate office campus and/or warehousing & distribution centers. As transitional uses, portions of the Enterprise Center will be devoted to commercial development (near the Barhamsville-Stage Road intersection), designated at the “Urban Core”, near other existing similar commercial uses.



Architecturally, the buildings on this parcel should read with a coherency, yet portray their distinct uses and invoke an appropriate sense of scale to their functions. Some buildings will be exceptionally large, housing office, research, warehousing and/or manufacturing functions. Others will be of a residential character and scale, while others will require an automobile-friendly siting. These design guidelines are

intended to promote standards of development for each of these functions such that all of the elements contribute to a coherent whole, consistent with the character of the surrounding area, but without unduly burdening the large-footprint user with a functional architectural embellishment.

These standards are intended to comply with the James City County Zoning Ordinance Division 17, "Economic Opportunity," generally, and sub-section 24-536.5, "Requirements for Improvements and Design," in particular. Wherein any discrepancies or ambiguities may occur, these guidelines shall not be interpreted to allow standards which are less restrictive than the Zoning Ordinance. These guidelines are also written to satisfy the conditions of Landscape Standards, in accordance with Section 24-98(3) of the Zoning Ordinance.

The Developer shall be responsible for administration of these Design Standards and shall engage a licensed Architect ("Review Architect") to interpret their application for all aspects of the project through a formal, documented review process. Selection of the Review Architect shall be at the sole discretion of the Developer. The responsibility for administration of the Design Standards may be assigned to another entity (such as a "property owners association") in the future, at the sole discretion of the Developer.

It is recognized by the Owner and agencies having jurisdiction that these guidelines are written with an overarching intent of establishing a standard of quality and consistency in the architecture and site development for the property. It is furthermore understood that actual development and detailed planning may occur in the less immediate future when real estate market trends, best practices of land planning and transportation technology have changed in ways that cannot be imagined or anticipated at this time. As such these guidelines may be re-visited in the future and may be appropriately amended to reflect such changes at the discretion of the developer, property owner or property owners association, with the review and approval of the James City County Planning Director.

Design submission procedures and forms shall be developed and formalized by the developer prior to submission to James City County for building permits or site plan approvals. At a minimum, those procedures shall include:

- Conceptual Review of proposed site development of a given parcel as well as any implied master plan adjustments.
- Conceptual Review of proposed exterior architectural development with rendered perspectives and/or elevations, consistent with footprints depicted on the site development plan and indicating grade adjustments with reasonable accuracy.
- Final building design and site plan submissions with proposed materials and colors at appropriate scale and detail.
- Final building material and color selections submitted and documented with samples of predominant materials
- Final landscape and hardscape selections submitted and documented with photographs of key elements, such as street furnishing (e.g. bike racks, street light posts, trash receptacles, benches, etc...)

The developer shall commit to "sustainable" land planning and building design, incorporating best practices of LEED or other equivalent "Green Building" certification and assessment tools, in compliance with the "Endorsement of Green Building Incentives" policy of James City County (case no. ZO-00005-

2011). If the developer elects to obtain formal certification through such a program, it is recognized that they would be entitled to the benefits outlined in that official resolution.

General Description

The Enterprise Center is a mixed use of retail and business with an emphasis on large-footprint users for research, manufacturing and/or warehousing. This parcel location is ideal for arrival from the interstate by automobile. Thus, a portion of the site is to be organized to orient toward the traveler. It is also convenient for access to Hampton Roads, Richmond and technology rich areas to the north, west and south. Therefore the bulk of the site is organized around a generous spine road accessing the large-footprint building sites. The combination of these uses creates a complete environment in which to work and play in a walk-able environment. To that end, the developer and county staff are encouraged to allow for possible pedestrian/bike paths to provide connectivity directly to the park.

The Enterprise Center parcel is naturally subdivided by a small amount of environmentally sensitive wetlands. Buffers are to be utilized to both protect these areas and feature them for pedestrians, bikers and vehicles.

View Shed and Approach

As one approaches the property along Route 30/Barhamsville Road, one travels through a pastoral, wooded landscape punctuated with clusters of village-like development (e.g. Barhamsville, itself). When this property comes into view, it should have a similar character, utilizing architectural detail and massing that is of a pedestrian-friendly scale within parcels that border the Barhamsville-Old Stage Road-Leisure Road edges. This portion of the development, designated the “Urban Core” on the master plan and described further below, should create a “sense of place” consistent with the character of the surrounding area.

Building construction in the other parcels will necessarily be of a larger scale, due to the uses foreseen in them. As such, buffering between parcels will be critical to achieve a transition to support a cohesiveness within the development as a whole. The master plan proposes using natural wetlands to achieve that buffering, augmented by landscaping as needed.

Views into the property along I-64 and off-ramps are of special concern, as they constitute a “gateway” into the County and a first impression for many. Buildings which border the interstate highway right-of-ways are to retain a 50’ building setback and a 50’ landscaped buffer, minimum. Wherein, the proposed and existing landscape buffer which is retained does not effectively screen the proposed buildings, they shall be developed architecturally in proportion to their increased visibility from I-64. Generally, large unadorned facades, where necessary, should be of a dark color to blend into the natural environment as the backdrop to retained or newly developed landscape buffering.

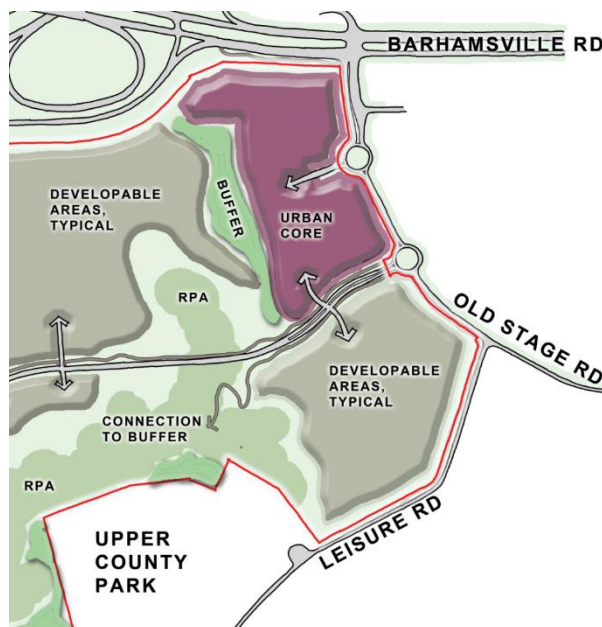
Vehicular and Pedestrian Circulation

The parcel is organized around a “spine road” that terminates at Old Stage Road. This main spine road will provide a safe and park-like entrance into and through the development, channeling both auto and truck/delivery vehicles to the large-user sites. A physically separated multi-use path is to be planned to provide both workers and nearby residents a connection to the outdoors.

The spine road is to be designed and developed as a park-like boulevard that provides a safe and pleasant drive as a common experience connecting all of the parcels of the Enterprise Center. The initial portion of the drive, extending from Old Stage Road, should have a landscaped median for some distance at its beginning. Beyond that point, at least one side should be tree-lined separating vehicular traffic from a minimum 8'-0" to 10'-0" wide multi-use trail. Both sides should be neatly landscaped to the extent of active development.



The parcels fronting on Old Stage Road will be developed as an “Urban Core,” as described in Section 24-536.1 of the Zoning Ordinance. As such, it allows for convenient access by automobile to and from the interstate. The portion closest to Route 30/Barhamsville Road will likely be developed as a retail/restaurant enclave, extending the existing commercial development pattern along Route 30/Barhamsville Road. Detailed development of this entire area will entail strong pedestrian/cycling connections to the spine road, the commercial area, Route 30/Barhamsville Road, and Upper County Park.



The remaining portions of the site are interwoven with ravines and some wetlands. Development will work within grade limitations to the greatest extent practical, consistent with the property usage. Pedestrian connections through wetlands to areas contiguous with Upper County Park should be considered, providing both an effective buffer between the park and Enterprise Center as well as a nature-rich amenity for both workers and nearby residents.

Public Access Improvements

Vehicular and non-vehicular public access to Enterprise Center is provided by extensive improvement to roads, VDOT shared use paths on all existing public road frontages, creation of an internal public road with VDOT shared use path and accommodations for bus service.

Vehicular access to the site includes the following road improvements:

- Reconstruction of Rt. 746 Old Stage Road from Rt. 30 to Leisure Road on a new alignment

- Two single lane roundabouts providing direct access to the Enterprise Center
- Four travel lanes with turn lanes from Rt. 30 to first roundabout
- Two lanes from first roundabout to second roundabout to Leisure Road.
- Expansion of the Rt. 30/Rt. 746 Old Stage Road intersection with additional turn lanes on three approaches, widening and on Rt. 30, and signalization.
- A spine within the site connecting to the second roundabout.

The improvements at Rt. 30/Rt. 746 Old Stage Road provide the capacity to accommodate traffic from Enterprise Center and other planned developments in the area. The four-lane section of Rt. 746 from Rt. 30 to the first roundabout provides a transition from arterial traffic operations to local street traffic. The two roundabouts provide a local street, low speed means of effective access on a new two-lane road alignment for Rt. 746 Old Stage Road.

Non-vehicular access is to be provided by VDOT shared use paths (10 foot wide):

- On the west side of Rt. 30 from I-64 ramps to Old Stage Road: approximately 1000 feet. This section is within the I-64 limited access fence and is contingent upon Federal and State approval.
- On the north side of reconstructed Rt. 746 Old Stage Road from Rt. 30 to Leisure Road: approximately 1600 feet.
- On the east side of Leisure Road along the property frontage: approximately 1400 feet.
- On the east side of the spine road from Rt. 746 Old Stage Road to a connection to Barnes Road: approximately 5600 feet.
- Total: approximately 9600 feet.

These shared use paths are to be built to VDOT specifications for VDOT maintenance. These paths will be located with public rights of way or on easements dedicated to public use and VDOT maintenance.

A bus stop will be included as approved by WATA. Bus stops on public roads may include bump outs designs and will include access to the shared use path system. Bus stops within the private property parking lots will include landings for bus patrons and pedestrian connections to shared used paths.

Parking

Parking is to be arranged so as to maintain a park-like setting for the spine road with a comfortable degree of screening and, simultaneously, adequate view lines for a high degree of safety.

1. Parking for the “urban core” commercial parcel shall be arranged in an easily navigable shared parking court, accessible to all of the buildings along Old Stage and Route 30/Barhamsville Roads. Additional small parking enclaves between commercial/retail buildings are also acceptable and may be integrated with drive-through window functions at the buildings.



2. Parking for the large-user sites is to be distributed to the degree practical, but always well screened from the spine road and Interstate. Special attention should be paid to “way-finding” signage and security controls to enable visitors to find public entrances at large facilities. Security Gates must be located a minimum of 100’ from the spine road.
3. Parking for any small-user sites that may be accessed from the spine road must similarly provide effective screening. Security Gates are not allowed except on a case-by-case basis, based upon adequate analysis showing back-up onto the spine road will not occur.
4. Parking for uses in more visually sensitive areas should be located behind buildings or otherwise screened using means such as berms, fencing or hedges.
5. Landscaping within these parking enclaves shall be minimized in favor of more effective landscaping at their perimeter for screening. Parking capacity shall be provided in accordance with the James City County Zoning Ordinance, the location and number to be confirmed as a part of the final site plan development. All parking lot landscaping shall meet or exceed zoning ordinance requirements.

Building Pattern and Form

General

There are three general categories that each building project will fall into:

1. Large-footprint (research, manufacturing, warehouse, etc...)
2. Small-footprint/Business Support (small offices, small storage, etc...)
3. Commercial/Retail Buildings

To promote an architectural consistency within the Enterprise Center it is anticipated that all of the buildings will be designed with a contemporary architectural character, utilizing more commercial-like materials and fenestration. However, within that contemporary vocabulary, buildings are expected to strive to be responsive to a human pedestrian scale. Strategies for doing so will vary, depending on the building use. Thus, each category will be taken in turn:

Large-footprint Buildings

1. Large-footprint buildings are generally anticipated to be single-user buildings which are to have a large, industrial size. Simple, unadorned building massing is anticipated. However, user entrances, exits and loading docks represent opportunities for architectural development to address the human scale. While the unadorned mass of the building should be a dark tone and of a color hue that allows it to blend into the tree canopies, openings in the building should be an opportunity to interrupt that pattern, catching the eye with colorful or transparent elements that recede into or project from the main building envelope. Common considerations in the design of these elements include:

- 1.1.** The main public/visitor entrance should be more predominant than other more utilitarian or employee oriented entrances.



- 1.2.** While well-proportioned to the mass of the building, they should also be well proportioned to the pedestrian. Devices for accomplishing this may include canopies for rain protection, brissoleil or trellis for sun protection and seat-walls or planters to guide pedestrian circulation to the appropriate arrival point.
- 1.3.** Architectural styling of these elements should relate and/or respond to the predominant materials in the rest of the building while still relating to the smaller footprint buildings. Thus it is anticipated they may be contemporary style in detail, while making allusions to historic styles common to the area. Historic and Classical Revival elements are also acceptable, but should be tastefully designed with attention paid to proportion, scale and detail.



2. Edge Definition and Screening

- 2.1.** Fences and walls shall be used for screening mechanical and utility systems in areas adjacent to public parking, public right-of way and/or facing the spine road architecturally consistent with the building designs. Walls are to be made of industrial or commercial quality materials found in the main building (such as concrete or metal panels). Landscaping may be used in conjunction with fences and walls to better define edges or screen views and activities.



3. Building Materials - General

- 3.1.** Building walls: brick, metal panels, clad wood, wood clapboard, wood board and batten, and fiber cement siding. Stucco (including EIFS) may be used in limited amounts at key features. In no case may the portion of stucco exceed 20% of a façade.

- 3.2.** Arcades and colonnades: brick, stucco, wood, poly-stone, fiberglass, structural steel (painted), and structural aluminum.
- 3.3.** Porticos, porches and columns: painted wood, cellular pvc, painted metal, poly-stone, fiberglass, structural steel (painted), and structural aluminum.
- 3.4.** Posts, spindles, balusters: painted wood, cellular pvc, painted metal, poly-stone, fiberglass, structural steel (painted), and structural aluminum.
- 3.5.** Stoops, plazas, decks and exterior stairs: brick, concrete, stamped concrete
- 3.6.** Awnings, bris soleils and canopies: canvas-covered metal, structural steel (painted), and structural aluminum

4. Roofs

4.1. Recommended Materials

- 4.1.1.** Visible, Sloped Roofs: Wood shingles, metal panel, slate, synthetic slate, architectural grade asphalt or fiberglass shingle.
- 4.1.2.** Live Roofs: Live roofs are permissible, to be approved on a case-by-case basis and should be integral to the architectural character of the entire building or concealed from view by parapets
- 4.1.3.** Gutters and downspouts: galvanized aluminum, painted metal, copper
- 4.1.4.** Exposed Flashing: copper, lead coated copper, galvanized aluminum

4.2. Roof Shapes

- 4.2.1.** Large-footprint buildings are expected to have simple, economic overall building mass and roof forms with shallow slopes and/or parapets. However, some variation, especially at entrances and loading docks should be utilized to create interest, balance and visual cues for wayfinding. See “commercial/retail buildings” below for general guidance with respect to roof forms at these locations.

4.3. Fenestration

- 4.3.1.** Window Glazing: Reflective glass (such as black spandrel) is unacceptable and will not be permitted. All window glazing should allow visibility to the interior of the building. Windows generally should be treated as “punched openings” in a façade, rather than as a siding or cladding material.
- 4.3.2.** Windows, doors, louvers, etc... are opportunities to not only punctuate the façade, but establish rhythm, balance and organization to the building. It is anticipated that significant amounts of fenestration will be steel or aluminum storefront or curtainwall, although use of other materials at the entrance elements of buildings will be allowed, if consistent with the design concept. See “commercial/retail buildings” below for guidance.
- 4.3.3.** Metal panel siding color and transparency can also be thought of as elements of fenestration. For example, reducing the scale of a façade can be accomplished by horizontal bands of color depth along a façade.

Small-Footprint Business/Support Buildings

1. Small Footprint Business/Support buildings are generally anticipated to be multi-tenant office or warehousing buildings in support of or in proximity to the large-footprint users. Unlike the large-footprint buildings, they are anticipated to have more active facades and building massing. Simple, unadorned building massing is not acceptable.
 - 1.1. They should be designed to be seen from the spine road.
 - 1.2. Each building shall also have a sidewalk connection to the spine road and/or the multi-use trail adjacent to the spine road.
 - 1.3. Architecturally, they should relate to the public entrance elements of the large-footprint users or the commercial/retail buildings in the urban core.
 - 1.4. The height of each building shall be limited by code and zoning ordinance as well as specific tenant requirements. Mechanical equipment shall be screened from view utilizing roof-top equipment or, if ground mounted, fencing and/or landscaping. Tenant entrance elements should exceed the height of the main building form.

2. Edge Definition and Screening

- 2.1. Fences and walls shall be architecturally consistent with the building designs. Walls are to be made of a combination of materials, including concrete, brick, decorative cmu, siding, stone, and to a limited extent, stucco. Fences and privacy screens are to be made of wood pickets, pvc lumber, wrought iron, vinyl board on board fencing, or painted metal. Chain link fences are not permitted unless screened with landscaping. Landscaping may be used in conjunction with fences and walls to better define edges or screen views and activities.



3. Scale and Articulation

- 3.1. Scale is the relationship in size between buildings and the human form. Articulation is the way in which architectural elements are used to reduce the scale of the masses that compose the building form. Buildings shall be designed to appear smaller through the articulation of the overall massing and



organizing it as a collection of smaller component masses. The use of architectural elements such as bays, balconies, porches, loggias and arcades add interest to building facades and aid in

relating the scale of any building to human dimensions. Roofs may be articulated through the use of dormers, lanterns, monitors, widow's watches and other roof-top elements. Each of these devices adds character and interest to the buildings of the development which, in turn, reinforces the village character intended by these guidelines.

- 3.2.** There shall be an adequate variety of architectural elements along all facades to distinguish individual tenants while remaining stylistically consistent within the entire development.

4. Building Elements

4.1. Building Materials - General

- 4.1.1.** Building walls: brick, concrete, metal panel, clad wood, wood shingle, wood clapboard, wood board and batten, and fiber cement siding. Stucco and/or EIFS is allowable on a limited basis only (less than 20% of a given façade)
- 4.1.2.** Exposed Foundation Walls: Brick or brick facing, or stucco finished poured concrete or concrete block.
- 4.1.3.** Materials shall transition and terminate appropriately. If a material transition is desired, such transition shall occur at interior corners, not outside corners. Materials shall be utilized to express component massing and shall not be treated as surface decoration. No more than two wall materials may occur on any individual building.
- 4.1.4.** Arcades and colonnades: brick, stucco, wood, poly-stone, fiberglass, structural steel (painted), and structural aluminum.
- 4.1.5.** Porches, columns: painted wood, cellular pvc, painted metal, poly-stone, fiberglass, structural steel (painted), and structural aluminum.
- 4.1.6.** Posts, spindles, balusters: painted wood, cellular pvc, painted metal, poly-stone, fiberglass
- 4.1.7.** Stoops, exterior stairs: brick, wood, or steel
- 4.1.8.** Decks: steel, concrete, wood, composite lumber, or high quality synthetic wood decking
- 4.1.9.** Awning and canopies: canvas-covered metal or wood structure, structural steel (painted), and structural aluminum.

