

A G E N D A  
JAMES CITY COUNTY PLANNING COMMISSION  
SEPTEMBER 1, 2010 - 7:00 p.m.

1. PUBLIC COMMENT
  - A. Carryover from Planning Commission Forum
  - B. Other
2. MINUTES
  - A. August 4, 2010 Regular Meeting
3. COMMITTEE AND COMMISSION REPORTS
  - A. Development Review Committee (DRC)
  - B. Policy Committee
  - C. Other Committee/Commission Reports
4. PUBLIC HEARING CASES
  - A. Z-0002-2009 / MP-0002-2009 – Governor’s Grove Section III Proffer and Master Plan Amendment – Applicant requests deferral
  - B. AFD-02-86-2-2010 Hankins Property Croaker AFD Addition – Applicant requests deferral
  - C. AFD-05-86-2-2010 Racefield Property Barnes Swamp AFD Addition – Staff requests deferral
  - D. Zoning Ordinance Amendment – Section 24-666
  - E. SO-0002-2010 Subdivision Ordinance Amendment – Sewage Treatment Systems Pump Out
  - F. SUP-0018-2010 American Heritage RV Park Expansion
  - G. SUP-0019-2010 Harmonious Hardscapes
  - H. AFD-1-89, AFD-2-86, AFD-3-86, AFD-5-86, AFD-6-86, AFD-7-86, AFD-9-86, AFD-10-86, AFD-11-86, AFD-12-86, AFD-1-93, AFD-1-02 Agricultural and Forestral District Renewals
  - I. AFD-09-86-1-2010 3889 News Road Gordon’s Creek AFD Addition
5. PLANNING DIRECTOR’S REPORT
6. COMMISSION DISCUSSIONS AND REQUESTS
7. ADJOURNMENT



A G E N D A  
JAMES CITY COUNTY PLANNING COMMISSION PUBLIC INPUT FORUM  
SEPTEMBER 1, 2010 - 4:30 p.m.

1. ROLL CALL
2. WELCOME
3. SPEAKERS
  - A. Residential Districts
  - B. Rural Lands Districts
  - C. Subdivision Ordinances and Green Practices
4. RECESS AT 6:30 P.M.
5. REGULAR PLANNING COMMISSION MEETING 7:00 P.M.

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

Reese Peck  
Jack Fraley  
Al Woods  
Rich Krapf  
Mike Maddocks

Absent:

Joe Poole

Staff Present:

Allen Murphy, Director of Planning/  
Assistant Development Manager  
Adam Kinsman, Deputy County Attorney  
Christopher Johnson, Principal Planner  
Luke Vinciguerra, Planner  
Melissa Brown, Zoning Administrator  
Ellen Cook, Senior Planner II  
William Cain, Environmental Engineer  
Jennifer Van Dyke, Administrator Services  
Coordinator  
Robert Middaugh, County Administrator  
Erin Waugh, County Attorney's office extern

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

Mr. Peck welcomed Mr. Robert Middaugh, the new County Administrator.

Mr. Robert Middaugh stated he looked forward to working with the Planning Commission at the upcoming Commission/Board of Supervisor work session. He thanked the citizens for attending the meeting.

2. RECOGNITION

Mr. Peck thanked Mr. Chris Henderson for his service on the Commission. He stated Mr. Henderson brought a development perspective and intellect to the Commission. Mr. Henderson worked hard on improving Capital Improvement Program (CIP) project rankings. Mr. Henderson will be missed on the Commission.

Mr. Peck presented Mr. Henderson with a Certificate of Appreciation.

Mr. Henderson stated it was an honor to serve on the Planning Commission. He thanked the Commissioners for their friendship and congeniality while keeping the best interests of the County in mind.

Mr. Jack Fraley stated Mr. Henderson had taught him a great deal about site design and layout. He stated Mr. Henderson has a good heart and will be missed on the Commission.

3. PUBLIC COMMENT



Mr. Peck opened the public comment period. He asked citizens to be courteous to other citizens, staff, and Commissioners when speaking. He asked for comments to be in writing and relevant to planning and development. Although Development Review Committee (DRC) reports normally have no public comment, citizens will be able to speak about Courthouse Commons.

Mr. Sasha Digges, 3612 Ironbound Road, stated that Courthouse Commons tree-saving details should have been worked out with the Planning Director ahead of time. He stated the developer would work with the County to protect nature and save as many trees as possible.

Ms. Jean Migneault, 107 Crown Point Road, stated that the Courthouse Commons applicant did not discuss the amount of money he would save by mass clearing the site. She stated that if there were multiple tenants on the parcel, they would have been discussed already.

Mr. Robert Richardson, 2786 Lake Powell Road, stated the proposed tree clearing plan made sense due to the size of the Courthouse Commons parcel. He stated Courthouse Commons is across the street from Settler's Market, with its proposed 500 homes. Properties zoned M-1 are required to have an additional 25 foot setback when across the road from residential units.

Mr. Robert Spencer, 9123 Three Bushel Drive, representing the James City County Concerned Citizens (J4C), thanked Mr. Henderson for meeting with the group. He stated that members of J4C were happy that the proposed clearing plan reduced dump truck trips and agreed with the stormwater improvements.

Mr. Jack Fowler, 107 Wilderness Lane, stated he was happy with increased citizen attendance and participation at Commission meetings.

Mr. Peck closed the public hearing.

4. MINUTES

A. July 7, 2010 Regular Meeting

Mr. Mike Maddocks moved for approval of the minutes.

In a unanimous voice vote, the minutes were approved (5-0; Absent: Poole).

5. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee (DRC)

Mr. Rich Krapf stated that the DRC met July 28<sup>th</sup> and discussed C-0026-2010 Charlie's Antiques. Due to economic conditions, the partners of the Charlie's Antiques 2007 rezoning would like to downsize the existing business and relocate it to a smaller parcel. No action was required for the conceptual plan. The DRC also reviewed SP-0049-2010 Courthouse Commons.

Drawings for Phase I of the project showed 29,592 square feet of grocery and retail space and infrastructure. Clearing, grading, and site preparation was also proposed for areas of the site where no buildings are currently proposed. The DRC voted 1-1 on whether to approve clearing, grading, and stormwater for the entire parcel, as opposed to only approving clearing for the area of the proposed grocery and retail space.

Mr. Peck asked staff and the applicant to make presentations.

Ms. Ellen Cook stated that staff recommended preliminary approval subject to agency comments. She stated that various special use permits (SUPs) could be triggered during different development stages.

Mr. Krapf asked if stormwater management systems needed to be installed simultaneously.

Mr. Bill Cain stated that based on the plans submitted the entire site would need to be cleared. He stated improved stormwater systems would mitigate additional watershed impacts. A single installation of stormwater system improvements is consistent with the site plan.

Ms. Melissa Brown stated that Courthouse Commons setback concerns related to Zoning Ordinance Section 24-415, which requires increased setbacks from residential areas. She stated that Settler's Market was zoned Mixed Use and not strictly residential. The uses fronting Monticello Avenue, directly across from Courthouse Commons, were all commercial in nature so the increased setbacks would not apply.

Mr. Tim Trant, representing the applicant, stated that the Chesapeake Bay Ordinance allows clearing of an entire commercial project area. He stated that phased clearing would represent a significant cost to the applicant. The additional area proposed to be cleared represents two acres out of a nine acre site. Three acres are already paved from previous development. The one-and-a-half acre tree preservation and buffering plan have already been approved. Two-and-a-half acres would still need to be cleared in any phased plan. Fresh Market is concerned about possible ongoing construction and related noise, safety, and attractiveness issues after its opening. Any phased clearing would require the applicant to remove and then later purchase 8,000 cubic yards of fill dirt to level the site, which would be brought in using 1,600 dump truck trips. A single stormwater installation would also ensure all runoff was treated. Impervious cover would not be installed on the additional acres until tenants are found. Many of the site's mature trees will be preserved.

Mr. Krapf stated that parking was the visible predominant feature from the road in an urban/suburban character corridor. He stated nearby properties are designed around maximum visible building frontage with parking as a secondary use.

Mr. Trant stated several parking layouts were considered in the conceptual phase. He stated that the New Town Design Guidelines were the driving force behind the site layout.

Mr. Krapf stated he was concerned with a lack of tenants for the later phases. He stated

that one of the 2007 Better Site Design Roundtable Report's recommendations was to minimize site disturbance for infill developments. The Chesapeake Bay Ordinance includes two service standards related to clearing: (1) limiting land disturbance to area necessary for proposed development and (2) preserving maximum vegetation consistent with the use. There is no problem with approving Phase 1 of the project only.

Mr. Cain stated that the proposal promotes stormwater infiltration during and after construction. Infiltration designs will lessen stormwater effects. The plan is consistent with the Chesapeake Bay ordinance. Stormwater will be treated the entire time, but using different methods throughout the development process.

Mr. Fraley stated he favored phased clearing, but on larger parcels than the Courthouse Commons property. He stated only two additional acres would be cleared. The proposed clearing, grading, and stormwater installation made sense. He stated he would support the application.

Mr. Peck stated the parcel is small and already partially developed. He stated trucking out fill dirt and then bringing it back later would be a significant traffic impact. Most trees visible to the driving public would be preserved. He stated he would support the application.

Mr. Fraley moved to grant preliminary site plan approval, subject to agency comments.

In a roll call vote, the site plan was granted preliminary approval (4-1; Yes: Fraley, Woods, Maddocks, Peck; No: Krapf; Absent: Poole).

#### B. Policy Committee

Mr. Fraley stated the Policy Committee met on July 20<sup>th</sup>. He stated staff presented a list of topics for the August 10<sup>th</sup> Planning Commission/Board worksession. The Committee agreed to consider the City of Wayneboro's annual report as a visual template for the Commission's annual report. Comprehensive Plan implementation and public input forums for the ordinance update were also discussed. Updated public comment speaker guidelines will be discussed by the full Commission in September.

#### C. Other Committee/Commission Reports

There were no additional reports.

### 6. PLANNING COMMISSION CONSIDERATIONS

#### A. Initiating Resolution – Amendment to the Zoning Ordinance Section 24-666

Ms. Erin Waugh stated that staff recommends revising Zoning Ordinance Section 24-666 to reflect changes to the Code of Virginia Sections 15.22314 and 15.2311. Section 24-666 discusses appealing Board of Zoning Appeals (BZA) decisions. As of July 1, 2010, BZA ruling challenges will be heard through the State circuit court, and the BZA or its members

will no longer be party to the lawsuit. In the event of a lawsuit, the Zoning Administrator would now also provide the cost of the appeal and relevant County Code sections to the circuit court. Staff also recommends the Commission consider the text changes for the ordinance at the September meeting.

Mr. Krapf moved for approval of the initiating resolution.

In a unanimous roll call vote, the initiating resolution was approved (5-0; Absent: Poole).

B. Initiating Resolution – Subdivision Ordinance Amendment – Sewage Treatment System Pump Out.

Mr. Chris Johnson stated that the initiating resolution proposes adding notational language to Section 19-29 of the Subdivision Ordinance to address deficiencies in the ordinance found during an advisory review of the Department of Conservation and Recreation's Chesapeake Bay Local Assistance Division. The new language would require subdivision plats to note onsite sewage systems and Resource Protection Areas (RPA), as well as referencing Chesapeake Bay septic tank pump out requirements. Staff recommends the Commission consider the changes at the September meeting.

Mr. Maddocks moved for approval of the initiating resolution.

In a unanimous roll call vote, the initiating resolution was approved (5-0; Absent: Poole).

7. PUBLIC HEARING CASES

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

Mr. Peck stated the applicant has requested deferral until September 1, 2010.

Mr. Allen Murphy stated staff had no objections to the deferral.

Mr. Peck continued the public hearing until September 1, 2010.

B. SUP-0028-2008 – Ingram Road Tower

Mr. Luke Vinciguerra stated that Mr. Stephen Romine has applied for a special use permit for a wireless tower at 108 Ingram Road. The parcel is zoned B-1, General Business, and designated Mixed Use on the Comprehensive Plan. The proposed tower will be a 'slick stick' with no visible antennas. Originally denied by the Commission in April, the Board then remanded the case back to the Commission after the proposal was amended to move the tower from the front of the property to the western property line beside John Tyler Commercial Park. Staff found the tower would be briefly visible at the eastbound intersection of Ironbound and John Tyler Highway and from the westbound entrance of John Tyler Commercial Park. There would be limited visibility of the tower from Governor's Green Shopping Center, Airtight Self

Storage, Clara Byrd Baker Elementary School, the entrance of Powhatan Crossing, the terminus of Lancaster Lane in Baron Woods, and Bradington in Baron Woods. Staff finds the new location considerably less visible and finds the proposal consistent with surrounding land uses, the Comprehensive Plan, and the Wireless Communications performance standards policy. Staff recommends approval of the application. The tower will have co-location opportunities.

Mr. Dan Quarles, representing the applicant, Pegasus Tower, stated the application has been redesigned to reflect previous concerns of the Commission and staff. He stated the tower has been moved three times further from John Tyler Highway than the original location. The slick stick will have an AT&T antenna on top, along with slots for future co-location. Where the tower is visible at all, views are very limited. AT&T is seeking to improve coverage along the Ironbound Road corridor. AT&T investigated various nearby sites before deciding on 108 Ingram Road. The applicant stated the SUP conditions were acceptable, but asked for reconsideration of Condition #9. Condition #9 requires a 100' maintained buffer along the front of the property. The tower is already approximately 400' from the front property line. The property owner also has an approved site plan for a future building and the required buffer would impede that construction. There is little utility provided by the second 50' of buffering.

Mr. Vinciguerra stated the approved site plan for the site was from 1988 and had expired. A new site plan would be required for any new construction. Staff recommends keeping Condition #9 at 100' to maintain wireless performance standards and the recommended John Tyler Highway Community Character Corridor buffers.

Mr. Murphy stated staff was comfortable enough the tower relocation that the second 50 foot buffer was not critical. He stated that although a full 100' buffer is preferable, staff would still recommend approval with a 50' buffer.

Mr. Peck opened the public hearing.

Mr. Robert Richardson, 2786 Lake Powell Road, stated that from looking at AT&T coverage area graphics, it appeared additional local cell towers would be needed to provide full coverage. He stated he missed the balloon test advertisement and asked that any future legal advertising be sent on the listserv.

Mr. Peck closed the public hearing.

Mr. Fraley moved for approval as recommended in the staff report.

In a unanimous voice vote, the Commission recommended approval. (5-0; Absent: Poole).

#### C. SP-0064-2008 – Autumn West Townhomes

Mr. Adam Kinsman stated the Commission originally considered and denied the proposal in March 2008. After denial, the developer expressed interest in modifying the site plan. In June, the Commission adopted a resolution to rehear the case. Although no public hearing is

legally required, staff advertised the meeting date at which the PC would discuss the revised proposal

Mr. Brad Mars, representing the applicant, Autumn West Investments, stated the original proposal was approved by staff and the DRC before Commission denial of the DRC report. He stated the three main concerns he heard from Commissioners were the need for a formal tree preservation plan, appropriate site topography, and site aesthetics. Specimen trees within the developable area were surveyed and will be protected where possible. The previously proposed tot lot and emergency vehicle turn-around have been removed to preserve additional trees and provide additional buffering along Spring Trace. Wax myrtles will also be planted along the retaining wall by Spring Trace. The developed area will be almost hidden from Spring Trace views. The removal of the tot lot and turn-around would result in less intense site grading. Excavation from the previous plan has been reduced by 500 cubic yards. Entrances to all four buildings are now level and accessible from the parking area. Buildings 1, 2, and 3 follow the downward contour of the site. Retaining walls providing the level access will be built into natural slopes. The architecture will blend with the surrounding natural areas.

Mr. Jason Wilkins stated that the preserved trees would be marked with protective fencing during the construction process.

Mr. Al Woods asked if a formal tree preservation plan was submitted.

Mr. Chris Johnson stated the site plan shows the former tot lot and emergency vehicle access areas now left in their natural state. He stated these areas would now effectively serve as a tree preservation area, although individual trees are not marked.

Mr. Woods stated the revised plan does not adequately address the tree preservation concerns.

Mr. Fraley stated the construction of a retaining wall 10 feet from the property line could damage neighboring parcels. He stated less-intense alternative construction techniques should be used and noted on the site plan.

Mr. Mars stated the applicant would be willing to note alternative construction on the site plan. He stated that heavy supports bored into the soil would not be required for the retaining wall's lower elevations. The retaining wall rises as it moves away from the property line. Heavy soil penetrations would be required only at sections further from the property line.

Mr. Fraley stated that the proposed non-bored anchors allayed his concerns.

Mr. Mars stated the site plan will include notation that no excavation will occur within five feet of the property line.

Mr. Woods asked if there were additional community meetings to review the revised plan.

Mr. Mars stated there were no additional meetings.

Mr. Woods asked if comparative data regarding density per developable acre of other Season's Trace neighborhoods had been provided.

Mr. Mars stated the density is 6.76 units per developable acre. He stated density is lower than other Season's Trace town home developments. Property considered developable when the master plan was approved would not be considered developable today. The applicant did not have the ability to access developable acreage data for other neighborhoods.

Mr. Peck opened the public hearing.

Mr. Peck stated the Commission had received a letter from James City County Concerned Citizens (J4C) regarding Autumn West concerns

Mr. Craig Metcalf, 4435 Landfall Drive, stated he concurred with the letter's statements.

Mr. Bob Spencer, 9123 Three Bushel Drive, stated he would read the J4C's letter. The letter stated that without substantial downsizing, the revised plan contains the same problems as the original. Excavations will damage adjacent property, stormwater facilities are inadequate, mass clearing and grading violates the County's better site design policy, development will impact RPA and wetlands, taxpayers could be liable for any future stormwater restoration needed, and concerns about whether R-5 zoning and a 1973 master plan are appropriate in this case. The County needs a policy to manage similar sensitive infill spaces. J4C requests denial of the proposal.

Ms. Dorothy Sloan, 512 Spring Trace, representing the Season's Trace Multi-family Homeowner's Association, stated her group agrees with J4C concerns. She stated she was concerned with the cost of ongoing pond maintenance, considering the ability of the 24 home Autumn West HOA to afford upkeep.

Mr. Stan Hicks, 102 Fall East, representing the Season's Trace Single Family Homeowner's Association, stated the community was designed with the intention of preserving as many trees as possible. He stated any development on the land should reflect the land's contours, preserve as many trees as possible, and reflect the neighborhood's interests.

Mr. David Hertzler, developer of the original Season's Trace, stated that his master plan met all regulations 37 years ago. He stated the case should have been handled administratively. County requirements have delayed the Autumn West parcel's development for decades. The master plan allows for attached housing on that parcel.

Mr. John Morovitz, 119 Season's Trace, stated that the revised plan has twice as many units per developable acre as the rest of Season's Trace. He stated information on density per developable acre can be obtained. Comprehensive Plan topographical standards are not met by the revised plan. The public hearing notice for the revised case was too short.

Ms. Willa Fay McKenna, 117 Deer Spring Road, stated that Season's Trace homes are usually arranged to provide forested views from the rear windows. She stated she was concerned with runoff impacts from a more heavily populated Longhill area since the master plan was approved. The application of less strict R-5 zoning on the property is also a concern.

Mr. John Stevens, 4 Spring West, stated he did not know whether Autumn West would join the Season's Trace HOA and contribute to maintaining common areas. He stated Season's Trace HOAs should not be responsible for the maintenance of Autumn West common area.

Ms. Linda Reese, 511 Spring Trace, stated that Spring Trace homeowners were not adequately notified of the new public hearing. She stated clearing on the site would result in glare from Warhill sports lighting. Property damage from construction, landslides, and stormwater runoff; screening; facility maintenance; loss of common area; consistency with the larger neighborhood; safety; and traffic are all concerns.

Mr. Robert Richardson, 2786 Lake Powell Road, representing James City County Citizens for Ethical Government, asked how the public hearing related to the Autumn West lawsuit. He stated Commission concerns have not been adequately addressed by the revised plan. Trees within 15 feet of excavation areas are normally cleared due to the significant root damage and tree loss resulting from the process. There are concerns with damage to trees across property lines, inadequate BMPs, not applying current regulations to the master plan, and short notice of the public hearing.

Mr. Jack Fowler, 109 Wilderness Lane, stated the developer could have placed homes on the Autumn West property already but chose to keep the neighborhood smaller. He stated the master plan should be subject to current regulations.

Ms. Sarah Kadec, 3504 Hunters Ridge, stated the proposal has caused conflict between citizens and other citizens, government, and regulations. She stated if Autumn West were suitable for development, it would have happened long ago. Greenspace money should be used to buy this type of property.

Mr. Peck closed the public hearing.

Mr. Peck asked would anything preclude an applicant from correcting problems and resubmitting a site plan after staff or DRC denial.

Mr. Kinsman stated there was not.

Mr. Peck asked if applicants asking for site plan reconsideration was unusual.

Mr. Kinsman stated that when a proposal is denied by the Commission, applicants are within their rights to remedy and resubmit their plans.

Mr. Peck stated there were concerns about the validity of the Season's Trace master plan. He asked about the status of the master plan.



Mr. Kinsman stated staff had sent letters to Mr. Hertlzer in 1994, 2005, and 2007 regarding vesting of the master plan.

Mr. Murphy stated that the Season's Trace master plan is a legally non-conforming use. He stated the revised plan would be approved already if it were a solely administrative plan.

Mr. Peck asked if the current Autumn West proposal would be approved by staff, if hypothetically there were the only body of review.

Mr. Murphy stated staff would recommend approval in that circumstance.

Mr. Fraley stated that the ordinances require Commissioners provide remedies for their denials. He stated the applicant has the right to address those concerns and return to the Commission.

Mr. Krapf stated that the proposal is a by-right development and part of the standing approved master plan. He stated that according to the master plan, 116 townhomes could be built in Autumn West, instead of the 24 proposed. Two-thirds of the property will remain undisturbed. Stormwater facilities will serve the new development and existing sections of Season's Trace, leaving the neighborhood in better environmental condition.

Mr. Maddocks stated that he will not try to interfere with any proposal when the developer has met all appropriate regulations.

Mr. Peck stated that there are many development issues to be addressed, but the Autumn West proposal was not the correct venue. He stated that although he voted to deny the previous proposal, the applicant has worked with the DRC and staff to make improvements. The Commission does not have a right to dictate development on any given parcel as long as County ordinances are followed. He stated that he will recommend approval.

Mr. Fraley stated the stormwater proposal was a significant improvement to Season's Trace. He stated when proposals are considered, he refers to three standards: designs based on site topography; designs consistent with surrounding uses, properties, and environment; and designs consistent with the Comprehensive Plan. An appropriate alternative use would be a small single-family home cluster that better fits the community and land. He stated he would not support the proposal.

Mr. Woods stated he had searched for ways to accommodate both landowner and community. He stated he expected the proposal to include reductions in grading, retaining walls, impervious cover, and density, as well as greater consistency with the rest of the neighborhood. He stated he would not support the proposal.

Mr. Krapf moved to recommend preliminary approval.

In a roll call vote, the Commission recommended preliminary approval (3-2; Yes: Krapf,

Maddocks, Peck; No: Woods, Fraley; Absent: Poole).

8. PLANNING DIRECTOR'S REPORT

Mr. Murphy stated he had no comments.

9. COMMISSION DISCUSSIONS AND REQUESTS

There were no Commission discussions.

10. ADJOURNMENT

Mr. Peck adjourned the meeting.

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

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Reese Peck, Chairman

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Allen J. Murphy, Secretary

**REZONING-0002-2009 / MP-0002-2009: Governor's Grove Section III: Proffer and Master Plan Amendment  
Staff Report for the September 1, 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)
September 1, 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 October 6, 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

**Agricultural and Forestal District 2-86-2-2010. Hankins Property Croaker AFD Addition  
Staff Report for September 1, 2010 AFD Planning Commission meeting**

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

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**PUBLIC HEARINGS**

AFD Advisory Committee:	August 23, 2010	4:00 p.m.
Planning Commission:	September 1, 2010	7:00 p.m.
Board of Supervisors:	September 28, 2010 (tentative)	7:00 p.m.

