

AGENDA
JAMES CITY COUNTY PLANNING COMMISSION
January 7, 2015 – 7:00 p.m.

1. ROLL CALL
2. PUBLIC COMMENT
3. CONSENT AGENDA
 - A. Minutes from the December 3, 2014, Regular Meeting
4. REPORTS OF THE COMMISSION
 - A. Policy Committee
 - B. Regional Issues Committee
 - C. Other Commission Reports
5. PUBLIC HEARINGS
 - A. Case No. Z-0006-2014/SUP-0015-2014, 3116 Ironbound Rd. Contractor's Office
 - B. Case No. SUP-0004-2012, HRSD Sanitary Sewer Force Main Replacement
 - C. Case No. SUP-0016-2014, Top Notch Tree Service
6. PLANNING COMMISSION CONSIDERATION
 - A. Proposed Amendments to the Planning Commission Bylaws
7. PLANNING DIRECTOR'S REPORT
8. COMMISSION DISCUSSIONS AND REQUESTS
9. ADJOURNMENT

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE THIRD DAY OF DECEMBER, TWO-THOUSAND AND FOURTEEN, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. **ROLL CALL**

Planning Commissioners

Present:

Rich Krapf
Tim O'Connor
Chris Basic
Robin Bledsoe
John Wright, III
Heath Richardson

Staff Present:

Paul Holt, Planning Director
Leanne Pollock, Senior Planner II
Maxwell Hlavin, Assistant County Attorney

Absent:

George Drummond

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

Mr. Rich Krapf called for a moment of silence in memory of former Financial and Management Services Director John McDonald.

2. **PUBLIC COMMENT**

Mr. Krapf opened the public comment.

Mr. Richard Gould, 309 Archers Mead, Kingsmill, requested that the Planning Commission vacate its approval of a recreational vehicle storage area along the Country Road.

As no one else wished to speak, Mr. Krapf closed the public comment.

3. **CONSENT AGENDA**

A. **Minutes from the October 28, 2014, Joint Work Session with the Board of Supervisors**

B. **Minutes from the November 5, 2014, Regular Meeting**

C. **Development Review Committee**

- i. SP-0083-2014, New Town Sec. 3&6 Block 21 Assisted Living Facility (DRC Recommendation: Approval 3-0-1)

Mr. Tim O'Connor moved to approve the Consent Agenda.

In a unanimous vote, the Commission approved the Consent Agenda 6-0; Mr. George Drummond being absent.

4. REPORTS TO THE COMMISSION

A. Policy Committee

Mr. O'Connor stated that the Policy Committee met on November 13, 2014 and December 1, 2014.

Mr. O'Connor stated that on November 13, 2014 the Policy Committee met to hear a presentation on the Mooretown Road extension. Also presented and discussed were three options for a road alignment and their associated environmental impacts. Several citizens were on hand and were offered the opportunity to speak regarding the road alignments. The project consultant, VHB, is compiling citizen input from public meetings and will be working with staff to determine the preferred alignment and design characteristics for a potential road. An additional public meeting will take place in early 2015 to present the proposed alignment and design to the public.

Mr. O'Connor stated that it is important to note that this work does not mandate any road construction for Mooretown Road. Mr. O'Connor further stated that additional information can be found on the Planning page of the County's website.

Mr. O'Connor stated that ongoing updates to the Comprehensive Plan and expectations of Commissioners and their review of the work were also discussed.

Mr. O'Connor stated that the Policy Committee also met on December 1, 2014 to consider three items: the Capital Improvement Plan (CIP) process for FY16-20, Planning Commissions bylaws and the Planning Division's proposed Work Program for 2015. Mr. O'Connor noted that the CIP calendar and bylaws blended into one conversation as the discussion involved how to best accommodate school division project requests for CIP funding. Staff recommended that the Policy Committee adjust its CIP schedule to begin in February and conclude with a special meeting of the Planning Commission in late March to vote on a recommended CIP. As a result, it is also recommended that the annual organizational meeting of the Planning Commission be moved to the same meeting in March in order to allow the then current Policy Committee to complete its CIP review and prepare recommendations to the full Planning Commission.

Other recommended changes to the bylaws included a review of the speaker policy to allow all members of the public equal opportunities to speak and or present to the planning commission.

Finally, bylaw changes will reference the ability of a commissioner to attend meetings electronically in accordance with the Code of Virginia. This will require the Planning Commission to adopt a policy to allow electronic participation in commission and committee meetings in accordance with FOIA.

The Planning Division Work Plan for 2015 will include the following: continue with Comprehensive Plan review and land use applications, the CIP review process, Floodplain ordinance update, E-Packets for web based agendas for the Planning Commission, housekeeping items to the Zoning Ordinance, agritourism as a by-right use in A-1 and R-8 districts, and waiving the public hearing requirements for certain proffer amendments provided that the proffers do not involve density or land use.

C. Regional Issues Committee

Ms. Robin Bledsoe stated that the Regional Issues Committee did not meet.

5. PUBLIC HEARING CASES

A. Case No. Z-0006-2014/SUP-0015-2014, 3116 Ironbound Rd. Contractor's Office

Mr. Krapf stated that the applicant requested a second deferral until the January 7, 2015 meeting and that staff concurred with the request. Mr. Krapf further stated that public comment has been open since the November 5 meeting and will remain open.

Mr. Krapf inquired if anyone wished to speak.

Ms. Lisa Bates, President of Village Square Home Owner's Association (HOA), 4509 Misty Court, stated that she would like the Planning Commission to consider the traffic when determining what businesses are allowed to use the space because of the proximity to the school and shopping center. The business Ms. Bates considers a red flag would be the auto parts business because of the traffic in and out during peak high traffic and school times.

Mr. Krapf stated that the public hearing will remain open until the case is discussed at the January 7 meeting.

B. Case No. SUP-0017-2014, Williamsburg Unitarian Universalists Expansion

Ms. Leanne Pollock, Senior Planner II, provided the Commission with a presentation on the proposed expansion of the Williamsburg Unitarian Universalists house of worship which is located at 3051 and 3041 Ironbound Rd and is designated low density residential on the Comprehensive Plan Land Use Map.

Mr. Krapf opened the floor for questions.

Mr. Heath Richardson asked Ms. Pollock about the development of water conservation standards prior to development and what would that entail for the applicant.

Ms. Pollock responded that this is a typical condition requested by the JCSA, mainly pertaining to installing native landscaping and efficient appliances. Ms. Pollock further stated that this is a fairly standard set of guidelines that are developed for most new projects.

Mr. Krapf called for disclosures regarding meetings or conversations with applicants.

Mr. Krapf stated that he met with the applicant and discussed sustainable design elements. Mr. Krapf also stated that he previously attended services at the Unitarian Church on occasion.

As there were no other disclosures, Mr. Krapf opened the public hearing.

Mr. Tom Tingle, President of Guernsey Tingle Architects, stated that he is representing the applicant. Mr. Tingle discussed the different phases of the expansion including a future expansion that is currently not funded. Mr. Tingle noted that the expansion will include 27 LEED points although the expansion will not be LEED certified.

Ms. Robin Bledsoe inquired if the enhanced landscaping is a part of Phase I.

Mr. Tingle stated that it is indeed part of Phase I, both the buffer on Ironbound Road along with any improvements to parking would have those enhanced landscape buffers to the adjacent residential properties.

Ms. Bledsoe stated that in Phase I there doesn't seem to be an increase in the amount of people coming and going because the expansion does not increase the amount of congregation space. Ms. Bledsoe inquired if the taper is a part of Phase I.

Mr. Tingle stated that the taper is part of Phase I because the traffic analysis conducted by VDOT determined that the use of the space as it is now requires the taper.

Mr. John Wright asked if the enhanced landscaping will provide any sound barrier between Williamsburg Unitarian Universalist property and the neighbors across the street.

Mr. Tingle stated that landscaping in general provides little sound barrier. However, the other improvements that are being proposed would take away some of the sound coming from the house close to the road where the administrative staff are currently situated and the playground which would be moved further from Ironbound Road behind the expansion.

Mr. Wright asked if the surrounding neighbors have brought up any complaints about noise.

Mr. Tingle stated that he does not believe there were any concerns or complaints about noise voiced at the public meeting.

Mr. Basic asked how the open house/public meeting went.

Mr. Tingle stated that open house was very quiet but he believes it was because church representatives had talked to many of the neighbors one on one. Mr. Tingle stated that in general the response from the neighborhood has been very positive.

Ms. Bledsoe asked if the Parker house would be rented out until later in the process when it will be demolished.

Mr. Tingle stated that it will either be used by the church or it will revert back to residential use.

Ms. Bledsoe inquired whether the house would only be rented out to someone from the church or if it would be anyone from the community. Ms. Bledsoe stated that she was asking because whoever rents it would have to be aware that they are going to get this facility with the activities that go with it.

Mr. Tingle stated that there is no intention to limit the rental of the house to someone in the church so it would be available for anyone to rent.

Mr. O'Connor inquired whether the applicant was comfortable with achieving the 27 points in LEED in the current design. Mr. O'Connor further inquired what 27 points equals in LEED certification.

Mr. Tingle stated that LEED certification would be require 40 points; however, the applicant anticipated being able to achieve around 30 points. Mr. Tingle stated that the applicant is committing to 27 points and beyond that, is committed to enhanced performance of building envelope, mechanical, HVAC and electrical efficiencies. Mr. Tingle stated that obtaining sufficient points for an official LEED certification would require a costly energy model. Mr. Tingle stated that the 27 points is the best the applicant can do with the constraints of the project budget.

Mr. O'Connor verified that the applicant is comfortable with 27 points.

Mr. Tingle verified that they are comfortable with 27 points.

Mr. Krapf asked for clarification on whether the 27 points would be achieved in Phase I.

Mr. Tingle confirmed that the 27 points would be achieved in Phase I.

Mr. Krapf inquired if the entire project could be significantly more than 27 points as the 27 point condition was only for Phase 1 of the project.

Mr. Tingle stated that it is possible.

As no one else wished to speak, Mr. Krapf closed the public hearing.

Mr. Krapf then opened the floor for Planning Committee discussion.

Mr. O'Connor inquired if staff believes that Williamsburg Unitarian Universalists would need a second entrance in the future.

Ms. Pollock stated that the second entrance was proposed by the church as something they would want in the future to have the site run more efficiently. Ms. Pollock stated that with the anticipated expansion of the sanctuary and the related traffic, the single entrance would probably

trigger warrants to have a full width right turn and left turn lanes. Ms. Pollock noted that the expense of those improvements may be more than adding a second entrance.

Mr. Krapf asked if there was any further discussion or a motion.

Ms. Bledsoe stated that she is pleased with the plan and efforts of the congregation and moved to approve the application.

Mr. Krapf echoed Ms. Bledsoe's positive statements.

Mr. Basic stated his approval of Mr. Tingle's earlier statement "smart LEED makes sense" instead of the insistence to make the project LEED certified.

On a roll call vote, the Planning Commission voted to recommend approval of the application by a vote of 6-0, Mr. Drummond being absent.

6. PLANNING DIRECTOR'S REPORT

Mr. Holt stated that there was nothing more to add other than what was submitted in the Planning Commission packet.

Ms. Bledsoe asked Mr. Holt if Monday at 4pm is the make-up meeting for the Planning Commission Working Group and Mr. Holt stated in the affirmative.

8. COMMISSION DISCUSSION AND REQUESTS

Mr. Krapf stated that the December coverage for the Board of Supervisors meeting would be Mr. O'Connor filling in for Ms. Bledsoe.

Mr. Krapf stated that the Planning Commission Working Group meeting has been re-scheduled for Monday, December 8th at 4pm.

Mr. Krapf stated that the celebration of life for John McDonald would be held on December 4th at 4pm at the Nelson Funeral Home.

Mr. O'Connor stated that he forgot to mention during the Policy Committee report that Mr. Holt will make the suggested revisions to the bylaws and will circulate them to the Commission in short order. If there are edits, comments or feedback please respond as quick as possible because the edits need to be advertised. Mr. O'Connor stated that the goal is to have it advertised and on the January Planning Commission agenda.

9. ADJOURNMENT

Mr. Basic moved to adjourn.

The meeting was adjourned at approximately 7:47 p.m.

Richard Krapf, Chairman

Paul D. Holt, III, Secretary

REZONING-0006-2014 / SPECIAL USE PERMIT-0015-2014: 3116 Ironbound Road Branscome Building Staff Report for the January 7, 2015 Planning Commission Public Hearing

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

PUBLIC HEARINGS

	Building F Board Room; County Government Complex
Planning Commission:	November 5, 2014, 7:00 p.m. (deferred) December 3, 2014, 7:00 p.m. (deferred) January 7, 2015, 7:00 p.m.
Board of Supervisors:	February 10, 2015, 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant:	Mr. Vernon Geddy, III
Land Owner:	Henry S. Branscome, II
Proposal:	Rezoning to LB, Limited Business to use existing building for one of the non-residential uses identified in the attached proffer document with a special use permit for a building that is over 5,000 square feet in an area designated as Low Density Residential.
Location:	3116 Ironbound Road
Tax Map/Parcel No.:	4710100056
Parcel Size:	+/- 0.546 acres
Existing Zoning:	R-8, Rural Residential
Proposed Zoning:	LB, Limited Business with proffers
Comprehensive Plan:	Low Density Residential
Primary Service Area:	Inside

STAFF RECOMMENDATION

With the acceptance of the proposed proffers and adoption of the proposed conditions, staff finds the proposal to be compatible with surrounding development and consistent with the 2009 Comprehensive Plan. Staff recommends the James City County Planning Commission recommend approval of this application to the Board of Supervisors, subject to the listed conditions.

Staff Contact: Leanne Pollock

Phone: 253-6876

PROJECT DESCRIPTION

Mr. Vernon Geddy of Geddy, Harris, Franck and Hickman, has applied for a rezoning and special use permit for an existing approximately 6,925 square foot building. The applicant requests the property be rezoned to LB, Limited Business, with proffers, in order to bring the existing use of a contractor's office and potential future commercial uses into conformance with the Zoning Ordinance. The current use of the property is not permitted in the R-8, Rural Residential, zoning district by-right or as a specially permitted use. The proffers limit the possible permitted uses on this parcel in an effort to minimize traffic impacts and impacts to surrounding residential uses.

The project is located immediately adjacent to the Five Forks Community Character Area, is across the street from Clara Byrd Baker Elementary School and is in between the Governor's Green shopping center and Village Square residential neighborhood. Clara Byrd Baker is zoned PL, Public Lands, and is designated as Federal, State and County Land on the 2009 Comprehensive Plan. The shopping center is zoned B-1 and designated Mixed Use. Village Square is zoned R-2, General Residential and designated Low Density Residential.

A special use permit is also required for buildings that are over 5,000 square feet on property zoned LB and designated Low Density Residential by the Comprehensive Plan in order to demonstrate that the application satisfies the design standards outlined by Section 24-369(c):

1. Screen large work doors from external roadways or orient on the sides or rear of the building
2. Screen any fixed outdoor operating machinery (HVAC equipment, compressors, etc.) or objectionable features (dumpsters, utility meters, etc.) from adjacent property and the street right-of-way through landscaping and/or fencing.
3. Limitations on sign colors and free-standing signs needing to be monument-style with ground-mounted lighting.
4. Site landscaping shall be consistent with the natural landscape and character of the surrounding properties.
5. Compliance with these items shall be evidenced by the submission of a site plan.

As the building is existing, some of these items are more difficult to address; however, the garage doors into the warehouse area are located to the sides of the building and proposed conditions for landscaping adjacent to the Ironbound Road right-of-way, limitations on signage and requirement to submit a site plan for any change in use to verify trip generation and parking adequacy help the application to meet these design standards.

The Neighborhood Commercial Development Standards adopted by the Board of Supervisors in March 1999 would also apply to this project if rezoned to Limited Business. These Standards primarily focus on building appearance and materials and encourage the use of brick or textured materials, articulation of large facades and long roof lines, design that reflects local historical and architectural themes and muted color palettes. This is an existing building and the applicant does not desire to change the building itself; however, the applicant has proposed to landscape as wide a buffer as possible adjacent to Ironbound Road and eliminate the pull-through and parking area that is currently in front of the building.