4.2. Roofs

4.2.1. Recommended Materials

- Roofs: Metal Panel Wood shingles, galvanized or painted metal seamed, copper, lead-coated copper, slate, synthetic slate, architectural grade asphalt or fiberglass shingle.
- Live Roofs: Live roofs are permissible, to be approved on a case-by-case basis and should be integral to the architectural character of the entire building or screened by parapet.
- Gutters and downspouts: galvanized aluminum, painted metal, copper
- Exposed Flashing: copper, lead coated copper, galvanized aluminum

4.2.2. Roof Shapes

- Buildings shall have a varied character of industrial and traditionally shaped roofs.
- Principal Roofs: Gabled, hipped, hipped gables, gabled hips or gambrel in a symmetrical fashion with a slope of 6:12 to 12:12. Alternatively, the principal roof may be lower slope

or low-sloped and parapetted, if it is interrupted with secondary elements, similar to the large-footprint buildings.

- Parapets: Horizontal
- Dormers: Shed, Pitched or eyebrow
- Special roof-top elements: Symmetrically situated or aligned with the rhythm of structural bays and fenestration.
- Roof-top mechanical enclosures: Concealed from view by sloped roofs of the character described above.

4.3. Fenestration

- 4.3.1.** Window Glazing: Reflective glass (such as black spandrel) is unacceptable and will not be permitted. All window glazing should allow visibility to the interior of the building. Windows generally should be treated as “punched openings” in a façade, rather than as a siding or cladding material.
- 4.3.2.** Windows: steel or aluminum storefront, wood, painted metal, vinyl, metal clad wood
- 4.3.3.** Bay windows: wood, metal clad wood, painted metal, with metal tops
- 4.3.4.** Doors: painted wood, metal clad wood, painted metal, fiberglass resin
- 4.3.5.** Garage doors: metal roll up, painted wood, metal with incorporated glazing, clad wood
- 4.3.6.** Shutters: wood, fiberglass resin
- 4.3.7.** Security doors and grilles: metal

Urban Core, Generally

Building design in the “Urban Core”, as designated on the master plan, will be coordinated with regard to color, materials, architectural form and detailing to achieve design harmony, continuity, and horizontal and vertical relief and interest. This area will focus on pedestrian-scaled design, a mixing of uses within buildings where possible, and general design standards (such as landscaping, road design, etc.) that may be different from the design of the primary uses within an economic opportunity area. Building facades facing a road shall be designed with the same quality appearance as a front façade. No more than 25% of the required parking in the Urban Core shall be located between the building façades and Old Stage Road (Route 30 & 746). Any use incorporating a drive-through element shall not face Route 30.



Example of a proposed development evocative of nearby Toano

Urban Core Commercial/Retail Buildings

1. Commercial/Retail buildings are generally anticipated to be single-user buildings which are to have a village or small-urban scale. Simple, unadorned building massing is not acceptable.

- 1.1. They should be predominantly slope-roofed or heavily articulated parapet forms and designed to be seen from all four sides.
 - 1.2. Where drive-through windows are incorporated, they should not be located on the side of the building facing the public right-of-way.
 - 1.3. Parking for each building should be placed to the side or behind, away from the public right-of-way, Old Stage Road, and be screened with a landscaping device, such as a berm. Generally, it is anticipated the main entrance for each building will face a shared parking court. In such cases, there should also be a public entrance fronting Old Stage Road (or appear to front it). If the main entrance to the building faces to a side parking area, a well landscaped, prominent sidewalk should connect that entrance to the shared parking field as well as Old Stage Road.
 - 1.4. Each commercial/retail building shall also have a sidewalk connection to a common sidewalk to be constructed along Old Stage Road.
 - 1.5. Architecturally, they should relate to the hardscape and landscaping of spine road. While reference to corporate chain architecture is not prohibited, it must be customized to appear as part of a consistent development theme.
2. The height of each building shall be limited by code and zoning ordinance as well as specific tenant requirements. Mechanical equipment shall be screened from view utilizing roof-top equipment or, if ground mounted, fencing and/or landscaping. Tenant entrance elements should exceed the height of the main building form.

3. Edge Definition and Screening

- 3.1. Fences and walls shall be architecturally consistent with the building designs. Walls are to be made of a combination of materials, including brick, decorative cmu, siding, stone, and to a limited extent, stucco. Fences and privacy screens are to be made of wood pickets, pvc lumber, wrought iron, vinyl board on board fencing, or painted metal. Chain link fences are not permitted. Landscaping may be used in conjunction with fences and walls to better define edges or screen views and activities.



4. Scale and Articulation

- 4.1.** Scale is the relationship in size between buildings and the human form. Articulation is the way in which architectural elements are used to reduce the scale of the masses that compose the building form. Buildings shall be designed to appear smaller through the articulation of the overall massing and organizing it as a collection of smaller component masses. The use of architectural elements such as bays, balconies, porches, loggias and arcades add interest to building facades and aid in



relating the scale of any building to human dimensions. Roofs may be articulated through the use of dormers, lanterns, monitors, widow's watches and other roof-top elements. Each of these devices adds character and interest to the buildings of the development which, in turn, reinforces the village character intended by these guidelines.

- 4.2.** There shall be an adequate variety of architectural elements along all facades to distinguish individual shops while remaining stylistically consistent within the entire development.

5. Building Elements

5.1. Building Materials - General

- 5.1.1.** Building walls: brick, stucco, clad wood, wood shingle, wood clapboard, wood board and batten, and fiber cement siding.
- 5.1.2.** Exposed Foundation Walls: Brick or brick facing, or stucco finished poured concrete or concrete block.
- 5.1.3.** Materials shall transition and terminate appropriately. If a material transition is desired, such transition shall occur at interior corners, not outside corners. Materials shall be utilized to express component massing and shall not be treated as surface decoration. No more than two wall materials may occur on any individual building.
- 5.1.4.** Chimneys: brick, stucco, or tabby (coastal concrete)
- 5.1.5.** Arcades and colonnades: brick, stucco, wood, poly-stone, fiberglass
- 5.1.6.** Porches, columns: painted wood, cellular pvc, painted metal, poly-stone, fiberglass
- 5.1.7.** Posts, spindles, balusters: painted wood, cellular pvc, painted metal, poly-stone, fiberglass
- 5.1.8.** Stoops, exterior stairs: brick, wood, or steel
- 5.1.9.** Decks: wood, concrete, composite lumber, or high quality synthetic wood decking
- 5.1.10.** Awning and canopies: canvas-covered metal or wood structure

5.2. Roofs

5.2.1. Recommended Materials

5. Roofs: Wood shingles, galvanized or painted metal seamed, copper, lead-coated copper, slate, synthetic slate, architectural grade asphalt or fiberglass shingle.
6. Live Roofs: Live roofs are permissible, to be approved on a case-by-case basis and should be integral to the architectural character of the entire building.
7. Gutters and downspouts: galvanized aluminum, painted metal, copper
8. Flashing: copper, lead coated copper, galvanized aluminum

5.2.2. Roof Shapes

- Buildings shall have a varied character of traditionally shaped roofs.
- Principal Roofs: Gabled, hipped, hipped gables, gabled hips or gambrel in a symmetrical fashion with a slope of 6:12 to 12:12.
- Secondary Roofs: Shed with minimum slope of 2:12.
- Flat Roofs: Permitted as a primary roof when interrupted with other sloped or parapeted roof elements. Permitted as a secondary roof when in the form of a special rooftop element or tower. Flat roofs generally are to have parapets, balustrades or railings.
- Parapets: Horizontal
- Dormers: Shed, Pitched or eyebrow
- Special roof-top elements: Symmetrically situated or aligned with the rhythm of structural bays and fenestration.
- Roof-top mechanical enclosures: Concealed from view by sloped roofs of the character described above.

5.3. Fenestration

- 5.3.1. Window Glazing: Reflective glass (such as black spandrel) is unacceptable and will not be permitted. All window glazing should allow visibility to the interior of the building. Windows generally should be treated as “punched openings” in a façade, rather than as a siding or cladding material.

- 5.3.2. Recommended Materials

- Windows: wood, painted metal, vinyl, metal clad wood
- Bay windows: wood, metal clad wood, painted metal, with metal tops
- Doors: painted wood, metal clad wood, painted metal, fiberglass resin
- Garage doors: painted wood, metal with incorporated glazing, clad wood
- Shutters: wood, fiberglass resin
- Security doors and grilles: metal

- 5.3.3. Configuration

- Windows: Rectangular with a minimum proportion of 1.5 vertical to 1 horizontal.
- Bay windows: rectangular or chamfered.
- Doors: rectangular with rectangular transoms, if used. Glazing within doors shall be consistent with window glazing.
- Garage doors: 16' max. in width, articulated to appear as multiple doors where possible.

- Shutters: Operable or given the convincing appearance of being operable and sized to fully cover the opening.
- Security doors and grilles: metal
- Service Doors (rear facade only): Overhead coiling metal or folding metal.

Special Requirements for Specific Building Types

There are several building types which, under the Economic Opportunity zoning category, would require a Special Use Permit approval. However, to expedite the development of the project in the future, the proposed zoning application seeks approval of these specific, special uses:

- Fast Food Restaurants
- Truck Terminals
- Heavy Equipment and/or Machinery Sales and Service
- Large Manufacture and Processing of Textiles Facilities

Understanding that these uses typically require a Special Use Permit in order to address exceptional externalities characteristic of their use, below is a listing of additional design constraints for each. Please note that each type is also restricted to certain areas of the master plan, within the parcel. As such, each would be constrained by the specific requirements of that area, as described above, as well as the additional requirements of this section.

- 1. Fast Food Restaurants:** Fast Food Restaurants will be limited to the Urban Core area. While national and regional franchise facilities are anticipated, unmodified standard corporate building designs will generally not be acceptable. Corporate building models must be modified to be in keeping with the guidelines above. Allusions to standard corporate elements may be acceptable, unless inconsistent with the guidelines and local vernacular/rural/historic architecture. Other specific requirements include:
 - 1.1.** Drive-through windows/canopies, when utilized, should face a public way (such as Old Stage Road) and be developed as a entry or porch element, matching the design and building materials of the fast-food restaurant.
 - 1.2.** Drive-through lanes, when provided, should not wrap more than two sides of the building and allow for a prominent, pedestrian entrance without conflict with the drive-through queue.
 - 1.3.** A sidewalk must extend from the main entrance to a sidewalk along any adjacent pedestrian ways.
- 2. Truck Terminals:** Truck Terminals will be limited to the Large Building Footprint areas. In addition to the criteria above, the loading docks of these facilities may not face toward the Spine Road. If perpendicular to the Spine Road, the loading dock and docked trucks must be effectively screened by structure or evergreen landscaping of adequate size and thickness.

3. Heavy Equipment and/or Machinery Sales and Service: These facilities are not allowed in the Urban Core. In addition to the criteria above, the following restrictions will also apply:
 - 3.1. Exterior display of equipment and vehicles for sale will be limited to areas that are designed for that purpose, and designated as such on an approved site plan. These areas may be landscaped in such a way as to appear coordinated with the overall site landscaping when not in use. Lawns and Landscaping should also be designed so as to accommodate traffic and long periods of shade.
 - 3.2. Garage Doors shall not face the Spine Road.
 - 3.3. Areas for the queuing of vehicles to be serviced or for vehicles which have been serviced shall be screened from the Spine Road and adjacent properties.
4. Manufacture and Processing of Textiles Facilities (in excess of 10,000 sf): These facilities will be limited to those areas designated for large footprint users. In addition to the applicable requirements above, these facilities must be designed with adequate waste collection and treatment areas. Any exterior areas used for storage of supplies, collection of waste, or treatment of waste water, shall be fully screened from view by structures and be contained to fully protect them from negatively impacting the environment.
5. Convenience Stores: Convenience Stores shall be designed so as to safely and effectively separate vehicular from pedestrian traffic with techniques that allow for convenient access by automobile but without sacrificing pedestrian access and connectivity. Convenience Stores with Fuel Sales and canopy must have a canopy that is visually subservient to the main store building. Canopies must relate to the store building architecturally in form, color and materials. This includes columns, ceilings, and all exposed trim, fascias and roofing. The roof element itself shall reference vernacular roof forms (gabled, hipped, mono-pitched, mansard, etc..) while being consistent with the main building form. A predominant ceiling height is limited to 15' maximum, so as not to dominate the main building form. Use of exposed trusses and/or decorative elements that reduce the industrial feel of the canopy is strongly encouraged. There shall be no more than two signs on the canopy and shall be integrated into the canopy design so as not to appear "mounted" as an afterthought. Halo lighting is allowed. The background of any backlit signs shall be opaque, allowing only lettering and logos to broadcast light. String or tape lighting is not allowed. Electronic lettering in canopy signs is not allowed.

Landscape and Open Space Standards

General Requirements

Landscaped open spaces, parking areas and pedestrian ways shall have emphasis placed on their edges either with buildings or plantings to create the effect of "outdoor rooms." Walk-ways adjacent to

buildings shall reinforce the sense of a public street. Walk-ways adjacent to open spaces shall be lined with trees to reinforce the edge of the open space. All dumpsters, ground mounted HVAC, mechanical units and cart corrals which are adjacent to buildings shall be screened by an enclosure composed of masonry, closed cell PVC, prefinished metal or cementitious panels, in detail and colors to blend with adjacent building materials. Where present, such features shall be shown on the site plan for the adjacent building, and shall be reviewed and approved by the Director of Planning for consistency with this condition.

The following apply generally to all areas, except where specifically identified.

Open Spaces and Pedestrian Ways

Pedestrian ways are to be planted with trees spaced a maximum of 40' o.c. Shade/Canopy type trees are the preferred tree type for all formal open spaces; ornamental trees may be used to emphasize special open spaces and pedestrian ways. In all cases, species and planting sizes are to be selected to be in keeping with the scale of the space in which they will reside. Street-lights shall be provided in public ways and along the multi-use trail and sidewalk system and shall be spaced so-as not to conflict with tree plantings and be of a pedestrian scale and design, a maximum of 16' in height.



Parking Areas

Parking shall be arranged in simple, rational parking enclaves.

Landscaping within parking enclaves shall be minimized in favor of more effective landscaping at their perimeter for screening.

Parking layout is to be simple and logical. Fencing and landscape screening is to be utilized to effectively screen parking areas from adjacent properties, public right-of-ways and the spine road. Lighting in parking areas shall be taller than the pedestrian oriented fixtures, providing a reasonable degree of ambient lighting for public safety.



Parking layout for large users (such as warehouses, manufacturing facilities, distribution centers, etc..) should be organized for functional efficiency of the large vehicles or large number of vehicles they may have to accommodate. Consideration should be given for separate visitor parking and effective natural screening of loading dock and employee parking areas.

Signage

Signs are to be submitted as part of building design and park design submissions.



All freestanding signage, including entrance signage located at the Property's two entrances as shown on the Master Plan, shall be externally illuminated monument-style signs. The base of the signs shall be brick or shall use materials similar in type and color with the site architecture. The design of the signs shall be approved by the Director of Planning prior to final site plan approval for consistency with this condition.

Monument signs are encouraged. Pedestrian oriented, architecturally detailed signs are also encouraged. Wall-mounted blade signs and simple pole-mounted signs are prohibited.

Building face signs must be coordinated with the architectural design of the building and sized to fit naturally into a sign band or other location anticipated in the building design. Roof mounted signs are prohibited.



Where allowed by ordinance, a secondary building face sign facing a public street is allowed, but must be sized and designed to coordinate with the building architecture.

Large single users (such as warehouses, manufacturing facilities, distribution centers, etc..) are encouraged to size building face signage appropriate to the distance at which they will be viewed, consistent with the James City County sign ordinance, designed tastefully as an architectural element in and of itself.

Large single users are encouraged to provide directional signage for both vehicular and pedestrian way-finding. Such signage may include logos and should be in keeping with the particular developer's architectural theme.

All signs must conform with the James City County sign ordinances and be approved by James City County subsequent to approval by the developer.

It is anticipated there will be significant entrance elements with tasteful monument signage at the two entrances to the property. These design elements may but need not relate to the Village entrance element, but should be consistent with each other in material and character. Monument signs shall comply with the James City County zoning ordinance, should identify the development, and may include names of major businesses within.



RESOLUTION

CASE NO. SUP-19-0005 HAZELWOOD FARMS - ENTERPRISE CENTER

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. Tim Trant of Kaufman & Canoles, P.C. has applied on behalf of Hazelwood Farms L.L.C., HHD L.C., Larry L. Hazelwood, Deborah H Drudge, and R.M. Hazelwood, III, for an SUP on properties at 301 Old Stage Road, 9211 Old Stage Road, 275 Old Stage Road, and the portion of 9400 Barnes Road located south of Interstate 64, further identified, respectively, as James City County Real Estate Tax Map Parcel Nos. 0440100015, 0440100014, 0440100013, and that portion of 0430100017 lying south of Interstate 64 (collectively the "Property"); and

WHEREAS, the requested SUP on the Property would allow for fast food restaurants; the manufacture and processing of textiles and textile products in structures more than 10,000 square feet; heavy equipment sales and service with major repair under cover or screened with landscaping and fencing from adjacent property; machinery sales and service with major repair under cover; a convenience store pursuant to Section 24-11(a)(1); any commercial building or group of buildings that exceeds 10,000 square feet of floor area pursuant to Section 24-11(a)(2) of the County Code; any commercial building or group of buildings, not including office uses, which generates, or would be expected to generate, a total of 100 or more additional trips to and from the site during the peak hour of the operation pursuant to Section 24-11(a)(3) of the County Code; buildings, additions, and expansions requiring an SUP pursuant to Section 24-11(b) of the County Code; and the extension of public water and sewer facilities at; and

WHEREAS, the Planning Commission, following its public hearing on January 5, 2022, recommended approval of Case No. SUP-19-0005 by a vote of 4-2; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-19-0005 and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2045 Comprehensive Plan Land Use Map designation for the Property.

