

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

1. ROLL CALL
2. PUBLIC COMMENT
3. MINUTES
 - A. June 5, 2013 Regular Meeting
 - B. May 28, 2013, Joint Work Session
4. COMMITTEE/COMMISSION REPORTS
 - A. Development Review Committee (DRC)
 - B. Policy Committee
 - C. Regional Issues Committee/Other Commission Reports
5. PUBLIC HEARING CASES
 - A. Case Nos. Z-0002-2013/SUP-0005-2013. Wellington, Windsor Ridge, Section 4.
 - B. Case Nos. ZO-0005-2013/SO-0001-2013. Ordinances to amend JCC Code, Chapter 24, Zoning and Chapter 19, Subdivisions
 - C. Case No. SUP-0008-2013. Flea Market, 9299 Richmond Road.
 - D. Case No. SUP-0010-2013. Jolly Pond Road Convenience Center SP Amendment
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 FIFTH DAY OF JUNE, 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
Mike Maddocks
Rich Krapf
Al Woods

Staff Present:

Paul Holt, Planning Director
Adam R. Kinsman, Deputy County Attorney

Mr. Al Woods called the meeting to order at 7:00 p.m.

2. PUBLIC COMMENT

Mr. Woods opened the public comment.

Ms. Marjorie Ponzianni, 4852 Bristol Circle, offered comments related to the discussions at the joint Work Session with the Board of Supervisors. Ms. Ponzianni requested that there be less emphasis on creating networks of bike paths in favor of using the funds for projects which would benefit more citizens. Ms. Ponzianni also commented on the concerns regarding certain groups dominating public forums and noted that all citizens should be welcome to speak. Ms. Ponzianni stated that the format of public forums should not be structured in a way that would allow dissenting opinions to be discarded. Ms. Ponzianni also noted that citizens want to know the actual percentage of land that the County owns or controls with easements and the tax rate on those parcels. Ms. Ponzianni recommended that the questions to be discussed during public forums be advertised prior to the meetings. Ms. Ponzianni also noted that information related to the County's Rural Lands update should be more accessible.

3. MINUTES

Mr. Chris Basic moved to approve the minutes from the May 1, 2013 meeting.

In a unanimous voice vote, the Commission approved the minutes. (6-0)

4. COMMITTEE / COMMISSION REPORTS

A. Development Review Committee

Mr. Basic stated that the Development Review Committee met on May 29, 2013 to discuss the following cases

C-0026-2013, Cottage Hill Nursery

Mr. John Wright has leased the property at 7691 Richmond Road which is part of the Pumpkinville Parcel with a previously approved Master Plan and SUP. This case was brought before the DRC for Master Plan consistency review. Mr. Wright intends to operate a commercial nursery and use the existing house as a residence on approximately 2.1 acres. The approved Master Plan allows for the retail sale of plant and garden supplies, as well as antiques, office and landscape stone storage on the parcel zoned A-1. Mr. Wright's proposed use does not include the construction of a 4,000 square foot warehouse as originally shown on the approved master plan and, therefore, was seen as a less intensive use. Some of the existing SUP conditions will continue to apply such as buffers along the Community Character Corridor; the DRC voted that the proposed use is consistent with the approved Master Plan (4-0).

C-0021-2013, Veritas Preparatory School

Ms. Diane Cavazos has submitted a conceptual plan to locate a private school in an existing office building at 275 McLaws Circle in the Busch Corporate Center. The property is zoned M-1 which requires an SUP for public and private schools. The proposed school would offer instruction to up to 50 students, grades 6 – 10, and eventually up to grade 12. There will be no bus service and a shared parking agreement will need to be employed with the office of Dr. James Burden, DDS as there are only 60 parking spaces available. The DRC was generally supportive of the applicant moving forward with the SUP application, understanding that there may be additional requirements by staff or the Busch Corporate Center.

Mr. Krapf moved to accept the report.

In a unanimous voice vote, the Commission approved the report. (6-0)

B. Policy Committee

Ms. Robin Bledsoe stated that the Policy Committee met on May 31, 2013 to discuss ZO-0005-2013/SO-0001-2013, Ordinances to Amend JCC Code Chapter 24, Zoning and, Chapter 19, Subdivisions. Because an 18-month comprehensive ordinance update implemented amendments throughout a staggered period of time, some inconsistencies had been found. For clarity purposes, staff has recommended changes to remedy those inconsistencies. With the exception of M-2, General Industrial District, the proposed changes do not alter policy. The proposed changes to M-2, General Industrial District recommend a broader Use List that corrects formatting errors and inadvertent omissions, and removes uses that do not represent the highest and best use of increasingly desirable yet limited parcels of land. The Policy Committee recommends approval of ZO-0005-

2013/SO-0001-2013, Ordinances to Amend JCC Code Chapter 24, Zoning and, Chapter 19, Subdivisions.

Mr. George Drummond moved to accept the report.

In a unanimous voice vote, the Commission approved the report. (6-0)

C. Regional Issues Committee

Mr. Woods stated that there had not been a Regional Issues Committee meeting since the last Planning Commission meeting and therefore there was no report.

Mr. Mike Maddocks confirmed.

5. PLANNING COMMISSION CONSIDERATION

A. Initiating Resolution - ZO-0005-2013/SO-0001-2013 Ordinances to amend JCC Code, Chapter 24, Zoning and Chapter 19, Subdivisions.

Mr. Jason Purse, Zoning Administrator, stated that after reviewing all of the changes from the Comprehensive Zoning Ordinance Update process, staff has identified a number of items that need to be corrected. Many of these corrections are housekeeping in nature. Mr. Purse noted that adoption of the Initiating Resolution is a necessary precursor to the Commission considering the amendments. Mr. Purse further stated that staff recommends that the Commission adopt the resolution to initiate consideration of this amendment to the Zoning and Subdivision Ordinances in accordance with Virginia State Code.

Mr. Maddocks inquired whether the actual ordinance changes would be considered in a separate action.

Mr. Purse confirmed that the amendments would be considered under the Public Hearing portion of the agenda.

Mr. Krapf moved to adopt the Initiating Resolution.

In a roll call vote, the Commission adopted the Initiating Resolution. (6-0)

6. PUBLIC HEARING CASES

A. Case No. AFD-09-86-1-2013, Gordon Creek Pickett Holdings Agricultural and Forestal District Addition

Mr. Luke Vinciguerra, Planner, stated that Mr. Meade Spotts has applied to enroll 349 acres of heavily wooded property located at 2171 Bush Neck Road into the Gordon Creek AFD. The parcel is zoned A-1, General Agricultural and is designated rural lands by the Comprehensive Plan. The property meets the minimum size and location requirements for inclusion in the AFD. The AFD Advisory Committee unanimously voted to endorse the application. Staff recommends that the Planning Commission recommend approval to the Board of Supervisors.

Mr. Woods inquired if the applicant was present.

Mr. Vinciguerra stated that the applicant was not present.

Mr. Woods opened the floor to questions.

The Commission had no questions.

Mr. Woods opened the public hearing.

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

Mr. Wood opened the floor for discussion.

There was no discussion.

Mr. Krapf noted that the parcel is contiguous with other parcels in the Gordon Creek AFD and that it is in an area that currently remains pristine.

Mr. Krapf moved to recommend approval of the addition of the property to the Gordon Creek AFD.

In a roll call vote, the Commission recommended approval of the application. (6-0)

B. Case No. SUP-0006-2013, Creative Kids Child Development Center

Mr. José Ribeiro, Senior Planner, stated that Ms. Tracey Williams has applied for a SUP to operate a child day care center in residential neighborhood and to increase the number of children from 9 to 20. The property is located at 701 Mosby Drive. zoned R-2, General Residential and designated as low density residential by the Comprehensive Plan. A Special Use Permit is required for the operation of child day care centers in the R-2 district.

Mr. Ribeiro stated that in 2006, Ms. Williams submitted an application for a home occupation to operate a child day care center for up to five children. Subsequently Ms. Williams applied for a license with the Virginia Department of Social Services to increase the capacity of her program to 9 children 24 hours a day; seven days a week and was unaware that the increase in capacity would require an SUP.

Mr. Ribeiro noted that if the SUP is approved, it will bring her child day care center into conformance with the Zoning Ordinance in addition to increasing the capacity of her program to 20 children.

Mr. Ribeiro noted on March 27, 2013, the DRC considered Ms. Williams request to increase the occupancy at her child day care center and offered comments and recommendations.

Mr. Ribeiro stated that in discussion with the applicant, staff supported bringing the use into conformance with the Zoning Ordinance and a modest increase in the number of children up to 12. Staff's main concerns are the impacts of traffic and noise associated with the larger increase on the residential neighborhood. Mr. Ribeiro further noted that Ms. Williams also proposes to move out of her residence in order to have sufficient space to accommodate 20 children. Mr. Ribeiro stated that staff does not support turning the residence into a commercial facility as this would be in conflict with the character of the neighborhood.

Mr. Ribeiro stated that on May 13, 2013 staff became aware of restrictive covenants associated with the neighborhood. The covenants state that no lot in the tract shall be used except for residential purposes. Mr. Ribeiro stated that staff informed the applicant that, based on the language in the covenants, staff would no longer be able to support an increase in the number of children from 9 to twelve.

Mr. Ribeiro noted that in 2009, in a similar case, the County Attorney's office issued a memorandum explaining the role of private covenants in zoning decisions and indicated that the Board of Supervisors should not, as a matter of public policy, take action which conflicts with restrictive covenants and that staff should recommend denial of such applications.

Mr. Ribeiro stated that there is no question that the applicant's child day care is a valuable resource for the community as evidenced by the number of letters received in support of her application; however, from a land use standpoint, staff does not find that a child day care center is a use appropriate to the interior of a residential neighborhood, particularly if the applicant moves out of the residence.

Mr. Ribeiro further stated that given the existence of covenants restricting the use of the lots, staff does not support this application. Mr. Ribeiro noted that should the Commission wish to approve the application and allow for up to 20 children, staff has proposed conditions to mitigate impacts associated with the proposed use.

Mr. Woods opened the floor to discussion.

Mr. Krapf inquired whether, if the number of children was 5 or less, the day care center could continue to operate as a home occupation.

Mr. Ribeiro confirmed that under those conditions it would be considered a home occupation.

Mr. Krapf noted that the restrictive covenants seemed to limit the number of children to 5 and inquired if the applicant had any recourse to have the covenants waived or changed.

Mr. Ribeiro responded that all property owners who are bound by the covenants must be in agreement with any changes and an amendment must be recorded among the land records with the Clerk of Circuit Court.

Mr. Krapf inquired what percentage of the neighborhood the letters of support represent and approximately how many property owners in James Terrace would have to acquiesce to any waivers.

Mr. Ribeiro responded that there are 16 lots on Mosby Drive. Residents on seven of those lots submitted letters of support. Letters were also received from property owners not on the cul-de-sac. Mr. Ribeiro noted that he would research the number of lots that comprise the entire subdivision.

Mr. Adam Kinsman clarified that the private covenants state that no lot shall be used except for residential purposes and that the County's policy is to not recommend approval of any use that is in direct conflict with the private covenant. Mr. Kinsman noted that in terms of the Zoning Ordinance, day care for 5 or fewer children is permissible as a home occupation and interpreted as a residential use. Mr. Kinsman further noted that property owners may feel differently regarding the interpretation of what constitutes a commercial or residential use.

Mr. Kinsman further clarified that an amendment to private covenants is more than just a survey of the property owners and would require drafting legal documents and filing them with the Court.

Mr. Basic inquired how many property owners would need to approve the amendment to the covenants.

Mr. Kinsman stated that an amendment would require approval by 100% of the property owners. Mr. Kinsman further noted that ascertaining the number of lots which are bound by the private covenants would require extensive research among the land records.

Ms. Bledsoe inquired if the residents enforce the covenants or if there was a homeowners association.

Mr. Kinsman stated that he was not aware of a homeowners association for the neighborhood and that any individual resident who benefits from the covenants would be able to file suit to enforce the covenants. Mr. Kinsman further noted that the County is not a party to the covenants and has no standing to enforce them. Mr. Kinsman noted again that the County's policy is to not recommend approval of any use that is in obvious and direct conflict with a private covenant.

Ms. Bledsoe inquired if anyone has complained about the existing day care.

Mr. Ribeiro stated that he was not aware of any complaints.

Mr. George Drummond inquired what number of children staff feels would be appropriate if the Commission recommended approval.

Mr. Ribeiro stated that the applicant is currently licensed by the Virginia Department of Social Services for 9 children. In the initial discussions with the applicant staff supported bringing the use into conformity with the Zoning Ordinance and a modest increase to 12; children; however, given the existence of the covenants, staff is no longer able to support the application.

Mr. Drummond inquired if the current number of children is in conflict with the Zoning Ordinance.

Mr. Ribeiro stated that prior to discovering the existence of the private covenants, staff had been supportive of a modest increase in the number of children from 9 to 12; however, there were concerns about increasing the number to 20.

Mr. Drummond inquired about when the covenants were established.

Mr. Ribeiro stated that the covenants were executed in 1956.

Mr. Basic inquired about the purpose of the County Attorney's position on private covenants.

Mr. Kinsman responded that it is a matter of public policy. Mr. Kinsman noted again that the County did not create the covenants and is not party to them and cannot enforce them; however, the County does not want to approve a use that would put the applicant in jeopardy of being in conflict with the other property owners to whom the covenants apply. Mr. Kinsman further noted that in terms of the Zoning Ordinance, 5 or fewer children is a home use and the County supports that.

Mr. Maddocks inquired what the DRC requested the applicant to do regarding proof of support from surrounding property owners.

Mr. Ribeiro stated that the applicant was to obtain letters of support from her neighbors and clients.

Mr. Maddocks inquired whether the DRC had recommended the applicant be limited to 9 children.

Mr. Ribeiro responded that the DRC had not made a recommendation on the number of children and that the focus of the request from the DRC was regarding showing support from adjacent property owners.

Ms. Bledsoe inquired what the ramifications to the County would be if the Commission voted in favor of the application.

Mr. Kinsman responded that there would be no ramifications to the County. Mr. Kinsman noted that it would put the applicant in jeopardy of enforcement action by the other property owners to whom the covenants apply.

Ms. Bledsoe inquired if the applicant proceeded with the applications, knowing the risks, whether it would be the applicant who would be responsible for dealing with enforcement actions.

Mr. Kinsman confirmed that the applicant would be the sole party responsible for dealing with any enforcement action by other property owners.

Mr. Woods noted that much of the focus has been on the number of children and requested that staff highlight some of the additional concerns related to the application.

Mr. Ribeiro stated that the actual request is for 20 children. Mr. Ribeiro further stated that the applicant would like to move out of the residence in order to accommodate that number. The applicant has also proposed atypical hours of operation from 6:00 a.m. to 12:00 a.m. Monday-Friday and from 7:00 a.m. to 12:00 a.m. from Saturday-Sunday. Mr. Ribeiro noted that staff considered the request from a land use perspective and the impacts of the proposal and arrived at conditions that would mitigate those impacts. Staff was comfortable supporting the application prior to discovering the existence of the restrictive covenants.

Mr. Maddocks inquired if a conflict over the covenants would be between the applicant and another property owner.

Mr. Ribeiro confirmed that the covenants are a private contract between the property owners which the County is not party to and does not enforce or interpret.

Mr. Maddocks inquired why the County would be concerned about a potential conflict between the applicant and another property owner.

Mr. Kinsman confirmed that it was a matter of public policy which was developed in 2009 and issued as a memorandum during consideration of a similar case.

Mr. Maddocks requested confirmation that there is no risk to the County as it relates to the covenants.

Mr. Kinsman confirmed.

Mr. Drummond noted that there was a similar situation in his neighborhood related to Dee's Day Care which was ultimately approved.

Mr. Ribeiro stated that there were several similarities between the two cases. Mr. Ribeiro stated that in the Dee's Day Care case, staff supported the application and the existence of restrictive covenants was discovered only after the Commission had recommended approval. Based on the guidance of the County Attorneys, staff had to change its

recommendation. Mr. Ribeiro stated that the Board of Supervisors did ultimately approve the request.

Mr. Drummond inquired about the number of children approved for the Dee's Day Care case.

Mr. Ribeiro stated that the Dee's Day Care proposal was for 12 children.

Mr. Drummond inquired about the considerations related to allowing 12 or 20 children.

Mr. Ribeiro stated that it was a matter of the impacts on the neighborhood. The impacts of noise and traffic increase as the number of children increases.

Mr. Drummond noted that it appeared that the majority of adjacent property owners supported the application.

Mr. Ribeiro confirmed.

Mr. Holt noted that there were also life, safety and building code impacts related to the requirements for increasing the number of children above 12 including monitored fire alarms, installation of exit doors and other factors which alter the structure of the dwelling and introduce a more commercial element.

Mr. Basic noted that the applicant's license from the Virginia Department of Social Services allows operation of the business 24 hours a day to accommodate those clients who work night shift. Mr. Basic inquired why the proposed hours are now significantly less.

Mr. Ribeiro stated that Planning and Building Safety and Permits staff met with the applicant to discuss how building code regulations would affect the proposal. It was determined that a certificate of occupancy to operate 24 hours a day with 20 children could not be obtained for a wood frame structure, therefore, the applicant was required to reduce the hours of operation.

Mr. Woods inquired if the reduction in hours of operation are reflected in the SUP conditions.

Mr. Ribeiro stated that the reduced hours of operation which were agreed to by the applicant are noted in the staff report. The hours noted in the SUP conditions reflect what staff believes would have less impact on the neighborhood.

Mr. Basic inquired how a lower number of children might affect the ability to operate 24 hours a day.

Mr. Ribeiro stated that it was not the number of children that triggered the building code requirements but the hours of operation.

Mr. Drummond inquired about the intent of the document provided by the Virginia Department of Social Services.

Mr. Ribeiro stated that it was not so much a letter of support but a preliminary determination that there was sufficient floor space for the proposed number of children based on a floor plan submitted by the applicant; however, physical inspection of the structure is still required for final determination.

Mr. Drummond inquired if the floor plan reflected the current conditions.

Mr. Ribeiro stated that the floor plan was based on proposed changes to the interior.

Mr. Woods invited the applicant to speak.

Ms. Williams thanked the Commission for the opportunity to speak.

Ms. Williams stated that she wanted to clarify several items.

Ms. Williams stated that the SUP application is for up to 20 children and that the Virginia Department of Social Services approval is for 24 children.

Ms. Williams shared with the Commission the proposed functional design of the residence which had been submitted to the Virginia Department of Social Services.

Ms. Williams further stated that she has approval from Building Safety and Permits for a certificate of occupancy for up to 20 children but this will require approval from the Planning Division. Ms. Williams noted that the options for a Certificate of Occupancy fell under both the I-4 group and the E group. The I-4 group pertains to a facility other than a family day home that provides supervision and personal care on a less than 24 hour basis for more than 5 children 2 1/2 years of age or less; excepting a child day care facility that provides care for more than 5 but no more than 100 children 2 1/2 years of age or less where the rooms in which the children are cared for have an exit which discharges directly to the exterior which is classified as an E group. Group E occupancies under 20,000 do not require sprinkler systems but still require a monitored fire alarm. Ms.

Williams stated that she had agreed to apply for a certificate of occupancy as an E group which would allow more than 5 but fewer than 100 children in a structure with a combustible wood frame structure.

Ms. Williams further noted that in regard to the concerns about operating 24 hour a day; seven days a week, she has been conducting business on that schedule for over 12 years. Since there were concerns about the hours of operations, she proposed to scale back the hours of operation encompass 5:30 or 6 a.m. to 12 a.m. Monday through Friday and 7 a.m. to 12 a.m. Saturday and Sunday which was acceptable to Building Safety and Permits staff. Ms. Williams noted that the time frames proposed are to accommodate clients who work varying shifts.

Ms. Williams noted that her clients encompass a diverse group of individuals who require the services that she provides to enable them to have child care while they work. Ms. Williams shared a letter of thanks from the County's Division of Social Services for her work with their clients.

Ms. Williams stated that she is aware of the private covenants and that she has obtained letters of support from both adjacent property owners and clients.

Ms. Williams further stated that she has documented approval from the James City Service Authority for the increase in use.

Ms. Williams stated that Engineering and Resource Protection has reviewed the application and recommends approval. Ms. Williams further noted that the Virginia Department of Transportation has no traffic concerns related to the proposal and no traffic improvements were recommended. Ms. Williams stated that the Virginia Department of Health only requested that Ms. Williams apply for the necessary food handling permits.

Ms. Williams stated that the Virginia Department of Social Services had granted her a license for the child day care serving 9 children ranging from 11-months through 12-years old which is due to expire August 20, 2013 and that as part of the license renewal process, she has applied to serve children 16-months through five-years of age.

Ms. Williams offered further documentation in support of her application regarding the need for the requested hours of operation and the location of commercial uses directly adjacent to residential zoning in the vicinity of her home.

Ms. Williams noted that her driveway provided adequate parking for both employees and clients picking up or dropping off. Ms. Williams further stated that to mitigate the traffic impacts she would be providing transportation.

Ms. Williams further stated that she is aware of child day care operations which do not have the appropriate licenses and permits. She is making an effort to ensure that she is in compliance with all regulations.

Mr. Woods opened the floor to questions.

Mr. Krapf inquired how many of the current clients came from the neighborhood.

Ms. Williams responded that there were no neighborhood children in her day care.

Mr. Krapf requested Ms. Williams confirm the hours of operation that she would be willing to conform to.

Ms. Williams responded that the hours would be 5:30 a.m. to 12 a.m. Monday through Friday and 7 a.m. to 12 a.m. Saturday and Sunday.

Mr. Basic noted that there are 22 children enrolled in the program and asked Ms. Williams to confirm whether all 22 children were in the building at the same time.

Ms. Williams responded that not all the children were there at the same time.

Ms. Bledsoe inquired if Ms. Williams' plan was to move out of the house.

Ms. Williams confirmed that she intended to move out of the house in order to provide better accommodations for her own family.

Ms. Bledsoe inquired how many additional children might be enrolled.

Ms. Williams stated that the Virginia Department of Social Services had approved the functional design of the structure for 24 children; however, she is only intending to have 20.

Ms. Bledsoe inquired if that would be 20 children at any given time.

Ms. Williams confirmed that it would be 20 children at any given time. Ms. Williams further noted that the state provides a way of monitoring and regulating pick-ups and

drop-offs so that the approved maximum number of children in the dwelling is not exceeded.

Ms. Bledsoe asked Ms. Williams if it would be necessary for to move out of the residence if she had 20 children in the structure.

Ms. Williams confirmed that she would either need to move out or add on to the structure.

Mr. Maddocks inquired how long Ms. Williams has been operating the day care in the current location.

Ms. Williams stated that she has been operating in the current location for seven years and has been in business for over 12 years with no complaints.

Mr. Woods asked for clarification on whether the child day care center could continue to operate in the wood frame structure with the increased number of children and which agency is responsible for those regulations.

Mr. Ribeiro stated that this regulation falls under Building Safety and Permits.

Mr. Woods inquired whether the child day care center could continue to operate in the current structure if the number of children were increased to 20.

Mr. Ribeiro clarified that it was the 24 hour a day use that would trigger the prohibition on the wood frame structure.

Mr. Woods asked Ms. Williams if she was in agreement with the SUP conditions set forth in the staff report.

Ms. Williams stated that she did not agree with the conditions.

Mr. Woods asked Ms. Williams if she would be willing to work with staff to bridge the gap between her needs, the concerns of the Commission and the SUP conditions proposed by staff.

Ms. Williams stated that she would be willing work further with staff to develop a compromise.

Mr. Holt stated that staff would be happy to continue the conversation with the applicant.

Mr. Woods commended the applicant for her efforts to do things the right way. Mr. Woods further noted that the Commission is approaching the application from a land use perspective and trying to mesh the requirements of the Zoning Ordinance with her proposal to arrive at the best resolution for everyone.

Mr. Woods asked Mr. Holt how the Commission should now proceed.

Mr. Holt stated that it was necessary to hold the Public Hearing.

Mr. Holt noted that many of the Uniform State Wide Building Code requirements kick in at 12 children such as additional means of egress and other structural changes. For staff the structural changes are a clear line between what transforms a traditional single family detached dwelling into a more commercial use. Mr. Holt further noted that it was important for the Commission to keep in mind that the conditions proposed by staff would remain based on some of the Building Code requirements and may not change significantly.

Mr. Basic also noted that regardless of the technical issues, there is still the issue of the private covenants.

Mr. Kinsman noted that although he is not able to interpret the covenants, there is a provision in the covenants which only requires a majority of the property owners to approve changes as opposed to requiring all property owners to approve.

Mr. Maddocks noted that the issue of the covenants was between the applicant and her neighbors.

Mr. Kinsman confirmed and noted that his comment was made to clarify how many property owners would be required to approve changes to the covenants.

Mr. Maddocks inquired if it would alleviate some of staff's concerns if the applicant were to obtain letters of support from a broader segment of the subdivision.

Mr. Holt noted that additional letters of support would not have an impact on the current status of the covenants. Mr. Holt further noted that the Planning Division's recommendation is based on trying to mitigate impacts to the existing residential neighborhood. Mr. Holt stated that based on all of the information in hand staff has done a good job of articulating the conditions, hours of operation notwithstanding under which staff would be comfortable having this use as part of an existing single family neighborhood.

Ms. Williams inquired why there were other more obviously commercial businesses on residentially zoned property in and adjacent to her neighborhood.

Mr. Holt stated that he would need to research those businesses to determine the history of their status.

Ms. Bledsoe asked Ms. Williams how many children she currently serves.

Ms. Williams stated that she serves 22 children but only has nine under her care at any one time.

Ms. Bledsoe stated that she would like to see the Commission arrive at a point where a decision could be made so that the business could continue to operate legally.

Ms. Bledsoe stated that she has concerns about approving the increase to 20 children because of the additional requirements that would come into play to allow the business to function legally under the Uniform Statewide Building Code and Virginia Department of Social Services.

Ms. Bledsoe inquired if there was a number below 20 that would allow the applicant to continue operate her business legally.

Mr. Kinsman noted that it is the number of children in the structure at any given time, not the number of students which triggers the Uniform Statewide Building Code requirements.

Mr. Drummond stated that he believed the greatest consideration in land use cases is the impact on the neighborhood. Mr. Drummond further stated that he felt the proposal would not have a negative effect on the neighborhood. Mr. Drummond also noted the existence of other commercial businesses in the neighborhood; therefore, this case would not be that much of an exception.

Mr. Basic noted that the Commission also considers public benefit. Denying the application would be contrary to public benefit because a number of children would then be without day care.

Ms. Bledsoe asked Mr. Kinsman if it would be the applicant's responsibility to deal with everything that comes afterward should the Planning Commission recommend approval of the application.

Mr. Kinsman confirmed that it would be the applicant's responsibility to comply with all the requirements of other governmental regulations. The applicant would also assume the risk, if any, related to the private covenants.

