

A G E N D A  
JAMES CITY COUNTY PLANNING COMMISSION  
SEPTEMBER 9, 2009 - 7:00 p.m.

1. ROLL CALL
2. PUBLIC COMMENT
3. MINUTES
  - A. August 5, 2009 Regular Meeting
4. COMMITTEE AND COMMISSION REPORTS
  - A. Development Review Committee (DRC)
  - B. Policy Committee
  - C. Other Committee/Commission Reports
5. PUBLIC HEARINGS
  - A. Z-0002-2009 / MP-0002-2009 Governor's Grove Section III - Proffer and Master Plan Amendment (Applicant requests deferral)
  - B. Z-0011-2007 / SUP-0022-2007 / MP-0007-2007 Monticello @ Powhatan North – Phase 3 (Applicant requests deferral)
  - C. SUP-0013-2009 Cardinal Acres Two Family Dwelling
  - D. SUP-0014-2009 Chickahominy Riverfront Park
  - E. SUP-0016-2009 JCC Police Headquarters
7. PLANNING DIRECTOR'S REPORT
8. COMMISSION DISCUSSIONS AND REQUESTS
9. ADJOURNMENT

**Development Review Committee Actions Report  
September 2, 2009**

**C-0038-2009                    New Town Shared Parking Update**

Mr. Larry Salzman of New Town Associates has brought forth the quarterly New Town shared parking update. The site includes Section 2 and 4, located on blocks 2-3, block 5, blocks 6-10, within the New Town Center. DRC action is required as a part of the review of off-site and shared parking at New Town. Staff recommended the DRC approve the shared parking update and review future updated on a semi-annual basis. The next update would be in February 2010.

**DRC Action:** The DRC voted 4-0 to approve the quarterly shared parking update, move to semi-annual reviews, and to consider the next update in February 2010.

**SP-0021-2009                    Site Plan Amendment, Former Stuckey's Site**

Mr. Steven Romeo has requested a modification to the Sidewalk Ordinance at 9220 Old Stage Road, the site formerly known as Stuckey's. Instead of a sidewalk that traverses the property as required by Ordinance, the applicant proposes the addition of a sidewalk from Old Stage Road into the development along the entranceway. The Ordinance gives the DRC authority to modify the sidewalk ordinance as long as sufficient pedestrian accommodation is provided.

**DRC Action:** The DRC voted 3-1 (Fraley: Nay; Henderson: Absent) to approve of the sidewalk modification.

**REZONING-0002-2009 / MP-0002-2009: Governor's Grove Section III: Proffer and Master Plan Amendment**

**Staff Report for the September 9, 2009 Planning Commission Public Hearing**

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

**PUBLIC HEARINGS**

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

Planning Commission: July 1, 2009 (applicant deferral)  
August 5, 2009 (applicant deferral)  
September 9, 2009 7:00 p.m.

Board of Supervisors: (T.B.D.)

**SUMMARY FACTS**

Applicant: Mr. Vernon Geddy, III, on behalf of Jard Properties

Land Owner: Five Forks II, LLC and Five Forks III, LLC

Proposal: To modify the proffers and master plan approved with rezoning Z-0009-2005 / MP-0006-2005 to allow for the applicant's desired roadway entrance configuration associated with a pharmacy proposed for the Section III Commercial Parcel of the Governor's Grove development.

Location: 4399 and 4365 John Tyler Highway (Route 5)

Tax Map/Parcel No.: 4710100115 and 4620100014A, respectively

Parcel Size: 2.965 acres and 5.121 acres, respectively (8.086 acres in total)

Existing Zoning: MU, Mixed Use, with Proffers

Proposed Zoning: MU, Mixed Use, with (amended) Proffers

Comprehensive Plan: Low Density Residential and Moderate Density Residential on the 4399 John Tyler Highway (Section 3 / commercial) parcel, and Moderate Density Residential on the 4365 John Tyler Highway (Section 2 / open space) parcel

Primary Service Area: Inside

**STAFF RECOMMENDATION**

The applicant has requested a deferral of this case until December, as outlined in the attached letter. There are outstanding business issues that need to be resolved between the contract purchaser and the property owner which are preventing this case from going forward at this time. Planning staff concurs with this decision on the part of the applicant, and recommends that the Planning Commission defer this case as requested.

Staff Contact: Jason Purse

Phone: 253-6685

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Jason Purse, Senior Planner

**ATTACHMENTS:**

1. Applicant's letter requesting deferral

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

1. ROLL CALL

Planning Commissioners

Present:

Deborah Kratter  
George Billups  
Joe Poole III  
Reese Peck  
Rich Krapf  
Chris Henderson  
Jack Fraley

Staff Present:

Allen Murphy, Director of Planning/Assistant  
Development Manager  
Angela King, Assistant County Attorney  
Chris Johnson, Principal Planner  
Melissa Brown, Zoning Administrator  
Luke Vinciguerra, Planner  
Terry Costello, Development Management Asst.

2. PUBLIC COMMENTS

Mr. Rich Krapf opened the public comment period.

There being no speakers, Mr. Krapf closed the public comment period.

3. MINUTES – JULY 1, 2009

Ms. Angela King had one correction to the minutes on page 7. The minutes stated that “it was defined in the County Code,” when it should have read “it was not defined in the County Code.”

Ms. Deborah Kratter moved for approval of the minutes with a second from Mr. George Billups.

In a unanimous voice vote, the minutes were approved (7-0).

4. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee (DRC)

Mr. Krapf gave the report for the DRC as Mr. Joe Poole was on vacation. He stated the DRC met on July 29, 2009 to review one case, SP-0060-2009, Pleasant Hill Station Carwash. The applicant proposed a modification to the roof color to a previously approved DRC case. There were no other changes proposed. Mr. Krapf stated the DRC approved the change with a 3-0 vote.

Mr. Chris Henderson moved for approval of the DRC actions with a second from Mr. Reese Peck.

In a unanimous voice vote, the DRC actions were approved (7-0).

B. Policy Committee

Mr. Henderson stated that the Policy Committee did not meet in July.

C. Other Reports

There were no other reports.

5. PUBLIC HEARINGS

A. SUP-0011-2009 7708 / 7710 Cedar Drive

Mr. Allen Murphy stated staff's concurrence with the applicant's request for a deferral to the March 2010 Planning Commission meeting.

Mr. Krapf continued the public hearing to March 2010.

B. Z-0002-2009 / MP-0002-2009 Governor's Grove Section III – Proffer and Master Plan Amendment

Mr. Murphy stated staff's concurrence with the applicant's request for a deferral to the September 9, 2009 Planning Commission meeting.

Mr. Krapf continued the public hearing to September 9, 2009.

Mr. Poole asked any Commissioners who were present at a community meeting concerning this case to send out issues or concerns that may have been addressed at that meeting.

C. SUP-0012-2009 – 101 Birch Circle

Mr. Luke Vinciguerra stated that Mr. Norman David has applied for a special use permit to allow for the renovation of his home's attic into an accessory apartment to be occupied by his daughter. The property is zoned R-6, Low Density Residential and is designated Rural Lands on the Land Use Map. He stated the proposed accessory apartment would add an additional 1,368 square feet of livable space to the existing 2,550 square foot home. He stated the requirements for an accessory apartment have been met; however, staff recommends denial of this application. Mr. Vinciguerra stated the reasons were the size of the apartment and the incapability with the R-6 district and Rural Lands designation. He said that the Zoning Ordinance states that the Commission and Board of Supervisors shall give "due regard" to the nature of adjacent uses and the probable effect of the proposed expansion on them. He stated that the plans call for a two-bedroom, two-bathroom apartment with a separate driveway and entrance, which staff finds more like a duplex than an accessory apartment. Mr. Vinciguerra stated that by adding four additional square feet, it would be considered a duplex which is not permitted in this residential

district. He stated that it is staff's opinion that a more appropriate design would encourage regular interaction between occupants of the principle dwelling and the accessory apartment. He stated that this proposal would increase the neighborhood's density and could set a precedent for similar size accessory apartments. Mr. Vinciguerra stated it was staff's opinion that approval of this application could begin to erode the low density nature of the neighborhood. He stated the owner has received a building permit for the additional living space in the attic and this is permissible by-right as the plan did not include a kitchen. A kitchen is the deciding factor whether this is considered additional living space or an accessory apartment. Mr. Vinciguerra stated that the applications for the building permit and the special use permit were submitted on the same day. During staff's site visit, it was observed that a considerable amount of work had been completed, such as framing, plumbing, and HVAC installation. The additional driveway and separate entrance was already built. Staff does not feel the County should be obligated to offer any concessions regarding the work already completed. Mr. Vinciguerra stated that should the Commission approve this application, staff has suggested several conditions listed in the staff report.

Ms. Kratter asked if this was the only two-story dwelling in the subdivision.

Mr. Vinciguerra answered that he did not know.

Ms. Kratter asked if the accessory apartment retains the same footprint as the original dwelling.

Mr. Vinciguerra answered that the conversion of the attic will not alter the footprint of the existing dwelling.

Mr. Krapf clarified that the only exterior changes were the deck, the dormer, and the exterior doorway.

Mr. Fraley asked if the square footage that was listed for the accessory apartment included the deck.

Mr. Vinciguerra answered that it did not. Decks are not included as livable square footage.

Mr. Krapf clarified the sequence of events. He stated the applicant applied for a building permit and a special use permit on June 1, 2009. Subsequently, staff made a site visit and noted that the framing was nearing completion and plumbing and HVAC had been installed. The building permit was issued on July 13, 2009. Mr. Krapf asked if there were any discussions with Code Compliance or any other agencies regarding the fact that accessory apartments are a specially permitted use in this zoning district and the process to obtain a special use permit.

Mr. Vinciguerra stated that before the applications were received, the applicant contacted a zoning officer who informed them that a special use permit would be needed if a kitchen was proposed.

Mr. Krapf clarified that the plan that was submitted for the building permit did not have a kitchen; it just contained additional living space.

Mr. Henderson asked if there was a general contractor involved in the project.

Mr. Vinciguerra answered that Mr. Paul White was the builder.

Mr. Henderson asked for clarification if the work had begun before the building permit was issued.

Mr. Vinciguerra answered that the site visit showed that a substantial amount of work had been completed prior to the issuance of a building permit.

Mr. Henderson asked if the builder has done work in the County before and should have been familiar with the County's building permit procedures.

Mr. Krapf stated that Mr. White requested to speak during the public comment period.

Mr. Billups asked if this were to be a multi-family unit.

Mr. Vinciguerra stated that this is not for a duplex but the plan is for an accessory apartment. The plan is that the apartment will be occupied by the applicant's daughter.

Mr. Krapf opened the public hearing.

Ms. Cathy David, owner of the property in question, spoke concerning the application. She stated the purpose of the application was to have her daughter move in during a time when she was facing some life changing circumstances. Another reason for this application was the ability of Ms. David and her husband to age in place. The apartment would allow for a caretaker and/or caregiver to live on the premises if necessary. Ms. David stated they are making every effort not to have to leave their home in the future and wanted to provide work for contractors and subcontractors during a slow economy. She checked with the covenants and restrictions for their subdivision and could not find any. Ms. David stated they obtained all of the necessary permits including the one for the driveway. She stated that there are accessory apartments in every subdivision in the County. They considered this living arrangement a result of the current economic conditions where adult children have to live with their parents and/or grandparents.