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 the issuance of Case No. SUP-19-0005 as described herein with the following conditions:

1. Master Plan. This SUP shall be valid for approximately 328 acres of property located at 301 Old Stage Road, 9211 Old Stage Road, 275 Old Stage Road, and the portion of 9400 Barnes Road located south of Interstate 64, further identified, respectively, as James City County Real Estate Tax Map Parcel Nos. 0440100015, 0440100014, 0440100013, and the portion of 0430100017 lying south of Interstate 64 (collectively the "Property"). Development of the Property shall be generally in accordance with the master plan entitled "Master Plan for Rezoning of Enterprise Center at Hazelwood Farms" prepared by AES Consulting Engineers, dated 12/07/21 (the "Master Plan") and the design guidelines entitled "Design Guidelines for Hazelwood Farms Enterprise Center," prepared by Hopke & Associates, dated 12/08/21 (the "Design Guidelines"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.
2. Specially Permitted Uses. This SUP shall be valid for the following specially permitted uses under the James City County Code, as amended ("County Code"):
 - A. In accordance with Section 24-536.4 of the County Code:
 - A Fast-Food Restaurant (see Condition No. 24);
 - Manufacture and processing of textiles and textile products in structures more than 10,000 square feet (see Condition No. 22);
 - Heavy equipment sales and service with major repair under cover or screened with landscaping and fencing from adjacent property (see Condition No. 23);
 - Machinery sales and service with major repair under cover (see Condition No. 23); and
 - Water facilities (public), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions (see Condition No. 25).
 - B. This SUP shall also be valid for one convenience store pursuant to Section 24-11(a)(1) (see Condition No. 21), any commercial building or group of buildings that exceeds 10,000 square feet of floor area pursuant to Section 24-11(a)(2) of the County Code, and any commercial building or group of buildings, not including office uses, which generates, or would be expected to generate, a total of 100 or more additional trips to and from the site during the peak hour of the operation pursuant to Section 24-11(a)(3) of the County Code, and buildings, additions, and expansions requiring a special use permit pursuant to Section 24-11(b) of the County Code; however, such commercial building, group of buildings, and additions or expansions thereto shall be limited to any permitted uses under Section 24-536.4 of the County Code, as amended, and those special uses permitted by this SUP. Furthermore, the uses authorized in this condition by 24-11(a)(2), 24-11(a)(3), and 24-11(b) shall not exceed a total of 75,000 square feet of commercial as referenced on the Master Plan. The use limitations within Condition No. 2 are not applicable to those uses not subject to 24-11(a)(2) and 24-11(a)(3). The uses within such square footage are further subject to the following restrictions:
 - i. There shall be no more than one fast-food restaurant, one convenience store, and one bank with drive-through on the Property without amendment of these conditions and proffers.
 - ii. The uses identified in subsection (i) shall be located within the Frontage Retail Area, as shown on the Master Plan.

- iii. Drive-through windows for the uses identified in subsection (i) shall be screened from Route 30 and Old Stage Road (Route 746) with landscaping and/or fencing as determined by the Director of Planning.
 - iv. Any fast-food restaurant within the approved commercial square footage on the Property shall also be subject to Condition No. 24 of this SUP.
3. Square Footage Limitations. Development of the Property shall not exceed the following: (i) 3,220,000 square feet of combined warehouse, industrial, or office use; and (ii) 75,000 square feet of commercial use. In order to accurately track the progression of the development of the Property and requirements of this condition, each site plan or subdivision plan for any development within the Property shall include a then-current accounting of the square footage of development that has previously been approved by the County and that is proposed by the plan being submitted for review. Such accounting shall be in a form reasonably acceptable to the Director of Planning.
4. Conservation and Irrigation. The developer and designing engineer shall take into consideration the design of stormwater systems that can be used to collect stormwater for outdoor water use for the entire development. Prior to development plan approval, the General Manager of the James City Service Authority (JCSA) and the Director of the Stormwater and Resource Protection Division or their designees shall confirm in writing that such design has been considered. Only surface water collected from surface water impoundments, or water taken from an underground cistern, may be used for irrigation on the Property. In no circumstances shall the JCSA public water supply be used for irrigation. If the Owner demonstrates to the satisfaction and approval of the JCSA General Manager through drainage area studies and irrigation water budgets that the impoundments cannot provide sufficient water for all irrigation, the General Manager may, in writing, approve a shallow (less than 100 feet) irrigation well to supplement the water provided by the impoundments or cisterns.
5. Street Trees. Street trees shall be planted along the entirety of the spine road and placed in such a way as to establish a streetscape effect. The initial development plan for the spine road shall include a landscape plan showing the proposed street trees, subject to approval by the Director of Planning or designee. The street trees shall be guaranteed prior to approval of the spine road construction plan and each development plan adjacent to the spine road shall include the required plantings. The required street tree plantings for each development plan shall be installed prior to issuance of any Certificate of Occupancy, unless another timeline for planting has been approved by the Director of Planning.
6. Route 30 and Route 746 Buffer. Prior to final approval of any site plan in Land Area 3, the Director of Planning or designee shall review and approve a landscape plan for the entirety of Land Area 3. The landscape plan for Land Area 3 shall provide a 50-foot vegetated community character corridor buffer along the right-of-way for Route 30 and the right-of-way for Route 746 in accordance with Section 24-98 of the Zoning Ordinance. Any disturbance or grading into this area shall be the minimum necessary and shall require additional plantings consisting of no less than 125% of the required plantings per the Ordinance or as may be otherwise approved by the Director of Planning, such that at maturity the plantings match or exceed the mature height and density of trees and shrubs within the buffer. In areas of the buffer that are currently comprised of mature forest, as defined in Section 24-98 of the Zoning Ordinance, the buffer shall be left undisturbed in its natural state. In areas of the buffer that are not completely comprised of mature forest, as defined in Section 24-98 of the Zoning Ordinance, supplemental evergreen shrubs and trees shall be required. In areas of the buffer where little or no vegetation exists, as determined by

the Director of Planning or designee, the buffer shall be landscaped to the provisions of Section 24-96 of the Zoning Ordinance for General Landscape Areas. The landscaping detailed in this condition shall be shown as part of the initial site plan or shall be submitted as a separate plan concurrent with the initial site plan in Land Area 3. All landscaping on the landscape plan shall be guaranteed prior to site plan approval. The landscaping shown on the approved landscape plans for Land Area 3 shall be installed within 12 months of the final site plan approval, unless another timeline for planting has been approved by the Director of Planning.

7. Interstate 64 Buffer. Prior to final approval of any site plan in Land Area 1, Land Area 2, or Land Area 3, the Director of Planning or designee shall review and approve a landscape plan for the Land Area(s). The landscape plan for the Land Area shall provide a 50-foot vegetated buffer along the Interstate 64 right-of-way and be landscaped to the provisions of Section 24-98 of the Zoning Ordinance, except that the required tree and shrubs mixture be modified to require 45% of all proposed trees and shrubs within the 50-foot-wide vegetated buffer to be evergreen, with at least 45% of evergreen trees achieving a minimum height at maturity of 40 feet. Any disturbance or grading into this area shall be the minimum necessary and shall require additional plantings consisting of no less than 125% of the required plantings per the Ordinance or as may be otherwise approved by the Director of Planning, such that at maturity the plantings match or exceed the mature height and density of trees and shrubs within the buffer. In areas of the buffer that are currently comprised of mature forest, as defined in Section 24-98 of the Zoning Ordinance, the buffer shall be left undisturbed in its natural state. In areas of the buffer that are not completely comprised of mature forest, as defined in Section 24-98 of the Zoning Ordinance, supplemental evergreen shrubs and trees shall be required. In areas of the buffer where little or no vegetation exists, as determined by the Director of Planning or designee, the buffer shall be landscaped to the provisions of Section 24-96 of the Zoning Ordinance for General Landscape Areas. The landscaping detailed in this condition shall be shown as part of the initial site plan or shall be submitted as a separate plan concurrent with the initial site plan in Land Area 1, Land Area 2, or Land Area 3. All landscaping on the landscape plan shall be guaranteed prior to site plan approval. The landscaping shown on the approved landscape plans(s) for the relevant Land Area shall be installed within 12 months of the final site plan approval, unless another timeline for planting has been approved by the Director of Planning.
8. Barnes Road and Leisure Road Buffer. Prior to final approval of any site plan in Land Area 1, Land Area 4, or Land Area 6, the Director of Planning or designee shall review and approve a landscape plan for the Land Area(s). The landscape plan for the Land Area shall provide a 100-foot vegetated buffer along the Barnes Road right-of-way or Leisure Road right-of-way and be landscaped to the provisions of Section 24-98 of the Zoning Ordinance, except that the required tree and shrubs mixture be modified to require 45% of all proposed trees and shrubs within the 100-foot-wide vegetated buffer to be evergreen, with at least 45% of evergreen trees achieving a minimum height at maturity of 40 feet. Any disturbance or grading into this area shall be the minimum necessary and shall require additional plantings consisting of no less than 125% of the required plantings per the Ordinance or as may be otherwise approved by the Director of Planning, such that at maturity the plantings match or exceed the mature height and density of trees and shrubs within the buffer. In areas of the buffer that are currently comprised of mature forest, as defined in Section 24-98 of the Zoning Ordinance, the buffer shall be left undisturbed in its natural state. In areas of the buffer that are not completely comprised of mature forest, as defined in Section 24-98 of the Zoning Ordinance, supplemental evergreen shrubs and trees shall be required. In areas of the buffer where little or no vegetation exists, as determined by the Director of Planning or designee, the buffer shall be landscaped

to the provisions of Section 24-96 of the Zoning Ordinance for General Landscape Areas. The landscaping detailed in this condition shall be shown as part of the initial site plan or shall be submitted as a separate plan concurrent with the initial site plan in Land Area 1, Land Area 4, or Land Area 6. All landscaping on the landscape plan shall be guaranteed prior to site plan approval. The landscaping shown on the approved landscape plans(s) for the relevant Land Area shall be installed within 12 months of the final site plan approval, unless another timeline for planting has been approved by the Director of Planning.

9. *Bicycle and /Pedestrian Accommodations.*

- A. *Route 30 and Route 746.* A multiuse path shall be constructed along Route 30 and Route 746, as shown on the Master Plan. Prior to the issuance of a land disturbance permit for either Land Area 3 or Land Area 6, the multiuse path shall be guaranteed in a manner acceptable to the County Attorney. The multi-use path shall be constructed in its entirety prior to issuance of the first commercial Certificate of Occupancy.
- B. *Leisure Road.* As shown on the Master Plan, a multiuse path shall be constructed along the property line abutting Leisure Road. The multiuse path shall be guaranteed prior to issuance of a land disturbance permit within Land Area 6 and shall be installed in its entirety prior to issuance of the first Certificate of Occupancy within the Land Area. A connection from this multiuse path to the interior of Upper County Park shall be provided.

10. *Vehicular Access Restriction.* Access to the Property from Route 30 and Route 746 shall be restricted to "South Entrance #1" and "South Entrance #2" as shown on the Master Plan. No vehicular access shall be provided to the Enterprise Center from Barnes Road, except for emergency access, as determined by the Director of Planning. Such emergency access shall be designed to cross the Barnes Road Buffer at or near a perpendicular angle to the property line, with clearing kept to the minimum necessary to accommodate the access.

11. *Lighting.* All new exterior light fixtures on the Property, including building lighting, shall have recessed fixtures with no lens, bulb, or globe extending below the casing and a lighting plan shall be submitted to and approved by the Director of Planning or designee prior to final site plan approval for each development plan that includes new lighting. Each site plan shall include a lighting plan meeting the requirements of this condition. All light poles must not exceed twenty (20) feet in height and the lighting plan must indicate no glare outside the boundary lines of the Property unless otherwise approved in writing by the Director of Planning or designee. "Glare" is defined as more than 0.1 foot-candle at the boundary of the Property or any direct view of the lighting source from adjoining properties.

12. *Sustainable Design Initiatives.*

- A. Construction of all commercial buildings within Land Area 3 and any office or institutional building in Land Areas 1, 2, 4, 5, or 6 on the Master Plan shall achieve the equivalent of those credits that would be required to achieve the "Certified" level in the Leadership in Energy and Environmental Design (LEED) 2009 Certification program or whatever is equivalent from the LEED for New Construction and Major Renovations (based on the most current guidelines)(the "Credits") for each building. This shall include completion of all prerequisite items, except that for the Energy and Atmosphere category prerequisite No. 1, the Owner may choose to pursue Energy Star designation

or such other energy systems verification process as is approved in advance by the Director of Planning. In addition, for up to a maximum of 10% of the points needed to reach the LEED "Certified" level, the Owner may request that initiatives equivalent to, but not included on the LEED checklist as credits, be pursued instead. Any request for equivalent initiatives shall be submitted in writing as part of the process specified in (B) below, together with supporting documentation for review and approval by the Director of Planning. Documentation of the building energy performance shall be provided by a mechanical engineer to the Director of Planning before the Certificate of Occupancy for the initial building to demonstrate an improvement in efficiency of the building's thermal envelope, mechanical systems, and electrical systems over code-required baseline performance.

- B. Application for formal LEED certification by the United States Green Building Council (USGBC) is at the discretion of the Owner and is not required. If formal LEED certification is not pursued, compliance with this condition shall be monitored and verified to the County by a LEED Accredited Professional engaged by the Owner. The strategies to achieve the Credits will be incorporated into the construction documents either as part of the design, or as requirements for the contractor to substantiate during the course of construction. Compliance with the Credit requirements will be validated in a straightforward way through methods such as, but not limited to, review of contractor submittals, submission of design calculations, and letters certifying that requirements have been met. This validation will be overseen by a LEED-accredited professional and approved by the Director of Planning or designee with Credits related to the design of the project approved prior to issuance of the final site plan approval, and Credits related to the construction of the project approved prior to issuance any Certificate of Occupancy.
13. Architectural Review. Prior to each site plan approval for development within the Property, the Director of Planning shall review and approve the final architectural design of each proposed building to be consistent with the Design Guidelines. Each site plan shall include the final architectural design for all buildings shown and include general elevations of the buildings, as well as the view of the building for all sides visible from Old Stage Road (Route 30 and Route 746) or Leisure Road. A determination of substantial architectural consistency shall be required from the Director of Planning or designee. In the event the Director of Planning finds the design to be inconsistent with the Design Guidelines, the applicant may appeal the decision of the Director of Planning to the Development Review Committee which shall forward a recommendation to the Planning Commission.
14. Site Design.
- A. For Land Areas 3 and 6, any building façade facing a road shall be designed in appearance as a front façade. The intent of this condition is to ensure that the side and rear of buildings, when visible from a roadway, achieve the standards put forward within the Design Guidelines for the front façade. No more than 25% of the required parking in these areas shall be located in between the building and Old Stage Road (Route 30 and Route 746) or Leisure Road.
 - B. Any drive-through element for a use on the Property shall be located to the side or at the rear of the building and shall not face Route 30.

- C. All warehouse storage units operated as mini-storage shall be designed as a single footprint building. Warehouse storage units whereby individual storage units have an exterior access door are prohibited.
15. Freestanding Signage. All freestanding signage, including entrance signage located at the Property's two entrances as shown on the Master Plan, shall be externally illuminated monument-style signs, not to exceed 8 feet in height. The base of the signs shall be brick or shall use materials similar in type and color with the site architecture. The design of the signs shall be approved by the Director of Planning prior to final site plan approval for consistency with this condition.
16. Screening of Site Features. All dumpsters, ground mounted HVAC, mechanical units, and cart corrals which are adjacent to buildings shall be screened by an enclosure composed of masonry, closed cell PVC, prefinished metal or cementitious panels, in detail and colors to blend with adjacent building materials. Where present, such features shall be shown on the site plan for the adjacent building and shall be reviewed and approved by the Director of Planning for consistency with this condition.
17. Internal Traffic Signage Plan. An internal signage plan indicating the location of internal traffic signs and the orientation of vehicular flow within the Property shall be included along with the materials submitted for the initial site plan review process. The internal signage plan shall be reviewed and approved by the Director of Planning or designee, prior to final approval of the initial site plan for the Property. Thereafter, the internal signage plan may be amended with review and approval by the Director of Planning or designee.
18. Shared Maintenance of Site Improvements. All shared site improvements (including, but not limited to, utilities, stormwater facilities, landscaping, roads and parking lots, and lighting) shall be subject to appropriate shared maintenance commitments ensuring that the site improvements will be maintained continuously. Compliance with this condition as to the existence of such shared maintenance documentation shall be subject to review and approval of the County Attorney or designee prior to initial site plan approval.
19. Internal Pedestrian Accommodations. Internal pedestrian connections shall be provided on the Property, including, but not limited to, wherever sidewalks enter a parking area or cross any entrance to the Property or drive-through lane, and shall provide safe connections from any existing Williamsburg Area Transit Authority (WATA) bus stop. The connections shall be clearly delineated by use of a different color of pavement, brick pavers, or some other method determined to be acceptable by the Director of Planning.
20. Master Stormwater Management Plan. Development of the Property shall be governed by one or more Master Stormwater Management Plans (MSWMP). Each MSWMP shall address, at minimum, a Land Bay Area within the Property and shall be approved prior to the first site plan submittal for any such area. Furthermore, each MSWMP shall adhere to the following:
- A. Each land bay area will include a stormwater management facility designed to the standards and specifications current at the time of area development design. Furthermore, each land bay area as shown on the master plan will include no fewer than two treatment trains as part of the area master stormwater approach. Each of these trains will be required to contain at least three low impact development features, such as those noted on the submitted

plan set (*i.e.*, vegetated filter strip, permeable pavement, bioretention basin, dry swale, manufactured treatment device).

- B. The MSWMP shall comply with the standards of any adopted watershed management plan in place at time of submittal.
- C. If required by the watershed management plan adopted at the time of submittal, Special Stormwater Criteria (SSC) measures may not also be used to achieve required water quality requirements. At the time of an MSWMP submittal, specific SSC measures may be deemed unsuitable for the type of development as determined by the Director of Stormwater or designee.

21. Convenience Stores with Fuel Sales.

- A. *Outside Display, Sale, or Storage.* Unless otherwise stated in this condition, no outside display, sale, or storage of merchandise shall be permitted at the Property. As used for this condition, the term “merchandise” includes, but is not limited to ice, soda, candy, and/or snack machines. For the convenience store, only two outside vending machines and one outside ice chest shall be permitted and, if used, shall be situated against the exterior wall not facing Route 30 and screened with building materials similar in type and color with the site architecture to minimize visual impacts from adjacent road rights-of-way. Final screening design shall be approved by the Director of Planning as part of the initial site plan submittal.
- B. *Use Design.* The convenience store shall not be designed as a truck stop, as defined within the Zoning Ordinance.
- C. *Intercom and Speaker Noise.* All intercom and other speaker systems on the Property shall operate in such a manner that they shall not be audible from adjacent developments within the same Land Area.
- D. *Fueling Islands.* There shall be no more than six (6) fueling islands associated with the convenience store.
- E. *Landscaping.* Prior to final site plan approval, a landscape plan shall be submitted showing adequate screening of the fuel islands from internal uses and/or external properties through the use of landscaped islands and/or medians. The islands and/or medians shall be a minimum of 5 feet wide in order to accommodate landscaping adjacent to the boundaries of the site. Evergreen plantings with a minimum of 3 feet tall shall be planted in these medians to adequately screen the fuel islands. The Director of Planning shall determine whether the screening is adequate prior to final site plan approval. Landscaping for the islands/medians shall be installed and/or bonded prior to the issuance of a temporary Certificate of Occupancy.
- F. *Architectural Review.* The architecture of any canopy, including any columns, shall match the primary colors, design, and exterior building materials of the convenience store. The canopies shall have a mansard roof design, as determined by the Director of Planning. Any canopy shall have a maximum height of 15 feet measured from the finished grade to the underside of the canopy. The Canopy shall not include signage that involves backlighting or electronic lettering. There shall be no more than two signs on the canopy.

