

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
AUGUST 4, 2010 - 7:00 p.m.

1. ROLL CALL
2. RECOGNITION – Mr. Chris Henderson
3. PUBLIC COMMENT
4. MINUTES
 - A. July 7, 2010 Regular Meeting
5. COMMITTEE AND COMMISSION REPORTS
 - A. Development Review Committee (DRC)
 - B. Policy Committee
 - C. Other Committee/Commission Reports
6. PLANNING COMMISSION CONSIDERATIONS
 - A. Initiating Resolution – Amendment to the Zoning Ordinance Section 24-666
 - B. Initiating Resolution – Subdivision Ordinance Amendment – Sewage Treatment Systems Pump Out
7. PUBLIC HEARING CASES
 - A. Z-0002-2009 / MP-0002-2009 – Governor’s Grove Section III Proffer and Master Plan Amendment – Deferral requested by applicant until September 1, 2010
 - B. SUP-0028-2009 – Ingram Road Tower
 - C. SP-0064-2008 – Autumn West Townhomes
8. PLANNING DIRECTOR’S REPORT
9. COMMISSION DISCUSSIONS AND REQUESTS
10. ADJOURNMENT

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SEVENTH DAY OF JULY, TWO-THOUSAND AND TEN, 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:

Jack Fraley
Reese Peck
Joe Poole
Al Woods
Mike Maddocks
Rich Krapf

Staff Present:

Allen Murphy, Director of Planning/
Assistant Development Manager
Adam Kinsman, Deputy County Attorney
Kate Sipes, Senior Planner
Jose Ribeiro, Senior Planner
Leanne Reidenbach, Senior Planner
Sarah Propst, Planner
Terry Costello, Development Management Assistant

Mr. Reese Peck called the meeting to order at 7:00 p.m.

2. ELECTION OF OFFICERS

Mr. Peck stated that with the resignation of the Vice-Chairman of the Planning Commission, and in accordance with the bylaws, the Commission will elect a Vice-Chairman this evening.

Mr. Jack Fraley asked if any of the Commissioners objected to addressing the election of a Vice-Chairman in open session, rather than closed session, as allowed by State Code. There were none. He made a motion to elect Mr. Joe Poole as Vice-Chairman. He stated that Mr. Poole has served as a Planning Commissioner for a number of terms and has been the Chairman of the Commission in the past.

In a voice vote, the motion was approved.

3. PUBLIC COMMENT

Mr. Peck stated that while the Commission encourages public comment, he wanted to remind speakers to use decorum when making comments. Courtesy from speakers is appreciated as well as respectful language. It would be appreciated if the public refrained from making comments that result in insults, personal attacks, or any act of violence. Mr. Peck stated that the opening public comment period is not required by law.

There were no public comments.

4. MINUTES

A. June 2, 2010 Regular Meeting

Mr. Poole had a correction to the minutes. On page 20 of the packet, he would like it to read, "He stated there should be some latitude for the size and color of sandwich board signs."

Mr. Fraley moved for adoption of the minutes as amended.

In a roll call vote the motion was approved. (6-0)

5. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee (DRC)

Mr. Rich Krapf stated that the DRC did not meet in June but did hold a special meeting at 6:30 this evening to review SP-0028-2010, The Pavilion at Williamsburg Place Site Plan. The applicant had requested minor modifications to the plan for a proposed acute psychiatric treatment facility at Williamsburg Place. The original plan was reviewed by the DRC on April 28, 2010 and preliminary approval was granted at the May 5, 2010 Planning Commission meeting. Mr. Krapf stated that by amending the previously approved site plan now to accommodate the slightly larger facility will enable the applicant to begin construction next month, rather than later and also eliminate costly changes during the construction phase. The DRC approved the revised site plan by a vote of 3-0.

Mr. Poole moved to approve the minutes of the DRC.

In a voice vote the motion was approved. (6-0)

B. Policy Committee

Mr. Fraley stated that the Policy Committee did not meet in June. There is a meeting scheduled for July 20, 2010 to discuss the August 10, 2010 joint work session with the Board of Supervisors. Other items for discussion are the Comprehensive Plan Annual Report and protocol for public comment at Planning Commission meetings. Other important dates included the first public input forum on August 24, 2010 from 6:30 p.m. to 8:30 p.m. in Building F, and the second forum scheduled for September 1, 2010 from 4:30 p.m. to 6:30 p.m. There may be a joint work session with the Planning Commission and Board of Supervisors on September 21, 2010 at 4:00 p.m. Mr. Fraley stated the zoning process update website is www.jccplans.org.

C. Other Committee/Commission Reports

There were no additional reports.

6. PUBLIC HEARING CASES

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

Mr. Peck stated the applicant had requested deferral.

Mr. Allen Murphy stated staff did not object to the deferral request.

Mr. Peck continued the public hearing until the August 4, 2010 Planning Commission meeting.

B. Amendment to the Zoning Ordinance – Adding Section 24-24 to Article 1

Ms. Erin Waugh, working with the County Attorney's Office, presented an amendment to the Zoning Ordinance that would require applicants to certify that they do not owe any delinquent real estate taxes to the County prior to the County's consideration of the application. This requirement would apply to all applicants seeking a special use permit, variance, rezoning, or other land development permit (including building permits and erosion and sediment control permits). The County Treasurer has indicated that this certification can be provided at the Treasurer's customer service counter quickly and without cost to the applicant. Ms. Waugh stated that staff recommends the Planning Commission recommend approval of this ordinance amendment to the Board of Supervisors.

Mr. Peck opened the public hearing.

There being no comments, the public hearing was closed.

Mr. Krapf moved for approval of the amendment.

In a roll call vote the motion was approved. (6-0)

C. AFD-1-94 – Wright's Island Agricultural and Forestal District

Ms. Kate Sipes stated that there are currently 14 Agricultural and Forestal Districts (or AFDs) in the County. One has an eight year term, one has a six year term, and the remaining 12 have four year terms. The Wright's Island AFD, the only one with an 8 year term, expires August 13 of this year and is currently being renewed. Per State Code, a public hearing must be held to consider the renewal of a district for an additional term. This renewal period allows landowners to continue participating in the program or allows them to withdraw all or some of their parcels. The Wright's Island AFD currently consists of five parcels, totaling approximately 1,454.40 acres, located along Little Creek Dam Road and Menzels Road between Little Creek Reservoir, Yarmouth Creek, and the Chickahominy River. The district is comprised of woodlands and tidal wetlands. All of the property is zoned A-1, General Agricultural and is designated either Rural Lands or Conservation Area on the 2009 Comprehensive Plan Land Use Map. The entire district is located outside the PSA.

Ms. Sipes stated that one parcel, JCC Tax Map No. (20-2)(1-28), is being withdrawn at the property owner's request. The parcel is approximately 75 acres in size. After the withdrawal the district will total approximately 1,379.65 acres.

During the renewal period in 2006, staff made an effort to synchronize the districts' expiration so that all districts expire in the fall. Staff recommends a term of eight years and two months, making the expiration date October 2018. On June 28, 2010 the AFD Advisory Committee recommended renewal of this district by a vote of 6-0. This AFD is consistent with the surrounding zoning and with the goals of the Comprehensive Plan. Staff recommends renewal, subject to the conditions stated in the packet.