Mr. Norman David stated that there were three numbers that were mentioned for the square footage of the home. One figure was taken from the original drawing which states the residence is 2,659 square feet, County records state the house is over 3,000 square feet, and another record shows 2,550 square feet. He was unsure which record to use. Mr. David stated that they met all of the setback requirements. He did overlook the VDOT permit requirement for the driveway, but that situation has been rectified. He did not agree that his home, with the addition of an accessory apartment should be compared to a duplex. Mr. David showed pictures of the residence. He also stated that he has signed letters from his neighbors stating they have no objections to the apartment. He did not feel that this apartment would affect the character of the

subdivision. Mr. David stated they have been residents there for 18 years and have no future plans of moving. He stated that he has written a four page letter in response to the letter he received from the County concerning the special use permit.

Mr. White, builder for the project, stated that he felt this would not set a precedent since the last accessory apartment approved in this subdivision was in 1989. There is a permit to put bathrooms, a living area, bedrooms, and a fireplace in the apartment. He felt it was unreasonable not to allow a stove when a full size refrigerator, wet bar, and cabinets were allowed.

Mr. Poole asked the applicant if they would be agreeable to having a condition that allows for the occupant of the apartment to be limited to a blood relative.

Ms. Norman stated that such a condition would negate the fact that aging in place was important to them. She stated that this condition would hurt them financially. It was not the intention to have a caregiver/caretaker when the initial building started. It was after the discovery of how much this would cost that the idea of aging in place came to be. Ms. Norman stated that any further restrictions imposed on them would have to be discussed before agreeing to them.

Mr. Billups asked if there was an ordinance governing the number of overnight workers that would be allowed to stay in a home.

Ms. King stated that she was not aware of any.

Ms. Kratter asked the applicants how many individuals would be occupying the apartment initially.

Ms. Norman answered that initially it would be just her daughter. On occasion there may be a family member staying there who may be visiting the area.

Ms. Kratter asked the applicants if they would be comfortable with the restriction that would prohibit the apartment from being rented for profit.

Ms. David stated she did not believe that this was a restriction in the covenants. She stated it would be nice if the investment paid off at some point. She stated their initial intention was not to have it as a rental, but with the idea of aging in place it may become one at some point. Ms. David stated that this restriction may be a problem.

Mr. Krapf asked why the kitchen area was crossed out when the original plan was submitted for a building permit. He then asked why did the work begin and progress as it did before a building permit was issued.

Mr. David answered that the work began before the permit was issued so that Mr. White's workers could begin the work, which was needed due to the slowdown in the economy. Once the permit was applied for, the kitchen was crossed out on the plans due to the fact that they were told at that time that a special use permit would be required. He stated that they did



not realize a special use permit was needed until they applied for a building permit. Mr. David stated the first permit that was received was for the deck and dormer. He stated that people were available to begin work on the apartment so construction began for that. He stated that they applied for a building permit a few weeks later.

Mr. Peck asked Mr. White if the cabinets, refrigerator, and additional space could still be utilized if the stove was not allowed. He asked if the only thing that would not be allowed is the electrical hookup for a stove.

Mr. White answered that a full size refrigerator and a wet bar with cabinets would be allowed. The only thing that would not be allowed would be a 220 hookup for a stove.

Mr. Peck asked if a microwave oven would be allowed.

Mr. White answered that he believed that it would be.

Ms. Melissa Brown stated that normally when accessory apartments are not allowed, a wet bar with a small sink and small cabinets have been allowed. A full size refrigerator and stove would not be allowed as that would be associated with a kitchen.

Mr. Peck asked if there were any specific restrictions as to the size.

Ms. Brown stated that there are no specific restrictions but that it was handled on a case-by-case basis.

Mr. Peck asked if a full size refrigerator would be allowed.

Ms. Brown answered that in the past these have not been allowed.

Mr. White stated that he felt there was nothing illegal about having a full size refrigerator. He felt that the cabinets did not necessarily designate a kitchen. He felt that the issue was concerning the stove. He also stated that some wet bars come with small refrigerators.

Mr. Billups asked if there was any restriction against a gas stove.

Ms. Brown answered that all stoves are treated the same way. It does depend on the overall design of the facility, which is why she stated it is determined on a case-by-case basis.

Mr. Billups asked if denying this application would impose a hardship on the family.

Mr. Murphy answered that the Zoning Administrator is lawfully required to make a decision as to whether or not a given structure is designed and intended to be used as a dwelling. She must use her discretion absent any specificity in the County's regulations in order to make that determination. Mr. Murphy stated it does depend on the circumstances, and the design and layout of the structure.

Mr. Billups thought there may be a way to creatively design the apartment with the gas line that will be installed.

Mr. Krapf believes that another issue is that all the hookups and set up can be installed for a kitchen set, and once the certificate of occupancy is issued, a kitchen could be established. A kitchen space is what separates additional living space from an additional dwelling unit.

Mr. Peck asked if permits were needed to install cabinets or counter tops.

Ms. Brown stated no. She stated these would be looked at by Zoning when an application was made for a building permit. She stated that plumbing and electrical work would need permits.

Mr. Henderson stated he felt the issue was the separate entrance in that it appears to be a separate dwelling unit. He asked whether it would still require a special use permit if there was a shared entrance and it appeared to be one unit.

Ms. Brown stated that as long as it is designed to include a kitchen unit, it would still be considered as an accessory apartment.

Mr. Henderson asked if the Commission would be subject to suit if the application was denied.

Ms. King answered that the Commission would not necessarily be subject to suit, it just may be difficult to defend your actions in the future based on specific applications that come before the Commission.

Mr. Murphy stated that consistency would be important in order to avoid being arbitrary and capricious.

Mr. Fraley asked Mr. White if he was familiar with the permitting process in the County.

Mr. White stated he was aware of the regulations.

Mr. Fraley asked why the work began before the permits were obtained.

Mr. White answered that permits had been obtained for the deck, stairs, and dormer.

Mr. Fraley asked staff to clarify the sequence of events leading up to the building permit being obtained.

Mr. Vinciguerra answered that staff conducted a site visit after receiving the special use permit application in order to determine whether the amount of livable area exceeded ordinance requirements for accessory apartments. At the time of the site visit, staff observed that much of the work had already been completed.

Mr. David stated that while it may appear that much of the HVAC work was completed prior to issuance of a building permit, many ducts and pipes were moved in preparation for the additional work to begin. He stated the plumbing is not completely installed. Some work has been done to run it upstairs and down through the closets, but it was not connected to the downstairs plumbing at the time of staff's visit.

Ms. David stated that the subcontractors informed them that they did work in the beginning that was allowed without a building permit. She felt that they did everything the way that it should be done. They obtained permits at the time the subcontractors informed them that permits were needed to continue. The work has since stopped until all of this is resolved.

Mr. Fraley asked if the oven was still planned for the apartment.

Ms. David answered they would like to have a stove in the apartment.

Ms. Kratter clarified that the building permit has been issued and everything that was submitted to add the additional living space is approved except for the oven / stove, which requires a special use permit.

Ms. David stated that was correct.

Mr. Vinciguerra stated that a building permit has been issued for everything except the kitchen area. Should this application be denied, a kitchen would not be allowed and the space would need to be used for another purpose.

Mr. Chris Johnson stated this application deals with more than just the issuance of a permit for a stove and a refrigerator. A secondary driveway has already been installed. An exterior staircase and entrance has already been constructed facing the main entrance road within the subdivision. The driveway and entrance contribute to the appearance of a second dwelling unit on the property. He stated that if the special use permit is denied, they can still have the additional living space. The additional living space could not include a kitchen.

Mr. Peck asked if the applicants would be required to remove the separate entrance way.

Mr. Johnson answered that the separate entrance was properly permitted and could remain. Staff would have preferred that entrance be located on the opposite side of the structure to make it less visible from the main entrance road.

Mr. Peck asked what the physical additions to the structure would be if the application was denied.

Mr. Johnson answered that the applicant would have to show what would be located in the area where the kitchen was proposed. The rest of the addition shown on the plan could be constructed.

Ms. Kratter asked if the County imposes any kind of penalty for work that begins before

getting a building permit.

Ms. King answered that there are code violations for work that has been done without a permit. She stated that typically the builder is contacted and steps are taken to get the appropriate permits before proceeding with any other action. In this case, the permit is now in place, so typically the requirement is satisfied.

Mr. Johnson stated that Code Compliance can issue a notice of violation letter and the County Code allows for a doubling of the permit fee.

Ms. David displayed a picture of the residence from the front of the property. It showed where the main driveway was on the right side of the residence. The separate stair entrance is on the left side. She stated it would be efficient to have the stair entrance on the same side as the driveway. Due to the design of the additional living space, a door would not fit there. There are trees that shield any full view of the staircase from the neighbor's view across the street.

Mr. David stated that they did look at putting the entrance at the back end of the home. This was not feasible because there is a swimming pool in the back yard. There was no choice of where to put the stair entrance except where it is currently located.

Mr. Fraley stated he could sympathize with the applicants. He stated that he felt the design made the apartment appear to be a separate residence. He believed that the point staff made was that the design in its entirety has the appearance of a separate residence. Mr. Fraley asked if there were any regulations or policies about renting accessory apartments to third parties.

Ms. Brown answered that there are no ordinance requirements or policies that relate to leasing to third parties. This could only be addressed where conditions are applied, such as through a special use permit.

Mr. Fraley asked the applicants to comment on his interpretation of the plan that the additional living space appears to be a totally separate living unit.

Ms. David stated that when adult children live with parents, there has to be some independence. She felt that this was an important goal.

Mr. Krapf read the definition of an accessory apartment in the Zoning Ordinance. He asked for clarification with the wording that an accessory apartment is "clearly secondary to a single family dwelling."

Ms. Brown stated that there is no definition of secondary but that it is a judgment call. In this instance, there are additional requirements for accessory apartments including that the location be at the side or rear of the building and that the floor area not exceed 35% of the total square footage of the house. She stated that the proposal needs to be looked at as a whole and not just to what is being added. She stated staff made the determination that the requirements for an accessory apartment were met; however, the Zoning Ordinance states that the Planning

Commission and the Board of Supervisors may provide due regard for additional considerations such as the Comprehensive Plan, the surrounding uses, and conditions over and above the minimum requirements.

Mr. Fraley asked whether the minimum requirements would be met if a stove was included in the plan with an approved special use permit.

Ms. Brown stated yes it would.

Mr. Henderson questioned the amount of livable space in the addition, which was calculated at 1,368 square feet, with the home already being 2,659 square feet.

Ms. Brown stated that when floor area is calculated on a second story addition, it excludes areas below the eaves, stairwells, and HVAC areas. When these areas are excluded, the addition is just under the 35% maximum allowed. The square footage that was used in the calculation was the one that was on the original building permit.

Mr. Henderson asked how many unrelated individuals can occupy a dwelling unit.

