

A G E N D A  
JAMES CITY COUNTY PLANNING COMMISSION  
JULY 10, 2006 - 7:00 p.m.

1. ROLL CALL
2. PUBLIC COMMENT
3. MINUTES
  - A. June 5, 2006 Regular Meeting
4. COMMITTEE AND COMMISSION REPORTS
  - A. Development Review Committee (DRC) Report
  - B. Policy Committee
  - C. Other Committee/Commission Reports
5. PUBLIC HEARINGS
  - A. Z-2-06/MP-3-06/SUP-19-06 Mason Park
  - B. Z-3-06/MP-4-06/SUP-21-06 Pleasant Hill Station
  - C. 2006 Agricultural and Forestal District (AFD) Renewals
    1. AFD-2-86 Croaker
    2. AFD-3-86 Hill Pleasant Farm
    3. AFD-5-86 Barnes Swamp
    4. AFD-6-86 Cranston's Pond
    5. AFD-7-86 Mill Creek
    6. AFD-9-86 Gordon Creek
    7. AFD-6-86 Christenson's Corner
    8. AFD-11-86 Yarmouth Island
    9. AFD-12-86 Gospel Spreading Church
  - D. SUP-20-06 Wythe-Will Commercial Expansion
6. PLANNING DIRECTOR'S REPORT
7. ADJOURNMENT

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FIFTH DAY OF JUNE, TWO-THOUSAND AND SIX, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Don Hunt  
Mary Jones  
George Billups  
Jack Fraley  
Shereen Hughes  
Jim Kennedy

ABSENT

Tony Obadal

STAFF PRESENT

Marvin Sowers, Planning Director  
Adam Kinsman, Assistant County Attorney  
Jenny Lyttle, Assistant County Attorney  
Darryl Cook, Environmental Director  
Michael Woolson, Environmental Engineer  
Toya Ricks, Administrative Services Coordinator  
Matthew Smolnik, Planner  
Joel Almquist, Planner  
Jose Riberio, Planner  
Kathryn Sipes, Planner  
David German, Planner  
Melissa Brown, Senior Zoning Officer

2. PUBLIC COMMENT

Mr. Fraley invited members of the public to address the Planning Commission.

Hearing no requests the public comment period was closed.

3. MINUTES

A. May 1, 2006 Regular Meeting

Mr. Hunt motioned to approve the minutes.

Ms. Jones seconded the minutes.

In a unanimous voice vote the minutes of the May, 1, 2006 meeting were approved.

4. COMMITTEE AND COMMISSION REPORTS

A. Policy Committee

Mr. Billups asked Ms. Jones to give the report.

Ms. Jones stated that the Policy Committee met on April 8 and 11 to review proposed changes to the Sign Ordinance. She said the Committee voted unanimously to recommend approval of the proposed amendment that will be considered by the Commission later in the meeting. Ms. Jones also stated that the staff report would provide greater detail.

B. Development Review Committee (DRC)

Mr. Kennedy stated that the DRC met on May 31<sup>st</sup> to consider three (3) cases. He stated that SP-29-06 New Town Block 10 Parcels E & F and a setback waiver for New Town Section 3 & 6 were approved. Mr. Kennedy said S-59-05 Peleg's Point Section 6 was deferred for additional information from the applicant and stated the need to have applicants present at DRC meetings.

Mr. Hunt motioned to approve the report.

Ms. Jones seconded the motion.

In a unanimous voice vote the Development Review Committee report was approved.

C. Better Site Design Group

Mr. Fraley stated that Ms. Hughes had been named as the Planning Commission's liaison to the Better Site Design Committee and asked her for a status report.

Ms. Hughes stated that the Better Site Design Committee was formed to study ways to implement the 24 model principles developed by the Better Site Design Roundtable Report. She stated that the first two (2) meetings were to decide how to go forth with the implementations. She said long and short term goals were set and that all interested parties will be kept informed as the group proceeds.

5. PUBLIC HEARINGS

A. Z-2-06/MP-3-06/SUP-19-06 Mason Park

Mr. Fraley stated that the applicant has requested a deferral.

Mr. Sowers stated that Staff concurs with the request.

Mr. Fraley opened the public hearing.

Hearing no requests the public hearing was continued.

B. SUP-13-06 Unicorn Cottage

Mr. Joel Almquist presented the staff report stating that Ms. Sharon Dennis has applied for a Special Use Permit to construct and operate a child daycare center at 3021 and 3025 Ironbound Road. The property is zoned R-8, Rural Residential and is further identified as parcels (1-67) and (1-67A) on JCC Tax Map No. (47-1). The site is designated as Low Density Residential by the JCC Comprehensive Plan and is located along the Ironbound Road Community Character Corridor. Mr. Almquist also stated that the applicant has agreed to remove all debris on the proposed site and restore the property and develop the site according the Board adopted Primary Principles for the Five Forks area. The applicant has also agreed to provide a vegetated buffer around the perimeter of the property and install a sidewalk along Ironbound Road when deemed necessary by the County. Staff found the proposal consistent with surrounding development, the Comprehensive Plan, the R-8 Zoning District and the Five Forks Primary Principles and recommended approval.

Mr. Kennedy asked why the limit on the number of children was set at 30.

Mr. Almquist said the limit was volunteered by the applicant.

Mr. Kennedy confirmed with Mr. Almquist that the applicant's previous facility was licensed to care for up to 64 children.

Mr. Billups asked if there was a tie in between the previous operation and the currently proposed operation.

Mr. Almquist stated that the previous facility was located on property owned by the Unitarian Church. He explained that proposed day care would be the applicant's private facility.

Mr. Billups asked if the previous facility was owned by the Church or the applicant.

Mr. Almquist stated that he did not know and deferred the question to the applicant.

Mr. Fraley opened the public hearing.

Ms. Sharon Dennis of 528 Neck O Land Road, the applicant, stated that the previous business was privately owned on property leased from the church.

Mr. Kennedy asked if the applicant was satisfied with the limit on the number of children.

Ms. Dennis indicated her satisfaction.

Mr. Fraley asked if the applicant had any additional comments.

Ms. Dennis stated her plans to make the facility nice for children and to enhance the area.

Ms. Jones asked if the applicant was comfortable with the agreement to construct sidewalks.

Ms. Dennis stated her agreement.

Hearing no other requests to speak the public hearing was closed.

Mr. Kennedy motioned to recommend approval of the application and attached conditions.

Ms. Jones seconded the motion.

In a unanimous roll call vote the application and conditions were recommended for approval (6-0). AYE: Hughes, Kennedy, Billups, Hunt, Jones, Fraley (6); NAY (0). (Obadal absent)

### C. SUP-16-06 Hogan Homestead Day Care

Mr. Jose Riberio presented the staff report stating that Ms. Catherine Hogan has applied for a special use permit for the operation of a child day care service at 9219 Richmond Road. The property is zoned A-1, General Agriculture, and is further identified as Parcel No. (4-3) on JCC Tax Map No. (10-1). This property is designated Rural Lands on the Comprehensive Plan Land Use Map.

Mr. Fraley opened the public hearing.

Mr. John Hogan, 233 Nina Lane, represented the applicant and presented the history and overview of the Day Care Center.

Mr. Kennedy asked if the applicant was satisfied with the conditions on the number of children and hours of operation.



Mr. Hogan stated that the center is currently licensed through the State for 12 children but operates at 8 due to County regulations. He said that with the new larger home the center would like the ability to care for up to 12 children.

Mr. Billups asked about food preparation.

Mr. Hogan said the children pack their lunch and snacks.

Mr. Billups asked if there are two (2) exits from the basement.

Mr. Hogan said yes.

Mr. Sowers noted the floor plan diagram on page 39 of the Planning Commission packet.

Ms. Hughes asked if the Health Department had been consulted about the size of the septic field.

Mr. Hogan said that after discussions about the primary use of the home, hours of operation, and number of children the Health Department did not think there would be a problem and recommended the (Authorized On-Site Soil Evaluator) AOSE be consulted. Mr. Hogan stated that any change would require an additional spur on the septic field which would not be a problem.

Ms. Hughes asked if any water conservation efforts were recommended.

Mr. Hogan did not know of any.

Hearing no other requests the public hearing was closed.

Mr. Kennedy motioned to approve the application.

Mr. Hunt seconded the motion.

In a unanimous roll call vote the application was recommended for approval (6-0). AYE: Kennedy, Billups, Hunt, Jones, Hughes, Fraley (6); NAY: (0). (Obadal absent)

#### D. SUP-17-06 8391 Richmond Road Veterinary Hospital & Indoor Kennel

Mr. Matthew Smolnik presented the staff report stating the Mr. Matthew Burton has applied for a Special Use Permit on the parcels located at 8391 Richmond Road, which is currently zoned A-1, General Agriculture in order to allow for the construction of a veterinary hospital. The property is also known as parcel (1-1) on the JCC Tax Map (12-4). The site is designated as General Industrial by the James City County Comprehensive Plan. Recommended uses for General Industrial land include industrial uses while secondary uses include office uses and a limited amount of commercial development to support the primary use. Staff recommended approval.

Mr. Kennedy asked about the necessity of proposed condition #11 regarding Chloroform Bacteria.

Mr. Smolnik stated that west of the proposed Best Management Pond (BMP) is the outdoor fenced area that is slighter higher in elevation than the BMP. He said the condition will help treat the animal waste that may run into the BMP.

Mr. Kennedy asked about the cost to the applicant.

Mr. Smolnik stated that he did not feel it was too costly and that it should be easily obtainable on the site.

Mr. Kennedy said that kennels do not allow waste to stay in their runs very long and asked about

internal waste disposal.

Mr. Smolnik stated that the kennel would be indoors with appropriate disposal systems.

Mr. Billups asked if comments had been received from neighbors.

Mr. Smolnik said no.

Ms. Hughes asked why architectural drawings had not been submitted.

Mr. Smolnik said the applicant had indicated that they wanted to see if the application would be approved before undertaking the cost.

Ms. Hughes said trees currently lining the drive to the existing structure would have to be cleared. She asked about relocating the proposed structure to preserve the trees. Ms. Hughes also noted that the master plan submitted was conceptual.

Mr. Smolnik said the master plan will be revised. He said the DRC will have an opportunity to review the plan.

Mr. Fraley asked about approval of the architectural plan.

Mr. Smolnik said the architectural plan will require Planning Director's approval.

Ms. Hughes asked if the large portion of land that will remain clear will be put into a conservation easement.

Mr. Smolnik deferred the question to the applicant.

Mr. Billups asked if the existing structure will be removed.

Mr. Smolnik said yes.

Mr. Billups stated his agreement that the pecan and other fruits trees be preserved.

Mr. Fraley stated his concerns about preservation of the trees.

Mr. Sowers said an additional condition requiring a tree preservation plan could be added.

Mr. Kennedy wanted to hear from the applicant prior to amending the proposed conditions.

Mr. Matthew Burton with DJG represented the applicant stating their agreement to preserve as many trees as possible and to revise the parking layout.

Mr. Hunt asked if the access onto Route 60 will remain in the same location.

Mr. Burton said it may be moved slightly.

Mr. Kennedy asked if it would be intrusive to preserve the trees as discussed.

Mr. Burton said he did not think it would be intrusive to preserve some. He said it would not be feasible to preserve them all without losing functionality of the project.

Mr. Kennedy asked if the applicant had any concerns about proposed condition #11.

Mr. Burton said the applicant was concerned about the costs and the feasibility of meeting the requirement.

Mr. Kennedy asked how the condition came about.

Mr. Smolnik said that it came out of discussions between the Environmental and Planning Staff about the environmental aspects of the site.

Mr. Kennedy asked if the outdoor exercise area would be paved.

Mr. Burton said it would be a grassy area and agreed with Mr. Kennedy that the area will be policed by the operators of the facility for the protection of the employees and other animals.

Mr. Kennedy stated that while he appreciated the intent he wondered if it was absolutely necessary.

Mr. Cook stated that the proposed condition was a recommendation of the Powhatan Watershed Study.

Mr. Kennedy asked if that would require removal of more trees.

Mr. Cook said it is a large site so that there is some flexibility.

Mr. Burton and Mr. Cook discussed features of the BMP that might address the concerns.

Mr. Burton stated their desire to meet the requirements if they can do so with their desired plan.

Ms. Hughes stated her concern that fecal chloroform is a large contributor of contamination of surface waters. She stated that she did not think the proposed condition was unreasonable.

Mr. Burton explained that the location of the BMP was designed to take advantage of the natural slope of the site in collecting stormwater. He stated that he thought the Commissions concerns could be addressed.

Ms. Jones asked about the adequacy of the buffer and landscaping given that the site is in a Community Character Corridor.

Mr. Smolnik said they were adequate.

Mr. Andy Murphy, 920 Ship Point Road, stated that he has operated Boulevard Veterinary Hospital in Newport News since 1974. He stated that other Veterinary Hospitals also have outdoor walking areas that are not called exercise yards because they are not fenced. He said that at his current location the animals are never left alone in these areas and that they are policed regularly. Mr. Murphy explained that architectural drawings had not been submitted due to costs.

Mr. Kennedy motioned to approve the application with the attached conditions.

Mr. Hunt seconded the motion.

The Planning Commission and Mr. Kinsman discussed which conditions were included in the motion.

Ms. Hughes stated her concern about the lack of a final plan.

Ms. Jones stated that she was not concerned with the lack of a final plan.

Mr. Kennedy stated that trees are a crop and are renewable. He said he felt with the amount of buffering the project would still maintain some rural qualities.

Mr. Billups asked for a good faith effort to preserve as many trees as possible.

Mr. Fraley stated that the applicant has made that commitment. He also stated his support for the inclusion of proposed condition #11.

The Commissioners discussed proposed condition #11 and confirmed that the motion would include it.

In a unanimous roll call vote the application was recommended for approval (6-0). AYE: Hughes, Kennedy, Jones, Billups, Hunt, Fraley (6); ANY (0). (Obadal absent)

The Commission recessed for 10 minutes.

The Commission reconvened at 8:10 p.m.

E. SUP-4-06/MP-1-06 Prime Outlets MP Amendment

Ms. Kathryn Sipes presented the staff report stating that Mr. Greg Davis has applied on behalf of Prime Retail, L.P. to amend the existing master plan and special use permit to allow for a 7,000± square foot expansion of Prime Outlets on their existing site, as well as to incorporate the existing Ewell Station shopping center into Prime Retail and to allow for the construction of an additional 74,000 square feet of retail space adjacent to the existing Ewell Station shopping center. The properties can be identified as parcels (1-28), (1-29), (1-33C), (1-33D), (1-33E) and (1-2) on the JCC Real Estate Tax Map. (33-1). The property is zoned B-1, General Business, with proffers and is designated Community Commercial on the Comprehensive Plan Land Use Map. Lands designated Community Commercial are intended to allow general business activity in areas located within the Primary Service Area while usually having a moderate impact on nearby development. Ms. Sipes stated that the case was deferred at last month's meeting due to concerns regarding environmental impacts, parking, traffic, and aesthetic improvements.

She stated that since that time the application has been amended to include improvements to five (5) existing stormwater facilities, financial contributions for off-site environmental mitigation, 237 additional parking spaces by modifying and placing two existing stormwater facilities underground and providing parking on the surface, traffic improvements, signal warrant analysis and evaluation of potential access management strategies, additional landscaping along Richmond Road, Olde Towne Road, and around dumpsters. Staff found that the attached conditions substantially mitigate concerns previously expressed and recommended approval.

Mr. Kennedy asked how the applicant would prevent overflow parking onto Olde Towne Road.

Ms. Sipes said no specific measures were included. She stated that the Virginia Department of Transportation (VDOT) determined that signage would not be appropriate although parking along those streets is not currently allowed.

Mr. Kennedy asked for confirmation that parking is not allowed along the side roads.

Ms. Sipes stated that according to VDOT that is correct.

Mr. Kennedy and Ms. Sipes discussed that fact that parking does take place along the Olde

Towne Road corridor and into the neighborhoods.

Mr. Kennedy asked if the James City County Police Department was aware that parking is not permitted.

Mr. Sowers said Staff would contact them to make sure that they are aware.

Mr. Fraley questioned how residents would be made aware that they can no longer park in those areas if VDOT will not allow signage or curb markings.

Mr. Sowers said that Staff or the Board of Supervisors could follow-up with VDOT to post signs if the Planning Commission felt the situation warranted it.

Mr. Kennedy stated his concerns that people will be surprised to learn that they can no longer park in front of their homes when the initial concern was Prime Outlets patrons parking in those areas.

Mr. Hunt asked if Mr. Kennedy was referring to the seven (7) lots along one side of Olde Towne Road.

Mr. Kennedy talked about the history of the Olde Towne Road Corridor and how the parking problem has developed. He asked if curb side parking is allowed on the road going into Chisel Run. Mr. Kennedy also stated his concerns about parking problems in the County in general.

Ms. Hughes asked who would pay for traffic signals on Olde Towne Road if they are warranted.

Ms. Sipes stated that the attached conditions require the applicant to pay for the signal.

Ms. Hughes asked about the accuracy of the current Master Plan in terms of square footage of buildings and wording.

Ms. Sipes said a lot of information has been discussed that has not been added to the Master Plan. She stated that Staff has asked that the Master Plan be revised prior to the Board of Supervisors meeting.

Ms. Hughes asked if the off-site mitigation would take place in Chisel Run.

Ms. Sipes answered yes.

Ms. Hughes asked about the existing site plan for Ewell Station.

Ms. Sipes showed the approved site plan and proposed amendments.

Ms. Hughes asked if the parking along Richmond Road is outside of the Community Character buffer.

Ms. Sipes said it does encroach into the buffer.

Ms. Jones asked if the approved site plan met or exceeded Ordinance Requirements.

Ms. Sipes said it meets requirements.

Ms. Jones asked if parking would be a problem if the project were developed according to the currently approved site plan.

Ms. Sipes said she did not have any data regarding that. She stated that at the time the project was approved it was expected to be more neighborhood commercial.

Mr. Fraley asked if conditions had been met for previous expansions phases.

Ms. Sipes stated that triggers for several of the conditions have not yet been reached. She said Staff is working with the applicant on container planters required in phase 5A and rear parking lot lighting required by phase 6.

Mr. Fraley asked if the County has a Street Tree Policy.

Mr. Sowers said it applies to residential developments. He stated that this case should adhere to the Community Character Policy and Landscape Ordinances.

Mr. Kennedy asked if there is designated employee parking.

Ms. Sipes said no. She said some employee parking has been included in the proposed plan and that analysis of employee parking will be included in the traffic studies.

Mr. Kennedy asked if there are currently areas where employees are required to park.

Ms. Sipes said they are encouraged to park in the rear of the buildings but are not required to.

Mr. Fraley opened the public hearing.

Mr. Greg Davis, Kaufman and Canoles, represented the applicant outlining changes in the application since the last Planning Commission meeting. He stated that 2,306 parking spaces have been proposed. He stated that this would be achieved by placing two existing stormwater facilities underground and placing the parking on top. Mr. Davis also detailed the proposed traffic studies and analysis, road and signal improvements, and landscape enhancements. Mr. Davis stated the applicant's request that a height limit be established for the landscaping along Richmond Road and that construction of the parking lots above the Best Management Pond (BMP) not be tied to approval of the site plan that it is currently associated with.

Mr. Kennedy asked what could be done to assure protection from overflow parking into the neighborhoods surrounding the center.

Mr. Davis stated that additional parking spaces, continued analysis of the parking, signage, and a possible trolley system would alleviate parking concerns.

Mr. Kennedy stated his concerns about overflow parking, adequacy of employee designated parking and enforcement, and feasibility of engineering the proposed parking lots.

Mr. Davis stated that engineering plans must still be approved by the County's Engineering and Environmental departments.

Mr. Kennedy asked if the Environmental Division felt the parking plan had any feasibility.

Mr. Darryl Cook said that it is common throughout the Country to place stormwater management under parking surfaces so that the proposal in general is feasible.

Mr. Kennedy asked if Staff could foresee working with the applicant on the proposal.

Mr. Cook answered yes.

Ms. Hughes asked if a cost had been estimated for the environmental mitigation for Chisel Run.

Mr. Cook said the system would have to be designed before an estimate could be given. He said the design could be completed in six months.

Mr. Billups asked for the path of exit for the underground stormwater facility.

Mr. Cook said it would flow in the same direction as it does now which is behind the L. L. Bean side and through the Scotts Pond neighborhood.

Ms. Jones asked if there are other options with similar costs if the rain tanks do not work that would still allow parking to be placed over the BMP.

Mr. Cook said there are several other products available but he was not sure of the costs.

Mr. Hunt asked if there are other areas in James City County where this technology is being used.

Mr. Cook said there are locations in both James City and York Counties where the technology is being used.

Mr. Fraley asked if there were any provisions in the SUP conditions to ensure that the parking lot is constructed.

