

AGENDA
JAMES CITY COUNTY PLANNING COMMISSION
March 6, 2013 – 7:00 p.m.

1. ROLL CALL
2. PUBLIC COMMENT
3. MINUTES
 - A. February 6, 2013 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. ZO-0001-2013/ZO-0002-2013/ZO-0003-2013, Landscaping Ordinance Amendments
 - B. ZO-0004-2013, Pawnshops and Payday/Title Loan Establishments
6. PLANNING DIRECTOR'S REPORT
7. COMMISSION DISCUSSIONS AND REQUESTS
8. ADJOURNMENT

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SIXTH DAY OF FEBRUARY, TWO-THOUSAND AND THIRTEEN, AT 6:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Planning Commissioners

Chris Basic
George Drummond
Rich Krapf
Mike Maddocks
Robin Bledsoe
Tim O'Connor
Al Woods

Staff Present:

Paul Holt, Planning Director
Adam Kinsman, Deputy County Attorney
Jose Ribeiro, Senior Planner
Luke Vinciguerra, Planner
Scott Whyte, Senior Landscape Planner

Mr. Tim O'Connor called the meeting to order at 6:00 p.m.

2. ANNUAL ORGANIZATIONAL MEETING

A. Election of Officers

Mr. O'Connor opened the discussion for the election of officers.

Mr. Rich Krapf nominated Mr. Al Woods for Chair. There being no further nominations, Mr. O'Connor closed the nominations.

In a unanimous voice vote the Planning Commission elected Mr. Woods as Chair.

Ms. Robin Bledsoe nominated Mr. Krapf for Vice Chair. There being no further nominations, Mr. O'Connor closed the nominations.

In a unanimous voice vote the Planning Commission elected Mr. Krapf as Vice Chair.

After a brief discussion on committee appointment procedures Mr. O'Connor adjourned the meeting until 7:00 p.m.

Mr. Woods reconvened the meeting at 7:00 p.m.

B. Committee Appointments

Mr. Woods stated that the Development Review Committee (DRC) will consist of Mr. Chris Basic, Mr. O'Connor, Mr. Krapf, Mr. Mike Maddocks and Mr. George Drummond with Mr. O'Connor serving as Chair. The Policy Committee members will be Mr. Krapf, Mr. Woods, Mr. O'Connor, and Ms. Bledsoe with Ms. Bledsoe serving as Chair. Mr. Woods stated that Mr. Maddocks will serve as the representative on the Regional Issues Committee.

Mr. Woods stated that the commissioners should discuss the Planning Commission 2013 Calendar.

Mr. Paul Holt stated that the Planning Commission could adopt the proposed dates seen in the draft calendar.

In a unanimous voice vote, the Planning Commission approved the Planning Commission 2013 Calendar.

3. PUBLIC COMMENT

Mr. Woods opened the public comment.

There being none, Mr. Woods closed the public comment.

4. MINUTES

A. January 9, 2013 Regular Meeting

Mr. Basic moved to approve the minutes.

In a unanimous voice vote, the minutes were approved.

5. COMMITTEE / COMMISSION REPORTS

A. Development Review Committee (DRC)

Mr. Chris Basic stated the DRC met on January 30, and reviewed three cases. The DRC reviewed C-0054-2012, the Brenda Snow residence on Harbor Road. This case was before the DRC for approval of improvements proposed within an open space conservation easement located on the back yard of a single-family lot. The encroachment extended into the easement by approximately five-feet. Plans are currently under review with the Engineering and Resource Protection Division and will also go to the James City County (JCC) Chesapeake Bay Board. The DRC voted 4-0, to recommend approval of the improvements. The next case seen was S-0041-2012, Colonial Heritage Phase 5, Section 1. Per Section 19-23, of the Subdivision Ordinance the case was before the DRC for consideration of preliminary approval because the plan proposes more than 50 lots. The DRC voted 4-0, to grant preliminary approval subject to agency comments. The third case was SP-0087-2012, Village at Candle Station. This case was before the DRC for a master plan consistency review. The applicant proposed to relocate rear-loading garages to the front on 62 units, which is approximately 35% of the total residential component. Per the request of the applicant, the DRC voted 4-0, to defer consideration of this case until the next DRC meeting.

Mr. Krapf moved for approval of the report.

In a unanimous voice vote, the report was approved.

B. Policy Committee

Mr. Krapf stated that the Policy Committee met on January 17, 2013 to continue a discussion on how to address pawnshops and similar businesses in the Zoning Ordinance. Research was completed to identify how other neighboring jurisdictions classify pawnshops and whether there were documented problems in those localities with those associated businesses. The committee decided to list payday lending businesses as a similar activity and therefore be placed in the same category as pawnshops. Mr. Krapf stated that there are multiple ways to address pawnshops and payday loan businesses in the Zoning Ordinance. For example, some localities address them, define their use and treat them as retail. He stated that one jurisdiction created standards for development that limit proximity to what is considered incompatible uses. Another locality limits the number of pawnshops permitted overall. The committee reviewed commercial and industrial zoning districts and their statements of intent to see if pawnshops and payday loan businesses would be compatible. The committee will meet again at 2:00, on February 15, 2013 to continue those discussions.

Mr. Basic moved for approval of the report.

In a unanimous voice vote, the report was approved.

