

AGENDA
JAMES CITY COUNTY DEVELOPMENT REVIEW COMMITTEE
REGULAR MEETING
BUILDING A LARGE CONFERENCE ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185

July 22, 2026

4:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes of the April 22, 2026, Regular Meeting

D. OLD BUSINESS

E. NEW BUSINESS

1. C-26-0012, 5509 Richmond Road. Former TGI Fridays Exterior Renovations
2. C-26-0016. 4403 Ware Creek Road and 4111 Mount Laurel Road Subdivision

F. ADJOURNMENT

MINUTES
JAMES CITY COUNTY DEVELOPMENT REVIEW COMMITTEE
REGULAR MEETING
BUILDING A LARGE CONFERENCE ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
April 22, 2026
4:00 P.M.

A. CALL TO ORDER

Mr. Polster called the meeting to order at approximately 4:20 pm

B. ROLL CALL

Committee Members Present:

Frank Polster, Chair
Steve Rodgers
Vincent Passero
Kira Allman (Telephone)

Staff Present:

Morgan Risinger, Senior Planner
Will Albiston, Planner
Hannah Hunnicutt, Administrative Coordinator

On a voice vote, the committee voted to allow Dr. Allman to participate remotely. (3-0)

C. MINUTES

1. Minutes of the December 17, 2025, Regular Meeting

Mr. Rodgers made a motion to Approve the Minutes.

On a voice vote, the Committee approved the Minutes of the November 19, 2025, Regular Meeting. (3-0)

D. OLD BUSINESS

There was no old business.

E. NEW BUSINESS

1. C-25-0052. Stonehouse Tract 11B

Ms. Morgan Risinger, Senior Planner, stated that Mr. Jeff Huentelman of Land Planning Solutions submitted a Conceptual Plan for Stonehouse Tract 11B for the construction of 530 residential units with 176 single-family and 354 being single-family attached units. Ms. Risinger noted that properties were governed by the Stonehouse Master Plan and proffers approved in Case Nos. MP-18-0002 and Z-19-0010 which were approved in 2019. Ms. Risinger stated that Proffer No. 10 required a Conceptual Plan to be submitted to staff and reviewed by the Development Review Committee (DRC) at least 60 days prior to a case submittal of a development plan for the tract. Ms. Risinger noted that the purpose of the review was to determine general consistency with Zoning Ordinance requirements, the adopted Master Plan and other applicable County policies. Ms. Risinger stated that the application for Tract 11B included 15 workforce housing units therefore fulfilling the total of 85 workforce housing units required by Proffer No. 11 in conjunction with 70 workforce housing units provided in other tracts. Ms. Risinger noted that other relevant proffers for Tract 11B included installation of a multi-use trail on Mount Laurel Road which the applicant intended to complete as

required. Ms. Risinger stated that additional proffers related to transportation agreements, traffic generations, and cash contributions were monitored throughout the development process to ensure that they were addressed at the appropriate time. Ms. Risinger noted that after the review of the Conceptual Plan, staff found that the plan was generally consistent with the Zoning Ordinance, the adopted Master Plan and proffers, and other applicable policies. Ms. Risinger stated that staff recommended that the DRC find that the proposed Conceptual Plan was generally consistent as mentioned.

Mr. Polster asked if the committee members had any questions for staff.

Mr. Vincent Passero asked to confirm that the plan was approved in 2019.

Ms. Risinger confirmed that the Stonehouse Master Plan had a few different iterations over time and that the 2019 Master Plan and Rezoning was the most recent version.

Mr. Polster expressed appreciation that the application noted the use of Special Stormwater Criteria (SSC) Nos. 11, 12, and 13 to accommodate for increased rainfall.

Mr. Polster noted that the applicant had met the required amount of soft surface trails in other tracts and that a multi-use path would be constructed along Mount Laurel Road therefore providing a pedestrian connection from Tract 11B to amenities in other tracts. Mr. Polster noted that he was concerned about potential encroachments into the Resource Protection Area (RPA). Mr. Polster asked why building footprints were not shown within the residential lots indicated on the Conceptual Plan.

Ms. Risinger stated that at the conceptual stage, building footprints were not required on the plan. She added that, in addition to the 100-foot RPA buffer, a proffered setback of an additional 25 feet from the RPA buffer had been provided. Ms. Risinger noted that there might be some areas in lots that could have an RPA buffer within them, but that the additional setback ensured that the homes would not encroach into the RPA buffer.

Mr. Polster stated his concern was that the steep slopes would cause the house construction to move closer to the RPA and create potential impacts.

Ms. Risinger noted that when the applicant submitted the full engineering plan, staff would review the grading for the lots to confirm that there would be no concern.

Mr. Polster thanked Ms. Risinger for forwarding the updated affordable housing calculations. Mr. Polster stated that back in 2007, an affordable workforce house for the 80-100% Average Median Income (AMI) range was \$250,000. Mr. Polster noted that the proffer today, given the 2019 proffers with escalation cost for 2026 was \$418,000. Mr. Polster asked if Stonehouse would build 15 housing units that would not be workforce housing.

Ms. Risinger noted that the proffer established a maximum sale price for the workforce units but the units could be offered at lower prices.

Mr. Polster asked the Director of Planning to review the affordable housing proffer and the related policies to ensure they are applied appropriately to future applications.

Mr. Steve Rodgers asked for clarification on the slope issues experienced in Ford's Colony and what Stonehouse should avoid to prevent similar problems.

Mr. Polster stated that the RPA buffer requirements at the time of the original Ford's Colony Master Plan were less than the current requirements meaning that many homes and associated improvements encroach into the current RPA buffer. Mr. Polster asked for a motion.

Mr. Passero asked why a motion to approve or deny the Conceptual Plan would be needed if there were still concerns about the affordable workforce housing units.

Mr. Polster stated that the Committee's purview was to determine whether the Conceptual Plan was consistent with the Master Plan and proffers and not to review the policies regarding affordable housing.

Discussion ensued.

Mr. Polster asked for a motion.

Mr. Rodgers made a motion to approve.

On a voice vote, the Committee voted to recommend approval. (4-0)

2. C-26-0003. 7914 Croaker Road and 4577 Rochambeau Drive Mixed Use Development

Ms. Risinger stated that Mr. Williams Felts of Landtech Resources Inc. submitted a Conceptual Plan for a development located at 7914 Croaker Road and 4577 Rochambeau Drive. Ms. Risinger noted that the parcels were currently zoned A-1, General Agricultural, designated Economic Opportunity (EO) - Mooretown Road/Hill Pleasant Farm Area on the 2045 Comprehensive Plan and located within the Primary Service Area (PSA). Ms. Risinger stated that the project would include two commercial properties located along the Croaker Road frontage and up to 90 affordable workforce townhouse units towards the back along Rochambeau Drive. Ms. Risinger noted that the 2045 Comprehensive Plan stated that the EO designation was primarily intended for economic development, increased non-residential tax space, and creation of jobs. Ms. Risinger stated that the development and potential area should be maximized and provide physical contribution, provide quality jobs, enhance community value, be environmentally friendly, and support economic stability. Ms. Risinger noted that specifically within the Mooretown Road/Hill Pleasant Farms EO area, primary suggested uses included industrial, light industrial, and office uses while retail and commercial uses should be limited to an amount to serve as support uses. Ms. Risinger stated that the specific guidance for the Mooretown Road/Hill Pleasant Farm stated that 15% of the developable land area could be used for mixed-cost housing with a strong emphasis on affordable housing. Ms. Risinger stated that the applicant was present to answer any questions that the committee might have.