- G. *Spill Prevention, Control and Countermeasures (SPCC) Plan.* Prior to the issuance of a Land Disturbing Permit, an SPCC Plan shall be reviewed and approved by the Director of Stormwater and Resource Protection. The SPCC Plan shall address chemical handling, including, but not limited to, oil, diesel, and gasoline.

22. Manufacturing and Processing of Textiles.

- A. *Outside Storage of Materials.* No outside display, sale, or storage of materials shall be permitted at the Property. For the purpose of this condition, "materials" shall include, but not be limited to, chemicals, dyes, fabrics, etc. Off-chassis shipping containers, storage barrels, and other containers are prohibited.
- B. *Location.* All facilities for the manufacturing and processing of textiles shall be located in either Land Areas 1, 2, or 5. There shall be a minimum setback of 1,000 feet from the Barnes Road right-of-way for any structure for this use proposed in Land Area 1. An additional landscape plan showing enhanced buffering and landscaping to accomplish screening consistent with Section 24-100 of the Zoning Ordinance shall be submitted for review and approval by the County Director of Planning prior to site plan approval. The purpose of the enhanced buffering and landscaping plan is to demonstrate that the use is fully screened from roadways external to the Property and any residential uses.
- C. *Spill Prevention, Control and Countermeasures (SPCC) Plan.* Prior to the issuance of a Land Disturbing Permit, an SPCC Plan shall be reviewed and approved by the Director of Stormwater and Resource Protection. The SPCC Plan shall address chemical handling, including, but not limited to, oil, diesel, dyes, and gasoline.
- D. *Limitation on Use.* Any such manufacturing and processing of textiles use shall be conducted within a fully enclosed building, with no outside evidence of dust, noise, odor, or other objectionable effect.

23. Heavy Equipment Sales and Service and Machinery Sales and Services.

- A. *Location.* All facilities for heavy equipment sales and service or machinery sales and service shall be located in either Land Areas 1, 2, or 5. There shall be a minimum setback of 1,000 feet from the Barnes Road right-of-way for any structure for this use proposed in Land Area 1. An additional landscape plan showing enhanced buffering and landscaping to accomplish screening consistent with Section 24-100 of the Zoning Ordinance shall be submitted for review and approval by the Director of Planning prior to site plan approval. The purpose of the enhanced buffering and landscaping plan is to demonstrate that the use is fully screened from roadways external to the Property and any residential uses.
- B. *Spill Prevention, Control and Countermeasures (SPCC) Plan.* Prior to the issuance of a Land Disturbing Permit, an SPCC Plan shall be reviewed and approved by the Director of Stormwater and Resource Protection. The SPCC Plan shall address chemical handling, including, but not limited to, oil, diesel, and gasoline.

- C. *Outside Storage of Materials.* Except as described in subsection D below, no outside storage of materials or merchandise shall be permitted at the Property without being fully screened via landscaping or fencing, which is to be shown on the site plan and reviewed and approved by the Director of Planning. Materials and merchandise include, but not be limited to, off-chassis shipping containers and equipment utilized for repair and servicing.
- D. *Outside Display, Sale.* The outside display or sale (wholesale, retail, or otherwise) of merchandise shall be permitted only on the locations on the Property detailed on the site plan accompanying this proposal. The site plan shall show all adequate features needed, as determined by the Director of Planning, to mitigate visual impacts of this display or sale on adjacent properties. These features include, but are not limited to, landscaping, berming, buffering, vehicular display pad spacing requirements, etc.
- E. *Fencing.* Except as described in subsection D above, on-site fencing shall be of sufficient height and design to screen all vehicles and material related to the use on the Property from view of the spine road right-of-way and all adjacent rights-of-way. Fencing shall be shown on the site plan and approved by the Director of Planning prior to site plan approval.
- F. *Maintenance to be Enclosed.* All maintenance is to occur only within a fully enclosed building. All noise, dust, and odor effects from any maintenance work shall be limited to a fully enclosed building.

24. *Fast-Food Restaurant.*


- A. *Signage.* All building face signage shall be externally illuminated or use back-lit or channeled lettered lighting as defined in Section 24-67 of the Zoning Ordinance. For any back-lit or channeled lettered signs, the sign shall meet the criteria listed in Section 24-72 of the Zoning Ordinance, or successor section.
- B. *Screening.* The food order board(s) and drive-through pick up window(s) shall be screened from Route 30 with landscaping and/or fencing, as determined by the Director of Planning or designee.
- C. *Outside Display, Sale, or Storage.* No outside display, sale, or storage of merchandise shall be permitted on the Property.
- D. *Intercom and Speaker Noise.* All intercom and other speaker systems on the Property shall operate in such a manner that they shall not be audible from adjacent developments.
- E. *Architectural Review - Fast Food Canopy.* The architecture of any canopy accessory to a fast-food restaurant shall match the design and exterior building materials of the fast-food restaurant, in accordance with the "Design Guidelines for Hazelwood Farms Enterprise Center" and dated December 8, 2021. Final design of the canopy shall be reviewed and approved by the Director of Planning prior to site plan approval.

25. *Water and Sewer Facilities.*

- A. *Use.* This SUP shall be valid for the installation of a force main and water main, each a diameter of 4 inches or greater, within the VDOT right-of-way for Barhamsville Road (Route 30) from the intersection of La Grange Parkway

and Barhamsville Road (Route 30) north along Barhamsville Road to the intersection of Old Stage Road (Route 746), then extending south along Old Stage Road (Route 746) to then extend along the proposed public road to serve the Property. A water main loop may be installed from the proposed public road on the Property under Interstate 64 to serve parcels to the north of the interstate.

- B. *Construction Hours.* The hours of construction of the water and sewer facilities shall be limited to daylight hours, Monday through Friday. Limited night and weekend work may be approved by the Director of Planning if requested in advance and it is determined that such work will not negatively affect surrounding properties.
 - C. *Replanting.* Prior to issuance of a Land Disturbing Permit, a plan addressing the replanting of disturbed vegetation within the right-of-way shall be submitted and approved by the Director of Planning or designee. The intent of the plan is to restore the area to pre-land disturbing conditions.
 - D. *Lighting.* Unless required by safety codes, there shall be no new permanent lighting associated with the water and sewer facilities.
26. Commencement for Construction. Construction of one of these uses authorized within the SUP, excluding the public water and sewer facilities, shall commence within 60 months from the date of approval of this SUP or the SUP shall be void. Construction shall be defined as the first placement of permanent construction of a structure on the Property, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation. Construction does not include land preparation such as clearing, grading, or filling.
27. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.


John J. McGlennon
Chairman, Board of Supervisors

ATTEST:


Teresa J. Saeed
Deputy Clerk to the Board

ICENHOUR
HIPPLE
LARSON
SADLER
MCGLENNON

VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of February, 2022.

SUP19-5HazelwdFmsEC-res

Good Evening Tess,

Per our previous discussions, we are requesting a minor amendment to SUP-19-0005 Hazelwood Farms – Enterprise Center with regards to our building 6.

We are requesting the following change (shown as struck-through text) to SUP condition #14 A):

For Land Areas 3~~and 6~~, any building façade facing a road shall be designed in appearance as a front façade.

The intent of this condition is to ensure that... No more than 25% of the required parking in these areas shall

be located between the building and Old Stage Road (Route 30 and Route 746)~~or Leisure Road.~~

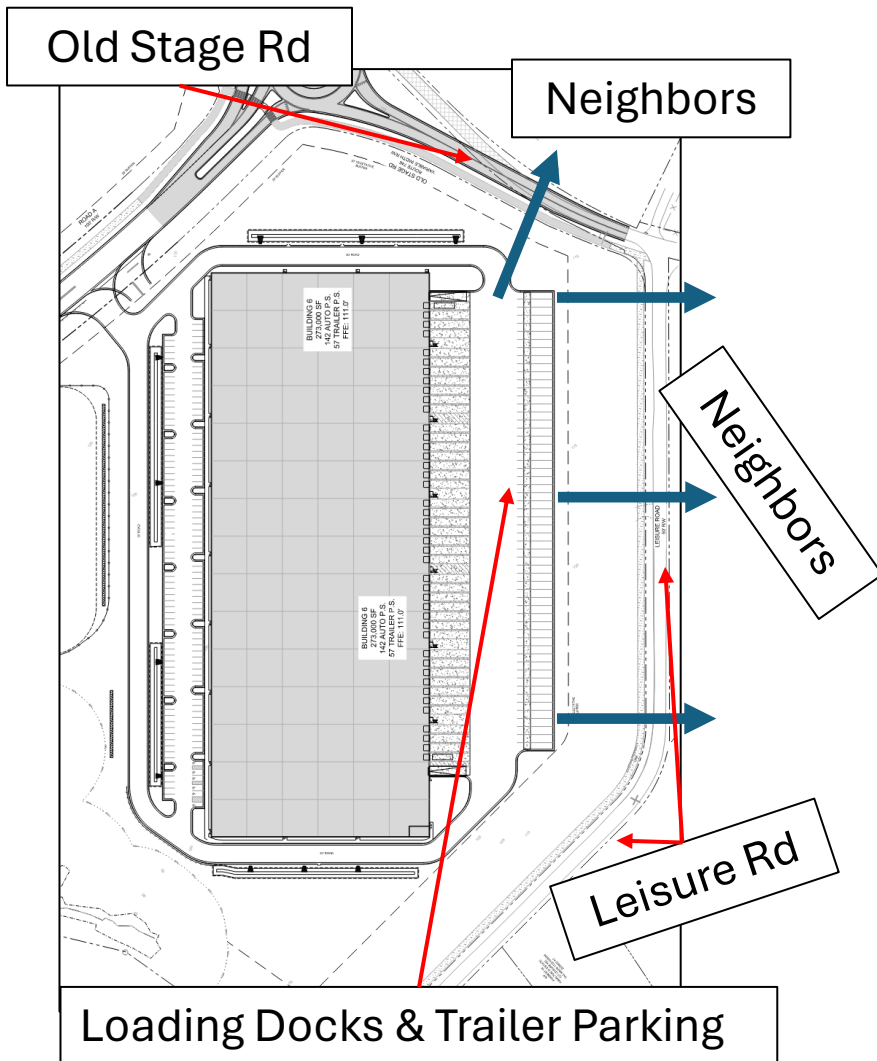
We are requesting this amendment for the following reasons:

- 1) This parking requirement was intended for commercial buildings that have a very different use/design from industrial buildings. It also has the unfortunate and unintended consequence of the loading dock area of the industrial building facing the neighbors and the public roads. For industrial buildings, the required auto/car parking is placed on the opposite side of the building for safety reasons and most importantly to separate the flow of car and truck traffic to opposite sides of the building. Also, this allows the employees to park next to the main entrance to the building.
- 2) Without this amendment, positioning the building's loading docks facing our neighbors and the public would make the project more disruptive to our neighbors and much less visually appealing to them and the public. This would also not be how we would prefer to develop our project as we like to have all loading and truck operations avoid facing the public as well.
- 3) By allowing us to rotate the building, we are able to use the building as an additional buffer between the loading operations and the public/our neighbors. This will not only visually block the operations from public view and esthetically enhance the project, but it will also help block the truck court lights from view as well as any noise that may occur during operations.
- 4) For the reasons stated above we have the urging and support of our neighbors, as well as the planning department, to amend this SUP condition as we are requesting. Although we are able to build this building by-right without any amendment, we care about how we design our projects and we would prefer, as would the county and our neighbors, to build it in a way that would be safer, more visually appealing and less impactful to all.

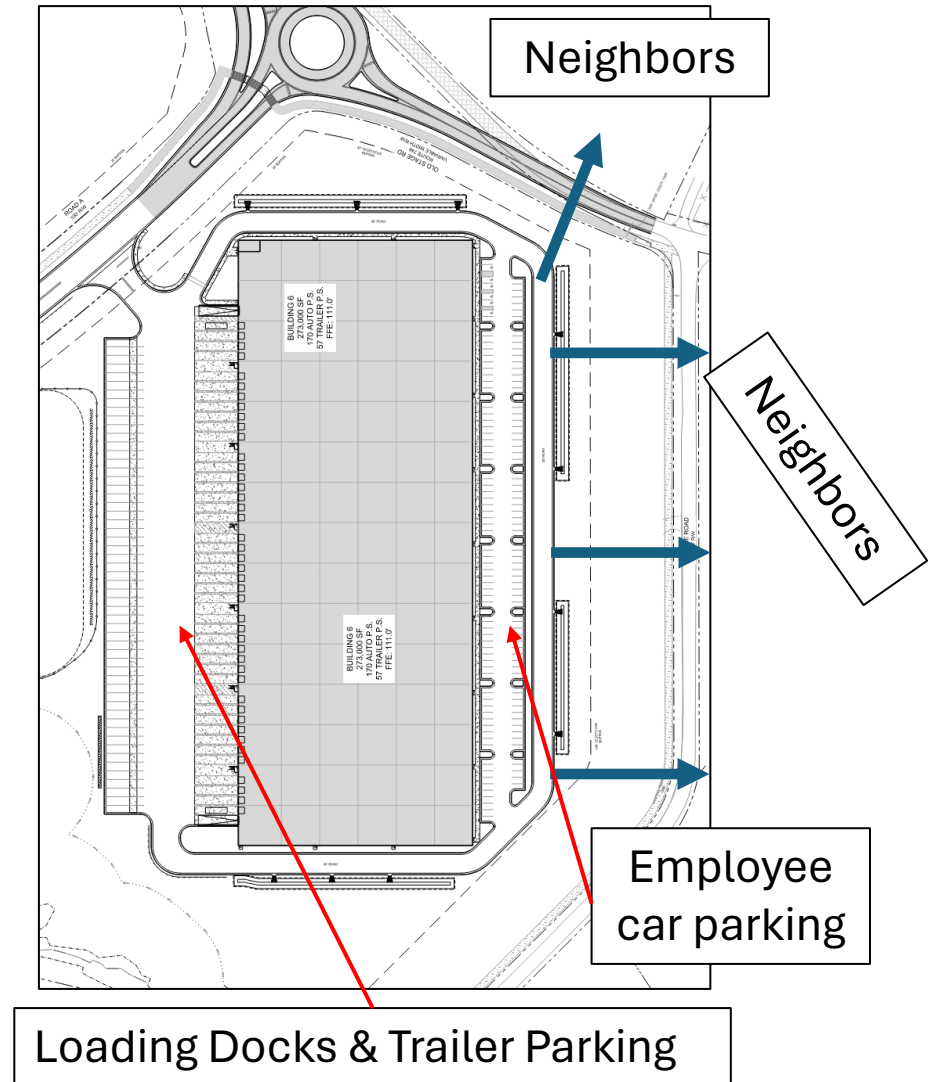
I have also attached a pdf that illustrates this issue as well as include some examples of the view of the front of an industrial building vs. the loading area.

Please reach out if there are any questions.

By-Right Building design without SUP Amendment



By-Right Building design **with** SUP Amendment



By-Right Building view without SUP Amendment



Examples from other project, not indicative of our design

By-Right Building view **with** SUP Amendment



Bldg design in renderings are old and not indicative of final design

REZONING-19-0006 and SUP-19-0005. Hazelwood Farms-The Enterprise Center

Staff Report for the February 8, 2022, Board of Supervisors Public Hearing

SUMMARY FACTS

Applicant: Mr. Tim Trant, Kaufman & Canoles, P.C.

Land Owners: Hazelwood Farms L.L.C., HHD, L.C.,
Larry L. Hazelwood, Deborah H. Drudge,
and R.M. Hazelwood, III

Proposal: Rezoning of approximately 328 acres from
A-1, General Agricultural and B-1, General
Business to EO, Economic Opportunity
with Proffers to allow for up to 3,220,000
square feet of warehouse/industrial/office
use and up to 75,000 square feet of
commercial

Accompanying this rezoning is a request
for a Special Use Permit (SUP) to allow for
the following:

- fast food restaurants;
- the manufacture and processing of tex-
tiles and textile products in structures
more than 10,000 square feet;
- heavy equipment sales and service with
major repair under cover or screened
with landscaping and fencing from
adjacent property;
- machinery sales and service with major
repair under cover;
- a convenience store pursuant to
Section 24-11(a)(1);
- any commercial building or group of
buildings that exceeds 10,000 square
feet of floor area pursuant to Section
24-11(a)(2) of the County Code;

- any commercial building or group of
buildings, not including office uses,
which generates, or would be expected
to generate, a total of 100 or more
additional trips to and from the site
during the peak hour of the operation
pursuant to Section 24-11(a)(3) of the
County Code; and buildings, additions,
and expansions requiring an SUP
pursuant to Section 24-11(b) of the
County Code; and
- extension of public water and sewer
facilities.

Locations: 301 Old Stage Road
9211 Old Stage Road
275 Old Stage Road
9400 Barnes Road (portion south of I-64)

Tax Map/Parcel Nos.: 0440100015
0440100014
0440100013
0430100017

Current Zoning: B-1, General Business
A-1, General Agricultural

Proposed Zoning: EO, Economic Opportunity with Proffers

Project Acreage: The four parcels together total ± 328 acres

Comprehensive Plan: Economic Opportunity

Primary Service Area: Inside
(PSA)

Staff Contact: Thomas Wysong, Senior Planner II

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.

REZONING-19-0006 and SUP-19-0005. Hazelwood Farms-The Enterprise Center

Staff Report for the February 8, 2022, Board of Supervisors Public Hearing

PUBLIC HEARING DATES

Planning Commission: October 6, 2021, 6:00 p.m. (postponed)

January 5, 2022, 6:00 p.m.

Board of Supervisors: February 8, 2022

FACTORS FAVORABLE

1. Staff finds the proposed primary uses for this rezoning, and those requested by the SUP, align with the recommended primary uses for the Economic Opportunity (EO) designation in the Barhamsville Interchange Area in the adopted Comprehensive Plan. The primary recommended uses include industrial, light industrial, office, medical/research, and/or tourist attraction uses.
2. Staff finds the proposal to be consistent with the Comprehensive Plan.
3. The applicant has proffered multiple transportation commitments that are intended to mitigate the proposed impacts of the development, improve the adjacent transportation network, and establish bicycle and pedestrian connections within the development and adjacent to nearby parcels.
4. The applicant has proffered to restrict access from Barnes Road, except for in the case of emergencies.
5. The applicant has proffered an overall master water and sanitary sewer plan in order to ensure the infrastructure is appropriately sized for total build-out and not handled on a section-by-section basis.
6. The applicant has proffered to complete water conservation standards to be approved by the James City Service Authority (JCSA).