C. Regional Issues Committee / Other Commission Reports

Mr. Krapf stated the Regional Issues Committee met on January 22, 2013. The committee discussed the Comprehensive Plan Update and Regional Comprehensive Plan. All three Historic Triangle jurisdictions will ultimately have either a new Comprehensive Plan or a supplement to their existing Comprehensive Plan. Williamsburg City Council approved their new plan on January 10. York County is finalizing their new plan and JCC is preparing a supplement to their 2009 Comprehensive Plan. All three jurisdictions are engaged in a collaborative effort to update the Regional Bikeway Plan as well. The Historic Triangle Collaborative reported on the regional incubator for business development and was approved by all three jurisdictions. The incubator will be implemented shortly. The Williamsburg Area and Chamber Tourism Alliance reported that the Williamsburg Area Destination Marketing Committee and Alliance will merge their two websites in order to eliminate consumer confusion and to maximize impact. The efforts should be completed by March.

Mr. Maddocks moved for approval of the report.

In a unanimous voice vote, the Regional Issues Committee report was approved.

6. PUBLIC HEARING CASES

A. SUP-0018-2012, New Zion Baptist Church Building/Parking Addition

Mr. Luke Vinciguerra stated that Ms. Beth Crowder has applied for a special use permit

to allow for a building addition and 21 new parking spaces at New Zion Baptist Church, located at 3991 Longhill road. A special use permit is required as this would be an expansion of a specially permitted use. The parcel is zoned R-8, and is designated Low-Density Residential. The purpose of the expansion is in response to the lack of space for the young adults, Sunday school.

Mr. Vinciguerra stated that the expansion would be modular in construction; two adjoining modular units would be adjoined creating roughly 1,600 square feet of space. The Plan also calls for relocating two existing sheds that currently do not meet setback requirements. As the proposed expansion would be in an overflow parking area, the applicant is proposing 21 additional parking spaces which would result in a net gain of five spaces.

Mr. Vinciguerra stated that the site abuts Fords Colony to the south and east and other residential property to the west. There is a mature landscape buffer between the church property and Fords Colony. On the west side of the property, the applicant is proposing evergreen shrubbery along the property line. With the proposed landscaping, the addition would likely only be visible from westbound Longhill Road adjacent to the church property.

Mr. Vinciguerra stated that this application has previously been reviewed by the DRC. The responses to the recommendations and questions by the DRC are listed in your staff report.

Mr. Vinciguerra stated that staff finds the proposed expansion consistent with the surrounding development and compatible with the Comprehensive Plan. Staff recommends the Commission recommend approval of the application to the Board of Supervisors (BOS) with the conditions listed in the staff report. Staff and the applicant are available for any questions.

Mr. Woods asked if the applicant would like to address the Planning Commission prior to opening the public hearing.

Ms. Beth Crowder with Hopke and Associates stated that the project and the intent have been explained well in the staff report. She would answer any questions the commission may have.

Mr. Woods opened the public comment.

There being none, Mr. Woods closed the public comment.

Mr. Basic stated that this is a great example of how well the DRC consideration process can work for conceptual plans that require legislative review. Staff and the DRC reviewed and commented on this proposal before it was advertised as a public hearing by the Planning Commission. The proposal was strengthened from having gone through this process.

Mr. Basic made a motion to approve New Zion Baptist Church Building/Parking Addition as presented.

Mr. O'Connor stated that the speed limit on Longhill at this location is 45 miles per hour. Improvements were previously suggested for the road. He asked if a cross-walk could be placed

in the vicinity. He is concerned for the individuals crossing the road there to access the overflow lot. He asked if this is something that could be considered.

Mr. Holt stated that crosswalks are only recommended at signalized intersections. In terms of promoting awareness of a concern or in this case, finding the best means to accommodate pedestrian traffic it is in the purview of the Planning Commission to consider possible improvements.

Mr. Woods stated that he had the same concern regarding pedestrian traffic getting to the over-flow parking lot. He asked if the applicant had ever sought assistance to better accommodate pedestrian traffic.

Mr. Robb Whitehead, Pastor of New Zion Baptist Church spoke. He stated that it only becomes a problem if there is a large funeral. There had been an abundance of traffic a couple of times last year. When it has been anticipated, cones are placed on the road. There were a couple of other occasions when Police officers came out to assist with traffic.

Hearing no other comments or concerns, Mr. Woods returned to the motion previously made by Mr. Basic.

In a unanimous roll call vote, the New Zion Baptist Church Building/Parking Addition application was approved as seen in the Staff report.

B. SUP-0001-2013, Carolina Furniture Building Addition

Mr. Jose Ribeiro stated that Mr. Joe Steele has applied for a special use permit to allow a 3,000 square foot addition to an existing furniture showroom building at the Carolina Furniture site located on 5425 Richmond Road. The site is zoned B-1, General Business and designated as Neighborhood Commercial by the 2009 Comprehensive Plan. The existing building requires a special use permit because it is in excess of 10,000 square feet. Section 24-11 of the Zoning Ordinance states that: "any commercial building or group of buildings (excluding offices and warehouses) which exceeds 10,000 square feet of floor area requires issuance of a special use permit."

Mr. Ribeiro stated the existing furniture showroom building does not have a special use permit because it was built before the Zoning Ordinance section requiring special use permits for certain commercial uses went into effect. If approved, this special use permit request will permit the proposed 3,000 square foot addition and bring the entire site into conformance with the current commercial special use permit regulations.

