

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

1. ROLL CALL
2. PUBLIC COMMENT
3. MINUTES
 - A. November 3, 2010 Regular Meeting
4. COMMITTEE / COMMISSION REPORTS
 - A. Development Review Committee (DRC)
 - B. Policy Committee
 - C. Regional Issues Committee / Other Commission Reports
5. PUBLIC HEARING CASES
 - A. Z-0002-2009/MP-0002-2009. Governor's Grove, Section 3
 - B. AFD-2-86-3-2010. Wenger Farms, Croaker AFD Addition
 - C. SUP-0025-2010. Colonial Towne Plaza Shopping Center Flea Market
 - D. SUP-0026-2010. Tractor Supply Company at Norge Center
 - E. SUP-0027-2010. Jamestown High School Auxiliary Gymnasium
6. PLANNING DIRECTOR'S REPORT
7. COMMISSION DISCUSSIONS AND REQUESTS
8. ADJOURNMENT

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

Rich Krapf
Al Woods
Tim O'Connor
Reese Peck
Mike Maddocks
Jack Fraley
Joe Poole

Staff Present:

Allen Murphy, Director of Planning/
Assistant Development Manager
Adam Kinsman, Deputy County Attorney
Tammy Rosario, Principal Planner
Sarah Propst, Planner
Jennifer VanDyke, Administrative Services Coordinator
Kate Sipes, Senior Planner

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

2. PUBLIC COMMENT

Mr. Jack Fowler, 109 Wilderness Lane, spoke on the health of James City County waterways. Mr. Fowler asked that the Planning Commissioners understand that improving and sustaining good water quality is a priority for the County and its citizens.

3. MINUTES

A. August 24, 2010- Public Forum

Mr. Joe Poole moved for approval of the minutes.

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

B. September 1, 2010-Regular Meeting

Mr. Rich Krapf moved for approval of the minutes.

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

C. September 27, 2010-Public Forum

Mr. Jack Fraley moved for approval of the minutes.

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

D. October 6, 2010-Regular Meeting

Mr. Poole moved for approval of the minutes with corrections.

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

4. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee (DRC)

Mr. Krapf stated that the October meeting of the DRC was held on October 27th at 4:00 p.m. Mr. Fraley, Mr. Maddocks, Mr. Poole and Mr. Krapf were present. The DRC discussed SP-0085-2010, Weatherly at White Hall Soft Trail Site Plan Amendment. A site plan amendment was requested by the applicant to adjust the location of a soft trail in Waverly at White Hall. The DRC reviewed this amendment because proffer 18 specifies that the exact location of recreational facilities must be reviewed and approved by the DRC. The previously approved trail was designed to go between buildings 19 & 20. This amendment proposes to move the trail around the outside of building 20 for better pedestrian flow and less intrusion on the residents in these two end buildings. In a unanimously voice vote (4-0), the DRC approved the site plan amendment.

The DRC also discussed SUP-0026-2010, Tractor Supply Company at Norge Center Retail. A Special Use Permit (SUP) application has been submitted for construction of a 19,000 square foot retail building at 7508 Richmond Road (adjacent to Farm Fresh). The property is located on 3.4 acres, zoned B-1, General Business, and is designated Community Commercial in the 2009 Comprehensive Plan. The parcel also lies within the Norge Community Character Area and fronts along Richmond Road, a Community Character Corridor. The applicant first came before the DRC on September 29th requesting comments in advance of the SUP submission. At that time, suggestions were made concerning color schemes and architectural elevations. The applicant returned to the DRC with revised elevations for additional feedback, which was provided prior to consideration by the full Planning Commission.

The DRC discussed C-0032-2010, New Town, Town Center Parking. Twice a year, the DRC receives reports about off-site parking, shared parking and other issues that impact parking in New Town. Discussion at this meeting centered on a study to add a 15,330 square foot addition to Building 900 (occupied by Opus 9) at the end of Main Street. This space would be occupied by American Family Fitness and result in the loss of 60 parking spaces in Block 3. It would also result in an increased demand for 57 parking spaces during peak occupancy hours. The staff report for this proposal stated that New Town should be able to accommodate the changes in parking required by the building expansion. Reasons cited included the popularity of public bus and trolley services and the provision of strong pedestrian and bike linkages. In addition, the New Town Commercial Association has proposed to label the spaces on both sides of Main Street and 15 spaces along Ironbound Road as not for the use of American Family Fitness patrons.

The DRC reviewed a proposal to extend Main Street and the pavilion, adding 22 additional parking spaces. By a vote of 4-0, the DRC approved the shared parking plan with the stipulation that all involved parties come to agreement on how best to provide additional parking at the end of Main Street. The DRC also approved the next scheduled New Town shared parking review for April 2011.

Mr. Poole moved for approval of the report as presented.

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

B. Other Committee/Commission Reports

Mr. Fraley announced two Policy Committee meetings dates November 8th and November 22nd both at 6:00 p.m. in Building A. On November 8th an updated report will be presented by staff on the Ordinance Update as well as the draft annual Planning Commission Report. On November 22nd the Policy Committee will discuss the new Economic Opportunity (EO) district based on the EO designation from the 2009 Comprehensive Plan.

Mr. Mike Maddocks reported that last week the Regional Issues Committee met. A report was presented by Mr. Sandy Wanner regarding the Historic Triangle Collaborative effort. Also, a report from Mr. Marshall Warner was made on the Greater Williamsburg Chamber and Tourism Alliance regarding hotel stays.

5. PRESENTATION

A. Sustainability Audit

Ms. Tammy Rosario stated that the audit was a high priority item from the 2009 Comprehensive Plan as well as the Zoning and Subdivision Ordinance Update process. The audit includes more than 70 widely applicable strategies and almost 150 specific action recommendations for James City County. The audit provides an additional level of detail regarding options for achieving that general direction as well as offering new ideas. Staff will be considering the recommendations during the update process and incorporating them when feasible as well as reserving others for future endeavors. Staff is looking to receive feedback from the Commissioners regarding the report.

Mr. Brad Strader from LSL Planning reported on the audit. The audit is a study to ensure government is meeting the needs of the current generation, and ensuring resource needs have been met for the future.

Mr. Strader stated that in looking at the 2009 Comprehensive Plan there are many sound principles articulated that will become important tools to better ensure sustainability. During the audit process Mr. Strader's firm reviewed the current Zoning Ordinance, Subdivision Ordinance, and related policies to help guide changes during the Ordinance Update, implementing the 2009 Comprehensive Plan to achieve greater sustainability.

Mr. Strader elaborated on key sustainability principles and related suggestions. The 2009 Comprehensive Plan placed a high priority on preserving and creating a sense of place. During this process different design standards will be discussed and used as a tool to help create a sense of community for developed and undeveloped areas. In terms of redevelopment, several shopping centers in James City County, as in many other localities, require some assistance to ensure their longterm-viability. Possible incentives for the development community were discussed in the report which can be considered to achieve better viability of established shopping centers. For undeveloped areas, the County may want to consider methods to create modest density increases. The firm determined that the County may want to consider taller building standards in a couple of areas. The audit included looking at multi-modal transportation possibilities. Virginia has an aggressive Access Management program. Incorporating access management standards and reviewing parking standards during the process could benefit the County's sustainability efforts. The audit referenced VDOT standards for street and sidewalk connectivity. Environmental factors were also considered and are a key component to sustainability. Open space and cluster development are tools to consider for the sake of preservation. The Transfer of Development Rights (TDRs) and Purchase of Development Rights (PDRs) are other effective tools for preservation. Developing standards for landscape diversity and drought tolerant landscaping are important measures to consider. Methods for improving air quality were suggested, such as promoting multi-modal transportation and creating buffers around residential areas and minimizing the noise impact generated by the interstate. Finding ways to support alternative energy will benefit the entire community. He provided one example suggesting modest increases to height and density for buildings that are energy efficient.

Mr. Fraley stated that when he thinks of mixed use development he imagines vertical development. The County's mixed use standards are more similar to the industry's definition of multi-use. Recognizing and clarifying these differences would be helpful.

Mr. Fraley asked staff how the Board of Supervisors (BOS) will be informed of the Planning Commissioner's comments.

Ms. Rosario stated this evening's presentation is a means of disseminating information. The BOS can watch this evening's meeting or if it is more convenient, staff can forward the minutes from the meeting.

Mr. Fraley noted that the audit proposes incentives to encourage certain development. The other option is to create requirements within the ordinances. Mr. Strader was asked to comment on this.

Mr. Strader stated that making the determination of incentive verses requirement is one staff and the Commission will have to make. When making that determination, one should keep in mind those initiatives that are essential verses preferred. Mr. Fraley stated he sees using incentives to promote density in areas deemed appropriate.

Mr. Al Woods asked if there will be further opportunities for the Planning Commission to discuss the audit.

Ms. Rosario stated this is the first opportunity for staff to hear feedback from the Planning Commission. Moving forward through the Policy Committee, staff will be highlighting changes that have been recommended by the audit. Staff reporting on progress will provide future opportunities for discussing recommendations. There will not be a staff presentation at the BOS meeting. The information is being sent to the BOS through the broadcast of the Planning Commission meeting and the subsequent minutes. The presentation of the Sustainability Audit will be forwarded via email to the BOS.

Mr. Woods asked to confirm that there will be additional opportunities for the Planning Commission to consider the audit as the Policy Committee works through revision proposals.