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

**SUMMARY FACTS**

Applicant:	George Hankins
Land Owner:	Hankins Land Trust 1, 2, 3
Location:	8196, 8240, and 8220 Croaker
Tax Map/Parcel No.:	1430100039, 1440100019, and 1430100040
Primary Service Area:	Inside
Parcel Size:	308.61 acres total
Existing Zoning:	M-1, Limited Business/Industrial, A-1, General Agricultural, R-8, Rural Residential, R-5, Multi-Family Residential
Comprehensive Plan:	Mixed-Use
Surrounding AFD Land:	The core of the Croaker AFD is located directly to the east of the subject parcels
Staff Contact:	Jason Purse, Senior Planner - Phone: 253-6685

**STAFF RECOMMENDATION:**

The applicant has requested deferral of this application in order to amend the acreage proposed for inclusion to remove non-qualifying uses from the proposal.

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Jason Purse, Senior Planner

**AGRICULTURAL & FORESTAL DISTRICT-5-86. Racefield Property Barnes Swamp AFD Addition.  
Staff Report for the September 1, 2010 Planning Commission Meeting.**

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

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**PUBLIC HEARINGS**

AFD Advisory Committee	August 23, 2010	4:00 p.m.
Planning Commission:	September 1, 2010	7:00 p.m.
Board of Supervisors:	September 28, 2010	7:00 pm (tentative)

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

**SUMMARY FACTS**

<b>Applicant:</b>	Mr. and Mrs. Steven Johnson	
<b>Land Owner:</b>	Mr. and Mrs. Steven Johnson	
<b>Location:</b>	230 Racefield Drive and 260 Racefield Drive	
<b>Tax Map/Parcel No.:</b>	0340800003 and 0340800005	
<b>Primary Service Area:</b>	Outside	
<b>Parcel Size:</b>	52.63 acres and 68.43 acres	
<b>Existing Zoning:</b>	A-1, General Agriculture	
<b>Comprehensive Plan:</b>	Rural Lands and Conservation Area	
<b>Surrounding AFD Land:</b>	A large portion of the Barnes Swamp AFD is located north and west of the subject parcels.	
<b>Staff Contact:</b>	Kathryn Sipes, Senior Planner	Phone: 253-6685

**STAFF RECOMMENDATION**

This application was advertised in anticipation of being presented to the AFD Advisory Committee along with the twelve renewal applications. However, the timeline for consideration at the August 23, 2010 AFD Advisory Committee meeting could not be met. Staff recommends deferral of this request to the October PC meeting.

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Kathryn Sipes, Senior Planner

## MEMORANDUM

DATE: September 1, 2010  
TO: The Planning Commission  
FROM: Erin Waugh, Law Extern, County Attorney's Office  
SUBJECT: Implementation of a Zoning Ordinance Amendment to amend Section 24-666,  
Petition for Certiorari to Review Decision of Board

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Staff recommends that Section 24-666 of the Zoning Ordinance be amended to bring it into compliance with State Code. At its 2010 session, the General Assembly adopted laws which require amendments to County Code Section 24-666, Petition for Certiorari to Review Decision of Board.

The State Code now provides that when a decision of the Board of Zoning Appeals (the "Board") is appealed, the Board shall not be a party to the proceedings. The amendment also provides that the governing body, the landowner, and the applicant before the Board shall be necessary parties to the proceedings.

In addition, the State Code now provides that any costs incurred in the appeal shall not be allowed against the County unless it appears to the court that the County acted in bad faith or with malice. Previously, the Code had stated costs shall not be allowed against the Board.

Staff recommends that the Planning Commission recommend approval of the attached Zoning Ordinance amendment to the Board of Supervisors.

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Erin Waugh

CONCUR:

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Adam R. Kinsman  
Deputy County Attorney

Attachment

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, 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 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.

*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 this 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 allow a writ of certiorari to review the decision of the board of zoning appeals and will 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 not be less than ten days and may be extended by the court. The allowances of the writ will 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.

(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, 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.

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James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 21<sup>st</sup> day of September, 2010.



## MEMORANDUM

DATE: September 1, 2010

TO: The Planning Commission

FROM: Ellen Cook, Senior Planner II

SUBJECT: Subdivision Ordinance Section 19-29 Final Plan – Submittal Requirements

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Staff is recommending amendment of Section 19-29 of Article II of the Subdivision Ordinance. The amendment adds one new note and revises one existing note which are required to be shown on final subdivision plats for parcels with either on-site sewage treatment systems (commonly known as septic systems) or Resource Protection Area. The new note is in regard to the requirement that on-site sewage treatment systems be pumped out at least once every five years per Section 23-9(b)(6) of the James City County Code (this Section is in the Chesapeake Bay Protection Ordinance). The revised existing note simply changes the Section reference to include all of Section 23-7 of the Chesapeake Bay Preservation Ordinance, which is the section that describes development criteria for Resource Protection Areas. By referencing the section as a whole, rather than a subsection, citizens and others reading this note would be directed to the full description of the development criteria. The amendment will also potentially reduce the need to amend the subdivision ordinance again in the future if additional subsections were to be added to Section 23-7.

These amendments were identified 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. Both notes refer to already existing Chesapeake Bay Act-related Environmental Division regulations – by placing the notation language in Section 19-29, these requirements are formalized within the subdivision ordinance regulations and serve to notify homeowners through the subdivision plat process. These amendments 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 recommend approval of the attached ordinance with amendments to Section 19-29 of the Subdivision Ordinance.

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Ellen Cook

### Attachments:

- August 4, 2010 Draft Minutes
- Ordinance

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, PROCEDURES AND DOCUMENTS TO BE FILED, SECTION 19-29, FINAL PLAN - SUBMITTAL REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Article II, Procedures and Documents to be Filed, Section 19-29, Final Plan – Submittal requirements.

Chapter 19. Subdivisions

Article II. Procedures and Documents to be Filed

**Section 19-29. Final Plan – Submittal requirements.**

- (g) If the subdivided property contains wetlands and/or resource protection areas, there shall be a note on the plat which states the following:

“Wetlands and land within resource protection areas shall remain in a natural undisturbed state except for those activities permitted by Section 23-7(e)(4) of the James City County Code.”

- (n) *If the subdivided property contains an on-site sewage treatment system, the plat shall include the following note:*

*“On-site sewage treatment systems shall be pumped out at least once every five years per Section 23-9(b)(6) of the James City County Code.”*

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James G. Kennedy  
Chairman, Board of Supervisors

Ordinance to Amend and Reordain  
Chapter 19. Subdivisions  
Page 2

ATTEST:

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Robert C. Middaugh, Jr.  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of  
October, 2010.

UNAPPROVED MINUTES FROM THE AUGUST 4,2010 PLANNING COMMISSION MEETING

Initiating Resolution – Subdivision Ordinance Amendment – Sewage Treatment System Pump Out.

Mr. Chris Johnson stated that the initiating resolution proposes adding notational language to Section 19-29 of the Subdivision Ordinance to address deficiencies in the ordinance found during an advisory review of the Department of Conservation and Recreation's Chesapeake Bay Local Assistance Division. The new language would require subdivision plats to note onsite sewage systems and Resource Protection Areas (RPA), as well as referencing Chesapeake Bay septic tank pump out requirements. Staff recommends the Commission consider the changes at the September meeting.

Mr. Maddocks moved for approval of the initiating resolution.

In a unanimous roll call vote, the initiating resolution was approved (5-0; Absent: Poole).

**SPECIAL USE PERMIT 0018-2010. American Heritage RV Park Expansion.  
Staff Report for the September 1, 2010 Planning Commission Public Hearing**

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

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**PUBLIC HEARINGS**

Planning Commission:  
Board of Supervisors:

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

September 1, 2010                      7:00 p.m.  
October 12, 2010                      7:00 p.m. (Tentative)

**SUMMARY FACTS**

Applicant:	Mr. Vernon Geddy, III
Land Owner:	Mr. and Mrs. William Rhoads
Proposal:	Expansion of an existing campground and RV park from 95 sites to 327 sites, including 86 cabin/RV units, an RV storage building, recreational and picnic facilities, storage and office space.
Location:	146 Maxton Lane
Tax Map/Parcel Nos.:	1340100035
Parcel Size:	Approximately 70.13 acres
Zoning:	R-8, Rural Residential
Comprehensive Plan:	EO, Economic Opportunity
Primary Service Area:	Inside

**STAFF RECOMMENDATION**

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

Staff Contact: Kathryn Sipes                      Phone: 253-6685

## **PROJECT DESCRIPTION**

Mr. Vernon Geddy, III has applied on behalf of Mr. and Mrs. William Rhoads for a Special Use Permit to expand the existing American Heritage RV Park from the current 95 camp sites to a proposed 327 sites. Eighty-six (86) of the sites would be modular cabins (identified on the exhibit as cabins/RV units). In addition to the cabins/RV units and an additional 146 camp sites, the applicant is proposing a building for the storage of RV units, expanded recreation and picnic areas, a storage building, and an office addition.

The property is legally non-conforming as a campground operating under a Conditional Use Permit (CUP) issued in 1973 with no expiration date or sunset clause. The CUP permitted 195 camp sites; 95 “full hook up” sites and 100 sites with no hook ups. The approved site plan reflected 144 total camp sites, including 95 “full hook up” sites. A subsequent site plan amendment reflected only the 95 “full hook up” sites and in correspondence dated 1999 the Zoning Administrator determined approval of the site plan amendment limited the total number of permitted campsites to the 95 “full hook up sites” shown on that amendment. In the current Zoning Ordinance campgrounds are a specially permitted use in the R-8, Rural Residential, zoning district. The owners can continue to operate the existing use without further approvals from the County; however, the proposed expansion requires a Special Use Permit.

In October 2009 the applicants submitted a conceptual plan for a proposed expansion to the existing RV park. In January 2010 the conceptual plan was presented by the Development Review Committee to discuss consistency with the recently adopted Comprehensive Plan and to identify any issues that may affect the application for a special use permit. As a consideration item no formal action was taken by the DRC; however, the consensus expressed by DRC members present was in support of the application provided cooperation was given to future master planning efforts within the Economic Opportunity designation.

## **PUBLIC IMPACTS**

### **Environmental**

#### **Watershed:** York River

**Staff Comments:** Environmental Staff has reviewed the proposal and has no concerns. Staff did note, however, that outfalls for stormwater BMPs require an administrative approval for impacts to the Resource Protection Area (RPA) and any grading not related to the outfalls would require approval through the Chesapeake Bay Board (CBB). The additional information required will be needed in order to approve the site plan for the project.

### **Public Utilities**

The property is currently located inside the Primary Service Area (PSA), but is not currently served by public water or sewer. Connection to public utilities is required in those instances when public utilities are within 300 feet of the property line. In the case of this property, JCSA lines are not within 300 feet for either water or sewer. Therefore, the expansion will be served by well and septic. The well will require approval by the Virginia Department of Environmental Quality and/or the Virginia Office of Drinking Water. The septic system and associated drainfields require approval by the Virginia Department of Health.

### **Conditions:**

- Condition 13 requires the necessary approval by the Virginia Department of Health to be obtained prior to the County granting final approval to the site plan for the expansion. This condition further requires a primary and reserve drainfield to be shown on the final site plan.
- Condition 14 requires the necessary approval by the Virginia Department of Environmental Quality and/or the Virginia Office of Drinking Water to be obtained prior to the County granting final approval to the site plan for the expansion.
- Condition 15 requires a Water Conservation Agreement in the event a future connection is made to the JCSA water system.

**Staff Comments:** JCSA Staff has reviewed the proposal and noted Virginia Department of Health approvals will be needed for the expanded use for both water and septic. JCSA has requested copies of the VDH approval for both.

### **Transportation**

Information submitted by the Applicant calculates trip generation using ITE Code 416 (Campground/Recreation Vehicle Park). Based on 327 sites the proposed expansion is expected to generate 72 AM Peak Hour Trips and 135 PM Peak Hour Trips at 100 percent capacity. Based on the historical occupancy rate of the existing park of 62 percent, the expansion is expected to generate 45 AM Peak Hour Trips and 84 PM Peak Hour Trips.

Maxton Lane is approximately 2300 feet in length before ending in a cul-de-sac at the CSX Railroad tracks. Approximately 12 residential driveways serve single-family lots fronting on Maxton Lane before the entrance to the RV Park. An additional driveway serves the Williamsburg Mennonite Church from Maxton Lane near the intersection with Croaker Road. Maxton Lane connects to Croaker Road where it is a four-lane divided highway. From the intersection of Maxton Lane and Croaker Road it is approximately 1500 feet to the I-64 interchange.

**VDOT Comments:** VDOT staff reviewed the application and determined the additional trips were not anticipated to adversely impact the surrounding roadway network and no roadway improvements would be requested.

**Staff Comments:** Since the campground is expected to generate fewer than 100 peak hour trips a Traffic Impact Study was not required by the County or VDOT as part of the SUP application.

## **COMPREHENSIVE PLAN**

### **Land Use Map**

Designation	Economic Opportunity: Lands designated as Economic Opportunity are intended primarily for economic development, increased non-residential tax base, and the creation of jobs.
	Staff Comment: The Comprehensive Plan identifies master planning as being the core of this designation and it was envisioned that the entire EO area would be master planned for future development. While the Comprehensive Plan states no development shall occur unless incorporated into master planning efforts, this is an expansion of an existing use. Furthermore, the particular use for this property does not preclude future master planning or development as it requires minimal infrastructure and targets seasonal tourism markets. A campground may serve as a transitional land use until market forces determine a more intense economic use.
Goals, strategies and actions	<b>LU5:</b> Promote the use of land consistent with the capacity of existing and planned public facilities and services and the County's ability to provide such facilities and services.
	<b>Staff Comment:</b> The current use has minimal impact on the County's resources and an expansion requires minimal additional infrastructure.

## **RECOMMENDATION**

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

1. This Special Use Permit shall be valid for the operation of a 327-unit campground and accessory uses thereto located at 146 Maxton Lane, also known as James City County Real Estate Tax Map Parcel No. 1340100035 (the "Property"). The Property shall be developed generally as shown on the exhibit "Special Use Permit Exhibit for American Heritage RV Park" dated July 2, 2010 prepared by LandTech Resources Inc ("Master Plan"). A maximum of 86 units may be cabins as shown on the Master Plan. The Property shall be developed generally as shown on the Master Plan. Minor changes may be permitted by the Planning Director, as long as they do not change the basic concept or character of the development.

2. No accessory structure or parking area shall be within 100 feet of the property line of adjacent residential properties fronting on Maxton Lane.
3. The Property shall be limited to one egress/ingress from Maxton Lane. Internal roads shall remain private and shall be designed and maintained in a manner that minimizes dust during use. Accessory structures used by guests shall have at minimum (1) handicapped parking space and comply with the Americans with Disability Act (ADA) standards. Parking for accessory structures shall be limited to the number of spaces required for maintenance and handicapped parking only. All structures and accessory structures shall be connected by an internal ADA-compliant multi-use path and/or sidewalk.
4. Any exterior or building lighting shall have recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source are not visible from the side. Fixtures which are horizontally mounted on poles shall not exceed 15 feet in height unless otherwise approved by the Planning Director. No light spillage, for purposes of this condition defined as 0.1 foot-candle or higher, shall extend outside the property lines.
5. No more than one freestanding sign shall be allowed along Maxton Lane. The sign shall be a monument style sign no more than 8 feet tall with ground-mounted lighting and not larger than 32 square feet.
6. All open spaces shall be kept free from litter and debris.
7. A minimum 50' landscape buffer, free of structures, roads and campsites, shall be preserved along the property line of adjacent residential properties fronting on Maxton Lane. The buffer shall be landscaped, at a minimum, in accordance with the landscaping requirements of the Zoning Ordinance and such landscaping shall be approved by the Planning Director or his designee.
8. Outdoor activities shall be conducted in such a manner that they shall not be audible from adjacent properties later than 10:00PM or before 7:00AM.
9. Vehicular camping units shall be licensed and registered by a governmental body and shall be legal to travel on Virginia highways without special permits for size, weight, or other reasons.
10. No person, other than the owner(s) or employees of the campground, may stay overnight for a period exceeding thirty (30) consecutive days in any 60- day period.
11. The property owner shall be required to maintain a daily log of all campers staying at the campground (the "Log"). The Log shall include arrival and departure dates of each camper, shall be kept on file for a period of two years, and shall be available for review at the request of the Zoning Administrator.
12. Approval from the Virginia Department of Health for required drainfields must be obtained prior to final site plan approval being granted by the County. Primary and reserve drainfield locations must be shown on the submitted site plan prior to final site plan approval being granted by the County.
13. Applicable approvals from the Virginia Department of Environmental Quality and/or the Virginia Office of Drinking Water must be obtained prior to final site plan approval being granted by the County.
14. If in the future a connection is made to the JCSA water system, a Water Conservation Agreement shall be required.



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

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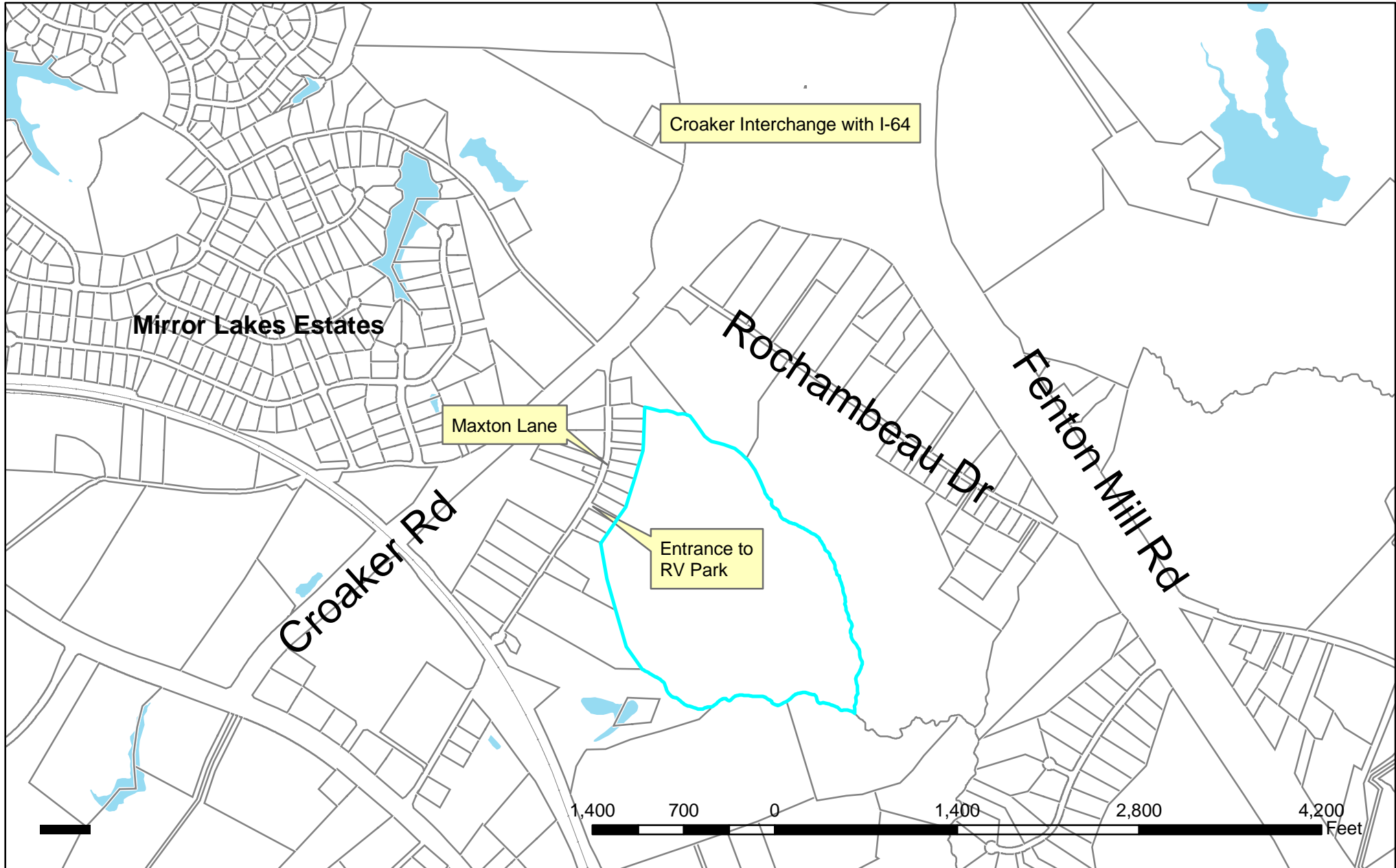
Kathryn Sipes, Senior Planner

ATTACHMENTS:

1. Location Map
2. Special Use Permit Exhibit for American Heritage RV Park

# JCC-SUP-0018-2010

## American Heritage RV Park Expansion



**SPECIAL USE PERMIT-0019-2010: Harmonious Hardscapes**  
**Staff Report for the September 1, 2010, Planning Commission Public Hearing**

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

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**PUBLIC HEARINGS**

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

Planning Commission:	Sept 1, 2010	7:00 p.m.
Board of Supervisors	September 28, 2010	7:00 p.m. (tentative)

**SUMMARY FACTS**

<b>Applicant:</b>	Mr. David Barglof of Mid Atlantic Enterprise, Inc.
<b>Land Owner:</b>	Dr. Sam English
<b>Proposed Use:</b>	The applicant has applied for a special use permit to allow for the construction of a retail landscaping store with storage of materials for landscaping as an accessory use.
<b>Location:</b>	8162 Richmond Road
<b>Tax Map and Parcel No.:</b>	1240100012
<b>Parcel Size:</b>	2.47 acres
<b>Existing Zoning:</b>	A-1, General Agricultural District
<b>Comprehensive Plan:</b>	General Industry
<b>Primary Service Area:</b>	Inside

**STAFF RECOMMENDATION:**

This development is generally consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. Staff recommends that the Planning Commission recommend approval of this application with the attached conditions.

Staff Contact:	Sarah Propst, Planner	Phone: 253-6685
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## **Project Description**

Mr. David Barglof has applied for a special use permit to allow for the development of a retail landscaping store with the storage of landscaping materials as an accessory use at 8162 Richmond Road. The sale of plant and garden supplies and the storage and distribution of sand, gravel, and stone are specially permitted uses in the A-1, General Agriculture zoning district. The applicant will be using the existing structure as the retail store and business office. A 17 space parking lot, as depicted on the master plan, and a privacy fence around the "Inventory and Equipment Storage Area" will be constructed. The fenced area will serve as a storage area for equipment and materials on pallets. On the western side of the property, the applicant is proposing a bulk storage area, where crushed stone, gravel, and dirt would be stored for easy loading. The applicant intends to expand the business in the future to provide an indoor work space as well as additional office space. The proposed future expansion would provide approximately 2,000 square feet of shop space and approximately 1,500 square feet of additional retail and office space.

Access to the proposed development will be from two proposed entrances on Industrial Boulevard. The existing entrance on Richmond Road will be closed and one of the entrances will be a service entrance for loading and unloading landscaping material. According to information provided by the applicant, the area to the south of the building will be used as a display area to showcase attractive ways to develop BMPs, rain gardens, and utilize low impact design. The property fronts on a Richmond Road, which is designated as a Community Character Corridor in the 2009 Comprehensive Plan. A single-family dwelling unit is located directly to the east of the proposed development at 123 Industrial Boulevard. This property is zoned A-1, General Agriculture, and is also owned by Dr. English. It will be buffered from the proposed development by a fence and existing pine trees (Condition No. 2). Hankins Industrial Park, is zoned M-2, General Industrial and the property across Richmond Road from the proposed development is zoned B-1, General Business, and M-1, Limited Business/Industrial

## **PUBLIC IMPACTS**

### **Archaeology:**

**Staff Comment:** The subject property is a previously disturbed site and is not located within an area identified as a highly sensitive area in the James City County archaeological assessment "Preserving Our Hidden Heritage: An Archaeological Assessment of James City County, Virginia."

**Planning Division Comment:** Staff finds that given the size and nature of the site, no archaeological study is necessary.

### **Environmental**

**Watershed:** Ware Creek

**Environmental Staff Comments:** Environmental Staff has reviewed the application and finds that any outstanding issues can be resolved at the site plan stage.

**Planning Division Comments:** The applicant will remove two existing structures to decrease impervious area.

### **Public Utilities**

**JCSA Staff Comment:** The site is located within the Primary Service Area (PSA) and will be served by public water and sewer. The JCSA staff has provided the applicant with preliminary comments to consider during the site plan process and guidelines for developing the water conservation standards.

**Planning Division Comments:** Staff notes that water conservation and irrigation standards are part of the SUP conditions for this proposal (Condition No. 4).

## **Transportation**

- **2007 Traffic Counts:** From Rochambeau Road to Croaker Road, approximately 17,201 average daily trips.
- **2035 Volume Projected:** From Rochambeau Road to Croaker Road, projected 29,293 vehicles per day on a four lane divided road-“OK” category in the 2009 Comprehensive Plan.
- **Road Improvements:** There have been no road improvements proposed.