Ms. Bledsoe asked Ms. Williams if she fully understands those responsibilities.

Ms. Williams confirmed that she understands the responsibilities.

Mr. Woods opened the public hearing.

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

Mr. Woods opened the floor to discussion.

Mr. Woods stated that what appears to be on the table is an agreement from the applicant to continue to work with staff to develop conditions which are satisfactory to staff and meet her expectations and needs for the business.

Mr. Woods asked Ms. Williams if she would be willing to bring the case back to the Planning Commission in a month.

Ms. Williams agreed but noted that her license expires on August 20, 2013 and the application needs to be submitted 60 days in advance. Ms. Williams noted that she would need to submit a form from the Zoning Administrator stating that she is going through the local approval process.

Mr. Holt noted that he would prefer that the applicant not be in the position of not being successful with the DSS permitting process, even if she is successful with the SUP.

Mr. Purse stated that he has reviewed the DSS form; however, he is not able to sign it for the number of students indicated because the SUP has not been approved. Mr. Purse further noted that he would only be able to sign the form for 5 children until the Board of Supervisors acts on an approval for an increase in the number of students. Mr. Purse noted that the applicant would not be able to meet the DSS renewal time frame if the case is deferred.

Mr. Drummond stated that he moved to approve the application.

Mr. Woods inquired if there were any further discussion before the motion is called.

Mr. Krapf stated that he appreciated the applicant's intentions in seeking approval for her business through proper channels.

Mr. Krapf stated that he could not support the motion at this time and that he had several concerns about the proposal.

Mr. Krapf further stated that he would not support the applicant moving out of the residence. Mr. Krapf noted that the covenants were in place to maintain the residential flavor of the neighborhood. If the applicant moves out of the residence and raises the number of children, it becomes a commercial enterprise which he could not support.

Mr. Krapf also noted that he could support flexibility with the hours of operation to accommodate clients on shift work. Mr. Krapf also stated that he would also support an increase up to 12 children because of the building code requirements.

Mr. Krapf noted that he was also making a distinction between County policy not to approve a land use that conflicts with private covenant versus a legally binding ordinance requirement.

Mr. Krapf clarified that he cannot support the application as it is currently presented; however he could support an increase in the number of children up to but not more than 12 and that he could support some additional flexibility in the hours of operation and noted that he supports the other staff restrictions particularly the requirement to renew the SUP every three years.

Mr. Drummond recommended approving the SUP with the exception of approving the applicant's plan to move out of the residence.

Mr. Woods asked Mr. Kinsman if the Commission could approve the SUP with the condition that she may not move out of the residence.

Mr. Kinsman responded that one of the staff conditions was that Ms. Williams remain in residence for the duration of the validity of the SUP and that Mr. Woods' motion was to approve the SUP with those restrictions. Mr. Kinsman stated that the Commission could amend the motion in order to amend some of the conditions.

Mr. Holt requested Mr. Drummond to clarify whether his motion was to approve with the nine conditions in the staff report and it appears that there is no consensus on the first three conditions relating to occupancy, hours of operation and residency.

Mr. Krapf stated that he appreciated the clarification because he believed Mr. Drummond's motion was to approve the applicant's request, not the staff conditions.

For clarification, Mr. Holt stated that Mr. Drummond's motion was for approval of the application with an occupancy not to exceed 20 children at any one time, with the hours of operation being Monday through Friday 5:30 a.m. to 12 a.m. and Saturday and Sunday 7 a.m. to 12 a.m. and leaving in place staff condition number 3 which requires residency on the property and leaving in place proposed conditions numbers 4 through 9 as presented in the staff report.

Mr. Drummond confirmed that Mr. Holt captured his intent in the motion as clarified.

Mr. Maddocks asked Ms. Williams if she had any concerns about doing any building modifications that might be required.

Ms. Williams responded that she has no concerns about going forward with the required modifications. Ms. Williams further stated that the only modifications that would currently be required are a monitored fire alarm and the exit doors.

Mr. Basic stated that he could support the modification of condition number 2 for the hours of operation. Mr. Basic stated that he had concerns about the occupancy but noted that he would rely on the applicant to obtain the necessary permits. Mr. Basic noted that the hours of operation would in fact benefit the traffic situation in that not all children would be arriving and leaving at the same time. Mr. Basic noted that the location might not be the best fit for everything the applicant hopes to do. Mr. Basic commented that the applicant might be better served to consider finding a location that accommodated the proposal without the number of significant hurdles encountered with the current location.

Ms. Williams stated that she would be willing to look into an alternate location.

Ms. Bledsoe stated that in general if there were a public policy in place, she would not go against it; however, she recognizes the public need for the applicant's services. Ms. Bledsoe stated that she agrees with the motion as set forth.

Mr. Krapf asked Ms. Williams if the business was currently operating 24 hours a day.

Ms. Williams confirmed.

Mr. Krapf noted that the new hours of operation proposed would actually increase traffic volume because the traffic flow would not be spread out over the longer time. Mr. Krapf inquired if the applicant would be amenable to a cap of twelve children.

Ms. Williams stated that she hoped to go over 12. Ms. Williams further stated that she provides transportation which would minimize the impact on the neighborhood.

Mr. Krapf asked Ms. Williams if she would be picking up the majority of the children.

Ms. Williams confirmed that she would be picking up the majority of children at night.

Mr. Basic noted that in this instance he did not have concerns about going against the County policy on private covenants in this one instance because this is not a new use. Mr. Basic further noted that if the application were denied, it would impact a number up to sixteen families needing reliable child care which is contrary to the public good.

Mr. Woods asked Mr. Holt to call the vote.

Mr. Holt restated that Mr. Drummond's motion was to approve subject to total occupancy being for up to a total of 20 children as condition 1; hours of operation being limited to Monday through Friday 5:30 a.m. to 12 a.m.; and Saturday and Sunday 7 a.m. to 12 a.m.

as condition 2; and for conditions 3 through 9 as presented in the staff report including a residency requirement would remain in place as proposed.

Mr. Drummond confirmed.

In a roll call vote, the Commission recommended approval of the application as modified and as noted. (6-0)

C. Case Nos. ZO-0005-2013/SO-0001-2013 Ordinances to amend JCC Code, Chapter 24, Zoning and Chapter 19, Subdivisions

Mr. Jason Purse, Zoning Administrator stated that staff recently completed the 18-month comprehensive ordinance update process. The various districts were updated in groups, but were also amended at staggered times throughout the process. Now that the fully revised ordinance has been in daily use for some time, a number of consistency and clarity issues have been identified. With the exception of the M-2, General Industrial District, these proposed changes do not represent policy changes in the ordinance; they are merely an attempt to bring an additional level of consistency to the ordinance.

Mr. Purse noted that more accurate cross references have been added for the Highways, Streets, Parking and Loading; Landscaping; Off-street Parking; and Site Plan articles of the ordinance which are currently cross referenced in multiple sections. Similarly, new position titles and division names have been updated. A definition for “Places of public assembly” is being added to the ordinance in an effort to stream line the use list tables. In the R-4, Residential Planned Community District, one section of the ordinance was inadvertently deleted from the previous approved version. The proposed amendments would re-insert this language. In the LB, Limited Business, B-1, General Business, and M-1, Limited Business/Industrial District’s, a small number of uses are proposed to be renamed, moved or added to correct formatting errors and omissions inadvertently made when the use lists were converted into the currently adopted use tables.

Mr. Purse further stated that based on a recent analysis of undeveloped M-2 properties in concert with the Office of Economic Development, the recommended changes to the General Industrial District also propose a broader list of revisions that correct formatting errors and inadvertent omissions and removes many commercial uses that do not represent the highest and best use of the most intense industrially zoned land in the County, which is limited in the amount remaining.

Mr. Purse stated that staff recommends that the Commission recommend approval of the changes to the Zoning Ordinance to the Board of Supervisors. Mr. Purse noted that at the

May 31, 2013 meeting, the Policy Committee voted 3-0 to recommend approval of the changes.

Mr. Woods opened the floor to questions.

There were no questions.

Mr. Woods opened the public hearing.

Mr. Tim Trant, Kaufman and Canoles, PC, stated that he represents the Peninsula Pentecostals, Inc. Mr. Trant noted that the congregation consists of over 500 active members and they are seeking a location to accommodate an expanded church campus. Mr. Trant stated that his client has identified and focused on the properties located at 9230, 9240 and 9250 Pocahontas Trail as suitable their needs. The property is zoned M-2 totaling approximately 40 acres and is designated Mixed Use on the Comprehensive Plan. Mr. Trant stated that his client's grand vision for the property includes the expanded church campus as well as a more retail oriented development on the remainder that would serve the adjacent industrial park. Mr. Trant stated that a contract has been executed with the sellers to purchase the property and that upon execution of that contract, a meeting was held with Planning and Economic Development staff to discuss that vision. In that meeting it was noted that churches are permitted by-right in the M-2 district. Mr. Trant noted that the meeting concluded with the promise that Planning staff would review the plan in more detail. Ultimately, Planning staff notified Mr. Trant that staff had concerns about the amount of M-2 land involved which would not be used for more industrial purposed and that it would be challenging to obtain support for the plan. It was further noted that a more limited proposal for the church campus could proceed by-right; however the proposed day care center would trigger the SUP requirement. Mr. Trant noted that his client was agreeable to the more limited plan including a smaller day care that would not require legislative approval. Mr. Trant noted he had only become aware that day of the proposed ordinance amendments which would eliminate churches as a by-right use in the M-2 district. Mr. Trant noted that at no time in the earlier discussions with staff had there been any mention of the proposed change.

Mr. Trant also noted that regardless of the impact on his client's proposal, the proposed changes would have wide spread impact on the by-right development potential of M-2 land throughout the County and would negatively impact the value of that property. Mr. Trant further noted concerns about the potential impact on individuals who may be in the process of purchasing land and are unaware of the proposed changes.

Mr. Trant stated that the ordinance amendment should be remanded to the Policy Committee for additional review and consideration. Mr. Trant further stated that such a sweeping change should require direct notification of affected property owners and discussion with the property owners regarding the impact of the changes.

Mr. Woods thanked Mr. Trant for his remarks. Mr. Woods further noted that he had given Mr. Trant considerable latitude in the length of remarks; however, public comments are limited to five minutes.

Ms. Diana Peters noted that the church has been searching for a new campus for more than three years. Ms. Peters further noted that the church would be a benefit to the community through its various ministries and draws a number of families to the area. Ms. Peters requested that the proposed changes be reconsidered to allow churches to continue in the M-2 district by-right.

Mr. John McSharry, Church Administrator, Peninsula Pentecostal, Inc., stated that the Kirby Tract is a fitting location for the new worship center, providing a bridge between the existing residential area and the GreenMount Industrial Park. Mr. McSharry noted that during the entire process, they have sought to work with County staff to create their plan. Mr. McSharry noted that the Church seeks to serve the community in which it is located. Plans include a worship center, a community center and a day care center. Mr. McSharry noted that the Church has made a significant investment financially, emotionally and time wise to accomplish the vision. Mr. McSharry stated that the Church requests the opportunity to establish the new worship center by-right.

Mr. Douglas E. Beck, 9915 Swallow Ridge, Board Trustee, Peninsula Pentecostal, Inc., stated that is concerned about the changes to by-right uses in the M-2 District and requested that the amendment be denied.

Mr. Donald Patton stated that he is a co-manager of the Kirby Tract. Mr. Patton noted that they have worked to be good stewards over the property and its development. Value has been added to the property to the benefit of the community. Mr. Patton further stated that they believed the Peninsula Pentecostal, Inc. proposal would be in the best interest of the Grove community and the County as a whole. Mr. Patton stated that he was also unaware of the proposed ordinance changes until the last minute. Mr. Patton further requested that the amendments be reconsidered and stated that it would have been appropriate to individually notify stakeholders with property in the M-2 district of the proposed changes.

Ms. Diane Green stated that she has been a member of Peninsula Pentecostal for 18 years. Ms. Green noted that the Grove community would benefit from the services and amenities of the Church. Ms. Green further requested that the Commission reconsider the ordinance amendments.

Mr. David Green stated that he has been commuting to worship at Peninsula Pentecostal for many years and that there is no similar congregation in the County. Mr. Green stated

that the Church would be a positive influence in the community. Mr. Green requested that the Commission reconsider the ordinance changes so that the Church could be built.

Mr. Steven Barrs, GreenMount Associates, stated that he opposed further limits to how properties can be used. Mr. Barrs stated that the thrust of economic recovery is to stimulate business. Mr. Barrs stated that business owners need the ability to choose how and where they will grow their business. Mr. Barrs noted that the ordinance changes to the M-2 district eliminate 30% of the options to expand business. Mr. Barrs stated that there was no higher and better use for the particular parcel in question than a church in a community that desperately needs service. Mr. Barrs further noted that the Church would bring value to the community. Mr. Barrs requested that the Commission reject the proposed ordinance amendment.

As no one further wished to speak, Mr. Woods closed the public hearing.

Mr. Woods opened the floor to discussion.

Mr. Krapf stated that he had spoken with Mr. Trant that afternoon and that Mr. Trant had shared many of his concerns about the proposed ordinance amendment.

Mr. Krapf stated that in considering permitted uses and specially permitted uses for a zoning district he refers to the statement of intent for the district. In this instance the statement of intent reads "The primary purpose of the General Industrial District, M-2, is to establish an area where the principal use of land is for industrial operations which are not compatible with residential or commercial service establishments..."

Mr. Krapf noted that typically following a Comprehensive Plan update, the final steps are housekeeping ordinance amendments to ensure that the Zoning Ordinance is in keeping with the intent of the Comprehensive Plan. Mr. Krapf noted that most of the amendments presented are housekeeping in nature with the exception of the changes to the M-2 district.

Mr. Krapf stated that, keeping in mind the statement of intent, he had reviewed some of the items that remain as a by-right use and some of those that are being removed. Mr. Krapf noted that the subject of concern was the deletion of places of public assembly which include houses of worship and meeting halls. Mr. Krapf stated that the deletion was an attempt to meet the statement of intent for the particular district. Mr. Krapf noted that some of the by-right items that did remain included funeral homes, government offices, libraries, post offices, and schools. Mr. Krapf noted that with those uses remaining, it appeared that the use list was still not entirely in harmony with the statement of intent if the goal of the M-2 district is maximizing industrial space for operations that would not better fit in a commercial or business district.

Mr. Krapf stated that he would recommend taking the revisions to the M-2 district back to the Policy Committee for further consideration.

Ms. Bledsoe noted that she had also spoken with Mr. Trant. Ms. Bledsoe stated that the Policy Committee should reconsider the amendments to the M-2 district to flesh out the concerns.

Mr. Maddocks noted that the greater ramifications of the amendments to the M-2 district were not obvious to him until after hearing from Mr. Trant. Mr. Maddocks further stated that any time land owners property is affected by a decision, the County should take the extra step provide direct notification to those individuals.

Mr. Basic noted that he was in agreement with sending the amendments back to the Policy Committee for significant review.

Mr. Drummond concurred that the amendments should be reconsidered by the Policy Committee. Mr. Drummond further stated that he was troubled by the fact that staff was aware of the development plans proposed by the Peninsula Pentecostal Church and had not taken steps to provide notice of the proposed amendments that would affect their investment. Mr. Drummond noted that he believed that particular proposal should be grandfathered because it was close to fruition prior to the amendments being considered.

Mr. Kinsman noted that the issue of vesting would be better served in a different forum.

Mr. Basic inquired what type of motion would be required to send the ordinance amendments back to the Policy Committee.

Mr. Holt sated that if it was the desire of the Commission to postpone the matter until the July meeting, with the direction that in the interim the amendments be reconsidered by the Policy Committee, that would be the form of the motion.

Mr. Krapf inquired if the Commission could address the housekeeping amendments and only send the M-2 amendments back to the Policy Committee.

Mr. Holt noted that for clarity and to be consistent with the advertising, it would be best to keep all the amendments together.

Ms. Bledsoe moved to defer the ordinance amendments to the Commission's July 2013 with the amendments to be reviewed at the June 2013 Policy Committee meeting.

In a roll call vote, the Commission deferred consideration of the ordinance amendments to its July 2013 meeting and requested that the Policy Committee review the amendments at its June 2013 meeting. (6-0)

Mr. Kinsman noted that to avoid the necessity of readvertising the ordinance amendments, it would be appropriate to reopen the public hearing and continue the matter to the July 2013 meeting.

Mr. Woods reopened the public hearing.

Mr. Woods asked Mr. Kinsman if the Peninsula Pentecostal Church was precluded from moving forward with their plans in the interim.

Mr. Kinsman stated that he would need to do research on the status of the various approvals; however, that consideration should not affect the Commission's decision.

Mr. Woods noted he was seeking clarification because he felt there were still concerns on the part of the Peninsula Pentecostal Church.

Mr. Trant stated that he believed longer term deliberation would be required to address the issues at hand and provide opportunity for the stakeholders to have a more thorough discussion with the County over their concerns.

Mr. Woods noted that the public hearing was continued until the Planning Commission's next regularly scheduled meeting.

7. PLANNING DIRECTOR'S REPORT

Mr. Holt stated that he had nothing to add to the printed report that had been provided.

Mr. Drummond noted concerns regarding approving an ordinance that would prevent a

8. PLANNING COMMISSION DISCUSSION AND REQUESTS

There were no requests from the Commissioners or additional items for discussion.

9. ADJOURNMENT

Mr. Krapf moved to adjourn the meeting.

The meeting was adjourned at 9:34 p.m.

Al Woods, Chairman

Paul D. Holt, III, Secretary

**AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY,
VIRGINIA, HELD ON THE 28TH DAY OF MAY 2013, AT 4:00 P.M. IN THE COUNTY
GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY,
VIRGINIA.**

A. CALL TO ORDER

B. ROLL CALL

John J. McGlennon, Chairman, Roberts District
Mary K. Jones, Vice Chairman, Berkeley District
James G. Kennedy, Stonehouse District
James O. Icenhour, Jr., Jamestown District
M. Anderson Bradshaw, Powhatan District

Robert C. Middaugh, County Administrator
Leo P. Rogers, County Attorney

C. BOARD DISCUSSIONS

1. Joint Board/Planning Commission Work Session – Coordinated Regional Comprehensive Planning Process, James City County FY 14 Comprehensive Plan Update, and Proposed Updates to the Zoning Ordinance

Mr. Paul Holt, Director of Planning, called the Planning Commission to order.

Roll Call

Mr. George Drummond – Absent
Ms. Robin Bledsoe
Mr. Christopher Basic
Mr. Timothy O'Connor
Mr. Michael Maddocks
Mr. Richard Krapf
Mr. Alfred Woods

Mr. Holt stated that the purpose of this Joint Work Session is to discuss the Coordinated Regional Comprehensive Planning process, the FY 14 Comprehensive Plan Update and the next round of updates to the Zoning Ordinances. He stated that in the Agenda Packet is a list of decision points to help guide the discussion.

Ms. Ellen Cook, Senior Planner II, addressed the Board and the Commission giving an overview of the Coordinated Regional Comprehensive Planning Process included in the Agenda Packet. She stated that staff has two key questions in order to wrap up the Coordinated Regional Comprehensive Planning Process: Does the Board concur with the approach to the regional documents suggested by the Policy Committee – endorsing the summary document and the James City County/Williamsburg/York County Comprehensive Transportation

Study, and adopting the Regional Bikeway Map? Does the Board concur with the Policy Committee suggestion to continue to participate in a regional process in the future years; and if so, does the Board have any suggestions for elements to retain or change?

Mr. Al Woods, Chair of the Planning Commission, addressed the Board and asked Mr. Tim O'Connor to speak to the Summary Document and the Regional Bikeway Map.

Mr. O'Connor stated that the Planning Commission felt it was important to recognize the process, and the efforts put in by the three regional entities. He stated that a lot of feedback was received, especially in regard to the public forums. He stated that the feedback was very helpful and the decision was made to continue to have three separate Comprehensive Plans. He stated that by endorsing the work of the regional entities, the supporting documents would become technical documents for the County's own Comprehensive Planning Process, and would acknowledge the work of the other jurisdictions. He stated that in regard to the Regional Bikeway Map, that the other two jurisdictions have already adopted this updated version, and adopting it would keep the County moving down the path with the bikeway plan. He stated that the Planning Commission recommends endorsing the Summary Document and adopting the Regional Bikeway Map.

Mr. Icenhour stated that the regional entities are on their own timeframe for their Comprehensive Plan Updates. He asked how these documents would be utilized when each entity is at varying stages in their Comprehensive Planning Process, or would the documents just be considered background documentation.

Mr. O'Connor stated that would be the intention. He stated that these would be living, breathing documents that can, and will be, updated and will become additional resources. He stated that it would also drive the conversation between the jurisdictions which are an important piece.

Mr. Bradshaw stated that he is not surprised that the regional entities were not able to synchronize their Comprehensive Planning Processes; however, he does not believe that the timing is the important piece. He stated that the important piece is that the County pays heed to what is being done by our neighbors in the region. He stated that focusing on the items that, by their nature, are interconnected like the regional comprehensive transportation study and the regional bikeway map has to be the essence of the regional effort. He stated that those items that, by their proximity, become an issue, like land use, should be focused on as well. He stated that he is pleased with the documentation that came from the Regional Comprehensive Planning Process.

Ms. Jones stated that there is a significant amount of emphasis placed on the Regional Bikeway Map; however, she is wondering if too much emphasis is being placed on it because the statistics of the number of citizens that bike or walk to work do not sustain it. She stated that the bikeways seem to be more recreational and not a necessity. She stated that she brings this issue up because the roadways and infrastructure needs to be maintained, which costs money and so do the bike paths. She stated that when looking at dollars and cents, the roadways need to be prioritized over the bike paths.

Mr. Bradshaw stated that until the bikeways reach a certain maturity, one cannot use them to get to where they need to go. He stated that until some of the circuits are completed, they never will have high use.

Mr. McGlennon stated that those are both valid questions and points because we are living in a world of limited resources and priorities. He stated that when improving roads, incorporating bike lanes is the much cheaper route to go than coming back and doing it after the fact. He stated that marginal increases in the number of people walking, biking, or using mass transit would have a significant impact on the congestion on our roads.

Mr. Woods stated that all these points were discussed during the process. He stated that he did not want the perception to be that the Planning Commission gave this more importance than something else.

Ms. Jones stated that was not what she was implying.

Mr. Woods stated that it was interesting to see this issue come to the forefront in the other jurisdictions and be embraced by them. He stated that as work is planned for infrastructure improvements, looking at the regional bikeway map to see how it can be connected would be far cheaper and more efficient.

Ms. Tammy Rosario, Principal Planner, stated that during the work on the Regional Bikeway Map, the emphasis was on completing routes and connecting routes that were most likely to succeed and be utilized.

Mr. Kennedy stated that when talking about bike paths, they need to be prioritized. He stated that he does not want to see bike paths that lead to nowhere. He stated that it makes more sense to him to piggy back on things to completion, instead of having a bunch of partial completion. He stated that the other concern when talking about bike paths is signage. He stated that maintenance of the bike paths is also a concern. He stated the other issue then becomes enforcement of using the bike paths, riding abreast, and obeying the traffic rules. He stated that he hears from citizens about bike clubs being out on the weekends, riding abreast on the roads, and then vehicles cannot get through.

Mr. McGlennon asked if the areas where the jurisdictions come together were a factor in the discussion of the Regional Comprehensive Planning Process.

Mr. Richard Krapf stated that at the first ever Joint Regional Planning Commission Meeting, it was an important first step. He stated that the Planning staffs from all three jurisdictions have a very good working relationship and that they coordinate with each other. He stated that having the Planning Commissions talking and interacting with each other more is an important step. He stated that there are overlapping issues that make it incumbent upon the Board and Commission to having a good working relationship with the other jurisdictions. He stated that the Commission supports more interaction with the other jurisdictions and the reality is that there are more and more issues that are overlapping.

Mr. Icenhour asked if there was a plan to have more of those meetings between the three Planning Commissions.

Ms. Rosario stated that there is a spirit of wanting the staffs to come together more often to discuss those issues at the staff level. She stated that the Regional Issues Committee will be meeting in July to discuss the efforts on more of a broader scale. She stated that formally the next cycle for this to occur would be in 2018.

Ms. Rosario stated that, in an effort to summarize for staff, she did not hear any opposition to endorsing transportation document and approving bikeway map through a later process. She stated that there was not much discussion about the summary document, so does that mean that the Board is in agreement with the Planning Commission.

The Board nodded in agreement.

Ms. Rosario asked if there were any specific comments from the Board, in addition to the ones proposed by the Commission, about the Regional Process that staff could bring back to the Regional Issues Committee.

Mr. Icenhour asked how productive the public meeting was to the process. He asked if the Commission believes that changing the format and the approach will make the process more productive.

Mr. Woods stated yes. He stated that he believes it is fair to say that the format of the public meeting helped to promote a "herd" mentality, and that is not particularly productive with the type of strategic thinking that we are trying to engage. He stated that the Commission believes changing the format of the public hearing is important. He stated for example, divide the group into five or ten smaller groups with carefully constructed discussion topics would allow for richer information to be solicited and brought forth.

Ms. Robin Bledsoe stated that all the Commissions were on the same page, wanting the public hearings to be beneficial. She stated that with a facilitator or the smaller group discussions, it is believed that the information would be more productive. She stated it was left to staff to look into the various options. She stated that all were in agreement that the format used this last time was not as beneficial as it could have been.

Mr. Kennedy stated that he believes this should be approached with a lot of caution. He stated that there are many groups out there that are political. He stated that it could have the appearance of being subjective, and some of these groups could take that as an assault on their rights. He stated that people need to be enlightened on what planning really is and what is realistic and what is unrealistic. He stated that he is not sure that a facilitator would be able to get us to that point.

Ms. Bledsoe stated that the County is very lucky in that it has many bright people in this community, and the Policy Committee believes that those people have ideas that need to be tapped in to. She stated that what happened at the public hearing is that some of those political groups tried to take over the dialogue, which was not fair. She stated that it is the hope that in smaller groups everyone would have a chance to voice their opinion.

Mr. Icenhour stated that he is fine with endorsing the Summary Document, the Regional Transportation Study, and with adopting the Regional Bikeway Map at a later date. He stated he would like there to be a plan to keep these documents up to date, so that when we begin our Comprehensive Plan update, that the County has the most up to date information. He stated that in regard to the public forum, he believes that Mr. Kennedy is right and it needs to be as inclusive as possible. He stated that for that to work, he believes the small group discussions are the best way to include everyone and allow people the chance to be heard.

Mr. Kennedy stated that in 2001 the County contacted every registered group in the County in an attempt to be as inclusive as possible in the process. He stated that he is not sure if that is something that is still being done. He stated that perhaps the groups that are in dissent should be given the opportunity to meet with leaders and have their views heard. He stated that perhaps that would keep one particular group from dominating a public forum.