Mr. Polster asked if the committee members had any questions for staff.

Mr. Rodgers asked if there was a map that showed the location of the proposed project in relation to the Bluffs of Kiskiack (Z-24-0013, MP-24-0005, SUP-24-0033).

The committee members viewed a location map of the proposed site in relation to the Bluffs of Kiskiack development.

Mr. Polster asked if the committee members had any questions or comments for the applicant.

Mr. Polster stated that the current AMI was \$106,500 and that the affordable sale price for the 80% AMI range would be \$281,750. Mr. Polster asked the applicant if they were planning on offering rental units.

Mr. Chase Grogg, Landtech Resources Inc., stated that the units would be for sale.

Mr. Polster stated that his concern was for phasing and when the affordable housing would be built. Mr. Polster noted that mixed use required a certain percentage of retail to be done first unless proffered for the affordable housing to be built in a certain amount of time. Mr. Polster stated that if there was a time limit on affordable housing, then it lowered the escalating cost. Mr. Polster also stated concerns regarding potential traffic at the Croaker Road and Rochambeau Drive intersection related to the proposed Bluffs of Kiskiack application.

Discussion ensued.

Mr. Rodgers asked how many places in the County were designated and whether the County would potentially lose the EO district since many of the EO parcels had been rezoned.

Mr. Polster stated that Taylor Farm and Anderson Farm properties were designated EO.

Mr. Grogg stated that Mooretown Road/Hill Pleasant Farm area was based upon the potential road access provided by the Mooretown Road extension which would most likely not be built due to various factors.

Ms. Risinger stated that the Comprehensive Plan called for EO areas to have a Master Plan submitted as a single submission for the entire area.

Mr. Polster stated that during the previous Comprehensive Plan review there was discussion about removing the EO designation from those specific parcels. Mr. Polster stated that the option would more than likely be considered again.

Mr. Polster asked the applicant if they had any further questions for the committee.

The applicant asked the committee if the focus for picking specific zoning districts was the committee's concern due to the phasing of the development.

Mr. Polster stated that with zoning districts such as PUD, Planned Unit Development, and MU, Mixed Use, would be for focusing more on commercial as part of the development. Mr. Polster suggested that phasing and placing affordable housing in districts such as R-5, Multifamily Residential District and R-3, Residential Redevelopment District would get them everything they would want and increase the density.

Discussion ensued.

Mr. Rodgers noted that the applicants should keep an eye on the Bluffs of Kiskiack case to see if the project would get approved.

The applicant stated that they had done proffers in the past and that phasing into the proffers would help make the Planning Commission and Board of Supervisors more inclined to vote in favor of it.

The DRC Committee Members provided guidance on zoning, affordable housing, and traffic.

Mr. Polster asked if there were any other questions.

There were none.

F. ADJOURNMENT

Mr. Passero made a motion to Adjourn the meeting.

On a voice vote, the meeting was adjourned at approximately 5 p.m.

Frank Polster, Chair

Susan Istenes, Secretary

**CONCEPTUAL PLAN-26-0012. 5509 Richmond Road. Former TGI Fridays Exterior Renovations
Staff Report for the July 22, 2026, Development Review Committee Meeting**

SUMMARY FACTS

Applicant:	Ms. Melissa Istvanik
Landowner:	Mr. Juan and Ms. Emelia Carillo
Proposal:	To renovate the exterior of an existing restaurant which includes paint, light fixtures, adding a two-level deck/patio, and landscaping.
Development Review Committee (DRC) Review:	Appeal the decision of the Planning Director that the proposed exterior renovations are not consistent with the adopted building elevations.
Location:	5509 Richmond Road
Tax Map/Parcel No.:	3330100005F
Property Acreage:	± 1.83 acres
Zoning:	B-1, General Residential
Comprehensive Plan:	Neighborhood Commercial
Primary Service Area (PSA):	Inside
Staff Contact:	Roberta Sulouff, Senior Planner

FACTORS FAVORABLE

1. The request would not negatively impact the surrounding development.

FACTORS UNFAVORABLE

1. Staff finds that the proposed exterior renovations are not fully consistent with the adopted building elevations.

SUMMARY STAFF RECOMMENDATION

After review of the Conceptual Plan, the Planning Director finds that the proposed exterior renovations are not fully consistent with the adopted building elevations; therefore, an amendment to the approved Special Use Permit (SUP) is required.

Staff recommends the DRC not approve this request.

PROJECT DESCRIPTION

Ms. Melissa Istvanik has submitted a Conceptual Plan for the renovation of an existing restaurant located at 5509 Richmond Road, previously occupied by TGI Fridays. The new restaurant, Madera, would occupy the existing building. Any changes to the exterior of the restaurant must be substantially consistent with the elevations approved with SUP-0023-2005, which was approved by the Board of Supervisors on September 13, 2005.

In 2005, Mr. Vernon Geddy, on behalf of TGI Fridays, applied for a SUP for a restaurant no larger than 6,600 square feet. As part of the SUP, conditions (Attachment No. 2) were adopted by the Board of Supervisors. Condition No. 1 requires the final architectural design of the building to be reviewed and approved by the Planning Director

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.

**CONCEPTUAL PLAN-26-0012. 5509 Richmond Road. Former TGI Fridays Exterior Renovations
Staff Report for the July 22, 2026, Development Review Committee Meeting**

and to be reasonably consistent, as determined by the Planning Director, with the architectural elevations titled, “Carlson Restaurants Worldwide, P6. 2 Prototype” submitted with the SUP and drawn by Carrell Poole & Yost Architecture and date stamped “Received by the Planning Division on June 20, 2005 (Attachment No. 3). The approved elevations depict a building designed specifically for a prototypical TGI Fridays restaurant, utilizing distinctive red-and-white-striped awnings, red brick, black slate accents combined with stone accent walls. The elevations do not show a two-story patio. Unfortunately, the approved design is so specific that it all but limits the building use to a TGI Fridays or something with a similar design.

Staff has reviewed the proposed changes to the building elevations (Attachment No. 4) and has no concerns with the overall design, but staff is constrained by the specificity of the approved conditions as they relate to the building’s appearance. Therefore, staff cannot approve the proposed changes to the building’s appearance because they are not reasonably consistent with the approved elevations.

The applicant is appealing to the DRC to overturn the Director of Planning’s decision that the proposed building design is not reasonably consistent with the SUP-approved building design; therefore, finding that the proposed design is consistent with the approved design.

PLANNING AND ZONING HISTORY

In 2005, the property at 5509 Richmond Road was approved for a restaurant (SUP-0023-2005).