Ms. Sipes said the SUP conditions require the applicant to submit the engineering to the Environmental Director for approval. She stated that if it cannot be approved the applicant will conduct a parking study and implement the recommended improvements.

Ms. Jones stated that if James City County finds that the engineering is acceptable then the applicant must provide it.

Ms. Sipes said the applicant has given a good faith commitment to provide the parking as proposed if the engineering can be made to work.

Mr. Sowers said the Environmental Director is given sole discretion to determine whether the proposal is feasible from an engineering prospective.

Mr. Kennedy asked how many parking spaces would be lost if the parking lots cannot be installed.

Ms. Sipes answered fewer than 300.

Mr. Kennedy asked how that aligns with Ordinance requirements.

Ms. Sipes said it just meets Ordinance requirements.

Mr. Fraley asked if a new parking study and plan would have to be brought back to the Planning Commission and Board of Supervisors.

Ms. Sipes said yes.

Mr. Fraley asked what building activity would be allowed under the proposed SUP conditions.

Ms. Sipes said that the way the SUP conditions are currently written the County would expect to

see plans for the parking lot on the BMP that is closest to Scott's Pond incorporated into the site plan for the 52,000 square foot building with both being constructed within the 5 year term of the site plan.

Mr. Fraley asked what happens if the parking lot design is denied.

Ms. Sipes said a site plan amendment would be required to delete the parking lot from the plan in order for the building to be constructed.

Ms. Fraley confirmed that as the conditions are currently written the two could not be constructed separately.

Ms. Sipes explained that the expectation now is that the building site plan includes the parking with the parking being approved by the Environmental Director.

Mr. Fraley said that if the parking was not approved then the current site plan that includes both would not be operable.

Ms. Sipes said that was correct, that an amended site plan would be required.

Mr. Fraley asked who would have to approve the amended site plan.

Ms. Sipes said the site plan would be considered by the DRC.

Mr. Fraley and Mr. Sowers discussed the procedure for approval of a site plan amendment.

Ms. Hughes asked if the parking study determines that parking is inadequate do they have to recommend a solution and implement.

Ms. Sipes stated that the site plans for the two remaining buildings would have to include the improvements that have been recommended as a part of the study.

Mr. Fraley added that the original site plan would also have to be amended and approved by the DRC.

Ms. Hughes commended the applicant for making significant environmental improvements to the site as well as their stated good faith commitment to make financial contributions for mitigation for Chisel Run. She stated her concerns about the applicant's request to limit the height of landscaping along the corridor. She said she would not support the request.

Mr. Fraley asked about the applicant's uneasiness about timing of the site plan and parking lots.

Mr. Davis stated that the applicant's concerns about the length of time necessary for design of the parking lot and receiving County approval. He said the site plan for the building has already been submitted to the County for review. Mr. Davis also stated that under the proposed conditions the expansion could not move forward if the parking lot is deemed infeasible.

Mr. Fraley confirmed that the applicant's desire is to begin construction on the buildings as soon after receiving SUP and site plan approval as possible.

Mr. Davis said this was correct. He stated that if it were determined that the parking lots were not feasible due to engineering reasons then the applicant cannot proceed with the buildings under the proposed condition.

Mr. Fraley stated that the other consideration is that the County could end up with a 52,000



square foot and 21,000 square foot building without any additional parking.

Mr. Davis stated that the parking would still meet County's Ordinances.

Mr. Fraley said it would not address the Planning Commissioners' concerns.

Mr. Kennedy stated his concerns with parking as well as a height limit on landscaping and the lack of an adequate plan to address Chisel Run, King Henry and Queen Mary Court and Olde Towne Road. He asked about the fairness of allowing a waiver for this applicant.

Mr. Davis answered that the Ordinance does not require an upgrade to the landscaping on Richmond Road. He said the Staff's suggestion for a condition requiring the landscaping was going above and beyond any legal requirement.

Mr. Kennedy asked what requirements other business along the Richmond Road were required to meet.

Mr. Sowers stated that new developments were required to comply with current Ordinance regulations with an ultimate mature height much greater than the limit the applicant is requesting.

Mr. Kennedy asked if there is a precedent for waivers to the heights.

Mr. Sowers answered no and that usually more landscaping is being required due to Richmond Road being a Community Character Corridor.

Mr. Fraley added that the applicant could develop Ewell Station under its current Master Plan and not need to make enhancements. He stated that when an applicant has requested a SUP then the Commission always looks at bringing the development up to existing Ordinances.

Mr. Kennedy asked if height waiver would come before the DRC.

Mr. Sowers said a modification request could be made to the DRC.

Mr. Fraley added that it could also be reviewed by the Landscape Planner depending on the request.

Mr. Sowers said some are reviewed administratively but this plan would need to go to the DRC.

Mr. Kennedy asked that if it does come before the DRC that any Board of Supervisors comments be considered.

Mr. Davis stated that the applicant is eager to receive guidance from the Planning Commission and preferred a recommendation tonight on both the application and conditions as opposed to deferral.

Mr. Ray Basley, 4060 S. Riverside Drive, stated his concerns about inadequate parking at the site as well as the inadequacies with the County's method for determining parking requirements. He recommended denial of the application until a better parking solution and traffic flow are developed.

Mr. Fraley confirmed that the Parking Ordinance required 5 parking spaces per 1,000 square feet of space and does not specify retail space.

Mr. Ray Bearfield, 103 Druid Drive, stated his concerns about community character protection and congestion. He requested a recommendation for denial.

Mr. Dave McGinnis, 3408 Chadsworth Circle, stated his concerns about the character of the area, neighborhood impacts, the numbers of accesses into the facility and inadequacy of the Parking Ordinance.

Mr. Jay Everson, 103 Branscomb Boulevard, cited a study of the distance traveled and length of stay of Prime Outlet customers stating that standard parking requirements do not significantly address this project. He also stated his concerns about the U-turn necessary to access Route 199.

Mr. Bobby Singley, 423 N. Boundary Boulevard, a commercial real estate broker representing an adjacent property owner stated his client's support of the plan. He commended the applicant for additional parking.

Hearing no other requests the public hearing was closed.

Mr. Fraley read comments from Commissioner Anthony Obadal stating Mr. Obadal's concerns about parking and the method used to calculate parking requirements. Mr. Obadal, in the statement, requested a vote by proxy.

Mr. Kinsman stated that the Virginia Freedom of Information Act specifically prohibits voting at a meeting other than when one is physically present.

Mr. Kennedy stated his concerns about residential impacts, ambiguity of and discrepancy in enforcement of the parking ordinance and elimination of the neighborhood commercial aspect of Ewell Station and higher traffic generation. He stated his desire to see commentary from the Board on heights limits for landscaping and timing of the parking lots if the case is approved and that the community would be worse off if the parking is not feasible. He stated he is undecided and would like to hear from other Commissioners.

Mr. Hunt asked how many parking spaces above the Ordinance requirements were being proposed.

Ms. Sipes answered 14% or 289 spaces.

Mr. Hunt stated his support for the application with the attached conditions based on the applicant's good faith effort to increase parking.

Mr. Billups said he was satisfied with the proposed parking as long as the conditions remain as written. He also stated that the request represented a new expansion and therefore it is not unreasonable to require landscaping that meets current standards.

Mr. Fraley clarified that as the SUP conditions are written the applicant cannot develop the property if the parking lot is not approved because the site plan referenced earlier includes the 52,000 square foot building and the parking with them being constructed simultaneously.

Ms. Sipes answered yes.

Mr. Fraley stated that in that case the applicant could not proceed under the proposed SUP conditions unless the parking lot was separated out which would require approval of the DRC.

Ms. Jones agreed with Mr. Billups. She stated her support for the project and conditions as proposed by Staff.

Ms. Hughes stated her pleasure with the proposed environmental improvements. She also stated her concern that the proposed parking may not be adequate. She said she would vote to deny the

application.

Mr. Fraley contrasted what would be allowed by the currently approved site plan for Ewell Station versus the benefits of the SUP request under consideration. He stated his willingness to modify the conditions to allow to applicant to get started on construction prior to approval of the parking lot but would also support the application and SUP conditions as written.

Mr. Kennedy also stated his willingness to allow some construction of the buildings prior to approval of the parking lot.

Mr. Fraley stated that it was his opinion that the applicant wished to receive a recommendation tonight on the application and conditions as written.

Mr. Davis said it would be cumbersome to negotiate the terms of the conditions tonight. He stated his desire to have an expression from the Planning Commission that such an amendment to Staff's proposed condition would be supported by the Commission.

Mr. Kinsman said the Commission could express its desire but not negotiate the condition at this time.

Mr. Billups stated that he would not vote for any construction without the additional parking at the same time in order to not compound the existing problem.

Mr. Hunt said that in the interest of simplicity the Commission should vote on the proposal as is.

Mr. Fraley noted that four of the Commissioners would be sympathetic to such a modification of the conditions to allow some portion of the development to proceed before the parking over the BMPs is provided.

Mr. Hunt motioned to recommend approval of the application and attached conditions as written by Staff.

Ms. Jones seconded the motion.

In a roll call vote the application and attached conditions were recommended for approval (5-1). AYE: Kennedy, Billups, Hunt, Jones, Fraley (5); NAY: Hughes (1). (Obadal absent)

F. ZO-7-05 Zoning Ordinance Amendment – Sign Ordinance

Mr. David German presented the staff report stating that the Division had received a request to amend James City County Code by amending Section 24-66, Definitions; Section 24-70, Freestanding signs; Section 24-73, Special regulations for certain signs and Section 24-75, Prohibited signs of the zoning ordinance; to permit pedestrian-oriented signage in Mixed-Use Districts governed by a binding master plan, established architectural design guidelines and a design review board. The amendments would permit additional types of building-mounted signage (e.g., "blade" signs) and pedestrian-oriented directional signage to provide greater visibility for pedestrian traffic in the district. The amendments would not increase the total allowable square footage of signage allowed a particular building. Mr. German stated that the Policy Committee voted 3-0 to recommend approval of the amendment.

Mr. Kennedy stated his objection that the banner-related portion of the amendment specifically benefits shopping centers over 25,000 square feet in size, and pointed out that flags on small businesses were prohibited. He referred to a newspaper editorial about what governments do to promote specific businesses in certain areas like New Town and Prime Outlets. Mr. Kennedy said he would vote against the amendment because it discriminates against small business.

Ms. Jones stated that the Policy Committee could look at the proposed Sign Ordinance amendments as they relate to small businesses.

Mr. Kennedy stated that he understood the need to limit signage in order to avoid the appearance of clutter. He stated that his concern was the circumvention of those ordinances by the proposed amendments, designed to specifically benefit New Town, as well as Prime Outlets and Monticello Marketplace, because those shopping centers are over 25,000 square feet in size.

Mr. Fraley asked Mr. Kennedy if he felt Staff should be directed to look at the limitations on small businesses.

Mr. Kennedy gave examples of other policies he felt were not applied consistently. He also asked if the proposed blade signs would be allowed in addition to building face signs.

Ms. Melissa Brown, Senior Zoning Officer, stated that the square footage of the blade and building face signs would be added together when calculating total allowable sign square footage, and that the overall permitted square footage was not being increased.

Mr. Kennedy asked if New Town businesses would be required to change their signs in order to meet the new ordinance requirement.

Ms. Brown stated that it would not be a requirement, but businesses desiring to add blade signage would be able to, if they so desired.

Mr. Kennedy asked if the blade signs that currently exist in Prime Outlets are in addition to their allowable signage.

Ms. Brown said that these signs are not included in allowable sign square footage totals because they are not visible from the Route 60 right-of-way or adjacent properties.

Mr. Kennedy indicated that some of the blade signs can be seen from the right-of-way. He stated that there should be uniformity in applying and enforcing regulations.

Mr. Fraley confirmed that appeals to the Sign Ordinance could be made to the Board of Zoning Appeals.

Mr. German stated that the 25,000 square foot threshold included in the definition of *shopping center* should be thought of as a starting point that could be changed or amended.

Mr. Kennedy asked if the banner signs at Monticello Marketplace are in violation of the County Ordinance.

Ms. Brown stated that they are not because they do not have the shopping center's name on them.

Mr. Kennedy stated that Prime Outlets has banner signage with its name.

Ms. Brown said if Prime Outlets has their name on the banner then they are in violation.

Mr. Fraley asked if Ms. Brown's office was the enforcement agency on signs.

Ms. Brown answered yes and stated that her office is in contact with the Prime Outlets regularly regarding signage that must be removed.

Mr. Kennedy stated that there are 100 banner signs at Prime Outlets that have been in place for over 5 years.

Mr. Billups said he thought the amendment would be specific to New Town. He also agreed with Mr. Kennedy that everyone should be treated fairly with uniform enforcement.

Ms. Hughes stated the Policy Committee was not aware of the issue of business size. She said she understood Mr. Kennedy's concerns and asked for solutions.

Mr. Kennedy said he was not upset with Staff but with what he believes is inconsistency in application.

Mr. Fraley opened the public hearing.

Hearing no requests the public hearing was closed.

Ms. Jones motioned to recommend approval of the amendment.

Ms. Hughes seconded the motion.

In a roll call vote the amendment was recommended for approval (4-2). AYE: Hughes, Billups, Jones, Fraley (4); NAY: Kennedy, Hunt (2). (Obadal absent)

#### 6. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented the report highlighting the inclusion of Board of Supervisors results on cases forwarded by the Planning Commission. Mr. Sowers congratulated Mr. Obadal, Ms. Hughes, and Fraley on graduation from the Virginia Certified Planning Commissioners Program.

Mr. Fraley stated that the Board of Supervisors has approved a request from the Commission to begin a review of Residential Ordinances and assigned the responsibility to the Policy Committee.

Mr. Sowers stated that Staff was ready to assist the Policy Committee.

Mr. Kinsman introduced Jennifer Lyttle, Assistant County Attorney, to the Planning Commission.

Mr. Kennedy stated his desire that the Parking Ordinance be reviewed.

Mr. Fraley asked that the Parking Ordinance also be reviewed by the Policy Committee.

Ms. Hughes said that parking lot capacity and design is one of the first tasks of the Better Site Design Committee and welcomed a simultaneous review by the Policy Committee.

Mr. Billups asked that Ms. Jones lead that review on behalf of the Policy Committee.

#### 7. ADJOURNMENT

**JAMES CITY COUNTY  
DEVELOPMENT REVIEW COMMITTEE REPORT**

**FROM: 6/1/2006 THROUGH: 6/30/2006**

**I. SITE PLANS**

**A. PENDING PRELIMINARY APPROVAL**

SP-067-04	Treyburn Drive Courtesy Review
SP-077-04	George Nice Adjacent Lot SP Amend.
SP-107-04	Noah's Ark Vet Hospital Conference Room
SP-150-04	Abe's Mini Storage
SP-004-05	Longhill Grove Fence Amend.
SP-009-05	Colonial Heritage Ph. 1, Sec. 4 SP Amend.
SP-021-05	Villages at Powhatan Ph. 5 SP Amend.
SP-071-05	Merrimac Center Parking Expansion
SP-076-05	Warhill Multiuse Trail
SP-089-05	Stonehouse- Rt. 600 Utilities
SP-093-05	The Pointe at Jamestown, Ph. 2 Amend.
SP-106-05	New Town Block 5 Dumpster Relocation
SP-136-05	Colonial Heritage Ph. 5 Sec. 1
SP-137-05	Williamsburg Place Expansion
SP-140-05	Hankins Industrial Park Ph. 2 Cabinet Shop
SP-147-05	Warhill - TNCC Site Improvements
SP-001-06	5525 Olde Towne Rd
SP-012-06	New Dawn Assisted Living
SP-023-06	Eighth E.S.
SP-025-06	Prime Outlets Ph. 7 Expansion
SP-032-06	9320 Merrimac Nextel Co-location
SP-033-06	Chickahominy Riverfront Park
SP-034-06	Chambrel Guardhouse Relocation
SP-035-06	Ironbound Center Site Layout Amend.
SP-036-06	Zion Baptist Church Expansion
SP-039-06	Prime Outlets Ph 7 Temporary Parking
SP-040-06	New Town Sec. 3 & 6, Ph. 6 Infrastructure
SP-041-06	Prime Outlets Ph. 6 Lighting
SP-044-06	James River Baptist Church
SP-045-06	Busch Gardens 2007 Expansion
SP-046-06	New Town, Sec. 6, Block 15, Parcel C
SP-054-06	Prime Retail Phase 8 Expansion
SP-056-06	Williamsburg-Jamestown Airport SP Amend.
SP-057-06	Two Rivers Country Club Addition
SP-060-06	Wythe-Will Fire Suppression Lines SP Amend
SP-061-06	Freedom Park Ph. 2C- 19th Century Domiciles
SP-062-06	Jeanne Reed's Parcel 4A, James River Commerce Cntr
SP-065-06	Williamsburg Landing Amendment
SP-066-06	Braemar Creek Entrance Turn Lanes
SP-067-06	AES Office Building
SP-068-06	New Town Section 3 & 6 Block 17, Oxford Apartments
SP-069-06	Settlement at Powhatan Creek, Phase 2
SP-070-06	Williamsburg Airport, Marclay Access Rd
SP-071-06	T-Hanger Site Prep, Williamsburg Airport
SP-072-06	New Zion Baptist Church SP Amend.
SP-073-06	Settlers Market Off Site Rd Improvements
SP-074-06	Settlers Market at New Town Sec 9

SP-076-06	New Town, Sec 3 & 6, Block 14, Parcel C & D
SP-077-06	Williamsburg Landing
SP-078-06	5826 Williamsburg Landing

**B. PENDING FINAL APPROVAL**

**EXPIRE DATE**

SP-094-05	Homestead Garden Center	10/13/2006
SP-102-05	LaGrange Pkwy and Rt 600 to Rt 606	9 /26/2006
SP-103-05	Colonial Heritage Ph. 4	11/7 /2006
SP-104-05	Powhatan Plantation Maintenance Building	12/21/2006
SP-116-05	Cookes Garden Center	10/5 /2006
SP-123-05	Michelle Point	10/3 /2006
SP-133-05	Prime Outlets Ph. 6	5 /11/2007
SP-145-05	New Town, Langley Federal Credit Union	4 /13/2007
SP-148-05	Noland Commercial Site	4 /6 /2007
SP-149-05	Liberty Crossing	4 /3 /2007
SP-156-05	Chickahominy Baptist Building Expansion	6 /2 /2007
SP-004-06	Villas at Five Forks	4 /3 /2007
SP-005-06	Governor's Grove at Five Forks	5 /1 /2007
SP-007-06	GreenMount Road Extension Ph. 2	3 /20/2007
SP-022-06	Volvo Rents	5 /12/2007
SP-029-06	New Town, Block 10, Parcel E & F	6 /5 /2007
SP-031-06	Shell Building - James River Commerce Center	4 /26/2007
SP-055-06	New Town Sec. 3 & 6, Block 15, Parcel D	6 /8 /2007
SP-064-06	Five Forks Shopping Center Mt. Mudd Coffee Kiosk	6 /21/2007

**C. FINAL APPROVAL**

**DATE**

SP-008-05	Williamsburg National Clubhouse Expansion	6 /23/2006
SP-131-05	Ironbound Square Road Improvements Ph. 1	6 /19/2006
SP-134-05	Windsor Hall SP Amend.	6 /1 /2006
SP-017-06	Longhorn Steakhouse	6 /2 /2006
SP-028-06	New Town, Sec. 6, Block 15, Parcel B	6 /23/2006
SP-037-06	Jamestown Yacht Basin Tents	6 /5 /2006
SP-043-06	Jamestown Collections Building SP Amend.	6 /7 /2006
SP-049-06	Toano M.S. Trailer Amend.	6 /14/2006
SP-050-06	D.J. Montague E.S. Trailer Amend.	6 /14/2006
SP-051-06	Rawls Byrd E.S. Trailer Amend.	6 /14/2006
SP-052-06	Stonehouse E.S. Trailer Amend.	6 /13/2006
SP-059-06	Longhill Road Bus Shelter	6 /21/2006
SP-063-06	Jolly Pond Convenience Center	6 /14/2006
SP-075-06	Busch Gardens, Peak Day By-pass Lane	6 /21/2006

