

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
JANUARY 13, 2010 - 7:00 p.m.

1. ROLL CALL
2. PUBLIC COMMENT
3. MINUTES
 - A. December 2, 2009 Regular Meeting
4. COMMITTEE AND COMMISSION REPORTS
 - A. Development Review Committee (DRC)
 - B. Policy Committee
 - C. Other Committee/Commission Reports
5. PLANNING COMMISSION CONSIDERATIONS
 - A. Planning Commission Bylaws
6. PUBLIC HEARINGS
 - A. Z-0002-2009 / MP-0002-2009 Governor's Grove Section III - Proffer and Master Plan Amendment (Applicant requests deferral)
 - B. Z-0004-2009 School Operations Center Parking
 - C. ZO-0004-2009 SUP Use List for Limited Business (LB) and General Business (B1) Zoning Districts
7. PLANNING DIRECTOR'S REPORT
8. COMMISSION DISCUSSIONS AND REQUESTS
9. ADJOURNMENT

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SECOND DAY OF DECEMBER, 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:

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

Staff Present:

Allen Murphy, Director of Planning/Assistant
Development Manager
Adam Kinsman, Deputy County Attorney
Chris Johnson, Principal Planner
Jason Purse, Senior Planner
Terry Costello, Development Management Assistant

Mr. Rich Krapf called the meeting to order at 7:00 p.m.

2. PUBLIC COMMENTS

Mr. Krapf opened the public hearing session.

Mr. Robert Richardson, of 2786 Lake Powell Road, expressed his concerns about the case, Autumn West that was heard the previous evening at the DRC meeting. He felt that citizens were not given enough time to review the revisions to the proposal. He stated that the plans were made available to the public on Tuesday, November 24, 2009, and the DRC meeting was held Tuesday, December 1, 2009. Mr. Richardson stated that the Code provides for five working days for the plans to be reviewed. He requested that the full Planning Commission review the presentation that he made at the DRC meeting. He felt that the applicant should have made the request for a deferral and be required to pay the \$350 deferral fee. Mr. Richardson felt that it was not the fault of the DRC that the applicant came unprepared and that the application was inaccurate, incomplete, and amended continuously. He felt this may be an example of why some citizens state that they do not trust local government when completing a survey.

Mr. Krapf closed the public comment period.

3. MINUTES

A. September 30, 2009 Special Worksession

Ms. Deborah Kratter expressed her concerns about the method in which the public comments are written in the minutes. She felt that the way the minutes are normally written, it appears that the Planning Commission is adopting some of the assertions made by those who comment. She suggested indenting or putting quotation marks around those comments that are made at the meetings. Ms. Kratter volunteered to work with staff on improving the minutes.

Mr. Chris Henderson stated that he felt Ms. Kratter brought up an important issue and maybe the just the topic the speaker is speaking on should be listed, rather than the individual statements.

Mr. Allen Murphy stated that there was a variety of ways to do the minutes and that staff would be willing to change or accommodate what the Planning Commission decides.

Mr. Henderson suggested that this matter be referred to the Policy Committee.

The Commission agreed.

Ms. Kratter suggested deferring the September 30, 2009 special work session meetings until this matter is decided. She moved for deferral until the Planning Commission decides on the method to handle minutes with public comment.

Mr. Joe Poole seconded the motion and stated that he felt the speaker's comment should be captured within quotation marks or some other way to separate it out from the rest of the minutes.

In a voice vote, the motion was approved. (7-0)

B. November 4, 2009 Regular Meeting

Mr. Poole moved for approval of the minutes with a second from Mr. Henderson.

In a voice vote the motion was approved. (7-0)

4. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee (DRC)

Mr. Poole stated that the Development Review Committee (DRC) reviewed three cases on December 1, 2009. The first, SP-0071-2009, Warhill Community Gymnasium, was reviewed for exterior elevations and building materials. No formal action was required or taken. Comments concerning the perimeter landscaping were made by the Committee. The second case was SP-0064-2008, Autumn West Townhomes. After discussions about the environmental impacts and landscaping concerns, the Committee unanimously recommended deferral to allow the applicant time to further refine submitted documents. Mr. Poole stated that all DRC members have been requested to submit specific concerns to staff to provide the applicant.

There were also two discussion matters. The first was an expansion to Building 900 in New Town by approximately 12,400 square feet with a 3,000 square foot mezzanine to accommodate a fitness center. The expansion would eliminate 50 parking spaces behind the building so the DRC was asked to review the proposal in light of their role in reviewing regular shared parking updates. Mr. Poole stated the DRC reviewed and discussed this conceptual plan.

The second conceptual plan was Williamsburg Crossing, Parcel 24, Zaxby's Restaurant. Preliminary plans for a 3,900 square foot fast food restaurant were reviewed and discussed for use in this B-1 Zoning District and a use consistent with the Williamsburg Crossing master plan. Suggestions were made to the applicant and it was noted that a formal plan review will take place in the future.

Mr. Henderson complimented Mr. Poole on administering the DRC meeting from the previous day due to the amount of public comment that was heard. He stated it was important that the public have confidence in the DRC's review of proposals. He felt that the correct decision was made to ask for the deferral to allow more time for administrative and public review.

Ms. Kratter asked if the Commission should consider charging the applicant the deferral fee of \$350 as was suggested by the speaker during the opening public comment period.

Mr. Poole stated that it was the DRC that requested the deferral so he was unsure as to whether the applicant should be subjected to the deferral fee.

Ms. Kratter suggested that it might be an option if it was due to the applicant's inability to produce the documents needed to make a decision on the case.

Mr. Fraley stated that it was probably not appropriate in this case since the DRC requested the deferral, not the applicant.

Mr. Krapf noted that staff has been working with the applicant on this case for a year and a half. It was the DRC members that requested additional time to review the application. He felt that the request was not due to any action taken by the applicant.

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

In a unanimous voice vote, the report was approved (7-0)

B. Policy Committee

Mr. Henderson stated the Committee met in November to discuss the by-laws. The Committee has received input from the County Attorney's office and will be meeting on December 10, 2009 at 4:00 pm in Building A at the Government Complex to discuss CIP issues in addition to continuing the discussion on the by-laws and external communications. Mr. Henderson stated he will add to the agenda a discussion on how to handle public comments in the minutes.

Mr. Adam Kinsman stated that pursuant to the current by-laws, thirty day notice needs to be given to the Commission before anything new is adopted. He stated that this serves as the thirty day notice and should any changes be proposed to the by-laws, they will be discussed at the January Planning Commission meeting.

Mr. Poole moved for approval of the Policy Committee report with a second from Mr. Peck.

In a voice vote, the report was approved. (7-0)

C. Other Reports

There were no other reports.

5. PLANNING COMMISSION CONSIDERATIONS

A. Initiating Resolution – Initiation of a Zoning Ordinance Amendment to change SUP uses to permitted uses

Mr. Jason Purse stated that staff had previously brought forward Zoning Ordinance amendments that dealt with permitted and specially permitted uses. At that time, the Board of Supervisors approved a portion of the proposed changes. At the direction of the Board of Supervisors, staff is reintroducing the remainder of the changes. Mr. Purse stated that since no other changes are being proposed, and the Policy Committee and Planning Commission voted on the previous changes, staff will be bringing these changes to the January Planning Commission meeting. Staff recommended that the Planning Commission adopt this resolution to initiate consideration of these amendments to the Zoning Ordinance.

Ms. Kratter asked if the individual items that will be considered will be open until they are considered by the Planning Commission in January. She also asked if what is being considered was a limitation on what the Commission must or must not do.

Mr. Purse answered yes it will be open and that the ordinance list will have the sections that are under review, but not the specific uses.

Mr. Henderson moved for approval of the initiating resolution, with a second from Ms. Kratter.

In a unanimous voice vote, the initiating resolution was approved (7-0)

6. PUBLIC HEARINGS

A. 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 January 13, 2010 Planning Commission meeting.

Mr. Krapf continued the public hearing to January 13, 2010.

B. SO-0001-2009 Subdivision Ordinance Amendment - To amend Section 19-26 of the Subdivision Ordinance to extend the term of validity for recording a final subdivision Plat

Mr. Chris Johnson stated that at the November Planning Commission meeting, the Commission adopted an initiating resolution to allow staff to pursue an amendment to Section 1-26 of the Subdivision Ordinance to extend the term of validity for preliminary approval of a subdivision plan. This will bring the County Code in conformance with the Virginia State Code. He stated the current Subdivision Ordinance states that a subdivider has no more than one year from the date of preliminary approval to record a final subdivision plat or seek an extension of preliminary approval. The State Code notes that once a preliminary plan has been approved, it shall be valid for a period of five years, providing the subdivider submits for all or a portion of the property within one year of such approval and diligently seeks approval of the final plat. Mr. Johnson stated that staff recommends that the Planning Commission recommend approval of the ordinance amendment to the Board of Supervisors.

Ms. Kratter asked if the County was required to make this change.

Mr. Johnson stated it is not mandated by the State, but given the inconsistencies between the County Ordinance and State Code, it is a potential conflict. By not changing it, it could put the County in a position to defend its ordinances that are not consistent with the State Code. The County would be obligated to follow the time frame in the State Code.

Ms. Kratter stated that she thought that the language in the State Code could be improved and wanted to make sure that everyone was aware that it was not staff's language that was used; it was taken from the State Code.

Mr. Murphy stated that the language in the Code does create a mandate for this change. He stated that the County has to comply.

Mr. Krapf opened the public hearing.

Mr. Robert Richardson, of 2786 Lake Powell Road, questioned whether the County could use sunset clauses for certain situations. He was asking for clarification. He would like to see some discussion on what "diligently" means when referencing the applicant pursuing final approval of a plat.

Mr. Krapf closed the public comment period.

Mr. Kinsman stated that there is a conditional use permit for Autumn West. He stated that based on case law, sunset clauses are difficult when it comes to conditional use permits. A conditional use permit is a change in zoning of a particular parcel which is attached to the land. A sunset clause is a time based notion. There could be a contradiction between a land-based issue and a time sensitive issue. He stated that sunset clauses are looked at unfavorably in the courts and are more applicable to temporary uses. Mr. Kinsman stated that the Virginia Code

defines “diligently” as “that the subdivider has incurred extensive obligations or substantial expenses relating to the final subdivision plat or modifications thereto.”

Ms. Kratter asked if there was a way to create sunset provisions that would meet the provisions of State Code.

Mr. Kinsman stated he did not believe there was a way to create a sunset clause with regards to conditional use permits.

Mr. George Billups asked if the update to the Zoning Ordinance was to take place now that the Comprehensive Plan was adopted. He noted that it might be worth adding something more specific with regards to the requirements of “diligently pursuing final approval.” He asked if there were any benchmarks that could be set up to make this more specific.

Mr. Kinsman answered that the County needs to adhere to the definition in the State Code. He stated that there is an effort to update the Zoning Ordinance now that the Comprehensive Plan is adopted so hopefully everything will be up to date.