Ms. Rosario stated that when the County does its own Comprehensive Plan Review there is more flexibility and it has been the tradition to reach out to all the community groups. She stated that the last Comprehensive Plan Team allowed each group to do a presentation, and be recorded, and it seemed to be a beneficial session. She stated that she believes it would be a good process to do again at the next review.

Mr. McGlennon stated that he believes the County has been very diligent in reaching out to the various groups in the County during the Comprehensive Plan Reviews. He stated that those meetings have been very successful. He stated he believes that the issue of regionalism at the public forum for the Regional Comprehensive Plan Review triggered the problem. He stated for some, the issue of regionalism and a regional plan is a hot topic.

Ms. Jones stated that we represent our constituents in our districts, so the concern with regionalism is that people from a different jurisdiction are influencing decisions in James City County. She stated that it is understandable that citizens would have concerns over this idea of regionalism, and if it went unchecked, it could become quite significant. She stated that she agrees with the synchronization of the regional comprehensive plans, but she would caution the extent of the idea of regionalism.

Mr. McGlennon stated that a check on the opinions that comes out of these public meetings is that the County does a survey of a random section of the population to see what those opinions are as well.

Mr. Kennedy stated that the planning process is different than the issue of the moment. He stated that many times the same people and groups show up to these meetings, and while it is great that they are participating, the planning process is more thought out and long range. He stated that he would be careful of breaking groups apart; he believes it might give more push back. He stated in regard to the surveys that Mr. McGlennon mentioned, he would recommend moving away from the yes/no questions because they do not necessarily give an accurate interpretation of the issues.

Ms. Jones stated that it is always important to have the views of the stakeholders at the front end of the discussion. She stated that she agrees with Mr. Kennedy that the survey questions are more open-ended so that the County receives more constructive feedback.

Ms. Rosario stated that all this feedback goes along with the next discussion point which was does the Board concur with the approach to updating the James City County Comprehensive Plan suggested by the Policy Committee, which would entail completing a citizen survey and pursuing a more limited updated scope, which focuses on Land Use, Transportation, and Economic Development sections. She stated that the comments made about the surveys will definitely be taken into account with the next round of citizen surveys that are sent out. She stated that the Planning Commission believes that a more limited scope is all that is necessary, generally focusing on those areas that require more frequent updates, like land use, transportation, and economic development sections.

Mr. Icenhour stated that he liked this approach. He stated that we went through the whole process last time, so he is in agreement with this more focused and limited scope. He stated that he believes the critical element is a truly random, unbiased, citizen survey sample. He stated that it has been discussed about the groups that participate and speak out, and that tends to be a self-selected sample, which has a bias. He stated that the citizen survey is how we deal with that bias, so modifying the questions to get more feedback is important. He stated he believes that the survey is key because people will respond to that even more so than responding by going door-to-door. He stated that his other concern is that there is not a policy that will shape or control growth in our county. He stated that the top two citizen concerns are rural lands and residential growth, and there is a disconnect between how the Comprehensive Plan is going to address those two issues. He stated that ultimately we have 144 square miles, and what is the build out of those miles going to look like. He said that this upcoming Comprehensive Plan needs to address the issue of density.

Ms. Jones stated that there are tools in the Comprehensive Plan to help control the build out. There are land use designations and zoning which are definitive tools. She stated that there are environmental restrictions and height restrictions in place as well. She stated that she is not sure how writing a statement will change that. She stated that you want to leave development up to the free market, and the economy has changed the rate of development in the County. She stated that she would be cautious of overstepping on private property rights.

Mr. Icenhour stated that yes there are a lot tools in the Comprehensive Plan. He stated that what is lacking is the political will to use them.

Mr. Kennedy stated he believes there has been a lot of usage of political will in the last decade. One of them would be Purchase of Development Rights (PDR) and Greenspace. He stated that the market is setting the rate of growth. He stated that James City County is a desirable place to live. He stated that Mr. Icenhour is right in the sense that we have never said what we want James City County to look like. He stated that he believes in more open space and higher density; however he stated he is not in favor of looking like Manhattan, but there is a median in between. He stated if we can agree that there is going to be growth and where we want that growth to be, and then he is willing to participate in that conversation, but the political will needs to be on both sides.

Mr. McGlennon stated that the real questions here are what should be done as we go forward. He stated that he supports the surveys with some of the same close-ended questions because it allows the assessment of a change in opinions. He stated that while he agrees that the focus of the Comprehensive Plan Review should be more focused, he believes that the citizen survey should be broad and incorporate services provided by the County. He stated that he believes the surveys should be completed early in the process so that staff has an opportunity to draw out the information and then be able to follow those answers up in public comment or focus groups.

Ms. Jones stated that a good question to ask is if the citizens know what the Comprehensive Plan is.

Mr. Kennedy stated that his concern over the survey is that it will be used as a political tool.

Mr. McGlennon stated that we cannot resolve the fact that people will use evidence of their position wherever they find it. He stated that hopefully people will be open to other positions, or at least open to the fact that they might not get 100% what they want.

Mr. Kennedy stated that his point is that when people say the growth rate is too fast, but then say that there is not enough affordable housing or retail, it contradicts each other.

Mr. McGlennon stated he believes that leads into a more detailed discussion. He stated that perhaps the growth rate is too fast, but when development does occur there needs to be more of a mix of available housing.

Mr. Kennedy said that then that is what needs to be found out.

Mr. McGlennon stated that when providing guidance on the surveys, the Board needs to say these are the issues we want to find out more about. He stated that the Board needs to provide some sense of what we intend to use this information for and to accomplish.

Mr. Bradshaw stated that it makes sense to focus on those particular areas mentioned, but to make the information gathering be somewhat broader. He stated that he would encourage the Comprehensive Plan to include some language that is a bit stronger than what was included in Williamsburg and York County's Comprehensive Plans about regional cooperation. He stated that perhaps even stated that the impact on neighboring jurisdictions be considered. He stated that it does not compel the decision be made that way, but to consider the impact.

Ms. Rosario stated that she has heard consent on a more focused Comprehensive Plan Update and considerable input and importance on the development of a citizen survey. She stated that there will certainly be questions that will us to benchmark ourselves in the future, but also develop ways to dig deeper into the answers to the questions.

Mr. Holt stated that the last topic on this particular agenda is the next round of the Zoning Ordinance

Update. He stated that the key decision point is does the Board concur with the Policy Committee's suggested priorities for ordinance amendments, or ordinance-related work activities, that the Planning Division should pursue in FY 14.

Ms. Bledsoe stated that the Policy Committee identified the Rural Lands public engagement piece and the Accessory Apartment as the high priorities. She stated that the recommendations were based on comments from staff about what they have been hearing. She stated that the medium priority items are restaurants change and housekeeping items. She stated that there was a desire to do a better job defining what is considered fast food restaurants and what is considered dining restaurants. She stated that the low priorities are "emerging technologies, like wind and solar. She stated this does not mean that they are not considered a priority; it is just not something that needs to be addressed at this point.

Mr. Bradshaw asked if she could expand upon that statement a bit more.

Ms. Bledsoe stated that at this point, wind and solar is not something that staff has seen expand enough that it would need to be addressed at this point.

Mr. Bradshaw stated then it is not something that staff sees in the foreseeable future.

Mr. Holt stated that with limited resources, the Policy Committee and staff felt it was not a high priority issue.

Ms. Bledsoe stated that there was a lengthy discussion on the keeping of chickens, and it was decided that, at this time, there would be no amendments made to the ordinance, and the recommendation is to enforce the ordinance that is already on the books.

Mr. Middaugh asked for clarification on the Accessory Apartment component.

Mr. Krapf stated that at this time, the accessory apartment must be attached to the main structure of the house. He stated that the issue was raised that if someone wanted to build an accessory apartment above their garage, that would not qualify; however, if a breezeway was built to connect the house to the garage, then it would qualify. He stated that it is necessary to revisit the ordinance in order to work with the reality of the situations that people are looking for.

Mr. Icenhour stated that there is a company that does a modular accessory apartment that is fairly easy to put in, so it is good that the Commission is reevaluating this issue.

Mr. McGlennon stated that most of the more decent developments have covenants in place that would prevent this from happening. He stated that the older developments, some of which pre-date Homeowners Associations, are where this is more prevalent.

2. Rural Lands

Ms. Leanne Reidenbach, Senior Planner, addressed the Board and Commission giving a summary of the staff report included in the Agenda Packet.

Mr. Icenhour asked when staff comes back to the Board after the public meeting, what would be the status of the economic development strategic plan.

Ms. Reidenbach stated that staff could provide an update at that point, but it will be about a year and a half long process.

Ms. Reidenbach stated that the first discussion point is does the Board re-endorse the three-pronged approach listed in the staff report for approaching Rural Lands, and does the Board concur with partnering with the Virginia Cooperative Extension for the public engagement piece.

Ms. Jones stated that it is important to reach out to the landowners that have property in the Rural Lands. She also stated that citizen input needs to be reevaluated.

Mr. McGlennon stated that he believes it is important to note that the citizens at large are stakeholders in this discussion as well. He stated that the largest impact will be on the landowners that own those large tracts of land; however the citizens are impacted as well.

Ms. Reidenbach stated that during the public engagement piece the intent is to educate the public about the economic development incentive.

Mr. Icenhour asked what staff's analysis is of the different public engagement options. He stated it is a little difficult to choose one or the other without knowing the pros and cons of each option.

Ms. Reidenbach stated, for clarification, the first option pairs the educational and listening sessions in a single meeting, and option 2 involves one educational seminar and separate public input sessions. She stated that when looking at the options, the biggest difference is the time commitment. Option 1 requires a lengthy time commitment, approximately four hours, from the citizens. She stated that the disadvantage, as viewed by staff, of option 2 is that not everyone will attend both sessions. She noted also that the speakers would not be available during the input session of option 2.

Mr. Icenhour stated that he does not believe that people will attend a four hour session. He stated that there are drawbacks to both options, but he tends to lean toward option 2.

Ms. Jones stated that she tends to agree with Mr. Icenhour. She said one possibility is to record the educational session and make it available to the public. She stated that might limit the concern of citizens attending the input session without having heard the educational component.

Mr. Icenhour asked if there had been a decision on the time of day to do these sessions.

Ms. Reidenbach stated that no decisions have been made about the time of day to hold the sessions.

Mr. Kennedy stated that he would look at holding the meetings on the weekends to avoid having to make citizens choose between work and the meetings. He stated that doing them in June or July is during the vacation months, and he stated that staff may want to look at doing these meetings in the later months. He stated that he did not see a four hour meeting as something that most citizens would consider feasible.

Ms. Rosario stated that staff appreciates the feedback and it seems that the group is gravitating toward Option 2. She stated that staff would like to hold the meetings at different times and different locations in an effort to be as accommodating to most people as possible. She stated that staff did consult with those landowners that are actively farming on what months would be best for them, and the response was July or August.

Mr. Krapf asked if staff had to resources to provide an extended day format on a weekend for those that wanted to attend an all-day version of the meeting, and then still provide the other version of the meetings by separating the components. He asked if that would possible with the speaker panel, or would it become cost-prohibitive.

Ms. Reidenbach stated that it would depend on speaker availability more than anything. She stated that staff is in the beginning stage of planning these meetings and reaching out to speakers. She stated at this point, staff does not know if there will be speaker fees associated.

Mr. Krapf stated that some people might like the continuity of doing the components all in one day.

Ms. Rosario stated that the Communications Division has stated their support of taping the speakers. She stated that citizens could tune in to taped educational component and then provide feedback through other electronic means, not just at the public meeting.

Mr. O'Connor indicated that he needed to leave as he had another engagement that he must attend.

Mr. McGlennon asked if there was a specific group that staff was hoping to reach at these meetings.

Ms. Reidenbach stated that staff is hoping to reach as many citizens as possible.

Mr. McGlennon asked if every landowner was to participate, how many would that be.

Ms. Reidenbach stated that staff has begun to pull up the data in the GIS system, and the number of Rural Landowners is in the thousands. She stated that staff would look in to doing some direct mailings to make sure the large property owners are notified.

Mr. Icenhour stated that the last Rural Lands public meeting that was held at Legacy Hall was attended by 100-150 people.

Ms. Rosario stated that is the expectation with these meetings as well.

Mr. Bradshaw stated that he has a concern over a false impression over who is occupying the Rural Lands. He stated that there are only a handful of farmers occupying the Rural Lands. He stated that it is good information for the public to have, but need to be careful in giving the idea that every farmer is going to find a young farmer to take over his land. He stated that he does not want to give the false impression that this is some new way of farming that is going to make farming profitable again.

Ms. Reidenbach stated that the real goal of these meetings is to throw out all the available options, and allow people to look in to those that interest them.

Mr. Bradshaw stated that he concurs that Option 2 is the more feasible option to reach the most people.

Ms. Reidenbach stated that it appears there is clear preference for Option 2, taping the educational component, and having an option to supply feedback outside of the public meeting.

Ms. Reidenbach stated that she was hoping to receive feedback on the draft questions for this forum and help staff come up with a final questionnaire.

Mr. Bradshaw stated that he was particularly intrigued by the outline of how the County defines Rural Lands and what it is that the County is trying to preserve. He stated that he liked the fact that it is part of the discussion.

Ms. Reidenbach asked if there was consensus on using the questionnaire document that is shown on page 9.

Mr. McGlennon stated that it reflects a lot of time and effort on the part of staff and seems well thought out. He stated that he is confident that if staff sees some of the questions are not working, that staff will adapt.

Ms. Rosario thanked the Board for their input, and stated that staff would work rapidly to get the meetings organized. She stated that staff would come back to the Board in the fall to give an analysis of the meetings and the feedback generated.

Mr. McGlennon thanked the Planning Commission for their participation in this joint meeting.

Mr. Woods thanked the Board for the opportunity to attend and for their forethought in sharing opinions between the Board and the Planning Commission.

At 5:55 p.m. the Joint Work Session between the Board and the Planning Commission concluded and the Board recessed for a ten minute break.

The Board reconvened at 6:08 p.m.

Mr. Icenhour made a motion to go into Closed Session.

On a roll call vote, the vote was: AYE: Mr. Icenhour, Mr. Bradshaw, Mr. Kennedy, Ms. Jones, Mr. McGlennon, (5). NAY: (0)

D. CLOSED SESSION

1. Consideration of acquisition/disposition of a parcel/parcels of property for public use, pursuant to Section 2.2-3711 (A)(3) of the Code of Virginia.
2. Consideration of a personnel matter(s), the appointment of individuals to County boards and/or commissions pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
 - a. Parks and Recreation Advisory Committee

At 6:36 p.m., Mr. Icenhour made a motion to certify the Closed Session.

On a roll call vote, the vote was: AYE: Mr. Icenhour, Mr. Bradshaw, Mr. Kennedy, Ms. Jones, Mr. McGlennon, (5). NAY: (0)

RESOLUTION

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia,

hereby certifies that, to the best of each member's knowledge: 1) consideration of acquisition/disposition of a parcel/parcels of property for public use, pursuant to Section 2.2-3711 (A)(3) of the Code of Virginia; and 2) consideration of a personnel matter(s), the appointment of individuals to County boards and/or commissions pursuant to Section 2.2-3711(A)(1) of the Code of Virginia.

a) Parks and Recreation Advisory Committee

E. ADJOURNMENT

The Board recessed at 6:37 p.m. until their Regular Meeting at 7:00 p.m.

Robert C. Middaugh
Clerk to the Board

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POLICY COMMITTEE MEETING

June 12, 2013

3:00 p.m.

County Government Center, Building D

1.) Roll Call

Present

Ms. Robin Bledsoe
Mr. Tim O'Connor

Staff Present

Mr. Paul Holt
Mr. Chris Johnson
Mr. Allen Murphy
Mr. Russell Seymour
Mr. Telly Tucker
Ms. TC Cantwell

Others Present

Mr. Tim Trant
Mr. Steve Barrs
Mr. John McSherry
Ms. Brittany Voll

Absent

Mr. Al Woods
Mr. Rich Krapf

2.) Minutes

Mr. Tim O'Connor moved to approve the May 31, 2013 minutes.

In a unanimous voice vote, the minutes were approved (2-0).

3.) Old Business

a. Zoning and Subdivision Ordinance Amendments

Ms. Robin Bledsoe asked Mr. Paul Holt and Mr. Chris Johnson if they would like to open the discussion.

Mr. Holt stated that this item was on the June Planning Commission Agenda and was deferred to the July meeting, with the request that it be heard at today's Policy Committee meeting for additional discussion and review. Mr. Holt stated that Mr. Johnson will be detailing Staff's report and the basis for Staff's recommendation, followed by Mr. Tucker and Mr. Seymour with Economic Development and who are representing the Office of Economic Development. Mr. began by discussing proposed updates and changes to the ordinance other than those within the M-2 district. Mr. Holt stated that these changes constituted the bulk of the material sent to the Committee, and he had not heard any concerns from the Planning Commission regarding those issues. Mr. Holt added that additional housekeeping items for consideration by the Committee include a revised definition of flag lots in both the subdivision and zoning ordinances, as well as a clarification of the use list for outdoor sports facilities.

Ms. Bledsoe asked if there was a new definition of outdoor sports facilities.

Mr. Holt clarified that outdoor sports facilities are currently in the ordinance; what is being proposed is the deletion of the portion of the sentence regarding water and sewer. Mr. Holt stated the rationale is that in the M-2 district there is a subsequent section that specifically defines the basis for a waiver of that provision by the Board, and to have it referenced in the use list and to have another section deal with it seems redundant and creates confusion.

Ms. Bledsoe stated it is clear that such redundancy has been cleaned up in multiple places.

Mr. Holt stated that is correct, in order to be consistent.

Mr. Holt asked if anyone had any further questions regarding that cleanup.

Ms. Bledsoe stated she did not at that point.

Mr. Holt stated the focus of Staff's report and the basis for Staff's recommendations is recognizing the broader importance of M-2 as a whole. Mr. Holt explained that M-2 is not a variation of M-1, nor is it a variation of B-1; M-1 is a bit of a hybrid district that allows for a multitude of uses. Specifically for M-2, staff recommendations are based on the goal of preserving the district as a place where heavy industrial uses can be realized in a manner that is consistent with the statement of intent for M-2. Mr. Holt explained that the statement of intent defines the purpose of M-2 is to encourage the use of land for industrial purposes and prohibit residential and commercial development on land otherwise reserved for industrial. Mr. Holt also stated that included in the Policy Committee packet was the ordinance for the M-2 district that was adopted and in place prior to January of 2012 in order to provide a historical reference to the uses traditionally listed in M-2, as well as to give an understanding of the items that were both added and had fallen out in January.

Ms. Bledsoe inquired if the majority of the items added in were items that had literally fallen out of the old ordinance or were new uses.

Mr. Holt replied that they are not new uses, and that this is a good entry point for Mr. Chris Johnson to talk about the importance of getting those items that had fallen out added back in and the comprehensive re-review of M-2 that was completed.

Mr. Chris Johnson stated that the commercial and industrial districts were one of the priority topics identified by the Board at the beginning of the ordinance update which began in 2008 when the Board accepted the Business Climate Task Force recommendations. Mr. Johnson explained that one of the objectives of the ordinance update is to bring the ordinance into greater compliance with the Comprehensive Plan, but it also is necessary to streamline administrative and legislative processes to add consistency, predictability, flexibility, and communication to the development review process. Mr. Johnson stated that commercial and industrial districts was one step in that process; other steps came in 2008 and 2010 including the Subdivision and Site Plan Review and Improvement Team (SSPRIT) revamping the processes and procedures of the Development Review Committee. Mr. Johnson stated that the amendments to LB, B-1, M-1, and M-2 in January of 2012 included a formatting change from alphabetical use lists into a categorized tabular format, which increased the reader-friendly nature of the ordinance. Mr. Johnson explained that greater flexibility was added to the commercial districts (LB and B-1), for example, restaurants that were below 100 seats or over 100 seats, grocery stores less than 10,000 square feet or more than 10,000 square feet, transitioning to B-1 where those uses were allowed without regard to size. Mr. Johnson explained that M-1 is a hybrid of the B-1 district and very different from M-2. M-2 is not merely an extension of the M-1 district and was never intended to become a desired location for retail and commercial uses. Mr. Johnson stated that M-2 is the County's only exclusive industrial zone and provides a significant source of revenue to the County's tax base. Mr. Johnson stated that the uses that migrated over from M-1 into M-2 were primarily commercial and retail uses that historically have never been part of M-2 and it was not Staff's intention to say that they were. Mr. Johnson explained that as part of

the update significant manufacturing and industrial based uses were inadvertently omitted as well. Making sure that these important uses are put back into the ordinance formed the basis for the M-2 portion of the update. Mr. Johnson stated that Development Management and Economic Development jointly examined the uses that had been omitted as well as those retail uses that had migrated into M-2 to determine if M-2 should be reserved exclusively for manufacturing and industrial uses, as had been the case prior to January 2012. Mr. Johnson stated that the purpose for adding or removing items is to return the ordinances to the state they were in in 2008 and consistent with the M-2 statement of intent.

Ms. Bledsoe inquired if the migration of uses into M-2 began in 2008.

Mr. Johnson stated that a small number of non-controversial uses were changed in 2008, but the larger series of amendments were made in January 2012.

Ms. Bledsoe inquired if this was by accident or by design.

Mr. Johnson explained that the use table created for LB formed the baseline for revisions to B-1 and then to M-1. It was a formatting error that uses never intended to be included in M-2 migrated forward from LB, B-1 and M-1 and created the larger issue of previously permitted uses in M-2, such as breweries and various manufacturing uses, being omitted entirely.

Ms. Bledsoe asked if M-2 was intended to be a standalone district with its own criteria.

Mr. Johnson confirmed.

Mr. Holt stated that M-2 is a very unique district and more importantly a very limited area in the County of significant economic importance. Mr. Holt requested that Economic Development address the importance of M-2 to the County's tax base and the ability for job creation.

Mr. Russell Seymour stated that he was asked to look at, from an Economic Development standpoint, the significance of M-1 and M-2, their importance in the local economy, the types of requests the County gets for projects in those districts, and the remaining amount of M-2 land. Mr. Seymour stated that Staff created a snapshot of the land currently being marketed in M-2 and found there to be roughly 1,038 acres that are actively being marketed; of that, 620 acres belongs to BASF. Mr. Seymour stated that BASF site is very unique because they are interested in marketing the parcel as one site; they have not expressed any interest in subdividing or breaking pieces off. Mr. Seymour explained that it's difficult in today's economy to find someone willing to purchase a 620 acre parcel. Mr. Seymour stated that when you take away BASF's 620 acres and the recent announcement of Hankins Industrial Park there are roughly 400 acres remaining in the County that are zoned M-2. Mr. Seymour further stated that of all of the projects dealt with by Economic Development in 2011, roughly 75% were industrial-type uses, as compared to an office-type use; for 2012 that percentage was 77%. Almost mid-way through the year 2013, that percentage is holding steady at 57%. Mr. Seymour stated that in 2012 to 2013 there were four of five new projects classified as M-2 which were new construction, three of which involved new land. Mr. Seymour also stated that is important to look at the enterprise zone, which is a state and local incentive zone package allotting the County a certain number of acres designated by the state and a finite number of years in which to use the enterprise zone; the County's is set to expire in December 2015, at which time it will reapply. Mr. Seymour stated that over the past two years the County has taken acreage out of the enterprise

zone that was located within wetlands, waterways or otherwise undevelopable land and reallocated that acreage predominately into the County's existing industrial and/or business parks. Mr. Seymour explained that the enterprise zone is one of, if not the best, incentive program the County has, and the County has expanded the zone in areas that are most consistent with those types of businesses. Mr. Seymour further explained that the County is funded solely on tax revenue; the majority of this revenue comes from residents, while businesses contribute a smaller share. Mr. Seymour stated the goal should be to bridge that gap, which is done by bringing new businesses into the County or expanding existing ones. When looking at remaining areas in the County to do that it is important to consider their zoning, infrastructure and access to utilities; when looking at industrial land in particular, one should consider existing rail, access to major transportation arteries, and the possible impacts on surrounding uses. Mr. Seymour also noted that areas appropriate for non-industrial uses outnumber industrial lands.

Ms. Bledsoe asked if the enterprise zone credit located in wetlands had been moved to other properties and when that change occurred.

Mr. Seymour confirmed that the shift began in 2011 with acreage associated with water ways, and the County is allowed a fifteen percent adjustment per year.

Ms. Bledsoe inquired if the statistic of 77% of 2012 projects being industrial referred to M-2 projects only.

Mr. Seymour clarified that 77% of the projects the County has are classified as industrial, but they do not necessarily have to be in M-2; these projects are typically manufacturing, distribution centers and warehouse space.

Ms. Bledsoe asked if these people are looking for space or people who have found space.

Mr. Seymour stated that these are projects that are actively looking for space.

Ms. Bledsoe asked to verify that in 2012 it was 77% and in 2013 it is 57%.

Mr. Russell Seymour confirmed.

Ms. Bledsoe inquired if the number has dropped due to the lack of space needed.

Mr. Seymour stated that his office consistently runs into the issue that projects primarily search for existing buildings; a good aspect to James City County is a low vacancy rate, but this is also a bad component because there is not a lot of product to put on the market. Mr. Seymour stated that has been an impeding factor, as the County is competing with localities that have the warehouse space, manufacturing space, and vacant offices, as well as the available acreage.

Ms. Bledsoe inquired if the County is not as competitive as it could be, and if this is an attempt to get it there.

Mr. Seymour stated we are not as competitive in terms of having product that is ready for use, which is difficult to obtain without building spec buildings, but the strengths the County does have are the enterprise zone and the available acreage.

Ms. Bledsoe asked what the percentage was for the year 2011.

Mr. Seymour stated it was 57%.

Ms. Bledsoe noted that the percentage stayed relatively consistent and then dropped in 2013.

Mr. Seymour explained that the 2013 number is for roughly five months of data, not the whole year. Also, the County has expanded their role by now going after retail, which is something that has not been done in the past.

Mr. Telly Tucker stated that between the years of 2000 and 2010, 12 industrial projects participated in the Enterprise Zone, providing capital investments of more than \$131 million. During these businesses' five year eligibility window, nearly \$7 million in tax revenue was generated for the County. Mr. Tucker also noted that all 12 of these projects, with the exception of one, are still in business today and thus still paying taxes to the County. Mr. Tucker stated that he consistently looks at the availability of industrial to office space and the features that projects are asking for.

Ms. Bledsoe inquired if the \$7 million was a cumulative number.

Mr. Tucker confirmed.

Ms. Bledsoe asked if Mr. Tucker agreed that when businesses come to the County, they are looking for a specific product which the County does not have an unlimited supply of.

Mr. Tucker confirmed.

Mr. O'Connor asked what the typical project acreage is.