Mr. Allen Murphy stated the audit will be used as a touchstone for staff, the Commission and BOS. The Planning Commissioners will have additional opportunities to provide feedback on the implementation of those chosen elements taken from the audit for use in the ordinances.

Mr. Mike Maddocks suggested that discussions can be shared via email.

Mr. Krapf stated he is interested in considering the implementation of a TDR program. Item # 15 talks about using the Primary Service Area (PSA) as a tool to limit development in rural areas and encourage growth in the growth boundary. Within the County, the PSA line has been modified to include chosen development. Mr. Krapf asked Mr. Strader, based on his experience, about his take on extending the PSA line in relation to a TDR program.

Mr. Strader stated the general sentiment in the planning community is to not move the PSA line. It is difficult to refrain from moving the line again if it has been moved before. Keeping the line intact, especially if the placement of the line is backed with good rationale, is important. Explicit criteria can be created to justify moving the line under extreme circumstances. A successful TDR program requires a tight receiving zone.

Mr. Woods stated he is interested in understanding how to encourage reuse of underutilized areas.

Mr. Strader stated that this is a challenge for many communities. Underutilized shopping centers remain while new shopping centers are erected. First and foremost, communicating with the land owner is imperative. The County could offer infrastructure improvements as an incentive to redevelop. Some communities have done market studies to indicate what the community needs are; this approach is especially useful for those shopping centers owned by a national corporation.

Mr. Poole stated that he is impressed with the principles and actions brought forward in the audit. The historical significance of James City County makes the area a very important cultural resource. It is also important to preserve the natural features and farmland in the community. Action 15, protecting the PSA line, is very important. Creating exceptions to the rule would require careful consideration. Promoting greater density and concentration within the PSA will ultimately protect the integrity of the line.

Mr. Poole stated the expedited review process is easier to accommodate in industrial and commercial areas. Mr. Poole stated development proposals of those areas that abut residential and commercial development have far more at stake. Giving up the legislative review process involving residential and commercial development or if the property is abutting residential and/or commercial areas is not a direction the County should take.

Mr. Strader returned to Mr. Woods' previous question concerning the promotion of redevelopment. To the land owner of the underutilized shopping center that has some income, the construction costs associated with redevelopment combined with the loss of income could deter the property owner. In many cases the land owner may not know that they can utilize a portion of the parking area for new construction. Many ordinances do not require as many parking spaces as they had several years ago, freeing up space for outparcels. This can be a lucrative means for the property owner wanting to redevelop, creating a transition and not cutting off income sources. Implementing a form-based code could benefit the development community by simplifying the review process. Balance needs to be achieved between the development community that does not favor legislative review and the community that wants to provide input during the approval process.

Mr. Poole stated that the James City County's citizenry has expressed certain expectations. These expectations need to be kept in mind as they work through the Ordinance Update process.

Mr. Strader stated that identifying those areas and elements that are most important will help.

Mr. Peck stated there are certain areas outside the PSA where water and sewer had been extended to allow higher density development, as well as for schools and parks. Presently, for those neighborhoods outside the PSA, the developer pays for the community system. The developer installs a water and sewer system built to service authority standards, and then turns it over to the service authority. This may not be the most efficient use of County resources.

Mr. Fraley stated a good reason to modify the PSA line would be for sustainability.

Mr. Strader stated criteria could be created to consider those cases that would add benefit to sustainability. Deviating from the PSA line is not advised.

Mr. Fraley stated that he would anticipate some negative feedback from the community if new efforts were made for infill development.

Mr. Strader stated the public may not be receptive, though as Planning Commissioners their job is to take into consideration the needs of all the community.

Mr. Fraley asked for more information on strategy #4 dealing with food. Mr. Fraley asked Mr. Strader if he had ever considered mapping farms to hospitals, college campuses, retirement communities, and other destinations that have a need for produce or other food items.

Mr. Strader stated in Kalamazoo, Michigan they have a program that promotes farms within 100 miles of the jurisdiction.

Mr. Fraley asked Mr. Strader if he had any insight as to why the Cluster Development Ordinance is rarely used by the development community.

Mr. Strader stated he is not familiar with the County's ordinance enough to speak on specifics. In many localities he has found that the ordinance governing cluster overlays are too complicated for developers.

Mr. Fraley asked Mr. Strader what measures he would recommend for tree preservation.

Mr. Strader stated there are two types of tree protection, woodlot protection and individual tree protection. There are many different methods for both. When considering how this should be regulated one should first identify the primary objective. Also, one should remain mindful of how much staff-time would be exhausted maintaining the proposed regulation. Creating incentives verses mandating preservation may be more advantageous.

6. PLANNING COMMISSION CONSIDERATIONS

A. SUP-0018-2010, American Heritage RV Park Expansion

Ms. Kate Sipes stated that Mr. Vernon Geddy has applied on behalf of Mr. and Mrs. William Rhodes to expand the American Heritage RV Park from 95 to 327 camping sites. The parcel is zoned R-8, Rural Residential, and designated Economic Opportunity on the 2009 Comprehensive Plan. On September 1, 2010 the Planning Commission voted to recommend approval of the proposal to the Board of Supervisors (BOS). At the BOS meeting on October 12, 2010 a vote carried to defer the case until the November 9, 2010 meeting and have the Planning Commission review new information that has come to light since the last Planning Commission meeting. Following the September 1, 2010 Planning Commission meeting in response to concerns raised regarding the width of Maxton Lane, VDOT conducted further site visits and issued revised comments. VDOT's new recommendation includes trench widening to provide increased lane width on Maxton Lane. Previous to the November 9, 2010 BOS meeting VDOT had stated that no road improvements were needed. Condition number 17 has been added to address the off-site road improvements recommended by VDOT and adjacent property owners. During the BOS public hearing on October 12, 2010 concerns were also raised regarding the Economic Opportunity (EO) designation on the 2009 Comprehensive Plan. Condition numbers 15, 16 and 18 have been added to provide additional assurances that future master planning efforts and development of the property are not precluded by the expansion. Staff recommends that the Planning Commission recommend approval of the Special Use Permit (SUP) with the conditions provided.

Mr. Krapf stated that in January during the DRC conceptual plan review there was a great deal of time spent discussing the impact of the EO designation on the property. The EO designation is new to the County. A regional master plan for the larger area had been discussed. The development of the land in the EO designation is a long-range goal and the property owner

has stated that they will support such efforts.

Mr. Poole asked Ms. Sipes if the applicant has been supportive of the new conditions brought forward since the September 1, 2010 Planning Commission meeting.

Ms. Sipes stated that staff has been working closely with Mr. Geddy to draft the conditions and the applicant is supportive of the new conditions recommended in the report.

Mr. Poole asked Ms. Sipes if VDOT is comfortable with the new conditions.

Ms. Sipes stated that VDOT was supportive of the new conditions but added that it is uncommon to have off-site improvements conditioned by an SUP.

Mr. Woods asked Ms. Sipes to confirm the current zoning of the property and the changes in land use designation. Mr. Woods asked what changes in land use would the County want to achieve with the new EO designation.

Ms. Sipes stated that the camp ground is legally-nonconforming. It can continue to operate as-is, though an expansion would require SUP approval.

Mr. Woods asked what the nature of the conversation was during the DRC conceptual review.

Mr. Krapf stated that the development of this land would require a regional master plan of the area. The applicant's recommendation of approval granted by the DRC was hinged upon a willingness to participate in a master planning effort at a later time.

Mr. Woods asked staff to define the word participate as it is used in the proposed condition.

Ms. Sipes stated that participating would mean the property owner is not opposed to a change in use, and they would engage in discussions with the group of property owners.

Mr. Woods stated that he would like to better understand what conflict could arise with this understanding.

Mr. Fraley stated that the primary goal of the new land use designation was the creation of more desirable jobs for the area. Should such changes occur, the potential benefit of higher property value would provide incentive.

Mr. Woods asked for confirmation that the expansion of the camp grounds would not hinder the master planning efforts.

Mr. Murphy stated that the property owner is on record for having been informed of, and aware of the future EO master planning efforts and the intended expansion of Mooretown Road. The owner is also on record stating the expansion of the camp ground is seen as a transitional use

that would easily convert for purposes of future economic opportunity. Staff agrees with these factors and this forms the basis for staff's recommendation of approval.

Mr. Woods asked if it is common practice for a locality to create a new designation prior to fully understanding the required standards.

Mr. Murphy responded that proposed changes were often led by the Comprehensive Plan, with changes to the Zoning Ordinance following.

Mr. Peck stated that it was his understanding that the case was not returning to the Planning Commission to reopen the public hearing but to review the additional changes to the proposed plan.

Mr. Fraley moved for approval.

In a unanimous roll call vote, the Commission recommended approval with amended conditions (7-0).

7. PUBLIC HEARING CASES

A. AFD-09-86-3-2010, News Road Gordon Creek Agricultural and Forestal District (AFD) Addition

Ms. Sarah Propst stated Mr. and Mrs. Jerry Nixon have applied to add 30.7 acres of land, to the existing Gordon Creek Agricultural and Forestal District (AFD). The parcel is in the PSA, is zoned A-1 and designated Low-Density Residential on the Comprehensive Plan Land Use Designation Map. If approved, the parcel will be added to the Gordon Creek AFD under the same conditions as the other parcels already enrolled. The parcel will be up for renewal October 2014. With this addition the total acreage of the Gordon Creek AFD would be 3,163 acres. On October 19, 2010 the AFD Advisory Committee voted (6-0) to recommend approval for the addition. Staff recommends that the Planning Commission recommend approval of the addition to the BOS.