**VDOT Comments:** According to the Virginia Department of Transportation (VDOT) the proposed use does not appear to have the potential to generate substantial trips during peak hours of operation and impacts to the surrounding roadway network will be negligible. Several minor entrance issues will be worked out during site plan review.

**Planning Division Comments:** Staff notes that the section of Richmond Road at the entrance to Hankins Industrial Park is not in the watch category according to the 2009 Comprehensive Plan. The proposed use is not expected to generate a significant number of daily trips and would have a minimal impact on this section of Richmond Road or Industrial Boulevard. Average trip generation for the AM peak hour is estimated to be approximately 11 and for the PM peak hour is estimated to be approximately 12 (based on ITE codes 817 for Garden Center and 150 for Warehousing).

## **COMPREHENSIVE PLAN**

### **Land Use Map**

Designation	<b>General Industry (Page 123):</b> The James City County Land Use Plan designates this property as General Industry. General Industry describes areas within the PSA that are suitable for industrial uses which, because of their potential for creating dust, noise, odor and other adverse environmental effects, require buffering from adjoining uses, particularly residential uses. Secondary uses in General Industry areas may include office uses and a limited amount of commercial development generally intended to support the needs of employees and other persons associated with an industrial development.
	<b>Staff Comment:</b> While the property is adjacent to a single-family dwelling, it is located at the entrance to Hankins Industrial Park. The applicant has agreed to provide a buffer between the business and the residence (Condition No. 2) and to limit hours of operation so that loading and unloading will not occur early in the morning or late evening (Condition No. 3). Because this development will be located at the entrance to a large industrial park, this business will not have a negative impact on adjacent parcels.

### **Economic Development**

Goals, strategies and actions	<i>Strategy 1.1-Page 28:</i> Encourage a balanced mixture of commercial, industrial, and residential uses in a pattern and at a pace of growth supportive of the County’s overall quality-of-life, fiscal health, and environmental quality. <i>Action 1.1.1-Page 28:</i> Maintain an active and effective Economic Development strategy, which includes existing business retention and expansion, the formation of and assistance to new business, and new core business recruitment. <i>Action 1.1.2-Page 28:</i> Encourage the creation of new and retention of existing small business...
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	Staff Comment: Staff finds that the creation of a new local small business is in keeping with the intent of the Economic Development Section of the Comprehensive Plan.
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### **Environmental**

Goals, Strategies, and actions	Strategy #21.1-Page 77: Promote development and land use decisions that protect and improve the function of wetlands and the quality of water bodies. Action #1.2-Page 77: Promote the use of Better Site Design, Low Impact Development, and effective best management practices (BMPs).
	<b>Staff Comment:</b> According to information provided by the applicant, the majority of the parcel will remain pervious. The applicant intends to use reinforced turf and pavers for parking and does not intend to pave the “Inventory and Equipment Storage” area. These measures should minimize any adverse impacts on the natural environment.

### **Transportation**

General	Richmond Road- Page 77: Future commercial and residential development proposals along Richmond Road should concentrate in planned areas and will require careful analysis to determine the impacts such development would have on the surrounding road network. Minimizing the number of new signals and entrances and ensuring efficient signal placement and coordination is crucial.
	<b>Staff Comment:</b> This area of Richmond Road is not in the watch category according to the 2009 Comprehensive Plan. This development is closing the existing entrance onto Richmond Road and will be utilizing Industrial Boulevard for access to the site. Hankins Industrial Park is an area which has been planned for development. Traffic generation is estimated to be 12 vehicle trips during the peak PM time. Staff believes the proposed use will have a minimal impact on this section of Richmond Road and will not negatively impact Industrial Boulevard.

### **Community Character Area**

Goals, strategies, and actions	Strategy 1.1.1-Page 97: 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 networks and establishes entrance corridors that enhance the experience of residents and visitors. Action 1.1.10-Page 98: Encourage development to occur in a manner that does not require changing the character of roads that enhance the small town, rural, and natural character of the County by preserving buffers and minimizing the need for road improvements, among other techniques.
	<b>Staff Comment:</b> Staff finds that the remaining structure with a 50-foot landscaped Community Character Corridor buffer along the west side of the property will be compatible with the surrounding development on Route 60. Staff has included a special use permit condition that will require plants will be, at a minimum, 125 percent of the size requirements otherwise required in the Zoning Ordinance (Condition No. 6). A vacant and deteriorating house currently on the property will be removed. Lastly, given the low trip generation triggered by the proposed development, staff finds that this use will not have an adverse impact on the traffic on Route 60.

### **Staff Comments:**

Staff finds that the proposed development, with the attached conditions, is generally consistent with the suggested uses for land designated General Industry in the Comprehensive Plan. Low traffic generation, limited hours of operation, and maintenance of a landscaping buffer ensures that this development will have minimal impact on surrounding development and the adjacent residential unit.

**RECOMMENDATION:**

This development is generally consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. Staff recommends that the Planning Commission recommend approval of this application with the attached conditions.

1. **Master Plan:** This Special Use Permit (the “SUP”) shall be valid for the construction of an approximately 1,440 square foot, 1-story high retail landscaping business, which also includes a two-story future expansion of approximately 1,500 square feet for retail and office space and an approximate 2,000 square feet shop space. The property is located at 8162 Richmond Road and further identified as JCC Tax Parcel Number 1240100012. Development and use of the Property shall be generally in accordance with and bound by the Master Plan entitled “Harmonious Hardscapes 8162 Richmond Road”, prepared by Cornerstone Design Group date stamped 8/20/2010 (the “Master Plan”) with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
2. **Buffering:** A privacy fence of at least 6 feet tall made of chain link with vertical slats to accommodate privacy or a comparable material approved by the Planning Director shall be provided around the “Inventory and Equipment Storage Area”. The trees between the fencing and the residence at 123 Industrial Boulevard shall be preserved and maintained.
3. **Hours of Operation:** The hours of operation for the business, including the loading or unloading of, or maintenance of, vehicles or equipment, shall be limited to 6:00AM to 8:00PM, Monday through Friday, 7:00AM to 8:00PM on Saturday and 9:00AM to 8:00PM on Sunday.
4. **Water Conservation:** The Owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final site plan approval for the initial phase. The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigations systems and irrigations wells, the use of approved landscaping materials including the use of drought tolerant plants, warm season grasses, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
5. **Lighting:** Any parking lot lighting installed on the Property shall be comprised of recessed fixtures with no bulb, lens, or globe extending below the fixture housing. The housing shall be opaque and shall completely enclose the light source in such a manner that all light is directed downward, and that the light source is not visible from the side of the fixture. Pole-mounted fixtures shall not be mounted in excess of 15 feet in height above the finished grade beneath them. Accent lighting to showcase products is allowed but may not produce any glare or light spillage toward the roads or the residence at 123 Industrial Boulevard. Light spillage, defined as light intensity measured at 0.1 foot-candle or higher extending beyond any property line, shall be prohibited.
6. **Landscape Plan:** A landscape plan, subject to the review and approval of the Planning Director or his/her designee, shall be submitted for the Property (in accordance with “Article II. Special

Regulations Division 4. Landscaping” of the Zoning Ordinance) during the initial phase of development. The owner shall provide enhanced landscaping such that the required size of shrubs and trees located in the 50’ buffer along Richmond Road equals, at a minimum, 125 percent of the size requirements, and such that at least 60% of the shrubs and trees are evergreens.

7. **Equipment Storage:** All storage of equipment associated with the development shall be located inside the fenced area defined as “Inventory and Equipment Storage” or “Bulk Storage” on the Master Plan.
8. **Freestanding Sign:** Freestanding signage shall be limited to one monument style sign. For purposes of this condition, a “monument” style sign shall be defined as a freestanding sign with a completely enclosed base not to exceed 32 square feet in size and not to exceed ten feet in height from grade. The sign shall be illuminated by ground mounted lights only.
9. **Severance Clause:** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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Sarah Propst, Planner

**Attachments:**

1. Location Map
2. Master Plan





Proposed Site for Harmonious Hardscapes

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies are found, please contact the Real Estate Assessment Division of James City County, Mapping/GIS Section. Aerial Imagery Copyright 2005 James City County.

1 inch = 226 feet

0 0.04 0.08 Miles



ADOPTED

SEP 26 2006

ORDINANCE NO. 197A-1

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

RENEWAL OF AFD-1-02, CARTER'S GROVE

WHEREAS, James City County has completed a review of the Carter's Grove Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Carter's Grove Agricultural and Forestal District; and

WHEREAS, Colonial Williamsburg has requested the withdrawal of a 2.26-acre portion of Tax Map ID (59-1)(1-30A), which is identified as "Property to be Withdrawn" on the map entitled "JCC AFD-1-02-1 Carter's Grove AFD 2006 Renewal", dated September 12, 2006, and included as an attachment to the staff report; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee, at its meeting on August 29, 2006, voted 6-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission, following its public hearing on September 11, 2006, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to recommend renewal of the District with the conditions listed below.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:

1. The Carter's Grove Agricultural and Forestal District is hereby continued for a period of four years and one month beginning the twenty-sixth day of September, 2006, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et seq.
2. The District shall include the following parcels:

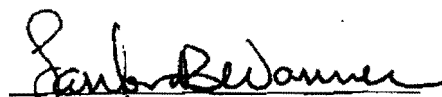
<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Colonial Williamsburg (3 part parcel)	(59-1)(1-30A)	240.049
Colonial Williamsburg	(59-1)(1-21)	1.564
Colonial Williamsburg	(58-2)(1-2)	<u>76.500</u>
	Total:	<u>318.113</u>

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Carter's Grove Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
  - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.
  - b. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District (AFD) may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land inside the PSA and within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996.
  - c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.
4. All land within 50 feet of the existing right-of-way on both sides of Route 60, Pocahontas Trail; all land within the Colonial Pipeline Easement; all land within the HRSD Easement; and all land within ten feet adjacent to both sides of the HRSD Easement be excluded from the district as needed for future improvements and expansion.



Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

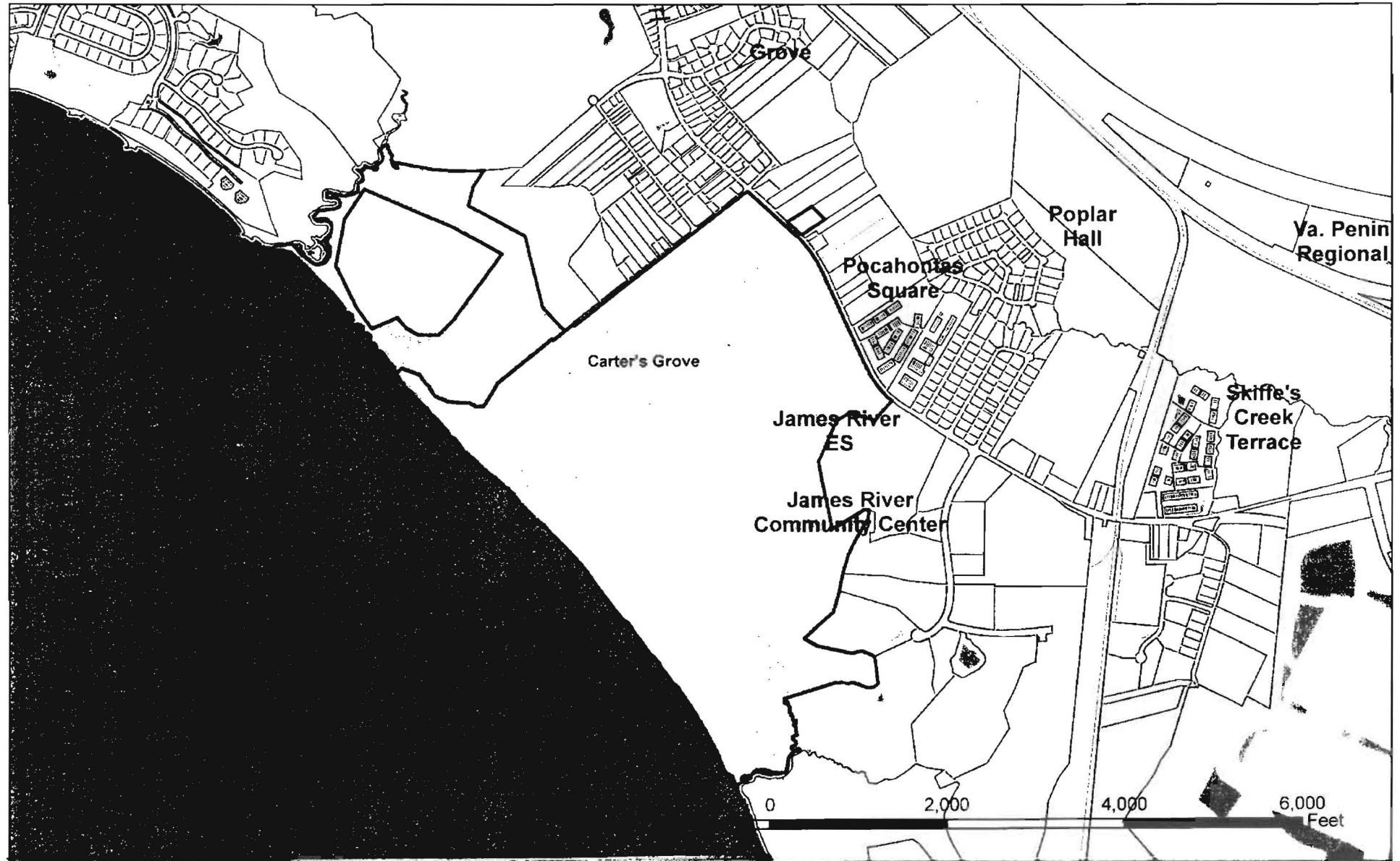
<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	AYE
MCENHOUR	AYE
MCGLENNON	AYE
BRADSHAW	AYE
GOODSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of September, 2006.

Afd-1-02Renew.res

# AFD-1-02

## Carter's Grove AFD 2010 Renewal



**AGRICULTURAL & FORESTAL DISTRICT-1-02. Carter's Grove 2010 Renewal.  
Staff Report for the September 1, 2010 Planning Commission Meeting.**

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

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**PUBLIC HEARINGS**

AFD Advisory Committee	August 23, 2010	4:00 p.m.
Planning Commission:	September 1, 2010	7:00 p.m.
Board of Supervisors:	September 28, 2010	7:00 pm (tentative)

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

**SUMMARY FACTS**

<b>Owners</b>	<b>Parcel Number</b>	<b>Acres</b>
Carter's Grove, LLC	5820100002 .....	76.10
Carter's Grove, LLC	5910100030 .....	240.04
Colonial Williamsburg Foundation	5910100021 .....	1.56
<b>TOTAL.....</b>		<b>317.7</b>

**Zoning:** R-8, Rural Residential, R-2, General Residential and LB, Limited Business

**Comprehensive Plan:** Park, Public, Semi-Public Open Space; Federal, State, County Land; Conservation Area; and Neighborhood Commercial

**Primary Service Area:** Inside

**STAFF RECOMMENDATION**

This AFD is consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends renewing the Carter's Grove Agricultural and Forestal District for a period of four years, subject to the enclosed conditions.

At its August 23, 2010 meeting, the AFD Advisory Committee voted 9-0 to recommend approval of this application.

**Staff Contact:** Kathryn Sipes, Senior Planner Phone: 253-6685

## **SUMMARY**

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFDs) prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-1-02, Carter's Grove, which is scheduled to expire October 26, 2010.

## **DISTRICT HISTORY**

The Carter's Grove AFD District was created by the Board of Supervisors on October 8, 2002, for a term of four years. In 2006, during the renewal process, Colonial Williamsburg removed a portion of land totaling approximately 2.26 acres. The area encompasses the 1,650 foot long entrance road to Carter's Grove Mansion and would allow the flexibility for future widening. In 2007 the parcel that the mansion is located on was combined with the surrounding parcel, tax map number (59-1)(1-30). The entire area of the previously delineated parcel, along with the aforementioned entrance road, is not included in the Carter's Grove AFD.

The District includes land on the above properties as previously described with the exception of all land within 25 feet of arterial road rights-of-way, land within the Colonial Pipeline and HRSD easements, and land within ten feet adjacent to both sides of the HRSD easement. That property has been excluded from the District to allow for possible road and/or drainage improvements and expansion.

The Carter's Grove AFD consists of approximately 317.7 acres located generally between the James River, Ron Springs Road, and south of Pocahontas Trail (Route 60). One parcel containing 1.5 acres is north of Pocahontas Trail. The main two parcels surround the Carter's Grove Plantation and the Hampton Roads Sanitation District (HRSD) sewer station and are west of the James River Commerce Center.

## **ANALYSIS**

The property included in this District is wooded or cleared pasture and does not include the Carter's Grove Plantation House and Visitor Center. The District also has direct frontage on the James River and contains some marshland that drains directly into the James River.

The entire District lies within the Primary Service Area and property within the District is zoned R-2, General Residential, R-8, Rural Residential and LB, Limited Business. The majority of the property is designated Park, Public, Semi-Public Open Space; Federal, State, County Land; or as a Conservation Area on the 2009 James City County Comprehensive Plan Land Use Map. Parcel (58-2)(1-21) is designated Neighborhood Commercial. The locations of parcels within the District provide natural buffers surrounding the HRSD sewer station and the Carter's Grove Plantation historical site and help to preserve the natural, wooded, and rural character of that area of the County. The perpetuation of this AFD will help to ensure that some property in the predominantly urban southern end of the County remains in forestal and/or agricultural uses for the duration of the District.

## **WITHDRAWALS**

No property owner has requested land be removed from the District during this renewal period.

## **ADDITIONS**

No property owner has requested land be added to the District during this renewal period.

## **CHANGE IN CONDITIONS**

Staff is recommending a revision to Condition #2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as well as adding a reference to the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Inside the Primary Service Area, adopted September 24, 1996. Staff is also recommending language that references future amendments to those Board policies. The proposed condition is as follows, with proposed

corrections and additions underlined:

“No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors’ policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors’ policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended.”

**STAFF RECOMMENDATION:**

This AFD is consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends renewing the Carter’s Grove Agricultural and Forestal District for a period of four years, subject to the following conditions:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner’s immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a.) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b.) the subdivision does not result in a remnant parcel of less than 25 acres.
2. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors’ policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors’ policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended.
3. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County’s policies and ordinances regulating such facilities.

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Kathryn Sipes, Senior Planner

**ATTACHMENTS:**

1. Location Map
2. Unapproved minutes of the AFD Advisory Committee meeting
3. Existing ordinance and conditions, dated September 26, 2006

ADOPTED

JAN 10 2006

ORDINANCE NO. 182A-7

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

RENEWAL OF ARMISTEAD AGRICULTURAL AND FORESTAL DISTRICT (AFD-1-89)

WHEREAS, James City County has completed its review of the Armistead Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code"), property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Armistead Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee at its meeting of November 29, 2005, unanimously recommended approval of the application; and

WHEREAS, the Planning Commission following its Public Hearing on December 5, 2005, unanimously recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. The Armistead Agricultural and Forestal District (the "Armistead District") is hereby continued for a period of four years and ten months beginning the 27th day of January, 2006, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et seq. (the "Act").

2. That the District shall include the following parcels:

Armistead, Robert T. Estate	(31-2)(1-14)	53.78 acres
Armistead, Robert T. Estate	3 - 2 1 - 1 7	84.50 acres
Armistead, Robert T. Estate	(31-3)(1-29)	132.08 acres
Armistead, Robert T. Estate	(31-4)(1-1)	<u>41.18 acres</u>

Total: 311.54 acres

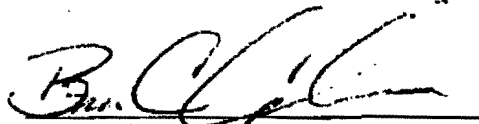
provided, however, that all land within 25 feet of the road right-of-way of Centerville Road (Route 614) shall be excluded from the District and that all land within 45 feet of the road right-of-way of Longhill Road (Route 612) shall be excluded from the District.

3. Pursuant to the Act, the Board of Supervisors requires that no parcel in the Armistead District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided: a) The subdivision does not result in the total acreage of the Armistead District to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.



- b. No land outside the Primary Service Area (PSA) and within the Armistead District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the Armistead District. Land inside the PSA and within the Armistead District may be withdrawn from the Armistead District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996.
- c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the Virginia Code Section 15.2-4301 et seq., which are not in conflict with the policies of the Armistead District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on properties within the Armistead District, which are in accordance with the County's policies and ordinances regulating such facilities.



Bruce C. Goodson  
Chairman, Board of Supervisors

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

ATTEST:

○



Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of January, 2006.

AFD-1-89.ord (011006)

# AFD-1-89

## Armistead AFD 2010 Renewal



**AGRICULTURAL & FORESTAL DISTRICT-1-89. Armistead 2010 Renewal.  
Staff Report for the September 1, 2010 Planning Commission Meeting.**

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

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**PUBLIC HEARINGS**

AFD Advisory Committee  
Planning Commission:  
Board of Supervisors:

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

August 23, 2010      4:00 p.m.  
September 1, 2010      7:00 p.m.  
September 28, 2010      7:00 pm (tentative)

**SUMMARY FACTS**

**Owners**

Sarah H. Armistead  
Sarah H. Armistead  
Sarah H. Armistead  
Sarah H. Armistead

**Parcel Number**

**Acres**

3120100017 .....84.50  
3120100014 .....53.78  
3130100029 .....132.08  
3140100001 .....41.17

TOTAL.....311.5

**Zoning:**                                      A-1, General Agriculture and R-8, Rural Residential

**Comprehensive Plan:**                      Low-Density Residential and Conservation Area

**Primary Service Area:**                      Inside

**STAFF RECOMMENDATION**

This AFD is consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends renewing the Armistead Agricultural and Forestal District for a period of three years and eleven months, subject to the enclosed conditions.

At its August 23, 2010 meeting, the AFD Advisory Committee voted 9-0 to recommend approval of this application.

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

## **SUMMARY**

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFDs) prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-1-89, Armistead, which is scheduled to expire November 27, 2010.

Staff is endeavoring to synchronize the expiration dates of all districts. As part of the 2010 renewal process, staff is recommending a term of three years and eleven months, making the expiration date October 2014.

## **DISTRICT HISTORY**

The Armistead Agricultural and Forestal District was created in 1989 for a term of four years and originally consisted of five parcels totaling 403 acres. The District was renewed in 1994 and 1998 for four year periods with no addition or withdrawal of acreage. On February 9, 1999, the Board of Supervisors approved the withdrawal of approximately 90 acres (Elizabeth Carter Tract) as part of a rezoning for Ford's Colony on the south side of Longhill Road. Following this action the District contained approximately 311.54 acres. The District was renewed in both 2002 and 2006 for four year periods with no addition or withdrawal of acreage.

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

The Armistead AFD consists of approximately 311.5 acres located between Longhill Road and Centerville Road and is bounded by the County's Warhill Sports Complex, Ford's Colony, Forest Glen, Fox Ridge, Longhill Station and Adam's Hunt subdivisions.

## **ANALYSIS**

The bulk of the District is woodland with the majority of the property zoned R-8, Rural Residential, with one parcel zoned A-1, General Agricultural. The parcels in District are designated as Low Density Residential by the Comprehensive Plan and all are within the Primary Service Area. The Comprehensive Plan's Community Character goal is to enhance and preserve the County's scenic, cultural, rural, farm, forestal, natural and historic resources. The AFD program helps satisfy this goal and therefore this renewal is consistent with the 2009 Comprehensive Plan.

## **WITHDRAWALS**

No property owner has requested land be removed from the District during this renewal period.

## **ADDITIONS**

No property owner has requested land be added to the District during this renewal period.

## **CHANGE IN CONDITIONS**

Staff is recommending a revision to Condition #2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as well as adding a reference to the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Inside the Primary Service Area, adopted September 24, 1996. Staff is also recommending language that references future amendments to those Board policies. The proposed condition is as follows, with proposed corrections and additions underlined:

"No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to

Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended."

**STAFF RECOMMENDATION:**

This AFD is consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends renewing the Armistead Agricultural and Forestal District for a period of three years and eleven months, subject to the following conditions.

