

AGENDA
JAMES CITY COUNTY PLANNING COMMISSION
April 3, 2013 – 7:00 p.m.

1. ROLL CALL
2. PUBLIC COMMENT
3. MINUTES
 - A. March 6, 2013 Regular Meeting1
4. COMMITTEE/COMMISSION REPORTS
 - A. Development Review Committee (DRC)
 - B. Policy Committee
 - C. Regional Issues Committee/Other Commission Reports
5. PUBLIC HEARING CASES
 - A. SUP-0001-2013, Carolina Furniture9
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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 MARCH, TWO-THOUSAND AND THIRTEEN, 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:

George Drummond
Robin Bledsoe
Chris Basic
Tim O'Connor
Rich Krapf

Staff Present:

Paul Holt, Planning Director
Adam Kinsman, Deputy County Attorney
Jason Purse, Zoning Administrator
Scott Whyte, Senior Landscape Planner

Mr. Holt noted that Mr. Krapf would serve as Chair in the absence of Mr. Woods.

Mr. Rich Krapf called the meeting to order at 7:00 p.m.

2. PUBLIC COMMENT

Mr. Krapf opened the public comment.

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

3. MINUTES

A. February 6, 2013 Regular Meeting

Mr. Basic moved to approve the minutes.

In a unanimous voice vote, the Commission approved the minutes as amended. (5-0)

4. COMMITTEE / COMMISSION REPORTS

A. Development Review Committee (DRC)

Mr. Tim O'Connor stated the DRC met on March 5, 2013 to discuss the following cases:

SP-0097-2012, Village at Candle Station. Mr. O'Connor stated that this case was first heard on January 30, 2013 and deferred to March 5th. The case was brought before the DRC for a determination of master plan consistency for the following proposed changes:

- Increased width of 33 single-family detached lots
- Relocation of seventeen townhome units
- Changes to the townhome cluster area

- Changes to the parking area servicing the townhome cluster area

The DRC voted 4-0 to approve of the proposed changes as being consistent with the master plan.

SP-0037-2012, The Settlement at Powhatan Creek Phase 3. Mr. O'Connor stated that the case was before the DRC for a proposed 1,940 square feet of land disturbance within the 100-foot buffer adjacent to Powhatan Crossing for the purpose of constructing a retaining wall. The proffers require that a disturbance within the buffer, such as a retaining wall, receive DRC approval. The DRC voted 4-0 to approve up to 1,940 square feet of disturbance within the buffer for the construction of a retaining wall.

Mr. O'Connor stated that two other cases were also considered:

- C-0011-2013, Marywood Subdivision, Walking Trails Amendment. The Board of Directors of Marywood solicited feedback from the DRC regarding the removal of two of four mulch trails in the subdivision allowing them to return to their natural state. The DRC was generally supportive of the request.
- C-0012-2013 JCSA, Rt. 199 Water Tower Site, HRSD Pressure Reducing Station. The Hampton Roads Sanitation District submitted conceptual plans for installing a pressure reducing station adjacent to an existing JCSA water storage tank on Rt. 199. The DRC offered feedback to the applicant in advance of submitting an SUP application regarding the most appropriate ways to screen proposed above ground pumps and protect the Route 199 Community Character Corridor.

Mr. Drummond moved to accept the DRC report.

In a unanimous voice vote, the Commission approved the report. (5-0)

B. Policy Committee

Ms. Robin Bledsoe stated the Policy Committee met on and February 15, 2013 to discuss amendments to the zoning ordinance related to pawnshops and payday title loan establishments, to review a proposed enhanced landscape policy and to review proposed zoning ordinance amendments related to landscaping in the Public Lands district and the Economic Opportunity district.

Mrs. Bledsoe stated that regarding case ZO-0004-2013, the Policy Committee reviewed the intent of all appropriate zoning options for pawnshops and payday title loan establishments. The Committee discussed perceived pros and cons of each placement option. Ultimately, the Committee concluded that the placement of pawnshops and payday title loan establishments should be through a Special Use Permit in the M1 and M2. The Committee unanimously recommended that the Planning Commission recommend approval of the same.