Mr. Poole moved for approval with a second from Mr. Peck.

In a roll call vote the motion was approved. (7-0, AYE: Henderson, Billups, Poole, Fraley, Kratter, Peck, Krapf)

C. SUP-0024-2009 Hospice House Wireless Communications Facility Tower

Mr. Poole stated that due to his affiliation as a member of the Board of Directors for Hospice House, he will be abstaining from voting on this proposal.

Mr. Purse stated that Ms. Gloria Freye has applied for a Special Use Permit to allow for the construction of a 124 foot wireless communications facility located at 4445 Powhatan Parkway. The parcel is zoned R8, Rural Residential, and has a Comprehensive Plan designation of Low Density Residential and Conservation Area. The proposed tower would be located on the same parcel as the Hospice House of Williamsburg, which is located internal to the Powhatan Secondary subdivision. The proposed site of the tower will be located in a low-lying area near the Resource Protection Area (RPA). The applicant is proposing a 100 foot buffer around the tower site that will remain undisturbed, except for the tower site and the access road. The applicant is offering to provide additional buffers to screen the access drive and has proposed to preserve the berm in front of the Hospice House. The trees surrounding the site are between 60 and 70 feet in height. The proposed tower is approximately 200 feet from the Hospice House and approximately 490 feet from the closest home in the Powhatan Secondary Subdivision. The closest home in Ford’s Colony appears to be approximately 550 feet away to the north.

The combination of topography, tree cover, and the distance from the site to the neighborhood makes the proposed tower visible from a number of locations in Powhatan Secondary, including Powhatan Parkway, West Providence Road, East Providence Road, Cold Spring Road, Old Regency Road, Powhatan Secondary, Settlers Mill Crossing, and parts of

Pleasant View Drive. The tower is not anticipated to be visible from any of the streets in Ford's Colony, but the applicant was informed by at least two property owners that it was visible from their backyards.

Performance Standards indicate that towers should be compatible with the use, scale, height, size, design, and character of surrounding existing and future uses. Because of the topographical changes between different phases, some of the homes are at a grade near the tops of the trees on the Hospice House property and will therefore be looking directly at the tower.

While the applicant has researched a number of potential sites in this part of the County and has demonstrated a need for additional coverage, the proposed tower will have a visual impact on the surrounding area. Because of this, the application is not in compliance with the Comprehensive Plan and does not meet the Board of Supervisors adopted Performance Standards for Wireless Communications Facilities. Staff recommends that the Planning Commission recommend denial of this application to the Board of Supervisors. Mr. Purse stated that should the Planning Commission wish to recommend approval of this application, staff recommends including the conditions attached to the staff report.

Mr. Krapf opened the public hearing

Ms. Gloria Freye of McGuire Woods gave a presentation on behalf of the applicant, Ntelos. Representatives from Ntelos were also present for questions. Ms. Freye showed pictures of the tower, which is a slick stick design. She showed diagrams of the areas that are currently covered by Ntelos and the area where the proposed tower would cover. She stated that additional coverage is needed due to the fact that there are more cell phone-only users than land line-only users. Individuals use their cell phones for wireless services, internet connections and wireless data. Ms. Freye stated that residents in Powhatan Secondary and Ford's Colony expressed their concerns about getting more reliable wireless coverage. She stated that AT&T and Sprint will be co-locating at this proposed tower and have the same issues regarding gaps in coverage. She stated that research has been done as to what would be the best site with the most coverage and it was determined that the Hospice site was the best location. Ms. Freye noted that there are difficulties in finding a site that is close enough to neighborhoods for service and on a site that is non-residential in use and has adequate buffers. She stated that this site comes the closest to substantially meeting the County's wireless communications goals, guidelines, and standards.

The Hospice House property is approximately eleven acres, heavily wooded, and is separated from the residential neighborhood by RPA and a common stormwater area, neither of which can be developed. This site meets the coverage needs of three providers. The pole would also be located in the woods and the wires would all be self-contained. Ms. Freye stated that the residents who have a view of the pole are in the minority compared to the residents who have no view and are being served by the wireless carriers. The pole will be a stealth design. She stated that Ntelos met with and gave demonstrations to the residents of Powhatan Secondary and Ford's Colony. She also stated that all of the revenues generated by the tower would be going to Hospice House. Ms. Freye requested that the Planning Commission recommend approval of the application to the Board of Supervisors with the attached conditions that staff has provided.

Mr. Fraley expressed his appreciation for the public meetings that the applicant had held. He stated that when discussing towers he felt it was important to discuss service and the level of service as opposed to coverage. He felt it would be helpful to know the service and the level of service that will be provided by the proposed tower. He felt it was important to display the simulations with the leaves off of the trees. Mr. Fraley asked if there were any considerations given to alternative distribution systems that might be less obtrusive.

Ms. Freye answered that those systems such as Distribution Antenna System (DAS), are not designed to take the place of a main facility. They are designed for areas where there may be tall buildings or utility poles where antennas and cells can be attached. These types of systems will not work for Powhatan Secondary or Ford's Colony because there are no poles or structures to which to affix the antennas.

Mr. Fraley suggested a system where the poles would be much smaller and connected through fiber optics.

Ms. Freye stated that it was her understanding that the utilities in Powhatan Secondary and Ford's Colony were underground, and that a system such as this would introduce many poles above ground, as opposed to one pole that is proposed in this application.

Mr. Fraley stated that he believed that Ford's Colony could probably be served by three or four smaller poles that would fit in the tree line and would be less noticeable.

Mr. Henderson stated that he believed that the homeowners' association (HOA) at Ford's Colony had adopted a wireless policy that had identified some sites for antenna locations. He asked whether any of these locations were suggested by Ford's Colony, the HOA, or Realtec.

Ms. Freye stated that all the carriers involved were in discussion with Ford's Colony, but could not come to an agreement for a site that would work.

Ms. Kratter stated that the HOA had looked at some sites, but there were none that were determined as suitable.

Ms. Freye stated that this process has taken four years, but stated that due to topography, the site at the Hospice House was determined to be the best suitable. All three carriers were involved in this process. She further stated that this site meets all of the County's standards.

Mr. Henderson mentioned a prior application that was at the Windsor Meade Marketplace, which was withdrawn. He asked if there was any knowledge of the application since it was to serve the same general area that this proposal is attempting to serve.

Ms. Freye answered that she was aware of that proposal and that a representative from AT&T was present and will speak to that previous application.

Ms. Lisa Murphy spoke on behalf of AT&T. She stated that the proposal at Windsor

Meade Marketplace was withdrawn because the original developer placed a restrictive covenant that would have required the developer's approval of anything over a certain height. In this case, the developer was not willing to grant the waiver.

Mr. Henderson noted that it would be helpful to have some of the sites that were investigated as being potential candidates for the cell tower, and the comparisons why the current proposed site was more suitable.

Ms. Freye mentioned the sites that were also reviewed as being potential locations. These included the radio tower site on Monticello Avenue, James City Service Authority water tank on Longhill Road, property on Windsor Meade Way, existing towers at 1118 Ironbound Road, Eastern State Hospital property at 4601 Ironbound Road, Virginia United Methodist Homes on Windsor Meade Way, Ford's Colony sites, Powhatan Enterprises at Powhatan Parkway, Granger property on Centerville Road, property at New Town, property at AIG Baker, property on Casey Boulevard, News Company on Monticello Avenue, James City County Mid-County Park, Monticello Marketplace Associates, property located at 4409 Powhatan Parkway, and property at the Hospice House.

Ms. Lisa Murphy spoke on behalf of AT&T. She displayed maps of existing sites for AT&T. She also displayed maps on coverage areas and how this proposed tower would service AT&T and fill a gap in coverage. She stated that with co-locating on this tower, there was a large area that would now have "in-building" service. Ms. Murphy showed what the tower would look like as a slick stick. She stated that the feedback that AT&T has received from citizens is that the slick stick design is more preferred over other designs.

Ms. Connie B Reitz, 4048 Powhatan Secondary, stated that her home is one of the ones that will have the most impact should this application be approved. She stated that she prefers the slick stick design if it is approved. She would like to know how many customers this tower will serve if this application is approved.

Mr. John Reitz, 4048 Powhatan Secondary, stated that the Hospice House is a wonderful organization. From his residence, they will be looking directly at the top of the tower. He hopes that the Planning Commission considers the concerns of the residents in the area when making their decision.

Mr. Aaron Small, 108 Ewell Place, stated that he represented the Board of the Powhatan Community Services Association. He stated that approximately 10% of the 850 homeowners would be able to view the tower. He stated that some of the homeowners have concerns regarding the height of the tower, the area around the tower that will be disturbed, potential health concerns relating to a tower, and the ability to view the access road to the tower. He also stated that a petition against the tower has been signed by over 200 residents. He showed pictures of the tower that would be visible from some of the homes. Mr. Small stated that the Board of Directors for the Powhatan Community Services Association unanimously voted in opposition to this proposal.

Ms. Beth Emerson, 4052 Powhatan Secondary, stated that the proposed tower will be

visible from every room in the back of their home. She was disappointed that the meeting scheduled between the applicant and the homeowners was scheduled during a storm and most residents were not able to attend, nor was it rescheduled. She expressed her concerns of the destruction of trees, disturbance of wildlife, and the destruction of the view shed.

Mr. Lawrence Beamer, 110 Powhatan Overlook, stated he did not feel that property values would be affected by this cell tower. He suggested that the Hospice House site would be a good site for the tower. He believes that the tower will be visible but that the design lends itself not to be so obtrusive. He would like to see this proposal approved.

Mr. Jim Easton, the Chairman of the Board of Directors for Hospice House, spoke on behalf of this application. He explained the level of consideration, preparation, and research that went into this proposal. He stated that the revenue that would be generated would greatly help their operations. He stated that due to limited resources, revenue such as this would take on a higher level of importance.

Ms. Cathy Chambers, a realtor in the James City County area, stated she is a resident of 4063 Powhatan Secondary. This tower will be visible from her home. She would not purchase a home knowing that a cell tower would be nearby.

Mr. Krapf closed the public hearing.

Mr. Fraley stated his concerns about dealing with cell towers on an individual basis. He expressed the need for a master plan for cell towers for the County. He stated that in the updated Comprehensive Plan there is an action item that states the need for a master plan. Mr. Fraley would like to explore the options of other types of services, which may be more costly. He stated that there are ways to obtain coverage with unobtrusive towers. He expressed the need to explore other wireless communications needs such as medical and emergency services. He agrees that the slick stick design is less obtrusive than other designs. Mr. Fraley stated that with this particular proposal, he does find that the proposed tower will be intrusive to the surrounding communities. He felt that this proposal is not compatible with the surrounding areas. He expressed his concerns over the disturbance of the land. Mr. Fraley agrees with staff's recommendation for denial.