Mr. Tucker stated that in 2012 the mean acreage was 150 acres, and in 2013 that number has dropped to 35 acres; the median acreage for 2012 was 58 acres and 16 acres in 2013. Mr. Tucker explained that both types of calculations were made in order to discount the few outliers in 2012 that were looking for very large pieces of property. Mr. Tucker also stated that in 2012 the mean building square footage for existing buildings was 37,000 square feet, and the median was 18,750 square feet; in 2013 the mean was 23,250 square feet, and the median was 9,000 square feet.

Ms. Bledsoe asked if this meant a single project would, on average, be looking for 37,000 square feet of space, or if that number was a total of all projects.

Mr. Tucker replied that that was an average per project.

Mr. Seymour clarified that that number is for existing buildings. Mr. Seymour also stated that, traditionally the percentage of people looking for buildings, versus people who are looking for acreage, was very high. This gap has closed a little over the last few years because the buildings that had been on the market are starting to get filled and building a new facility has become more affordable. Mr. Seymour stated that this is why Economic Development has now been working so closely with Planning.

Ms. Bledsoe inquired how much of the marketable land in M-2 has existing buildings.

Mr. Seymour responded that he did not know the exact percentage, but that most of it is vacant land.

Mr. Tucker stated that he believed there is only one large industrial building currently available in the County that is located adjacent to the BASF property.

Mr. Holt stated that the importance of adding back in the traditional M-2 uses that had fallen out, several of which are existing businesses in the County, combined with the analysis of the M-2 land were the two items that Staff wanted to ensure were reflected in the comprehensive examination and update of M-2. Mr. Holt also stated that the packets distributed to the Policy Committee members contained a list of what the M-2 uses have historically been and what M-2 consisted of prior to January 2012. The items proposed to be removed were typed in blue colored font, and items to be added back in were highlighted in yellow.

Ms. Bledsoe stated that she and Mr. O'Connor wanted to go through M-2 and ask questions regarding items that had been added or deleted. Ms. Bledsoe stated that she would begin with the first edit on page 18. Ms. Bledsoe asked if "Firing and shooting ranges limited to a fully enclosed building" was removed because it was allowed in another capacity on page 19, where "Indoor sports facilities including firing and shooting ranges" is listed.

Mr. Holt stated that she was correct, and it was removed because it was a duplication.

Ms. Bledsoe asked Mr. O'Connor if he had any questions on page 18.

Mr. Tim O'Connor asked Mr. Seymour if he believed funeral homes were a good use for M-2.

Mr. Seymour said that he would continue to be very protective of the M-2 land, because there is not a lot left. Mr. Seymour stated that he is in a position in which he must look at what will provide the most benefit to the County. Mr. Seymour explained that if the County has an opportunity to get a business in M-2 that will be a higher tax payer or a higher employer, then it should be the focus. Mr. Seymour noted that, of course, there is no guarantee of any businesses coming into a particular location, but areas should be available for that.

Ms. Bledsoe stated that there was discussion at the last meeting about avoiding the placement of uses in M-2 that are readily available in other districts. Ms. Bledsoe stated that it is her opinion that funeral homes would fit that description, as they are already available around the community.

Mr. Seymour stated that another factor to be considered is the number of existing businesses on M-2 property whose operations alone work well for that area, but when other uses, such as non-industrial, are mixed in, there could potentially be a negative impact on those existing businesses.

Mr. Holt asked if the Policy Committee would propose to also delete the use of funeral homes.

Ms. Bledsoe confirmed.

Mr. O'Connor stated that it should be either deleted or listed as a specially permitted use, as there are other places for that use to go.

Ms. Bledsoe stated that she is in favor of deletion because a tax payer shouldn't go through the SUP process if the use can easily go somewhere else.

Mr. O'Connor stated that he agreed it is not compatible to have a funeral home next to an industrial use.

Mr. Bledsoe stated that she had a question regarding medical offices and emergency care clinics. She stated that those uses are readily available across the community, and inquired as to why the use remains for M-2.

Mr. O'Connor stated that he believed they are accessory uses as larger companies could have in-house clinics.

Ms. Bledsoe inquired if this was referring to accessory uses.

Mr. O'Connor stated that they are not, but in 2012 similar uses, such as daycares, were changed to be accessory uses to larger places.

Ms. Bledsoe stated that she would not have a problem with them being an accessory use.

Mr. Holt stated that an example of similar wording for accessory uses could be found at the top of page 19, listing health and exercise clubs as an accessory use. Mr. Holt also stated that the way it is currently worded could allow it as a stand-alone use, but if the Policy Committee wished to make it an accessory use, he recommends using the similar language of "Medical clinics, offices and first aid centers as accessory to other permitted uses".

Ms. Bledsoe stated that she does not see having it as a stand-alone use to be consistent with what the County is trying to accomplish. Ms. Bledsoe also stated that she also does not understand allowing hospitals and believes the patients would also agree that they are not part of an industrial endeavor, although she does understand that it is a tremendous entity that would generate a large amount of taxes.

Mr. Seymour stated that he understands her point. Mr. Seymour also stated AVID Medical is an example of a medical use in M-2. He stated that he did not want to limit medical manufacturing and supply firms.

Mr. Holt replied that those instances would be listed as a manufacturing use.

Ms. Bledsoe stated that she agrees, but the inclusion of hospitals is still confusing.

Mr. O'Connor inquired if outpatient surgery centers provided a tax benefit.

Mr. Holt stated that those uses, such as urgent care facilities, would fall under the category of medical offices that had already been discussed.

Mr. O'Connor clarified that he was referring to uses such as Riverside's outpatient center at the end of Kings Way.

Mr. Seymour stated that the majority of hospitals are tax exempt; however, he is not sure if that includes taxes on machinery and tools.

Ms. Bledsoe stated that her experience in the non-profit world would lead her to believe that the machinery is not taxable, and she recommends they be removed.

Mr. O'Connor stated that he would recommend them being included as a specially permitted use.

Ms. Bledsoe asked if it is currently an SUP.

Mr. O'Connor confirmed.

Ms. Bledsoe asked for the reasoning behind the removal of "Places of public assembly" on page 20.

Mr. Holt explained that the reason for their removal, similar to the removal of antique shops, drug stores, gift and souvenir shops, and grocery stores, is that prior to January of last year those uses never existed in M-2 and were part of the unintentional carry-over from other districts.

Ms. Bledsoe inquired if this particular listing of "Places of public assembly" was a part of that copy-and-paste mistake.

Mr. Holt confirmed.

Mr. O'Connor inquired if industrial janitorial uses, such as Cintas, are allowed in M-2.

Mr. Holt stated that they are listed on page 23 as a permitted use.

Ms. Bledsoe asked why government offices and libraries are allowed in M-2, and if government offices generate tax revenue.

Mr. Holt stated that historically libraries were not allowed, and professional and government offices were a separate use, as well as post offices and fire stations.

Ms. Bledsoe asked if "Non-emergency medical transport" refers to ambulance storage.

Mr. Holt responded that medical transport is normally privately owned, not provided by a locality, and this would be a business such as Eastern Shore Ambulance Service.

Ms. Bledsoe stated that, in order to be consistent, she felt that government offices and libraries should be removed from M-2.

Mr. O'Connor asked Mr. Holt how he would classify defense contractors.

Mr. Holt replied that if it consists of employees sitting at a desk, they would most likely be classified as general office.

Mr. Seymour stated that defense contractors with research and development components will want to locate in areas that are not tied in to other uses and want to be relatively secluded. Mr. Seymour noted that while the County has not seen a significant amount of this activity historically, moving forward the option of government offices should not be removed.

Ms. Bledsoe stated that she had not considered that aspect, and inquired if there is a way to better define it in order to only allow certain types of government offices, such as the defense contractors.

Mr. Allen Murphy stated that it may be possible to incorporate some sort of research and development use.

Mr. Seymour stated that Ms. Bledsoe has a very valid concern. Mr. Seymour noted that Culpepper provides an excellent example to look at; federal agencies located there because of the available space, and the area has thus become a magnet for uses such as defense contractors.

Ms. Bledsoe inquired if making it a specially permitted use would narrow the land's appeal.

Mr. Johnson stated that historically, the use category for any district combined business, government, and professional offices as one collective use; when the uses for all districts were transformed into a tabular format in order to make it more user friendly, it did not make sense to have government offices listed as a commercial use when a civic category existed.

Ms. Bledsoe stated that she does not have a problem with government offices remaining in the ordinance, but libraries should be removed.

Mr. Holt stated that one of the benefits of working through a public process is that if there are concerns that a local government office could be located in M-2, doing so would be a part of other public discussions, such as discussions regarding the operating budget.

Ms. Bledsoe stated that she is fine with that.

Mr. Holt asked if the Policy Committee wanted to delete libraries and non-emergency medical transport from the M-2 list.

Ms. Bledsoe stated that only libraries should be deleted.

Ms. Holt stated that the yellow highlighted items being added back in to the ordinance begin on page 23.

Mr. O'Connor asked why there is a stipulation requiring the screening of heavy equipment from adjacent properties on page 23. Mr. O'Connor stated that heavy equipment, such as that found at the Caterpillar property in Richmond, is difficult to screen. Mr. O'Connor stated that he could understand requiring screening from the road, but the requirement of a 12 foot fence seemed too strict.

Mr. Johnson replied that the intent is not to require screening of the entire height of the equipment.

Mr. Holt noted the ordinance specifies that “major repair” to the equipment is what triggers the requirement of indoor use or screening, not necessarily the presence of equipment.

Mr. O’Connor stated he wants to ensure that unrealistic expectations are not being places on businesses.

Mr. Holt stated that in this case it is not the equipment itself that triggers the requirement it is the process of breaking it down; the County would not want a company in front of their property changing tires or taking apart a transmission.

Ms. Bledsoe stated that she did not have any questions regarding that issue.

Mr. O’Connor asked what a light industrial product or component is, found on page 24.

Ms. Bledsoe read from the ordinance, “Processing, assembly, and manufacturing of light industrial products or components.”

Mr. O’Connor stated that he was most concerned about the storage component.

Mr. Holt stated that because this particular use category is an SUP, the County would get the ability to look at the master plan and proposed site layout and make any SUP conditions in order to mitigate any potential impacts on adjoining properties.

Mr. O’Connor stated that if a business was, for example, producing outdoor fountains, the product could conceivable be stored outdoors at the end of the production process, and perhaps should not be forced to be stored indoors.

Mr. Holt stated that the way the language is worded, all storage must occur indoors or under cover.

Mr. O’Connor stated that this requirement is adding extra expense to businesses producing things such as brick, stone, small tractors, outdoor fountains, picnic tables, or anything else designed to be outdoors. Mr. O’Connor also stated that the Policy Committee has previously discussed at length the warehousing of products and whether it would be a permitted use or an SUP, and that some of the language is not giving potential businesses much “wiggle room”.

Mr. Johnson stated that the language found under the commercial uses on page 21 requiring storage indoor or under cover has been removed, and the County has realized that in some cases the cost of bringing those activities indoor is not appropriate.

Mr. Holt stated that there are several examples of other SUP’s, such as the manufacture and assembly of sheet metal products and the manufacture, compounding, packaging of food products, in which that condition is not listed. Mr. Holt also stated that inherent protections on the issue would be a part of the SUP process.

Mr. O'Connor asked if the word "all" could be removed.

Ms. Bledsoe stated that she agreed with the suggestion.

Mr. Holt stated that the removal of the word "all" would be a good way to bridge that gap.

Ms. Bledsoe asked if there were any other questions regarding M-2 or anything else to be presented before the meeting is opened for public comment.

Mr. Holt stated that he did not have anything else to present.

Ms. Bledsoe asked Mr. Tim Trant if he would like to speak first.

Mr. Trant with the law firm Kaufman and Canoles on behalf of his client, The Peninsula Pentecostals, stated that the conversation he just observed appeared on the surface to be a very thoughtful one and would make sense in a vacuum; however, what is being dealt with is not abstract ideas, but instead people's property rights and livelihoods. Mr. Trant stated that in a Utopian world, there would be a heavy industrial zone that would serve as the economic savior of the County, containing all high paying jobs with no environmental or other negative impacts, but this does not exist. Mr. Trant stated that a fundamental question in making such drastic changes to the M-2 zone is the effect these changes would have on the rights of people who own property and have been paying taxes to James City County for quite some time. Mr. Trant also stated that making changes to M-2 land without focusing on the individual parcels to be impacted is a mistake, and no one has discussed the status or ownership of each parcel of land in M-2. Mr. Trant inquired if anyone knew how many businesses would become non-conforming uses once these changes are made.

Mr. Holt responded that they have not identified any businesses whose status would change.

Mr. Trant questioned that there are no uses being eliminated that currently exist on M-2 land.

Mr. Holt responded that there are not any cases he is aware of because those uses being deleted were not in the ordinance 18 months ago.

Mr. Trant stated that although everyone makes mistakes, there have never been such significant changes to ordinances to make it through Staff review, the Policy Committee, Planning Commission, and Board of Supervisors that have fundamentally been a mistake, and he has trouble with the fact that these uses accidentally crept in. Mr. Trant also stated that one of the goals of Planning's effort is to bring the ordinances into conformance with the Comprehensive Plan. Mr. Trant stated that designation in the Comprehensive Plan for the property he is most interested in is mixed use, and inquired if Planning's effort is justified by consistency with the Plan, why there is an attempt to make the land more industrial. Mr. Trant stated that regarding economic development, if the County is trying to bring in more businesses, they should allow more by right uses instead of specially permitted uses because the SUP process is expensive and uncertain, thus being a discouragement to users. Mr. Trant also stated that there are many inconsistencies with support for this initiative. Mr. Trant explained that Economic Development expressed the opinion that industrial land is the most precious commodity of the County; however, retail has thus far been a much greater economic development tool for James City County, and should be focused on more. Mr. Trant stated that the

County should be realistic about who they are, as the property he is looking at has been on the market for quite some time. Mr. Trant further stated that in trying to position the County for higher and better uses in M-2, smoke stacks and manufacturing are being placed immediately adjacent to a church, two neighborhoods, and a drinking reservoir. Mr. Trant also stated that the County has gone to great lengths to oppose Dominion Power putting high tension transmission lines in this vicinity to minimize the impacts on quality of life, but wants to put industrial uses right next to those neighborhoods and reservoir. Mr. Trant stated that the property's owner has been one of the most successful developers of M-2 land and still has a significant inventory of undeveloped and unsold land; this owner is very concerned regarding the value of their M-2 holdings. Mr. Trant asked that the Policy Committee to consider the specific properties impacted by the ordinance changes, including their nature, size, and present land use, as well as the direction of the market in the area and if M-2 is the correct designation for the 40 acre parcel. Mr. Trant explained that, in regards to his situation, he would like to build a church and be able to do so by right. Mr. Trant also stated that if this process moves forward in spite of the objections, he would like consideration given to the grandfathering of the Pentecostals or a rezoning of the property, initiated by the administration, to the higher and better use, as recognized by the Comprehensive Plan, to Mixed Use.

Ms. Bledsoe asked what consideration is given to the landowner in this situation.

Mr. Holt replied that regardless of the type of change being made to the ordinance, it is important to be consistent in how the issue is presented to the public. Mr. Holt added that the County advertised in the paper, specifically listing the items proposed for addition or deletion.

Ms. Bledsoe asked if that advertising was done for the May 31, 2013 Policy Committee meeting.

Mr. Holt replied that those advertisements are done for public hearing items every month before the Planning Commission and Board, and in addition, Planning sends a separate round of notification for the Policy Committee.

Ms. Bledsoe inquired when the notification was published for Mr. Trant's clients to been made aware of the changes that were to happen.

Mr. Holt replied that it was published as part of the information for the Planning Commission meeting as well as the notices sent out before the Policy Committee meeting, as those are the standard notices sent out each time an ordinance is brought through. Mr. Holt stated that these notices are the best way to ensure that everyone receives the same, consistent information.

Ms. Bledsoe asked if it was possible that someone's land could be rezoned and never be aware if they do not read the newspaper.

Mr. Murphy replied that a rezoning is a different process than a language change to the ordinance.

Mr. Trant stated that it is also different to create such a dramatic change to permitted uses.

Ms. Bledsoe acknowledged that the church clearly has a different view on what happened and stated that she wants to further understand how land owners are made aware of these changes.

Ms. Bledsoe inquired if there is any way, other than reading it in the newspaper, which landowners are made aware of use changes.

Mr. Holt stated that he would like to clarify that in this instance he is not talking about rezoning a piece of property, changing a Comprehensive Plan designation, or whether or not it is appropriate for a specific piece of property to be zoned M-2. Mr. Holt stated that those are appropriate questions for a rezoning or SUP application, and always come about as part of that action, as they involve the direct mailing of notices to adjacent property owners.

Ms. Bledsoe stated that those applications are not what is being discussed.

Mr. Holt stated that that is correct; the discussion is regarding the consistent process that has been used for the last 18 months of putting notifications in the paper and online.

Ms. Bledsoe inquired if it is the responsibility of the land owner to know what uses the County is permitting for their land.

Mr. Holt confirmed and stated that the process which the County uses to get the word out is that consistent notification process.

Ms. Bledsoe stated that she understands that process but feels that the landowner may be at a disadvantage by having to continually follow what is happening in the County.

Mr. Holt stated that Staff is returning the M-2 ordinance to what it had historically been, not reinventing the district. Mr. Holt also stated that the legislative process is not something Planning would jump into if it were not necessary.

Mr. Trant stated that he disagrees with Mr. Holt for the reason that in his original meeting with Staff to discuss their plan for the property, he was told that there would be very little, if any, support for a legislative change to accommodate their proposed land use, and this is why they indicated their intention to proceed by right with a more limited vision on only a portion of the property. Mr. Trant further stated that the suggestion of the legislative process being used as his client's relief is an empty promise.

Ms. Bledsoe asked Mr. Trant when he decided to proceed by right.

Mr. Trant stated that it was discussed April 2 after meeting with Staff. Mr. Trant explained that Staff's disinterest in having the proposed type of use on the property, coupled with an indication that a church would not trigger commercial SUP requirements, led him to decide that a more limited vision, in particular the church and the daycare, would be the preferred venue. Mr. Trant stated that this was conveyed to Mr. Holt and Mr. Johnson on April 29.

Mr. O'Connor stated that he was not able to attend the last meeting and asked to clarify that Mr. Trant was referring to a 40 acre parcel currently zoned M-2.

Mr. Holt stated that there are three separate parcels, totaling 40 acres.

Mr. O'Connor asked what the proposal was on April 2.

Mr. Trant stated that he and the Pastor met with Staff and Steve Romeo's of VHB, and showed them a conceptual master plan for the 40 acres, the driving principal use of which would be a church campus located on the north western portion of the property, wrapping around the existing church and adjacent to the existing residential neighborhoods of Carter's Village and Skiffe's Creek. Mr. Trant also stated that continuing south east, there would be a transition into the more industrial area with light industrial uses, such as truck refueling center and convenience store, a restaurant, or other ancillary uses serving the industrial park and surrounding community.

Mr. Holt stated that the context of the meeting was in the light of developing a comprehensive master plan for all 3 parcels which would include a church, retail, convenience, diesel pumps, potential senior housing, as well as supporting uses for the church, including a daycare and a vision for a school. Mr. Holt stated that it was a discussion regarding the possible rezoning of the property from M-2 to Mixed Use.

Ms. Bledsoe asked at which point Mr. Trant and his clients met again with Staff.

Mr. Trant stated that he had been told that Staff would need some time to digest and consider all of the information presented at the first meeting. Mr. Trant stated that on April 29 he received a telephone call from Mr. Holt and Mr. Johnson indicating that after deliberation with the Development Administrator and the Economic Development office, the County concluded that a rezoning of the property for those uses would not be suitable based on the consumption of valuable M-2 land.

Ms. Bledsoe asked if this conclusion was for the entire master plan concept.

Mr. Trant confirmed, and stated that he informed Mr. Holt and Mr. Johnson at that time that he and his client decided to continue with a more limited proposal. Mr. Trant stated that his client was most concerned with the church and the daycare, which would not trigger an SUP, and thus decided to proceed by right.

Ms. Bledsoe asked to verify that there were 18 months in which the ordinances had changed and Mr. Trant viewed the use list at that time. Ms. Bledsoe also inquired when a discussion was had with Mr. Trant warning him that the use list would be changing, or if that was not an appropriate discussion because an application had not been submitted.

Mr. Holt responded that nothing had been submitted, and the concerns expressed were the same as those discussed today: adjacency, the uses, traffic generation, and the possibility of a commercial SUP. Mr. Holt noted that the driving force behind the ordinance changes was getting those industrial and manufacturing uses which had been omitted brought back into M-2.

Ms. Bledsoe asked why, if the County knew they were planning on proceeding by right, Mr. Trant would not have been notified.

Mr. Holt replied that no plans in any form had been submitted and the County must ensure that it maintains consistency in its notifications, without relying on informal conversations. Mr. Holt added that one group cannot be notified and not another because of the issue of operating transparently in a public realm.

Ms. Bledsoe stated that she understands it is not policy, and asked Mr. O'Connor if he had any questions or comments.

Mr. O'Connor declined.

Ms. Bledsoe asked Mr. Steven Barrs if he would like to speak.

Mr. Barrs stated that he is one of the owners of the Greenmount property, as well as a self-storage facility in M-2. Mr. Barrs stated that he recently went through a similar process regarding property he owns in York County, during which everyone affected was sent a letter inviting them into the process, and he feels that is a much better practice. Mr. Barrs also stated that Mr. Trant and his clients signed a contract earlier this year, planning for a by right designation, and they did not find out about the changes being submitted until the day of the Planning Commission meeting.

Mr. O'Connor asked when the contract was signed.

Mr. Trant replied that it was signed in March.

Mr. O'Connor stated that the plan in March was for a rezoning application, not a by right use.

Mr. Trant stated that in March they did not know for sure which direction they were going to proceed.

Ms. Bledsoe asked if the preference was the larger operation.

Mr. Trant stated that their preference was for the church and daycare. Mr. Trant explained that he felt that in order to build the church he would be forced into a commercial SUP, and to succeed in the legislative process for the SUP, he would have to offer some sort of offset to the church uses in order to make Staff more comfortable with their proposal, such as the commercial uses adjacent to the entrance to the industrial park. Mr. Trant stated that they later learned the master plan would most likely not be supported and they would not have to get a commercial SUP for the church, thus deciding to proceed in that direction.

Mr. Barrs stated that he is aware the County has already considered this issue, but they have inventory in which they need large tracks of land available to sell. Mr. Barrs stated that he has sold several small parcels in Greenmount, but unfortunately his most marketable pieces have been small five to seven acre parcels.

Mr. Seymour inquired if those have been closer to the front.

Mr. Barrs confirmed.

Mr. Seymour stated that he understands and agrees that there is land further back there if access can be gained to it, and he is hoping that the connector road will allow that access.

Mr. Barrs stated that he is concerned how this decision will affect those purchasers who have not done anything with their land yet due to the economy.

Ms. Bledsoe stated that she asked so many questions today because she wanted to ensure everyone was very clear on Staff's thought process and why they have made the decisions they have made. Mr. Bledsoe stated that it seems that not having existing structures on M-2 land is a drawback, but it is still very valuable land.

Mr. Seymour confirmed that most recent projects have been looked for existing buildings.

Ms. Bledsoe stated that in the scheme of 400 acres, 40 acres does not seem like too much to consider since they are willing to put structures on the property themselves; however, the precedent cannot be set of a dialogue with the County constituting rights to a piece of property if something happens. Ms. Bledsoe asked what the possibility would be of allowing the church a certain amount of time to submit an application and continue on with the property.

Mr. Holt replied that Mr. Adam Kinsman explained at the Planning Commission meeting that the grandfathering rights are very clearly defined and are subject to a completely different set of conversational points.

Ms. Bledsoe inquired if that would be an unrealistic situation.

Mr. Holt replied that it would be a discussion for a separate forum.

Mr. Trant stated that he felt that was not an accurate statement, as ordinance adoptions are made all the time with provisions that applications under conceptual review or within a certain threshold are exempted from the ordinance changes.

Mr. Seymour stated that the Policy Committee must look County wide, not at individual parcels. Mr. Seymour also stated that Mr. Barrs is correct in his statement that existing land owners should be considered, because the County should not put a use somewhere that will negatively affect other businesses or other land owners looking to market their property in the industrial park.

Mr. Trant asked if BASF is aware of the ordinance changes and the impacts to their property.

Mr. Seymour stated that he has not spoken with anyone other than Staff regarding the changes.

Mr. O'Connor stated that regarding the 40 acres, he would prefer to see it go through the rezoning process; however, the purpose of the Policy Committee is not to consider single parcels, and doing could result in piecemeal developments and missing of the bigger picture. Mr. O'Connor further stated although he does not want to minimize what Mr. Trant has brought to the table, they are here to discuss M-2 throughout the entire County.

Mr. Trant stated that that discussion is what has brought the issue to the table.

Mr. Murphy replied that the issue has been brought to the table because of a series of uses that had fallen out of the ordinance, including breweries – an industry most important to James City County.

Ms. Bledsoe stated that Mr. O'Connor is correct in his statement of what that the Policy Committee should be focused on, and although she is sympathetic to the situation that has arisen, but she is not here to discuss a specific case. Ms. Bledsoe further stated her recommendation is to approve the ordinance as is and take it to the Planning Commission.

Mr. Holt stated that this will include the changes articulated during the meeting for other specific uses.

Ms. Bledsoe stated that there does not appear to be a remedy that could make everyone happy, and the Policy Committee cannot fix an event that has transpired that they are not privy to.

Mr. O'Connor stated that he would not be opposed to a meeting before the Planning Commission meeting to discuss the issues Mr. Trant has brought forward regarding ordinance rewrites.

Mr. Trant stated that he would like for his request for consideration to be given to the unique circumstances of this property to be included in the Policy Committee's recommendation to the Planning Commission. Mr. Trant also stated that there are ways to accomplish the desired changes to the ordinance without offending his clients' interests.

Ms. Bledsoe asked how it could work to include that discussion at the Planning Commission meeting.

Mr. Holt responded that grandfathered or vested rights are not a discussion for the Planning Commission public hearing forum.

Ms. Bledsoe asked Mr. Trant if that is what he is asking for.

Mr. Trant replied that he is not referring to vested rights, as there is a legal process involved in getting those. Mr. Trant stated that he feels it is within the purview of the Policy Committee to consider impacts on property owners that have investments underway and exempt interests who have met certain threshold requirements, such as a conceptual site plan submission, from those impacts.

Ms. Bledsoe inquired if any of that exists now.

Mr. Holt replied that they do not, but he, again, would not like to involve the Planning Staff in a discussion involving vested rights at today's meeting.

Mr. O'Connor stated that he agrees that the Policy Committee meeting is not the time or place for that discussion.

Ms. Murphy stated that Mr. Trant could see the Attorney's office.