SURROUNDING PROPERTIES

- The following table lists the information on the adjacent parcels:

	ZONING DESIGNATION	EXISTING LAND USE	FUTURE LAND USE DESIGNATION
NORTH	B-1, General Business	Bruce’s Super Body Shops	Neighborhood Commercial
SOUTH	B-1, General Business	Vacant	Neighborhood Commercial
EAST	M-1, Limited Business/Industrial	Williamsburg Place	Limited Industry
WEST	B-1, General Business	Bowlero	Neighborhood Commercial

STAFF RECOMMENDATION

After review of the Conceptual Plan, the Planning Director finds that the proposed exterior renovations are not fully consistent with the adopted building renovations. Staff recommends the applicant amend the SUP to modify the restrictive requirement that the building’s exterior look like a TGI Friday’s to allow greater flexibility in design that would align more closely with their proposed elevations and would reasonably accommodate any future changes to the appearance of the building provided it was found to be compatible with

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CONCEPTUAL PLAN-26-0012. 5509 Richmond Road. Former TGI Fridays Exterior Renovations
Staff Report for the July 22, 2026, Development Review Committee Meeting

surrounding structures. Staff recommends the DRC not approve this request.

RS/tm
CP26-12_5509RichRd

Attachments:

1. Location Map
2. Adopted SUP-0023-2005 Resolution
3. Adopted Building Elevations
4. Applicant Narrative
5. Proposed Building Elevations
6. Appeal Letter

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.

C-26-0012. 5509 Richmond Rd. Former TGI Fridays Exterior Renovations



RESOLUTION

CASE NO. SUP-23-05. TGI FRIDAY'S

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

WHEREAS, Mr. Vernon Geddy has applied for a commercial special use permit for the construction of a TGI Friday's restaurant; and

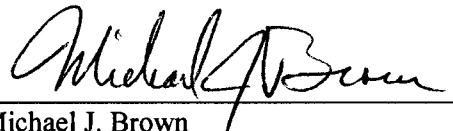
WHEREAS, the land is located on a parcel zoned B-1, General Business, and can be further identified as Parcel No. (1-5A) on James City County Real Estate Tax Map No. (33-3); and

WHEREAS, the Planning Commission of James City County, following its public hearing on August 1, 2005, recommended approval of Case No. Special Use Permit 23-05 by a 7-0 vote.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-23-05 as described herein with the following conditions:

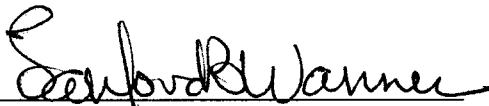
1. This SUP shall be valid for a restaurant no larger than 6,600 square feet and accessory uses thereto. Prior to final site plan approval, the Planning Director shall review and approve the final architectural design of the building. Such building shall be reasonably consistent, as determined by the Planning Director, with architectural elevations titled "Carlson Restaurants Worldwide, P6.2 Prototype" submitted with this special use permit and drawn by Carrell, Poole, and Yost Architecture and date-stamped "Received - Planning Department June 20, 2005.
2. If construction has not commenced on this project within 36 months from the issuance of an SUP, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings, and foundation has passed required inspections.
3. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 15 feet in height and/or other structures and shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher shall extend outside the property lines.
4. Freestanding signage shall be limited to one monument style sign. For purposes of this condition, a "monument" style sign shall be defined as a freestanding sign with a completely enclosed base not to exceed 32 square feet in size and not to exceed eight feet in height from grade.
5. Building face signage shall be in accordance with Section 24-71 of the Zoning Ordinance. Projecting signs shall be prohibited.

6. A landscaping plan shall be approved by the Planning Director prior to final site plan approval for this project. The landscaping plan shall include enhanced landscaping within the 50-foot Community Character Corridor buffer along Richmond Road (Route 60 West) so that the required number of plants and trees equals, at a minimum, 125 percent of the landscaping otherwise required in Chapter 24, Article II, Division 4 of the James City County Code. A minimum of 50 percent of the plantings within the Community Character Corridor buffer shall be evergreen.
7. The applicant shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final site plan approval. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems, the use of approved landscaping materials including the use of drought-tolerant plants where appropriate and the use of water-conserving fixtures to promote water conservation and minimize the use of public water resources.
8. All dumpsters and heating and cooling units, whether on the ground or affixed on the rooftop, shall be screened by landscaping, fencing, or other alternative that provides similarly adequate screening, as determined and approved by the Planning Director prior to final site plan approval.
9. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



Michael J. Brown
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	AYE
GOODSON	AYE
MCGLENNON	AYE
BRADSHAW	AYE
BROWN	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of September, 2005.

SUP-23-05.res

Carlson Restaurants WorldwideSM



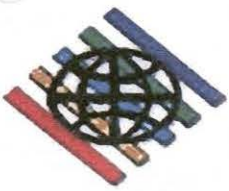
P6.2-PROTOTYPE

BLDG. 7,096 SQ. FT.
DATE:

CARRELL
POOLE
& YOST
architecture



Carlson Restaurants WorldwideSM



P6.2-PROTOTYPE

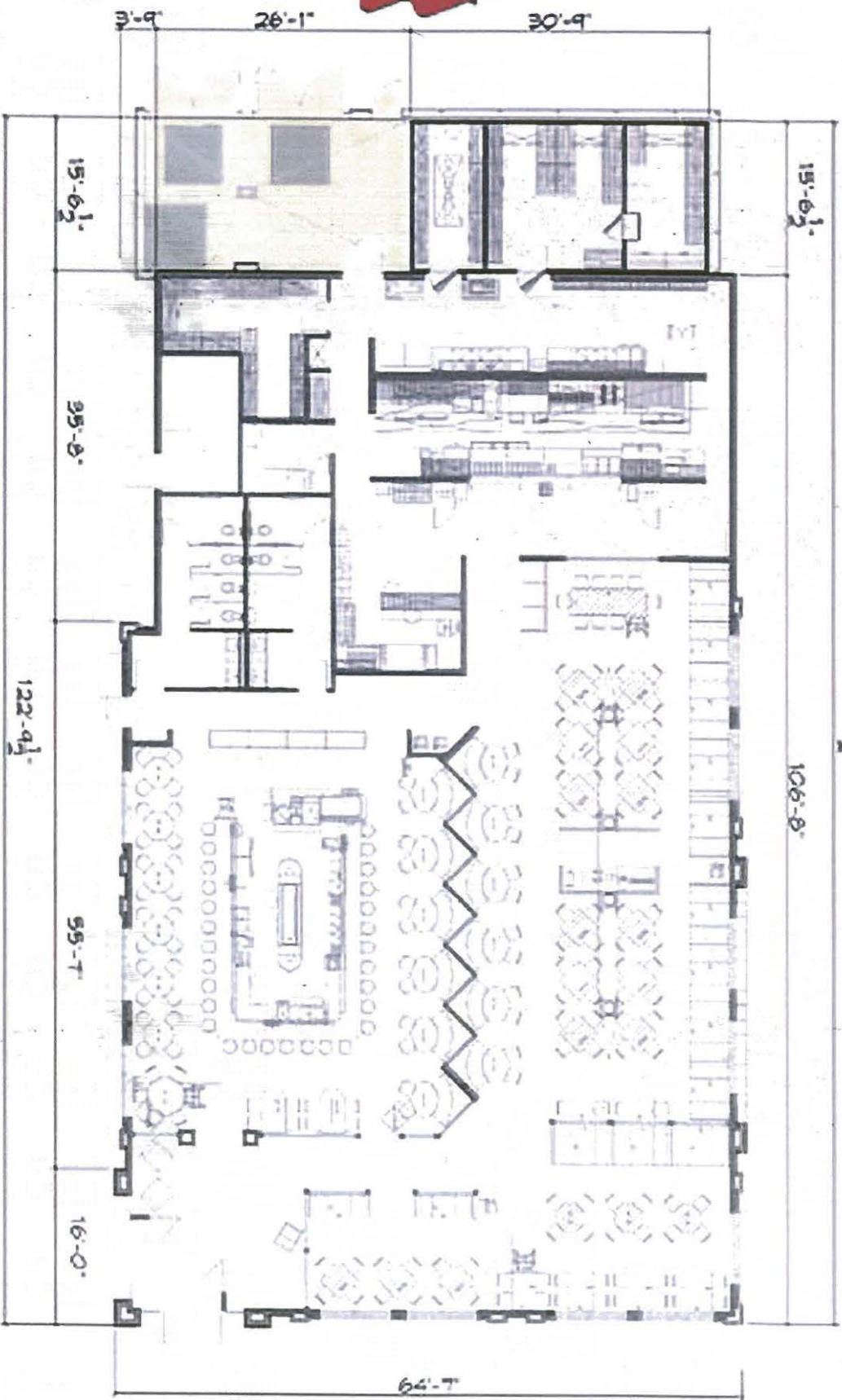
SUP 23-05

CARRELL
POOLE
& YOST
architecture

BLDG. 7,096 SQ. FT.
DATE:



Carlson Restaurants WorldwideSM



SEATING COUNT			
SQ FOOTAGE			7,096 sq.ft.
DINING			
2-tops	...	2	• 4 seats
4-tops	...	31	• 124 seats
5-tops	...	6	• 30 seats
10-tops	...	1	• 10 seats
TOTAL		40	• 168 seats
BAR DINING			
2-tops	...	2	• 4 seats
4-tops	...	11	• 44 seats
5-tops	...	6	• 30 seats
6-tops	...	1	• 6 seats
TOTAL		21	• 84 seats
TOTAL SEATS			252 seats
BAR SEATING -			28
BAR STANDING -			36
EMPLOYEES -			31
OCCUPANCY LOAD -			350

P6.2-PROTOTYPE
FLOOR PLAN
BLDG. 7,096 SQ. FT.
DATE:

PLAN SCALE: 1"=20'-0"



Carlson Restaurants WorldwideSM



MATERIALS LEGEND	
BRICK	
SLATE	
STONE	
CEMENT BOARD	
WOOD	
CLEAR ANODIZED ALUMINUM	



FRONT ELEVATION

SIGNAGE AREA (VARIES PER LOCAL REQ.)	
STOP SIGN	• 44.5 SQ. FT.
TUMBLER SIGN	• 26.2 SQ. FT.
THREE STOP SIGNS	• 133.5 SQ. FT.
ONE TUMBLER SIGN	• 26.2 SQ. FT.
TOTAL SIGNAGE AREA	• 50.7 SQ. FT.

**P6.2-PROTOTYPE
ELEVATIONS**
BLDG. 7,096 SQ. FT.
DATE:



RIGHT ELEVATION



LEFT ELEVATION



REAR ELEVATION

**CARRELL
POOLE
& YOST**
architecture



Melissa Istvanik
5509 Richmond Road
Williamsburg, VA 23188
(757) 817-6629

June 19, 2026

James City County Planning Division

Subject: Proposed changes to 5509 Richmond Road Williamsburg, VA 23188
SUP-26-0021

I am writing this narrative to inform you of the following changes we propose to make to the exterior of the above-mentioned property. We plan on updating the following:

1. Paint the current red brick white.
2. Replace all of the existing light fixtures with modern light fixtures attached to the building.
3. Install 3 accordion doors where the current windows are directly in front of the building so we can open the dining room out onto the patio.
4. Install 2 awnings over the front doors.
5. Replace the shiny black tile out front and on the side of the building with dark siding.
6. Change the travertine tile on the front of the building to a more modern tile for an updated look.
7. Create a two-floor patio/ deck in front of the building with stair access to the top level. The patio will not remove any of the parking or concrete walkways in front of the building. We are creating it in the same space as the landscaping was before.
8. We also plan to update the landscaping on the side of the building.

Thank you for your consideration,

Sincerely,

Melissa M. Istvanik, Madera Kitchen and Bar, LLC



Melissa Istvanik
5509 Richmond Road
Williamsburg, VA 23188
(757) 817-6629

July 8, 2026

James City County Planning Division

Subject: SUP-26-0021

I am writing this letter to inform you of our request to appeal the decision of the Planning Director regarding the exterior finishes not consistent with the adopted building elevations of our property located at 5509 Richmond Road, Williamsburg, VA 23188.

The following are our proposed exterior finishes:

1. Paint the brick exterior
2. Replace the light fixtures
3. Install three accordion doors to the front
4. Install awnings
5. Replace the tile with siding
6. Replace the exterior tile
7. Create a two-floor deck
8. Update the landscaping.

Please see the included elevation with this letter for more details. We appreciate your consideration and hope that the Development Review Committee can recommend approval.

Sincerely,

Melissa M. Istvanik, Madera Kitchen and Bar, LLC

**CONCEPTUAL PLAN-26-0016. 4403 Ware Creek Road and 4111 Mount Laurel Road Subdivision
Staff Report for the July 22, 2026, Development Review Committee Meeting**

SUMMARY FACTS

Applicants: Ms. Helen Dillard and Mr. Joe Wenger

Landowners: Wenger Farms, LLC

Proposal: A shared driveway exception request for 10 lots proposed to be subdivided from 4403 Ware Creek Road and 4111 Mount Laurel Road.

Locations: 4403 Ware Creek Road
4111 Mount Laurel Road

Tax Map/Parcel Nos.: 1410100014
1320100018

Project Acreage: ± 238.8 acres

Current Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area (PSA): Outside

Staff Contact: Morgan Risinger, Senior Planner

REASON FOR DEVELOPMENT REVIEW COMMITTEE (DRC) REVIEW

Section 19-73 of the Subdivision Ordinance requires all minor subdivisions of three or more unimproved lots to limit direct access from the existing road to one shared driveway. The proposal includes six lots to be subdivided from 4403 Ware Creek Road and four lots to be subdivided from 4111 Mount Laurel Road. Therefore, the subdivision of each property would qualify as minor subdivisions and each requires a shared driveway per the Subdivision Ordinance.

FACTORS FAVORABLE

1. The Fire Department and the Virginia Department of Transportation (VDOT) have stated no objection to this exception request.

FACTORS UNFAVORABLE

1. Staff finds that the proposed exception request does not fully satisfy the required exception criteria detailed in Section 19-18 of the Subdivision Ordinance.

STAFF RECOMMENDATION

Staff finds that the exception request does not satisfy all of the criteria listed in Section 19-18 and, therefore, is unable to recommend approval of the request.

PROJECT DESCRIPTION

The applicants are requesting a waiver to the shared driveway requirement for the proposed minor subdivisions to create 10 lots in total from the 4403 Ware Creek Road and 4111 Mount Laurel Road properties. These properties are zoned A-1, General Agricultural, and are subject to a minimum lot size of 20 acres for any proposed lots. As shown in the provided Conceptual Plan (see Attachment No. 3), each proposed lot will be at least 20 acres in size and will have direct frontage on Ware Creek Road and/or Mount Laurel Road. In total, the properties have approximately 7,392 linear feet of frontage along Ware Creek Road and Mount Laurel Road.