Mr. Krapf felt that this proposal is not in compliance with the Comprehensive Plan nor does it follow the standards for wireless communication facilities as adopted by the Board of Supervisors. He felt it was intrusive on the viewshed of a number of citizens near the site. He agreed for the need for a master plan for communication towers. He also supports staff's recommendation.

Mr. Billups stated he found this application to be incomplete. He expressed his concerns over the fact that what is proposed might not be what will actually be at the site. He stated he cannot support this application at this time.

Ms. Kratter stated she could support a delay until more concrete standards are established for evaluating these structures. She was concerned that specifically pointing out the tower makes

it more noticeable than if it were not highlighted at all. She stated that on the other hand, there were many people who were directly affected by this tower. Ms. Kratter expressed her concerns over consistency in the decisions being made regarding towers.

Mr. Henderson expressed his concern over specific guidelines when reviewing proposals for cell towers. He felt that while there were some negatives to this proposal, there are some positives in providing service to an area that needs coverage. He felt it might be beneficial to provide acceptable sites so that applicants are aware of the options. Mr. Henderson expressed his concerns that a master plan is needed for towers also.

Mr. Reese Peck stated that staff has said that this proposal is not consistent with the Comprehensive Plan and does not meet the performance standards established. It is important to take into consideration the impact to the homeowners in the area. He does agree with the need for a more comprehensive approach to wireless communication facilities.

Mr. Fraley moved to approve staff's recommendation for denial of the application, with a second from Mr. Billups.

In a roll call vote, the Planning Commission approved staff's recommendation for denial. (6-0, AYE: Henderson, Billups, Fraley, Kratter, Peck, Krapf, Abstained: Poole)

7. PLANNING DIRECTOR'S REPORT

Mr. Murphy expressed his thanks to the Planning Commission for all their work on the Comprehensive Plan, which was adopted by the Board of Supervisors on November 24, 2009. Mr. Murphy extended Happy Holiday wishes for the Planning Commission.

8. COMMISSION DISCUSSIONS AND REQUESTS

Mr. Krapf stated that Mr. Poole was the Planning Commission's liaison for the December meeting of the Board of Supervisors.

Mr. Fraley asked Mr. Kinsman to do some research concerning developing a master plan for wireless communications. He mentioned other localities that had a moratorium on towers until a master plan was developed.

Mr. Henderson expressed his concerns about denying applications without giving the applicants alternative solutions.

Ms. Kratter asked that all future proposals have some kind of fiscal impact study done, especially in light of the current economic conditions.

Mr. Fraley agreed but said that careful consideration should be given to the fact that the Board of Supervisors is the group that determines where the funds should be allocated from.

Mr. Krapf wanted to thank staff for all of their work on the Comprehensive Plan. He also wanted to wish everyone a happy holiday.

9. ADJOURNMENT

Mr. Henderson moved for adjournment, with a second from Ms. Kratter.

The meeting was adjourned at 9:00 p.m.

Rich Krapf, Chairman

Allen J. Murphy, Secretary

B Y L A W S

PLANNING COMMISSION

COUNTY OF JAMES CITY, VIRGINIA

ARTICLE I. OBJECTIVES

This Planning Commission (the “Commission”) was established by the Board of Supervisors of James City County (the “Board”) on April 13, 1953, to direct the development of James City County (the “County”) and ensure its prosperity, health, safety, and general welfare, in accordance with Chapter 22, Title 15.2, Article 2, *Code of Virginia*, 1950, as amended (the “Virginia Code”).

ARTICLE II. MEMBERSHIP

The Commission shall consist of 7 or 9 members, each appointed by the Board for a term of four years.

ARTICLE III. MEETINGS

1. All meetings of the Commission shall be open to the public.
2. Regular meetings of the Commission may be called by the Chair or by two members upon written request to the Secretary. The Secretary shall deliver (via hand delivery, U.S. Mail, or electronic mail, return receipt requested) to all members, at least five days in advance of a special meeting, a written notice fixing the time, place and the purpose of the meeting.
3. Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or at a previous special meeting at which all members were present.
4. The Commission may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the Order of Adjournment. When a regular or adjourned regular meeting is adjourned as stated in this paragraph, the resulting adjourned meeting is a regular meeting for all purposes. When an Order of Adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings. Adjourned special meetings will be considered special meetings for all purposes and all regulations concerning special meetings must apply.
5. A quorum of the Commission shall consist of a majority of the members of the Commission. No action of the Commission shall be valid unless authorized by a majority vote of those present and voting.
6. The annual meeting for the election of officers (Chair and Vice Chair) shall be held as the first order of business at the regular meeting in February of each year and thereafter the

newly elected officers shall preside at the regular meeting in February. When a vacancy occurs for the Chair or Vice Chair, an election shall be held on the next regular meeting date.

7. All minutes and records of the Commission of its meetings, resolutions, transactions and votes, shall be kept by the Secretary.

ARTICLE IV. MATTERS PENDING BEFORE THE COMMISSION

1. All matters which require an advertised public hearing in accordance with Section 15.2-2204 of the Virginia Code and which meet submittal requirements filed with the Planning Division at least six weeks before the regular meeting are to be placed on the agenda for the advertised public hearing. All other matters filed at least 15 days before the regular meeting in the Planning Division are to be placed on the agenda. Any matter not placed on the agenda in advance of the meeting can be considered at the meeting by a majority vote of the Commission.
2. For each public hearing, notices shall be forwarded to the Commission members no less than 15 days prior to the public hearing.

ARTICLE V. HEARINGS

1. Advertised public hearings shall be scheduled during a regular meeting, except in the event of a joint public hearing between the Commission and the Board.
2. For each public hearing item, presentations by staff, applicants, individuals or groups shall be limited as follows:
 - a. Presentations by staff and applicants are limited to 15 minutes each;
 - b. Comments by individuals are limited to 5 minutes each;
 - c. Comments by citizen groups are limited to 10 minutes each; and
 - d. At a meeting, the time limits set forth in a, b, and/or c above may be extended at the discretion of the Chair.

ARTICLE VI. VOTING

1. No member present shall abstain from voting on a roll call vote unless a member has a conflict of interest in the matter being voted upon. For the purposes of this paragraph, a “conflict of interest” shall exist when there is an actual conflict: (1) pursuant to the Virginia State and Local Government Conflict of Interests Act, Section 2.2-3100 et seq. of the Virginia Code; or (2) pursuant to any applicable policy adopted by the Board of Supervisors;

or (3) as stated by the Commission member unless objected to by a majority vote of the members of the Commission.

2. In reporting a vote to the Board, the Secretary shall indicate (in writing) the recorded roll call vote, including any abstentions.

ARTICLE VII. DUTIES

A. CHAIR

The Chair shall have the following duties:

1. Preside at meetings and hearings of the Commission;
2. When authorized by the Commission, the Chair shall affix to any documents its signature on the Commission's behalf;
3. The Chair or the Chair's designee shall represent the Commission and keep it informed when not in session;
4. The Chair shall appoint all members and Chairs of committees and subcommittees; and
5. The Chair or the Chair's appointee shall act as a liaison to the Williamsburg and York County Planning Commissions.

B. VICE CHAIR

The Vice Chair shall perform the duties of the Chair during the absence or disability of the Chair.

C. SECRETARY

The Secretary of the Commission shall be the Director of Planning and shall have the following duties:

1. Keep a record of all regular, adjourned regular, special, and adjourned special meetings and public hearings and transcribe in a minute book of the Commission;
2. Prepare and cause to be delivered all notices of all meetings required to be sent under these Bylaws to Commission members;
3. Have charge of all official books, papers, maps, and records of the Commission and conduct all official correspondence relative to hearings, meetings, resolutions, decisions, and other business of the Commission as directed by the Chair or reflected

by valid actions of the Commission;

4. Receive minutes of all committee meetings and preserve these as official records of the Commission; and
5. Notify the Vice Chair, by telephone or in person, on the day the Chair informs him that he will not be present at a scheduled meeting. It is the duty of the Secretary to brief the Vice Chair on items to come before the Commission when the Vice Chair presides.

D. MEMBER DUTIES

Members of the Commission shall have the duties assigned to it by the Virginia Code, the County Charter, and as assigned by the Board. With respect to attendance at meetings, the Commission shall have the following specific duties:

1. Attend regular, adjourned regular, special and adjourned special meetings and public hearings;
2. Attend regular, adjourned regular, special, and adjourned special committee meetings to which the member is appointed;
3. Represent the Commission at Board meetings in rotation; and
4. Attend ad-hoc committee meetings as agreed to by the Commission.

ARTICLE VIII. COMMITTEES

1. The Director of Planning or the Director's designee shall serve as a non-voting, ex officio member of all standing and special committees.
2. All committee reports written or oral shall be an official record of the Commission.

3. The following committees and their Chair shall be appointed by the Commission Chair within thirty days after the Chair takes office:
 - a. Development Review Committee. This Committee shall be composed of at least four members and have the following responsibilities:
 1. Review those applications for subdivisions which are required by law to be submitted to the Commission for approval, receive and review staff reports on them, and make recommendations to the Commission;
 2. Review those site plan applications that are required by law to be submitted to the Commission for approval, receive and review staff reports on them, and make recommendations to the Commission.
 - b. Policy Committee. This Committee shall be composed of at least four members and shall have the following responsibilities:
 1. Address long-range planning goals of the Commission and explore strategies for achieving them; and
 2. Address ways to maintain and improve working relationships between the Commission, other County organizations, as well as with surrounding jurisdictions and organizations involved in planning initiatives.
 3. Conduct the Commission's initial review of the Capital Improvement Plan.
 4. Recommend and prepare new and revised policies for the Commission.
 5. Conduct the Commission's initial review of ordinance amendments, as directed by the Chair of the Commission.
 - c. Leadership Committee. This committee shall be composed of three members; the Chair and Vice Chair of the Commission and the Chair of the Policy Committee. The Leadership Committee shall review concerns raised regarding the conduct of the Commission or any one of its members acting in his or her official capacity. The Leadership Committee shall, if deemed necessary by the Leadership Committee, recommend appropriate remedial measures to the Commission.

ARTICLE IX. PARLIAMENTARY AUTHORITY AND ORGANIZATIONAL PROCEDURE

The Commission shall follow the Robert's Rules of Order, Newly Revised 10th edition, October 2000, and more specifically, the provisions which pertain to the "conduct of business in boards" at page 469 et seq., in particular, the "Procedure in Small Boards."

ARTICLE X. AMENDMENT

Amendments may be made to these Bylaws by a two-thirds (2/3) vote of the Commission voting members only after a minimum 30 days' prior notice is given and only at a regular scheduled meeting.