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a.) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b.) the subdivision does not result in a remnant parcel of less than 25 acres.
2. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended.
3. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

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Jason Purse, Senior Planner

**ATTACHMENTS:**

1. Location Map
2. Unapproved minutes from the August 23, 2010 AFD Advisory Committee meeting
3. Existing ordinance and conditions, dated January 10, 2006

ADOPTED

JAN 10 2006

ORDINANCE NO. 190A-6

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

RENEWAL OF WILLIAMSBURG FARMS AGRICULTURAL AND FORESTAL DISTRICT

(AFD-1-93)

WHEREAS, James City County has completed its review of the Williamsburg Farms Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code"), property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Williamsburg Farms Agricultural and Forestal District (the "Williamsburg Farms District"); and

WHEREAS, the Agricultural and Forestal District Advisory Committee at its meeting of November 29, 2005, unanimously recommended approval of the application; and

WHEREAS, the Planning Commission following its Public Hearing on December 5, 2005, unanimously recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Williamsburg Farms District is hereby continued for a period of four years and ten months beginning the 27th day of January, 2006, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").
2. That the District shall include portions of the following parcels as detailed below and as generally shown, on Attachment A:

Williamsburg Vineyards, LLC	(48-4)(1-12)	29.65 acres
Williamsburg Vineyards, LLC	(48-4)(1-10)	157.71 acres
Wedmore Place, LLC	(48-4)(1-10D)	67.26 acres
Vineyard Partners, LLC	(48-4)(1-10E)	18.72 acres
Williamsburg Winery, LTD	(48-4)(1-10B)	6.63 acres

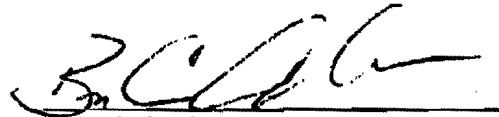
Total

279.97 acres

provided, however, that all land within 25 feet of the road right-of-way of Lake Powell Road (Route 617) shall be excluded from the District.

3. Pursuant to the Act, the Board of Supervisors requires that no parcel in the Williamsburg Farms District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

- a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided: a) The subdivision does not result in the total acreage of the Williamsburg Farms District to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.
- b. No land outside the Primary Service Area (PSA) and within the Williamsburg Farms District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the Williamsburg Farms District. Land inside the PSA and within the Williamsburg Farms District may be withdrawn from the Williamsburg Farms District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996.
- c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the Virginia Code Section 15.2-4301 et seq., which are not in conflict with the policies of the Williamsburg Farms District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties, which are in accordance with the County's policies and ordinances regulating such facilities.



Bruce C. Goodson  
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
MC GLENNON	AYE
BRADSHAW	AYE
HARRISON	AYE
ICENHOUR	AYE
GOODSON	AYE

ATTEST:



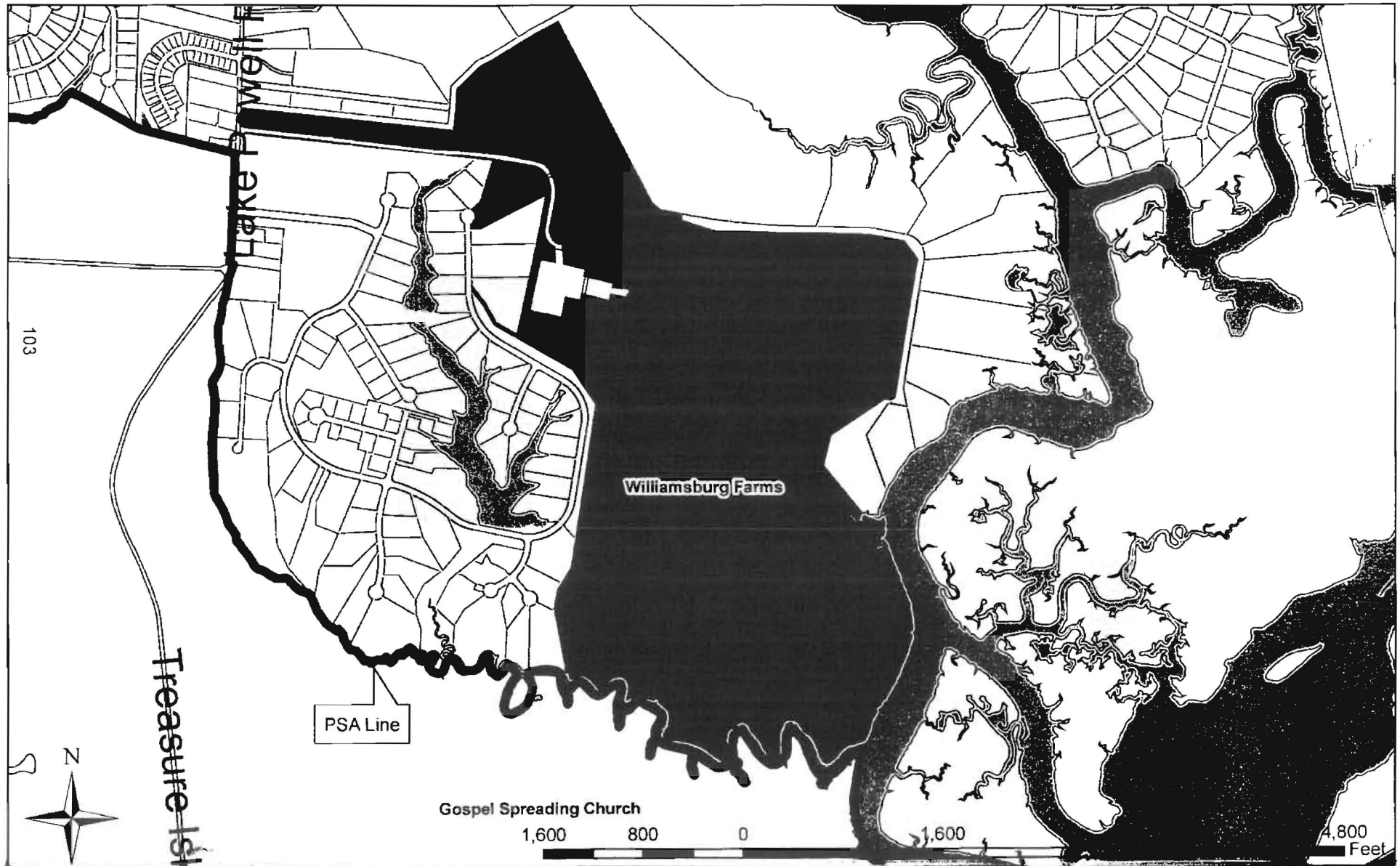
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of January, 2006.

AFD-I-93.ord (011006)

**AFD-1-93**

# **Williamsburg Farms AFD 2010 Renewal**





**AGRICULTURAL & FORESTAL DISTRICT-1-93. Williamsburg Farms 2010 Renewal.  
Staff Report for the September 1, 2010 Planning Commission Meeting.**

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

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**PUBLIC HEARINGS**

AFD Advisory Committee	August 23, 2010	4:00 p.m.
Planning Commission:	September 1, 2010	7:00 p.m.
Board of Supervisors:	September 28, 2010	7:00 pm (tentative)

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

**SUMMARY FACTS**

<b>Owners</b>	<b>Parcel Number</b>	<b>Acres</b>
Williamsburg Vineyards, LLC	4840100012 .....	29.65
Williamsburg Vineyards, LLC	4840100010 .....	157.71
Wedmore Place, LLC	4840100010D .....	67.26
Vineyard Partners, LLC	4840100010E.....	18.72
Williamsburg Winery	4840100010B.....	6.63
<b>TOTAL.....</b>		<b>279.9</b>

**Zoning:** R-8, Rural Residential and R-1, Limited Residential

**Comprehensive Plan:** Low-Density Residential and Conservation Area

**Primary Service Area:** Inside

**STAFF RECOMMENDATION**

This AFD is consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends renewing the Williamsburg Farms Agricultural and Forestal District for a period of three years and eleven months, subject to the enclosed conditions.

At its August 23, 2010 meeting, the AFD Advisory Committee voted 9-0 to recommend approval of this application.

**Staff Contact:** Kathryn Sipes, Senior Planner Phone: 253-6685

## **SUMMARY**

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFDs) prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-1-93, Williamsburg Farms, which is scheduled to expire November 27, 2010.

Staff is endeavoring to synchronize the expiration dates of all districts. As part of the 2010 renewal process staff is recommending a term of three years and eleven months, making the expiration date October 2014.

## **DISTRICT HISTORY**

The Williamsburg Farms Agricultural and Forestal District was created in 1994 for a term of four years and consisted of two parcels totaling 311 acres. At the time of creation, 10 acres, which included the Gabriel Archer Tavern and a proposed inn, were excluded from the District. During the review of the District for renewal in 1997, a five-acre tract on the eastern side of the District at the end of Conservancy Road was withdrawn leaving the AFD with approximately 306 acres. In 1999, the Board of Supervisors approved the withdrawal of an additional 4.5 acres at the end of Conservancy Road, leaving the AFD with approximately 301.5 acres. During the review of the District for renewal in 2002, 7.2 acres was withdrawn along Jockey's Neck Trail leaving the District with approximately 294.3 acres. On August 10, 2004, the Board of Supervisors approved the withdrawal of an additional 75 acres, leaving the AFD with approximately 219.3 acres. As part of the 2006 renewal, staff worked with the Williamsburg Winery to redraw the boundaries of the Williamsburg Farms AFD. Approximately 60.74 acres were added to the District as part of the 2006 renewal. The revised District excludes the Gabriel Archer Tavern and the Wedmore Place Inn.

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

The Williamsburg Farms AFD consists of approximately 279.9 acres located on the east side of Lake Powell Road and is adjacent to the Vineyard's at Jockey's Neck subdivision.

## **ANALYSIS**

Although the amount of property in this AFD has been adjusted with development of the Williamsburg Winery, the majority of the District has remained in either an agricultural use or protected as open space. All property in the District is zoned R-8, Rural Residential with the exception of the entrance road, which is zoned R-1, Limited Residential. The parcels in the District are designated as Low Density Residential by the Comprehensive Plan and all are within the Primary Service Area. The Comprehensive Plan's Community Character goal is to enhance and preserve the County's scenic, cultural, rural, farm, forestal, natural and historic resources. The AFD program helps satisfy this goal and therefore this renewal is consistent with the 2009 Comprehensive Plan.

## **WITHDRAWALS**

No property owner has requested land be removed from the District during this renewal period.

## **ADDITIONS**

No property owner has requested land be added to the District during this renewal period.

## **CHANGE IN CONDITIONS**

Staff is recommending a revision to Condition #2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as well as adding a reference to the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Inside the

Primary Service Area, adopted September 24, 1996. Staff is also recommending language that references future amendments to those Board policies. The proposed condition is as follows, with proposed corrections and additions underlined:

“No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors’ policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors’ policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended.”

**STAFF RECOMMENDATION:**

This AFD is consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends renewing the Williamsburg Farms Agricultural and Forestal District for a period of three years and eleven months, subject to the following conditions:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner’s immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a.) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b.) the subdivision does not result in a remnant parcel of less than 25 acres.
2. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors’ policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors’ policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended.
3. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County’s policies and ordinances regulating such facilities.

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Kathryn Sipes, Senior Planner

**ATTACHMENTS:**

1. Location Map
2. Unapproved minutes from the AFD Advisory Committee meeting
3. Existing ordinance and conditions, dated January 10, 2006

ADOPTED

JUL 25 2006

ORDINANCE NO. 164A-10

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

CROAKER AGRICULTURAL AND FORESTAL DISTRICT (AFD-2-86)

WHEREAS, James City County has completed a review of the Croaker Agricultural and Forestal District (AFD); and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Croaker Agricultural and Forestal District; and

WHEREAS, Taskinas, LLC has requested the withdrawal of 29 acres from its parcel, which is identified as Tax Map ID (14-4)(1-03); and

WHEREAS, the AFD Advisory Committee at its meeting on June 27, 2006, voted 8 to 0 to recommend renewal of the District; and

WHEREAS, the Planning Commission following its public hearing on July 10, 2006, concurred with the recommendation of staff and the AFD Advisory Committee, and voted 6-0 to recommend renewal of the District with the conditions listed below.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:

1. The Croaker AFD is hereby continued for a period of four years and three months beginning the 25th day of July 2006 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. The District shall include the following parcels:

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

46 Total:

1,048.5

provided, however, that all land within 25 feet of the road rights-of-way is excluded from the District.

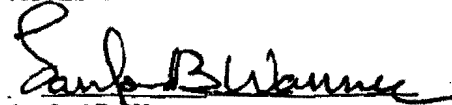
3. That pursuant to the Virginia Code, Sections 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Croaker Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
  - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to 5 acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided, a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.
  - b. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land inside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to *Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area*, adopted September 24, 1996.
  - c. No special use permit shall be issued except for agricultural, forestal or other activities and uses consistent with the State Code Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.



Bruce C. Goodson  
Chairman, Board of Supervisors  

SUPERVISOR	VOTE
HARRISON	ABSENT
ICENHOUR	AYE
MCGLENNON	AYE
BRADSHAW	AYE
GOODSON	AYE

ATTEST:



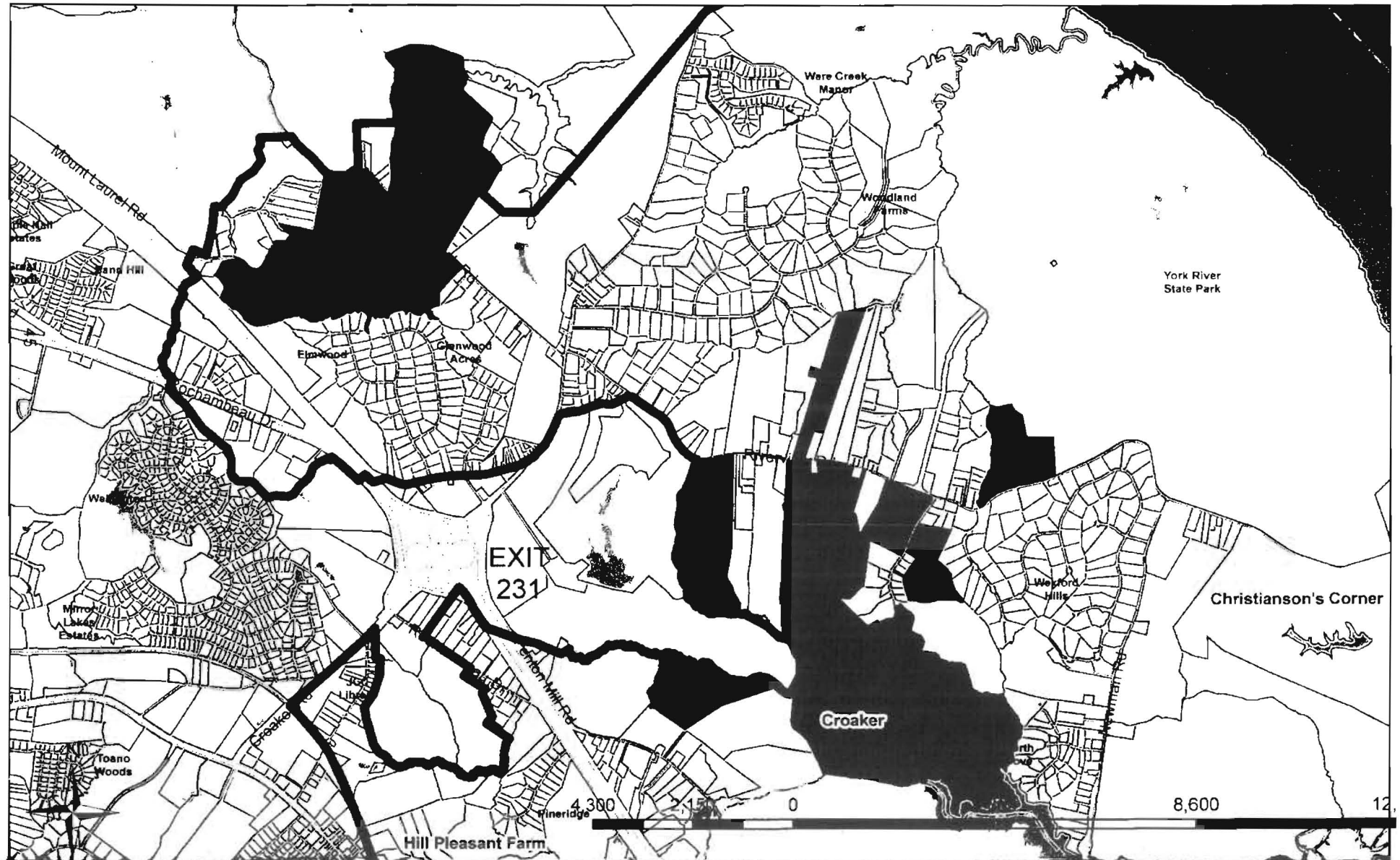
Sanford B. Warner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of July,  
2006.

AFD-2-86.res

# AFD-2-86

## Croaker AFD 2010 Renewal



**AGRICULTURAL & FORESTAL DISTRICT-2-86. Croaker 2010 Renewal.**  
**Staff Report for the September 1, 2010 Planning Commission Meeting.**

*This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, 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**

AFD Advisory Committee  
Planning Commission:  
Board of Supervisors:

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

August 23, 2010 4:00 p.m.  
September 1, 2010 7:00 p.m.  
September 28, 2010 7:00 pm (tentative)

**SUMMARY FACTS**

**Owners**

Hankins Land Trust  
William and Mary Margaret Apperson  
V.D. McManus Estate  
V.D. McManus Estate  
V.D. McManus Estate  
Hazel M. Richardson & LA Richardson  
Clarence D. Richardson, Jr.  
Judith R. Pieper  
Linda Ann Winston  
Wenger Farms LLC  
Wenger Farms LLC  
Wenger Farms LLC  
Thomas B. Ballard  
Lasata LLC  
Lasata LLC  
Lasata LLC  
Milly Wallis c/o Doris Lockley  
Thomas B. Ballard  
Thomas B. Ballard

**Parcel Number**

**Acres**

1530100044 ..... 119.00  
1440100015 ..... 51.45  
1530100043 ..... 119.85  
1530100042 ..... 10.10  
1530100036 ..... 40.40  
1530100002 ..... 39.76  
1530100034 ..... 39.78  
1440100010 ..... 40.00  
1440100009 ..... 49.07  
1320100018 ..... 95.30  
1410100001 ..... 150.00  
1440100014 ..... 143.50  
1530100035 ..... 53.17  
1530100018 ..... 16.05  
1530100019 ..... 16.39  
1530100029 ..... 30.93  
1540100004 ..... 40.00  
1530100035A ..... 4.91  
1530100032 ..... 16.21

TOTAL..... 1,075.9

**Zoning:** A-1, General Agriculture

**Comprehensive Plan:** Rural Lands and Conservation Area

**Primary Service Area:** Outside

**STAFF RECOMMENDATION**

This AFD is consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends renewing the Croaker Agricultural and Forestal District for a period of four years, subject to the enclosed conditions.

At its August 23, 2010 meeting, the AFD Advisory Committee voted 9-0 to recommend approval of this application.

**Staff Contact:** Jason Purse, Senior Planner

Phone: 253-6685

## **SUMMARY**

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFDs) prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-2-86, Croaker, which is scheduled to expire October 25, 2010.

## **DISTRICT HISTORY**

The District was originally approved on November 17, 1986 for a term of 4 years. In July 1989, the Board of Supervisors approved the withdrawal of 421.773 acres associated with the Old French Winery property. The District was renewed a second time in 1994. Twenty-nine acres were added to the District on January 14, 1997, and 40 acres were added on January 13, 1998. The District was renewed by the Board in 1998 and 2002 with no additions or withdrawals. In 2006, 29 acres was withdrawn, and in May 2007 21 acres was added to the District.

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

The Croaker AFD consists of approximately 1,075.9 acres located in and around the Croaker Road area. The AFD contains parcels which front on Ware Creek and Riverview Roads.

## **ANALYSIS**

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

## **WITHDRAWALS**

No property owner has requested land be removed from the District during this renewal period.

## **ADDITIONS**

One property has requested to be enrolled in the Croaker AFD, and a separate staff report has been attached for that specific application (see AFD-2-86-2-2010 Hankins Property Croaker AFD Addition).

## **CHANGE IN CONDITIONS**

Staff is recommending a revision to Condition #2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as well as adding a reference to the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Inside the Primary Service Area, adopted September 24, 1996. Staff is also recommending language that references future amendments to those Board policies. The proposed condition is as follows, with proposed corrections and additions underlined:

"No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted



September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended."

**STAFF RECOMMENDATION:**

This AFD is consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends renewing the Croaker Agricultural and Forestal District for a period of four years, subject to the following conditions.

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a.) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b.) the subdivision does not result in a remnant parcel of less than 25 acres.
2. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended.
3. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

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Jason Purse, Senior Planner

**ATTACHMENTS:**

1. Location Map
2. Unapproved minutes from the August 23, 2010 AFD Advisory Committee meeting
3. Existing ordinance and conditions, dated July 25, 2006

# ADOPTED

JUL 25 2006

ORDINANCE NO. 165A-9

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

## HILL PLEASANT FARM AGRICULTURAL AND FORESTAL DISTRICT (AFD-3-86)

WHEREAS, James City County has completed a review of the Hill Pleasant Farm Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.24311 of the Code of Virginia, property owners have been notified, public meetings have been held, public hearings have been advertised, and public hearings have been held on the continuation of the Hill Pleasant Farm Agricultural and Forestal District; and

WHEREAS, Mr. Don Hunt has requested the withdrawal of 6 acres from the parcel which is identified as Tax Map ID (24-1)(1-5); and

WHEREAS, the Agricultural and Forestal District Advisory Committee, at its meeting on June 27, 2006, voted 8-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission following its public hearing on July 10, 2006, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0, with one abstention, to recommend renewal this District with the conditions listed below.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:

1. The Hill Pleasant Farm Agricultural and Forestal District is hereby continued for a period of four years and three months beginning the 25th day of July 2006 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. The District shall include the following parcels:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
C.E. Stevens	(24-1)(1-4)	105.04
Hill Pleasant Farm, Inc.	(24-1)(1-5)	391.30
Wayne Moyer	(24-1)(1-15D)	32.28
Williamsburg Pottery, Inc.	(24-3)(1-17)	27.00
Williamsburg Pottery, Inc.	(24-3)(1-31B)	<u>12.00</u>
Total:		<u>567.62</u>

provided, however, that all land within 25 feet of road rights-of-way is excluded from the District.

3. That pursuant to the Virginia Code, Section 15.24312, and 15.2-4313, as amended, and the Board of Supervisors requires that no parcel in the Hill Pleasant Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

- a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of telecommunications towers and related equipment, provided, a) The subdivision does not cause the total acreage of the District to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.
- b. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996
- c. No special use permit shall be issued except for agricultural, forestal or other activities and uses consistent with the State Code Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.