The Development Review Committee considered this rezoning at its meeting on October 9, 2014 and was asked for preliminary feedback. The DRC and the applicant discussed staff's recommendations to provide sidewalks and a bike lane and the removal of all outdoor material storage. The DRC also recommended that additional landscaping be planted along Ironbound Road and that most parking be located to the rear or side of the existing building.

PUBLIC IMPACTS

Archaeology

The property is already fully developed and no land disturbing outside of already-disturbed areas is proposed as part of this project so no archaeological studies would be required.

Engineering and Resource Protection

Watershed: Mill Creek

Staff Comments: The property has already been fully developed and stormwater runoff is handled by an existing BMP that is located on an adjacent property that is owned and maintained by the Village Square Homeowner's Association (HOA). The BMP also handles runoff from adjacent businesses in the Governor's Green shopping center, who provide annual contributions to the HOA for BMP maintenance. Through discussions with the HOA, the applicant has proposed a proffer stating that the owner will provide the HOA with an annual cash contribution in the amount of 5% of the total maintenance costs for that year of the BMP. This proffer is in line with the existing maintenance contributions from Governor's Green tenants.

Engineering and Resource Protection has indicated that the project will have to demonstrate stormwater compliance as part of the site plan process. Additionally, the site appears to exceed 60% impervious cover and as part of site plan approval will need to either show a reduction in the amount of on-site impervious cover or demonstrate that the project has the same impact on the water quality as if the project were under 60% impervious cover. The applicant has proposed to remove the existing impervious cover in front of the building and to remove areas of the impervious cover adjacent to the building along the drive aisles on either side of the property.

Public Utilities

The property is served by public water and sewer and will use existing public connections.

Staff Comments: Staff has reviewed the submitted materials and concurs with the information submitted, while noting that additional information will need to be considered at the development plan design stage. The James City Service Authority (JCSA) has requested that the applicant develop water conservation standards prior to development plan approval.

Transportation

The project is located on Ironbound Road and has two existing entrances. The site has been in operation as a contractor's office and warehouse since the mid to late 1990's. The applicant has proposed a proffer that limits the possible permitted uses on the property to those that would generate roughly the equivalent or fewer vehicle trips than the current use, which is already a very low traffic generator compared to other uses that would be permitted in the Limited Business district. The applicant and owner contacted the owner of the adjacent Governor's Green shopping center regarding a possible shared entrance from the parking lot into 3116 Ironbound Road; however, the entrance would have been adjacent to the loading area for the grocery store and the shopping center owner did not want to permit a shared entrance due to possible conflicts with large delivery trucks.

Ironbound Road is addressed in both the Regional Bikeways Map and the Pedestrian Accommodations Master Plan. These plans identify the Ironbound Road corridor for shoulder bike lanes and a sidewalk on both sides of the street. There are currently no bike lanes installed in this area and only a few segments of sidewalk, however, the Five Forks Area Study does recommend these types of improvements at the intersection of John Tyler Highway and Ironbound Road. The existing sidewalk is also on the other side of the street. As a result of discussions with VDOT and due to right-of-way constraints, it may not be feasible to install the recommended improvements. Also, as a result of the nearby special use permit for the Williamsburg Unitarian Universalists church, a previous VDOT project in the area and the ongoing update to the Comprehensive Plan, staff has been considering an alternative arrangement for pedestrian and bike accommodations for Ironbound Road that would involve a single multi-use path on the western side of Ironbound Road (across the street from the Branscome property). Unrelated to these projects, there has been recent interest from several residents in Chanco's Grant for pedestrian connectivity to Jamestown Road, the nearby Powhatan Creek Trail and the elementary school. Staff has proposed a condition that will allow the Planning Director flexibility to continue to evaluate the preferred pedestrian accommodations with VDOT and the property owner through the site plan phase of the project.

Traffic Counts: The James City County/Williamsburg/York County Comprehensive Transportation Study (Regional Study) that was completed in March 2012 indicated that the most recent weekday volume for Ironbound Road from Jamestown Road to John Tyler Highway was 7,150 trips. This represents a current weekday PM peak hour LOS of A-C for the corridor.

Projected Traffic Volume: On Ironbound Road from Jamestown Road to John Tyler Highway, the 2009 Comprehensive Plan projects 10,982 AADT for 2035 – this is in the category of OK and not anticipated to need improvement. The Regional Study notes that the PM peak hour LOS for the corridor is projected to still be at a LOS of A-C in 2034.

VDOT Comments: VDOT has reviewed the proposal and trip generation figures for the proposed uses and has noted that the current site entrances do not meet VDOT's minimum spacing requirements for the existing two entrances and in comparison to the adjacent shopping center entrance. VDOT has noted that if a use moves into the building that has a higher trip generation than the current contractor's office and warehouse, then they would require that the entrances be consolidated in an effort to come into further compliance with minimum spacing distances. The proffers proposed by the applicant limit the trip generation of potential users and would ensure that scenario would not be triggered without a proffer amendment; however, VDOT still recommends consolidating the entrances.

Staff Comments: Staff finds that the development can be supported by the existing road network given the proffered limitations on trip generation. The applicant noted that if the shared entrance with the shopping center was possible, they would be willing to close one of the existing entrances. However, since the shopping center would not agree to a shared entrance, the applicant is concerned that larger vehicles will not be able to navigate through the parking area and turn around without a second entrance. In order to address this concern and still attempt to reduce possible turning movement conflicts on Ironbound Road, staff recommended that the entrances be amended to be one-way through the site. This also allows for the drive aisles to be reduced and planted with supplemental landscaping. VDOT concurs that this would help alleviate some concerns with the entrance spacing.

COMPREHENSIVE PLAN

The project is designated Low Density Residential on the 2009 Comprehensive Plan Land Use Map and is immediately adjacent to (but not within) the Five Forks Community Character Area. Low Density Residential sites should be located within the Primary Service Area and have suitable terrain and soils for development. Recommended uses are tiered by group. Group 1 uses include single-family homes, cluster housing and recreational areas. Group 2 uses include schools, churches, very limited commercial and community-oriented facilities that can meet the following five standards:

- i. Complement the residential character of the area;
- ii. Have traffic, noise, lighting and other impacts similar to surrounding residential uses;
- iii. Generally be located on collector or arterial roads at intersections;
- iv. Provide adequate screening and buffering to protect the character of nearby residential areas; and
- v. Generally intended to support the residential community in which they are located.

The proposed project generally meets the standards outlined for Group 2 uses in the Low Density Residential designation. The contractor's office and warehouse has co-existed with adjacent residential development possibly since the 1960's. The existing conservation easement that is held by the Village Square homeowner's association provides substantial buffering. There is some limited buffer with the adjacent shopping center; however, the uses are similar and so do not require significant separation or screening. If rezoned to LB with uses restricted to those with limited impacts, the Branscome facility can serve as a transitional use between a higher intensity shopping center to a residential area. Ironbound Road is also designated as a suburban/urban Community Character Corridor (CCC) and the applicant has proposed an approximately ten foot landscaped buffer between the right-of-way and existing building. Given the constraints of the property, this is the widest possible planting area. The buffer will contain landscape material that exceeds Ordinance size requirements where appropriate in order to complement and supplement the existing foundation plantings in front of the building to create an urban and suburban buffer that is consistent with the Five Forks village area and adjacent properties. It is not the intent to completely screen the building from view but to enhance the visual appeal of this section of Ironbound Road with the addition of both new trees and shrubs. There will also be some supplemental plantings and a screening fence along the side and back of the property and all material storage will be limited to a fully enclosed building. Staff finds the proposed development to be consistent with the 2009 Comprehensive Plan.

Primary Principles for Five Forks Area

The project is located just outside of the Five Forks Study area; however, given its proximity, it is relevant to consider the Primary Principles adopted by the Board of Supervisors on September 28, 2004 as part of the

review of this proposal. Generally speaking, the Principles include ways to:

1. Improve or maintain water quality and other environmental features
2. Preserve Five Forks' unique village character
3. Not overburden the road network beyond capacity
4. Provide adequate facilities for pedestrians and cyclists
5. Provide goods and services needed by citizens; and
6. Ensure housing opportunities for all citizens.

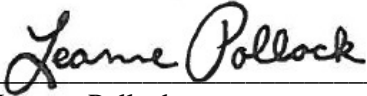
As noted earlier, the proposal still addresses these Principles to the extent possible by reducing site impervious cover, contributing to the maintenance of the off-site BMP, limiting uses to those that generate low volumes of traffic and landscaping the Community Character Corridor to try to make it more consistent with development on either side of the property.

RECOMMENDATION

Staff finds the proposal to be compatible with surrounding development and consistent with the 2009 Comprehensive Plan and zoning ordinance. Staff recommends the James City County Planning Commission recommend approval of this application to the Board of Supervisors, subject to the listed conditions. Proposed SUP conditions are as follows:

1. Use: This Special Use Permit (the "SUP") shall be valid for up to a 7,000 square foot building with uses limited to those proffered by the Owner as part of JCC case number Z-0006-2014 within the existing building (the "Development").
2. Master Plan: The site plan for the Development shall be generally consistent with the "Landscape Exhibit" prepared by LandTech Resources, Inc., and dated December 29, 2014 (the "Master Plan"), as determined by the Director of Planning. Configuration of entrances to eliminate one entrance and add a shared entrance from the adjacent parcel, which is further identified as JCC Real Estate Tax Map Number 4710100054 (the "Adjacent Parcel"), may be considered to be consistent with the Master Plan.
3. Site Plan: A site plan for a change in the use of the Development shall be submitted to the James City County Planning Division and shall be approved by the Director of Planning or his designee. The site plan shall include landscaping and lighting plans in accordance with the James City County Zoning Ordinance (the "Ordinance").
4. Entrances and Parking: The Development shall be limited to no more than one (1) entrance and one (1) exit on Ironbound Road with one-way traffic circulation through the Development and parking lot. The Development may include a shared entrance through the driveway of the Adjacent Parcel. Parking shall be located behind the existing building.
5. Storage of Materials: All storage of materials and/or heavy equipment shall be limited to within a fully enclosed building. No outdoor storage shall be permitted. The Owner shall remove all existing materials, equipment and the storage container located in the rear of the Property within six (6) months of approval of this special use permit.
6. Screening: Privacy screening, such as but not limited to a fabric fence screen or landscaping, shall be installed in all areas of the existing perimeter fence. The fence or fabric screen shall be of a neutral color such as, but not limited to, dark green or black, as approved by the Director of Planning prior to final site plan approval for the Development.
7. Urban and Suburban Community Character Corridor (CCC) Buffer: The Owner shall provide a Community Character Corridor landscaped buffer in the area shown as "Landscape Area" on the Master Plan. The buffer shall contain landscape material that exceeds Ordinance size requirements where appropriate in order to complement and supplement the existing foundation plantings in front of the building to create an urban and suburban CCC buffer consistent with the Five Forks village area and with the Community Character Corridor Buffer Treatment Guidelines and Map adopted by the Board of Supervisors on November 22, 2011. It is not the intent to completely screen the building from view but to enhance the visual appeal of this section of Ironbound Road with the addition of both new trees and shrubs. A landscape plan shall be submitted with the site plan and shall be reviewed and approved by the Director of Planning or his designee for consistency with this condition prior to site plan approval.

8. *Ironbound Road Pedestrian and Bike Improvements:* In accordance with the Regional Bikeways Map and the Pedestrian Accommodation Master Plan, a shoulder bike lane and sidewalk will be provided along the Property's frontage on Ironbound Road. However, this requirement may be waived by the Director of Planning should the Owner demonstrate that existing pavement width or section, drainage, or other engineering constraints would restrict the ability of the Owner to install the bike lane and sidewalk in a manner that would meet Virginia Department of Transportation ("VDOT") requirements. Such analysis shall be submitted prior to or concurrent with the site plan submission and shall address opportunities for the provision of alternative bike and pedestrian accommodations constructed on the Property that would serve the community as well as, if not better than, a shoulder bike lane and sidewalk. In the event that the Director of Planning disapproves the waiver, the applicant may appeal the decision to the Development Review Committee, which shall forward a recommendation to the Planning Commission. Pedestrian and bike accommodations shall be installed or bonded prior to final site plan approval for the Development.
9. *Signs:* New free-standing signs shall be of a ground-mounted monument type and shall not be larger than 32-square feet, not erected to height greater than eight feet tall. If sign lighting is desired by the Owner, it shall consist of ground-mounted lighting concealed by landscaping. All signage, content and materials shall be in accordance with the Ordinance and shall be approved by the Director of Planning for consistency with this condition prior to the issuance of a sign permit.
10. *Water Conservation Standards:* The Owner shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority (the "JCSA") and subsequently for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of approved landscaping design and materials to promote water conservation and minimize the use of public water resources. Standards shall be reviewed and approved by the JCSA prior to final site plan approval of the Development.
11. *Commencement:* Within twenty-four (24) months of the issuance of this SUP, the Development shall receive a certificate of occupancy, or the SUP shall become void.
12. *Severance Clause:* This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.



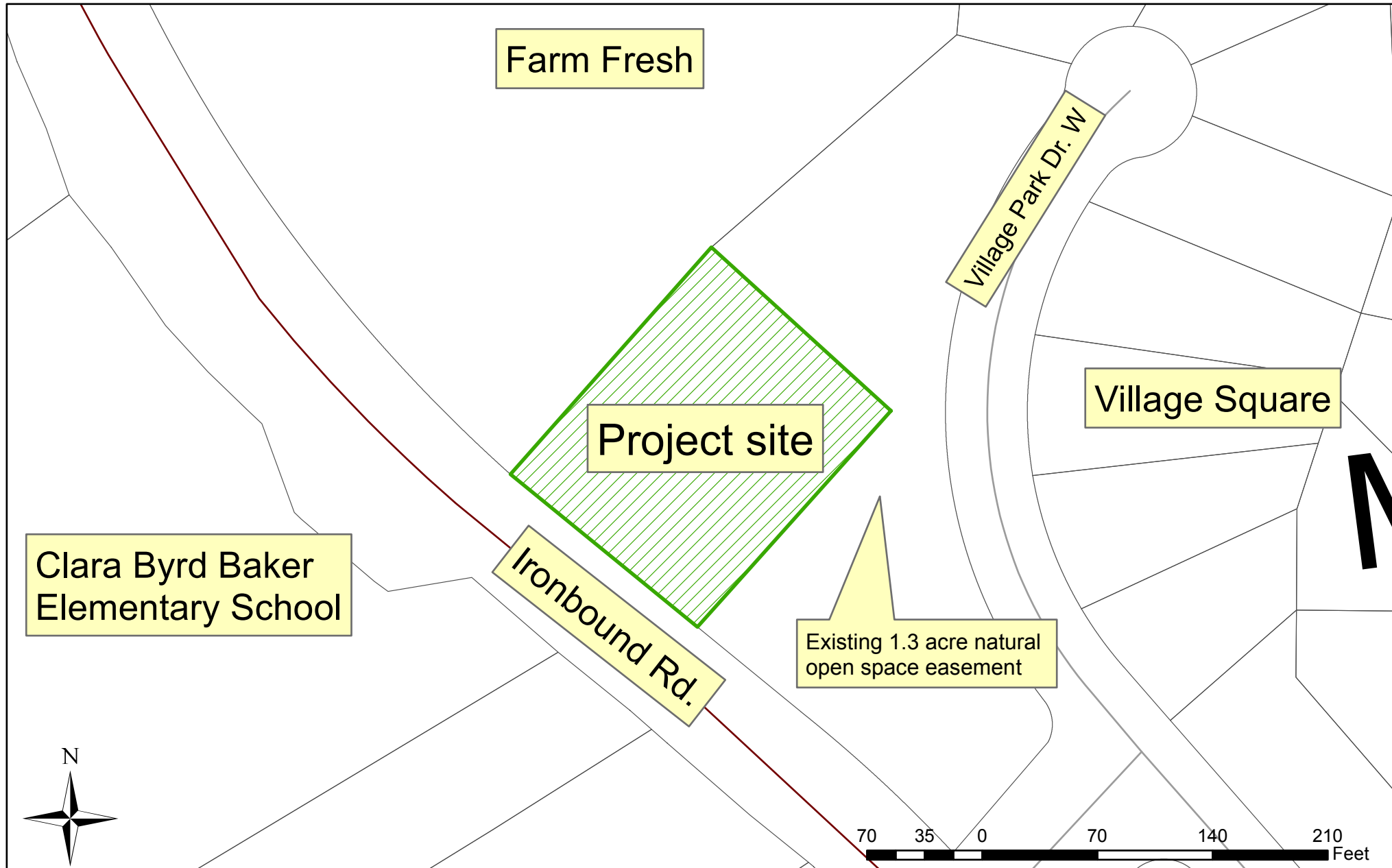
Leanne Pollock

Attachments:

1. Location map
2. Project narrative
3. Proffers
4. Landscape exhibit

JCC-Z-0006-2014/SUP-0015-2014

3116 Ironbound Rd, Branscome Building



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

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MAILING ADDRESS:

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WILLIAMSBURG, VIRGINIA 23187-0379

VERNON M. GEDDY, JR. (1926-2005)
STEPHEN D. HARRIS
SHELDON M. FRANCK
VERNON M. GEDDY, III
SUSANNA B. HICKMAN
RICHARD H. RIZK
ANDREW M. FRANCK

October 16, 2014

Ms. Leanne Pollock
Senior Planner II
James City County
101-A Mounts Bay Road
Williamsburg, VA 23185

Re: Case No. 2-0006-2014/SUP-00015-2014
Ironbound Road Branscome Building

Dear Leanne:

I am writing on behalf of our client, Henry S. Branscome, II, regarding these applications. As you know, the brick building on this site was originally built, we believe, in the late 1960s and the metal building was added sometime thereafter. The property has been put to business uses since its construction and was in place prior to the development of the adjacent shopping center and Village Square neighborhood. It has been owned by the Branscome family since 2001. The site now serves as the headquarters for Mr. Branscome's contractor business. The applicant is not proposing any new development on the property. The purpose of the application is to bring the zoning and use of the property into conformity.