Ms. Bledsoe stated that regarding the landscape items, the Policy Committee also reviewed the hard work of the Professional Landscape Assessment Team (PLAT). PLAT submitted a report to the James City County Planning staff recommending changes that will promote best management practices and provide more flexibility to landscape designers while continuing to follow the County's Zoning Ordinance landscape guidelines and requirements. The James City County Planning staff supported those recommendations. After careful consideration the Policy Committee also supported those recommendations. Therefore, pertaining to case ZO-0001-2013, ZO-0002-2013 and ZO-0003-2013 Landscape Ordinance Amendments, the Policy Committee unanimously recommended approval of these items.

Mr. Drummond moved to accept the Policy Committee report.

In a unanimous voice vote, the Commission approved the report. (5-0)

Mrs. Bledsoe added a comment that she commended the PLAT Committee and staff for their excellent job preparing the landscape recommendations.

Mr. Krapf also complimented staff on the project.

5. PUBLIC HEARING CASES

ZO-0001-2013/ZO-0002-2013/ZO-0003-2013 Landscaping Ordinance Amendments

Mr. Scott Whyte, Senior Landscape Planner noted that three ordinance amendments and an enhanced landscape policy were being presented for consideration.

Mr. Whyte stated that ZO-0001-2013 is a resolution to amend the substitution, modification and transfer section of the Landscape Ordinance and adoption of an enhanced landscaping policy. The resolutions are based on recommendations proposed by the PLAT Committee and were initiated by the Board of Supervisors at the January 22, 2013 meeting. Mr. Whyte further stated that ZO-0002-2013 and ZO-0003-2013 are resolutions recommending minor changes to the Public Lands and Economic Opportunity zoning districts which were initiated by the Planning Commission on February 6, 2013.

Mr. Whyte stated that the PLAT recommended amending the modification, substitution and transfer section 24-91 of the zoning ordinance to:

- Give additional flexibility to landscape designers to mitigate existing site constraints such as narrow and unusually shaped parcels, sloped topography, and natural or man made obstacles
- Provide language to mitigate utility easements that exist on site that may inhibit the application of ordinance requirements as written
- Give designers the ability to mitigate site restraints by allowing for modifications to landscape quantity in exchange for qualitative improvements, while ensuring that the intent of the ordinance is maintained

Mr. Whyte noted the Planning Commission had been provided a copy of questions and concerns received from a citizen regarding the PLAT Committee recommendations.

Mr. Whyte further stated that the PLAT Committee recommended creation of an enhanced landscape policy to:

- Be more proactive at the application stage of a proposal by specifically defining what enhanced landscaping means for a site-specific development proposal
- Ensure that the specific application of enhanced landscaping will be initially proposed by the applicant's landscape design professional to address specific needs of that particular development
- Provide flexibility so that enhanced landscaping will not necessarily be limited to increased numbers or sizes of plants. Hardscapes, pedestrian accommodations, ornamental fencing public art and other types of amenities should be considered

Mr. Whyte stated that ZO-0002-2013 and ZO-0003-2013 are minor changes to the Public Lands and Economic Opportunity districts to coordinate the requirements for these districts with the requirements of the landscape section of the zoning ordinance.

Mr. Whyte noted that the proposed amendments to the Public Lands district include:

- Adding a reference to the landscape requirements for right-of-way landscaping and construction zone setback to §24-535.4 for setback requirements.
- Adding a reference to landscape requirements concerning planting requirements for side and rear yards to §24-535.6.

Mr. Whyte noted that further discussion on whether the term "yard" was a building setback or a required landscape area resulted in "yard" being changed to "landscape areas" and reference both in §24-96 and §24-101 (c) as shown in the amendment provided at the dais.

Mr. Whyte stated that the third change was to add Public Lands to a list of districts in §24-101 that require side and rear yard plantings.

Mr. Whyte noted that the only change to the Economic Opportunity district added a reference to the landscape requirements for right-of-way and construction zone setbacks to §24-536.8.

Mr. Krapf stated that he presumed that Mr. Whyte would follow up on the citizen questions and invited the other Planning Commissioners to include any questions they had regarding the citizen's comments in the current discussion.

Mr. Basic inquired whether there were other districts in the ordinance that already refer to side and rear yards and whether in essence the original text was consistent with how the rest of the ordinance is written.

Mr. Whyte responded that Mr. Basic was correct; however, the change was made to clarify the requirements for individuals not familiar with the landscape ordinance.

