

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
JANUARY 5, 2011 - 7:00 p.m.

1. ROLL CALL
2. PUBLIC COMMENT
3. MINUTES
 - A. December 1, 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-0002-2010 / MP-0001-2010 /SUP-0029-2010 The Williamsburg Pottery
 - B. AFD-2-86-2-2010 Hankins Property Croaker AFD Addition
 - C. SUP-0028-2010 / HW-0004-2010 Busch Gardens – New Attraction Oktoberfest
 - D. AFD-11-86-3-2010 Shields Point – Yarmouth Island AFD Addition
 - E. AFD-11-86-2-2010 Jolly Pond Road – Yarmouth Island AFD Addition
 - F. AFD-9-86-4-2010 Centerville Road – Gordon Creek AFD Addition
6. PLANNING DIRECTOR’S REPORT
7. COMMISSION DISCUSSIONS AND REQUESTS
8. ADJOURNMENT

SPEAKER'S POLICY

The Commission encourages public participation, but also wants to remind speakers to use decorum when speaking during the public comment or during public hearings.

Please keep in mind the following when speaking:

1. Courtesy between the speaker and the audience is expected at all times.
2. Speakers shall refrain from obscenity, vulgarity, profanity, cursing, or swearing.
3. Every petition, communication, or address to the Commission shall be in respectful language and is encouraged to be submitted in writing.
4. Public comments should be for the purposes of allowing members of the public to present planning or land use related matters, which, in their opinion, deserve attention of the Commission.
5. The public comment period shall not serve as a forum for debate with staff or the Commission.
6. Citizens should refrain from using words or statements, which from their usual construction and common acceptance are orchestrated as insults, personal attacks, or a breach of peace.
7. The public comment section at the beginning of meetings are provided as a courtesy by the Planning Commission for citizens to address the Commission regarding items not scheduled for public hearing. These public comment sections are not required by law.

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

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

Staff Present:

Allen Murphy, Director of Planning/
Assistant Development Manager
Adam Kinsman, Deputy County Attorney
Bill Cain, Chief Civil Engineer
Jose Ribeiro, Senior Planner
Sarah Propst, Planner
Luke Vinciguerra, Planner
Brian Elmore, Development Management Assistant

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

2. PUBLIC COMMENT

Mr. Peck opened the public comment period.

Mr. Peck closed the public comment period.

3. MINUTES – NOVEMBER 3, 2010

Mr. Joe Poole moved for approval of the minutes.

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

4. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee (DRC)

There was no DRC meeting in November.

B. Policy Committee Report

Mr. Jack Fraley stated the Policy Committee met twice in November, discussing the status of the Comprehensive Plan update, the Planning Commission Annual Report and the proposed Economic Opportunity ordinance. He stated the ordinance review process is proceeding on schedule. The Annual Report will include more graphics and include the status of higher priority items in the Comprehensive Plan. Based on Committee guidance, staff will construct Economic Opportunity ordinance language. At the December 13th Policy meeting, the Committee will discuss Capital Improvement Program projects. At the December 16th meeting,

the Committee will discuss the Annual Report update, the wireless communication facility ordinance, the transfer of development rights feasibility study, and CIP projects if needed.

C. Other Committee/Commission Reports

There were no other reports.

5. PUBLIC HEARING CASES

A. Z-0002-2009/MP-0002-2009. Governor's Grove, Section 3

Mr. Peck stated that the applicant has asked for an indefinite deferral. He asked if any Commissioners objected to the deferral.

Mr. Peck deferred the case indefinitely.

B. AFD-2-86-3-2010. Wenger Farms, Croaker AFD Addition

Mr. Jose Ribeiro stated Mr. Anderson Bradshaw, on behalf of Wenger Farms, LLC, has applied to add the 7-acre parcel at 4474 Ware Creek Road to the Croaker Agricultural and Forestal District (AFD). The parcel is zoned A-1, General Agricultural, and will be subject to the same conditions as other Croaker AFD properties. The AFD Committee and staff both recommend approval of the addition.

Mr. Peck opened the public hearing.

Mr. Peck closed the public hearing.

Mr. Poole moved to recommend approval.

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

C. SUP-0025-2010. Colonial Towne Plaza Shopping Center Flea Market

Ms. Sarah Propst stated Mr. Timothy Trant has applied for a special use permit to allow the operation of a weekend flea market at 6925 Richmond Road. The property is zoned B-1, General Business. The permit will not require any construction. Condition #3 requires the applicant to replace any missing shrubs from the existing hedgerow along Richmond Road. Staff recommends approval of the flea market with attached conditions.

Mr. Tim O'Connor asked if the Condition #2 language could be amended to allow vendors to continue parking on the grass.

Ms. Propst stated that staff can change the condition to meet the current use.

Mr. Poole asked about the differences between the application and the previously submitted Colonial Towne Plaza flea market application.

Ms. Propst stated the current application requests fewer vendor spaces.

Mr. Peck opened the public hearing.

Mr. Timothy Trant, representing the Jones family, the flea market operators, stated the flea market has been ongoing for years, although the previous SUP expired. The operator has been unable to attract the 75 vendors proposed by the previous application so the current proposal has a more realistic growth estimate. The flea market represents a good, rural, community use for the Community Commercial designated property until a more intense development occurs. The applicant wants an eight-year sunset clause and to continue allowing vendor parking on the grass.

Mr. Fraley asked about the lengthy sunset clause.

Mr. Trant stated he felt the staff recommended four-year sunset clause was too short and would mean additional costly SUP renewals.

Ms. Propst stated there is no standard term for a SUP. She stated staff felt a four-year clause was appropriate to periodically evaluate the best use for the property.

Mr. Fraley asked what would happen if a higher use for the property presented itself during the SUP term.

Mr. Allen Murphy stated the market would stimulate the property owner to change the property's use. He stated he did think there was an SUP with a similar term. The SUP term was crafted to reflect the proposed use and applicant wishes.

Mr. Trant stated the operator has a contract terminating the lease if the parcel is sold.

Mr. Peck closed the public hearing.

Mr. Fraley stated he was concerned with the length of the applicant's renewal term request.

Mr. Adam Kinsman stated the law looks down on sunset clauses as SUP conditions. He stated sunset clauses are typically applied to temporary uses and residential child care. The cost to the applicant for an SUP renewal should also be considered.

Mr. Poole stated the application was for a complimentary use of the property with no physical impact. He stated he was prepared to support the application with revised parking language.

Mr. Kinsman stated the condition would now read 'no customer parking.'

Mr. Poole moved to recommend approval with the amended parking condition.

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

D. SUP-0026-2010. Tractor Supply Company at Norge Center

Ms. Propst stated that Keith Beuley, of the Keith Corporation, has applied for a special use permit to construct a 19,000 square foot farm supply store with vehicle and trailer sales at 7508 Richmond Road. The property is zoned B-1, General Business. The applicant has also applied for a parking waiver. Staff recommends approval of the SUP with conditions as well as the parking waiver. Staff also recommends amending Condition #1 language from 'farm' to 'agricultural or landscape' and 'utility trailers' to 'landscape, open, or enclosed utility trailers.'

Mr. Peck opened the public hearing.

Mr. Fraley asked if the applicant would be willing to consider decorative fencing along Richmond Road.

Ms. Beth Livingston, representing the Keith Corporation, stated the fencing along the road would be black or dark green.

Mr. Fraley stated there had been recent stormwater systems failing despite professional design and County review. He stated that the Commission's only opportunity to review the stormwater system was at the master plan level. There are no pre-treatment facilities for the basin on the master plan. He asked if the stormwater engineer had considered using the area under the parking lot.

Mr. Marc Bennett, AES Consulting Engineers, stated that infiltration and storage under the parking lot were both considered for the site. He stated storage under the pavement is more expensive than the proposed surface-mounted features.

Mr. Fraley asked if the design was cheaper and more efficient.

Mr. Bennett stated that was correct.

Mr. Fraley asked how the design would ensure the use of pre-treatment techniques and handle outflows.

Mr. Bennett stated the design received feedback from the County's Environmental Division. He stated staff recommended fewer pipes and inlets. Pre-treatment is desirable. Due to the highly permeable soils onsite, most stormwater will be totally infiltrated. A grass swale is planned to remove heavier sediments and trash accumulated on the pavement before it can dump into the pond. On the eastern edge of the property, slope will lead to a French drain network

which will keep trash out of the basin. A forebay serves the northeast section of the property. The facilities will have a long life-span. An oversize riser structure will handle large storm events.

Mr. Fraley stated he had concerns with the piping being able to accommodate a special storm event.

Mr. Bennett stated the soils were unusually permeable. He stated the system's key is maintaining soil profiles. There is a greater risk of a maintenance failure than a blow-out.

Mr. Fraley asked who was responsible for the stormwater system maintenance.

Mr. Bennett stated the property owner was responsible.

Mr. Fraley asked if Environmental staff was concerned with the system's capacity to handle a major storm event.

Mr. Bill Cain stated he was not concerned. He stated Mr. Bennett was experienced in designing stormwater systems.