Mr. Poole moved for approval of the recommendation to the addition of the Gordon Creek AFD.

In a unanimous roll call vote, the Commission recommended approval of the addition (7-0).

8. PLANNING DIRECTOR'S REPORT

Mr. Murphy stated he had no additional comments.

Mr. Fraley noted that on Monday night Mr. Murphy had attended and spoken at a James City County Concerned Citizens (J4C) meeting.

9. COMMISSION DISCUSSIONS AND REQUESTS

There were no further items for discussion.

10. ADJOURNMENT

Mr. Fraley moved to adjourn the meeting.

The meeting was adjourned at 8:35 p.m.

Reese Peck, Chairman

Allen J. Murphy, Secretary

**REZONING-0002-2009 / MP-0002-2009: Governor's Grove Section III: Proffer and Master Plan Amendment
Staff Report for the December 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

Building F Board Room; County Government Complex

Planning Commission:	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)
	October 6, 2010	(applicant deferral)
	December 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 indefinitely deferred. 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

Attachment:
Deferral request from applicant

Kathryn Sipes, Senior Planner

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

ATTORNEYS AT LAW

1177 JAMESTOWN ROAD

WILLIAMSBURG, VIRGINIA 23185

TELEPHONE: (757) 220-6500

FAX: (757) 229-5342

MAILING ADDRESS:

POST OFFICE BOX 379

WILLIAMSBURG, VIRGINIA 23187-0379

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

STEPHEN D. HARRIS

SHELDON M. FRANCK

VERNON M. GEDDY, III

SUSANNA B. HICKMAN

RICHARD H. RIZK

ANDREW M. FRANCK

November 22, 2010

vgeddy@ghfhlaw.com

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

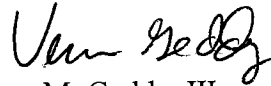
Re: Governor's Grove Section 3 – Z-0002-2009 and MP-0002-2009

Dear Kate:

I am writing on behalf of the applicant to request that the Planning Commission indefinitely defer consideration of this application.

Very truly yours,

GEDDY, HARRIS, FRANCK & HICKMAN, LLP



Vernon M. Geddy, III

VMG/

cc: Mr. James Jard

Agricultural and Forestal District 2-86-3-2010. Croaker AFD, 4474 Ware Creek Road Addition. Staff Report for December 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

November 15, 2010 4:00 p.m.
December 1, 2010 7:00 p.m.
January 11, 2011 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant: Mr. M. Anderson Bradshaw on behalf of Wenger Farms, LLC.

Location: 4474 Ware Creek Road

Tax Map/Parcel No.: 1410100007

Primary Service Area: Inside

Parcel Size: 7 acres

Existing Zoning: A-1, General Agricultural

Comprehensive Plan: Low Density Residential

Surrounding AFD Land: Three large parcels in the Croaker AFD are located directly south of the subject parcel

Staff Contact: Jose Ribeiro, Senior Planner Phone: 253-6685

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the addition to the Croaker AFD to the Board of Supervisors.

At its November 15, 2010 meeting, the AFD Advisory Committee voted 8-0 to recommend approval of this application

Project Description

Mr. M. Anderson Bradshaw has applied on behalf of Wenger Farms, LLC, to enroll a seven acre property located at 4474 Ware Creek Road into the Croaker AFD. The property is mostly wooded and undeveloped.

Surrounding Land Uses and Development

A portion of the Croaker AFD (three large parcels also owned by Wenger Farms, LLC) is located to the south of the subject parcel. Adjacent properties to the north, east and west of the subject parcel that are not currently enrolled in the Croaker District are primarily wooded in nature. Several subdivisions are located in close proximity to the subject property including Woodland Farms, Elmwood, Clover Dale, Glenwood Acres, and Ware Creek Manor.

Comprehensive Plan

The Comprehensive Plan designates this parcel as Low Density Residential. Action Land Use 6.1.1 of the 2009 Comprehensive Plan states the County shall “support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*.”

Analysis

The proposed addition meets the requirements for inclusion into an AFD because it is contiguous to existing AFD parcels under the same ownership. 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 and maximizing the beneficial use of the property. The existing Croaker AFD contains 1,075.9 acres. If this addition is approved, the District will consist of 1,082.9 acres. This addition would be subject to the following conditions of the Croaker AFD that was renewed on September 28, 2010 for a period set to expire on October 31, 2014.

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 Wireless Communications Facilities (WCF), 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 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 outside 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 Outside the Primary Service Area, adopted September 24, 1996, as amended. 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, as amended.
3. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia 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.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the addition to the Croaker AFD to the Board of Supervisors.

At its November 15, 2010 meeting, the AFD Advisory Committee voted 8-0 to recommend approval of this application

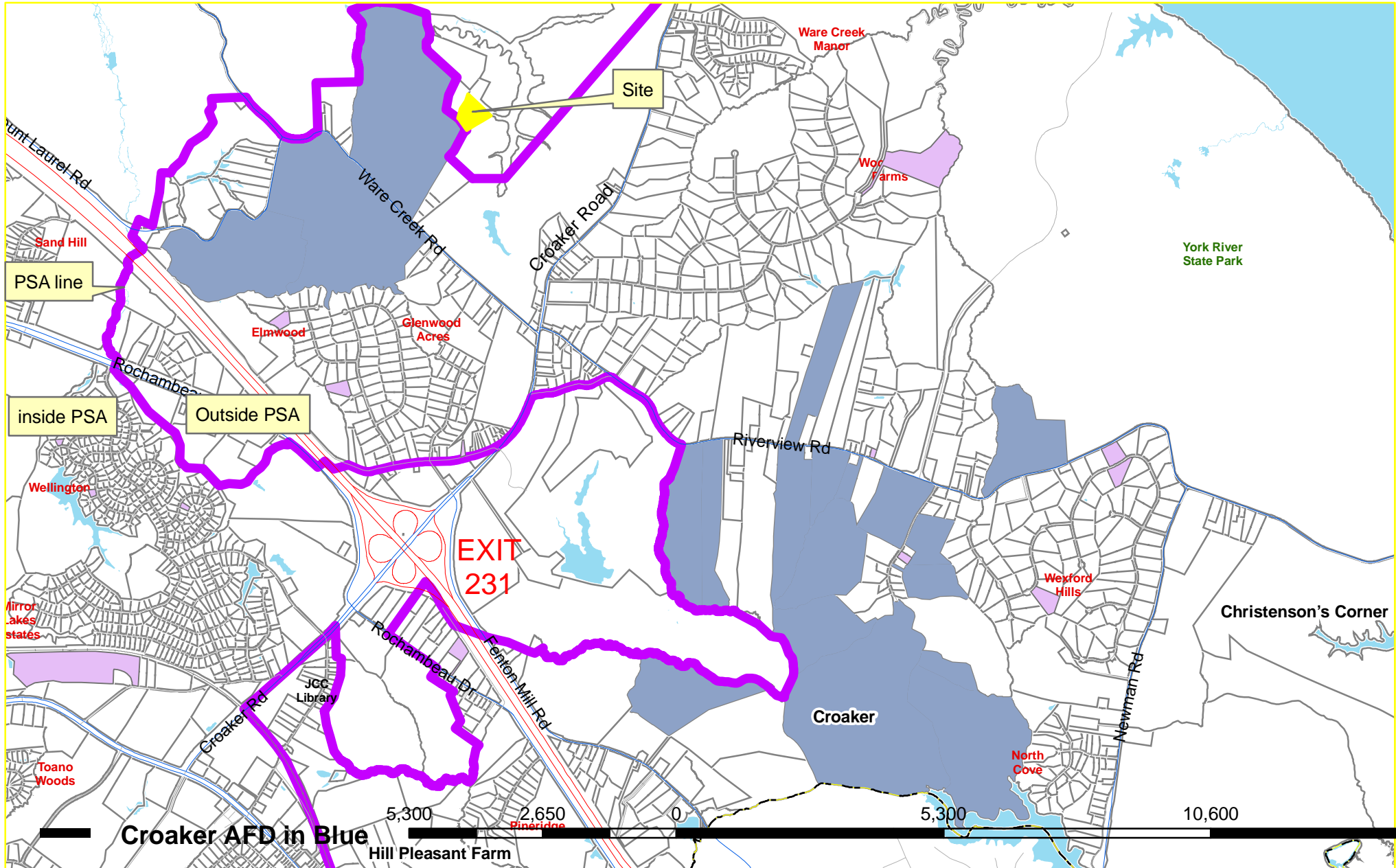
Jose Ribeiro, Senior Planner

Attachment:

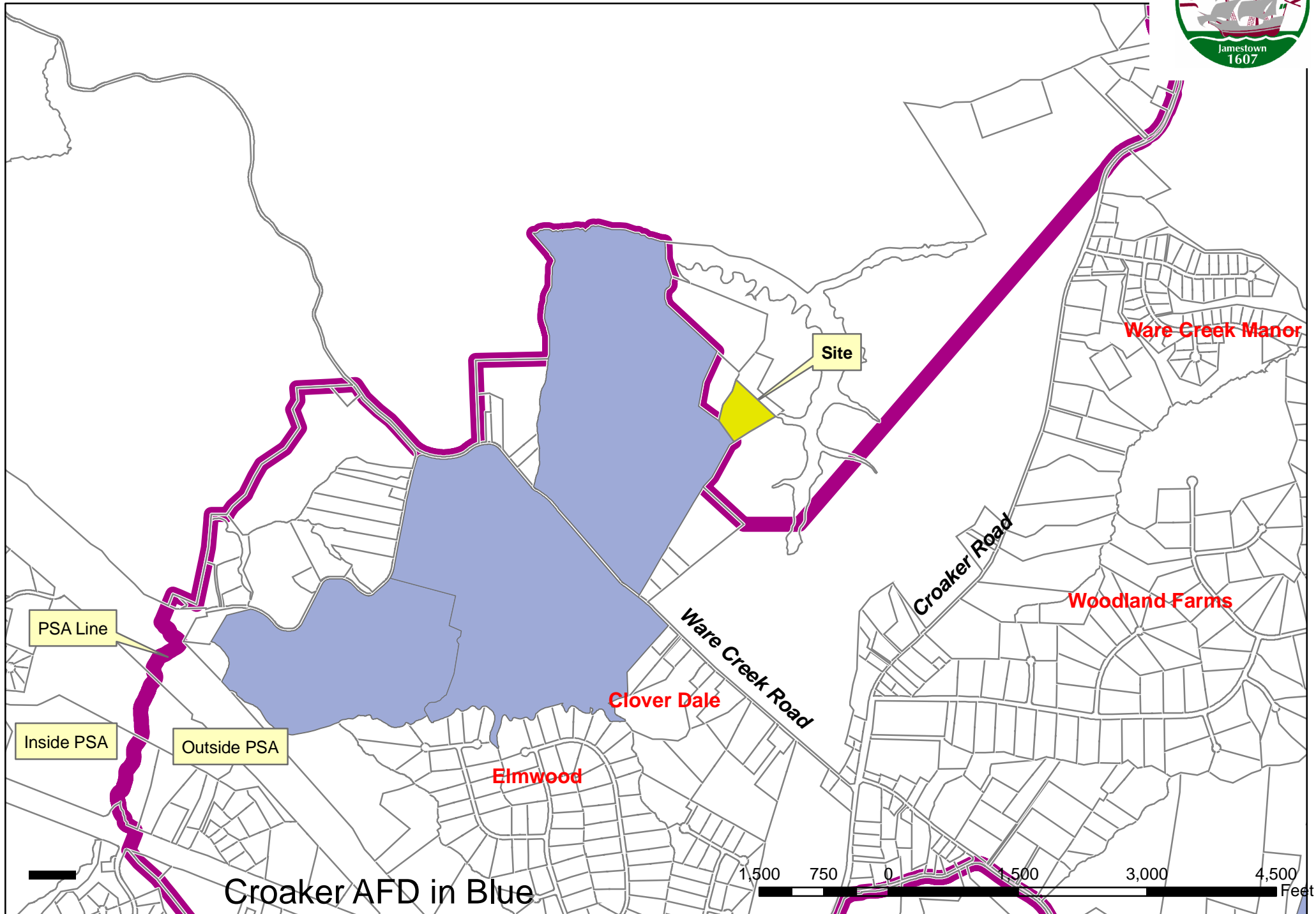
1. Large Area Location Map
2. Small Area Location Map
3. Unapproved AFD Advisory Committee minutes

AFD-2-86-3-2010

Croaker AFD Addition- 4474 Ware Creek Road



AFD-2-86-3-2010, Croaker AFD Addition-4474 Ware Creek Road



UNAPPROVED MINUTES OF THE AGRICULTURAL AND FORESTAL
ADVISORY COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD
ON THE 15th DAY OF NOVEMBER, TWO THOUSAND AND TEN, AT 4:00 P.M.
AT THE HUMAN SERVICES BUILDING, 5249 OLDE TOWNE ROAD,
WILLIAMSBURG, VIRGINIA.

1. Roll Call:

Members Present

Mr. Hitchens
Mr. Richardson
Ms. Smith
Mr. Ford
Mr. Bradshaw
Ms. Garrett
Mr. Harcum
Mr. Icenhour

Also Present

Mr. Jason Purse (Planning)
Mr. Jose Ribeiro (Planning)
Ms. Terry Costello (Planning)

Absent

Mr. Abbott

2. New Business:

Approval of the October 19, 2010 Meeting Minutes

Mr. Ford moved for approval of the minutes with a second from Ms. Garrett. The Committee unanimously approved.

• **AFD Addition – Wenger Farms – Croaker AFD Addition**

Mr. Ribeiro stated that Mr. Anderson Bradshaw has applied on behalf of Wenger Farms, LLC, to enroll a seven acre property located at 4474 Ware Creek Road into the Croaker AFD. The property is mostly wooded and undeveloped. A portion of the Croaker AFD (three large parcels also owned by Wenger Farms) is located to the south of the subject parcel. The proposed addition meets the minimum area and proximity requirements for inclusion into an AFD. Staff recommends that the AFD Advisory Committee recommend approval of the addition to the Croaker AFD to the Planning Commission and the Board of Supervisors.

Mr. Bradshaw stated that the reason this property qualifies for inclusion was that it was contiguous property with the same owner.

Mr. Ford moved for approval of the addition with a second from Mr. Hitchens.

In a roll call vote the motion was approved. (8-0)

Mr. Bradshaw moved for adjournment, with a second from Ms. Garrett.

The meeting was adjourned at 4:10 p.m.

Ms. Loretta Garrett, Chair

Jose Ribeiro, Senior Planner

SPECIAL USE PERMIT-0025-2010: Colonial Towne Plaza Flea Market
Staff Report for the December 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

Building F Board Room; County Government Complex

Planning Commission:	December 1, 2010	7:00 p.m.
Board of Supervisors:	January 11, 2010	7:00 p.m. (tentative)

SUMMARY FACTS

Applicant:	Mr. Timothy O. Trant, II of Kaufman and Canoles, P.C
Land Owner:	David W. Ware Marital Trust
Proposed Use:	The applicant has applied for a Special Use Permit to allow the operation of a flea market on Saturdays and Sundays on a portion of a parcel zoned B-1, General Business
Location:	6925 Richmond Road
Tax Map and Parcel No.:	2430100003
Parcel Size:	25 acres, the flea market will utilize only a portion of the parcel as indicated on the aerial view provided.
Existing Zoning:	B-1, General Business
Comprehensive Plan:	Community Commercial
Primary Service Area:	Inside

STAFF RECOMMENDATION:

This proposed use is complimentary to surrounding land uses. Staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors with the conditions listed in the staff report.

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

Mr. Tim Trant has applied for a special use permit to allow for the operation of a flea market at 6925 Richmond Road. Flea markets are a specially permitted use in B-1, General Business, zoning district. The flea market intends to operate in the parking lot and side yard of the Colonial Towne Plaza Antique Mall. The flea market would be allowed to have up to 35 vendors and would operate between the hours of 7 am and 6 pm on Saturdays and Sundays (Condition 1).

The property fronts on Richmond Road, which is designated as a Community Character Corridor in the 2009 Comprehensive Plan. This property is zoned B-1, General Business, and is designated Community Commercial in the 2009 Comprehensive Plan. While this use is not consistent with the uses listed in the Comprehensive Plan, this development is a complementary use which utilizes existing infrastructure and parking and will not require any construction for the operation. A flea market received an SUP, at this same location, in 1998 (SUP-0020-1998) but failed to receive site plan approval before the SUP expired in December 8, 2002.

PUBLIC IMPACTS

Archaeology:

Staff Comment: No land disturbance will be required for the operation of the flea market.

Planning Division Comment: Given the nature of the proposed use, staff finds that no archaeological study is necessary.

Environmental

Watershed: Yarmouth Creek

Environmental Staff Comments: Environmental Staff has reviewed the application and has no comments at this time.

Planning Division Comments: There will be no increase in impervious cover or land disturbance.

Public Utilities

JCSA Staff Comment: The site is located within the Primary Service Area (PSA). The flea market will utilize the public restrooms provided by the Antique Mall. The JCSA staff had no comments.

Planning Division Comments: Staff notes that a condition was added to ensure that restrooms are available during operating hours in the Antique Mall (Condition 6).

Transportation

- **2007 Traffic Counts:** From Norge Elementary to Centerville Road, approximately 26,018 average daily trips.
- **2035 Volume Projected:** From Norge Elementary to Centerville Road, projected 39,110 vehicles per day on a four lane divided road-“Recommended for Improvement” category in the 2009 Comprehensive Plan.
- **Road Improvements:** There have been no road improvements proposed.

During the review of the previous SUP, the VDOT found site access to be acceptable. A traffic study is not required and an ITE code does not exist for a flea market use.

Planning Division Comments: The flea market is not expected to generate traffic above what is presently observed on the subject property. This SUP is requesting approximately half the number of vendors as the previous SUP (SUP-0020-1998).