**D. EXPIRED**

**EXPIRE DATE**

## **II. SUBDIVISION PLANS**

### **A. PENDING PRELIMINARY APPROVAL**

S-104-98	Skiffes Creek Indus. Park, VA Trusses, Lots 1,2,4
S-013-99	JCSA Mission Bank ROW Acquisition
S-074-99	Longhill Station, Sec. 2B
S-110-99	George White & City of Newport News BLA
S-091-00	Greensprings West, Plat of Subdv Parcel A&B
S-086-02	The Vineyards, Ph. 3, Lots 1, 5-9, 52 BLA
S-062-03	Hicks Island - Hazelwood Subdivision
S-034-04	Warhill Tract BLE / Subdivision
S-066-04	Hickory Landing Ph. 1
S-067-04	Hickory Landing Ph. 2
S-121-04	Wellington Public Use Site
S-039-05	Hofmeyer Limited Partnership
S-042-05	Toano Business Center, Lots 5-9
S-044-05	Colonial Heritage Road & Sewer Infrastructure
S-059-05	Peleg's Point, Sec. 6
S-075-05	Racefield Woods Lots 5A-5E
S-076-05	Racefield Woods Lots 5E-5I
S-097-05	ROW Conveyance- 6436 Centerville Road
S-100-05	Gosden & Teuton BLA
S-105-05	Stonehouse Land Bay 31
S-106-05	Colonial Heritage Ph. 5 Sec. 1
S-108-05	3020 Ironbound Rd. BLE
S-113-05	6425 & 6428 Conservancy BLA
S-117-05	Liberty Ridge
S-012-06	Huss Subdivision
S-015-06	Indigo Park- Block A, Lot 1
S-017-06	107 Theodore Allen
S-021-06	Romack BLA & BLE
S-026-06	Colonial Heritage, Ph. 5, Sec. 2
S-027-06	Realtec Properties BLA & BLE
S-028-06	133 & 135 Powhatan Springs BLE
S-030-06	Braxton Family Subdivision
S-034-06	9727 Old Stage Rd.
S-036-06	Vineyards at Jockeys Neck Ph 3
S-037-06	Bertrand E. Geddy, Jr. Living Trust
S-038-06	3215 & 3221 N Riverside Drive BLE
S-039-06	Settlement at Powhatan Creek, Phase 2
S-040-06	Colonial Heritage 18 Hole Golf Course
S-043-06	6601 Richmond Rd Parcel A
S-044-06	Holt Subdivision
S-045-06	Toano Business Centre Lots 5 - 9
S-047-06	Lake Powell Rd, BLA
S-048-06	Graylin Woods, Lots 24 & 25, Sec. 2
S-049-06	Village Housing - The Vineyards Jockeys Neck PH IV
S-050-06	Governors Grove at Five Forks
S-051-06	West Subdivision BLE
S-052-06	Block 17, Parcel A, B & remainder of Blk 14 & 18
S-053-06	Blackthorn Subdivision



**B. PENDING FINAL APPROVAL****EXPIRE DATE**

S-098-03	Stonehouse Glen, Sec. 1	4 /5 /2007
S-101-03	Ford's Colony - Sec. 35	2 /2 /2007
S-116-03	Stonehouse Glen, Sec. 2	4 /6 /2007
S-037-04	Michelle Point	10/3 /2006
S-059-04	Greensprings West Ph. 6	9 /13/2006
S-075-04	Pocahontas Square	9 /16/2006
S-091-04	Marywood Subdivision	12/5 /2006
S-111-04	Colonial Heritage Ph. 3, Sec. 1	2 /7 /2007
S-112-04	Wellington Sec. 6 & 7	12/5 /2006
S-002-05	The Pointe at Jamestown Sec. 2B	2 /18/2007
S-012-05	Greensprings Trail ROW-Waltrip Property Conveyance	3 /20/2007
S-013-05	Greensprings Trail ROW-Ambler/Jamestown Prop. Conv	3 /20/2007
S-014-05	Greensprings Trail ROW-P L.L.L.C Prop. Conveyance	3 /20/2007
S-043-05	Colonial Heritage Ph. 3, Sec. 3	6 /6 /2008
S-053-05	Kingsmill-Spencer's Grant	7 /11/2006
S-063-05	John Barry Davidson BLE	7 /6 /2006
S-078-05	Fairmont Subdivision Sec. 1- 4 (Stonehouse)	10/3 /2006
S-079-05	Colonial Heritage Ph. 4	11/7 /2006
S-083-05	Curry Revocable Trust	1 /9 /2007
S-090-05	Powhatan Secondary Ph. 7C	4 /13/2007
S-091-05	Windmill Meadows	10/3 /2006
S-095-05	Landfall Village	3 /10/2007
S-104-05	1121 Stewarts Rd.	4 /25/2007
S-004-06	New Town Block 6 & 7 Parcel A & C BLA & BLE	1 /12/2007
S-009-06	Garrett BLA & BLE	3 /3 /2007
S-018-06	3448 Chickahominy Road	6 /19/2007
S-020-06	Williamsburg Place BLA	5 /8 /2007
S-031-06	Cowles Subdivision Lots 1C & 1D	6 /2 /2007
S-041-06	Mowry Subdivision	6 /21/2007
S-042-06	5021 John Tyler Highway, BLE	6 /28/2007
S-046-06	Rivers Edge Phase IV	6 /28/2007

**C. FINAL APPROVAL****DATE**

S-074-04	4571 Ware Creek Road (Nice Family Subdivision)	6 /21/2006
S-019-06	Williamsburg Village at Norge BLA	6 /21/2006
S-022-06	New Town, Block 15, Parcels A, C & D	6 /30/2006
S-023-06	Chickahominy Baptist BLA	6 /29/2006
S-029-06	2242 & 2318 Forge Road BLA	6 /20/2006
S-032-06	Village Housing at the Vineyards BLA	6 /23/2006
S-035-06	4571 Ware Creek Road (Nice Family Subdivision)	6 /21/2006

**D. EXPIRED****EXPIRE DATE**

**REZONING -02-06**  
**MASTER PLAN-03-06**  
**SPECIAL USE PERMIT-19-06, Mason Park**  
**Staff Report for the July 10, 2006, Planning Commission Public Hearing**

---

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

---

**PUBLIC HEARINGS**

Planning Commission:	June 05, 2006	7:00 p.m. (applicant deferral)
Planning Commission:	July 10, 2006	7:00 p.m.
Board of Supervisors:	August 8, 2006	7:00 p.m. (tentative)

**Building F Board Room; County Government Complex**

**SUMMARY FACTS**

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

Land Owner: Mr. Griffin W. Fernandez

Proposal: To rezone 9.11 acres of land from R-8, Rural Residential District to R-2, General Residential District with a request for a special use permit to allow an open space cluster development to construct 15 single family detached dwellings units with an overall density of 1.65 dwelling units per acre.

Location: 1916 Jamestown Road

Tax Map/Parcel (46-4)(1-17)

Parcel Size 9.11 acres

Zoning: R-8, Rural Residential District

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

**STAFF RECOMMENDATION**

The applicant has requested that this case be deferred until the August 07, 2006 Planning Commission meeting in order to resolve issues associated with this project. Staff concurs with this request.

Staff Contact: Jose L. Ribeiro

Phone: 253-6685

---

Jose L. Ribeiro

**ATTACHMENTS:**

1. Deferral letter from applicant

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

ATTORNEYS AT LAW  
1177 JAMESTOWN ROAD  
WILLIAMSBURG, VIRGINIA 23185  
TELEPHONE: (757) 220-8500  
FAX: (757) 229-5342

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

VERNON M. GEDDY, JR. (1928-2005)  
STEPHEN D. HARRIS  
SHELDON M. FRANCK  
VERNON M. GEDDY, III  
SUSANNA B. HICKMAN

ANDREW M. FRANCK  
RICHARD H. RIZK

June 29, 2006

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


Re: SUP-19-06; Z-2-06; MP-3-06/Mason Park

Dear Jose:

I am writing on behalf of the applicant to request that the Planning Commission defer consideration of this case until its August meeting to allow the applicant to work through issues on this project.

Very truly yours,

GEDDY, HARRIS, FRANCK & HICKMAN, LLP

  
Vernon M. Geddy, III

VG/tmg  
Cc: Mr. Steve Miller

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

ATTORNEYS AT LAW

1177 JAMESTOWN ROAD  
WILLIAMSBURG, VIRGINIA 23185  
TELEPHONE: (757) 220-8500  
FAX: (757) 229-5342

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

VERNON M. GEDDY, JR. (1926-2005)  
STEPHEN D. HARRIS  
SHELDON M. FRANCK  
VERNON M. GEDDY, III  
SUSANNA B. HICKMAN

ANDREW M. FRANCK  
RICHARD M. RIZK

June 29, 2006

Mr. Jason Purse  
James City County Planning  
Division  
101-A Mounts Bay Road  
Williamsburg, Virginia 23185

Re: Z-3-06/ Pleasant Hill Station

Dear Jason:

I am writing on behalf of the applicant to request that the Planning Commission defer consideration of this case until its August meeting to allow the applicant to work through issues on this project.

Very truly yours,

GEDDY, HARRIS, FRANCK & HICKMAN, LLP



Vernon M. Geddy, III

VG/tmg  
Cc: Mr. Doug Harbin

**REZONING Z-3-06, SUP-21-06, MP-4-06. Pleasant Hill Station**  
**Staff Report for the July 10, 2006, Planning Commission Public Hearing**

---

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

---

**PUBLIC HEARINGS**

Planning Commission:

Board of Supervisors:

**Building F Board Room; County Government Complex**

July 10, 2006

7:00 p.m.

August 8, 2006 (tentative)

7:00 p.m.

**SUMMARY FACTS**

Applicant: James Peters, AES Consulting Engineers

Land Owner: Hill Pleasant Farm, Inc.

Proposal: Proposed car wash with two other supplementary uses

Location: 7152 Richmond Road

Tax Map/Parcel Nos.: (24-1) (1-5)

Parcel Size: 4.7 acres

Existing Zoning: A-1, General Agricultural

Proposed Zoning: B-1, General Business

Comprehensive Plan: Mixed-Use

Primary Service Area: Inside

**STAFF RECOMMENDATION**

The applicant has requested deferral of this case until August 7, 2006 in order to resolve various issues associated with the case and proffers. Staff concurs with this request.

Staff Contact: Jason Purse

Phone: 253-6685

---

Jason Purse, Planner

**ATTACHMENTS:**

1. Deferral Letter

## PLANNING DIRECTOR'S REPORT

July 2006

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

- Rural Lands Study. The Board of Supervisors appointed a technical committee to write the Rural Lands policies and ordinances based on the joint work session feedback. Members will include Andy Bradshaw, Jim Icenhour, Jack Fraley, Mary Jones, and Rich Costello. In addition, staff prepared for Phase II of the Rural Lands Study by coordinating consulting work and developing the final work plan for the committee. Citizens are invited to follow the progress of the rural lands project at [www.jccgov.com](http://www.jccgov.com).
- New Town. The New Town Design Review Board reviewed 3 projects, all which were resubmissions of previously reviewed projects, four sign applications and one new project. The new project was a bank to be located in Windsor Meade Marketplace. The Board of Supervisors will hold a work session on New Town on July 25 at 4:00 PM.
- Transportation Grants. Federal transportation grant applications prepared by the Planning Division were approved in July. The grants include funding for improvements to the Monticello Avenue corridor, Five Forks intersection, Ironbound Road widening, Route 60 Relocation and three bikeways.
- Ironbound Road Widening. The Planning Division and other County staff assisted VDOT in holding its location public hearing for the Ironbound Road widening project. The hearing was held on June 28.
- Corridor Enhancement Program. The Jamestown Road Enhancement Demonstration Project is now offering a second round of grant opportunities to businesses and neighborhoods. The Corridor Enhancement Committee's objectives for Fiscal Year 2007 include an enhancement program for the remainder of Jamestown Road and beginning efforts to undertake a multi-jurisdictional project.
- Better Site Design. A working team was formed to lead in the implementation of recommendations made by the Better Site Design Roundtable. The team meets every other week beginning in May and will continue to do so until all the recommendations have been addressed. To date the Better Site Design Committee has begun to prioritize the recommendations, assign tasks to Committee members, and is examining options for informing the public of its actions.
- Online Database Training. On July 6 and 7, staff will conduct a series of training sessions for members of the development community. The purpose of this training is to demonstrate how they can best and most effectively access our online database of development review information. This will allow them to track their cases throughout the development review process.
- Residential Zoning Ordinance Update. At the request of the Commission staff has scheduled a Policy Committee meeting for July 6 to discuss possible changes to the Residential Districts of the Zoning Ordinance. Based on discussions at recent Planning Commission meetings, the Commissioners wish to more accurately link the Comprehensive Plan with the Zoning Ordinance.
- Board Action/Results for June 13 and June 27:
  1. Case No. SUP-13-06. Unicorn Cottage Child Day-Care Center - **Adopted (5-0)**
  2. Case No. Z-13-05. Village at Toano – **Denied (4-1)**
  3. Case No. HW-3-06. 8<sup>th</sup> Elementary School Athletic Field Lighting – **Adopted (5-0)**
  4. Case No. SUP-4-06/MP-1-06. Prime Outlets Master Plan Amendment – **Adopted (4-1) - After adoption, a motion was made to reconsider Item 11 at the July 11, 2006 BOS Meeting.**
  5. Case No. ZO-7-06. Zoning Ordinance Amendments – Signage in MU – **Adopted (5-0)**

O. Marvin Sowers, Jr.

## **DEVELOPMENT REVIEW COMMITTEE ACTIONS REPORT MEETING OF July 5, 2006**

### **Case No. C-61-06 New Town Block: Town Center Parking Overview**

Mr. Larry Salzman has applied on behalf of New Town Associates for annual review and approval of general off-site parking and shared parking for the following blocks: Block 2 (William E. Wood Building), Block 3 (Main Street), Block 5 (SunTrust Building/Corner Pocket), Block 6 & 7 (Movie Theater & Adjacent Parking Lot), Block 8 (Residential), Block 9 (Community Building) and Block 10 (Mixed Use Buildings & Residential). The property can be further identified as parcels (1-50) respectively, on James City County tax map (38-4). DRC action is necessary for general off-site parking and shared parking for all of the blocks listed above as part of the annual review of off-site and shared parking at New Town.

**DRC Action:** The DRC voted unanimously to recommend approval of the annual review of New Town Section 2 & 4 shared parking.

### **Case No. S-59-05 Peleg's Point, Section 6**

Mr. Eric DuBois of A.D. Potts & Associates has applied for approval of 86 lots on 73.2 acres at 324 Neck O' Land Road. The property can be further identified as parcel (1-42) on James City County tax map (47-4). DRC action is necessary for any project proposing more than 50 residential units.

**DRC Action:** After a continued discussion, the case was indefinitely deferred. The applicant was instructed to notify staff when a revision was ready to come back before the committee.



## MEMORANDUM

DATE: July 10, 2006  
TO: Planning Commission  
FROM: Kate Sipes, Planner  
SUBJECT: 2006 Agricultural and Forestal District (AFD) Renewals

---

### Agricultural and Forestal Districts

In 1977, the Virginia General Assembly created a process to “provide a means for a *mutual* undertaking by landowners and local governments to protect and enhance agricultural and forestal land as a viable segment of the Commonwealth’s economy and an economic and environmental resource of major importance.” The process also provides land owners an opportunity to try to protect their land from the pressure to develop. This process is known as the Agricultural and Forestal Districts (AFD) Act. The act gives local governments authority, upon landowners’ voluntary application, to establish agricultural districts, forestal districts, and agricultural and forestal districts.

Land within a district is directly affected in three ways:

- 1.) District land qualifies for the benefits of use-value taxation, subject to local regulations; and
- 2.) Restraints are imposed on government, as it may affect a property. More specifically, local governments may not restrict farming or forestry practices, except to protect public health or safety. Local comprehensive plans and zoning/subdivision ordinances apply to district land only to the extent that they do not conflict with either the conditions of the district or the purposes of the AFD Act. Local plans, ordinances, and decisions affecting land adjacent to a district must take into account both the district and the AFD Act. State agencies must modify regulations and procedures to encourage farming and forestry within Districts. Land acquisition by agencies, political subdivisions, or public service corporations (including acquisition by eminent domain) must be reviewed by the board of supervisors if the land acquisition in question exceeds 10 acres from the district or one acre from any one district farm or forestry operation. Finally, no special purpose assessments or taxes may be imposed on the basis of frontage, acreage, or value of land used for agricultural or forestal production within a district; and
- 3.) A property owner wishing to keep his land in farming or forestry is protected from adjacent incompatible uses when his neighbors join with him in an AFD.

### Current AFD statistics and facts

**State code specifies a minimum acreage for each district of 200 acres. As shown in the following spreadsheet, there are currently 18,080± acres of land within the AFD program. This acreage represents approximately 20% of the total land area of the County.** The AFD program began in James City County in 1986 and there have been four previous major review periods of AFD districts (1990, 1994, 1998, and 2002).

Of the 14 districts, 9 are set to expire in August. The districts set to expire are highlighted in bold print below.

Agricultural and Forestal Districts  
(As of June 2006)

District	Name and Term of District in Years ( )	Acres	Exp. Date
AFD 1-94	Wright's Island (8)	1,454.41	8/13/2010
<b>AFD 2-86</b>	<b>Croaker (4)</b>	<b>1,078.00</b>	<b>8/13/2006</b>
<b>AFD 3-86</b>	<b>Hill Pleasant Farm (4)</b>	<b>573.62</b>	<b>8/13/2006</b>
AFD 4-86	Pates Neck (6)	624.30	11/17/2006
<b>AFD 5-86</b>	<b>Barne's Swamp (4)</b>	<b>1,875.00</b>	<b>8/13/2006</b>
<b>AFD 6-86</b>	<b>Cranston's Pond (4)</b>	<b>1,087.58</b>	<b>8/13/2006</b>
<b>AFD 7-86</b>	<b>Mill Creek (4)</b>	<b>3,346.00</b>	<b>8/13/2006</b>
<b>AFD 9-86</b>	<b>Gordon Creek (4)</b>	<b>3,346.00</b>	<b>8/13/2006</b>
<b>AFD 10-86</b>	<b>Christenson's Corner (4)</b>	<b>562.16</b>	<b>8/13/2006</b>
<b>AFD 11-86</b>	<b>Yarmouth Island (4)</b>	<b>2,031.40</b>	<b>8/13/2006</b>
<b>AFD 12-86</b>	<b>Gospel Spreading Church (4)</b>	<b>1189.93</b>	<b>8/13/2006</b>
AFD 1-89	Armistead (4)	311.54	11/17/2010
<b>AFD 1-93</b>	<b>Williamsburg Farms (4)</b>	<b>280.04</b>	<b>11/17/2010</b>
AFD 1-02	Carter's Grove (4)	320.37	10/8/2006

	Acres	Sq. Miles
<b>AFD Total</b>	<b>18,080.35</b>	<b>28.25</b>
Total County Area: Land	92,224.00	144.1
Total County Area: Water	20,224.00	31.6
Total County Area: Land & Water	112,448.00	175.7

AFD % of Total County Area **16.08%**  
AFD % of Total Land Area **19.60%**

Length of terms for individual districts

Of the 14 AFD's in existence today, 12 have four-year terms, one has a six-year term, and one has an eight-year term. The State Code governing AFD's allows the establishment of a District for a minimum of four years and to a maximum of ten years. The Code also provides the Board discretion to establish districts for any term it deems appropriate, which may be from four-year to ten-year terms. In the past, the length of the term has been left up to the property owner. Staff is recommending that if continued, Districts be re-established for a term of 4 years and 3 months. The additional three months are a one-time addition allowing the County to synchronize the terms of all districts so that they expire in the same month. Synchronizing the districts will not only make it easier to administer the renewal process but also allow the Board of Supervisors to review the AFD program and associated policies as a whole in 2010.

When an AFD comes up for renewal

The review process is similar to other land use cases that come before the Board with several exceptions. The review of Districts begins at least 90 days before the expiration date of the district or districts. If there are any proposed changes to the AFD policy or to the conditions of any of the districts, the County must convey those proposed changes to the affected property owners. During this review period the County sends notice of the renewal to all affected property owners. During this time, the County must give all AFD property owners the opportunity to withdraw any or all of

their property from the AFD. Owners do not need Board approval to withdraw at this time. If the Board chooses to renew or “continue” the particular district, the Board simply renews the district without the acreage that has been voluntarily withdrawn.

Owners who choose to add more land to an AFD, either during the review period or during the term of the district, must file a written application to do so. The AFD Advisory Committee, the Planning Commission and the Board of Supervisors review these requests. Other agencies involved in the review process include the Virginia Department of Forestry and the Soil and Water Conservation Service. The AFD Advisory Committee and the Planning Commission review each new district, and any addition to, or withdrawal from, any existing district. The County notifies adjacent property owners, posts signs, and places public hearing ads in the local newspapers for renewals and additions as required by State Code. While the District renewals require public hearings, voluntary withdrawals of individual properties *during the review period* do not require Board approval or public hearing.

#### Withdrawal of property from an AFD

Before a proposed district is created, and during the review of an existing district, landowners may withdraw their land simply by filing a written request. Also, when a landowner dies, the heirs may withdraw the land from a district at any time within two years of the date of death. Land withdrawn from a district by these two methods neither terminates a district nor causes a rollback tax to become due. The district continues at least until the time of its expiration date. The rollback tax (five years worth), becomes due only if the use of the withdrawn land is changed to a non-qualifying use (i.e., non-agricultural or non-forestal) during the six succeeding tax-years. At other times, withdrawals must be approved by the Board, which has established withdrawal policies.