Mr. Peck opened the public hearing.

Mr. John Fleet, co-owner of James River Fleet Brothers at 7761 Richmond Road, stated he was concerned with the Tractor Supply Company's store's effect on three local farming and agricultural supply businesses. He stated he was concerned with competition, job losses, loss of community character, aesthetics, and inconsistent regulations for his SUP and Tractor Supply Company's. He asked the Commission to delay their vote until he can determine local impacts.

Mr. Fraley stated the Tractor Supply Company would be 550 feet from Richmond Road and therefore not subject to Community Character Corridor requirements.

Mr. Fraley moved to recommend approval of the SUP with amendments to Condition #1 language and Condition #4 fencing and approval of the parking waiver.

Mr. Kinsman stated the amended Condition #4 would read '...the fencing used to enclose the 'fenced' outdoor sales area shall be vinyl coated and shall be dark green or black in color and all fencing facing Rt. 60 shall be constructed of aluminum or similar material. All fencing shall be reviewed and approved by the Director of Planning prior to final site plan approval.'

Mr. Poole stated the fencing should all be single color.

Mr. Kinsman stated the condition language would now read 'all fencing facing Rt. 60 shall be dark green or black in color and shall be constructed of aluminum...'

Mr. Rich Krapf stated that that Commission's role is to make land use recommendations. He stated it was not within the Commission's purview to examine business decisions.

Mr. Poole stated he supported the application due to its distance from the Community Character Corridor, the neighboring large retailer, its zoning, and its designation. He stated it was not within the Commission's purview to keep out a national retailer. He appreciated the applicant working to improve several design features to better fit the Norge area.

Mr. Mike Maddocks stated the Commission's role was to review land use and not competition. He stated he was prepared to recommend approval.

In a unanimous voice vote, the Commission recommended approval (7-0).

E. SUP-0027-2010. Jamestown High School Auxiliary Gymnasium

Mr. Luke Vinciguerra stated that Mr. Alan Robertson, representing Williamsburg-James City County (WJCC) Schools, has applied for a special use permit to construct an auxiliary gym at Jamestown High School. He further stated that staff recommends approval of the application with attached conditions which would permit the addition of the gym and put the school as a whole into conformance with the Zoning Ordinance.

Mr. Peck opened the public hearing.

Mr. Peck closed the public hearing.

Mr. Fraley moved to recommend approval.

Mr. Al Woods asked about potential damage to the foundation from the sewer pipe.

Mr. Vinciguerra stated the proposed expansion would come within 8 feet of an existing sewer line. He stated that the James City Service Authority (JCSA) regulations require a 10 foot setback. The sewer line would be placed over a JCSA easement, which would cause the easement to be abandoned. WJCC would assume responsibility for any maintenance and repair of the sewer line. JCSA is unwilling to assume responsibility of encroaching into the setback.

Mr. Alan Robertson stated that based on his discussions with JCSA, he did not believe the issues caused by the sewer line's proximity to be insurmountable. He stated that based on current techniques, no problems were expected.

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

8. PLANNING DIRECTOR'S REPORT

Mr. Murphy stated he had no additional comments.

9. COMMISSION DISCUSSIONS AND REQUESTS

Mr. Peck asked Mr. Murphy to discuss the new features on the County's website.

Mr. Murphy stated the website now includes the capability to search Comprehensive Plan goals, strategies, and actions by keywords, priority, and implementation timeframe. The website can be found at www.jccegov.com/comprehensiveplan.

Mr. Murphy stated the Board of Supervisors work session on December 14th to discuss the transfer of development rights program is not a joint work session with the Planning Commission.

10. ADJOURNMENT

Mr. Krapf moved to adjourn the meeting.

The meeting was adjourned at 8:05 p.m.

Reese Peck, Chairman

Allen J. Murphy, Secretary

REZONING-0002-2010, SPECIAL USE PERMIT-0029-2010, MASTER PLAN-0001-2010.

The Williamsburg Pottery

Staff Report for the January 5, 2011, 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

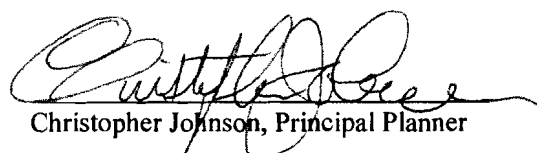
Planning Commission:	January 5, 2011 (staff deferral)	7:00 p.m.
	February 2, 2011	7:00 p.m.
Board of Supervisors:	February 22, 2011 (tentative)	7:00 p.m.

SUMMARY FACTS

Applicant:	Vernon M. Geddy, III	
Land Owner:	The Williamsburg Pottery Factory, Inc.	
Proposal:	Amend the master plan and proffers to relocate one of the two main signalized entrances into the project and reconfigure associated traffic improvements and increase the permitted square footage from 161,000 to 188,000 s.f.	
Location:	6692 Richmond Road	
Tax Map/Parcel Nos.:	2430100024	
Parcel Size:	18.78 acres	
Existing Zoning:	M-1, Limited Business Industrial, with proffers	
Proposed Zoning:	M-1, Limited Business Industrial, with amended proffers	
Comprehensive Plan:	Mixed-Use	
Primary Service Area:	Inside	
Staff Contact:	Christopher Johnson	Phone: 253-6690

STAFF RECOMMENDATION

Staff has not received comments or a recommendation on the proposed amendments to the master plan and proffers from the Virginia Department of Transportation (VDOT) as of the writing of this report. The applicant has kept staff apprised of ongoing discussions and meetings with VDOT officials and anticipates receiving comments and a recommendation within the next two weeks. Given the absence of VDOT comments and given the main purpose of the applications is to relocate a signalized intersection and amend associated traffic improvements, staff is recommending that this project be deferred to the February 2, 2011 Planning Commission meeting.


Christopher Johnson, Principal Planner

APPROVED MINUTES OF THE AGRICULTURAL AND FORESTAL ADVISORY COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 23rd DAY OF SEPTEMBER, 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. Harcum
Mr. Richardson
Ms. Smith
Mr. Icenhour
Mr. Abbott
Ms. Garrett
Mr. Hitchens

Also Present

Mr. Purse (Planning)
Ms. Terry Costello (Planning)

Absent

Mr. Bradshaw
Mr. Ford

2. New Business:

Approval of the August 23, 2010 Meeting Minutes

Mr. Abbott moved for approval of the minutes with a second from Mr. Hitchens. The Committee unanimously approved.

AFD Addition – Hankins Property Croaker AFD Addition

Mr. Purse stated that staff continues to recommend denial because the properties were rezoned and there is an approved master plan associated with it.

Mr. Hitchens stated he thought the applicant wanted to down zone the property.

Mr. Purse stated that the applicant discussed it but that they wanted to retain the zoning on the properties as there are currently commercial operations (stock piling and mining) on the site. They did have plans to have part of the property farmed, but that would not require a down zoning.

Ms. Garrett asked Mr. Purse if he met with the applicant.

Mr. Purse stated that he had met with Mr. Hankins, the applicant, and he was comfortable with the areas excluded from the addition. The applicant stated that extending water and sewer at this point would be cost prohibitive, but they wanted to retain the development rights under the existing zoning. He stated that there were stock piling and mining operations, but those areas had been excluded from the AFD addition request.

Ms. Garrett stated she was uncomfortable approving the addition with these commercial uses taking place. Even if the areas were excluded from the AFD they were still taking place on the property and the parcels did not meet the criteria of preserving agricultural and forestal land.

Mr. Abbott moved to recommend denial of the application, with a second from Mr. Hitchens.

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

Racefield Property Barnes Swamp AFD Addition

Mr. Purse stated that this application is to add 121 acres with encompasses two parcels, five acres are being farmed with the rest wooded. He stated that all of the uses qualify to be added to the AFD. Staff recommends approval of this addition.

Mr. Hitchens moved to approve the application, with a second from Mr. Abbott.

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

AFD Committee Organization Business – ByLaws

Ms. Garrett initiated a discussion on the original resolution that created the AFD Committee, who the Committee should be comprised of and term limits if any. It was suggested to have the County Attorney's office provide clarification as to requirements for an individual to be on the AFD Committee. It was also suggested that maybe some clarification could also be provided as to what kind of flexibility the committee has.

Mr. Hitchens suggested that one requirement might be that one or two members of the AFD Committee have land in an AFD.

Mr. Purse stated that it has been suggested that the members have six year staggered term limits.

Mr. Purse stated that staff will discuss this with the County Attorney's office.

Mr. Purse also stated that Mr. McDonald, of FMS, will be making recommendations to the AFD withdrawal policy. He will recommend that there be one withdrawal policy.

Mr. Abbott moved for adjournment, with a second from Mr. Hitchens.

The meeting was adjourned at 4:30 p.m.