Ms. Bledsoe stated that her goal is to accomplish what the Policy Committee is charged with, and moved to approve the ordinance amendments with the changes cited during the meeting. Ms. Bledsoe also stated that she is sure Mr. Trant will continue to pursue another avenue.

Mr. Trant stated that the Religious Land Use and Institutionalized Person's Act is a federal statute that provides certain protections to religious land uses in situations such as this. Mr. Trant further stated that it is his assessment that the act, as applied to this process, has run afoul, and no one should want a lawsuit. Mr. Trant also stated that the conversation will never make it to the Attorney's office for a vested rights discussion if the Planning Commission does not endorse the cause being raised.

Ms. Bledsoe stated that because there was no application submitted, there is nothing to compel Staff to consider the situation. Ms. Bledsoe further stated that, since lawsuits have now entered into the conversation, that a decision should be made on the recommendations to the Planning Commission. Ms. Bledsoe asked if Mr. O'Connor agreed with her motion.

Mr. O'Connor agreed, and the motion passed unanimously.

4.) New Business

There was no new business to discuss.

5.) Adjournment

The meeting was adjourned at 5:08 p.m.

Robin Bledsoe, Chair of the Policy Committee

**REZONING—0002- 2013/SUP-0005-2013. Wellington, Windsor Ridge, Section 4
Staff Report for the July 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:

Building F Board Room; County Government Complex

July 3, 2013 (staff deferral) 7:00 p.m.

August 7, 2013 7:00 p.m.

Board of Supervisors:

September 10, 2013 (tentative) 7:00 p.m.

SUMMARY FACTS

Applicant: James City County

Land Owners: James City County (NVR, Inc., Ryan Homes - contract purchaser)

Proposal: Rezone the property to allow for up to 28 single-family lots at a gross density of 1.87 dwelling units per acre

Location: 225 Meadowcrest Trail

Tax Map/Parcel Nos.: 1330100016

Project Acreage: 15.00 acres

Existing Zoning: PL, Public Lands

Proposed Zoning: R-1, Limited Residential, with proffers

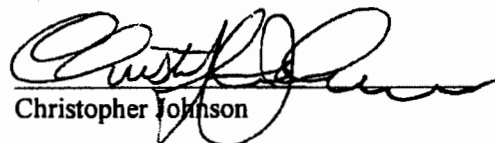
Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

Staff Contact: Christopher Johnson Phone: 253-6690

STAFF RECOMMENDATION

On November 27, 2012, the James City County Board of Supervisors adopted an initiating resolution for a rezoning of the subject property to allow the contract purchaser to develop the site as a part of the single-family development known as Windsor Ridge. By agreement between the contract purchaser and the Wellington Homeowners Association (HOA), Windsor Ridge, Section 4 will be a part of the Wellington HOA. Staff recommends that this project be deferred until the August 7, 2013 Planning Commission meeting in order to allow time for additional discussions between staff and the contract purchaser on the proffers for the proposed development.


Christopher Johnson

MEMORANDUM

DATE: July 3, 2013

TO: Planning Commission

FROM: Jason Purse, Zoning Administrator
Christopher Johnson, Principal Planner

SUBJECT: ZO-0005-2013, Zoning Ordinance Amendments, Corrections
SO-0001-2013, Subdivision Ordinance Amendments, Corrections

Staff recently completed the 18-month comprehensive ordinance update process. The various districts were updated in groups, but were also amended at staggered times throughout the process. Now that the fully revised ordinance has been in daily use for some time, a number of consistency and clarity issues have been identified. With the exception of the M-2, General Industrial District, these proposed changes do not represent policy changes in the ordinance, they are merely an attempt to bring an additional level of consistency to the ordinance. The proposed amendments specifically are:

The Highways, Streets, Parking and Loading; Landscaping; Off-street Parking; and Site Plan articles of the ordinance are currently cross referenced in multiple sections. This ordinance update seeks to establish a uniform terminology throughout the ordinance and update all cross references.

Similarly, during the update process, other terms, such as “building safety and permits” and “engineering and resource protection” were used to replace outdated division names. In some instances, not all of the references were completely updated.

A definition for “Places of public assembly” is being added to the ordinance. Staff had previously changed the use list tables to include places of public assembly, including houses of worship, lodges, meeting halls, etc. In an effort to stream line the use list tables, staff has removed references to similar uses from the use tables and will include them in the newly created definition for clarity purposes. Staff is also proposing a language change to the definition of flag lots that will clarify the requirements for road frontage for these parcels. Again, these changes are not policy changes, but rather a way to ensure consistency in interpretation.

In the R-4, Residential Planned Community District, one section of the ordinance was inadvertently deleted from the previous approved version. There are no setback requirements in the R-4 District, but there was an ordinance provision that required any proposed setbacks to be shown on the final plans. The section also contained language requiring easements for lots where minimal setbacks would necessitate access easements on adjacent property. The proposed amendments would re-insert this language.

In the LB, Limited Business, B-1, General Business, and M-1, Limited Business/Industrial District’s, a small number of uses are proposed to be renamed, moved or added to correct formatting errors and omissions inadvertently made when the use lists were converted into the currently adopted use tables.

The recommended changes to the M-2, General Industrial District propose a broader list of revisions that correct formatting errors and inadvertent omissions of industrial uses and removes many commercial (e.g., retail) uses that do not represent the highest and best use of the most intense industrially zoned land in the County. Based on a recent analysis of industrially zoned properties by the Office of Economic Development, the amount of remaining undeveloped M-2 land is limited.

At the June 12, 2013 Policy Committee meeting, the committee reviewed the proposed use list changes to the M-2 District and recommended deleting libraries as a permitted use and renaming medical clinics or offices, including emergency care and first aid centers by adding the words “as an accessory use to other permitted uses.”

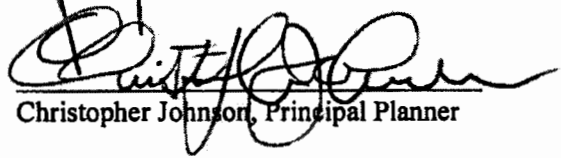
Additional changes include clarification of "building mounted" screening for alternative mounted Wireless Communication Antennas; replacing "bond" with "surety" in the subdivision ordinance; including medical offices as a stated use in MU (it is currently allowed as a business or professional office, but we have a specific designation for "medical offices"); and adding an erosion and sediment control plan as an acceptable plan for the soil stockpile ordinance.

At its meeting on June 12, 2013, the Policy Committee recommended approval of the proposed amendments with the two changes to the M-2, General Industrial District, use list mentioned previously.

Staff recommends the Planning Commission recommend approval of these changes to the Zoning and Subdivision Ordinances to the Board of Supervisors.



Jason Purse, Zoning Administrator



Christopher Johnson, Principal Planner

Attachments:

1. Zoning Ordinance
2. Subdivision Ordinance
3. M-2, General Industrial District, as it existed prior to January 10, 2012 ordinance amendments
4. Draft Policy Committee Minutes from the June 12, 2013 meeting (under separate cover)

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, SECTION 24-3, PURPOSE OF CHAPTER; ZONING MAP; BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL, SECTION 24-46, SOIL STOCKPILING; DIVISION 2, SECTION 24-58, SPECIAL PROVISIONS FOR BUS PARKING; DIVISION 3, EXTERIOR SIGNS, SECTION 24-74, EXEMPTIONS; DIVISION 6, WIRELESS COMMUNICATIONS FACILITIES, SECTION 24-122, ANTENNA MOUNTING; BY AMENDING ARTICLE III, SITE PLAN, SECTION 24-159, COMPLIANCE WITH SITE PLAN REQUIRED; BY AMENDING ARTICLE V, DISTRICTS; DIVISION 3, LIMITED RESIDENTIAL DISTRICT, R-1, SECTION 24-232, USE LIST, SECTION 24-242, OPEN SPACE WITHIN MAJOR SUBDIVISIONS; DIVISION 4, GENERAL RESIDENTIAL DISTRICT, R-2, SECTION 24-252, USE LIST, SECTION 24-263, OPEN SPACE WITHIN MAJOR SUBDIVISIONS; DIVISION 4.1, RESIDENTIAL REDEVELOPMENT DISTRICT, R-3, SECTION 24-273.2, USE LIST; DIVISION 5, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, SECTION 24-281, USE LIST, SECTION 24-287, RESERVED; DIVISION 6, MULTIFAMILY RESIDENTIAL DISTRICT, R-5, SECTION 24-305, USE LIST, SECTION 24-310, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; DIVISION 9, LIMITED BUSINESS DISTRICT, LB, SECTION 24-368, USE LIST; DIVISION 10, GENERAL BUSINESS DISTRICT, B-1, SECTION 24-390, USE LIST, SECTION 24-392, SETBACK REQUIREMENTS, SECTION 24-398, SIGN REGULATIONS AND PARKING REQUIREMENTS, SECTION 24-399, SITE PLAN REVIEW; DIVISION 11, LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1, SECTION 24-411, USE LIST, SECTION 24-420, SIGN REGULATIONS AND PARKING REQUIREMENTS; DIVISION 12, GENERAL INDUSTRIAL DISTRICT, M-2, SECTION 24-436, USE LIST, SECTION 24-445, SIGN REGULATIONS AND PARKING REQUIREMENTS; DIVISION 14, PLANNED UNIT DEVELOPMENT DISTRICT, PUD, SECTION 24-491, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN, SECTION 24-493, USE LIST; DIVISION 15, MIXED USE, MU, SECTION 24-515, DOCUMENTS REQUIRED FOR SUBMISSION, SECTION 24-518, USE LIST, SECTION 24-520, OPEN SPACE, SECTION 24-522, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; DIVISION 17, ECONOMIC OPPORTUNITY, EO, SECTION 24-536.4, USE LIST, SECTION 24-536.5, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; AND BY AMENDING ARTICLE VI, DIVISION 3, FLOODPLAIN AREA REGULATIONS, SECTION 24-588, COMPLIANCE AND LIABILITY.

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, Section 24-3, Purpose of chapter; zoning map; by amending Article II, Special Regulations, Division 1, In General, Section 24-46, Soil stockpiling; Division 2, Section 24-58, Special provisions for bus parking; Division 3, Exterior Signs, Section 24-74, Exemptions; Division 6, Wireless Communications Facilities,

Section 24-122, Antenna mounting; by amending Article III, Site Plan, Section 24-159, Compliance with site plan required; by amending Article V, Districts; Division 3, Limited Residential District, R-1, Section 24-232, Use list, Section 24-242, Open space within major subdivisions; Division 4, General Residential District, R-2, Section 24-252, Use list, Section 24-263, Open space within major subdivisions; Division 4.1, Residential Redevelopment District, R-3, Section 24-273.2, Use list; Division 5, Residential Planned Community District, R-4, Section 24-281, Use list, Section 24-287, Reserved; Division 6, Multifamily Residential District, R-5, Section 24-305, Use list, Section 24-310, Requirements for improvements and design; Division 9, Limited Business District, LB, Section 24-368, Use list; Division 10, General Business District, B-1, Section 24-390, Use list, Section 24-392, Setback requirements, Section 24-398, Sign regulations and parking requirements, Section 24-399, Site plan review; Division 11, Limited Business/Industrial District, M-1, Section 24-411, Use list, Section 24-420, Sign regulations and parking requirements; Division 12, General Industrial District, M-2, Section 24-436, Use list, Section 24-445, Sign regulations and parking requirements; Division 14, Planned Unit Development District Districts, PUD, Section 24-491, Requirements for improvements and design, Section 24-493, Use list; Division 15, Mixed Use, MU, Section 24-515, Documents required for submission, Section 24-518, Use list, Section 24-520, Open space, Section 24-522, Requirements for improvements and design; Division 17, Economic Development District, EO, Section 24-536.4, Use list, Section 24-536.5, Requirements for improvements and design; and by amending Article VI, Division 3, Floodplain Area Regulations, Section 24-588, Compliance and liability.

Chapter 24

ARTICLE I. IN GENERAL

Sec. 24-2. Definitions.

Lot, flag. A lot ~~not fronting on or abutting a public road and~~ where a majority of the parcel does not abut a public right-of-way, but that achieves access to the public road is by a narrow, ~~private right-of-way~~ section of land not less than 25 feet in width.

Places of public assembly. Places of public assembly include public or private meeting halls, fraternal organizations, houses of worship, civic clubs, and lodges.

Sec. 24-3. Purpose of chapter; zoning map.

(b) This chapter is designed to give reasonable consideration to each of the following purposes, where applicable:

(1) To provide for adequate light, air, convenience of access and safety from fire, flood, ~~impending~~ *impounding* structure failure and other dangers;

(6) To protect against one or more of the following: overcrowding of land; undue density of population in relation to the community facilities existing or available; obstruction of light and air; danger and congestion in travel and transportation; or loss of life, health or property from fire, flood, ~~impending~~ *impounding* structure failure, panic or other dangers;

Chapter 24

ARTICLE II. SPECIAL REGULATIONS

DIVISION 1. IN GENERAL

Sec. 24-46. Soil stockpiling.

(d) *Development plans.* The location, size and dimensions of all stockpiles shall be shown on any associated development plan and approved as part of a site plan, *site erosion and sediment control plan* or construction plan for a subdivision prior to development. At a minimum the plan shall include:

DIVISION 2. HIGHWAYS, STREETS, PARKING AND LOADING

Sec. 24-58. Special provisions for bus parking.

(f) *Surface and drainage of parking areas.* Bus parking areas shall be surfaced with gravel, stone, asphalt or concrete and shall be maintained in good repair. Adequate drainage shall be provided for the removal of stormwater and a drainage plan shall be submitted with the site plan and approved by the ~~environmental~~ director *of engineering and resource protection*.

DIVISION 3. EXTERIOR SIGNS

Sec. 24-74. Exemptions.

(18) Off-premises, directional, temporary, and generic open-house realty signs may be erected in any zoning district in accordance with the following regulations:

a. The function of such signs shall be limited to directional purposes, as opposed to the advertisement of an individual realtor or realty firm. The signs shall be generic in style and color. No specific realtor or realty firm name(s) shall appear on such signs provided; however, the registered trademark of the National Association of Realtors, the equal housing opportunity logo, and identification as provided for in (19 18) h. below shall be permitted.

DIVISION 6. WIRELESS COMMUNICATIONS FACILITIES

Sec. 24-122. Antenna mounting.

2. *Alternative mounting structure - WCFs.* WCFs determined by the planning director to be utilizing alternative mounting structures as defined by this ordinance shall be permitted in all zoning districts and shall conform to the following criteria:

(4) *Building mounted Antennas* shall be mounted in a manner that is architecturally compatible with the structure on which they are located as determined by the planning director. ~~All Building mounted antennas~~

(excluding whip antennas under five feet in height) shall be completely screened or camouflaged from view from residentially zoned areas or adjacent roadways.

Chapter 24

ARTICLE III. SITE PLAN

Sec. 24-159. Compliance with site plan required.

(a) Inspection and supervision during development:

(1) Unless otherwise specifically provided in this chapter, the construction standards for all on-site and off-site improvements required by this chapter, the site plan or other documents approved by the county shall conform to county design and construction standards. The director of building safety and permits, *or the director of engineering and resource protection, as applicable*, or ~~his~~ *their* agents shall, after approval of the plan and specifications, inspect construction of all improvement and land disturbances to assure conformity with the approved plans to the maximum extent possible.

(2) The owner or agent shall notify the director of ~~building safety and permits~~ *engineering and resource protection* in writing three days prior to the beginning of all street or storm sewer work shown to be constructed on the site plan.

(3) The ~~stormwater division~~ *engineering and resource protection division* shall, after approval of the plan and specifications, inspect construction of all stormwater installations, including but not limited to BMPs, stormdrains, channels, inlets, and outfalls to assure conformity with the approved plans to the maximum extent possible.

Chapter 24

ARTICLE V. DISTRICTS

DIVISION 3. LIMITED RESIDENTIAL DISTRICT, R-1

Sec. 24-232. Use list.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential	Single-family detached dwellings with a maximum gross density of one dwelling unit per acre in accordance with section 24-234 233(a)	P	
	Single-family detached dwellings with a maximum gross density of more than one dwelling unit per acre in accordance with section 24-234 233(b)		SUP
Commercial	Off-street parking as required by section 24-53 <i>article II, division 2 of this chapter</i>	P	
Civic	Places of public assembly, including houses of worship and public meeting halls		SUP

Sec. 24-242. Open space within major subdivisions.

(a) Within every subdivision consisting of 50 or more lots, there shall be planned and set aside permanently an amount of open space to be maintained exclusively for conservation and recreation purposes.

(1) Non-developable areas outside of private lots shall be maintained as open space and should be protected through a conservation easement dedicated to the county or other legal entity approved by the county attorney.

(2) In addition, ten percent of the developable area shall also be set aside as open space. The developable area open space may include, but is not limited to:

- a. Areas on site necessary to meet county policies pertaining to natural resources, archaeology, and parks and recreation;
- b. Areas on site used to achieve density bonus points in accordance with ~~S~~ section 24-234 233(b);
- c. The following areas, up to the percent specified:
 1. Required right-of-way and perimeter buffers cannot exceed 50 percent of the developable open space required, and
 2. *Stormwater* management facilities cannot exceed 20 percent of the developable open space required (this limitation applies to structural best management practices such as wet and dry ponds, but does not apply to bioretention or other low impact design measures).

(3) For the purposes of meeting the developable open space requirements ~~specified in (e)~~, open space area may not include:

- a. Area on any individual private lots or yards, with the exception of easements for streetscapes; or
- b. Land within public road rights-of-way and utility or drainage easements.

(4) For the purpose of meeting the developable area open space requirements ~~specified in (e)~~, open space shall be arranged on the site in a manner that is suitable in its size, shape, and location for the conservation and recreational uses intended, with adequate access for all residents. At a minimum, the open space shall adhere to the following standards:

DIVISION 4. GENERAL RESIDENTIAL DISTRICT, R-2

Sec. 24-252. Use list.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential	Single-family detached dwellings with a maximum gross density of one dwelling unit per acre, either <ul style="list-style-type: none">• in accordance with section 24-254 253(a), or contained within a residential cluster development in	P	

	accordance with article VI, division 1 of this chapter		
	Single-family detached dwellings with a maximum gross density of more than one dwelling unit per acre, either <ul style="list-style-type: none"> • in accordance with section 24-254 253(b), or contained within a residential cluster development in accordance with article VI, division 1 of this chapter		SUP
Commercial	Off-street parking as required by section 24-53 <i>article II, division 2 of this chapter</i>	P	
Civic	Places of public assembly, including houses of worship and public meeting halls		SUP

Sec. 24-263. Open space within major subdivisions.

(a) Within every subdivision consisting of 50 or more lots, there shall be planned and set aside permanently an amount of open space to be maintained exclusively for conservation and recreation purposes.

(1) Non-developable areas outside of private lots shall be maintained as open space and should be protected through a conservation easement dedicated to the county or other legal entity approved by the county attorney.

(2) In addition, ten percent of the developable area shall also be set aside as open space. The developable area open space may include, but is not limited to:

a. Areas on site necessary to meet county policies pertaining to natural resources, archaeology, and parks and recreation;

b. Areas on site used to achieve density bonus points in accordance with section 24-254 253(b);

c. The following areas, up to the percent specified:

1. Required right-of-way and perimeter buffers cannot exceed 50 percent of the developable open space required, and

2. Stormwater management facilities cannot exceed 20 percent of the developable open space required (this limitation applies to structural best management practices such as wet and dry ponds, but does not apply to bioretention or other low impact design measures).

(3) For the purposes of meeting the developable open space requirements ~~specified in (e)~~, open space area may not include:

a. Area on any individual private lots or yards, with the exception of easements for streetscapes, or

b. Land within public road rights-of-way and utility or drainage easements.

(4) For the purpose of meeting the developable area open space requirements ~~specified in (e)~~, open space shall be arranged on the site in a manner that is suitable in its size, shape, and location for the conservation and recreational uses intended, with adequate access for all residents. At a minimum, the open space shall adhere to the following standards:

DIVISION 4.1. RESIDENTIAL REDEVELOPMENT DISTRICT, R-3

Sec. 24-273.2. Use list.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial	Off-street parking as required by section 24-53 <i>article II, division 2 of this chapter</i>	P	
	Places of public assembly, such as meeting halls and houses of worship	P	

DIVISION 5. RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4

Sec. 24-281. Use list.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential	Accessory apartments <i>in accordance with section 24-32</i>	P	
Commercial	Off-street parking as required by section 24-53 <i>article II, division 2 of this chapter</i>	P	
Civic	Places of public assembly, such as houses of worship, public meeting halls, lodges or fraternal organizations	P	

Sec. 24-287. Proposed deed of easement and setbacks

(a) *Easements and covenants shall clearly establish the rights of two abutting properties where main buildings are to be constructed on or within five feet of a property line. Such easements/covenants shall establish the rights of each affected owner to gain access to each owner's building for purposes of essential maintenance and service.*

(b) *Lot sizes and setback lines shall be shown on final plans.*

Sec. 24-~~287~~ 288 – 24-303. Reserved.

DIVISION 6. MULTIFAMILY RESIDENTIAL DISTRICT, R-5

Sec. 24-305. Use list.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial	Off-street parking as required by section 24-53 <i>article II, division 2 of this chapter</i>	P	
Civic	Places of public assembly, including houses of worship and public meeting halls	P	

Sec. 24-310. Requirements for improvements and design.

(b) *Open space.* There shall be planned and set aside permanently an amount of open space to be maintained exclusively for conservation and recreation purposes.

(1) Non-developable areas shall be maintained as open space and shall not be included on any private lot, and should be protected though a conservation easement dedicated to the county or other legal entity approved by the county attorney.

(2) In addition, ten percent of the developable area shall also be set aside as open space. The developable area open space may include, but is not limited to:

- a. Areas on site necessary to meet county policies pertaining to natural resources, archaeology, and parks and recreation;
- b. Areas on site used to achieve density bonus points in accordance with section 24-308 307;
- c. The following areas, up to the percent specified:
 1. Required right-of-way and perimeter buffers cannot exceed 50 percent of the developable open space required, and
 2. Stormwater management facilities cannot exceed 20 percent of the developable open space required (this limitation applies to structural best management practices such as wet and dry ponds, but does not apply to bioretention or other low impact design measures).

(3) For the purpose of meeting the developable open space requirements specified in (b), open space area may not include:

- a. Area on any individual private lots, with the exception of easements for streetscapes, or
- b. Land within public road rights-of-way and utility or drainage easements.

(4) Open space shall be arranged on the site in a manner that is suitable in its size, shape, and location for the conservation and recreational uses intended, with adequate access for all residents and served with adequate facilities for such purpose. Existing features which would enhance the residential environment or the county as a whole such as trees, watercourses, historic spots and similar features shall be preserved to the maximum extent possible.

DIVISION 9. LIMITED BUSINESS DISTRICT, LB

Sec. 24-368. Use list.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial	Lumber and building supply (with storage limited to a fully enclosed building)	P	

	Off-street parking as required by section 24-54 <i>article II, division 2 of this chapter</i>	P	
	Places of public assembly, including houses of worship and public meeting halls	P	
Civic	Places of public assembly	P	
	Schools, public or private		SUP

DIVISION 10. GENERAL BUSINESS DISTRICT, B-1

Sec. 24-390. Use list.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial	Hotels, and motels and tourist homes	P	
	Off-street parking as required by section 24-54 <i>article II, division 2 of this chapter</i>	P	
	Places of public assembly, including houses of worship and public meeting halls	P	
	<i>Retail food stores</i>	<i>P</i>	
	<i>Tourist homes</i>	<i>P</i>	
Civic	<i>Places of public assembly</i>	<i>P</i>	
	Schools, public or private		SUP
Utility	<i>Antennas and towers, self supported, which are 60 feet or less in height</i>	<i>P</i>	
	<i>Antennas or towers in excess of 60 feet in height</i>		<i>SUP</i>

Sec. 24-392. Setback Requirements.

Structures shall be located 50 feet or more 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 75 feet or more from the centerline of the street.

(1) Setbacks may be reduced to 25 feet from any street right-of-way which is 50 feet or greater in width or 50 feet from the centerline of the street where the street right-of-way is less than 50 feet in width with approval of the ~~development review committee~~ *planning director*.

A site shall not be considered for a setback reduction if it is located on a planned road that is designated for widening improvements. A planned road includes any road or similar transportation facility as designated on the Comprehensive Plan, Six-Year Primary or Secondary Road Plan, Peninsula Area Transportation Plan or any road plan adopted by the board of supervisors. The development review committee planning director will consider a setback reduction only if the setback reduction will achieve results which clearly satisfy the overall purposes and intent of ~~section 24-86~~ *article II, division 4 of this chapter* (Landscaping and Tree Preservation Requirements); if the setbacks do not negatively impact adjacent property owners; and if one or more of the following criteria are met:

- (a) The site is located on a Community Character Corridor or is designated a Community Character Area on the Comprehensive Plan Land Use Map, and proposed setbacks will better complement the design standards of the Community Character Corridor.
- (b) The adjacent properties have setbacks that are non-conforming with this section, and the proposed setbacks will better complement the established setbacks of adjacent properties, where such setbacks help achieve the goals and objectives of the Comprehensive Plan.
- (c) The applicant has offered site design which meets or exceeds the Development Standards of the Comprehensive Plan.

Sec. 24-398. Sign regulations and parking requirements.

- (a) To assure an appearance which is consistent with the purposes of the General Business District, B-1, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.
- (b) Off-street parking and off-street loading shall be provided as required in ~~sections 24-54 and 24-61~~ *article II, division 2 of this chapter.*

Sec. 24-399. Site plan review.

All buildings or complexes of buildings erected, altered or restored within the district shall be subject to site plan review in accordance with ~~section 24-142~~ *article III of this chapter.*

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

Sec. 24-411. Use list.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial	Off-street parking as required by section 24-54 <i>article II, division 2 of this chapter</i>	P	
	Places of public assembly, including houses of worship and public meeting halls	P	
Civic	Places of public assembly	P	
	Schools, public or private		SUP

Sec. 24-420. Sign regulations and parking requirements.

- (a) To assure an appearance which is consistent with the purposes of the Limited Business/Industrial District, M-1, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.
- (b) Off-street parking and off-street loading shall be provided as required in ~~sections 24-54 and 24-61~~ *article II, division 2 of this chapter.*

DIVISION 12. GENERAL INDUSTRIAL DISTRICT, M-2

Sec. 24-436. Use List.