Bruce C. Goodson  
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	ABSENT
ICENHOUR	AYE
MCGLENNON	AYE
BRADSHAW	AYE
GOODSON	AYE

ATTEST:



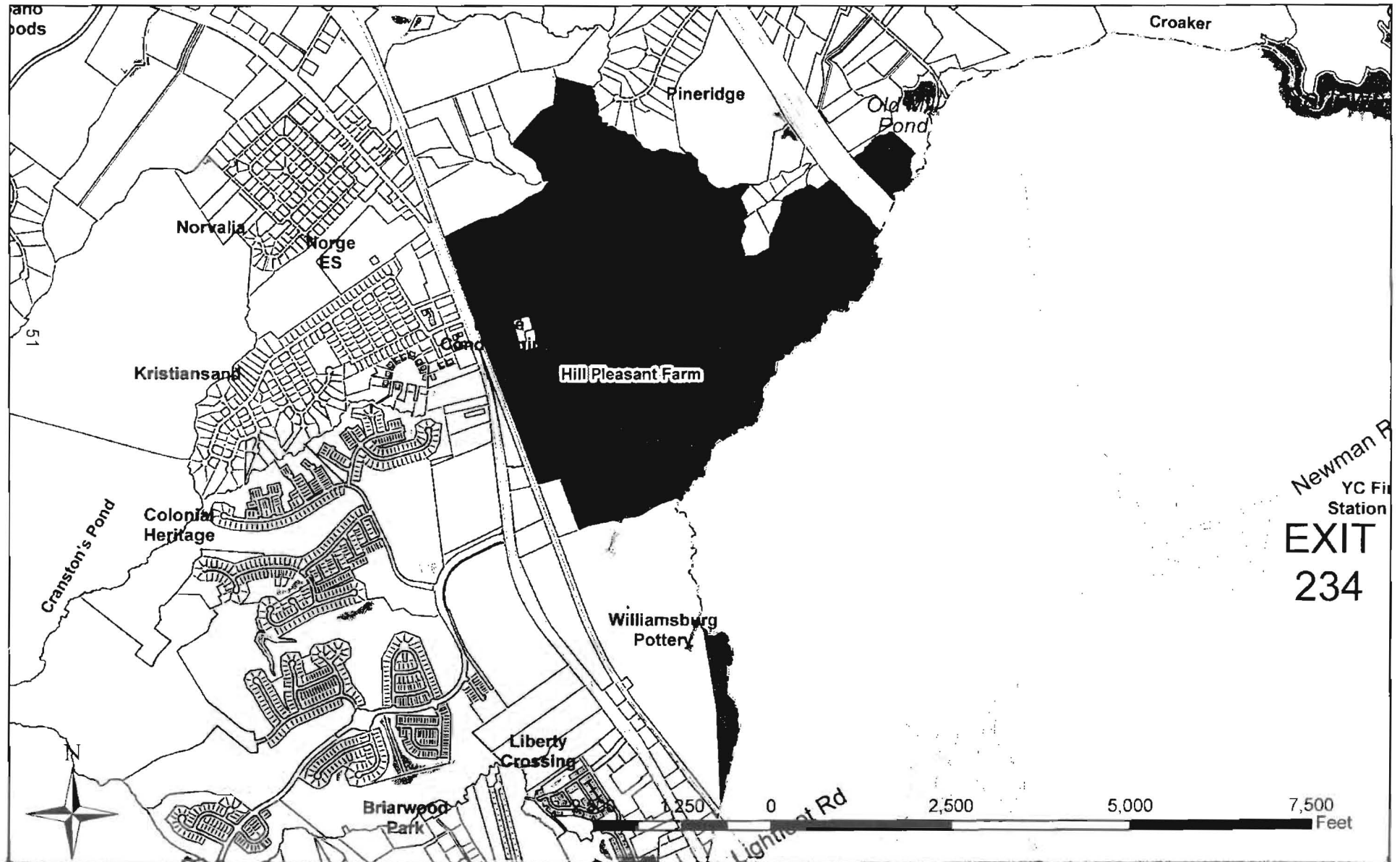
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of July,  
2006.

AFD3-86\_HillPlntFrm.res

# AFD-3-86

## Hill Pleasant Farm AFD 2010 Renewal



**AGRICULTURAL & FORESTAL DISTRICT-3-86. Hill Pleasant Farm 2010 Renewal.  
Staff Report for the September 1, 2010 Planning Commission Meeting.**

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

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**PUBLIC HEARINGS**

AFD Advisory Committee  
Planning Commission:  
Board of Supervisors:

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

August 23, 2010 4:00 p.m.  
September 1, 2010 7:00 p.m.  
September 28, 2010 7:00 pm (tentative)

**SUMMARY FACTS**

**Owners**

Margaret S. Stevens  
Hill Pleasant Farm, Inc.  
Wayne A. Moyer Revocable Trust  
Williamsburg Pottery Factory, Inc.  
Williamsburg Pottery Factory, Inc.

**Parcel Number**

**Acres**

2410100004 .....105.82  
2410100005 .....391.30  
2410100015D .....32.27  
2430100017 .....27.00  
2430100031B.....12.39

TOTAL.....568.8

**Zoning:** A-1, General Agriculture and M-1, Limited Business/Industrial (one parcel)

**Comprehensive Plan:** Economic Opportunity, Rural Lands and Conservation Area

**Primary Service Area:** Outside with one parcel inside

**STAFF RECOMMENDATION**

This AFD is consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends renewing the Hill Pleasant Farm Agricultural and Forestal District for a period of four years, subject to the enclosed conditions.

At its August 23, 2010 meeting, the AFD Advisory Committee voted 9-0 to recommend approval of this application.

**Staff Contact:** Kathryn Sipes, Senior Planner

Phone: 253-6685

## **SUMMARY**

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFDs) prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-3-86, Hill Pleasant Farm, which is scheduled to expire October 25, 2010.

## **DISTRICT HISTORY**

The Hill Pleasant Farm AFD was created on November 17, 1986, for a term of 4 years and renewed again on October 1, 1990 for a period of four years. The Board of Supervisors approved the withdrawal of 2.2 acres from the District in 1991. This withdrawal was for the purpose of installing an HRSD trunk main. The 1994 renewal was approved by the Board of Supervisors on October 19, 1994. Subsequently, 32 acres were added on September 10, 1996; 27 acres were added on October 23, 1996; and 12 acres were added on November 12, 1997. The District was renewed in 1998 and 2002 for terms of 4 years with no additions or withdrawals. In 2006, six acres were removed from the District.

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

The Hill Pleasant Farm AFD consists of approximately 568.8 acres located southwest of Norge in between the CSX Railway and Interstate 64.

## **ANALYSIS**

The bulk of this District has remained essentially the same since the time it was put in the District. Except for a few residences, all acreage in this District is in agriculture or forestal uses. The properties have been managed in the past for food and fiber production and have the potential to support significant agriculture and commercial timber operations. The majority of land within the District is zoned A-1, General Agricultural and is located outside the PSA. The one exception is the twelve acre parcel owned by the Williamsburg Pottery which is located inside the PSA and is zoned M-1, Limited Business/Industrial. The PSA is the area of the County that has been designated for growth. The continuation of AFD property within the PSA is consistent with the Comprehensive Plan as this would serve the public purpose of holding key tracts of land temporarily while development plans can be created, maximizing the beneficial use of the property. The District is designated Rural Lands on the Comprehensive Plan Land Use Map except for the one twelve acre parcel located inside the PSA. This parcel is designated Mixed Use.

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

## **WITHDRAWALS**

No property owner has requested land be removed from the District during this renewal period.

## **ADDITIONS**

No property owner has requested land be added to the District during this renewal period.

## **CHANGE IN CONDITIONS**

Staff is recommending a revision to Condition #2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as well as adding a reference to the Board of

Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Inside the Primary Service Area, adopted September 24, 1996. Staff is also recommending language that references future amendments to those Board policies. The proposed condition is as follows, with proposed corrections and additions underlined:

"No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended."

**STAFF RECOMMENDATION:**

This AFD is consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends renewing the Hill Pleasant Farm Agricultural and Forestal District for a period of four years, subject to the following conditions:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a.) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b.) the subdivision does not result in a remnant parcel of less than 25 acres.
2. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended.
3. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

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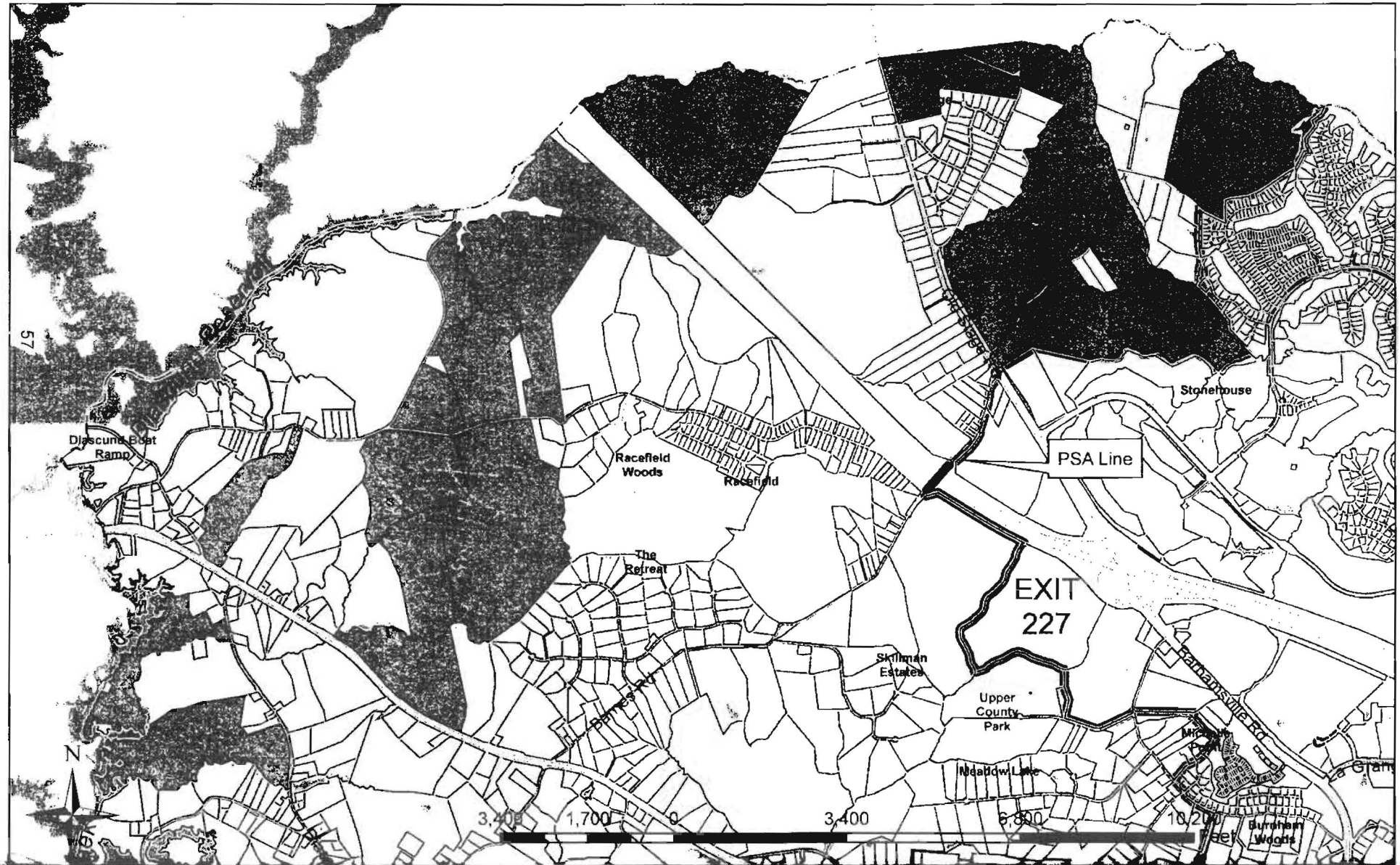
Kathryn Sipes, Senior Planner

**ATTACHMENTS:**

1. Location Map
2. Unapproved minutes from the AFD Advisory Committee meeting
3. Existing ordinance and conditions, dated July 25, 2006

# AFD-5-86

## Barnes Swamp AFD 2010 Renewal





**AGRICULTURAL & FORESTAL DISTRICT-5-86. Barnes Swamp 2010 Renewal.****Staff Report for the September 1, 2010 Planning Commission Meeting.**

*This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, 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**

AFD Advisory Committee	August 23, 2010	4:00 p.m.
Planning Commission:	September 1, 2010	7:00 p.m.
Board of Supervisors:	September 28, 2010	7:00 pm (tentative)

**Building F Board Room; County Government Complex****SUMMARY FACTS****Owners**

	<b>Parcel Number</b>	<b>Acres</b>
SD & SKI, LLC	0310100001 .....	108.47
Jane B. Farmer & Betty B. Rady	0310100002 .....	64.00
Katherine L. Hockaday	0310100003 .....	65.26
Alvin Beahm	0330100003 .....	70.00
Alvin Beahm	0330100004 .....	70.00
Arline H. Bowmer	0330100006 .....	96.75
Arline H. Bowmer	0240100012 .....	62.19
Martha W. McMurrin & SWR-Misc, LLC	1010100001 .....	61.61
Charles Douglas Harwood	0320100001 .....	43.52
Estate of Mick Zuzma	0320100002 .....	13.85
Estate of Mick Zuzma	0320100002A.....	17.20
Betty L. Johnson & Lynne J. Fischer	0320100003 .....	19.07
Betty L. Johnson & Lynne J. Fischer	0320100003A.....	93.98
Robert Michael Dzula	0320100004 .....	28.07
John A. Richardson	0410100005 .....	42.00
John A. Richardson	0410100006 .....	10.00
H.P. & Mary Hazelwood	0420100008 .....	227.98
Cherri U. Spellmeyer	0420100014 .....	134.00
Pamaka, LLC	0430100015 .....	21.99
Pamaka, LLC	0430100016 .....	52.00
Frances Isabell Woodard	0920100001 .....	114.58
Alex Lamar Penland	0240100029 .....	55.90
Donald A. Hazelwood	0420100020 .....	112.44
Donald A. Hazelwood	0420100018 .....	3.46
Donald A. Hazelwood	0440100001 .....	6.11
John P. Latoski Trustee	0310100001B.....	10.23
Dennis Wayne Leonituk, Jr.	0310100001A.....	10.00
Pamaka, LLC	0430100014A.....	1.34

TOTAL ..... 1,616.1

**Zoning:** A-1, General Agriculture

**Comprehensive Plan:** Rural Lands and Conservation Area

**Primary Service Area:** Outside

### **STAFF RECOMMENDATION**

This AFD is consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends renewing the Barnes Swamp Agricultural and Forestal District for a period of four years, subject to the enclosed conditions.

At its August 23, 2010 meeting, the AFD Advisory Committee voted 9-0 to recommend approval of this application.

**Staff Contact:** Kathryn Sipes, Senior Planner

Phone: 253-6685

### **SUMMARY**

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD's) prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-5-86, Barnes Swamp, which is scheduled to expire October 25, 2010.

### **DISTRICT HISTORY**

The District was approved on December 1, 1986 for a term of four years. One 114-acre parcel, (9-2)(1-1), was added in 1987. It was renewed for a period of four years by the Board in October 1990. One addition to the District of 60.7 acres was approved by the Board in February 1991. The AFD was renewed again on October 19, 1994. The Board of Supervisors approved an addition of 127.36 acres on July 8, 1997. It was renewed for a period of four years by the Board in September 1998, with the withdrawal of a 58.6 acre parcel (2-4)(1-61) owned by R.E. and Mary Mountcastle. On January 26, 1999 the Board approved the addition of the 58.6 acre parcel (2-4)(1-61) owned by R.E. and Mary Mountcastle. When the District was renewed in 2002, the same 58.6 acre R.E. and Mary Mountcastle parcel was withdrawn. In 2006, during the renewal process, 271.51 acres were removed from Barnes Swamp, comprised of the following parcels: (4-1)(5-1), (4-1)(5-2), (4-1)(5-3), (4-1)(5-4), (4-1)(5-5), and (4-3)(1-17). In 2008 1.34 acres was added with (4-3)(1-14A).

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

The Barnes Swamp AFD currently consists of approximately 1,616.1 acres and adjoins the New Kent County border, extending from a point approximately 5,000 feet east of Holly Forks Road west to Diascund Reservoir and south to Richmond Road.

### **ANALYSIS**

The District consists mainly of forested land. Records indicate that approximately 80% of the District is used for forestry purposes and the balance of the District is used for agriculture. All of the land within the District is zoned A-1, General Agricultural. Most of the surrounding land is agricultural in nature, although two parcels located on Fire Tower Road are adjacent to the Stonehouse PUD-R Development. The entire District is located outside the PSA and designated Rural Lands and Conservation Area by the Comprehensive Plan.

### **WITHDRAWALS**

No property owner has requested land be removed from the District during this renewal period.

### **ADDITIONS**

No property owner has requested land be added to the District during this renewal period.

### **CHANGE IN CONDITIONS**

Staff is recommending a revision to Condition #2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as well as adding a reference to the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Inside the Primary Service Area, adopted

September 24, 1996. Staff is also recommending language that references future amendments to those Board policies. The proposed condition is as follows, with proposed corrections and additions underlined:

“No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors’ policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors’ policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended.”

**STAFF RECOMMENDATION:**

This AFD is consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends renewing the Barnes Swamp Agricultural and Forestal District for a period of four years, subject to the following conditions:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner’s immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a.) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b.) the subdivision does not result in a remnant parcel of less than 25 acres.
2. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors’ policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors’ policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended.
3. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County’s policies and ordinances regulating such facilities.

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Kathryn Sipes, Senior Planner

**ATTACHMENTS:**

1. Location Map
2. Unapproved minutes of the AFD Advisory Committee meeting
3. Existing ordinance and conditions, dated July 25, 2006

JUL 25 2006

ORDINANCE NO. 167A-9BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIABARNES SWAMP AGRICULTURAL AND FORESTAL DISTRICT (AFD-5-86)

WHEREAS, James City County has completed a review of the Barnes Swamp Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Barnes Swamp Agricultural and Forestal District; and

WHEREAS, Toano Business Center has requested the withdrawal of 88.376 acres from their parcels which are identified as Tax Map IDs (4-1)(5-1), (4-1)(5-2), (4-1)(5-3), (4-1)(5-4), and (4-1)(5-5); and

WHEREAS, Mr. Sam Hazelwood of Hazelwood Farms, LLC has requested the withdrawal of 183.14 acres from the parcel which is identified as Tax Map ID (4-3)(1-17); and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on June 27, 2006, voted 8 to 0 to recommend renewal of the District; and

WHEREAS, the Planning Commission following its public hearing on July 10, 2006, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6 to 0 to recommend renew of the District with the conditions listed below.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:

1. The Barnes Swamp Agricultural and Forestal District is hereby continued for a period of four years and three months beginning the twenty-fifth day of July, 2006, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. The District shall include the following parcels:

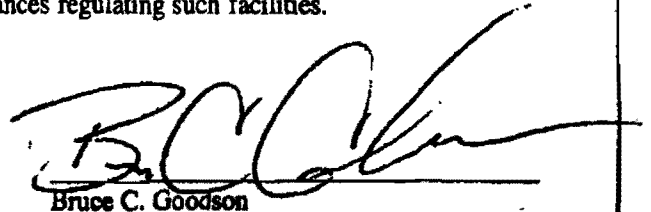
<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
SD & SKI, LLC	(3-1)(1-1)	108.470
Shelly and John Latoski	(3-1)(1-1B)	10.230
Dennis Leonituk	(3-1)(1-1A)	10.000
Eunice P. Stewart	(3-1)(1-2)	64.000
Katherine L. Hockaday	(3-1)(1-3)	62.560
Alvin Beahm	(3-3)(1-3)	70.000
Alvin Beahm	(3-3)(1-4)	70.000
Arlene H. Bowmer	(3-3)(1-6)	96.750
Arlene H. Bowmer	(2-4)(1-12)	62.200
M. McMurren & S. Redd	(10-1)(1-1)	61.620

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Harwood, Cary & Charles	(3-2)(1-1)	43.530
Estate of Mick Zuzma	(3-2)(1-2)	17.200
Estate of Mick Zuzma	(3-2)(1-2A)	13.860
Henry B. & Myrtle Johnson	(3-2)(1-3)	19.080
Henry B., Myrtle & John B. Johnson	(3-2)(1-3A)	93.990
Robert M. Dzula	(3-2)(1-4)	28.080
John A. Richardson	(4-1)(1-5)	42.000
John A. Richardson	(4-1)(1-6)	10.000
H.P. & Mary Hazelwood	(4-2)(1-8)	249.880
Peter B. & Cherri Meyer	(4-2)(1-14)	99.440
Pamaka, LLC	(4-3)(1-15)	22.000
W.A. Stater, c/o Florence Carter	(4-3)(1-16)	52.000
J.W. Jr. and Isab Woodward	(9-2)(1-1)	114.000
Alex Lamar Penland	(2-4)(1-29)	55.900
Donald A. Hazelwood	(4-2)(1-20)	116.335
Donald A. Hazelwood	(4-2)(1-18)	3.460
Donald A. Hazelwood	(4-4)(1-1)	6.900
Total:		<u>1,602.96</u>

provided, however, that all land within 25 feet of the road rights-of-way is excluded from the District.

3. That pursuant to the Virginia Code, Sections 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Barnes Swamp Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
  - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided, a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.
  - b. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land inside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996.

- c. No special use permit shall be issued except for agricultural, forestal or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.



Bruce C. Goodson

Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	ABSENT
ICENHOUR	AYE
MCGLENNON	AYE
BRADSHAW	AYE
GOODSON	AYE

ATTEST:



Sanford B. Wanner

Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of July, 2006.

Afd5-86.rcs

ADOPTED

ORDINANCE NO. 168A-9

JUL 25 2006

CRANSTON'S POND AGRICULTURAL AND FORESTAL DISTRICT (AFD-6-86)

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

WHEREAS, James City County has completed a review of the Cranston's Pond Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Cranston's Pond Agricultural and Forestal District; and

WHEREAS, Michael B. Ware, on behalf of Marston, LLC, has requested the withdrawal of 85.61 acres, identified as Tax Map IDs (22-2)(1-33), (22-2)(1-34), (22-2)(1-35), (22-2)(1-36), (22-2)(1-37), and (22-2)(1-90); and

WHEREAS, James Hudson, on behalf of Kenneth and Wendy Heath, has requested the withdrawal of 25.91 acres, which are identified as Tax Map ID (21-4)(1-39) and (22-3)(1-33); and

WHEREAS, Thelma and Otto Ripley and Shirley Sulenski completed a family subdivision on Tax Map ID (31-2)(1-3), thereby resulting in a 2.05-acre parcel which must be withdrawn from the District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee, at its meeting on June 27, 2006, voted 8-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission, following its public hearing on July 10, 2006, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 to recommend renewal of the District with the conditions listed below.

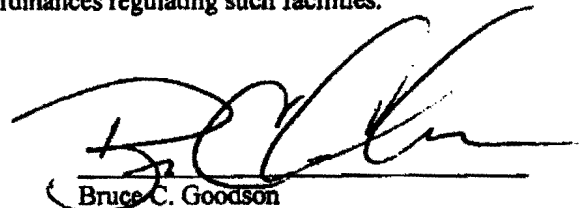
NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:

1. The Cranston's Pond Agricultural and Forestal District is hereby continued for a period of four years and three months beginning the twenty-fifth day of July 2006 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et seq.
2. That the District shall include the following parcels:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Hidden Acres Farm, c/o Wayne Nunn	(23-3)(1-1)	416.500
Bert Geddy, Jr.	(22-3)(1-26)	167.500
Edward K. English	(22-4)(1-1A)	101.670
James Peyton Harcum	(22-2)(1-87)	62.559
Otto C. and Thelma Ripley	(31-2)(1-3)	21.010
Douglas L. Hornsby Trust	(21-4)(1-46)	<u>205.000</u>
Total:	65	<u>974.239</u>

provided, however, that all land within 50 feet of the road rights-of-way shall be excluded from the District.

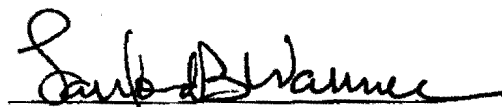
3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Cranston's Pond Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
  - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.
  - b. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District (AFD) may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land inside the PSA and within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996.
  - c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.