7. The applicant has proffered design guidelines that exceed the requirements of the EO Zoning District.
8. With the voluntary proffers and the proposed SUP conditions, staff finds that the proposal will not negatively impact surrounding development.
9. This proposal passes the Adequate Transportation Facilities Test.
10. Impacts: See Impact Analysis on Pages 10-14.

FACTORS UNFAVORABLE

1. Impacts: See Impact Analysis on Pages 10-14.

CHANGES SINCE OCTOBER 6, 2021, PLANNING COMMISSION MEETING

In response to public comment received at the October 6, 2021, meeting, the applicant has revised the rezoning and SUP application proposal as follows:

SUP Application

- The applicant has removed the apartments and multifamily component from the SUP application. Therefore, no residential units are proposed as part of the Enterprise Center. Correspondingly, the SUP conditions specific to residential impacts have been removed.
- The applicant has removed the truck terminal component from the SUP application. Therefore, no truck terminals are proposed as part of the Enterprise Center. Correspondingly, the SUP conditions specific to the truck terminal have been removed.
- The applicant has increased the proposed square footage of the warehouse, industrial, and office uses from 2,920,000 to

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3,220,000. Correspondingly, the SUP conditions have been updated to address this addition, with a 100-foot buffer now required along the Leisure Road right-of-way.

Master Plan

- The applicant has removed the residential uses/associated recreation facilities from Land Bay 6 and proposed industrial, wholesale, warehouse, office, and institutional use in its place.
- The applicant has revised the Urban Core from containing Land Bays 3 and 6 to containing only Land Bay 3.

Proffers

- The applicant has removed the three proffers specific to residential construction (The proffered parks and recreation facilities, the residential phasing, and the sustainability of residential construction).

PLANNING COMMISSION RECOMMENDATION

At its January 5, 2022, regular meeting, the Planning Commission recommended approval of this application with proposed proffers and conditions by a vote of 4-2.

SUMMARY STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors approve the proposed rezoning and SUP application, subject to the proposed proffers and conditions.

PROJECT DESCRIPTION

Rezoning

Mr. Tim Trant has applied on behalf of Hazelwood Farms L.L.C. and Hazelwood, R.M. III Trustee & Larry L. Trustee & Drudge, Deborah H. Trustee to rezone approximately 328 acres of land located at 301 Old Stage Road, 9211 Old Stage Road, 275 Old Stage Road, and 9400 Barnes Road from A-1, General Agricultural and B-1, General Business to Economic Opportunity with proffers to allow for up to 3,220,000 square feet of warehouse/industrial/office use and up to 75,000 square feet of commercial.

Special Use Permit

Accompanying this rezoning is a request for an SUP to allow for certain uses which are listed in the EO District as specially permitted uses:

- fast food restaurants;
- the manufacture and processing of textiles and textile products in structures more than 10,000 square feet;
- heavy equipment sales and service with major repair under cover or screened with landscaping and fencing from adjacent property;
- machinery sales and service with major repair under cover; and
- extension of public water and sewer facilities.

In addition, the SUP request is to allow certain commercial uses or buildings as specified in Section 24-11:

- a convenience store pursuant to Section 24-11(a)(1);
- any commercial building or group of buildings that exceeds 10,000 square feet of floor area pursuant to Section 24-11(a)(2) of the County Code;

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- any commercial building or group of buildings, not including office uses, which generates, or would be expected to generate, a total of 100 or more additional trips to and from the site during the peak hour of the operation pursuant to Section 24-11(a)(3) of the County Code; and
- buildings, additions, and expansions requiring a special use permit pursuant to Section 24-11(b) of the County Code.

The proposed proffers would only allow for one fast food restaurant, one convenience store with fuel sales, and one bank with drive-through on the property.

Site Layout

The Hazelwood Farms Enterprise Center is intended to be a center of major employment within the County. The Enterprise Center is a long-term project, meaning the applicant does not currently know the end users of the site or the exact locations of each use being proposed. As such, the proposed master plan shows the general layout of the Enterprise Center and the uses designated for each of the seven Land Areas of the property.

Regarding public water and sewer, the site design proposes to extend a water transmission main and sewer force main from the intersection of La Grange Parkway and Route 30 (at the entrance of Stonehouse Industrial Park) along Route 30, connecting to Route 718, and then serving the Enterprise Center from within the spine road. This is a distance of just under one mile. The entirety of this corridor is located inside the PSA, with the extensions then being available to other properties that do not currently have access to utilities.

The site design proposes access to the property solely through the two entrances from Route 746 as shown on the master plan. An internal “spine road” (to be designed as a boulevard and built to Virginia Department of Transportation (VDOT) standards) is the major transportation infrastructure proposed to provide access to the

majority of the site. Bicycle and pedestrian facilities are proposed along this road and the frontage of Land Areas 3 and 6.

Land Area 3 is designated as the general location of the “Urban/Residential Core” which is the area of commercial development per the EO Zoning District. The proposed commercial development will be located within the boundaries of the “Urban/Residential Core” with the commercial uses being located once the maximum acreage of the Urban Core permitted by the Zoning Ordinance (33.87 acres) is built out within Land Area 3, the remaining land in Area 3 is intended for up to 100,000 square feet of office use. The proposed master plan proposes a “Frontage Retail Area” for Area 3, in which one fast food restaurant with drive-through, one convenience store with fuel sales, and one bank with drive-through would be allowed to be located.

For the remaining six Land Areas (Land Areas 1, 2, 4, 5, 6, and 7), the applicant is proposing up to 3,220,000 square feet of warehouse, office, and industrial use; though Land Area 7, which buffers the majority of Upper County Park from the Enterprise Center, is designated solely for recreational area and open space. In order to mitigate potential impacts to external properties and Upper County Park, the SUP conditions propose restrictions for certain special uses:

One Fast food Restaurant: Land Area 3
Textile Manufacturing: Land Area 1, 2, or 5
Heavy Equipment Sales and Service: Land Area 1, 2, or 5
Machinery Sales and Service: Land Area 1, 2, or 5
One Convenience Store with Fuel Sales: Land Area 3
One Bank with Drive-through: Land Area 3

For textile manufacturing, heavy equipment sales and service, and machinery sales and services, the proposed conditions include a set-back of 1,000 feet from the Barnes Road right-of-way if any of these uses are proposed in Land Area 1.

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The applicant has proffered design guidelines for all development within the Enterprise Center. These design guidelines commit to protecting the viewshed from adjacent roadways, requiring bicycle and pedestrian connectivity, designing for public access improvements, parking standards, building pattern and form, and special design requirements for the SUP uses being applied for in this application.

Public Transportation: Vehicular

The scale of this proposal requires the submittal of a Transportation Impact Analysis (TIA). The TIA examines the existing conditions of vehicular traffic, including Level of Service (LOS), with a focus on the roads and intersections serving and impacted by the proposed development of the Hazelwood Enterprise Center and the Village Center. The TIA also examines the projected traffic impacts of the Hazelwood proposal with proposed improvements on these roads and intersections, as well as the impact of the development of the Moss Creek and Stonehouse projects, which are located on the other side of Route 30 from the Village Center.

For the Enterprise Center, the Route 30/Route 746 (Old Stage Road) intersection and the Route 30/Westbound I-64 ramps are the two existing intersections analyzed within the TIA. Neither of these intersections are signalized or programmed for improvement by VDOT. Both are expected to have increased demand as a result of the development of the Enterprise Center. The applicant is proposing within the proffers a multi-stepped approach to improve the road network and mitigate the traffic impacts that are anticipated for the Enterprise Center.

The first step is completing the TIA and gaining approval from VDOT for this analysis. The TIA has been reviewed by the County, Kimley-Horn and Associates (KHA), and VDOT, with KHA recommending approval and VDOT issuing approval. The approved TIA serves as the guide for the proposed improvements accompanying this rezoning.

The second step is ensuring the appropriate improvements are reviewed and scheduled for implementation. Per the proffers, a Signal Justification Report (SJR) for the Route 30/Route 746 intersection and Phasing Plan for both intersections will need to be approved prior to the submittal of the first site plan for the Enterprise Center. The developer will be required to meet with the County and VDOT prior to submittal of both items to discuss traffic study requirements and review any updated road improvements that have occurred, been proffered by others, or funded by VDOT.

The third step is utilizing the Phasing Plan to ensure the necessary road improvements are installed as the Enterprise Center is developed. The Phasing Plan is proffered to include the improvements within the TIA, which are shown on the master plan and are intended to mitigate traffic impacts. Please see the table on the next pages for a summary of the LOS analysis of these road facilities.

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<i>Hazelwood TIA LOS Analysis</i>						
<i>Road/ Intersection (Project site impacted in bold)</i>	<i>Current Status</i>	<i>Current Overall LOS</i>	<i>2030 Projected Overall LOS Without Hazelwood</i>	<i>Proposed Hazelwood Improvement (Proffered or Conditioned)</i>	<i>2030 Projected Overall LOS With Hazelwood</i>	<i>2030 Projected Overall LOS With Hazelwood, Moss Creek, and Stonehouse Developed*</i>
Route 30/Fieldstone Parkway Village Center	Unsignalized	Level C or >	Level C or >	<ul style="list-style-type: none"> - Signalization. - Addition of double left-turn lanes on northbound Route 30 at property entrance. - Addition of right-turn lane on southbound Route 30 at property entrance. - Property entrance with four exit lanes and two entering lanes. - Shared use path. 	Level C or >	Level C
Route 30/I-64 Westbound Ramps Enterprise Center	Unsignalized	Level C or >	Level C or >	<ul style="list-style-type: none"> - Signalization. - Adjustment of pavement for improvement. 	Level B	Level B
Route 30/I-64 Eastbound Ramp A	Unsignalized	Level B or >	Level B or >	<ul style="list-style-type: none"> - Signalization. 	Level B	Level A

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<i>Hazelwood TIA LOS Analysis</i>						
<i>Road/ Intersection (Project site impacted in bold)</i>	<i>Current Status</i>	<i>Current Overall LOS</i>	<i>2030 Projected Overall LOS Without Hazelwood</i>	<i>Proposed Hazelwood Improvement (Proffered or Conditioned)</i>	<i>2030 Projected Overall LOS With Hazelwood</i>	<i>2030 Projected Overall LOS With Hazelwood, Moss Creek, and Stonehouse Developed*</i>
Route 30/Old Stage Road Enterprise Center	Unsignalized	Level C or >	Level C or >	<ul style="list-style-type: none"> - Signalization. - Addition of second left-turn lane on northbound Route 30. - Extension of right-turn lane on southbound Route 30 at Route 746 Old Stage Road to make a continuous lane with merging lane from I-64 off ramp onto Route 30. - Third northbound through lane on Route 30 at approach to Route 746 Old Stage Road and continuing to drop off lane at ramp to I-64 east. - Improvements to Route 746 Old Stage Road as shown on the master plan. - Adding second west-bound approach lane and taper on VDOT frontage road. - Restriction to two entrances on Old Stage Road as shown on master plan. 	Level B	Level C
Route 30/Barnes Road Village Center	Unsignalized	Level C or >	Level C or >	<ul style="list-style-type: none"> - None, Remain Unsignalized. 	Level D or >	Level F**

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Hazelwood TIA LOS Analysis						
<i>Road/ Intersection (Project site impacted in bold)</i>	<i>Current Status</i>	<i>Current Overall LOS</i>	<i>2030 Projected Overall LOS Without Hazelwood</i>	<i>Proposed Hazelwood Improvement (Proffered or Conditioned)</i>	<i>2030 Projected Overall LOS With Hazelwood</i>	<i>2030 Projected Overall LOS With Hazelwood, Moss Creek, and Stonehouse Developed*</i>
I-64 Merges/Diverges Enterprise Center/Village Center	Unsignalized	Level B or >	Level B or >	- See continuous turn lane proposed for Route 30/Old Stage Road.	Level B or >	Level C or >

**90/100 Cycles analysis from TIA referenced in this column. TIA also includes 70-second cycle analysis, but 90/100 cycle deemed more appropriate.*

***See DRW Consultants LLC Memo dated 1/14/2020 for context on this intersection. The possibility of a U-turn at the signalized Fieldstone Parkway is presented as a potential solution to this LOS issue and can be expected to be examined during the SJR review of the Fieldstone Parkway and Route 30 intersection.*

In addition to the improvements detailed in the preceding table, the applicant has proffered to restrict access to Barnes Road (except in the case of emergencies) and included a bus stop in Land Area 3. In order to ensure development does not exceed the bounds of the TIA, the applicant has proffered development of the property cannot exceed 944 PM peak hour trips as determined by the most recent edition of the Institute of Transportation Engineers Trip Generation Manual (the ITE Manual) at the time of each site plan approval for the development of the property. Peak hour trips will be calculated and submitted with each development plan for the property.

Roadway congestion information from the Comprehensive Plan is presented below. As shown in the table, the most recent LOS data for each of the three facilities related to this proposal have a LOS in the A-C range. For each of these facilities, this LOS is anticipated to remain in this range in 2045.

Future Roadway Congestion Level

Facility	From	To	2017 Weekday Volume	2045 Weekday Volume	2017 PM Peak Period LOS	2045 PM Peak Period LOS
Barhamsville Road (Route 30)	I-64	Route 60	19,004	32,280	A-C	A-C
Old Stage Road (Route 30)	New Kent CL	Barnes Road (Route 601 S)	14,943	19,225	A-C	A-C

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Old Stage Road (Route 30)	Barnes Road (Route 601 S)	I-64	8,315	13,680	A-C	A-C
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The County adopted the Adequate Transportation Facilities Test by resolution on August 14, 2018. This policy requires for a proposed SUP or rezoning to be tested during the application process to ensure that transportation facilities are adequate to mitigate traffic impacts. Per the adopted policy, a proposed rezoning or special use permit application will pass the test if:

- i. No off-site improvements are required by the TIA that is approved by both the Planning Director and the Virginia Department of Transportation; or
- ii. All off-site improvements recommended by a TIA that is approved by both the Planning Director and the Virginia Department of Transportation are guaranteed in a form approved by the Planning Director and County Attorney.

The proffered transportation improvements (which are recommended within the approved TIA) accompanying this rezoning ensure that this proposal passes the Adequate Transportation Facilities Test.

Economic Opportunity Construction Phasing Policy

In 2011, the Board of Supervisors adopted a phasing policy to provide guidelines for development of property zoned for EO (see Attachment No. 10). This policy is applicable when residential units are proposed within the EO District. Since no residential dwelling units are proposed, this policy is no longer applicable to this application.

PLANNING AND ZONING HISTORY

The current zoning for the properties has been in place since the 1980s and is detailed below:

301 Old Stage Road: B-1, General Business
9211 Old Stage Road: B-1, General Business
275 Old Stage Road: A-1, General Agricultural/B-1, General Business
9400 Barnes Road: A-1, General Agricultural

These parcels have been owned by the Hazelwood family and in agricultural use for decades. The parcel addressed 9400 Barnes Road used to be located within the Barnes Swamp Agricultural and Forestal District (AFD) but was withdrawn in 2006. The single-family home located on the parcel addressed 301 Old Stage Road is accessory to

the farm and was built in 1955.

SURROUNDING ZONING AND DEVELOPMENT

North: LB, Limited Business
PUD-R, Planned Unit Development Residential

West: A-1, General Agricultural

South: PL, Public Lands
A-1, General Agricultural

East: B-1, General Business

The subject property is located east of Barnes Road (Route 601), south of I-64, west of Old Stage Road (Route 746), and north of Leisure Road. Upper County Park abuts the Property directly to the south.

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REZONING-19-0006 and SUP-19-0005. Hazelwood Farms-The Enterprise Center**Staff Report for the February 8, 2022, Board of Supervisors Public Hearing****IMPACT ANALYSIS**

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Public Transportation: Vehicular</u>	<u>Mitigated</u>	See discussion on Page 5.
<u>Public Transportation: Pedestrian/Bicycle</u>	<u>Not Fully Mitigated</u>	<ul style="list-style-type: none">- The County's <i>Pedestrian Accommodation Master Plan</i> requires a multiuse path along the southern frontage of Route 30. The <i>Regional Bikeways Map</i> proposes a bike lane along the southern frontage of Route 30 for the small portion abutting this property.- Pursuant to Section 24-35 of the Zoning Ordinance, the proposed improvements shown on these maps are required to be shown on the site plan and installed at development. The bike lane will be further evaluated during the site plan review process. <p>Proffers</p> <ul style="list-style-type: none">- This proposal includes a proffer to construct the portion of the multiuse path fronting Route 30 in accordance with the master plan and includes the continuation of said multiuse path along the frontage of Old Stage Road (Route 746), the internal spine road, and the portion of the property abutting Leisure Road, as shown on the master plan. <p>Proposed SUP Conditions</p> <ul style="list-style-type: none">- Condition No. 9 requires the multiuse path to be guaranteed prior to land disturbance and constructed prior to the issuance of the first commercial Certificate of Occupancy. This condition also requires a connection be provided between the multiuse path abutting Leisure Road and the interior of Upper County Park.- Condition No. 17 ensures an internal traffic signage plan shall be submitted with site plans, which helps ensure pedestrian and cyclist safety.- Condition No. 19 requires internal pedestrian connections to be provided on the property.
<u>Public Safety</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- Located within a six-minute radius of Fire Station 1.- The proposal does not generate impacts that require mitigation to the County's emergency services or facilities.

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Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Public Schools</u>	<u>No Mitigation Required</u>	- This proposal does not generate impacts that require mitigation to the public school system
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	- This proposal does not generate impacts that require mitigation to the parks and recreation system.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	- The proposal does not generate impacts that require mitigation to public libraries or cultural centers.
<u>Groundwater and Drinking Water Resources</u>	<u>Mitigated</u>	<p>- The Enterprise Center Master Plan proposes to extend a transmission main and force main from the intersection of La Grange Parkway and Route 30 (at the entrance of Stonehouse Industrial Park) up Route 30 and then serving the Enterprise Center from within the spine road. JCSA has reviewed and approved this conceptual proposal on the master plan, as well as the projected water and sewer flows within the CIS. The Master Plan also shows a 50-foot public utility easement in the event that future looping of the water system under I-64 should be pursued.</p> <p>Proffers</p> <p>- The applicant has proffered the submittal of an overall master water and sanitary sewer plan for the property, to be reviewed and approved by JCSA prior to any subdivision or development on the property. The applicant has also proffered assurances to develop water conservation standards to be approved by JCSA.</p> <p>Proposed SUP Conditions</p> <p>- Condition No. 4 requires the developer to consider designing the stormwater systems such that stormwater can be collected for irrigation. Furthermore, this condition prohibits the JCSA public water supply from being used for irrigation.</p> <p>- The conditions specific to convenience stores with fuel sales, manufacturing and processing of textiles, and heavy equipment sales and service/machinery sales and service (Condition Nos. 21, 22, and 23) require a Spill Prevention, Control and Countermeasures Plan be provided prior to issuance of a land disturbance permit.</p>

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Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Watersheds, Streams, and Reservoirs</u>	<u>Mitigated</u>	<ul style="list-style-type: none">- The master plan shows a conceptual layout for stormwater management facilities, which includes Best Management Plans for each of the Land Areas within the Enterprise Center. The property is located within the Diascund Creek Watershed, which does not have a currently adopted watershed management plan. The Proposed SUP condition requires compliance with this future watershed management plan, once the plan is created by the County. <p>Proffers</p> <ul style="list-style-type: none">- The applicant has submitted a proffer to work with the Colonial Soil and Water Conservation District to create a nutrient management plan for each portion of the property proposed for development. <p>Proposed SUP Conditions</p> <ul style="list-style-type: none">- Condition No. 20 requires the submittal of a Master Stormwater Management Plan meeting a higher standard than what is required by the County Ordinance, including compliance with the future Diascund Watershed Management Plan.
<u>Cultural/Historic</u>	<u>Mitigated</u>	<ul style="list-style-type: none">- Per the County's Geographic Information System, this property is identified as a Moderate sensitive area on the James City County archaeological assessment, meaning no archaeological study is required for these applications as part of the legislative submittal. There is one archaeological site of intact deposits (JC393) located on the southwest portion of the property in Land Area 4. Per Section 24-145 of the Zoning Ordinance, an archaeological study and natural resource inventory will be required at the development plan stage, which will inform the treatment of this site.