(Uses which are proposed to be removed are colored light blue with strikethrough)

(Uses which are proposed to be added are shaded in yellow and are italicized)

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential	An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial or industrial use of the property	P	
Commercial	Accessory uses and structures as defined in section 24-2	P	
	Adult day care centers	P	
	Antique shops	P	
	Arts and crafts, hobby and handcraft shops	P	
	Auction houses	P	
	Bakeries or fish markets	P	
	Banks and other financial institutions	P	
	Barber shops and beauty salons	P	
	Business and professional offices	P	
	Catering and meal preparation	P	
	Child day care centers <i>as an accessory use to other permitted uses</i>	P	
	Contractor offices, equipment storage yards, shops and warehouses (with materials and equipment storage limited to a fully enclosed building or screened from adjoining property with landscaping and fencing with a maximum height of 12 feet	P	
	Convenience stores; if fuel is sold, then in accordance with section 24-38		SUP
	Convention centers	P	
	Courier services	P	
	Data processing centers	P	
	Drug stores	P	
	Dry cleaners and laundries	P	
	Farmer's markets	P	
	Feed, seed and farm supply stores	P	
	Firearms sales and service	P	
	Firing and shooting ranges, limited to a fully enclosed building	P	
	Funeral homes	P	
	Gift and souvenir shops	P	
	Grocery stores	P	

Health and exercise clubs, fitness centers <i>as an accessory use to other permitted uses</i>	P	
Heliports, helistops and accessory uses		SUP
Hospitals		SUP
Hotels and motels with accessory retail sales, barber shops and beauty shops located within the hotel or motel for the principal benefit of the resident guest	P	
Indoor centers of amusement including billiard halls, arcades, pool rooms, bowling alleys, dance clubs and bingo halls	P	
Indoor sports facilities, including firing and shooting ranges	P	
Indoor theaters	P	
Janitorial service establishments	P	
Kennels and animal boarding facilities	P	
Laboratories, research and development centers	P	
Laser technology production	P	
Limousine services (with maintenance limited to a fully enclosed building)	P	
Lodges, civic clubs, fraternal organizations and service clubs	P	
Lumber and building supply (with materials and equipment storage limited to a fully enclosed building or screened from adjoining property with landscaping and fencing with a maximum height of 12 feet)	P	
Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments	P	
Machinery sales and service (with materials and equipment storage limited to a fully enclosed building or screened from adjoining property with landscaping and fencing with a maximum height of 12 feet)	P	
Marinas, docks, piers, yacht clubs, boat basins, boat storage and servicing, repair and sale facilities for the same ; if fuel is sold, then in accordance with section 24-38	P	
Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce, or seafood, receiving, packaging or distribution	P	
Medical clinics or offices, including emergency care and first aid centers <i>as an accessory use to other permitted uses</i>	P	
Museums	P	
New and/or rebuilt automotive part sales (with storage limited to a fully enclosed building or	P	

screened from adjoining property with landscaping and fencing with a maximum height of 12 feet)		
Nursing homes		SUP
Nurseries	P	
Off-street parking as required by section 24-52 <i>article II, division 2 of this chapter</i>	P	
Office supply stores	P	
Outdoor center of amusement, including miniature golf, bumper boats and waterslide parks		SUP
Outdoor sports facilities, including golf courses, driving ranges, batting cages and skate parks, with water and sewer facilities for golf courses as approved by the board of supervisors		SUP
Parking lots, structures or garages	P	
Pet stores and pet supply stores	P	
Photography, artist and sculptor stores and studios	P	
Places of public assembly, including houses of worship and public or private meeting halls	P	
Plumbing and electrical supply and sales (with materials and equipment storage limited to a fully enclosed building or screened from adjoining property with landscaping and fencing with a maximum height of 12 feet)	P	
Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments	P	
Private streets within qualifying industrial parks in accordance with section 24-62 <i>article II, division 2 of this chapter</i>	P	
Radio and television stations and accessory antenna or towers, self supported, not attached to buildings, which are 60 feet or less in height	P	
Research, development and design facilities or laboratories	P	
Restaurants, tea rooms, coffee shops, taverns, and micro-breweries, not to include fast food restaurants <i>as an accessory use to other permitted uses</i>	P	
Retail and service stores, including the following stores : alcohol, appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gourmet foods, greeting card, hardware, home appliance, health and beauty aids, ice cream, jewelry, locksmith, music, optical goods, paint, pet, picture framing, plant supply, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel agencies, upholstery, variety, wearing apparel, and yard goods	P	

	Retail food stores	P	
	Retail sales of products related to the main use, provided that the floor area for retail sales comprises less than 25 percent of the first floor area of the main use	P	
	Security service offices	P	
	Taxi service	P	
	Theme parks greater than 10 acres in size		SUP
	Truck stops ; if fuel is sold, then in accordance with section 24-38		SUP
	Truck terminals ; if fuel is sold, then in accordance with section 24-38		SUP
	Vehicle and trailer sales and service (with major repair limited to a fully enclosed building and screened from adjoining property by landscaping and fencing with a maximum height of 12 feet)	P	
	Vehicle rentals	P	
	Vehicle repair and service, including tire, transmission, glass, body and fender, and other automotive product sales, new and/or rebuilt (with major repair limited to a fully enclosed building and storage of parts and vehicles screened from adjoining property by landscaping and fencing with a maximum height of 12 feet)	P	
	Vehicle service stations; if fuel is sold, then in accordance with section 24-38	P	
	Veterinary hospitals (with all activities limited to a fully enclosed building with the exception of supervised animal exercise)	P	
	Warehousing, wholesaling, storage and distribution centers (with storage limited to a fully enclosed building or screened from adjoining property by landscaping and fencing with a maximum height of 12 feet)	P	
	Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet	P	
	Water impoundments, new or expansion of, greater than 50 acres and with dam heights of less than 25 feet		SUP
	Water well drilling establishments	P	
	Welding and machine shops (with storage limited to a fully enclosed building or screened from adjoining property with landscaping and fencing with a maximum height of 12 feet)	P	
Civic	Nonemergency medical transport	P	
	Fire stations	P	
	Government offices	P	
	Libraries	P	

Utility	Post offices	P	
	Schools, public or private		SUP
	Antennas and towers, self supported, which are 60 feet or less in height	P	
	Antennas and towers, not attached to buildings, in excess of 60 feet in height		SUP
	Electrical generation facilities, public or private, steam generation facilities, electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP
	Railroad facilities including tracks, bridges and switching stations. Spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a special use permit		SUP
	Telephone exchanges and telephone switching stations	P	
	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, less than 60 feet in height	P	
	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height		SUP
	Transmission pipelines, public or private, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. Extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit		SUP
	Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities	P	
	Water facilities, public or private, and sewer facilities, public, including but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment, such as pumps to be owned and operated by political jurisdictions. The following are permitted generally		SUP

	and shall not require a special use permit : (a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line ; and (b) Distribution lines and local facilities within a development, including pump stations		
Open	Timbering, in accordance with section 24-43	P	
Industrial	<i>Asphalt mixing plants</i>		SUP
	<i>Boiler shops</i>	P	
	<i>Breweries and other associated activities</i>	P	
	<i>Crushed stone, sand, gravel, or mineral mining; storage and distribution of same</i>		SUP
	<i>Drop forge industries, manufacturing, forgings with a power hammer</i>	P	
	Heavy equipment sales and service (with major repair limited to a fully enclosed building or screened from adjoining property with landscaping and fencing with a maximum height of 12 feet)	P	
	Industrial dry cleaners and laundries	P	
	Industrial or technical training centers or schools	P	
	Manufacture and assembly of musical instruments, toys, novelties, and rubber and metal stamps	P	
	Manufacture and bottling of soft drinks, water and alcoholic beverages	P	
	<i>Manufacture and compounding of chemicals</i>		SUP
	<i>Manufacture and processing of acrylic and synthetic fibers</i>	P	
	Manufacture and processing of textiles and textile products	P	
	<i>Manufacture and sale of manufactured homes, mobile homes, modular homes and industrialized housing units</i>	P	
	<i>Manufacture and sale of wood and wood products</i>	P	
	Manufacture and storage of ice, including dry ice	P	
	Manufacture, assembly or fabrication of sheet metal products	P	
	Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiberglass, glass, rubber, wax, leather, cellophane, canvas, felt, fur, horn, hair, yarn, and stone	P	
	Manufacture, compounding, processing or packaging of food and food products, but not the slaughter of animals		SUP
	<i>Manufacture of batteries</i>	P	
	<i>Manufacture of boats, marine equipment and boat</i>	P	

<i>trailers</i>		
Manufacture of cans and other <i>metal</i> products from previously processed metals	P	
Manufacture of carpets and carpet yarns	P	
<i>Manufacture of cement, lime, gypsum, bricks and non-previously prepared stone products (i.e., stone and rock used for general erosion and sediment control or road construction)</i>		SUP
Manufacture of furniture	P	
Manufacture of glass and glass products	P	
Manufacture of pottery and ceramic products using kilns fired only by gas or electricity	P	
<i>Manufacture or assembly of aircraft and aircraft parts</i>	P	
Manufacture or assembly of appliances, tools, firearms, hardware products and heating, cooling or ventilation equipment	P	
<i>Manufacture or assembly of automobiles, trucks, machinery or equipment</i>	P	
Manufacture or assembly of electronic instruments, electronic devices or electronic components	P	
Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments and equipment	P	
Manufactured home or mobile home sales	P	
<i>Metal foundry and heavy weight casting</i>	P	
<i>Petroleum refining</i>		SUP
Petroleum storage and retail distribution		SUP
Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors or under cover, with no dust, noise, odor or other objectionable effect		SUP
Propane storage, distribution or sale		SUP
<i>Ready mix concrete production</i>		SUP
Recycling center or plant	P	
Resource recovery facilities		SUP
Solid waste transfer stations and container sites, public or private		SUP
<i>Structural iron and steel fabrication</i>	P	
<i>Vehicle graveyards and scrap metal storage yards</i>		SUP
Waste disposal facilities		SUP
<i>Welding and machine shops including punch presses and drop hammers</i>	P	
<i>Wood preserving operations</i>		SUP

Sec. 24-445. Sign regulations and parking requirements.

(a) To assure an appearance which is consistent with the purposes of the General Industrial District, M-2, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.

(b) Off-street parking and off-street loading shall be provided as required in ~~sections 24-54 and 24-61~~ *article II, division 2 of this chapter.*

DIVISION 14. PLANNED UNIT DEVELOPMENT DISTRICT, PUD

Sec. 24-491. Requirements for improvements and design.

(c) *Parking.* Off-street parking facilities shall be provided in accordance with the off-street parking requirements of ~~section 24-53~~ *article II, division 2 of this chapter.*

Sec. 24-493. Use list.

(a) In the planned unit development district, residential (PUD-R), all structures to be erected or land to be used shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential	Accessory apartments <i>in accordance with section 24-32</i>	P	
Commercial	Off-street parking as required by section 24-53 <i>article II, division 2 of this chapter</i>	P	
Civic	Places of public assembly, such as houses of worship, public meeting halls, lodges or fraternal organizations	P	

(b) In the planned unit development district, commercial (PUD-C), all structures to be erected or land to be used shall be for one or more of the following uses:

Industrial	Private streets within "qualifying industrial parks" in accordance with section 24-55 62	P	
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DIVISION 15. MIXED USE DISTRICT, MU

Sec. 24-515. Documents required for submission.

(a) *Required documents.* The applicant shall submit documents in accordance with section 24-23 to the planning director prior to any rezoning or special use permit application consideration by the planning commission.

(1) Where applicable, the master plan shall contain a table which shows, for each section or area of different uses, the following:

- a. The use;
- b. Construction phasing;
- c. Maximum number of dwelling units and density for residential areas;
- d. Maximum square feet of floor space for commercial, office or industrial areas;
- e. Maximum square feet of floor space and percentage mix of floor space of each use for those structures containing a mixture of uses; and
- f. Maximum acreage of each use.

The master plan shall depict and bind the approximate boundaries and general location of all principal land uses, structure square footage, number of dwelling units and densities, roads, rights-of-way, accesses, open spaces, public uses and other features located or to be located on the site. Upon approval by the board of supervisors, the master plan shall become binding. Thereafter, all amendments to the master plan shall be in accordance with section 24-13 of this chapter. Approved development plans, provided for in section 24-518 ~~516~~, shall supersede the master plan and conceptual or schematic plans.

Sec. 24-518. Use list.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential	Accessory apartments <i>in accordance with section 24-32</i>	P	
Commercial	<i>Medical offices</i>	<i>P</i>	
	Museums		SUP
	Nonemergency medical transport	P	
	Off-street parking as required by section 24-53 <i>article II, division 2 of this chapter</i>	P	
Civic	Places of public assembly, such as houses of worship, public meeting halls, lodges or fraternal organizations		

Sec. 24-520. Open space.

Development within the mixed use districts shall provide usable open space area. The amount of open space shall be not less than ten percent of the developable area of the site. Nondevelopable area shall not be counted towards meeting the open space requirement. For the purposes of this article, open space does not include any landscape area in parking lots or adjacent to structures. The requirements of this section shall supplement the requirements of the county's Chesapeake Bay Preservation Ordinance, ~~section 24-86~~ *article II, division 4 of this chapter* (Landscaping and tree preservation requirements) and other county requirements relating to open space. For the purposes of this article, open space may include, but is not limited to:

Sec. 24-522. Requirements for improvements and design.

(d) *Parking.* Off-street parking facilities shall be provided in accordance with the off-street parking requirements of section ~~24-53~~ *article II, division 2 of this chapter.*

(i) *Landscaping.* All landscaping and tree preservation shall be undertaken in accordance with section ~~24-86~~ *article II, division 4 of this chapter* and Chapter 23 of the county code, the Chesapeake Bay Preservation Ordinance

DIVISION 17. ECONOMIC OPPORTUNITY, EO

Sec. 24-536.4. Use list.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial	Clubs, public or private, civic or service clubs, country clubs, lodges and fraternal organizations <i>Places of public assembly</i>	P	
	Off-street parking as required by section 24-53 <i>article II, division 2 of this chapter</i>	P	
Industrial	Private streets within “qualifying industrial parks” in accordance with section 24-55 <i>62</i>	P	

Sec. 24-536.5. Requirements for improvements and design.

(d) *Parking.* Off-street parking facilities, within the urban/residential core, shall be provided in accordance with the off-street parking requirements of section ~~24-53~~ *article II, division 2 of this chapter.* The visibility of parking lots or structures shall be minimized by placement to the side or rear of buildings and/or with landscape screening.

(h) *Landscaping.* All landscaping and tree preservation shall be undertaken in accordance with section ~~24-86~~ *article II, division 4 of this chapter* and chapter 23 of the County Code, the Chesapeake Bay Preservation Ordinance.

ARTICLE VI. OVERLAY DISTRICTS

DIVISION 3. FLOODPLAIN AREA REGULATIONS

Sec. 24-588. Compliance and liability.

(c) Records of actions associated with administering these regulations shall be kept on file and maintained by the ~~county engineer~~ *development manager or his designee.*

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, GENERAL PROVISIONS, SECTION 19-2, DEFINITIONS, SECTION 19-15, FEES, SECTION 19-17, SPECIAL PROVISIONS FOR FAMILY SUBDIVISIONS; BY AMENDING ARTICLE III, REQUIREMENTS FOR DESIGN AND MINIMUM IMPROVEMENTS, SECTION 19-33, LOCATION OF UTILITIES, SECTION 19-40, LOT ACCESS AND FRONTAGE, SECTION 19-51, STREET CONSTRUCTION STANDARDS, SECTION 19-64, INSPECTION OF PUBLIC WATER, SEWER, AND STORMWATER SYSTEM, SECTION 19-70 ESTABLISHMENT OF HOMEOWNERS ASSOCIATION, AND SECTION 19-73, SHARED DRIVEWAY REQUIREMENTS FOR MINOR SUBDIVISIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Article I, General Provisions, Section 19-2, Definitions, Section 19-15, Fees, Section 19-17, Special provisions for family subdivisions; by amending Article III, Requirements for Design and Minimum Improvements, Section 19-33, Location of utilities, Section 19-40, Lot access and frontage, Section 19-51, Street construction standards, Section 19-64, Inspection of public water, sewer, and stormwater system, Section 19-70, Establishment of homeowners association, and Section 19-73, Shard driveway requirements for minor subdivisions

Chapter 19

SUBDIVISIONS

Sec. 19-2. Definitions.

Lot, flag. A lot ~~not fronting on or abutting a public road and~~ where a majority of the parcel does not abut a public right-of-way, but that achieves access to the public road is by a narrow, ~~private right-of-way~~ section of land not less than 25 feet in width.

Sec. 19-15. Fees.

(3) Inspection fee for stormwater installations. There shall be a fee for the inspection by the ~~stormwater division~~ *engineering and resource protection division* of public stormwater installations and private stormwater installations required in accordance with section 23-10(4). Such fee shall be \$900 per practice for each best management practice constructed and \$.90 per foot for every foot of stormwater drain or channel constructed and shall be submitted at the time of filing an application for a land disturbance permit.

Sec. 19-17. Special provisions for family subdivisions.

(5) Each lot or parcel of property shall front on a road which is part of the transportation department system of primary or secondary highways or shall front upon a private drive or road which is in a right-of-way or easement of not less than 20 feet in width. Such right-of-way shall remain private and shall include a driveway within it consisting of, at a minimum, an all-weather surface of rock, stone or gravel, with a ~~Minimum~~ depth of three inches and a minimum width of ten feet. The right-of-way shall be maintained by the adjacent property owners in a condition passable at all times. The provision of an all-weather drive shall be guaranteed in accordance with section 19-72 ~~74~~. An erosion and sediment control plan with appropriate surety shall be submitted for approval if the proposed right-of-way and drive construction disturbs more than 2,500 square feet.

Sec. 19-33. Location of utilities.

(c) Where approved by the transportation department, with the exception of sewer laterals and water service lines, all utilities shall be placed within easements or street rights-of-way, unless otherwise required by the service authority, ~~in accordance with "Typical Utility Details" (see Appendix A) as published by the service authority or as may be otherwise approved by the agent.~~

Sec. 19-40. Lot access and frontage.

Each lot shall abut and have access to a proposed public street to be dedicated by the subdivision plat or to an existing publicly dedicated street. *For flag lots, The* minimum lot frontage abutting such public street right-of-way shall be 25 feet. In zoning districts which permit private streets and where such streets have been approved via the process specified in section 24-62 of the zoning ordinance, the access and minimum lot frontage requirements can be met through frontage on a private street. If the existing streets do not meet the minimum transportation department width requirement, including adequate right-of-way to accommodate the appropriate pavement width, drainage, sidewalks and bikeways, the subdivider shall dedicate adequate right-of-way necessary for the street to meet such minimum requirement.

Sec. 19-51. Street construction standards.

(a) Subdivision streets, unless otherwise specifically provided for in this chapter, shall be paved and dedicated for public use in the state system of primary or secondary highways. Streets shall have a right-of-way width in accordance with transportation department standards. Street construction plans shall be submitted to the transportation department for approval as part of the subdivision review process required by this chapter. Construction of subdivision streets, unless otherwise permitted by this chapter, shall be in conformance with transportation department standards and accepted into the state system of primary or secondary highways prior to release of the construction surety bond. Streets of the entire subdivision as depicted on the master plan shall be designed to fit into a street hierarchy separating streets into categories based on traffic levels in accordance with transportation department standards.

Sec. 19-64. Inspection of public water, sewer, and stormwater system.

(b) Inspection of public stormwater system installations shall be the responsibility of the county. Any subdivider of a subdivision shall obtain a certificate to construct stormwater system installations prior to either altering existing installations or building new installations. Surety provided in accordance with section 19-72 74 shall not be released until approved in accordance with section 19-74(b).

Sec. 19-70. Establishment of homeowners association.

Within any major subdivision approved under this article in which an area is intended to be used in common for recreation and/or conservation, or other public or semipublic purposes, or where other improvements have been made in which operation and/or maintenance is the responsibility of the homeowners, no lot shall be approved, recorded, sold, or used within the development until appropriate documents in a form approved by the county attorney have been executed. Such documents shall set forth the following:

- a. The nature of the permanent organization under which common ownership is to be established, including its purpose, and provisions establishing requirements for mandatory membership;
- b. How it shall be governed and administered;
- c. The provisions made for permanent care and maintenance of the common property or improvements, including ~~bonds~~ *surety* when required by the county;
- d. The method of assessing the individual property for its share of the cost of adequately administering, ~~and~~ maintaining and replacing such common property; and
- e. The extent of common interest held by the owner of each individual parcel in the tract held in common with others.

Sec. 19-73. Shared driveway requirements for minor subdivisions.

- (d) No such subdivision shall be recorded until appropriate shared care and maintenance documents in a form approved by the county attorney have been executed. Such documents shall be recorded concurrently with the subdivision plat and shall set forth the following:
 - (1) The provisions made for permanent care and maintenance of the shared driveway and any associated easement, including ~~bonds~~ *surety* when required by the county; and
 - (2) The method of assessing the individual property for its share of the cost of adequately administering, maintaining and replacing such shared driveway.

Chapter 24

ARTICLE V. DISTRICTS

DIVISION 12. GENERAL INDUSTRIAL DISTRICT, M-2

Sec. 24-435. Statement of intent.

The primary purpose of the General Industrial District, M-2, is to establish an area where the principal use of land is for industrial operations which are not compatible with residential or commercial service establishments. The specific intent of this district is to accomplish the following:

- (1) Encourage the use of land for industrial purposes;
 - (2) Prohibit residential and commercial service developments on land reserved for industrial uses; and
 - (3) Establish minimum requirements to protect the health, safety and welfare of the citizens of James City County from the effects of the development of industrial uses.
- (Ord. No. 31A-88, § 20-95, 4-8-85; Ord. No. 31A-144, 6-1-92)

Sec. 24-436. Permitted uses.

In the General Industrial District, M-2, buildings to be erected or land to be used shall be for one or more of the following or similar uses:

Accessory uses as defined in section 24-2.

An apartment or living quarters for a guard, caretaker, proprietor, or other person employed on the premises which is clearly secondary to the industrial use of the property.

Antennas and towers, self-supported (not attached to buildings), and tower mounted wireless communications facilities which are 60 feet or less in height.

Automobile service stations; if fuel is sold, then in accordance with section 24-38.

Banks and other similar financial institutions as an accessory use to other permitted uses.

Boiler shops.

Breweries and other necessary associated activities.

Business, professional and governmental offices.

Child day care centers as an accessory use to other permitted uses.

Contractor offices, equipment storage yards, shops and warehouses.

Drop-forge industries, manufacturing, forgings with a power hammer.

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Electrical generation facilities (public or private), steam generation facilities, electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.

Fire stations.

Health clubs, exercise clubs, and fitness centers as an accessory use to other permitted uses.

Heavy equipment sales and service, with major repair limited to a fully enclosed building or screened with landscaping and fencing from adjacent property.

Industrial and technical training schools.

Janitorial service establishments.

Laser technology production.

Manufacture and assembly of musical instruments, toys, novelties and rubber and metal stamps.

Manufacture and bottling of soft drinks and wine.

Manufacture and processing of acrylic and other synthetic fibers.

Manufacture and processing of textiles and textile products.

Manufacture and sale of manufactured homes, mobile homes, modular homes and industrialized housing units.

Manufacture and sale of wood products.

Manufacture and storage of ice, including dry ice.

Manufacture, assembly or fabrication of sheet metal products.

Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiber glass, glass, rubber, wax, leather, cellophane, canvas, felt, fur, horn, hair, yarn, and stone.

Manufacture, compounding, processing or packaging of cosmetic, toiletry and pharmaceutical products.

Manufacture, compounding, processing or packaging of food and food products, but not the slaughter of animals.

Manufacture of batteries.

Manufacture of boats, marine equipment and boat trailers.

Manufacture of cans and other metal products from previously processed metals.

Manufacture of carpets and carpet yarns.

Manufacture of furniture.

Manufacture of glass and glass products.

Manufacture of pottery and ceramic products, using kilns fired only by gas or electricity.

Manufacture or assembly of aircraft and aircraft parts.

Manufacture or assembly of appliances, tools, firearms, hardware products and heating, cooling or ventilating equipment.

Manufacture or assembly of automobiles, trucks, machinery or equipment.

Manufacture or assembly of electronic instruments, electronic devices or electronic components.

Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments.

Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce, or seafood receiving, packing or distribution.

Metal foundry and heavy weight casting.

Off-street parking as required by section 24-53.

Post offices.

Printing and publishing establishments.

Private streets within "qualifying industrial parks" in accordance with section 24-55.

Propane storage, distribution, and sale.

Publicly owned solid waste container sites.

Radio and television stations and accessory antenna or towers, self-supported (not attached to buildings), which are 60 feet or less in height.

Research, development and design facilities or laboratories.

Restaurants as an accessory use to other permitted uses.

Retail sales of products related to the main use, provided floor area for retail sales comprises less than 25 percent of the first floor area of the main use.

Security service offices.

Structural iron and steel fabrication.

Telephone exchanges and telephone switching stations.

Timbering in accordance with section 24-43.

Warehouse, storage and distribution centers.

Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet.

Water well drilling establishments.

Welding and machine shops including punch presses and drop hammers.

Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.
(Ord. No. 31A-88, § 20-96, 4-8-85; Ord. No. 31A-110, 9-12-88; Ord. No. 31A-128, 12-3-90; Ord. No. 31A-144, 6-1-92; Ord. No. 31A-146, 8-3-92; Ord. No. 31A-150, 4-5-93; Ord. No. 31A-167, 3-26-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-177, 8-18-98; Ord. No. 31A-214, 8-10-04; Ord. No. 31A-229, 9-25-07; Ord. No. 31A-236, 8-12-08)

Sec. 24-437. Uses permitted by special use permit only.

In the General Industrial District, M-2, buildings to be erected or land to be used for one or more of the following or similar uses shall be permitted only after the issuance of a special use permit by the board of supervisors:

Antennas and towers (not attached to buildings) in excess of 60 feet in height.

Asphalt mixing plants.

Automobile graveyards and scrap metal storage yards.

Child day care centers.

Crushed stone, sand, gravel, or mineral mining; storage and distribution of same.

Heliports, helistops and accessory uses.

Manufacture and compounding of chemicals.

Manufacture of cement, lime, gypsum, bricks and non-previously prepared stone products (i.e., stone and rock used for general erosion control and road construction).

Petroleum refining.

Petroleum storage.

Railroad facilities including tracks, bridges, switching yards, and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways and track and safety improvements in existing railroad right-of-ways are permitted generally and shall not require a special use permit.

Ready mix concrete production.

Resource recovery facilities.

Solid waste transfer stations.

Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height.

Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions or private connections to existing pipelines, which are intended to serve an individual customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.

Truck stops; if fuel is sold, then in accordance with section 24-38.

Truck terminals; if fuel is sold, then in accordance with section 24-38.

Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:

- (a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and
- (b) Distribution lines and local facilities within a development, including pump stations.

Water impoundments, new or expansion of, 50 acres or more or with dam heights of 25 feet or more.

Wood preserving operations.