Bruce C. Goodson  
Chairman, Board of Supervisors

SUPERVISOR	VOTE
HARRISON	ABSENT
ICENHOUR	AYE
MCGLENNON	AYE
BRADSHAW	AYE
GOODSON	AYE

ATTEST:



Sanford B. Warner  
Clerk to the Board

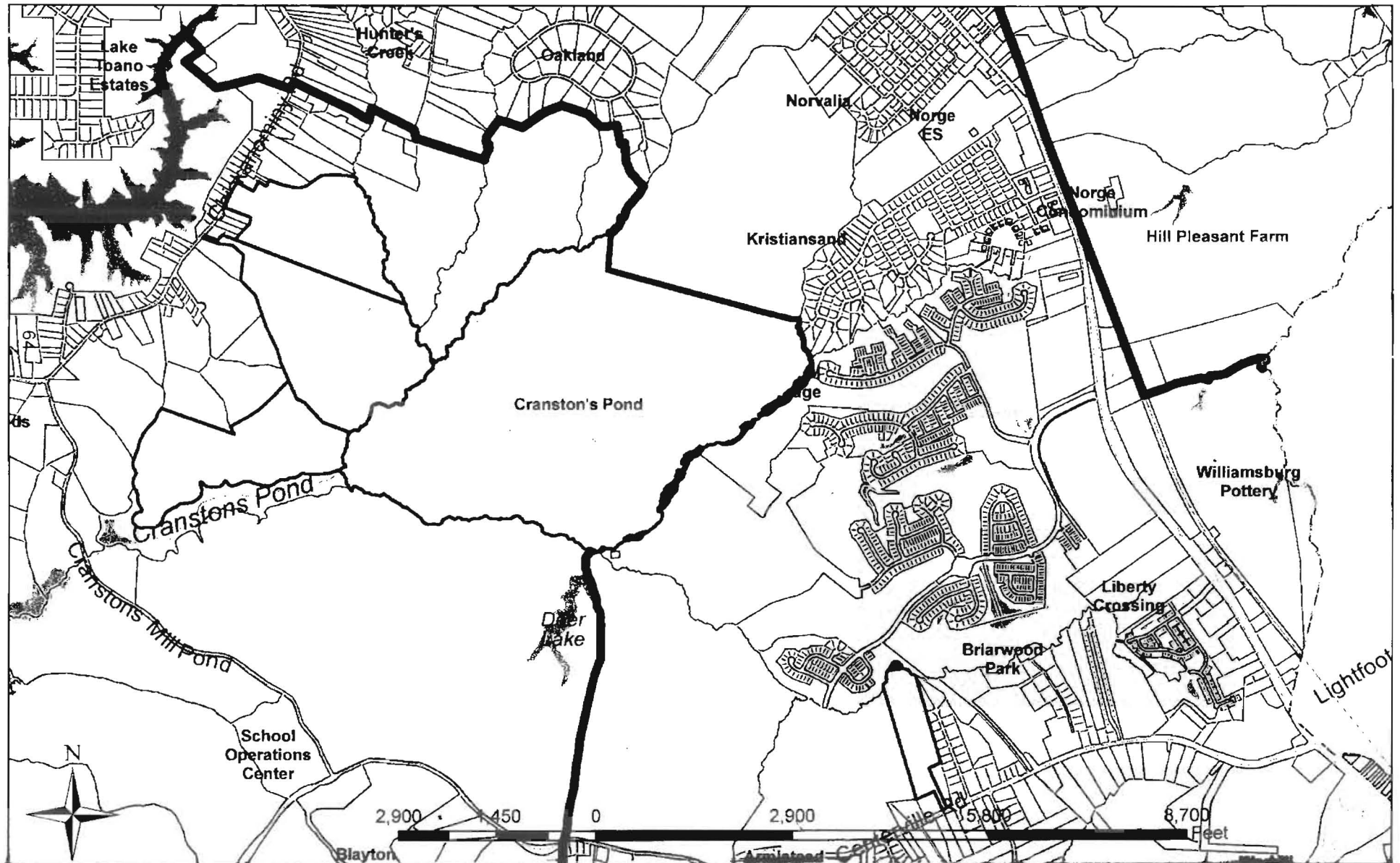
Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of July, 2006.

AFD6-86CranstonsPnd.res



# AFD-6-86

## Cranston's Pond AFD 2010 Renewal



**AGRICULTURAL & FORESTAL DISTRICT-6-86. Cranston's Pond 2010 Renewal.  
Staff Report for the September 1, 2010 Planning Commission Meeting.**

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

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**PUBLIC HEARINGS**

AFD Advisory Committee  
Planning Commission:  
Board of Supervisors:

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

August 23, 2010      4:00 p.m.  
September 1, 2010      7:00 p.m.  
September 28, 2010      7:00 pm (tentative)

**SUMMARY FACTS**

**Owners**

Hidden Acres Farm, Inc.  
Bertrand E. Geddy Jr. Trustee  
Edward K. English  
Payton J. Harcum  
Otto C. & Thelma Ripley

**Parcel Number**

**Acres**

2330100001 .....416.50  
2230100026 .....167.50  
2240100001A .....101.67  
2220100087 .....62.55  
3120100003B.....21.01

TOTAL.....769.2

**Zoning:**

A-1, General Agriculture and R-8, Rural Residential

**Comprehensive Plan:**

Rural Lands, Low-Density Residential and Conservation Area

**Primary Service Area:**

One parcel (3120100003B) inside and the remaining outside

**STAFF RECOMMENDATION**

This AFD is consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends renewing the Cranston's Pond Agricultural and Forestal District for a period of four years, subject to the enclosed conditions.

At its August 23, 2010 meeting, the AFD Advisory Committee voted 9-0 to recommend approval of this application.

**Staff Contact:**

Jason Purse, Senior Planner

Phone: 253-6685

## **SUMMARY**

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFDs) prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-6-86, Cranston's Pond, which is scheduled to expire October 25, 2010.

## **DISTRICT HISTORY**

The District was approved on December 1, 1986, for a term of four years and has been renewed for additional four year terms by the Board of Supervisors in October 1990, November 1994, September 1998 and August 2002. This District has remained essentially the same since the AFD was created, with the following changes occurring over time: approximately 32 acres were added to the District in 1994, approximately 14 acres were added to the District in 2002, and approximately 130 acres were removed between 1998 and 2002. During the 2006 renewal 111.82 acres was removed from the District.

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

The Cranston's Pond AFD consists of approximately 769.2 acres and is located southeast of Chickahominy Road and Little Creek Dam Road.

## **ANALYSIS**

The District consists mainly of forested land, about 75 percent. The remainder of the District is in marsh land. Most of the District is located outside of the Primary Service Area (PSA) and is designated Rural Lands by the Comprehensive Plan. The Ripley parcel is located inside the PSA and are designated Low Density Residential. The PSA is the area of the County that has been designated for growth. The continuation of AFD property within the PSA is consistent with the Comprehensive Plan as this would serve the public purpose of holding key tracts of land temporarily while development plans can be created, maximizing the beneficial use of the property. The Comprehensive Plan also designates Cranston's Pond and its tributaries as Conservation areas.

## **WITHDRAWALS**

No property owner has requested land be removed from the District during this renewal period.

## **ADDITIONS**

No property owner has requested land be added to the District during this renewal period.

## **CHANGE IN CONDITIONS**

Staff is recommending a revision to Condition #2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as well as adding a reference to the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Inside the Primary Service Area, adopted September 24, 1996. Staff is also recommending language that references future amendments to those Board policies. The proposed condition is as follows, with proposed corrections and additions underlined:

"No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted

September 24, 1996, as amended.”

**STAFF RECOMMENDATION:**

This AFD is consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends renewing the Cranston’s Pond Agricultural and Forestal District for a period of four years, subject to the following conditions.

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner’s immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a.) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b.) the subdivision does not result in a remnant parcel of less than 25 acres.
2. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors’ policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors’ policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended.
3. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County’s policies and ordinances regulating such facilities.

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Jason Purse, Senior Planner

**ATTACHMENTS:**

1. Location Map
2. Unapproved minutes from the August 23, 2010 AFD Advisory Committee meeting
3. Existing ordinance and conditions, dated July 25, 2006

# ADOPTED

JUL 25 2006

ORDINANCE NO. 169A-12

WARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

## MILL CREEK AGRICULTURAL AND FORESTAL DISTRICT (AFD-7-86)

WHEREAS, James City County has completed a review of the Mill Creek Agricultural and Forestal District (AFD); and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Mill Creek AFD; and

WHEREAS, the Cowles Family Limited Partnership would like to remove a parcel and has requested the withdrawal of 433 acres which is identified as Tax Map ID (20-1)(1-1); and

WHEREAS, the AFD Advisory Committee at its meeting on June 27, 2006, voted 8-0 to recommend renewal of the District for a period of four years and three months; and

WHEREAS, the Planning Commission following its public hearing on July 10, 2006, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 to renew this District with the conditions listed below.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:

1. The Mill Creek AFD is hereby continued for a period of four years and three months, beginning the 25th day of July 2006 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. The District shall include the following parcels:

<u>Owner</u>	<u>Parcel Nos.</u>	<u>Acres</u>
Linda B. Cowles Estate, c/o Carter C.,	(20-2)(1-6)	352.963
Melinda Cowles Barbour, et.al.	(20-2)(1-3)	102.669
Melinda Cowles Barbour, et.al.	(20-2)(1-1)	8.759
Mayes and Cheryl Matthews	(21-1)(1-5)	46.010
Steve L. & Pamela C. Massie	(11-3)(1-28)	99.457
Steve L. & Pamela C. Massie	(11-3)(1-28A)	32.610
Richard W. & Margaret J. Krapf	(11-4)(1-6)	4.730
Nancy Cottrell, c/o M. Anderson Bradshaw	(11-4)(1-2)	297.288
Linda B. Cowles Estate, c/o Carter C. Cowles III	(10-4)(1-5)	249.885
Linda B. Cowles Estate, c/o Carter C. Cowles III	(10-4)(1-6)	124.768
C.C. Cowles Sr. Estate, c/o Carter C. Cowles III	(10-4)(1-3) 2 pts.	103.260
Sarah H. Armistead	(10-1)(1-38)	50.000
Daniel & Marion Winall	(10-3)(1-19)	97.590
PAMAKA, LLC	(10-2)(1-17)	244.500
Albert T. & Joan Lloyd Slater	(10-1)(1-28)	69.690
McRae O. Selph	✓(10-1)(1-7)	50.000

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Walter Nelson Marshall	(11-4)(1-5)	79.947
Martha Ware	(20-2)(1-2)	57.411
John Lee Darst	(9-2)(1-36)	41.225
PAMAKA, LLC	(10-3)(1-3)	42.000
Caroline W. Dozier	(20-2)(1-5)	186.170
Caroline W. Dozier	(20-2)(1-7)	16.500
Caroline W. Dozier	(20-2)(1-8)	12.000
Dennis P. and Christine A. Weygand	(10-3)(1-13)	34.030
John M. L. Barnes Est., c/o James F. Cowles III	(10-2)(1-4)	215.768
John M. L. Barnes Est., c/o James F. Cowles III	(11-1)(1-1)	29.000
Linda B. Cowles Est., c/o Carter C. Cowles III	(20-1)(1-2)	2.000
John and Marie Findlay	(9-4)(1-8h)	118.29
Eugene and Mary Andrews Living Trust	(9-4)(1-8n)	57.81
Randolph Gulden	(10-2)(1-12)	87.201
Total:		<u>913.271</u>

provided, however, that all land within 25 feet of the road rights-of-way shall be excluded from the District.

3. That pursuant to the Virginia Code, Sections 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Mill Creek AFD be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
  - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
  - b. No land outside the Primary Service Area (PSA) and within the AFD may be rezoned, and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land inside the PSA and within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to *Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area*, adopted September 24, 1996.
  - c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal or other activities and uses consistent with the State Code Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.



Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

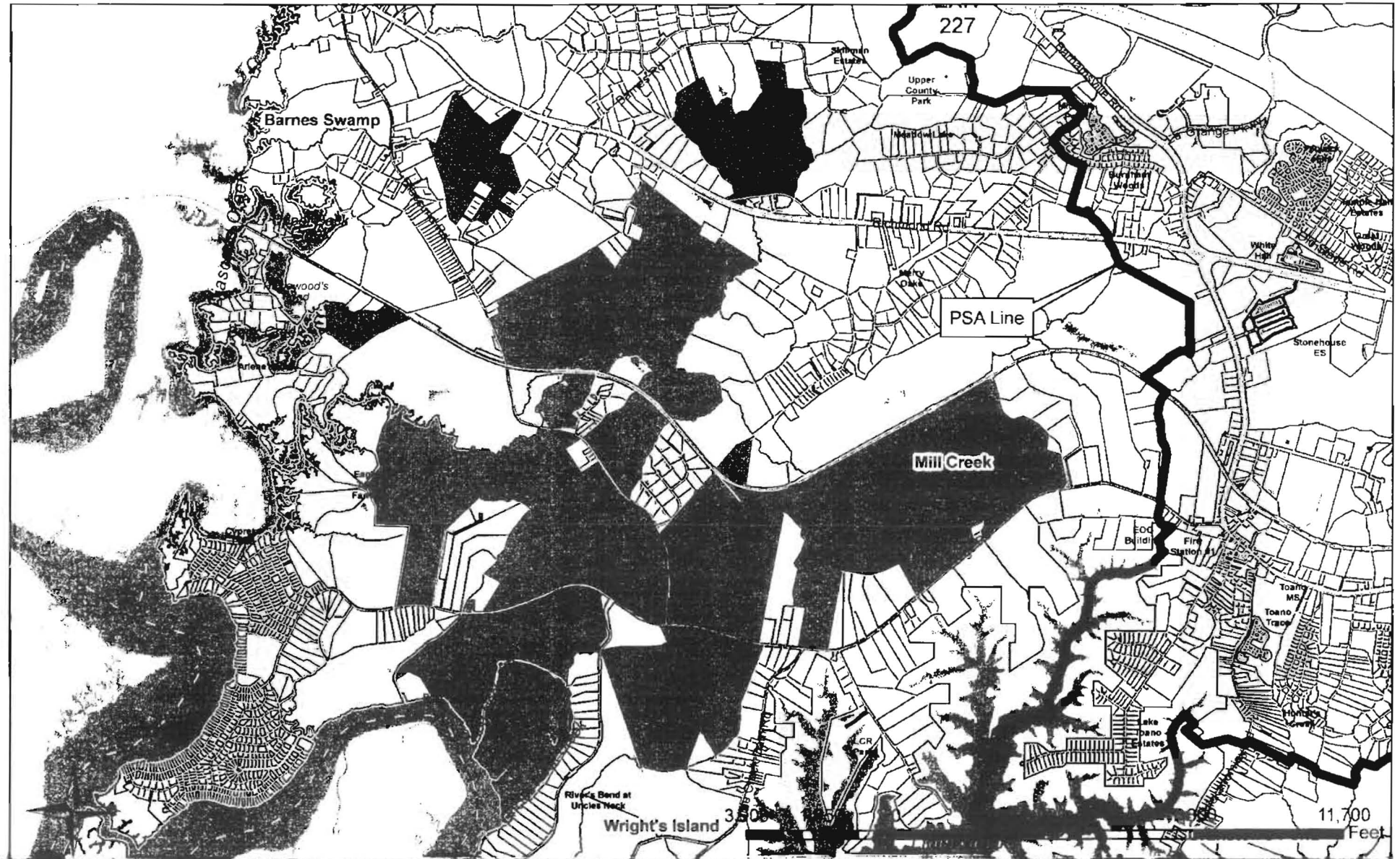
<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	ABSENT
ICENHOUR	AYE
MCGLENNON	AYE
BRADSHAW	AYE
GOODSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of July,  
2006.

AFD-7-86.res

# AFD-7-86

## Mill Creek AFD 2010 Renewal





**AGRICULTURAL & FORESTAL DISTRICT-7-86. Mill Creek 2010 Renewal.**  
**Staff Report for the September 1, 2010 Planning Commission Meeting.**

*This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, 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**

AFD Advisory Committee	August 23, 2010	4:00 p.m.
Planning Commission:	September 1, 2010	7:00 p.m.
Board of Supervisors:	September 28, 2010	7:00 pm (tentative)

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

**SUMMARY FACTS**

<b>Owners</b>	<b>Parcel Number</b>	<b>Acres</b>
Carter C. Cowles, Sr. & Linda B. Cowles Estate	2020100006 .....	352.96
Melinda Cowles Barbour & Ruth Dozier	2020100003 .....	102.66
Melinda Cowles Barbour & Ruth Dozier	2020100001 .....	8.75
Mayes & Cheryl Matthews	2110100005 .....	46.01
Pamela C. Massie Trustee & Steve Massie	1130100028 .....	99.45
Steve L. & Pamela C. Massie	1130100028A .....	32.61
Richard W. & Margaret Krapf	1140100006 .....	4.73
Nancy Cottrell Kruse & M. Anderson Bradshaw	1140100002 .....	297.28
Linda B. Cowles Estate	1040100005 .....	249.88
Carter C. Cowles, Sr. & Linda B. Cowles Estate	1040100006 .....	124.76
Cynthia Cowles Cragg & Robert Patrick	1040100003 .....	103.26
Sarah H. Armistead	1010100038 .....	50.00
Daniel R. Winall & Marion Virginia	1030100019 .....	97.59
Pamaka LLC	1020100017 .....	244.5
Albert T. & Joan Lloyd Slater	1010100028 .....	69.69
McRae O. Selph	1010100007 .....	50.00
Walter N. Marshall, III Trustee	1140100005 .....	79.94
Martha Ware Trust	2020100002 .....	57.41
John Lee Darst	0920100036 .....	41.22
Pamaka LLC	1030100003 .....	42.00
Caroline W. Dozier	2020100005 .....	186.16
Caroline W. Dozier	2020100007 .....	16.50
Caroline W. Dozier	2020100008 .....	12.00
Dennis P. & Christine A. Weygand	1030100013 .....	34.02
John M. L. Barnes Estate	1020100004 .....	215.76
John M. L. Barnes Estate	1110100001 .....	29.00
Linda B. Cowles Estate	2010100002 .....	2.00
Randolph G. Gulden	1020100012 .....	87.20
Eugene C. Andrews Living Trust	0940100008N .....	57.81
John G. & Marie Antoinette Findlay	0940100008H .....	118.29
TOTAL.....		2,913.5

**Zoning:** A-1, General Agriculture

**Comprehensive Plan:** Rural Lands and Conservation Area

**Primary Service Area:** Outside

## **STAFF RECOMMENDATION**

This AFD is consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends renewing the Mill Creek Agricultural and Forestal District for a period of four years, subject to the enclosed conditions.

At its August 23, 2010 meeting, the AFD Advisory Committee voted 9-0 to recommend approval of this application.

### **Staff Contact:**

Kathryn Sipes, Senior Planner

Phone: 253-6685

## **SUMMARY**

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFDs) prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-7-86, Mill Creek, which is scheduled to expire October 25, 2010.

## **DISTRICT HISTORY**

The District was originally approved in December 1986 for a period of four years. In March 1989, the Board of Supervisors approved the withdrawal of 41.124 acres. In November 1990, the Board approved the continuation of the District for another four years. In January 1992, the Board approved the withdrawal of three acres and in April 1992, the Board approved the addition of 33.62 acres. In 1994, before the District's renewal, 77 acres were removed. In 1995, the Board approved a 303.97 acre addition and the District was renewed for four years in 1998. During the 1998 renewals, approximately 25 acres was withdrawn. Following the 1998 renewal, 19.0 acres were added into the District. The District was renewed again in 2002. In April 2004 the Board of Supervisors approved an addition of 87 acres. In July 2005 an addition of 102 acres was approved and in September 2005 an addition of 73 acres was approved. During the 2006 renewal process one 433 acre parcel was removed.

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

The Mill Creek AFD consists of approximately 2,913.5 acres located from Richmond Road in the north to below Uncle's Creek in the south. The bulk of the land lies between Forge Road and the CSX railroad tracks.

## **ANALYSIS**

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

## **WITHDRAWALS**

No property owner has requested land be removed from the District during this renewal period.

## **ADDITIONS**

No property owner has requested land be added to the District during this renewal period.

## **CHANGE IN CONDITIONS**

Staff is recommending a revision to Condition #2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as well as adding a reference to the Board of

Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Inside the Primary Service Area, adopted September 24, 1996. Staff is also recommending language that references future amendments to those Board policies. The proposed condition is as follows, with proposed corrections and additions underlined:

"No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended."

**STAFF RECOMMENDATION:**

This AFD is consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends renewing the Mill Creek Agricultural and Forestal District for a period of four years, subject to the following conditions:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a.) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b.) the subdivision does not result in a remnant parcel of less than 25 acres.
2. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended.
3. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

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Kathryn Sipes, Senior Planner

**ATTACHMENTS:**

1. Location Map
2. Unapproved minutes from the AFD Advisory Committee meeting
3. Existing ordinance and conditions, dated July 25, 2006

# ADOPTED

JUL 25 2006

ORDINANCE NO. 170A-13

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

## GORDON CREEK AGRICULTURAL AND FORESTAL DISTRICT (AFD-9-86)

- WHEREAS, James City County has completed a review of the Gordon Creek Agricultural and Forestal District (AFD); and
- WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Gordon Creek AFD; and
- WHEREAS, David and Stephanie Allen have requested the withdrawal of 25 acres from their parcel which is identified as Tax Map ID (34-2)(1-2); and
- WHEREAS, W. A. Thompson and Charles Flemming have requested the withdrawal of three acres from their parcel which is identified as Tax Map ID (36-2)(1-40); and
- WHEREAS, John Carwell has requested the addition of a 28.36 acre parcel which is identified as Tax Map ID (35-2)(1-10); and
- WHEREAS, the AFD Advisory Committee at its meeting on June 27, 2006, voted 8-0 to recommend renewal of the District; and
- WHEREAS, the Planning Commission following its public hearing on July 10, 2006, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 to recommend renewal of the District with the conditions listed below.
- NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:

1. The Gordon Creek AFD is hereby continued for a period of four years and three months beginning the 25th day of July 2006 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. The District shall include the following parcels:

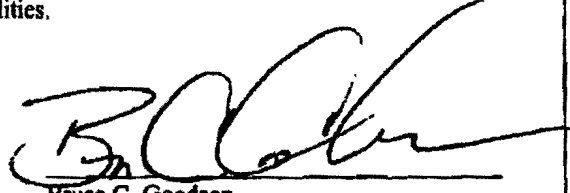
<u>Owner</u>	<u>Parcel Nos.</u>	<u>Acres</u>
Sarah Armistead	(35-2)(1-16)	369.000
Sarah Armistead	(36-3)(1-1)	120.46
Rosa Armistead Est.	(30-3)(1-4)	23.000
Warburton, J. G Est., c/o M. McMurren	(35-4)(1-1)	394.500
Edward D. Warburton	(35-2)(1-1)	86.643
Allen, David H. & Stephanie M.	(34-2)(1-2)	132.98
Patrick, Matthew CH & Theresa L	(34-2)(1-2A)	25.02
Warburton, J. G Est., c/o M. McMurren	(36-3)(1-3)	264.000
Thomas L. Hitchens	(36-1)(1-6)	35.000
W. A. Thompson & Charles Flemming	(36-2)(1-40)	136.96

<u>Owner</u>	<u>Parcel Nos.</u>	<u>Acres</u>
Claybank Landing, LLC	(43-2)(1-1)	124.100
Richardson Holding LP	(36-4)(1-7)	116.83
Richardson Holding LP	(30-3)(1-3)	33.000
Jane T. Carsewell	(36-1)(1-3)	44.000
Warburton, J. G. Est., c/o M. McMurran	(36-1)(1-4)	37.620
Powhatan Assoc.	(44-1)(1-1)	387.420
Powhatan Hunt Club c/o J. Kenneth Timmons	(35-3)(1-1)	241.680
Mary Abbott	(36-2)(1-18)	43.55
Trust Company of Virginia, c/o Gregory Davis	(35-4)(1-9)	57.600
Linda Henderson Gordon	(34-2)(1-1)	35.300
Williamsburg Pottery Inc.	(44-1)(1-2)	26.000
Nayes Bay Land Co.	(35-1)(1-3)	32.000
Nayes Bay Land Co.	(35-1)(1-6)	11.000
William Kane	(29-4)(1-3)	4.000
William Kane	(30-3)(1-7)	8.000
William Kane	(35-2)(1-7)	131.000
William Kane	(36-1)(1-1)	8.330
William Kane	(36-1)(1-2)	13.000
J. G Warburton Estate, c/o M. McMurran	(37-3)(1-4)	165.50
Baxter I. & Anne F. Bell	(43-2)(1-3)	207.951
John Carswell	(35-2)(1-10)	28.360
Total:		<u>3,343.804</u>

provided, however, that all land within 25 feet of road rights-of-way is excluded from the District.

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Gordon Creek AFD be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
  - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communicationstowers and related equipment, provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
  - b. No land outside the Primary Service Area (PSA) and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land inside the PSA and within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to *Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area*, adopted September 24, 1996.

- c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal or other activities and uses consistent with the State Code Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

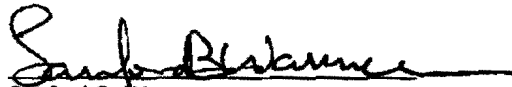


Bruce C. Goodson

Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	ABSENT
ICENHOUR	AYE
MCGLENNON	AYE
BRADSHAW	AYE
GOODSON	AYE

ATTEST:



Sanford B. Wanner

Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of July, 2006.