Ms. Brown stated that with the definition of a family, no more than three unrelated individuals could occupy a single dwelling unit.

Mr. Henderson stated that potentially with a special use permit, there could be six unrelated individuals living on the premises.

Ms. Brown answered yes, with the approved special use permit. Otherwise it would be limited to three.

Mr. William Kniss, 203 Elmwood Avenue, stated that he received notification as an adjacent property owner after the work had started.

Mr. Krapf stated that these notifications are mailed out after the application has been received by the Planning Division.

Mr. Kniss stated that this subdivision was not set up to have two-family dwellings on one piece of land. This will bring in more traffic and cause more water to be used. He also felt that the entire neighborhood should have been notified, not just the properties adjacent to the applicant. If this application is approved, he felt that many more owners in the subdivision will do the same. He believed that this addition was for the applicant's daughter, but he was not aware of the separate entrance. Mr. Kniss did not want to see this addition as a paid rental unit or see other apartments in his neighborhood.

Mr. David stated that the zoning of the subdivision does not prohibit an accessory apartment, but there are certain criteria that have been established.

Mr. Raymond Dillis, 201 Elmwood Avenue, did not object to the applicant's daughter

living in the addition. He would not like to see this living unit used as a rental.

There being no further comments, Mr. Krapf closed the public hearing.

Ms. Kratter stated that the accessory apartment as proposed does meet Ordinance requirements. She does not believe there would be an influx of accessory apartments proposed given that the last one was approved twenty years ago. She stated that one of the goals of the Comprehensive Plan is to have more affordable housing units and she feels that the addition of an accessory apartment works towards that goal. Ms. Kratter felt that most people who convert their attic to living space do so with the intent of family members living there. She stated she could support this application.

Mr. Poole stated he was appreciative of the applicant's situation and was mindful of the neighbor's concerns. He understood the applicant's desire to age in place and was mindful of the fact of adult children needing to have an independent living space apart from the parents. He stated he would be comfortable recommending approval of this application with the condition that the apartment be occupied by a blood- or marriage-related family member, being one person, or a single care giver. Mr. Poole stated that when there is a turnover in occupants, such as a tenant situation, he was uncomfortable in approving this application. He does not feel that the structure as proposed resembles a multi-family dwelling.

Ms. King cautioned against placing such restrictions on the special use permit application. There would be issues of enforceability and, as staff has mentioned, violations would be handled on a complaint basis.

Mr. Murphy stated that Mr. Poole's suggestion of a condition was not part of the application. After conferring with staff and the County Attorney's office, there would be problems with enforcing such restrictions.

Mr. Fraley stated that the Ordinance states that as long as the accessory apartment is rented, the owners must occupy the remainder of the dwelling.

Mr. Peck stated that he raised this issue during one of the Planning Commission work sessions. It has been shown that the idea of aging in place has raised issues concerning accessory apartments. He mentioned an article in *Smart Money Magazine* that specifically stated that localities will have to address these issues in their ordinances. Mr. Peck feels uncomfortable approving applications on an ad hoc basis, particularly because he feels that this issue will increasingly need to be addressed. He stated he was inclined to support staff's recommendation until uniform policies are developed in this area.

Mr. Billups stated that the original intent of the applicant to have a separate unit for their daughter is an ongoing condition that faces many people today. He felt that the idea of setting a precedent should not be a reason to deny this application. There is no way to know if there would be an influx of applications for accessory apartments, or to know whether a unit would be a rental in the future. Mr. Billups stated he would support this application.

Mr. Henderson stated that this issue is more complex than originally envisioned and felt that it has some serious policy implications. He agreed with Mr. Peck that this issue warrants further discussion and possibly some guidelines that could be followed in the future. The big concern for him was not so much the family status, but what could potentially occur in the future (for example, the unit becoming a rental). Mr. Henderson stated he would support staff's recommendation.

Mr. Fraley agreed that the application met the minimum requirements of the ordinance with regards to accessory apartments. He had concerns with this application fitting in with the low density residential zoning. He was unsure if it was compatible with the definition of Rural Lands. He would have preferred to see a smaller scale apartment with a shared driveway, and also with a capability of inhabitants of both units being able to interact. Mr. Fraley felt that it was designed to be two separate units with the capability of being rented. He understands that it is not the intention of the applicant to have a rental unit, but it is designed that way. He was concerned of the impacts to the neighborhood if this unit was rented out in the future. Mr. Fraley stated that he will reluctantly support staff's recommendation.

Mr. Krapf felt that this was not a clear cut issue. He thought it was important to note that this zoning district, R-6, was only one of two zoning districts where a special use permit is required for accessory apartments. He read the intent of the R-6 zoning district, which is to stabilize and protect the existing low density residential character from encroachment by non-residential or high density uses. Mr. Krapf stated that the apartment proposed is not secondary in use, as is stated in the definition of an accessory apartment. He felt that this was not consistent with the intent of the zoning district. He felt that without the special use permit, the applicants could still provide additional living space for their daughter. Mr. Krapf also stated that the size of accessory apartments that have been approved in the County previously have been significantly smaller than the one proposed. He would support staff's recommendation for denial.

Mr. Fraley moved to support staff's recommendation for denial.

Mr. Peck seconded the motion.

In a roll call vote the motion was approved 5-2. (AYE: Poole, Fraley, Henderson, Peck, Krapf; NAY: Billups, Kratter.)

Mr. Billups wanted it stated for the record that the original issue for this application was the stove.

## 7. PLANNING DIRECTORS REPORT

Mr. Murphy had no additional comments.

Mr. Henderson asked if there was any follow up or comment from the Board of Supervisors concerning the Policy Committee's recommendation for the Capital Improvements Program (CIP) review.

Mr. Murphy answered that he would like to consider their silence in an optimistic fashion. There will be the opportunity to get their input during the next review process.

8. COMMISSION DISCUSSIONS AND REPORTS

Mr. Krapf stated the Commission's representative to the Board of Supervisors for August was Mr. Poole. He then noted that the Planning Commission will be having a work session to discuss the Comprehensive Plan on Thursday, August 6, 2009 beginning at 6:30 p.m.

Mr. Fraley asked if there would be public comment periods at this meeting.

Mr. Krapf stated that there would not be, but that there will be a public comment period when the vote is taken by the Commission to present the Comprehensive Plan to the Board of Supervisors. He felt that there were ample public comment periods during the process of gathering information over the last several months. He also felt that the work sessions scheduled already have compact agendas. Mr. Krapf stated that the public is always welcome to submit written comments.

Mr. Henderson stated that in response to staff's request, he has submitted a topic for discussion at tomorrow's work session concerning the Jamestown Road corridor. He felt that in light of recent applications that there needs to be a reconsideration of looking at the corridor more thoroughly.

Mr. Krapf stated that if time constraints do not allow it to be discussed, then it will be discussed at some future work session, but it will be addressed at some point.

Mr. Billups asked about the changes suggested in the wording of some of the action items so as to reduce the amount of discretion used by staff in making recommendations.

Mr. Krapf stated that there are plans to initiate review of the Zoning Ordinance once the Comprehensive Plan is approved. This most likely will be a comprehensive review that could take a year or two to complete.

Mr. Murphy stated that this is correct and this review would include an examination of the language and a re-examination of where discretionary language is and is not appropriate.

Mr. Peck agreed that more specific rules would benefit the Commission as far as making decisions, or at least outline the considerations that may be used in making professional judgments. It would be helpful if the Commission has some additional guidance when making these decisions. He did ask staff whether a schedule would be proposed for the next five years in reviewing the Zoning Ordinance.

Mr. Murphy answered that the goal is to do a comprehensive review of the Zoning Ordinance and Subdivision Ordinance once the Comprehensive Plan is approved.



Mr. Peck asked if there was going to be a specific timeline.

Mr. Murphy stated there will be a timeline and a methodology.

Mr. Henderson mentioned a case that the DRC reviewed several times concerning a change in roof color. He understood that the DRC was to review this because the applicant did not agree with the decision by the Planning Director. He questioned whether more diligence should be taken when these cases are referred to the DRC so that a plan is not reviewed multiple times by that Committee. Mr. Henderson felt that it was an unnecessary delay due to a color change.

Mr. Krapf said that the proffer stated that when elevations and other drawings are submitted, that the decision could be appealed to the DRC if the applicant does not agree with the Planning Director's decision. He felt that it was due diligence on the part of the applicant to have that proffer in the original application.

Mr. Murphy stated that the DRC made their decision based on a proposal that was brought before the Committee. So if facts changed that were pertinent to the DRC's decision, the case should be reviewed again by the DRC.

Mr. Poole stated that before last week, the elevations were reviewed at the same time as the CVS at Norge case. There was an extensive discussion on the exterior color palette of the building and the freestanding signage. The consensus was not to allow a change without any sample palette, although the Committee could sympathize with the applicant.

9. ADJOURNMENT

Mr. Henderson moved for adjournment, with a second from Mr. Fraley.

The meeting was adjourned at 8:45 p.m.

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Rich Krapf, Chairman

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Allen J. Murphy, Secretary

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

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VERNON M. GEDDY, JR. (1928-2009)  
STEPHEN D. HARRIS  
SHELDON M. FRANCK  
VERNON M. GEDDY, III  
SUSANNA B. HICKMAN  
RICHARD H. RIZK  
ANDREW M. FRANCK

August 31, 2009

Mr. David W. German  
Senior Planner  
James City County  
101-A Mounts Bay Road  
Williamsburg, Virginia 23185

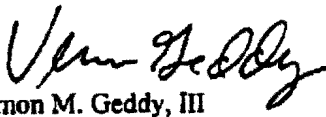
Re: Governor's Grove Section 3 – Z-0002-2009 and MP-0002-2009

Dear David:

I am writing on behalf of the applicant to request that the Planning Commission defer consideration of this application until its December meeting.

Very truly yours,

GEDDY, HARRIS, FRANCK & HICKMAN, LLP

  
Vernon M. Geddy, III

VMG/

cc: Mr. James Jard

**REZONING-0011-2007 / SPECIAL USE PERMIT-0022-2007 / MASTER PLAN-0007-2007: Monticello at Powhatan North (Ph. 3)**

Staff Report for the September 9, 2009 Planning Commission Public Hearing

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

**PUBLIC HEARINGS**

	Building F Board Room; County Government Complex		
Planning Commission:	December 3, 2008	7:00 p.m.	(deferred)
	January 7, 2009	7:00 p.m.	(deferred)
	February 4, 2009	7:00 p.m.	(deferred)
	March 4, 2009	7:00 p.m.	(6 month deferral)
	September 9, 2009	7:00 p.m.	
Board of Supervisors:	October 13, 2009		(tentative)

**SUMMARY FACTS**

Applicant:	Mr. Timothy Trant, Kaufman and Canoles
Land Owner:	Powhatan Land Enterprises, LLC
Proposal:	Construct 70 single family attached condominium units.
Location:	4450 Powhatan Parkway
Tax Map/Parcel No.:	3830100001
Parcel Size:	36.5 Acres
Existing Zoning:	R-8, Rural Residential
Proposed Zoning:	R-2, General Residential, with Proffers and Cluster Overlay
Comprehensive Plan:	Low Density Residential; with Conservation Area along the parcel's northern boundary.
Primary Service Area:	Inside

**STAFF RECOMMENDATION**

The applicant has requested a six-month deferral of this application to the Planning Commission's March, 2010 meeting to prepare revised materials and responses to staff comments. Staff concurs with this request.