As we discussed, the property is designated Low Density Residential on the Comprehensive Plan. It is adjacent to the rear of the Governor's Green Shopping Center which is designated mixed use on the Comprehensive Plan. The Comprehensive Plan sets for development standards for situations, like here, where limited commercial uses are proposed in Low Density Residential areas. The Residential Development Standards, Section 4, Use and Compatibility, set forth four applicable standards.

1. Complement the residential character of the area. This is a small use that sets below the level of Ironbound Road and is very well screened from the adjacent neighborhood. As mentioned above, this property was there first and the residential neighborhood developed beside it. There have been no issues with the neighbors and, in fact, Branscome Concrete and other businesses nearby helped pay for the plantings that have created such an effective screen.

2. Have traffic, noise, lighting and other compacts similar to surrounding residential uses. This standard has historically been met by the property given its small size, screening and low intensity uses. The proffered use limitations and proposed SUP conditions assure this condition

will be met going forward.

3. Generally be located on collector or arterial roads or intersections. The site is located on Ironbound Road one block from its intersection with Route 5.

4. Generally intended to support the residential community in which they are located. First, this site is not located in a residential community. It is between a shopping center and a residential neighborhood. Given the proffered use limitations, any permitted use would likely be of a scale and intensity designed to support the surrounding community.

In addition, Section 24-369 of the Zoning Ordinance sets forth design standards for new LB development in Low Density Residential areas. While no new development is proposed here, the existing site and building meet many of the design standards. The bay doors are located on the sides of the building and are screened with fencing and landscaping. The applicant is willing to screen the three small HVAC compressors from view from Ironbound Road with fencing and there is no rooftop equipment. There are no fences in front of the building. A chain link fence with screening fabric encloses the rear of the site. There exist today only a small building mounted sign. A SUP condition will address any future monument signs. The applicant has agreed to add additional landscaping where feasible on site although no new development is proposed.

The County has, also, adopted a Neighborhood Commercial Development Standards Policy that applies to land zoned LB and designated Neighborhood Commercial or Low Density Residential on the Comprehensive Plan. This building was in place at the time this Policy was adopted and meets most of the applicable standards. Given the small size of the site and building frontage, there are no long monotonous facades. The front portion of the building is constructed of brick. There are no more than three colors and no bright hues. The metal warehouse portion of the building is located behind the brick portion and is screened by landscaping and fencing.

Finally, in September 2004, the County adopted the Primary Principles for Five Forks with the intent of preserving the unique village character of Five Forks. Of course, this property was a part of the unique village character of Five Forks when the principles were adopted and, as noted above, no new development or redevelopment are proposed here. The principles include the following:

- Improves or maintains water quality and other environmental features;
- Preserves Five Forks' unique village character;
- Does not overburden the road net work beyond capacity;
- Provides adequate facilities for pedestrians and cyclists;
- Provides goods and services needed by citizens; and
- Ensures housing opportunities for all citizens.

Since no new development is proposed, this application will not affect water quality. Nevertheless, the applicant has proffered to make a contribution of \$2,000 for the maintenance of the BMP located in the common area of the Village Square neighborhood to help water quality. The traffic from this site certainly does not over burden the road network. Approval of this proposal would ensure this site can continue to be put to limited business uses going forward

providing needed goods and services to the citizens.

You requested that we contact the owner of the adjacent shopping center to determine if there could be a shared access to the two sites eliminating an entrance on Ironbound Road. The applicant agrees this arrangement would be desirable. He has contacted the shopping center owner twice on this subject and been told no both times. A copy of the most recent request from 2006 is attached.

I attach a series of pictures of the property. There are aerial photographs of the property, a photograph from across Ironbound Road and a photograph showing the front of the property. There are a series of three photographs taken from Village Park Drive West and a key showing where each photograph was taken, showing the wooded buffer between located between the property and the neighborhood.

As we have discussed, the applicant has issues with proposed SUP conditions 5, 6 and 7, all related to the narrowness of the front of the site (approximately 27 feet from edge of pavement to the concrete drainage ditch in front of the building) and the fact the building is well below the grade of the road. All the drainage from the road now sheet flows across the front of the property to the concrete drainage ditch where it is captured and routed around the building. The applicant is concerned that the addition of new landscaping and mulch will lead to leaves and mulch being washed into and potentially clogging the ditch leading to flooding in the building. The addition of eight feet of additional pavement (three foot bike land and five foot sidewalk would only exacerbate the issue). It is also highly unlikely given the physical constraints and width of road right of way in this location that those facilities would ever be connected to similar facilities on either side and be part of a usable system.

Sincerely,



Vernon M. Geddy, III

VMGIII/tlc
Enclosures

CC: Henry S. Branscome, II







Google earth

feet
meters



Legend
□ Parcels



Title:

Date: 10/7/2014

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be.

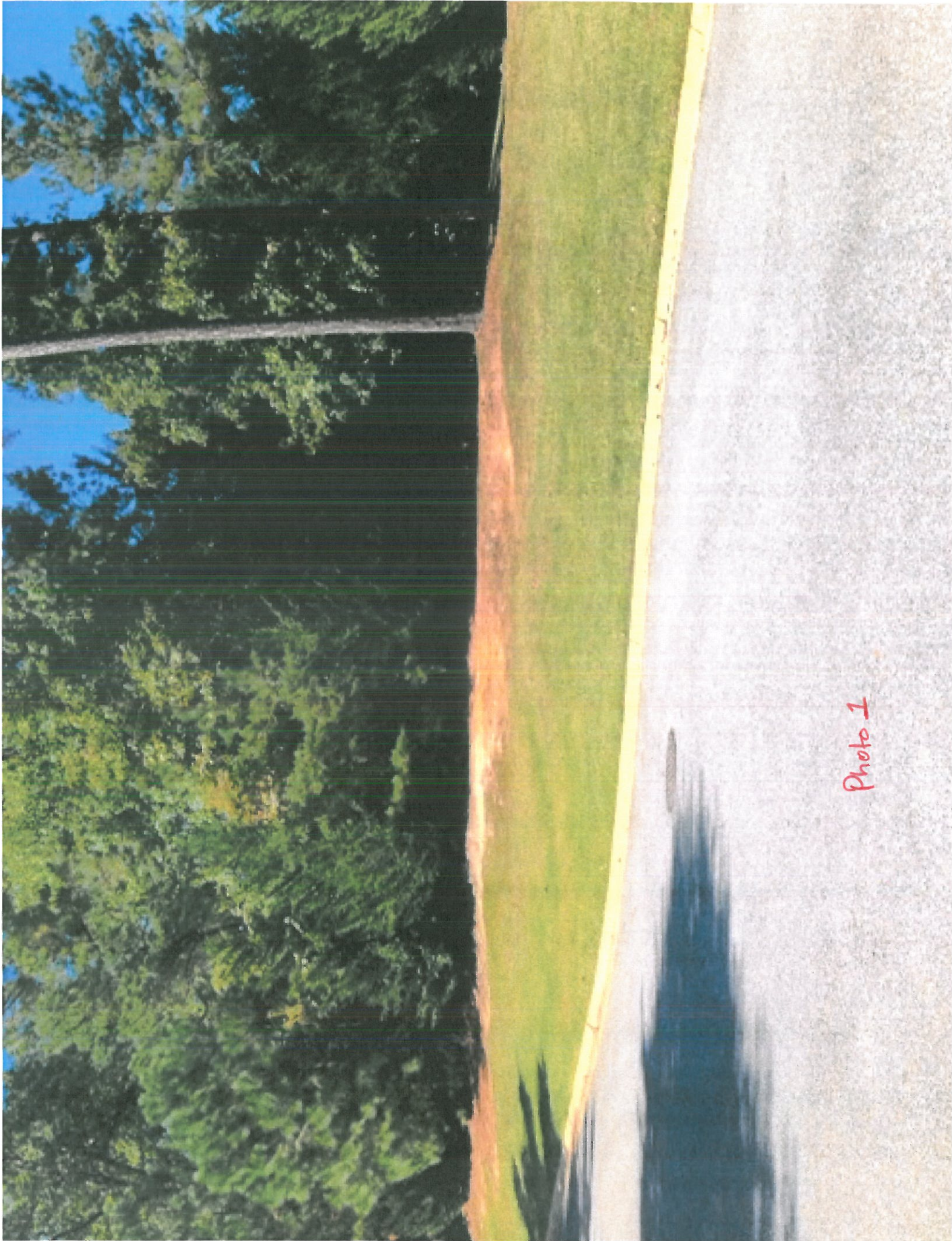


Photo 1



Photo 2

Photo 3



Mike Mausteller, Jr. CCIM
Senior Director
mmausteller@gvaadvantis.com

March 13, 2006

Mr. Bennett Lifter
President and CEO
Lifter Enterprises
17760 NW 2nd. Ave, Suite 200
Miami Gardens, Florida 33169

**RE: WINN-DIXIE GOVERNORS GREEN SHOPPING CENTER
WILLIAMSBURG, VA.**

Dear Mr. Lifter:

Following up our recent telephone conversation of a few weeks ago and as you suggested, I have enclosed a copy of a cover letter and a plat entitled Sketch of Proposed Improvements Branscome Development that was prepared for Henry S. Branscome, LLC for your review. As you may recall Mr. Henry Branscome, Jr. contacted me and asked if I could help him enter into a discussion with you regarding his gaining an easement to construct and maintain a curb cut and driveway connecting from his property to your rear driveway on Ironbound Road. Henry S. Branscome, LLC's offices are located in the building behind your property on Ironbound Road. The purpose of the easement is to allow for a better traffic pattern for his construction staging traffic to and from Mr. Branscome's office and to provide for a dumpster pad and six additional parking spaces that would be partially on his property and partially on yours. He estimates that there will be one to two instances a day where this staging traffic will either be coming to or leaving his property and utilizing the driveway and easement area.

Mr. Branscome is willing to pay for the costs of these improvements and maintain both the easement area as well as the driveway area connecting to his property and to get all necessary approvals from James City County to construct the improvements. Please feel free to call me or if you prefer to deal directly with Mr. Thomas Teaman, he can be reached at 757-221-7221.

Please look over this drawing and advise me of your thoughts on the matter and willingness to move forward on it at your earliest convenience.

Cordially,

M. B. Mausteller, Jr., CCIM
Senior Director

Tax Parcel: 4710100056

Prepared By: Vernon M. Geddy, III, Esquire (VSB No: 21902)
Geddy, Harris, Franck & Hickman
1177 Jamestown Road
Williamsburg, VA 2318

PROFFERS

THESE PROFFERS are made this 23 day of December, 2014 by HENRY S. BRANSCOME, II (together with his successors in title and assigns, the "Owner").

RECITALS

A. Owner is the owner of a parcel of land located in James City County, Virginia, being Tax Parcel No.4710100056, containing approximately .55 acres, more or less, and being more particularly described on Schedule A hereto (the "Property").

B. The Property is designated Low Density Residential on the County's Comprehensive Plan Land Use Map and is now zoned R-8. Owner has applied to rezone the Property from R-8 to LB, Limited Business, with proffers.

C. Owners desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned LB in the form of the following Proffers.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2303 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1. Permitted Uses. Only the uses that generate fewer than 62.18 weekday vehicle trips based on the ITE Trip Generation Manual and the square footage of the proposed use shall be permitted on the Property. Trip generation information shall be submitted at the time of site plan application for each change in use on the Property and shall be reviewed and approved by the Virginia Department of Transportation and the Director of Planning or his designee for compliance prior to final site plan approval.

2. Cash Contribution for Stormwater Management. Owner shall make an annual cash contribution to the Village Square of Williamsburg Homeowners Association, Inc. in an amount equal to 5% of the total maintenance costs for that year of the stormwater BMP owned by the Association and located on Tax Parcel 4711500001B. Such payment shall be made within 30 days of receipt by Owner of an invoice from the Association accompanied by evidence of the total annual maintenance costs for the BMP. The Owner annually shall provide evidence of such payment to the Director of Planning to ensure compliance with this proffer prior to December 31 of each year.

3. Severability. In the event that any clause, sentence, paragraph, section or subsection of these Proffers shall be adjudged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Property or to any government agency is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, section or provision hereof.

4. Successors and Assigns. These Proffers shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns.

WITNESS the following signature.