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.

**CONCEPTUAL PLAN-26-0016. 4403 Ware Creek Road and 4111 Mount Laurel Road Subdivision
Staff Report for the July 22, 2026, Development Review Committee Meeting**

In accordance with Section 19-21 of the Subdivision Ordinance, both existing properties are considered to be parent parcels and are each permitted to be subdivided into a maximum of nine lots through the minor subdivision process. As shown, the proposed lots would be divided so that six lots are subdivided from the 4403 Ware Creek Road property and four lots are subdivided from the 4111 Mount Laurel Road property through separate minor subdivision applications. Each minor subdivision plat may include a maximum of five proposed lots. Therefore, the proposed six-lot subdivision of the 4403 Ware Creek Road property would need to be phased in two separate minor subdivision plats. The subdivision of four lots from the 4111 Mount Laurel Road property may be accomplished through a single minor subdivision plat. Each minor subdivision plat would be subject to Section 19-73 of the Subdivision Ordinance which states that a shared driveway shall be provided if three or more unimproved lots are proposed.

Staff notes that these properties are currently included within the Croaker Agricultural and Forestal District (AFD) which specifies that proposed lots shall be at least 25 acres in size or greater. Separate from the current subdivision exception request, the applicants would need to withdraw the properties from the Croaker AFD or adjust the subdivision layout so that each proposed lot is at least 25 acres in size.

SURROUNDING ZONING AND DEVELOPMENT

- The following table lists information on the parcels adjacent to the subject properties:

	ZONING DESIGNATION	EXISTING LAND USE	FUTURE LAND USE DESIGNATION
NORTH	A-1, General Agricultural	Single-Family Residential; and Agricultural Uses	Rural Lands
SOUTH	A-1, General Agricultural; and R-6, Low Density Residential	Single-Family Residential; Agricultural Uses; and Interstate 64	Rural Lands
EAST	A-1, General Agricultural	Single-Family Residential; and Agricultural Uses	Rural Lands
WEST	A-1, General Agricultural	Single-Family Residential; and Agricultural Uses	Rural Lands

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CONCEPTUAL PLAN-26-0016. 4403 Ware Creek Road and 4111 Mount Laurel Road Subdivision
Staff Report for the July 22, 2026, Development Review Committee Meeting

STAFF ANALYSIS

Section 19-73 of the Subdivision Ordinance states that a shared driveway shall be required for any subdivision with three or more undeveloped lots. This requirement, along with a number of other updates, was added to the Subdivision Ordinance in 1999 after having been developed by a citizen and stakeholder committee charged with revisions to the Zoning and Subdivision Ordinances at that time. This update was preceded by inclusion of Rural Land Use Standards in the Development Standards section of the 1997 Comprehensive Plan which encouraged preservation of the natural, wooded, and rural character of the County by various measures, including “minimizing the number of street and driveway intersections along the main road by providing common driveways and interconnection of developments.” This language has remained in subsequent versions of the Comprehensive Plan’s Rural Lands Development Standards, including the current 2045 Comprehensive Plan. Over the years, many minor subdivisions have been approved with shared driveways, both inside the PSA and outside the PSA for minor subdivisions with larger lots taking access from rural roads. This is the first exception requested from the shared driveway requirement in the A-1 Zoning District since the minimum parcel size in A-1 was increased to 20 acres.

The analysis below provides information on each of the criteria listed in the Subdivision Ordinance Exception section:

Per Section 19-18 of the Subdivision Ordinance, the Commission shall not approve any exception unless it first receives a recommendation from the DRC and unless it finds that:

- a. Strict adherence to the Ordinance requirement will cause substantial injustice or hardship;

The applicants proposed Concept Plan does not show lot layouts that utilize a shared driveway to substantiate the hardship claim.

Shared driveway requirements are intended to limit the number of individual curb cuts on roadways to improve traffic flow and reduce potential hazards. The applicants indicate that the lot layout could be structured in such a way as to create large spacing between driveways; however, many of the proposed lots are narrow along the street frontage and the proposed driveway spacing is not shown on the plan. Therefore, staff finds the applicants have not demonstrated a substantial injustice or hardship.

- b. The granting of the exception will not be detrimental to public safety, health, or welfare, and will not adversely affect the property of others;

Shared driveways are required to assist in limiting curb cuts to improve traffic flow and reduce potential hazards. Staff cannot find that the granting of this exception request will not be detrimental to public safety, health, or welfare. However, staff believes that it is likely that the request will not negatively affect adjacent properties.

- c. The facts upon which the request is based are unique to the property and are not applicable generally to other property so as not to make reasonably practicable the formulation of general regulations to be adopted as an amendment to this chapter;

Staff finds that although the existing properties have a significant amount of road frontage, other properties in the County are similarly situated with significant amounts of road frontage and have the ability to be subdivided so that each lot has direct frontage.

- d. No objection to the exception has been received in writing from the Transportation Department, Health Department, or; and

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.

**CONCEPTUAL PLAN-26-0016. 4403 Ware Creek Road and 4111 Mount Laurel Road Subdivision
Staff Report for the July 22, 2026, Development Review Committee Meeting**

Staff has not received any objections to this exception request.

- e. The hardship or injustice is created by the unusual character of the property, including dimensions and topography, or by other extraordinary situation or condition of such property. Personal, financial, or self-inflicted hardship or injustice shall not be considered proper justification for an exception.

There is a Resource Protection Area extending into the center of the 4403 Ware Creek Road property which may prevent a more centralized shared driveway route if connected to all six lots. Staff estimates that the distance that may be necessary to establish a shared driveway on the perimeter of the property, as the applicants suggest, and to connect to all six lots, is approximately 3,100 linear feet. However, the applicants did not suggest this is a hardship, nor did they provide a proposed design. Therefore, it is uncertain as to whether or not this distance is correct, and if that distance is a hardship and whether or not there are alternative designs that could be pursued.

For the 4111 Mount Laurel Road property, staff estimates that the necessary distance for a shared driveway to connect the four proposed lots is approximately 1,400 linear feet. However, the applicants did not provide a proposed design, so it is uncertain as to whether or not this distance is accurate or whether, in the opinion of the applicants, this is a hardship.