Staff Contact: Leanne Reidenbach

Phone: 253-6685



Leanne Reidenbach, Senior Planner

Attachments:

1. Deferral request letter

**Leanne Reidenbach**

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From: Trant, Timothy O., II  
Sent: Wednesday, August 19, 2009 4:06 PM  
To: Leanne Reidenbach  
Subject: Re: Monticello at Powhatan north  
Attachments: image001.png

Leanne,

The applicant requests that PC consideration be deferred another 6 months in order to finalize its response to staff comments. Thank you for the opportunity to avoid readvertisement and I look forward to being in touch with you regarding resubmittal.

Take care,

Tim

---

Timothy O. Trant II  
Kaufman & Canoles, P.C.  
4801 Courthouse St., Ste. 300  
(P.O. Box 6000)  
Williamsburg, Virginia 23188  
757.259.3823 - Phone  
757.259.3838 - Facsimile  
[totrant@kaufcan.com](mailto:totrant@kaufcan.com)  
[www.kaufmanandcanoles.com](http://www.kaufmanandcanoles.com)

**SPECIAL USE PERMIT-0013-2009. Cardinal Acres Two-Family Dwelling  
Staff Report for the September 9, 2009, Planning Commission Public Hearing**

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*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.*

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**PUBLIC HEARINGS**

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

Planning Commission: September 9, 2009 7:00 p.m.  
Board of Supervisors: October 13, 2009 (tentative) 7:00 p.m.

**SUMMARY FACTS**

Applicant: Mr. Michael Putt of First Investments of Virginia  
Land Owner: Mr. Michael Putt  
Proposal: To allow for the construction of one two-family dwellings (“duplex”) on the subject property. Two-family dwellings are specially permitted uses in the R-2, General Residential zoning district.  
Location: 114 Cardinal Acres Drive  
Tax Map Parcel Number: 4640100006A  
Parcel Size: .34 acres  
Zoning: R-2, General Residential, with Proffers  
Comprehensive Plan: Moderate Density Residential  
Primary Service Area: Inside

**STAFF RECOMMENDATION**

Staff finds this proposal to be consistent with the Comprehensive Plan Land Use Map designation for the subject parcel and with the surrounding development. Staff recommends that the Planning Commission recommend approval of this special use permit with the attached conditions.

Staff Contact: Sarah Propst Phone: 253-6685

**PROJECT DESCRIPTION**

Mr. Michael Putt of First Investments of Virginia has applied for a Special Use Permit (SUP) to allow for the construction of one two-family dwelling (hereafter referred to as a “duplex”) on the property located at 114 Cardinal Acres Drive. The subject property is zoned R-2 (General Residential), and is designated Moderate Density Residential on the James City County 2003 Comprehensive Plan Map. The .34-acre site is located in the Cardinal Acres subdivision east of the Foxfield subdivision, south of the Point at Jamestown subdivision, and west of the Jamestown 1607 subdivision. The property can further be identified as (46-4)(4-06a)

The parcel is generally level and cleared, although there are some trees and bushes throughout the site. A gravel driveway exists on the southern border of the lot to provide access to the JCSA lot. A 25 foot JCSA easement runs along the back/northeastern border of the parcel; no permanent structures are planned within the easement.

**Project History**

An SUP and rezoning was previously approved for this site. The rezoning (Z-0012-2004) changed the zoning from R-8, Rural Residential to R-2, General Residential, with Proffers. The subject parcel was subdivided from the adjacent JCSA well lot. The SUP (SUP-0029-2004) was approved on January 11, 2005 for a duplex of the same size and scale as the current SUP application is requesting. That SUP expired in January of 2008.

**Environmental**

- **Watershed:** Powhatan Creek Watershed

**Staff Comments:** The Environmental Division staff has reviewed the application and concurs with the layout proposed on the Master Plan. As this property is located within the tidal mainstem subwatershed of Powhatan Creek, Special Stormwater Criteria (SSC) requirements apply to this lot per the Powhatan Creek Watershed Management Plan. Stormwater runoff from this site is directed to the adjoining property of Jamestown 1607. To manage site runoff, the owner/developer has agreed to stormwater management features such as, but not limited to, rain barrels, pervious pavers, and soil amendments (organic matter or other suitable materials which are tilled into the soil to make the soil more absorbent). The Environmental Division notes that a formal site plan, in conjunction with the Master Plan, will ensure that stormwater management features are properly utilized on the site. Staff has recommended a condition to ensure that runoff reduction measures will be addressed on site prior to issuance of a building permit.

**Public Utilities**

- The subject parcel lies within the Primary Service Area (PSA) of James City County.
- This parcel would be served by public water and public sewer facilities provided by the James City Service Authority (JCSA).

**Staff Comments:** The owner/developer will be responsible for creating and enforcing water conservation standards, which will be subject to JCSA’s approval. JCSA noted no problems with or objections to this proposal. JCSA will also review the formal site plan.

**Transportation**

- **2007 Traffic Counts:** From Cardinal Acres Drive to 4H Club Road, approximately 8,235 average daily trips.
- **2026 Volume Projected:** From the James River to Neck O Land Road, projected 10,000 vehicles per day. “OK” category in the 2003 Comprehensive Plan.
- **Traffic Generation and Road Improvements:** The proposed project has the potential to generate 12 additional daily trips. This will not impact the surrounding road network.
- **VDOT Comments:** VDOT staff has reviewed the application and has no objection to the proposed project.

**Staff Comments:** The addition of a duplex on the last available lot in Cardinal Acres subdivision should not have any appreciable negative impact on the overall traffic flow in the surrounding area.

**COMPREHENSIVE PLAN**

*(Note: Page References are made to the James City County 2003 Comprehensive Plan.)*

**Land Use Map**

Designation	<b><i>Moderate Density Residential (Page 121):</i></b> Moderate-Density Residential areas are residential developments or land suitable for such developments with a minimum gross density of four dwelling units per acre, up to a maximum of twelve units per acre, depending on the character and density of surrounding development, physical attributes of the property, buffers, and the degree to which the development is consistent with the Comprehensive Plan. Suggested uses include townhouses, apartments, attached cluster housing, recreation areas, and manufactured
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	<p>home parks.</p> <p><b>Staff Comments:</b> Staff believes that the proposed in-fill development of a duplex on the last available lot in the Cardinal Acres subdivision is consistent with the surrounding development and the Moderate-Density Residential designation.</p>
Goals, Strategies and Actions	<p><b>Strategy No. 2 (Page 138):</b> Ensure development is compatible in scale, size, and location to surrounding existing and planned development.</p> <p><b>Action No. 16 (Page 140):</b> Identify target areas for infill, redevelopment, and rehabilitation with the PSA...</p> <p><b>Staff Comments:</b> The application proposes to put growth into the Primary Service Area where it may be more efficiently served by public utilities and services. As noted previously, the proposal would be compatible and harmonious both in terms of use and intensity with the surrounding area. This application represents a positive and beneficial infill project for James City County that would result in a better use of the subject property.</p>

### Environment

Powhatan Creek Watershed Management Plan	<p><b>Description (Page 47):</b> Powhatan Creek is a 22 square mile watershed of significantly biodiversity. The Powhatan Creek drains into the James River.</p> <p><b>Staff Comment:</b> Because of its location, this property is subject to Special Stormwater Criteria (SSC) established for developments located within the Powhatan Creek Watershed Area.</p>
Goals, Strategies and Actions	<p><b>Action No. 5 (Page 66):</b> Encourage the use of Better Site Design, Low Impact Development, and best management practices (BMPs) to mitigate adverse environmental impacts.</p> <p><b>Staff Comment:</b> According to information provided by the applicant, LID measures will be considered for implementation and compliance with the requirements set forth by Special Stormwater Criteria (SSC) for the Powhatan Creek Watershed Management Plan Area. A condition has been included to reflect this.</p>

## Transportation

Richmond Road	<b>Description (Page 76):</b> Projected traffic volumes for Jamestown Road would normally justify widening the two-lane road to four-lanes. Construction of a four-lane facility would be very disruptive, therefore, the comprehensive plan recommends that Jamestown Road be maintained as a two-lane facility.
	<b>Staff Comment:</b> According to VDOT's analysis, the traffic generated by this proposal will not negatively affect the current Level of Service for this segment of Jamestown Road.

## RECOMMENDATION

Staff finds that this proposal is consistent with the Comprehensive Plan Land Use Map designation for the subject parcel and with surrounding development. Based on this analysis, Staff recommends that the Planning Commission recommend approval of this application to the James City County Board of Supervisors with the conditions listed below:

- 1.) **Terms of Validity:** Construction shall commence on the Project within thirty-six months from the date of approval of this SUP by the Board of Supervisors, or the SUP shall become void. For purposes of this SUP condition, "construction" shall be defined as the having obtained building permits for, and passed inspection of, footings and/or foundation.
- 2.) **Water Conservation Standards:** The owner/developer shall be responsible for developing and enforcing water conservation standards, which shall be submitted to and approved by the James City Service Authority (JCSA) prior to final site plan approval. The standards shall include, but not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought resistant native and other adopted low water use landscaping materials and warm season turf where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
- 3.) **Stormwater Runoff:** Stormwater management/runoff reduction measures will be applied to the development of this parcel, subject to the approval of the Environmental Division Director, to mitigate the increased post-development runoff from this site and provide a safe mode of bypass for less frequent, higher intensity storms. Runoff reduction measures may include but are not limited to pervious pavers, rain barrels, soil amendments, lot scale rain gardens, or biofiltration strips with landscaping. A site plan, detailing the stormwater management/runoff reduction measures, shall be approved prior to the issuance of a building permit.
- 4.) **Severance Clause:** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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Sarah Propst, Planner