#### Conditions of approval on the districts up for renewal

When AFD’s 2-86, 3-86, 5-86, 6-86, 7-86, 9-86, 10-86, 11-86, and 12-86 were last renewed in 2002, the following conditions were placed on the districts:

1. 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 5 acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, 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.
2. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land inside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be withdrawn from the district in accordance with the Board of Supervisors’ policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996.
3. No special use permit shall be issued except for agricultural, forestal or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this district. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in

accordance with the County's policies and ordinances regulating such facilities.

Also, generally any land within the district that is within 25 feet of an adjoining public road is excluded from the district. This exclusion allows for possible future road and/or drainage improvements.

Summary of changes to districts during this renewal period and staff recommendations

**AFD 2-86 Croaker**

- Taskinas LLC would like to remove parcel (14-4)(1-3) consisting of 29 acres.
- After the withdrawal, the size of the district will be approximately 1,049 acres.
- Staff recommends continuation of the remainder of the district.

**AFD 3-86 Hill Pleasant Farm**

- Mr. Don Hunt would like to withdraw 6 acres from tax map (24-1)(1-5).
- After the withdrawal, the size of the district will be approximately 567.62 acres.
- Staff recommends continuation of the remainder of the district.

**AFD 5-86 Barnes Swamp**

- Toano Business Center would like to remove parcels (4-1)(5-1); (4-1)(5-2); (4-1)(5-3); (4-1)(5-4); and (4-1)(5-5) formerly listed as (4-1)(1-8), totaling 88.376 acres.
- Mr. John Latoski would like to remove 0.5 acres from tax map (3-1)(1-1B).
- After the withdrawals, the size of the district will be approximately 1,786.13 acres.
- Staff recommends continuation of the remainder of the district.

**AFD 6-86 Cranston's Pond**

- Withdrawal requests include all six Marston properties, totaling 85.61 acres and identified as parcels (1-90), (1-33), (1-34), (1-35), (1-36), (1-37) on Tax Map (22-2); and both Heath properties, totaling 25.91 acres and identified as (22-3)(1-33) and (21-4)(1-39). In addition, the Ripley parcel, identified as (31-2)(1-3), was approved for a family subdivision earlier this year, and the two-acre subdivision is being withdrawn from the district at this time.
- After the withdrawals, the size of the district will be approximately 974.059 acres.
- Staff recommends continuation of the remainder of the district.

**AFD 7-86 Mill Creek**

- The Cowles Family Limited Partnership would like to remove Parcel (20-1)(1-1) consisting of 433 acres.
- After the withdrawal, the size of the district will be 2,914 acres.
- Staff recommends continuation of the remainder of the district.

**AFD 9-86 Gordon Creek**

- W.A. Thompson and Charles Flemming will be removing three acres from Parcel (36-2)(1-40). The size of the remaining parcel will be 136.96.
- David and Stephanie Allen will be removing 25 acres from Parcel (34-2)(1-2). The size of the remaining parcel will be 132.98.
- John Carswell will be adding 28.36 acres of land at 2743 Jolly Pond Road. The property can also be identified as Parcel (35-2)(1-10).
- Parcel (43-2)(1-3) which is 210 acres will be added from the Barrett's Ferry AFD.
- After the withdrawals and with the addition, the size of the district will be 3,346.36 acres.

- Staff recommends continuation of the remainder of the district.

**AFD 10-86 Christenson's Corner**

- No changes are currently proposed.
- Staff recommends continuation of the district.

**AFD 11-86 Yarmouth Island**

- No changes are currently proposed.
- Staff recommends continuation of the district.

**AFD 12-86 Gospel Spreading Church**

- Mr. Lyman Hall, Jr. would like to remove Parcels (47-4)(1-13) consisting of 39.11 acres and (47-4)(1-11) consisting of 17.89 acres, for a total of 57 acres.
- After the withdrawal, the size of the district will be 1,132.93 acres.
- Staff recommends continuation of the remainder of the district.

Attached to this report are memorandums containing the detailed reports for each district that is up for renewal. In total, approximately 755.36 acres of land will be removed from the James City County AFD program during this renewal period, leaving approximately 17,354 acres (18.82% of total Land Area) remaining in AFDs.

---

Kate Sipes

Attachments:

1. AFD Advisory Committee Minutes
2. Overall AFD Map

AT THE MEETING OF THE AGRICULTURAL AND FORESTAL ADVISORY COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 27<sup>TH</sup> DAY OF JUNE, TWO THOUSAND SIX, AT 3:00 P.M. AT THE HUMAN SERVICES BUILDING, 5249 OLDE TOWNE ROAD, WILLIAMSBURG, VIRGINIA.

1. Roll Call

Members Present

Mr. Gilley  
Mr. J. Icenhour  
Mr. Ford  
Ms. Garrett  
Ms. Lowe  
Mr. Meadows  
Mr. Richardson  
Ms. Smith

Members Excused

Mr. Bradshaw  
Mr. Abbott

Also Present

Ms. Ellen Cook  
Mr. Jason Purse  
Ms. Rebecca Wilson

2. Minutes

Minutes from March 16, 2006 were approved on a motion by Mr. Ford and seconded by Mr. Gilley.

3. Old Business

No old business was discussed.

4. New Business

A. AFD Renewals

- 1.AFD-2-86 Croaker
- 2.AFD-3-86 Hill Pleasant Farm
- 3.AFD-5-86 Barnes Swamp
- 4.AFD-6-86 Cranston's Pond
- 5.AFD-7-86 Mill Creek
- 6.AFD-9-86 Gordon Creek
- 7.AFD-10-86 Christenson's Corner
- 8.AFD-11-86 Yarmouth Island
- 9.AFD-12-86 Gospel Spreading Church

Mr. Gilley requested a motion to vote on the approval for the first eight districts together. Mr. Form motioned and Mr. Gilley seconded after inquiries about the duration of the renewal from Mrs. Smith. A roll call vote was taken and the renewal was approved (8-0).

Mr. Ford moved to approve the renewal of AFD-12-86, Gospel Spreading Church and Ms. Garrett seconded the motion. The Committee took a roll call vote with Mr. Gilley abstaining. The renewal was approved (7-0).

5. Adjournment

A meeting date was tentatively stated for the month of September and Mr. Gilley adjourned the meeting at 3:25 p.m.

---

Mr. R.E. Gilley, Chairman

---

Ellen Cook, Senior Planner

---

Jason Purse, Planner

# Overall County AFD Districts



## Legend

### afd\_polygons

#### NAME

- Armistead
- Barnes Swamp
- Barretts Ferry
- Carter's Grove
- Christianson's Corner
- Cranston's Pond
- Croaker
- Gordon Creek
- Gospel Spreading Ch
- Hill Pleasant Farm
- Mill Creek
- Pates Neck
- Williamsburg Farms
- Wright's Island
- Yarmouth Island

### Streets

#### Code

- Dirt
- Interstate
- Other
- Parkway
- Primary
- Secondary
- rail road
- Penn\_Water



## MEMORANDUM

DATE: July 10, 2006  
TO: Planning Commission  
FROM: Ellen Cook, Senior Planner  
SUBJECT: Renewal of AFD-2-86, Croaker

---

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD's) prior to their expiration. During this review, districts must either be continued, modified, or terminated. This report will review AFD-2-86, Croaker which is scheduled to expire in August.

The Croaker AFD consists of approximately 1,078 acres located in and around the Croaker area. Specifically, the AFD is currently comprised of the following:

Owner	Parcel No.	Acres
Hankins Land Trust	(15-3)(1-44)	119.000
William Apperson	(14-4)(1-15)	51.450
V.D. McManus Estate	(15-3)(1-43)	119.850
V.D. McManus Estate	(15-3)(1-42)	10.100
V.D. McManus Estate	(15-3)(1-36)	40.400
Hazel and LA Richardson	(15-3)(1-2)	39.760
Clarence D. Richardson, Jr.	(15-3)(1-34)	34.000
Judith R. Pieper	(14-4)(1-10)	40.000
Robert I. Solomon	(14-4)(1-9)	49.079
Wenger Farms, LLC	(13-2)(1-18)	95.300
Wenger Farms, LLC	(14-1)(1-1)	150.000
Wenger Farms, LLC	(14-1)(1-14)	143.500
Thomas B. Ballard	(15-3)(1-35)	53.170
Lasata LLC	(15-3)(1-18)	16.051
Lasata LLC	(15-3)(1-19)	16.397
Lasata LLC	(15-3)(1-29)	30.937
Taskinas LLC	(14-4)(1-3)	29.000
Milly Wallis c/o Doris Lockley	(15-4)(1-4)	40.000

### *History*

The district was originally approved on November 17, 1986 for a term of 4 years. In July 1989, the Board of Supervisors approved the withdrawal of 421.773 acres associated with the Old French Winery property. The district was renewed a second time in 1994. Twenty-nine acres were added to the district on January 14, 1997, and 40 acres were added on January 13, 1998. The district was renewed by the Board in 1998 and 2002 with no additions or withdrawals.

This includes all the land on the above-referenced properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the district to allow for

possible road and/or drainage improvements.

### *Analysis*

The bulk of the district appears to consist of soils well suited for agriculture and is located a considerable distance from the I-64/Croaker Road interchange. Most of the district is forested and remains rural in nature. All of the land within this district is zoned A-1, General Agriculture, and a major portion of the surrounding property is presently zoned A-1. The Old French Winery/Kiskiack development, zoned R-5, Multi-Family Residential, and M-1, Limited Business/Industrial, abuts two of the AFD tracts found on Tax Map No. (14-4). The entire district is outside the Primary Service Area and is designated Rural Lands by the Comprehensive Plan.

### *Withdrawals*

As part of this renewal, Taskinas LLC would like to remove parcel (14-4)(1-03): this parcel is 29 acres.

### Recommendation:

Staff believes this AFD is consistent with the Comprehensive Plan and recommends renewing the district for a period of four years and three months with no change in the conditions of approval. A four year and three month approval would be consistent with prior action and would allow for the re-evaluation of the district for consistency with possible policy changes and Comprehensive Plan revisions. On June 27, 2006, the AFD Advisory Committee recommended renewal by a vote of 8-0.

After renewal, this district would consist of approximately 1,049 acres.

---

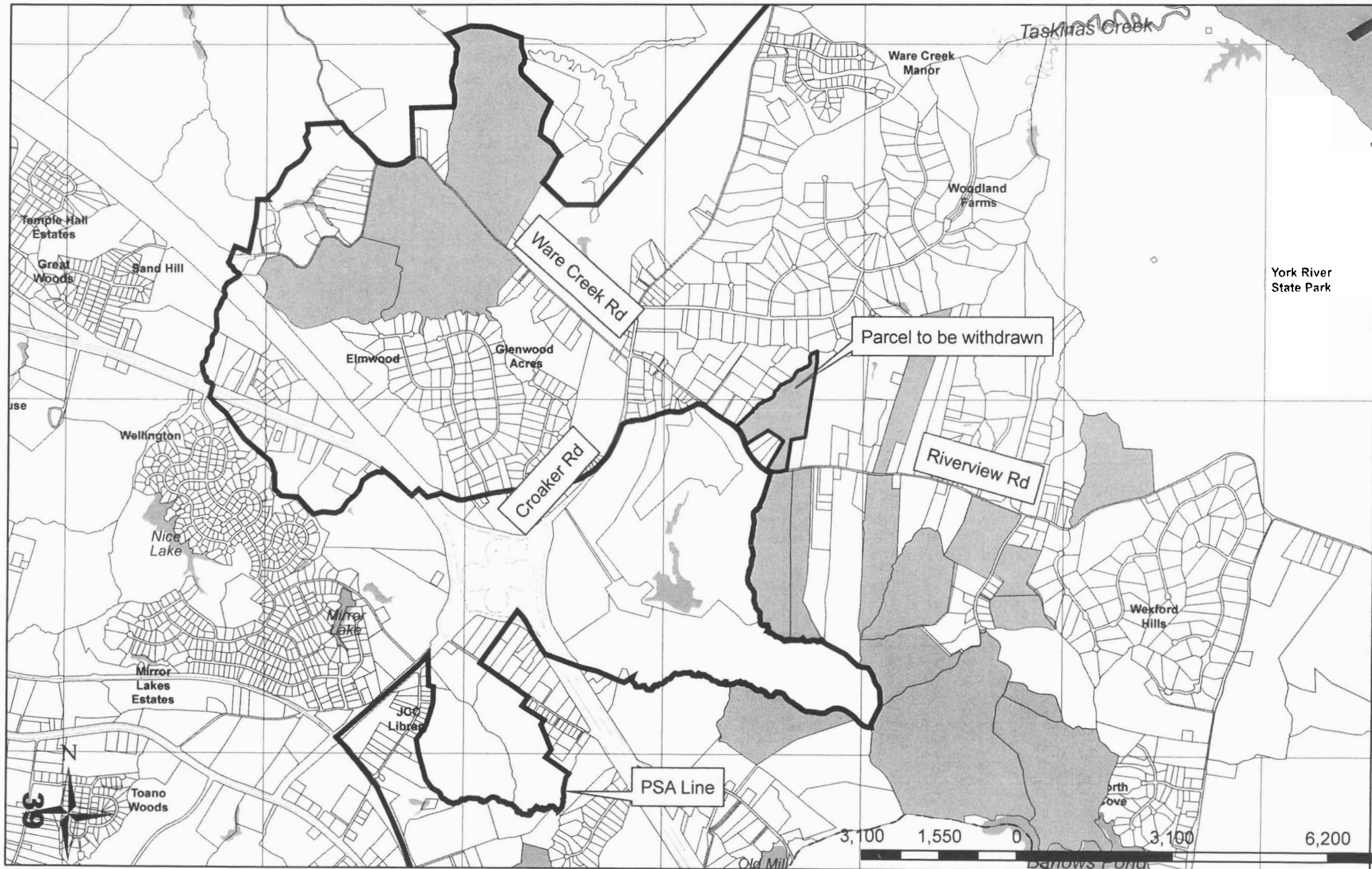
Ellen Cook

### Attachment:

1. Location map
2. Withdrawal Letter

# AFD-2-86

## Croaker AFD 2006 Renewal





TASKINAS, LLC  
11817 CANON BLVD. #300  
NEWPORT NEWS, VA 23606

11 May 2006

Re: AFD2-86

Mr. O. Marvin Sowers, Jr.  
James City County Planning Division  
101-A Mounts Bay Road.  
PO Box 8784  
Williamsburg, VA 23187-8784

Dear Mr. Sowers,

I am in receipt of your letter dated 8 May, 2006 regarding the changes that are proposed for AFD uses. While we are appreciative of the tax credits that we have received over the years, the designation has simply been a bit of a discomfort over the years.

We have absolutely no plans to subdivide the land. We would, however, like to be able to build a nice equestrian oriented home on the property, similar to what we are seeing in the Forge Road area of James City County. Though this should currently be permitted, it may change the use from forestry to farming (or whatever one would consider having a home, horses, barn, implement shed, hay & alfalfa pastures and so forth).

For this reason, we would request that you withdraw all of Taskinas LLC land (map no: 14-4-01-03, 30 ac +/-) from the AFD program.

We anticipate leaving the land to our daughter, who is 2005 high-point champion in Virginia Horse Show Association ranking and would like for the property to remain unencumbered for that purpose. As a note: the term Taskinas is the name of a nearby creek, and was the name of our family farm that is now "York River State Park".

Sincerely yours,

Trip Ferguson, Manager  
cc: Mr. Vernon M. Geddy, III

## MEMORANDUM

DATE: July 10, 2006  
TO: Planning Commission  
FROM: Ellen Cook, Senior Planner  
SUBJECT: Renewal of AFD-3-86, Hill Pleasant Farm

---

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD's) prior to their expiration. During this review, districts must either be continued, modified, or terminated. This report will review AFD-3-86, Hill Pleasant Farm which is scheduled to expire in September.

The Hill Pleasant Farm AFD consists of approximately 573.6 acres located southwest of Norge in between the CSX Railway and Interstate 64. Specifically, the AFD is currently comprised of the following:

Owner	Parcel No.	Acres
C.E. Stevens	(24-1)(1-4)	105.04
Hill Pleasant Farm, Inc.	(24-1)(1-5)	397.30
Wayne Moyer	(24-1)(1-15D)	32.28
Williamsburg Pottery, Inc.	(24-3)(1-17)	27.00
Williamsburg Pottery, Inc.	(24-3)(1-31B)	12.00

### *History*

The Hill Pleasant Farm AFD was created on November 17, 1986, for a term of 4 years and renewed again on October 1, 1990 for a period of four years. The Board of Supervisors approved the withdrawal of 2.2 acres from the property in 1991. This withdrawal was for the purpose of installing an HRSD trunk main. The 1994 renewal was approved by the Board of Supervisors on October 19, 1994. Subsequently, 32 acres were added on September 10, 1996; 27 acres were added on October 23, 1996; and 12 acres were added on November 12, 1997. The district was renewed in 1998 and 2002 for terms of 4 years with no additions or withdrawals.

The district includes all the land on the above properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the district to allow for possible road and/or drainage improvements.

### *Analysis*

The bulk of this district has remained essentially the same since the time it was put in the district. Except for a few residences, all acreage in this district is in agriculture or forestal uses. The properties have been managed in the past for food and fiber production and have the potential to support significant agriculture and commercial timber operations. The majority of land within the district is zoned A-1, General Agricultural and is located outside the PSA. The one exception is the twelve acre parcel owned by the Williamsburg Pottery which is located inside the PSA and is

zoned M-1, Limited Business/Industrial. The PSA is the area of the County that has been designated for growth. The continuation of AFD property within the PSA is consistent with the Comprehensive Plan as this would serve the public purpose of holding key tracts of land temporarily while development plans can be created, maximizing the beneficial use of the property. The district is designated rural lands on the Comprehensive Plan Land Use Map except for the one twelve acre parcel located inside the PSA. This parcel is designated Mixed Use.

Most of the surrounding land to the north of the district zoned A-1. The property to the west of the district is a mixture of businesses, residences and developed property within the PSA zoned B-1, General Business; R-2, General Residential; and MU, Mixed Use. The property to the south of the district is mostly zoned M-1, Limited Business/Industrial. Although it is located in the vicinity of existing commercial development along Richmond Road, the district is separated from Richmond Road by the CSX Railway. The district borders York County to the east.

#### *Withdrawals*

As part of this renewal Mr. Donald Hunt would like to withdraw 6 acres from tax map (24-1)(1-5).

#### Recommendation:

Staff believes this AFD is consistent with the Comprehensive Plan and recommends renewing the district for a period of four years and three months with no change in the conditions of approval. A four year and three month approval would be consistent with prior action and would allow for the re-evaluation of the district for consistency with possible policy changes and Comprehensive Plan revisions. On June 27, 2006, the AFD Advisory Committee recommended renewal by a vote of 8-0.

After renewal, the size of the district would be approximately 567.62 acres.