Mr. O'Connor inquired whether there was an appeal process included in the ordinance and whether appeals would go to the DRC or the Planning Commission.

Mr. Whyte responded that he would look into the process.

Mr. Krapf stated that the other ordinance amendments reviewed by the Planning Commission allow for the Planning Director to sign-off on a waiver with the appeal process to either body.

Mr. O'Connor stated that he wanted to echo Ms. Bledsoe's earlier comments that a lot of work went into preparing the amendments and that it made sense to give some flexibility rather than sticking to a strict formula.

Mr. Krapf requested that Mr. Whyte tell the Planning Commission about the various professionals that made up the PLAT.

Mr. Whyte responded that the PLAT included a wide variety of landscape professionals. Mr. Basic, Mr. Peters, commercial landscape design, Mr. Merritt and Mrs. Krapf, residential landscape design and Gordon Chapel, institutional landscape design. Mr. Whyte noted that the scope of work had been narrowed to considering planting density only.

Mr. Krapf noted that it was particularly effective that the PLAT Committee talked about the issues from a design standpoint with staff doing the follow-up to create the ordinance language.

Mr. Whyte noted that it was helpful to have different the perspectives on the committee.

Mr. Basic noted that there were four landscape architects and one certified landscape designer on the committee. This speaks to the first of the questions posed by the citizen.

Mr. Holt noted, in response to Mr. O'Connor's question on the appeal process, that the ordinance language states "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..."

Mr. Krapf opened the public hearing.

There being none, Mr. Krapf closed the public hearing.

Mr. Holt requested that there be a motion and a vote on each of the three ordinance items.

Ms. Bledsoe moved to recommend approval of Z0-0001-2013, Professional Landscape Assessment Team, Amendments to Chapter 24, Division 4, Landscaping and Creation of an Enhanced Landscaping Policy.

In a unanimous roll call vote, the Commission recommended approval. (5-0)

Mr. Basic moved to recommend approval of Z0-0002-2013, Amendments to Chapter 24, Division 16, Public Lands, as amended.

In a unanimous roll call vote, the Commission recommended approval. (5-0)

Mr. Drummond moved to recommend approval of Z0-0003-2013, Amendments to Chapter 24, Division 17, Economic Opportunity.

In a unanimous roll call vote, the Commission recommended approval. (5-0)

ZO-0004-2013, Pawnshops and Payday & Title Loan Establishments

Mr. Jason Purse, Zoning Administrator, stated that on January 22, 2013, the Board of Supervisors adopted an initiating resolution to consider amending the Zoning Ordinance to address pawn shops and payday and 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, Definitions. Mr. Purse noted that the definitions for both of these uses mirrors the State Code language. 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.

Mr. Purse stated that staff has consulted with the County Attorney's office and they have stated that these uses cannot be completely prohibited in the zoning 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. Mr. Purse noted that 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 be 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.

Mr. Purse stated that 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.

Mr. Krapf opened the public hearing.

Ms. Suzanne Stern, 128 Spring Branch, spoke to the nature of the pawnshop/payday title loan process and demonstrated the effect of the interest and fees incurred in that process. She noted the difficulty of meeting the loan terms. Ms. Stern noted that Ms. Bledsoe stated in a newspaper article that these businesses do serve a purpose. Ms. Stern noted that she hoped that it can be demonstrated that they serve a good purpose for the community.

Mr. Jay Dunbar, 2724 Linden Lane, stated that he is a licensed pawnbroker in the city of Hampton and has wanted to open a pawnshop in the County. Mr. Dunbar requested that the Planning Commission not establish regulations that would be excessively restrictive. He noted that pawnshops and payday title loans are heavily regulated by the Commonwealth. Mr. Dunbar further noted that pawnbrokers provide a service not only to their customers but also to law enforcement agencies. Mr. Dunbar stated that 70 percent of items pawned are redeemed and that most pawnbrokers are willing to work with their customers.

Kelly Dunbar, 2724 Linden Lane, stated that through her education and work experience she has learned about people and providing customer service. She further stated that pawnshops provide a necessary service to the community and that the owners strive to provide good services.

As there no further comments, Mr. Krapf closed the public hearing.

Mr. Krapf noted that the speakers addressed many of the issues considered by the Policy Committee.