COMPREHENSIVE PLAN

Land Use Map

Designation	<p><i>Community Commercial- Page 143:</i> Community commercial areas are located within the PSA and contain general business which has a moderate impact on nearby development. Community commercial areas are at or near arterial streets, preferably at intersections with collector and arterial streets. Community commercial developments include community-scale commercial, professional and office uses, general retail, grocery stores, and shopping centers.</p> <p>Staff Comment: Staff finds the flea market use is not the primary use of the property and that it compliments the existing commercial development which meets the intent of the community commercial land use designation of the 2009 Comprehensive Plan.</p>
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Economic Development

Goals, strategies and actions	<p><i>Action 1.1-Page 24:</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.</p> <p><i>Action 1.2-Page 24:</i> Encourage the creation of new and retention of existing small business...</p> <p>Staff Comment: The retention of the successful, small-scale businesses found at the flea market is in keeping with the intent of the Economic Development section of the Comprehensive Plan.</p>
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Environmental

Goals, Strategies. and actions	<p><i>Strategy #1.1-Page 61:</i> Promote development and land use decisions that protect and improve the function of wetlands and the quality of water bodies.</p> <p><i>Action #1.2-Page 61:</i> Promote the use of Better Site Design, Low Impact Development, and effective best management practices (BMPs).</p> <p>Staff Comment: The operation of the flea market will not require any land disturbance or create any additional impervious cover.</p>
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Transportation

General	<p><i>Richmond Road- Page 116:</i> 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.</p> <p>Staff Comment: This use will have a minimal impact on this section of Richmond Road and will utilize existing entrances.</p>
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Community Character Area

Goals, strategies, and actions	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.
	Staff Comment: The use of this property as a flea market on the weekends will not negatively impact the small town character of the area. Condition No. 3 requires that a landscaping plan be submitted during the site plan review process. Landscaping the property includes replacing any missing plants in the hedgerow along Richmond Road with plants of a similar size and variety. Lastly, given that this use will not cause an increase in trip generation, staff finds that this use will not have an adverse impact on the traffic on Route 60.

Staff Comments:

Staff finds that the proposed use, with the attached conditions, is appropriate as a complimentary use to the antique mall on the property. The flea market will utilize existing infrastructure and utilities and will not create additional impervious cover. A site plan, with a landscaping plan, must be approved within one year of the SUP approval (Condition 4). In order to assure that this use is in character with future developments on the property, the SUP will have a term of validity of eight years from site plan approval and must receive an SUP renewal prior to its expiration (Condition 7).

RECOMMENDATION:

This proposed use is complimentary to surrounding land uses. Staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors with the conditions listed the staff report.

1. Master Plan and Use: This Special Use Permit shall be valid for a year-round flea market and accessory uses thereto, operating between the hours of 7 am and 6 pm on Saturdays and Sundays only, on that portion of the Colonial Towne Plaza site designated as the "Special Use Permit Area" on the aerial picture prepared by "Kaufman and Canoles, P.C.", dated "September 24, 2010" and entitled "SUP-0025-2010 Colonial Towne Plaza Flea Market 6925 Richmond Road, Williamsburg, Virginia," for a copy of which is in the Special Use Permit file. Minor changes may be permitted by the Planning Director, as long as they do not change the basic concept or character of the development and do not exceed 35 vendors.
2. Parking: No parking shall be allowed on any unpaved surface. All unpaved areas shall be flagged and labeled with "No Parking" on the weekend.
3. Landscaping: A landscape plan (the "Landscape Plan") shall be submitted to the Planning Director or his designee for review and approval prior to site plan approval. The Landscape Plan shall show the existing hedgerow along the property frontage on Richmond Road and shall identify all plants and/or shrubs necessary to fill in portions of the hedge that are presently missing on the portion of the property north of Ware Lane. The replacement plants and/or shrubs shall be of the same species and size as the existing hedgerow. The landscaping shall be installed within six months of site plan approval.

4. Site Plan Approval: A site plan for the Flea Market shall be approved within one (1) year of the date of issuance of the Special Use Permit or the Special Use Permit shall become void.
5. Fire Extinguishers: At least two fire extinguishers shall be provided on the site of the Flea Market during all hours of operation of the Flea Market.
6. Public Restrooms: The Lightfoot Antique Mall must be open to provide public restrooms during the hours of operation of the Flea Market.
7. Term of Validity: This special use permit shall be valid for a period of 96 months from site plan approval.
8. Severance Clause: This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Sarah Propst

Attachments:

1. Location Map
2. Master Plan
3. Photos of the Flea Market

SUP-0029-2010, Colonial Towne Plaza Flea Market



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.

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1 inch = 324 feet
0 0.045 0.09 Miles

**SPECIAL USE PERMIT CASE NO. SUP-0026-2010, Tractor Supply Company, Norge Center
Staff Report for the December 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:
Board of Supervisors:

Building F Board Room; County Government Complex

December 1, 2010 7:00 p.m.
January 11, 2010 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant: Kenneth Beuley of The Keith Corporation

Land Owner: Norge Center Incorporated

Proposal: To construct a retail farm supply store of approximately 19,000 square feet with approximately 21,200 square feet of outdoor sales and display and to allow vehicle and trailer sales on the site.

Location: 7508 Richmond Road

Tax Map/Parcel: 2320100071

Parcel Size: 25.35 acres. The parcel will be subdivided to accommodate the proposed farm supply store on an area approximately 3.41 acres in size.

Existing Zoning: B-1, General Business, with proffers

Comprehensive Plan: Community Commercial

Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds the proposed farm supply store consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. Staff finds that the proposed commercial operation is consistent with surrounding land uses and the attached conditions will mitigate any impacts created by the development. Staff recommends that the Planning Commission recommend approval of this application to the James City County Board of Supervisors with the attached conditions and approve the off-street parking requirement waiver.

Staff Contact: Sarah Propst, Planner Phone: 253-6685

PROJECT DESCRIPTION

Mr. Kenneth Beuley of The Keith Corporation has applied for a special use permit to allow the construction of a 19,000 square foot farm supply store with approximately 21,200 square feet of outdoor sales and display areas. A Special Use Permit is required in accordance with Section 24-11 of the Zoning Ordinance to allow a commercial building over 10,000 square feet and also per Section 24-391 to allow vehicle and trailer sales.

The proposed farm supply store will be part of the Norge Center Shopping Center and the store's parking lot will connect with the existing Farm Fresh parking lot. The proposed development will provide fewer parking spaces than is required by the Ordinance. The applicant has submitted a waiver request to the off-street parking requirement. The proposed store will be accessed via two private roads, one from Norge Lane and one from Richmond Road. Shared access easements are required (Condition 3)

Site Properties:

The proposed development would be built on a 3.41 acre site of the existing 25.35 acre parcel. The applicant intends to subdivide the property for the development. If the subdivided parcel does not contain the required access to a public right-of-way, a Subdivision Ordinance exception will be required prior to approval of the subdivision plat. The property is located at 7508 Richmond Road and is zoned B-1, General Business, with proffers. It is designated Community Commercial by the 2009 Comprehensive Plan. Properties to the south and west are also zoned B-1, with proffers. The Station at Norge apartments located to the west across Croaker Road are zoned R-5, Multifamily Residential, and properties to the north, across the CSX rail line, are zoned PL, Public Lands and A1, General Agricultural. This development is located within the Norge Community Character Area.

Topography and Soils:

The topography slopes gently to the north and west of the site. Elevations on the property average approximately 115 feet above mean sea level. The predominant soil types in the area of the proposed development are described as fairly-well to moderately-well drained soils.

PUBLIC IMPACTS

Archaeology:

Staff Comment: The subject property has historically been in agricultural use and is not located within an area identified as a highly sensitive area in the "Preserving Our Hidden Heritage: An Archaeological Assessment of James City County, Virginia" document.

Planning Division Comment: Staff finds that given the size and nature of the site, an archaeological study is not necessary.

Environmental

Watershed: The York River watershed, Skimino Creek subwatershed

Environmental Staff Comments: This property lies within the York River watershed and Special Stormwater Criteria requirements will not apply unless it is determined during site plan review by the Environmental Director that the engineered drainage pattern will direct storm water to the Yarmouth Creek watershed.

Planning Division Comments: Staff notes that Condition No. 4 has been designed to encourage the infiltration of water on the proposed development site utilizing LID techniques and require Special Stormwater Criteria if storm water drainage is directed toward the Yarmouth Creek watershed.

Public Utilities

Staff Comment: The site is located within the Primary Service Area (PSA) and will be served by public water and sewer. JCSA staff has provided the applicant with preliminary comments to consider during the site plan review process and guidelines for developing the water conservation standards. Water Conservation standards are part of the SUP conditions for this proposal (Condition 2).

Transportation

- **2007 Traffic Counts:** On Richmond Road (Route 60) from Croaker Road (Route 607) to Norge Elementary, 21,892 average daily trips.
- **2035 Volume Projected:** On Richmond Road (Route 60) from Croaker Road (Route 607) to Norge Elementary, projected 39,110 average daily trips- “Watch” category in the 2009 Comprehensive Plan.
- **Access:** The property lies within the Norge Center Shopping Center which is primarily accessed through the signalized intersection of Richmond Road and Norge Lane. An off-site right-in and right-out shared entrance from Richmond Road will be the other access point. Both of the access roads are private drives and a shared access easement will need to be obtained (Condition 3).

VDOT comments: The Virginia Department of Transportation (VDOT) does not have data on the proposed use but concurs with the traffic analysis conclusions that no traffic improvements are warranted. Trip generation associated with the proposed development introduces approximately 16 new AM peak hour vehicle trips per hour and 30 PM peak hour vehicle trips per hour. Daily trips were not calculated; however based on peak hour trips, daily trips for the proposed use are below the threshold required to warrant a full traffic impact study.

Planning Division Comments: Staff concurs with VDOT’s comments. No road improvements are warranted as part of this proposal.