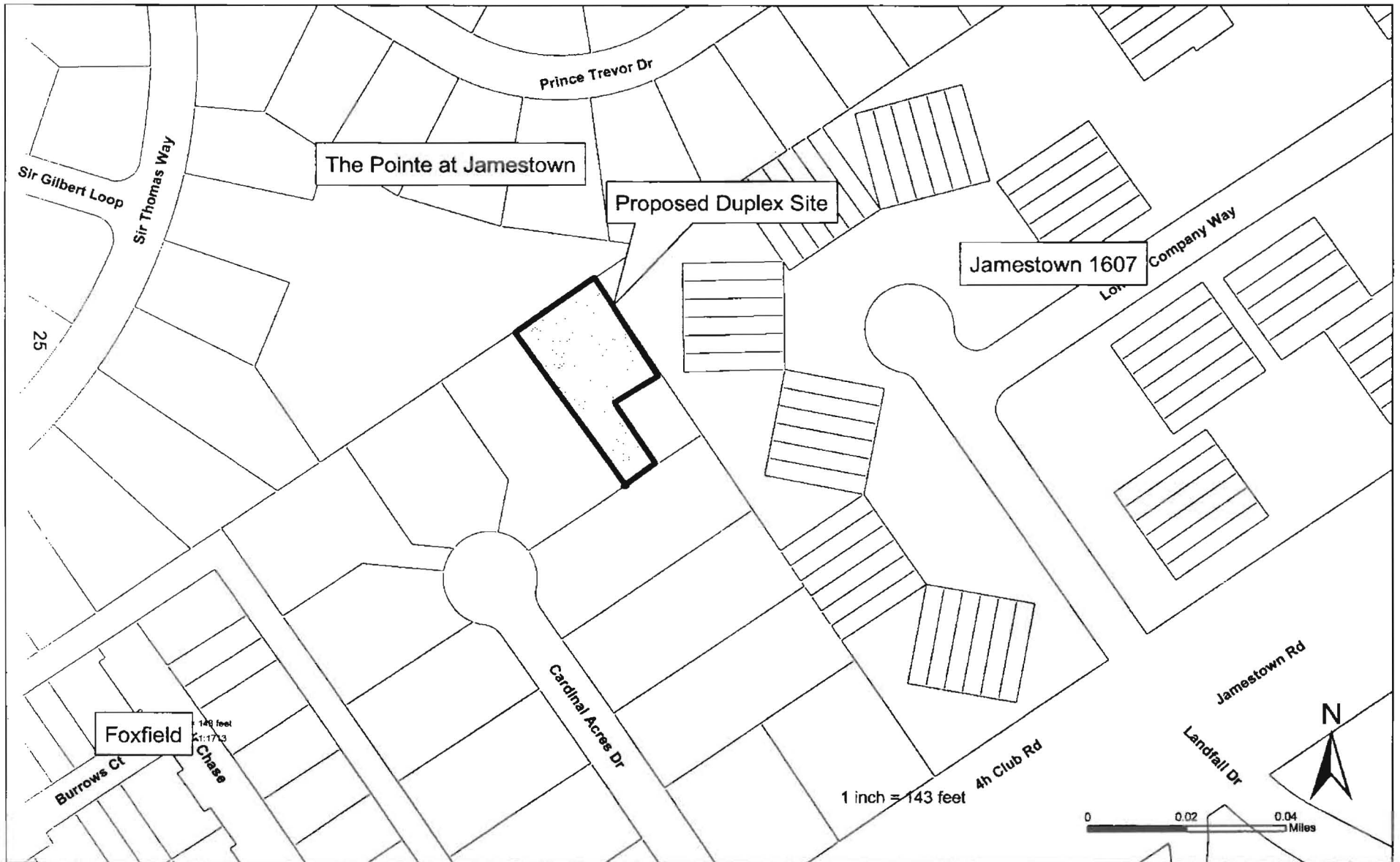
## ATTACHMENTS

- 1) Location Map
- 2) Plat



# JCC-SUP-0013-2009

## Cardinal Acres Duplex



**SPECIAL USE PERMIT-0014-2009. Chickahominy Riverfront Park - RV Loop and Master Plan Staff Report for the September 9, 2009 Planning Commission Public Hearing**

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

**PUBLIC HEARINGS**

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

Planning Commission: September 9, 2009 7:00 p.m.  
Board of Supervisors: October 13, 2009 7:00 p.m. (tentative)

**SUMMARY FACTS**

Applicant: Mr. Aaron Small, AES Consulting Engineers  
Land Owner: James City County  
Proposal: The Division of Parks and Recreation is proposing to improve existing facilities at the Chickahominy Riverfront Park. Because it is currently a lawfully non-conforming use, a special use permit is needed to bring the property into conformance in order for improvements to be made. They are also seeking approval for a master plan for the entire property.  
Location: The north side of John Tyler Highway and bordered by the Chickahominy River and Gordon Creek  
Tax Map/Parcel Nos.: 3430100002  
Parcel Size: 140 acres  
Zoning: PL, Public Lands  
Comprehensive Plan: Park, Public or Semi-Public Open Space  
Primary Service Area: Outside

**STAFF RECOMMENDATION**

Staff finds the proposal consistent with surrounding zoning and development and consistent with the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of this special use permit application to the Board of Supervisors with the included conditions.

Staff Contact: Leanne Reidenbach, Senior Planner Phone: 253-6685

## **Project Description**

Mr. Aaron Small of AES Consulting Engineers has applied on behalf of James City County Parks and Recreation, for a Special Use Permit to make improvements to existing facilities at Chickahominy Riverfront Park and to master plan the entire park property for community recreation. The proposed Phase I improvements include replacement of existing water mains, electrical service connections, and septic system for approximately 36 RV campsites located along the banks of Gordon Creek adjacent to the boat launch. The SUP will also provide for future development of the park in general conformance with the Shaping Our Shores Master Plan.

The property was lawfully non-conforming as a campground and private recreation area in an A-1, General Agricultural district prior to the County acquiring it in 2001. Prior to improvements or construction projects occurring on the property, the park must be brought into compliance. In 2005, Parks and Recreation was granted SUP-0033-2005 for improvements to 2.5 acres of the property, including replacing picnic shelters and the playground and adding parking. At that time, it was noted that any future improvements would need to obtain an amended SUP. Current zoning, PL, also allows community recreation facilities as a specially permitted use.

The enclosed project information packet outlines the master plan proposal in greater detail and discusses the study, public input, and research that went into the development of the master plan. The Shaping Our Shores document was endorsed by the Board of Supervisors on June 9, 2009. Similar to the Freedom Park Master Plan, the plan for Chickahominy Riverfront Park involved significant public input to determine uses that County citizens felt were needed within the community. The plan also serves as an all-encompassing broad plan meant to delineate types of uses and their general location within the park property to help guide future capital improvements requests.

## **Surrounding Zoning and Development**

The parcel is zoned PL and designated as Park, Public, or Semi-Public Open Space on the 2003 Comprehensive Plan Land Use Map. The project site is bordered by the Chickahominy River and Gordon Creek on the west and north and by property zoned A-1 and designated Rural Lands to the south and east. These properties are currently either undeveloped or used for single-family residential.

## **PUBLIC IMPACTS**

### **1. Environmental Impacts**

**Watershed:** Gordon Creek

**Environmental Staff Conclusions:** The Environmental Division has reviewed the proposal and concurs with the Master Plan and conditions as proposed. Additional review will occur when development plans are submitted.

### **2. Utilities**

The site is located outside the Primary Service Area and will be served by existing wells and both existing and new septic systems.

**JSCA and Health Department Staff Conclusions:** The James City County Service Authority and the Virginia Department of Health have reviewed the proposal and concur with the Master Plan and conditions as proposed.

### **3. Traffic**

The applicant submitted a traffic data compiled by VHB during the Shaping Our Shores master planning process. The proposed phase I improvements to the existing RV loop are not anticipated to generate additional traffic to the park. Based on using a combination of uses in the Institute of Traffic Engineers (ITE) manual, VHB estimated that the expanded park facilities as shown on the master plan would generate approximately 1,020 additional weekday daily trips and 104 peak hour trips. No additional road improvements on John Tyler Highway are warranted for this development.

**2006 Annual Average Daily Traffic Volume (per VDOT) (John Tyler Highway/Route 5):** From Centerville Road to the Charles City County line there were 3,400 trips. James City County's 2007 traffic count data did not

cover the segment of John Tyler Highway west of Brick Bat Road.

**2026 Volume Projected:** From the Charles City County line to Monticello Avenue there is the projection of 9,000 trips. This portion of John Tyler Highway is listed in the “OK” category.

**VDOT Conclusions:** VDOT reviewed the traffic analysis and concurred that no entrance improvements are required to accommodate the proposed master plan and that the project will have minimal impacts on the surrounding road network.

## Comprehensive Plan

### **Land Use Map**

Designation	Park, Public, or Semi-public Open Space (Page 129): Land included in this designation generally consists of large, undeveloped areas owned by institutions or the public. Areas typically serve as buffers to historic sites, as educational resources, and as areas for public recreation and enjoyment.
	<b>Staff Comment:</b> The development of the park in accordance with the proposed master plan clearly fits within this Land Use designation as it improves much needed public waterfront access and serves other public recreational needs.
Development Standards	<i>General Standard #4-Page 134:</i> Protect environmentally sensitive resources including... archaeological resources... by locating conflicting uses away from such resources and utilizing design features, including building and site design, buffers and screening to adequately protect the resource.
	<b>Staff Comment:</b> Chickahominy Riverfront Park already operates as an existing park. Significant archaeological work has been done to establish sensitive areas of the property and additional work will be required by condition prior to land disturbance. Several conditions also speak to protection and restoration of the sensitive environmentally areas throughout the property.
Goals, strategies and actions	<i>Strategy #3-Page 138:</i> Ensure that all land uses are located at appropriate sites in the Primary Service Area (PSA)... <i>Strategy #4-Page 138:</i> Ensure development is compatible in scale, size, and location to surrounding existing and planned development. Protect uses of different intensities through buffers, access control, and other methods.
	<b>Staff Comment:</b> While the site is outside the Primary Service Area, it is the necessary location for the development of the proposed facilities given the property’s proximity to the water. Even with the additional proposed improvements, significant buffers remain between the developments, John Tyler Highway, and adjacent properties.

### **Parks and Recreation**

Goals, strategies and actions	<i>Goal #1-Page 39:</i> Provide a range of recreational facilities and activities that are appropriate and adequate in number, size, type, and location to accommodate the needs of all County residents. <i>Strategy #8-Page 39:</i> Continue to provide access to major water bodies for expansion of water recreation activities. <i>Action #17-Page 40:</i> Improve County park facilities as needed based upon service needs. Update park master plans to coordinate construction phasing and validate capital improvement requests.
	<b>Staff Comment:</b> Chickahominy Riverfront Park serves a critical need in the community for public waterfront access and through development of the master plan, additional recreation opportunities will be provided. It is also important to have an overall master plan for this park, rather than returning to get a special use permit for each proposed use as projects become available, to ensure efficient distribution of funds and coordination of improvements. Finally, improvements to the RV loop are needed to bring them up to acceptable standards and make the campsites more functional and attractive to visitors.

### **Environment**

Goals, strategies and actions	<i>Strategy #2-Page 65:</i> Assure that new development minimizes adverse impacts on the natural and built environment. <i>Action #2-Page 65:</i> Continue to develop and enforce zoning regulations and other County ordinances that ensure the preservation to the maximum extent possible of rare, and threatened and endangered species, wetlands, flood plains, shorelines, wildlife habitats, natural areas, perennial streams, groundwater resources, and other environmentally sensitive areas.
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	<p><i>Action #3-Page 65:</i> Ensure that development projects, including those initiated by the County, are consistent with the protection of environmentally sensitive areas and the maintenance of the County’s overall environmental quality.</p> <p><i>Action #12-Page 66:</i> Encourage the development of educational and passive recreational facilities which provide access to special environmental and historical areas.</p>
	<p><b>Staff Comment:</b> An environmental inventory has been conducted for the site to identify important areas that merit protection and the Environmental Division was very involved in Shaping Our Shores. The master plan was devised with preservation of these areas in mind, and proposed improvements will require limited tree clearing on the property. The Department of Conservation and Recreation (DCR) was also consulted regarding potential presence of threatened or endangered species. DCR concurred with VHB’s findings that the scope of the project will not adversely impact natural heritage resources in the area.</p>

**Comprehensive Plan Staff Comments**

Staff finds the proposal, with the below conditions, to be generally consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. Chickahominy Riverfront Park provides an important recreational area for residents in addition to attracting visitors wanting to camp in the area. The park also includes special event areas and facilities for William and Mary rowing.