Adopted November 28, 1978

Amended July 10, 1990

Amended May 12, 1992

Amended March 8, 1994

Amended May 4, 1998

Amended June 1, 1998

Amended June 3, 2002

Amended August 5, 2002

Amended January 12, 2004

Amended January 6, 2010

Rich Krapf, Chair
Planning Commission

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

Staff Report for the January 13, 2010 Planning Commission Public Hearing

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

PUBLIC HEARINGS

Planning Commission:

Building F Board Room; County Government Complex

July 1, 2009 (applicant deferral)
August 5, 2009 (applicant deferral)
September 9, 2009 (applicant deferral)
December 2, 2009 (applicant deferral)
January 13, 2010 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 that this case be deferred until April. 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



Jason Purse, Senior Planner

Jason Purse

From: Vernon Geddy [vgeddy@ghflaw.com]
Sent: Wednesday, January 06, 2010 11:45 AM
To: Jason Purse
Subject: Governor's Grove - Section 3

Jason, to confirm our conversation, on behalf of the applicant we are requesting a deferral of this case before the Planning Commission until the Commission's April meeting. Thanks, Vernon

Vernon M. Geddy, III
Geddy, Harris, Franck & Hickman, LLP
1177 Jamestown Road
Williamsburg, Virginia 23185
757-220-6500 (office)
757-229-5342 (fax)
vgeddy@ghflaw.com

REZONING-0004-2009/SPECIAL USE PERMIT-0027-2009. School Operations Center Parking Staff Report for the January 13, 2010 Planning Commission Public Hearing

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

PUBLIC HEARINGS

Planning Commission:
Board of Supervisors:

Building F Board Room; County Government Complex

January 13, 2010 7:00 p.m.
February 9, 2010 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant: Mr. Bruce Abbott, AES Consulting Engineers

Land Owner: Williamsburg-James City County (WJCC) Schools

Proposal: To rezone newly acquired property adjacent to the existing WJCC Operations Center to Public Lands and expand parking and school bus/trailer storage areas.

Location: North-west corner of the intersection of Jolly Pond Road and Cranston's Mill Pond Road.

Tax Map/Parcel Nos.: 2240100009

Parcel Size: 27.7 acres (7.2 acres is existing Operations Center and 20.5 is newly acquired property)

Existing Zoning: A-1, General Agricultural

Proposed Zoning: PL, Public Lands

Comprehensive Plan: Rural Lands

Primary Service Area: Outside, but receives public water service

STAFF RECOMMENDATION

Staff finds the proposal consistent with surrounding zoning, the Comprehensive Plan, and existing surrounding uses. 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

Proffers

This application does not include proffers as the rezoning only serves to match the zoning of the newly acquired property with the existing Public Lands zoning of the WJCC Operations Center, as they have now been merged into one parcel.

Project Description

Mr. Bruce Abbott of AES Consulting Engineers has applied on behalf of Williamsburg-James City County Schools to rezone 20.5 acres of newly acquired property to PL, Public Lands and for a special use permit to allow the expansion of the existing School Operations Center onto the new property. The expansion includes the addition of a long-term gravel bus/trailer storage area at the rear of the property and a 36-space gravel employee/overflow parking area to the west of the existing entrance on Jolly Pond Road.

In 1990, WJCC Schools was granted SUP-0032-1990 for the existing operations and maintenance building on a 7.2 acre

site. An additional 20.5 acres was incorporated into the parcel in 2009 and an SUP is required to expand the use of a publically-owned operational center.

Surrounding Zoning and Development

The School Operations Center parcel is zoned PL and designated as Federal, State, or County Land on the 2009 Comprehensive Plan Land Use Map; however, the new 20.5 acre area (to the north and west of the existing operations center) is zoned A-1 and designated as Rural Lands. The project site is bordered by Jolly Pond Road and Cranston's Mill Pond Road on the south and east and by property zoned A-1 and designated Rural Lands to the north and west. These properties are currently undeveloped. Directly across Jolly Pond Road from the parcel is the site of the 4th middle school and 9th elementary school.

PUBLIC IMPACTS

1. Environmental Impacts

Watershed: Yarmouth Creek

Environmental Staff Conclusions: The Environmental Division has reviewed the proposal and concurs with the Master Plan given the minor nature of the proposed improvements. Additional review will occur when development plans are submitted and if any more intensive uses are proposed for the remainder of the parcel.

2. Utilities

The site is located outside the Primary Service Area, but is currently served by an existing 12 inch water line located along Jolly Pond Road. The site will continued to be served by the existing septic system and drainfield.

JSCA and Health Department Staff Conclusions: The proposal to add storage will not significantly impact or increase the utility service to the School Operations Center. The James City 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 uses proposed by the applicant are impact neutral and do not increase the activity level at the site. The employee/overflow parking area serves the need of existing users of the site and the bus/trailer storage area is proposed for long-term storage only so there will not be an increase in the daily trips to and from the Operations Center.

2006 Annual Average Daily Traffic Volume (per VDOT) (Jolly Pond Road): From Centerville Road to the Cranston's Mill Pond Road there were 1,300 trips. James City County's 2007 traffic count data did not include any segments of Jolly Pond Road; however, on Centerville Road from Route 60 to Jolly Pond Road there were 10,174 trips. From Jolly Pond Road to Longhill Road there were 11,507 trips.

2035 Daily Traffic Volume Projected: Jolly Pond Road was not included in 2035 projections. For Centerville Road, from Route 60 to Jolly Pond Road there is the projection of 18,784 trips. Centerville Road from Jolly Pond Road to Longhill Road is projected for 21,629 trips. Both segments are in the "recommended for improvement" category.

VDOT Conclusions: VDOT reviewed the Master Plan and concurred that the proposal would not generate any additional vehicle trips than the existing School Operations Center.

Comprehensive Plan

Land Use

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| Designation | Rural Lands (Page 152): Rural Lands are areas containing farms, forests, and scattered houses exclusively outside of the Primary Service Area (PSA). Appropriate primary uses include agricultural and forestal activities, together with certain recreational public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings. |
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| | Staff Comment: The expansion of the School Operations Center is in keeping with existing development in the surrounding area and existing buffers and undeveloped land currently keep the center from having any adverse impacts on any nearby agricultural uses. An operations center also requires a spacious site to accommodate the storage of buses and trailers. |
| Development Standards | <p><i>1. Use and Character Compatibility (a)- Page 152:</i> Uses in Rural Lands should preserve the natural, wooded, and rural character of the County. Particular attention should be given to the following: (i) locating structures and uses outside of sensitive areas, (ii) maintaining existing topography, vegetation, trees, and tree lines to the maximum extent possible, especially along roads and between uses, (vii) minimizing the number of street and driveway intersections along the main road by providing common driveways and interconnection of development.</p> <p>Staff Comment: The School Operations Building already operates on the corner parcel. The proposed parking and storage area expansions are small and do not impede on environmentally sensitive areas. A required 30 foot right-of-way buffer will be retained along Jolly Pond and Cranston's Mill Pond roads as additional screening, which is also labeled on the master plan as untimbered. Finally, the proposed SUP conditions limit the Operations Center to one entrance on Jolly Pond Road and one entrance on Cranston's Mill Pond Road, which minimizes the number of curb cuts on both of these roads.</p> |
| Goals, strategies and actions | <p><i>Strategy #1.4- Page 164:</i> Direct growth into designated growth areas in an efficient and low-impact manner.</p> <p>Staff Comment: While the site is outside the Primary Service Area, it is a logical location for the proposed expansion given the property's adjacency to the existing School Operations Center. Furthermore, the Operations Center is already served by a water line along Jolly Pond Road and the expansion will not require any additional water or sewer service. Even with the additional proposed improvements, buffers remain along adjacent roads and properties.</p> |

Public Facilities

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| Goals, strategies and actions | <p><i>Action #1.1.2- Page 130:</i> Acquire land for, efficiently design, and construct new public facilities in a manner that facilitates future expansion and promotes the maximum utility of resources to meet future capacity needs.</p> <p><i>Action #1.1.6- Page 131:</i> Apply appropriate zoning, land use, and other adopted County criteria when evaluating public facility sites and uses.</p> <p><i>Action #1.4.5- Page 133:</i> Evaluate all proposed public facilities for potential impacts, and provide buffering and mitigation equal to, or greater than (when practical), that required under County ordinances.</p> <p>Staff Comment: The 20.5 acres surrounding the School Operations Center was acquired for the purpose of alleviating some of the space constraints currently felt on the existing 7.2 acre parcel and improving conditions for employees and visitors to the site. The additional property also provides for the opportunity for future expansions should they be necessary for efficient operation of WJCC Schools. The rezoning to Public Lands also brings the property into conformance with other publically-owned parcels throughout the County. Finally, as noted earlier, the potential impacts of the proposal have been evaluated against all applicable ordinances and, where appropriate, additional buffering has been proposed.</p> |
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Community Character

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| Goals, strategies and actions | <p><i>Action #1.3.5- Page 99:</i> Expect all currently approved and new development to blend carefully with the topography and surrounding vegetation, to preserve unique formations, greenery, and scenic views, and to use sustainable plantings and building techniques.</p> <p>Staff Comment: The proposed expansion is minor and retains a large amount of open forested area to the north and west of the site. If this area is proposed for development in the future, WJCC Schools will be required to amend this SUP and appropriate conditions can be reviewed at that time. Furthermore, the applicant has agreed to provide evergreen screening along the edge of the bus/trailer storage area to provide additional screening from Cranston's Mill Pond Road.</p> |
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Comprehensive Plan Staff Comments

Staff finds the proposal, with the below conditions, to be consistent with surrounding land uses, the Land Use policies of

the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. The expansion of parking and storage areas will provide safer operations for the existing Center and will allow WJCC Schools to store buses over the summer and classroom trailers that are not needed at this time in a single location rather than having them spread throughout the County. Rather than discarding trailers, by storing them, they will be available should there be a need for them at a certain school in the future.

RECOMMENDATION:

Staff finds the proposal, with the attached conditions, to be consistent with surrounding land uses, the Comprehensive Plan, and surrounding zoning. Staff recommends the Planning Commission recommend approval of the special use permit application to the Board of Supervisors with the following conditions (please note that conditions 2 and 3 were included in the original SUP for the School Operations Center in 1990):

- 1) Master Plan: This SUP shall be valid for the construction of an employee/overflow parking area and trailer/bus storage area to serve the existing WJCC Operations Center located at 597 Jolly Pond Road ("Property"). These areas shall be developed generally in accordance with the layout submitted with the application titled "SUP document for WJCC Operations Center," drawn by AES Consulting Engineers, dated November 3, 2009 and revised January 5, 2010 ("Master Plan") with only changes thereto that the Director of Planning determines do not change the basic concept or character of the development.
- 2) Entrances: No more than one entrance to the Property shall be permitted on Jolly Pond Road. No more than one entrance to the Property shall be permitted on Cranston's Mill Pond Road and the entrance shall be located at least 240 feet from the centerline of Jolly Pond Road.
- 3) Fencing: Fences currently located around the existing bus storage and refueling area and between the garage activities and the adjacent property shall be retained.
- 4) Landscaping: The owner shall avoid removing trees, bushes, and shrubs within the existing untimbered area along Cranston's Mill Pond Road adjacent to the trailer/bus storage area to the maximum extent possible, with the exception of the removal of debris, windfalls, or deadfalls, planting of additional landscaping, or unless otherwise approved by the Director of Planning or his designee. A landscaping plan providing evergreen trees and shrubs ("Landscaping") between the gravel trailer/bus storage area and Cranston's Mill Pond Road shall be approved by the Director of Planning or his designee prior to final site plan approval and landscaping shall be installed within six months of final site plan approval unless otherwise determined by the Director of Planning or his designee. The Landscaping may be planted within the untimbered area to meet the purposes of screening the gravel trailer/bus storage area.
- 5) Storage Limitations: The trailer/bus storage area, as shown on the Master Plan, is for use as long-term storage and buses, trailers, or other vehicles stored in that area shall not be moved from the storage area on a daily basis.
- 6) Archaeology: A Phase I Archaeological Study for the disturbed area shall be submitted to the Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the 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) Water Conservation: The Williamsburg-James City County School Board 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 site 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.
- 8) Severability Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentences, or paragraph shall invalidate the remainder.