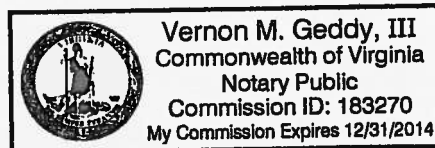

Henry S. Branscome, II

STATE OF VIRGINIA
~~CITY~~/COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged before methis 23rd day of December, 2014, by Henry S. Branscome, II


NOTARY PUBLIC

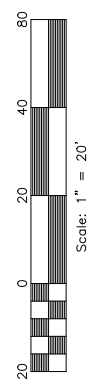
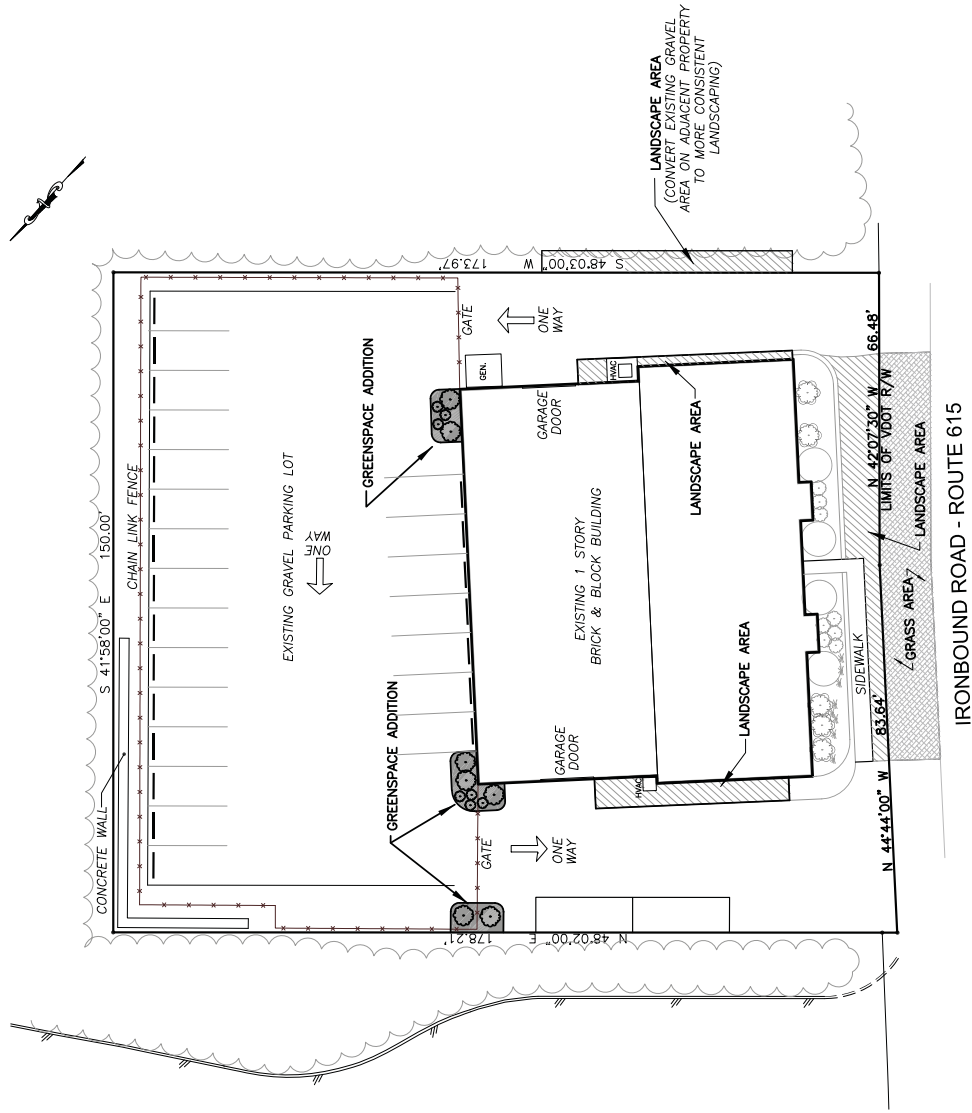
My commission expires: 12/31/14
Registration No.: 183270



Schedule A

Property Description

ALL THAT certain lot, piece or parcel or tract of land, lying, situate and being in Berkeley District, James City County, Virginia, formerly in Jamestown district, referred to as Parcel A as shown on a plat entitled "Plat of Parcel 'A' as shown on a preliminary plan of 'Olde Town' Subdivision, located in Berkeley District, James City County, Virginia," dated April 3, 1965, made by S. V. Camp, III & Associates, Certified Land Surveyor, a copy of which said plat is of record in James City County Release Deed Book 5, page 128, and to which plat reference is here made for a more particular description of the property hereby conveyed, but less and except that portion of the property conveyed to the Commonwealth of Virginia for the widening of State Route 615, by deed dated January 22, 1990, and recorded January 22, 1990, in James City County, Virginia, Deed Book 463, at page 13.



LandTech Resources, Inc.
 Surveying • GPS • Engineering
 3925 Midlands Road, Williamsburg, Virginia 23188
 Telephone: 757-565-1677 Fax: 757-565-0782
 Web: landtechresources.com

REVISION / COMMENT / NOTE

LANDSCAPE EXHIBIT
 3116 IRONBOUND ROAD
 FOR
 BRANSOME DEVELOPMENT
 JAMES CITY COUNTY, VIRGINIA

DATE: 12/29/2014
DRAWN BY: LFV
PROJECT No. 06-095
FILE NAME: 06-095EXH.DWG
SCALE: 1"=20'

**Case No. SUP-0004-2012, HRSD Sanitary Sewer Force Main Replacement
Staff Report for the January 7, 2015, Planning Commission Public Hearing**

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

PUBLIC HEARINGS

Planning Commission:

Board of Supervisors:

Building F Board Room; County Government Complex

January 7, 2015, 7:00 p.m.

February 10, 2015, 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant:

Mr. Eddie M. Abisaab of Hampton Roads Sanitation District (HRSD)

Land Owner:

HRSD, Carter's Grove Associates, Xanterra Kingsmill LLC and Kingsmill Community Service Association (KCSA)

Proposal:

To allow the replacement of $\pm 7,000$ linear feet of a 36-inch sanitary sewer force main which is located between the Wareham's Pond Recreation Center in Kingsmill and the HRSD Williamsburg Treatment Plant

Tax Map Parcel

Location/Acreage:

5820100003	300 Ron Springs Drive	± 38 acres
5820100002	250 Ron Springs Drive	± 76 acres
5230100011A	8581 Pocahontas Trail	± 225 acres
5130100002	1000 Carters Grove Country Road	± 193 acres
5130100006	175 Wareham's Pond Road	± 11 acres

Total Acreage: ± 543 acres

Existing Zoning:

PL, Public Lands; R-2, General Residential; M-1, Limited Business/Industrial and R-4, Residential Planned Community

Comprehensive Plan:

Federal, State, and County Land; Conservation Area; Limited Industry and Low Density Residential

Primary Service Area:

Inside

STAFF RECOMMENDATION

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

Staff Contact:

Jose Ribeiro, Senior Planner II

Phone: 253-6890

PROJECT DESCRIPTION

This project proposes to replace $\pm 7,000$ linear feet of existing sanitary sewer force main located between the Wareham's Pond Recreation Center in Kingsmill and HRSD's Williamsburg Treatment Plant. The replacement is necessary as this segment of the existing sewer force main, installed in 1971, has experienced recent failures and has reached the end of its useful life. In order to improve local infrastructure and to mitigate the risk of future failures and subsequent sewage spills, a new force main is required. According to the applicant, the existing force main provides sewer service to most of James City County and the City of Williamsburg.

In order to construct the new force main, a new utility easement running somewhat parallel to the existing easement is needed. The applicant has recently secured a new ± 70 foot wide utility easement "corridor" for the proposed new force main alignment through four different properties. The new force main will be built and placed within a permanent utility easement of ± 30 feet but an additional temporary easement of ± 40 feet is required during construction. Once construction of the proposed main force has been completed, the applicant will replant the variable 40 foot temporary construction easement and will vacate the original force main easement "corridor."

The first phase of the project involves the installation of $\pm 4,700$ linear feet of the new force main from the Kingsmill Wareham's Road Recreation Center to a point on the western edge of Grove Creek. The installation process during this phase of the project will require conventional open-cut construction methods (i.e., clearing and placing the pipe within a dug trench). The second phase of the project involves the installation of $\pm 2,000$ linear feet of the new force main installed by horizontal directional drill methods under Grove Creek and connections to the piping installed during the first phase of the project (i.e., the pipe will be placed directly underground by boring and without the need for a trench) The capacity of the new force main will be the same as the existing force main.

Project History

In 2012, the applicant submitted a site plan (SP-0015-2012) for the replacement of the existing 36-inch sanitary sewer force main. However, according to the zoning ordinance, water and sewer facilities including transmission mains are a specially permitted use. Review of the site plan application was temporarily placed on hold while a SUP application for this project was submitted for review. The SUP application process was renewed recently when the applicant obtained the required property owner signatures.

The new force main alignment crosses a property in the Carter's Grove Agricultural and Forestal District (AFD) and, therefore, this project was reviewed by the James City County AFD Advisory Committee to ensure compliance with the AFD policy. On May 7, 2012, the AFD Advisory Committee by a vote of 9-0 found the proposal necessary to provide sanitary sewer service to the public in a practical manner and that it had a negligible effect on the forestry or agricultural resources in the Carter's Grove AFD.

Utilities and AFD Policy

Approximately 1,000 linear feet of the proposed force main replacement project is located within the Carter's Grove AFD. According to the Virginia Code, utilities are permissible within AFD lands and do not require land to be removed from the AFD program. However, criteria found in Section 15.2-4313 (attachment 3) requires applicants who intend to acquire land or any interest in AFD lands to notify the Board of Supervisors and adjacent property owners of such action in addition to submitting a report to the Board of Supervisors addressing all criteria established by Section 15.2-43-13 of the Code of Virginia. The applicant has

submitted a report (attachment 4) addressing the criteria found in the aforementioned section of the Virginia Code.

PUBLIC IMPACTS

Archaeological Impacts

The subject properties are located within an area identified as a highly sensitive area in the James City County Archaeological Assessment and therefore compliance with the County's Archaeological Policy is required. In 2010, the James River Institute for Archaeology, Inc, conducted a Phase I cultural resources survey at the request of HRSD in support of the proposed 36-inch force main replacement. The survey concluded that three sites required further studies; a Phase II and III studies have been prepared for these sites, which are currently being excavated for retrieval of archaeological artifacts. At the time the Phase I survey was commissioned there were no Federal, State or Local legal stipulations that triggered a cultural resources survey; therefore these surveys have not been reviewed by the Virginia Department of Historical Resources (VDHR). Since issuance of a SUP is required for the proposed use, the County's Archaeological Policy applies to this project and all existing archeological surveys associated with this project will be submitted to VDHR for review (proposed SUP Condition # 7).

Engineering and Resource Protection (ERP)

Watershed: James River

ERP staff has reviewed this application and has no objections. ERP staff has previously issued comments upon review of the site plan for this project submitted in 2012. Staff will continue to work with the applicant as new site plan materials are submitted for review. The applicant has submitted environmental information in accordance with the Environmental Constraints Analysis for legislative cases.

Open Space Conservation Easement

The proposed new alignment will cross ± 6.66 acres of land dedicated to James City County as a natural open space (attachment 5). According to the applicant, ± 0.68 acres of the open space area will be used as part of the new alignment. Based on the language within the deed of open space conservation easement, utility lines are permissible within this area upon approval of the County Engineer. The County has no longer a County Engineer position but Mr. Michael Woolson, Senior Watershed Planner with the Engineering and Resource Protection Division has maintained many with the County Engineer responsibilities and has indicated support for the new alignment. The existing HRSD easement crossing the open space conservation easement area will be extinguished according to the applicant.

Grove Creek Conservation Site

The majority of the proposed main force alignment (as well as the existing alignment) is located within the Grove Creek Conservation Site (attachment 6). Conservation sites are tools for representing key areas of the landscape that warrant further review for possible conservation action because of the natural heritage resources and habitat they support. The Virginia Department of Conservation and Recreation (DCR) has reviewed this application and has provided comments (attachment 7). The DCR has expressed concerns regarding the impacts of the proposed alignment of the main force within the conservation site and has strongly recommended that, should an expansion of the existing easement not be feasible, an alternative that stays out of the boundary of the conservation site be found.

The applicant has indicated that the proposed new alignment follows the existing alignment as much as possible but the installation of a new pipe in close proximity to an old pipe will likely increase the chance of damage. Further, according to the applicant, there is not enough room to construct a new pipeline adjacent to the existing main force within the limits of the current 30-foot HRSD easement. Regarding consideration to alternative routes, the applicant has stated that a study was conducted in 2009, which evaluated nine alternatives routes. This study evaluated a number of factors including: impact to residences and homes, impacts to potential archaeological sites and environmental impacts, constructability and cost. The selected alternative was the third most expensive alternative but offered the least impact when all issues were considered. Consideration of an alternative route would also be challenging as utility easements have already been acquired by the applicant.

To mitigate the potential impacts to the conservation site staff notes the following: (1) The applicant will submit an environmental inventory in accordance with the County Natural Resource Policy (proposed SUP Condition #8) to better evaluate the biodiversity of the area and to provide, if applicable, mitigation plans to limit potential impacts to the Grove Creek Conservation Site; (2) \pm 2,000 linear feet of the pipeline will be installed through a method known as horizontal directional drill which, according to the applicant, is a trenchless method of construction that minimizes land disturbance and environmental impacts; and (3) the applicant will replant vegetation disturbed within the 40-foot wide temporary construction easement after construction activity is completed (proposed SUP condition # 9).

Public Utilities

The site is located inside the Primary Service Area. The James City Service Authority (JCSA) staff has reviewed this SUP application and has no objections to the proposal.

Transportation:

VDOT has reviewed this SUP application and has no objections to the proposal. According to the applicant vehicles and construction equipment will likely access the new utility easement from Busch Service Road off Route 60 or through the HRSD Williamsburg Treatment Center. Proposed SUP condition No. 5 prohibits construction vehicles and equipment associated with this development along Kingsmill and Mounts Bay Roads. Further, proposed SUP condition No. 4 restricts parking and storage of construction vehicles and equipment along private right-of-ways serving the properties subject to this SUP application.

COMPREHENSIVE PLAN

The proposed new alignment will cross parcels which are designated Federal, State, and County Land, Conservation Area; Limited Industry and Low Density Residential by the 2009 Comprehensive Plan. While the Comprehensive Plan does not specifically address the proposed use, staff finds the proposed replacement represents an important public benefit for the entire County and important to the functioning of the overall sanitary sewer system. Staff finds the proposed to be consistent with the intent of the Comprehensive Plan.

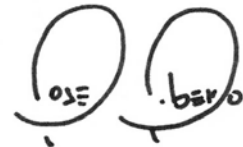
RECOMMENDATION

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

1. **Master Plan and Use.** This SUP shall be valid for the installation of \pm 7,000 linear feet of new sanitary sewer force main piping (the "Project"). Development of the Project shall be generally in accordance with the Master Plan entitled: "SUP-0004-2012, HRSD Sanitary Sewer Force Main Replacement Master Plan" drawn by URS, and date stamped December 16, 2014 (the "Master Plan") with such minor changes as the Director of Planning, or his designee, determines does not change the basic concept or character of the development. In the event that Director of Planning finds that the proposed change alters the basic concept or character of the development the applicant may appeal the Director of Planning's determination to the Development Review Committee.
2. **Compliance.** Construction, operation, and maintenance of the sanitary sewer force main shall comply with all applicable local, State, and Federal requirements.
3. **Spill Containment Plan.** Prior to final site plan approval, a spill containment plan shall be submitted to the Director of Engineering and Resource Protection and the Fire Department for review and approval.
4. **Vehicle and Equipment Storage.** Construction vehicles and equipment shall not be parked or stored along private right-of-ways without written consent from the property owner.
5. **Construction Vehicles and Equipment Access.** Construction vehicles and equipment associated with construction of this project are not permitted to use Kingsmill Road or Mounts Bay Road.
6. **Construction.** Start of construction of the sanitary sewer force main shall commence within twenty-four (24) months from the date of issuance of the SUP, or the SUP shall become void. Construction shall be defined as clearing, grading, and excavation of trenches necessary for the sanitary sewer force main.
7. **Archaeology.** A Phase I Archaeological Study for the portions of the Properties to be disturbed by the project shall be submitted to the Director of Planning for review and approval prior to land disturbance by Owner. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the Property and the clearing, grading or construction

activities thereon. This proffer shall be interpreted in accordance with the County's Archaeological Policy adopted by the County on September 22, 1998.