Mr. Ribeiro stated that prior to the submittal of this application, Planning staff and staff from the Office of Economic Development met with Mr. Steele to assist him in his endeavor to expand the business. Working cooperatively, staff was able to identify solutions to overcome problems such as nonconformity, parking, and preservation of open space. The proposal being considered tonight is a reflection of positive cooperation between different parties.

Mr. Ribeiro stated that as shown in the master plan, the site for Carolina Furniture is

spread across two adjacent parcels owned by the applicant. The smallest parcel fronts on Richmond Road; this is the commercial center of the site and where the proposed 3,000 square foot addition is requested. The larger of the two parcels has a flag lot configuration. This parcel is the future site for the warehousing and office complex for Carolina Furniture. Staff notes that a site plan depicting the construction of this complex was approved in 2008 but construction has not yet begun. Both parcels use the same vehicular access through a shared fifty-foot access easement within the stem of the flag lot.

Mr. Ribeiro stated that the furniture showroom building is a legally, non-conforming structure because it encroaches into the required 20 feet side setback. In order for the proposed expansion to take place the non-conforming status requires remediation. Staff recommended Mr. Steele to eliminate the common property line between both parcels through a boundary line extinguishment process. Once the common property line is eliminated, both parcels will be combined into one and the non-conforming status of the showroom building will be resolved due to a new property line located more than 20 feet away from the side of the building.

Mr. Ribeiro stated that the front parcel currently has a total of 73 parking spaces. Combined the existing buildings and the proposed 3,000 addition will generate a need for approximately 93 parking spaces. In order to meet parking requirements and at the same time minimizing the potential negative impacts to the environment due to the increase of impervious surface and decrease in pervious area, staff suggested the possibility of shared parking with the adjacent property. As a result, the applicant will enter into a shared parking agreement with the adjacent property owner, the Moose Lodge, allowing access to its 72 parking spaces. Both properties operate their activities at different peak hours making the shared parking concept possible.

Mr. Ribeiro stated that the site is designated Neighborhood Commercial on the 2009 Comprehensive Plan Land Use Map. Recommended uses include neighborhood scale commercial, professional and office uses with total building area no more than 40,000 square feet in order to retain a small-scale neighborhood character. Staff notes that the current building area for the entire site exceeds 40,000 square feet. The applicant has proposed architectural elevations that show consistency with the design of existing, smaller scale buildings on the site.

Mr. Ribeiro stated that all agencies have reviewed this special use permit application and have recommend approval. Staff finds that the proposed addition is consistent with the Zoning Ordinance and Comprehensive Plan and recommends that the Planning Commission recommends approval of it to the BOS with the conditions attached to the Staff report.

Ms. Bledsoe stated that she does have a concern regarding the parking. She asked what would happen if the contract between the applicant and the Moose Lodge were to discontinue.

Mr. Adam Kinsman stated that the contract is not merely an agreement between Carolina Furniture and the Moose Lodge. The agreement will be recorded in the courthouse and it will run with both the properties in perpetuity. The County would become a vested party and would be have a say if there were a proposed change to the agreement. Ultimately the Ordinance would have to be met before any change would be approved. Recording the agreement with the

property deeds typically prevents any misunderstanding occurring with future property owners.

Ms. Bledsoe stated that she feels better knowing it is recorded.

Mr. Woods asked if the applicant would like to speak.

Mr. Steele complimented staff and stated that they have been extremely helpful during this process. He has hired James River Architects to complete the addition. Rick Moburg has designed the addition and new façade to replicate the colonial architecture seen on Duke of Gloucester Street. Once completed this will be an asset to Richmond Road.

Mr. Steele stated that furniture stores are often caught in a dilemma. Because they typically have a large amount of square footage, ordinance parking requirements often exceed what is realistically needed. York County recently changed their ordinance requirements for furniture stores to more accurately reflect parking demands. He stated that currently they rarely have the existing 75 parking spaces full to capacity. The shared parking agreement is something the Moose Lodge and Carolina Furniture have already been informally doing for many years. The agreement recorded at the courthouse now makes this official.

Mr. Krapf stated that it is appreciated to hear from an applicant about how positive their experience had been with staff.

Mr. Steele stated that he is very excited to have David Nice, a local builder, work on the construction for the project.

Mr. Woods opened the public comment.

There being none, Mr. Woods closed the public comment.

Ms. Bledsoe stated that she thinks this will be an attractive improvement.

Mr. Krapf stated that he agrees with Ms. Bledsoe's comment and that he supports the application.

Mr. Krapf made a motion to approve Carolina Furniture Building Addition with conditions as listed in the Staff report.

Mr. O'Connor thanked Mr. Steele for bringing this proposal forward; it will be an asset. His one criticism is that he would have liked to have seen more space along the road frontage for more landscaping improvements. He thanked staff for their efforts on the project. This represents a great deal of work on staff's part to bring the non-conforming property into conformance. This project also reflects well on all of the efforts made to amend the Ordinance and create policy changes to achieve more attractive and functional development in the community. These changes will create a better product for the citizens and business community of JCC.