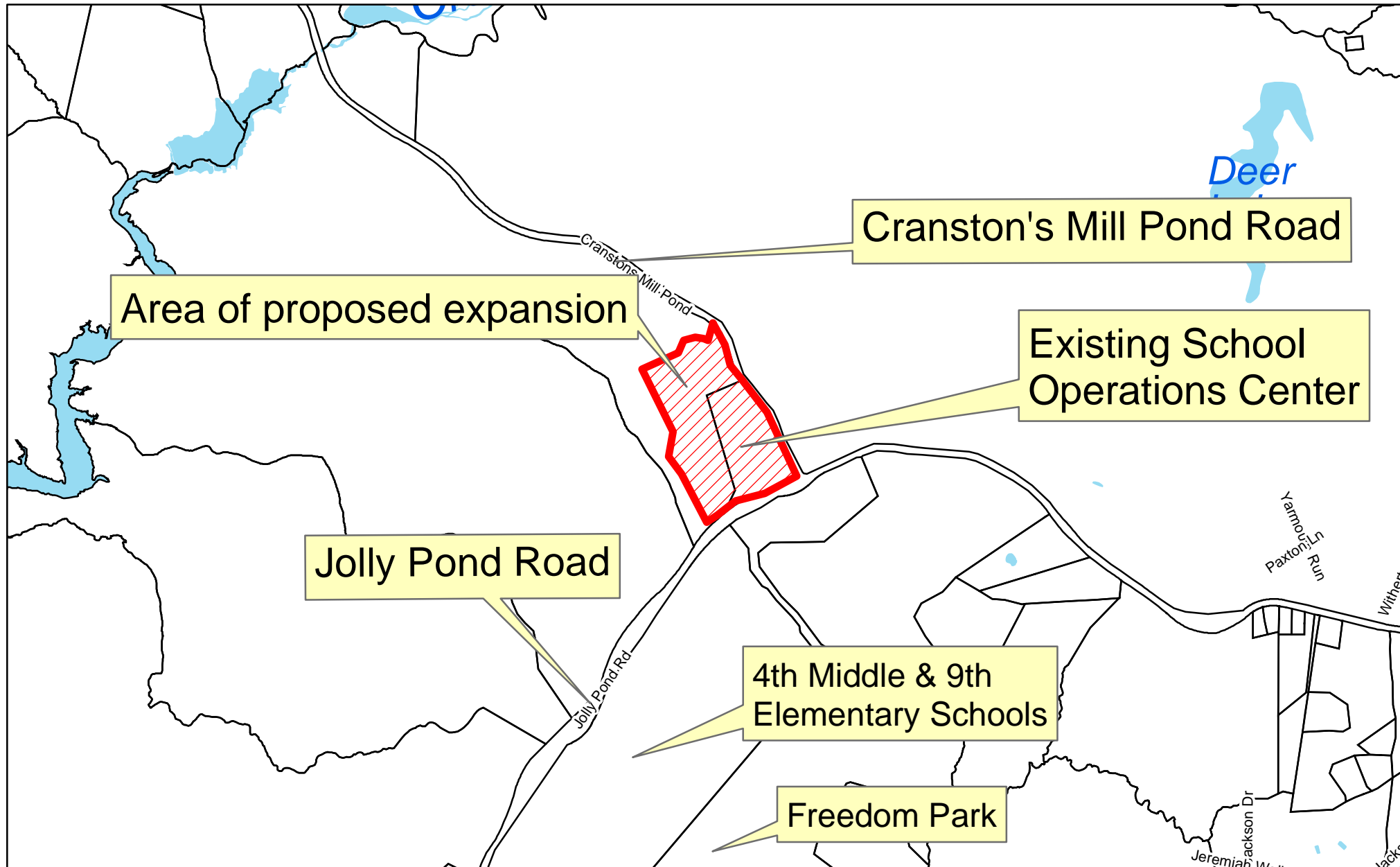
Leanne Reidenbach, Senior Planner

ATTACHMENTS:

1. Location Map
2. Master Plan dated November 3, 2009 and revised January 5, 2010 (under separate cover)
3. Community Impact Statement

JCC-Z-0004-2009/SUP-0027-2009

School Operations Center Parking



MEMORANDUM

DATE: January 13, 2010
TO: Planning Commission
FROM: Jason Purse, Senior Planner
SUBJECT: ZO-0004-2009, SUP use list amendments

In July 2008, staff brought forward Zoning Ordinance amendments that dealt with changes to what uses are permitted or specially permitted in various business/industrial districts in the county. At that time, the Board of Supervisors only approved a portion of the proposed changes. At the direction of the Board, staff is reintroducing the remainder of the previously proposed changes at this time. There are no other additional changes proposed with this amendment, other than what the Planning Commission had previously seen.

Looking at the uses that are currently allowed by-right, staff had compiled a list of specially-permitted uses (SUPs) that have similar impacts in those zoning districts. Staff feels that moving those uses from SUPs to permitted uses will not have additional adverse affects on similarly zoned properties across the county. In accordance with the Business Climate Task Force report, staff looked at the business/industrial sections of the ordinance. The Board of Supervisors had previously approved changes to the M-1 and M-2 districts, and the only changes proposed with this amendment are from the LB and B-1 ordinances.

As a part of this review, the Office of Economic Development reviewed the ordinance and provided recommendations, and staff took that information into consideration as well. Previously, staff also incorporated some "new" uses into this amendment.

Staff has provided multiple documents below for your review. You will find the following attachments to help you review the material:

- A list of all processed SUPs since 2002 (excluding the ones withdrawn prior to Planning Commission consideration) broken down by zoning district.
- A list of parcels, both developed and undeveloped, in the County broken down by zoning district
- As can be seen with these two attachments, only a relatively small amount of land is affected by SUPs being changed to permitted uses, and there was only one use processed as an SUP that is being proposed to switch to a permitted use and that is restaurant in LB. Staff has restricted the impact of the use by limiting the permitted restaurant to less than 100 seats.

Recommended Amendments:

Staff recommends the following uses be added as Permitted uses.

LB-

Catering and meal preparation 5,000 sq. ft. or less. (new)

Contractor's offices with storage of materials and equipment limited to a fully enclosed building.

Lumber and building supply (with storage limited to a fully enclosed building).

Mailing and facsimile transmission reception. (new)

Plumbing and electrical supply (with storage limited to a fully enclosed building).

Restaurant (excluding fast food restaurants), tea rooms and taverns with 100 seats or less.

Retail food stores 5,000 sq. ft. or less.

Tourist homes.

B-1-

Farmer's Market.

Limousine services (with maintenance limited to a fully enclosed building).

Micro-breweries.

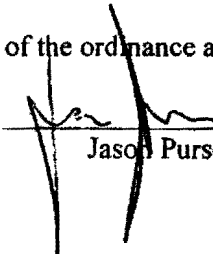
Research, development and design facilities or laboratories.

Security Service Office.

Future Ordinance Amendments

At a later date, after staff begins the comprehensive zoning ordinance update process, a more in-depth study can be undertaken to evaluate larger changes to the ordinance. This project will investigate possibly adding requirements to the ordinance (such as typical SUP conditions) that might make it feasible to allow even more flexibility to the legislative process, as well as investigating and updating the commercial SUP requirements in Section 24-11. This second phase will most likely require more involvement from the Policy Committee, Planning Commission, and the Board of Supervisors throughout the process.

Staff recommends that the Planning Commission recommend approval of the ordinance amendments.



Jason Purse, Senior Planner

Attachments:

1. List of SUPs processed since 2002
2. Parcel statistic information

Zoning District Case Name**Reason Why SUP Needed****LB**

| | | |
|----------------------|---|------------------------------------|
| <u>SUP-0021-2008</u> | Jamestown Road Mediterranean Restaurant | Restaurant in LB |
| SUP-0028-2005 | New Dawn Assisted Living | Skilled nursing facility in R-8/LB |

B-1

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| <u>SUP-0009-2009</u> | Jamestown Road Walgreens | Commercial SUP for building size and traffic |
| <u>SUP-0019-2008</u> | Stuckey's Redevelopment Amendment | Master Plan amendment |
| <u>SUP-0011-2009</u> | Williamsburg Dog | Kennels |
| SUP-0033-2007 | Williamsburg Auto Group | auto sales and service in B-1/expansion |
| SUP-0032-2007 | Basketville/Fleet Brothers | Vehicle and Trailer Sales in B-1 and commercial (8,000 sq. ft. building) |
| SUP-0026-2007 | Williamsburg Dodge Trailer Sales | Vehicle and Trailer Sales in B-1 |
| SUP-0032-2006 | Prime Outlets Expansion | Commercial SUP for 5,000 sq. ft. addition |
| SUP-0030-2006 | Jamestown Rd Service Station LLC | expanding a non-conforming use |
| SUP-0023-2006 | Volunteer Fire Dept. Flea Market | Flea Market in B-1 |
| SUP-0021-2006 | Pleasant Hill Station | Commercial Special Use Permit (traffic and automobile service) |
| SUP-0020-2006 | Whythe-Will Commercial Expansion | Commercial SUP (less than 85% warehouse) |
| SUP-0018-2006 | Stuckey's Redevelopment | redevelop fuel and restaurant facility in B-1, also commercial for traffic |
| SUP-0004-2006 | Prime Retail Expansion | Commercial for 81,000 sq. ft. expansion in B-1 |
| SUP-0025-2005 | Prime Outlets SUP Amend. | Commercial SUP for 5700 foot expansion in B-1 |
| SUP-0023-2005 | TGI Fridays | commercial SUP for traffic generation, restaurant is by-right in B-1 |
| SUP-0022-2005 | Shops at Norge Crossing, LLC | Commercial SUP (building over 10,000) |
| SUP-0036-2004 | Farm Fresh Gas Pumps | commercial permit for gasoline service; 4 gas pumps in B-1 by-right |
| SUP-0025-2004 | Bay Lands Federal Credit Union at Norge | commercial for trip generation, bank by-right in B-1 |
| SUP-0024-2004 | Basketville of Williamsburg | Commercial SUP for 7,500 ft expansion of retail space in B-1 |
| SUP-0017-2004 | JCC Communicatios Tower - Forge Road | SUP amendment; increase tower height from 140' to 160' |
| SUP-0009-2004 | Chesapeake Bank, Stonehouse - Amend. | Expiration date amendment |
| SUP-0030-2003 | Chesapeake Bank at Lightfoot | Commercial SUP for traffic; by-right bank in B-1 |
| SUP-0024-2003 | Communications Tower Forge Road | 140' tower in B-1 district |
| SUP-0020-2002 | Nationwide Transmission Auto Sales | Car sales from existing parking lot in B-1 district |
| SUP-0016-2002 | Williamsburg Honda SUP Amend. | Trailer sales in B-1 (previously only vehicle) |
| SUP-0004-2002 | J.W. Crossing Shopping Center Expansion | amendment to commercial sup to add 17,000 sq. ft. to ewell shopping (B-1) |