Ms. Loretta Garrett, Chair

Jason Purse, Senior Planner

**Agricultural and Forestal District 2-86-2-2010. Hankins Property, Croaker AFD Addition
Staff Report for January 5, 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

	<u>Building F Board Room; County Government Complex</u>	
AFD Advisory:	September 23, 2010	4:00 p.m.
Planning Commission:	October 6, 2010 (deferred)	7:00 p.m.
	January 5, 2010	7:00 p.m.
Board of Supervisors:	February 8, 2010	7:00 p.m. (tentative)

SUMMARY FACTS

Applicant:	George Hankins
Land Owner:	Hankins Land Trust 1, 2, 3
Location:	8196 and 8220 Croaker
Tax Map/Parcel No.:	1430100039 and 1430100040
Primary Service Area:	Inside
Parcel Size:	234.6 acres are proposed for enrollment out of a total acreage of 264.769
Existing Zoning:	M-1, Limited Business/Industrial and A-1, General Agricultural
Comprehensive Plan:	Mixed-Use (Croaker Interchange, southeast quadrant)
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:

Since the property received approval of Rezoning and Master Plan applications in December 1991 (Case No. Z-0012-1990, Old Dominion French Winery), development could occur under certain circumstances. With the constraints and control imposed on the property by the master plan, there is no apparent general public interest for putting the properties 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 Croaker 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 Croaker AFD subject to the attached conditions.

On September 23, 2010, the Agricultural and Forestal District Advisory Committee voted 7-0 to recommend denial of this application.

Proposed Changes Made Since the October 6, 2010 Planning Commission Meeting

At the October 6, 2010 Planning Commission meeting, the applicant stated that he would be willing to consider a possible down zoning of the proposed properties. Since that time, staff has informed the applicant of the process for filing a rezoning application and of the associated fees. However, no application has been filed to this point.

Project Description

Mr. George Hankins, representing Hankins Land Trust 1, 2, 3, wishes to enroll portions of two properties into the Croaker AFD. These properties total approximately 264.769 acres of land fronting on and near Croaker Road. However, because there are currently non-qualifying non-agricultural uses on these sites, only 234.6 acres is being proposed for enrollment. Before the 1430100040 property was subdivided it was enrolled in the original Croaker AFD in 1986. In 1989, as a part of the master planned development for the Old Dominion French Winery property, 421.773 acres was removed from the AFD. The Kiskiack Golf Club has been developed on portions of that property, and a majority of the property has been rezoned to M-1, Limited Business/Industrial and R-5, Multi-family residential, but has yet to be fully developed. The applicant wishes to re-enroll the remainder of the undeveloped property into the Croaker AFD.

Parcel 1430100039 is partially agricultural, partially wooded and RPA, and also contains an active borrow pit under state permit and a soil stockpile area on the rear quarter of the property. Parcel 1430100040 consists of an agricultural area along the frontage of Croaker Road, in front of the existing Kiskiack Golf Clubhouse. The rear of the property contains multiple wooded areas, agricultural areas, as well as areas for staging of commercial equipment, concrete spoils areas, woody debris stockpiles, soil stockpiles, and a construction business lay-down area with piles of exposed materials and unused/broken down equipment. Because of the variety of uses on the site, not all of the property would qualify for Agricultural and Forestal District status or for Land Use taxation, and those portions of land have been excluded from the land to be enrolled in the AFD.

Surrounding Land Uses and Development

The Kiskiack Golf Course is the main feature surrounding the immediate adjacent properties. However, a number of properties to the east and south are currently enrolled in the Croaker AFD and appear to be primarily wooded in nature.

Comprehensive Plan

The Comprehensive Plan designates this parcel as Mixed-Use. The description for land in this area includes the following language:

For lands within the southeast quadrant of the Croaker Road and I-64 interchange, the principal suggested uses include light manufacturing and office. Secondary uses shall only be permitted where they do not preclude the development of the principal uses. Commercial and limited residential development that complements the principal uses may be considered as secondary uses provided they require significantly smaller portions of land area than the primary uses; are master planned and developed commensurate with an appropriate level of primary uses; are integrated with the primary uses as a interconnected mixed use community as intended in the Comprehensive Plan rather than separate developments; do not significantly diminish the ability of the primary uses to meet level of service standards, particularly for road and interchange capacity; and support the overall quality of economic development expected in this area. Commercial and limited residential

development shall be located away from the immediate interchange area. In particular, residential development shall be limited to the area zoned R-5, Multifamily Residential, as of May 5, 2003, and to the portions of the site fronting Croaker Road and in the area between the existing Golf Clubhouse and along the length of the lake to the dam.

The Comprehensive Plan description proposes a much more intense development of the area than would be permitted within an Agricultural and Forestal District. A rezoning has already been approved for a majority of the parcels that would allow for both multi-family residential and industrial development.

Analysis

The proposed addition meets the minimum area and proximity requirements for inclusion into an AFD, but does not qualify for inclusion given the existing zoning and master plan for the property.

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. However, in this instance, the development plan for the property has already been established. Placing this tract of land in an AFD, with the constraints of the master plan, does not serve as a valuable tool for the County any longer.

The existing Croaker AFD contains 1,075.87 acres. If the 234.6-acre addition is approved, the District will contain 1,310.47 acres. 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.
2. Land within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing The Withdrawals of Property From Agricultural and Forestal Districts (AFDs), adopted September 28, 2010, 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.

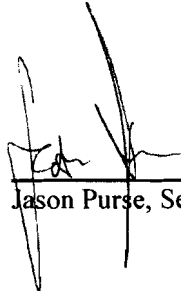
RECOMMENDATION:

Since the property received approval of Rezoning and Master Plan applications in December 1991 (Case No. Z-0012-1990, Old Dominion French Winery), development could occur under certain circumstances. With the constraints and control imposed on the property by the master plan, there is no apparent general public interest for putting the properties 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 Croaker AFD to the Board of Supervisors. On

September 23, 2010, the Agricultural and Forestal District Advisory Committee voted 7-0 to recommend denial of this application.

However, if the Commission wishes to recommend approval of this application, staff recommends the parcel be included in the Croaker AFD 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 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.



Jason Purse, Senior Planner

Attachments:

1. Location Map
2. Approved minutes from the September 23, 2010 AFD Advisory Committee meeting

**SPECIAL USE PERMIT-0028-2010 / HEIGHT WAIVER-0004-2010. BUSCH GARDENS NEW
ATTRACTION - OKTOBERFEST**
Staff Report for the January 5, 2011 Planning Commission Meeting

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 HEARING

Planning Commission:
Board of Supervisors:

Building F Board Room; County Government Complex

January 5, 2011 7:00 p.m.
February 8, 2011 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant: Mr. Ronnie Orsborne, VHB - LandMark

Land Owner: SeaWorld Parks and Entertainment, LLC doing business as Busch Gardens
Williamsburg

Proposal: To construct a new attraction comprising an approximately 26,100 square foot
event building and locker room addition and reaching no more than 95 feet
above existing grade in multiple locations.

Location: 7851 Pocahontas Trail, Roberts District (inside Busch Gardens Theme Park)

Tax Map / Parcel Nos.: 5140100009

Parcel Size: Project will affect approximately 9 acres of a 383 acre parcel

Existing Zoning: M-1, Limited Business/Industrial

Proposed Zoning: (No change in zoning proposed.)

Comprehensive Plan: Limited Industry

Primary Service Area: Inside

Staff Contact: Leanne Reidenbach Phone: 253-6685

STAFF RECOMMENDATION

Given the location of the proposed attraction, there will be no visual impacts and limited noise impacts outside the theme park. Staff finds the proposal consistent with surrounding zoning and development and consistent with the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of this special use permit application to the Board of Supervisors with the included conditions. The Board of Supervisors will also jointly consider the height waiver portion of this application, though information about this waiver has also been included with this staff report.

PROJECT DESCRIPTION

Mr. Ronnie Orsborne of VHB – LandMark has applied for a special use permit to construct a new attraction with an approximately 26,100 square foot building and separate locker room addition. A height limitation waiver has

also been requested for parts of the attraction that will not exceed 95 feet above grade.

The attraction is proposed for where the Big Bad Wolf roller coaster was recently removed. The site is already at a lower elevation than much of the surrounding park and the applicant proposes additional grading that further reduces the potential visual impacts of the attraction from surrounding areas. The attraction is proposed to exceed the sixty-foot height limitation imposed by the M-1 Zoning District, reaching no more than 95 feet above existing grade (measured at 55 feet above sea level) at its highest point.

Given that this area of the theme park is on the same side as the Kingsmill residential area, staff recommended that the applicant conduct some analysis of the noise levels that could potentially be generated by the proposed attraction. Based on preliminary analysis, consideration that a majority of the attraction will be located within the event building, and the lower elevation of the site as a whole, noise generated at this site should be less than the noise generated by the previous attraction.

The applicant also held a community meeting on December 28th to discuss the proposal with Kingsmill residents. The primary concern was with the potential for noise generation from the attraction. The applicant presented the results of a noise study conducted by a third party consultant. The study was based on average guest sounds on thrill rides in Busch Gardens and noise levels were measured at Harrops Glen and Pierces Court, off of Wareham's Pond Road. Results indicated that the noise would not exceed 52 decibels at its highest. As a point of reference, conversational speech, on average, is about 60 decibels. Additionally, most action portions of the attraction will be located within the event building, further dampening any resulting noise. Meeting attendees did not have any other concerns or complaints.