Parking: The ordinance requires 1 parking space per every 200 square feet of retail space and 1 parking space per 500 feet of outdoor retail sales and display areas. Given the size of the proposed retail building and outdoor storage area, this would require 137 parking spaces. The applicant has requested to decrease the amount of parking provided, based on parking needs at other similar stores, to 70 parking spaces. The applicant has submitted a waiver request to the off-street parking requirement, in accordance with Section 24-59 (g)(2) of the Zoning Ordinance. A copy of the waiver request is included in the bound materials.

Minimum Off-Street Parking Waiver:

Section 24-59 (g)(2) of the Zoning Ordinance states that *“A property owner may be granted a waiver by the planning commission from the minimum off-street parking requirements if it can be shown that due to unique circumstances a particular activity would not reasonably be expected to generate parking demand sufficient to justify the parking requirement. Any waiver granted by the planning commission shall apply only to the number of spaces required and shall not allow a greater building area than would have been possible had the original parking requirement been enforced. The planning commission may place conditions upon granting*

of a waiver and may require that the parking area not required upon the granting of the waiver be landscaped in addition to the minimum landscaping requirements."

Based on ordinance requirements, the proposed building generates the need for a total of 95 parking spaces and the 21,200 square foot outdoor display area requires an additional 42 parking spaces. The applicant proposes that 70 parking spaces will accommodate the parking needs for this proposal, based on the parking needs of other Tractor Supply Company stores of a similar size. Staff recommends approval of the off-street parking waiver because the applicant has provided evidence that 70 spaces will be adequate for this use and because allowing fewer parking spaces than ordinance requirement will minimize impervious surface on the site.

COMPREHENSIVE PLAN

Land Use Map

General	<i>Community Commercial 143:</i> Community commercial areas are located within the PSA and contain general business which has a moderate impact on nearby development. Community commercial areas are at or near arterial streets, preferably at intersections with collector and arterial streets. Community commercial developments include community-scale commercial, professional and office uses, general retail, grocery stores, and shopping centers.
	Staff Comment: Staff finds the proposed commercial development to be in keeping with the intent and land use recommendations for community commercial areas as indicated by the Land Use Section of the 2009 Comprehensive Plan.

Economic Development

Goals, strategies and actions	<i>Action #5.2-Page 25:</i> Encourage new development and redevelopment of non-residential uses to occur mainly in areas where public utilities are either available or accessible within the Primary Service Area (PSA) and infrastructure is supportive. <i>Action #5.5.1)-Page 25:</i> Emphasize the attraction, retention, and expansion of businesses that are less water dependent
	Staff Comment: The location of the proposed Tractor Supply Company is within the PSA and adequate facilities exist. SUP conditions No. 2 ensure water conservation standards for this proposal.

Environment

York River Watershed	This site drains to the York River. The York River does not have an adopted watershed management plan.
	Staff Comment: This project is located within the York River watershed. Special Stormwater Criteria requirements do not apply unless it is determined that the storm water drainage pattern is altered by the development to drain to the Yarmouth Creek watershed.

Goals, strategies	<i>Action # 1.2-Page 61:</i> Encourage the use of Better Site Design, Low Impact Development, and best management practices (BMPs).
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and actions	Staff Comment: The site is located within the York River watershed. If the Environmental Director determines at the site plan review level that a portion of the site drains to the Yarmouth Creek watershed Special Stormwater Criteria requirements will apply. The applicant has agreed to 4No. 5 to utilize LID practices and achieve a minimum of two unit measures as defined by <i>Special Stormwater Criteria in James City County</i> (adopted December 14, 2004).
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Transportation:

Richmond Road	<p><i>Description-Page 116:</i> Although future volumes indicate the potential need for widening Richmond Road between Centerville Road and Croaker Road, it is recommended that Richmond Road remain four lanes. Widening in these sections, which includes Norge, should be avoided or limited due to the physical limitations and the negative impacts on existing uses and the character of this historic community.</p> <p>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.</p> <p>Staff Comment: According to the applicant's analysis, the traffic generated by this proposal will not negatively affect the current Level of Service for this segment of Richmond Road. VDOT concurs that this proposal will not require additional signals or entrances onto Richmond Road.</p>
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Community Character Area:

Norge	<p><i>Description-Page 69:</i> Norge has been significantly impacted by recent commercial development along Richmond Road. While Norge continues to have a unique, very identifiable residential component located off Richmond Road and some pedestrian-oriented storefronts, the early 20th century 'village' character of its business and residential areas along Richmond Road has been significantly impacted by infill automobile-oriented development.</p> <p>Staff Comment: The applicant has provided architectural elevations (found in the bound CIS) for the proposed building. The applicant has agreed to match the colors used on the Farm Fresh to develop the appearance of a cohesive shopping center. Staff has drafted a condition ensuring the final architecture of the building to be similar to the architectural elevations presented with this application (Condition 5).</p>
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Staff Comment:

Staff finds that this proposal is consistent with Comprehensive Plan recommendations for this area. Staff also finds that the proposed development promotes a balance between two important elements concerning land development in Norge, the economic benefits for the area (i.e. generation of employment and revenues, expansion of services and amenities, etc) and the desire to preserve the character of Norge.

The Comprehensive Plan (page 86) outlines design standards intended to guide future development and redevelopment in the Norge area. Staff finds that the applicant has addressed some of the Norge design standards primarily by providing measures to (i) the scale and color of this building

will be consistent with the existing shopping center; (ii) shared access (Condition 3); (iii) no additional automobile oriented signage will be created for this development.

RECOMMENDATION:

Staff finds the proposed farm supply store consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. Staff finds that the proposed commercial operation is consistent with surrounding land uses and the attached conditions will mitigate any impacts created by the development. Staff recommends that the Planning Commission recommend approval of this application to the James City County Board of Supervisors with the following conditions and approve the off-street parking requirement waiver.

1. **Master Plan:** This Special Use Permit (the "SUP") shall permit: (1) the construction of an approximately 19,000 square foot, 1-story retail store building (the "Store") on the property located at 7508 Richmond Road and also identified as JCC Tax Parcel Number 2320100071 (the "Property") along with a fenced outdoor sales area to the east of the Store equal to or less than 15,000 square feet, an outdoor equipment display area immediately in front of the Store equal to or less than 3,200 square feet, and a 3,000 square foot permanent trailer and equipment display area as shown on the plan; and (2) the sales and services of vehicles and trailers (with major repair limited to a fully enclosed building) on the Property. Development and use of the Property shall be generally in accordance with and bound by the Master Plan entitled "Tractor Supply Company 19,000 S.F. Retail Norge Center", prepared by AES Consulting Engineers date stamped 9-20-10 (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. **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. 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.
3. **Shared Access Easement(s):** Prior to final site plan approval for the Store, the applicant shall demonstrate to the satisfaction of the County Attorney that shared access easement(s) have been obtained and recorded, as applicable, allowing vehicular access to the Property via the private roadways shown on the plan as the Shared Access Drive from Norge Lane and the Shared Entrance from Richmond Road.
4. **Low Impact Development:** If the site completely drains to the York River, Special Stormwater Criteria requirements will not apply. If it is determined by the Environmental Director that storm water is draining to the Yarmouth Creek because of the engineered drainage pattern, Special Stormwater Criteria will apply to the area which drains into the Yarmouth Creek. Low Impact Development ("LID") techniques shall be used such that the total extent of the LID on the Property shall achieve a minimum of two unit measures as defined by *Special Stormwater Criteria in James City County* (adopted December 14, 2004). The proposed LID techniques to be implemented

shall be approved by the Environmental Director prior to site plan approval. All approved LID techniques shall be constructed on the Property prior to the release of the posted erosion and sediment control surety.

5. **Architectural Review:** Prior to final site plan approval, the Director of Planning, or his designee, shall review and approve the final building elevations, architectural design, colors, and materials for the Store, each of which shall be consistent, as determined by the Director of Planning or his designee, with the architectural elevations titled "James City County Elevations" and dated November 18, 2010 submitted with this SUP application and prepared by Oxford Architecture.
6. **Fencing:** The fencing used to enclose the "Fenced Outdoor Sales Area" shall be vinyl-coated and shall be dark green or black in color and shall be reviewed and approved by the Director of Planning prior to final site plan approval.
7. **Dumpsters:** All dumpsters and heating and cooling units visible from any public street or adjoining property shall be screened with landscaping and/or fencing approved by the Director of Planning or his designee prior to final site plan approval.
8. **Outdoor Display Areas:** Vehicles, equipment, or garden materials for sale on the Property shall only be displayed in those areas specifically indicated on the Master Plan as "Permanent Trailer and Equipment Display Areas", "Permanent Sidewalk Display Area", or "Fenced Outdoor Sales Area".
9. **Commencement of Construction:** If construction has not commenced on this project within thirty-six (36) months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
10. **Severance Clause:** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Sarah Propst, Planner

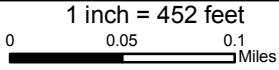
ATTACHMENTS:

1. Location Map
2. Community Impact Statement (CIS) includes the Off-Street Parking Waiver Request Letter, architectural elevations, and the binding masterplan

SUP-0026-2010, Tractor Supply Company, Norge Center



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**SPECIAL USE PERMIT CASE NO. SUP-0027-2010 Jamestown H.S. Auxiliary Gym
Staff Report for the December 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:
Board of Supervisors:

Building F Board Room; County Government Complex

December 1, 2010 7:00 PM
January 11, 2011 7:00 PM (tentative)

SUMMARY FACTS

Applicant: Alan Robertson, WJCC Schools

Land Owner: WJCC Public Schools

Proposal: Addition of a 6,500 SF auxiliary gymnasium and to bring the existing school into conformance with the Zoning Ordinance.