AFD9-86\_GordnCrk.res

# AFD-9-86

## Gordon Creek AFD 2010 Renewal



**AGRICULTURAL & FORESTAL DISTRICT-9-86. Gordon Creek 2010 Renewal.  
Staff Report for the September 1, 2010 Planning Commission Meeting.**

*This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, 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**

AFD Advisory Committee	August 23, 2010	4:00 p.m.
Planning Commission:	September 1, 2010	7:00 p.m.
Board of Supervisors:	September 28, 2010	7:00 pm (tentative)

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

**SUMMARY FACTS**

**Owners**

R T Armistead & Letitia A T Hanson  
R T Armistead & Letitia A T Hanson  
R T Armistead & Letitia A T Hanson  
Martha W McMurren & SWR-Pinewood  
Edward Warburton III & Regina L  
Edward Warburton  
Allen, David H. & Stephanie M.  
Patrick, Matthew CH & Teresa L  
Martha W McMurren & SWR-Pinewood  
Thomas L. Hitchens  
W.A. Thompson & Charles Flemming  
Claybank Landing, LLC  
Richardson Holdings Limited Partnership  
Richardson Holdings Limited Partnership  
Jane T. Carswell  
Martha W McMurren & SWR-MISC LLC  
Powhatan Associates  
Powhatan Associates  
Mary Abbott  
Trust Company of Virginia, c/o Greg Davis  
Linda Henderson Gordon  
Williamsburg Pottery Inc.  
Nayses Bay Land Co.  
Nayses Bay Land Co.  
William Kane  
William Kane  
William Kane  
William Kane  
William Kane  
Baxter I Bell Jr. Trustee  
Madeline Carswell Est

**Parcel Number**

**Acres**

3520100016 .....	369.00
3630100001 .....	124.17
3030100004 .....	23.00
3540100001 .....	394.50
3520100001B.....	32.00
2940100011 .....	56.20
3420100002 .....	132.98
3420100002A .....	25.02
3630100003 .....	264.00
3610100006 .....	35.00
3620100040 .....	136.96
4320100001 .....	124.10
3640100007 .....	116.83
3030100003 .....	33.00
3610100003 .....	44.00
3610100004 .....	37.62
4410100001 .....	387.42
3530100001 .....	241.68
3620100018 .....	43.55
3540100009 .....	57.60
3420100001 .....	35.30
4410100002 .....	26.00
3510100003 .....	32.00
3510100006 .....	34.30
2940100003 .....	4.00
3030100007 .....	8.00
3520100007 .....	131.00
3610100001 .....	8.33
3610100002 .....	13.00
4320100003 .....	207.95
3520100010 .....	28.36

TOTAL.....3,206.8

**Zoning:** A-1, General Agriculture

**Comprehensive Plan:** Low-Density Residential, Rural Lands and Conservation Area

**Primary Service Area:** Two parcels inside, with the remainder located outside the PSA



## **STAFF RECOMMENDATION**

This AFD is consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends renewing the Gordon Creek Agricultural and Forestal District for a period of four years, subject to the enclosed conditions.

At its August 23, 2010 meeting, the AFD Advisory Committee voted 9-0 to recommend approval of this application.

### **Staff Contact:**

Jason Purse, Senior Planner

Phone: 253-6685

## **SUMMARY**

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFDs) prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-9-86, Gordon Creek, which is scheduled to expire October 25, 2010.

## **DISTRICT HISTORY**

The District was approved on December 1, 1986 for a term of 4 years. It was subsequently renewed for four year periods in October 1990, October 1994, September 1998, August 2002, and July 2006. There have been several additions to the Gordon Creek AFD since 1994.

Approximately forty acres of land was taken out of the Gordon Creek AFD District in May 2006 for the purpose of constructing the 8th W-JCC Elementary School. Originally the piece was a part of the approximately 164 acre parcel placed in the AFD by the previous owner. The original parcel can be identified as (36-3)(1-1) on the JCC Tax Map.

During the April 2006 renewal period the Barrett's Ferry AFD was terminated and the remaining land was transferred to the Gordon Creek AFD. The transfer consisted of one parcel of approximately 210 acres in land, mostly wooded in nature.

On July 8, 2008, the Board of Supervisors removed 165.50 acres of land from the Gordon Creek AFD District as a part of the Ford's Colony Section 37 rezoning.

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

The Gordon Creek AFD consists of approximately 3,206.8 acres located in and around the Centerville Road/News Road area. The AFD contains parcels which front on the following roads: News Road, John Tyler Highway, Centerville Road, Bush Neck Road, Jolly Pond Road and Brick Bat Road.

## **ANALYSIS**

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

## **WITHDRAWALS**

Edward and Regina Warburton have requested three acres be removed from their property 3520100001B for a family subdivision. The property is currently 32 acres, so 29 acres would be left after the removal.

## **ADDITIONS**

One property has requested to be enrolled in the Gordon Creek AFD, and a separate staff report has been attached for that specific application (see AFD-9-86-1-2010 3889 News Road Gordon Creek Addition).

## **CHANGE IN CONDITIONS**

Staff is recommending a revision to Condition #2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as well as adding a reference to the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Inside the Primary Service Area, adopted September 24, 1996. Staff is also recommending language that references future amendments to those Board policies. The proposed condition is as follows, with proposed corrections and additions underlined:

"No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended."

## **STAFF RECOMMENDATION:**

This AFD is consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends renewing the Gordon Creek Agricultural and Forestal District for a period of four years, subject to the following conditions.

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a.) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b.) the subdivision does not result in a remnant parcel of less than 25 acres.
2. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended.
3. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code, Section 15.2-4301 et. seq., which are not in conflict with the

policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

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Jason Purse, Senior Planner

ATTACHMENTS:

1. Location Map
2. Unapproved minutes from the August 23, 2010 AFD Advisory Committee meeting
3. Existing ordinance and conditions, dated July 25, 2006

ADOPTED

JUL 25 2006

ORDINANCE NO. 171A-5

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

CHRISTENSON'S CORNER AGRICULTURAL AND FORESTAL DISTRICT (AFD-10-86)

WHEREAS, James City County has completed a review of the Christenson's Comer Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.24311 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Christenson's Comer Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on June 27, 2006, voted 8-0 to recommend renewal of the District for a period of four years and three months; and

WHEREAS, the Planning Commission following its public hearing on July 10, 2006, concurred with the recommendation of staff and the AFD Advisory Committee, and voted 6-0 to recommend renewal of the District with the conditions listed below.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia that:

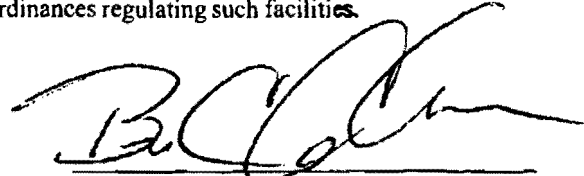
1. The Christenson's Comer Agricultural and Forestal District is hereby continued for a period of four years and three months beginning the 25th day of July, 2006, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. The District shall include the following parcels:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Wallace Steffen, et al	(16-4)(1-3)	402.900
C.M. Chandler	(16-3)(1-1)	8.010
C.M. Chandler	(15-4)(1-11)	<u>151.250</u>
	Total:	<u>562.160</u>

provided, however, that all land within 25 feet of the road rights-of-way shall be excluded from the District.

3. That pursuant to the Virginia Code, Section 15.24312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Christenson's Comer Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

- a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.
- b. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District (AFD) may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land inside the PSA and within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996.
- c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.



Bruce C. Goodson  
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	ABSENT
ICENHOUR	AYE
MCGLENNON	AYE
BRADSHAW	AYE
GOODSON	AYE

ATTEST:



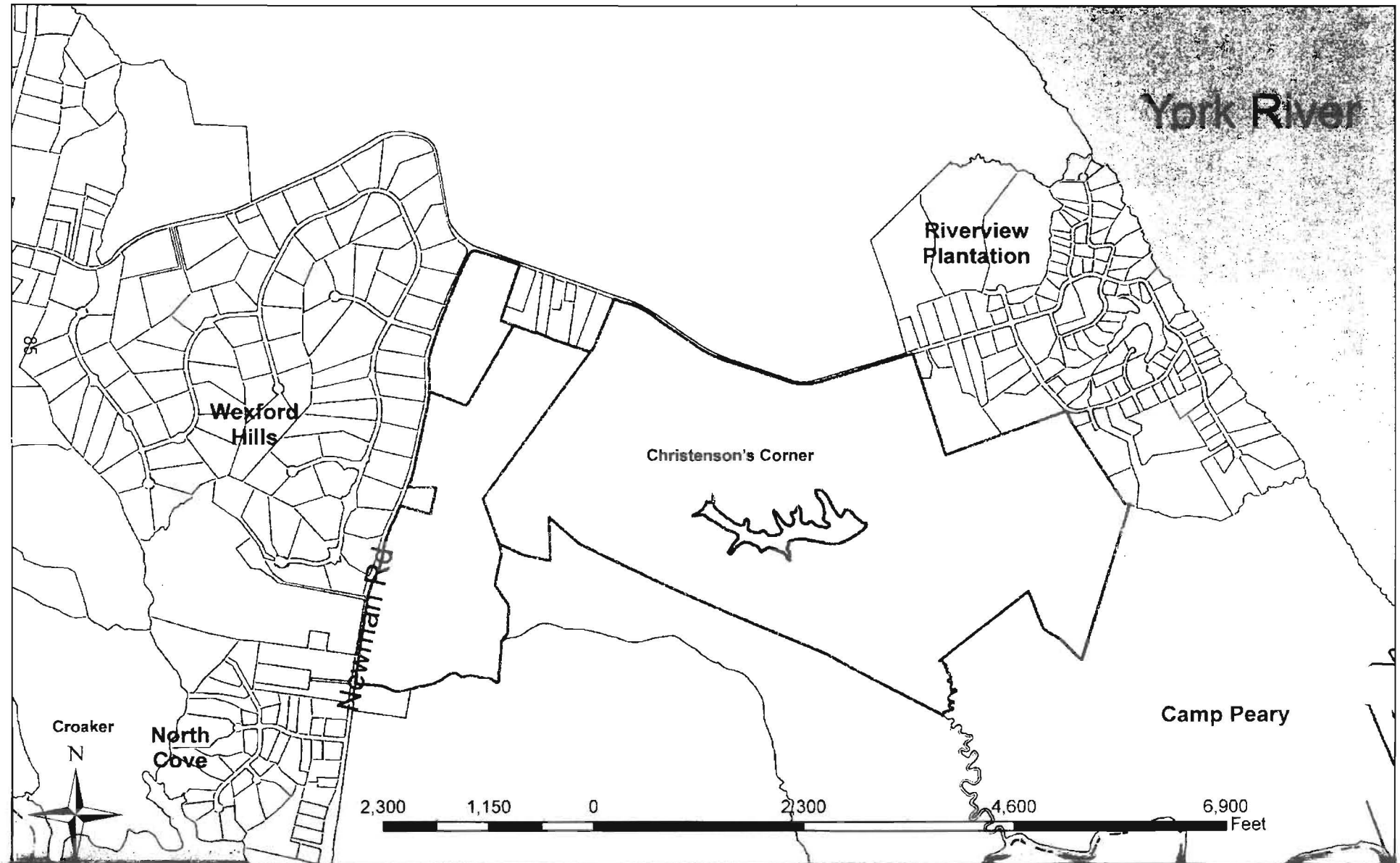
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of July:  
2006.

afd10-86.res

# AFD-10-86

## Christenson's Corner 2010 Renewal



**AGRICULTURAL & FORESTAL DISTRICT-10-86. Christenson's Corner 2010 Renewal.  
Staff Report for the September 1, 2010 Planning Commission Meeting.**

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

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**PUBLIC HEARINGS**

AFD Advisory Committee	August 23, 2010	4:00 p.m.
Planning Commission:	September 1, 2010	7:00 p.m.
Board of Supervisors:	September 28, 2010	7:00 pm (tentative)

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

**SUMMARY FACTS**

<b>Owners</b>	<b>Parcel Number</b>	<b>Acres</b>
C.M. Chandler	1540100011 .....	151.25
C.M. Chandler	1630100001 .....	8.01
Stieffen Co, LLC & Stieffen, B. P.	1640100003 .....	402.89
TOTAL.....		562.2

**Zoning:** A-1, General Agriculture

**Comprehensive Plan:** Rural Lands and Conservation Area

**Primary Service Area:** Outside

**STAFF RECOMMENDATION**

This AFD is consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends renewing the Christenson's Corner Agricultural and Forestal District for a period of four years, subject to the enclosed conditions.

At its August 23, 2010 meeting, the AFD Advisory Committee voted 9-0 to recommend approval of this application.

**Staff Contact:** Kathryn Sipes, Senior Planner Phone: 253-6685

## **SUMMARY**

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFDs) prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-10-86, Christenson's Corner, which is scheduled to expire October 25, 2010.

## **DISTRICT HISTORY**

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

The Christenson's Corner AFD consists of approximately 562.2 acres located south of Riverview Road between Newman Road and Riverview Plantation.

## **ANALYSIS**

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

The entire District is located outside of the Primary Service Area (PSA) and the area remains relatively rural in nature.

## **WITHDRAWALS**

No property owner has requested land be removed from the District during this renewal period.

## **ADDITIONS**

No property owner has requested land be added to the District during this renewal period.

## **CHANGE IN CONDITIONS**

Staff is recommending a revision to Condition #2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as well as adding a reference to the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Inside the Primary Service Area, adopted September 24, 1996. Staff is also recommending language that references future amendments to those Board policies. The proposed condition is as follows, with proposed corrections and additions underlined:

"No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended."

## **STAFF RECOMMENDATION:**

This AFD is consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends renewing the Christenson's Corner Agricultural and Forestal District for a period of four years, subject to the following conditions:



1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a.) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b.) the subdivision does not result in a remnant parcel of less than 25 acres.
2. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended.
3. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

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Kathryn Sipes, Senior Planner

ATTACHMENTS:

1. Location Map
2. Unapproved minutes from the AFD Advisory Committee meeting
3. Existing ordinance and conditions, dated July 25, 2006

ADOPTED

JUL 25 2006

ORDINANCE NO. 172A-6

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

YARMOUTH ISLAND AGRICULTURAL AND FORESTAL DISTRICT (AFD-11-86)

WHEREAS, James City County has completed a review of the Yarmouth Island Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Yarmouth Island Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee, at its meeting on June 27, 2006, voted 8-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission, following its public hearing on July 10, 2006, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 to recommend renewal of the District with the conditions listed below.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of James City County, Virginia, that:

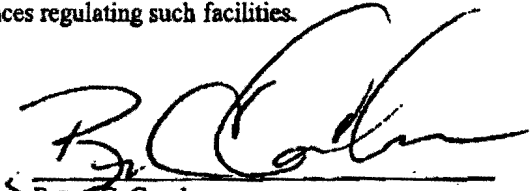
1. The Yarmouth Island Agricultural and Forestal District is hereby continued for a period of four years and three months beginning the 25th day of July, 2006, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. The District shall include the following parcels:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Richardson Holdings Limited Partnership	(29-3)(1-5)	172.840
Richardson Holdings Limited Partnership	(29-3)(1-2)	68.500
Richardson Holdings Limited Partnership	(28-4)(1-5)	940.000
Richardson Holdings Limited Partnership	(29-1)(1-1)	28.500
John C. & Lorraine Richardson	(29-2)(1-1)	123.000
J. G. Warburton, Est., c/o M. McMurrin	(29-4)(1-1)	38.700
Margaret Walubuka	(29-4)(1-2)	34.655
Shield's Point LLC	(28-4)(1-8)	625.200
	Total:	<u>2,031.395</u>

provided, however, that all land within 25 feet of road rights-of-way is excluded from the District.

3. That pursuant to the Virginia Code, Sections 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Yarmouth Island Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

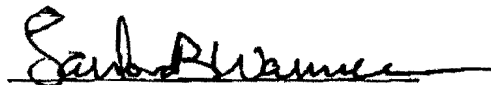
- a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided, a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.
- b. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land inside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996.
- c. No special use permit shall be issued except for agricultural, forestal or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.



Bruce C. Goodson  
Chairman, Board of Supervisors

SUPERVISOR	VOTE
HARRISON	ABSENT
ICENHOUR	AYE
MCGLENNON	AYE
BRADSHAW	AYE
GOODSON	AYE

ATTEST:



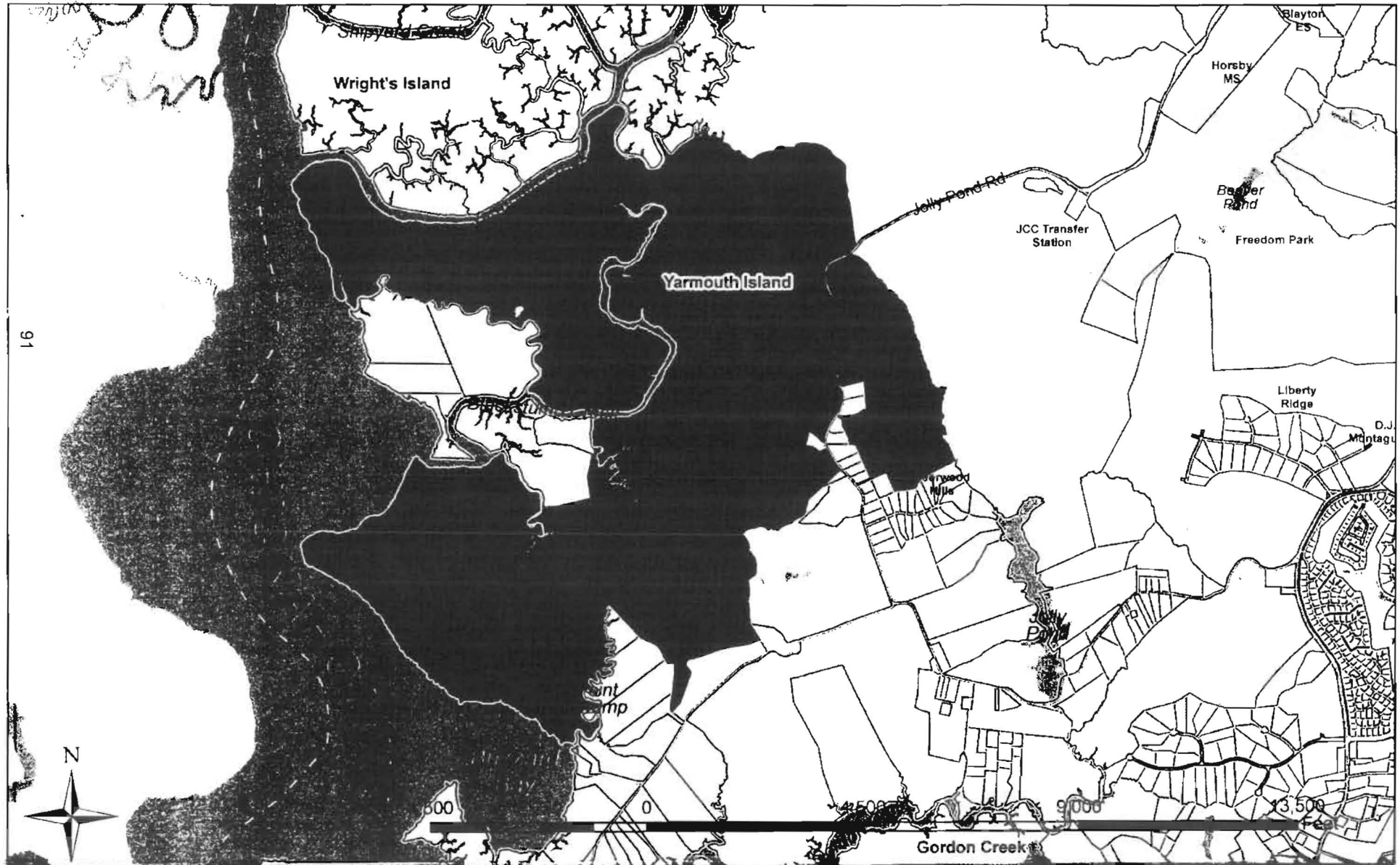
Sanford B. Banner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of July, 2006.

Afd11-86.res

AFD-11-86

# Yarmouth Island AFD 2010 Renewal



**AGRICULTURAL & FORESTAL DISTRICT-11-86. Yarmouth Island 2010 Renewal.  
Staff Report for the September 1, 2010 Planning Commission Meeting.**

*This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, 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**

AFD Advisory Committee	August 23, 2010	4:00 p.m.
Planning Commission:	September 1, 2010	7:00 p.m.
Board of Supervisors:	September 28, 2010	7:00 pm (tentative)

**SUMMARY FACTS**

<b>Owners</b>	<b>Parcel Number</b>	<b>Acres</b>
Richardson Holdings Limited Partnership	2930100005 .....	172.84
Richardson Holdings Limited Partnership	2930100002 .....	68.50
Richardson Holdings Limited Partnership	2840100005 .....	940.00
John C. Richardson	2910100001 .....	28.50
Richardson Holdings Limited Partnership	2920100001 .....	123.00
McMurrin, Martha W. & SWR-MISC LLC	2940100001 .....	38.70
Franciscan Brethren of St. Philip	2940100002 .....	34.65
Shield's Point LLC	2840100008 .....	625.20

TOTAL..... 2,031.4

**Zoning:** A-1, General Agriculture

**Comprehensive Plan:** Rural Lands and Conservation Area

**Primary Service Area:** Outside

**STAFF RECOMMENDATION**

This AFD is consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends renewing the Yarmouth Island Agricultural and Forestal District for a period of four years, subject to the enclosed conditions.

At its August 23, 2010 meeting, the AFD Advisory Committee voted 9-0 to recommend approval of this application.

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

## **SUMMARY**

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFDs) prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-11-86, Yarmouth Island, which is scheduled to expire October 25, 2010.

## **DISTRICT HISTORY**

The District was approved on December 1, 1986 for a term of 4 years. It was subsequently renewed for four year periods in October 1990, October 1994, and September 1998. In 1999, approximately 746 acres was added into the District. The District was renewed again in 2002 and 2006 for four year periods, with approximately 52 acres withdrawn as part of the 2002 renewal.

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

The Yarmouth Island AFD consists of approximately 2,031.4 acres located along Jolly Pond Road, between Yarmouth Creek and the Chickahominy River.

## **ANALYSIS**

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

## **WITHDRAWALS**

No property owner has requested land be removed from the District during this renewal period.

## **ADDITIONS**

No property owner has requested land be added to the District during this renewal period.

## **CHANGE IN CONDITIONS**

Staff is recommending a revision to Condition #2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as well as adding a reference to the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Inside the Primary Service Area, adopted September 24, 1996. Staff is also recommending language that references future amendments to those Board policies. The proposed condition is as follows, with proposed corrections and additions underlined:

"No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended."

**STAFF RECOMMENDATION:**

This AFD is consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends renewing the Yarmouth Island Agricultural and Forestal District for a period of four years, subject to the following conditions.

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a.) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b.) the subdivision does not result in a remnant parcel of less than 25 acres.
2. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended.
3. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

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Jason Purse, Senior Planner

**ATTACHMENTS:**

1. Location Map
2. Unapproved minutes from the August 23, 2010 AFD Advisory Committee meeting
3. Existing ordinance and conditions, dated July 25, 2006

ADOPTED

JUL 25 2006

ORDINANCE NO. 173A-17

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

GOSPEL SPREADING CHURCH AGRICULTURAL AND FORESTAL DISTRICT

(AFD-12-86)

WHEREAS, James City County has completed a review of the Gospel Spreading Church Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Gospel Spreading Church Agricultural and Forestal District; and

WHEREAS, Lyman R. Hall, Jr. has requested the withdrawal of 57 acres, which are identified as Tax Map ID (47-4)(1-13) and (47-4)(1-11); and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on June 27, 2006, voted 7-0, with one abstention, to recommend renewal of the District; and

WHEREAS, the Planning Commission, following its public hearing on July 10, 2006, concurred with the recommendation of staff and the AFD Advisory Committee, and voted 6-0 to recommend renewal of the District with the conditions listed below.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia that:

1. The Gospel Spreading Church Agricultural and Forestal District is hereby continued for a period of four years and three months beginning the 25th day of July 2006 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et seq.
2. That the District shall include the following parcels:

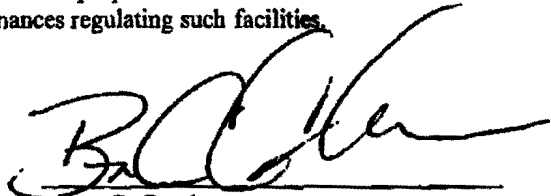
<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
JCC Bible and Agricultural Training School	(48-3)(1-35)	403.560
JCC Bible and Agricultural Training School	(56-2)(1-1)	457.800
Floyd P. Carmines	(47-4)(1-37)	27.929
R.E. Gilley	(47-4)(1-42C)	2.890
R.E. Gilley	(47-4)(1-42D)	2.819
R.E. Gilley	(47-4)(1-42E)	16.300
REGJAG, LLC	(47-4)(1-40)	42.849
REGJAG, LLC	(47-4)(1-41)	108.275
R.E. Gilley	(48-3)(1-42)	<u>71.330</u>
Total:		<u>1,133.752</u>



provided, however, that all land within 25 feet of the road rights-of-way shall be excluded from the District.