8. **Natural Heritage Resource.** A natural resource inventory of suitable habitats for S1, S2, S3, G1, G2, or G3 resources, including an inventory for Mountain camellia, in the project area shall be submitted to the Director of Planning for review and approval prior to land disturbance. If the inventory confirms that a natural heritage resource either exists or could be supported by a portion of the site, a conservation management plan shall be submitted to and approved by the Director of Planning for the affected area. All inventories and conservation management plans shall meet the Department of Conservation and Recreation (DCR) and the Department of Natural Resources (DNH) standards for preparing such plans, and shall be conducted under the supervision of a qualified biologist as determined by the DCR/DHN or the United States Fish and Wildlife Service. All approved conservation management plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activated thereon, to the maximum extent possible. Upon approval by the Director of Planning, a mitigation plan may be submitted for the incorporation of the conservation management plan into the plan of development for this site.
9. **Replanting Plan.** A plan addressing the replanting of disturbed vegetation within the variable 40 foot temporary construction easement shall be submitted for review and approval of the Director of Planning or his designee, in consultation with the Department of Conservation and Recreation (DCR) prior to issuance of a land disturbing permit. The intent of the plan is to restore this area to pre- land disturbing conditions.
10. **Lighting.** No new permanent lighting associated with the Project shall be installed on the Properties.
11. **Severance Clause.** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



Jose Ribeiro, Senior Planner

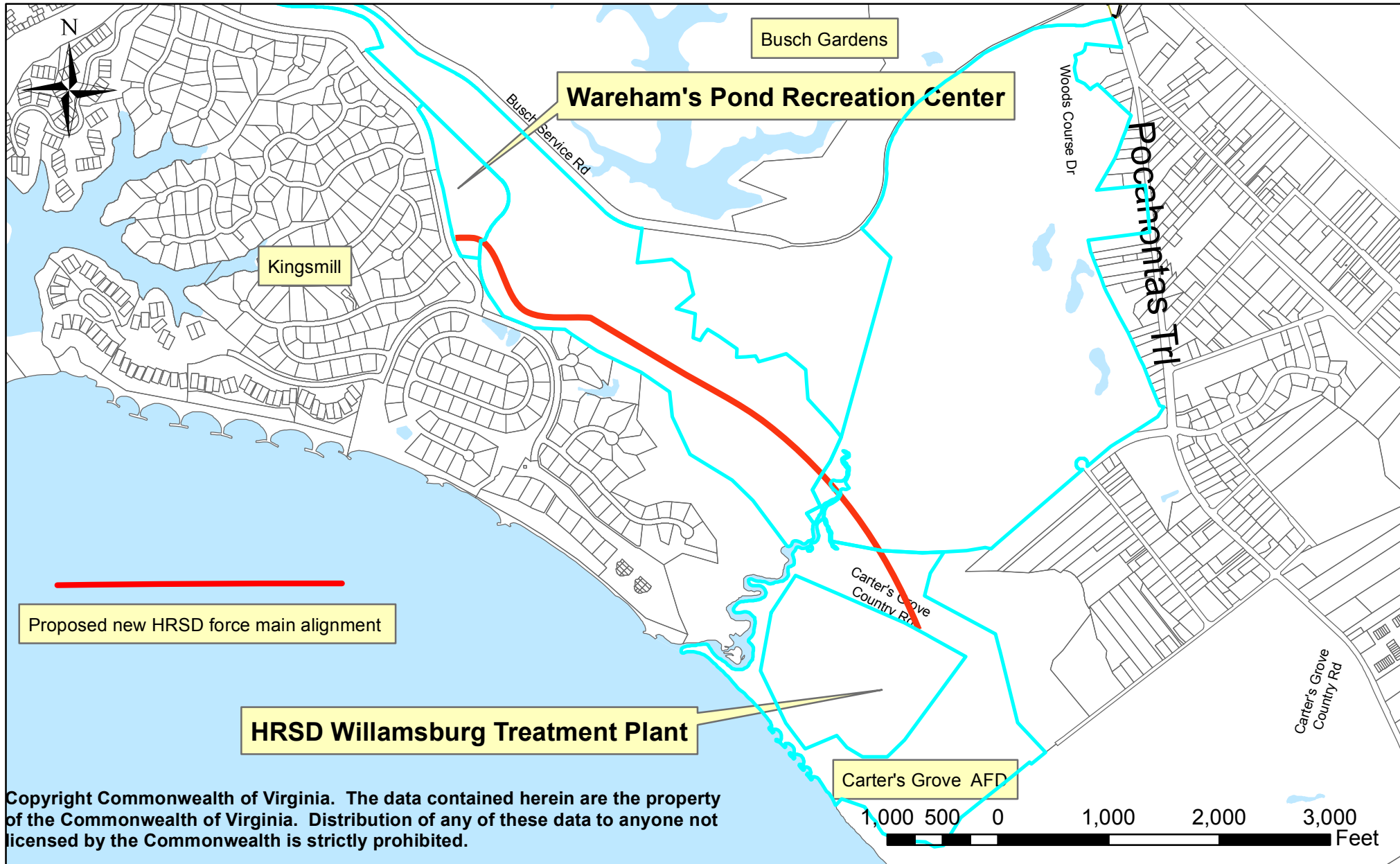
ATTACHMENTS:

1. Location Map

2. Master Plan
3. Virginia Code Section 15.2-4313
4. Letter to the County Administrator dated December 17, 2014
5. Natural Open Space Area Exhibit
6. Grove Creek Conservation Site Map
7. Letter from the Department of Conservation and Recreation dated December 18, 2014

SUP-0004-2012

HRSD Sanitary Sewer Force Main Replacement



DEC 10 2014

RECEIVED

SUP-0004-2012, HRSD SANITARY SEWER FORCE MAIN REPLACEMENT MASTER PLAN

The project involves the installation of approximately 7,000 linear feet of new sanitary sewer force main piping. Approximately 4,700 linear feet of the new force main will be installed by conventional open cut construction methods and approximately 2,000 linear feet of the new sewer force main will be installed by horizontal directional drill (HDD) methods under Grove Creek. Approximately 6.5 acres of land will be disturbed during the completion of this project.

PROPOSED FORCE MAIN ROUTE (HDD)

GROVE CREEK

EXISTING HRSD WILLIAMSBURG INTERCEPTOR FORCE MAIN (LINE NO. MF 6)

PROPOSED FORCE MAIN ROUTE (OPEN-CUT)

WAREHAM'S POND RECREATION CENTER

HRSD WILLIAMSBURG TREATMENT PLANT

JAMES RIVER



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§ 15.2-4313. Proposals as to land acquisition or construction within district.

A. Any agency of the Commonwealth or any political subdivision which intends to acquire land or any interest therein other than by gift, devise, bequest or grant, or any public service corporation which intends to: (i) acquire land or any interest therein for public utility facilities not subject to approval by the State Corporation Commission, provided that the proposed acquisition from any one farm or forestry operation within the district is in excess of one acre or that the total proposed acquisition within the district is in excess of ten acres or (ii) advance a grant, loan, interest subsidy or other funds within a district for the construction of dwellings, commercial or industrial facilities, or water or sewer facilities to serve nonfarm structures, shall at least ninety days prior to such action notify the local governing body and all of the owners of land within the district. Notice to landowners shall be sent by first-class or registered mail and shall state that further information on the proposed action is on file with the local governing body. Notice to the local governing body shall be filed in the form of a report containing the following information:

1. A detailed description of the proposed action, including a proposed construction schedule;
2. All the reasons for the proposed action;
3. A map indicating the land proposed to be acquired or on which the proposed dwellings, commercial or industrial facilities, or water or sewer facilities to serve nonfarm structures are to be constructed;
4. An evaluation of anticipated short-term and long-term adverse impacts on agricultural and forestal operations within the district and how such impacts are proposed to be minimized;
5. An evaluation of alternatives which would not require action within the district; and
6. Any other relevant information required by the local governing body.

B. Upon receipt of a notice filed pursuant to subsection A, the local governing body, in consultation with the local planning commission and the advisory committee, shall review the proposed action and make written findings as to (i) the effect the action would have upon the preservation and enhancement of agriculture and forestry and agricultural and forestal resources within the district and the policy of this chapter; (ii) the necessity of the proposed action to provide service to the public in the most economical and practical manner; and (iii) whether reasonable alternatives to the proposed action are available that would minimize or avoid any adverse impacts on agricultural and forestal resources within the district. If requested to do so by any owner of land that will be directly affected by the proposed action of the agency, corporation, or political subdivision, the Director of the Department of Conservation and Recreation, or his designee, may advise the local governing body on the issues listed in clauses (i), (ii) and (iii) of this subsection.

C. If the local governing body finds that the proposed action might have an unreasonably adverse effect upon either state or local policy, it shall (i) issue an order within ninety days from the date the notice was filed directing the agency, corporation or political subdivision not to take the proposed action for a period of 150 days from the date the notice was filed and (ii) hold a public hearing, as prescribed by law, concerning the proposed action. The hearing shall be held where the local governing body usually meets or at a place otherwise easily accessible to the district. The locality shall publish notice in a newspaper having a general circulation within the district, and mail individual notice of the hearing to the political subdivisions whose territory encompasses or is part of the district, and the agency, corporation or political subdivision proposing to take the action. Before the conclusion of the 150-day period, the local governing body shall issue a final order on the proposed action. Unless the local governing body, by an affirmative vote of a majority of all the members elected to it, determines that the proposed action is necessary to provide service to the public in the most economic and practical manner and will not have an unreasonably adverse effect upon state or local policy, the order shall prohibit the agency, corporation or political subdivision from proceeding with the proposed action. If the agency, corporation or political subdivision is aggrieved by the final order of the local governing body, an appeal shall lie to the circuit court having jurisdiction of the territory wherein a majority of the land affected by the acquisition is located. However, if such public service corporation is regulated by the State Corporation Commission, an appeal shall be to the State Corporation Commission.

(1977, c. 681, § 15.1-1512; 1979, c. 377; 1987, c. 552; 1997, c. [587](#); 1998, c. [833](#); 2000, c. [1069](#).)

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December 17, 2014

James City County
Planning Division
101-A Mounts Bay Road
Williamsburg, VA 23187

ATTN: Mr. Bryan J. Hill (Clerk of Board)

RE: SUP-0004-2012, HRSD Sanitary Sewer Force Main Request to Construct within
Carters Grove Agricultural and Forestal District

Dear Mr. Hill:

The purpose of this letter is to update the April 17, 2012 letter sent by HRSD to James City County, attached hereto as **Exhibit A**. In 2012, it was brought to our attention that a portion of the proposed project referenced above will encroach upon land that is currently considered part of the Carters Grove Agricultural and Forestal District (AFD). Specifically, this encroachment pertained to the section of proposed sanitary sewer force main that will be constructed in a new HRSD easement that crosses part of the Carters Grove/Martin's Beach parcel, Tax Parcel (582)(1-2), within the AFD.

In accordance with Virginia Code Section 15.2-4313, HRSD addressed this issue by sending the above-reference letter to James City County as well as notification letters dated May 1, 2012 to the owners of land within the AFD (attached hereto as **Exhibit B** and **C**), which at the time were Carters Grove, LLC and the Colonial Williamsburg Foundation. In its April 17, 2012 letter to James City County, HRSD respectfully requested that the area of land on the Carters Grove parcel included in the new easement be withdrawn from the Carters Grove AFD. HRSD's request was granted by the James City County AFD Advisory Committee in their letter dated May 31, 2012, attached hereto as **Exhibit D**.

Subsequent to this approval, the Carters Grove parcel was sold by Carters Grove, LLC to the Colonial Williamsburg Foundation. HRSD then acquired the necessary easement from the Colonial Williamsburg Foundation on August 27, 2014 (attached hereto as **Exhibit E**), which was duly recorded. Soon thereafter, the Colonial Williamsburg Foundation sold the Carters Grove parcel to its current owner, Carters Grove Associates, LLC.

In order to proceed with the above referenced project, HRSD is providing this supplemental letter to update the Board on the project. The total areas of the HRSD easements on the Carters Grove parcel are as follows: Permanent Utility Easement – 0.85 acres; Temporary Construction Easement – 1.50 acres. In accordance with Virginia Code Section 15.2-4313 we offer the following:

2389 G Avenue, Newport News, VA 23602 • 757.833.7501 • Fax 757.833.7428

Commissioners: Vishnu K. Lakdawala, PhD, Chairman • Frederick N. Elofson, CPA, Vice-Chairman • Michael E. Glenn
Arthur C. Bredemeyer • Maurice P. Lynch, PhD • Stephen C. Rodriguez • Susan M. Rotkis
www.hrsd.com

1. This project involves the replacement of HRSD's existing 36-inch sanitary sewer force main that has reached the end of its useful life. The existing force main currently runs in an easement between HRSD's Kingsmill Pump Station near the NBEV brewery and HRSD's Williamsburg Treatment Plant. Phase I of the project involves the installation of approximately 4,600 LF of new 36-inch force main from the Kingsmill Warehams Road Recreation Center to a point on the western edge of Grove Creek. It also includes some piping modifications on the HRSD Williamsburg Treatment Plant property. The new pipeline will be located in a new easement that traverses properties owned by the Kingsmill Community Association and Xanterra Kingsmill. Phase II of the project involves a directionally drilled installation of a new pipeline under Grove Creek and connections to the piping installed during Phase I on the west side of Grove Creek and on the treatment plant side. This portion of the pipeline will be located in a new easement that traverses property owned by Carters Grove Associates, LLC. The tentative project schedule is as follows:

Phase I & Phase II Construction: May 2015 – December 2016

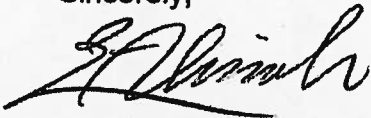
2. The project is being initiated because the existing sewer force main installed in 1971 has reached the end of its useful life. The pipeline has experienced recent failures and HRSD wishes to proactively replace the pipeline to mitigate the risk of future failures and subsequent sewage spills.
3. Construction plans and draft of the plat showing proposed temporary and permanent easements were attached to the April 17, 2012 letter and are incorporated as part of this letter.
4. The majority of the proposed pipeline that falls within the Carters Grove AFD will be installed by horizontal directional drill. This is a trenches method of construction that minimizes land disturbance and environmental impacts. The drilling equipment for this project will require an area to be cleared that is approximately 0.64 acres in size. The area to be cleared is mostly wooded and it will be stabilized after construction with seed and mulch. Long term, it is expected the area will re-vegetate with grasses and ground cover.
5. The existing sewer force main is an active pipeline that can't be taken out of service. In order to construct the new force main, a new easement that runs somewhat parallel to the existing easement is needed. There is not enough space to construct a new pipeline adjacent to the existing force main within the limits of the current HRSD easement (which is only 30 feet wide). Therefore, there are no alternatives that would not require action within the District.
6. HRSD's existing force main crosses the Carters Grove AFD on Tax Parcel (58-2)(1-2), occupying approximately 0.44 acres. This existing easement will be extinguished

Mr. Bryan J. Hill
Page 3
December 17, 2014

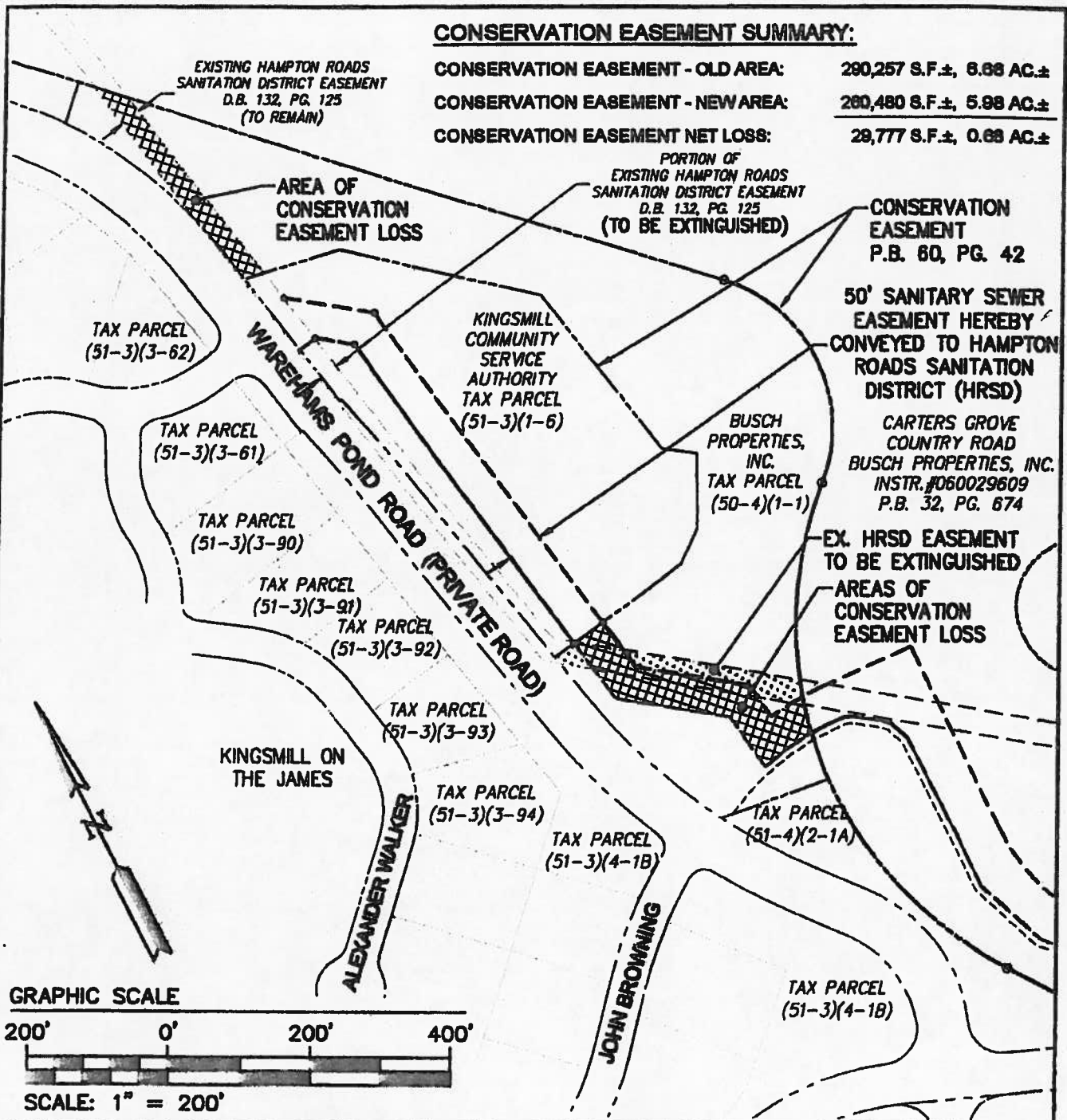
after the new force main is placed into service. HRSD's new permanent easement on this parcel is 0.85 acres; therefore, this request is only for the net removal of 0.41 acres from the Carters Grove AFD.