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Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	Proposed SUP Conditions <ul style="list-style-type: none">- The 34-acre parcel (Land Area 7) within the Enterprise Center that abuts the majority of Upper County Park is designated for Recreation Area/Open Space on the master plan and includes a 100-foot Resource Protection Area buffer, which provides a transition to Upper County Park and is anticipated to mitigate impacts.- Condition No. 6 requires a 50-foot vegetated Community Character Corridor (CCC) buffer along Routes 30 and 746 to screen the project from nearby properties.- Condition No. 7 requires a 50-foot vegetated buffer with additional evergreen plantings along I-64 to screen development in adjacent Land Areas.- Condition No. 8 requires a 100-foot vegetated buffer with additional evergreen plantings along the Barnes Road and Leisure Road right-of-way to screen the project from nearby residential properties.- Condition No. 11 limits the height of lighting fixtures and states that lighting shall not be routinely illuminated at night.- Condition No. 16 requires screening of all dumpsters, ground mounted HVAC, mechanical units, and cart corrals.- Condition No. 21 (Convenience Stores with Fuel Sales) limits outside displays, sale, or storage, and intercom and speaker noise.- Condition No. 22 (Manufacturing and Processing of Textiles) and Condition No. 23 (Heavy Equipment Sales and Service/Machinery Sales and Service) prohibits outside storage of materials, requires the use to occur within a fully enclosed building with no outside evidence of dust, noise, odor, or other objectionable effect.

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Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Community Character</u>	<u>Mitigated</u>	<p>Proffers</p> <ul style="list-style-type: none">- The applicant has provided proffers limiting the uses most impactful to community character: fast food restaurant with drive-through (one maximum), convenience store with fuel sales (one maximum) and bank with drive-through (one maximum).- The applicant has proffered design guidelines for all development on the property, which exceeds the requirements of the EO Zoning District. <p>Proposed SUP Conditions</p> <ul style="list-style-type: none">- Condition No. 5 requires the proposed spine road to include street tree planting in order to create a streetscape effect. Per the proffered design guidelines, this spine road will be of boulevard design.- Condition No. 6 requires a 50-foot vegetated CCC buffer along Route 30. This segment of Old Stage Road (Route 30) is designated as a Wooded CCC.- Condition No. 13 requires each site plan submitted to include the final architectural design for all buildings and include general elevations of the buildings, as well as the view of all sides of the building visible from Old Stage Road (Routes 30 and 746) or Leisure Road for the Director of Planning's review and approval.- Condition No. 14 requires enhanced site design for Land Areas 3 and 6 which establishes higher standards for certain building facades, parking location and design, uses with drive through elements, and warehouse uses operated as a mini storage.- Condition No. 15 requires free-standing signage to be externally illuminated monument style signs not to exceed 8 feet in height, with brick base or similar material.

Comprehensive Plan

The Comprehensive Plan states that the use of land should be consistent with the capacity of existing and planned public facilities and services and the County's ability to provide such facilities and services. The Plan also states "expect developments subject to zoning or special use permit review to mitigate their impacts." Information on impacts and the mitigation provided by this application are included in this staff report.

The property is designated Economic Opportunity on the Comprehensive Plan Future Land Use Map. The property is further identified as Economic Opportunity-Barhamsville Interchange Area. The following general guidance is stated for the EO designation:

Economic Opportunity Designation

"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."

Staff finds the proposed rezoning and SUP application is consistent with the primary intention of the Economic Opportunity Designation of economic development and job creation.

"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."

Staff finds that the proposed, principal use of the property for industrial, wholesale, warehouse, office, and institutional use, coupled with the proffered design guidelines, is consistent with the intentions for this designation. Furthermore, the master planning of these properties, along with the submitted proffers and proposed SUP conditions, demonstrate consistency with each of the features described above.

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 EO 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."

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Staff finds that the applicant team, which is a private-private partnership of the landowners, engineers, land planners, environmental planners, architects and traffic consultants, has developed a master plan that, in conjunction with the proffers, design guidelines, and proposed SUP conditions, provides adequate amounts or capacities of the infrastructure listed above. Furthermore, the proposed special uses and “by-right” uses in the EO District permit a use mixture that allows for the variation in uses, densities/intensities, pattern, and design needed to align with this designation. Finally, the proposed multiuse paths allow for alternative transportation trips, while the proposed SUP conditions for use, location, and buffering help respect viewsheds and Route 30, which is a CCC.

Economic Opportunity-Barhamsville Interchange Area

“For the I-64 Exit 227 Interchange Area, the primary suggested uses include industrial, light industrial, office, medical/research, and/or tourist attraction uses. Primary uses shall follow the recommendations for the general EO designation described above. Development should refer to the commercial/industrial development standards. Retail commercial uses should be limited in amount and type to support the primary uses.”

Staff finds the uses within the EO Zoning District and the distinct uses applied for via SUP to be consistent with the specific recommended uses for the Barhamsville Interchange Area Designation.

“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 existing character of surrounding areas. In particular for this site, buffers, open space or other similar mechanisms should be used along the southern and western property lines in order to provide a transition to areas designated Rural Lands and Park, Public and Semi-Public Open Space. These parcels constitute a gateway into the County along I-64 and Route 30 which

should be reflected in the development’s architectural design, landscaping and buffering.”

Staff finds the master plan, in conjunction with the proposed proffers, design guidelines, and proposed SUP conditions, is consistent with this expectation. The proposed SUP conditions require a 100-foot vegetated buffer along the Barnes Road right-of-way on the western and southernmost property line, providing a transition to areas designated Rural Lands. The 34-acre parcel (Land Area 7) within the Enterprise Center that abuts the majority of Upper County Park is designated for Recreation Area/Open Space on the master plan and includes a 100-foot RPA buffer, which provides a transition to Upper County Park, which is designated Open Space or Recreation on the County Land Use Map. This application includes proffered design guidelines and proposed SUP conditions requiring higher design, site location, enhanced landscaping, and architectural standards that ensure these gateway parcels are properly buffered and protect community character.

“Transportation is a key component of this Economic Opportunity (EO) area, with proximity to the interstate interchange as an important driver. The phasing and intensity of future development should safeguard this important element by maintaining adequate levels of service at the interchange and surrounding roadways. The primary access for these EO parcels should be an internal access road that connects to Old Stage Road/Route 30. A secondary access onto Barnes Road could be considered depending on the type of development that is ultimately proposed, as well as a more thorough analysis of the adequacy and safety of Barnes Road to handle traffic both from the north and the south.”

Staff finds that this proposal meets this expectation. The phasing and intensity of development on the property is constrained by the transportation proffers, which require for the submittal of signal justification reports and phasing plans to ensure that traffic impacts do not overwhelm the infrastructure. Primary access to the site is

REZONING-19-0006 and SUP-19-0005. Hazelwood Farms-The Enterprise Center

Staff Report for the February 8, 2022, Board of Supervisors Public Hearing

proposed primarily through an internal access road, while Barnes Road access has been prohibited via proffer. Furthermore, the applicant has submitted a TIA and proffered traffic improvements that VDOT and the County have deemed adequate to accommodate traffic and ensure safe and orderly development of the site.

“Any residential uses should be subordinate to and in support of the primary economic development uses and only located on the periphery of the property in areas that are not suitable for economic development uses. In addition, the location and amount of any residential uses should be depicted as an integrated element of the larger master plan for the area, should be limited to the amount or percentage allowed in the Economic Opportunity Zoning District, and should not be developed prior to a significant portion of the primary economic development uses.”

There are no residential units proposed for this application.

“New development should be of a design, scale and intensity that is complementary to the development standards for the Stonehouse mixed use area.”

Although the Stonehouse Mixed Use development standards have a greater emphasis on the “complete communities concept” and are more oriented towards residential, urban scale development when compared with the EO designation, staff finds the Enterprise Center proposal to be generally consistent with this expectation, due to its proffered design guidelines, SUP conditions specific to design, and alternative transportation accommodations.

Goals Strategies and Actions

Staff also finds that this proposal generally aligns with multiple Goals, Strategies, and Actions (GSAs) within the Comprehensive Plan.

Land Use

This application aligns with multiple GSAs within the Land Use section. The GSAs in the Land Use section support master planning that emphasizes the economic potential of interchange areas by promoting office and industry uses, encourages multiple uses commercial and industrial uses within nodes inside the PSA, and promotes the inclusion of bicycle and pedestrian facilities within the new developments. The GSAs also supports development that aligns with the specific guidelines found within the specific EO subarea designation.

Economic Development

This application aligns with multiple GSAs within the Economic Development section. The GSAs in the Economic Development section supports the development of a diverse economy, with non-retail core businesses, industrial and manufacturing businesses being some of the sectors recommended for approval.

STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors approve the proposed rezoning and SUP application, subject to the proposed proffers and conditions.

TW/md

RZ19-6SUP19-5HazelwdFmsEC

REZONING-19-0006 and SUP-19-0005. Hazelwood Farms-The Enterprise Center

Staff Report for the February 8, 2022, Board of Supervisors Public Hearing

Attachments:

1. Ordinance
2. Resolution
3. Location Map
4. Proposed Master Plan
5. Proposed Transportation Improvements Location Map
6. Proposed Design Guidelines
7. Community Impact Statement
8. Traffic Impact Analysis
9. DRW Memos
10. Economic Opportunity Construction Phasing Guidelines
11. Water and Sewer Graphic
12. Public Input
13. PC Minutes
14. Signed Proffers

**Unapproved Minutes of the June 5, 2024,
Planning Commission Regular Meeting**

**SUP-24-0009. Lovett 64 Commerce Center (Formerly Hazelwood Farms - The Enterprise Center)
SUP Amendment**

Ms. Tess Lynch, Planner II, stated that Mr. Ben Swift of Lovett Industrial submitted a request to amend the existing Special Use Permit (SUP) condition as it applies to Building #6. Ms. Lynch noted that the amendment would change the parking layout to place the employee parking lot between the building and Leisure Road and the loading docks and semi-trailer parking to be interior to the industrial development. Ms. Lynch further stated that this amendment would not increase the approved square footage or change the use on site.

Ms. Lynch stated that the subject property is located at 275 Old Stage Road, zoned EO, Economic Opportunity, classified as Economic Opportunity on the 2045 Comprehensive Plan, and is located inside the Primary Service Area.

Ms. Lynch stated that the initial condition was approved prior to finalization of proposed building layouts and upon receipt of further information regarding plans for the site, staff feels the SUP amendment is appropriate.

Ms. Lynch stated that staff finds the proposal compatible with surrounding zoning and development and recommended use within the 2045 Comprehensive Plan, though it is not fully consistent with the County's Character Design Guidelines. Ms. Lynch also noted that staff has proposed an amendment to the SUP condition to mitigate the lack of consistency that would require an increased evergreen percentage in the landscape buffer to shield view of the cars from Leisure Road. In light of this, staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors.

Ms. Lynch stated that after the packet was published, staff received a comment from a citizen that owns adjacent property. Ms. Lynch noted that hard copies of the email were provided for the commissioners' review and that the email would be included in the Board of Supervisors packet.

Mr. O'Connor opened the Public Hearing.

Ms. Darlene Prevish, 211 Old Stage Rd, addressed the Commission in support of the application.

Mr. Ben Swift, Mid-Atlantic Market Lead for Lovett Industrial gave a presentation to explain the need for the amendment and provide visual aids detailing the change in layout.

Mr. Polster engaged with Mr. Swift regarding details of the landscaping changes resulting from the change in layout. Discussion ensued.

Mr. O'Connor closed the Public Hearing.

Mr. Polster made a motion to recommend approval of the SUP Amendment.

On a roll call vote the Planning Commission voted to recommend approval of SUP-24-0009. Lovett 64 Commerce Center (Formerly Hazelwood Farms - The Enterprise Center) SUP Amendment. (6-0)

From: Beth Klapper
Sent: Tuesday, June 4, 2024 2:31 PM
To: Susan Murray; Tess Lynch
Cc: Amanda Frazier; Will Albiston
Subject: FW: [External]SUP-24-0009 - Lovett SUP Amendment for Hazelwood Development

From: Ronda McCrea <ronda.mccrea@gmail.com>
Sent: Tuesday, June 4, 2024 12:39 PM
To: Community Development <community.development@jamescitycountyva.gov>
Subject: [External]SUP-24-0009 - Lovett SUP Amendment for Hazelwood Development

Dear Planning Commissioners,

My name is Ronda McCrea and I am the adjacent property owner to 275 Old Stage Road, Toano on which the Hazelwood Development Group seeks an amendment to a condition of their Special Use Permit (SUP) to be considered at the June 5th meeting.

I understand that the considerations are whether car parking or truck parking would be permitted along Leisure Road on the perimeter of the site. While I am generally opposed to this project, **we would vastly prefer car parking versus truck parking especially given the noise and 24 hour nature of semi traffic to the site.**

Since this project was initially approved in 2021, I have written repeatedly to your commission and the Board of Supervisors regarding the negative impact on my modest property next door at 223 Old Stage Road. The four acre parcel and home have been in my family for more than 100 years. We receive a very modest rental income which goes mainly to real estate taxes, insurance and upkeep. It is the only source of income for my disabled sibling other than Social Security. We cannot imagine that our current tenant of nearly 20 years will want to remain once the constant noise, traffic and light generated by this development begins.

Thank you for your consideration. We mention these factors so that your Commission understands the impact of its decisions on neighbors. We ask that you do everything possible to mitigate the damage.

Sincerely,

Ronda S. McCrea, Trustee
Helen H. Snell Trust - Property Owner

SPECIAL USE PERMIT-24-0001. 7146 Little Creek Dam Road Rental of Rooms
Staff Report for the July 9, 2024, Board of Supervisors Public Hearing

SUMMARY FACTS

Applicants: Ms. Ana A. Martinez Leal and Mr. Kenneth R. Fletcher

Landowners: Ms. Ana A. Martinez Leal and Mr. Kenneth R. Fletcher

Proposal: To allow for the rental of up to three rooms in a single-family dwelling

Location: 7146 Little Creek Dam Road

Tax Map/Parcel No.: 2020400004

Property Acreage: ± 4.07 acres

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

Staff Contact: Terry Costello, Senior Planner

PUBLIC HEARING DATES

Planning Commission: April 3, 2024, 6:00 p.m.

Board of Supervisors: May 14, 2024, 5:00 p.m. (Postponed)

July 9, 2024, 5:00 p.m.

SUMMARY STAFF RECOMMENDATION

At its meeting on May 14, 2024, the Board postponed action on this item until July 9, 2024. Due to new legislation enacted by the Virginia General Assembly, Special Use Permits (SUP) may now include a period of validity. Therefore, staff has replaced Condition No. 7 that required a compliance review and added the condition with a validity date of December 31, 2027. This condition means that should the applicants wish to continue the use after December 31, 2027, an amendment to the SUP will have to be approved before this date.

Staff continues to find the proposed use will not negatively impact surrounding property or development nor is it expected to negatively impact Level of Service for roads or other public services. While staff believes that this location is generally considered appropriate for this use, staff finds the proposal not fully consistent with the Comprehensive Plan recommendations for short-term rentals. Staff, therefore, cannot recommend approval of this application. Should the Board of Supervisors recommend approval of this application, staff has included proposed conditions for consideration (Attachment No. 1).

TC/md
SUP24-1_7146LtCrk

Attachments:

1. Resolution
2. Staff Report for the Board of Supervisors Meeting on May 14, 2024
3. Location Map
4. Master Plan
5. Applicant Narrative
6. Citizen Comment
7. Approved Minutes of the April 3, 2024, Planning Commission Meeting

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 public interested in this application.

RESOLUTION

CASE NO. SUP-24-0001. 7146 LITTLE CREEK DAM ROAD 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, Ms. Ana A. Martinez Leal and Mr. Kenneth R. Fletcher have applied for an SUP to allow for the rental of rooms within a single-family dwelling located at 7146 Little Creek Dam Road and further identified as James City County Real Estate Tax Map Parcel No. 2020400004 (the "Property"); and

WHEREAS, the Planning Commission, following its public hearing on April 3, 2024, recommended approval of Case No. SUP-24-0001 by a vote of 4-3; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-24-0001; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with good zoning practices and the 2045 Comprehensive Plan Land Use Map designation for the Property.

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 (the "County Code"), does hereby approve the issuance of Case No. SUP-24-0001 as described herein with the following conditions:

1. Master Plan. This SUP shall permit the rental of rooms on property located at 7146 Little Creek Dam Road and further identified as James City County Real Estate Tax Map Parcel No. 2020400004 (the "Property"). The use and layout of the Property shall be generally as shown on the document entitled "JCC SUP-24-0001, 7146 Little Creek Dam Road Rental of Rooms" and date stamped March 8, 2024 (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended. This condition does not restrict improvements typical of a residential property as determined by the Director of Planning.
2. Commencement. Evidence of a business license and updated Certificate of Occupancy shall be provided to the Director of Planning within 12 months from the issuance of the SUP, or this SUP shall automatically be void.
3. Number of Rental Room Occupants. There shall be no more than one bedroom available for rent to visitors and no more than two rental occupants total at any one time.
4. Contracts per Rental Period. There shall not, during any period of time, be simultaneous rentals of the Property under separate contracts.
5. Signage. No signage related to the use of rental of rooms shall be permitted on the Property.

6. Parking. Off-site parking for this use shall be prohibited. No oversized commercial vehicles associated with rental occupants of the tourist home, such as, but not limited to, buses, commercial trucks, and trailers shall be allowed to park on the Property.
7. Validity. This SUP shall be valid until December 31, 2027.
8. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

NULL
HIPPLE
MCGLENNON
ICENHOUR
LARSON

VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of July, 2024.