**RECOMMENDATION:**

Staff finds the proposal, with the attached conditions, to be generally consistent with surrounding land uses, and the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of the special use permit application to the Board of Supervisors with the following conditions:

1. **Master Plan.** This Special Use Permit shall permit a public community recreation facility and accessory uses thereto, including but not limited to tent sites, cabins, RV camping areas, special event areas, docks/piers, swimming facilities, playgrounds, boat launches, rowing facilities, picnic pavilions, camp store, and seasonal concession stands on property located at 1350 John Tyler Highway (the “Property”). Improvements to the site shall generally be located as shown on the document entitled “Figure 4-2: Master Plan- Chickahominy Riverfront Park,” (the “Master Plan”) prepared by Vanasse, Hangen, and Brustlin, Inc. (VHB) and date stamped September 2, 2009 with only changes thereto that the Development Review Committee (“DRC”) determines to be generally consistent with the Master Plan and Shaping Our Shores report.
2. **Soil Studies.** Soil feasibility studies to determine appropriate areas for septic drainfields shall be submitted to the Virginia Department of Health for review and approval prior to final development plan approval for any new development on the Property. Redevelopment plans (“Redevelopment”) for the Property shall not be subjected to this requirement. Redevelopment shall include the removal and replacement, renovation, or rehabilitation of existing buildings or facilities that does not increase or change the general shape or location of impervious area or number of tent sites or RV spaces, does not change the existing primary use of an area, and/or does not change existing points of access. Based on the findings of any study, if a proposed use needs to be relocated, a plan detailing the relocation shall be provided to the DRC to determine whether the plan is generally consistent with the Master Plan and Shaping Our Shores report.
3. **Right-of-Way Buffer.** A 150-foot buffer shall be maintained along John Tyler Highway. That buffer shall remain undisturbed with the exception of breaks for roadways and pedestrian connections, utilities, walking, hiking, and biking trails, and other uses specifically approved by the Director of Planning.
4. **Lighting.** Any new exterior site or building lighting shall have recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source are not visible from the side. Fixtures which are horizontally mounted on poles shall not exceed 15 feet in height. No glare defined as 0.1 foot-candle or higher shall extend outside the property lines.
5. **Speakers.** All permanent public address speakers used on the site shall be oriented generally towards the interior of the property and away from exterior property lines.
6. **Archaeology.** Additional archaeological studies for any area to be disturbed that is identified as ‘eligible’ for inclusion on the National Register of Historic Places and/or ‘unknown (further work needed)’ on pages 109-112 of the report titled “Phase I Cultural Resources Survey and Archaeological Inventory of the Chickahominy

Riverfront Park, James City County, Virginia” by Geo-Marine, Inc. and dated June 2008, shall be submitted to the Director of Planning for review and approval prior to the commencement of any land disturbing activity on the property. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources’ *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior’s *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior’s *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon.

7. **Tree Clearing.** Tree clearing on the entire property shall be limited to the minimum necessary to accommodate the proposed recreational uses shown on the Master Plan and related driveways, entrance improvements, and facilities as determined by the Director of Planning or designee.
8. **Master Stormwater Management Plan.** A Master Stormwater Management Plan for the Property shall be submitted for review and approval by the County’s Environmental Division Director prior to final development plan approval for any new development on the Property. Redevelopment of the Property shall not be subjected to this requirement.
9. **Special Stormwater Criteria.** Special Stormwater Criteria (SSC) as adopted by the County in the Powhatan and Yarmouth Creek watersheds shall apply to this project. Low-impact development principles and techniques shall also be used in all development plans to reduce and control impacts associated with an increased storm water runoff. The owner shall demonstrate the application of SSC and low-impact design on all development plans to the satisfaction and approval of the County’s Environmental Division Director prior to final development plan approval for any new development on the Property. Redevelopment of the Property shall not be subjected to this requirement.
10. **Resource Management Area (RMA) Buffers.** All development plans shall have the RMA buffers delineated in accordance with the Powhatan Creek Watershed Management Plan revision dated October 11, 2006, or any such RMA buffers as outlined in any future Gordon Creek Watershed Management Plan, to the satisfaction and approval of the County’s Environmental Division Director prior to final development plan approval for any new development on the Property. Redevelopment of the Property shall not be subjected to this requirement.
11. **Severance Clause.** This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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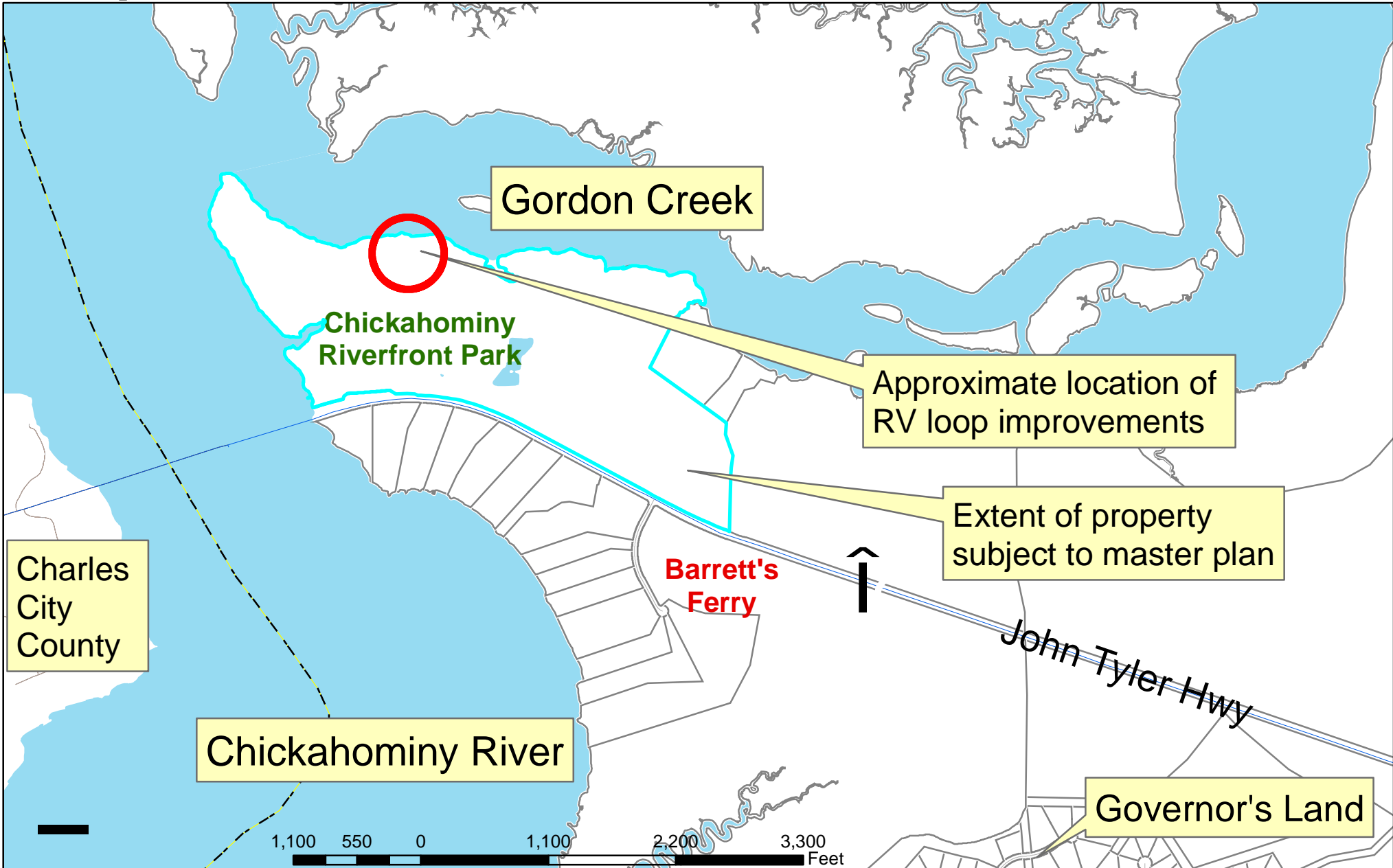
Leanne Reidenbach, Senior Planner

**ATTACHMENTS:**

1. Location map
2. Master Plan date stamped September 2, 2009 (Under Separate Cover)
3. Information booklet dated July 2009 (Under Separate Cover)

# JCC-SUP-0014-2009

## Chickahominy Riverfront Park - RV Loop and Master Plan



**SPECIAL USE PERMIT CASE NO. SUP-0016-2009 JCC Police Headquarters  
Staff Report for the September 9, 2009 Planning Commission Public Hearing**

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*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.*

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**PUBLIC HEARINGS**                      **Building F Board Room; County Government Complex**  
Planning Commission:                      September 9, 2009    7:00 PM  
Board of Supervisors:                      September 22, 2009 (tentative)    7:00 PM

**SUMMARY FACTS**

**Applicant:**                                      Shawn Gordon, General Services, James City County

**Land Owner:**                                      James City County

**Proposal:**                                      To construct the Police Headquarters building (approx. 47,000 sq. ft.)

**Location:**                                      4600 Opportunity Way

**Tax Map/Parcel:**                                      3210100016

**Parcel Size:**                                      7.77 acres

**Existing Zoning:**                                      PL, Public Lands

**Comprehensive Plan:**                                      Mixed-Use

**Primary Service Area:**                                      Inside

**STAFF RECOMMENDATION**

Staff finds the proposal, with the attached conditions, to be generally consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. The Police headquarters provides a valuable service to the County and its central location will make it more convenient for the community. Additionally, the proposed conditions will help mitigate the impacts of the headquarters and the proposed architectural design, which is similar to nearby buildings (TNCC and Warhill HS), will help the facility blend in with the community. Staff recommends the Planning Commission recommend approval of the special use permit application with the attached conditions to the Board of Supervisors.

Staff Contact:                                      Jason Purse, Senior Planner    Phone: 253-6685



## **PROJECT DESCRIPTION**

Mr. Shawn Gordon, on behalf of the James City County Police Department, has applied to construct the new Police headquarters at 4600 Opportunity Way, across the street from the new Thomas Nelson Community College campus. The headquarters will consist of a main building, approximately 47,100 sq. ft. in size, an accessory building for additional storage, specialty vehicle storage, as well as an impound lot located near the rear of the property. The new Police headquarters will allow the Police department to oversee all of their functions from one central site in the County and allow for their anticipated expansion well into the future. In fact, should additional expansion be required in the future, the building has been designed to accommodate that need.