Should you have any questions or require additional information, please do not hesitate to contact me at (757) 833-7432 or by email at eabisaab@hrsd.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. Abisaab', with a stylized flourish at the end.

Eddie M. Abisaab, PE, PMP
Project Manager



CONSERVATION EASEMENT SUMMARY:

CONSERVATION EASEMENT - OLD AREA:	290,257 S.F.±, 6.68 AC.±
CONSERVATION EASEMENT - NEW AREA:	280,480 S.F.±, 6.48 AC.±
CONSERVATION EASEMENT NET LOSS:	29,777 S.F.±, 0.68 AC.±

**EXHIBIT SHOWING CONSERVATION EASEMENT
AREA ADJUSTMENTS**

**WILLIAMSBURG INTERCEPTOR FORCE MAIN
CONTRACT A REPLACEMENT**

KINGSMILL ON THE JAMES

ROBERTS DISTRICT

JAMES CITY COUNTY

VIRGINIA

Project Contacts: RMK/RDM

Scale: 1"=200'

Project Number: 7753-28

Date: 5/1/12



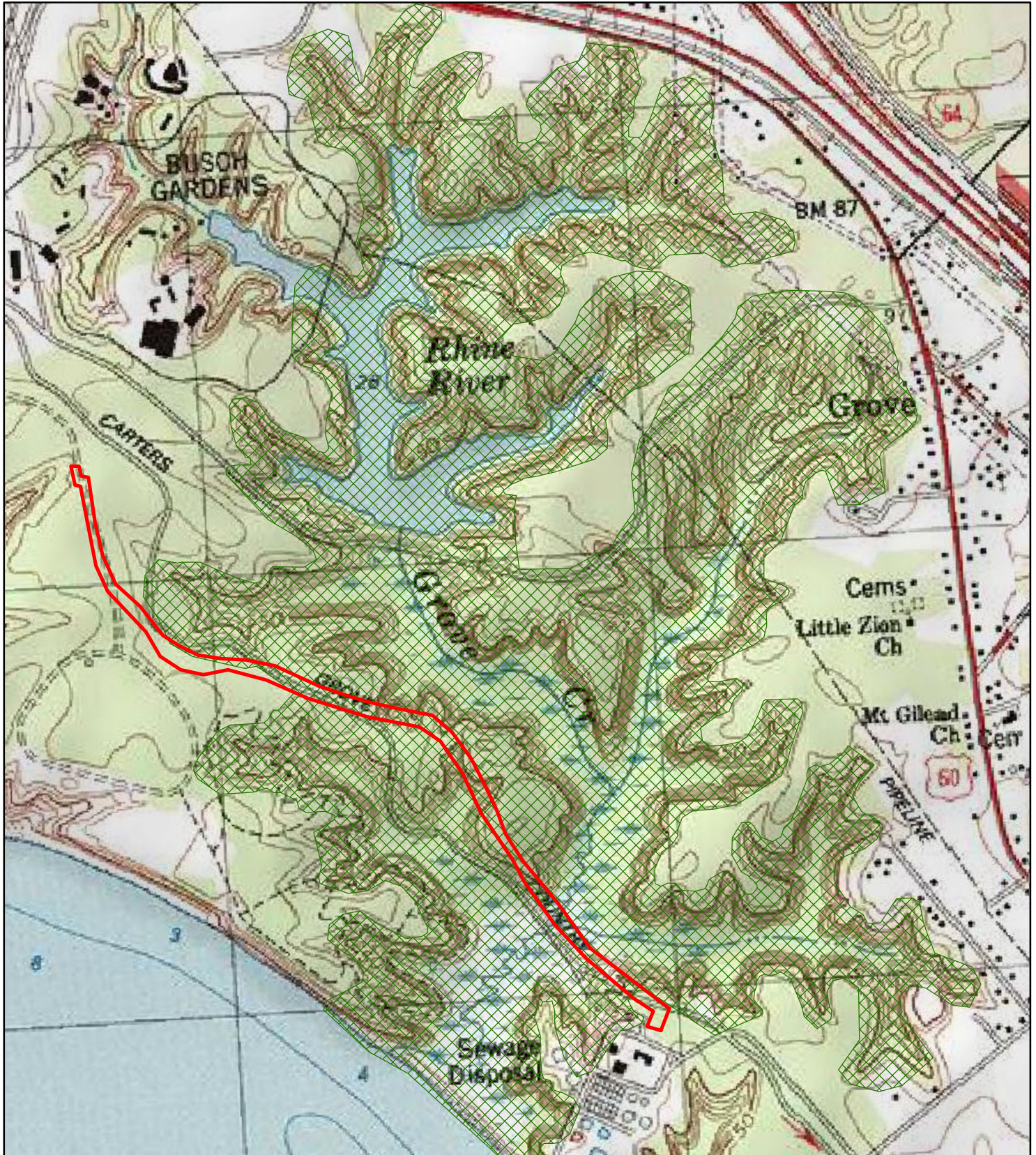
CONSULTING ENGINEERS

1317 Executive Blvd, Suite 100
Chesapeake, Virginia 23080
Phone (757) 410-7488

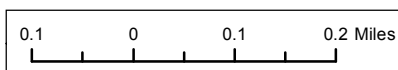
www.aesva.com

Hampton Roads | Central Virginia | Middle Peninsula

Hampton Roads Sanitary District Proposed Sanitary Sewer Line



Department of Conservation & Recreation
CONSERVING VIRGINIA'S NATURAL & RECREATIONAL RESOURCES
Virginia Natural Heritage Program



Legend

- Project Area
- Basic Mesic Forest



Molly Joseph Ward
Secretary of Natural Resources

Clyde E. Cristman
Director



Joe Elton
Deputy Director of Operations

Rochelle Altholz
Deputy Director of Administration
and Finance

COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

600 East Main Street, 24th Floor
Richmond, Virginia 23219
(804)786-6124

December 18, 2014

Jose Ribiero
James City County Planning Division
101-A Mounts Bay Road
Williamsburg, VA 23187

Re: Hampton Roads Sanitary District

Dear Mr. Ribiero:

The Department of Conservation and Recreation's Division of Natural Heritage (DCR) has searched its Biotics Data System for occurrences of natural heritage resources from the area outlined on the submitted map. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

According to the information currently in our files, this site is located within the Grove Creek Conservation Site. Conservation sites are tools for representing key areas of the landscape that warrant further review for possible conservation action because of the natural heritage resources and habitat they support. Conservation sites are polygons built around one or more rare plant, animal, or natural community designed to include the element and, where possible, its associated habitat, and buffer or other adjacent land thought necessary for the element's conservation. Conservation sites are given a biodiversity significance ranking based on the rarity, quality, and number of element occurrences they contain; on a scale of 1-5, 1 being most significant. Grove Creek Conservation Site has been given a biodiversity significance ranking of B1, which represents a site of outstanding significance. The natural heritage resources of concern at this site are:

Coastal Plain Calcareous Ravine Forest	G2/S2/NL/NL
Coastal Plain Calcareous Seepage Swamp	G2/S2/NL/NL
Coastal Plain Dry Calcareous Forest	G1/S1/NL/NL
<i>Fleischmannia incarnate</i> Pink thoroughwort	G5/S2/NL/NL

The Grove Creek ravine is a rare example of a Coastal Plain drainage that has downcut into deep deposits of Tertiary shell deposits. As a result, soils of the sideslopes and bottomland, as well as the groundwater saturating the drainage, are highly calcareous. Since most soils of the Coastal Plain are highly acidic, the vegetation of Grove Creek is rare and unusual, containing numerous species that are disjunct from further west, disjunct from further south, or simply rare on the Coastal Plain. Two globally rare natural communities occur within the project area. Please see the attached map of the area containing the above referenced natural heritage resources.

The Coastal Plain Calcareous Ravine Forest is the rich mixed hardwood forest of slopes bordering Grove Creek. This is a rich mesophytic to submesophytic forest in calcareous ravines that are found in the southeastern Virginia Coastal Plain and possibly the adjacent Piedmont. Habitats are north- to east-facing slopes and adjacent low interfluvial downcut into Tertiary shell deposits or lime sands, including the Pliocene marine shell deposits of the calcium-rich Yorktown Formation (NatureServe, 2013).

The Coastal Plain Calcareous Seepage Swamp is the swamp forest occupying the bottom of the Grove Creek drainage, above tidal influence. It occurs on the Virginia Coastal Plain on groundwater-saturated stream bottoms in ravines that have cut into Tertiary shell deposits or limesands. Braided streams and hummock-and-hollow microtopography are characteristic of the environmental setting. Soils are highly calcareous with pH values up to 7.4 and calcium levels that range up to 6000 ppm. It is known only from calcareous ravines in the James and York River drainages, in James City, Surry, and York counties (Fleming, et al., 2012).

The Coastal Plain Dry Calcareous Forest is adjacent to the project area. This forest is a dry, open, forest or woodland of the Coastal Plain of Virginia and Maryland, is restricted to subxeric to xeric, fertile habitats over unconsolidated, calcareous deposits. These localized habitats are found on southeast- to southwest-facing, usually convex slopes of deep ravines or stream-fronting bluffs that have downcut into Tertiary shell deposits or limesands (NatureServe, 2013). Compared to Basic Mesic Forests of the Coastal Plain, these dry calcareous forests have a larger component of oaks (particularly chinkapin oak) in the overstory and have a much less lush herb layer (Fleming, et al., 2012.)

Pink thoroughwort is a loosely clumping perennial herb with opposite, ovate leaves and pink florets. It occupies mesic to dry, open forests, woodlands and clearings over calcareous and mafic rocks and coastal shell deposits and is rare throughout the state (Weakley, et al).

The proposal to create a new large sanitary sewer right-of-way through some of the more significant parts of the Basic Mesic Forest in the Grove Creek Conservation Site could negatively impact the long-term viability of this resource by fragmenting the forest and creating a huge vector for the movement of invasives. The Virginia Natural Heritage Program strongly recommends that, should the expansion of the existing easement not be feasible, an alternative that stays out of the boundary of the Basic Mesic Forest (as shown on the attached map) be found.

In addition, Mountain camellia, (*Stewartia ovata*, G4/S2/NL/NL) has been historically documented in the project area. Mountain camellia is a mountain-coastal plain disjunct. Mountain camellia is uncommon throughout its range and is considered very rare in Virginia. A shrub of the tea family, mountain camellias have simple oval leaves and bear white flowers in mid-summer. They tend to grow on wooded bluffs and slopes with alkaline soils. Threats to populations include direct habitat destruction from clearing or erosion and alteration of the species microclimate through clearing of adjacent lands (Clark, 1993). This species is currently known from only 4 locations and historically known from multiple locations in Virginia.

Due to the potential for this site to support populations of mountain camellia, DCR recommends an inventory for Mountain camellia in the study area. With the survey results we can more accurately evaluate potential impacts to natural heritage resources and offer specific protection recommendations for minimizing impacts to the documented resources.

Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the DCR, DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species. The current activity will not affect any documented state-listed plants or insects.

There are no State Natural Area Preserves under DCR's jurisdiction in the project vicinity.

New and updated information is continually added to Biotics. Please contact DCR for an update on this natural heritage information if a significant amount of time passes before it is utilized.

The Virginia Department of Game and Inland Fisheries (VDGIF) maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters that may contain information not documented in this letter. Their database may be accessed from <http://vafwis.org/fwis/> or contact Gladys Cason (804-367-0909 or Gladys.Cason@dgif.virginia.gov). This project is located within 2 miles of a documented occurrence of a state listed animal. Therefore, DCR recommends coordination with VDGIF, Virginia's regulatory authority for the management and protection of this species to ensure compliance with the Virginia Endangered Species Act (VA ST §§ 29.1-563 – 570).

Should you have any questions or concerns, feel free to contact me at 804-692-0984. Thank you for the opportunity to comment on this project.

Sincerely,

A handwritten signature in black ink that reads "Alli Baird". The signature is written in a cursive, flowing style.

Alli Baird, LA, ASLA
Coastal Zone Locality Liaison

Cc: Amy Ewing, VDGIF

Literature Cited

Clark, K.H. 1993. Conservation Planning for the Natural Areas of the Lower Peninsula of Virginia. Natural Heritage Technical Report #93-4. Virginia Department of Conservation and Recreation, Division of Natural Heritage. 8 March 1993. 193pp.

Fleming, G.P., K.D. Patterson, K. Taverna, and P.P. Coulling. 2012. The natural communities of Virginia: classification of ecological community groups. Second approximation. Version 2.5. Virginia Department of Conservation and Recreation, Division of Natural Heritage, Richmond, VA.

NatureServe. 2013. NatureServe Explorer: An online encyclopedia of life [web application]. Version 7.1. NatureServe, Arlington, Virginia. Available <http://www.natureserve.org/explorer>. (Accessed: October 3, 2013)

Weakley, A.S., J.C. Ludwig and J.F. Townsend. 2012. *Flora of Virginia*. Botanical Research Institute of Texas Press, Fort Worth. p. 322.

Case No. SUP-0016-2014, Top Notch Tree Service
Staff Report for the January 7, 2015, Planning Commission Public Hearing

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

PUBLIC HEARINGS

Planning Commission:

Board of Supervisors:

Building F Board Room; County Government Complex

January 7, 2015, 7:00 p.m.

February 11, 2015, 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant:

Mr. Thomas Napier

Land Owner:

Mr. Thomas Napier

Proposal:

To allow a contractor's warehouse, sheds and office and storage and repair of heavy equipment.

Location:

4680 Fenton Mill Road

Tax Map/Parcel:

1430300012

Parcel Size:

±3.07 acres

Existing Zoning:

A-1, General Agricultural

Comprehensive Plan:

Rural Lands

Primary Service Area:

Outside

STAFF RECOMMENDATION

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

Staff Contact:

W. Scott Whyte, Senior Landscape Planner II

Phone: 253-6867

PROJECT DESCRIPTION

Mr. Thomas Napier has applied for a special use permit (SUP) to allow a contractor's office with equipment storage, and outdoor storage associated with his tree care business on a parcel located at 4680 Fenton Mill Road. The applicant has owned and operated his business since 1989 and has operated from the present site since 2009. The property and the two adjacent properties are zoned A-1, General Agricultural. The surrounding parcels are residential to the northwest and another contractor's warehouse to the southeast. The rear of the property to the north is adjacent to a parcel

that is zoned M-1 Limited Business/ Industrial and designated Mixed Use in the 2009 Comprehensive Plan. In order to bring the current operation into compliance, an SUP is required, as a contractor's office and the storage of heavy equipment are a specially permitted use in the A-1, zoning district.

In addition to the existing 3,200 square foot single-family dwelling on the site, other existing structures on the property include a 2,400 square foot pole barn, a 1,200 square foot detached garage, and a 120 square foot shed. The applicant has indicated that the pole barn will be used to store equipment associated with the business including a bucket truck, a crane truck, a GMC 7500, a wood chipper, and a GMC 250 pick-up and trailer. The following equipment would be stored outside behind the pole barn: a chipper truck, a wood chipper, a bobcat, a medium sized tractor, a pick-up truck, a dump truck, a service truck, and a bush hog. The 120 square foot shed would contain power saws, ropes, pole saws, blowers, weed eaters, and various hand tools. Mature trees surround the property and provide a natural buffer from adjacent properties. Outdoor storage is permitted in accordance with the requirements of Section 24-98 (c), landscape area(s) along right(s)-of-way of the Zoning Ordinance which requires screening, all-weather surface, well drained areas and storage of items that do not create noise, odor, dust or other objectionable effects. Currently, the business employs five full-time employees besides Mr. Napier. According to the applicant, operating hours are generally between 7:30 a.m. to 7:00 p.m. Monday to Saturday, with employees picking-up vehicles and equipment in the morning and dropping them off in the evening. During times when the tree crew is not in the field, they cut, split, and stockpile firewood for sale. All firewood is delivered off-site and no customers come to the site to purchase firewood.