Mr. Peck opened the public hearing.

There being no comments, the public hearing was closed.

Mr. Poole moved for approval of the application.

In a roll call vote the motion was approved. (6-0)

D. Fast Food Restaurant at 8953 Pocahontas Trail

Ms. Sarah Propst stated that Mr. John Rogers has applied to rezone a 1 acre parcel located at 8953 Pocahontas Trail from M-2, General Industrial, to B-1, General Business, with proffers, for the development of a fast food restaurant. The property is the site of the former Spray King Truck Wash. The parcel is designated Mixed Use as part of the James River Commerce Center. Limited industry and office uses are recommended in the Comprehensive Plan. While the proposed restaurant use is not compatible with the designation, it will provide a service lacking in the area.

Ms. Propst stated that prior to submitting this application for a rezoning. Mr. Rogers came before the DRC to receive comments and direction. Some of the suggestions received at those meetings have been incorporated into this plan. She stated the applicant is requesting two landscape modifications. This request has been reviewed by staff and approval of this landscape modification is recommended.

Ms. Propst displayed a preliminary architectural rendering of the building that is proposed. Additionally the size of the building, materials, and colors are being proffered. Staff finds that the proposed fast food restaurant is consistent with some recommendations set forth by the Comprehensive Plan, and notes that the rezoning of this property is also consistent with several nearby properties which are currently zoned B-1. Staff finds that the small scale of this proposal, the positive redevelopment of the site, and the proffers associated with this request will mitigate impacts. Staff recommends that the Planning Commission approve the landscape modification request and recommend approval of this application with the conditions included in the staff report.

Mr. Fraley had a question concerning condition #1 where it lists other uses that may be permitted. He stated that some individuals may have some concerns with these uses being by-right. He was asking for clarification being that the application was for a fast food restaurant.

Ms. Propst answered that this application is for a fast food restaurant but that the

applicant wishes to have other options available for the future. There are several uses listed that would be by-right if the property was rezoned to B-1. Some uses listed would require a special use permit. She stated the applicant is willing to clarify this condition before the case is heard by the Board of Supervisors.

Mr. Poole stated that he would feel more comfortable if it were clearly stated that a special use permit is required for certain uses listed in condition #1.

Mr. Adam Kinsman stated that if the Zoning Ordinance requires a special use permit for a particular use, that a proffer cannot change that.

Mr. Fraley expressed his concern if the property was sold and a use was permitted that was originally not approved.

Mr. Allen Murphy added that uses that are most intensive would still require a special use permit. These proffers are a little unusual, but the applicant is a small business owner who is working through the County Business Facilitator.

Mr. Kinsman stated that he felt that the intent was to make the application more presentable. It is recognized that zoning does go with the property. Mr. Kinsman is sure that he can work with the applicant on this condition if the Commission desires.

Mr. Peck opened the public hearing.

Mr. Rogers spoke and stated that he would answer any Commission questions.

Mr. Poole stated that he appreciated his willingness to come before the DRC and the willingness to incorporate some of the concerns and suggestions of the DRC into his designs.

Mr. Rogers stated that this was a need in the area where it will be located.

There being no further comments, the public hearing was closed.

Mr. Krapf commended the applicant on his flexibility and felt that this use will serve a need in the community. He felt that this was an excellent use of a redevelopment of an existing site and it reduces impervious cover on the site.

Mr. Fraley moved for approval of this application. He is confident that Mr. Kinsman can work with the applicant to clarify condition #1.

Mr. Poole suggested adding the phrase “the property should be used only for the following purposes and in accordance with the uses outlined in the B-1 Zoning District.” He supports the application and thinks it is a good redevelopment of an existing site where infrastructure is located.

In a roll call vote the motion was approved. (6-0)

E. SUP-0014-2010 Grove Christian Outreach Center

Mr. Jose Ribeiro stated that Mr. Vernon Geddy on behalf of Grove Christian Community Church and Outreach Center has applied for a special use permit to allow the construction of a house of worship with outreach services as an accessory use on two parcels located along Pocahontas Trail in the Grove area of James City County. The parcels are located at 8798 and 8800 Pocahontas Trail, are zoned LB, limited Business and designated Neighborhood Commercial on the Comprehensive Plan. A house of worship is a by-right use in Limited Business; however, Section 24-370 of the Zoning Ordinance requires a SUP for any building that exceeds 2,750 square feet of building footprint in areas that are designated Neighborhood Commercial on the Comprehensive Plan.

Mr. Ribeiro stated that Grove Ministry has served the Grove community since 2000 and currently operates from a leased space in front of Windy Hill Mobile Home Park. The proposed site is being designed to accommodate the needs of Grove Community Church as the main use of the property and the needs of the Outreach Center as an accessory use.

Mr. Ribeiro stated that all agencies have reviewed and recommended support of this application. Staff finds that this request is compatible with surrounding zoning and development and consistent with the Comprehensive Plan. Staff also finds the architectural elevations submitted by the applicant to be in accordance with the design guidelines of the Limited Business zoning district and the County's Neighborhood Commercial Development Standards Policy. Staff recommends the Planning Commission recommend approval of this application with the conditions listed in the staff report.

Mr. Peck opened the public hearing.

Mr. Vernon Geddy spoke on behalf of Grove Christian Church. He stated that this organization has year round activities and listed several for the Commissioners. He stated that this organization in 2009 served 627 families, approximately 2000 individuals, and distributed 430,000 pounds of food. The Church also offers financial assistance to some individuals. Mr. Geddy displayed the current location and displayed drawings of the proposed buildings at the new location. There is room for future expansion for the building and parking. He stated that a community meeting was held in April 2010 with widespread community support. Mr. Geddy also had a list of 215 signatures supporting the application. He requested that the Planning Commission recommend approval of the application to the Board of Supervisors.

Mr. Poole supports the application but did express his concern about saving specimen trees or some sensitivity towards mature trees in the buffered area.

Mr. James Peters, AES Consulting Engineers, stated that with the exception of the perimeter areas, the site is not heavily wooded, but mature trees will be kept wherever possible.

Ms. Kathy Reynolds, 14 Briar Avenue, spoke on behalf of the Church. She stated that she is a client and volunteer of Grove Christian Outreach Center. She gave examples of how the

center has assisted her and her family. She encouraged the Commission to recommend approval of the application.

Ms. Rebecca Knowles, 137 Jefferson's Hundred, stated she is on the Board at Grove Christian Outreach Center. She supports the work of the church and the outreach center. She stated the needs are great and ongoing. Ms. Knowles stated that the organization is supported by many local businesses and volunteers. The new church and outreach center will help the organization meet the needs of the community more effectively. She hopes that the Commission recommends approval to the Board of Supervisors.

Mr. Alan Rikkola, 1908 Miln House Road, stated that he is also a Board member of the organization. He stated that the center has become very important to the people it serves. He stated that this area has the greatest concentration of poverty in the County. Mr. Rikkola felt that this new site will serve the community more effectively. He encourages the Commission to recommend approval to the Board of Supervisors.

Mr. John Rogers, 8960 Pocahontas Trail, stated that he knows the pastor and encourages the Commission to support the application.