Ms. Bledsoe noted that initially she did not want to allow pawnshops in any zoning district because she was concerned by some of their practices. Ms. Bledsoe noted that through further research she determined that pawnshops are heavily regulated, even by Homeland Security. Mr. Bledsoe further noted that they have a national organization that regulated what they do. Ms. Bledsoe stated that the most compelling information in her research were the statistics on the number of individuals who cannot afford to have checking accounts. She stated that while she does not agree with some of the practices, she does believe that pawnshops do provide a service for these individuals and she did not feel that she had the right to deny them access to the service.

Ms. Bledsoe stated that the issue before the Planning Commission was to determine the best possible placement for pawnshops. Mrs. Bledsoe noted that after discussion at two meetings regarding what would work best and still serve the pawnshops and the community they serve, the two districts identified in the ordinance amendment had been identified. Ms. Bledsoe noted that they might not be ideal; however, they meet the intent of the zoning descriptions and are in locations where they are accessible to the citizens who need the services. Mrs. Bledsoe further stated that the County did not have the right to prohibit pawnshops and regardless of her personal opinion, it is only fair that County citizens are allowed access to the services.

Mr. Krapf stated that one of the items the Policy Committee carefully reviewed and considered was the Statement of Intent of each zoning district. Mr. Krapf noted that in formulating its recommendation the Policy Committee tried to hone in on what each district called for. Mr. Krapf further noted that the Policy Committee felt that proximity to residential developments was not desirable and stated that as with any business there were positives and negatives. Mr. Krapf also remarked on how well the industry is regulated by the Commonwealth. Mr. Krapf stated that the Policy Committee ultimately determined that the Statement of Intent for the M-1 and M-2 districts best matched the criteria being considered.

Mrs. Bledsoe noted that the intent behind requiring a Special Use Permit was to ensure that there was discussion on the placement and impact of each request.

Mr. Krapf noted that with the Special Use Permit, there are performance measures that can be required on a site specific basis such as limiting hours of operation to mitigate impacts on the surrounding area. Mr. Krapf further noted that each application would be considered on its individual merits as it comes through the Special Use permit process which makes it a stronger ordinance to ensure quality for the County.

Mr. Basic noted that pawnshops are a sensitive issue and commended staff and the Policy committee for their efforts. Mr. Basic further noted that inclusion of the Special Use Permit process provides flexibility and modest control.

Mr. O'Connor moved to recommend approval of ZO-0004-2013, Pawnshops and Payday & Title Loan Establishments.

In a unanimous roll call vote, the Commission recommended approval. (5-0)

7. PLANNING DIRECTOR'S REPORT

Mr. Holt noted that other than what has been included in the Planning Commission packets, there is nothing further to report at this time.

8. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Krapf noted Mr. Wood's e-mail regarding the Board of Supervisors coverage for the remainder of the year and the first several months of 2014.

Mr. O'Connor noted that he presented the Planning Commission Annual Report to the Board of Supervisors at their February 26, 2013 meeting. Mr. O'Connor shared the Board of Supervisors' appreciation of the work that was done.

Mr. Krapf thanked Mr. O'Connor for his leadership over the previous year.

9. ADJOURNMENT

Mr. Basic moved to adjourn.

The meeting was adjourned at 7:48 p.m.

Al Woods, Chairman

Paul D. Holt, III, Secretary

Case No. SUP-0001-2013, Carolina Furniture

Staff Report for the April 3, 2013 Planning Commission Public Hearing

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

PUBLIC HEARINGS

Planning Commission:	February 6, 2013	7:00 p.m.
Board of Supervisors:	March 12, 2013	7:00 p.m. (remanded to PC)
Planning Commission:	April 3, 2013	7:00 p.m.
Board of Supervisors:	April 9, 2013	7:00 p.m. (tentative)

Building F Board Room; County Government Complex

SUMMARY FACTS

Applicant:	Mr. Joseph H. Steele, II
Land Owner:	Mr. Joseph H. Steele, II and Mrs. Judy H. Steele
Proposal:	To allow up to a \pm 5,000 square foot addition and minor repairs to an existing commercial building.
Location:	5431 and 5425 Richmond Road
Tax Map/Parcel:	3330100016 and 3330100019
Parcel Size:	12.69 acres (combined)
Existing Zoning:	B1, General Business
Comprehensive Plan:	Neighborhood Commercial
Primary Service Area:	Inside

STAFF RECOMMENDATION

Staff finds the proposed use to be consistent with the surrounding zoning and development and compatible with the 2009 Comprehensive Plan. Staff recommends the Planning Commission recommend approval of this application to the Board of Supervisors with the conditions listed in the staff report.