SURROUNDING ZONING AND DEVELOPMENT ANALYSIS

To the west and southwest of Busch Gardens is Kingsmill, a residential subdivision zoned R-4, Residential Planned Community, and Carter's Grove County Road, also owned by Busch Properties. To the north of the theme park is the Anheuser-Busch Brewery on land zoned M-2, General Industrial. To the northeast of the park are the Route 60 and Route 143 roadways, sections of rail line owned by CSX Railroad, and the Williamsburg Country Club and Golf Course. To the east and southeast of the theme park is Grove, which contains residentially zoned properties. Given surrounding development and no visibility of the attraction outside of the theme park boundaries, the proposal within the existing theme park is compatible with surrounding land uses.

HEIGHT WAIVER

As noted earlier, Mr. Orsborne has also applied to the Board of Supervisors for a Height Waiver, which is scheduled to be heard jointly with the special use permit at the February 8, 2011 Board of Supervisors meeting. On property zoned M-1, structures may be constructed, by right, up to sixty feet in height above grade. If structures are to exceed sixty feet in height, they must first be authorized by the Board with the issuance of a Height Limitation Waiver (Height Waiver). The applicant has asked for a 35 foot waiver to the height requirements, which could result in portions of the event building and attraction reaching 95 feet above existing grade (or about 150 feet above sea level).

Projected sight lines, as depicted on "Busch Gardens Oktoberfest Attraction Expansion: Height Waiver Sight Lines," show that the proposed attraction has no visual impact on motorists or pedestrians on roadways in the vicinity of Busch Gardens and residents of Kingsmill. The attraction would be located more than 2,400 feet from Route 60 and more than 1,700 feet from the nearest resident in Kingsmill. Additionally, Exhibit EX-3 visually demonstrates that the proposed roof peak of the event building is proposed to be lower than the existing Festhaus building and that the proposed themed bridge is only anticipated to be 10 feet higher than the height of the old Big Bad Wolf coaster.

The applicant conducted a height simulation test on December 8, 2010 by flying two balloons at each of the points

where the attraction is expected to be at its highest (the themed bridge and the event building) to help evaluate potential visual impacts. The balloons were only visible within the Busch Gardens theme park and could not be seen from any adjacent roads or neighborhoods.

HEIGHT WAIVER ANALYSIS

Section 24-419(a) of the James City County Zoning Ordinance states that structures in excess of 60 feet in height may be erected only upon the granting of a height limitation waiver by the Board of Supervisors and upon finding:

1. Additional setbacks have been provided; however, the Board may waive additional setbacks for structures in excess of 60 feet;

Staff comment: The proposed attraction is located more than 800 feet from the nearest property line, which is well in excess of what is required by the Zoning Ordinance.

2. Such structure will not obstruct light from adjacent property;

Staff comment: Given the distances to the Busch Gardens property boundary lines and the topography of the proposed location, Planning staff finds that the attraction and event building will not obstruct light from adjacent properties.

3. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;

Staff comment: The closest area of historic interest is Carter's Grove Country Road, which is roughly 1,000 feet from the site of the attraction. The Big Bad Wolf was not visible from this location and based on the balloon test, the proposed attraction would not be either. The nearest residential development is Kingsmill. Staff drove through areas closest to the theme park during the balloon test and verified that neither the event building nor the themed bridge were visible given the significant distance, existing buffer and topography, and tree cover between Busch Gardens and Kingsmill. Based on these observations, Planning staff finds that the proposed attraction will not impair the enjoyment of nearby historic attractions, areas of significant historic interest, or nearby developments.

4. Such structure will not impair property values in the area;

Staff comment: The Real Estate Assessments department indicated that the region immediately adjacent to the subject site has experienced stable or increasing property values over the last several years, even with the addition of other park attractions. The Director of Real Estate Assessments also indicated that his office had not seen any market changes in adjacent residential areas attributable to the proximity to Busch Gardens. As such, his opinion is that the proposed attraction will not negatively affect the property values.

5. Such structure is adequately designed and served from the standpoint of safety and that the County fire chief finds the fire safety equipment installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property;

Staff comment: The Fire Department indicated that they had no concerns with the new attraction from a fire service standpoint.

6. Such structure will not be contrary to the public health, safety, and general welfare.

Staff comment: Based on the current proposal and supporting information submitted by the applicant, staff finds that the proposed attraction will not unduly or adversely affect the public health, safety, or general welfare.

PUBLIC IMPACTS

1. Environmental Impacts

Environmental Staff Conclusions: The property is located within the James River watershed. Due to its location, the attraction will have an impact on a portion of the resource protection area (RPA) and depending on the impacts shown on the site plan, will require either administrative or Chesapeake Bay Board review. The event building and locker room addition are both outside of the RPA. The applicant has proposed using existing facilities remaining from the Big Bad Wolf coaster for the new attraction whenever possible in an attempt to minimize the impacts of the portions of the attraction that do fall within the RPA. The applicant has scheduled a work session with the Chesapeake Bay Board in January to discuss options for RPA mitigation that would be required for this property and also evaluate the possibility of providing an on-site RPA mitigation bank that could be used for future expansions of the park with impacts on the RPA. Additional review will occur when development plans are submitted. The Environmental Division has reviewed the proposal and concurs with the master plan as proposed.

2. Utilities and Traffic

Staff Conclusions: the proposed attraction does not have any additional impacts on utility service or traffic generation.

Comprehensive Plan

Land Use Map

Designation	<p><i>Limited Industry (Page 154):</i> Land included in this designation generally are within the Primary Service Area (PSA) and used for warehousing, office, and service industries. Parcels require access to arterial roads, public water and sewer, nearby police and fire protection, and adequate buffers to residential developments</p> <p>Staff Comment: The proposed lighting is within an existing theme park which meets the general site characteristics contained within the 2009 Comprehensive Plan. Particularly important with this application is the adequate buffer to the nearby Kingsmill residential development.</p>
Development Standards	<p><i>Compatibility (e)-Page 144:</i> For Limited Industry areas, dust, noise, odor, and other adverse environmental effects (but not size) are primary considerations for determining whether land uses are acceptable in these areas.</p> <p><i>Environmental protection (a)-Page 144:</i> Protect environmentally sensitive resources including... historic and archaeological resources, designated Community Character Corridors and Area, and other sensitive resources by locating conflicting uses away from such resources and utilizing design features, including building and site design, buffers, and screening to adequately protect the resource.</p> <p>Staff Comment: The location of the proposed attraction internal to the park uses the park's existing buffers to provide screening from Kingsmill and Route 60. The balloon test and preliminary noise studies indicate that there will be no visual impacts and minimal noise impacts to surrounding residential areas. Though not all environmentally sensitive areas/RPA can be avoided with this attraction, the use of existing infrastructure left over from the previous coaster in some areas will minimize impacts.</p>
Goals, strategies and	<p><i>Action LU 3.2-Page 154:</i> Communicate with adjacent jurisdictions regarding development plans that have potential impacts on adjacent localities and public facilities. Work with them</p>

actions	to coordinate plans and to identify and mitigate areas where there are impacts.
	Staff Comment: York County received a copy of the application as a courtesy review and was notified of the balloon test and public hearing dates through adjacent property owner notifications. No comments were received as part of the courtesy review or notification.

Economic Development

Goals, strategies and actions	<i>Strategy ED 6- Page 25:</i> Support the tourism industry and support James City County as a historic and unique destination in the region.
	Staff Comment: The addition of a new attraction within Busch Gardens will help to promote return visits to the park and bolster the local economy through attracting out-of-town tourists.

Environment

Goals, strategies and actions	<i>Action ENV 1.3- Page 62:</i> Through the Chesapeake Bay Preservation Ordinance, enforce Resource Protection Areas (RPAs) protecting all tidal wetlands, tidal shores, nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow, perennial streams, and a 100-foot-wide buffer adjacent to and landward of other RPA components.
	Staff Comment: As noted earlier, impacts to RPA will be minimized to the greatest extent possible by using existing infrastructure and the applicant has scheduled a work session with the Chesapeake Bay Board to discuss options for mitigating the impacts that the project is proposed to have on the RPA.

Comprehensive Plan Staff Comments

An amusement park is a service industry, albeit not a traditional one. The proposed attraction will not create dust or odor, and noise impacts are proposed to be minimal as demonstrated by the noise study conducted by the applicant. There are also no visual impacts on adjacent properties or the Route 60 Community Character Corridor.

RECOMMENDATION

Given the location of the proposed attraction, there will be no visual impacts and limited noise impacts outside the theme park. Staff finds the proposal consistent with surrounding zoning and development and consistent with the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of this special use permit application to the Board of Supervisors with the included conditions. The Board of Supervisors will also jointly consider the height waiver portion of this application, but the conditions have also been included below for your information.