Mr. Jack Fowler, 109 Wilderness Lane, spoke in favor of the application.

Mr. Peck closed the public hearing.

Mr. Fraley moved for approval of the application. He commended the church for all the work they do in the community.

Mr. Poole stated that he has had the privilege of working at the outreach center. He felt that the applicant is very well deserving of the Commission's support.

In a roll call vote the motion was approved. (6-0)

F. SUP-0015-2000 – Chanco's Grant Greensprings Trail Amendment

Ms. Leanne Reidenbach stated that Mr. Bernie Farmer has applied on behalf of James City County Parks and Recreation for an amendment to an existing Special Use Permit to allow for the construction of a trail segment through a required 300 foot undisturbed buffer between the Five Forks Groundwater Treatment Facility and the Chanco's Grant neighborhood. The property is located at 3123 Ironbound Road, is zoned R-8, Rural Residential, and is designated Federal, State, and County Land on the 2009 Comprehensive Plan. The trail is proposed to connect the Greensprings Trail network with Clara Byrd Baker Elementary School and Five Forks.

Ms. Reidenbach stated that the trail is proposed as an 8-foot-wide paved multi-purpose trail and the alignment is designed to have the least impact to the natural environment by avoiding steep slopes. This minimizes the necessary clearing while allowing the trail to be ADA accessible. Staff finds this SUP amendment to be consistent with surrounding land uses and the

Comprehensive Plan and recommends that the Planning Commission recommend approval of this SUP, with the proposed conditions, to the Board of Supervisors.

Mr. Mike Maddocks asked if this trail will allow individuals to go from the area around the treatment plant to the Mainland Farm area and avoid using Ironbound and Jamestown Road.

Ms. Reidenbach answered that was correct and that this trail will also connect to the Virginia Capital Trail.

Mr. Peck opened the public hearing.

There being no comments, Mr. Peck closed the public hearing.

Mr. Poole moved for approval of the application.

In a roll call vote the application was approved. (6-0)

G. SUP-0016-2010 La Tienda Virginia Packing

Ms. Reidenbach stated that Mr. Jonathan Harris of Virginia Packing, LLC has applied for a Special Use Permit to allow an approximately 6,000 square foot sausage and ham slicing, packaging, and processing facility on a parcel zoned M-1, Limited Business/Industrial. The facility is proposed to use three units in an existing building located within the Toano Business Center at 8105 Richmond Road. The property is shown as General Industry on the 2009 Comprehensive Plan. Recommended uses include those that maximize the industrial opportunities in an area and include manufacturing and warehousing. Secondary uses include office and a limited amount of commercial development. Surrounding properties are zoned B-1, M-1, M-2, or A-1 and many have existing similar industrial, office, or warehouse uses. All are designated General Industry or Mixed Use.

Staff finds this expansion to be consistent with surrounding land uses and the Comprehensive Plan and recommends that the Planning Commission recommend approval of this SUP, with the proposed conditions, to the Board of Supervisors.

Mr. Peck opened the public hearing.

Mr. Jonathan Harris spoke and stated that the reason for the special use permit was to relocate a portion of his business from Virginia Beach to James City County.

Mr. Tom Tingle, Chairman of the Economic Development Authority (EDA) spoke on behalf of this application. He stated that the EDA supports this project and he encourages the Planning Commission to support the project. This business started in James City County and continues to grow.

Mr. Peck closed the public hearing.

Mr. Krapf moved for approval of this application.

In a roll call vote the motion was approved. (6-0)

7. PLANNING DIRECTOR'S REPORT

Mr. Murphy stated he had no comments.

8. COMMISSION DISCUSSIONS AND REQUESTS

There were none.

9. ADJOURNMENT

Mr. Maddocks moved to adjourn.

The meeting was adjourned at 8:10 p.m.

Reese Peck, Chairman

Allen J. Murphy, Secretary

MEMORANDUM

DATE: August 4, 2010
TO: The Planning Commission
FROM: Erin Waugh, Law Extern
SUBJECT: Initiation of Zoning Ordinance Amendment

At its 2010 session, the Virginia General Assembly adopted laws requiring an amendment to Article VIII, Section 24-666 of the James City County Zoning Ordinance. Section 24-666, Petition for Certiorari to Review Decision of the Board, addresses the review process of a decision by the Board of Zoning Appeals.

Staff recommends the Planning Commission adopt the attached resolution to initiate consideration of this amendment to the Zoning Ordinance.

Erin Waugh
Law Extern

CONCUR:

Adam R. Kinsman
Deputy County Attorney

RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE

WHEREAS, the Planning Commission of James City County, Virginia, is charged by Virginia Code Section 15.2-2286 to prepare and recommend to the Board of Supervisors various land development plans and ordinances, specifically including a zoning ordinance and necessary revisions thereto as seem to the Commission to be prudent; and

WHEREAS, in order to make the Zoning Ordinance more conducive to proper development, public review and comment of draft amendments is required, pursuant to Virginia Code Section 15.2-2286; and

WHEREAS, the Planning Commission is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant consideration of amendments.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia does hereby request staff to initiate review of Chapter 24, Section 666 of the Zoning Ordinance. Virginia Code Section 15.2-2311 stipulates requirements regarding the zoning appeals process. Section 24-666 should be amended to reflect proper procedure for legal proceedings involving the Board of Zoning Appeals. The Planning Commission shall hold at least one public hearing on the consideration of amending this ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with law.

Reese Peck
Chair, Planning Commission

ATTEST:

Allen Murphy
Secretary

Adopted by the Planning Commission of James City County, Virginia, this day of _____ day
of _____, 2010.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE VIII, APPEALS, DIVISION 3, REGULATIONS GOVERNING APPEALS; SECTION 24-666, PETITION FOR CERTIORARI TO REVIEW DECISION OF BOARD.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, Article VIII, Appeals, Division 3, Regulations Governing Appeals, is hereby amended and reordained by amending Section 24-666, Petition for certiorari to review decision of board.

Chapter 24. Zoning

Article VIII. Appeals

Division 3. Regulations Governing Appeals

Section 24-666. Petition for certiorari to review decision of board.

(a) Petition to circuit court. Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any taxpayer or any officer, department, board or bureau of the county, may ~~present to file with the clerk of~~ the Circuit Court of James City County a petition ~~that shall be styled "In Re:{date} Decision of the Board of Zoning Appeals of James City County"~~ specifying the grounds on which aggrieved within 30 days after the final decision of the board. A "final decision" is the decision that resolves the merits of the action pending before the board or effects a dismissal of the case with prejudice.

(1) Any review of a decision of the board shall not be considered an action against the board and the board shall not be a party to the proceedings; however, the board shall participate in the proceedings to the extent required by this article. The board of supervisors, the landowner, and the applicant before the board of zoning appeals shall be necessary parties to the proceedings. The court may permit intervention by any other person or persons jointly or severally aggrieved by any decision of the board of zoning appeals.