Mr. Steele stated that when he constructed the carpet store, seen in the rear of the

property, the decision was made to preserve the portion of land closest to Richmond Road. The frontage was to be preserved until a later expansion. Currently, there is a stand of trees in that location that they have taken great lengths to preserve. He stated landscaping is very important. The decision was made to not build in the front of the property to preserve the trees. There are some miniature magnolias on the abandoned septic field that will need to be taken down due to the expansion. Later in the process there will be a landscape plan put together to include the new construction and existing buildings. There will be efforts made to preserve existing vegetation and improve the lush look with new landscaping improvements.

Mr. Woods returned to the motion previously made.

In a unanimous roll call vote, the report was approved.

7. PLANNING COMMISSION CONSIDERATIONS

A. 2012 Planning Commission Annual Report

Mr. O'Connor presented the 2012 Planning Commission Annual Report. He noted several features of the report including the Goals, Strategies and Actions Annual Review.

Mr. O'Connor noted a number of statistics taken from the report. The JCC population increased by 1.4% to total 69,451. This increase was due to growth primarily in single-family detached units. The total number of dwelling units built in 2012 was only 379 units, down from 393 the prior year. Legislatively only 247 units were approved in 2012, all 247 units were for Section 12 of New Town.

Mr. O'Connor noted the work done on the Zoning and Subdivision Ordinances; amendments were made to the Sign Ordinance and to the Residential Cluster Overlay District. A new residential district was created, R-3. There were changes made to the Subdivision Ordinance. Several updates were made to the Multi-Use District. There was an additional policy created, the Green Building Incentives policy.

Mr. O'Connor stated that other notable activities of 2012 were the kickoff of the Historic Triangle Comprehensive Plan Review. This initiative included four public forums and a Joint Planning Commission meeting on April 30, 2012.

Mr. Woods commended staff for their efforts on the Annual Report.

In a unanimous voice vote, the 2012 Planning Commission Annual Report was approved.

B. Initiating Resolution, Landscaping Provision for Economic Opportunity and Public Lands

Mr. Scott Whyte presented materials regarding proposed amendment to the Zoning Ordinance to modify existing setbacks and buffer requirements in Economic Opportunity and Public Lands Zoning Districts. The proposed amendments will be reviewed concurrently.

Proposed amendments to the Landscaping Ordinance regarding planting density was initiated by the BOS on January 22, 2013. Following action by the Policy Committee on February 15, 2013 the proposed amendments will be subject to a public hearing at the Planning Commission and BOS. Staff recommends that the Planning Commission approve the two resolutions as seen in the presented materials.

Mr. Woods asked the Planning Commissioners if they had any questions for staff.

Ms. Bledsoe made a motion to approve the resolutions as presented by staff.

In a unanimous voice vote, the Initiating Resolution for Landscaping Provisions for Economic Opportunity and Public Lands were approved.

8. PLANNING DIRECTOR'S REPORT

Mr. Holt stated that the evidentiary hearing for the proposed Dominion Power lines previously scheduled for February 26, 2013 has been pushed back until the first part of April.

Mr. O'Connor asked when to expect the draft of the Joint Comprehensive Plan.

Mr. Holt stated that it could be as early as the next Policy Committee meeting. York County is about to begin their own Comprehensive Plan efforts. They may need additional time to ensure that the draft text accurately reflects the efforts made on their Comprehensive Plan. After York County's next Planning Commission meeting may be a more realistic time frame.

Mr. O'Connor asked if the City of Williamsburg had approved their Comprehensive Plan.

Mr. Holt stated that the City Council had approved it.

9. COMMISSION DISCUSSIONS AND REQUESTS

Mr. Maddocks stated that he will not be able to attend the March Planning Commission meeting.

Mr. Woods asked when the Joint Planning Commission/BOS meeting is scheduled.

Mr. Holt stated he would find out the date and email it to the Planning Commissioners.

Mr. Krapf asked if it would be possible to have the Organizational Meeting at 6:45 rather than 6:00 in February 2014.

Mr. O'Connor suggested that the DRC, Policy Committee and Regional Issues Committee reports be shared before the Planning Commission meeting.

Mr. Basic volunteered to cover the March BOS meetings.

10. ADJOURNMENT

Mr. O'Connor moved to adjourn.

The meeting was adjourned at 7:49 p.m.

Al Woods, Chairman

Paul D. Holt, III, Secretary

MEMORANDUM

DATE: March 6, 2013

TO: The Planning Commission

FROM: W. Scott Whyte, Senior Landscape Planner

SUBJECT: Case Nos. ZO-0001-2013, Professional Landscape Assessment Team, Amendments to Chapter 24, Division 4 Landscaping and creation of an Enhanced Landscaping Policy. ZO-0002-2013 and ZO-0003-2013. Amendments to Chapter 24, Division 16, Public Lands and Chapter 24, Division 17, Economic Opportunity.

Staff is presenting for your consideration the Professional Landscape Assessment Team (PLAT) recommended changes to the landscape section of the zoning ordinance and a proposed Enhanced Landscaping Policy. The PLAT recommendations are the result of a Board initiated request that was made after a comprehensive package of revisions to the landscape section of the zoning ordinance was previously approved by the Planning Commission and Board of Supervisors on November 22, 2011.

These proposed amendments to Economic Opportunity and Public Lands were originally scheduled to be brought forward as part of the Zoning Ordinance update package considered by the Planning Commission on November 7, 2012 and adopted by the Board of Supervisors on December 11, 2012. The proposed amendments were delayed until the Professional Landscape Assessment Team (PLAT) reached consensus on related landscape issues.