Special Use Permit:

1. **Plan:** This Special Use Permit shall be valid for an approximately 26,100 square foot event building and separate locker room addition for an attraction (the "Attraction") as generally shown on the plan prepared by Vanasse Hangen Brustlin, Inc., dated November 23, 2010, and entitled "BGW Oktoberfest Attraction Expansion."
2. **Lighting:** A lighting plan shall be submitted to, and approved by, the Director of Planning or his designee prior to final site plan approval for the Attraction. The lighting plan shall show that no glare will be cast beyond the any boundary line of the Property by any lighting installed as a component of or result of this Attraction.
3. **Commencement of Construction:** Construction on this project shall commence within 24 months from the date of approval of this SUP or this permit shall be void. Construction shall be defined as the obtaining of permits for the construction of foundations and/or footings.

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

Height Waiver:

1. **Plan:** This Height Waiver shall be valid for a 35-foot waiver to the height limitation requirements set forth in the James City County Code to allow for the erection of portions of a new attraction (the "Attraction") up to 95 feet above existing grade as generally shown on the plan prepared by Vanasse Hangen Brustlin, Inc., dated November 23, 2010, and entitled "BGW Oktoberfest Attraction Expansion." For the purposes of this waiver, "existing grade" shall be defined as 55 feet above sea level.
2. **Lighting:** A lighting plan shall be submitted to, and approved by, the Director of Planning or his designee prior to final site plan approval for the Attraction. The lighting plan shall show that no glare will be cast beyond the any boundary line of the Property by any lighting installed as a component of or result of this Attraction.
3. **Commencement of Construction:** Construction on this project shall commence within 24 months from the date of approval of this Height Waiver or this waiver shall be void. Construction shall be defined as the obtaining of permits for the construction of foundations and/or footings.
4. **Severability:** This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.


Leanne Reidenbach

Attachments:

1. Special use permit/height waiver submission package

Agricultural and Forestal District 11-86-3-2010 Shields Point, Yarmouth Island AFD Addition; Staff Report for the January 5, 2011 Planning Commission Public Hearing

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	Building F Board Room; County Government Complex
Planning Commission	December 15, 2010 4:00 p.m.
Board of Supervisors	January 5, 2011 7:00 p.m.
	February 9, 2011 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant: Hunter Vermillion

Location: 2150, 2260, 2312& 2190 Bush Neck Road

Tax Map/Parcel Nos.: 3510100011, 3510100012, 2840100006, &2840100007

Primary Service Area: Outside

Parcel Sizes:

12.30 acres	2312 Bush Neck Road
77.50 acres	2190 Bush Neck Road
27.34 acres	2150 Bush Neck Road
<u>7.350 acres</u>	2260 Bush Neck Road
124.49 acres	

Existing Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands/Conservation Area

Surrounding AFD Land: This land is surrounded by parcels within the Yarmouth Island AFD

STAFF RECOMMENDATION:

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

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

AFD Advisory Committee Recommendation

At their December 15th meeting, the AFD Advisory Committee recommended approval of the application by a vote of 8-0.

Project Description

Mr. Hunter Vermillion has applied to enroll 124.49 acres of property located at 2150, 2260, 2312, & 2190 Bush Neck Road into the Yarmouth Island AFD. The two parcels labeled (3510100011) and (3510100012) on Attachment 1 are completely wooded and are undeveloped. Parcel (2840100006) is wooded with a single residential structure on the property. The property labeled (2840100007) is undeveloped and is approximately 1/4 wooded, the remainder of the property is marsh lands. All the parcels are contiguous to other properties in the Yarmouth Island AFD.

Surrounding Land Uses and Development

This section of the County is largely undeveloped and heavily wooded. Surrounding properties have very little development and are part of the Yarmouth Island AFD.

Comprehensive Plan

The Comprehensive Plan designates all but one parcel as Rural Lands (parcel 2840100007 has roughly two-thirds of the property designated Conservation Area with the remainder designated Rural Lands). Land Use Action 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 minimum area and proximity requirements for inclusion into the Yarmouth Island AFD. Approval of this application would add an additional 124.49 acres to the existing 2,031.4 acre district. This addition would be subject to the following conditions of the Yarmouth Island AFD:

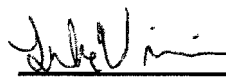
1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner’s immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary 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. Land within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors’ Policy Governing The Withdrawals of Property From Agricultural and Forestal Districts (AFDs) , adopted September 28, 2010, 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.

RECOMMENDATION:

At their December 15th meeting, the AFD Advisory Committee recommended approval of the application by a vote of 8-0. Staff recommends that the Planning Commission recommend approval of the addition to the Yarmouth Island AFD to the Board of Supervisors.

Attachments:

1. AFD location map
2. Aerial View
3. Unapproved AFD Advisory Committee minutes


Luke Vinciguerra, Planner

UNAPPROVED MINUTES OF THE AGRICULTURAL AND FORESTAL ADVISORY COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 15th DAY OF DECEMBER, 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. Abbott
Mr. Icenhour

Also Present

Mr. Luke Vinciguerra (Planning)
Ms. Terry Costello (Planning)

Absent

Mr. Harcum

2. New Business:

Approval of the November 15, 2010 Meeting Minutes

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

• **AFD Addition – Centerville Road Gordon Creek AFD Addition**

Mr. Vinciguerra stated that Mr. James H. Richardson has applied to enroll 60 acres of land located at 4130 & 4176 Centerville Road into the Gordon Creek AFD. Both properties are heavily wooded with approximately 1/3 of both properties in agriculture use. The proposed addition meets the minimum area and proximity requirements for inclusion into the Gordon Creek AFD.

Ms. Garrett asked if all of the owners of the property sign the application.

Mr. Vinciguerra answered that the County Attorney's office is researching the legality of Mr. Richardson signed for all of the owners.

Mr. Icenhour stated that this would have to be rectified before the case was heard by the Board of Supervisors.

Mr. Bradshaw wanted the Committee to be aware that the ownership of each parcel is different.

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

In a roll call vote the motion was approved by a vote of 6-0 with Mr. Abbott and Mr. Richardson abstaining.

- **AFD Addition – Jolly Pond Road Yarmouth Island AFD Addition**

Mr. Vinciguerra stated that Mr. James H. Richardson has applied to enroll a 10 acre property located at 1975 Jolly Pond Road into the Yarmouth Island AFD. The parcel is entirely wooded and contains no structures or any form of development. The applicant owns multiple contiguous properties adjacent to the subject property that are already included in the Yarmouth Island AFD.

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

In a roll call vote the motion was approved by a vote of 6-0 with Mr. Abbott and Mr. Richardson abstaining.

- **AFD Addition – Shields Point Yarmouth Island AFD Addition**

Mr. Vinciguerra stated that Mr. Hunter Vermillion has applied to enroll 124.49 acres of property located at 2150, 2260, 2312, & 2190 Bush Neck Road into the Yarmouth Island AFD. Two parcels are completely wooded and are undeveloped. One parcel is wooded with a single residential structure on the property. The fourth parcel is undeveloped and is approximately 1/4 wooded; the remainder of the property is marsh lands. All the parcels are contiguous to other properties in the Yarmouth Island AFD.

Mr. Bradshaw moved for approval of the addition of all four parcels with a second from Mr. Ford.

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

Mr. Icenhour moved for adjournment, with a second from Mr. Abbott.

The meeting was adjourned at 4:30 p.m.

Ms. Loretta Garrett, Chair

Luke Vinciguerra, Planner

Agricultural and Forestal District 11-86-2-2010 Jolly Pond Road, Yarmouth Island AFD Addition; Staff Report for the January 5, 2011 Planning Commission Public Hearing

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	Building F Board Room; County Government Complex
Planning Commission	December 15, 2010 4:00 p.m.
Board of Supervisors	January 5, 2011 7:00 p.m.
	February 9, 2011 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant:	James H. Richardson
Location:	1975 Jolly Pond Road
Tax Map/Parcel No.:	2930100003
Primary Service Area:	Outside
Parcel Size:	10.0 acres
Existing Zoning:	A-1, General Agricultural
Comprehensive Plan:	Rural Lands
Surrounding AFD Land:	This parcel is surrounded by land within the Yarmouth Island AFD

STAFF RECOMMENDATION:

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

Staff Contact:	Luke Vinciguerra, Planner	Phone: 253-6783
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AFD Advisory Committee Recommendation

At their December 15th meeting, the AFD Advisory Committee recommended approval of the application by a vote of 6-0-2 (2 abstained).

Project Description

Mr. James H. Richardson has applied to enroll a 10 acre property located at 1975 Jolly Pond Road into the Yarmouth Island AFD. The parcel is entirely wooded and contains no structures or any form of development (Attachment 2). The applicant owns multiple contiguous properties adjacent to the subject property that are already included in the Yarmouth Island AFD.

Surrounding Land Uses and Development

This section of the County is largely undeveloped and heavily wooded. Surrounding properties have very little development and are part of the Yarmouth Island AFD.

Comprehensive Plan

The Comprehensive Plan designates this parcel as Rural Lands. Land Use Action 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 minimum area and proximity requirements for inclusion into the Yarmouth Island AFD. Approval of this application would add an additional 10 acres to the existing 2,031.4 acre district. This addition would be subject to the following conditions of the Yarmouth Island AFD:

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. Land within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing The Withdrawals of Property From Agricultural and Forestal Districts (AFDs) , adopted September 28, 2010, 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.