PUBLIC IMPACTS

Environmental

Watershed; York River

The Engineering and Resource Protection Division (ERP) has reviewed this application and met with the applicant to review the proposal on site and at a Development Roundtable Meeting on December 22, 2014. The site had previous unregulated activities, both outside of and inside the RPA buffer. The County acknowledges the current owner's attempts to address portions of those activities. The owner has agreed to continue to restore the RPA with the assistance of the ERP Division along with an engineering and environmental firm that has been retained by the applicant. The restoration may include such actions as removal of materials from portions of the site, revegetation of the RPA area, and additional stormwater improvements appropriate to the current site use. Once the final site layout and impervious coverage are known, additional site adjustments and improvements may also be required by the ERP.

ERP Comments;

Proposed SUP Condition No. 9 has been added to address outstanding issues regarding the removal of material from within the RPA and any restoration activities that may be necessary as a result of this work.

Public Utilities

The site is located outside the Primary Service Area, and is currently served by private well and septic systems. The Health Department has indicated no concern with the proposal provided that the use of residential restrooms by employees is limited. The applicant has stated that employees are on the site only twice a day, in the morning and evening, and very seldom use the restrooms in the

residence.

Transportation

The proposal is expected to generate low daily traffic and therefore have minimal impact to the local road system. Based on the applicant's response to staff's questions, all five employees currently use private vehicles. It is expected that no more than five trucks leave the site early in the morning and return late in the afternoon on a daily basis. Customers do not drive to the site. All trucks will be parked at the rear of the property away from the right-of-way and screened by natural vegetation from adjacent properties. The general location of the parking area for these vehicles is shown on the attached master plan.

VDOT Staff comments: VDOT staff has reviewed the application and stated the entrance design and culvert sizing must comply with VDOT regulations. VDOT allows land uses which generate less than 50 vehicle trips a day, to apply for a land use permit for private entrances rather than a need to construct a full sized commercial entrance. Staff has determined that a contractor's office and warehouse of the proposed size would generate less than 50 vehicle trips a day.

COMPREHENSIVE PLAN

The site is designated by the 2009 Comprehensive Plan Land Use Map as Rural Lands. Principal suggested uses include agricultural and forestal activities, together with certain recreational public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings. Retail and other commercial uses serving Rural Lands are encouraged to be located at planned commercial locations on major thoroughfares inside the PSA. However, a few of the smaller direct agricultural or forestal-support uses, home-based occupations, or certain uses which require very low intensity settings relative to the site in which it will be located 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.

Staff finds that the proposed commercial use located on a minor thoroughfare within the PSA meets the requirement of "certain uses, which require very low intensity settings relative to the site in which it will be located." Undisturbed vegetation located along the majority of the perimeter of the 3-acre property provides a natural buffer from all surrounding properties. With the proposed SUP conditions staff finds that it is unlikely that the proposed operation, particularly the parking of vehicles and storage of firewood and landscape materials would visually impact either the right-of-way or adjacent properties as the distance of the parking area from the right-of-way is approximately 250 feet and well screened from adjacent properties. With the proposed SUP conditions, staff finds that the rural residential characteristic of the neighborhood will not be affected by this proposal.

RECOMMENDATION

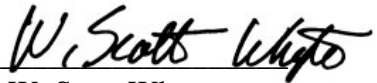
Staff finds the proposed use to be compatible with the surrounding zoning and development and consistent with the 2009 Comprehensive Plan. Staff recommends the Planning Commission recommend approval of this application to the Board of Supervisors with the conditions listed below.

1. This Special Use Permit (the "SUP") shall be valid for a contractor's office and the storage of vehicles, equipment and materials associated with the use ("the Proposal") on property located at 4680 Fenton Mill Road and further identified as JCC RE Tax Map No. 1430300012 (the "Property"). The location of the storage and parking of vehicles, equipment and associated materials shall be generally as shown on the master plan titled "Master Plan

for Top Notch tree Service” dated October 31, 2006, with such minor changes as the Planning Director determines does not change the basic concept or character of the development.

2. No work associated with the Proposal, except for administrative/office and maintenance of equipment and vehicles, storage, loading of materials on trucks and trailers shall be conducted at the Property. No retail sales of wood or wood related products shall occur at the property. No manufacturing of wood or wood related products except firewood shall occur at the property. No mulching or stump grinding shall occur at the property.
3. Transportation of equipment to and from the property shall be limited to 7:00 a.m. to 7:30 p.m. Monday through Saturday, except for occasional after hours and Sunday transportation related to storm clean-up work and the like.
4. On site storage of vehicles, equipment and landscape materials associated with the Proposal shall be as follows:
 - a. Vehicles and equipment, such as but not limited to, trucks and trailers, shall be contained within an outdoor area of up to 6,000 square feet as generally shown on the Master Plan. An amendment to this SUP shall be necessary should the needed storage capacity of this area be exceeded.
 - b. Tree care and landscape materials associated with the Proposal, such as but not limited to sod and firewood shall be stored within the 3,000 square feet area as generally shown on the Master Plan. These materials shall not be located within any required building setback and shall not have a vertical height of more than 8 feet.
 - c. Equipment associated with the Proposal, such as but not limited to; power saws, ropes, pole saws, blowers, weed eaters, and various hand tools shall be stored within the existing 120 square foot shed as shown on the Master Plan.
5. The existing vegetation surrounding the parcel and surrounding the storage of vehicle/equipment areas as shown on the master plan shall remain undisturbed.
6. No outdoor signage shall be allowed on the Property.
7. All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Director of Planning or his designee, which indicates no glare outside the property lines. All light poles shall not exceed 16 feet in height unless otherwise approved by the Director of Planning prior to final site plan approval. “Glare” shall be defined as more than 0.1 foot-candle at the boundary of the Property or any direct view of the lighting source from the adjoining properties.
8. A site plan shall be required for this Proposal. Final approval of the site plan shall be obtained within 24 months of issuance of this SUP, or the SUP shall become void.

9. Material Removal and Resource Protection Area Restoration: The applicant shall submit a mitigation plan and execute a Chesapeake Bay Restoration Agreement with the County to remove all materials that have been placed within the Resource Protection Area (RPA) and stabilization of these areas, prior to final site plan approval by the Engineering and Resource Protection Director. "Materials" shall mean any wood chips, stumps, junk vehicles, mechanical parts or other materials brought in from offsite that were placed on site or in the Resource Protection Area. The James City County Engineering and Resource Protection Director, or his designee, shall verify, in writing, that all materials have been properly removed or stabilized on site within 24 months of issuance of this SUP.
10. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.


W. Scott Whyte,
Senior Landscape Planner II

ATTACHMENTS:

1. Location Map
2. Master Plan Titled "Master Plan for Top Notch Tree Service" dated October 31 2006 and prepared by Dean Raynes, Land Surveyor

JCC SUP-0016-2014

Top Notch Tree Service



SUP-0016-2014

SURVEYOR'S CERTIFICATION:

THIS IS TO CERTIFY THAT ON 10/31/06 I MADE AN ACCURATE FIELD SURVEY OF THE PREMISES SHOWN HEREON THAT ALL IMPROVEMENTS KNOWN OR VISIBLE ARE SHOWN HEREON, THAT THERE ARE NO ENCROACHMENTS BY IMPROVEMENTS EITHER FROM ADJOINING PREMISES, OR FROM SUBJECT PREMISES UPON ADJOINING PREMISES, OTHER THAN SHOWN HEREON. ACCORDING TO THE CURRENT RESPECTIVE NATIONAL FLOOD INSURANCE PROGRAM RATE MAP THIS PROPERTY IS LOCATED WITHIN ZONE X

POWER IS (X) UNDERGROUND, () OVERHEAD, TELEPHONE IS (X) UNDERGROUND, () OVERHEAD. NEW () % COMPLETE OLD (X) BY *Dean E. Raynes*

NOTES:

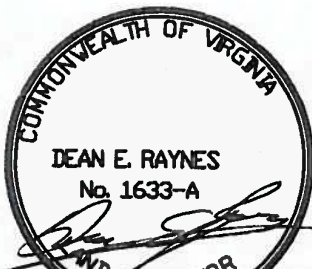
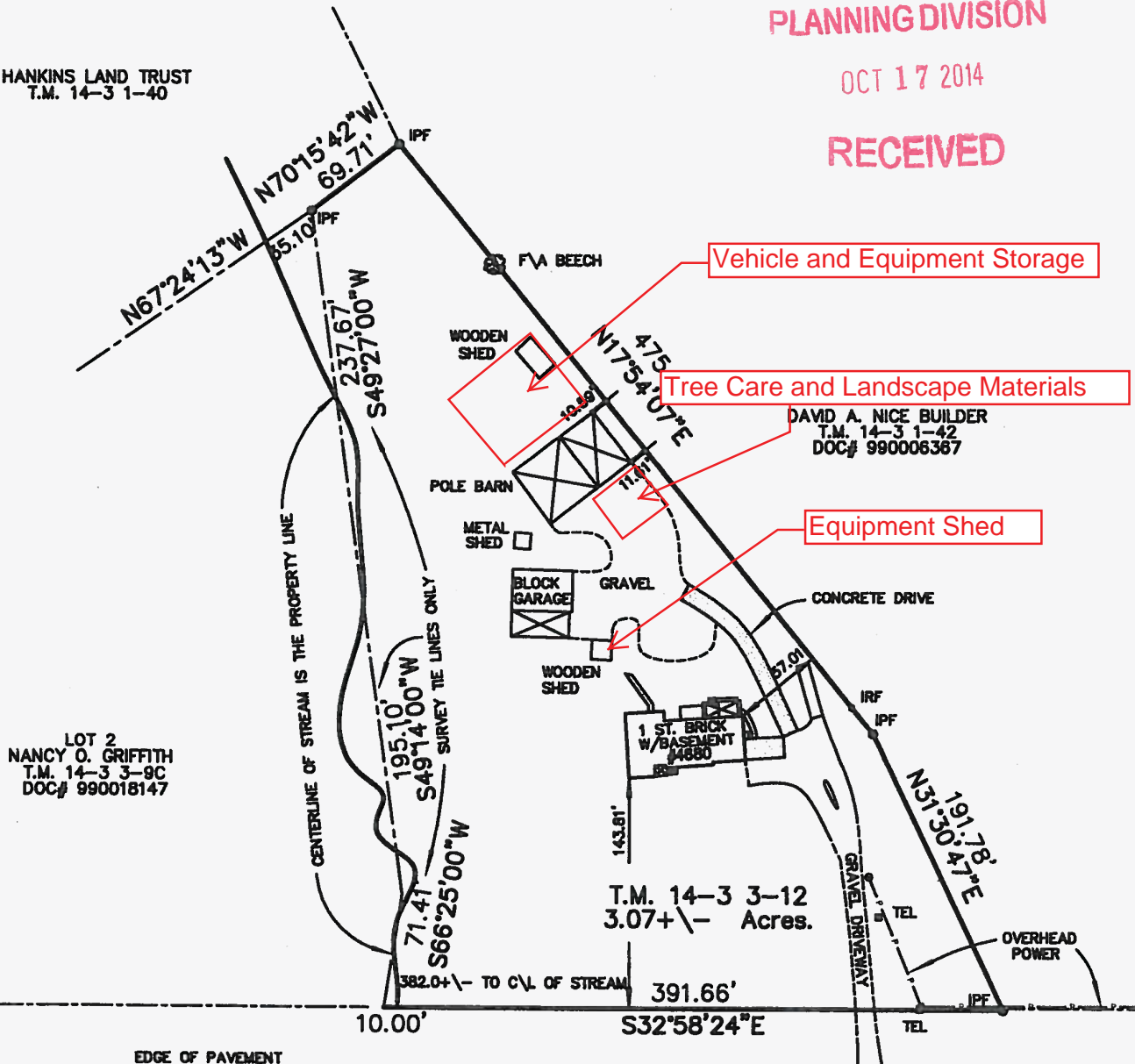
1. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT.
2. REFERENCES: PB.51, PG.13

HANKINS LAND TRUST
T.M. 14-3 1-40

PLANNING DIVISION

OCT 17 2014

RECEIVED



FENTON MILL ROAD ROUTE 602

Master Plan for Top Notch Tree Service

M E M O R A N D U M

DATE: January 7, 2015

TO: Planning Commission

FROM: Paul D. Holt, III, Director of Planning

SUBJECT: Proposed Amendments to the Planning Commission Bylaws

In 2013, there was discussion among some Planning Commission members about wanting to review the Planning Commission Bylaws on an annual basis. While amendments may not be warranted on an annual basis, the Commission members find that such a review constitutes a best practice.

As such, the Policy Committee met on December 1, 2014, to review the Bylaws.

During the December 1 meeting, the Capital Improvement Plan (CIP) calendar and bylaws conversations blended into one as the discussion involved how to best accommodate school division project requests for CIP funding. Staff recommends the policy committee adjust its CIP schedule to the first quarter of the year beginning in February and conclude with a special meeting of the Planning Commission in late March to vote on a recommended CIP. As a result, it is also recommended that the annual organizational meeting of the Planning Commission be moved to this same meeting in March in order to allow the then current policy committee to complete its review and prepare recommendations regarding the CIP to the full planning commission.

Other recommended changes to the Bylaws include a review of the speaker policy to allow all members of the public equal opportunities to speak and/or present to the Planning Commission. Finally, proposed bylaw changes reference the ability of a commissioner to attend meetings electronically in accordance with the Code of Virginia. This will require that the full Commission adopt a policy to allow for electronic participation in commission and committee meetings in accordance with the Freedom of Information Act.

Conclusion

Staff looks forward to the Planning Commission discussion and input on January 7. Per Article XI of the current Bylaws, amendments to the bylaws can be voted on at the regular February Planning Commission meeting, following 30 days' prior notice.

Attachments

1. Bylaws (proposed additions are shown in **highlighted italics** and proposed deletions are shown in strikethrough font).
2. CIP Calendar
3. §2.2-3708.1 of the Code of Virginia

B Y L A W S

PLANNING COMMISSION

COUNTY OF JAMES CITY, VIRGINIA

ARTICLE I. OBJECTIVES

This Planning Commission (the "Commission") was established by the Board of Supervisors of James City County (the "Board") on April 13, 1953, to direct the development of James City County (the "County") and ensure its prosperity, health, safety, and general welfare, in accordance with Chapter 22, Title 15.2, Article 2, *Code of Virginia*, 1950, as amended (the "Virginia Code").

The Commission shall be responsible for making recommendations to the board of supervisors on all phases of county planning, including a comprehensive plan, long-range planning, zoning, and subdivision regulations. The Commission shall also be responsible for preparing and submitting annual capital improvement programs to the governing body, in accordance with applicable state code. It shall also have the powers and duties provided by general law and such other powers and duties as may be assigned by the board of supervisors.

ARTICLE II. MEMBERSHIP

The Commission shall consist of 7 or 9 residents of the county, each appointed by the Board for a term of four years.

ARTICLE III. MEETINGS

1. All meetings of the Commission shall be open to the public.
2. Special meetings of the Commission may be called by the Chair or by two members upon written request to the Secretary. The Secretary shall deliver (via hand delivery, U.S. Mail, or electronic mail, return receipt requested) to all members, at least five days in advance of a special meeting, a written notice fixing the time, place and the purpose of the meeting.
3. Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or at a previous special meeting at which all members were present.
4. A quorum of the Commission shall consist of a majority of the members of the Commission *and a physical quorum is required. Notwithstanding, Planning Commissioners may participate in any meeting wherein the public business is discussed or transacted through electronic communication in accordance with §2.2-3708.1 of the Code of Virginia.*
5. No action of the Commission shall be valid unless approved by a majority vote of those present and voting.