M-1

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|----------------|---|---|
| SUP-0008-2009 | CVS at Norge | Commercial SUP for building size and traffic |
| SUP--0026-2008 | Diamond Healthcare, Williamsburg Place | hospital expansion in M-1 |
| SUP-0016-2008 | Walgreens at Norge | Commercial SUP for building size and traffic |
| SUP-0025-2007 | Colonial Penniman Waterline Extension | Utility extension (renewal) (split zoned with M-2) |
| SUP-0036-2006 | Williamsburg Pottery Factory | Commercial SUP for building size and traffic |
| SUP-0002-2006 | Busch Gardens- New France expansion (Griffon) | 7500 foot station and queing building, commercial SUP |
| SUP-0032-2004 | Williamsburg Place | hospital expansion in M-1 |
| SUP-0037-2006 | The Candle Factory | Traffic generation, commercial |
| SUP-0032-2004 | Diamond Healthcare, Williamsburg Place | hospital expansion in M-1 |
| SUP-0028-2003 | Communications Tower Industrial Blvd. | Communications tower in M-1 district |
| SUP-0022-2003 | Busch Gardens -DarKastle - Oktoberfest Expansio | Commercial SUP for building size in M-1 district |
| SUP-0003-2002 | Trustwood Properties Waterline Extension | Utility Extension (M-1 and M-2) |

M-2

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| SUP-0019-2005 | Branscome Inc. Borrow Pit Renewal | Borrow pit renewal |
| SUP-0020-2005 | USA Waste of Virginia Landfills, Inc Renewal | Borrow pit renewal |
| SUP-0020-2005 | USA Waste of Virginia Landfills, Inc Renewal | Continued use of borrow pit in M-2 |
| SUP-0019-2005 | Branscome Inc. Borrow Pit Renewal | Amendment of existing SUP for operation of borrow pit in M-2 |
| SUP-0027-2003 | Communications Tower Industrial Blvd. | 380' communications tower in M-2 |
| SUP-0002-2003 | Hankins Industrial Park, Ready Mix Concrete Plan | concrete SUP required in M-2 |
| SUP-0025-2002 | Ready Mixed Concrete Expansion | Existing SUP extension, concrete SUP in M-2 |

MU

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| SUP-0007-2005 | New Town, Langley Federal Credit Union | Commercial SUP (building over 10,000 or traffic) |
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PUD-C

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| SUP-0002-2005 | JCSA Water Storage Facility, Stonehouse | 165 foot water storage unit in PUD-C |
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A-1

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| <u>SUP-0020-2009</u> | Vossel and Gross Family Subdivision | Family Subdivision |
| <u>SUP-0019-2009</u> | Treasure Island Road WCF | WCF tower |
| <u>SUP-0018-2009</u> | Robinson Family Subdivision | Family Subdivision |
| <u>SUP-0011-2009</u> | Cedar Drive Contractor's office | Contractor's warehouse in A-1 |
| <u>SUP-0010-2009</u> | Hipple Contractor's office | Contractor's warehouse in A-1 |
| <u>SUP-0006-2009</u> | Nick's Lawn Care | Commercial Equipment Repair |
| <u>SUP-0012-2008</u> | Liberty Ridge Clubhouse | Community Recreation Facility |
| <u>SUP-0008-2008</u> | Aadahl Family Subdivision | Family Subdivision |
| <u>SUP-0007-2008</u> | David Nice Contractor's Office and Shed | Contractor's warehouse in A-1 |
| <u>SUP-0034-2007</u> | Hill Family Subdivision | Family Subdivision |
| <u>SUP-0031-2007</u> | Jolly Pond Utility Extension | Utility Extension |
| <u>SUP-0029-2007</u> | Freedom Park MP Amend. | master plan amendment |
| <u>SUP-0028-2007</u> | Ray Minor - One-Acre Family Subdivision | Family Subdivision in A-1 |
| <u>SUP-0027-2007</u> | Freedom Park Amendment | master plan amendment |
| <u>SUP-0021-2007</u> | Contractor's Warehouse | Contractor's warehouse in A-1 |
| <u>SUP-0018-2007</u> | Batemen Subdivision | Family Subdivision in A-1 |
| <u>SUP-0014-2007</u> | Andersons Corner Animal Care | Animal hospitals in A-1 |
| <u>SUP-0013-2007</u> | Denley Brown Contractors Warehouse | Contractor's Warehouse in A-1 |
| <u>SUP-0012-2007</u> | Verizon Cell Brick Bat Rd | cell tower |
| <u>SUP-0003-2007</u> | Newago Family Subdivision | Family Subdivision in A-1 |
| <u>SUP-0035-2006</u> | Kenneth Brook's Contractors Warehouse | Contractor's warehouse in A-1 |
| <u>SUP-0033-2006</u> | Johnny Timbers Tree Service | Contractor's warehouse in A-1 |
| <u>SUP-0029-2006</u> | 8th Elementary School Amendment | School in A-1 |
| <u>SUP-0028-2006</u> | VFW 8046 Home | 3600 sq. ft. meeting facility in A-1 |
| <u>SUP-0027-2006</u> | Treleaven Warehouse & Nursery | retail sale of plant material in A-1 |
| <u>SUP-0026-2006</u> | Mildred Wiley Family Subdivision | family subdivision in A-1 |
| <u>SUP-0024-2006</u> | Coleman Family Subdivision | Family subdivision |
| <u>SUP-0022-2006</u> | Hill Pleasant Farm | Cell Tower |
| <u>SUP-0017-2006</u> | 8391 Richmond Rd. Veterinary Hospital | 6,000 sq. ft. vet hospital in A-1 |
| <u>SUP-0015-2006</u> | Mann Service Station Conversion | Contractor's warehouse in A-1 |
| <u>SUP-0016-2006</u> | Hogan Homestead Children's Nursery | child daycare center in A-1 for 12 children |
| <u>SUP-0001-2006</u> | 4338/4346 Centerville Rd. Tower Relocation | communications tower in A-1 district |
| <u>SUP-0033-2005</u> | Chickahominy Riverfront Park | public recreation facilities in A-1 |

A-1 continued

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|---------------|--|---|
| SUP-0029-2005 | Sulenski/Ripley Family Subdivision | Family Subdivision in A-1 |
| SUP-0016-2005 | Treleaven Warehouse & Nursery | Construction of contractor's warehouse in A-1 |
| SUP-0005-2005 | Bradley Family Subdivision | Family subdivision |
| SUP-0033-2004 | John Hogge Family Subdivision | Family subdivision in A-1 |
| SUP-0030-2004 | JCSA Riverview Plantation H2O System Improvements | Utility Extension |
| SUP-0028-2004 | Avery Family Subdivision | Family subdivision in A-1 |
| SUP-0026-2004 | Gross Family Subdivision | Family subdivision in A-1 |
| SUP-0021-2004 | U.S. Home, BSA Property - Rural Cluster | 50-lot rural cluster development |
| SUP-0020-2004 | AJC Woodworks - SUP Amend. | Manufacture wood products in A-1 |
| SUP-0012-2004 | Hogan Homestead Day Care SUP Renewal | Extend SUP for child care center |
| SUP-0026-2003 | Communications Tower Jolly Pond Road | 380' communications tower |
| SUP-0023-2003 | Nice Office Building Expansion | Office expansion in A-1 district |
| SUP-0021-2003 | Milanville Kennel | Construct and operate kennel in A-1 district |
| SUP-0015-2003 | Custom Culinary Connections - Barnes Road | Construct and operate catering kitchen, A-1 district |
| SUP-0011-2003 | AJC Woodworks | Woodworking shop in A-1 district |
| SUP-0010-2003 | Leighton- Hermann Family Subdivision | 4-lot Family subdivision in A-1 district |
| SUP-0004-2003 | Hankins Farms Water & Sewer Extension | Utility Extension |
| SUP-0022-2002 | Schmidt Landscaping | Warehouse, office, nursery and storage facilities in A-1 district |
| SUP-0010-2002 | Voice Stream Tower - Exit 231 of Interstate 64 | 199' tower located next to existing tower (A-1) |
| SUP-0001-2002 | Voice Stream Wireless - Chesapeake Forest Products | 20' Extension to approved SUP-12-97 (A-1) |

R-8

| | | |
|----------------|---------------------------------------|---|
| SUP-0024-2009 | Hospice House WCF | WCF Tower |
| SUP-0015-2008 | Franciscan Brethren Adult Day Care | Group home |
| SUP-0006-2008 | St Olaf's Catholic Church Bldg | Church expansion |
| SUP-0001A-2007 | A-Stat Restoration | Business, government, professional offices in R-8 |
| SUP-0017-2007 | Wireless Tower Longhill Rd. | Cell Tower |
| SUP-0019-2006 | Mason Park | residential cluster in R-8 |
| SUP-0013-2006 | Unicorn Cottage | child daycare center in R-8 |
| SUP-0003-2006 | Zion Baptist Church Expansion | 6000 sq. ft. expansion in R-8 district |
| SUP-0030-2005 | St. Olaf Catholic Church | Expand and renovate facilities in R-8 |
| SUP-0026-2005 | Williamsburg Landing Parking Addition | facilities for care of the aged in R-8 |
| SUP-0027-2005 | Chickahominy Baptist Church Expansion | 5800 foot expansion of church in R-8 |