Staff recommends that the Planning Commission recommend approval of the proposed ordinance changes and Enhanced Landscape policy to the Board of Supervisors. At its February 15, 2013 meeting the Policy Committee voted 4-0 to recommend approval of these changes.



W. Scott Whyte

Attachments;

1. Amendment to section 24-91, Modification, substitution, and transfer
2. Proposed Enhanced Landscaping policy
3. Amendments to sections 24-535.4 and 24-535.6 Public Lands
4. Amendments to section 24-536.8, Economic Opportunity

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS DIVISION 4, LANDSCAPING, SECTION 24-91, MODIFICATION, SUBSTITUTION, TRANSFER, AND SECTION 24-101, LANDSCAPE REQUIREMENTS BY ZONING DISTRICT

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Section 24-91 Modification, substitution, transfer, and section 24-101, Landscape requirements by zoning district

Chapter 24

ARTICLE II. SPECIAL REGULATIONS

DIVISION 4. LANDSCAPING

Sec. 24-91. Modification, substitution, transfers.

Generally the need for any modification, substitution, or transfer shall be demonstrated by the applicant. Modifications, substitutions, and transfers are intended to provide more flexibility to landscape designers, without reducing the landscape standards set forth in this division.

~~(a) Findings for acceptance of modifications, substitutions, or transfers. The commission or planning director may modify, permit substitutions for any requirement of this section, or permit transfer of required landscaping on a site upon finding that:~~

~~(1) Such requirement would not promote the intent of this section;~~

~~(2) The proposed site and landscape plan will satisfy the intent of this section and its landscape area requirements to at least an equivalent degree as compared to a plan that strictly complies with the minimum requirements of this section;~~

~~(3) The proposed site and landscape plan will not reduce the total amount of landscape area or will not reduce the overall landscape effects of the requirements of this section as compared to a plan that strictly complies with the minimum requirements of this section;~~

~~(4) Such modification, substitution or transfer shall have no additional adverse impact on adjacent properties or public areas; and~~

~~(5) The proposed site and landscape plan, as compared to a plan that strictly complies with the minimum requirements of this section, shall have no additional detrimental impacts on the orderly development or character of the area, adjacent properties, the environment, sound engineering or planning practice, Comprehensive Plan, or on achievement of the purposes of this section.~~

~~(b) Cases for modifications, substitutions, or transfers. Requests for modifications, substitutions or transfers may be granted in the following cases:~~

- (a) *Cases for modifications. Modifications may be requested when an adjustment to planting mixtures or densities are needed. Planting density may be modified by proposing plants that are larger than minimum ordinance standards for plant size in exchange for a reduction in quantity when it can be demonstrated that due to site constraints planting to ordinance requirements will result in overplanting and where a transfer of plant materials can not accomplish the same intent as described in the modification request. Applicants may propose a minimum 25 percent increase in plant size for a maximum 25 percent reduction in required plant quantity. Planting mixtures may be adjusted to provide more screening, complement surrounding areas, or to implement a planting theme.*
- (b) *Cases for substitution. Substitutions of plant materials may be considered if it can be demonstrated that the substitution is warranted and is equal to or greater than the standard requirement.*
- (c) *Cases for transfer. Transfers may be requested when it can be demonstrated that the transferred plant materials serve to provide a greater public benefit than the standard requirements would provide.*
- (d) *All modifications, substitutions, or transfer requests shall be designed to mitigate existing site constraints or meet the conditions listed below:*
- (1) The proposed landscape plan, by substitution of technique, design or materials of comparable quality, but differing from those required by this section, will achieve results which clearly satisfy the overall purposes of this ~~section~~ *division* in a manner clearly equal to or exceeding the desired effects of the requirements of this ~~section~~ *division*;
 - (2) The proposed landscape plan substantially preserves, enhances, integrates and complements existing trees and topography;
 - (3) Where, because of unusual size, topography, shape or location of the property or other unusual conditions, ~~excluding the proprietary interests of the developer~~, strict application of the requirements of this ~~section~~ *division* would result in significant degradation of the site or adjacent properties;
- (4) *Where existing easements present site constraints in which this division would result in overcrowding of landscape plant materials;*
- (5) *Where, because of narrow parcels, unusually shaped lots, or sloping topography, strict application of the landscape standards of this division would result in overcrowding of landscape plant materials;*
- (4) (6) The proposed landscape design or materials involve a readily discernible theme, historic or otherwise, or complements an architectural style or design;
- (5) (7) Where it is necessary to allow the subdivision of property on which commercial or industrial units will be for sale, for sale in condominium or for lease, and such units are constructed as part of a multiunit structure in which the units share common walls or are part of a multiple-structure development, and the entire development has been planned and designed as a cohesive, coordinated unit under a single master plan; or

(8) Where transfers of required landscape areas to other areas on a site are necessary to satisfy other purposes of this ~~section~~ *division*, including transfers to increase screening or preserve existing trees, provided such transfers do not reduce overall landscape requirements for a development.

(e) *Process for requesting modifications, substitutions, or transfers.* Requests for modifications, substitutions or transfers shall be filed in writing with the planning director *at the time of plan submittal* and shall identify the specific requirement of this section and the reasons and justifications for such request together with the proposed alternative. Depending upon whether the landscape plan is subject to commission or administrative review, the commission or planning director shall approve, deny, conditionally approve or defer action on such request and shall include a written statement certifying the above findings. The commission or planning director may require the applicant to provide plans, documentation or other materials to substantiate these findings.