6. The annual meeting for the election of officers (Chair and Vice Chair) shall be held as the first order of business at ~~a~~ the regular meeting to occur *the third week of March* in ~~February~~ of each year and thereafter the newly elected officers shall preside at the regular meeting in *April* ~~February~~. When a vacancy occurs for the Chair or Vice Chair, an election shall be held on the next regular meeting date.
7. All minutes and records of the Commission of its meetings, resolutions, transactions and votes, shall be kept by the Secretary.
8. The commission, by resolution adopted at a regular meeting, may fix the day or days to which any meeting shall be continued if the chair, or vice-chair if the chair is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and press as promptly as possible. All hearings and other matters previously advertised for such meeting shall be conducted at the continued meeting and no further advertisement is required. The commission shall cause a copy of such resolution to be inserted in a newspaper having general circulation in the locality at least seven days prior to the first meeting held pursuant to the adopted schedule.

ARTICLE IV. OUTSIDE MEETINGS WITH APPLICANTS

1. Planning Commissioners are permitted to meet with applicants outside of a Planning Commission meeting or public hearing pursuant to the following:
 - a. Commissioners shall publicly disclose all meetings by reporting them verbally at the Planning Commission meeting where the case is scheduled for public hearing.
 - b. Commissioners may find it helpful to contact Planning Division staff prior to such meetings to gather facts about the application; the staff may attend such meetings if requested by the Commission and approved by the Planning Director or designee.
 - c. The purpose of such meetings is limited to fact finding and clarification for all parties.
 - d. Commissioners should endeavor to include one other Commissioner, when possible, in the meeting.
 - e. Following such meeting, a summary of the discussion shall be provided to all Commission members.
 - f. Commissioners shall not make a commitment of their voting intent.

ARTICLE V. MATTERS PENDING BEFORE THE COMMISSION

1. All matters which require an advertised public hearing in accordance with Section 15.2-2204 of the Virginia Code and which meet submittal requirements filed with the Planning Division at least six weeks before the regular meeting are to be placed on the agenda for the advertised public hearing. All other matters filed at least 15 days before the regular meeting in the Planning Division are to be placed on the agenda. Any matter not placed on the agenda in advance of the meeting can be considered at the meeting by a majority vote of the Commission.

2. For each public hearing, notices shall be forwarded to the Commission members no less than 7 days prior to the public hearing.

ARTICLE VI. HEARINGS

1. Advertised public hearings shall be scheduled during a regular meeting, except in the event of a joint public hearing between the Commission and the Board.
2. For each public hearing item, presentations by staff, applicants, individuals or groups shall be limited as follows:
 - a. Presentations by staff, applicants and groups are limited to 15 minutes each;
 - b. Comments by individuals are limited to 5 minutes each.
 - c. At a meeting, the time limits set forth in a, b, and/or c above may be extended at the discretion of the Chair.

ARTICLE VII. VOTING

1. No member present shall abstain from voting on a roll call vote unless a member has a conflict of interest in the matter being voted upon. For the purposes of this paragraph, a “conflict of interest” shall exist when there is an actual conflict: (1) pursuant to the Virginia State and Local Government Conflict of Interests Act, Section 2.2-3100 et seq. of the Virginia Code; or (2) pursuant to any applicable policy adopted by the Board of Supervisors; or (3) as stated by the Commission member unless objected to by a majority vote of the members of the Commission.
2. In reporting a vote to the Board, the Secretary shall indicate (in writing) the recorded roll call vote, including any abstentions.

ARTICLE VIII. DUTIES

A. CHAIR

The Chair shall have the following duties:

1. Preside at meetings and hearings of the Commission;
2. When authorized by the Commission, the Chair shall affix to any documents its signature on the Commission’s behalf;
3. The Chair or the Chair’s designee shall represent the Commission and keep it informed when not in session;
4. The Chair shall appoint all members and Chairs of committees and subcommittees; and

5. The Chair or the Chair's appointee shall act as a liaison to the Williamsburg and York County Planning Commissions.

B. VICE CHAIR

The Vice Chair shall perform the duties of the Chair during the absence or disability of the Chair.

C. SECRETARY

The Secretary of the Commission shall be the Director of Planning and shall have the following duties:

1. Keep a record of all regular, adjourned regular, special, and adjourned special meetings and public hearings and transcribe in a minute book of the Commission;
2. Prepare and cause to be delivered all notices of all meetings required to be sent under these Bylaws to Commission members;
3. Have charge of all official books, papers, maps, and records of the Commission and conduct all official correspondence relative to hearings, meetings, resolutions, decisions, and other business of the Commission as directed by the Chair or reflected by valid actions of the Commission;
4. Receive minutes of all committee meetings and preserve these as official records of the Commission; and
5. Notify the Vice Chair, by telephone or in person, on the day the Chair informs the Secretary that they will not be present at a scheduled meeting. It is the duty of the Secretary to brief the Vice Chair on items to come before the Commission when the Vice Chair presides.

D. MEMBER DUTIES

Members of the Commission shall have the duties assigned to it by the Virginia Code, the County Charter, and as assigned by the Board. With respect to attendance at meetings, the Commission shall have the following specific duties:

1. Attend regular, adjourned regular, special and adjourned special meetings and public hearings;
2. Attend regular, adjourned regular, special, and adjourned special committee meetings to which the member is appointed;
3. Represent the Commission at Board meetings in rotation; and
4. Attend ad-hoc committee meetings as agreed to by the Commission.

ARTICLE IX. COMMITTEES

1. The Director of Planning or the Director's designee shall serve as a non-voting, ex officio member of all standing and special committees.
2. All committee reports written or oral shall be an official record of the Commission.
3. The following committees and their Chair shall be appointed by the Commission Chair within thirty days after the Chair takes office:
 - a. Development Review Committee. This Committee shall be composed of at least four members and have the following responsibilities:
 1. Review those applications for subdivisions which are required by law to be submitted to the Commission for approval, receive and review staff reports on them, and make recommendations to the Commission;
 2. Review those site plan applications that are required by law to be submitted to the Commission for approval, receive and review staff reports on them, and make recommendations to the Commission.
 3. Review those applications, where provided by law and as more specifically provided therein, that serve as an appeal of a decision by the planning director or his designee.
 4. Unless otherwise provided for by law, such decisions of the DRC shall be recommendations which are then forwarded to the full Commission for action.
 - b. Policy Committee. This Committee shall be composed of at least four members and shall have the following responsibilities:
 1. Address long-range planning goals of the Commission and explore strategies for achieving them; and
 2. Address ways to maintain and improve working relationships between the Commission, other County organizations, as well as with surrounding jurisdictions and organizations involved in planning initiatives.
 3. Conduct the Commission's initial review of the Capital Improvement Plan.
 4. Recommend and prepare new and revised policies for the Commission.
 5. Conduct the Commission's initial review of ordinance amendments, as directed by the Chair of the Commission.
 - c. Leadership Committee. This committee shall be composed of three members; the Chair and Vice Chair of the Commission and the Chair of the Policy Committee.

The Leadership Committee shall review concerns raised regarding the conduct of the Commission or any one of its members acting in his or her official capacity. The Leadership Committee shall, if deemed necessary by the Leadership Committee, recommend appropriate remedial measures to the Commission.

ARTICLE X. PARLIAMENTARY AUTHORITY AND ORGANIZATIONAL PROCEDURE

The Commission shall follow the Robert's Rules of Order, Newly Revised 10th edition, October 2000, and more specifically, the provisions which pertain to the “conduct of business in boards” at page 469 et seq., in particular, the “Procedure in Small Boards.”

ARTICLE XI. AMENDMENT

Amendments may be made to these Bylaws by a two-thirds (2/3) vote of the Commission voting members only after a minimum 30 days' prior notice is given and only at a regular scheduled meeting.

ARTICLE XII. MISCELLANEOUS

The Commission may suspend any of these rules by not less than a two-thirds (2/3) vote of those Commission members present and voting at the meeting.

Adopted November 28, 1978

Amended July 10, 1990

Amended May 12, 1992

Amended March 8, 1994

Amended May 4, 1998

Amended June 1, 1998

Amended June 3, 2002

Amended August 5, 2002

Amended January 12, 2004

Amended January 6, 2010

Amended April 7, 2010

Amended March 5, 2014

Amended , 2015

Chair
Planning Commission

FY16 CIP Review Timeline

Month	Day/ Time	Action	Responsible Party
Dec.	5	Applications due	Departments submit capital project applications to Planning
Dec.	5	Review for completeness	Planning
Dec.	5	Review for whether application should be included for Policy Committee review	County Administrator and FMS
Dec.	Mid	Revisions to incomplete applications due and forwarded to County Administrator	Departments
January	2	Determination of which applications will move forward for Policy Committee review	County Administrator and FMS
January	Mid-late	Policy Committee packets delivered	Planning
February	Early	Review non-school requests (meeting dates TBD)	Policy Committee and Planning
February	Late	School CIP requests due (meeting dates TBD)	Schools and FMS
March	Early	Review school requests and finalize recommendations	Policy Committee and Planning
March	3rd Wed.	Special PC meeting to evaluate CIP recommendations	Planning Commission and Planning
April	Early	Budget released	County Administrator and FMS
April	Early	Reading file to BOS with PC's CIP recommendations	Planning
April	Late	Budget adopted	Board of Supervisors

§ 2.2-3708.1. Participation in meetings in event of emergency or personal matter; certain disabilities; distance from meeting location for certain public bodies.

A. A member of a public body may participate in a meeting governed by this chapter through electronic communication means from a remote location that is not open to the public only as follows and subject to the requirements of subsection B:

1. If, on or before the day of a meeting, a member of the public body holding the meeting notifies the chair of the public body that such member is unable to attend the meeting due to an emergency or personal matter and identifies with specificity the nature of the emergency or personal matter, and the public body holding the meeting records in its minutes the specific nature of the emergency or personal matter and the remote location from which the member participated. If a member's participation from a remote location is disapproved because such participation would violate the policy adopted pursuant to subsection B, such disapproval shall be recorded in the minutes with specificity.

Such participation by the member shall be limited each calendar year to two meetings or 25 percent of the meetings of the public body, whichever is fewer;

2. If a member of a public body notifies the chair of the public body that such member is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance and the public body records this fact and the remote location from which the member participated in its minutes; or

3. If, on the day of a meeting, a member of a regional public body notifies the chair of the public body that such member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting and the public body holding the meeting records in its minutes the remote location from which the member participated. If a member's participation from a remote location is disapproved because such participation would violate the policy adopted pursuant to subsection B, such disapproval shall be recorded in the minutes with specificity.

B. Participation by a member of a public body as authorized under subsection A shall be only under the following conditions:

1. The public body has adopted a written policy allowing for and governing participation of its members by electronic communication means, including an approval process for such participation, subject to the express limitations imposed by this section. Once adopted, the policy shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting;

2. A quorum of the public body is physically assembled at the primary or central meeting location; and

3. The public body makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

(2007, c. 945; 2013, cc. 119, 694; 2014, cc. 492, 524.)

PLANNING DIRECTOR'S REPORT

January 2015

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

- **New Town.** The Design Review Board did not meet in December. They reviewed the following items electronically: conversion of commercial space on the first floor of the Bennington building to 5 residential units. The next regular DRB meeting is scheduled for February 20.
- **Mooretown Road Corridor Study.** Staff forwarded information about the alignment alternatives to the Board of Supervisors to elicit input prior to the next public meeting. A meeting detailing the consultant's recommendation regarding the alignment will take place early in 2015.
- **Comprehensive Plan.** The Planning Commission Working Group met in December to continue discussions about the Land Use applications. The Working Group took a straw vote on all application at the December 18 meeting and results will be posted shortly to the land use applications website. January meetings will include discussion on Transportation, review of revised text and GSAs for various sections and a joint work session with the Board of Supervisors on January 27.
- **Capital Improvements Program.** The Planning Division received several CIP requests in December for FY2016 in December and they are currently being evaluated internally in preparation for discussion by the Policy Committee and Planning Commission in February and March.
- **Historical Commission.** Two Historic Highway Markers proposed by the JCC Historical Commission were recently approved by the Virginia Board of Historic Resources. The markers are currently being manufactured and will be installed on Jamestown Road adjacent to Jamestown Settlement in the coming months. One marker recognizes the Marquis de Lafayette's Farewell Tour of 24 states in the U.S. between 1824 and 1825. The second marker details the French regiments who camped near Jamestown while on the way to the siege at Yorktown during the Revolutionary War.
- **Monthly Case Report.** For a list of all cases received in the last month, please see the attached documents.
- **Board Action Results:**
 - December 9, 2014
 - SUP-0013-2014. 104 Howard Drive, Grove Barber Shop
(Deferred until March 10, 2015)
 - SUP-0008-2014. Gilley Enterprises Equipment Storage
(Approved, 5-0)
 - Z-0003-2014/MP-0003-2014. The Promenade at John Tyler
(Approved, 3-2)

New Cases for January

Case Type	Case Number	Case Title	Address	Description	Planner	District
Agricultural and Forestal District	AFD-06-86-2-2014	Cranston's Pond Addition, 3125 Chickahominy Road	3125 CHICKAHOMINY RD	Proposed addition of 5.07 acres to the Cranston's Pond AFD	Scott Whyte	01-Stonehouse
Conceptual Plan	C-0085-2014	Sallie Rutherford Family Subd., 4626 Hickory Signpost Rd	4626 HICKORY SIGNPOST RD	Proposed plat for family subdivision	Scott Whyte	03-Berkeley
	C-0086-2014	8605 Pocahontas Trail Subdivision	8605 POCAHONTAS TR	Proposed subdivision of 8605 into 3 parcels with shared access road	Leanne Pollock	05-Roberts
	C-0087-2014	Greensprings Vacation Resort	3700 WELCOME CENTER DRIVE	Proposal to move 40x60 operations/storage building across Monticello Ave. to new location (parcel is split by road)	Scott Whyte	03-Berkeley
Subdivision	S-0055-2014	Windmill Meadows, Sec. VI, Lots 40-45	6001 CENTERVILLE RD	Subdivision plat for 6 lots	Jose Ribeiro	02-Powhatan
	S-0056-2014	5312 & 5316 Olde Towne Road BLE	5312 OLDE TOWNE ROAD	Boundary line extinguishment between 5312 & 5316 Olde Towne Rd.	Jose Ribeiro	04-Jamestown
Site Plan	SP-0102-2014	New Town Sec. 3&6 Block 21 Parcel B Lighting SP Amend.	5425 DISCOVERY PARK BLVD	Exterior lighting amendment	Leanne Pollock	00-Unknown
	SP-0103-2014	Strawberry Plains Center Unit 2 SP Amend.	3715 STRAWBERRY PLAINS	Site plan amendment completed and approved,	Scott Whyte	04-Jamestown
	SP-0104-2014	Tidewater Equine Clinic	276 PEACH STREET	Large animal veterinary clinic	Chris Johnson	01-Stonehouse
	SP-0105-2014	LaFontaine Trash Compactor	100 King's Way	Construction of 30 x 20 trash compactor enclosure	Leanne Pollock	03- Berkley
	SP-0106-2014	New Zion Baptist Church Classroom and Parking Lot SP Amend.	3991 LONGHILL ROAD	Amendment to SP-0069-2014 for classroom building and parking lot modifications	Jose Ribeiro	02-Powhatan
	SP-0107-2014	Jamestown 1607 Sunroom SP Amend.	1303 LONDON COMPANY WAY	Addition of 10x15 sunroom	Ellen Cook	03-Berkeley
	SP-0108-2014	Williamsburg Landing Sunroom SP Amd.	5700 WILLIAMSBURG LANDING DR	Remove existing deck and convert to sunroom. Completed and approved.	Scott Whyte	05-Roberts
	SP-0109-2014	Grove Christian Outreach Generator SP Amend	8910 POCAHONTAS TR	Adding a 20 KW Natural Gas Generator to serve refrigerator and freezer loads. Natural gas (10 PSI Service) is available on site, and serves the building currently	Jose Ribeiro	05-Roberts
Rezoning	Z-0009-2014	Stonehouse Traffic Proffer Amend.	170 SAND HILL ROAD	Amendment to traffic phasing proffers for Stonehouse in accordance with the recommendations of an updated traffic impact study	Ellen Cook	01-Stonehouse