R-8 continued

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|---------------|--|---|
| SUP-0024-2005 | Gabriel Archer Tavern | Restaurant in R-8 district |
| SUP-0004-2005 | Christian Life Center Tower | 160 foot wireless communications tower in R-8 |
| SUP-0003-2005 | JCSA Water Storage Facility, Warhill | 165 foot water storage unit in R-8 |
| SUP-0029-2004 | JCSA Cardinal Acres Duplex | Build duplex unit in R-8 |
| SUP-0027-2004 | Williamsburg Community Chapel Expansion | House of Worship expansion |
| SUP-0019-2004 | Williamsburg Winery, Gabriel Archer Tavern | Restaurant in R-8 district |
| SUP-0016-2004 | Williamsburg Jamestown Airport SUP Amend. | Amended existing SUP to amend master plan |
| SUP-0013-2004 | Williamsburg Farms Country Inn | Construct and operate 36-room hotel, R-8 district |
| SUP-0001-2004 | STAT Services Inc. | Office building in R-8 district |
| SUP-0025-2003 | Communications Tower Merrimac Trail | 280' communications tower in R-8 (jail) |
| SUP-0020-2003 | Jamestown Hundred MP Amend. | alteration of MP (R-8) |
| SUP-0019-2003 | Christian Life Center | R-8 Church expansion |
| SUP-0016-2003 | Williamsburg Winery - Gabriel Archer Tavern | Restaurant in R-8 district |
| SUP-0014-2003 | JCSA Concentrate Discharge Main | Water Main (r-8 and LB) |
| SUP-0013-2003 | Old Elk Capitol Lodge | Amend existing SUP to allow 2400 sq. ft. vertical expansion in R-8 district |
| SUP-0003-2003 | JCSA Rt. 5 Water Main Extension Amend. | Utility Extension |
| SUP-0021-2002 | Jamestown Island Expansion | Expansion of existing offices in R-8 district |
| SUP-0019-2002 | JCSA Water Treatment Facility Concentrate Main | Water treatment facility in R-8 |
| SUP-0015-2002 | Jamestown 4H Center Preschool | Lease of Lodge for Preschool in R-8 |
| SUP-0013-2002 | Manufactured Home - Fiorello | Non-permanent structure in R-8 |
| SUP-0002-2002 | Manufactured Home - Walker | Non-permanent structure (r-8) |
| SUP-0001-2005 | Alice's Wonderland Playhouse | R-8 daycare |

R-1

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|---------------|---------------------------------------|----------------------------|
| SUP-0009-2008 | King's Way Church, Greenwood Academy | Church expansion |
| SUP-0002-2007 | Accessory Apartment | accessory apartment |
| SUP-0017-2002 | Accessory Apartment - Gatehouse Farms | Accessory apartment in R-1 |

R-2

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|----------------------|---|--|
| <u>SUP-0022-2009</u> | King of Glory Lutheran Church | Church Expansion and classrooms |
| <u>SUP-0013-2009</u> | Cardinal Acres Duplex | Duplex in R-2 |
| <u>SUP-0004-2009</u> | Dee's Child Care | Daycare in a residential district |
| <u>SUP-0020-2008</u> | Gilley Subdivision | Duplexes in R-2 |
| <u>SUP-0017-2008</u> | Burlington Woods SUP renewal | Cluster in R-2 |
| <u>SUP-0022-2007</u> | Monticello @ Powhatan Ph. 3 | residential cluster |
| <u>SUP-0019-2007</u> | King of Glory Lutheran Church | expansion of a church in a residential district |
| <u>SUP-0015-2007</u> | Precious Moments Playhouse SUP Renewal | Daycare in residential district |
| <u>SUP-0025-2006</u> | Centerville Salvage Yard Property | Increased density in R-2 |
| <u>SUP-0032-2005</u> | Jennings Way | single family development density > 1 unit/acre in R-2 |
| <u>SUP-0021-2005</u> | Olde Towne Timeshares Amend. | Amend previous SUP allowing for 365 timeshare units in R-2 |
| <u>SUP-0018-2005</u> | The Villages at Whitehall(Task.,H.Neck,Rochambe | Proposed rezoning of A-1 to R-2 |
| <u>SUP-0017-2005</u> | The Villages at Whitehall (LaGrange) | Proposed rezoning of A-1 to R-2 |
| <u>SUP-0006-2005</u> | Centerville Road Subdivision (Windmill Meadows | cluster in R-2, with rezoning from A-1 |
| <u>SUP-0037-2004</u> | 115 Winston Drive Duplex | 2-family dwelling in R-2 |
| <u>SUP-0034-2004</u> | The Villas at Five Forks | Construct multifamily residential units in R-2 |
| <u>SUP-0018-2004</u> | Precious Moments Day Care, SUP Renewal | amendment to daycare SUP |
| <u>SUP-0010-2004</u> | Indigo Terrace Day Care | Request to extend daycare hours |
| <u>SUP-0018-2003</u> | Olde Towne Timeshares | Amendment for R-2 Cluster |
| <u>SUP-0012-2003</u> | Accessory Apartment - Turlington Road | Install accessory apartment in R-2 district |
| <u>SUP-0001-2003</u> | Williamsburg Plantation, Sec. 10 | Construction of two eight-unit dwellings on 1.72 acres in R-2 district |
| <u>SUP-0018-2002</u> | Wellspring Adult Day Care | Adult Daycare Center in R-2 district |
| <u>SUP-0014-2002</u> | Pochantas Tr. - Infant & Toddler Family Daycare | Daycare in R-2 |
| <u>SUP-0012-2002</u> | Mt. Gilead Playground and Temp. Trailers | Non-permanent structure in R-2 |
| <u>SUP-0011-2002</u> | Kristiansand Sewer Extension | Utility Extension (r-2) |
| <u>SUP-0023-2002</u> | Mt. Gilead Duplexes | R-2 duplexes |
| <u>SUP-0020-2007</u> | Powhatan Terrace | residential cluster (r-2) |
| <u>SUP-0031-2004</u> | Monticello at Powhatan North | R-2 Cluster |

R-5

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|----------------------|--|-----------------------------------|
| <u>SUP-0018-2008</u> | Williamsburg Landing Proffer Amendment | Master Plan and proffer amendment |
| <u>SUP-0002-2004</u> | JCSA Gravity Sewer Extension | Utility Extension |
| <u>SUP-0029-2003</u> | Michelle Point | R-5 Cluster |

R-6

SUP-0012-2009 Birch Circle Accessory Apartment Accessory Apartment

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|----------------------|---|--|
| <u>SUP-0016-2009</u> | JCC Police Department Headquarters | Governmental office over 30,000 sq. ft. |
| <u>SUP-0014-2009</u> | Chickahominy Riverfront Park RV Loop | Community Rec facility |
| <u>SUP-0007-2009</u> | Relocation of the Tewning Road Convenience Center | Solid Waster Transfer station |
| <u>SUP-0003-2009</u> | Rawls Byrd ES Trailer | Classroom trailers |
| <u>SUP-0002-2009</u> | DJ Montague Elementary Trailer | Classroom trailers |
| <u>SUP-0001-2009</u> | Lafayette HS Trailer | Classroom trailers |
| <u>SUP-0025-2008</u> | Accessible playground at JCWCC | Community Rec facility |
| <u>SUP-0014-2008</u> | Freedom Park Waterline Extension | Extension of utilities |
| <u>SUP-0013-2008</u> | Lafayette HS WCF | WCF tower |
| <u>SUP-0010-2008</u> | Jamestown HS Temp. Trailer | Classroom trailers |
| <u>SUP-0005-2008</u> | Longhill Rec Center Tower | WCF tower |
| <u>SUP-0003-2008</u> | Norge Middle School Trailer | Classroom trailers |
| <u>SUP-0002-2008</u> | Toano Middle School Trailer | Classroom trailers |
| <u>SUP-0001-2008</u> | Stonehouse Elementary School | Classroom trailers |
| <u>SUP-0030-2007</u> | 4th Middle and 9th Elementary School | schools in public land |
| <u>SUP-0024-2007</u> | 4th Middle & 9th Elementary School | schools in public land |
| <u>SUP-0023-2007</u> | Trailers at ESH | Classroom trailers |
| <u>SUP-0006-2007</u> | Lafayette HS Trailer | Classroom trailers |
| <u>SUP-0007-2007</u> | Jamestown H.S. Trailer | Classroom trailers |
| <u>SUP-0008-2007</u> | DJ Montague Elementary Trailer | Classroom trailers |
| <u>SUP-0009-2007</u> | Clara Byrd Baker Elementary Trailer | Classroom trailers |
| <u>SUP-0010-2007</u> | Rawls Byrd Elementary Trailer | Classroom trailers |
| <u>SUP-0011-2007</u> | Stonehouse Elementary Trailer | Classroom trailers |
| <u>SUP-0034-2006</u> | Bus Loop Rawls Byrd E.S. | Master Plan amendment for school in residential district |
| <u>SUP-0031-2006</u> | Toano M.S. Bus Entrance | Master Plan amendment for school in |
| <u>SUP-0014-2006</u> | 8th Elementary School Utility Extension | Utility Extension |
| <u>SUP-0012-2006</u> | Clara Byrd Baker E.S. - Temp. Classroom Trailers | Classroom trailers |
| <u>SUP-0011-2006</u> | D.J. Montague E.S. - Temp. Classroom Trailers | Classroom trailers |
| <u>SUP-0010-2006</u> | Toano M.S. - Temp. Classroom Trailers | Classroom trailers |
| <u>SUP-0009-2006</u> | Stonehouse E.S. - Temp. Classroom Trailers | Classroom trailers |

PL continued

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|---------------|---|--------------------------------|
| SUP-0008-2006 | Jamestown H.S. - Temp. Classroom Trailers | Classroom trailers |
| SUP-0007-2006 | Lafayette H.S. - Temp. Classroom Trailers | Classroom trailers |
| SUP-0006-2006 | Rawls Byrd E.S. - Temp. Classroom Trailers | Classroom trailers |
| SUP-0005-2006 | Eighth E.S. | School in A-1 |
| SUP-0031-2005 | Norge Elementary School Cafeteria Addition | 2,000 sq. ft. expansion in R-2 |
| SUP-0008-2005 | Lafayette H.S. - Temp. Classroom Trailer | Classroom trailers |
| SUP-0009-2005 | Jamestown H.S. - Temp. Classroom Trailer | Classroom trailers |
| SUP-0010-2005 | Toano M.S. - Temp. Classroom Trailer | Classroom trailers |
| SUP-0011-2005 | Clara Byrd Baker E.S. - Temp. Classroom Trailer | Classroom trailers |
| SUP-0012-2005 | D.J. Montague E.S. - Temp. Classroom Trailer | Classroom trailers |
| SUP-0013-2005 | Stonehouse E.S. - Temp. Classroom Trailers | Classroom trailers |
| SUP-0014-2005 | Norge E.S. - Temp. Classroom Trailers | Classroom trailers |
| SUP-0015-2005 | Rawls Byrd E.S. - Temp. Classroom Trailers | Classroom trailers |
| SUP-0015-2004 | Lafayette H.S. Temp Trailers (CDR) | Classroom trailers |
| SUP-0011-2004 | Freedom Park Master Plan | |
| SUP-0003-2004 | Lafayette H.S. Temp Trailers | Classroom trailers |
| SUP-0004-2004 | Jamestown H.S. Temp Trailers | Classroom trailers |
| SUP-0005-2004 | Toano M.S. Temp. Trailers | Classroom trailers |
| SUP-0006-2004 | Clara Byrd Baker E.S. Temp. Trailers | Classroom trailers |
| SUP-0007-2004 | D.J. Montague E.S. Temp. Trailers | Classroom trailers |
| SUP-0008-2004 | Stonehouse E.S. Temp. Trailers | Classroom trailers |
| SUP-0017-2003 | Warhill Sports Complex Master Plan Amend. | District Park in R-8 district |
| SUP-0009-2003 | York River Competition Park | |
| SUP-0005-2003 | Jamestown H.S. Temp Trailers | Classroom trailers |
| SUP-0006-2003 | Lafayette H.S. Temp Trailers | Classroom trailers |
| SUP-0007-2003 | Clara Byrd Baker E.S. Temp. Trailers | Classroom trailers |
| SUP-0008-2003 | Stonehouse E.S. Temp. Trailers | Classroom trailers |
| SUP-0005-2002 | Lafayette H.S. Temp Trailers | Classroom trailers |
| SUP-0006-2002 | Jamestown H.S. Temp Trailers | Classroom trailers |
| SUP-0007-2002 | Toano M.S. Temp. Trailers | Classroom trailers |
| SUP-0008-2002 | Clara Byrd Baker E.S. Temp. Trailers | Classroom trailers |
| SUP-0009-2002 | D.J. Montague E.S. Temp. Trailers | Classroom trailers |