(Ord. No. 31A-88, § 20-96.1, 4-8-85; Ord. No. 31A-144, 6-1-92; Ord. No. 31A-146, 8-3-92; Ord. No. 31A-149, 2-1-93; Ord. No. 31A-153, 11-1-93; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-177, 8-18-98; Ord. No. 31A-214, 8-10-04; Ord. No. 31A-236, 8-12-08)

Sec. 24-438. Outdoor operations and storage.

Any commercial or industrial operation or storage conducted in whole or in part out-of-doors, shall meet the requirements of section 24-41 of this chapter.
(Ord. No. 31A-144, 6-1-92)

Sec. 24-439. Area requirements and minimum lot width.

- (a) Minimum lot size shall be 10,000 square feet.
- (b) Minimum width of lots shall be 75 feet at the setback line.
(No. 31A-88, §§ 20-97, 20-98, 4-8-85; Ord. No. 31A-144, 6-1-92)

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Sec. 24-440. Setback requirements.

(a) Structures shall be located 50 feet or more 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 75 feet or more from the center line of the street. The minimum setback of any portion of a structure which is in excess of 35 feet in height shall be increased one foot for each three feet of the structure's height in excess of 35 feet.

(b) The minimum setback shall also be increased to a minimum of 75 feet from any street with a right-of-way 50 feet or greater in width and 100 feet from any street with a right-of-way of less than 50 feet of width when the property immediately across the street is zoned residential. The minimum setback of any portion of a structure across the street from property zoned residential which is in excess of 35 feet in height shall be increased one foot for each two feet of the structure's height in excess of 35 feet.
(Ord. No. 31A-88, § 20-98.1, 4-8-85; Ord. No. 31A-144, 6-1-92)

Sec. 24-441. Yard regulations.

(a) Structures shall be located 20 feet or more from side or rear property lines. The side and rear yards for any section of a structure in excess of 35 feet in height shall be increased one foot for each three feet of height in excess of 35 feet.

(b) The minimum side yard shall be increased to 75 feet if the side yard adjoins property in a residential district, or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum rear yard shall be increased to 75 feet if the rear yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum side and rear yards for any section of a structure in excess of 35 feet in height shall be increased one foot for each two feet of height in excess of 35 feet.

(c) Accessory structures may be located within the required side or rear yards upon approval of the planning commission; provided, however, that no structure shall be located within ten feet of any property line.

(Ord. No. 31A-88, § 20-98.2, 4-8-85; Ord. No. 31A-100, 4-6-87; Ord. No. 31A-112, 2-6-89; Ord. No. 31A-123, 7-2-90; Ord. No. 31A-144, 6-1-92; Ord. No. 31A-177, 8-18-98)

Sec. 24-442. Reserved.

Sec. 24-443. Special provisions for the waiver of area, lot width, yard and setback requirements.

The following may be eligible for a waiver from any part of section 24-439 through 24-441:

The subdivision of business/industrial property on which business and industrial units for sale, for sale in condominium or for lease are both:

- (a) Constructed as part of a multiunit structure in which the units share common walls or as part of a multiple-structure commercial development; and
- (b) The entire development has been planned and designed as a comprehensive coordinated unit under a single master plan.

In these instances, the planning commission may grant, at its discretion, a waiver from any part of section 24-439 through 24-441 upon finding:

- (1) The overall complex or structure, if considered as a single unit, meets all of the requirements of sections 24-439 through 24-441;
 - (2) Adequate parking is provided as per the requirements of this chapter. The planning commission also may require recordation of adequate easements or other agreements to guarantee access and maintenance of the parking areas and other common areas;
 - (3) Adequate provisions are made to assure compliance with the requirements of this chapter with regards to signs. The planning commission also may require the recordation of adequate easements or agreements to allow grouping of signs on one standard sign, placement of signs in common areas or other appropriate arrangements made necessary as a result of the reduced frontage or yard area of the individual units; and
 - (4) The complex or structure is adequately designed and serviced from the standpoint of safety. The county fire chief finds that the fire safety equipment to be installed is adequately designed, and the county building official finds that the complex is designed to conform to the Uniform Statewide Building Code, so as to offer adequate protection to life and property.
- (Ord. No. 31A-88, § 20-98.4, 4-8-85; Ord. No. 31A-123, 7-2-90; Ord. No. 31A-144, 6-1-92; Ord. No. 31A-177, 8-18-98)

Sec. 24-444. Height limits and height limitation waivers.

(a) Structures may be erected up to 60 feet in height from grade to the top of the structure. Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade. Structures in excess of 60 feet in height from grade to the top of the structure may be erected only upon the granting of a height limitation waiver by the board of supervisors.

(b) Water towers, chimneys, flues, flagpoles, communication antennae, mechanical penthouse, electrical, plumbing, elevator, parapet walls or other accessory mechanical functions which are part of or on top of a main structure shall be considered part of the structure.

(c) Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver upon finding that:

- (1) Additional setbacks have been provided as required by section 24-440 and section 24-441; however, the Board may waive additional setbacks in excess of 60 feet;
- (2) Such structure will not obstruct light from adjacent property;
- (3) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
- (4) Such structure will not impair property values in the area;

- (5) Such structure is adequately designed and served from the standpoint of safety and that the county fire chief finds the fire safety equipment to be 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; and
- (6) Such structure will not be contrary to the public health, safety and general welfare.
(Ord. No. 31A-88, § 20-99, 4-8-85; Ord. No. 31A-144, 6-1-92; Ord. No. 31A-166, 1-23-96; Ord. No. 31A-176, 5-26-98)

Sec. 24-445. Reserved.

Sec. 24-446. Sign regulations and parking requirements.

(a) To assure an appearance and condition which is consistent with the purposes of the General Industrial District, M-2, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.

(b) Off-street parking and off-street loading shall be provided as required in sections 24-53 and 24-54.
(Ord. No. 31A-88, § 20-100, 4-8-85; Ord. No. 31A-144, 6-1-92)

Sec. 24-447. Utilities.

All development in the General Industrial District, M-2, shall be served by public water and sewer unless this requirement is waived in accordance with section 24-448. The location of all utilities and utility easements shall be shown on the site plans and be approved as per article III, Site Plan, of this chapter.
(Ord. No. 31A-88, § 20-100.1, 4-8-85; Ord. No. 31A-111, 1-9-89; Ord. No. 31A-144, 6-1-92)

Sec. 24-448. Public utilities waiver.

(a) The board of supervisors may waive the public water and sewer service requirement specified by section 24-447 upon finding:

- (1) The development is located in the primary service area as designated by the land use element of the Comprehensive Plan;
- (2) The development is located in an area not planned for extension of public water or sewer service as part of the adopted master water or sewer plan; and
- (3) The development causes no adverse impact on the water resources of the county.

(b) A condition of such waiver shall be that the development shall connect to public water and sewer at such time that the board of supervisors determines utilities are available.

(c) The board of supervisors may attach additional conditions to any such waiver.
(Ord. No. 31A-111, 1-9-89)

Sec. 24-449. Site plan review.

All structures or complexes of structures erected, altered or restored within the district shall be subject to Site Plan Review in accordance with article III of this chapter.
(Ord. No. 31A-88, § 20-101, 4-8-85; Ord. No. 31A-144, 6-1-92)

Secs. 24-450 - 24-459. Reserved.

Case No. SUP-0008-2013 Flea Market, 9299 Richmond Road
Staff Report for the July 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:	July 3, 2013	7:00 p.m.
Board of Supervisors:	August 13, 2013	7:00 p.m. (tentative)

Building F Board Room; County Government Complex

SUMMARY FACTS

Applicant:	Mr. John Filichko
Land Owner:	J & R Enterprises
Proposal:	To allow a seasonal flea market
Location:	9299 Richmond Road
Tax Map/Parcel:	1010100004
Parcel Size:	Five (5) acres, the flea market will utilize approximately 0.2 acres of the parcel in an existing structure, as indicated on the aerial view provided
Existing Zoning:	A-1, General Agricultural
Comprehensive Plan:	Rural Lands
Primary Service Area:	Outside

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 attached conditions.

Staff Contact:	Jennifer VanDyke, Planner	Phone: 253-6882
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PROJECT DESCRIPTION

Mr. John Filichko has applied for a special use permit (SUP) to allow for the operation of a seasonal flea market at 9299 Richmond Road. Temporary and seasonal flea markets are a specially permitted use in the A-1, General Agriculture District. The proposed flea market would operate May 1 through October 31 and December 15 through December 24, Friday through Sunday (Condition Nos. 1 & 2). The proposed flea market would sell items such as: antiques, appliances, books, furniture, hand-made crafts, household items, rugs, wearing apparel and used goods.

Of the five (5) acre property, approximately 0.2 acres would be used for operation of the proposed seasonal flea market. Merchandise display would be restricted to one existing building,

approximately 1,344 square feet and an existing patio, approximately 400 square feet (Condition No. 4). Parking would be restricted to the existing parking lot (Condition No. 3) that has space to accommodate 16 parking spaces (15 standard and one [1] handicapped space). The Zoning Ordinance requires seven (7) standard spaces and one (1) handicapped for this use. The building, outdoor display area and parking lot associated with the proposed flea market are identified on the master plan.

Prior to August 2011, the building associated with the proposed flea market was operating as Patsy's Diner. While operating as Patsy's Diner, the Virginia Department of Health had issued multiple notices of violation due to septic system failure. The restaurant relocated, the building became dormant and septic system improvements were not addressed until April 2013; Mr. Filichko had the septic system cleaned, inspected and tested by an independent septic system contractor to ensure operational capacity. The Health Department has since issued a Temporary Pump and Haul permit with an expiration date of May 31, 2014; at which time the applicant must verify that the sewage septic system has been fully repaired or replaced, or vacate the building. Staff notes that due to the seasonal nature of the proposed flea market (Condition No. 1) and restriction to Friday through Sunday operations (Condition No. 2) the sewage disposal system should not be impacted in a significant manner. Additionally, the applicant will be required to provide verification of a valid operation permit issued by the Health Department on an annual basis (Condition No. 7).

On the parcel there are ten (10) apartment units with eight (8) currently occupied; the apartments are non-conforming.

Surrounding Zoning and Land Use

The property is surrounded by A-1, General Agricultural, zoned property that is designated Rural Lands on the 2009 Comprehensive Plan. Richmond Road from the New Kent County line to Anderson's Corner is identified as a Community Character Corridor (CCC) in the 2009 Comprehensive Plan.

Archaeological Impacts

Because the use is proposed to operate within an existing building on an already improved lot, no land disturbance will be required for the proposed flea market; and it is not located in an area identified as highly sensitive by the Virginia Department of Historic Resources therefore, an archaeological study is not required.

Environmental

Watershed: Diascund Creek

Engineering and Resource Protection has reviewed this application and has recommended approval.

Utilities

The site is located outside the Primary Service Area and it is served by a private well and septic system.

Health Department Comments: The Health Department has approved the method of sewage disposal with additional requirements. By issuing a Temporary Pump and Haul permit, the applicant is bound to repair or replace the sewage septic system by May 31, 2014 or vacate the building. Per SUP condition, the applicant will be required to provide verification of a valid operation permit issued by the Health Department on an annual basis (Condition No. 7).

Transportation:

Staff finds that the proposal would result in a negligible increase of traffic; no Traffic Impact Analysis is necessary and no traffic improvements are required. The Institute of Transportation Engineers does not have any specific traffic generation figures for a flea market. Predications for a “specialized retail center,” the only generally comparable use for which trip generation rates are readily available, estimate trip generation to be approximately 12 AM and 9 PM peak hour, weekday daily trips for this project. This estimate is based on 1,744 square feet of retail space.

2009 Traffic Counts (Richmond Road): From the New Kent County line to Rochambeau Road approximately 6,400 average daily trips.

2035 Volume Projected: From the New Kent County line to Rochambeau Road, projected 7,537 vehicles per day on a four land divided road.

COMPREHENSIVE PLAN

The site is designated Rural Lands on the 2009 Comprehensive Plan Land Use Map. Recommended uses include those which require very low intensity settings relative to the site in which it will be located. Applications may be considered on the basis of a case-by-case review, provided such uses are compatible with the natural and rural character of the area, in accordance with the Rural Lands Development Standards. These uses should be located in a manner that minimizes effects on agricultural and forestall activities, and located where public services and facilities, especially roads, can adequately accommodate them. Applicable Rural Lands Development Standards as enumerated on page 139 of the Comprehensive Plan, include the location of structures and uses outside of sensitive areas and maintaining existing topography, vegetation, trees, and tree line to the maximum extent possible, especially along roads and between uses.

This site is located on a CCC. The 2009 Comprehensive Plan outlined several goals, strategies and actions in the Community Character section to protect entrance corridors and roads that promote the rural, natural or historic character of the County. One action includes encouraging development to occur in a manner that does not require changing the character of roads that enhance the small town, rural, and natural character of the County by preserving buffers and minimizing the need for road improvements.

Strategies and actions taken from the 2009 Comprehensive Plan, Economic Development section includes encouraging the adaptive reuse of existing buildings to efficiently use infrastructure and natural resources.

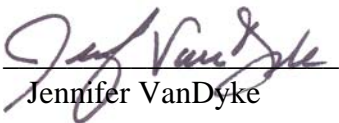
RECOMMENDATION

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 following conditions.

1. Master Plan: This special use permit shall be valid for a seasonal flea market and accessory uses thereto (the “flea market”) for operation from May 1 through October 31 and December 15 through December 24 on approximately 0.2 acres (the “Property”) in the area shown as “Area for Flea Market Operation” on the master plan titled “Special Use Permit Exhibit for Flea Market, 9299 Richmond Road” dated June 17, 2013 (the “Master Plan”). Development of the Property shall be generally in accordance with the Master Plan with such minor

changes as the Planning Director determines does not change the basic concept or character of the development.

2. Hours of Operation: The flea market hours of operation shall be limited to 8 a.m. to 5 p.m. Friday through Sunday.
3. Parking: Parking shall only be permitted in the area designated as "Parking Lot" on the Master Plan. Such parking areas shall be graveled or paved. All non-paved areas shall be flagged and shall be labeled with "No Parking" signs.
4. Location of Merchandise: Merchandise to be sold at the flea market may be sold only in the areas designated as "Building for Flea Market Operations" and "Outdoor Display Area" on the Master Plan.
5. Signage: All signs and sign locations shall be reviewed and approved by the Planning Director or his designee prior to final approval of any sign permit.
6. Certificate of Occupancy: A Certificate of Occupancy will be required prior to operating the flea market. A permanent Certificate of Occupancy shall be obtained within one year of approval of this special use permit, or the permit shall become void.
7. Septic/Sewer Systems: A valid operation permit from the Health Department shall be maintained in order to operate the flea market. The owner shall provide verification of a valid permit on an annual basis by the end of January.
8. Term of Validity: This special use permit shall be valid for a period of 48 months from the date of approval by the Board of Supervisors.
9. Severance Clause: This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

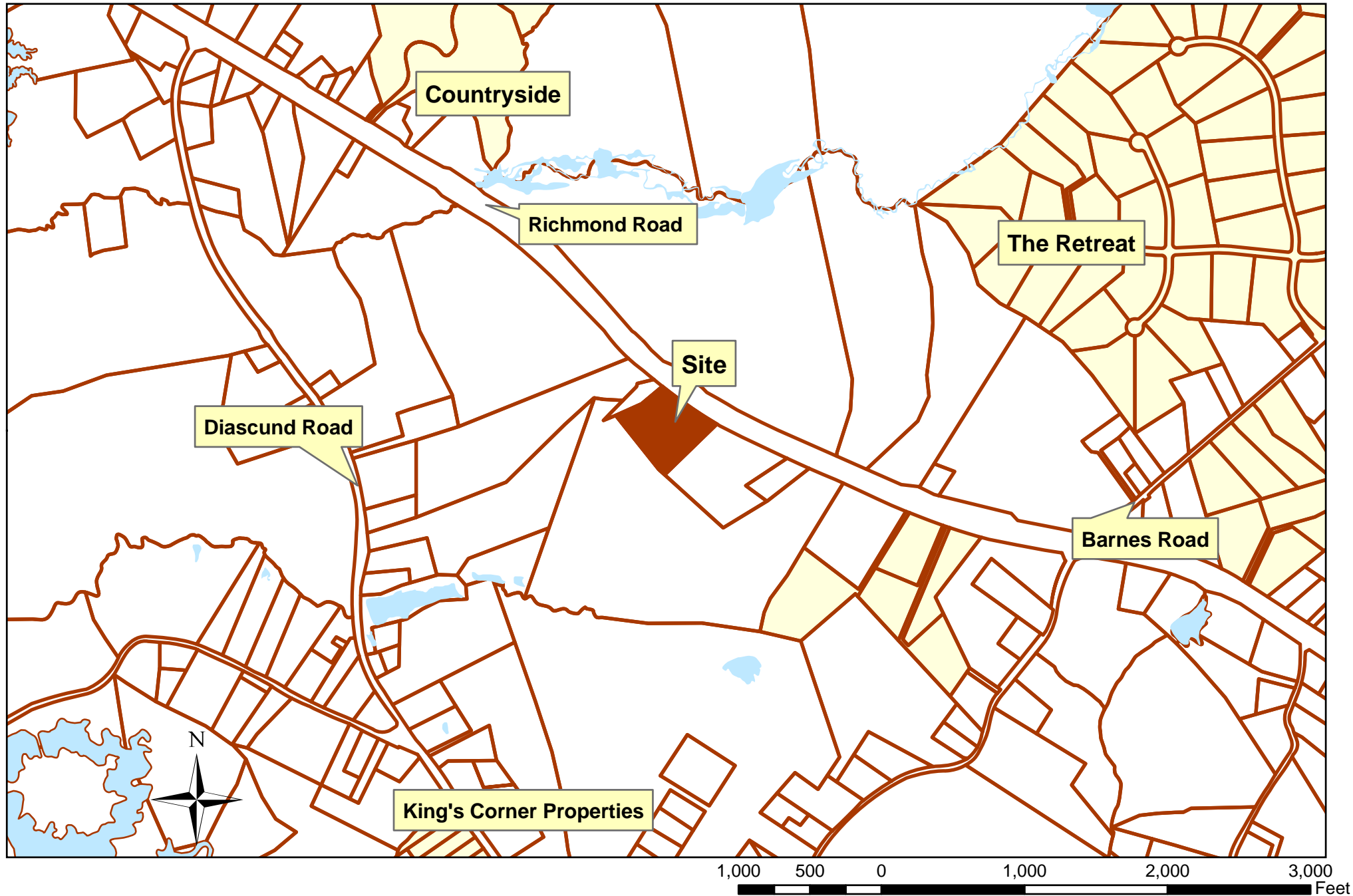

Jennifer VanDyke

ATTACHMENTS:

1. Location map
2. Master Plan

JCC-SUP-0008-2013

Flea Market, 9299 Richmond Road





1



**SUP-0010-2013, Jolly Pond Road Convenience Center SUP Amendment
Staff Report for the July 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:	July 3, 2013	7:00 PM
Board of Supervisors:	July 23, 2013	7:00 PM (tentative)

Building F Board Room; County Government Complex

SUMMARY FACTS

Applicant:	Shawn Gordon, JCC General Services
Land Owner:	James City County
Proposal:	Installation of drainage improvements, landscaping, fencing and other minor improvements to better serve the public
Location:	1204 Jolly Pond Road
Tax Map/Parcel	3010100004
Parcel Size	±545 acres
Existing Zoning:	PL, Public Land
Comprehensive Plan:	Federal, State, and County Land
Primary Service Area:	Outside

STAFF RECOMMENDATION

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

Staff Contact:	Luke Vinciguerra	Phone: 253-6783
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Project Description

Mr. Shawn Gordon, on behalf of JCC General Services, has applied for an amendment to the existing special use permit (SUP) for the Jolly Pond Road Convenience Center to permit the installation of drainage improvements, landscaping, fencing, a debris pad and retaining walls as shown on attachment 2. Sanitary landfills are a specially permitted use in the Public Land District. The Board approved a SUP for the landfill in 1982 and four modification/expansion requests in the 1980s. The landfill has not been in operation since 1993. Garbage, recyclables and organic waste are brought to the Convenience Center by County residents before being transported by private carriers to other landfills or processing centers.

The SUP authorizing this section of the landfill Convenience Center (SUP-12-89) requires a 100-foot wide undisturbed buffer to be maintained along the exterior property line of the tract where it adjoins property which is not owned by James City County. This amendment would permit the proposed improvements and clarify the buffer condition. The proposed conditions amend the conditions for the original SUP with the change to the 100 foot buffer condition and an addition of a severability clause. Two conditions of the original SUP, one regarding erosion and sediment control and one requiring the use and operation of the landfill comply with State and Federal regulations were removed as they are redundant with State and Federal Code. The use condition was also updated to permit accessory uses.

The proposed improvements would correct drainage issues from Jolly Pond Road as stormwater from the road is prone to flooding the proposed debris pad area. To better screen this area, landscaping will be installed along the Jolly Pond Road frontage (see attachment 3 for the proposed plant schedule). The existing chain link fence will be repaired and extended preventing unauthorized access and illegal dumping. The oil, anti-freeze and battery storage area will be relocated adjacent to the transfer station access drive and a covered storage shelter will be installed. A retaining wall is proposed for an overflow area for tree and plant debris permitting customers to drop off debris directly into metal containers. As the majority of the site is not paved, the proposal also calls for installation of a hard surface for most of the operational area. Operationally, there will be no changes to the Convenience Center. The area proposed for improvements is located in a cleared area that has been historically used for debris management.

PUBLIC IMPACTS

Environmental Impacts

Watershed: Gordon Creek

Staff Comments: The Environmental Division has reviewed the proposal and has no comments at this time.

Public Utilities: Public water and sewer are not available; however, the proposed addition would not require additional water/sewer capabilities.

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

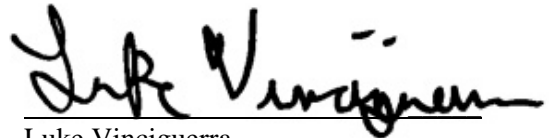
Comprehensive Plan

The site is designated Federal, State, and County Land by the 2009 Comprehensive Plan. Recommended uses in this designation include County offices and facilities, and utility sites. Staff finds that the proposed improvements consistent with the designation.

RECOMMENDATION:

Staff finds the proposed improvements to be consistent with the surrounding development and compatible with the 2009 Comprehensive Plan. Staff recommends the Planning Commission recommend approval of the application to the Board of Supervisors with the conditions below.

1. **Use.** This Special Use Permit shall be valid for the operation of the existing sanitary landfill and accessory uses located at 1204 Jolly Pond Road and further identified as JCC Real Estate Tax Map 3010100004.
2. **Permitting.** A valid State Department of Waste Management Permit shall be maintained while the landfill is being operated on this site.
3. **Buffering.** A 100-foot wide, undisturbed buffer shall be maintained along the exterior property line of the tract covered by this permit where it adjoins property which is not owned by James City County. The perimeter buffer along Jolly Pond Road shall be 100 feet with the exception of the portion of the property shown on the document titled "JCC Jolly Pond Rd Convenience Center Improvements" prepared by KAH dated June 12, 2013 where the perimeter buffer shall not be less than 25 feet. Minor improvements may be permitted in the 25 foot buffer as determined by the Planning Director. Dead or diseased vegetation may be removed from any buffer as determined by the Planning Director.
4. **Severance Clause** This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