(b) Allowance of writ of certiorari. Upon the presentation of such petition, the court ~~will~~ *shall* allow a writ of certiorari to review the decision of the board of zoning appeals and ~~will~~ *shall*

prescribe therein the time within which a return thereto must be made and served upon the ~~petitioner's attorney, secretary of the board of zoning appeals, or if no secretary exists, the chair of the board of zoning appeals,~~ which ~~will~~ shall not be less than ten days and may be extended by the court. The allowances of the writ ~~will~~ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

(c) *Board required to return papers and other facts.* The board of zoning appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of ~~such~~ *the* portions thereof as may be called for by ~~such~~ *the* writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(d) *Taking of testimony; finding of facts and conclusions of law.* If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take ~~such~~ evidence as it may direct and report ~~the same~~ *evidence* to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reserve or affirm, wholly or partly, or may modify the decision brought up for review.

(e) *Costs.* Costs shall not be allowed against the ~~board~~ *county*, unless it shall appear to the court that it acted in bad faith or with malice ~~in making the decision appealed from.~~ In the event the decision of the board is affirmed *and the court finds the appeal was frivolous*, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making a return of the record pursuant to the writ of certiorari. *If the petition is withdrawn subsequent to the filing of the return, the county may request that the court hear the matter on the question of whether the appeal was frivolous.*

MEMORANDUM

DATE: August 4, 2010

TO: The Planning Commission

FROM: Christopher Johnson, Principal Planner

SUBJECT: Subdivision Ordinance Section 19-29 - Initiating Resolution

Staff is recommending consideration of amendment(s) to Section 19-29 to Article II of the Subdivision Ordinance. The amendment(s) would add language requiring specific notation on final subdivision plats for parcels which have either on-site sewage treatment systems or Resource Protection Area. Certain specific notation language was identified as required elements by the recent Chesapeake Bay Act Phase III compliance assessment conducted by the Virginia Department of Conservation and Recreation's Chesapeake Bay Local Assistance staff in accordance with State law. Notation language would refer to already existing Chesapeake Bay Act-related Environmental Division programs or regulations – by placing the notation language in Section 19-29, it would formalize these requirements within the subdivision ordinance regulations and serve to notify homeowners through the subdivision plat process. The amendment(s) to Section 19-29 are being brought forward in advance of other ordinance update process amendments due to the Phase III compliance assessment schedule set by the State.

Staff recommends the Planning Commission adopt the attached resolution to initiate consideration of amendment(s) to Section 19-29 of the Subdivision Ordinance.

Christopher Johnson

Attachments:

- Initiating Resolution

RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENTS TO THE SUBDIVISION ORDINANCE **SECTION 19-29 FINAL PLAN – SUBMITTAL REQUIREMENTS**

WHEREAS, the Planning Commission of James City County, Virginia, is charged by Virginia Code §15.2-2223 to prepare and recommend to the Board of Supervisors various land development plans and ordinances, specifically including a subdivision ordinance and necessary revisions thereto as seem to the Commission to be prudent; and

WHEREAS, in order to make the Subdivision Ordinance more conducive to proper development, public review and comment of draft amendments is required, pursuant to Virginia Code 15.2-2240 et seq.; and

WHEREAS, the Planning Commission is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of amendments.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, does hereby request staff to initiate review of Chapter 19 Subdivision Ordinance, Article II Procedures and Documents to be Filed, Section 19-29, Final plan – Submittal requirements. The Planning Commission shall hold at least one public hearing on the consideration of amendments of said Ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with law.

Reese Peck
Chair, Planning Commission

ATTEST:

Allen Murphy, Jr.
Director of Planning / Assistant Development Manager

Adopted by the Planning Commission of James City County, Virginia, this 4th day of August, 2010.

**REZONING-0002-2009 / MP-0002-2009: Governor's Grove Section III: Proffer and Master Plan Amendment
Staff Report for the July 7, 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	(applicant deferral)
April 7, 2010	(applicant deferral)
May 5, 2010	(applicant deferral)
June 2, 2010	(applicant deferral)
July 7, 2010	(applicant deferral)
August 4, 2010	(applicant deferral)

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 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:

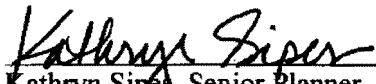
Inside

STAFF RECOMMENDATION

The applicant has requested that this case be deferred until September 1, 2010. 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: Kathryn Sipes

Phone: 253-6685


Kathryn Sipes, Senior Planner

Attachment:

Deferral request from applicant

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

ATTORNEYS AT LAW

1177 JAMESTOWN ROAD

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VERNON M. GEDDY, JR. (1926-2005)

STEPHEN D. HARRIS

SHELDON M. FRANCK

VERNON M. GEDDY, III

SUSANNA B. HICKMAN

RICHARD H. RIZK

ANDREW M. FRANCK

July 27, 2010

Ms. Kate Sipes
James City County
101-A Mounts Bay Road
Williamsburg, Virginia 23185

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

Dear Kate:

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

Very truly yours,

GEDDY, HARRIS, FRANCK & HICKMAN, LLP



Vernon M. Geddy, III

VMG/

cc: Mr. James Jard

**SPECIAL USE PERMIT-0028-2009 Ingram Road Pegasus Wireless Communications Facility Staff
Report for the August 4, 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 **Building F Board Room; County Government Complex**

Planning Commission:	February 3, 2010	7:00 PM (deferred)
	April 7, 2010	7:00 PM (denial vote)
	August 4, 2010	7:00PM
Board of Supervisors:	May 11, 2010	7:00 PM (deferred)
	May 25, 2010	7:00 PM (deferred)
	June 22, 2010	7:00 PM (remanded to PC)
	September 14, 2010	7:00 PM (tentative)

SUMMARY FACTS

Applicant:	Mr. Stephen Romine, LeClaire Ryan
Land Owner:	Ingram Road LLC
Proposal:	To allow the construction of a 124 foot (120' tower with 4' lighting rod) "slick stick" Wireless Communications Facility (WCF) on the subject property.
Location:	108 Ingram Road
Tax Map/Parcel:	4710100007
Parcel Size:	6.98 acres
Existing Zoning:	B-1, General Business
Comprehensive Plan:	Mixed Use
Primary Service Area:	Inside

STAFF RECOMMENDATION

Staff finds the proposal, with the conditions listed at the end of this report, to be generally consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, the Comprehensive Plan Land Use Map designation and the Wireless Communications Performance Standards policy. Staff recommends the Planning Commission recommend approval of the application with the conditions outlined at the end of the report.

Staff Contact:	Luke Vinciguerra, Planner	Phone: 253-6783
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Luke Vinciguerra, Planner

HISTORY

The Planning Commission reviewed the original proposal at the February 3rd and April 7th meetings and recommended denial of the application by a vote of 5-2. Since the original review, the applicant has amended the application, moving the proposed tower from the front of the property to the east side of the 2nd building adjacent to John Tyler industrial park. The Board remanded the application to the Commission for reconsideration and a new balloon test was performed at the new location. This staff report is an analysis of the new location.

PROJECT DESCRIPTION

Mr. Stephen Romine has applied for a Special Use Permit to allow the construction of a 124 foot wireless communication facility at 108 Ingram Road between an existing building and John Tyler Commercial Park (exact location best viewed on page A-0 of the site plan). Tower mounted communication facilities higher than 60' in the B-1, General Business district require a Special Use Permit (SUP). The proposed WCF would be a "slick stick" with no visible external antennas. An illustration of the proposed tower is provided at the end of the report (Attachment 5).