PLANNING DIRECTOR'S REPORT

January 2010

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

- **New Town.** The Design Review Board held a meeting on December 17. At this meeting, the DRB approved several sign requests, approved materials for the information and ATM kiosk at the corner of Main Street and Courthouse Street, and a grading plan for Block 21. The DRB also conceptually approved elevations for an expansion to Building 900 at the end of Main Street and a 40,000 square foot medical office building on Discovery Park Boulevard. Both of those items will go before the DRB again in the future as final site plans.
- **Policy Committee Meetings.** The Policy Committee met on December 10. At this meeting, the Committee finalized revisions to the Planning Commission's by-laws, discussed alternative formats for meeting minutes, continued discussions on external communications, and began evaluation of FY11 Capital Improvement Program (CIP) projects. The next meeting is scheduled for January 7 at 4 p.m. in Building A and will include presentations on capital projects from the School Division and Parks and Recreation and continued evaluation of submitted CIP projects.
- **Comprehensive Plan.** The 2009 Comprehensive Plan Text and Land Use Map adopted by the Board of Supervisors can now be downloaded by visiting www.jccplans.org or <http://www.jccgov.com/government/administration/comp-plan.html>. Staff is currently working on the graphic design of the Plan, which is scheduled to be available online in Spring 2010.
- **Training.** Staff is taking advantage of webinars that are available from the American Planning Association. January's topics include workforce housing challenges and performance measures in transportation planning.
- **Monthly Case Report.** For a list of all cases received in the last month, please see the attached document.
- **Board Action Results** – December 8, 2009
SUP-0022-2009 King of Glory Lutheran Church SP Amendment – Adopted 5-0

Allen J. Murphy, Jr.

| Case Type | Case Number | Case Title | Address | Description | Planner | District |
|------------------|-------------|--|---------------------------|--|-------------------|------------|
| Conceptual Plans | C-0057-2009 | Hogge Family Subdivision | 2679 JOLLY POND ROAD | Application to determine the feasibility of subdividing two lots for a family subdivision | Jason Purse | Powhatan |
| | C-0058-2009 | Cox Communications Power Supply Anderson's Corner | 8391 RICHMOND ROAD | Install a power supply unit at 8391 Richmond Road. The power supply is used to provide power to Cox amplifiers in the area near the site location. | Jose Ribeiro | Stonehouse |
| | C-0059-2009 | Chickahominy Riverfront Park RV Loop Improvements | 1350 JOHN TYLER HWY | This plan is for RV loop renovations at Chickahominy Riverfront Park. This project will provide 39 renovated campsites with new water, sewer, and electrical connections. This plan also includes new road improvements. | Leanne Reidenbach | Berkeley |
| | C-0060-2009 | Metal Manufacturing, James River Commerce Center, Parcel 9 | 1733 ENDEAVOR DRIVE | Construct a 20,000 square foot metal manufacturing facility with outdoor storage yard. Phase II includes 10,000 square foot additional fabrication space to be constructed sometime in the future. | Jason Purse | Roberts |
| | C-0061-2009 | BLA Lots 3 & 4 Arlene's View Subdivision | 712 ARLINGTON ISLAND ROAD | Conceptual Plan showing a Boundary Line Adjustment between two parcels located at 712 and 716 Arlington Island Rd | Jose Ribeiro | Stonehouse |

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|-----------|--------------|--|------------------------------|--|-------------------|------------|
| Rezoning | Z-0004-2009 | School Operations Center Parking | 6616 CRANSTON'S MILL POND RD | Rezone additional 20 acres aquired by School Division adjacent to existing School Operations Center to PL, Public Lands. See SUP-0027-2009 for additional information. | Leanne Reidenbach | Stonehouse |
| Site Plan | SP-0097-2009 | Ford's Colony Marriott Manor Club Tower | 101 ST ANDREWS DR | Adding three antennas with a stealth screen box to match existing chimneys. Outdoor equipment cabinets located on rooftop. | Luke Vinciguerra | Powhatan |
| | SP-0098-2009 | Zaxby's Chicken Williamsburg Crossing Lot 24 | 5295 JOHN TYLER HGWY | Plan is to construct a Zaxby's Chicken fast food restaurant and required parking area. Site is located within the exisitng Williamsburg Crossing Shopping Center. This parcel is currently served by public utilities. | Jose Ribeiro | Jamestown |
| | SP-0099-2009 | TMobile Tower Ironbound Road SP Amend. | 4039 IRONBOUND ROAD | This application is to relocate existing antennas, relocation of equipment cabinets, and installation of power and telco utilities. | Jason Purse | Berkeley |
| | SP-0100-2009 | New Town Sec. 3&6 Block 21 | 4201 IRONBOUND ROAD | Clearing and placement of fill from existing stockpile to be handled as an Erosion & Sediment Control Plan. | Leanne Reidenbach | Berkeley |
| | SP-0101-2009 | Warhill Stadium Maintenance Building SP Amend. | 5700 WARHILL TRAIL | Applicant proposes an amendment to SP-0052-2008 to consturct a rack for sand spreaders | Sarah Propst | Powhatan |

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|-----------|--------------|--|------------------------------|--|-------------------|------------|
| Site Plan | SP-0102-2009 | Beck Property Ditch Improvements | 2700 LAKE POWELL RD | Roadside ditch and storm improvements beside the gravel driveway along Lake Powell Road, directly across from Kensington Woods. Ditch slopes will be regraded to a lesser angle. | Brian Elmore | Roberts |
| | SP-0103-2009 | Busch Gardens Entrance Stroller Rentals | 7851 POCAHONTAS TR | Construct a rental office for strollers and scooters near the park entrance | Terry Costello | Roberts |
| | SP-0104-2009 | AT&T Treasure Island Road Wireless Tower | 1700 TREASURE ISLAND RD | Install an AT&T 120' slick stick wireless tower. See SUP-0019-2009 for Special Use Permit | Luke Vinciguerra | Roberts |
| | SP-0105-2009 | Busch Gardens Entrance Canopy | 7851 POCAHONTAS TR | Add a steel framed shade structure over the existing entry deck at the front gate of Busch Gardens | Leanne Reidenbach | Robertson |
| | SP-0106-2009 | Busch Gardens England Bridge A Replacement | 7851 POCAHONTAS TR | Replace timber bridge with steel bridge with concrete topping | Jose Ribeiro | Roberts |
| | SP-0107-2009 | Colonial Heritage Ph. III Sec. I, SP Amend. | 6799 RICHMOND ROAD | Amendment to SP-0033-2009 to adjust side yard boundary lines in response to changes in the building code. | Kathryn Sipes | Stonehouse |
| | SP-0109-2009 | Greenmount Carter Equipment Lot 3B SP Amend. | 1601 GREEN MOUNT PARKWAY | This site plan amendment is to replace the BMP Aquatic Bench with Wetland Islands | Jason Purse | Roberts |
| | SP-0111-2009 | New Town Village Square ATM Pavilion | 4908 COURTHOUSE STREET | Construct an ATM Pavilion in the Village Square near Main Street | Leanne Reidenbach | Berkeley |
| | SP-0112-2009 | New Town Sec. 6 Blk. 20 TPMG Medical Building | 4201 IRONBOUND ROAD | Constructing two story medical office building with 162 parking spaces | Leanne Reidenbach | Berkeley |
| | SP-0113-2009 | Williamsburg Landing Entrance Improvements SP Amend. | 5560 WILLIAMSBURG LANDING DR | Realignment of entrance road, landscape and sign upgrades, and roof addition to existing security building | Sarah Propst | Jamestown |

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|----------------------------|---------------|---|---------------------------------|---|-------------------|------------|
| Special Use Permit | SUP-0025-2009 | St. Bede's Catholic Church SUP Amendment | 3686 IRONBOUND ROAD | Modify SUP-0015-2000 to include a 36,500 sq foot Parish Life and Ministry Center | Jose Ribeiro | Berkeley |
| | SUP-0026-2009 | Constance Avenue At&t Wireless Tower | 115 CONSTANCE AVE | Applicant proposes to construct and operate 120-foot "slick stick" wireless communications facility with a 4-foot lightning rod and related communications equipment on a portion of the Burris property. | Sarah Propst | Jamestown |
| | SUP-0027-2009 | School Operations Center Parking | 6616 CRANSTON'S MILL POND RD | Construct gravel areas for employee and overflow parking, for the storage of existing classroom trailers removed from school sites until disposal and for additional bus storage during summer. | Leanne Reidenbach | Stonehouse |
| | SUP-0028-2009 | AT&T Ingram Road Wireless Tower | 108 INGRAM ROAD | Construct and operate a 130-foot monopole wireless tower with a 4-foot lightning rod and related communications equipment. | Luke Vinciguerra | Berkeley |
| Subdivision | S-0059-2009 | White Hall Sec. 2 Ph. E | 3401 ROCHAMBEAU DR | Creating 10 lots on 1.688 acres | Jason Purse | Stonehouse |
| | S-0060-2009 | King of Glory Church BLE | 4881 LONGHILL ROAD | Exstinguish property line between King of Glory Church and former Crossroads Youth Home property. BLE between these two properties are a condition of SUP-0022-2009. | Jose Ribeiro | Powhatan |
| Zoning Ordinance Amendment | ZO-0004-2009 | SUP Use List Amendment | | Changing certain SUPs to permitted uses. A previous case proposed the same changes, however, the BOS did not approve all of the changes at that time, but requested they be brought back at a later date. | Jason Purse | |