---

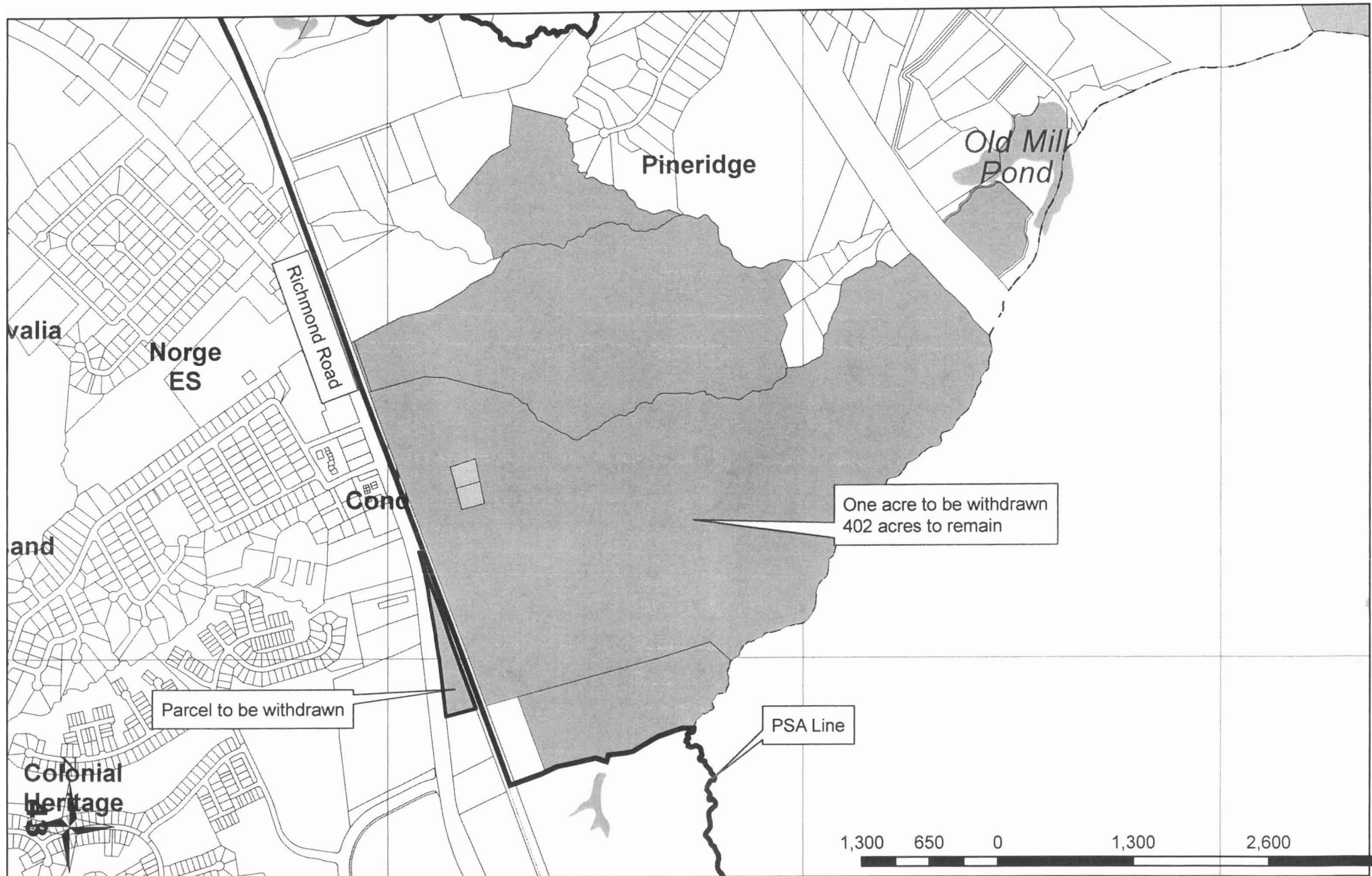
Ellen Cook

#### Attachment:

1. Location map
2. Withdrawal letter

# AFD-3-86

## Hill Pleasant Farm AFD 2006 Renewal





May 24, 2006

To: James City County Planning Division

I am giving written notice that Hill Pleasant Farm is amending our AFD 3-86 to exclude the 5 acre parcel next to GO-Karts plus and bordered by CSX and Route 60 West. Also, we are setting out a 1 acre lot in the far Northwest corner of the property, adjacent to the CSX right of way for a cell tower location. We will go forward with the application for renewal on the balance of the property. Thank you for your attention to this matter. If you have any questions, please contact me at 757-564-9491.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald Hunt".

Donald Hunt

President

Hill Pleasant Farm, Inc.



## MEMORANDUM

DATE: July 10, 2006  
TO: Planning Commission  
FROM: Ellen Cook, Senior Planner  
SUBJECT: Renewal of AFD-5-86, Barnes Swamp

---

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD's) prior to their expiration. During this review, districts must either be continued, modified, or terminated. This report will review AFD-5-86, Barnes Swamp which is scheduled to expire in August.

The Barnes Swamp AFD currently consists of approximately 1,875 acres and adjoins the New Kent County border, extending from a point approximately 5,000 feet east of Holly Forks Road west to Diascund Reservoir and south to Richmond Road. Specifically, the AFD is currently comprised of the following:

Owner	Parcel No.	Acres
SD & SKI, LLC	(3-1)(1-1)	108.470
Shelly and John Latoski	(3-1)(1-1B)	10.230
Dennis Leonituk	(3-1)(1-1A)	10.000
Eunice P. Stewart	(3-1)(1-2)	64.000
Katherine L. Hockaday	(3-1)(1-3)	62.560
Alvin Beahm	(3-3)(1-3)	70.000
Alvin Beahm	(3-3)(1-4)	70.000
Arlene H. Bowmer	(3-3)(1-6)	96.750
Arlene H. Bowmer	(2-4)(1-12)	62.200
M. McMurran & S. Redd	(10-1)(1-1)	61.620
Harwood, Cary & Charles	(3-2)(1-1)	43.530
Estate of Mick Zuzma	(3-2)(1-2A)	17.200
Estate of Mick Zuzma	(3-2)(1-2)	13.860
Henry B. & Myrtle Johnson	(3-2)(1-3)	19.080
Henry B. & Myrtle Johnson	(3-2)(1-3A)	93.990
Robert M. Dzula	(3-2)(1-4)	28.080
John A. Richardson	(4-1)(1-5)	42.000
John A. Richardson	(4-1)(1-6)	10.000
H.P. & Mary Hazelwood	(4-2)(1-8)	249.880
Toano Business Center, LLC	(4-1)(5-1)	5.159
Toano Business Center, LLC	(4-1)(5-2)	10.073
Toano Business Center, LLC	(4-1)(5-3)	11.076
Toano Business Center, LLC	(4-1)(5-4)	11.217
Toano Business Center, LLC	(4-1)(5-5)	50.851
Peter B & Cherri Meyer	(4-2)(1-14)	99.440
Pamaka, LLC	(4-3)(1-15)	22.000
W.A. Stater, c/o Florence Carter	(4-3)(1-16)	52.000

Hazelwood Farms LLC	(4-3)(1-17)	183.140
J.W. Jr. and Isab Woodward	(9-2)(1-1)	114.000
Alex Lamar Penland	(2-4)(1-29)	55.900
Donald A. Hazelwood	(4-2)(1-20)	116.335
Donald A. Hazelwood	(4-2)(1-18)	3.460
Donald A. Hazelwood	(4-4)(1-1)	6.900

### *History*

The district was approved on December 1, 1986 for a term of 4 years. It was renewed for a period of four years by the Board in October 1990. One addition to the district of 60.7 acres was approved by the Board in February 1991. The AFD was renewed again on October 19, 1994. The Board of Supervisors approved an addition of 127.36 acres on July 8, 1997. It was renewed for a period of four years by the Board in September 1998, with the withdrawal of a 58.6 acre parcel (2-4)(1-61) owned by R.E. and Mary Mountcastle. On January 26, 1999 the Board approved the addition of the 58.6 acre parcel (2-4)(1-61) owned by R.E. and Mary Mountcastle. When the district was renewed in 2002, the same 58.6 acre R.E. and Mary Mountcastle parcel was withdrawn.

The district includes all the land on the above properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the district to allow for possible road and/or drainage improvements.

### *Analysis*

This district has remained essentially the same since the time it was put in the district. The district consists mainly of forested land. Records indicate that approximately 80% of the district is used for forestry purposes and the balance of the district is used for agriculture. Most of the land within the district is zoned A-1, General Agricultural with the exception of part of Parcel No. (1-17) on Tax Map (4-3) which is zoned B-1, General Business. Most of the surrounding land is agricultural in nature, although two parcels located on Fire Tower Road are adjacent to the Stonehouse PUD-R Development. The vast majority of the district is located outside the PSA and designated Rural Lands and Conservation by the Comprehensive Plan. A small portion near the Route 30/Interstate 64 interchange is within the PSA and is designated Mixed Use on the Comprehensive Plan Land Use Map; however, the utilities necessary for the commercial development of the property are not currently available to the site. The PSA is the area of the County that has been designated for growth. The continuation of AFD property within the PSA is consistent with the Comprehensive Plan as this would serve the public purpose of holding key tracts of land temporarily while development plans can be created, maximizing the beneficial use of the property.

### *Withdrawals*

As part of this renewal, Toano Business Center would like to remove parcels (4-1)(5-1); (4-1)(5-2); (4-1)(5-3); (4-1)(5-4); and (4-1)(5-5) which had formerly been listed as tax map (4-1)(1-8). These parcels are 88.376 acres in size. In addition, Mr. John Latoski would like to withdraw 0.5 acres from tax map (3-1)(1-1B).

### Recommendation:

Staff believes this AFD is consistent with the Comprehensive Plan and recommends renewing the district for a period of four years and three months with no change in the conditions of approval. A four year and three month approval would be consistent with prior action and would allow for the re-evaluation of the district for consistency with possible policy changes and Comprehensive Plan revisions. On June 27, 2006, the AFD Advisory Committee recommended renewal by a vote of 8-0.

The changes outlined above would bring the size of the district to approximately 1,786.125 acres.

---

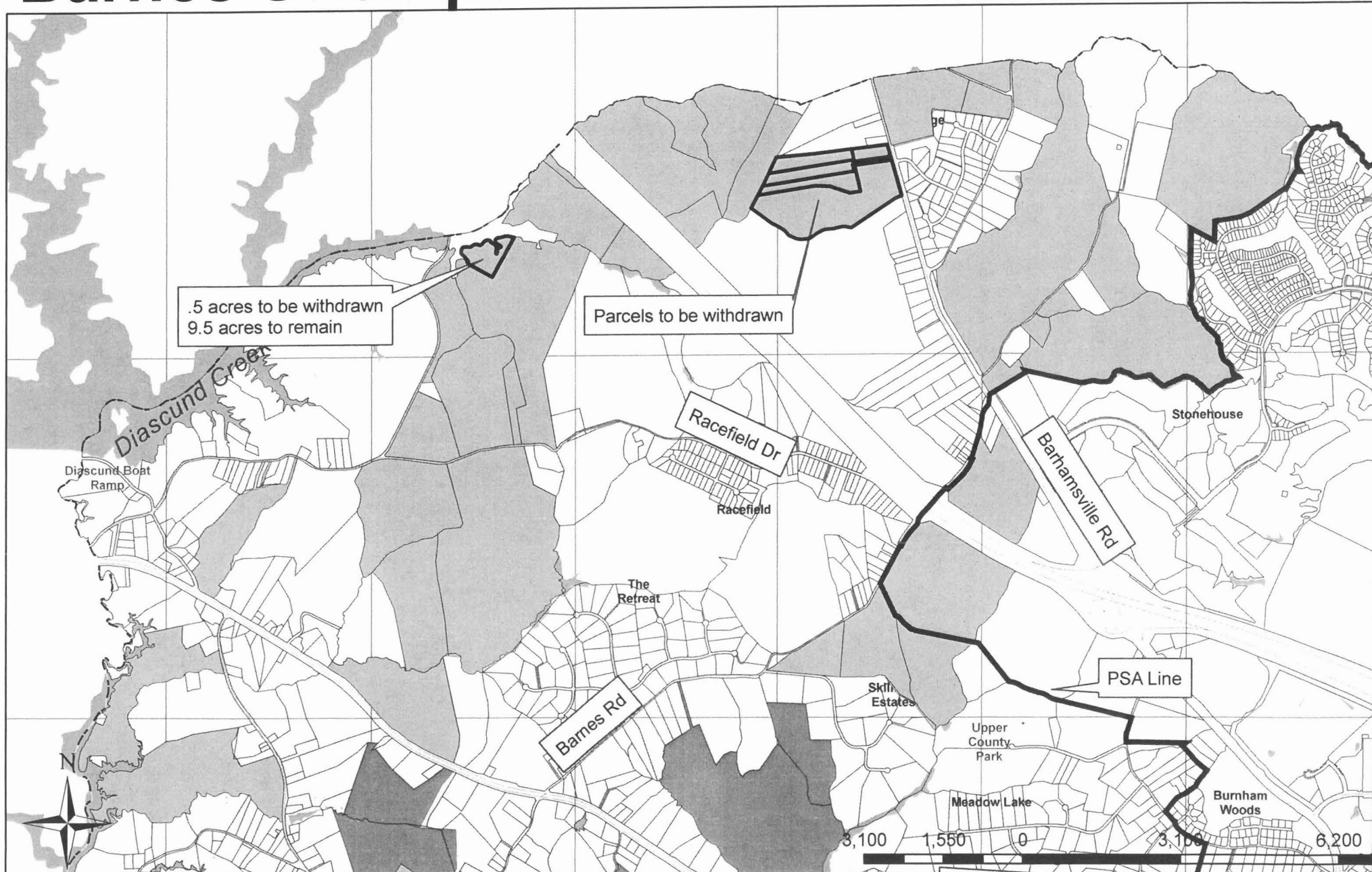
Ellen Cook

Attachment:

1. Location map
2. Withdrawal Letters

<sup>4</sup>  
AFD-5-86

# Barnes Swamp AFD 2006 Renewal



# TOANO BUSINESS CENTRE, LLC

P.O. BOX 150 ~ BARHAMSVILLE, VIRGINIA 23011

(757) 566-3254

FAX (757) 566-8990

May 23, 2006

Mr. Marvin Sowers  
Planning Director  
James City County  
P.O. Box 8784  
Williamsburg, Virginia 23187-8784



RE: Request for removal from Barnes Swamp AFD

Dear Marvin:

Pursuant to your letter dated May 8, 2006 regarding the notice to withdraw property from the AFD; I am formally requesting that the following properties owned by Toano Business Centre, LLC be removed from the Barnes Swamp AFD

<u>Address</u>	<u>Parcel ID</u>	<u>RPC</u>	<u>Acreage</u>
10135 Old Stage Road	0410500001	28690	5.159
10115 Old Stage Road	0410500002	28691	10.073
10095 Old Stage Road	0410500003	28692	11.076
10075 Old Stage Road	0410500004	28693	11.217
10055 Old Stage Road	0410500005	28694	<u>50.851</u>
		TOTAL:	88.376

It was my understanding that the county was to have reversed the original subdivision once the early withdrawal request was denied by the Board of Supervisors. I would like to also request that the county take whatever steps necessary to return the property to its former configuration of one 88.376 acre parcel. Thank you in advance for your time and effort with this situation.

Regards,  


Michael C. Brown, Sole Member and Manager  
Toano Business Centre, LLC

John & Shelly Latoski  
PO Box 248  
Lanexa, VA 23089

May 14, 2006

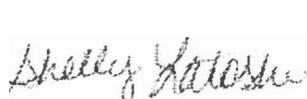

Mr. Geoff Cripe  
James City County Planning Division  
101-A Mounts Bay Road  
Williamsburg, VA 23187-8784

Dear Mr. Cripe:

We would like to withdraw one-half (0.5) acre for the purpose of a home site from the Barnes Swamp Agricultural and Forestry District. This acreage is part of a 10.23 acre parcel identified by Map No. 03-1 01-01B also known as 346 Racefield Drive and is affiliated with a parent tract of 108 acres identified by Map No. 03-1 01-01 also known as 338 Racefield Drive. The total property was subdivided through a family subdivision completed in March 2005. We were instructed at that time that we needed to wait for the expiration of the existing AFD contract to withdraw a portion for the purpose of a home site. Our current AFD contract is due to expire in August 2006.

Your consideration in this matter is greatly appreciated. If you need to discuss this matter, please contact John Latoski at 757-291-5020.

Sincerely,



John and Shelly Latoski

5/14/2006 8:11 PM FROM: FAX TO: 253-6822 PAGE: 002 OF 002

## MEMORANDUM

DATE: July 10, 2006  
TO: Planning Commission  
FROM: Kathryn Sipes, Planner  
SUBJECT: Renewal of AFD-6-86, Cranston's Pond

---

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD's) prior to their expiration. During this review, districts must be either continued, modified, or terminated. This report will review AFD-6-86, Cranston's Pond which is scheduled to expire in August.

The Cranston's Pond AFD consists of 1,087.579 acres and is located southeast of Chickahominy Road and Little Creek Dam Road. The bulk of the properties straddle the Virginia Power easement. Specifically, the AFD is currently comprised of the following:

Owner	Parcel No.	Acres
Hidden Acres Farm, c/o Wayne Nunn	(23-3)(1-1)	416.500
Bert Geddy, Jr.	(22-3)(1-26)	167.500
Kenneth and Wendy Heath	(22-3)(1-33)	19.410
Edward K. English	(22-4)(1-1A)	101.670
Harcum Trust	(22-2)(1-87)	62.559
Marston, LLC	(22-2)(1-90)	40.000
Otto C. and Thelma Ripley	(31-2)(1-3)	22.830
Kenneth and Wendy Heath	(21-4)(1-39)	6.500
Douglas L. Hornsby Trust	(21-4)(1-46)	205.000
Marston, LLC	(22-2)(1-33)	12.000
Marston, LLC	(22-2)(1-35)	1.000
Marston, LLC	(22-2)(1-36)	2.110
Marston, LLC	(22-2)(1-37)	16.500
Marston, LLC	(22-2)(1-34)	14.000

### *History*

The district was approved on December 1, 1986, for a term of four years and has been renewed for additional four year terms by the Board of Supervisors in October 1990, November 1994, September 1998 and August 2002. This district has remained essentially the same since the AFD was created, with the following changes occurring over time: approximately 32 acres were added to the district in 1994, approximately 14 acres were added to the district in 2002, and approximately 130 acres were removed between 1998 and 2002.

The district includes all the land on the above properties with the exception of all land within 50 feet of arterial road rights-of-way. That property has been excluded from the district to allow for possible road and/or drainage improvements.

### *Analysis*

The district consists mainly of forested land, about 75 percent. The remainder of the district is in marsh land. A majority of the land (over 920 acres) within the district is zoned A-1, General Agricultural. However, parcel (22-3) (1-33) and parts of parcels (22-2) (1-87), (21-4) (1-39), and (22-4) (1-1A) are zoned R-8, Rural Residential. Additionally, all six Marston properties are zoned R-1, Limited Residential.

Most of the district, approximately 1065 acres, is located outside of the Primary Service Area (PSA) and is designated Rural Lands by the Comprehensive Plan. The Ripley parcel and two of the Marston parcels, (22-2) (1-33) and (22-2) (1-37) are located inside the PSA and are designated Low Density Residential. The PSA is the area of the County that has been designated for growth. The continuation of AFD property within the PSA is consistent with the Comprehensive Plan as this would serve the public purpose of holding key tracts of land temporarily while development plans can be created, maximizing the beneficial use of the property. The Comprehensive Plan also designates Cranston's Pond and its tributaries as Conservation areas. All land within 50 feet of the road rights-of-way of Chickahominy Road (Route 631) and Centerville Road (Route 614) has been excluded from the district to allow for possible road and/or drainage improvements.

#### *Withdrawals*

The following properties are being withdrawn: all six Marston properties, totaling 85.61 acres and identified as parcels (1-90), (1-33), (1-34), (1-35), (1-36), and (1-37) on Tax Map (22-2); and both Heath properties, totaling 25.91 acres and identified as (22-3) (1-33) and (21-4) (1-39). In addition, the Ripley parcel, identified as (31-2) (1-3), was approved for a family subdivision earlier this year, and the two-acre subdivision is being withdrawn from the district at this time.

#### Recommendation:

Staff believes this AFD is consistent with the Comprehensive Plan and recommends renewing the district, with the above withdrawals, for a period of four years and three months with no change in the conditions of approval. A four year and three month approval would be consistent with prior action and would allow for the re-evaluation of the district for consistency with possible policy changes and Comprehensive Plan revisions. On June 27, 2006, the AFD Advisory Committee recommended renewal by a vote of 8-0.

After the withdrawals the district will total approximately 974.059 acres.