SUP24-1_7146LtCrk-res

**SPECIAL USE PERMIT-24-0001. 7146 Little Creek Dam Road Rental of Rooms
Staff Report for the May 14, 2024, Board of Supervisors Public Hearing**

SUMMARY FACTS

Applicants:	Ms. Ana A. Martinez Leal and Mr. Kenneth R. Fletcher
Landowners:	Ms. Ana A. Martinez Leal and Mr. Kenneth R. Fletcher
Proposal:	To allow for the rental of up to three rooms in a single-family dwelling
Location:	7146 Little Creek Dam Road
Tax Map/Parcel No.:	2020400004
Property Acreage:	± 4.07 acres
Zoning:	A-1, General Agricultural
Comprehensive Plan:	Rural Lands
Primary Service Area:	Outside
Staff Contact:	Terry Costello, Senior Planner

PUBLIC HEARING DATES

Planning Commission:	April 3, 2024, 6:00 p.m.
Board of Supervisors:	May 14, 2024, 5:00 p.m.

FACTORS FAVORABLE

1. There is adequate off-street parking.
2. The applicants have acknowledged that should this application be approved; they will obtain the proper licensing and inspections through the County and will be subject to appropriate use-based taxes.
3. The owners will reside on-site during the time of the rentals.
4. Lot sizes in the A-1, General Agricultural District, are larger than in other more densely populated residential areas. The size of the lot, the location from Little Creek Dam Road (over 600 feet), and the existing vegetation provide screening and buffering to most adjacent properties.
5. Impacts: See Impact Analysis on Pages 4-5.
6. See Comprehensive Plan Analysis on Page 6.

FACTORS UNFAVORABLE

1. Staff finds the proposal is not fully consistent with the short-term rental recommendations of the *Our County, Our Shared Future: James City County 2045 Comprehensive Plan*.
2. Impacts: See Impact Analysis on Pages 4-5.
3. See Comprehensive Plan Analysis on Page 6.

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

SPECIAL USE PERMIT-24-0001. 7146 Little Creek Dam Road Rental of Rooms
Staff Report for the May 14, 2024, Board of Supervisors Public Hearing

SUMMARY STAFF RECOMMENDATION

Per the Impact Analysis noted below, staff finds the proposed use will not negatively impact surrounding property or development nor is it expected to negatively impact Level of Service (LOS) for roads or other public services. While staff believes that this location is generally considered appropriate for this use, staff finds the proposal not fully consistent with the Comprehensive Plan recommendations for short-term rentals. Staff, therefore, cannot recommend approval of this application. Should the Board of Supervisors recommend approval of this application, staff has included proposed conditions for consideration (Attachment No. 1).

PLANNING COMMISSION RECOMMENDATION

At its April 3, 2024, meeting, the Planning Commission recommended approval of this Special Use Permit (SUP) application by a vote of 4-3, also recommending a condition to restrict access to Little Creek Reservoir for any rental occupants. While the owners have agreed to advertise the rental as having no access to Little Creek Reservoir, the County does not typically impose conditions that speak to trespassing on adjacent property. Little Creek Reservoir is a privately owned piece of property that is subject to existing law that speaks to trespassing and enforcement can be done irrespective of the SUP process.

PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

None.

PROJECT DESCRIPTION

Ms. Ana Martinez Leal and Mr. Kenneth Fletcher have applied for an SUP to allow for rental of up to three rooms located within a single-family dwelling. The residence is a four-bedroom home. One of the bedrooms has a separate entrance on the right side of the structure. The proposal includes no changes to the size or footprint of the house.

Unlike the “Tourist Home” use, the “Rental of Rooms” use 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 dwelling as a whole. While the use permits the rental of a maximum of three rooms, the applicants state that it is their intent to rent out only the one bedroom with the separate entrance on a regular basis.

The property has an existing driveway off a private shared driveway. The property has an existing parking area sufficient to accommodate guests. The four-bedroom home is on private water and has a private sewer system. In previous rental of rooms applications, staff calculated the number of occupants to be two people per bedroom. Therefore, proposed Condition No. 3 states that the maximum number of occupants per contract, including children, is two.

PLANNING AND ZONING HISTORY

- There have been no legislative cases associated with the residence that was built in 2023.

**SPECIAL USE PERMIT-24-0001. 7146 Little Creek Dam Road Rental of Rooms
Staff Report for the May 14, 2024, Board of Supervisors Public Hearing**

SURROUNDING ZONING AND DEVELOPMENT

- The property is located within the Little Creek minor subdivision.
- The following table lists the information on the adjacent parcels:

	ZONING DESIGNATION	EXISTING LAND USE	FUTURE LAND USE DESIGNATION
NORTH	A-1, General Agricultural	Single- Family Residential	Rural Lands
SOUTH	PL, Public Lands	Little Creek Reservoir	Reservoir and Community Character Conservation, Open Space or Recreation
EAST	A-1, General Agricultural	Single- Family Residential	Rural Lands
WEST	A-1, General Agricultural	Single- Family Residential	Rural Lands

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

SPECIAL USE PERMIT-24-0001. 7146 Little Creek Dam Road Rental of Rooms
Staff Report for the May 14, 2024, Board of Supervisors Public Hearing

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Public Transportation: Vehicular</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - The proposal is not anticipated to generate traffic exceeding a typical residential use. - The subject property is located on a local road. However, staff believes that the road is adequate for this use.
<u>Public Transportation: Bicycle/Pedestrian</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - Per the Adopted Regional Bikeways Map and Pedestrian Accommodations Master Plan, Little Creek Dam Road is shown as an existing shared roadway. There are no changes to the existing footprint of the building and bicycle and pedestrian accommodations are not required per Section 24-35(c)(2) of the Zoning Ordinance.
<u>Public Safety</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - Fire Station 1 on Forge Road serves this area of the County and is approximately 3.5 miles from the proposed rental of rooms property. - Staff finds this project does not generate impacts that require mitigation to the County's Fire Department facilities or services.
<u>Public Schools</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - N/A since no residential dwelling units are proposed.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - N/A since no residential dwelling units are proposed.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - Staff finds this project does not generate impacts that require mitigation.
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - The property is served by private water and a private septic system. - The proposal does not generate impacts that require mitigation to groundwater or drinking water resources.

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

SPECIAL USE PERMIT-24-0001. 7146 Little Creek Dam Road Rental of Rooms
Staff Report for the May 14, 2024, Board of Supervisors Public Hearing

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Watersheds, Streams, and Reservoirs</u> Project is located in the Yarmouth Creek Watershed.	<u>No Mitigation Required</u>	- The Stormwater and Resource Protection Division has reviewed this application and had no objections. No new impervious surface is proposed as part of this SUP request. Should exterior site improvements be made in the future, those improvements would be subject to additional environmental review at that time.
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	- The subject property has been previously disturbed and has no known cultural resources on-site.
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	- Traffic is anticipated to be typical of a residential home, the subject property must adhere to the County's Noise Ordinance, and the proposed SUP conditions will restrict commercial signage and exterior lighting. Future expansions of the use would require an SUP amendment.
<u>Community Character</u>	<u>No Mitigation Required</u>	- Little Creek Dam Road is not designated as a Community Character Corridor and this parcel is not located within a Community Character Area.
<u>Covenants and Restrictions</u>	<u>No Mitigation Required</u>	- The applicants have verified that they are not aware of any covenants or restrictions on the property that prohibit the proposed use.

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

SPECIAL USE PERMIT-24-0001. 7146 Little Creek Dam Road Rental of Rooms
Staff Report for the May 14, 2024, Board of Supervisors Public Hearing

2045 COMPREHENSIVE PLAN

The site is designated Rural Lands on the 2045 Comprehensive Plan Land Use Map. All surrounding properties to the north, east, and west are designated Rural Lands. The reservoir property to the south is designated Reservoir and Community Character Conservation, Open Space or Recreation.

Per the adopted Comprehensive Plan, appropriate primary uses includes traditional agricultural and forestal activities, but also innovative agriculture, horticulture, silviculture, specialty or niche farming, commercial and noncommercial equine opportunities, agri-tourism, rural-based public or commercial recreation, rural-support businesses, and certain public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings. Staff finds this use to generally fit within these categories as nearby lodging options which could support agri-tourism and eco-tourism uses in Rural Lands.

Per the adopted Comprehensive Plan language, uses in Rural Lands should reflect and enhance the rural character of the County. Particular attention should be given to locating structures and uses outside of sensitive areas, and maintaining existing topography, vegetation, trees, and tree lines to the maximum extent possible, especially along roads and uses.

Per the Impact Analysis noted above, staff finds the proposed use will not negatively impact surrounding property or development nor is it expected to negatively impact LOS for roads or other public services.

Specific to short-term rentals, the adopted Comprehensive Plan states that, if located within a residential context, short-term rentals should serve to complement the residential character of the area rather than altering its nature. Therefore, while every location can be considered

uniquely, short-term rentals are most appropriately located subject to the following development standards:

- Be located on lands designated Rural Lands, Neighborhood Commercial, Community Commercial, Mixed Use, or Economic Opportunity.

This property is designated Rural Lands on the adopted 2045 Comprehensive Plan Land Use Map.

- Be located on the edge or corner of an existing platted subdivision, rather than internal to it.

This parcel is a flag lot off Little Creek Dam Road in the Little Creek Subdivision.

- Be located on a major road.

Little Creek Dam Road is a local road. Local and minor collector roads are not considered major roads.

- Be operated in a manner such that the property owners will continue to live and reside on the property during the rental.

The owners of the property will continue to reside on-site during the rentals.

STAFF RECOMMENDATION

Per the Impact Analysis noted above, staff finds the proposed use will not negatively impact surrounding property or development nor is it expected to negatively impact LOS for roads or other public services. While staff believes that this location may be considered appropriate for this use, staff finds the proposal not fully consistent with the

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

**SPECIAL USE PERMIT-24-0001. 7146 Little Creek Dam Road Rental of Rooms
Staff Report for the May 14, 2024, Board of Supervisors Public Hearing**

Comprehensive Plan recommendations for short-term rentals. Staff, therefore, cannot recommend approval of this application. Should the Board of Supervisors recommend approval of this application, staff has included proposed conditions for consideration (Attachment No. 1).

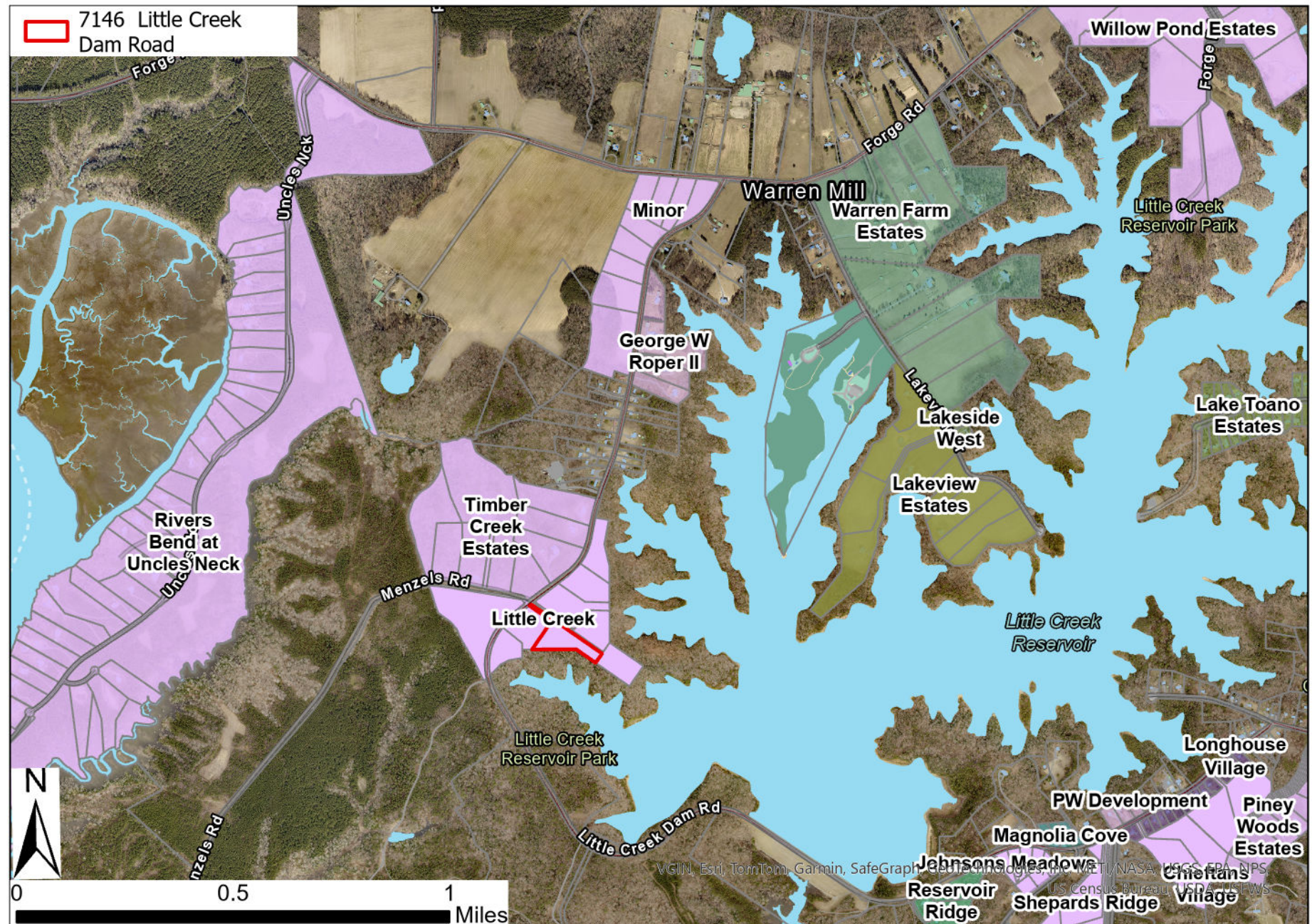
TC/ap
SUP24-1_7146LCrkDam

Attachments:

1. Resolution
2. Location Map
3. Master Plan
4. Applicant Narrative
5. Citizen Comment
6. Unapproved Minutes of the April 3, 2024, Planning Commission Meeting

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.

SUP-24-0001 7146 Little Creek Dam Road Rental of Rooms





SUP-24-0001, 7146 Little Creek Dam Road Rental of Rooms

Property Information

Tax Map ID: 2020400004
Fletcher, Kenneth Reynhoudt
& Leal, Ana Alicia Martinez
7146 Little Creek Dam Road
Toano, VA 23168
Zoning: A1 General Agricultural
2045 Comp Plan: Rural Lands
Legal Acreage: 4.07 acres

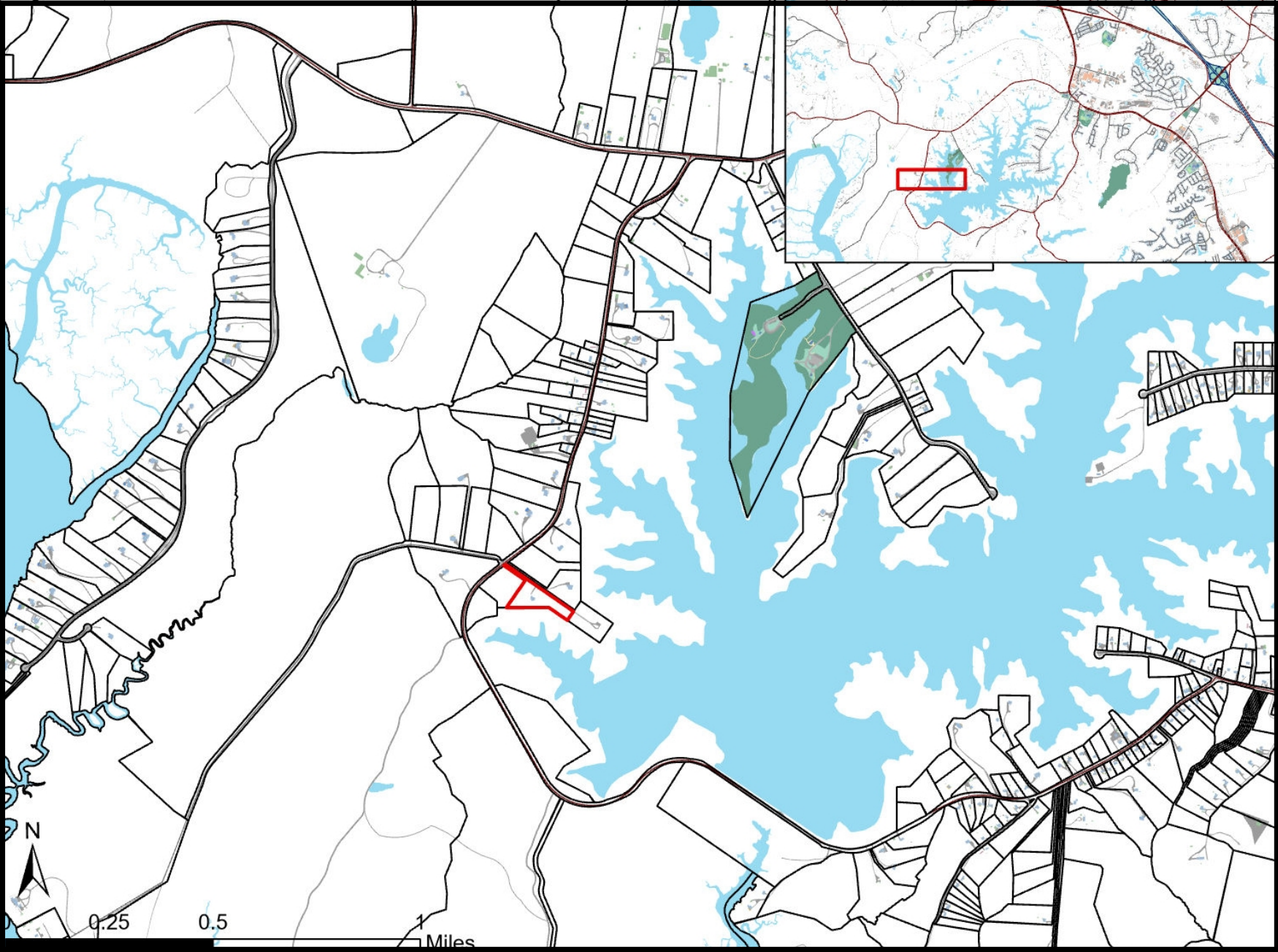
General Notes

1. Site is served by private water and sewer.
2. Property is not located in a FEMA Flood zone.
3. Property does not contain Resource Protected Area.
4. Property has an existing driveway.
5. A minimum of one parking space shall be provided (one parking space per bedroom)