RECOMMENDATION:

At their December 15th meeting, the AFD Advisory Committee recommended approval of the application by a vote of 6-0-2 (2 abstained). Staff recommends that the Planning Commission recommend approval of the addition to the Yarmouth Island AFD to the Board of Supervisors.



Luke Vinciguerra, Planner

Attachments:

1. AFD location map
2. Aerial View
3. Unapproved AFD Advisory Committee minutes

UNAPPROVED MINUTES OF THE AGRICULTURAL AND FORESTAL
ADVISORY COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD
ON THE 15th DAY OF DECEMBER, 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. Abbott
Mr. Icenhour

Also Present

Mr. Luke Vinciguerra (Planning)
Ms. Terry Costello (Planning)

Absent

Mr. Harcum

2. New Business:

Approval of the November 15, 2010 Meeting Minutes

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

• **AFD Addition – Centerville Road Gordon Creek AFD Addition**

Mr. Vinciguerra stated that Mr. James H. Richardson has applied to enroll 60 acres of land located at 4130 & 4176 Centerville Road into the Gordon Creek AFD. Both properties are heavily wooded with approximately 1/3 of both properties in agriculture use. The proposed addition meets the minimum area and proximity requirements for inclusion into the Gordon Creek AFD.

Ms. Garrett asked if all of the owners of the property sign the application.

Mr. Vinciguerra answered that the County Attorney's office is researching the legality of Mr. Richardson signed for all of the owners.

Mr. Icenhour stated that this would have to be rectified before the case was heard by the Board of Supervisors.

Mr. Bradshaw wanted the Committee to be aware that the ownership of each parcel is different.

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

In a roll call vote the motion was approved by a vote of 6-0 with Mr. Abbott and Mr. Richardson abstaining.

- **AFD Addition – Jolly Pond Road Yarmouth Island AFD Addition**

Mr. Vinciguerra stated that Mr. James H. Richardson has applied to enroll a 10 acre property located at 1975 Jolly Pond Road into the Yarmouth Island AFD. The parcel is entirely wooded and contains no structures or any form of development. The applicant owns multiple contiguous properties adjacent to the subject property that are already included in the Yarmouth Island AFD.

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

In a roll call vote the motion was approved by a vote of 6-0 with Mr. Abbott and Mr. Richardson abstaining.

- **AFD Addition – Shields Point Yarmouth Island AFD Addition**

Mr. Vinciguerra stated that Mr. Hunter Vermillion has applied to enroll 124.49 acres of property located at 2150, 2260, 2312, & 2190 Bush Neck Road into the Yarmouth Island AFD. Two parcels are completely wooded and are undeveloped. One parcel is wooded with a single residential structure on the property. The fourth parcel is undeveloped and is approximately 1/4 wooded; the remainder of the property is marsh lands. All the parcels are contiguous to other properties in the Yarmouth Island AFD.

Mr. Bradshaw moved for approval of the addition of all four parcels with a second from Mr. Ford.

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

Mr. Icenhour moved for adjournment, with a second from Mr. Abbott.

The meeting was adjourned at 4:30 p.m.

Ms. Loretta Garrett, Chair

Luke Vinciguerra, Planner

Agricultural and Forestal District 11-86-4-2010 Centerville Road, Gordon Creek AFD Addition; Staff Report for the January 5, 2011 Planning Commission Public Hearing

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	Building F Board Room; County Government Complex	
Planning Commission	December 15, 2010	4:00 p.m.
Board of Supervisors	January 5, 2011	7:00 p.m.
	February 9, 2011	7:00 p.m. (tentative)

SUMMARY FACTS

Applicant:	James H. Richardson
Location:	4130 & 4176 Centerville Road
Tax Map/Parcel No.:	3640100009 & 3640100008
Primary Service Area:	Inside
Parcel Sizes:	22.0 acres 4130 Centerville Road <u>38.0 acres</u> 4176 Centerville Road 60.0 acres
Existing Zoning:	A-1, General Agricultural
Comprehensive Plan:	Low Density Residential/Moderate Density Residential
Surrounding AFD Land:	Majority of land within the AFD is on the west side of Centerville Road

STAFF RECOMMENDATION:

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

Staff Contact:	Luke Vinciguerra, Planner	Phone: 253-6783
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AFD Advisory Committee Recommendation

At their December 15th meeting, the AFD Advisory Committee recommended approval of the application by a vote of 6-0-2 (2 abstained).

Project Description

Mr. James H. Richardson has applied to enroll 60 acres of land located at 4130 & 4176 Centerville Road into the Gordon Creek AFD. As shown on Attachment 2, both properties are heavily wooded with approximately 1/3 of both properties in agriculture use.

Surrounding Land Uses and Development

This section of the County contains low density residential development in the vicinity surrounding the subject properties. Staff does not find the properties inclusion in the AFD detrimental to the adjacent residential development.

Comprehensive Plan

The Comprehensive Plan designates the properties Low Density Residential; a small portion of the property located at 4176 Centerville Road is designated Moderate Density Residential. Land Use Action 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 minimum area and proximity requirements for inclusion into the Gordon Creek AFD. Approval of this application would add an additional 60 acres to the existing 3,203.8 acre district. This addition would be subject to the following conditions of the Gordon Creek AFD:

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. Land within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing The Withdrawals of Property From Agricultural and Forestal Districts (AFDs), adopted September 28, 2010, 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.

RECOMMENDATION:

At their December 15th meeting, the AFD Advisory Committee recommended approval of the application by a vote of 6-0-2 (2 abstained). Staff recommends that the Planning Commission recommend approval of the addition to the Gordon Creek AFD to the Board of Supervisors.



Luke Vinciguerra, Planner

Attachments:

1. AFD location map
2. Aerial View
3. Unapproved AFD Advisory Committee minutes

UNAPPROVED MINUTES OF THE AGRICULTURAL AND FORESTAL
ADVISORY COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD
ON THE 15th DAY OF DECEMBER, 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. Abbott
Mr. Icenhour

Also Present

Mr. Luke Vinciguerra (Planning)
Ms. Terry Costello (Planning)

Absent

Mr. Harcum

2. New Business:

Approval of the November 15, 2010 Meeting Minutes

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

• **AFD Addition – Centerville Road Gordon Creek AFD Addition**

Mr. Vinciguerra stated that Mr. James H. Richardson has applied to enroll 60 acres of land located at 4130 & 4176 Centerville Road into the Gordon Creek AFD. Both properties are heavily wooded with approximately 1/3 of both properties in agriculture use. The proposed addition meets the minimum area and proximity requirements for inclusion into the Gordon Creek AFD.

Ms. Garrett asked if all of the owners of the property sign the application.

Mr. Vinciguerra answered that the County Attorney's office is researching the legality of Mr. Richardson signed for all of the owners.

Mr. Icenhour stated that this would have to be rectified before the case was heard by the Board of Supervisors.

Mr. Bradshaw wanted the Committee to be aware that the ownership of each parcel is different.

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

In a roll call vote the motion was approved by a vote of 6-0 with Mr. Abbott and Mr. Richardson abstaining.

- **AFD Addition – Jolly Pond Road Yarmouth Island AFD Addition**

Mr. Vinciguerra stated that Mr. James H. Richardson has applied to enroll a 10 acre property located at 1975 Jolly Pond Road into the Yarmouth Island AFD. The parcel is entirely wooded and contains no structures or any form of development. The applicant owns multiple contiguous properties adjacent to the subject property that are already included in the Yarmouth Island AFD.

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

In a roll call vote the motion was approved by a vote of 6-0 with Mr. Abbott and Mr. Richardson abstaining.

- **AFD Addition – Shields Point Yarmouth Island AFD Addition**

Mr. Vinciguerra stated that Mr. Hunter Vermillion has applied to enroll 124.49 acres of property located at 2150, 2260, 2312, & 2190 Bush Neck Road into the Yarmouth Island AFD. Two parcels are completely wooded and are undeveloped. One parcel is wooded with a single residential structure on the property. The fourth parcel is undeveloped and is approximately 1/4 wooded; the remainder of the property is marsh lands. All the parcels are contiguous to other properties in the Yarmouth Island AFD.

Mr. Bradshaw moved for approval of the addition of all four parcels with a second from Mr. Ford.

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

Mr. Icenhour moved for adjournment, with a second from Mr. Abbott.

The meeting was adjourned at 4:30 p.m.