The building is two-stories and a total of 36'. Total impervious cover on the 7.77 acre site represents around 43.9% or 338,444 sq. ft. There are 119 parking spaces behind the security fence to serve an expected 157 officers and their patrol cars by 2030. Since shifts are staggered, not all of the officers will be there at the same time. There is not a specific parking requirement for Police Stations in the Zoning Ordinance. The closest similar use would be general office, but in this instance the greatest parking need would be generated by the on-duty officers rather than the public visiting the site. The applicant has provided documentation of their needs to staff and the Planning Director has determined that the parking spaces provided will adequately serve the site.

Currently the Police Department has divisions spread over a variety of areas in the County. The Community Services Division is operating from Prime Outlets. The officers dealing with narcotics and gangs are housed in Fire Station #3, and the traffic unit is renting space in Norge. Many of the specialty vehicles are housed at the different fire stations in the County. The Police headquarters would allow all of these units to operate from the same location.

## **PUBLIC IMPACTS**

### **Environmental**

**Watershed:** Powhatan Creek Watershed

**Staff Comments:** Environmental staff has reviewed the application and concurs with the Master Plan and proposed conditions. The applicant has worked with the Environmental Division on establishing credits for the special storm water criteria required to be met as a part of this application, and they have listed a number of those techniques on the Master Plan.

The applicant has also incorporated a number of design components from the LEED certification criteria, and those points are shown on the Master Plan. The applicant has included a provision in the contract with their builders that the building become LEED certified, so many of the design components have followed closely with those principles.

### **Public Utilities**

This parcel is currently served by public water and sewer.

**Staff Comments:** JCSA staff has reviewed the application and concurs with the Master Plan and proposed conditions. A water conservation condition has been placed on the application, and prior to final site plan approval the applicant is responsible for submitting water conservation standards for review and approval by the JCSA.

### **Transportation**

The Police headquarters is expected to generate approximately 61 a.m. and p.m. peak hour trips. VDOT has stated that this project will not adversely impact the surrounding roadway network. A number of intersection improvements have already been completed at the Opportunity Way and Centerville Road intersection. No

additional intersection improvements are proposed as a part of this application. The applicant is proposing two entrances on the site. The first entrance, as you enter from Centerville Road, will be served by a right-in and right-out to serve the main entrance to the Police building. A second entrance will be located further up Opportunity Way and will be served by a full entrance with both left and right movements onto the main road.

**VDOT Comments:** VDOT staff has reviewed the application and concurs with the Master Plan as proposed.

## COMPREHENSIVE PLAN

### Land Use Map

Designation	<p>Mixed-Use-Lightfoot area (Page 127): Recommended uses for Lightfoot Mixed-Use in this area include a mixture of public uses and commercial, office, and limited industrial in support of the relocated Williamsburg Community Hospital.</p> <p><b>Staff Comment:</b> The Police headquarters is a public use, and also complements the other public uses in the area (Warhill High School and Wahill Sports Complex, as well as TNCC), and therefore is in conformance with the recommended uses of the Comprehensive Plan.</p>
Development Standards	<p><i>General Land Use Standard #1-Page 134:</i> Permit new development only where such developments are compatible with the character of adjoining uses and where the impacts of such new developments can be adequately addressed. Particular attention should be given to addressing such impacts as incompatible development intensity and design, building height and scale, land uses, smoke, noise, dust, odor, vibration, light, and traffic.</p> <p><i>General Land Use Standard #4-Page 134:</i> Protect environmentally sensitive resources including the Powhatan Creek and other sensitive resources by locating conflicting uses away from such resources and utilizing design features, including building and site design, buffers and screening to adequately protect the resource.</p> <p><b>Staff Comment:</b> The Opportunity Way corridor also contains the Thomas Nelson Community College campus, as well as Warhill High School and the Warhill Sports Complex. The new Police headquarters will complement all of these buildings in terms of size, scale, and architectural design. The submitted elevations demonstrate a building with unique architectural features that will serve as a visually aesthetic focal point upon turning onto Opportunity Way from Centerville Road.</p> <p>The applicant has acknowledged this site as being situated in the Powhatan Creek watershed and has demonstrated a number of possible techniques to meet the special storm water criteria requirements. The applicant has also committed to obtaining LEED certification for the building and a number of those design techniques have been shown on the Master Plan. Staff believes all of the Development Standards are being met and exceeded as a part of this application.</p>
Goals, strategies and actions	<p><i>Strategy #2-Page 138:</i> Ensure development is compatible in scale, size, and location to surrounding existing and planned development. Protect uses of different intensities through buffers, access control, and other methods.</p> <p><i>Strategy #6-Page 138:</i> Promote the use of land consistent with the capacity of existing and planned public facilities and services and the County's ability to provide such facilities and services.</p> <p><b>Staff Comment:</b> The building has been placed towards the front of the parcel with all of the parking and vehicle storage to the rear of the property. There are few existing trees along the frontage of the property along Opportunity Way, so orienting the building as shown allows for the maximum protection of existing vegetation along the rear of the property which will better screen the use from adjacent properties. Having the building along the frontage also allows the police to have a secured parking area for their vehicles and impounded vehicles screened from public view along Opportunity Way. Because of this design, staff finds that the Police headquarters are more visually aesthetic for those visiting the site and also provides the most mitigation for adjacent property owners.</p>

## Public Facilities

Public Facility Standards	<p><i>Standards (page 29):</i></p> <ul style="list-style-type: none"> <li>• The quantity and quality of facilities will be maintained in relation to the population size and demand.</li> <li>• The location of public facilities should be close to the greatest number of people served, where appropriate.</li> </ul> <p><i>Public Safety: Law Enforcement (page 30):</i></p> <ul style="list-style-type: none"> <li>• Maintain an average response time for high priority calls to within seven minutes.</li> <li>• Construct any new police stations on a minimum of two acres in order to provide the necessary minimum station square footage for civilian personnel, sworn officers, equipment, and department and visitor vehicles.</li> <li>• Locate any new police stations in areas that allow police to meet community service needs with good access to all parts of the service area; and provide adequate parking for police, employees, and visitors.</li> </ul> <p><b>Staff Comment:</b> The existing Law Enforcement Center is located along John Tyler Highway and is no longer large enough to support the growing Police Department in the County. The proposed Police headquarters will be located in a more central location in the County, off of Centerville Road, and will be closer to the upper County which has seen population growth in recent years.</p> <p>The new Police headquarters will allow for both onsite storage of Police vehicles as well as impounded vehicles and specialty storage. Furthermore, the building has been designed in a way that will allow for future expansion should it be necessary in the future. The Police provide an invaluable service to the County and the new Police headquarters will be vital to their continued success in the protection of the growing population.</p>
Goals, strategies and actions	<p><i>Strategy #4-Page 31:</i> Design facilities to accommodate future expansion.</p> <p><i>Strategy #5-Page 32:</i> Design facilities to allow for maximum site utilization while providing optimum service to, and compatibility with, the surrounding community.</p> <p><i>Action #6-Page 32:</i> Evaluate all proposed public facilities for potential impacts and provide buffering and mitigation equal to or greater than required under County ordinances.</p> <p><b>Staff Comment:</b> As discussed previously, the Police headquarters provides for all of the needs of the department and serves as a one-stop-shop for the community. Many of the functions of the Police department have been spread across the County. A number of different units are housed in fire stations or rented space, because the existing Law Enforcement Center is not large enough to accommodate them. This site has been arranged in a way that will allow for future building expansion should it be necessary, and the building, as shown, will be able to accommodate department growth well into the future.</p> <p>Site design has been oriented in a way that uses the existing vegetation in the rear of the property to effectively screen the use from adjacent properties, while the front of the site has been oriented so the building is the prominent design feature with the parking screened from public view.</p>

## Environment

General	<p><i>Action #3 (page 65):</i> Ensure that development projects, including those initiated by the County, are consistent with the protection of environmentally sensitive areas and the maintenance of the County’s overall environmental quality.</p> <p><i>Action #18 (page 67):</i> Fully implement the watershed protection and restoration goals and priorities identified in the Powhatan Creek Watershed Management Plan adopted by the Board of Supervisors in 2002.</p> <p><i>Action #22 (page 67):</i> Promote the use of LEED (Leadership in Energy and Environmental Design) “green building” techniques as a means of developing energy and water efficient buildings and landscapes.</p> <p><b>Staff Comment:</b> The applicant has committed to site design that protects environmentally sensitive features of the Powhatan Creek watershed, and furthermore, has committed to designs that will achieve LEED certification. The builder has a clause in their contract that requires at least Silver certification for the building upon completion.</p>
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### **Comprehensive Plan Staff Comments**

Overall, this application, as proposed, is in general compliance with the Comprehensive Plan. Given the existing surrounding uses, the architectural design, and the LEED certification design techniques, staff believes the Police headquarters will complement the community. Site design has been oriented in a way that uses the existing vegetation in the rear of the property to effectively screen the use from adjacent properties, while the front of the site has been oriented so the building is the prominent design feature with the parking screened from public view. Additionally, staff believes proposed conditions 3, 4, 5, and 7 adequately mitigate its objectionable features.

### **RECOMMENDATION**

Staff finds the proposal, with the below conditions, to be generally consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. The Police headquarters provides a valuable service to the County and its' central location will make it more convenient for the community. Additionally, the proposed conditions will help mitigate the impacts of the headquarters and similar architectural design to nearby buildings (TNCC and Warhill HS) will help the facility blend in with the community. Staff recommends the Planning Commission recommend approval of the special use permit application to the Board of Supervisors with the following conditions:

1. This SUP shall be valid for the operation of the JCC Police Headquarters and accessory uses thereto as shown on the Master Plan titled "Special Use Permit Master Plan JCC Police Headquarters" dated August 24, 2009 (the "Master Plan"). The Police Headquarters shall be located at 4600 Opportunity Way, further identified as JCC Real Estate Tax Map No. 3210100016 ("Property"). Development of the site shall be generally in accordance with the Master Plan as determined by the Director of Planning. Minor changes may be permitted by the Development Review Committee (DRC), as long as they do not change the basic concept or character of the development.
3. All exterior site or building lighting shall have recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from any side. Fixtures, which are horizontally mounted on poles, shall not exceed 30 feet in height. No glare defined as 0.1 footcandle or higher, shall extend outside the property lines.
4. The Police Headquarters shall be developed in a manner that maximizes the buffering effects of trees. Tree clearing shall be limited to the minimum necessary to accommodate the Police Headquarters and related facilities. A screening and landscaping plan shall be provided for approval by the Director of Planning or his designee prior to final site plan approval.
5. The fencing used to enclose the area shall be vinyl-coated and shall be dark green or black in color, or shall be another fencing material of superior aesthetic quality as approved by the Planning Director. Any fencing shall be reviewed and approved by the Director of Planning prior to final site plan approval.
6. The applicant shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (the "JCSA") prior to final development plan approval. The standards shall include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought resistant native and other adopted low water use landscaping materials and warm season turf where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.