PUBLIC IMPACTS

Environmental

Watershed: Mill Creek

Staff Comments: The Environmental Division has no comments on the SUP application at this time. Any site development issues will be dealt with at the site plan level.

Public Utilities and Transportation

The new WCF would not generate additional needs for the use of public utilities or significant additional vehicular trips in the area.

VISUAL IMPACTS

The proposed tower site is located adjacent to the second of the three buildings in the existing commercial/office park on Ingram Road. The site is adjacent to the John Tyler Commercial Park. There is a thin line of mature trees between the proposed location and the neighboring business park. Additionally, there is a wooded buffer on the south side of the property adjacent to Route 5 and a high density of mature trees adjacent to Baron Woods. The existing buildings and mature trees in the area help screen the proposed tower from most locations. The proposed tower is approximately 430 feet from the closest home in Baron Woods, 800 feet from Brandon Woods, and 1,500 feet from Graylin Woods.

Based on a publicly advertised balloon test on July 8, 2010, staff finds the proposed tower would be briefly visible at the Ironbound Road/ Route 5 intersection during an eastbound approach (location 5) and at the entrance of John Tyler Commercial Park heading westbound (location 7). The tower would also be briefly visible from a portion of Governors Green Shopping center (location 6). The proposed tower would be visible at the entrance of Airtight Storage (location 4). The proposed tower would have limited visibility from the entrance of Clara Byrd Baker Elementary school, the entrance of Powhattan Crossing (location 1), the terminus of Lancaster Lane in Baron Woods (location 2), and Bradington in Brandon Woods (location 3). Staff defines 'limited visibility' as a purposeful attempt would need to be made to locate the proposed tower.

COMPREHENSIVE PLAN

Community Character

Development Standards & GSAs	<i>Five Forks</i> (pg 89) Five Forks is generally understood to encompass the area that lies within three-quarters of a mile of the intersection of John Tyler Highway and Ironbound Road (During the 2008 Comprehensive Plan update, Five Forks became a Community Character Area (CCA).
	The Primary Principles for the Five Forks Area referenced in the Comprehensive Plan state: Building architecture, scale, materials, spacing, height and color should respect the architectural context of existing structures such as the historic schoolhouse and veterinary clinic and maintain the village character of Five Forks. New buildings should attempt to emulate distinguishing architectural elements of existing structures such as windows, roof lines and cornices.
	<i>Action 1.2.1.</i> "... Encourage developers to apply the design guidelines developed for Toano and Five Forks to projects within these areas..."
	Staff Comment: Though the proposal is dissimilar to any historic element of the CCA and does not emulate distinguishing architectural elements of the surrounding area, it is well enough hidden to not be a noticeable visual anomaly.
	<i>Suburban Community Character Corridor recommendation</i> (pg 84): The predominant visual character of the suburban CCC should be the built environmental and natural landscaping, with parking and other auto-related areas clearly a secondary component of the streetscape.
	Staff Comment: Staff finds the proposal consistent with the policy statement as the tower would only be briefly viewable while traveling on Route 5 and likely unnoticeable from Ironbound Road.
	<i>Action 1.1.1</i> Expect that development along Community Character Corridors protects the natural views of the area, promotes the historic, rural or unique character of the area, maintains greenbelt network, and establishes entrance corridors that enhance the experience of residents and visitors.
	<i>Action 1.2.2</i> Expect that development along Community Character Areas protects the natural views of the area, promotes the historic, rural or unique character of the area, maintains greenbelt network, and establishes entrance corridors that enhance the experience of residents and visitors. Staff Comment: Staff finds this proposal consistent with Action 1.1.1 & 1.2.2 as the quality of the historic view shed would not be compromised as the tower is well hidden from most locations.

Comprehensive Plan

Given the proposed height of the tower, the onsite topography, and the adequate tree cover, staff finds this application, as proposed, is in compliance with the Comprehensive Plan.

PERFORMANCE STANDARDS

On May 26, 1998, the James City County Board of Supervisors adopted several performance criteria for WCFs (Attachment #4). In general, it is expected that all facilities should substantially meet the provisions of these performance standards.

These performance criteria note that tower mounted WCFs should be located and designated in a manner that minimizes their impacts to the maximum extent possible and minimizes their presence in areas where they would depart from existing and future patterns of development.

While all standards support the goals outlined in the Comprehensive Plan, some may be more critical to the County's ability to achieve these goals on a case-by-case basis. Therefore, some standards may be weighed more heavily in any recommendation or decision on an SUP and a case that meets a majority of the standards may or may not be recommended for approval. To date, towers granted an SUP have substantially met these standards, including those pertaining to visibility.

A. Co-location and Alternative Analysis

Standard A1 encourages co-location. The applicant has provided documentation in the written narrative of the application that discusses failed collocation attempts and offers justification for the proposed location.

Standard A2 pertains to the demonstration of a need for the proposal and the examination of alternatives, including increases in transmission power and other options. With regards to demonstrating the necessity for the tower, the applicant submitted propagation maps showing coverage of the area as unreliable. The applicant has explored alternative locations but claims this site is the most viable option.

Standard A3 recommends that the site be able to contain at least two towers on site to minimize the need for additional towers elsewhere. Though it appears structurally possible to locate an additional tower on site, positioning a second tower could be challenging because of the 400' residential setback requirement while maintaining an adequate distance from Route 5 and Ingram Road.

Standard A4 regarding allowance of future service providers to co-locate on the tower extension is addressed at the site plan stage through requirements in Section 24-128(3) of the Zoning Ordinance. The applicant has agreed to design the tower to accommodate two additional collocations (this is not indicated on the site plan but is required per SUP condition #6).

B. Location and Design

Performance Standard B1 states that towers and tower sites should be consistent with existing and future surrounding development and the Comprehensive Plan. More specifically, towers should be compatible with the use, scale, height, size, design and character of surrounding existing and future uses. Though the tower is significantly higher than any structure in the area, the topography, mature tree cover and surrounding buildings effectively screen the tower from most locations. Staff finds this condition to be met.

Performance Standard B2(a) states that towers should be located in a manner that use a camouflaged design or have minimal intrusion on to residential areas, historic and scenic resources areas or roads in such areas, or scenic resource corridors. The proposed tower would be barely visible in Baron Woods, Brandon Woods and Powhattan Crossing. The proposed tower would be briefly visible on Route 5 at the Ironbound Rd intersection (eastbound) or at the entrance to John Tyler Commercial park (westbound). The tower would likely be unnoticeable at other locations shown on attachment 1 unless intentionally looking for the tower. Given the limited visibility, staff has found this condition to be met.

Performance Standard B3 states that towers should be less than 200 feet to avoid lighting. This application meets this standard.

Performance Standard B4 states that towers should be freestanding and not supported by guy wires. This application meets this standard.

C. Buffering

The Performance Standards state that towers should be placed on a site in a manner that maximizes buffering from existing trees, including a recommended 100-foot wide wooded buffer around the base of the tower, and that the access drive should be designed in a manner that provides no off-site view of the tower base or related facilities.