Ms. Loretta Garrett, Chair

Luke Vinciguerra, Planner

Agricultural and Forestal District 11-86-2-2010 Jolly Pond Road, Yarmouth Island AFD Addition; Staff Report for the January 5, 2011 Planning Commission Public Hearing

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	Building F Board Room; County Government Complex	
	December 15, 2010	4:00 p.m.
Planning Commission	January 5, 2011	7:00 p.m.
Board of Supervisors	February 9, 2011	7:00 p.m. (tentative)

SUMMARY FACTS

Applicant:	James H. Richardson
Location:	1975 Jolly Pond Road
Tax Map/Parcel No.:	2930100003
Primary Service Area:	Outside
Parcel Size:	10.0 acres
Existing Zoning:	A-1, General Agricultural
Comprehensive Plan:	Rural Lands
Surrounding AFD Land:	This parcel is surrounded by land within the Yarmouth Island AFD

STAFF RECOMMENDATION:

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

Staff Contact:	Luke Vinciguerra, Planner	Phone: 253-6783
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AFD Advisory Committee Recommendation

At their December 15th meeting, the AFD Advisory Committee recommended approval of the application by a vote of 6-0-2 (2 abstained).

Project Description

Mr. James H. Richardson has applied to enroll a 10 acre property located at 1975 Jolly Pond Road into the Yarmouth Island AFD. The parcel is entirely wooded and contains no structures or any form of development (Attachment 2). The applicant owns multiple contiguous properties adjacent to the subject property that are already included in the Yarmouth Island AFD.

Surrounding Land Uses and Development

This section of the County is largely undeveloped and heavily wooded. Surrounding properties have very little development and are part of the Yarmouth Island AFD.

Comprehensive Plan

The Comprehensive Plan designates this parcel as Rural Lands. Land Use Action 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*."

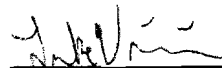
Analysis

The proposed addition meets the minimum area and proximity requirements for inclusion into the Yarmouth Island AFD. Approval of this application would add an additional 10 acres to the existing 2,031.4 acre district. This addition would be subject to the following conditions of the Yarmouth Island AFD:

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. Land within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing The Withdrawals of Property From Agricultural and Forestal Districts (AFDs) , adopted September 28, 2010, 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.

RECOMMENDATION:

At their December 15th meeting, the AFD Advisory Committee recommended approval of the application by a vote of 6-0-2 (2 abstained). Staff recommends that the Planning Commission recommend approval of the addition to the Yarmouth Island AFD to the Board of Supervisors.



Luke Vinciguerra, Planner

Attachments:

1. AFD location map
2. Aerial View
3. Unapproved AFD Advisory Committee minutes

UNAPPROVED MINUTES OF THE AGRICULTURAL AND FORESTAL
ADVISORY COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD
ON THE 15th DAY OF DECEMBER, 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. Abbott
Mr. Icenhour

Also Present

Mr. Luke Vinciguerra (Planning)
Ms. Terry Costello (Planning)

Absent

Mr. Harcum

2. New Business:

Approval of the November 15, 2010 Meeting Minutes

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

• **AFD Addition – Centerville Road Gordon Creek AFD Addition**

Mr. Vinciguerra stated that Mr. James H. Richardson has applied to enroll 60 acres of land located at 4130 & 4176 Centerville Road into the Gordon Creek AFD. Both properties are heavily wooded with approximately 1/3 of both properties in agriculture use. The proposed addition meets the minimum area and proximity requirements for inclusion into the Gordon Creek AFD.

Ms. Garrett asked if all of the owners of the property sign the application.

Mr. Vinciguerra answered that the County Attorney's office is researching the legality of Mr. Richardson signed for all of the owners.

Mr. Icenhour stated that this would have to be rectified before the case was heard by the Board of Supervisors.

Mr. Bradshaw wanted the Committee to be aware that the ownership of each parcel is different.

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

In a roll call vote the motion was approved by a vote of 6-0 with Mr. Abbott and Mr. Richardson abstaining.

- **AFD Addition – Jolly Pond Road Yarmouth Island AFD Addition**

Mr. Vinciguerra stated that Mr. James H. Richardson has applied to enroll a 10 acre property located at 1975 Jolly Pond Road into the Yarmouth Island AFD. The parcel is entirely wooded and contains no structures or any form of development. The applicant owns multiple contiguous properties adjacent to the subject property that are already included in the Yarmouth Island AFD.

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

In a roll call vote the motion was approved by a vote of 6-0 with Mr. Abbott and Mr. Richardson abstaining.

- **AFD Addition – Shields Point Yarmouth Island AFD Addition**

Mr. Vinciguerra stated that Mr. Hunter Vermillion has applied to enroll 124.49 acres of property located at 2150, 2260, 2312, & 2190 Bush Neck Road into the Yarmouth Island AFD. Two parcels are completely wooded and are undeveloped. One parcel is wooded with a single residential structure on the property. The fourth parcel is undeveloped and is approximately 1/4 wooded; the remainder of the property is marsh lands. All the parcels are contiguous to other properties in the Yarmouth Island AFD.

Mr. Bradshaw moved for approval of the addition of all four parcels with a second from Mr. Ford.

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

Mr. Icenhour moved for adjournment, with a second from Mr. Abbott.

The meeting was adjourned at 4:30 p.m.

Ms. Loretta Garrett, Chair

Luke Vinciguerra, Planner

Agricultural and Forestal District 11-86-4-2010 Centerville Road, Gordon Creek AFD Addition; Staff Report for the January 5, 2011 Planning Commission Public Hearing

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	Building F Board Room; County Government Complex	
Planning Commission	December 15, 2010	4:00 p.m.
Board of Supervisors	January 5, 2011	7:00 p.m.
	February 9, 2011	7:00 p.m. (tentative)

SUMMARY FACTS

Applicant:	James H. Richardson
Location:	4130 & 4176 Centerville Road
Tax Map/Parcel No.:	3640100009 & 3640100008
Primary Service Area:	Inside
Parcel Sizes:	22.0 acres 4130 Centerville Road <u>38.0 acres</u> 4176 Centerville Road 60.0 acres
Existing Zoning:	A-1, General Agricultural
Comprehensive Plan:	Low Density Residential/Moderate Density Residential
Surrounding AFD Land:	Majority of land within the AFD is on the west side of Centerville Road

STAFF RECOMMENDATION:

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

Staff Contact:	Luke Vinciguerra, Planner	Phone: 253-6783
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AFD Advisory Committee Recommendation

At their December 15th meeting, the AFD Advisory Committee recommended approval of the application by a vote of 6-0-2 (2 abstained).

Project Description

Mr. James H. Richardson has applied to enroll 60 acres of land located at 4130 & 4176 Centerville Road into the Gordon Creek AFD. As shown on Attachment 2, both properties are heavily wooded with approximately 1/3 of both properties in agriculture use.

Surrounding Land Uses and Development

This section of the County contains low density residential development in the vicinity surrounding the subject properties. Staff does not find the properties inclusion in the AFD detrimental to the adjacent residential development.

Comprehensive Plan

The Comprehensive Plan designates the properties Low Density Residential; a small portion of the property located at 4176 Centerville Road is designated Moderate Density Residential. Land Use Action 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 minimum area and proximity requirements for inclusion into the Gordon Creek AFD. Approval of this application would add an additional 60 acres to the existing 3,203.8 acre district. This addition would be subject to the following conditions of the Gordon Creek AFD:

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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RECOMMENDATION:

At their December 15th meeting, the AFD Advisory Committee recommended approval of the application by a vote of 6-0-2 (2 abstained). Staff recommends that the Planning Commission recommend approval of the addition to the Gordon Creek AFD to the Board of Supervisors.



Luke Vinciguerra, Planner

Attachments:

1. AFD location map
2. Aerial View
3. Unapproved AFD Advisory Committee minutes

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Mr. Bradshaw
Ms. Garrett
Mr. Abbott
Mr. Icenhour

Also Present

Mr. Luke Vinciguerra (Planning)
Ms. Terry Costello (Planning)

Absent

Mr. Harcum

2. New Business:

Approval of the November 15, 2010 Meeting Minutes

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

• **AFD Addition – Centerville Road Gordon Creek AFD Addition**

Mr. Vinciguerra stated that Mr. James H. Richardson has applied to enroll 60 acres of land located at 4130 & 4176 Centerville Road into the Gordon Creek AFD. Both properties are heavily wooded with approximately 1/3 of both properties in agriculture use. The proposed addition meets the minimum area and proximity requirements for inclusion into the Gordon Creek AFD.

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

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

In a roll call vote the motion was approved by a vote of 6-0 with Mr. Abbott and Mr. Richardson abstaining.

- **AFD Addition – Shields Point Yarmouth Island AFD Addition**

Mr. Vinciguerra stated that Mr. Hunter Vermillion has applied to enroll 124.49 acres of property located at 2150, 2260, 2312, & 2190 Bush Neck Road into the Yarmouth Island AFD. Two parcels are completely wooded and are undeveloped. One parcel is wooded with a single residential structure on the property. The fourth parcel is undeveloped and is approximately 1/4 wooded; the remainder of the property is marsh lands. All the parcels are contiguous to other properties in the Yarmouth Island AFD.

Mr. Bradshaw moved for approval of the addition of all four parcels with a second from Mr. Ford.

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

Mr. Icenhour moved for adjournment, with a second from Mr. Abbott.

The meeting was adjourned at 4:30 p.m.