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Gospel Spreading Church Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

- a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.
- b. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District (AFD) may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land inside the PSA and within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996.
- c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.



Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

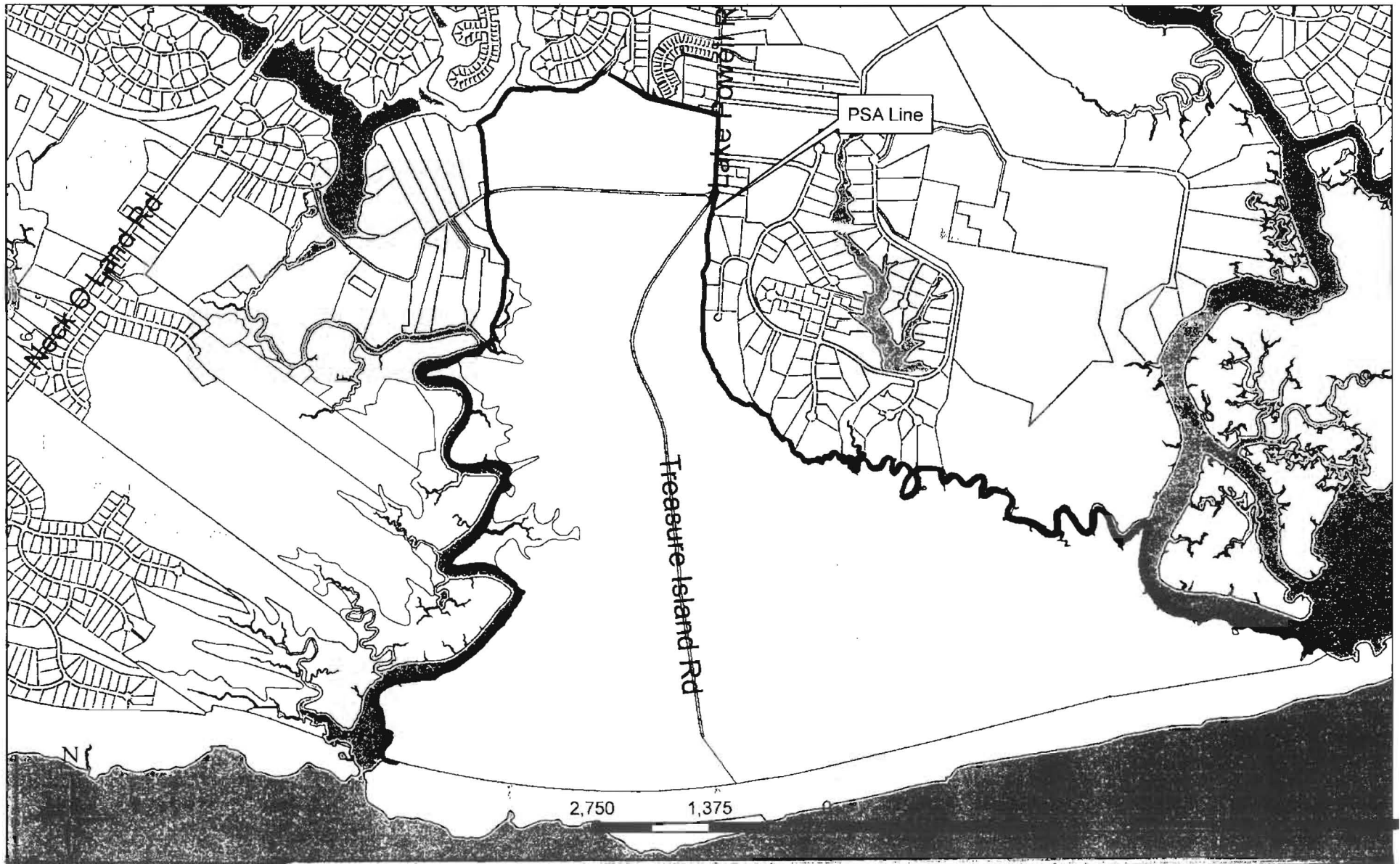
<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	ABSENT
ICENHOUR	AYE
MCGLENNON	AYE
BRADSHAW	AYE
GOODSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of July, 2006.

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**AFD-12-86**

# **Gospel Spreading Church 2010 Renewal**



**AGRICULTURAL & FORESTAL DISTRICT-12-86. Gospel Spreading Church Farm 2010 Renewal. Staff Report for the September 1, 2010 Planning Commission Meeting.**

*This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, 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**

AFD Advisory Committee  
Planning Commission:  
Board of Supervisors:

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

August 23, 2010 4:00 p.m.  
September 1, 2010 7:00 p.m.  
September 28, 2010 7:00 pm (tentative)

**SUMMARY FACTS**

**Owners**

JCC Bible & Agricultural Training School  
JCC Bible & Agricultural Training School  
Floyd B. Carmines  
Robert E. Gilley, II & Meredith H. Gilley  
REGJAG LLC  
REGJAG LLC  
REGJAG LLC  
REGJAG LLC  
REGJAG LLC

**Parcel Number**

**Acres**

4830100035 .....403.55  
5620100001 .....457.79  
4740100037 .....27.92  
4740100042C.....2.89  
4740100042D .....2.81  
4740100042E.....16.29  
4740100040 .....42.84  
4740100041 .....108.27  
4830100042 .....71.33

TOTAL.....1,133.7

**Zoning:** A-1, General Agriculture; R-8, Rural Residential; R-2, General Residential; and R-1, Limited Residential

**Comprehensive Plan:** Rural Lands; Low-Density Residential and Conservation Area

**Primary Service Area:** Inside and Outside

**STAFF RECOMMENDATION**

This AFD is consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends renewing the Gospel Spreading Church Farm Agricultural and Forestal District for a period of four years, subject to the enclosed conditions.

At its August 23, 2010 meeting, the AFD Advisory Committee voted 9-0 to recommend approval of this application.

**Staff Contact:** Kathryn Sipes, Senior Planner

Phone: 253-6685

## **SUMMARY**

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFDs) prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-12-86, Gospel Spreading Church Farm, which is scheduled to expire October 25, 2010.

## **DISTRICT HISTORY**

This District was approved on December 1, 1986 for a term of four years, and the Board of Supervisors approved four-year renewals in 1990, 1994, 1998 and 2002. The following changes have occurred over time: a 26.46-acre parcel has been withdrawn and added several times, finally withdrawing for the final time in 2002; 22.97 acres were withdrawn in 2002; the Gilley District (AFD-13-86) of approximately 198 acres was added in 2002 (a 27-acre parcel did not transfer, making the addition approximately 173 acres); and an additional 71.33 acres was added in 2004. In 2006, two properties were removed totaling 57 acres.

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

The Gospel Spreading Church Farm AFD consists of approximately 1,133.7 acres located from College Creek extending west to Neck-O-Land Road.

## **ANALYSIS**

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

## **WITHDRAWALS**

No property owner has requested land be removed from the District during this renewal period.

## **ADDITIONS**

No property owner has requested land be added to the District during this renewal period.

## **CHANGE IN CONDITIONS**

Staff is recommending a revision to Condition #2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as well as adding a reference to the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Inside the Primary Service Area, adopted September 24, 1996. Staff is also recommending language that references future amendments to those Board policies. The proposed condition is as follows, with proposed corrections and additions underlined:

"No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be

withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended."

**STAFF RECOMMENDATION:**

This AFD is consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends renewing the Gospel Spreading Church Farm Agricultural and Forestal District for a period of four years, subject to the following conditions:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a.) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b.) the subdivision does not result in a remnant parcel of less than 25 acres.
2. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended.
3. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

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Kathryn Sipes, Senior Planner

**ATTACHMENTS:**

1. Location Map
2. Unapproved minutes of the AFD Advisory Committee meeting
3. Existing ordinance and conditions, dated July 25, 2006

**Agricultural and Forestal District 9-86-1-2010. Gordon Creek AFD (3889 News Road Addition)**

**Staff Report for September 1, 2010 Planning Commission meeting**

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

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**PUBLIC HEARINGS**

Building F Board Room; County Government Complex	
Planning Commission:	September 1, 2010 7:00 p.m.
Board of Supervisors:	September 28, 2010 (tentative) 7:00 p.m.

**SUMMARY FACTS**

Applicant:	Ms. Martha McMurran
Land Owner:	Ms. Martha McMurran
Location:	3889 News Road
Tax Map/Parcel No.:	3730100004
Primary Service Area:	Inside
Parcel Size:	179.2 acres total
Existing Zoning:	R-4, Residential Planned Community
Comprehensive Plan:	Low-Density Residential
Surrounding AFD Land:	One parcel, adjacent to the western boundary of this parcel, is currently enrolled in the Gordon Creek AFD.
Staff Contact:	Jason Purse, Senior Planner - Phone: 253-6685

**STAFF RECOMMENDATION:**

Since the property received approval of Rezoning and Master Plan applications, development could occur under those circumstances. With the constraints and control imposed on the property by the master plan there is no apparent general public interest for putting it into an AFD. Properties inside the Primary Service Area can benefit the County if they are enrolled in an AFD as they temporarily hold key tracts of land while development plans are created, thus maximizing the beneficial use of the property. In this instance, the development plan for the property has already been established. Staff recommends that the Planning Commission recommend denial of the addition to the Gordon Creek AFD to the Board of Supervisors. However, if the Commission wishes to recommend approval of this application, staff recommends the parcel be included in the Gordon Creek AFD subject to the attached conditions during the renewal process.

At its August 23, 2010 meeting, the AFD Advisory Committee voted 9-0 to recommend denial of this application.

## **Project Description**

Ms. Martha McMurran wishes to re-enroll her parcel, located at 3889 News Road, into the Gordon Creek Agricultural and Forestal District. The parcel was renewed with the balance of the Gordon Creek AFD on July 25, 2006, but was removed by the Board of Supervisors upon the approval of the Ford's Colony CCRC (Continuing Care Retirement Community) rezoning application in July 2008.

The property owners, prior to the developers of the CCRC, have reacquired the parcel and wish to re-enroll it into the Gordon Creek AFD. The property was rezoned to R-4, Residential Planned Community, and has an existing Master Plan governing future development.

If approved for inclusion in the Gordon Creek AFD, the parcel would be enrolled for four years (the Gordon Creek AFD is up for renewal in October 2010, but it is anticipated that the District will continue with a new four-year term). The applicant would need to have the Board of Supervisors approve of any withdrawal earlier than the four-year term, however, given the existing Master Plan on the property, the withdrawal policies would allow for the removal of this property since the parcel is located inside the Primary Service Area and has an approved Master Plan.

The site is heavily wooded with wetlands, Resource Protection Areas (RPA) and RPA buffers along its western, southern, and eastern boundaries. The property represents the easternmost point of the Gordon Creek AFD, representing an important environmental area in the District and preserves an area adjacent to another parcel currently enrolled in the Gordon Creek AFD.

## **Surrounding Land Uses and Development**

News Road bounds the subject property to the north, with the Springhill Subdivision and Ford's Colony on the north side of the road. The Powhatan Secondary and Monticello Woods subdivisions are to the south and east. The land to the west of this site is not developed at this time. One of the properties to the west of the site is the 116.8-acre Richardson Property which is also in the Gordon Creek AFD. Properties to the west of the subject property are currently zoned A-1 (General Agriculture), while properties to the north, east, and south are zoned R-2 (General Residential), R-4 (Residential Planned Community) and PUD-R (Planned Unit Development-Residential), respectively.

## **Comprehensive Plan**

The Comprehensive Plan designates this parcel as Low-Density Residential (LDR). While LDR areas are located inside the Primary Service Area and are typically expected to be developed as non-agricultural, there are a number of parcels enrolled in AFDs located inside the PSA. One Comprehensive Plan objective calls for protecting and preserving the County's agricultural and forestal lands and activities. The Agricultural and Forestal District program supports this objective. However, in this instance, there is approved zoning and an approved Master Plan governing development of this property.

## **Analysis**

The proposed addition meets the minimum area and proximity requirements for inclusion into an AFD, but does not qualify given the approved Master Plan and zoning on-site.

The continuation of AFD property within the PSA is consistent with the Comprehensive Plan as this would serve the public purpose of holding key tracts of land temporarily while development plans can be created, maximizing the beneficial use of the property. However, in this instance, the development plan for the

property has already been established. Holding the tract of land in an AFD does not serve as a valuable tool for the County any longer.

The existing Gordon Creek AFD contains 3,206.84 acres. If the 179.2-acre addition is approved, the District will have 3,386.04 acres. On July 25, 2006, the Board of Supervisors approved a renewal of the Gordon Creek AFD for a period of four years and three months. The District will be up for renewal in October 2010. This addition would be subject to the conditions of the existing District which are:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a.) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b.) the subdivision does not result in a remnant parcel of less than 25 acres.
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3. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

### **RECOMMENDATION:**

Since the property received approval of Rezoning and Master Plan applications, development could occur under those circumstances. With the constraints and control imposed on the property by the master plan there is no apparent general public interest for putting it into an AFD. Properties inside the Primary Service Area can benefit the County if they are enrolled in an AFD as they temporarily hold key tracts of land while development plans are created, thus maximizing the beneficial use of the property. In this instance, the development plan for the property has already been established. Staff recommends that the Planning Commission recommend denial of the addition to the Gordon Creek AFD to the Board of Supervisors. However, if the Commission wishes to recommend approval of this application, staff recommends the parcel be included in the Gordon Creek AFD subject to the attached conditions during the renewal process.

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acres.

2. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended.
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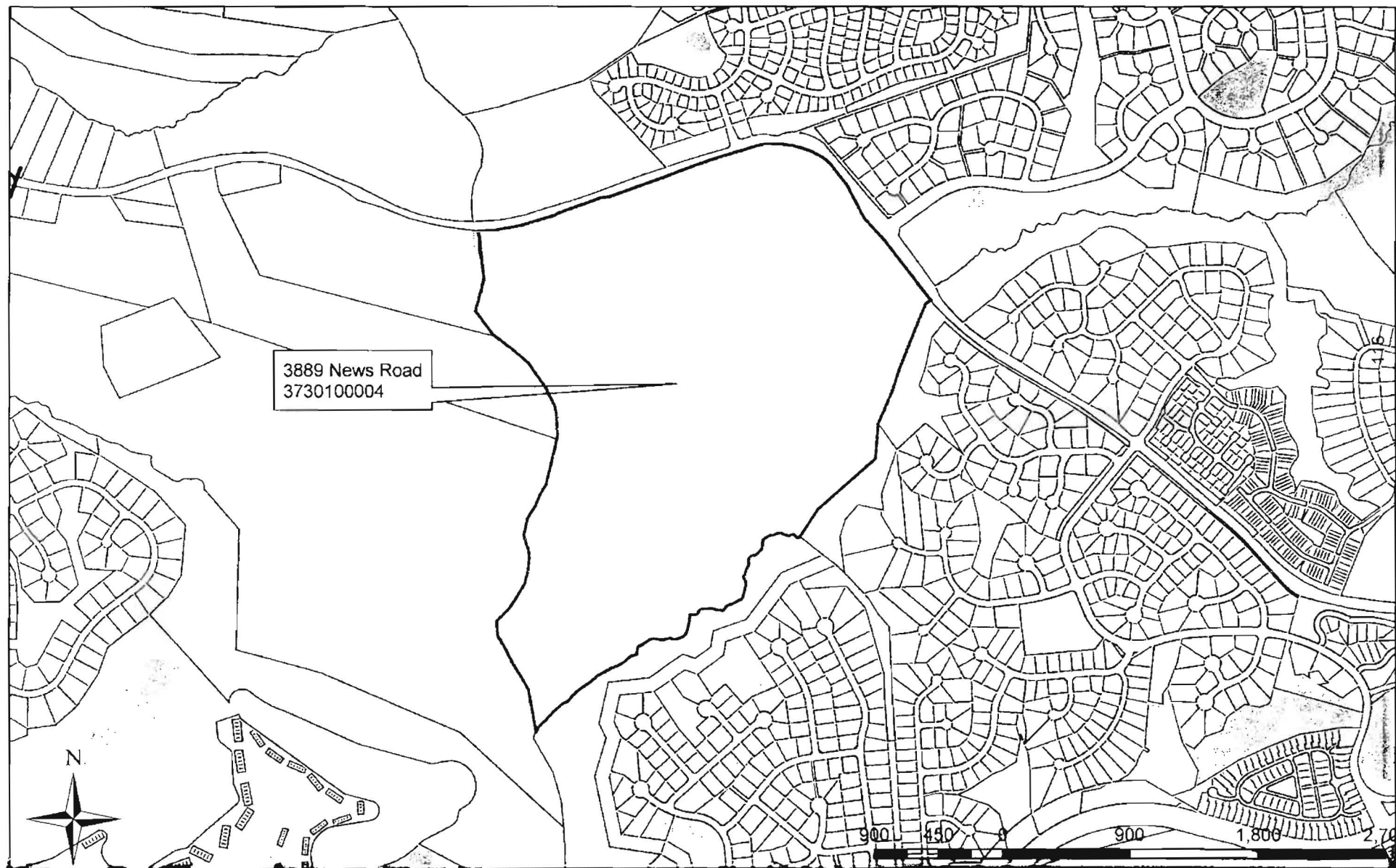
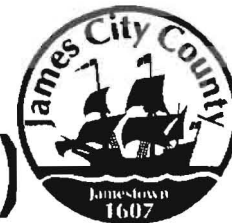
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Jason Purse, Senior Planner

Attachments:

1. Location Map
2. Unapproved minutes from the August 23, 2010 AFD Advisory Committee meeting

# AFD addition 3889 News Road (McMurran property)



PLANNING DIRECTOR'S REPORT  
September 2010

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

- **New Town.** At the August meeting, the DRB approved several minor adjustments to subdivision plats in Section 2 and 4. The DRB considered building elevations for the proposed expansion to the building next to Opus 9 (at the end of Main Street) and for a new single-family house model. The elevations and design guidelines for Courthouse Commons were also approved. Finally, the DRB discussed the recently adopted changes to the sign ordinance and started to develop a policy for handling new requests based on these changes.
- **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).** The AFD Advisory Committee met in August to consider the renewal of twelve Agricultural and Forestal Districts expiring this fall. The Committee also considered two requests for additions to AFDs. Staff anticipates another AFD Advisory Committee meeting in September to consider additional anticipated requests for additions and withdrawals, based on inquiries received by telephone.
- **Ordinance Update.** A joint work session of the Planning Commission and Board of Supervisors was held on August 10 at 4 p.m. in the Building F Work Session room to officially kick-off the process. Staff has begun to secure consultants where directed by the methodology and to conduct background research. Two Planning Commission Forums were held on August 24<sup>th</sup> and September 1<sup>st</sup> and a third Forum is scheduled for September 27, 2010 from 6:30 – 8:30 p.m. This Forum will be in the Building F Board Room of the JCC Government Center, 101 Mounts Bay Road and will also be televised. Speaking slots will be assigned on a first-come first-served basis. Sign-up forms to speak are available on [www.jccplans.org](http://www.jccplans.org) and at the Planning office in Building A.
- **Training.** Staff is taking advantage of webinars that are available from the American Planning Association. Topics for August include planning and law, and economic development.
- **Monthly Case Report.** For a list of all cases received in the last month, please see the attached document.
- **Board Action Results** – August 10<sup>th</sup>  
Z-0001-2009 / MP-0001-2009 / SUP-0007-2010 Deer Lake, Colonial Heritage – Deferred Indefinitely  
Z-0001-2010 Fast Food Restaurant – Deferred to September 14, 2010  
Zoning Ordinance Amendment Section 24-24 Article I – Adopted 5 – 0  
SUP-0014-2010 Grove Christian Outreach Center – Adopted 5 – 0  
SUP-0015-2010 Chanco's Grant Greensprings Trail Amendment – Adopted 5 – 0  
SUP-0017-2010 Ward Family Subdivision – Adopted 5 – 0

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Allen J. Murphy, Jr.

New Cases for August

Case Type	Case Number	Case Title	Address	Description	Planner	District
Agricultural Forestry District	AFD-05-86-2-2010	Barnes Swamp AFD Racefield Addition	230 RACEFIELD DR	Addition to the AFD	Kate Sipes	Stonehouse
Conceptual Plans	C-0028-2010	AAA Member Services Center	6601 RICHMOND ROAD	The proposed building is 15,800 square feet, (9900 SF automotive, 5900 SF retail/office	Luke Vinciguerra	Stonehouse
	C-0029-2010	John Jefferson Road Hotel Conversion	161 JOHN JEFFERSON	Applicant proposes converting an existing building in the M-1 district to a hotel unit	Leanne Reidenbach	Roberts
Site Plan	SP-0064-2010	Anderson's Corner Animal Hospital Exercise Yard SP Amend.	8391 RICHMOND ROAD	Minor change to the animal exercise yard's fencing configuration, DRC approval needed.	Sarah Propst	Stonehouse
	SP-0065-2010	Matoaka E.S. Garden Trellis SP Amend.		Building a garden trellis at Matoaka Elementary measuring 16' x 20'	Brian Elmore	
	SP-0066-2010	Moe's South West Grill SP Amend.	4950 MONTICELLO AVENUE	Applicant proposes additional outdoor seating area with railing on the existing sidewalk	Luke Vinciguerra	Powhatan
	SP-0067-2010	Freedom Market	5534 CENTERVILLE RD	Convenience store and gas station at the intersection of Centerville and Longhill Road	Luke Vinciguerra	Powhatan
	SP-0068-2010	JCC Fire Administration Building	5077 JOHN TYLER HWY	Addition to building, and upgrade of parking lot	Jason Purse	Jamestown
	SP-0069-2010	Lafayette H.S. Child Development	4460 LONGHILL ROAD	Construct Child Development Center tenant improvement in the abandoned Lafayette High School auto shop	Kate Sipes	Powhatan

Site Plan	SP-0070-2010	Busch Gardens SP Amend - Ice Machine Italy	7851 POCAHONTAS TR	Add ice machine	Leanne Reidenbach	Roberts
	SP-0071-2010	Busch Gardens SP Amend - Ice Machine France	7851 POCAHONTAS TR	Add ice machine	Leanne Reidenbach	Roberts
	SP-0072-2010	Carter Machinery SP Amendment	1601 GREEN MOUNT PARKWAY	Temporary fuel pumps	Terry Costello	Roberts
Special Use Permit	SUP-0020-2010	Diamond Healthcare of Williamsburg SUP Amendment	5477 MOORETOWN ROAD	Amend SUP-0044-1988, SUP-0022-1992, SUP-0032-2004 and SUP-0026-2008 to permit an additional 17 in-patient psychiatric beds.	Jason Purse	Berkeley
Subdivision	S-0033-2010	Liberty Crossing Phase 2D	6601 RICHMOND ROAD	Lots 11-25 and Common Area #5.	Kate Sipes	Stonehouse
	S-0034-2010	Old Stage Road BLA, Lots 2, 3, 4, & 9	10115 OLD STAGE ROAD	Boundary Line Adjustment	Jason Purse	Stonehouse
	S-0035-2010	Settlement at Powhatan Creek Lots 89-91 BLE	4019 RIVER MOOR	Boundary line extinguishment would eliminate lot 90 and give the additional acreage to lots 89 and 91 on either side	Sarah Propst	Berkeley
	S-0036-2010	Settlement at Powhatan Creek Ph. 1 Lots 119-121 BLE	3512 CEDAR BRANCH	Boundary line extinguishment eliminating lot 120 and dividing the land between lots 119 and 121	Jose Ribeiro	Berkeley
	S-0037-2010	White Hall Sec. 2F Lots 146-151	3401 ROCHAMBEAU DR	Creating six lots along northern Sheldon Branch Place at the intersection of Geddy Terrace	Luke Vinciguerra	Stonehouse
	S-0038-2010	New Town Block 6 and 7, Parcel B	5100 CENTER STREET	Subdivision to create separate parcels for the movie theater and surrounding retail buildings on Courthouse and Center Street.	Leanne Reidenbach	Berkeley

Subdivision	S-0039-2010	Chickahominy Haven Sec. 8 Lot 23 & 24 BLE	7196 CANAL STREET	Boundary line extinguishment between lots 23-24	Allen Murphy	Stonehouse
	S-0040-2010	2697 / 2711 Jolly Pond Rd	2697 JOLLY POND ROAD	Boundary Line Adjustment	Terry Costello	Powhatan