The proposed tower is adjacent to thin line of mature trees and situated within a conglomerate of commercial buildings. The front of the parcel has a 200' wooded buffer. Adjacent to the commercial area are heavily wooded residential areas. The base of the tower and any accessory structures would not be visible. Though the tower does not have a 100' wooded buffer around the base, the combination of topography, mature trees on other properties and commercial buildings in the area have the same affect as a wooded buffer around the base. Staff finds this condition to be met.

RECOMMENDATION

Staff finds the proposal, with the conditions listed at the end of this report, to be generally consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, the Comprehensive Plan Land Use Map designation and the Wireless Communications Performance Standards policy. Staff recommends the Planning Commission recommend approval of the application with the conditions listed below.

1. Term of Validity: This SUP shall be valid for a total of one wireless communications facility at a total height of 124 feet including all appurtenances on the property as depicted on Sheet A-2 of the *Special Use Permit application site plan titled "Pegasustower A New 120' Stealth Pole in a New Tower Compound"* prepared by Christopher D. Morin, dated July 7, 2010.

2. Time Limit: A final Certificate of Occupancy (CO) shall be obtained from the James City County Codes Compliance Division within two years of approval of this SUP, or the permit shall become void.

3. Structural and Safety Requirements: Within 30 days of the issuance of a final CO by the County Codes Compliance Division, certification by the manufacturer, or an engineering report by a structural engineer licensed to practice in the Commonwealth of Virginia, shall be filed by the applicant indicating the tower height, design, structure, installation, and total anticipated capacity of the tower, including the total number and type of antennas which may be accommodated on the tower, demonstrating to the satisfaction of the County Building Official that all structural requirements and other safety considerations, set forth in the 2000 International Building Code, or any amendment thereof, have been met.

4. Tower Color: The tower color shall be gray. Any alternative color used shall be approved by the Planning Director, or his designee, prior to final site plan approval.

5. Advertisements: No advertising material or signs shall be placed on the tower.

6. Additional User Accommodations: The tower shall be designed and constructed for at least three users and shall be certified to that effect by an engineering report prior to the site plan approval.

7. Guy Wires: The tower shall be freestanding and shall not use guy wires for support.

8. Enclosure: The fencing used to enclose the area shall be vinyl-coated and shall be dark green or black in color, or shall be another fencing material of similar or superior aesthetic quality as approved by the Planning Director. Any fencing shall be reviewed and approved by the Planning Director prior to final site plan approval.

9. Tree Buffer: A minimum buffer of 100 feet in width of existing mature trees shall be maintained at the front of the property abutting Ingram Road/John Tyler Highway.

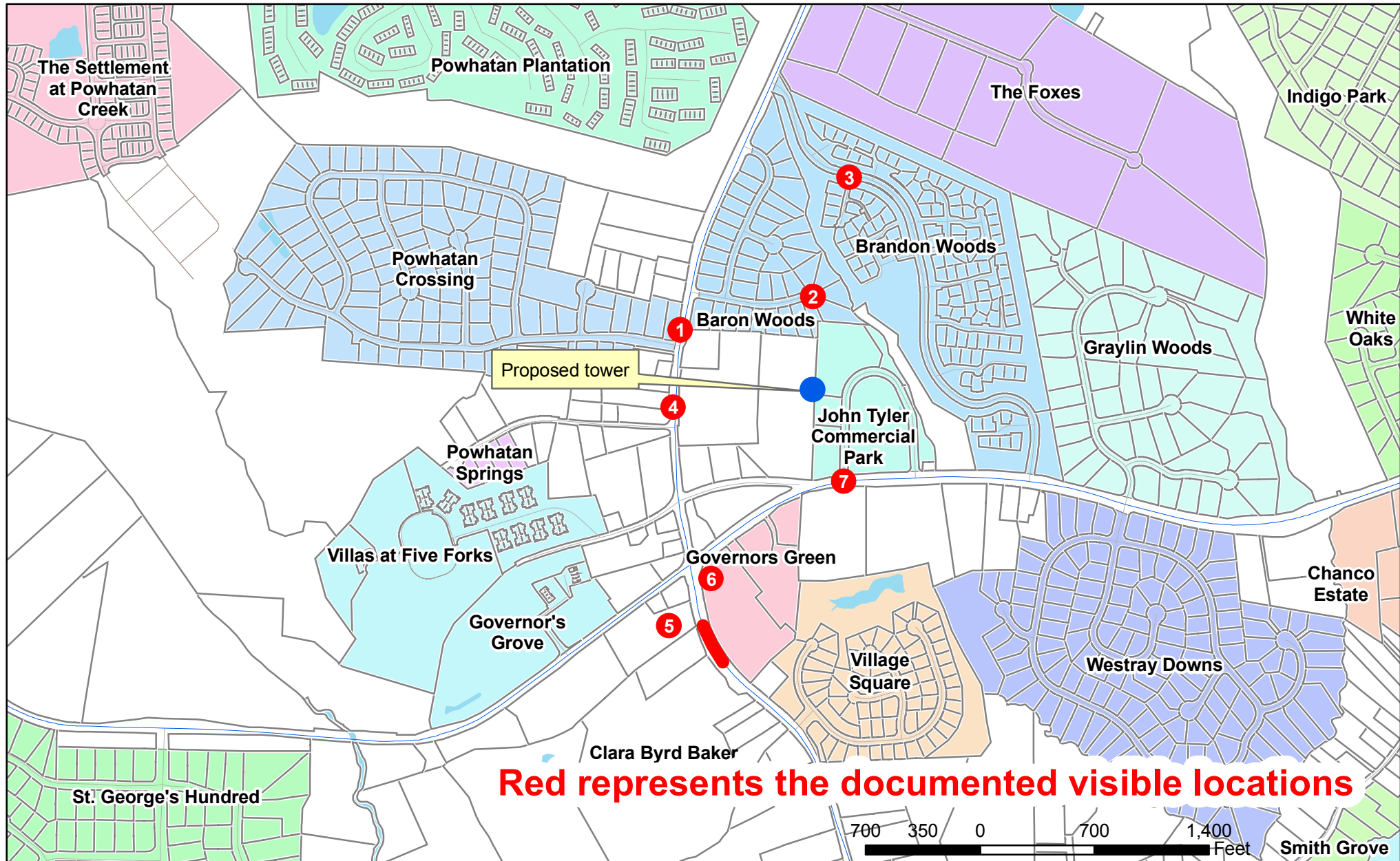
10. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

ATTACHMENTS:

1. Location map and balloon test results
2. Binder application
3. Photos from the July 8, 2010 balloon test
4. Performance Standards for WCFs Policy
5. Illustration of proposed tower