In the case of approvals or conditional approvals, this statement shall include a finding as to the public purpose served by such recommendations, particularly in regard to the purposes of this ~~section~~ *division*. The planning director shall notify the applicant in writing as to the reasons for such action within 30 days of submittal of administrative plans meeting all applicable submittal criteria or within five working days of such decision by the commission.

(f) *Findings for acceptance of modifications, substitutions, or transfers.* The commission or planning director may modify, permit substitutions for any requirement of this ~~section~~ *division*, or permit transfer of required landscaping on a site upon finding that:

- (1) Such requirement would not promote the intent of this ~~section~~ *division*;
- (2) The proposed site and landscape plan ~~will~~ *shall* satisfy the intent of this ~~section~~ *division* and its landscape area requirements to at least an equivalent degree as compared to a plan that strictly complies with the minimum requirements of this ~~section~~ *division*;
- (3) The proposed site and landscape plan ~~will~~ *shall* not reduce the total amount of landscape area or will not reduce the overall landscape effects of the requirements of this ~~section~~ *division* as compared to a plan that strictly complies with the minimum requirements of this ~~section~~ *division*;
- (4) Such modification, substitution or transfer shall have no additional adverse impact on adjacent properties or public areas; and
- (5) The proposed site and landscape plan, as compared to a plan that strictly complies with the minimum requirements of this ~~section~~ *division*, shall have no additional detrimental impacts on the orderly development or character of the area, adjacent properties, the environment, sound engineering or planning practice, Comprehensive Plan, or on achievement of the purposes of this section division.

Sec. 24-101. Landscape requirements by zoning district.

(c) *LB, Limited Business District; B-1, General Business District; M-1, Limited Business/Industrial District; M-2, General Industrial District; RT, Research and Technology District, PL, Public Lands District.*

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS DIVISION 16, PUBLIC LAND DISTRICT, SECTION 24-535.4, SETBACK REQUIREMENTS, SECTION 24-535.6 YARD REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Section 24-535.4 Setback Requirements, Section 535.6 Yard Requirements.

Chapter 24

ARTICLE V. DISTRICTS

DIVISION 16. PUBLIC LAND DISTRICT, PL

Sec. 24-535.4. Setback requirements.

Structures shall be located a minimum of 35 feet from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located a minimum of 60 feet from the centerline of the street. This shall be known as the "setback line," ~~All~~ subdivisions platted and recorded prior to March 1, 1969, with building setback lines shown on their recorded plat, shall be allowed to adhere to these established setback lines. *In addition refer to division 4 section 24-98 for landscape area and construction zone requirements.*

Sec. 24-535.6. Yard ~~regulations~~ requirements.

(a) *Side.* The minimum side yard for each main structure shall be 15 feet. The minimum side yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum side yard of 15 feet. *All yards shall contain any existing trees and/or supplemental plantings in conformance with section 24-96.*

(b) *Rear.* Each main structure shall have a rear yard of 35 feet or more. The minimum rear yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum rear yard of 15 feet. *All yards shall contain any existing trees and/or supplemental plantings in conformance with section 24-96.*

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS DIVISION 17, ECONOMIC OPPORTUNITY DISTRICT, SECTION 24-536.8, SETBACK AND BUFFER REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Section 24-536.8 Setback and buffer requirements.

Chapter 24

ARTICLE V. DISTRICTS

Division 17. Economic Opportunity, EO

Sec. 24-536.8. Setback and buffer requirements.

(a) *Location of structures.* Structures shall be located 25 feet or more from any external existing or planned public road right-of-way, or any internal arterial road right-of-way, which is 50 feet or greater in width. Where the external existing or planned public road right-of-way, or the internal arterial road right of- way, is less than 50 feet in width, structures shall be located 45 feet or more from the centerline of the external existing or planned or internal arterial public road. Structures shall be located a minimum of 50 feet or more from any community character corridor. *In addition, refer to division 4, Landscaping section 24-98 for landscape area and construction zone requirements.*

(b) *Required buffers from economic opportunity districts.* A buffer of 25 feet shall be maintained from the perimeter of an economic opportunity district. The buffer in an economic opportunity district shall be increased to 100 feet where adjoining property is designated low-density residential or rural lands on the Comprehensive Plan. In addition, the buffer shall also be increased to 100 feet where an economic opportunity district adjoins property in a community character area, except where those properties are included in the economic opportunity master plan.

The buffer shall be left in its natural undisturbed state and/or planted with additional or new landscape trees; *and* shrubs ~~and other vegetative cover~~ such that the setback serves to minimize the visual intrusion and other negative impacts of new development or redevelopment on adjacent development.

ENHANCED LANDSCAPING POLICY

Goal

To establish guidelines for how enhanced landscaping can be applied to special use permit and rezoning applications to ensure that landscaping best management practices are applied to all proposed development plans. The intent of the Enhanced Landscape Policy is to provide more flexibility to landscape designers to create landscape designs that both exceed minimum ordinance requirements and that create a context sensitive plan that is responsive to the goals, strategies and actions of the county's adopted comprehensive plan.