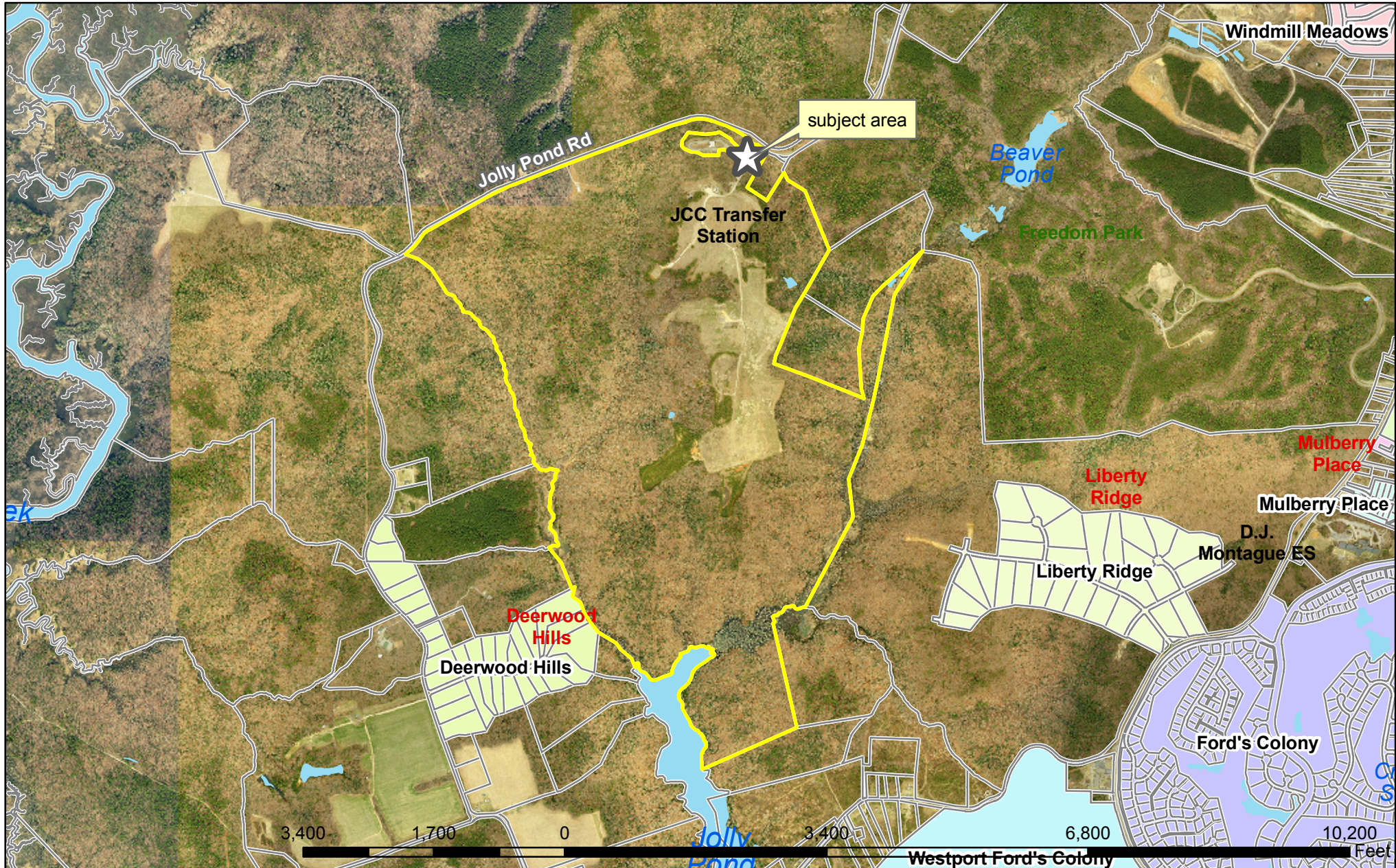
Luke Vinciguerra

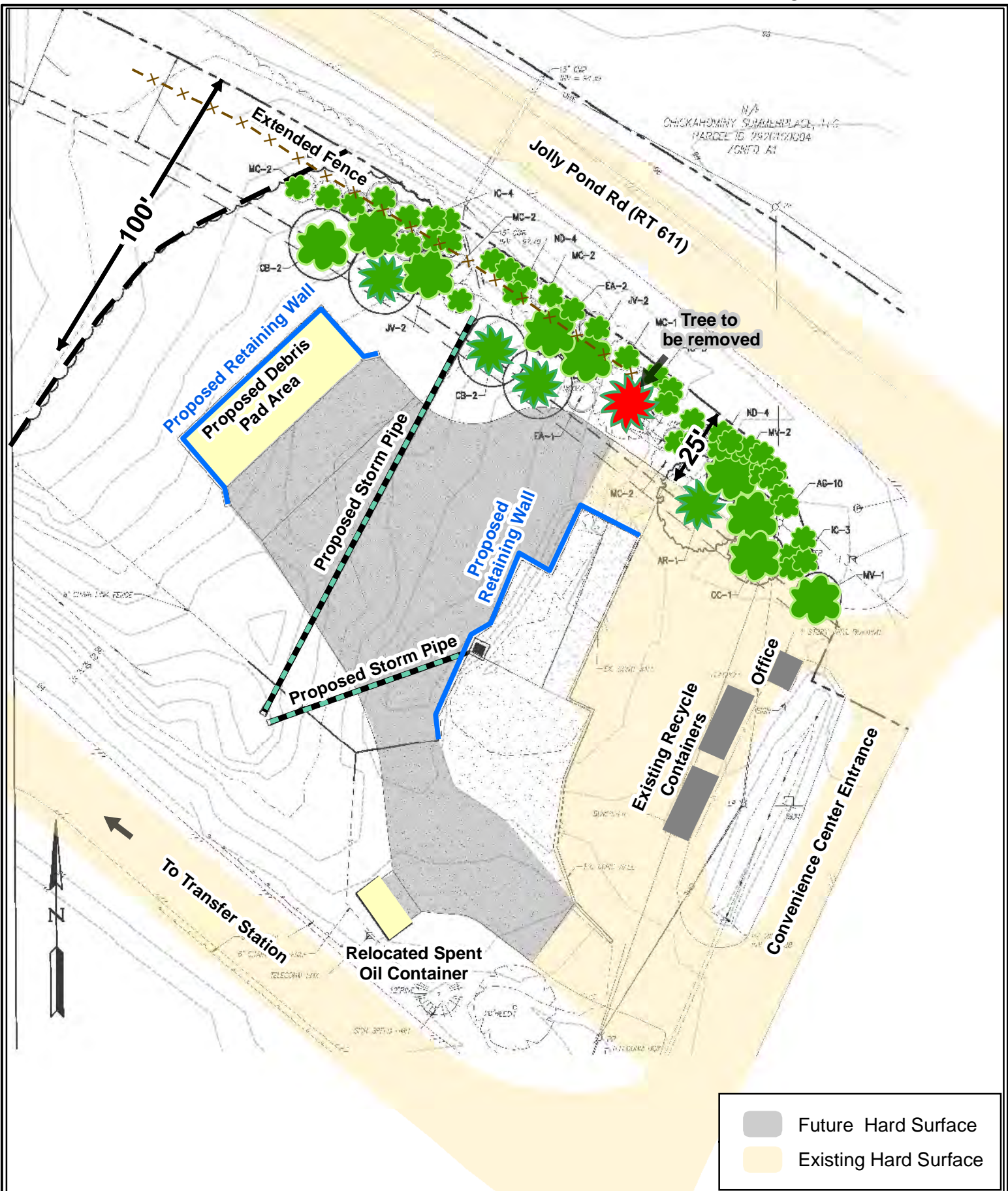
Attachments:

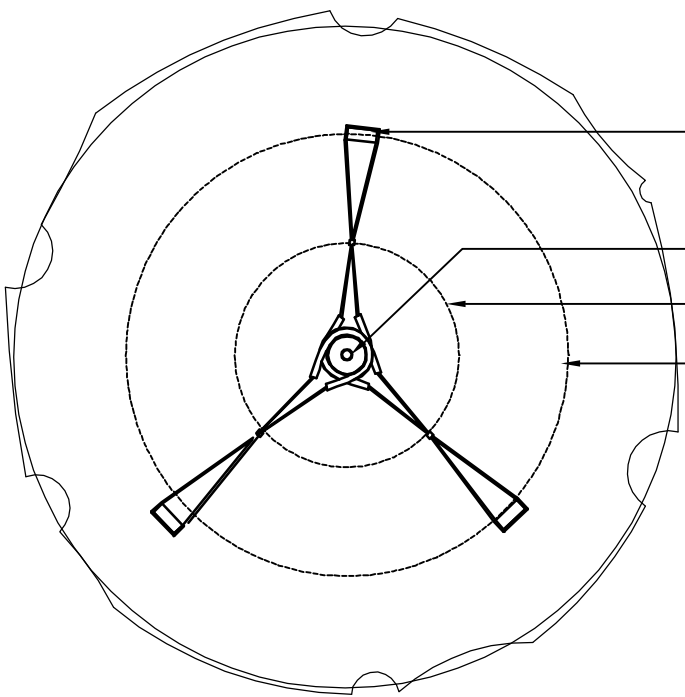
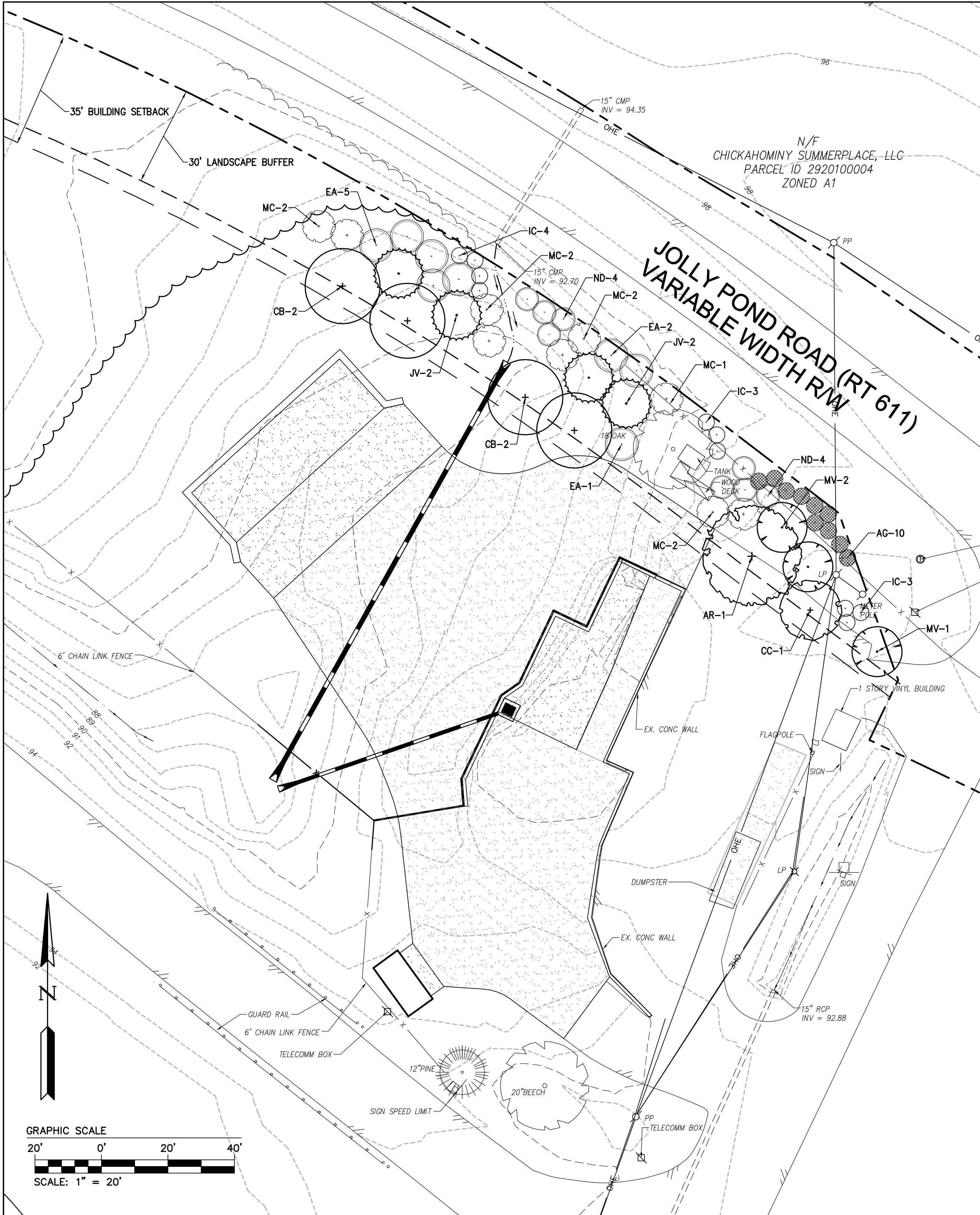
1. Location map
2. JCC Jolly Pond Rd Convenience Center Improvements
3. Landscaping Plan and details sheet with plant schedule

SUP-0010-2013

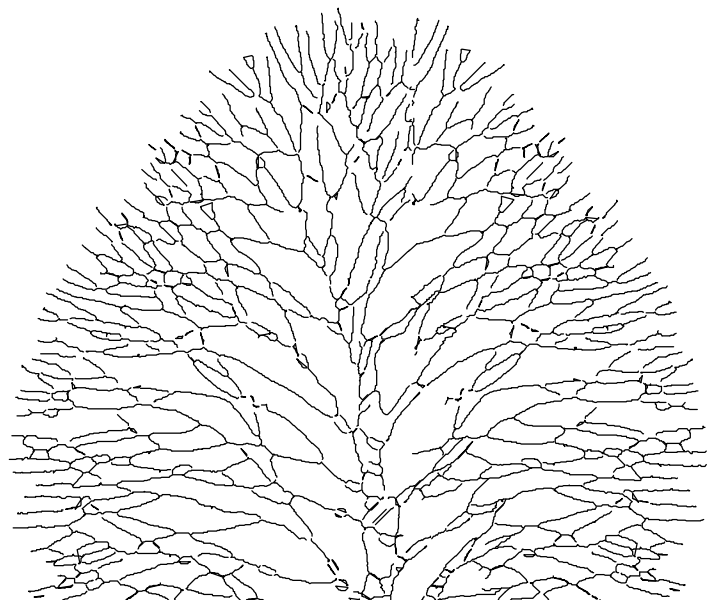
Convenience Center SUP







PLAN VIEW FOR STAKING



- NOTES:
1. ALL TREES ARE TO BE PLANTED SO TOP OF ROOT BALL IS 3" ABOVE FINISH GRADE.
 2. TREE SHALL BE INSTALLED PLUMB & STRAIGHT.
 3. PRUNE ALL SUCKERS, RUBBING OR CROSSED BRANCHES, CODOMINANT LEADERS, NARROW CROTCH ANGLES, WATER SPROUTS, BROKEN BRANCHES.
 4. DO NOT PRUNE CENTRAL LEADER OR BRANCH TIPS.
 5. REMOVE TAGS, LABELS & PLASTIC SLEEVING.
 6. DO NOT WRAP TRUNK.
 7. IF CONTAINER-GROWN, REMOVE TOP OF WIRE BASKET, OR REMOVE CONTAINER & CUT CIRCLING ROOT; IF FIELD-GROWN, CUT ROPE SURROUNDING BOTTOM OF TREE TRUNK AFTER BACKFILLING BUT BEFORE MULCHING & REMOVE BURLAP FROM TOP 1/3 OF BALL ROOT
 8. REMOVE STAKES, WIRES, RUBBER HOSES, ETC. AFTER ONE YEAR.

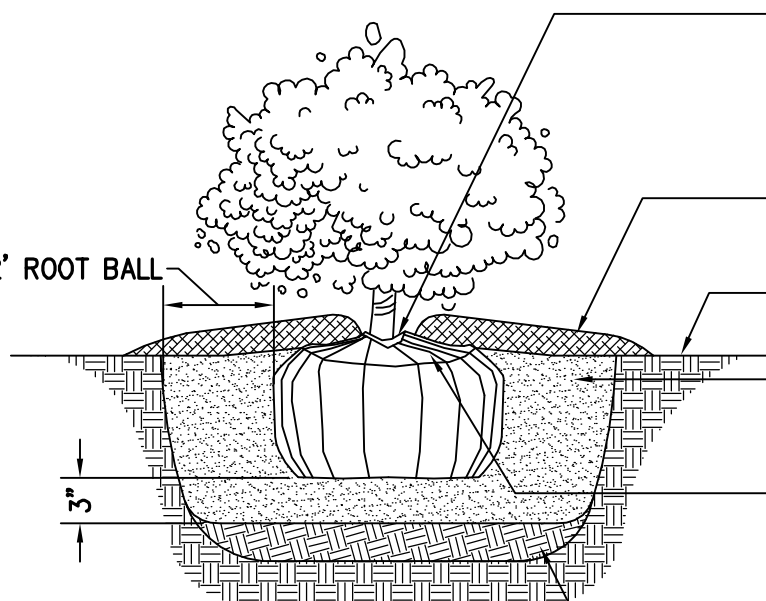
ATTACH 3 STRANDS NO. 12 PLIABLE STEEL WIRE TO STAKE; ENCASE WIRE AROUND THE TRUNK IN 3/4" DIA. MIN. RUBBER HOSE ABOVE FIRST BRANCH; SECURE ALL ENDS OF CABLE WITH GALV. CLAMPS.

- TURBUCKLE
- 3" HT. SHREDDED HARDWOOD MULCH; KEPT AWAY FROM TRUNK
- 3" ϕ x 8'-0" CEDAR STAKES, 3 PER TREE. STAKES TO BE SAME HEIGHT, DRIVEN IN ON AN SLIGHT ANGLE. STAKES TO BE OUTSIDE OF ROOT BALL
- EXISTING/FINISH GRADE
- TILL 30" WIDTH AT TOP EDGE OF HOLE TO A 12" DEPTH
- BACKFILL W/ NATIVE TOP SOIL; PARTIALLY BACKFILL, WATER TO SETTLE SOIL; FINISH BACKFILLING; TAMP LIGHTLY
- SCORE HOLE WALL
- LOOSEN SUBSOIL AT BOTTOM OF EXCAVATION TO 6" HT. MIN. & TAMP; TRENCH AROUND PERIMETER OF MOUND TO DEPTH SHOWN.

SECTION VIEW

DECIDUOUS TREE PLANTING

NOT TO SCALE



SECTION VIEW

SHRUB PLANTING

NOT TO SCALE

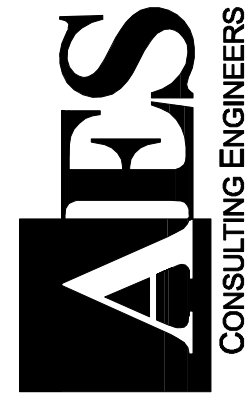
GENERAL NOTES

1. ALL PLANT STOCK SHALL MEET THE MINIMUM STANDARDS & SPECIFICATIONS DESCRIBED IN THE "AMERICAN STANDARD FOR NURSERY STOCK," LATEST EDITION, PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN.
2. ALL PLANT MATERIAL SHALL BE INSTALLED AS SPECIFIED IN THE VNLA STANDARDIZED LANDSCAPE SPECIFICATIONS, LATEST EDITION.
3. THE CONTRACTOR SHALL SUPPLY ALL NEW PLANT MATERIAL IN QUANTITIES SUFFICIENT TO COMPLETE ALL PLANTING SHOWN ON THE DRAWINGS. WHERE DISCREPANCIES EXIST BETWEEN THE PLANS & THE PLANT LIST, THE PLANS SHALL TAKE PRECEDENCE.
4. GROUPINGS OF PLANTS SHALL BE MULCHED IN CONTINUOUS PLANT BEDS.
5. AREAS DISTURBED BY CONSTRUCTION, NOT OTHERWISE WITHIN PLANT BEDS OR COVERED IN SITE CONTRACT, ARE TO BE SODDED OR SEEDED WITH A STATE CERTIFIED TURF-TYPE TALL FESCUE VARIETY SELECTED FROM THE FOLLOWING LIST:
Biltmore, Bingo, Cochise III, Constitution, Coyote II, Crossfire II, Endeavor, Fidelity, Good-en, Grande, Greenkeeper WAF, Inferno, Kalahari, Magellan, Masterpiece, Onyx, Padre, Picasso, Penn 1901, Quest, Raptor, Rebel Exedo, Rembrandt, Rendition, SR 8250, SR 8300, Tarheel, Titanium, Watchdog, Wolfpack, WPEZE.
6. AREAS OF THE SITE DEPICTED AS "TURF" REPRESENT MAINTAINED TURF AND CAN INCLUDE ALREADY ESTABLISHED TURF AREAS. THESE AREAS DO NOT SOLELY REPRESENT PROPOSED TURF. THE TOTAL AMOUNT OF PROPOSED TURF, AS WELL AS IF SEED OR SOD IS USED, SHALL BE DETERMINED AT THE OWNER'S DISCRETION.
7. TREES SUPPORT STAKING IS OPTIONAL FOR TREES THAT ARE 1" CAL. OR 6' HT. OR LESS. ALL TREE STAKING SHALL BE REMOVED AFTER 1-2 GROWING SEASONS.
8. ALL TREES ARE TO BE PLANTED SO TOP OF ROOT BALL IS 3" ABOVE FINISH GRADE.
9. TREE SHALL BE INSTALLED PLUMB & STRAIGHT.
10. PRUNE ALL SUCKERS, RUBBING OR CROSSED BRANCHES, CODOMINANT LEADERS, NARROW CROTCH ANGLES, WATER SPROUTS, BROKEN BRANCHES.
11. DO NOT PRUNE CENTRAL LEADER OR BRANCH TIPS.
12. REMOVE TAGS, LABELS & PLASTIC SLEEVING.
13. DO NOT WRAP TRUNK.
14. IF PLANT MATERIAL IS CONTAINER-GROWN, REMOVE TOP OF WIRE BASKET, OR REMOVE CONTAINER & CUT CIRCLING ROOT; IF FIELD-GROWN, CUT ROPE SURROUNDING BOTTOM OF TREE TRUNK AFTER BACKFILLING BUT BEFORE MULCHING & REMOVE BURLAP FROM TOP 1/3 OF BALL ROOT.
15. REMOVE ALL STAKES, STRAPS, WIRES, RUBBER HOSES, ETC. AFTER 1-2 GROWING SEASONS.
16. PLANT SUBSTITUTIONS WILL NOT BE MADE WITHOUT THE WRITTEN CONSENT OF THE ENGINEERING AND RESOURCE DIVISION PRIOR TO INSTALLATION.
17. ALL INSTALLED PLANT MATERIAL SHALL BE SUBJECT TO REGULAR MAINTENANCE, INCLUDING FERTILIZATION, PRUNING, REPLACEMENT, INSECT AND DISEASE CONTROL, WATERING, MULCHING, AND WEED CONTROL.
18. CONTRACTORS ARE RESPONSIBLE FOR LOCATING ALL UTILITIES PRIOR TO THE BEGINNING OF WORK AND AVOIDING THEM DURING LANDSCAPING OPERATIONS.

Revised By	Description	Date	Rev



5248 Old Town Road, Suite 1
Hampton Roads, VA 23666
Phone: (757) 232-0040
Fax: (757) 232-8884
www.aesva.com



SITE PLAN
TO
JAMES CITY COUNTY LANDFILL
JOLLY POND ROAD
POWhatan District JAMES CITY COUNTY VIRGINIA

Project Contacts: LBA
Project Number: W10119-E-30
Scale: Date: 3/22/13
AS NOTED
Sheet Title: LANDSCAPING PLAN AND DETAILS

Sheet Number

C-03

PLANT SCHEDULE

KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	COMMENT
TREES:						
AR	1	ACER RUBRUM 'RED SUNSET'	'RED SUNSET' RED MAPLE	2-1/2" CAL	B & B	SINGLE STEM
CB	4	CARPINUS BETULUS	EUROPEAN HORNBEAM	2-1/2" CAL	B & B	SINGLE STEM
CC	1	CERCIS CANADENSIS	EASTERN REDBUD	8' HT.	B & B	SINGLE STEM
JV	4	JUNIPERUS VIRGINIANA	EASTERN REDCEDAR	8' HT.	B & B	SINGLE STEM
MV	3	MAGNOLIA VIRGINIANA	SWEETBAY MAGNOLIA	8' HT.	B & B	SINGLE STEM
SHRUBS:						
AG	10	ABELIA GRANDIFLORA	GLOSSY ABELIA	18" HT. OR SPREAD	CONT.	SINGLE STEM
EA	8	EUONYMUS ALATUS	WINGED EUONYMUS	22" HT. OR SPREAD	CONT.	SINGLE STEM
IC	10	ILEX CRENATA	JAPANESE HOLLY	18" HT. OR SPREAD	CONT.	SINGLE STEM
MC	9	MYRICA CERIFERA	WAX MYRTLE	18" HT. OR SPREAD	CONT.	SINGLE STEM
ND	8	NANDINA DOMESTICA	NANDINA	18" HT. OR SPREAD	CONT.	SINGLE STEM

JAMES CITY COUNTY LANDSCAPE REQUIREMENTS

AREAS	TREES AND SHRUBS				
LANDSCAPE YARD	TOTAL QTY PROVIDED	RATIO	MIN. NUMBER REQUIRED	EXISTING PLANTINGS	NEW PLANTINGS PROVIDED
30' LANDSCAPE BUFFER JOLLY POND RD.	5,958 SF	1 TREE AND 3 SHRUBS: 400 SF	15 TREES AND 45 SHRUBS	1 MATURE TREE (CREDIT FOR 2 TREES)	13 TREES AND 45 SHRUBS

PLANNING DIRECTOR'S REPORT

July 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 June. They did electronically approve final elevations for Section 12 – Oxford Apartments. Their next meeting is scheduled for August 15.
- **Rural Lands.** The Planning Division and Virginia Cooperative Extension co-sponsored *Understanding Rural – Expert Panel* on June 26th. The video of the presentation will be available the second week of July. Two *Thinking Rural – Discussion Sessions* are planned for July:
 - **Take 1:** Wed., July 17
6 p.m. for light refreshments and networking
6:30 p.m. discussion start time
Location to be determined
 - **Take 2:** Thurs., July 18
7:30 a.m. for continental breakfast and networking
8 a.m. discussion start time
James City County Recreation Center
5301 Longhill Road

If you can't attend one of the discussion sessions, questions will be completed and submitted online or in hard copy starting early July.

- **Monthly Case Report.** For a list of all cases received in the last month, please see the attached document.
- **Board Action Results:**
 - June 11, 2013
 - Case No. SUP-0003-2013. Route 199 Water Tank Hampton Roads Sanitation District (HRSD) Pressure Reducing Station (5-0)
 - Case Nos. Z-0001-2013/SUP-0002-2013. Williamsburg Landing, Boatwright Circle (5-0)
 - Case No. SUP-0004-2013. Jones Family Subdivision (5-0)

New Cases for July

Case Type	Case Number	Case Title	Address	Description	Planner	District
Conceptual Plans	C-0028-2013	New Town Shared Parking	5122 MAIN STREET	Bi-annual update to the New Town shared parking plan	Leanne Reidenbach	04-Jamestown
	C-0029-2013	New Dawn Assisted Living Regional Office	1807 JAMESTOWN ROAD	Proposed 1700sqft accessory office for New Dawn Assisted Living	Luke Vinciguerra	03-Berkeley
	C-0030-2013	Drinkwater Equine	255 PEACH STREET	Proposed horse stable and barn.	Luke Vinciguerra	01-Stonehouse
Subdivision	S-0028-2013	Windsor Ridge, Sec. 2A	8455 BECKENHAM COURT	Final Plat of 37 lots on 25.7 acre	Scott Whyte	01-Stonehouse
	S-0029-2013	The Village at Candle Station BLA	7567 RICHMOND ROAD	Property line adjustment between the properties of John B. Barnett, Jr. and Candle Development, LLC	Jose Ribeiro	01-Stonehouse
Site Plan	SP-0044-2013	Germany Archway, Busch Gardens SP Amend.	7851 POCAHONTAS TR	Plan proposes the addition of an archway between two existing carts in Germany.	Jennifer VanDyke	05-Roberts
	SP-0045-2013	Zion Baptist Church	6373 RICHMOND ROAD	Parking lot for church.	Jose Ribeiro	02-Powhatan
	SP-0046-2013	New Town Sec. 9 (Settlers Market) Casey Buildings SP Amend.	5225 SETTLERS MARKET BLVD	Addresses changes for sidewalks and patios associated with buildings B and C along Casey Blvd. Also relocates 2 light poles adjacent to building B to avoid sidewalks and changes finished elevations for cleanouts	Leanne Reidenbach	04-Jamestown

New Cases for July

Site Plan	SP-0049-2013	Cottage Hill Nursery	7691 RICHMOND ROAD	Nursery to be added to the Crawford property	Jose Ribeiro	01-Stonehouse
	SP-0050-2013	Warehouse, Packet's Court	500 PACKETS COURT	Building new ADA Handicap ramp and modify curb to allow for new fenced in gravel area. Plan also proposes a new dumpster.	Jennifer VanDyke	05-Roberts
	SP-0051-2013	T-Mobile SP Amend. 4311 John Tyler Hwy	4311 JOHN TYLER HGWY	Antenna upgrades on T-Mobile's antenna array.	Jennifer VanDyke	03-Berkeley
	SP-0052-2013	JCCRC Softball Fields Scoreboards	5301 LONGHILL ROAD	Installing two Nevco scoreboards at JCCRC softball field.	Scott Whyte	04-Jamestown
	SP-0053-2013	Jerry's Garden Farmer's Market	3000 IRONBOUND ROAD	Seasonal produce and farm product sales; April through December, 7 days/week, 10 am - 6 pm.	Leanne Reidenbach	03-Berkeley
Special Use Permit	SUP-0008-2013	Flea Market, 9299 Richmond Road	9299 RICHMOND ROAD	Seasonal flea market operating on weekends (Fri. thru Sun.) from May 1 thru Oct. 31 and Dec. 15 thru Dec. 24	Jennifer VanDyke	02-Powhatan
	SUP-0009-2013	Tidewater Equine	276 PEACH STREET	Proposed large animal veterinary clinic	Luke Vinciguerra	01-Stonehouse