Staff Contact:	Jose Ribeiro, Senior Planner	Phone: 253-6685
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Proposed Changes Made Since the March 12, 2013, Board of Supervisor's Meeting

At the March 12th Board meeting, the applicant informed staff of a recent change made to the architectural plans for the proposed building expansion which resulted in an increase in area from the originally proposed \pm 3,000 square feet to up to \pm 4,500 square feet. Because the proposed change exceeded that which was advertised, staff recommended the Board of Supervisors remand the project back to the Planning Commission for consideration. The revised square footage necessitated minor revisions to the master plan, including a slight increase in the building coverage and floor area ratio (i.e., from previous 18.9% to 19.2%) and a slight increase in parking requirements (i.e., total parking required changed from 132 to 135 spaces). Staff supports the increase in area of the proposed building expansion, and due to the fact this is a design-build project, staff has updated the proposed SUP conditions to allow for a building expansion of up to 5,000 square feet.

PROJECT DESCRIPTION

Mr. Joseph H. Steele, II, of Carolina Furniture, has applied for a special use permit (SUP) to allow a \pm 4,500 square foot addition to an existing commercial building that is approximately 16,429 square feet in size. The site is located at 5425 and 5431 Richmond Road and zoned B-1, General Business. The existing furniture showroom building requires a commercial SUP because it is in excess of 10,000 square feet. This structure currently doesn't have a commercial SUP because it was built before the zoning ordinance section requiring commercial SUPs went into effect. If approved, this request will allow not only the proposed square feet addition and minor improvements but it will bring the entire site into conformance with the current commercial SUP regulations.

The site for Carolina Furniture is currently located across two adjacent parcels. The smaller parcel fronts on Richmond Road but has no vehicular access to the public right-of-way. This is the retail center of the site and the location of four buildings that contains retail and storage uses. The proposed square feet addition is part of an effort to expand the commercial floor area and to renovate the façade of the largest of the four buildings, the furniture showroom building. Other improvements to the main building, including replacement of the mansard roof damaged by water leakage, are also proposed. The larger of the two parcels has a "flag lot" configuration; the property frontage has vehicular access to Richmond Road through a fifty-foot wide access easement placed within the stem of the flag lot. Both parcels share the same access easement. In 2008, a site plan (SP-0146-2006) proposing the construction of a cluster of six warehouse/office buildings located at the rear of the larger parcel was approved, but has not yet been built. Combined, both parcels which constitute the site for Carolina Furniture are subject to this SUP.

As it currently exists, the furniture showroom building is a legally non-conforming structure as it encroaches into the required 20 feet side setback. The applicant has proposed to eliminate the common property line between the parcels in the front and in the back through a boundary line extinguishment process (SUP condition No. 2). Once the common property line is eliminated, both parcels will be combined into a single parcel and the non-conforming status of the existing structure will be resolved as the side setback is pushed further from the building due to the new property line located further from the building. Staff notes that the warehouse/office buildings proposed on the rear parcel were approved in 2008 administratively, as these uses do not require a commercial SUP.

Archaeological Impacts

The subject property is not located within an area identified as a highly sensitive area in the James City County Archaeological Assessment and therefore an archaeological study is not required.

Environmental

Watershed: Powhatan Creek

The Engineering and Resource Protection Division has no comments on the SUP request and supports this proposal. According to information provided by the applicant, the proposed \pm 4,500 showroom addition will have a minimal net increase in impervious area as approximately 3,000 square feet of impervious surface (e.g., portico and sidewalks) will be eliminated to allow the addition.

Public Utilities

The site is located within the Primary Service Area (PSA) and it is served by public water and sewer. The James City Service Authority (JCSA) has reviewed this application and has recommended approval. A Water Conservation Agreement (SUP condition No. 5) for the entire site will be reviewed and approved by JCSA at the time of plan of development.

Transportation:

Staff finds that the proposed showroom addition will generate few additional vehicular trips with limited impact to the local road system. Vehicular access to the site will continue through the existing shared ingress/egress easement.