Guidelines are to be applied to all special use permit or rezoning applications where enhanced landscaping is desired. Applicants are encouraged to propose such enhancements as early in the development process as possible. Enhanced landscaping proposals are most beneficial at the conceptual plan stage.

Guidelines

Enhanced landscaping shall be defined as improvements within a landscaped open space, area or strip, as defined in Section 24-2 of the James City County Code, that exceed minimum requirements. The specific improvement may include, but is not limited to, the following: plants that exceed minimum ordinance requirements for size, additional plants, special purpose plants such as upright evergreens for screening, hardscapes, pedestrian accommodations, decorative fencing, or any improvement that goes beyond the minimum ordinance requirements for landscaping and contributes a demonstrative public benefit to the proposal. Further, in proposing enhanced landscaping, the applicant shall demonstrate:

- The proposal is compatible with the surrounding area and the site's Comprehensive Plan designation;
- The proposal exceeds the minimum ordinance requirements;
- The proposed plan is context sensitive and how the proposal is responsive to the goals, strategies and actions of the Comprehensive Plan; and
- The proposal is responsive to the design of the proposed development.

Example

An applicant may propose plants that exceed minimum ordinance requirements for plant size to screen a certain use from public view with tall evergreen trees. The proposal for enhanced landscaping is the evergreen trees that exceed minimum ordinance requirements for size, the need is the screening of the proposed use and the need is being met by the strategic placement of the plants.

Processing

An applicant that proposes enhanced landscaping for sites that require a special use permit and/or a rezoning application shall fill out an Enhanced Landscaping request form that contains a narrative that explains the intent of the proposed enhanced landscaping. The request form shall be submitted no later than the time of application for a special use permit and/or rezoning application.

MEMORANDUM

DATE: March 6, 2013

TO: Planning Commission

FROM: Jason Purse, Zoning Administrator
Christy Parrish, Proffer Administrator

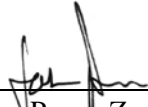
SUBJECT: Pawn Shops and Payday/Title Loan Establishments

On January 22, 2013, the Board of Supervisors adopted an initiating resolution to consider amending the Zoning Ordinance to address pawn shops and payday/title loan establishments. Based on discussions with the Policy Committee on January 17 and February 15, 2013, staff has prepared changes to three sections of the zoning ordinance for this meeting. Definitions for pawn shops and payday/title loan establishments have been added to Section 24-2. The definition for both of these uses was taken from the State Code definitions. Pawn shops and payday/title loan establishments are also proposed to be included as specially permitted uses in the M-1, Limited Business Industrial and M-2, General Industrial Districts.

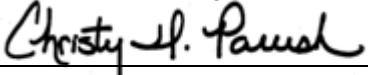
Staff has consulted with the County Attorney's office and they have stated that these uses cannot be completely prohibited in the ordinance. After discussions with the Policy Committee, the M-1, Limited Business/Industrial, and M-2, General Industrial Districts were deemed to be the most appropriate areas for these uses. As a reminder, if the ordinances are approved as presented, any pawn shop or payday/title loan establishment would need to have a special use permit application reviewed by the Planning Commission within the context of a public hearing process and ultimately approved by the Board of Supervisors. During that process site specific details, Comprehensive Plan designations, and adjacent property impacts would all be taken into consideration.

The Policy Committee also discussed other potential requirements for these uses, such as an overall cap on the number of pawnshops. Henrico County has a code section that limits the overall number of pawn shops in their community. Henrico's ordinance also allows pawn shops by-right. This overall cap on pawn shops is most appropriate in instances where the Board of Supervisors does not have the added oversight of the special use permit process. Since staff is proposing inclusion of pawn shops only as specially permitted uses, staff does not believe the cap is necessary or applicable as the special use permit process provides more discretion and control. Each pawn shop will be able to be evaluated on its individual merits by staff, the Planning Commission and the Board of Supervisors.

Staff recommends that the Planning Commission recommend approval of the proposed ordinance changes to the Board of Supervisors. At its February 15, 2013 meeting, the Policy Committee voted 4-0 to recommend approval of these changes.



Jason Purse, Zoning Administrator



Christy Parrish, Proffer Administrator

Attachment:

1. Ordinance

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS; BY AMENDING ARTICLE V, DISTRICTS; DIVISION 11, LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1, SECTION 24-411, USE LIST; AND BY AMENDING ARTICLE V, DISTRICTS; DIVISION 12, GENERAL INDUSTRIAL DISTRICT, M-2, SECTION 24-436, USE LIST.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-2, Definitions; by amending Article V, Districts; Division 11, Limited Business/Industrial District, M-1, Section 24-411, Use list; and by amending Article V, Districts; Division 12, General Industrial District, M-2, Section 24-436, Use list.

Chapter 24

ARTICLE I. IN GENERAL

Sec. 24-2. Definitions.

Pawnshop. A retail establishment where any person who lends or advances money or other things for profit on the pledge and possession of tangible personal property, or other valuable things, other than securities or written or printed evidences of indebtedness or title, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.

Payday/title loan establishment. Any establishment which advances or lends a small, short-maturity loan on the security of (i) a check, (ii) any form of assignment of an interest in the account of an individual at a depository institution, (iii) any form of assignment of income payable to an individual, other than loans based on income tax refunds or (iv) title of a motor vehicle.