---

Kathryn Sipes, Planner

#### Attachments:

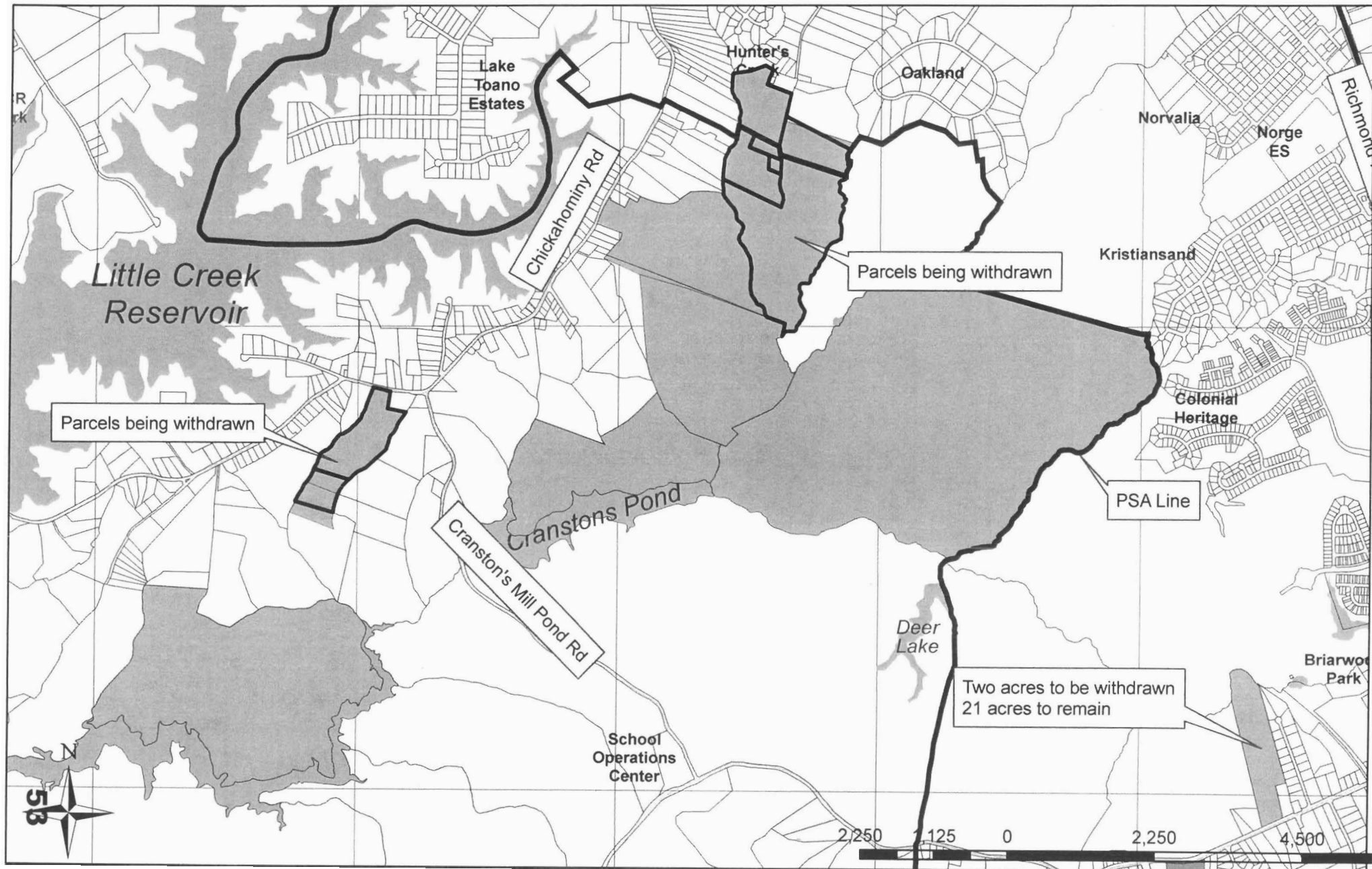
1. Location Map
2. Withdrawal request letter representing the Marstons
3. Withdrawal request letter representing the Heaths





# AFD-6-86

## Cranston's Pond AFD 2006 Renewal



Jones, Blechman, Woltz & Kelly, P.C.  
ATTORNEYS AND COUNSELORS AT LAW

Memory of  
Jin J. Lassen (1947-2006)

Robert V. Kelly  
Raymond H. Suttle  
M. Millner  
Laph M. Goldstein  
John T. Tompkins, III  
Anthony H. Sheild, III  
David W. Otey  
Robert V. Kelly, Jr.  
Richard B. Donaldson, Jr.  
David W. Otey, Jr.  
Michael B. Ware  
Bryn H. Hansen  
Ronard C. Heath, Jr.  
Raymond H. Suttle, Jr.  
Ryan H. Schempf  
Elena S. Mock  
Vance Stallings  
Daniel R. Quarles  
Hawn W. Overbey  
Matthew D. Meadows  
Auren C. Baddar  
Rebecca S. Aman  
Steven C. Miller  
Justin M. Sizemore

Newport News Law Office  
701 Town Center Drive  
Suite 800  
Newport News, VA 23606  
Phone: 757-873- 8076  
Fax: 757-873- 8053  
Email: mware@jwbwk.com

[www.jwbwk.com](http://www.jwbwk.com)

May 26, 2006

**VIA FACSIMILE – 253-6822 &  
MAILED**

Attn: Geoffrey Cripe  
Development Management Assistant  
James City County Planning Division  
101-A Mounts Bay Road  
P.O. Box 8784  
Williamsburg, VA 23187-8784

RE: **Marston, LLC – AFD 6-86: Cranston's Pond**  
**2220100033 (275 Bush Springs Rd); 2220100034 (308 Bush Springs Rd);**  
**2220100035 (290 Bush Springs Rd); 2220100036 (282 Bush Springs Rd);**  
**2220100037 (268 Bush Springs Rd) & 2220100090 (291 Bush Springs Rd)**  
**JBW&K File No.: 57410.014**

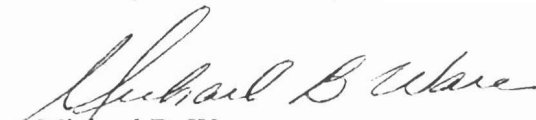
Dear Mr. Cripe:

Please be advised that we would like to withdraw all of the property listed above from the Agricultural and Forestal Districts. Please advise the other members of the Planning Department.

Thank you for your attention in this matter. If you have any questions or need anything further, please do not hesitate to call or contact me.

Sincerely,

JONES, BLECHMAN, WOLTZ & KELLY, P.C.

  
Michael B. Ware

MBW/cc

cc: Health-E-Community Enterprises

*100 Year Anniversary*

**HUDSON AND BONDURANT, P.C.**  
*Attorneys At Law*

James H. Hudson, III  
jh@hudbon.com  
B. Elliott Bondurant  
beb@hudbon.com

P.O. Box 231 826 Main Street  
West Point, Virginia 23181

(804) 843-3262  
Fax (804) 843-4946

May 26, 2006

Mr. O. Martin Sowers, Jr. AICP  
Planning Director  
James City County  
101-A Mounts Bay Road  
P.O. Box 8784  
Williamsburg, VA 23187-8784

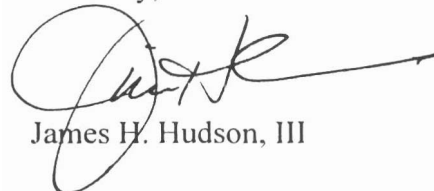
RE: Beverly L. Heath, et al, Tax ID# 21-4-010-0039 & 22-3-010-0033

Dear Mr. Sowers:

This office represents Kenneth I. Heath, Wendy A. Heath, Beverly Lee Heath and Sherry D. Heath, owners of the above referenced properties situated in Powhatan District, James City County. I enclose a copy of the relevant pages of the Deed for your information. The Heaths are in receipt of your letter of May 8, 2006 relative to Agricultural and Forestal District redesignation. The Heaths request that the subject property be withdrawn in total from the AFD during your review period. Please consider this letter a written request to withdraw pursuant to your May 8, 2006 letter.

Please call with any questions or concerns.

Sincerely,

  
James H. Hudson, III

JHHIII/wfw

enclosure

cc: Beverly L. Heath



## MEMORANDUM

DATE: July 10, 2006

TO: The Agricultural and Forestal District Advisory Committee

FROM: Melissa C. Brown, Senior Zoning Officer

SUBJECT: Renewal of AFD-7-86, Mill Creek

---

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD's) prior to their expiration. During this review, districts must be either continued, modified, or terminated. This report will review AFD-7-86, Mill Creek which is scheduled to expire in August.

The Mill Creek AFD consists of approximately 3,346 acres located from Richmond Road in the north to below Uncle's Creek in the south. The bulk of the land lies between Forge Road and the CSX railroad tracks. Specifically, the AFD is currently comprised of the following:

Owner	Parcel No.	Acres
Linda B. Cowles Estate, c/o Carter C.,	(20-2)(1-6)	352.963
Melinda Cowles Barbour, et.al.	(20-2)(1-3)	102.669
Melinda Cowles Barbour, et.al.	(20-2)(1-1)	8.759
Mayes and Cheryl Matthews	(21-1)(1-5)	46.010
Cowles Family Limited Partnership	(20-1)(1-1)	433.000
Steve L. & Pamela C. Massie	(11-3)(1-28)	99.457
Steve L. & Pamela C. Massie	(11-3)(1-28A)	32.610
Steve W. & Margaret J. Kraph	(11-4)(1-6)	4.730
Nancy Cottrell, c/o M. Anderson Bradshaw	(11-4)(1-2)	297.288
Linda B. Cowles Estate, c/o Carter C. Cowles III	(10-4)(1-5)	249.885
Linda B. Cowles Estate, c/o Carter C. Cowles III	(10-4)(1-6)	124.768
C.C. Cowles Sr. Estate, c/o Carter C. Cowles III	(10-4)(1-3) 2 pts.	103.260
Sarah H. Armistead	(10-1)(1-38)	50.000
Daniel & Marion Winall	(10-3)(1-19)	97.590
PAMAKA, LLC	(10-2)(1-17)	244.500
Albert T. & Joan Lloyd Slater	(10-1)(1-28)	69.690
McRae O. Selph	(10-1)(1-7)	50.000
Walter Nelson Marshall	(11-4)(1-5)	79.947
Martha Ware	(20-2)(1-2)	57.411
John Lee Darst	(9-2)(1-36)	41.225
PAMAKA, LLC	(10-3)(1-3)	42.000
Caroline W. Dozier	(20-2)(1-5)	186.170
Caroline W. Dozier	(20-2)(1-7)	16.500
Caroline W. Dozier	(20-2)(1-8)	12.000
Dennis P. and Christine A. Weygand	(10-3)(1-13)	34.030
John M.L. Barnes Est., c/o James F. Cowles III	(10-2)(1-4)	215.768
John M.L. Barnes Est., c/o James F. Cowles III	(11-1)(1-1)	29.000

Linda B. Cowles Est., c/o Carter C. Cowles III	(20-1)(1-2)	2.000
John and Marie Findlay	(9-4)(1-8h)	73.250
Eugene and Mary Andrews Living Trust	(9-4)(1-8n)	102.850
Randolph Gulden	(10-2)(1-12)	87.201

### *History*

The district was originally approved in December 1986 for a period of four years. In March 1989, the Board of Supervisors approved the withdrawal of 41.124 acres. In November 1990, the Board approved the continuation of the district for another four years. In January 1992, the Board approved the withdrawal of three acres and in April 1992, the Board approved the addition of 33.62 acres. In 1994, before the district's renewal, 77 acres were removed. In 1995, the Board approved a 303.97 acre addition and the district was renewed for four years in 1998. During the 1998 renewals, approximately 25 acres was withdrawn. Following the 1998 renewal, 19.0 acres were added into the district. The district was renewed again in 2002. In April 2004 the Board of Supervisors approved an addition of 87 acres. In July 2005 an addition of 102 acres was approved and in September 2005 an addition of 73 acres was approved.

At present, the district contains approximately 3,346 acres and includes all land on the above-referenced properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the district to allow for possible road and/or drainage improvements.

### *Analysis*

The bulk of the district contains many agricultural and forestry uses. All of the land within this district is zoned A-1, General Agricultural and a major portion of the surrounding property is presently zoned A-1 and is forested. This district is located outside of the Primary Service Area (PSA) and remains relatively rural in nature. The district is designated Rural Lands on the Comprehensive Plan Land Use Map.

### *Withdrawals*

As part of this renewal, the Cowles Family Limited Partnership would like to remove parcel (20-1)(1-1) which is 433 acres.

### Recommendation:

Staff believes this AFD is consistent with the Comprehensive Plan and recommends renewing the district for a period of four years and three months with no change in the conditions of approval. A four year and three month approval would renew the district at 2,914 acres. This would be consistent with prior action and would allow for the re-evaluation of the district for consistency with possible policy changes and Comprehensive Plan revisions. On June 27, 2006, the AFD Advisory Committee recommended renewal by a vote of 8-0.

After the withdrawal, the district will total approximately 2,914 acres.

---

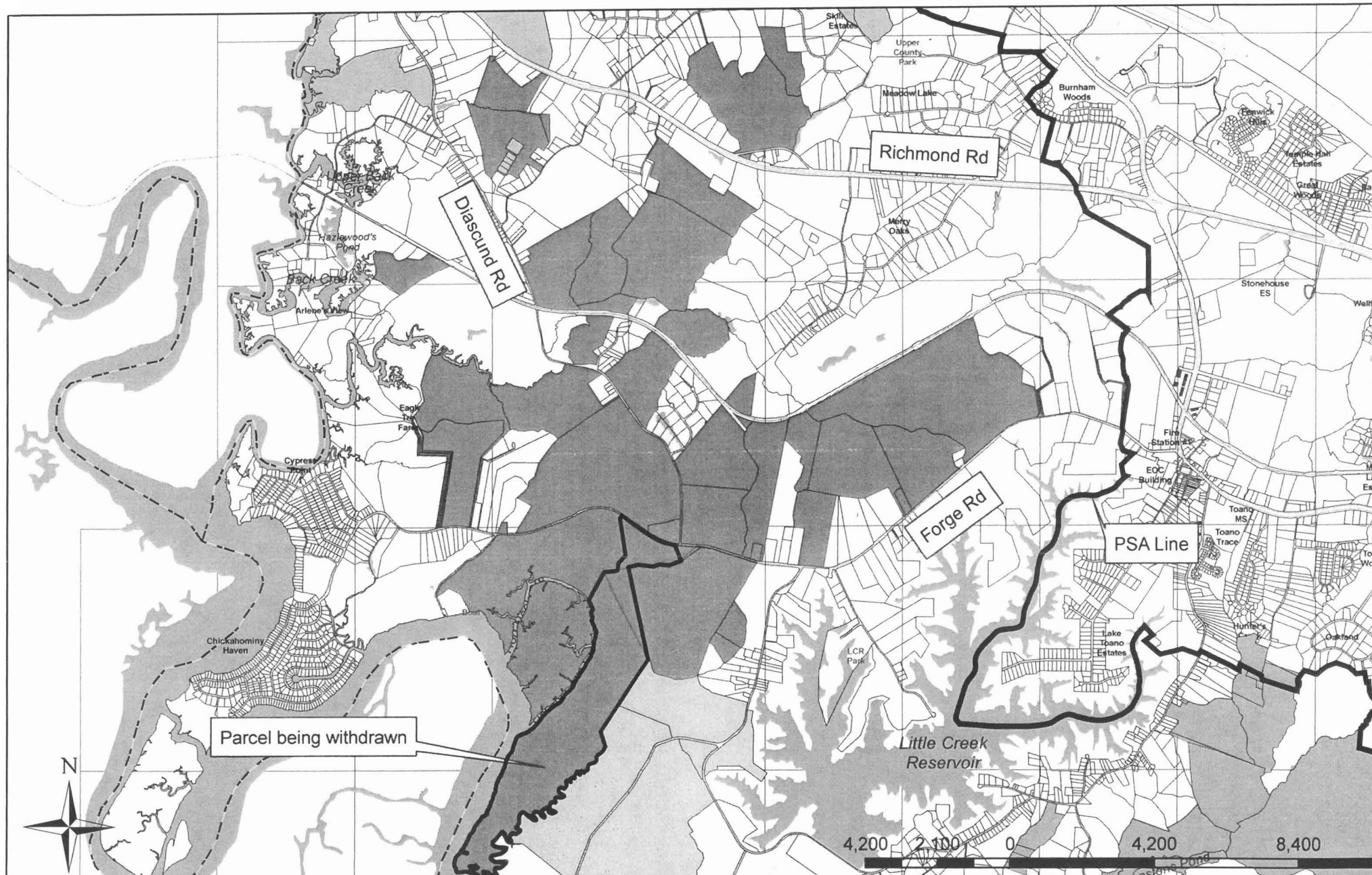
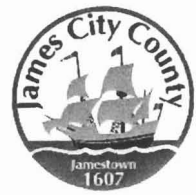
Melissa C. Brown

Attachments:

1. Location map
2. Letter from Elizabeth Cowles Requesting Withdrawal.

# AFD-7-86

## Mill Creek AFD 2006 Renewal





5-11-06  
TO - O. MARVIN SOWERS, JR.  
JCC PLANNING DIRECTOR

REF: REMOVING PROPERTY KNOWN AS  
UNCLE'S NECK - 433 ACRES -  
ACCT# 505 065, Appl. # 161 YR: 2006-2007  
MAP# 20-1 01-01 IN MILL CREEK  
DIVISION.

ATTACHED IS COPY OF OUR LETTER AND  
UNSIGNED APPLICATION FORM TO MR.  
BRAD SHAW - COMM OF REVENUE. HE  
INSTRUCTED US TO HANDLE OUR REQUEST  
TO REMOVE THIS PROPERTY IN THIS  
MANNER. WE JUST WANT TO BE SURE  
YOU ARE AWARE OF THIS ALSO.

THANK YOU,

Elizabeth C. Cowles  
Nels C. Cowles



2010100001  
COWLES FAMILY LIMITED  
PARTNERSHIP  
3335 NORTH WATERSIDE DRIVE  
LANEXA, VA 230895541

## MEMORANDUM

DATE: July 10, 2006

TO: Planning Commission

FROM: Jason Purse, Planner

SUBJECT: Renewal of AFD-9-86, Gordon Creek

---

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD's) prior to their expiration. During this review, districts must either be continued, modified, or terminated. This report will review AFD-9-86, Gordon Creek which is scheduled to expire in August.

The Gordon Creek AFD consists of approximately 3,346 acres located in and around the Centerville Road/News Road area. The AFD contains parcels which front on the following roads: News Road, John Tyler Highway, Centerville Road, Bush Neck Road, Jolly Pond Road and Brick Bat Road. Specifically, the AFD is currently comprised of the following:

Owner	Parcel No.	Acres
Sarah Armistead	(35-2)(1-16)	369.000
Sarah Armistead	(36-3)(1-1)	120.46
Rosa Armistead Est.	(30-3)(1-4)	23.000
Warburton, J. G. Est., c/o M. McMurren	(35-4)(1-1)	394.500
Edward D. Warburton	(35-2)(1-1)	86.643
Allen, David H. & Stephanie M.	(34-2)(1-2)	157.98
Patrick, Matthew CH & Theresa L	(34-2)(1-2A)	25.02
Warburton, J. G. Est., c/o M. McMurren	(36-3)(1-3)	264.000
Thomas L. Hitchens	(36-1)(1-6)	35.000
W.A. Thompson & Charles Flemming	(36-2)(1-40)	139.96
Claybank Landing, LLC	(43-2)(1-1)	124.100
Richardson Holding LP	(36-4)(1-7)	116.83
Richardson Holding LP	(30-3)(1-3)	33.000
Jane T. Carsewell	(36-1)(1-3)	44.000
Warburton, J. G. Est., c/o M. McMurren	(36-1)(1-4)	37.620
Powhatan Assoc.	(44-1)(1-1)	387.420
Powhatan Hunt Club, c/o J. Kenneth Timmons	(35-3)(1-1)	241.680
Mary Abbott	(36-2)(1-18)	43.55
Trust Company of Virginia, c/o Gregory Davis	(35-4)(1-9)	57.600
Linda Henderson Gordon	(34-2)(1-1)	35.300
Williamsburg Pottery Inc.	(44-1)(1-2)	26.000
Naysey Bay Land Co.	(35-1)(1-3)	32.000
Naysey Bay Land Co.	(35-1)(1-6)	11.000
William Kane	(29-4)(1-3)	4.000
William Kane	(30-3)(1-7)	8.000
William Kane	(35-2)(1-7)	131.000
William Kane	(36-1)(1-1)	8.330

William Kane	(36-1)(1-2)	13.000
J.G. Warburton Estate, c/o M. McMurrin	(37-3)(1-4)	165.50
Baxter I. & Anne F. Bell	(43-2)(1-3)	210.490

### *History*

The district was approved on December 1, 1986 for a term of 4 years. It was subsequently renewed for four year periods in October 1990, October 1994, September 1998, and August 2002. There have been several additions to the Gordon Creek AFD since 1994. The Kane addition consisting of 5 parcels totaling 164.3 acres was approved by the Board of Supervisors in February 1995. The Nayses Bay Land Company addition consisting of 3 parcels totaling 42.5 acres was approved by the Board of Supervisors in December, 1995.

During the April 2006 renewal period the Barrett's Ferry AFD was terminated and the remaining land was transferred to the Gordon Creek AFD. The transfer consisted of one parcel of approximately 210 acres in land, mostly wooded in nature. The Board of Supervisors approved the transfer at their April 11, 2006 meeting, and the parcel became a part of the Gordon Creek District and thus eligible to be renewed during this review.

Forty-Four acres of land was taken out of the Gordon Creek AFD District in May for the purpose of constructing the 8<sup>th</sup> W-JCC Elementary School. Originally the piece was a part of the 163.880 acre parcel placed in the AFD by the previous owner. The original parcel can be identified as (36-3)(1-1) on the JCC Tax Map.

The district includes all the land on the above referenced properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the district to allow for possible road and/or drainage improvements.