2007 Traffic Counts (Richmond Road): From Route 199 to the Williamsburg City line there were 20,470 trips.

2035 Volume Projected (Richmond Road): From Route 199 to the Williamsburg City line there is the projection of 45,325 trips. This portion of Richmond Road is recommended for improvement.

Parking

The property in the front currently has a total of 73 parking spaces. The property in the back, once developed, will have a total of 38 parking spaces. Combined both properties will have capacity for 111 parking spaces. Staff notes that the total number of parking provided is 24 spaces short of the 135 parking spaces required in order to meet the parking regulations of the Zoning Ordinance. The applicant has entered a shared parking agreement with the adjacent property owner (i.e., the Moose Lodge) to provide additional 72 parking “shared” spaces. With a total number of 183 parking spaces being provided it will meet and exceed the parking requirements of the Ordinance without having to increase the amount of impervious surface on the site. Staff notes the agreement is currently under review of the Deputy County Attorney and it is a condition of this SUP application (SUP condition No. 3).

COMPREHENSIVE PLAN

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 sq. ft. in order to retain a small-scale neighborhood character. The applicant has submitted architectural elevations (SUP condition No.4) depicting architectural

elevations that show consistency with the design of existing “smaller-scale” buildings on the site. Staff notes that the site fronts on Richmond Road, which is designated by the 2009 Comprehensive Plan as a Community Character Corridor (CCC). Given the existing site constraints, particularly, the location of existing paved parking areas in the front of the building, there are no opportunities to provide a 50 foot wide landscape buffer as recommended by the 2009 Comprehensive Plan. However, a landscape plan associated with the expansion is required to be submitted with the site plan.

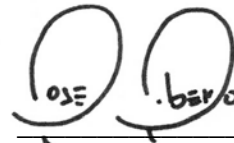
STAFF RECOMMENDATION

Staff finds the proposed use to be consistent with the surrounding zoning and development and compatible with the 2009 Comprehensive Plan. Staff recommends the Planning Commission recommend approval of this application to the Board of Supervisors with the conditions listed in the staff report.

1. **Master Plan.** This Special Use Permit (the “SUP”) shall be valid for the proposed development approved as part of James City County Site Plan SP-0146-2006, existing buildings and accessory structures, the addition of a showroom of up to 5,000 square feet in size, and other minor improvements on properties located at 5425 and 5431 Richmond Road and further identified as JCC RE Tax Map Nos. 3330100019 and 3330100016 respectively (together, the “Properties”). Development of the Properties shall be generally in accordance with the Master Plan entitled “Master Plan Carolina Furniture” prepared by Bowman Consulting dated January 11, 2013 (the “Master Plan”) and revised March 21, 2013, with such minor changes as the Planning Director, or his designee, determines does not change the basic concept or character of the development. In the event the Planning Director finds that the proposed change alters the basic concept or character of the development the applicant may appeal the Planning Director’s determination to the Development Review Committee.
2. **Boundary Line Extinguishment.** Prior to final site plan approval, a plat showing the extinguishment of the common property line between the Properties located at 5425 and 5431 Richmond Road must be submitted and approved by the County.
3. **Shared Parking Agreement.** Prior to final site plan approval, a shared parking agreement between the Carolina Furniture property and adjacent parcel identified as JCC Tax Map 3330100017 (the “Moose Lodge”) must be submitted for the review and approval by the Planning Director or his designee.
4. **Architectural Elevations.** Prior to final site plan approval, the Planning Director or his designee shall review and approve a final building elevations and architectural design, including colors and materials for the proposed addition. The proposed addition shall be reasonably consistent, as determined by the Planning Director or his designee with the architectural elevations date stamped March 12, 2013.
5. **Water Conservation Agreement.** The Owner(s) shall be responsible for developing and enforcing water conservation standards for the Properties to be submitted and approved by the James City Service Authority prior to final site plan approval. The standards shall include, but shall not be limited to such water conservation measures as limitations on the

installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought resistant native and other adopted low water use landscaping materials and warm season turf where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.