STAFF RECOMMENDATION

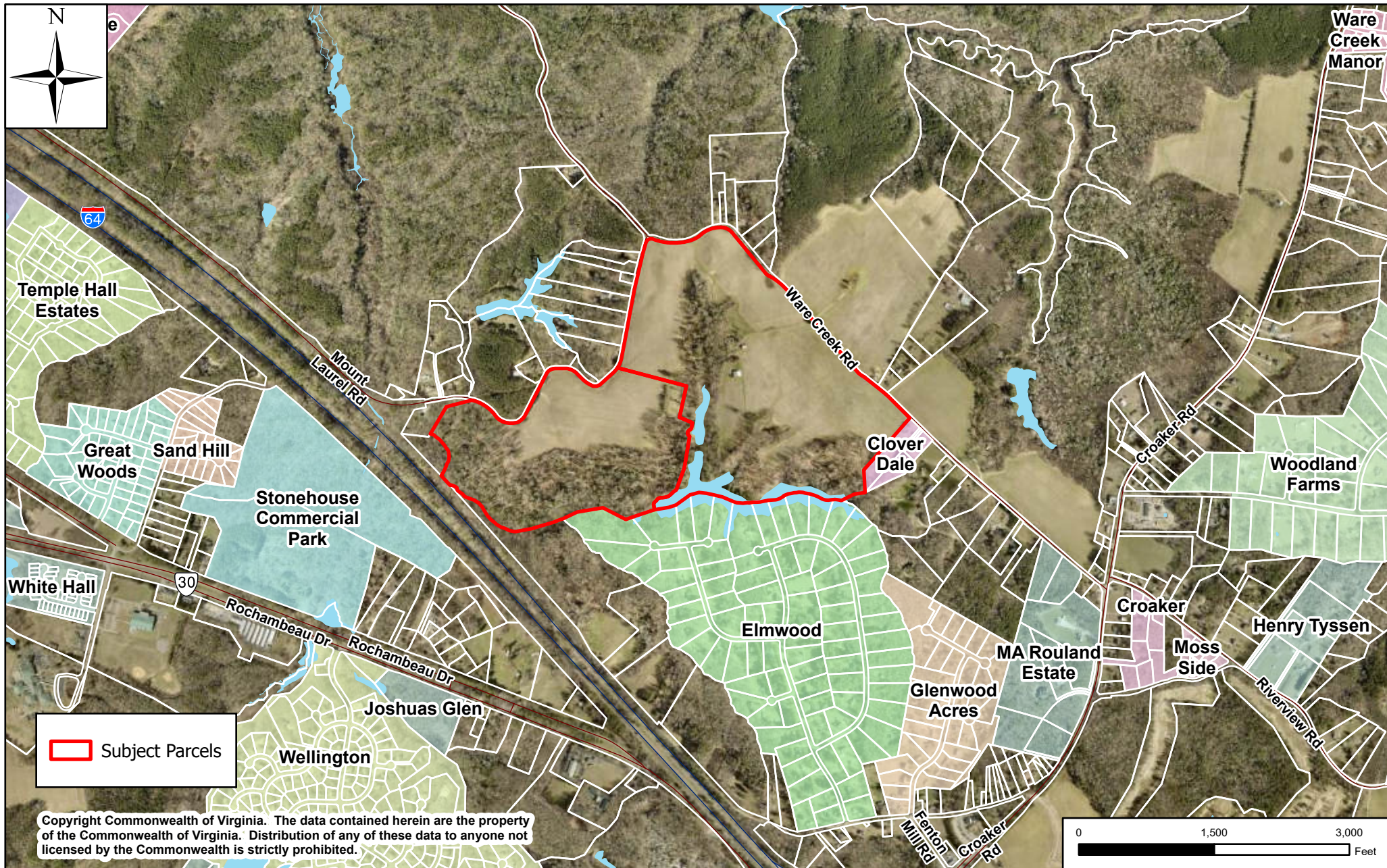
Staff finds that the exception request does not satisfy all of the criteria listed in Section 19-18 and, therefore, staff is unable to recommend approval of the request.

MR/tm
CP-26-16_4403WrCk-4111MtLrl

Attachments:

1. Location Map
2. Applicants' Exception Request
3. Conceptual Plan
4. Conceptual Plan Showing Current Property Boundaries

C-26-0016. 4403 Ware Creek Rd. and 4111 Mount Laurel Rd. Subdivision



Exception Letter

Morgan Risinger, Senior Planner
101 Mounts Bay Rd.
James City County Complex, Building A
Williamsburg, VA 23185

Dear Ms. Risinger:

I, Joe Wenger, as the manager of the Wenger Farms LLC, would like to present this letter, as the shareholders' formal request, to obtain an approval that we not be bound by the requirement of asphalt shared access driveways. This would help us to maintain a bucolic rural atmosphere that could be enjoyed by all who choose to live on the land and admired by all who may pass by.

The first section of this letter is dedicated to our fond memories of Cloverdale by various family members. The second section explains why we are requesting an exception, the 3rd section is the deed history, and the last section is the technical and history by Jason Grimes, AES.

1.) Fond Memories of Cloverdale Farm:

Many rich memories stay with me as I recall the green grass of the farm with the black and white Holstein cows and red Farmalls and green John Deere tractors scattered throughout. The cows had free rein over the fields and frolicked and played with each other. I had a pet cow named "Baby" whom I would call and she would come trotting across the field to be petted. She was giving birth and had some problems. My husband had to pull the calf out, and she was so grateful. She joyfully licked him up and down. She had such a personality!

Mom was up early working in her flower beds, (there was always plenty of cow manure helping produce the most luscious flowers), and freezing and canning vegetables and fruit from her garden. Somehow she still had time to make our clothes and feed us scrumptious meals, often from her garden produce. She often had to help milk the cows if the help did not show up. She loved to try out new recipes from the "Mennonite Community Cookbook" and made comments in the columns like "delish, good, all right!" She would love to feed whoever was here, inviting everyone to join us. She found joy in doing special dishes for them.

Dad bought a border collie (a herding dog) at an auction and brought her home along with his newly purchased cows. Mom was so upset. That dog would get a hundred cows up to the lot from the field to be milked all by herself. We loved her. What a blessing! She was a lovely companion as well to all of us. Mom finally warmed up towards her, but she was never allowed in the house. Her name was "Birdie."

Helen Dillard

"VIRGINIA" - written when Kate was a child

By Katherine Losey

*Cows all over the field.
Cats meowing.
You can smell Grandma's delicious dinners.
You can hear babies crying.
You can feel in your heart the flowers growing.
The farmer getting the milk out of the cow.
You can smell the fresh breeze.
Then after your long day is over,
You put on your nightgown,
Go to bed and have your nighttime nap.
You wake up in the morning
The sun is just rising,
And you go out and milk the cows again.*

I am eternally grateful for my experience growing up at Clover Dale. There is nothing quite like having acres of beautiful forest, fields, and meadows to explore. I recall spending countless days with my sister going on "adventurers," pioneering our way through the forest, exploring the old barns, structures, and the smokehouse on the property, and wondering what this old place had experienced before my family had the pleasure of calling at home. What were the hardships the determined farmers who worked these fields experienced in their struggles from day-to-day? The beaver dam at the pond fascinated me, and my sister and I took many hikes around the pond seeing how far we could go before nightfall. So much wildlife, such history, and so much beauty we found in my childhood home. Clover Dale represents a time in American history that is fading. It was one of the last dairy farms in James City County. My last wish for Cloverdale is for its beauty to be enjoyed by other families in a way that honors its rural legacy.

Tara Dillard

When I think of home, I hear bob-white quail whistling in the fields in the afternoon. I see the glowing dance of fireflies in my mother's maple tree at dusk. I know that I am impossibly lucky to have grown up in a place as beautiful and full of life as the Wenger dairy farm. As a child, I spent hours exploring the forests and meadows. I loved climbing trees, searching the creeks for salamanders and bullfrogs, and listening for the melodies of my favorite songbirds. Being present on this land gave me that sense of belonging and peace that can only be felt when immersed in the beauty of the natural world. While the neighboring rural lands were overtaken by housing developments, traffic, and strip malls, my home remained a quiet refuge. More than ever, this tranquil land, its history and heritage, and the life it supports are precious beyond measure. It is my great wish to see the rural beauty of Virginia's last remaining farms, especially my home, preserved and protected just as my family tended and nurtured the land before me.