### *Analysis*

The bulk of the district contains woodland. All of the land within this district is zoned A-1, General Agriculture and a major portion of the surrounding property is presently zoned A-1 and is forested. Most of the district is designated Rural Lands by the Comprehensive Plan. The Nayses Bay area is designated a Conservation Area by the Comprehensive Plan. The bulk of the district is located outside of the Primary Service Area (PSA) and the area remains relatively rural in nature. A small portion (250 acres) is located inside the PSA, however; infrastructure is currently lacking to support major development on these parcels. The PSA is the area of the County that has been designated for growth. The continuation of AFD property within the PSA is consistent with the Comprehensive Plan as this would serve the public purpose of holding key tracts of land temporarily while development plans can be created, maximizing the beneficial use of the property.

### *Withdrawals*

Three acres from 4213 Centerville Road is being withdrawn as well. The parcel can be identified as (36-2)(1-40) on the JCC Tax Map.

A 25 acre piece of land will be withdrawn from 2001 Bush Neck Road. This parcel can be further identified as parcel (34-2) on the JCC Tax Map (1-2).

### *Additions*

A parcel located at 2743 Jolly Pond Road, and further identified at parcel (35-2)(1-10) on the JCC Tax Map, is being added to the District. The parcel is 28.36 acres, and is owned by John Carswell. It is adjacent to existing parcels in the District. The parcel contains both agricultural and forestal land; with agricultural land along the northern and western areas of the parcel and a forestal area to the east of the parcel. There is also a residence along the frontage of the property.

Recommendation:

Staff believes this AFD is consistent with the Comprehensive Plan and recommends renewing the district for a period of four years and three months with no change in the conditions of approval. A four year and three month approval would be consistent with prior action and would allow for the re-evaluation of the district for consistency with possible policy changes and Comprehensive Plan revisions. Staff also recommends that the 28.36 acre parcel (35-2)(1-10) be added to this district. On June 27, 2006 the AFD Advisory Committee recommended approval by a vote of 8-0.

After the withdrawals, and the addition, the district will total approximately 3,346.36 acres.

---

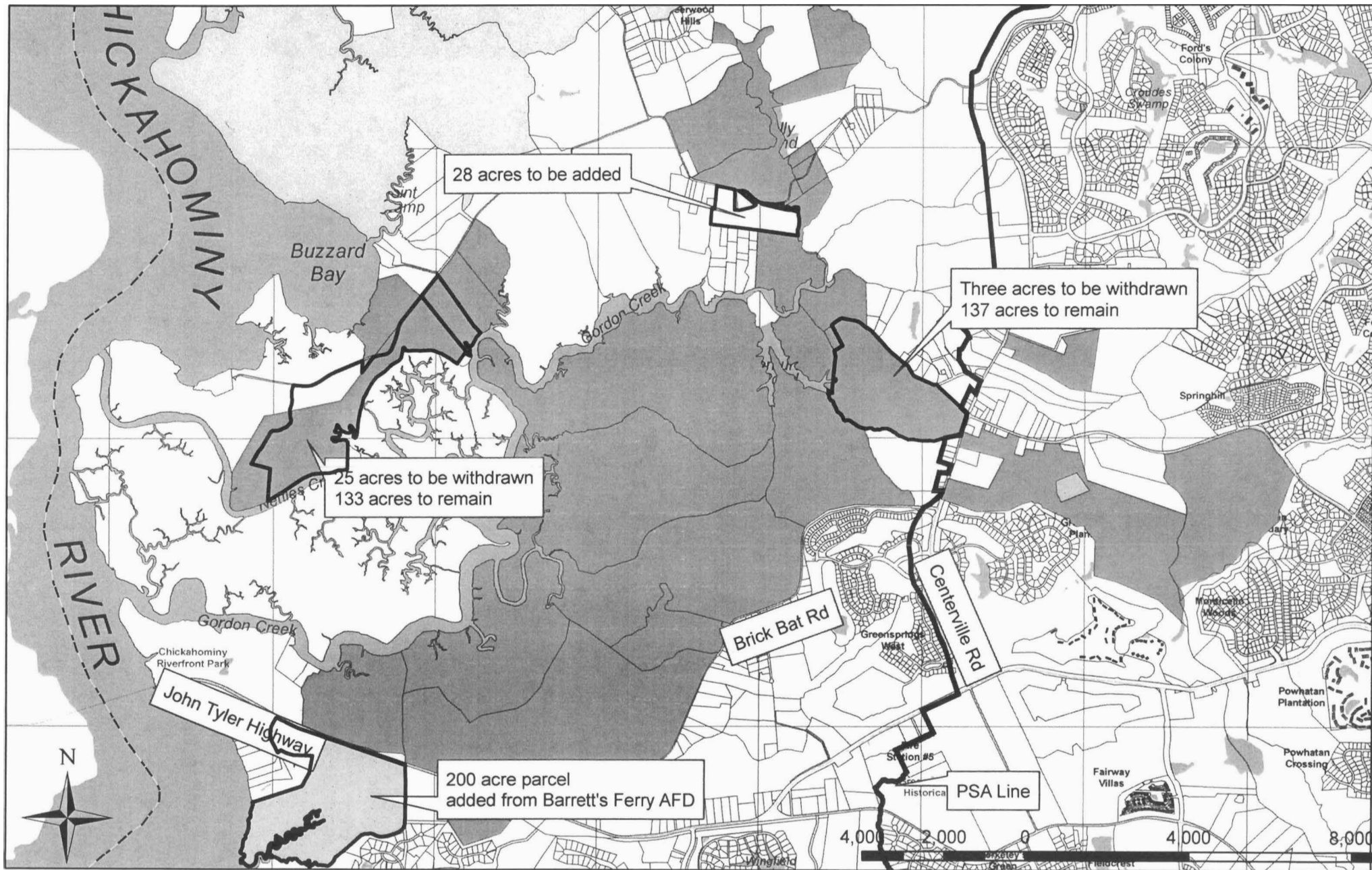
Jason Purse, Planner

Attachments:

1. Location map
2. Withdraw request letter from
3. Withdraw request letter from
4. Addition request from John Carswell

# AFD-9-86

## Gordon Creek AFD 2006 Renewal



May 27, 2006

Scotland Farms  
Thompson Family  
138 The Colony  
Williamsburg, VA 23185

James City County  
Planning Division  
101-A Mounts Bay Road  
P. O. Box 8784  
Williamsburg, VA 23187-8784

Re: AFD-09-86

James City County Planning Division

We the landowner's of AFD-09-86, ADJ Scotland Farm, 139.96 acres at 4213 Centerville Road, request withdrawal of three (3) acres of land from the AFD. The three (3) acres will be used as new residential by a member of the owner's immediate family. The land will be access from Thompson Lane.

Sincerely,

William Albert Thompson, Jr. William A. Thompson Jr.

Charles Fleming Thompson Charles F. Thompson

Anna Katherine Thompson Anna Katherine Thompson

Pamela Meadow Thompson Pamela M. Thompson



June 12, 2006

James City County Planning Division

I am writing to inform you that I am amending the property we currently have in AFD to exclude a 25 acre parcel at the North-<sup>East</sup>~~West~~ end of our property for the purpose of subdividing it into four building lots. I am including a copy of a plat to show the 25 acres in question – indicated on the plat by the number 2. The lines on the plat that divide the property into 25 acre parcels are not exact, and are there for study purposes only.

Thank you for your attention on this matter.

Sincerely,



Stephanie M. Allen  
2001 Bush Neck Road  
Williamsburg, VA 23188



*Handwritten note:* 3.00  
\* ~~AFD~~ has Plat



# Application for the Creation of or Addition to Agricultural, Forestal, or Agricultural and Forestal District



(A copy of this completed form and required maps shall be submitted by the applicant landowners to the local governing body. This form shall be accompanied by United States Geological survey 7.5 minute topographic maps that clearly show the boundaries of the district or addition and the boundaries of the property each applicant owns within the district or addition. A Department of Transportation general highway map for the locality that shows the general location of the district or addition shall also accompany this form.)

## SECTION A: To be completed by the applicant:

(Gordon Creek AFD)

1. General location of the district (city, county or town) 2743 Jolly Pond Road  
Parcel # 3520100010, Map 35-2
2. Total acreage in the district or addition 28.36 acres
3. Landowners applying for the district:

NAME	SIGNATURE	ADDRESS (current legal residence)	WITNESS
John W. Carswell 21-834-796-5291	<i>John W. Carswell</i>	12292 Elmont Rd Arlington VA 22205	Betty M. Carswell
Jane T. Carswell	<i>Jane T. Carswell</i>	1754 Hwy 268 Lenoir NC 28645	<i>James R. Roberts</i> (physical address)
Arthur D. Carswell	<i>Arthur D. Carswell</i>	PO Box 151 Patterson, NC 28661	<i>Faye E. Field</i> (mailing address)
		3455 Cumberland Rd Fayetteville NC 28306	



## MEMORANDUM

DATE: July 10, 2006  
TO: Planning Commission  
FROM: Melissa C. Brown, Senior Zoning Officer  
SUBJECT: Renewal of AFD-10-86, Christenson's Corner

---

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD's) prior to their expiration. During this review, districts must be either continued, modified, or terminated. This report will review AFD-10-86, Christenson's Corner which is scheduled to expire in August.

The Christenson's Corner AFD consists of 562.16 acres located south of Riverview Road between Newman Road and Riverview Plantation. Specifically, the AFD is currently comprised of the following:

Owner	Parcel No.	Acres
Wallace Steiffen, <i>et al</i>	(16-4)(1-3)	402.90
C.M. Chandler	(16-3)(1-1)	8.01
C.M. Chandler	(15-4)(1-11)	151.25

### *History*

The district was approved on December 1, 1986 for a term of four years, and the Board of Supervisors approved four-year renewals in 1990, 1994, 1998 and 2002. The district includes all the land on the above properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the district to allow for possible road improvements.

### *Analysis*

The bulk of the district contains woodland. The remainder of the property in the district is in open land and swamp or low lying land. All of the land within this district is zoned A-1, General Agricultural, and a major portion of the surrounding property is zoned A-1 and is forested. Most of the district is designated Rural Lands by the Comprehensive Plan. A very small portion of the district is designated Conservation Area by the Comprehensive Plan.

The entire district is located outside of the Primary Service Area (PSA) and the area remains relatively rural in nature. All land within 25-feet of arterial road rights-of-way shall be excluded from the district.

Recommendation:

Staff believes this AFD is consistent with the Comprehensive Plan and recommends renewing the district for a period of four years and three months with no change in the conditions of approval. A four year and three month approval would be consistent with prior action and would allow for the re-evaluation of the district for consistency with possible policy changes and Comprehensive Plan revisions. On June 27, 2006, the AFD Advisory Committee recommended renewal by a vote of 8-0.

This would renew the district at approximately 562 acres.

---

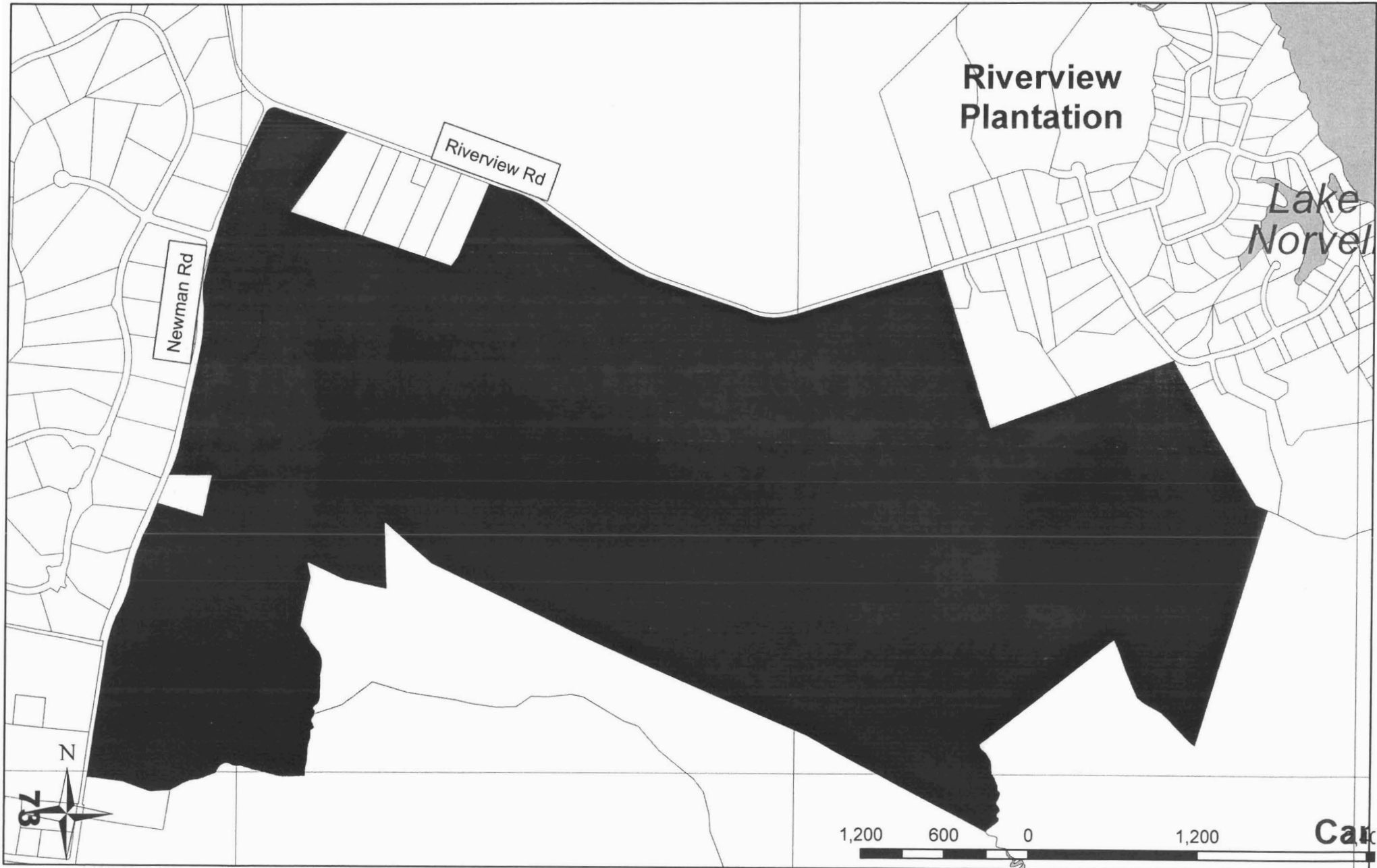
Melissa C. Brown

Attachment:

1. Location map

# AFD-10-86

## Christenson's Corner AFD 2006 Renewal



## MEMORANDUM

DATE: July 10, 2006  
TO: Planning Commission  
FROM: Jason Purse, Planner  
SUBJECT: Renewal of AFD-11-86, Yarmouth Island

---

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD's) prior to their expiration. During this review, districts must be either continued, modified, or terminated. This report will review AFD-11-86, Yarmouth Island which is scheduled to expire in August.

The Yarmouth Island AFD consists of approximately 2,031.40 acres and is generally located west of Jolly Pond Road near Yarmouth Creek. Specifically, the AFD is currently comprised of the following:

Owner	Parcel No.	Acres
Richardson Holdings Limited Partnership	(29-3)(1-5)	172.840
Richardson Holdings Limited Partnership	(29-3)(1-2)	68.500
Richardson Holdings Limited Partnership	(28-4)(1-5)	940.000
Richardson Holdings Limited Partnership	(29-1)(1-1)	28.500
John C. & Larraine Richardson	(29-2)(1-1)	123.000
J. G. Warburton, Est., c/o M. McMurran	(29-4)(1-1)	38.70
Margaret Walubuka	(29-4)(1-2)	34.655
Shield's Point LLC	(28-4)(1-8)	625.200

### *History*

The district was approved on December 1, 1986 for a term of 4 years. It was subsequently renewed for four year periods in October 1990, October 1994, and September 1998, and August 2002. In 1999, approximately 625 acres was added into the district.

The district includes all land on the above-referenced properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the district to allow for possible road and/or drainage improvements.

### *Analysis*

The majority of the district contains woodland. The remainder of the property in the district is in open, swamp, and low lying land. All of the property within this district is zoned A-1, General Agriculture and a major portion of the surrounding property is zoned A-1 and is forested. The district is designated Rural Lands by the Comprehensive Plan, is located outside of the Primary Service Area (PSA), and remains relatively rural in nature.

Recommendation:

Staff believes this AFD is consistent with the Comprehensive Plan and recommends renewing the district for a period of four years and three months with no change in the conditions of approval. A four year and three month approval would be consistent with prior action and would allow for the re-evaluation of the district for consistency with possible policy changes and Comprehensive Plan revisions. Only June 27, 2006, the AFD Advisory Committee recommended renewal by a vote of 8-0.

After the renewal process, the district will total approximately 2,031.40 acres.

---

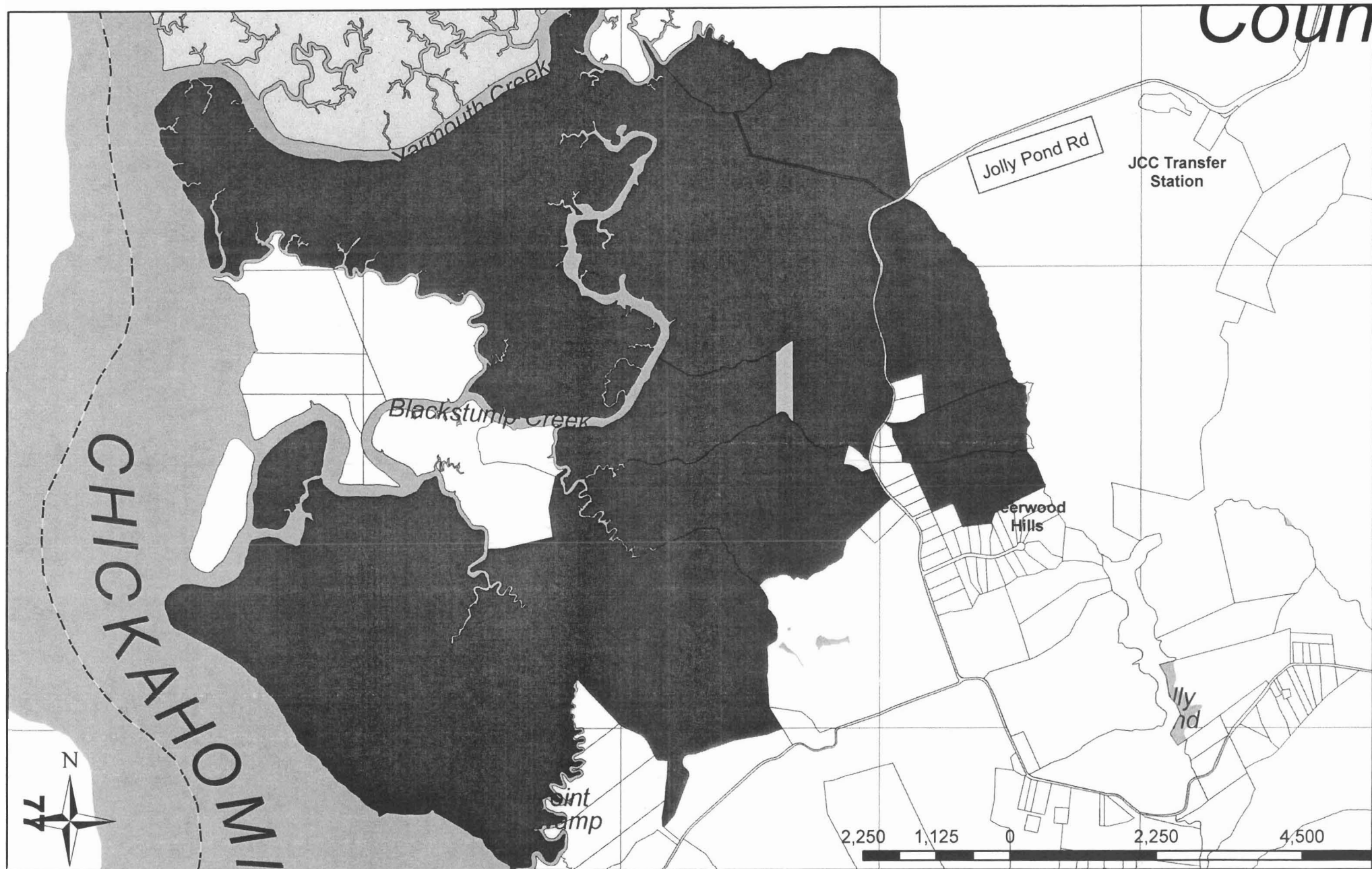
Jason Purse, Planner

Attachment:

1. Location map

# AFD-11-86

## Yarmouth Island 2006 Renewal



## MEMORANDUM

DATE: July 10, 2006  
TO: Planning Commission  
FROM: Kathryn Sipes, Planner  
SUBJECT: Renewal of AFD-12-86, Gospel Spreading Church Farm

---

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD's) prior to their expiration. During this review, districts must be either continued, modified, or terminated. This report will review AFD-12-86, Gospel Spreading Church Farm which is scheduled to expire in August.