Location: 3751 John Tyler Highway

Tax Map/Parcel 4610100002d

Parcel Size 77 acres

Existing Zoning: PL, Public Land, with proffers

Comprehensive Plan: Federal, State, and County Land

Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds the proposal to be consistent with surrounding land uses and with the Comprehensive Plan Land Use Map designation. Staff recommends the Planning Commission recommend approval of the application with the conditions listed at the end of the report.

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

Luke Vinciguerra, Planner

Project Description

Mr. Alan Robertson of WJCC Public Schools has applied for a Special Use Permit (SUP) to allow for the construction of an approximately 6,500sf auxiliary gymnasium at Jamestown High School. The school did not require an SUP when it was originally constructed; however, the school site was rezoned to the Public Land in 2007, where schools are a specially permitted use. Though the school is a legally nonconforming use, an SUP is required for any expansion. This SUP would bring the entire school into conformance with the Zoning Ordinance and permit the construction of the proposed gymnasium.

The current school site and many of the adjacent properties were subject to a rezoning in 1986 to R-1, Limited Residential, with proffers. In 1991, the proffers were amended to permit the construction of a school as the original proffers were tailored to residential uses. These proffers are attached for reference but do not affect the issuance of an SUP for the proposed gym.

The proposed gym was in the original design for the school but was cut due to funding. The gym has been in and out of the schools Capital Improvement Program (CIP) and the County's CIP since the early 1990s. Since the need has been established, the gym is now in the County's CIP and the school is ready to begin construction.

The financing of the proposed gym has not been finalized. The Board of Supervisors (BOS) approved \$2.7 million in the FY 2010 CIP and is responsible for 92% of the cost (remainder will be paid by the City of Williamsburg). Should the BOS approve this application, WJCC schools and County staff will examine financing options ranging from a stimulus program offered by the Governor's office to obtaining financing from a local bank. The Purchasing Department would then put the project to bid.

PUBLIC IMPACTS

Environmental Impacts

Watershed: Powhatan Creek

Staff Comments: The Environmental Division has reviewed the proposed gymnasium exhibit and has determined that the proposal is subject to Special Stormwater Criteria which can be addressed during the site plan.

Public Utilities

Staff Comments: Public water and sewer are available to this property and will serve the addition. Should the proposed expansion be approved, an existing JCSA sewer line would be located only 8 feet from the side of the proposed auxiliary gym, which is inconsistent with JCSA standards that require sewer lines to be a minimum of 10 feet from a building foundation. The rationale for the 10' minimum standard is to ensure that if the pipe was ever in need of repair, removal of the pipe would not jeopardize the building foundation. The applicant has indicated that it is too costly to relocate the sewer line and has agreed to take over the segment of the line that is less than 10' away from the proposed structure, holding JCSA harmless should there be any structural damage as a result of line maintenance or repair. As the current sewer line already has an existing JCSA easement, the JCSA Board of Directors would need to abandon the portion of the easement that is located within 10 feet of the proposed gym. JCSA has indicated that this situation is relatively common and there are techniques that can be used to successfully remove/perform maintenance on a sewer line that is in close proximity to a foundation; nevertheless, JCSA regulations prohibit acceptance of a line with higher liability.

Transportation

Staff Comments: The proposed expansion would not result in an increase of traffic; no Traffic Impact Analysis is necessary and no traffic improvements are required.

Comprehensive Plan

Land Use Map

Designation	State, Federal, and County Land (Page 150): Publicly owned lands included in this category are Eastern State Hospital, military installations, County offices and facilities, and larger utility sites such as the Hampton Roads Sanitation District treatment plant.
	Staff Comment: The proposed expansion is consistent with the designation.
Development Standards	<i>Standard #4a-Page 141:</i> Permit new development only where such developments are compatible with the character of adjoining uses and where the impacts of such new developments can be adequately addressed. Particular attention should be given to addressing such impacts as incompatible development intensity and design, building height and scale, land uses, smoke, noise, dust odor, vibrations, light and traffic. <i>General Standard #6-Page 141:</i> Use open space design and resource protection measures for new developments by: maintaining open fields or farm lands, preserving scenic vistas, retaining natural vegetative buffers around water bodies or wetlands, ensuring that common land adjoins protected open space on adjacent parcels, maintain existing trees and vegetation and preserving the character of the developments natural setting. Emphasize the use of natural screening/buffering over artificial or planted screening/buffering.
	Staff Comment: At 77 acres, the school site is large enough that the existing building and the proposed expansion are located over 500 feet from the closest residential neighborhood. The proposed expansion would have a negligible impact on the total amount of open space, and the existing mature tree buffering around the perimeter of the property would not be affected.
Goals, strategies and actions	<i>Strategy #1-Page 153:</i> Promote the use of land in a manner harmonious with other land uses and the environment.
	Staff Comment: The proposed addition would not be out of proportion with the existing school facilities.

Public Facilities

Goals, strategies and actions	<i>Action #1.2 -Page 104:</i> Acquire land for, efficiently design, and construct new public facilities in a manner that facilitates future expansion and promotes that maximum utility of resources to meet future capacity needs. <i>Action #3.1-Page 105:</i> Development should occur concurrently with the adequacy and accessibility of existing facilities and phased in accordance with the provision of new facilities and services.
	Staff Comment: As it was the WJCC schools original intent to build an auxiliary gym, the school has been designed to accommodate this addition. As the demand for space has increased, WJCC schools finds the expansion necessary and compatible with best practices for public schools.

Comprehensive Plan Staff Comments

Given the existing buffer between the school and John Tyler Highway and surrounding residential neighborhoods, the addition would not be visible from the adjacent street or surrounding development. Staff cannot identify any negative impacts associated with the proposed project on the surrounding area or on County infrastructure. Staff finds the proposal to be consistent with the State, Federal and County land designation and with the adjacent residential neighborhoods.

RECOMMENDATION:

Staff finds the proposal to be consistent with surrounding land uses and with the Comprehensive Plan Land Use Map designation. Staff recommends the Planning Commission recommend approval of the application with the conditions listed below.

1. Gymnasium Exhibit: This Special Use Permit shall be valid for the existing public school, associated fields, trails, parking areas, accessory uses and the construction of an auxiliary gym located at 3751 John Tyler Highway and further identified as JCC Real Estate Tax Map 4610100002d (the "Property"). The auxiliary gymnasium shall be developed generally as shown on the exhibit drawn by MSA, PC entitled "Exhibit of Auxiliary Gymnasium Addition at Jamestown High School" and dated October 20, 20010 (the "Exhibit"), with only changes thereto that do not change the basic concept or character of the development.

2. Architecture: The auxiliary gymnasium and future additions/exterior renovations shall be consistent with the current façade color, building materials and architectural style as determined by the Planning Director. Architectural deviations may be approved by the Planning Director. Appeals of the Planning Director's decisions regarding architectural consistency shall be heard by the Development Review Committee (DRC).

3. Water Conservation: The Williamsburg-James City County School Board shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (the "JCSA") prior to final site plan approval. The standards shall include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought resistant native and other adopted low water use landscaping materials and warm season turf where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.

4. Commencement of Construction: If construction has not commenced on this project within thirty-six (36) months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.

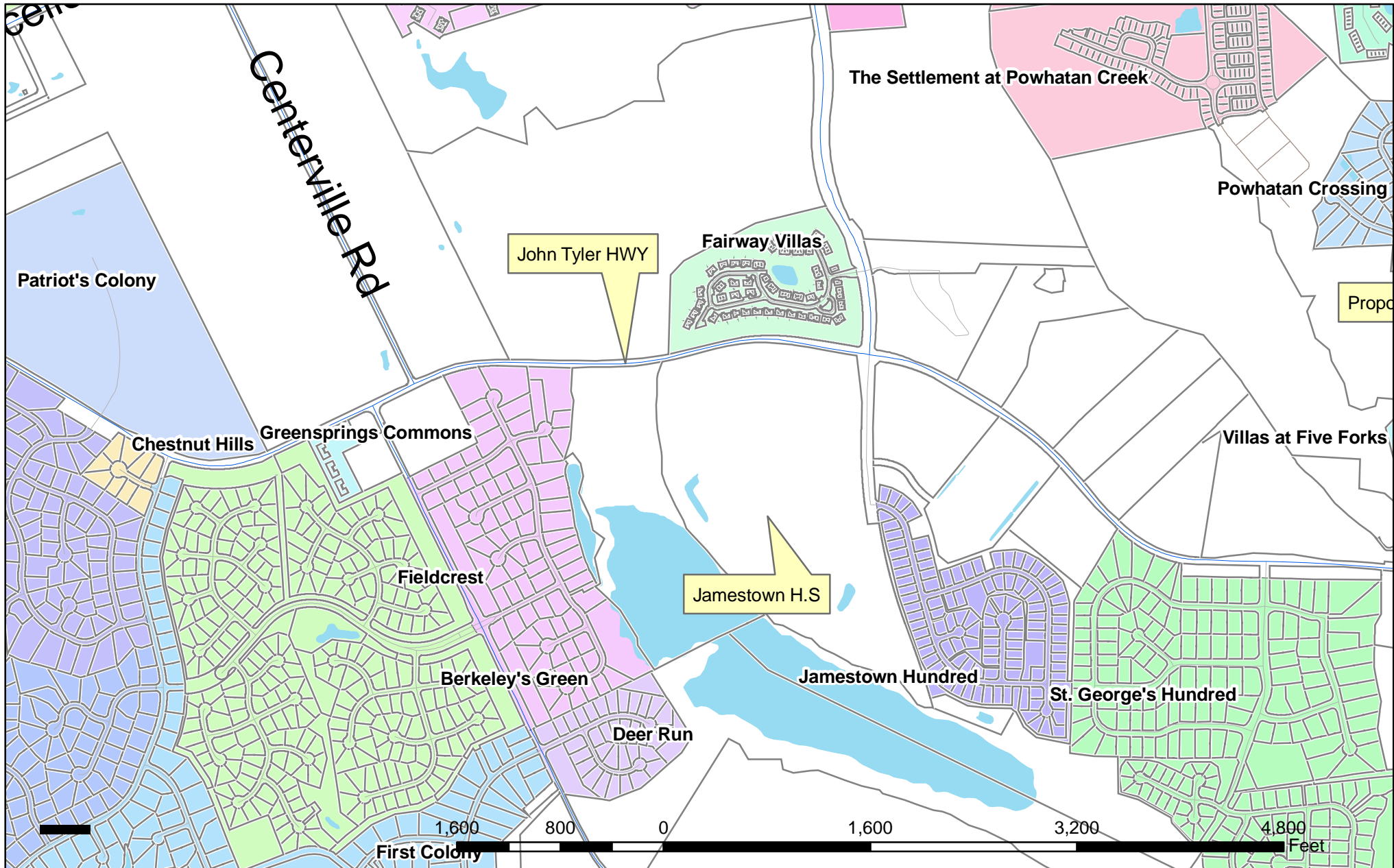
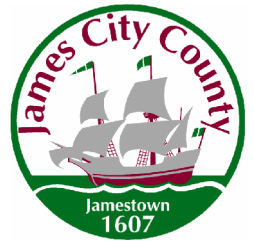
Severance Clause: This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Attachments:

1. Gymnasium Exhibit
2. Elevations
3. Location map
4. Diagram of High School
5. Existing Proffers

SUP-0027-2010

Jamestown H.S. Aux Gym



SUP-0027-2010

Jamestown H.S. Aux Gym



PLANNING DIRECTOR'S REPORT
December 2010

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

- **New Town.** At its November meeting the DRB approved several signs and a fence for one of the single-family houses in Section 7. The DRB also approved the site plan, signage, and elevations for a Martin's fuel station located in Section 11 between Old News Road and WindsorMeade Way subject to a few minor changes related to landscaping, sign lighting, and sidewalks. Finally, the DRB discussed developing guidelines to help merchants in their design of blade and sandwich board signs.
- **Comprehensive Plan.** Staff launched a new online Implementation Schedule for the 2009 Comprehensive Plan. The new program tracks the County's progress in meeting the goals, strategies, and actions (GSAs) and is now available to the public in an interactive format on the County's website – www.jccegov.com/comprehensiveplan. Users can sort the information in multiple ways and search for keywords. In addition to the opportunity to track GSA status, the online Implementation Schedule helps County staff develop work programs and link budget requests to the Comprehensive Plan. The Policy Committee also reviewed the first draft of the Planning Commission Annual Report at its meeting in November. The Annual Report will include updates on the status of implementing various GSAs.
- **Agricultural and Forestal Districts (AFDs).** The AFD Advisory Committee met in November to consider a request to add property to an existing AFD. The Committee recommended approval of adding 7 acres to the Croaker Road AFD.
- **Ordinance Update.** Public comments from each of the Planning Commission Forums is posted on www.jccplans.org/ordinances.html and an online survey has been set-up on the same site to continue receiving public input. Two Policy Committee Meetings were held in November to go over a status update on the ordinance review and the Economic Opportunity district. The next Policy Committee meetings are scheduled for December 13 at 6 p.m. to conclude Economic Opportunity discussions and December 16 at 6 p.m. to get updates on wireless communications facilities and transfer of development rights. A work session with the Board of Supervisors is also scheduled for December 14 from 4-6 p.m. in the Building F work session room to meet with consultants hired to conduct the transfer of development rights feasibility study. Members of the Commission are invited to attend and the work session will also be televised.
- **Capital Improvements Program (CIP).** The Policy Committee will hold meetings on December 13 and 16 at 6 p.m. to evaluate revisions to the FY2012 CIP. There are a small number of applications and revisions since this is an exception year in the two-year budget cycle.
- **Monthly Case Report.** For a list of all cases received in the last month, please see the attached document.
- **Board Action Results** – November 9th and 23rd
 - SUP-0024-2009 Hospice House Wireless Comm Facility – Deferred until December 14, 2010
 - SUP-0018-2010 American Heritage RV Park Expansion
 - SUP-0020-2010 Diamond Healthcare of Williamsburg SUP Amendment- Approved 5-0
 - SUP-0022-2010 Charlie's Antiques- Approved 5-0
 - SUP-0023-2010 Cranstons Mill Pond Dam Repair-Approved 5-0
 - SUP-0024-2010 Pierce Family Subdivision – Approved 5-0
 - AFD-5-86-2-2010 Racefield Property Barnes Swamp AFD Addition – Approved 5-0

Allen J. Murphy, Jr.

New Case Report for November

Case Type	Case Number	Case Title	Address	Description	Planner	District
Agricultural Forestry District	AFD-02-86-03-2010	Croaker AFD Addition - Wenger Farms	4474 WARE CREEK ROAD	Adding 7 acre Wenger Farms property to the Croaker AFD	Jose Ribeiro	Stonehouse
	AFD-09-86-4-2010	Centerville Rd - Gordon Creek AFD Addition	4130 CENTERVILLE RD	Add property to the AFD	Luke Vinciguerra	Berkeley
	AFD-11-86-2-2010	Jolly Pond Road - Yarmouth Island AFD Addition	1975 JOLLY POND ROAD	Add property to the AFD	Luke Vinciguerra	Powhatan
Site Plan	SP-0096-2010	Signal Modification and Crosswalk Plan, Warhill H.S. SP Amend.	4601 OPPORTUNITY WAY	Add pedestrian crossings and signals to the intersection of Centerville Road and Opportunity Way, and add a pedestrian crossing to the intersection of Opportunity Way and Stadium Way	Sarah Propst	Powhatan
	SP-0097-2010	Hornsby M.S. Light Removal SP Amend.	800 JOLLY POND RD	Remove light pole in center island of the bus parking loop	Leanne Reidenbach	Powhatan
	SP-0098-2010	Old News Road Roadway Improvements		Roadway improvements to widen the existing travel lanes and provide shoulders and minor drainage	Jason Purse	
	SP-0099-2010	Oinkers Fast Food Restaurant	8953 POCAHONTAS TR	Constructing a fast food barbeque restaurant with drive-in and convenience store	Sarah Propst	Roberts

Site Plan	SP-0100-2010	Ingram Road Tower, Pegasus Tower Company	108 INGRAM ROAD	Site Plan for a wireless communications facility to be located at 108 Ingram Road	Jose Ribeiro	Berkeley
	SP-0101-2010	Mounts Bay Road Verizon Wireless Tower, SP Amend.	101 MOUNTS BAY ROAD	Replacement and upgrade of Alltel equipment with Verizon equipment as a result of merger between	Kathryn Sipes	Roberts
	SP-0102-2010	Zaxby's Chicken Lighting SP Amend.	5295 John Tyler Hwy	Amendment to adjust locations and types of pole-mounted lighting	Jose Ribeiro	Jamestown
	SP-0103-2010	James River E.S. SP Amendment Install Hot Box	8901 POCAHONTAS TR	Install "hot-box" on private waterline piping about ground enclosure	Terry Costello	Roberts
	SP-0104-2010	Kensington School SP Amendment	3900 JOHN TYLER HWY	Construct fire line and two playgrounds	Luke Vinciguerra	Berkeley
	SP-0105-2010	Ford's Colony Marriott Manor Club Parking Expansion	END OF ST ANDREW'S DRIVE	Adding 31 parking spaces and related stormwater management facilities	Leanne Reidenbach	Powhatan
	SP-0106-2010	Owens-Illinois Glass Plant - Bldg Additions	150 INDUSTRIAL BLVD	Plan is for a 5000 sf storage addition with access road, and a 10000 sf warehouse	Jason Purse	Stonehouse
	SP-0107-2010	Busch Gardens Christmas Market Shed SP Amend.	7851 POCAHONTAS TR	Temporarily install 12 10x10 wood-framed merchandise sheds in front of Festhaus area. Sheds to support	Terry Costello	Roberts

Subdivision	S-0049-2010	Cranston's Mill Pond Dam BLE	6750 CRANSTON'S MILL POND RD	Boundary line extinguishment between Cranston's Mill Pond Parcel B and Parcel C. Boundary line adjustment between Parcel B and Parcel A.	Jose Ribeiro	Stonehouse
	S-0050-2010	Candle Development/Poplar Creek Subdivision	7505 RICHMOND ROAD	A boundary line adjustment between two parcels with common ownership. The same subdivision had previously been approved but not recorded.	Chris Johnson	Stonehouse
	S-0051-2010	Jones, Herndon-Jenkins Drive	101 HERNDON- JENKINS	Dividing Jones parcel into two lots - one fronting Rt. 60, another accessing Herndon-Jenkins Drive	Sarah Propst	Powhatan