Kristin Dillard

I visited my grandparents' farm many summers in my childhood. I remember secretly loving the smell of the cows and their poop. Sloshing around the milking barn with granddad and seeing all the milk in the collection container. We had epic big family dinners around the big table. I discovered the joys of fresh apple juice in my grandmother's kitchen, and honey. I remember her belting out a song about chigger bites on her ukulele. They had a collie dog or two, always a collie dog. I appreciate the patience all the grownups had with us kids making noise on the steampunk looking pump organ that used to be there, with all its different knobs and settings. When we were little, one of us would work the pedals and the other would play the keys. Some days we would stop at Garrett's Grocery and get worms and go fishing or go to the waterslide park that used to be down the road. The nights were hot because there was no A/C. I remember giving up on reading in bed because of the bugs in my light. And strangely, the woody smell of the house combined with cooking smells is embedded in my memory. When I smell another house like it, it really takes me right back. Just the other day, my sister Amy walked in my house and told me it smelled like the farm house. Everything comes full circle.

Molly Cliborne

Our farm was an amazing place to grow up. Like most 16 year olds I did not appreciate that, and was anxious to, and got, my driver's license. James Blair High School had a summer program which gave an insurance break for passing the course.

My mother always had an awesome garden. I was working in the garden when I realized it was time for me to head for school. I neglected to close the garden gate and the cows quickly found their way into the garden.

Mom and Dad were both upset of course, mom didn't say much, dad was a bit more vocal. I had let them down so badly. I often think about that day and how irresponsible I was. Of course I still make mistakes, but the experience helps.

Joe Wenger

The farm has always been such a special place to me. I moved to New York in 1970, and have made a plethora of trips, over the years, to and from Croaker. Sounds like a strange memory, but what I really loved was seeing the beautiful black and white holsteins in the fields, and then stepping out of the car and being greeted by that distinct scent of cow manure. I knew I was home! Then, walking into the farmhouse and getting such a big heartfelt hug from Mom— simply icing on the cake!

Our parents, the cows, the smell of cow manure are all history now, but the hallowed ground where it all happened survives. It would be such a treasure to see it disturbed as little as possible as it awaits its next impending purpose.

Carol Losey

This property was one of the last operating dairy farms in James City County. Our father milked cows 2 times a day, 7 days a week, for many years. He would get up every morning at 4:30 and milk cows, and again, every afternoon at 3:30 and do the same. He truly loved it. He loved to sing, so the barn was filled with his hymns. In between he would tend his crops and do various chores. He was disabled by contracting sepsis at age 80. It affected his health severely, damaging his heart valve, and disabling him permanently.

Helen Dillard

2.) Why we would like to get the exception.

In addition to helping preserve some lovely memories of our childhood, the “exception” would allow preservation of the front fields and the character of the house, thus the acreage to be sold would be accessed through existing road frontage with gravel driveways instead of the all weather asphalt shared driveway required by the ordinance. We also wish to maintain the current separate driveway centered on the house. We feel our property will lose its character if shared driveways are placed there. This will make it look like a modern housing development, not an historic farm. We feel the shared driveways will ruin the rural character of our land. These rural features have been here long before our father acquired the property in 1943.

3.) History:

Deed of Trust: 1942: Agreement for sale of land to Joseph and Mary

Wenger, a total of 236.19 acres.

Deed book 36, page, 562, Records Room,

Williamsburg/James City County Courthouse, Deed issued in 1943.

Deed: 1882: Property sold by Robert Wright to Robert Barlow, Jr. Records Room, 672 acres, p. 321, Williamsburg/James City County Courthouse, 1883.

Deed: Property sold to J H Wenger, 140.99 acres, deed book 35, pages 368-370., September 27, 1944.

4.) Jason Grimes, AES, Technical and History

Please accept this letter as a formal petition requesting for an Exception under Section 19-18 of the Subdivision Ordinance for the Wenger family property, historically known as Cloverdale Farm. The Applicant requests an exception to the County’s access requirements to permit multiple gravel driveways directly accessing Ware Creek Rd. rather than requiring the construction of a single shared internal subdivision street or a paved shared driveway.

Some background on the property, The Wenger family has faithfully stewarded this land for over 80 years, dating back to when Joseph H. and Mary Cline Wenger acquired the farm in 1943. For decades, it operated as one of the last functioning dairy farms in James City County. Today, the property remains a pristine window into the County’s agricultural past, complete with five historic concrete silos, and an original 1940s milkhouse. The family is seeking this subdivision to reasonably utilize their land while fiercely protecting the rural character and childhood memories tied to these front fields.

We would submit the following as justification for the requested Exception in accordance with Section 19-18 of the Subdivision Ordinance:

1. Strict adherence to the ordinance requirement will cause substantial injustice or hardship due to the unusual character of the property. The property possesses highly unique physical and geographic constraints. The parcel

is exceptionally linear, boasting a significant 7,392 linear feet of existing continuous frontage. However, the developable depth of the property is severely restricted by extensive wetlands and protected environmental buffers at the rear, which compress the buildable area toward the front of the lots.

Because the development must adhere to a strict 20-acre minimum lot size, creating an internal public road or a massive shared access network to serve these lots would require constructing new infrastructure running entirely parallel to the existing public road. Given the narrow buildable footprint, constructing a parallel internal road is geographically illogical and financially infeasible. More importantly, forcing modern road infrastructure onto this site would require paving over the historic front fields, destroying the agrarian setting of the historic silos and home.

2. The granting of the exception will not be detrimental to public safety, health, or welfare, and will not adversely affect the property of others. Permitting multiple gravel driveways along this extensive frontage will not negatively impact public safety or traffic flow. Because the property features 7,392 feet of frontage, the proposed driveways can be widely spaced to safely meet or exceed all Virginia Department of Transportation (VDOT) sight distance standards.

In fact, granting this exception actively promotes the public welfare by advancing the County's Comprehensive Plan goals of preserving rural and historic community character. The family wishes to maintain the current, separate driveway centered on the historic home and utilize individual gravel driveways for the new 20-acre lots. Forcing the family to construct an all-weather asphalt shared driveway or internal street would make the property look like a modern housing development, permanently ruining the rural character of a farm that has graced this corridor since the 1940s.

3. The facts upon which the request is based are unique to the property and are not applicable generally to other property. It is highly unusual for a parcel to possess such an extreme ratio of linear road frontage to buildable depth, be subject to a 20-acre minimum lot size, and concurrently function as an intact, 80-year-old historic family farm. This combination of physical geometry and historic vulnerability renders standard subdivision street design uniquely destructive to this specific tract. Granting an exception here would protect a recognized local landmark without undermining the County's general subdivision regulations for typical, modern parcels.