The Gospel Spreading Church Farm AFD 12-86 consists of 1189.93 acres located from College Creek extending west to Neck-O-Land Road. Specifically, the AFD is currently comprised of the following:

Owner	Parcel No.	Acres
JCC Bible and Agricultural Training School	(48-3)(1-35)	403.56
JCC Bible and Agricultural Training School	(56-2)(1-1)	457.00
Floyd P. Carmines	(47-4)(1-37)	27.92
Lyman Hall, Jr.	(47-4)(1-11)	17.89
Lyman Hall, Jr.	(47-4)(1-13)	39.11
R.E. Gilley	(47-4)(1-42C)	2.89
R.E. Gilley	(47-4)(1-42D)	2.82
R.E. Gilley	(47-4)(1-42E)	16.30
REGJAG, LLC	(47-4)(1-40)	42.85
REGJAG, LLC	(47-4)(1-41)	108.26
R.E. Gilley	(48-3)(1-42)	71.33

### *History*

This district was approved on December 1, 1986 for a term of four years, and the Board of Supervisors approved four-year renewals in 1990, 1994, 1998 and 2002. The following changes have occurred over time: a 26.46-acre parcel has been withdrawn and added several times, finally withdrawing for the final time in 2002; 22.97 acres were withdrawn in 2002; the Gilley district (AFD-13-86) of approximately 198 acres was added in 2002 (a 27-acre parcel did not transfer, making the addition approximately 173 acres); and an additional 71.33 acres was added in 2004.

The district includes all the land on the above properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the district to allow for possible road improvements.

## *Analysis*

The bulk of the district consists primarily of woodland. The remainder of the property in the district is in open land and swamp or low lying land. Property within this district is zoned mostly R-8, Rural Residential, R-2, General Residential, and R-1, Limited Residential and is not developed. Portions of parcels (47-4)(1-40) and (47-4)(1-41) are zoned A-1, General Agricultural. Surrounding property for the most part has developed residentially. The bulk of the district (approximately 950 acres) is designated Rural Lands or Conservation Area by the Comprehensive Plan, with the several parcels (approximately 240 acres) designated Low-Density Residential. Most of the AFD is located along Lake Powell Road and Treasure Island Road. A majority of the land within this district (860 acres) is located outside of the Primary Service Area (PSA). The remaining parcels lie within the PSA. The PSA is the area of the County that has been designated for growth. The continuation of AFD property within the PSA is consistent with the Comprehensive Plan as this would serve the public purpose of holding key tracts of land temporarily while development plans can be created, maximizing the beneficial use of the property.

## Withdrawals

As part of this renewal, Mr. Lyman Hall, Jr. would like to remove parcel (47-4)(1-13) which consists of 39.11 acres and parcel (47-4)(1-11) which consists of 17.89 acres, for a total removal of 57 acres.

## Recommendation:

Staff believes this AFD is consistent with the Comprehensive Plan and recommends renewing the district for a period of four years and three months with no change in the conditions of approval. A four year and three month approval would be consistent with prior action and would allow for the re-evaluation of the district for consistency with possible policy changes and Comprehensive Plan revisions. On June 27, 2006, the AFD Advisory Committee recommended renewal by a vote of 7-0, with one abstention.

After renewal, the size of the district would be approximately 1,132.93 acres.

---

Kathryn Sipes, Planner

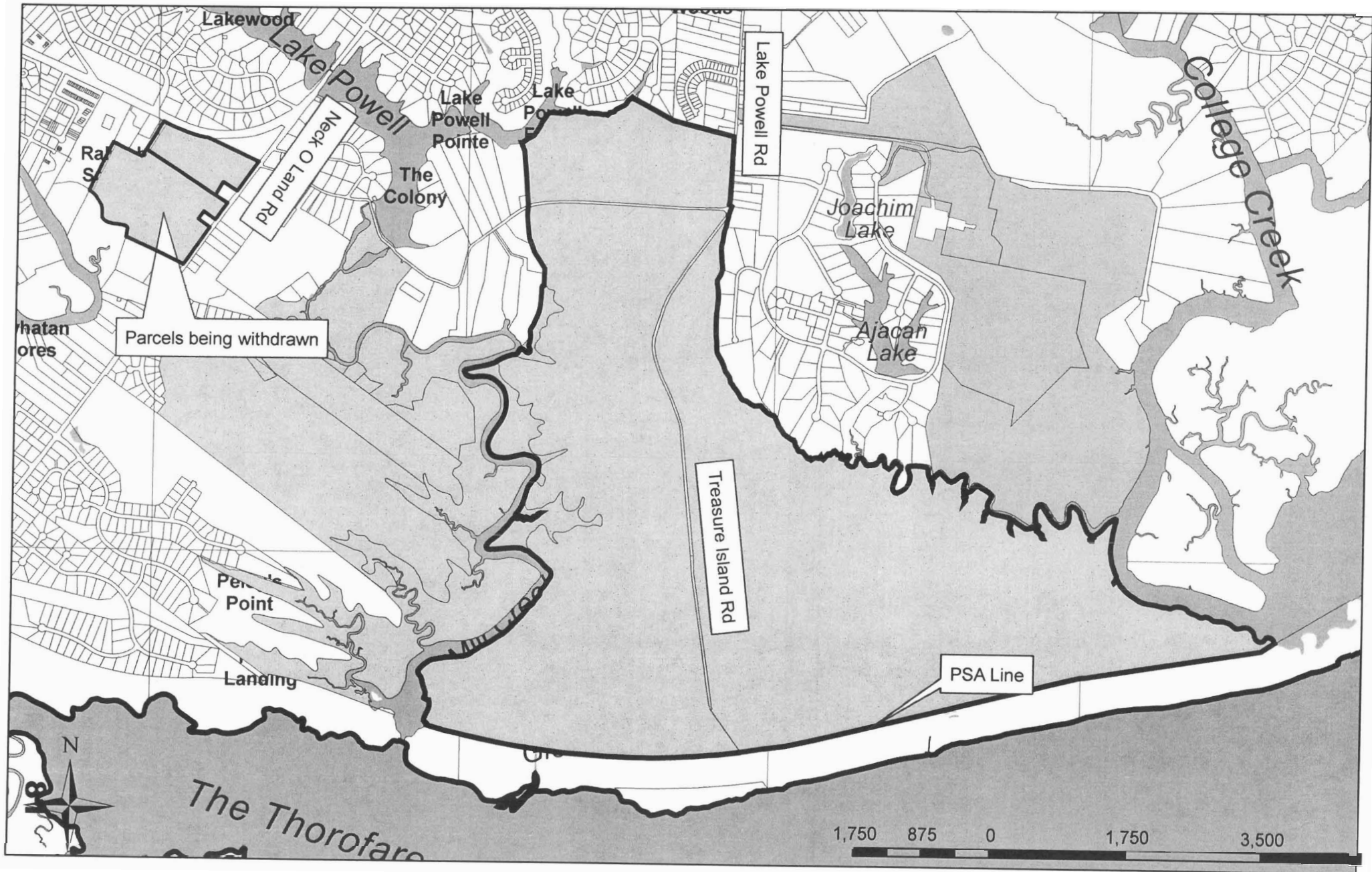
## Attachments:

1. Location map
2. Withdrawal Request Letter



# AFD-12-86

## Gospel Spreading Church 2006 Renewal



June 14, 2006

TO: James City County Planning Committee

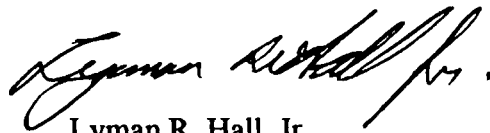
RE: AFD 12-86 - Withdrawal

Please be advised I wish to withdraw the following parcels from the Agricultural Forestry District effective immediately:

Tax Map #	47-4	01-13
Acreage	39.11	
Description:	Part of Neck-O-Land	
	205 Neck-O-Land Road	

Tax Map #	47-4	01-11
Acreage	17.89	
Description:	Part of Neck-O-Land	
	205 Neck-O-Land Road	

Please contact me if you have any questions.



Lyman R. Hall, Jr.  
147 Winston Drive  
Williamsburg, VA 23185  
(757) 869-6730

**SPECIAL USE PERMIT-20-06. Wythe-Will Commercial Expansion**  
**Staff Report for the July 10, 2006, Planning Commission Public Hearing**

---

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

---

**PUBLIC HEARINGS**

Planning Commission:  
Board of Supervisors:

**Building F Board Room; County Government Complex**

July 10, 2006 7:00 p.m.  
August 8, 2006 (tentative) 7:00 p.m.

**SUMMARY FACTS**

Applicant: Mr. William LaVancher

Land Owner: KTP, LLC

Proposal: 25,298 square feet of skateboard park; 16,828 square feet of office; 69,278 square feet of mini-storage; and 3,590 square feet of retail candy store (existing use)

Location: 6623 Richmond Road

Tax Map/Parcel Nos.: (24-3)(1-35A)

Parcel Size: 11.09

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

Comprehensive Plan: Mixed Use

Primary Service Area: Inside

**STAFF RECOMMENDATION**

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

Staff Contact: Ellen Cook

Phone: 253-6685

**PROJECT DESCRIPTION**

This re-development proposal proposes no new buildings, only changes in use to the existing structure. The existing structure had formerly been used entirely by the Wythe-Will Company which moved their production facilities to Stonehouse Commerce Park in the early 2000's, leaving behind the retail portion at the front of the structure. The current special use permit (SUP) is being triggered by the commercial SUP provisions in the zoning ordinance. The skatepark facility removes the building from the exemption provided in Section 24-11 of the ordinance for "buildings predominantly used for warehouse, distribution center, office, or for other industrial or manufacturing purposes...for the purposes of this exemption, the term predominantly shall mean 85% of the total square feet of building area or more." Prior to triggering this commercial SUP, the owner had submitted, and received approval of, several site plans for improvements to the site including re-striping the existing asphalt loading area for parking; addition of the front parking area; and addition of a "canopy" to the front façade of the building which will substantially change the building's appearance (a copy of which is attached to this staff report).

Initial plans are to provide access to the office component of the structure, and potentially the skatepark retail store, via entrances in the front of the building. The main entrance to the skatepark would be via a rear entrance, and patrons using this entrance would park in the rear. The skatepark facility will be entirely within the existing structure and will offer a supervised environment with set programs, such as summer camps. The applicant has projected that the site will host 5-6 events a year (primarily on Saturdays) that would feature, at most, 160 spectators and participants. The afternoon and evening operating hours for the skatepark will be off-set from the typical retail and office hours. With all parking spaces shown on the Master Plan, the site would have a total of 190 spaces, while 158 spaces are projected to be required. Based on the Master Plan, the only uncertainty is the future number of mini-storage units: 14 spaces have been allocated (of the 158), and at only 1 space required per 100 mini-storage units, staff believes that the number of spaces proposed will meet and exceed requirements.

## **PUBLIC IMPACTS**

### **Environmental**

**Watershed:** Yarmouth Creek

**Conditions:**

- Condition 2: Upgrading the existing detention pond (YC-014) to meet current standards.

**Staff Comments:** The front portion of the site has been treated as re-development when reviewing plans for conformance with regulations. As part of this SUP, staff has recommended that the existing detention pond be upgraded. Upgrading this detention pond is consistent with the goals of the Yarmouth Creek Watershed Master Plan.

### **Public Utilities**

This site is served by public water and sewer.

**Staff Comments:** JCSA staff had no comments on this application as proposed.

### **Transportation**

The parcel is located on Richmond Road and has three entrances into the site, although the entrance furthest east is located on the adjacent property. The closest crossovers are at the Pottery entrance traffic signal (approximately 450 feet) and Noland Boulevard (approximately 225 feet). Since the entrances are eastbound right-in, right-out only, the major implication for Richmond Road is increased use of the left turn lanes at these two crossovers for U-turns, both of which have left-turn lanes. Creation of a connection between this parcel and the Noland parcel would reduce the number of left turns at the Pottery crossover by providing westbound traffic an entrance at Noland Boulevard. This parcel is on the Williamsburg Area Transport blue and purple lines, and is connected by existing or proposed (site plans currently under review) sidewalk to the Centerville/Richmond Road intersection area.

**Proposed Traffic:** The development as a whole is projected to generate 98 peak hour trips.

**2005 Traffic Counts:** Approximately 18,770 vehicles per day in this area of Richmond Road.

**2026 Volume Projected:** 33,500 vehicles per day on a 4 lane divided road. This segment is indicted as being in the "Watch" category.

**Road Improvements:** Turn lane analysis indicates that a right-turn taper is warranted.

**Conditions:**

- Condition 3: Installation of a right-turn taper into the western entrance to the property.
- Condition 4: Reservation of future road connection areas.

**VDOT Comments:** The projected trip generation for this development falls below the threshold for a traffic study. Turn lane analysis indicates that a right turn taper is warranted.

**Staff Comments:** To the east of the proposed use is the Noland Property which was rezoned in 2004. The traffic proffer for that parcel states that a traffic study must be done prior to certain development triggers being met, and that this traffic study should include an analysis of the need for a traffic signal at the intersection of Noland Boulevard (the closest cross-over to the east) and Richmond Road. If a traffic signal is warranted, the proffer obligates the owner to install one. The proffer also states that if the “future connection” is made to the adjoining parcel, that the Owners can reach an agreement on cost sharing for the new signal. To the west of the proposed use is Colonial Heritage, which has proffered a series of traffic improvements, including one additional crossover and two additional traffic signals. These improvements are all beyond the closest (Pottery entrance) crossover. Due to the trip generation numbers being below the threshold, a traffic study was not required for this development.

## **COMPREHENSIVE PLAN**

### **Land Use Map Designation**

*Mixed Use, Lightfoot Area (Page 127):* The key elements of the Comprehensive Plan description are the principle suggested uses, the discouragement of strip commercial development, consistent treatment of landscaping and architecture, and measures to mitigate traffic congestion.

**Staff Comments:** Staff finds that the uses proposed by this SUP fit within the range of suggested uses, and that re-use of the existing structure does not contribute to creation of strip commercial development. Staff finds that with the conditions for landscaping (# 8) and provisions for future connections to adjacent parcels to help with congestion (# 4), that this proposal is generally in accordance with the Comprehensive Plan Land Use Designation.

### **Youth**

*Action #11 (Page 12):* Encourage businesses to offer youth oriented opportunities to include goods, services, and employment.

**Staff Comment:** Staff believes that the skatepark portion of this proposal will address this Action, as the proposed use would provide a service to area youth.

### **Environment**

*Natural Resources Protection and Management, Yarmouth Creek Watershed Management Plan (Page 47) and Action #18 (Page 67):* Fully implement the watershed protection and restoration goals and priorities identified

watershed management plans. The Yarmouth Creek Watershed Management Plan was adopted in October 2003.

**Staff Comment:** Since this proposal re-uses an existing structure, it has limited environmental impact. However, upgrading the detention pond (Condition #2) is consistent with the goals of the Yarmouth Creek Watershed Master Plan.

### **Transportation**

*Roadway Components of County Transportation Planning, Richmond Road (Page 77):* Richmond Road’s role in inter-County travel will become more important as I-64 becomes more congested; therefore a high degree of

mobility should be maintained. Minimizing the number of new signals and entrances and ensuring efficient signal placement and coordination will be crucial.

*Action #7 (Page 81):* Encourage efficient use of existing and future roads...by limiting driveway access points and providing joint entrances, side street access, and frontage roads.

**Staff Comment:** The Wythe-Will site has three existing entrances, with one of the entrances located on the adjacent Chesapeake Bank parcel. Staff has encouraged the applicant to discuss closing this entrance with the adjacent property owners. In addition, staff has placed a condition on the SUP reserving room on the property for future road connections to adjacent parcels. Without the connection to the Noland Property, however, the site as currently configured will impact Richmond Road by adding additional traffic to the left-turn lanes at the

Noland Boulevard and Pottery crossovers. It should be noted, however, that traffic previously generated by the

Wythe-Will production facility would have also had an effect.

*Action #8 (Page 81):* Encourage...transit-dependent uses and users to locate in areas currently served by transit.

**Staff Comment:** The skatepark portion of the building will likely attract younger users who may not be able to

reach the facility in their own vehicle. Sidewalks and public transit are available to provide access.

### Community Character

*Community Character Corridors (Page 83):* Richmond Road is designated as a Community Character Corridor.

**Staff Comment:** The existing building has parking in front of the structure and has a minimal amount of landscaping in what would constitute the Commercial Community Character Corridor (see also Page 145). Several SUP conditions will take steps towards addressing deficiencies by providing for review of landscaping,

screening and signage. However, even with these conditions, the site will remain noncompliant with current standards which would typically be applied to new development along Community Character Corridors.

### Comprehensive Plan Staff Comments

Overall, staff feels that this application, as proposed, is generally in compliance with the Comprehensive Plan.

The uses proposed fit within those suggested for the Lightfoot Mixed Use area. The skatepark portion of the structure will offer services to youth within the County as encouraged by the Comprehensive Plan. A condition on the SUP provides for upgrading the detention pond which fits in with the goals of the Yarmouth Creek Watershed Management Plan, and environmental impact is reduced through re-use of an existing structure. While additional traffic generation on Richmond Road is a concern, as indicated by the “Watch” designation in the Comprehensive Plan, the proposal does not alter the existing exit/entrance situation, and provides for the potential for improvement by reserving areas for future connections to adjacent parcels. Finally, staff finds that even though the proposal would not be judged compliant with current standards for landscaping and site design along a Community Character Corridor, various improvements advanced by the applicant (such as the façade) and by the SUP conditions will make the site more compliant than it is currently.

### RECOMMENDATION

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

1. This Special Use Permit shall be valid for mini-storage, office, skatepark and retail uses as shown on the Master Plan entitled “Anti-Gravity Skateboard Park Expansion” prepared by LandTech Resources, Inc. and dated 6/1/06. Development of the site shall be generally in accordance with the above referenced master plan as determined by the Development Review Committee of the James City County Planning Commission. Minor changes may be permitted by the DRC, as long as they do not change the basic concept or character of the development.

2. The existing detention pond (YC-014) shall be upgraded to meet the James City County guidelines for design and construction of stormwater management BMPs as determined by the Planning Director,

including re-sizing of the dewatering orifice to provide the required 24-hour attenuation of the 1-year, 24-hour runoff volume. Such upgrade shall either be completed or bonded prior to issuance of a certificate of occupancy for the 10,500 square foot portion of the skatepark.

3. A right-turn taper shall be installed on eastbound Richmond Road into the western entrance to the property. The right-turn taper shall be designed and constructed in accordance with VDOT standards, and shall be completed or bonded prior to issuance of a certificate of occupancy for the 10,500 square foot portion of the skatepark.

4. Owner shall reserve the areas shown on the Master Plan as "Possible Future Connections to Adjacent Parcel" for a possible future road connection to the adjacent parcels to the north [tax map (24-3)(1-34)] and to the south [tax map (24-3)(1-35)] of the property. Such connections shall be shown on all development plans associated with the property and shall remain free of structures. Prior to issuance of a certificate of occupancy for the 10,500 square foot portion of the skatepark, Owner shall either construct their portion of the road connection to tax map [(24-3)(1-35)] or, if an agreement on connection cannot be reached, shall furnish a letter which describes all efforts made to reach agreement with Owners of such adjacent parcel to the Planning Director.

5. All existing signage shall be brought into conformance, with Article II, Division 3 of the Zoning Ordinance prior to any new sign permits being issued for the property.

6. Existing dumpster pads and heating, cooling, and electrical equipment shall be screened by fencing and landscaping as shown on a plan approved by the Planning Director prior to issuance of a certificate of occupancy for the 10,500 square foot portion of the skatepark. Such improvements must be completed or bonded prior to issuance of a certificate of occupancy for the 10,500 square foot portion of the skatepark. All future dumpster pads and heating, cooling and electrical equipment shall also be screened by fencing and landscaping as shown on a plan approved by the Planning Director prior to any final site plan approvals.

7. Landscaping shall be installed in the northern corner of the property which complies with requirements for Community Character Corridors found in Section 24-96 of the Zoning Ordinance. This requirement shall only apply to the northern corner of the property where there is enough room to have a 50' wide landscape area. In addition, landscaping shall be installed to screen the front parking lot from Route 60. Such landscaping shall consist, at a minimum, of a row of three foot high shrubs and either ornamental or shade trees along the back of the fence in the middle island. A landscape plan shall be submitted to the Planning Division and approved by the Planning Director, and all landscaping shall be installed or bonded prior to issuance of a certificate of occupancy for the 10,500 square foot portion of the skatepark.

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

---

Ellen Cook

ATTACHMENTS:

1. Location Map
2. Master Plan (Under Separate Cover)
3. Façade Illustration (Under Separate Cover)



JCC-SUP-20-06

# Wythe-Will Commercial Expansion