Ms. Loretta Garrett, Chair

Luke Vinciguerra, Planner

PLANNING DIRECTOR'S REPORT
January 2011

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

- **New Town.** The Design Review Board did not hold a meeting in December, but did approve the boundary line adjustment plat for the American Family Fitness expansion and a fence design for a single-family lot in Section 7 administratively.
- **Agricultural and Forestal Districts (AFDs).** The AFD Advisory Committee met in December to consider a request to add property to two existing AFDs. The Committee recommended approval of adding 22 acres to the Gordon Creek AFD and 134.49 acres to the Yarmouth Island AFD.
- **Ordinance Update.** A Policy Committee meeting was scheduled for December 16th, but had to be cancelled on account of the weather. This meeting has been rescheduled as follows:
 - Wednesday, January 5 6 p.m. Building F Work Session Room
Transfer of development rights update
 - Thursday, January 6 6 p.m. Building A
CIP, Annual Report, and wireless communications facility discussionA work session with the Board of Supervisors was also held on December 14th to discuss the transfer of development rights feasibility study and a public input meeting is scheduled to occur in February. The next Policy Committee meetings are January 24th for Commercial Districts, January 25th for Development Standards, and January 31st for Cumulative Impacts.
- **Capital Improvements Program (CIP).** The Policy Committee held a meeting on December 13 to evaluate revisions to the FY2012 CIP. An additional meeting is necessary to finalize the rankings and will be held on January 6th at 6 p.m.
- **Monthly Case Report.** For a list of all cases received in the last month, please see the attached document.
- **Board Action Results** – December 14th
AFD-9-86-3-2010 3603 News Road, Gordon Creek AFD Addition – Approved 5 – 0
SUP-0024-2009 Hospice House Wireless Communications Facility – Deferred until February 8, 2011



Allen J. Murphy, Jr.

New Case Info for Decemer 2010

Case Type	Case Number	Case Title	Address	Description	Planner	District
Agricultural Forestry District	AFD-11-86-3-2010	Yarmouth AFD Shields Point Addition	2260 BUSH NECK ROAD	Addition of 4 Shields Point parcels into the Yarmouth AFD, totalling 124.49 acres	Luke Vinciguerra	Powhatan
Conceptual Plans	C-0038-2010	James City Community Church	4550 OLD NEWS ROAD	Property development for the purposes of establishing a church use consisiting of a one-story phase one building, two-story phase two building, parking facilities, walkways, stormwater facilities, utilities, landscaping and signage on the 5.99 acre parce	Luke Vinciguerra	Powhatan
	C-0039-2010	Strawberry Plains Day Care	3715 STRAWBERRY PLAINS ROAD	Plan showing proposed 4,000 square foot day care facility and 4,000 square foot building with a shared entrance with the existing businesses next to the Backfin.	Leanne Reidenbach	Jamestown
	C-0040-2010	Berkeley MS Parking Exp - Courtesy Review		Courtesy review for the City of Williamsburg. This is for a parking expansion at Berkeley Middle School	Jason Purse	
	C-0041-2010	Christ Community Church	9001 RICHMOND ROAD	Plans for future building	Jose Ribeiro	Stonehouse
	C-0042-2010	Settlement at Powhatan Creek Francis Subdivision	4045 RIVER MOOR	Boundary line adjustment between lots 102 and 103, creating one lot 50' wide and one lot 75' wide, depending on review	Kathryn Sipes	Berkeley
	C-0043-2010	8638 Croaker Rd.	8638 CROAKER ROAD	Applicant would like to consider placing a single family dwelling on the property	Sarah Propst	Stonehouse
	C-0044-2010	Monticello Avenue Tire Center	4830 MONTICELLO AVENUE	Proposed tire service center with 8 bays.	Luke Vinciguerra	Powhatan
Height Waivers	HW-0004-2010	Busch Gardens Oktoberfest Attraction	7851 POCAHONTAS TR	Construct a new attraction on the site of the recently removed Big Bad Wolf roller coaster	Leanne Reidenbach	Roberts

Master Plan	MP-0001-2010	The Williamsburg Pottery	6692 Richmond Road	An application to rezone a 18.78 acre parcel located at 6692 Richmond Road from M-1, Limited Business/Industrial with proffers, to M-1, Limited Business/Industrial with amended proffers, amend the adopted Master Plan to relocate one of the signalized entrances and revise associated traffic improvements, and increase the gross square footage of the retail and office area of the project from 161,000 sf to 188,000 sf.	Chris Johnson	Stonehouse
Rezoning	Z-0002-2010	The Williamsburg Pottery	6692 Richmond Road	An application to rezone a 18.78 acre parcel located at 6692 Richmond Road from M-1, Limited Business/Industrial with proffers, to M-1, Limited Business/Industrial with amended proffers, amend the adopted Master Plan to relocate one of the signalized entrances and revise associated traffic improvements, and increase the gross square footage of the retail and office area of the project from 161,000 sf to 188,000 sf.	Chris Johnson	Stonehouse
	Z-0003-2010	Ford's Colony, Sect. 35 - Westport	4901 Centerville Road	See also SUP-0030-2010. Applicant proposes cash proffers as part of proposal to reduce lot sizes in what is otherwise a by-right A-1 development.	Kathryn Sipes	Powhatan
Site Plan 37	SP-0109-2010	Old Towne Restaurant and Deli Patio SP Amend.	5540 OLDE TOWNE ROAD	Addition of a 25' x 16' patio, at grade, along the eastern side of the building	Scott Whyte	Berkeley
	SP-0110-2010	JCSA Operations Center SP Amend.	105 TEWNING ROAD	Project is an amendment to the JCSA Operations Center site plan including the relocation of four handicap parking spaces from off-site to on-street along Tewning Road.	Jose Ribeiro	Berkeley
	SP-0111-2010	Grace Covenant Presbyterian Church SP Amend. Parking Lot Expansion	1677 JAMESTOWN ROAD	Plan proposes an additional 55 parking spaces added to existing parking lot	Kathryn Sipes	Jamestown
	SP-0112-2010	Busch Gardens SP Amendment - France Pathway Expansion	7851 POCAHONTAS TR	Widening of the existing pedestrian access way	Luke Vinciguerra	Roberts
	SP-0113-2010	Action Park of Williamsburg SP Amendment - Shed	6870 RICHMOND ROAD	Add a 720 sf building storage	Jose Ribeiro	Stonehouse
	SP-0114-2010	3009 Tanglewood SP Amendment -	5700 WILLIAMSBURG LANDING DR	Adding a bay style window on the back and extending the deck	Terry Costello	Jamestown

Site Plan	SP-0115-2010	Longhill Rd 7-11 Storage Tank Replacement	4840 LONGHILL ROAD	Removal and instillation of underground storage tanks, piping and dispensers.	Leanne Reidenbach	Powhatan
	SP-0116-2010	9th E.S. & 4th M.S. (Blayton & Hornsby) Handicap Trail SP Amend	5537 CENTERVILLE RD	A concrete trail will replace the multi-use path to the observation deck to make it handicap-accessible	Brian Elmore	Powhatan
	SP-0117-2010	American Heritage RV Park Phase II	146 MAXTON LANE	RV Park Expansion of 51 sites	Jason Purse	Stonehouse
	SP-0118-2010	Quarterpath at Williamsburg - Phase 1A	7381 POCAHONTAS TR	This plan is a revision which incorporates a roundabout at the intersection of Bettery Blvd and Commonwealth Ave	Jason Purse	Roberts
Special Use Permit	SUP-0028-2010	Busch Gardens New Attraction - Oktoberfest	7851 POCAHONTAS TR	Construct a new attraction on the site of the recently removed Big Bad Wolf roller coaster attraction to include a 25,300 square foot event building.	Leanne Reidenbach	Roberts
	SUP-0029-2010	The Williamsburg Pottery	6692 Richmond Road	An application to rezone a 18.78 acre parcel located at 6692 Richmond Road from M-1, Limited Business/Industrial with proffers, to M-1, Limited Business/Industrial with amended proffers, amend the adopted Master Plan to relocate one of the signalized entrances and revise associated traffic improvements, and increase the gross square footage of the retail and office area of the project from 161,000 sf to 188,000 sf.	Chris Johnson	Stonehouse
	SUP-0030-2010	Ford's Colony, Sect. 35 - Westport	4901 Centerville Road	See also Z-0003-2010. Applicant proposes to reduce parcel size in what is an otherwise by-right A-1 development.	Kathryn Sipes	
	SUP-0031-2010	Manufactured Home	3125 Chickahominy Road	Applicant proposes placing a manufactured home on parcel	Jason Purse	Stonehouse
Subdivision	S-0053-2010	Leighton-Hermann Family Subdivision	216 SKILLMAN DR	This plan creates two lots on Skillman Drive as part of a family subdivision.	Jason Purse	Stonehouse
	S-0054-2010	New Town Block 3 Parcel E BLA	5206 MONTICELLO AVENUE	Boundary line adjustment between New Town Block 3 Parcel E and Block G Parcel A associated with the American Family Fitness expansion. Parcel E will gain 13457 square feet behind the 900 block of Main Street.	Leanne Reidenbach	Berkeley