Sheet Index

1. Cover Page
2. Location Page
3. Site Details

March 8, 2024



Maps Not to Scale

Adjacent Properties

2120100001
Newport News Waterworks
700 Town Center Ste 400
Newport News, VA 23602-4700
PL Public Land

2020400005
Thompson, Michael S. & Nicole J.
110 Bicameral Lane
Williamsburg, VA 23185-2555
A1 General Agricultural

2020400006
Malvoisin, Gerard P. & Shawnte L.
7162 Little Creek Dam Road
Toano, VA 23168-8633
A1 General Agricultural

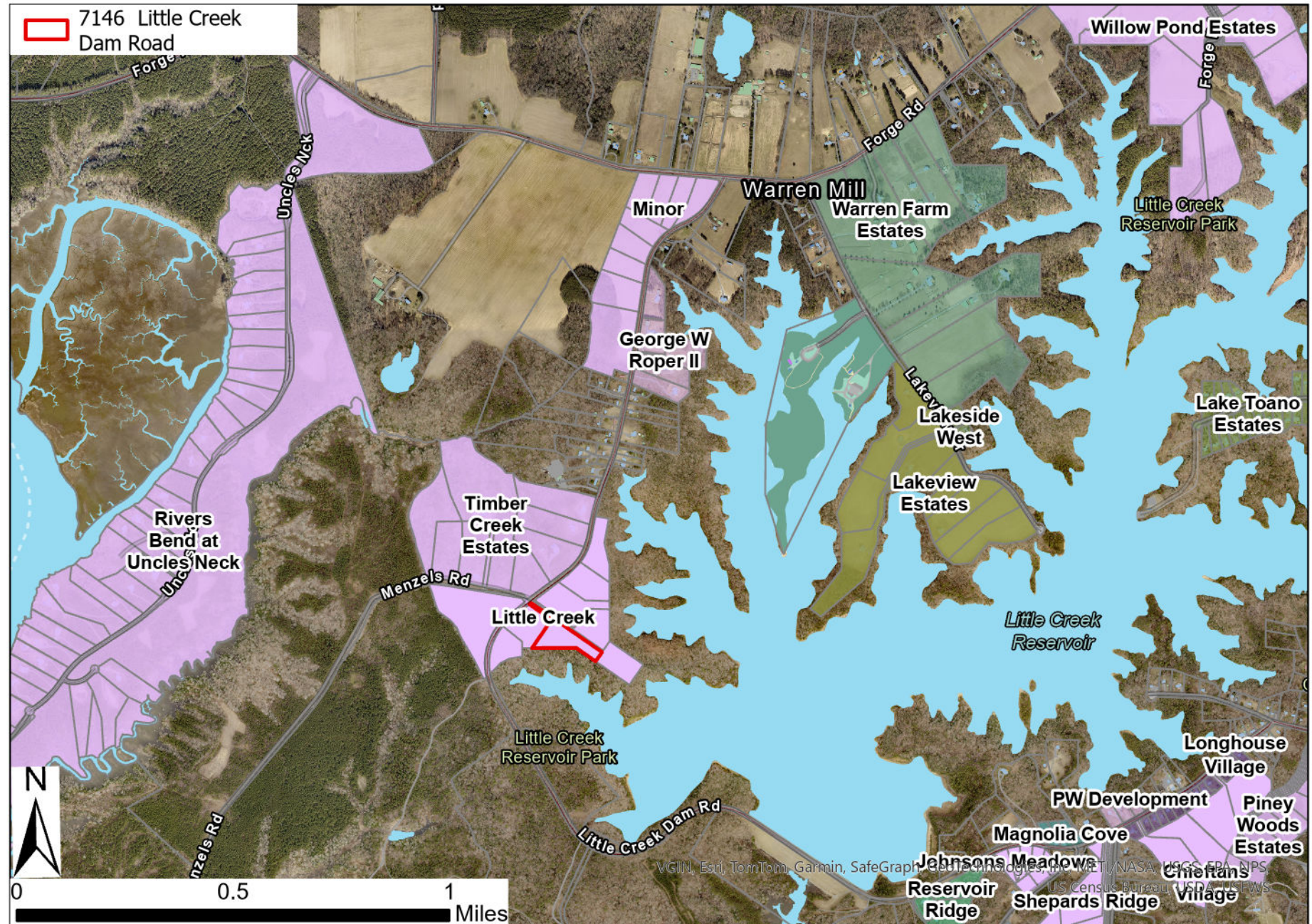
2020400007
Hayhurst, Kelly J.
140 Winsome Haven Drive
Seaford, VA 23696-2325
A1 General Agricultural

2020300004
Caraballo, Orlando & Martinez, Janet
PO Box 530
Lightfoot, VA 23090-0530
A1 General Agricultural

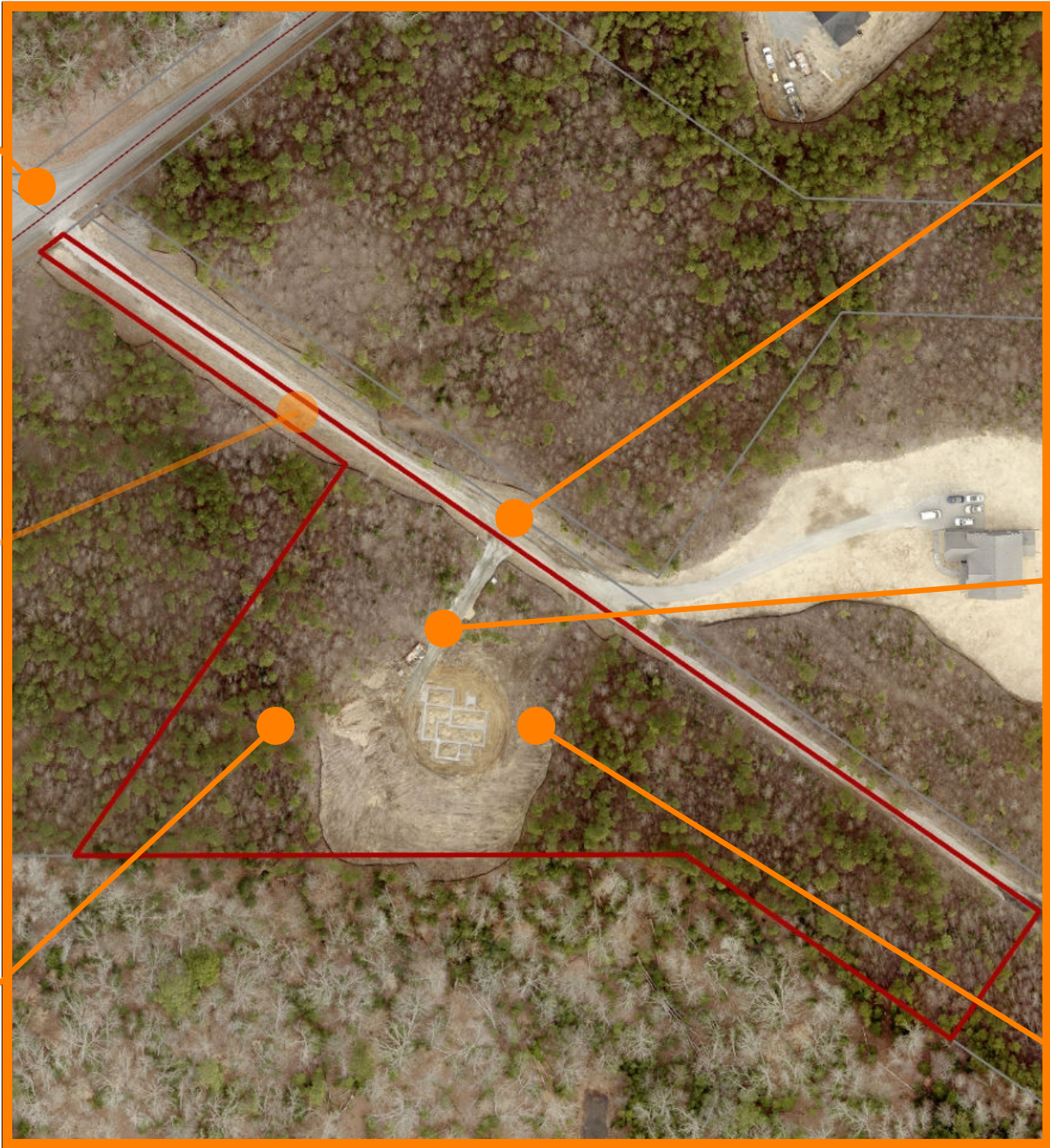
2020400001
Laster, Jimmie Jr. & Wendy L.
7135 Little Creek Dam Road
Toano, VA 23168-8608
A1 General Agricultural

2020400003
Blue Ridge Custom Homes LLC
2958 River Road W
Goochland, VA 23063-3229
A1 General Agricultural

SUP-24-0001 7146 Little Creek Dam Road Rental of Rooms



SUP-24-0001, 7146 Little Creek Dam Road Rental of Rooms



Special Use Permit for Short Term Rental of Private Residential Property

CONCEPTUAL PLAN

We kindly request this permit to be able to rent occasionally a part of our personal residence on a short-term basis. Our residential property is located at 7146 Little Creek Dam Rd. Parcel ID 2020400004 LRSN 36455, Zoning A-1.

We are full-time residents of the house, which totals 3,402 sq ft and includes a guest bedroom and bathroom that together total approximately 350 sq ft. Plans for the first floor of the home are attached.

We use this guest bedroom to host family and friends. We are also interested in occasionally renting this guest bedroom short-term with a maximum capacity of 2 guests per stay.

We live on four acres in a rural area that is zoned agricultural and backs up to Newport News Waterworks property (Little Creek Reservoir). The nearest neighboring homes are more than 300 feet away. We have two young children. Keeping a quiet atmosphere here and maintaining good relationships with our neighbors are very important to us.

Our house has a garage and a large, long driveway that can easily allow for parking of at least four more cars in addition to our own vehicles.

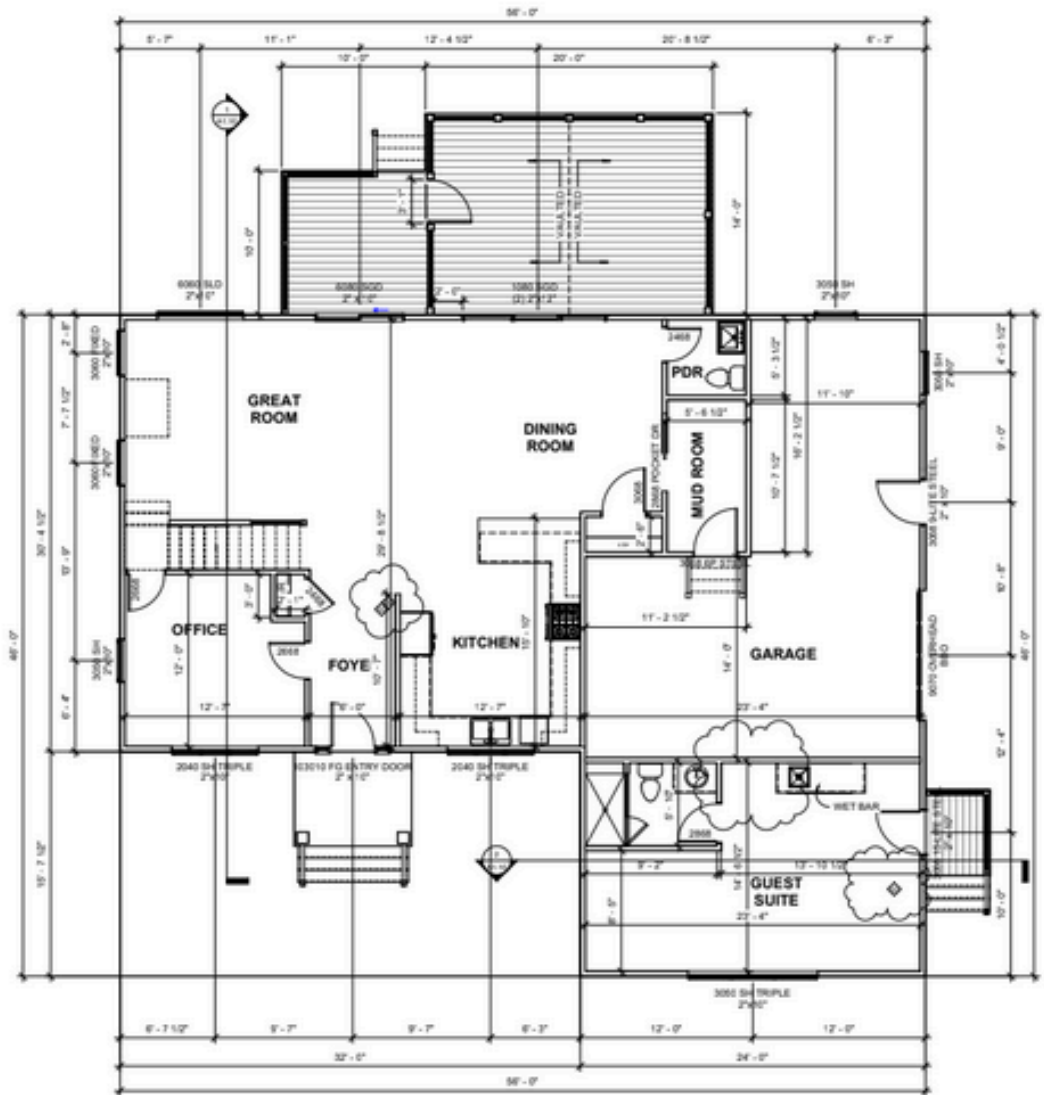
Additionally, we meet James City County's updated requirements for short-term rentals in the 2045 Comprehensive Plan. Our home is:

- Located on designated rural land,
- Located on the edge of an existing platted subdivision,
- Located on a major road, (Little Creek Dam Rd.),
- We will continue to live and reside on the property full-time.

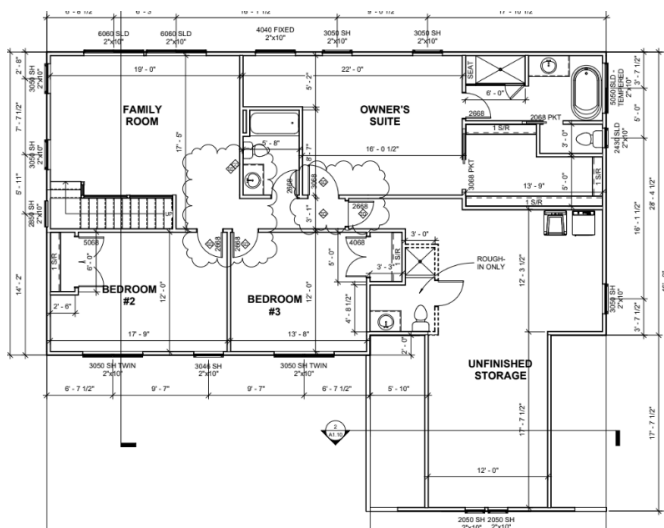
If approved, we will operate with a business license and comply with our State Sales Taxes and monthly James City County Lodging Taxes.

We would be happy to discuss further or answer any questions you might have. Feel free to contact us:

Ana Martinez (804) 300-8474 and Kenneth Fletcher (804) 638-9036



Marked on the above floor plan as “The Guest Suite” located on the first floor of the house approximately 350 sqft. Below shows layout of second floor (personal bedrooms, will not be rented).





Aerial photo shows home and surrounding four acres. Home backs up to Newport News Waterworks/Little Creek Dam reservoir property.

Terry Costello

From: Beth Klapper
Sent: Wednesday, April 3, 2024 2:19 PM
To: Terry Costello; Susan Murray; Josh Crump
Subject: FW: [External]Special Use Permit 7146 Little Creek Dam Road - 2020400004

-----Original Message-----

From: guard_hops.0m@icloud.com <guard_hops.0m@icloud.com>
Sent: Wednesday, April 3, 2024 1:11 PM
To: Community Development <community.development@jamescitycountyva.gov>
Subject: [External]Special Use Permit 7146 Little Creek Dam Road - 2020400004

Hello,

I am writing in concern to the submitted permit for the subject line address request for the SUP. I wish to not have the permit approved. There are only 5 homes on the road where the property resides with very little traffic. If the permit is approved, there's a great likelihood that the traffic will also increase on an already narrow road. Safety is also another concern as potential renters would more than likely would like to walk the wooded area that resides behind all the homes. The area is secluded, quiet, and not the ideal location to turn into a resort like atmosphere with vacationers constantly checking in and out.

V/r,

Little Creek Subdivision resident

**Approved Minutes of the April 3, 2024
Planning Commission Regular Meeting**

SUP-24-0001. 7146 Little Creek Road Rental of Rooms

Ms. Terry Costello, Senior Planner, stated that Ms. Ana Martinez and Mr. Kenneth Fletcher have applied for a Special Use Permit (SUP) to allow for the short-term rental of up to three rooms in a four-bedroom single-family home at 7146 Little Creek Dam Road. Ms. Costello stated that the property is zoned A-1, General Agricultural, is designated Rural Lands on the Comprehensive Plan Land Use Map, and is located outside the Primary Service Area (PSA). Ms. Costello further stated that the property is served by private well and septic. Ms. Costello stated that, if granted, the SUP would allow for short-term rentals throughout the year. Ms. Costello stated that no changes to the footprint of the home were proposed.

Ms. Costello stated that staff finds some favorable factors for this application, such as the presence of adequate off-street parking and that the owner would live on-site. Ms. Costello further stated that staff finds the proposed use would not negatively impact Levels of Service for roads and other public services. Ms. Costello stated that while staff believes the location is generally considered appropriate for this use, staff finds that the proposal is not fully consistent with the adopted 2045 Comprehensive Plan recommendations for short-term rentals. Ms. Costello stated that staff is unable to recommend approval of this application.

Ms. Costello stated that, after the Agenda Packet was published, staff did receive a comment from a citizen who resides in the Little Creek Subdivision. Ms. Costello stated that copies of the emails were placed at the dais. Ms. Costello stated that staff has included proposed conditions for consideration, should the Commission approve this application.

Mr. Everson requested clarification regarding the Comprehensive Plan criteria for short-term rentals.

Ms. Costello provided clarification about the Comprehensive Plan criteria.

Mr. O'Connor opened the Public Hearing.

Mr. Kenneth Fletcher, 7146 Little Creek Dam Road, applicant, gave a brief presentation to the Commission.

Mr. O'Connor asked if the applicant's property extended to the reservoir.

Mr. Fletcher explained that Newport News Waterworks owns a buffer between his property and the reservoir. Mr. Fletcher stated that, as an adjacent property owner, he is granted access to the reservoir. Mr. Fletcher further stated that Newport News Waterworks has requested that guests not be permitted on its property. Mr. Fletcher stated they would comply with that request.

Discussion ensued.

As no one further wished to speak, Mr. O'Connor closed the Public Hearing.

Mr. Polster asked staff to define the differences between tourist homes and short-term rentals.

Staff provided clarification.

Mr. Polster made a motion to recommend approval of the application.

Mr. O'Connor requested the motion be amended to include the condition that guests not be permitted to access the reservoir from the applicant's property.

Mr. Fletcher accepted the condition.

Mr. Polster amended the motion to include the condition.

On a roll call vote, the Commission voted to recommend approval of SUP-24-0001. 7146 Little Creek Dam Road Rental of Rooms with conditions. (4-3)