SUP-0028-2009

Ingram Road Pegasus Wireless Communication Facility



**PERFORMANCE STANDARDS FOR WIRELESS COMMUNICATIONS FACILITIES
MAY 26, 1998**

In order to maintain the integrity of James City County's significant historic, natural, rural and scenic resources, to preserve its existing aesthetic quality and its landscape, to maintain its quality of life and to protect its health, safety, general welfare, and property values, tower mounted wireless communications facilities (WCFs) should be located and designed in a manner that minimizes their impacts to the maximum extent possible and minimizes their presence in areas where they would depart from existing and future patterns of development. To implement these goals, the Planning Commission and the Board of Supervisors have adopted these performance standards for use in evaluating special use permit applications. While all of the standards support these goals, some may be more critical to the County's ability to achieve these goals on a case by case basis. Therefore, some standards may be weighed more heavily in any recommendation or decision on a special use permit, and cases that meet a majority of the standards may or may not be approved. The terms used in these standards shall have the same definition as those same terms in the Zoning Ordinance. In considering an application for a special use permit, the Planning Commission and the Board of Supervisors will consider the extent to which an application meets the following performance standards:

A. Collocation and Alternatives Analysis

1. Applicants should provide verifiable evidence that they have cooperated with others in co-locating additional antenna on both existing and proposed structures and replacing existing towers with ones with greater co-location capabilities. It should be demonstrated by verifiable evidence that such co-locations or existing tower replacements are not feasible, and that proposed new sites contribute to the goal of minimizing new tower sites.
2. Applicants should demonstrate the following:
 - a. That all existing towers, and alternative mounting structures and buildings more than 60 feet tall within a three-mile radius of the proposed site for a new WCF cannot provide adequate service coverage or antenna mounting opportunity.
 - b. That adequate service coverage cannot be provided through an increase in transmission power, replacement of an existing WCF within a three mile radius of the site of the proposed WCF, or through the use of a camouflaged WCF, alternative mounting structure, or a building mounted WCF, or a system that uses lower antenna heights than proposed.
 - c. The radii of these study areas may be reduced where the intended coverage of the proposed WCF is less than three miles.
3. Towers should be sited in a manner that allows placement of additional WCF facilities. A minimum of two tower locations, each meeting all of the requirements of the Zoning Ordinance and these standards, should be provided at all newly approved tower sites.
4. All newly permitted towers should be capable of accommodating enough antennas for at least three service providers or two service providers and one government agency. Exceptions may be made where shorter heights are used to achieve minimal intrusion of the tower as described in Section B.2. below.

B. Location and Design

1. Towers and tower sites should be consistent with existing and future surrounding development and the Comprehensive Plan. While the Comprehensive Plan should be

consulted to determine all applicable land use principles, goals, objectives, strategies, development standards, and other policies, certain policies in the Plan will frequently apply. Some of these include the following: (1) Towers should be compatible with the use, scale, height, size, design and character of surrounding existing and future uses, and such uses that are generally located in the land use designation in which the tower would be located; and (2) towers should be located and designed in a manner that protects the character of the County's scenic resource corridors and historic and scenic resource areas and their view sheds.

2. Towers should be located and designed consistent with the following criteria:

Proposed Location of Tower	Impact Criteria
a. Within a residential zone or residential designation in the Comprehensive Plan	Use a camouflaged design or have minimal intrusion on to residential areas, historic and scenic resources areas or roads in such areas, or scenic resource corridors.
b. Within a historic or scenic resource area or within a scenic resource corridor	Use a camouflaged design or have minimal intrusion on to residential areas, historic and scenic resources areas or roads in such areas, or scenic resource corridors.
c. Within a rural lands designation in the Comprehensive Plan	For areas designated rural lands in the Comprehensive Plan that are within 1,500 feet from the tower, use a camouflaged design or have minimal intrusion on to residential areas, historic and scenic resources areas or roads in such areas, or scenic resource corridors. For rural lands more than 1,500 feet from the tower, no more than the upper 25% of the tower should be visible.
d. Within a commercial or in an industrial designation in the Comprehensive Plan	Use a camouflaged design or have minimal intrusion on to residential areas, historic and scenic resources areas or roads in such areas, or scenic resource corridors.
<p><i>Notes for the above table:</i></p> <ol style="list-style-type: none"> <i>Exceptions to these criteria may be made on a case by case basis where the impact of the proposed tower is only on the following areas: (1) An area designated residential on the Comprehensive Plan or zoning map which is not a logical extension of a residential subdivision or which is a transitional area between residential and nonresidential uses, (2) a golf course or a golf course and some combination of commercial areas, industrial areas, or utility easements, provided the tower is located on the golf course property; or (3) a scenic easement.</i> <i>A tower will meet the minimal intrusion criteria if it is not visible off site above the tree line. Such tower should only be visible off-site when viewed through surrounding trees that have shed their leaves.</i> <i>Camouflaged towers having the design of a tree should be compatible in scale and species with surrounding natural trees or trees native to Eastern Virginia.</i> 	

3. Towers should be less than 200 feet in height in order to avoid the need for lighting. Taller heights may be acceptable where views of the tower from residential areas and public roads are very limited. At a minimum, towers 200 feet or more in height should exceed the location standards listed above.
4. Towers should be freestanding and not supported with guy wires.

C. Buffering

1. Towers should be placed on a site in a manner that takes maximum advantage of existing trees, vegetation and structures so as to screen as much of the entire WCF as possible from view from adjacent properties and public roads. Access drives should be designed in a manner that provides no view of the tower base or related facilities.
2. Towers should be buffered from adjacent land uses and public roads as much as possible. The following buffer widths and standards should be met:
 - a. In or adjacent to residential or agricultural zoning districts, areas designated residential or rural lands on the Comprehensive Plan, historic or scenic resource areas, or scenic resource corridors, an undisturbed, completely wooded buffer consisting of existing mature trees at least 100 feet wide should be provided around the WCF.
 - b. In or adjacent to all other areas, at least a 50 foot wide vegetative buffer consisting of a mix of deciduous and evergreen trees native to Eastern Virginia should be provided.

PLANNING DIRECTOR'S REPORT
August 2010

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

- **New Town.** The DRB did not hold a meeting in July but has acted administratively on several building footprint changes to townhomes in Section 2&4 of New Town and on various sign permits. In August, the DRB will discuss application of the new sign ordinance provisions to New Town businesses and the relationship to the design guidelines.
- **Policy Committee Meetings.** The Policy Committee met on July 20th to discuss the agenda for the Planning Commission / Board of Supervisors' joint worksession in August. The Committee also discussed the Comprehensive Plan Annual Report, the Planning Commission Annual Report and the Planning Commission Public Comment Session Format.
- **Comprehensive Plan.** Staff continues to work on graphic design and publishing of the 2009 Comprehensive Plan and anticipates that hard copies will be available in late summer.
- **Agricultural and Forestal Districts (AFDs).** Staff helped Financial and Management Services prepare a work session with the Board of Supervisors on July 27th to discuss AFDs and land use taxation. Most of the County's AFDs will be due for renewal this fall.
- **Ordinance Update.** The Ordinance Update website - www.jccplans.org – was launched on July 1st. A joint work session of the Planning Commission and Board of Supervisors is scheduled for August 10 at 4 p.m. in the Building F Work Session room to officially kick-off the process. Additionally, the following Planning Commission Forums are scheduled to collect public input related to the update:
 - Tuesday, August 24th 6:30-8:30 p.m.
 - Commercial and Mixed Use Districts
 - Development Standards
 - Procedural, Submittal, and Administrative Items
 - Wednesday, September 1st 4:30-6:30 p.m.
 - Residential Districts
 - Rural Lands Districts
 - Subdivision Ordinance and Green PracticesBoth Forums will be in the Building F Board Room of the JCC Government Center, 101 Mounts Bay Road. Speaking slots will be assigned on a first-come first-served basis. Applications to speak are available on www.jccplans.org and at the Planning office in Building A.
- **Green Building.** Development Management and Planning staff participated in the Green Building Design Roundtable group initiated by the Board of Supervisors. The Roundtable's report was presented to the Board of Supervisors at their July 27, 2010 meeting, and the report's general recommendations were adopted. Further investigation of specific green building ordinance and/or policy language is included in the ordinance update scope of work.
- **Training.** Staff is taking advantage of webinars that are available from the American Planning Association. Topics for August include wind and utility corridors, and implementing the Americans with Disabilities and Fair Housing Acts.
- **Monthly Case Report.** For a list of all cases received in the last month, please see the attached document.
- **Board Action Results** – July 13th and July 27th
SUP-0024-2009 Hospice House Wireless Communications Facility Tower – Deferred until November 9, 2010