7. Prior to final site plan approval, the Planning Director shall review and approve the final building materials and colors for consistency with renderings entitled, “Proposed James City County Police Headquarters”, and dated August 24, 2009.
8. If construction has not commenced on this project within twenty-four (24) months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
9. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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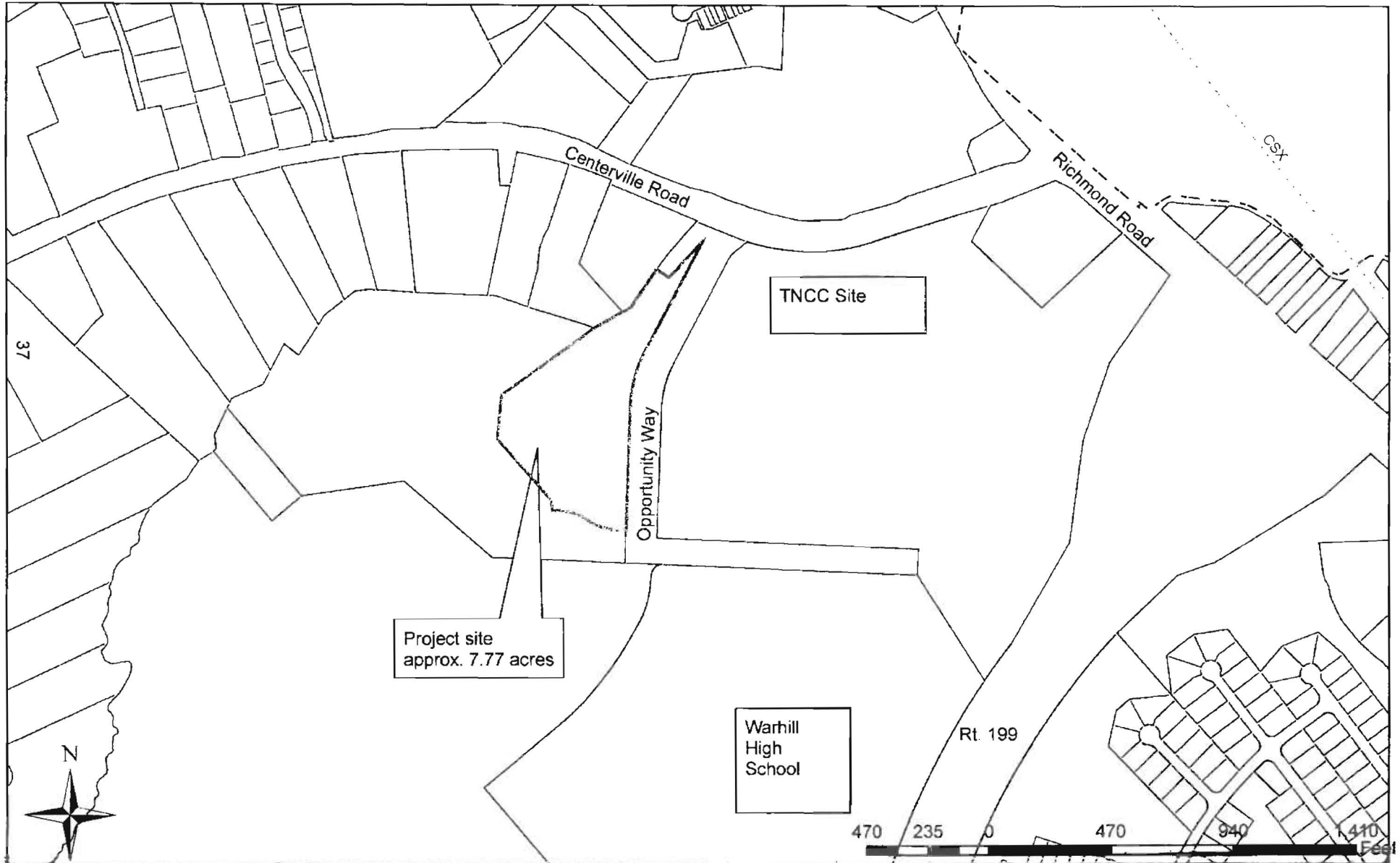
Jason Purse, Senior Planner

ATTACHMENTS:

1. Location Map
2. Master Plan
3. Architectural Elevations

# SUP-0016-2009

## JCC Police Headquarters



PLANNING DIRECTOR'S REPORT  
September 2009

This report summarizes the status of selected Planning Division activities during the past month.

- **New Town.** The Design Review Board did not hold a meeting in August. Some additional information and revisions to elevations for one of the single-family detached lots were distributed via e-mail and will be voted on electronically.
- **Policy Committee Meetings.** No additional Committee meetings have been scheduled.
- **Comprehensive Plan.** Four work sessions with the Planning Commission were held during the month of August. These meetings included initial discussion on each section of the plan and the beginning of staff responses to Commissioner comments. Additionally, a subcommittee was formed and held one meeting to work towards drafting an Executive Summary. The Commission has a work session scheduled for September 14 from 4-6 p.m. and a special public hearing scheduled for September 30 at 6:30 p.m.
- **Training.** Staff is taking advantage of free webinars that are available from the American Planning Association. Alternative energy was the topic in August, and September's seminars include multi-model transportation planning and creating truly collaborative planning.
- **Monthly Case Report.** For a list of all cases received in the last month, please see the attached document.
- **Board Action Results** – August 11<sup>th</sup>  
No cases were heard.

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Allen J. Murphy, Jr.

Case Type	Case Number	Case Title	Address	Description	Planner	District
Conceptual Plans	C-0040-2009	Retail Store Two Rivers Road		Applicant proposes 300 square foot retail store, selling primarily food items	Jose Ribeiro	
	C-0041-2009	Mosby Apartments	709 MOSBY DRIVE	New 2 story, 6-8 unit multi-family dwelling unit at the rear of the 15,375 s.f. lot, which contains a 1 story single family home.	Sarah Propst	Roberts
	C-0042-2009	Warhill Community Gym	5700 WARHILL TRAIL	Addition of a 32,000s.f. gym and associated sitework at Warhill Sports Complex	Jason Purse	Powhatan
	C-0043-2009	King of Glory Lutheran Church	4881 LONGHILL ROAD	Building renovations to comply with building code modification and change of use	Jose Ribeiro	Powhatan
	C-0044-2009	Lamplighter Driveway	1326 JAMESTOWN ROAD	Relocation of existing Lamplighter antiques entrance to align with proposed design plans for signal at Colony Square Shopping Center.	Leanne Reidenbach	Jamestown
	C-0045-2009	Bernfeld Family Subdivision King Henry Way	140 KING HENRY WAY	Single family subdivision on a .3 acre lot on King Henry way	Luke Vinciguerra	Berkley
Rezoning	Z-0003-2009	Freedom Market	5534 CENTERVILLE RD	Convenience store with fuel sales	Luke Vinciguerra	Powhatan
Site Plan	SP-0068-2009	Stonehouse Irrigation Ph. 1	9451 FIELDSTONE PARKWAY	Installation of a pump station and irrigation line	Sarah Propst	Stonehouse
	SP-0069-2009	Weatherly at White Hall SP Amend #2	3225 OLD STAGE ROAD	Revised building footprints and revised soft trail	Leanne Reidenbach	Stonehouse
	SP-0070-2009	Va Grounds LLC Gasoline Tank Relocation	134 POWHATAN SPRINGS ROAD	Requesting to relocate two gasoline tanks from beside building to the rear of the property	Terry Costello	Berkley
	SP-0071-2009	Warhill Community Gymnasium	5700 WARHILL TRAIL	Project includes a new gymnasium, pedestrian walkways, maintenance access road, water and sewer connections	Jason Purse	Powhatan
	SP-0072-2009	Relocation of Access Road, Greensprings West Phase IVB and V		This modification involves the relocation of the ten foot wide BMP access road and associated twenty foot maintenance and access easement from the proposed design plan location between lot 291 and the bmp, to a new location between lots 288-289.	Kathryn Sipes	



Site Plan	SP-0073-2009	Busch Gardens Sesame Shade SP Amend	7851 POCAHONTAS TR	Add 13 small shade structures to the Sesame Forest area. All locations are paved from earlier project	Brian Elmore	Roberts
	SP-0074-2009	Nick's Lawn Care	8231 RICHMOND ROAD	To construct a lawn equipment sales and repair business	Jose Ribeiro	Stonehouse
	SP-0076-2009	Michelle Point SP Amend.	9001 BARHAMSVILLE RD	Interior lot light adjustment for one of the townhouses in Michelle Pt	Luke Vinciguerra	Stonehouse
Special Use Permit	SUP-0014-2009	Chickahominy Riverfront Park - Changes to the RV Loop	1350 JOHN TYLER HGWY	Complete the master plan of the park as per the approved Shaping our Shores Plan, and to accomodate chagnes to the RV Loop.	Leanne Reidenbach	Berkley
	SUP-0015-2009	Sunrise Food Mart Drive Thru	4854 LONGHILL ROAD	Applicant proposes a drive thru window for Dunkin Donuts business within existing convience store	Kathryn Sipes	Powhatan
	SUP-0016-2009	James City County Police Department Facility	4600 OPPORTUNITY WAY	This application requires an SUP because it proposes a government building over 30,000 sq. ft. The Police headquarters will consist of a building approximately 47,000 sq. ft.	Jason Purse	Powhatan
	SUP-0017-2009	Freedom Market	5534 CENTERVILLE RD	Convenience store with fuel sales	Luke Vinciguerra	Powhatan
	SUP-0018-2009	Robinson Family Subdivision	8788 RICHMOND ROAD	Family subdivision to create a one-acre lot	Jose Ribeiro	Stonehouse
	SUP-0019-2009	Treasure Island Wireless Tower	1700 TREASURE ISLAND RD	To construct and operate a 120 foot 'slick-stick' wireless communications facility with a 4 foot lightning rod, together with related communications equipment in a portion of the Gospel Spreading Church AFD.	Sarah Propst	Roberts
Subdivision	S-0043-2009	Stewarts Road Subdivision	1018 STEWARTS ROAD	Of the 17.3 acre parcel, applicant proposes subdividing lot into one 13.83 acre parcel and one other at 3.47 acres	Kathryn Sipes	Stonehouse
	S-0044-2009	Scruggs Family Trust 1	4391 CEDAR POINT LN	Creating one new lot from Scruggs Family Trust property	Jason Purse	Stonehouse
	S-0045-2009	Scruggs Family Trust 2	4388 CEDAR POINT LN	Creating one new lot from Scruggs Family Trust property	Luke Vinciguerra	Stonehouse
	S-0046-2009	Sadie Lee Taylor Lots 4 & 9	8735 POCAHONTAS TR	Final plat of 5 lots on 2.226 acres	Jose Ribeiro	Roberts
	S-0047-2009	Reid BLA on Pocahontas Trail	8526 POCAHONTAS TR	Adjusting property lines between three adjacent parcels	Sarah Propst	Roberts
	S-0048-2009	Stonehouse Tract 12	9451 FIELDSTONE PARKWAY	57 single family residential lots located between Fieldstone Parkway and Stonehouse Glen	Leanne Reidenbach	Stonehouse

Subdivision	S-0050-2009	Colonial Heritage Brafferton Road BLA & BLE	4204 BRAFFERTON RD	Adjusting or extinguishing 20 boundary lines along Brafferton Road	Kathryn Sipes	Stonehouse
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