Chapter 24

ARTICLE V. DISTRICTS

DIVISION 11. LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1

Sec. 24-411. Use list.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial	<i>Pawn shops</i>		<i>SUP</i>
	<i>Payday/title loan establishments</i>		<i>SUP</i>

Chapter 24

ARTICLE V. DISTRICTS

DIVISION 12. GENERAL INDUSTRIAL DISTRICT, M-2

Sec. 24-436. Use list.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial	<i>Pawn shops</i>		<i>SUP</i>
	<i>Payday/title loan establishments</i>		<i>SUP</i>

New Cases for February

Case Type	Case	Case Title	Address	Description	Planner	District
Conceptual Plans	C-0005-2013	Jamestown Scotland Ferry Security Stations	VDOT right-of-way (Jamestown Rd)	Add 14' wide inspection lane, improve gravel parking area for security personnel, add security building, and locate a 6' pedestrian gate across the pier.	Leanne Reidenbach	05-Roberts
	C-0006-2013	Kingsmill Burwells Bluff Subdivision	1000 KINGSMILL ROAD	Creation of a 7.9 acre area for future subdivision into 31 single family lots.	Scott Whyte	05-Roberts
	C-0007-2013	Army 2020 Force Structure Realignment	800 BLOW FLATS ROAD	Army 2020 Force Realignment - Joint Base Langley/Ft. Eustis; Programmatic Environmental Assessment	Leanne Reidenbach	
	C-0008-2013	Liberty Ridge Cul-de-sacs	5365 CENTERVILLE RD	Eliiminating Arbor Place as a connector street and installing two cul-de-sacs. Establish two neighborhoods with seperate HOAs.	Jose Ribeiro	02-Powhatan
	C-0009-2013	Old Route 60 Contractor's Office	2010 OLD RTE 60 WEST	Construction of a 70' x 50' contractor's office for four vehicles and nine employees.	Luke Vinciguerra	01-Stonehouse
	S-0005-2013	White Hall Sec. 3	3401 ROCHAMBEAU DR	Applicant proposes subdividing 11.5 acres into 30 lots.	Leanne Reidenbach	01-Stonehouse
	S-0006-2013	Mayo News Road	3733 NEWS ROAD	Single lot subdivision, creating an 18.37 acre and an 8.18 acre parcel.	Luke Vinciguerra	03-Berkeley
	S-0007-2013	Windsor Ridge Section 2B Lots 38-66	8455 BECKENHAM COURT	Platting lots 38-66 along Lusk Way and Fairmont Drive.	Scott Whyte	01-Stonehouse

Subdivision	S-0008-2013	Jacobs Industrial Center Parcel 6	190 INDUSTRIAL BLVD	Subdivision Plat of Lot 6 - Jacobs Industrial Center	Leanne Reidenbach	01-Stonehouse
	S-0009-2013	8850 Merry Oaks	8850 MERRY OAKS LANE	Applicant proposes subdividing 8 acre parcel.	Luke Vinciguerra	01-Stonehouse
	S-0010-2013	Kingsmill Resort Parcel R-9	1000 KINGSMILL ROAD	Subdivision of Parcel R-9 into 3 lots on 24.738 Acres	Jose Ribeiro	05-Roberts
	S-0011-2013	Kingsmill Resort Parcel R-11	8581 POCAHONTAS TR	Subdivision of Parcel R-11 into two lots on 269.032 acres	Scott Whyte	05-Roberts
	S-0012-2013	Parcel R2, Kingsmill Resort, Xanterra	1000 KINGSMILL ROAD	Subdivision of parcel R-2 into to lots.	Jose Ribeiro	05-Roberts
	S-0013-2013	Busch Corporate Center Parcel R-12, Xanterra	55 KINGSMILL ROAD	Subdivision of parcel adjacent to Kingsmill Rd and the brewery.	Leanne Reidenbach	05-Roberts
	S-0014-2013	Parcels R 13, Kingsmill Resort, Xanterra	1000 KINGSMILL ROAD	Three lot subdivision	Luke Vinciguerra	05-Roberts
Site Plan	SP-0006-2013	NTELOS Communications Facility - Ford's Colony Property		NTELOS WCF - 135' tower	Luke Vinciguerra	
	SP-0007-2013	Stonehouse Glen BMP Outfall SP Amend.	9304 STONEHOUSE GLEN	Repairing the outfall and receiving channel for the BMP south of Ashlock Court and amend the limits of work to enable installation of step-pool system.	Leanne Reidenbach	01-Stonehouse

	SP-0008-2013	Creative Cabinet Works Jacobs Industrial Center Parcel 12	190 INDUSTRIAL BLVD	Development of Parcel 12 with 18,000 SF building; asphalt parking lot; gravel storage lot/	Jose Ribeiro	01-Stonehouse
	SP-0009-2013	Williamsburg Premium Outlets Playground and Kiosks SP Amend.	5715 RICHMOND ROAD	Update of master plan for kiosks, carts and 30'x 30' playground area outside the Nautica Outlet.	Scott Whyte	02-Powhatan
Zoning Ordinance Amendment	ZO-0002-2013	Landscape Requirements for Public Lands		Amending Sec. 24-535.4 and Sec. 24-535.6	Scott Whyte	
	ZO-0003-2013	Landscape Requirements for Economic Opportunity		Amending Sec. 24-536.8	Scott Whyte	