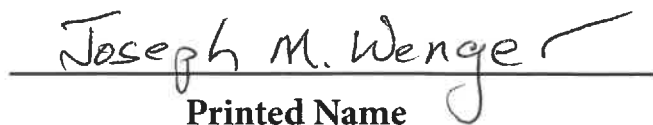
For the reasons stated above, we respectfully request that the Planning Commission approve this exception. Allowing individual gravel driveways respects the environmental sensitivity of the site, avoids the destruction of Cloverdale Farm's historic front fields, and allows the Wenger family to continue their 80-year legacy of preserving the rural character of James City County.

Thank you for your time and consideration of this request.

Respectfully submitted,

Joseph M. Wenger


Sign Name

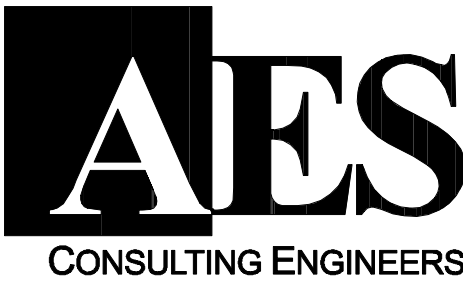

Printed Name

This topographic map illustrates a 190-acre property divided into 19 lots. The lots are labeled with their respective areas in acres (AC):

- LOT 1: 20.07AC
- LOT 2: 20.03AC
- LOT 3: 20.06AC
- LOT 4: 20.00AC
- LOT 5: 20.21AC
- LOT 6: 20.00AC
- LOT 7: 20.00AC
- LOT 8: 3.01AC
- LOT 9: 3.01AC
- LOT 10: 20.52AC
- LOT 11: 23.93AC
- LOT 12: 22.45AC
- LOT 13: 29.28AC
- LOT 14: 20.30AC
- LOT 15: 20.00AC
- LOT 16: 20.65AC
- LOT 17: 20.19AC
- LOT 18: 20.34AC
- LOT 19: 20.33AC

The map also shows a 100-foot RPA (Resource Protection Area) buffer, a 50-foot R/W (Right-of-Way) area, and a proposed driveway labeled "EX. DRIVEWAY TO REMAIN". The property is bounded by WARE CREEK ROAD to the east. A graphic scale indicates 1" = 300', with markings for 300', 0', 300', and 600'.

Rev.	Date	Description	Revised By

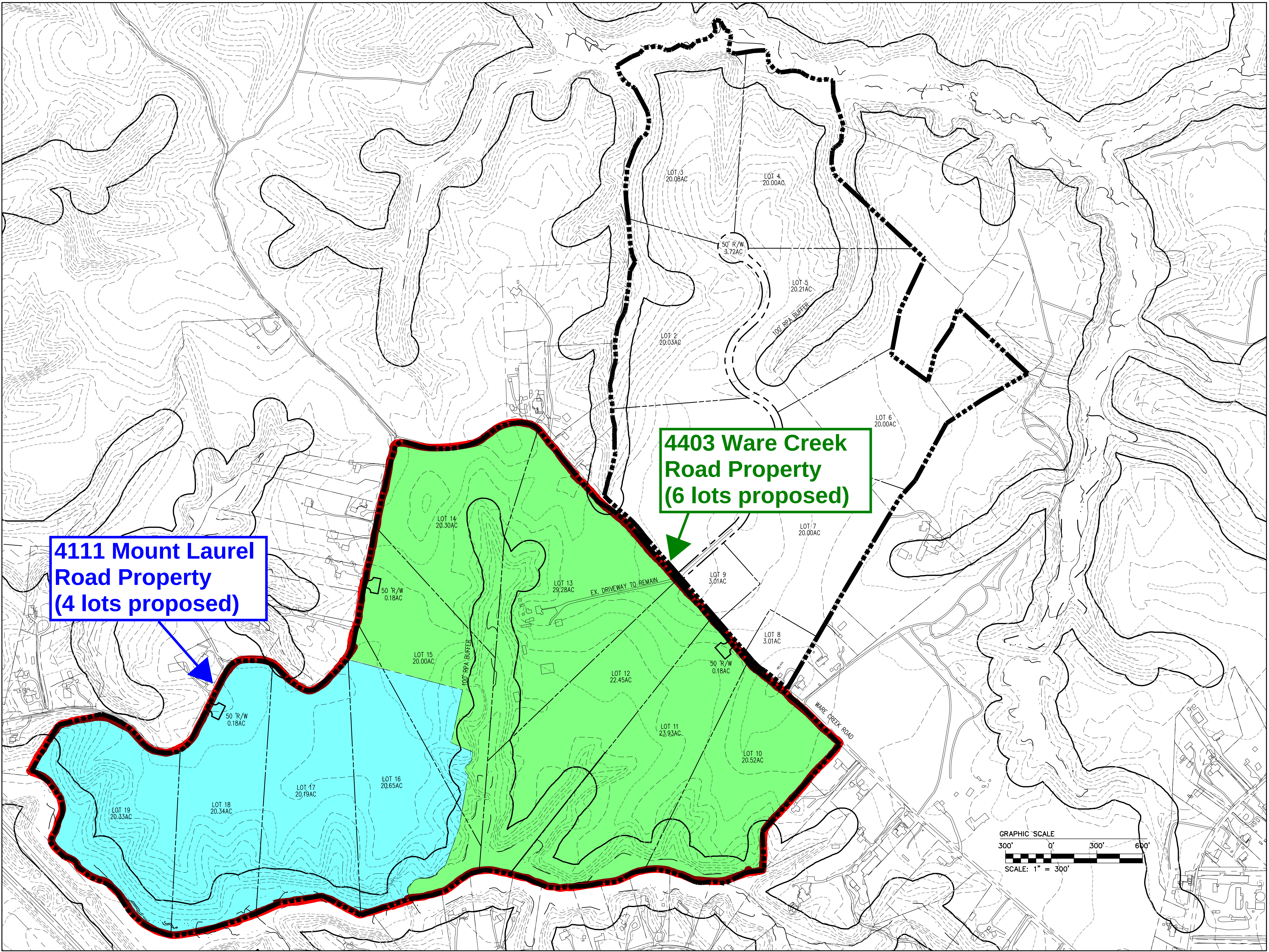


Virginia | North Carolina | West Virginia

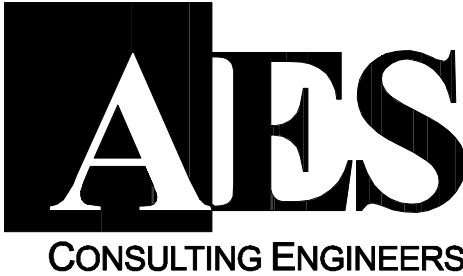
James City County

1

PROPERTY IS ZONED A-1, GENERAL AGRICULTURAL DISTRICT
JCC PIN #1410100007, 1410100002, 1320100018, 1410100001, 1410100014
TOTAL SITE AREA = 367.80
BUILDING SETBACKS:
FRONT: 50'
SIDE: 15'
REAR: 35'
MINIMUM LOT WIDTH = 250'



Rev.	Date	Description	Revised By



5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
Phone: (757) 253-0040
www.aesva.com

Virginia | North Carolina | West Virginia

Conceptual Development Plan
Wenger Family Farms
Wenger Farms, LLC

James City County

Project Contacts: CBR
Project Number: W10932-00
Scale: 1"=300' Date: 11/21/25
Sheet Number