6. **Lighting.** All new exterior light fixtures, including building lighting, on the Properties shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Planning Director or his designee which indicates no glare outside the property lines unless otherwise approved by the Planning Director or his designee. All light poles shall not exceed 20 feet in height unless otherwise approved by the Planning Director or his designee prior to final site plan approval. "Glare" shall be defined as more than 0.1 foot-candle at the boundary of the Properties or any direct view of the lighting source from the adjoining properties.
7. **Signs.** All new signs and new sign locations shall be reviewed and approved by the Planning Director or his designee prior to final site plan approval.
8. **Commencement of Construction.** If construction has not commenced on this project within twenty-four (24) months from the issuance of a special use permit, the special use permit shall become void.
9. **Severance Clause.** This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

A handwritten signature in black ink, appearing to read "Jose Ribeiro", written over a horizontal line.

Jose Ribeiro, Senior Planner

ATTACHMENTS:

1. Location map
2. Master Plan (under separate cover)
3. Architectural elevations date stamped March 12, 2013

JCC-SUP-0001-2013

Carolina Furniture



MAR 12 2008

RECEIVED

PLANNING DIVISION



MAR 12 2013

RECEIVED

MAR 12



PLANNING DIRECTOR'S REPORT
April 2013

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 March but did review and approve several sign permits. Their next meeting is scheduled for May 16.
- **Regional Comprehensive Planning Effort.** Staff expects to bring information to the April 11, 2013 Policy Committee meeting for continued discussion.
- **Dominion Power Lines.** The evidentiary hearing with the State Corporation Commission is scheduled to begin on April 9.
- **Monthly Case Report.** For a list of all cases received in the last month, please see the attached document.
- **Historical Commission.** The Commission is excited to announce that two new historic highway markers have been installed. The first commemorates the Community of Grove and is located on Pocahontas Trail adjacent to Colonial Manor. There will be a dedication for this marker on April 13 at 11 am. The second marker recognizes Argall Town. A dedication for this marker is planned for later this summer.
- **Board Action Results** – March 12, 2013
 - Case No. SUP-0018-2012, New Zion Baptist Church Building/Parking Addition – Approved 4-0-1
 - Case No. SUP-0001-2013, Carolina Furniture Building Addition was remanded back to Planning Commission with a request that the case be brought back before the BOS at the April 9, 2013 meeting.
 - Case No. Z-0008-2012/SUP-0017-2012, Jamestown Beach – Approved 3-2.


Paul D. Holt, III

New Cases - March 2013

Case Type	Case Number	Case Title	Address	Description	Planner	District
Conceptual Plan	C-0010-2013	Merrimac Trail Used Car Lot	7259 MERRIMAC TRAIL	Construction of a used car lot.	Jose Ribeiro	05-Roberts
	C-0011-2013	Marywood Subdivision Walking Trails Amendment	175 MARYWOOD DR	This plan amendment proposes to delete some locations of walking trails within the Marywood Subdivision. The reduction in the number of trails and / or location is desired by the homeowners association for the Marywood Subdivision.	Scott Whyte	03-Berkeley
	C-0012-2013	JCSA Route 199 Water Tank HRSD Pressure Reducing Station	6735 ROUTE 199	Construction of an interim pressure reducing station (PRS) that will significantly reduce sanitary sewer overflows for HRSD, JCSA, Williamsburg, and York sewer systems.	Leanne Reidenbach	05-Roberts
	C-0013-2013	Toano Business Center Proffer Amendment	8105 RICHMOND ROAD #405	Proposal to use an existing building for a laser tag business.	Luke Vinciguerra	02-Powhatan
	C-0014-2013	New Town Sec. 7, Ph. 11, Parcel C	5455 CENTER STREET	Development of 16 single family and 45 townhomes between the pool and Roper-Homestead Park.	Leanne Reidenbach	04-Jamestown
	C-0015-2013	Landfall at Jamestown Phase 4 Lot 90	4420 LANDFALL DRIVE	Residential Stucture and footpath through existing natural open space easement and pier leading out to Powhatan Creek.	Scott Whyte	03-Berkeley
	C-0016-2013	2981 John Tyler Hwy, Family Subdivision	2981 JOHN TYLER HGWY	Applicant proposes subdividing 29 acre property for new 2 acre parcel using the family subdivision provision.	Jennifer VanDyke	03-Berkeley
	C-0018-2013	TYI Tender Home Child Care	702 COLEMAN DRIVE	Seeking to expand full time child care services.	Jose Ribeiro	05-Roberts
	C-0019-2013	Housing Redevelopment, 7259 Merrimac Trail	7259 MERRIMAC TRAIL	Short term homeless housing and training. Applicant has since withdrawn the application.	Jennifer VanDyke	05-Roberts
Subdivision	S-0015-2013	New Town Section 7, Phase 10, Lots 79-88	4375 ELIZABETH DAVIS BLVD	Subdivision for 10 single-family lots on 7.933 acres	Leanne Reidenbach	04-Jamestown
	S-0016-2013	New Town, Section 7, Phase 10, Lots 53-62 & 65-70	4375 ELIZABETH DAVIS BLVD	Subdivision of 16 single-family lots on 12.13 acres	Leanne Reidenbach	04-Jamestown
	S-0017-2013	Steward Family Subdivision	9446 RICHMOND ROAD	Three lot family subdivision	Luke Vinciguerra	01-Stonehouse
	S-0018-2013	Settlement at Powhatan Creek, Ph 1, Resubdivision	4105 TUFTON	Resubdivision of Lots 19 - 28 and revision of easements & setbacks on lots 16-18.	Jennifer VanDyke	03-Berkeley
	S-0019-2013	McDonough Clark Lane	198 CLARK LANE	Single subdivision of lot that is .41 acres.	Jennifer VanDyke	02-Powhatan
	S-0020-2013	Knowles Kingspoint Drive BLA	138 KINGSPPOINT DR		Scott Whyte	05-Roberts