Z-0001-2009 / MP-0001-2009 / SUP-0007-2010 Deer Lake, Colonial Heritage – Deferred until
August 10, 2010
SUP-0016-2010 LaTienda – Virginia Packaging – Adopted 5 - 0
AFD-1-94 Wright's Island AFD Renewal – Adopted 5 - 0

Allen J. Murphy, Jr.

New Cases for July 2010

Case Type	Case Number	Case Title	Address	Description	Planner	District
Agricultural Forestry District	AFD-01-93-1-2010	Williamsburg Farms 2010 Renewal	5750 WESSEX HUNDRED	2010 AFD Renewal	Kate Sipes	Roberts
	AFD-02-86-2-2010	Croaker AFD Addition - Hankins Property	8240 CROAKER ROAD	Addition to the AFD	Jason Purse	Stonehouse
	AFD-06-86-1-2010	Cranston's Pond 2010 Renewal	6277 CENTERVILLE RD	2010 AFD Renewal	Kate Sipes	Powhatan
	AFD-09-86-2-2010	Gordon's Creek 2010 Renewal	2071 BUSH NECK ROAD	2010 AFD Renewal	Kate Sipes	Powhatan
Conceptual Plans	C-0025-2010	White Hall Sanitary Sewer Master Plan	3401 ROCHAMBEAU DR	The plan is a proposed amendment to the master sanitary sewer system plan.	Kate Sipes	Stonehouse
	C-0026-2010	Charlie's Antiques	7691 RICHMOND ROAD	Proposed garden supply store adjacent to parcel that was rezoned in Charlie's Antiques case.	Kate Sipes	Stonehouse
	C-0027-2010	Family Subdivision on Jolly Pond	3049 JOLLY POND ROAD	Applicant proposes a family subdivision of parcel	Jason Purse	Powhatan
Site Plan	SP-0054-2010	Williamsburg National Golf Club SP Amend	3700 CENTERVILLE RD	Addition of walk-in cooler/freezer outside existing kitchen.	Jose Ribeiro	Berkeley
	SP-0055-2010	Busch Gardens Ireland Sipper Cart SP Amend.	7851 POCAHONTAS TR	Applicant proposes portable cart	Jennifer Van Dyke	Roberts

Site Plan	SP-0056-2010	Busch Gardens SP Amend - Trash Compactor Festa Italia Village	7851 POCAHONTAS TR	This application is to relocate a shed and add a trash compactor.	Brian Elmore	Roberts
	SP-0057-2010	Cooke's Garden Center SP Amend.	1831 JAMESTOWN ROAD	Redevelopment of existing garden center includes replacement of existing 5,000 sf garden center and new 1,250 sf in-fill greenhouse entry.	Jose Ribeiro	Berkeley
	SP-0058-2010	Settlement at Powhatan Creek Ph. 2 Lots 67-73 SP	3901 MONTICELLO AVENUE	Adjusting road and lot layout to add 7 additional lots to Phase 2	Leanne Reidenbach	Berkeley
	SP-0059-2010	Access Road to City of Williamsburg Water Storage Tank	7247 POCAHONTAS TR	The City of Williamsburg is building an elevated water storage tank on a site adjacent to the City/County border. Access to the tank site is off of Pocahontas Trail via an existing concrete entrance and proposed gravel driveway in the County.	Luke Vinciguerra	Roberts
	SP-0060-2010	King of Glory Lutheran Church SP Amendment	4881 LONGHILL ROAD	This site plan amendment is to change the wood gate to a metal gate	Jose Ribeiro	Powhatan
	SP-0061-2010	Busch Gardens 2011 Germany Attraction	7851 POCAHONTAS TR	Applicant proposes 2011 expansion to Germany to include new food buildings, walkway modifications, and major attraction (permitted through recently approved HW-0002-2010).	Leanne Reidenbach	Roberts
	SP-0062-2010	Powhatan Creek Trail	3123 IRONBOUND ROAD	This application is for a 8 foot asphalt concrete trail from Clara Byrd Baker School to future Mainland Farm Trail.	Jason Purse	Berkeley

Site Plan	SP-0063-2010	Star Express Convenience Parking Addition	9220 OLD STAGE ROAD	Addition of 24 parking space and pavement to improve vehicle maneuverability	Kate Sipes	Stonehouse
Special Use Permit	SUP-0017-2010	Barnes Road Ward Family Subdivision	8879 BARNES ROAD	Convey 1 acre of land to son out of 10.39 acre parcel	Sarah Propst	Stonehouse
	SUP-0018-2010	American Heritage RV Park Expansion	146 MAXTON LANE	Applicant proposes a phased expansion of the American Heritage RV Park, a total of 327 RV sites	Kate Sipes	Stonehouse
	SUP-0019-2010	Harmonious Hardscapes	8162 RICHMOND ROAD	Retail sales of plant, garden and hardscape supplies and services	Sarah Propst	Stonehouse
Subdivision	S-0029-2010	Richmond Road Robinson Family Subdivision	8788 RICHMOND ROAD	Subdivision of parcel of 3 acres into two lots. Subdivision approved under SUP-0018-2009	Jose Ribeiro	Stonehouse
	S-0030-2010	Plat of Correction Setback Line Adj For Lot 17 Phase I Sec 5 Col Heritage	6501 CONGRESS HALL	This application if a plat of correction for setback line adjustment. This lot was created within the approved subdivision plan / site plan S-0055-2003, SP-0091-2003.	John Rogerson	Stonehouse
	S-0031-2010	Hogge Subdivision, Jolly Pond Road	2679 JOLLY POND ROAD	Applicant proposes subdividing one lot into two	Luke Vinciguerra	Powhatan
	S-0032-2010	New Town Sec. 2 & 4 Blk. 11 Parcel B Lots 15-22 Townhomes	4301 CASEY BLVD	Platting eight new townhouse and duplex lots and associated common areas (previously approved on site plans).	Leanne Reidenbach	Berkeley

Subdivision Ordinance Amendment	SO-0002-2010	Sewage Treatment Systems Pump-Out	This proposed amendment would add language requiring specific notation on final subdivision plats for parcels which have either on-site sewage treatment systems or Resource Protection Area.	Ellen Cook
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