New Cases - March 2013

Site Plan	SP-0010-2013	New Dawn Assisted Living SP Amend	1807 JAMESTOWN ROAD	This amendment adds a lighting plan.	Luke Vinciguerra	03-Berkeley
	SP-0011-2013	Busch Gardens Food Event Carts Germany, Ireland, Italy and France SP Amend.	7851 POCAHONTAS TR	New carts in Germany, Ireland, and Italy for an upcoming food venue.	Jennifer VanDyke	05-Roberts
	SP-0012-2013	Busch Gardens Food Event Cart France SP Amend.	7851 POCAHONTAS TR	New carts in France for upcoming food venue.	Jennifer VanDyke	05-Roberts
	SP-0013-2013	Busch Gardens Food Event Carts Pompeii SP Amend.	7851 POCAHONTAS TR	New cart in Pompeii for upcoming food venue.	Jennifer VanDyke	05-Roberts
	SP-0014-2013	Colonial Heritage Model Home SP Amend	7012 ADAMS	Amends SP-0010-2003 and SP-0031-2009 to allow rental of four model homes for short stays for prospective home purchasers.	Leanne Reidenbach	01-Stonehouse
	SP-0015-2013	Courthouse Commons Parcel 2 (Monarch Bank)	5235 MONTICELLO AVENUE	Bank building on Parcel 2 with additional and revised parking, drive thru lanes and utilities.	Leanne Reidenbach	04-Jamestown
	SP-0017-2013	Kingsmill Marina Cooler and Parking SP Amend.	1000 KINGSMILL ROAD	Add walk-in cooler and revises parking spaces with a net increase of one parking space. Some existing impervious surface removed and replaced with landscaping.	Leanne Reidenbach	05-Roberts
	SP-0018-2013	McLaws Circle Pedestrian Trail SP Amend.		Stripe a 5' wide pedestrian path around McLaws Circle.	Jennifer VanDyke	
	SP-0019-2013	Courthouse Commons, Parcel 3 Retail Building	5239 MONTICELLO AVE	Retail Building on Parcel 3 of the Courthouse Commons Shopping Center and private utilities.	Scott Whyte	04-Jamestown
	SP-0020-2013	Sprint Antenna Replacement SP Amend.	6487 RICHMOND ROAD	Swap out existing antennas with one antenna and remote radio heads (RRH) on each sector. Sprint will also add equipment inside of the existing equipment shelter. There will be no expansion of the ground space or extension in tower height.	Luke Vinciguerra	01-Stonehouse
	SP-0021-2013	Busch Gardens Oktoberfest Attraction Expansion SP Amend	7851 POCAHONTAS TR	Site Plan Amendment to include field changes implemented during construction of SP-0014-2011 - Verbolten	Leanne Reidenbach	05-Roberts